

**MARKHAM HOUSING ESTATE**

**BOROONDARA PLANNING SCHEME  
AMENDMENT C321**

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# 1. Introduction

Amendment C321 to the Boroondara Planning Scheme applies to 10 Markham Avenue, Ashburton. The amendment proposes to facilitate the redevelopment of the Markham Housing Estate by:

- Applying the Special Controls Overlay – Schedule 2 to the site and introducing the associated *Markham Housing Estate Incorporated Document, October 2019*.
- Amending the Schedule to Clause 72.01 – Responsible Authority for this Planning Scheme to make the Minister for Planning the Responsible Authority for the site.
- Amending the Schedule to Clause 72.03 – what does this planning scheme consist of? to insert Map 19SCO.
- Amending the Schedule to Clause 72.04 – Documents Incorporated in this Planning Scheme to introduce the Incorporated Document *Markham Housing Estate Incorporated Document, October 2019*.

The site was previously occupied by 56 public housing units constructed in the 1950s as “walk-up” dwellings owned by the Director of Housing. Over recent years the units became under-utilised and were in disrepair. The 56 units were demolished in early 2016.

Boroondara Amendment C321 responds to the concerns raised by Boroondara City Council and the community. The project represents a significant opportunity and potential demonstration project in response to the Victorian Government’s commitment to renewing and increasing public housing in Victoria.

## 2. Project Background

In September 2015, the Andrews Government made an election commitment to “fix the ageing Markham Estate” by demolishing the estate and completely rebuilding it, with a pledge to add to the public housing stock numbers.

On 19 September 2017, the Minister for Planning approved Amendment C251 to the Boroondara Planning Scheme. The amendment introduced an Incorporated Document to facilitate the redevelopment of the Markham Housing Estate and made the Minister for Planning the Responsible Authority for the site. Specifically, the Incorporated Document allowed for 225 dwellings comprising 28% public dwellings and 72% private.

On 16 November 2017, Boroondara Amendment C251 was revoked in the Parliament of Victoria under section 38(2) of the *Planning and Environment Act 1987*. All provisions relating to the amendment were removed from the planning scheme. Key matters raised during the revocation debate are as follows:

- Density of the proposal.
- Traffic conditions.
- Impacts on adjoining open space and neighbourhood character.
- Consultation undertaken with Council and the community.
- The sale of public land.
- Making the Minister for Planning the Responsible Authority for the site.

Following the revocation of Amendment C251, on 16 November 2017 the Minister for Planning approved Amendment C298 to the Boroondara Planning Scheme to facilitate a revised proposal. This proposal was considered to respond to matters raised during the revocation debate for Amendment C251 and concerns raised by Boroondara City Council and the community. The revised proposal was modified to include:

- A reduction in dwelling numbers from 225 to 200 dwellings.
- One storey reduction in height ensuring no building is higher than four storeys.
- One building which provided social housing units for aged tenants.

C298 was revoked in March 2018.

DHHS has continued to work with and consult with the City of Boroondara and other resident stakeholders in arriving at the current proposal for Amendment C321, that is the subject of this amendment request. Workshops were held in June and August 2018 and January and October 2019 with resident and future tenant representatives, Council officers and Councillors.

### Ashburton Precinct History

The local precinct of Ashburton, which the site forms a part of has a rich and unique history, including:

- Pre-1900s, Ashburton Forest, was a popular picnic spot. People would make their way to this spot from Camberwell, which was mostly built. At this time, Ashburton remained green and leafy with farms and orchards.
- The years of 1900 – 1930 saw the review of the proposed ‘Glen Iris Railway Junction Estate’, construction for which commenced in 1916 due to speculation around the outer line. These years represented a high growth period, with a variety of high character housing types (Old English, Moderne, Mediterranean, Bungalow) enhanced by street trees and concrete roads.
- From 1920 – 1940, retail development of the High Street started to emerge. Many shops were occupied by the 1930’s, with later subdivisions in the 50’s and 60’s to splinter and create additional commercial sites.
- The period of 1940 – 1970 saw the emergence of the Alamein Estate, which was built by the Housing Commission of Victoria as a response to emerging inner city housing slums. This estate formed part of a major fringe development, with 930 houses commissioned on 180 acres. 108 brick houses and 52 brick veneer houses were constructed to the west of the railway, with 50% of the new stock east of the railway two and three-bedroom concrete dwellings. The initial character of buildings was rows and rows of standard, one storey, detached, brick houses in typical curvilinear and cul-de-sac road layouts. Walk-up flats formed part of a later development.

- The current housing stock started emerging from 1970 and is consistent to that of its earlier era in its continued emergence of single and two storey dwellings. Roof forms are typically pitched and the houses are set back at the front and rear. Dwellings have been built on large lots with large rear gardens. Subdivision is increasingly common and multi-unit villas have started to occur.

## Site History

Patrick Mornane is thought to have owned the subject site from 1853 to circa 1884, when the land was most likely used for farming activities.

Public housing was built on the site (Markham Housing Estate) in the 1950's, consisting of nine double storey buildings constructed using prefabricated concrete. These were in line with the mass production line principles of State housing projects of the era.

The quality of this housing stock started to decline in the 1990's, gradually reaching such poor repair that occupancy rates were nearing single figures.

In September 2015 the Hon Martin Foley, MP, Minister for Housing announced that the 56 units on the site would be demolished and replaced with 62 new public housing properties and that the site was also capable of accommodating private dwellings. In February 2016, the (remaining) existing public housing tenants were relocated and the buildings were demolished.



Historical Aerial prior to demolition



### 3. Site and Surrounds

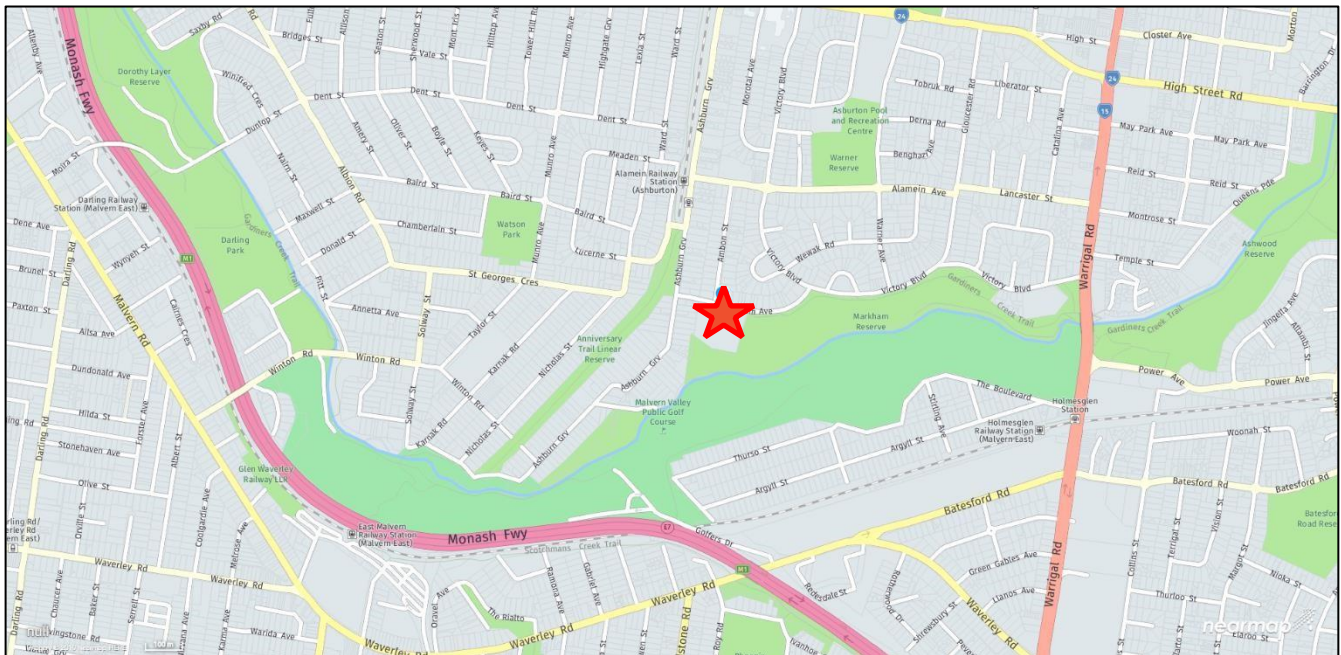
The amendment applies to land at 10 Markham Avenue, Ashburton.

#### Site Locality

The site is situated in the suburb of Ashburton, located approximately 12km south east of the Melbourne CBD. The surrounding suburbs are Glen Iris, Burwood, Ashwood and East Malvern.

The existing built form in the area presents large lots and these fragmented land parcels have largely restricted the capacity of the suburb to realise its full infill potential.

The locality offers access to the Alamein Train Station and neighbourhood retail precinct (approximately 450 metres to the north west of the site), Holmesglen Train Station (approximately 1.5km to the south east of the site), SmartBus Service located on Warrigal Road, High Street and Ashburton retail precinct, (approximately 900 metres to the north of the site), local primary schools, (with the closest being approximately 500 metres to the southwest of the site), Markham Reserve and Malvern Valley Golf Course across Gardiner's Creek to the south of the precinct (and directly south of the site), Chadstone and the M1 Freeway, which are located across Gardiner's Creek in the south.



#### Site Use and Development

Due to the demolition of the public housing in February 2016, this site is currently vacant, presenting a significant opportunity for urban renewal and consolidation of an old, run down public housing estate by not only adding to the public housing numbers but by bringing together a public and private residential redevelopment.

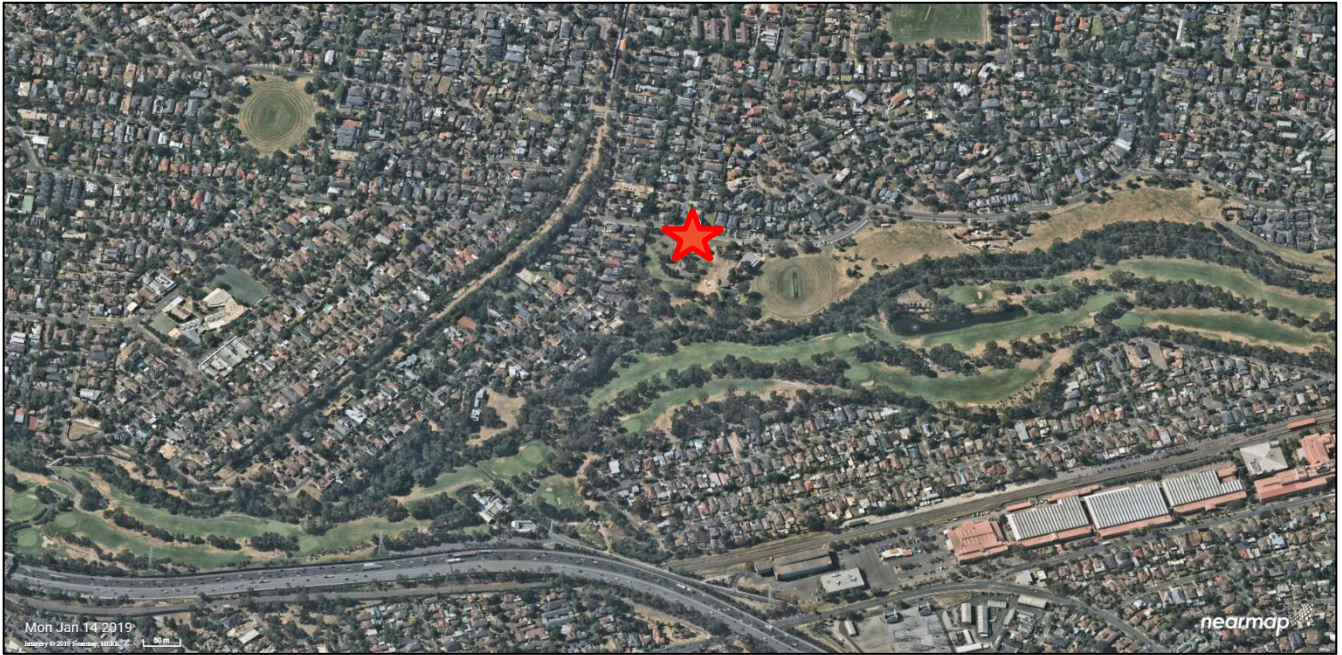
#### Site Access

There are two existing entry crossovers to the site from Markham Avenue to the north, which serviced the previous residents of the Markham Housing Estate.

#### Site Interfaces

The sites immediate interfaces are as follows:

- **North:** Markham Avenue and bike path run along the perimeter of the site's northern boundary. The two existing crossovers to the site are from Markham Avenue.
- **East:** Markham Reserve (park) abuts the site's eastern boundary, with a playground and community garden running along the eastern boundary edge.
- **South:** Markham Reserve extends to the south of the site, with Gardiners Creek meandering through the reserve.
- **West:** Existing housing consisting of a mix of detached housing and townhouses abuts the western boundary of the site.





## 4. The Proposal – Amendment C321

### Overview

The subject amendment seeks to facilitate the redevelopment of the Markham Housing Estate which will comprise of 178 dwellings, of which 111 comprise public housing units and 67 private housing units and townhouses within 5 buildings of 2-4 storeys.

The development is proposed to be tenure blind and offer equitable access to the visual and communal amenity of Gardiner's Creek and internal landscaped courtyards. A visual and physical connection will be provided from Markham Avenue to Gardiners Creek and Markham Reserve.

A comparison is provided below of the current scheme against the previous scheme for Amendment C298.

	PREVIOUS SCHEME (C298)	CURRENT SCHEME (C321)
<b>Proposed buildings on site</b>	6	5
<b>Site coverage</b>	40%	34%
<b>Number of storeys</b>	2-4	2-4
<b>Public Housing</b>	31%	62%
<b>Number of beds</b>	77	148
<b>Accessible units</b>	6	11
<b>Deep Soil area</b>	35%	46%
<b>Trees retained</b>	7	20-25
<b>Car spaces</b>	248	160
<b>Bicycle spaces</b>	60	54

### Land Use and Building Height

The dwellings are proposed to be provided within five buildings. These buildings are identified as Buildings A to E. Buildings A, B and C will comprise the public housing with Buildings D and E comprising private dwellings.



## Building Setbacks

The front street setbacks of 5m & 7m along Markham Avenue are in keeping with the surrounding neighbourhood context and demonstrate a transition from the adjoining residential lot to the west and Markham Reserve to the east. These setbacks are in excess of what the planning scheme requires for the south side of Markham Avenue and are an average of the overall front setbacks when taking into account dwellings on the north side of Markham Avenue.

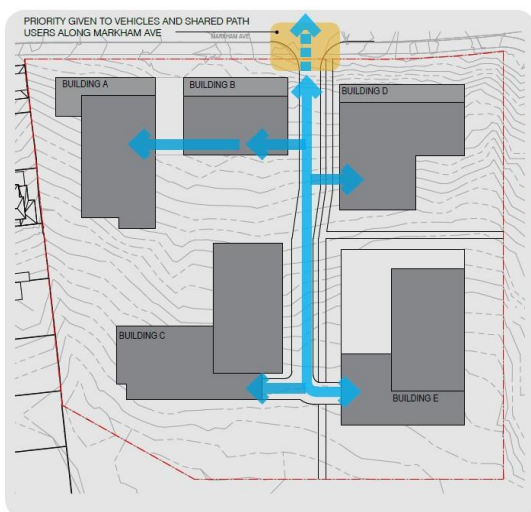


## Dwelling Typologies

The proposal provides a range of dwelling options for future residents in the form of one, two and three bedroom apartments. The provision of this type of housing product, with high levels of internal amenity, access to public transport, open space and neighbourhood shops caters to the demands of an under-represented quota of the local housing market in the area and contributes to dwelling density and diversity across Boroondara.

## Site Access

Vehicular access for residents shall be via a crossover from Markham Avenue, connecting to the internal street system which will be constructed as a north-south spine through the site. Priority will be given to vehicles and the shared path along Markham Avenue. Units fronting Markham Avenue at ground floor will have individual entries directly from Markham Avenue. Clear pedestrian connections through the site to Markham Reserve and Gardner's Creek are proposed.



## Car and Bicycle Parking

### ***Car Parking***

160 car parking spaces are provided for the proposed development comprising of approximately 67 spaces for the public housing at 0.6 spaces per dwelling and approximately 76 spaces for the private dwellings.

Car parking has been provided utilising the natural fall of the land from north to south and will be in the form of undercroft parking largely housed under the proposed building footprints.



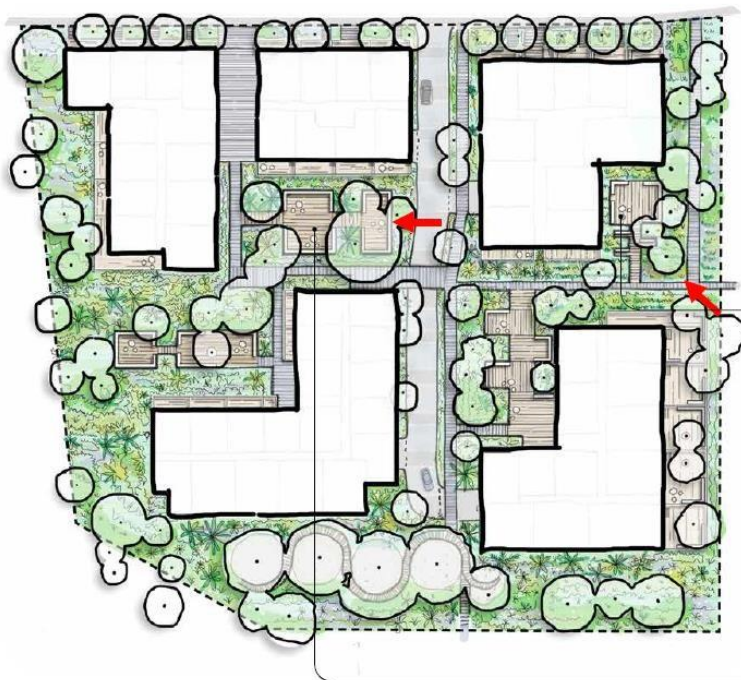
### ***Bicycle Parking***

The development includes a total of 54 bicycle spaces.



## Landscaping

The landscape strategy protects and promotes existing vegetation and contributes additional indigenous plants. 20-25 moderate to high value trees are to be retained.



Terraced Garden Rooms



Communal Courtyards

\* Numbers indicated above are subject to change as a result of detailed design development.

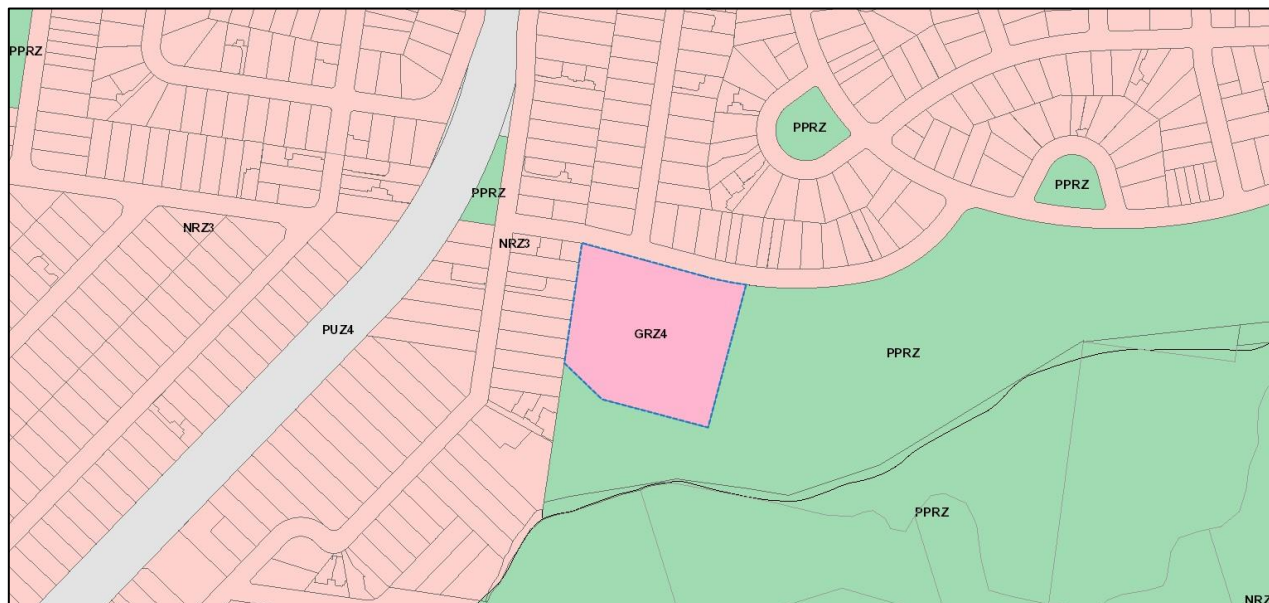


## 5. Statutory Controls

### Zone

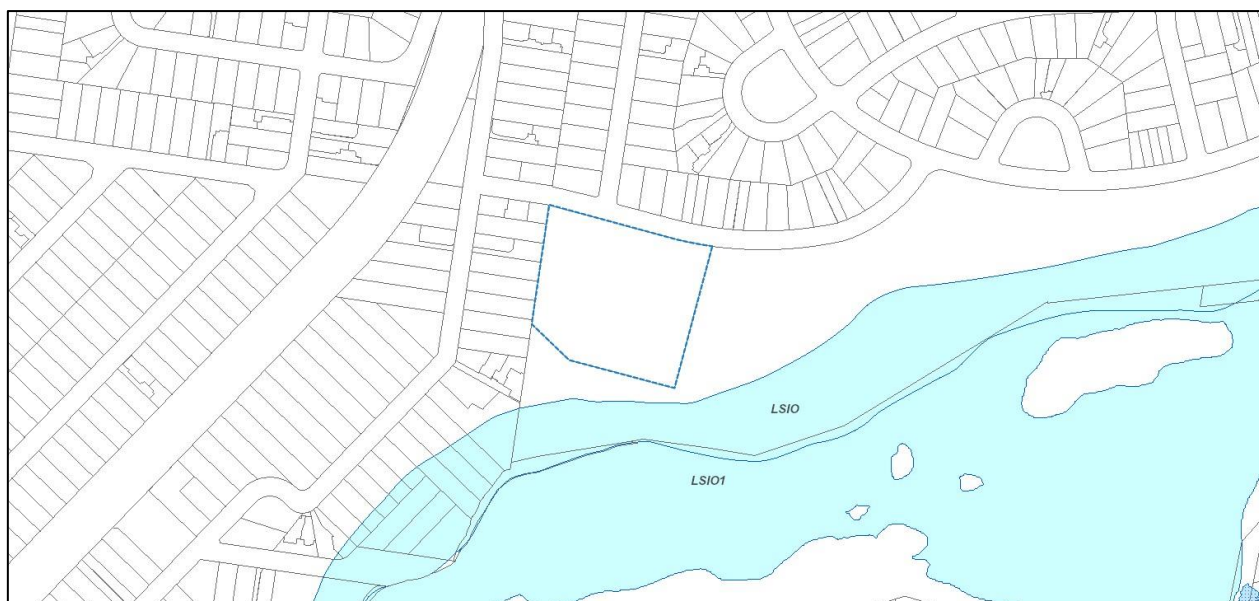
The subject site is located in the General Residential Zone – Schedule 4 (GRZ4) at Clause 32.08 of the Boroondara Planning Scheme. Schedule 4 to the General Residential Zone is applied to super-sized lots.

Under this Schedule, a permit is required to construct or extend one dwelling on a lot of 500 square metres. There are no variations to Clause 55 requirements in the Schedule.



### Overlays

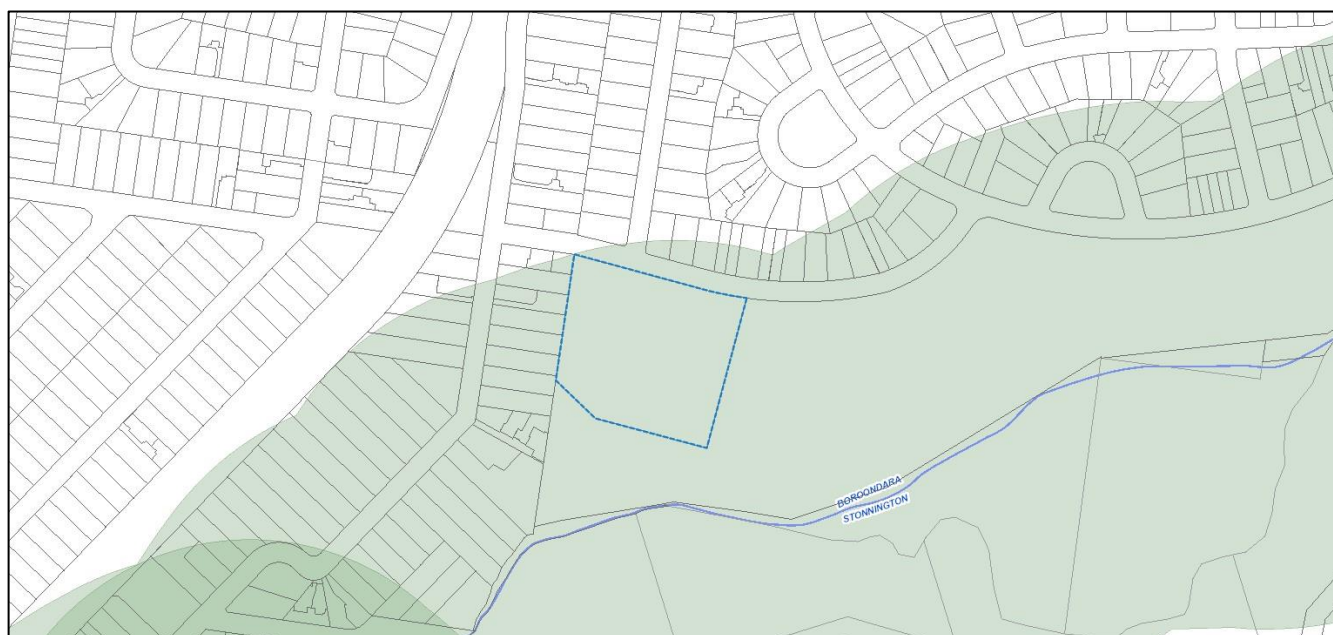
The subject site is not affected by any overlays, however land to the south is subject to a Land Subject to Inundation Overlay (LSIO) which is in response to potential flooding constraints of the nearby Gardiners Creek.



The amendment proposes to apply the Specific Controls Overlay.

## Aboriginal Cultural Heritage Sensitivity

The site is located within an area of Aboriginal Cultural Heritage Sensitivity. Initial investigations determined that a Cultural Heritage Management Plan (CHMP) was required for the subject site. An approved CHMP was provided with the initial planning scheme amendment (Boroondara Amendment C251).



## Particular Provisions

- **Clause 52.06 (Car Parking)** aims to ensure that an appropriate amount of car parking is provided for the activities conducted on the land and that such parking is adequately designed to allow suitable vehicle manoeuvrability.
- **Clause 52.17 (Native Vegetation)** aims to ensure that permitted clearing of native vegetation results in no net loss in the contribution made by native vegetation to Victoria's biodiversity. Pursuant to clause 52.17-2, a permit is required to remove, destroy or lop native vegetation.
- **Clause 52.34 (Bicycle Facilities)** sets out the requirements for bicycle parking and to provide secure, accessible and convenient bicycle parking spaces and associated shower and change facilities.

## General Requirements and Performance Standards

- **Clause 53.01 (Public Open Space Contribution and Subdivision)** sets out the requirements for contributions. The schedule does not specify an amount, as such the contribution for public open space may be required of up to 5%, pursuant to section 18 of the *Subdivision Act 1988*.

## Operational provisions

- **Clause 72.01 (Responsible Authority for this Planning Scheme)** identifies the responsible authority for the administration and enforcement of this planning scheme or a provision of this planning scheme is specified in this clause and the schedule to this clause.
- **Clause 72.03 (What does this Scheme consist of?)** identifies the provisions included in the planning scheme.
- **Clause 72.01 (Documents incorporated in this scheme)** the documents listed in the table and associated schedule to Clause 72.04 are incorporated documents under section 6(2)(j) of the *Planning and Environment Act 1987*.

## 6. Planning Considerations and Assessment

### State Planning Policy Framework (SPPF)

An assessment of the proposal against the SPPF follows:

#### *Clause 11: Settlement*

The proposal seeks to make better use of the currently vacant land by providing necessary infill development in a well-serviced middle ring Melbourne suburb, which is ideal for urban renewal and consolidation. The provision of public and private residences, in a diversity of typologies across a total of 178 residences will contribute to housing choice and affordability within Boroondara.

This proposal is proximate to an abundance of open space, pedestrian and cycle networks, which will enable future residents to live healthy and active lives. Additionally, with the nearby High Street and retail precinct, residents will have access to every day needs as well as potential employment opportunities. With Alamein Station in close vicinity, residents will have easy access to the city and beyond. These amenities shall contribute to the future resident's ability to enjoy Melbourne as a liveable city. For the reasons outlined above, it is submitted that this proposal meets the objectives of clause 11.

#### *Clause 12: Environmental and Landscape Values*

The buildings have been sited to minimise the removal of native vegetation with any offsets provided in accordance with the Guidelines for the removal, destruction or lopping of native vegetation (Department of Environment, Land, Water and Planning, 2017), except as otherwise agreed by the Secretary to the Department of Environment, Land, Water and Planning.

#### *Clause 15: Built Environment and Heritage*

Careful design has ensured that the built form is sensitive to the surrounding properties through attention to the siting, transition of height and massing of buildings.

The design has retained the double storey interface to Markham Avenue to reflect the predominant streetscape scale, with the height stepping up centrally to the site. This approach responds to the design principles to appropriately manage interfaces to existing lower density developments while offering increased scale to public spaces such as Markham Reserve where improved passive surveillance opportunities can be presented from the proposed apartments.

#### *Clause 16: Housing*

This proposal provides 111 public housing residences, almost doubling the previous public housing stock on the site. This development will provide a diverse mix of dwellings, which will contribute to the affordability and supply of dwellings in Boroondara and ultimately contribute to meeting the community's needs for housing.

#### *Clause 18: Transport*

Integration of land-use and transport is evident in this proposal given the site's proximity to Alamein and Holmesglen train stations, the M1 freeway and Gardiners Creek Trail's off-road pedestrian and cycle network.

It is submitted that this proposal is consistent with all of the relevant objectives of the PPF.

### Plan Melbourne

Plan Melbourne is a growth strategy prepared by the Victorian Government to guide the growth of Melbourne to the year 2050. It sets the strategy for supporting jobs, housing and transport, while building on Melbourne's legacy of distinctiveness, liveability and sustainability. The amendment is consistent with the following directions of Plan Melbourne.

### ***Direction 2.1: Manage the supply of new housing in the right locations to meet population growth and create a sustainable city***

The amendment provides high quality housing in a well serviced middle ring location, adding to Melbourne's housing supply. The site is well located in terms of services and infrastructure.

### ***Direction 2.2: Deliver more housing closer to jobs and public transport***

The amendment facilitates the redevelopment of under-utilised land with easy access to open space, pedestrian and cycling networks, public transport and an activity centre (High Street, Ashburton) which will support local living for future residents.

### ***Direction 2.3: Increase the supply of social and affordable housing***

There is a critical shortage of government funded housing in Victoria. The amendment will facilitate the delivery of 111 public dwellings in an established suburb with easy access to existing services and infrastructure. The previous public housing at the Markham Housing Estate had long been under-utilised with the majority of the units being uninhabitable. The redevelopment delivers on the government's commitment to renew social housing stock, as outlined in Homes for Victorians, by providing a range of housing types to assist in balancing the social housing stock in the eastern region, and better match the current local demand for smaller dwellings (e.g. for older couples and singles).

### ***Direction 2.5: Provide greater choice and diversity of housing***

In addition to contributing additional dwellings, this proposal provides access to more affordable housing options by delivering an alternative housing product in the form of apartments. This added diversity to the housing stock will provide access to more affordable housing options.

The amendment is considered consistent with the objectives of Plan Melbourne.

## **Local Planning Policy Framework (LPPF)**

### ***Clause 21.04: Vision***

This proposal provides a diverse housing mix, which is sensitive to the existing built and natural environment. Not only will this development contribute to achieving the vision for Boroondara by facilitating the provision of social and physical services which respond to the community's needs, but due to its accessible location, it will contribute to the overall wellbeing of the City.

### ***Clause 21.06: Environment***

The site is uniquely placed to the north of Gardiners Creek. The proposal seeks to integrate the natural and built environment by drawing in landscape elements of the adjoining Ashburton forest and Markham Reserve into the site and encouraging increased planting and landscaping across the site.

### ***Clause 21.07: Residential Land Use***

The amendment will achieve the objectives of this clause by contributing to the varied living requirements of the residents of the area. This will be achieved by maintaining and increasing housing choice and diversity within Ashburton's existing residential neighbourhood. This is a large site, and in its strategic redevelopment, there are opportunities to add to the mix and range of housing types and forms available within the locality.

### ***Clause 21.12: Movement***

As well as its excellent positioning to access the M1 Freeway, the amendment presents a clear opportunity to achieve the objectives of this clause, which are to promote alternative forms of movement (walking and cycling) and increase opportunities for using public transport.

The site is well located for access to public transport, particularly existing train services at Alamein Station. The public transport routes in the vicinity of the site are provided with the following accessibility:



- Alamein Station: located approximately 450m north-west of the site.
- Holmesglen Station: located approximately 1.5km from the site.
- East Malvern Station: Located approximately 1.7km from the site.
- SmartBus Route 903: The Gardiners Creek Trail along the site frontage extends to Warrigal Road to the east and links directly to the existing northbound bus stop. The southbound bus stop is accessed via an underpass of Warrigal Road adjacent to Gardiners Creek.

In addition, the site has excellent bicycle connections. Gardiners Creek trail runs along Markham Avenue along the site frontage, providing off-road bicycle access to the City, connections to the Anniversary Trail to the north and a variety of other off-road trails in the surrounding area.

### ***Clause 22.05 Neighbourhood Character Policy***

This policy applies to buildings and works and subdivision that require a planning permit under the Neighbourhood Residential Zone, General Residential Zone and Residential Growth zones, and the variations or removal of a covenant or restriction on title. The policy is designed to guide the assessment of the neighbourhood character provisions of Clause 54, 55 and 56.

The objective of the policy is *to ensure new development retains and enhances the key character attributes that contribute to a precinct's preferred character.*

The preferred character objective for sites in the General Residential Zone – Schedule 4 is *to allow for development to occur at greater height and density than the surrounding area without detrimentally impacting on the preferred character of the precinct. It is policy to:*

- *Ensure development around the perimeter of 'super-sized lots' is consistent with and reinforces the precinct's preferred character.*
- *Support increased building heights within a site where it can be demonstrated that the increased height will not adversely impact the precinct's preferred character.*
- *Ensure the provision of landscaped setbacks around the perimeter.*
- *Ensure the retention of any existing significant or established trees on site.*

The proposed development has been assessed against this policy and in response, the incorporated document ensures that the design of the redevelopment complements the surrounding neighbourhood character and meets all these objectives.

### ***Boroondara Housing Strategy (2015)***

This strategy is a high-level strategic document that identifies current and future housing needs in the municipality to 2031. Adopted by Council on 14 December 2015, it sets out objectives and strategies to address key housing issues to ensure that a diversity in housing can be provided in the municipality, while maintaining the character of the location.

This strategy defines land in the GRZ4 as being land used for *'multi-unit villa/townhouse development/apartment buildings and other housing'*. The sites within the municipality that are currently zoned GRZ4 are identified as having capacity for an additional 811 dwellings.

Overall, the key messages of this strategy are relevant to this application are as follows:

- Deliver an additional 15,567 dwellings by 2031
- Provide more diverse housing, particularly for smaller households
- Distribute new dwellings across the municipality

The strategy also endorses any initiatives by the Victorian Government *'to explore various planning mechanisms to support affordable and social housing in appropriate locations...'*

## Zone

### **General Residential Zone – Schedule 4**

Schedule 4 to the General Residential Zone applies to 'super-sized' lots within the Boroondara municipality. The purpose of this zone is:

- To encourage development that respects the neighbourhood character of the area.
- To encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport.
- To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.

Under Clause 32.08-6 – Construction and extension of two or more dwellings on a lot, dwellings on common property and residential buildings, *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.*

The development must meet the requirements of Clause 55. An assessment of Clause 55 has been provided at Appendix 1.

At Clause 32.08-10 – Maximum building height requirement for a dwelling or residential building, *a building must not be constructed for the use as a dwelling or a residential building that:*

- *Exceeds the maximum building height specified in a schedule to this zone; or*
- *Contains more than the maximum number of storeys specified in a schedule to this zone.*

*If no maximum building height or maximum number of storeys is specified in a schedule to this zone:*

- *The building height must not exceed 11 metres; or*
- *The building must not contain no more than 3 storeys at any point.*

The development is proposed as 2-4 storeys across the site, with a two-storey interface along Markham Avenue.

The incorporated document will allow the development on the site to exceed this height. The fourth storey component of the development is located away from any sensitive interface and towards the centre of the site, without any adverse impacts on adjoining sites.

## Overlay

### **Specific Controls Overlay**

The purpose of this overlay is *to apply specific controls designed to achieve a particular land use and development outcome in extraordinary circumstances.*

*Land affected by this overlay may be used or developed in accordance with a specific control contained in the incorporated document corresponding to the notation on the planning scheme map (as specified in the schedule to this overlay). The specific control may:*

- *Allow the land to be used or developed in a manner that would otherwise be prohibited or restricted.*
- *Prohibit or restrict the use or development of the land beyond the controls that may otherwise apply.*
- *Exclude any other control in this scheme.*

The amendment applies the Specific Controls Overlay in conjunction with the associated Incorporated Document to facilitate the redevelopment of the Markham Estate as shown in the accompanying plans.

## Particular provisions

### **Clause 52.06 – Car Parking**

The purpose of this provision is:

- *To ensure the provision of an appropriate number of car parking spaces having regard to the demand likely to be generated, the activities on the land and the nature of the locality.*
- *To support sustainable transport alternatives to the motor car.*
- *To promote the efficient use of car parking spaces through the consolidation of car parking facilities.*
- *To ensure that car parking does not adversely affect the amenity of the locality.*
- *To ensure that the design and location of car parking is of a high standard, creates a safe environment for users and enables easy and efficient use.*

The Clause identifies the provision of required car spaces. Dwelling requires the following:

- 1 car parking space to each 1 and 2 bedroom dwelling.
- 2 car parking spaces to each 3 or more bedroom dwelling.
- The PPTN map shows that the majority of the site is within walking distance of Alamein Station and as per Clause 52.06-5 – table 1, no car parking is required to be provided for visitors.

76 car parking spaces are proposed to be provided for the Private dwellings. 67 car parking spaces are proposed to be provided for the Public housing which is provided at a rate of 0.6 spaces per dwelling. 17 visitor car parking spaces are proposed to be provided, which is in excess of the planning scheme requirements.

These numbers are approximate and may vary slightly on design development.

### **Clause 52.17 – Native Vegetation**

The purpose of this Clause is:

- To ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation. This is achieved by applying the following three step approach in accordance with the Guidelines for the removal, destruction or lopping of native vegetation (Department of Environment, Land, Water and Planning, 2017) (the Guidelines):
  1. *Avoid the removal, destruction or lopping of native vegetation.*
  2. *Minimise impacts from the removal, destruction or lopping of native vegetation that cannot be avoided.*
  3. *Provide an offset to compensate for the biodiversity impact if a permit is granted to remove, destroy or lop native vegetation.*
- *To manage the removal, destruction or lopping of native vegetation to minimise land and water degradation.*

A permit is required for the removal of native vegetation.

It is proposed to retain 20-25 trees which have been identified as having high to moderate value.

### **Clause 52.34 – Bicycle Facilities**

The requirements of Clause 52.34 are applicable to this amendment. The purposes of this Clause are:

- To encourage cycling as a mode of transport.
- To provide secure, accessible and convenient bicycle parking spaces and associated shower change facilities.

Under this clause, the bicycle parking requirements for dwellings are:

- *In developments of four or more storeys, 1 to each 5 dwellings.*
- *In developments of four or more storeys, 1 visitor space to each 10 dwellings.*

According to the requirements indicated above, the proposal has a statutory requirement of 12 spaces. The proposal provides for 54 spaces.

The proposal also provides for adequate bicycle storage located in the basement.

#### ***Clause 53.01 – Public Open Space Contribution and Subdivision***

Public open space contribution provided to council will be considered at time of subdivision. Which at the present time is proposed to take place upon completion of the development.

*This Clause states that a person who proposes to subdivide land must make a contribution to the council for public open space in an amount specified in the schedule to this clause (being a percentage of the land intended to be used for residential, industrial or commercial purposes, or a percentage of the site value of such land, or a combination of both). If no amount is specified, a contribution for public open space may still be required under section 18 of the Subdivision Act 1988.*

### **Operational provisions**

#### ***Clause 72.01 – Responsible Authority for this Planning Scheme***

This Clause identifies the responsible authority for the administration and enforcement of this planning scheme or a provision of this planning scheme is specified in this clause and the schedule to this clause.

The amendment proposes to make the Minister for Planning the Responsible Authority for the administration and enforcement of the planning scheme relating to 10 Markham Avenue, Ashburton.

#### ***Clause 72.03 – What does this Scheme consist of?***

This Clause identifies the provisions included in the planning scheme.

The amendment proposes to amend this schedule to identify the introduction of a new map SCO2.

#### ***Clause 72.04 – Documents incorporated in this scheme***

The documents listed in the table and associated schedule to Clause 72.04 are incorporated documents under section 6(2)(j) of the *Planning and Environment Act 1987*.

The *Markham Housing Estate Incorporated Document, October 2019* is proposed to be incorporated in the Schedule to Clause 72.04.



## 7. Conclusion

Having assessed the proposal against the relevant planning policies, it is considered that the amendment is consistent with State and Local policies and supports Plan Melbourne's direction.

The amendment makes proper use of the Victoria Planning Provisions by applying the Specific Controls Overlay and associated Incorporated Document to the site and making use of the provisions of Clause 72.01 to make the Minister for Planning the Responsible Authority for administering and enforcing the scheme for the subject site and development.

The amendment responds to the views of Boroondara City Council and the community having had a number of considered amendments to take account of the feedback received. The amendment will allow for a prompt decision to be made on the Incorporated Document that will facilitate much needed public housing renewal in a well located area close to public transport, open space, shops and community facilities and assists in delivering on the government's promise to renew and increase the provision of public housing.