

URBAN PLANNING DELEGATED COMMITTEE

AGENDA



(Open to the public)

6.30pm, Monday 4 December 2023

Council Chamber, 8 Inglesby Road, Camberwell

Date of Issue: 24 November 2023

Please note: No audio, video, photographic or any other recording of proceedings at Council or Delegated Committee meetings is permitted without written authority from Council.

Order of Business

- 1 Adoption and confirmation of the minutes of the Urban Planning Delegated Committee meeting held on 13 November 2023**
- 2 Declaration of conflict of interest of any councillor or council officer**
- 3 Presentation of officer reports**
 - 3.1 48-52 Riversdale Road, Hawthorn - Four storey apartment building - PP23/0152
 - 3.2 10 Cross Street Canterbury - Construct a Single Dwelling in Heritage Overlay
 - 3.3 36 Kooyongkoot Road, Hawthorn - Outcome of Ministerial Advisory Committee - Amendment C284Pt2boro
- 4 General business**
- 5 Urgent business**
- 6 Confidential business**
- 7 Close of meeting**

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3 Presentation of officer reports

3.1 48-52 Riversdale Road, Hawthorn - Four storey apartment building - PP23/0152

Executive Summary

Proposal

The application seeks planning permission for the development of the land at 48-52 Riversdale Road, Hawthorn (the Site) for the purpose of multiple dwellings on a lot and alteration of access to a road in a Transport Zone 2; comprising 29 dwellings within a 4 storey apartment building, upon basement car parking.

The key details of the proposal are summarised as follows:

- Site area: 1,619sqm
- Apartments: 29 (1x1bed, 23x2bed & 5x3bed)
- Car parking spaces: 35 (34 spaces required)
- Bicycle parking spaces: 22
- Site coverage: 65.44%
- Permeability: 20.13%
- Building height: 4 storeys and 14.1 metres

The proposed building would adopt a contemporary form and appearance, presenting a 3 storey façade to Riversdale Road. The building has been designed with a split level arrangement owing to the slope of the land, allowing the building to step down to the rear of the Site, with the slope.

The proposal includes the removal of the majority of trees onsite; however, Tree 24 is proposed for retention. Tree 24 is a 15m high, mature Brittle Gum, located to the front setback.

13 objections have been received to the application.

Key Issues

The following key considerations are addressed in the Planning Assessment Report:

- Strategic Directions
- Planning Zone
- Neighbourhood Character
- Onsite and Offsite Amenity
- Traffic, Transport and Parking
- Environmental Sustainability
- Integrated Decision Making

Officer's Response

Planning Officers have undertaken a detailed assessment of the proposal in accordance with the requirements of the Boroondara Planning Scheme, as outlined in the Planning Assessment Report.

The proposal is considered to be appropriate and acceptable, for the following reasons:

- The proposal has strategic support from the Planning Scheme, which has a consistent theme of increasing residential density within accessible and strategically appropriate locations. This is reflected in Council's Housing Framework Plan which identifies the site for 'increased diversity and density' and categorises the land as a 'main road apartment precinct'.
- The proposal achieves the express purpose of the zone which includes to provide housing at increased densities in buildings up to and including four storeys.
- The proposal is well conceived from an architectural and urban design perspective, resulting in a high quality and contextual development which will sit comfortably within its context. Further, the development provides for an appropriate transition to the surrounding Neighbourhood Residential Zoned land.
- The development provides for considerable landscaping opportunities, appropriate to the physical and policy context.
- The development accommodates the retention of the mature Brittle Gum within the front setback.
- The development achieves excellent standards of onsite amenity, including appropriate levels of outdoor space.
- The development will not result in undue offsite amenity impacts.
- The development complies with all Clause 55 (ResCode & Apartment Development) objectives and most standards.
- The development provides an oversupply of parking spaces and the traffic movements will not unduly impact the surrounding network.
- The development provides an oversupply of bike parking spaces.
- The development achieves 'best practice' in term of sustainable design.

Officers' recommendation

That the Urban Planning Delegated Committee resolve to issue a Notice of Decision to Grant a Planning Permit for Planning Permit Application PP23/0152 to construct multiple dwellings on a lot and to create or alter access to a road in a Transport Zone 2, involving a 4 storey apartment building upon basement car parking, at 48-52 Riversdale Road, Hawthorn under the Boroondara Planning Scheme subject to the following conditions:

Stormwater Drainage Plan Prerequisite Requirements

1. Prior to the submission of Amended Plans pursuant to Condition 2, Development Stormwater Drainage Plans must be submitted to and approved by Council's Asset and Capital Planning team (Drainage), the Responsible Authority. The plans must be prepared by a Registered Professional Civil Engineer with endorsement as a building engineer and must include:
 - (a) The use of an On-site Stormwater Detention (OSD) system;
 - (b) The connection to the Council nominated Legal Point of Discharge;
 - (c) The outfall drainage works necessary to connect the subject site to the Council nominated Legal Point of Discharge;
 - (d) The integration, details and connections of all Water Sensitive Urban Design (WSUD) features in accordance with the Environmentally Sustainable Design (ESD) and STORM report and include drainage details as a result of landscaping;

- (e) A suitably prepared design with computations for the internal drainage and method of disposal of stormwater from all roofed areas and sealed areas;
- (f) All drainage plans must show the Trees to be retained and include the Tree Number; The Structural Root Zone (SRZ) radius; and the Tree Protection Zone (TPZ) radius, as detailed in accordance with the arborist report submitted with the application.
- (g) All drainage plans must show proposed trees to be planted in accordance with the landscape plan submitted with the application.

Amended plans required

2. Before the development starts, amended plans to the satisfaction of the responsible authority must be submitted to and approved by the Responsible Authority. The plans must be drawn to scale with dimensions and electronic copies provided (unlocked PDF). When the plans are endorsed they will then form part of the permit. The plans must be substantially in accordance with the plans advertised on 7 September 2023 but modified to show:
 - (a) Details of the development stormwater drainage plans in accordance with Condition 1.
 - (b) Annotation to confirm that any landscaping or other obstruction within the sight triangles must be no higher than 900mm in height or made to be 50% permeable in order to maintain visibility to pedestrians.
 - (c) Electric Vehicle charging infrastructure to all car parking spaces.
 - (d) A total provision of 29 bicycle parking spaces.
 - (e) A rainwater harvesting tank with a total capacity of 12,500L.
 - (f) Increased setbacks to the second floor balcony balustrade/screening from the southern boundary, to comply with Clause 55 Standard B20 (north facing windows). The increased setback is to be absorbed within the building envelope and without reducing any other setback.
 - (g) Demonstrate through the use of overlooking sectional diagrams, along with any additional overlooking measures (as necessary), that the development complies with Clause 55 Standard B22 (Overlooking) from the following areas:
 - a. Ground floor and associated decking to the west and rear. Any necessary screening to these interfaces must be setback from the common boundary and provided as free-standing screening.
 - b. Second floor balconies to the rear and west.
 - c. Third floor terrace/balcony, to all neighbouring interfaces.
 - (h) Updated materials schedule to depict the proposed balustrades / overlooking screening, specify the colour and materiality and confirm that screening will be no more than 25% open.
 - (i) The location of all outdoor heating and cooling units must be depicted and they must be located away from the existing habitable rooms.
 - (j) Any changes required by the Sustainable Management Plan, required at Condition 5.
 - (k) Any changes required by the Landscape Plan, required at Condition 8.
 - (l) Any reductions to the built form and/or works recommended in the endorsed Tree Management Plan, required at Condition 11. Any reductions must be accommodated within the building envelope and without the reduction of any other setbacks.
 - (m) Any changes required by the Waste Management Plan, required at Condition 27.

Trees

- (n) The Tree Protection Zone and Structural Root Zone of Tree Nos. 2, 3, 4, 12, 15, 16, 17, 18, 19, 20, 21 22, 24, 26 (as identified in the Arborist Report submitted with the application prepared by Glenn Waters Arboricultural (dated 20/10/2022) drawn on all site and floor plans.
- (o) Notation on all site and floor plans that Tree Nos. 2, 3, 4, 12, 15, 16, 17, 18 (neighbouring portion of tree group), 19, 20, 21 22, 24, 26 are to be retained and protected in accordance with the endorsed Tree Management Plan required by this Permit.
- (p) Notation confirming that all fencing and decking structures within the TPZ of Tree 24 and all neighbouring trees to incorporate root sensitive footings or as otherwise agreed in the endorsed Tree Management Plan required by this Permit.
- (q) Notation confirming permanent fencing within the Tree Protection Zone of Tree 12 and 26 are to be constructed on pier foundations with any required plinths constructed above existing grade.
- (r) Notation confirming that existing ground levels are to be maintained in TPZs for retained trees (excluding approved built form).
- (s) Any decking within the SRZ of Tree 15 and 17 to be deleted.
- (t) A notation confirming that the siting of any necessary stormwater detention pit, underground services and pits, and/or rainwater harvesting tank will be located outside any area set aside for deep-soil planting and outside the Tree Protection Zone of any trees to be retained/protected.
- (u) Notation on all site and floor plans that all excavations within the Tree Protection Zones of retained onsite trees and neighbouring trees shall be carried out in accordance with the endorsed Tree Management Plan required by this Permit.
- (v) Notation on all site and floor plans that all excavations within the Tree Protection Zone of Tree 12 and 26 must be undertaken with hand tools or hydro-vacuum and that all excavation works must be supervised, documented and certified by the Project Arborist.

Layout not to be altered

- 3. The layout of the site and the size, levels, design and location of buildings and works shown on the endorsed plans must not be modified for any reason without the prior written consent of the Responsible Authority.

Privacy measures must be installed

- 4. Prior to occupation of the development approved by this permit the installation of any privacy screens and measures shown on the endorsed plans must be undertaken in accordance with the endorsed plans. The privacy screens must be maintained thereafter to the satisfaction of the Responsible Authority.

Updated Sustainable Management Plan

- 5. Concurrent with the endorsement of plans required by Condition 2, an updated Sustainable Management Plan (ESD Report) must be submitted to and approved to the satisfaction by the Responsible Authority. The Report must demonstrate a best practice standard of environmentally sustainable design and be generally in accordance with the ESD Report advertised on 7 September 2023 prepared by Energy, Water and Environment, but modified to include the following changes:
 - a. An amended stormwater management plan that includes a maintenance plan, stating periodic actions, requirements, and responsibilities.
 - b. Specification for electric vehicle charging infrastructure provisions in accordance with the National Construction Code 2022.

Where alternative ESD initiatives are proposed, the Responsible Authority may vary the requirements of this condition at its discretion, subject to the development achieving equivalent (or greater) ESD outcomes in association with the development.

Implementation of ESD measures

6. All works must be undertaken in accordance with the endorsed ESD Report to the satisfaction of the Responsible Authority. No alterations to these plans may occur without the written consent of the Responsible Authority.

Confirmation of ESD measures

7. Prior to the commencement of occupation or issue of a Statement of Compliance, whichever comes first, of any part approved under this permit, a report from the author of the ESD 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 through supporting evidence that all measures specified in the endorsed ESD Report have been implemented in accordance with the approved plan.

Updated Landscape Plan

8. Concurrent with the endorsement of plans required by Condition 2, a detailed Landscape Plan must be submitted to satisfaction of the Responsible Authority. Once approved the Landscape Plan will be endorsed and form part of the permit. The Landscape Plan must be generally in accordance with the Landscape Concept Design advertised on 7 September 2023 prepared by Vivid Green, except that the plan must show:
 - (a) A survey (including botanical names) of all existing trees to be retained and of those to be removed. The intended status of the trees shown on the landscape plan must be consistent with that depicted on the development layout plan;
 - (b) A planting schedule of all proposed trees, shrubs and ground covers including botanical names, common names, pot sizes, sizes at maturity and the quantities of each plant;
 - (c) Planting of trees within drainage easements/adjacent to Council drains being limited to species with shallow root system (shrubs) which will not prejudice or damage the stormwater drain.
 - (d) Details of the surface finish of all pathways, paved areas and accessways and the use of permeable paving where required by the endorsed Tree Management Plan required by this permit;
 - (e) All hard surfaces proposed within the Tree Protection Zone of Tree Nos. 12 and 26 must be constructed of permeable materials; be constructed above current grade; and be constructed on foundations that maintain appropriate permeability for each tree, to the satisfaction of the Responsible Authority.
 - (f) Notation confirming all trees must comply with Australian Standard AS2303:2015 - Tree Stock for Landscape Use;
 - (g) Notation confirming all canopy trees must be planted by an AQF Level 3 Qualified Arborist, Landscape Gardener or Horticulturist;
 - (h) Depict the approved Development Stormwater Drainage Plans required under Condition 1, demonstrating that proposed landscaping can be accommodated while not prejudicing the approved drainage infrastructure;
 - (i) Demonstrate that all proposed trees are to be provided with sufficient soil volumes and depths (whether in planters or deep soil areas) by specifying the

- proposed soil volume and soil depth alongside the necessary soil volume and soil depth, for all proposed trees;
- (j) Detailed construction specifications for all permeable surfaces that include cross-section diagrams;
- (k) Landscaping and planting within all open areas of the site.

Completion of landscaping works

9. Landscaping as shown on the endorsed landscape plan/s must be carried out and completed to the satisfaction of the Responsible Authority prior to the occupation of the development.

Landscaping maintenance

10. All landscaping works shown on the endorsed landscape plan/s must be maintained and any dead, diseased or damaged plants replaced, all to the satisfaction of the Responsible Authority.

Tree management plan

11. Concurrent with the submission of amended plans required by Condition 2 of this Permit and prior to any demolition or site works, a Tree Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Tree Management Plan must be prepared by a minimum AQF Level 5 qualified and experienced Arborist in relation to the management and maintenance of Tree Nos. Nos. 2, 3, 4, 12, 15, 16, 17, 18, 19, 20, 21 22, 24, 26 (as identified in the Arborist Report submitted with the application prepared by Glenn Waters Arboricultural (dated 20/10/2022)). The Tree Management Plan must make specific recommendations in accordance with the Australian Standard AS4970: 2009 - Protection of Trees on Development Sites and detail the following to ensure that all retained trees remain healthy and viable during construction:
 - a) A Tree Protection Plan drawn to scale that shows:
 - i. Tree Protection Zones and Structural Root Zones of all trees to be retained, where the TPZs of these trees enter the subject land;
 - ii. All tree protection fenced off areas and areas where ground protection systems will be used;
 - iii. The type of foundations, fence footings and plinths (illustration or notation) within each Tree Protection Zone;
 - iv. Any services to be located within the Tree Protection Zone and a notation to state that all services will either be located outside of the Tree Protection Zone, bored under the tree protection zone, or installed using hydro excavation under the supervision of the project arborist;
 - v. A notation to refer to the Tree Management Plan for specific detail on what actions are required within the Tree Protection Zone.
 - b) Details of how the root system of any tree to be retained will be managed. This must detail of any initial non-destructive trenching and pruning of any roots required to be undertaken by the project arborist; details of excavation methods; and details of how any hard and permeable surfaces within the Tree Protection Zone of retained trees will be constructed;
 - c) Specify which trees require supervision from Council's Arborist when excavation is occurring within their root zones and specify that a suitable time will be arranged with Council's Arborist to organise supervision for these works.
 - d) Supervision timetable and certification of tree management activities required by the Project Arborist to the satisfaction of the Responsible Authority;

- e) All remedial pruning works that are required to be performed on trees during demolition and development of the site. The pruning comments must reference Australian Standards 4373:2007, Pruning of Amenity Trees and a detailed photographic diagram specifying what pruning will occur. Note: Only Council or Authorised Council Contractors can prune Trees Nos. 12 and 26. Any request for the pruning of trees on public land must be made through Council's Environmental Sustainability and Open Spaces Department.

The recommendations contained in the approved Tree Management Plan must be implemented to the satisfaction of the Responsible Authority and any changes to the endorsed Tree Management Plan will require written authorisation from the Responsible Authority.

Tree Management Plan and Construction Management Plan

- 12. The Construction Management Plan required as a condition of this permit must be in accordance with the Tree Management Plan and Tree Protection Plan.

Contractors to be advised of trees to be retained

- 13. The owner and occupier of the site must ensure that, prior to the commencement of buildings and works, all contractors and tradespersons operating on the site are advised of the status of trees to be retained as detailed in the endorsed Tree Management Plan and are advised of any obligations in relation to the protection of those trees. A written record must be maintained on site of all contractors inducted regarding this condition. At the request of an authorized officer of Council this written record must be provided to Council.

Regulation of activities in Tree Protection Zone

- 14. No vehicular or pedestrian access, trenching or soil excavation is to occur within the Tree Protection Area as detailed in the endorsed Tree Management Plan (other than as already approved by the endorsed Tree Management Plan) without the prior written consent of the Responsible Authority. No storage or dumping of tools, equipment or waste is to occur within the Tree Protection Zone.

Documentation and Certification by Project Arborist

- 15. Provide the following in relation to the project arborist and tree management:
 - a) Prior to the commencement of any site works, including demolition and excavation, the Responsible Authority must be provided with evidence that a project arborist has been engaged as part of the ongoing consultant team to oversee the design and construction, and to ensure the development does not have a detrimental impact on the ongoing health and stability of the trees to be retained. The project arborist must hold suitable qualifications and experience to the satisfaction of the Responsible Authority. Evidence of the appointment of the project arborist must be submitted to the satisfaction of the Responsible Authority (quoting the Planning Permit number and site address, emailed to Boroondara@boroondara.vic.gov.au) not less than seven (7) days before the commencement of works on site.
 - b) Prior to the commencement of any site works, including demolition and excavation, a timetable for the supervision and certification of tree management activities which is to the satisfaction of the Responsible Authority must be prepared by the project arborist and submitted to the Responsible Authority for approval. A signed and dated copy of each stage of the supervision timetable certified by the project arborist (quoting the Planning

Permit number and site address, emailed to Boroondara@boroondara.vic.gov.au must be submitted to the Responsible Authority not more than seven (7) days following the completion of each stage.

Drainage

16. The site must be drained to the satisfaction of the Responsible Authority.

Drainage arrangements

17. The owner must make an arrangement with Council for the provision of drainage and the acceptance of surface and stormwater from the subject land directly or indirectly into Council's drainage system and a final inspection shall be carried out to determine the completion of drainage in accordance with the approved plans, to the satisfaction of the Responsible Authority.

Sediment laden run-off

18. No polluted and/or sediment laden runoff is to be discharged directly or indirectly into Council's drains or watercourses during and after development, to the satisfaction of the Responsible Authority.

Location of third party assets

19. The location of third party or utility assets within the development site must be verified by field survey and clearly shown on all development plans.

Use & allocation of car parking spaces

20. Car parking spaces shown on the endorsed plans must not be used for any purpose other than the parking of vehicles; a minimum of 1 space must be allocated to each 1 or 2 bed dwelling and 2 spaces must be allocated to each 3+ bed dwelling; each pair of tandem spaces must be allocated to the same dwelling; all to the satisfaction of the Responsible Authority.

Lighting of carparks and accessways

21. 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.

Pedestrian sight triangles

22. Pedestrian sight triangle(s) are to be maintained so that any obstructions, including fencing and/or letterboxes, must be no higher than 900mm or 50% permeable within these triangles, to the satisfaction of the Responsible Authority.

Boundary walls

23. The external faces of walls on or facing boundaries must be cleaned and finished to an acceptable standard to the satisfaction of the Responsible Authority.

External lighting

24. All external lighting must be designed, baffled and located so as to prevent light from the site causing any unreasonable impacts on the locality, to the satisfaction of the Responsible Authority.

Concealment of pipes

25. All pipes (except down-pipes), fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from external view, to the satisfaction of the Responsible Authority.

Hours for waste collection

26. Collection of waste must be conducted so as not to cause any unreasonable disturbance to nearby residential properties and may only take place during the following times:

Monday to Friday:	9:00am to 4:00pm
Saturday & Public Holidays:	9:00am to 6:00pm
Sunday:	No collection allowed

Unless otherwise agreed in writing by, and to the satisfaction of, the Responsible Authority.

Updated Waste Management Plan

27. Concurrent with the endorsement of plans required by Condition 2, a Waste Management Plan must be prepared to the satisfaction of the Responsible Authority and must be submitted to and approved by the Responsible Authority. The Waste Management Plan must be generally in accordance with the Waste Management Plan advertised on 7 September 2023 prepared by Urban Waste Environmental Consultants, but modified:
- To note that each tenement is to be provided with a kitchen caddy and compostable liners for the management of the FOGO component of the waste stream.
 - To note that each waste stream is to be collected by separate dedicated waste trucks and taken to dedicated and licenced disposal facilities. Wastes are not to be collected in one truck.
 - To confirm that waste collection will occur outside of peak hours.

Waste collection

28. Waste collection shall be carried out in accordance with the endorsed waste management plan for the lifetime of the development, to the satisfaction of the Responsible Authority.

Construction management plan

29. Prior to the commencement of any site works, including demolition and excavation, a Construction Management Plan must be submitted to and endorsed by the Responsible Authority. No works are permitted to occur until the Plan has been endorsed by the Responsible Authority. Once endorsed, the construction management plan will form part of the permit and must be implemented to the satisfaction of the Responsible Authority. The plan must be prepared in accordance with Council's Construction Management Plan Template and provide details of the following:
- Hours for construction activity in accordance with any other condition of this permit;
 - Measures to control noise, dust, water and sediment laden runoff;
 - Measures relating to removal of hazardous or dangerous material from the site, where applicable;
 - A plan showing the location of parking areas for construction and sub-contractors' vehicles on and surrounding the site, to ensure that vehicles

associated with construction activity cause minimum disruption to surrounding premises. Any basement car park on the land must be made available for use by sub-constructors/tradespersons upon completion of such areas, without delay;

- e) A Traffic Management Plan showing truck routes to and from the site;
- f) 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;
- g) A plan showing the location and design of a vehicle wash-down bay for construction vehicles on the site;
- h) Measures to ensure that sub-contractors/tradespersons operating on the site are aware of the contents of the construction management plan;
- i) Contact details of key construction site staff;
- j) A site plan showing the location of any site sheds, on-site amenities, building waste storage and the like, noting that Council does not support site sheds on Council road reserves; and
- k) Any other relevant matters, including the requirements of Head, Transport for Victoria and Yarra Trams.

Head, Transport for Victoria

- 30. Prior to the occupation of the development the crossover driveway and all associated works show on plans (Pitard Group Ref TP-03 Rev 3 29/08/2023) must be constructed to the satisfaction of the Head, Transport for Victoria and the Responsible Authority, at no cost to the Head, Transport for Victoria.
- 31. All vehicles associated with the development must be able to conveniently enter and exit the subject land in a forward direction to the satisfaction of the Responsible Authority and the Head, Transport for Victoria.
- 32. All disused or redundant crossings along Riversdale Road must be removed and the area reinstated to kerb, channel and footpath to the satisfaction of and at no cost to the Head, Transport for Victoria prior to the occupation of the buildings hereby approved.
- 33. The permit holder must avoid disruption to tram operation along Riversdale Road during the construction of the development. Any planned disruptions to tram operation during construction and mitigation measures must be communicated to and approved by the Head, Transport for Victoria and Yarra Trams a minimum of 8 weeks prior.
- 34. The permit holder must ensure that all track, tram and overhead infrastructure is not altered or damaged. Any alteration or damage to public transport infrastructure must be approved and / or rectified to the satisfaction of the Head, Transport for Victoria at the full cost of the permit holder.

Permit to expire

- 35. This Permit will expire if:
 - a) The development does not start within two (2) years of the issue date of this Permit; or
 - b) The development is not completed within four (4) years of the issue date of this Permit.

The Responsible Authority may extend the times referred to if a request is made in writing before the permit expires or:

- (i) within six (6) months afterwards if the use or the development has not commenced; or
- (ii) within twelve (12) months afterwards if the development has not been completed.

Council and the Victorian Civil and Administrative Tribunal are unable to approve requests outside of the relevant time frame.



PLANNING ASSESSMENT

Urban Planning Delegated Committee

Application Number	PP23/0152
Date Application Received	08/03/2023
Planning Officer	Jock Farrow
Applicant	SP16 Pty Ltd
Property Address	48-52 Riversdale Road, Hawthorn
Proposal	Construct multiple dwellings on a lot and to create or alter access to a road in a Transport Zone 2; involving a 4 storey apartment building upon basement car parking
Ward	Riversdale
Zoning	Residential Growth Zone - Schedule 1 Adjoins Transport Zone 2
Overlays	None applicable
Neighbourhood Character Precinct	40
Particular Provisions	<ul style="list-style-type: none"> • Clause 52.06 (Car Parking) • Clause 52.29 (Land Adjacent to the Principal Road Network) • Clause 53.18 (Stormwater Management in Urban Development) • Clause 55, including 55.07 (ResCode & Apartment Developments)
Permit Triggers	<ul style="list-style-type: none"> • Clause 32.07-5 (RGZ) of the Boroondara Planning Scheme, a permit is required to Construct two or more dwellings on a lot. • Clause 52.29 of the Boroondara Planning Scheme, a permit is required to Create or alter access to a road in a Transport Zone 2.
Section 55 Referrals	Head, Transport for Victoria
Aboriginal Cultural Heritage	No
Covenant	No
Potential Overland Flow?	No
Advertised?	Public notice of the application was given on 7 September 2023 by Council posting notices to abutting and nearby property owners and occupiers and by the display of a sign(s) on the site for a period of not less than 14 days.
Number of Objections Received	13
Plans Assessed in this Report	Plans advertised on 7 September 2023
Recommendation	Notice of Decision to Grant a Planning Permit, subject to conditions

PROPOSAL

The application seeks planning permission for the development of the land at 48-52 Riversdale Road, Hawthorn (the Site) for the purpose of multiple dwellings on a lot and alteration of access to a road in a Transport Zone 2; comprising 29 dwellings within a 4 storey apartment building, upon basement car parking.

The key details of the proposal are summarised as follows:

- Site area: 1,619sqm
- Apartments: 29 (1x1bed, 23x2bed & 5x3bed)
- Car parking spaces: 35 (34 spaces required)
- Bicycle parking spaces: 22
- Site coverage: 65.44%
- Permeability: 20.13%
- Building height: 4 storeys and 14.1 metres

The proposed building would span across two lots, it would be setback from the front boundary by approximately 6.4m to 6.7m and it would be setback from all boundaries. Vehicle access would be provided directly from Riversdale Road to basement carparking; the double width crossover would be positioned to the north-eastern corner of the Site and would include a passing bay at the junction with the road. The main pedestrian entrance would be positioned slightly off centre to the front of the building and would achieve direct access from Riversdale Road. The floor plates would generally reduce as height increases, with the top floor recessed from the floor below to all sides.

The proposed building presents a contemporary form and appearance to the streetscape, with elements of classical motifs; including a flat roof form, full length glazing and the incorporation of columns. At ground floor level the building would be finished in light brick. The proposed building presents stone columns at first and second floor levels which frame the flanks of the building and create a vertical rhythm across the façade; balcony voids sit behind these columns. The rhythmic columns are broken up with an off-centre visual break of dark metal cladding - this design element also demarcates the main pedestrian entry. The top floor would be finished in mid grey metal cladding and recessed from the main façade along with both flanks of the building. Full length glazing and recessed balconies would feature prominently within the façade.

The building has been designed with a split-level arrangement owing to the slope of the land, allowing the building to step down to the rear of the site, with the slope.

The proposal includes the removal of the majority of trees onsite; however, Tree 24 is proposed for retention. Tree 24 is a 15m high, mature Brittle Gum, located to the front setback.

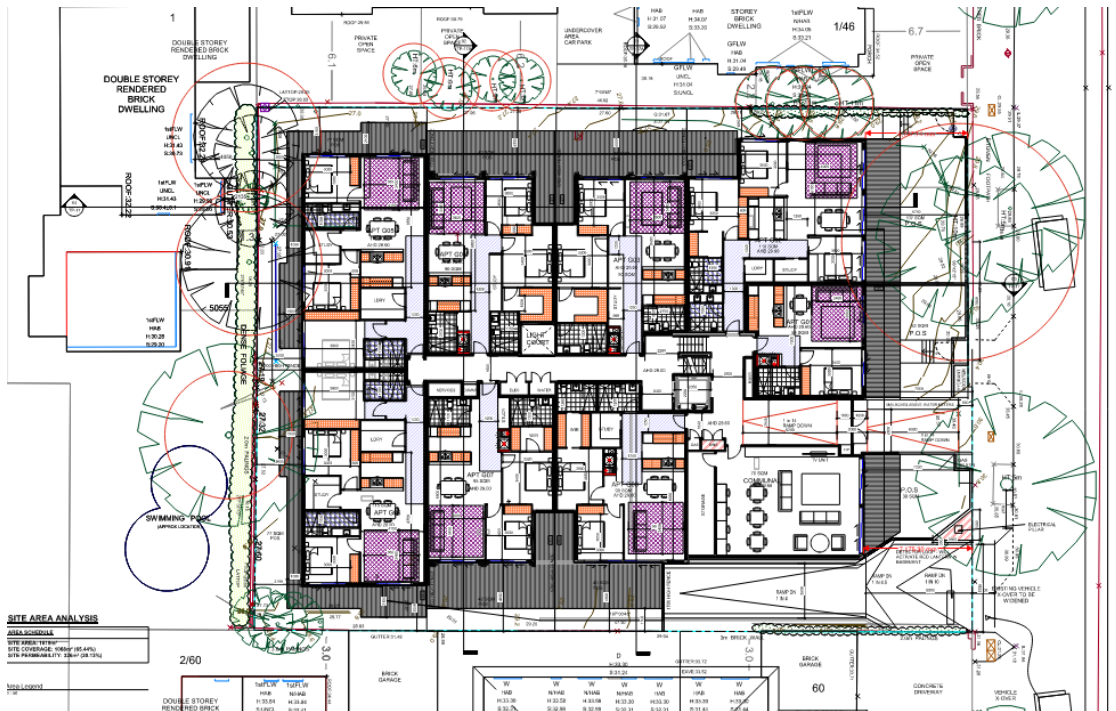


Figure 1 - Footprint and ground floor of the proposed development



Figure 2 - Render of the proposed development

Section 50 Amendment

The application was amended prior to notice under the provisions of section 50 of the *Planning and Environment Act 1987*. The changes responded to issues raised by officers and referrals, and can be summarised as follows:

- Additional bicycle parking in basement.

- The pedestrian entry gates and paths to apartments G01 and G02 relocated outside of the structural root zone of Tree 24.
- Alteration to crossover to increase separation from street tree.
- Alterations to ground floor decking.
- Building setbacks from the western boundary increased.
- General redesign of apartments.
- Consequential changes to the elevations, landscape plan and shadow diagrams to reflect the above amendments.

THE SITE

Site Location	The Site comprises No.'s 48 and 52 Riversdale Road, Hawthorn; being the amalgamation of these two lots. The Site is located on the southern side of Riversdale Road, approximately 28m to the east of Fairview Street.
Width of Frontage	34.5m
Average Depth of Site	47m
Total Site Area	1,618m ²
Easements	There are no recorded easements of the land; however, there are two Council pits to the rear boundary, which carry implied easements.
Fall of the Land	The Site falls by approximately 4 from the front down to the rear; and approximately 1.5m from east down to the west. This result in a crossfall with the highest point of the Site being to the northeast corner and lowest point at the southwest corner. Over the Site depth of 47m, a fall of 4m results in an average slope of 8.5%.
Front Fence Details	The existing front fences of No.'s 48 and 52 Riversdale Road are timber paling and render respectively, both at approximate heights of 1.8m - 2m.

Both properties are occupied by 2-storey detached dwellings, constructed of brick and weatherboard/render and comprising tiled pitched roofs. A number of trees are located onsite. The existing conditions are depicted by the figures below.



THE SURROUNDING AREA

Surrounding Character & Context

Riversdale Road is a Transport Zone 2 road accommodating 4 lanes of traffic along with tram tracks (routes 70 and 75) in both directions. Key features of the area include the Glenferrie Hill Neighbourhood Centre (located 250m to the east of the Site); along with Fairview Park and the Yarra River (approx. 100m - 250m southwest of the Site).

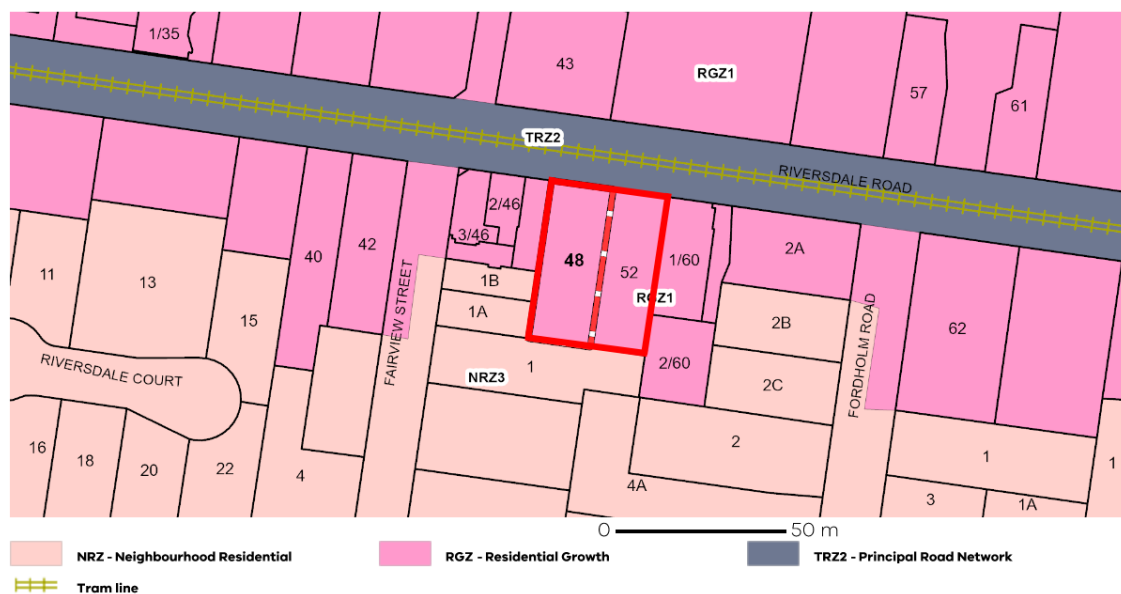
The built form character is highly varied, largely owing to the strategic context of the properties fronting Riversdale Road (both sides), where housing growth is encouraged including buildings up to 4 storeys (Residential Growth Zone).

The strategic context is reflected in the emerging built form along Riversdale Road, where 3 and 4 storey apartment buildings are relatively commonplace. The apartment buildings vary in their architectural styles, ranging from 'walk up flats' built of brick to more contemporary developments of glass and render.

While there is a clear character emerging along Riversdale Road, the earlier detached dwellings and unit developments are still plentiful. These buildings are typically constructed of brick and weatherboard/render and comprise pitched roofs.

Mature street trees line both sides of Riversdale Road and form an important character element of the area.

To the south and southwest of the Site, the zoning changes to Neighbourhood Residential Zone, providing for a transition away from the main road context of Riversdale Road.



Boroondara Neighbourhood Character Study - Precinct 40

The Site is within Precinct 40 of the Boroondara Neighbourhood Character Study; Precinct 40 provides the following description:

“Precinct 40 consists of several main road corridors which follow tram lines along Glenferrie Road, Riversdale Road and Power Street, Hawthorn. The south side of Riversdale Road, west of Power Street is within the Fairview Park heritage overlay area (HO148) which is significant for its collection of medium density interwar and post war apartments.

Similarly, the east side of Glenferrie Road, south of Riversdale Road is within the Glenferrie Hill heritage overlay (HO149) due to the Victorian and Federation villas, houses and flats in the area.

The precinct is characterised by 2 and 3 storey apartments from the interwar era to now as well as 1 and 2 storey, generally historic single dwellings. A small number of 4 storey apartment buildings are also present.

Lot frontages are wide at approximately 20m or more. Most buildings are constructed from face or rendered brick. Roofs are a variety of pitched and flat.

While the size of side setbacks, front gardens and rear gardens varies, most sites accommodate landscaping and / or mature plantings to the front, side or rear of buildings.

This vegetation softens the streetscape, often obscuring views of the buildings behind. Medium and high fences predominate which create a hard interface with the street.”

Immediate Interfaces

To the western interface are neighbouring properties 1/46 Riversdale Road and 1A & 1B Fairview Street.

- 1/46 Riversdale Road: Two storey, flat roofed townhouse (part of a 3 townhouse development), finished in render. The immediate interface with the Site is the side setback to this property, a parking area to the rear and their secluded private open space (SPOS) to the front.
- 1A & 1B Fairview Street: Two storey, semi-detached pair of dwellings, finished in render and comprising pitched roofs. The immediate interface with the Site is the rear SPOS of both of these dwellings.



Figure 6 - Existing Conditions Photo - 48 Riversdale Road to left of page and 1/46 Riversdale Road to right of page

To the southern interface is No. 1 Fairview Street, a large flat roofed dwelling. The immediate interface comprises dense foliage along the common boundary, beyond which is the property's side setback and SPOS to the rear (including a pool).

To the eastern interface are neighbouring properties 1/60 and 2/60 Riversdale Road.

- 1/60 Riversdale Road: Single storey detached dwelling, constructed of brick and comprising a pitched roof. The immediate interface is the side setback to this property. The main areas of SPOS to this property are to its front setback and to the eastern side.
- 2/60 Riversdale Road: Two storey detached dwelling, constructed of brick and comprising a pitched roof. This property sits rearward of No. 1/60 Riversdale Road, well setback from the road interface. The immediate interface with the Site is a garage and side setback.



Figure 7 - Existing Conditions Photo - 1/60 Riversdale Road to left of page and 52 Riversdale Road to right of page

Opposite the Site is the School of Philosophy Melbourne along with Erasmus Primary School.



Figure 8 - Existing Conditions Photo - Land opposite the Site (looking north)



Figure 9 - Existing Conditions Photo - Land opposite the Site (looking northeast)



Figure 10 - Aerial of the Site and Immediate Interfaces (Site highlighted yellow)

Transport

The Site abuts Riversdale Road which is an arterial road. Further, the Site is within the Principal Public Transport Network area (PPTN), noting Tram routes 70 and 75 run along the road directly in front of the Site and Tram route 16 is proximate.



Figure 11 - PTV Public Transport Map (Site indicated by red arrow)

RESTRICTIVE COVENANT/AGREEMENTS

No covenant or restriction has been registered on Title to this property.

ABORIGINAL CULTURAL HERITAGE

Is the site within an area of Aboriginal cultural heritage sensitivity?	No
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PERMIT/SITE HISTORY

A review of Council records indicates that there is no relevant planning history on the Site.

EXTERNAL REFERRALS

A full copy of all referrals is provided at Appendix A of this report. The following provides a summary of each referral.

Head, Transport for Victoria

It is noted that two referrals were undertaken to the Head, Transport for Victoria given the amended plans (under s50) revised the vehicle access. The below summary is based on the second referral, which superseded the first.

No objection, subject to the following conditions:

- Crossovers to be constructed to the satisfaction of the Responsible Authority.
- Disused crossovers to be removed with the kerb, channel and pavement to be reinstated.
- All vehicles must be able to enter and exit the land in a forward direction.
- The developer must avoid disruption to the tram operation; or, any disruption must be communicated and approved a minimum of 8 weeks prior.
- Alterations or damage to tram infrastructure must be avoided; or, any alterations must be approved and/or rectified, to the satisfaction of the Responsible Authority, at the full cost of the permit holder.

Planner's Comments:

The required conditions should be included on any permit that issues.

INTERNAL REFERRALS

A full copy of all referrals is provided at Appendix A of this report. The following provides a summary of each referral.

Urban Design

The Urban Design comments are generally supportive, with the following key points raised:

- Broadly supportive of the proposal in terms of overall height, massing proportions and material finish.
- The building form is contemporary and incorporates a classical aesthetic with strong columnar rhythm and highly articulated natural stone finish to the façade. The massing is broken up with light brick-face base to the ground floor, stone and black metal cladding to Levels 1 and 2 and mid-grey metal cladding creating a distinctive 'cap' to the top level.
- The 4 storey proposal is generally supported given the zoning (RGZ) of the land which seeks *'To provide housing at increased densities in buildings up to and including four storey buildings'*. However, refinements are suggested.
- The split-level arrangement is supported which allows the building to respond to the steep slope of the site, allowing for 4-storey massing without significant encroachment into the side setback (Standard B17), with minor encroachments being acceptable.
- Concern, however, is raised with the encroachment of APT 207 into B17, which will negatively impact up the amenity to the west.
- The Existing Conditions plan (TP-01) shows a 6.7m setback to the west (1/46 Riversdale Road) and a 7.6m setback to the east (60 Riversdale Road) resulting in a preferred front setback of 7.15m. In the absence of any clear justification for encroachment into the setback Standard B6, we recommend a minimum front setback of 7.15m be provided to the northern façade.

- Generally supportive of the northern façade treatment which incorporates recessed balconies and well-articulated, stone-faced framing elements. We note alternative façade treatment above the pedestrian entry clearly highlights the front door location.
- We are however concerned that the proposal does not adequately meet the NCS Precinct 40 objective of '*maintaining the existing streetscape rhythm*'. A vertical recess within the northern façade would help to divide the massing into two components, reflecting the two current titles and adding visual depth to the 26m wide façade. Therefore, we recommend providing a vertical break 3m wide x 2m deep to provide visual relief, to reflect the existing subdivision pattern and streetscape rhythm of this part of Riversdale Road.
- The stepped built form profile of the southern interface mitigates issues of visual bulk and overshadowing to the south. We are concerned however that the ground floor layout is too tightly arranged, resulting in poor on-site and off-site amenity impacts, including:
 - Concerns of overlooking from elevated ground floor decking
 - Decking with a width less than 1.6m is not usable, and ideally should be increased to 2m
 - A landscaped 'green' break should be provided to the southern boundary.

Planner's Comments:

It is acknowledged that the proposal is broadly supported in terms of height, massing, proportions, the split-level arrangement (which drops in height with the slope of the land), materiality and articulation to the street.

A number of detailed matters were also raised in relation to the front setback, compliance with side and rear setbacks, overlooking from ground floor decking, the width of ground floor decking and a landscaped 'green' break to the rear.

It is noted that changes were made to the application under section 50 of the Act to improve compliance with side and rear setbacks (Clause 55 Standard B17), to increase the width of ground floor decking to at least 2m and to incorporate a 'green' break to the rear.

While the development is still not fully compliant with the front setback (B6) or side and rear setbacks (B17) of Clause 55, a detailed assessment against these standards is undertaken at Appendix B of this Report, in the Clause 55 assessment. The remaining amenity based matters are also assessed at Appendix B of this Report.

With regard to the suggested vertical recess within the northern façade, this is discussed within the Neighbourhood Character assessment of this Report.

Arborist

Council's Arborists provided the following comments:

- Trees 3, 11, 21, 22, 23 absent from site survey
- Construction of driveway within the TPZ of tree 11 must be above existing grade and consist of permeable materials. This may result in issues with ramp gradient.
- Major encroachment of tree 12 to be considered by ESOS.

- Steps within the SRZ of tree 24 would not be supported.
- Fencing and decking structures within the TPZ of tree 24 and all neighbouring trees to incorporate root sensitive footings.
- Existing ground levels must be maintained of TPZs for trees to be retained (excluding built form)
- Decking to be deleted from the SRZ of Tree 15 and 17.
- Extent of basement footprint and hard surfaces do not allow for appropriate replacement planting and landscape outcomes.
- Confirm ownership of tree group 18
- Opportunity for appropriate replacement planting to compensate for the removal of existing trees is insufficient. The proposal must be redesigned to facilitate 2 canopy trees with 49sqm of deep soil within the rear of G04 and G05, with small trees within the POS of G01, G06 and G07 with 12sqm of deep soil.
- Two onsite trees (Tree 10 & 25) require a local law permit for removal, a permit would be granted for their removal.
- The recommendation of standard permit conditions.

Planner's Comments:

In terms of the omission of Trees 3, 11, 21, 22, 23 from the site survey, it is noted that they were picked up by the project arborist and included in the submitted Arborist Report. Further, these trees (with the exception of Tree 11) are either onsite trees proposed for removal or neighbouring trees which are well separated from the development. If a permit were to issue, a condition requiring a tree protection management plan should be imposed which would pick up all neighbouring trees and ensure all retained trees are suitably protected.

The only concern raised by Council's Arborist in relation to the above-mentioned trees, was the impact of the driveway upon the neighbouring Tree 11. However, the applicant has since confirmed that Tree 11 has been removed - this was corroborated during a site visit by Planning Officers.

In terms of the crossover encroachment into the TPZ of the street tree, Tree 12, the location of the crossover has been amended to achieve a setback of 2.5m from the street tree which meets Council's requirements. Further, it is noted that street trees are the jurisdiction of Council's Environmental Sustainability & Open Space Department (ESOS) department, who have supported the application (discussed below).

In relation to the steps within the SRZ of tree 24, these have been shifted to the edge of the TPZ.

With respect to Tree Group 18, the applicant has confirmed the following "What is described as tree 18 in the arborist report is two rows of pear trees, one on either side of the boundary fence. The trees on the subject site will be removed, the trees in 1A Fairview Road will be retained".

With respect to replanting, the applicant provided an updated landscape plan which exceeds the expectation of Council's Arborists. The relevant assessment is undertaken within the Clause 55 assessment at Appendix B of this Report.

It is considered that all issues have either been addressed by the amended plans or can be addressed by conditions of permit, should a permit issue. The implementation of standard permit conditions is generally supported by Planning Officers, however, they should be tailored to the specific development.

Traffic Officer

Council's Traffic Officer provided the following comments:

The proposal complies with the statutory parking requirements (requiring 34 spaces and proposing 35 spaces). Under Council's Parking Permit Policy, residents of the apartments would not be eligible for resident or visitor parking permits.

The proposal exceeds the bicycle parking requirements (requiring 7 spaces and proposing 14 spaces).

The proposal would comply with all relevant design standards, including car parking dimensions and setbacks, aisle widths, access widths and grades, headroom clearance, bicycle parking and sight triangles.

A passing area has been provided as the accessway serves 10 or more spaces and connects to a road in a Transport Zone 2. It is noted that the access aisle immediately at the bottom of the access ramp widens to 6.4m to allow vehicles to pass. This passing area is supplemented by a traffic control system which regulates ingress and egress movements, with an emphasis on prioritising incoming vehicles.

Waste collection will occur from within the basement by private contractor and the collection vehicle can enter and exit in a forward direction, this is considered to be acceptable. However, waste collection should occur outside of peak times.

Overall, 145 trips per day have been estimated by Traffic Engineering for the proposed development including 15 trips in each of the AM and PM peak periods. It is indicated in the analysis that there is significant capacity based on current traffic volumes for the anticipated site-generated traffic volumes to be accommodated within the existing Riversdale Road traffic volumes.

Conditions should include:

- All tandem spaces to be allocated to the same dwelling.
- Any landscaping or other obstruction within the sight triangles must be no higher than 900mm in height or made to be 50% permeable in order to maintain visibility to pedestrians.
- Amended Waste Management Plan to confirm waste collection will occur outside of peak times i.e. between 9:00am and 4:00 Monday to Friday and 9:00am to 6:00pm Saturday & Public Holidays.

It is noted that a further referral was undertaken following the amendment of plans under section 50, which amongst other things amended the vehicle access and added additional bicycle parking to the basement (increasing the spaces to 22). On the amended plans, Council's Traffic Engineer advised the following:

“On review of the amended plans indicating the minor amendments to the proposed crossover design and the addition of a further 8 bicycle parking spaces within the basement, it is considered that these proposed changes are both considered acceptable and do not alter the previously issued advice regarding this development.

The additional bicycle parking spaces improve the previous on-site bicycle parking provision and exceed the statutory requirement.”

Planner’s Comments:

Council’s Traffic Officer is supportive of the proposal and does not require any changes; Planning Officer’s accept these findings and recommend including the suggested conditions, on any permit that issues.

ESD Officer

Council’s ESD Officer provided the following comments:

The building design is acceptable as it provides sufficient setbacks to allow for good daylight levels and deep soil planting. There are no red flags or great concerns in relation to the ESD and therefore this development is supported subject to the recommended conditions.

The submitted Sustainability Management Plan (SMP) does not include all the information required to complete the Environmentally Sustainable Development (ESD) assessment. There are some ESD expectations which were not met and opportunities to improve the outcome. Some of the proposed ESD initiatives need to be clarified and others shown on plans if applicable.

A number of standard conditions were recommended to address the ESD matters.

Planner’s Comments:

Planning Officers concur with the assessment by Council’s ESD Officer and recommend the inclusion of the suggested conditions, on any permit that issues.

It is also noted that the plans were amended under section 50 to include 10kW of solar PV, in line with the recommendations of Council’s ESD Officer.

Infrastructure

Council’s Infrastructure Officer provided the following comments:

The proposed crossover is less than 2.5m from the street tree which is not supported.

The proposed crossover is proximate to a Telstra pit and power pole, the applicant will need to discuss these matters with the relevant service providers.

Other than the proximity to the street tree, the proposed crossover is supported.

The following condition is recommended:

- Any new vehicle crossover or modification to an existing vehicle crossover must be constructed to the satisfaction of the Responsible Authority.

Planner's Comments:

Street trees are a matter for Council's ESOS Department (discussed below); as such, for the purpose of the 'Infrastructure' referral, the crossovers are considered to be supported.

The recommended condition should be included on any permit that issues.

Drainage Officer

Council's Drainage Officer advised that the area is not within an area susceptible to flooding and that the proposal is supported, subject to standard conditions along with a condition requiring a 150mm high (relative to kerb level) basement ramp apex.

There is an implied easement to the rear boundary, in the form of 2 Council pits, the development does not seek to build over these implied easements.

It is further noted that objectors raised specific concern with the overflow of drains in the area, and that the additional load from the proposal could exacerbate these issues. The referral response included the following advice which was recommended to be added as a permit note:

"Discharge to the approved point of discharge will be allowed subject to the flow being limited to a rate equivalent to 0.35 coefficient of runoff for 1 in 5 year rainfall event. Any additional discharge is to be temporarily detained on site with a minimum storage volume for 1 in 10 year rainfall event, via an approved stormwater detention system designed to Council specifications."

The above concerns and drainage note were discussed with Council's Drainage Engineer. They advised that this discharge rate is designed to be an improvement on the current rate of discharge from the site.

Planner's Comments:

The recommended conditions should be included on any permit that issues.

With regard to the reported drainage issues in the area, given the development would be required to result in an improvement as compared to existing rates, this is considered to be acceptable.

Environment, Sustainability & Open Space Department (ESOS)

Council's ESOS Department provided the following comments:

The proximity of the crossover to Tree 12 is acceptable and the application is supported, subject to standard conditions.

Planner's Comments:

The recommended conditions should be included on any permit that issues.

Waste

Council's Waste Officer provided the following comments

The WMP is supported subject to two changes:

- Add a note that each tenement is to be provided with a kitchen caddy and compostable liners for the management of the FOGO component of the waste stream.
- Add a note that each waste stream is to be collected by separate dedicated waste trucks and taken to dedicated and licenced disposal facilities. Wastes are not to be collected in one truck.

Planner's Comments:

The changes should be required by permit condition, on any permit that issues. Further and as recommended by Traffic Engineering, waste collection should be required to occur outside of peak times.

GOVERNANCE ISSUES

The implications of this report have been assessed and are not considered likely to breach or infringe upon the human rights contained in the *Victorian Charter of Human Rights and Responsibilities Act 2006*.

The officers responsible for this report have no direct or indirect interests requiring disclosure.

The report to Council and any decision arising of Council will be made available on Council's website and by inspection at the Council Offices in accordance with the requirements in the Local Government Act 2020, Council's Governance Rules and Public Transparency Policy.

CONSIDERATIONS

In assessing this application, consideration has been given to the following:-

- The objectives of planning in Victoria as detailed in Section 4 of the *Planning & Environment Act 1987*;
- Section 60 of the *Planning & Environment Act 1987*;
- The relevant provisions and decision guidelines of the Boroondara Planning Scheme including the decision guidelines of Clause 65;
- Any comment or decision of a referral authority;
- The objections received.

This proposal does not raise any significant adverse social or economic impacts. General social and economic impacts are addressed by the planning policy assessment below.

PLANNING POLICY FRAMEWORK

The following provides a summary of the applicable state and local planning policies:

- **Clause 02.01 - Context:**

Settlement and the built environment

Boroondara is an attractive and highly sought after residential municipality with a mix of housing options. The municipality is characterised by high quality developments, tree lined streets, a range of heritage assets and a network of activity centres and commercial corridors.

Housing

Boroondara's demographics are changing, with an ageing population and a trend toward smaller dwellings. Future housing provisions need to be responsive to demand and must provide flexible options for a mix of household types. The local community is characterised by a higher proportion of older residents compared with the Melbourne average, established families with generally high incomes and educational levels, and increasing cultural diversity.

Boroondara's residential areas are characterised by high quality community facilities and public infrastructure, a high level of residential amenity and quality of residential design.

Transport

Boroondara benefits from excellent access to public transport and it is well connected by arterial roads and freeways. Car parking demands vary across the municipality and must be carefully managed.

- **Clause 02.02 - Vision:** The land use and development strategies are provided as follows:

- Community services and facilities are high quality, inclusive and meet a variety of needs now and into the future.
- Inviting and well-utilised community parks and green spaces.
- Our natural environment is healthy and sustainable for future generations.
- Protect the heritage and respect the character of the City to maintain amenity and liveability whilst recognising the need for appropriate, well-designed development for future generations.
- Travel options that are connected, safe, accessible, environmentally sustainable and well-designed.
- A vibrant local economy and shops that are accessible, attractive and a centre of community life.

- **Clause 02.03 - Strategic Directions:**

- Settlement

- The Site is proximate to the Glenferrie Hill Neighbourhood Centre. The policy acknowledges the important social, economic, environmental and infrastructure role activity centres and commercial corridors play and seeks to maintain and strengthen these areas, retain a commercial focus, ensure residential developments complement the areas (particularly at upper levels) and to minimise the impact upon sensitive residential interfaces.

- Built environment and heritage

- Character and heritage are key features within the municipality and Council is committed to improving the quality of the built environment. This includes incorporating environmentally sustainable development (ESD) principles through energy and waste efficiency and water conservation.

- Housing

- Council's vision is to facilitate a diverse range of housing in line with housing demand (which includes an aging population and a trend toward smaller dwellings) while maintaining a high standard for neighbourhood character and amenity. Development is to be facilitated in accordance with the Housing Framework Plan at Clause 02.04 and to provide for sufficient flexibility in housing to account for age and disability.

- Transport

- Key directions include supporting a modal shift towards healthy and sustainable transport options while ensuring the provision of sufficient car parking.

- **Clause 02.04 - Strategic Framework Plans:**

- As per Clause 02.04-2 the Site is proximate to the Glenferrie Hill Neighbourhood Centre.
 - As per Clause 02.04-3 the Site is designated for 'Increased Housing Diversity and Density', being within a 'main road apartment precinct'.
 - As per Clause 02.04-4 the Site has excellent transport options including tram, bus and cycle routes.

- **Clause 11.01-1S – Settlement** - Seeks to promote sustainable growth and development.
- **Clause 11.01-1R – Settlement – Metropolitan Melbourne** – Seeks to consolidate growth within high change areas, promoting sustainability which can benefit from public transport and to protect non-urban land. Seeks to create mixed-use neighbourhoods that offer more choice in housing and jobs.
- **Clause 11.02-1S - Supply of Urban Land:** Seeks to ensure a sufficient supply of land including through the consolidation, redevelopment and intensification of existing urban areas.

- **Clause 11.03-1S/1R - Activity Centres** – Seeks to support the role of activity centres in providing a higher concentration of commercial, retail, entertainment and residential uses.
- **Clause 11.03-2S - Growth areas**: Seeks to concentrate urban growth in areas that are well serviced by high-capacity public transport and services.
- **Clause 13.05-1S – Noise Management**: Seeks to manage noise effects on sensitive land uses.
- **Clause 15.01-1S – Urban design**: Aims to create safe, healthy, functional, and enjoyable urban environments. Developments should respond to context; implement inclusive, safe and connected design; integrate with and appropriately delineate from the public realm; and contribute towards landscaping that improves amenity.
- **Clause 15.01-1R – Urban design - Metropolitan Melbourne**: Aims to create a distinctive and liveable city with quality design and amenity.
- **Clause 15.01-1L-01 – Urban design and built form outcomes**: Seeks to achieve high quality urban design and built form outcomes which enhance streetscapes, maintains amenity and caters for a diversity of user needs.
- **Clause 15.01-2S - Building design**: To achieve building design and siting outcomes which respond and contribute positively to the local context, enhance the public realm and to support ESD initiatives.
- **Clause 15.01-4S – Healthy neighbourhoods**: Seeks to achieve neighbourhoods that foster healthy and active living and community wellbeing.
- **Clause 15.01-4S – Healthy neighbourhoods - Metropolitan Melbourne**: Seeks to create a city of '20 minute neighbourhoods' that give people the ability to meet most of their everyday needs within a 20 minute walk, cycle or local public transport trip from their home.
- **Clause 15.01-5S – Neighbourhood character**: Seeks to recognise, support, and protect neighbourhood character, cultural identity, and sense of place.
- **Clause 15.01-5L - Neighbourhood character - Boroondara**: This is the key neighbourhood character policy for the City of Boroondara which seeks to ensure development retains and enhances the key character attributes that contribute to a precinct's preferred character. A detailed assessment of this policy is provided in the following sections of this Report.
- **Clause 15.03-2S - Aboriginal cultural heritage**: Ensures the protection and conservation of places of Aboriginal cultural heritage significance.
- **Clause 16.01-1S - Housing supply**: Seeks to facilitate well-located, integrated and diverse housing that meets community needs. The policy encourages higher densities in areas that are well located in relation to jobs, services and public transport, and specifically references areas which are in and around activity centres. It seeks to deliver housing diversity which offers high quality amenity and inclusive design.
- **Clause 16.01-1R - Housing supply – Metropolitan Melbourne**: Seeks to manage the supply of new housing to meet population growth and create a

sustainable city by developing housing and mixed-use development opportunities in metropolitan activity centres. Seeks to increase density near employment and transport nodes, provide certainty for development outcomes and to facilitate the '20 minute neighbourhood' concept.

- **Clause 16.01-1L - Housing - Boroondara:** Seeks to provide housing in accordance with the scale and density as envisaged by the 'Housing Framework Plan' at Clause 02.04.
- **Clause 16.01-2S - Housing affordability:** Seeks to deliver more affordable housing closer to jobs, transport and services.
- **Clause 18.01-2S - Transport system:** Seeks the efficient movement of people in line with the '20 minute neighbourhood' concept.
- **Clause 18.01-3S/3R - Sustainable and safe transport:** Promotes sustainable transport options and seeks to support the '20 minute neighbourhood' concept. The policy seeks to prepare for and adapt to climate change impacts, prioritise the use of sustainable personal transport and technologies that have the lowest environmental impact, to reduce greenhouse emissions, and to design developments that minimise car dependency.
- **Clause 18.01-3L - Sustainable personal transport - Boroondara:** Support and improve pedestrian and cycling networks and facilities.
- **Clause 18.02-3S - Public transport:** Seeks to improve public transport and reduce the reliance on cars. Locate higher density and increased development on or close to the Principal Public Transport Network in a way that does not compromise the efficiency of the Principal Public Transport Network.
- **Clause 18.02-3R - Principal Public Transport Network:** Promotes the increase in diversity and density of development along the PPTN, at public transport nodes and activity centres.
- **Clause 18.02-4L-01 - Road system - Boroondara:** Seeks to minimise the creation of new vehicle crossovers to street frontages and promotes the use of rear laneways as access points.
- **Clause 18.02-4L-02 - Car parking - Boroondara:** Seeks to ensure an appropriate level of user and visitor car parking for use and development. Supports parking reductions where sufficient car parking exists in the area and where there is a choice of transport modes available in the area. Seeks to facilitate measures to improve access to activity centres, health and education facilities and community facilities via alternative transport modes - such as car share, public transport, cycling and walking - to reduce the demand for car parking.

PLANNER'S ASSESSMENT

The key considerations for this proposal are outlined as follows:

- Strategic Directions
- Planning Zone
- Neighbourhood Character
- Onsite and Offsite Amenity

- Traffic, Transport and Parking
- Environmental Sustainability
- Integrated Decision Making

STRATEGIC DIRECTIONS

Planning Policy Framework

The demographic and population changes facing Melbourne are significant. Plan Melbourne Addendum (2019) projects metropolitan Melbourne's population will grow by 1.6 million people between 2016 and 2031, to a population of approximately 6.3 million. By 2051, the population is projected to grow to approximately 8.4 million. A population increase of this magnitude is predicted to require a further 1.6 million dwellings and will require significant investment in services, transport and employment.

Victorian and local planning policy generally seek to facilitate increased development densities in accessible locations, where proximate to jobs, shops, services, facilities, amenities, infrastructure and public transport. Highly accessible locations are typically associated with being capable of accommodating higher densities, while locations with limited accessibility are typically more suitable to less intensive development. Further, Victorian policy seeks to concentrate population densities in existing urban areas, facilitating sustainability objectives, limiting urban sprawl and allowing for state government to coordinate major infrastructure projects with areas of concentrated (existing and envisaged) density.

These principles are reflected in Victorian planning policy at Clauses 11.01-1S/1R (Settlement), 11.03-1S/1R (Activity centres), 11.03-2S (Growth areas), 16.01-1S/1R (Housing Supply), 16.01-2S (Housing affordability), 18.01-2S (Transport system), 18.01-3S/3R (Sustainable and safe transport), 18.02-3S (Public transport), 18.02-3R (Principal Public Transport Network) along with Plan Melbourne 2017-2050. Plan Melbourne 2017-2050 is underpinned by nine principles, including the '20-minute neighbourhoods' concept, essentially giving people the ability to meet most of their daily needs within a 20-minute/ 800 metre one-way walk from home.

Boroondara's local policy at Clause 16.01-1L (Housing) reinforces these principles and seeks to provide housing in accordance with the scale and density envisaged by the 'Housing Framework Plan' at Clause 02.04-3. In relation to the Site, Clause 02.04-3 identifies the Site as being within the 'main road apartment precinct' which seeks 'increased housing diversity and density'.

The Site is well placed to meet the above-mentioned policy objectives. Clause 02.04-2 identifies the Site as being proximate to the Glenferrie Hill Neighbourhood Centre. The Site has excellent access to shops, services, employment, educational facilities and a range of sustainable transport options (tram, bus and cycling routes), including trams which are high-capacity modes of transport. Owing to these factors, Clause 02.04-3 identifies the Site for 'increased diversity and density' and categorises the land as a 'main road apartment precinct'.

Strategic Directives of the Zones

The aforementioned policy drivers are reflected in the application of the Residential Growth Zone to the land.

The Residential Growth Zone - Schedule 1 (RGZ1) has the following key (relevant) purposes:

- *To provide housing at increased densities in buildings up to and including four storey buildings.*
- *To encourage a diversity of housing types in locations offering good access to services and transport including activity centres and town centres.*

Further to the above, schedule 1 of the RGZ is designated as a 'Main Road Apartment Precinct'.

Strategic Support

The proposed development, which comprises a 4 storey apartment building, has clear strategic support from the Planning Scheme. The express purpose of the zone is to provide for housing at increased densities, up to and including 4 storeys; and the schedule to the zone designates the land as being within an apartment precinct. Further, the site is well located in relation to jobs, shops, services, facilities, amenities, infrastructure and public transport; such locations are encouraged to accommodate increased densities (and therefore increased built form) under state and local planning policy. The physical characteristics of the land along with the aspirations of the zone are reflected in Council's Housing Framework which identifies the Site for 'increased diversity and density' and categorises the land as a 'main road apartment precinct'.

While the proposal aligns with the strategic directives of the Planning Scheme, the development must also be assessed in detail in terms of its site-specific response - this is discussed in the following sections of this report.

PLANNING ZONE - RGZ1

The Site is zoned Residential Growth Zone - Schedule 1.

As per the preceding assessment, the proposed development aligns with the express purpose of the zone, which seeks to deliver increased density in buildings up to and including 4 storeys. It is further noted that the use of the land for dwellings is 'as of right' (no permit required) under the zone.

Clause 32.07-9 sets out the building heights for the Residential Growth Zone. Clause 32.07-9 states that buildings must not exceed the building height specified in the schedule to the zone. However, in this instance there is no mandatory building height set out in the schedule; in such circumstances the building height defaults to a preferred building height of 13.5m. In addition, the clause allows for an additional 1m of height for land with a slope exceeding 2.5 degrees over an 8m cross section, the slope of the land exceeds this threshold thus the preferred height is 14.5m.

The proposed building has a maximum height of 14.1m, which complies with the preferred building height.

In addition to the purposes of the zone as outlined above, the RGZ seeks to *encourage a scale of development that provides a transition between areas of more intensive use and development and other residential areas*. The development reduces in scale toward the rear and also increases setbacks from the adjacent Neighbourhood Residential Zoned land, the development is considered to provide for an appropriate transition (this is discussed further in the Neighbourhood Character assessment below).

A development must meet the requirements of Clause 55, including 55.07 for an apartment development. Clause 55 is discussed throughout this Report with the full assessment provided at Appendix B.

NEIGHBOURHOOD CHARACTER

The key assessment tools with respect to neighbourhood character and urban design are provided at Clauses 15.01-1S/1R (Urban Design), 15.01-1L-01 (Urban Design and Built Form Outcomes), 15.01-2S (Building Design), 15.01-5S (Neighbourhood Character), 15.01-5L (Neighbourhood Character - Boroondara) along with the Precinct Statements of the Boroondara Neighbourhood Character Study.

The above referenced policies and provisions collectively promote a holistic approach to design, seeking to achieve high quality architecture that is respectful and responsive to its context, which integrates with and improves the public realm, which creates a sense of place, which responds to existing and preferred character, which responds to strategic directives such as density aspirations and that contributes to a landscaped setting.

Clause 15.01-5L (Neighbourhood Character - Boroondara) and the Precinct Statements of the Boroondara Neighbourhood Character Study provide the preferred character at a local level.

Clause 15.01-5L (Neighbourhood Character - Boroondara) provides the following general objectives and strategies for the municipality along with specific objectives and strategies for the Residential Growth Zone - RGZ1.

- Objectives:
 - General: *To ensure development retains and enhances the key character attributes that contribute to a precinct's preferred character.*
 - RGZ1: *To facilitate a diversity of housing types.*
- Strategies:
 - General: *Maintain the City's valued residential visual amenity including landscaped settings and leafy streets.*
 - General: *Avoid the loss of mature trees and gardens and ensure development provides adequate space for new vegetation, particularly canopy trees.*
 - General: *Ensure in all areas except General Residential Zone Schedule 4 that development respects, responds to and makes a positive contribution to the precinct's preferred character.*

- RGZ1: *Set development back from front, side and rear boundaries consistent with the preferred character of the precinct.*
- RGZ1: *Provide a transition in building scale and setbacks to residential properties located within the Neighbourhood Residential Zone Schedule 3 or public open space areas.*
- RGZ1: *Design and site development adjacent to a property in an individual Heritage Overlay fronting onto the same street to provide a transition in scale and not detrimentally impact the heritage significance of the place*

Precinct Statement 40 of Boroondara's Neighbourhood Character Study provides the following preferred character:

PREFERRED CHARACTER STATEMENT

To facilitate development of a diverse range of housing that integrates with the scale and form of buildings in the precinct, that respects the historic houses in the area and which maintains and enhances the landscape character of the streetscape.

This will be achieved by:

- Encouraging the retention of large trees;
 - Ensuring buildings are sufficiently setback from the front boundary to retain and enhance the existing streetscape rhythm and provide sufficient space for landscaping;
 - Encouraging design that integrates with the heritage styles of the precinct;
 - Ensuring car parking structures do not dominate the streetscape;
 - Maximising soft landscaping and minimising areas of hard surfaces; and
 - Encouraging low or open style front fences.
 - Ensuring new developments and additions respect the predominant scale and form of buildings in the streetscape;
-

Figure 12 - Extract from Precinct 40 Statement, Boroondara Neighbourhood Character Study

It must also be highlighted that while the above-mentioned policies and provisions are highly relevant, they must be viewed through the lens of the strategic context of the land, which is to increase housing density including in apartment buildings of 4 storeys in height. This strategic direction sets the parameters in which the preferred character is to be understood.

Siting

The siting of the development is considered to be acceptable.

The proposed building would be setback from the front boundary by approximately 6.7m (western side) to 7.2m (eastern side) at ground level, with the range being a result of the skewed front boundary. At first and second floor levels, the front setback would be reduced, to approximately 6.4m (west) to 6.7m (east), with the columns projecting a further 0.5m.

It is highlighted that a front setback of 7.15m would be required to meet the numerical standard of B6 (Street setback) of Clause 55; however, this numerical standard does not take into account the strategic context of the land or the emerging character. Where the standard is not met, the objective must be considered which includes 'respecting preferred neighbourhood character and making efficient use of the site' along with the decision guidelines which require the strategic context of the land to be considered.

The front setback is considered to be acceptable for the following reasons:

- The shortfall at ground floor level is minor, at approximately 0.5m; further, the shortfall only occurs to the western side of the Site where it aligns with the front setback of the adjacent dwelling, at No. 1/46 Riversdale Road.

- While the front setback to the first and second floors are reduced further, these minimum setbacks primarily relate to the front edges of balconies, the openness of the balconies are considered to offset any undue visual bulk resulting from the reduced setback.
- The proposed building sits within a robust context, fronting Riversdale Road and being zoned for increased built form and density.
- Importantly, the front setback allows for the retention of Tree 24.
- Lastly, the front setback still provides for an appropriate visual transition between the adjacent dwellings, this is by reason of the openness of the front façade (due to the balcony voids), the visual breaks created by the side setbacks of the proposal and the relatively minor extent of encroachment into the standard.

In terms of side and rear setbacks, the development would be setback from all boundaries, providing for suitable landscaping and outdoor space provisions.

Massing and Transition in Scale

The proposed building is considered to provide for an appropriate transition to the surrounding NRZ land. The massing of the building would be focussed toward the front and centrally within the Site, with the floor plates generally reducing as height increases, thereby increasing the setbacks from neighbouring properties. Further, a split-level arrangement would be utilised which steps down with the slope of the land.

This is well demonstrated in the side elevation which demonstrates that the rear of the building fits comfortably within the B17 (side and rear setbacks standard of Clause 55) building envelope - the B17 building envelope is depicted by the dotted line to the rear of the Site.



Figure 13 - Western elevation of the proposed development

It is further noted that the development complies with B17 to all neighbouring NRZ land.

Streetscape Response

The height, scale and form of the development are considered to be appropriate given the physical and policy context of the land. It is highlighted that the proposed building presents a three-storey façade to the street (given the top level is recessed), which aligns with policy along with the emerging character of Riversdale Road.

The façade is highly articulated incorporating balcony voids behind columns, which create a vertical rhythm across the façade. The rhythmic columns are broken up with an off-centre visual break of dark metal cladding - this design element also demarcates the main pedestrian entry. The articulated façade is paired with quality materials, including light brick at ground floor, stone columns at the mid-levels and a recessed top floor clad in mid grey metal; full length glazing and recessed balconies would feature prominently within the façade.

The front fence is well rationalised. The front fence minimises the impact of services within the streetscape. Further, the fence utilises a combination of solid and visually permeable elements and would sit at a height of approximately 1.5m. This is considered to be acceptable within the main road context, noting front fences up to a height of 2m do not require a planning permit, where they adjoin a Transport Zone 2 road.



Figure 14 - Render of the proposed development

While Council's Urban Designer was broadly supportive of the proposal in terms of overall height, massing proportions, articulation and materiality, they also suggested a vertical recess within the front façade to create a visual break, 3m wide and 2m deep.

The development utilises a change in materiality to create a visual break running vertically down the façade. The visual break proposed is 3.35m wide; it is considered to successfully break the façade down in to two, smaller, more manageable portions and to provide a visual nod to the rhythm of the two lots. The break does not incorporate the suggested recess. The recess could be required by way of permit condition; however, Officers are not persuaded that a 2m recess is necessary in this instance. This section of Riversdale Road is not characterised by a regular rhythm and as mentioned above, the change in materiality is considered to successfully break up the massing of the front façade. It is also noted that while a recess is not proposed, the stone column elements do project from the front façade by 0.5m, this creates a three dimensionality to the façade and gives the impression of a recess. Lastly, the majority of the first and second floor components of the façade are characterised by balcony voids, which are considered to successfully manage the bulk to this part of the building.

Viewed holistically, the proposal is considered to respond well to the physical and policy context of the land, delivering a high quality architectural response which will result in a positive contribution to the streetscape.

Vehicle Access

The preferred character as outlined in Precinct Statement 40, seeks to ensure that vehicle parking structures do not dominate the streetscape. The basement entry sits to the side of the building and well behind the front façade. This outcome is supported.

ON AND OFFSITE AMENITY

The primary amenity assessment is undertaken in accordance with Clause 55 and is presented at Appendix B of this Report. The following provides a summary of the key points:

- The development is considered to meet the objectives of all Clause 55 standards.
- The development would provide setbacks to all neighbouring windows to ensure they receive suitable levels of natural light, in accordance Clause 55 Standard B19.
- Recommended permit conditions would require the development to provide additional setbacks to north facing neighbouring windows, ensuring compliance with Clause 55 Standard B20.
- Recommended permit conditions would require detailed cross-sections, sight lines and additional overlooking prevention measures (as necessary), to ensure full compliance with Clause 55 Standard B22 (Overlooking).
- Internal views are well managed to ensure suitable levels of privacy within the development.
- The proposed dwellings would receive excellent levels of natural light.
- All proposed dwellings would be spacious and achieve functional layouts.
- All proposed dwellings would be provided with excellent levels of secluded private open space and/or balconies, in accordance with the objectives of Clause 55.
- The development proposes extensive landscaping across the Site and to all interfaces, including a range of canopy trees, in accordance with the objectives of Clause 55.
- All dwellings achieve storage volumes in excess of the standards at Clause 55.
- Side and rear setbacks are considered to be well managed, noting the development would be in full compliance with Clause 55 Standard B17 to the adjacent Neighbourhood Residential Zone land, while encroaching into the setback envelopes toward the front of the Site, where adjacent to land zoned Residential Growth Zone (No. 1/46 Riversdale Road and No. 1/60 Riversdale Road). Given the development seeks a variation to Standard B17, a detailed assessment is provided below.

- Offsite shadow impacts are considered to be well managed, complying with Clause 55 Standard B21 to all neighbouring interfaces, with the exception of 1A and 1B Fairview Street. With regard to 1A and 1B Fairview Street, the development would not result in any additional shadows to their outdoor space areas from 10am onwards. Given the development seeks a variation to Standard B21, a detailed assessment is provided below.

Side and Rear Setbacks - Clause 55 Standard B17

At ground and first floor levels, the development exceeds the requirements of the standard, to all interfaces.

At second floor level, the development exceeds the requirements of the standard to all interfaces, except for the upper portion of the wall belonging to Apt 202 (depicted below), to the western interface.

At third floor level, the development exceeds the standard to all interfaces, with the exception of:

- The balcony belonging to Apt 302 to the west.
- The kitchen and living room wall, and balcony of Apt 301, to the east.

The roof tops services and associated screening exceed the standard to all interfaces.

Areas of Encroachment

Western Elevation

The balcony belonging to Apt 302 encroaches into the standard; as does the upper section of wall immediately below (belonging to Apt 202). The wall/balcony has a height ranging from 11.1m to 11.8m which requires setbacks of 6.2m to 6.9m respectively. A setback of 4.55m is proposed. The area of encroachment is depicted (clouded) below.



- The area in question is not adjacent to the secluded private open space of the neighbouring dwelling.
- This component of the development achieves setbacks from the neighbouring habitable room windows of 6.5m to 7m, which exceeds the setbacks from windows Standard B19.
- The development would not result in additional shadow to the main area of SPOS of No. 1/46 Riversdale Road.
- No. 1/46 Riversdale Road is also zoned RGZ; in such zones a greater emphasis is placed on housing growth while less weight is afforded to amenity. That said, the development is not considered to result in unreasonable amenity impacts to No. 1/46 Riversdale Road.

There is an encroachment at the kitchen and living room wall of Apt 301; the maximum wall height is 13m which requires a maximum setback of 8.1m, 7.8m is proposed. The non-compliance arises from the sloping ground and the extent is generally indicated in the image below (with non-compliance reducing and becoming compliant toward the front).

A section of the balcony to Apt 301 encroaches into the standard. The non-complaint section has a height of 9.75m to 10.1m which requires a setback of 4.84m to 5.19m respectively. A setback of 4.8m is proposed.



Figure 16 - Extent of non-compliance (clouded red) to the eastern elevation at third floor level

The area of encroachment, as outlined above, has a maximum shortfall of 0.4m and it is adjacent to the flank elevation of No. 1/60 Riversdale Road. The encroachment is considered to be acceptable for the following reasons:

- The area in question is not adjacent to the secluded private open space of the neighbouring dwelling.
- This component of the development achieves minimum setbacks from the neighbouring habitable room windows of 7.8m, which exceeds the daylight to existing windows Standard B19.
- The development would not result in additional shadow to the main area of SPOS of No. 1/60 Riversdale Road.
- No. 1/60 Riversdale Road is also zoned RGZ; in such zones a greater emphasis is placed on housing growth while less weight is afforded to amenity. That said, the development is not considered to result in unreasonable amenity impacts to No. 1/60 Riversdale Road.

The massing of the development has been focused toward the front of the Site where the adjoining land is zoned for housing growth; further, the level of encroachment proposed is not considered to unduly impact upon the amenity of these adjacent dwellings.

Where the development is adjacent to NRZ land, it is fully compliant with the standard. Further, the development incorporates vertical recesses within both flank elevations, well in excess of the standard, to provide an additional visual break along the side elevations.

The development is considered to meet the objective of the standard.

Overshadowing Open Space - Clause 55 Standard B21
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The objective of Standard B21 is to ensure buildings do not 'significantly' overshadow existing areas of secluded private open space (SPOS). The numerical component of the standard, which is discretionary, seeks that existing SPOS areas retain 5 hours of sunlight (between 9am and 3pm on 22 September) to an area of 40sqm or to 75% of the total area (whichever is lesser).

The development would comply with the standard to all neighbouring secluded private open space (SPOS) areas, with the exception of 1A and 1B Fairview Street.

The development would result in full shadow to the SPOS areas of 1A and 1B Fairview Street at 9am; however, from 10am onwards the development would no longer create any additional shadow to these spaces. This means that the development does not impact the SPOS areas of 1A and 1B Fairview Street for a period of 5 hours, between 9am & 3pm on 22 September - this outcome is generally in line with the standard.

However, the non-compliance arises from an additional provision within the standard which reads *If existing sunlight to the secluded private open space of an existing dwelling is less than the requirements of this standard, the amount of sunlight should not be further reduced.*

The following is highlighted:

- 1A Fairview Street SPOS: 67sqm, which currently (based on existing shadows) falls short of the standard at 9am, 2pm and 3pm.
- 1B Fairview Street SPOS: 57sqm, which currently (based on existing shadows) falls short of the standard at all times from 9am to 3pm.

While the development would not impact upon the SPOS areas of 1A and 1B Fairview Street for a period of 5 hours (between 9am - 3pm), it would result in additional shadow at 9am and given the SPOS areas already fall short of the standard, this results in a technical non-compliance.

The numerical component of the standard is not mandatory, albeit the objective must be met. In such scenarios, a weighing exercise must be undertaken which considers the actual impact upon the SPOS areas along with the decision guidelines of the standard, all viewed through the lens of the relevant planning controls and strategic aspirations for the Site.

To put the development in context, the express purpose of the zone is to provide for housing at increased densities, up to and including 4 storeys; and the schedule to the zone designates the land as an apartments precinct. The physical characteristics of the land (highly accessible by public transport with jobs, shops and services proximate) along with the aspirations of the zone are reflected in Council's Housing Framework which identifies the Site for 'increased diversity and density' and categorises the land as a 'main road apartment precinct'.

Within the context of the relevant planning controls and policy, the development is considered to appropriately minimise shadows to the properties at No.'s 1A and 1B Fairview Street, which only results in shadow at 9am. The development incorporates generous side setbacks adjacent to these properties and increases the setbacks as height increases. It is not considered reasonable to require no additional shadow to these properties, given the strong Planning Scheme support for apartment developments of 4 storeys and encouragement for 'increased diversity and density'.

With reference to the decision guidelines of the standard:

- For the reasons outlined above the design response is considered to be reasonable and to appropriately minimise offsite shadow.
- Within the times outlined by the standard, the development only results in additional shadow between 9am and 10am, with no further shadow from 10am onwards.
- From 10am onwards both properties receive reasonable levels of sunlight; even at 3pm both properties receive a minimum of 17sqm of sunlight (it is noted that this remains unchanged from existing conditions).
- Both areas of SPOS remain highly usable and will continue to enjoy sunlight at various times of the day.
- The effect of the reduction is not considered to be unreasonable given the physical and policy context of the Site.

For the reasons outlined above, the development is not considered to 'significantly' overshadow existing secluded private open space, thereby complying with the objective of the standard.

Lastly, it is noted that the applicant supported their position by referencing VCAT decision *WAT385 Developer Pty Ltd v Stonnington CC [2023] VCAT 672 (16 June 2023)*, this is a 2023 decision which considered a similar scenario albeit the review site was zoned General Residential Zone (which is a zone that typically allows less intensive development as compared to the Residential Growth Zone, which is the zoning of the subject site). The *WAT385* decision made the following conclusions with regard to additional shadows to an area of SPOS which already fell short of the standard:

(Paragraph 85) "While I hear and understand that Mr Fox values the early morning sunlight, the maintenance of that sunlight is an unreasonable expectation where Mr Fox owns a ground floor south facing apartment in an area identified in the Stonnington Planning Scheme for substantial change and up to four storey development. The level of solar access currently enjoyed by Mr Fox was always going to be impacted when the adjoining review site is developed in a manner consistent with the encouragement of the Stonnington Planning Scheme. Even a three-storey apartment development on the review site, with setbacks similar to that achieved on Mr Fox's site, would have caused increased overshadowing. While the proposal for the review site is at four storeys in height, it also employs a range of side boundary setbacks that far exceed that provided on Mr Fox's site. This assists to reduce the shadow impacts on Mr Fox's property to a reasonable level.

(Paragraph 86) For these reasons I find that the proposal will not significantly overshadow Mr Fox's existing secluded private open space. As such, the relevant objective is achieved."

TRAFFIC, TRANSPORT AND PARKING

Car Parking Rates

Clause 52.06 (Car Parking) requires parking to be provided at different rates depending on use, scale and location.

Pursuant to Clause 52.06, the proposal has a required parking provision of 34 spaces. Given 35 spaces are proposed, the application exceeds the parking requirements, this is considered to be acceptable.

Access and Design Standards

Vehicle ingress and egress would be provided by way of a double width crossover to Riversdale Road. The double width crossover would narrow to a single width basement ramp; however, a passing bay would be provided at the interface with Riversdale Road, to allow a vehicle to enter even when another vehicle is waiting to leave. Further, a detector and stop/go lantern system would be utilised to ensure that when a vehicle is entering the Site, the lantern in the basement would instruct any exiting vehicles to queue at the base of the ramp, until the incoming vehicle has entered the basement and cleared the ramp.

Given the development has direct access to a Transport Zone 2 road, the Head, Transport for Victoria are the relevant authority with respect to impacts to Riversdale Road. The application was referred to the Head, Transport for Victoria who raised no objections to the proposal, they did however require conditions (summarised) as follows:

- Crossovers to be constructed to the satisfaction of the Responsible Authority.
- Disused crossovers to be removed with the kerb, channel and pavement to be reinstated.
- All vehicles must be able to enter and exit the land in a forward direction.
- The developer must avoid disruption to the tram operation; or, any disruption must be communicated and approved a minimum of 8 weeks prior.
- Alterations or damage to tram infrastructure must be avoided; or, any alterations must be approved and/or rectified, to the satisfaction of the Responsible Authority, at the full cost of the permit holder.

The conditions required by the Head, Transport for Victoria should be included on any permit that issues.

Council's Traffic Engineer has also reviewed the application and confirmed that it is acceptable with respect to access provisions, ramp design and grades, parking space dimensions, aisles widths, vehicle movements, headroom clearance and pedestrian sight triangles.

Further, submitted swept paths demonstrate suitable vehicle movements.

For the reasons outlined above, the development is considered to be acceptable with regard to the proposed access provisions along with the design standards at Clause 52.07-9.

Traffic Impacts

As per the above, Head, Transport for Victoria are the relevant authority with respect to impacts to Riversdale Road - they raise no objection to the proposal.

Council's Traffic Engineer has also reviewed the proposal with regard to traffic impacts, and made the following findings:

"It is considered reasonable that a traffic generation rate of 5 vehicle movements per dwelling, including 0.5 movements per dwelling in the peak hours be applied for the proposed development. This results in a total of 145 movements per day, with 15 of these occurring in each of the peak hours. This equates to approximately one vehicle every 4 minutes during the peak period.

It is indicated in the analysis that there is significant capacity based on current traffic volumes for the anticipated site-generated traffic volumes to be accommodated within the existing Riversdale Road traffic volumes.

On this basis, it is considered that the anticipated traffic generated by the proposed development will not result in significant adverse effects on the safety and operation of Riversdale Road and/or the existing tram services, and the surrounding road network."

Waste Collection

Waste collection is proposed to occur from within the basement by way of a private contractor. The waste storage includes landfill, organics and recycling. This is considered to be acceptable.

ENVIRONMENTAL SUSTAINABILITY

The Victorian planning system recognises the importance of the sustainable use and development of land and acknowledges that sustainable design initiatives must be implemented in the present, to safeguard the environment for future generations. The Boroondara Planning Scheme builds on these Objectives through various policies and provisions. Within the MPS, Clause 02.02 of the Planning Scheme gives effect to the Boroondara Council Plan (City of Boroondara, 2017-21) and the Boroondara Community Plan (City of Boroondara, 2017-27), and sets out the Vision for the municipality. Key to the Vision is 'Our natural environment is healthy and sustainable for future generations'. This Vision is further reflected at Clause 02.03-4 (Built Environment and Heritage) which seeks to ensure environmentally sustainable development (ESD) principles are incorporated into all developments. In addition to the MPS, a range of policies seek sustainable use and development including but not limited to Clause 11

(Settlement), Clause 15 (Built environment and heritage), Clause 18 (Transport), Clause 53.18 (Stormwater Management) & Clauses 54 / 55 & 58 (Residential Developments).

To ensure the relevant objectives, policies and provisions are being implemented, applications are required to be supported by a Sustainable Design Assessment (SDA) or Sustainability Management Plan (SMP), which address the proposal's sustainability credentials. In this instance the application is supported by an SMP.

Council's ESD Officer has reviewed the application along with the supporting documents; they have advised that the proposal can achieve 'best practice' with respect to ESD initiatives, albeit some minor modifications are necessary (as outlined in the Referrals section of this Report) which could be addressed by permit conditions.

To achieve 'best practice', the following key initiatives are proposed:

- Solar PV;
- Treatment and storage of stormwater, with collected stormwater (12,500L of rainwater tanks) to be reused for toilet flushing, achieving a STORM rating of 100%;
- Electric vehicle charging ready;
- Water efficient fixtures and irrigation;
- Energy efficient fixtures and appliances;
- Separate utility metering;
- Thermal insulation;
- Use of sustainable materials;
- 22 bicycle parking spaces;
- Extensive landscaping proposed;
- Passive design principles such as natural ventilation and the appropriate balance between shading of windows and daylight access.

It is highlighted that while a rainwater harvesting tank of 12,500L is proposed in the SMP, only 12,000L is shown on the plans. A condition should require the capacity of the rainwater harvesting tank to be increased to 12,500L, on any permit that issues.

With regard to Clause 53.18 (Stormwater Management), the proposed rainwater harvesting tank ensures the reuse of rainwater along with water treatment, the proposed permeability (which exceeds 20%) and landscaping contribute towards cooling and habitat and the recommended conditions of any permit that issues require a stormwater detention system to be approved by Council's Drainage Engineers. Council's Drainage Engineers have advised that the detention system will be required to result in a reduced rate of discharge (an improvement) from the site, as compared to existing conditions. The objectives of Clause 53.18 are considered to be satisfied.

Subject to appropriate permit conditions, the development is considered to provide an acceptable response with respect to sustainable design and stormwater management.

OBJECTION RESPONSE

13 objections have been received to the application. A summary of the objections is provided below, along with the Planning Officer's response.

Summary of Objection	Planner's Comments
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The development does not meet the intent of the zoning	As per the preceding assessment relating to the strategic directions of the Planning Scheme along with the purpose of the Residential Growth Zone, the development has strong strategic support from the Planning Scheme and meets the express purpose of the zone.
Excessive density	One of the express purposes of the zone is <i>to provide housing at increased densities in buildings up to and including four storey buildings</i> . The development aligns well with this purpose.
Excessive height, bulk and scale which is out of keeping with the character of the area	As per the preceding assessment, the height, bulk and scale are considered to be appropriate given the physical and policy context of the land. The development is also considered to provide an appropriate transition to the surrounding NRZ land.
The widened crossover will look out of place	The width of the crossover is a requirement of the Head, Transport for Victoria, given the crossover serves more than 10 parking spaces and connects to a Transport Zone 2 road. Further, Riversdale Road is an arterial road - the proposed crossover is entirely in keeping with the context.
Excessive site coverage	Site coverage is proposed at approximately 65.44%, which is 5.44% above the Clause 55 Standard B8. However, this standard does not take into account the policy context of the land or the zoning which seeks increased densities. The site coverage is considered to be both acceptable and necessary to achieve the policy aspirations for the land.
Inadequate side and rear setbacks	Side and rear setbacks are considered to be well resolved. The proposed encroachments (into the Clause 55 Standard B17) are adjacent to land zoned RGZ and neighbouring interfaces which will not be unduly impacted by the encroachments. Where the development is adjacent to NRZ land, it complies with the B17 setbacks standards.
Loss of privacy	Conditions are recommended for any permit that issues to ensure the development would comply with the privacy standards of Clause 55.
Light to neighbouring windows	Conditions are recommended for any permit that issues to ensure the

	development would comply with the light to neighbouring windows standards of Clause 55.
Overshadowing, particularly due to the slope of the land	The shadow impacts of the development are considered to be well resolved. The development would comply with requirements of Clause 55 Standard B21 to all neighbouring properties except 1A and 1B Fairview Street - to these properties the development would cast no further shadow from 10am onwards on 22 September. A detailed assessment in terms of shadow impacts is provided at Appendix B.
Concerns with the accuracy of the shadow diagrams	As with any planning application, Planning Officers rely on the information submitted by the applicant. The applicant has provided a signed declaration advising that all information is true and correct.
Lack of landscaping	The landscaping proposed is extensive and far exceeds the requirements of Clause 55.
Tree removal	Tree removal is well considered, noting that only those trees that have been assessed as having low arboricultural value would be removed. Importantly, Tree 24 (15m high Brittle Gum to the front setback) would be retained. Further, tree removal would be offset by extensive replanting.
Noise from the apartment residents, including music and partying	The proposed use is residential, which is 'as of right' in the zone and accounts for the typical impacts associated with the use. If individuals were to behave in an anti-social manner, other legislation would be enacted - this is not addressed under the Planning Scheme.
Noise from the apartment services	Services are appropriately located within the basement or on the roof (screened). Private A/C units would be located within the outdoor space / balcony of each dwelling. A/C units are required to comply with EPA noise regulations. Further, a condition is recommended on any permit that issues that requires the location of the A/C units to be shown on the plans and to be located away from neighbouring bedrooms.
Noise from vehicle movements, impacting adjacent neighbouring windows	The vehicle accessway is located to the eastern boundary. It is setback well in

	excess of the 1.5m Standard (B15 of Clause 55) from the habitable rooms of the neighbouring dwelling at No. 1/60 Riversdale Road.
Lack of parking spaces which will exacerbate parking pressure in the surrounding network	The development exceeds the parking space requirements of Clause 52.06.
Increased traffic congestion and related safety concerns	Added congestion is a natural consequence of new development. However, this must be balanced with policy directives which seek significant levels of new housing across the state. As such, the industry accepted test for whether the additional quantum of traffic is acceptable, is whether the additional traffic would have a 'significant impact' upon the road network. The development has been reviewed by Council's Traffic Engineer and the Head, Transport for Victoria. Neither referral raised concern with traffic generation / congestion.
Safety concerns relating to vehicle movements and the primary school opposite	The development has been reviewed by Council's Traffic Engineer and the Head, Transport for Victoria. Neither referral raised concern with safety or vehicle movements.
Concerns regarding vehicle conflicts given the proximity of the proposed crossover and the existing crossover at No. 60 Riversdale Road; and, a lack of information in the application to address this issue	The development has been reviewed by Council's Traffic Engineer and the Head, Transport for Victoria. Neither referral raised concern with safety or vehicle movements / conflicts.
The trams along Riversdale Road are already full with no capacity to run more trams	<p>The development is not at a scale where the capacity of public transport can be taken into account. Further, the development would provide car parking and bicycle parking in excess of the requirements; as such, while the use of public transport is encouraged, the development does not rely on it.</p> <p>If the development was for 60 or more dwellings, a referral would be required to the Head, Transport for Victoria. It is highlighted that a referral was already undertaken to the Head, Transport for Victoria due to the creation of the access to a Transport Zone 2 road - they raised no concerns with the capacity of the trams.</p>
Potential errors in the survey and plans regarding separation distances	Officers are not aware of any error in the survey plan.

The development will affect neighbouring solar panels at No. 1/60 Riversdale, once installed.	It is highlighted that while the impact upon neighbouring solar panels is a relevant consideration under the Planning Scheme, impacts can only be considered to existing solar panels.
Secluded private open space along the western boundary of No. 1/60 Riversdale Road has not been acknowledged within the application	Officers acknowledge that the side setback to No. 1/60 Riversdale Road could be used as secluded private open space. Officers also understand that this property has an area of SPOS to the front setback and another to the east. This has been factored into the Officer assessment.
Where are bins to be located?	Bins would be stored and collected from the basement, by way of private contractor.
Where are services to be located?	Services are located within the basement, upon the roof (screened) and A/C units would be provided within the outdoor space of each dwelling. Service enclosures would also be provided within the front fence.
More information is required regarding boundary fencing	<p>Boundary fencing is not addressed at the Planning stage. Boundary fencing is a civil matter between neighbouring properties which is addressed under the Fences Act and potentially becomes a matter for the building permit, depending on the heights of the fences.</p> <p>What is relevant to Planning; however, is how ground level overlooking will be addressed, particularly given the sloping nature of the land and the necessary cut and fill. Conditions are recommended on any permit that issues, to require details of screening to demonstrate that overlooking would be addressed in accordance with Clause 55 Standard B22.</p>
Impact upon the stormwater and drainage network, noting there is a history of overflow and flooding in the area	<p>This matter was discussed with Council's Drainage Engineer who advised that an onsite detention system would be required for the development which meets the following specifications:</p> <p>"Discharge to the approved point of discharge will be allowed subject to the flow being limited to a rate equivalent to 0.35 coefficient of runoff for 1 in 5 year rainfall event. Any additional discharge is to be temporary detained on site with a minimum storage volume for 1 in 10 year</p>

	<p>rainfall event, via an approved stormwater detention system designed to Council specifications."</p> <p>Council's Drainage Engineer advised that this discharge rate is designed to be an improvement on the current rate of discharge from the Site.</p> <p>It is further highlighted that Officers reported the issue to Council's Drainage Maintenance & Cleaning Services (Drainage Depot). The Drainage Depot advised that they had investigated this issue toward the end of 2021 and early 2022. The investigations found blockages and root growth which were then cleared. The Drainage Depot advised that they were not aware of any further complaints following the maintenance works.</p>
No details of a stormwater detention system have been provided	Stormwater detention systems are required to be approved before development commences, with Council's Drainage Engineers undertaking the relevant assessment. This is the standard process for all planning applications.
Impacts during construction, including noise and the parking requirements of workers	Construction impacts are a natural consequence of construction and while they cannot be avoided entirely, they can be minimised. To ensure that construction is undertaken in an appropriate manner, it is recommended that a construction management plan condition be imposed on any permit that issues.

INTEGRATED DECISION MAKING

Clause 71.02 of the Planning Scheme requires the decision-maker to integrate the range of relevant policies (to the issues to be determined) and balance the positive and negative environmental, social and economic impacts of the proposal, in favour of net community benefit and sustainable development. When considering net community benefit, fair and orderly planning is key; the interests of present and future Victorians must be balanced; and, the test is one of acceptability.

Clause 71.02 seeks to ensure the objectives of the *Planning and Environment Act 1987* (as set out in section 4) are achieved, which includes the facilitation of development.

The proposal is considered to be appropriate and acceptable, for the following reasons:

- The proposal has strategic support from the Planning Scheme, which has a consistent theme of increasing residential density within accessible and strategically appropriate locations, this is reflected in Council's Housing

Framework Plan which identifies the Site for 'increased diversity and density' and categorises the land as a 'main road apartment precinct'.

- The proposal achieves the express purpose of the zone which includes to provide housing at increased densities in buildings up to and including four storeys.
- The proposal is well conceived from an architectural and urban design perspective, resulting in a high quality and contextual development which will sit comfortably within its context. Further, the development provides for an appropriate transition to the surrounding NRZ land.
- The development provides for considerable landscaping opportunities, appropriate to the physical and policy context.
- The development accommodates the retention of the mature Brittle Gum within the front setback.
- The development achieves excellent standards of onsite amenity, including appropriate levels of outdoor space.
- The development will not result in undue offsite amenity impacts.
- The development complies with all Clause 55 objectives and most standards.
- The development provides an oversupply of parking spaces and the traffic movements will not unduly impact the surrounding network.
- The development provides an oversupply of bike parking spaces.
- The development achieves 'best practice' in term of sustainable design.

The impacts of the development are considered to weigh in the favour of 'positive'. Viewed holistically and balancing the material considerations along with the interests of present and future Victorians, the proposal is considered to result in a net community benefit and sustainable form of development; for these reasons, the application is recommended for support, subject to appropriate conditions.

APPENDIX A - Referrals

Head, Transport for Victoria

The Head, Transport for 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 the following conditions:

Condition:

1. Prior to the occupation of the development the crossover driveway and all associated works show on plans (Pitard Group Ref TP-03 Rev 3 29/08/2023) must be constructed to the satisfaction of the Head, Transport for Victoria and the Responsible Authority, at no cost to the Head, Transport for Victoria.
2. All vehicles associated with the development must be able to conveniently enter and exit the subject land in a forward direction to the satisfaction of the Responsible Authority and the Head, Transport for Victoria.
3. All disused or redundant crossings along Riversdale Road must be removed and the area reinstated to kerb, channel and footpath to the satisfaction of and at no cost to the Head, Transport for Victoria prior to the occupation of the buildings hereby approved.
4. The permit holder must avoid disruption to tram operation along Riversdale Road during the construction of the development. Any planned disruptions to tram operation during construction and mitigation measures must be communicated to and approved by the Head, Transport for Victoria and Yarra Trams a minimum of 8 weeks prior.
5. The permit holder must ensure that all track, tram and overhead infrastructure is not altered or damaged. Any alteration or damage to public transport infrastructure must be approved and / or rectified to the satisfaction of the Head, Transport for Victoria at the full cost of the permit holder.

Permit Note:

The proposed development requires the construction of a crossover. Separate approval under the Road Management Act 2004 for this activity may be required from the Head, Transport for Victoria. Please contact the Department of Transport & Planning prior to commencing any works..

Urban Design

COMMENTS:

The proposal seeks support for a 4-storey apartment building over a basement level comprising 29 dwellings. The site slopes steeply down (approx. 4.2m) from north-east to south-west across a 58m with a portion of the massing set down into the site. The majority of the proposal is within the 13.5m (4-storey) mandatory height limit required by Clause 32.07 with minor encroachments towards the rear (south) of the site. The ground floor is setback 6.75m and first and second floor are set back 6.55m from Riversdale Road with façade elements expressed a further 0.5m into the front setback. The driveway is located to the north-eastern corner of the site and provides vehicle access to a common basement car park, central lift / stair core, bike parking and storage areas. Decks and balconies ring the proposal at each level and in all cardinal directions with various screen types to avoid overlooking. The built form is setback to the rear in compliance with ResCode however the sides (east and west) encroach at Level 2.

The ground floor western interface is setback between 2.0-4.4m with a deep central recess offset 7.6m from the boundary (continuing to level 2) and a similar profile to the east. Level 1 and setback range from 5.5-6.8m with Level 3 increased to 7.9m

(east) and 9.1m (west). To the south the ground floor offset is 3.0m, Level 1 is 4m, Level 2 is 7m and Level 3 is 10.5m.

The building form is contemporary and incorporates a classical aesthetic with strong columnar rhythm and highly articulated natural stone finish to the façade. The massing is broken up with light brick-face base to the ground floor, stone and black metal cladding to Levels 1 and 2 and mid-grey metal cladding creating a distinctive 'cap' to the top (3rd) storey.

1. The Residential Growth Zone seeks *'To provide housing at increased densities in buildings up to and including four storey buildings'*. We are generally supportive of the 4-storey proposal however we do recognise areas for refinement to ensure height and setback requirements are met and the objectives of the RGZ and guidelines within the NCS are adhered to.
2. The split-level arrangement between the eastern and western portion of the building responds to the steep slope of the site allowing 4-storey massing without significant encroachment into the side setback, B17 profile. Section 1 (TP-12) of the architectural package does however reveal some encroachment which appears to be limited to the balcony balustrade of APT 206. We consider this minor encroachment to be acceptable however it appears the massing associated with APT 207 will have greater impact on the preferred neighbourhood character and will negatively impact amenity of current and future dwellings to the west. We also recognise it is difficult to assess adherence with Standard B17 given the stepped profile and sloped terrain along the western boundary. Therefore, we recommend an updated graphic be provided to demonstrate adherence with Standard B17 along the western boundary. While this will result in some 'trimming' to the top of Level 2, the design response must also consider the composition of the northern façade. A stepped or 'wedding cake' profile will not be considered acceptable.

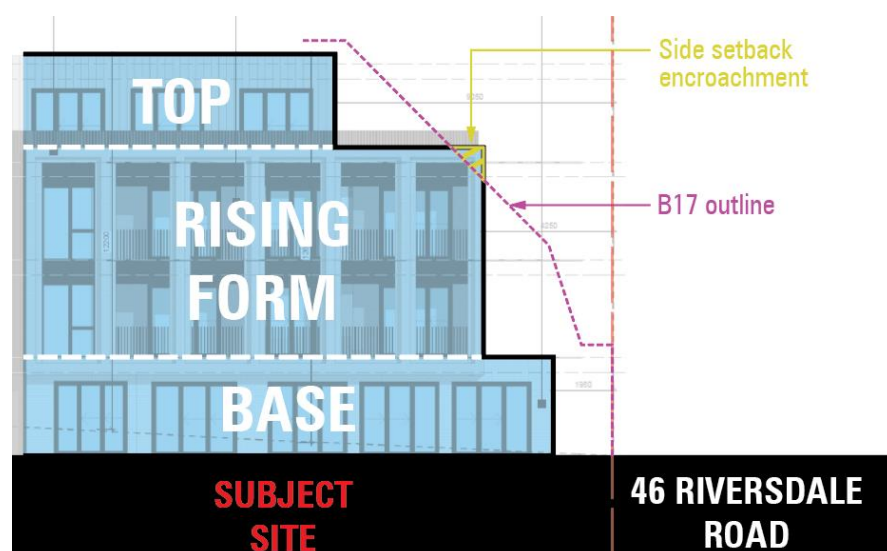


Figure 1: Extract North Elevation (TP-10) showing encroachment into B17 profile.

3. Clause 55.03-1 (Street setback) objective states that the minimum front setback should be *'The average distance of the setbacks of the front walls of the existing buildings on the abutting allotments facing the front street'*. The Existing Conditions plan (TP-01) shows a 6.7m setback to the west (1/46 Riversdale Road) and a 7.6m setback to the east (60 Riversdale Road) resulting in a preferred front setback of 7.15m. The proposal is 'sunken' approximately 1.3m below NGL when viewed from street level, thereby lessening the visual impact of the northern façade of the proposal. This is however a similar condition to other properties along the southern side of Riversdale Road. In the absence of any clear justification for encroachment into the setback Standard B6, we recommend a minimum front setback of 7.15m be provided to the northern façade.
4. We are generally supportive of the northern façade treatment which incorporates recessed balconies and well-articulated, stone-faced framing elements. We note alternative façade treatment above the pedestrian entry clearly highlights the front door location. We are however concerned that the proposal does not adequately meet the NCS Precinct 40 objective of *'maintaining the existing streetscape rhythm'*. When viewed from Riversdale Road the proposal fails to provide adequate articulation to reflect the prevailing subdivision pattern. A vertical recess within the northern façade would help to divide the massing into two components, reflecting the two current titles and adding visual depth to the 26m wide façade. Therefore, we recommend providing a vertical break 3m wide x 2m deep to provide visual relief, to reflect the existing subdivision pattern and streetscape rhythm of this part of Riversdale Road. Retaining a material distinction between the primary façade and vertical recess is also recommended.
5. The stepped built form profile of the southern interface mitigates issues of visual bulk and overshadowing to the south. We are concerned however that the ground floor layout is too tightly arranged, resulting in poor on-site and off-site amenity impacts.
 - a. Firstly, portions of the timber deck (balcony) for APT G05 appear to be elevated above the ground plane and could result in overlooking into habitable rooms and/or open space of neighbours to the south (1 Fairview Street). Ensure the balcony complies with Standard B22 (Overlooking) objectives.
 - b. Secondly, the maximum width of balconies shown for APT G04 & APT G05 is 1.5m which is 0.1m less than is required in Standard B28 (ResCode). While a 1.6m wide area adjacent to the living room would be acceptable, we consider 2.0m or more width to be desirable and commensurate with apartments of this size (3-bedrooms).
 - c. Lastly, the overall length of balcony of 31m (15.5m per apartment) along the southern interface is considered excessive. The provision of a green 'break' with opportunities for planting



Figure 2: Extract North Elevation (TP 10)

would offer welcome visual relief to neighbours (south) and future residents (APT G04 & APT G05).

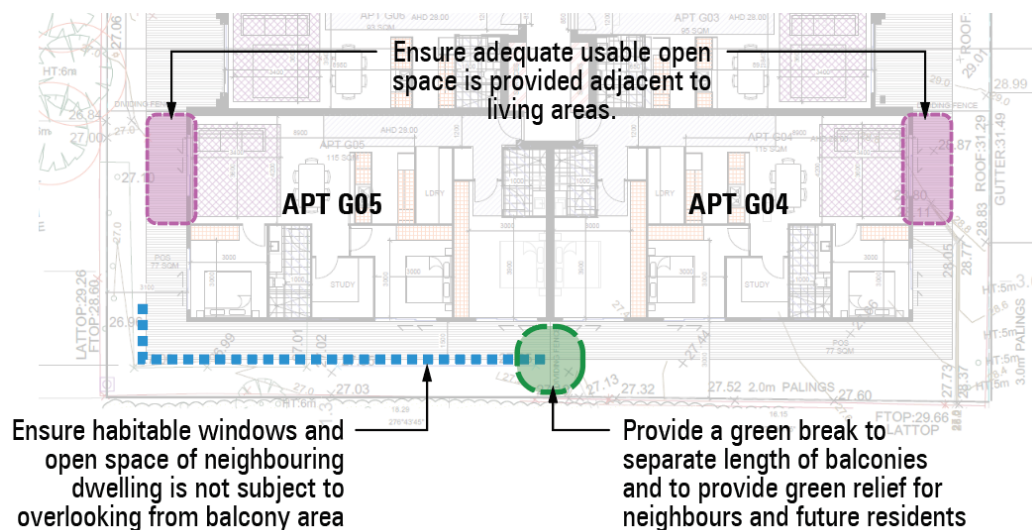


Figure 3: Extract Ground Floor Plan (TP-05) showing potential adjustments to APT G04 and APT G05 open space and interface treatment.

6. We are broadly supportive of the proposal in terms of overall height, massing proportions and material finish. We do however recognise that the proposed adjustments to street setback, addition of a vertical recess to the northern façade and erosion to western profile to accord with Standard B17 will have an impact on massing and therefore yield.

Arborist

ARBORIST REFERRAL RECOMMENDATION SUMMARY:

- The proposal is not supported

SUMMARY COMMENTS:

The following issues are identified:

1. Trees 3, 11, 21, 22, 23 absent from site survey
2. Construction of driveway within the TPZ of tree 11 must be above existing grade and consist of permeable materials. This may result in issues with ramp gradient.
3. Major encroachment of tree 12 to be considered by ESOS.
4. Steps within the SRZ of tree 24 would not be supported.
5. Fencing structures within the TPZ of tree 24 and all neighbouring trees to incorporate root sensitive footings.

6. Existing ground levels must be maintained of trees to be retained (excluding built form)
7. Extent of basement footprint and hard surfaces do not allow for appropriate replacement planting and landscape outcomes.
8. Confirm ownership of tree group 18
9. Opportunity for appropriate replacement planting to compensate for the removal of existing trees is insufficient. The proposal must be redesigned to facilitate 2 canopy trees with 49sqm of deep soil within the rear of G04 and G05, with small trees within the POS of G01, G06 and G07 with 12sqm of deep soil.

DETAILED COMMENTS:

Detailed Internal Arborist Comments:

Tree 1 - Subject site tree

Hedging trees which have been identified as low amenity and poor structure. Their removal would be supported and would have minor impacts on the treed character of the neighbourhood. These trees appear to be under permit size based on the arborist report.

Tree 2 - Neighbouring tree

The proposed basement is located outside of the TPZ of this tree. The proposed decking area represents a TPZ encroachment of approximately 5% which is considered minor and unlikely to impact the tree. The TPZ area outside of the decking must be maintained at existing grade and consist of permeable surfaces and garden area.

Tree 3 -

Tree 4 - Neighbouring hedge

The proposed basement is located outside of the TPZ of these trees. TPZ area between the decking and the southern boundary must be maintained at existing grade and consist of permeable surfaces and garden area.

Tree 5 - Subject site trees

Hedging trees which have been identified as low amenity and poor structure. Their removal would be supported and would have minor impacts on the treed character of the neighbourhood. These trees appear to be under permit size based on the arborist report.

Tree 6 - Subject site tree

Small tree with low amenity and streetscape value. Likely sucker growth which will not require a local law permit for removal.

Tree 7 - Subject site tree

Relatively small tree in good condition located within the front setback of the property. The tree provides low amenity and streetscape value due to its size and is not considered a canopy tree under the local law. The removal of this tree would be supported with appropriate replacement planting.

Trees 8 and 9 - Subject site trees

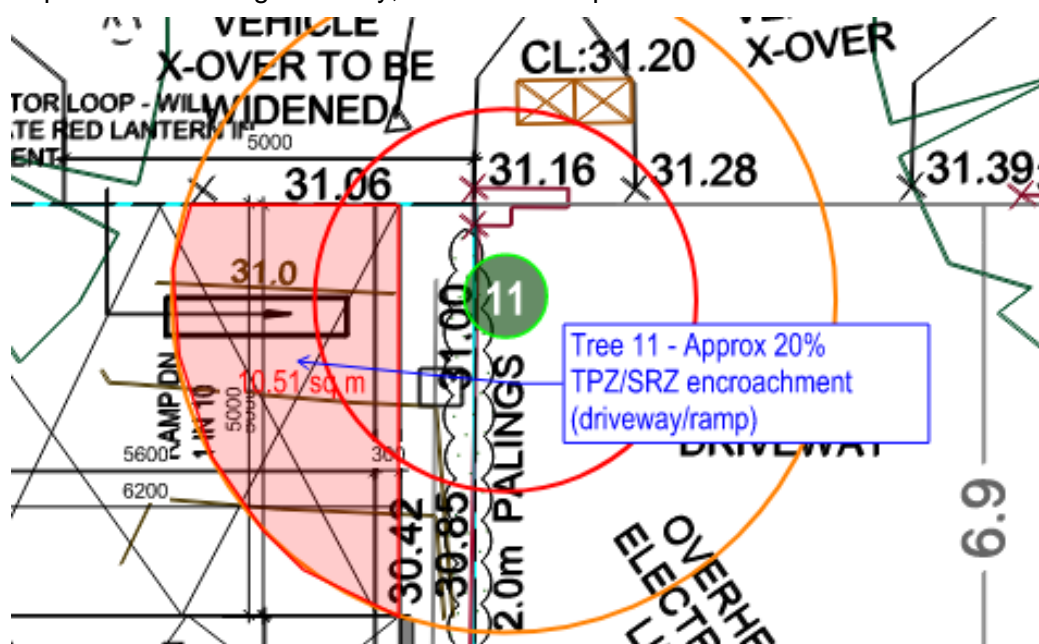
Likely self-seeded weed species tree with low amenity and streetscape value. Their removal would be supported with replacement planting. Local law permits do not appear to be required for their removal.

Tree 10 - Subject site trees

Two small native trees with low amenity and streetscape value. Structure appears to be fair with multiple stemmed form and included unions. The removal of these trees would be supported with appropriate replacement planting. The removal of these trees will likely require local law approval.

Tree 11 - Neighbouring tree

This neighbouring tree is located directly adjacent to the eastern boundary fence and has not been surveyed as part of the plans. The proposed ramp will represent a major encroachment of the TPZ and SRZ which is likely to have major impacts on the tree. The driveway/ramp within the TPZ/SRZ of this tree must be constructed above grade, or at the depth of the existing driveway, and consist of permeable materials.



Tree 11 - Proposed TPZ/SRZ encroachment (ramp/driveway)

Tree 12 - Street Tree

The proposed ramps, services and decking represent major encroachments of the TPZ. ESOS to provide comments and conditions.

Tree 13 - Subject site trees

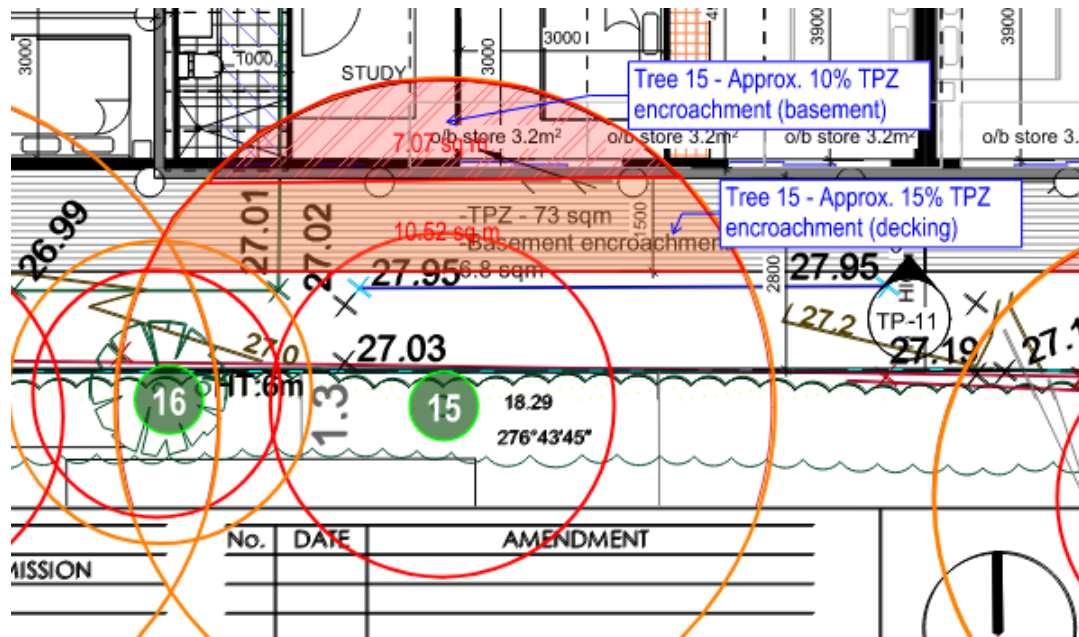
Hedging trees which have been identified as low amenity and poor structure. Their removal would be supported and would have minor impacts on the treed character of the neighbourhood. These trees appear to be under permit size based on the arborist report.

Tree 14 - Subject site vegetation

Row of banana palms which provide low levels of amenity and streetscape value due to their size, species and location. Their removal would be supported and would have minimal impacts on the treed character of the neighbourhood. It does not appear that local law approval is required.

Tree 15 - Neighbouring tree

The proposed basement represents a TPZ encroachment of approx. 10% which is considered minor and unlikely to impact the tree. The proposed decking area represents a further TPZ encroachment of approximately 15% which is considered major and has the potential to impact the tree. Given the species of tree it is unlikely to be impacted with decking to be constructed above grade, on root sensitive footings, and with a permeable design. Decking to be deleted within the SRZ of this tree.



Tree 15 - Proposed TPZ encroachment (basement and decking)



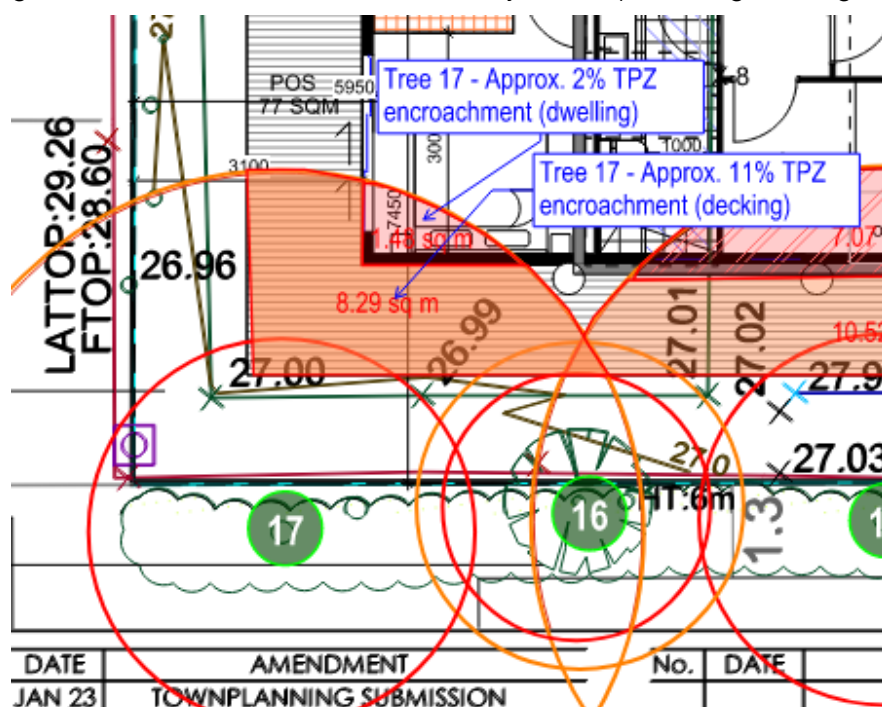
Tree 15 (arb report photo)

Tree 16 - Neighbouring tree

The proposed represents a minor TPZ encroachment which is unlikely to impact the tree. Construction of the decking should be above grade and must maintain the existing levels within the TPZ where it enters the property.

Tree 17 - Neighbouring tree

The proposed dwelling represents a TPZ encroachment of approx. 2% which is considered minor and unlikely to impact the tree. The proposed decking represents a further TPZ/SRZ encroachment of approx. 11%. Although the combined encroachment is marginally over what is considered minor, the proposed works are unlikely to impact the tree. The decking must be constructed above grade utilising root sensitive footings. Decking to be deleted within the SRZ. The TPZ area must be maintained at existing grade where it encroaches into the subject site (excluding building footprint).



Tree 17 - Proposed TPZ encroachment (dwelling/decking)

Tree 18 - Subject site trees

Hedging trees which have been identified as low amenity and poor structure. Their removal would be supported and would have minor impacts on the treed character of the neighbourhood. These trees appear to be under permit size based on the arborist report. There appears to be some discrepancy regarding the site survey and arborist report. Tree ownership to be confirmed.



NEIGHBOURING TREES #18

Tree 18 - Photo from arb report.

Tree 19 - Neighbouring trees

The majority of the tree group have a minor encroachment of their TPZ into the subject site with the exception of one tree. Given the size and species of the tree, none of the trees are likely to be impacted.

Tree 20 - Neighbouring tree group

The proposed ground floor represents a minor TPZ encroachment of this tree group which is unlikely to have significant impacts. The existing grade must be maintained within the TPZs of these trees where they enter the subject site.

Tree 21 - Neighbouring tree

This tree has been omitted from the site survey, however the arborist report has estimated its location. It does not appear that the TPZ enters the subject site and it is therefore unlikely to be impacted. Tree to be plotted accurately for future plans.

Tree 22 - Neighbouring tree

This tree has been omitted from the site survey, however the arborist report has estimated its location. The TPZ encroaches into the subject site and has the potential to be impacted. Maintaining the existing levels within its TPZ will allow its successful retention.

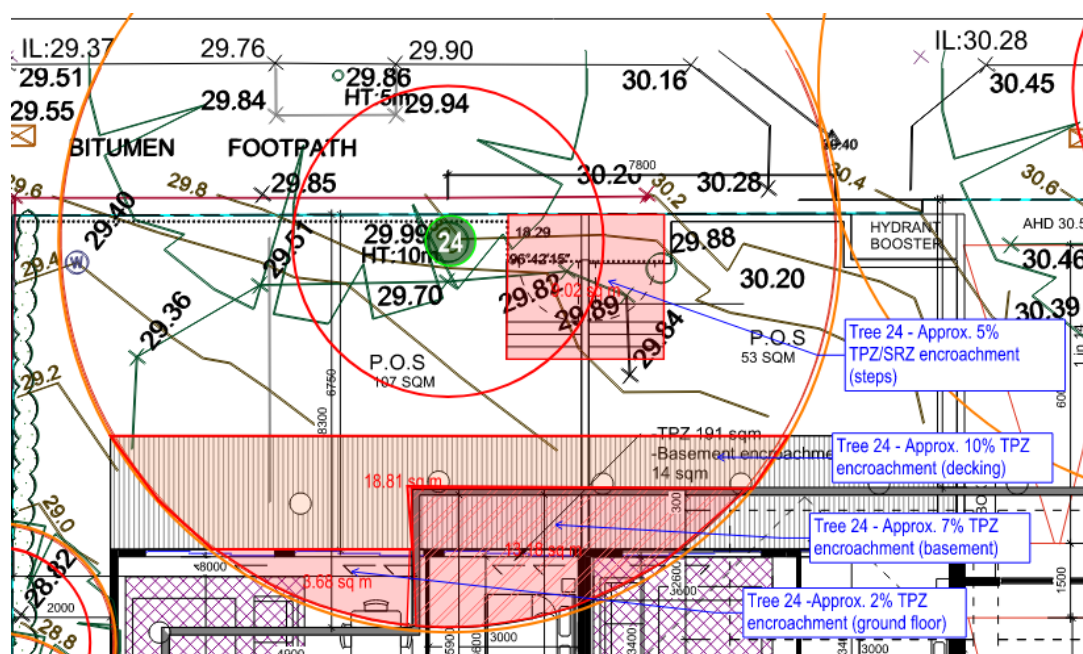
Tree 23 - Subject site tree

Assessed to have low amenity value due to species and size. Its removal would be supported and is unlikely to require local law approval.

Tree 24 - Subject site tree

The proposed basement and ground floor footprint represent a TPZ encroachment of approximately 9% which is considered minor and unlikely to impact the tree. There is a

further proposed encroachment of approx. 10% by the decking, which is unlikely to impact the tree if constructed above grade, of permeable surface and utilising root sensitive footings. The construction of the steps within the SRZ and in such close proximity to the tree would not be supported. Any boundary fence construction requires the use of root sensitive footings, no strip footing.



Tree 24 - Proposed TPZ/SRZ encroachments

Tree 25 - Subject site tree

The tree provides relatively low amenity and streetscape value due to its size, species and form and is considered a canopy tree under the local law. The removal of this tree would be supported with appropriate replacement planting.

Tree 26 - Street tree

There is a minor encroachment of the TPZ into the subject site. ESOS to provide comments and conditions.

- The applicant has failed to demonstrate how the development responds to the preferred neighbourhood character statement regarding the retention of large trees, and the landscape plans do not retain and protect significant vegetation on the site.
- The applicant has failed to demonstrate how the development responds to Clause 15.01-5L of the Planning Scheme (Neighbourhood Character). The proposed development does not retain canopy trees and there is insufficient space to plant, establish and maintain new canopy trees.

**TREE PROTECTION
LOCAL LAW PERMITS
REQUIRED?**

Yes

Tree Protection Local Law Permits Will Be Approved For (Tree Numbers): 10, 25
Tree Protection Local Law Permits Will <u>NOT</u> Be Approved For (Tree Numbers):
<p><i>If there are unresolved street tree issues</i></p> <p>Subject to further assessment and requirements from ESOS regarding Tree XXX, please include the following conditions:</p> <p><i>If street tree issues are resolved</i></p> <p><u>Please include the following conditions:</u></p> <p>Amended plans required</p> <p>1. Plans modified to show:</p> <ul style="list-style-type: none"> a) The Tree Protection Zone and Structural Root Zone of Tree Nos. XXX (as identified in the Arborist Report submitted with the application prepared by COMPANY NAME (dated XXX) drawn on all site and floor plans; b) Notation on all site and floor plans that Tree Nos. XXX are to be retained and protected in accordance with the endorsed Tree Management Plan required by this Permit; c) Any modifications to the location or layout of buildings and/or works recommended in the endorsed Tree Management Plan required by this Permit; d) The siting of any necessary stormwater detention pit, underground services and pits, and/or rainwater harvesting tank to be located outside any area set aside for deep-soil planting and outside the Tree Protection Zone of any trees to be retained/protected. e) Notation on all site and floor plans that all excavations within the Tree Protection Zone of Tree XX must be undertaken with hand tools or hydro-vacuum to a minimum depth of <u>50 cm / 1 metre</u> and that all excavation works must be supervised, document and certified by the Project Arborist. f) Permanent fencing within the Tree Protection Zone of Tree XX constructed on pier foundations with any required plinths constructed above existing grade. g) Notation on all site and floor plans that no strip footing is permitted within the Tree Protection Zone of Tree XX. h) All building foundations within the Tree Protection Zone of Tree XX to be constructed using root sensitive techniques (e.g. pier and beam, waffle slab, suspended slab or cantilevered foundations). i) Changes to the INSERT AREA OF DEVELOPMENT to facilitate replacement tree planting as required in the Landscape Plan conditions of this permit. j) Deletion of INSERT AREA OF DEVELOPMENT to facilitate replacement tree planting as required in the Landscape Plan conditions of this permit. <p>Landscape plan</p> <ul style="list-style-type: none"> a) A survey (including botanical names) of all existing trees to be retained and of those to be removed. The intended status of the trees shown on the landscape plan must be consistent with that depicted on the development layout plan; b) All hard surfaces proposed within the Tree Protection Zone of Tree Nos. XXX (as identified in the Arborist Report submitted with the application COMPANY

- NAME (dated XXX) must be constructed of permeable materials; be constructed above current grade; and be constructed on foundations that maintain appropriate permeability for each tree, to the satisfaction of the Responsible Authority;
- c) Detailed construction specifications for all permeable surfaces that include cross-section diagrams;
 - d) One (1) canopy tree (minimum 2 metres tall when planted and must achieve a minimum mature height of 10/13 metres and canopy spread of 5/7 metres) in the front setback of the property;
 - e) One (1) small tree (minimum 2 metres tall when planted and must achieve a minimum mature height of 5/7 metres and canopy spread of 3/5 metres) in the secluded private open space of each dwelling;
 - f) Each canopy tree must be provided a minimum of 49 sqm of deep soil, with the available soil area clearly shown on the landscape plan;
 - g) Each small tree must be provided a minimum of 12 sqm of deep soil, with the available soil area clearly shown on the landscape plan;
 - h) All trees must comply with Australian Standard AS2303:2015 - Tree Stock for Landscape Use;
 - i) All canopy trees must be planted by an AQF Level 3 Qualified Arborist, Landscape Gardener or Horticulturist;
 - j) All canopy trees must be planted more than 2 metres away from any structures, paving, decking, property boundaries, easements, existing trees or shrubs;
 - k) All small trees must be planted more than 1 metre away from any structures, paving, decking, property boundaries, easements, existing trees or shrubs;
 - l) All trees within side and rear setbacks adequately setback from common boundaries to avoid mature canopy overhang of neighboring spaces.
 - m) One (1) large tree (minimum 2 metres tall when planted and must achieve a minimum mature height of 13/15/20 metres and canopy spread of 7/10/15 metres) in the front/rear/side setback of the property.
 - n) Each canopy tree must be provided a minimum of 121 sqm of deep soil, with the available soil area clearly shown on the landscape plan

Tree Management Plan

2. Concurrent with the submission of amended plans required by Condition 1 of this Permit and prior to any demolition or site works, a Tree Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Tree Management Plan must be prepared by a minimum AQF Level 5 qualified and experienced Arborist in relation to the management and maintenance of Tree Nos. XXX (as identified in the Arborist Report submitted with the application prepared by COMPANY NAME (dated XXX)). The Tree Management Plan must make specific recommendations in accordance with the Australian Standard AS4970: 2009 - Protection of Trees on Development Sites and detail the following to ensure that all retained trees remain healthy and viable during construction:
 - a) A Tree Protection Plan drawn to scale that shows:
 - i. Tree Protection Zones and Structural Root Zones of all trees to be retained;

- ii. All tree protection fenced off areas and areas where ground protection systems will be used;
 - iii. The type of foundations (illustration or notation) within each Tree Protection Zone;
 - iv. Any services to be located within the Tree Protection Zone and a notation to state that all services will either be located outside of the Tree Protection Zone, bored under the tree protection zone, or installed using hydro excavation under the supervision of the project arborist; and
 - v. A notation to refer to the Tree Management Plan for specific detail on what actions are required within the Tree Protection Zone.
- b) Details of how the root system of any tree to be retained will be managed. This must detail any initial non-destructive trenching and pruning of any roots required to be undertaken by the project arborist; and details of how any permeable surfaces within the Tree Protection Zone of retained trees will be constructed;
 - c) Specification that a suitable time must be arranged with Council's Arborist (Statutory Planning), who must be present to supervise any root excavation greater than 5 cm in diameter within the Tree Protection Zone of Tree Nos. XXXX;
 - d) Specification that a suitable time must be arranged with Council's Arborist (Environmental Sustainability and Open Spaces), who must be present to supervise any root excavation greater than 5 cm in diameter within the Tree Protection Zone of Tree Nos. XXXX;
 - e) Supervision timetable and certification of tree management activities required by the Project Arborist to the satisfaction of the Responsible Authority;
 - f) All remedial pruning works that are required to be performed on trees during demolition and development of the site. The pruning comments must reference Australian Standards 4373:2007 Pruning of Amenity Trees and provide a detailed photographic diagram specifying what pruning will occur. *Note: Only Council or Authorised Council Contractors can prune Trees Nos. XX. Any request for the pruning of trees on public land must be made through Council's Environmental Sustainability and Open Spaces Department.*
 - g) The recommendations contained in the approved Tree Management Plan must be implemented to the satisfaction of the Responsible Authority and any changes to the endorsed Tree Management Plan will require written authorisation from the Responsible Authority.

Tree Management Plan and Construction Management Plan

3. If a Construction Management Plan is required as a condition of this permit it must be in accordance with the Tree Management Plan and Tree Protection Plan.

Contractors to be advised of trees to be retained and protected

4. The owner and occupier of the site must ensure that, prior to the commencement of buildings and works, all contractors and tradespersons operating on the site are advised of the status of trees to be retained and protected as detailed in the endorsed Tree Management Plan and are advised of any obligations in relation to the protection of those trees. A written record must be maintained on site of all contractors inducted regarding this condition. At the request of an authorized officer of Council this written record must be provided to council.

Regulation of activities in Tree Protection Area

5. No vehicular or pedestrian access, trenching or soil excavation is to occur within the Tree Protection Area as detailed in the endorsed Tree Management Plan without the prior written consent of the Responsible Authority. No storage or dumping of tools, equipment or waste is to occur within the Tree Protection Zone.

Documentation and Certification by Project Arborist

6. a) Prior to the commencement of any site works, including demolition and excavation, the Responsible Authority must be provided with evidence that a project arborist has been engaged as part of the ongoing consultant team to oversee the design and construction, and to ensure the development does not have a detrimental impact on the ongoing health and stability of the trees to be retained. The project arborist must hold suitable qualifications and experience to the satisfaction of the Responsible Authority. Evidence of the appointment of the project arborist must be submitted to the satisfaction of the Responsible Authority (quoting the Planning Permit number and site address, emailed to Boroondara@boroondara.vic.gov.au) not less than seven (7) days before the commencement of works on site.
- b) Prior to the commencement of any site works, including demolition and excavation, a timetable for the supervision and certification of tree management activities which is to the satisfaction of the Responsible Authority must be prepared by the project arborist and submitted to the Responsible Authority for approval. A signed and dated copy of each stage of the supervision timetable certified by the project arborist (quoting the Planning Permit number and site address, emailed to Boroondara@boroondara.vic.gov.au) must be submitted to the Responsible Authority not more than seven (7) days following the completion of each stage.

Traffic

ON-SITE PARKING PROVISION				
DESCRIPT ION (USE)	SIZE	CAR PARKING RATE	CAR PARKING REQUIREMENT	ON-SITE PARKING PROVISION
1 x Dwelling	1 x bedrooms	1 space per dwelling	1	1
24 x Dwelling	2 x bedrooms	1 space per dwelling	24	26
4 x Dwelling	3 x bedrooms	2 spaces per dwelling	8	8
Visitor	29 x Dwellings	PPTN	0	0
TOTAL			33	35

DESCRIPTION (USE)		SIZE	BICYCLE PARKING RATE	BICYCLE PARKING REQUIREMENT	ON-SITE PARKING PROVISION
Resident		29 dwellings	1 per 5 dwellings (if 4 storeys or more)	5	14
Visitors			1 per 10 dwellings (if 4 storeys or more)	2	
TOTAL				7	14
SATISFIED		PARKING ASSESSMENT ELEMENT			
YES	NO				
X		In accordance with Statutory Requirements			
	N/A	Waiver of long-term (eg. staff, resident) parking			
	N/A	Waiver of short-term (eg. visitor, customer) parking			
	N/A	Submission of empirical data - including Parking Demand and Occupancy surveys			
COMMENTS					
<ul style="list-style-type: none">The provision of 35 car parking spaces within a basement car park exceeds the statutory requirement of 33 resident car parking spaces in accordance with Clause 52.06.The subject site lies within the PPTN, therefore, Column B rates have been applied.Under Council's Parking Permit Policy, residents of the development will not be eligible for resident or visitor parking permits.There is a statutory bicycle parking requirement for the development of 5 resident bicycle spaces and 2 visitor bicycle spaces. A total of 14 bicycle parking spaces have been provided in the basement car park for residents and visitors which exceeds the statutory requirement and is considered acceptable.It is considered reasonable that visitors may also be able to park bicycles within the basement car park, as residents will simply allow visitors access to the basement.					
CAR PARK LAYOUT/DESIGN					
SATISFIED		PARKING ASSESSMENT ELEMENT			
YES	NO				

Parking Spaces/Garages		
X		Dimensions in accordance with Clause 52.06 or AS/NZS2890.1-2004
X		Electronic swept path assessment provided to demonstrate satisfactory access
COMMENTS <ul style="list-style-type: none"> • Dimensions for the majority of parking spaces (2.6m wide x 4.9m long), assessed via a 6.4m aisle width exceed the minimum requirements of Clause 52.06. • Proposed tandem spaces include an additional 500mm gap between spaces in accordance with Clause 52.06. All tandem spaces must be allocated to the same dwelling. • Parking spaces adjacent to walls are widened to a minimum of 2.9m in accordance with AS/NZS2890.1-2004. • Columns are located and designed in accordance with Clause 52.06 and/or AS/NZS2890.1-2004. • The proposed bicycle parking spaces are designed in accordance with Clause 52.34. 		
Access Aisles		
X		Dimensions in accordance with Clause 52.06 or AS/NZS2890.1-2004
X		Electronic swept path assessment provided to demonstrate satisfactory access
X		Provision of 1m aisle extension for blind aisle in basement car park
COMMENTS <ul style="list-style-type: none"> • All main aisles are 6.4m wide which adheres to the Planning Scheme requirement and permits simultaneous two-way traffic. 		
Access Ramps		
X		Ramp width and design in accordance with Clause 52.06 or AS/NZS2890.1-2004
X		Ramp grades in accordance with Clause 52.06 or AS/NZS2890.1-2004
X		Electronic swept path assessment demonstrating satisfactory simultaneous access
COMMENTS <ul style="list-style-type: none"> • The access ramp achieves a minimum width of 3.6m wide between walls (inclusive of kerbs), in compliance with AS/NZS2890.1-2004. Given the basement car park services 35 on-site spaces, the access does not permit simultaneous two-way 		

<p>movement along the entire length. It is noted that the access widens to 6.8m wall-to-wall at the interface with Riversdale Road.</p> <ul style="list-style-type: none"> • The proposed access ramp achieves an upwards ramp grade of 1:10 for the first 5m, followed by a section of 1:4.5 for 2m, then a further section of 1:4 for 19.2m, a further section of 1:8 grade for 2.5m to a flat grade within the basement. These ramp grades satisfy the requirements of Clause 52.06. • Internal ramped accessways are designed in accordance with Clause 52.06. • A passing area has been provided as the accessway serves 10 or more spaces connects to a road in a Transport Zone 2 or 3. It is noted that the access aisle immediately at the bottom of the access ramp widens to 6.4m to permit vehicles to pass. This passing area is supplemented by a traffic control system which regulates ingress and egress movements to/from the development, with an emphasis on prioritising ingressing vehicles to the site. • It is noted that a convex mirror is also proposed at the base of the access ramp to assist visibility. • The construction of the proposed crossover to Riversdale Road must be approved and constructed to the satisfaction of the responsible authority. 		
Headroom		
X		Dimensions in accordance with Clause 52.06 or AS/NZS2890.1-2004
COMMENTS		
A minimum height clearance of 2.1m has been provided at the entrance and within the basement car park levels in accordance with Clause 52.06.		
Pedestrian Sight Triangles		
X		Dimensions in accordance with Clause 52.06 or AS/NZS2890.1-2004
X		Fences or obstructions restricted to a height of 900mm or made to be 50% permeable to maintain visibility to pedestrians
COMMENTS		
A pedestrian sight triangle has been provided on the western side of the site accessway. Given the width of the access at the site interface there is sufficient visibility for egressing motorists on both sides of the access, which is acceptable. Should landscaping or other obstructions (i.e. retaining/ramp walls, fences etc.) be proposed within the sight triangles, they are required to be no higher than 900mm in height or made to be 50% permeable in order to maintain visibility to pedestrians.		
LOADING REQUIREMENTS		
SATISFIED		LOADING ASSESSMENT ELEMENT
YES	NO	

N/A	N/A	Dimensions of on-site loading area in accordance with Clause 52.06			
N/A	N/A	Suitable justification for not providing an on-site loading facility			
COMMENTS					
N/A					
WASTE COLLECTION					
SATISFIED		WASTE COLLECTION ASSESSMENT ELEMENT			
YES	NO				
X		Identification of waste collection method (Council/Private Contractor)			
X		Demonstration of suitable on-site access and manoeuvrability (if required)			
COMMENTS					
<p>Waste is to be collected on-site by a private contractor. A bin store room is provided in the basement car park. Waste contractors will access the store and transfer the bins to/from during collection. Collection is to occur outside of peak traffic periods to minimise impacts to residents and surrounding stakeholders.</p> <p>Swept path analysis of a 6.4m waste collection vehicle has been provided demonstrating a typical mini rear loader waste truck entering and exiting the basement car park. The waste vehicle will prop near the bin store while collection occurs. The vehicle may exit the basement car park in a forwards direction.</p>					
TRAFFIC ASSESSMENT					
DESCRIPTI ON (USE)	SIZE	DESIGN GENERATION RATES		TRAFFIC GENERATION ESTIMATES	
		PEAK HOUR	DAILY	PEAK HOUR	DAILY
1 x Dwelling	1 x bedroom	0.5/dwelling	5/dwelling	15	145
24 x Dwelling	2 x bedrooms				
4 x Dwelling	4 x bedrooms				
TOTAL				15	145
COUNCIL OBTAINED TRAFFIC DATA					
STREET		DATE	ROAD TYPE(CAPACIT Y)	DAILY TRAFFIC VOLUME	
Riversdale Road, Hawthorn		2019	Arterial Road	12,000	
PROVIDED		TRAFFIC ASSESSMENT ELEMENT			

YES	NO	
	X	Existing traffic volume data for adjacent street
X		Anticipated traffic generation of the proposed development to be accommodated within the surrounding road network
X		Submission of traffic modelling data to justify anticipated traffic generation
COMMENTS <p>It is considered reasonable that a traffic generation rate of 5 vehicle movements per dwelling, including 0.5 movements per dwelling in the peak hours be applied for the proposed development. This results in a total of 145 movements per day, with 15 of these occurring in each of the peak hours. This equates to approximately one vehicle every 4 minutes during the peak period.</p> <p>It is indicated in the analysis that there is significant capacity based on current traffic volumes for the anticipated site-generated traffic volumes to be accommodated within the existing Riversdale Road traffic volumes.</p> <p>On this basis, it is considered that the anticipated traffic generated by the proposed development will not result in significant adverse effects on the safety and operation of Riversdale Road and/or the existing tram services, and the surrounding road network.</p>		

Environmental Sustainable Design

Summary

This is the second response to the submission. The initial responses are included while the updated responses have been added in **Green**. The recommended planning permit conditions have been updated accordingly.

Documents reviewed:

- Development plans by Pitard Group dated July 2023 and received by Council on 21/08/2023
- Sustainability Management Plan by Energy Water and Environment dated 14th August 2023 and received by Council on 21/08/2023

Environment (ESD) Response

1. **Renewable Energy:** The BESS report indicates that 20kW roof mounted solar photovoltaic system will be provided for the development. This however was not included in the SMP or on plans. It is required that plans show the panels on roof, however, a condition is included to show a system capacity of at least 10kW which will provide some flexibility and practicality. On-site

renewable energy is imperative to reducing peak power demand and greenhouse gas emissions

Received
8/3/2023

Dwellings Energy Approach	
What approach do you want to use for Energy?:	Provide our own calculations
Solar Photovoltaic system	
System Size (lesser of inverter and panel capacity): PV	20.0 kW peak
Orientation (which way is the system facing)?: PV	North
Inclination (angle from horizontal): PV	2.0 Angle (degrees)

Satisfactory

2. **Energy Ratings:** the SMP does not include the individual heating and cooling loads resulting from the undertaken preliminary ratings and therefore it could not be assessed whether the development complies with the maximum cooling load of clause 55.07. Therefore, it is required that this information is included in the SMP for all thermally unique dwellings and especially for the top floor apartments facing north, east, and west. The preview energy rating certificates must be appended to the SMP report.

Satisfactory

3. **Catchment plan:** A complete response to the stormwater management requirements involves the preparation and submission of a site layout plan showing the different catchment areas sizes and the proposed stormwater treatment measures consistent with the STORM report, the SDA and the BESS report. The underlying must be a roof plan that indicates slopes of different roofs to predict the potential path of rainwater from source to treatment destination.

Satisfactory

4. **Stormwater collection from balconies:** The fact that trafficable areas can collect more pathogens that lead to water contamination and increase health risks, Council does not encourage the collection of rainwater from trafficable terraces and balconies into rainwater tanks. it is recommended that stormwater runoff from the terraces is treated separately through means other than storage and reuse, however, should trafficable areas need to be collected from, provide more details on the potential water contaminants resulting from the expected use of the areas of collection, the relevant water treatment measures proposed upstream and downstream the tanks, and their effectiveness in achieving the required water quality suitable for the end use. Also provide a maintenance plan, stating periodic actions, requirements, and responsibilities.

The rating is achieved by the utilisation of an 12.5kL rainwater harvesting system treating 932 m² of the roof and balcony area via toilet flushing (with UV filters). Note that flow and detention requirements of Clause 53.18 are being undertaken by others.

Not entirely satisfactory, the maintenance plan is not included in the SMP.

- 5. Electric Vehicle (EV) Charging Infrastructure:** electric and other zero emission vehicles are imperative in achieving zero carbon and reduce urban air pollution. In an apartment building it is increasingly difficult for the first EV adopter to install chargers when an infrastructure is missing. Therefore, and in order to future-proof the development, it is required that EV charging infrastructure is provided for all the residential carparking spaces in accordance with NCC 2022

Not Satisfactory. The response only includes spatial provisions in the switch board as shown in the excerpt below. The response should be in line with NCC2022 provisions as initially required.

Electric Vehicle Charging Infrastructure	<ul style="list-style-type: none"> Provision of space in switchboards shall be made for residents / body corporate to install electrical vehicle charging at car parks 	<ul style="list-style-type: none"> Provision of space in switchboards shall be made for residents / body corporate to install electrical vehicle charging at car parks 	<ul style="list-style-type: none"> Design phase: Architect, Electrical Designer Construction phase: Electrical Contractor
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- 6. Electrification:** It is highly recommended for the development to adopt a gas-free approach, for more info <https://www.energy.vic.gov.au/gas/victorias-gas-substitution-roadmap>

Such approach requires the use of electric boosted solar hot water or a heat pump water heater, and an induction cooktop instead of gas. The cost implication is generally either neutral or provide a capital cost reduction while having reduced energy expenditure in the future especially when combined with solar PV. Not having fossil fuel inside the dwellings also contributes to better internal air quality and provides a safer environment.

Not taken on board, however, electrification is a recommendation only at this stage. No further response is required.

- 7. Bicycle parking:** the development provides 14 bicycle parking only which is not sufficient to service the 29 apartments. This means that some apartment occupants will not have the opportunity to cycle or at least many would be discouraged. Cycling is one of the most fundamental active transport modes contributing to emission reduction (including local air pollution reduction), congestion relief and promoting health benefits. The location of the development with proximity to Yarra River Trail is a missing opportunity in providing a development that promotes sustainable and active transport modes. For all the above reasons, it is required that the number of bicycle parking is increased to at least 29. The ground floor is the most preferable location for bicycle parking providing a convenient and safe access.

The number of bicycle parking spaces have been increased by 8, which is an improvement but does not meet the requirements. The above is still applicable.

Recommended Permit Conditions (Without Prejudice)

1. Before the use and development commences, 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 the permit. The plans must be drawn to scale with dimensions. The plans must be generally in accordance with the plans received XXXX but modified to show:
 - a. Initiatives contained within the Sustainability Management Plan along with the proposed changes, including:
 - i. Electric Vehicle charging infrastructure to all car parking spaces.
 - ii. At least 29 bicycle parking
2. Prior to the endorsement of plans, a Sustainability Management Plan (SMP) must be submitted to and approved to the satisfaction by the Responsible Authority. The Sustainability Management Plan must demonstrate a best practice standard of environmentally sustainable design and be generally in accordance with the report by Energy Water and Environment dated 14th August 2023 and received by Council on 21/08/2023, but modified to include the following changes:
 - a. An amended stormwater management plan that includes a maintenance plan, stating periodic actions, requirements, and responsibilities.
 - b. Specification for electric vehicle charging infrastructure provisions in accordance with the National Construction Code 2022.

Where alternative ESD initiatives are proposed to those specified in conditions above (including condition 1), the Responsible Authority may vary the requirements of this condition at its discretion, subject to the development achieving equivalent (or greater) ESD outcomes in association with the development.
3. All works must be undertaken in accordance with the endorsed Sustainability Management Plan to the satisfaction of the Responsible Authority. No alterations to these plans may occur without the written consent of the Responsible Authority.
4. Prior to the commencement of occupation or issue of a Statement of Compliance, whichever comes first, of any part approved under this permit, a report from the author of the Sustainability Management Plan (SMP) 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 through supporting evidence that all measures specified in the endorsed SMP have been implemented in accordance with the approved plan.

Infrastructure

EXISTING CONDITIONS AND PROPOSAL			
	YES	NO	N/A
Is the proposed crossover 2 metres or greater away from the base of a street tree?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
COMMENT: Once radials are added the cross over is less than 1.3m from the cross over			
Is the proposed crossover 1 metre or greater away from any power pole?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
COMMENT: power pole within crossover location			
There are no street assets that will require relocation due to the proposed crossover	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
COMMENT: there is a double Telstra pit within 500mm. This is existing conditions but as the drive way is being upgraded Telstra will need to give comments			
Is there an existing redundant crossover(s) which will require removal?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
COMMENT:			
Is the crossover width(s) acceptable?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
COMMENT:			
Is the distance of the crossover from an intersection/traffic lights or school crossing acceptable?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
COMMENT:			
Is the separation between the proposed crossovers acceptable?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
COMMENT:			
Is the separation between the crossover and the crossover of the adjoining properties acceptable? (ie space for 1 car at 5.5 metres, or 2 cars at 11 metres).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

COMMENTS
<input type="checkbox"/> The application is supported. <input checked="" type="checkbox"/> The application is not supported.
OVERALL COMMENTS: Cross over too close to street tree Power company will need to approve power pole relocation Telstra to be contacted re the double Telstra pit

STANDARD CONDITIONS REQUIRED FOR PLANNING PERMIT
(Drainage Officer to delete conditions which are not required)

- Any new vehicle crossover or modification to an existing vehicle crossover must be constructed to the satisfaction of the Responsible Authority.

STANDARD NOTES REQUIRED FOR PLANNING PERMIT
(Drainage Officer to delete notes which are not required)

- An Asset Protection Permit is required prior to the commencement of site works in accordance with Council's Local Law 1E.*
- Prior consent from Council and any and all public authorities is required to be obtained for alteration or reinstatement of assets or services affected as a result of the development.*
- The full cost of reinstatement of any Council assets damaged as a result of demolition, building or construction works, must be met by the permit applicant or any other person responsible for such damage, to the satisfaction of the Responsible Authority.*

Drainage

FLOODING		
	YES	NO
Is the property designated as subject to flooding by an SBO, LSIO or Urban Floodway zone?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Is the property considered as subject to flooding according to the City of Boroondara's overland flow layer in WEAVE	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Are modifications to the proposed development/sub-division required to mitigate flooding or overland flow risks?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: the top of the basement ramp but be 150mm above base of kerb directly in front of it		

DRAINAGE		
	YES	NO
Legal Point of Discharge:		
Description: Middle of the rear boundary		
Approved Connection Point:		
Description: Direct connection to the Council pit		
Is the FFL of habitable areas 300 mm above the overflow level of the point of discharge?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Is the FFL of non-habitable areas 150 mm above the overflow level of the point of discharge	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Is onsite detention required? (provide details below)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Are outfall drainage works required? (provide details below)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments:		

BASEMENT OF SUB-SURFACE DRAINAGE		
	YES	NO
Do the proposed works include a basement or any other structure that will result in the collection and discharge of ground water?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
If YES , Is (or will) the property connects to a sealed drainage system (ie: discharge from the site will not exit to kerb and channel.)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Are outfall drainage works required to address sub-surface drainage issues	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments:		

EASEMENTS		
	YES	NO
Are any drainage easements on the property title?	<input type="checkbox"/>	<input type="checkbox"/>
Are there any implied easements associated with Council Assets on the site?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Description of easements (designated, shared, private or implied): 2 Council pits in the middle of the rear boundary		

BUILD OVER EASEMENTS		
	YES	NO
Are any works proposed on any easement on the site (designated and implied)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Will the proposed works impact on any Council Assets	<input type="checkbox"/>	<input type="checkbox"/>
Do the proposed works provide at least 1 m clearance from existing or proposed Council Assets?	<input type="checkbox"/>	<input type="checkbox"/>
Description of works proposed over easement(s):		
Are the proposed works over the easement likely to be approved by Council:	<input type="checkbox"/>	<input type="checkbox"/>
If NO, describe possible modifications to the proposed works in order to obtain approval:		
COMMENTS		
<input checked="" type="checkbox"/> The application is supported. <input type="checkbox"/> The application is not supported.		
OVERALL COMMENTS:		

STANDARD CONDITIONS REQUIRED FOR PLANNING PERMIT

- The site must be drained to the satisfaction of the relevant building surveyor.
- The owner must make an arrangement with Council for the provision of drainage and the acceptance of surface and stormwater from the subject land directly or indirectly into Council's drainage system and a final inspection shall be carried out to determine the completion of drainage in accordance with the approved plans, to the satisfaction of the Responsible Authority.
- No polluted and/or sediment laden runoff is to be discharged directly or indirectly into Council's drains or watercourses during and after development, to the satisfaction of the Responsible Authority.
- Planting of trees within drainage easements/adjacent to Council drains being limited to species with shallow root system (shrubs) which will not prejudice or damage the stormwater drain.
- The location of third party or utility assets within the development site must be verified by field survey and clearly shown on all development plans.

STANDARD NOTES REQUIRED FOR PLANNING PERMIT

- *Prior to the commencement of any works on the site, the owner/developer must submit drainage plans for assessment and approval by the Responsible Authority (Asset Management).*
- *Stormwater drainage plans must include the location of any existing or proposed trees within the vicinity of drainage works and document how any potential conflicts between trees and drains will be addressed during and after construction.*
- *Stormwater drainage runoff shall be collected in a complete and effective system of drains and connected to the Approved Point of Stormwater Discharge.*
- *Prior consent from Council and any and all public authorities is required to be obtained for alteration or reinstatement of assets or services affected as a result of the development.*
- *No groundwater or anything other than Stormwater is to be discharged into an open discharge system. (Kerb & channel, made surface of a right of way or similar surface drainage system)*
- *A Control pit is to be located in an appropriate location and a suitable path is to be designed for stormwater which surcharges from the pit once the design storm has been exceeded.*
- *The proposed development is to provide adequate clearance for overland flow through the property.*
- *Stormwater drains are to be connected to a legal point of discharge approved by Council. Drainage Connections within a road reserve, right-of-way, parkland, within an easement or to a Health Act drain must be to Council's standards.*
- *Discharge to the approved point of discharge will be allowed subject to the flow being limited to a rate equivalent to 0.35 coefficient of runoff for 1 in 5 year rainfall event. Any additional discharge is to be temporary detained on site with a minimum storage volume for 1 in 10 year rainfall event, via an approved stormwater detention system designed to Council specifications.*

SUMMARY

- ☒ The application is supported.
☐ The application is not supported.

Comment:

the top of the basement ramp but be 150mm above base of kerb directly in front of it

Environmental Sustainability and Open Space Department

SUMMARY	Supported
<p><u>Assessment:</u></p> <p>Tree 12</p> <p>The plans show the existing crossover widened so that it will be 2.9m from the outside trunk of Tree 12 (street tree). As implemented by Environmental Sustainability and Open Space (ESOS) management, the minimum distance (separation) from the edge of a new crossover (in this case a widened crossover) to existing street trees must now be 2.5m. As the proposed crossover is shown on the plans to be 2.9m from the tree, where the radial meets the kerb, construction of the crossover complies with ESOS management requirements in relation to how close it will be to the existing tree when widened.</p> <p>Based on the location of the widened crossover being 2.9m from the outer trunk of the tree, its construction can be supported. Please see conditions below.</p> <p>Tree 26</p> <p>No impacts to this tree by way of crossover(s). There is an existing crossover 7m from this tree. However, the plans appear to show that it will remain in place, though will not be used. It maybe re-instated, however the plans are not appearing to show that.</p> <p>Please see conditions below.</p> <p>Jock, in relation to your question:</p> <p><i>'It would be great if you could clarify the responsibilities for the street trees in your response i.e. where the trees are located within a road owned and administered by DTP (VicRoads).'</i></p> <p>The trees are owned and managed by ESOS, not VicRoads.</p> <p><u>Please include the following conditions:</u></p> <p>Amended plans required</p> <p>7. Plans modified to show:</p> <ul style="list-style-type: none"> k) The Tree Protection Zone and Structural Root Zone of Tree Nos. 12 and 26 (as identified in the Arborist Report submitted with the application prepared by Glenn Waters Arboriculture (dated 20 October 2022) drawn on all site and floor plans; l) Notation on all site and floor plans that Tree Nos. 12 and 26 are to be retained and protected in accordance with the endorsed Tree Management Plan required by this Permit; m) Any modifications to the location or layout of buildings and/or works recommended in the endorsed Tree Management Plan required by this Permit; 	

- n) The siting of any necessary stormwater detention pit, underground services and pits, and/or rainwater harvesting tank to be located outside any area set aside for deep-soil planting and outside the Tree Protection Zone of any trees to be retained/protected.
- o) Notation on all site and floor plans that all excavations within the Tree Protection Zone of Tree 12 and 26 must be undertaken with hand tools or hydro-vacuum and that all excavation works must be supervised, document and certified by the Project Arborist.
- p) Permanent fencing within the Tree Protection Zone of Tree 12 and 26 constructed on pier foundations with any required plinths constructed above existing grade.

Landscape plan

- b) All hard surfaces proposed within the Tree Protection Zone of Tree Nos. 12 and 26 (as identified in the Arborist Report submitted with the application Glenn Waters Arboriculture (dated 20 October 2022) must be constructed of permeable materials; be constructed above current grade; and be constructed on foundations that maintain appropriate permeability for each tree, to the satisfaction of the Responsible Authority;
- c) Detailed construction specifications for all permeable surfaces that include cross-section diagrams;

Tree Management Plan

8. Concurrent with the submission of amended plans required by Condition 1 of this Permit and prior to any demolition or site works, a Tree Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Tree Management Plan must be prepared by a minimum AQF Level 5 qualified and experienced Arborist in relation to the management and maintenance of Tree Nos. 12 and 26 (as identified in the Arborist Report submitted with the application prepared by Glenn Waters Arboriculture (dated 20 October 2022). The Tree Management Plan must make specific recommendations in accordance with the Australian Standard AS4970: 2009 - Protection of Trees on Development Sites and detail the following to ensure that all retained trees remain healthy and viable during construction:
 - a) A Tree Protection Plan drawn to scale that shows:
 - vi. Tree Protection Zones and Structural Root Zones of all trees to be retained;
 - vii. All tree protection fenced off areas and areas where ground protection systems will be used;
 - viii. The type of foundations (illustration or notation) within each Tree Protection Zone;
 - ix. Any services to be located within the Tree Protection Zone and a notation to state that all services will either be located outside of the Tree Protection Zone, bored under the tree protection zone, or installed using hydro excavation under the supervision of the project arborist; and
 - x. A notation to refer to the Tree Management Plan for specific detail on what actions are required within the Tree Protection Zone.
 - b) Details of how the root system of any tree to be retained will be managed. This must detail any initial non-destructive trenching and pruning of any roots

required to be undertaken by the project arborist; and details of how any permeable surfaces within the Tree Protection Zone of retained trees will be constructed;

- c) Supervision timetable and certification of tree management activities required by the Project Arborist to the satisfaction of the Responsible Authority;
- d) All remedial pruning works that are required to be performed on trees during demolition and development of the site. The pruning comments must reference Australian Standards 4373:2007, Pruning of Amenity Trees and a detailed photographic diagram specifying what pruning will occur. *Note: Only Council or Authorised Council Contractors can prune Trees Nos. 12 and 26. Any request for the pruning of trees on public land must be made through Council's Environmental Sustainability and Open Spaces Department.*
- e) The recommendations contained in the approved Tree Management Plan must be implemented to the satisfaction of the Responsible Authority and any changes to the endorsed Tree Management Plan will require written authorisation from the Responsible Authority.

Tree Management Plan and Construction Management Plan

9. If a Construction Management Plan is required as a condition of this permit it must be in accordance with the Tree Management Plan and Tree Protection Plan.

Contractors to be advised of trees to be retained and protected

10. The owner and occupier of the site must ensure that, prior to the commencement of buildings and works, all contractors and tradespersons operating on the site are advised of the status of trees to be retained and protected as detailed in the endorsed Tree Management Plan and are advised of any obligations in relation to the protection of those trees.

Regulation of activities in Tree Protection Area

11. No vehicular or pedestrian access, trenching or soil excavation is to occur within the Tree Protection Area as detailed in the endorsed Tree Management Plan without the prior written consent of the Responsible Authority. No storage or dumping of tools, equipment or waste is to occur within the Tree Protection Zone.

Documentation and Certification by Project Arborist

12. a) Prior to the commencement of any site works, including demolition and excavation, the Responsible Authority must be provided with evidence that a project arborist has been engaged as part of the ongoing consultant team to oversee the design and construction, and to ensure the development does not have a detrimental impact on the ongoing health and stability of the trees to be retained. The project arborist must hold suitable qualifications and experience to the satisfaction of the Responsible Authority. Evidence of the appointment of the project arborist must be submitted to the satisfaction of the Responsible Authority (quoting the Planning Permit number and site address, emailed to Boroondara@boroondara.vic.gov.au) not less than seven (7) days before the commencement of works on site.

Waste

Two notes need to be added to Section 4.1 - Waste Removal.

1. Add a note that each tenement is to be provided with a kitchen caddy and compostable liners for the management of the FOGO component of the waste stream.
2. Add a note that each waste stream is to be collected by separate dedicated waste trucks and taken to dedicated and licenced disposal facilities. Wastes are not to be collected in one truck.

Once these amendments have been made the WMP can be referred back to me for final perusal and approval.

APPENDIX B - Clause 55 (ResCode - Apartments)

Application Type	Applicable Clauses
<ul style="list-style-type: none"> To construct or extend an apartment development, or To construct or extend a dwelling in or forming part of an apartment development. 	<p>All of Clause 55 except:</p> <p>55.03-5, 55.03-6, 55.03-8, 55.04-8, 55.05-1, 55.05-2 and 55.05-6.</p>
<p>Requirements:</p> <p>A development:</p> <ul style="list-style-type: none"> Must meet all of the objectives of this clause that apply to the application. Should meet all of the standards of this clause that apply to the application. <p>If a development meets standard B6, B7, B8, B17, B18, B19, B20, B21, B22, B27, B28, B30 or B32, it is deemed to meet the objective for that standard.</p> <p>Where standard B6, B7, B8, B17, B18, B19, B20, B21, B22, B27, B28, B30 or B32 is met the decision guidelines for that standard do not apply to the application.</p>	

Clause 55.02 - Neighbourhood Character & Infrastructure

Clause 55.02-1 (B1) Neighbourhood Character	
Objective	Assessment
To ensure that the design respects the existing neighbourhood character or contributes to a preferred neighbourhood character.	✓
To ensure that development responds to the features of the site and the surrounding area.	✓

Planner's Comments:

As per the Neighbourhood Character assessment of this Report, the development responds appropriately to the preferred and emerging character of the surrounding area.

Clause 55.02-2 (B2) Residential Policy	
Objective	Assessment

<i>To ensure that residential development is provided in accordance with any policy for housing in the Municipal Planning Strategy and the Planning Policy Framework.</i>	✓
<i>To support medium densities in areas where development can take advantage of public transport and community infrastructure and services.</i>	✓

Planner's Comments:

As per the Strategic Directives assessment of this Report, the development responds appropriately to the policy directives of the MPS and PPF, including but not limited to the Site's identification at Clause 02.04-3 (Housing framework plan) as an 'Increased housing diversity and density' area. The application is also supported by a statement which substantiates this position.

Clause 55.02-3 (B3) Dwelling Diversity	
Objective	Assessment
<i>To encourage a range of dwelling sizes and types in developments of ten or more dwellings.</i>	✓
Standard	Assessment
<i>Dwellings with a different number of bedrooms</i>	✓
<i>At least one dwelling that contains a kitchen, bath or shower, and a toilet and wash basin at ground floor level</i>	✓

Clause 55.02-4 (B4) Infrastructure	
Objective	Assessment
<i>To ensure development is provided with appropriate utility services and infrastructure.</i>	✓
<i>To ensure development does not unreasonably overload the capacity of utility services and infrastructure.</i>	✓
Standard	Assessment
<i>Development should be connected to reticulated services, including reticulated sewerage, drainage and electricity, if available. Connection to a reticulated gas service is optional.</i>	✓

<p><i>Development should not unreasonably exceed the capacity of utility services and infrastructure, including reticulated services and roads.</i></p> <p><i>In areas where utility services or infrastructure have little or no spare capacity, developments should provide for the upgrading of or mitigation of the impact on services or infrastructure.</i></p>	
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Planner's Comments:

Objectors to the proposal specifically identified the overflow of drainage systems as an existing issue. An issue that they believe will be exacerbated by the additional load the proposal may place on the system.

This matter was discussed with Council's Drainage Engineer who advised that an onsite detention system would be required for the development which meets the following specifications:

"Discharge to the approved point of discharge will be allowed subject to the flow being limited to a rate equivalent to 0.35 coefficient of runoff for 1 in 5 year rainfall event. Any additional discharge is to be temporary detained on site with a minimum storage volume for 1 in 10 year rainfall event, via an approved stormwater detention system designed to Council specifications."

Council's Drainage Engineer advised that this discharge rate is designed to be an improvement on the current rate of discharge from the Site. Given this would be an improvement on existing conditions, the response is considered to be acceptable.

It is further highlighted that Officer's reported the issue to Council's Drainage Maintenance & Cleaning Services (Drainage Depot). The Drainage Depot advised that they had investigated this issue toward the end of 2021 and early 2022. The investigations found blockages and root growth which were then cleared. The Drainage Depot advised that they were not aware of any further complaints following the maintenance works.

Clause 55.02-5 (B5) Integration with the Street	
Objective	Assessment
<i>To integrate the layout of development with the street.</i>	✓

Clause 55.03 - Site Layout and Building Massing

Clause 55.03-1 (B6) Street Setback	
Objective	Assessment

<i>To ensure that the setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site.</i>	✓
Standard	Assessment
<i>The average distance of the setbacks of the front walls of the existing buildings on the abutting allotments facing the front street or 9 metres, whichever is the lesser.</i>	✗

Planner's Comments:

Neighbouring front setbacks are 6.7m to the west and 7.6m to the east, meaning the required setback is 7.15m.

The proposed building would be setback from the front boundary by approximately 6.7m (western side) to 7.2m (eastern side) at ground level, with the range being a result of the skewed front boundary. At first and second floor levels, the front setback would be reduced, to approximately 6.4m (west) to 6.7m (east), with the columns projecting a further 0.5m.

It is highlighted that this numerical standard does not take into account the policy context of the land or the emerging character of the area. Where the standard is not met, the objective must be considered which includes 'respecting preferred neighbourhood character and making efficient use of the site' along with the decision guidelines which requires the policy context of the land to be considered.

The front setback is considered to be acceptable for the following reasons:

- The shortfall at ground floor level is minor, at approximately 0.5m; further, the shortfall only occurs to the western side of the Site where it aligns with the front setback of the adjacent dwelling, at No. 1/46 Riversdale Road.
- While the front setback to the first and second floors are reduced further, these minimum setbacks primarily relate to the front edges of balconies, the openness of the balconies are considered to offset any visual bulk resulting from the reduced setback.
- The proposed building sits within a robust context, fronting Riversdale Road and being zoned for increased built form and density.
- Reducing the front setback ensures the Site can be used efficiently while shifting the bulk away from the NRZ properties to the rear.
- Importantly, the front setback allows for the retention of Tree 24.
- Lastly, the front setback still provides for an appropriate visual transition between the adjacent buildings, this is by reason of the openness of the front façade (due to the balcony voids), the visual breaks created by the side setbacks of the proposal and the relatively minor extent of encroachment into the standard.

Clause 55.03-2 (B7) Building Height	
Objective	Assessment

<i>To ensure that the height of buildings respects the existing or preferred neighbourhood character.</i>	✓
Standard	Assessment
<i>The maximum building height should not exceed the maximum height specified in the zone, schedule to the zone or an overlay that applies to the land.</i>	✓

Clause 55.03-3 (B8) Site Coverage		
Objective		Assessment
<i>To ensure that the site coverage respects the existing or preferred neighbourhood character and responds to the features of the site.</i>		✓
Standard		
Proposed	Required	Assessment
65.44%	60%	✗

Planner's Comments:

Site coverage exceeds the standard by 5.44%. This is considered to be acceptable given the strategic context of the land.

While the site coverage is considered to be acceptable, other related matters remain highly relevant to the considerations of the development such as permeability, landscaping provisions and offsite amenity impacts, these matters are considered in detail in the following sections of this assessment.

Clause 55.03-4 (B9) Permeability	
Objective	Assessment
<i>To reduce the impact of increased stormwater run-off on the drainage system.</i>	✓
<i>To facilitate on-site stormwater infiltration.</i>	✓
<i>To encourage stormwater management that maximises the retention and reuse of stormwater.</i>	✓
Standard	✓

Proposed	Required	Assessment
20.13%	20%	✓

Clause 55.03-7 (B12) Safety	
Objective	Assessment
<i>To ensure the layout of development provides for the safety and security of residents and property.</i>	✓

Planner Comments:

The main entry to the building would benefit from passive surveillance from the street. Further, the development would provide passive surveillance the street.

Clause 55.03-9 (B14) Access	
Objective	Assessment
<i>To ensure the number and design of vehicle crossovers respects the neighbourhood character.</i>	✓
Standard	Assessment
<p><i>The width of accessways or car spaces should not exceed:</i></p> <ul style="list-style-type: none"> • 33 per cent of the street frontage, or • if the width of the street frontage is less than 20 metres, 40 per cent of the street frontage. <p><i>No more than one single-width crossover should be provided for each dwelling fronting a street.</i></p> <p><i>The location of crossovers should maximise the retention of on-street car parking spaces.</i></p> <p><i>The number of access points to a road in a Transport Zone should be minimised.</i></p> <p><i>Developments must provide for access for service, emergency and delivery vehicles.</i></p>	✓

Planner's Comments:

The width the crossover equates to 17% of the frontage.

The number of crossovers along with its width has been minimised as far as practicable and meets the requirements of the road authority (Head, Transport for Victoria).

Clause 55.03-10 (B15) Parking Location	
Objective	Assessment
<i>To provide convenient parking for resident and visitor vehicles.</i>	✓
<i>To protect residents from vehicular noise within developments.</i>	✓
Standard	Assessment
<i>Car parking facilities should:</i> <ul style="list-style-type: none"> • <i>Be reasonably close and convenient to dwellings and residential buildings.</i> • <i>Be secure.</i> • <i>Be well ventilated if enclosed.</i> 	✓
<i>Shared accessways or car parks of other dwellings and residential buildings should be located at least 1.5 metres from the windows of habitable rooms. This setback may be reduced to 1 metre where there is a fence at least 1.5 metres high or where window sills are at least 1.4 metres above the accessway.</i>	✗

Planner's Comments:

The vehicle accessway is located to the eastern boundary. It is setback well in excess of 1.5m from the habitable rooms of the neighbouring dwelling at No. 1/60 Riversdale Road.

There are, however, a number of habitable rooms within the development which are within a 1m horizontal distance of the accessway. To address this concern, the applicant has agreed to the use of double glazing for habitable room windows; double glazing offers a number of benefits including thermal insulation and (relevantly) noise mitigation.

Clause 55.04 - Amenity Impacts

Clause 55.04-1 (B17) Side and Rear Setbacks	
Objective	Assessment
<i>To ensure that the height and setback of a building from a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings.</i>	✓

Standard	
<p><i>A new building not on or within 200mm of a boundary should be set back from side or rear boundaries:</i></p> <ul style="list-style-type: none"> • <i>At least the distance specified in a schedule to the zone, or</i> • <i>If no distance is specified in a schedule to the zone, 1 metre, plus 0.3 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres.</i> <p><i>Sunblinds, verandahs, porches, eaves, fascias, gutters, masonry chimneys, flues, pipes, domestic fuel or water tanks, and heating or cooling equipment or other services may encroach not more than 0.5 metres into the setbacks of this standard.</i></p> <p><i>Landings having an area of not more than 2 square metres and less than 1 metre high, stairways, ramps, pergolas, shade sails and carports may encroach into the setbacks of this standard.</i></p>	x

Planner's Comments:

At ground and first floor levels, the development exceeds the requirements of the standard, to all interfaces.

At second floor level, the development exceeds the requirements of the standard to all interfaces, except for the upper portion of the wall belonging to Apt 202 (depicted below), to the western interface.

At third floor level, the development exceeds the standard to all interfaces, with the exception of:

- The balcony belonging to Apt 302 to the west.
- The kitchen and living room wall, and balcony of Apt 301, to the east.

The roof tops services and associated screening exceed the standard to all interfaces.

Areas of Encroachment

Western Elevation

The balcony belonging to Apt 302 encroaches into the standard; as does the upper section of wall immediately below (belonging to Apt 202). The wall/balcony has a height ranging from 11.1m to 11.8m which requires setbacks of 6.2m to 6.9m

respectively. A setback of 4.55m is proposed. The area of encroachment is depicted below.



Figure 1 - Extent of non-compliance (clouded in red) to the western elevation at third floor level balcony

The area of encroachment, as outlined above, has a maximum shortfall of 2.35m and it is adjacent to the flank elevation of No. 1/46 Riversdale Road. The encroachment is considered to be acceptable for the following reasons:

- The area in question is not adjacent to the secluded private open space of the neighbouring dwelling.
- This component of the development achieves setbacks from the neighbouring habitable room windows of 6.5m to 7m, which exceeds the setbacks from windows Standard B19 (assessed below).
- The development would not result in additional shadow to the main area of SPOS of No. 1/46 Riversdale Road.
- No. 1/46 Riversdale Road is also zoned RGZ; in such zones a greater emphasis is placed on housing growth while less weight is afforded to amenity. That said, the development is not considered to result in unreasonable amenity impacts to No. 1/46 Riversdale Road.

Eastern Elevation

There is an encroachment at the kitchen and living room wall of Apt 301; the maximum wall height is 13m which requires a maximum setback of 8.1m, 7.8m is proposed. The non-compliance arises from the sloping ground and the extent is

A section of the balcony to Apt 301 encroaches into the standard. The non-complaint section has a height of 9.75m to 10.1m which requires a setback of 4.84m to 5.19m respectively. A setback of 4.8m is proposed.



The area of encroachment, as outlined above, has a maximum shortfall of 0.4m and it is adjacent to the flank elevation of No. 1/60 Riversdale Road. The encroachment is considered to be acceptable for the following reasons:

- The area in question is not adjacent to the secluded private open space of the neighbouring dwelling.
- This component of the development achieves minimum setbacks from the neighbouring habitable room windows of 7.8m, which exceeds the daylight to existing windows Standard B19 (assessed below).
- The development would not result in additional shadow to the main area of SPOS of No. 1/60 Riversdale Road.
- No. 1/60 Riversdale Road is also zoned RGZ; in such zones a greater emphasis is placed on housing growth while less weight is afforded to amenity. That said, the development is not considered to result in unreasonable amenity impacts to No. 1/60 Riversdale Road.

Where the development is adjacent to NRZ land, it is fully compliant with the standard. Further, the development incorporates vertical recesses within both flank

elevations, well in excess of the standard, to provide an additional visual break along the side elevations.

The development is considered to meet the objective of the standard.

Clause 55.04-2 (B18) Walls On Boundaries	
Objective	Assessment
<i>To ensure that the location, length and height of a wall on a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings.</i>	N/A
Standard	
<p><i>A new wall constructed on or within 200mm of a side or rear boundary of a lot or a carport constructed on or within 1 metre of a side or rear boundary of lot should not abut the boundary:</i></p> <ul style="list-style-type: none"> • <i>For a length of more than the distance specified in a schedule to the zone; or</i> • <i>If no distance is specified in a schedule to the zone, for a length of more than:</i> <ul style="list-style-type: none"> ▪ <i>10 metres plus 25 per cent of the remaining length of the boundary of an adjoining lot, or</i> ▪ <i>Where there are existing or simultaneously constructed walls or carports abutting the boundary on an abutting lot, the length of the existing or simultaneously constructed walls or carports, whichever is the greater.</i> <p><i>A new wall or carport may fully abut a side or rear boundary where slope and retaining walls or fences would result in the effective height of the wall or carport being less than 2 metres on the abutting property boundary.</i></p> <p><i>A building on a boundary includes a building set back up to 200mm from a boundary.</i></p>	N/A
<i>The height of a new wall constructed on or within 200mm of a side or rear boundary or a carport constructed on or within 1 metre of a side or rear boundary should not exceed an average of 3.2 metres with no part higher than 3.6 metres unless abutting a higher existing or simultaneously constructed wall.</i>	N/A

Planner's Comments:

The development does not propose any walls on boundary.

Clause 55.04-3 (B19) Daylight to Existing Windows	
Objective	Assessment
<i>To allow adequate daylight into existing habitable room windows.</i>	✓
Standard	
<i>Buildings opposite an existing habitable room window should provide for a light court to the existing window that has a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky. The calculation of the area may include land on the abutting lot.</i>	✓
<i>Walls or carports more than 3 metres in height opposite an existing habitable room window should be set back from the window at least 50 per cent of the height of the new wall if the wall is within a 55 degree arc from the centre of the existing window. The arc may be swung to within 35 degrees of the plane of the wall containing the existing window.</i>	✓
<i>Where the existing window is above ground floor level, the wall height is measured from the floor level of the room containing the window.</i>	

Clause 55.04-4 (B20) North Facing Windows	
Objective	Assessment
<i>To allow adequate solar access to existing north-facing habitable room windows.</i>	✓
Standard	
<i>If a north-facing habitable room window of an existing dwelling is within 3 metres of a boundary on an abutting lot, a building should be setback from the boundary 1 metre, plus 0.6 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres, for a distance of 3 metres from the edge of each side of the window. A north-facing window is</i>	✗

a window with an axis perpendicular to its surface oriented north 20 degrees west to north 30 degrees east.

Planner's Comments:

Ground and first floor

At ground and first floor level, the development is in full compliance. The first floor wall height, where opposite the north facing window, is a maximum of 7.8m high, which requires a setback of 3.88m; a setback of 3.88m is proposed.

Second floor

At second floor level to the balustrade/screening of the balcony, a height of 8.65m is proposed which requires a setback of 4.73m; a setback of 4.5m is proposed which falls short of the standard. The shortfall relates only to the overhanging component of the overlooking screening; it is therefore recommended to require compliance with the standard by way of a condition on any permit that issues.

To the second floor wall, it has a height of 10.5m which requires a setback of 6.58m; a setback of 6.85m is proposed which complies.

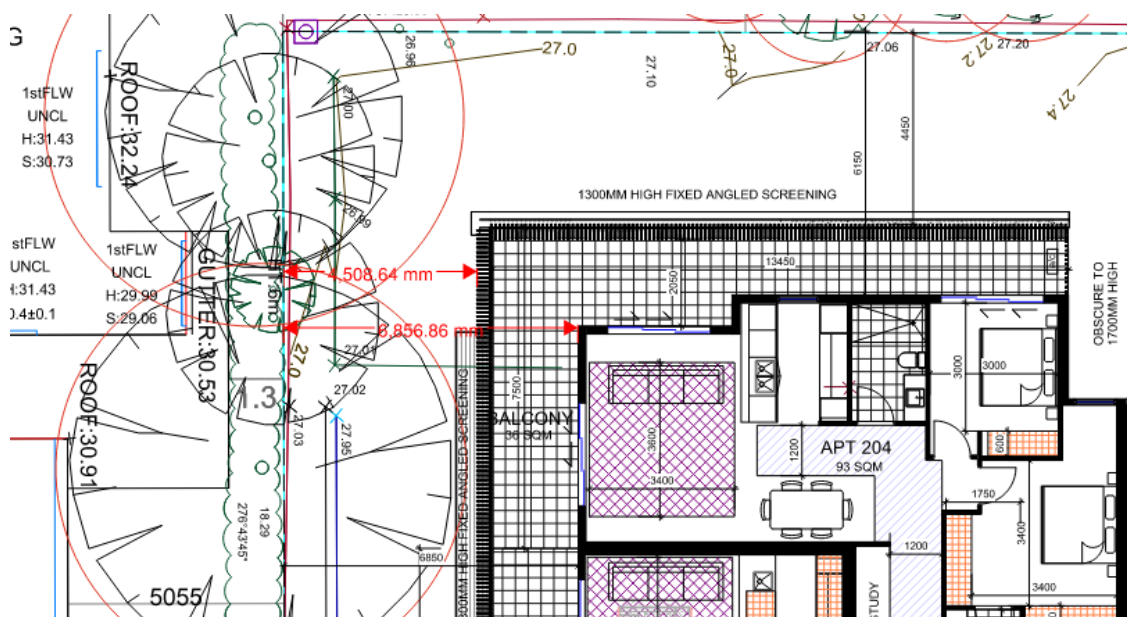


Figure 3 - Second floor setbacks from the southern boundary

Third floor

At third floor level to the balustrade of the balcony, a height of 11.65m is proposed which requires a setback of 7.73m; a setback of 7.8m is proposed which complies with the standard.

To the third floor wall, it has a height of 13.85m which requires a setback of 9.93m; a setback of 10.4m is proposed which complies.

Compliance and recommended condition

The development only has one area of encroachment into the standard, this is to the second floor balcony screening. The following condition is recommended:

- Increased setbacks to the second floor balcony balustrade/screening from the southern boundary, to comply with Clause 55 Standard B20 (north facing windows). The increased setback is to be absorbed within the building envelope and without reducing any other setback.

Importantly, such a condition will not result in unworkable consequences to the development. The increased setback is in the vicinity of 0.25m, this will not compromise the balcony of Apt 204.

Subject to the recommended permit condition, the development will achieve full compliance with the standard.

Clause 55.04-5 (B21) Overshadowing Open Space	
Objective	Assessment
<i>To ensure buildings do not significantly overshadow existing secluded private open space.</i>	✓
Standard	
<p><i>Where sunlight to the secluded private open space of an existing dwelling is reduced, at least 75 per cent, or 40 square metres with minimum dimension of 3 metres, whichever is the lesser area, of the secluded private open space should receive a minimum of five hours of sunlight between 9 am and 3 pm on 22 September.</i></p> <p><i>If existing sunlight to the secluded private open space of an existing dwelling is less than the requirements of this standard, the amount of sunlight should not be further reduced.</i></p> <p>Decision Guidelines</p> <ul style="list-style-type: none"> <i>The design response.</i> <i>The impact on the amenity of existing dwellings.</i> <i>Existing sunlight penetration to the secluded private open space of the existing dwelling.</i> <i>The time of day that sunlight will be available to the secluded private open space of the existing dwelling.</i> <i>The effect of a reduction in sunlight on the existing use of the existing secluded private open space.</i> 	✗

Planner's Comments:

The development would comply with the standard to all neighbouring secluded private open space (SPOS) areas, with the exception of 1A and 1B Fairview Street.

The development would result in full shadow to the SPOS areas of 1A and 1B Fairview Street at 9am; however, from 10am onwards the development would no longer create any additional shadow to these spaces. This means that the development does not impact the SPOS areas of 1A and 1B Fairview Street for a period of 5 hours, between 9am - 3pm on 22 September - this outcome is generally in line with the standard.

However, the non-compliance arises from an additional provision within the standard which reads *If existing sunlight to the secluded private open space of an existing dwelling is less than the requirements of this standard, the amount of sunlight should not be further reduced.*

The following is highlighted:

- 1A Fairview Street SPOS: 67sqm, which currently (based on existing shadows) falls short of the standard at 9am, 2pm and 3pm.
- 1B Fairview Street SPOS: 57sqm, which currently (based on existing shadows) falls short of the standard at all times from 9am to 3pm.

While the development would not impact upon the SPOS areas of 1A and 1B Fairview Street for a period of 5 hours (between 9am - 3pm), it would result in additional shadow at 9am and given the SPOS areas already fall short of the standard, this results in a non-compliance.

The standard is not mandatory, albeit the objective must be met. In such scenarios, a weighing exercise must be undertaken which considers the actual impact upon the SPOS areas along with the decision guidelines of the standard, all viewed through the lens of the relevant planning controls and strategic aspirations for the Site.

To put the development in context, the express purpose of the zone is to provide for housing at increased densities, up to and including 4 storeys; and, the schedule to the zone designates the land as an apartments precinct. The physical characteristics of the land (highly accessible by public transport with jobs, shops and services proximate) along with the aspirations of the zone are reflected in Council's Housing Framework which identifies the Site for 'increased diversity and density' and categorises the land as a 'main road apartment precinct'.

Within the context of the relevant planning controls and policy, the development is considered to appropriately minimise shadows to the properties at No.'s 1A and 1B Fairview Street, which only results in shadow at 9am. The development incorporates generous side setbacks adjacent to these properties and increases the setbacks as height increases. It is not considered reasonable to require no additional shadow to these properties, given the strong Planning Scheme support for apartment developments of 4 storeys and encouragement for 'increased diversity and density'.

With reference to the decision guidelines:

- For the reasons outlined above the design response is considered to be reasonable and to appropriately minimise offsite shadow.
- Within the times outlined by the standard, the development only results in additional shadow between 9am and 10am, with no further shadow from 10am onwards.
- From 10am onwards both properties receive reasonable levels of sunlight; even at 3pm both properties receive a minimum of 17sqm of sunlight (it is noted that this remains unchanged from existing conditions).
- Both areas of SPOS remain highly usable and will continue to enjoy sunlight at various times of the day.
- The effect of the reduction is not considered to be unreasonable given the physical and policy context of the Site.

For the reasons outlined above, the development is not considered to *significantly overshadow existing secluded private open space*, thereby complying with the objective of the standard.

Lastly, it is noted that the applicant supported their position by referencing VCAT decision *WAT385 Developer Pty Ltd v Stonnington CC [2023] VCAT 672 (16 June 2023)*, this is a 2023 decision which considered a similar scenario albeit the review site was zoned General Residential Zone (which is a zone that typically allows less intensive development as compared to the Residential Growth Zone, which is the zoning of the subject site). The *WAT385* decision made the following conclusions with regard to additional shadows to an area of SPOS which already fell short of the standard:

(Paragraph 85) “While I hear and understand that Mr Fox values the early morning sunlight, the maintenance of that sunlight is an unreasonable expectation where Mr Fox owns a ground floor south facing apartment in an area identified in the Stonnington Planning Scheme for substantial change and up to four storey development. The level of solar access currently enjoyed by Mr Fox was always going to be impacted when the adjoining review site is developed in a manner consistent with the encouragement of the Stonnington Planning Scheme. Even a three storey apartment development on the review site, with setbacks similar to that achieved on Mr Fox’s site, would have caused increased overshadowing. While the proposal for the review site is at four storeys in height, it also employs a range of side boundary setbacks that far exceed that provided on Mr Fox’s site. This assists to reduce the shadow impacts on Mr Fox’s property to a reasonable level.

(Paragraph 86) For these reasons I find that the proposal will not significantly overshadow Mr Fox’s existing secluded private open space. As such, the relevant objective is achieved.”

Clause 55.04-6 (B22) Overlooking	
Objective	Assessment

<p><i>To limit views into existing secluded private open space and habitable room windows.</i></p>	<p>✓</p>
<p><i>A habitable room window, balcony, terrace, deck or patio should be located and designed to avoid direct views into the secluded private open space of an existing dwelling within a horizontal distance of 9 metres (measured at ground level) of the window, balcony, terrace, deck or patio. Views should be measured within a 45 degree angle from the plane of the window or perimeter of the balcony, terrace, deck or patio, and from a height of 1.7 metres above floor level.</i></p> <p><i>A habitable room window, balcony, terrace, deck or patio with a direct view into a habitable room window of existing dwelling within a horizontal distance of 9 metres (measured at ground level) of the window, balcony, terrace, deck or patio should be either:</i></p> <ul style="list-style-type: none"> <i>• Offset a minimum of 1.5 metres from the edge of one window to the edge of the other.</i> <i>• Have sill heights of at least 1.7 metres above floor level.</i> <i>• Have fixed, obscure glazing in any part of the window below 1.7 metre above floor level.</i> <i>• Have permanently fixed external screens to at least 1.7 metres above floor level and be no more than 25 per cent transparent.</i> <p><i>Obscure glazing in any part of the window below 1.7 metres above floor level may be openable provided that there are no direct views as specified in this standard.</i></p> <ul style="list-style-type: none"> <i>• Screens used to obscure a view should be:</i> <i>• Perforated panels or trellis with a maximum of 25 per cent openings or solid translucent panels.</i> <i>• Permanent, fixed and durable.</i> <i>• Designed and coloured to blend in with the development.</i> <p><i>This standard does not apply to a new habitable room window, balcony, terrace, deck or patio which faces a property boundary where there is a visual barrier at least 1.8 metres high and the floor</i></p>	<p>✗</p>

<i>level of the habitable room, balcony, terrace, deck or patio is less than 0.8 metres above ground level at the boundary</i>	
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Planner's Comments:

Ground Floor

Standard boundary fencing will address any overlooking from the ground floor to the east and to the southeast corner.

However, to the balance of the rear elevation and to the west elevation, the ground floor of the development would sit above natural ground level (NGL), resulting in potential overlooking (above the height of standard boundary fencing).

Boundary fencing over 2m in height could be required in some areas to address overlooking. However, boundary fencing over 2m in height requires approval through the Building Permit process and it is unknown if such approval would be obtained.

To ensure ground floor overlooking is appropriately addressed through the Planning process, conditions are recommended which would require free standing screening, set in from the boundary, to limit any overlooking in accordance with the requirements of this standard.

Upper Floors

East Elevation

To the east, overlooking is addressed at first and second floors through the use of 1.7m high screening and obscure glazing.

At third floor level, overlooking measures include a combination of 1.1m - 1.2m balustrades together with planter setbacks. This is a common solution to overlooking, as by increasing the setback from the screening the required height is reduced. However, the applicant has not demonstrated that the combination of the setbacks and heights are sufficient to comply with the standard. It is considered that this can be addressed by way of permit condition, as outlined below.

Rear Elevation

To the rear, overlooking is addressed through the use of 1.7m high screening at first floor.

At second floor, the use of a 1.3m high angled balustrade is proposed. Overlooking diagrams demonstrate that there would be no undue overlooking to neighbouring SPOS areas. However, it appears that overlooking would occur to the neighbouring north facing window (within 3m of the common boundary). It is considered that this issue could be addressed by a permit condition.

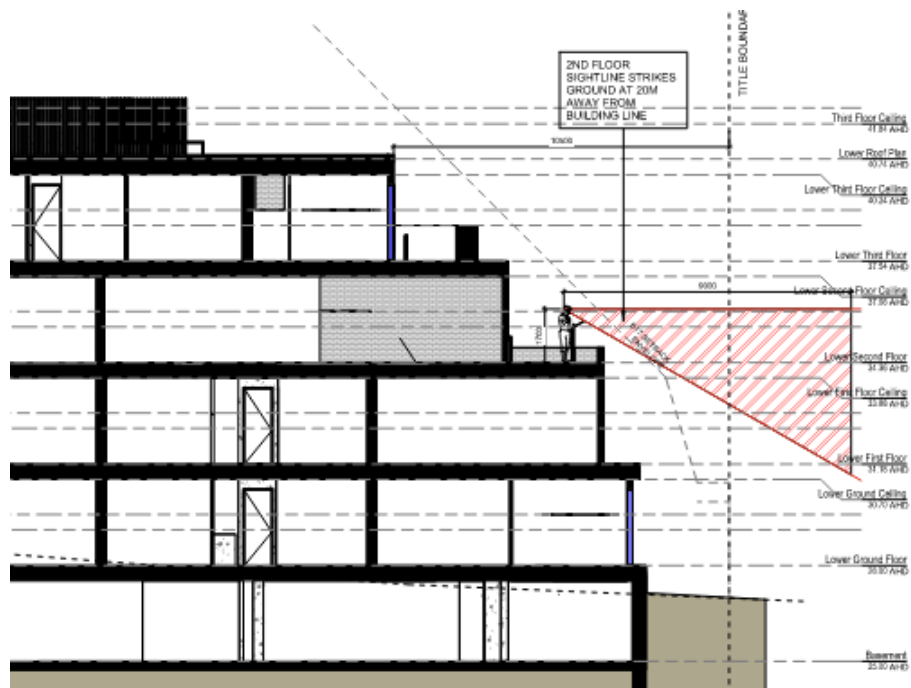


Figure 4 - Sectional diagram demonstrating overlooking measures from second floor terrace, toward the rear

At third floor level, overlooking has been addressed in the same manner as the east elevation (low balustrade combined with planter setback); however, as above, a condition is recommended to demonstrate that no overlooking will occur from this interface.

West Elevation

At first floor and part of the second floor, overlooking is addressed through the use of 1.7m high screening and obscure glazing.

To the balance of the second floor, the use of a 1.3m high angled balustrade is proposed. As with the rear elevation, overlooking diagrams demonstrate that there would be no undue overlooking to neighbouring SPOS areas; however, it appears that there would be overlooking to neighbouring windows. It is considered that this issue could be addressed by a permit condition.

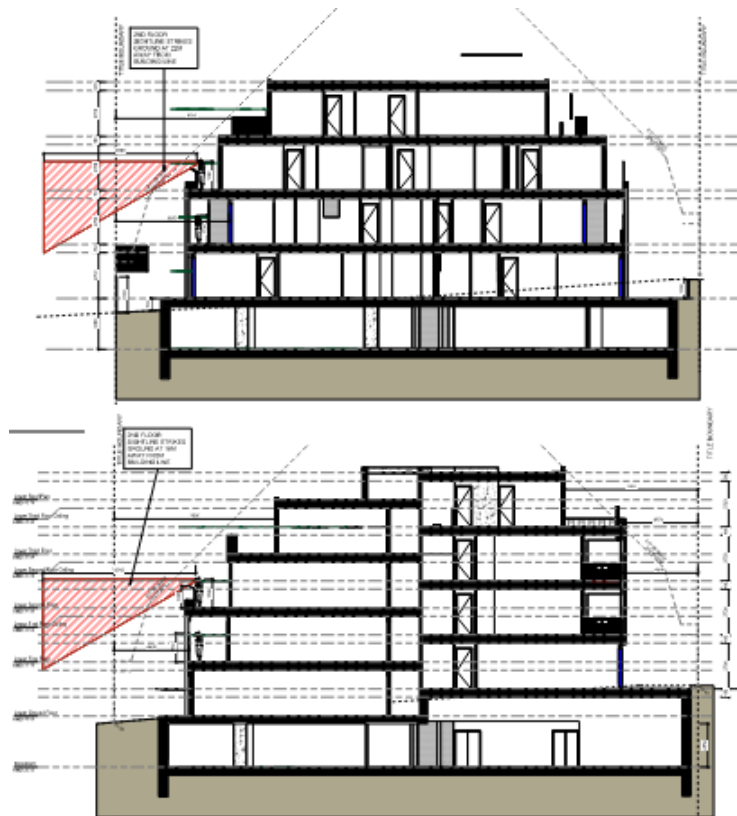


Figure 5 - Sectional diagram demonstrating overlooking measures from second floor terrace, toward the west

Finally, as with the other elevations, it needs to be demonstrated that the third floor terrace complies with the standard.

Conditions & compliance

It is considered that the development would comply with the requirements of the standard, subject to the following conditions on any permit that issues:

- Demonstrate through the use of overlooking sectional diagrams, along with any additional overlooking measures, that the development complies with Clause 55 Standard B22 (Overlooking) from the following areas:
 - Ground floor and associated decking to the west and rear. Any necessary screening to these interfaces must be setback from the common boundary and provided as free standing screening.
 - Second floor balconies to the rear and west.
 - Third floor terrace/balcony, to all neighbouring interfaces.

With regard to the actual screening proposed, the screening has 50mm wide solid sections with 16mm gaps, this equates to an openness of 24.24%, which complies with the standard. To secure this provision, the following condition is recommended:

- Updated materials schedule to depict the proposed balustrades / overlooking screening, specify the colour and materiality and confirm that screening will be no more than 25% open.

Clause 55.04-7 (B23) Internal Views	
Objective	Assessment
<i>To limit views into the secluded private open space and habitable room windows of dwellings and residential buildings within a development.</i>	✓

Planner's Comments:

The proposal complies with the standard.

Clause 55.05 - On-Site Amenity and Facilities

Clause 55.05-3 (B27) Daylight to New Windows	
Objective	Assessment
<i>To allow adequate daylight into new habitable room windows.</i>	✓
Standard	Assessment
<p><i>A window in a habitable room should be located to face:</i></p> <ul style="list-style-type: none"> <i>An outdoor space clear to the sky or a light court with a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky, not including land on an abutting lot, or</i> <i>A verandah provided it is open for at least one third of its perimeter, or</i> <i>A carport provided it has two or more open sides and is open for at least one third of its perimeter</i> 	✓

Clause 55.05-4 (B28) Private Open Space	
Objective	Assessment
<i>To provide adequate private open space for the reasonable recreation and service needs of residents.</i>	✓
Standard	
<i>A dwelling or residential building should have private open space of an area and dimensions specified in a schedule to the zone.</i>	✓

<p><i>If no area or dimensions are specified in a schedule to the zone, a dwelling or residential building should have private open space consisting of:</i></p> <ul style="list-style-type: none"> <i>An area of 40 square metres, with one part of the private open space to consist of secluded private open space at the side or rear of the dwelling or residential building with a minimum area of 25 square metres, a minimum dimension of 3 metres and convenient access from a living room, or</i> <i>A balcony of 8 square metres with a minimum width of 1.6 metres and convenient access from a living room, or</i> <i>A roof-top area of 10 square metres with a minimum width of 2 metres and convenient access from a living room.</i> <p><i>The balcony requirements in Clause 55.05-4 do not apply to an apartment development.</i></p>	
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Clause 55.05-5 (B29) Solar Access to Open Space	
Objective	Assessment
<i>To allow solar access into the secluded private open space of new dwellings and residential buildings.</i>	✓
Standard	
<p><i>The private open space should be located on the north side of the dwelling or residential building, if appropriate.</i></p> <p><i>The southern boundary of secluded private open space should be set back from any wall on the north of the space at least $(2 + 0.9h)$ metres, where 'h' is the height of the wall.</i></p>	✓

Planner's Comments:

All ground floor dwellings have northerly aspects to their SPOS, including Apt G05 & G06 noting their SPOS areas wrap around the building to the sides.

With regard to Apt G03, there is a 4.25m high wall which sits to the north of its SPOS area. A wall of that height has a required setback of 5.825m. The southern boundary of G03's SPOS area is setback approx. 12m from the wall to the north, thereby exceeding the standard.

Clause 55.06 - Detailed Design

Clause 55.06-1 (B31) Design Detail	
Objective	Assessment
<i>To encourage design detail that respects the existing or preferred neighbourhood character.</i>	✓
Standard	Assessment
<p><i>The design of buildings, including:</i></p> <ul style="list-style-type: none"> <i>• Facade articulation and detailing,</i> <i>• Window and door proportions,</i> <i>• Roof form, and</i> <i>• Verandahs, eaves and parapets,</i> <p><i>should respect the existing or preferred neighbourhood character.</i></p> <p><i>Garages and carports should be visually compatible with the development and the existing or preferred neighbourhood character.</i></p>	✓

Planner's Comments:

As per the neighbourhood character assessment of this report, the neighbourhood character response is considered to be acceptable.

Clause 55.06-2 (B32) Front Fences	
Objective	Assessment
<i>To encourage front fence design that respects the existing or preferred neighbourhood character.</i>	✓

Planner's Comments:

As per the neighbourhood character assessment of this report, the front fence is considered to be acceptable.

Clause 55.06-3 (B33) Common Property	
Objective	Assessment
<i>To ensure that communal open space, car parking, access areas and site facilities are practical, attractive and easily maintained.</i>	✓

<i>To avoid future management difficulties in areas of common ownership.</i>	✓
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Clause 55.06-4 (B34) Site Services	
Objective	Assessment
<i>To ensure that site services can be installed and easily maintained.</i>	✓
<i>To ensure that site facilities are accessible, adequate and attractive.</i>	✓

Clause 55.07 - Apartment Developments
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Clause 55.07-1 (B35) Energy Efficiency	
Objective	Assessment
<i>To achieve and protect energy efficient dwellings and buildings.</i>	✓
<i>To ensure the orientation and layout of development reduce fossil fuel energy use and make appropriate use of daylight and solar energy.</i>	✓
<i>To ensure dwellings achieve adequate thermal efficiency</i>	✓
Standard	
<i>Buildings should be:</i> <ul style="list-style-type: none"> <i>Oriented to make appropriate use of solar energy.</i> <i>Sited and designed to ensure that the energy efficiency of existing dwellings on adjoining lots is not unreasonably reduced.</i> <i>Sited and designed to ensure that the performance of existing rooftop solar energy systems on dwellings on adjoining lots in a General Residential Zone, Neighbourhood Residential Zone or Township Zone are not unreasonably reduced. The existing rooftop solar energy system must exist at the date the application is lodged.</i> 	✓
<i>Living areas and private open space should be located on the north side of the development, if practicable.</i>	✓
<i>Developments should be designed so that solar access to north-facing windows is optimised.</i>	✓
<i>Dwellings located in a climate zone identified in Table B4 should not exceed the maximum NatHERS annual cooling load specified in the following table.</i>	Refer to table below

Table B4 - Cooling Load	
NatHERS climate zone	NatHERS maximum cooling load MJ/M ² per annum
Climate Zone 62 Moorabbin	21

Planner's Comments:

In terms of the NatHERS cooling loads, the submitted SDA models the cooling loads for all thermally unique apartments. The modelling suggests that all dwellings would comply with a maximum cooling load of 21MJ/M² per annum, with the maximum load being attributed to Apt 303 at 20.3MJ/M².

Clause 55.07-2 (B36) Communal Open Space	
Objective	Assessment
<i>To provide communal open space that meets the recreation and amenity needs of residents.</i> <i>To ensure that communal open space is accessible, functional, and is easily maintained.</i> <i>To ensure that communal open space is integrated with the layout of the development and enhances resident amenity.</i>	✓

Planner's Comments:

For a development of the scale and nature proposed, 30sqm of outdoor space + 2.5sqm per dwelling (which can be indoor or outdoor) of communal space should be provided. This equates to a total communal area of 102.5sqm, with 30sqm of this space to be outside.

The development proposes 108sqm of communal space, in the form of a communal dining and lounge area which has direct access to 38sqm of outdoor space. The space is considered to be conveniently located and to achieve a logical layout.


Clause 55.07-3 (B37) Solar Access to Communal Outdoor Open Space	
Objective	Assessment

<i>To allow solar access into communal outdoor open space.</i>	✓
Standard	
<i>The communal outdoor open space should be located on the north side of a building, if appropriate.</i>	✓
<i>At least 50 per cent or 125 square metres, whichever is the lesser, of the primary communal outdoor open space should receive a minimum of two hours of sunlight between 9am and 3pm on 21 June.</i>	✓

Planner's Comments:

The outdoor space is located to the north which will comfortably achieve the standard.

Clause 55.07-4 (B38) Landscaping	
Objective	Assessment
<i>To provide landscaping that supports the existing or preferred urban context of the area and reduces the visual impact of buildings on the streetscape.</i>	✓
<i>To preserve existing canopy cover and support the provision of new canopy cover.</i>	✓
<i>To ensure landscaping is climate responsive, supports biodiversity, wellbeing and amenity and reduces urban heat.</i>	✓
Standard	
<i>Development should retain existing trees and canopy cover.</i>	✓
<i>Development should provide for the replacement of any significant trees that have been removed in the 12 months prior to the application being made.</i>	

<p><i>Development should:</i></p> <ul style="list-style-type: none"> • <i>Provide the canopy cover and deep soil areas specified in Table B5. Existing trees can be used to meet the canopy cover requirements of Table B5.</i> • <i>Provide canopy cover through canopy trees that are:</i> <ul style="list-style-type: none"> ○ <i>Located in an area of deep soil specified in Table B6. Where deep soil cannot be provided trees should be provided in planters specified in Table B6.</i> ○ <i>Consistent with the canopy diameter and height at maturity specified in Table B7.</i> ○ <i>Located in communal outdoor open space or common areas or street frontages.</i> • <i>Comprise smaller trees, shrubs and ground cover, including flowering native species.</i> • <i>Include landscaping, such as climbing plants or smaller plants in planters, in the street frontage and in outdoor areas, including communal outdoor open space.</i> • <i>Shade outdoor areas exposed to summer sun through landscaping or shade structures and use paving and surface materials that lower surface temperatures and reduce heat absorption.</i> • <i>Be supported by irrigation systems which utilise alternative water sources such as rainwater, stormwater and recycled water.</i> • <i>Protect any predominant landscape features of the area.</i> • <i>Take into account the soil type and drainage patterns of the site.</i> • <i>Provide a safe, attractive and functional environment for residents.</i> • <i>Specify landscape themes, vegetation (location and species), irrigation systems, paving and lighting.</i> 	
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Planner's Comments:

Tree Removal

The proposal seeks the removal of the majority of trees onsite, with the exception of Tree 24 (the 15m high Brittle Gum in the front setback). This approach is considered to be acceptable noting that the remaining trees have been assessed as having low arboricultural value.

Replanting

The removal of the remaining trees onsite was supported by Council's Arborists, subject to the following replanting:

- 1 canopy tree (mature dimensions of 10+m in height and 5+m canopy spread) in the front setback of the property

- 1 small tree (5+m in height and 3+m canopy spread) to each ground level apartment.

The replanting proposed generally aligns with the request by Council's Arborists, including:

- 2 x Gleditsia triacanthos 'Shademaster' (12m+ in height with 10m canopy), including 1 x to the front setback.
- 3 x Hymenosporum flavum 'Native Frangipani' (8m in height and 6m canopy).
- 3 x Lagerstroemia indica 'Crepe Myrtle' (6m in height and 4m wide).
- 2 x Cotinus coggygria 'Flame tree' (4m in height and 4m canopy).

Given the Site has an area of 1,619sqm, it is subject to the following requirements under the standard:

Table B5 Canopy cover and deep soil requirements		
Site area	Canopy cover	Deep soil
1501 - 2500 square metres	150 square metres plus 20% of site area above 1,500 square metres Include at least 2 Type B trees or 1 Type C tree	10% of site area

Figure 6 - Extract from Clause 55 Standard B38 - Canopy and Deep Spoil Requirements

As such, Standard B38 requires canopy cover of 174sqm and a deep soil area of 162sqm; the development proposes approximately 360sqm of canopy cover and 423sqm of deep soil area, which is therefore compliant.

Further, the standard requires at least 2 Type B trees or 1 Type C tree, the development would exceed this requirement by a significant margin noting the existing (retained) Tree 24 would already meet the requirement of 1 x Type C tree.

The level of replanting proposed is acceptable and far exceeds the requirements of the standard.

Clause 55.07-5 (B39) Integrated Water and Stormwater Management	
Objective	Assessment
<i>To encourage the use of alternative water sources such as rainwater, stormwater and recycled water.</i>	✓
<i>To facilitate stormwater collection, utilisation and infiltration within the development.</i>	✓
<i>To encourage development that reduces the impact of stormwater run-off on the drainage system and filters sediment and waste from stormwater prior to discharge from the site.</i>	✓

Standard	
<i>Buildings should be designed to collect rainwater for non-drinking purposes such as flushing toilets, laundry appliances and garden use.</i>	✓
<i>Buildings should be connected to a non-potable dual pipe reticulated water supply, where available from the water authority.</i>	✓
<i>The stormwater management system should be:</i> <ul style="list-style-type: none"> <i>Designed to meet the current best practice performance objectives for stormwater quality as contained in the Urban Stormwater – Best Practice Environmental Management Guidelines (Victorian Stormwater Committee 1999) as amended.</i> 	✓
<ul style="list-style-type: none"> <i>Designed to maximise infiltration of stormwater, water and drainage of residual flows into permeable surfaces, tree pits and treatment areas.</i> 	✓

Clause 55.07-6 (B40) Access	
Objective	Assessment
<i>To ensure that vehicle crossovers are designed and located to provide safe access for pedestrians, cyclists and other vehicles.</i>	✓
<i>To ensure that vehicle crossovers are designed and located to minimise visual impact.</i>	✓
Standard	
<i>Vehicle crossovers should be minimised.</i>	✓
<i>Car parking entries should be consolidated, minimised in size, integrated with the façade and where practicable located at the side or rear of the building.</i>	✓
<i>Pedestrian and cyclist access should be clearly delineated from vehicle access.</i>	✓
<i>The location of crossovers should maximise pedestrian safety and the retention of on-street car parking spaces and street trees.</i>	✓
<i>Development must provide access for service, emergency and delivery vehicles.</i>	✓

Clause 55.07-7 (B41) Noise Impacts

Objective	Assessment
<i>To contain noise sources in developments that may affect existing dwellings.</i>	✓
<i>To protect residents from external and internal noise sources.</i>	✓
Standard	
<i>Noise sources, such as mechanical plants should not be located near bedrooms of immediately adjacent existing dwellings.</i>	✓
<i>The layout of new dwellings and buildings should minimise noise transmission within the site.</i>	✓
<i>Noise sensitive rooms (such as living areas and bedrooms) should be located to avoid noise impacts from mechanical plants, lifts, building services, non-residential uses, car parking, communal areas and other dwellings.</i>	✓
<i>New dwellings should be designed and constructed to include acoustic attenuation measures to reduce noise levels from off-site noise sources.</i>	✓
<i>Buildings within a noise influence area specified in Table B8 (below) should be designed and constructed to achieve the following noise levels:</i> <ul style="list-style-type: none"> <i>Not greater than 35dB(A) for bedrooms, assessed as an LAeq,8h from 10pm to 6am.</i> <i>Not greater than 40dB(A) for living areas, assessed LAeq,16h from 6am to 10pm.</i> 	N/A
<i>Buildings, or part of a building screened from a noise source by an existing solid structure, or the natural topography of the land, do not need to meet the specified noise level requirements.</i>	✓
<i>Noise levels should be assessed in unfurnished rooms with a finished floor and the windows closed.</i>	✓

Planner's Comments:

Habitable room windows would be double glazed.

Plant would be located within the basement and upon the roof (screened), well separated from neighbouring properties.

A/C units would be located within the outdoor space / balcony of each dwelling. A condition of any permit that issues should require A/C units to be located away from neighbouring bedrooms.

Clause 55.07-8 (B42) Accessibility	
Objective	Assessment
<i>To ensure the design of dwellings meets the needs of people with limited mobility.</i>	✓
Standard	
<i>At least 50 per cent of dwellings should have:</i>	✓
<ul style="list-style-type: none"> A clear opening width of at least 850mm at the entrance to the dwelling and main bedroom. 	✓
<ul style="list-style-type: none"> A clear path with a minimum width of 1.2 metres that connects the dwelling entrance to the main bedroom, an adaptable bathroom and the living area. 	✓
<ul style="list-style-type: none"> A main bedroom with access to an adaptable bathroom. 	✓
<ul style="list-style-type: none"> At least one adaptable bathroom that meets all of the requirements of either Design A or Design B specified in Table B9. 	✓ Refer to table below

Table B9 - Bathroom Design		
	Design Option A	Design Option B
Door opening	A clear 850mm wide door opening.	A clear 820mm wide door opening located opposite the shower.
Door design	Either: <ul style="list-style-type: none"> A slide door, or A door that opens outwards, or A door that opens inwards that is clear of the circulation area and has readily removable hinges. 	Either: <ul style="list-style-type: none"> A slide door, or A door that opens outwards, or A door that opens inwards and has readily removable hinges.
Circulation area	A clear circulation area that is: <ul style="list-style-type: none"> A minimum area of 1.2m by 1.2m. Located in front of the shower and the toilet. Clear of the toilet, basin and the door swing. 	A clear circulation area that is: <ul style="list-style-type: none"> A minimum width of 1m. The full length of the bathroom and a minimum length of 2.7m. Clear of the toilet and basin.

	The circulation area for the toilet and shower can overlap.	The circulation area can include a shower area.
Path to circulation area	A clear path with a minimum width of 900mm from the door opening to the circulation area.	N/A
Shower	A hobless (step-free) shower.	A hobless (step-free) shower that has a removable shower screen and is located on the furthest wall from the door opening.
Toilet	A toilet located in the corner of the room.	A toilet located closest to the door opening and clear of the circulation area.

Planner's Comments:

Over 50% of the dwellings achieve the requirements of the standard, which therefore complies.

Clause 55.07-9 (B43) Private Open Space	
Objective	Assessment
<i>To provide adequate private open space for the reasonable recreation and service needs of residents.</i>	✓
Standard	
<i>A dwelling should have private open space consisting of at least one of the following:</i> <ul style="list-style-type: none"> <i>An area at ground level of at least 25 square metres, with a minimum dimension of 3 metres and convenient access from a living room.</i> 	✓
<ul style="list-style-type: none"> <i>A balcony with at least the area and dimensions specified in Table B10 and convenient access from a living room. If a cooling or heating unit is located on a balcony, the minimum balcony area specified in Table B10 should be increased by at least 1.5 square metres.</i> 	✓ Refer to tables below for balcony size

<ul style="list-style-type: none"> An area on a podium or other similar base of at least 15 square metres, with a minimum dimension of 3 metres and convenient access from a living room. 	N/A
<ul style="list-style-type: none"> An area on a roof of at least 10 square metres, with a minimum dimension of 2 metres and convenient access from a living room. 	N/A

Table B10 - Balcony size			
Orientation of dwelling	Dwelling type	Minimum area	Minimum dimension
North (between north 20 degrees west to north 30 degrees east)	All	8 square metres	1.7 metres
South (between south 30 degrees west to south 20 degrees east)	All	8 square metres	1.2 metres
Any other orientation	Studio or 1 bedroom dwelling	8 square metres	1.8 metres
	2 bedroom dwelling	8 square metres	2 metres
	3 or more bedroom dwelling	12 square metres	2.4 metres

Planner's Comments:

All dwellings are provided with balconies in excess of the above requirements, including the additional 1.5sqm allowance for heating or cooling units.

Clause 55.07-10 (B44) Storage	
Objective	Assessment
<i>To provide adequate storage facilities for each dwelling.</i>	✓
Standard	
<i>Each dwelling should have convenient access to usable and secure storage space.</i>	✓








<i>The total minimum storage space (including kitchen, bathroom and bedroom storage) should meet the requirements specified in Table B11.</i>	 Refer to tables below
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Table B11 - Storage		
Dwelling Type	Total min. storage volume	Min. storage volume within the dwelling
Studio (s)	8m ³	5m ³
1 bedroom dwelling (1br)	10m ³	6m ³
2 bedroom dwelling (2br)	14m ³	9m ³
3 or more bedroom dwelling (3br)	18m ³	12m ³

Clause 55.07-11 (B45) Waste Recycling	
Objective	Assessment
<i>To ensure dwellings are designed to encourage waste recycling.</i>	
<i>To ensure that waste and recycling facilities are accessible, adequate and attractive.</i>	
<i>To ensure that waste and recycling facilities are designed and managed to minimise impacts on residential amenity, health and the public realm.</i>	
Standard	
<i>Developments should include dedicated areas for:</i>	
<ul style="list-style-type: none"> Waste and recycling enclosures which are: <ul style="list-style-type: none"> Adequate in size, durable, waterproof and blend in with the development. Adequately ventilated. Located and designed for convenient access by residents and made easily accessible to people with limited mobility. 	
<ul style="list-style-type: none"> Adequate facilities for bin washing. These areas should be adequately ventilated. 	
<ul style="list-style-type: none"> Collection, separation and storage of waste and recyclables, including where appropriate opportunities for on-site management of food waste through composting or other waste recovery as appropriate. 	

<ul style="list-style-type: none"> Collection, storage and reuse of garden waste, including opportunities for on-site treatment, where appropriate, or off-site removal for reprocessing. 	✓
<ul style="list-style-type: none"> Adequate circulation to allow waste and recycling collection vehicles to enter and leave the site without reversing. 	✓
<ul style="list-style-type: none"> Adequate internal storage space within each dwelling to enable the separation of waste, recyclables and food waste where appropriate. 	✓
<p>Waste and recycling management facilities should be designed and managed in accordance with a Waste Management Plan approved by the responsible authority and:</p> <ul style="list-style-type: none"> Be designed to meet the best practice waste and recycling management guidelines for residential development adopted by Sustainability Victoria. 	✓
<ul style="list-style-type: none"> Protect public health and amenity of residents and adjoining premises from the impacts of odour, noise and hazards associated with waste collection vehicle movements. 	✓

Clause 55.07-12 (B46) Functional Layout	
Objective	Assessment
To ensure dwellings provide functional areas that meet the needs of residents.	✓
Standard	
<p>Bedrooms should:</p> <ul style="list-style-type: none"> Meet the minimum internal room dimensions specified in Table B12. 	<p>✓</p> <p>Refer to table below</p>
<ul style="list-style-type: none"> Provide an area in addition to the minimum internal room dimensions to accommodate a wardrobe. 	✓
<p>Living areas (excluding dining and kitchen areas) should meet the minimum internal room dimensions specified in Table B13.</p>	<p>✓</p> <p>Refer to table below</p>

Table B12 - Bedroom Dimensions		
Bedroom Type	Min. width	Min. depth
Main bedroom	3m	3.4m
All other bedrooms	3m	3m

Table B13 - Living Area Dimensions

Dwelling type	Min. width	Min. area
Studio and 1 bedroom dwelling	3.3m	10m ²
2 or more bedroom dwelling	3.6m	12m ²

Clause 55.07-13 (B47) Room Depth

Objective	Assessment
<i>To allow adequate daylight into single aspect habitable rooms.</i>	✓
Standard	
<i>Single aspect habitable rooms should not exceed a room depth of 2.5 times the ceiling height.</i>	✓ Refer to table below
<i>The depth of a single aspect, open plan, habitable room may be increased to 9 metres if all the following requirements are met:</i>	✓
<ul style="list-style-type: none"> <i>The room combines the living area, dining area and kitchen.</i> <i>The kitchen is located furthest from the window.</i> 	✓
<ul style="list-style-type: none"> <i>The ceiling height is at least 2.7 metres measured from finished floor level to finished ceiling level. This excludes where services are provided above the kitchen.</i> 	✓

Clause 55.07-13 (B48) Windows

Objective	Assessment
<i>To allow adequate daylight into new habitable room windows.</i>	✓
Standard	
<i>Habitable rooms should have a window in an external wall of the building.</i>	✓
<i>A window may provide daylight to a bedroom from a smaller secondary area within the bedroom where the window is clear to the sky.</i>	✓

<i>The secondary area should be:</i>	✓
<ul style="list-style-type: none"> <i>A minimum width of 1.2 metres.</i> 	
<ul style="list-style-type: none"> <i>A maximum depth of 1.5 times the width, measured from the external surface of the window.</i> 	✓

Planner's Comments:

In addition to the requirements of the standard, the applicant has undertaken daylight modelling which made the following findings:

"A daylight assessment has been undertaken as required by the BESS assessment process using the IES VE Software. The analysis showed that daylight targets of 1% daylight factor is achieved for over 90% of the room area for 100% of living areas. The analysis also showed that daylight targets of 0.5% daylight factor is achieved for over 90% of the room area for 100% of bedroom areas. The following table shows the daylight factor for each level and the total weighted daylight factor."

The results of the modelling were reviewed by Council's ESD Officer who raised no concerns with the methodology or findings.

Clause 55.07-15 (B49) Natural Ventilation	
Objective	Assessment
<i>To encourage natural ventilation of dwellings.</i>	✓
<i>To allow occupants to effectively manage natural ventilation of dwellings.</i>	✓
Standard	
<i>The design and layout of dwellings should maximise openable windows, doors or other ventilation devices in external walls of the building, where appropriate.</i>	✓
<i>At least 40 per cent of dwellings should provide effective cross ventilation and a breeze path that is between 5 and 18 metres</i>	✓
<ul style="list-style-type: none"> <i>Ventilation openings with approximately the same area.</i> <i>The breeze path is measured between the ventilation openings on different orientations of the dwelling.</i> 	✓

Planner's Comments:

44% of the dwellings met the requirements of the standard, which therefore complies.

Further, the balance of the dwellings would also achieve suitable ventilation, albeit the relevant openings would not be on different orientations.

Clause 55.07-16 (B50) Building Entry and Circulation	
Objective	Assessment
<i>To provide each dwelling and building with its own sense of identity.</i>	✓
<i>To ensure the internal layout of buildings provide for the safe, functional and efficient movement of residents.</i>	✓
<i>To ensure internal communal areas provide adequate access to daylight and natural ventilation.</i>	✓
Standard	
<i>Entries to dwellings and buildings should:</i> <ul style="list-style-type: none"> • <i>Be visible and easily identifiable.</i> • <i>Provide shelter, a sense of personal address and a transitional space around the entry.</i> 	✓
<i>The layout and design of buildings should:</i> <ul style="list-style-type: none"> • <i>Clearly distinguish entrances to residential and non-residential areas.</i> 	✓
<ul style="list-style-type: none"> • <i>Provide windows to building entrances and lift areas.</i> 	✓
<ul style="list-style-type: none"> • <i>Provide visible, safe and attractive stairs from the entry level to encourage use by residents.</i> 	✓
<ul style="list-style-type: none"> • <i>Provide common areas and corridors that:</i> <ul style="list-style-type: none"> ▪ <i>Include at least one source of natural light and natural ventilation.</i> ▪ <i>Avoid obstruction from building services.</i> ▪ <i>Maintain clear sight lines.</i> 	✗

Planner's Comments:

The building has been designed around a central core, as such it would not be practicable to provide natural light and ventilation to the common corridors. This is a common outcome for apartment buildings and it is not considered to be fatal to the application.

Further, it is noted that standard which seeks access to natural light and ventilation is ultimately a sustainability objective. The application is supported by a Sustainability Management Plan; any shortfall resulting from the lack of ventilation and natural light to the common corridors would need to be offset by other sustainability initiatives. This ensures that the development would still achieve 'best practice' with regard to sustainable design.

Clause 55.07-17 (B51) Integration with the Street	
Objective	Assessment
<i>To integrate the layout of development with the street.</i>	✓
<i>To support development that activates street frontages.</i>	✓
Standard	
<i>Development should be oriented to front existing and proposed streets.</i>	✓
<i>Along street frontages, development should:</i> <ul style="list-style-type: none"> <i>Incorporate pedestrian entries, windows, balconies or other active spaces.</i> 	✓
<ul style="list-style-type: none"> <i>Limit blank walls.</i> 	✓
<ul style="list-style-type: none"> <i>Limit high front fencing, unless consistent with the existing urban context.</i> 	✓
<ul style="list-style-type: none"> <i>Provide low and visually permeable front fences, where proposed.</i> 	✓
<ul style="list-style-type: none"> <i>Conceal car parking and internal waste collection areas from the street.</i> 	✓
<i>Development next to existing public open space should be designed to complement the open space and facilitate passive surveillance.</i>	N/A

Clause 55.07-18 (B52) Site Services	
Objective	Assessment
<i>To ensure that site services are accessible and can be easily installed and maintained.</i>	✓
<i>To ensure that site services and facilities are visually integrated into the building design or landscape.</i>	✓
Standard	
<i>Development should provide adequate space (including easements where required) for site services to be installed and maintained efficiently and economically.</i>	✓
<i>Meters and utility services should be designed as an integrated component of the building or landscape.</i>	✓

<i>Mailboxes and other site facilities should be adequate in size, durable, weather-protected, located for convenient access and integrated into the overall design of the development.</i>	✓
---	---

Clause 55.07-19 (B53) External Walls and Materials	
Objective	Assessment
<i>To ensure external walls use materials appropriate to the existing urban context or preferred future development of the area.</i>	✓
<i>To ensure external walls endure and retain their attractiveness.</i>	✓
Standard	
<i>External walls should be finished with materials that:</i> <ul style="list-style-type: none"> <i>Do not easily deteriorate or stain.</i> <i>Weather well over time.</i> <i>Are resilient to the wear and tear from their intended use.</i> 	✓
<i>External wall design should facilitate safe and convenient access for maintenance.</i>	✓

NOTICE INFORMATION
Date of Notice: 7/9/2023



48 - 52 RIVERSDALE ROAD RD HAWTHORN VIC
RFI TOWNPLANNING SUBMISSION AUG 2023

DRAWING SCHEDULE

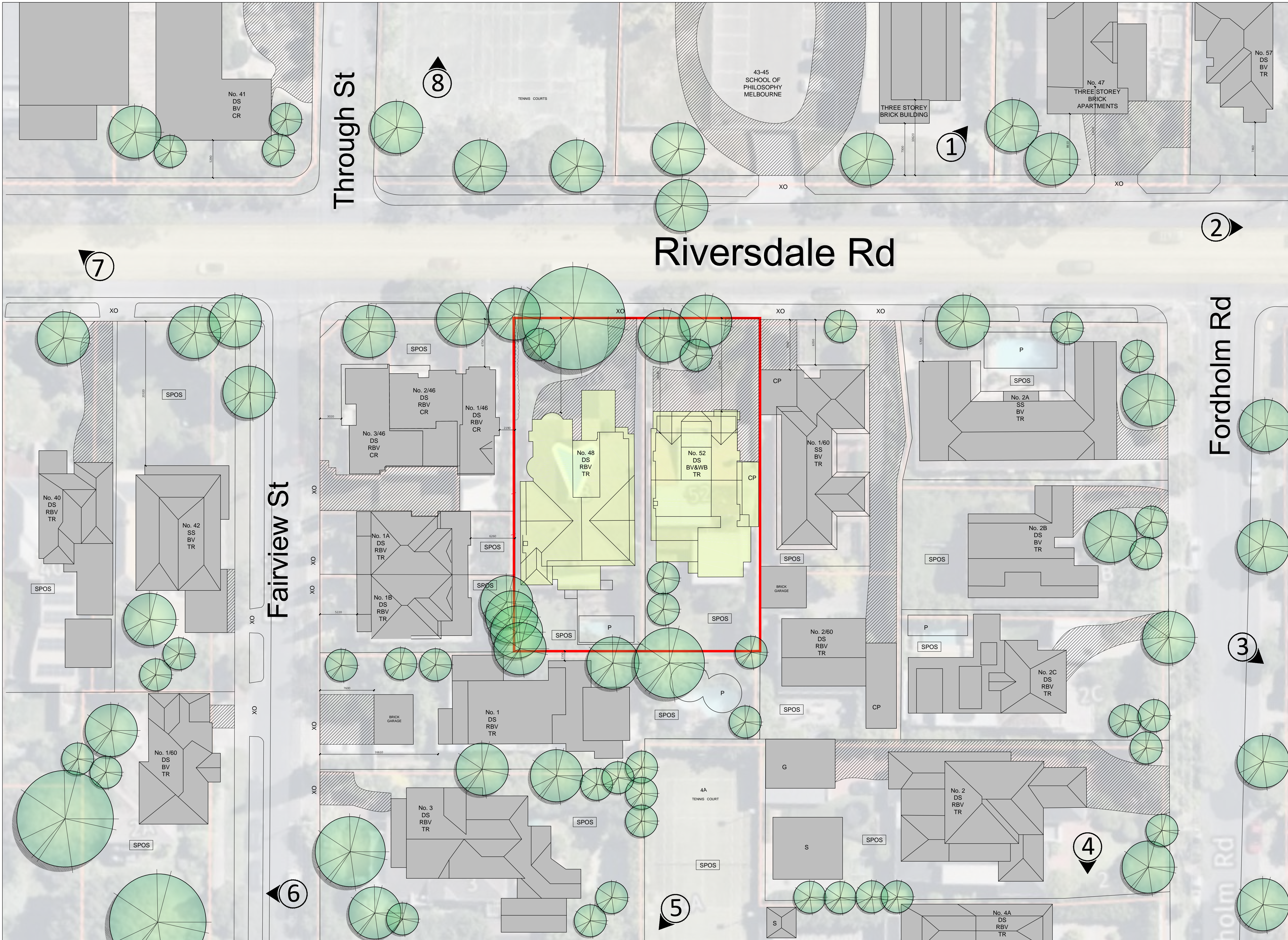
TP01	EXISTING CONDITIONS
TP02	URBAN CONTEXT
TP03	DESIGN RESPONSE
TP03A	DESIGN RESPONSE - STREETSCAPE -
TP03B	DESIGN RESPONSE - PERSPECTIVE
TP03C	DESIGN RESPONSE - PERSPECTIVE
TP03D	DESIGN RESPONSE - PERSPECTIVE
TP04	BASEMENT PLAN
TP05	GROUND FLOOR PLAN
TP06	1ST FLOOR PLAN
TP07	2ND FLOOR PLAN
TP08	3RD FLOOR PLAN
TP09	ROOF PLAN
TP10	ELEVATIONS MATERIAL SCHEDULE
TP11	ELEVATIONS
TP12	SHADOW STUDY 9AM - 10AM
TP13	SHADOW STUDY 11AM - 12PM
TP14	SHADOW STUDY 1PM
TP15	SHADOW STUDY 2PM
TP16	SHADOW STUDY 3PM
TP17	SECTIONS
TP17A	SECTIONS
TP18	FRONT FENCE ELEVATION
TP19	INDIVIDUAL FLOOR PLANS
TP20	INDIVIDUAL FLOOR PLANS

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NOTICE INFORMATION
Date of Notice: 7/9/2023



1. 1.1km GLENFERIE RAILWAY STATION
1.1km GLENFERIE UNIVERSITY
1.1km CENTRAL GARDENS

2. 1.1km FRITCH HOLDER PARK
2.1km CAMBERWELL LIBRARY
2.1km CAMBERWELL STATION

3. 2.0km ALBURN ROAD MEDICAL CENTRE
2.1km ANDERSON PARK
2.1km MENDHAM PRESSWAY ENTRY

4. 1.8km SCOTT COLLEGE MELBOURNE
1.8km LAURISTON GIRLS SCHOOL
4.0km MALVERN TENNIS CENTRE

5. 1.8km BEDA COLLEGE
2.0km KEVIN MURPHY RESERVE
2.0km ST KEVIN'S COLLEGE

6. 1.1km BURLY OVAL
1.1km GOLDEN SQUARE BLENTHAM PARK
2.1km BURLY STATION

7. 1.1km HAWTHORN STATION
1.1km ST JAMES PARK
1.1km MELBOURNE GIRLS COLLEGE

8. 1.1km HAWTHORN AQUATIC & LEISURE CENTRE
2.0km GLENFERIE PRIVATE HOSPITAL
2.0km XAVIER COLLEGE

LEGEND:

- SUBJECT SITE
- DRIVEWAY
- SINGLE STOREY BUILDING
- DOUBLE STOREY BUILDING
- TRIPLE STOREY BUILDING
- BRICK VENEER
- RENDERED BRICK VENEER
- WEATHER BOARD
- TIMBER CLAD
- FIBRE BOARD CLAD
- GALVANISED IRON
- TILED ROOF
- PARAPET ROOF
- COMMERCIAL BUILDING
- SECURED PRIVATE OPEN SPACE
- HABITABLE ROOM WINDOW
- NON HABITABLE ROOM WINDOW
- CORRUGATED SHEET ROOF
- CROSS OVER
- VERANDAH
- SHED
- GARAGE
- CARPORT
- CURT BUILDING
- TIMBER PILING FENCE
- TIMBER FENCE
- BRICK FENCE
- UNFENCED
- METAL FENCE
- LIGHT POLE
- ELECTRICITY POLE
- ELEC. POLE WITH LIGHT
- TRAFFIC LIGHT
- DRAINAGE PIT
- ELECTRICAL CABLE PIT
- TELSTRA PIT
- SEWER PIT

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No.	DATE	AMENDMENT
1	JAN 23	APPLICATION SUBMISSION
2	JUL 23	RFI SUBMISSION
3	AUG 23	RFI SUBMISSION

No.	DATE	AMENDMENT

1

PROJECT:
48- 52 Riversdale Rd Hawthorn

ADDRESS:
48- 52 Riversdale Rd Hawthorn

DRAWING:
URBAN CONTEXT

JOB NO:
2204

SCALE:
1 : 200

AUTHOR:
pp

DATE:
29-08-23

DRAWING NO:

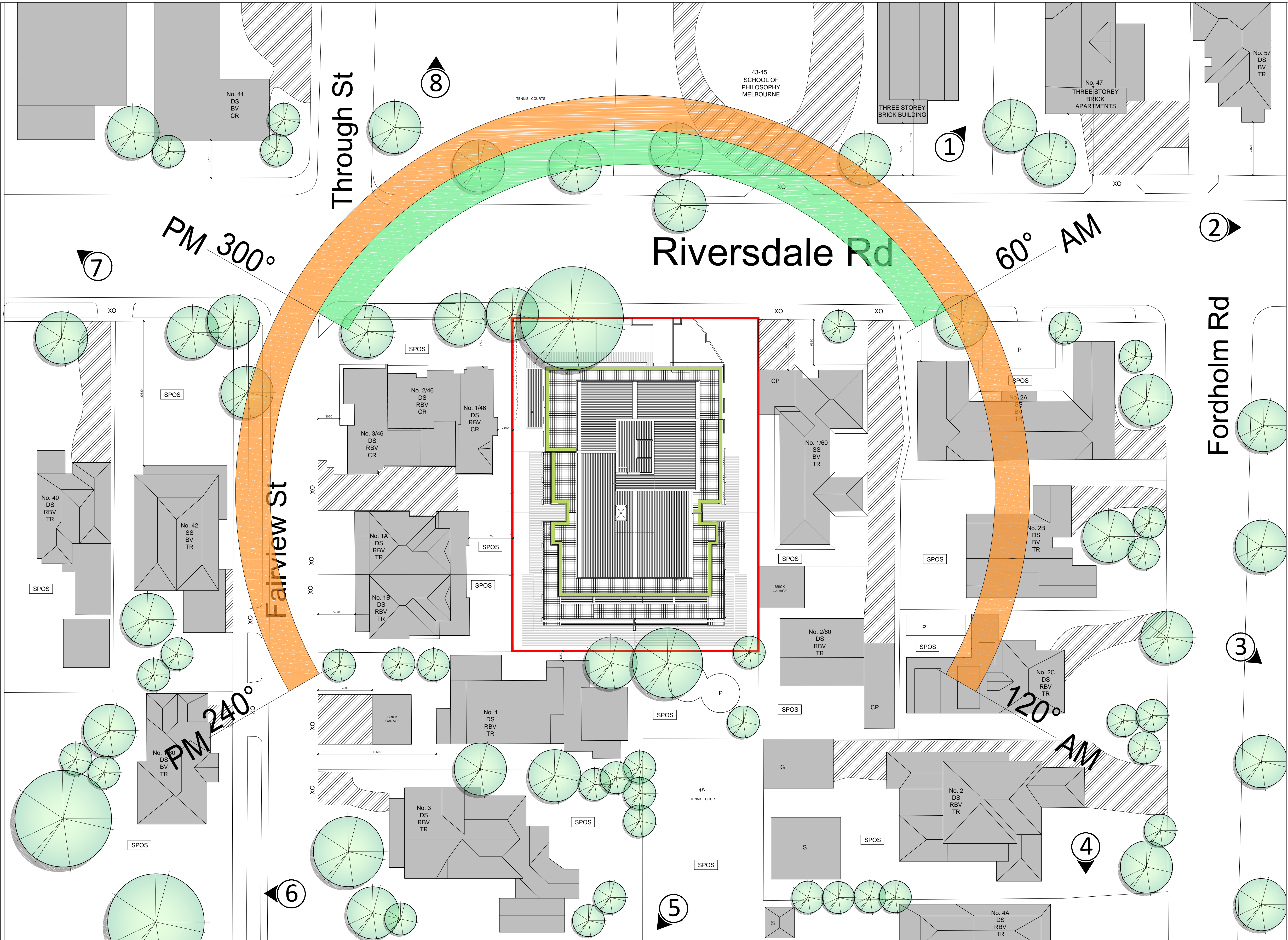
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REV:

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NOTICE INFORMATION
Date of Notice: 7/9/2023



1. 1.00m GLENFERIE RAILWAY STATION
1.00m GLENFERIE UNIVERSITY
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3	AUG 23	RFI SUBMISSION

No.	DATE	AMENDMENT

1

PROJECT:
48- 52 Riversdale Rd Hawthorn
ADDRESS:
48- 52 Riversdale Rd Hawthorn

DRAWING:
DESIGN RESPONSE

JOB NO:
2204
SCALES:
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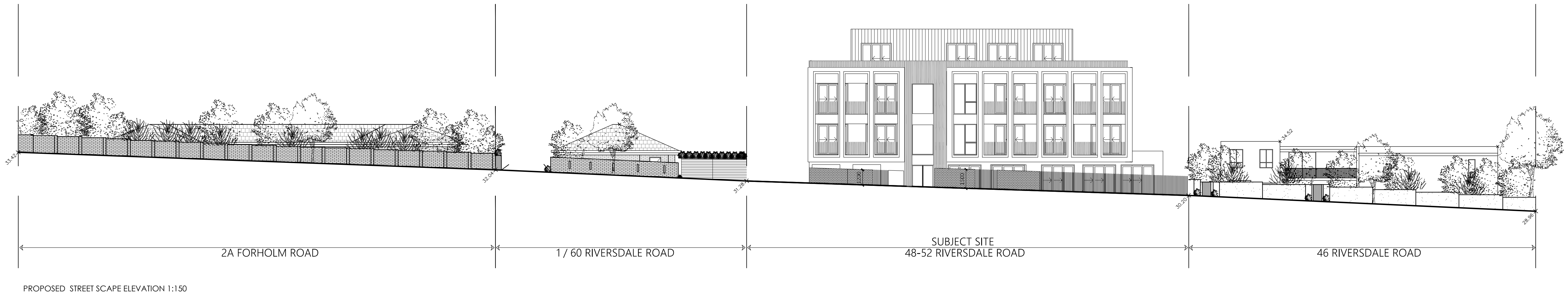
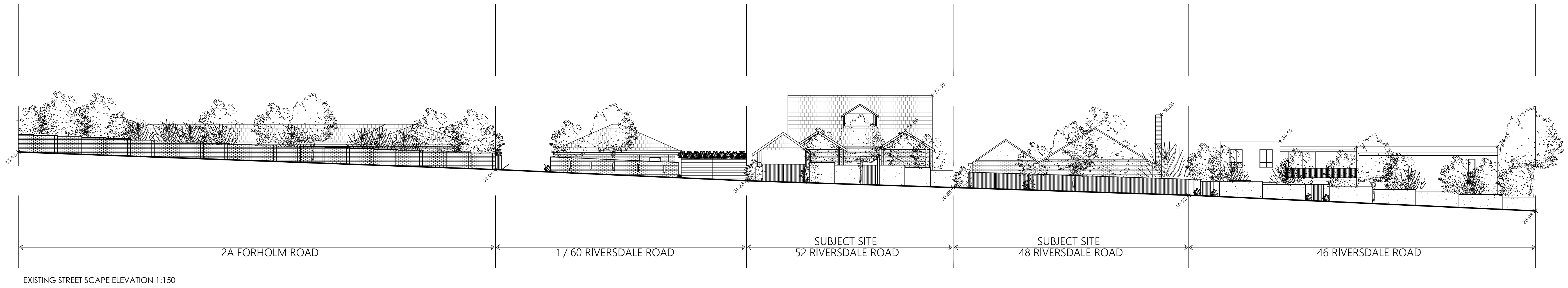
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pp
DATE:
29-08-23

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REV:
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NOTICE INFORMATION

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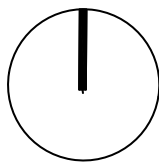


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PROJECT:
48- 52 Riversdale Rd Hawthorn

ADDRESS:
48- 52 Riversdale Rd Hawthorn

DRAWING:
DESIGN RESPONSE - STREET
SCAPE ELEVATION

JOB NO:
2204

SCALES:
1 : 200

AUTHOR:
pp

DATE:
29-08-23

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REV:

3

NOTICE INFORMATION
Date of Notice: 7/9/2023

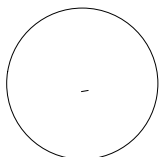


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3.	AUG 23	RFI SUBMISSION

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PROJECT:
48-52 Riversdale Rd Hawthorn

ADDRESS:
48-52 Riversdale Rd Hawthorn

DRAWING:
Design Response

JOB NO:
2204

SCALES:

AUTHOR:
PP

DATE:
29-08-23

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NOTICE INFORMATION
Date of Notice: 7/9/2023



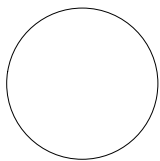
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3.	AUG 23	RFI SUBMISSION

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PROJECT:
48-52 Riversdale Rd Hawthorn

ADDRESS:
48-52 Riversdale Rd Hawthorn

DRAWING:
Design Response

JOB NO:
2204

SCALES:

AUTHOR:
PP

DATE:
26-06-23

DRAWING NO:
TP03c
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REV:
3

NOTICE INFORMATION
Date of Notice: 7/9/2023



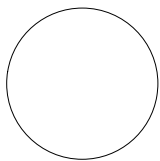
1 | 3D View 12

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PROJECT:
48-52 Riversdale Rd Hawthorn

ADDRESS:
48-52 Riversdale Rd Hawthorn

DRAWING:
Design Response

JOB NO:
2204

SCALES:

AUTHOR:
PP

DATE:
26-06-23

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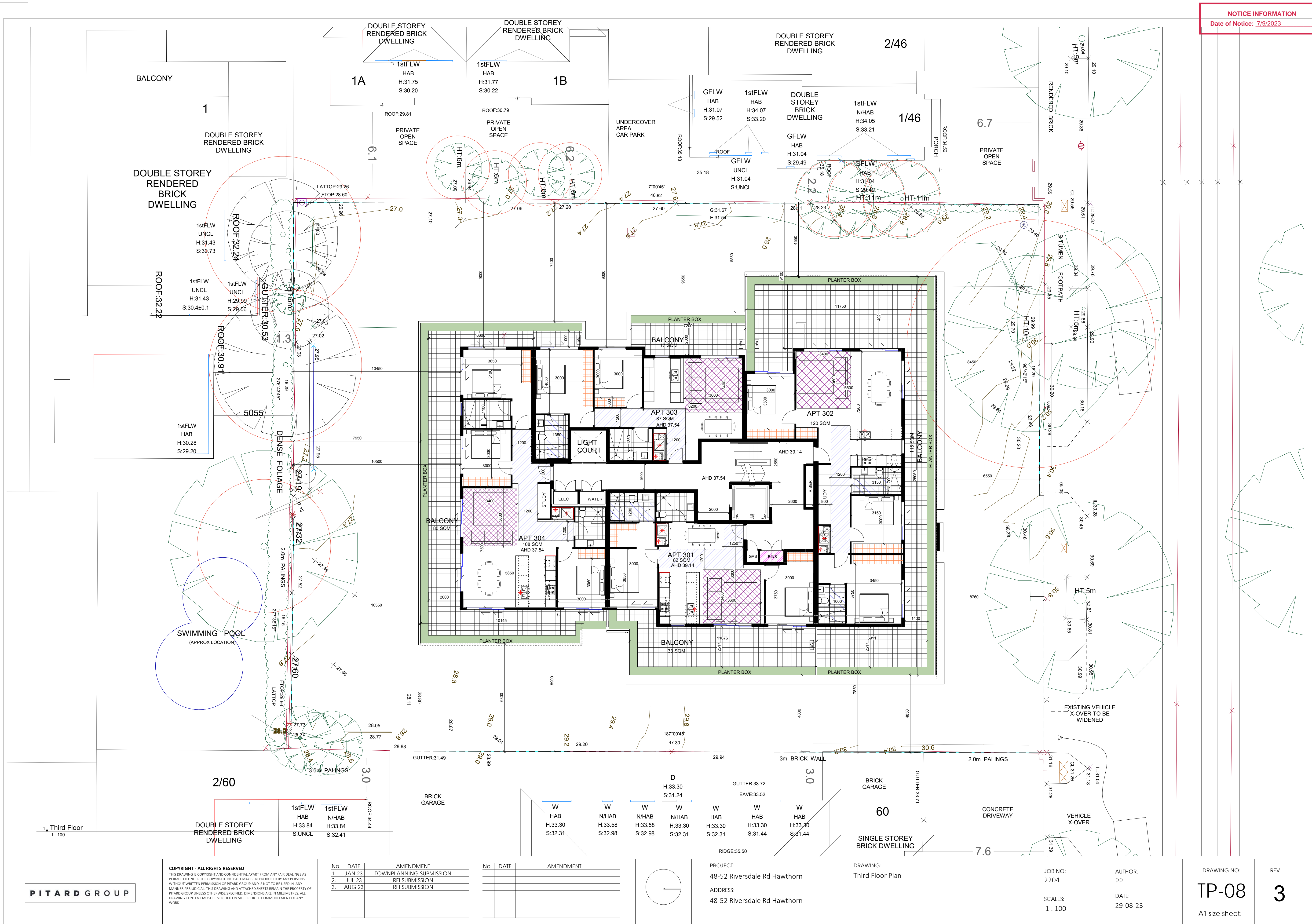
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NOTICE INFORMATION
Date of Notice: 7/9/2023

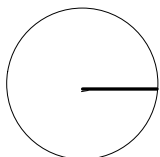


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NO.	DATE	AMENDMENT



PROJECT:
48-52 Riversdale Rd Hawthorn
ADDRESS:
48-52 Riversdale Rd Hawthorn

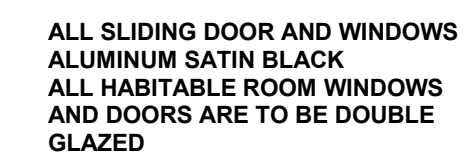
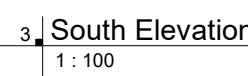
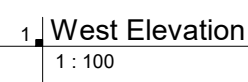
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JOB NO:
2204
SCALES:
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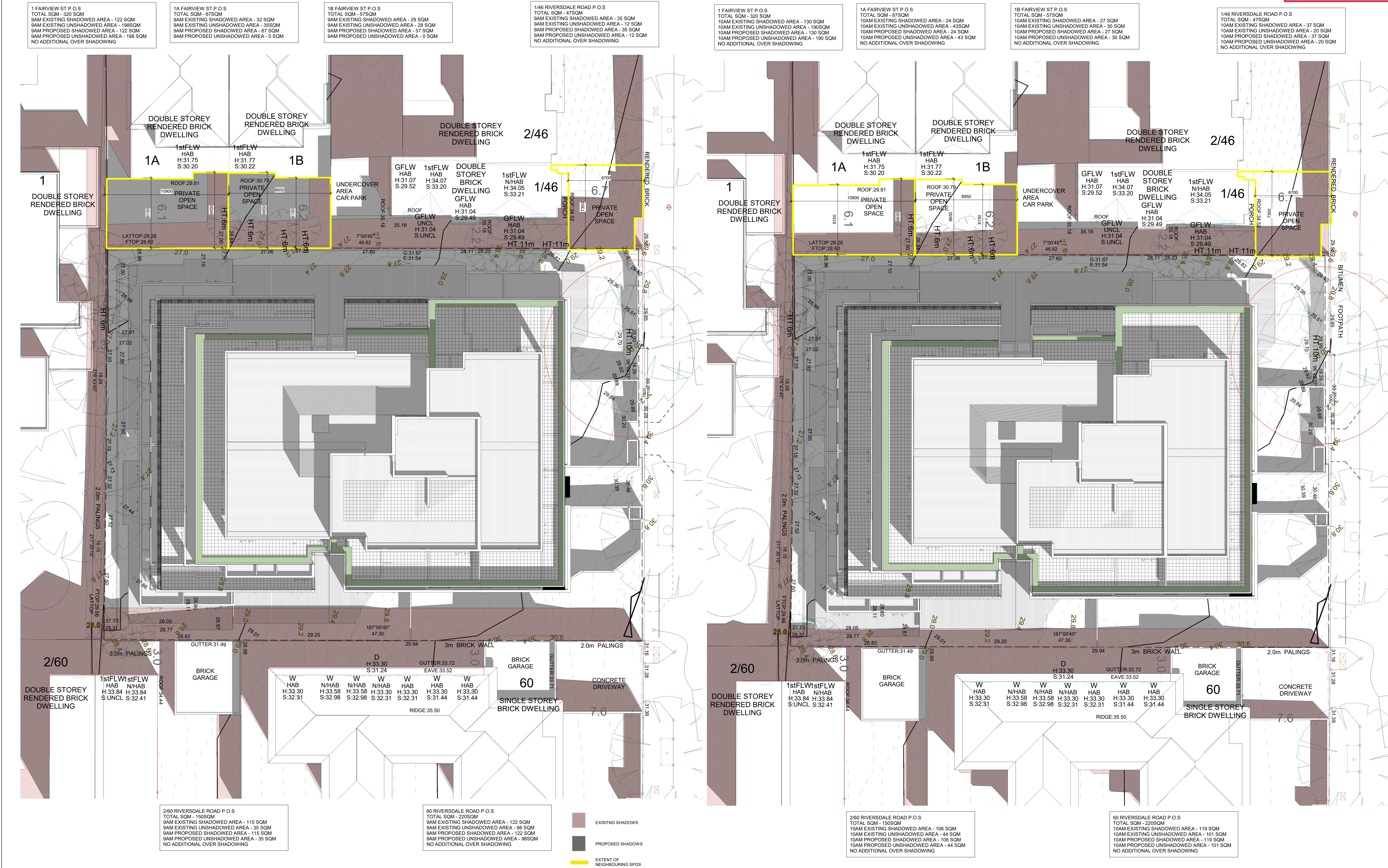
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PP
DATE:
29-08-23

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REV:
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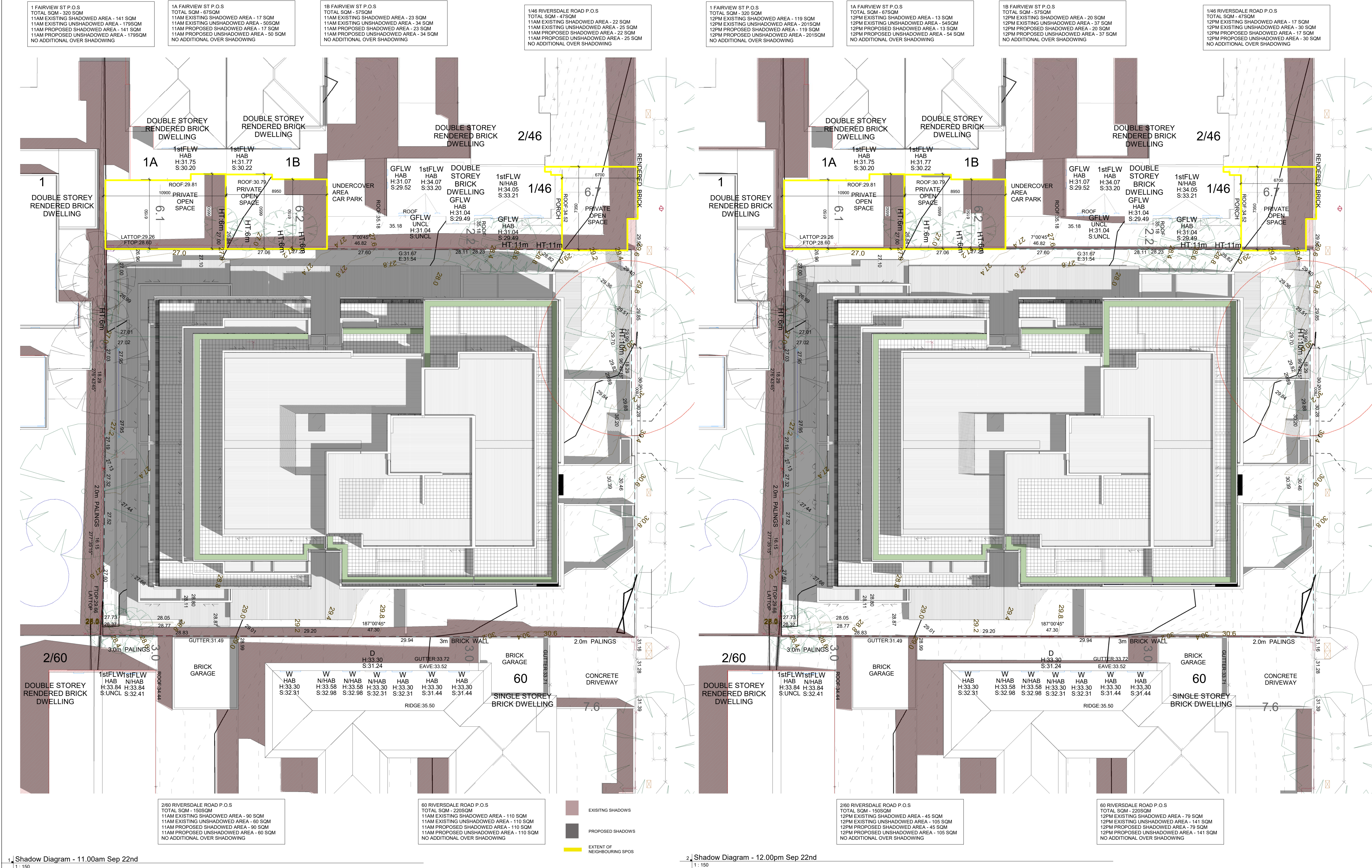
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NOTICE INFORMATION
Date of Notice: 7/9/2023



1 Shadow Diagram - 9.00am Sep 22nd 1: 150		2 Shadow Diagram - 10.00am Sep 22nd 1: 150		PROJECT: 48-52 Riversdale Rd Hawthorn		DRAWING: Shadow Diagram - 9.00am- 10.00am Sep 22nd		JOB NO: 2204		AUTHOR: PP		DRAWING NO: TP-12		REV: 3	
ADDRESS: 48-52 Riversdale Rd Hawthorn								SCALES: 1: 150		DATE: 29-08-23					
												A1 size sheet:			

NOTICE INFORMATION
Date of Notice: 7/9/2023



1 Shadow Diagram - 11.00am Sep 22nd
1:150

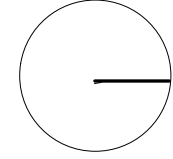
2 Shadow Diagram - 12.00pm Sep 22nd
1:150

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PROJECT:
48-52 Riversdale Rd Hawthorn

ADDRESS:
48-52 Riversdale Rd Hawthorn

DRAWING:
Shadow Diagram - 11.00am + 12.00pm Sep 22nd

JOB NO:
2204

SCALES:
1:150

AUTHOR:
PP

DATE:
29-08-23

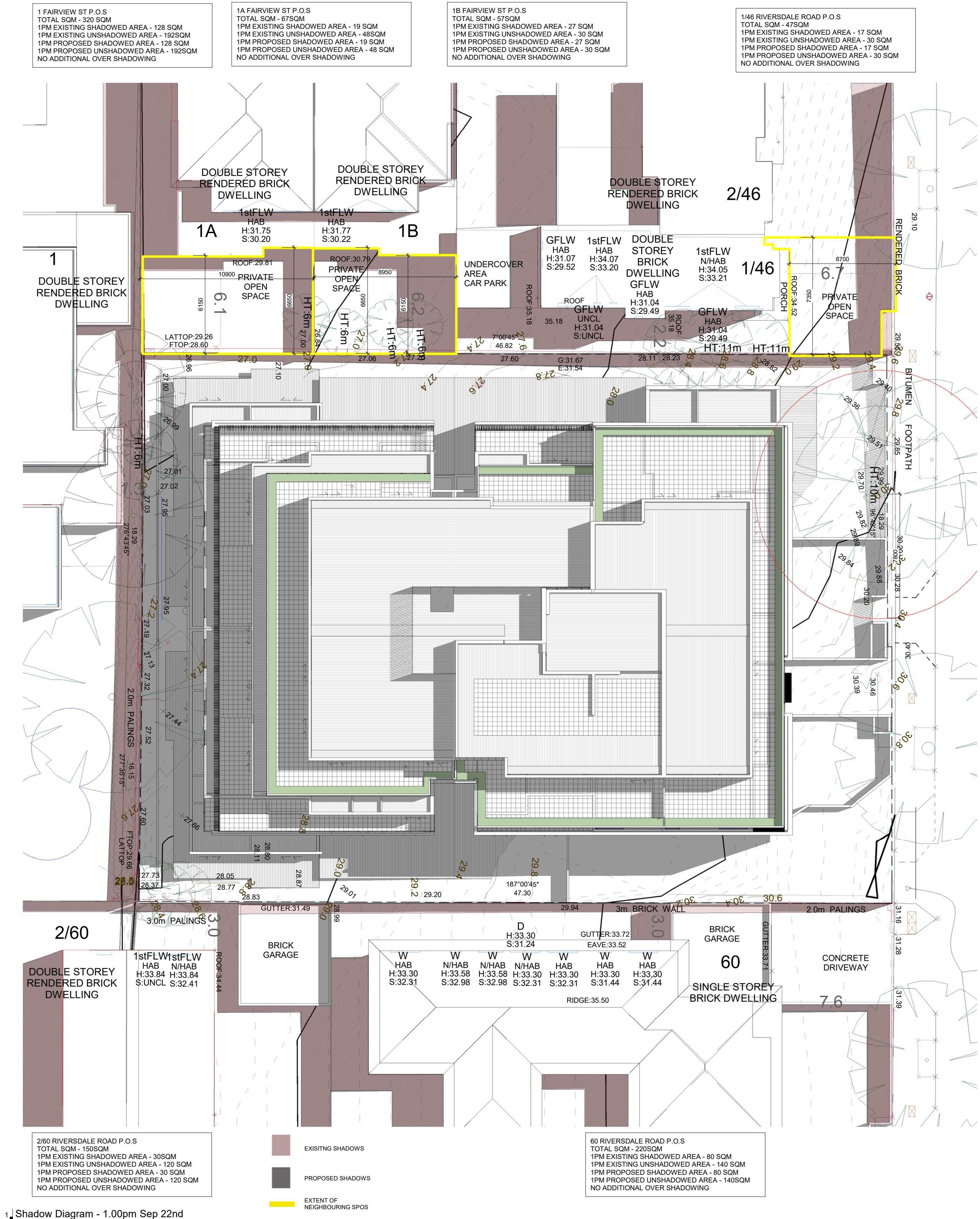
DRAWING NO:
TP-13

A1 size sheet:

REV:

3

NOTICE INFORMATION
Date of Notice: 7/9/2023

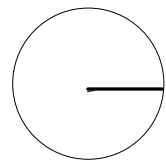


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NO.	DATE	AMENDMENT
1.	JAN 23	TOWNPLANNING SUBMISSION
2.	JUL 23	RFI SUBMISSION
3.	AUG 23	RFI SUBMISSION

NO.	DATE	AMENDMENT



PROJECT:
48-52 Riversdale Rd Hawthorn

ADDRESS:
48-52 Riversdale Rd Hawthorn

DRAWING:
Shadow Diagram - 1.00pm Sep 22nd

JOB NO:
2204

SCALES:
1 : 150

AUTHOR:
PP

DATE:
29-08-23

DRAWING NO:

TP-14

A1 size sheet.

REV:

3

NOTICE INFORMATION
Date of Notice: 7/9/2023

1/46 RIVERSDALE ROAD P.O.S
TOTAL SQM - 47SQM
2PM EXISTING SHADOWED AREA - 17 SQM
2PM EXISTING UNSHADOWED AREA - 30 SQM
2PM PROPOSED SHADOWED AREA - 17 SQM
2PM PROPOSED UNSHADOWED AREA - 30 SQM
NO ADDITIONAL OVER SHADOWING

1B FAIRVIEW ST P.O.S
TOTAL SQM - 57SQM
2PM EXISTING SHADOWED AREA - 36 SQM
2PM EXISTING UNSHADOWED AREA - 21 SQM
2PM PROPOSED SHADOWED AREA - 36 SQM
2PM PROPOSED UNSHADOWED AREA - 21 SQM
NO ADDITIONAL OVER SHADOWING

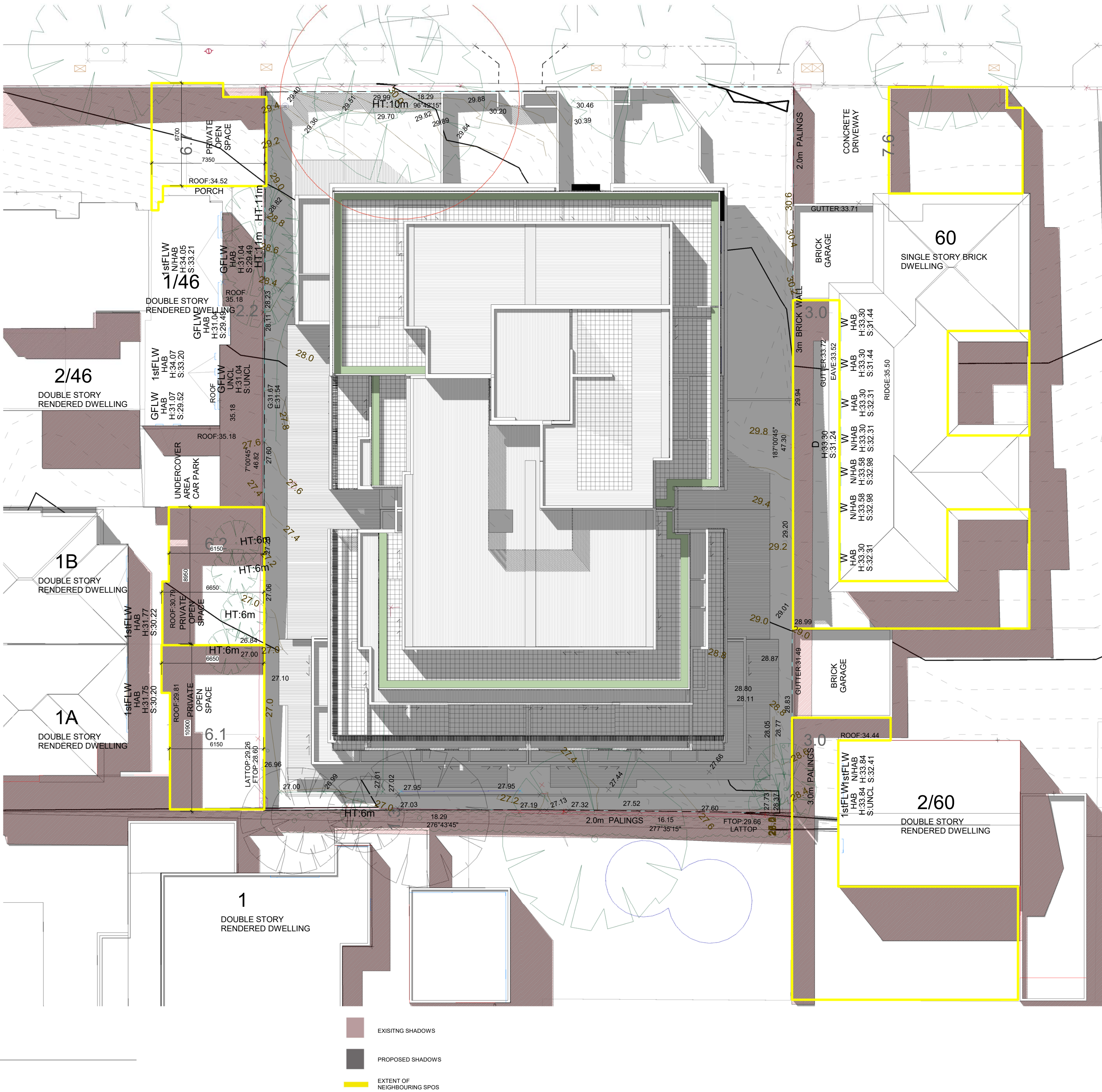
1A FAIRVIEW ST P.O.S
TOTAL SQM - 67SQM
2PM EXISTING SHADOWED AREA - 31 SQM
2PM EXISTING UNSHADOWED AREA - 36 SQM
2PM PROPOSED SHADOWED AREA - 31 SQM
2PM PROPOSED UNSHADOWED AREA - 36 SQM
NO ADDITIONAL OVER SHADOWING

4 FAIRVIEW ST P.O.S
TOTAL SQM - 320 SQM
2PM EXISTING SHADOWED AREA - 149 SQM
2PM EXISTING UNSHADOWED AREA - 171SQM
2PM PROPOSED SHADOWED AREA - 148 SQM
2PM PROPOSED UNSHADOWED AREA - 171SQM
NO ADDITIONAL OVER SHADOWING

60 RIVERSDALE ROAD P.O.S
TOTAL SQM - 220SQM
2PM EXISTING SHADOWED AREA - 125 SQM
2PM EXISTING UNSHADOWED AREA - 95 SQM
2PM PROPOSED SHADOWED AREA - 141 SQM
2PM PROPOSED UNSHADOWED AREA - 79 SQM
16 SQM ADDITIONAL OVER SHADOWING

2/60 RIVERSDALE ROAD P.O.S
TOTAL SQM - 150SQM
2PM EXISTING SHADOWED AREA - 49SQM
2PM EXISTING UNSHADOWED AREA - 101 SQM
2PM PROPOSED SHADOWED AREA - 49 SQM
2PM PROPOSED UNSHADOWED AREA - 101 SQM
NO ADDITIONAL OVER SHADOWING

1 Shadow Diagram - 2.00pm Sep 22nd
1 : 150

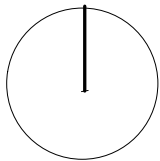


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2.	JUL 23	RFI SUBMISSION
3.	AUG 23	RFI SUBMISSION

No.	DATE	AMENDMENT



PROJECT:
48-52 Riversdale Rd Hawthorn

ADDRESS:
48-52 Riversdale Rd Hawthorn

DRAWING:
Shadow Diagram - 2.00pm Sep 22nd

JOB NO:
2204

SCALES:
1 : 150

AUTHOR:
PP

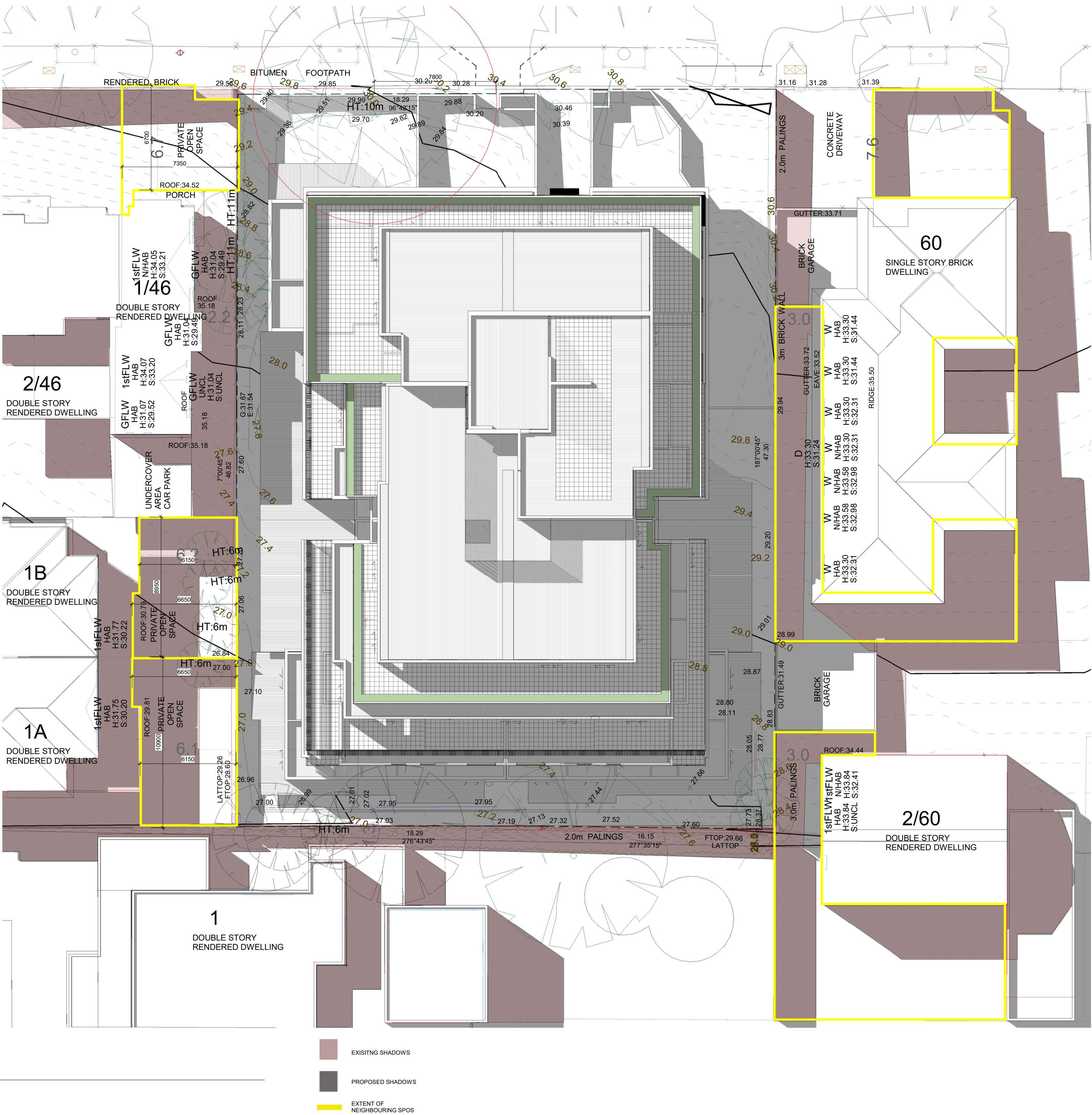
DATE:
29-08-23

DRAWING NO:
TP-15
A1 size sheet:

REV:
3

NOTICE INFORMATION
Date of Notice: 7/9/2023

1. Shadow Diagram - 3.00pm Sep 22nd
1 : 150



1/46 RIVERSDALE ROAD P.O.S
TOTAL SQM - 475SQM
3PM EXISTING SHADOWED AREA - 18 SQM
3PM EXISTING UNSHADOWED AREA - 31 SQM
3PM PROPOSED SHADOWED AREA - 18 SQM
2PM PROPOSED UNSHADOWED AREA - 31 SQM
NO ADDITIONAL OVER SHADOWING

1B FAIRVIEW ST P.O.S
TOTAL SQM - 575SQM
3PM EXISTING SHADOWED AREA - 40 SQM
3PM EXISTING UNSHADOWED AREA - 17 SQM
3PM PROPOSED SHADOWED AREA - 40 SQM
3PM PROPOSED UNSHADOWED AREA - 17 SQM
NO ADDITIONAL OVER SHADOWING

1A FAIRVIEW ST P.O.S
TOTAL SQM - 675SQM
3PM EXISTING SHADOWED AREA - 45 SQM
3PM EXISTING UNSHADOWED AREA - 22 SQM
3PM PROPOSED SHADOWED AREA - 45 SQM
3PM PROPOSED UNSHADOWED AREA - 22 SQM
NO ADDITIONAL OVER SHADOWING

1 FAIRVIEW ST P.O.S
TOTAL SQM - 320 SQM
3PM EXISTING SHADOWED AREA - 154 SQM
3PM EXISTING UNSHADOWED AREA - 166SQM
3PM PROPOSED SHADOWED AREA - 154 SQM
3PM PROPOSED UNSHADOWED AREA - 166SQM
NO ADDITIONAL OVER SHADOWING

60 RIVERSDALE ROAD P.O.S
TOTAL SQM - 220SQM
3PM EXISTING SHADOWED AREA - 160SQM
3PM EXISTING UNSHADOWED AREA - 60 SQM
3PM PROPOSED SHADOWED AREA - 171.5 SQM
3PM PROPOSED UNSHADOWED AREA - 48.5 SQM
11.5 SQM ADDITIONAL OVER SHADOWING

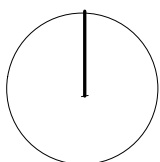
2/60 RIVERSDALE ROAD P.O.S
TOTAL SQM - 1505SQM
3PM EXISTING SHADOWED AREA - 66SQM
3PM EXISTING UNSHADOWED AREA - 84 SQM
3PM PROPOSED SHADOWED AREA - 72 SQM
3PM PROPOSED UNSHADOWED AREA - 78 SQM
6 SQM ADDITIONAL OVER SHADOWING

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NO.	DATE	AMENDMENT
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2.	JUL 23	RFI SUBMISSION
3.	AUG 23	RFI SUBMISSION

NO.	DATE	AMENDMENT



PROJECT:
48-52 Riversdale Rd Hawthorn

ADDRESS:
48-52 Riversdale Rd Hawthorn

DRAWING:
Shadow Diagram - 3.00pm Sep 22nd

JOB NO:
2204

SCALES:
1 : 150

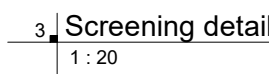
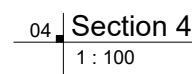
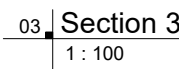
AUTHOR:
PP

DATE:
29-08-23

DRAWING NO:
TP-16
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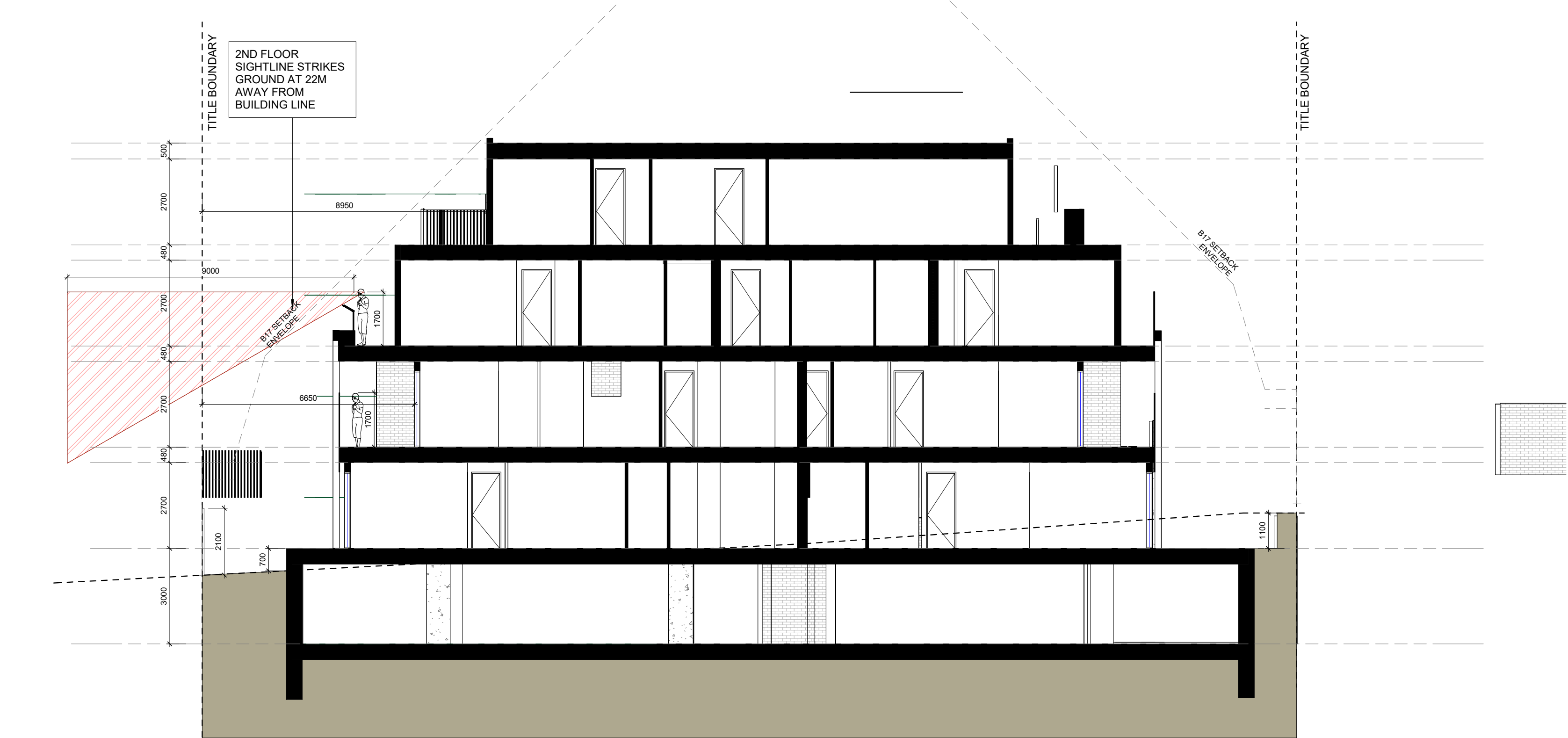
REV:
3

Date of Notice: 7/9/2023

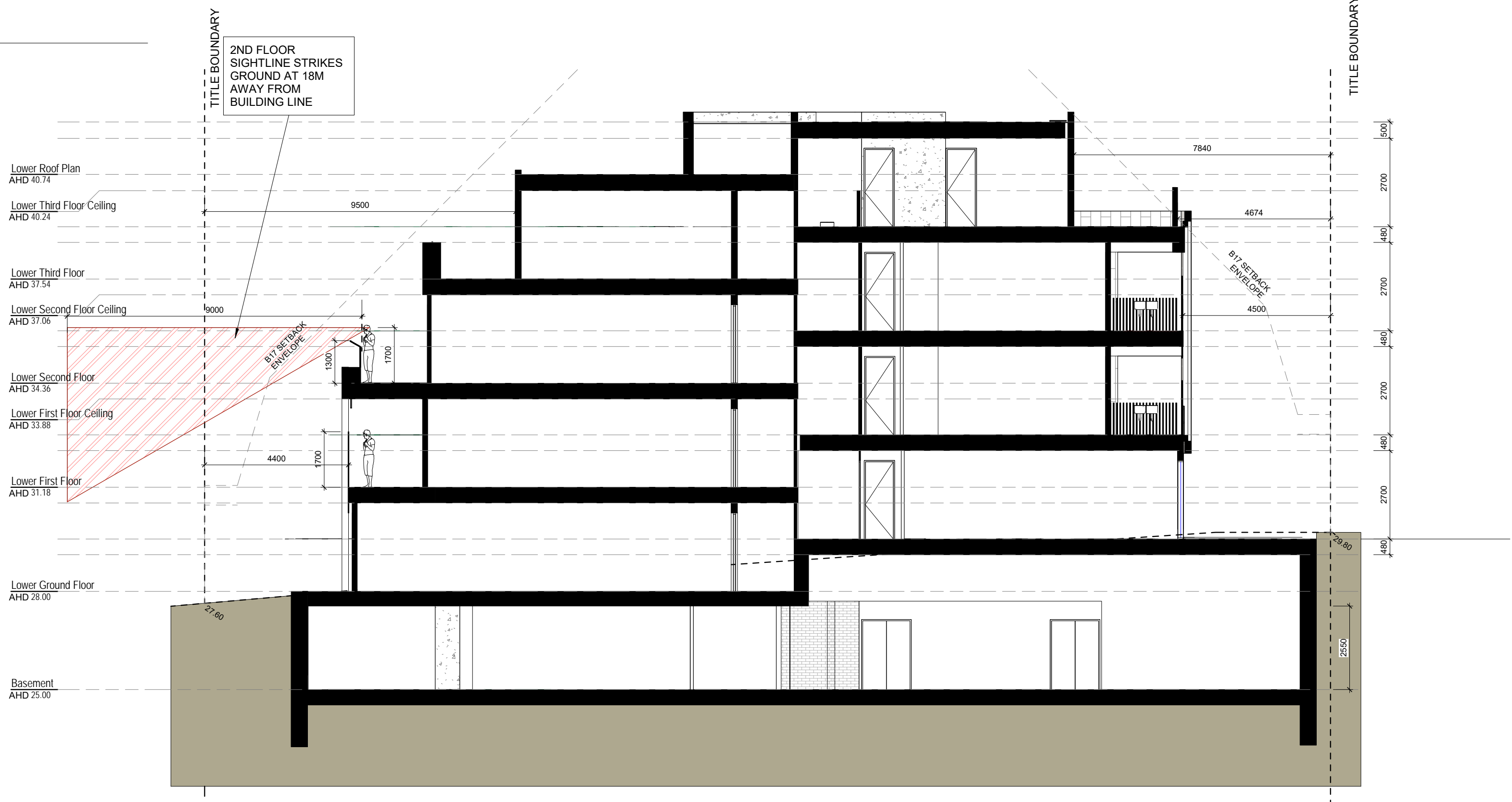
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NOTICE INFORMATION
Date of Notice: 7/9/2023

02 | Section 2
1 : 100



01 | Section 1
1 : 100

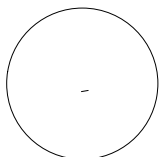


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No.	DATE	AMENDMENT
1.	JAN 23	TOWNPLANNING SUBMISSION
2.	JUL 23	RFI SUBMISSION
3.	AUG 23	RFI SUBMISSION

No.	DATE	AMENDMENT



PROJECT:
48-52 Riversdale Rd Hawthorn
ADDRESS:
48-52 Riversdale Rd Hawthorn

DRAWING:
Cross sections

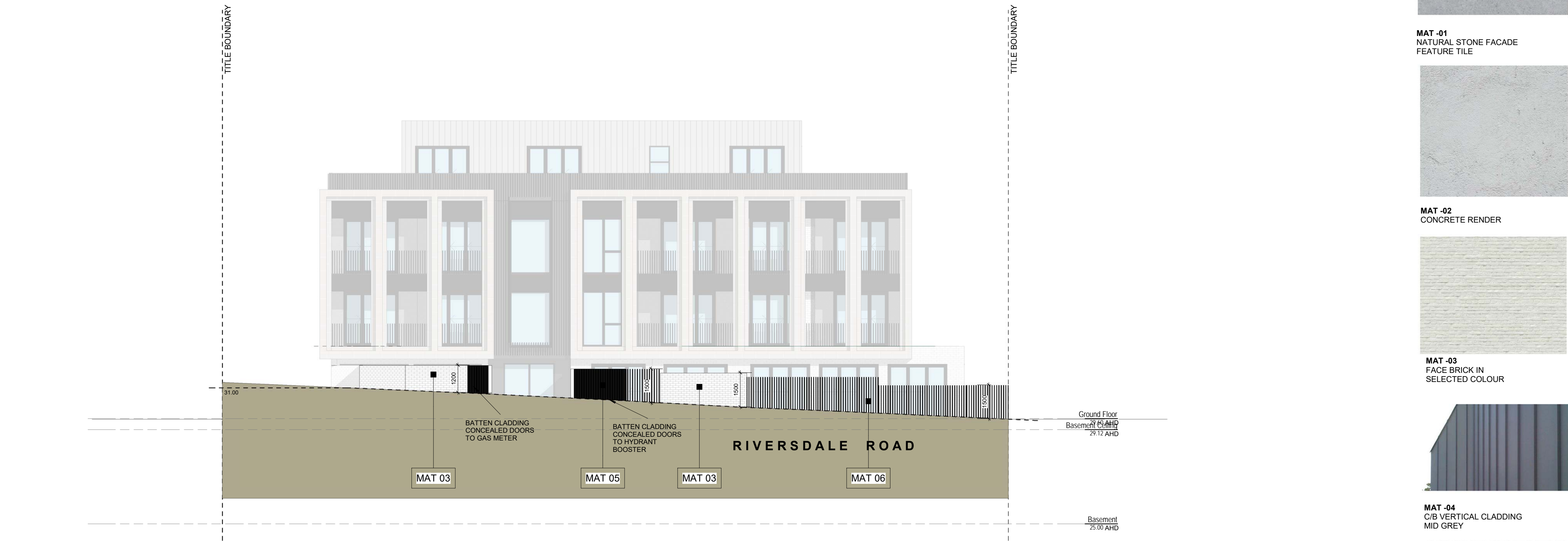
JOB NO:
2204
SCALES:
1 : 100

AUTHOR:
pp
DATE:
29-08-23

DRAWING NO:
TP-17A
A1 size sheet:

REV:
3

NOTICE INFORMATION
Date of Notice: 7/9/2023



1 Street Elevation
1 : 100



MAT -01
NATURAL STONE FACADE
FEATURE TILE



MAT -02
CONCRETE RENDER



MAT -03
FACE BRICK IN
SELECTED COLOUR



MAT -04
C/B VERTICAL CLADDING
MID GREY



MAT -05
BLACK METAL BATTEN CLADDING



MAT -06
VERTICAL METAL BLADE SCREENING
+ BALUSTRADE - BLACK



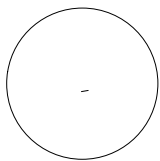
ALL SLIDING DOOR AND WINDOWS
ALUMINUM SATIN BLACK

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1.	JAN 23	TOWNPLANNING SUBMISSION
2.	JUL 23	RFI SUBMISSION
3.	AUG 23	RFI SUBMISSION

No.	DATE	AMENDMENT



PROJECT:
48-52 Riversdale Rd Hawthorn
ADDRESS:
48-52 Riversdale Rd Hawthorn

DRAWING:
FRONT FENCE ELEVATION
MATERIAL SCHEDULE

JOB NO:
2204

AUTHOR:
PP

SCALES:
1 : 100

DATE:
29-08-23

DRAWING NO:

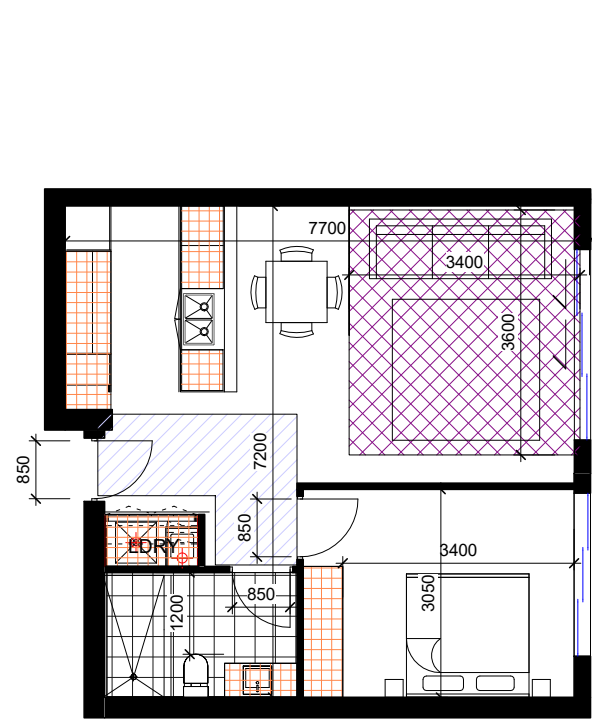
TP-18

A1 size sheet:

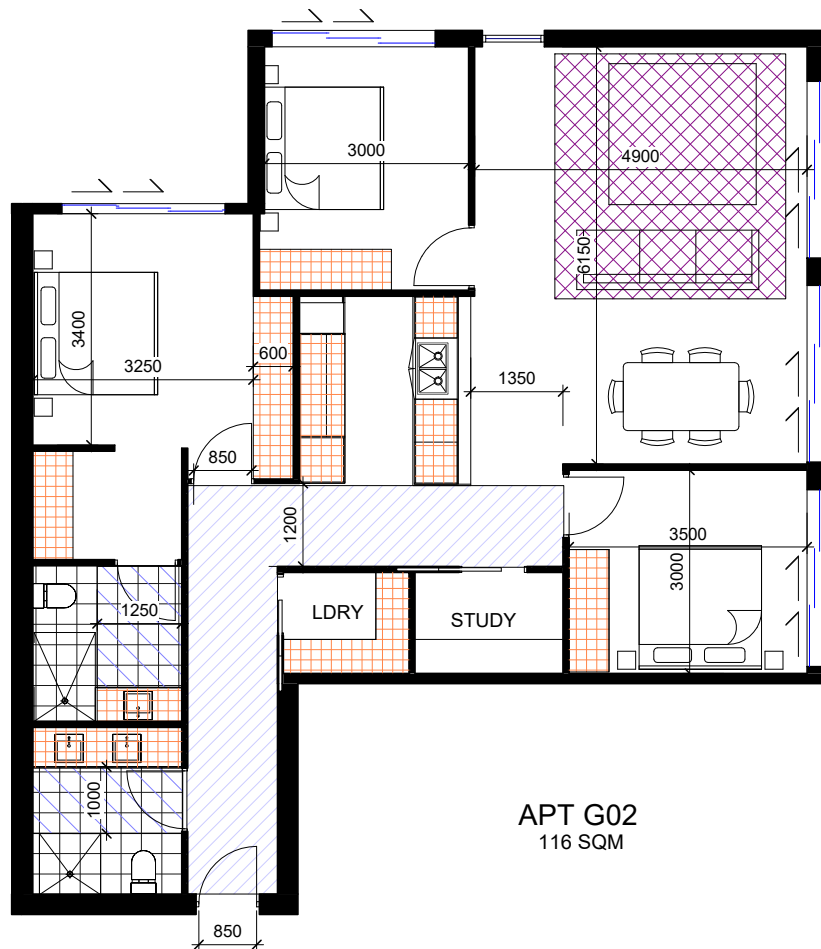
REV:

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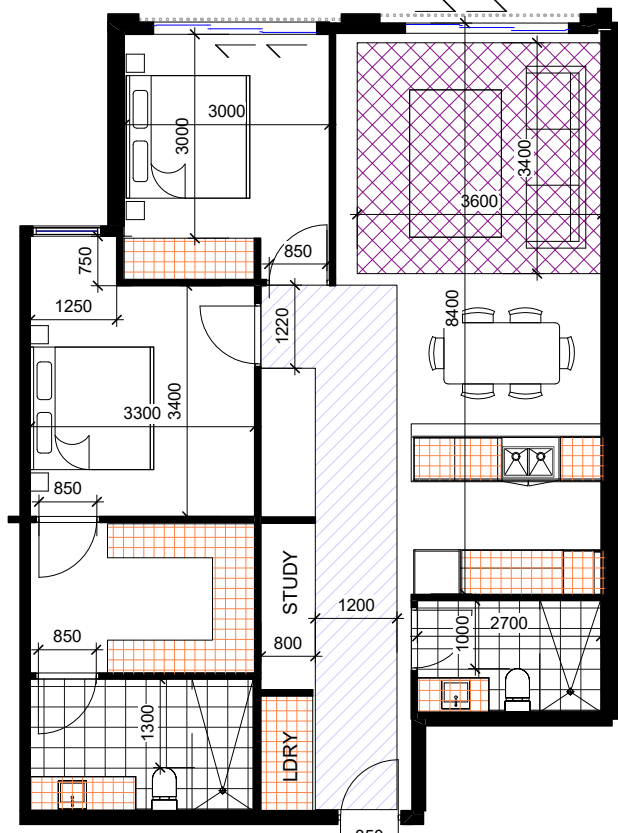
NOTICE INFORMATION
Date of Notice: 7/9/2023



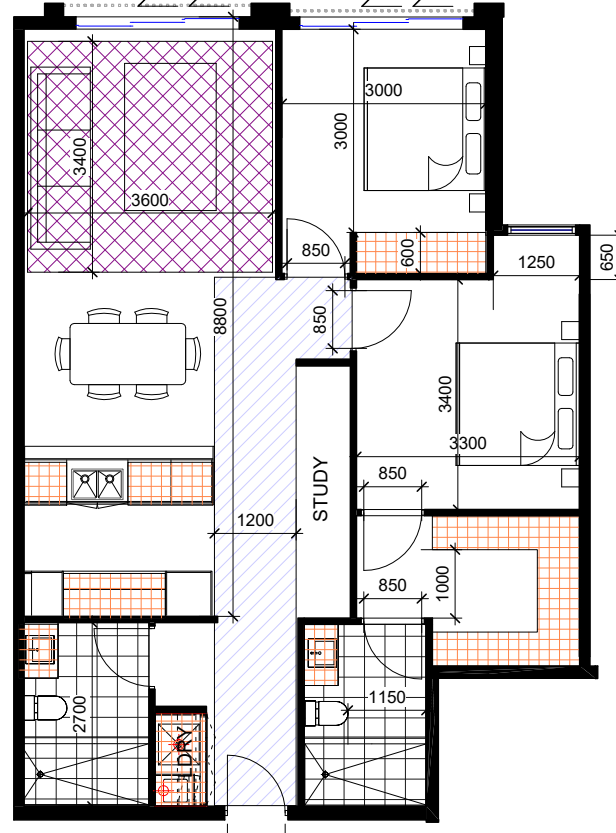
APT G01
59 SQM



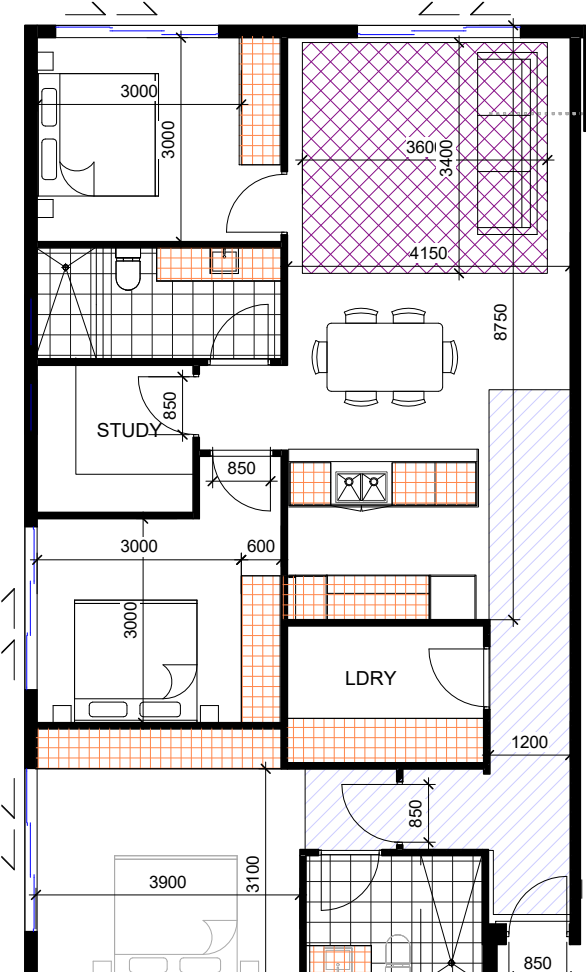
APT G02
116 SQM



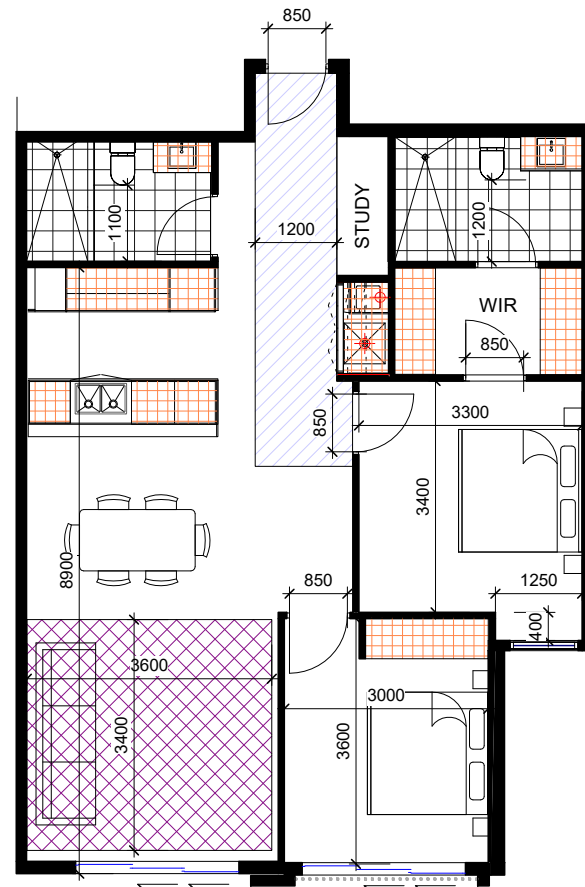
APT G03
90 SQM



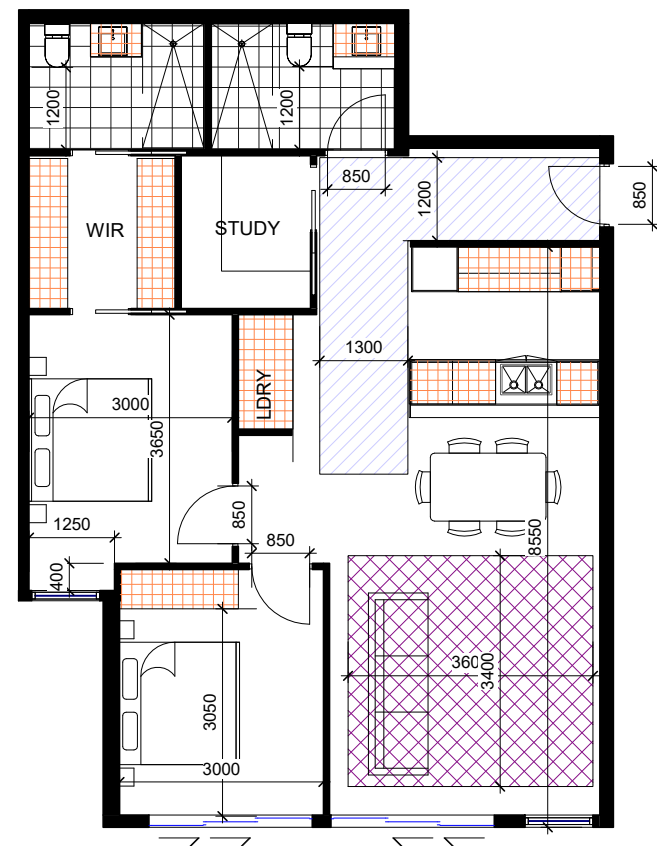
APT G04
90 SQM



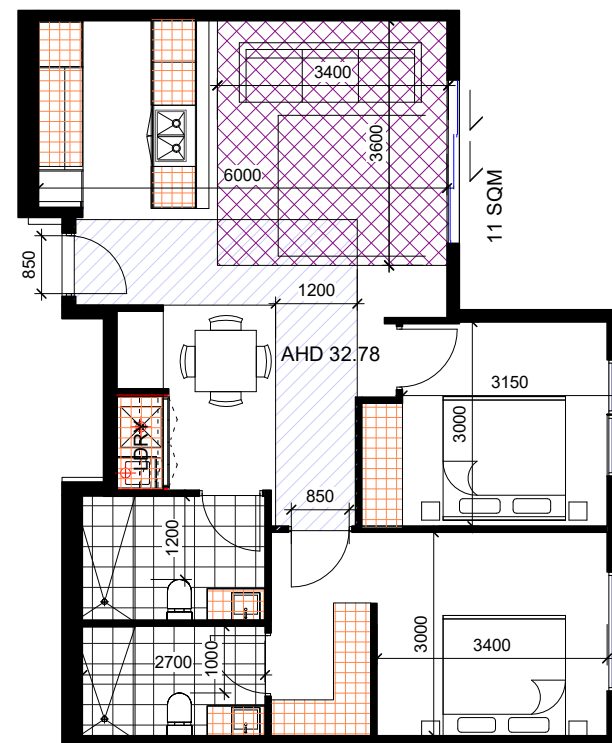
APT G05 APT G06
115 SQM



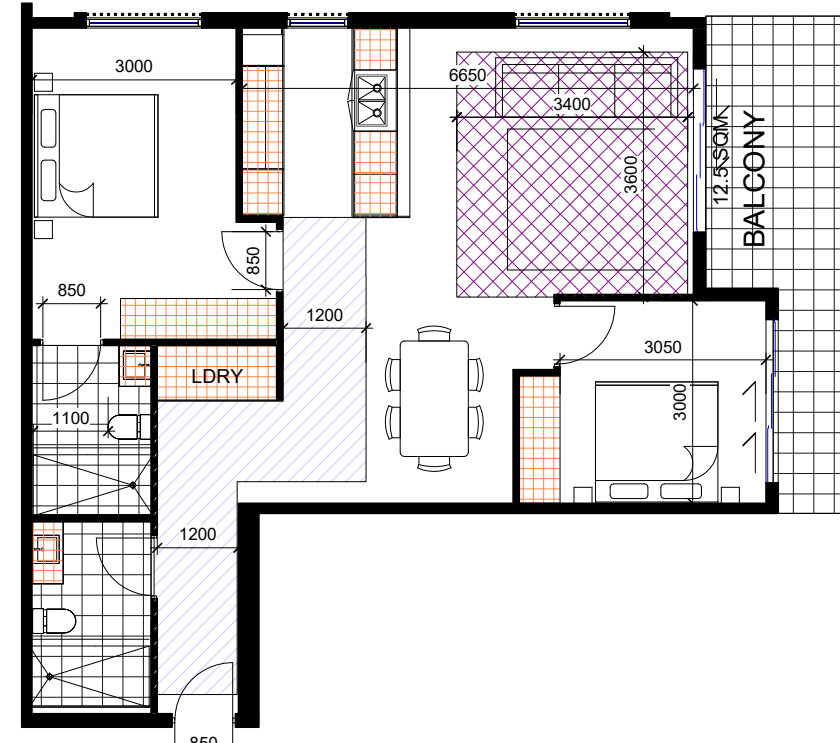
APT G07
95 SQM



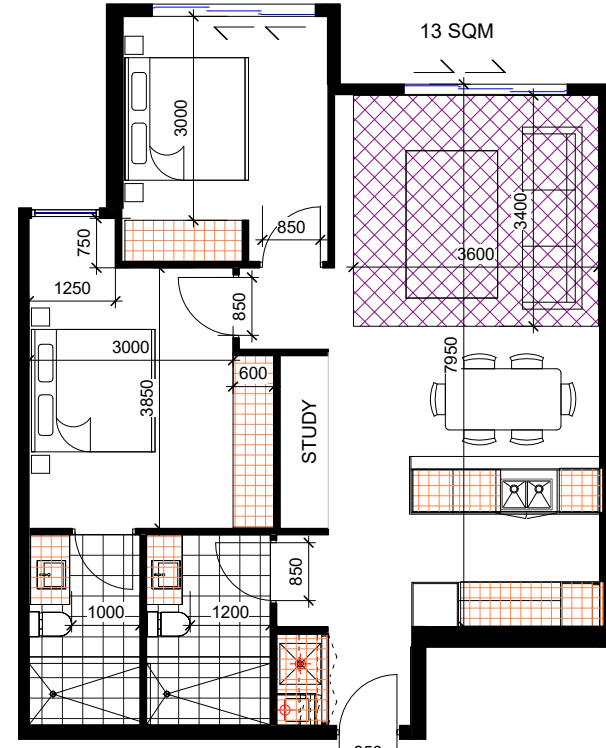
APT G08
90 SQM



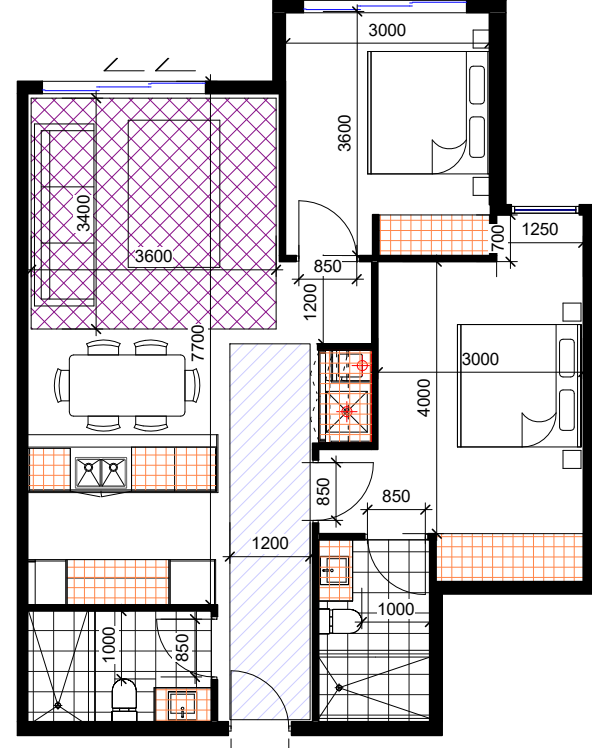
APT 101 APT 201
79 SQM



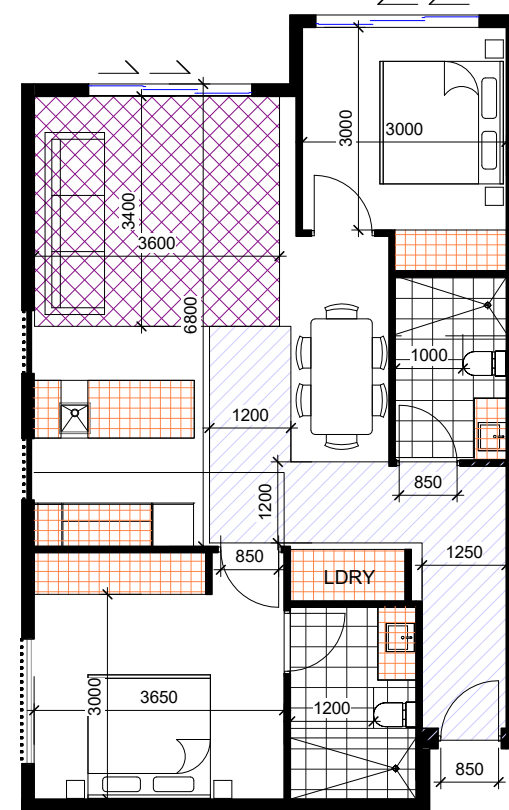
APT 102 APT 202
84 SQM



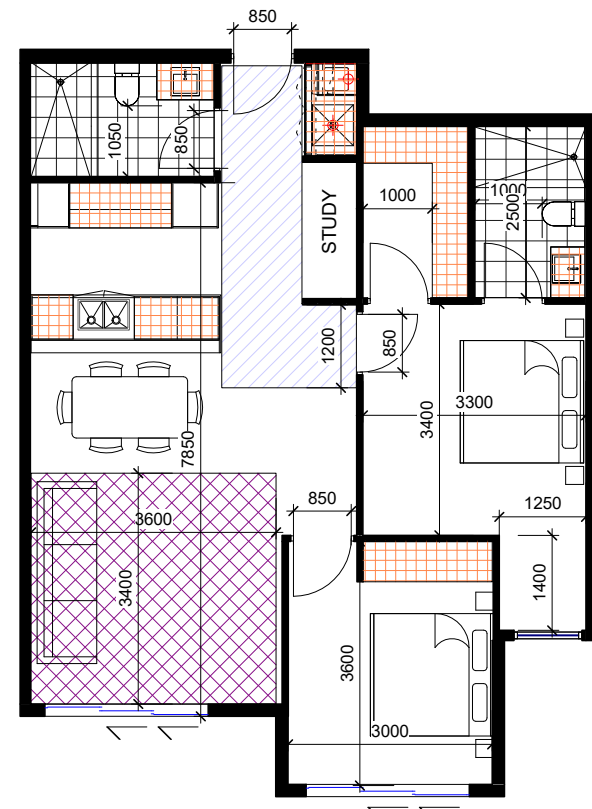
APT 103 APT 203
78 SQM



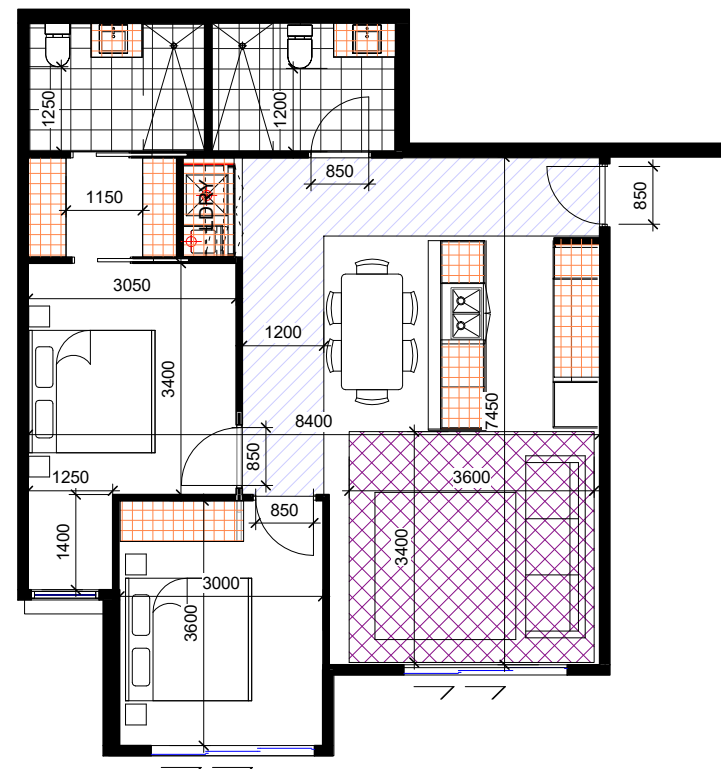
APT 104
79 SQM



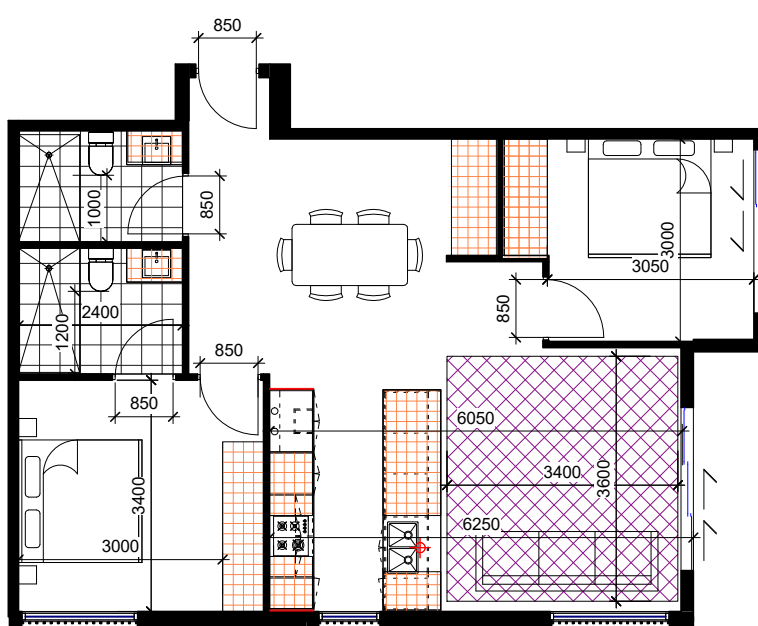
APT 105 APT 106
79 SQM



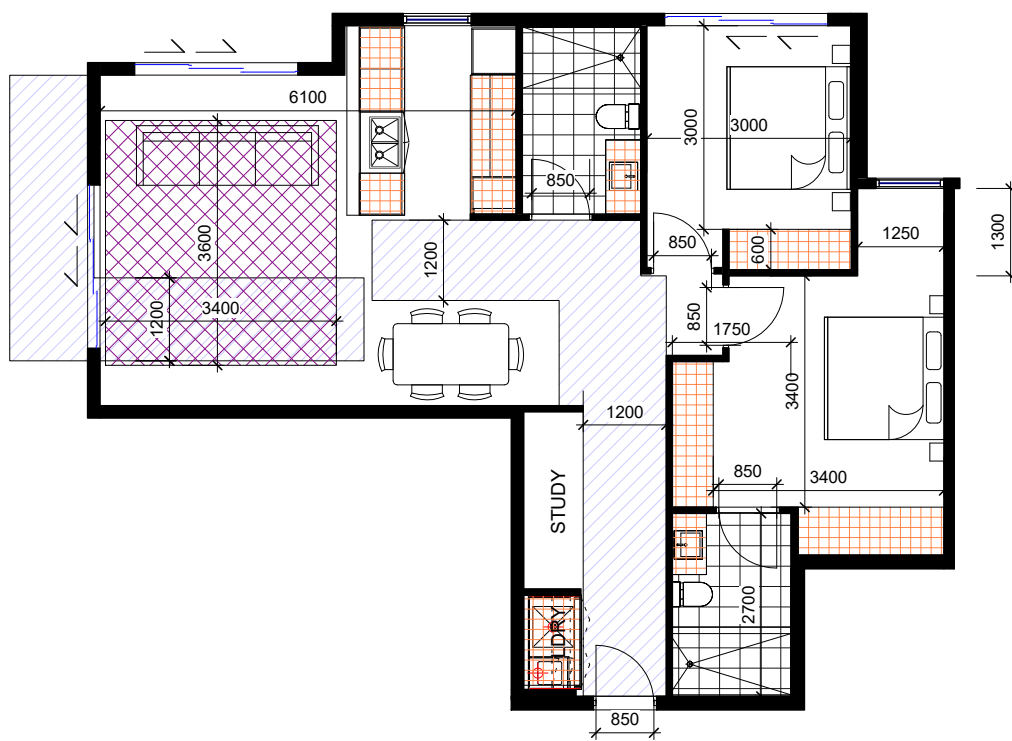
APT 107
80 SQM



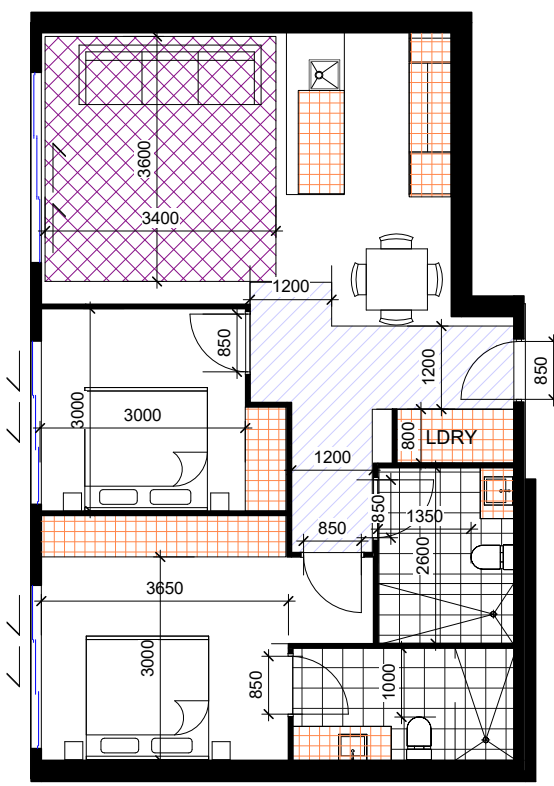
APT 108
79 SQM



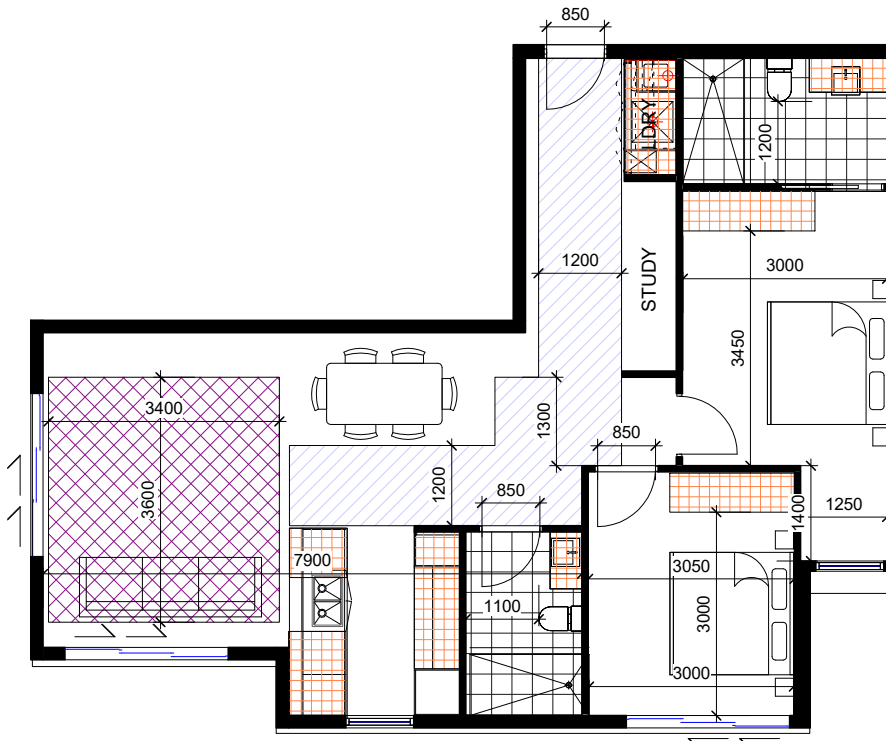
APT 109 APT 209
84 SQM



APT 204
93 SQM



APT 205
76 SQM



APT 206
93 SQM

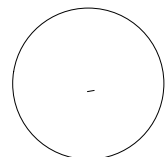
Individual Floor Plans.
1 : 100

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2.	JUL 23	RFI SUBMISSION
3.	AUG 23	RFI SUBMISSION

NO.	DATE	AMENDMENT



PROJECT:
48-52 Riversdale Rd Hawthorn

ADDRESS:
48-52 Riversdale Rd Hawthorn

DRAWING:
Individual Floor Plans

JOB NO:
2204

SCALES:
1 : 100

AUTHOR:
PP

DATE:
29-08-23

DRAWING NO:

TP-19

A1 size sheet.

REV:

3

NOTICE INFORMATION
Date of Notice: 7/9/2023



1 Individual Floor Plans
1 : 100

APARTMENT	INTERNAL STORAGE M3	EXTERNAL STORAGE M3	TOTAL
G01	7.3	5.1	12.4
G02	19	2.7	21.7
G03	15.8	2.7	18.5
G04	15.6	2.7	18.3
G05	17.9	2.7	20.6
G06	17.9	2.7	20.6
G07	12.6	2.7	15.3
G08	14.5	2.7	17.2
101	12	2.7	14.7
102	12	5.1	17.1
103	12.5	5.1	17.6
104	12.2	5.1	17.3
105	12	5.1	17.1
106	12	5.1	17.1
107	13.2	5.1	18.3
108	12.8	5.1	17.9
109	11.5	5.1	16.6
201	12	2.7	14.7
202	12	5.1	17.1
203	12.5	5.1	17.6
204	12.2	5.1	17.3
205	11.7	5.1	16.8
206	12.6	5.1	17.7
207	12.2	5.1	17.3
208	11.5	5.1	16.6
209	11.5	5.1	16.6
301	12.8	5.1	17.9
302	16.5	5.1	21.6
303	13	5.1	18.1
304	17	5.1	22.1

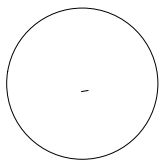
Storage Schedule

PITARD GROUP

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3.	AUG 23	RFI SUBMISSION

No.	DATE	AMENDMENT



PROJECT:
48-52 Riversdale Rd Hawthorn

ADDRESS:
48-52 Riversdale Rd Hawthorn

DRAWING:
Individual Floor Plans

JOB NO:
2204

SCALES:
1 : 100

AUTHOR:
PP

DATE:
29-08-23

DRAWING NO:

TP-20

A1 size sheet:

REV:

3

3.2 10 Cross Street Canterbury - Construct a Single Dwelling in Heritage Overlay

10 Cross Street, Canterbury- Construct a single dwelling in Heritage Overlay.

Application no.:	PP22/0465
Responsible director:	Scott Walker, Director Urban Living
Authorised by:	David Cowan, Manager Planning and Placemaking
Report officer:	Nikhil Shah, Urban Planner

Executive Summary

Proposal

The proposal seeks to construct a double-storey single dwelling on the lot, with a basement sub level (provided with internal access only). The proposed dwelling will be sited within the previously approved building envelope associated with PP20/0351. The proposed dwelling will be contemporary in form whilst utilising design elements and materiality from the wider heritage streetscape to sensitively integrate into the existing residential neighborhood.

Issues

The following are key issues in respect of this application:

- The design response of the proposed dwelling with respect to the Heritage Overlay.
- The scale, height, and massing of the dwelling.

Officer's response

The decision plans provide a considered response against relevant controls and policy. Heritage concerns have been addressed and implemented sufficiently. On balance the proposal is an appropriate outcome which should be supported.

Details of the proposal, discussion of all objections and assessment against relevant controls and policies are contained in the attachment to this report.

Officers' recommendation

That the Urban Planning Delegated Committee resolve that Notice of Decision to Grant Planning Permit No. PP22/0465 for construction of one dwelling on a lot in a Heritage Overlay generally in accordance with the plans advertised on 24 October 2023 at 10 Cross Street, Canterbury be issued under the Boroondara Planning Scheme subject to the following conditions:

Amended plans required

1. Before the development starts, amended plans to the satisfaction of the responsible authority must be submitted to and approved by the Responsible Authority. The plans must be drawn to scale with dimensions and electronic copies provided (unlocked PDF). When the plans are endorsed they will then form

part of the permit. The plans must be substantially in accordance with the plans advertised on 24 October 2023 but modified to show:

- a. The provision of a full-colour schedule of external materials showing the proposed palette of materials and finishes (including a physical sample board of all external materials and finishes) selected for all sides of the building. The samples must demonstrate the development consists of high quality, durable materials.
- b. Modifications to the fence design and materiality to a simplified, contemporary style timber picket which maintains the approximate height, spacing and visual permeability of traditional picket fences in the vicinity, e.g., nearby contributory property at 8 Cross Street.
- c. Modifications to the colour of the front door and garage door from dark brown to light brown.
- d. The width of the pedestrian pathway reduced to a maximum width of 1.2 metres.
- e. Glazing to be provided on either side of the entry door. The entry door to remain the same size.
- f. A Landscape Plan in accordance with Condition 3

Layout not to be altered

2. The layout of the site and the size, levels, design and location of buildings and works shown on the endorsed plans must not be modified for any reason without the prior written consent of the Responsible Authority.

Landscape plan

3. A landscape plan to the satisfaction of the responsible authority must be submitted to and approved by the Responsible Authority. The plan must be drawn to scale with dimensions and electronic copies provided (unlocked PDF). When endorsed, the plan will form part of the permit.

The landscape plan must show:

- a. A planting schedule of all proposed trees, shrubs and ground covers.
- b. Details of surface finish of all pathways, paved areas and accessways.
- c. At minimum, incorporation of one (1) canopy tree (minimum two metres tall when planted and must achieve a minimum mature height of 10 metres and canopy spread of 5 metres) and a row of shrubby behind the fence line in the front setback of the property.

Drainage

4. The site must be drained to the satisfaction of the Responsible Authority.

Permit to expire:

5. This permit will expire if:
 - a) The development does not start within two (2) years of the issue date of this permit; or
 - b) The development is not completed within four (4) years of the issue date of this permit.

The Responsible Authority may extend the times referred to if a request is made in writing before the permit expires or:

- (i) within six (6) months afterwards if the development has not commenced; or
- (ii) within twelve (12) months afterwards if the development has not been completed.

Council and the Victorian Civil and Administrative Tribunal are unable to approve requests outside of the relevant time frame.



PLANNING & PLACEMAKING OFFICER'S REPORT

Clause 43.01-1 (Heritage Overlay) Construct a building, and construct and carry out works (one new dwelling), including a fence.

Application Number	PP22/0465
Date Application Received	22 June 2022
Planning Officer	Nikhil Shah
Delegate	David Cowan
Applicant	Ratio Consultants Pty Ltd C/- Christopher Marulli
Property Address	10 Cross Street, Canterbury
Zoning	Clause 32.09 - Neighbourhood Residential Zone - Schedule 3
Overlays	Clause 43.01 - Heritage Overlay (HO145 - Maling Road Shopping Centre and Residential Environs)
Particular Provisions	None
Permit Triggers	Clause 43.01-1 (HO) of the Boroondara Planning Scheme, a permit is required to: <ul style="list-style-type: none"> Construct a building or construct or carry out works, including: <ul style="list-style-type: none"> A fence.
Aboriginal Cultural Heritage	No
Encumbrance	Yes - Refer to Section 173 discussion section of this report.
Potential Overland Flow?	No
Advertised?	Public notice of the application was given three times: <ol style="list-style-type: none"> 22 November 2022 17 August 2023 24 October 2023 by Council posting notices to abutting and nearby property owners and occupiers and by the display of a sign(s) on the site for a period of not less than 14 days.
Ward	Maling
Number of Objections Received	18
Plans Assessed in this Report	Plans advertised on 24 October 2023

Recommendation	Notice of Decision to Grant a Planning Permit, subject to conditions.
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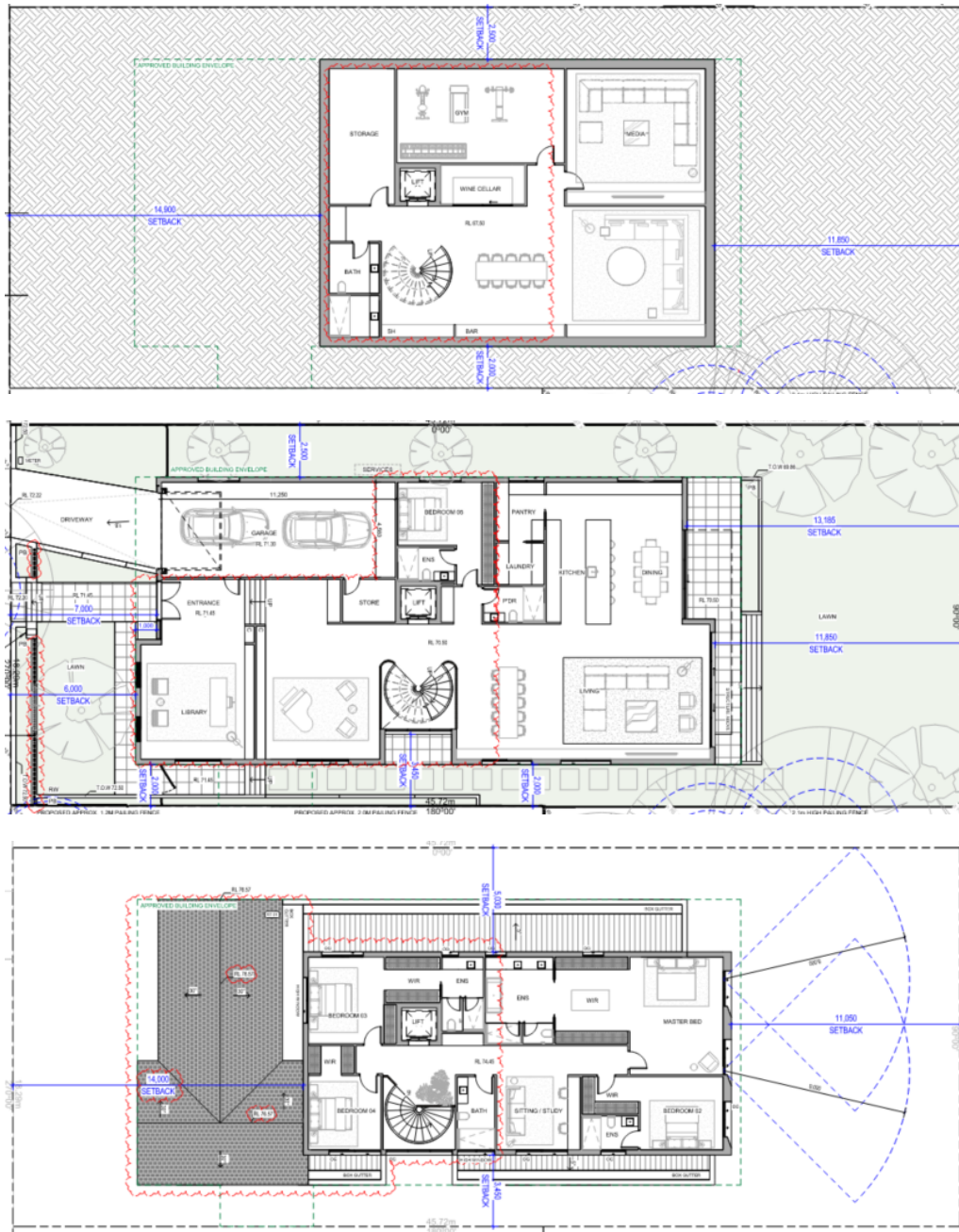
PROPOSAL

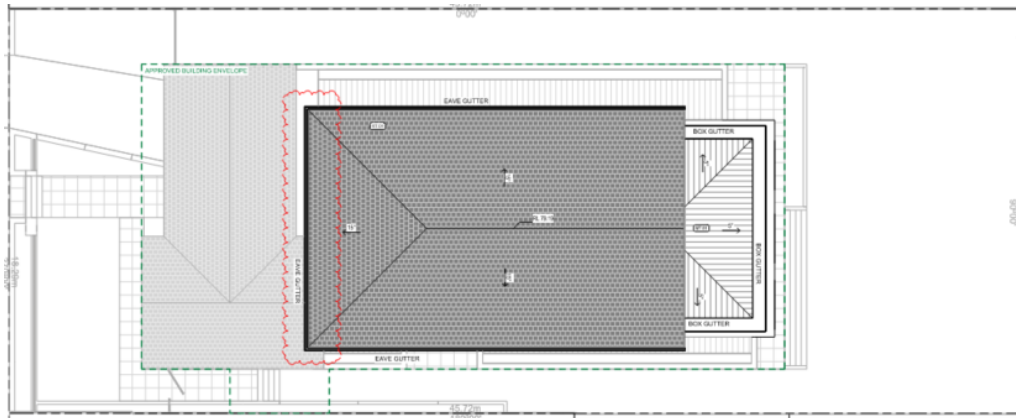
Details of the proposal are summarised as follows:

- Construct one double-storey single dwelling on the lot, with a basement sub level (provided with internal access only).
- On-site vehicle accommodation by way of a single driveway and double garage in a tandem configuration.
- Access to the site to be provided by utilising the existing crossover in the south-west corner.
- The proposed dwelling would be constructed with a contemporary transverse and gable roof to the ground floor and a hipped roof at first floor.
- External materials include brick (light cream) and metal cladding (dark brown).
- The finishes pallet is generally neutral, composed of mid grey, cream and charcoal colours.
- The roof pitch, window proportions and street presentation of the development is illustrated below:



Above - Architect's 3D depiction of the development.





Above - Architectural floor plans

PERMIT HISTORY

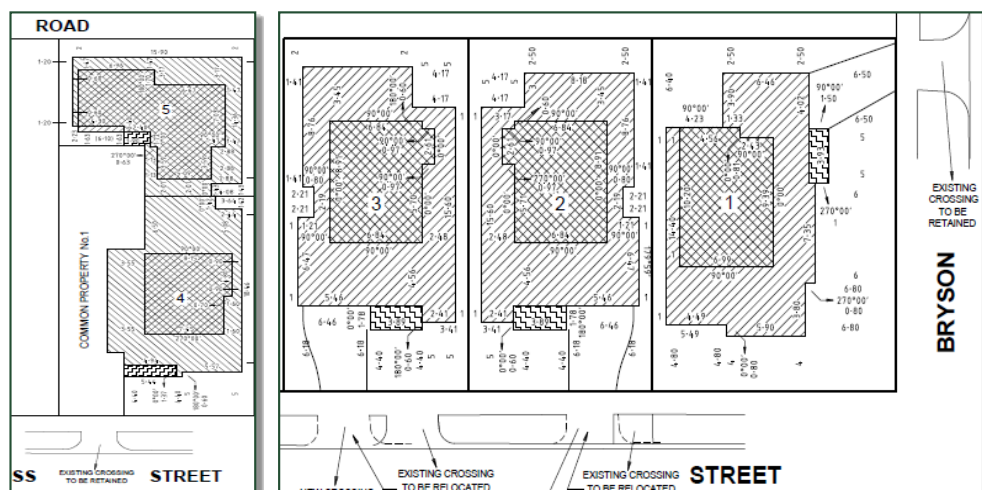
The subject site was formally one lot (parent lot) with No.12 Cross Street and No. 25 Bryson Street. Details of previous applications for the parent and subject sites are as follows:

- Planning Permit, CAM.2458A issued 28 September 1982 for alterations and extensions to an existing private hospital (demolish residence at 10 Cross Street to provide an extension and parking).
- Consolidation of 25 Bryson Street and 10 Cross Street - 5 July 1982.
- Planning Permit, BOR/99/00627 issued 11 November 1999 allowed demolition and construction of works for installation of air conditioning units on the roof.
- Planning Permit, PP13/01312 was refused by Council for the demolition of an existing building and construction of town house style five dwellings.
 - It was refused on the grounds the size, scale and façade height and setbacks did not meet Council's Heritage Policy and would be dominant in the streetscape and resulted in overlooking implications.



Above - Planning Permit, PP13/01312 Decision façade elevation under

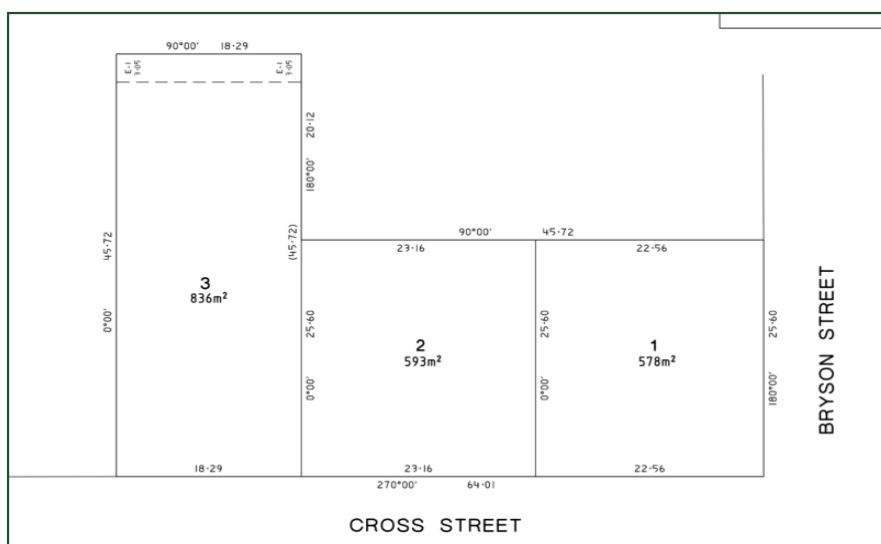
- Planning Appeal, PA14/00071 Tribunal issued a decision dated 11 February 2015 upholding Council's decision under Planning Permit Application, PP13/1312. Noting the following:
 - *Non-contributory places are included in the heritage overlay because their development may have impact on the cultural heritage significance of the precinct or heritage places.*
 - *The design falls short of being respectful with the built form dominating.*
 - *First floor balconies project into the street setback.*
 - *The roof ridges of dwellings 2, 3 and 4 are higher than the contributory Victorian Villa at 8 Cross Street and are forward and wider in total than 8 Cross Street.*
- Planning Permit, PP13/01150 allowing the demolition of the existing building and subdivision of the land into five lots was granted by Council in March 2017. The application detailed building envelopes and a common property driveway to enable two dwellings at the western end of the site (previously No. 10 Cross Street). The permit was not acted upon and expired.



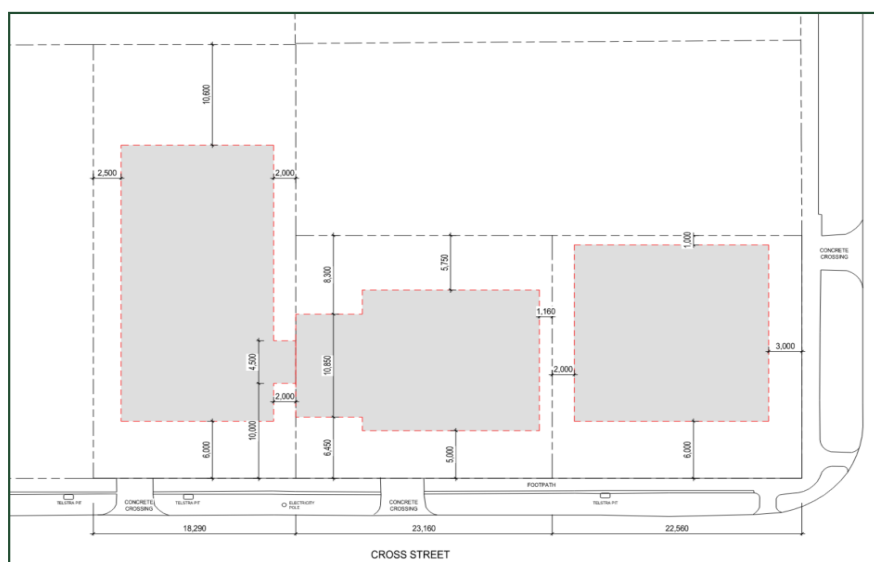
Above: Previously approved subdivision layout. PP13/01150

- Planning Permit, PP20/0351 allowed the demolition of the existing building and subdivision of the land into three lots and was granted by Council on 15 October 2020, details as follows:
 - A building envelope for the lots was approved.
 - The existing 3.05m easement will be retained along the northern boundary.
 - Lot 1 (now No. 25 Bryson Street) will be vacant with access via Bryson Street, with a total area of 578sqm.

- Lot 2 (now No. 10 Cross Street) will be vacant, with access via Cross Street with a total area of 593sqm.
- Lot 3 (now the subject site) will be vacant, with access via Cross Street with a total area of 836sqm.



Above: Planning Permit, PP20/0351 approved Subdivision layout



Above: Planning Permit, PP20/0351 approved building envelope plan.

- Following approval of Planning Permit, PP20/0351 the parent lot was subdivided into three individual titles and a development permit application made separately for each, as follows:

- No. 25 Bryson Street application PP22/0590 for one new double storey dwelling was lodged on 18 July 2022.
- No. 12 Cross Street, application PP22/0515 for one new double storey dwelling was lodged on 22 June 2022.
- This application for the subject site was made on 6 June 2022.

THE SITE

Prior to Subdivision (Parent Site)

Subdivision Planning Permit, PP20/0351

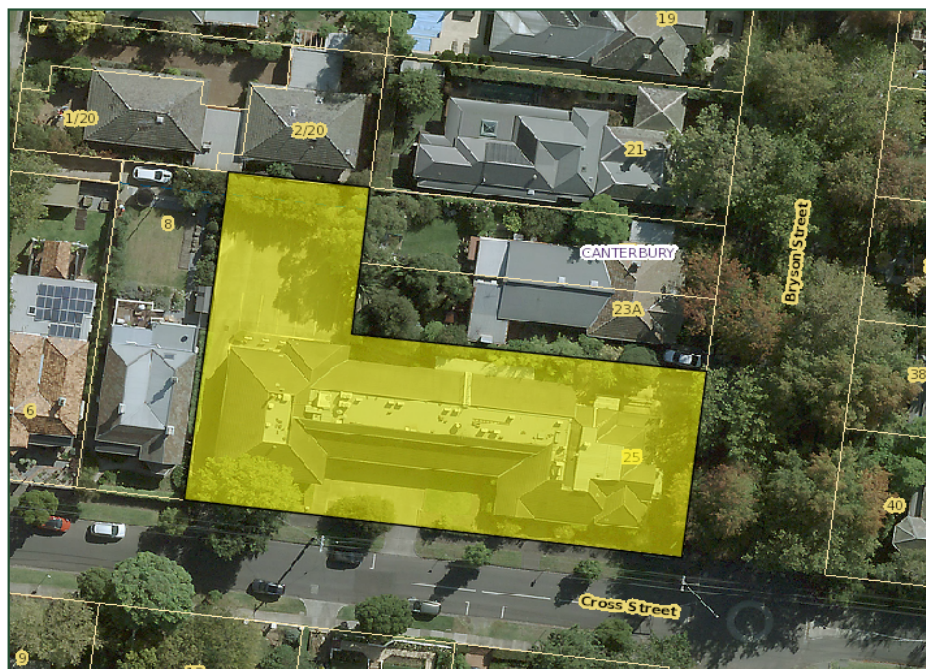
Prior to demolition and subdivision, the parent site was irregular in shape and contained a building previously used for a private hospital clinic, known as “Lindley Clinic” which comprised of a single storey Victorian building constructed of white rendered brickwork with a slate roof. The building has since been demolished.



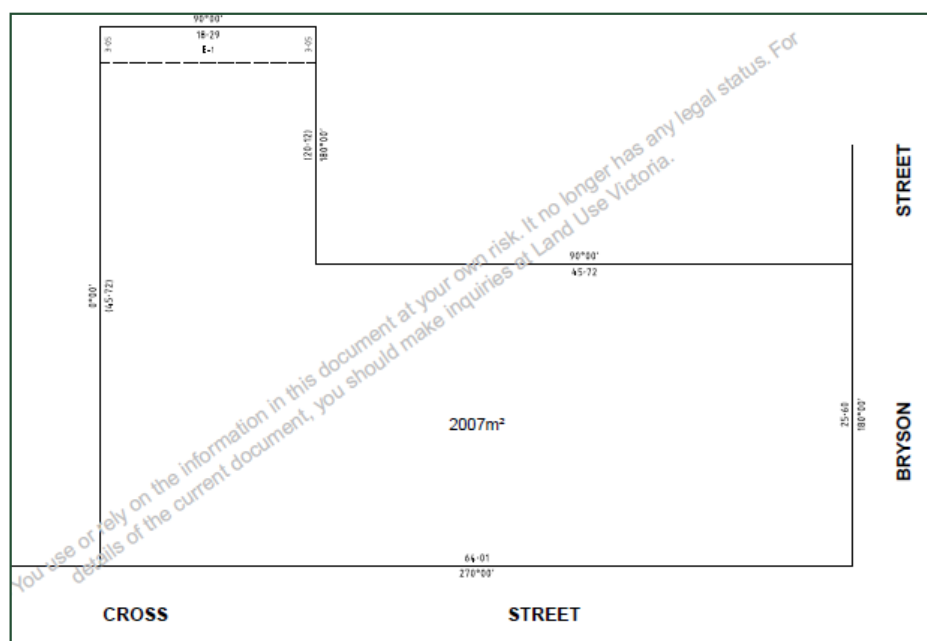
Above: Street view of the parent site taken from Cross Street.



Above: Street view of the parent site taken from Bryson Street. (Staff parking)



Above: Aerial view of the parent site - as of 2016 and prior to subdivision.



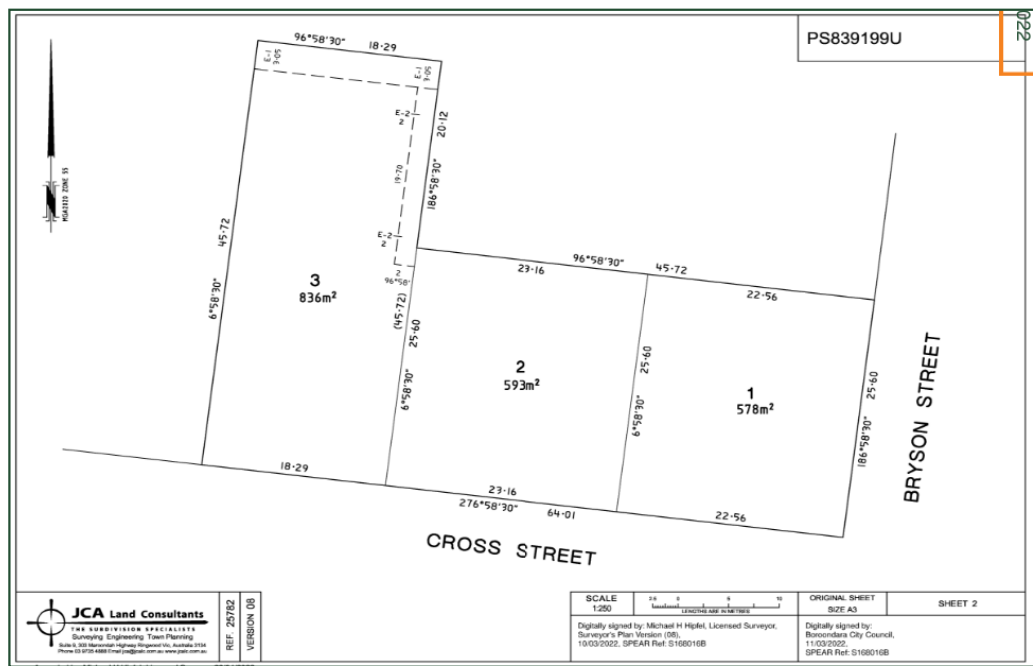
Above - Title Plan as of 2016.

Current Subject Site Conditions

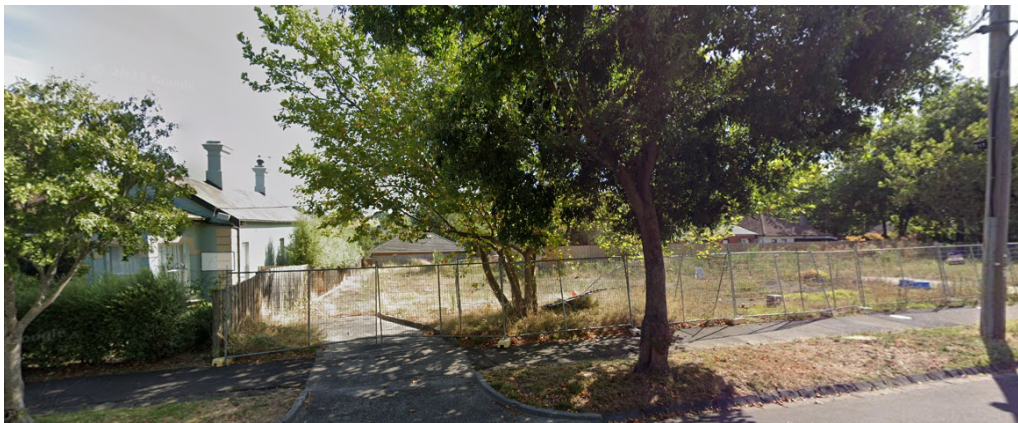
The site is formally known as Lot 3 on Plan of Subdivision 839199U (newly created lot under Planning Permit No. PP20/0351). The key features of the site are summarised as follows:

- The site is currently vacant as the previous building (addressed No. 25 Bryson Street) has been demolished.
- Vehicle access to the site is currently from the southern western boundary along Cross Street.
- The subject site is devoid of vegetation with the exception of a tree at the front proposed to be removed.
- There is no fencing currently erected to the Cross Street frontage.
- The site contains a moderate slope of 3m from the south (street) to north (rear).

Width of Frontage	18.29 m
Maximum Depth of Site	45.72 m
Total Site Area	836 sqm
Easements	The subject site is not encumbered by any easements.
Fall of the Land	The site has a moderate fall of 3m from south to north.



Above - Plan of Subdivision, subject site identified as Lot 3.



Above - Subject site street view, looking north from Cross Street.

SECTION 173 AGREEMENT

The title is encumbered by Section 173 Agreement AU906208E (created 12 October 2021) which enforces a building envelope on the land to ensure only one dwelling can be constructed on the lot created by the subdivision permitted under Planning Permit No. PP20/0351.

Section 1 of the Agreement provides a definition for the planning permit which approved the building envelope plan.

Planning Permit means planning permit no. PP20/0351, as amended from time to time, issued on 1 December 2020, authorising demolition of an existing building and subdivision of land into three (3) lots in a Heritage Overlay on the Subject Land in accordance with the Endorsed Plan.

Section 6 of the Agreement outlines the Owner's specific obligations for the land which restrict development to the approved building envelope, as follows:

6. Owner's specific obligations

The Owner covenants and agrees that:

6.1 Building Envelopes

6.1.1 except with Council's prior written consent:

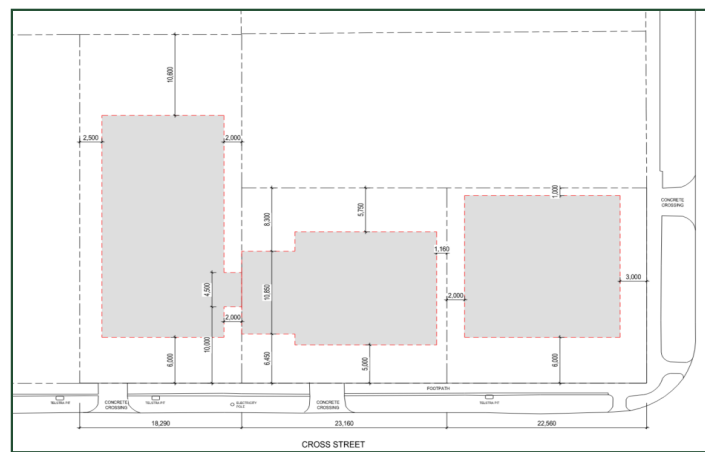
(a) the Subject Land must only be developed within the approved Building Envelope; and

(b) the Owner must not build, construct or erect or cause or permit to be built, constructed or erected any Dwelling outside the Building Envelope.

6.2 Restriction on number of Dwellings on a Lot

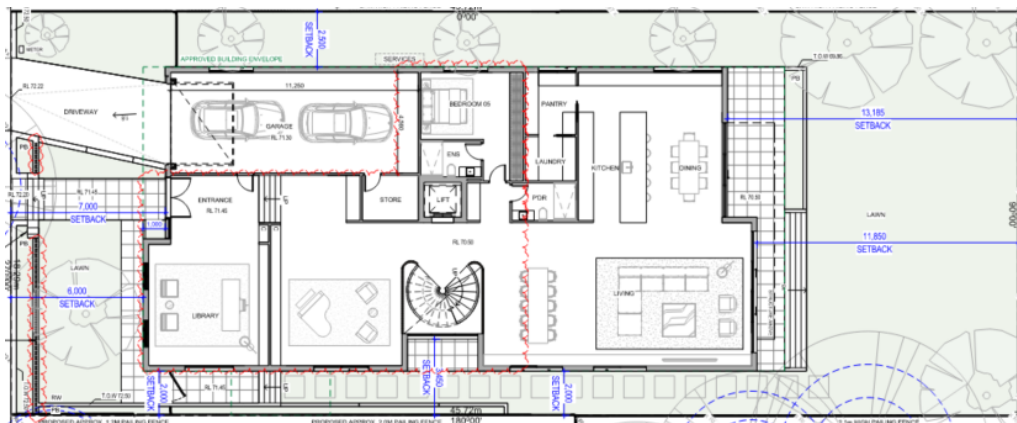
6.2.1 except with Council's prior written consent, the Owner must not build, construct or erect or cause or permit to be built, constructed or erected more than one Dwelling on each Lot;

An extract of the approved building envelope plan is provided below.



Above - Approved Building Envelope Plan.

The proposed development footprint would not extend beyond the approved building footprint, illustrated in the Ground Floor Plan below.



Above - Proposed Ground Floor Plan, building envelope shown in a green dashed line.

THE SURROUNDING AREA



Above - Aerial image of the subject site (red), parent lot now (blue) and surrounding area. Weave, 2023.



Above - Heritage Overlay and Grading Map of the subject site (red) and surrounding area

The site is located within an established residential area affected by Heritage Overlay, HO145. The area contains a highly consistent collection of single storey, historic dwellings, featuring large or steeply pitched roofs.

Infill development almost entirely comprises rear second storey additions with very few contemporary dwellings present. Lot frontages are wide, ranging from around 10 metres to 20 metres, and provide for vegetated gardens.

Dwellings are generally detached, with side setbacks of at least 1.0 metre. Most lots are provided with deep rear gardens, often planted with mature vegetation. This, coupled with the mature canopy trees in most streets creates an established, leafy character.

Building materials generally vary between timber cladding and red brick. Front fences are generally low, up to 1.2 metre high, and are constructed from timber pickets or low masonry walls depending on the era and design of the dwelling.

North

The site's rear back yard aligns with that of 'Non Contributory' graded lots No. 1/20 and No. 2/20 Scott Street. The sites are developed in tandem with a single storey dwelling for each, with a shared crossover accessway from Scott Street.

The dwellings feature pitched terracotta tiled roofs with a brick finish. A medium height timber picket fence and modest hedging fronts onto Scott Street. A mature street-tree is located within the nature strip.

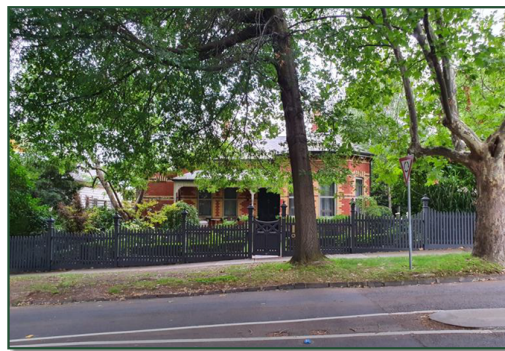


Above - Nos. 23 and 23A Bryson Street

East

Directly east of the site is No. 12 Cross Street and No. 25 Bryson Street which were formally part of the recently subdivided *Parent Title*. The land is currently cleared and vacant.

Further east, on the opposite side of Bryson Street is No. 40 Bryson Street. The site consists of a single storey 'Contributory' graded dwelling constructed in brick with a pitched tiled roofing.



Above - Nos. 12 Cross & 25 Bryson Street view looking north-west (left). No. 40 Bryson Street view (right).

South

On the opposite side of Cross Street is the land developed at Nos. 13 and 15 Cross Street. These lots are all graded 'contributory' within the heritage precinct and are developed with dwellings from the Victorian and Federation periods.



Above - Nos. 15 Cross Street (left) and 13 Cross Street (right).

West

Directly to the west of the site are Nos. 6 and 8 Cross Street (shown below), both single storey Federation-era dwellings are graded 'contributory' to the heritage precinct.



Above - No. 8 Cross Street, Canterbury (left) and No. 6 Cross Street, Canterbury (right)

AMENDMENTS TO THE PROPOSAL

An amendment to a planning application was lodged with Council after notification.

The proposed changes are as follows:

Date Received	Amendments	Amendment Type
03 July 2023	<ul style="list-style-type: none"> Complete re-design of proposed new dwelling Proposed variation to previously approved building footprint (PP20/0351) 	S57A

Public notice of the amended application was given on (17 August 2023) by Council posting notices to abutting and nearby property owners and occupiers and by the display of a sign(s) on the site for a period of not less than 14 days.		
13 October 2023 & 23 October 2023	<ul style="list-style-type: none"> • <i>Re-design of proposed new dwelling</i> 	S57A
Public notice of the amended application was given on (24 October 2023) by Council posting notices to abutting and nearby property owners and occupiers and by the display of a sign(s) on the site for a period of not less than 14 days.		

CONSULTATION MEETING

A consultation meeting was held on the 3 October 2023, with the following parties in attendance:

- Ward Councillor (Cr Addis).
- Objectors.
- Applicant (two Ratio Planning consultants).
- Architect.
- Site owner.
- Two planning officers; and
- Statutory Urban Planning Coordinator.

Summary of Discussions

The discussions were related to the three-development permit applications relating to the former parent lot.

The following issues were discussed, particularly relating to the massing, scale, response to heritage character (form, design detailing, materials, finishes), landscaping, car parking arrangements, and to how the intensification of the sites may reduce the amenity of surrounding land by way of overlooking.

Details of Discussions (relating to No. 10 Cross Street)

- **Massing and Scale:** Concerns were raised the development would result in a departure from the predominant single storey original scaling of the environs. Revised S57A plans submitted for 10 Cross Street address these issues.
- **Response to Heritage:** Finds the detailing, material/finish pallet, and forms do not go far enough to respond to the heritage environs.

Council's heritage advisor provided comment on this aspect of the proposal which is discussed in Appendix A and the Planning Assessment section of this report below. Conditions are further recommended to ensure this matter is resolved. See Materials, surface finishes and details section of this report.

- **Landscaping:** Concerns were raised the landscaping provided does not go far enough to ensure the development provides a response to the heritage garden setting of the surrounding area. Conditions are recommended to ensure the development provides an appropriate landscaping response. See Landscaping section of this report.
- **Car parking arrangements:** The permit applicant advised the parking requirements for the development. It was also advised the application is assessed against the controls of the Heritage Overlay only, and as such Clause 52.06 (Car Parking) does not apply.
- It was also raised delays in approval of the development would reduce property values as the sites are left vacant.

Outcome

One objection was withdrawn as a result of the meeting and a letter of support submitted.

REFERRALS

Please see full referrals in Appendix A to this report. A summary of each is provided below.

Internal Referrals

Heritage Consultant	<p>Supported subject to conditions</p> <p>Council's Heritage Advisor has provided detailed written comments in relation to the proposal.</p> <p>The Heritage Advisor is generally supportive of the proposal subject to changes to the material and finishes pallet and proposed front fence. These matters are addressed by permit conditions.</p>
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GOVERNANCE ISSUES

The implications of this report have been assessed and are not considered likely to breach or infringe upon the human rights contained in the Victorian Charter of *Human Rights and Responsibilities Act 2006*.

The officers responsible for this report have no direct or indirect interests requiring disclosure.

CONSIDERATIONS

In assessing this application, consideration has been given to the following:

- The objectives of planning in Victoria as detailed in Section 4 of the *Planning & Environment Act 1987*;
- Section 60 of the *Planning & Environment Act 1987*;
- The relevant provisions and decision guidelines of the Boroondara Planning Scheme including the decision guidelines of Clause 65; and
- Any objections received.

This proposal does not raise any significant adverse social or economic impacts. General social and economic impacts are addressed by the planning policy assessment below.

PLANNER'S ASSESSMENT

The following planning policies are relevant to the assessment of the current application:

- Clause 15 - Built Environment & Heritage
- Clause 15.03-1L - Heritage
 - Clause 15.03-1S - Heritage Conservation
 - Clause 15.03-1L - Heritage in Boroondara

Mandatory Zoning Requirements

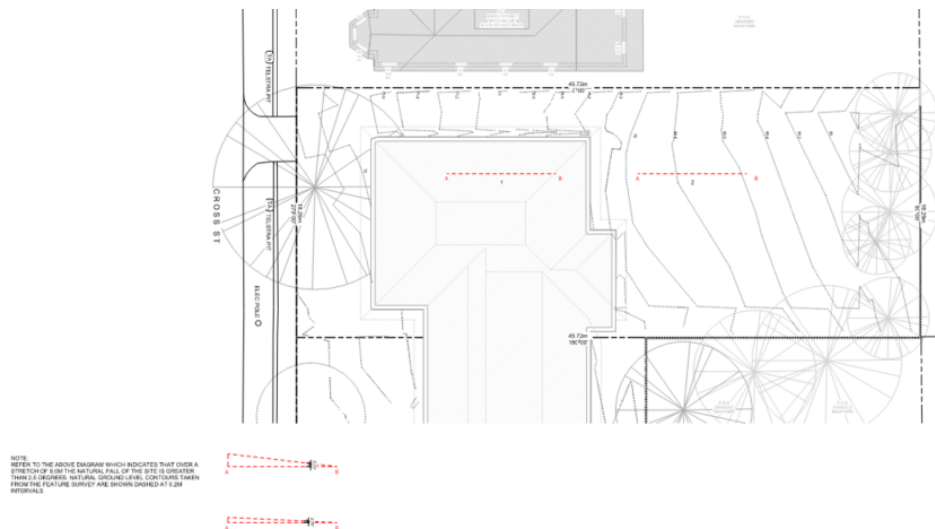
The proposal complies with the following mandatory requirements within the Neighbourhood Residential Zone - Schedule 3.

Clause 32.09-4 Minimum Garden area requirement

Minimum Garden Area Requirement			
Lot size	Requirement	Proposed	Assessment
Above 650m ² (836 m ²)	35% 292.6 sqm	46 % 398 sqm	✓ Complies

Clause 32.09-9 Maximum Building Height

Mandatory Maximum Building Height (NRZ3)			
	Max Allowable	Proposed	Assessment
Building height requirement	10m	9.36 m	✓ Complies
Maximum number of storeys	2	2	✓ Complies



Above - Refer to the above diagram which indicates over a stretch of 8.0m the natural fall of the site is greater than 2.5 degrees. Natural ground level contours taken from the feature survey are shown dashed at 0.2m intervals. As such the site benefits from an extra 1m towards the maximum building height. The allowable maximum building height is 10m.

Heritage Significance

Heritage Overlay:

Clause 43.01 (Heritage Overlay) Purpose is outlined as follows:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To conserve and enhance heritage places of natural or cultural significance.
- To conserve and enhance those elements which contribute to the significance of heritage places.
- To ensure that development does not adversely affect the significance of heritage places.
- To conserve specified heritage places by allowing a use that would otherwise be prohibited if this will demonstrably assist with the conservation of the significance of the heritage place.

Statement of Significance:

The subject site is located within the *HO145 - Maling Road Shopping Centre and Residential Environs, Canterbury* precinct which is an area of local, historical, and architectural significance to the City of Boroondara, as follows:

- The precinct is a comprehensive and architecturally notable illustration of the effect of the railway's arrival in the Victorian era and the railway's further development around WWI. This is expressed, in part, in the distinctive street pattern that runs axially from the Canterbury Railway Station. It is also expressed in the well preserved residential and commercial development which was largely complete by WWII.
- The Maling Road and Canterbury Road commercial strips demonstrate a high level of architectural excellence, strong Victorian, Federation and interwar-era expression and a high degree of visual cohesion. The Maling Road strip also contains individually notable buildings that have a high degree of integrity and landmark value; the Post Office (1908), the Canterbury Theatre (1912), Malone's Hotel (1889) and the former Station Masters Quarters at 83 Maling Road (c1987).
- The place is a highly representative Victorian and Federation-era residential precinct with individually notable houses. The precinct is interspersed with strong and well preserved interwar elements that offer an historic and architectural contrast and create streetscapes of high aesthetic interest.
- The precinct contains well preserved residential and commercial examples from the 1920s-30s, which reflects the premier status of Camberwell as an urban growth area during that period.
- The precinct has an historic association with Terry & Oakden, the designers of the original Claremont Park Estate and one of Victoria's most important architectural firms, and other important architects of the time such as Ward and Carleton and Ussher and Kemp.
- The precinct includes public landscaping elements such as asphalt paving, basalt pitching, kerbs, channels and mature trees and garden plantings, some of which date from the beginnings of the Claremont Park and Highfield Estates

Heritage

Building Siting

Heritage Policy seeks to orient new buildings and additions/alterations to non-contributory places in a similar manner to the siting of adjacent 'significant' or 'contributory' heritage places and to the heritage precinct as a whole.

Avoid front setbacks that are substantially behind prevailing setbacks of 'significant' or 'contributory' heritage places in the heritage precinct, especially where the heritage precinct has a consistent front setback.

It is proposed to orient the development to front Cross Street, which would maintain the siting patterns of the original places within the Cross Streetscape and to the heritage precinct as a whole and is therefore supported. This is also in accordance with the approved building envelope.

Façade Height and Siting

Heritage Policy seeks to position a new building and design its façade height or an addition/alteration to the façade of a non-contributory place so that it does not dominate adjoining 'significant' or 'contributory' heritage places. The façade should neither exceed in height, nor be positioned forward of, the adjoining heritage place(s).

Design new development so that the height of the façade is consistent with the prevailing heights of 'significant' or 'contributory' heritage places in the precinct, especially where the precinct has a consistent façade height.

The immediate surrounding *contributory* and *significant* graded lots are developed with dwellings of a predominately single storey character. Where double storey scales exist, they are primarily by way of first floor additions to original buildings. These additions are recessive, and largely restricted to the rear of the principal roof form.

Double storey *contributory* and *significant* dwellings in the immediate vicinity of the subject site are identified below at Nos. 7 and 15 Cross Street, 32, 34, 36, and 42 Bryson Street.



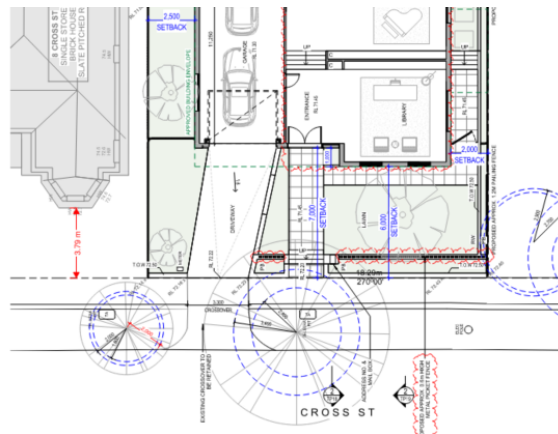
Above - Aerial image of the surrounding area depicting double storey dwellings identified in red.

The proposal presents to the street as a single storey element with a transitional setback of 6 - 7 metres. The front façade is a contemporary interpretation of the

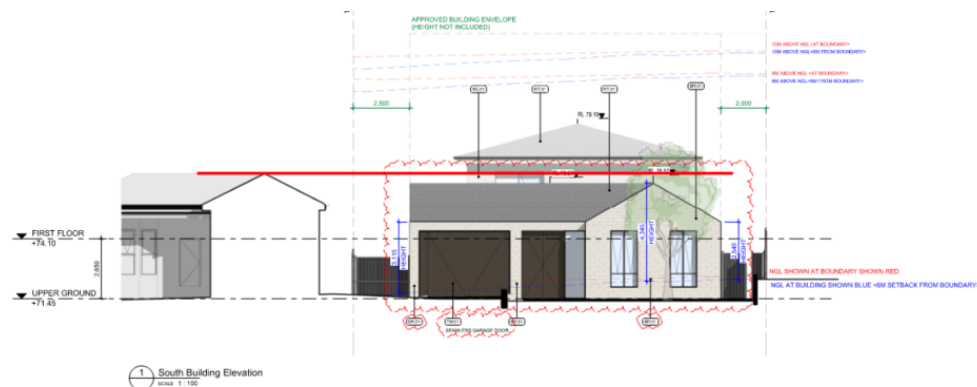
Contributory dwellings at Nos. 6 & 8 Cross Street. Both these dwellings comprise of a gable roof form over a bay window and simple verandah setback behind the bay window.

The proposed design incorporates a gabled roof form along the eastern side with a transverse gable roof form running in a east/west alignment, recessed 1m behind the façade of the gable. The proposed gable has an overall height of 4.345 metres from NGL. As demonstrated below, the form of the replacement dwelling draws design references from the neighbouring contributory property at 8 Cross Street in a modern and simplified manner.

Council's Heritage Advisor notes the average front setback of *contributory* dwellings in the immediate area is 5 to 7 metres. As such, the proposed ground level front setback and façade heights are supported.

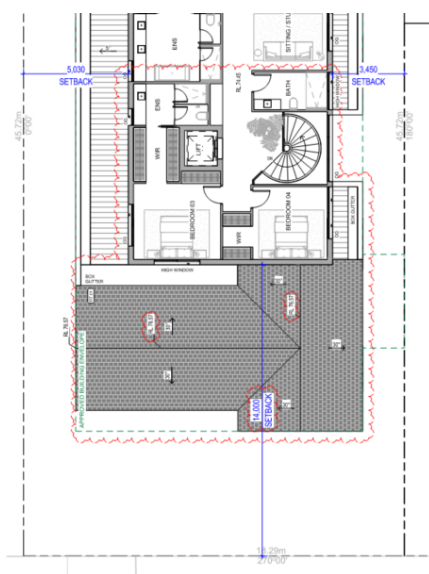


Above - Extract of proposed front setback relative to No. 8 Cross Street



Above - Extract of Street Elevation demonstrating façade height relative to No. 8 Cross Street

The proposed first floor provides a single alignment with a setback of 14 metres to the street with an overall maximum height of 6.79 metres at the first-floor façade (to the top of the eave). The proposed first floor has appropriately been recessed to minimise the presentation of the first floor to the wider streetscape. The combination of the 14 metre setback and transverse roof form over the ground floor element assists in reducing views of the first floor. Whilst policy does not suggest the first floor should be invisible, the recession provided is responsive to the single storey streetscape as identified above. Furthermore, when viewing the subject site from the south western oblique, the proposed siting acts as a transitional form between the Contributory and Non-Contributory dwellings to the east.

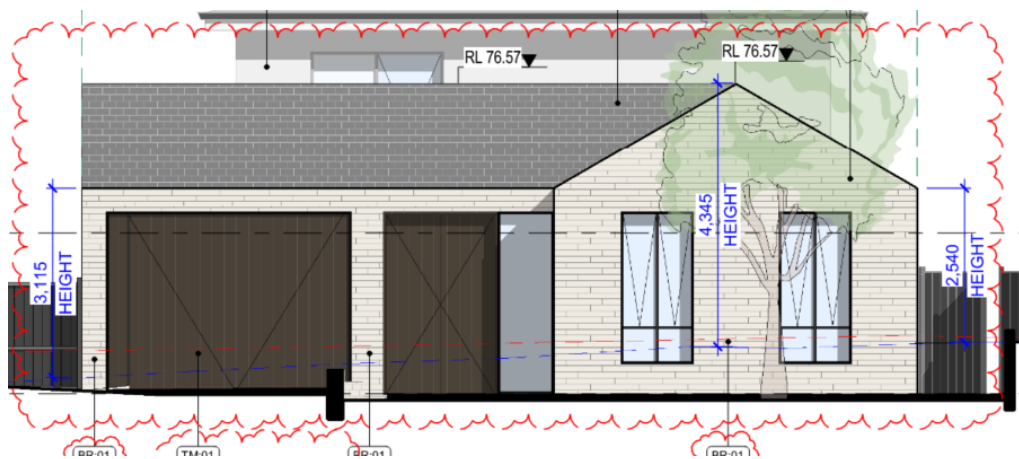


Above - Extract of the First-floor Plan.



Above - Extract of the First-floor Plan.

The proposed front door seeks to have an a-symmetrical glazing element to the right of the door when viewed from Cross Street as shown below. It is noted the glazing is an important feature in articulating the façade and integrating with the wider streetscape. Notwithstanding, the lack of glazing to the left of the front door when viewed front on, increases the prominence of the garage door as it blends with the front door. It is recommended to provide glazing on either side of the front door to create balance and improve the presentation to the street. This is proposed to be addressed through a permit condition.



Above - Extract of the proposed front door and associated glazing

Proposed Condition:

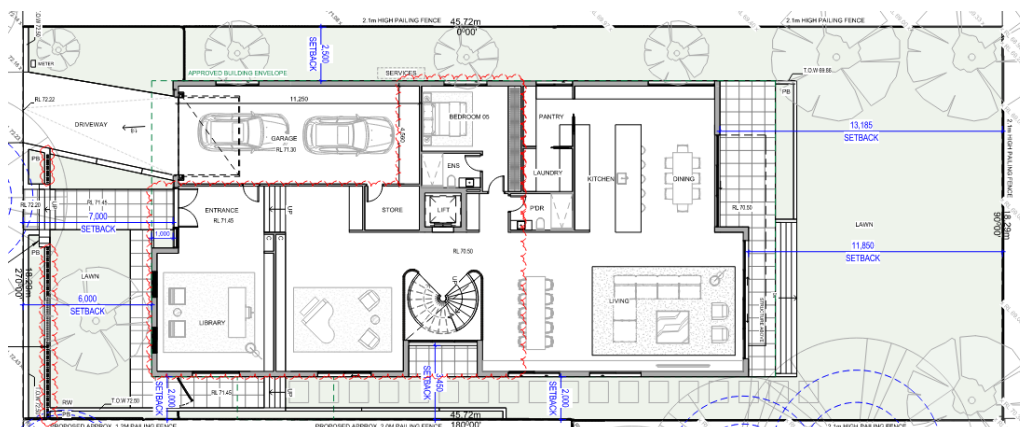
Glazing to be provided on either side of the entry door. The entry door to remain the same size.

Side Setbacks

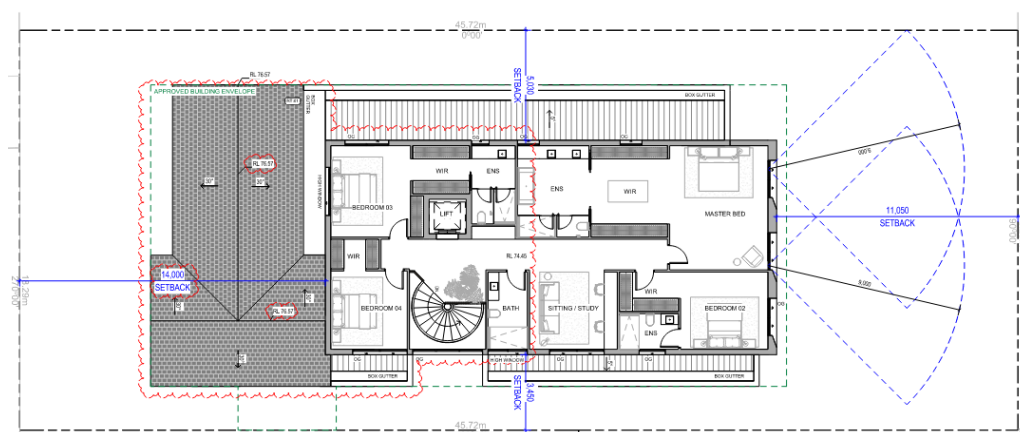
Heritage Policy seeks to provide side setbacks consistent with the setback of adjacent 'significant' or 'contributory' heritage places.

It is proposed to have a 2 metre setback from the eastern boundary, and a 2.5 metre setback from the western boundary at ground floor. Clause 15.03-1 states as policy: *provide side setbacks consistent with the setback of adjacent 'significant' or 'contributory' heritage places.* Typically, contributory dwellings within the area have side setbacks of 1.0-2.5 metres. Therefore, the proposed ground level side setbacks are supported. It is noted the proposed setbacks are in line with the approved building envelope.

The upper floor has a 3.45 metre setback from the eastern boundary and a 5.03 metre setback from the western boundary at first floor. The generous side setbacks provided at the upper floor reduce the prominence of the first floor from the street. This is assisted by the overall maximum height of 6.79 metres at the first floor façade which is similar to other overall heights of single storey dwellings in the area.



Above - Extract of the Ground floor Plan.



Above - Extract of the Ground floor Plan.

Building height and form

Heritage Policy seeks to design new buildings or an additions/alterations so that the height and form respect the height and form of adjacent and surrounding 'significant' or 'contributory' heritage places, as these places are viewed from the street.

Where a heritage precinct or part of a heritage precinct has a diverse building height and form, but the site does not abut a 'significant' or 'contributory' heritage place, ensure the height and form respect the prevailing height and form of 'significant' and 'contributory' heritage places in the precinct.

Height

The heights and scale of building stock in the precinct generally comprises single storey dwellings. The dwellings often feature large, pitched roofs and accordingly the

scale of the precinct is higher than other single storey areas. Double storey forms do exist but generally take the form of recessed upper-level additions.

The maximum overall building height for 10 Cross Street is 9.36 metres at the rear of the site, where the land falls. However, the street presenting height is lower at approximately 6.79 metres (to the top of the eave) transitioning to 8.48m at the midpoint where it meets the roof ridge line. Considering the articulated façade and generous side setbacks, the overall height is supported.

Form

The building stock in the area is highly consistent regarding roof form, comprising pitched slate and corrugated metal roofs. Consequently, it is essential new development provides an appropriate roof response so the heritage character is not diminished.

The proposed development provides an appropriate response through the incorporation of gable and transverse roof elements at ground floor and a hipped roof at first floor.

The contemporary form of the dwelling draws design references from the neighbouring contributory property at No. 6 and 8 Cross Street (see The Surrounding Area section of this report above) in a modern and simplified manner.

The separate ground floor roof form successfully assists in breaking down the mass of the new dwelling and reduces visual bulk to the street. These architectural features link the new development within the historical context of the area and add articulation and visual interest to the streetscape without creating a dominant structure.

Additionally, the ground floor roof forms act as a transitional element between the Contributory and Non-Contributory dwellings along the Northern side of Cross Street. When viewed from oblique angles both the transverse and gable roof forms assist in reducing visibility from these vantage points.



Above - South (street) elevation.



Above - South Western Oblique view



Above - No.8 Cross Street, Canterbury (left) and No.6 Cross Street, Canterbury (right)

Materials, surface finishes and details

Design roof form and window and door proportions of new buildings and additions/alterations to non-contributory places to be similar to or sit well with the prevailing forms in the heritage precinct.

Design new buildings and additions/alterations to display the following design characteristics:

- **Articulate external walls to be complementary to the heritage precinct through their massing and form and the use of materials and finishes.**
- **Utilise external materials, textures and finishes that complement materials evident in the heritage precinct.**

Materials and Finishes

The Cross and Bryson materials pallet is primarily composed of red Federation brick, render/stucco, and weatherboard construction for external walls; timber for joinery; and slate and corrugated metal for roofs. The finishes pallet is equally as consistent, dominated by warm hues in deep and warm reds, mid greys, dark browns, creams, and whites.

The following materials are proposed at ground level:

- Wall cladding: render brick in colour beige.
- Roof cladding: roof tile in colour charcoal.
- Front and garage doors: timber look panel in colour dark brown.

The following materials are proposed at first floor:

- Wall cladding: render finish in colour off white.
- Roof cladding: roof tile in colour charcoal.
- Roof cladding (to the rear): metal roof in colour charcoal.

At ground the modification to the colour beige is a significant improvement which is now supported on heritage grounds. The proposed roof tile in charcoal is acceptable as this colour and appearance will complement the predominantly slate roofs of adjoining and nearby contributory properties.

It is recommended the colour of the timber front door and garage are amended to a lighter brown colour to soften the starkness of these features within the facade.

Whilst the proposed materials and finishes generally align with policy a physical sample board will be requested as a condition of this permit at request of Council's Heritage Advisor.

Proposed Condition:

The provision of a full-colour schedule of external materials showing the proposed palette of materials and finishes (including a physical sample board of all external materials and finishes) selected for all sides of the building. The samples must demonstrate the development consists of high quality, durable materials.

Design Details

Characteristic design details and architectural elements in the area are a product of the largely intact heritage streetscapes, including high, robust, and adorned chimneys, front verandas with decorative timber and metal features and fretwork, leadlight windows and corbelling.

Design elements on the new façade are simple and restrained, as is typical of such contemporary architectural language. Fenestration and openings maintain traditional

proportions. Furthermore, whilst the front gable ends are contemporary in design, their scale reflect similar neighbouring gable ends of original building stock.

The development is well articulated in vertical and horizontal architectural elements are balanced. The proposal provides a balanced combination of both modulation and façade detailing to create design is high quality, visually interesting, and integrates well with its historic neighbours.

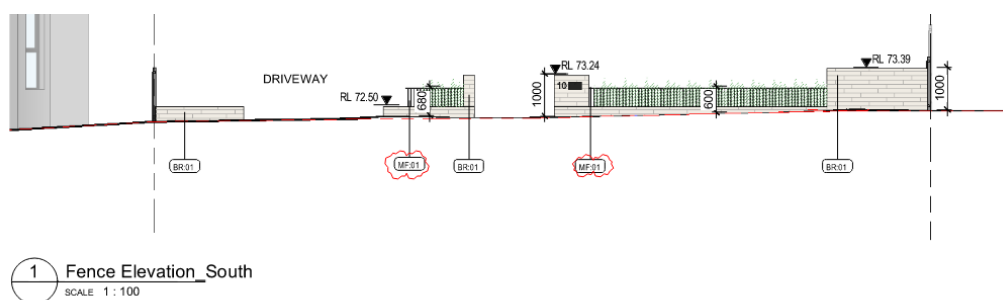
Fences

Design fences for ‘non-contributory’ places to complement the heritage significance of the precinct, including its height, visual permeability, spacing of elements, materials and finishes.

It is proposed to construct a low 600-680mm high metal picket infill (black finish) on a brick plinth with a 1 metre high pillar (beige rendered brick) to the sides. The fence would feature a garden bed in its centre. The fence would be constructed to the street boundary with openings provided for vehicle and pedestrian access.

Policy above seeks to achieve new fences *for non-contributory* places be complementary the heritage significance of the precinct, by way of height, visual permeability, spacing of elements, materials, and finishes.

While the proposed colour palette is supported, the preference on heritage grounds remains to have a simplified style of fence. It is suggested a contemporary style timber picket fence is proposed, which maintains the approximate height, spacing and visual permeability of traditional fences in the vicinity, e.g., nearby contributory property at 8 Cross Street. This is proposed to be addressed as a permit condition.



Above - Proposed Fence Elevation

Proposed Condition:

Modify the fence design and materiality to a simplified, contemporary style timber picket which maintains the approximate height, spacing and visual permeability of

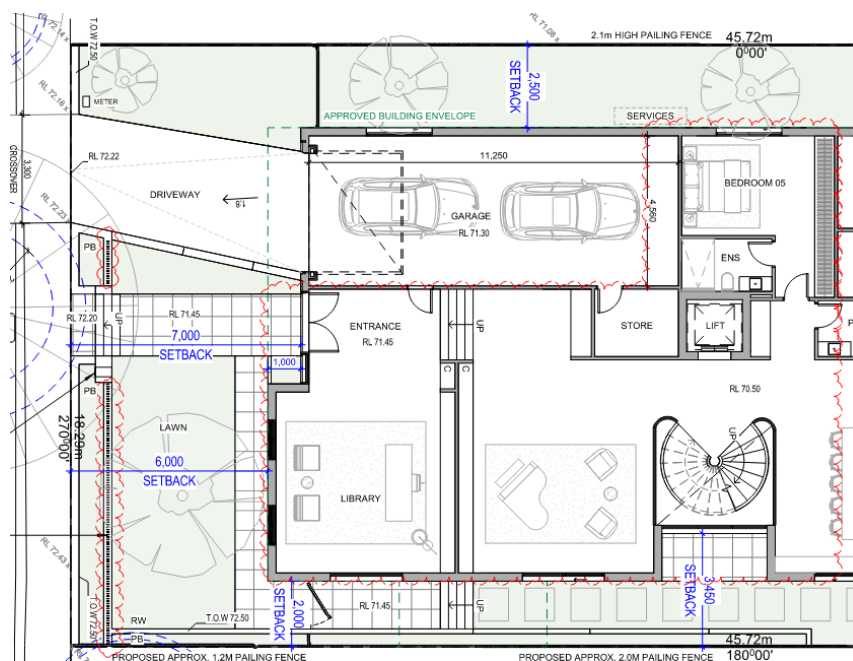
traditional picket fences in the vicinity, e.g., nearby contributory property at 8 Cross Street.

Vehicle accommodation, outbuildings, and services

Encourage any new carports, garages and outbuildings that are visible from the street to use wall openings, roof forms and materials that complement the main building or the characteristics of the heritage precinct.

The proposal seeks to utilise the existing vehicle crossing located on the south western corner of the site. The existing crossover will lead to an at grade tandem garage integrated into the proposed ground floor footprint. This garage has been recessed a minimum of 1 metre behind the facade of the proposed gable towards the east. The proposed recession allows the tandem garage to appear as a subservient structure within the streetscape.

The garage is proposed to be integrated into the façade of the main dwelling, setback 7 metres from the street frontage. It is noted there are few examples of garages incorporated into front facades in the precinct. It is recommended the proposed colour of the garage door is amended to a lighter shade of brown, a lighter colour timber would soften the starkness of these elements and the dominance of the façade as viewed from the public realm.



Above - Proposed tandem garage

Proposed Condition:

Modify the colour of the front door and garage door from dark brown to light brown.

Landscaping:

Clause 15.021I (Heritage Policy) seeks to ensure hard and soft landscaping is designed to not detract from the heritage values of the place.

The proposed development provides ample opportunities for landscaping within the front, side and rear setbacks. Within the front and rear setbacks there is ample opportunity to accommodate a large new canopy tree and general vegetation, noting the existing conditions have no vegetation retained.

It is noted a landscape plan has not been provided with the application. As mature trees and garden plantings are a key feature of the heritage precinct, it is recommended a landscape plan is provided which includes the incorporation of additional vegetation located in the front setback to maintain the established character of the precinct and soften the appearance of new built form within the streetscape.

Furthermore, it is noted a 1.88 metre wide pedestrian path has been proposed in the front setback. The width of the pedestrian path is considered to be too wide and a condition reducing the width of the pathway will be recommended.

Proposed Condition:

Provide a Landscape Plan to the satisfaction of the responsible authority which shows:

- A planting schedule of all proposed trees, shrubs and ground covers.
- Details of surface finish of all pathways, paved areas and accessways.
- At minimum, incorporation of one (1) canopy tree (minimum two metres tall when planted and must achieve a minimum mature height of 10 metres and canopy spread of 5 metres) and a row of shrubby behind the fence line in the front setback of the property.

The width of the pedestrian pathway reduced to a maximum width of 1.2 metres.

OBJECTION RESPONSE

Summary of Objection	Planner's Comments
Heritage and Amenity	Amenity related matters such as visual bulk, overlooking, overshadowing, noise and light spill are not relevant considerations in a planning application which requires a permit solely due to the location of the subject property in a heritage overlay. Consideration of visual bulk, overlooking

	and overshadowing in this instance will be the responsibility of the relevant Building Surveyor in assessing a Building Permit.
Heritage assessment from the private realm	Council's Heritage Policy emphasises assessment from the public realm and encourages alterations and additions to be located to the rear of properties. Assessment of the heritage impact of the proposal based on views from adjoining properties can be given little weight.
Damage to an adjoining property due to buildings and works within close proximity to the boundary	<p>Potential damage to adjoining properties is not a relevant planning consideration. This is a matter addressed during the assessment of a Building Permit application.</p> <p>When a building is proposed to be constructed within close proximity to a building on an adjoining allotment, the Building Surveyor issuing the Building Permit must have regard to protection of the adjoining property. Through this process, the Building Surveyor may either rely upon dual Certification from two independent Structural Engineers or make a determination that protection of the adjoining property is required.</p> <p>The Building Surveyor will require the method of construction and proposed protection works be provided to the adjoining owner. Protection works notices are then served on the adjoining property owner, who must agree to the protection works, reject or request further information within 14 days of service of the notice.</p> <p>Once the proposed protection works are agreed upon, the owner is required to carry out a dilapidation survey of the adjoining property as evidence of any existing condition. The owner is also required to carry out insurance on the adjoining property for any damage that may be caused by their buildings and works for a period of 12 months after completion.</p> <p>If any damage is caused to the adjoining property, the dilapidation survey may be used as evidence in court for a claim made</p>

	<p>against the insurance policy taken out by the owner.</p> <p>Further information on the above matter can be obtained from Council's Building Department (9278 4999).</p>
Compliance with Neighbourhood character	A planning permit is required under the Heritage Overlay only. As such, it does not require assessment against the objectives of the Neighbourhood Character Policy (Clause 15.01-5s) or Precinct 45 Preferred Character Statement.
The scale, height, and massing of the development fails to meet the Heritage Policy or provide an appropriate response to the historic streetscape.	<p>Concerns were raised the development was out of proportion with the single storey streetscape. Objectors found the scale and mass would result in visual bulk particularly when viewed in comparison to the original building stock.</p> <p>The amended S57A plans address these concerns and are supported by Council's Heritage Advisor. A detailed assessment of the proposal is outlined in the assessment section above.</p>
The three applications (PP22/0590 and PP22/0465) should be assessed as one	The planning applications were considered and assessed by a Council Officer in relation to each other. (Addressed as part of assessment process)
Lack of landscaping opportunities.	Permit condition recommended

RECOMMENDATION

That Council having considered all of the matters required under Section 60 of the *Planning & Environment Act 1987* and the Boroondara Planning Scheme decides to grant a **Notice of Decision to Grant a Planning Permit subject to conditions.**

APPENDIX A - REFERRAL COMMENTS

Heritage Advisor

Application Address:	10 Cross Street, Canterbury
Application Number:	PP22/0465
Description of Proposal:	Construct one dwelling on a lot in a Heritage Overlay.
VicSmart:	No
Section 57A Amendment:	Yes
Heritage Overlay No.	HO145
Grading:	Non-Contributory

HO Precinct	Maling Road Shopping Centre and Residential Environs, Canterbury
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Era of Building:	Vacant site
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Statement of Significance	<p>Maling Road Shopping Centre and Residential Environs, Canterbury, is an area of heritage significance for the following reasons:</p> <ul style="list-style-type: none"> • The precinct is a comprehensive and architecturally notable illustration of the effect of the railway's arrival in the Victorian era and the railway's further development around WWI. This is expressed, in part, in the distinctive street pattern that runs axially from the Canterbury Railway Station. It is also expressed in the well preserved residential and commercial development which was largely complete by WWII. • The Maling Road and Canterbury Road commercial strips demonstrate a high level of architectural excellence, strong Victorian, Federation and interwar-era expression and a high degree of visual cohesion. The Maling Road strip also contains individually notable buildings that have a high degree of integrity and landmark value; the Post Office (1908), the Canterbury Theatre (1912), Malone's Hotel (1889) and the former Station Masters Quarters at 83 Maling Road (c1987). • The place is a highly representative Victorian and Federation-era residential precinct with individually notable houses. The precinct is interspersed with strong and well preserved interwar elements that offer an historic and architectural contrast and create streetscapes of high aesthetic interest. • The precinct contains well preserved residential and commercial examples from the 1920s-30s, which reflects the premier status of Camberwell as an urban growth area during that period. • The precinct has an historic association with Terry & Oakden, the designers of the original Claremont Park Estate and one of Victoria's most important architectural firms, and other important
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	<p>architects of the time such as Ward and Carleton and Ussher and Kemp.</p> <ul style="list-style-type: none"> • The precinct includes public landscaping elements such as asphalt paving, basalt pitching, kerbs, channels and mature trees and garden plantings, some of which date from the beginnings of the Claremont Park and Highfield Estates.
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Assessment against Clause 15.03 Heritage

15.03-1L Non-contributory heritage places strategies

Support the demolition of 'non-contributory' places.

Ensure replacement buildings, development, alterations and additions are sympathetic with heritage fabric of the place, rather than any 'non-contributory' elements of the place.

Orient new buildings and additions/alterations to non-contributory places in a similar manner to the siting of adjacent 'significant' or 'contributory' heritage places and to the heritage precinct as a whole.

Position a new building and design its façade height or an addition/alteration to the façade of a non-contributory place so that it does not dominate adjoining 'significant' or 'contributory' heritage places. The façade should neither exceed in height, nor be positioned forward of, the adjoining heritage place(s).

Design new development so that the height of the façade is consistent with the prevailing heights of 'significant' or 'contributory' heritage places in the precinct, especially where the precinct has a consistent façade height.

Avoid front setbacks that are substantially behind prevailing setbacks of 'significant' or 'contributory' heritage places in the heritage precinct, especially where the heritage precinct has a consistent front setback.

Provide side setbacks consistent with the setback of adjacent 'significant' or 'contributory' heritage places.

Design new buildings or additions/alterations so that the height and form respect the height and form of adjacent and surrounding 'significant' or 'contributory' heritage places, as these places are viewed from the street.

Where a heritage precinct or part of a heritage precinct has a consistent building height and form, ensure the height of the new building or addition/alteration is no higher than the roof ridgeline of the adjacent buildings when viewed from the street, but may include a higher, unobtrusive component to the rear.

Where a heritage precinct or part of a heritage precinct has a diverse building height and form, and the site abuts a 'significant' or 'contributory' heritage place, ensure the height and form of the new building or addition/alteration respect both the adjacent 'significant' or 'contributory' heritage places and the prevailing height and form of 'significant' or 'contributory' places in the precinct, but may include a higher, unobtrusive component to the rear.

Where a heritage precinct or part of a heritage precinct has a diverse building height and form, but the site does not abut a 'significant' or 'contributory' heritage place, ensure the height and form respect the prevailing height and form of 'significant' and 'contributory' heritage places in the precinct.

Design roof form and window and door proportions of new buildings and additions/alterations to non-contributory places to be similar to or sit well with the prevailing forms in the heritage precinct.

Design new buildings and additions/alterations to display the following design characteristics:

- *Articulate external walls to be complementary to the heritage precinct through their massing and form and the use of materials and finishes.*
- *Utilise external materials, textures and finishes that complement materials evident in the heritage precinct.*

Discussion:

General Note: The below comments are provided in consideration of previous written referral comments prepared by Luke James (Heritage Advisor) and subsequent verbal referral comments provided by Ruth Redden (Heritage Advisor). On balance, the revised plans represent a vast improvement to the previous scheme with many of the heritage comments considered and implemented sufficiently.

Non-Contributory Infill Development

Siting:

The new dwelling is proposed to be oriented north to Cross Street which maintains the siting pattern of adjacent 'significant' and 'contributory' heritage places and the heritage precinct more broadly. The siting is supported on this basis.

Façade height and setbacks

As per Clause 15.03, the façade of an infill dwelling within a precinct should neither exceed in height, nor be positioned forward of, an adjoining heritage place.

It is noted that immediate adjacent contributory and significant properties are predominately single storey with consistent façade heights. Double storey

additions are primarily restricted to the rear of the principal roof form, which on average is approximately 15-20 metres from the front boundary.

The façade height of the proposed new dwelling will maintain the predominate single storey character of the precinct, with a proposed façade wall height of 3.1m. The integrated gable element is to be higher (4.3m) but this is consistent with adjacent contributory properties (particularly, 6 and 8 Cross Street) which incorporate a similar open gable form. Based on the streetscape elevations provided, it appears that the façade height of the proposed new dwelling will sit slightly lower than adjacent contributory properties which is a positive outcome to ensure new built form will not be overly dominate within the streetscape. The façade height is supported on this basis.

The ground floor of the new dwelling is proposed to have a 6-7m front setback. While front setbacks within the immediate streetscape vary, it is noted that the two adjacent contributory properties (6 and 8 Cross Street), have relatively shallow setbacks of 4-5m (excluding the protruding bay windows). As the new dwelling will not be positioned forward of the adjoining contributory sites, the front setback is considered acceptable.

The ground floor of the new dwelling is proposed to have a 2.5m side setback from the western boundary and a 2m side setback from the eastern boundary. This is broadly consistent with the shallow side setbacks of adjacent significant and contributory places and is supported on this basis.

The first floor of the new dwelling is proposed to include a front setback of 14m. While prevailing upper-level additions associated with adjacent contributory places vary, there appears to be some consistency of 15-20m front setbacks from the front boundary. It is considered that the proposed 14m front setback is sufficient to ensure that the prominence of a single storey-built form character within the streetscape is maintained.

The first floor is proposed to have a 5 m setback from the western boundary and a 3.45m setback from the eastern boundary. It is considered that incorporating greater first floor side setbacks will help to reduce the bulk of upper level-built form and ensure this fabric is not overly dominating within the precinct.

Based on the considerations above, the proposed façade height and setbacks associated with the new dwelling are supported on heritage grounds.

Building Height and Form:

The overall building height of the ground floor is proposed to be 4.3m, and the overall building height of the first floor is to be 7m. These heights are consistent with the broader precinct and will ensure that the predominate single-storey character of the streetscape is maintained.

The proposed form of the new dwelling at ground level, incorporating asymmetry with a traditional gable element, draws clear design references from the

neighbouring properties at 6 and 8 Cross Street in a modern and simplified manner which is supported.

At first floor, the form is boxier and more contemporary. Concerns were raised in the second heritage referral regarding the east side wall and it was recommended that further articulation be incorporated to break down the sense of bulk as viewed on the oblique angle from the public realm. Specifically, it was recommended that the front portion of the upper level was increased from 2.6m to 3.4m to address this sense of bulk. This change has been implemented which is supported.

Roof Form:

The proposed roof forms (transverse gable at ground level and hipped at first floor) are appropriate within the precinct and are supported.

Materials, surface finishes and details:

The following materials are proposed at ground level:

- Wall cladding: render brick in colour beige.
- Roof cladding: roof tile in colour charcoal.
- Front and garage doors: timber look panel in colour dark brown.

The following materials are proposed at first floor:

- Wall cladding: render finish in colour off white.
- Roof cladding: roof tile in colour charcoal.
- Roof cladding (to the rear): metal roof in colour charcoal.

The streetscape in this section of the heritage overlay is predominantly of brick construction (typically rendered in light painted colours in the vicinity of 10 Cross Street), with some timber weatherboard. Roof cladding is typically slate, with some tiled roofs among Federation and interwar era examples.

At ground level it was previously proposed to clad the ground floor in 'warm grey' bricks. It was recommended that the shade of brick was modified to better complement materials evident in adjacent contributory properties. The modification to the colour beige is a significant improvement which is now supported on heritage grounds.

As noted previously, the proposed roof tile in charcoal is acceptable as this colour and appearance will compliment the predominantly slate roofs of adjoining and nearby contributory properties.

It is recommended that the colour of the timber front door and garage are amended to a lighter brown colour to soften the starkness of these features within the facade.

(see below for matters relating to fences, vehicle accommodation, outbuildings, services, landscaping, signage, commercial buildings and subdivision)

15.03-1L All places - fencing strategies

Retain original or early fences of 'significant' or 'contributory' heritage places.

Encourage the reconstruction of original fences where historical evidence exists of their form, or encourage the construction of new front fences in sympathy to the period and design of the 'significant' or 'contributory' heritage places.

Discourage the construction of high solid fences that block the view of the principal façade (or secondary façade for corner lots) of 'significant' or 'contributory' places from the street.

Design fences for 'non-contributory' places to complement the heritage significance of the precinct, including its height, visual permeability, spacing of elements, materials and finishes.

All places - fencing policy guideline

Consider as relevant:

- *Designing fences to be consistent with The National Trust of Australia (Victoria) Technical Bulletin 8.1 Fences & Gates (Richard Peterson, 1988).*

Discussion:

The design of the proposed front fence is to incorporate a brick podium with metal pickets (600-680mm) and higher brick pillar elements (1m). The metal pickets are to be in the colour dark brown and the brick elements are to match the main dwelling (in colour beige).

While the modification of the colour palette is now supported, the preference on heritage grounds remains amendment of the fence design to a simplified, contemporary style timber picket which maintains the approximate height, spacing and visual permeability of traditional fences in the vicinity, e.g., nearby contributory property at 8 Cross Street.

15.03-1L All places - landscape setting strategies

Retain or restore (where evidence can be found) original hard and soft landscape elements that contribute to the significance of the heritage place.

Design hard and soft landscaping to not detract from the heritage values of the place.

Discussion:

It is noted that a landscape plan has not been provided with the application. As mature trees and garden plantings are a key feature of the heritage precinct, it is recommended that a landscape plan is provided which includes the incorporation of additional vegetation located in the front setback to maintain the established character of the precinct and soften the appearance of new built form within the streetscape.

15.03-1L All places - vehicle accommodation, outbuildings and services strategies

Ensure vehicle accommodation and other services do not dominate heritage places.

Minimise new vehicle cross-overs for heritage places with narrow street frontage, where few or no crossovers exist or where rear laneway access is available.

Discourage the widening of vehicle crossovers, or the construction of large areas of paving or other hard surfaces in the front setback where this is not responsive to the heritage place, except in the interests of traffic safety.

Encourage the location of new carports, garages and outbuildings to the rear of the main building (excluding verandahs, porches, bay windows or similar projecting features) except where the character of the heritage place supports the location of carports, garages and outbuildings to the side of the heritage building behind the main front building line.

Encourage any new carports, garages and outbuildings that are visible from the street to use wall openings, roof forms and materials that complement the main building or the characteristics of the heritage precinct.

Discourage the location of swimming pools in the front setback.

Support rain water tanks, hot water systems, air-conditioning units and other equipment in areas visible from the street only where they will not detract from the heritage significance of the place.

Avoid visible roof fixtures, such as solar panels, on the principal visible roof form.

Ensure visible roof fixtures are aligned with the profile of the roof and not mounted on protruding frames.

Discussion:

The garage is proposed to be integrated into the façade of the main dwelling, setback 7m from the street frontage. It is noted that there are few examples of

garages incorporated into front facades in the precinct. As noted above, it is recommended that the proposed colour of the garage door is amended to a lighter shade to soften the appearance of this feature in the façade.

Recommendations

1. On heritage grounds the works proposed in this application may be approved subject to the following conditions:

	Suggested condition	Explanation
1	Modify the colour of the front door and garage door from dark brown to light brown.	A lighter colour timber would soften the starkness of these elements and the dominance of the façade as viewed from the public realm.
2	Modify the fence design and materiality to a simplified, contemporary style timber picket which maintains the approximate height, spacing and visual permeability of traditional picket fences in the vicinity, e.g., nearby contributory property at 8 Cross Street.	The design and materiality of the proposed fence is not in keeping with the heritage precinct and will detract from the heritage significance of the streetscape.
3	Provide a Landscape Plan to the satisfaction of the responsible authority which shows: <ul style="list-style-type: none"> • A planting schedule of all proposed trees, shrubs and ground covers. • Details of surface finish of all pathways, paved areas and accessways. • At minimum, incorporation of one (1) canopy tree (minimum two metres tall when planted and must achieve a minimum mature height of 10 metres and canopy spread of 5 metres) and a row of shrubby behind the fence line in the front setback of the property. • All trees must comply with Australian Standard AS2303:2015 - Tree Stock for Landscape Use. • All trees must be planted more than 2 metres away 	A Landscape Plan has not been provided with the application. The integration of soft landscaping will result in a positive heritage outcome, noting that the broader precinct setting is characterised by mature trees and established garden plantings.

	from any structures, property boundaries, easements, existing trees or shrubs.	
4	The provision of a full-colour schedule of external materials showing the proposed palette of materials and finishes (including a sample board of all external materials and finishes) selected for all sides of the building. The samples must demonstrate the development consists of high quality, durable materials.	This has not been provided with the application.

APPENDIX B - PLANNING POLICIES

Clause 15.03-1L - Heritage

Clause 15.03-1L - Non-contributory heritage places

To ensure buildings and works to 'non-contributory' properties are sympathetic to the heritage values of the precinct and complement the precinct's heritage built fabric by being respectful of the scale, massing, rhythm and detailing.

- *Encourage high quality sympathetic design.*
- *Be sympathetic with heritage fabric of the place, rather than any 'non-contributory' elements of the place.*

Consider the following policies:	Assessment
Siting	✓ Complies
Façade Height and Setbacks	✓ Complies
Building Height and Form	✓ Complies
Roof Form	✓ Complies
Materials, surface finishes and details	✓ Complies - subject to conditions.
Fences	✓ Complies - subject to conditions.
Landscape setting	✓ Complies
Vehicle accommodation, outbuildings and services	✓ Complies



NOTICE INFORMATION
Date of Notice: 24 October 2023

Town Planning

10 CROSS STREET, CANTERBURY

DRAWING LIST

SHEET	NAME	REV
TP00	Cover Sheet	H
TP01	Approved Building Envelope	C
TP02	Site Level Fall Plan	C
TP03	Site Analysis	A
TP04	Streetscape Elevation	H
TP05	Demolition Plan	D
TP06	Design Response - Diagram - Sheet 1	A
TP07	Design Response - Diagram - Sheet 2	A
TP08	Design Response	A
TP10	Basement Plan	H
TP11	Ground Floor Plan	H
TP12	First Floor Plan	H
TP13	Roof Plan	H
TP15	Building Elevations - Sheet 1	H
TP16	Building Elevations - Sheet 2	H
TP17	Fence Elevations	H
TP18	Sections - Sheet 01	H
TP19	Sections - Sheet 02	H
TP20	Artist Impression	H
TP21	Artist Impression	H
TP22	Shadow Diagram	E
TP23	Material Schedule	H
TP24	Sight Line Diagram	H

DEVELOPMENT SUMMARY

SITE AREA	836.2m ²	BASEMENT	BASEMENT	261.6 m ²
SITE COVERAGE	375 m ² (45%)	GROUND FLOOR	GROUND FLOOR	304.9 m ²
GARDEN AREA	436 m ² (52%)	GARAGE	GARAGE	57.0 m ²
PERMEABLE AREA	371 m ² (44%)	FIRST FLOOR	FIRST FLOOR	202.8 m ²
		TOTAL	INTERNAL	826.2 m ²
			P.O.S	449.7 m ²

Notes

1. DO NOT SCALE DRAWINGS. WRITTEN DIMENSIONS GOVERN.

2. ALL DIMENSIONS ARE IN MILLIMETERS UNLESS OTHERWISE NOTED.

3. ALL DIMENSIONS ARE TO BE VERIFIED ON SITE PRIOR TO PROCEEDING WITH THE WORK. EMBRACE ARCHITECTS ARE TO BE NOTIFIED IN WRITING OF ANY DISCREPANCIES.

4. THIS DRAWING MUST BE READ IN CONJUNCTION WITH ALL RELEVANT CONTRACTS, REPORTS, SPECIFICATIONS AND DRAWINGS.

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No. Date Notes

A 26/05/2022 TOWN PLANNING APPLICATION

B 24/06/2022 RESPONSE TO RF1

C 20/04/2023 POST RF1

D 30/06/2023 POST RF1

E 11/09/2023 RESPONSE TO HERITAGE COMMENTS

F 13/09/2023 RESPONSE TO HERITAGE COMMENTS

H 10/10/2023 ISSUE FOR S57A

TOWN PLANNING

Status

Brysonst Pty Ltd

Client

Embrace Architects

Embrace Architects Pty Ltd

2/26-36 High Street, Northcote VIC 3070

10 Cross Street, Canterbury 25 Bryson Street, Canterbury

Project

Cover Sheet

Title

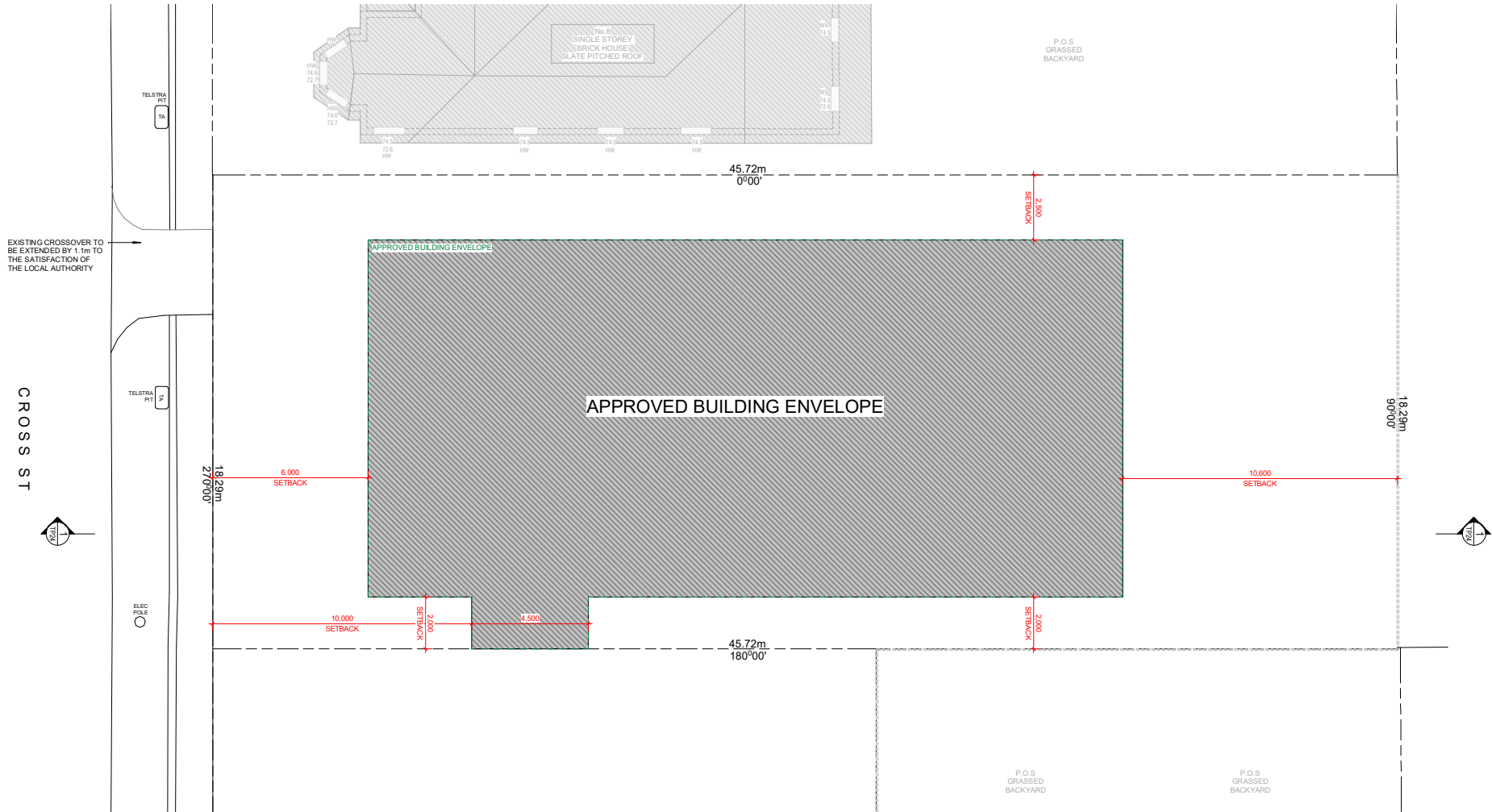
@A1 Scale 20002 Project No. 10/10/2023 Date

TP00 H

Sheet No. Revision



NOTICE INFORMATION
Date of Notice: 24 October 2023



Notes

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No. Date Notes

A 26/05/2022 TOWN PLANNING APPLICATION

C 20/04/2023 POST RF1

TOWN PLANNING

Status

Brysonst Pty Ltd

Client

Embrace Architects

Embrace Architects Pty Ltd

2/26-36 High Street, Northcote VIC 3070

10 Cross Street, Canterbury 25 Bryson Street, Canterbury

Project

Approved Building Envelope

Title

1 : 100@A1 20002 20/04/2023

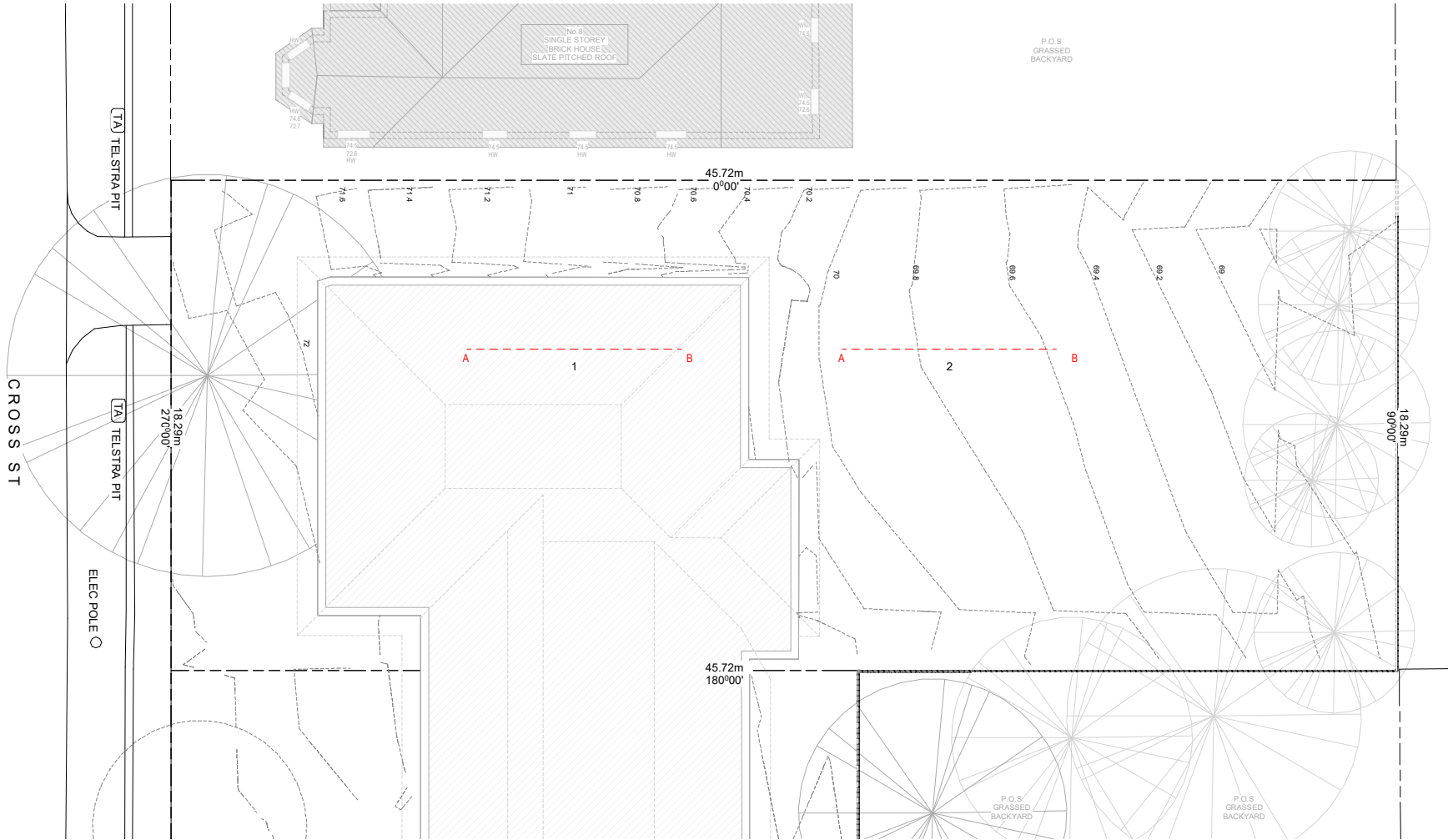
Scale Project No. Date

TP01 C

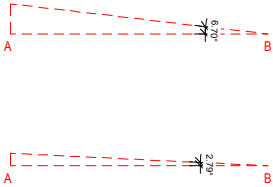
Sheet No. Revision



NOTICE INFORMATION
Date of Notice: 24 October 2023



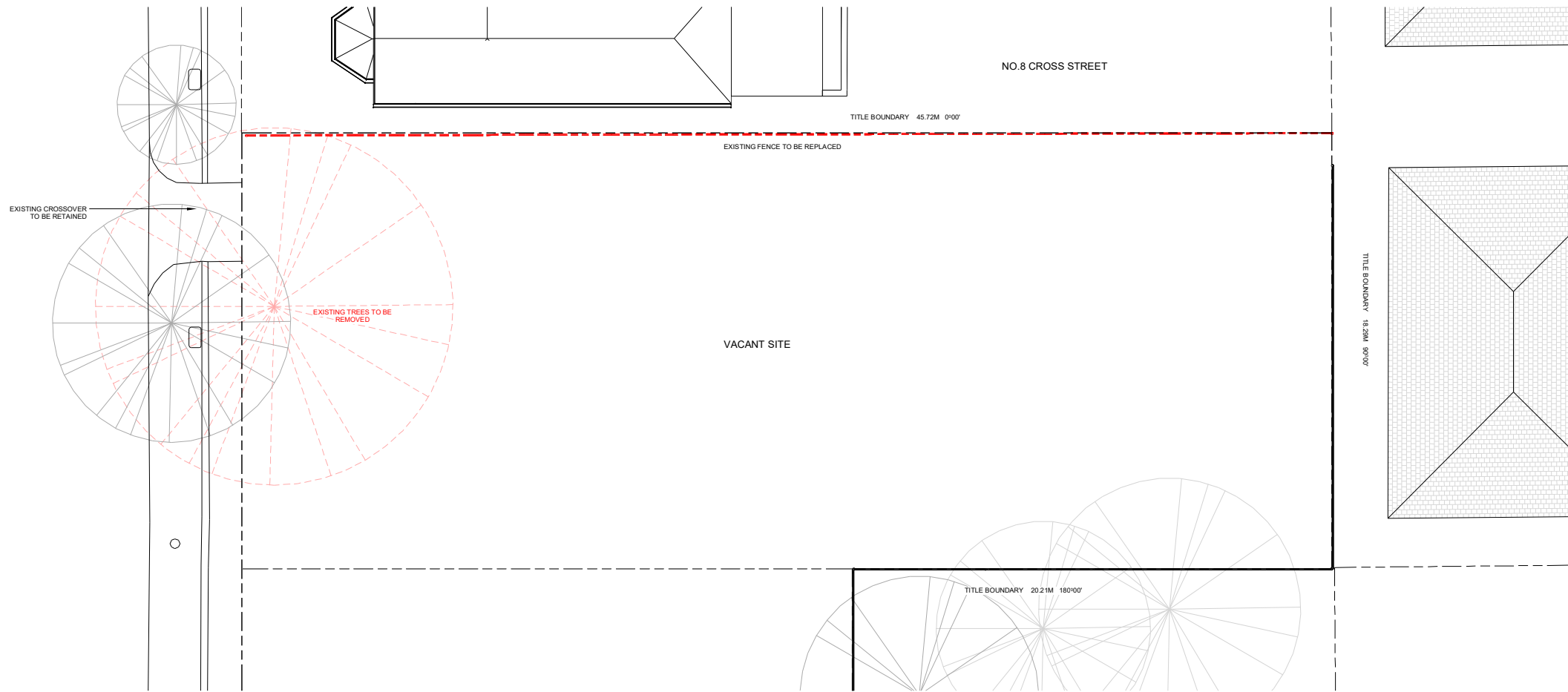
NOTE:
REFER TO THE ABOVE DIAGRAM WHICH INDICATES THAT OVER A STRETCH OF 8.0M THE NATURAL FALL OF THE SITE IS GREATER THAN 2.5 DEGREES. NATURAL GROUND LEVEL CONTOURS TAKEN FROM THE FEATURE SURVEY ARE SHOWN DASHED AT 0.2M INTERVALS.



<div>Notes</div> <div><div>1. DO NOT SCALE DRAWINGS. WRITTEN DIMENSIONS GOVERN.</div><div>2. ALL DIMENSIONS ARE IN MILLIMETERS UNLESS OTHERWISE NOTED.</div><div>3. ALL DIMENSIONS ARE TO BE VERIFIED ON SITE PRIOR TO PROCEEDING WITH THE WORK. EMBRACE ARCHITECTS ARE TO BE NOTIFIED IN WRITING OF ANY DISCREPANCIES.</div><div>4. THIS DRAWING MUST BE READ IN CONJUNCTION WITH ALL RELEVANT CONTRACTS, REPORTS, SPECIFICATIONS AND DRAWINGS.</div></div>	<div>No. Date Notes</div> <div>A 26/05/2022 TOWN PLANNING APPLICATION</div> <div>C 20/04/2023 POST RFI</div>	<div>10 Cross Street, Canterbury 25 Bryson Street, Canterbury</div> <div>Project</div> <div>Site Level Fall Plan</div> <div>Title</div>	<div>1 : 100@A1 20002 20/04/2023</div> <div>Scale Project No. Date</div>	<div>TP02 C</div> <div>Sheet No. Revision</div>
	<div>TOWN PLANNING</div> <div>Status</div>	<div>Brysonst Pty Ltd</div> <div>Client</div> <div>Embrace Architects</div> <div>Embrace Architects Pty Ltd</div> <div>2/26-36 High Street, Northcote VIC 3070</div>		



NOTICE INFORMATION
Date of Notice: 24 October 2023



GENERAL LEGEND		ABBREVIATIONS		AUTHORITY COMPLIANCE		TREE PROTECTION		DEMOLITION	
---	TITLE BOUNDARY	NGL	NATURAL GROUND LEVEL	OG	FIXED, OBSCURE GLASS WINDOWS UP TO MIN 1.7M ABOVE FFL		EXTENT OF TREE PROTECTION ZONE (AS PER ARBORISTS REPORT) OF TREE IMPACTED BY PROPOSED DEVELOPMENT		EXISTING ELEMENT TO BE DEMOLISHED
▼ LEVEL XX +XXX.XX	BUILDING LEVEL LEVEL TO AHD	BG	BOX GUTTER	PS	METAL PRIVACY SCREEN, MAX. 25% VISIBILITY, UP TO MIN 1.7M ABOVE FFL		EXTENT OF TREE PROTECTION ZONE ENCROACHMENT CAUSED BY THE PROPOSED DEVELOPMENT. THIS FIGURE DOES NOT INCLUDE ENCROACHMENT INTO THE TPZ FROM THE EXISTING BUILDINGS/WORKS		EXISTING TREE TO BE REMOVED
▼ RL XX.XX	RL - REDUCED LEVEL SFL - STRUCTURAL FLOOR LEVEL FFL - FINISHED FLOOR LEVEL TOW - TOP OF WALL	PB	PLANTER BOX	OS	FIXED, OBSCURE SCREEN, MAX 25% VISIBILITY UP TO MIN 1.7M ABOVE FFL		EXTENT OF TREE PROTECTION ZONE ENCROACHMENT FROM THE EXISTING BUILDINGS/WORKS		EXISTING TREE TO BE RETAINED
	AIR CONDITIONING CONDENSING UNIT	RW	RETAINING WALL						
		W	NEIGHBOURS WINDOW						
		H	WINDOW HEAD HEIGHT						
		S	WINDOW SILL HEIGHT						

- Notes
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No.	Date	Notes
B	24/09/2022	RESPONSE TO RF1
D	30/06/2023	POST RF1

TOWN PLANNING
Status

Brysonst Pty Ltd
Client
Embrace Architects
Embrace Architects Pty Ltd
2/26-36 High Street, Northcote VIC 3070

10 Cross Street, Canterbury 25 Bryson Street, Canterbury

Project

Demolition Plan

Title

1 : 100@A1 20002 30/06/2023

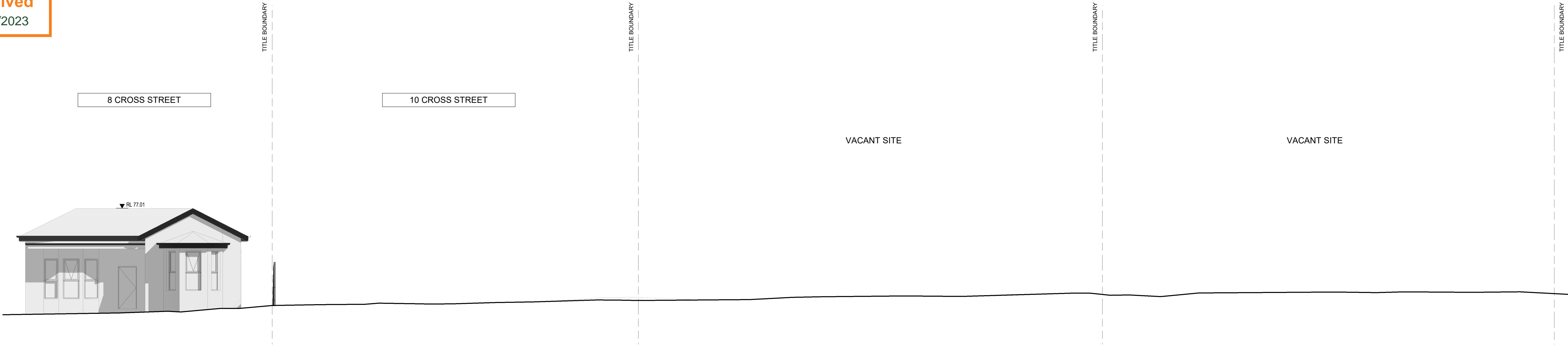
Scale Project No. Date

TP05 D

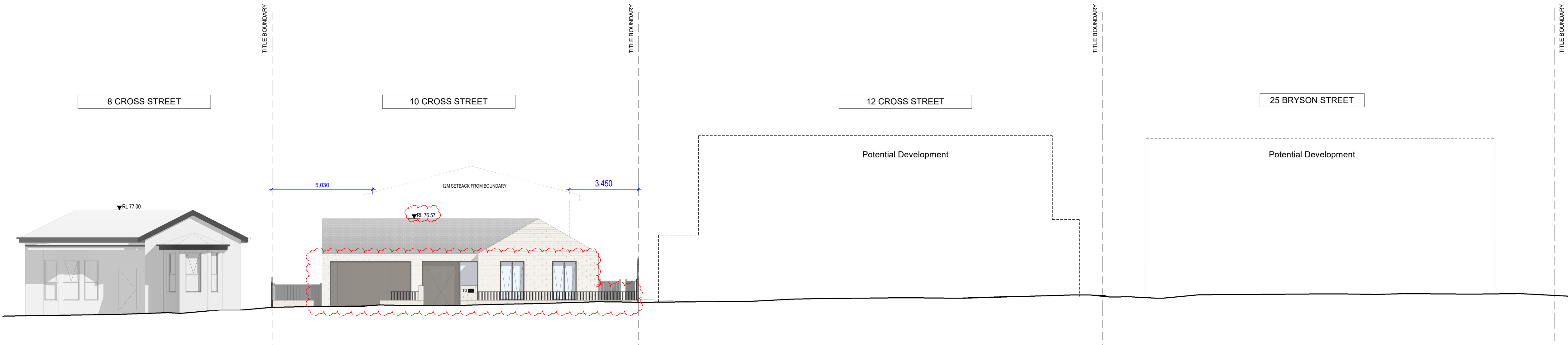
Sheet No. Revision



NOTICE INFORMATION
Date of Notice: 25 October 2023



2 Streetscape Elevation_Cross st_Existing
SCALE 1: 100



1 Streetscape Elevation_Cross st_Proposed
SCALE 1: 100

Notes

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No. Date

- | | | |
|---|------------|-------------------------------|
| A | 28/05/2022 | TOWN PLANNING APPLICATION |
| C | 20/04/2023 | POST RFI |
| D | 30/06/2023 | POST RFI |
| E | 11/09/2023 | RESPONSE TO HERITAGE COMMENTS |
| F | 13/09/2023 | RESPONSE TO HERITAGE COMMENTS |
| H | 10/10/2023 | ISSUE FOR S57A |

Notes

TOWN PLANNING

Status

Brysonst Pty Ltd

Client

Embrace Architects

Embrace Architects Pty Ltd
2/26-36 High Street, Northcote VIC 3070

10 Cross Street, Canterbury

25 Bryson Street, Canterbury

Project

Streetscape Elevation

Title

1: 100@A1 20002 10/10/2023
Scale Project No. Date

TP04

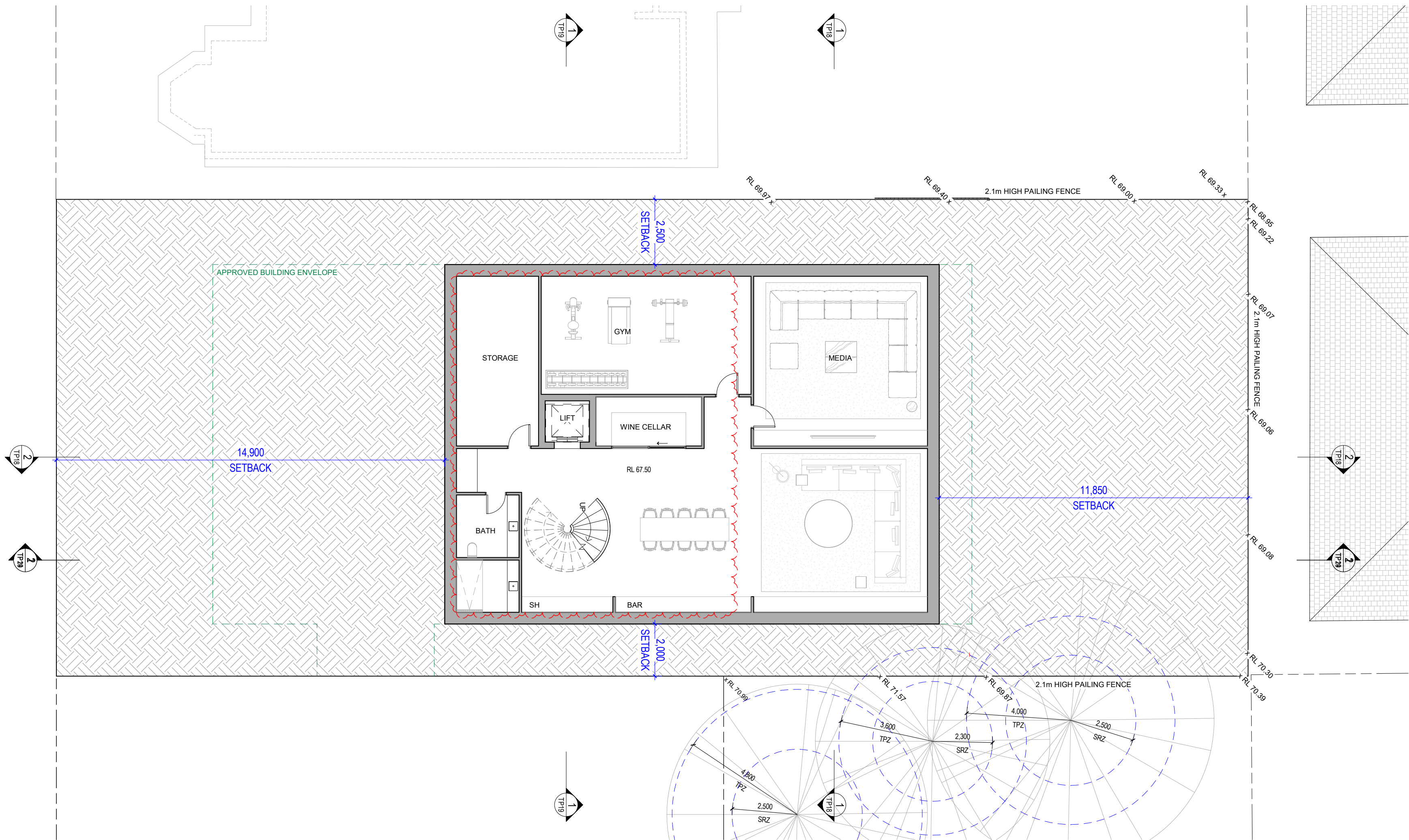
Sheet No.

H

Revision



NOTICE INFORMATION
Date of Notice: 25 October 2023



GENERAL LEGEND

---	TITLE BOUNDARY
LEVEL XX	BUILDING LEVEL
XX.XX	LEVEL TO AHD
RL XX.XX	RL - REDUCED LEVEL SFL - STRUCTURAL FLOOR LEVEL FPL - FINISHED FLOOR LEVEL TO W - TOP OF WALL
AC	AIR CONDITIONING CONDENSING UNIT

ABBREVIATIONS

NGL	NATURAL GROUND LEVEL
BG	BOX GUTTER
PB	PLANTER BOX
RW	RETAINING WALL
W	NEIGHBOURS WINDOW
H	WINDOW HEAD HEIGHT
S	WINDOW SILL HEIGHT

AUTHORITY COMPLIANCE

OG	FIXED, OBSCURE GLASS WINDOWS UP TO MIN 1.7M ABOVE FFL
PS	METAL PRIVACY SCREEN, MAX. 25% VISIBILITY UP TO MIN 1.7M ABOVE FFL
OS	FIXED, OBSCURE SCREEN, MAX 25% VISIBILITY UP TO MIN 1.7M ABOVE FFL

TREE PROTECTION

	EXTENT OF TREE PROTECTION ZONE (AS PER ARBORISTS REPORT) OF TREE IMPACTED BY PROPOSED DEVELOPMENT
	EXTENT OF TREE PROTECTION ZONE ENCROACHMENT CAUSED BY THE PROPOSED DEVELOPMENT. THIS FIGURE DOES NOT INCLUDE ENCROACHMENT INTO THE TPZ FROM THE EXISTING BUILDINGS/WORKS
	EXTENT OF TREE PROTECTION ZONE ENCROACHMENT FROM THE EXISTING BUILDINGS/WORKS

DEMOLITION

	EXISTING ELEMENT TO BE DEMOLISHED
	EXISTING TREE TO BE REMOVED
	EXISTING TREE TO BE RETAINED

BASEMENT	BASEMENT	261.6 m²
GROUND FLOOR	GROUND FLOOR	304.9 m²
	GARAGE	57.0 m²
FIRST FLOOR	FIRST FLOOR	202.8 m²
TOTAL	INTERNAL	826.2 m²
	P.O.S	449.7 m²

Notes

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No.

Date

A 28/05/2022

C 20/04/2023

D 30/06/2023

E 11/09/2023

H 10/10/2023

Notes

TOWN PLANNING APPLICATION

POST RFI

POST RFI

RESPONSE TO HERITAGE COMMENTS

ISSUE FOR S37A

TOWN PLANNING

Status

Brysonst Pty Ltd

Client

Embrace Architects

Embrace Architects Pty Ltd
2/26-36 High Street, Northcote VIC 3070

10 Cross Street, Canterbury

25 Bryson Street, Canterbury

Project
Basement Plan

Title

1 : 100@A1

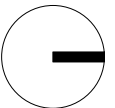
Scale

20002

Project No.

10/10/2023

Date



TP10

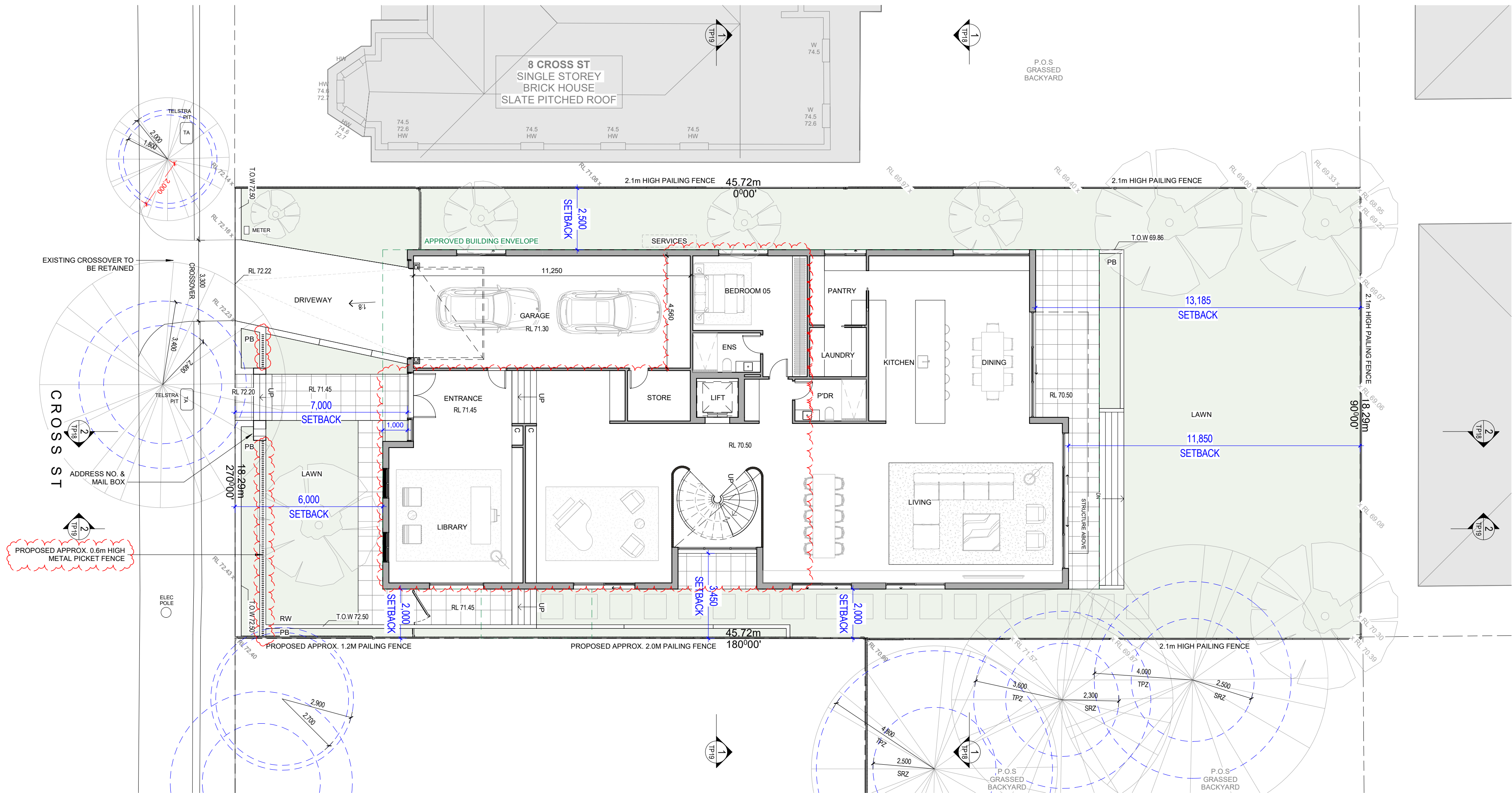
Sheet No.

H

Revision



NOTICE INFORMATION
Date of Notice: 25 October 2023



GENERAL LEGEND

---	TITLE BOUNDARY
---XX	BUILDING LEVEL
---XX	LEVEL TO AHD
RL XX.XX	RL - REDUCED LEVEL SFL - STRUCTURAL FLOOR LEVEL FPL - FINISHED FLOOR LEVEL T.O.W. - TOP OF WALL
AC	AIR CONDITIONING CONDENSING UNIT

ABBREVIATIONS

NGL	NATURAL GROUND LEVEL
BG	BOX GUTTER
PB	PLANTER BOX
RW	RETAINING WALL
W	NEIGHBOURS WINDOW
H	WINDOW HEAD HEIGHT
S	WINDOW SILL HEIGHT

AUTHORITY COMPLIANCE

OG	FIXED, OBSCURE GLASS WINDOWS UP TO MIN 1.7M ABOVE FFL
PS	METAL PRIVACY SCREEN, MAX. 25% VISIBILITY UP TO MIN 1.7M ABOVE FFL
OS	FIXED, OBSCURE SCREEN, MAX 25% VISIBILITY UP TO MIN 1.7M ABOVE FFL

TREE PROTECTION

EXTENT OF TREE PROTECTION ZONE (AS PER ARBORISTS REPORT) OF TREE IMPACTED BY PROPOSED DEVELOPMENT
EXTENT OF TREE PROTECTION ZONE ENCROACHMENT CAUSED BY THE PROPOSED DEVELOPMENT. THIS FIGURE DOES NOT INCLUDE ENCROACHMENT INTO THE TPZ FROM THE EXISTING BUILDINGS/WORKS
EXTENT OF TREE PROTECTION ZONE ENCROACHMENT FROM THE EXISTING BUILDINGS/WORKS

DEMOLITION

EXISTING ELEMENT TO BE DEMOLISHED
EXISTING TREE TO BE REMOVED
EXISTING TREE TO BE RETAINED

BASEMENT

BASEMENT

261.6 m²

GROUND FLOOR

GROUND FLOOR

304.9 m²

GARAGE

57.0 m²

FIRST FLOOR

FIRST FLOOR

202.8 m²

TOTAL

INTERNAL

826.2 m²

P.O.S

449.7 m²

Notes

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No.

Date

A

28/05/2022

C

20/04/2023

D

30/06/2023

E

11/09/2023

F

13/09/2023

H

10/10/2023

Notes

TOWN PLANNING APPLICATION

POST RFI

POST RFI

RESPONSE TO HERITAGE COMMENTS

RESPONSE TO HERITAGE COMMENTS

ISSUE FOR S57A

TOWN PLANNING

Status

Brysonst Pty Ltd

Client

Embrace Architects

Embrace Architects Pty Ltd

2/26-36 High Street, Northcote VIC 3070

10 Cross Street, Canterbury

25 Bryson Street, Canterbury

Project

Ground Floor Plan

Title

1 : 100@A1

Scale

20002

Project No.

10/10/2023

Date

TP11

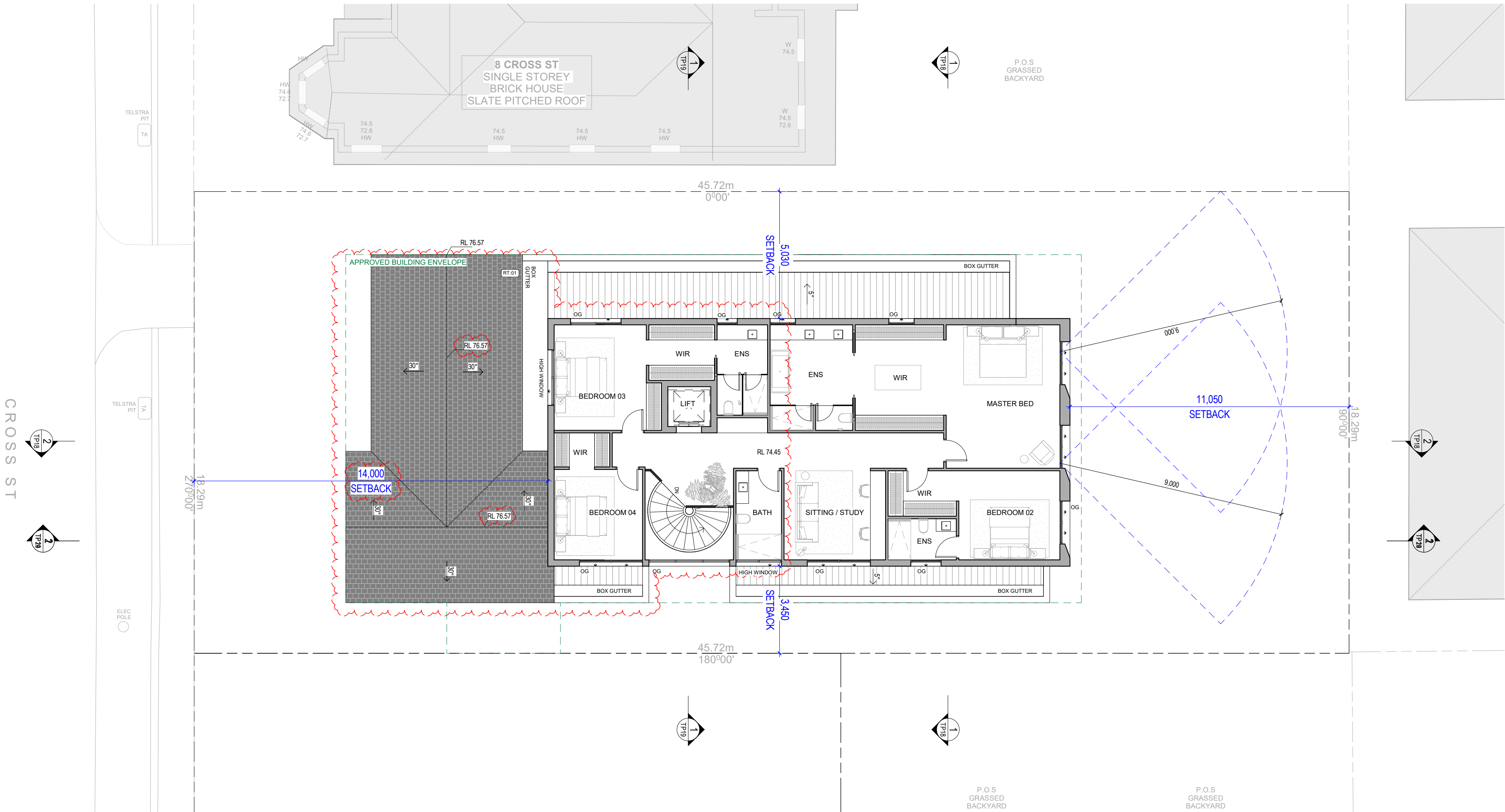
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Sheet No.

Revision



NOTICE INFORMATION
Date of Notice: 24 October 2023



GENERAL LEGEND

---	TITLE BOUNDARY
▼ LEVEL XX	BUILDING LEVEL
+XX.XX	LEVEL TO AHD
▼ RL XX.XX	RL - REDUCED LEVEL SFL - STRUCTURAL FLOOR LEVEL FPL - FINISHED FLOOR LEVEL TO W - TOP OF WALL
[AC]	AIR CONDITIONING CONDENSING UNIT

ABBREVIATIONS

NGL	NATURAL GROUND LEVEL
BG	BOX GUTTER
PB	PLANTER BOX
RW	RETAINING WALL
W	NEIGHBOURS WINDOW
H	WINDOW HEAD HEIGHT
S	WINDOW SILL HEIGHT

AUTHORITY COMPLIANCE

OG	FIXED, OBSCURE GLASS WINDOWS UP TO MIN 1.7M ABOVE FFL
PS	METAL PRIVACY SCREEN, MAX. 25% VISIBILITY UP TO MIN 1.7M ABOVE FFL
OS	FIXED, OBSCURE SCREEN, MAX. 25% VISIBILITY UP TO MIN 1.7M ABOVE FFL

TREE PROTECTION

[Blue dashed line]	EXTENT OF TREE PROTECTION ZONE (AS PER ARBORISTS REPORT) OF TREE IMPACTED BY PROPOSED DEVELOPMENT
[Blue cross-hatch]	EXTENT OF TREE PROTECTION ZONE ENCROACHMENT CAUSED BY THE PROPOSED DEVELOPMENT. THIS FIGURE DOES NOT INCLUDE ENCROACHMENT INTO THE TPZ FROM THE EXISTING BUILDINGS/WORKS
[Blue diagonal lines]	EXTENT OF TREE PROTECTION ZONE ENCROACHMENT FROM THE EXISTING BUILDINGS/WORKS

DEMOLITION

[Red hatched]	EXISTING ELEMENT TO BE DEMOLISHED
[Red star]	EXISTING TREE TO BE REMOVED
[Green star]	EXISTING TREE TO BE RETAINED

BASEMENT	BASEMENT	261.6 m²
GROUND FLOOR	GROUND FLOOR	304.9 m²
	GARAGE	57.0 m²
FIRST FLOOR	FIRST FLOOR	202.8 m²
TOTAL	INTERNAL	826.2 m²
	P.O.S	449.7 m²

- Notes
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No.	Date	Notes
A	28/05/2022	TOWN PLANNING APPLICATION
C	20/04/2023	POST RFI
D	30/06/2023	POST RFI
E	11/09/2023	RESPONSE TO HERITAGE COMMENTS
F	13/09/2023	RESPONSE TO HERITAGE COMMENTS
H	10/10/2023	ISSUE FOR S57A

TOWN PLANNING

Status

Brysonst Pty Ltd
Client

Embrace Architects
Embrace Architects Pty Ltd
2/26-36 High Street, Northcote VIC 3070

10 Cross Street, Canterbury

25 Bryson Street, Canterbury

First Floor Plan

Title

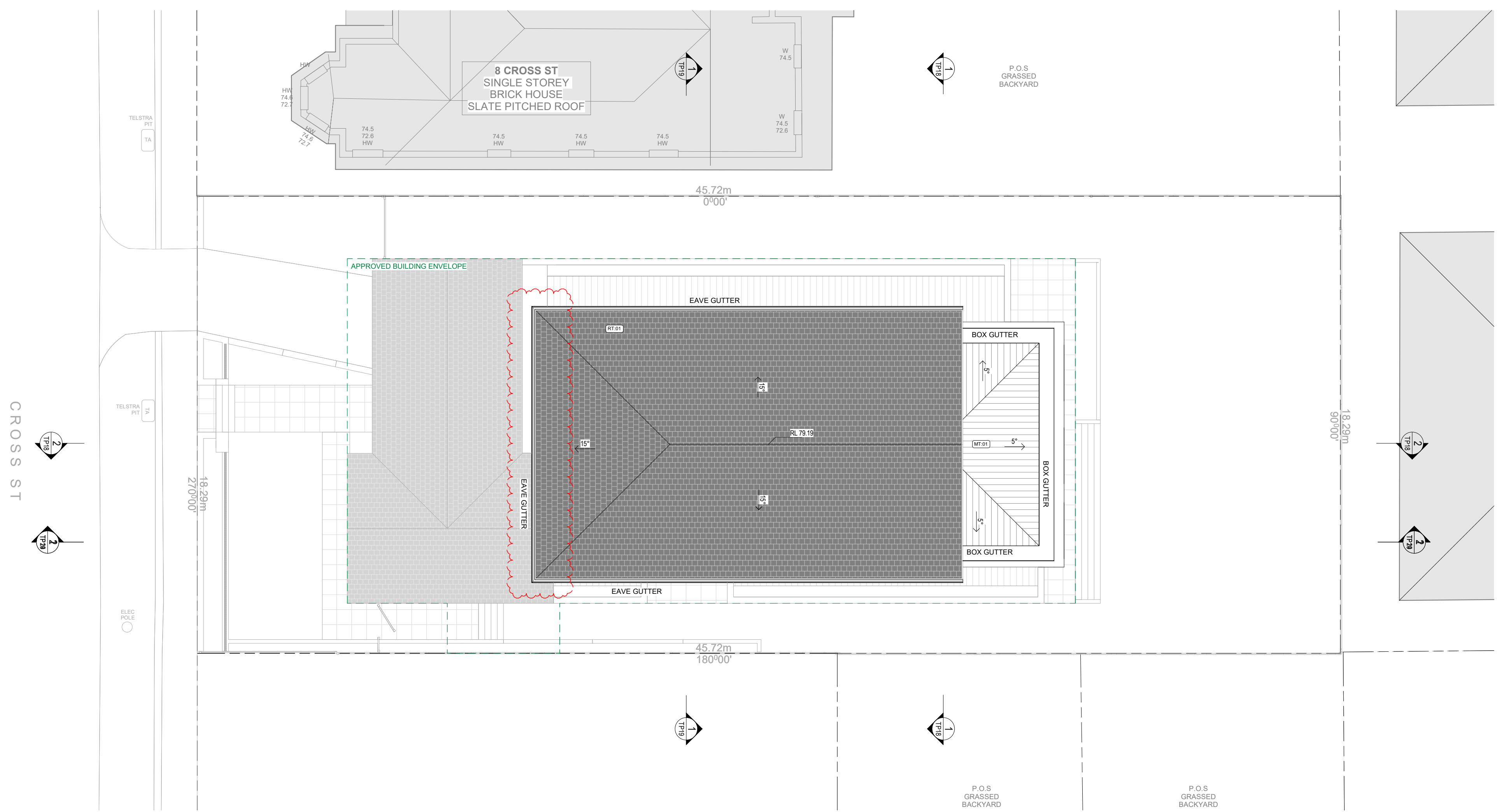
1 : 100@A1 20002 10/10/2023
Scale Project No. Date

TP12
Sheet No.

H
Revision



NOTICE INFORMATION
Date of Notice: 25 October 2023



GENERAL LEGEND		ABBREVIATIONS		AUTHORITY COMPLIANCE		TREE PROTECTION		DEMOLITION				
---	TITLE BOUNDARY	NGL	NATURAL GROUND LEVEL	OG	FIXED, OBSCURE GLASS WINDOWS UP TO MIN 1.7M ABOVE FFL		EXTENT OF TREE PROTECTION ZONE (AS PER ARBORISTS REPORT) OF TREE IMPACTED BY PROPOSED DEVELOPMENT		EXISTING ELEMENT TO BE DEMOLISHED	BASEMENT	BASEMENT	261.6 m²
▼ LEVEL XX +XX.XX	BUILDING LEVEL	BG	BOX GUTTER	PS	METAL PRIVACY SCREEN, MAX. 25% VISIBILITY UP TO MIN 1.7M ABOVE FFL		EXTENT OF TREE PROTECTION ZONE ENCROACHMENT CAUSED BY THE PROPOSED DEVELOPMENT. THIS FIGURE DOES NOT INCLUDE ENCROACHMENT INTO THE TPZ FROM THE EXISTING BUILDINGS/WORKS		EXISTING TREE TO BE REMOVED	GROUND FLOOR	GROUND FLOOR	304.9 m²
▼ RL XX.XX	LEVEL TO AHD	PB	PLANTER BOX	OS	FIXED, OBSCURE SCREEN, MAX 25% VISIBILITY UP TO MIN 1.7M ABOVE FFL		EXTENT OF TREE PROTECTION ZONE ENCROACHMENT FROM THE EXISTING BUILDINGS/WORKS		EXISTING TREE TO BE RETAINED	GARAGE	GARAGE	57.0 m²
	RL - REDUCED LEVEL SFL - STRUCTURAL FLOOR LEVEL FFL - FINISHED FLOOR LEVEL TO W - TOP OF WALL	RW	RETAINING WALL							FIRST FLOOR	FIRST FLOOR	202.8 m²
	AIR CONDITIONING CONDENSING UNIT	W	NEIGHBOURS WINDOW							TOTAL	INTERNAL	826.2 m²
		H	WINDOW HEAD HEIGHT								P.O.S	449.7 m²
		S	WINDOW SILL HEIGHT									

Notes

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No. Date Notes

A	28/05/2022	TOWN PLANNING APPLICATION
C	20/04/2023	POST RFI
D	30/06/2023	POST RFI
E	11/09/2023	RESPONSE TO HERITAGE COMMENTS
H	10/10/2023	ISSUE FOR S37A

TOWN PLANNING

Status

Brysonst Pty Ltd

Client

Embrace Architects

Embrace Architects Pty Ltd
2/26-36 High Street, Northcote VIC 3070

10 Cross Street, Canterbury 25 Bryson Street, Canterbury

Project

Roof Plan

Title

1 : 100@A1 20002 10/10/2023

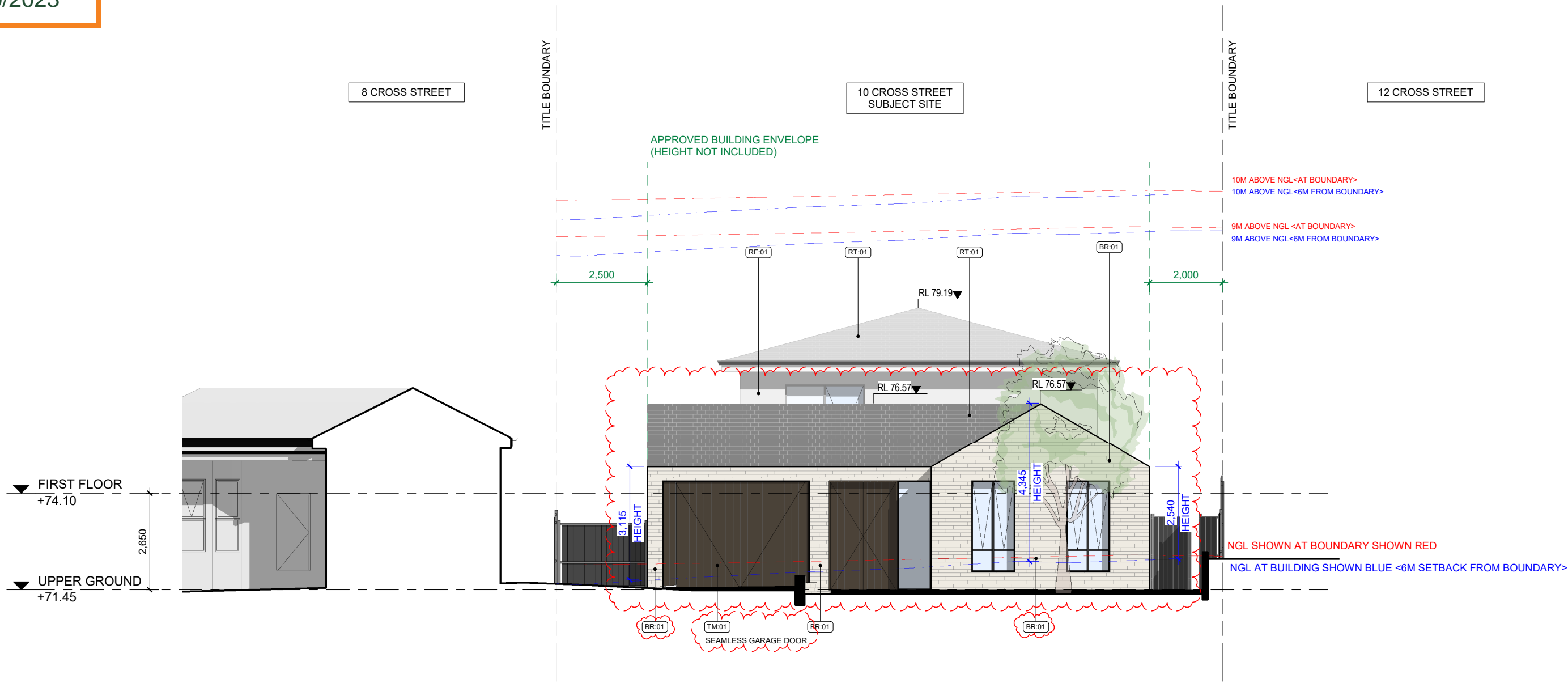
Scale Project No. Date

TP13 H

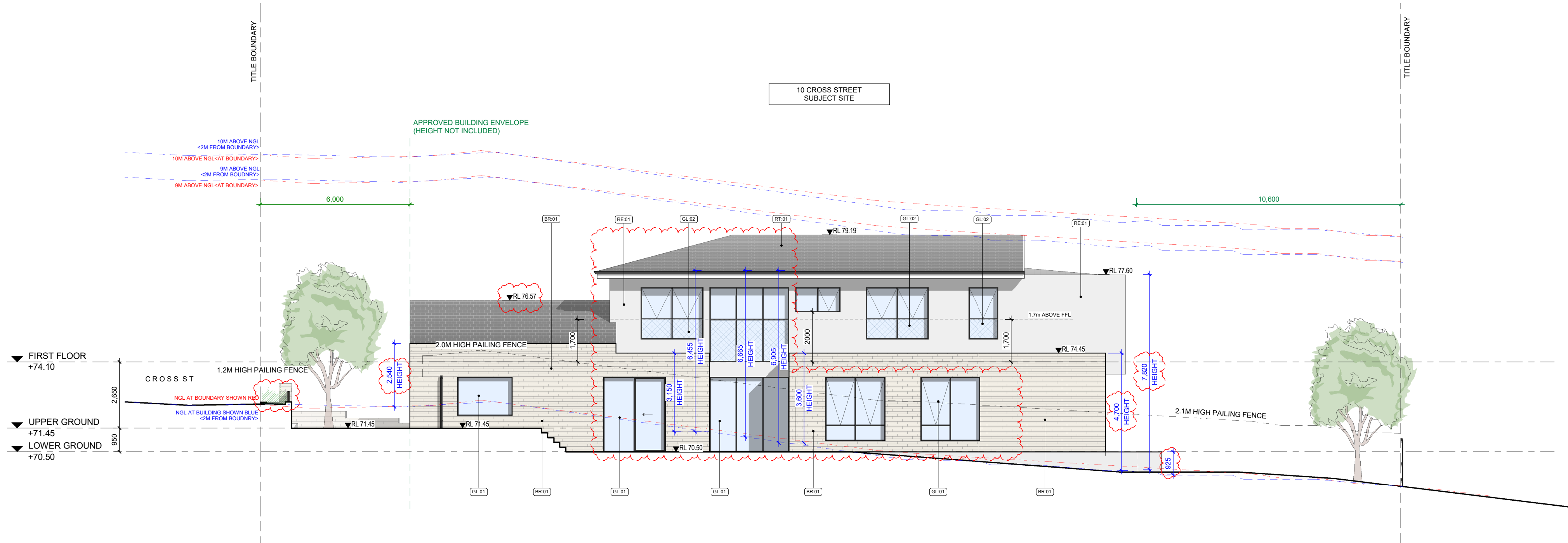
Sheet No. Revision



NOTICE INFORMATION
Date of Notice: 24 October 2023



1 South Building Elevation
SCALE: 1 : 100



2 East Building Elevation
SCALE: 1 : 100

- Notes
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E	11/09/2023	RESPONSE TO HERITAGE COMMENTS
F	13/09/2023	RESPONSE TO HERITAGE COMMENTS
H	10/10/2023	ISSUE FOR S57A

TOWN PLANNING

Status

Brysonst Pty Ltd
Client

Embrace Architects
Embrace Architects Pty Ltd
2/26-36 High Street, Northcote VIC 3070

10 Cross Street, Canterbury 25 Bryson Street, Canterbury
Project

Building Elevations - Sheet 1

Title

1 : 100@A1 20002 10/10/2023
Scale Project No. Date

TP15

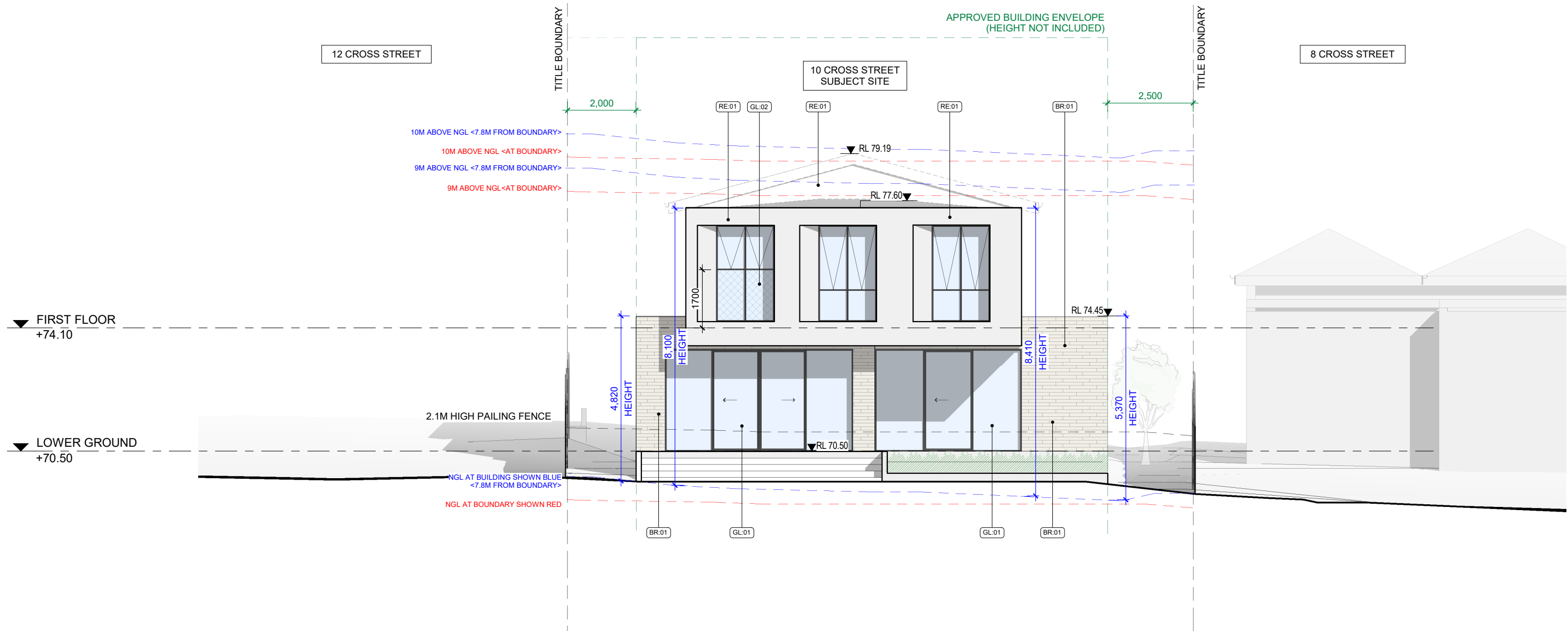
Sheet No.

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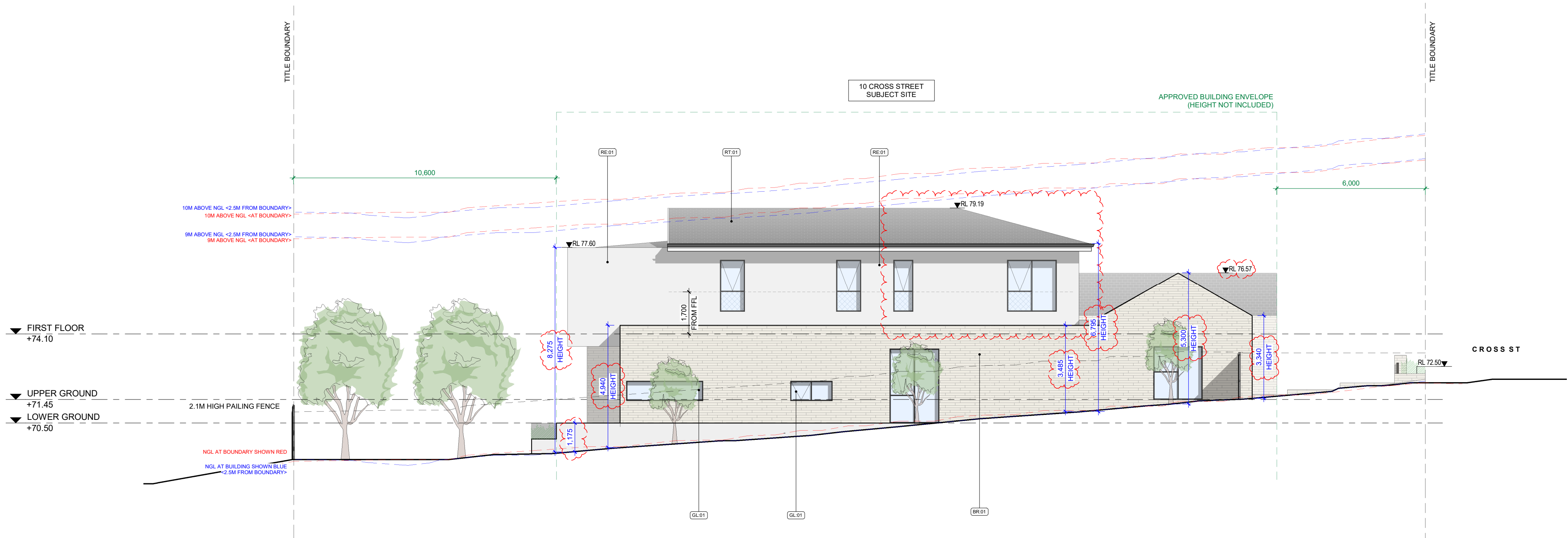
Revision



NOTICE INFORMATION
Date of Notice: 25 October 2023



1 North Building Elevation
SCALE 1 : 100



2 West Building Elevation
SCALE 1 : 100

- Notes
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F	13/09/2023	RESPONSE TO HERITAGE COMMENTS
H	10/10/2023	ISSUE FOR S57A

TOWN PLANNING
Status

Brysonst Pty Ltd
Client

Embrace Architects
Embrace Architects Pty Ltd
2/26-36 High Street, Northcote VIC 3070

10 Cross Street, Canterbury 25 Bryson Street, Canterbury
Project

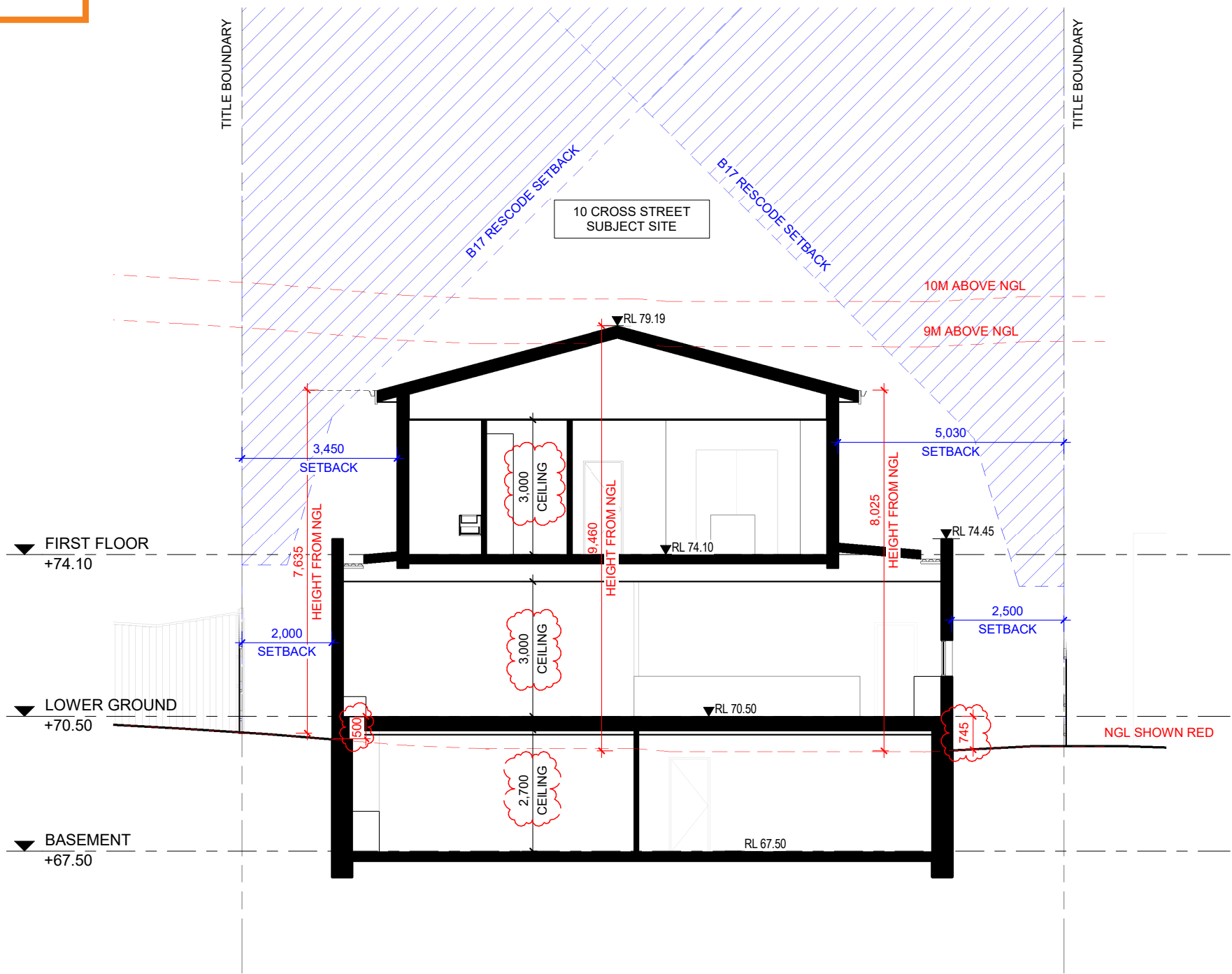
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Title

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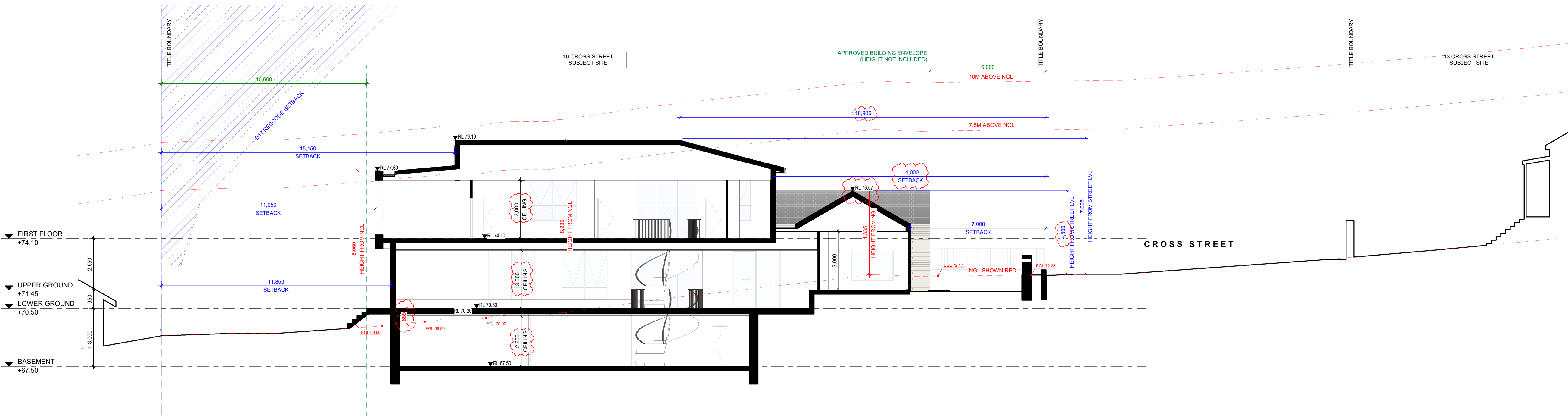
TP16 H
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NOTICE INFORMATION
Date of Notice: 24 October 2023



1 Section A
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2 Section B
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No. Date

- | No. | Date | Notes |
|-----|------------|-------------------------------|
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| C | 20/04/2023 | POST RFI |
| D | 30/06/2023 | POST RFI |
| E | 11/09/2023 | RESPONSE TO HERITAGE COMMENTS |
| F | 13/09/2023 | RESPONSE TO HERITAGE COMMENTS |
| H | 10/10/2023 | ISSUE FOR S57A |

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Project

Sections - Sheet 01

Title

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Scale Project No. Date

TP18

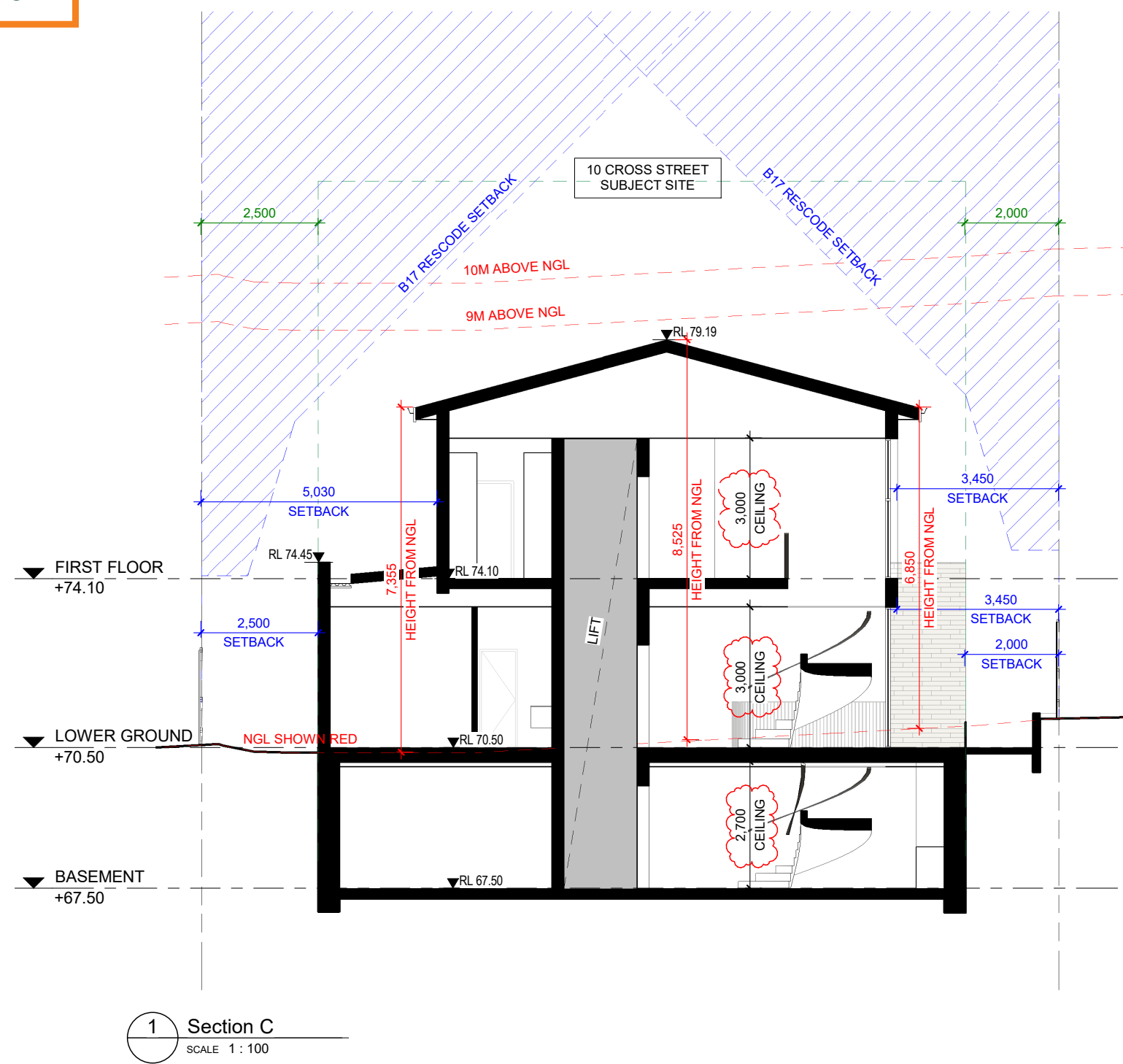
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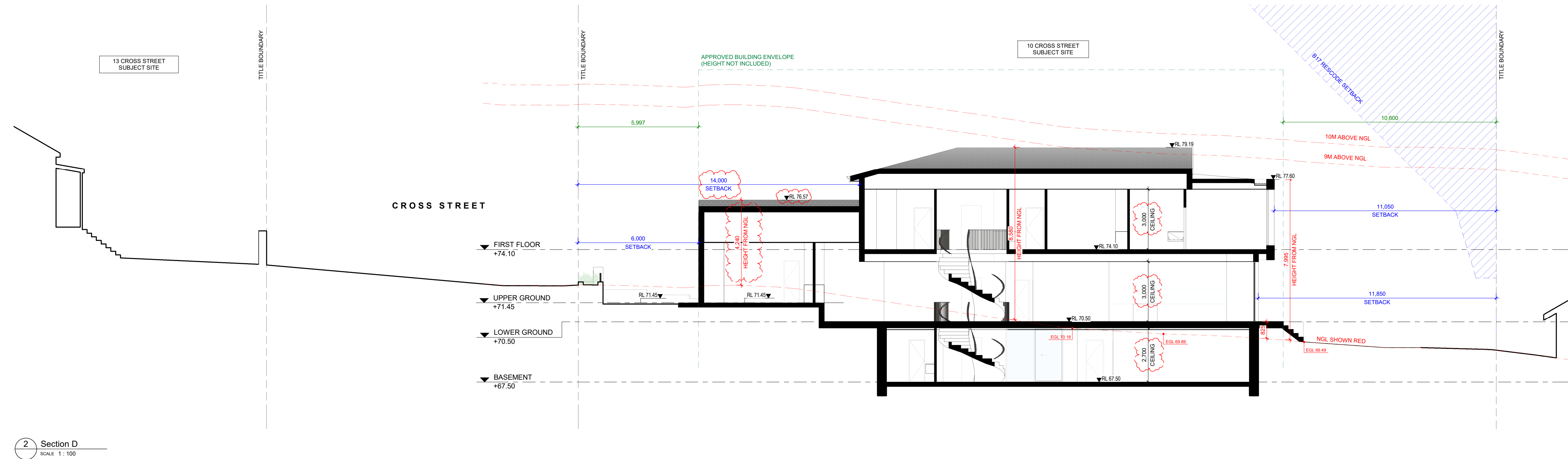
Revision



NOTICE INFORMATION
Date of Notice: 24 October 2023



1 Section C
SCALE 1:100



2 Section D
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No.

Date

C 20/04/2023
D 30/05/2023
E 11/09/2023
F 13/09/2023
H 10/10/2023

Notes

POST RFI
POST RFI
RESPONSE TO HERITAGE COMMENTS
RESPONSE TO HERITAGE COMMENTS
ISSUE FOR S37A

TOWN PLANNING

Status

Brysonst Pty Ltd

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Embrace Architects

Embrace Architects Pty Ltd
2/26-36 High Street, Northcote VIC 3070

10 Cross Street, Canterbury

25 Bryson Street, Canterbury

Project

Sections - Sheet 02

Title

1:100@A1

Scale

20002

Project No.

10/10/2023

Date

TP19

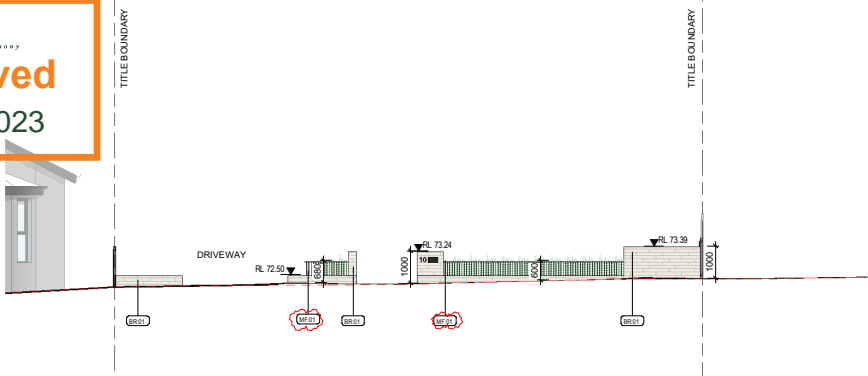
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Revision



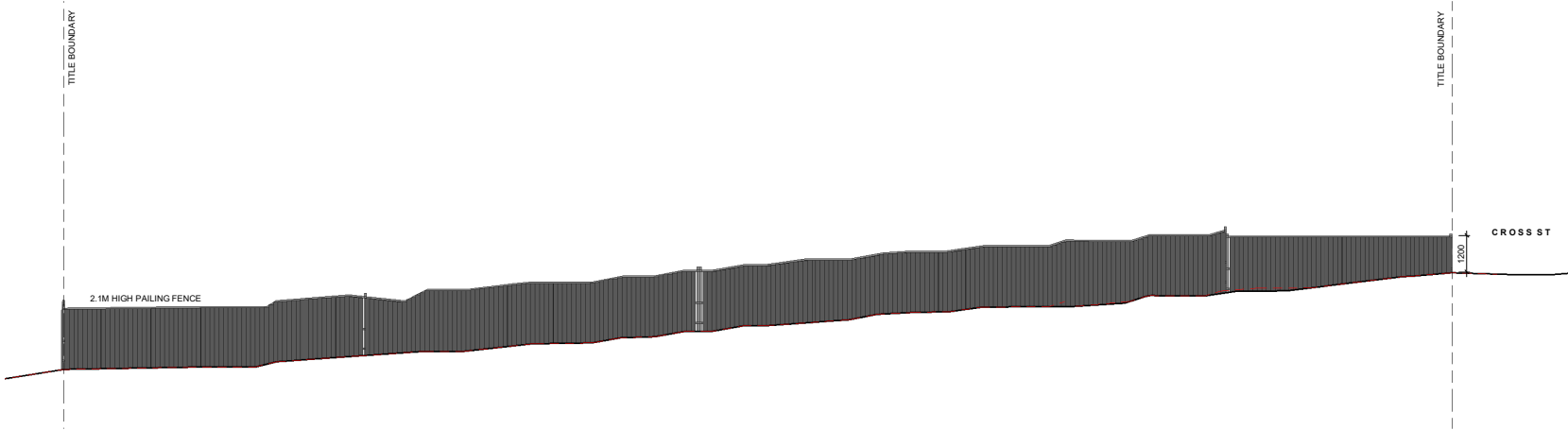
NOTICE INFORMATION
Date of Notice: 24 October 2023



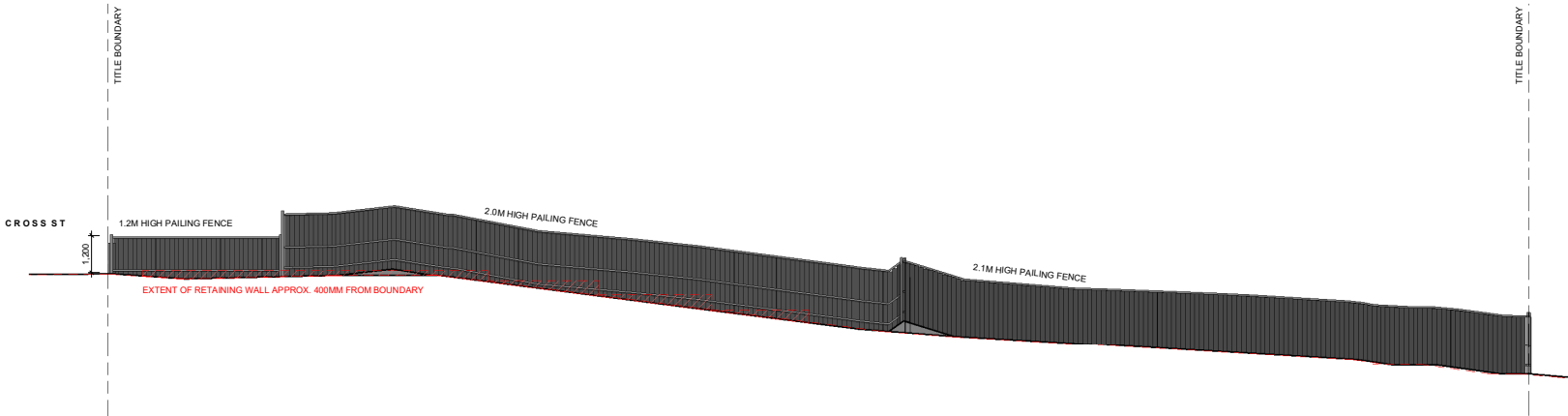
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SCALE 1:100



4 Fence Elevation_North
SCALE 1:100



2 Fence Elevation_West
SCALE 1:100



3 Fence Elevation_East
SCALE 1:100

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E	11/09/2023	RESPONSE TO HERITAGE COMMENTS
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TOWN PLANNING
Status

Brysonst Pty Ltd
Client

Embrace Architects
Embrace Architects Pty Ltd
2/26-36 High Street, Northcote VIC 3070

10 Cross Street, Canterbury 25 Bryson Street, Canterbury

Project
Fence Elevations

Title

1:100@A1 20002 10/10/2023
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TP17
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EXTERNAL MATERIALS SCHEDULE

Received

13/10/2023

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Date of Notice: 24 October 2023

	RE:01	RENDER FINISH COLOUR: OFF WHITE OR SIMILAR
	BR:01	RENDERED BRICK COLOUR: BEIGE OR SIMILAR
	GL:01	GLASS CLEAR GLASS
	GL:02	GLASS OBSCURE GLASS UP TO 1700mm ABOVE FINISHED FLOOR LEVEL
	RT:01	ROOF TILE COLOUR: CHARCOAL OR SIMILAR
	MT:01	METAL ROOF COLOUR: CHARCOAL OR SIMILAR
	MT:02	METAL BALUSTRADE COLOUR: DULUX POWDERCOAT 'BLACK MATT' OR SIMILAR
	TM:01	TIMBER LOOK PANEL COLOUR: DARK BROWN OR SIMILAR
	MF:01	METAL PICKET FENCE COLOUR: DARK BROWN OR SIMILAR

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E	11/09/2023	RESPONSE TO HERITAGE COMMENTS
H	10/10/2023	ISSUE FOR S57A

TOWN PLANNING

Status

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Client

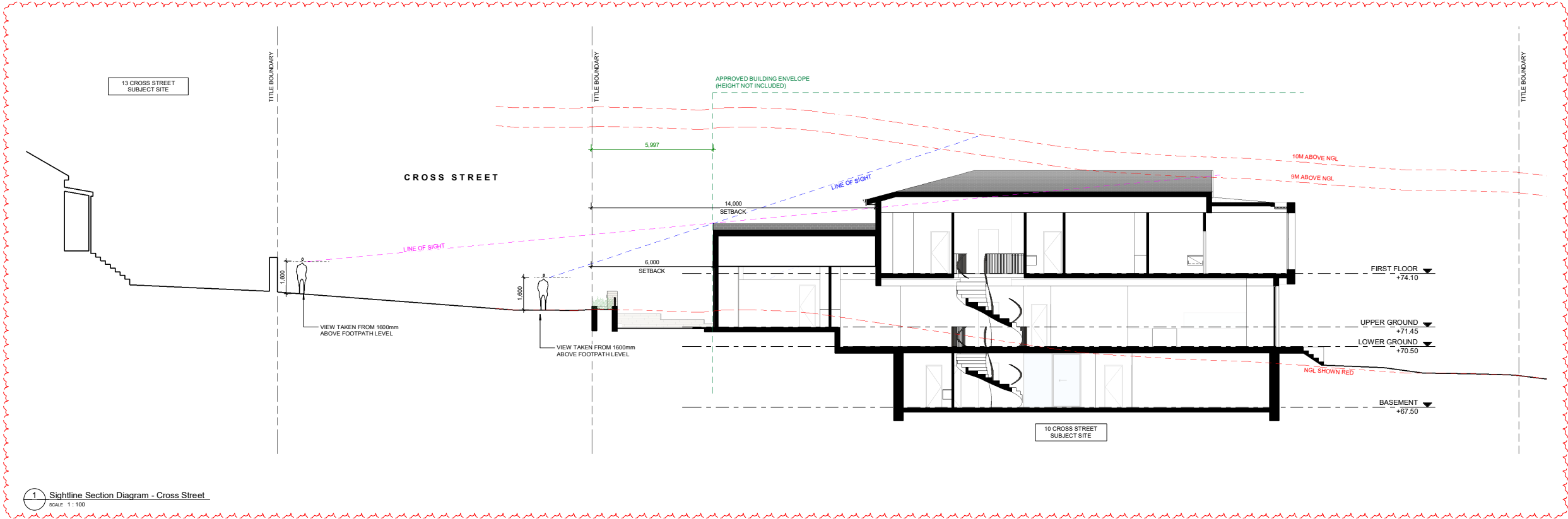
Embrace Architects

Embrace Architects Pty Ltd
2/26-36 High Street, Northcote VIC 3070

10 Cross Street, Canterbury	25 Bryson Street, Canterbury
Project	
Material Schedule	
Title	
1 : 100@A1	20002
Scale	Project No.
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	<div>TOWN PLANNING</div> <div>Status</div>	<div>Sight Line Diagram</div> <div>Title</div>
	<div>©COPYRIGHT OF THIS DRAWING AND THE DESIGN DESCRIBED HEREIN IS VESTED IN EMBRACE ARCHITECTS PTY LTD</div>	<div>1:100@A1 20002 10/10/2023</div> <div>Scale Project No. Date</div>
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3.3 36 Kooyongkoot Road, Hawthorn - Outcome of Ministerial Advisory Committee - Amendment C284Pt2boro

Executive Summary

Purpose

The purpose of this report is to inform the Urban Planning Delegated Committee (UPDC) of the recommendations of the Ministerial Advisory Committee (MAC) appointed to consider submissions to Amendment C284Pt2boro (36 Kooyongkoot Road, Hawthorn) to the Boroondara Planning Scheme. The report also considers the officers' recommendation to refer the amendment to an Ordinary meeting of Council for abandonment.

Background

Amendment C284Pt2boro seeks to apply a permanent Heritage Overlay to the property at 36 Kooyongkoot Road, Hawthorn. The property was originally part of the Hawthorn Heritage Gap Study (Amendment C284boro).

On 14 July 2020, following the release of the Planning Panel report for Amendment C284boro, a Section 39 (defects in procedure) review was made by the property owner to the Victorian Civil and Administrative Tribunal (VCAT). On 3 August 2020, the UPDC resolved to split Amendment C284boro into two parts, and defer consideration of Amendment C284 (Part 2) until the VCAT proceedings pertaining to 36 Kooyongkoot Road, Hawthorn and any required actions are concluded.

On 18 March 2021, during the legal proceedings at VCAT, Minutes of Consent were signed by parties referring the matter to a Ministerial Advisory Committee (MAC). A MAC was appointed pursuant to Section 151 of the *Planning and Environment Act 1987*. The Terms of Reference for the Committee were signed by the former Minister for Planning on 14 September 2022.

A public hearing was held on 8 and 9 May 2023. The MAC returned its report to the Minister for Planning on 15 June 2023.

Key Issues

On 6 November 2023, the Minister for Planning issued the report of the MAC, which is provided at **Attachment 1**.

The MAC has recommended the amendment be abandoned, finding the thresholds for local significance for Criterion D, E and H presented through the exhibited heritage citation and Council's heritage expert evidence, have not been met.

While the recommendation to abandon is not consistent with Council's heritage expert, officers accept the recommendation.

Next Steps

Officers recommend the UPDC resolve to receive and acknowledge the MAC report and refer Amendment C284Pt2boro to an Ordinary Meeting of Council to be abandoned.

Officers' recommendation

That the Urban Planning Delegated Committee resolve to:

1. Receive and acknowledge the Ministerial Advisory Committee report and recommendations, as shown at **Attachment 1**.
2. Endorse the officers' response to the Ministerial Advisory Committee's recommendations to Amendment C284Pt2boro.
3. Refer Amendment C284Pt2boro to an Ordinary Meeting of Council to be abandoned in accordance with Section 28 of the *Planning and Environment Act 1987*.

Responsible director: Scott Walker, Director Urban Living

1. Purpose

The purpose of this report is to:

- Provide a summary of the Ministerial Advisory Committee (MAC) report (**Attachment 1**) and officers' response to the recommendation.
- Seek a resolution from the Urban Planning Delegated Committee (UPDC) to abandon Amendment C284Pt2boro.

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

Boroondara Community Plan 2021-31

The Boroondara Community Plan 2021-31 sets out the 10-year vision for Boroondara's future based on values, aspirations and priorities important to the community, and includes the Council Plan 2021-25.

The amendment implements the Strategic Objective of the Theme 4 of the Plan, to "protect the heritage and respect the character of Boroondara, while facilitating appropriate, well-designed development".

Specifically, the amendment implements Strategy 4.1 - "Boroondara's heritage places are protected through ongoing implementation of heritage protection controls in the Boroondara Planning Scheme".

Planning and Environment Act 1987

The amendment is consistent with the objectives of planning in Victoria, in particular the objective detailed in Section 4(1)(d) of the *Planning and Environment Act 1987* (the Act), being:

"to conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value".

This means that Council has a statutory obligation to continuously identify and protect places of heritage significance through the Heritage Overlay.

Plan Melbourne 2017-2050

The identification, assessment and protection of places of local heritage significance are supported by Outcome 4 of *Plan Melbourne 2017-2050*, which seeks to ensure that "Melbourne is a distinctive and liveable city with quality design and amenity".

Direction 4.4 recognises the contribution heritage makes to Melbourne's distinctiveness and liveability and advocates for the protection of Melbourne's heritage places.

Policy 4.4.1 recognises the need for "continuous identification and review of currently unprotected heritage sites and targeted assessments of heritage sites in areas identified as likely to be subject to substantial change".

The amendment is consistent with these *Plan Melbourne* directions and initiatives.

Boroondara Planning Scheme

The amendment is consistent with the objectives of the Planning Policy Framework, addressing the following:

- Clause 2.03-4 Built environment and heritage of the Municipal Planning Strategy - which includes the strategic direction to “protect all individual places, objects and precincts of cultural, aboriginal, urban and landscape significance”.
- Clause 15.03-1S Heritage conservation - which seeks to “ensure the conservation of places of heritage significance” and to ‘identify, assess and document places of natural and cultural heritage significance as a basis for their inclusion in the planning scheme”.
- Clause 15.03-1L – Heritage in Boroondara - which seeks to “preserve ‘significant’ heritage places, protecting all significant heritage fabric including elements that cannot be seen from the public realm”.

The Planning Policy Framework seeks to ensure the Heritage Overlay is applied to protect places of heritage significance in the City of Boroondara.

3. Background

The key milestones relating to this matter are summarised in the tables below. Due to the complex nature of the background, the chronology has been broken up into sections.

Heritage assessment and preliminary consultation

Date	Event
25 July 2016	Council engaged heritage consultants, Context Pty Ltd, to commence the Municipal Wide Heritage Gap Study. The Hawthorn Heritage Gap Study, subject of Amendment C284boro, was the third suburb assessment undertaken as part of the Municipal Wide Heritage Gap Study. The assessment undertaken by Trethowan Architecture, heritage consultants, (working as a sub-consultant) determined the subject land to be of individual heritage significance, meeting the threshold for local significance under Criterion D, E and H.
9 October to 3 November 2017	Preliminary consultation on the draft Hawthorn Heritage Gap Study undertaken. In response to the preliminary consultation, Council received feedback from 87 parties, including 37 opposing submissions and 26 supporting submissions and 24 partially supporting submissions.
January 2018	The owners of the subject land provided feedback during the preliminary consultation period that they did not support the inclusion of the property in the Heritage Overlay. They provided a heritage report from Lovell Chen to support their position.

Amendment C284boro - Hawthorn Heritage Gap Study

Date	Event
19 March 2018	Council's Urban Planning Delegated Committee resolved to write to the Minister for Planning (Minister) to request authorisation to prepare Amendment C284boro in accordance with Section 4B and 8A(4) of the PE Act 1987 to include properties identified in the Hawthorn Heritage Gap Study in the Heritage Overlay.
5 April 2018	Council wrote to the Minister and sought authorisation to prepare and exhibit Amendment C284boro.
30 October 2018	Authorisation granted by the Minister to prepare and exhibit Amendment C284boro.
7 February to 12 March 2019	Exhibition of Amendment C284boro. 59 submissions received, including nine supporting submissions, 19 partially supporting submissions, 30 opposing and one submission opposing which was later withdrawn. In addition, two late opposing submissions were received at the end of May 2019. Three submissions were received in relation to the subject land, two supporting the inclusion of the subject land in the Heritage Overlay and one objecting.
17 June 2019	Council's Urban Planning Delegated Committee resolved to: <ul style="list-style-type: none"> • remove the subject land as an individually significant place based on the advice of Council's heritage consultant • refer Amendment C284boro and unresolved submissions to a Planning Panel in accordance with Section 23(1) of the <i>Planning and Environment Act 1987</i>.
28 June 2019	Planning Panel appointed by the Minister for Planning to consider Amendment C284boro.
18 July 2019	Directions Hearing
14, 15, 19 and 21 August 2019	Panel Hearing
3 October 2019	Panel Report provided to Council
31 October 2019	Panel Report publicly released
14 July 2020	Council received initiating order for VCAT Proceeding P1033/2020 (Section 39 review)
3 August 2020	Council's Urban Planning Delegated Committee resolved to: <ul style="list-style-type: none"> • split Amendment C284boro into two parts • defer consideration of Amendment C284 (Part 2) until the VCAT proceedings pertaining to 36 Kooyongkoot Road, Hawthorn and any required actions arising have concluded.
21 August 2020	VCAT Practice Day Hearing
18 March 2021	Minutes of Consent in VCAT Proceeding P1033/2020 signed. Withdrawal Orders made on 23 March 2023.

Advisory Committee Process

Date	Event
14 September 2022	In accordance with the terms of the VCAT Minutes of Consent, the Minister appointed a Ministerial Advisory Committee and released its Terms of Reference.
27 September 2022	Council, the landowner of the subject land and the two submitters who filed submissions in relation to the subject land for Amendment C284boro, were notified in relation to the Amendment and asked to indicate whether they wish to be heard at the Committee Hearing. Council and the landowner indicated they wished to be heard at the Committee Hearing.
13 October 2022	Ministerial Advisory Committee - Directions Hearing
8 and 9 May 2023	Ministerial Advisory Committee Hearing and accompanied site inspection
15 June 2023	Ministerial Advisory Committee submitted report to Minister for Planning
6 November 2023	Department of Transport and Planning release Ministerial Advisory Committee report to Council

Interim Heritage Overlay

Date	Event
9 May 2019	Interim Heritage Overlay introduced by Amendment C285boro, to the subject land (and others) until 31 March 2020
12 March 2020	Interim Heritage Overlay extended until 12 March 2021
12 March 2021	Interim Heritage Overlay extended until 11 March 2022
11 March 2022	Interim Heritage Overlay extended until 11 March 2023
9 March 2023	Interim Heritage Overlay extended until 1 December 2023
24 October 2023	Amendment C406boro sought to extend interim Heritage Overlay, as no update provided on the release of the MAC report. No decision has been made on the amendment by the Minister to date.

4. Outline of key issues/options

Ministerial Advisory Committee hearing

On 14 September 2022, a Ministerial Advisory Committee (MAC) was appointed to advise the Minister for Planning on whether 36 Kooyongkoot Road, Hawthorn should be included in the Schedule to the Heritage Overlay. The hearing was held on 8 and 9 May 2023. Council called expert heritage evidence.

On 3 August 2020, Council had resolved to defer consideration of the Amendment until the Victorian Civil and Administrative (VCAT) proceedings pertaining to the subject site and any required actions arising were concluded. The Advisory Committee hearing constitutes a required action, given it was conceived as part of the VCAT consent order. As such, Council did not present

a formal position on the amendment but nevertheless did provide its expert to assist the Committee.

Council's heritage expert maintained the property met the threshold for inclusion in the Heritage Overlay, under Criterion D, E and H of *Planning Practice Note 1: Applying the Heritage Overlay*.

The landowner was the only other party to the proceeding, and called three heritage experts. The key issues raised by the landowner included:

- The dwelling has been significantly altered externally and internally over time which has significantly eroded its heritage value. The dwelling cannot be described as intact.
- While the dwelling is legible as a house designed in the Old English revival style, it is an altered example and not one that can satisfy Criterion D.
- Noting the relative intactness of the comparative examples of the style identified in the draft citation, the dwelling presents as an altered and lesser example and not one which achieves the threshold of individual significance (Criterion E).
- The house is of some interest historically for its associations with architect John Scarborough and builders ARP Crow & Sons, however, the 'special' association with the life or works of the architect and the builder is not established. The associations are of historical interest but not of such significance the house would warrant individual significance (Criterion H).

Ministerial Advisory Committee recommendation

On 6 November 2023, officers received the MAC report (**Attachment 1**). The MAC has recommended Amendment C284Pt2boro be abandoned, finding the thresholds for local significance for Criterion D, E and H presented through the heritage citation and Council's heritage expert evidence, have not been met.

Considering Criterion D (representativeness), the MAC found the alterations are cumulatively significant and result in a dwelling which is no longer intact. The significant alterations detract from one's ability to understand the pivotal characteristics of the style and the overall integrity of the dwelling is diminished.

Regarding Criterion E (aesthetic significance), the MAC found the dwelling is an example of an Old English revival style residence, however, it is a broadly symmetrical design which differs from typical examples of the Old English revival style in the municipality.

In relation to Criterion H (associative significance), the MAC found the association of the building to John Scarborough or ARP Crow & Sons was not special, and an enduring connection to Boroondara was not demonstrated.

Officer recommendation

While the recommendation to abandon is not consistent with Council's expert's submission to the MAC, officers accept the recommendation. The MAC made its recommendation based on all available evidence and written submissions and observations from a site visit.

Ultimately, the MAC was presented with differing professional opinions and preferred the evidence of three heritage experts, appearing in support of the property owner's submission.

Officers recommend the UPDC resolve to receive and acknowledge the MAC report, and refer the amendment to an Ordinary Meeting of Council to be abandoned.

Interim Heritage Overlay

The interim Heritage Overlay HO790 affecting the site is due to expire on 1 December 2023. Prior to receiving the MAC report, officers applied to the Minister for Planning to have the expiry date extended through Amendment C406boro.

At the time of writing, this amendment was yet to be determined. Should the interim control expire, officers will pursue an administrative amendment to have the redundant control deleted from the Schedule to the Heritage Overlay and the relevant planning scheme map.

5. Consultation/communication

All relevant submitters were invited to attend and participate in the MAC process. Submitters who chose not to appear at the hearing still had their written submission considered by the MAC.

Following the release of the MAC report, submitters, adjoining property owners/occupiers and other interested parties were invited to address the UPDC at this meeting.

6. Financial and resource implications

Cost associated with the amendment will be funded through the Planning & Placemaking Department operational budget for the 2023/24 financial year.

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

Abandoning the amendment is not expected to have any significant social or environmental implications, given the MAC has found the property does not meet the threshold for inclusion in the Heritage Overlay.

Manager: David Cowan, Manager Planning & Placemaking

Report officer: Mikaela Carter, Principal Strategic Planner

Planning Panels Victoria

36 Kooyongkoot Road Advisory Committee

Advisory Committee Report

Planning and Environment Act 1987

15 June 2023



Planning Panels Victoria acknowledges the Wurundjeri Woi Wurrung People as the traditional custodians of the land on which our office is located. We pay our respects to their Elders past and present.

Planning and Environment Act 1987

Advisory Committee Report pursuant to section 25 of the PE Act

36 Kooyongkoot Road Advisory Committee

15 June 2023



Sarah Raso, Chair



Jessica Tulloch, Member

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Glossary and abbreviations

Council	Boroondara City Council
Gap Study	City of Boroondara Municipal Wide Heritage Gap Study: Volume 3 Hawthorn, prepared by Trethowan Architects in association with Context Pty Ltd
Guidelines	The Victorian Heritage Register Criteria and Threshold Guidelines, Heritage Council of Victoria, 1 December 2022
interim Heritage Overlay	Heritage Overlay, Schedule HO790, Dalsworth, 36 Kooyongkoot Road, Hawthorn
Minister	Minister for Planning
PE Act	<i>Planning and Environment Act 1987</i>
PPN01	Planning Practice Note 1 (Applying the Heritage Overlay), August 2018
subject land	36 Kooyongkoot Road, Hawthorn
VCAT	Victorian Civil and Administrative Tribunal

Overview

Summary	
Name	36 Kooyongkoot Road Advisory Committee
Purpose	To advise the Minister for Planning on whether 36 Kooyongkoot Road, Hawthorn should be included in the Heritage Overlay
Subject land	36 Kooyongkoot Road, Hawthorn
Planning Authority	Boroondara City Council
Authorisation	30 October 2018
Exhibition	Amendment C284boro was exhibited from 7 February to 12 March 2019
Submissions	<ul style="list-style-type: none"> - Susan Lachal - Mark Kerr - Rod Warren

Advisory Committee process	
The Committee	<p>Original appointment (14 September 2022): Sarah Raso (Chair), Elizabeth McIntosh</p> <p>Reconstituted Committee (19 October 2022): Sarah Raso (Chair), Elizabeth McIntosh, and Jessica Tulloch</p>
Supported by	Chris Brennan
Directions Hearing	Video conference, 13 October 2022
Committee Hearing	Hearing Room 1, 1 Spring Street, Melbourne, 8 and 9 May 2023
Site inspections	Accompanied, 8 May 2023
Parties to the Hearing	<p>Boroondara City Council represented by John Rantino of Maddocks calling heritage evidence from Mark Stephenson of Trethowan Architecture</p> <p>Susan Lachal represented by Peter O'Farrell of Counsel instructed by Norton Rose Fulbright calling heritage evidence from:</p> <ul style="list-style-type: none"> - Anita Brady of Anita Brady Heritage - Jim Gardner of GJM Heritage - Peter Lovell of Lovell Chen
Date of this report	15 June 2023

Executive summary

The purpose of the 36 Kooyongkoot Road Advisory Committee is to advise the Minister for Planning on whether 36 Kooyongkoot Road, Hawthorn should be included in the Schedule to the Heritage Overlay.

36 Kooyongkoot Road, Hawthorn is currently subject to an interim Heritage Overlay – Schedule HO790 – Dalsworth, 36 Kooyongkoot Road, Hawthorn. This will expire on 1 December 2023.

The interim Statement of Significance for 36 Kooyongkoot Road, Hawthorn is incorporated at Clause 72.04 of the Boroondara Planning Scheme. It states that the property is architecturally, aesthetically and associatively significant to Boroondara pursuant to Criterion D, E and H at the local level.

The owner of the subject land, and Boroondara City Council were represented at the Committee Hearing, and both filed expert evidence and written submissions.

The key issues raised by the landowner included:

- the dwelling has been significantly altered externally and internally over time which has significantly eroded its heritage value
- the dwelling cannot be described as intact
- while the dwelling is legible as a house designed in the Old English revival style, it is an altered example and not one that can satisfy Criterion D
- noting the relative intactness of the comparative examples of the style identified in the draft citation, the dwelling presents as an altered and lesser example and not one which achieves the threshold of individual significance (Criterion E)
- the house is of some interest historically for its associations with architect John F. D. Scarborough and builders ARP Crow & Sons, however, the 'special' association with the life or works of the architect and the builder is not established
- these associations are of historical interest but not of such significance that the house would warrant individual significance (Criterion H).

The Committee accepts that it is appropriate, and a requirement that councils “*identify and assess and document*” places of heritage significance. It also accepts the Heritage Overlay is the correct tool to protect places identified as meeting the requisite threshold of significance. Whether the land at 36 Kooyongkoot Road, Hawthorn meets that threshold is the key question.

The Committee concludes 36 Kooyongkoot Road, Hawthorn does not meet the threshold for heritage significance (having regard to Criterion D, E and H) and should not be included in the Schedule to the Heritage Overlay.

The extent of works that the subject land has undergone are significant, even more so when considered cumulatively. The Committee considers the alterations, particularly those to the front façade, result in a dwelling which is no longer intact in terms of its heritage significance. While the dwelling largely reads as a house from the Old English revival style, the symmetrical construction and the significant alterations detract from one’s ability to understand the pivotal characteristics of the style and the overall integrity of the dwelling is diminished. The dwelling has undergone significant alteration to key stylistically defining elements and does not satisfy Criterion D such that an individual heritage listing is warranted.

The dwelling is an example of an Old English revival style residence utilising features typical of the style such as half-timbering, a steeply pitched tile roof, tall slender chimneys with decorative details and clinker bricks. However, it is a broadly symmetrical design, both in its elevation and floor plan, which differs from examples of the Old English revival style in the municipality. Its symmetry is dominant, and not typical of the asymmetrical composition the style and period are known for, and consequently does not meet the threshold for aesthetic significance.

Finally, the dwelling on the subject land does not meet the threshold for Criterion H. The association asserted with either John Scarborough (the architect) or ARP Crow & Sons (the builder) and the subject land is not special, and an enduring connection to Boroondara has not been demonstrated.

Based on the reasons set out in this Report, the Committee recommends:

- 1. 36 Kooyongkoot Road, Hawthorn should not be included in the Heritage Overlay.**

1 Introduction

1.1 The Committee

The Minister for Planning (Minister) appointed the 36 Kooyongkoot Road Advisory Committee (Committee) on 14 September 2022 pursuant to section 151 of the *Planning and Environment Act 1987* (PE Act) comprising:

- Sarah Raso (Chair)
- Elizabeth McIntosh.

The Committee was reconstituted on 19 October 2022 to include Jessica Tulloch.

For personal reasons Elizabeth McIntosh decided to take no further part in the matter after the Directions Hearing. Sarah Raso (Chair) and Jessica Tulloch formed the Committee for the purposes of the Committee Hearing and are the authors of this report.

The Committee was assisted by Chris Brennan, Senior Project Officer, Planning Panels Victoria.

1.2 The Committee's role

The Minister signed Terms of Reference (Document i and Appendix A) for the Committee on 14 September 2022. The Terms of Reference set out the scope of the Committee's role and how it is to undertake its task.

The purpose of the Committee as set out in Clause 2 of the Terms of Reference is:

...to advise the Minister for Planning on whether 36 Kooyongkoot Road, Hawthorn (the property) should be included in the HO.

1.3 The subject land

The subject land is 36 Kooyongkoot Road, Hawthorn (as shown in Figure 1). It is an 'L' shaped site measuring approximately 1,850m² in area on the western side of Kooyongkoot Road.

Figure 1 Aerial photo of subject land



1.4 Background

Amendment C284boro, which sought to implement the City of Boroondara Municipal Wide Heritage Gap Study: Volume 3 Hawthorn (Gap Study), was exhibited from 7 February to 12 March 2019.

Three submissions were received relating to the subject land, one opposing and two supporting the application of the Heritage Overlay.

In response to submissions received, Boroondara City Council's (Council) Urban Planning Delegated Committee resolved to (amongst other things):

- endorse the officers' response to submissions and recommend changes to Amendment C284boro and the Hawthorn Heritage Gap Study
- refer the Amendment and unresolved submissions to a Planning Panel in accordance with Section 23(1) of the PE Act.

A Panel Hearing was held on 14, 15, 19 and 21 August 2019, and the Panel released its Report to Council on 4 October 2020. The report was publicly released on 31 October 2020.

Following an appeal to the Victorian Civil and Administrative Tribunal (VCAT) pursuant to section 39 of the PE Act relating to the Panel's findings concerning the subject land, Council's Urban Planning Delegated Committee resolved to split Amendment C284boro into two parts, and to defer consideration of the subject land until any actions arising from the VCAT proceedings concluded.

Amendment C284boroPt1 (excluding the subject land) was approved and gazetted on 12 March 2021.

Amendment C284boroPt2 seeks to apply the Heritage Overlay on a permanent basis to the subject land.

Amendment C284boroPt2 remains current. Four extension requests have been sought, and granted, to allow more time for Council to adopt the Amendment before it lapses under section 30(1)(a)(ii) of the PE Act. The most recent extension extends the lapsing date of the Amendment to 25 January 2024.

An interim Heritage Overlay (HO790, Dalsworth, 36 Kooyongkoot Road, Hawthorn) (interim Heritage Overlay) currently applies to the subject land. The interim Heritage Overlay will expire on 1 December 2023.

Council provided a detailed background in its Part A submission, including a chronology of events which the Committee has summarised in Table 1.

Table 1 Chronology of events

Date	Event
Heritage assessment and preliminary consultation	
25 July 2016	Council engaged heritage consultants, Context Pty Ltd, to commence the Municipal Wide Heritage Gap Study. The Gap Study, the subject of Amendment C284boro, was the third suburb assessment undertaken as part of the Municipal Wide Heritage Gap Study. The assessment undertaken by Trethowan Heritage Consultants (working as a sub-consultant) determined the subject land to be of

	individual heritage significance, meeting the threshold for local significance for Criterion D, E and H.
9 October to 3 November 2017	Preliminary public consultation on the draft heritage citation for the subject land contained within the Gap Study was undertaken. In response to the preliminary consultation, Council received feedback from 87 parties, including 37 opposing submissions and 26 supporting submissions and 24 partially supporting submissions.
January 2018	The owners of the subject land provided feedback during the preliminary consultation period that they did not support the inclusion of the property in the Heritage Overlay. They provided a heritage report from Lovell Chen to support their position.
Amendment C284boro	
19 March 2018	Council's Urban Planning Delegated Committee resolved to write to the Minister for Planning (Minister) to request authorisation to prepare Amendment C284boro in accordance with Section 4B and 8A(4) of the PE Act 1987 to include properties identified in the Hawthorn Heritage Gap Study in the Heritage Overlay
5 April 2018	Council wrote to the Minister and sought authorisation to prepare and exhibit Amendment C284boro.
30 October 2018	Conditional Authorisation of Amendment C284boro.
7 February to 12 March 2019	Exhibition of Amendment C284boro. 59 submissions were received during exhibition, including nine supporting submissions, 19 partially supporting submissions, 30 opposing and one submission opposing which was later withdrawn. In addition, two late opposing submissions were received at the end of May 2019. Three submissions were received in relation to the subject land, two supporting the inclusion of the subject land in the Heritage Overlay and one objecting.
17 June 2019	Council's Urban Planning Delegated Committee resolved to: <ul style="list-style-type: none"> - remove the subject land as an individually significant place based on the advice of Council's heritage consultant - refer Amendment C284boro and unresolved submissions to a Planning Panel in accordance with Section 23(1) of the PE Act.
28 June 2019	A Planning Panel was appointed by the Minister for Planning to consider Amendment C284boro
18 July 2019	Directions Hearing
14, 15, 19 and 21 August 2019	Panel Hearing
3 October 2019	Panel Report provided to Council
31 October 2019	Panel report released to the public
14 July 2020	Council received the initiating order for VCAT Proceeding P1033/2020 (the Section 39 appeal)
21 August 2020	VCAT Practice Day Hearing

18 March 2021	Minutes of Consent in VCAT Proceeding P1033/2020 were signed. Withdrawal Orders were made on 23 March 2023
3 August 2021	Council's Urban Planning Delegated Committee resolved to: <ul style="list-style-type: none"> - split Amendment C284boro into two parts - defer consideration of Amendment C284boroPt2boro until VCAT Proceeding P1033/2020 concluded.
Interim Heritage Overlay	
9 May 2019	Interim Heritage Overlay introduced by Amendment C285boro, to the subject land (and others) until 31 March 2020
12 March 2020	Interim Heritage Overlay extended until 12 March 2021
12 March 2021	Interim Heritage Overlay extended until 11 March 2022
11 March 2022	Interim Heritage Overlay extended until 11 March 2023
9 March 2023	Interim Heritage Overlay extended until 1 December 2023
36 Kooyongkoot Road Advisory Committee	
14 September 2022	In accordance with the terms of the Minutes of Consent, the Minister appointed a Ministerial Advisory Committee and released its Terms of Reference.
27 September 2022	Council, the landowner of the subject land and the two submitters who filed submissions in relation to the subject land for Amendment C284boro, were notified in relation to the Amendment and asked to indicate whether they wish to be heard at the Committee Hearing. Council and the landowner indicated they wished to be heard at the Committee Hearing.
13 October 2022	Directions Hearing
8 and 9 May 2023	Committee Hearing and accompanied site inspection

1.5 Expert evidence

The Committee had the benefit of expert heritage evidence from four experts as shown in Table 2.

Table 2 Summary of heritage experts

Party	Expert	Firm
Council	Mark Stephenson	Trethowan Architecture
Susan Lachal (landowner)	Anita Brady	Anita Brady Heritage
	Jim Gard'ner	GJM Heritage
	Peter Lovell	Lovell Chen

1.6 The Committee's approach

Pursuant to its Terms of Reference, the purpose of this Committee is to advise the Minister on whether the subject land should be included in the Heritage Overlay. Clause 11 of the Terms of Reference sets out that the Committee must not consider the Panel Report for Amendment C284boro.

Apart from the exclusion in Clause 11, Clause 12 of the Terms of Reference required the Committee to inform itself in anyway it sees fit, and must consider:

- a) Relevant provisions of the Act and Boroondara Planning Scheme, including any adopted plans, strategies or planning scheme amendments (excluding Amendment C284).
- b) *Plan Melbourne 2017-2050* and any other policy document that the Advisory Committee considers relevant.
- c) All relevant material provided or for the applicant or otherwise provided to the Advisory Committee.
- d) All relevant materials prepared by or for Boroondara City Council or otherwise provided to the Advisory Committee.
- e) All submissions and objections received by the Advisory Committee.

The Committee directed the parties to agree on a list of documents to be provided to the Committee and this was provided on 28 November 2022 (Documents 1 to 16).

Clause 19 required the Committee to provide the following parties with a reasonable opportunity to be heard:

- a) Landowner/s (or nominated representative) of the property and other residents as noted in Clause 5
- b) Boroondara City Council.

Clause 5 noted that three submissions were received by Council in relation to 36 Kooyongkoot Road, Hawthorn: one from the landowner and two submissions from other residents. Only the landowner and Council elected to be heard at the Committee Hearing.

The owner of the subject land, and Council were represented at the Committee Hearing and both filed expert evidence and written submissions.

Key issues raised by the landowner were:

- the dwelling has been significantly altered externally and internally over time which has significantly eroded its heritage value
- the dwelling cannot be described as intact
- while the dwelling is legible as a house designed in the Old English revival style, it is an altered example and not one that can satisfy Criterion D
- noting the relative intactness of the comparative examples of the style identified in the draft citation, the dwelling presents as an altered and lesser example and not one which achieves the threshold of individual significance (Criterion E)
- the house is of some interest historically for its associations with architect John F. D. Scarborough and builders ARP Crow & Sons, however, the 'special' association with the life or works of the architect and the builder was not established
- these associations are of historical interest but not of such significance that the house would warrant individual significance (Criterion H).

The Committee has also had regard to the submissions of two landowners who filed submissions with Council to Amendment C284boro in relation to the subject land. Both these submissions supported the application of the Heritage Overlay to the subject land.

Key issues raised by the two neighbouring landowners were:

- the subject land contains a significant house worthy of protection

- the house is impressive and significant, as it was built by ARP Crow & Sons, builders of other significant properties, including the Footscray Town Hall and the Rosella Factory in Richmond
- the house was designed by architect Mr John Scarborough who designed the Baillieu Library at Melbourne University and the Littlejohn Memorial Chapel at Scotch College, amongst many other famous buildings including churches and public buildings
- Council's ability to control the future demolition of the house or subdivision of the land.

Clause 16 of the Terms of Reference required the Committee to produce a written report for the Minister which provides:

- a) Advice as to whether the HO should be applied to the property.
- b) The consideration of:
 - i. relevant State and local policy
 - ii. any expert advice provided to the Advisory Committee
 - iii. initial written submissions made in the panel hearing for Amendment C284boro regarding the property.
- c) An assessment of submissions made to the Advisory Committee.
- d) Any other relevant matters raised in the course of the Advisory Committee hearing.
- e) A list of persons who made submissions considered by the Advisory Committee.
- f) A list of persons consulted or heard.

Under its Terms of Reference, the Committee has considered all written submissions made in relation to the subject land in response to Amendment C284boro, observations from its site visit, and submissions, evidence and other material presented to it during the Committee Hearing in relation to the Amendment.

This Report deals with the issues under the following headings:

- Planning context
- Threshold issues
- Heritage significance.

2 Planning context

Council submitted Amendment C284boro is consistent with State and Local policy as set out in the exhibited Explanatory Report. The relevant provisions are outlined in Table 3, and Appendix C highlights key imperatives of relevant provisions and policies.

Table 3 Planning context

	Relevant references
Victorian planning objectives	- section 4(1)(d) of the PE Act
Municipal Planning Strategy	- Clause 2
Planning Policy Framework	- Clauses 15.01-5S (Neighbourhood character), 15.01-5L (Neighbourhood character - Boroondara), 15.03 (Heritage), 15.03-1S (Heritage conservation), 15.03-1L (Heritage in Boroondara)
Other planning strategies and policies	- Plan Melbourne Outcome 4, Direction 4.4, Policies 4.4.1 and 4.4.4 - Boroondara Community Plan 2021-31
Planning scheme provisions	- Heritage Overlay
Ministerial directions	- Ministerial Direction 1 (Form and Content of Planning Schemes) - Ministerial Direction 9 (Metropolitan Planning Strategy) - Ministerial Direction 11 (Strategic Assessment of Planning Scheme Amendments) - Ministerial Direction 15 (Planning Scheme Amendment Process)
Planning practice notes	- Planning Practice Note 1 (Applying the Heritage Overlay), August 2018

The PE Act and the Planning Policy Framework, including Plan Melbourne 2017-2050, seek to protect places which have sufficient heritage significance. Section 4 of the PE Act, which seeks to conserve and enhance places of historical interest, is implemented throughout the Planning Policy Framework, including Clause 15.03. In this instance, local significance to Boroondara. Planning Practice Note 1 (Applying the Heritage Overlay), August 2018 (PPN01) provides broad level guidance, from assessing potential heritage places through to applying the Heritage Overlay to the justified properties.

The Committee accepts that it is appropriate, and a requirement that councils “*identify and assess and document*” places of heritage significance. It also accepts that the Heritage Overlay is the correct tool to protect places identified as meeting the requisite threshold of significance. Whether the land at 36 Kooyongkoot Road, Hawthorn meets that threshold is the key question. This is addressed in the following chapters of the Report.

3 Threshold issues

3.1 Comparative analysis

(i) The issue

The issue is whether it is appropriate for comparative analysis to include properties from a different era or style, or to include properties which have been assessed against different heritage criterion.

(ii) Background

The Gap Study provided the following methodology for determining if a place meets the local threshold for heritage significance:

When the place or precinct under assessment was considered to be of equal or better quality than the 'benchmarks' it was judged to meet the threshold of local significance and considered worthy of inclusion in the Boroondara Heritage Overlay.

(iii) Evidence and submissions

Council, noting that comparative analysis is subject to *"judgement and opinion"* said:

Council acknowledges and accepts that undertaking a comparative analysis is an important aspect in determining whether a place meets the requisite threshold for local significance and to acknowledge that one's choice of heritage places against which to make the comparison is an important part of that exercise.¹

Ms Brady explained that comparative analysis *"should establish how a particular place compares with other similar or related examples of the place. The analysis typically seeks to establish whether the place is a lesser, equivalent, or more important example or comparison"*.²

Mr Lovell undertook a comparative analysis against other buildings in the Old English revival style. He concluded:

The conclusion which can be drawn from consideration of the above properties is that 36 Kooyongkoot Road is a representative example of the use of the Old English style in domestic architecture in Boroondara, but not one which stands out as an exemplar nor one which is intact.³

Mr Gard'ner agreed with Mr Lovell's assessment. He said:

While I consider the level of comparative analysis undertaken as part of the Gap Study to be consistent with the intent of PPN01, Mr Lovell's more detailed analysis provides a larger array of comparable examples of English Domestic Revival architecture within the City of Boroondara.⁴

Mr Stephenson took a different approach to a comparative assessment of intactness and included comparisons with altered houses from other 20th Century styles in Boroondara (in addition to examples of Old English revival style homes). His assessment made a comparison of the subject land with 2 Snowden Place, Canterbury (HO629). He said:

¹ Document 24.

² Document 23.

³ Document 21.

⁴ Document 22.

... despite alterations to the front windows, overpainting of the upper level, infill of the porch and an addition above the front garage, the original design remains recognisable. By comparison, the subject site has undergone less alteration compared to 2 Snowden Place, with no additions or alterations to its symmetrical massing as seen on the principal facades visible to the public realm.⁵

Mr Stephenson referred to the Panel Report for Amendment C266 to the Boroondara Planning Scheme which considered whether the Heritage Overlay should apply to 2 Snowden Place. He said:

The house at 2 Snowden Place (Figure 3) is a post-war Modern house by a notable architect, Charles Hollinshed. Despite the removal of some of the upper-level windows and the addition of a prominent upper-level addition to the front elevation of the house above the garage, the Panel determined that 'the house still represents Hollinshed's design concept' and was thus 'sufficiently intact to justify the Heritage Overlay'.⁶

Mr Stephenson did not make any specific comparison of the subject land with the other three 20th Century examples in his witness statement.

(iv) Discussion

In his assessment, Mr Stephenson placed significant emphasis on the Panel Report for Amendment C266 to the Boroondara Planning Scheme for 2 Snowden Place. He used this comparison to give weight to the notion that despite the alterations to the subject land, the initial 'design concept' by Scarborough is sufficiently intact.

Mr Stephenson in response to questions put on behalf of the landowner agreed that 2 Snowden place was a Modernist house designed by an architect, for that architect to live in.

The Committee finds the comparison against 2 Snowden Place tenuous. The Committee agrees with the landowner that the comparison is an "*entirely different set of circumstances*".

PPN01 requires comparative analysis to be undertaken as part of the assessment of potential heritage places:

To apply a threshold, some comparative analysis will be required to substantiate the significance of each place. The comparative analysis should draw on other similar places within the study area, including those previously included in a heritage register or overlay.⁷

The Committee is not satisfied the comparison against 2 Snowden Place meets the requirements of PPN01. There are few, if any, similarities between the two places to enable any meaningful comparison.

In the first instance, the two properties are not comparable based on the different architectural style and era of construction.

Second, 2 Snowden Place was designed by Charles Hollinshed as his residence. Hollinshed lived at the property for two decades. Not only does that satisfy Criterion H, the Statement of Significance highlights that it also meets the threshold for Criterion A:

2 Snowden Place (1951) is of historical significance as it is representative of an established pattern of architects designing homes for themselves in the City of Boroondara. This pattern continues today with John Wardle's own house on Kevin Grove in Kew (Criterion A).

⁵ Document 20.

⁶ Ibid.

⁷ Planning Practice Note 1 (Applying the Heritage Overlay), August 2018, page 2.

This is a vastly different proposition to what is before the Committee:

- a home designed by an (albeit notable) architect for someone else to reside in
- a home constructed by a (albeit notable) builder, for a less prominent member of that family business to reside in.

No party suggested that the subject land meets Criterion A.

On this basis, the Committee has given little weight to the comparative analysis against 2 Snowden Place.

(v) Conclusion

The Committee concludes:

- Comparative analysis should draw on places in the same era and style of construction.
- Comparative analysis should draw on places assessed against the same relevant criterion(s).

3.2 Recognisability

(i) The issue

The issue is whether recognisability is an appropriate consideration in assessing the heritage significance of a place (in this case for the purposes of Criterion D and E).

(ii) Evidence and submissions

Mr Stephenson referenced the Boroondara C177boro Panel Report which noted:

As the recent Yarra C173 Part 2 Panel noted, "A precinct should be able to show a consistency or built form which can be discerned on the ground and able to be precisely described in a statement of significance". That Panel also addressed the intactness precincts, questioning the inclusion in a precinct where the precinct is difficult to recognise on the ground due to the low proportion buildings that contribute to historic or architectural significance.⁸

Mr Stephenson acknowledged that his review of several Panel reports identified *"most discussions of intactness revolve around the assessment of precincts rather than of individual houses"*.

However, he went on to conclude:

... 'recognisability' is an important measure of the integrity of a place and on deliberation of this matter, I do not believe the alterations have removed the ability to recognise the Old English Revival style or the fact it was designed by Scarborough.⁹

In response to a question from the landowner, Mr Stephenson disagreed that the term 'recognisability' was more appropriate for the consideration of heritage precincts, not individual places.

The landowner asked whether an individually listed place needed to meet a higher threshold than recognisability. Mr Stephenson was of the view that a heritage place should have the *"hallmarks of the style to be considered of that style"*.¹⁰

⁸ Document20.

⁹ Ibid.

¹⁰ Ibid.

Mr Gard'ner used the term 'recognisable' on one occasion in his witness statement when discussing whether the subject land was intact or not:

...the alterations mean that the subject site cannot be considered an 'intact example' and the prominent gable-ended balcony has been so altered as to no longer be readily **recognisable** to its original design or earlier detailing.¹¹ (Committee emphasis)

During his oral evidence, Mr Gard'ner said that legibility differs from recognisability. He was of the view that whether a contributory property is recognisable in a precinct is a different test to the one before the Committee.

When questioned about the use of the term 'recognisable', Mr Gard'ner said that he preferred the term 'legible' but accepted that 'recognisable' could also be used. Ms Brady said she preferred the term 'legible' because it is a defined term.

(iii) Discussion

The Committee notes the discussion about the recognisability of properties in the Yarra C173(Part 2) Panel report relates more to whether a streetscape is recognisable, or whether a building is recognisable enough to be listed as contributory within a precinct.

For example, the Yarra C173(Part 2) Panel said:

The house is still very recognisable as a simple gable fronted weatherboard house from the nineteenth century.

For these reasons the Panel believes that the property has been appropriately designated as contributory and as a consequence the boundaries of the Lincoln Street precinct are appropriate.

and:

The subject property is a representative 19th century cottage in a street recognisably consistent with the values for which the precinct has significance.

The term 'integrity' is defined in The Victorian Heritage Register Criteria and Threshold Guidelines, Heritage Council of Victoria, 1 December 2022 (Guidelines) as:

Integrity: Refers to the degree to which the heritage values of the place or object are **legible** and able to be understood and appreciated. For example, does it include all the elements necessary to express its significance? If considerable change to the intactness of a place or object has occurred (through changes to the fabric or setting, physical deterioration etc) the significant values may not be readily identifiable and the place or object may have low-level integrity. It should be noted that non-original fabric can contribute to the integrity of a place/object.¹² (Committee emphasis)

The term 'recognisable' is not used in the Guidelines or PPN01.

The Committee considers use of the term 'recognisable' suggests a lower threshold to be met than 'legible'. The threshold for considering the heritage significance of an individual place ought to be much higher than whether a house is contributory within a precinct or streetscape. An individual place should be more than 'recognisable', it should demonstrate that it has retained a high degree of its significant values so it is '*legible, and able to be understood and appreciated*', as per the definition of 'integrity'.

¹¹ Document 22.

¹² The Victorian Heritage Register Criteria and Threshold Guidelines, Heritage Council of Victoria, 1 December 2022, page 6.

The Committee finds that 'legible' is the more appropriate test for an individual property, particularly as it is used in the Guidelines.

(iv) Conclusion

The Committee concludes:

- Recognisability is not an appropriate consideration in assessing the heritage significance of an individual place.
- The term 'legible' is the appropriate test for assessing the heritage significance of an individual property.

3.3 Reversibility

(i) The issue

The issue is whether reversibility is a relevant consideration in assessing the integrity, comparability and heritage significance of a place (in this case for the purposes of Criterion D and E).

(ii) Evidence and submissions

Council submitted the question of reversibility is not whether there are fundamental differences between the experts as to whether the alterations made to the front of the dwelling (central porch, dormer windows, garden, overpainting) are reversible. Rather, Council submitted the reversibility of alterations is squarely a factor in assessing the integrity, comparability and heritage significance of a place, even acknowledging that neither the planning authority nor the responsible authority can compel a landowner to reverse alterations of the past.

Mr Stephenson said the reversibility of alterations is a valid consideration when determining whether an altered place meets the threshold of significance or not.

Ms Brady said reversibility of alterations is not a factor in assessing the integrity of a place. She said:

At present, the dwelling has a significantly modified frontage. While changes can sometimes easily be reversed – such as removing paint from an originally unpainted surface – the assessment of heritage significance should be based on the building in its current form and appearance. Many 'old' buildings are not considered to be of sufficient heritage value to justify a heritage control because of changes which have occurred and the consequent impact on intactness. It is an important heritage assessment consideration, and it does not rely on possible future reversal of changes.¹³

The landowner agreed with this approach and submitted that an assessment of potential heritage places must be based on the place at the time of that assessment. It submitted that in undertaking an assessment, one can consider the extent of changes and their reversibility, but fundamentally it is the current form and appearance of the building that forms the basis for an assessment. It submitted:

Planning Panels have on numerous occasions recommended that places not be subject to a heritage overlay, based on the extent of change present at the time of assessment. Such considerations go directly to the intactness and integrity of a place, inter alia. The current form and appearance of the place is always the basis of such an assessment.

¹³ Document 23.

Any consideration of reversibility must be legitimate. In other words, it must be plausible and sensible that someone would seriously consider reversing what is now a home with entirely different styling and function – that is not the case in this instance. It must also be considered within the context of the current form and appearance of the place, and its significance or lack thereof.¹⁴

(iii) Discussion

The Committee prefers the evidence of Ms Brady and agrees the assessment of heritage significance should be based on the building in its current form and appearance. Changes to a building go directly to the question of integrity and intactness and the current form and appearance of a place should be the basis of a heritage assessment, and not an assessment based on whether changes to the place might or could be reversed.

(iv) Conclusion

The Committee concludes:

- While changes can often be reversed, the assessment of heritage significance should be based on how intact the building is in its current form.

¹⁴ Document 25.

4 Heritage significance

4.1 Statement of Significance

Exhibited Statement of Significance



What is significant?

The dwelling and front boundary wall of 36 Kooyongkoot Road, Hawthorn, built in 1934 by ARP Crow and Sons to a design by John Francis Deighton Scarborough, are significant.

How is it significant?

'Dalsworth' at 36 Kooyongkoot Road is architecturally, aesthetically, and associatively significant to the City of Boroondara.

Why is it significant?¹⁵

'Dalsworth' at 36 Kooyongkoot Road is of architectural and aesthetic significance as an accomplished example of the Old English style popular during the 1930s-50s. The dwelling makes cohesive use of typical features of the style such as half-timbering, steeply pitched tile roof, tall slender chimneys, clinker bricks and dormer windows. Additional interest can be found in the symmetry of the design and the large projecting covered balcony, both of which are unusual for the period and the style. **(Criteria D and E)**

'Dalsworth' is associatively significant as an early work of architect John F. D. Scarborough, and one of the few known surviving examples of his residential work. It is also the work of a prominent Melbourne builder, ARP Crow and Sons, built for Robert Crow, the son of company founder ARP Crow, and himself a builder. **(Criterion H)**

PPN01 sets out the following heritage criteria, one or more of which must be met at the local level to warrant including a property in the Schedule to the Heritage Overlay:

¹⁵ The Assessment against Criteria differs between the exhibited citation in the Gap Study and that included in the interim Statement of Significance. The latter combines the assessment of Criterion D and E under Criterion E, whereas the former separates the assessment of the two criteria.

Criterion A: Importance to the course or pattern of our cultural or natural history (historical significance).

Criterion B: Possession of uncommon, rare or endangered aspects of our cultural or natural history (rarity).

Criterion C: Potential to yield information that will contribute to understanding our cultural or natural history (research potential).

Criterion D: Importance in demonstrating the principal characteristics of a class of cultural or natural places or environments (representativeness).

Criterion E: Importance in exhibiting particular aesthetic characteristics (aesthetic significance).

Criterion F: Importance in demonstrating a high degree of creative or technical achievement at a particular period (technical significance).

Criterion G: Strong or special association with a particular community or cultural group for social, cultural or spiritual reasons. This includes the significance of a place to Indigenous peoples as part of their continuing and developing cultural traditions (social significance).

Criterion H: Special association with the life or works of a person, or group of persons, of importance in our history (associative significance).

The citation and Statement of Significance prepared as part of the Gap Study states that 'Dalsworth' at 36 Kooyongkoot Road, Hawthorn meets Criterion D (representativeness), E (aesthetic significance) and H (associative significance) at the local level.

4.2 Assessment against Criterion D – representativeness significance

(i) The issue

The issue is whether the subject land meets the threshold of architectural significance to justify the Heritage Overlay (Hercon Criteria D)

(ii) Background

The Statement of Significance states:

'Dalsworth' at 36 Kooyongkoot Road is of architectural and aesthetic significance as an accomplished example of the Old English style popular during the 1930s-50s. The dwelling makes cohesive use of typical features of the style such as half-timbering, steeply pitched tile roof, tall slender chimneys, clinker bricks and dormer windows. Additional interest can be found in the symmetry of the design and the large projecting covered balcony, both of which are unusual for the period and the style. (Criteria D and E).

The Citation states:

36 Kooyongkoot Road is an intact example of an Old English revival style residence. The dwelling includes the principal characteristics of the style through its steeply pitched, tiled gable roof; tall, narrow chimneys with decorative details; clinker bricks; and half-timbering. Other unusual features include the large central balcony, which is more reminiscent of earlier Queen Anne Revival.

(iii) Evidence and submissions

In addressing both Criterion D and E, for which the physical presentation of the place is relevant, the level of intactness is a key consideration.

'Intactness' describes the amount of change that has occurred to the fabric of a place and 'integrity' *"refers to the degree to which the heritage values of the place or object are legible and*

able to be understood and appreciated".¹⁶ Intactness is referenced across the Gap Study, both as relevant to the approach and methodology, and in individual property assessments.

The landowner submitted the subject land has undergone significant modifications which have impacted its intactness and reduced its integrity such that it does not warrant inclusion in the Schedule to the Heritage Overlay. It said those works were not designed having regard to any heritage considerations and the new design has transformed the dwelling into something quite different. The landowner's submission highlighted the following modifications to the place:

- a) East (Kooyongkoot Road frontage) elevation:
 - i. first floor works to the large central gable in the front façade. The works included:
 - 1. demolition of existing built form, including the brick spandrels to the front and sides of the central balcony and their replacement with glass balustrades and metal handrails, creating an open balcony;
 - 2. introduction of faux heavy timber framing elements with timber uprights and GRP (glass reinforced plastic) ogee elements; and
 - 3. the extension and replacement of flanking windows on the north and south sides.
 - ii. replacement of the two first floor original dormer windows to the front façade, which originally had small sash windows with side sections and a section of wall beneath the sills, and also a small steel balustrade. The works included:
 - 1. demolition of existing built form, including window breasts;
 - 2. new windows with new details and materials; and
 - 3. cottage leadlight panes in steel frames.
 - iii. construction of a basement car park within the front setback, serviced by a car lift, and circular staircase adjacent to the front door. The works included:
 - 1. extensive excavation works;
 - 2. insertion of a spiral staircase through floor of front porch to dwelling;
 - 3. works to the brick balustrade on front porch;
 - 4. installation of a vehicle car lift/platform in front setback; and
 - 5. the reworking of the layout and materials in the front setback, including a large area of hard surface (platform) on south side and raised garden beds and lawn.
 - iv. the low brick fence at the Property's frontage is original, but a steel palisade fence has been erected above it, with tall steel gates installed across the driveway.
- b) South elevation:
 - v. ground floor works to provide a new family entrance installed in place of a window and flanking walls which were removed. The works included:
 - 1. demolition of the garage; and
 - 2. a new entrance with double timber doors, flanked by a perforated metal screen.
- c) North elevation:
 - vi. first floor works installing new windows to match the original windows to the west.
- d) West elevation:

¹⁶ The Victorian Heritage Register Criteria and Threshold Guidelines, Heritage Council of Victoria, 1 December 2022, p.8.

- vii. first floor works to the large central gable, which originally had three windows; replaced with new details and materials to complement new works to the gable on front façade; and
- viii. ground floor reworking of the façade with new windows/glazing installed throughout, including to the existing 1950s addition, rear wall removed and replaced with steel framed windows, and new extension to south side of ground floor.¹⁷

In relation to the impact of the changes, Mr Lovell said:

... they greatly diminish the value of the property as might be ascribed to its ability to demonstrate the principal characteristics of this class of places. While Dalsworth is legible as a house designed in the Old English revival style, the alterations are to elements which are pivotal in informing an understanding of the style. As such, while the altered place, if located in a precinct might be regarded as contributory, it is not a place which warrants individual recognition on the basis of satisfying Criterion D.¹⁸

On the application of the PPN01 threshold for Criterion D, Ms Brady said:

VPP Practice Note emphasises that a heritage place which meets the threshold for Criterion D should have 'importance in demonstrating the principal characteristics' of this type of place, in this instance a dwelling in the Old English style. To be a 'representative' example of a building or house of this style, and to reach the local significance threshold, the intactness – or lack of – is a key consideration. If the house is to be 'important' for its ability to demonstrate the 'principal characteristics' of this style, again as per the VPP Practice Note, then intactness and integrity are critical to this, otherwise the house is demonstrating later changes, non-original fabric and modifications.¹⁹

Ms Brady concluded the alterations to the dwelling have detracted from and diminished its ability to be 'important' in demonstrating this style. She said while the dwelling may still be seen as a 1930s Old English revival style dwelling, the impact of the works on its original design, and intactness, render it as not being 'important'.

Mr Gard'ner said:

...the alterations made to the house in 2007 have diminished the integrity of the subject site and its legibility as an intact example of an English Domestic Revival house of the Interwar-period. The extent of these changes were, it appears, not evident to Context and Trethowan when the original citation prepared in 2017 as part of the Gap Study. The substantial changes to the upper-level of the principal elevation in particular means that the subject site does not demonstrate the principal architectural characteristics of its style and period as well as, or better than, other examples included on the Schedule to the Heritage Overlay of the Boroondara Planning Scheme ...²⁰

The landowner submitted the consistency of the respective independent opinions of Ms Brady, Mr Lovell and Mr Gard'ner, and their clear, cogent rationale was compelling, and the subject land does not meet the threshold for Criterion D.

Council submitted there is common ground between Mr Stephenson and the experts called by the landowner as to the intactness of the dwelling and the setting. That is, they agree the dwelling and setting have undergone alterations since the house was constructed. Council submitted this does not diminish the dwelling's intactness such that the Heritage Overlay ought not apply, and as viewed from the street, the architectural, aesthetic and representative features of the subject

¹⁷ Document 25.

¹⁸ Document 21.

¹⁹ Document 23.

²⁰ Document 22.

place remain recognisable. Council said such changes could be further expanded upon in the citation and the statement of significance if the Heritage Overlay was to be applied.

Mr Stephenson said the dwelling is an intact example of an Old English revival style residence. He said it includes the principal characteristics of the style through its steeply pitched, tiled gable roof tall, narrow chimneys with decorative details; clinker bricks; and half-timbering. He said:

The issue of 'intactness' is often more nuanced than simply identifying whether a building has been modified. From this, it is possible to determine that there are no hard and fast rules about percentages of acceptable alteration before a property loses its intactness. Compromised intactness does not automatically equate to a critical loss of integrity.²¹

In referring to the alterations to the front façade, Mr Stephenson said despite the changes, the original design continues to be 'recognisable' in terms of the overall form, massing, materiality, and significant areas of surviving detailing outside of these defined areas.

Mr Stephenson produced a comparative analysis to demonstrate other dwellings subject to the Heritage Overlay in Boroondara, including examples of Old English revival style houses and properties from a different era of style and construction but which he said have undergone a similar level of alterations. Mr Stephenson concluded that his wider comparative analysis confirms:

- the subject land is equal to other significantly graded properties in Boroondara by displaying all the typical characteristics of the Old English revival style
- similarly altered properties have reached the required threshold for significance and have been added to the Heritage Overlay.

The landowner criticised Mr Stephenson's evidence and said it should be given limited weight. The landowner referred to Mr Stephenson's previous evidence statement for Amendment C284boro, dated 7 August 2019, which concluded the subject land should be removed from the Heritage Overlay. He said:

... I believe these alterations have significantly diluted the original design. I now consider that the house no longer meets the threshold of significance due to the level and extent of alterations to the principal facades.²²

The landowner submitted, with respect, *"Mr Stephenson's change of opinion has not been explained by him in a way that is cogent, logical, rational or comprehensible"*.²³

(iv) Discussion

The extent of works that the subject land has undergone are significant, even more so when considered cumulatively. Extensive works to the building's interior, extensions and changes to the gardens, frontage, side and rear extensions combined with the significant changes to the front elevation of the building make up a large list of alterations. While some changes might be reversible – such as removing paint from an originally unpainted surface – as the Committee concluded earlier, the assessment of heritage significance should be based on the building in its current intactness.

PPN01 emphasises that a heritage place which meets the threshold for Criterion D should have *"importance in demonstrating the principal characteristics"* of this type of place, in this instance a

²¹ Document 20.

²² Document 15.

²³ Document 25.

dwelling in the Old English revival style. The Committee accepts the evidence of Ms Brady that to reach this threshold of significance, the intactness of the dwelling is a key consideration, particularly if the dwelling is 'important' for its ability to demonstrate the 'principal characteristics' of this style.

The alterations, particularly those to the front façade including the extensive changes to the large central gable and the replacement of the dormer windows, are such that the Committee considers the dwelling can no longer be accurately described as intact in terms of its heritage significance. The Committee accepts the evidence of Mr Gard'ner, Ms Brady and Mr Lovell that the impact of the changes diminishes the value of the dwelling and its ability to demonstrate the principal characteristics of this class of places. While the dwelling largely reads as a house from the Old English revival style, the alterations detract from one's ability to understand the pivotal characteristics of the style and the overall integrity of the dwelling is diminished.

Significantly, Mr Stephenson who is the only expert who considers the alterations don't impact the dwelling's intactness, was not aware of the further changes that had taken place since 2019. When questioned he said he wasn't aware of these further changes until he read the witness statements of the experts to be called by the landowner. Even then he chose not to return to the subject land to view the changes. This is even more curious given he previously considered the alterations made prior to August 2019, significantly "*diluted*" the original design and on this basis he did not consider the dwelling met the threshold of significance. When questioned, Mr Stephenson was not able to clearly explain the reason for his change of expert opinion. As a result, the Committee has given limited weight to the evidence of Mr Stephenson.

As the Committee has concluded in Chapter 3.1, comparative analysis should draw on places in the same era and style of construction. The comparative analysis undertaken by Mr Stephenson against other Old English revival style dwellings does not include dwellings that display the same level of alterations as this dwelling has undergone, and those dwellings which have undergone alterations are from a different era. The Committee considers the examples provided of Old English revival style dwellings are more intact and have higher integrity than the subject land.

Overall, the Committee considers the dwelling has undergone significant alteration to key stylistically defining elements and does not satisfy Criterion D such that individual listing is warranted.

(v) Findings

The Committee finds:

- The dwelling has undergone significant alteration to key stylistically defining elements and does not satisfy Criterion D such that an individual heritage listing is warranted.
- Comparative analysis against other Old English revival style dwellings does not demonstrate that the comparison buildings have undergone the same level of alterations that the subject land has undergone.

4.3 Assessment against Criterion E – aesthetic significance

(i) The issue

The issue is whether the subject land meets the threshold of aesthetic significance to justify the Heritage Overlay (Hercon Criterion E).

(ii) Background

As noted in Chapter 4.2, the Statement of Significance states:

'Dalsworth' at 36 Kooyongkoot Road is of architectural and aesthetic significance as an accomplished example of the Old English style popular during the 1930s-50s. The dwelling makes cohesive use of typical features of the style such as half-timbering, steeply pitched tile roof, tall slender chimneys, clinker bricks and dormer windows. Additional interest can be found in the symmetry of the design and the large projecting covered balcony, both of which are unusual for the period and the style. (Criteria D and E)

The Citation states:

The dwelling features a dominant gabled balcony over the entrance with half-timbered details.

The symmetry of massing is unusual for the style and period. Old English revival styles favoured asymmetrical composition, while the L-shaped plan would become the leading vernacular form in the late 1930s and beyond. In contrast, the symmetry of the front façade of 36 Kooyongkoot Road is broken only by the projecting bay window at ground level.

Other unusual features include the large central balcony, which is more reminiscent of earlier Queen Anne Revival.

(iii) Evidence and submissions

The landowner relied on the evidence of Mr Gard'ner, Mr Lovell and Ms Brady and submitted the subject land does not meet the threshold for Criterion E.

Ms Brady said:

The suite of changes has diminished the overall original design and its legibility, and in a cumulative way add to the impacts on the dwelling in terms of meeting the local significance threshold for this criterion.

Again, with reference to the VPP Practice Note on Criterion E, there is the test of the dwelling being 'important' for its aesthetic value, and it is considered here that the external changes throughout have detracted from this 'importance'.

As with Criterion D, the attribution of this criterion also goes to the issue of comparisons and comparative examples, as commented on further below at Section 4.2.²⁴

Mr Lovell noted the dwelling presents as broadly symmetrical to the street, and originally comprised a square floor plan at ground level, which differs from all examples of the Old English revival style in the municipality. He said that while the aesthetic presentation is 'particular', it is not of importance in exhibiting a feature of significance. Mr Lovell said:

Even more unusual is the seemingly 'functionalist' loggia-like form of the entrance porch with its tripartite openings surmounted by the now much altered gable roofed balcony. The arrangement presents as idiosyncratic rather than directional. Such features contribute to an overall composition which moves away from the more picturesque responses so often associated with the style to one which is more experimental or at least atypical.²⁵

Mr Lovell said that while Scarborough would have intended this architectural outcome, it does not elevate the design as one of importance in exhibiting aesthetic characteristics. Mr Gard'ner made similar comments and said although the dwelling was designed by a prominent architect, this does not automatically elevate a building to the threshold of local aesthetic significance, particularly given the alterations have substantially diminished the original design intent.

²⁴ Document 23.

²⁵ Document 21.

Mr Stephenson said that while symmetry of massing is unusual for the style and period, the symmetry is considered distinctive which contributes to its significance.

Mr Gard'ner criticised this characterisation and said it misunderstands the architectural style where the dwellings are always asymmetrical. He said that rather than elevating the interest in this it diminishes its representativeness and does not reinforce any aesthetic value.

(iv) Discussion

The Committee concluded in Chapter 4.2 that the alterations made to the dwelling have diminished the integrity of the subject land and its legibility as an intact example of an Old English revival style house. The substantial changes mean that the subject land does not demonstrate the principle aesthetic characteristics of its style and period. The alterations made mean the dwelling can no longer be described as an intact example of the period.

The Committee does not agree with Mr Stephenson and his evidence that the dwelling's symmetry should be considered distinctive and therefore contribute to its significance. The symmetrical nature of the building, both in its elevation and floor plan, differs from all examples of the Old English revival style dwellings in the municipality and it cannot be said to exhibit a significant feature of its period. Equally, the symmetrical nature of the dwelling's façade is not influential and did not lead to this style being adopted elsewhere.

In the definition for integrity, *The Victorian Heritage Register Criteria and Threshold Guidelines, 2022* poses the following question:

...does it include all the elements necessary to express its significance?

The Committee is of the view that the asymmetrical design feature of houses of the Old English revival style is important. The dwelling does not demonstrate this (being largely symmetrical), which is a missing element needed to express its significance of the style and era.

(v) Finding

The Committee finds that the dwelling on the subject land does not meet the threshold for Criterion E for the following reasons:

- The symmetrical nature of the building (both elevation and floorplan) is not representative of an Old English revival style residence.

4.4 Assessment against Criterion H – associative significance

(i) The issue

The issue is whether the subject land meets the threshold of associative significance to justify the Heritage Overlay (Hercon Criterion H).

(ii) Background

The Statement of Significance states:

'Dalsworth' is associatively significant as an early work of architect John F. D. Scarborough, and one of the few known surviving examples of his residential work. It is also the work of a prominent Melbourne builder, ARP Crow and Sons, built for Robert Crow, the son of company founder ARP Crow, and himself a builder. (Criterion H)

The Citation states:

36 Kooyongkoot Road is significant for its association with John F. D. Scarborough, a prominent architect. Scarborough was president of the RAIA 1940 – 1942, a trustee for the Housing Commission of Victoria and designed several noted buildings around Australia. The dwelling is also of interest for its association with the Crow family. The house was built by ARP Crow and Sons for Robert Crow, himself a builder, one of the sons of Archibald Rae Paterson Crow and brother of former Master Builders Association president James Crow. ARP Crow and Sons were well-known Melbourne builders specialising in highly technical brickwork, responsible for the construction of high profile, notable buildings throughout Melbourne and with operations in all states and brother of James Crow (former president of the Master Builders Association).

(iii) Evidence and submissions

Mr Stephenson considered Criterion H had been met through the *“direct connection”* to Scarborough and ARP Crow & Sons *“whose work has been recognised for its heritage significance at the local level in other parts of the municipality and Victoria”*.²⁶ He put significant weight on the fact Scarborough constructed five buildings within Scotch College, the most notable being the Littlejohn Chapel (HO608). Mr Stephenson did not provide a discussion on the association between ARP Crow & Sons and Boroondara.

Mr Lovell explained the application of Criterion H is *“often challenging”*. He said:

The criterion requires that the association be ‘special’ and that the person or group of persons be of importance to Boroondara’s history. The word special is critical in considering the criteria in that all places have associations of a general nature and for relatively few will that association be more than this.²⁷

Ms Brady also highlighted the importance of the association being special. She said the *“significance of the association has to be substantiated, which goes further than just identification of the association”*.²⁸

Mr Gard’ner explained the association needs to be special *“and the person or group of persons should also be of importance in Boroondara’s history”*. Mr Lovell said that the test *“requires there to be a direct and enduring relevance to the municipal history as opposed to a broader lens which accepts that a person or group of persons of importance in a wider context...”*²⁹

All three witnesses for the landowner essentially came to the same conclusions. In summary:

While this house and the Little John Chapel at Scotch College (where he was a member of a three person team) happen to be in Boroondara it cannot be concluded that these projects evidence a special association with Scarborough as a person of importance to the history of Boroondara.³⁰ **(Lovell)**

...the design of this residence is an outlier in Scarborough’s oeuvre, which more commonly adopted modern architectural influences and was predominantly civic, institutional or ecclesiastical in nature. ‘Dalsworth’ is not a prominent or notable commission or design within Scarborough’s body of work.³¹ **(Gard’ner)**

While Scarborough achieved recognition in his career, this is not necessarily demonstrated in this altered dwelling. Further, neither the architect, Scarborough, or the original owner, Robert Crow, was of such importance to Hawthorn or Boroondara...³² **(Brady)**

²⁶ Document 20.

²⁷ Document 21.

²⁸ Document 23.

²⁹ Document 22.

³⁰ Document 21.

³¹ Document 22.

³² Document 23.

This house, while associated with Robert Crow, does not demonstrate the type or scale of construction for which ARP Crow & Sons could be considered of historical importance.³³

(Gard'ner)

Robert Crow was a family member of a prominent building company, but because he built a house to live in within Boroondara does not elevate his importance in the local context.³⁴

(Lovell)

(iv) Discussion

There was no dispute amongst the witnesses regarding the importance of Scarborough as a prominent architect in Victoria.

Similarly, there was agreement the dwelling was built for, and occupied by, Mr and Mrs Robert Crow, Robert being the son of Archibald Rae Paterson Crow, one of the founders of the ARP Crow & Sons building company. ARP Crow & Sons were recognised builders in Melbourne, known for their highly technical brickwork, and responsible for many high-profile buildings including the Footscray Town Hall, the Rosella Factory in Richmond and the Theosophical Society in Russell Street.

The Committee agrees with the witnesses for the landowner that the association with either Scarborough or ARP Crow & Sons and the subject land is not special, and an enduring connection to Boroondara has not been demonstrated.

Scarborough's connection to Boroondara is limited to his recognised ecclesiastical work for the Littlejohn Memorial Chapel at Scotch College (HO608) and the Frank Paton Memorial Uniting Church, Deepdene (HO884). The Committee notes that Scarborough is identified in the citation for Scotch College as meeting Criterion H. The Committee does not agree with Mr Stephenson that this translates to a connection to the subject land. Scarborough was not known for his residential work and there is little, or no record of his houses surviving, including the house known as Shangri. This does not make the subject land a rarity but demonstrates that Scarborough was simply not known for his residential work.

The Committee accepts that while *"members of the Crow family building dynasty are people of prominence (importance)"*, Robert Crow does not share the same level of notoriety as his father, Archibald Rae Paterson Crow or brother James Crow (former president of the Master Builders Association).

ARP Crow & Sons were known for specialising in large, complex brick structures, not domestic commissions.

Other than Robert Crow residing in the area, and his two sons attending Scotch College in the 1930s, there is little connection beyond this of the wider Crow family's connection with Boroondara.

(v) Findings

The Committee finds that the dwelling on the subject land does not meet the threshold for Criterion H for the following reasons:

³³ Document 22.

³⁴ Document 21.

- Scarborough, whilst a recognised architect in Victoria, was not known for his residential architecture in general, or in Boroondara. He is predominantly known for his work on buildings of a civic, institutional or ecclesiastical nature.
- There is no special connection of Scarborough with Boroondara beyond his ecclesiastical work on the Littlejohn Memorial Chapel at Scotch College (HO608) and the Frank Paton Memorial Uniting Church, Deepdene (HO884).
- ARP Crow & Sons were known for specialising in large, complex brick structures, not domestic commissions.
- Robert Crow does not share the same level of notoriety as his father, Archibald Rae Paterson Crow (founder of ARP Crow & Sons) or brother James Crow (former president of the Master Builders Association).
- ARP Crow & Sons has no special association with Boroondara.

Appendix A Terms of Reference

Terms of Reference

36 Kooyongkoot Road Advisory Committee

Version: February 2022

Advisory Committee appointed pursuant to section 151 of the *Planning and Environment Act 1987* (the Act) to report on application of the Heritage Overlay (HO790) to property at 36 Kooyongkoot Road Hawthorn.

Name

The Advisory Committee is to be known as the “36 Kooyongkoot Road Advisory Committee” (Advisory Committee).

1. The Advisory Committee is to have members with the following skills:
 - a. Statutory and strategic planning;
 - b. Heritage planning.

Purpose

2. The purpose of the Advisory Committee is to advise the Minister for Planning on whether 36 Kooyongkoot Road, Hawthorn (the property) should be included in the HO.

Background

3. Amendment C284boro sought to implement the recommendations of the ‘City of Boroondara Municipal-Wide Heritage Gap Study Volume 3: Hawthorn’ (Context Pty Ltd, 20 July 2020) (Hawthorn Heritage Gap Study) by introducing the HO on a permanent basis to 14 individual heritage places, seven heritage precincts, and expanding four existing heritage precincts. The amendment was considered by a planning panel, and split into two by Boroondara City Council at adoption. Amendment C284 Part 1 affects 13 individual heritage places (excluding 36 Kooyongkoot Road, Hawthorn), seven heritage precincts, and four expanded existing heritage precincts on a permanent basis. The amendment was adopted by the council, approved by the Minister and gazetted on 12 March 2021.
4. Amendment C284 Part 2 affects the property at 36 Kooyongkoot Road, Hawthorn. The amendment sought to include the property as an individually significant place within the HO. The amendment has not been adopted by the council.
5. Three submissions were received by the council about 36 Kooyongkoot Road, Hawthorn: one from the landowner and two submissions from other residents.
6. The landowner requested changes to the amendment to remove the property from the HO while the other submissions supported its inclusion.
7. The applicant and owner of the property at 36 Kooyongkoot Road, Hawthorn, filed an application under section 39 of the Act in the Victorian Civil and Administrative Tribunal (VCAT) alleging departure by the panel from the rules of natural justice in respect of its consideration of the proposed inclusion of the property within the HO.
8. By the consent of the parties to the proceeding, the proceeding was withdrawn by VCAT Order of 23 March 2021.
9. A newly constituted Advisory Committee is required to consider the merits and advise the Minister on whether the property should be included within the HO.

Method

- 10 The Advisory Committee may apply to the Minister to vary these Terms of Reference in any way it sees fit before submitting its report.
- 11 The Advisory Committee must not consider the Panel Report for Amendment C284 in its assessment of the property.
- 12 Apart from the exclusion in Clause 11 above, the Advisory Committee may inform itself in any way it sees fit, but must consider:
 - a. Relevant provisions of the Act and the Boroondara Planning Scheme, including any adopted plans, strategies or planning scheme amendments (excluding Amendment C284);
 - b. Plan Melbourne 2017-2050 and any other policy document that the Advisory Committee considers relevant;
 - c. All relevant material prepared by or for the applicant or otherwise provided to the Advisory Committee;
 - d. All relevant materials prepared by or for Boroondara City Council or otherwise provided to the Advisory Committee; and
 - e. All submissions and objections received by the Advisory Committee.
13. The Advisory Committee must provide the following parties with a reasonable opportunity to be heard:
 - a. Landowner/s (or nominated representative) of the property and other residents as noted in Clause 5; and
 - b. Boroondara City Council

Submissions are public documents

14. The Advisory Committee must retain a library of any written submissions or other supporting documentation provided to it directly until a decision has been made on its report or five years has passed from the time of its appointment.
15. Any written submissions or other supporting documentation provided to the Advisory Committee must be available for public inspection until the submission of its report, unless the Advisory Committee specifically directs that the material is to remain 'in camera'.

Outcomes

16. The Advisory Committee must produce a written report for the Minister providing the following:
 - a. Advice as to whether the HO should be applied to the property.
 - b. The consideration of:
 - i. relevant State and local policy;
 - ii. any expert advice provided to the Advisory Committee;
 - iii. initial written submissions made in the panel hearing for Amendment C284boro regarding the property.
 - c. An assessment of submissions made to the Advisory Committee.
 - d. Any other relevant matters raised in the course of the Advisory Committee hearing.
 - e. A list of persons who made submissions considered by the Advisory Committee.
 - f. A list of persons consulted or heard.

Timing

17. The Advisory Committee is required to commence this work as soon as it practicable from the date it is formally notified of its appointment.
18. The Advisory Committee is required to submit its report in writing as soon as practicable but no later than 30 business days from the last day of its hearings or from the date of any further information requested by the Advisory Committee.

Fee

19. The fee for the Advisory Committee will be set at the current rate for a Panel appointed under Part 8 of the Act.
20. The costs of the Advisory Committee will be met by the Department of Environment, Land, Water and Planning.


Hon Lizzie Blandthorn MP
Minister for Planning

Date: 14.9.22

Appendix B Document list

No.	Date	Description	Presented by
2022			
i	27 Sep	Advisory Committee Terms of Reference	Planning Panels Victoria (PPV)
ii	27 Sep	Committee Directions Hearing notice letter	PPV
iii	18 Oct	Committee Directions and Hearing Timetable	PPV
1	28 Nov	Boroondara Planning Scheme Amendment C284boro Exhibited Explanatory Report – Feb 2019	Boroondara City Council (Council)
2	28 Nov	Exhibited Ordinance Clause 43.01 – Feb 2019	Council
3	28 Nov	Exhibited Ordinance Clause 72.04 – Feb 2019	Council
4	28 Nov	Exhibited Ordinance Clause 72.08 – Feb 2019	Council
5	28 Nov	Exhibited Map Sheet – Feb 2019	Council
6	28 Nov	Exhibited Incorporated Document - Dalsworth Statement of Significance – Feb 2019	Council
7	28 Nov	Exhibited Background Document – Dec 2018	Council
8	28 Nov	Submission – Kerr 10/02/2019	Council
9	28 Nov	Submission – Warren 11/02/2019	Council
10	28 Nov	Submission – Lachal 07/03/2019	Council
11	28 Nov	Council's Urban Planning Delegated Committee officer report to refer submissions to C284boro to panel 17/06/2019	Council
12	28 Nov	Council's UPDC minutes 17/06/2019	Council
13	28 Nov	Council's Part A submission 07/8/2019	Council
14	28 Nov	Council's Part B submission 14/08/2019	Council
15	28 Nov	Statement of Evidence - Mark Stephenson (Trethowan 2020) 07/08/2019	Council
16	28 Nov	Statement of Evidence - Peter Lovell (Lovell Chen 2020)	Council
2023			
17	1 Feb	Letter regarding Committee reconstitution	PPV
18	15 Mar	Letter regarding extension of interim controls	Council

No.	Date	Description	Presented by
19	21 Apr	Council Part A Submission	Council
20	28 Apr	Statement of Evidence – Mark Stephenson	Council
21	28 Apr	Statement of Evidence – Peter Lovell	Susan Lachal
22	28 Apr	Statement of Evidence – Jim Gard'ner	Susan Lachal
23	28 Apr	Statement of Evidence – Anita Brady	Susan Lachal
24	4 May	Council Part B Submission	Council
25	8 May	Hearing submission	Susan Lachal

Appendix C Planning context

C:1 Planning policy framework

Council submitted Amendment C284boro is supported by various clauses in the Planning Policy Framework, which the Panel has summarised below.

Victorian planning objectives

The Amendment will implement section 4(1)(d) of the *Planning and Environment Act 1987* (the Act) to:

- e) conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value
- f) balance the present and future interests of all Victorians.

Planning Policy Framework

The Amendment supports:

- **Clause 15.01-5S** (Neighbourhood character) which seeks to recognise, support and protect neighbourhood character, cultural identity, and sense of place.
- **Clause 15.03** (Heritage) by including properties that contribute to the heritage significance of Boroondara.
- **Clause 15.03-1S** (Heritage conservation) which seeks to ensure the conservation of places of heritage significance. Relevant strategies are:
 - g) Identify, assess and document places of natural and cultural heritage significance as a basis for their inclusion in the planning scheme.
 - h) Provide for the conservation and enhancement of those places which are of, aesthetic, archaeological, architectural, cultural, scientific, or social significance.
- **Clause 15.03-1L** (Heritage in Boroondara) which seeks to “preserve ‘significant’ heritage places, protecting all significant heritage fabric including elements that cannot be seen from the public realm”.

Municipal Planning Strategy

The Municipal Planning Strategy further acknowledges the significant contribution heritage assets make to Boroondara’s character. Amendment C284boro is consistent with and implements the strategic direction outlined in the Municipal Planning Strategy at Clause 02.03-4 to “protect all individual places, objects and precincts of cultural, aboriginal, urban and landscape significance”.

C:2 Other relevant planning strategies and policies

i) Plan Melbourne

Plan Melbourne 2017-2050 sets out strategic directions to guide Melbourne’s development to 2050 to ensure it becomes more sustainable, productive and liveable as its population approaches 8 million. It is accompanied by a separate implementation plan that is regularly updated and refreshed every five years.

Plan Melbourne is structured around seven Outcomes, which set out the aims of the plan. The Outcomes are supported by Directions and Policies, which outline how the Outcomes will be achieved. The following are relevant to the Amendment:

- **Outcome 4:** Melbourne is a distinctive and liveable city with quality design and amenity

- **Direction 4.4:** Respect Melbourne's heritage as we build for the future
- **Policy 4.4.1:** Recognise the value of heritage when managing growth and change
- **Policy 4.4.4:** Protect Melbourne's heritage through telling its stories.

ii) Municipal Wide Heritage Gap Study

The Gap Study was prepared in accordance with The Burra Charter: The Australia International Council on Monuments and Sites (ICOMOS) Charter for Places of Cultural Heritage Significance (rev. 2013) and PPN01.

The assessment undertaken by Trethowan Heritage Consultants (working as a sub-consultant) determined the subject land to be of individual heritage significance, meeting the threshold for local significance for Criterion D, E and H.

iii) Boroondara Community Plan 2021-31

The Boroondara Community Plan 2021-31 sets out the 10-year vision for Boroondara's future based on values, aspirations and priorities important to the community, and includes the Council Plan 2021-25.

Amendment C284boro implements the Strategic Objective of Theme 4 of the Plan, to "Protect the heritage and respect the character of Boroondara, while facilitating appropriate, well-designed development".

Amendment C284boro implements Strategy 4.1 - "Boroondara's heritage places are protected through ongoing implementation of heritage protection controls in the Boroondara Planning Scheme."

C:3 Planning scheme provisions

The Heritage Overlay purposes are:

- i) To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- j) To conserve and enhance heritage places of natural or cultural significance.
- k) To conserve and enhance those elements which contribute to the significance of heritage places.
- l) To ensure that development does not adversely affect the significance of heritage places.
- m) To conserve specifically identified heritage places by allowing a use that would otherwise be prohibited if this will demonstrably assist with the conservation of the significance of the heritage place.

The Heritage Overlay requires a planning permit to demolish, subdivide, build or carry out works.

The Heritage Overlay enables its Schedule to specify additional controls for specific trees, painting previously unpainted surfaces, internal alterations and an incorporated plan (which may exempt buildings and works and other changes from requiring a planning permit). The Schedule may also identify if a place can be considered for uses that are otherwise prohibited, subject to a planning permit.

C:4 Ministerial Directions, Planning Practice Notes and guides

Ministerial Directions

Amendment C284boro complies with the requirements of the following Minister's Directions:

- Ministerial Direction 1 - The Form and Content of Planning Schemes.
- Ministerial Direction 9 Metropolitan Planning Strategy.

- Ministerial Direction 11 Strategic Assessment of Planning Scheme Amendments.
- Ministerial Direction 15 The Planning Scheme Amendment Process.

Planning Practice Note 1 (Applying the Heritage Overlay), August 2018

PPN01 provides guidance about using the Heritage Overlay. It states that the Heritage Overlay should be applied to, among other places:

Places identified in a local heritage study, provided the significance of the place can be shown to justify the application of the overlay.

Planning Practice Note 1 specifies that documentation for each heritage place needs to include a statement of significance that clearly establishes the importance of the place and addresses the heritage criteria. It recognises the following model criteria (the Hercon criteria) that have been adopted for assessing the value of a heritage place:

- Criterion A:** Importance to the course or pattern of our cultural or natural history (historical significance).
- Criterion B:** Possession of uncommon rare or endangered aspects of our cultural or natural history (rarity).
- Criterion C:** Potential to yield information that will contribute to an understanding of our cultural or natural history (research potential).
- Criterion D:** Importance in demonstrating the principal characteristics of a class of cultural or natural places or environments (representativeness).
- Criterion E:** Importance in exhibiting particular aesthetic characteristics (aesthetic significance).
- Criterion F:** Importance in demonstrating a high degree of creative or technical achievement at a particular period (technical significance).
- Criterion G:** Strong or special association with a particular community or cultural group for social, cultural or spiritual reasons. This includes the significance of a place to Indigenous peoples as part of their continuing and developing cultural traditions (social significance).
- Criterion H:** Special association with the life or works of a person, or group of persons, of importance in our history (associative significance).

Practitioner's Guide

A Practitioner's Guide to Victorian Planning Schemes Version 1.5, April 2022 (Practitioner's Guide) sets out key guidance to assist practitioners when preparing planning scheme provisions. The guidance seeks to ensure:

- the intended outcome is within scope of the objectives and power of the PE Act and has a sound basis in strategic planning policy
- a provision is necessary and proportional to the intended outcome and applies the Victoria Planning Provisions in a proper manner
- a provision is clear, unambiguous and effective in achieving the intended outcome.