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## AGENDA

### 1 PRAYER

#### 1a Prayer for Council

*We give thanks, O God, for the Men and Women of the past whose generous devotion to the common good has been the making of our City.*

*Grant that our own generation may build worthily on the foundations they have laid.*

*Direct our minds that all we plan and determine, is for the wellbeing of our City.*

***Amen.***

#### 1b Aboriginal Reconciliation Statement

*"In the spirit of reconciliation we acknowledge the Wurundjeri as the traditional owners of the land on which we are gathered."*

### 2 WELCOME AND APOLOGIES

### 3 DISCLOSURE OF CONFLICT OF INTERESTS

### 4 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

Minutes of the Ordinary Council Meeting 16 February 2015, Confidential Council Meeting 16 February 2015, Special Council Meeting 10 March 2015 and Confidential Special Council Meeting 10 March 2015

#### RECOMMENDATION

***That the minutes of the Ordinary Council Meeting of 16 February 2015, Confidential Council Meeting 16 February 2015, Special Council Meeting 10 March 2015 and Confidential Special Council Meeting 10 March 2015 having been circulated now be confirmed.***

### 5 RESPONSES TO QUESTIONS

## 6 NOTICES OF MOTION

### 6.1. Rescission Motion No 84 – Cr Daw

#### 9.1.4 Consideration of the Panel Report in relation to combined Amendment C153 and planning permit application WH/2012/872 for 15-31 Hay Street, Box Hill South

Councillor Daw to move that the following Council resolution, adopted at Council's Ordinary Meeting held on Monday February 16 2015 be RESCINDED:

#### **COUNCIL RESOLUTION**

***That Council being the Planning Authority and having considered the Panel Report:***

1. ***Note the key findings and recommendations given in the Panel Report (Attachment 4a).***
2. ***Adopt Amendment C153 in line with the recommendations made by the Panel, with the exception of the numbering sequence recommended.***
3. ***Request the Minister for Planning to approve planning permit WH/2012/872 with the conditions shown at Attachment 2 which are generally in line with the recommendation made by the Panel, with condition 3 e) amended to read: Any other matter, if required, to the satisfaction of the Responsible Authority, including any proposed upgrade of lighting at the Wembley Park Oval.***
4. ***Submit the adopted Amendment and draft planning permit to the Minister for Planning for approval under Section 31 of the Planning and Environment Act 1987 with the appropriate fee.***
5. ***Advise all submitters to Amendment C153 of all resolutions in relation to the Panel Report."***

## **6.2 Notice of Motion No 85 – Cr Ellis**

Councillor Ellis to move that the following motion be adopted in the event that the Rescission Motion is CARRIED:

***“That Council being the Planning Authority and having considered the Panel Report:***

- 1. Abandon Amendment C153 on the following grounds:***
  - a) It will result in an unreasonable impact on the surrounding area in relation to increased traffic and on-street car parking in residential streets.***
  - b) It presents an unacceptable level of visual bulk to the street and surrounding area.***
- 2. Advise the Minister for Planning, the proponent and all submitters that Amendment C153 has been abandoned.***

## **7 PETITIONS**

### **7.1 Two Petitions relating to 103 - 107 Koonung Road, Blackburn North-Proposed Childcare Centre Development.**

At the Special Committee of Council meeting held 10 March 2015 two petitions were circulated to Councillors as part of the public submissions made by a number of residents opposing the development at 103-107 Koonung Road, Blackburn North. The first petition contains 186 signatories and the second petition contains 145 signatories.

Both petitions are formally tabled at tonight's meeting for Councils consideration and highlight residents concerns regarding safety risks resulting from the proposed childcare centre development.

### **RECOMMENDATION**

***That Council receive the petitions for consideration in conjunction with Item 9.1.2 103-107 Koonung Road, Blackburn North (CP 100527) – Use and development of land for a child care centre including a reduction in car parking pursuant to Clause 52.06, as contained in tonight's agenda.***

## **8 URGENT BUSINESS**

## **9 COUNCIL REPORTS**

### **9.1 CITY DEVELOPMENT**

#### **Statutory Planning**

#### **9.1.1 836-850 Whitehorse Road, Box Hill (CP 153169) –Buildings and works to construct a building comprising two towers of 36 storeys and 26 storeys plus rooftop plant and four levels of basement car parking (including a residential hotel, 502 dwellings and commercial uses), use of land for accommodation and a restricted recreation facility (gym), and associated reduction of car parking requirements**

FILE NUMBER: WH/2014/763  
ATTACHMENT

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#### **SUMMARY**

*An application has been received for a part 26 and part 36 storey building at 836-850 Whitehorse Road, Box Hill. The subject site is zoned Commercial 1 and no overlays apply. The site is located in the Metropolitan Activity Centre and covered by the Box Hill Structure Plan which identifies it as being in Built Form Precinct F (Major Development Precinct). There are no height limits in Precinct F. The proposal includes a total of 502 apartments, 100 hotel rooms and 531 car parking spaces, and a variety of uses including restaurant, food and drink premises, gymnasium and office.*

*The applicant lodged a Section 79 Appeal (failure to determine within prescribed time frame) with VCAT on 8 December 2014. This report assesses the application against the relevant provisions of the Whitehorse Planning Scheme, as well as the concerns raised in Statements of Grounds. It is recommended that this application is supported, subject to conditions.*

#### **RECOMMENDATION**

**That Council:**

- A** *Being the Responsible Authority, having received and noted the statements of grounds is of the opinion that the granting of a Planning Permit for buildings and works to construct a building comprising two towers of 36 storeys and 26 storeys plus rooftop plant and four levels of basement car parking (including a residential hotel, 502 dwellings and commercial uses), use of land for accommodation and a restricted recreation facility (gym), and associated reduction of car parking requirements is acceptable and should be supported.*
- B** *Has formed a position to support the application in relation to the land described as 836-850 Whitehorse Road, BOX HILL (CP 153169) for buildings and works to construct a building comprising two towers of 36 storeys and 26 storeys plus rooftop plant and four levels of basement car parking (including a residential hotel, 502 dwellings and commercial uses), use of land for accommodation and a restricted recreation facility (gym), and associated reduction of car parking requirements, subject to the following conditions:*

**9.1.1**  
(cont)

1. ***Before the use and development starts, amended plans and documents (two full size copies and one A3 size copy) must 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 Revision 1C plans circulated by the applicant dated December 2014, but modified to show:***
  - a) ***Demonstrate that a minimum 4 metre height clearance is provided within the loading areas in accordance with Clause 52.07, and the overall building height modified accordingly.***
  - b) ***Plans and elevations amended, as required, by Condition 15.***
  - c) ***Alterations to plans to show the requirements of the Parking Management Plan and Green Travel Plan, where relevant.***
  - d) ***Details of how 'back-of-house' access to the gymnasium, restaurant tenancies and café will be provided for deliveries and waste management.***
  - e) ***Provision of access to toilet facilities for all commercial tenancies.***
  - f) ***Any modifications to the plans as required by the recommendations of the amended wind report as required by Condition 13.***
  - g) ***The two residential foyer entrances to be more clearly defined architecturally to make them clearly identifiable in order to assist pedestrian wayfinding.***
  - h) ***Provision of a strong visual connection between the streetscape and all commercial tenancies and residential foyers at the street levels. This may require the removal or modification of the 1.8 metre high perforated metal baffles proposed to the north and east of the café.***
  - i) ***The Level 7 podium open space to be provided with:***
    - i. ***A diversity of seating to better activate the space and encourage its use for a range of recreation purposes.***
    - ii. ***Play equipment or playable elements such as sculpture or seating elements to provide a play space for children.***
  - j) ***The seating along the northern edge of the Tower A roof garden to be broken up into more diverse spaces to cater for different groups at the same time.***
  - k) ***Privacy protection for the habitable room windows of Apartments 1, 5-13, 17, and 19-25 on Level 7 which directly interface with the communal area, such as a landscape planter buffer between the public and private areas.***
  - l) ***Access doors to the development are not to open outwards onto Fairbank Lane.***
  - m) ***Location of grease pits and exhaust flues serving the four food and drink premises and connection point for the grease removal truck, which allow for the truck to pump the grease from a parking space that will not block vehicular access to or from the site.***
  - n) ***Development plans to reflect requirements of the amended Waste Management Plan required by Condition 29.***
  - o) ***Development plans updated to include all of the relevant requirements of the Lighting Strategy.***
  - p) ***Glazing materials used on all external walls must be of a type that does not reflect more than 20% of visible light when measured at an angle of 90 degrees to the glass surface, to the satisfaction of the Responsible Authority.***

**9.1.1**  
(cont)

- q) A detailed schedule and samples of all external materials, colours and finishes, including fine grain details of façade treatments such as door and window opening at all levels but particularly at the ground and first floor levels which interface with Whitehorse Road and Nelson Road.*
- r) Development plans to reflect requirements of the submitted Acoustics and Vibration Assessment.*
- s) Development plans to reflect all sustainability features indicated in the updated ESD Management Plan required by Condition 19. 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.). These features must include, unless otherwise agreed with the Responsible Authority:
  - i. All operable windows &/or other openings (windows, vents or doors) for office, retail spaces, corridors, for use in natural ventilation, mixed mode &/or night purge. Include in elevations, including any interior elevations which may be shown in sections.*
  - ii. Cladding and construction details for the wintergarden enclosures, wing-walls and bi-fold screens, and these details to be shown on the elevations.*
  - iii. All vents (including exhaust) directly ducted to the façade for kitchen, bathroom, laundry and all other uses. These details to be shown on the elevations.*
  - iv. Rainwater harvesting tanks, maintenance access, including tank capacity (no less than 60 kL), connected roof catchment area, and end-uses i.e. toilet flushing, irrigation, washdown, etc.**
- t) The following reports to be amended or endorsed as required will form part of the endorsed documentation:
  - i. Landscaping Maintenance Plan in accordance with Condition 10.*
  - ii. Amended Wind Report in accordance with Condition 13.*
  - iii. Amended ESD Management Plan in accordance with Condition 19.*
  - iv. Art Strategy in accordance with Condition 22.*
  - v. Lighting Strategy in accordance with Condition 23.*
  - vi. Parking Management Plan in accordance with Condition 25.*
  - vii. Green Travel Plan in accordance with Condition 26.*
  - viii. Amended Waste Management Plan in accordance with Condition 29.*
  - ix. Construction Management Plan in accordance with Condition 30.*
  - x. Acoustics and Vibration Assessment in accordance with Condition 52.**



**9.1.1**  
(cont)

- u) A Landscape Plan in accordance with Condition 8, including the following:**
- i. Provision of an additional street tree to the paved area west of the Tower B lobby.**
  - ii. Details of all street frontage features from the building façade to the kerbs of Whitehorse Road and Nelson Road.**
  - iii. Details of all containerised planting infrastructure.**
  - iv. Details of the green wall on the north elevation, including :**
    - o Substrate: suitability for species selection in relation to nutrients and irrigation requirements.**
    - o Dead and live loads.**
    - o Selected plant species growth rate.**
    - o Microclimate and effect on plant health.**
    - o Ongoing maintenance procedures to ensure that the green wall remains healthy and well-maintained to the satisfaction of the Responsible Authority in accordance with the Landscaping Maintenance Plan required by Condition 10.**

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

- 2. The layout and operation of the site and the size, design and location of the buildings and works permitted must always accord with the endorsed plans and documents, and must not be altered or modified without the further written consent of the Responsible Authority.**
- 3. The use of the land for accommodation and the restricted recreation facility (gymnasium), as approved by this permit, must not commence until all of the buildings and works and landscaping hereby approved are completed to the satisfaction of the Responsible Authority.**
- 4. Notwithstanding signage that can be displayed as of right or as approved by a planning permit, the transparent glazing for the gymnasium and food and drink premises facades must be retained without visual obstruction in the long term, to the satisfaction of the Responsible Authority.**
- 5. The rooftop garden areas, function rooms and swimming pool at Level 7, Tower A roof and Level 24 of Tower B must be available for use by all residents, hotel guests and employees.**
- 6. The original architect (Peddle Thorp) must be utilised for any future amendments to the plans and retained during the construction process in order to maintain the consistency and quality of the approved building.**
- 7. The land must not be used for gambling.**

**9.1.1**  
(cont)

**Landscaping**

**8. No building or works shall be commenced 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 -**

- The proposed design features such as paths, planting containers, paving, and street furniture.**
- A planting schedule of all proposed vegetation (trees, shrubs and ground covers) which includes, botanical names, common names, pot size, mature size and total quantities of each plant.**

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

**9. The garden areas and street plantings shown on the endorsed plan and schedule shall only be used as gardens and must be maintained in a proper, healthy and orderly condition at all times to the satisfaction of the Responsible Authority. In particular, the green wall on the north elevation must be maintained in a healthy and well maintained condition to the satisfaction of the Responsible Authority. Should any tree or plant be removed or destroyed it must be replaced by a similar tree or plant of similar size and variety.**

**10. Prior to the commencement of the development, a Landscaping Maintenance Plan, prepared by a suitably qualified consultant, must be submitted to the Responsible Authority. The landscaping maintenance plan must include, but is not limited to:**

- a) Irrigation system/program for street trees and street level garden beds, including details of frequency and water delivery method.**
- b) Details of the ongoing maintenance procedures to ensure that the green wall remains healthy and well maintained to the satisfaction of the Responsible Authority. This must include:
  - i. Irrigation frequency and delivery method.**
  - ii. Drainage.**
  - iii. Maintenance frequency and procedures including how access will be achieved to the green wall, including scaffolding and/or access and parking location of a scissor lift or cherry picker or other access method as required.**
  - iv. Acknowledgement that a Memorandum of Authorisation must be obtained from VicRoads prior to undertaking works in or over the Whitehorse Road reserve in every instance of such works, including maintenance, occurring.****

**11. Prior to the occupation of the approved building, the road reserve between the subject site and the kerb along the Whitehorse Road and Nelson Road frontages must be constructed and laid out in accordance with the endorsed plans to the satisfaction of the Responsible Authority. The design and materials must be consistent with the Box Hill Urban Landscape Design Guidelines Urban Core Treatment, to the satisfaction of the Responsible Authority.**

**9.1.1**  
(cont)

- 12. No street tree may be removed without the prior written consent of the Responsible Authority.**

**Wind Report**

- 13. Prior to the commencement of the development, an amended wind report, prepared by a suitably qualified consultant, must be submitted to the Responsible Authority. The amended report must include additional wind amelioration measures to the satisfaction of the Responsible Authority to:**

- a) Provide the bus waiting area on Whitehorse Road with areas of comfortable zones for standing/waiting,**
- b) Level 24 recreation area to provide comfortable levels of amenity for sitting,**
- c) Not rely on the provision of vertical baffles (or similar) which obscure views into street level tenancies from the footpath.**

**The recommendations of the report must be implemented such that:**

- a) There is no cost to the Responsible Authority,**
- b) They do not rely on the provision of street trees for wind mitigation, and**
- c) There is no reliance on the provision of vertical baffles on public land, except where all appropriate approvals have been obtained from all relevant authorities and land managers and approval also granted by the Responsible Authority.**
- d) Consent and the appropriate approvals must be obtained from VicRoads and Whitehorse City Council for all wind amelioration features that protrude into or over the Whitehorse Road reserve.**
- e) Consent and the appropriate approvals must be obtained from Whitehorse City Council for all wind amelioration features that protrude into or over the west, south and east property boundaries.**

**VicRoads**

- 14. No work must commence in, on, under or over the arterial road reserve without having first obtained all necessary approvals pursuant to the Road Management Act 2004, the Road Safety Act 1986 or any other relevant acts or regulations created pursuant to those Acts.**

**Buildings and Works over Adjacent Land**

- 15. Provide specific details of all infrastructure proposed to be constructed in, on, under or over the road reserves to:**

- a) VicRoads as the Co-ordinating Road Authority and Whitehorse City Council as the Responsible Road Authority for buildings and works within the Whitehorse Road reserve; and**
- b) Whitehorse City Council as the Co-ordinating Road Authority and the Responsible Road Authority for buildings and works that are outside the property boundary and outside the Whitehorse Road reserve.**

**If the required approvals cannot be obtained for buildings and works outside the property boundary, the plans must be amended to remove the unapproved buildings and works, without compromising the accessibility and presentation of the frontage.**

**9.1.1**  
(cont)

**Building Services**

16. *The development must provide the capacity for television signal distribution to each dwelling unit and any satellite dish, antenna or similar structure must be designed and located at a single point to the satisfaction of the Responsible Authority.*
17. *All building plant and equipment on the roofs, balcony areas, common areas, public thoroughfares is to be concealed to the satisfaction of the Responsible Authority. Noise emitting plant equipment such as air conditioners, must be shielded with acoustic screening to prevent the transmission of noise having detrimental amenity impacts. The construction of any additional plant, machinery or other equipment, including but not limited to all service structures, down pipes, aerials, satellite dishes, air-conditioners, equipment, ducts, flues, all exhausts including car parking and communication equipment must include appropriate screening measures to the satisfaction of the Responsible Authority.*
18. *All mechanical exhaust systems for the car park hereby approved must be located and sound attenuated to prevent noise and general nuisance to the occupants of the surrounding properties, to the satisfaction of the Responsible Authority.*

**Environmentally Sustainable Development**

19. *Prior to the commencement of any buildings or works, an amended Environmentally Sustainable Development (ESD) Management Plan must be prepared to address the following:*
  - a) *The entire development is to be designated to achieve 5 stars under the Green Building Council of Australia's most recent Green Star Design & As Built (2014 or later).*
  - b) *The entire development is to achieve a valid Melbourne STORM Rating of 100%, or equivalent as modelled in MUSIC, with appropriate inputs and all imperious areas accounted for. Demonstrate that best practice standards have been achieved as set out in the Urban Stormwater Best Practice Environmental Management Guidelines (Victoria Stormwater Committee, 1999) for reduction in total suspended solids (TSS), total phosphorus (TP) and total nitrogen (TN) loads.*
  - c) *Connect rainwater tanks to a minimum of all non-domestic and hotel toilets, as well as irrigation and bin wash down.*
  - d) *Connect fire testing collection tank to bin wash down.*
  - e) *Office areas to have daylight availability incorporated into the façade, fit-out and lighting design.*
  - f) *All internal paints, finishes and adhesives and sealants to be low Volatile Organic Compounds.*
  - g) *All engineered wood products to be low-formaldehyde or formaldehyde free.*
  - h) *If the NatHERS rating for all apartments is below a 6.5 star average with any unit below 5.5 stars, then space conditioning for all apartments below 6 stars must be equal to or greater than 5 stars for heating and 4 stars for cooling in accordance with AS/NZS 3823.2-2011.*
  - i) *Commit to controlling at least 75% outdoor and perimeter lighting with daylight sensors.*

**9.1.1**  
(cont)

- j) Commit to control common & service area ventilation with timers and other sensors. Where possible, provide the possibility of natural ventilation to these spaces.*
- k) CO sensor to control ventilation for all car park areas with fewer than two open/louvered walls*
- l) Control all service area lighting with daylight & occupancy sensors and/or timers*
- m) The lifts are to be designed to be appropriately sized and finished to accommodate bicycles to facilitate access to bicycle parking.*
- n) At least 70% of all construction waste is to be diverted from landfill.*

The requirements of the above ESD Management Plan must be illustrated (as appropriate) on the plans and elevations submitted for endorsement.

Once submitted and approved to the satisfaction of the Responsible Authority, the Environmentally Sustainable Development Management Plan will form part of the endorsed plans of this permit.

- 20. All works must be undertaken in accordance with the endorsed Environmentally Sustainable Development (ESD) Management Plan to the satisfaction of the Responsible Authority, and the approved uses and building must operate in accordance with this Plan, to the satisfaction of the Responsible Authority. No alterations to the ESD Management Plan may occur without the written consent of the Responsible Authority.*
- 21. Prior to the occupation of any dwelling approved under this permit, a report from the author of the Environmentally Sustainable Development (ESD) Management Plan report, approved pursuant to this permit, or similarly qualified person or company, must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm that all measures specified in the ESD Management Plan have been implemented in accordance with the approved plan.*

**Art Strategy**

- 22. Prior to the occupation of the building, an Artwork Strategy must be prepared to the satisfaction of the Responsible Authority. The Artwork Strategy must provide details of a process to allow review of the conceptual design of the artwork at the western façade of the podium by Council representatives, prior to the installation of the artwork, in order to ensure that the artwork achieves the following objectives:*
  - a) To activate the western façade of the building and facilitate pedestrian activity at this interface,*
  - b) To wrap around the north-west corner of the façade and have some visual presentation to Whitehorse Road,*
  - c) To be constructed in a safe and structurally sound manner and of durable and appropriate materials,*
  - d) To display appropriate content.*

**9.1.1**  
(cont)

*The permit holder must convene a Review Committee comprising (but not limited to) an Arts Officer and a Planning Officer from Whitehorse City Council, a building surveyor/structural engineer, and representatives of the land owner, artist and architect. The Review Committee must review the artwork at concept stage to ensure it will comply with the objectives listed above. The final artwork must be consistent with the Review Committee's recommendations, and must also achieve structural certification by a suitably qualified structural engineer, as appropriate.*

*The artwork must be installed and maintained in accordance with the outcomes of the Artwork Strategy, to the satisfaction of the Responsible Authority.*

**Lighting Strategy**

23. *Prior to the commencement of the development, a Lighting Strategy must be prepared to the satisfaction of the Responsible Authority. The Lighting Strategy must provide details of lighting of Fairbank Lane, the walkway along the western boundary, and any lighting along Whitehorse Road and Nelson Road, and must be prepared in accordance with the Safety By Design Guidelines to the satisfaction of the Responsible Authority.*

*All external lights must be of a limited intensity and must ensure no unreasonable nuisance is caused to adjoining or nearby residents.*

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

**Car Parking**

24. *The car parking areas and accessways as shown on the endorsed plans must be formed to such levels so that they may be used in accordance with the plan, and shall be properly constructed, surfaced, drained and line-marked (where applicable). The car park and driveways shall be maintained to the satisfaction of the Responsible Authority.*
25. *Prior to the commencement of buildings or works on the land, a Parking Management Plan, detailing how car and bicycle parking areas, accessways and loading bays will be allocated and managed, must be submitted to and approved by Council.*

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

- a) *Provision of 30 car spaces dedicated to visitors.*
- b) *Allocation of a short term visitor drop off/pick up/taxi zone within the basement car park, and details as to how this space will be managed to allow access and advise residents and customers as to its location.*
- c) *Allocation of all parking spaces (except short term, visitor, disabled, and car share spaces) to individual dwellings and tenancies. Each space within the tandem parking bays must be allocated to the same unit.*
- d) *Pedestrian access and movement within the car parking areas, including strategies to minimise the potential for conflict between pedestrians and vehicles. This may include line marking such as hatched shared areas, directions signs and/or physical barriers.*
- e) *Allocation of bicycle spaces to tenancies and visitors.*

**9.1.1**  
(cont)

- f) Signing of car and bicycle parking spaces.*
- g) Location and face of bicycle parking signs in accordance with Clause 52.34-5*
- h) Line marking of parking spaces.*
- i) Details of how access to car spaces, disabled car spaces and bicycle spaces will be achieved by visitors (i.e. an intercom) and how parking will be secured.*
- j) Details of the car share scheme, consistent with the Green Travel Plan required by Condition 26.*
- k) Details of how access to the loading bay and waste collection area will be achieved by delivery vehicles and waste collection vehicles (i.e. an intercom) and how these areas will be secured.*
- l) How the car park will be managed to ensure that all vehicles exit the site in a forwards direction.*
- m) Details of signage or alternate measures to require that delivery and waste vehicles reverse into the loading area and exit the site in a forwards direction.*
- n) Accessibility and parking for the grease removal truck, which allow for the truck to pump the grease from a parking space that will not block vehicular access to or from the site.*

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

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

**Green Travel Plan**

26. *Prior to the commencement of the development, a Green Travel Plan must be prepared to the satisfaction of the Responsible Authority. The Green Travel Plan must include details of the proposed design initiatives and sustainable management practices to reduce car usage and improve sustainable transport options (including walking, cycling, public transport, car sharing and car pooling) available to residents and visitors. The Travel Plan must include, but not be limited to the following:*
- a) Designation of parking spaces to individual dwellings and tenancies.*
  - b) Details of bicycle spaces for visitors and residents.*
  - c) End of trip facilities such as showers, change rooms, secure storage and bicycle storage.*
  - d) Education and awareness initiatives and incentives for residents and visitors to encourage more sustainable modes of travel to/from the site.*
  - e) Employee and resident packs (e.g. myki cards for new residents/workers).*
  - f) Provide public transport/travel smart maps to all occupants.*
  - g) Management practices identifying sustainable transport alternatives.*
  - h) Details of car share facility (four cars) including management and operational arrangements, and procedures for building residents, staff and the public to book and access the cars.*
  - i) Lobby areas of building to include real time information displays of nearby train, tram and bus services.*

**9.1.1**  
(cont)

- j) Allocation of parking for food and drink premises and restaurant tenancies to be provided within the on-site car park.*

*When approved to the satisfaction of the Responsible Authority, the plan will be part of the documents endorsed as part of this planning permit. The Green Travel Plan must be implemented to the satisfaction of the Responsible Authority.*

**Car Share**

- 27. The four car share spaces as shown on the endorsed plans must be retained onsite unless otherwise agreed in writing by the Responsible Authority. The share cars must be made available to building residents, staff and the public at all times.*

**Loading/unloading**

- 28. The loading and unloading of goods from vehicles must only be carried out within the boundaries of the site or a dedicated loading bay and shall not unreasonably impede access along the laneway to the west of the site.*

**Waste Management Plan**

- 29. Prior to the commencement of buildings and works, an amended Waste Management Plan prepared by a suitably qualified consultant, must be submitted to the satisfaction of the Responsible Authority. The amended Waste Management Plan must be generally in accordance with the submitted Waste Management Plan, but updated to include:*

- a) Static compactors, or a satisfactory alternative.*
- b) Carousel/automated bin handling equipment or a satisfactory alternative.*
- c) Bin lifting equipment.*
- d) Balers for cardboard & soft plastics.*
- e) Glass crushers.*
- f) Space/bin(s) for the disposal of electronic waste.*
- g) Space/bin(s) for hard waste storage.*
- h) The waste configuration of the development amended to implement the above waste components/facilities to match the scale of the development and the variety of tenancies.*
- i) Provision of a spare mobile garbage bin (MGB) for each of the major waste streams, and separate MGBs provided for other required waste streams.*
- j) Volumes of waste storage for each waste stream in accordance with Council requirements.*
- k) The two bin stores on the ground floor to be shown in detail in the Waste Management Plan including placement of MGBs, circulation and proposed equipment layout/signage etc.*
- l) Clarify the type of chute systems for each tower.*
- m) Detail how retail tenants on the ground floor and the how the gymnasium tenant on the lower ground floor use the MGBs at the back of house and how they will utilise the main bin stores.*

*The requirements and outcomes of the amended Waste Management Plan must be demonstrated on the plans and elevations submitted for endorsement.*



**9.1.1**  
(cont)

***Once submitted to and approved by the Responsible Authority, the Waste Management Plan must form part of the documents endorsed as part of this planning permit.***

***The requirements of the Waste Management Plan must be implemented by the building manager, owners and occupiers of the site for the duration of the building's operation in accordance with this permit, to the satisfaction of the Responsible Authority.***

**Construction Management Plan**

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

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

- a) Site contamination and disposal of contaminated matter, including polluted water.***
- b) Containment of dust, dirt and mud within the site and method and frequency of clean up procedures in the event of build up of matter outside of the site.***
- c) On-site facilities for vehicle washing.***
- d) Parking facilities for construction workers.***
- e) Delivery and unloading points and expected frequency.***
- f) A liaison officer for contact by residents and the Responsible Authority in the event of relevant queries or problems experienced.***
- g) An outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services.***
- h) A waste minimisation and recycling strategy.***
- i) Truck access routes.***
- j) Hours of construction.***
- k) Public safety (including hoarding requirements).***
- l) Security fencing.***
- m) Location of site offices.***
- n) Redirection of any above ground services.***
- o) Traffic Management Plan must be developed for the site and the surrounding road network to address the following:***
  - i. Off site car parking.***
  - ii. Vehicle movements, queuing, appropriate informational and directional signs.***
  - iii. Construction vehicle road routes.***
  - iv. Management of the basement car park.***
  - v. Pedestrian Management.***
  - vi. Road and footpath closure details.***
  - vii. The requirements of VicRoads in relation to Whitehorse Road.***

**9.1.1**  
(cont)

***The Construction Management Plan must be prepared in consultation with Council's Transport Team- Engineering and Environmental Services, Engineering Asset Team- Engineering and Environmental Services, Building Department and Community Laws Department.***

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

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

**Drainage**

- 31. All stormwater drains must be connected to a point of discharge to the satisfaction of the Responsible Authority.***
- 32. Stormwater connection to the nominated point of discharge and stormwater on-site detention must be completed and approved to the satisfaction of the Responsible Authority prior to any occupation of the building.***
- 33. Detailed civil plans and computations for stormwater drain must be prepared by a registered consulting engineer (who is listed on the Engineers Australia National Professional Engineer Register) and submitted for approval by the Responsible Authority prior to the commencement of any works.***
- 34. Stormwater connection to the nominated point of discharge and stormwater on-site detention must be completed and approved to the satisfaction of the Responsible Authority prior to the occupation of the building.***
- 35. As-constructed drawings prepared by a Licensed Land Surveyor are to be provided to Council after the completion of drainage outfall works prior to the occupation of the building.***
- 36. Stormwater that could adversely affect any adjacent land shall not be discharged from the subject site onto the surface of the adjacent land.***

**Alterations/Reinstatement of Assets**

- 37. Council requirements for reinstatement of civil assets are to be determined prior to approval of Construction Management Plan, and based on the approved Traffic Management Plan, to be confirmed with the developer/contractor. The developer/contractor is to contact the Engineering Asset Team to confirm the reinstatement conditions.***
- 38. The developer/contractor will be required to submit a Report regarding any pre-existing damage to Council assets (Dilapidation Report), prior to the Asset Protection Permit being issued and the Protection Work Notice is signed off (if required). Please note that this Report will have to show all of the Council assets adjoining to the property boundary, and will be based on the approved access routes, pending on the approved Traffic Management Plan.***
- 39. Additional information may be required once an assessment of the proposed protection work has been completed.***

**9.1.1**  
(cont)

- 40. *If any works are to be undertaken in the road reserve related to the project, the applicant is required to obtain the Consent to Undertake Works in the Road Reserve (Road Opening Permit) for any new, altered or deleted vehicle crossing, water or drain tapping or other opening within a road reserve or laneway. Please note that this is a separate process to the Asset Protection Permit.***
- 41. *If any damage to Council trees occurs during the building works, full amenity value of the trees will be charged to the applicant. If any trees have to be removed as a part of this project, amenity value of the trees has to be paid in full to the Council Parkswide Department prior to the commencement of works. Please contact Parkswide Department on 9262 6289 if the removal of the trees is required or if any works related to this development is going to impact on trees. A security deposit for tree protection may be requested.***
- 42. *Whitehorse Road street frontage: The existing Bus Stop shelter/facilities is to be reconstructed and/or reinstated to the required standard conditions of Vicroads and the Department of Transport.***
- 43. *The development is to be in accordance with Public Transport Victoria requirements in regards to any works related to the existing bus stop on Whitehorse Road, PTV letter reference DFOPT2014/0212 dated 15 September 2014.***
- 44. *Access to the development must be resolved within the development site. No provision for access and/or Disability Discrimination Act (DDA) compliance will be permitted external to the site being within any adjacent road reserve, right-of-way, reservation or other land owned or managed by Whitehorse City Council as may be applicable.***
- 45. *Except with the approval of the relevant authorities, no alteration to existing interface levels will be permitted other than to maintain or introduce adequate and consistent road reserve cross fall and longitudinal fall, all to the satisfaction of the Responsible Authority.***
- 46. *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.***
- 47. *A full reconstruction of a section of Council's laneway at Fairbank Lane used as access to the building site as per the endorsed Construction Management Plan will be required pending the determination of the scope of works required for this development. The minimum requirement will be for the full reconstruction of the section of the laneway abutting the subject site, pending the above.***
- 48. *Prior to the commencement of any works, detailed plans and specifications for the reconstruction of the required section of Fairbank Lane shall be submitted and approved by the Responsible Authority. The plans must show existing and proposed works including surface and underground drainage, pavement and footpath details, concrete kerbs and channels and street lighting.***

**9.1.1**  
(cont)

**Amenity**

- 49. 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.**
- 50. The development and use of the site must not cause nuisance or be detrimental to the amenity of the neighbourhood by the emission of noise. In this regard the emission of noise shall comply with the provisions of the Environment Protection Act 1970 (as amended) and the policies of the Environment Protection Authority.**
- 51. All food and drink premises must be provided with a filter system to eliminate cooking odours, fumes and smoke to the satisfaction of the Responsible Authority.**

**Acoustic Treatment**

- 52. Prior to the commencement of the development, an updated Acoustics and Vibration Assessment prepared by AECOM Australia Pty Ltd referencing the approved plans must be submitted to, and be to, the satisfaction of the Responsible Authority documenting acoustic mitigation measures to be implemented in the building to achieve compliance with the Australian Standards.**
- 53. 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 has been constructed in accordance with the updated Acoustics and Vibration Assessment.**

**Public Transport Victoria**

- 54. The permit holder must take all reasonable steps to ensure that disruption to bus operation along Whitehorse Road is kept to a minimum during the construction of the development. Foreseen disruptions to bus operations and mitigation measures must be communicated to Public Transport Victoria fourteen (14) days prior.**
- 55. The existing bus stop and associated infrastructure on Whitehorse Road must not be altered without the prior consent of Public Transport Victoria. Any alterations including temporary works or damage during construction must be rectified to the satisfaction of Public Transport Victoria and at the cost of the permit holder.**

**9.1.1**  
(cont)

**Expiry**

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

- a) The development is not commenced within three (3) years from the date of issue of this permit;**
- b) The development is not completed within three (3) years from the commencement of the development.**
- c) The gymnasium and residential uses have not commenced within one year of the completion of the 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.**

**PERMIT NOTES**

**Street Trees**

- 1. Please contact Council's Parkside Department regarding paying an amenity fee for the removal of the street tree.**

**Engineering/Assets**

- 2. Soil erosion control measures must be adopted at all times to the satisfaction of the Relevant Authority during the construction stages of the development. Site controls and erosion minimisation techniques are to be in accordance with the EPA (Environment Protection Authority) Victoria "Environmental Guidelines for Major Construction Sites". The works during and after construction must comply with the above guidelines and in potentially high erosion areas a detailed plan may be required to indicate proposed measures and methodology.**
- 3. The property owner/builder is to obtain the relevant permits and consents from Council in relation to asset protection, drainage works in easements and works in the road reserve prior to the commencement of any works.**
- 4. A site development plan to be submitted shall include the following.**
  - a) Show location of building and driveways locations opposite to and adjacent to property**
  - b) Indicate any building/structure removal or alteration**
  - c) Indicate location of easements/R.O.W**
  - d) Show fencing/walls on property**
  - e) Location of signs**
  - f) Sidewalks and laneways**
  - g) Show existing and proposed method of stormwater drainage and detention measures**
  - h) Show existing and proposed sewer, storm water, water mains and fire hydrants location if any**
- 5. All stormwater drainage within the development site and associated with the buildings (except for connection to the nominated point of discharge within the site) must be approved and completed to the satisfaction of the Building Surveyor prior to the occupation of any of the buildings, in accordance with the provisions of the Building Regulations (2006) section 610.**

**9.1.1**  
(cont)

6. *The surface treatment and design of all crossovers and driveways shall be of materials submitted to and approved by the Responsible Authority and must be constructed in accordance with the submitted details.*

**Property**

7. *This is a town planning permit only. It does not and should not be taken as authorising the occupation of or carrying out of works upon or over land or airspace not under the ownership or control of the permit holder. The permit holder must satisfy that it holds the permissions or interests necessary to carry out the use and/or development. In respect to any intrusions into the Nelson Road Reserve, the owner of the property will be required to enter into a Section 173 Agreement with Council, acting as the Road Authority for Nelson Road. In respect to any intrusions into the Whitehorse Road Reserve, permission must be obtained from Vic Roads.*

**Car Parking Approval**

8. *Car parking in association with the food and drink premises, gymnasium and residential hotel has been assessed to be to Council's satisfaction.*

**Car Parking**

9. *Residents of this development and their visitors will not be eligible for Residential Parking Permits.*

**Environmentally Sustainable Development**

10. *Suggested additional ESD measures include:*
  - a) *Provide the option of mixed mode and passive cooling for office suites gym, restaurant/café and other non-domestic spaces by including at least 2 highlight windows or vents per space which can provide fresh air while minimising winter time draft effects during much of the year in Melbourne. Also provide robust window hardware (especially for upper levels) and insect screening (mostly for the lower floors).*
  - b) *Provide some external shading (to balance views and glare) for offices, pool/gym and other commercial spaces.*

**Construction Management**

11. *Prior to any building and works on the subject land, approvals may be required from Council departments in relation to :*
  - a) *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).*
  - b) *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.*

**9.1.1**  
(cont)

- c) 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.*
- d) 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.*
- e) Parks, Planning and Recreation (9262 6389) – access over and storage of materials in public open space.*
- f) 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.*

- 12. The nearby Council owned property at 8A Prospect Street is a tenanted car park will not be an option for the builder to use as part of any Construction Management Plan.*

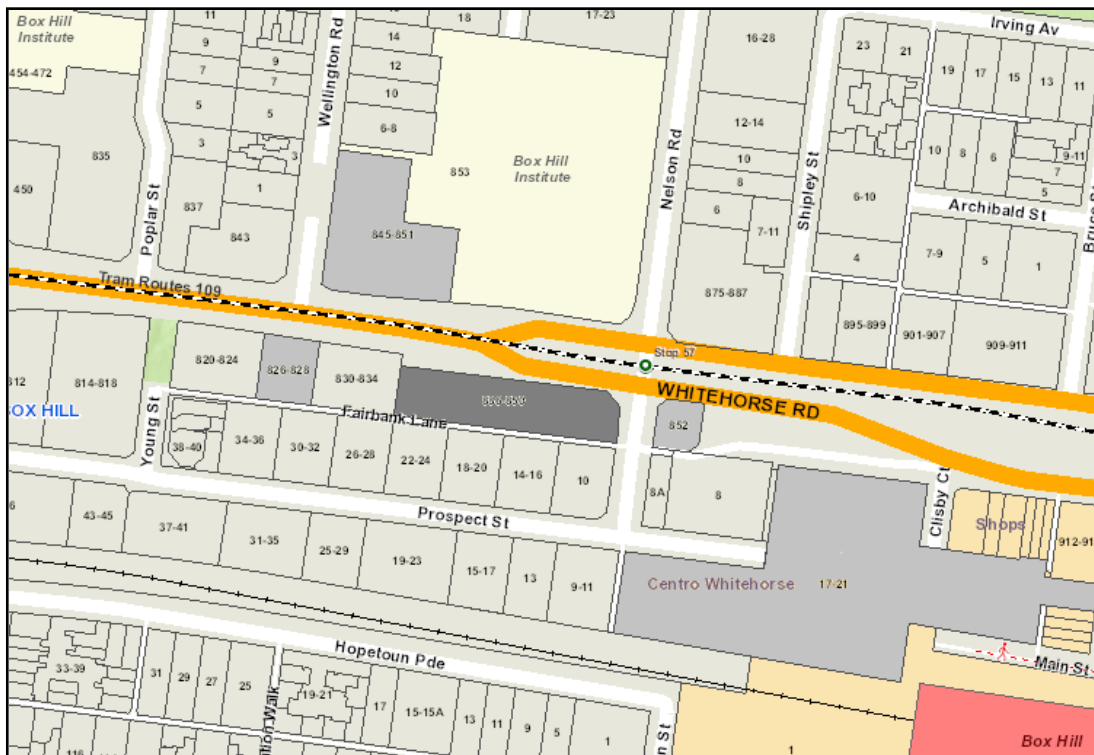
**Health Department Requirements**


- 13. The development approved must comply with the requirements of the Health Act, the Food Act and Council Policy for Food Establishments to the satisfaction of Council's Environmental Health Officer.*
  - 14. Additional approvals must be sought from Council's Health Department for the four food and drink premises and the hotel kitchen.*
- C** *Has formed this position having particular regard to the requirements of Sections 58 and 60 of the Planning and Environment Act 1987.*

**9.1.1**  
 (cont)

MELWAYS REFERENCE 47 C9

Applicant:	850 Whitehorse Road Pty Ltd
Zoning:	Commercial 1 Zone
Overlays:	N/A
Relevant Clauses:	Clause 11 Settlement Clause 15 Built Environment and Heritage Clause 16 Housing Clause 17 Economic Development Clause 18 Transport Clause 19 Infrastructure Clause 21.05 Environment Clause 21.06 Housing Clause 21.07 Economic Development Clause 22.04 Tree Conservation Clause 22.06 Activity Centres Clause 22.07 Box Hill Activity Central Activities District Clause 34.01 Commercial Zone Clause 52.06 Car Parking Clause 52.07 Loading and Unloading of Vehicles Clause 52.34 Bicycle Facilities Clause 52.35 Urban Context Report and Design Response for Residential Development of Four or More Storeys Clause 52.36 Integrated Public Transport Planning Clause 65 Decision Guidelines
Ward:	Elgar



	Subject site		6 Statements of Grounds submitted (2 outside of map)	of  North
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### 9.1.1

(cont)

## BACKGROUND

### History

There have been several previous planning permits issued to this site. These include planning permit BH/81/3076 issued on 23 December, 1981, allowing the development of a two storey office building with ground level and basement parking. This building provided 3,760m<sup>2</sup> office space and 125 car spaces. This approved building was extended in 1997 (WH/8524), and two subsequent Permits were issued for the display of business identification signs.

The current application was received on 18 July, 2014, and preliminary referral advice was sought. Council advised the applicants of preliminary concerns, and Council officers have been working with the applicants to resolve the issues. Due to concern about time delays with a possible objector appeal (though Council had yet to advertise the application), the applicant lodged an appeal to VCAT against Council's failure to decide the application within the required statutory timeframe.

The applicant circulated amended plans (without amended supporting documentation) on 18 December, 2014.

Amended supporting documents were received by Council on the following dates:

- Landscape Concept Plan – 19 January, 2015
- Wind Report – 19 January, 2015
- Urban Design Statement – 20 January, 2015
- Traffic Report – 23 January, 2015
- Waste Report – 23 January, 2015
- ESD Management Plan – 27 January, 2015
- Economic Benefit Statement – 27 January, 2015.

It is noted that these documents were received outside the advertising period for the application and have not been made available to other parties.

The application was advertised at the direction of the Tribunal to the owners and occupiers of all land between Whitehorse Road to the north, the railway line to the south, Centro Whitehorse to the east and Elgar Road to the west, and by the publication of notices in the Whitehorse Leader, the Herald Sun and The Age newspapers. To date, six statements of grounds have been received.

At the Practice Day Hearing held on 30 January, 2015, the applicant advised that the advertised preamble may not be correct, as approval is sought for a Residential Hotel, and not a Motel, as advertised.

Pursuant to Clause 74, a Residential Hotel is defined as: *land used to provide accommodation in serviced rooms for persons away from their normal place of residence. If it has at least 20 bedrooms, it may include the sale of liquor for consumption on, or off, the premises, function or conference rooms, entertainment, dancing, amusement machines, and gambling.*

Council's representative expressed some concern about the inclusion of gambling within the Residential Hotel definition, and the applicant advised that no gambling was proposed, and that they would not object to a permit condition to this effect.

The Tribunal noted at the hearing that the change in definition from a Motel to a Residential Hotel was a benign change, and no readvertising would be required in association with an amendment to the preamble to replace Motel with Residential Hotel.

The application has been scheduled for mediation on 19 March, 2015 and if mediation is unsuccessful, the Appeal will be heard over four days commencing 28 April, 2015.

### 9.1.1 (cont)

#### **The Site and Surrounds**

The subject site is located on the south-west corner of the intersection of Whitehorse Road and Nelson Road. The site is generally rectangular with a splay at the north-east corner, having a frontage to Whitehorse Road to the north of 113.08 metres, and a frontage to Fairbank Lane to the south of 122.17 metres. The site generally has a depth of 27.43 metres, with a 10.98 metre splay reducing the frontage to Nelson Road to the east to 19.82 metres. The total site area is 3301m<sup>2</sup>.

The site slopes 4 metres down from the east to the west, with a 1 metre cross fall from south to north. The site previously accommodated a two storey office building with two basement car parking levels, and landscaped front setbacks to Whitehorse Road and Nelson Road containing numerous mature trees. These buildings are currently being demolished, and the trees removed.

There are no restrictive covenants registered on title. A 1.5 metre wide easement along the south boundary to Fairbank Lane is in favour of Council, and, in association with similar easements on surrounding lots, provides for an effective clear roadway width of 6 metres for Fairbank Lane, allowing it to carry two way traffic.

A bus stop is situated near the north-west corner of the subject site, and a tram stop is in the Whitehorse Road median near the north-east corner of the site. Box Hill TAFE (two to three storeys high) and a single storey convenience restaurant are located directly across Whitehorse Road to the north of the subject site. More broadly to the north of the subject site, commercial buildings present to Whitehorse Road, with detached and medium density residential development located further northwards.

The intersection of Whitehorse Road and Nelson Road at the north-east corner of the subject site is signalised. To the east of the subject site, over Nelson Road, are double storey commercial premises and an open at-grade car park, with Box Hill Central Shopping Centre and the Box Hill retail core situated further eastwards. Box Hill Train Station and Bus Interchange are located approximately 300 metres to the south-east of the subject site.

Across Fairbank Lane to the south are several three and four storey office buildings. These buildings face Prospect Street, which is an established office precinct. Further to the east, is the Belgrave and Lilydale railway line, with a residential area beyond.

To the west, the adjoining lot accommodates a three storey office building setback 3.5 metres from the common boundary, and further westwards, three to four storey office buildings face Whitehorse Road, extending to the intersection with Elgar Road.

The site is located within the Major Development Precinct designated by the Box Hill Activity Centre Transit City Structure Plan 2007. The Box Hill Metropolitan Activity Centre provides retail, education, office, civic, medical, community service, entertainment, dining and recreational opportunities for the regional population, as well as a hub for local community activities. It is strategically located along the Melbourne to Lilydale and Belgrave rail line, Whitehorse Road and the 109 tram route, which jointly form the spine of an area of intensive economic activity that extends through Melbourne's eastern suburbs.

Box Hill Gardens are located 300 metres to the north of the subject site, and Kingsley Gardens are located 350 metres to the west. Surrey Park, located 900 metres to the south of the site, includes both formal and informal recreation activities.

This area is experiencing significant redevelopment, with the following sites in the vicinity of the subject land either approved or under construction:

**9.1.1**  
 (cont)

• Tax Office 913 Whitehorse Road- 20 storeys	• 15-17 Irving Avenue- 9 storeys
• Box Hill Tower 545 Station Street- 34 storeys	• 19 Irving Avenue- 7 storeys
• 710 Station Street- 10 storeys	• 5 Rodgerson Road- 7 storeys
• 712 Station Street- 9 storeys	• 5 Rodgerson Road- 7 storeys
• 757 Station Street- 5 storeys	• 17 Poplar Street- 7 storeys
• 761 Station Street- 6 storeys	• 20 Poplar Street- 7 storeys
• 6-8 Wellington Street- 9 storeys	• 19-21 Poplar Street- 8 storeys
• 12 Wellington Road-5 storeys	• Box Hill Hospital- 10 storeys
• 19 Wellington Road- 6 storeys	• 5-7 Bruce Street- 10 storeys
• 4 Watts Street- 6 storeys	• 1 Archibald Street- 10 storeys
• 8 Watts Street- 5 storeys	• 1 Elland Avenue- 9 storeys.
• 5-7 Irving Avenue- 9 storeys	

**Planning Controls**

The site is within the Commercial 1 Zone. The purpose of Clause 34.01 (Commercial 1 Zone) includes creation of vibrant mixed use commercial centres for retail, office, business, entertainment and community uses, and providing for residential uses at densities complementary to the role and scale of the commercial centre.

Pursuant to the Commercial 1 Zone, planning approval for the proposal is triggered by the following:

- Clause 34.01-1 Use of land for accommodation with a frontage at ground floor level in excess of 2 metres wide.
- Clause 34.01-1 Use of land for a restricted recreation facility (gym).
- Clause 34.01-4 Building and works.

It is noted that the circulated amended plans include the provision of steps and raised planters within the Whitehorse Road reserve outside of the property boundary. Council has sought legal advice and it appears that this aspect of the proposal triggers the need for planning approval for buildings and works within a road in a Road Zone Category 1. These features are not considered to have the benefit of the usual exemption provided for street furniture in a road reserve. It is noted that the applicant has not requested planning approval for this aspect of the proposal.

It is considered that this matter has little impact on the overall application, beyond requiring VicRoads to be informed of the amended plans, and this issue can be dealt with through the VCAT mediation or hearing processes. It is further noted that VicRoads has already requested a permit condition be imposed relating to works within the road reserve, and this condition has been included as a condition of approval.

Pursuant to Clause 52.06-2, Car Parking, before a new use commences, the number of car parking spaces required under Clause 52.06-5 must be provided to the satisfaction of the Responsible Authority. The proposal triggers planning approval as:

- Clause 52.06-3 allows a Planning Permit to be granted to provide a reduced number of car parking spaces.
- Clause 52.06-5A requires car parking for the restricted recreation facility (gym) to be provided to the satisfaction of the Responsible Authority before the new use commences.

**9.1.1**  
(cont)

**PROPOSAL**

It is proposed to construct a mixed use development comprising two towers of 36 storeys and 26 storeys plus rooftop plant and four levels of basement car parking (including a residential hotel, 502 dwellings and commercial uses), use of land for accommodation and a restricted recreation facility (gym), and associated reduction of car parking requirements. The plans described and assessed below are the amended plans substituted through the appeal process, received by Council on 18 December, 2014.

*Overall Summary*

- Three full basement levels and one partial basement level, owing to the slope of the land.
- A part seven, part eight level podium- containing commercial uses, residential and hotel lobbies, hotel accommodation, site services and car parking.
- A total of 502 dwellings, comprising 146 one bedroom dwellings, 339 two bedroom dwellings and 17 three bedroom dwellings.
- A total of 531 car spaces, 409 bicycle spaces and 517 storage cages.
- Two towers above the podium containing dwellings-
  - Tower A- to the east, reaching 36 storeys above ground level, plus rooftop plant and garden area.
  - Tower B- to the west, reaching 26 storeys above ground level, plus rooftop plant and garden area.
- The proposed 100 room hotel is one of the Art Series chain. The applicant has advised that this hotel will be called "The Chen" after Chinese-Australian artist Zhong Chen who lived in Box Hill and had a studio there for over seven years.
- The hotel does not have a dedicated kitchen. The applicant has advised that one of the restaurants will provide kitchen services for the hotel.
- No advertising signs are proposed.

*Basement levels*

- Basement Level 3 (the lowest level) includes car parking for residents and the hotel, bicycle racks and storage cages for residents.
- Basement Level 2 includes car parking for residents and the hotel, bicycle racks and storage cages for residents.
- Basement Level 1 includes car parking for residents, bicycle racks and storage cages for residents.

### 9.1.1

(cont)

#### *Ground levels*

- Lower Ground Level is at footpath level at the north-west corner of the site, includes a 200m<sup>2</sup> gymnasium accessed off Whitehorse Road, the residential Tower B lobby and mail room, 60,000 litre rainwater tanks, car parking for residents and commercial uses, bicycle racks and storage cages for residents.
- Ground Level is at the footpath level towards the east of the site, includes three restaurant tenancies (129m<sup>2</sup>, 166m<sup>2</sup> and 199m<sup>2</sup>) with frontages to Whitehorse Road, one café tenancy (134m<sup>2</sup>) at the north-east corner of the site, and the double height lobby serving the hotel and residential Tower A accessed off the east elevation to Nelson Road. Site services including waste and recycling room, Tower A mail room, substation, meter rooms and fire services are located along Fairbank lane to the south. The vehicular access and egress points to the site are from Fairbank Lane at this level, and a loading bay for goods and waste are located to the east of the vehicle entry/exit. This level also includes car parking for visitors, bicycle racks, bicycle shower and change facilities and storage cages for residents.

#### *Podium*

- Level 1 accommodates a 420m<sup>2</sup> office tenancy on the north elevation facing Whitehorse Road, an administration area for the hotel at the south-east corner and site services. It also includes car parking for visitors, residents, a car share scheme and two disabled car spaces, bicycle racks, and storage cages for residents.
- Level 2 includes 20 hotel rooms wrapping around the north-east façade, car parking for residents, two disabled car spaces, bicycle racks, and storage cages for residents.
- Levels 3-6 include 20 hotel rooms wrapping around the north-east façade, car parking for residents, bicycle racks, and storage cages for residents.

#### *Podium Terrace*

- Level 7 contains the top of the podium and a rooftop garden which is accessible to all residents via the lift lobbies. The building form separates into Towers A and B at this level, and dwellings on this level include private balconies, most of which provide direct access to the common podium space.
- The towers above the podium have irregular oval shapes, and are separated by 9.6 metres at the closest point, with this separation increasing to over 16 metres as the towers curve away from each other.

#### *Tower A*

- Levels 7-17 include 6 one bedroom and 7 two bedroom dwellings.
- At Level 18, Tower A steps back to a minimum of 15.4 metres from Tower B at this level, with two apartments gaining the podium space as additional balcony area.
- Levels 18-26 include 4 one bedroom and 7 two bedroom dwellings.
- At Level 27, Tower A steps eastwards a further 5.7 metres, with one apartment gaining the podium space as additional balcony area.
- Levels 27-31 include 2 one bedroom, 5 two bedroom, and 1 three bedroom dwellings.
- At Level 32, Tower A steps eastwards a further 6.8 metres, with two apartments gaining the podium space as additional balcony area.
- Levels 32-35 include 1 two bedroom, and 3 three bedroom dwellings.
- Tower A Roof includes a common rooftop garden and plant room.

### 9.1.1

(cont)

#### *Tower B*

- Levels 7-23 include 2 one bedroom and 10 two bedroom dwellings.
- Level 24 includes two function rooms, a common swimming pool, outdoor living area, rooftop garden, change rooms, and pool plant room. These facilities are to be available for use by hotel guests, residents of either tower, and employees of the hotel. The lift overrun and plant room are located above this level.

#### *Elevations*

- The oval shaped Tower A will primarily be clad with bronze tinted glazing, and the oval shaped Tower B with silver tinted glazing. The bronze glazing of Tower A will extend almost to ground level of the north-east corner of the site, and this corner of the podium will be curved following the contour of Tower A. The balance of the podium is straight edged, with tinted glazing provided to the hotel and commercial facades at the north and east elevations, and the car parking area towards the west of the site screened behind folded metal panels, and the car park ramps screened by glass louvres at the Whitehorse Road elevation. A green wall up to 5 metres high is proposed at the western end of the Whitehorse Road elevation beside the footpath level.
- The east elevation to Nelson Road includes perforated mesh cladding to the unglazed parts of the podium to ameliorate wind impacts.
- The west elevation of the podium is proposed to include a large scale artwork which will wrap around to the north façade at this corner. This art work will only be commissioned if a permit is issued.
- The south elevation of the podium to Fairbank Lane will be clad with alternating banks of folded metal panels and glass louvres, with a tinted glazing at the eastern end.
- The top levels of both towers have the balcony areas screened by glass louvres to provide for winter gardens (balconies able to be screened for wind and weather protection).
- Overall building height for Tower A of 115.04 metres (including plant and lift overrun).
- Overall building height for Tower B of 84.69 metres (including plant and lift overrun).

#### *Car Parking Summary*

- The provision of parking and storage on each level is shown in the table below.

Level	Car Spaces	Bike Spaces	Storage Cages
Basement 3	66 (inc 14 tandem) (28H 38R)	61	117
Basement 2	62 (inc 12 tandem) (22H 40R)	77	96
Basement 1	58 (inc 12 tandem) (58R)	61	81
Lower Ground Level	53 (inc 12 tandem) (10C 10F 33R)	41	68
Ground Level	19 (19V)	31	29
Level 1	33 (11V 4S 2D 16R)	28	16
Level 2	48 (46R 2D)	18	26
Level 3	48 (48R)	28	16
Level 4	48 (48R)	18	26
Level 5	48 (48R)	28	16
Level 6	48 (48R)	18	26
Total	531	409	517

H = hotel, C = commercial, F = office, R = residential V = visitor S = car share scheme  
 D = disabled

### 9.1.1

(cont)

#### *Streetscape works*

- Provision of footpath treatments and street tree planting on public land (footpaths areas) along Whitehorse Road and Nelson Road, including stairs and planter boxes to manage the site slope.

#### *Landscaping*

- Green wall 27 metres long and up to 5 metres high on the Whitehorse Road (north) façade.
- Landscaped communal areas including containerised plantings at Level 7 on top of the podium, and at the top of each tower.
- Street trees and raised planters along the Whitehorse Road and Nelson Road frontages

## **CONSULTATION**

### **Public Notice**

The application was advertised at the direction of VCAT by mail to affected property owners and occupiers and by notices in the Whitehorse Leader, Herald Sun and The Age newspapers. Following the advertising period, six statements of grounds (five opposing and one in favour) have been circulated, raising the following concerns:

- Insufficient car parking provided on site for the proposed use and development.
- The subject site is isolated from surrounding public parking areas.
- Parking shortfall could result in impacts to Box Hill Central's operations and potential.
- The car parking reduction will result in increased utilisation of available public parking and on-street parking, potentially on surrounding residential streets.
- Delays to traffic along Nelson Road, Prospect Street, Young Street and Fairbank lane have been caused by recent demolition works on the site, and are anticipated to worsen during construction and continue if the proposed car parking reduction is permitted.
- Increased traffic congestion resulting in loss of residential amenity.
- Increased delays on nearby streets resulting from traffic congestion.
- No provision for short term visitor/drop off/taxi zone such as an external covered area.
- Loading zone headroom requires clarification.
- Loss of treed and landscaped setbacks.
- Excessive height.
- Wind impacts, noting that the wind tunnel assessment indicates suitability for walking only.
- Overshadowing of residential lots to the south.

One Statement of Grounds was generally supportive of the proposal, for the following reasons:

- Consistency with strategic planning policy
- The development includes a complimentary range of uses.
- High quality architectural built form.
- The development will provide a significant net community benefit.

**9.1.1**  
(cont)

**Referrals**

**External**

Public Transport Victoria (PTV)

Public Transport Victoria, pursuant to Section 56(1) of the Planning and Environment Act 1987 does not object to the grant of a planning permit subject to conditions.

VicRoads

Work within the road reserve will require consent from VicRoads prior to the commencement of these works.

**Internal**

Urban Design

The underlying strategy of a unifying podium form fronting Whitehorse Road, and two distinctive towers, with the smaller tower to west and the taller tower to the east is a logical one in the context of the town centre, the urban form sought for the town centre and the site organisation and location relative to adjoining streets. It is an organisational strategy that is supported in principle.

The inclusion of a landscape plan illustrates how the proposed corner tenancy no.1 is to be interconnected to the Whitehorse Road frontage providing for a staircase from the elevated level, planters and stairs down to street level. The elevation of the street above the traffic noise and providing informal surveillance of the bus waiting area, as well as convenient sitting and waiting areas, both undercover and adjacent to the stop, are welcome and the bespoke nature of the solution is also warranted.

In the landscape plans, large perforated steel baffles (presumably for wind amelioration) are indicated that are absent in the architectural plans of some 1.8 metres in height. Such an outcome would clearly be an unacceptable street interface outcome.

The inclusion of the substantial retail tenancy to the frontage and Nelson Road corner is supported, along with the positioning of the entrance of the development to this corner. The primary entrance to the eastern building at lower ground activates this area of the building perimeter.

An integrated art installation has been shown on the western and part north elevation of the podium. It is recommended that the extent of this art installation be clearly illustrated in the drawings for approval, with the design of the art installation to these areas submitted for approval within this permit, prior to development commencing. The design of the art installation should activate the laneway from Whitehorse Road to Fairbank Lane, including a level of engagement from the ground level within the laneway, and at a broader scale from Whitehorse Road. An integrated Art Plan should be submitted for approval to the satisfaction of the Responsible Authority.

Public lighting to the laneway and proposed pedestrian lane to the west should also be installed to the satisfaction of the Council. Activation at the podium levels 1 to 6, with the floor plan at terrace level is generally acceptable. The setbacks from Fairbank Lane at the upper typical floors are in keeping with the intent to allow equitable development of the adjoining properties.



**9.1.1**  
 (cont)

The applicants have proposed a distance between the two towers of over 9 metres, which is supported as it has regard to the recent extensive evaluation undertaken in the City of Melbourne of tower forms, where a 9 metre distance between balconies would seem an appropriate minimum for taller built form.

Heights of the building currently contemplated really can only be supported within a broader objective to substantially upgrade the development potential for the whole of the Prospect Street Precinct. Whitehorse Road provides the most ample boulevard in which substantial built form could be celebrated and due to the site's southern side location as it is separated from the surrounding and northern residential hinterland zones.

It is therefore considered that the revised plans have, through siting changes, greater space between forms and enhanced modelling, cumulatively successfully balanced the competing objectives of maintaining reasonable standards of offsite amenity in the immediate neighbourhood of the activity centre and urban consolidation goals in the Planning Scheme. The findings of the updated Urban Design Report addendum are generally acceptable.

Engineering and Environmental Services Department

- Transport Engineer

Overall, Council's Transport Engineer has no objection to the proposal on transport grounds, subject to the inclusion of conditions.

*Car Parking*

The car parking provision required by Clause 52.06 of the Whitehorse Planning Scheme, and the reduced car parking provision required by the adopted the Box Hill Central Activities Car

<b>Land Use</b>	<b>Number/ Area</b>	<b>Statutory Parking Rate</b>	<b>Required Spaces</b>	<b>Box Hill Strategy Rate</b>	<b>Box Hill Strategy Required Spaces</b>
Dwellings- 1 bedroom	146	1 / dwelling	146	0.5 / dwelling	73
2 bedroom	339	1 / dwelling	339	0.75 / dwelling	25
3 bedroom	17	2 / dwelling	34	1 / dwelling	17
Visitor parking	502 total dwellings	1 / 5 dwellings	100	0.1 / dwelling	50
Hotel rooms	100	Not specified	-	Not specified	-
Office	420m <sup>2</sup>	3.5 / 100m <sup>2</sup>	14	2 / 100m <sup>2</sup>	8
Restaurant	494m <sup>2</sup> (Assume 180 seats)	0.4 / seat	72	3.5 / 100m <sup>2</sup>	17
Gymnasium	200m <sup>2</sup>	Not specified	-	Not specified	-
Cafe	134m <sup>2</sup>	4 / 100m <sup>2</sup>	5	3.5 / 100m <sup>2</sup>	5
		Total Required	<b>710</b>	Total Required	<b>195</b>

Parking Strategy (the Car Parking Strategy) are summarised in the table below:

The application proposes to provide 531 spaces on the site.

### 9.1.1 (cont)

As calculated above, the proposal has a requirement for 710 car spaces for the uses that have a defined car parking rate under the Planning Scheme. Council has recently adopted the Box Hill Central Activities Car Parking Strategy (the Car Parking Strategy) which allows lower car parking rates for office, commercial and residential uses within central Box Hill. In accordance with the Car Parking Strategy, the residential, office and restaurant/café components of the proposed development together generate a requirement for 195 car spaces.

In addition, the provision of car parking for the hotel and gymnasium uses need to be to the satisfaction of the Responsible Authority, as there is no rate specified in the Planning Scheme for this use. The submitted documentation indicates that 531 spaces are proposed to be provided across 11 levels on the site. As detailed below, the overall parking provision is acceptable, subject to conditions relating to the allocation of car spaces.

Car parking is proposed to be allocated as follows:

Café staff	- 2 spaces (within a tandem arrangement)
Restaurant staff	- 6 spaces (within a tandem arrangement)
Gymnasium staff	- 2 spaces (within a tandem arrangement)
Visitors	- 20 spaces (including one disabled bay)
100 hotel rooms	- 50 spaces (0.5 spaces per room)
Office	- 10 spaces (2 spaces per 100m <sup>2</sup> , including 5 tandem bays)
Car share	- 4 spaces

The above allocation is considered acceptable, but only accounts for 94 of the proposed car spaces on the site. The allocation of the remaining 437 car spaces must be addressed to Council's satisfaction.

The provision of staff parking for the proposed café, restaurant and retail uses is considered appropriate. The provision of long term staff parking within tandem bays is acceptable.

The parking provision for residents exceeds the rates outlined in the Car Parking Strategy and is considered acceptable. The provision of resident parking within tandem bays is acceptable, provided that each space within the tandem pair is allocated to the same unit. The provision of 4 car share spaces for use by residents is supported.

It should be noted that residents of this development and their visitors will not be eligible for Residential Parking Permits.

In relation to visitor parking for the apartments, the proposed provision of 20 spaces equates to a parking rate of 0.039 spaces per dwelling. This falls short of the rate of 0.1 spaces per dwelling specified in the Car Parking Strategy and the approved rate of 0.06 spaces per dwelling for the 545-563 Station Street development and is not supported. A minimum parking provision for visitors of 0.06 spaces per dwelling should be provided for this development. This would equate to 30 spaces for residential visitors.

A car parking rate is not specified in the Planning Scheme for the proposed gymnasium use. It is essential that the majority of the long term staff parking demands associated with the gymnasium use be accommodated on the site. It is assumed that short term customer parking demands associated with the café, restaurant and gym will need to be accommodated on-street and in commercial car parking facilities within the surrounding area.

A car parking rate is not specified in the Planning Scheme for the proposed hotel use. The applicant's traffic engineer refers to surveys undertaken by other firms which indicate peak parking demands ranging from 0.4 to 0.5 spaces per occupied room (inclusive of visitor and staff parking demands). This is an appropriate parking rate for a hotel use, and therefore the proposed parking provision of 50 spaces, based on a rate of 0.5 spaces per room, is acceptable.

### **9.1.1**

(cont)

The proposed car parking provision for the office use equates to a rate of 2 spaces per 100m<sup>2</sup>. This is consistent with the rate specified in the Box Hill Central Activities Car Parking Strategy, the approved rate for the office component of 545-563 Station Street and is considered acceptable in this case.

Four disabled parking bays are proposed for this development, equating to 0.75% of the total proposed car parking provision of 531 spaces. This rate is acceptable.

It is noted that the 34 storey mixed use development approved in 2014 under Planning Permit WH/2011/986 for 545 Station Street, Box Hill, was required to provide 408 car spaces for a development that generated a statutory requirement of 978 car spaces, and a requirement for 479 car spaces when assessed against the Box Hill Central Activities Car Parking Strategy. The current proposal significantly exceeds the car parking provision required by the Car Parking Strategy, and as such provides a greater level of on-site parking than the approved development at 545 Station Street.

It is acknowledged that a reduction in the statutory car parking requirement is appropriate in this case given the site's location within central Box Hill and its proximity to public transport services. The provision of 531 car spaces on site significantly exceeds the car parking provision required by the adopted Box Hill Central Activities Car Parking Strategy and empirical car parking rates.

A condition of any permit issued will require the applicant to submit a Parking Management Plan which includes allocation of car spaces and bicycle spaces to individual dwellings and tenancies.

#### *Traffic Generation*

The applicant's traffic engineer has prepared an assessment of the traffic generation of the proposed development and the impact of the proposed development at the intersection of Nelson Road and Whitehorse Road. The traffic generated by the proposal can be accommodated at the intersection of Nelson Road and Whitehorse Road and within the surrounding road network.

#### *Bicycle Facilities*

Notation provided on the submitted plans indicates that 409 bicycle parking spaces are to be provided within the site, along with 3 showers with change rooms. The proposed bicycle parking provision significantly exceeds the statutory requirement of 181 bicycle spaces, and is therefore considered acceptable.

A Car Parking Management Plan will require details of allocation of car spaces and bicycle spaces to individual dwellings and tenancies.

### 9.1.1 (cont)

#### *Loading and Waste Collection*

Specific to loading and waste collection arrangements:

- The applicant needs to demonstrate that a minimum of 4 metre high clearance is provided within the loading areas in accordance with Clause 52.07.
- The amended plans and supporting swept path diagrams indicate that service vehicles can enter the loading bay either by reversing into the loading bay and exiting forwards, or by entering in a forwards direction then reversing off the site (into oncoming vehicles leaving the development). It is preferred that all vehicles exit the site in a forwards direction. The permit holder must provide details of signage or alternate measures that require all vehicles, including delivery and waste vehicles, to reverse into the loading area and exit the site in a forwards direction.
- Further detail is required regarding the provision of 'back-of-house' access to the gymnasium, restaurant tenancies and café for deliveries and waste management.
- Waste Engineer

The Waste Management Plan is not approved. The following issues are noted:

- **Compaction equipment:**  
In accordance with Melbourne City Council requirements, the scale of this development (over 400 apartments) is over the threshold for the use of mobile garbage bins (MGBs) triggering a requirement to install static compactors. Static compactors are expected to result in fewer OH&S issues than the use of MGBs, which require manual handling.
- Carousel/automated bin handling equipment will require additional information if static compactors are utilised.
- **Bin lifting equipment:**  
There are lower ground floor, ground floor and possibly other tenants that will be required to move waste bins from their establishments to either of the bin storage rooms for disposal. If a MGB waste system (as proposed) is used the tenants will have to lift/raise their bins into these bins for disposal – hence the need for MGB lifting equipment.
- **Balers for cardboard & soft plastics:**  
Large volumes of cardboard will be generated from the development. Most of the cardboard will not enter the chute system and will be manually transported to the bin storage rooms for storage. A baling device is considered to be a reasonable response to handle this.
- **Glass crushers:**  
Ground floor tenants that are likely to generate large quantities of glass would benefit from separate glass recycling and/or glass crushing systems.
- **Organic digesters/dehydrators:**  
The developer has advised that these have not been adopted due to energy, space and cost issues. It is assumed that the volume of organics won't be sufficient for this to be considered practical.

### 9.1.1

(cont)

- Liquid waste:

It is assumed that the volume of organics won't be sufficient for this to be considered practical.

- Space/bin(s) should be provided for the disposal of electronic waste.
- Space/bin(s) should be provided for hard waste storage.

The submitted Waste Management Plan and the waste configuration of the development need further consideration regarding these points to implement waste components/facilities to match the scale of the development and the variety of tenancies.

Other points requiring clarification based on the submitted plans:

- Waste generation rates and projected MGB numbers for similar developments adopt a spare MGB for each of the major waste streams which is considered good practice, and separate MGBs are provided for other required waste streams.

The following waste generation rates have been recalculated based on the latest plans and are those to be adopted as a minimum when calculating waste services for the development:

Total waste generation rates calculated are as follows:

Apartments:	General waste:	40,160L/w.
	Comingled recycling:	53,232L/w
Hotel:	General waste:	3,500L/w.
	Comingled recycling:	700L/w
Restaurant:	General waste:	22,823L/w.
	Comingled recycling:	4,495L/w.
Café:	General waste:	1,126L/w.
	Comingled recycling:	1,126L/w.
Office:	General waste:	210L/w.
	Comingled recycling:	525L/w.
Gymnasium:	General waste:	200L/w.
	Comingled recycling:	150L/w.
In Total:	General waste:	68,019L/w.
	Comingled recycling:	60,228L/w.

The following amendments to the Waste Management Plan are required:

- The two bin stores on the ground floor must be shown in detail in the Waste Management Plan with regard to MGBs and proposed equipment layout/signage etc.
- Clarify what type of chute systems are proposed for each tower.
- Detail how retail tenants on the ground floor and the how the gymnasium tenant on the lower ground floor use the MGBs at the back of house and how they will utilise the main bin stores.
- Assets Engineer

Consent, subject to standard conditions to protect Council assets and ensure the site is satisfactorily drained.

### 9.1.1 (cont)

#### ESD Advisor

The proposal incorporates a number of Council's Environmentally Sustainable Design (ESD) initiatives including the provision of daylight to some residential corridors, commitment to 6.6 star average for dwellings, timer controls for lighting of common areas, and 60 kL rainwater collection for all hotel toilet flushing. However, this application does not fully meet Council's ESD standards for a development of this size and potential environmental impact. Further details and ESD commitments are required before the submitted ESD Management Plan can be endorsed, and these will be included as conditions.

#### Landscape Architect

The design and materials should respond to the Whitehorse City Council's preferred urban design treatments. Any extension of landscape treatment to the back of kerb on Council owned land should be as per the recent Urban Core work carried out along Whitehorse Road. Landscape treatment in the private realm should respond to the Urban Core design and materiality, however there is scope for variation on private land.

The plans show the northern boundary with steps and other planting infrastructure beyond the property line. It is recommended that the proposal contribute to the public realm by including an urban plaza in front of the blank façade and providing amenity for the western tenancies. The green wall on the northern façade is a good inclusion to provide interest to a vast length of unactivated façade at street level. The overall objective is to activate the length of the development in a consistent and functional way. The proposed provision of stairs and other infrastructure on Council land will need to be carefully considered.

The outdoor area associated with the western tenancy is well resolved and functional and is a good outcome for the public realm. The street tree layout and quantity is good, although it is recommended an additional tree is added to the paving band just west of the Tower B lobby.

The two roof terraces on top of the towers are generally well resolved.

The following issues require further resolution:

- The entrances to the hotel on Nelson Road and residential on Whitehorse Road are not pronounced enough and may cause legibility issues.
- The levels and transition outside of the western tenancy- where the two different paving treatments meet- are not clear.
- Podium Level 7 open space – provide additional infrastructure to make the space more engaging and encourage use. Include a more diverse range of seating to cater for a range groups and sizes of groups. Consider play equipment or playable elements such as sculpture or seating elements.
- Roof Tower A – the northern edge could be further resolved to 'break down' the large curved seat to create more diverse spaces which can cater for different groups at the same time.
- Artwork on the western façade should wrap around to the northern façade.
- No information has been provided on plant species or containerised planting infrastructure.

### **9.1.1** (cont)

#### Business and Economic Development

A mixed use development of the magnitude proposed is expected to have substantial benefits to the local economy, both short term (i.e. construction phase) and longer term, as well as social benefits, including jobs, services and entertainment. It is estimated that the development would result in 1500 short term jobs and 220 full time equivalent longer term jobs. Importantly, it also likely to be a major catalyst for other desired change in the vicinity.

#### Strategic Planning

##### *Summary*

The subject site is a key redevelopment site within the Box Hill Metropolitan Activity Centre, by virtue of its size, its frontage to and position on Whitehorse Road and Nelson Road and its location amongst retail, offices, transport, education and health land use activities. A variety of possible land uses could comfortably fit on this site, which straddles multiple activity precincts. The subject site can support a substantial intensity and variety of land use activities and also accommodate a building of substantial scale. Therefore the subject site holds the potential to make a significant positive contribution to Box Hill, advancing the vision and aspirations (articulated by the Box Hill Structure Plan), particularly in terms of land use activities and urban design outcomes.

##### *Land Use*

It is important to consider the mix, magnitude and the arrangement of uses within the site and precinct. The proposed mix of uses are well aligned with the intent of this precinct and would provide new, complementary and supporting uses to revitalise this aging office precinct and transition to 24 hour/7 day activity precinct.

Whilst it would be ideal to have, as a minimum, no net loss to office floor area (to protect or improve numbers of higher order office jobs), the proposed uses are currently lacking in this precinct of Box Hill.

The site is a key redevelopment site that may be considered 'under-utilised', but its potential for an increased intensity of land use activities is not unlimited. The mix of uses and the layout (horizontal and vertical) within the development generally seems reasonable. However, there are a number of elements in the proposed arrangement and allocation of space that require further resolution:

1. Whilst the shared entry and lobby area for the hotel, serviced offices and Tower A is acceptable, the legibility and identification at street level, particularly from the Whitehorse Road frontage, should be improved.
2. The entrance and lobby area for Tower B also needs further resolution. It is noted that indicative changes in hard landscaping to denote the entrance, but otherwise it appears that the entrance to Tower B is not well identified and is partly concealed by changes in levels.
3. The location of the proposed gymnasium at street level, on the western aspect and wrapping around the north-western and south-western corners, could work well to activate this section of the building, Whitehorse Road, Fairbank Lane and the walk through to Whitehorse Road.

### **9.1.1** (cont)

#### *Built Form*

The subject site is a key redevelopment site within the Box Hill Metropolitan Activity Centre, by virtue of its size, its frontage to and position on Whitehorse Road and Nelson Road and its location amongst retail, offices, transport, education and health land use activities. Therefore the site can support a building of substantial scale.

#### Property and Rates

The application includes canopy and awnings that extend beyond the title boundary outside both the northern and eastern boundaries of the property. The eastern and northern boundaries abut land titles registered in the names of Vic Roads. Pursuant to the Road Management Act 2004, VicRoads is the co-ordinating road authority for Whitehorse Road, and Whitehorse City Council is the co-ordinating and responsible road authority for Nelson Road.

In regard to Nelson Road, it is generally preferred that there be there no overhang of built form outside the property boundary. The plans indicate Levels 2-6 have built form extending beyond the title boundary. If there is to be built form outside the property boundary into part of the Nelson Road reserve, it will be required that the property owner enter into a Section 173 agreement with Whitehorse City Council in regards to issues regarding maintenance, liability, insurance and indemnity. The section 173 Agreement will be required to be registered.

#### Parkswide

Street trees should be protected by temporary fencing during the construction phase.

### **State and Local Planning Policy**

This section provides a strategic context outlining the State and Local Policies of the Whitehorse Planning Scheme which are of relevance to this application.

#### **State Planning Policy Framework**

Box Hill has been designated as a Metropolitan Activity Centre under Plan Melbourne. State Policies are directed toward facilitating the development of a multi-centred metropolitan structure where significant housing, employment and commercial services are provided and supported by connections to the Principal Public Transport Network. Pursuant to Clause 11.01-2, the Objective for Activity Centre Planning is to encourage the concentration of major retail, residential, commercial, administrative, entertainment and cultural developments into activity centres which provide a variety of land uses and are highly accessible to the community. Strategies to achieve this include provision of a diversity of housing types at higher densities in and around activity centres, and reducing the number of private motorised trips by concentrating activities that generate high numbers of (non-freight) trips in highly accessible activity centres.

*Plan Melbourne: Metropolitan Planning Strategy* aims to create a city of 20-minute neighbourhoods. Box Hill is a Metropolitan Activity Centre, and amongst Melbourne's largest centres of activity with the greatest variety of uses and functions including commercial, retail, housing, highly specialized personal services, education, government and tourism. Policies encourage the intensification of Box Hill as a commercial and employment hub, supported by one of Melbourne's biggest transport interchanges.



### 9.1.1 (cont)

Clause 15, Built Environment and Heritage, identifies that planning should ensure all new land use and development appropriately responds to valued built form and cultural context.

High quality urban design and architecture should be employed to achieve an outcome that positively contributes to the local urban character and public realm, enhances amenity, attractiveness, liveability, safety and diversity of communities and place, whilst ensuring impact upon neighbouring properties is minimised. Specifically the following design principles are assessed: context; the public realm; safety; landmarks, views and vistas; pedestrian spaces; heritage; consolidation of sites and empty sites; light and shade; energy and resource efficiency; architectural quality and landscaping architecture.

Clause 16, Housing, expands on the housing components of the settlement provisions of State policy, and includes strategies that promote increasing the supply of housing in existing urban areas, ensuring housing developments are integrated with infrastructure and services, and encouraging housing that is both water efficient and energy efficient. Higher density housing is to be located in or close to activity centres, employment corridors and public transport. Such new development is to match changing demand by widening housing choice, and improving affordability.

Clause 17 further encourages development which meets community needs for office and other commercial services and provides net community benefit in relation to accessibility, efficient infrastructure use and the aggregation and sustainability of commercial facilities within existing or planned activity centres.

Clause 18 has objectives to encourage higher land use densities and mixed use developments near railway stations, major bus terminals, transport interchanges and tramways. Pursuant to the State Transport Policy, Clause 18.02-1 also promotes the use of sustainable personal transport, including walking and cycling. Clause 18.02-5 requires that an adequate supply of car parking is provided, that is appropriately designed and located to protect amenity of residential precincts.

Clause 19.01 promotes renewable energy use in development and Clause 19-03-05 seeks to minimise waste and encourage recycling within new development.

#### **Local Planning Policy Framework**

Clause 21.05, Environment, includes objectives to develop main thoroughfares as attractive boulevards with building design, protect and enhance air and water quality, reduce automobile dependency and encourage sustainable transport use, and reduce energy and water consumption.

Clause 21.06, Housing, notes that the City of Whitehorse is under increased pressure to accommodate more people who are attracted to the area due to its strategic location, high amenity residential areas and quality services and facilities. The Box Hill Metropolitan Activity Centre is identified to accommodate increased housing growth while providing high levels of amenity for residents.

Council's *Housing Strategy 2014* identifies areas of substantial, natural and limited growth. The subject site is included within a Substantial Change area which will provide for housing growth with increased densities, in accordance with the *Box Hill Transit City Activity Centre Structure Plan 2007* (Box Hill Structure Plan).

Clause 21.07, Economic Development, identifies Box Hill as a Central Activities Area (CAA) which provides significant opportunities for investment in terms of retail, public transport, entertainment and higher density residential development.

### 9.1.1 (cont)

Clause 22.04, Tree Conservation Policy, encourages tree canopy and landscape character to be maintained and enhanced by new development, where practicable.

Clause 22.06, Activity Centres Policy, includes objectives to ensure that new development maintains and enhances the role of the activity centre as a community focus and to improve the appearance and amenity of the activity centre.

Clause 22.07, Box Hill Central Activities Area Policy, expands upon the above in providing policy direction relating to open spaces, pedestrian mobility and bicycle spaces, road traffic management, car parking, land use mix and built form. The policy further seeks to implement the Box Hill Structure Plan. The vision for the Centre is that "Box Hill will be sustainable, safe and accessible to all. It will be a distinctive, vibrant, diverse, inclusive, participatory, caring and healthy community where you live, work and enjoy – day and night."

To achieve this, eight activity precincts and seven built form precincts have been identified by the Box Hill Structure Plan. The subject site is located within Activity Precinct B (Prospect Street Precinct) and Built Form Precinct F (Major Development Precinct).

Precinct B (Prospect Street Precinct) seeks to achieve the following:

- *Consolidation as the primary office precinct in the region.*
- *Small scale cafes and service retail at ground levels of taller buildings.*
- *Mixed use including residential development to create 24 hour/7 day activity.*

Precinct F (Major Development Precinct) seeks to achieve the following:

- *A fine grain of attractive pedestrian-friendly streets, lanes and arcades lined by buildings and given a sense of vitality and safety through their activation by adjoining uses.*
- *Significantly increased land use densities close to the railway station*
- *The amenity (including access to sunlight) of streetscapes and Key Public Spaces protected.*
- *Synergies between public parklands and uses at their edges, and enhanced community safety in parkland.*
- *Amenity in surrounding low rise precincts protected.*
- *Encourage use of rear lanes, where they exist, to provide service and vehicular access and to provide mid-block pedestrian links.*
- *No specific height limit*
- *Avoid overshadowing of Key Public Spaces, Peripheral Residential Precincts or residential areas outside the Activity Centre between 11am and 2pm on 22 June, beyond what would result from an 11m building over the full extent of the site.*
- *Along Whitehorse Road any height above 6 storeys (24 metres) should be set back above a podium.*
- *Provide ample spacing between the upper levels of high-rise buildings to ensure private amenity including access to sunlight and outlook.*
- *Ground-level setbacks - Avoid front and side setbacks.*
- *Frontage qualities - Provide active frontages at ground level and windows at levels above ground floor*
- *Overlooking streets, lanes and parks to support natural surveillance and encourage first-floor public activities and allow balcony verandahs over footpaths on street frontages opposite Box Hill Gardens.*

Clause 22.07-3 requires that use and development of land is consistent with the vision for the centre, and the activity and built form precincts in the Box Hill Structure Plan.

### 9.1.1 (cont)

#### DISCUSSION

##### **Consistency with State and Local Planning Policies**

The proposal is consistent with State and Local Planning Policies in providing a high architectural quality development including a range of residential accommodation and supporting commercial uses which will improve existing housing stock for future residents within a Metropolitan Activity Centre. The site is centrally located within a key activity centre and is within walking distance of major public transport facilities, shops, employment centres and community services.

The proposed development is broadly consistent with the strategic direction of the Box Hill Structure Plan in providing a large scale building with a 7-8 level (23-27 metre high) podium which minimises overshadowing impacts to nearby residential areas, provides vehicular access from the rear laneway and facilitates activation at the ground levels for pedestrians. The proposed mid-block, north-south link along the western boundary will further improve pedestrian movement, and is consistent with the objectives for the Major Development Precinct in the Structure Plan.

Although the overall use of the site is largely residential, it is noted that the Tax Office building at 913 Whitehorse Road, which is nearing completion, has added a further 19,300m<sup>2</sup> of office floor area to Box Hill. It is further noted that there is currently no hotel within Box Hill and there is a recognised need for short stay hotel style accommodation.

The proposal meets the objectives of Clause 22.07, Box Hill Central Activity Centre Policy, as it will provide employment within the hotel and commercial uses on site, support walking by providing increased footpath widths and connections through the site, and it will accommodate a more intensive and diverse range of activities that increase accommodation choices, support synergies between different uses, encourage use of sustainable transport and complement surrounding areas. This will help to reaffirm the role and function of the Box Hill Transport and Retail Precinct as a regional transport interchange for rail, bus, tram and taxi services.

##### **Urban Design Principles**

Clause 15.01-2 of the Planning Scheme and the *Design Guidelines for Higher Density Residential Development* (Department of Sustainability and Environment, 2004) require the following design principles to be referred to when assessing development proposals for residential development of five or more storeys:

###### Context

The proposal is consistent with the strategic direction for the site set out within the State and Local Planning Policy Frameworks, as detailed above.

###### The public realm

The design includes the provision of active commercial frontages along most of the Whitehorse Road and Nelson Road frontages at the ground level. Where the Whitehorse Road frontage is inactive (cladding the internal car park ramp towards the north-west corner) the façade is proposed to be activated by the provision of a vertical green wall up to 5 metres high.

The Fairbank Lane frontage is set aside for site services and vehicular access, which is appropriate for this laneway interface, and ensures that there are no potential areas for conflict between pedestrians and vehicles on the Whitehorse Road and Nelson Road frontages. The proposed development has been set back 2.1 metres from the west boundary, which will provide for a paved north-south through-block link, especially if any redevelopment of the adjoining lot to the west provides a reciprocal setback.

### 9.1.1 (cont)

This interconnection between Whitehorse Road and Fairbank Lane has been achieved with activated interfaces, and is supported by Council's Urban Designer. The west façade beside this link is to accommodate a large scale artwork which will provide visual interest and will likely attract activity to this façade, which will improve passive surveillance over the public thoroughfares surrounding the subject site. The provision of balconies on all facades at the upper levels will further improve passive surveillance of the surrounding area.

The ground and first floor levels of the retail tenancies are setback from the property boundary, providing a two storey covered area along the frontage for the restaurant and café tenancies and the two residential entry lobbies at the north and east elevations of the building. This will provide some weather protection to pedestrians, however it is noted that no weather protection is extended over the public footpath to protect through traffic and/or pedestrians approaching from the west. This is acceptable because there is currently no weather protection provided to footpaths along Whitehorse Road in the vicinity at present, and it is not possible to provide weather protection over the green wall beside the gymnasium.

The double height overhang providing weather protection at the podium level is an architectural detail often utilised in developments of this scale, as it contributes to the presentation of the podium by providing an uplifted pedestrian interface where a single level of weather protection would be out of proportion with the podium and provide a cramped pedestrian environment at the street level.

The proposed development includes the provision of new streetscape works over the footpath areas along Whitehorse Road and Nelson Road. The applicant has designed these areas to provide an integrated frontage treatment that will successfully blend the interface between the public and private realms. The applicant has proposed an "urban plaza" treatment to the street frontages which is designed to provide an attractive and active streetscape that allows for the movement of pedestrians as well as providing spaces for visitors to stop and sit. This integrates well with the bus stop located near the north-west corner of the site on Whitehorse Road, and the high levels of pedestrian traffic associated with the nearby TAFE.

Council's Urban Designer has commented that in the context of the scale of this building, it is logical that a comprehensive place-making resolution is achieved out to the kerb lines incorporating hard and soft landscaping improvements. The irrigation of street trees should also form part of the design proposition to the satisfaction of the Responsible Authority.

The site slopes significantly downwards to the west, and the applicant has provided entrances to the building from Whitehorse Road over three different levels in order to accommodate the site slope, and avoid large differences in level between the footpath and the building floor levels which is commendable in terms of accessibility for pedestrians. A series of staggered steps broken up by planter boxes are provided to manage the remaining level differences, in particular beside the three restaurant tenancies.

However these steps and some planter boxes are proposed on public land, and the applicant must gain consent and reach agreement with both VicRoads and Council's Engineering and Environmental Services Department on maintenance and liability issues associated with these significant alterations to the public realm. The overhang of wind baffles and the potential overhang of the green wall must be similarly managed. A Section 173 Agreement, or similar, is required to ensure that issues such as maintenance, liability, insurance and indemnity of buildings and works overhanging public land managed by Council, and the applicant has advised that they would be agreeable to entering into such an agreement.

### 9.1.1 (cont)

The amended landscape plans include the provision of 1.8 metre high perforated steel baffles (presumably for wind amelioration) located to the north and east of the café tenancy at the corner of Whitehorse Road and Nelson Road. No detail has been provided as to the appearance of these elements, however their location directly in front of the glazed and active building façade at the most visible corner of the proposed building represents unacceptable street interface outcome, as they would appear to block the connectivity and presentation of this tenancy to the street. A condition of approval will require a strong visual connection to be maintained between all glazed facades at the ground level and the streetscape.

Earlier iterations of the plans included a larger outdoor area on the subject site associated with the eastern tenancy café that could provide increased activity (such as café seating) at the north-east corner of the site. Whilst the provision of an increased ground level setback for outdoor dining beside the café is recommended, the applicant has advised that this area was reduced in order to improve the performance of the overall building in wind studies, and this is considered to be a reasonable justification for this change.

Council's Strategic Planner has recommended that further details of the front façade treatments at the site frontages, particularly at the ground and first floor levels which interface with Whitehorse Road and Nelson Road, are required in order to ensure that door and window openings will contribute to the activation of the streetscape. In particular these elements will be required to maintain their transparency in the long term, to maintain passive surveillance and streetscape presentation.

#### Safety

The proposed development will enhance personal safety by improving passive surveillance of the surrounding area. The residential lobbies, restaurants, café and gymnasium propose at-grade glazed frontages to Whitehorse Road and Nelson Road, which will assist in activating and surveilling the site's pedestrian interfaces.

It is recommended that a condition to ensure the ongoing retention of the clear glazing for the gymnasium façade is included as a condition of any approval as this tenancy provides the key passive surveillance opportunity at the north-west corner of the site. The residential components of the building will be secure, and the common walkways within the building are central and clearly identifiable.

#### Landmarks, views and vistas

Given the location of the subject site and the scale of the development, the proposed building will undoubtedly become a new landmark for Box Hill. This is appropriate and supported strategically under State and Local policies. The proposal will not block any identified significant views or vistas.

#### Pedestrian spaces

It is noted that the two residential foyer entrances are not well-defined architecturally on the facades, and would benefit by being more clearly identifiable to assist pedestrian wayfinding and the legibility of the building form. This will form a condition of approval. The urban design treatments around the building entries have been discussed above. A high proportion of the building facades to Whitehorse Road and Nelson Road are maintained as clear glazing to promote pedestrian safety and amenity, and this will be reiterated via a permit condition.

A Lighting Strategy will be required to provide appropriate lighting to Fairbank Lane and the walkway along the west elevation, as these interfaces are not currently illuminated after dark.

### **9.1.1** (cont)

Site services such as a substation, meters and fire services boosters are provided along Fairbank Lane, which is a service lane that does not, and is not anticipated to carry a high level of pedestrian traffic. The concentration of “back-of-house” facilities in this location is supported.

#### Heritage

The subject site and surrounds are not identified as having any heritage significance.

#### Consolidation of sites and empty sites

The subject site is large and further consolidation is not required or proposed.

The standard expiry dates on the permit, and mechanisms for reviewing these will provide Council with an acceptable degree of control over the timing of the development, and ensure the site is not vacant for excessive periods.

#### Light and shade

Neither the public realm nor sensitive private interfaces will be unreasonably compromised by overshadowing from the proposed built form. The majority of the overshadowing impacts fall over commercial premises or the railway reserve to the south, and these areas are not considered to be a sensitive interface.

Whilst it is noted that no shadows will be cast over sensitive residential land between 9am and 3pm at the Equinox, it is noted that at the Winter Solstice (22 June), shadows will fall over residential properties to the south that face Hopetoun Parade, Carrington Road and Kintore Crescent between 9am and 1pm. However these shadows will fall over each residential property for no more than one hour, and this is an acceptable impact at the Winter Solstice when solar access occurs with the least frequency.

The building will not overshadow the Nelson Road footpath until 1pm in the afternoon, which is not excessive and considered acceptable within the Metropolitan Activity Centre.

#### Energy and resource efficiency

The orientation of the building on the lot has maximised available solar access. The use of shared roofs, floors and walls also promotes energy and resource efficiency.

A Sustainability Statement was submitted with the application, and Council’s ESD Officer has advised that the development can achieve an acceptable level of energy efficiency, subject to some amendment to the submitted ESD Management Plan.

#### Architectural quality

Council’s urban design consultant is satisfied that the proposed building can provide a high quality architectural and urban design response, subject to some minor alterations to the building interfaces with the public realm and presentation. The development has a landmark scale and the architectural response is broadly commensurate with the scale and visibility of the proposed building. These matters will be discussed in greater detail below.

Rooftop plant equipment is located centrally to the building footprint, and will have limited visibility from surrounding areas.

### 9.1.1 (cont)

#### Landscape architecture

As the site is located within a Commercial 1 Zone, the provision of in-ground landscaping is not considered critical. It is noted that the proposed development includes roof top gardens, a green wall at the north elevation and integrated street tree plantings and planter boxes within the public realm along the Whitehorse Road and Nelson Road frontages, which will provide some softening and visual interest to the facade as viewed from main roads. As discussed above, the urban design treatments on public land are supported in relation to urban design principles, but require additional approvals.

It is noted that there were 29 trees on the subject site along the Whitehorse and Nelson Road frontages, many of which were in good condition, however these trees have recently been removed in association with the demolition of the existing building. No planning approval was required for this tree removal, and this is an appropriate outcome within the Major Development Precinct identified by the Box Hill Structure Plan.

Council's Landscape Architect, in consultation with Council's Design and Construction Team has advised that the proposed street tree layout and quantity is acceptable, subject to provision of an additional tree to the paved area west of the Tower B lobby. A landscape plan will be required to provide details of all plant species or containerised planting infrastructure.

The Level 7 podium open space requires additional infrastructure such as a diversity of seating to better activate the space and encourage its use for a range of recreation purposes. The proposed development does not include recreation space for children, and it is recommended that this rooftop area is the most suitable play space, and it is therefore recommended that play equipment or playable elements such as sculpture or seating elements are included within this open space.

The Level 24 roof terrace is appropriate and caters well to a range of functions. The Tower A roof garden could be improved by breaking up the seating along the northern edge into more diverse spaces to cater for different groups at the same time.

#### **Guidelines for Higher Density Development (DSE 2004)**

The Guidelines for Higher Density Development require applications to be assessed against six key urban design principles as detailed below:

##### Element 1 Urban Context

- *To ensure buildings respond creatively to their existing context and to agreed aspirations for the future development of the area.*
- *To provide a creative design response that is based on a clear understanding of the urban context and neighbourhood character.*

An Urban Context Report and Design Response documents were submitted with the application which detailed how the objectives of Element 1 were satisfied. The Urban Context Report detailed opportunities and constraints of the site, identified the policy direction and planning scheme objectives for the site, including the direction of the Structure Plan and expected impact of future development. Given the central location of the site within the Box Hill Metropolitan Activity Centre, higher density development is encouraged.

The building design enables excellent activation of the lower levels with the podium component providing an interactive interface to both Whitehorse Road and Nelson Road. The tower will also present well on all sides from long range views, which is critical as the height and location of the proposed development will result in this becoming a landmark building for Box Hill.

### 9.1.1 (cont)

#### Element 2 Height and Massing

- *To ensure that the height of new development responds to existing urban context and neighbourhood character objective of the area.*
- *To ensure new development is appropriate to the scale of nearby streets, other public spaces and buildings.*
- *To protect sunlight access to public spaces.*
- *To respond to existing or preferred street character.*
- *To ensure building separation supports private amenity and reinforces neighbourhood character.*
- *To ensure areas can develop with an equitable access to outlook and sunlight.*
- *To ensure visual impacts to dwellings at the rear are appropriate to the context.*
- *To maximise informal or passive surveillance of streets and other public open spaces.*
- *To maximise residential amenity through the provision of views and protection of privacy within the subject site and on neighbouring properties.*
- *To ensure new tall buildings do not create adverse wind effects.*
- *To treat roof spaces and forms as a considered aspect of the overall building design.*

The site is located within Precinct F of the Structure Plan which has no height limits. The development is significantly higher than the surrounding commercial buildings, however, this increase in height is considered acceptable given the site context in the Box Hill Metropolitan Activity Centre, and the expectation that surrounding lots, especially larger lots along Whitehorse Road, will be developed over time to reach comparable heights. The quality of the architectural response will present well when viewed in the round from a distance, as well as from the more proximate pedestrian scale.

The Structure Plan requires provision of a 6 storey (24 metre) podium, whereas the subject site provides a part 7 part 8 storey podium with heights of 23-27 metres, owing to the slope of the land. Given the large scale of the site, and its location on Whitehorse Road, the higher podium is a reasonable response that will not unreasonably compromise the streetscape or pedestrian amenity. The heights of podiums set out in the Structure Plan tend to have an approximately 1:1 relationship with the width of the road, that is, the height of the podium should be equal to the width of the adjacent roadway. Opposite the subject site, Whitehorse Road is over 35 metres wide, and the 23-27 metre podium is therefore considered acceptable in this instance, as the podium height is considerably less than the width of Whitehorse Road.

The podium is built to or close to the property boundaries, and this response is supported by the built form guidelines of the Structure Plan. Above the podium, the towers have a curving, approximately oval shaped form that provides a distinct architectural delineation of these elements. A physical separation is also provided between the alignment of the podium and the towers in order to emphasise the change in the building form at this interface, with the towers setback a minimum of 1.3 metres to 3.8 metres from the podium at Level 7. This provides clear recessing of the building form behind the podium level, except at the north-east corner where the curved form of Tower A extends almost to street levels in an architectural gesture that links to tower and podium forms at the highly visible intersection of Whitehorse Road and Nelson Road.

The towers are setback a minimum 4.8 metres from the south property boundary (which equates to 6.3 metres from the centre of Fairbank Lane), and a minimum of 4.5 metres from the west boundary. This will ensure equitable development with adjoining future buildings on the adjacent lots, allowing a minimum 9 metre separation between buildings above the podium level to avoid the need for overlooking screening. It is acknowledged that the two towers will limit the solar access and access to views currently enjoyed by lots to the south, however it is noted that these lots are within the Commercial 1 Zone and the Structure Plan recommends buildings in this area are utilised for office purposes, and in this circumstance the limited views and solar access are less problematic.



### 9.1.1 (cont)

All proposed dwellings and hotel rooms will have excellent access to views, and internal overlooking has been well managed by the provision of a minimum separation of 9.6 metres. There are no nearby sensitive uses, so overlooking of adjoining lots does not require management.

It is acknowledged that the proposed building will be a highly visible landmark structure, and it is important to ensure that the predominantly glazed façade does not dazzle drivers and/or surrounding residents. As such, a condition will be recommended to require glazing materials used on all external walls to be of a type that does not reflect more than 20% of visible light when measured at an angle of 90 degrees to the glass surface.

#### *Wind assessment*

There is some concern, however, with regard to wind effects. The revised submission includes an updated Wind Tunnel Assessment by Vipac Engineers and Scientists Ltd (Vipac). This report assumes that podium areas should achieve comfort levels for walking but not sitting. Council's Urban Design Consultant considers this to be an inadequate level of comfort for the proposed Level 24 pool and recreation deck that is clearly designed for sitting and extended recreation, and similarly the area around the bus stop on Whitehorse road where standing and queuing can reasonably be anticipated.

It is therefore recommended that environmental comfort measures be approved subject to the inclusion of measures that require the Level 24 recreation area be modified to provide comfortable levels of amenity for sitting, and the bus waiting areas are provided with areas of comfortable zones for standing/waiting.

Council's external consultants have advised that the submitted wind assessment requires modification to provide for standing and sitting comfort in locations where standing and sitting is anticipated, such as the roof gardens and at the bus stop. The proposed ground level baffles at the north-east corner of the lot must also be modified to prevent them from blocking views into the ground level tenancy and to maintain an active street frontage. These requirements will form a condition of permit.

The roof areas of both towers and the podium will be utilised for communal function and open space areas, which will foster a sense of community between residents and maximise the amenity of these areas. The roof top plant areas and lift overruns follow the curved building forms and will integrate well with the tops of the towers.

#### *Element 3 Street Pattern and Street-Edge Quality*

- *To create walkable areas within a safe and interesting public setting.*
- *To closely integrate the layout and occupation patterns of new development with the street.*
- *To ensure car parking does not dominate the street frontage.*
- *To create street entrances with a strong identity that provides a transition from the street to residential interiors.*
- *To ensure car park entries do not detract from the street.*
- *To avoid creating inactive frontages as a result of fencing private open spaces.*
- *To ensure that front fences respect and contribute to the neighbourhood character.*

The active street frontage design of the podium along the majority of the Whitehorse Road and Nelson Road frontages will create a vibrant and active streetscape. The provision of the car parking entrance to the rear off Fairbank Lane will not interrupt the street pattern, and the location of above ground parking behind the hotel rooms on the north-east facades maintains an attractive and active podium above ground level.

As discussed above, the urban design and streetscape treatments will integrate the public and private pedestrian spaces around the building, however the pedestrian entrances to the two residential towers also require further definition to enhance their legibility.

### 9.1.1 (cont)

Council's Urban Design Consultant has recommended that a major lighting enhancement strategy be proposed for the Whitehorse Road, Nelson Road and rear Fairbank Lane interfaces to enhance the surrounding public realm, in the interest of public safety and good place making principles, and a lighting strategy will be required to achieve this.

#### Element 4 Circulation and Services

- *To provide adequate, safe and efficiently designed parking layouts.*
- *To provide safe and convenient access between car parking and bicycle areas and the pedestrian entry to buildings.*
- *To create shared internal spaces that contribute positively to the experience of living in higher density development.*
- *To minimise running and maintenance costs.*
- *To minimise water use.*
- *To incorporate provision for site services in the building design to ensure good function and ease of service and maintenance.*

A detailed discussion on car parking layout and provision is provided later in this report.

The internal layout provides for central, straight communal corridors approximately 1.5 metres wide that allow for view lines along the lengths of the corridors. The shared function rooms and rooftop gardens provide additional passive and active recreation areas for residents.

Mechanical plant and other related mechanical service units are generally located within the basement, along Fairbank Lane or on the roofs of the towers. Site services such as bin storage, fire hydrants, mail boxes and bicycle storage are proposed in convenient locations.

In terms of minimising running and maintenance costs and minimising water use the applicant has provided an ESD assessment. Further amendments will be required to the ESD assessment should a permit be issued.

#### Element 5 Building Layout and Design

- *To provide a range of dwelling sizes and types in higher density residential developments.*
- *To optimise the layout of buildings in response to occupants' needs as well as identified external influences and characteristics of a site.*
- *To create functional, flexible, efficient and comfortable residential apartments.*
- *To ensure that a good standard of natural lighting and ventilation is provided to internal building spaces.*
- *To provide adequate storage space for household items.*
- *To promote buildings of high architectural quality and visual interest.*

The proposed building is a contemporary and high quality architectural design in keeping with the desired future character of the Metropolitan Activity Centre. The functional configuration of circulation spaces and dwellings within the development has been well handled, and a range of one to three bedroom dwellings provided. Council's Urban Designer has commented that the design of the towers has ensured for the most part that corridors are treated to ensure that natural light is brought into them on each level of the development and adequate areas for common use have been provided within the development for recreation and socialisation.

All habitable rooms have direct access to daylight and ventilation. It is noted that the long rectangular shape of the site has resulted in a significant proportion of the proposed dwellings being oriented southwards, where solar access will be limited. This outcome is not unusual given the building typology appropriate to a Metropolitan Activity Centre. The applicant has addressed this by providing a scalloped shape to the south elevations of the towers, which will allow the balconies and living areas of south facing dwellings to catch angled eastern and western sunlight in the mornings and afternoon throughout the year as the east-west position of the sun changes over the seasons.

### 9.1.1 (cont)

The dwellings include a mix of studio, one, two and three bedroom dwellings. The indicative furniture layouts demonstrate that there are a range of layout options possible for the rooms, which all have access to natural light, ventilation and private (balcony/terrace) open space. Each dwelling is provided with a separate storage cage for the storage of larger items.

#### Element 6 Open Space and Landscape Design

- *To ensure access to adequate open space for all residents.*
- *To ensure common or shared spaces are functional and attractive for their intended users.*
- *To allow solar access to the private and shared open spaces of new high density residential units.*
- *To integrate the design of shared and private open space into the overall building design and façade composition.*
- *To provide for greenery within open spaces.*
- *To create public open space appropriate to its context.*

Common areas are easily identifiable, including car parking, vehicular and pedestrian access and communal terraces/rooftop gardens. Improvements to the rooftop garden areas have been suggested above, and it is noted that their overall design is commended.

All dwellings are provided with a balcony, although it is noted that some balconies are under 8m<sup>2</sup> in area. The curved tower facades have resulted in a variety of balcony widths and configurations, but it is noted that most dwellings have at least one deep balcony area which would allow the provision of outdoor dining furniture. The balconies of the top four levels of both towers are provided with louvered screens to form winter gardens that will screen occupants from strong winds and inclement weather, allowing these outdoor spaces to be enjoyed more often. The provision of three common outdoor areas, at the podium level and on the roofs of each tower, including a swimming pool, will provide additional outdoor living space that has the size, solar access, and flexibility that balconies lack, and this will compensate for the provision of smaller (less than 8m<sup>2</sup>) balconies to some dwellings, and also the provision of predominantly south facing balconies to a number of dwellings. The common open space facilities will be accessible for use by residents hotel guests and hotel employees.

At Level 7 there appears to be some conflict between the common terrace areas and the habitable room windows of Apartments 1, 5-13, 17, and 19-25, as these dwellings have windows which directly interface with the communal area. It is recommended that a landscape planter buffer be utilised to protect the privacy of these dwellings.

Subject to conditions providing further detail on some aspects, the landscaping provided is high quality and will provide an engaging and functional space for users. The Structure Plan objectives for open space are considered met.

#### **Use**

It is noted that the use of the land for restaurants and a café within the Commercial 1 Zone are as-of-right, and no limitation is required on operating hours, although a general amenity condition will be included on the permit. However before the building is constructed, consideration must be given to the infrastructure associated with food and drink premises, such as flues and a grease trap and connection point for emptying the grease trap, so that these can be incorporated into the built form, and this will form a condition of approval.

Planning approval is required for the residential uses as the frontages for the dwellings and hotel at ground level are in excess of 2 metres wide. The provision of ground level lobby areas is acceptable, as these provide for a sense of address and street presentation to the residential uses. The hotel lobby in particular will be an active frontage that is consistent with the purpose and strategic aims of the Commercial 1 Zone.

### **9.1.1** (cont)

The restricted recreation facility (gym) will also provide an active ground floor frontage interface at the north-west corner of the building, and this use will support the hotel and residential uses on the site.

#### **Art Installation**

In association with the Art Series Hotel, an art installation is proposed on the west elevation of the podium, wrapping around to the western end of the north façade. The applicant has advised that an art work by Zhong Chen will be commissioned for this space, should a Planning Permit issue.

In order to ensure that the art work is appropriate to the building form and consistent with the relevant planning and urban design principles, it is recommended that Council impose an Integrated Art Plan, which will require Council Officers with experience in both planning and art to approve the artwork before it is installed. These representatives must ensure that the art installation will assist in activating the western walkway beside the building, including a level of engagement from the ground level, and at a broader scale from Whitehorse Road. A condition will require an Integrated Art Plan to be submitted for approval to the satisfaction of the Responsible Authority.

#### **Works on Public Land**

The circulated amended plans have added building elements which extend beyond the boundaries of the subject site. At the ground level, stairs, planter boxes and wind baffles are proposed within the road reserve along Whitehorse Road and Nelson Road, and architectural features attached to the podium, presumably for wind amelioration, overhang Whitehorse Road and Nelson Road.

The adjacent land to the north and east of the site is a road reserve, and VicRoads is the co-ordinating road authority for Whitehorse Road, and Whitehorse City Council is the co-ordinating and responsible road authority for Nelson Road.

VicRoads has requested a condition be included requiring separate approval to be sought for all works within or over Whitehorse Road reserve.

The details and on-going management of this aspect of the buildings and works proposed within the road reserve require further approval and on-going maintenance issues will be addressed through legal agreements. In particular, it is anticipated that Council will take over responsibility for most streetscape works within the road reserve such as street trees, paving and street furniture after they have been constructed to Council's satisfaction, however it is likely that the proposed steps and planter boxes must be maintained by the applicant, even where these elements are located on public land.

In relation to Nelson Road, Council's Property and Rates Department have advised that a Section 173 Agreement must be required to address issues regarding maintenance, liability, insurance and indemnity for works on or over the road reserve.

### 9.1.1 (cont)

#### Car Parking

##### *Car parking provision*

At a local policy level Clause 22.07 (Box Hill Central Activities Area) applies to the site and includes the following objectives:

- *To support walking as the primary means of access in and around Box Hill and encourage most trips of 1km or less to be taken on foot.*
- *To encourage cycling as a sustainable and healthy means of travel within Box Hill and for trips of up to 5km between the Activity Centre and surrounding areas.*
- *To encourage significantly increased use of public transport and reduced rates in the use of private vehicular transport for travel to and from the Box Hill Activity Centre.*
- *To carefully manage vehicular traffic in Box Hill to support choice of travel mode.*
- *To ensure that car parking in Box Hill balances access, sustainable transport and land use needs.*
- *To ensure that Box Hill accommodates a more intensive and diverse range of activities that increase choices and opportunities, support synergies between different uses, encourage use of sustainable transport and complement surrounding areas.*
- *To ensure that development and use in the Box Hill Transport and Retail Precinct are appropriate to its role and function as a regional transport interchange for rail, bus, tram and taxi services.*

The policy of Clause 22.07 makes the following specific requirements for use and development:

- *Promotes public transport and reduced use of cars.*
- *Increases the use of sustainable transport options for travel to and within the Activity Centre.*
- *Encourages lower parking provision rates in new development.*
- *Supports sharing of parking spaces between multiple users.*

Clause 18 (Transport) has objectives to encourage higher land use densities and mixed use developments near railway stations, major bus terminals, transport interchanges and tramways, whilst ensuring an adequate supply of car parking that is appropriately designed and located to protect amenity of residential precincts.

A total of 531 car parking spaces are proposed on site. The statutory rate under the Whitehorse Planning Scheme for the proposed uses is 710 which equates to a shortfall of 179, however the proposed parking provision substantially exceeds the car parking requirement of 195 car spaces in accordance with the adopted the Box Hill Central Activities Car Parking Strategy

The location of the subject site within the Box Hill Metropolitan Activity Centre, adjacent to a tram and bus stop and under 400 metres from Box Hill station is expected to contribute to a reduced reliance on the private motor vehicle for resident and visitors to the site, and Council's Transport Engineer has supported the reduction of the statutory car parking requirements, subject to conditions relating to the allocation of car spaces, including an increase in visitor car parking from 20 to 30 car spaces.

It is considered that the reduction in car parking requirements will assist in achieving the objectives to facilitate use of public transport, cycling and walking. Specifically there are bicycle spaces provided on site and a Green Travel Plan which includes a car share scheme. The car share scheme has four spaces and will operate similar to schemes found around Melbourne.

Council's Urban Designer has suggested the provision for real time information display panels for public transport services within the public lobby areas of the development, and the Green travel plan will be required to be updated to include this feature.

**9.1.1**  
(cont)

A traffic analysis has been undertaken and it concludes that anticipated peak traffic flows associated with the proposal can be readily absorbed into the surrounding road network, and VicRoads has not raised concern regarding the impact of the proposal on the signalised intersection of Whitehorse and Nelson Roads.

*Car parking layout*

Subject to conditions Council's Transport Engineers raised no objection with regard to car parking layout.

*On street parking space*

It is noted that there is no provision for a short term visitor/drop off/taxi zone for the proposed hotel. There is no ability for Nelson Road or Whitehorse Road to be modified to achieve this. Although it is anticipated that hotel visitors will take advantage of the public transport or car share scheme serving the site, a short term parking area must also be provided within the basement area, and the Parking Management Plan required to detail how this space will be managed to allow access and advise residents and customers as to its location.

*Bicycle facilities*

The proposed bicycle parking provision (490 spaces) exceeds the statutory bicycle parking rate, and is acceptable subject to conditions to ensure that bicycle parking signage and lift access is provided to bicycle spaces.

*Loading Bay*

Pursuant to Clause 52.07 Loading and Unloading of Vehicles, no building or works may be constructed for the manufacture, sale of goods or materials unless the requisite space is provided on the land for loading and unloading vehicles. Council's Transport Engineer is broadly satisfied with the proposed loading bay, subject to conditions requiring delivery vehicles to exit in a forwards direction, clarification of access from the loading bay to the commercial tenancies and height clearance.

**CONCLUSION**

The proposal satisfies the relevant provisions contained within the Whitehorse Planning Scheme, including the State and Local Planning Policies, the Commercial 1 Zone, Box Hill Structure Plan, and the Guidelines for Higher Density Residential Development.

The proposal will provide a high quality landmark building for Box Hill without compromising the amenity of the surrounding area. The proposal provides an opportunity to significantly enhance the Box Hill Metropolitan Activities Centre and is appropriately located in terms of public transport infrastructure and services. It is therefore recommended that the application be supported subject to conditions.

**9.1.2 103-107 Koonung Road, Blackburn North (CP 100527) – Use and development of land for a child care centre including a reduction in car parking pursuant to Clause 52.06**

FILE NUMBER: WH/2014/285  
ATTACHMENT

**SUMMARY**

*This application was advertised, and a total of 30 objections from 28 objector properties and one supporting submission, were received. The objections raised issues with neighbourhood character, amenity impacts, traffic, parking and rubbish collection. A Consultation Forum was held on Tuesday, 20 January 2015 chaired by Councillor Massoud, at which the issues were explored, however no resolution was reached between the parties. This report assesses the application against the relevant provisions of the Whitehorse Planning Scheme, as well as the objector concerns. It is recommended that the application be supported, subject to conditions.*

**RECOMMENDATION**

**That Council:**

- A Being the Responsible Authority, having caused Application WH/2014/285 for 103-107 Koonung Road, BLACKBURN NORTH (CP 100527) to be advertised and having received and noted the objections is of the opinion that the granting of a Planning Permit for the development and use of land as a child care centre is acceptable and should be supported.**
- B Issue a Notice of Decision to Grant a Permit under the Whitehorse Planning Scheme to the land described as 103-107 Koonung Road, BLACKBURN NORTH (CP 100527) for the development and use of land as a child care centre, subject to the following conditions:**
- 1. Before the use and development starts, or any trees or vegetation removed, amended plans (two 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) The basement car park in accordance with the plan identified as TP11b received by Council on the 9 December 2014. The plan is to show:**
      - i. A minimum of 27 car parking spaces provided within the basement.**
      - ii. Six car spaces provided in a tandem arrangement in the north-east corner of the basement car park with a minimum setback from the north and east boundaries of 5.79 and 4.96 metres respectively.**
      - iii. The southern tandem space widened to 2.7 metres in accordance with AS 2890.1:2004.**
      - iv. All column locations in the basement in accordance with Diagram 1 of Clause 52.06 of the Whitehorse Planning Scheme.**
      - v. Headroom along the ramp and within the basement in accordance with Design Standard 1 of Clause 52.06 of the Whitehorse Planning Scheme.**
      - vi. Relocation of the bollard in front of the disabled parking space in accordance with AS 2890.6 being 800mm from the front of the space.**
      - vii. Details on bicycle parking provided to ensure it does not obstruct pedestrian access to the building.**

**9.1.2**  
(cont)

- b) The provision of directional signage not exceeding 0.3 square metres in area directing drivers to the basement car park.*
  - c) The removal of Trees 9 and 10.*
  - d) Retention of Tree 3 and the level of building encroachment not exceeding 10% in accordance with Australian Standard – AS:4970 Protection of Trees on Development Sites.*
  - e) The provision of an acoustic fence along the northern, southern and eastern boundaries at a minimum height of 2 metres and to a standard specified by a qualified Acoustic Engineer.*
  - f) Rainwater tank location/s.*
  - g) Relocation of the electricity pole in accordance with Conditions 18 and 19.*
  - h) All non-directional signage removed.*
  - i) The front fence being transparent and the minimum height necessary to accord with child care facility requirements.*
  - j) Landscape Plan in accordance with Condition 5.*
  - k) All sustainability features required pursuant to the approved ESD Assessment in accordance with Condition 3. Where features cannot be visually shown, 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.) is to be included.*
  - l) The locations of Tree Protection Zones described in condition 7, with all nominated trees clearly identified and numbered on both site and landscape plans, and all requirements of condition 7 to be annotated on the development and landscape plans in full.*
- 2. The development and use as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.**
- 3. Prior to the commencement of any demolition, buildings or works on the land, an Environmentally Sustainable Design (ESD) Management Plan submitted with the application must be amended to include the following:**
- a) Indoor environment quality*
  - b) Energy efficiency*
  - c) Water resources*
  - d) Stormwater management*
  - e) Building materials*
  - f) Transport*
  - g) Waste Management*
  - h) Urban Ecology*
  - i) Innovation*
  - j) On-going site management*

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

**The requirements of the ESD Management Plan must be demonstrated on the plans and elevations submitted for endorsement, and the requirements of this plan must be implemented by the building manager, owners and occupiers of the site when constructing and fitting out the residential building, and for the duration of the building's operation in accordance with this permit, to the satisfaction of the Responsible Authority.**



**9.1.2**

(cont)

4. ***Prior to occupation, the development must be constructed in accordance with the endorsed ESD Assessment required pursuant to Condition 1(k) and 3 to the satisfaction of the Responsible Authority.***
  
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:***
  - i. ***A survey of all existing vegetation, abutting street trees, natural features and vegetation.***
  - i. ***Buildings, outbuildings and trees in neighbouring allotments that would affect the landscape design.***
  - ii. ***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,
  - iii. ***A schedule of the botanical name of all trees and shrubs proposed to be retained and those to be removed incorporating any other relevant requirements of Condition No. 1.***
  - iv. ***The proposed design features such as paths, paving, lawn and mulch.***
  - v. ***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.***
  - vi. ***All trees are to be a minimum of 1.5 metres in height at the time of planting.***
  - vii. ***Details of meter and mail boxes.***

***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. ***The garden areas shown on the endorsed plan must only be used as gardens and must be maintained in a proper, tidy and healthy condition to the satisfaction of the Responsible Authority. Should any tree or shrub be removed or destroyed it may be required to be replaced by a tree or shrub of similar size and variety.***
  
7. ***Prior to commencement of any building or demolition works on the land, a Tree Protection Zones (TPZs) must be established on the subject site (and nature strip if required) and maintained during, and until completion of, all buildings and works including landscaping, around the following trees in accordance with the distances and measures specified below, to the satisfaction of the Responsible Authority:***
  - a) ***Tree Protection Zone distances:***
    - i. ***Tree 1 (Syzygium australe) – 6.7 metre radius from centre base of tree.***
    - ii. ***Tree 2 (Ligustrum lucidum) – 4.8 metre radius from centre base of tree.***
    - iii. ***Tree 3 (Eucalyptus leucoxylon meglacarpa) – 5.4 metre radius from centre base of tree.***
    - iv. ***Tree 12 (Liquidambar styraciflua) – 4.2 metre radius from centre base of tree.***
    - v. ***Tree 13 (Pittosporum eugenioides ‘Variegatum’ – 4.8 metre radius from centre base of tree.***

**9.1.2**  
(cont)

- b) *Tree Protection Zone measures are to be established in accordance with Australian Standard 4970-2009 and are to include the following:*
- i. Erection of solid chain mesh or similar type fencing at a minimum height of 1.8 metres in height held in place with concrete feet.*
  - ii. Signage placed around the outer edge of perimeter the fencing identifying the area as a TPZ. The signage should be visible from within the development, with the lettering complying with AS 1319.*
  - iii. Mulch across the surface of the TPZ to a depth of 100mm and undertake supplementary provide watering/irrigation within the TPZ, prior and during any works performed.*
  - iv. No excavation, constructions works or activities, grade changes, surface treatments or storage of materials of any kind are permitted within the TPZ unless otherwise approved within this permit or further approved in writing by the Responsible Authority.*
  - v. All supports and bracing should be outside the TPZ and any excavation for supports or bracing should avoid damaging roots where possible.*
  - vi. No trenching is allowed within the TPZ for the installation of utility services unless tree sensitive installation methods such as boring have been approved by the Responsible Authority.*
  - vii. All sub surface utilities and utility connection points, inspection pits and associated infrastructure trenching and installation are to be designed so that they are located outside the TPZs of retained trees, to the satisfaction of the Responsible Authority. Utility conduits can be located beneath TPZs but must be installed using trenchless excavation (eg: boring) and installed to a minimum depth of 0.6 metres below natural grade.*
  - viii. Where construction is approved within the TPZ, fencing and mulching should be placed at the outer point of the construction area.*
  - ix. 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.*
- c) *During the construction of any buildings or works, the following tree protection requirements must be carried out to the satisfaction of the responsible Authority:*
- i. Trees 1, 2 & 3: Manual excavation of post holes for the proposed retaining wall under arborist supervision. Flexibility in the final location of posts must be allowed to ensure roots >40mm in diameter are retained.*
  - ii. All roots encountered must be pruned cleanly by the project arborist using sterilised secateurs or a pruning saw.*
  - iii. Flexibility in the placement of stumps/piers must be allowed to avoid significant roots (i.e. >40mm diameter).*
  - iv. All roots encountered must be pruned cleanly by the project arborist using sterilised secateurs or a pruning saw.*

**9.1.2**  
(cont)

8. ***Prior to any development, works or tree removal commencing, a manual excavation using non-root destructive techniques such as an air spade, hydro-excavation or hand dug root investigation must be carried out in consultation with the Responsible Authority. The excavation must occur at the southern boundary adjacent to Tree 13 to show the extent of tree root activity associated with this tree. No roots greater than 50mm diameter are to be severed during any part of the excavation process. In the event roots greater than 50mm diameter are discovered, all buildings and works must be redesigned so that there is no encroachment into the Structural Root Zone and no more than 10 percent encroachment into the Tree Protection Zone.***
9. ***No more than 124 children may be cared for in the childcare centre without the written consent of the Responsible Authority.***
10. ***The use of the childcare centre may operate only between the hours of 7am to 7pm Monday to Friday (inclusive) unless the Responsible Authority gives consent in writing.***
11. ***The loading and unloading of goods from vehicles shall only be carried out within the boundaries of the site.***
12. ***Before the use permitted is commenced, areas set aside for parked vehicles and access lanes as shown on the endorsed plans must be:***
  - a) ***Constructed to the satisfaction of the Responsible Authority;***
  - b) ***Properly formed to such levels that they can be used in accordance with the plans;***
  - c) ***Drained, maintained and not used for any other purpose to the satisfaction of the Responsible Authority;***
  - d) ***Line-marked to indicate each car space and all access lanes to the satisfaction of the Responsible Authority.***

***Parking areas and access lanes must be kept available for these purposes at all times.***

13. ***Prior to the commencement of buildings and works on the site, the owner shall prepare a Car Parking Management Plan detailing the management of the use of car parking on site. The Car Parking Management Plan shall provide for but not be limited to:***
  - a) ***Management of the use of the car park for staff during the course of the day;***
  - b) ***Details of how the management plan will be distributed to staff and parents to ensure all are aware of the document and parking arrangements;***
  - c) ***Provision of designated car parking spaces for use of parents;***
  - d) ***Method of identifying car parking spaces for patrons;***
  - e) ***Details of security to be provided within the car park particularly outside of normal business hours.***

***A copy of this plan must be submitted to and approved by the City of Whitehorse, the Responsible Authority.***

14. ***All stormwater drains must be connected to a point of discharge to the satisfaction of the Responsible Authority.***

**9.1.2**

(cont)

15. ***Detailed civil plans and computations for an on-site stormwater detention system and a stormwater outfall drain, to be located in the rear easement, that conveys stormwater from the site to the Council stormwater pit near the northeast corner of 97 Koonung Road must be prepared by a suitably experienced and qualified professional and submitted for approval by the Responsible Authority prior to the commencement of any works.***
16. ***Stormwater connection to the nominated point of discharge and construction of an on-site stormwater detention system and a stormwater outfall drain must be completed and approved to the satisfaction of the Responsible Authority prior to the occupation of the building.***
17. ***Stormwater that could adversely affect any adjacent land shall not be discharged from the subject site onto the surface of the adjacent land.***
18. ***Prior to the occupation of the building, the existing Council drainage pits in the northwest corner of the property together with all the pipes that connect the pits to the kerb and channel in Koonung Road are to be removed and the disturbed kerb and channel, nature strip and footpath is to be reinstated to the satisfaction of the Responsible Authority.***
19. ***Prior to the occupation of the building, the proposed vehicle crossing is to be constructed to the satisfaction of the Responsible Authority. There must be a minimum clearance of one metre between any power pole and the vehicle crossing.***
20. ***Prior to the occupation of the building, the Owner/Applicant is to enter into an agreement with the Electricity Authority in relation to the relocation of the power pole located within the proposed vehicle crossing.***
21. ***Prior to the occupation of the building, the redundant vehicle crossings are to be removed and replaced with concrete kerb and channel and the affected nature strip areas are to be reinstated with topsoil and grass seed to the satisfaction of the Responsible Authority.***
22. ***No proposed building or works (including retaining walls) shall be constructed over any easement without the written consent of the Responsible Authority.***
23. ***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.***

**9.1.2**  
(cont)

- 24. Prior to commencement of any development, a Construction Management Plan must be prepared and submitted to the Responsible Authority for approval. The plan must be to the satisfaction of the Responsible Authority and shall include but no be limited to the following:**
- a) Site contamination and disposal of contaminated matter;**
  - b) Containment of dust, dirt and mud within the site and method and frequency of clean up procedures in the event of build-up of matter outside of the site;**
  - c) On-site facilities for vehicle washing;**
  - d) Parking facilities for construction workers. Construction workers' vehicles must not park on-street;**
  - e) Delivery and unloading points and expected frequency. Construction vehicles should avoid access to the site during peak periods for traffic along Koonung Road;**
  - f) A liaison officer for contact by residents and the Responsible Authority in the event of relevant queries or problems experienced;**
  - g) An outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;**
  - h) A waste minimisation and recycling strategy;**
  - i) Traffic Management Plan must be developed for the site and the surrounding road network to address the following:**
    - i. Off-site car parking.**
    - ii. Vehicle movements, queuing, appropriate informational and directional signs.**
    - iii. Construction vehicle road routes.**
    - iv. Management of the basement car park.**
    - v. Pedestrian Management.**
    - vi. Road and footpath closure details.**

**When approved the CMP will form part of this permit and must be complied with to the satisfaction of the Responsible Authority to the extent that this is in the control of the owner of the land. The owner of the land is to be responsible for all costs associated with the works to be undertaken in accordance with the CMP.**

- 25. Prior to the commencement of works on the site, the owner shall prepare an amended Waste Management Plan for the collection and disposal of garbage and recyclables for all uses on the site. The Waste Management Plan shall provide for:**
- a) The method of collection of garbage and recyclables for the use;**
  - b) Designation of methods of collection including the need to provide for private services;**
  - c) Appropriate areas of bin storage on site and areas for bin storage on collection days;**
  - d) Measures to minimise the impact upon local amenity and on the operation, management and maintenance of car parking areas;**
  - e) Litter management.**

**A copy of this plan must be submitted and be to the satisfaction of Council.**

**9.1.2**  
(cont)

26. ***No bin or receptacle or any form of rubbish or refuse shall be allowed to remain in view of the public and no odour shall be emitted from any receptacle so as to cause offence to persons outside the land the satisfaction of the Responsible Authority.***
27. ***No form of public address system may be installed so as to be audible from outside the site to the satisfaction of the Responsible Authority.***
28. ***Outdoor lighting must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining land.***
29. ***No equipment, services, architectural features or structures of any kind, including telecommunication facilities, other than those shown on the endorsed plans shall be permitted above the roof level of the building unless otherwise agreed to in writing by the Responsible Authority.***
30. ***This permit will expire if one of the following circumstances applies:***
  - a) ***The development and use 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.***

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

***Permit Notes***

- a) ***This permit does not include approval for advertising signage with the exception of directional signage which is exempt from permit approval under clause 52.05 of the Whitehorse Planning Scheme.***
- b) ***Prior to the occupation of the building, the Applicant/Owner shall pay to the Council an amount of money equal to 2.5% of the actual cost of the outfall drainage works for on-site supervision of the outfall drainage works.***
- c) ***Prior to the occupation of the building, the Applicant/Owner shall give to the Council an amount equal to 5% of the actual cost of the drainage outfall works as cash security or as a bank guarantee in lieu of cash, to cover a three-month maintenance period. The Applicant/Owner shall enter into a maintenance agreement so that in the event of any maintenance works not being completed by a due date, the Council may proceed with the maintenance works and deduct the cost from the security lodged.***
- d) ***DDA compliance for all ramps and disabled facilities must be in accordance with Australian Standard 1428.1-2009.***
- e) ***The emission of noise shall comply with the relevant provisions of the Environment Protection Act 1970 and shall not cause nuisance in accordance with the Public Health and Wellbeing Act 2008.***
- f) ***As-constructed drawings prepared by a Licensed Land Surveyor are to be provided to Council after the completion of the drainage outfall works prior to the occupation of the building.***

**9.1.2**  
(cont)

**g) Prior to any building and works on the subject land, approvals may 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.**

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

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**9.1.2**  
 (cont)

MELWAYS REFERENCE 47 K7

Applicant:	LRW Design
Zoning:	General Residential Zone – Schedule 3
Overlays:	None
Relevant Clauses:	Clause 11 Settlement Clause 12 Environment and Landscape Values Clause 15 Built Environment and Heritage Clause 19 Infrastructure Clause 21.05 Environment Clause 21.06 Housing Clause 22.03 Residential Development Clause 22.04 Tree Conservation Clause 22.05 Non-residential Uses in Residential Areas Clause 32.08 General Residential Zone – Schedule 3 Clause 52.06 Car Parking Clause 65 Decision Guidelines
Ward:	Central



	Subject site	20 Objector Properties (plus 8 objector properties outside of the map)	↑ North
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### **9.1.2** (cont)

#### **BACKGROUND**

There are no previous planning applications for this site.

It is noted that concerns with the proposed development layout were initially raised by Council officers and plans were amended under Section 50 of the Planning and Environment Act 1987 prior to notice. Changes were made to reconfigure the layout of the basement car park and relocate the basement access ramp to the southern end of the site frontage, to reduce impacts to existing onsite vegetation.

After public notice, draft amended plans were received on 9 December 2014 but not formally submitted and therefore the assessment is still based on exhibited plans. Modifications to the basement car park were made in order to retain a Yellow Gum (Tree 3) midway along the northern boundary. The changes modify the basement parking layout to show an increased setback off the northern boundary and 6 car spaces in a tandem arrangement. A proposed condition of permit requires formal submission of these draft amended plans.

#### **The Site and Surrounds**

The subject site is located on the east side of Koonung Road, about 100 metres north of Springfield Road. The land has an area of 1,916 square metres. The land is relatively flat with a slight fall from south to north of 0.9 metre. A 1.83 metre wide drainage and sewerage easement is located inside the eastern boundary. No covenants exist on title.

The land currently contains a single storey church and hall with the car park accessed via two crossovers to Koonung Road. There are a number of existing mature trees around the perimeter of the site.

Surrounding land uses are generally residential in nature with a single storey weatherboard house to the north, single storey dwellings to the east and the single storey Koonung Cottage Community House to the south. Koonung Reserve and associated car park is directly opposite the site.

#### **Planning Controls**

##### State Planning Policy Framework

An objective of Clause 10, Operation of the State Planning Policy Framework, suggests planning should address social needs by addressing aspects of economic, environmental and social well-being affected by land use and development. Responsible authorities should integrate assessment of policies and issues surrounding conflicting objectives in favour of net community benefit.

Clause 19, Infrastructure, states that planning is to recognise social needs, by enabling appropriate land for a range of accessible community resources such as education, cultural, health and community support (mental health, aged care, disability, youth and family services) facilities. Planning should be guided by social and physical infrastructure which can be provided in an efficient, equitable, accessible and timely way. Clause 19.02-4 (Distribution of Social and Cultural Infrastructure) supports this objective by requiring fairer distribution of, and access to, social infrastructure.

**9.1.2**  
(cont)

Municipal Strategic Statement

Clause 21.06, Housing of the Municipal Strategic Statement considers the compatibility of residential and non-residential uses and how the interface between the two is managed. More specifically, the housing strategy recognises that there is “...*intermittent pressure for non-residential uses in residential areas, such as medical facilities, churches and child care facilities. It is essential that new buildings associated with these uses are designed in a way that integrates these uses into their residential environments and that there is no detriment to residential amenity*”.

One of the strategies to consider non-residential uses in residential areas, pursuant to Clause 21.06-4 is facilitating appropriate non-residential uses in residential areas, subject to reasonable amenity safeguards.

Local Policy

Clause 22.04 (Tree Conservation) considers the importance of tree conservation in the City of Whitehorse and how it represents a significant determinant of neighbourhood character. The Policy includes a number of performance standards in relation to tree retention and regeneration. One of the key objectives of the policy is to identify techniques to assist in the successful co-existence of trees and new buildings or works.

Clause 22.05 (Non-Residential Uses in Residential Areas) sets out Council’s Policy with respect to non-residential uses serving the needs of the local community in residential areas. The Policy has the objective to avoid the concentration of non-residential uses where the amenity of the residential area will be detrimentally affected.

The Policy includes a number of performance standards in relation to location, building design, car parking, landscaping and amenity which are considered to satisfy the policy objectives listed above.

Zone and Car Parking Provisions

The site is located within a General Residential Zone – Schedule 3 (Clause 32.08) and the use of the site for a child care centre requires a planning permit.

Pursuant to Clause 32.08-6, a permit is also required to construct a building or construct or carry out works for a use in Section 2 of Clause 32.08-1.

Clause 52.06, Car Parking details specific car parking requirements for a new use. Clause 52.06-5 requires 0.22 spaces per child for the use of land as a child care centre. On the basis of a 124 place child care centre, this equates to the need to provide 27 onsite car spaces. A permit application under this clause is technically required to reduce the car parking requirement as the advertised plans show a basement car park capable of providing 26 onsite car parking spaces. It is considered there is sufficient room onsite to further reconfigure the basement to provide 27 onsite car spaces therefore negating any further planning approval requirement for a car parking reduction for the use.

**PROPOSAL**

It is proposed to establish a child care centre (the Centre) on the land. The existing church/hall would be demolished and a purpose built facility constructed. The Centre comprises seven child care rooms with outdoor recreation areas, a kitchen, laundry, toilets and reception/waiting room.

### **9.1.2** (cont)

The Centre would cater for up to 124 children and provide a total of 26 onsite car parking spaces located in a basement. Two existing crossovers along the frontage are proposed to be replaced with a singular vehicular entry constructed at the southern end of the site frontage providing access to a basement car park. The basement car park would cater for the pick-up and drop-off of children as well as staff parking.

A power pole currently located in the nature strip is to be relocated to accommodate a new driveway at the southern end of the site frontage.

The setback of the building ranges from 5.5 to 9.1 metres from the street. The north and east sides of the building would have minimum setbacks of 6.9 and 4.26 metres respectively. The intervening space is proposed to be used for play areas. Boundary construction is proposed inside the southern boundary for a length of 16.7 metres. Acoustic fences are proposed along the northern and eastern boundaries. The facility would be single storey except for a small upper floor section containing staff amenities with an overall building height of approximately 7 metres.

Various claddings are utilised in the contemporary design of the building. To Koonung Road, the building would present with earth rammed walls, glazing and perforated metal panels. The upper level comprises a metal clad finish. Roofing utilises a metal construction finished in muted tones. Front fencing comprises vertical, dressed timber sleepers approximately 2 metres in height with 125mm gaps between.

Six existing onsite trees are proposed for removal comprising Trees 3 (Yellow Gum), 4 (Narrow-leaved Paperbark), 5 (Willow Myrtle), 6 (Tea-tree), 9 (Yellow Gum) and 11 (Privet). A large Yellow Gum (Tree 10) mid-way along the site frontage is proposed to be retained.

The applicant has not proposed specific hours of operation for the Centre.

## **CONSULTATION**

### **Public Notice**

The application was advertised by mail to the adjacent and nearby property owners and occupiers and by erecting a notice at the front of the site. Following the advertising period 30 objections from 28 objector properties and one (1) submission in support of the proposal were received. The issues raised are summarised as follows:

#### Neighbourhood Character

- The development is a commercial building in a residential area and is out of character with the neighbourhood.

#### Amenity impacts

- Visual amenity issues associated with double storey development on the site; and
- Noise from children, deliveries, parking and traffic.

#### Traffic and Parking

- The proposal would result in additional traffic and parking problems;
- Koonung Road is not a wide street;
- There are a number of community uses nearby that use the on-street parking supply;
- The Centre would have insufficient parking and parents would park on-street;
- Potential conflicts with residents and safety issues with users of the Centre;
- Cars would queue to turn into the Centre adding to the congestion; and
- There is a dangerous corner with Springfield Road.

### **9.1.2** (cont)

#### Other Issues

- Rubbish collection; and
- Asbestos removal.

One submission in support of the proposal was received from an adjoining landowner who advised they are experiencing significant waiting periods to enrol their children in child care as there are no vacancies available.

#### **Consultation Forum**

A Consultation Forum was held on 20 January 2015, chaired by Councillor Massoud. Twenty five people attended the forum. The attendees further detailed the concerns raised in their objections. Additional discussion focussed on broader issues of urban consolidation and development along Koonung Road, potential changes to operating hours, after-hours car park security, deliveries, pedestrian and vehicle ramp grades, placement of air conditioning units and the treatment of car fumes in the basement. No resolution of the issues occurred.

#### **Referrals**

##### **External**

Although a non-statutory referral authority, the application was forwarded to United Energy for information purposes because of the proposed power pole relocation. No response has been received to date.

##### **Internal**

##### Transport Engineer

The application was reviewed by Council's Transport Engineers and no objection was raised subject to conditions. Deliveries must be undertaken onsite and within approved operating hours. This can form a condition of any approval granted.

##### Waste Engineer

Council's Waste Engineer has identified some issues with the proposed Waste Management Plan including the number of bins proposed and the space available to accommodate the additional bins needed. Further amendments to the Waste Management Plan will be required.

##### Assets Engineer

The proposal has been reviewed by Council's Assets and Drainage Engineer, who raised no concerns on the proposal subject to conditions.

##### Planning Arborist

The arborist has assessed all trees on the site and within proximity of the boundaries on adjoining land. Tree 3 is considered to be a good onsite specimen and should be retained whilst all other trees are not considered worthy of retention and can be removed to make way for more suitable replacement trees on the site.

An additional tree on an abutting property to the south was identified between Trees 11 and 12. A tree root investigation will be required to reveal the extent and size of roots along the southern boundary and determine whether or not the ramp will need to be moved away from the southern boundary.

**9.1.2**  
(cont)

ESD Advisor

Council's ESD Advisor raised no objection to the proposal. It was recommended that an Environmentally Sustainable Design (ESD) Management Plan be improved using shading devices for all north, east and west windows, rain water harvesting, solar cells and skylights along with other standard ESD requirements.

Parks, Planning and Recreation

No objection subject to a condition being applied requiring no vehicles associated with the child care centre are to be located in Council's car park (directly opposite the subject site) at any time. This is addressed in conditions for any approval granted.

Community Development

The Community Development Department raised concerns with car parking, traffic and public safety but has no objection to the use of land for a child care centre. It was also commented that acoustic fencing would be required between the child care centre and the community house and the fencing would need to be extended in height for the entire boundary interface to reduce noise and the visual effect of the development.

**DISCUSSION**

**Consistency with State and Local Planning Policies**

In broad terms, state policy recognises the importance of planning for social and physical infrastructure that enables it to be provided in a way that is efficient, equitable and timely. Policy also provides that planning is to recognise social needs by providing land for a range of accessible community facilities. A purpose of the General Residential Zone also recognises that educational, recreational, religious, community and a limited range of other non-residential uses that serve local community needs are appropriate, provided they occur in appropriate locations.

Facilities like childcare centres are a type of community facility and social infrastructure and it is important that they establish in urban areas in appropriate locations. The site is well suited to accommodate the proposed use. It is located within an established urban area, it is already used for non-residential purposes and the site is 100 metres north of Springfield Road.

The Municipal Strategic Statement at Clause 21.06 (Housing) requires development to contribute to the preferred neighbourhood character of the precinct. Non-residential uses are to integrate with the built form and character of the surrounding residential environment. The site is identified in the Housing Framework Plan of Clause 21.06 as being within an Area of Natural Change.

Objective 2 under Clause 22.03-2 states that it is policy to ensure development contributes to the preferred neighbourhood character where specified. The applicable precinct in Clause 22.03 is the Garden Suburban 9 Precinct. The preferred character statement for this precinct is to maintain low set buildings with a backdrop of large native and exotic trees regulated by spacious front and side setbacks. New buildings will be set back at upper levels to minimise dominance in the streetscape. The proposed development incorporates retention of existing trees, generous front, side and rear setbacks to cater for future tree growth and a building with modest upper floor which nestles appropriately into its neighbourhood and has regard for adjoining properties.

### **9.1.2** (cont)

Clause 22.05 (Non-Residential Uses in Residential Areas) also applies. This policy states that non-residential uses are to provide a net community benefit and be designed to integrate into the residential environment with minimal impact on local residential amenity. Locations are to be highly accessible with traffic generation being compatible with the role and function of the street. The proposal is considered to meet the locational criteria of the policy despite it not being on a corner or abutting land in a Road Zone Category 2. There is a community house on the abutting property, a school nearby and a public open space reserve opposite, all of which together provide community facilities to the local community. Commercial activities are also a short distance away, namely the Blackburn North Shopping Centre. Sites of this size with such locational synergies are uncommon. For these reasons, the subject site has good locational attributes for a child care centre.

Other policy requirements of design, landscaping, amenity, car parking and access are considered to be addressed to an acceptable degree and are discussed below.

#### **Design and Built Form**

The proposal is considered to be in accordance with the Garden Suburban Precinct 9 Preferred Future Character Statement and Design Guidelines. The design is primarily single storey except for a modest upper level accommodating staff amenities. The layout incorporates variable complementary front setbacks, diverse building materials for visual interest and is setback off all side boundaries except for the southern boundary where it abuts a community house. Further, the design articulates the roofline when seen from the street.

It is also useful to consider the development in terms of Clause 32.08-6 and the specific requirements of the Schedule to the General Residential Zone. The front setback ranges from 5.5 to 9.1 metres. The average setbacks of the two properties either side is 6.2 metres. Given the variable setbacks proposed and the separation of the development from 101 Koonung Road, the front setbacks are considered acceptable. Site coverage of the development at 44% is significantly less than that allowable for a residential development and permeable area at 45% is higher than the minimum of 30% required. Boundary construction on the south side is more than 1 metre behind the façade of the building. The front fence provided exceeds 1.2 metres however it has been designed as an architectural feature of the development and provided it is transparent, it is considered appropriate.

#### **Tree Removal**

The proposal requests the removal of six trees from the land and the retention of Tree 10 at the front of the site. There is no objection to the removal of Trees 4, 5, 6 and 11. Tree 3, with modification of the basement car park can be retained. Tree 10 is shown as being retained by the permit applicant and a series of construction methods have been submitted to facilitate its retention.

Tree 10 is a large tree and its retention is encouraged pursuant to Clause 22.04 (Tree Conservation). However, retention of the tree without compliance with Australian Standard AS4970 is difficult and there would be an increased risk of failure with potential damage to persons/buildings both during construction and once the facility is occupied.

The Tree Protection Zone of Tree 10 at 9.7 metres takes up a significant part of the site and even if the tree was retained and the Australian Standard was met, restrictions would apply to the utilisation of area within the TPZ as outdoor recreation space. As this outdoor space is needed as a child play area for the capacity of the centre as proposed, the need to minimise hazard to patrons or reduce the size of the centre are the two available options.

### **9.1.2** (cont)

It is acknowledged that the tree contributes to the character of the area and, when considered in isolation, its retention is preferred. The tree is however not protected under the Whitehorse Planning Scheme through a Vegetation Protection Overlay or other mechanism. Planning has to consider many competing interests and while retention of trees is encouraged, the supply of services to the community is also important. Child care centres are an essential facility for many families and places are in short supply. The land is already used for a non-residential purpose and is well located with synergies to other nearby activities. Rather than reduce the size of the centre it is considered appropriate for the tree to be removed and be replaced with a more suitable tree species at the front of the site in a more suitable location.

#### **Landscaping**

There is generous space around the proposed building for landscaping and the permit applicant has shown an additional eight (8) trees around the perimeter of the site. As previously discussed Tree 3 inside the northern boundary can be retained. A detailed landscape plan is included as a proposed condition ensuring additional tree and mid-canopy planting.

Subject to amendment, it is considered Clause 22.04 in regard to longer term preservation of significant trees where practical and sufficient space for planting of new trees will maintain the residential landscape.

#### **Amenity**

The Non-Residential Uses in Residential Areas Policy states that non-residential uses are discouraged if they will cause nuisance to nearby residential properties by way of noise. The Victorian Civil and Administrative Tribunal have consistently considered the sound of children playing within a residential area as an acceptable level of noise.

It is noted that the proposal includes acoustic fencing along the north and east boundaries at the residential interfaces of the site. However, it is also noted that the standard of fencing along the southern boundary is not currently to a standard which will limit noise emanating from a child care centre. It will be a condition of permit that an acoustic fence also be applied to the full length of the southern boundary. This will provide an acoustic buffer to outdoor play areas and vehicle movements along the basement car park ramp.

During the construction phase of the development, noise, dust, construction operating hours and management of construction vehicles will need to be managed appropriately. In relation to operating hours, there will be an expectation that such hours adhere to EPA regulations. It will be a condition of any approval given that a comprehensive Construction Management Plan be prepared and submitted to Council for endorsement prior to any demolition or construction works commencing.

Limits on business operating hours are proposed under a condition of any approval given. The proposed hours of operation take into account the impacts on amenity of adjoining and nearby landowners. Any future changes to business operating hours will require the further written consent of Council.

#### **Car Parking and Traffic**

Clause 52.06-5 of the Whitehorse Planning Scheme requires 0.22 spaces per child for the use of land as a child care centre. On the basis of a 124 place child care centre, this equates to the need for 27 onsite car parking spaces. A single point of access and egress is proposed to a 27-space basement car park.

The advertised plans indicated a shortfall of one space. The Applicant's traffic report advised that the likely car parking generation is expected to be in the order of a peak demand for 27 spaces.

### **9.1.2** (cont)

It is considered there is sufficient room onsite to further reconfigure the basement to provide 27 onsite car spaces therefore negating any further planning approval requirement for a car parking reduction for the use. The amended concept plans provided subsequent to advertising address the shortfall of one space in compliance with Clause 52.06 of the Planning Scheme.

A permit condition will ensure a minimum of 27 car spaces are provided within the basement.

It is important that the car parking facility is managed in a way that maximises its usage. A Car Parking Management Plan will be required as a condition of permit. The plan will require the permit applicant to provide information to Council on how the operator will ensure utilisation of onsite car spaces. This would form a condition to any approval granted.

The Traffic Impact Report concluded that there is adequate capacity in the surrounding road network to cater for the traffic generated by the proposed development noting that the child care centre will not be in operation on weekends when traffic associated with the nearby church and recreation facilities peak. Council's Transport Engineers have reviewed the applicant's consultant report and concur that there will not be any significant additional impact on the road network.

#### **Objectors Concerns not Previously Addressed**

##### The proposal would result in additional traffic and parking problems

Council's Transport Engineers and the applicant's traffic report both advise that there will not be any significant additional impact on the road network.

It is acknowledged that the dynamics of traffic along Koonung Road consist of particularly busy periods especially when school drop-off and pick-up times coincide with other activities occurring in the vicinity of the site. However, on the advice Council officers have received there appears to be no suggestion that the proposed child care centre will create a significant impost on the current situation.

##### Koonung Road is not a wide street

In some situations it is difficult for two vehicles to pass one another in the presence of parked vehicles on either side of Koonung Road. This is not a particularly unusual situation to what is occurring in many other typical residential streets in middle ring suburbs which are witnessing a similar growth in traffic. It is expected that some lower order streets, including Koonung Road, will be required to cater for non-residential uses that create traffic pressures during peak periods.

##### A number of community uses nearby use the on-street parking supply

The church, community house, primary school and Koonung Park all attract visitors which often park in Koonung Road and surrounding streets. There are also onsite car parks which cater for the car parking needs of these community uses although it is acknowledged there are limits on the capacities of these car parks. In any case, there are not expected to be any significant conflict times as parents are mostly dropping off and picking up children from the Centre earlier and later than when the other uses are operating.

##### Cars would queue to turn into the Centre adding to street congestion

Given the peak periods for traffic associated with the Centre, it is not expected that Koonung Road will be as busy as the peak periods for the primary school, church, community house or Koonung Park. On this basis, a right turn into the basement car park is not expected to be problematic or result in unacceptable traffic congestion.



**9.1.2**  
(cont)

There is a dangerous corner with Springfield Road

The applicant's traffic report advises there is no accident history at this intersection based on VicRoads statistics. Council's Transport Engineering Department have advised that this information is correct to date.

External Appliances (Air conditioning units and solar panels)

A condition can be applied to ensure these are positioned in discrete locations as practicable. External appliances are commonly used for all types of dwellings in residential settings and associated noise emissions are addressed under EPA regulations and the Public Health and Wellbeing Act.

Building Matters

Objectors have raised issues with regard to pedestrian/disabled access, asbestos and car fumes. These are dealt with via the building approvals process. It is noted that the proposal would need to be DDA compliant and appropriate exhaust measures provided to the basement. Asbestos removal is covered under Work Safe requirements.

Changes to Operating Hours

The hours of operation of the Centre will be governed by conditions to any approval granted. Any proposed change to the hours will require further planning approval.

Security of the Car Park

The permit applicant has advised a security gate/door will be provided to the basement car park to prevent after-hours access.

Rubbish Collection

It will be a requirement of the permit applicant to provide for garbage collection to the satisfaction of Council. A private collection is proposed.

**CONCLUSION**

The application proposes the use and development of land for a child care centre. The proposed use and development is consistent with the relevant planning controls and policies in the State and Local Planning Policy Frameworks, General Residential Zone, Clause 21.06 (Housing), Clause 22.03 (Residential Development), Clause 22.04 (Tree Conservation) and Clause 22.05 (Non-Residential Uses in Residential Areas). Car parking subject to amended plans will satisfy Clause 52.06 (Car Parking).

The application was advertised and 30 objections from 28 objector properties and 1 submission of support was received. All issues raised have been considered in this report.

Subject to conditions related to the use and development, it is considered that the proposal is worthy of support and approval is recommended.

## Strategic Planning

### 9.1.3 Whitehorse Planning Scheme Amendment C164 part 2 – Introduction of a heritage overlay for the Blue Flame Estate Vermont South (former display village).

FILE NUMBER: SF 15/51  
ATTACHMENT

#### SUMMARY

*This report discusses Amendment C164 part 2 and recommendations from the independent panel appointed to assess submissions and the proposed amendment. The Panel recommended that Amendment C164 be adopted with respect to the Blue Flame precinct. This report recommends that the Panel recommendation be adopted.*

#### RECOMMENDATION

***That Council being the Planning Authority and having considered the Panel report:***

- 1. Adopt Amendment C164 part 2 as exhibited for the Blue Flame Precinct.***
- 2. Submit the adopted Amendment to the Minister for Planning for approval under Section 31 of the Planning and Environment Act 1987 with the appropriate fee.***
- 3. Advise all submitters of Council's resolution.***

MELWAY REFERENCES: 62 F8  
Proponent: Whitehorse City Council

Zoning:	Neighbourhood Residential,
Overlay:	None
Relevant Clauses	Clause 11.04 Metropolitan Melbourne Clause 15.01 Urban Environment Clause 15.03 Heritage Clause 16 Housing Clause 21.05 Environment Clause 21.06 Housing Clause 22.01 Heritage Buildings and Precincts Clause 22.03 Residential Development
Wards:	Morack

#### BACKGROUND

This amendment was initiated by Officers under delegation. The exhibited amendment included 127 Whitehorse Road Blackburn and the Blue Flame Precinct Vermont South. As a result of submissions being received, Council referred the amendment to Panel.

The Panel hearing took place and its recommendations were considered by Council on 16 February 2015 where it was decided to abandon the amendment in respect to the 127 Whitehorse Road property and defer consideration of approval of the Blue Flame precinct.

### **9.1.3** (cont)

The Blue Flame precinct covers properties in Shalimar Court, Parkleigh Court and part of Fortescue Grove, Vermont South. It was identified as part of the Post 1945 Heritage Study. Council's Refusal to allow demolition of the existing dwelling and construction of 3 new dwellings at 11 Shalimar Court was considered by VCAT in 2014. VCAT advised that although Council's refusal was upheld, an amended application may be approved and heritage matters could not be taken into account unless a heritage overlay is in place. A second application was received for multiple dwellings on the site and so introduction of a heritage overlay was prioritised.

A request was also lodged with the Minister for Planning for interim heritage controls to prevent uncontrolled demolition in the proposed precinct. In order for the request to be seriously considered, Council was required to initiate permanent heritage controls as soon as possible.

### **CONSULTATION**

The amendment was placed on exhibition for one month commencing 19 June 2014 and 5 submissions were received in respect to the Blue Flame precinct. On 18 August 2014, Council resolved to refer all submissions to an independent Panel for further consideration and advice.

### **PANEL HEARING AND REPORT**

A Panel Hearing was held on 12 and 13 November 2014 at the Whitehorse Civic Centre. The Panel comprised two members with in depth heritage knowledge and expertise. Council was represented by a Senior Strategic Planner who called an expert witness to provide heritage advice in relation to the Blue Flame precinct. The Panel also heard from a submitter in relation to the proposed precinct.

The Panel report and recommendations are included as Attachment 1 to this report.

### **DISCUSSION OF PANEL REPORT**

In summary, the Panel recommended approval of the proposed heritage overlay for the Blue Flame Precinct.

The Panel considered that the citation for the Blue Flame Precinct clearly demonstrates that the proposed precinct meets the threshold of local significance and can therefore support a heritage overlay. Although some houses in the precinct have been altered or extended, the changes do not detract from the integrity of their original design which is still clearly recognisable. The Panel believes Neighbourhood Character Overlay provisions would be of limited value to protect the precinct's heritage significance. The Panel concluded that the precinct has local historical and aesthetic significance as an excellent example of rigorous interest from the architectural profession to produce imaginative and cost effective housing developments in suburban Melbourne. The Panel supports the application of a heritage overlay to the precinct.

Officer comments: The Panel's conclusions and recommendations in respect to the precinct are supported by Officers.

### **9.1.3** (cont)

The precinct is a former display village of nineteen architect designed houses. The project was sponsored by the Gas and Fuel Corporation, the Royal Australian Institute of Architects and the Age newspaper. Plans emphasised open planning, passive solar design, private outdoor living areas located to capture sun while being screen from neighbours. Many of the houses had flat or low pitched roofs, windows were generous, service areas were screened and double carports were located at the front of sites in order to maximise open space. None of the plans followed the traditional approach of siting the house in the middle of the block with an alleyway down each side. An entrance fee applied to the display village with proceeds going to charity. Many of the designs were selected from a design competition. The display village was ground breaking and attracted attention from both the public and the industry. Council's consultant who was responsible for preparing the Post 1945 Heritage Study believes the precinct has both architectural and historic significance. He describes the precinct as an important time capsule, expressing the prevailing trends in contemporary residential architecture of the late 1960's.

#### **FINANCIAL IMPLICATIONS**

Council is the proponent for the amendment and if the amendment is adopted, then a fee of \$798 is required to submit the amendment for Ministerial approval.

Although there will be some cost for Council associated with assessment of the additional permit applications required as a result of the new heritage overlay, Council already has a well-established process for dealing with these types of applications.

#### **POLICY IMPLICATIONS**

The Amendment is consistent with Council's Vision 2013-2023 of:

- Supporting a healthy, vibrant, inclusive and diverse community.
- Maintaining and enhancing the built environment to ensure a liveable and sustainable city.
- Protecting and enhancing both the built and natural environment.

#### **CONCLUSION**

The Panel comprised two respected members with many years of panel experience, in particular experience dealing with heritage amendments. The report is detailed and thorough. It is therefore recommended that their independent expert advice and recommendations be supported, and a heritage overlay be adopted for the Blue Flame Precinct, Vermont South.

### **9.1.4 Amendment C172 – Implementation of the Post 1945 Heritage Study and introduction of Heritage Overlay controls for twenty seven (27) places including four (4) precincts and twenty three (23) individual places**

FILE NUMBER: SF14/978  
ATTACHMENT

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#### **SUMMARY**

*The City of Whitehorse Post 1945 Heritage Study has now been completed and recommends that Heritage Overlays be applied to 30 places comprising 5 precincts and 25 individual places. Three of the identified places are already subject to proposed heritage overlays and this report recommends that authorisation be sought to prepare and exhibit a planning scheme amendment to introduce heritage overlays for the remaining 27 places.*

#### **RECOMMENDATION**

***That Council:***

- 1. Note the draft Post 1945 Heritage Study prepared by Built Heritage Pty Ltd and dated 4 March 2015.***
- 2. Seek authorisation from the Minister for Planning to prepare and exhibit an amendment to the Whitehorse Planning Scheme to introduce a heritage overlay for 27 heritage places including four new precincts and twenty three individual places, as recommended in the Post 1945 Heritage Study.***

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#### **BACKGROUND**

Heritage studies in the City of Whitehorse have been undertaken progressively as funds become available. The 2012 Heritage Review made a number of recommendations for heritage planning in the future; including the recommendation that Council undertake a study of post 1945 architecture in Whitehorse – an era which has been largely overlooked. In June last year such a study was completed. Although some Councils such as Port Phillip, Bayside and Boroondara have undertaken similar studies, a project the size of Whitehorse's municipal wide post war study is uncommon and quite pioneering.

The Post 1945 Heritage Study examines the unprecedented growth and development occurring in Whitehorse after the war and identifies architecture and places from this important era in Whitehorse's development. Many of the identified buildings might be considered modest in appearance, but this does not reduce their historic and/or architectural importance. Many significant architects of the time built homes in the municipality and many of these homes still exist today. The Study was prepared by one of Victoria's leading specialists in post war architecture and recommended heritage overlays for thirty places, comprising 25 individual places and 5 precincts. A copy of the Post 1945 Heritage Study is provided in Attachment 4.

Three of the heritage places identified in the Post 1945 Study have already been subject to the amendment process. The Blue Flame precinct (former display housing village in Vermont South) and the former factory at 127 Whitehorse Road Blackburn (currently used as a Sikh temple) were both the subject of amendment C164. A report on the Blue Flame precinct forms another report on this agenda.

An amendment is also being exhibited for a third heritage place - the telecommunications tower at 730 Canterbury Road Surrey Hills (corner Harding Street). This amendment was also prioritised and initiated under delegation when a planning application was received which proposed demolition of the existing tower and replacement with a new slimline tower. Exhibition of this amendment closed 27 February 2015.

**9.1.4**  
(cont)

There are now twenty seven remaining places recommended for heritage protection by the Post 1945 Heritage Study.

Proposed Amendment

Based on the recommendations of the Post 1945 Heritage Study, it is proposed that Council seek authorisation from the Minister for Planning to prepare and exhibit Amendment C172 to apply a heritage overlay to twenty seven places comprising four (4) precincts and twenty three (23) individual heritage places.

The proposed four precincts are:

- AV Jennings Precinct – Spencer Street/ Springvale Road, Nunawading
- Burwood Skyline Drive-In Cinema (Group listing) – Burwood Highway, Burwood
- Concept Constructions Display Homes Precinct – Canterbury Road, Forest Hill
- Housing Commission of Victoria Precinct – Cardorna Street, Box Hill South

The proposed twenty- three individual places are:

- House at 24 Arnott Street, Mont Albert North
- Mount Scopus Memorial College, 245 Burwood Highway, Burwood East
- Dental surgery (former FLER display house), 150 Canterbury Road, Blackburn South
- House at 31 Fowler Street, Box Hill South
- House at 18 Gilmour Street, Burwood
- House at 1 Gracefield Drive, Box Hill North
- House at 17 Grange Street, Mont Albert
- House at 4 Ian Grove, Burwood
- House at 1 Laurencia Court, Mont Albert
- Office - Yarra Valley Water, 25 Lucknow Street, Mitcham
- House at 111 Main Street, Blackburn
- House at 7 Norris Court, Blackburn
- House at 1163 Riversdale Road, Box Hill South
- Residential Flats at 96 Severn Street, Box Hill
- House at 17 Sheehans Road, Blackburn
- House at 40 Somers Street, Burwood
- Office (former ES&A bank), 153-155 Springvale Road, Nunawading
- House at 12 Sunhill Avenue, Burwood
- House at 1 Verona Street, Vermont
- House (Wildwood) at 3 Villa Mews, Vermont
- House at 359 Whitehorse Road, Nunawading
- House at 453 Whitehorse Road, Mitcham
- Sculpture at 666 Whitehorse Road, Mitcham

These recommended places have been identified in the Post 1945 Heritage Study as being important for contributing to Whitehorse's heritage and needing long term protection against demolition. It is considered that protection can only be properly achieved through the introduction of a heritage overlay.

#### 9.1.4 (cont)

The purpose of the heritage overlay is to:

- Conserve and enhance heritage places of natural or cultural significance;
- Conserve and enhance elements which contribute to the significance of heritage places;  
and
- Ensure that development does not adversely affect the significance of heritage places.

A heritage overlay also provides strong demolition control and ensures that new development will not detrimentally affect heritage buildings or places.

### DISCUSSION

Preparation of The Post 1945 Heritage Study initially identified nearly four hundred potential heritage places. Further assessment resulted in a final list of thirty places having clear, potential, local heritage significance - twenty five individual places and five precincts. The Study recommends that these places be included in a Heritage Overlay. As stated previously, three of the recommended heritage places are already subject to the amendment process. This means that there are twenty seven recommended heritage places remaining and needing heritage protection.

#### Heritage Steering Committee

The Heritage Steering Committee has reviewed and discussed the report and supports the recommendations.

#### Proceeding with an Amendment

In considering whether or not to proceed with a proposed amendment, Council must have regard to two Practice Notes:

1. *Strategic Assessment Guidelines* - this practice note outlines issues which need to be addressed to establish the need for an amendment and whether the proposed overlay is the appropriate planning tool for the situation.
2. *Applying the Heritage Overlay* – this practice note provides guidance about when and how to use the Heritage Overlay.

The twenty seven places proposed for inclusion in a Heritage Overlay have been identified and researched for their local heritage significance and then assessed against the cultural heritage criteria adopted by the Victorian Heritage Council. The Study clearly documents the aesthetic, architectural, cultural, historical and social values of the places to the City of Whitehorse. The Study therefore accords with the Practice Note.

#### Need for the Amendment

An amendment is needed to provide the identified heritage places with long term protection against demolition. There is no other mechanism in place to introduce a heritage overlay than via a planning scheme amendment.

#### Planning and Environment Act 1987

An amendment would implement Victorian planning objectives by seeking to conserve and enhance places of aesthetic, architectural or historical interest and value. It is anticipated that an amendment would provide a positive contribution to the built environment by assisting in the conservation of local heritage places.

#### **9.1.4** (cont)

Recent amendments to the Act mean that it is now mandatory for Council to consider the social and economic impacts of a heritage amendment.

##### *Economic Factors*

The economic effects of an overlay are often difficult to gauge and will vary from location to location. Places on large sites, located in commercial areas or on main roads with potential for high density apartment development will be affected quite differently from houses in local streets with potential for a maximum of only two houses per allotment. Economic impacts tend to be easier to gauge at the time an application is received, although it is noted that a Heritage Overlay will impose some additional costs to owners by requiring a planning permit for most buildings and works.

Planning Panels appointed to consider heritage overlays have consistently maintained that application of heritage overlays should not presume that development is prohibited or that demolition will not be permitted. Clauses 10.3 and 10.4 of the planning scheme require integrated decision making and a balancing of competing community needs and aspirations. This means that assessment of a proposal under the Heritage Overlay must be considered in context of the broader planning policy objectives affecting the site, such as urban consolidation, economic growth or even environmental constraints such as flooding. Integrated decision making requires considering 'net community benefit' through addressing the different social and economic impacts of imposing a heritage overlay, rather than simply making findings on the heritage significance of a property without considering other matters.

Council has always been aware of the need to consider heritage issues in the context of competing policy drivers such as urban consolidation and economic growth. Council has also had a sound history of integrated decision making and it is noted that in regard to economic growth, none of the identified places are recognised strategic redevelopment sites and none of the 27 outstanding places have current or recent planning applications which will be affected a heritage overlay.

##### *Social Factors*

An amendment is expected to have positive social effects. It will provide protection for sites which help demonstrate the historical development of Whitehorse. It will also provide protection for aesthetically appealing places which add to the cultural identity of the municipality. Protection of heritage places contribute to a sense of place, a sense of belonging and community, neighbourhood character, good mental health and a sense of well-being.

##### Ministerial Directions

An amendment will need to be consistent with relevant Ministerial Directions, including the Form and Content of Planning Schemes and Direction No. 9 Metropolitan Strategy.

##### Plan Melbourne

The amendment would complement Plan Melbourne's objective to 'create healthy and active neighbourhoods'. It also satisfies Direction 4.7 which aims to respect built heritage while at the same time allowing future development.

##### State Planning Policy Framework

The relevant clauses of the State Planning Policy Framework affected by a heritage amendment include Clause 10 Operation of the State Planning Policy Framework and Clause 15.03 Heritage.



#### **9.1.4** (cont)

The amendment would implement the objectives of Planning in Victoria (Clause 10) by contributing to *'the fair, orderly, economic and sustainable use and development of land'* and balancing conflicting objectives in favour of net community benefit.

Application of the heritage overlay to provide protection for identified heritage places will also implement the objectives and strategies of Clause 15.03.

#### Local Planning Policy Framework (including Municipal Strategic Statement)

The relevant Clauses of the Local Planning Policy Framework affected by a heritage overlay amendment include Clause 21.05 Environment, Clause 21.06 Housing and Clause 22.01 Heritage Buildings and Precincts.

An objective of Clause 21.05 Environment states that Council aims *"to protect and enhance areas with special ... cultural or historic significance for the future enjoyment of the community"*. Application of a heritage overlay to places identified in the Study would directly meet the objectives of this clause.

In accordance with Clause 21.06 Housing, twenty four of the proposed heritage places are zoned residential (two are zoned Commercial and one is zoned Public Use/ Public Park and Recreation). Fourteen of the sites are located in a Neighbourhood Residential Zone, seven are located in a General Residential Zone and three are located in a Residential Growth Zone. None of the places are recognised strategic redevelopment sites.

Clause 22.01 states Council's policy with respect to heritage buildings and precincts. Under the 'policy basis' section, the clause concedes that existing studies do not identify every significant heritage place and therefore existing heritage overlays do not protect all buildings in the municipality with heritage significance. The clause also notes that Council is working to identify all the significant heritage places which are not already protected by a Heritage Overlay. An amendment which implements the Post 1945 Heritage Study and protects the City's heritage, would be consistent with the objectives of the clause.

#### Use of the Victoria Planning Provisions

A Heritage Overlay is considered the most appropriate tool to protect the identified heritage places. An overlay will ensure that the places are protected against uncontrolled demolition and that any proposed redevelopment is sympathetic to heritage values. Demolition is not prohibited by a Heritage Overlay, but it does mean that the heritage considerations can be taken into account, before consent is given.

#### Referral Authorities

There would be no additional referral requirements created by new heritage overlays.

#### Transportation Integration Act 2010

The proposed amendment will not have a significant impact on the transport system, as defined by section 3 of the *Transportation Integration Act 2010*. There are no applicable statements of policy principles under section 22 of the *Transportation Integration Act 2010*.

#### **CONSULTATION**

Subject to receiving authorisation from the Minister for Planning, Amendment C172 will be placed on formal exhibition for a period of at least one month in accordance with the *Planning and Environment Act 1987*. Notice will be sent to all affected owners and occupiers, surrounding owners and occupiers and other stakeholders such as The National Trust and local historical societies. Notice will also be published in the Whitehorse Leader.

#### **9.1.4** (cont)

#### **POLICY IMPLICATIONS**

In addition to the policy implications for the Planning Scheme, the amendment would also address some of the strategic priorities and key actions identified in the *Council Plan 2013 – 2017*, by:

- Supporting a healthy, vibrant, inclusive and diverse community.
- Maintaining and enhancing the built environment to ensure a liveable and sustainable city.

The amendment would also address some of the key strategies identified in the *Council Vision 2013 – 2025*, the *Municipal Strategic Statement* and the *Housing Strategy 2014* by:

- Continuing the vibrancy of the community by preserving places of cultural heritage significance;
- Protecting the natural and built heritage environments through the appropriate legislative frameworks;
- Ensuring that additional housing can still be provided and
- Ensuring intergenerational equality through the protection of places that have cultural heritage significance to the City of Whitehorse.

#### **FINANCIAL IMPLICATIONS**

Normal costs will apply for lodging the amendment with the Minister for authorisation and exhibition. Further costs will be associated with officer time, exhibition of the amendment and any future Panel hearing and expert witnesses if Council decides to request the appointment of an independent Panel to consider submissions. If the amendment is approved, then it is anticipated that some additional resource and administration costs will result from administering the proposed new overlays. Although overlays will increase in the number of planning applications Council would be required to assess, Council has a well established process for dealing with such applications.

#### **CONCLUSION**

The importance of post war architecture is often overlooked. However recognition of its importance is increasing. Completion of the Post 1945 Heritage Study is an important milestone in Council's ongoing commitment to heritage. The work has been prepared by a well-respected heritage consultant; a renowned specialist in twentieth century architecture. The report is extremely comprehensive and well researched. Its adoption would put Council at the forefront of current heritage practice.

Inclusion of the twenty seven recommended places in a Heritage Overlay is consistent with both State and local sections of the Whitehorse Planning Scheme and will ensure the long term protection of Whitehorse's cultural heritage for current and future generations.

## 9.2 INFRASTRUCTURE

### 9.2.1 Tender Evaluation Report – Opening, Closing and Cleaning of Public Toilets – Contract 14022

FILE NUMBER: SF15/35427

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#### SUMMARY

*Council provides public toilets facilities at various locations across the municipality for the convenience and use of the community. This report considers tenders received for the provision of Opening, Closing and Cleaning of Public Toilets to ensure the toilets are fit for purpose and that the toilets are opened, cleaned and closed daily as well as provision of consumables. A total of twelve tenders were received.*

#### RECOMMENDATION

##### ***That Council:***

- 1. Accept the tender and sign the formal contract document for Contract 14022 for the provision of Opening, Closing and Cleaning of Public Toilet's from Fernando Enterprise (Australia) Pty Ltd, No 20/23, Heyington Avenue, Thomastown, Vic 3074 (ABN 43 131 468 687) trading as Ausbright Facilities Management for the tendered lump sum amount of \$140,351.51 including GST, which is then subject to CPI increases annually for each of the remaining years of the contract. The potential expenditure is expected to be approximately \$745,145.18 including GST over the five (5) years of the contract should the two, one year options be accepted***
- 2. Authorise the Chief Executive Officer to award an extension of up to two years on this contract, subject to a review of the Contractor's performance and Council's business needs, at the conclusion of the initial three year contract term***

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#### BACKGROUND

This contract is for the provision of opening, closing and cleaning of conventional public toilets and the supply of consumables throughout the municipality. There are 11 conventional public toilet locations across the municipality which are opened 7 days per week and a further 21 locations typically attached to sporting pavilions which are opened on weekends only by sporting clubs for their own use or for the public on request.

Activities include programmed opening of the toilets at times as detailed in the specification followed by one effective clean of the toilets in the morning and one effective clean in the afternoon and finally the closing of the toilets in the evening within Council's specification. All cleaning activities are coordinated with a real time field management system which provides Council with real-time, on-line visibility of activities and jobs as they are undertaken.

The intent of this contract is to enable Council to provide efficient and effective cleansing and opening and closing services to all conventional public toilets across the municipality.

#### DISCUSSION

The previous contract has expired and Ausbright Facilities Management Pty Ltd is a Melbourne based company that has been providing a wide range of public toilet cleaning services to other Council's including Maroondah City Council and Monash City Council. This contract can be extended for a further two, one (1) year periods subject to a review of the contractor's performance and Council's business needs at the conclusion of the initial 3 year term.

### **9.2.1** (cont)

Tenders were advertised in The Age newspaper on Saturday 27 September 2014 and were closed on Wednesday 8 October 2014 at 3pm. A total of 12 tenders were received.

The tenders were evaluated against the following criteria:

- Financial benefit to Council
- The tenderer's demonstrated experience in the provision of similar services
- The tenderer's capacity to provide the services and reliability
- Resources available to provide service
- Occupational Health & Safety, Equal Opportunity and Business Viability (Pass/Fail).

A comprehensive analysis of the submissions was evaluated using a 'Weighted Attribute Method'. The key evaluation criteria were scored according to the level and quality of tender responses and compliance with the requirements of the contract to determine the overall capability of contractors and best value for Council.

Tender interviews were conducted at the Whitehorse Civic Centre on Tuesday 23 December 2014. Three tenderers were invited to present to the panel comprising Council's Cleansing Coordinator, Cleansing Supervisor, Infrastructure OHS Coordinator and the Facilities Maintenance Coordinator. The panel concluded Ausbright Facilities Management Pty Ltd to be the most beneficial to Council in terms of both or price and processes.

Reference checks were also conducted for the preferred contractor which resulted with positive comments about the performance and service delivery of Ausbright Facilities Management Pty Ltd

The tender received from Ausbright Facilities Management Pty Ltd is considered to be the most beneficial to Council as it has substantial experience in cleaning services of public toilets for a number of Councils in the eastern region and in addition, their price was the most competitive.

All Ausbright Facilities Management Pty Ltd cleaners are trained thoroughly in the general cleaning of public toilets to a high level of presentation and cleanliness through daily and periodical cleaning and call outs for special cleaning.

### **CONSULTATION**

The tender evaluation panel for this contract consisted of staff including the Manager City Works, Cleansing Coordinator and Facilities Maintenance Coordinator in the assessment of the tender submissions.

The Manager Contracts and Tendering was consulted in the development of the tender and during the tender evaluation process.

The preferred tenderer's business viability has been considered.

**9.2.1**  
 (cont)

**FINANCIAL IMPLICATIONS**

	<b>Budget 14/15</b>	<b>15/16</b>	<b>16/17</b>	<b>3yr TOTAL</b>
Operational Budget Funding Account No. 10 4035 2618	\$309,000	<b>\$209,000</b>	<b>\$215,270</b>	
<b>Total Budget</b>	<b>\$309,000</b>	<b>\$209,000</b>	<b>\$215,270</b>	<b>\$733,270</b>
Non-Conventional Toilets ex GST	\$73,222.72	\$75,419.59	77,681.99	<b>\$226,324.30</b>
Conventional Toilets (Contract 14022) ex GST	<b>\$127,592.28</b>	<b>\$131,420.04</b>	<b>\$135,362.64</b>	<b>\$394,374.98</b>
YTD Conventional Toilet expenditure ex GST	\$151,919.36			
Preferred tenderer's lump sum offer (including GST)	\$140,351.51	144,562.05	148,898.91	\$433,812.47
Less GST	-\$12,759.23	-\$13,142.00	-\$13,536.26	-\$39,437.49
Net cost to Council	\$127,592.28	\$131,420.04	\$135,362.64	\$394,374.98
<b>Total Expenditure for Contract 14022</b>	<b>\$140,351.51</b>	<b>144,562.05</b>	<b>148,898.91</b>	<b>\$433,812.47</b>
<b>Total Program Expenditure excl GST</b>	<b>\$309,000</b>	<b>\$206,839.63</b>	<b>\$213,044.63</b>	<b>\$620,699.26</b>

\*Budget for the contract is calculated with CPI at 3%

Council had allocated \$309,000 in the City Works Operational budget for the provision of public toilet cleaning services during the 2014/15 financial year. This budget incorporates the costs to open, close and clean conventional public toilets. An annual allocation of **\$140,351.51** from the Operational budget is provided for this contract, with the balance of funding allocated to the other contracted services for the non-conventional, automated public toilets (Exeloos)

The total lump sum for Contract 14022 is **\$140,351.51** which is then subject to CPI increases annually for each of the remaining years of the contract. The total expected spend for Contract 14022 over 3 years is **\$433,812.47 including GST**.

The potential expenditure is expected to be approximately **\$745,145.18** including GST over the five (5) years of the contract should the two, one year options be accepted

There is an ongoing saving of approximately \$100,000 in the recurrent budget commencing 2015/16 financial year due to the revision of the scope of works to improve the level of service and change in contractor.

## 9.3 HUMAN SERVICES

### 9.3.1 Tender Evaluation Report – Management and Operation of the Morack Public Golf Course

FILE NUMBER: SF15/33572

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#### SUMMARY

*To consider tenders received for the Management and Operation of Morack Public Golf Course and to recommend the acceptance of the tender received from Golf Services Management Pty Ltd, for 75% of annual green fee and driving range revenue, and 5% of all other annual turnover revenue generated at the Golf Course.*

#### RECOMMENDATION

***That Council:***

- 1. Accept the tender and sign the formal contract document for Contract 14036 for the Management and Operation of Morack Public Golf Course received from Golf Services Management Pty Ltd (ABN 93 007 395 904), of P.O Box 59 Black Rock 3193, for 75% of annual green fee and driving range revenue, and 5% of all other annual turnover revenue generated at the Golf Course commencing on the 1 July 2015 for a period of 1 year.***
- 2. Authorise the Chief Executive Officer to award an extension of this contract for a further 1 year, subject to a review of the Contractor's performance and Council's business needs, at the conclusion of the initial 1 year contract term.***

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#### BACKGROUND

Morack Public Golf Course is a Council owned 18 hole (par 70) golf course located in Vermont South. The course is irrigated by an automatic system and sustained by an on course dam. The facility also features a pro shop and kiosk facilities, 15 bay floodlit driving range, two practice putting greens and a sealed car park.

In addition, there is a small timber clubhouse facility, situated adjacent to the pro shop that accommodates five resident golf clubs – Creekside Golf Club, Morack Ladies Blue, Morack Ladies, Morack Seniors Club and Waverley Life Activities.

The Morack Golf Course has historically been managed by an external contractor. From 1990 to 2009 a local golf professional operated the pro shop on a lease basis with greens fee income split between Council and the contractor.

In 2007 a review was undertaken of the management and operation of the pro shop. The review included an examination of the existing management arrangements, a comparison of golf course's financial performance with other public courses, and to provide options for structuring returns to Council. The outcomes of the review confirmed that an external contract management arrangement was the most cost effective for Council. This led to the adoption of a comprehensive new Agreement provided by Maddocks Lawyers which divided the revenue streams into two categories, 'Golf Fee' consisting of green fees and driving range income, and 'Turnover Revenue' consisting of all other income.

The Agreement also provides a high level of accountability and reporting including audited financial statements, preparation and submission of annual business plans and budgets. A number of KPI's are incorporated within the agreement to provide Council with an objective measure to assess the contractor's performance.

### **9.3.1** (cont)

The responsibility for the Management and Operation of the golf course has been externally contracted for the past six years to GSM Golf Management Pty Ltd (GSM). GSM also operate Amstel and Ranfurly Golf Courses at Cranbourne, and St Andrews Beach and Rosebud Public Golf Course on the Mornington Peninsula.

The current contract is due to expire on June 30, 2015.

#### **DISCUSSION**

Tenders were advertised in The Age newspaper on Saturday 13 December 2014 and were closed on Wednesday 21 January 2015. Only one tender was received. The low response was due to the short term nature of the contract which is explained below.

The tenders were evaluated against the following criteria:

- Financial Return to Council
- Service Delivery
- Financial Viability
- Service Quality Systems
- Demonstrated Experience; and
- Occupational Health & Safety, Equal Opportunity and Business Viability (Pass/Fail).

The term of the contract will be for one year with an option to extend for a further one year.

The rationale for the short term nature of the contract is due to Council currently undertaking a strategic planning exercise for the golf course which is expected to be completed in mid to late 2015. The outcomes of the strategic plan will inform the future direction of the course including the management and operational structure and capital investment. The Morack Golf Course Strategic plan outcome would be subject to formal Council approval and future budget decisions, therefore it would not be prudent for Council to commit to a longer term contract.

The one tender received was from the incumbent contractor Golf Services Management Pty Ltd (GSM) and an evaluation against the criteria was undertaken. The performance of GSM over the term of the current contract has met Council's expectation in terms of service delivery, program innovation and the overall marketing of the golf course.

GSM have also demonstrated a willingness to invest in the business and in course improvements through upgrades to the driving range bays, pro shop retail area and inclusion of a fleet of motorised carts that have proven popular with golfers.

The tender received from Golf Services Management Pty Ltd is considered to provide the best value for money for this Contract.

#### **CONSULTATION**

Maddocks Lawyers undertook a review of the Agreement which they had previously supplied and is in use with the current contract. They also provided the tender documentation that was reviewed by the Procurement and Contracts unit.

#### **FINANCIAL IMPLICATIONS**

The preferred tenderer will deliver a 75% return to Council of the Golf Fee (green fees and driving range revenue), and a 5% return to Council of Turnover Revenue (all other revenue including food and beverage, merchandise sales, tuition, equipment hire, etc).

**9.3.1**  
(cont)

A revenue model based on the 2013/14 financial reports was used to calculate the expected revenue return to Council. to enable a fair comparison of the financial return to Council. Based on the above percentage returns nominated by the preferred tenderer, Council can expect to generate an operating income of \$1,145,453. The revenue model was reviewed by the Manager Finance and Information Services.

This management arrangement is the most cost effective in terms of the service delivery at Morack Golf Course, and has provided a good return for Council in the form of consistent operating surpluses of between 200K to 400K per annum, over the past 6 years of the current Agreement.

The preferred tenderer's business viability has been considered.



## **9.4 CORPORATE SERVICES**

### **9.4.1 2 Bruce Street Box Hill- Proposed granting of an easement in accordance with Section 189 of the Local Government Act 1989**

FILE NUMBER: PF05/48313

#### **SUMMARY**

*This report seeks authorisation to give notice pursuant to Section 189 of the Local Government Act 1989 of Council's intention to grant an air space easement over Council owned land known as 2 Bruce Street, Box Hill in favour of the registered proprietors of 913 Whitehorse Road Box Hill. The easement will be located on the Council owned land known as 2 Bruce Street which forms part of the Bruce Street car park.*

#### **RECOMMENDATION**

##### **That Council:**

- 1. In accordance with sections 189 and 223 of the Local Government Act 1989, give notice of Council's intention to grant an air space easement.**
- 2. Pursuant to section 223 of the Local Government Act 1989, consider and if required hear any submissions received in regard to the proposal to grant the easement.**
- 3. Authorise the Manager of Property & Rates to give public notice, in accordance with sections 189 and 223 of the Local Government Act 1989, of Council's intention to grant the easement and pursuant to section 223 of the Local Government Act 1989, to carry out the administrative procedures to enable Council or the appointed committee to carry out its function under section 223 of the Local Government Act 1989.**

#### **BACKGROUND**

The property known as 913 Whitehorse Road Box Hill is the site of the new Australian Tax Office (the new ATO Building), a twenty-level tower which at the time of writing was under construction.

The new ATO Building is constructed along the northern boundary of 913 Whitehorse Road and this dividing boundary is also the southern boundary of the Council owned land known as the Bruce Street car park.

It is important to note that the Bruce Street car park comprises three allotments; however, the proposed easement only relates to one of the three parcels; that parcel being 2 Bruce Street which is legally known as Volume 4724 Folio 728.

As the new ATO Building is constructed on the dividing boundary an air space easement is required to enable the windows located on the north facing façade's to be cleaned by a manned suspended basket.

The suspended basket is approximately 0.725 metres in width and the basket will descend from the top level, level twenty, of the new ATO Building until the commencement of the car parking at level six.

However, the proposed air space easement will be from the ground level to the top of level twenty; this is for safety reasons, the suspended basket needs to have the capability of being lowered to a flat-surface if there is an emergency.

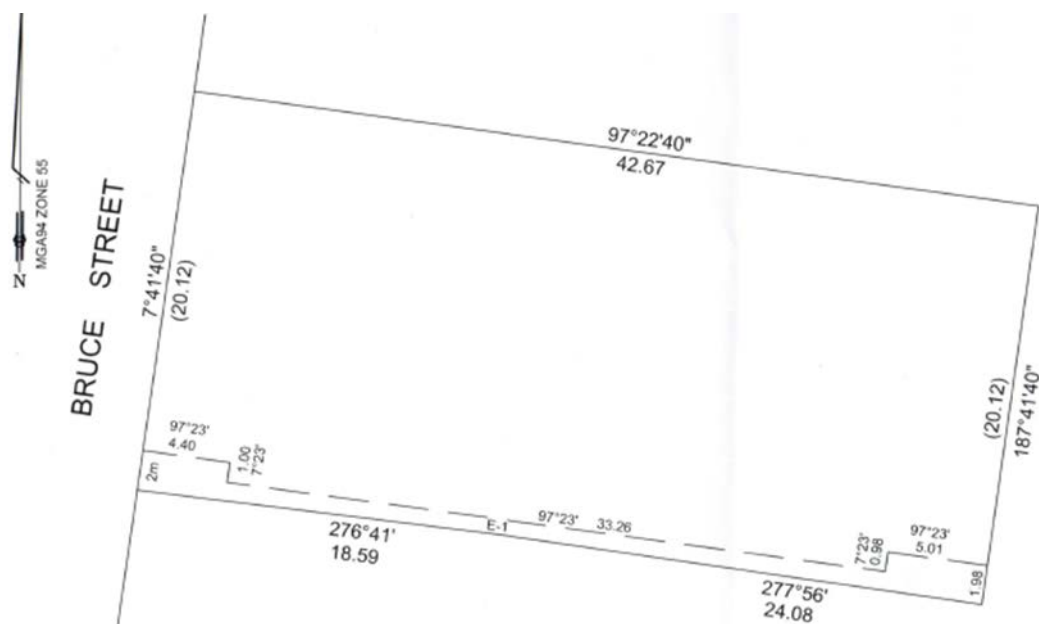
**9.4.1**  
(cont)

As the Bruce Street car park is presently an at grade car park, this means that the required flat-surface is at ground level. However, the yet to be drafted easement deeds which will be lodged at the Land Registry Office will be drafted so that they secure Council's right to construct within the easement at a later date.

The majority of the easement is 1 metre wide with extra depth at both the eastern and western ends of the easement. The additional easement depth is required because the suspended basket swings out from the building so that it can travel around the corners of the building.

The total area of the easement as represented by E1 on the location plan shown below is approximately fifty two square metres (52m<sup>2</sup>). Refer Plan #1 shown below.

**Plan #1: Proposed Easement Location**



**Governance Requirements**

In accordance with Section 189 of the *Local Government Act 1989*, if Council wishes to grant an easement over its land, it must give public notice of its intention to grant the easement.

Pursuant to section 223 of the *Local Government Act 1989*, Council is then required to consider and if required hear any submissions received in regard to the proposal.

Prior to resolving to grant the easement, Council must in accordance with Section 189 obtain a valuation of the interest in land from a qualified Valuer in accordance with Section 13DA(2) of the *Valuation of Land Act 1960*.

### 9.4.1 (cont)

The market value of the land as established via an independent valuation report commissioned by Council's Property & Rates Department is as follows:

- The market value of the proposed easement (E-1) as shown in Plan #1 of this report is **One Hundred and Five Thousand Dollars (\$105,000)** excluding GST.

Key processes that are proposed if agreed to by Council are as follows:

1. March 21: Public advertisement
2. April 20: Submissions close
3. May 11: Special Committee to hear any submission/s (if required)
4. May 18 Report to Council for consideration

### DISCUSSION

The market value of the proposed easement \$105,000 excluding GST represents the loss in market value that 2 Bruce Street Box Hill would incur resulting from the granting the easement.

It is important to note that the proposed easement is a small encumbrance which is confined to the southern boundary of 2 Bruce Street. Consequently, the easement does not significantly impact on the overall development potential of 2 Bruce Street.

If, after the public consultation process, Council resolves to grant the proposed easement over 2 Bruce Street Box Hill to the registered proprietors of 913 Whitehorse Road Box Hill; Council's lawyers will upon full payment of \$105,000 ex GST lodge on behalf of Council the Easement Deeds to the Land Registry Office.

### CONSULTATION

Public consultation will be undertaken in accordance with the public notification processes contained within the *Local Government Act* 1989, and as outlined in the body of this report.

### FINANCIAL IMPLICATIONS

The public notification costs, valuation costs, surveying costs and legal costs (Council's legal costs) will be borne by Council. The combined costs will be approximately \$25,000 + GST.

### POLICY IMPLICATIONS

There are no policy implications.

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## 9.4.2 2014/15 Quarterly Performance Report – October – December 2014

FILE NUMBER: SF14/793  
ATTACHMENT

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### **SUMMARY**

*The purpose of this report is to present the quarterly performance report for the October-December quarter, providing a detailed report on performance against the Council Plan 2013-2017 and the 2014/15 Annual Budget for the second quarter of the financial year.*

### **RECOMMENDATION**

***That Council note the quarterly performance report ending 31 December 2014 as attached.***

---

### **BACKGROUND**

This report is being presented in accordance with sections 131 and 138 of the *Local Government Act 1989*.

The financial section of this report has been prepared on an accrual basis, to ensure accurate matching of income and expenditure, both operating and capital, for the year to date ending 31 December 2014. Further, the report is prepared on the basis of year to date, year-end projection, cash and key balance sheet items and analysing trends against budget.

### **DISCUSSION**

#### **Performance against Council Plan**

This is the second quarter report against the 2014/15 Annual Action Plan activities which align directly with the Strategic Objectives of the Council Plan 2013-2017.

For this second quarterly report, 45 activities (both major initiatives and initiatives) have been reported against with 14 activities having been completed, 30 activities in progress and 1 activity yet to commence.

Highlights this quarter include:

- The completion of the Mont Albert Reserve Pavilion upgrade and upgrade works at Surrey Park Swim Clubrooms, Aqualink Box Hill
- The implementation of an x-ray recycling program at Council's customer service centres and Whitehorse Recycling and Waste Centre
- The development of a Business Improvement Methodology to drive continuous improvement
- The completion of the Blackburn Station Village Streetscape Renewal Project
- The successful delivery of the 2014 Whitehorse Business Awards in October 2014

#### **Performance against Annual Budget**

As outlined in the Income Statement, the underlying result reflects a favourable variance of \$4.350m. This result is represented by a year to date favourable income variance of \$1.879m and a favourable expenditure variance of \$2.471m.

**9.4.2**  
(cont)

The end of year projected underlying result is forecast to be a surplus of \$14.335m, which is \$1.081m favourable to budget.

The capital works report reflects expenditure to the end of December of \$9.890m compared to a year to date budget of \$9.921m. The year to date result represents 33.9% of the total capital works program. The current year end capital works program forecast is currently \$29.214m.

### 9.4.3 Delegated Decisions – January 2015

FILE NUMBER: SF 13/1527#02

*The following activity was undertaken by officers under delegated authority during January 2015.*

#### RECOMMENDATION

***That the report of decisions made by officers under Instruments of Delegation for the month of January 2015 be noted.***

DELEGATION	FUNCTION	Number for January 2014	Number for January 2015
Planning and Environment Act 1987  Telecommunications Act 1997 Subdivision Act 1988 Gaming Control Act 1991	- Delegated decisions	104	158
	- Strategic Planning Decisions	Nil	Nil
		Nil	Nil
		13	14
		Nil	Nil
Building Act 1993	Dispensations & applications to Building Control Commission	21	17
Liquor Control Reform Act 1998	Objections and prosecutions	2	Nil
Food Act 1984  Public Health & Wellbeing Act 2008	- Food Act orders	Nil	Nil
	- Improvement / prohibition notices	Nil	Nil
Local Government Act 1989	Temporary road closures	Nil	3
Other delegations	CEO signed contracts between \$150,000 - \$500,000	Nil	7
	Property Sales and leases	4	11
	Documents to which Council seal affixed	Nil	Nil
	Vendor Payments	1,226	1129
	Parking Amendments	Nil	2
	Parking Infringements written off (not able to be collected)	229	261

\*The number is very high due to exempting matters sitting at Infringements Court in order to maintain system

Details of each delegation are outlined on the following pages.

**DELEGATED DECISIONS MADE ON PLANNING APPLICATIONS JANUARY 2015**

*All decisions are the subject of conditions which may in some circumstances alter the use of development approved, or specific grounds of refusal is an application is not supported.*

Appl. No.	Dec. Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
581	05-01-15	Application Lapsed	13 Patricia St, Box Hill	Elgar	Demolition of existing dwelling and development of land for three dwellings	Multiple Dwellings
628	06-01-15	Application Lapsed	52 Diosma Cres, Nunawading	Springfield	Construction of one single and two double storey dwellings	Multiple Dwellings
82	22-01-15	Delegate Approval - S72 Amendment	7 Havelock St, Burwood	Riversdale	Amendment to external finishes	Permit Amendment
360	09-01-15	Delegate Approval - S72 Amendment	20 Reserve Rd, Box Hill	Elgar	Construction of a double storey dwelling at the rear of the existing dwelling	Permit Amendment
723	30-01-15	Delegate Approval - S72 Amendment	249 Middleborough Rd, Box Hill South	Riversdale	Advertising Signage (South) in an Industrial 1 Zone	Permit Amendment
831	02-01-15	Delegate Approval - S72 Amendment	18A St Georges Ave, Mont Albert	Elgar	Amendment to Planning Permit WH/2010/831 (issued for Demolition of an existing tennis court and construction of one double storey dwelling and use for and construction of a private tennis court) to amend the tennis court location and the construction of tennis court lighting and netting and to illuminate a private tennis court.	Permit Amendment
964	27-01-15	Delegate Approval - S72 Amendment	113 Koonung Rd, Blackburn North	Central	Amendment to WH/2013/964 (issued for Construction of two single storey dwellings) to alter the finished floor levels	Permit Amendment

Appl. No.	Dec. Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
14596	12-01-15	Delegate Approval - S72 Amendment	20 Station St, Blackburn	Central	Amendment to Permit WH/2004/14596 (Use of land for the purposes of a restricted recreation facility) to allow 24 hour operation of existing restricted recreation facility	Permit Amendment
39	30-01-15	Delegate NOD Issued	58 Belgravia Ave, Mont AlbertNorth	Elgar	Construction of four dwellings, comprising one single storey dwelling and three double storey dwellings	Multiple Dwellings
123	22-01-15	Delegate NOD Issued	102 Main St, Blackburn	Central	Construction of eight dwellings (comprising two double storey dwellings and six single storey dwellings)	Multiple Dwellings
129	27-01-15	Delegate NOD Issued	13 Naughton Grv, Blackburn	Central	Removal of four (4) trees	Special Landscape Area
294	27-01-15	Delegate NOD Issued	36 Doncaster East Rd, Mitcham	Springfield	Buildings and works and use of land for hospital (sleep apnoea unit) and signage.	Residential (Other)
347	12-01-15	Delegate NOD Issued	12 Saxon St, Burwood East	Riversdale	Construction of two double storey dwellings	Multiple Dwellings
563	21-01-15	Delegate NOD Issued	18 Gillard St, Burwood	Riversdale	Construction of three (3) double storey dwellings	Multiple Dwellings
601	27-01-15	Delegate NOD Issued	4 Gilbert St, Mont Albert	Elgar	Construction of three double storey dwellings	Multiple Dwellings
604	20-01-15	Delegate NOD Issued	134 Middleborough Rd, Blackburn South	Riversdale	Development of land for two dwellings	Multiple Dwellings
622	13-01-15	Delegate NOD Issued	22 Beverley Cres, Blackburn	Central	Construction two double storey dwellings	Multiple Dwellings
657	20-01-15	Delegate NOD Issued	14 Standard Ave, Box Hill	Elgar	Construction of three (3) double storey dwellings	Multiple Dwellings
711	30-01-15	Delegate NOD Issued	27 Shannon St, Box Hill North	Elgar	Construction of one (1) double storey dwelling at the rear of the existing dwelling	Multiple Dwellings
721	23-01-15	Delegate NOD Issued	139 Dorking Rd, Box Hill North	Elgar	Construction of two semi attached dwellings and	Multiple Dwellings



<b>Appl. No.</b>	<b>Dec. Date</b>	<b>Decision</b>	<b>Street Address</b>	<b>Ward</b>	<b>Proposed Use or Development</b>	<b>Application Type</b>
					two lot subdivision	
723	30-01-15	Delegate NOD Issued	61 Stevens Rd, Vermont	Morack	Construction of two double storey dwellings	Multiple Dwellings
780	30-01-15	Delegate NOD Issued	46 Joan Cres, Burwood East	Morack	Construction of two double storey dwellings	Multiple Dwellings
799	30-01-15	Delegate NOD Issued	453 Canterbury Rd, Vermont	Springfield	Construction of two (2) double storey dwellings	Multiple Dwellings
870	22-01-15	Delegate NOD Issued	47 Station St, Burwood	Riversdale	Construction of three (3) double storey dwellings and to alter access to a road in a Road Zone Category 1	Multiple Dwellings
893	22-01-15	Delegate NOD Issued	11 Penlyne Ave, Vermont	Morack	Buildings and works (one structure in frontage and one structure at south west rear)	Special Landscape Area
8	27-01-15	Delegate Permit Issued	43-49 Orchard Grv, Blackburn South	Central	To display a business identification sign	Advertising Sign
38	06-01-15	Delegate Permit Issued	43 Orchard Cres, Mont AlbertNorth	Elgar	Construction of six double storey dwellings and removal of vegetation	Multiple Dwellings
62	13-01-15	Delegate Permit Issued	3 Thiele Crt, Blackburn	Central	Fourteen (14) lot subdivision	Subdivision
79	19-01-15	Delegate Permit Issued	23-33 Doncaster East Rd, Mitcham	Springfield	Alterations and additions to an existing hospital	Permit Amendment
83	06-01-15	Delegate Permit Issued	61 Witchwood Cres, Burwood East	Riversdale	Construct two double storey dwellings	Multiple Dwellings
92	20-01-15	Delegate Permit Issued	48 William St, Box Hill	Elgar	Construction of ten double storey dwellings and reduction of one visitor car space	Multiple Dwellings
110	02-01-15	Delegate Permit Issued	224 Springfield Rd, Blackburn	Central	Development of land for two dwellings	Multiple Dwellings
165	02-01-15	Delegate Permit Issued	4 Wilson St, Mont Albert	Elgar	Construction of two double storey dwellings	Multiple Dwellings
171	02-01-15	Delegate Permit Issued	38 Lorikeet St, Nunawading	Springfield	Construction of a single storey dwelling to the rear of the existing dwelling and two lot subdivision	Multiple Dwellings

Appl. No.	Dec. Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
182	23-01-15	Delegate Permit Issued	2 Foch St, Box Hill South	Riversdale	Construction of a double storey dwelling to the rear of the existing dwelling	Multiple Dwellings
207	02-01-15	Delegate Permit Issued	183 Springfield Rd, Blackburn North	Central	Construction of three double storey dwellings	Multiple Dwellings
241	23-01-15	Delegate Permit Issued	2 Toogoods Rise Box Hill North	Elgar	Construction of two double storey dwellings	Permit Amendment
246	12-01-15	Delegate Permit Issued	99 Kenmare St, Mont AlbertNorth	Elgar	Construction of two (2) double storey dwellings	Multiple Dwellings
254	20-01-15	Delegate Permit Issued	48 Roslyn St, Burwood	Riversdale	Construction of two double storey dwellings	Multiple Dwellings
268	22-01-15	Delegate Permit Issued	299-301 Elgar Rd, Surrey Hills	Riversdale	Buildings and works to the existing church and carpark, and alteration of access to a road in a Road Zone, Category 1	Permit Amendment
276	02-01-15	Delegate Permit Issued	12 Jenner St, Blackburn South	Riversdale	Construction of a double storey dwelling to the rear of the existing dwelling	Multiple Dwellings
294	27-01-15	Delegate Permit Issued	26 Orient Ave, Mitcham	Springfield	Construction of four dwellings comprising three double storey and one single storey dwellings	Permit Amendment
299	02-01-15	Delegate Permit Issued	75-79 Terrara Rd, Vermont South	Morack	Subdivision of land into two lots, use of land for dwelling, buildings and works, and vegetation removal	Subdivision
313	20-01-15	Delegate Permit Issued	19 Cromwell St, Burwood	Riversdale	Construction of three double storey dwellings	Multiple Dwellings
337	29-01-15	Delegate Permit Issued	172 Burwood Hwy, Burwood	Riversdale	Partial demolition and buildings and works to develop and use a childcare centre and creation of access to a road in a Road Zone Category 1	Child Care Centre
399	19-01-15	Delegate Permit Issued	564 Elgar Rd, Box Hill North	Elgar	Construction of 6 double storey dwellings	Multiple Dwellings

Appl. No.	Dec. Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
401	02-01-15	Delegate Permit Issued	12 Anne St, Blackburn North	Central	Amendment to Planning Permit WH/2014/401 issued for the construction of a double storey dwelling to the rear of an existing dwelling to include an additional bedroom.	Permit Amendment
402	28-01-15	Delegate Permit Issued	14 Beaver St, Box Hill South	Riversdale	Building and works for the construction of three double storey dwellings	Permit Amendment
418	27-01-15	Delegate Permit Issued	81 Koonung Rd, Blackburn North	Central	Construction of a single storey dwelling to the rear of the existing dwelling and subdivision	Multiple Dwellings
437	30-01-15	Delegate Permit Issued	238 Burwood Hwy, Burwood	Riversdale	Amendment to Planning Permit WH/2013/437 (issued for construction of three (3) double storey dwellings and alteration to access to a road in a Road Zone, Category 1) for internal alterations, reduction in window size and alteration to external finishes	Permit Amendment
450	23-01-15	Delegate Permit Issued	2A Thomas St, Box Hill South	Riversdale	Construction of two double storey dwellings	Multiple Dwellings
455	02-01-15	Delegate Permit Issued	55 Springfield Rd, Box Hill North	Elgar	Construction of two double storey dwellings	Multiple Dwellings
490	12-01-15	Delegate Permit Issued	59 Springfield Rd, Box Hill North	Elgar	Construction of two (2) double storey dwellings	Multiple Dwellings
500	12-01-15	Delegate Permit Issued	80 Albion Rd, Box Hill	Elgar	Construction of three double storey dwellings	Multiple Dwellings
506	20-01-15	Delegate Permit Issued	118 Dorking Rd, Box Hill North	Elgar	Construction of three double storey dwellings	Multiple Dwellings
521	06-01-15	Delegate Permit Issued	1 Ivy St, Burwood	Riversdale	Construction of two (2) double storey dwellings	Multiple Dwellings
527	13-01-15	Delegate Permit Issued	4 Mingeta Ave, Blackburn South	Riversdale	Construction of the land for two (2) double storey dwellings	Multiple Dwellings

Appl. No.	Dec. Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
546	29-01-15	Delegat e Permit Issued	17 Queen St, Blackburn	Central	Amendment to Planning Permit WH/2011/546 (issued for: development of the land for the purpose of a part six (6) storey, part seven (7) storey building (including basement) comprising 86 dwellings, use of land for a restaurant, two convenience shops, and the sale and consumption of liquor, and associated reduction of car parking and waiver of loading facilities requirements) to reconfigure the basement car park	Permit Amendment
554	19-01-15	Delegat e Permit Issued	297 Springfield Rd, Nunawading	Springfield	Construction of a double storey dwelling to the rear of an existing dwelling	Multiple Dwellings
557	20-01-15	Delegat e Permit Issued	9 Russell St, Nunawading	Springfield	Construction of a double storey dwelling to the rear of the existing dwelling	Multiple Dwellings
585	19-01-15	Delegat e Permit Issued	18 Bettina St, Burwood East	Riversdale	Construction of six dwellings comprising four double storey and two single storey dwellings	Permit Amendment
590	06-01-15	Delegat e Permit Issued	12 Warnes Rd, Mitcham	Springfield	Construct two (2) double storey dwellings to the rear of the existing dwelling	Multiple Dwellings
591	02-01-15	Delegat e Permit Issued	15-17 Sherman St, Forest Hill	Morack	Construction of six double storey dwellings	Multiple Dwellings
629	16-01-15	Delegat e Permit Issued	17 Naughton Grv, Blackburn	Central	Buildings and works to construct an outbuilding	Special Landscape Area
630	02-01-15	Delegat e Permit Issued	25-27 Foch St, Box Hill South	Riversdale	Construction of four double storey dwellings	Multiple Dwellings
642	20-01-15	Delegat e Permit Issued	17 Peacock St, Burwood	Riversdale	Construction of two (2) double storey dwellings	Multiple Dwellings
649	20-01-15	Delegat e Permit Issued	71 Victoria Cres, Mont Albert	Elgar	Construction three double storey dwellings	Multiple Dwellings

Appl. No.	Dec. Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
655	12-01-15	Delegat e Permit Issued	112 Koonung Rd, Blackburn North	Central	Construction of two (2) double storey dwellings	Multiple Dwellings
679	20-01-15	Delegat e Permit Issued	3 Broomhill Ave, Blackburn	Central	Construction of three (3) double storey dwellings	Multiple Dwellings
688	28-01-15	Delegat e Permit Issued	913 Whitehorse Rd, Box Hill	Elgar	Construction of a multi-storey building plus a basement, use of the land for an office, a ground level cafe and convenience shop, a car park, a reduction in standard car parking requirements and alteration of access to a road in a Road Zone Category 1	Permit Amendment
703	23-01-15	Delegat e Permit Issued	270 Canterbury Rd, Forest Hill	Central	Amendment to WH/2009/703 (issued for use of land for restricted recreation facility (gymnasium) and place of assembly (amusement parlour) and associated buildings and works) for deleiton of conditions	Permit Amendment
728	13-01-15	Delegat e Permit Issued	27 Cobham Rd, Mitcham	Springfield	Construction of a double storey dwelling to the rear of the existing dwelling.	Multiple Dwellings
733	06-01-15	Delegat e Permit Issued	21 Eley Rd, Blackburn South	Riversdale	Construction of two double storey dwellings	Multiple Dwellings
737	20-01-15	Delegat e Permit Issued	116 Brunswick Rd, Mitcham	Springfield	Construction three double storey dwellings	Multiple Dwellings
770	12-01-15	Delegat e Permit Issued	72-74 Winfield Rd, Balwyn North	Elgar	Development of five dwellings and removal of trees	Multiple Dwellings
782	29-01-15	Delegat e Permit Issued	116 Canterbury Rd, Blackburn South	Central	Reduction of car parking requirement for a medical centre (massage therapy)	Business
815	30-01-15	Delegat e Permit Issued	1 Dane St, Box Hill North	Elgar	Construction of two (2) double storey dwellings	Multiple Dwellings
874	20-01-15	Delegat e Permit Issued	21 Caroline Cres, Blackburn North	Central	Development of a double storey dwelling at the rear of the existing dwelling	Multiple Dwellings

Appl. No.	Dec. Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
875	23-01-15	Delegat e Permit Issued	50 Lucknow St, Mitcham	Springfield	Tree removal	Vegetation Protection Overlay
879	05-01-15	Delegat e Permit Issued	2A Agra St, Mitcham	Springfield	Removal of nine (9) trees	Special Landscape Area
880	06-01-15	Delegat e Permit Issued	16 Black St, Mont Albert	Elgar	Buildings and works comprising alterations and additions to the existing dwelling	Heritage
920	16-01-15	Delegat e Permit Issued	2/43 Glen Ebor Ave, Blackburn	Central	Removal of one (1) tree	Special Landscape Area
943	16-01-15	Delegat e Permit Issued	51 Kurrajong Way Blackburn North	Central	Buildings and works for the construction of an extension to the existing dwelling	Multiple Dwellings
955	12-01-15	Delegat e Permit Issued	39-51 Chapman St, Blackburn North	Central	Use of part of premises for industry (metal fabrication)	Industrial
958	28-01-15	Delegat e Permit Issued	16 Jeffery St, Blackburn	Central	Buildings and works for the construction of a carport, storage shed and additional paving to the existing dwelling.	Multiple Dwellings
968	20-01-15	Delegat e Permit Issued	7 Lorikeet St, Nunawading	Springfield	The construction of two (2) double storey dwellings	Multiple Dwellings
983	20-01-15	Delegat e Permit Issued	2E Cochrane St, Mitcham	Springfield	Use of land for dance and fitness centre (pole dancing)	Industrial
984	20-01-15	Delegat e Permit Issued	27 Landale St, Box Hill	Elgar	Addition to the existing dwelling in a Heritage Overlay	Heritage
989	28-01-15	Delegat e Permit Issued	43 Mahoneys Rd, Forest Hill	Morack	Use of land to sell and consume liquor, display of advertising signage, reduction in car parking requirement for a restaurant.	Business
992	06-01-15	Delegat e Permit Issued	24 Bennett St, Burwood	Riversdale	Construction of three double storey dwellings	Multiple Dwellings
998	22-01-15	Delegat e Permit Issued	15 Acacia St, Box Hill	Elgar	Partial demolition of existing dwelling, first floor addition to existing dwelling and construction of carport	Neighbourhood Character Overlay
1030	12-01-15	Delegat e Permit Issued	53-55 Canterbury Rd, Blackburn	Central	Four lot subdivision	Subdivision

Appl. No.	Dec. Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
1041	14-01-15	Delegat e Permit Issued	10 Boongarry Ave, Blackburn	Central	Buildings and works to construct a single storey dwelling	Special Landscape Area
1048	14-01-15	Delegat e Permit Issued	36 Hamel St, Box Hill South	Riversdale	6 Lot Subdivision	Subdivision
1060	22-01-15	Delegat e Permit Issued	26 Alandale Crt, Blackburn	Central	Buildings and works for the construction of a deck	Special Landscape Area
1085	22-01-15	Delegat e Permit Issued	80 Railway Rd, Blackburn	Central	Use of land for motor vehicle sales	Business
1090	16-01-15	Delegat e Permit Issued	1 Farley Green Crt, Vermont	Springfield	Removal of six (6) trees	Special Landscape Area
1102	13-01-15	Delegat e Permit Issued	9 Eyre St, Burwood	Riversdale	Three lot subdivision	Subdivision
1110	19-01-15	Delegat e Permit Issued	6 Derby St, Blackburn	Central	Buildings and works for the construction of one (1) single storey dwelling	Special Building Overlay
1111	28-01-15	Delegat e Permit Issued	4 Terra Cotta Drv, Blackburn	Central	Use of land for Motor Repairs (Panel Beating)	Industrial
1118	12-01-15	Delegat e Permit Issued	379 Burwood Hwy, Burwood	Riversdale	32 lot subdivision	Subdivision
1123	14-01-15	Delegat e Permit Issued	2 Patterson St, Nunawading	Springfield	Removal of one (1) tree	Special Landscape Area
1134	13-01-15	Delegat e Permit Issued	33 Dobell St, Blackburn South	Central	3 lot subdivision	Subdivision
1136	22-01-15	Delegat e Permit Issued	9 Railway Rd, Blackburn	Central	3 lot subdivision	Subdivision
1141	23-01-15	Delegat e Permit Issued	1 Renown St, Burwood	Riversdale	Five lot subdivision	Subdivision
1142	14-01-15	Delegat e Permit Issued	1 Saxton St, Box Hill North	Elgar	Three lot subdivision	Subdivision
1153	23-01-15	Delegat e Permit Issued	1 La Frank St, Burwood	Riversdale	3 lot subdivision	Subdivision
1159	14-01-15	Delegat e Permit Issued	11 Greenwood St, Burwood	Riversdale	4 lot subdivision	Subdivision
1164	22-01-15	Delegat e Permit Issued	524-526 Whitehorse Rd, Mitcham	Springfield	Change of use to an Indoor Recreation Facility (Yoga Studio)	Business
1182	22-01-15	Delegat e Permit Issued	814-818 Whitehorse Rd, Box Hill	Elgar	Display of signage	Advertising Sign
1183	29-01-15	Delegat e Permit Issued	1 Archibald St, Box Hill	Elgar	Two lot subdivision - swap carparks	Subdivision

Appl. No.	Dec. Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
1189	19-01-15	Delegat e Permit Issued	46 Shannon St, Box Hill North	Elgar	Two lot subdivision	Subdivision
1191	23-01-15	Delegat e Permit Issued	14A George St, Blackburn	Central	Two lot subdivision	Subdivision
1199	15-01-15	Delegat e Permit Issued	11/96 Canterbury Rd, Blackburn South	Central	Reduction in standard car parking requirement in association with a medical centre (massage)	Business
1212	13-01-15	Delegat e Permit Issued	23 Ian Cres, Mitcham	Springfield	2 lot subdivision	Subdivision
1226	15-01-15	Delegat e Permit Issued	11 Penrose St, Box Hill South	Riversdale	2 lot subdivision	Subdivision
1227	12-01-15	Delegat e Permit Issued	236 Springvale Rd, Nunawading	Springfield	2 lots subdivision	Subdivision
1244	19-01-15	Delegat e Permit Issued	79 Esdale St, Nunawading	Springfield	2 lot subdivision	Subdivision
1247	20-01-15	Delegat e Permit Issued	21 Canterbury Rd, Blackburn	Central	3 lot subdivision	Subdivision
1248	20-01-15	Delegat e Permit Issued	13-17 Moore Rd, Vermont	Morack	13 lot subdivision	Subdivision
1258	19-01-15	Delegat e Permit Issued	50 Clyde St, Box Hill North	Elgar	Three lot subdivision	Subdivision
1260	20-01-15	Delegat e Permit Issued	17 Cadorna St, Box Hill South	Riversdale	2 lot subdivision	Subdivision
1276	28-01-15	Delegat e Permit Issued	7 Scarborough Sqr, Mont AlbertNorth	Elgar	Construction of a carport	Single Dwelling < 300m2
14298	28-01-15	Delegat e Permit Issued	641-643 Burwood Hwy, Vermont South	Morack	Use and Development of a Four Storey Medical Centre with Ancillary Pharmacy and Food and Drink Premises Requiring Dispensation for Car Parking, Creation of Access to Burwood Highway and Removal of Native Vegetation)	Permit Amendment



Appl. No.	Dec. Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
4	30-01-15	Delegat e Refusal Issued	520-528 Mitcham Rd, Mitcham	Springfield	Development of 30 dwellings, removal of vegetation and to create and alter access to a Road Zone Category 1	Multiple Dwellings
190	27-01-15	Delegat e Refusal Issued	543 Canterbury Rd, Vermont	Springfield	Buildings and works to construct four double storey dwellings in a Significant Landscape Overlay	Multiple Dwellings
199	20-01-15	Delegat e Refusal Issued	23 Orchard Cres, Mont AlbertNorth	Elgar	Construction of two double storey dwellings and removal of protected trees	Multiple Dwellings
286	15-01-15	Delegat e Refusal Issued	73 Edinburgh Rd, Blackburn South	Central	Construction of two double storey dwellings	Multiple Dwellings
362	15-01-15	Delegat e Refusal Issued	12 Bruce St, Mitcham	Springfield	Construction of two dwellings on one lot, comprising a new double storey dwelling to the rear of the existing dwelling	Multiple Dwellings
428	30-01-15	Delegat e Refusal Issued	6 Catherine St, Box Hill	Elgar	Construction of two double storey dwellings behind the existing dwelling	Multiple Dwellings
434	21-01-15	Delegat e Refusal Issued	18 Will St, Forest Hill	Springfield	Construction of three double storey dwellings	Multiple Dwellings
440	15-01-15	Delegat e Refusal Issued	11 Shalimar Crt, Vermont South	Morack	Construction of three two storey dwellings	Multiple Dwellings
457	20-01-15	Delegat e Refusal Issued	16 Karen St, Box Hill North	Elgar	Construct one (1) double storey dwelling to the rear of the existing dwelling	Multiple Dwellings
473	22-01-15	Delegat e Refusal Issued	16 Wickham Ave, Forest Hill	Springfield	Construction of three double storey dwellings	Multiple Dwellings
491	14-01-15	Delegat e Refusal Issued	1 Verona St, Vermont South	Morack	Development of two double storey dwellings adjacent to the existing dwelling and the removal of a VPO3 tree	Multiple Dwellings
544	20-01-15	Delegat e Refusal Issued	1252 Riversdale Rd, Box Hill South	Riversdale	Development of land for five dwellings and waiver of visitor parking requirements	Multiple Dwellings

Appl. No.	Dec. Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
618	30-01-15	Delegat e Refusal Issued	41 Shannon St, Box Hill North	Elgar	Construction of six dwellings including five double storey dwellings and one single storey dwelling and a reduction in the car parking requirements	Multiple Dwellings
654	08-01-15	Delegat e Refusal Issued	4 Cumming St, Burwood	Riversdale	Construction three double storey dwellings	Multiple Dwellings
690	13-01-15	Delegat e Refusal Issued	6 Centre Rd, Vermont	Morack	Construction of two double storey dwellings and the removal of trees	Multiple Dwellings
694	27-01-15	Delegat e Refusal Issued	593 Whitehorse Rd, Mitcham	Springfield	Construction of six double storey dwellings	Multiple Dwellings
700	27-01-15	Delegat e Refusal Issued	45 Junction Rd, Blackburn North	Central	Construction of two dwellings, comprising a new double storey dwelling to the rear of the existing dwelling	Multiple Dwellings
734	15-01-15	Delegat e Refusal Issued	3 Talbot St, Mitcham	Springfield	Construction of two double storey and two single storey dwellings	Multiple Dwellings
887	08-01-15	Delegat e Refusal Issued	30 Melrose St, Mont AlbertNorth	Elgar	Construction of two double storey dwellings	Multiple Dwellings
1018	27-01-15	Delegat e Refusal Issued	101 Victoria Cres, Mont Albert	Elgar	Construction of three double storey dwellings	Multiple Dwellings
1032	20-01-15	Delegat e Refusal Issued	21 Barkly Trc, Mitcham	Springfield	Construction of a three storey building including 21 dwellings and reduction in car parking requirements	Multiple Dwellings
1146	15-01-15	Delegat e Refusal Issued	120 Thames St, Box Hill North	Elgar	Change of use to a temporary carpark	Residential (Other)
1173	30-01-15	Delegat e Refusal Issued	22 Valda Ave, Mont AlbertNorth	Elgar	Tree Removal	Vegetation Protection Overlay

Appl. No.	Dec. Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
467	02-01-15	Failure - Not Supported	692 Whitehorse Rd, Mont Albert	Elgar	Building and works for the construction of a three storey apartment building comprising 61 dwellings with basement, demolition of buildings on site (excluding the dwelling fronting High Street) and alteration to access to a road in a Road Zone Category 1	Multiple Dwellings
918	13-01-15	Failure - To Be Confirmed	18 Florence Rd, Surrey Hills	Riversdale	Development of a residential aged care facility within a two storey building and basement for car parking. Removal of vegetation from the land.	Residential (Other)
933	12-01-15	No Permit Required	4 Abbey Wlk, Vermont	Morack	VicSmart Test	VicSmart - General Application
934	12-01-15	No Permit Required	4 Abbey Wlk, Vermont	Morack	Test application	VicSmart - General Application
1201	20-01-15	No Permit Required	10 Eustace St, Blackburn	Central	Removal of 4 trees	Special Landscape Area
1215	22-01-15	No Permit Required	1/30 Jubilee St, Nunawading	Springfield	Building and works to construct a deck	Residential (Other)
1252	14-01-15	No Permit Required	1/2A Tyrrell St, Mont AlbertNorth	Elgar	Installation of a Vergola Louvred Sun control system in a GRZ4	Residential (Other)
365	05-01-15	Withdrawn	8 Clanbrae Ave, Burwood	Riversdale	Construct two double storey dwellings at the rear of the existing dwelling	Permit Amendment
565	12-01-15	Withdrawn	40 McCubbin St, Burwood	Riversdale	Construction of two (2) double storey dwellings	Multiple Dwellings
621	05-01-15	Withdrawn	78 Shannon St, Box Hill North	Elgar	Construction of two double storey dwellings	Multiple Dwellings
890	06-01-15	Withdrawn	5 Cecil Crt, Mitcham	Springfield	Extension to the existing unit	Residential (Other)

**BUILDING DISPENSATIONS/APPLICATIONS JANUARY 2015**

<b>Address</b>	<b>Date</b>	<b>Ward</b>	<b>Result</b>
28 Primula Street, Blackburn North	23-01-15	Central	Amendment Approved R424
18 Whitehorse Road, Blackburn	28-01-15	Central	Granted R604
25 Lee Ann Street, Blackburn South	09-01-15	Central	Granted R415, Refused R409
1 Halifax Street, Mont Albert North	19-01-15	Elgar	Refused R409
11 Paranda Court, Vermont	08-01-15	Morack	Granted R420
5 Cavill Court, Vermont South	21-01-15	Morack	Granted R409
38 Stanley Road, Vermont South	19-01-15	Morack	Refused R414
213 Highbury Road, Burwood	30-01-15	Riversdale	Granted R424
6 Edinburgh Street, Box Hill South	29-01-15	Riversdale	Granted R427
10 Clarke Street, BOX HILL SOUTH	09-01-15	Riversdale	Refused R409
15 Loudon Road, BURWOOD	22-01-15	Riversdale	Refused R409
20 Wridgway Avenue, BURWOOD	21-01-15	Riversdale	Refused R409
5 Elm Street, SURREY HILLS	02-01-15	Riversdale	Refused R424
1/5 Cecil Court, MITCHAM	27-01-15	Springfield	Granted R418
18 Britannia Mall, MITCHAM	12-01-15	Springfield	Granted R604
3/7 Doncaster East Road, MITCHAM	12-01-15	Springfield	Granted R411

**DELEGATED DECISIONS MADE ON STRATEGIC PLANNING MATTERS – JANUARY 2015**

*Under the Planning and Environment Act 1987*

**REGISTER OF CONTRACTS SIGNED BY CEO DELEGATION JANUARY 2015**

<b>Contract</b>	<b>Service</b>
Contract 13034/1	Traffic Survey Services
Contract 13034/2	Traffic Survey Services
Contract 13034/4	Traffic Survey Services
Contract 14009	Festivals Audio Production
Contract 14014	Supply of Two John Deere Tractors
Contract 14015	Supply of Three Isuzu Trucks
Contract 14019	Supply of Two Mercedes Sprinter Buses

**REGISTER OF PROPERTY DOCUMENTS EXECUTED JANUARY 2015**

<b>LEASES</b>		
<b>Property Address</b>	<b>Document Type</b>	<b>Document Detail</b>
23 Oak Street, Surrey Hills	Residential Tenancy Agreement	Landlord (expires 28/01/2016)
Part City Oval, Box Hill (Box Hill Hawks Football Club Limited)	Renewal of Lease	Further 5 year term (expires 11/08/2019)
Room 1A, 5 Combarton Street, Box Hill	Residential Tenancy Agreement	Landlord (expires 17/04/2015)
37 Bennett Street, Forest Hill (Uniting Church in Australia Property Trust Vic)	Lease	Landlord (expires 30/06/2016)
<b>Licences</b>		
Rear 33 Boisdale Street, Surrey Hills	Road Discontinuance	Transfer of Land Section 207D Local Government Act 1989
Rear 33 Boisdale Street, Surrey Hills	Creation of Easement Deed	Section 45 (1) of Transfer of Land Act 1958
Rear 33 Neville Street, Box Hill South	Road Discontinuance	Transfer of Land Section 207D Local Government Act 1989
Rear 33 Neville Street, Box Hill South	Creation of Easement Deed	Section 45 (1) of Transfer of Land Act 1958
<b>Rateability Changes (Section 154 of the Local Government Act 1989)</b>		
1 Barry Road, Burwood East	Property now non-rateable	Dwelling owned by East Burwood Uniting Church, now used as ministers residence
5 Wellington Road, Box Hill	Property now rateable	Former Box Hill Tafe car park sold to private company
46 Graham Place, Box Hill	Property now non-rateable	Demolition of house to become a recreation reserve (Council owned)

**REGISTER OF DOCUMENTS AFFIXED WITH THE COUNCIL SEAL – JANUARY 2015**

Nil

**PARKING RESTRICTIONS APPROVED BY DELEGATION JANUARY 2015**

**Address:** Parer Street, Burwood: From Daniel Street to Aylwin Avenue  
**Previously:** No Stopping 8am - 9.15am & 3pm to 6pm  
**Now:** Remove NS 8am-1pm, Saturday  
**Spaces:** 6

**Address:** Central Road, Nunawading: From 40 Central Road to 40 Central Road  
**Previously:** Unrestricted  
**Now:** No Parking  
**Spaces:** 1

**VENDOR PAYMENT SUMMARY – SUMS PAID DURING JANUARY 2015**

<b>Date</b>	<b>Total Issued</b>	<b>Payments (direct debit, cheques or electronic funds transfer)</b>	<b>Transaction Type EFT/CHQ/DD</b>
05.01.15	1,500.00	1	<b>EFC</b>
06.01.15	45,559.53	30	<b>EFT</b>
07.01.15	6,600.00	1	<b>EFT</b>
08.01.15	3,233.95	8	<b>EFC</b>
08.01.15	334,788.71	74	<b>CHQ</b>
08.01.15	1,687,043.08	294	<b>EFT</b>
08.01.15	81,075.50	1	<b>EFT</b>
15.01.15	275.17	3	<b>EFC</b>
15.01.15	69,333.67	76	<b>CCK</b>
15.01.15	482,782.48	55	<b>EFT</b>
20.01.15	51,356.09	31	<b>EFT</b>
22.01.15	12,795.45	10	<b>EFC</b>
22.01.15	44,047.46	46	<b>CCK</b>
22.01.15	3,951,438.33	383	<b>EFT</b>
29.01.15	1,993.85	9	<b>EFC</b>
29.01.15	63,835.19	96	<b>CCK</b>
29.01.15	15,117.90	1	<b>EFT</b>
29.01.15	61,008.90	10	<b>EFT</b>
<b>Monthly Leases</b>	3,000.00		<b>DD</b>
<b>GROSS</b>	6,916,785.26	1129	
<b>CANCELLED PAYMENTS</b>	8,987.10	12	
<b>NETT</b>	6,907,798.09	1117	

**10 REPORTS FROM DELEGATES, SPECIAL COMMITTEE  
 RECOMMENDATIONS AND ASSEMBLY OF COUNCILLORS  
 RECORDS**

**10.1 Reports by Delegates**

(NB: Reports only from Councillors appointed by Council as delegates to community organisations/committees/groups)

**RECOMMENDATION**

*That the reports from delegates be received and noted.*

**10.2 Recommendations from the Special Committee of Council Meeting  
 of 10 March 2015**

Nil

**10.3 Record of Assembly of Councillors**

Meeting Date	Matter/s Discussed	Councillors Present	Officers Present	Disclosures of Conflict of Interest	Councillor /Officer attendance following disclosure
9 – 02 - 2015 3.30 - 5.00pm	<b>Box Hill First</b> - Box Hill Advocacy – Box Hill Town Centre & Transport Interchange	Cr Munroe (Chair) Cr Daw Cr Harris OAM	N Duff J Green P Smith P Warner W Gerhard I Goodes D Vincent – Smith	Nil	Nil
11-02-2015 10.00-1.00pm	<b>Whitehorse Disability Advisory Committee</b> - Minutes from last meeting - Terms of Reference - Planning the year ahead	Cr Massoud	D Seddon M D'Arcy	Nil	Nil
16-02-2015 4.30 – 6.00pm	<b>Budget Committee</b> - Budget 2015/16	Cr Munroe Cr Bennett Cr Carr Cr Davenport Cr Daw Cr Harris Cr Massoud Cr Stennett	N Duff P Smith P Warner M Giglio D Logan	Nil	Nil

Meeting Date	Matter/s Discussed	Councillors Present	Officers Present	Disclosures of Conflict of Interest	Councillor /Officer attendance following disclosure
16-02-2015 6.30 - 7.00pm	<p><b>Councillor Informal Briefing Session</b></p> <ul style="list-style-type: none"> <li>- 9.1.1 57 Florence Road, Surrey Hills (lot 17 LP 6476 39B)</li> <li>- 9.1.3 Consideration Of Submissions to Amendment C157 to introduce 32 New Heritage Overlays</li> <li>- 9.1.4 Consideration of Panel report in relation to combined Amendment C153 &amp; planning Permit application WH/2012/872 for 15-31 Hay Street, Box Hill South</li> <li>- FDC Update</li> <li>- Council Agenda 16 February 2015</li> </ul>	<p>Cr Munroe (chair)            Cr Bennett            Cr Carr            Cr Chong            Cr Davenport            Cr Daw            Cr Harris            Cr Massoud            Cr Stennett</p>	<p>N Duff            J Green            T Wilkinson            P Smith            P Warner            A De Fazio            S Freud            J Russell            A Bienview</p>	<p>Cr Chong Declared a conflict of interest (Prior association) (9.1.4 Consideration Of panel report In relation to combined Amendment C153 and planning permit Application WH/2012/87 For 15-31 Hay Street, Box Hill South</p>	<p>Cr Chong left the briefing at 6.41pm prior to the discussion and did not return</p>
02-03-2015 3.30 – 5.30pm	<p><b>Sustainability Awards 2015 – Judging Session</b></p> <ul style="list-style-type: none"> <li>- Judging of 2015 Whitehorse Sustainability Awards</li> </ul>	<p>Cr Bennett            Cr Ellis            Cr Harris            Cr Massoud</p>	<p>A Kursar            I Barnes            J Green            B Van Duppen            M Portelli            M Wright            S Jones            L Pegoli            R Prathapasinghe</p>		
02-03- 2015 6.30 – 10.15pm	<p><b>Strategic Planning Session</b></p> <ul style="list-style-type: none"> <li>- Capital Works</li> <li>- Finance Report – January 2015</li> <li>- Silver Grove</li> <li>- Business Improvement Program</li> </ul>	<p>Cr Munroe (chair)            Cr Bennett            Cr Carr            Cr Chong            Cr Davenport            Cr Daw            Cr Harris            Cr Massoud            Cr Stennett</p>	<p>N Duff            J Green            T Wilkinson            P Smith            P Warner            A De Fazio            M Giglio            D Logan            D Seddon            E Robertson            P Hiransi</p>		



Meeting Date	Matter/s Discussed	Councillors Present	Officers Present	Disclosures of Conflict of Interest	Councillor /Officer attendance following disclosure
10-03-15 4.00-6.00pm	<b>Councillor Budget Committee</b>	Cr Munroe (Chair) Cr Bennett Cr Carr, Cr Chong AM Cr Daw, Cr Ellis, Cr Harris OAM, Cr Massoud, Cr Stennett	N Duff P Smith P Warner J Green D Logan M Giglio		
10-03-15 6.30 -10.15pm	<b>Councillor Briefing Session</b> - Family Day care Service - Special Committee Agenda 10 March 2015 - Whitehorse Affordable Housing Project – progress Update - 836-850 whitehorse Road, Box Hill - Draft Council Agenda 16 March 2014	Cr Munroe (Chair) Cr Bennett Cr Carr, Cr Davenport, Cr Daw, Cr Ellis, Cr Harris OAM, Cr Massoud, Cr Stennett	N Duff P Warner P Smith J Green T Wilkinson A De Fazio S Freud J Russell D Seddon J White, K Kucharski P McAleer W Gerhard C Sherwin, A Hollensen P Neivandt T Peak M Giglio P Branton		

**RECOMMENDATION**

*That the record of Assembly of Councillors be received and noted.*

**11 REPORTS ON CONFERENCES/SEMINARS ATTENDANCE**

**RECOMMENDATION**

*That the reports on conference/seminars attendance be received and noted.*

**12 CONFIDENTIAL REPORTS**

**12.1 Contractual Matters**

**13 CLOSE MEETING**