

MARKHAM HOUSING ESTATE

Incorporated Document

November 2019

1. INTRODUCTION

This document is an incorporated document at Clauses 45.12 – Special Controls Overlay and the Schedule to Clause 72.04 – Documents incorporated in this Planning Scheme of the Boroondara Planning Scheme (planning scheme) pursuant to section 6(2)(j) of the *Planning and Environment Act 1987*.

The land identified in Clause 3.0 of this document may be used and developed in accordance with the specific control in Clause 4.0 of this document.

The control in this document prevails over any contrary or inconsistent provision in the planning scheme.

The incorporated document includes a Locality Plan and Building Envelope Plan.

2. PURPOSE

The purpose of the control in this document is to allow the use and development of land for the purposes of the redevelopment of the Markham Housing Estate.

3. LAND TO WHICH THIS INCORPORATED DOCUMENT APPLIES

The control in this document applies to land at 10 Markham Avenue, Ashburton, as shown on the Locality Plan below.



4. CONTROL

4.1 EXEMPTION FROM PLANNING SCHEME REQUIREMENTS

Despite any provision to the contrary or any inconsistent provision in the planning scheme, no planning permit is required for, and no provision in the planning scheme operates to prohibit, control or restrict, the use or development and subdivision of the land for the purposes of the redevelopment of the Markham Housing Estate in accordance with the conditions in Clause 4.2 of this document, except as otherwise agreed by the responsible authority.

4.2 CONDITIONS

Conditions applying to land at 10 Markham Avenue, Ashburton

Use and development

- 4.2.1 The development should be generally in accordance with the building heights and setbacks shown on the Building Envelope Plan and in the conditions below and are subject to confirmation pending detailed design development.
- 4.2.2 The development is to include 178 dwellings and adopt a mixed tenure approach. Approximately 111 of the dwellings in the development are to be for public housing.
- 4.2.3 The development should meet the objectives of Clause 55 of the Boroondara Planning Scheme.
- 4.2.4 The development should not overshadow Markham Reserve for at least five hours between 9am and 3pm on 22 September.
- 4.2.5 A west facing habitable room window, balcony, terrace, deck or patio with a direct view into the secluded private open space or habitable room window of an existing dwelling within a horizontal distance of 9 metres (measured at ground level) of the window, balcony, terrace, deck or patio must comply with Standard B22 of Clause 55 of the Boroondara Planning Scheme.
- 4.2.6 A building with a frontage to Markham Avenue must:
 - a. provide a respectful presentation to the street.
 - b. Include design elements that visually enhance a fine grain appearance and depth of the façade and minimise the perception of wide, flat facades.
- 4.2.7 The development must comply with the Disability (Access to Premises – Buildings) Standards 2010.
- 4.2.8 Soft and hard landscaping must be provided throughout the development.
- 4.2.9 The setback from the east boundary must allow for safe and viable planting of canopy trees to provide a 'green edge' buffer to Markham Reserve, as determined by a qualified landscape architect or arborist.

Plans and documentation

- 4.2.10 Before the development starts (excluding demolition, bulk excavation, site preparation, hoarding and advertising signs), the following plans and documentation must be submitted to and approved by the responsible authority. The plans must be drawn to scale with dimensions and three (3) copies provided.
 - a. A staging plan detailing how the project will be staged over time.
 - b. A site plan showing existing ground levels to Australian Height Datum.
 - c. A design response explaining how the development:
 - i. Meets the objectives of Clause 55 of the Boroondara Planning Scheme.

- ii. Responds to the existing neighbourhood character as described in the City of Boroondara Neighbourhood Character Study Precinct Statements 2013.
- d. A site plan, floor plans and elevations.
- e. Shadow diagrams based on the equinox.
- f. A schedule of the mix and type of accommodation to be provided in the development, including number of bedrooms.
- g. A traffic management report (and accompanying plans) generally in accordance with the report prepared by OneMileGrid (dated December 2016) and the requirements of Clause 52.06 of the Boroondara Planning Scheme. The report must address:
 - i. The internal design of the car parking areas including loading docks, storage facilities and/or bicycle facilities.
 - ii. The positioning of any boom gates, car readers, control equipment (including car park control points).
 - iii. The internal road layout and at-grade car parking.
 - iv. Ramp grades.
 - v. Pedestrian and cyclist safety at points of access and egress.
- h. A schedule of the number and allocation of car parking spaces and bicycle facilities.
- i. A façade strategy including three dimensional drawings or photo montages depicting the development in the context of nearby buildings and open space, taken from multiple viewpoints including pedestrian eye-level.
- j. A schedule of colours, materials and finishes, including the colour, type and quality of materials showing their application and appearance. This must be demonstrated in coloured elevations or renders from key viewpoints, to show the materials and finishes linking them to a physical sample board with clear coding.
- k. A stormwater drainage system incorporating integrated water management design principles.
- l. A landscape plan prepared by a suitably qualified landscape architect. This plan must:
 - i. Specify the location and type of vegetation to be retained and removed.
 - ii. Specify the location and type of all proposed vegetation.
 - iii. Include a planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.
 - iv. Include a schedule of all hard landscaping treatments.
 - v. Include other design elements such as wayfinding signage, lighting and outdoor furniture.
 - vi. Incorporated water sensitive urban design principles.
- m. A construction management plan must be prepared in accordance with Boroondara City Council's Construction Management Plan Template and provide details of the following:
 - i. Hours for construction activity in accordance with any other condition of this document.
 - ii. Measures to control noise, dust, water and sediment laden runoff.
 - iii. Measures relating to removal of hazardous or dangerous material from the site, where applicable.
 - iv. A plan showing the location of parking areas for construction and subcontractors' vehicles on and surrounding the site, to ensure that vehicles associated with construction activity cause minimum disruption to surrounding premises. Any car parking areas on the land must be made available for use by sub-constructors/tradespersons upon completion of such areas, without delay.
 - v. A Traffic Management Plan showing truck routes to and from the site.

- vi. Swept path analysis demonstrating the ability for trucks to enter and exit the site in a safe manner for the largest anticipated truck associated with the construction.
 - vii. A plan showing the location and design of a vehicle wash-down bay for construction vehicles on the site.
 - viii. Measures to ensure that sub-contractors/tradespersons operating on the site are aware of the contents of the construction management plan.
 - ix. Contact details of key construction site staff.
 - x. A site plan showing the location of any site sheds, on-site amenities, building waste storage and the like.
 - xi. Any other relevant matters.
- n. A tree management plan and tree protection plan prepared by a suitably qualified arborist in relation to the management and maintenance of trees on the site. The tree management plan must make specific recommendations in accordance with the Australian Standard AS4970: 2009 - Protection of Trees on Development Sites to ensure that trees remain healthy and viable during construction.
- 4.2.11 Prior to the submission of plans and documentation to the responsible authority under Clause 4.2.10, they must be provided to Boroondara City Council.
- 4.2.12 Before the construction of hoarding or the display of an advertising sign, plans showing the location and details of hoarding and advertising signs must be submitted to and approved by the responsible authority. The plans must be drawn to scale with dimensions and three (3) copies provided.

Layout not to be altered

- 4.2.13 The use and development as shown on the approved plans must not be altered without the written consent of the responsible authority, unless the changes do not trigger a need for a planning permit.
- 4.2.14 All buildings, works and landscaping must be maintained in good order and appearance to the satisfaction of the responsible authority.
- 4.2.15 Once the development has started it must be continued and completed to the satisfaction of the responsible authority.

Landscape completion and maintenance

- 4.2.16 Before the occupation of the development, or by such later date as approved in writing by the responsible authority, the landscaping works shown on the endorsed landscape plan must be carried out and completed to the satisfaction of the responsible authority. The landscaping shown on the endorsed landscape plan must be maintained and be to the satisfaction of the responsible authority by:
- a. Implementing and complying with the provisions, recommendations and requirements of the endorsed landscape plan.
 - b. Not using the areas set aside on the endorsed landscape plan for landscaping for any other purpose.
 - c. Replacing any dead, diseased, dying or damaged plants.

Native vegetation offset

- 4.2.17 Native vegetation offsets must be provided in accordance with the Permitted clearing of native vegetation - Biodiversity assessment guidelines (Department of Environment and Primary Industries, September 2013), except as otherwise agreed by the Secretary to the Department of Environment, Land, Water and Planning.

Drainage

- 4.2.18 The approved stormwater drainage system must be constructed before the occupation of the development and provision made to connect this system to Boroondara City Council's stormwater drainage system.
- 4.2.19 The site must be drained to the satisfaction of Boroondara City Council.

Parking and access

- 4.2.20 Car spaces, access lanes and driveways shown on the endorsed plans must not be used for any other purpose, to the satisfaction of the responsible authority.
- 4.2.21 The areas for the parking of vehicles must be clearly indicated on the floor and the boundaries of all car parking spaces and access lanes and the direction in which vehicles should proceed along the access lanes must be in conformity with the approved plans.
- 4.2.22 Low intensity lighting must be provided to ensure that car park areas and pedestrian accessways are adequately illuminated without any unreasonable loss of amenity to the surrounding area, to the satisfaction of the responsible authority.
- 4.2.23 Before the occupation of the development, all necessary vehicle crossings must be constructed and all unnecessary vehicle crossings must be demolished and the footpath, kerb and channel reconstructed, in accordance with plans and specifications approved by Boroondara City Council.

Waste management

- 4.2.24 Provision must be made on the land for the storage and collection of solid waste, recyclables and other wastes.
- 4.2.25 Before the occupation of the development, a Waste Management Plan (WMP) must be submitted to and approved by Boroondara City Council. The WMP must detail waste storage and collection arrangements. Waste storage and collection arrangements must not be altered without the consent of Boroondara City Council.

Construction management

- 4.2.26 The construction management plan approved under Clause 4.2.10(m) must be implemented to the satisfaction of the responsible authority.
- 4.2.27 The recommendations of the tree management plan and tree protection plan approved under Clause 4.2.10(n) must be implemented to the satisfaction of the responsible authority.

Advertising signs

- 4.2.28 The lighting of a sign(s) must be positioned so that no direct light or glare shall be visible from any street or from adjoining properties.
- 4.2.29 All promotion signs and hoardings on the land must be removed before the occupation of the development.

Building appurtenances

- 4.2.30 All building plant and equipment on roofs and public thoroughfares must be concealed to the satisfaction of the responsible authority. The construction of any additional plant machinery and equipment, including but not limited to all air-conditioning equipment, ducts, flues, all exhausts including car parking and communications equipment shall be to the satisfaction of the responsible authority.

4.2.31 Any satellite dishes, antennas or similar structures associated with the development must be designed and located at a single, unobtrusive area on each building in the development to the satisfaction of the responsible authority, unless otherwise approved by the responsible authority.

Subdivision

4.2.32 The owner of the land must enter into an agreement with:

- a) a telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and
- b) a suitable qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

4.2.33 Before the issue of a Statement of Compliance for any stage of the subdivision under the *Subdivision Act 1988*, the owner of the land must provide written confirmation from:

- a) a telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and
- b) a suitable qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

4.2.34 The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity and gas services to each lot shown on the endorsed plans in accordance with the authority's requirements and relevant legislation at the time.

4.2.35 All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.

4.2.36 The plan of subdivision for certification under the *Subdivision Act 1988* must be referred to the relevant authority in accordance with Section 8 of that Act.

4.3 EXPIRY

The control in this document expires if any of the following circumstances apply:

- The development allowed by the control is not started by 31 March 2023.
- The development allowed by the control is not completed by 31 March 2027.

The responsible authority may extend these periods if a request is made in writing before the expiry date or within six months afterwards.

BUILDING ENVELOPE PLAN

