

3.4 442-450 Auburn Road and 9 Bills Street, Hawthorn - Multi level residential development - Amendment C376boro

Executive Summary

Purpose

The purpose of this report is to update the Urban Planning Delegated Committee on the outcome of Amendment C376 to the Boroondara Planning Scheme which was prepared, adopted and approved by the Minister for Planning on 28 September 2023. The Amendment relates to a multi level residential apartment development on the former Melbourne University Campus in Hawthorn.

Background

The University of Melbourne (in conjunction with Hamton Property Group) lodged a request with the Minister for Planning to amend the Boroondara Planning Scheme in March 2022. The amendment sought to rezone the former University of Melbourne - Hawthorn Campus at 442-450 Auburn Road and 9 Bills Street, Hawthorn from the Public Use Zone to the Residential Growth Zone (RGZ), and apply the Development Plan Overlay (DPO) and Environmental Audit Overlay (EAO) to the land.

On 1 August 2022, the Urban Planning Delegated Committee resolved to write to the Minister for Planning outlining Council's position on the amendment, and to seek the appointment of an advisory committee to consider the matter.

The amendment was referred to the Priority Projects Standing Advisory Committee (the Advisory Committee), with a hearing conducted between 20-24 March 2023. Council called expert evidence on urban design matters.

On 28 September 2023, Amendment C376boro was gazetted, following the recent implementation of planning reforms through Amendment VC242 and VC243. The report prepared by the Advisory Committee considering the amendment was made publicly available on 18 October 2023.

Key Issues

Process

The amendment was facilitated by the Minister for Planning, through the Development Facilitation Unit at the Department of Transport and Planning.

The process was uncertain, had no defined process and lacked transparency, which is a reflection of the broader trend of the Victorian Government to limit local government involvement in major development projects.

Officers make the following comments in relation to the gazetted amendment:

Responsible Authority and Planning Controls

- The amendment makes the Minister for Planning the Responsible Authority for considering and approving the Development Plan. This means Council and the community are unlikely to have any further opportunities to have a say in the final form of the development. Council will be the Responsible Authority for issuing planning permits against the Development Plan approved by the Minister. Future planning permit applications which are generally in accordance with the Development Plan are exempt from public notice and are exempt from third party appeal rights.
- The Minister chose to apply the Residential Growth Zone to the site. Council's position was the land should be rezoned to the General Residential Zone, reflecting the site's proximity to established residential amenity in the Neighbourhood Residential Zone.

Key design elements

- The final form of the amendment includes a reduction in building height to the corner of Woodburn Road and Auburn Road to a maximum 4-6 storeys instead of 7 storeys as originally proposed. The building is to present to the street as 3-4 storeys, measured above footpath level.
- Front setbacks to all buildings (including the Bills Street development by Homes Victoria to the south) as put forward by Council's urban design expert have been adopted as the upper limit in a range and are specified in the DPO Schedule.
- The DPO Schedule specifies 10% affordable housing to be provided on the land. It is considered that this is an improvement on the draft amendment where the extent of affordable housing was not quantified in the schedule, only in the draft development plan (which had no statutory weight). The proponent is required to enter into a Section 173 Agreement with Council with respect to the affordable housing provision.
- The Schedule to the DPO specifies 2,670sqm should be set aside for open space. The open space should be publicly accessible, and designed and located to be inviting and clearly accessible to the public during daylight hours.

Next Steps

Officers recommend the UPDC receive and note the approval and gazettal of the amendment, including Schedule 4 to the Development Plan Overlay provided at **Attachment 1**.

Officers' recommendation

That the Urban Planning Delegated Committee resolve to:

1. Receive and note the approval and gazettal of Amendment C376 to the Boroondara Planning Scheme by the Minister for Planning, including Schedule 4 to the Development Plan Overlay as provided at **Attachment 1** in relation to the former Melbourne University site at 442-450 Auburn Road and 9 Bills Street, Hawthorn.
2. Note the process the Minister for Planning and Department of Transport and Planning used to consider the rezoning was uncertain, had no defined pathway, lacked transparency, forced Council and the community to advocate for improvements without any recovery of costs through application fees and has not resulted in a faster outcome to the delivery of housing.

Responsible director: Scott Walker, Director Urban Living

1. Purpose

The purpose of this report is to brief the Urban Planning Delegated Committee on the process and gazettal of Amendment C376 to the Boroondara Planning Scheme to facilitate the residential redevelopment of the former University of Melbourne Hawthorn campus at 442-450 Auburn Road and 9 Bills Street, Hawthorn.

2. Policy implications and relevance to community plan and council plan

Boroondara Community Plan 2017-27

The Boroondara Community Plan 2017-27 sets out the 10 year vision for Boroondara's future based on values, aspirations and priorities important to the community.

The amendment relates to Strategic Objective 4 of the Plan: *Protect the heritage and respect the character of the City to maintain amenity and liveability while recognising the need for appropriate, well-designed development for future generations.*

Specifically, officers are concerned with the amendment with respect to the following strategies:

- **Strategy 4.1** - Encourage the planning of well-designed new development that is appropriately located and does not negatively impact on established residential streets and valued neighbourhood character.
- **Strategy 4.2** - Advocate to the State Government and opposition parties for greater control over planning decisions.
- **Strategy 4.4** - Encourage development in and around our commercial centres, with an emphasis on increasing housing diversity by having the appropriate planning controls in the Boroondara Planning Scheme.
- **Strategy 4.5** - Introduce environmentally sustainable design policies and principles into the Boroondara Planning Scheme to facilitate sustainable development.
- **Strategy 4.6** - Engage with owners and developers to achieve a balance between development and protection of neighbourhood character, heritage and amenity.
- **Strategy 4.7** - Advocate to the State Government and opposition parties to review the current suite of zones and overlays to ensure they provide opportunities for new residential infill in appropriate locations and limit development in inappropriate locations.

Boroondara Planning Scheme

The amendment impacts the provisions of the Boroondara Planning Scheme with respect to the site and how planning decisions will be made. It is considered that the amendment has applied the Residential Growth Zone inappropriately and in a way which is inconsistent with its purpose. The site is not highly accessible by public transport and will deliver a built form outcome in the local area which does not reflect the planning outcomes expected for the area.

The amendment is also inconsistent with the recently adopted Boroondara Housing Strategy, where residential densities of this type should be concentrated in and around activity centres, and along commercial and public transport corridors. The amendment facilitates a high density form of development on an island site surrounded by land in the Neighbourhood Residential Zone.

There are also concerns that the gazetted Development Plan Overlay (DPO) undermines community involvement in decision-making as it makes the Minister for Planning the Responsible Authority for approval of the Development Plan, with limited clarity on Council and community involvement. The gazetted DPO also limits the ability of residents to be involved in decisions on planning applications because the notice exemptions built into the DPO means a planning permit is issued by Council when an application is 'generally accordance' with the approved Development Plan without community notification or consultation.

The approach taken by the Minister for Planning reflects the sentiment in the recently gazetted planning reforms which seek to limit Council involvement on large development proposals.

3. Background

Request for Amendment C376boro

The University of Melbourne (in conjunction with Hamton Property Group) lodged a request with the Minister for Planning to amend the Boroondara Planning Scheme in March 2022. This was the first time that Council became aware of the proposal although it is understood that Hamton had been in discussions with representatives of the Department of Transport and Planning (DTP) since 2021. The process was managed by the Development Facilitation Unit of DTP.

The amendment sought to rezone the former University of Melbourne - Hawthorn Campus at 442-450 Auburn Road and 9 Bills Street, Hawthorn from the Public Use Zone to the Residential Growth Zone, and apply the Development Plan Overlay and Environmental Audit Overlay to the land.



The land is surplus to requirements to the University of Melbourne, and the amendment was sought to enable the sale of the land to Hamton Property Group. Council was informed through the process that the proceeds of the sale would be used by the university to contribute to the costs associated with the new Australian Institute of Infectious Diseases to be developed by the university and other partners in Parkville.

Council consideration of the amendment

Council was first formally notified of the amendment by DTP on 8 June 2022 when the amendment documents were circulated to Council for comment although high level discussions were held with Council by Hamton Property Group and DTP from March 2022 without full details of the proposal. Although there was an awareness of the proposal the process had no defined pathway and was at the discretion of the Minister for Planning.

On 1 August 2022, officers tabled a report for consideration by the Urban Planning Delegated Committee which provided an assessment of the proposed development plan and amendment documents. A resolution was made to write to the Minister for Planning outlining Council's position on the amendment in regard to process and strategic matters, the proposed development plan and to seek the appointment of an advisory committee to consider the matter given that there was no assurance at the time that such a committee would even be appointed. In other words, there was scope for the Minister to make a decision without inviting further input from Council or the community.

Council lodged a submission with the Minister for Planning in response to the draft amendment, and the Minister for Planning ultimately referred the draft amendment to the Priority Projects Standing Advisory Committee for consideration.

Priority Projects Standing Advisory Committee - Referral 27

The Priority Projects Standing Advisory Committee (the Advisory Committee) conducted a hearing over five days between 20-24 March 2023. Council called expert evidence on urban design matters. Following the hearing Council was given no indication of the process or timeframe for a decision.

Amendment C376 to the Boroondara Planning Scheme was gazetted on 28 September 2023 without warning, making a decision in response to the Advisory Committee hearing in March and following the recent implementation of planning reforms through Amendment VC242 and VC243. The Advisory Committee report was finally publicly released on the Victorian Government website on 18 October 2023, nearly 3 weeks after the amendment was gazetted.

4. Outline of key issues/options

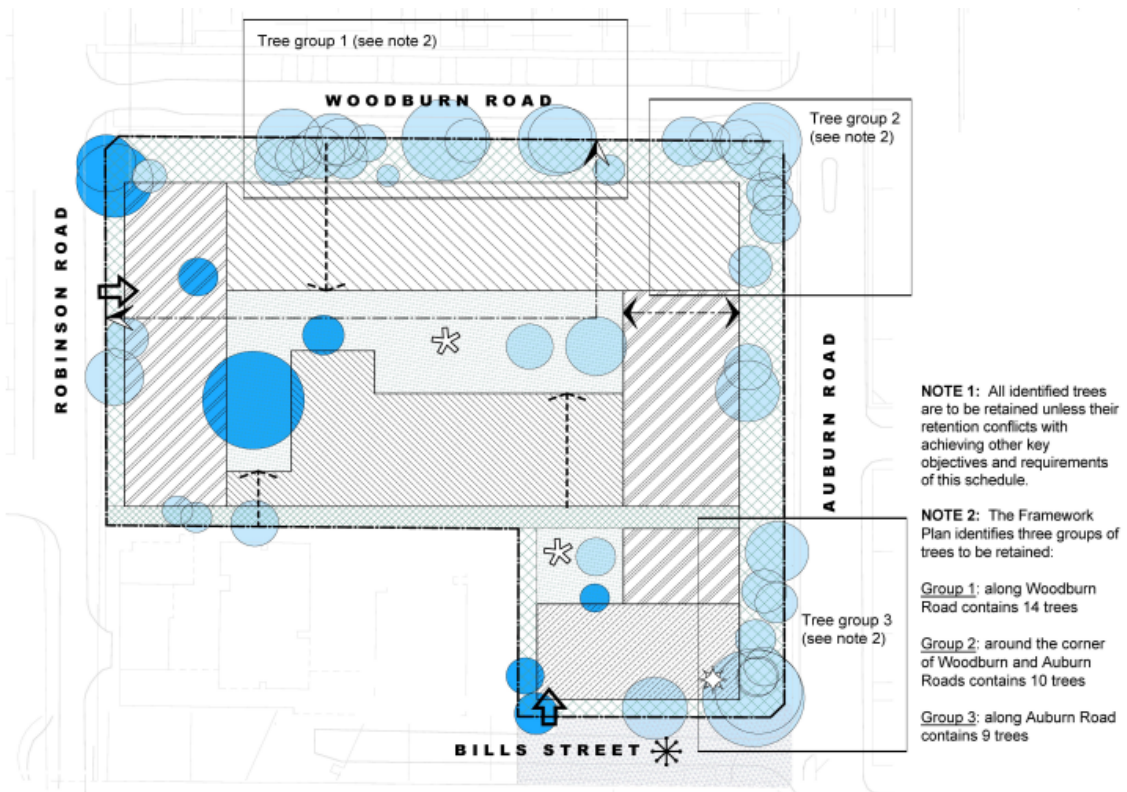
The substantive elements of the draft amendment as requested by the University of Melbourne have been gazetted in the final form of Amendment C376boro.

The focus of Council's submission was to ensure the documentation provided sufficient certainty and clarity on site development outcomes, particularly through the Schedule to the DPO.

Council's submission also sought to justify the application of the correct zone to the land in relation to the site context and purpose of the residential zones.

Responsible Authority for approving the Development Plan

The Advisory Committee incorrectly notes in their report that Council will be responsible for considering and approving the development plan. The gazetted amendment makes the Minister for Planning the Responsible Authority to consider and approve the development plan, while Council would be responsible for issuing planning permits generally in accordance with the approved development plan.



LEGEND	
	PRECINCT BOUNDARIES
	ROBINSON ROAD PRECINCT MAXIMUM 4 STOREYS (PRESENTING AS 3-4 STOREYS ABOVE THE ADJACENT FOOTPATH LEVEL)
	WOODBURN ROAD PRECINCT MAXIMUM 4-6 STOREYS (PRESENTING AS 3-4 STOREYS ABOVE FOOTPATH LEVEL TO WOODBURN RD)
	AUBURN ROAD PRECINCT MAXIMUM 7 STOREYS (PRESENTING AS 6 STOREYS ABOVE THE ADJACENT FOOTPATH LEVEL)
	BILLS STREET PRECINCT MAXIMUM 7 STOREYS WITH RETAIL TO GROUND FLOOR
	INTERNAL RESIDENTIAL PRECINCT MAXIMUM 7 STOREY HEIGHT (PRESENTING AS 6 STOREYS ABOVE THE LEVEL OF THE BIKE AND PEDESTRIAN CONNECTION)
	LANDSCAPING ZONE EXISTING LANDSCAPED SETBACKS RESPECTED, IDENTIFIED TREES RETAINED AND PROTECTED, AND NEW COMPLEMENTARY LANDSCAPING PROVIDED
	BIKE / PEDESTRIAN CONNECTION INDICATIVE ALIGNMENT OF NEW SHARED BIKE / PEDESTRIAN CONNECTION AND MINIMUM 4.5 METRE BUILDING SETBACK (24 HOUR PUBLIC ACCESS)
	INDICATIVE LOCATION OF PUBLICLY ACCESSIBLE OPEN SPACE
	UPGRADES AND IMPROVEMENTS TO BILLS ST ROAD RESERVE
	RETAIL USES
	PRIMARY VEHICLE ACCESS POINTS TO BASEMENT CARPARKS
	INDICATIVE GROUND LEVEL (AND ABOVE) BREAKS BETWEEN BUILDINGS
	INDICATIVE LOCATION OF LINKS BETWEEN BUILDINGS (OPEN TO THE SKY, NOT PUBLICLY ACCESSIBLE)
	PEDESTRIAN LINK (DAYTIME PUBLIC ACCESS)
	EXISTING SIGNIFICANT TREES ON SITE TO BE RETAINED OR RELOCATED
	EXISTING TREES ON SITE TO BE RETAINED (SEE NOTES)

Residential Growth Zone

The Minister for Planning has rezoned the land to the Residential Growth Zone. This is a departure from standard practice where the Residential Growth Zone is typically applied to land adjoining or close to activity centres and transport infrastructure.

Council's position was the land should be rezoned to the General Residential Zone, reflecting the site's proximity to established residential amenity in the Neighbourhood Residential Zone. This zone also would have ensured neighbourhood character considerations were given greater weight in consideration of the design response. The Advisory Committee disagreed with Council's position.

The Schedule 2 to the Residential Growth Zone includes a mandatory height limit of 27 metres across the site, unless the slope of the natural ground level at any cross section wider than 8 metres of the site of the building is 2.5 degrees or more, in which case the height of the building must not exceed 28 metres, measured from natural ground level.

It is disappointing the Minister for Planning has been inconsistent in how the residential zones should be applied.

Development Plan Overlay

The amendment also includes the site in the Development Plan Overlay and the Environmental Audit Overlay.

The Purpose of the Development Plan Overlay is to:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To identify areas which require the form and conditions of future use and development to be shown on a development plan before a permit can be granted to use or develop the land.*
- *To exempt an application from notice and review if a development plan has been prepared to the satisfaction of the responsible authority.*

Under the provisions of the DPO, planning permits will be required pursuant to Clause 43.04-2 (Development Plan Overlay) to construct a building or construct or carry out works on the land. Pursuant to Clause 43.04-2 (Development Plan Overlay), a planning permit application must be generally in accordance with the Development Plan, and Council will be the Responsible Authority for future planning permit applications.

Future planning permits generally in accordance with the Development Plan are exempt from public notice and are exempt from third party appeal rights (the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act).

Environmental Audit Overlay

The Environmental Audit Overlay (EAO) has been applied on the basis of the site being transitioned from an institutional use under the Public Use Zone to a residential zone which will support sensitive residential uses.

It is considered standard procedure to apply the EAO in this instance to trigger a land contamination and risk assessment.

Measurement of building heights

The redevelopment of the site is complicated by deep excavation which means the campus style buildings are predominantly set below street level. In this respect the conventional approach of measuring overall building and street wall heights from natural ground level is not possible.

The draft amendment proposed to measure building height in storeys, with a residential storey having a maximum floor to floor dimension of 3.5 metres, and a non-residential storey having a maximum floor to floor height of 5 metres. The draft amendment did not resolve how heights would be measured, in relation to natural ground level or alternative method.

Council's urban design expert considered the proposed floor to floor heights to be excessive, and put forward the suggestion heights should be measured in metres above footpath level given the difficulty in determining natural ground level. Council's urban design expert also suggested building height to the Homes Victoria development on the adjoining site should be measured to Australian Height Datum (AHD) given the difficulty associated with determining natural ground level, and the existing building heights of the recently constructed Homes Victoria development. This would ensure greater certainty in built form design from the perspective of views from the surrounding community, irrespective of the number of storeys within a building.

The gazetted amendment requires building height to be measured above existing ground level, or where specified using footpath level, with storeys being the preferred approach, rather than metres. In the view of officers, where heights are based on the adjacent footpath level, the footpaths will need to be surveyed and a horizontal plane projected into the site. Where there is a maximum number of storeys presenting to the footpath, the storeys will be measured from the horizontal plane. The gazetted amendment nominates the maximum number of storeys for each building, and retains the floor to floor heights originally proposed.

The Schedule to the Residential Growth Zone specifies an overall mandatory building height of 27 metres above natural ground level (unless a sloping site), which appears to conflict with the provisions in the DPO where building height would be measured from existing (excavated) ground level and footpath level. It remains to be seen how the design response will comply with the varying height requirements and methods of measurement.

It is considered that the issue could have been resolved if the Minister adopted the evidence put forward by Council's urban design expert which sought to provide certainty for all parties given the unique challenges of the site.

Affordable housing

The original draft amendment did not specify a quantum of affordable housing in the proposed Schedule to the Development Plan Overlay (DPO). This matter was raised in Council's submission to the advisory committee on the basis no statutory weight could have been given to the provision of affordable housing through the amendment. This formed a core component of the proponent seeking Ministerial intervention in the first instance.

The gazetted schedule to the DPO nominates 10% affordable housing to be provided on the land. It is considered that this is an improvement on the draft amendment although the requirements of the schedule also note the development plan 'should' include affordable housing.

The proponent is required to enter into a Section 173 Agreement with Council with respect to the affordable housing component as originally proposed in the amendment, but this will now have 10% attached to it.

Other relevant elements of the amendment

Officers have reviewed the amendment in detail and note several elements have been included in the gazetted amendment which reflect Council's submission. These include:

- The quantum of open space specified in the Schedule to the DPO of 2,670sqm generally in the indicative locations shown in the Framework Plan, that is publicly accessible, and designed and located to be inviting and clearly accessible to the public during daylight hours. This is an improvement on the draft amendment.
- The proposed overall building heights for the built form as put forward by Council's urban design expert being used as the upper limit in a range.
- A reduction in building height to the corner of Woodburn Road and Auburn Road to a maximum 4-6 storeys instead of 7 storeys as originally proposed, with 3-4 storeys presenting to the street as measured above footpath level.
- Front setbacks to all buildings (including the Bills Street development by Homes Victoria) as put forward by Council's urban design expert have been used as the upper limit in a range and are specified in the Schedule to the DPO. It is unclear what setbacks are required to built form above the street wall presenting to the street.
- Retention of the Paul Thomson designed landscape feature in the setback to Woodburn Road specified in the Schedule to the DPO.
- Relocation of the east-west pedestrian link (public access during daylight hours) from the southern boundary of the site to be more aligned with Council's urban design expert but with a change to have a link accessing Woodburn Road.

Process

It is considered that the process carried out by the Minister for Planning lacks certainty, rigour and transparency. Officers note the following elements of the process:

- The basis for Ministerial intervention to prepare, adopt and approve the amendment for a conventional residential/mixed use development which could have been considered by Council under a standard planning scheme amendment process was out of scope of the Advisory Committee;
- The Advisory Committee has placed little weight on the amendment being of State significance on the basis funds generated through the sale of the land were to offset the cost of funding the new Australian Institute of Infectious Diseases. This was Council's position at the Advisory Committee, and is an irrelevant matter with respect to the strategic justification for a planning scheme amendment.
- Officers believe the amendment misuses the intent of the Residential Growth Zone through its application to an 'island' site surrounded by established, low density residential neighbourhoods with poor access to activity centres and public transport infrastructure. The Advisory Committee disagreed with Council's position on this issue, and has supported the application of the zone based on the development outcome sought, instead of the best zone being applied based on context and purpose.
- The approach to be applied through the gazetted amendment to measure building heights across the site is confusing and lacks clarity. The Advisory Committee found the DPO Schedule could specify general parameters, but further detail and precision can be resolved during the formulation of the development plan.
- The appointment of the Minister for Planning as the Responsible Authority to approve the development plan, and a lack of commitment to meaningful community involvement in the process. This is further complicated by the provisions of the DPO which exempt notice and review when planning permit applications are lodged which are generally in accordance with the approved development plan.
- A lack of guidance on how Council is to consider its role as a signatory to a Section 173 Agreement with respect to the provision of 10% affordable housing.

Other key issues of concern with the overall process include:

- The handling of the application by the Development Facilitation Unit at DTP had no defined pathway or process which Council or the community had awareness of - in effect, the Minister and DTP could choose their own process and timeline for consideration of the proposal.
- The process to rezone the land has taken nearly two years to get the zone and overlays in place and the proponent will still have to lodge a planning permit application for consideration following the Minister approving a development plan before final approvals will enable construction works to start. To date, there are no indications that a development plan or planning application will be lodged any time soon. Housing outcomes on the site are still likely to be some years away which is hardly a demonstration of the Development Facilitation Unit being a faster process to deliver housing outcomes than historical processes through Council.

- The process placed Council in a position where it had to put considerable time and effort in to influencing an improved planning outcome including by engaging an urban design expert and solicitors to present at the advisory committee. This came at considerable expense to Council but without any fees being received to subsidise those costs because the proposal was managed through DTP rather than Council. This is a cost shift to Council and the community.

5. Consultation/communication

No consultation has been undertaken with respect to this report.

6. Financial and resource implications

It is anticipated that Council will be required to assess and issue planning permits for any redevelopment of the land once the Minister for Planning has approved the Development Plan for the site, consistent with the gazetted Schedule to the DPO. These costs will be met through the Planning and Placemaking operating budget, as required.

The applicant will also be required to enter into a Section 173 Agreement with Council in relation to affordable housing provision. This is likely to require legal advice at a point in the future.

7. Governance issues

No officers involved in the preparation of this report have a general or material conflict of interest requiring disclosure under chapter 5 of the Governance Rules of Boroondara City Council.

The recommendation contained in this report is compatible with the Charter of Human Rights and Responsibilities 2006 as it does not raise any human rights issues.

8. Social and environmental issues

The development of the site is expected to deliver an outcome which will impact on the local community. The site is currently a vacant institutional use and will be converted into a high density residential development within a low density neighbourhood context.

The site will experience increased activation including small scale commercial uses, and a higher density of residential living. This could result in increased traffic, parking and movement in the area, and a substantive change in built form.

Manager: David Cowan, Manager Planning and Placemaking

Report officer: Robert Costello, Acting Coordinator Strategic Planning

BOROONDARA PLANNING SCHEME28/09/2023
C376boro**SCHEDULE 4 TO CLAUSE 43.04 DEVELOPMENT PLAN OVERLAY**Shown on the planning scheme map as **DPO4**.**442-450 AUBURN ROAD AND 9 BILLS STREET, HAWTHORN****1.0**28/09/2023
C376boro**Objectives**

- To achieve an integrated development of the land comprising more intensive predominantly residential development, including the provision of diverse and affordable housing.
- To establish a new built form scale and character of development that transitions down in height to established residential neighbourhoods on the opposite sides of Woodburn Road and Robinson Road.
- To set buildings within a landscaped setting, retain existing identified canopy trees, supplement existing landscaping with new canopy trees and landscaping, and provide publicly accessible, landscaped open space and pedestrian and shared pathways.
- To provide appropriate levels of on-site car and bicycle parking within basements that reflect the transport needs of future residents, accessed from locations which avoid unacceptable impacts on the safe and efficient operation of the local street network.
- To ensure new development achieves a net zero carbon outcome in accordance with the Climate Active Framework and best practice water sensitive urban design.

2.028/09/2023
C376boro**Requirement before a permit is granted**

A permit may be granted to use or subdivide land, construct a building or construct or carry out works before a development plan has been prepared to the satisfaction of the responsible authority, provided the responsible authority is satisfied that the subdivision, use, building or works will not prejudice the future use or development of the land in an integrated manner.

3.028/09/2023
C376boro**Conditions and requirements for permits**

The following conditions and/or requirements apply to permits:

Affordable housing

This requirement only applies to the first permit granted to construct a building on the land.

Before development starts the landowner must enter into an agreement with the responsible authority under Section 173 of the Planning and Environment Act 1987 to deliver an affordable housing contribution equivalent to 10% of all new dwellings provided on the land, in accordance with the preferred delivery method outlined in the development plan, or by an alternative method of an equivalent value, to the satisfaction of the responsible authority.

The agreement must specify the timing of the delivery of the contribution and a mechanism for the reporting of the outcome to the responsible authority. The landowner must meet all the expenses of the preparation and registration of the agreement, including the reasonable costs borne by the responsible authority.

Construction Management Plan

Before the development starts a Construction Management Plan (CMP) must be submitted to and approved by the responsible authority. The CMP can be prepared and approved in stages, and must include the following information:

- Staging of construction.
- Protection of vegetation to be retained.
- Management of public access and linkages around the site during construction.

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- Site access, parking and traffic management during construction.
- Any works within the adjacent road reserve.
- Sediment control and site drainage during construction.
- Hours of construction.
- Control of noise, dust and soiling of roadways during construction.
- Discharge of polluted waters during construction.
- Demolition and excavation.
- Storage of construction materials.
- Location of site offices, and cranes.
- Management of public safety during construction.
- Management of potentially contaminated materials.
- Collection and disposal of building and construction waste.
- Methodology for responding to complaints associated with the construction works.
- Site manager contact details

Tree Protection and Management Plan

Before the development starts an appropriately detailed Tree Protection and Management Plan (TPMP) must be submitted to and approved by the responsible authority. The TPMP must include:

- Identification of all trees on the site to be retained.
- Details of Tree Protection Zones, as per AS4970-2009 Protection of Trees on Development Sites, for all trees to be retained on the site and for all trees on neighbouring properties (including the public open space trees realm) where any part of the Tree Protection Zone falls within the subject site.
- Protection measures to be utilised and at what stage of the development (demolition, construction, landscaping) they will be implemented.
- Appointment of a project arborist detailing their role and responsibilities.
- Stages of development at which the project arborist will inspect tree protection measures. and
- Monitoring and certification by the project arborist of implemented protection measures.

4.0

28/09/2023
C376boro

Requirements for development plan

Interpretation

In this schedule, the Homes Victoria land means the land at 1-12 Bills Street Hawthorn.

For the purpose of the development plan, building height is measured in storeys above existing ground level (or, where specified, above existing footpath level). It does not include architectural features, building services or a basement.

Objectives

A development plan must achieve the objectives of Clause 1.0 and be generally in accordance with the requirements and Framework Plan at Figure 1 of this schedule.

Information requirements

A development plan must include:

- A survey plan showing existing ground levels.
- A Development Concept Plan showing:

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- The land to which the development plan applies.
- The proposed use and development of each part of the land, including new building locations, car parking areas, vehicular and pedestrian accessways and open spaces.
- The indicative staging of development and details of arrangements to manage impacts of development of subsequent stages on previously completed stages.
- The number and type of dwellings.
- The extent of retail uses.
- Building envelopes including the siting, setbacks and heights of buildings in both storeys (overall storeys and storeys presenting to the street) and metres above a defined height datum.
- Preferred materials, finishes and expression of new buildings, including proposed treatments for key entrances, balconies and terraces.
- Fencing types.
- Car park and access principles, including location of crossovers.
- The preferred delivery method for affordable housing.
- The location of private, communal and publicly accessible open space.
- The location of any communal facilities.
- Linkages to surrounding areas, including the Homes Victoria land (where allowed by that land's owner).
- Areas of the site (including links, pathways and open spaces) that will be accessible to the public, and the times at which they will be accessible.
- A Landscape Concept Plan showing:
 - Measures to protect and maintain the Paul Thomson designed serpentine landscape along the Woodburn Road frontage.
 - Trees to be retained.
 - Tree protection zones for retained trees and a tree protection strategy to protect trees during construction and after the development is complete. The tree protection strategy must be consistent with the TPMP.
 - Areas of new planting and planting themes.
 - Proposed facilities including pedestrian paths, shared paths and fence details.
 - Communal and/or public open space and provision for pedestrian and bicycle links to and through this space.
 - Details of the visual links through new buildings to enable a visual connection from the street to the site's open spaces.
 - Landscaping of upper level balconies, including indicative sections for planter treatments, to soften and integrate upper-level skyline forms.
 - Details of the proposed access to and management of landscaped areas.
- An ESD Principles Report that demonstrates how development will achieve the ESD and Water Sensitive Urban Design objectives and requirements of this schedule.
- An Integrated Transport Plan including:
 - Traffic management and traffic control works required to facilitate the development.

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- Car parking requirements for the development including the number of spaces and the location and layout of all car parking areas.
- Public transport availability.
- Bicycle parking and end of trip facilities.
- Bicycle and pedestrian ways and connections.
- A Public Realm Plan that describes the proposed upgrades to the Bills Street Road Reserve in accordance with the requirements of this schedule, including:
 - The extent to which footpaths are to be upgraded.
 - Street lighting, bike parking and street furniture proposed to be upgraded or provided.

Requirements for development

The development plan must require development to meet the following requirements:

Building height and setbacks

All building heights should be generally in accordance with the maximum building heights shown in Figure 1.

A residential storey should have a maximum floor to floor height of 3.5 metres and a non-residential storey should have a maximum floor to floor height of 5 metres.

Buildings should be set back to facilitate the retention of the Paul Thomson designed serpentine landscape along Woodburn Road and existing canopy trees on the land identified for retention in, generally in accordance with Figure 1.

Setbacks should ensure that buildings do not unreasonably impact on the streetscape. Setbacks along street frontages should be varied, within the following ranges:

- Robinson Road – setback range of 3 to 7 metres.
- Woodburn Road – setback range of 6 to 12 metres.
- Auburn Road – setback range of 6 to 10 metres.
- Bills Street – setback range of 3 to 6 metres.
- The boundary of the Homes Victoria land – minimum setback of 4.5 metres.

Ground level landscaped breaks of at least 9 metres in width should be provided between new buildings, generally in accordance with the locations shown in Figure 1. The landscaped breaks should be open to the sky.

Visual links should be provided through new buildings to landscaped spaces, generally in the locations shown in Figure 1.

Upper levels of buildings will should be designed to ensure they do not unreasonably impact on the character of the streetscape through measures such as articulation, landscaped balconies, materials and finishes and recessing.

BOROONDARA PLANNING SCHEME**Layout of development**

Buildings should be oriented to avoid excessive overshadowing or loss of privacy both internal and external to the site.

Communal facilities should be located and configured to enable effective use of the adjoining open spaces, where applicable.

Design responses

New development should include a diversity of design approaches and materials and finishes that assist to integrate the overall development with the surrounding neighbourhood and avoid homogenous expression.

Land use

New development should be substantially dwellings, except for permissible retail uses, which should be confined to the location prescribed in Figure 1, to the satisfaction of the responsible authority.

Affordable housing

10% of all new dwellings provided on the land should be provided as Affordable Housing, as defined in the Planning and Environment Act 1987, to the satisfaction of the responsible authority.

Environmentally sustainable design

New development should meet the following Environmentally Sustainable Design (ESD) outcomes:

- 5 Star Greenstar.
- 7 star NatHERS Rating.
- Net zero carbon certified in accordance with the Climate Active Framework.
- Best practice performance objectives for stormwater quality as contained in the Urban Stormwater - Best Practice Environmental Management Guidelines (Victorian Stormwater Committee, 1999).

Tree retention, landscaping and open space

All trees identified in Figure 1 should be retained, protected in accordance with the TPMP and integrated with development, in accordance with the legend to Figure 1. Landscaping Zones and Open Space should be provided in the locations shown in Figure 1.

Locations of Open Space in Figure 1 are indicative only.

The Landscaping Zones and Open Space should be designed and landscaped to:

- Enhance, and respect and complement the design integrity of the Paul Thomson designed serpentine landscape.
- Enhance retained canopy trees and the landscape character of the neighbourhood.
- Provides high quality private and communal open space for future residents.
- Provide high quality publicly accessible open space areas.

Built form within the Landscaping Zones and Open Space areas should be limited, and any built form must complement and be integrated with the landscaping.

New development should be designed and sited to provide:

- Minimum garden area, as defined by Clause 73.01, of at least 35% of the site's area.
- Deep soil planting areas in excess of the minimum required by Standard D10 of Clause 58.03-5, including opportunities for deep soil planting along the Robinson Road frontage and the interface with the Homes Victoria land.

BOROONDARA PLANNING SCHEME

- Open space of at least 2,670 square metres, generally in the indicative locations shown in Figure 1, that is publicly accessible, and designed and located to be inviting and clearly accessible to the public during daylight hours.
- Pedestrian connections to the adjacent public housing redevelopment at the Homes Victoria land, where permitted by that land's owner.

Car Parking, access and movement

Basement car parks should be designed and sited to minimise their visual impact on the streetscapes, whilst ensuring the safe and efficient movement of vehicles.

Crossovers should be located generally in accordance with locations shown in Figure 1.

A shared bicycle/pedestrian pathway should be provided at the interface with the Homes Victoria land and extending east to Auburn Road, generally in the location shown in Figure 1.

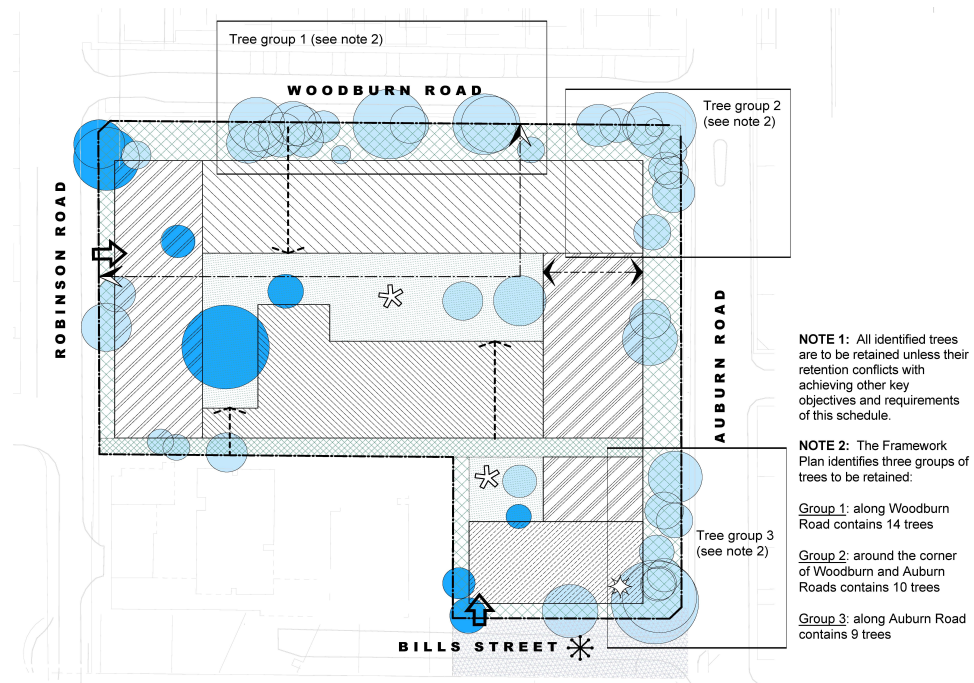
A publicly accessible, landscaped east-west pedestrian link should be provided between Robinson Road and Auburn Road, generally in accordance with the location shown in Figure 1.

Bills Street upgrades

New development should include upgrades to the section of the Bills Street Road reserve between Auburn Road and the land's western boundary (as shown on Figure 1), to improve pedestrian amenity and landscape outcomes, to the satisfaction of the Responsible Authority and the road management authority.

BOROONDARA PLANNING SCHEME

Framework plan



LEGEND	
PRECINCT BOUNDARIES	
ROBINSON ROAD PRECINCT	
MAXIMUM 4 STOREYS (PRESENTING AS 3-4 STOREYS ABOVE THE ADJACENT FOOTPATH LEVEL)	
WOODBURN ROAD PRECINCT	
MAXIMUM 4-6 STOREYS (PRESENTING AS 3-4 STOREYS ABOVE FOOTPATH LEVEL TO WOODBURN RD)	
AUBURN ROAD PRECINCT	
MAXIMUM 7 STOREYS (PRESENTING AS 6 STOREYS ABOVE THE ADJACENT FOOTPATH LEVEL)	
BILLS STREET PRECINCT	
MAXIMUM 7 STOREYS WITH RETAIL TO GROUND FLOOR	
INTERNAL RESIDENTIAL PRECINCT	
MAXIMUM 7 STOREY HEIGHT (PRESENTING AS 6 STOREYS ABOVE THE LEVEL OF THE BIKE AND PEDESTRIAN CONNECTION)	
LANDSCAPING ZONE	
EXISTING LANDSCAPED SETBACKS RESPECTED, IDENTIFIED TREES RETAINED AND PROTECTED, AND NEW COMPLEMENTARY LANDSCAPING PROVIDED	
BIKE / PEDESTRIAN CONNECTION	
INDICATIVE ALIGNMENT OF NEW SHARED BIKE / PEDESTRIAN CONNECTION AND MINIMUM 4.5 METRE BUILDING SETBACK (24 HOUR PUBLIC ACCESS)	
INDICATIVE LOCATION OF PUBLICLY ACCESSIBLE OPEN SPACE	
UPGRADES AND IMPROVEMENTS TO BILLS ST ROAD RESERVE	
RETAIL USES	
PRIMARY VEHICLE ACCESS POINTS TO BASEMENT CARPARKS	
INDICATIVE GROUND LEVEL (AND ABOVE) BREAKS BETWEEN BUILDINGS	
INDICATIVE LOCATION OF LINKS BETWEEN BUILDINGS (OPEN TO THE SKY, NOT PUBLICLY ACCESSIBLE)	
PEDESTRIAN LINK (DAYTIME PUBLIC ACCESS)	
EXISTING SIGNIFICANT TREES ON SITE TO BE RETAINED OR RELOCATED	
EXISTING TREES ON SITE TO BE RETAINED (SEE NOTES)	