

# City of Whitehorse

## PLANNING PERMIT

Permit Number: WH/2016/222  
(Amended)  
Planning Scheme: Whitehorse  
Responsible Authority: City of Whitehorse

### ADDRESS OF THE LAND:

105 CARRINGTON ROAD, BOX HILL (LOT 1 TP 254087 5, LOT 2 TP 254087 5, LOT 10 TP 18088)

### THE PERMIT ALLOWS:

Construction of a three storey building above basement comprising eleven dwellings and including associated buildings and works within four metres of trees protected under the Significant Landscape Overlay- Schedule 9, generally in accordance with the endorsed plans and subject to the following conditions.

### THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

- 1 Before the development starts, or any trees or vegetation removed, amended plans in a digital format shall be submitted to and approved by the Responsible Authority. The plans must be drawn to 1:100 scale, with dimensions, and be generally in accordance with the plans submitted with the application but modified to show:
  - (a) 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 a summary of the requirements of conditions 7 and 8 to be annotated on the development and landscape plans.
  - (b) Car stackers to be modified from dependent stackers to pit stackers. Pits are to be shown on plans and the make and the model of the car stackers must to be nominated.
  - (c) Deleted.
  - (d) An amended Car parking management plan in accordance with Condition 15.
  - (e) Provision of corner splays at the access driveway in accordance with Clause 52.06-9.
  - (f) Provision of paving on the east side of Station Walk adjacent to 103 Carrington Road.
  - (g) A detailed schedule and samples of all external cladding 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 both streets. Consideration must be given to energy efficiency properties, durability and maintenance requirements of selected colours and finishes.
  - (h) An amended Sustainability Management Plan (SMP) in accordance with Condition 9.
  - (i) Development plans to reflect all sustainability features indicated in the Sustainability Management Plan. 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.).
  - (j) Notation on site plans indicating that any obscured glazing be manufactured obscured glass. Obscure film being applied to clear glazing will not be accepted.

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CONDITION 1 CONTINUED**

- (k) Deleted
- (l) An amended Waste Management Plan in accordance with Condition 16.

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

2 Within 60 days of the amended date of this permit (or as otherwise agreed in writing by the Responsible Authority), amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be generally in accordance with the plans prepared by Peter Brown Architects, Rev 10, dated December 2018 which show:

- (a) Changes to car parking layout;
- (b) Changes to car parking allocation;
- (c) Modified landscaping generally in accordance with landscape plan prepared by Atlas Landscape Architects, Rev E, dated 25/6/19 but with any changes required to meet the requirements under condition 2 of this amended permit;
- (d) Changes to Secluded Private Open Space for dwellings 2 to 7;
- (e) Changes to ground level services within the front setback;
- (f) The correct location of Tree 1 within the road reserve;
- (g) Changes to internal alterations to storage areas;
- (h) Changes to internal layout of some dwellings;
- (i) Changes to west-facing windows to Unit 10

But further modified to show:

- (j) Double width crossover and passing bay in accordance with endorsed plans prepared Peter Brown Architects Pty Ltd, Rev 8, dated May 2018.
- (k) Plans and sections to reflect the recommended ramp configurations generally in accordance with the cross section diagram 'Appendix B' referenced in the Ratio Traffic Evidence (VCAT Ref P844/2019, October 2019);
- (l) Location and operation details for a traffic signalisation system to the basement ramp to prioritise in-bound vehicles at all times.
- (m) Any changes to landscaping to meet requirements under condition 2 to this permit;

3 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.

4 Deleted.

5 Deleted.

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.

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- 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 3 – 4.7 metre radius from centre base of tree.
    - ii. Tree 4 – 2.1 metre radius from centre base of tree.
    - iii. Tree 5 – 2.0 metre radius from centre base of tree.
    - iv. Tree 6 – 2.0 metre radius from centre base of tree.
    - v. Tree 12 – 2.4 metre radius from centre base of tree.
    - vi. Tree 13 – 2.4 metre radius from centre base of tree.
    - vii. Tree 1 – 4.9 metre radius from centre base of tree.
  - (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. Where construction is approved within the TPZ, fencing and mulching should be placed at the outer point of the construction area.
    - viii. Where there are approved works within the TPZ, it may only be reduced to the required amount by an authorized person only during approved construction within the TPZ, and must be restored in accordance with the above requirements at all other times.
- 8 During construction of any buildings, or during other works, the following tree protection requirements are to be adhered to, to the satisfaction of the Responsible Authority:
- (a) All buildings and works for the demolition of the site and construction of the development (as shown on the endorsed plans) must not alter the existing ground level or topography of the land within 1.0 metres of the west boundary fence where within the 2.0 metre TPZ of Trees 12 and 13.

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**Environmentally Sustainable Design**

- 9 Prior to the commencement of buildings and works, a Sustainability Management Plan (SMP) prepared by a suitably qualified environmental engineer or equivalent to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must detail proposed environmentally sustainable design initiatives and construction methods and must include the following;
- (a) An energy rating report to demonstrate how the development will achieve a 6 star energy rating when measured against the Sustainable Energy Authority of Victoria 'FirstRate' system or equivalent;
  - (b) An Energy Use and Management Plan;
  - (c) Water Conservation and Re-use Plan including a BESS assessment;
  - (d) Schedule for monitoring of the ESD Management Plan; and
  - (e) Management of car parking, bicycle parking for residents and visitors.

Before the development is occupied, the approved ESD Management Plan and Green Travel Management Plan must be implemented and adhered to during the construction of the development allowed by this permit, to the satisfaction of the Responsible Authority and any on-going obligations must be complied with at all times to the satisfaction of the Responsible Authority.

**Building Services**

- 10 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.
- 11 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, telecommunication facilities, 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.
- 12 Any 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.

**Construction Management**

- 13 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.
- The Construction Management Plan must be prepared and managed by a suitably qualified person who is experienced in preparing Construction Management Plans in accordance with the City of Whitehorse Construction Management Plan Guidelines.

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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 Management Plan.

***Car Parking & Traffic***

- 14 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 must be maintained to the satisfaction of the Responsible Authority.
- 15 Within 60 days of the date of this amended permit an amended Parking Management Plan, detailing how car parking areas and accessways 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) Allocation of a minimum of two parking spaces to all dwellings.
- (b) Deleted.
- (c) Deleted.
- (d) Deleted.

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.

***Waste Management***

- 16 Prior to the commencement of construction a waste management plan (WMP) must be submitted for approval by the Responsible Authority. When approved, the WSMP will be endorsed and form part of this permit. The plan must detail the method of garbage collection from the site, times and frequency of garbage collection, to the satisfaction of the Responsible Authority.
- 17 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.

***Assets Protection***

- 18 Prior to the occupation of the building the full width of the laneway between the properties at 103 Carrington Road and 105 Carrington Road must be paved at the cost of the developer to the satisfaction of the Responsible Authority.
- 19 All stormwater drains must be connected to a point of discharge to the satisfaction of the Responsible Authority.
- 20 Prior to any works, design plans and specifications of the civil works within the site associated with the development are to be prepared by a registered consulting engineer (who is listed on the Engineers Australia National Professional Engineer Register), and submitted to the Responsible Authority. Certification by the consulting engineer that the civil works have been completed in accordance with the design plans and specifications must be provided to the Responsible Authority.

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- 21 Detailed civil plans and computations for stormwater on-site detention and connection to the point of discharge must be prepared by a suitably experienced and qualified professional, and submitted for approval by Responsible Authority prior to the commencement of any works.
- 22 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 any of the buildings.
- 23 Stormwater that could adversely affect any adjacent land shall not be discharged from the subject site onto the surface of the adjacent land.
- 24 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.

**Lighting**

- 25 The development must be provided with external lighting along the pedestrian entrance pathways. Lighting must be located, directed and shielded and of limited intensity that no nuisance or loss of amenity is caused to any person within and beyond the site.

**Expiry**

- 26 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.

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.

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**This Permit has been amended as follows:**

Date	Description of Amendment
6 February 2020	Amendment to plans and permit under Section 72 of the Act: <ul style="list-style-type: none"><li>• Amended permit preamble (SLO9)</li><li>• Deletion of permit conditions 1c),1k), 4, 5, 15b, 15c, 15d,</li><li>• Amended permit conditions 2a) to 2m), 7a) vii) and 15 to include amendments to carpark layout, and carparking allocation, modified landscaping, modified SPOS (dwellings 2 to 7), addition of ground level services, correction of tree 1, internal changes to dwellings and addition of double width crossover, passing bay, ramp and traffic signal and amended carparking management plan</li></ul>

**IMPORTANT INFORMATION ABOUT THIS NOTICE****WHAT HAS BEEN DECIDED?**

The Responsible Authority has issued a permit.

(Note: This is not a permit granted under Division 5 or 6 of Part 4 of the **Planning and Environment Act 1987**.)

**CAN THE RESPONSIBLE AUTHORITY AMEND THIS PERMIT?**

The Responsible Authority may amend this permit under Division 1A of Part 4 of the **Planning and Environment Act 1987**.

**WHEN DOES A PERMIT BEGIN?**

A permit operates:

- from the date specified in the permit, or
- if no date is specified, from:
  - the date of the decision of the Victorian Civil and Administrative Tribunal, if the permit was issued at the direction of the Tribunal, or
  - the date on which it was issued, in any other case.

**WHEN DOES A PERMIT EXPIRE?**

A permit for development of land expires if –

- the development or any stage of it does not start within the time specified in the permit; or
- the development requires the certification of a plan of subdivision or consolidation under the **Subdivision Act 1988** and the plan is not certified within two years of the issue of the permit, unless the permit contains a different provision; or
- the development or any stage is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit or in the case of a subdivision or consolidation within 5 years of the certification of the plan of subdivision or consolidation under the **Subdivision Act 1988**.

A permit for the use of the land expires if –

- the use does not start within the time specified in the permit, or if no time is specified, within two years after the issue of the permit; or
- the use is discontinued for a period of two years.

A permit for development and use of land expires if –

- the development or any stage of it does not start within the time specified in the permit; or
- the development or any stage is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit; or
- the use does not start within the time specified in the permit, or, if no time is specified, within two years after the completion of the development; or
- the use is discontinued for a period of two years.

If a permit for the use of land or the development and use of land or relating to any of the circumstances mentioned in section 6A(2) of the **Planning and Environment Act 1987**, or to any combination of use, development or any of those circumstances requires the certification of a plan under the **Subdivision Act 1988** unless a permit contains a different provision –

- the use or development of any stage is to be taken to have started when the plan is certified; or
- the permit expires if the plan is not certified within two years of the issue of the permit.

The expiry of a permit does not affect the validity of anything done under that permit before the expiry.

**WHAT ABOUT REVIEWS?**

- The person who applied for the permit may appeal against any condition in the permit unless it was granted at the direction of the Victorian Civil and Administrative Tribunal where, in which case no right of appeal exists.
- An application for review must be lodged within 60 days after the permit was issued, unless a Notice of Decision to grant a permit has been issued previously, in which case the appeal must be lodged within 60 days after the giving of that notice.
- An application for review is lodged with the Victorian Civil and Administrative Tribunal.
- An application for review must be made on the relevant form which can be obtained from the Victorian Civil and Administrative Tribunal, and be accompanied by the applicable fee.
- An application for review must state the grounds upon which it is based.
- A copy of an application for review must also be served on the Responsible Authority.
- Details about applications for review and the fees payable can be obtained from the Victorian Civil and Administrative Tribunal. The address of the Victorian Civil and Administrative Tribunal is 55 King Street, Melbourne. The telephone number is (03) 9628 9777.