

# URBAN PLANNING DELEGATED COMMITTEE

## AGENDA



(Open to the public)

**6.30pm, Monday 5 February 2024**  
Council Chamber, 8 Inglesby Road, Camberwell

Date of Issue: 25 January 2024

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 4 December 2023**
- 2 Declaration of conflict of interest of any councillor or council officer**
- 3 Presentation of officer reports**
  - 3.1 336 & 338 Riversdale Road and 2 Clive Road, Hawthorn East - Four storey apartment building - PP23/0472
  - 3.2 7 Mangarra Road, Canterbury - Fire damaged heritage building - Proposed Specific Control Overlay
  - 3.3 10 Markham Avenue, Ashburton (Markham Estate) - Review of Planning Approval and development process - Amendment C321boro
- 4 General business**
- 5 Urgent business**
- 6 Confidential business**
- 7 Close of meeting**

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### 3 Presentation of officer reports

#### 3.1 336 & 338 Riversdale Road and 2 Clive Road, Hawthorn East - Four storey apartment building - PP23/0472

##### Executive Summary

###### Proposal

The proposal seeks to construct a four-storey apartment building comprising of twenty-four (24) dwellings over basement parking in a Residential Growth Zone. The site is located within the Residential Growth Zone - Schedule 1 'Main Road Apartment Precincts'. The Purpose of Clause 32.07 includes to provide housing such as apartment buildings up to four storeys. The site is not affected by any Overlays.

The key details of the proposal are summarised as follows:

- Site area: 1,619sqm
- Apartments: 24 (2x1bed, 12x2bed & 10x3bed)
- Car parking spaces: 41 (36 spaces required)
- Bicycle parking spaces: 16 (6 spaces required)
- Site coverage: 60.79%
- Permeability: 30%
- Building height: 4 storeys and 14.1 metres

The proposed building adopts a contemporary form and appearance, presenting a 3 storey façade to Riversdale Road with a recessive fourth floor. The building has been lowered towards the rear of the site to respond to the sloping topography. Vehicular access is via a central crossover on Clive Road.

This is a 'repeat application' on the site. A previous application sought a permit for the construction of an apartment building comprising of twenty-six (26) dwellings over two levels of basement, and construction of a front fence higher than 2 metres on a Transport Zone 2 (Planning Application No. PP22/0151). The previous application was refused on 24 October 2022 under delegation, with the decision upheld by the Victorian Civil and Administrative Tribunal.

Changes have been introduced to the proposal from the previous decision plans, notably by way of improvements to the overall built form including an increase in front setbacks to Riversdale Road, 'stepping' of the built form in the south-east to provide a transition to the NRZ3, and further recession of the fourth level from the south. The landscaping outcome has been improved with further canopy tree planting opportunities.

Twenty (20) objections have been received on the application.

### Issues

The following key considerations are addressed in the Planning Assessment Report (**Attachment 1**):

- Built form, scale, siting and massing
- Side and rear setbacks
- Transition in scale towards the Neighbourhood Residential Zone - Schedule 3
- Daylight to new windows
- Landscaping

### Officer's response

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

- The proposal has strategic support, and the Planning Scheme directs an increase in 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 subject site is located within an established residential area along a commercial corridor, and is well located in relation to jobs, services and public transport.
- 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 and will achieve the planting of 26 canopy trees including 2 large trees, 2 medium trees, and 22 small trees.
- The development accommodates the retention of a high amenity value mature lemon scented gum tree within the Clive Road setback.
- The development achieves appropriate standards of onsite amenity, including 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 sufficient car parking and bicycle spaces. Traffic movements will not unduly impact the surrounding network.
- The development achieves 'best practice' in term of sustainable design with a BESS score of 56%.

Conditions are required to address site coverage and overlooking. The proposal is deemed to have responded to policy as well as issues raised in the previous application by the Tribunal.

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 Delegate Committee resolve that a Notice of Decision to Grant Planning Permit No. PP23/0472 for the construction of a four-storey apartment building comprising of twenty-four (24) dwellings over basement parking in a Residential Growth Zone generally in accordance with the amended plans prepared by Embrace Architects, dated 8 November 2023, Revision C, at 336 & 338 Riversdale Road and 2 Clive Road, Hawthorn East be issued 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 three (3) copies provided. When the plans are endorsed, they will then form part of the permit. The plans must be substantially in accordance with the amended plans prepared by Embrace Architects, dated 8 November 2023, Revision C, but modified to show:
  - a. The south-facing balcony of Apartment 202 and habitable room windows of Apartment 201 on Level 2 to be screened to comply with Standard B22 (Overlooking).
  - b. Height of balustrade and width of planter boxes on the balcony of Apartment 301 on Level 3 dimensioned from Finished Floor Level on the South Elevation or demonstration that compliance with Standard B22 (Overlooking) has been achieved.
  - c. The south-facing balconies of Apartments 101 and 201 screened to comply with Standard B22 (Overlooking).

- d. Planter boxes provided within west-facing balconies of Apt 102, 202 and 203.
- e. Deletion of Material MT-02 'Metallic Finish Black' from materials and finishes schedule.
- f. A physical sample and schedule of construction materials, external finishes and colours (including swatch samples);
- g. Pedestrian sight triangles to either side of the accessway for 2.5 metres demonstrating works (including retaining walls, ramps and fences) and landscaping no higher than 900mm in accordance with Clause 52.06 of the Boroondara Planning Scheme;
- h. Allocation of all tandem car parking spaces to dwellings;
- i. A reduction in areas covered by buildings within the south-western corner of the site to achieve compliance with Standard B8 (Site Coverage);
- j. The Tree Protection Zone and Structural Root Zone of Tree Nos. 1, 2, 18, 24 and 28 (as identified in the Arborist Report submitted with the application prepared by John Patrick Landscape Architects (dated 21st June 2022 and amended 05/06/2023) drawn on all site and floor plans;
- k. Notation on all site and floor plans that Tree Nos. 1, 2, 18, 24 and 28 are to be retained and protected in accordance with the endorsed Tree Management Plan required by this Permit;
- l. Any modifications to the location or layout of buildings and/or works recommended in the endorsed Tree Management Plan required by this Permit;
- m. A notation on plans stating 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;
- n. Notation on all site and floor plans that all excavations within the Tree Protection Zone of Tree 1, 2, 18 and 28 must be undertaken with hand tools or hydro-vacuum to a minimum depth of 1 metre, and that all excavation works must be supervised, document and certified by the Project Arborist;
- o. Permanent fencing within the Tree Protection Zone of Tree 1, 2 and 28 constructed on pier foundations with any required plinths constructed above existing grade;
- p. The location and capacity of the rainwater/stormwater tank and the water treatment plant;
- q. Electric vehicle (EV) charging infrastructure for all carparking spaces in accordance with the National Construction Code 2022 (e.g., EV distribution boards);
- r. A Landscape Plan including any changes required in accordance with condition 4 of this permit;
- s. A Tree Management Plan in accordance with condition 7 of this permit;
- t. A Water Sensitive Urban Design Response in accordance with condition 12 of this permit;
- u. A Sustainability Management Plan in accordance with condition 13 of this permit; and
- v. A Waste Management Plan in accordance with condition 30 of this permit.

**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.

**Landscape plan**

4. 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 three (3) copies provided. When endorsed, the plan will form part of the permit. The landscape plan must be generally in accordance with the landscape plan dated 16 June 2023, Revision B, prepared by John Patrick Landscape Architects Pty Ltd, 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) All hard surfaces proposed within the Tree Protection Zone of Tree Nos. 1, 2 and 28 (as identified in the Arborist Report submitted with the application John Patrick Landscape Architects ((dated 21st June 2022 and amended 05/06/2023) 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) Three (3) canopy trees (minimum 2 metres tall when planted and must achieve a minimum mature height of 13 metres and canopy spread of 7 metres) in the front setback of the property;
  - e) Three (3) small trees (minimum 2 metres tall when planted and must achieve a minimum mature height of 7 metres and canopy spread of 5 metres) in the secluded private open space areas within the western set-back of the property;
  - f) Three (3) small trees (minimum 2 metres tall when planted and must achieve a minimum mature height of 7 metres and canopy spread of 5 metres) in the secluded private open space areas within the southern set-back of the property;
  - g) Each canopy tree must be provided a minimum of 49sqm of deep soil, with the available soil area clearly shown on the landscape plan;
  - h) Each small tree must be provided a minimum of 12sqm of deep soil, with the available soil area clearly shown on the landscape plan;
  - i) All trees must comply with Australian Standard AS2303:2015 - Tree Stock for Landscape Use;
  - j) All canopy trees must be planted by an AQF Level 3 Qualified Arborist, Landscape Gardener or Horticulturist;
  - k) All canopy trees must be planted more than 2 metres away from any structures, paving, decking, property boundaries, easements, existing trees or shrubs;
  - l) All small trees must be planted more than 1 metre away from any structures, paving, decking, property boundaries, easements, existing trees or shrubs; and

- m) All canopy trees adequately setback from common boundaries to avoid mature canopy overhang of neighbouring and public spaces.

### **Completion of landscaping works**

5. 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**

6. 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**

7. 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. 1, 2, 18, 24 and 28 (as identified in the Arborist Report submitted with the application prepared by John Patrick Landscape Architects (dated 21st June 2022 and amended 05/06/2023). 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 all excavations within the Tree Protection Zone of Tree 1, 2, 18 and 28 must be undertaken with hand tools or hydro-vacuum to a minimum depth of 1 metre, and that all excavation works must be supervised, document and certified by the Project Arborist.

- 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 provide a detailed photographic diagram specifying what pruning will occur.  
*Note: Only Council or Authorised Council Contractors can prune Trees Nos. 1, 2, 18 and 24. Any request for the pruning of trees on public land must be made through Council's Environmental Sustainability and Open Spaces Department.*
- f. All demolition outside the footprint of the existing building within the TPZ of Tree 28 e.g., along the front of 2 Clive St must be undertaken by hand under the supervision of the Project Arborist;
- g. Any trees approved for removal within the TPZ of Tree 28 must be removed by hand and stumps ground out. They must not be pulled out by excavator;
- h. Roots located in the non-destructive root investigation trench must be cut cleanly when the tree is dormant, May - October;
- i. The proposed open space around Tree 28 must be isolated with Tree Protection Fencing;
- j. Tree 28 must be deep watered and fertilised during the growing season November – April;
- k. If access is required for pedestrians / trades persons into the Tree Protection Area to allow for construction a raised boardwalk around the tree must be temporarily installed during construction;
- l. No vehicles are to access the front of 2 Clive St within the TPZ of Tree 28, other than within the footprint of the basement; and
- m. 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.

### **Contractors to be advised of trees to be retained and protected**

- 8. 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 Zone**

- 9. No vehicular or pedestrian access, trenching or soil excavation is to occur within the Tree Protection Zone as detailed in the endorsed arborist report 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**

- 10. 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](mailto:boroondara@boroondara.vic.gov.au)) not less than seven (7) days before the commencement of works on site.

11. 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](mailto:boroondara@boroondara.vic.gov.au)) must be submitted to the Responsible Authority not more than seven (7) days following the completion of each stage.

### **Water Sensitive Urban Design**

12. Concurrent with the endorsement of plans, the applicant must provide a Water Sensitive Urban Design Response addressing the Application Requirements of Clause 53.18 'Stormwater Management in Urban Development' to the satisfaction of the Responsible Authority. The response must include:
  - a. A site plan showing the location of proposed stormwater treatment measures and the location and area (square metres) of impermeable surfaces that drain to each treatment measure.
  - b. A written statement outlining how the application achieves current best practice performance objectives for stormwater quality as contained in the Urban Stormwater - Best Practice Environmental Management Guidelines (1999). Please note that for the modelling requirement you can use the following free program to demonstrate best practice, which is equivalent to a score of 100% or more: <http://storm.melbournewater.com.au>
  - c. If any water tank is proposed, the plans must indicate the tank's capacity in litres and what the tank is connected to (e.g. toilets).

### **Sustainability Management Plan**

13. 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 Frater Consulting dated 16 June 2023, but modified to include the following changes:
  - a. The SMP must be updated to reflect any changes incorporated in the amended plans prepared by Embrace Architects, dated 8 November 2023, Revision C;
  - b. Preliminary energy rating for all thermally unique apartments showing that the maximum cooling load as specified in table B4 of clause 55.07 has not been exceeded and that the development will achieve a minimum 7 Star average energy rating. The SMP and BESS reports must be amended to include the updated heating and cooling loads and star rating.

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.

14. 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.
15. 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.

### **Drainage**

16. The site must be drained to the satisfaction of the relevant building surveyor.
17. 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.
18. 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.

### **Use of car parking spaces**

19. Car parking spaces shown on the endorsed plans must not be used for any purpose other than the parking of vehicles, to the satisfaction of the Responsible Authority.

### **Use of car parking spaces and driveways**

20. Car spaces, access lanes and driveways shown on the endorsed plans must not be used for any other purpose, to the satisfaction of the Responsible Authority.

### **Carpark control equipment**

21. Before the use starts or any building is occupied, details of any car park control equipment (controlling access to and egress from the internal/basement car park/s) must be submitted to and approved in writing by the Responsible Authority.

**Access to basement car park controlled**

22. Before the use starts or any building is occupied:

- a. Traffic signals must be installed on or near the basement access ramp. Such traffic control measures must include appropriate hold points and detector loops; and
- b. A convex mirror must be installed at the top of the access ramp

to the satisfaction of the Responsible Authority.

**Lighting of carparks and accessways**

23. 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.

**Vehicle crossovers**

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

**Removal of redundant vehicle crossovers**

25. All disused or redundant vehicle crossovers must be removed and the area reinstated with footpath, nature strip, kerb and channel to the satisfaction of the Responsible Authority.

**External lighting**

26. 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.

**Security alarms**

27. All security alarms or similar devices installed on the land must be of a silent type in accordance with any current standards published by Standards Australia International Ltd and must be connected to a registered security service, to the satisfaction of the Responsible Authority.

**Maintenance of waste storage area**

28. All bins and receptacles used for the collection and storage of solid waste, recyclables and other wastes must be kept in a designated area, to the satisfaction of the Responsible Authority. This storage area must be:

- a. Properly paved and drained to a legal point of discharge;
- b. Screened from view with a suitably designed enclosure;
- c. Supplied with adequate hot and cold water; and
- d. Maintained in a clean and tidy condition free from offensive odours

to the satisfaction of the Responsible Authority.



**Hours for waste collection**

29. 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:	7:00am to 6:00pm
Saturday & Public Holidays:	9:00am to 6:00pm
Sunday:	No collection allowed

to the satisfaction of the Responsible Authority.

**Waste management plan**

30. A waste management plan to the satisfaction of the responsible authority must be submitted to and approved by the Responsible Authority. Once satisfactory, such plan will be endorsed and must be implemented to the satisfaction of the Responsible Authority. The plan must provide the following details of a regular private waste (including recyclables) collection service for the subject land including:

- a. the type/s and number of waste bins;
- b. screening of bins;
- c. type/size of trucks;
- d. frequency of waste collection;
- e. plan showing the layout of the bins at collection time including sufficient clearances from all street services, features and infrastructure; and
- f. location of collection points within basement

to the satisfaction of the Responsible Authority.

**Construction management plan**

31. 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:

- a. Hours for construction activity in accordance with any other condition of this permit;
- b. Measures to control noise, dust, water and sediment laden runoff;
- c. Measures relating to removal of hazardous or dangerous material from the site, where applicable;
- d. 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. The Construction Management Plan must be in accordance with the endorsed Tree Management Plan and Tree Protection Plan under Condition 7 of the permit.

**Hours for demolition and construction**

32. All works including earthworks, demolition and construction activity associated with the approved development must take place only during the following hours, except with the prior written consent of the Responsible Authority:

Monday to Thursday: 7:00am to 6:30pm  
Friday: 7:00am to 5:00pm  
Saturday: 9:00am to 5:00pm  
Sunday & Public Holidays: No construction

**Provision of letter boxes**

33. Provision must be made on the site for letter boxes and receptacles for papers to the satisfaction of the Responsible Authority.

**Permit to expire:**

34. 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 ASSESSMENT

### Urban Planning Delegated Committee

<b>Application Number</b>	PP23/0472
<b>Date Application Received</b>	27/06/2023
<b>Planning Officer</b>	Aileen Chin
<b>Applicant</b>	CDG Riversdale Hawthorn JV Pty Ltd C/- Ratio Consultants Pty Ltd
<b>Owner</b>	Cdg Riversdale Hawthorn Jv Pty Ltd
<b>Property Address</b>	336 & 338 Riversdale Road and 2 Clive Road, Hawthorn East
<b>Proposal</b>	Construction of a four-storey apartment building comprising of twenty-four (24) dwellings over basement parking in a Residential Growth Zone
<b>Ward</b>	Junction
<b>Zoning</b>	Clause 32.07 - Residential Growth Zone - Schedule 1
<b>Overlays</b>	None
<b>Neighbourhood Character Precinct</b>	49
<b>Particular Provisions</b>	Clause 52.06 (Car Parking) Clause 53.18 'Stormwater Management in Urban Development' Clause 55 (including Clause 55.07 (ResCode))
<b>Permit Triggers</b>	Clause 32.07-5 (RGZ) of the Boroondara Planning Scheme, a permit is required to construct two or more dwellings on a lot.
<b>Potential Overland Flow?</b>	No
<b>Advertised?</b>	Yes. Public notice of the application was given on 29 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.
<b>Number of Objections Received</b>	20
<b>Plans Assessed</b>	Plans amended and submitted on 8 November 2023.

<b>Recommendation</b>	Notice of Decision to Grant a Planning Permit, subject to conditions.
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## PROPOSAL

### Appendix A - Plans

An application has been made to Council for Construction of a four-storey apartment building comprising of twenty-four (24) dwellings over basement parking in a Residential Growth Zone.

Details of the proposal are summarised as follows:

- Twenty-four (24) dwellings are proposed to be constructed within a four-storey apartment building, above two levels of basement and with a roof top communal terrace.
- The proposed apartment typologies would include two (2) one-bedroom dwellings, twelve (12) two-bedroom dwellings and ten (10) three-bedroom dwellings.
- The proposed basement levels contain 41 car parking spaces for residents and no visitor spaces.
- The proposed basement levels contain 16 bicycle parking spaces, including 4 visitor spaces.
- The basement car park is accessed via a central crossover on Clive Road.
- Pedestrian entry is located on Riversdale Road.
- Residential amenities including communal workshop, pet wash station and rooftop communal garden.
- The proposed dwellings are provided with private open space areas which vary in size from between 8.6sqm up to 136sqm (in the form of private balconies or ground level terraces).
- The proposed building would be of contemporary design with a combination of materials including bricks in two different shades of grey/charcoal, metal finishes and combination of metal feature screens.
- The proposed building is setback a minimum of 7.2m from Riversdale Road and a staggered setback commencing from 3m at the intersection of Riversdale Road/Clive Street, increasing to 5m at the southeast corner of the site.
- The maximum height proposed is 14.12m.



Above: 3D Perspective of the proposed development from Riversdale Road [Source: Advertised Plans].



Above: 3D Perspective of the proposed development from Clive Road [Source: Advertised Plans].

## THE SITE

<b>Width of Frontage</b>	34.14m (combined)
<b>Maximum Depth of Site</b>	46.63m (combined)
<b>Total Site Area</b>	1591.95m <sup>2</sup> (combined)
<b>Easements</b>	The subject site is not encumbered by any easements.
<b>Fall of the Land</b>	The site has a steep fall from the south to the north of approximately 2.74m.

The application site comprises three lots. 338 Riversdale Road and 2 Clive Road contains single storey dwellings which are vacant and have fallen into disrepair. 336 Riversdale Road has recently demolished a previous single storey dwelling and has been cleared of vegetation. Existing vehicle access to these properties is via Clive Road or the rear laneway.



Above: Aerial image of the subject site (orange border) and surrounds [Source: Weave, image taken 22 July 2022]





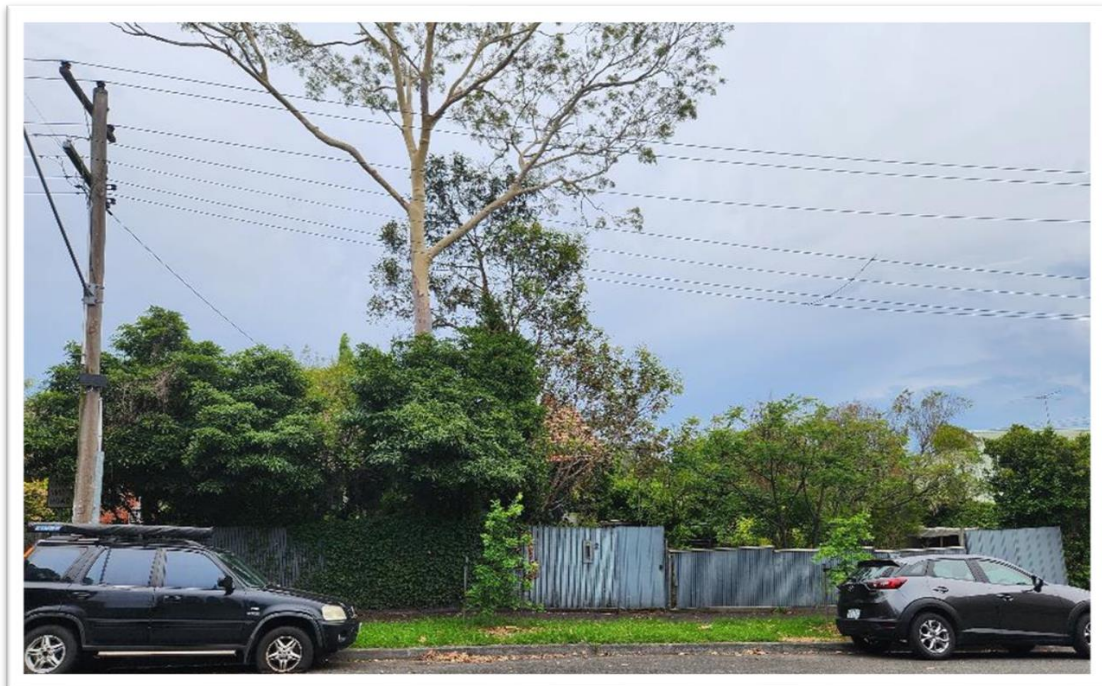
Above: View of 338 Riversdale Road from Riversdale Road [Photo taken 2 Jan 2024].



Above: View of 338 Riversdale Road from Clive Road [Photo taken 2 Jan 2024].



Above: View of 336 Riversdale Road from Riversdale Road [Photo taken 2 Jan 2024].



Above: View of 2 Clive Road [Photo taken 2 Jan 2024].





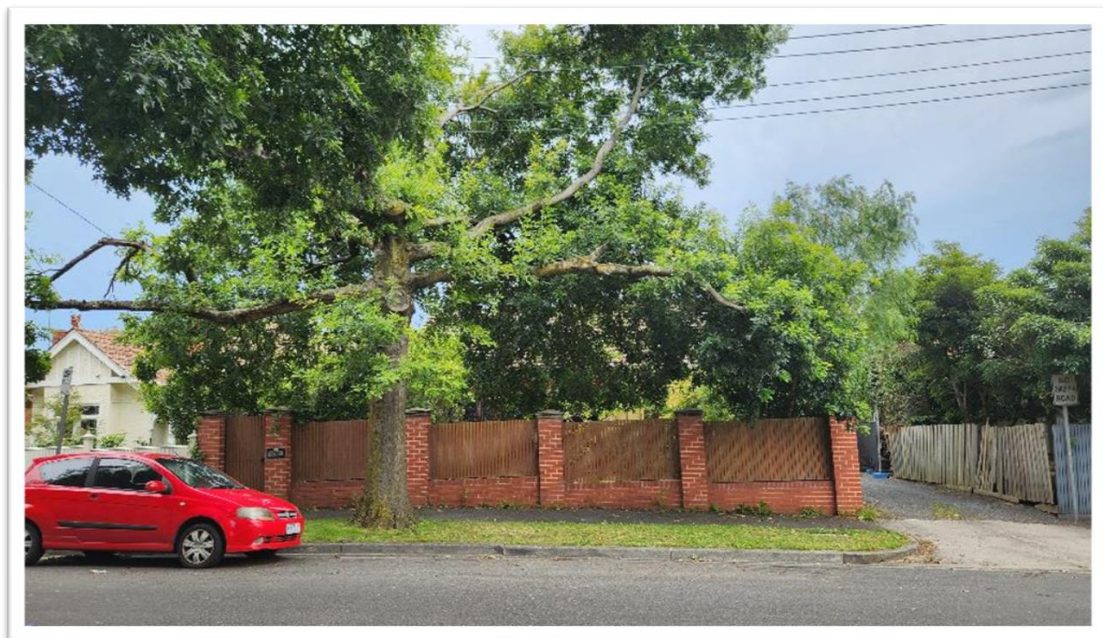
Above: View of laneway interface from 332 Riversdale Road facing east, with 2 Clive Road (left) [Photo taken 2 Jan 2024].

## THE SURROUNDING AREA

The subject site is located on the corner of Riversdale Road and Clive Road. Riversdale Road is a primary east-west corridor and tram route with mixture of building typologies. The site is located within 600m of the Camberwell Junction. Opposite the site to the north is a hard-edged commercial building on the corner of Riversdale Road and Symonds Street and directly adjacent to this building to the north is the 3-4 storey Rylands retirement village. To the west of the subject site is a two-storey residential building containing approximately 15 units in U-shape form. To the south of the subject site, across a rear lane is a single storey residential dwelling and to the east of the subject site, across Clive Road and on the corner of Riversdale Road is a three-storey building comprising attached townhouses.

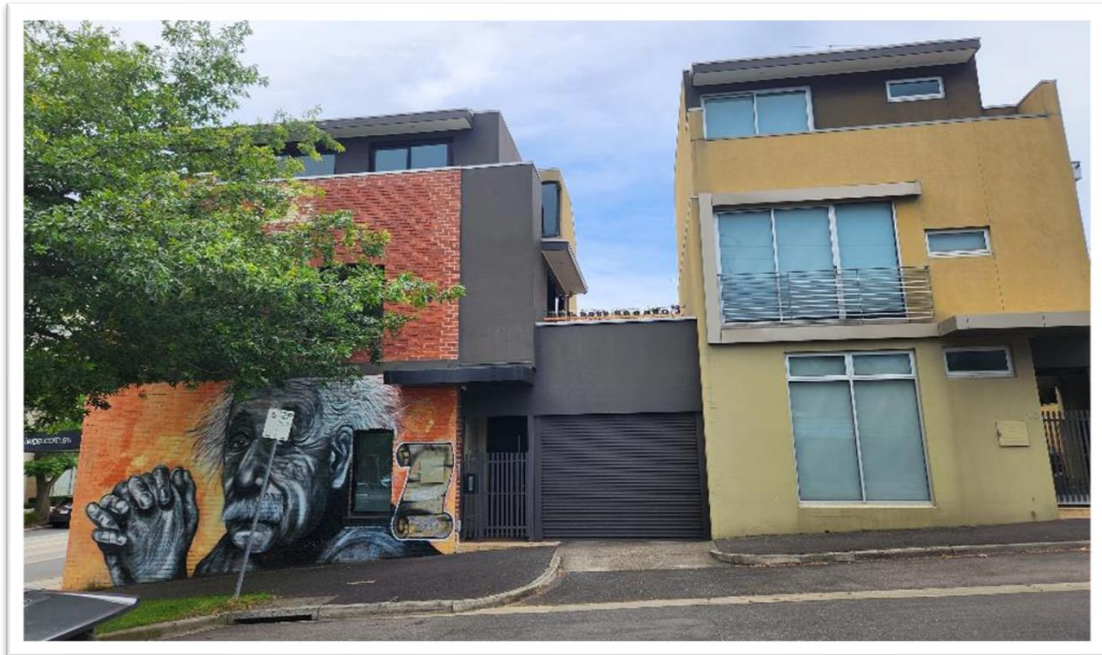


Above: Aerial image of the subject site (orange border) and wider surrounds [Source: Weave, image taken 22 July 2022]



Above: Property located to the south of the site at No. 4 Clive Road [Photo taken 2 Jan 2024].





Above: View of 342-344 Riversdale Road (left) and 1C Clive Road (right) opposite the site to the east [Photo taken 2 January 2024].



Above: 1A-B Clive Road opposite the site to the east [Photo taken 2 Jan 2024].

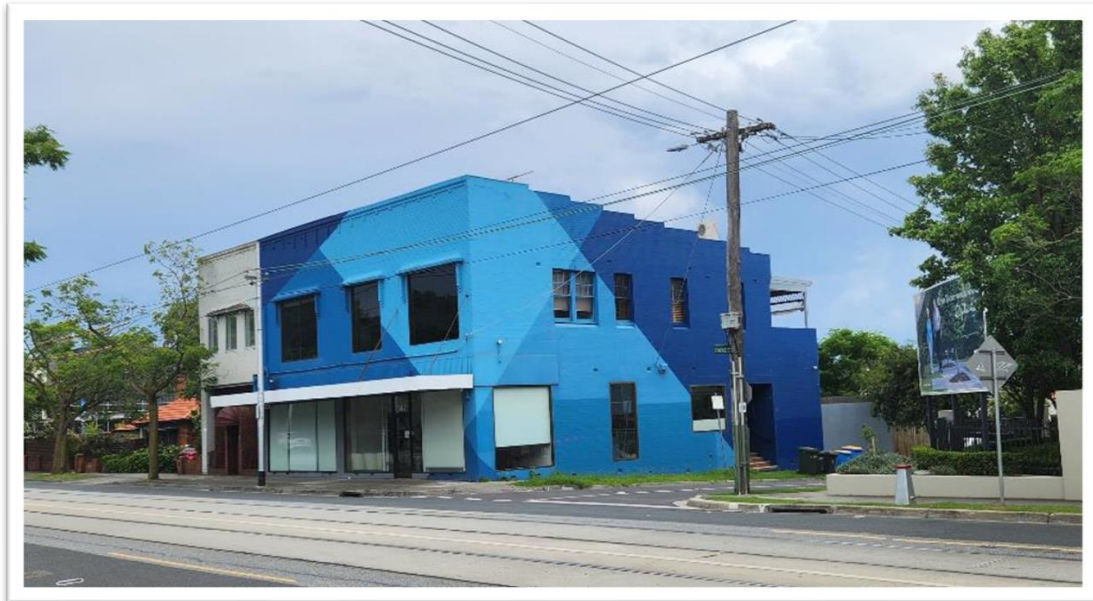


Above: units located adjacent to the site at No. 332 Riversdale Road [Photo taken 2 Jan 2024]



Above: View of central car park from units located adjacent to the site (left) at No. 332 Riversdale Road [Photo taken 2 Jan 2024].





Above: Mixed use building located opposite the site on Riversdale Road at 345, 347 and 347a Riversdale Road.



Above: 4 storey aged care facility (Rylands Hawthorn) diagonally opposite the site on Riversdale Road at 349-367 Riversdale Road [Photo taken 2 Jan 2024].

## PERMIT HISTORY

Details of previous applications for the subject site are as follows:

<b>Subject Site</b>			
<b>Application No</b>	<b>Date of Decision</b>	<b>Decision</b>	<b>Description of Proposal</b>
PP22/0151	24 October 2022	Refusal (upheld by VCAT)	Construction of an apartment building comprising of twenty-six (26) dwellings over two levels of basement, construction of a front fence higher than 2 metres on a Transport Zone 2

As stated above, a previous application was refused under Council delegation and proceeded to a review of Council's decision at VCAT. In *CDG Riversdale Hawthorn JV Pty Ltd v Boroondara CC [2023] VCAT 429*, the Tribunal's key findings were as follows:

*Having considered all submissions, evidence and grounds, for the reasons set out below, I find the proposal does not achieve an acceptable outcome.*

*Redevelopment of the subject land for an apartment building is consistent with the strategic directions of the scheme, as given effect through a suite of policies and the zoning provisions that provide the basis for assessment.*

*There is no dispute that, in broad terms, the subject land has a role in facilitating key strategic directions and has the capacity to do so mindful that it is the amalgamation of three lots. A four storey apartment building can fairly be contemplated given these directions and the site's physical context.*

*However, I find that the design response is not acceptable because of the combination of the building's siting, massing and design. I am not persuaded that an acceptable transition is provided to the residential area and land in the Neighbourhood Residential Zone Schedule 3 (NRZ3) or that an adequate landscape setting is achieved for the building being proposed. I am further concerned about the internal amenity for several ground floor dwellings. [Para 11-14]*

These matters will be addressed in the report, under sections 'Built Form and Massing', 'Landscaping', and 'Internal Amenity'.

It is noted that significant changes have been introduced to the proposal particularly by way of improvements to the overall built form including an increase in setbacks to Riversdale Road, 'stepping' of the built form in the south-east, and recession of the fourth level from the south.

## **AMENDMENTS TO THE PROPOSAL**

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

The proposed changes are as follows:

<b>Date Received</b>	<b>Amendments</b>	<b>Amendment Type</b>
----------------------	-------------------	-----------------------

8 November 2023	<ul style="list-style-type: none"> <li>• Daylight Modelling Assessment for G02 and G03.</li> <li>• Amended architectural plans to show: <ul style="list-style-type: none"> <li>○ Increased southern setback to L2 Apartment 202 to 4.0m (and subsequent plan changes to Apt 202)</li> <li>○ Increased southern setback to L3 Apartment 301 to 8.385m to the entire façade (and subsequent plan changes to Apt 301)</li> <li>○ Façade changes in response to the above footprint changes</li> <li>○ Reduction in Riversdale Road fence height to 1.8m</li> <li>○ Amended southern boundary fence to 1.5m high metal blades for the first half of the southern boundary (Apt G02 SPOS)</li> </ul> </li> </ul>	S57A
<p>It was considered that the proposed changes which have increased setbacks to the built form and amended fence heights, and submission of additional information to address internal amenity and concerns raised by Council were minor in nature. The amendments to the application did not warrant re-notification as there would be no increase in material detriment generated as a result of the amended development.</p>		

## INTERNAL REFERRALS

The application was referred to the following:

### Arborist

*Supported, subject to conditions.*

Council's arborist has reviewed the proposal and noted the following key findings:

1. As discussed, given the retention of tree 28 it is unlikely that further significant tree planting could be incorporated into the landscape plans in the southeast corner. The inclusion of 2 small trees within the POS of GO1 and GO2, with the inclusion of some smaller ground covers and shrubs, appears to be adequate.
2. Given the new plans propose increased setbacks from tree 28, a further root investigation beyond what has already been conducted is not considered necessary.

3. Appears to be a better tree outcome than that which was previously supported.

**Planner's Comments:**

Council's Arborist is supportive of the proposal and does not require any changes. Recommendations have been made in the form of conditions on permit that require the replacement planting of 3 large canopy trees along the frontage and 1 small canopy tree in each dwelling's SPOS, accompanied by their relevant deep soil areas for each tree. This will ensure that there will be adequate peripheral screening opportunities by way of canopy tree planting along the sensitive interfaces of the site, in addition to planting along the frontages of the site.

Other matters relating to tree protection measures for Trees 1, 2, 18, 24 and 28 to be retained, and will be addressed by permit conditions.

Please see 'Tree Removal and Landscaping' section of this report for further discussion.

**Urban Design**

*Supported, subject to conditions.*

Council's Urban Designer is generally supportive of the proposal, subject to the following changes:

*The rear fence to the laneway ranges from 1.5 to 1.8 metres from the east to the west. The solidity of the western half of this rear fence needs reconsideration. If a 1.8m high fence is necessary for this section, then it needs to be at least partially permeable.*

**Planner's Comments:**

Approximately 50% of the laneway interface closest to Clive Road has been treated with permeable fencing. While appreciating the CPTED benefits of providing a transparent fence for the length of the laneway, there is no policy requirement for the development to provide this. The permeable fencing already shown on the plans provides benefits of allowing views of the peripheral landscaping within the site while improving the appearance and increasing the opportunities for casual surveillance on the laneway.

For the above reasons the proposed fencing is supported without need for further conditions.

**Traffic Officer**

*Supported, subject to conditions.*



**Planner's Comments:**

Council's Traffic Officer is supportive of the proposal. Appropriate sightline triangles at the entry to the basement ramp/interface with Clive Road are to be provided. The development must also ensure that all tandem spaces are allocated to the same dwelling. These matters will be addressed via conditions.

**Infrastructure**

*Supported, subject to conditions.*

**Environmentally Sustainable Development**

*Supported, subject to conditions.*

The development proposal achieves a BESS score of 56% which is satisfactory and achieves best practice.

**Drainage Officer**

*Supported, subject to conditions.*

**Waste**

*Supported.*

**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;
- 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

### PLANNING POLICY FRAMEWORK

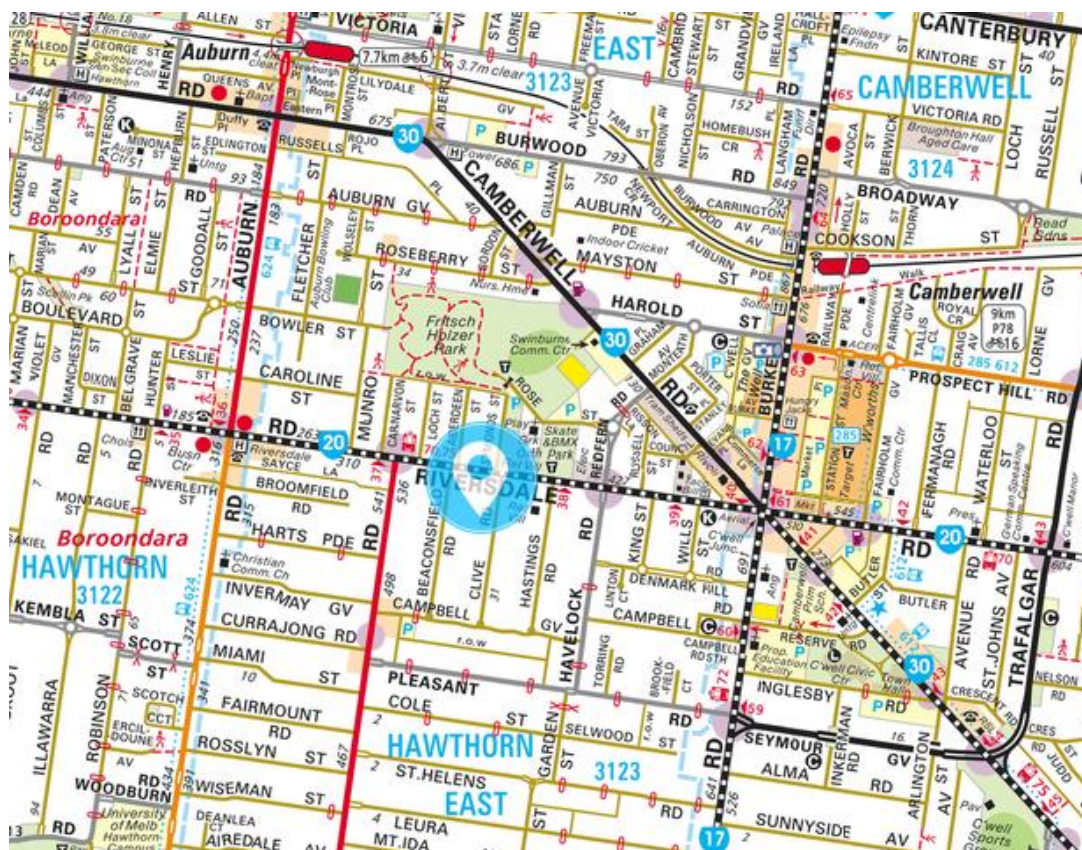
The following State policies are relevant to the assessment of the current application:

- Clause 11 - Settlement
- Clause 15 - Built Environment & Heritage
- Clause 16 – Housing
- Clause 18 - Transport
- Clause 19 - Infrastructure

Of relevance to this application, Clause 16.01 Residential Development includes the following strategies:

- *Increase the proportion of new housing in designated locations within established urban areas and reduce the share of new dwellings in greenfield and dispersed development areas.*
- *Encourage higher density housing development on sites that are well located in relation to jobs, services and public transport.*
- *Ensure an adequate supply of redevelopment opportunities within established urban areas to reduce the pressure for fringe development.*
- *Facilitate residential development that is cost effective in infrastructure provision and use, energy efficient, water efficient and encourages public transport use.*
- *Identify opportunities for increased residential densities to help consolidate urban areas.*
- *Identify areas that offer opportunities for more medium and high density housing near employment and transport in Metropolitan Melbourne.*

The subject site has convenient access to facilities and services as indicated in below Melway directory map:



Above: Melway directory map [Source: Melway Online]

The proposal is considered to be generally consistent with the broad urban consolidation, energy efficiency and medium density housing objectives outlined in the relevant Clauses of the Planning Policy Framework.

Clause 16.01-1L (Housing - Boroondara) identifies the subject site as being within a 'Main Road Apartment Precinct' which is located along a main road commercial corridor. The subject site is located within an established residential area and is well located in relation to jobs, services and public transport.

The subject site is zoned within the Residential Growth Zone - Schedule 1 (RGZ1). The purpose of Clause 32.07 is to provide housing at increased densities including apartment buildings up to and including four storeys. The proposal is responsive in this regard, as the development would provide an increased density of 24 dwellings within a four storey building. However, a further purpose of the RGZ is to encourage a scale of development that provides a transition between areas of more intensive use and development and other residential areas. To the south of the site are properties located within the Neighbourhood Residential Zone - Schedule 3 (NRZ3) which seeks much less intense development. In response to this, the development provides for a transition in height and setbacks particularly to the upper levels within the southern building as it interfaces the NRZ.

The subject site is appropriate for higher density development, such as an apartment typology given its location within RGZ1 on a main road. As discussed in the

subsequent section of this report, the proposal has further responded to the existing and preferred character of the area bearing in mind the broad urban consolidation, best practice energy efficiency and medium density housing objectives outlined in the relevant Clauses of the Planning Policy Framework.

## **LOCAL PLANNING POLICY FRAMEWORK**

### **Neighbourhood Character**

Clause 15.01-5S and Clause 15.01-5L (Neighbourhood Character) seeks to ensure development respects the existing neighbourhood character and contributes positively to a preferred neighbourhood character of an area. Within the Residential Growth Zone, Schedule 1, it seeks to facilitate a diversity of housing types. Clause 15.01-5L (Neighbourhood Character) includes the following neighbourhood character strategies for the zone (as relevant):

- *Set development back from front, side and rear boundaries consistent with the preferred character of the precinct.*
- *Provide a transition in building scale and setbacks to residential properties located within the Neighbourhood Residential Zone Schedule 3 or public open space areas.*
- *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.*

Council's Neighbourhood Character Precinct Statements (City of Boroondara, 2013) are included as a reference document in the policy. It is located within Neighbourhood Character Precinct 49, which is described as an area which contains a number of apartment buildings of 2 to 4 storeys in scale from the interwar period to now. The mixture of building styles, building types and lot frontages create an eclectic character which is enhanced by the presence of cars and trams. Most buildings have space around them accommodating landscaping and/or mature planting to the front, side or rear of buildings. The preferred character statement seeks to facilitate development of a diverse range of housing that integrates with the scale and form of buildings in the precinct, and enhance the landscape setting of dwellings.

The below discussions are in relation to Clause 15.01-5L and the Neighbourhood Character Precinct Statement (NCPS), and other relevant planning matters. Tables assessing the development against each design response listed in the NCPS can be found in **Appendix B** of this report.

### **Building Height**

Clause 32.07 (RGZ) specifies a preferred building height of 14.5m, as set out below:

Preferred Maximum Building Height			
	Requirement	Proposed	Assessment
Building height requirement	14.5m	14.12m	✓

The maximum height of the proposed building at 14.12m meets the preferred (not mandatory) maximum building height of 14.5m for the site.

### **Built Form, Scale, Siting & Massing**

Neighbourhood Character Precinct Statement 49 seeks to create a consistent streetscape that respects the surrounding suburban context. It seeks to ensure buildings are no higher than 3 storeys to the street. Fourth levels should be setback and appear as a recessive element.

It further seeks to avoid 'block-like' apartment buildings which have a footprint that is both wide and deep. Buildings should be broken into separate elements using varied setbacks, eaves, overhangs, and other design details to articulate the façade.

The footprint of the proposed building is approximately 35.7m in depth by 28.5m in width across the first three levels, with a recessive fourth level. A central break is provided on both street frontages to assist in breaking up the built form and mass of the development, with a dual purpose of allowing natural light into the corridors for the podium (lower three levels) on Riversdale Road. The podium is treated through curved edges and a vertical fin which will result in varied shaded 'blades' throughout the day. Both Riversdale and Clive Road frontages feature pale vertical brick pillars on the first and second floors with contrasting bronze metal finish, with the built form on Clive Road presenting a stronger horizontal expression. Instead of pale brick, the fourth level is clad in bronze metal which will assist in its perception as a recessive element.

A robust built form in a prominent corner position can and should be expected for the Riversdale Road interface, where the design has incorporated sufficient mass modulation particularly against sensitive interfaces such as to the south and west. These site's responses to these interfaces will be addressed in turn below.

### **Riversdale Road**

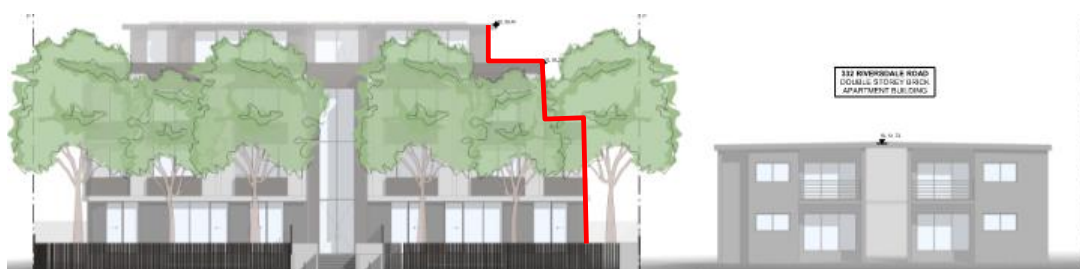
The proposed building presents as three storeys to Riversdale Road. The fourth floor is setback at all four interfaces including a minimum of 3.5m behind the Riversdale Road façade and also treated with a different material.

Council's urban designer supports the façade treatment, with the provision of a central recess effectively separating the mass into two buildings, breaking down the massing to reflect the built form grain along Riversdale Road to respond towards the preferred character outcome outlined in the NCPS. It is noteworthy that the Tribunal in its decision found that the development was satisfactory in its presentation towards the



street, including its architectural response and treatment, with a recess helping to achieve a rhythm that responds to the main road corridor.

Towards the west, the built form provides a transition to the neighbouring property (332 Riversdale Road), a double storey block of flats. A separation is provided of 7.2m between buildings inclusive of the driveway, with the second and third floors stepping back and transitioning in height towards the west. Further space within the frontage and side setbacks provide sufficient landscaping opportunities including canopy trees to screen the development. These factors will temper the massing of the proposal, reducing the visual bulk impacts both from the streetscape and adjoining properties.



Above: Streetscape Elevation (Riversdale Road), setback line emphasised



Above: North Elevation (Riversdale Road)

### Clive Road

The interface to Clive Road also presents as a three storey podium. The massing is broken with a break in the central built form to present two distinct buildings. From Clive Road, the fourth floor level is set back 2.15m for the northern building, increasing to 4.05m for the southern building.

The recession and siting of the upper floor provides for a considered response to strategies within Clause 15.01-5S which require development in the RGZ provide a transition in building scale to residential properties located within the Neighbourhood Residential Zone Schedule 3. The stepping down of the development and cutting into

the southern portion of the site to reduce bulk responds to the topography. Furthermore, the placement of large generously sized balconies in the south-east corner of the site combine to assist in a built form that responds sensitively to the rear of the site by providing an open corner and relief of built form adjacent to the laneway. It also provides an appropriate separation of built form of 6m from the single storey dwelling located within the NRZ3.



Above: Previous proposal (left) and Current proposal (right)- Eastern Street Elevation.



Above: Eastern Elevation (Clive Road)

This position is supported by Council's urban designer, who considers the design response appropriate and respectful to the Clive Road interface. It is noted recommended design changes to the application have been adopted, and further increased in this proposal, particularly as they relate to the transition of building scale towards the NRZ. This includes a reduction of built form in the south-eastern corner of the site, and a greater recession for the fourth storey from both east and south elevations. The combined effect has removed the symmetry and visual dominance of the originally proposed building in PP22/0151 by introducing a more sensitive transition in scale to the south.

The Tribunal's comment in its decision is particularly of relevance to the transition in scale and height to the adjacent NRZ3 where it noted:

*Some visibility of a well-recessed and well-designed fourth level from parts of Clive Road is not fatal nor unacceptable. [Para 50]*

For the above reasons the proposal provides for an appropriate transition in scale to the NRZ3. The massing and siting would sit comfortably within its main road context, and a high degree of variation and modulation to the treatment of the façade has successfully addressed the shortcomings of the previous application.

<b>Front Setback:</b>
-----------------------

Council's Neighbourhood Character Precinct Statement seeks to maintain and enhance the existing streetscape rhythm. It seeks to ensure buildings are setback no less than the average distance of the front setback of the adjoining properties on either side or 9m, whichever is less. This is in alignment with Standard B6 (Street Setback), which in this instance requires that buildings be set back 7m from Riversdale Road and side walls set back 2m from Clive Road.

The proposal complies with the requirements of the NCPS and the Standard, with a minimum front setback of 7.2m and side street setback of 3m which increases to 5m at the southern end of Clive Road.

It is noted that the application has increased the proposed front setback from the previous application which sought a setback of 6m from Riversdale Road. This formed the basis of a ground for refusal due to its implications on meaningful landscaping opportunities, combined with other issues relating to the building mass and transition to the NRZ. The scale and mass of the development has since been further improved and is substantially less obtrusive with a significant physical break now provided on Riversdale Road.

Issues with respect to the proposed building mass and landscaping are discussed below in this report.

The proposed development has complied with the relevant Standard and has achieved the objective ensuring setbacks of buildings from a street respect the existing or preferred neighbourhood character of the site.

<b>Materials:</b>
-------------------

Council's Neighbourhood Character Policy seeks to ensure contemporary design in preference to period reproduction styles. High quality, durable materials should be used.

The proposed design is contemporary and incorporates a variety of materials. This includes two shades of grey and charcoal brickwork, a combination of metal sheeting and perforated metal screens for balcony balustrades, glazing, bronze metal sheeting and blade fences with grey brick infill. The proposed material palette is considered sufficiently varied which adds visual interest to the appearance of the development. If



permission were to be issued, further details of the proposed materials, including physical samples, would be recommended via conditions to ensure their quality, durability and appearance.

### **Front Fence**

Council's Neighbourhood Character Precinct Statement 49 seeks to ensure low or medium height front fences that maintain views of the building behind. The objective being to enhance the pedestrian environment by increasing the visual connection between the public and private realm.

The previous application sought to construct a solid high front fence of up to 2.1m on Riversdale Road, and 2.4m on Clive Road (with some permeable sections). It was considered by officers that the fence design to both Riversdale Road and Clive Road should be of a lesser height and more transparent.

The proposed development now features permeable fencing in the form of metal blade fences on both Riversdale and Clive Roads.

A 1.8m high fence is proposed along Riversdale Road. Given the permeable fencing material and main road location, a height greater than 1.5m is acceptable. It is noted that fences along arterial roads under 2m in height do not require primary consent, and that the metal blade fence replaces previously solid impermeable fencing along the frontage of the subject site.

The height of the fence along Clive Road has been reduced to an average height of 1.5m. However due to topography and slope of the land, the height of the fence rises up to 2.05m towards the corner of Clive and Riversdale Roads. This is acceptable as the fencing is made of a permeable material, and is located at the intersection with an arterial road away from sensitive interfaces.

In addition, approximately 50% of the laneway interface closest to Clive Road has been treated with permeable fencing which adds to its visual appreciation of the peripheral landscaping outcomes of the site while improving the appearance of the laneway.

The proposed front fence design has responded to the character guidelines outlined above as views of the landscaped areas will be clearly appreciable from the public realm.

Finally, the metal blade fencing which wraps around the services enclosure on Riversdale Road is finished in the same grey brick utilised on the upper floors of the building. This is supported as it appropriately integrates services into the built form design.

**Off-Site Amenity**

The proposed development complies with the Objective and the numerical requirements of Standard B19 (Daylight to Existing Windows) of Clause 55.04-3, Standard B21 (Overshadowing Open Space) of Clause 55.04-5 and Standard B22 (Overlooking) of Clause 55.04-6. In this regard, the proposal would not cause unreasonable amenity impacts to adjoining property owners, by way of overshadowing areas of adjoining secluded private open space and overlooking.

However, although meeting the relevant objectives, the proposal does not comply with Standard B17 (Side and Rear Setbacks) of Clause 55.04-1. A detailed assessment of the proposal against this standard is contained at Appendix D and are discussed in further detail below.

**Basement Entry/ Car Parking**

Council's Neighbourhood Character Precinct Statement 49 seeks to ensure car parking structures are located to the side or rear of dwellings or are configured in basement arrangements. Car parking structures should be incorporated into the design of buildings and where possible, entrances to basement garages should be positioned to the side or rear of dwellings.

The location of the basement entry/ramp along Clive Road is in accordance with the above mentioned guidelines, and has been previously considered by the Tribunal in its decision of the initial proposal with the conclusion that its location is appropriate.

**Side and Rear Setbacks:**

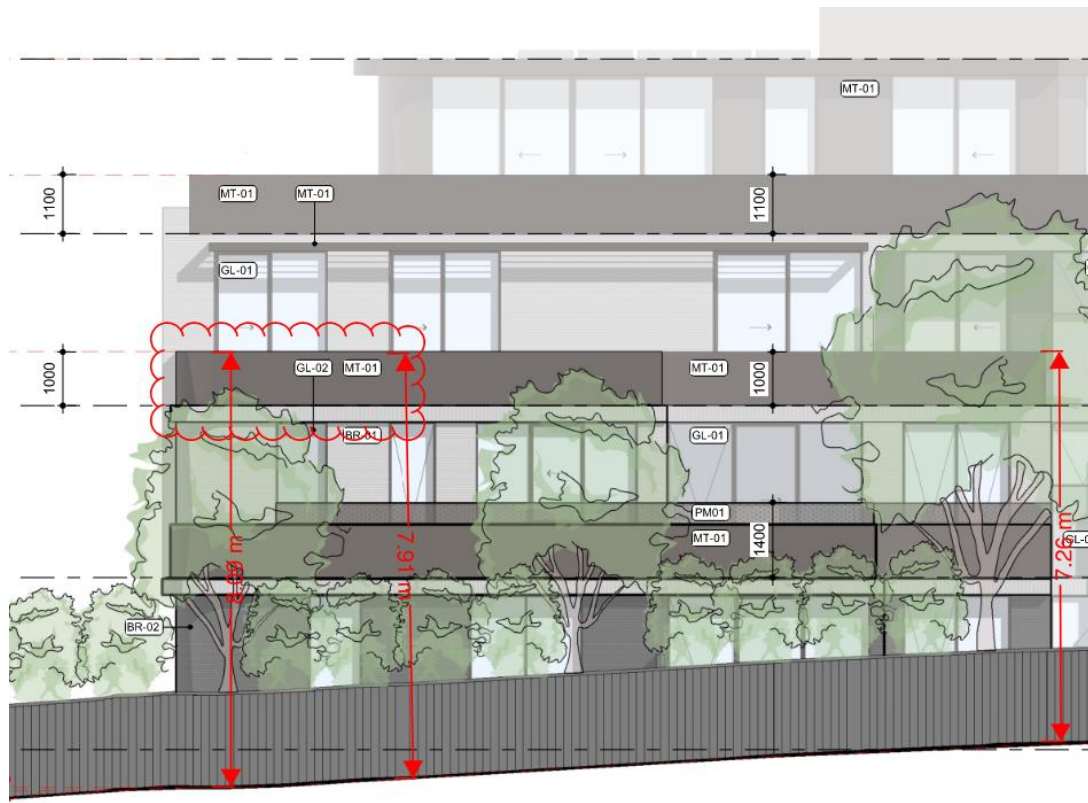
The proposed development is generally compliant with Standard B17 (Side and Rear Setbacks), except for balcony balustrades and planter boxes on the second and third levels of the western elevation which encroach into the Standard B17 setback line.

The extent of encroachment is outlined below:

- The balcony associated with Apartment 204
- The balcony associated with Apartment 302
- The balcony associated with Apartment 303

**Apartment 204**

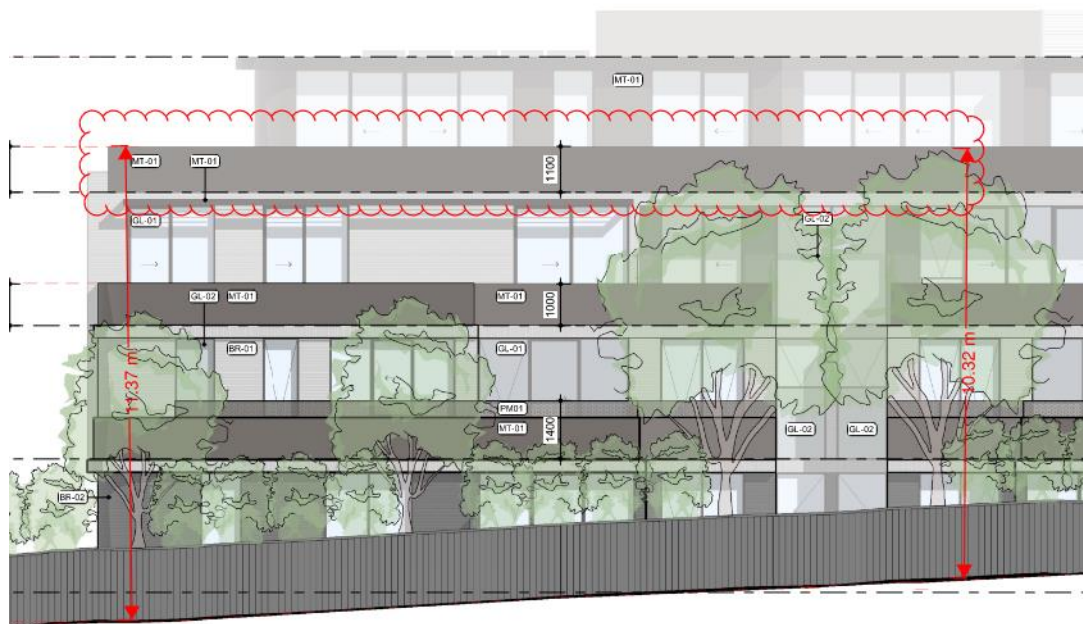
The balcony associated with Apartment 204 encroaches into the Standard by up to 180mm adjacent to Bedrooms 2 and 3. In this location, the balcony has a height ranging from 7.9m to 8.09m from Natural Ground Level which requires a setback of 3m to 3.18m respectively. A setback of 3m in this area is proposed. The area of encroachment is depicted (clouded) below.



Above: Apartment 204 balcony encroachment into Standard B17 setback (clouded)

#### Apartment 302 & 303

The balconies associated with Apartments 302 and 303 encroach into the Standard by up to 1.06m adjacent to Apartment 302's master bedroom and living/dining, and Apartment 303's living/dining and kitchen. In this location, the balcony has a height ranging from 10.32m to 11.37m from Natural Ground Level which requires a setback of 5.4m to 6.46m respectively. A setback of 5.4m in this area is proposed. The area of encroachment is depicted (clouded) below.



Above: Apartment 302 & 303 balcony encroachments into Standard B17 setback (clouded)

The areas of encroachment, as outlined above, has a maximum shortfall of 1.06m. The location of all areas of encroachment occurs only to the top of the balcony balustrade and/or planter boxes, not the walls of the building. The subject area is located at the front of the site, which is alongside a main road. It is directly adjacent to a common driveway and double storey apartment building with no habitable room windows within proximity at 332 Riversdale Road facing the site. Given the non-sensitive interface and separation distance of 7m from built form to built form, a variation to Standard B17 can be supported.

For the remainder of the western and southern elevations, the development complies with the Standard. It is noted there is a rear laneway which separates the subject site from a single storey residential dwelling to the south at 4 Clive Road. Setbacks from the south on levels 3 and 4 have been increased substantially from the previous application.

#### **North Facing Windows:**

Standard B20 (North-Facing Windows) does not apply in the circumstances of the laneway abuttal. In its decision [Para 74], the Tribunal has considered that Standard B20 does not apply with respect to this adjacent site given the separation distance to north-facing windows (greater than 3 metres of a boundary on an abutting lot).

Regardless, it is noted that the proposal complies with the numerical requirements of Standard B20. Shadow diagrams further demonstrate there will be no loss of sunlight into the habitable room windows of 4 Clive Road, and shadows cast to the south will be entirely contained within the width of the laneway.

## Overlooking

The site has two interfaces to the south and west where overlooking needs to be considered. The proposal is not compliant with Standard B22 Overlooking with regards to the height of privacy screens for Apartments 201 and 202, and Apartments 101 and 201 which allow for views into the southern front SPOS of 4 Clive Road within a distance of 9m.

### No. 4 Clive Road:

The dwelling to the south of the site at 4 Clive Road contains 6 north-facing habitable room windows (facing the subject site), secluded private open space at the rear and further secluded private open space within the frontage.

The habitable room windows of 4 Clive Road generally sit above the boundary fence line and would look over the subject site across the laneway as demonstrated in the photograph below.



Above: 4 Clive Road north facing habitable room windows [Photo taken 2 January 2024]

The proposed ground level windows and habitable open spaces associated with Apt G.02 and G.03 would not facilitate direct overlooking and views would be further obstructed by proposed boundary fencing. Views from the first floor are likewise screened by perforated metal screens with a maximum of 25% transparency at 1.7m height above finished floor level.



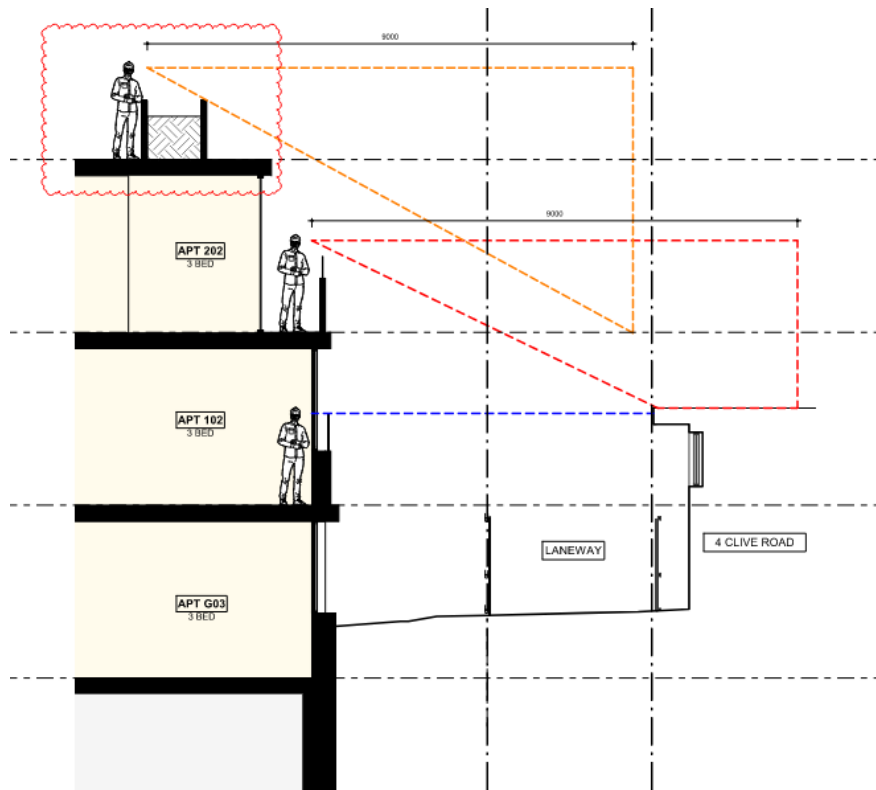
On the second floor, perforated metal screens to habitable room windows of Apt 201 are proposed at a height of 1.55m above FFL, and 1.7m high opaque glass for the master bedroom and 1.4m high perforated metal screens for balcony balustrades to Apt 202. The height of the metal screens for Apts 201 and 202 do not satisfy the Standard which requires a minimum height of 1.7m in these locations. The overlooking diagrams prepared also do not satisfactorily demonstrate that views downwards from these apartments will be screened. Compliance with the Standard for Apts 201 and 202 can be easily addressed by raising the height of these screens and will be recommended to form a condition on permit.

The overlooking diagrams demonstrate that views downwards from the top level of Apt 301 past a 1.1m high balustrade would be obscured by a 1.2m wide planter box. It is noted that neither the height of the balustrade nor the width of the planter box has been dimensioned on the plans. This detail will be recommended to form a condition on permit to ensure overlooking remains compliant.

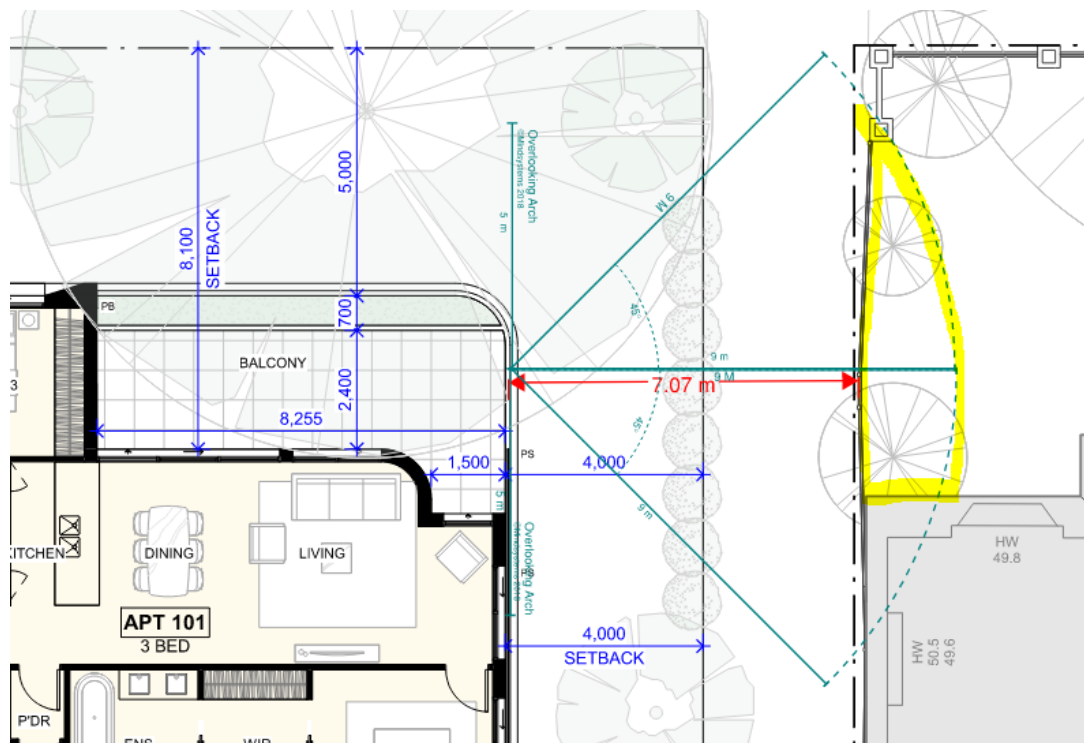
Further areas that require compliance include south-facing views from the balconies of Apartments 101 and 201 into a minor portion of the front SPOS of 4 Clive Road. These balconies should be screened to achieve the requirements of Standard B22 and will also form a condition on permit.

Conditions Required:

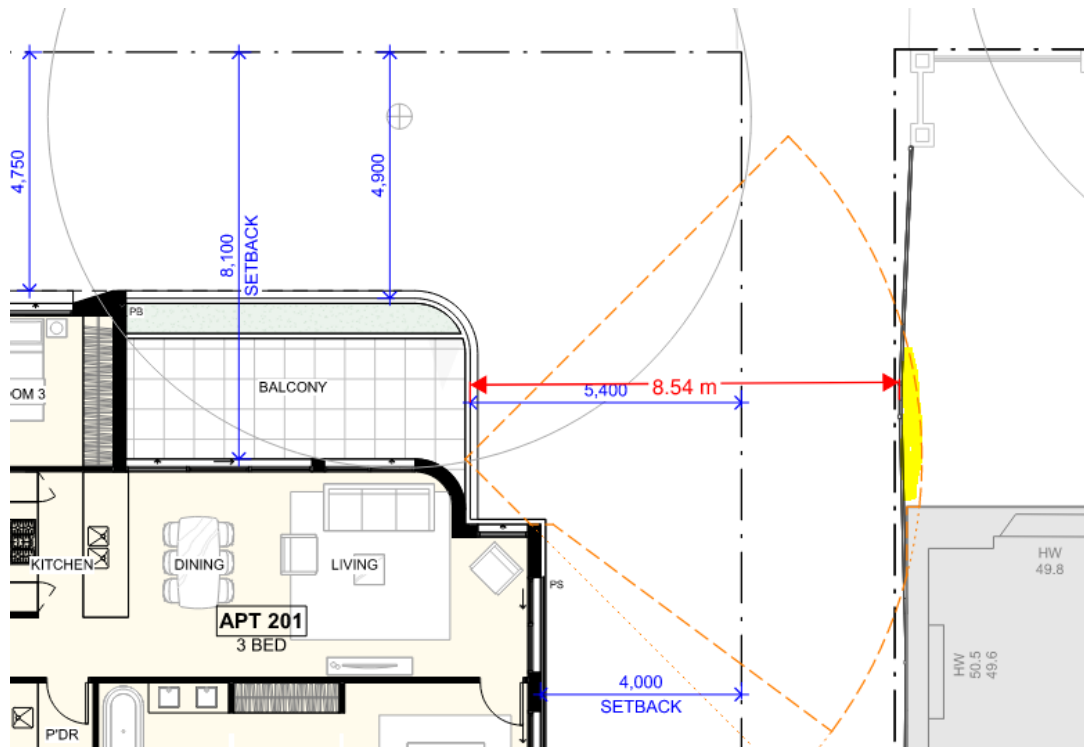
- The south-facing balcony of Apartment 202 and habitable room windows of Apartment 201 on Level 2 to be screened to comply with Standard B22 (Overlooking).
- Height of balustrade and width of planter boxes on the balcony of Apartment 301 on Level 3 dimensioned from Finished Floor Level on the South Elevation or demonstration compliance with Standard B22 (Overlooking) has been achieved.
- The south-facing balconies of Apartments 101 and 201 screened to comply with Standard B22 (Overlooking).



Above: Overlooking section - 4 Clive Road



Above: Overlooking arc into SPOS of 4 Clive Road (Apartment 101)



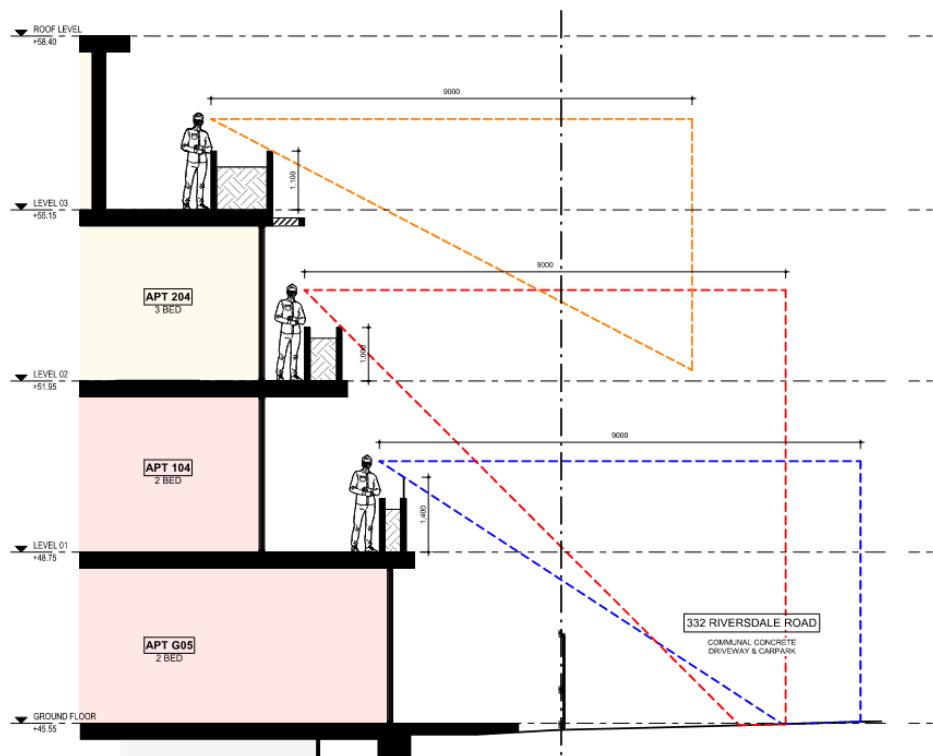
Above: Overlooking arc into SPOS of 4 Clive Road (Apartment 201)

### 332 Riversdale Road:

Proposed habitable room windows and upper-level balconies would not be located within 9m of any SPOS areas or habitable room windows on the adjoining property at No. 332 Riversdale Road. This is largely due to there being a driveway and large communal car park which is located between the building on the adjoining property and the shared western boundary, and the orientation of existing habitable room windows. Notwithstanding this, the first-floor west-facing habitable room windows and balconies are proposed to be screened with perforated metal screens to a height of 1.4m and planter boxes would be provided on the inside face of balconies which would provide additional separation.

It is considered the proposal would not cause unreasonable overlooking impacts to the owners/occupiers of No. 332 Riversdale Road and complies with the requirements of Standard B22.





Above: Overlooking section - 332 Riversdale Road

### Overshadowing

To the south of the subject site is both a front and rear SPOS area associated with 4 Clive Road. The shadow diagrams prepared for the September Equinox demonstrate that there will be no increase in overshadowing over these areas as a result of the proposed development.

To the west of the site at 332 Riversdale Road is an open communal car park. There are several private balconies which overlook this space towards the site. The submitted shadow diagrams indicate the proposed development would not reduce sunlight to these private balconies during the hours of 9am to 3pm on the day of the September Equinox. The proposal therefore complies with Standard B21.

### Internal and On-site Amenity

The proposal complies with Standards B27 (Daylight to New Windows), B29 (Solar Access to Open Space), B36 (Communal Open Space), B42 (Accessibility), B43 (Private Open Space), B44 (Storage), B46 (Functional Layout) and B47 (Room Depth). Compliance with Standard B23 (Internal Views) is possible subject to conditions.

Such compliances demonstrate overlooking between dwellings within the development would not be invasive and the proposed development would include a sufficiently usable area of communal open space on the roof level. Furthermore, the

size and layout of all proposed bedrooms and living rooms would achieve a good level of internal amenity for future residents. In this regard, the proposal is acceptable.

These are discussed in more detail below and within the Clause 55.07 assessment at **Appendix D** of this report.

#### **Internal Views**

Standard B23 (Internal Views) requires that 'windows and balconies should be designed to prevent overlooking of more than 50 per cent of the secluded private open space of a lower-level dwelling or residential building directly below and within the same development'.

Overlooking from upper level apartments into ground floor SPOS occurs in several locations in excess of 50% as follows:

- Balconies of Apt 102, 202 and 203 into Apt G03

The above issues could be rectified by condition on permit requiring planter boxes to be provided inside balconies to reduce the opportunity for downwards views into the SPOS of Apt G03. It is noted that this measure has addressed internal overlooking within the remainder of the development and would have an added benefit of softening the built form on the upper levels with landscaping.

#### **Recommended Conditions:**

- Planter boxes provided within west-facing balconies of Apt 102, 202 and 203.

#### **Daylight to New Windows**

The proposal complies with Standard B27 Daylight to New Windows.

There were concerns raised within the previous application by Council and the Tribunal in relation to internal amenity, specifically negative impacts on living spaces, outlook and daylight. The VCAT decision focused on daylight concerns to apartments G02 and G03 for south-facing habitable room windows that have only one external window. These apartments were adjacent to the southern part of the site and laneway, and set into the land as a consequence of excavation that has lowered the building's height relative to natural ground level. Retaining walls, fencing and the southern orientation formed other relevant factors for consideration.

The Tribunal did not have benefit of an updated technical assessment on daylight during the previous proceedings and, as the above quote indicates, erred on the side of caution in lieu of sufficient evidence provided to indicate satisfactory compliance on daylight matters.

The current application has submitted a Sustainability Management Plan prepared by Frater Consulting Services which includes an assessment using the BESS daylight calculator. This indicates compliance with the minimum requirements of 50%, with the development achieving 81% in total for the relevant category 'Indoor Environment

Quality (IEQ)'. Most importantly, it includes a score of 100% compliance for daylight access to living areas and bedrooms.

Council's ESD officer has reviewed the development proposal and Sustainability Management Plan, and is supportive of its findings in relation to daylight matters. For the above reasons, Council is satisfied that the internal amenity concerns raised by VCAT in its previous decision have been resolved within the current application.

#### **Solar Access to Open Space**

The development proposal complies with Standard B29 (Solar Access to Open Space).

While part of the useable portion of the SPOS area (the terrace/paved courtyard) proposed for Apartment G02 would be located to the south of the living/dining area, there remains a significant area of private open space of 58m<sup>2</sup> located to the east that is useable and will receive clear sunlight. The future occupants will be able to utilise this area for any additional recreational purposes which is an acceptable outcome.

The remaining ground floor SPOS areas are not impacted by any walls to the north and no further assessment against the Standard is required.

#### **Accessibility**

The proposed development includes 24 dwellings, all of which would comply with the numerical requirements of Standard B42 (Accessibility) of Clause 55.07-8. This exceeds the minimum 50% of dwellings required to comply and demonstrates the development will provide appropriate levels of inclusive design to meet the needs of those with limited mobility.

#### **Private Open Space**

The proposed private open space areas consist of either ground floor open space (for ground floor dwellings) or balconies (Level 1-3). A detailed assessment of these spaces against Standard B43 (Private Open Space) of Clause 55.07-9 is contained at **Appendix D**.

All apartments with ground floor private open space contain useable areas with a minimum area of 25sqm area and a minimum dimension of 3m which meets the Standard.

To preserve privacy to the secluded private open spaces and/or habitable rooms of ground floor apartments G01, G02, G06, G07 and G08 which are screened by permeable fences, the landscape plan indicates a combination of canopy trees, soft landscaping and hedging. This is considered an appropriate response to avoid the appearance of high impermeable fencing within the street setbacks of the development while allowing these areas to be practically used by residents for

recreation purposes. It is noted that future occupants will also have an option of utilising the communal roof top which includes barbecue facilities and seating.

All balconies on upper floors are provided with minimum areas and dimensions that meet the Standard.

#### **Site coverage**

The Standard B8 - Site Coverage allows for a maximum of 60% of the site covered by buildings. With a site coverage of 60.79%, the development requires a variation of 0.79% to the standard which equates to an area of 12.6m<sup>2</sup>.

In situations requiring discretion against the requirements of the Standard, the Decision Guidelines of Clause 55.03-3 allow for the consideration of several relevant factors including the design response, the existing site coverage and any constraints imposed by existing development or the features of the site. The site coverage of adjacent properties and the effect of the visual bulk of the building and whether this is acceptable in the neighbourhood can also be considered.

A condition will be recommended to form on the permit requiring compliance with Standard B8, with the alleviation of built form best placed to be located within the south-western corner of the site, adjacent to the 4m by 4m deep soil planting area. It is noted that Levels 1-2 currently encroach into this planting area. A reduction in built form will allow for additional space on the upper levels for the new tree to thrive and canopy width to expand.

#### **Condition Required:**

- A reduction in areas covered by buildings within the south-western corner of the site to achieve compliance with Standard B8 (Site Coverage).

#### **Tree Removal and Landscaping**

##### **Tree Removal & Retention:**

Clause 12.01-1L (Protection of biodiversity - Boroondara), seeks to retain significant trees and canopy trees. 29 trees are proposed to be removed from the site with the exception of Tree 28. Three of these trees (Trees 4, 5 and 17) have already been removed. Five require a Tree Protection Local Law Permit (Trees 3, 11, 13, 14 and 15) due to their size. Council's Arborist has assessed the trees proposed to be removed, and determined that none are worthy of retention due to their species, structure, health, size and location. Therefore, removal of the proposed trees is supported subject to appropriate replacement planting (as recommended by the Council's Arborist).

The existing large lemon scented gum tree (Tree 28) located within the south- eastern corner of the site is proposed to be retained and requires protection due to its high amenity value. Council's Arborist is satisfied that the proposed development will not

impact on the long-term health and viability of the tree, subject to conditions on permit to protect the tree during the construction phase.

<b>Landscaping (Riversdale Road and Clive Road setbacks):</b>
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Clause 12.01-1L (Protection of biodiversity - Boroondara), seeks to provide sufficient space in front and rear gardens to accommodate large canopy trees and particularly supports the use of indigenous planning in development. It is policy to consider providing at least one canopy tree in backyard and front yard areas.

Neighbourhood Character Precinct Statement 49 seeks to maintain and enhance the landscaped setting of dwellings. In particular, it seeks to ensure front gardens incorporate soft landscaping that complements the streetscape. It discourages front gardens that are dominated by hard surfaces and the loss of large trees.

The front setback to Riversdale Road could accommodate the planting of six canopy trees, and features sufficient area for soft landscaping and is acceptable.

In the previous application, officers criticised the setback to Clive Road being dominated by hard surfaces with very limited area for soft landscaping. This concern was also repeated by the Tribunal in its decision, where the capacity for tree planting was reduced by decks/terraces, ramps and services to the ground level private open spaces.

The current application has significantly reduced hard paving across both street setbacks of the development to allow for greater meaningful landscaping opportunities and increasing canopy tree planting across the site. It has also increased the canopy tree planting opportunities along all sides of the site. This can be observed from extracts of the landscape plans for both PP22/0151 and the current application below. The proposed development now features permeable fencing in the form of metal blade fence with an average height of 1.5m, along the Riversdale, Clive Road, and 50% of the laneway interface closest to Clive Road. This allows clear views of the landscaping outcomes achieved within the site and enhances the landscaped character of the area.

Raised planter boxes are proposed along the balcony edges on Levels 1-3 on this interface to provide a softening of the built form.





Above: Landscape Plan (current proposal)



Above: PP22/0151 Advertised Landscape Plan (previous proposal)

**Landscaping (side and rear setbacks / SPOS areas)**

Council's Neighbourhood Character Policy seeks to ensure apartment buildings are setback from both side boundaries to reduce visual bulk, retain streetscape rhythm and provide space for landscaping. The planting of trees in backyards is further supported from a biodiversity perspective at Clause 12.01-1L (Protection of biodiversity - Boroondara).

To the rear of the site (south), a minimum setback of 3m is provided at ground level and a 2.815m setback at basement level. The Landscape Plan indicates a line of 6 blueberry ash trees along this boundary.

With respect to the western side setback, the proposed building would be setback a minimum of 3m above ground and 2.825m at basement level. 7 canopy trees consisting of a mix of myrtles, ash, and magnolias could be accommodated in this setback.

The extent of canopy tree planting within the side and rear of the development is acceptable having regard to Clause 12.02-1L and would help to soften the appearance of the built form where it is viewed from the adjoining properties. It is noted the replacement landscaping will achieve the planting of 26 canopy trees including 2 large trees, 2 medium trees, and 22 small trees<sup>1</sup> which will on average achieve a greater canopy spread than the 29 trees of varying sizes to be removed.

On the upper levels, an extent of screen planting within planter boxes is proposed for most balconies which will assist to soften the visual bulk of the building along these elevations. This is true for the communal roof top which is landscaped with screen planting and features a small canopy tree. However, it is noted many of the shrub species which will be utilised for planting within the planter boxes generally do not achieve a height of greater than 1m. Given that balcony balustrades are finished in bronze sheeting at a height of 1m or higher, the Landscape Plan will need to be amended to demonstrate the planting of some species capable of a height of at least 1.2m to 1.5m above FFL to provide a softening of the built form (depending on heights of balustrades and/or privacy screens added). Additional detail in relation to the depths and heights of planter boxes will also be required. This can be addressed by conditions on permit.

**Parking and Traffic**

The proposed development provides for 41 car parking spaces within the two proposed levels of basement. This exceeds the requirements of Clause 52.06 (Car Parking) by 5 spaces and is a positive element of the proposal.

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<sup>1</sup> Calculated using the Table B7 within Standard B38 (Landscaping) for canopy tree sizes.

Further, a total of 16 bicycle parking spaces (including 4 visitor spaces) are proposed to be provided. This exceeds the requirements of Clause 52.34 by 10 spaces. Again, this is a positive element of the proposal.

Two levels of basement carparking are proposed. The basement car park is accessed via a central ramp and single vehicle crossover accessed from Clive Road, with passing areas located within the basement levels at the base of the ramp. The 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.

The application is supported by Council's Traffic and Transport Engineers, who have determined that the proposal will not result in any unreasonable adverse effects on the safety and operation of Clive or Riversdale Roads and the surrounding road network.

Council's Traffic and Transport Engineers have also assessed the car parking layout against the Design Standards of Clause 52.06 and are satisfied with the arrangements, subject to conditions.

<b>OBJECTION RESPONSE</b>	
<b>Summary of Objection</b>	<b>Planner's Comments</b>
Neighbourhood character	A detailed assessment regarding neighbourhood character has been undertaken in the Planning Assessment, under the heading 'Neighbourhood Character' and the assessment at Appendix B and D.
Dwelling density	Dwelling density in and of itself is not a relevant consideration in the assessment of this proposal, as it is not an adequate measure of the external impacts that may be caused by the built form or of the internal amenity within the development. The high level of internal amenity of the proposed dwellings and the limited off-site amenity impacts suggests that the application has not attempted to squeeze too many dwellings onto the land.
Building height, form and mass including inadequate setbacks and transition in height to the south generates visual bulk and is out of character with the area.	A detailed assessment regarding visual mass, setbacks and bulk impacts has been undertaken in the Planning Assessment under the headings 'Offsite Amenity Impacts', 'Neighbourhood Character' and in Appendix D.
Reduction in building height to conform with RGZ, deletion of top floor and increase in setbacks to the south	The proposed development generally complies with the requirements of Standard B17 (Side and Rear Setbacks). Where there is a minor incursion of 250mm into the Standard, a condition on permit has been

	<p>recommended to ensure compliance is achieved.</p> <p>The subject site is located in the Residential Growth Zone due to its strategic location and is identified as an area for increased dwelling density. There is no mandatory height limit for buildings within the Zone. A discretionary limit of 14.5m applies, which the development complies with.</p> <p>A three storey apartment building with a recessive fourth level can therefore be contemplated for the site.</p> <p>Please refer to the detailed assessment for further discussion regarding visual mass, setbacks and bulk impacts undertaken in the Planning Assessment under the headings 'Offsite Amenity Impacts', 'Neighbourhood Character' and in Appendix D of this report.</p>
Changes presented in the 'repeat application' are insufficient to address concerns of VCAT	<p>The proposal has implemented significant changes to the overall built form as compared to the decision plans of PP22/0151. Key changes include an increase in setbacks to Riversdale Road, 'stepping' of the built form in the south-east, and recession of the fourth level from the south.</p> <p>A detailed assessment regarding the changes proposed against the findings of the VCAT decision have been undertaken thematically in the Planning Assessment under the relevant headings 'Offsite Amenity Impacts', 'Neighbourhood Character' and 'Internal and On-Site Amenity'.</p>
Overshadowing including during winter months	<p>The shadows diagrams submitted by the applicant have been reviewed. Shadows cast by the development will be contained within the site itself or to the laneway during the relevant times at the Equinox.</p> <p>The relevant date for assessing shadow diagrams set out in the Boroondara Planning Scheme is the Equinox on 22 September, rather than the Winter Solstice.</p>

	<p>This represents the average length of shadow cast.</p> <p>A detailed assessment regarding overshadowing impacts has been undertaken in the Planning Assessment under the heading 'Offsite Amenity Impacts' and in Appendix D.</p>
Overlooking	A detailed assessment regarding overlooking impacts has been undertaken in the Planning Assessment under the heading 'Offsite Amenity Impacts' and in Appendix D.
The provision of 24 apartments on a lot with only three dwellings currently indicates these dwellings would be dog boxes.	Internal amenity considerations are assessed in details in the Planner's Assessment section of this report and in the Clause 55.07 Assessment at Appendix D.
Insufficient landscaping including size of replanted trees which do not meet definition of 'canopy trees' in Council's Tree Protection Local Law	<p>The landscaping scheme proposed including the size of canopy trees meets the requirements of the relevant Standard B38 (Landscaping). It is noted that any definitions within Council's Local Laws are not binding within the operations of the Boroondara Planning Scheme under the <i>Planning and Environment Act 1987</i>.</p> <p>Landscaping considerations are further assessed in detail in the 'Tree removal and landscaping' section of this report and in the Clause 55.07 Assessment at Appendix D.</p>
Car parking should be reduced to 1 per dwelling	A minimum requirement for car parking for the development applies under Clause 52.06 of the Boroondara Planning Scheme of 36 spaces for residents. The development has not sought a reduction to this requirement. It is noted that other concerns have been raised by objectors in relation to a perceived lack of parking.
Lack of parking and increase in demand on off-site parking on Clive Road	<p>The proposed development exceeds the relevant planning scheme requirement in respect to the provision of car parking by 5 spaces. The development therefore provides for appropriate on-site car parking relative to the number of bedrooms in the proposed dwellings.</p> <p>It is further noted the application site is located in a Principal Public Transport Network Area. Therefore, visitor parking is</p>



	<p>not required to be provided and the proposal is compliant.</p> <p>No reduction in car parking is being sought and therefore there is no planning permit trigger that would enable a further consideration of car parking for this application.</p>
Increased traffic	<p>Concerns have been raised in relation to the proposal's impact on the operation of Clive Road and Campbell Grove further to the south.</p> <p>VCAT in its decision for the previous matter has previously ruled that operation of both roads would not be detrimentally affected, making the following findings [Para 100]:</p> <p><i>I do not accept that there has been insufficient evaluation of this matter or that the operation of access points to/from Clive Road will be unreasonably affected. I do not consider this proposal will adversely impact traffic or safety such as to warrant refusal of a permit or modifications to reduce the number of apartments. There is no evidence to support submissions such as that the additional traffic will render Campbell Grove (at the south end of Clive Road) unusable.</i></p> <p>Council's Traffic and Transport Department has assessed the application and has raised no concerns regarding the impact of the proposal on the surrounding traffic network. The increased traffic movement associated with 24 dwellings on the site can be accommodated within the surrounding street network.</p> <p>Please refer to the 'Parking and Traffic' section of the report for further discussion on these matters.</p>
Noise generated by additional dwellings	<p>Concerns have been raised regarding the potential noise generated from the dwelling/s after occupancy. The consideration of this planning application is confined only to the construction of the dwellings. The residential use of the land for</p>

	<p>dwellings does not require a planning permit and is not a matter that may be considered through the assessment of this application. Residential noise associated with a dwelling is considered normal and reasonable in a suburban setting. Any future issues of amenity, if they arise should be pursued as a civil matter.</p>
Front fence height should be lowered and made permeable for more human connection.	<p>Fencing along Riversdale Road and Clive Road are permeable and will allow for views into front/side setbacks for these interfaces.</p> <p>Fencing matters have been discussed in more detail in the Planner's Assessment section of this report under the sub-heading 'Front Fences'.</p>
Insufficient cross ventilation of 10 apartments	<p>The proposed development achieves effective cross ventilation in accordance with the relevant Standard for 14 dwellings (58% of the development). This surpasses the minimum requirements of the Standard for 40% of dwellings to achieve this.</p> <p>Cross ventilation matters have been discussed in more detail in Appendix D of this report under the Standard B49.</p>
Unsightly balconies due to insufficient outdoor clothesline facilities	<p>The applicant has confirmed that no clothesline facilities will be provided on balconies. Dryers will be provided within each apartment.</p>
Noise and disturbance to property during construction.	<p>Some noise and other off site impacts are inevitable when any construction occurs. As a condition permit, Council will require the preparation of a Construction Management Plan to manage said impacts, including a restriction of hours for construction activity, measures to ensure minimal disruption to surrounding premises, and to control noise, dust, water and sediment laden runoff.</p> <p>The developer will also be required to meet relevant Local Law and EPA regulations regarding construction practices to ensure these impacts are mitigated.</p>
Insufficient tank water for toilet flushing	<p>The Sustainability Management Plan submitted with the application including the reuse of rain water for toilet flushing has been reviewed by Council's ESD officer whom is satisfied that the measures are appropriate.</p>

	<p>It is noted that the location of the 15,000L rainwater tank has not been specified on the plans. This will form a condition on permit.</p>
Irrigation of landscaped areas and to meet Tree 28 requirements	<p>The use of native and/or drought tolerant plants have been proposed for landscaping within the site. Irrigation of landscaped areas are not expected to be required.</p> <p>Despite this, the Landscape Plan indicates that a drip irrigation system will be supplied to all landscape areas which will be connected to the water mains supply. This will also address the requirements of Tree 28. A condition has been placed on permit which requires a Tree Management Plan to ensure the ongoing protection, management and longevity of this tree.</p>
\$9 million estimated construction cost is inaccurate	<p>The matter of potential inaccuracies in estimated cost of developments is one that has been previously considered by VCAT in <i>Brown v Yarra CC [2019] VCAT 1417 (12 September 2019)</i>. Relevantly this stated [Para 18 and 21]:</p> <p><i>Permit applicants are relied on to provide the estimated cost of development and, therefore, to determine whether an application is a leviable permit application. It is also the responsibility of the permit applicant to pay the MPL and obtain a certificate before lodging a planning permit application.</i></p> <p><i>The provisions of the Act, and the practical application of it, do not provide a mechanism for the Council to undertake an assessment of an estimated cost of development prior to accepting the application documentation, and do not appear to require the Council to determine whether a true or correct estimate has been provided.</i></p> <p>It is noted that a Metropolitan Planning Levy has been paid for the application, based on the estimated cost of the development.</p> <p>Council has accepted the estimated cost of the development in good faith and having</p>

	regard to the signed declaration on the permit application form that all the information in the application is true and correct. Council is entitled and must assume the information submitted on an application form is not in any way misleading.
Preparation of a Cultural Heritage Management Plan	The land is not sensitive to aboriginal cultural heritage. There are no requirements for the preparation of a Cultural Heritage Management Plan for this site.

**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

The application was referred to the following:

Arborist	
<b>APPLICATION ADDRESS:</b>	336 Riversdale Road, Hawthorn East
<b>APPLICATION NUMBER:</b>	PP23/0472
<b>DESCRIPTION OF PROPOSAL:</b>	Construction of a four-storey apartment building comprising of twenty-four (24) dwellings over basement parking in a Residential Growth Zone
<b>SITE VISITED</b>	Not required
<b>ARBORIST REPORT PREPARED BY:</b>	1. John Patrick Landscape Architects (Michael Rodgers) 2. John Patrick Landscape Architects (Michael Rodgers)
<b>ARBORIST REPORT DATE:</b>	1. 17 <sup>th</sup> May 2022 2. 21 <sup>st</sup> June 2022, amended 25 June 2023 - Root Investigation
<b>REFERRAL DATE:</b>	05/09/2023
<b>ARBORIST REFERRAL RECOMMENDATION SUMMARY:</b> <ul style="list-style-type: none"> <li>The proposal is supported subject to minor changes (to be achieved through conditions)</li> </ul>	
<b>SUMMARY COMMENTS:</b> <ol style="list-style-type: none"> <li>As discussed, given the retention of tree 28 it is unlikely that further significant tree planting could be incorporated into the landscape plans in the southeast corner. The inclusion of 2 small trees within the POS of GO1 and GO2, with the inclusion of some smaller ground covers and shrubs, appears to be adequate.</li> <li>Given the new plans propose increased setbacks from tree 28, a further root investigation beyond what has already been conducted is not considered necessary.</li> <li>Appears to be a better tree outcome than that which was previously supported.</li> </ol>	
<b>DETAILED COMMENTS:</b> <p><b><u>Detailed Internal Arborist Comments:</u></b></p> <p><b>Trees 1, 2, 18 and 24</b> - The proposed works have been previously supported as part of PP22/0151 subject to conditions. Works adjacent to these trees remain relatively unchanged and are therefore not likely to be impacted.</p>	

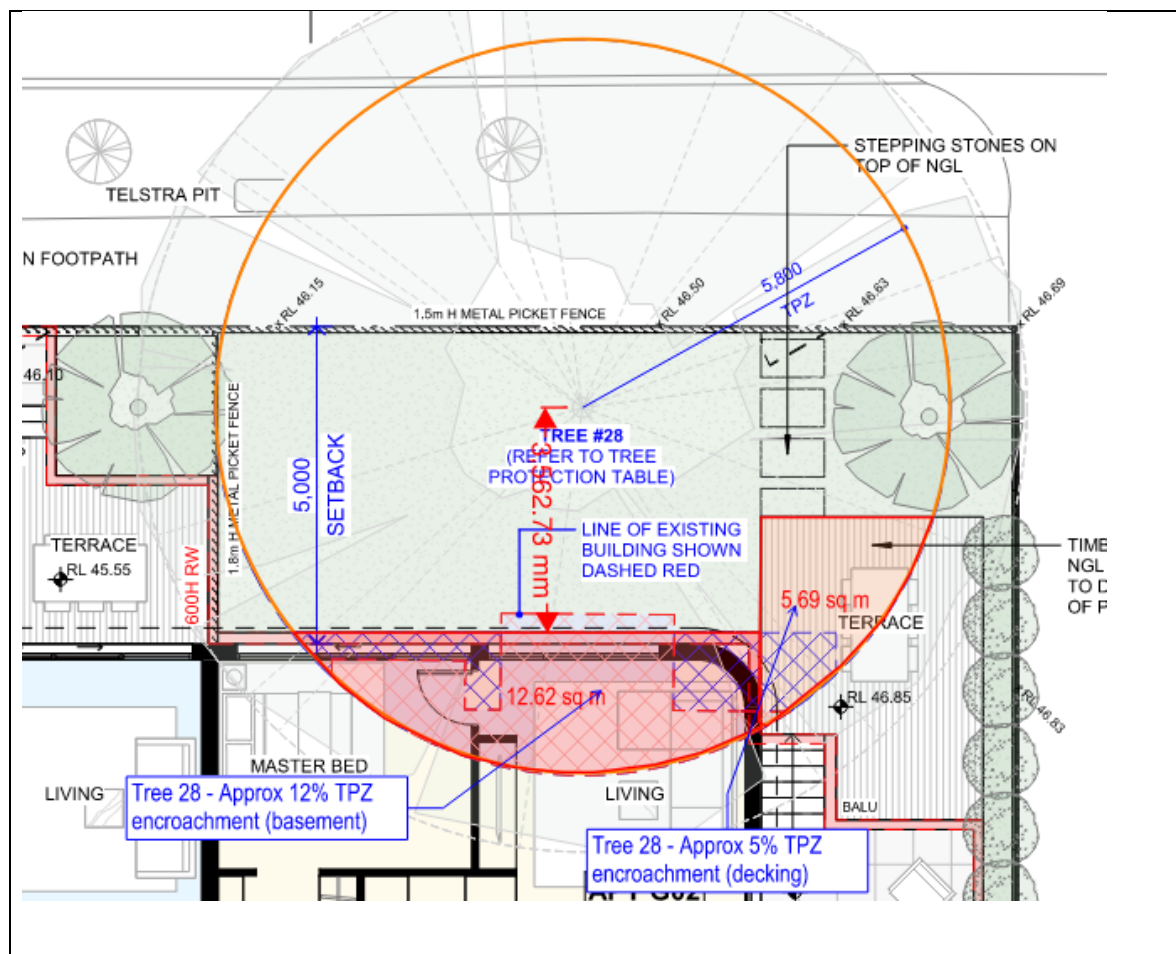


**Tree 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 19, 20, 21, 22, 23, 25, 26, 27, 29, 30** are proposed to be removed. The removal of these trees has previously been supported as part of PP22/0151 for the following reasons. The removal of these trees would continue to be supported as part of the current application.

- These trees are assessed to have low amenity value due to their species, structure, health, size, and location.
- Tree 19, 20, 21 and 22 have been removed from the property.
- Removal of the remaining trees would be supported subject to appropriate replacement canopy tree planting on site.
- Removal of Tree 3, 11, 13, 14, 15, would require a Tree Protection Local Law permit.
- The proposed development can accommodate three canopy (type B) trees within the front set-back; three small (type a) trees within the side (western) set-back; and three small (type a) trees within the side (southern) set-back. This is assessed to be sufficient to compensate for the removal of trees on the property.

**Tree 28** - is proposed to be retained.

- The non-destructive root investigation identified several roots from the tree that would be impacted by the proposed development.
- John Patrick Landscape Architects have assessed that the tree will not be detrimentally impacted by the proposed works, and this conclusion was supported by council as part of PP22/0151.
- The proposed basement represents a TPZ encroachment of approx. 12%, much of which was existing within the original building footprint. The proposed decking represents a further TPZ encroachment of approx. 5%. This level of encroachment is less than that previously supported and is considered a good outcome.
- Previous advice provided as part of PP22/0151 supported construction of the basement and above floors as long as there was a minimum 3m clearance. The current proposal allows approx. 3.5m setback which would again be supported.



**TREE PROTECTION  
LOCAL LAW PERMITS  
REQUIRED?**

Yes  
No

**Tree Protection Local Law Permits Will Be Approved For (Tree Numbers):** 3, 11, 13, 14, 15

**Tree Protection Local Law Permits Will NOT Be Approved For (Tree Numbers):** 28

**Please include the following conditions:**

**Amended plans required**

1. Plans modified to show:

- a) The Tree Protection Zone and Structural Root Zone of Tree Nos. 1, 2, 18, 24 and 28 (as identified in the Arborist Report submitted with the application prepared by John Patrick Landscape Architects (dated 21st June 2022 and amended 05/06/2023) drawn on all site and floor plans;
- b) Notation on all site and floor plans that Tree Nos. 1, 2, 18, 24 and 28 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) Notation on all site and floor plans that 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 1, 2, 18 and 28 must be undertaken with hand tools or hydro-vacuum to a minimum depth of 1 metre, 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 1, 2 and 28 constructed on pier foundations with any required plinths constructed above existing grade.

### **Landscape plan**

- 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. 1, 2 and 28 (as identified in the Arborist Report submitted with the application John Patrick Landscape Architects (dated 21st June 2022 and amended 05/06/2023) 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) Three (3) canopy trees (minimum 2 metres tall when planted and must achieve a minimum mature height of 13 metres and canopy spread of 7 metres) in the front setback of the property;
- e) Three (3) small trees (minimum 2 metres tall when planted and must achieve a minimum mature height of 7 metres and canopy spread of 5 metres) in the secluded private open space areas within the western set-back of the property;
- f) Three (3) small trees (minimum 2 metres tall when planted and must achieve a minimum mature height of 7 metres and canopy spread of 5 metres) in the secluded private open space areas within the southern set-back of the property
- g) Each canopy tree must be provided a minimum of 49sqm of deep soil, with the available soil area clearly shown on the landscape plan;
- h) Each small tree must be provided a minimum of 12sqm of deep soil, with the available soil area clearly shown on the landscape plan;
- i) All trees must comply with Australian Standard AS2303:2015 - Tree Stock for Landscape Use;
- j) All canopy trees must be planted by an AQF Level 3 Qualified Arborist, Landscape Gardener or Horticulturist;
- k) All canopy trees must be planted more than 2 metres away from any structures, paving, decking, property boundaries, easements, existing trees or shrubs;
- l) All small trees must be planted more than 1 metre away from any structures, paving, decking, property boundaries, easements, existing trees or shrubs;

- m) All canopy trees adequately setback from common boundaries to avoid mature canopy overhang of neighbouring and public spaces.

### **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. 1, 2, 18, 24 and 28 (as identified in the Arborist Report submitted with the application prepared by John Patrick Landscape Architects (dated 17<sup>th</sup> May 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;
    - 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 all excavations within the Tree Protection Zone of Tree 1, 2, 18 and 28 must be undertaken with hand tools or hydro-vacuum to a minimum depth of 1 metre, and that all excavation works must be supervised, document and certified by the Project Arborist
  - 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 provide a detailed photographic diagram specifying what pruning will occur. *Note: Only Council or Authorised Council Contractors can prune Trees Nos. 1, 2, 18 and 24. Any request for the pruning of trees on public land must be made through Council's Environmental Sustainability and Open Spaces Department.*
  - f) 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.

**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](mailto: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](mailto:Boroondara@boroondara.vic.gov.au)) must be submitted to the Responsible Authority not more than seven (7) days following the completion of each stage.



<b>Drainage</b>
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<b>1. FLOODING</b>		
	<b>YES</b>	<b>NO</b>
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"/>
<b>Comments:</b>		
<b>2. DRAINAGE</b>		
	<b>YES</b>	<b>NO</b>
Legal Point of Discharge: Northeast corner of the property		
<b>Description:</b>		
Approved Connection Point:		
<b>Description: to the Council drain in Riversdale Road</b>		
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"/>
<b>Comments:</b>		
<b>3. BASEMENT OF SUB-SURFACE DRAINAGE</b>		
	<b>YES</b>	<b>NO</b>
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 <b>YES</b> , 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"/>
<b>Comments:</b>		

<b>4. EASEMENTS</b>		
	<b>YES</b>	<b>NO</b>
Are any drainage easements on the property title?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Are there any implied easements associated with Council Assets on the site?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Description of easements (designated, shared, private or implied):</b>		

<b>STANDARD CONDITIONS REQUIRED FOR PLANNING PERMIT</b>
<input checked="" type="checkbox"/> The site must be drained to the satisfaction of the relevant building surveyor.
<input checked="" type="checkbox"/> 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.
<input checked="" type="checkbox"/> 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.

<b>STANDARD NOTES REQUIRED FOR PLANNING PERMIT</b>
<input checked="" type="checkbox"/> 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).
<input checked="" type="checkbox"/> 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.
<input checked="" type="checkbox"/> Stormwater drainage runoff shall be collected in a complete and effective system of drains and connected to the Approved Point of Stormwater Discharge.
<input checked="" type="checkbox"/> 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.
<input checked="" type="checkbox"/> 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.
<input checked="" type="checkbox"/> The proposed development is to provide adequate clearance for overland flow through the property.
<input checked="" type="checkbox"/> 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.
<input checked="" type="checkbox"/> 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.

Infrastructure		
<b>SUPPORT:</b>	<input checked="" type="checkbox"/> The application is supported, subject to conditions. <input type="checkbox"/> The application is not supported. <input type="checkbox"/> Further Information Required	
<b>OVERALL COMMENTS:</b>		
<b>DATED:</b>	12/10/2023	

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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>COMMENT:</b>			
Is the proposed crossover 1 metre or greater away from any power pole?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>COMMENT:</b>			
There are no street assets that will require relocation due to the proposed crossover	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>COMMENT:</b>			
Is there an existing redundant crossover(s) which will require removal?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>COMMENT:</b>			
Is the crossover width(s) acceptable?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>COMMENT:</b>			
Is the distance of the crossover from an intersection/traffic lights or school crossing acceptable?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>COMMENT:</b>			
Is the separation between the proposed crossovers acceptable?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>COMMENT:</b>			
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"/>
STANDARD CONDITIONS REQUIRED FOR PLANNING PERMIT			
<input checked="" type="checkbox"/> Any new vehicle crossover or modification to an existing vehicle crossover must be constructed to the satisfaction of the Responsible Authority.			



PLANNING APPLICATION – REFERRAL –TRAFFIC & TRANSPORT	
<b>TRAFFIC OFFICER:</b> Scott Lipscombe	<b>PHONE:</b> x4543
<b>DATE:</b> 4 October 2023 (Corrected 8 Jan 2024)	
<b>THE ADDRESS OF LAND:</b>	336-338 Riversdale Road, Hawthorn East
<b>PLANNING PERMIT NO.:</b> PP23/0472	
<b>DESCRIPTION OF PROPOSAL:</b> Construction of a four-storey apartment building comprising of twenty-four (24) dwellings over basement parking	
STANDARD NOTES REQUIRED FOR PLANNING PERMIT	
<input checked="" type="checkbox"/> An Asset Protection Permit is required prior to the commencement of site works in accordance with Council's Local Law 1E.	
<input checked="" type="checkbox"/> 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.	
<input checked="" type="checkbox"/> 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.	

### Traffic

ON-SITE PARKING PROVISION				
DESCRIPTION (USE)	SIZE	CAR PARKING RATE	CAR PARKING REQUIREMENT	ON-SITE PARKING PROVISION
2 x Dwelling	1 x bedroom	1 space per dwelling	2	41
10 x Dwelling	2 x bedrooms	1 space per dwelling	10	
12 x Dwelling	3 x bedrooms	2 spaces per dwelling	24	
Visitors	24 dwellings	PPTN Zone	0	
<b>TOTAL</b>			36	41
DESCRIPTION (USE)	SIZE	BICYCLE PARKING RATE	BICYCLE PARKING REQUIREMENT	ON-SITE PARKING PROVISION
Resident	24 dwellings	1 per 5 dwellings (if 4 storeys or more)	4	12

Visitors		1 per 10 dwellings (if 4 storeys or more)	2	4
<b>TOTAL</b>			6	16
<b>SATISFIED</b>		<b>PARKING ASSESSMENT ELEMENT</b>		
<b>YES</b>	<b>NO</b>			
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		
<b>COMMENTS</b> <ul style="list-style-type: none"> <li>The provision of 41 car parking spaces within a basement car park exceeds the statutory requirement of 36 resident car parking spaces in accordance with Clause 52.06.</li> <li>The subject site lies within the PPTN, therefore, Column B rates have been applied.</li> <li>Under Council's Parking Permit Policy, residents of the development will not be eligible for resident or visitor parking permits.</li> <li>There is a statutory bicycle parking requirement for the development of 4 resident bicycle spaces and 2 visitor bicycle spaces. A total of 16 bicycle parking spaces have been provided with 12 spaces basement level for residents and four spaces on the ground floor for visitors, which exceeds the statutory requirement.</li> </ul>				
<b>CAR PARK LAYOUT/DESIGN</b>				
<b>SATISFIED</b>		<b>PARKING ASSESSMENT ELEMENT</b>		
<b>YES</b>	<b>NO</b>			
<b>Parking Spaces/Garages</b>				
X		Dimensions in accordance with Clause 52.06 or AS/NZS2890.1-2004		
X		Electronic swept path assessment provided to demonstrate satisfactory access		
<b>COMMENTS</b> <ul style="list-style-type: none"> <li>Dimensions for the majority of parking spaces (2.6m wide x 4.9m long), assessed via a 6.4m aisle width satisfy the minimum requirements of Clause 52.06.</li> <li>Parking spaces adjacent to walls are widened to a minimum of 2.9m in accordance with AS/NZS2890.1-2004.</li> <li>Columns are located and designed in accordance with Clause 52.06 and/or AS/NZS2890.1-2004.</li> <li>The proposed triple garage dimensions of 8.6m wide x 6m long are considered satisfactory to accommodate three vehicles in this instance.</li> </ul>				

<ul style="list-style-type: none"> <li>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.</li> <li>Swept path analysis has been submitted for a number of parking spaces within the basement car park demonstrating satisfactory access to/from the spaces.</li> </ul>		
<b>Access Aisles</b>		
<b>X</b>		Dimensions in accordance with Clause 52.06 or AS/NZS2890.1-2004
<b>X</b>		Electronic swept path assessment provided to demonstrate satisfactory access
<b>X</b>		Provision of 1m aisle extension for blind aisle in basement car park
<b>COMMENTS</b>		
<ul style="list-style-type: none"> <li>All main aisles are 6.4m wide which adheres to the Planning Scheme requirement.</li> </ul>		
<b>Access Ramps</b>		
<b>X</b>		Ramp width and design in accordance with Clause 52.06 or AS/NZS2890.1-2004
<b>X</b>		Ramp grades in accordance with Clause 52.06 or AS/NZS2890.1-2004
<b>X</b>		Electronic swept path assessment demonstrating satisfactory simultaneous access
<b>COMMENTS</b>		
<ul style="list-style-type: none"> <li>The site access ramp achieves a minimum width of 3.6m wide between walls (inclusive of kerbs), in compliance with AS/NZS2890.1-2004.</li> <li>The proposed access ramp achieves a ramp grade of 1:11 for the first 5m, followed by 1:5 for 2m, 1:4 for 8m and a 1:8 grade for 2.5m to a flat grade within the basement. These ramp grades satisfy the requirements of Clause 52.06.</li> <li>A passing area has been provided at the base of the site access ramp, rather than at the site interface. 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.</li> <li>Internal ramped accessways are designed in accordance with Clause 52.06, with a minimum width of 4.0m wall-to-wall, and include ramp grades of 1:4 or greater for the main ramp sections and 2m transition grades of 1:8 at either end, which is acceptable.</li> <li>Given the basement car park services 41 on-site spaces, a number of measures are proposed to regulate the operation of the single width two-way internal ramps and reduce the potential for congestion and conflicts between entering and exiting circulating vehicles within the basement. These measures include the introduction of a traffic signal system within the car park and the inclusion of convex mirrors at several locations within the car park to assist visibility and internal circulation within the basement. These measures are considered appropriate in this instance.</li> <li>The construction of the proposed crossover to Clive Road must be approved and constructed to the satisfaction of the responsible authority.</li> </ul>		
<b>Headroom</b>		
<b>X</b>		Dimensions in accordance with Clause 52.06 or AS/NZS2890.1-2004



<b>COMMENTS</b>		
A minimum height clearance of 2.2m has been provided at the entrance and within the basement car park levels in accordance with Clause 52.06.		
<b>Pedestrian Sight Triangles</b>		
<b>X</b>		Dimensions in accordance with Clause 52.06 or AS/NZS2890.1-2004
<b>X</b>		Fences or obstructions restricted to a height of 900mm or made to be 50% permeable to maintain visibility to pedestrians
<b>COMMENTS</b>		
Pedestrian sight triangles have been provided on both sides of the accessway. It is reiterated that 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.		
<b>LOADING REQUIREMENTS</b>		
<b>SATISFIED</b>		<b>LOADING ASSESSMENT ELEMENT</b>
<b>YES</b>	<b>NO</b>	
<b>N/A</b>	<b>N/A</b>	Dimensions of on-site loading area in accordance with Clause 52.06
<b>N/A</b>	<b>N/A</b>	Suitable justification for not providing an on-site loading facility
<b>COMMENTS</b>		
N/A		
<b>WASTE COLLECTION</b>		
<b>SATISFIED</b>		<b>WASTE COLLECTION ASSESSMENT ELEMENT</b>
<b>YES</b>	<b>NO</b>	
<b>X</b>		Identification of waste collection method (Council/Private Contractor)
<b>X</b>		Demonstration of suitable on-site access and manoeuvrability (if required)
<b>COMMENTS</b>		
Waste is to be collected on-site by a private contractor. A bin store room is provided in the Basement 1 level. 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.		
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. It is proposed that the waste collection		

vehicle prop within the basement access aisle adjacent to the bin store while collection occurs. The vehicle may exit the basement car park in a forwards direction. Waste collection should be scheduled out of peak activity periods to avoid internal conflicts within the car park.

#### TRAFFIC ASSESSMENT

DESCRIPTION (USE)	SIZE	DESIGN GENERATION RATES		TRAFFIC GENERATION ESTIMATES	
		PEAK HOUR	DAILY	PEAK HOUR	DAILY
2 x Dwelling	1 x bedroom	0.5/dwelling	5/dwelling	1	10
10 x Dwelling	2 x bedrooms	0.5/dwelling	5/dwelling	5	50
12 x Dwelling	3 x bedrooms	0.7/dwelling	7/dwelling	8	84
<b>TOTAL</b>				14	144

#### COUNCIL OBTAINED TRAFFIC DATA

STREET	DATE	ROAD TYPE(CAPACITY)	DAILY TRAFFIC VOLUME
Riversdale Road, Hawthorn East	2020	Arterial Road	13,000
Clive Road, Hawthorn East	2019	Local Road	288

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

The previously-submitted traffic report denotes a rate of 5 vehicle movements per two-bedroom dwelling, including 0.5 movements per dwelling in the peak hours and a rate of 7 vehicle movements per two-bedroom dwelling, including 0.7 movements per dwelling in the peak hours. This results in a total of 144 movements per day, with 14 of these occurring in each of the peak hours. This equates to approximately one vehicle every 4 minutes during the peak period. Traffic Engineering accepts the anticipated traffic generation rates for the proposed development.

144 vehicles per day and in particular, 14 movements during both morning and afternoon peak periods is also acknowledged.

Furthermore, recent traffic volume data indicates that Clive Road experiences daily traffic volumes of 288 vehicles per day, which is well below the design capacity of 3,000 vehicles per day for a road of this type.

Given that the development is to be regulated by the traffic signal system and that traffic patterns will largely be tidal in both peak hours, any delays or congestion, if experienced, would largely be accommodated on-site and not in the road network.

It is indicated that there is significant spare capacity based on current traffic volumes for the anticipated site-generated traffic volumes to be accommodated within the existing Clive Road and 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 Clive Road or Riversdale Road and the surrounding road network.

## **Urban Design**

### **Urban Design comments dated 8 January 2024**

I believe the latest design changes address the urban design concerns raised in my advice and VCAT's order satisfactorily.

Accordingly, a planning permit is supported subject to a permit condition requiring the submission of physical samples of all finishes to the Council's satisfaction.

Given its permeability, the front fence to Riversdale Road is acceptable despite its 1.8m height. The rear fence to the laneway ranges from 1.5 to 1.8 metres from the east to the west. The solidity of the western half of this rear fence needs reconsideration. If a 1.8m high fence is necessary for this section, then it needs to be at least partially permeable.

### **Urban Design comments dated 10 October 2023**

<b>APPLICATION ADDRESS:</b>	336-338 Riversdale Road & 2 Clive Road, Hawthorn East
<b>APPLICATION NUMBER:</b>	<b>PP22/0151 &amp; repeat application PP23/0472</b>
<b>DESCRIPTION OF PROPOSAL:</b>	<ul style="list-style-type: none"> <li>- Demolition of existing dwellings and development of land for a 4-storey residential apartment development over two levels of basement car parking (comprising 24 dwellings) in Residential Growth Zone – Schedule 1</li> <li>- Adjacent to Road Zone (TRZ2)</li> </ul>
<p><b>UPDATED URBAN DESIGN COMMENTS</b>  <b>Revised Plans as part of the repeat application - PP23/0472</b></p> <p>Having reviewed the revised plans lodged with the repeat application above and revisited the previous application plans, VCAT decision and expert statements, I offer the following observations:</p> <ol style="list-style-type: none"> <li>1. In its assessment of the scheme, the Tribunal found that the design response was unacceptable because of the combination of the building's siting, massing and design. It found that the transition to the residential area and land in the NRZ3 was unacceptable and that inadequate landscaping was achieved for the proposed development. Concerns were also raised regarding the internal amenity of several ground-floor dwellings. The Tribunal's order concluded that these matters could not collectively be addressed through permit conditions and, as such, upheld Council's refusal.</li> <li>2. In response to VCAT's concerns, the repeat application offers the following variations to the front and side setbacks:             <ol style="list-style-type: none"> <li>a. An increase in the primary setback to Riversdale Road from 6m to 7.2 metres on the ground, first and second floors;</li> <li>b. A minor increase in the first and second-floor setbacks to the southeast corner (from 7.450m to 8.100m to the eastern boundary) as well as a central recess in the southern elevation on these two levels; and,</li> <li>c. A considerable increase in the setbacks of the southeast corner on Level 3 (the fourth/top floor) from 7.400m to 9.300m to the east and from 6.665 to 8.385m to the south.</li> </ol> </li> <li>3. While the setbacks of the southeast corner to Clive Road and the rear laneway were emphasised repeatedly as insufficient resulting in an unacceptable transition to the south, the Tribunal also had reservations about the resolution of the southern elevation, specifically noting the NRZ3 zoning of the adjacent lane. In their coverage of the interface with No. 4 Clive Road, the member expresses the following views:             <ol style="list-style-type: none"> <li>a. Item 62 states that compliance with Clause 55 standards may indicate an acceptable outcome, but a building with a more appropriate</li> </ol> </li> </ol>	

transition to the NRZ3 would be expected to have less impact on the closest dwelling in the NRZ3 - No. 4 Clive Road.

- b. Item 63 notes that the building's scale and form would be apparent from the rear open space of No. 4 Clive Road, which is relatively small and situated to the west of the dwelling abutting a rear garage accessed from the lane. This secluded open space aligns with the rear western portion of the subject land.
  - c. Item 64 asserts that the visual impact from the rear open space will be significant but not affect the whole or majority of the northern outlook. It argues that while the 3m landscape strip along the southern edge may support deep soil planting, it would not hide the building but soften its visual presentation as trees mature. The member agrees that a more recessive fourth floor would assist in mitigating this effect, but also states that the massing would need to be moderated further by greater articulation and/or fenestration (with the central recess suggested in the urban design referral advice as a potential option).
  - d. In Item 65, the member discusses the proposed development's impact on the front garden of No. 4 Clive Road, highlighting the substantially high fence (with limited transparency) presented to the street and some plantings. Despite the relatively high side fences to the neighbour's front garden, typically the least sensitive, the member argues that the top floor would be readily apparent. They conclude that a development that responds to character issues, such as the transition to land in the NRZ3, would have a lesser impact and exposure to No. 4 Clive Road. (Emphasis added)
- 4. It is clear from the member's remarks that the southern interface and the transition to the NRZ3 were not resolved satisfactorily despite meeting the Res Code numeric standards, and that further design refinement was warranted to deliver an acceptable outcome that meets the neighbourhood character testing and has a lower impact on the southern neighbour.
  - 5. The revised application has endeavoured to address VCAT's issues, ticking them off one by one. Great emphasis has been placed on the top level and southeast corner, hoping that the increased setbacks would resolve the scale transition to the south and enhance the presentation to Clive Road. The design also incorporates the central recess in the southern elevation to improve the massing articulation at this end.
  - 6. However, reading between the lines, it is clear that the member considers the visual impact on the adjacent southern neighbour and its limited open space to the rear as unfavourable. While this is partly attributed to the upward slope of the land to the south, the onus is on the applicant to ensure their development has minimal off-site impacts. In that regard, the southwest corner seems to be equally problematic, causing unwarranted overshadowing and visual bulk concerns for the adjoining southern property. An ideal outcome would see the mass erosion happening on the

This architectural floor plan depicts a three-story building with a complex, irregular footprint. The plan is divided into several distinct sections, each containing different types of spaces:

- Top Section (Left):** Features a large open area labeled "12,883 SQUARE FEET" and a smaller section labeled "7,492". It includes rooms such as "RECEPTION", "OFFICE", "CONFERENCE", and "RESTROOM".
- Top Section (Right):** Labeled "12,883 SQUARE FEET", this section contains a "RECEPTION" area, "OFFICE", "CONFERENCE", and "RESTROOM".
- Middle Section:** A central corridor and staircase area labeled "10,075 SQUARE FEET". It includes a "RECEPTION" area, "OFFICE", "CONFERENCE", and "RESTROOM".
- Bottom Section (Left):** Labeled "12,883 SQUARE FEET", this section contains a "RECEPTION" area, "OFFICE", "CONFERENCE", and "RESTROOM".
- Bottom Section (Right):** Labeled "12,883 SQUARE FEET", this section contains a "RECEPTION" area, "OFFICE", "CONFERENCE", and "RESTROOM".

The plan also includes numerous smaller rooms, such as "APPT 301", "APPT 302", "APPT 303", "APPT 304", "APPT 305", "APPT 306", "APPT 307", "APPT 308", "APPT 309", "APPT 310", "APPT 311", "APPT 312", "APPT 313", "APPT 314", "APPT 315", "APPT 316", "APPT 317", "APPT 318", "APPT 319", "APPT 320", "APPT 321", "APPT 322", "APPT 323", "APPT 324", "APPT 325", "APPT 326", "APPT 327", "APPT 328", "APPT 329", "APPT 330", "APPT 331", "APPT 332", "APPT 333", "APPT 334", "APPT 335", "APPT 336", "APPT 337", "APPT 338", "APPT 339", "APPT 340", "APPT 341", "APPT 342", "APPT 343", "APPT 344", "APPT 345", "APPT 346", "APPT 347", "APPT 348", "APPT 349", "APPT 350", "APPT 351", "APPT 352", "APPT 353", "APPT 354", "APPT 355", "APPT 356", "APPT 357", "APPT 358", "APPT 359", "APPT 360", "APPT 361", "APPT 362", "APPT 363", "APPT 364", "APPT 365", "APPT 366", "APPT 367", "APPT 368", "APPT 369", "APPT 370", "APPT 371", "APPT 372", "APPT 373", "APPT 374", "APPT 375", "APPT 376", "APPT 377", "APPT 378", "APPT 379", "APPT 380", "APPT 381", "APPT 382", "APPT 383", "APPT 384", "APPT 385", "APPT 386", "APPT 387", "APPT 388", "APPT 389", "APPT 390", "APPT 391", "APPT 392", "APPT 393", "APPT 394", "APPT 395", "APPT 396", "APPT 397", "APPT 398", "APPT 399", "APPT 400".

Dimensions are provided in feet and inches, with some areas marked in red. The plan also includes a north arrow and a scale bar.

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<p>7. Lastly, the front and side fences to Riversdale and Clive Roads were highlighted by various parties, including the Tribunal. The member expressed concerns about the extent and form of solid and high front fencing, recognising the unresolved tension between achieving privacy for new occupants and a landscape setting. Their view was that the fence's height and limited transparency depart from the outcome sought for Precinct 49 and are inconsistent with the purpose of Clause 32.07, the considerations in RGZ1, and the neighbourhood character objectives in Clause 55.</p> <p>8. In response, the revised design includes a predominantly permeable 2m high fence to Riversdale Road and 1.5m high to Clive Road as per the standards in Clause 55.06-2. From a purely urban design perspective, a fence higher than 1.5 metres is generally discouraged because it alienates the public realm and reduces interaction and engagement. In this case, neighbourhood character also comes into play, given that open front gardens and low fences are prevalent. We appreciate the need for a higher fence where private open spaces are positioned within street setbacks and acknowledge that reconciling occupants' privacy with street activation is often challenging, hence the need for some compromise.</p> <p>9. The proposal also overlooks the lane interface, suggesting what seems to be a 1.8m paling fence, which is a rather harsh treatment for a public interface regardless of the existing conditions on the site and adjacent properties. Having examined the intricacies of all the interfaces and the privacy requirements, we recommend the following adjustments to the front and side fences:</p> <ul style="list-style-type: none"> <li>a. Riversdale Road frontage should maintain a 1.5m high permeable fence for the entire length and around the corner with Clive Road since sufficient landscaping and deep soil planting are provided behind to secure privacy for adjoining ground floor apartments - APT G06 &amp; APT G07.</li> <li>b. Clive Road frontage can accommodate a 1.5m permeable fence that can rise gently and gradually to 1.7m only for the sections adjacent to the APT G01 &amp; APT G08 terraces.</li> <li>c. The 1.5m high permeable fence should continue to wrap the corner of Clive Road and the laneway, only rising to 1.7m for the eastern half around the POS of APT G02.</li> </ul> <p>10. Physical examples of all finishes should be provided to the Council's satisfaction.</p>	
<b>DATED:</b>	<b>10/10/2023</b>

<b>URBAN DESIGN COMMENTS - PP22/0151</b>	
<b>SUPPORTED</b>	Supported subject to design modifications.
<b>CONDITIONS</b>	<p>Ideally, the proposal should be modified prior to issuing a permit. If a permit is to issue based on the current plans, the following permit conditions should be imposed:</p> <ol style="list-style-type: none"> <li>1. Provide vertical break to first and second floor of massing along the southern façade</li> <li>2. Ensure adequate daylight provision to apartments G02 and G03</li> <li>3. Consider boundary fence improvements to street and lane corners</li> <li>4. Provide improved building entry interface and awning for weather protection</li> </ol>
<b>RELEVANT PLANNING SCHEME POLICIES</b>	<ul style="list-style-type: none"> <li>- Clause 15 - Built Environment &amp; Heritage</li> <li>- Clause 16.01-1L – Housing Boroondara</li> <li>- Clause 32.07 - Residential Growth Zone - Schedule 1 (Main Road Apartment Precincts)</li> <li>- As well as widely known and industry-accepted urban design principles including those in 'Urban Design Guidelines for Victoria'.</li> </ul>
<p><b>Urban Design Critique</b></p> <p>The applicant has provided revised plans in response to Councils refusal (PP22/0151) and comments from Delegate Report (24/10/2022). Comments and outstanding issues are provided in response to the most recent package (Embrace Architects and John Patrick Landscape Architects) and issue for VCAT (P1460/2022) commencing 31 March 2023:</p> <p>A description of the site and policy context can be found in Urban Design section of the Delegate Report and remain broadly relevant to the follow assessment:</p> <p>The proposal seeks support for a 4-storey apartment building containing 24 dwellings with two levels of basement car parking.</p> <p>A three-storey apartment building with a recessed fourth floor is generally considered appropriate for the Riversdale Road corridor, given its mixed character and main road classification. It also meets the RGZ objectives that encourage diverse housing at increased densities in buildings up to four storeys in areas with good access to services and transport.</p> <p>The proposal includes revisions/adjustments that have sought to address a number of requirements outlined in the Residential Growth Zone (RGZ) and Neighbourhood Character Statement (NCS) objectives relating to:</p> <ul style="list-style-type: none"> <li>• Preferred character of the precinct through the provision of sufficient landscaped setbacks; and</li> </ul>	

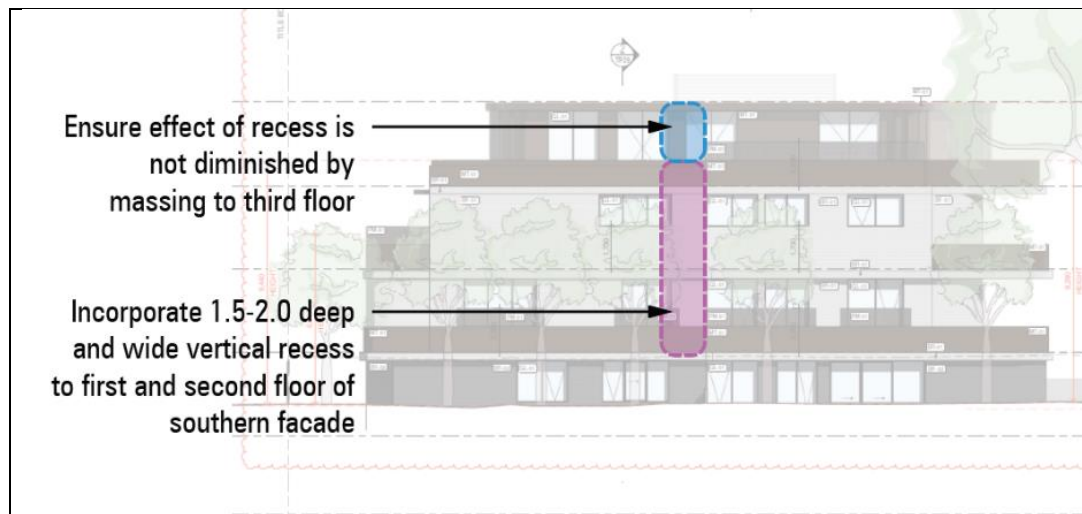
- Appropriate transition to lower scale precinct within NRZ3.

The following design areas need attention and refinement to render the application acceptable in urban design terms:

1. The proposal is in accordance with the RGZ (Clause 32.07) preferred maximum height of 14.5m with a 13.5m height above NGL to the north and 12m to the south. This is partly owed to the removal of the fifth floor to the south and also deeper cutting into the site, which will be discussed in future paragraphs. The third floor (fourth level) is also setback from the street wall in line with NCS objectives to *'Ensure fourth levels are setback and appear as a recessive element'*. The consolidated parcels that make up the site allow the maximum height to be met in conjunction with ample planting opportunities within setbacks/ along boundaries to buffer the building massing to lower-scale development.
2. A 3.4m wide x 4.5m deep recess carried through the entire podium height now separates the front façade into two mass modules, breaking down the massing to reflect the built form grain along Riversdale Road and the preferred character outlined in the NCS. The recess is setback to the circulation corridors between the ground and second floors to provide natural light and ventilation to these spaces and to promote additional passive surveillance to the public realm. Due to the lowering of the proposal within the site the massing is now in line with ResCode Standard B17 and provides an appropriate transition to the built form in the neighbouring property (332 Riversdale Road) to the west. Provision of additional deep-soil areas for canopy trees behind the setback (west of APT G06) will also help soften this interface and enhance the transition.
3. When viewed from Clive Street the eastern elevation is split into two distinct mass modules which help to reflect the rhythm of massing within the streetscape. The 'break' also accommodates the vehicle access ramp to basement with the projecting balcony above ensuring the ramp does not visually dominate the setback environment. When viewed in elevation the southern module, which is setback 5.0m from Clive Road, sits considerably lower than the northern module (3.0m setback). The lowering of form combined with a 5.0m front setback reduces the overall visual impact from the public realm. Although this tapering of setbacks at ground floor level does not increase at a uniform rate towards 4 Clive Road (south) it is noted that the ground level is barely perceptible from street level. The first and second floors do however provide open and deep inset balconies to the south-east corner, eroding the massing towards the southern interface.

A niche and further tapering to the corner of the third-floor massing allow setbacks of 9.8m (to east) and 8.4m (to south) providing a more considered transition in terms of how the overall height will be experienced from within Clive Road. We note the reduced impact on TPZ of Tree 28 at ground level and more spacious setting for Tree 28 at upper levels has been provided.

4. To the south a narrow gravel laneway separates the site and 4 Clive Road. The dwelling on this property rises 1-storey with habitable windows almost to the northern boundary. Given the low scale of the massing and proximity to the subject site this interface is considered particularly sensitive requiring a nuanced approach to massing and boundary treatments as outlined in the RGZ and NCS objectives. Below is a summary of observations and recommendations regarding the southern interface:
- a. As previously outlined the reduction in overall height is in large part due to the considerable increase in 'cut' into the southern portion of the site. While this reduces the visual impact and creates a more acceptable transition to the southern interface we are concerned about the negative internal amenity impacts to the southern-most apartments. Living spaces to APT G02 in particular appear to be compromised with adjacent SPOS and outlook consisting of a 1.3m high retaining wall and 1.8m high boundary fence resulting in an almost sheer 3.1m presentation to the outdoor living space. The impact on internal amenity is not ideal however it is more important that the effects of this configuration be properly assessed for adequate daylight. The significant cut and retaining adjacent to the boundary fence of APT G03 is also a concern however given the overall height is 2.9m and has the benefit of a western aspect the impact on internal amenity will likely be less than APT G02.
  - b. The relocation of the vehicle access ramp from the southern laneway along with an increased setback of 1m (4m total) to the eastern portion of the southern façade contributes to a more gradual transition while accommodating additional tree planting within the setback to soften the edge. The increased setback however is only accommodated along half of the southern façade with 3.0m setbacks to the ground and first floors and 3.6m to the second floor towards the west. While we support the widening of the southern setback (east) we are concerned the presentation of the southern façade is too sheer and would benefit from further articulation in the form of a vertical recess between first and second floors, ensuring this is also perceptible on the third floor. A 'break' of between 1.5-2.0m x 1.5-2.0m would improve the outlook from habitable windows within 4 Clive Road and reduce the visual bulk experienced by pedestrians along the length of the laneway.



*Extract from South Elevation – TP33 V (Embrace Architects)*

5. To further improve the environment of the south-eastern interface there is an opportunity to wrap the boundary corner (1-5-2.0m) with a material other than timber paling (metal pick, masonry or both) to provide a more inviting entrance to the laneway. The corner could be screened with edge planting/vegetation to provide additional privacy to the open space 'deck' area within the front setback of APT G02.
6. The pedestrian focus to the Riversdale Road interface and setback is an appropriate response to the site and its context. Below is a summary of observations and recommendations regarding the northern interface and setback conditions:
  - a. The reduction in height of fences along boundaries is supported. The provision of 'staggered' boundary setbacks to Riversdale Road to allow for planter boxes and ground level planting is welcomed and the access ramp opens the setback environment creating a welcoming public interface. The corner of Riversdale Road and Clive Road will be imposing at 2.2m high and of solid masonry. The curved shape moderates the corner making it less severe however the wall would benefit from a planter above with cascading vegetation to soften the interface.
  - b. The awning features above the second floor add interest and articulation to the façade however it's not clear how/if stormwater treatment will be collected from these structures and if gutters and downpipes might lead to unsightly 'clutter' to an otherwise well-resolved façade.
  - c. The approach to the building entrance is well resolved with an arbour structure contributing to the sense of address and signalling the primary pedestrian entry point. The 3-storey sheer glazed and panel

<p>façade at the entry is however an imposing feature and offers minimal weather protection. The northern pedestrian access point would benefit from an awning above the ground floor entrance to provide weather protection and to provide a more intimate transition zone between inside and outside.</p> <p>7. The visual impact to the west has been reduced by the lowering of the overall form and compliance with Standard B17 resulting in an acceptable massing interface to 332 Riversdale Road. A reduction in paved area along the western boundary also provides additional space for canopy tree planting, softening this interface.</p>	
<b>COMMENTS BY: BOROONDARA URBAN DESIGNER</b>	<b>DATED: 10/03/2023</b>

### Environmentally Sustainable Development

<b>DATE COMPLETED:</b>	08/01/2024
<b>ESD REFERRAL RECOMMENDATION:</b>	Supported subject to conditions

### Summary

The development main concern with daylight level has been alleviated with the amended design and the daylight assessment is also satisfactory. The ESD level of the development is below average when compared with similar development in Boroondara. The Sustainability management plan must be updated in-line with most recent plans and included further information relating to energy ratings.

The stormwater management plan is satisfactory. The communal rainwater tank with collects from roof and upper terrace is sized so that the STORM tool rating is achieving at least 100% score. The 15kL capacity is adequate to demonstrate compliance with planning policy requirements. The latter must be shown on plans.

Documents reviewed:

- Development plans by Embrace Architects dated 08/11/2023 and received by Council on 8/11/2023
- Sustainability Management Plan by Frater Consulting Services dated 16/06/2023 and received by Council on 27/06/2023
- Sample Daylight Modelling Advice by Frater Consulting Services dated 6/11/2023

### Environment (ESD) Response

1. **Gas-free:** It is highly recommended for the development to consider the adoption of electrification. Such approach requires the use of electric boosted



solar hot water or a heat pump water heater, and an induction cooktop instead of gas. This will enable 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. For more info please visit. <https://www.energy.vic.gov.au/gas/victorias-gas-substitution-roadmap>

2. **Energy rating:** provide preliminary energy rating for all thermally unique dwellings demonstrating that the development can achieve an average energy rating of at least 7 Star. The cooling load must not exceed 30 MJ/m<sup>2</sup> in accordance with clause 55.07-1
3. **Electric Vehicle (EV) Charging Infrastructure:** In an apartment building it is difficult for the first EV adopters 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 (draft release). Alternatively, infrastructure to provide for one x 7kW charger per apartment (which can be shared by the two cars belonging to the same household).
4. **Daylight modelling report:** the sample daylight modelling assumptions that the internal walls and ceiling 94% daylight reflection is not acceptable. The maximum reflection that can be used is 80% in accordance with Australian Standard 1680.1. Moreover, the model images in the report do not show the fence which is considered an obstruction and must be included. Moreover, the daylight modelling report initially completed by Ark Resources and referenced in the submitted subject report was not endorsed by council and therefore any assumptions used in the previous report are not necessarily acceptable, therefore the current report should not use the previous report as a reference when making assumptions.  
Regardless of the report's inconsistencies, the apartments comply with daylight standard and the development is deemed acceptable from a daylight perspective.

## DESIGN AND PERFORMANCE

We have made the assumption for Apartment G02 & G03 that aligns with previous daylight assessment prepared by **Ark Resources on 11 August 2022:**

- The windows will be clear glazing (GL-02) (Visual Light Transmittance (VLT) of 60%).
- The balcony/terraces were modelled with a reflectivity of 0.3 (30%) as is typical for external floor tile.
- Internal floors were modelled with a reflectivity of 0.3 (30%) for a light-coloured carpet.
- The external walls (Brick Grey) were modelled with a reflectivity of 0.4 (40%) and the internal walls modelled as having a reflectivity of 0.94 (94%).
- Ceilings were assumed as white with a reflectivity of 0.94 (94%).

### 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 Environmentally Sustainable Design (ESD) report along with the proposed changes, including:
    - i. The location and capacity of the rainwater/stormwater tank and the water treatment plant
    - ii. Electric vehicle (EV) charging infrastructure for all carparking spaces in accordance with the National Construction Code 2022
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 Frater dated 16/06/2023, but modified to include the following changes:
  - a. The SMP must be updated to reflect any changes incorporated in the amended plans
  - b. Preliminary energy rating for all thermally unique apartments showing that the maximum cooling load as specified in table B4 of clause 55.07 has not been exceeded and that the development will achieve a minimum 7 Star average energy rating. The SMP and BESS reports must be amended to include the updated heating and cooling loads and star rating.

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.

<b>Waste</b>
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*The WMP for the proposed development is satisfactory for private waste collections. The WMP can be endorsed.*

## APPENDIX B – NEIGHBOURHOOD CHARACTER POLICY

### Clause 15.01-5L - Neighbourhood character - Boroondara

#### Objective

To ensure development retains and enhances the key character attributes that contribute to a precinct's preferred character.

#### General strategies

- Maintain the City's valued residential visual amenity including landscaped settings and leafy streets.
- Avoid the loss of mature trees and gardens and ensure development provides adequate space for new vegetation, particularly canopy trees.
- 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.

#### Residential Growth Zone Schedule 1 - Objective

To facilitate a diversity of housing types.

#### Residential Growth Zone Schedule 1 - Strategies

- Set development back from front, side and rear boundaries consistent with the preferred character of the precinct.
- Provide a transition in building scale and setbacks to residential properties located within the Neighbourhood Residential Zone Schedule 3 or public open space areas.
- 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.

#### Policy guidelines

Consider as relevant:

- Ensuring that buildings are composed of facades that are no more than 3 storeys high to the street

The following table contains an assessment against the design objectives and responses contained within the relevant Neighbourhood Character Precinct:

<b>Vegetation Objective</b>	
<ul style="list-style-type: none"> <li><i>To maintain and enhance the landscaped setting of dwellings.</i></li> </ul>	
<b>Design Response</b>	<b>Assessment</b>
Ensure front gardens incorporate soft landscaping that complements the streetscape.	✓ <b>Complies</b>
Ensure the retention of large trees.	✓ <b>Complies</b>

<b>Siting Objective</b>	
<ul style="list-style-type: none"> <li><i>To maintain the existing streetscape rhythm.</i></li> <li><i>To maintain the existing spacious backyard character and enhance the area's leafy feel.</i></li> </ul>	
<b>Design Response</b>	<b>Assessment</b>
Ensure buildings are setback no less than the average distance of the front setback of the adjoining properties on either side or 9m, whichever is less.	✓ <b>Complies</b>
Ensure apartment buildings are setback from both side boundaries to reduce visual bulk, retain streetscape rhythm and provide space for landscaping.	✓ <b>Complies</b>
Ensure new development on a corner site is adequately set back to provide a transition between the adjoining buildings.	✓ <b>Complies</b>

<b>Building Height &amp; Form Objective</b>	
<ul style="list-style-type: none"> <li><i>To maintain the predominantly single storey scale and pitched roof character of the precinct.</i></li> <li><i>To ensure buildings do not dominate the streetscape or disrupt the existing streetscape rhythm.</i></li> </ul>	
<b>Design Response</b>	<b>Assessment</b>
Ensure buildings are not higher than 3 storeys to the street.	✓ <b>Complies</b>
Ensure fourth levels are setback and appear as a recessive element.	✓ <b>Complies</b>

<b>Building Materials &amp; Design Details Objective</b>	
<ul style="list-style-type: none"> <li><i>To ensure building materials and façade articulation integrates within the streetscape.</i></li> <li><i>To minimise period reproduction design.</i></li> </ul>	
<b>Design Response</b>	<b>Assessment</b>
Ensure use of high quality, durable materials.	✓ <b>Complies</b>
Ensure use of contemporary design in preference to period reproduction.	✓ <b>Complies</b>
Break buildings into separate elements and use eaves, overhangs and other design details to articulate the façade.	✓ <b>Complies</b>

<b>Front Boundary Treatment Objective</b>	
<ul style="list-style-type: none"> <li><i>To enhance the pedestrian environment by increasing the visual connection between the public and private realm.</i></li> </ul>	
<b>Design Response</b>	<b>Assessment</b>

Ensure low or medium height front fences that maintain views of the building behind.	✓ <b>Complies</b>
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<b>Car Parking Structures Objective</b>	
<ul style="list-style-type: none"> <li><i>To minimise the dominance of car parking structures.</i></li> <li><i>To ensure basement or under-croft parking areas do not increase the visual bulk of the building.</i></li> </ul>	
<b>Design Response</b>	<b>Assessment</b>
Ensure car parking structures, including entrances to basements, are setback at least 1m behind the dwelling facade and are designed to minimise their prominence.	✓ <b>Complies</b>
Ensure car parking structures are integrated into the design of buildings.	✓ <b>Complies</b>
Ensure basements project no more than 0.5m above natural ground level, unless the finished floor level of abutting properties is greater than 0.5m.	✓ <b>Complies</b>
Where possible, locate the entry to basement garages to the side or rear of dwellings so they are not visible from the street.	<b>N/A - impractical due to site orientation and area</b>

## APPENDIX C – ZONE AND OVERLAYS

### Clause 32.07 Residential Growth Zone (RGZ)

#### Purpose

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- 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.
- To encourage a scale of development that provides a transition between areas of more intensive use and development and other residential areas.
- To ensure residential development achieves design objectives specified in a schedule to this zone.
- To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.

#### Permit requirement

A permit is required to:



- Construct a dwelling if there is at least one dwelling existing on the lot.
- Construct two or more dwellings on a lot.
- Extend a dwelling if there are two or more dwellings on the lot.
- Construct or extend a dwelling if it is on common property.
- Construct or extend a residential building.

A permit is required to construct or extend a front fence within 3 metres of a street if:

- The fence is associated with 2 or more dwellings on a lot or a residential building, and
- The fence exceeds the maximum height specified in Clause 55.06-2.

A development must meet the requirements of Clause 55. This does not apply to a development of five or more storeys, excluding a basement.

**Planner's Comment:**

A planning permit is required for the proposal to construct two or more dwellings on the lot.

Preferred Maximum Building Height			
	Requirement	Proposed	Assessment
Building height requirement	14.5m	14.12m	✓ <b>Complies</b>

**Planner's Comment:**

Refer to Planner's Assessment section of this report for a further detailed assessment of the proposed building height.

## APPENDIX D – PARTICULAR PROVISIONS

### Clause 55 (ResCode - Apartments)

Application Type	Applicable Clauses
<ul style="list-style-type: none"> <li>To construct or extend an apartment development, or</li> <li>To construct or extend a dwelling in or forming part of an apartment development.</li> </ul>	All of Clause 55 except: 55.03-5, 55.03-6, 55.03-8. 55.04-8, 55.05-1, 55.05-2 and 55.05-6.

### 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:

A detailed assessment of the proposal against the existing and preferred neighbourhood character has been undertaken in the policy section of this report. This assessment demonstrated that the proposal will respect the existing character of the nearby area and wider precinct, whilst also providing an appropriate contribution to the preferred character of the area.

Clause 55.02-2 (B2) Residential Policy	
Objective	Assessment
To ensure that residential development is provided in accordance with any policy for housing in the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.	✓
To support medium densities in areas where development can take advantage of public transport and community infrastructure and services.	✓

Clause 55.02-3 (B3) Dwelling Diversity	
Objective	Assessment
To encourage a range of dwelling sizes and types in developments of ten or more dwellings.	✓

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>	✓

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

### Clause 55.03 - Site Layout and Building Massing

<b>Clause 55.03-1 (B6) Street Setback</b>	
<b>Objective</b>	<b>Assessment</b>
<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>	✓

<b>Table B1 Street Setback</b>		
<b>Development context</b>	<b>Minimum setback from front street</b>	<b>Minimum setback from a side street</b>
<i>The site is on a corner.</i>	<p><i>If there is a building on the abutting allotment facing the front street, the same distance as the setback of the front wall of the existing building on the abutting allotment facing the front street or 9 metres, whichever is the lesser.</i></p> <p><i>If there is no building on the abutting allotment facing the front street, 6 metres for streets in a Road Zone, Category 1, and 4 metres for other streets.</i></p>	<p><i>Front walls of new development fronting the side street of a corner site should be setback at least the same distance as the setback of the front wall of any existing building on the abutting allotment facing the side street or 3 metres, whichever is the lesser.</i></p> <p><i>Side walls of new development on a corner site should be setback the same distance as the setback of the front wall of any existing building on the abutting allotment facing the side street or 2 metres, whichever is the lesser.</i></p>

	<b>Proposed</b>	<b>Required</b>	<b>Assessment</b>
Front	7.2m	7m	✓
Side Street	3m-5m	2m	✓

**Planner's Comments:**

A detailed assessment of the street setbacks of the development has been undertaken in the policy section of this report. This assessment demonstrated that the street setbacks of the development will respect the existing character of the nearby area and wider precinct, whilst also making efficient use of the site.

<b>Clause 55.03-2 (B7) Building Height</b>	
<b>Objective</b>	<b>Assessment</b>
<i>To ensure that the height of buildings respects the existing or preferred neighbourhood character.</i>	✓

<b>Residential Growth Zone - Schedule 1</b>				
<b>Proposed Max. Height</b>	<b>Proposed Max. Storeys</b>	<b>Max. Preferred Height Allowed</b>	<b>Max. Storeys Allowed</b>	<b>Assessment</b>
14.12m	4	14.5m	N/A	✓

<b>Clause 55.03-3 (B8) Site Coverage</b>	
<b>Objective</b>	<b>Assessment</b>
<i>To ensure that the site coverage respects the existing or preferred neighbourhood character and responds to the features of the site.</i>	✓ Can comply with condition

<b>Proposed</b>	<b>Required</b>	<b>Assessment</b>
60.79%	60%	✓ Can comply with condition

**Planner's Comments:**

The proposed development does not comply with the Standard by 0.79%. Please see discussion in the 'Planners Assessment' section of the report for further detail.

<b>Clause 55.03-4 (B9) Permeability</b>	
<b>Objective</b>	<b>Assessment</b>
<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>	✓

<b>Proposed</b>	<b>Required</b>	<b>Assessment</b>
30%	20%	✓

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

<b>Clause 55.03-9 (B14) Access</b>	
<b>Objective</b>	<b>Assessment</b>
<i>To ensure the number and design of vehicle crossovers respects the neighbourhood character.</i>	✓
<b>Standard</b>	<b>Assessment</b>
<p><i>The width of accessways or car spaces should not exceed:</i></p> <ul style="list-style-type: none"> <li>• 33 per cent of the street frontage, or</li> <li>• if the width of the street frontage is less than 20 metres, 40 per cent of the street frontage.</li> </ul> <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 Road Zone should be minimised.</i></p> <p><i>Developments must provide for access for service, emergency and delivery vehicles.</i></p>	✓

<b>Clause 55.03-10 (B15) Parking Location</b>	
<b>Objective</b>	<b>Assessment</b>
<i>To provide convenient parking for resident and visitor vehicles.</i>	✓
<i>To protect residents from vehicular noise within developments.</i>	✓
<b>Standard</b>	<b>Assessment</b>
<p><i>Car parking facilities should:</i></p> <ul style="list-style-type: none"> <li>• Be reasonably close and convenient to dwellings and residential buildings.</li> <li>• Be secure.</li> <li>• Be well ventilated if enclosed.</li> </ul> <p><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></p>	✓

#### **Clause 55.04 - Amenity Impacts**

<b>Clause 55.04-1 (B17) Side and Rear Setbacks</b>	
<b>Objective</b>	<b>Assessment</b>
<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>	✓
<b>Standard</b>	
<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"> <li>• At least the distance specified in a schedule to the zone, or</li> <li>• 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</li> </ul>	Refer to tables below

<p>6.9 metres, plus 1 metre for every metre of height over 6.9 metres.</p> <p>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.</p> <p>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.</p>	
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Ground Floor				
	Wall Height	Setback	Setback Required	Assessment
South	1.8m	3m	1m	✓
West	1.9m-3.57m	3m	1m	✓
First Floor				
	Wall Height	Setback	Setback Required	Assessment
South • Apt 102 BDR2 • Apt 101 Living	• 4.7m <sup>2</sup> • 4.9m	• 2.9m • 4m	• 1.33m • 1.39m	✓
West • Apt 102 BDR3 • Apt 105 Ens	• 5.15m • 6.75m	3m	• 1.465m • 1.945m	✓

<sup>2</sup> Inclusive of approx 300mm fall in Natural Ground Level.

Second Floor				
	Wall Height	Setback	Setback Required	Assessment
South • Apt 202 BDR3	6.62m (to balcony balustrade)	3m (to balcony edge)	1.91m	✓
	8.16m	4m	3.25m	✓
West • Apt 204 BDR3	8.09m (to balcony balustrade)	3m (to balcony edge)	3.18m	Variation to standard supported
	10.32m	5.4m	5.4m	✓
Third Floor				
	Wall Height	Setback	Setback Required	Assessment
South • Apt 301 Dining	9.5m	5.2m (to balcony edge)	4.59m	✓
	11.3m	8.39m	6.43m	✓
West • Apt 303 Dining	11.37m (to balcony balustrade)	5.4m (to balcony edge)	6.46m	Variation to standard supported
	13.12m	8.52m	8.21m	✓

**Planner's Comments:**

The proposed development is generally compliant with the above Standard, except for balcony balustrades and planter boxes on the second and third levels of the western elevation which encroach into the Standard B17 setback line.

Please see above discussion within report for further details of the officer's assessment.

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 (no walls on boundaries)
Standard	
<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> <ul style="list-style-type: none"> <li><i>For a length of more than the distance specified in a schedule to the zone; or</i></li> <li><i>If no distance is specified in a schedule to the zone, for a length of more than:</i></li> </ul>	N/A



<ul style="list-style-type: none"> <li>10 metres plus 25 per cent of the remaining length of the boundary of an adjoining lot, or</li> <li>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,</li> </ul> <p>whichever is the greater.</p>	
<p>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.</p> <p>A building on a boundary includes a building set back up to 200mm from a boundary.</p>	N/A
<p>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.</p>	N/A

Clause 55.04-3 (B19) Daylight to Existing Windows	
Objective	Assessment
To allow adequate daylight into existing habitable room windows.	✓
Standard	
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.	Refer to table below
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.	Refer to table below
Where the existing window is above ground floor level, the wall height is measured from the floor level of the room containing the window.	

Adjoining Windows – 4 Clive Road	3m <sup>2</sup> Light Court	Wall Height	Setback from Window	Required	Assessment
2 x Eastern- most north-facing windows.	✓	8.09m	7.67m	4.05m	✓
3 x central north-facing windows.	✓	8.16m	6.67m	4.08m	✓

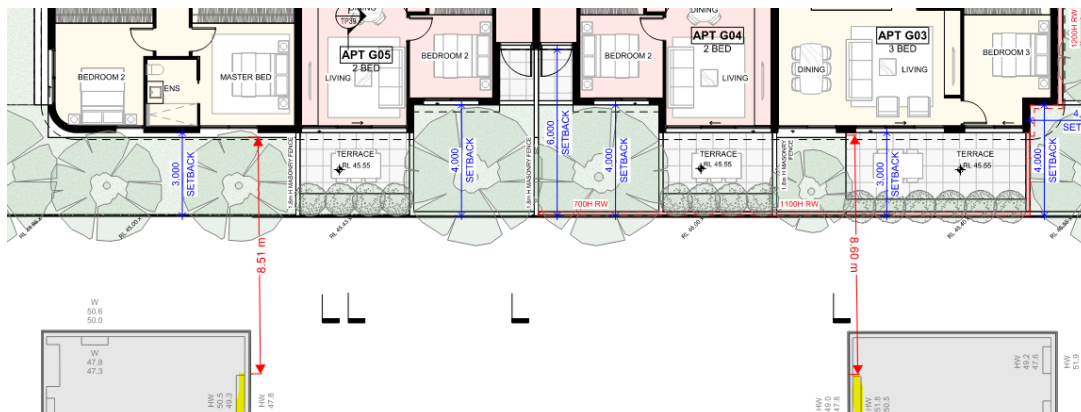
There are six north-facing habitable room windows on the adjoining property at 4 Clive Road. Five out of six of the windows are positioned on the same alignment. The windows assessed in the table above are highlighted below:



Above: Windows assessed to the south highlighted yellow.

### **332 Riversdale Road:**

The closest habitable room windows on the adjoining property at 332 Riversdale Road do not directly face the site and would be positioned in excess of 8m from the proposed building. Given the separation provided and their orientation, an assessment of these adjoining windows is not required. The closest habitable room windows are highlighted below:



Above: Closest habitable room windows at 332 Riversdale Road.

<b>Clause 55.04-4 (B20) North Facing Windows</b>	
<b>Objective</b>	<b>Assessment</b>
<i>To allow adequate solar access to existing north-facing habitable room windows.</i>	✓
<b>Standard</b>	Refer to table below
<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 a window with an axis perpendicular to its surface oriented north 20 degrees west to north 30 degrees east.</i>	

<b>Standard B20 - North Facing Windows</b>				
Adjoining Windows at 4 Clive Road	Wall Height	Setback from Boundary	Required	Assessment
2 x Eastern- most north-facing windows.	8.09m	7.67m	4.17m	✓
3 x central north-facing windows.	8.16m	6.67m	4.24m	✓

#### **Planner's Comments:**

It is noted that the Standard does not apply to the proposal. Regardless, the development complies with the above Standard, and would not cause unreasonable amenity impacts to 4 Clive Road, by way of loss of sunlight. Please see discussion in report above for further details.

<b>Clause 55.04-5 (B21) Overshadowing Open Space</b>	
<b>Objective</b>	<b>Assessment</b>
<i>To ensure buildings do not significantly overshadow existing secluded private open space.</i>	✓
<b>Standard</b>	

<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>	✓
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### **Planner's Comments:**

The shadow diagrams submitted demonstrate that there will be no increase in overshadowing over the SPOS of 4 Clive Road, or the balconies at 332 Riversdale Road. Please see above in the report for further discussion.

<b>Clause 55.04-6 (B22) Overlooking</b>	
<b>Objective</b>	<b>Assessment</b>
<i>To limit views into existing secluded private open space and habitable room windows.</i>	✓
<b>Standard</b>	
<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 or habitable room window of an existing dwelling (horizontal 9m rule and from a height of 1.7m above floor level).</i></p> <p><i>A habitable room window, balcony, terrace, deck or patio with a direct view should be either:</i></p> <ul style="list-style-type: none"> <li><i>Offset a minimum of 1.5 metres from the edge of one window to the edge of the other.</i></li> <li><i>Have sill heights of at least 1.7 metres above floor level.</i></li> <li><i>Have fixed, obscure glazing in any part of the window below 1.7 metre above floor level.</i></li> <li><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></li> </ul>	Can comply with condition
<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><i>Screens used to obscure a view should be:</i></p> <ul style="list-style-type: none"> <li><i>Perforated panels or trellis with a maximum of 25 per cent openings or solid translucent panels.</i></li> <li><i>Permanent, fixed and durable.</i></li> <li><i>Designed and coloured to blend in with the development.</i></li> </ul>	✓

<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 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:**

The site has two interfaces to the south and west where overlooking needs to be considered. The proposal is not compliant with Standard B22 Overlooking with regards to the height of privacy screens for Apts 201 and 202, and of Apartments 101 and 201 which allow for views into the southern front SPOS of 4 Clive Road within a distance of 9m.

The west elevation is not sensitive due to the location of a central driveway and car park for the adjacent development. No habitable room windows or SPOS are directly oriented towards the site that require screening measures.

Please refer to discussion in report above for further details and assessment.

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

### **Planner's Comments:**

Overlooking from upper level apartments into ground floor SPOS occurs in several locations in excess of 50% as follows:

- Balconies of Apt 102, 202 and 203 into Apt G03

### **Clause 55.05 - On-Site Amenity and Facilities**

<b>Clause 55.05-3 (B27) Daylight to New Windows</b>	
<b>Objective</b>	<b>Assessment</b>
<i>To allow adequate daylight into new habitable room windows.</i>	✓

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

<ul style="list-style-type: none"> <li>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</li> <li>A balcony of 8 square metres with a minimum width of 1.6 metres and convenient access from a living room, or</li> <li>A roof-top area of 10 square metres with a minimum width of 2 metres and convenient access from a living room.</li> </ul> <p>The balcony requirements in Clause 55.05-4 do not apply to an apartment development.</p>	
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**Planner's Comments:**

Please refer to the assessment of private open space areas under standard B43 (Private Open Space) of Clause 55.07.

<b>Clause 55.05-5 (B29) Solar Access to Open Space</b>	
<b>Objective</b>	<b>Assessment</b>
<i>To allow solar access into the secluded private open space of new dwellings and residential buildings.</i>	✓
<b>Standard</b>	
<i>The private open space should be located on the north side of the dwelling or residential building, if appropriate.</i>	<b>N/A - impractical due to site orientation and area</b>
<i>The southern boundary of secluded private open space should be set back from any wall on the north of the space at least <math>(2 + 0.9h)</math> metres, where 'h' is the height of the wall.</i>	✓

**Planner's Comments:**

The development complies with the above Standard. Please see further discussion in the report above.

**Clause 55.06 - Detailed Design**

<b>Clause 55.06-1 (B31) Design Detail</b>	
<b>Objective</b>	<b>Assessment</b>
<i>To encourage design detail that respects the existing or preferred neighbourhood character.</i>	✓

**Planner's Comments:**

A detailed assessment of the proposed design detailing has been undertaken in the policy section of this report. This assessment demonstrated that the proposed design detailing will respect the existing character of the nearby area and wider precinct,

whilst also providing an appropriate contribution to the preferred character of the area.

<b>Clause 55.06-2 (B32) Front Fences</b>		
<b>Objective</b>		<b>Assessment</b>
<i>To encourage front fence design that respects the existing or preferred neighbourhood character.</i>		✓
<b>Standard</b>		
Street in a Transport Zone 2	2 metres	✓
Other Streets	1.5 metres	N/A

#### **Planner's Comments:**

The development complies with the above Standard, with a 1.8m high fence proposed along Riversdale Road. While the Clive Road fence achieves a maximum height of 2.05m, this is not considered the frontage of the site and as such the Standard does not apply to this interface.

A detailed assessment of the proposed front fencing, including the Clive Road interface, has been undertaken in the policy section of this report, which has demonstrated that the front fence will respect the existing and preferred character of the neighbourhood.

<b>Clause 55.06-3 (B33) Common Property</b>		
<b>Objective</b>		<b>Assessment</b>
<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>		✓

<b>Clause 55.06-4 (B34) Site Services</b>		
<b>Objective</b>		<b>Assessment</b>
<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**

<b>Clause 55.07-1 (B35) Energy Efficiency</b>		
<b>Objective</b>		<b>Assessment</b>
<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>		✓
<b>Standard</b>		



<i>Buildings should be:</i> <ul style="list-style-type: none"> <li>• Oriented to make appropriate use of solar energy.</li> <li>• Sited and designed to ensure that the energy efficiency of existing dwellings on adjoining lots is not unreasonably reduced.</li> <li>• 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.</li> </ul>	✓
<i>Living areas and private open space should be located on the north side of the development, if practicable.</i>	<b>N/A - impractical due to site orientation and area</b>
<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>	<b>Refer to table below</b>

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

### **Planner's Comments:**

It is noted that 4 Clive Road to the south has solar energy facilities located on the roof of a rear outbuilding. Aerial imagery indicates that these facilities have been erected on the land since at least 2010.

The shadow diagrams prepared indicate there will be no impact on the energy efficiency of these solar panels due to the proposed development.

<b>Clause 55.07-2 (B36) Communal Open Space</b>	
<b>Objective</b>	<b>Assessment</b>
<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>	✓
<b>Standard</b>	
<i>A development of 10 or more dwellings should provide a minimum area of communal outdoor open space of 30 square metres.</i>	✓

<p><i>If a development contains 13 or more dwellings, the development should also provide an additional minimum area of communal open space of 2.5 square metres per dwelling or 220 square metres, whichever is the lesser.</i></p> <p><i>This additional area may be indoors or outdoors and consist of multiple separate areas of communal open space.</i></p>	<b>Refer to table below</b>
<p><i>Each area of communal open space should be:</i></p> <ul style="list-style-type: none"> <li>• <i>Accessible to all residents.</i></li> </ul>	✓
<ul style="list-style-type: none"> <li>• <i>A useable size, shape and dimension.</i></li> </ul>	✓
<ul style="list-style-type: none"> <li>• <i>Capable of efficient management.</i></li> </ul>	✓
<ul style="list-style-type: none"> <li>• <i>Be located to:</i> <ul style="list-style-type: none"> <li>▪ <i>Provide passive surveillance opportunities, where appropriate.</i></li> </ul> </li> </ul>	✓
<ul style="list-style-type: none"> <li>▪ <i>Provide outlook for as many dwellings as practicable.</i></li> </ul>	N/A - on roof top.
<ul style="list-style-type: none"> <li>▪ <i>Avoid overlooking into habitable rooms and private open space of new dwellings.</i></li> </ul>	✓
<ul style="list-style-type: none"> <li>▪ <i>Minimise noise impacts to new and existing dwellings.</i></li> </ul>	✓
<p><i>Any area of communal outdoor open space should be landscaped and include canopy cover and trees.</i></p>	✓

No. of Dwellings	2.5m <sup>2</sup> / dwelling	220m <sup>2</sup>	Assessment
24	60m <sup>2</sup>	87.7m <sup>2</sup>	✓

Clause 55.07-3 (B37) Solar Access to Communal Outdoor Open Space	
<b>Objective</b>	<b>Assessment</b>
<i>To allow solar access into communal outdoor open space.</i>	✓
<b>Standard</b>	
<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>	<b>Refer to discussion below</b>

#### **Planner's Comments:**

As the communal open space area is located on the roof top, this area is mostly clear of shadow from lift services throughout the day and receives adequate solar access.

Clause 55.07-4 (B38) Landscaping	
<b>Objective</b>	<b>Assessment</b>

<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>	✓
<b>Standard</b>	
<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>	✓
<i>Development should:</i> <ul style="list-style-type: none"> <li><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></li> </ul>	<b>Refer to table below</b>
<ul style="list-style-type: none"> <li><i>Provide canopy cover through canopy trees that are:</i> <ul style="list-style-type: none"> <li><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></li> <li><i>Consistent with the canopy diameter and height at maturity specified in Table B7.</i></li> <li><i>Located in communal outdoor open space or common areas or street frontages.</i></li> </ul> </li> </ul>	✓  <b>Refer to tables below</b>
<ul style="list-style-type: none"> <li><i>Comprise smaller trees, shrubs and ground cover, including flowering native species.</i></li> </ul>	✓
<ul style="list-style-type: none"> <li><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></li> </ul>	✓
<ul style="list-style-type: none"> <li><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></li> </ul>	✓
<ul style="list-style-type: none"> <li><i>Be supported by irrigation systems which utilise alternative water sources such as rainwater, stormwater and recycled water.</i></li> </ul>	✓
<ul style="list-style-type: none"> <li><i>Protect any predominant landscape features of the area.</i></li> </ul>	✓
<ul style="list-style-type: none"> <li><i>Take into account the soil type and drainage patterns of the site.</i></li> </ul>	✓
<ul style="list-style-type: none"> <li><i>Provide a safe, attractive and functional environment for residents.</i></li> </ul>	✓
<ul style="list-style-type: none"> <li><i>Specify landscape themes, vegetation (location and species), irrigation systems, paving and lighting.</i></li> </ul>	✓

**Table B5 - Canopy cover and deep soil requirements**

Site Area	Canopy cover	Deep soil	Assessment
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1501 - 2500m <sup>2</sup>	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	✓
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Table B6 - Soil requirements for trees			
Tree type	Tree in deep soil (Area of deep soil)	Tree in planter (Volume of planter soil)	Depth of planter soil
A	12 sqm (min. plan dimension 2.5 metres)	12 cubic metres (min. plan dimension of 2.5 metres)	0.8 metre
B	49 sqm (min. plan dimension 4.5 metres)	28 cubic metres (min. plan dimension of 4.5 metres)	1 metre
C	121 sqm (min. plan dimension 6.5 metres)	64 cubic metres (min. plan dimension of 6.5 metres)	1.5 metre

**Note:** Where multiple trees share the same section of soil the total required amount of soil can be reduced by 5% for every additional tree, up to a maximum reduction of 25%.

Table B7 - Tree types		
Tree type	Minimum canopy diameter at maturity	Minimum height at maturity
A	4 metres	6 metres
B	8 metres	8 metres
C	12 metres	12 metres

### **Planner's Comments:**

The Standard requires the provision of 10% deep soil area dedicated to planting for the site, canopy cover of 168.39m<sup>2</sup> and the planting of at least 2 Type B Trees or 1 Type C.

The Deep Soil Planting Plan on TP03 of the architectural set indicates compliance with the Standard. 22.32% of the site is dedicated to deep soil planting, canopy cover of 452.65m<sup>2</sup> is proposed, and 6 zones for Type A trees are located within the peripheries of the site, with 2 zones for Type B trees located within the Riversdale frontage of the site.

### **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>	✓
<b>Standard</b>	
<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"> <li><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></li> </ul>	✓
<ul style="list-style-type: none"> <li><i>Designed to maximise infiltration of stormwater, water and drainage of residual flows into permeable surfaces, tree pits and treatment areas.</i></li> </ul>	✓

<b>Clause 55.07-6 (B40) Access</b>	
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>	✓
<b>Standard</b>	
<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>	✓

<b>Clause 55.07-7 (B41) Noise Impacts</b>	
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>	✓
<b>Standard</b>	

Noise sources, such as mechanical plants should not be located near bedrooms of immediately adjacent existing dwellings.	✓
The layout of new dwellings and buildings should minimise noise transmission within the site.	✓
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.	✓
New dwellings should be designed and constructed to include acoustic attenuation measures to reduce noise levels from off-site noise sources.	✓
Buildings within a noise influence area specified in Table B8 (below) should be designed and constructed to achieve the following noise levels: <ul style="list-style-type: none"> <li>Not greater than 35dB(A) for bedrooms, assessed as an LAeq,8h from 10pm to 6am.</li> <li>Not greater than 40dB(A) for living areas, assessed LAeq,16h from 6am to 10pm.</li> </ul>	✓  <b>Refer to table below</b>
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.	✓
Noise levels should be assessed in unfurnished rooms with a finished floor and the windows closed.	✓

Table B8 - Noise Influence Area		
Noise Source	Noise Influence Area	Assessment
<b>Zone Interface</b>		
Industry	300m from the Industrial 1, 2 and 3 zone boundary	✓
<b>Roads</b>		
Freeways, tollways and other roads carrying 40,000 Annual Average Daily Traffic Volume	300m from the nearest trafficable lane	✓
<b>Railways</b>		
Railway servicing passengers in Victoria	80m from the centre of the nearest track	✓
Railway servicing freight outside Metropolitan Melbourne	80m from the centre of the nearest track	✓
Railway servicing freight in Metropolitan Melbourne	135m from the centre of the nearest track	✓

Clause 55.07-8 (B42) Accessibility	
Objective	Assessment
To ensure the design of dwellings meets the needs of people with limited mobility.	✓
Standard	
At least 50 per cent of dwellings should have:	✓

<ul style="list-style-type: none"> <li>A clear opening width of at least 850mm at the entrance to the dwelling and main bedroom.</li> </ul>	
<ul style="list-style-type: none"> <li>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.</li> </ul>	✓
<ul style="list-style-type: none"> <li>A main bedroom with access to an adaptable bathroom.</li> </ul>	✓
<ul style="list-style-type: none"> <li>At least one adaptable bathroom that meets all of the requirements of either Design A or Design B specified in Table B9.</li> </ul>	<b>Refer to table below</b>

Dwelling	Clear opening width (850mm)	Clear path (1.2m)	Main bedroom access	Adaptable bathroom (Specify A or B)
G01	✓	✓	✓	✓ (Design A)
G02	✓	✓	✓	✓ (Design A)
G03	✓	✓	✓	✓ (Design A)
G04	✓	✓	✓	✓ (Design A)
G05	✓	✓	✓	✓ (Design A)
G06	✓	✓	✓	✓ (Design A)
G07	✓	✓	✓	✓ (Design A)
G08	✓	✓	✓	✓ (Design A)
101	✓	✓	✓	✓ (Design A)
102	✓	✓	✓	✓ (Design A)
103	✓	✓	✓	✓ (Design A)
104	✓	✓	✓	✓ (Design A)
105	✓	✓	✓	✓ (Design A)
106	✓	✓	✓	✓ (Design B)
107	✓	✓	✓	✓ (Design A)
201	✓	✓	✓	✓ (Design A)
202	✓	✓	✓	✓ (Design A)
203	✓	✓	✓	✓ (Design A)
204	✓	✓	✓	✓ (Design B)
205	✓	✓	✓	✓ (Design B)
206	✓	✓	✓	✓ (Design A)
301	✓	✓	✓	✓ (Design A)
302	✓	✓	✓	✓ (Design A)
303	✓	✓	✓	✓ (Design A)
<b>Total Dwellings in accordance with Standard B42</b>				<b>100%</b>

Table B9 - Bathroom Design		
	Design Option A	Design Option B
<b>Door opening</b>	A clear 850mm wide door opening.	A clear 820mm wide door opening located opposite the shower.
<b>Door design</b>	Either: <ul style="list-style-type: none"> <li>A slide door, or</li> <li>A door that opens outwards,</li> </ul> or	Either: <ul style="list-style-type: none"> <li>A slide door, or</li> <li>A door that opens outwards,</li> </ul> or



	<ul style="list-style-type: none"> <li>A door that opens inwards that is clear of the circulation area and has readily removable hinges.</li> </ul>	<ul style="list-style-type: none"> <li>A door that opens inwards and has readily removable hinges.</li> </ul>
<b>Circulation area</b>	<p>A clear circulation area that is:</p> <ul style="list-style-type: none"> <li>A minimum area of 1.2m by 1.2m.</li> <li>Located in front of the shower and the toilet.</li> <li>Clear of the toilet, basin and the door swing.</li> </ul> <p>The circulation area for the toilet and shower can overlap.</p>	<p>A clear circulation area that is:</p> <ul style="list-style-type: none"> <li>A minimum width of 1m.</li> <li>The full length of the bathroom and a minimum length of 2.7m.</li> <li>Clear of the toilet and basin.</li> </ul> <p>The circulation area can include a shower area.</p>
<b>Path to circulation area</b>	A clear path with a minimum width of 900mm from the door opening to the circulation area.	N/A
<b>Shower</b>	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.
<b>Toilet</b>	A toilet located in the corner of the room.	A toilet located closest to the door opening and clear of the circulation area.

<b>Clause 55.07-9 (B43) Private Open Space</b>	
<b>Objective</b>	<b>Assessment</b>
<i>To provide adequate private open space for the reasonable recreation and service needs of residents.</i>	✓
<b>Standard</b>	
<p><i>A dwelling should have private open space consisting of at least one of the following:</i></p> <ul style="list-style-type: none"> <li><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></li> </ul>	✓ Refer to tables below for SPOS size
<ul style="list-style-type: none"> <li><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></li> </ul>	✓ Refer to tables below for balcony size
<ul style="list-style-type: none"> <li><i>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.</i></li> </ul>	✓

<ul style="list-style-type: none"> <li>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.</li> </ul>	✓
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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

Dwelling	Type	Min. area	Assessment	Min. dimension	Assessment
G01	1BDR	33.1m <sup>2</sup>	✓	3m	✓
G02	3BDR	117.5m <sup>2</sup>	✓	3m	✓
G03	3BDR	78.6m <sup>2</sup>	✓	3m	✓
G04	2BDR	32.9m <sup>2</sup>	✓	3m	✓
G05	2BDR	32.9m <sup>2</sup>	✓	3m	✓
G06	3BDR	122.6m <sup>2</sup>	✓	3m	✓
G07	3BDR	127.8m <sup>2</sup>	✓	3m	✓
G08	1BDR	25.2m <sup>2</sup>	✓	3m	✓
1.01	3BDR	27.5m <sup>2</sup>	✓	2.4m	✓
1.02	3BDR	12.8 m <sup>2</sup>	✓	2.4m	✓
1.03	2BDR	9.8 m <sup>2</sup>	✓	2m	✓
1.04	2BDR	9.4 m <sup>2</sup>	✓	2m	✓
1.05	2BDR	11.2 m <sup>2</sup>	✓	1.7m	✓
1.06	2BDR	11.2 m <sup>2</sup>	✓	1.7m	✓
1.07	2BDR	8.7 m <sup>2</sup>	✓	2m	✓
2.01	3BDR	20.9 m <sup>2</sup>	✓	2.4m	✓
2.02	3BDR	24.3 m <sup>2</sup>	✓	2.4m	✓
2.03	3BDR	25.5m <sup>2</sup>	✓	2.4m	✓
2.04	3BDR	40.5m <sup>2</sup>	✓	1.7m	✓
2.05	2BDR	11.2 m <sup>2</sup>	✓	1.7m	✓
2.06	2BDR	8.6 m <sup>2</sup>	✓	2m	✓
3.01	3BDR	136.4 m <sup>2</sup>	✓	2.4m	✓
3.02	2BDR	42.1 m <sup>2</sup>	✓	2m	✓
3.03	3BDR	136.2 m <sup>2</sup>	✓	2.4m	✓

<b>Clause 55.07-10 (B44) Storage</b>	
<b>Objective</b>	<b>Assessment</b>
<i>To provide adequate storage facilities for each dwelling.</i>	✓
<b>Standard</b>	
<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

<b>Table B11 - Storage</b>		
<b>Dwelling Type</b>	<b>Total min. storage volume</b>	<b>Min. storage volume within the dwelling</b>
<b>Studio (s)</b>	8m <sup>3</sup>	5m <sup>3</sup>
<b>1 bedroom dwelling (1br)</b>	10m <sup>3</sup>	6m <sup>3</sup>
<b>2 bedroom dwelling (2br)</b>	14m <sup>3</sup>	9m <sup>3</sup>
<b>3 or more bedroom dwelling (3br)</b>	18m <sup>3</sup>	12m <sup>3</sup>

<b>Dwelling</b>	<b>Type</b>	<b>Total Min. volume</b>	<b>Assessment</b>	<b>Min. Internal storage</b>	<b>Assessment</b>
G01	1BDR	10m <sup>3</sup>	✓	6m <sup>3</sup>	✓
G02	3BDR	18m <sup>3</sup>	✓	12m <sup>3</sup>	✓
G03	3BDR	18m <sup>3</sup>	✓	12m <sup>3</sup>	✓
G04	2BDR	14m <sup>3</sup>	✓	9m <sup>3</sup>	✓
G05	2BDR	14m <sup>3</sup>	✓	9m <sup>3</sup>	✓
G06	3BDR	18m <sup>3</sup>	✓	12m <sup>3</sup>	✓
G07	3BDR	18m <sup>3</sup>	✓	12m <sup>3</sup>	✓
G08	1BDR	10m <sup>3</sup>	✓	6m <sup>3</sup>	✓
1.01	3BDR	18m <sup>3</sup>	✓	12m <sup>3</sup>	✓
1.02	3BDR	18m <sup>3</sup>	✓	12m <sup>3</sup>	✓
1.03	2BDR	14m <sup>3</sup>	✓	9m <sup>3</sup>	✓
1.04	2BDR	14m <sup>3</sup>	✓	9m <sup>3</sup>	✓
1.05	2BDR	14m <sup>3</sup>	✓	9m <sup>3</sup>	✓
1.06	2BDR	14m <sup>3</sup>	✓	9m <sup>3</sup>	✓
1.07	2BDR	14m <sup>3</sup>	✓	9m <sup>3</sup>	✓
2.01	3BDR	18m <sup>3</sup>	✓	12m <sup>3</sup>	✓
2.02	3BDR	18m <sup>3</sup>	✓	12m <sup>3</sup>	✓
2.03	3BDR	18m <sup>3</sup>	✓	12m <sup>3</sup>	✓
2.04	3BDR	18m <sup>3</sup>	✓	12m <sup>3</sup>	✓
2.05	2BDR	14m <sup>3</sup>	✓	9m <sup>3</sup>	✓
2.06	2BDR	14m <sup>3</sup>	✓	9m <sup>3</sup>	✓
3.01	3BDR	18m <sup>3</sup>	✓	12m <sup>3</sup>	✓
3.02	2BDR	14m <sup>3</sup>	✓	9m <sup>3</sup>	✓
3.03	3BDR	18m <sup>3</sup>	✓	12m <sup>3</sup>	✓

<b>Clause 55.07-11 (B45) Waste Recycling</b>	
<b>Objective</b>	<b>Assessment</b>
<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>	✓
<b>Standard</b>	
<i>Developments should include dedicated areas for:</i> <ul style="list-style-type: none"> <li>Waste and recycling enclosures which are: <ul style="list-style-type: none"> <li>Adequate in size, durable, waterproof and blend in with the development.</li> <li>Adequately ventilated.</li> <li>Located and designed for convenient access by residents and made easily accessible to people with limited mobility.</li> </ul> </li> </ul>	✓
<ul style="list-style-type: none"> <li>Adequate facilities for bin washing. These areas should be adequately ventilated.</li> </ul>	✓
<ul style="list-style-type: none"> <li>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.</li> </ul>	✓
<ul style="list-style-type: none"> <li>Collection, storage and reuse of garden waste, including opportunities for on-site treatment, where appropriate, or off-site removal for reprocessing.</li> </ul>	✓
<ul style="list-style-type: none"> <li>Adequate circulation to allow waste and recycling collection vehicles to enter and leave the site without reversing.</li> </ul>	✓
<ul style="list-style-type: none"> <li>Adequate internal storage space within each dwelling to enable the separation of waste, recyclables and food waste where appropriate.</li> </ul>	✓
<i>Waste and recycling management facilities should be designed and managed in accordance with a Waste Management Plan approved by the responsible authority and:</i> <ul style="list-style-type: none"> <li>Be designed to meet the best practice waste and recycling management guidelines for residential development adopted by Sustainability Victoria.</li> </ul>	✓
<ul style="list-style-type: none"> <li>Protect public health and amenity of residents and adjoining premises from the impacts of odour, noise and hazards associated with waste collection vehicle movements.</li> </ul>	✓

<b>Clause 55.07-12 (B46) Functional Layout</b>	
<b>Objective</b>	<b>Assessment</b>
<i>To ensure dwellings provide functional areas that meet the needs of residents.</i>	✓
<b>Standard</b>	

<i>Bedrooms should:</i>	
• <i>Meet the minimum internal room dimensions specified in Table B12.</i>	✓ Refer to table below
• <i>Provide an area in addition to the minimum internal room dimensions to accommodate a wardrobe.</i>	✓
<i>Living areas (excluding dining and kitchen areas) should meet the minimum internal room dimensions specified in Table B13.</i>	✓ Refer to table below

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

Dwelling G.01	Main/other	Min. width	Min. depth	Assessment
Bed 1	Main	3m	3.4m	✓

Dwelling G.02	Main/other	Min. width	Min. depth	Assessment
Bed 1	Main	3m	3.4m	✓
Bed 2	Other	3m	3m	✓
Bed 3	Other	3m	3m	✓

Dwelling G.03	Main/other	Min. width	Min. depth	Assessment
Bed 1	Main	3.4m	3.8m	✓
Bed 2	other	3m	3m	✓
Bed 3	Other	3m	3m	✓

Dwelling G.04	Main/other	Min. width	Min. depth	Assessment
Bed 1	Main	3m	3.4m	✓
Bed 2	other	3.3m	m	✓

Dwelling G.05	Main/other	Min. width	Min. depth	Assessment
Bed 1	Main	3m	3.4m	✓
Bed 2	Other	3m	3m	✓

Dwelling G.06	Main/other	Min. width	Min. depth	Assessment
Bed 1	main	3m	3.4m	✓
Bed 2	Other	3m	3m	✓
Bed 3	other	3m	3m	✓

Dwelling G.07	Main/other	Min. width	Min. depth	Assessment
Bed 1	main	3.8m	3.4m	✓

Bed 2	Other	3m	3m	✓
Bed 3	Other	3m	3m	✓

Dwelling G.08	Main/other	Min. width	Min. depth	Assessment
Bed 1	main	3m	3.4m	✓

Dwelling 1.01	Main/other	Min. width	Min. depth	Assessment
Bed 1	main	3m	3.4m	✓
Bed 2	Other	3m	3m	✓
Bed 3	Other	3m	3m	✓

Dwelling 1.02	Main/other	Min. width	Min. depth	Assessment
Bed 1	main	3.8m	3.4m	✓
Bed 2	Other	3m	3m	✓
Bed 3	Other	3m	3m	✓

Dwelling 1.03	Main/other	Min. width	Min. depth	Assessment
Bed 1	main	3m	3.4m	✓
Bed 2	Other	3m	3m	✓

Dwelling 1.04	Main/other	Min. width	Min. depth	Assessment
Bed 1	main	3m	3.4m	✓
Bed 2	Other	3m	3m	✓
Dwelling 1.05	Main/other	Min. width	Min. depth	Assessment
Bed 1	main	3m	3.4m	✓
Bed 2	Other	3m	3m	✓

Dwelling 1.06	Main/other	Min. width	Min. depth	Assessment
Bed 1	main	3m	3.4m	✓
Bed 2	Other	3m	3m	✓

Dwelling 1.07	Main/other	Min. width	Min. depth	Assessment
Bed 1	main	3m	3.4m	✓
Bed 2	Other	3m	3m	✓

Dwelling 2.01	Main/other	Min. width	Min. depth	Assessment
Bed 1	main	3m	3.4m	✓
Bed 2	Other	3m	3m	✓
Bed 3	Other	3m	3m	✓

Dwelling 2.02	Main/other	Min. width	Min. depth	Assessment
Bed 1	main	3m	3.4m	✓
Bed 2	Other	3m	3m	✓
Bed 3	Other	3m	3m	✓

Dwelling 2.03	Main/other	Min. width	Min. depth	Assessment
Bed 1	main	3m	3.4m	✓
Bed 2	Other	3m	3m	✓
Bed 3	Other	3m	3m	✓

Dwelling 2.04	Main/other	Min. width	Min. depth	Assessment
Bed 1	main	3m	3.4m	✓
Bed 2	Other	3m	3m	✓
Bed 3	Other	3m	3m	✓

Dwelling 2.05	Main/other	Min. width	Min. depth	Assessment
Bed 1	main	3m	3.4m	✓
Bed 2	Other	3m	4m	✓

Dwelling 2.06	Main/other	Min. width	Min. depth	Assessment
Bed 1	main	3m	3.4m	✓
Bed 2	Other	3m	3m	✓

Dwelling 3.01	Main/other	Min. width	Min. depth	Assessment
Bed 1	main	4.4m	6m	✓
Bed 2	Other	3m	3m	✓
Bed 3	Other	3m	3m	✓

Dwelling 3.02	Main/other	Min. width	Min. depth	Assessment
Bed 1	main	3m	3.4m	✓
Bed 2	Other	3m	3m	✓

Dwelling 3.03	Main/other	Min. width	Min. depth	Assessment
Bed 1	main	3.7m	4m	✓
Bed 2	Other	3m	3m	✓
Bed 3	Other	3m	3m	✓

Table B13 - Living Area Dimensions		
Dwelling type	Min. width	Min. area
Studio and 1 bedroom dwelling	3.3m	10m <sup>2</sup>



<b>2 or more bedroom dwelling</b>	3.6m	12m <sup>2</sup>
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Dwelling No.	Type	Min. width	Min. area	Assessment
G01	1BDR	3.3m	10m <sup>2</sup>	✓
G02	3BDR	3.6m	12m <sup>2</sup>	✓
G03	3BDR	3.6m	12m <sup>2</sup>	✓
G04	2BDR	3.6m	12m <sup>2</sup>	✓
G05	2BDR	3.6m	12m <sup>2</sup>	✓
G06	3BDR	3.6m	12m <sup>2</sup>	✓
G07	3BDR	3.6m	12m <sup>2</sup>	✓
G08	1BDR	3.3m	10m <sup>2</sup>	✓
1.01	3BDR	3.6m	12m <sup>2</sup>	✓
1.02	3BDR	3.6m	12m <sup>2</sup>	✓
1.03	2BDR	3.6m	12m <sup>2</sup>	✓
1.04	2BDR	3.6m	12m <sup>2</sup>	✓
1.05	2BDR	3.6m	12m <sup>2</sup>	✓
1.06	2BDR	3.6m	12m <sup>2</sup>	✓
1.07	2BDR	3.6m	12m <sup>2</sup>	✓
2.01	3BDR	3.6m	12m <sup>2</sup>	✓
2.02	3BDR	3.6m	12m <sup>2</sup>	✓
2.03	3BDR	3.6m	12m <sup>2</sup>	✓
2.04	3BDR	3.6m	12m <sup>2</sup>	✓
2.05	2BDR	3.6m	12m <sup>2</sup>	✓
2.06	2BDR	3.6m	12m <sup>2</sup>	✓
3.01	3BDR	3.6m	12m <sup>2</sup>	✓
3.02	2BDR	3.6m	12m <sup>2</sup>	✓
3.03	3BDR	3.6m	12m <sup>2</sup>	✓

<b>Clause 55.07-13 (B47) Room Depth</b>	
<b>Objective</b>	<b>Assessment</b>
<i>To allow adequate daylight into single aspect habitable rooms.</i>	✓
<b>Standard</b>	
<i>Single aspect habitable rooms should not exceed a room depth of 2.5 times the ceiling height.</i>	<b>Refer to table below</b>
<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"> <li><i>The room combines the living area, dining area and kitchen.</i></li> </ul>	✓
<ul style="list-style-type: none"> <li><i>The kitchen is located furthest from the window.</i></li> </ul>	✓
<ul style="list-style-type: none"> <li><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></li> </ul>	✓

*The room depth should be measured from the external surface of the habitable room window to the rear wall of the room.*

Dwelling No.	Room	Ceiling Height	Depth required	Depth proposed	Assessment
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G.01	L/D/K	2.9m	9m	7.92m	✓
	Bed 1	2.9m	7.25m	3.5m	✓
G.02	Bed 1	2.9m	7.25m	3.3m	✓
	Bed 2	2.9m	7.25m	3.4m	✓
	Bed 3	2.9m	7.25m	3m	✓
G.03	L/D/K	2.9m	9m	6.57m	✓
	Bed 1	2.9m	7.25m	3.4m	✓
	Bed 2	2.9m	7.25m	3.1m	✓
	Bed 3	2.9m	7.25m	4m	✓
G.04	L/D/K	2.9m	9m	9m	✓
	Bed 1	2.9m	7.25m	4.8m	✓
	Bed 2	2.9m	7.25m	3m	✓
G.05	L/D/K	2.9m	9m	9m	✓
	Bed 1	2.9m	7.25m	4.8m	✓
	Bed 2	2.9m	7.25m	3m	✓
G.06	L/D/K	2.9m	9m	8.6m	✓
	Bed 1 & 2	2.9m	7.25m	3.7m	✓
	Bed 3	2.9m	7.25m	3.5m	✓
G.07	L/D/K	2.9m	9m	8.5m	✓
	Bed 1 & 2	2.9m	7.25m	3.7m	✓
	Bed 3	2.9m	7.25m	3.5m	✓
G.08	L/D/K	2.9m	9m	7.5m	✓
	Bed 1	2.9m	7.25m	4.2m	✓
1.01	L/D/K	2.9m	9m	4.1m	✓
	Bed 1	2.9m	7.25m	3.7m	✓
	Bed 2	2.9m	7.25m	3m	✓
	Bed 3	2.9m	7.25m	3.5m	✓
1.02	L/D/K	2.9m	9m	6.8m	✓
	Bed 1,2 & 3	2.9m	7.25m	3.1m	✓
1.03	L/D/K	2.9m	9m	8.2m	✓
	Bed 1	2.9m	7.25m	5m	✓
	Bed 2	2.9m	7.25m	3m	✓
1.04	L/D/K	2.9m	9m	8.2m	✓
	Bed 1	2.9m	7.25m	5m	✓
	Bed 2	2.9m	7.25m	3m	✓
1.05	L/D/K	2.9m	9m	7m	✓
	Bed 1	2.9m	7.25m	3.4m	✓
	Bed 2	2.9m	7.25m	3m	✓
1.06	L/D/K	2.9m	9m	8.4m	✓
	Bed 1	2.9m	7.25m	3.4m	✓
	Bed 2	2.9m	7.25m	3m	✓
1.07	L/D/K	2.9m	7.25m	4.3m	✓
	Bed 1	2.9m	7.25m	3.7m	✓
	Bed 2	2.9m	7.25m	3.1m	✓
2.01	L/D/K	2.9m	9m	4.1m	✓
	Bed 1	2.9m	7.25m	3.7m	✓
	Bed 2	2.9m	7.25m	3m	✓

	Bed 3	2.9m	7.25m	3.5m	✓
2.02	L/D/K	2.9m	9m	6.8m	✓
	Bed 1	2.9m	7.25m	3.4m	✓
	Bed 2 & 3	2.9m	7.25m	3.1m	✓
2.03	L/D/K	2.9m	9m	9m	✓
	Bed 1	2.9m	7.25m	3.6m	✓
	Bed 2 & 3	2.9m	7.25m	3.1m	✓
2.04	L/D/K	2.9m	9m	8.3m	✓
	Bed 1	2.9m	7.25m	3.9m	✓
	Bed 2	2.9m	7.25m	3.1m	✓
	Bed 3	2.9m	7.25m	3m	✓
2.05	L/D/K	2.9m	9m	8.4m	✓
	Bed 1	2.9m	7.25m	3.4m	✓
	Bed 2	2.9m	7.25m	3m	✓
2.06	L/D/K	2.9m	7.25m	4.3m	✓
	Bed 1	2.9m	7.25m	3.7m	✓
	Bed 2	2.9m	7.25m	3.1m	✓
3.01	Bed 1	2.9m	7.25m	4.4m	✓
	Bed 2 & 3	2.9m	7.25m	3.1m	✓
3.02	L/D/K	2.9m	9m	6.45m	✓
	Bed 1	2.9m	7.25m	3.4m	✓
	Bed 2	2.9m	7.25m	3m	✓
3.03	Bed 1	2.9m	7.25m	4.4m	✓
	Bed 2 & 3	2.9m	7.25m	3.5m	✓

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

### **Planner's Comments:**

The development complies with the above Standard. Master bedrooms for Apartments G04, G05, 103 and 104 are provided with secondary areas which meet the minimum dimensions within the standard for daylight purposes.

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>	✓
<b>Standard</b>	
<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"> <li><i>Ventilation openings with approximately the same area.</i></li> </ul> <i>The breeze path is measured between the ventilation openings on different orientations of the dwelling.</i>	✓

<b>Dwelling No.</b>	<b>Breeze path between 5m and 18m? Assessment</b>
G.02	7m ✓
G.03	16.6m ✓
G.06	11m ✓
G.07	12.5m ✓
1.01	6.2m ✓
1.02	11.8m ✓
1.05	9.5m ✓
1.06	10.5m ✓
2.01	6.2m ✓
2.02	12.5m ✓
2.04	7.6m ✓
2.05	10.5m ✓
3.01	17m ✓
3.03	15m ✓
<b>Total percent of compliant dwellings</b>	<b>58% or 14 dwellings</b>

<b>Clause 55.07-16 (B50) Building Entry and Circulation</b>	
<b>Objective</b>	<b>Assessment</b>
<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>	✓
<b>Standard</b>	
<i>Entries to dwellings and buildings should:</i> <ul style="list-style-type: none"> <li>• <i>Be visible and easily identifiable.</i></li> <li>• <i>Provide shelter, a sense of personal address and a transitional space around the entry.</i></li> </ul>	✓
<i>The layout and design of buildings should:</i> <ul style="list-style-type: none"> <li>• <i>Clearly distinguish entrances to residential and non-residential areas.</i></li> </ul>	N/A
<ul style="list-style-type: none"> <li>• <i>Provide windows to building entrances and lift areas.</i></li> </ul>	✓
<ul style="list-style-type: none"> <li>• <i>Provide visible, safe and attractive stairs from the entry level to encourage use by residents.</i></li> </ul>	✓
<ul style="list-style-type: none"> <li>• <i>Provide common areas and corridors that:</i> <ul style="list-style-type: none"> <li>▪ <i>Include at least one source of natural light and natural ventilation.</i></li> <li>▪ <i>Avoid obstruction from building services.</i></li> <li>▪ <i>Maintain clear sight lines.</i></li> </ul> </li> </ul>	✓

<b>Clause 55.07-17 (B51) Integration with the Street</b>	
<b>Objective</b>	<b>Assessment</b>
<i>To integrate the layout of development with the street.</i>	✓
<i>To support development that activates street frontages.</i>	✓
<b>Standard</b>	
<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"> <li>• <i>Incorporate pedestrian entries, windows, balconies or other active spaces.</i></li> </ul>	✓
<ul style="list-style-type: none"> <li>• <i>Limit blank walls.</i></li> </ul>	✓
<ul style="list-style-type: none"> <li>• <i>Limit high front fencing, unless consistent with the existing urban context.</i></li> </ul>	✓
<ul style="list-style-type: none"> <li>• <i>Provide low and visually permeable front fences, where proposed.</i></li> </ul>	✓
<ul style="list-style-type: none"> <li>• <i>Conceal car parking and internal waste collection areas from the street.</i></li> </ul>	✓

<i>Development next to existing public open space should be designed to complement the open space and facilitate passive surveillance.</i>	<b>N/A</b>
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<b>Clause 55.07-18 (B52) Site Services</b>	
<b>Objective</b>	<b>Assessment</b>
<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>	✓
<b>Standard</b>	
<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>	✓ <b>Mailbox location not nominated. Can be addressed by condition</b>

<b>Clause 55.07-19 (B53) External Walls and Materials</b>	
<b>Objective</b>	<b>Assessment</b>
<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>	✓
<b>Standard</b>	
<i>External walls should be finished with materials that:</i> <ul style="list-style-type: none"> <li>• <i>Do not easily deteriorate or stain.</i></li> <li>• <i>Weather well over time.</i></li> <li>• <i>Are resilient to the wear and tear from their intended use.</i></li> </ul>	✓
<i>External wall design should facilitate safe and convenient access for maintenance.</i>	✓

### **Clause 52.06 (Car Parking)**

#### **Clause 52.06-2 (Provision of Car Parking Spaces)**

Before:

- *A new use commences; or*
- *The floor area or site area of an existing use is increased; or*
- *An existing use is increased by the measure specified in Column C of Table 1 in Clause 52.06-5 for that use,*

The number of car parking spaces required under Clause 52.06-5 or in a schedule to the Parking Overlay must be provided to the satisfaction of the responsible authority in one or more of the following ways:

- *On the land; or*
- *In accordance with a permit issued under Clause 52.06-3; or*
- *In accordance with a financial contribution requirement specified in a schedule to the Parking Overlay.*

Table 1: Car Parking Requirement					
Use	Rate (Column A)	Rate (Column B)	Car Parking Measure	Proposed Car Spaces	Assessment
Dwelling	1	1	1 or 2 bedroom dwellings	2	✓
	2	2	3 or more bedroom dwellings	39	✓
	1	0	Visitors to every 5 dwellings for developments of 5 or more dwellings	0	N/A

#### **Planner's Comments:**

The proposal complies with the relevant parking rate in the Planning Scheme. No reduction in car parking is being sought. Please refer to discussion with the report above for further assessment details.

#### **Clause 52.06-9 (Design Standards)**

Design Standard 1 - Accessways	
Standard	Assessment
<i>Accessways must:</i>	
• <i>Be at least 3 metres wide</i>	✓
• <i>Have an internal radius of at least 4 metres at changes of direction or intersection or be at least 4.2 metres wide.</i>	✓
• <i>Allow vehicles parked in the last space of a dead-end accessway in public car parks to exit in a forward direction with one manoeuvre.</i>	✓
• <i>Provide at least 2.1 metres headroom beneath overhead obstructions, calculated for a vehicle with a wheel base of 2.8 metres.</i>	✓



<ul style="list-style-type: none"> <li>If the accessway serves four or more car spaces or connects to a road in a Road Zone, the accessway must be designed so that cars can exit the site in a forward direction.</li> </ul>	✓
<ul style="list-style-type: none"> <li>Provide a passing area at the entrance at least 6.1 metres wide and 7 metres long if the accessway serves ten or more car parking spaces and is either more than 50 metres long or connects to a road in a Road Zone.</li> </ul>	✓
<ul style="list-style-type: none"> <li>Have a corner splay or area at least 50 per cent clear of visual obstructions extending at least 2 metres along the frontage road from the edge of an exit lane and 2.5 metres along the exit lane from the frontage, to provide a clear view of pedestrians on the footpath of the frontage road. The area clear of visual obstructions may include an adjacent entry or exit lane where more than one lane is provided, or adjacent landscaped areas, provided the landscaping in those areas is less than 900mm in height.</li> </ul>	✓
<ul style="list-style-type: none"> <li>If an accessway to four or more car parking spaces is from land in a Road Zone, the access to the car spaces must be at least 6 metres from the road carriageway.</li> </ul>	N/A
<ul style="list-style-type: none"> <li>If entry to the car space is from a road, the width of the accessway may include the road.</li> </ul>	✓

Design Standard 2 - Car Parking Spaces	
Standard	Assessment
Car parking spaces and accessways must have the minimum dimensions as outlined in Table 2.	Refer to table below
<p>A wall, fence, column, tree, tree guard or any other structure that abuts a car space must not encroach into the area marked 'clearance required' on Diagram 1 of Design Standard 2 of Clause 52.06-9, other than:</p> <ul style="list-style-type: none"> <li>A column, tree or tree guard, which may project into a space if it is within the area marked 'tree or column permitted' on Diagram 1.</li> <li>A structure, which may project into the space if it is at least 2.1 metres above the space.</li> </ul>	✓
Car spaces in garages or carports must be at least 6 metres long and 3.5 metres wide for a single space and 5.5 metres wide for a double space measured inside the garage or carport.	✓
Where parking spaces are provided in tandem (one space behind the other) an additional 500 mm in length must be provided between each space	✓
Where two or more car parking spaces are provided for a dwelling, at least one space must be under cover	✓
Disabled car parking spaces must be designed in accordance with Australian Standard AS2890.6-2009 (disabled) and the Building Code of Australia. Disabled car parking spaces may encroach into an accessway width specified in Table 2 by 500mm.	✓

Table 2: Minimum Dimensions of Car Parking Spaces and Accessways					
Angle of car space to accessway	Accessway width	Car space width	Car space length	Proposed car space width	Assessment
90°	6.4m	2.6m	4.9m	2.6m	✓

Design Standard 3 - Gradients	
Standard	Assessment
Accessway grades must not be steeper than 1:10 (10 per cent) within 5 metres of the frontage to ensure safety for pedestrians and vehicles. The design must have regard to the wheelbase of the vehicle being designed for; pedestrian and vehicular traffic volumes; the nature of the car park; and the slope and configuration of the vehicle crossover at the site frontage.  <b>This does not apply to accessways serving three dwellings or less.</b>	✓
Ramps (except within 5 metres of the frontage) must have the maximum grades as outlined in Table 3 and be designed for vehicles travelling in a forward direction.	Refer to table below
Where the difference in grade between two sections of ramp or floor is greater than 1:8 (12.5 per cent) for a summit grade change, or greater than 1:6.7 (15 per cent) for a sag grade change, the ramp must include a transition section of at least 2 metres to prevent vehicles scraping or bottoming.	✓
Plans must include an assessment of grade changes of greater than 1:5.6 (18 per cent) or less than 3 metres apart for clearances, to the satisfaction of the responsible authority.	✓

Table 3: Ramp Gradients				
Type of car park	Ramp length	Maximum grade	Proposed grade	Assessment
Private or Residential Car Park	20.0m or less	1:4 (25%)	1:8, 1:4, 1:6.9, 1:4, 1:8	✓
	20.0m or more	1:5 (20%)	N/A	N/A

Design Standard 5 - Urban Design	
Standard	Assessment
Ground level car parking, garage doors and accessways must not visually dominate public space.	✓
Car parking within buildings (including visible portions of partly submerged basements) must be screened or obscured where possible, including through the use of occupied tenancies, landscaping, architectural treatments and artworks.	✓

<i>Design of car parks must take into account their use as entry points to the site.</i>	✓
<i>Design of new internal streets in developments must maximise on street parking opportunities.</i>	N/A

<b>Design Standard 6 - Safety</b>	
<b>Standard</b>	<b>Assessment</b>
<i>Car parking must be well lit and clearly signed.</i>	✓
<i>The design of car parks must maximise natural surveillance and pedestrian visibility from adjacent buildings.</i>	N/A - basement car park
<i>Pedestrian access to car parking areas from the street must be convenient.</i>	✓
<i>Pedestrian routes through car parking areas and building entries and other destination points must be clearly marked and separated from traffic in high activity parking areas.</i>	✓

<b>Design Standard 7 - Landscaping</b>	
<b>Standard</b>	<b>Assessment</b>
<i>The layout of car parking areas must provide for water sensitive urban design treatment and landscaping.</i>	✓
<i>Landscaping and trees must be planted to provide shade and shelter, soften the appearance of ground level car parking and aid in the clear identification of pedestrian paths.</i>	N/A
<i>Ground level car parking spaces must include trees planted with flush grilles. Spacing of trees must be determined having regard to the expected size of the selected species at maturity.</i>	N/A

### **Clause 52.34 – Bicycle Parking**

#### **Purpose**

To encourage cycling as a mode of transport.

To provide secure, accessible and convenient bicycle parking spaces and associated shower and change facilities.

<b>Description</b>	<b>Size</b>	<b>Bicycle Parking Rate</b>	<b>Requirement</b>	<b>Provision</b>	<b>Assessment</b>
Resident	24 dwelli ngs	1 per 5 dwellings (if 4 storeys or more)	4	12	✓
Visitors		1 per 10 dwellings (if 4 storeys or more)	2	4	✓

<b>TOTAL</b>	6	16	✓
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#### **Clause 53.18 - Stormwater Management in Urban Development**

The purpose of the particular provision is *'to ensure that stormwater in urban development, including retention and reuse, is managed to mitigate the impacts of stormwater on the environment, property and public safety, and to provide cooling, local habitat and amenity benefits.*

The application provided a Water Sensitive Urban Design response which included:

- A site plan showing the location of proposed stormwater treatment measures and the location and area of impermeable surfaces that drain to each treatment measure.
- A written statement outlining how the application achieves current best practice performance objectives for stormwater quality as contained in the Urban Stormwater Best Practice Environmental Management Guidelines (1999).
- Provision of a water tank 15,000 capacity in litres and the tank is connected to toilet flushing in all apartments.

This satisfies the requirements of Clause 53.18.

#### **Clause 53.03 - Residential Reticulated Gas Service Connection**

Amendment VC250 has introduced Clause 53.03 into the Boroondara Planning Scheme on 1 January 2024. This policy prohibits a permit from being granted for construction of a new dwelling or a new apartment development that is to be connected to a reticulated gas service, and requires a mandatory inclusion of a condition on permit to this effect.

The application benefits from transitional provisions due to its lodgement date prior to the approval date of Amendment VC250. As such, no condition has been recommended to form on the permit relating to reticulated gas services.

Received  
08/11/2023

# Town Planning

# 336-338 Riversdale Road

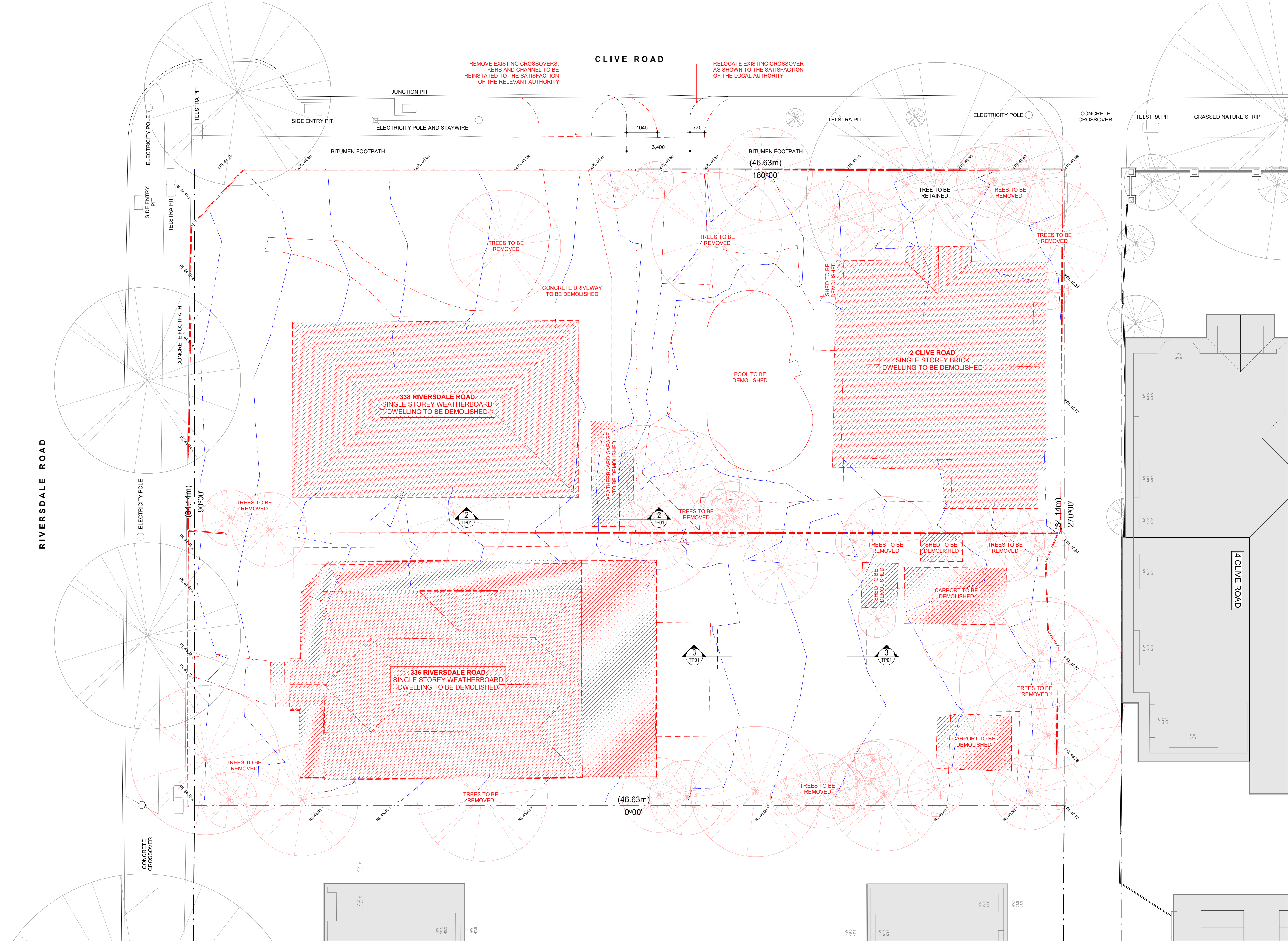
# Hawthorn East

DRAWING LIST		REV	REV
00 SERIES EARLY WORKS & OVERALL PLANS			40 SERIES APARTMENT TYPOLOGY
TP00	COVER SHEET	C	TP40 APARTMENT TYPOLOGY - SHEET 01
TP01	EXISTING CONDITIONS & DEMOLITION PLAN	C	TP41 APARTMENT TYPOLOGY - SHEET 02
TP02	DEVELOPMENT SUMMARY	C	TP42 APARTMENT TYPOLOGY - SHEET 03
TP03	DEVELOPMENT AMENITY PLANS	C	TP43 APARTMENT TYPOLOGY - SHEET 04
TP04	COMMUNAL OPEN SPACE PLANS	C	TP44 APARTMENT TYPOLOGY - SHEET 05
20 SERIES GENERAL ARRANGEMENT PLANS			TP45 APARTMENT TYPOLOGY - SHEET 06
TP20	BASEMENT 02 PLAN	C	TP46 APARTMENT TYPOLOGY - SHEET 07
TP21	BASEMENT 01 PLAN	C	TP47 APARTMENT TYPOLOGY - SHEET 08
TP22	GROUND FLOOR PLAN	C	
TP23	LEVEL 01 PLAN	C	50 SERIES SHADOW DIAGRAMS
TP24	LEVEL 02 PLAN	C	TP50 SHADOW DIAGRAM - 9AM
TP25	LEVEL 03 PLAN	C	TP51 SHADOW DIAGRAM - 10AM
TP26	ROOF PLAN	C	TP52 SHADOW DIAGRAM - 11AM
30 SERIES ELEVATIONS & SECTIONS			TP53 SHADOW DIAGRAM - 12PM
TP30	STREETSCAPE ELEVATIONS - NORTH	C	TP54 SHADOW DIAGRAM - 1PM
TP31	STREETSCAPE ELEVATIONS - EAST	C	TP55 SHADOW DIAGRAM - 2PM
TP32	ELEVATIONS - SHEET 01	C	TP56 SHADOW DIAGRAM - 3PM
TP33	ELEVATIONS - SHEET 02	C	
TP35	SECTIONS - SHEET 01	C	60 SERIES MATERIALS & VISUALISATIONS
TP36	SECTIONS - SHEET 02	C	TP60 MATERIAL SCHEDULE
TP37	SECTIONS - SHEET 03	C	TP65 ARTISTS IMPRESSION - SHEET 01
TP38	SECTIONS - SHEET 04	C	TP66 ARTISTS IMPRESSION - SHEET 02
TP39	OVERLOOKING SECTIONS	C	

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	A	19.06.2023	TOWN PLANNING APPLICATION								
	B	09.08.2023	RFI								
	C	08.11.2023	POST RFI								
PRELIMINARY				Embrace Architects Embrace Architects Pty Ltd 316 VICTORIA STREET, RICHMOND, VIC3121	<table><tr><td>@A1</td><td>00000</td><td>08.11.2023</td></tr><tr><td>Scale</td><td>Project No.</td><td>Date</td></tr></table> <div>TP00</div> <div>Sheet No.</div> <div>C</div> <div>Revision</div>	@A1	00000	08.11.2023	Scale	Project No.	Date
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Scale	Project No.	Date									
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Status											
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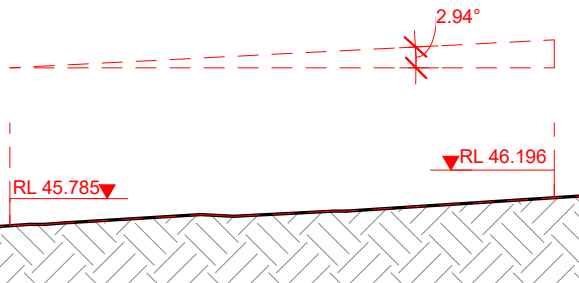
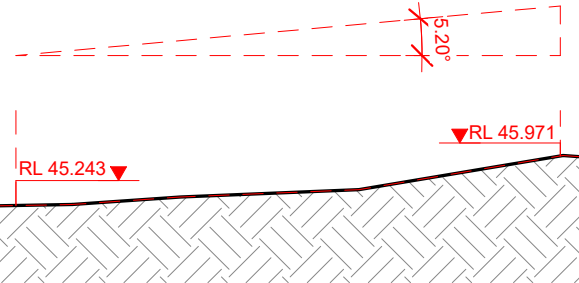


DEMOLITION LEGEND

- EXISTING ELEMENT TO BE DEMOLISHED
- EXISTING TREE TO BE REMOVED
- EXISTING TREE TO BE RETAINED
- NATURAL GROUND CONTOUR AS PER FEATURE SURVEY AT 0.2M INTERVALS

SITE FALL ANALYSIS

REFER TO THE BELOW DIAGRAMS WHICH INDICATE THAT OVER A STRETCH OF 8.0M THE NATURAL FALL OF THE SITE IS GREATER THAN 2.5 DEGREES



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Riversdale Road

Project

EXISTING CONDITIONS & DEMOLITION PLAN

Title

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DEVELOPMENT SUMMARY

APARTMENTS

	#	
1 BED APARTMENTS	2	
2 BED APARTMENTS	12	
3 BED APARTMENTS	10	
TOTAL	24	
ACCESSIBLE	24	✓
CROSS-VENTILATED	14	✓

AREAS

	AREA	%
SITE AREA	1592.0 m²	
SITE COVERAGE - BASEMENT	1022.5 m²	64.23%
SITE COVERAGE - GROUND	967.7 m²	60.79%
PERMEABLE AREA	483.0 m²	30.34%
GARDEN AREA	593.7 m²	37.29%
DEEP SOIL AREA	361.9 m²	22.73%
CANOPY AREA	379.9 m²	✓
COMMUNAL OPEN SPACE	166.5 m²	
COMMUNAL OUTDOOR SPACE	96.6 m²	

PARKING

	#	
APARTMENT CAR SPACES	41	
VISITOR CAR SPACES	0	
TOTAL	41	
APARTMENT BICYCLE SPACES	12	
VISITOR BICYCLE SPACES	4	
TOTAL	16	

AREA SCHEDULE

GROUND FLOOR

APT	TYPE	AREA	P.O.S	ACCESSIBLE	CRS-VENT	CARS	STORAGE
G.01	1 BED	63.2 m²	33.1 m²	✓		1	12.85 m³
G.02	3 BED	115.9 m²	117.5 m²	✓	✓	2	22.61 m³
G.03	3 BED	132.8 m²	78.6 m²	✓	✓	2	41.02 m³
G.04	2 BED	100.5 m²	32.9 m²	✓		2	20.55 m³
G.05	2 BED	102.9 m²	32.9 m²	✓		2	20.55 m³
G.06	3 BED	117.0 m²	122.6 m²	✓	✓	2	27.89 m³
G.07	3 BED	112.8 m²	127.8 m²	✓	✓	2	25.99 m³
G.08	1 BED	71.3 m²	25.2 m²	✓		1	20.38 m³
Grand total: 8		816.3 m²	570.5 m²	8	4		

LEVEL 01

APT	TYPE	AREA	P.O.S	ACCESSIBLE	CRS-VENT	CARS	STORAGE
1.01	3 BED	130.4 m²	27.5 m²	✓	✓	2	27.53 m³
1.02	3 BED	141.3 m²	12.8 m²	✓	✓	2	41.08 m³
1.03	2 BED	91.9 m²	9.8 m²	✓		1	19.16 m³
1.04	2 BED	91.8 m²	9.4 m²	✓		1	19.16 m³
1.05	2 BED	108.2 m²	11.2 m²	✓	✓	1	26.31 m³
1.06	2 BED	109.9 m²	11.2 m²	✓	✓	1	20.74 m³
1.07	2 BED	92.0 m²	8.7 m²	✓		1	16.97 m³
Grand total: 7		765.4 m²	90.6 m²	7	4		

LEVEL 02

APT	TYPE	AREA	P.O.S	ACCESSIBLE	CRS-VENT	CARS	STORAGE
2.01	3 BED	130.3 m²	20.9 m²	✓	✓	2	21.21 m³
2.02	3 BED	119.9 m²	34.6 m²	✓	✓	2	30.32 m³
2.03	3 BED	123.0 m²	25.5 m²	✓		2	38.76 m³
2.04	3 BED	121.1 m²	40.5 m²	✓	✓	2	26.88 m³
2.05	2 BED	109.9 m²	11.2 m²	✓	✓	2	20.74 m³
2.06	2 BED	92.1 m²	8.6 m²	✓		1	15.84 m³
Grand total: 6		696.3 m²	141.3 m²	6	4		

LEVEL 03

APT	TYPE	AREA	P.O.S	ACCESSIBLE	CRS-VENT	CARS	STORAGE
3.01	3 BED	124.2 m²	125.7 m²	✓	✓	3	26.84 m³
3.02	2 BED	89.3 m²	43.5 m²	✓		1	17.82 m³
3.03	3 BED	179.1 m²	136.2 m²	✓	✓	3	36.41 m³
Grand total: 3		392.5 m²	305.7 m²	3	2		

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Status

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Client

Embrace Architects

Embrace Architects Pty Ltd  
316 VICTORIA STREET, RICHMOND, VIC3121

Riversdale Road  
Project

DEVELOPMENT SUMMARY  
Title

1 : 1 @A1  
Scale

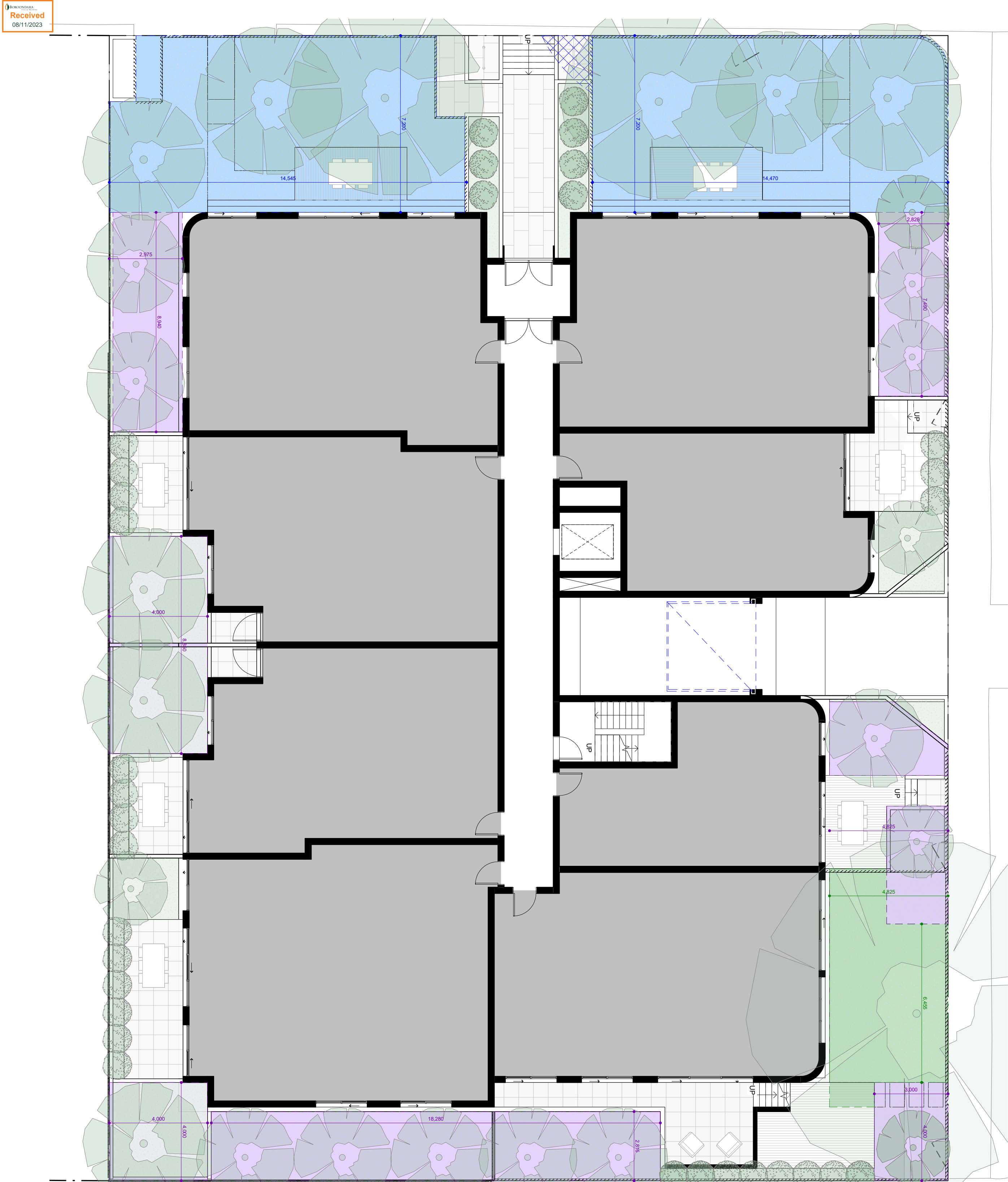
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TP02  
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DEEP SOIL LEGEND

- AREA OF DEEP SOIL ZONE FOR TYPE B' TREE (MIN. 49m<sup>2</sup>, 4.5m WIDE)
- AREA OF DEEP SOIL ZONE FOR TYPE A' TREE (MIN. 12m<sup>2</sup>, 2.5m WIDE)

AREA OF DEEP SOIL ZONE FOR 17m LEMON SCENTED GUM (TREE 28) TO BE RETAINED

CANOPY COVER

- LOCATION OF TYPE B' TREE MIN. CANOPY 8m DIA.
- LOCATION OF TYPE B' TREE MIN. CANOPY 4m DIA.

AREAS

SITE AREA	1591.95m <sup>2</sup>	
DEEP SOIL AREA	365.27m <sup>2</sup>	22.32% ✓
SITE AREA	1591.95m <sup>2</sup>	
CANOPY AREA	451.65m <sup>2</sup>	✓

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LEGEND

- PERMEABLE AREA
- GARDEN AREA

AREAS

SITE AREA	1591.95m <sup>2</sup>	
PERMEABLE AREA	483.04m <sup>2</sup>	30.34% ✓
SITE AREA	1591.95m <sup>2</sup>	
GARDEN AREA	593.68m <sup>2</sup>	37.29% ✓

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**DEVELOPMENT AMENITY PLANS**  
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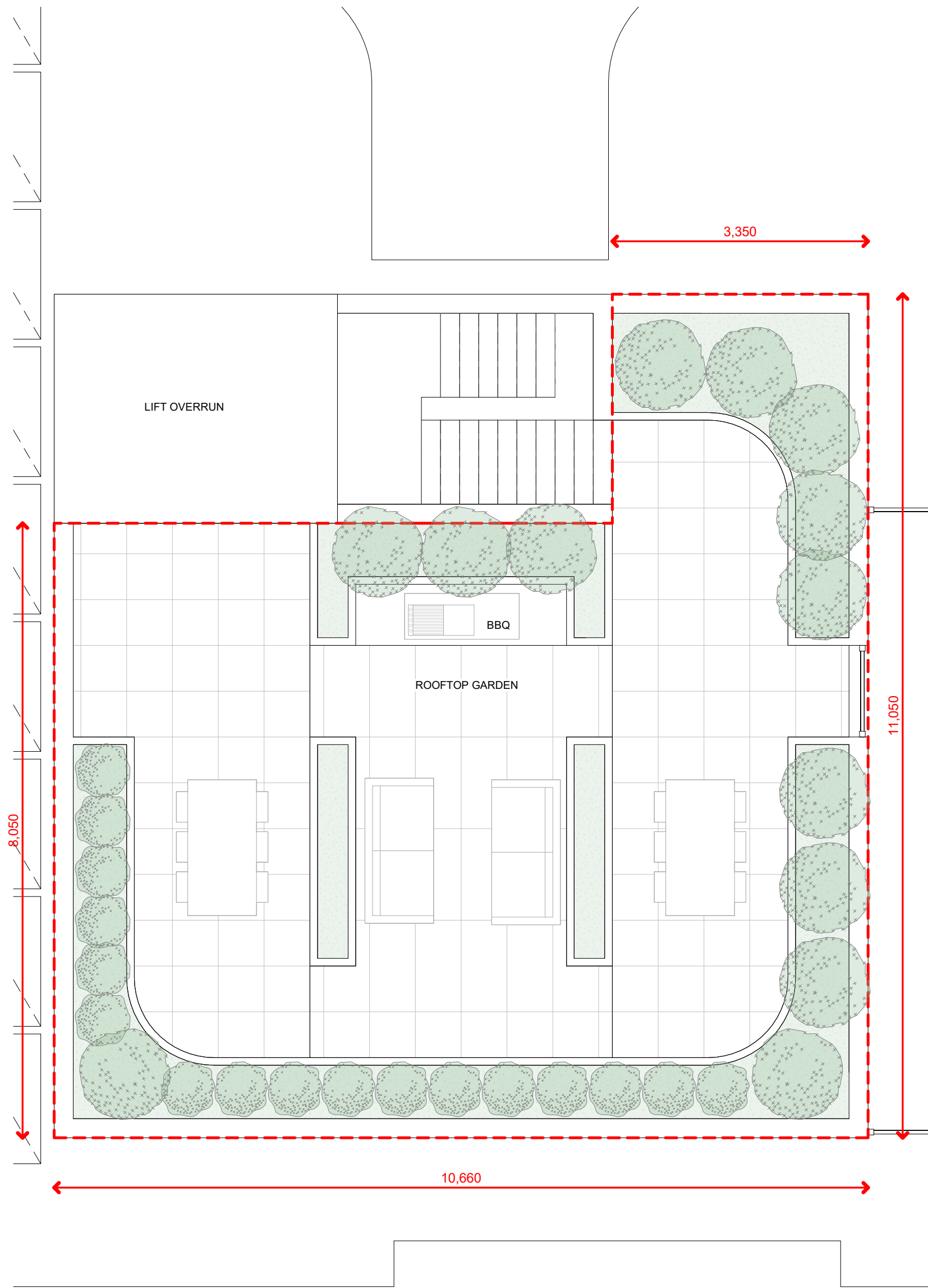
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1 ROOFTOP GARDEN PLAN  
SCALE 1 : 50



2 BASEMENT COMMUNAL SPACES PLAN  
SCALE 1 : 50

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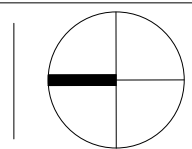
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COMMUNAL OPEN SPACE PLANS  
Title

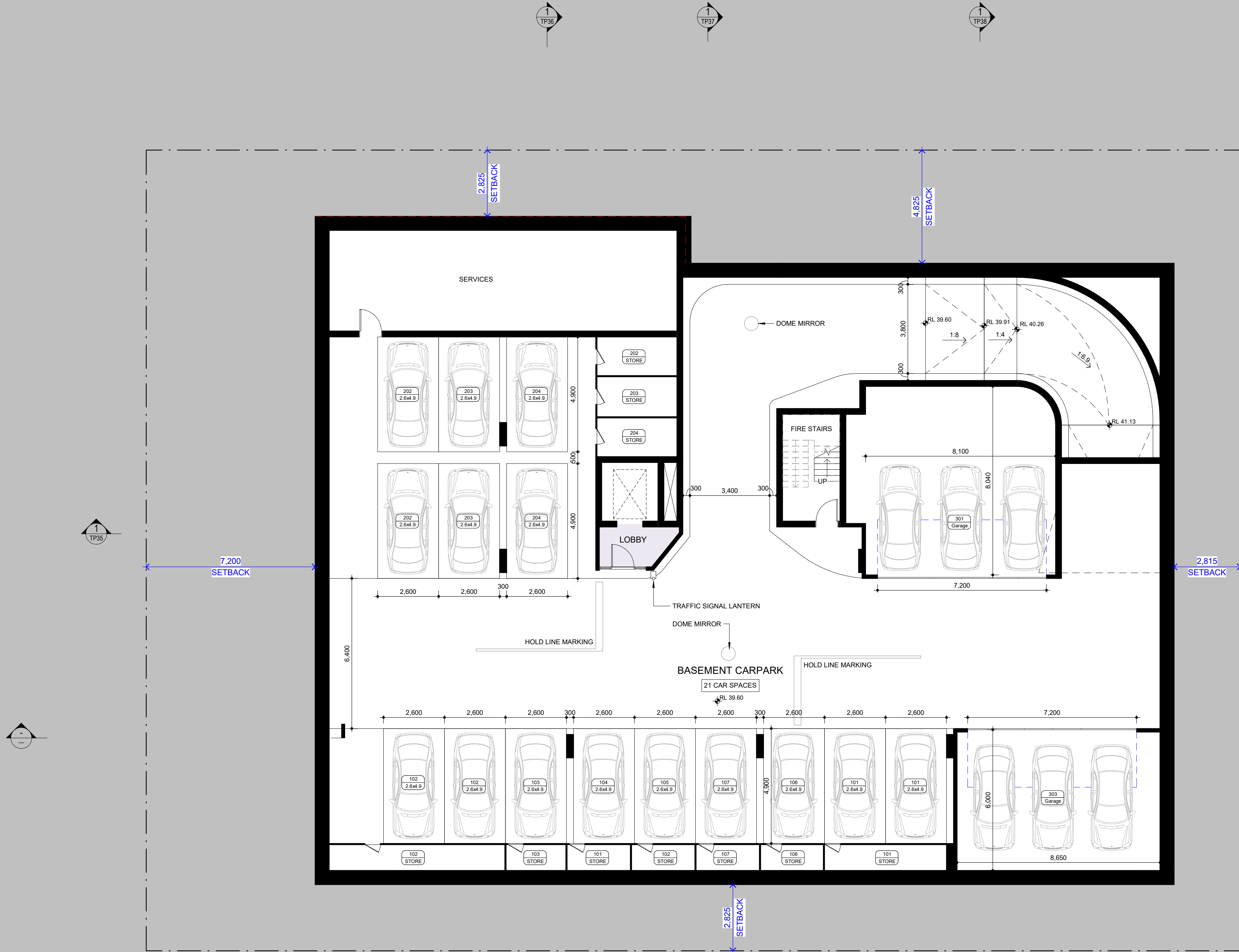
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GENERAL LEGEND

---	TITLE BOUNDARY
LEVEL XX	BUILDING LEVEL
+XX.XX	LEVEL TO AHD
RL XX.XX	RL - REDUCED LEVEL
	SFL - STRUCTURAL FLOOR LEVEL
	FFL - FINISHED FLOOR LEVEL
	T.O.W - TOP OF WALL
[AC]	AIR CONDITIONING CONDENSING UNIT

ABBREVIATIONS

NGL	NATURAL GROUND LEVEL
HR	HANDRAIL
BG	BOX GLITTER
SK	SKYLIGHT
DP	DOWNPIPE
CJ	CONSTRUCTION JOINT
BOL	BOLLARD
BALU	BALUSTRADE
MS	METAL SCREEN
PB	PLANTER BOX
RW	RETAINING WALL
CL	FOLDABLE CLOTHESLINE
GW	GENERAL WASTE BIN
CR	COMINGLED RECYCLING BIN
FG	FOOD & GARDEN ORGANICS BIN
GL	GLASS RECYCLING BIN
EW	E-WASTE BIN
W	NEIGHBOURS WINDOW
HW	NEIGHBOURS HABITABLE 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, HEIGHT AS NOTED ON ELEVATIONS
OS	FIXED, OBSCURE SCREEN, MAX 25% VISIBILITY UP TO MIN 1.7M ABOVE FFL

TREE PROTECTION

	EXTENT OF TREE PROTECTION ZONE (AS PER REPORT BY GAILBRAITH & ASSOCIATES) 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

#	TPZ (m)	SRZ (m)	EXISTING	PROPOSED
28	5.8	N/A	9.7%	4.7%
1	4.8	N/A	0%	0%
2	5.8	N/A	0%	3.3%

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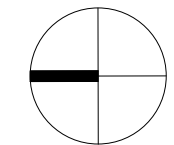
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BASEMENT 02 PLAN  
Title

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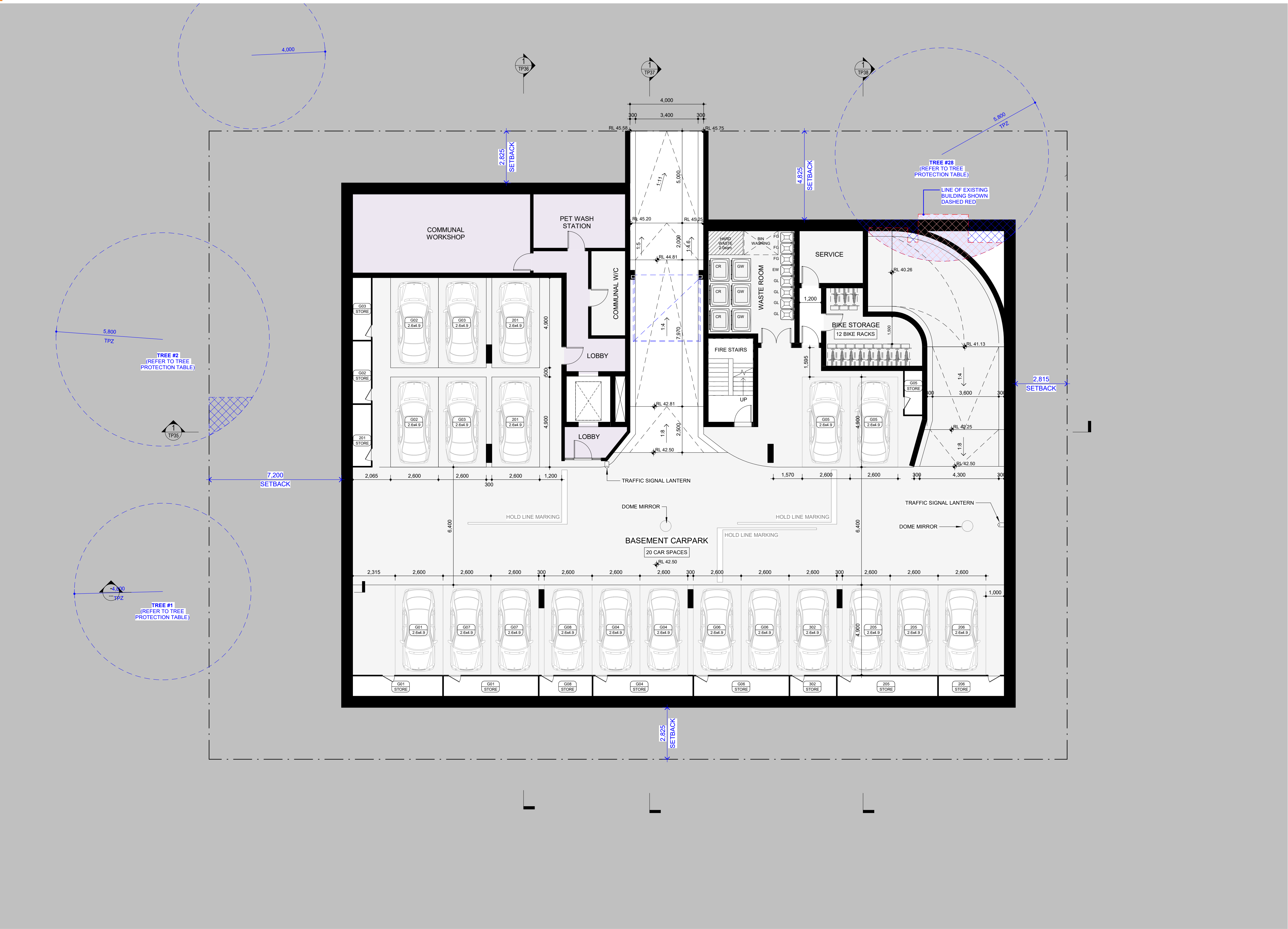


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GENERAL LEGEND

---	TITLE BOUNDARY
LEVEL XX	BUILDING LEVEL
+XX.XX	LEVEL TO AHD
RL XX.XX	RL - REDUCED LEVEL
SFL - STRUCTURAL FLOOR LEVEL	SFL - FINISHED FLOOR LEVEL
FFL - FINISHED FLOOR LEVEL	T.O.W - TOP OF WALL
AC	AIR CONDITIONING
CONDENSING UNIT	

ABBREVIATIONS

NGL	NATURAL GROUND LEVEL
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OS	FIXED, OBSCURE SCREEN, MAX 25% VISIBILITY UP TO MIN 1.7M ABOVE FFL

TREE PROTECTION

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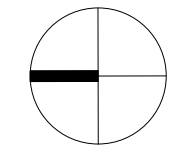
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BASEMENT 01 PLAN

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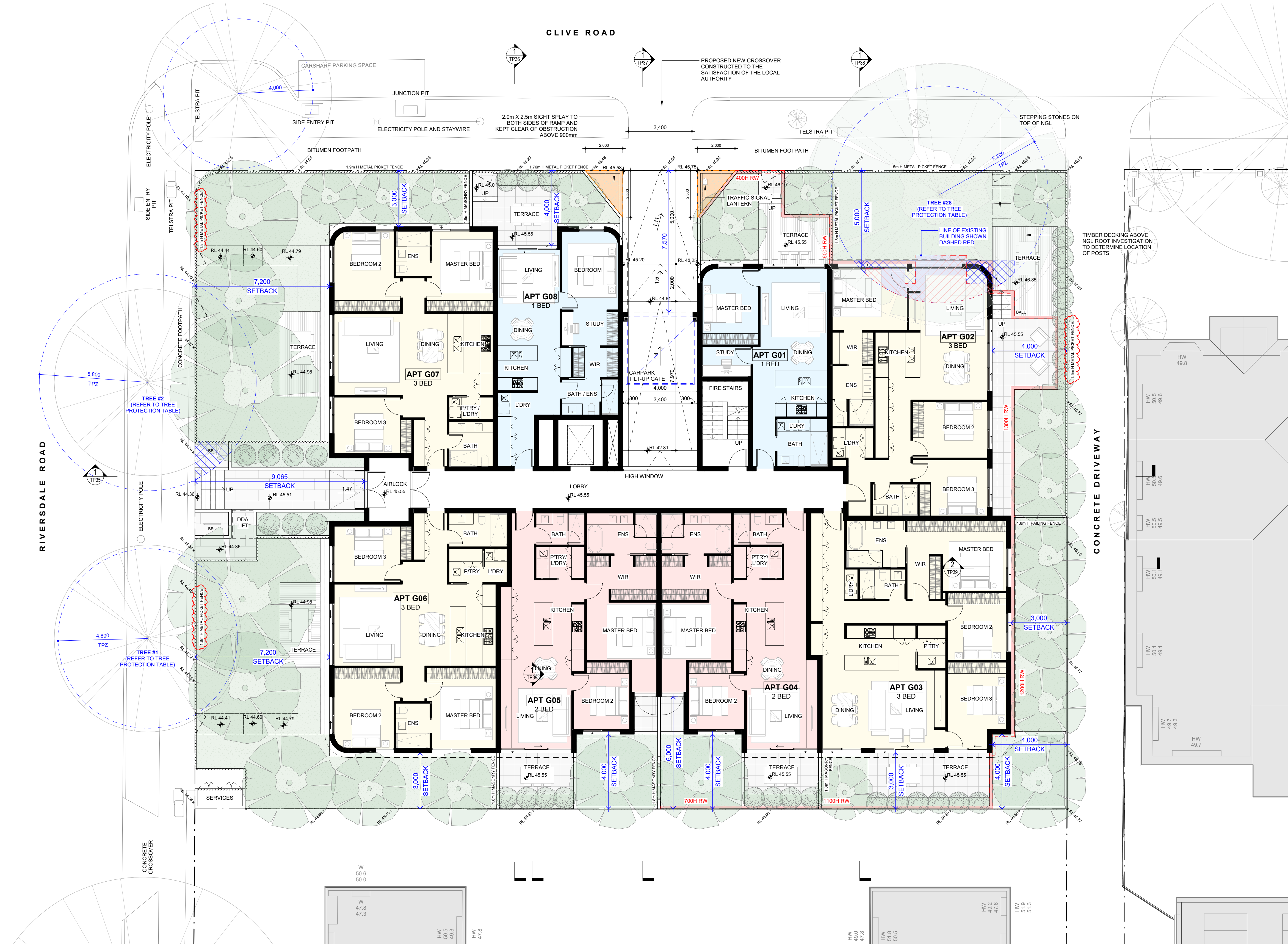
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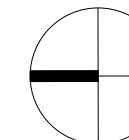
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GROUND FLOOR PLAN  
Title

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TP22

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GENERAL LEGEND

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ABBREVIATIONS

NGL	NATURAL GROUND LEVEL
HR	HANDRAIL
SG	BOX GLITTER
SK	SKYLIGHT
DP	DOWNPIPE
CJ	CONSTRUCTION JOINT
BOL	BOLLARD
BALU	BALUSTRADE
MS	METAL SCREEN
PB	PLANTER BOX
RW	RETAINING WALL
CL	FOLDABLE CLOTHESLINE
GW	GENERAL WASTE BIN
CR	COMINGLED RECYCLING BIN
FG	FOOD & GARDEN ORGANICS BIN
GL	GLASS RECYCLING BIN
EW	E-WASTE BIN
W	NEIGHBOURS WINDOW
HW	NEIGHBOURS HABITABLE WINDOW
H	WINDOW HEAD HEIGHT
S	WINDOW SILL HEIGHT

AUTHORITY COMPLIANCE

OG	FIXED, OBSCURE GLASS WINDOWS UP TO MIN 1.7M ABOVE PFL
PS	METAL PRIVACY SCREEN, MAX. 25% VISIBILITY, HEIGHT AS NOTED ON ELEVATIONS
OS	FIXED, OBSCURE SCREEN, MAX 25% VISIBILITY UP TO MIN 1.7M ABOVE PFL

TREE PROTECTION

- EXTENT OF TREE PROTECTION ZONE (AS PER REPORT BY GAILBRAITH & ASSOCIATES) 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

#	TPZ (m)	SRZ (m)	EXISTING	PROPOSED
28	5.8	N/A	9.7%	4.7%
1	4.8	N/A	0%	0%
2	5.8	N/A	0%	3.3%

- Notes
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No.	Date	Notes
A	19.06.2023	TOWN PLANNING APPLICATION
B	09.08.2023	RFI
C	08.11.2023	POST RFI

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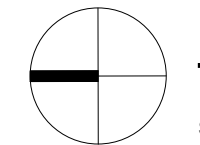
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Riversdale Road  
Project

LEVEL 01 PLAN  
Title

1: 100@A1 00000 08.11.2023  
Scale Project No. Date



TP23

Sheet No.

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08/11/2023



GENERAL LEGEND

---	TITLE BOUNDARY
LEVEL XX	BUILDING LEVEL
+XX.XX	LEVEL TO AHD
RL XX.XX	RL - REDUCED LEVEL
	SFL - STRUCTURAL FLOOR LEVEL
	PFL - FINISHED FLOOR LEVEL
	T.O.W - TOP OF WALL
AC	AIR CONDITIONING
	CONDENSING UNIT

ABBREVIATIONS

NGL	NATURAL GROUND LEVEL
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OS	FIXED, OBSCURE SCREEN, MAX 25% VISIBILITY UP TO MIN 1.7M ABOVE PFL

TREE PROTECTION

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	EXTENT OF TREE PROTECTION ZONE ENCROACHMENT FROM THE EXISTING BUILDINGS/WORKS

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2	5.8	N/A	0%	3.3%

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LEVEL 02 PLAN  
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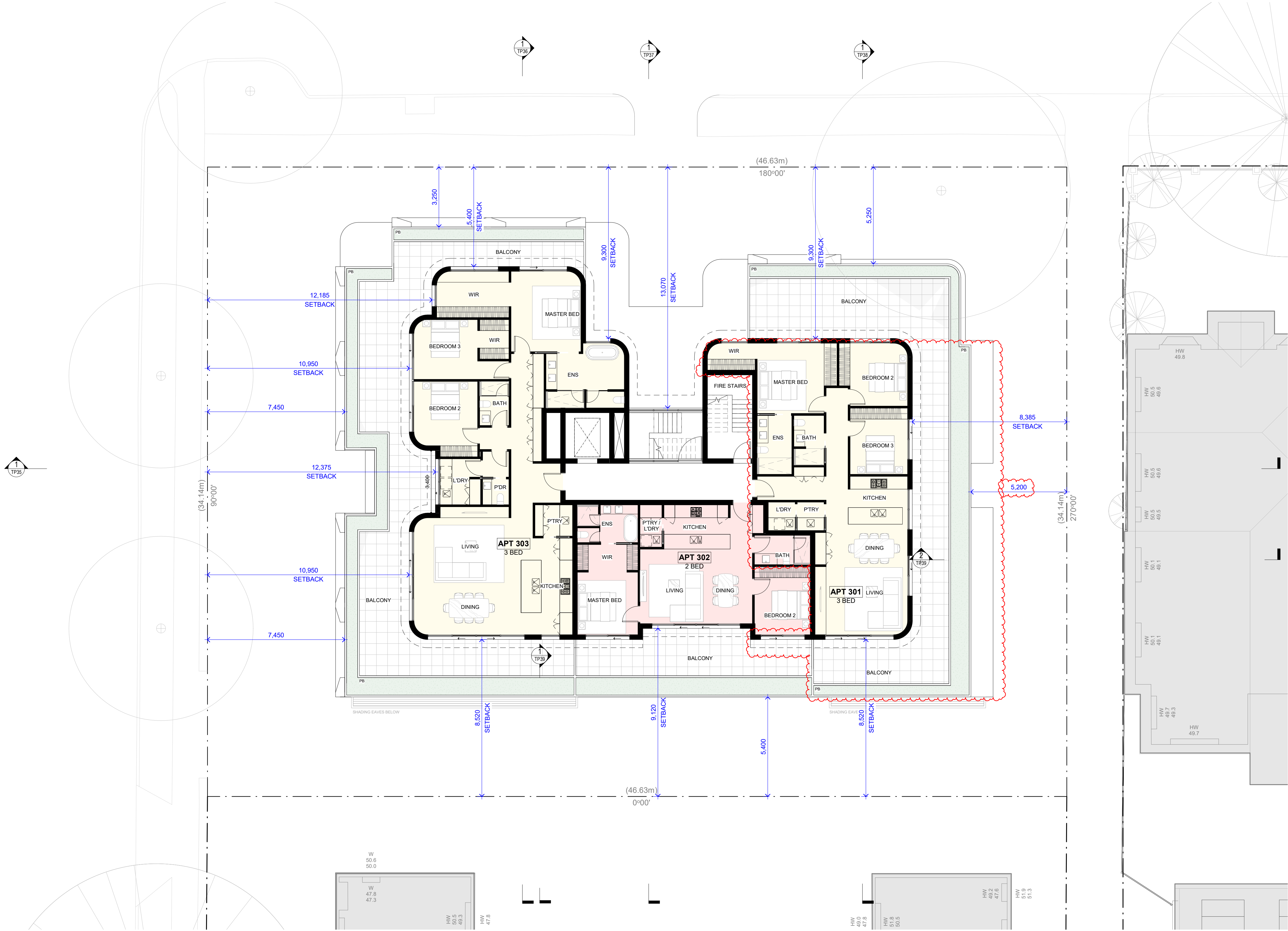
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TP24  
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GENERAL LEGEND

---	TITLE BOUNDARY
LEVEL XX	BUILDING LEVEL
+XX.XX	LEVEL TO AHD
RL XX.XX	RL - REDUCED LEVEL
	SFL - STRUCTURAL FLOOR LEVEL
	PFL - FINISHED FLOOR LEVEL
	T.O.W - TOP OF WALL
[AC]	AIR CONDITIONING
	CONDENSING UNIT

ABBREVIATIONS

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AUTHORITY COMPLIANCE

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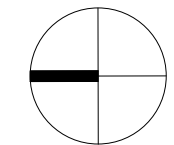
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LEVEL 03 PLAN  
Title

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TP25

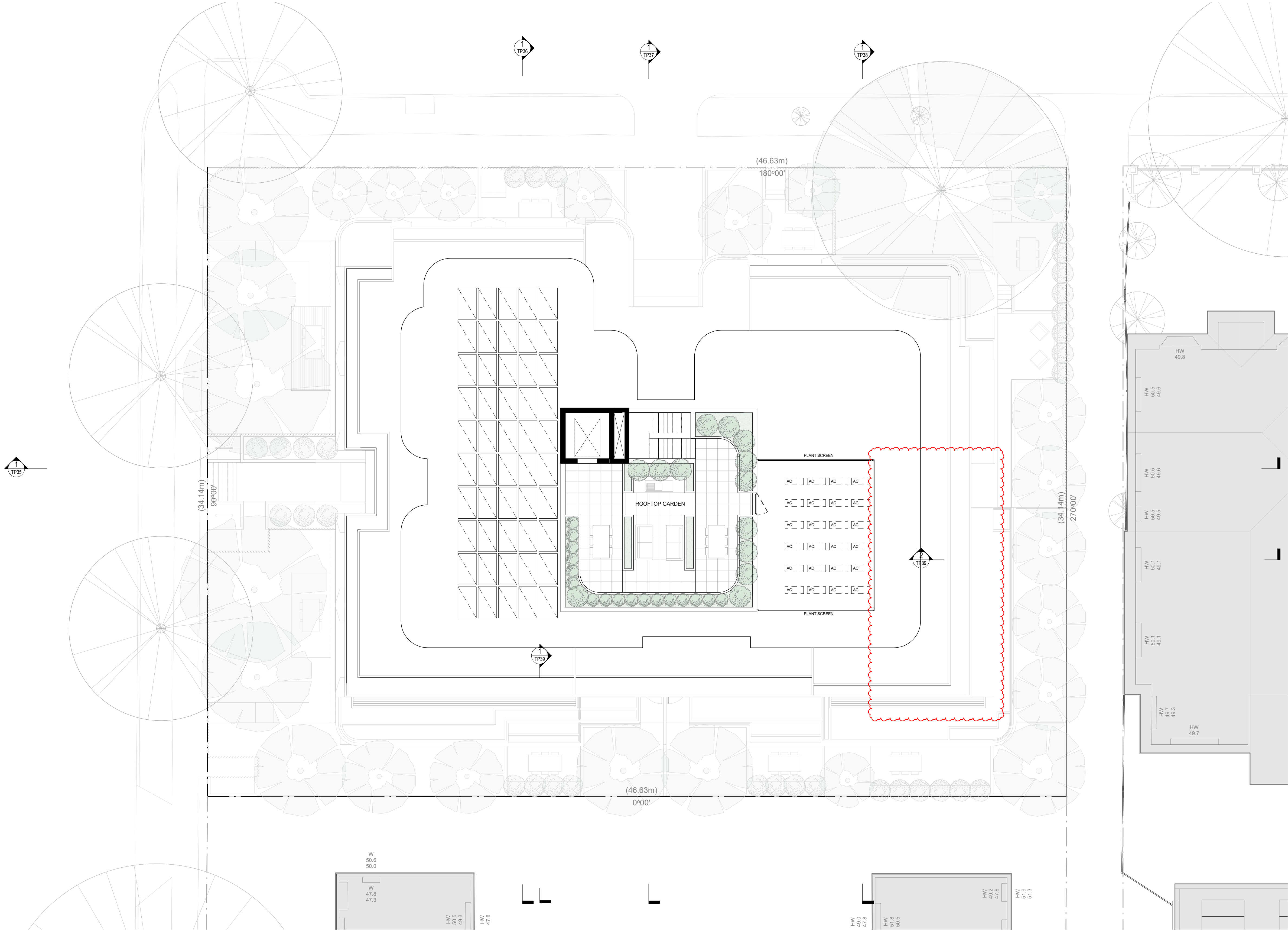
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GENERAL LEGEND

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LEVEL XX	BUILDING LEVEL
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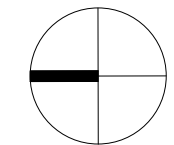
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Riversdale Road  
Project

ROOF PLAN  
Title

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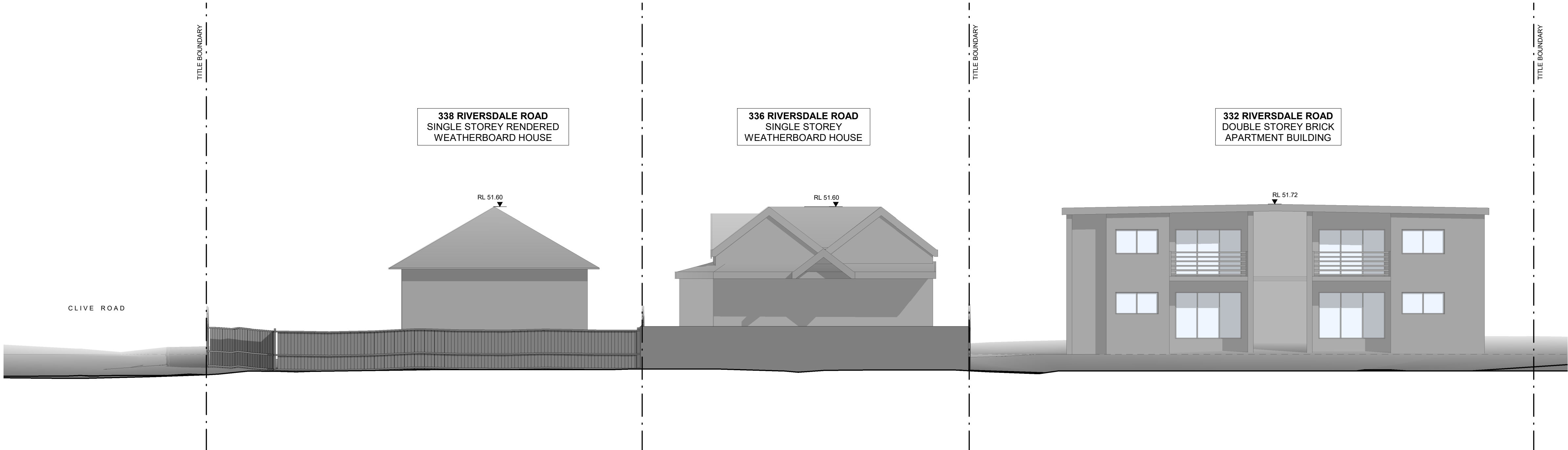
TP26

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1 EXISTING STREETScape\_NORTH  
SCALE 1: 100



2 NEW STREETScape\_NORTH  
SCALE 1: 100

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Project

STREETSCAPE ELEVATIONS - NORTH  
Title

1: 100@A1	00000	08.11.2023
Scale	Project No.	Date

TP30  
Sheet No.

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1 NORTH ELEVATION  
SCALE 1:100



2 EAST ELEVATION  
SCALE 1:100

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ELEVATIONS - SHEET 01  
Title

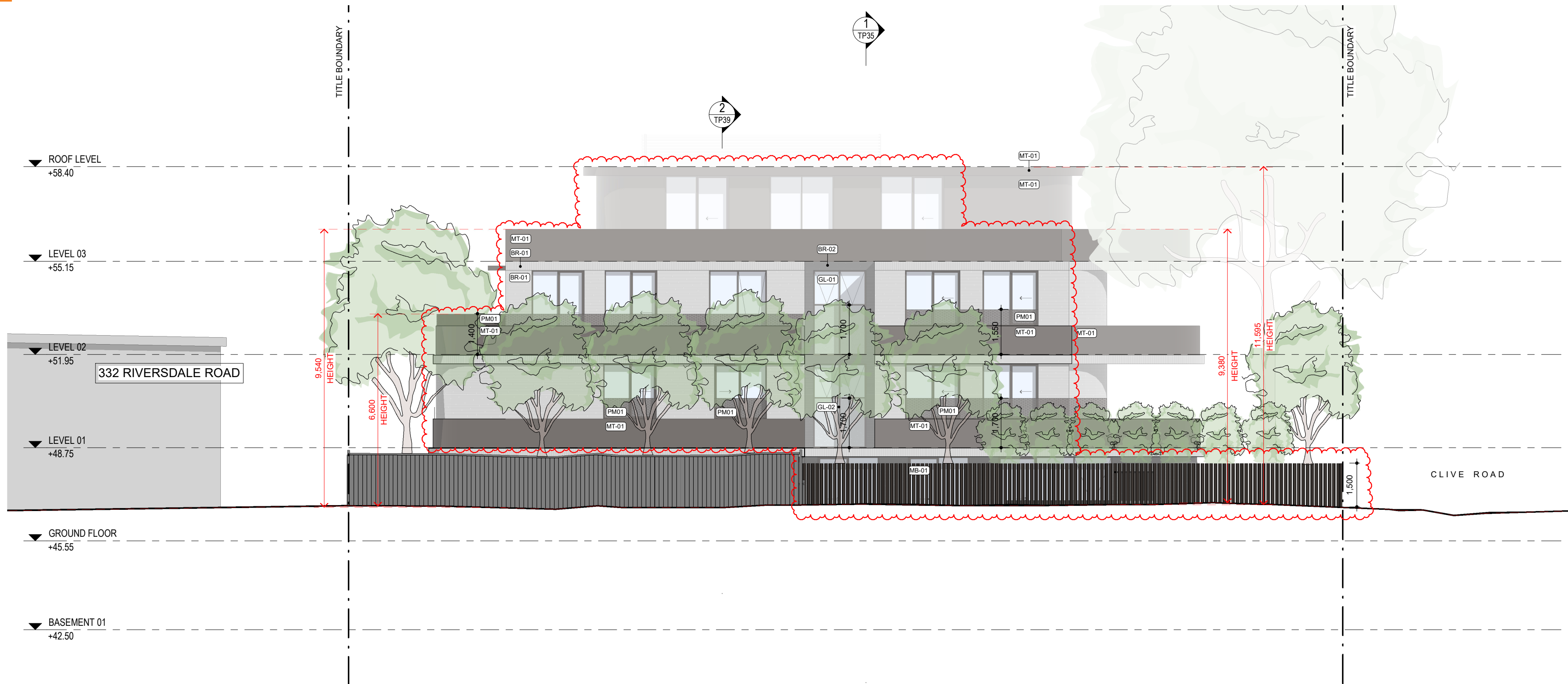
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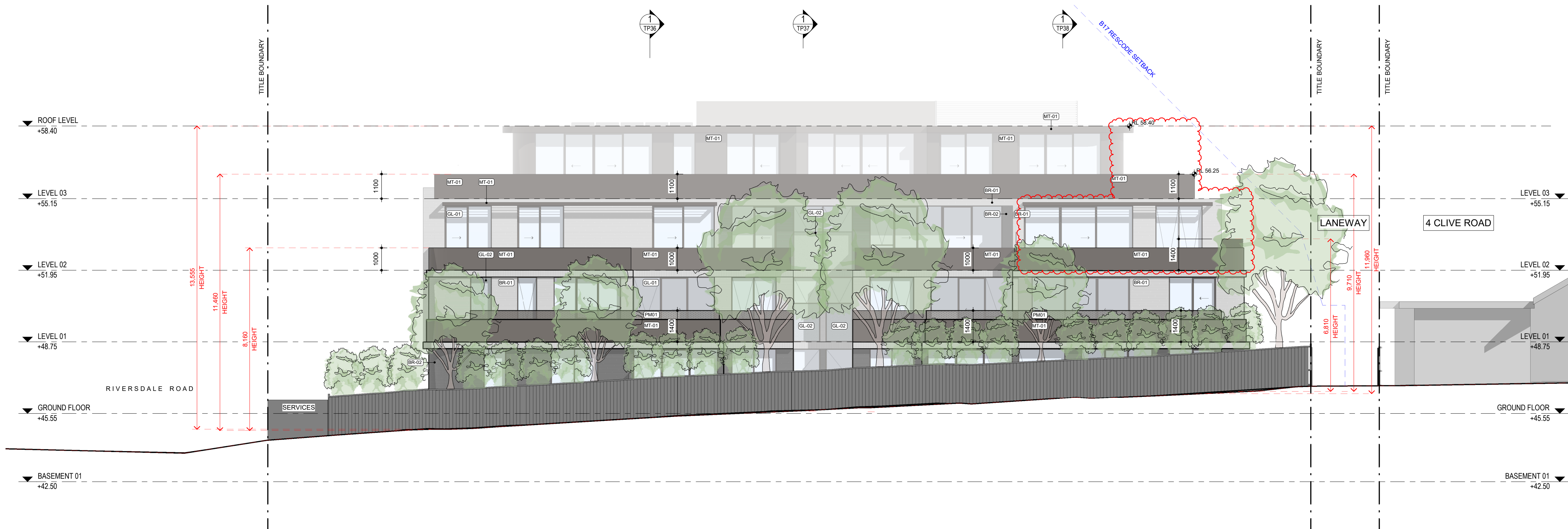
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1 SOUTH ELEVATION  
SCALE: 1:100



2 WEST ELEVATION  
SCALE: 1:100

- Notes
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Riversdale Road

Project

ELEVATIONS - SHEET 02

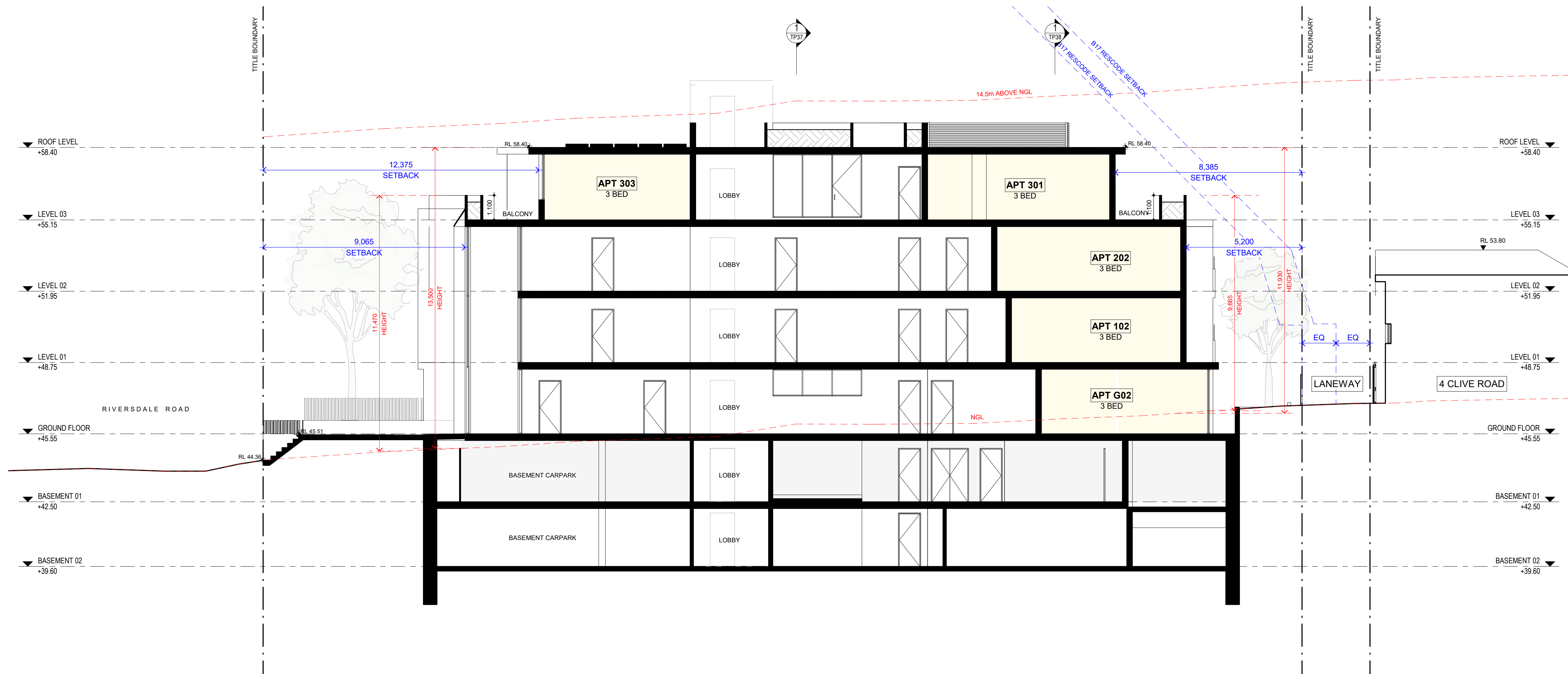
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TP33  
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1 N-S SECTION  
TP20 SCALE 1 : 100

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316 VICTORIA STREET, RICHMOND, VIC3121

Riversdale Road  
Project

SECTIONS - SHEET 01  
Title

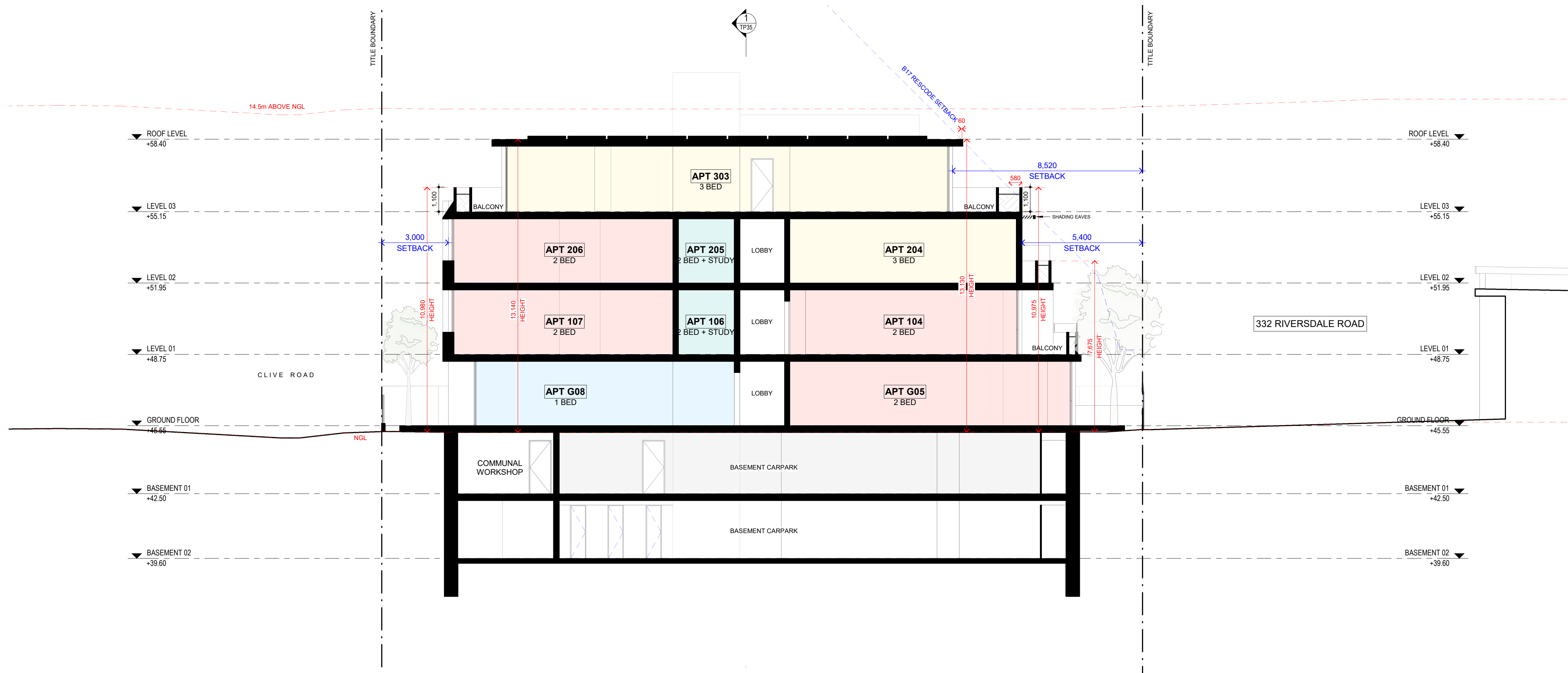
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Scale Project No. Date

TP35  
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1 E-W SECTION 1.  
TP20 SCALE 1 : 100

Notes

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316 VICTORIA STREET, RICHMOND, VIC3121

Riversdale Road  
Project

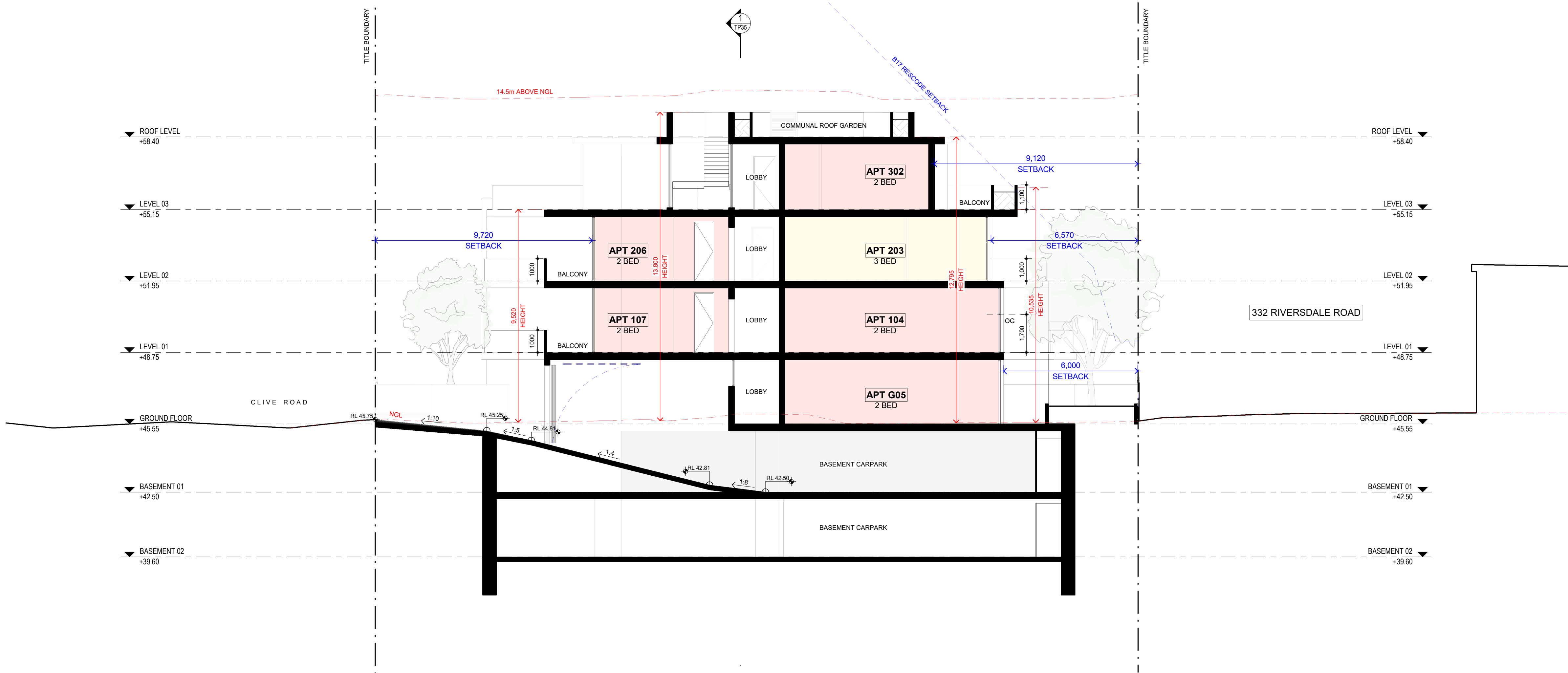
SECTIONS - SHEET 02  
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TP36  
Sheet No.

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1 E-W SECTION 2  
TP20 SCALE 1 : 100

- Notes
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Riversdale Road  
Project

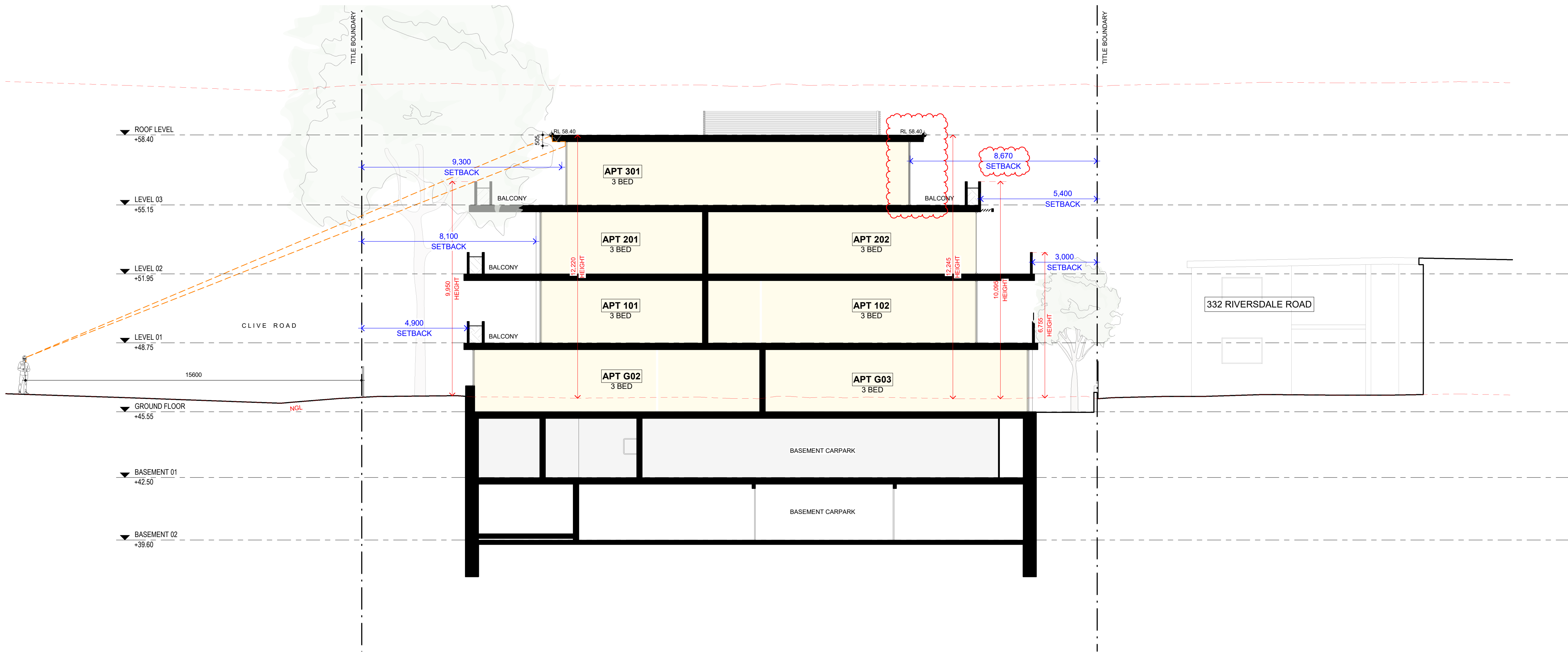
SECTIONS - SHEET 03  
Title

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Scale Project No. Date

TP37  
Sheet No.

C  
Revision

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08/11/2023



1 E-W SECTION 3  
TP20 SCALE 1 : 100

- Notes
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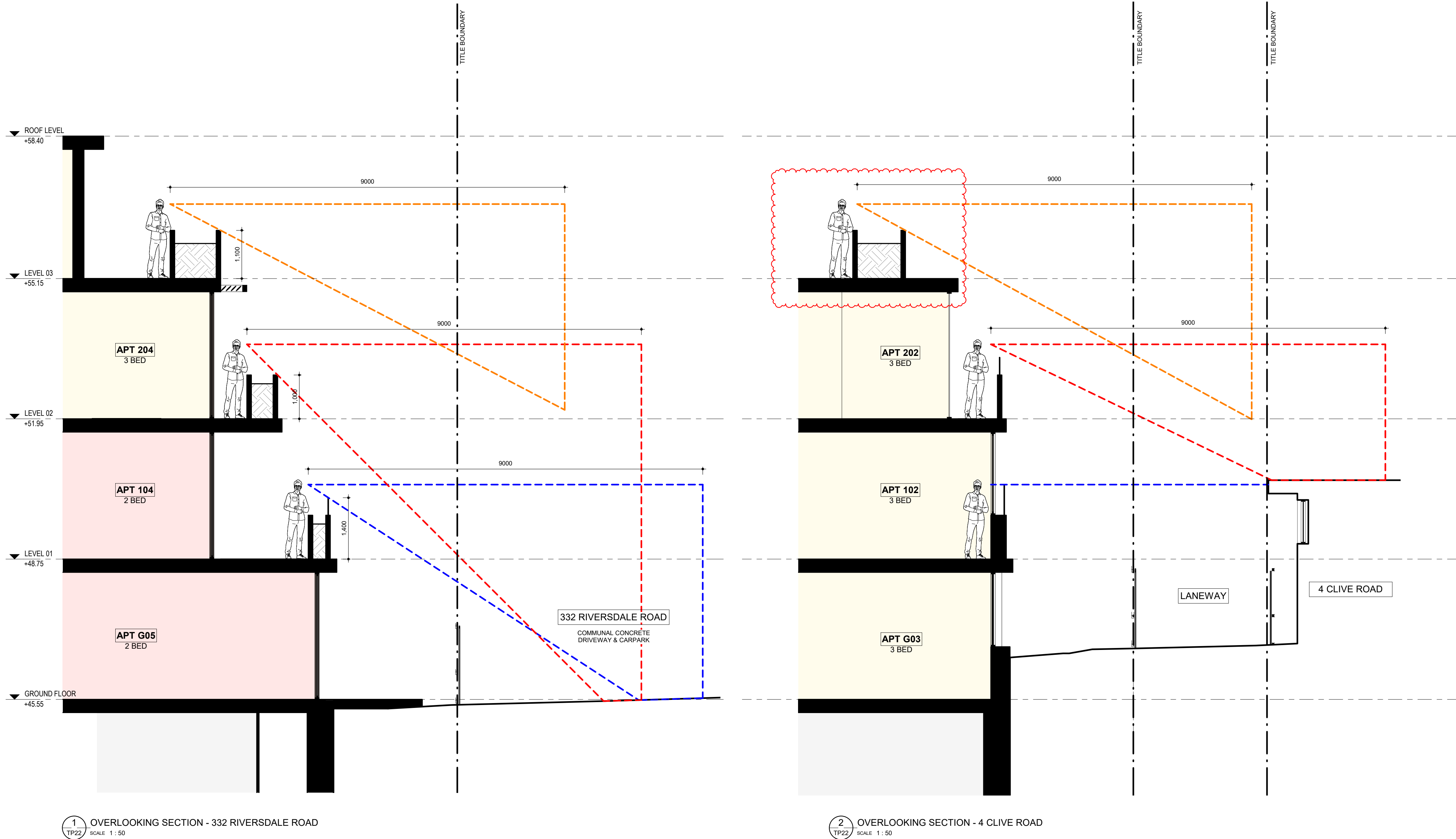
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Scale Project No. Date

TP38  
Sheet No.

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- Notes
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OVERLOOKING SECTIONS  
Title

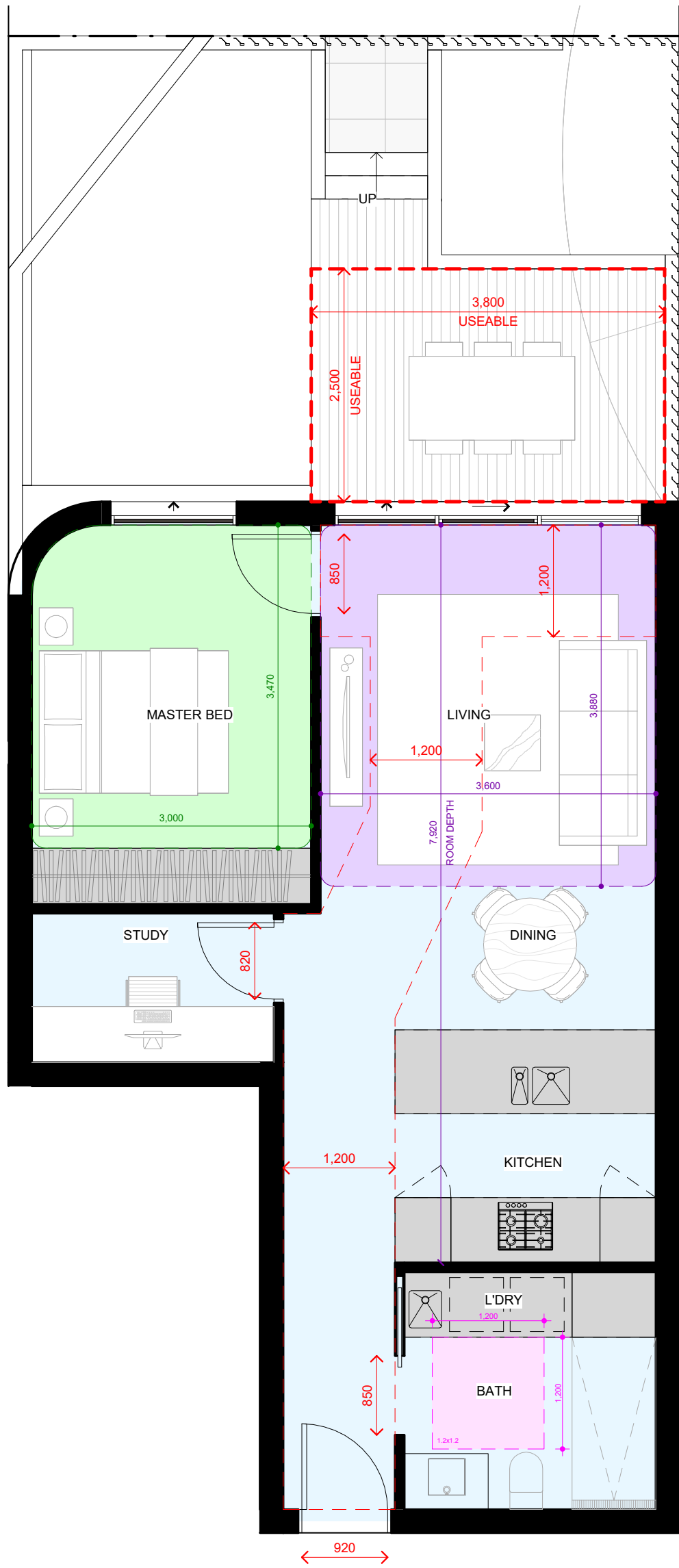
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Scale Project No. Date

TP39  
Sheet No.

C  
Revision

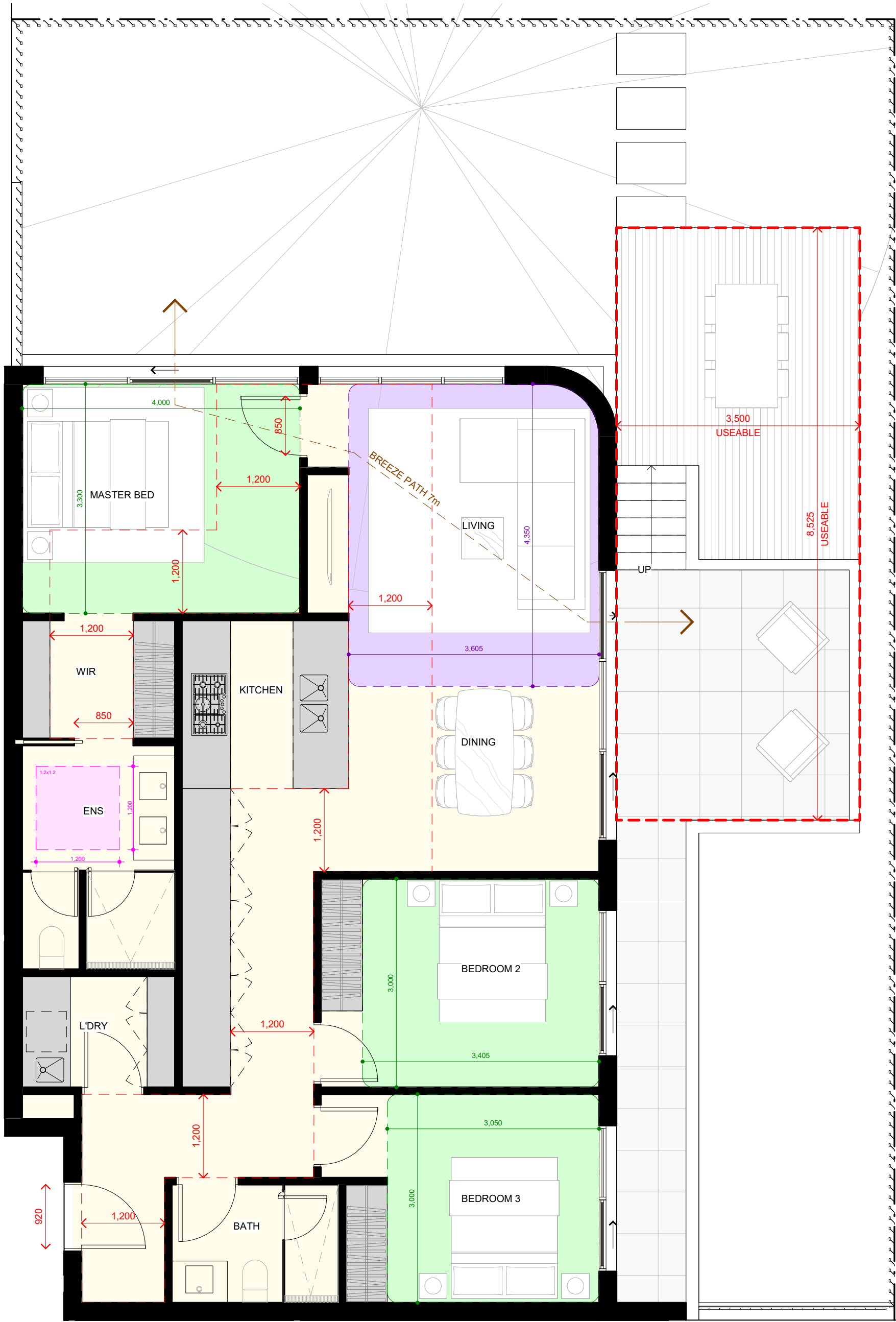


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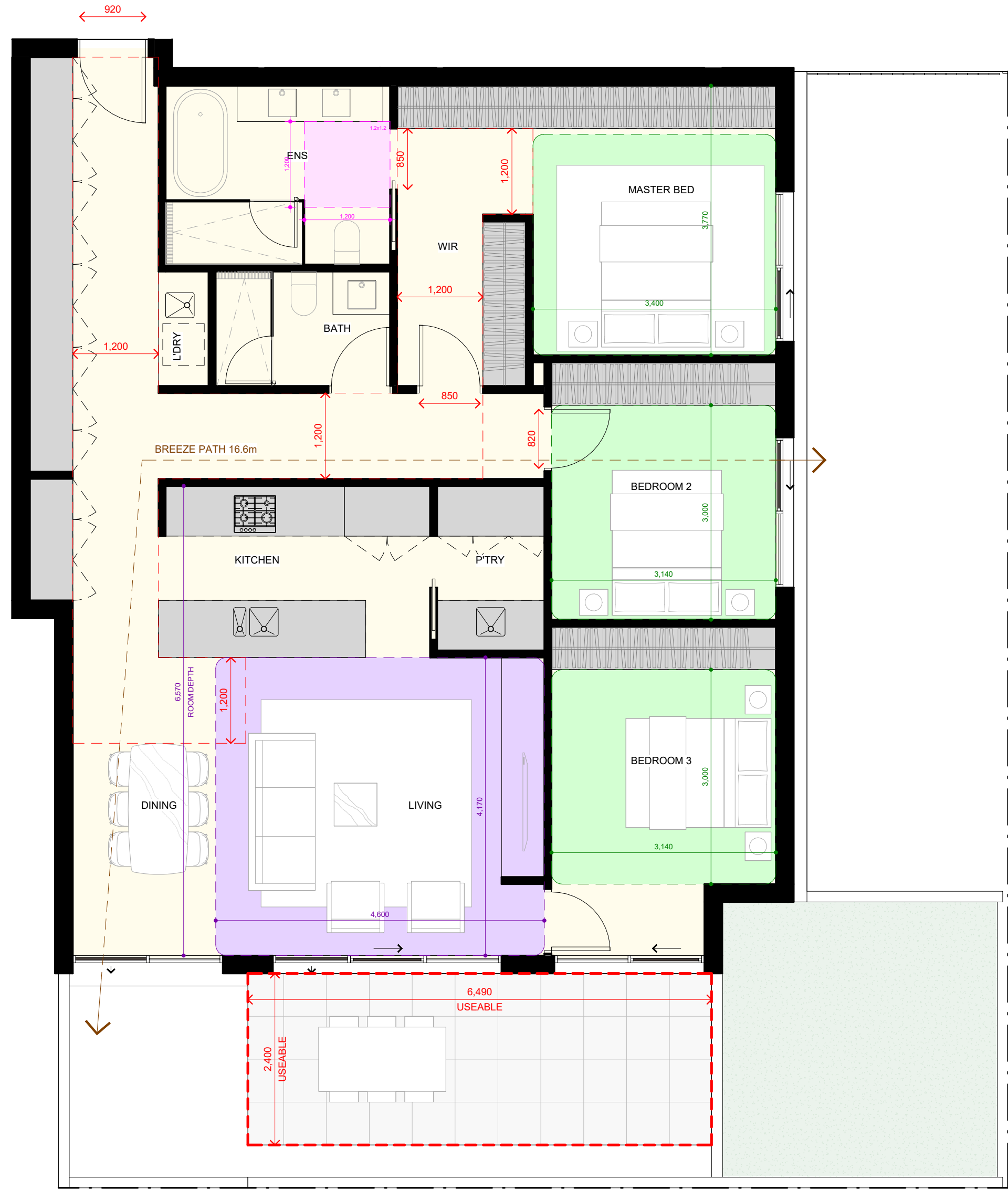
1 APT TYPE A - G01  
TP32 SCALE 1 : 50

TYPE A	
G01	
Master Bedroom Size	3m x 3.47m
Bed 2 Size	-
Bed 3 Size	-
Living Room Size	3.6m x 3.88m
Habitable Room Depth	7.82m
Internal Storage	12.85 m²
Terrace Size	9.5 m²
Breeze Path	N/A
Accessibility Compliance	Design A



2 APT TYPE B - G02  
TP32 SCALE 1 : 50

TYPE B	
G02	
Master Bedroom Size	4.0m x 3.3m
Bed 2 Size	3.4m x 3.0m
Bed 3 Size	3.05m x 3.0m
Living Room Size	3.6m x 4.35m
Habitable Room Depth	N/A
Internal Storage	22.61 m²
Terrace Size	12.3 m²
Breeze Path	7.0m
Accessibility Compliance	Design A



3 APT TYPE C - G03  
TP32 SCALE 1 : 50

TYPE C	
G03	
Master Bedroom Size	3.4m x 3.77m
Bed 2 Size	3.14m x 3.0m
Bed 3 Size	3.14m x 3.0m
Living Room Size	4.6m x 4.17m
Habitable Room Depth	6.57m
Internal Storage	41.02 m²
Terrace Size	15.6 m²
Breeze Path	16.6m
Accessibility Compliance	Design A

DESIGN STANDARDS

<b>ROOM SIZES:</b> SUMMARY FOR TOTAL POS CALCULATIONS	<b>PRIVATE OPEN SPACE:</b> SUMMARY FOR TOTAL POS CALCULATIONS
<b>BEDROOMS:</b> ALL MASTER BEDROOMS MIN 3 x 3.4m ALL OTHER BEDROOMS MIN 3 x 3m	<b>ACCESSIBILITY:</b> 50% OF RESIDENCES TO COMPLY WITH B.A.D.S GUIDELINES FOR ACCESSIBILITY, NOTED AS 'B.A.D.S ACCESSIBLE' ON PLANS
<b>LIVING AREAS:</b> 1 BED APARTMENTS = LIVING AREAS OF MIN. 10m², MIN. 3.3m WIDE 2 & 3 BED APARTMENTS = LIVING AREAS OF MIN. 12m², MIN 3.6m WIDE	<b>REFER TO DEVELOPMENT SUMMARY FOR TOTAL ACCESSIBILITY CALCULATIONS</b>
<b>ROOM DEPTHS:</b> SUMMARY FOR INTERNAL STORAGE CALCULATIONS	<b>REFER TO DEVELOPMENT SUMMARY FOR TOTAL ACCESSIBILITY CALCULATIONS</b>
<b>STORAGE:</b> REFER TO APARTMENT TYPE SUMMARY FOR INTERNAL STORAGE CALCULATIONS	<b>REFER TO DEVELOPMENT SUMMARY FOR TOTAL ACCESSIBILITY CALCULATIONS</b>
<b>NATURAL VENTILATION:</b> REFER TO DEVELOPMENT SUMMARY FOR TOTAL NATURAL VENTILATION CALCULATIONS	<b>REFER TO DEVELOPMENT SUMMARY FOR TOTAL ACCESSIBILITY CALCULATIONS</b>
<b>BREEZE PATH:</b> DENOTES CROSS BREEZE PATH MINIMUM 5m, MAXIMUM 18m	<b>REFER TO DEVELOPMENT SUMMARY FOR TOTAL ACCESSIBILITY CALCULATIONS</b>

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No.	Date	Notes
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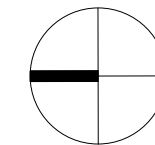
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APARTMENT TYPOLOGY - SHEET 01  
Title

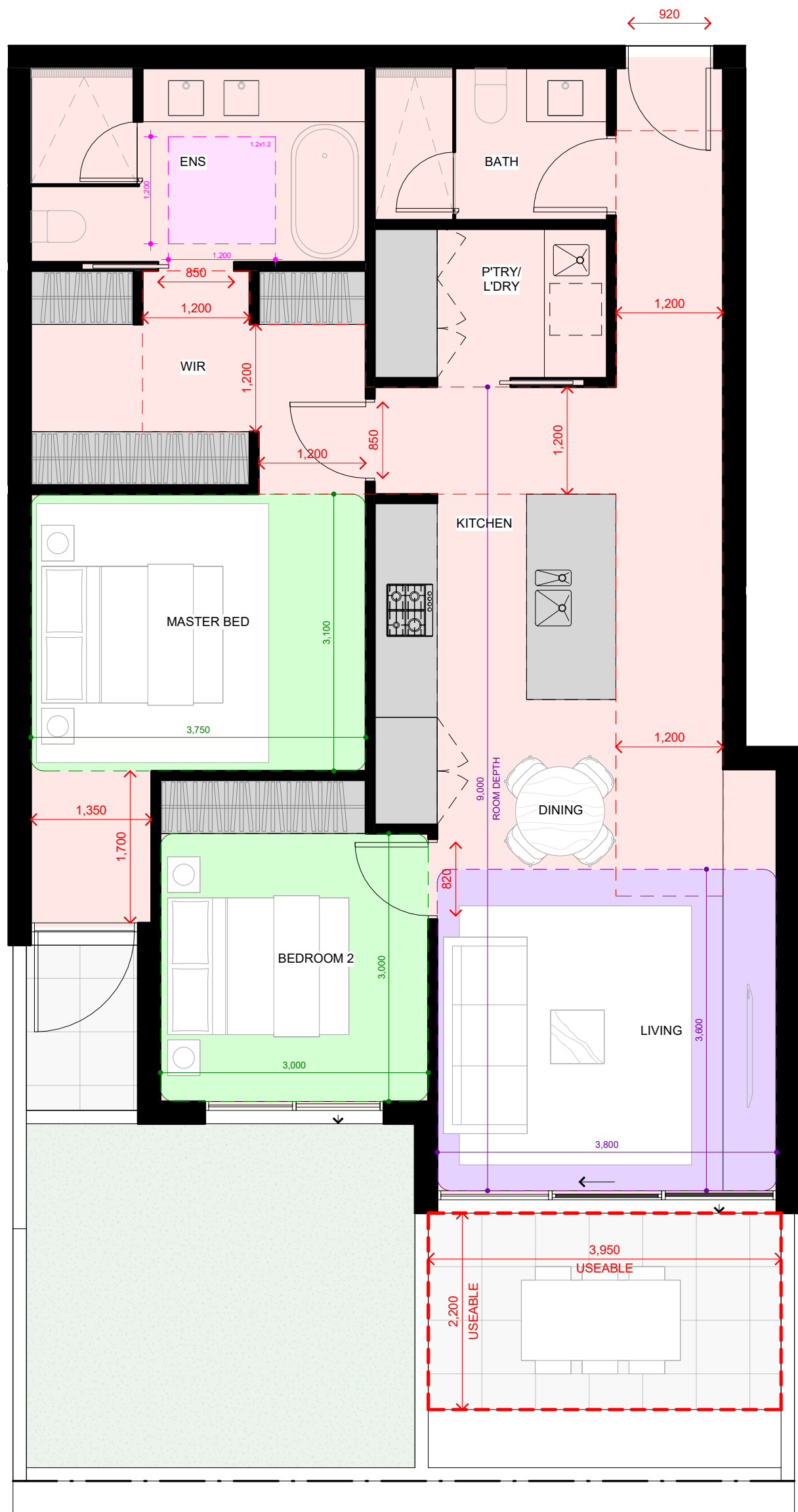
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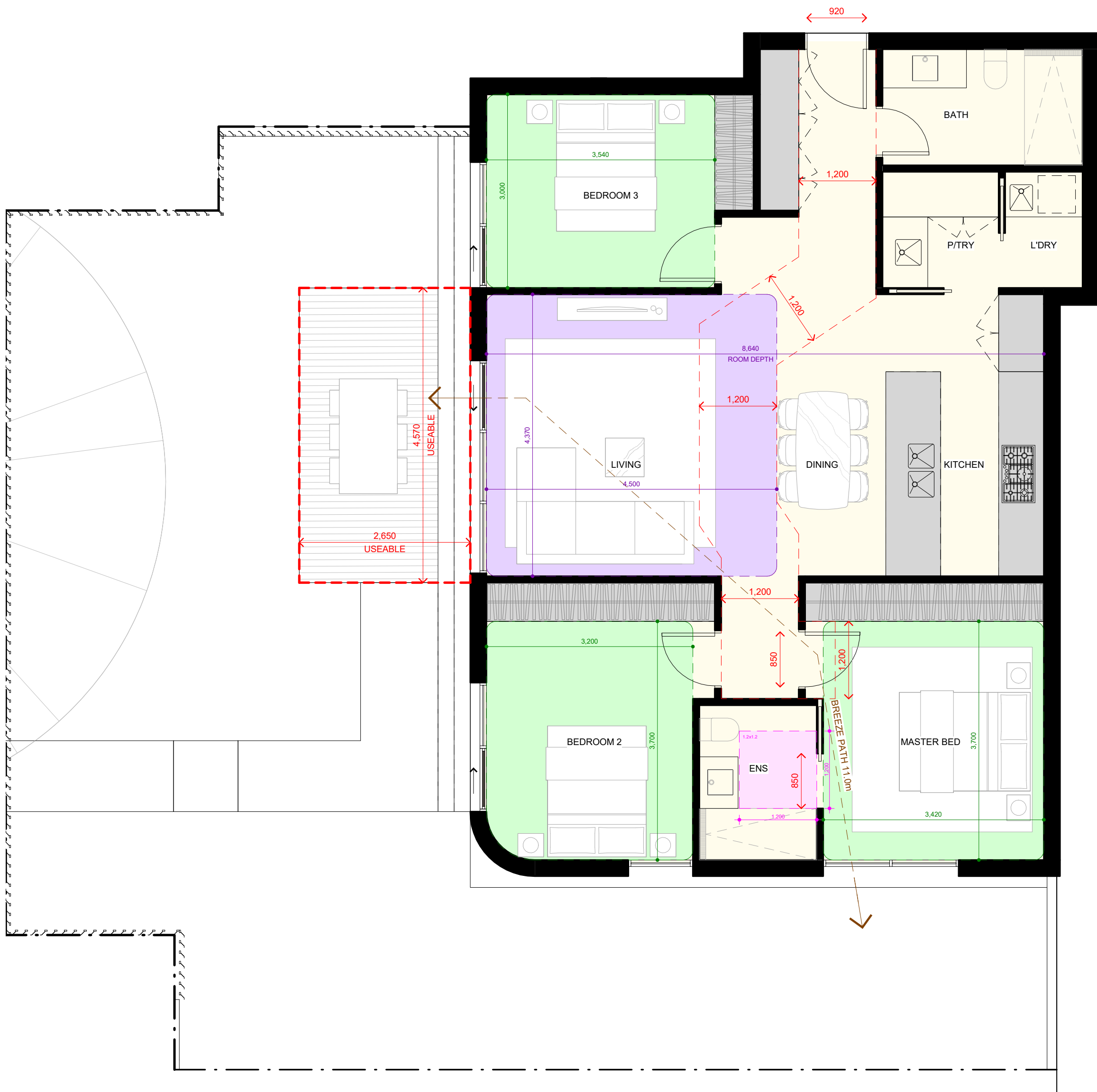
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1 APT TYPE D - G04 AND G05  
TP32 SCALE 1 : 50

TYPE D	
G04 / G05	
Master Bedroom Size	3.75m x 3.1m
Bed 2 Size	3.0m x 3.0m
Bed 3 Size	-
Living Room Size	3.8m x 3.6m
Habitable Room Depth	9.0m
Internal Storage	20.55 m²
Terrace Size	8.7 m²
Breeze Path	N/A
Accessibility Compliance	Design A



2 APT TYPE E - G06  
TP32 SCALE 1 : 50

TYPE E	
G06	
Master Bedroom Size	3.4m x 3.7m
Bed 2 Size	3.2m x 3.7m
Bed 3 Size	3.45m x 3.0m
Living Room Size	4.5m x 4.37m
Habitable Room Depth	8.64m
Internal Storage	27.89 m²
Terrace Size	12.1 m²
Breeze Path	11m
Accessibility Compliance	Design A

DESIGN STANDARDS

**ROOM SIZES:**  
BEDROOMS ALL MASTER BEDROOMS MIN 3 x 3.4m  
ALL OTHER BEDROOMS MIN 3 x 3m  
DENOTES MIN. BEDROOM DIMENSIONS AS INDICATED  
LIVING AREAS 1 BED APARTMENTS + LIVING AREAS OF MIN. 10m², MIN. 3.3m WIDE  
2 & 3 BED APARTMENTS + LIVING AREAS OF MIN. 12m², MIN 3.6m WIDE  
DENOTES TOTAL LIVING ROOM AREA  
ROOM DEPTHS DENOTES ROOM DEPTH DIMENSION FOR SINGLE ASPECT LIVING ROOMS  
STORAGE REFER TO APARTMENT TYPE SUMMARY FOR INTERNAL STORAGE CALCULATIONS  
NATURAL VENTILATION REFER TO DEVELOPMENT SUMMARY FOR TOTAL NATURAL VENTILATION CALCULATIONS  
BREEZE PATH DENOTES CROSS BREEZE PATH MINIMUM 5m, MAXIMUM 18m

**PRIVATE OPEN SPACE:** SUMMARY FOR TOTAL POS CALCULATIONS  
DENOTES USABLE POS DIMENSIONS  
ACCESSIBILITY 50% OF RESIDENCES TO COMPLY WITH B.A.D.S GUIDELINES FOR ACCESSIBILITY, NOTED AS 'B.A.D.S ACCESSIBLE' ON PLANS  
REFER TO DEVELOPMENT SUMMARY FOR TOTAL ACCESSIBILITY CALCULATIONS  
DENOTES DOOR OPENING OR CLEAR PATH DIMENSION IN ACCORDANCE WITH STANDARD B41  
DENOTES BATHROOM CIRCULATION DESIGN OPTION A OR B IN ACCORDANCE WITH TABLE D4, STANDARD B41

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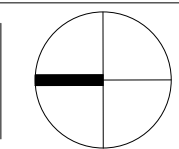
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APARTMENT TYPOLOGY - SHEET 02  
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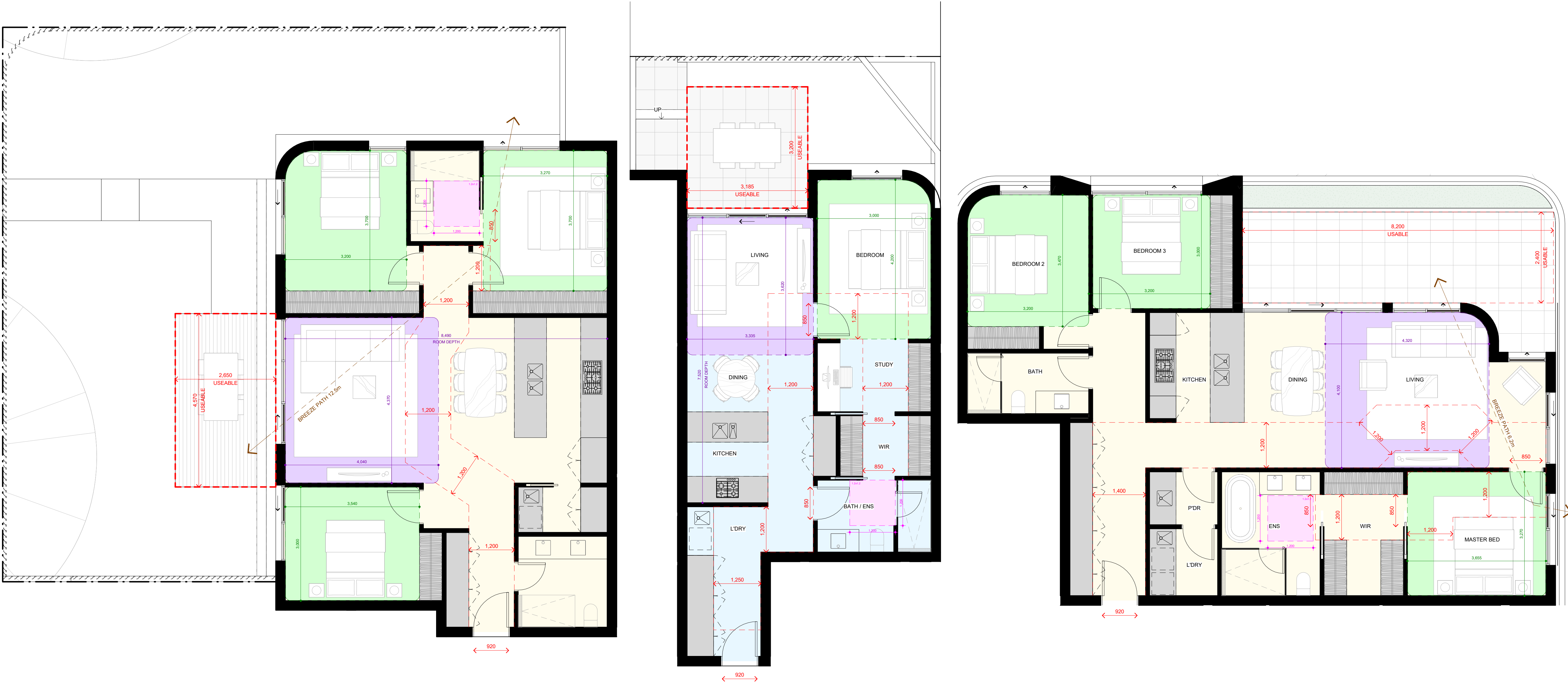


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1 APT TYPE F - G07  
TP32 SCALE 1:50

TYPE F	
G07	
Master Bedroom Size	3.27m x 3.7m
Bed 2 Size	3.2m x 3.7m
Bed 3 Size	3.54m x 3.0m
Living Room Size	4.04m x 4.37m
Habitable Room Depth	6.4m
Internal Storage	25.99 m²
Terrace Size	12.1 m²
Breeze Path	12.5m
Accessibility Compliance	Design A

2 APT TYPE G - G08  
TP32 SCALE 1:50

TYPE G	
G08	
Master Bedroom Size	3m x 4.2m
Bed 2 Size	-
Bed 3 Size	-
Living Room Size	3.3m x 3.6m
Habitable Room Depth	7.52m
Internal Storage	20.38 m²
Terrace Size	10.2 m²
Breeze Path	N/A
Accessibility Compliance	Design A

3 APT TYPE H - 101 & 201  
TP32 SCALE 1:50

TYPE H	
101 / 201	
Master Bedroom Size	3.65m x 3.27m
Bed 2 Size	3.2m x 3.0m
Bed 3 Size	3.2m x 3.47m
Living Room Size	4.32m x 4.1m
Habitable Room Depth	N/A
Internal Storage	27.53 m²
Terrace Size	19.7 m²
Breeze Path	6.2m
Accessibility Compliance	N/A

DESIGN STANDARDS

<b>ROOM SIZES:</b>	<b>PRIVATE OPEN SPACE:</b>	REFER TO APARTMENT TYPE SUMMARY FOR TOTAL POS CALCULATIONS
<b>BEDROOMS:</b>	ALL MASTER BEDROOMS MIN 3 x 3.4m ALL OTHER BEDROOMS MIN 3 x 3m	DIM USEABLE DENOTES USABLE POS DIMENSIONS
<b>LIVING AREAS:</b>	DENOTES MIN. BEDROOM DIMENSIONS AS INDICATED 1 BED APARTMENTS = LIVING AREAS OF MIN. 10m², MIN. 3.3m WIDE 2 & 3 BED APARTMENTS = LIVING AREAS OF MIN. 12m², MIN 3.6m WIDE	ACCESSIBILITY 50% OF RESIDENCES TO COMPLY WITH B.A.D.S GUIDELINES FOR ACCESSIBILITY, NOTED AS 'B.A.D.S ACCESSIBLE' ON PLANS
<b>ROOM DEPTHS:</b>	DENOTES TOTAL LIVING ROOM AREA	REFER TO DEVELOPMENT SUMMARY FOR TOTAL ACCESSIBILITY CALCULATIONS
<b>STORAGE:</b>	REFER TO APARTMENT TYPE SUMMARY FOR INTERNAL STORAGE CALCULATIONS	DENOTES DOOR OPENING OR CLEAR PATH DIMENSION IN ACCORDANCE WITH STANDARD B41
<b>NATURAL VENTILATION:</b>	REFER TO DEVELOPMENT SUMMARY FOR TOTAL NATURAL VENTILATION CALCULATIONS	DENOTES BATHROOM CIRCULATION DESIGN OPTION A OR B IN ACCORDANCE WITH TABLE D4, STANDARD B41
<b>BREEZE PATH:</b>	DENOTES CROSS BREEZE PATH MINIMUM 5m, MAXIMUM 18m	

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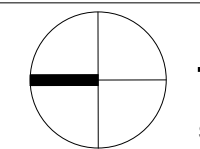
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APARTMENT TYPOLOGY - SHEET 03  
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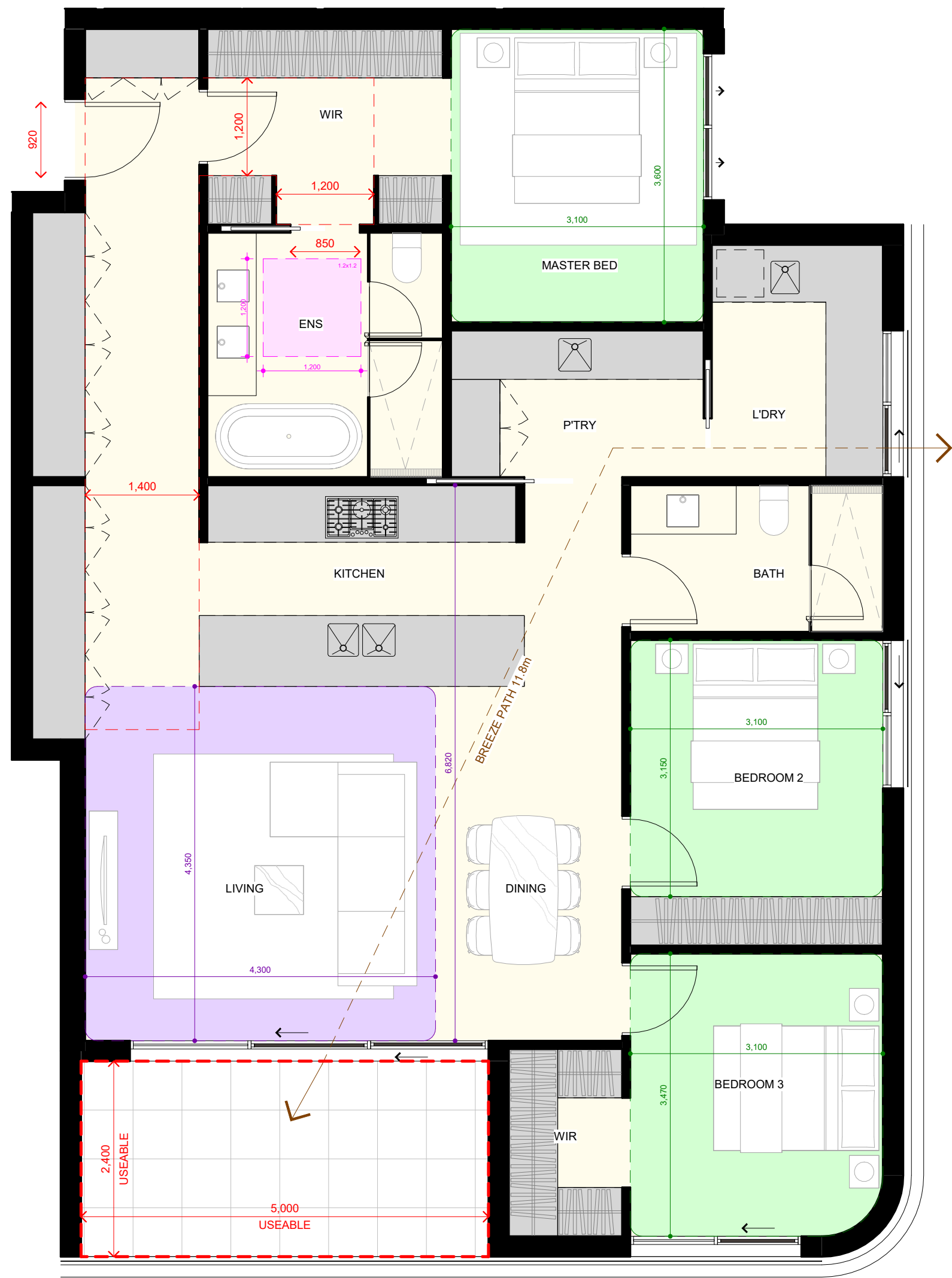


TP42  
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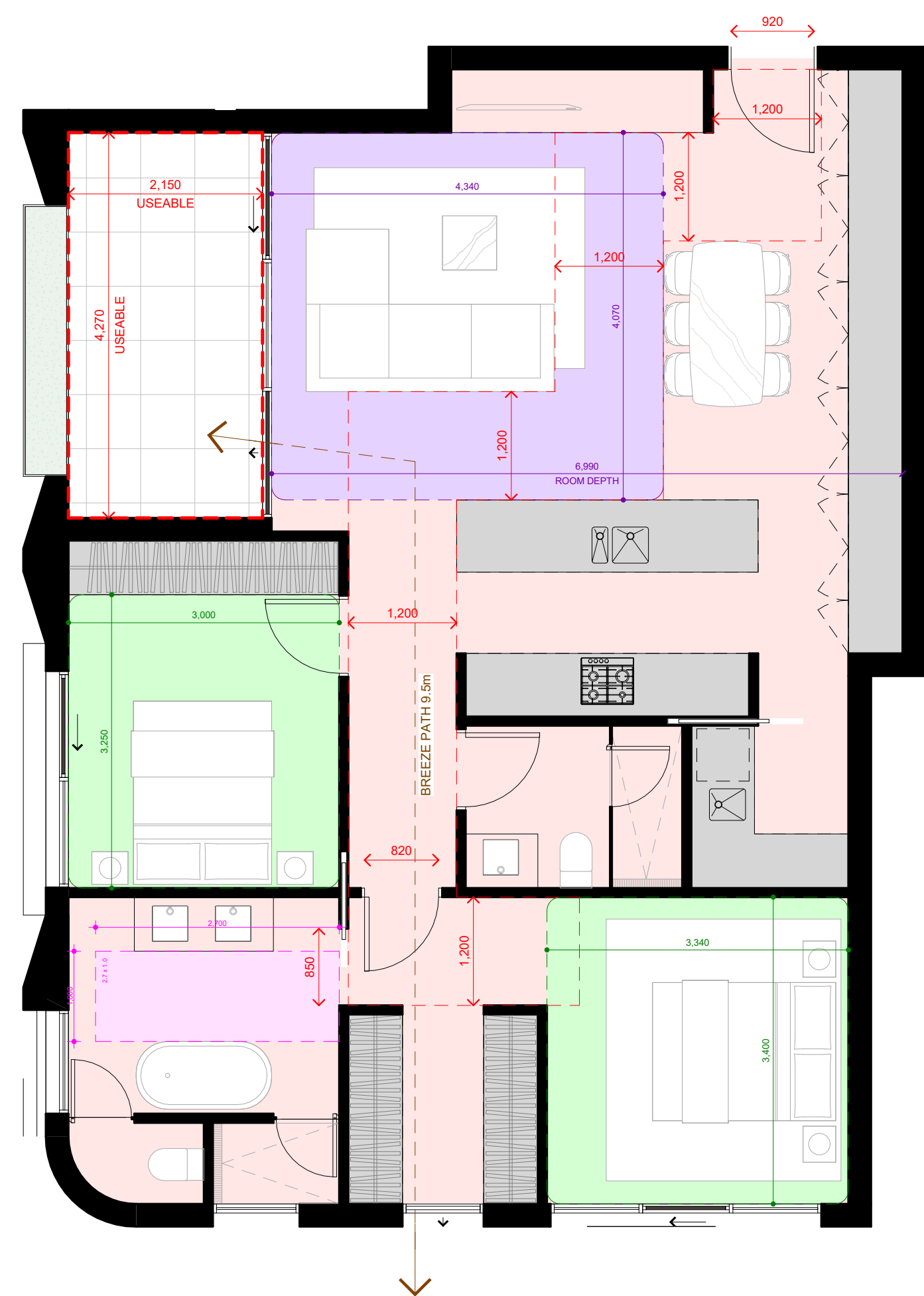
1 APT TYPE J - 102  
TP32 SCALE 1 : 50

TYPE J	
102	
Master Bedroom Size	3.1m x 3.6m
Bed 2 Size	3.1m x 3.15m
Bed 3 Size	3.1m x 3.47m
Living Room Size	4.3m x 4.35m
Habitable Room Depth	6.82m
Internal Storage	40.85 m³
Terrace Size	12.0 m²
Breeze Path	11.8m
Accessibility Compliance	Design A



2 APT TYPE K - 103 AND 104  
TP32 SCALE 1 : 50

TYPE K	
103 / 104	
Master Bedroom Size	3.4m x 3.3m
Bed 2 Size	3.0m x 3.0m
Bed 3 Size	-
Living Room Size	3.8m x 3.45m
Habitable Room Depth	8.17m
Internal Storage	19.16 m³
Terrace Size	8.0 m²
Breeze Path	N/A
Accessibility Compliance	Design A



3 APT TYPE L1 - 105  
TP32 SCALE 1 : 50

TYPE L1	
105	
Master Bedroom Size	3.34m x 3.4m
Bed 2 Size	3.0m x 3.25m
Bed 3 Size	-
Living Room Size	4.3m x 4.07m
Habitable Room Depth	6.99m
Internal Storage	26.31 m³
Terrace Size	9.2 m²
Breeze Path	9.5m
Accessibility Compliance	Design B

#### DESIGN STANDARDS

##### ROOM SIZES:

BEDROOMS ALL MASTER BEDROOMS MIN 3 x 3.4m  
ALL OTHER BEDROOMS MIN 3 x 3m

LIVING AREAS 1 BED APARTMENTS = LIVING AREAS OF MIN. 10m², MIN. 3.3m WIDE  
2 & 3 BED APARTMENTS = LIVING AREAS OF MIN. 12m², MIN 3.6m WIDE

ROOM DEPTHS DENOTES ROOM DEPTH DIMENSION FOR SINGLE ASPECT LIVING ROOMS

STORAGE REFERENCE TO APARTMENT TYPE SUMMARY FOR INTERNAL STORAGE CALCULATIONS

NATURAL VENTILATION REFERENCE TO DEVELOPMENT SUMMARY FOR TOTAL NATURAL VENTILATION CALCULATIONS

BREEZE PATH DENOTES CROSS BREEZE PATH MINIMUM 5m, MAXIMUM 18m

##### PRIVATE OPEN SPACE:

REFER TO APARTMENT TYPE SUMMARY FOR TOTAL POS CALCULATIONS

ACCESSIBILITY 50% OF RESIDENCES TO COMPLY WITH B.A.D.S GUIDELINES FOR ACCESSIBILITY, NOTED AS 'B.A.D.S ACCESSIBLE' ON PLANS

REFER TO DEVELOPMENT SUMMARY FOR TOTAL ACCESSIBILITY CALCULATIONS

DENOTES DOOR OPENING OR CLEAR PATH DIMENSION IN ACCORDANCE WITH STANDARD B41

DENOTES BATHROOM CIRCULATION DESIGN OPTION A OR B IN ACCORDANCE WITH TABLE D4, STANDARD B41

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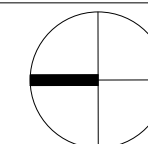
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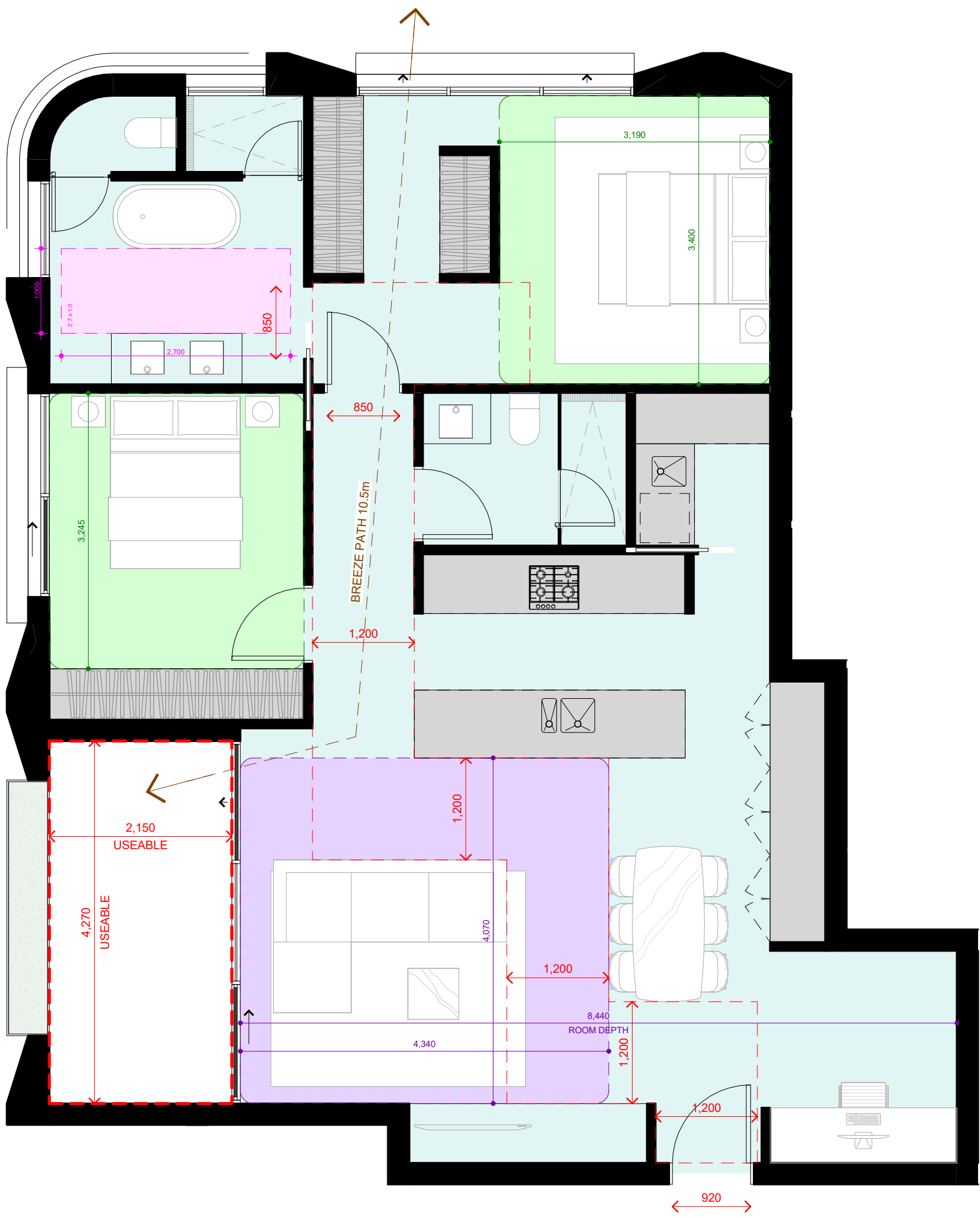
TP43

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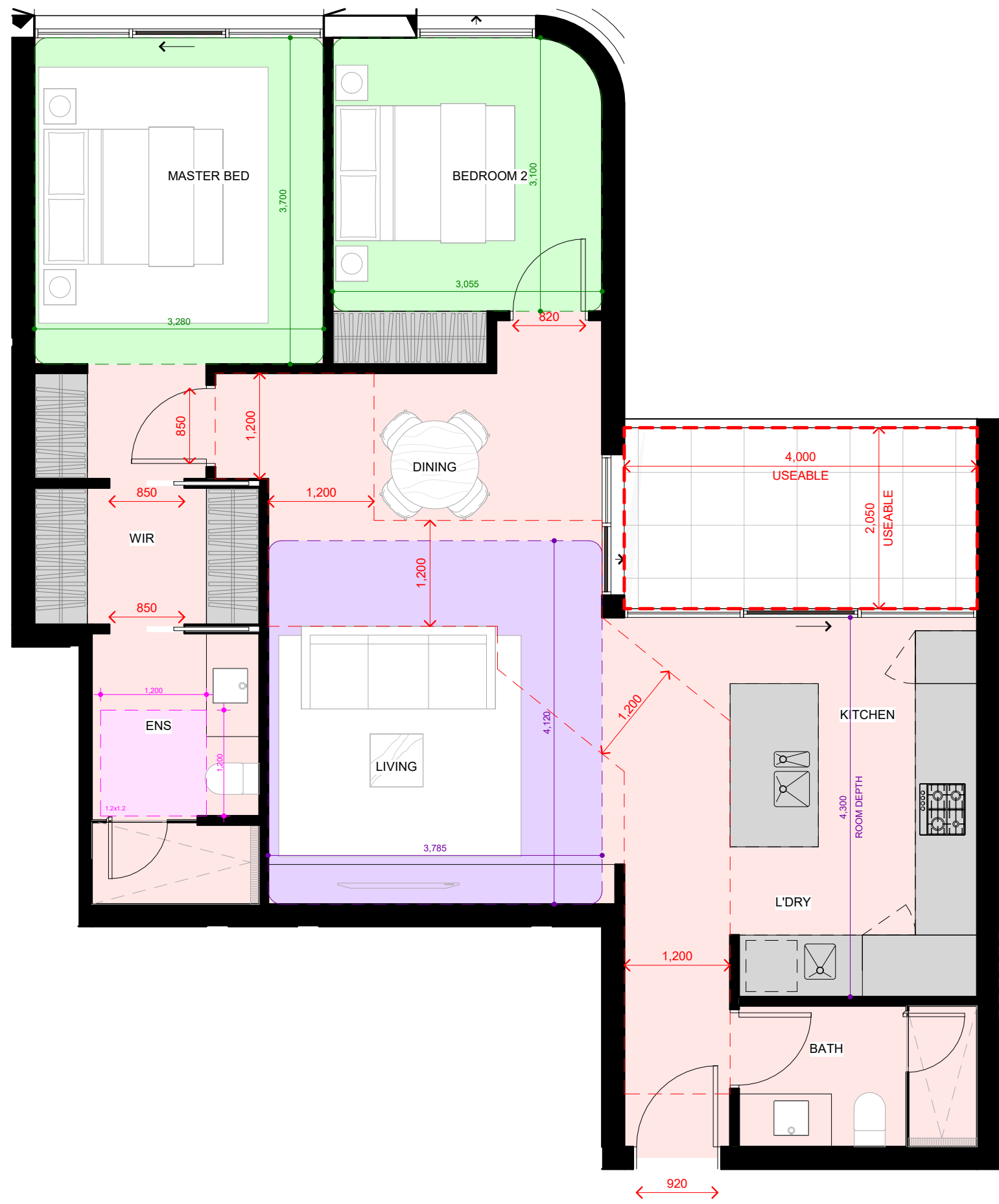
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1 APT TYPE L2 - 106 AND 205  
TP32 SCALE 1 : 50

TYPE L2	
106 / 205	
Master Bedroom Size	3.19m x 3.4m
Bed 2 Size	3.0m x 3.24m
Bed 3 Size	-
Living Room Size	4.34m x 4.07m
Habitable Room Depth	8.44m
Internal Storage	20.74 m³
Terrace Size	8.0 m²
Breeze Path	10.5m
Accessibility Compliance	Design B



2 APT TYPE M - 107 AND 206  
TP32 SCALE 1 : 50

TYPE M	
107 / 206	
Master Bedroom Size	3.28m x 3.7m
Bed 2 Size	3.05m x 3.1m
Bed 3 Size	-
Living Room Size	3.78m x 4.12m
Habitable Room Depth	4.3m
Internal Storage	16.97 m³
Terrace Size	8.2 m²
Breeze Path	N/A
Accessibility Compliance	Design A



3 APT TYPE N - 202  
TP32 SCALE 1 : 50

TYPE N	
202	
Master Bedroom Size	3.54m x 3.6m
Bed 2 Size	3.0m x 3.0m
Bed 3 Size	3.0m x 3.05m
Living Room Size	5.14m x 3.6m
Habitable Room Depth	8.12
Internal Storage	30.32 m³
Terrace Size	12.0 m²
Breeze Path	9.0m
Accessibility Compliance	Design A

#### DESIGN STANDARDS

##### ROOM SIZES:

BEDROOMS  
ALL MASTER BEDROOMS MIN 3 x 3.4m  
ALL OTHER BEDROOMS MIN 3 x 3m  
DENOTES MIN. BEDROOM DIMENSIONS AS INDICATED

LIVING AREAS  
1 BED APARTMENTS + LIVING AREAS OF MIN. 10m², MIN. 3.3m WIDE  
2 & 3 BED APARTMENTS + LIVING AREAS OF MIN. 12m², MIN. 3.6m WIDE  
DENOTES TOTAL LIVING ROOM AREA

ROOM DEPTHS  
DENOTES ROOM DEPTH DIMENSION FOR SINGLE ASPECT LIVING ROOMS

STORAGE  
REFER TO APARTMENT TYPE SUMMARY FOR INTERNAL STORAGE CALCULATIONS

NATURAL VENTILATION  
REFER TO DEVELOPMENT SUMMARY FOR TOTAL NATURAL VENTILATION CALCULATIONS

BREEZE PATH  
DENOTES CROSS BREEZE PATH MINIMUM 5m, MAXIMUM 18m

PRIVATE OPEN SPACE  
REFER TO APARTMENT TYPE SUMMARY FOR TOTAL POS CALCULATIONS

DIM USEABLE  
DENOTES USABLE POS DIMENSIONS

ACCESSIBILITY  
50% OF RESIDENCES TO COMPLY WITH B.A.D.S GUIDELINES FOR ACCESSIBILITY, NOTED AS 'B.A.D.S ACCESSIBLE' ON PLANS

DIM  
REFER TO DEVELOPMENT SUMMARY FOR TOTAL ACCESSIBILITY CALCULATIONS

DIM  
DENOTES DOOR OPENING OR CLEAR PATH DIMENSION IN ACCORDANCE WITH STANDARD B41

DIM  
DENOTES BATHROOM CIRCULATION DESIGN OPTION A OR B IN ACCORDANCE WITH TABLE D4, STANDARD B41

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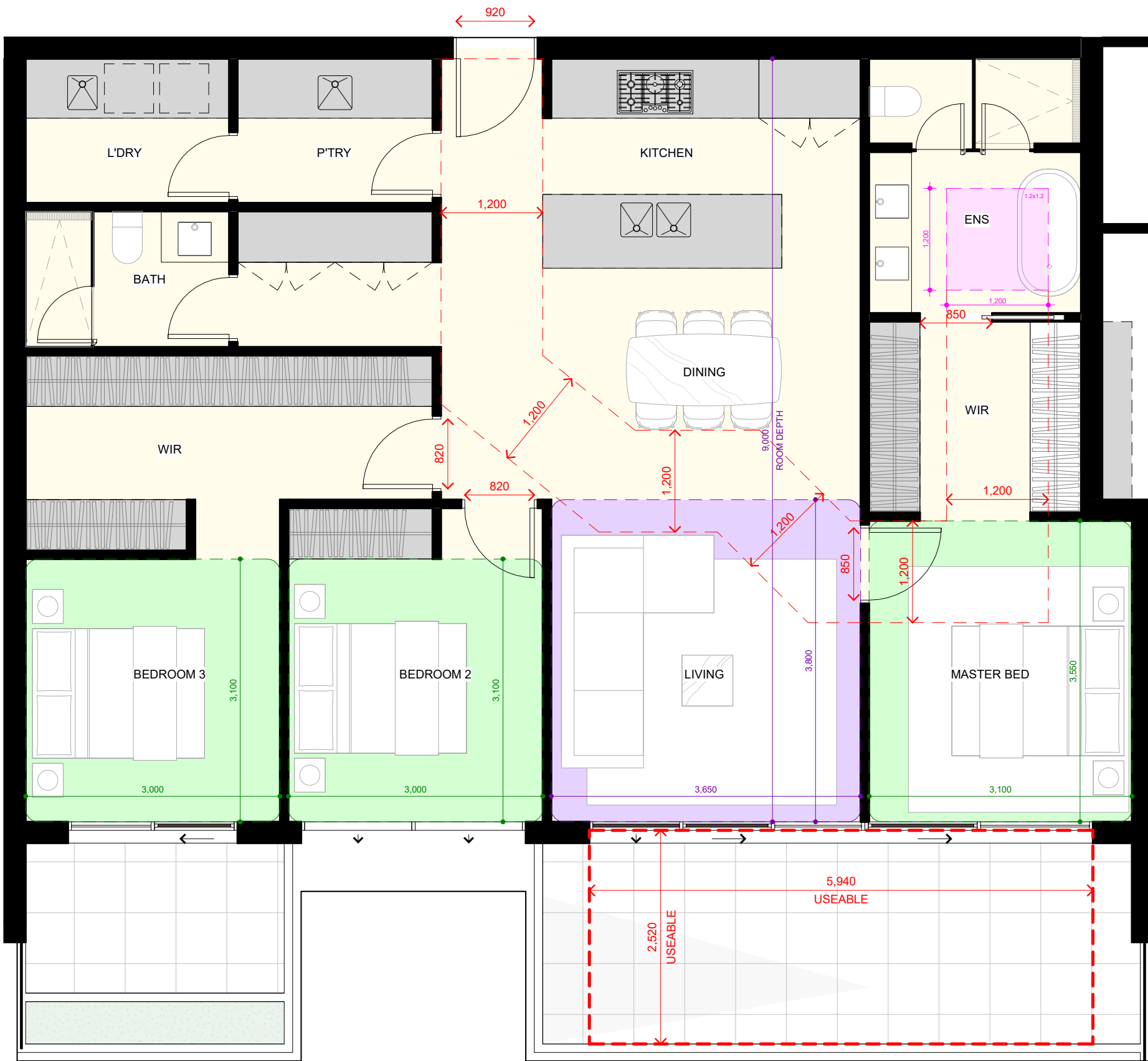
APARTMENT TYPOLOGY - SHEET 05  
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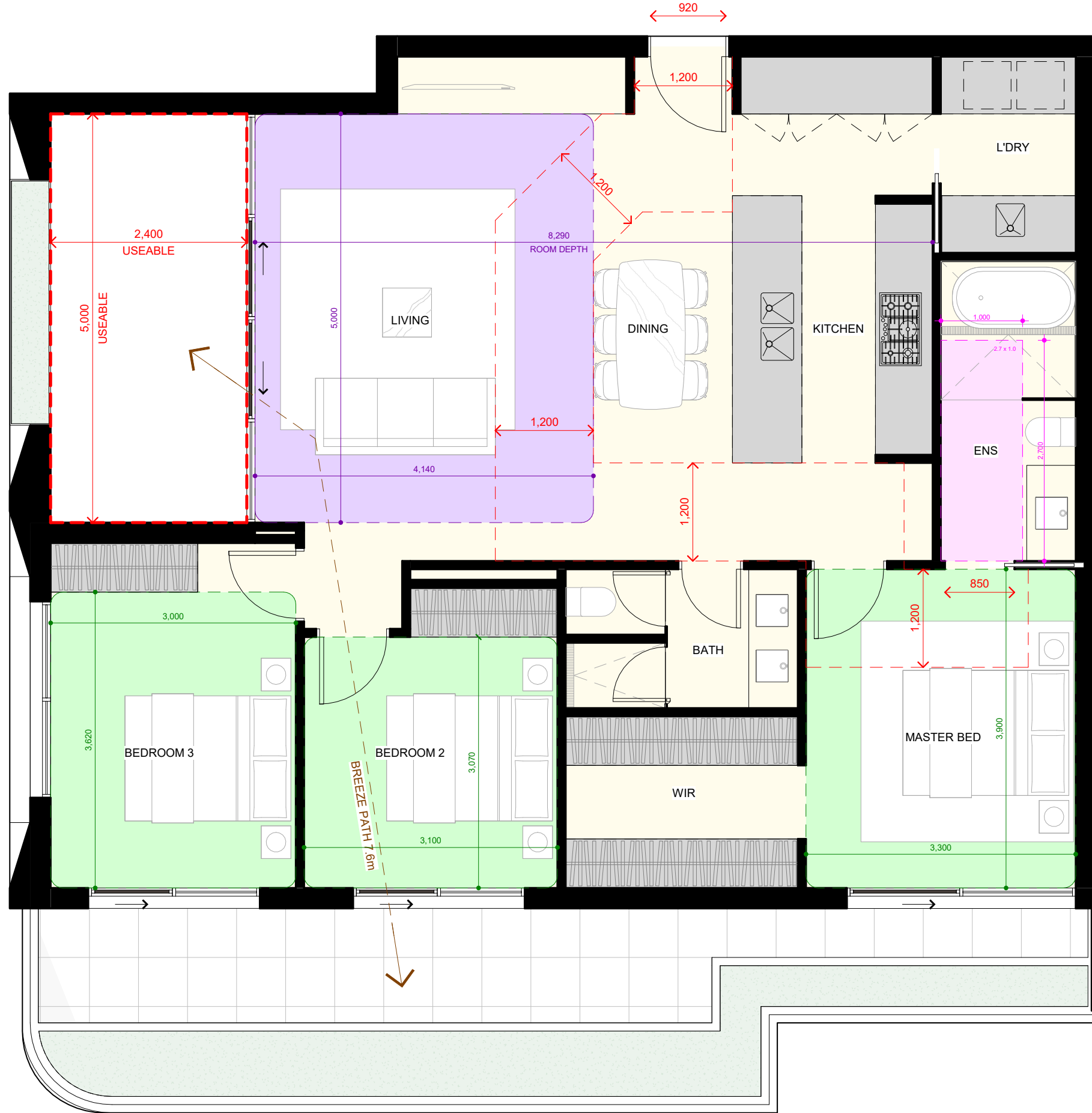
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2 APT TYPE O - 203  
TP32 SCALE 1 : 50

TYPE O	
203	
Master Bedroom Size	3.1m x 3.55m
Bed 2 Size	3.0m x 3.1m
Bed 3 Size	3.0m x 3.1m
Living Room Size	3.65m x 3.8m
Habitable Room Depth	9.0m
Internal Storage	38.76 m²
Terrace Size	15.0 m²
Breeze Path	N/A
Accessibility Compliance	Design A



1 APT TYPE P - 204  
TP32 SCALE 1 : 50

TYPE P	
204	
Master Bedroom Size	3.3m x 3.9m
Bed 2 Size	3.1m x 3.07m
Bed 3 Size	3.0m x 3.62m
Living Room Size	4.14m x 5.0m
Habitable Room Depth	8.29
Internal Storage	26.88 m²
Terrace Size	12.0 m²
Breeze Path	9.6m
Accessibility Compliance	Design A

DESIGN STANDARDS

<b>ROOM SIZES:</b>	<b>PRIVATE OPEN SPACE:</b>	REFER TO APARTMENT TYPE SUMMARY FOR TOTAL POS CALCULATIONS
BEDROOMS	ALL MASTER BEDROOMS MIN 3 x 3.4m ALL OTHER BEDROOMS MIN 3 x 3m	
	DENOTES MIN. BEDROOM DIMENSIONS AS INDICATED	DENOTES USABLE POS DIMENSIONS
<b>LIVING AREAS</b>	1 BED APARTMENTS + LIVING AREAS OF MIN. 10m², MIN. 3.3m WIDE 2 & 3 BED APARTMENTS + LIVING AREAS OF MIN. 12m², MIN. 3.6m WIDE	<b>ACCESSIBILITY</b> 50% OF RESIDENCES TO COMPLY WITH B.A.D.S GUIDELINES FOR ACCESSIBILITY, NOTED AS 'B.A.D.S ACCESSIBLE' ON PLANS
	DENOTES TOTAL LIVING ROOM AREA	REFER TO DEVELOPMENT SUMMARY FOR TOTAL ACCESSIBILITY CALCULATIONS
<b>ROOM DEPTHS</b>		
	DENOTES ROOM DEPTH DIMENSION FOR SINGLE ASPECT LIVING ROOMS	DENOTES DOOR OPENING OR CLEAR PATH DIMENSION IN ACCORDANCE WITH STANDARD B41
<b>STORAGE</b>	REFER TO APARTMENT TYPE SUMMARY FOR INTERNAL STORAGE CALCULATIONS	DENOTES BATHROOM CIRCULATION DESIGN OPTION A OR B IN ACCORDANCE WITH TABLE D4, STANDARD B41
<b>NATURAL VENTILATION</b>	REFER TO DEVELOPMENT SUMMARY FOR TOTAL NATURAL VENTILATION CALCULATIONS	
	DENOTES CROSS BREEZE PATH MINIMUM 5m, MAXIMUM 18m	

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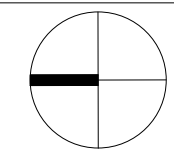
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Project

APARTMENT TYPOLOGY - SHEET 06  
Title

As indicated@A1 00000 08.11.2023  
Scale Project No. Date



TP45

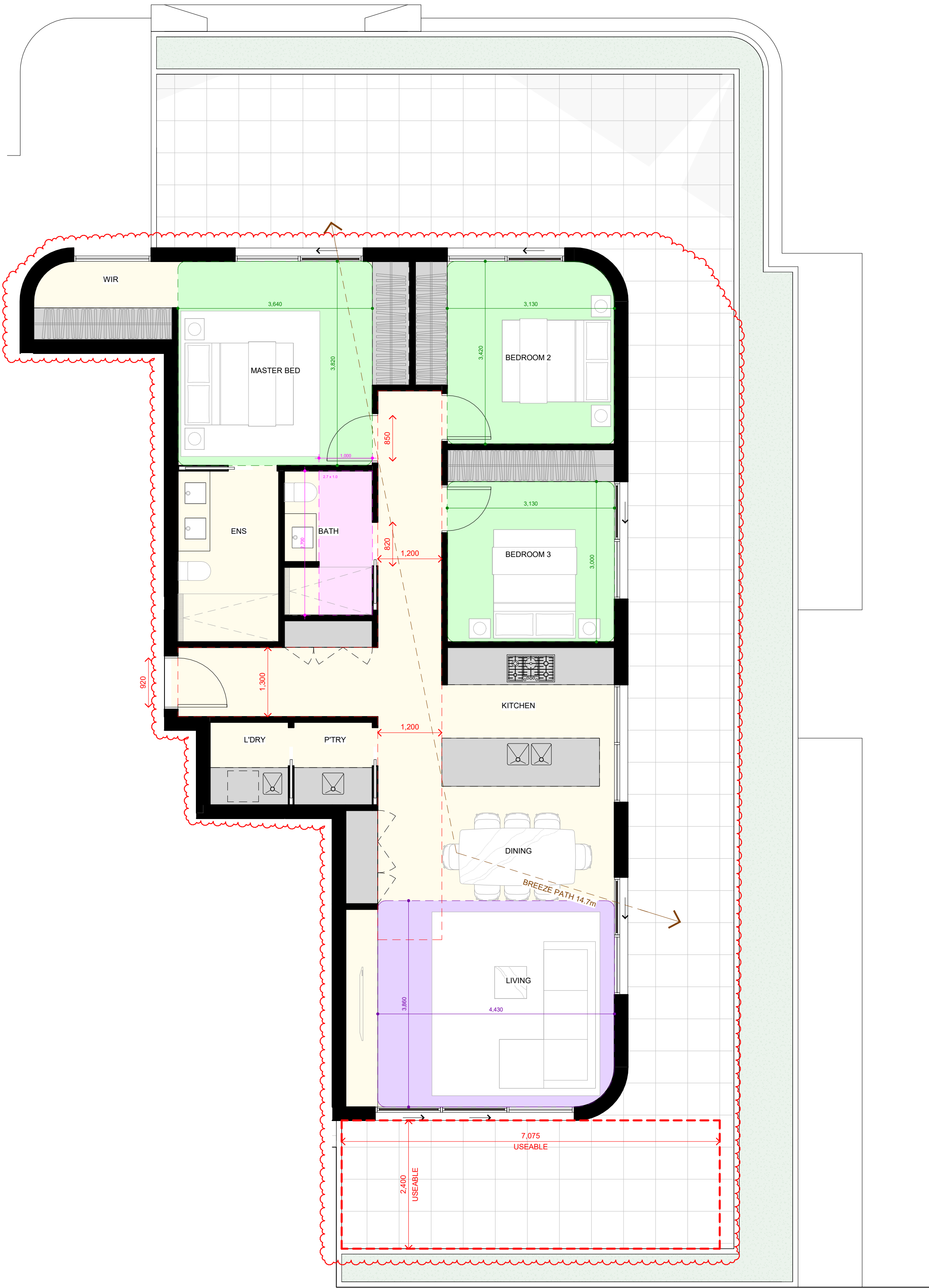
Sheet No.

C

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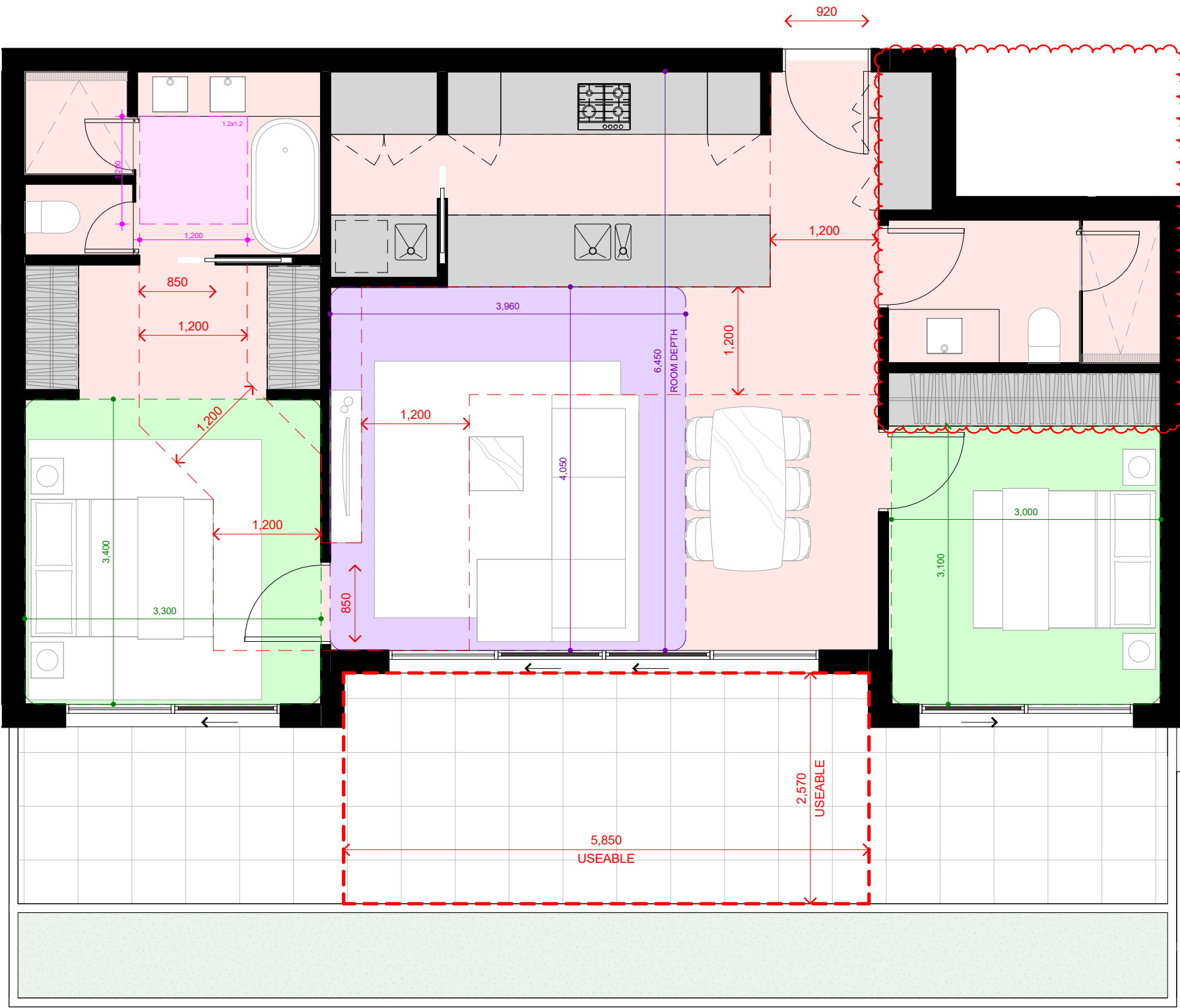


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08/11/2023



2 APT TYPE Q - 301  
TP32 SCALE 1:50

TYPE Q	
301	
Master Bedroom Size	3.64m x 3.82m
Bed 2 Size	3.13m x 3.42m
Bed 3 Size	3.13m x 3.0m
Living Room Size	4.43m x 3.86m
Habitable Room Depth	N/A
Internal Storage	27.15 m³
Terrace Size	17.0 m²
Breeze Path	14.7m
Accessibility Compliance	Design B



1 APT TYPE R - 302  
TP32 SCALE 1:50

TYPE R	
302	
Master Bedroom Size	3.3m x 3.4m
Bed 2 Size	3.0m x 3.1m
Bed 3 Size	-
Living Room Size	4.15m x 3.96m
Habitable Room Depth	6.45m
Internal Storage	17.82 m³
Terrace Size	15.0 m²
Breeze Path	N/A
Accessibility Compliance	Design A

DESIGN STANDARDS

<b>ROOM SIZES:</b>	<b>PRIVATE OPEN SPACE:</b>	<b>REFER TO APARTMENT TYPE SUMMARY FOR TOTAL POS CALCULATIONS</b>
<b>BEDROOMS</b>	ALL MASTER BEDROOMS MIN 3 x 3.4m ALL OTHER BEDROOMS MIN 3 x 3m	
<b>LIVING AREAS</b>	DENOTES MIN. BEDROOM DIMENSIONS AS INDICATED	DENOTES USABLE POS DIMENSIONS
<b>ROOM DEPTHS</b>	1 BED APARTMENTS = LIVING AREAS OF MIN. 10m², MIN. 3.3m WIDE 2 & 3 BED APARTMENTS = LIVING AREAS OF MIN. 12m², MIN. 3.6m WIDE	50% OF RESIDENCES TO COMPLY WITH B.A.D.S GUIDELINES FOR ACCESSIBILITY, NOTED AS 'B.A.D.S ACCESSIBLE' ON PLANS
<b>STORAGE</b>	DENOTES TOTAL LIVING ROOM AREA	REFER TO DEVELOPMENT SUMMARY FOR TOTAL ACCESSIBILITY CALCULATIONS
<b>NATURAL VENTILATION</b>	DENOTES ROOM DEPTH DIMENSION FOR SINGLE ASPECT LIVING ROOMS	DENOTES DOOR OPENING OR CLEAR PATH DIMENSION IN ACCORDANCE WITH STANDARD B41
<b>BREEZE PATH</b>	REFER TO APARTMENT TYPE SUMMARY FOR INTERNAL STORAGE CALCULATIONS	DENOTES BATHROOM CIRCULATION DESIGN OPTION A OR B IN ACCORDANCE WITH TABLE D4, STANDARD B41
	REFER TO DEVELOPMENT SUMMARY FOR TOTAL NATURAL VENTILATION CALCULATIONS	
	DENOTES CROSS BREEZE PATH MINIMUM 5m, MAXIMUM 18m	

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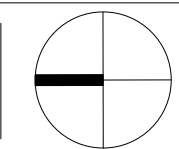
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APARTMENT TYPOLOGY - SHEET 07  
Title

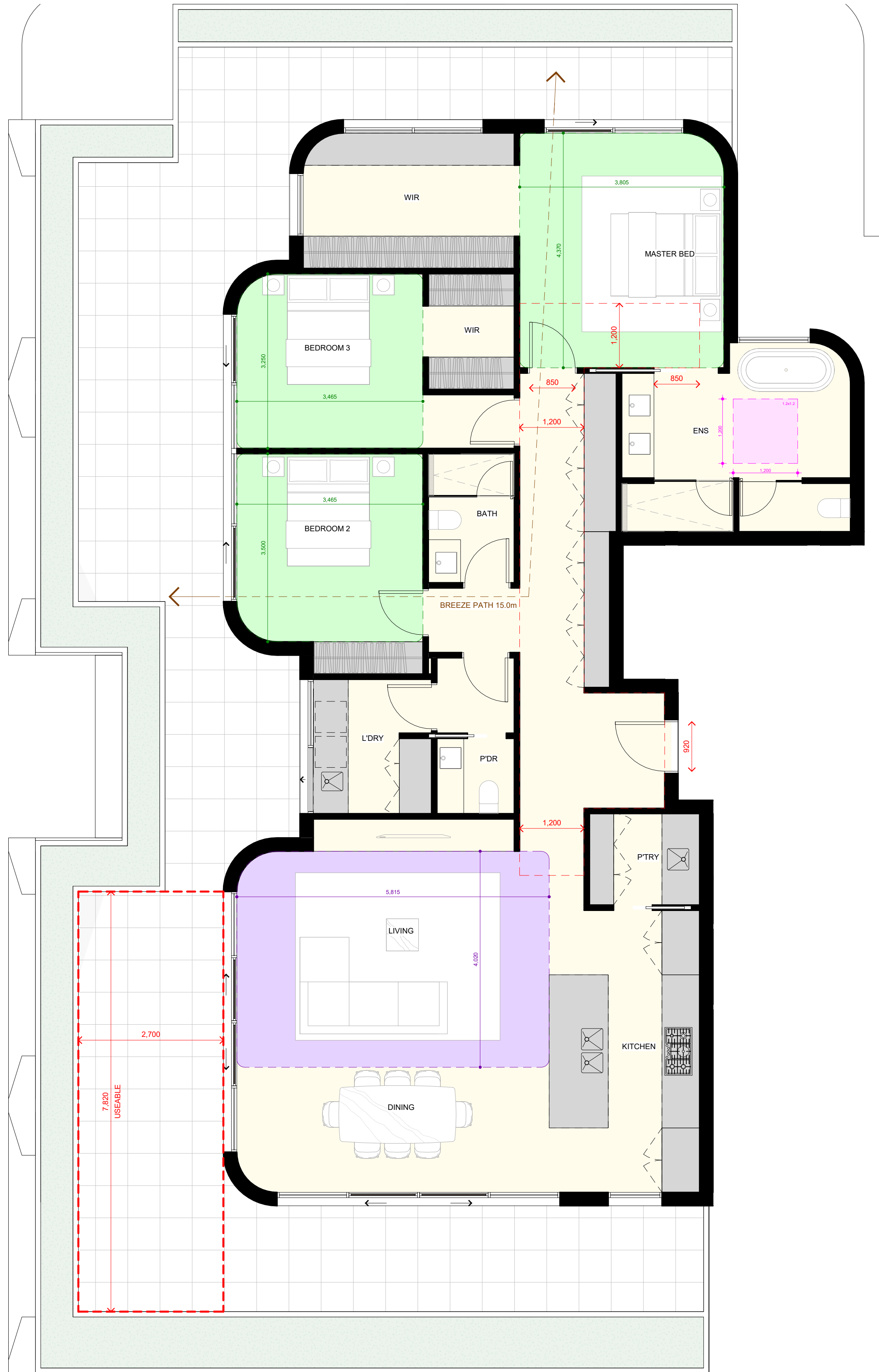
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TP46  
Sheet No.

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TYPE S	
303	
Master Bedroom Size	3.8m x 4.37m
Bed 2 Size	3.46m x 3.5m
Bed 3 Size	3.46m x 3.25m
Living Room Size	5.81m x 4.02m
Habitable Room Depth	N/A
Internal Storage	36.41 m²
Terrace Size	21.1 m²
Breeze Path	15m
Accessibility Compliance	Design A

1 APT TYPE S - 303  
TP32 SCALE 1 : 50

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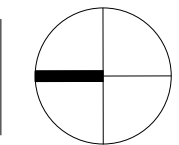
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APARTMENT TYPOLOGY - SHEET 08  
Title

1 : 50@A1 00000 08.11.2023  
Scale Project No. Date

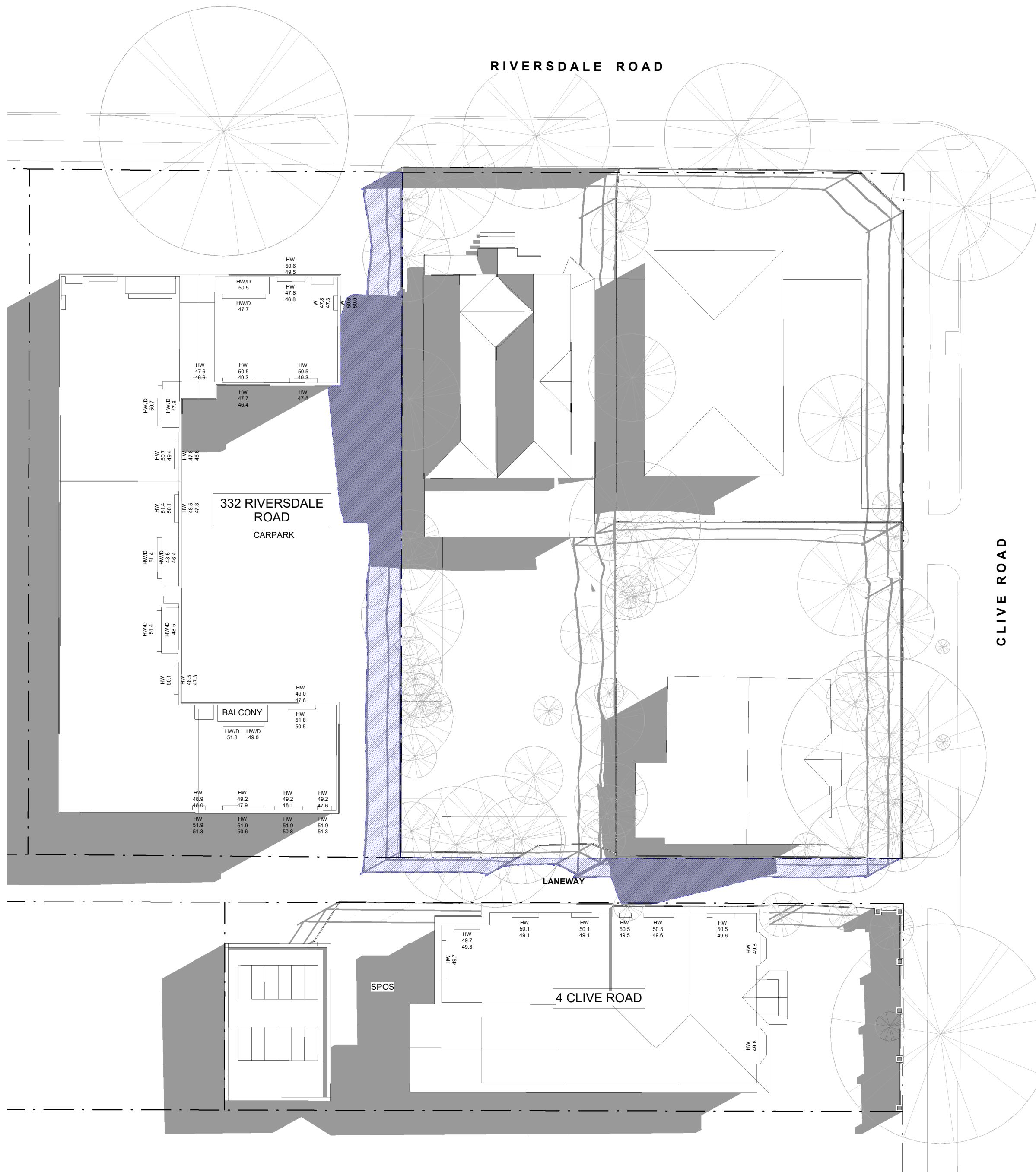


TP47  
Sheet No.

C  
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08/11/2023



1 SHADOW DIAGRAM EXISTING - 9AM (21 SEPT)  
SCALE 1 : 200

LEGEND

- EXTENT OF EXISTING SHADOW WITHIN NEIGHBOURING PROPERTIES
- EXTENT OF NEW SHADOW FROM THE PROPOSED DEVELOPMENT WITHIN NEIGHBOURING PROPERTIES
- EXTENT OF NEIGHBOURING PROPERTY'S SPOS TO REMAIN UNSHADOWED

NOTE: BOUNDARY FENCES INDICATED AS POSTS AND RAILS ONLY TO CLEARLY DIFFERENTIATE BETWEEN FENCE AND BUILDING SHADOWS

- Notes
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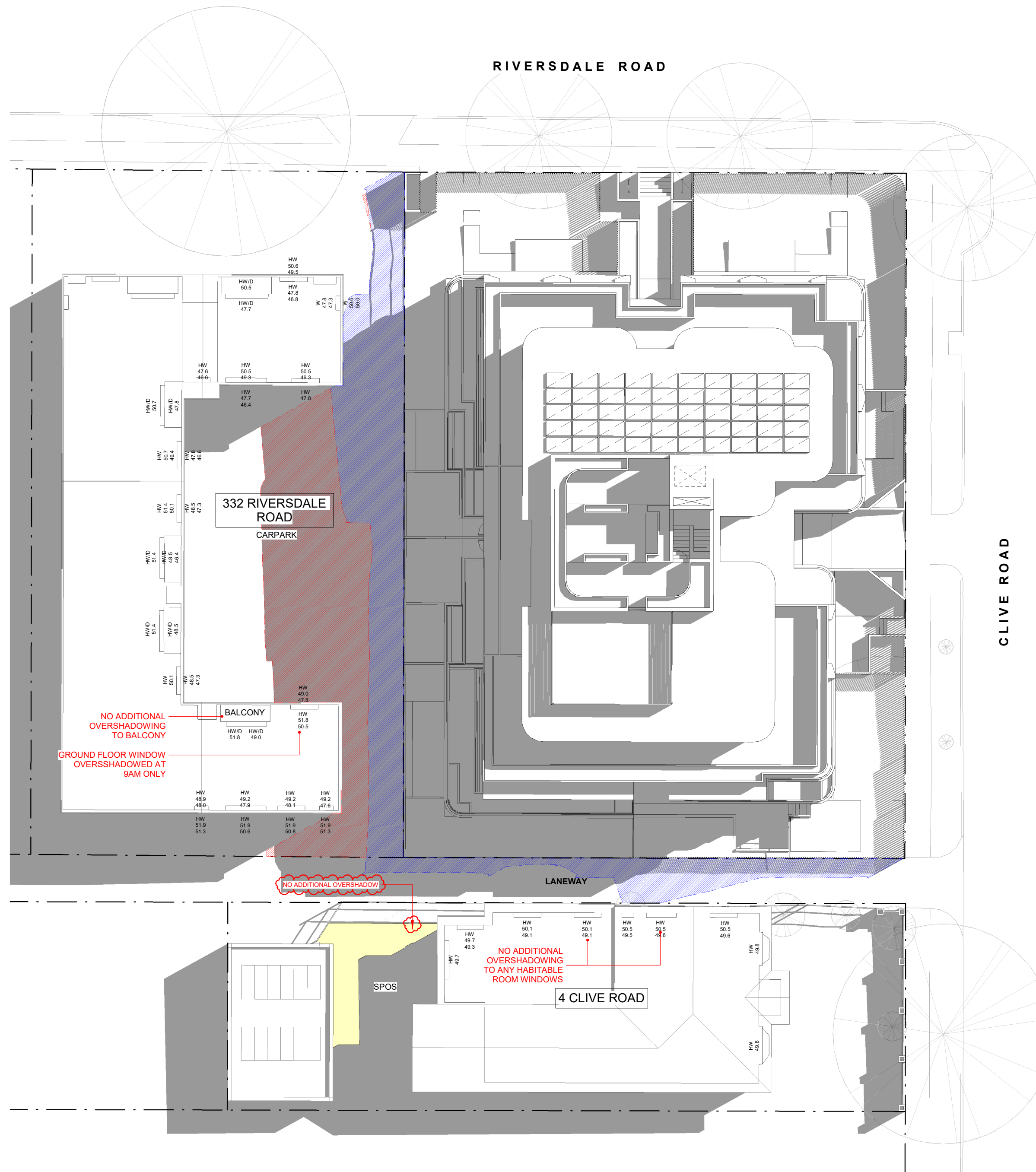
Riversdale Road  
Project

SHADOW DIAGRAM - 9AM  
Title

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Scale Project No. Date

TP50  
Sheet No.

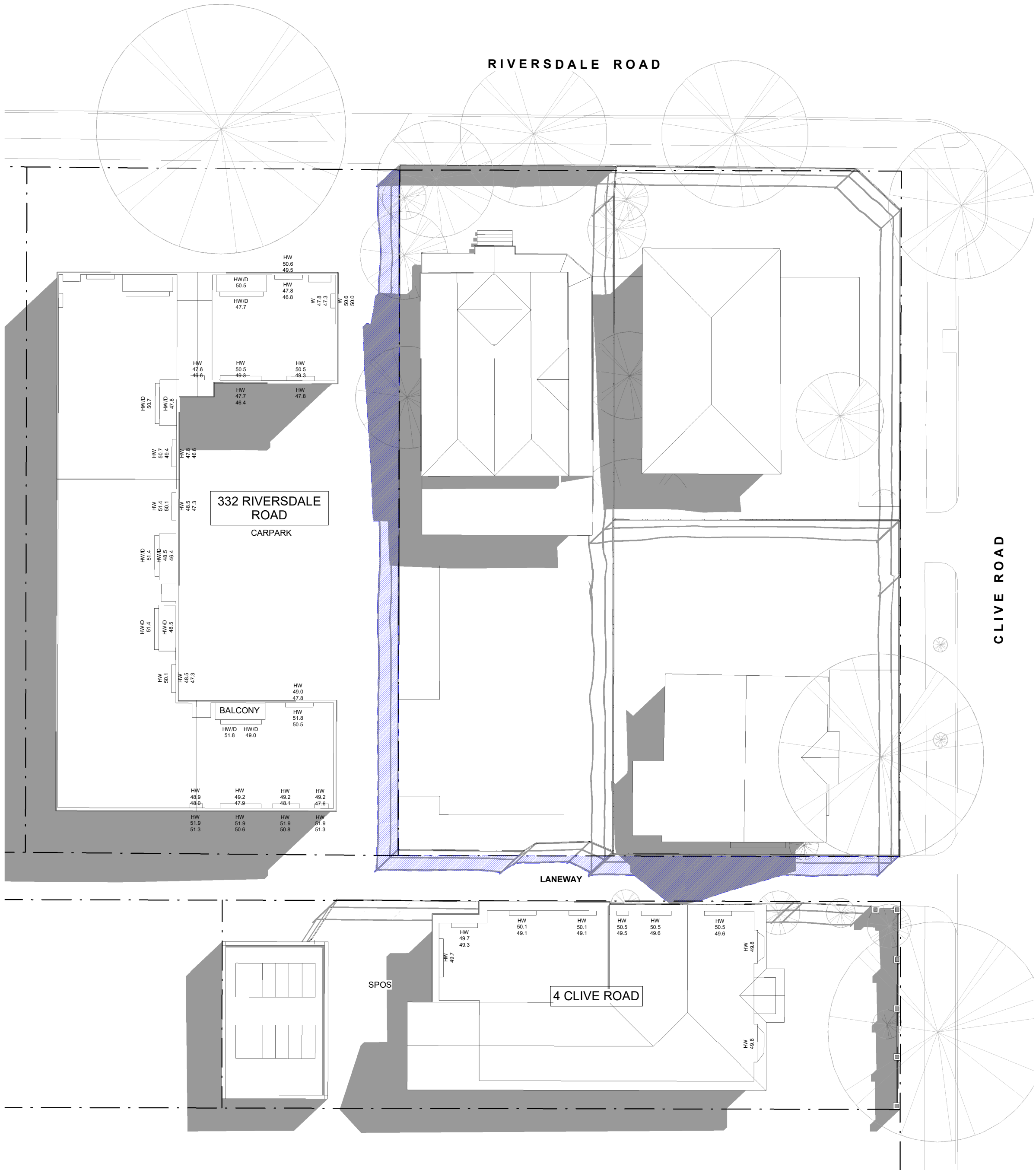
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2 SHADOW DIAGRAM NEW - 9AM (21 SEPT)  
SCALE 1 : 200



Received  
08/11/2023



1 SHADOW DIAGRAM EXISTING - 10AM (21 SEPT)  
SCALE 1:200

LEGEND

- EXTENT OF EXISTING SHADOW WITHIN NEIGHBOURING PROPERTIES
- EXTENT OF NEW SHADOW FROM THE PROPOSED DEVELOPMENT WITHIN NEIGHBOURING PROPERTIES
- EXTENT OF NEIGHBOURING PROPERTY'S SPOS TO REMAIN UNSHADOWED

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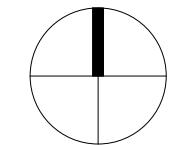
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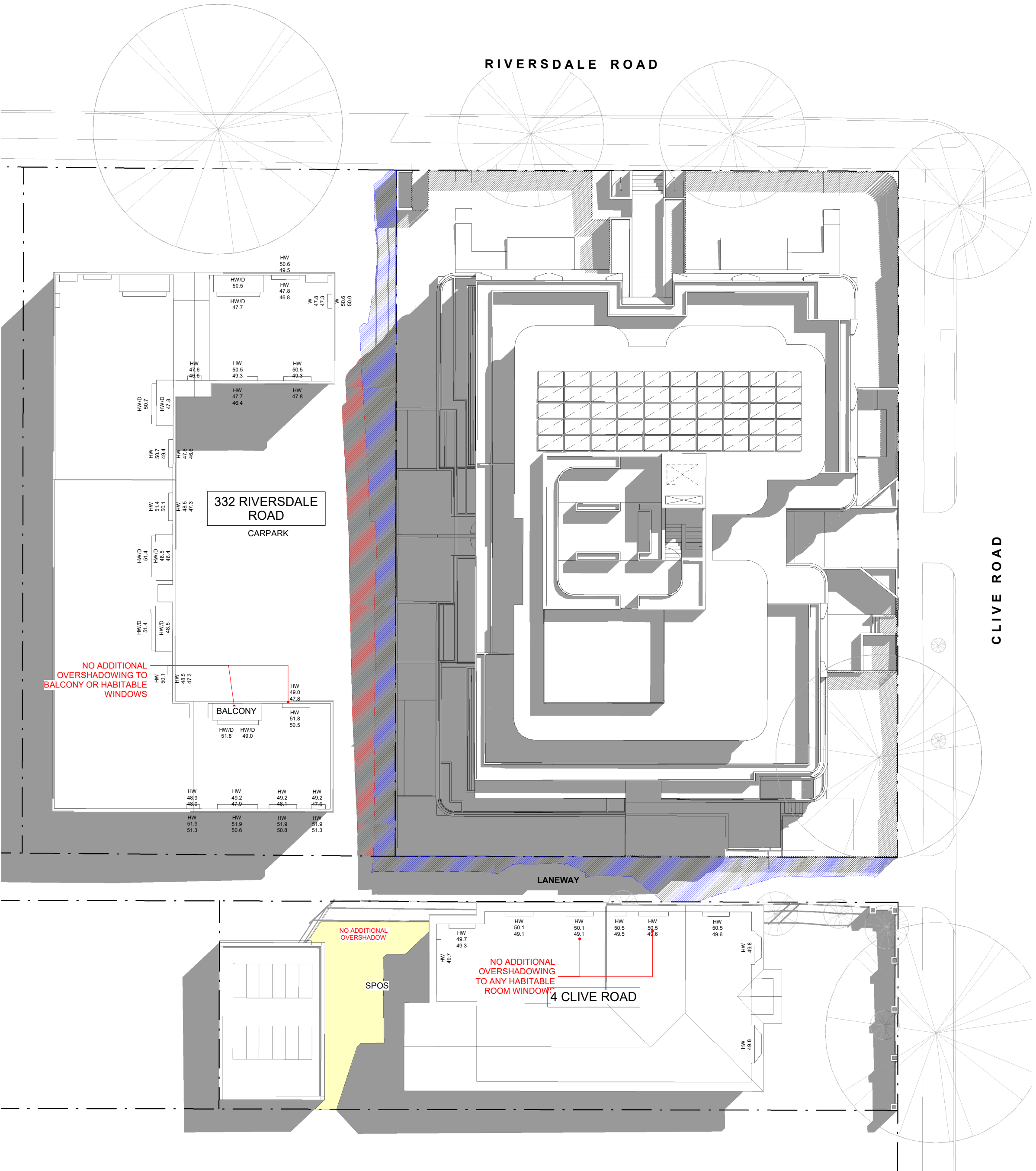
SHADOW DIAGRAM - 10AM  
Title

As indicated@A1 00000 08.11.2023  
Scale Project No. Date



TP51  
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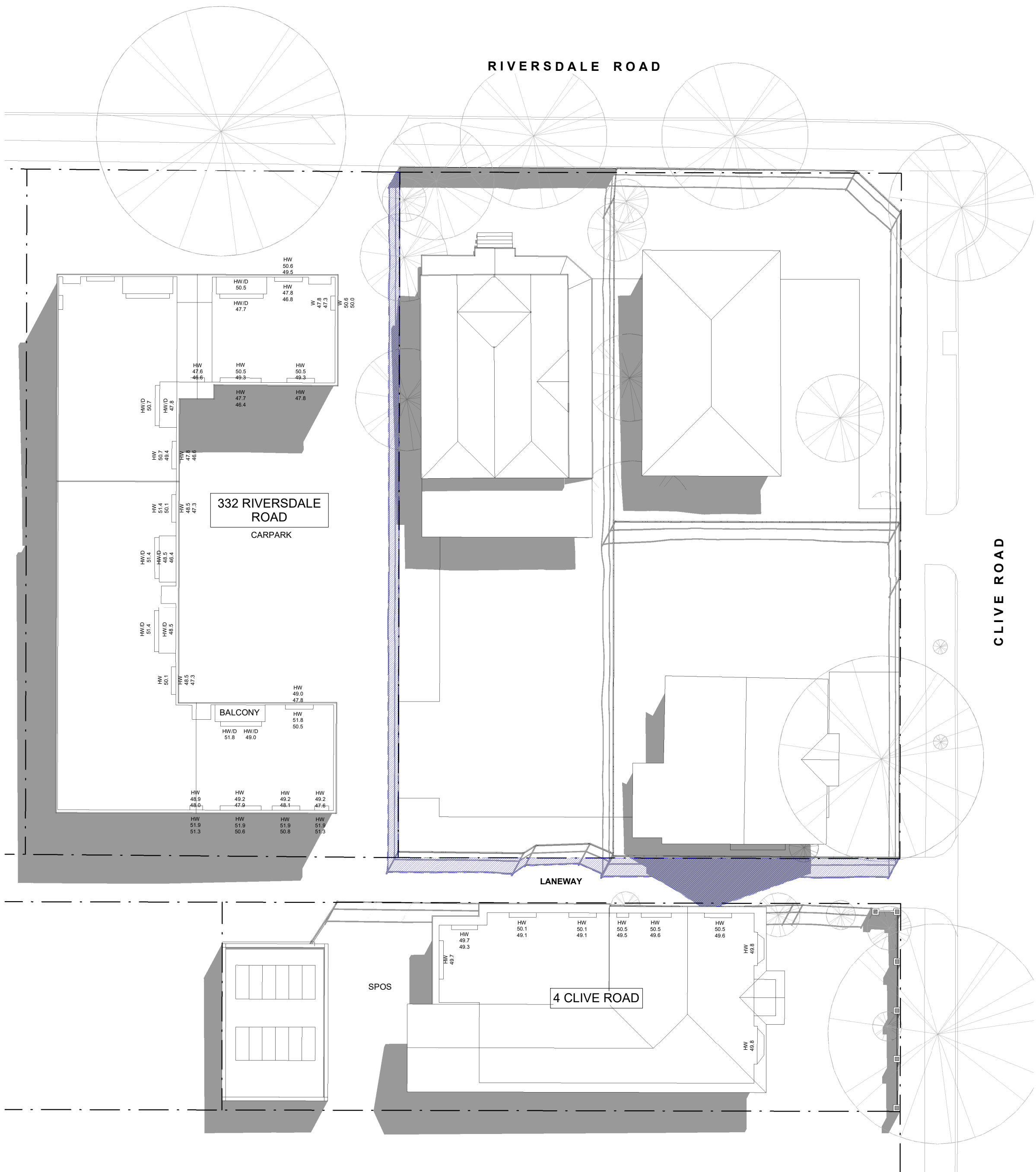
C  
Revision



2 SHADOW DIAGRAM NEW - 10AM (21 SEPT)  
SCALE 1:200



Received  
08/11/2023



1 SHADOW DIAGRAM EXISTING - 11AM (21 SEPT)  
SCALE 1 : 200

LEGEND

- EXTENT OF EXISTING SHADOW WITHIN NEIGHBOURING PROPERTIES
- EXTENT OF NEW SHADOW FROM THE PROPOSED DEVELOPMENT WITHIN NEIGHBOURING PROPERTIES
- EXTENT OF NEIGHBOURING PROPERTY'S SPOS TO REMAIN UNSHADOWED

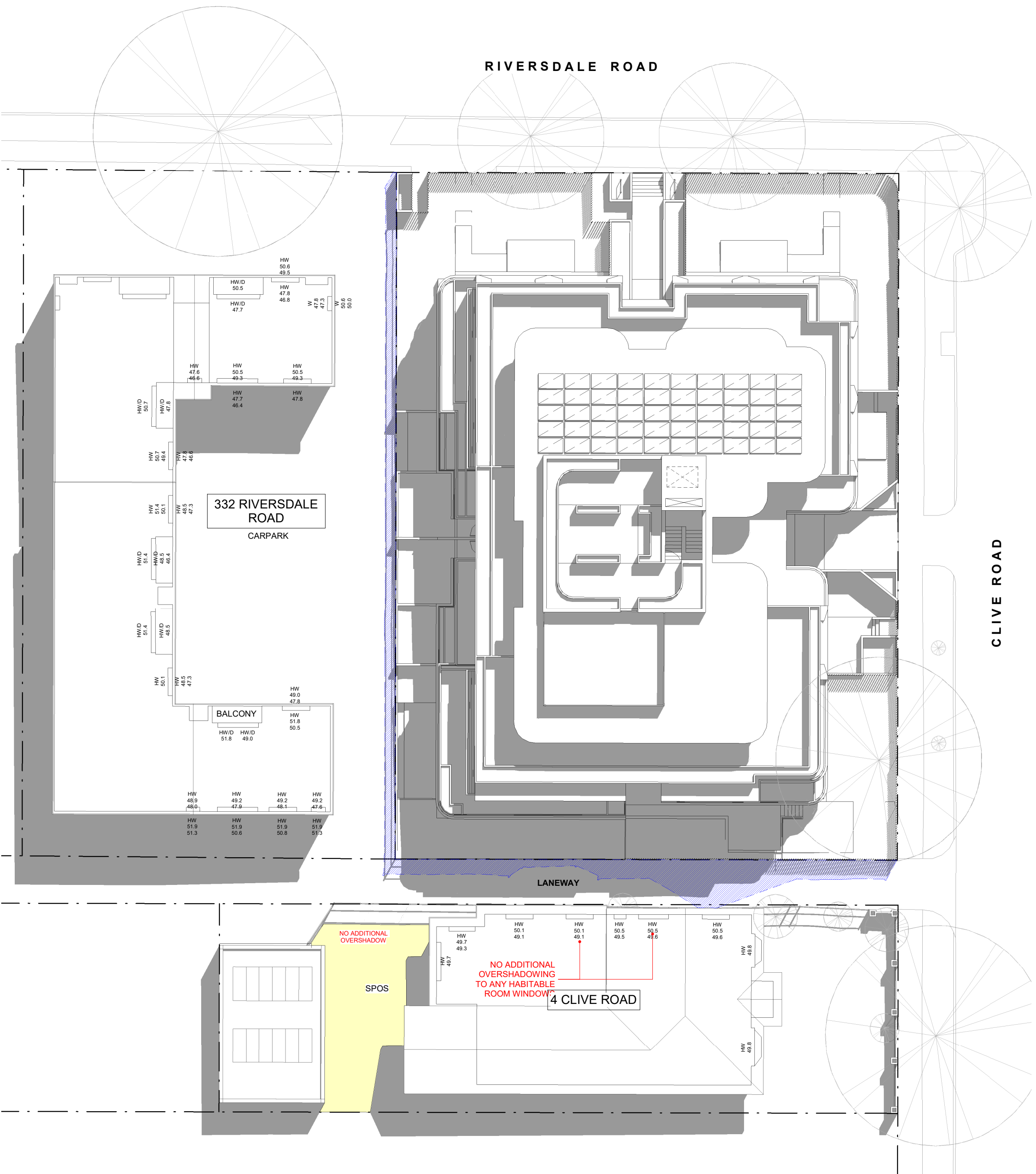
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2 SHADOW DIAGRAM NEW - 11AM (21 SEPT)  
SCALE 1 : 200

CDG  
Client

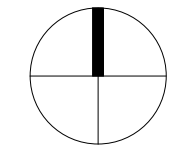
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SHADOW DIAGRAM - 11AM  
Title

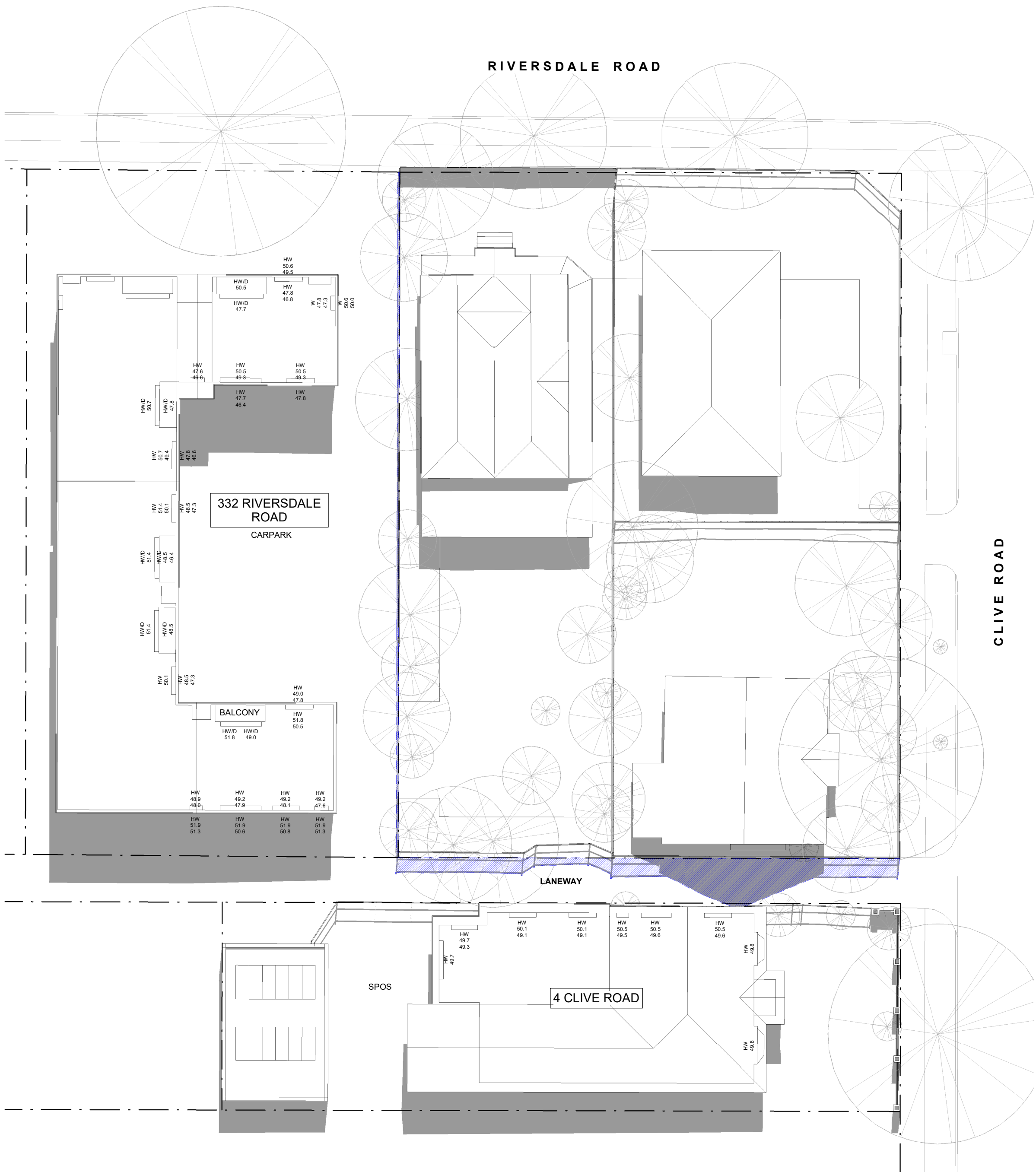
As indicated@A1 00000 08.11.2023  
Scale Project No. Date



TP52  
Sheet No.

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1 SHADOW DIAGRAM EXISTING - 12PM (21 SEPT)  
SCALE 1 : 200

LEGEND

- EXTENT OF EXISTING SHADOW WITHIN NEIGHBOURING PROPERTIES
- EXTENT OF NEW SHADOW FROM THE PROPOSED DEVELOPMENT WITHIN NEIGHBOURING PROPERTIES
- EXTENT OF NEIGHBOURING PROPERTY'S SPOS TO REMAIN UNSHADOWED

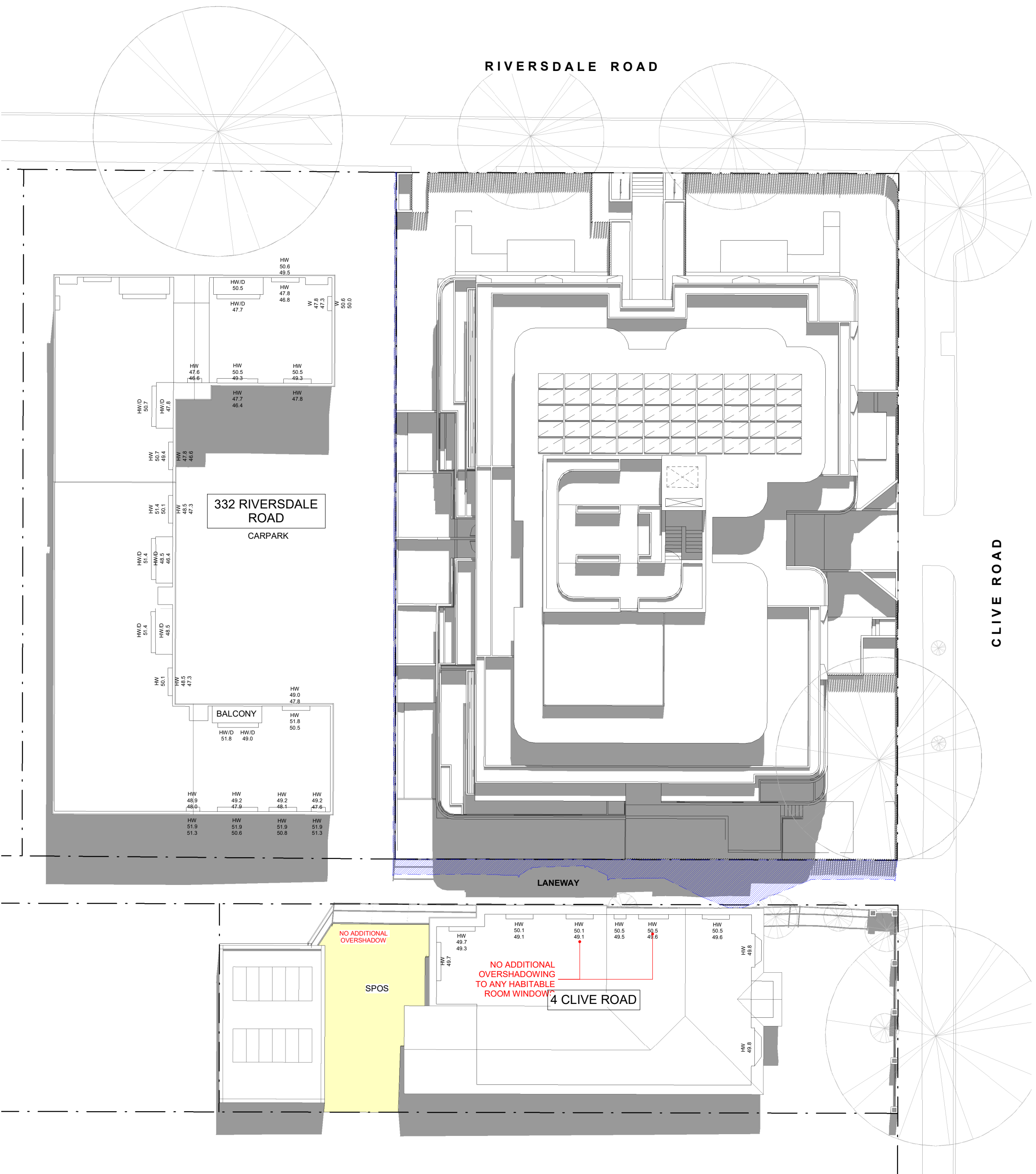
NOTE: BOUNDARY FENCES INDICATED AS POSTS AND RAILS ONLY TO CLEARLY DIFFERENTIATE BETWEEN FENCE AND BUILDING SHADOWS

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2 SHADOW DIAGRAM NEW - 12PM (21 SEPT)  
SCALE 1 : 200

CDG  
Client

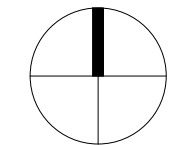
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SHADOW DIAGRAM - 12PM  
Title

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Scale Project No. Date

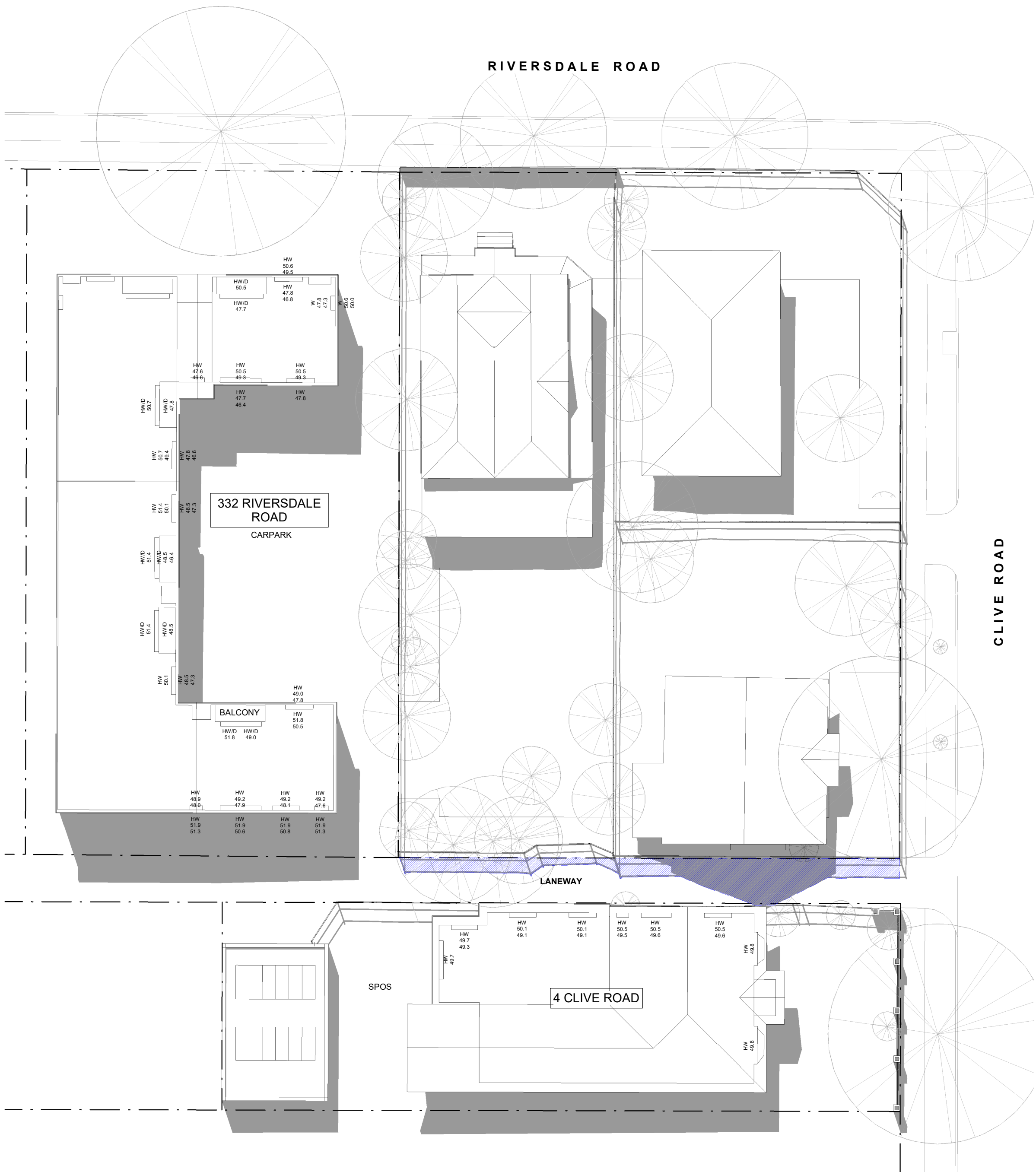


TP53  
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1 SHADOW DIAGRAM EXISTING - 1PM (21 SEPT)  
SCALE 1 : 200

LEGEND

- EXTENT OF EXISTING SHADOW WITHIN NEIGHBOURING PROPERTIES
- EXTENT OF NEW SHADOW FROM THE PROPOSED DEVELOPMENT WITHIN NEIGHBOURING PROPERTIES
- EXTENT OF NEIGHBOURING PROPERTY'S SPOS TO REMAIN UNSHADOWED

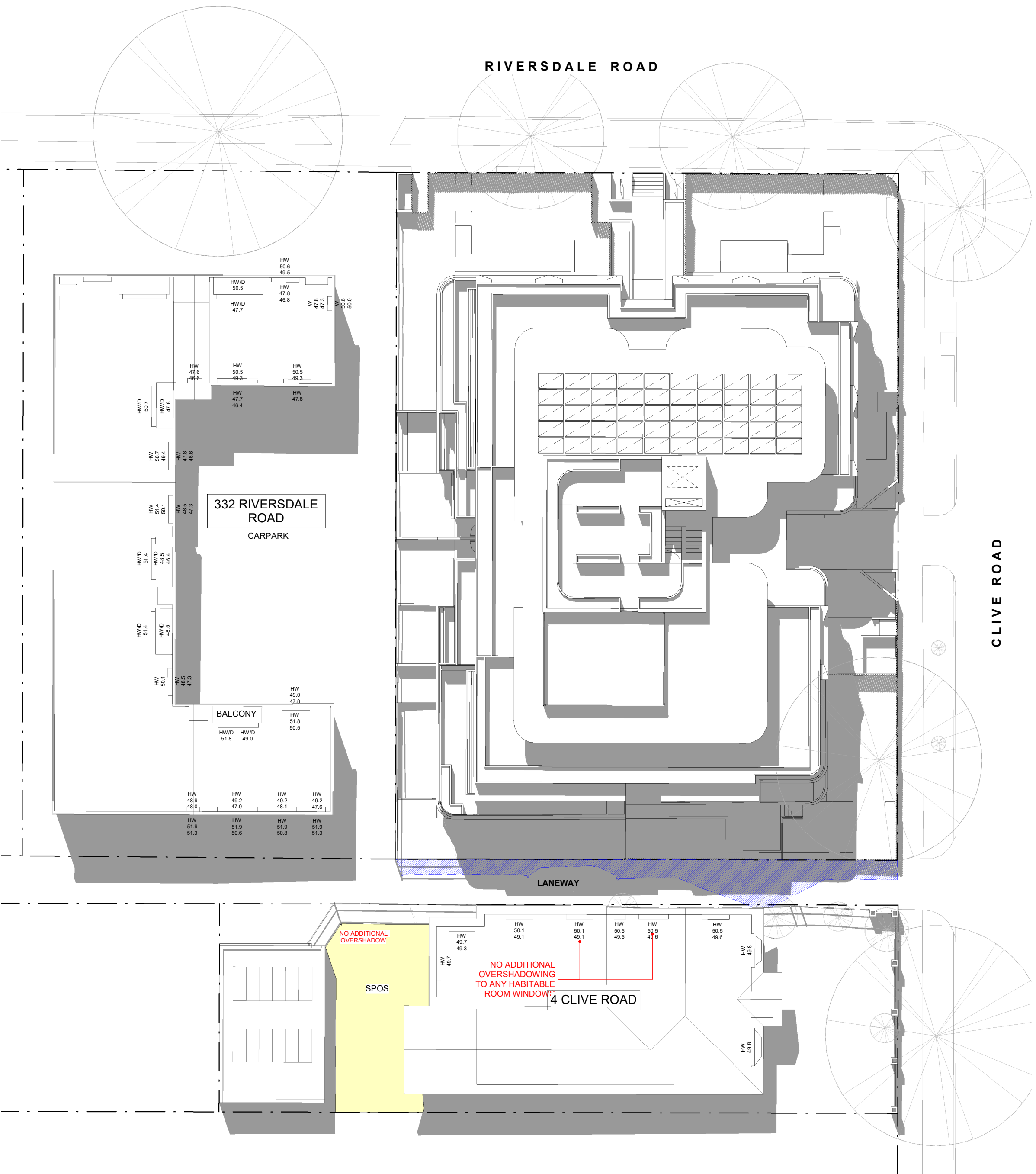
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2 SHADOW DIAGRAM NEW - 1PM (21 SEPT)  
SCALE 1 : 200

CDG  
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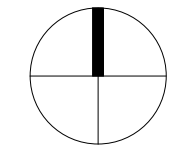
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SHADOW DIAGRAM - 1PM  
Title

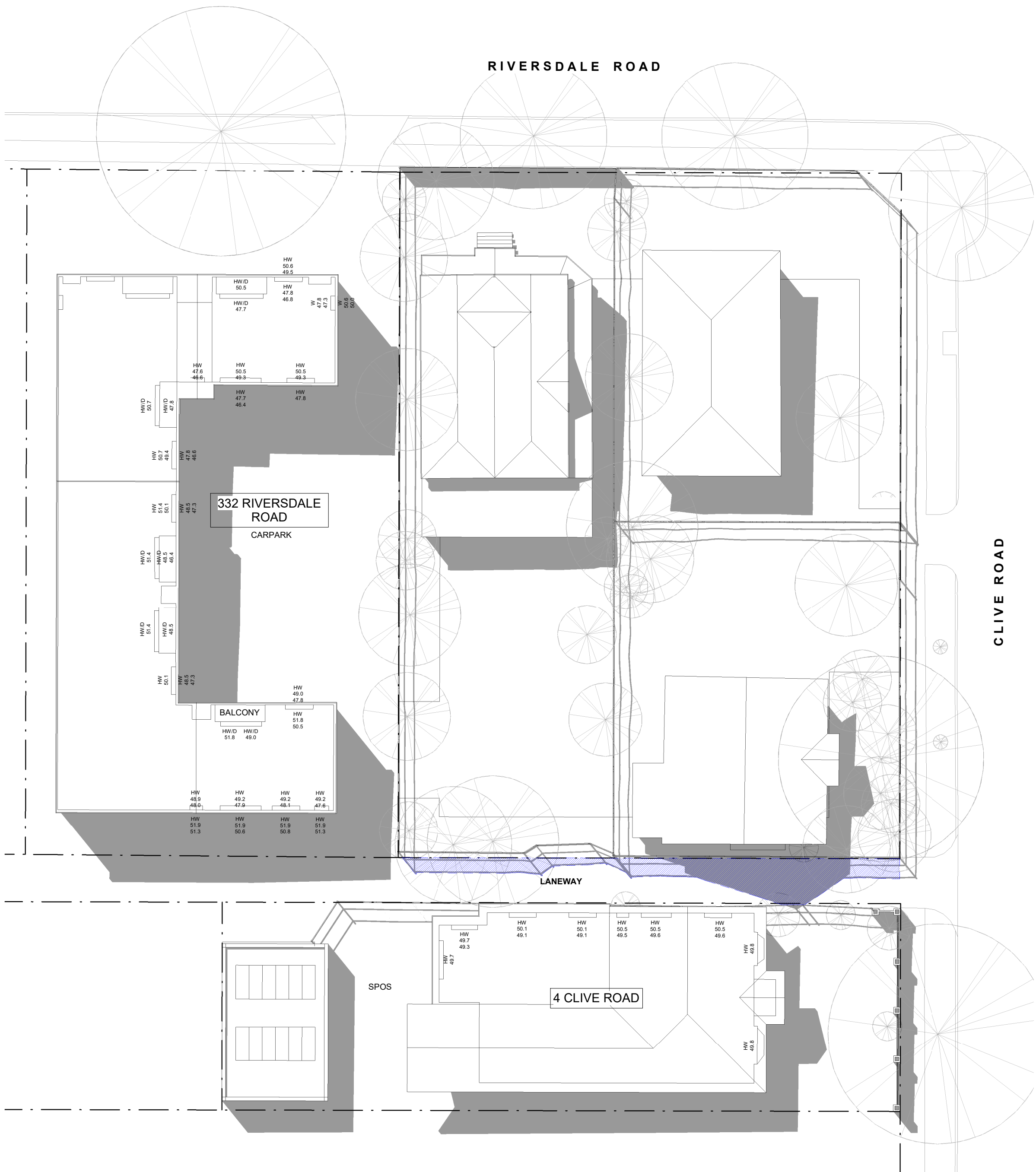
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1 SHADOW DIAGRAM EXISTING - 2PM (21 SEPT)  
SCALE 1 : 200

LEGEND

- EXTENT OF EXISTING SHADOW WITHIN NEIGHBOURING PROPERTIES
- EXTENT OF NEW SHADOW FROM THE PROPOSED DEVELOPMENT WITHIN NEIGHBOURING PROPERTIES
- EXTENT OF NEIGHBOURING PROPERTY'S SPOS TO REMAIN UNSHADOWED

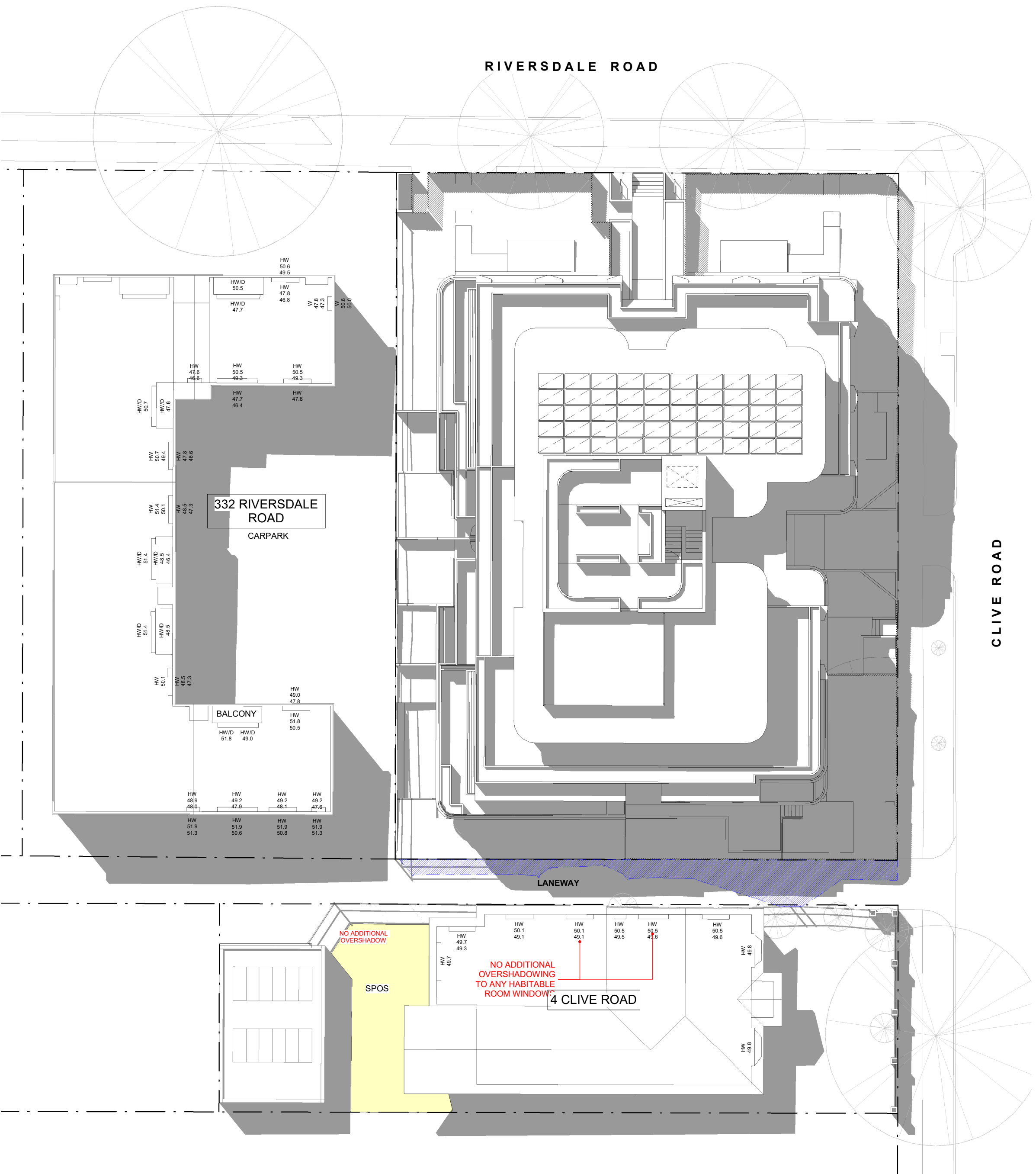
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2 SHADOW DIAGRAM NEW - 2PM (21 SEPT)  
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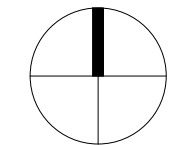
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SHADOW DIAGRAM - 2PM  
Title

As indicated@A1 00000 08.11.2023  
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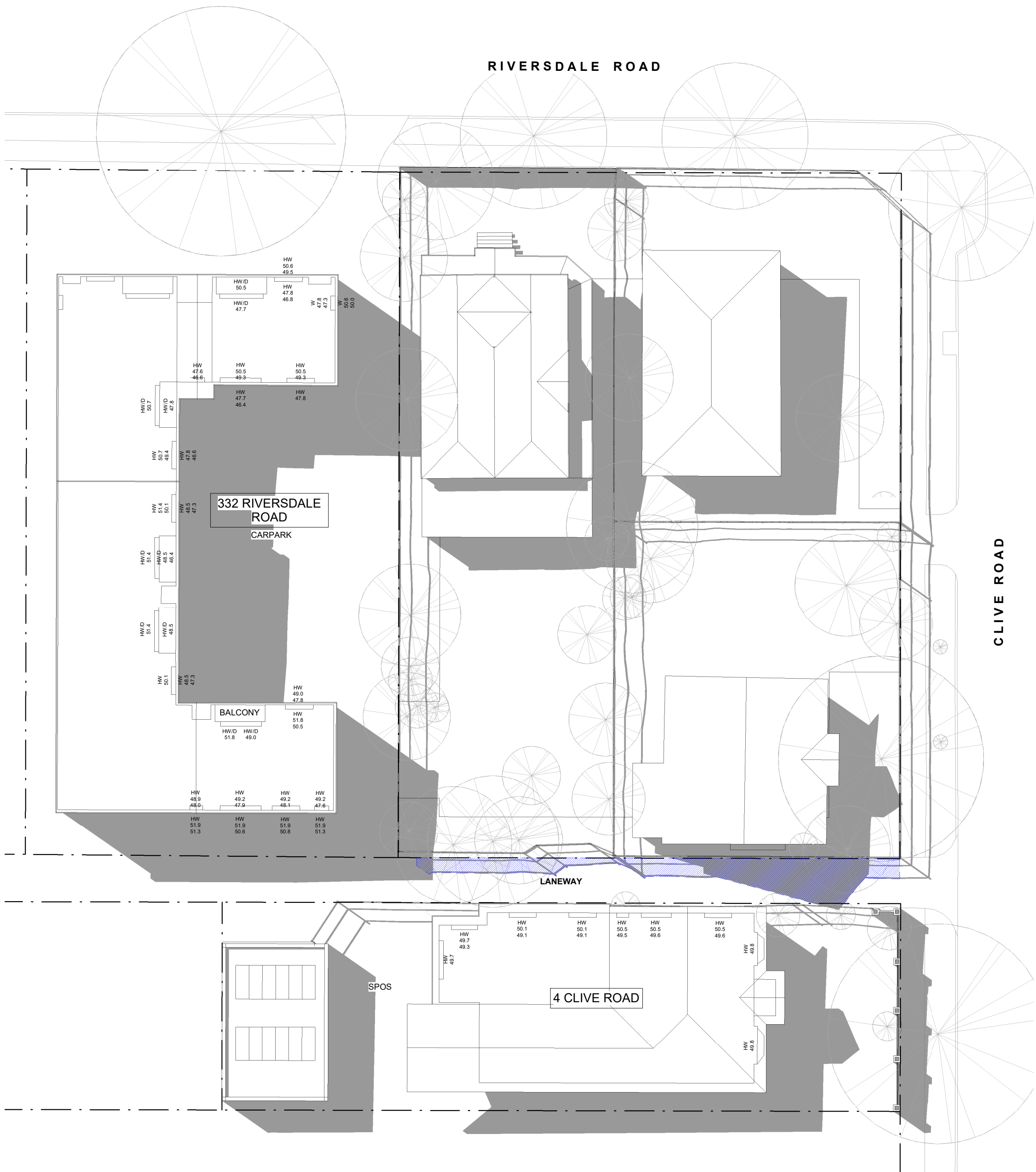


TP55  
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1 SHADOW DIAGRAM EXISTING - 3PM (21 SEPT)  
SCALE 1 : 200

LEGEND

- EXTENT OF EXISTING SHADOW WITHIN NEIGHBOURING PROPERTIES
- EXTENT OF NEW SHADOW FROM THE PROPOSED DEVELOPMENT WITHIN NEIGHBOURING PROPERTIES
- EXTENT OF NEIGHBOURING PROPERTY'S SPOS TO REMAIN UNSHADOWED

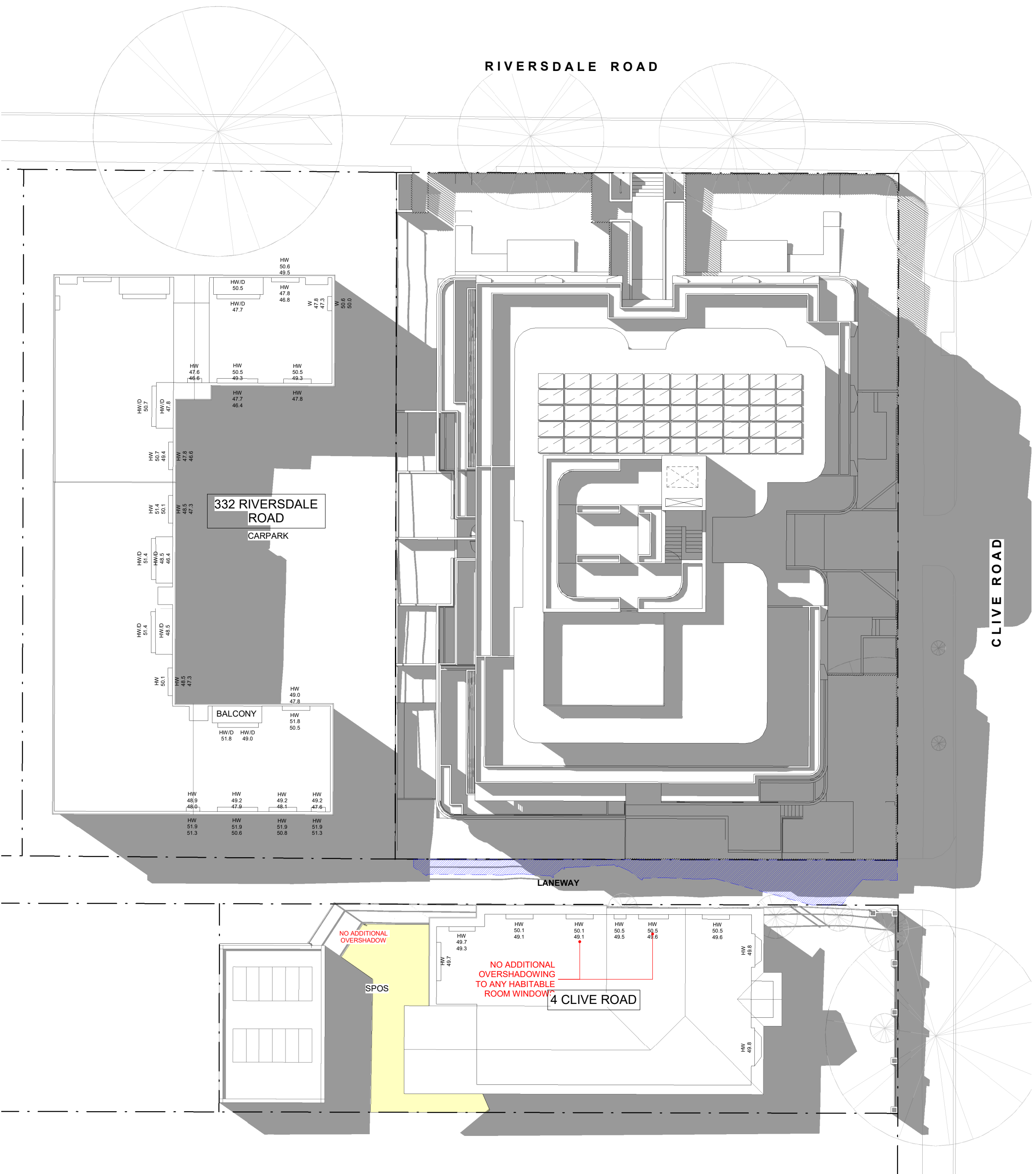
NOTE: BOUNDARY FENCES INDICATED AS POSTS AND RAILS ONLY TO CLEARLY DIFFERENTIATE BETWEEN FENCE AND BUILDING SHADOWS

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2 SHADOW DIAGRAM NEW - 3PM (21 SEPT)  
SCALE 1 : 200

CDG  
Client

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Riversdale Road  
Project

SHADOW DIAGRAM - 3PM  
Title

As indicated@A1 00000 08.11.2023  
Scale Project No. Date

TP56  
Sheet No.

C  
Revision

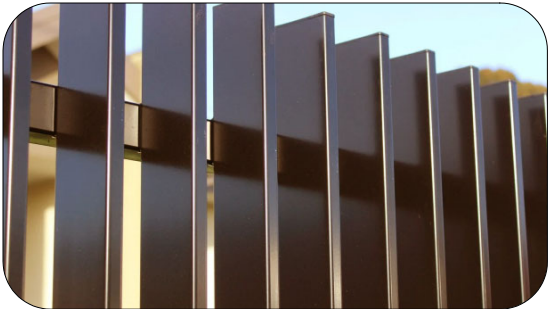


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MATERIAL SCHEDULE



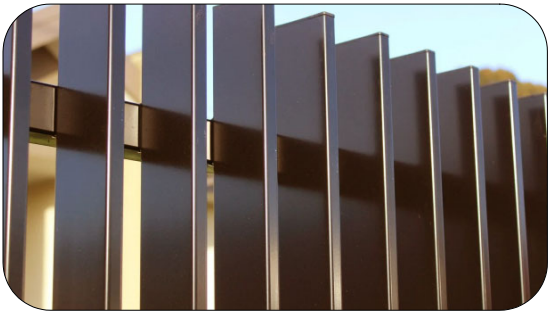
**BR-01**  
BRICK  
GREY



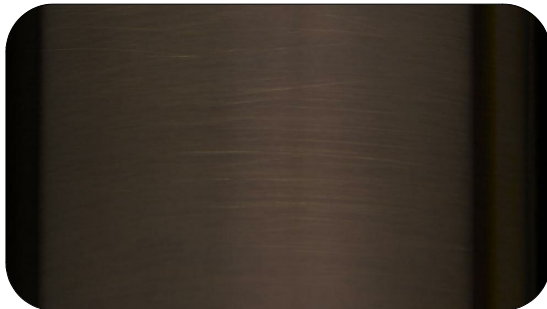
**MB-01**  
METAL BLADE FENCE  
TO MATCH MT-01



**BR-02**  
BRICK  
CHARCOAL



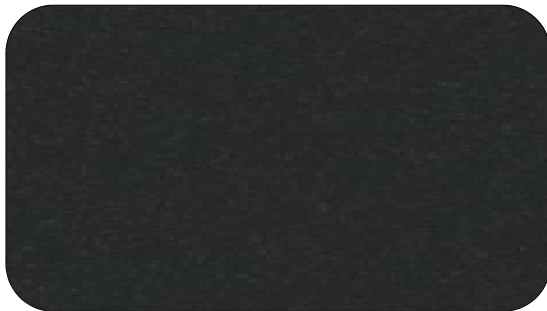
**MG-01**  
OPENABLE METAL BLADE GATES  
TO MATCH MB-01  
*FOR SERVICES ENCLOSURE*



**MT-01**  
METALLIC FINISH  
BRONZE



**LV-01**  
LOUVRED PLANT SCREEN  
BLACK



**MT-02**  
METALLIC FINISH  
BLACK



**GL-01**  
GLASS  
CLEAR



**PM-01**  
PERFORATED METAL  
PRIVACY SCREENING MAX  
25% TRANSPARENCY  
COLOUR TO MATCH MT-01



**GL-02**  
GLASS  
OPAQUE

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No. Date Notes  
A 19.06.2023 TOWN PLANNING APPLICATION  
B 09.08.2023 RFI  
C 08.11.2023 POST RFI

PRELIMINARY  
-  
Status

CDG  
Client

Embrace Architects

Embrace Architects Pty Ltd  
316 VICTORIA STREET, RICHMOND, VIC3121

Riversdale Road  
Project

MATERIAL SCHEDULE  
Title

1 : 200@A1 00000 08.11.2023  
Scale Project No. Date

TP60  
Sheet No.

C  
Revision

## 3.2 7 Mangarra Road, Canterbury - Fire damaged heritage building - Proposed Specific Control Overlay

### Executive Summary

#### Purpose

The purpose of this report is to inform the Urban Planning Delegated Committee (UPDC) of the ongoing strategic and heritage planning response to the disrepair and recent destruction by arson of the individually significant heritage dwelling ‘*Shenley Croft*’ (HO391) at 7 Mangarra Road, Canterbury.

UPDC endorsement is also sought to request the Minister for Planning to amend the Boroondara Planning Scheme to apply the Specific Control Overlay (SCO) to the land at 7 Mangarra Road, Canterbury in response to the circumstances that lead to the destruction of the dwelling. The SCO will seek to ensure any future development of the property includes the reconstruction of the heritage building.

#### Background

In 2009, ‘*Shenley Croft*’ was included in the Heritage Overlay as an individually significant heritage place.

Since 30 November 2020, when the property was purchased by the current owner, the heritage dwelling has remained vacant and fallen into disrepair.

On Saturday 9 December 2023, the heritage dwelling sustained significant fire damage, and was mostly destroyed. The Victoria Police has advised that the fire is being treated as a confirmed arson case.

#### Key Issues

The unlawful demolition of ‘*Shenley Croft*’ raises concern about the Heritage Overlay and its ability to protect places of heritage significance. There is a need to prevent or mitigate neglect and unlawful demolition, and potential development gains that could arise from such action.

Section 6B of the *Planning and Environment Act 1987* (the Act) was introduced to address this issue. It enables a planning scheme to be amended to regulate or prohibit development on land where a heritage building has been unlawfully demolished. Section 6B also provides that a planning permit must not be granted for the redevelopment of land on which there is or was a heritage building other than the reconstruction and reinstatement, or repair of a heritage building.

The most appropriate planning control to be implemented in this case is the Specific Controls Overlay (SCO) through a planning scheme amendment. This would be supported by an incorporated document which sets out the planning permit arrangements for the land.

On 10 January 2024, officers wrote a letter of intent to the Department of Transport and Planning (DTP) seeking Ministerial intervention to amend the Boroondara Planning Scheme pursuant to Section 20(4) of the Act to apply the SCO on a permanent basis.

Officers are also preparing an associated incorporated document for the Planning Scheme to accompany the amendment which would prevent the development of the property other than for the reconstruction of the heritage building.

### Next Steps

This report seeks a resolution from the UPDC to confirm the request of the Minister for Planning to exercise ministerial discretion pursuant to Section 20(4) of the Act to amend the Boroondara Planning Scheme to apply the SCO (and associated incorporated document) on a permanent basis to the land at 7 Mangarra Road, Canterbury.

Council officers are awaiting advice from the Minister for Planning and officers of DTP to the letter of intent regarding a proposed planning scheme amendment.

Council's Municipal Building Surveyor (MBS) is seeking legal advice regarding the powers of the MBS, under the *Building Act 1993*, to require the property owner to further protect the remnants of the heritage building from deterioration given the damaged building is exposed to weather conditions.

Officers are also considering how Council responds as a Responsible Authority to any future planning permit applications.

## **Officers' recommendation**

That the Urban Planning Delegated Committee resolve to:

1. Confirm and formally request the Minister for Planning to exercise powers pursuant to Section 20(4) of the *Planning & Environment Act 1987* to amend the Boroondara Planning Scheme to apply the Specific Controls Overlay (and associated incorporated document) on a permanent basis to the land at 7 Mangarra Road, Canterbury.
2. Authorise the Director Urban Living to take all necessary action to respond to the unlawful demolition of the heritage property at 7 Mangarra Road, Canterbury and to seek to ensure any future development of the property includes the reconstruction of the heritage building through appropriate planning controls which may include requesting the Minister for Planning for Authorisation to prepare a Planning Scheme Amendment if necessary.

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**Responsible director:**     **Scott Walker, Director Urban Living**

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## **1. Purpose**

The purpose of this report is to:

- Inform the Urban Planning Delegated Committee (UPDC) of the response to date to the disrepair and damage by arson to the heritage property at 7 Mangarra Road, Canterbury.
- Inform the UPDC of the letter sent by Council officers to the Department of Transport and Planning (DTP) to seek Ministerial intervention under Section 20(4) of the *Planning and Environment Act 1987* (the Act) to apply the Specific Controls Overlay (SCO) to the land (and associated incorporated document), to prevent development of the land except for reconstruction of the heritage building.
- Seek a resolution from the UPDC to confirm and formally request the Minister for Planning to exercise powers pursuant to Section 20(4) of the *Planning & Environment Act 1987* to immediately amend the Boroondara Planning Scheme to apply the SCO on a permanent basis to the land at 7 Mangarra Road, Canterbury.

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

### **Boroondara Community Plan 2021-31**

The requested amendment 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'*.

Specifically, the request to the Minister for Planning is consistent with 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 request to the Minister for Planning is consistent with the objectives of planning in Victoria, particularly by implementing the objective detailed at Section 4 (1) of the Act *'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.'*

A planning scheme amendment to implement the SCO will further the objectives of planning in Victoria by establishing a planning framework for the land in context of unlawful demolition and disrepair.

### **Plan Melbourne 2017-2050**

The request to the Minister for Planning is consistent with Outcome 4 of *Plan Melbourne 2017-2050*, which seeks to ensure that *'Melbourne is a distinctive and liveable city with quality design and amenity'*.

Specifically, Direction 4.4 recognises the contribution heritage makes to Melbourne's distinctiveness and liveability and advocates for the protection of Melbourne's heritage places.

### **Boroondara Planning Scheme**

The request to the Minister for Planning is consistent with the objectives of the Planning Policy Framework, addressing the following:

#### **Municipal Planning Strategy**

Clause 02.02 (Vision) identifies the need to protect the heritage and respect the character of the City to maintain amenity and liveability.

Clause 02.03-4 (Built environment and heritage) recognises that heritage precincts and individual heritage places cover a high proportion of the municipality and make a significant contribution to the City's character. It also acknowledges a commitment to the protection, conservation and enhancement of all heritage places in the City.

#### **Local Planning Policy**

Clause 15.03-1L (Heritage in Boroondara) aims to achieve the objectives as follow:

- *'To preserve 'significant' heritage places, protecting all significant heritage fabric including elements that cannot be seen from the public realm'.*
- *'Encourage reconstruction of features or finishes formerly removed, only where historic evidence of original or earlier appearance can be found.'*
- *'Ensure that materials and restoration techniques consistent with the historic period of the heritage place are used.'*
- *'Ensure development does not alter fabric that contributes to the cultural heritage significance of any part of a 'significant' heritage place including elements that cannot be seen from the public realm.'*
- *'Encourage the reuse of previously demolished building materials from the heritage place in the design and construction of new additions to buildings.'*

The requested planning scheme amendment will facilitate reconstruction of a heritage dwelling which fell into disrepair and was unlawfully demolished. The reconstruction of the heritage dwelling delivers on the vision to protect the City's heritage places.

### **3. Background**

In 2009, Amendment C64 to the Boroondara Planning Scheme was gazetted and 'Shenley Croft' was included in the Schedule to Clause 43.01 (Heritage Overlay) (HO391), as an individually significant heritage place.

For many years, the James family resided at 'Shenley Croft' until the current owner took possession of the land on 30 November 2020. Since then, the heritage dwelling remained vacant and fell into disrepair.



The property was the subject of several customer complaints and site inspections made by Local Laws regarding overgrown vegetation, building disrepair and unsecured entry points to the property.

Since 2020, Council has received two planning applications for development at the property, including partial demolition of non-significant fabric at the rear of the heritage building. On 12 December 2023, the most recent planning permit application (for partial demolition to the existing building and construction of two dwellings) lapsed for failure to provide requested further information.

On Saturday 9 December 2023, the heritage dwelling sustained significant fire damage, and was mostly destroyed.

Council officers inspected the site on 9 and 11 December 2023 after the fire to support emergency services and advise on the safety of the premises.

The Council has been advised by Victoria Police that they are treating the fire as 'suspicious and as a confirmed arson'.

A timeline of relevant events relating to this matter is summarised in the table below.

Date	Event
<b>2 December 2019</b>	Property is sold to the current owner.
<b>30 November 2020</b>	Transfer of ownership and possession of the property to the current owner.
<b>24 May 2021</b>	Council received the first complaint from a community member concerning perceived neglect of the site.
<b>10 August 2021</b>	Local Laws officer inspected the site noting the overgrown grass, weeds and vegetation in the garden areas. It was also noted the dwelling appeared unoccupied. An email was sent to the property owner.
<b>10 September 2021</b>	Local Laws officer inspected the site noting the overall condition of the site as 'unsightly'.
<b>6 October 2021</b>	Local Laws officer inspected the site noting the nature strip fronting the site had been trimmed.
<b>7 November 2022</b>	Planning Permit (PP22/0188) issued for partial demolition and restoration of an existing dwelling in a Heritage Overlay in accordance with endorsed plans.  Permit conditions requiring Archival Record and Conservation Management Plan.
<b>23 December 2022</b>	Planning permit application (PP22/1060) for partial demolition and construction of alterations to an existing dwelling and construction of two dwellings on a lot in a Heritage Overlay.

Date	Event
<b>26 December 2022</b>	Objection received to planning application for the site noting windows had been left open and there was a hole in the roof of the heritage dwelling.
<b>27 December 2022</b>	Objection received to planning application for the site, noting there were 3 holes in the roof, weeds and dead plants through the garden.
<b>29 December 2022</b>	Objection received to planning application for the site noting significant neglect to the site.
<b>24 January 2023</b>	Local Laws officer inspected the site noting there were weeds growing in the garden areas of the site.
<b>5 May 2023</b>	Planning Permit Condition 1 Plans (PCon23/0083) for Conservation Management Plan endorsed.
<b>27 June 2023</b>	Report and Consent (BR&C23/12593) for partial demolition of dwelling, demolition of outbuildings and dismantling removal of ballroom.
<b>29 June 2023</b>	Building permit (Bapp/23/86335) for partial demolition of dwelling, demolition of garage (re-location of ballroom).
<b>24 November 2023</b>	Local Laws officer inspected the site noting the front gate was damaged and open; the rear entry to the dwelling was open; and the dwelling was vacant. An email was sent to the property owner.
<b>6 December 2023</b>	Local Laws officer inspected the site noting since Council's last visit, gaps in the front fence had been boarded up to restrict access.
<b>7 December 2023</b>	Local Laws officer inspected the site, noting grass, weeds and other vegetation were encroaching on public land.
<b>9 December 2023</b>	The Heritage dwelling was destroyed by arson (unlawful demolition).
<b>9 &amp; 11 December 2023</b>	Council's Building Services Department inspected the site immediately after the fire to support emergency services and advise on safety of the premises. An Emergency Order pursuant to s102 of the Building Act 1993 was issued to the owner to immediately secure the site, disconnect any services, and engage a structural engineer to assess the remaining structure
<b>12 December 2023</b>	Lapsed planning permit application (PP22/1060) for failure to respond to Request for Further Information.
<b>December 2023</b>	Council officers liaised with DTP representatives and sought advice regarding Section 6(B) of the Planning and Environment Act 1987

Date	Event
10 January 2024	Council officers write letter to DTP requesting ministerial intervention pursuant to 20(4) of the Act to undertake a planning scheme amendment to apply the Specific Controls Overlay to the subject land.

#### 4. Key Issues

The unlawful demolition and disrepair of heritage places is a serious concern for Council and the local community. For the Heritage Overlay to be effective in the protection of heritage places, it is important that Council take action to prevent the HO being circumvented by the unlawful demolition of heritage places, or by allowing them to fall into disrepair.

##### **Section 6B of the *Planning and Environment Act 1987***

In March 2021, the Act was amended to include Section 6B. The intent of Section 6B of the Act is to deter and prevent parties from obtaining a benefit from unlawfully demolishing heritage buildings or allowing heritage buildings to fall into disrepair resulting in demolition.

Section 6B enables a planning scheme to make provision for additional matters for the purposes of:

- *Furthering the objectives of planning in Victoria*
- *Deterring persons from unlawfully demolishing heritage buildings or allowing heritage buildings to fall into disrepair*
- *Preventing persons from obtaining a benefit from unlawfully demolishing heritage buildings or allowing heritage buildings to fall into disrepair*

The additional matters the planning scheme may make provision for are:

- *To regulate or prohibit the development of land on which there is or was a heritage building that has:*
  - *Been unlawfully demolished, in whole or in part, or;*
  - *Fallen into disrepair*
- *To require that a planning permit must not be granted for the redevelopment of land on which there is or was a heritage building that has been unlawfully demolished, in whole or in part, or fallen into disrepair, unless the development is for or includes:*
  - *The reconstruction or reinstatement of the building, in whole or in part, or;*
  - *The repair of the building*

It is considered that the damage sustained by the heritage building at 7 Mangarra Road, Canterbury by arson constitutes 'unlawful demolition' and, as such, meets the intent of Section 6B of the *Planning and Environment Act 1987* (the Act).

## Specific Controls Overlay (SCO)

Pursuant to Section 6B of the Act, the Specific Controls Overlay (SCO), at Clause 45.12 of the Planning Scheme, could be applied to a property to prevent or restrict development where a heritage building has been unlawfully demolished or allowed to fall into disrepair resulting in demolition. The SCO would be supported by an incorporated document.

The SCO is considered the appropriate planning tool to provide planning certainty to the property owner, Council and the community given what has taken place. The SCO would introduce a control whereby a planning permit cannot be granted for development other than in accordance with the conditions of the incorporated document (reconstruction of the heritage building).

Similar to planning permit conditions, the associated incorporated document would guide reconstruction of the heritage dwelling.

A planning scheme amendment is required to apply the SCO to the land, and to introduce an associated incorporated document. The amendment will:

- enable the form and conditions of the future use and development of the land to be established with certainty;
- deter persons from unlawfully demolishing heritage buildings or allowing heritage buildings to fall into disrepair; and
- prevent the owner of the land obtaining a benefit from the unlawful demolition of a heritage building and from allowing the heritage building to fall into disrepair.

## Current status – 7 Mangarra Road, Canterbury

Figures 1 and 2 below show the 'Shenley Croft' property following the fire on 9 December 2023.

Council's Building Services Department inspected the site immediately after the fire to support emergency services and advise on the safety of the premises. An Emergency Order pursuant to s102 of the Building Act 1993 was issued to the owner to immediately secure the site, disconnect any services, and engage a structural engineer to assess the remaining structure.



**Figure 1 – 'Shenley Croft' after the fire noting remaining original chimney stack**  
*Note: photo taken by Council staff*



**Figure 2 – 'Shenley Croft' after the fire**  
*Note: photo taken by Council staff*

It is considered that the unlawful demolition of the heritage building at 7 Mangarra Road, Canterbury warrants a response by Council and the Minister for Planning under Section 6B of the Act.

On 10 January 2024, officers wrote to the Department of Transport and Planning (DTP) seeking Ministerial intervention to amend the Boroondara Planning Scheme pursuant to Section 20(4) of the Act to apply the SCO on a permanent basis. The Amendment would also seek to introduce an associated incorporated document to prevent the development of the property other than for the reconstruction of the heritage building.

## **5. Financial and resource implications**

The actions outlined in this report can be resourced by the City Futures Department from the Strategic Planning operational budget for the 2023/24 financial year. The administration of the SCO is not expected to have any significant impacts on the resources and administrative costs of Council.

## **6. Governance issues**

No officers involved in preparing 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.

## **7. Social and environmental issues**

The protection of heritage places across Boroondara continues to have positive social and environmental effects. The proposed response as outlined in this report will have positive social and environmental effects by contributing to the continual protection and management of the City's heritage.

**Manager:** David Cowan, Manager City Futures

**Report officer:** Marie Sheriff, Principal Heritage Planner



### **3.3 10 Markham Avenue, Ashburton (Markham Estate) - Review of Planning Approval and development process - Amendment C321boro**

#### **Executive Summary**

##### Purpose

The purpose of this report is to brief the Urban Planning Delegated Committee on the process for approval and development of the Markham Estate housing project by the State Government as facilitated by Amendment C321boro to the Boroondara Planning Scheme and to highlight the issues with the process.

##### Background

Public Housing was first built on the Markham Estate in the 1950's, consisting of nine double storey prefabricated concrete buildings. Over time the buildings deteriorated with many of the units becoming uninhabitable. In 2015 the State Government announced that the site would be redeveloped for new public housing and the following year the old buildings on the site were demolished.

The State Government embarked on a process to establish a suitable planning framework to facilitate redevelopment of the site with the drafting of Planning Scheme Amendment C251 in 2016 for 252 dwellings (62 public and 190 private) and then in 2018 Amendment C298 for at least 200 dwellings including 62 public housing dwellings. Both Planning Scheme Amendments failed to receive support in parliament following concerns being expressed by Boroondara Council and the community about the proposed development including the lack of public and affordable housing being provided.

Planning Scheme Amendment C321boro was then ultimately approved by the Minister for Planning on 24 September 2020. The Amendment inserted the Markham Housing Estate Incorporated Document, May 2020 into the Planning Scheme to facilitate redevelopment for 178 dwellings, including 111 public housing dwellings. The project was subsequently completed by Homes Victoria in late 2023 and residents have now moved in.

##### Key Issues

There are a number of key issues with the process to establish a suitable planning framework to facilitate the redevelopment of the Markham Estate along with concerns about the delivery of the final project. In particular, the report addresses the following issues:

- The preparation of a planning framework to facilitate the redevelopment without formal opportunity for Council and community input or an independent panel review to evaluate the proposal;
- The Department of Environment, Land, Water and Planning (DELWP) on behalf of the Minister for Planning, as the responsible authority for approval of documentation in accordance with the established planning framework for the project, which did not have a transparent process involving formal consultation or external scrutiny over the final approvals;
- The Minister for Planning, as the responsible authority, has wide ranging power to agree to the proposal as put forward by Housing Victoria;

- There was no clear enforcement oversight of the project to ensure it meets with approvals and the approvals were changed throughout the process with limited scrutiny;
- The process that has been established is not streamlined, timely, did not lead to better outcomes and required significant resource effort on behalf of Council and community to influence improvements.

### Next Steps

Council to note the process used to facilitate the redevelopment raises a number of concerns in terms of achieving the best planning and development outcome in a timely way and to highlight this example to demonstrate the short comings of similar processes being put forward by the State Government as part of planning reform advocacy and submissions.

## **Officers' recommendation**

That the Urban Planning Delegated Committee resolve to:

1. Note that the State Government housing development project at 2-18 Markham Avenue, Ashburton (known as the Markham Estate) is now complete, and residents have moved in.
2. Note that the process the Minister for Planning and the then Department of Environment, land, Water and Planning used to consider the approval of the development was uncertain, had no defined pathway, lacked transparency, forced Council and the community to advocate for improvements without any recovery of costs through application fees, has not resulted in a faster outcome to the delivery of housing and provided inadequate oversight of the project implementation with limited avenues for independent review to ensure compliance with approvals.

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**Responsible director:**        **Scott Walker, Director Urban Living**

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## **1. Purpose**

The purpose of this report is to brief the Urban Planning Delegated Committee on the process for approval and development of the Markham Estate housing project by the State Government as facilitated by Amendment C321boro to the Boroondara Planning Scheme and to highlight the issues with the process.

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

### **Boroondara Community Plan 2017-27**

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

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

The following strategies are relevant:

**Strategy 4.1** - Encourage the planning of well-designed new development that is appropriately located and does not negatively impact on established residential streets and valued neighbourhood character.

**Strategy 4.2** - Advocate to the State Government and opposition parties for greater control over planning decisions.

**Strategy 4.4** - Encourage development in and around our commercial centres, with an emphasis on increasing housing diversity by having the appropriate planning controls in the Boroondara Planning Scheme.

**Strategy 4.5** - Introduce environmentally sustainable design policies and principles into the Boroondara Planning Scheme to facilitate sustainable development.

**Strategy 4.6** - Engage with owners and developers to achieve a balance between development and protection of neighbourhood character, heritage and amenity.

**Strategy 4.7** - Advocate to the State Government and opposition parties to review the current suite of zones and overlays to ensure they provide opportunities for new residential infill in appropriate locations and limit development in inappropriate locations.

## **3. Background**

Planning Scheme Amendment C321boro was approved by the Minister for Planning on 24 September 2020. The Amendment inserted the Markham Housing Estate Incorporated Document, May 2020 into the Schedule of Clause 72.04 of the Boroondara Planning Scheme. The Incorporated Document

facilitated approvals for the redevelopment of the former Markham Estate for 178 dwellings, including 111 public housing dwellings, in accordance with conditions set out in the document.

The approved plans were prepared on behalf of Homes Victoria in accordance with conditions set out in the Markham Housing Estate Incorporated Document, May 2020. These plans were submitted to the Minister for Planning (via the Department of Environment, Land, Water and Planning) for endorsement and the Markham Estate redevelopment was subsequently delivered by Homes Victoria. The redevelopment was completed in late 2023 and residents have now moved.

The site has an extensive history in terms of the approval process for the redevelopment which is outlined below:

**September 2015:** Minister for Housing announces redevelopment of Markham Avenue public housing estate for “around 240 units, including a 10% increase in social housing onsite.” (Minister for Housing’s Media Release, “Markham Avenue Estate Planning Gets Underway”, 7 September 2015). The previous public housing units at the Markham Housing Estate had long been under-utilised with the majority of the units being uninhabitable. Public housing was built on the site in the 1950’s, consisting of nine double storey buildings constructed using prefabricated concrete (containing 56, 2-bedroom dwellings).

**January 2016:** The existing 56 public housing dwellings on the land are demolished. Only 10 had been inhabited at the time due to their run-down condition.



Above: October 2015 aerial photo of the site, prior to demolition



Above: February 2016 aerial photo of the site, after demolition

**October 2016:** Amendment C251 submitted to Council, proposing to:

- Make the Minister for Planning the responsible authority for the land;
- Redevelop the land for 252 dwellings (62 public housing plus 190 private dwellings), including:
  - Construction of six (6) buildings ranging in scale from 2-storeys (Building A - 8.21m in height) to 7-storeys (Building D - 21.42m in height) above a basement car park;
  - A 2-lot subdivision;
  - Removal of 76 of 82 trees located on the land; and
  - Reduction of the car parking requirements associated with dwelling residents (public housing only) and dwelling visitors.

Amendment C251 did not go through the usual exhibition and independent panel process, as the Minister exempted himself from the requirement to exhibit the amendment. Instead, “community engagement” was conducted by Places Victoria.

**19 December 2016:** Urban Planning Special Committee (UPSC) resolves to inform the Ministers for Planning and Housing, the Department of Health and Humans Services (DHHS) and Development Victoria (previously Places Victoria) that it opposed the proposed development.

**22 December 2016 and 2 February 2017:** Amended plans submitted to Council, incorporating only minor changes, decreasing the overall number of dwellings by two, to 250 (62 public housing, plus 188 private dwellings).

**20 February 2017:** The UPSC again resolves to inform the Ministers and Department of their opposition to the proposal.

**5 October 2017:** Amendment C251 gazetted. The approved Amendment introduced the “Markham Housing Estate Incorporated Document, August 2017” into the Boroondara Planning Scheme. The Incorporated Document allowed the development of the land for “no more than 225 dwellings”. The Incorporated Document failed to nominate a minimum number of public housing dwellings required to be provided.



**16 November 2017:** The Legislative Council votes to revoke approval of Amendment C251. The effect of the revocation was immediate. The key matters of debate at the time were:

- The density of the redevelopment.
- Impacts on traffic conditions, including pedestrian and cycling conditions.
- Impacts on adjoining open space and Gardiners Creek.
- Impacts on neighbourhood character.
- The overall decrease in the capacity of the public housing units.
- The Minister for Planning being made the responsible authority for the land.
- Consultation with council and the local community.
- The proportion of public housing provided within the redevelopment.
- The government's Public Housing Renewal Program.
- The sale of public land that has been set aside for public housing.
- The removal of native vegetation.
- The contribution of the redevelopment to housing choice and affordability.

**1 February 2018:** Amendment C298 gazetted. The Amendment introduced the "Markham Housing Estate Incorporated Document, December 2017" into the Boroondara Planning Scheme. The Incorporated Document allowed the development of the land for "no more than 200 dwellings" and stipulated "at least 62 of the dwellings in the development must be for social housing." The Minister for Housing's media release stated, in addition to the 62 social/public housing apartments, one-third of the 200 apartments approved in the development would be comprised of "affordable housing" (Minister for Housing's media release, "More Social Housing as Markham Revamp Takes Shape", 1 February 2018). Of this, 20 would be part of a State-sponsored shared equity scheme. No details were provided as to how the other apartments would consist of genuine "affordable housing". No commitment or obligation in relation to any form of affordable housing was enshrined into the Incorporated Document.

**28 March 2018:** The Legislative Council again votes to revoke the Minister's approval of the redevelopment of Markham Estate. The key matters of debate included:

- The lack of changes made to the redevelopment proposal since Amendment C251 was revoked.
- Lack of engagement with Boroondara City Council and the community.

**In 2019,** the DHHS (as it was known at the time) made an application to the Minister for Housing to facilitate redevelopment of the Markham Avenue public housing estate for the construction of 178 dwellings, adopting "a mixed tenure approach" and including "approximately 111... dwellings... to be used for public housing". The dwellings were to be contained in five buildings, ranging between 2-4 storeys in height.

Officers formed the view there were seven critical omissions in the 2019 Incorporated Document:

1. Definitions of "mixed tenure" and "public housing";
2. An ongoing obligation to maintain the public housing as such, or provisions regulating reinvestment of profit in local public housing in the event of the public housing being sold on the private market;
3. Anything to regulate or require the provision of on-site car parking;
4. Details of the protection/retention of any trees, including a Tree Protection Plan;

5. The localised widening of Markham Avenue adjacent to the site frontage to facilitate two-way vehicle movement and consequential relocation of the Gardiner's Creek Shared Trail to partially within the subject land;
6. A requirement to make an open space contribution in accordance with Section 18 of the Subdivision Act 1988, equal to 5 percent of the site value of all of the land, to be paid to Council prior to the issue of a Statement of Compliance under the Subdivision Act 1988;
7. A requirement for any plans for endorsement to be submitted to Council for assessment and comment, prior to being given to the Minister for Planning for approval.

**17 February 2020:** Council resolves to inform the Minister for Planning and DELWP it recommends a number of changes to the proposed Incorporated Document. Council's submission sought amendments to address concerns relating to various issues, including off-site amenity impacts, traffic congestion and tree removal/retention.

**2 July 2020:** Minister for Energy, Environment and Climate decides to exercise power of intervention to facilitate the revised proposal for the redevelopment of the Markham Housing Estate by exercising powers of exemption in accordance with Section 20(4) of the *Planning and Environment Act 1987* exempting the Minister from the notification requirements of sections 17, 18 and 19 of the *Planning and Environment Regulations*.

**24 September 2020:** Planning Scheme Amendment C321boro approved by the Minister for Planning inserting the Markham Housing Estate Incorporated Document, May 2020 into the Schedule of Clause 72.04 of the Boroondara Planning Scheme and making the Minister for Planning the responsible authority for the land. The majority of Council's recommendations were not adopted.

**12 April 2021:** Council report highlighting issues and concerns with documentation prepared for Homes Victoria for endorsement by the Minister to enable the Markham Housing Estate development to commence construction.

**Late 2021:** Homes Victoria appoints Built Pty Ltd as the builder and the Markham Estate project commences construction.

**9 October 2023:** Victorian Civil and Administrative Tribunal decision to refuse Ashburton Residents Action Group Inc. (ARAG) Application for a declaration pursuant to s149B of the *Planning and Environment Act 1987* raising concern with the process leading to the redevelopment of the land, and the design and height of the redevelopment.

## 4. Outline of key issues/options

### **Planning Framework established by Planning Scheme Amendment C321boro**

Amendment C321boro to the Boroondara Planning Scheme made changes to the planning approval framework, similar to, but not entirely consistent with streamlined approval processes introduced to planning schemes for a range of developments which the State Government is seeking to support. In terms of the Markham Estate the planning framework has the following key components:

- The use of a Specific Control Overlay (SCO5). The SCO is aimed at achieving a specific land use and development outcome in extraordinary circumstances as outlined in an incorporated document.
- The Markham Estate Incorporated Document, May 2020 which applies to the land and was brought in as part of Planning Scheme Amendment C321boro and which also made the Minister the Responsible Authority for the land.
- Various controls, conditions and requirements for the approval of plans as well as an overriding requirement that the use and development as approved are not to be altered except as otherwise agreed by the responsible authority.

The Markham Estate Incorporated Document states at 4.1:

#### ***4.1 EXEMPTION FROM PLANNING SCHEME REQUIREMENTS***

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

The Building envelope plan provided at page 9 of the Incorporated Document is shown below:

#### **BUILDING ENVELOPE PLAN**



The development is not to exceed the preferred maximum number of residential storeys and the preferred setbacks from boundaries shown on the Building Envelope Plan.

Boroondara Council considered a report in regard to Planning Scheme Amendment C321boro and a draft incorporated document at its Urban Planning Special Committee on 17 February 2020. The report highlighted some of the specific concerns with the proposed development, but it also outlined concerns with the process for subsequent approval of detailed plans. In regard to the Amendment the report notes that:

*“If approved in the format proposed by DHHS, there would be no public notice (exhibition) of the amendment, no independent panel hearings and no third-party review rights. Following approval of the amendment, no planning permits will be required for the development or subsequent subdivision. Any plans for endorsement arising from the conditions in the proposed*

*Incorporated Document are required to be prepared to the satisfaction of the Minister for Planning, not to Council's satisfaction."*

The report and subsequent submission to the State Government at the time clearly identified that there is no reasonable basis for the removal of Council in its ordinary role as responsible authority and that the proposed use of section 20(4) of the Act to by-pass the usual public notice (exhibition) and independent scrutiny (panel hearing) is inappropriate and a denial of natural justice.

The report also identified specific concerns about the relative expertise needed for the assessment of detailed and complex residential apartment proposals of the type being proposed at the Markham Estate. In particular the report notes that:

*"On review of the amendment documents, officers have noted a number of errors and misstatements relating to DHHS' claimed compliance with the Standards of Clause 55 (ResCode). It is the officers' experience assessing applications against the requirements of Clause 55.07 is complex and requires detail, which is lacking from the amendment documents. Officers are of the view the Boroondara Statutory Planning Department has the necessary experience and expertise to undertake the assessment. For this reason, the recommendation to make the Minister for Planning the responsible authority is not supported as it removes opportunities for independent scrutiny and third-party involvement. Third parties are an important and valued part of the Victorian Planning System. Community consultation conducted by Council does not absolve the Department or Minister from independently fulfilling their statutory obligations in relation to public notice and the provision of a fair hearing."*

In response to a formal request by the Department of Health and Human Services the State Government formally intervened to exempt Planning Scheme Amendment C321boro from the usual third-party public notification requirements in accordance with Section 20(4) of the Planning and Environment Act 1987. The intervention was justified with an explanation of the community benefit as follows:

*"The main benefit of the exemption is that it will enable a prompt decision to be made on the adoption and approval of an amendment which facilitates the timely delivery of much needed social housing renewal in an area that is close to public transport, open space, shops and community facilities.*

*The exemption of the amendment from the requirements of sections 17, 18 and 19 of the Act and the regulations will mean the benefits of the redevelopment are able to be delivered sooner, and the social consequences of delaying the delivery of the redevelopment are avoided."*

The benefit outlined by the State Government suggests that the project would be able to be delivered faster and that this benefit outweighed the benefit and need for the usual processes. It is considered that this is blatantly not the case.



## VCAT Review by ARAG

The Ashburton Residents Action Group Inc. (ARAG) has been a key community advocacy group throughout the Markham Estate Project. ARAG has raised significant concerns with the project including the approval, development and enforcement process over that time with the State Government, Homes Victoria, the Builder and Council. ARAG felt that many of the issues raised over that time were not adequately responded to or answered and therefore took the matter to the Victorian Civil and Administrative Tribunal (VCAT) whilst the project was still under construction in early 2023.

ARAG sought from VCAT a Section 149B declaration. The specific concerns raised by ARAG were with:

1. The lack of consultation with the community;
2. Changes in the scheme;
3. Incorrect information from the Minister and Homes Victoria; and
4. Alleged breaches of the development with the Incorporated Document.

In the written decision on the matter VCAT notes that it is clear from ARAG's submission that it is not satisfied with the approval process and says the decision to exempt C321 from notice was based on inaccurate information particularly in regard to the height of the development. However, there was, and is no challenge in the appropriate forum with respect to the Minister's decision to exempt C321 from public notification.

On the basis of the above commentary from VCAT, the ARAG challenge at VCAT was always going to be problematic, but they felt that there was no other forum to raise their concerns. Council officers were aware of and considered the ARAG review at VCAT and at the time concluded that there was no opportunity to seek a declaration of the type being sought. That is not to say, however, that officers disagreed with many of the concerns of ARAG but rather that there was no legal recourse to address many of those concerns through VCAT.

In commenting on the general submissions by ARAG the Tribunal notes in their decision that:

*"There is no doubt in my mind the residents surrounding the land have endured and continue to endure serious impacts associated with a large development in a residential context."*

The VCAT summary of the position put by Homes Victoria about their view on the extent of power of the responsible authority in this matter is also very informative. VCAT notes that:

*Put simply, Homes Vic contends the proper construction of clause 4.1 of the Incorporated Document provides the responsible authority a broad discretion in assessing the merits of the plans which is consistent with a planning control that overrides the usual planning process.*

*Accordingly, having regard to the control in this proceeding, the bar is set high for establishing legal error in the exercise of the responsible authority's discretion.*

*Even if ARAG establishes the endorsed plans were not consistent with clause 4.2 of the Incorporated Document, it must establish the variation permitted by the responsible authority was 'legally defective'.*

VCAT also clearly outlines their general conclusions and observations regarding consultation, lack of process, changes in the scheme over time and incorrect information as follows:

*"Whilst it is trite to say, I must apply the scheme at the time of my decision and not at some previous time. Whilst the planning history of the land is clearly of importance to ARAG, and sets the context and background to this application, it cannot distract me from the task of applying the scheme as I find it. Therefore, to the extent ARAG relies on previous amendments such as C251 and C298 and what was said about these that was accurate or inaccurate, is of little consequence to the determination of this application.*

*Further, information regarding the residential zone reforms is not relevant to a consideration of declaratory relief that is sought.*

*Having said that, I acknowledge that a lack of clarity and focus about such a large development causes confusion, frustration and general distrust of the process, particularly for those who live in close proximity to the development.*

*I understand ARAG's frustration at the various sets of endorsed plans, although I hasten to add that it is common for a project of this magnitude. There is often a refinement of development as it progresses through to and throughout construction. I also note the timing of the last amendment to the plans was in February 2023 sometime after this proceeding was commenced.*

*Further, I understand that ARAG believes there has not been any formal independent consultation with residents and therefore it believes that residents have simply been told about the outcome for the development on the land. However, I do not consider that to be an accurate and or objective assessment of the process leading to the gazettal of C321.*

*It is abundantly clear from the material relied upon by the parties, there has been correspondence and dialogue between council, residents, and various representatives from government and Homes Vic. For example, in response to request for feedback for C251, 240 responses were received from the local community. These responses raised concerns with scale, density, design, amenity, traffic, construction impacts and community consultation process. Council was given a formal opportunity to respond to C251 as well. Further, ARAG has detailed the history of actions from October 2014 with respect to the redevelopment of the land.*

*However, I accept that the process under s 20(4) of the PE Act to exempt C321 from public notification has prevented the residents from actively participating in the amendment process. Having said that, on 9 January 2020 council wrote to surrounding residents inviting submissions about C321. Having received those submissions, council collated these and provided a summary of these at its Special Committee meeting on 17 February 2020. The issues raised included building heights, setbacks, car parking, tree retention, traffic, overshadowing, overlooking and visual bulk.*

*I accept ARAG's submission that reference to a reduction in height in the Minister's 'Reason for Decision to Exercise Power of Intervention' for the proposal in C321 compared to C251 and C298 may not be entirely accurate but this really turns on which of the previous proposals was being referred to in those reasons. In any event, the accuracy or otherwise of the 'Reason for Decision to Exercise Power of Intervention' is not a matter that is open to me to consider in this proceeding. Nor is it open to me to make any findings or comment on the process followed by the Minister with respect to C321. Indeed, any challenge to that process and any alleged defect was for a different forum at the time C321 was being considered for introduction into the scheme.*

*Further, for reasons which follow, I do not agree that reference to buildings with a height of 2 – 4 storeys on the land in statements from Homes Vic, reports from DELWP or in memoranda to the Minister for EEC is inaccurate in any event.*

*Notwithstanding the above, I do consider it necessary to note that ARAG was required to obtain copies of endorsed documents under the FOI Act. Whether that process is correct or not, it has led to ARAG's sense of justified frustration in the planning process and delay in bringing this proceeding. The reason for the delay may have been relevant, if I considered a declaration was appropriate.*

*I agree with the Minister and Homes Vic that the application as filed and then as amended does not properly state the declaratory relief that is sought. Notwithstanding that, given ARAG's submissions at the hearing, I have proceeded on the basis that ARAG says the decision to approve plans was:*

- an unreasonable decision that no reasonable decision maker would have made; or*
- not open; or*
- failed to take account of a relevant matter."*

Whilst the VCAT review sought by ARAG was ultimately unsuccessful, it has highlighted some key issues with the overall process for this project. In particular that:

- There appeared to be a lack of clarity and focus about the development, particularly for residents nearby;
- Various sets of endorsed plans were approved throughout the project;
- The responsible authority oversaw variations of the incorporated documents;
- The process to exempt the planning scheme amendment from the public notice process prevented the residents from actively participating in the amendment process;
- VCAT was unable to make any findings on the process that lead to the planning scheme amendment or reasons for notification exemptions. The VCAT jurisdiction was in regard to the planning scheme as it currently stands;
- There is no clear pathway for challenging the approval and development process for the project.

## **Responsible Authority for approving the Development Plan**

Amendment C321boro established a planning framework in the Planning Scheme through an incorporated document which at face value has considerable rigour and requirements for quite detailed plans to be approved before the project commences. However, the Minister for Planning (as the responsible authority) has the power to approve and amend those plans without being accountable to a public process which can scrutinise the plans and ensure they meet the stated objectives and requirements of the incorporated plan.

The State Government set up Homes Victoria to engage consultants to prepare documentation for approval which was submitted to the then Department of Environment, Land, Water and Planning for approval on the Minister's behalf. Any subsequent amendments to the plans approved under the incorporated document also underwent a similar process through DELWP.

In effect a "closed shop" has been created in which the State Government:

1. approved the Planning Scheme Amendment without any formal public notification process, which set up a planning framework for approval of the overall project;
2. set up an agency (Homes Victoria) to prepare documents in accordance with the planning framework that had been prepared;
3. approved documents submitted to itself through DELWP (as responsible authority) against the planning framework without any independent review or scrutiny;
4. approved amendments to documents (as responsible authority) where changes to the project were needed without independent review or scrutiny;

The "third party" review right, which has been a fundamental feature of the planning system in Victoria, was removed from the process leaving Council and residents with little recourse where they felt that approvals did not meet the requirements. Moreover, even when discrepancies between the incorporated plan requirements and the various plans approved could be identified, there was no avenue to address those issues if the responsible authority (i.e. Minister) is satisfied that there is no issue because the planning framework gives power to the responsible authority to agree where the framework is not met. Alternatively, the plans could be amended and then approved by the responsible authority anyway and this is what happened on multiple occasions.

This effective "closed shop" approval process is what frustrated residents and narrowed the remit for VCAT upon the attempted review by ARAG. ARAG was likely to fail in their efforts at VCAT because the structure of the planning framework has been set up so that such a review would not be possible or at least would be ineffective. The only avenue would be for a party to demonstrate at the appropriate forum that the Planning Scheme Amendment was unlawful or at VCAT that the approval of the plans in accordance with the incorporated plan was unlawful.

The structure of the planning framework and limitations on challenges to the approval of plans under that framework was something that was clearly known to DELWP and Homes Victoria as evidenced by their submissions to VCAT. VCAT note at paragraph 89-94 of their decision as follows:

*89. Importantly, Homes Vic submits the approval of plans by the Minister ‘discharges’ any inconsistent condition of development.*

*90. Clause 4.1 of the Incorporated Document is the operational provision and provides that all requirements contained in condition 4.2 apply, ‘except as otherwise agreed by the responsible authority’. As such, Homes Vic says that any ‘non-compliance’ with any condition in clause 4.2 of the Incorporated Document cannot have the effect of invalidating the approval of the responsible authority. Or put another way, the conditions of clause 4.2 are entirely subject to the discretion of the responsible authority and if it exercises discretion and approves plans under c4.2.15 it has provided its agreement.*

*91. Put simply, Homes Vic contends the proper construction of clause 4.1 of the Incorporated Document provides the responsible authority a broad discretion in assessing the merits of the plans which is consistent with a planning control that overrides the usual planning process.*

*92. Accordingly, having regard to the control in this proceeding, the bar is set high for establishing legal error in the exercise of the responsible authority’s discretion.*

*93. Even if ARAG establishes the endorsed plans were not consistent with clause 4.2 of the Incorporated Document, it must establish the variation permitted by the responsible authority was ‘legally defective’.*

*94. Homes Vic does not concede there is any inconsistency in any event.*

As outlined earlier, these contentions of Homes Victoria were confirmed by the VCAT decision.

### **Delivery of the Project by Homes Victoria**

Homes Victoria was set up by the State Government as a new agency in 2020 to work across government, industry and the social housing sector to deliver growth in and manage existing public housing. At the time they were to manage the planning and construction of more than 15,000 new homes over the subsequent 4 year period which later became part of the \$5.3 billion dollar “Big Housing Build” for new social and affordable houses over 10 years.

Homes Victoria sits within the Victorian Government Department of Families, Fairness and Housing under the responsibility of the Minister for Housing. Homes Victoria has the primary responsibility for the planning and delivery of social housing projects, with Markham Estate being one of their key early projects given that at the time Homes Victoria was established the project had already been significantly delayed. The process that Homes Victoria has adopted for these projects is to:

1. Engage architects and professional consultants such as town planners, traffic engineers, arborists and landscape architects to prepare documents for approval.



2. Once approved, the project would be put out to tender, and a builder appointed to deliver the project in accordance with the approved plans.
3. When complete Homes Victoria would then pass the project back to the Department of Families, Fairness and Housing to either directly manage or engage a Community Housing Association to manage the housing as public or social housing.

The structure of Homes Victoria has changed on a number of occasions throughout its short history with numerous changes to staff throughout that time. This has created significant difficulties for Council and residents in maintaining communication with Homes Victoria on the Markham Estate Project (and any other Homes Victoria project such as Bills Street for that matter). There is simply no Homes Victoria corporate memory to provide any reliability that commitments given at meetings and in discussions will be kept or followed through. As staff change confusion has also been created regarding the responsibility for the project and the associated approval processes. Homes Victoria staff often have little understanding of the role of the consultants they have engaged, the builder, Homes Victoria itself, Department of Families, Fairness and Housing, The Minister for Planning or Council. These difficulties have meant that many requests to Homes Victoria have been left unanswered, deferred to other parties such as consultants and the builder or taken considerable time to respond to.

### **Responsible Authority for enforcement of the Development Outcome**

A builder (Built Pty Ltd) was appointed by Homes Victoria to deliver the Markham Estate project in 2021. Responsibility for ensuring that the community was kept informed throughout the construction phase and to manage construction issues and complaints was primarily given to the builder. When things are going well and the issues being raised by the community relate to day to day site management issues then this is probably an appropriate approach to take. However, some of the issues being raised by community members and Council were at the time quite fundamental and required potential intervention in a timely way to ensure they didn't become irreversible problems. Examples included concerns about impacts on trees required to be retained and siting of buildings.

In the first instance, project complaints would be made to the builder. Where these were not satisfactorily responded to complaints were escalated to Homes Victoria. Homes Victoria would eventually respond or pass the issue back to the builder or consultants such as the arborist for concerns about impacts on trees. Some matters were attempted to be escalated to DELWP and the Minister, but these were then generally passed back through to Homes Victoria as the agency responsible for delivering the project anyway. Irrespective, the planning framework enabled the Minister (as responsible authority) to agree to matters outside the plans approved. In other words, if the Minister was satisfied with what was being built in accordance with the approved plans, then there is no breach of the approved plans to be enforced. Further, amendments could be approved to the plans to subsequently make them comply anyway and it was Homes Victoria that was responsible for coordinating the amendments.

The “closed shop” process referred to earlier became even more apparent in the construction phase for the project as ultimately wherever complaints were directed, they ended up with Homes Victoria who in effect was overseeing themselves without an avenue of recourse for anyone that felt they were not taking appropriate action. This became an even greater problem as staff changed at Homes Victoria and at times there was no one to contact that had responsibility for the project.

As one example of the extended timeframes and difficulties in pursuing issues of the concern with the project, towards the end of the project construction ARAG raised significant concerns with Homes Victoria in June 2023 about compliance with plans, tree impacts, finished ground levels, drainage and building debris on the site. ARAG did not receive satisfactory responses and raised their issues with Council. Many of these issues had already been raised with Homes Victoria on behalf of the community throughout March, April and May, however, Council officers reviewed the issues again in July 2023. Council Officers met with Homes Victoria staff after attending the site in early August 2023 with assurances being provided by those staff that the issues would be followed up and addressed. Council formally wrote to Homes Victoria outlining the issues on 16 August 2023. A response was finally received on 8 December 2023 (almost 4 months later) providing assurances that there are no issues with the completed project including the site levels being confirmed as complying with the plans, although no evidence was provided by Homes Victoria about such compliances despite evidence such as finished level surveys being requested by Council.

Whilst the project is now deemed by Homes Victoria as complete and a majority of residents have moved in, ARAG and nearby residents continue to identify various issues where they allege breaches of approved plans.

## **Process**

It is considered that the process carried out in relation to this project by the State Government, various Ministers including the Minister for Planning, and the State agencies responsible lacks certainty, rigour, fairness and transparency. Officers note the following elements of the process:

- The basis for Ministerial intervention to prepare, adopt and approve the amendment for a residential redevelopment could have been considered under a standard planning scheme amendment process or at a minimum involve review of resident and Council submissions at an independent Advisory Committee appointed by the Minister. There was not sufficient justification to avoid these formal steps.
- The appointment of the Minister as the responsible authority to approve the development plan and a lack of commitment to meaningful community involvement in the process enabled the project to proceed and be delivered with very little accountability for the delivery of a compliant project which met expected outcomes.
- The process to approve the development proposal and construct the development has taken nearly 8 years. This is hardly a streamlined approval and development process and does not justify a process which removes or significantly reduces community and Council involvement.
- The process placed Council and the community in a position where it had to put considerable time and effort in to influencing an improved planning outcome and scrutinise delivery compliance during construction. This

came at considerable expense to Council but without any fees being received to subsidise those costs because the proposal was managed through the then DELWP rather than Council. This is a cost shift to Council and the community.

## **5. Consultation/communication**

No formal consultation has been undertaken with respect to this report. However, information has been provided by ARAG and individual residents which has assisted in an understanding of the approval and development process from a community input perspective.

## **6. Financial and resource implications**

There are no direct financial impacts arising from this report.

## **7. Governance issues**

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

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

## **8. Social and environmental issues**

The delivery of additional social housing will provide a significant benefit to the community and is a welcome addition to assist in addressing the current housing crisis, particularly for affordable and public housing. However, the process to approve and deliver the project undermined the foundations and principals of the Victorian Planning system in terms of community input. The project has had a significant impact on residents nearby in terms of their wellbeing after being subjected to the process pursued by the State Government. There is also an impact as a result of the substantially higher density development within the local low density residential setting.

## **9. Conclusion**

The overall process for the approval and development of the Markham Estate housing project by the State Government as ultimately facilitated by Amendment C321boro to the Boroondara Planning Scheme has been lengthy and arduous for Council and the community.

The process to consider the approval of the development was uncertain, had no defined pathway, lacked transparency, forced Council and the community to advocate for improvements without any recovery of costs through application fees, has not resulted in a faster outcome to the delivery of housing and provided inadequate oversight of the project implementation with limited avenues for independent review to ensure compliance with approvals.

The Markham Estate project demonstrates a clear example of why purported State Government streamlined approval processes to deliver housing outcomes are fraught and often do not deliver on faster or better housing outcomes.

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