



Urban Planning Collective

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Planning Report

Significant Residential Development
846-858 Glenferrie Road, Hawthorn

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Planning Report

Significant Residential Development 846-858
Glenferrie Road, Hawthorn

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1.0 EXECUTIVE SUMMARY

This planning report has been prepared on behalf of OP Glenferrie Pty Ltd (**the applicant**) in support of a planning application for the land at 846-858 Glenferrie Road, Hawthorn (**the subject site**).

It addresses a planning application to redevelop a largely vacant, significantly underutilised site within the Glenferrie Major Activity Centre (**GMAC**) into an exemplar of higher density mixed-use development, with a significant residential component, including affordable housing with an approximate construction cost of \$65 million. Ground level retail/commercial uses are proposed with new, high quality housing above. The proposal will deliver design excellence, a generous public benefit and sustainable development outcomes on a well-located site, earmarked by the State government for significant change in proximity to existing services and public and active transport routes.

The proposal seeks to deliver desperately needed new housing in the form of 78 new homes, including a significant affordable housing contribution of 17.5% (or 5.25% cash contribution equivalent). This contribution significantly exceeds the minimum requirements of the Clause 53.23 planning pathway (via a 30% discount to market or the equivalent thereof via alternate options). This will make a meaningful contribution to the housing targets set by the Victorian Government via its recently released 'Plan for Victoria', in direct response to the housing crisis being experienced in the State of Victoria and nationally.

From a statutory perspective, the subject site is located within a Commercial 1 Zone (**C1Z**) and is affected by the Built Form Overlay – Schedule 3 (**BFO3**) and Parking Overlay – Schedule 1 (**PO1**), pursuant to the Boroondara Planning Scheme (**the Scheme**).

The intent of the recently implemented BFO is to deliver the outcomes sought by the Housing Statement and support the delivery of additional homes in well-serviced areas, with good access to public transport and other infrastructure. The BFO establishes new deemed to comply built form controls for the subject site, including a substantial increase in the preferred maximum building height to 12 storeys, recognising the site's potential to contribute to new housing supply and the urgency of delivering new housing to the community.

This subject site currently benefits from Planning Permit PP24/0934 (**the permit**), which was most recently amended by the Council on 12 January 2026. The development proposed under this application seeks to further enhance the approved scheme by aligning it with the Victorian Government's intended outcomes for the subject site and the Glenferrie

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Major Activity Centre (**GMAC**) more broadly. The proposed design response synthesises the design excellence embedded in the currently approved development with the revised building height expectations of the BFO3.

The planning permit application is made pursuant to the provisions of Clause 53.23 'Significant Residential Development with Affordable Housing', Category 1 as:

- the estimated cost of development is greater than \$50 million
- the application includes an affordable housing report that demonstrates how the affordable housing contribution is being made
- the application is accompanied by written advice from the Chief Executive Officer, Invest Victoria (or delegate) confirming the financial feasibility of the proposal.

1.1 SIGNIFICANT SOCIAL, ENVIRONMENTAL AND ECONOMIC PUBLIC BENEFITS

The applicant seeks to develop the subject site for 78 new homes, with at least 17.5% (or 5.25% cash contribution equivalent) being affordable housing (via a 30% discount to market or the equivalent thereof via alternate options).

The proposal unlocks significant new housing opportunities on an underutilised strategic redevelopment site in a key location (being located within GMAC), proximate to the Principal public transport network – making a major contribution to the State Government's target of 80,000 new homes a year. More specifically, the proposal directly contributes to the State Government's 'Statewide housing targets' which, pursuant to the recently released 'Plan for Victoria', a target of 65,500 dwellings by 2051 has been set for the City of Boroondara.

As noted in the 'Victoria's Housing Statement', the status quo is not an option in responding to the current housing crisis, and there is a need to unlock new sites within existing inner and middle suburbs, where infrastructure and community services already exist. The subject site is clearly one a significant redevelopment site within GMAC.

The proposal will address these key outcomes of the Victoria's Housing Statement:

- Key workers are struggling to find housing close to where they work – especially in the regions...
- We'll foster the conditions needed to stimulate investment and build high-quality homes quickly in the places where Victorians want to live...

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- Unlocking new spaces to build – including across established suburbs and government land – to boost supply and stop urban sprawl.
- Building more homes closer to where people have the transport, roads, hospitals and schools they need.
- The solution isn't to keep pushing people further out by building suburb after suburb on the fringes of town.
- We need to create more housing, with the best design standards, where people want to live. And that means going up and out – not just out. By unlocking new spaces to build homes across established suburbs, we'll stop urban sprawl and boost housing supply in the places Victorians want to be – close to where they work or send their kids to school.
- We know we need to increase opportunities for homes in Melbourne's inner and middle suburbs.
- A new plan for Victoria will bring to life our target for 70 per cent of new homes to be built in established areas, while making sure growth areas deliver 30 per cent of new homes.

The proposal seeks the redevelopment of a significantly underutilised, strategic site for high density housing. The subject site is located in an established urban area and proximate to existing public transport that is earmarked for significant housing growth.

A landscape concept has been developed, which includes opportunities for canopy tree planting, landscaping on balcony edges and a landscaped communal open space at the ground floor level.

In addition to delivering an infill development in an existing Major Activity Centre, from an ESD perspective, the proposal will be carbon neutral in operation and achieve a BESS score of 63%. This represents ESD excellence in building design and exceeds the requirements of the Scheme.

Increasing the supply and density of housing in an inner-city area will also counter-balance the growth in housing supply in the outer ring of Melbourne, protecting existing settlement boundaries and areas that are likely to have more cultural and environmental sensitivities.

Given the scale of the proposal, it is anticipated the development will support the growth of GMAC. It also provides a direct contribution to an identified social need – easy access to more affordable, well-located and designed housing.

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1.2 PLANNING PERMIT TRIGGERS

In summary, the proposal requires a planning permit pursuant to:

- Clause 34.01-1, for the use of the land for the purpose of accommodation.
- Clause 34.01-4, to construct a building and construct or carry out works.
- Clause 36.04-2, for the construction of a weather canopy overhanging a TRZ2.
- Clause 43.06-6, to construct a building or construct or carry out works.
- Clause 52.06-3, to reduce the number of car parking spaces required.

Pursuant to Clause 72.01, the Minister for Planning is the responsible authority for an application, pursuant to Clause 53.23.

1.3 PRE-APPLICATION CORRESPONDENCE

Pre-application meeting were held with the Department of Transport and Planning (**the Department**) on 10 December 2025 and 9 April 2025. The feedback received has been incorporated into the application, where appropriate.

1.4 ACCOMPANYING MATERIAL

This report should be read in conjunction with the following material:

- Certificate of Titles.
- Metropolitan Planning Levy (MPL) Certificate.
- Quantity Surveyor Report prepared by Draw Down.
- Urban Context and Design Report prepared by Wardle Architects.
- Architectural Drawings prepared by Wardle Architects.
- 3D model prepared by Wardle Architects.
- Landscape Plans prepared by Ben Scott Garden Design.
- Acoustic Report prepared by Enfield Acoustics Pty Ltd.
- Wind Impact Assessment prepared by MEL Consultants.
- Affordable Housing Report prepared by Urban Xchange.
- Traffic Impact Assessment prepared by Traffix Group.
- Sustainability Management Plan prepared by GIW Environmental Solution.
- Waste Management Plan prepared by Traffix Group.
- Servicing and Infrastructure Report prepared by Ascot Consulting Engineers.
- Economic Report prepared by Deep End Services.

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1.5 SHOULD A PERMIT ISSUE?

As this submission demonstrates, the design of the proposed development has evolved from a detailed consideration of the site opportunities and constraints, having regard to a broad set of applicable planning controls and policies and a significant body of technical work completed by an extensive consultant team.

When often conflicting objectives and requirements are appropriately balanced in favour of net community benefit and sustainable development, as required by Clause 71.02-3 of the Scheme, it inevitably leads to use and development outcomes that achieve the “acceptable planning outcomes” sought by the Scheme.

This application is evidence of this.

Specifically, the proposed development achieves the objectives and implements the relevant strategies of the Scheme in that:

- It contributes to the provision of more diverse, sustainable, affordable and compact housing in a location specifically identified by the State and local government as an appropriate location for substantial change.
- The development form is respectful of GMAC’s preferred future built form morphology and character, with respect to building height, setbacks, the importance of an activated ground plane and the need to provide and protect high levels of internal and external residential amenity.
- The proposal is an exemplar of mixed use and higher density infill development, which will achieve a net community benefit and sustainable development outcome. It appropriately encapsulates the balancing act required by the integrated decision-making provisions of the Scheme.
- These benefits are all delivered without generating any unreasonable impacts upon adjacent properties or the preferred character of the area.

The proposal represents a positive precedent for change in activity centres, delivering the following public benefits to support the variations to the BFO3 controls:

- **Design excellence** - site and context specific architectural and environmental design excellence by an award-winning architect - WARDLE.
- **Significant public benefit** - 17.5% (or 5.25% cash contribution equivalent) affordable housing contribution - 75% more than

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Clause 53.23 criteria and 175% above the BFO's requirements for a 12-storey deemed to comply building.

- **A good neighbour** - Greater setbacks from rear interface with existing residential neighbourhood than required by the BFO - reduces overshadowing, improves scale transition and increases prospects of housing change on land in the HCTZ. Widening and activating the rear public laneway to the benefit of the public.
- **Design-led, not density-led** - Additional building height reallocates floor space from increased lower levels setbacks and rescued streetwall height – not additional floor space over and above BFO.

This is further summarised in the below table comparing and contrasting the proposal's public benefits in the context of the existing planning permit and new BFO3's requirements:

Summary Comparison

	Boroondara Permit	BFO Compliant	DFP Application
Apartments	41	66	78
Cars	94	135	164
Construction Cost (Residential)	\$34,679,000	\$52,730,000	\$62,318,700
Floor Area Ratio		8.51	9.04 (6.23% increase)
Public Benefit			
Affordable Housing Contribution	Homes (17.5%)	0	0 (Decision Guideline Only)
	Cash Contribution (5.25%)	\$0	\$0 (Decision Guideline Only)
			\$3,271,731.75
Amenity Impacts		Shadow impacts to East	Reduced shadow impacts to East
Housing Impacts		Less housing	More housing
Design Benefits		No requirement for design excellence	Design excellence
Quality of Housing		No requirement for high quality building	High quality architecture

This is a proposed that the State government can hold up as an exemplar of the high-quality housing change sought by the State government in Melbourne's activity centres.

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2.0 BACKGROUND

Planning permission for the redevelopment of part of the subject site (852-858 Glenferrie Road) was originally issued on 16 June 2020 (PP19/00504) for a 7-storey residential hotel.

Subsequent to the issue of that permit, the land was purchased the applicant and the land to the south (846-850 Glenferrie Road) was also acquired, forming a larger, consolidated parcel of land for redevelopment.

On 22 July 2025, Council issued the permit, which allows use of the land for accommodation, buildings and works to construct a 7-storey building, reduction in the car and bicycle parking requirements and alteration of access to a road in a Transport Zone 2. This building was designed by Woods Bagot.



Figure 1: Render of the approved Woods Bagot development

Following the grant of the permit, the applicant made the decision to further elevate the already very high design credentials of the project by engaging Wardle Architects and seeking an amendment to the permit to give effect to the Wardle redesign. Wardle is an award-winning architectural practice, synonymous with the highest-quality, sophisticated residential homes. The redesign process sought to ensure that this one-in-a-generation redevelopment opportunity of a strategically significant, inner city site, is optimised.

The redesign was well received by the City of Boroondara during the application process, noting the following quote from the urban design referral:

The amended plans have indeed elevated the approved scheme to another level, demonstrating that striving for excellence is regarding for all parties involved, not only the Council but the developer too. A housing product of this quality and a development of such high standards would not only increase the marketability of

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these dwellings but also set the bar too high for any future development in the area – a win-win situation for all.

The permit was successfully amended under Section 72 of the Planning and Environment Act 1987 (**the Act**), and endorsed plans and reports required under the conditions of the amended permit were received, on 12 January 2026.



Figure 2: Render of the approved WARDLE development

The Victorian Government has recently committed to range of planning reforms, including a substantial increase in the preferred building height for the subject site, the land to the north and south and on the opposite side of Glenferrie Road, to 12 storeys

The development proposed under this application seeks to further enhance the approved scheme by aligning it with the Victorian Government's intended outcomes for the subject site and the Glenferrie Major Activity Centre (**GMAC**) more broadly. The proposed design response synthesises the design excellence embedded in the currently approved development with the Victorian Government's revised building height expectations in GMAC.

The key changes to the currently approved development include an increase in building height from a maximum of 7 storeys to 16 storeys and provision of a significant affordable housing contribution of 17.5% (or 5.25% cash contribution equivalent). This is achieved without generating any additional adverse off-site amenity impacts.

The proposal is further described in Section 3.0 below and **Appendix 1**.

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The proposal seeks approval for a mixed use building comprising 78 apartments (including at least 17.5% (or 5.25% cash contribution equivalent) affordable housing) and integrated retail / commercial opportunities at the ground floor level, constructed over 4 levels of shared basement.

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Figure 3: Render of proposed development



Figure 4: Render of the residential lobby entrance



A detailed description of the proposal is provided at **Appendix 1**.

A summary of the proposal is provided below:

- 711.7 square metres of retail / commercial floor area, within 2 tenancies separated by the residential lobby is proposed at the ground floor facing Glenferrie Road.
- To the rear of the shops are communal amenities, back-of-house areas, waste storage, services, a bicycle store and vehicle access to

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the basement parking levels. Basement level 04 is setback 12.9 metres from the eastern boundary. The remaining basement levels are built to all boundaries.

- The basement parking areas are proposed over 4 levels and contain 164 car parking spaces (159 resident and 5 shop), bicycle parking, storage and service areas.
- 197.4 square metres of communal space is provided, including a wellness centre, shared kitchen, recreation area, lounge and landscaped terrace on the ground floor and a workshop in basement level 02. The communal space on the ground floor level is serviced by a DDA toilet.
- At the first floor and above are 78 dwellings (31 x 2 bedroom and 47 x 3 bedroom).
- The building will have a maximum overall height of 56.89 metres above ground level, measured to the parapet, contained within 16 storeys.
- The building will have a streetwall height to Glenferrie Road of between 12 metres and 18.1 metres that follows the fall of the land from north to south.
- A 5 metre setback is proposed above the streetwall. This tapers back to 8 metres in the north-western corner of the building from level 9 upwards.
- A minimum setback of 3.11 metres is provided to the rear boundary at the ground floor level, with the adjacent laneway and Sercombe Grove properties beyond. This setback increases to 6 metres to the building wall at level 1 (3.14 metres to the edge of terraces), 6 metres at level 2, 7 metres to the building wall at level 3 (6 metres to the edge of terraces) and 7 metres at levels 4-6. At levels 7 and 8, the setback at the south-eastern corner of the building increases to 9 metres. At levels 9-15, the setback from the north-eastern corner increases to 10 metres.
- The building is to be constructed to the northern and southern boundaries.
 - A 4 metre deep x 5.25 metre wide light well is proposed on the northern boundary from levels 1-5, opposite the existing lightwell at No. 862 Glenferrie Road. A 4 metre setback to the building wall is proposed from the entire northern boundary at levels 6-8. This increases to 6 metres at levels 9-15.
 - A 3.05 metre deep x 5.31 metre wide light well is proposed on the southern boundary. This increases to 4.5 metres from the entire southern boundary to the building wall at levels 3-6 and 6 metres to the building wall at levels 7-13.

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A 17.06 metre setback is proposed to the building wall at levels 14-15.

- A flat roof form is proposed.
- Materials and finishes are a mixture of solid masonry elements on the buildings facades (a darker toned brick for the streetwall and lighter toned brick for the levels above), with metal, lightweight cladding and concrete details arranged and expressed in a contemporary manner. The shop fronts at the ground floor level are articulated with a mix of glazing and green coloured glazed tiles.

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Figure 5: Conceptual expression of proposed development



Figure 6: Render view of the intersection of the streetwall and upper levels

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4.1 PHYSICAL CONTEXT

The subject site is located approximately 5.5 kilometres east of the Melbourne Central Business District (CBD) and is located within the GMAC, one of 3 major activity centres within Boroondara and a key strategic focus for accommodating the municipality's future population and employment growth.

The subject site is a conglomeration of 4 properties commonly referred to as 846, 848, 850 and 852-858 Glenferrie Road, Hawthorn. It occupies a total area of 1,625.7 square metres.

It comprises 4 separate Certificates of Title and is legally described as:

- Lot 3 on LP29535 (Vol.8206 Fol.103)
- Lot 2 on LP29535 (Vol.8721 Fol.939)
- Lot 1 on LP29535 (Vol.8068 Fol.358)
- Plan of Consolidation 102475 (Vol.9009 Fol.513).

The subject site is not subject to any restrictive instruments or Section 173 Agreements.

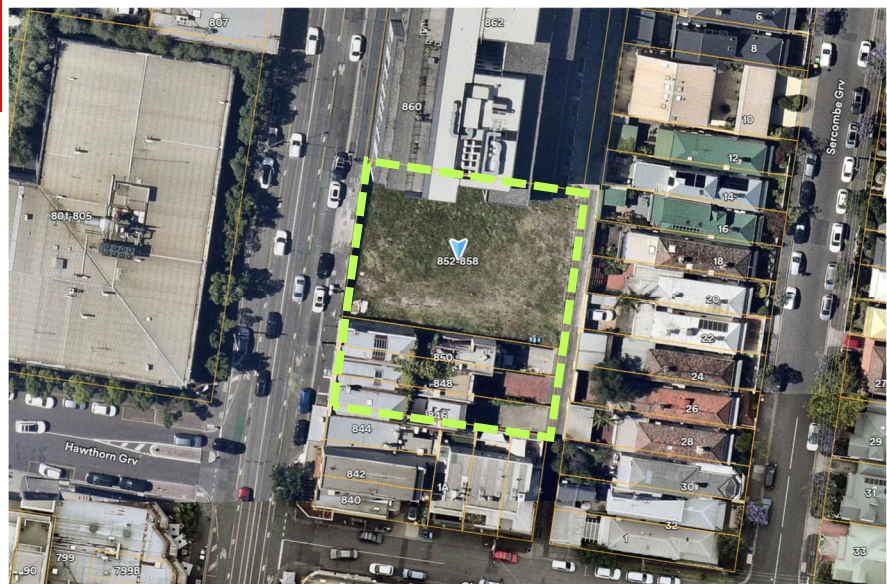


Figure 7: Aerial photo of the subject site (source: Nearmap, 2026)

The subject site is rectangular with an approximately 43-metre frontage to Glenferrie Road and depth of approximately 38 metres. It also slopes down from north to south approximately 1 metre.

The land is vacant, save for 3 existing double-storey commercial buildings constructed to the Glenferrie Road frontage and along approximately 25 metres of the southern boundary. Report and consent to demolish these existing buildings was granted by the Boroondara City Council on 19 September 2024.

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Figure 8: Photograph of the subject site's Glenferrie Road frontage



Vehicle access to the subject site was previously gained via a crossover to Glenferrie Road and from the rear laneway, which separates the land from the residential properties to the east. The 3 existing buildings are all accessed by vehicles from the rear laneway.

The proximity of the subject site to existing amenities and infrastructure is considered ideal for encouraging future development on what clearly constitutes a strategic redevelopment site to accommodate a high-density development. It is supported by existing and future State and local planning policies for increased urban densities within established areas that are proximate to existing infrastructure. The future planning controls for the subject site also seek to encourage a substantial increase development intensity and residential density on the subject site.

A detailed description of the subject site and surrounds is provided at **Appendix 2**.

4.2 STRATEGIC POLICY CONTEXT

4.2.1. Municipal Planning Strategy (MPS)

The Municipal Planning Strategy (**MPS**) is outlined at Clause 02 of the Scheme. Of the MPS, the following clauses are relevant to the proposed development:

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- Clause 02.01-3 Housing
- Clause 02.03-1 Settlement
- Clause 02.03-4 Built environment and heritage
- Clause 02.03-5 Housing
- Clause 02.03-6 Transport

4.2.2. Planning Policy Framework (PPF)

The Planning Policy Framework (**PPF**) is outlined at Clauses 10–19 of the Scheme. The PPF underpins the key objectives of the Act, and its objectives that require consideration in the administration of land use and development planning across Victoria. It informs the preparation and implementation of local planning policy objectives and the introduction of zone and overlay controls. It is therefore necessary that planning permit applications build on and achieve these important policy objectives.

Relevant planning policies to this application include:

- Clause 11.01-1S Settlement
- Clause 11.01-1R Settlement – Metropolitan Melbourne
- Clause 11.03-1S Activity centres and precincts
- Clause 11.03-1L-02 Hawthorn-Glenferrie Road Major Activity Centre
- Clause 12.06-1S Urban forests
- Clause 15 Built environment and heritage
- Clause 15.01-1S Urban design
- Clause 15.01-1R Urban design – Metropolitan Melbourne
- Clause 15.01-1L-01 Urban design and built form outcomes
- Clause 15.01-2S Building design
- Clause 15.02-1L Energy and resource efficiency – Boroondara
- Clause 16 Housing
- Clause 16.01-1S Housing supply
- Clause 16.01-1R Housing supply – Metropolitan Melbourne
- Clause 16.01-1L Housing – Boroondara
- Clause 16.01-2S Housing affordability
- Clause 17.01-1S Diversified economy
- Clause 17.02-1S Business
- Clause 18.01-3L Sustainable personal transport – Boroondara
- Clause 18.02-3R Principal Public Transport Network
- Clause 18.02-4L-02 Car parking – Boroondara
- Clause 19.03-3S Integrated water management
- Clause 19.03-3L Integrated water management
- Clause 19.03-5S Waste and resource recovery

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With regards to the operation of the PPF, Clause 71.02-3 of the Scheme states:

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Victorians have various needs and expectations such as land for settlement, protection of the environment, economic wellbeing, various social needs, proper management of resources and infrastructure. Planning aims to meet these needs and expectations by addressing aspects of economic, environmental and social wellbeing affected by land use and development. The Planning Policy Framework operates together with the remainder of the scheme to deliver integrated decision making. Planning and responsible authorities should endeavour to integrate the range of planning policies relevant to the issues to be determined and balance conflicting objectives in favour of net community benefit and sustainable development for the benefit of present and future generations.

(our emphasis)

4.2.3. Other Relevant Strategic Documents

Other relevant strategic documents include:

- Glenferrie: Heart of Hawthorn Structure Plan 2011
- Plan for Victoria, 2025
- Plan Melbourne 2017-2050: Metropolitan Planning Strategy
- Victoria's Housing Statement
- Statewide housing targets

A detailed summary of the strategic policy context is provided at **Appendix 3**.

4.3 PLANNING CONTROLS AND PERMIT TRIGGERS

The subject site is located within a C1Z and affected by BFO3 and PO1. A comprehensive summary of the applicable planning controls is provided at **Appendix 3**.

Other applicable planning provisions include:

- Clause 52.06 - Car parking
- Clause 52.29 - Land adjacent to the principal road network
- Clause 52.34 - Bicycle facilities
- Clause 53.18 - Stormwater management in urban development
- Clause 53.23 - Significant residential development with affordable housing
- Clause 58 - Apartment developments.

A planning permit is required pursuant to the following clauses of the Scheme:

- Clause 34.01-1, for the use of the land for the purpose of accommodation.
- Clause 34.01-4, to construct a building and construct or carry out works.
- Clause 36.04-2, for the construction of a weather canopy overhanging a TRZ2.
- Clause 43.06-6, to construct a building or construct or carry out works.
- Clause 52.06-3, to reduce the number of car parking spaces required.

Pursuant to Clause 72.01, the Minister for Planning is the responsible authority for an application under Clause 53.23.

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5.0 IS AN ACCEPTABLE PLANNING OUTCOME ACHIEVED?

In considering the acceptability of the proposed development, it is important to recognise that the strategic and statutory policy context for the subject site is in a state of flux, with the State government reframing the strategic role and function of the Glenferrie Activity Centre in accommodating housing density and built form change.

The previous DDO15 provisions sets out the past design parameters for the subject site. These were conceived and applied to the subject site prior to the development of a range of significant policy objectives which have subsequently, and fundamentally, changed the strategic policy context for the development site, including:

- Victoria's Housing Statement (2024)
- Plan for Victoria (2025)

These policies particularly identify the need to significantly increase housing supply throughout Victoria, including facilitating the delivery of affordable housing.

In order to advance these policies, the Victorian Government has replaced the former DDO15 with a new built form control – the BFO. The BFO includes a range of a built form objectives and requirements, including a substantial increase in the discretionary maximum building height control applicable to the subject site from 7 storeys to 12 storeys and a deemed to comply framework.

The proposed development has evolved from a desire to enhance the development approved under the existing permit, by aligning it with the Victorian Government's intended outcomes for the subject site and GMAC, more broadly. The proposed design response synthesises the design excellence embedded in the currently approved development with the revised built form expectations for GMAC outlined in the BFO, seeking to optimise the site's capacity to deliver a significant increase in high-quality dwellings within a well-located and well-served area.

When often conflicting objectives and requirements are appropriately balanced in favour of net community benefit and sustainable development, as required by Clause 71.02-3 of the Scheme, the proposed use and development achieve the acceptable planning outcomes sought by Clause 65 of the Scheme.

Specifically, the proposed development achieves the objectives and implements the relevant strategies of the Scheme, in that:

- It leverages a unique opportunity to redevelop a large, consolidate site in an inner-city activity centre that is not

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constrained by heritage significance for the provision of more diverse, sustainable, affordable and compact housing.

- The proposed built form is consistent with the preferred built form morphology and character for GMAC established by the BFO, with respect to building scale, sustainability, detailed design, public benefits and impacts on adjoining land.
- The proposal is an exemplar of higher density infill development, and whilst proposing to exceed the preferred maximum building height, does so in manner that will deliver a commensurate public benefit, a net community benefit and sustainable development. It appropriately encapsulates the balancing act required by the integrated decision-making provisions of the Scheme.
- These benefits are all delivered without generating any unreasonable or unexpected impacts upon adjacent properties or the preferred character of the area, despite exceeding the deemed to comply building height requirements. To the interface with the existing dwellings to the rear – land located in the HCTZ – the development's overshadowing impacts are less than a BFO deemed to comply complaint envelope.

This view is based on a detailed assessment of the proposal against the following key planning considerations:

- Is the proposal consistent with the MPS, PPF, and State Government Policy?
- Does the proposal meet the requirements of the C12?
- Does the proposal respond appropriately to the design objectives and design requirements of the BFO?
- Does the proposal include innovative ecologically sustainable design practices?
- Does the proposed development satisfy the objectives of Clause 58 and appropriately address on and off-site amenity impacts?
- Is the development's car parking provision, traffic impacts, access and waste management acceptable?

Each of these matters is addressed below.

5.1 IS THE PROPOSAL CONSISTENT WITH THE MPS, PPF, AND STATE GOVERNMENT POLICY?

The Victorian Civil and Administrative Tribunal (**the Tribunal**) has recently re-asserted the primacy of the MPS, the objectives of the PPF, Plan Melbourne, and the importance of efficiently and intensely development key sites within urban renewal areas.

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The Tribunal has directly challenged whether it is reasonable to significantly constrain development on key sites, given the planning and economic imperatives to optimise development in these locations.

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In *SB&G Upper Heidelberg Road (Ivanhoe) Pty Ltd v Banyule CC* [2018] VCAT 769, Member Deidun confirmed:

As a city, we can no longer economically, socially and environmentally support the extent of outward expansion of the fringe suburbs that would occur in the absence of substantial housing growth in established suburbs...of the available opportunities within the established suburbs, locations that provide good access to a range of services and facilities are preferred, and activity centres are positioned at the top of the hierarchy of preferred locations...

...for Melbourne to be able to respond successfully to the extent of population increase currently being experienced, locations...where people have real choice to use public transport must be appropriately developed.

5.1.1. Is the proposal supported at a State policy level?

The proposal provides a clear opportunity to directly address Melbourne's rapid population growth and housing shortage by optimising the use and development of a strategically important redevelopment site.

In forming a view about the proposal's consistency with the PPF, it is appropriate to acknowledge that the subject site is:

- In a C1Z, which specifically seeks to provide for a mix of uses, including retail and residential uses at densities complementary to the role and scale of the commercial centre.
- Located within Glenferrie Major Activity Centre, an area identified for significant growth and change to accommodate more intensive residential development.
- Well-located proximate to public transport, with Tram Route 16 located along the site's frontage and located no more than 600 metres from Glenferrie Railway Station and 850 metres from Tram Route 109.
- Located within walking distance of numerous services and amenities, such as schools and Hawthorn Aquatics and Leisure Centre, shops, food and drinks premises, medical services, banks and supermarkets.
- Already serviced by key infrastructure required for future development.

- Is a large, consolidated, largely vacant landholding, providing a unique opportunity for more intensive redevelopment and to make a significant contribution to the delivery of housing in a major activity centre, efficiently and effectively.
- Is significantly underutilised having regard to its locational and strategic attributes within GMAC.

Through this prism, the proposal appropriately confronts and responds to the key urban policy imperatives of the PPF as follows:

- It will facilitate the site's efficient and effective redevelopment for a mix of uses which will consolidate and enhance the role and function of the activity centre. The development provides a symbiotic combination of valuable employment generating retail floor area and increases in residential densities on a site with ready access to the principal public transport network, recreation, social and community facilities, consistent with key urban consolidation objectives. This is consistent with the objectives sought in Victoria's Housing Statement and strengthens the 20-minute neighbourhood outcomes sought by Plan for Victoria and the objectives of Clauses 11, 16 and 18.
- It incorporates a mix of land uses which are supported by the Commercial 1 Zoning of the land, with the provision of active commercial uses along the site's Glenferrie Road interface in addition to high density dwellings which support these uses.
- The proposal will deliver greater housing diversity through well-designed apartments within the bounds of GMAC. The intensification of the site provides for higher density housing with varying apartment types to suit differing housing and lifestyle needs, in accordance with Clauses 11 and 16.
- The proposal includes a significant affordable housing contribution of 17.5% (or 5.25% cash contribution equivalent), which will provide a genuine contribution to the housing targets set by the Victorian Government via its recently released 'Plan for Victoria' and meet the objectives of Clause 16.01-25.
- The 711.7 square metres of retail floor area proposed will contribute to the community's need for employment generating retail services, within an existing activity centre, providing net community benefits in relation to accessibility, efficient infrastructure use and the aggregation, sustainability, and diversity of commercial facilities. This is consistent with the objectives and strategies of Clause 17.
- The development exhibits a high quality design with attention to detail such as amenity, accessibility, urban design, and

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architecture that is respectful of the existing, emerging and preferred character of GMAC and the scale of existing residential land to the east. These aspects are encouraged by Clauses 15 and 16 (refer to Section 5.3 of this submission for further discussion in relation to the proposal's design and built form credentials). In addition, the proposed development achieves a high degree of compliance with Clause 58, applicable to apartment developments of five or more storeys.

- The design and scale of the proposal is commensurate with its candidacy as a strategically located redevelopment site within a major activity centre, where increased density is encouraged. Accommodating growth and change within and around major activity centres has the effect of protecting established residential neighbourhoods and Melbourne's fringe from the need to accommodate substantial growth and change. This is consistent with the guiding principles of Clause 16, Plan Melbourne, Victoria's Housing Statement and Plan for Victoria.
- The proposed layout of the development, in its accessways, entries and dwelling typology has been designed to ensure equitable access and adaptability for members of the community with limited mobility, in accordance with Clause 16.
- Integrated transport goals are achieved by providing increased dwelling diversity and density on a site within the Principal Public Transport Network, consistent with Clause 18.02-3R.
- Car and bicycle parking are provided to meet the needs of future residents and visitors to the development, yet the location of the subject site will naturally encourage greater use of alternative means of transport such as walking, cycling and public transport, in accordance with the objectives of Clause 18.
- Waste management facilities are integrated into the development to avoid detrimental impacts on the safety and amenity of the area, in accordance with Clause 19.03-5S.

Having regard to the above considerations, the scale and intensity of the proposed development is clearly supported by the objectives of the PPF and will make an essential and meaningful contribution to both the local area and municipality more broadly.

The proposal is also an opportunity to achieve a range of local planning policy imperatives and is strongly supported by a range of their relevant objectives for the subject site, surrounding area, and the City of Boroondara generally.

5.1.2. Is the proposal supported at a local policy level?

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The support for the proposal at a local level is evidenced by the following observations:

- The proposal recognises Council's desire to provide new housing to meet the ever-changing housing needs of its existing and future residents. A range of dwellings, in terms of size, type and layout are proposed, suited to a diverse range of future occupants. Specifically, the proposal recognises the need to provide smaller, yet varying household types, in key strategic locations, such as major activity centres. This is particularly important for people wanting to live in accessible, affordable and quality housing in highly desirable locations, close to their area of work or study.
- The compact nature of the proposed dwellings, efficient building structure, economies of scale, and manageable on-going costs enables the delivery of more affordable housing options for the local community that complement the preponderance of larger dwellings within the local area.
- The mix of uses proposed combines retail floor area with increased residential densities, which will generate local employment opportunities and consolidate the role and function of the activity centre, on a strategically located redevelopment site.
- Landscaping is incorporated into the design, to improve the aesthetic quality and amenity for occupants and the public realm and contribute to the reduction of the urban heat island effect.
- The retail uses and articulated residential lobby fronting Glenferrie Road will activate the pedestrian environment and enhance the experience of pedestrians who use the adjoining footpath in a safe and surveyed environment.
- The development delivers a considered and quality architectural form on the subject site, commensurate with its size, location and significance as a strategically important redevelopment site. A major activity centre identified for significant change is considered to be the appropriate location for such an approach.
- Whilst the height of the development is taller than contemplated by the BFO's discretionary, deemed to comply maximum building height of 40 metres, it aligns with the State government proposed built form aspirations, successfully balances the need to accommodate a significant portion of new housing on a well-located and well-served site, without unreasonably impacting the traditional residential land to the east. This is by virtue of providing a contemporary architectural expression derived from and complements the heritage character of the subject site's

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immediate surroundings. Further, the provision of appropriate setbacks to reduce the prominence of the building and maintain a scale and character that, when appreciated from the context of adjoining street frontages, is reflective of the preferred scale of future development surrounding the subject site along Glenferrie Road. This is considered to be an appropriate response to proposed BFO's aspirations for the morphology of new development within GMAC.

- A restrained, simple and elegant palette of material and finishes is proposed to establish a new identity for the subject site that is respectful of both the established heritage character of the residential properties to the east and the emerging contemporary character of higher density mixed-use buildings along Glenferrie Road. The use of 2, different coloured and toned bricks, with lower levels of the building utilising a warm natural cream brickwork and the upper levels transitioning to a lighter brickwork tone, creates a clear distinction between the lower and upper-level forms while maintaining a cohesive presentation of the building to the streetscape. The textured brickwork has been selected for its durability and low maintenance, supporting the robustness and longevity of the façade and ensuring the building provides a positive and long-lasting contribution to the evolving public realm of the Glenferrie Road Activity Centre.
- Traffic generated by the development will be comfortably accommodated by the surrounding road network in a safe and efficient manner. This is facilitated by the 3.11 metre setback proposed from the rear laneway to facilitate two-way vehicle movements.
- On-site car parking provided reflects an empirical assessment of anticipated demand and is minimised in line with the transport and traffic management objectives for GMAC, to reduce traffic congestion and promote use of alternative modes of transport.
- Car parking is proposed to be located over 4 levels to maximise activation opportunities at street level.
- Vehicle access is proposed to be consolidated to the rear laneway, protecting Glenferrie Road as a primary pedestrian thoroughfare. This avoids a situation where car parking dominates primary streetscapes, in favour of maximising active uses at ground level.
- Bicycle parking well in excess of the statutory requirements is provided to reduce traffic congestion and promote alternative modes of transport.

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- The primary area of communal space, including a landscaped terrace, has been designed to front the rear laneway, providing an activated 'green edge' to soften the building to the laneway interface.
- High standards of on-site amenity are provided to all dwellings including functional living, dining and kitchen areas, good access to daylight, privacy and communal amenities. The proposal has carefully considered the amenity impacts to nearby existing residential properties, mitigating the potential for noise and light spill, overshadowing, overlooking and adverse wind impacts commensurate with the subject site's strategic context. The new apartments have also been sited and designed to protect residents from off-site amenity impacts.
- The design response allows for future equitable development opportunities to the adjacent properties to the north and south along Glenferrie Road, allowing these sites to develop in a proper and orderly manner.
- The proposal achieves excellence in environmental performance as outlined in the Sustainability Management Plan (**SMP**) prepared by GIW Environmental Solutions enclosed and explained in Section 5.5 below.

Having regard to the above considerations, the proposal demonstrates a high level of consistency with the relevant local planning policy objectives and will contribute to the proper and orderly planning of Glenferrie and the metropolitan community, more broadly.

5.2 DOES THE PROPOSAL MEET THE REQUIREMENTS OF THE C1Z?

The proposal is entirely consistent with the purposes of the C1Z. It implements the MPS and PPF, as described in Section 5.1 above and will provide for a mixed-use development with ground level retail / commercial uses and upper-level dwellings.

The proposed land uses do not require significant consideration. They would both be as-of-right, if not for the proposed width of the residential lobby, which is scaled to reflect the number of dwellings it serves and maintain an active frontage. The lobby entrance, at 3.85 metres wide, represents only 9% of the subject site's street frontage. This is considered to be appropriate, as the remainder of the frontage is dedicated to the retail uses and a small area for services.



5.3 DOES THE PROPOSAL ACHIEVE AN ACCEPTABLE BUILT FORM OUTCOME?

The BFO seeks to facilitate the intensive redevelopment of the subject site. Having regard to the existing policy context which identifies the subject site within a major activity centre, the overarching State policies which have informed the application of the BFO and its discretionary, deemed to comply built form controls, the overall height and massing of the proposed development is an entirely acceptable outcome.

Where the proposed development sits outside of the 'preferred' envelope of the BFO, it has been carefully considered so its massing is consistent with the preferred future character of development, and saliently, with no undue external amenity impacts to its surrounds. It is also supported by a public benefit, in the form of a 75% increase in the development's affordable housing contribution.

The preferred, deemed to comply, BFO built form controls and proposed built form outcomes are summarised below.

BFO Built Form Standard	Proposed Built Form Outcome	Variation Required
BF02 – Minimum building height of 21 metres and maximum building height of 40 metres (~12 storeys).	Maximum height of 56.88 metres (14-16 storeys).	Yes
BF05 - Maximum street wall height of 1:1 ratio to street wall height to street width (~20 metres).	A maximum street wall height of 18.1 metres.	No
BF05 - Minimum setback above the street wall of 5 metres for buildings greater than 27 metres in height.	5 metre setback above the street wall.	No
BF06 - Minimum side and rear setbacks of 4.5 metres up to and including 21 metres, 6 metres above 21 metres up to and including 40 metres and 10 metres above 40 metres.	A side setback to the south of 4.5 metres above the wall on boundary up to a height of approximately 21.4 metres, 6 metres up to a height of approximately 48.7	Yes

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	metres and 17.06 metres above.	
	A side setback to the north of 4 metres above the wall on boundary up to a height of approximately 30 metres and a 6 metre setback above.	
BF06 - Maximum height of wall on side and rear boundaries of 11 metres.	A maximum height of 11.7 metres for the wall on the southern (side) boundary. A maximum height of 18.4 metres for the wall on the northern (side) boundary. No wall on rear boundary.	Yes
BF04 - Sun access to the opposite footpath measured at least 5 metres from the property boundary between 10am and 2pm on 22 September.	Solar access to the footpath on the opposite side of Glenferrie Road is slightly reduced between 10am and 11am on 22 September.	Yes
BF07 - Maximum floor plate size of 900sqm per tower, above the maximum street wall height.	Level 5 has a floor plate size of 942 square metres. Levels 6-15 have floor plates ranging in size from 870 – 402 square metres.	Yes – Level 5 only.
BF07 - Minimum floor to floor height of 4.5 metres for ground	Floor to floor height of 4.72 metres for the ground level	No

floor commercial uses, 4 metres for upper level commercial uses and 3.2 metres for residential uses.	commercial uses and a minimum floor to floor height of 3.26 metres for the residential uses above.	
BF12 - Minimum deep soil extent at ground level of 10% of the site area.	2.3% of the site area will comprise deep soil.	Yes

The BFO also specifies a preferred requirement for a minimum entry or window percentage of 80% along the ground level frontage to a height of 2.5 metres (Standard BF09). While this is not a deemed to comply provision, approximately 80.5% of the ground level frontage to Glenferrie Road comprises entries or windows to a height of at least 2.5 metres, thereby providing an active frontage and aligning with the preferred control.

The remaining built form controls are identified as deemed to comply requirements, that is, if the relevant requirement is met, the associated outcome is met.

As is so often the case in the consideration and assessment of development proposals, the overall height of new buildings is the issue which receives the greatest level of scrutiny. However, building height is a relative measure which relies on context for understanding and is only an instructive measure when viewed through the prism of a fully resolved and considered architectural strategy.

In the context of the subject site, a performance-based approach is considered to be more appropriate than the slavish application of a set of specific built form requirements or controls due to its unique strategic attributes. This is supported by the discretionary nature of the maximum height, street edge, upper-level setback and overshadowing requirements applicable to the subject site.

Any redevelopment of the land the subject of BFO3 must meet the development objectives of the control. Below is an assessment of the proposal against these development objectives:

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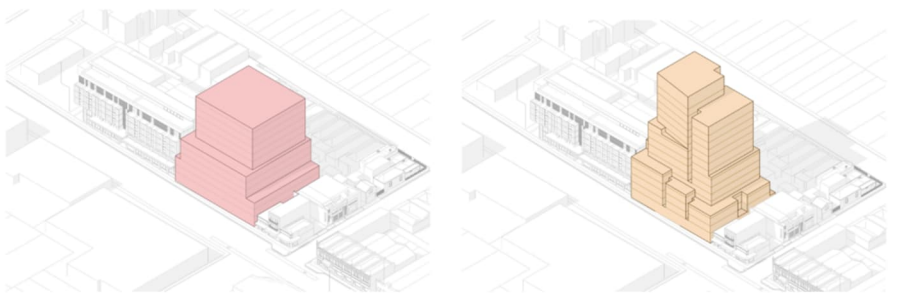
Objective	Assessment
<i>To promote development which achieves a high level of amenity and enhances the public realm with high quality design.</i>	The proposed development achieves a high level of amenity and enhances the public realm through high quality design, including activated and carefully articulated building façades to both the front and rear street interfaces, as detailed below.
<i>To achieve a scale of growth consistent with the development framework and to discourage underdevelopment.</i>	It is clear from this objective that, unlike previous built form controls applied to activity centre contexts, the BFO provisions are intended to facilitate and optimise development in activity centre, rather than simply control development. This is reflected in the express discouraging of under development and the use of discretionary deemed to comply requirements. Accordingly, this establishes that compliant development are automatically acceptable built form outcomes. It also shifts the approach to assessing and considering development that does not comply with the BFO3's requirements. As is the case in this instance, the proposal seeks to increase the preferred building height requirement but, due to compensatory increased rear setbacks, achieves a comparable scale of growth – by reference to the amount of developable area delivered. It also proposes a taller building in a sub-precinct of the activity centre where taller buildings are already contemplated as of right and deemed to comply. This ensures that the scale of growth consistent with the development framework is achieved.
<i>To promote sustainable development that achieves best practice sustainable design, contributes positively to sustainable transport patterns and provides increased green cover and tree canopy coverage to reduce urban heat.</i>	The development incorporates considered sustainable development practices to minimise the development's impact on the environment. These matters are assessed in Section 5.4 of this report.

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Objective	Assessment
<i>To increase permeability and connectivity for pedestrians and cyclists throughout the activity centre.</i>	The redevelopment of a largely vacant site with a continuous activated ground floor to Glenferrie road and the rear widened laneway will dramatically increase permeability and connectivity for pedestrians and cyclists in the activity centre. In addition to the development objectives, the decision guidelines at Clause 10 of the BFO outline numerous considerations that must be considered where a proposal seeks to vary a discretionary, deemed to comply standard. Notably, these decision guidelines are only required to be considered where the proposal does not meet the deemed to comply standard, which in this case is limited to non-compliances with the following standards: • BF02 (Building height) • BFO4 (Overshadowing of public realm) • BFO6 (Side setbacks) • BFO7 (Building layout and adaptability). • BF12 (Landscaping). The development otherwise complies with the applicable standards and accordingly, complies with the associated outcomes. The design conceived by Wardle provides a direct response to the requirements and decision guidelines of the BFO in its consideration of the variations to the preferred built form controls and thus, the intent of the BFO as it applies to the subject site. An assessment against the relevant decision guidelines, in the context of the Standards not met by the proposal, is provided below.

Decision Guideline	Assessment
Development – Building scale <i>Whether the site area, including as a result of land consolidation, enables the management of amenity impacts from building heights exceeding the</i>	The consolidation of 4 sites into one enables the management of amenity impacts from the proposed building height exceeding the maximum building height.

Decision Guideline	Assessment
<i>maximum building height specified in this schedule.</i> ADVERTISED PLAN	This is evidenced by the proposed eastern rear setbacks which are greater than the minimum deemed to comply setback requirements of the BFO3. Further, whilst not a requirement of the BFO3, a comparative Floor Area Ratio (FAR) analysis demonstrates that despite the increase in height, the development's FAR is comparable to the deemed to comply envelope established by the BFO3 provisions.  FAR : 8.51 100% BFO 12 Level Development FAR : 9.04 106% (additional 6% overall area) Proposed 16-14 Level Development Figure 9: Extract of WARDLE design report
<i>Whether the building respects the height, scale and proportions of adjacent heritage buildings.</i>	The building does not interface with adjacent heritage buildings.
<i>Whether the building height responds to the site and adjacent existing or proposed development.</i>	The following observations are made in relation to the height of the proposed development: The overall scale and architectural resolution of the building is of a high quality and is directly responsive to the subject site's strategic and physical context and constraints, as described below and at Section 1.3 of Appendix 1. As noted in Section 2.0, the design of the building's base, consistent with the current approval, has been highly commended by the City of Boroondara. The current proposal seeks to carry this quality architectural response through to the new tower components of the development. As stated by Senior Member Bennett in <i>3000 Corporation Pty Ltd v Boroondara CC</i> [2019] VCAT 993, despite recognising that "development of a scale greater than envisaged by local policy is acceptable... in principle. Consistent with other Tribunal decisions, the

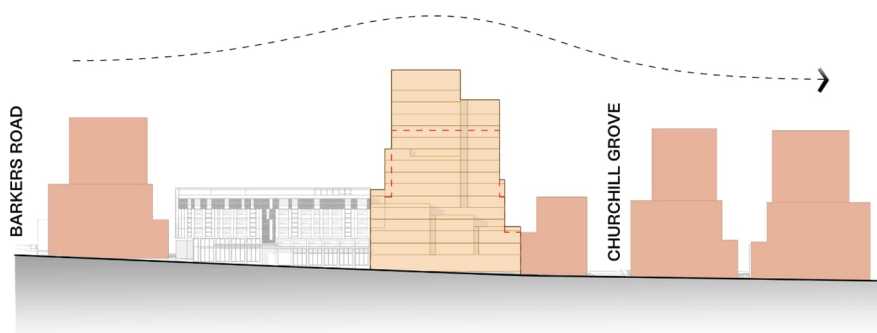
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opportunity is not unconstrained, and the physical context becomes critical in assessing the merits of the permit application”.

- Accordingly, the proposed development successfully strikes the right balance in respecting the characteristics of its diverse interface conditions, through the use of thoughtful and innovative architectural design commensurate with the size, strategic context and locational attributes of the subject site. Through the incorporated design principles and considered architectural expression, the proposal offers a unique and resolved development outcome. The Urban Context and Design Report enclosed with this submission further outlines how the design and overall built form outcome evolved from the subject site’s context and respectfully engages with the presiding characters of its immediate surrounds.
- A total of 4 existing lots are proposed to be consolidated to facilitate the proposed development. The result is a uniquely large redevelopment site within the GMAC, which is capable of accommodating greater scale of development and delivering the associated net community benefits with regards to housing supply and affordability, without unreasonably impacting on the public realm or adjoining residential properties.
- The discretionary maximum building height of 40 metres/12 storeys in the BFO will also apply to the properties to the north and south along Glenferrie Road and on the opposite side of Glenferrie Road. The proposed building will therefore ultimately sit within a context whereby the minor increase (in a relative sense) in height to a 14-16 storey building will be consistent with the character of the area and barely be perceptible from the public realm (refer to Figures 5-7 below). The step down in tower heights with the fall of the land form north to south, with the 16 storey component of the development being located towards the north of the site, will also contribute to a consistent skyline along Glenferrie Road, with future 12 storey buildings to the north of the subject site appearing taller than those directly to the south.



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Figure 10: Long section of Glenferrie Road showing envelope in context of BFO3 and existing development

- This site responsive design approach will assist with ensuring the development sits comfortably amongst the future preferred built form context of Glenferrie Road, whilst maximising the development potential of the site in line with key strategic planning policy objectives. Please refer to the Urban Context and Design Report prepared by Wardle for further details of the future built form context surrounding the subject site.



Figure 11: Photomontage of development looking south



Figure 12: Photomontage of development looking north

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Figure 13: Photomontage looking north-west from corner of Sercombe and Churchill Grove

- The maximum floor plate sizes of approximately 900 square metres or less are provided above the street wall. While Level 05 exceeds this by a modest margin of 42 square metres, the overall built form incorporates central recesses and varied building heights that create the impression of two slender towers rather than a single broad mass. This articulation effectively avoids adverse visual bulk impacts typically associated with wider floor plates. In addition, the floor plates have been carefully planned to ensure all apartments receive a high level of internal amenity
- The overall building height will not cause any unreasonable direct off-site amenity impacts on neighbouring properties, particularly those to the east of the subject site, due to the physical separation of the subject site from these properties by the laneway, the proposed setbacks from the eastern boundary and the impacts inevitably arising from the BFO's preferred built form outcomes. A 3.11 metre setback is provided at the ground floor level, which quickly steps back to 6 metres levels 1 and 2, 7 metres at levels 3-8, 9 metres at levels 9-13 and 10 metres at levels 14-15. Rather, the overall building height has been tempered to avoid unreasonable overshadowing and overlooking impacts on neighbouring residential properties, without the need for extensive screening, to preserve the amenity of both neighbouring properties and the public realm. Any off-site impacts remain limited and within acceptable limits having regard to the natural and strategic context of the subject site.
- To the more sensitive interface to the east, the architectural approach adopts a clever and resolved articulation strategy to ameliorate

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impressions of visual bulk. Generous setbacks are complemented by a central recess and finely articulated façades featuring a modulated window pattern and punched openings. Together, these elements break down the building's massing and create a layered, dynamic built form that is visually engaging.

- While the proposed height will be perceptible, this is an outcome that is both contemplated and expected by the BFO, as evidenced in Figure 7 above. The distinction between a 12-storey building envisaged by the BFO and the 14-16 storey building proposed results in only a marginal change in the views experienced from Sercombe Place, particularly given that these taller elements are recessed and only occupy approximately 42% (Level 14) 25% (Level 16) of the site area, respectively.
- The proposed scale of the development should also be viewed through the prism of the change in built form expectations of the residential zoned land to the east of the site, which is to be included in the HCTZ, where 4 to 6 storey development is expressly encouraged. There can be no doubt that the new BFO and HCTZ reforms are intended to work together to optimise new housing opportunities in and around activity centres. It follows, that new development in the commercial core and subject to the BFO should not be constrained by potential amenity impacts on the residential land to the east, where the reforms are directed at that interface substantially changing over time. The proposed building setbacks to the eastern boundary will have the benefit of mitigating impacts on these neighbours as well as being suitable to facilitating separation to ensure that this land to the east can develop at a greater scale and intensity to deliver more housing to the community. A variety of architectural treatments will assist with mitigating these off-site amenity impacts to this interface and avoid unreasonable impressions of visual bulk, rather than providing a development of a more modest scale. This would result in an underdevelopment of the subject site, which is explicitly discouraged in the development objectives of the BFO, and the loss of a unique opportunity to contribute to the sustainable development of GMAC and metropolitan Melbourne, more broadly.
- As cited in the *Autron Property Pty Ltd v Stonnington CC* [2017] VCAT 1352 decision, 'the application of policy in statutory decision making requires one to undertake what is often termed a 'net community benefit analysis', which involves a weighing of the positive and negative aspects of a proposed development'. The decision then states, 'the planning scheme does not require an ideal outcome as a pre-requisite to a permit... the Tribunal is entitled to grant a permit where it is satisfied

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that the permit will result in a reasonably acceptable outcome having regard to the matters relevant to its decision under the planning scheme'. Member Deidun reaffirms this in WAT385 Developer Pty Ltd v Stonnington CC [2023] VCAT 672 when he acknowledges that proposals do not need to be perfect, 'nor does it mean that there won't be consequences for the surrounding community.

- Planning is not about achieving ideal outcomes, but rather it is about supporting those uses and developments that achieve a net community benefit for existing and future generations of Victorians'.
- In balancing conflicting objectives in favour of net community benefit and sustainable development, as required by the Scheme and contemplated by the Tribunal, it is submitted that the proposed height is more than offset by the proposals high-quality design outcomes, particularly in regard to sustainability, amenity, articulation of built form, architectural expression and the significant affordable housing contribution. The proposed height above 12 storeys allows for the delivery of a higher quality design outcome for the subject site and its immediate surrounds, in line with the objectives, strategies and requirements of Clauses 15 and 16 of the Scheme, generally.
- The delivery of a 17.5% (or 5.25% cash contribution equivalent) affordable housing contribution will also enable the proposal to provide a meaningful public benefit aimed at addressing the affordable housing supply and affordability crisis faced by Melbournian's and Victorian's, more broadly. It will therefore deliver a significant net community benefit and a substantially more sustainable development for the community. Accordingly, the proposal should be supported.
- There are no planning controls within the Scheme that limit building height on the subject site. Importantly, the building height is a preferred outcome, and a permit can be issued to exceed the preferred height.

Having regard to the above, it is submitted that the proposal represents a unique opportunity to redevelop the subject site, which is significantly underutilised, with a new, high quality building, the design of which is founded on a careful consideration of its opportunities and constraints, as well as the context (both physical and strategic). Thus, the proposed variation to the preferred maximum building height requirement is justified in this instance.

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Whether street wall and front wall heights and setbacks above street wall and front walls are appropriate considering:

- *The existing streetscape and site context.*
- *The required floor to floor heights for commercial floor types*

Assessment

The Glenferrie Road streetwall height has been carefully crafted to respond to its existing context. This context is defined by a significantly taller existing streetwall height at the northern boundary to the much lower existing streetwall height at the southern boundary. The following diagram illustrates how the design has responded to these existing conditions:

Figure 14: Architects massing evolution diagrams (source: Wardle)

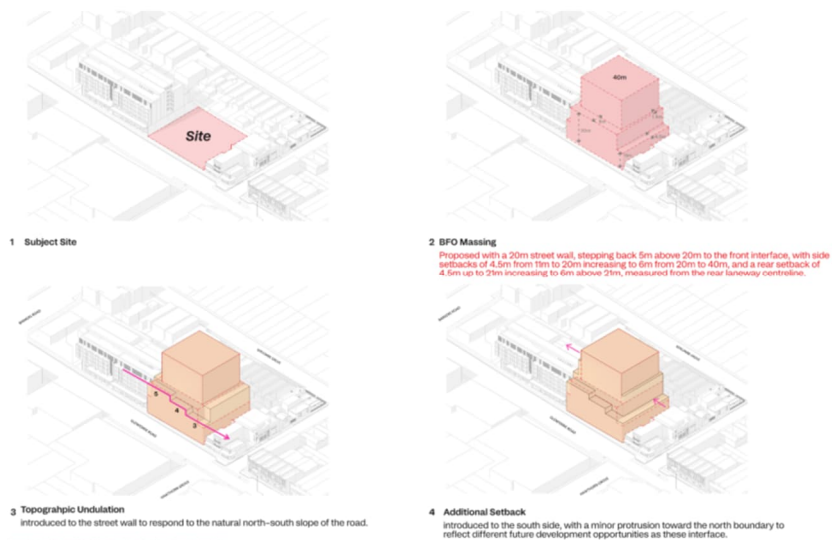
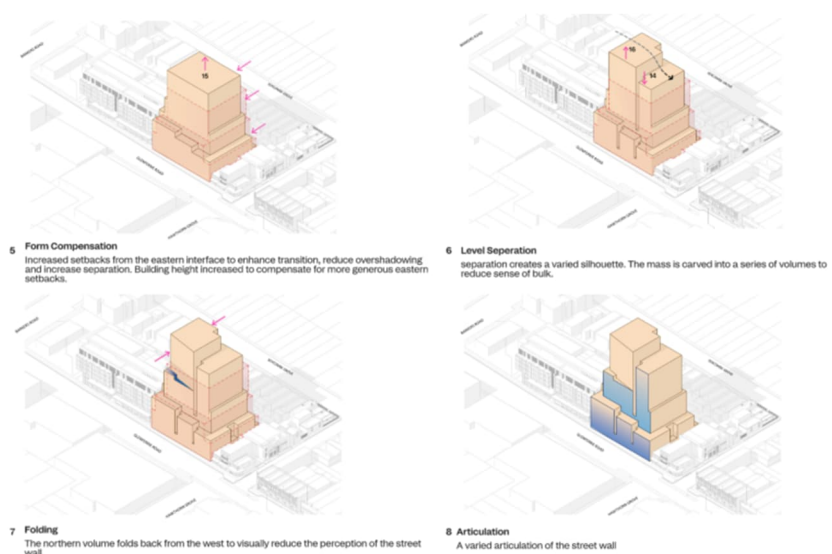


Figure 15: Architect's massing evolution diagrams



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The design delivers a gradual reduction in streetwall height that provides a logical transition to the streetwall height anticipated for the southern properties once developed, resulting in a sensible and well balanced arrangement of form and mass.

This is complemented by the similarly thoughtful approach to the setbacks to the side boundaries. The lowest height of the streetwall returns along the subject site's southern interface. The height of the wall is continued along the boundary, other than for a 5.31 metre wide x 3.01 metre deep light court, which is free of development above ground level.

The 3-storey streetwall return along the southern boundary holds the 3-dimensional quality of the streetwall expression and reflects the anticipated streetwall height of new development on the land adjacent to the south.

To the north, the height of the wall on boundary and the size and location of the light well are commensurate with the existing building. It is not only a reasonable response but an expected one, ensuring the proposed development aligns with the established boundary condition. This approach provides a balanced and consistent presentation to the street.

Further, it is noted that the existing streetwall and wall on boundary heights are consistent with the current approval and have previously been accepted by the City of Boroondara as a sound and appropriate design outcome under the existing planning controls, let alone the proposed planning controls.

Above the streetwall, the side setbacks are consistent with the numerical requirements of the BFO controls, except they do not occur precisely at 21 and 40 metres. Where the setbacks vary from the discretionary upper level requirements along the northern boundary, the underlying intent of the control is still achieved, namely, to recess upper levels and limit the building to a single setback above the streetwall.

Rather than introducing a second side setback above 21 metres, the façade at the north-western corner is proposed to tilt backwards. This approach creates the appearance of a recessed upper level while adding depth and visual interest to the tower form. It also maximises the opportunity to locate additional built form along the non-sensitive interface with the

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existing development at 860 Glenferrie Road, making efficient use of the subject site.

The upper level setbacks to the south are designed to work in concert with the overall built form composition, continuing the step down established by the podium into the mid and upper levels. This approach delivers a balanced architectural outcome that responds appropriately to the proposed height and form of the building, ensuring it presents as a cohesive architectural element that remains grounded in the existing streetscape and surrounding context.

In this context, the streetwall height, height of walls on the side boundaries and varied upper-level side setbacks, achieve the preferred outcomes of the BFO.

Whether development obstructs views to the Immaculate Conception Church (along Glenferrie Road) and the Hawthorn Town Hall clock tower (along Burwood Road).

Given the site's location on the eastern side of Glenferrie road, the proposal, specifically, its height above the preferred maximum building height, will not obstruct views to the Immaculate Conception Church.

Development – Detail design

Whether the development provides high quality human scaled environments at ground level that provide visual interest.

The approach to the development's streetwall, upper-level setbacks, continuous ground plane with canopy over will ensure a high-quality human scale, with crafted architectural detailing and safe and visually permeable entries at ground level providing visual interest and engaging pedestrian experience.

Whether the development provides appropriate landscaping, considering its context and the site's ability to provide meaningful landscaping.

The proposed development will provide for a landscaping response that is prominent within the public realm but also reflective of the high degrees of site coverage expected in an activity centre setting.

A landscaped recess is incorporated along the Glenferrie Road frontage to clearly distinguish the residential entry from the two retail tenancies, providing a defined sense of address and softening the residential interface to create a more welcoming public realm.

A central landscaped recess at ground level, together with a communal landscaped terrace, is provided to the rear laneway to soften the building

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	edge and respond to the greener, lower-scaled residential character of properties opposite the laneway. The remaining landscaping is proposed on balcony edges, to enhance the amenity provided to the dwellings and introduce a gentler, more permeable building edge to the podium levels. While 10% of the site area is not set aside as deep soil, the above landscaping is considered to appropriately respond to the site's context while delivering local ecological benefits and helping to mitigate urban heat-island effects. Refer to Section 5.5.3 for further details of the acceptability of the proposed landscape response.

Development – Impacts on adjoining land

<i>Whether the development provides equitable access on adjoining sites to privacy, daylight and outlook.</i>	The land to the south will likely be the subject of a future development application. The properties that make up 840, 842 and 844 Glenferrie Road are not subject to a Heritage Overlay, nor have they been identified for potential inclusion within such an overlay as part of the Hawthorn Heritage Gap Study. As such, it can reasonably be expected that they will in time be developed in accordance with BFO. It is also likely that they will be developed together given the obvious benefits associated with site consolidation of smaller lots such as these. Regardless, the proposal provides suitably located wall heights, light and setbacks to ensure that the adjacent properties can be redeveloped appropriately. Accordingly, it is considered equitable development opportunities are preserved.
<i>Whether the development respects the amenity of adjoining residential land.</i>	The residential buildings to the east (rear) of the subject site are located within a Heritage Overlay and a Housing Choice and Transport Zone. While the future development of these properties may be somewhat constrained by the Heritage Overlay, the HCTZ will facilitate more intensive development, reflecting the well-serviced location of the area, with convenient access to public transport, jobs and services. In the context of the BFO, the notion of 'transition' is more closely aligned with achieving appropriate building separation and façade articulation to deliver visually engaging built form that respects the existing heritage fabric, while mitigating perceptions of bulk. This differs from the more traditional interpretation of transition as a progressive, stepped reduction in height. The existing context to the east is already characterised by the

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visibility and presence of taller built form, an expected outcome given the proximity of these properties to the commercial core of a major activity centre. The controls within the BFO reinforce this character, which in turn informs and shapes the outlook experienced from this residential neighbourhood.

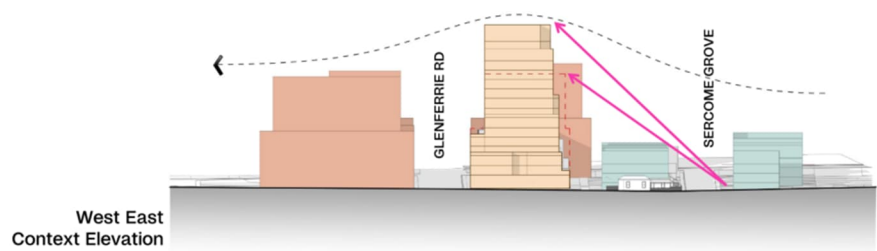


Figure 16: East west section through Glenferrie Road showing massing on context of BFO3 and HCTZ land

With this in the mind, the setbacks proposed from the eastern (rear) boundary are greater than the minimum setback requirements of the BFO. A minimum setback of 4.5 metres (measured to the centreline of the existing laneway) is provided at ground level, increasing to 6 metres at levels 1 and 2 and 7 metres at levels 3–6. At levels 7 and 8, the 7-metre setback is maintained at the north-eastern corner, while a greater setback of 9 metres is introduced at the south-eastern corner. From levels 9 to 13, the setback at the north-eastern corner further increases to 10 metres.

The setbacks at this interface have deliberately designed and positioned to deliver a site-responsive built form with well-articulated and visually engaging façades, compared to the BFO's requirements. The staggered setbacks of the mid-levels and tower elements enable the building to follow the downward slope of the land from north to south, while the central recess creates the impression of two adjacent towers, effectively breaking down the perceived length and mass of the building at this sensitive interface.

The contemporary use of two tones of brickwork, a warmer tone at the lower levels and a lighter tone above, further reduces the perceived scale and reinforces a lighter architectural expression. Brickwork is a common material within the adjoining heritage properties, and its contemporary reinterpretation here contributes to a cohesive built-form response that remains sensitive to its heritage context.

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The façade design, incorporating staggered window openings and a series of ‘punched’ apertures, introduces depth, rhythm and visual interest, helping to break down the overall massing and create a more dynamic, fine-grained presentation. This finer-grain articulation reflects and complements the character of the adjoining heritage buildings. Collectively, the proposed setbacks and façade treatments ensure the building is grounded in its context and respectful of the height, scale and proportions of nearby heritage forms, despite the height differential between the built forms.

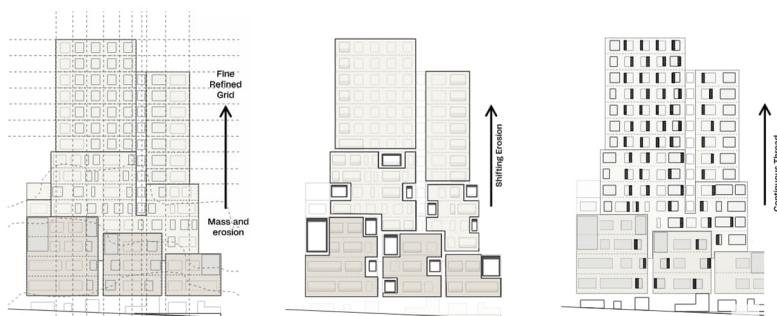


Figure 17: Architect’s articulation explanation

The result of the design’s response to the rear interface, and land outside the BFO, is suitable and expected transition to scale to lower built form.

In considering the development’s potential off-site amenity impacts, it must be acknowledged that the subject site is in a C1Z, the GMAC and affected by a BFO, where higher density housing in the form of multi-level development is supported and expected to influence neighbourhood character and amenity. Likewise, the adjacent affected land is located in a HCTZ – a preferred location for change and more intensive housing development outcomes.

In locations such as these, residential amenity is primarily derived from proximity to shops, transport and entertainment, rather than from more traditional expectations pertaining to privacy, open space, and vegetation. It is also generally accepted that residents who live in and around inner city activity centres cannot reasonably expect the same degree of amenity protection from overlooking, visual bulk and overshadowing as could be expected if the site was in a suburban residential setting. This view is supported by the fact that the ResCode provisions (Clause 55 of the

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This copied document to be made available for the sole purpose of enabling its consideration and review as part of a planning process under the Planning and Environment Act 1987. The document must not be used for any purpose which may breach any copyright	Scheme) do not apply to development of 5 or more storeys (as is the case here).
	Nevertheless, the development has been designed to ensure the potential for unreasonable impacts on the amenity of adjoining properties, in particular, the dwellings to the east on the opposite side of the laneway, are voided.
	OVERLOOKING The provisions at Clause 55 of the Scheme have been used to inform the design and ensure the proposed development does not result in any unreasonable overlooking impacts, despite the fact they do not technically apply to the proposed development.
	As a result, the proposed development has been designed to avoid direct views into habitable room windows or secluded private open spaces areas of neighbouring dwellings within 9 metres of the subject site. This includes views of the properties to the east of the subject site fronting Sercombe Grove, No's 1/1A, 2/1A and 3/1A Churchill Grove to the south of the subject site and views from the light wells on the northern and southern boundaries. A combination of building setbacks, planter boxes and balustrades on balcony edges and careful siting of balconies and habitable room windows have been used to avoid overlooking within 9 metres, without the need for screening. Where views are unavoidable, privacy screens and fins are proposed to limit views, as detailed in the overlooking diagrams prepared by Wardle.
	OVERSHADOWING The shadow diagrams demonstrate that a proposal which strictly complies with the BFO's deemed to comply requirements will overshadow the properties located to the rear (east) within Sercombe Grove, Nos.18-30 inclusive, in the afternoon. Accordingly, this is not a strategic setting where new development is expected to not cause any overshadowing to neighbours, including residential neighbourhoods beyond the BFO's extent. The proposed development, due to its approach of increased setbacks from this boundary, and reallocation of this developable area above the



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preferred maximum building height, will result in a reduction in overshadowing to the following properties between 12:45pm and 2pm:

- 26 and 30 Sercombe Grove, at 12:45pm
- 26-30 Sercombe Grove, at 1pm
- 20-26 Sercombe Grove, at 1:30pm
- 22 Sercombe Grove, at 2-3pm



Figure 18: Extract of 12:45pm and 1pm shadow diagrams



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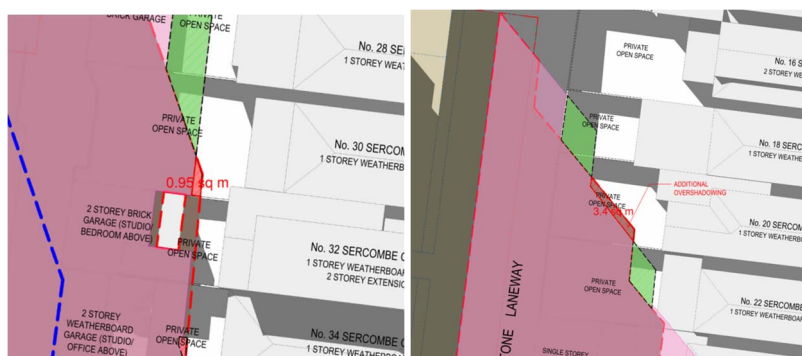
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SHADOW LEGEND

- BFO ENVELOPE SHADOWS
- PROPOSED BUILDING SHADOWS
- REDUCED OVERSHADOWING ON NEIGHBOURING POS
- ADDITIONAL OVERSHADOWING ON NEIGHBOURING POS

Figure 19: Extract of 1:30pm and 2pm shadow diagrams

Shadows cast by the proposed development beyond those resulting from a deemed to comply BFO envelope are limited to 0.95 square metres to the rear yard of No. 30 Sercombe Grove at 1pm and 3.4 square metres to the rear yard of No. 20 Sercombe Grove at 2pm. At these times, reductions in shadow occur elsewhere within these rear yards, resulting in a net decrease of 4.27 square metres at No. 30 Sercombe Grove at 1pm and a net increase of 2.08 square metres at No.20 Sercombe Grove at 2pm. This is illustrated in the below extracts from the detailed shadow diagrams prepared by the project architects.



SHADOW LEGEND

- BFO ENVELOPE SHADOWS
- PROPOSED BUILDING SHADOWS
- REDUCED OVERSHADOWING ON NEIGHBOURING POS
- ADDITIONAL OVERSHADOWING ON NEIGHBOURING POS

Figure 20: Marked up extract of 1pm and 2pm shadow diagrams indicating extent of additional shadows cast

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The proposed overshadowing is considered acceptable for the following reasons:

- The extent of additional shadow cast beyond the shadows cast by a complaint BFO envelope is almost indecipherable from the acceptable solar access impacts of a compliant BFO development.
- In both instances where there is additional overshadowing, the two neighbours that are affected each retain solar access to their existing secluded private open spaces at the affected time.
- There must be a reasonable expectation that there will be shadow cast onto nearby residential properties from the development, given its location within an activity centre, its commercial zoning and the overt policy imperative to optimise development outcomes to achieve substantial housing change.
- The orientation of the subject site to the west enshrines an expectation that some afternoon sun will be affected by future development.
- The shadow plans prepared indicate that were the proposed building fully compliant with the built form controls contained within the BFO, additional overshadowing would still occur.
- The affected areas in several instances double as on-site car parking spaces as opposed to solely an area of secluded private open space based on roller doors occupying most of the frontages of the properties to the laneway separating them from the subject site.
- One can reasonably expect the existing context to the east to change over time, given the adjacent land is located within a Heritage Overlay and occupied by older, extant heritage dwellings. Their adaptation and improvement over time is likely to occur to the rear of the existing building, including the construction of car ports, garages, and other outbuildings, etc. This is due to the requirement to retain the existing building towards the front (street) of these sites. Further development of the properties will likely have a greater impact on afternoon solar access to these rear private open spaces than the shadows cast by the proposed development.

In *Hampton Beach Pty Ltd v Bayside CC*, the Tribunal was critical of the expression 'minimal overshadowing' stating 'the term "minimal overshadowing" is similarly imprecise and the overshadowing impacts of a proposal must be assessed having regard to the review site's urban context, relevant provisions of the planning scheme and in acknowledgement of the scale of development encouraged in this MAC'.

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This copied document to be made available for the sole purpose of enabling its consideration and review as part of a planning process under the Planning and Environment Act 1987. The document must not be used for any purpose which may breach any copyright	It is considered that the proposal clearly demonstrates minimal overshadowing of residential areas, despite the variations proposed to BFO's height requirements. It is also noted that the proposal will have overshadowing impacts on the 3 townhouses located to the south, at No's 1/1A, 2/1A and 3/1A Churchill Grove. Unlike the existing single dwellings to the east, these 3 existing dwellings are located within the C1Z, BFO and activity centre, which do not expect minimal overshadowing to these residential properties. This is evidenced by the fact the preferred built form envelope contained within the BFO already overshadows these properties at all hours of the day. On this basis, the overshadowing impacts on the adjoining residential properties are acceptable and the reality of low scale dwellings in a location where taller and more intensive built form outcomes are expressly sought by planning scheme policies. ACOUSTIC We refer to the Acoustic Report prepared by Enfield Acoustics Pty Ltd which concludes that the development can be occupied/operate without unreasonable impacts on the residential amenity of the area. WIND The Wind Impact Assessment prepared by MEL Consultants provides a qualitative assessment of the potential wind impacts of the proposed development, having regard to the local wind climate, land topography and surrounding built form context. The report suggests that wind conditions in and around the subject site are likely to be within acceptable limits.
<i>Whether any additional overshadowing to the nominated spaces adversely affects the use, quality and amenity of the public space.</i>	Additional shadows are proposed over the Glenferrie Road footpath, on the opposite side of the street, between 10am and 11am at the Equinox. As demonstrated in the shadow diagrams prepared by Wardle, the shadows quickly pull back as it gets closer to 11am, with the largest extent of additional shadows occurring between 10am and 10.20am and only a small portion of the footpath shadowed at 10.40am. It is noted that the preferred built form envelope within the BFO also results in overshadowing of the footpath on the opposite side of Glenferrie Road between 10.00 am and approximately 10.30 am, demonstrating that

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some morning shadow is anticipated in order to achieve the broader urban consolidation and densification objectives of the BFO. While the proposal introduces additional overshadowing beyond this envelope at 10.40 am, its limited extent will not adversely impact the use, quality or amenity of the public realm beyond what is already contemplated. Design responses, such as the setback and tilting of the built form at the north-western corner from Level 9 and above, have been incorporated to mitigate shadow effects while maintaining a cohesive architectural expression and enabling efficient, high-quality internal layouts.

Furthermore, the minor additional overshadowing is considered to be clearly outweighed by the significant public benefits delivered by the proposal, including a substantial affordable housing contribution, strong architectural and ESD performance, and alignment with key BFO objectives relating to urban intensification, the creation of a high-amenity mixed-use precinct, and the promotion of sustainable development commensurate with the site's strategic and locational attributes.

Development – Public realm

Whether there are reasonable opportunities to contribute to and fulfil the completion of a through-block pedestrian connection on adjacent land over time.

There is no requirement for a through-block pedestrian connection on the site and accordingly, this decision guideline is not relevant to the proposal.

The development is generally constructed to the Glenferrie Road frontage

Whether the proposal maintains safe and pleasant pedestrian microclimatic conditions on the footpath adjacent to the development and in the surrounding public realm areas.

The shadow analysis, wind assessment, provision of a weather canopy and extensive active frontage along Glenferrie Road demonstrate that the proposed development achieves a pleasant pedestrian microclimate condition on the footpath.

Whether a front setback is designed as part of the public domain and fully accessible to the public where a ground level (non-landscaped) setback is provided.

The development is generally constructed to the Glenferrie Road frontage.

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General

Whether the proposal meets the development objectives and requirements of this schedule.

An assessment against the objectives of the BFO3 is provided above.

Whether development achieves housing and employment at the scale sought by the development outcomes of this schedule.

The opportunity to consolidate 4 lots into one provides an immediate ability to deliver housing and employment at the scale sought by the BFO3 outcomes. It underpins the more generous rear setbacks with development opportunity redistributed to the upper levels. This maintains the housing deliver opportunity without the attendant impacts on the private and public realm.

Whether the development provides for activation via the use of lobbies and other commercial entries, commercial activities, seating embedded in the façade, and other features which facilitate engagement, use and movement at ground level.

The design of the Glenferrie Road frontage has been carefully curated to provide a high quality human scaled environment and contribute positively to the public realm. Two commercial tenancies and the residential lobby are proposed along Glenferrie Road, each with their own dedicated entries, to provide for activation and facilitate engagement, use and movement at ground level.

The design of the street frontage draws on the site's context to provide visual interest and ensure the contemporary expression of the façade integrates seamlessly with the existing Glenferrie Road streetscape. The result is a high-quality design that enhances the pedestrian experience. As Wardle explains in the Urban Context and Design Report enclosed with this submission:

Below the awning datum, the building base is carefully eroded to create a modulated shopfront defined by tiled elements. This treatment continues the eroded language established across the building mass, offering depth and articulation at the pedestrian scale. The result is a street frontage that is open, distinct, and finely detailed, enhancing engagement with the public realm while maintaining continuity with the established transparency and rhythm of Glenferrie Road.

The choice of green tile references the heritage shopfronts that characterise much of the street and broader Melbourne context, grounding the building within its place. The tile's tactile quality and

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subtle variation in tone contribute to a refined material palette, while its durability ensures the base remains robust and resilient to the wear of daily activity.



Figure 21: Extract of weather canopy study contextual drivers

The modulation of the shopfront also establishes a clear hierarchy of entries along the Glenferrie Road elevation. By carefully positioning entry points, the design provides legibility and intuitive wayfinding for both residential and retail users. Glazed corners ensure continuous sightlines, enhancing safety and eliminating pedestrian blind spots along the active frontage.

The use of planting introduces depth and visual richness at street level, softening the architectural edge and contributing to a welcoming public realm. This also distinguishes the residential entry from the two retail tenancies, offering a clear sense of address and identity for each component of the building while maintaining a cohesive architectural expression along the street wall.

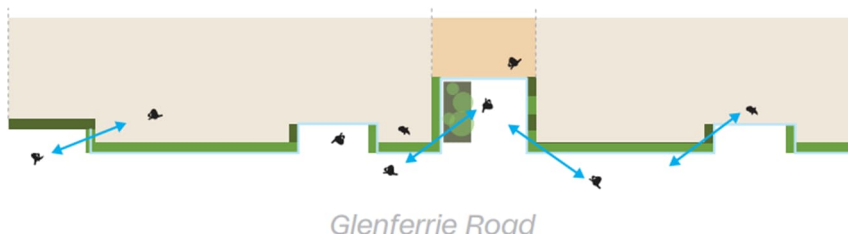


Figure 22: Conceptual plan illustrating the ground floor façade and entry relationship to Glenferrie Road footpath

The differing heights of neighbouring awnings along Glenferrie Road are addressed through a continuous and playful awning that runs across the

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site. This awning provides a consistent datum and clearly separates the shopfront from the residential architectural character above. The awning incorporates folded sections to manage the height changes between adjoining properties. These folds also highlight building entries, making residential and retail access points clear and easy to identify. The result is a consistent street frontage that mediates between the neighbouring buildings while maintaining a continuous and elegant datum.

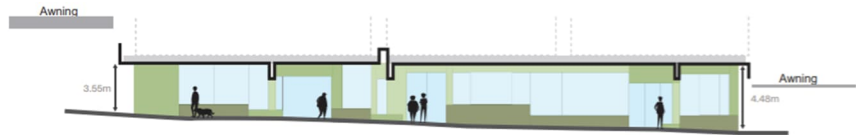


Figure 23: Concept illustration of the weather canopy's integration with neighbouring canopies

Along the rear laneway, activation is achieved through the vehicle and bicycle store entries, which facilitate movement to and from the site, as well as the central, landscaped recess and communal landscaped terrace and internal spaces behind. Together, these elements break up the extent of building services along the frontage, introducing visual interest and providing opportunities for passive surveillance. The proposed widening of the laneway will further introduce a sense of openness currently lacking at the rear of the site, enhancing pedestrian amenity and improving the overall quality of the public realm.

Development – Building scale

Whether the site area is too small to achieve the preferred scale of development identified in the development framework.

Given the site is a large, consolidated site and to the east, proposes setbacks greater than the minimum required by the BFO3's requirements, is indicative of sufficient site area to achieve the preferred scale of development.

Development – Detail design

Whether the development allows for the adaptive re-use of existing heritage buildings.

There are no heritage buildings on the site and no adaptive re-use opportunity.

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<i>The extent of building articulation, visual interest and variety over the length of the street frontage.</i>	This is already assessed in the above decision guideline.
Development - Sustainability	
<i>The proposed sustainability rating of the building and extent the proposed initiatives address climate change impacts and contribute to mitigation through sustainable design and operational practices.</i> <i>Whether sustainable water, waste and energy management is proposed.</i> <i>The extent to which the proposed landscape and design response contributes to a greener environment and reduces urban heat.</i>	Refer to Section 5.4 of this report for an assessment of the development's sustainability benefits. This copied document to be made available for the sole purpose of enabling its consideration and review as part of a planning process under the Planning and Environment Act 1987. The document must not be used for any purpose which may breach any copyright
Public benefits	
<i>Whether the proposal results in, or substantially facilitates, the delivery of appropriately secured public benefits including:</i> <i>Affordable housing.</i> <i>Provision of pedestrian connections or public open space in excess of any minimum requirement in this Scheme.</i>	The proposed development incorporates appropriately secured public benefits that more than compensate for the proposed exceedance of the preferred height. Firstly, consideration of public benefit is only relevant where a proposal does not comply with the BFO3's standards. That is to say that if this proposal complied with the maximum building height, there is no requirement to consider public benefit. In this context, the proposed 17.5% (or 5.25% cash contribution equivalent) affordable housing contribution, as explained in the Affordable Housing Report prepared by Urban Xchange enclosed with this submission, would be sufficient to support the proposed development's non-complaint overall building height.



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It is a generous contribution on any objective measure. It is 175% more affordable housing, than required to satisfy the BFO3's deemed to comply built form requirements.

Nevertheless, the development also includes the ground level setback to the rear laneway is designed as part of the public realm and will be fully accessible to the public, despite remaining in private ownership. It will facilitate pedestrian and two-way vehicle movements in the laneway to the benefits of all properties abutting the laneway. It will also provide greater separation between the proposed development and the single-storey residential buildings on the opposite side the laneway. This will also assist with catalysing the potential redevelopment of the land in the east which has been included in a HCTZ to meet the community's housing needs.

What this assessment against the BFO3 objectives and decision guidelines reveals is the proposed development represents not just an acceptable built form outcome, but a particularly high quality, site and context responsive development, that takes appropriate cues from the BFO3's requirements, avoids unreasonable off-site amenity impacts and delivers housing at scale to the benefit of the local community.

5.4 DOES THE PROPOSAL INCLUDE INNOVATIVE ECOLOGICALLY SUSTAINABLE DESIGN PRACTICES?

Minimising adverse impacts on the environment through the careful administration of land use and development is one of the cornerstones of current State and local planning policy objectives.

'Sustainability' presents a range of challenges for the wider community and implementation of Ecologically Sustainable Design (ESD) initiatives is a key tool by which these challenges are to be confronted and addressed.

The Boroondara Planning Scheme provides no guidance as to what constitutes 'innovative' ecologically sustainable design practices.

Nevertheless, consideration of ESD has played a key role in guiding and resolving the design of the proposed development, with an ESD consultant (GIW Environmental Solutions) providing input since design inception. As a result, the proposed development is an excellent environmental performer.

Based on a first principles assessment, the development makes efficient use of an under-utilised site, well located proximate to existing facilities

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and alternative transport options of strategic significance. This will assist with delivering a more sustainable and climate resilient future community.

More specifically, an assessment of the sustainable design outcomes of the proposed development has been undertaken by GIW Environmental Solutions, utilising a BESS guideline pathway (in the form of the SMP enclosed with this submission).

The SMP sets out a range of sustainable design features, which are integrated into the design and specification of the proposed development, in order to minimise the environmental footprint of the development and improve environmental outcomes once the building is occupied.

These key initiatives will exceed the BESS 'best practice' standard, as summarised below:

- The project achieves a total BESS score of 63% with no mandatory category (IEQ, Energy, Water, Stormwater) below 50%.
- 76.9% (60 out of 78) of the development's apartments are naturally cross-ventilated.
- Daylight modelling has been conducted for a representative sample of apartments. The summary result is as follows:
 - 85% of living floor area achieves >90% above DF 1
 - 90% of bedroom floor area achieves >90% above DF0.5
- The non-residential areas are targeting a 2% DF to 33% of the nominated area.
- 37% (29 out of 78) of apartments achieve at least 3 hours of winter sunlight.
- The development is provided with a comprehensive shading strategy.
- The development is to achieve a 7 Star average NatHERS Energy Rating result.
- The non-residential areas aim to reduce heating and cooling energy consumption below the reference case (BCA Section J 2022).
- The development is to utilise a heat pump hot water system.
- A 15kW Solar PV system is to be located on the roof of the proposed development.
- Individual cold water and electricity meters will be provided to the apartments and communal areas.
- Water efficient fittings and fixtures are applied throughout.
- A 30,000-litre rainwater tank will harvest rainwater from upper roof, Level 14 roof and all landscaped terraces (excluding planters). This tank will be connected to all GF-L3 toilets and landscape irrigation.

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- A Blue Factor score of 110% is achieved.
- 78 bicycle spaces are to be provided for residents.
- 16 bicycle spaces are to be provided for residential visitors.
- 6 bicycle spaces are provided for retail visitors.
- 197.4 square metres of communal space will be provided at ground level and basement 02.
- Carbon neutral building in operation.

The ecologically sustainable design outcomes of the proposed development are sufficiently innovative – in a Boroondara context – to exceed the expectations of the BFO in relation to environmental performance and achieve ESD design excellence.

5.5 DOES THE PROPOSED DEVELOPMENT SATISFY THE OBJECTIVES OF CLAUSE 58 AND APPROPRIATELY ADDRESS ON AND OFF-SITE AMENITY IMPACTS?

5.5.1. On-site Amenity

An assessment of the proposal against the provisions of Clause 58 of the Scheme is provided at **Appendix 4**. Where standards are not met, consideration of the design guidelines justifies a variation to achieve the corresponding objective.

The proposal meets all the applicable objectives and almost all of the relevant standards.

The assessment at **Appendix 4** demonstrates that the proposal provides a high level of compliance with Clause 58 standards and, therefore, future residents will be provided with a high level of internal amenity.

The following aspects evidence the achievement of a high level of internal amenity:

- Each dwelling will have a functional internal layout that provides for comfortable and flexible living arrangements for future occupants. The minimum bedroom and living room dimensions comply with the Clause 58 objectives.
- Each dwelling will have access to private open space in the form of a terrace or balcony, which achieve a northern, eastern or western orientation where possible.
- Potential for internal overlooking has been addressed by the careful siting of parapet walls, habitable spaces and terraces.
- A range of communal spaces are provided throughout the development, including a shared kitchen, lounge area, recreation area, wellness centre and landscaped terrace at the ground floor level, facing the rear laneway, a communal lounge near the residential lobby on the ground floor level and a communal workshop in Basement 2. These spaces will provide opportunities

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for residents of the development to further entertain guests and utilise as wanted.

- Dwelling layouts facilitate direct access to daylight and natural ventilation, with 76.9% of the dwellings being naturally ventilated.

The layout of dwellings will achieve a high standard of environmental performance as further detailed in the SMP prepared by GIW Environmental Solutions.

5.5.2. Off-site Amenity Impacts

The proposed development has been designed to ensure unreasonable impacts on the amenity of nearby properties are avoided. An assessment of the proposed dwelling against the requirements of Clause 58 is provided at **Appendix 4**.

With regards to Clause 58.04 Amenity Impacts, in addition to the Clause 58 assessment it is noted that:

- The proposal has been provided with appropriate setbacks, which consider the subject site's interfaces. The upper-level setbacks from the rear laneway boundary provide appropriate transitions to the lower scale dwellings opposite, with setbacks greater than the BFO's deemed to comply setback requirements.
- The building has been appropriately articulated, uses high-quality materials and landscaping, and it has been designed in a manner sympathetic to the context of the surrounding urban character. The variable form, setbacks and architectural treatments remain in-keeping with the Commercial 1 zoning and BFO. The presentation of the building will create an appropriate level of visual interest and expression of form that will enhance the urban setting.
- The building has been designed to minimise amenity impacts to the adjoining properties to the east by setting back further at the lower levels to achieve greater physical separation and avoid potential for overlooking.
- Any noise generated from the development (including the commercial component) should not result in amenity impacts to the surrounds, due to the plant being contained within the roof plant of the development and screened appropriately.
- Any issues associated with glint and glare can be resolved via permit condition.

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5.5.3. Clause 58 Variation

A minor variation is only required to Standards D10 and D27 of Clause 58, as outlined below.

Standard D10

Due to the size of the subject site (1,625.7 square metres), Standard D10 requires:

- 175.1 square metres (150 + 25.1) of canopy cover.
- 10% (162.50 square metres) of the site areas as deep soil.
- 2 Type B trees or 1 Type C tree.

The proposal seeks to provide:

- 71.6 square metres of canopy cover.
- 2.3% (46 square metres) of the site areas as deep soil.
- 5 Type A trees.

Therefore, the requirement of the standard is not met, however; the objective is met having regard to the relevant decision guidelines:

- The site's context is not one where the extent of deep soil landscaping contemplated by the standard is evident either 'on the ground' or as a preferred future character outcome of policy. Rather, the site is located in an inner city, highly urbanised area, in a Commercial 1 Zone, within a major activity centre.
- Landscaping and deep soil planting opportunities are constrained, and the existing landscape features are limited to adjacent street trees along Glenferrie Road. Given the existing site is devoid of landscaping, the proposal achieves a significantly improved outcome.
- Substantial planters provide an appropriate landscaping outcome for the scale and locational context of the development. The planters provide for both small/medium canopy trees, with the planters cascading over the edge of the proposed building.

The proposal's landscape response appropriately balances the context, and the urban design and landscape character outcomes of the Scheme. It is responsive to and respectful of, the site's context and emerging character, in accordance with the objective of Clause 58.03-5.

Furthermore, it is noted that the proposed extent, quantity and species of trees, together with the deep soil areas, were previously endorsed by the City of Boroondara under the current endorsed scheme (Planning Permit PP24/0934).

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Standard D27

Minor variations are proposed in respect of the maximum room depth for single-aspect habitable rooms within apartment types 01A-2B2B, 01B-2B2B, 02B-2B2B and 03-2B2B.

These variations are considered appropriate for the following reasons:

- The exceedances are minor, with a maximum room depth of 9.6 metres. Ceiling heights exceed 2.7 metres, and the rooms comprise combined living, dining and kitchen spaces, with the kitchen located furthest from the window to prioritise daylight to primary living areas.
- 85% of living areas achieve the daylight factor requirements under BESS, satisfying the Indoor Environment Quality (IEQ) guidelines for daylight.

As contemplated by the standard, dual-aspect living rooms are capable of accommodating deeper living zones given their access to multiple sources of daylight.

5.6 IS THE DEVELOPMENT'S CAR PARKING PROVISION, TRAFFIC IMPACTS, ACCESS AND WASTE MANAGEMENT ACCEPTABLE?

A Transport Impact Assessment has been prepared by Traffix Group and it is not intended to repeat the contents of this assessment other than to note the conclusions being:

- the proposed development has a statutory car parking requirement of 164 car spaces under Clause 52.06-5,
- based on the provision and allocation of 164 car spaces, the proposal results in a statutory surplus of 34 resident spaces, and a shortfall of 15 visitor spaces and 19 retail spaces, and accordingly, a car parking reduction is required under Clause 52.06-7,
- the Car Parking Demand assessment indicates that staff without a car space will not be able to practically park on-street in the nearby area, and accordingly, will be required to seek alternative modes of transport, while there will be a likely peak demand for 9 visitor car spaces and 20 customer spaces which will need to be met in the nearby area,
- the car parking reduction is supported by the following decision factors under Clause 52.06-7:
 - there is an existing car parking shortfall associated with the retail premises on-site, and the actual increase in on-street car parking demands associated with customers is only 1 space,

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- the expected car parking demands can be readily accommodated within the nearby on-street parking area,
- having short-term customer and visitor demands accommodated off-site is entirely consistent with the centre-based approach to Activity Centre planning,
- there are alternative modes of transport in the area surrounding the site which can be utilised instead of private vehicle travel,
- the new rates introduced under VC277 would provide a reduced rate for the site, including no requirement to provide visitor car parking, and the Parking Overlay results in a higher rate than outside the overlay area. We are satisfied that the new rates would align with the objectives of the Parking Overlay, and
- the non-provision of visitor car parking is in line with the previously approved arrangements for the site under Planning Permit No. PP24/0934.

- bicycle parking is provided in accordance with the Clause 52.34 of the Planning Scheme and accords with the design requirements of AS2890.3-2015,
- the proposed parking layout and vehicle access arrangements accord with the requirements of the Planning Scheme, Australian Standards (where relevant) and current practice,
- a dedicated loading bay is not warranted for the proposed development,
- waste collection can be undertaken via a private contractor within the site setback on the rear ROW, and
- the level of traffic generated by the proposal can be accommodated without any adverse impacts to the operation of the ROW and local road network,
- there are no traffic engineering reasons why a planning permit for the proposed mixed use development at 846-858 Glenferrie Road, Hawthorn should be refused, subject to appropriate conditions.

A Waste Management Plan has also been prepared by Traffix Group and, similar to the Transport Impact Assessment, it is not intended to repeat the contents of this plan other than to note the conclusions which are:

- 3 waste storage areas are proposed – one for the residential component of the development and one for each of the retail uses.
- The 5 separate waste streams will be collected 2 times per week for the residential use and 3 times a week for the retail uses.

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- Waste collection will occur from the rear laneway via a private contractor.

Figure 24: Extract of proposed residential waste storage arrangements

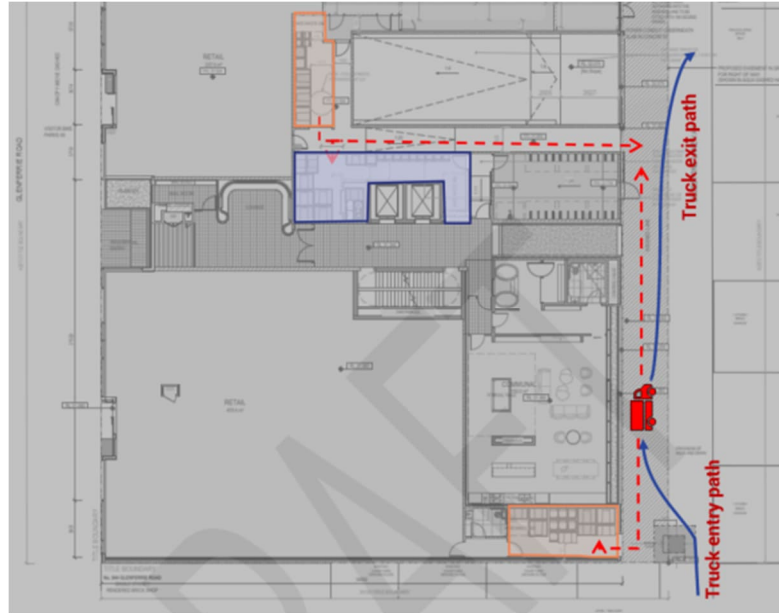


Figure 25: Extract of the proposed retail waste storage arrangements



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Figure 26: Extract of the proposed waste collection arrangements



Reliance is placed on these reports with respect to the acceptability of the transport aspects of the proposed development and particularly regarding the extent of car parking reduction sought, the development's traffic impacts and provision for waste collection.

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6.0 CONCLUSION

The proposed development seeks approval to use and develop the subject site for a mixed-use building comprising 78 apartments (including at least 17.5% (or 5.25% cash contribution equivalent) affordable housing) and ground level retail / commercial opportunities, constructed over 4 levels of shared basement.

The proposed development is considered appropriate having regard to the requirements of the C1Z, BFO3 and PO1 and the objectives of the MPS, PPF, and State Government Policy. It will make a significant contribution to meeting housing targets and is consistent with the existing and preferred urban design and built form character for GMAC. The design is responsive to its urban context and has regard to the emerging character of contemporary development along Glenferrie Road, whilst being respectful of the lower scale, built form and heritage character that is likely to be maintained.

The high-quality materials and finishes adopted by the proposed development are respectful of the evolving character of the subject site's context and will provide a visually interesting form as it presents to the streetscape and abutting properties. The contrast of the darker toned masonry street wall and podium elements with the recessed, lighter toned upper levels, provides for a contemporary development that is reflective of the character of the centre.

Opportunities have been provided to integrate landscaping at lower and upper levels, including using substantial planter boxes to complement the building's form and materiality.

The thoughtful architectural design response manages its impacts on neighbouring properties by appropriate setbacks, vehicle access and integration with the streetscape. Access arrangements and the provision of on-site parking will adequately meet the needs of the development without compromising the safety or function of the road network or existing on-street car parking.

The proposal achieves high levels of environmental performance and has incorporated a range of sustainable design initiatives.

For the above reasons, the proposal achieves a net community benefit and sustainable development in accordance with Clause 71.02-3 of the Planning Scheme and a planning permit should issue on this basis.

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APPENDIX 1: DETAILED DESCRIPTION OF THE PROPSOAL

1.0 DEVELOPMENT SUMMARY

The proposal seeks approval for a mixed use building comprising 78 apartments (including at least 17.5% (or 5.25% cash contribution equivalent) affordable housing) and integrated retail / commercial opportunities at the ground floor level, constructed over 4 levels of shared basement.

All apartments have been designed to comply with the relevant objectives of Clause 58 of the Boroondara Planning Scheme (**the Scheme**) and as such, provide high levels of internal and external amenity.

This appendix should be read in conjunction with the Urban Context and Design Report and architectural drawings prepared by Wardle Architects.

1.1 KEY FEATURES

The proposal and its key features and benefits can be summarised as follows:

- Development of a mixed use building, comprising 78 dwellings (including at least 17.5% (or 5.25% cash contribution equivalent) affordable housing, or alternative) and integrated retail /commercial opportunities at the ground floor level (711.7 square metres) over 4 levels of shared basement parking.
- Access to the shared basement is proposed via the rear laneway. A 3.11 metre setback is proposed to the rear laneway to facilitate two-way vehicle movement.
- 164 car parking spaces within the basement levels, including 159 residential spaces and 5 retail spaces.
- 100 bicycle parking spaces within the basement levels and on the ground floor level, including 78 resident spaces, 16 residential visitor spaces and 6 retail spaces.
- A maximum building height of 56.83 metres and 16 storeys.
- 197.5 square metres of communal space, including a wellness centre, shared kitchen, recreation area, lounge and landscaped terrace on the ground floor and a workshop in basement level 02. The communal space on the ground floor level is serviced by a DDA toilet.

1.2 BUILDING BREAKDOWN

A detailed breakdown of each level of the building is provided below. All minimum setbacks are taken to the building wall.

Basement 01

- 40 residential car parking spaces
- 5 retail car parking spaces
- 20 residential bicycle parking spaces
- 9 storage cages

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Basement 02

- 45 residential car parking spaces
- 20 residential bicycle parking spaces
- 10 storage cages
- 13.4 square metres of communal workshop area

Basement 03

- 45 residential car parking spaces
- 20 residential bicycle parking spaces
- 18 storage cages

Basement 04

- 29 residential car parking spaces
- 9 residential bicycle parking spaces
- 23 storage cages
- 12.9 metre setback from the eastern boundary

Ground Floor Level

- 711.7 square metres of retail / commercial space, split between 2 tenancies facing Glenferrie Road.
- Residential lobby in the centre of the Glenferrie Road frontage.
- 3.11 metre setback from the eastern boundary to facilitate two-way vehicle movements in the laneway. The remainder of the ground floor level is built to the boundaries.
- 197.4 square metres of communal space, including 30 square metres of communal outdoor open space in the form of an east facing landscaped terrace.
- 24 residential bicycle parking spaces, located within a secure bicycle store with direct access from the rear laneway
- 6 retail bicycle parking spaces, located on the Glenferrie Road footpath
- Vehicle access to the shared basement levels, provided via the rear laneway.
- Mail room, 3 waste storage areas (including one residential and 2 retail bins stores), substation and other building services.

Levels 01 and 02

- 6 metre setback from the eastern boundary
- 4.1 metre deep x 5.25 metre wide light well on the northern boundary
- 3.05 metre deep x 5.31 metre wide light well on the southern boundary
- 5 x 2 bedroom apartments and 4 x 3 bedroom apartments

Levels 03 and 04

- 7 metre setback from the eastern boundary
- 4.5 metre setback from the southern boundary
- 4 metre deep x 5.25 metre wide light well on the northern boundary
- 4 x 2 bedroom apartments and 3 x 3 bedroom apartments

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Level 05

- 7 metre setback from the eastern boundary
- 4.5 metre setback from the southern boundary
- 5 metre setback from the western boundary
- 4 metre deep x 5.25 metre wide light well on the northern boundary
- 3 x 2 bedroom apartments and 3 x 3 bedroom apartments

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Level 06

- 7 metre setback from the eastern boundary
- 4.5 metre setback from the southern boundary
- 5 metre setback from the western boundary
- 4 metre setback from the northern boundary
- 3 x 2 bedroom apartments and 3 x 3 bedroom apartments

Levels 07 and 08

- 7 metre setback from the eastern boundary
- 6 metre setback from the southern boundary
- 5 metre setback from the western boundary
- 4 metre setback from the northern boundary
- 1 x 2 bedroom apartments and 4 x 3 bedroom apartments

Levels 09-13

- 9 metre setback from the eastern boundary
- 6 metre setback from the southern boundary
- 5 metre setback from the western boundary
- 6 metre setback from the northern boundary
- 1 x 2 bedroom apartments and 3 x 3 bedroom apartments

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Levels 14 and 15

- 10 metre setback from the eastern boundary
- 17.06 metre setback from the southern boundary
- 5 metre setback from the western boundary
- 6 metre setback from the northern boundary
- 2 x 3 bedroom apartments

1.3 MASSING STRATEGY

The proposed development adopts a layered massing strategy that combines a stepped streetwall with a vertically articulated tower form. Along the Glenferrie Road frontage, the street wall is expressed as a series of three distinct vertical elements that step down from north to south with the natural fall of the land. Above the street wall, a single upper-level setback creates a clear transition to the tower form while reducing the participle scale at street level. The stepped language established in the street wall is continued into the tower form, aligning the overall rhythm of the building. The podium is articulated through generous openings, landscaped terraces and varying planes, which provide depth and rhythm to the façade, while establishing a fine-grained interface that integrates well with the surrounding streetscape.

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The tower massing is shaped through a combination of setbacks, recesses and tapering volumes. A central recess defines the Glenferrie Road elevation, along with additional setbacks to the northern and southern boundaries at levels 9 and 7, respectively, which ensure the tower reads as a pair of sculpted, slender elements. From level 9 upwards, the mass tilts back from the north-western corner, further reducing perceived bulk and street wall presence and contributing to a more elegant skyline profile. These setbacks continue around the rear of the building, where they work in combination with a central recess to break down the massing and create a layered, dynamic built form that transitions sensitively from podium to tower. The modulated window design and punched openings of the podium levels are continued into the tower form, creating a well-articulated and cohesive architectural expression.



Figure 1: Render of the proposal, as viewed from Glenferrie Road (source: Wardle Architects)

2.0 MATERIALS AND FINISHES

The proposed built form features a two-toned brick façade, with a darker brick treatment applied to the podium levels and a lighter tone used for the tower above. The façades are further articulated through the use of metal elements, lightweight cladding and finely detailed concrete components, arranged and expressed in a contemporary manner. At ground level, the shopfronts incorporate a combination of clear glazing and green glazed tiles to create an activated, visually engaging frontage along Glenferrie Road.

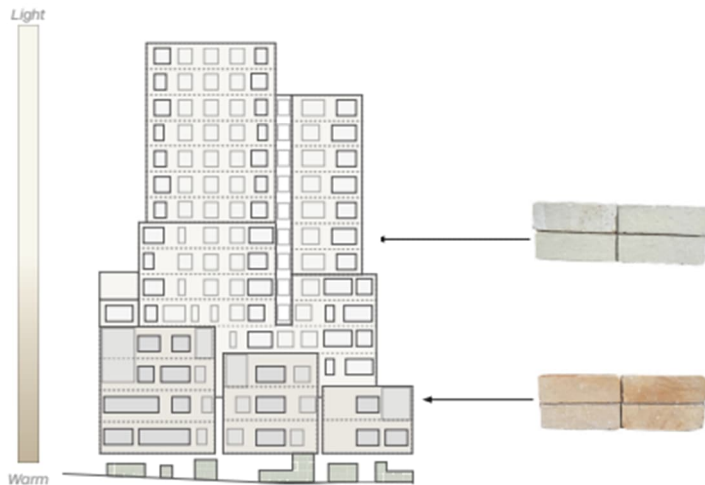
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Facade Strategy Material Focus

The eroded massing is further refined through materiality, introducing a gradual transition from darker masonry at the base to lighter tones above to reduce perceived scale.

At ground level, robust coloured tiles in a finer module are introduced to enhance street activation and provide a durable, high-quality pedestrian interface.



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Figure 2: Diagram of the proposed material strategy (source: Wardle Architects)

3.0 AFFORDABLE HOUSING

The proposed development includes a 17.5% (or 5.25% cash contribution equivalent) affordable housing contribution, which will be delivered via a 30% discount to market or the equivalent thereof via alternative options. This significantly exceeds the 10% requirement of the Clause 53.23 pathway and will deliver a significant public benefit in the form of much-needed increase in the supply of affordable housing within a municipality that currently has comparatively low levels of affordable housing.

The Affordable Housing Report prepared by Urban Xchange provides further details of the proposed affordable housing contribution.

4.0 CAR PARKING, ACCESS AND FACILITIES

Vehicle access to the 4 levels of basement car parking is provided from the rear laneway.

A total of 164 car parking spaces are proposed, including 159 resident spaces and 5 shop spaces.

A total of 100 bicycle parking spaces are proposed, including:

- 78 resident spaces
- 16 residential visitor spaces
- 6 retail spaces.

The resident and residential visitor spaces will be secured from publicly accessible areas, located across the basement levels and within a dedicated bicycle parking store on the ground floor level, accessed directly from the rear laneway. The 6 retail spaces will be located in front of the building, on the Glenferrie Road footpath.

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The Traffic Impact Assessment prepared by Traffix Group, enclosed with this submission, provides further details of the car parking, bicycle parking and access arrangements.

5.0 WASTE

The waste storage and collection arrangements are summarised below.

Bins will be stored within 3 dedicated waste rooms on the ground floor level (one residential and two commercial waste rooms). The waste rooms are appropriately located for access by residents and staff, and are secured from the common areas.

Waste collection for the residential and commercial uses shall occur via a private contractor using a 6.4 metre long Mini-Hino rear loaded waste collection. The nominated vehicle will temporarily prop within the rear setback provided to the laneway. The private contractor will be responsible for transferring the bins from waste storage areas to the waste collection vehicle and returning empty bins to the storage areas.

A dual chute system is provided at each building level for residential garbage and recycling. Residents will be able to manually transfer FOGO, glass, e-waste and hard waste to bins provided within the residential waste storage area.

The Waste Management Plan prepared by Traffix Group, enclosed with this submission, provides detailed information regarding the proposed waste storage and collection arrangements.

6.0 ENVIRONMENTALLY SUSTAINABLE DEVELOPMENT (ESD)

The proposed development has been designed with ESD principles in mind since conception, to ensure optimal levels of internal amenity and sustainable design are achieved. The ESD initiatives include water efficient fittings and fixtures, a rainwater tank connected to toilets for flushing and irrigation to reuse rainwater, a comprehensive shading and natural ventilation strategy, an all-electric building, on-site renewable energy generation through a solar PV system, extensive bicycle parking and a 7.0 Star average NatHERS Energy Rating result.

The Sustainability Management Plan (**SMP**) prepared by GIW Environmental Solutions demonstrates the proposed development will achieves a total BESS score of 63% with no mandatory category (IEQ, Energy, Water or Stormwater) below 50%. This figure represents a percentage improvement over a benchmark project. A score of 50% and higher equates to 'best practice' and is an effective pass of the BESS tool.

The proposal will be carbon neutral with a carbon neutral power agreement between developer, owner's corporation, and electrical retailer to provide GreenPower for all energy consumed by building (including communal areas, apartments and retail tenancy). This agreement will be maintained for a minimum of 10 years.

The SMP contains further details of the ESD initiatives proposed.

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7.0 LANDSCAPING

The proposal includes a mix of small to medium sized trees, climbers, shrubs, ferns and grasses on the ground floor level and balconies on levels 1-6. This includes a small, landscaped strip along Glenferrie Road and a more substantial landscaped frontage to the rear laneway.

The landscape response will be prominent within the public realm but also reflect the high degree of site coverage expected in an activity centre setting. The landscaping on the communal terrace and balcony edges will enhance the amenity of the apartments, provide local ecology benefits and assist with mitigating urban heat island effects.

Details of the proposed landscape response are included in the landscape plans prepared by Ben Scott Garden Design enclosed with this submission.

8.0 WIND IMPACTS

A Wind Impact Assessment has been prepared by MEL Consultants and is enclosed with this submission.

The assessment concludes the following:

- There are no exceedances of the safety criterion for the existing and proposed configurations for ground level test locations.
- The safety criterion was shown to be satisfied on most upper-level terraces, although there were some northern and western corner terraces on or above Level 7 that were shown to have wind conditions that exceeded the safety criterion. It was shown that applying wind amelioration strategies, such as sealing one open aspect of the terrace, localised screening and/or canopies, the wind conditions of these critical locations could be improved to satisfy the safety criterion.

9.0 ACOUSTIC IMPACTS

An Acoustic Report has been prepared by Enfield Acoustics Pty Ltd and is enclosed with this submission.

The assessment concludes that provided the acoustic treatment recommendations are implemented, the proposed development will achieve satisfactory internal noise levels and meet the relevant standards.

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The subject site is rectangular with an approximately 43-metre frontage to Glenferrie Road and depth of approximately 38 metres. It also slopes down from north to south approximately 1 metre.

The land is vacant, save for 3 existing double-storey commercial buildings constructed to the Glenferrie Road frontage and along approximately 25 metres of the southern boundary. Report and consent to demolish these existing buildings was granted by the Boroondara City Council on 19 September 2024.



Figure 2: Photograph of the subject site's Glenferrie Road frontage

The vacant part of the subject site previously contained a 5-storey office building, which was situated adjacent to the northern boundary of the land with at grade car parking to its south. Whilst being 5 storeys, the former office building had a further approximately 2-metre-high solid parapet above the upper level, which acted as a screen to the extensive rooftop plant equipment provided, including most notably mobile phone relay towers.

Vehicle access to the subject site was previously gained via a crossover to Glenferrie Road and from the rear laneway, which separates the land from the residential properties to the east. The 3 existing buildings are all accessed by vehicles from the rear laneway.

2.0 THE SURROUNDS

The subject site has 4 separate interfaces, each of which are different and two of which are separated by existing roads. Each of these is described in further detail below.

2.1 NORTH INTERFACE

To the north of the site is 862 Glenferrie Road, a 7-storey mixed use development with ground level retail uses set back from and facing Glenferrie Road, known as Emblem. Offices and dwellings are provided at the upper levels facing northeast and west.

The building is set back at the rear from the laneway boundary. This has widened the laneway to provide two-way movements. The common boundary with the subject site is 2 sheer boundary walls with a central light court servicing the inboard bedrooms at levels 1-5.



Figure 3: Photographs of 862 Glenferrie Road

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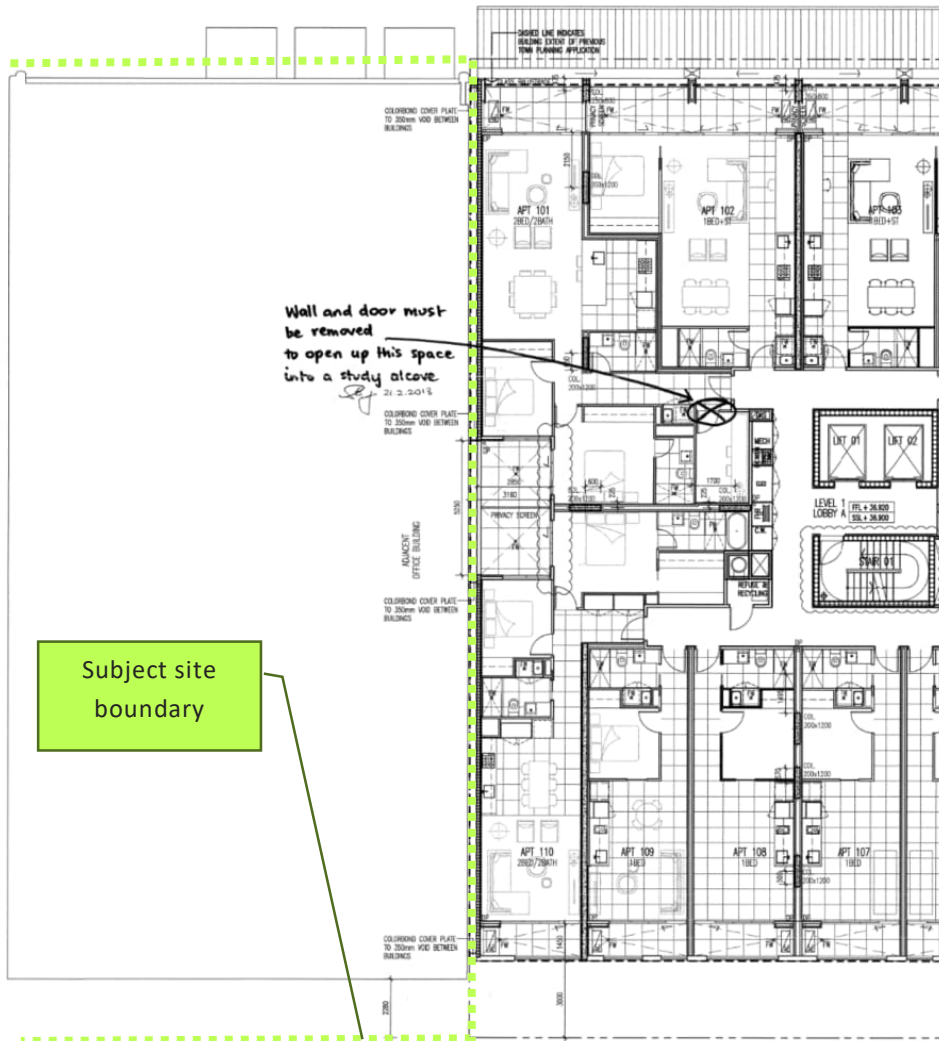


Figure 4: Extract of plans at Level 1 of 862 Glenferrie Road at the interface with the subject site

2.2 SOUTH INTERFACE

To the south of the subject site is a collection of 3 shops facing Glenferrie Road at 840, 842 and 844 Glenferrie Road. No. 842 Glenferrie Road includes 2 levels of apartments above the ground level shop. In respect of No. 844 Glenferrie Road, it is noted that acoustic mitigation works have been undertaken to attenuate two existing kitchen exhaust fans (installation of padded attenuators) and acoustic enclosures have also been installed on two existing refrigeration units. The Acoustic Report prepared by Enfield, which accompanies this proposal, confirms that; *'...inclusive of the installed mitigation above, we are satisfied that the risk of reverse amenity noise impacts from the permitted development has been appropriately mitigated.'* (p.10, Acoustic Report).

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Figure 5: Photograph of No's 840, 842 and 844 Glenferrie Road

The balance of the southern boundary is the rear of 3 x 3-level townhouses at No. 1, 2/1A and 3/1A Churchill Grove. These dwellings front Churchill Grove and are constructed to the common boundary with the subject site for a height of between approximately 1 and 2 storeys.

The private open space for these dwellings is generally provided in the form of a level 1 balcony facing the subject site. Other outdoor spaces are also provided at ground floor and level 1 and 2, facing the street. The rear balconies are partially covered by existing shade cloths. At level 2, bedroom windows face the subject site.



Figure 6: Photographs of No's 1, 2/1A and 3/1A Churchill Grove

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2.3 EAST INTERFACE

To the east of the subject site is an unnamed laneway which measures approximately 3 metres wide. For the length of the subject site and to Churchill Grove, the laneway is constructed of bluestone with a central invert. North of the subject site's boundary, the laneway has been widened and resurfaced with a consistent concrete finish.



Figure 7: Photograph of the rear of the subject site

On the opposite side of the rear laneway of 16-30 Sercombe Grove are a series of generally single-storey heritage homes fronting Sercombe Grove. These properties typically include vehicular access from the intervening laneway with a combination of car parking (open and enclosed) as well as small backyards servicing the rear of the existing dwellings. There is also sporadic existing vegetation including canopy trees within these rear yards.



Figure 8: Photographs of the rear of the Sercombe Grove properties to the east

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2.4 WEST INTERFACE

The Glenferrie Road 'road' reserve defines the subject site's western interface. Glenferrie Road is an arterial road, including north and south carriageways that carry the No.16 Tram Service, with on-street time restricted parking. The road reserve is approximately 20 metres wide.

On the opposite side of Glenferrie Road is a collection of existing low scale retail and commercial properties at No's. 797-799, 801-805 and 807 Glenferrie Road. Hawthorn Grove, which intersects with Glenferrie Road, separates these commercial properties.



Figure 9: Photographs of No's 797-799 and 801-805 Glenferrie Road



Figure 10: Photograph of No. 807 Glenferrie Road

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3.0 BROADER CONTEXT

The subject site is located towards the northern end of the Glenferrie Road shopping centre as depicted in the aerial image at Figure 11 (below).

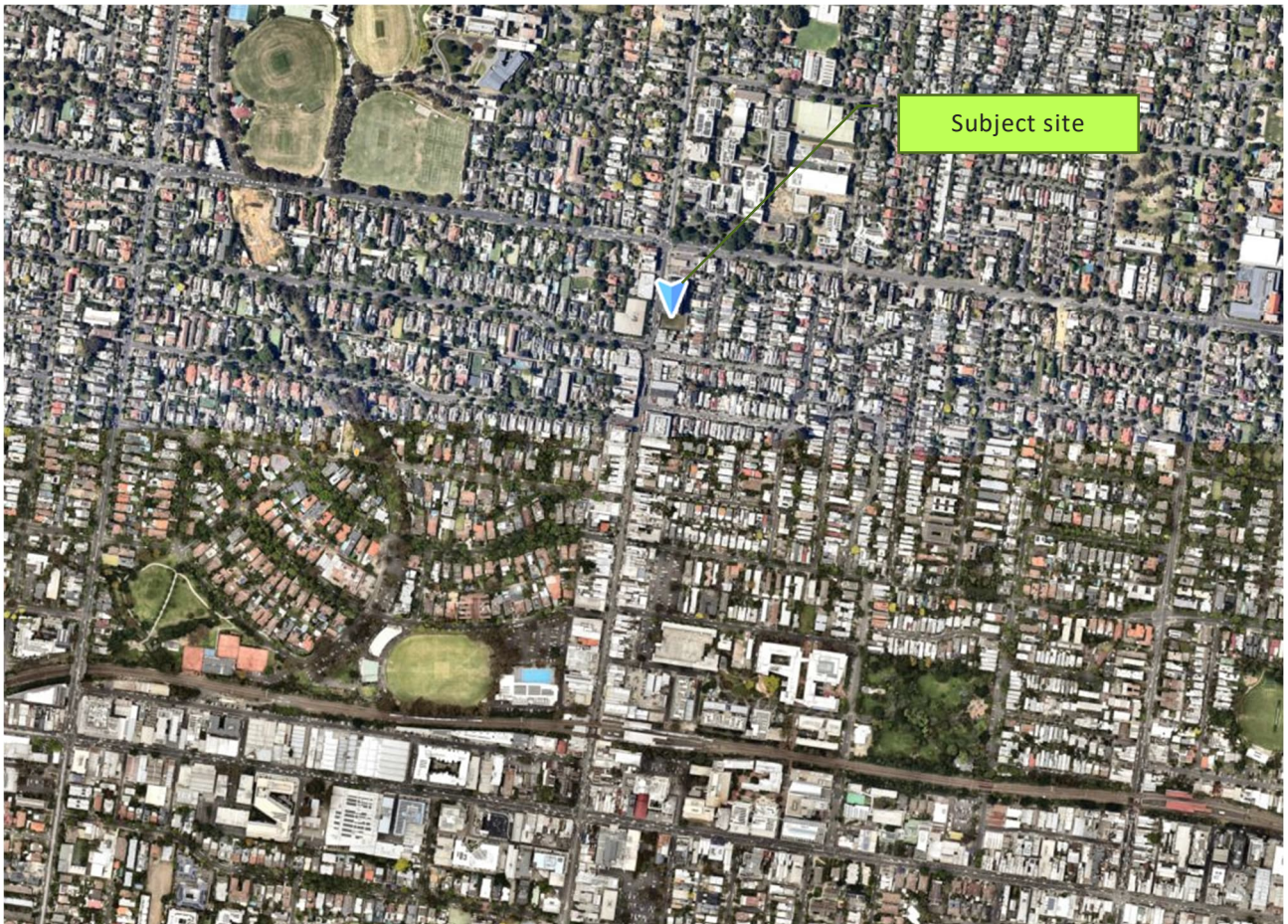


Figure 11: Aerial Photo – Site Context (source: Nearmap, 2026)

As depicted in the aerial imagery, Glenferrie Road acts as a commercial spine, with residential properties beyond. Land associated with private schools is also strongly apparent to the north of Barkers Road (Methodist Ladies College, Xavier College, Trinity Grammar, Carey Baptist Grammar and Ruyton Girls School).

The subject site benefits from the No.16 (Melbourne University – Kew via St Kilda Beach) tram running along Glenferrie Road and Glenferrie Railway Station approximately 600 metres to the south.

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Figure 12: Photograph of Glenferrie Road to the south of the subject site

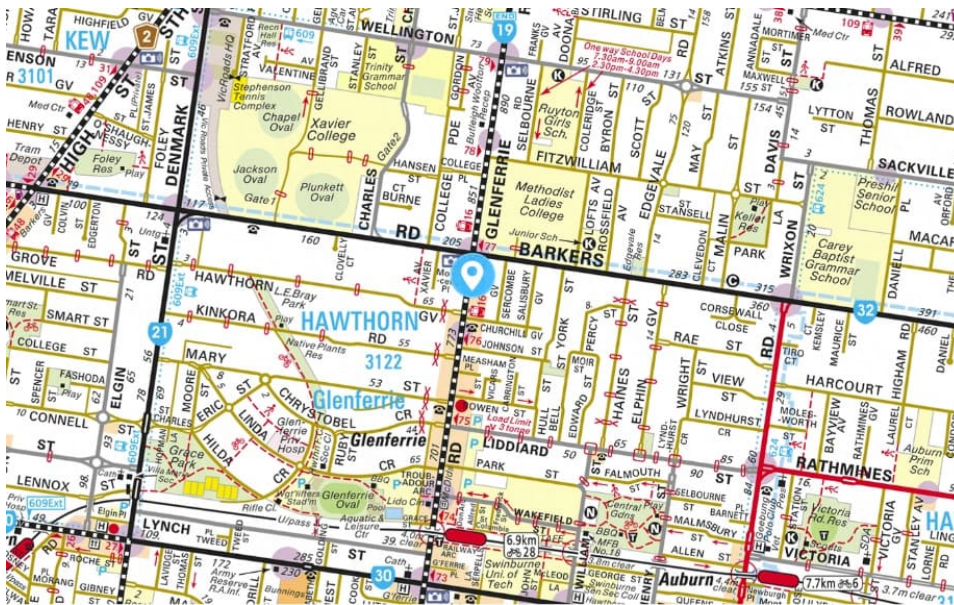


Figure 13: Locational context of the subject site (source: Melways)

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APPENDIX 3: PLANNING CONTROLS AND POLICIES

1.0 EXISTING PLANNING CONTROLS

The subject site is located within a Commercial 1 Zone (**C1Z**) and is affected by Built Form Overlay – Schedule 3 ‘Glenferrie Train and Tram Zone Activity Centre’ (**BFO3**) and Parking Overlay – Schedule 1 ‘Activity Centres’ (**PO1**) pursuant to the controls of the Boroondara Planning Scheme (**the Scheme**).

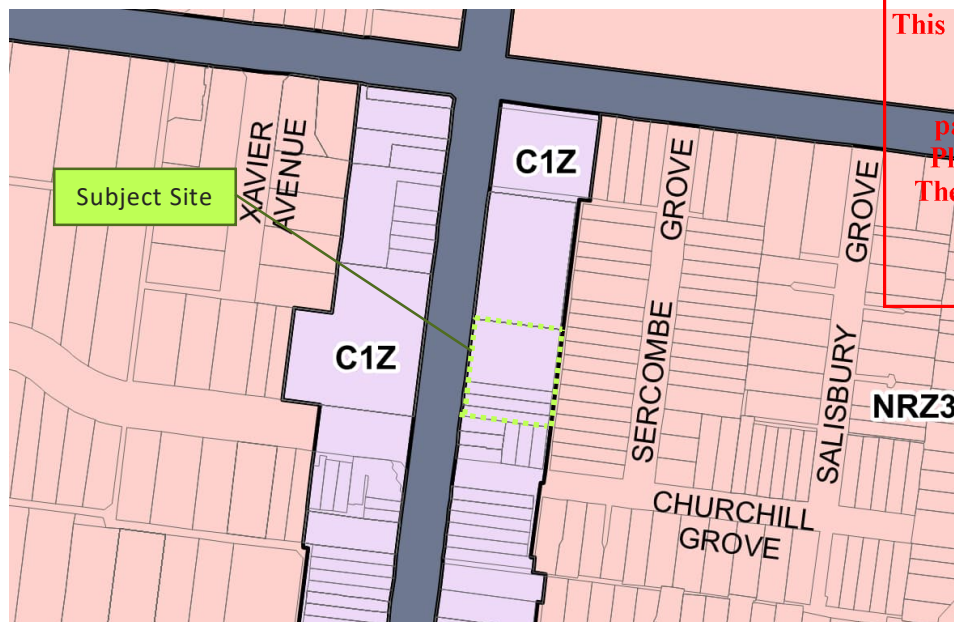
1.1 ZONING

The subject site is in a C1Z, the purpose of which is:

- To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- To create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses.
- To provide for residential uses at densities complementary to the role and scale of the commercial centre.

A planning permit is required pursuant to Clause 34.01-1 for use of land for the purpose of dwelling (accommodation), given the lobby frontage along Glenferrie Road is 3.84 metres wide and exceeds 2 metres.

A planning permit is also required pursuant to Clause 34.01-4 to construct a building and construct and carry out works.



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Figure 1: Zoning plan

Glenferrie Road is located within a Transport Zone 2 (**TRZ2**) and a planning permit is required pursuant to Clause 36.04-2 of the scheme, for the building’s proposed weather canopy which projects beyond the title boundary along the Glenferrie Road frontage. Clause 36.04-3 includes an application requirement that written

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consent of the Head, Transport for Victoria is required, indicating that the Head, Transport for Victoria consents generally or conditionally to the application being made and to the proposed use or development.

1.2 OVERLAYS

1.2.1 BFO3

The subject site – and the land either side of Glenferrie Road south of Barkers Road – is affected by BFO3, the development objectives for which are:

- To promote development which achieves a high level of amenity and enhances the public realm with high quality design.
- To achieve a scale of growth consistent with the development framework and to discourage underdevelopment.
- To promote sustainable development that achieves best practice sustainable design, contributes positively to sustainable transport patterns and provides increased green cover and tree canopy coverage to reduce urban heat.
- To increase permeability and connectivity for pedestrians and cyclists throughout the activity centre.

Pursuant to Clause 43.06-6, a planning permit is required to construct a building and construct and carry out works.



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Figure 2: BFO3 plan

Map 1 (Development Framework) to BFO3, identifies the subject site within a 'Non-Heritage Main Street Core' area, which is affected by the following future character statement:

This typology will form the main street of the activity centre, with an urban form defined by its active street frontages and consistent streetscape presentation.

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Being in the heart of the centre, commercial activity will generally be provided at ground level where a pedestrian environment is prioritised.

Taller built form will be setback behind street walls, with streetscapes remaining open and sunny.

BFO3 applies the following built form controls to the subject site:

- Minimum building height of 21 metres and maximum building height of 40 metres.
- Maximum street wall height of 1:1 ratio of road reserve width to street wall or front wall height or 21 metres, whichever is the lesser. Glenferrie Road is 20 metres wide.
- Minimum setback above the street wall of 3 metres for any part of the building above the proposed street wall or front wall if the building is no greater than 27 metres in height, or 5 metres if any part of the building above the proposed street wall or front wall if the building is greater than 27 metres in height.
- Minimum side and rear setbacks of 4.5 metres up to and including 21 metres, 6 metres above 21 metres up to and including 40 metres and 10 metres above 40 metres.
- Maximum height of wall on side or rear boundary of 11 metres.
- Overshadowing controls:
 - Glenferrie Road – no additional overshadowing to the opposite footpath measured at least 5m from the property boundary between 10am and 2pm on 22 September.
 - All other streets – no additional overshadowing of the opposite footpaths beyond the theoretical shadow cast by the maximum building envelope in Standard BF02 and BF05 between 10am and 2pm on 22 September.
- Apartment development should have a maximum floor plate size of 900 square metres per tower, above the maximum street wall or front wall height.
- Minimum floor to floor height of 4.5 metres for ground floor commercial tenancies, 4 metres for upper level commercial tenancies and 3.2 metres for residential floors.
- Minimum entry or window percentage of at least 80% along the ground level frontage to Glenferrie Road, to a height of 2.5 metres.
- Development should include continuous weather protection along Glenferrie Road.
- Vehicle access, waste and loading access is discouraged on Glenferrie Road and should be provided from laneways and secondary frontages.
- Deep soil requirement of 10% of the site area.
- Development of five or more storeys:
 - must not cause new or exacerbate existing unsafe wind conditions specified in Table 1 of Clause 43.06-7.8 in public land, publicly accessible areas on private land, private open space and communal open space
 - should achieve comfortable wind conditions specified in Table 1 in public land and publicly accessible areas on private land, within the assessment distance of half the longest width of the building or half the overall height of the building.

All the requirements of BFO3 are discretionary requirements, which can be varied subject to the grant of a planning permit. All are deemed to comply standards.

1.2.2 PO1

The subject site – and the land either side of Glenferrie Road south of Barkers Road – is affected by PO1, for which the parking objective to be achieved is to 'identify appropriate car parking rates for land uses in various activity centres throughout the municipality'.

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Pursuant to Schedule 1, the following car parking rates apply to use of the land for 'dwelling':

- 1 to each one or two bedroom dwelling, plus
- 2 to each three or more bedroom dwelling (with studies or studios that are separate rooms counted as a bedroom), plus
- 1 for visitors to every 5 dwellings for developments of 5 or more dwellings.

The parking rates in Column B of Clause 52.06-5 (as in force immediately before the day Amendment VC277 came into operation) apply to the proposed retail land use.

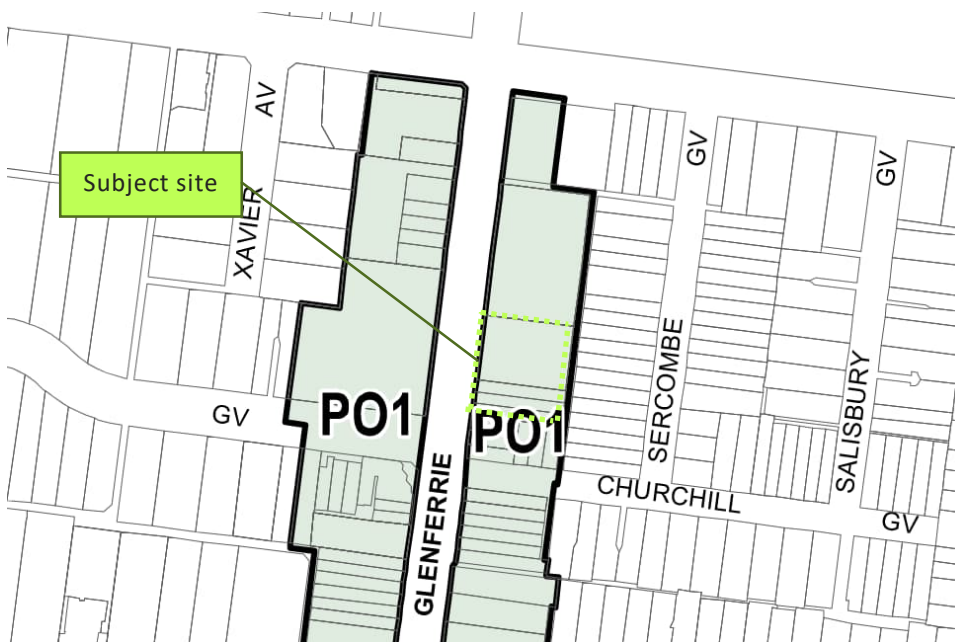


Figure 3: P01 plan

1.3 PARTICULAR PROVISIONS

The following particular provisions are relevant to the proposal:

1.3.1 Clause 52.06 – Car Parking

The purposes of this clause are:

- To ensure that car parking is provided in accordance with the Municipal Planning Strategy and the Planning Policy Framework.
- 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.

Clause 52.06-5 applies a car parking rate of 3.5 spaces to each 100 square metres of leasable floor area to the shop use (noting the rate in Column B of Clause 52.06-5, as in force immediately before the day Amendment VC277 came into operation, applies).

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Pursuant to Table 1 of Clause 52.06-5 and the PO1 provisions combined, the proposal generates a statutory requirement to provide 140 spaces for the dwelling use (including 15 residential visitor spaces) and 24 spaces for the shop use.

A total of 164 car parking spaces are proposed (159 dwelling, no visitor and 5 shop). Hence, a planning permit is required to reduce the number of car parking spaces required under PO1 and Clause 52.06-5, pursuant to Clause 52.06-3.

The Traffic Engineering Assessment prepared by Traffix Group provides further details of the proposal's car parking provision and its appropriateness.

1.3.2 Clause 52.29 – Land Adjacent to the Principal Road Network

The purposes of this clause are:

- To ensure appropriate access to the Principal Road Network or land planned to form part of the Principal Road Network.
- To ensure appropriate subdivision of land adjacent to Principal Road Network or land planned to form part of the Principal Road Network.

The existing vehicle access onto Glenferrie Road, an arterial road, is located in a TRZ2. It is to be removed, and the kerb reinstated. No vehicle access to the development is proposed from Glenferrie Road. Accordingly, no planning permit is required pursuant to this clause to alter access to the road.

1.3.3 Clause 52.34 – Bicycle Facilities

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 and change facilities.

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Pursuant to Table 1 of Clause 52.34-5, the following bicycle parking rates apply to the proposed uses:

- Dwelling:
 - Residents – 1 to each 5 dwellings
 - Visitors – 1 to each 10 dwellings
- Shop:
 - Employees – 1 to each 600 square metres of leasable floor area if the leasable floor area exceeds 1000 square metres.
 - Shopper – 1 to each 500 square metres of leasable floor area if the leasable floor area exceeds 1000 square metres.

The proposal therefore generates a requirement for 24 bicycle parking spaces, including 16 resident spaces and 8 visitor spaces. No employee or customer spaces are required for the shops.

A total of 94 bicycle parking spaces are proposed for the dwellings, and a further 6 residential visitor spaces on the Glenferrie Road footpath. 15 resident spaces and 9 visitor spaces are proposed on the ground floor level, accessed from the laneway. The remaining resident spaces are located within the basement levels. As the bicycle parking provision exceeds the statutory requirements, a permit is not required pursuant to Clause 52.34-2.



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The Traffic Engineering Assessment prepared by Traffix Group provides further details of the proposal's bicycle parking provision.

1.4 GENERAL REQUIREMENTS AND PERFORMANCE STANDARDS (CLAUSE 53)

1.4.1 Clause 53.18 – Stormwater Management in Urban Development

Clause 53.18 seeks to ensure that stormwater in urban development, including retention and reuse, is managed to mitigate any adverse impacts on the environment, property and public safety, and to provide cooling, local habitat and amenity benefits.

Stormwater management has been considered as part of the proposal. The Sustainability Management Plan prepared by GIW Environmental Solutions provides further explanation of the appropriateness of the proposal's stormwater management.

1.4.2 Clause 53.23 – Significant Residential Development with Affordable Housing

The purpose of Clause 53.23 is:

- To facilitate residential development that contributes to the provision of affordable housing to meet existing and future needs.
- To facilitate the redevelopment and renewal of public housing stock to meet existing and future needs.
- To facilitate residential development carried out by the State of Victoria or jointly or in partnership with the private sector, including via innovative funding, investment and partnership approaches.
- To facilitate residential development with high quality urban design, architecture and landscape architecture.
- To provide opportunities for non-residential use and development in association with residential development.

This clause applies to an application under any provision of the Scheme if the condition corresponding to a category in Table 1 is met. The conditions that relate to the relevant category (1) are as follows:

- The estimated cost of the proposed development of land for accommodation (other than camping and caravan park, group accommodation, residential hotel and small second dwelling) as specified in a report prepared by a suitably qualified quantity surveyor must be one of the following to the satisfaction of the Minister for Planning:
 - At least \$50 million if any part of the land is in metropolitan Melbourne.
 - At least \$15 million if the land is not in metropolitan Melbourne.
- The application includes an affordable housing report required under clause 53.23-3 that demonstrates how the affordable housing contribution specified in clause 53.23-4 (being at least 10 per cent of the total number of dwellings in the proposed development provided as affordable housing or an alternative contribution towards the provision of affordable housing) is intended to be provided if a permit is granted.
- Information demonstrating the likely feasibility of the proposed development is provided to the satisfaction of the Minister for Planning. This must include written advice from the Chief Executive Officer or delegate, Invest Victoria.

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It is confirmed that the proposed development meets the above category 1 conditions of Clause 53.23-1 as it:

- has an estimated cost of development that exceeds \$50 million, being approximately \$75 million
- an affordable housing contribution will be made via one of the mechanisms referred to in Clause 53.23-4
- has obtained written advice from the Chief Executive Officer or delegate, Invest Victoria confirming the likely financial feasibility of the proposal.

An application made under Clause 53.23 is exempt from the decision requirements of sections 64(1), (2) and (3), and the review rights of sections 82(1) of the Planning and Environment Act 1987 (**the Act**).

1.5 CLAUSE 58 – APARTMENT DEVELOPMENTS

An apartment development must meet the objectives and should meet the standards of Clause 58. This Clause seeks to facilitate new residential development and its purpose is:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To encourage apartment development that provides reasonable standards of amenity for existing and new residents.
- To encourage apartment development that is responsive to the site and the surrounding area.

A detailed assessment of the proposal against the Clause 58 objectives and standards is included at **Appendix 4**.

1.6 REFERRAL PROVISIONS

Pursuant to Clause 66.02-11, an application to subdivide land, to construct a building or to construct or carry out works for a residential development comprising 60 or more dwellings or lots, must be referred to Head, Transport for Victoria (determining referral authority).

1.7 OPERATIONAL PROVISIONS

Clause 72.01 makes the Minister for Planning the responsible authority for use or developments to which Clause 53.23 apply.

1.8 SUMMARY OF PERMIT TRIGGERS

In summary, the proposal triggers the need for a planning permit pursuant to:

- Clause 34.01-1, for the use of the land for the purpose of accommodation given the dwelling frontage along Glenferrie Road exceeds 2 metres in width.
- Clause 34.01-4, to construct a building and construct or carry out works.
- Clause 36.04-2, for the construction of the weather canopy which is proposed to overhang Glenferrie Road.
- Clause 43.06-6, to construct a building or construct or carry out works.
- Clause 52.06-3, to reduce the number of car parking spaces required.

Pursuant to Clause 72.01, the Minister for Planning is the responsible authority for an application under Clause 53.23.

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2.0 PLANNING POLICIES

2.1 MUNICIPAL PLANNING STRATEGY (MPS)

The MPS is outlined at Clause 02 of the Scheme. The following clauses are relevant to the proposed development:

- **Clause 02.01-3 Housing**, which acknowledges Boroondara's population is changing with an ageing population, declining household size and changing dwelling preferences. A key issue for Council is to ensure its resources are effectively targeted and distributed to ensure equitable outcomes. This clause also states Boroondara's residential areas are much sought after, having an abundance of high quality community facilities and public infrastructure.
- **Clause 02.03-1 Settlement**, which identifies Glenferrie as a Major Activity Centre and seeks to:
 - Maintain and strengthen the network of activity centres, neighbourhood centres, local centres and commercial corridors.
 - Ensure major activity centres, neighbourhood centres, local centres and commercial corridors retain a commercial focus with regard to land use and built form outcomes.
 - Ensure residential development complements the commercial focus of activity centres, neighbourhood centres, local centres and commercial corridors, particularly at the upper levels of development.
 - Minimise the impacts of development on sensitive residential interfaces by way of visual bulk, noise, traffic and vehicle access.



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Figure 4: Extract of strategic framework plan



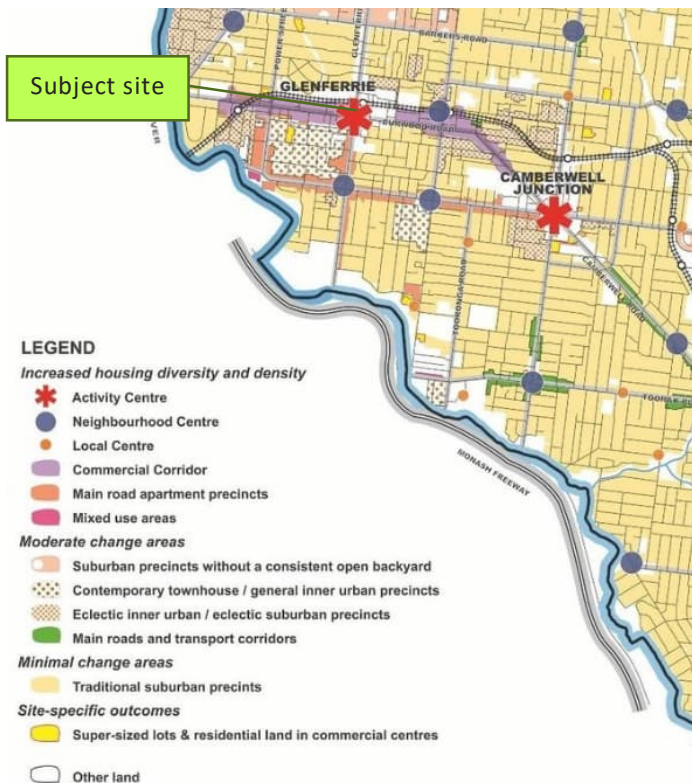
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Figure 5: Extract of the activity centre network framework plan

- **Clause 02.03-4 Built environment and heritage**, which seeks to:
 - Ensure high quality urban design standards in development.
 - Protect and respect the preferred neighbourhood character and ensure development makes a positive contribution while minimising adverse impacts.
 - Protect all individual places, objects and precincts of cultural, aboriginal, urban and landscape significance.
 - Ensure development respects, and is sensitive to, the significance of heritage places.
 - Manage signage and its impacts on the built environment.
 - Ensure development incorporates Environmentally Sustainable Development (ESD) principles including through energy and waste efficiency and water conservation.
- **Clause 02.03-5 Housing**, which seeks to:
 - Facilitate residential development in accordance with the Housing Framework shown on the Housing Framework Plan at Clause 02.04.
 - Provide a diverse range of housing types that protect preferred neighbourhood character and adjoining residential amenity.
 - Provide housing that is sufficiently flexible to account for age, temporary or permanent injury or impairment, and disability.

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Figure 6: Extract of the housing framework plan

- **Clause 02.03-6 Transport**, which seeks to:
 - Manage competing transport demands of walking, cycling, private vehicles and public transport.
 - Support a shift towards healthy and sustainable transport modes.
 - Ensure provision of sufficient car parking.

2.2 PLANNING POLICY FRAMEWORK (PPF)

The PPF is outlined at Clauses 10–19 of the Scheme. The PPF underpins the key objectives of the Act, and its objectives that require consideration in the administration of land use and development planning across Victoria. It informs the preparation and implementation of local planning policy objectives and the introduction of zone and overlay controls. It is therefore necessary that planning permit applications build on and achieve these important policy objectives.

Relevant planning policies to this application include:

- **Clause 11.01-1S Settlement** seeks to facilitate the sustainable growth and development of Victoria and deliver choice and opportunity for all Victorians through a network of settlements.
- **Clause 11.01-1R Settlement – Metropolitan Melbourne** includes the following strategy of relevance:
 - Develop metropolitan activity centres as higher-order centres providing a diverse range of jobs, activities and housing for catchments well-served by public transport.

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- **Clause 11.03-1S Activity centres and precincts** seeks to encourage the concentration of major retail, residential, commercial, administrative, entertainment and cultural developments into activity centres with good public transport services.
- **Clause 11.03-1L-02 Hawthorn-Glenferrie Road Major Activity Centre** identifies the subject site within Area 2 – Glenferrie & Burwood Roads Mixed Use and includes the following strategies of relevance:
 - Support mixed-use development comprising of retail at ground level, and offices or residential uses on upper levels to locate within the retail core and mixed-use areas.
 - Facilitate customer or community focused ground floor uses that activate the pedestrian environment.
 - Support developments that increase the supply of affordable housing in the centre, both within private development and in the form of public or community housing.
 - Ensure use and development makes the best use of available land and provides opportunities for additional retail, commercial or housing.
 - Ensure uses will not have an unreasonable impact on the amenity of the surrounding residential area.
 - Encourage use and development to incorporate measures to reduce private vehicle travel to and around the centre and encourage people to use public transport, walking and cycling as alternate modes of transport.
 - Support a waiver or reduction of parking requirements for dwellings only, if the development incorporates sustainable transport alternatives.
- **Clause 12.06-1S Urban forests** seeks to protect and enhance tree canopy in urban areas.
- **Clause 15 Built environment and heritage** states that planning should ensure all land use and development appropriately responds to its surrounding landscape and character, valued built form and cultural context.
- **Clause 15.01-1S Urban design** seeks to create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity.
- **Clause 15.01-1R Urban design – Metropolitan Melbourne** seeks to create a distinctive and liveable city with quality design and amenity.
- **Clause 15.01-1L-01 Urban design and built form outcomes** seeks to achieve high quality urban design and built form outcomes which enhance streetscapes, maintain amenity and cater to a diversity of user needs.
- **Clause 15.01-2S Building design** seeks to achieve building design and siting outcomes that contribute positively to the local context, enhance the public realm and support environmentally sustainable development.
- **Clause 15.02-1L Energy and resource efficiency – Boroondara** includes the following strategies of relevance:
 - Promote building design that incorporates passive solar design principles.
 - Support energy efficient building design.
 - Support the re-use and recycling of building materials, and use of recycled, locally sourced and sustainable building materials.
 - Support appropriate waste storage and collection facilities being provided on-site for all types of waste streams.
 - Support the use of light coloured and heat reflective surfaces to buildings and pavements.
 - Design development to provide private open space of sufficient dimensions to allow for the planting of canopy trees.
- **Clause 16 Housing** states planning should provide for housing diversity, and ensure the efficient provision of supporting infrastructure.

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- **Clause 16.01-1S Housing supply** seeks to facilitate well-located, integrated and diverse housing that meets community needs. Strategies include:
 - Increase the proportion of housing in urban areas with good access to opportunities and services (including under-utilised urban land) and reduce the share of new dwellings in greenfield, fringe and dispersed development areas.
 - Encourage higher density housing development on sites that are well located in relation to jobs, services and public transport.
 - Identify opportunities for increased residential densities to help consolidate urban areas.
 - Facilitate diverse housing that offers choice and meets changing household needs by widening housing diversity through a mix of housing types.
 - Encourage the development of well-designed housing that:
 - Provides a high level of internal and external amenity.
 - Incorporates universal design and adaptable internal dwelling design.
 - Support opportunities for a range of income groups to choose housing in well-served locations.

The housing target for Boroondara is 65,500 additional dwellings.

- **Clause 16.01-1R Housing supply – Metropolitan Melbourne** includes the following strategies:
 - Create development opportunities to meet housing targets, population growth and create a sustainable city by developing housing and mixed use development opportunities in locations that are:
 - Metropolitan activity centres and their residential catchments.
 - Areas for residential growth.
 - Established areas close to existing services, jobs and public transport.
 - Identify areas that offer opportunities for more medium and high density housing near employment and transport in Metropolitan Melbourne.
 - Provide certainty about the scale of growth by prescribing appropriate height and site coverage provisions for different areas.
 - Create mixed use neighbourhoods at varying densities that offer more choice in housing.
- **Clause 16.01-1L Housing – Boroondara** seeks to support increased housing density and diversity at the upper levels above commercial uses in major activity centres and facilitate high density residential development that recognises the commercial context in 'Mixed use areas' as identified in the Housing Framework Plan at Clause 02.04.
- **Clause 16.01-2S Housing affordability** seeks to deliver affordable housing in areas with good access to opportunities and services.
- **Clause 17.01-1S Diversified economy** seeks to strengthen and diversify the economy.
- **Clause 17.02-1S Business** seeks to encourage development that meets the community's needs for retail, entertainment, office and other commercial services.
- **Clause 18.01-3L Sustainable personal transport – Boroondara** seeks to support the creation of pedestrian friendly street environments and urban centre.
- **Clause 18.02-3R Principal Public Transport Network** includes the following strategy:
 - Maximise the use of existing infrastructure and increase the diversity and density of development along the Principal Public Transport Network, particularly at interchanges, activity centres and where principal public transport routes intersect.
- **Clause 18.02-4L-02 Car parking – Boroondara** seeks to ensure adequate user and visitor car parking is provided with use and development.
- **Clause 19.03-3S Integrated water management** seeks to sustainably manage water supply and demand, water resources, wastewater, drainage and stormwater through an integrated water management approach.

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- **Clause 19.03-3L Integrated water management** seeks to manage stormwater flow and quality before it enters waterways.
- **Clause 19.03-5S Waste and resource recovery** seeks to reduce waste and maximise resource recovery to reduce reliance on landfills and minimise environmental, amenity and public health impacts.

2.3 PLAN FOR VICTORIA

Released in March 2025, Plan for Victoria addresses emerging issues and a response to meet the needs of future generations. It is centred around the following five pillars; Self-determination and caring for Country, Housing for all Victorians, Accessible jobs and services, Great places, suburbs and towns, Sustainable environments.

2.4 PLAN MELBOURNE 2017-2050: METROPOLITAN PLANNING STRATEGY

The current metropolitan Planning Strategy, Plan Melbourne 2017-2050: Metropolitan Planning Strategy (Department of Environment, Land, Water and Planning, 2017), is in many respects a response to Melbourne's much faster than expected population growth and the desirability of more employment opportunities which are integral to community wealth, health and prosperity.

At page 12, the vision for Melbourne as 'a global city of opportunity and choice' anticipates outcomes including that 'Melbourne is a productive city that attracts investment, supports innovation and creates jobs' and that 'Melbourne provides housing choices in locations close to jobs and services'.

Relevant directions include:

- Improve access to jobs across Melbourne and closer to where people live. (Direction 1.2)
- Create development opportunities at urban renewal precincts across Melbourne (Direction 1.3)
- Manage the supply of new housing in the right locations to meet population growth and create a sustainable city (Direction 2.1)
- Deliver more housing closer to jobs and public transport (Direction 2.2)
- Increase the supply of social and affordable housing (Direction 2.3)
- Provide greater choice and diversity of housing (Direction 2.5)
- Create a city of 20-minute neighbourhoods (Direction 5.1)
- Transition to a low-carbon city to enable Victoria to achieve its target of net zero greenhouse gas emissions by 2050 (Direction 6.1)
- Integrate urban development and water cycle management to support a resilient and liveable city (Direction 6.3)

Hawthorn-Glenferrie Road is identified as a Major Activity Centre (refer to page 53). Relevant policy includes:

- Facilitate an increased percentage of new housing in established areas to create a city of 20 -minute neighbourhoods close to existing services, jobs and public transport (Policy 2.1.2 at page 47).
- Facilitate well-designed, high-density residential developments that support a vibrant public realm in Melbourne's central city (Policy 2.2.1 at page 50).
- Support new housing in activity centres and other places that offer good access to jobs, services and public transport (Policy 2.2.3 at page 50).

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It is explained that:

- Diversification will give communities access to a wide range of goods and services, provide local employment and support local economies and the development of 20-minute neighbourhoods. In many activity centres, this growth will include housing, particularly at higher densities.
- Projections indicate that around 65% of all new dwellings in Victoria will be in Melbourne's established areas, with 35% in growth area greenfield sites. Planning will be undertaken to ensure that the best parts of Melbourne are maintained and the benefits experienced in established inner and middle suburbs of Melbourne from compact, walkable neighbourhoods can also be realised in middle and outer areas. This approach will support greater housing diversity and offer better access to services and jobs. It will also encourage the right mix of housing by enabling local residents to downsize or upsize without leaving their neighbourhood.
- Activity centres are usually well served with public transport and offer access to a range of services and facilities. Many activity centres can support additional housing growth and will need flexibility, particularly where there is a significant population and household growth forecast. Activity centres with the greatest potential to attract investment and support more medium and higher density housing need to be identified.

2.5 VICTORIA'S HOUSING STATEMENT

The Victorian Government issued the Housing Statement in September 2023 to guide housing over the next decade. The Housing Statement acknowledges the difficulties that Victorians face with decreasing housing affordability due to high demand and low supply of housing. It seeks to address this by implementing a range of measures to boost supply including planning reforms. The Housing Statement places an emphasis on building more homes within established suburbs where there is existing infrastructure and to minimise urban sprawl.

2.6 OTHER RELEVANT DOCUMENTS

2.3.1 Glenferrie: Heart of Hawthorn Structure Plan 2011

This structure plan forms the basis of DDO15. It is not intended to repeat the contents of this structure plan given the main elements have already been extracted and implemented into the Scheme.

This structure plan is a reference document under the Scheme.

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SITE ADDRESS

ASSESSMENT AGAINST CLAUSE 58 – BOROONDARA

Better Apartment Design Standards

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58.01	Urban Context Report and Design Response
58.01-1 Application Requirements	An application must be accompanied by: • An urban context report. • A design response.
Assessment	A Design Report has been prepared by Wardle Architects and provides a response in accordance with Clause 58.01-1.

Complies

58.01-2 Urban Context Report	The urban context report may use a site plan, photographs or other techniques and must include: An accurate description of: • Site shape, size, orientation and easements. • Levels and contours of the site and the difference in levels between the site and surrounding properties. • The location and height of existing buildings on the site and surrounding properties. • The use of surrounding buildings. • The location of private open space of surrounding properties and the location of trees, fences and other landscape elements. • Solar access to the site and to surrounding properties. • Views to and from the site. • Street frontage features such as poles, street trees and kerb crossovers. • The location of local shops, public transport services and public open spaces within walking distance. • Movement systems through and around the site. • Any other notable feature or characteristic of the site. An assessment of the characteristics of the area including: • Any environmental features such as vegetation, topography and significant views. • The pattern of subdivision.
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- Street design and landscape.
- The pattern of development.
- Building form, scale and rhythm.
- Connection to the public realm.
- Architectural style, building details and materials.
- Off-site noise sources.
- The relevant NatHERS climate zones (as identified in Clause 58.03-1).
- Social and economic activity.

Any other notable or cultural characteristics of the area.

Assessment The Design Report prepared by Wardle Architects is to be read in conjunction with the architectural plans and this town planning submission. Collectively, these documents provide a holistic understanding of the site and surrounding context, including survey and street frontage information, contours, site dimensions, orientation, nearby asset details, the location, use and height of surrounding developments and the location of nearby open space, as well as solar access.

Complies

**58.01-3
Design Response**

The design response must explain how the proposed design:

- Responds to any relevant planning provision that applies to the land.
- Meets the objectives of Clause 58.
- Responds to any relevant housing, urban design and landscape plan, strategy or policy set out in this scheme.
- Selects materials and finishes for the external walls.
- Derives from and responds to the urban context report.

The design response must include correctly proportioned street elevations or photographs showing the development in the context of adjacent buildings. If in the opinion of the responsible authority this requirement is not relevant to the evaluation of an application, it may waive or reduce the requirement.

Assessment A Design Report has been prepared by Wardle Architects and adheres to the objectives set out in the Boroondara Planning Scheme (**the Scheme**).

Complies

58.02 Urban Context

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58.02-1 Urban Context Objectives	To ensure that the design responds to the existing urban context or contributes to the preferred future development of the area. To ensure that development responds to the features of the site and the surrounding area.
Standard D1	The design response must be appropriate to the urban context and the site. The proposed design must respect the existing or preferred urban context and respond to the features of the site.
Assessment	The proposed redevelopment of the subject site is responsive to the existing urban context and will contribute to the preferred future development of the area more generally. The location of the subject site within a major activity centre aligns with the Council and State Government's vision for consolidation and intensification of sites that are located in well-established urban areas, with access to public transport, community services and employment opportunities. For the reasons outlined within the body of this submission, the proposed development is considered to respond to the existing and preferred design outcomes for this urban setting. Complies
58.02-2 Residential Policy Objectives	To ensure that residential development is provided in accordance with any policy for housing in the Municipal Planning Strategy and the Planning Policy Framework. To support higher density residential development where development can take advantage of public and community infrastructure and services.
Standard D2	An application must be accompanied by a written statement to the satisfaction of the responsible authority that describes how the development is consistent with any relevant policy for housing in the Municipal Planning Strategy and the Planning Policy Framework.
Assessment	The planning submission comprehensively details how the development is consistent with the relevant policy considerations for the supply of housing conveyed in the Planning Policy Framework and Municipal Planning Strategy, as relevant. The subject site is preferred for higher density residential development due to the site's location with a major activity centre. Complies

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58.02-3 Dwelling Diversity Objective	To encourage a range of dwelling sizes and types in developments of ten or more dwellings.
Standard D3	Developments of ten or more dwellings should provide a range of dwelling sizes and types, including dwellings with a different number of bedrooms.
Assessment	Dwelling sizes range from 2 to 3 bedroom apartments, with various configurations and accessible layouts, providing an appropriate level of dwelling diversity. Complies
58.02-4 Infrastructure Objectives	To ensure development is provided with appropriate utility services and infrastructure. To ensure development does not unreasonably overload the capacity of utility services and infrastructure.
Standard D4	Development should be connected to reticulated services, including reticulated sewerage, drainage and electricity, if available. Development should not unreasonably exceed the capacity of utility services and infrastructure, including reticulated services and roads. In areas where utility services or infrastructure have little or no spare capacity, developments should provide for the upgrading of or mitigation of the impact on services or infrastructure.
Assessment	The development will not exceed the capacity of relevant utility services and is readily capable of connecting to the requisite services infrastructure. Any upgrades required to accommodate the redevelopment of the subject site will be the responsibility of the developer and are a function of achieving the Scheme's aspirations for the subject site and area more broadly. Complies
58.02-5 Integration with the Street Objective	To integrate the layout of development with the street. To support development that activates street frontage.
Standard D5	Development should be oriented to front existing and proposed streets. Along street frontage, development should: • Incorporate pedestrian entries, windows, balconies or other active spaces. • Limit blank walls. • Limit high front fencing, unless consistent with the existing urban context. Provide low and visually permeable front fences, where proposed.

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	• Conceal car parking and internal waste collection areas from the street.
	Development next to existing public open space should be designed to complement the open space and facilitate passive surveillance.
Assessment	The proposal takes advantage of its broad frontage to Glenferrie Road, with a central lobby space with clear legibility and a sense of address. Communal amenities, including a communal outdoor space area, face the rear laneway at the ground floor level, providing opportunities for passive surveillance and activation. Dwellings at the upper levels face Glenferrie Road and the rear laneway, with balconies and windows providing passive surveillance to and engagement with, the public realm. The development will provide for an interesting and active street frontage, including landscaped features coupled with the direct pedestrian and vehicle access points which are clearly and easily identifiable from the public realm.
	Complies

58.03	Site Layout
58.03-1 Energy Efficiency Objectives	To achieve and protect energy efficient dwellings and buildings. To ensure the orientation and layout of development reduce fossil fuel energy use and make appropriate use of daylight and solar energy. To ensure dwellings achieve adequate thermal efficiency.
Standard D6	Buildings should be: • Oriented to make appropriate use of solar energy. • Sited and designed to ensure that the energy efficiency of existing dwellings or small second dwellings on adjoining lots is not unreasonably reduced. Living areas and private open space should be located on the north side of the development, if practicable. Developments should be designed so that solar access to north-facing windows is optimised. Dwellings located in a climate zone identified in Table D1 should not exceed the maximum NatHERS annual cooling load specified in the following table.
Assessment	As outlined within the Sustainable Management Plan (SMP) prepared by GIW Environmental Solutions, the dwellings have been carefully designed to comply with the NatHERS maximum cooling loads (30M/J), as outlined in Table D1. The proposal is sited and designed to ensure that the energy efficiency of adjoining lots is not unreasonably reduced, noting the site’s separation from existing

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dwelling and absence of any existing photovoltaic solar panels affected by the development.

Complies

58.03-2 Communal Open Space Objective	To provide communal open space that meets the recreation and amenity needs of residents. To ensure that communal open space is accessible, practical, attractive, easily maintained. To ensure that communal open space is integrated with the layout of the development and enhances resident amenity.
Standard D7	A development of 10 or more dwellings should provide a minimum area of communal outdoor open space of 30 square metres. 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. This additional area may be indoors or outdoors and may consist of multiple separate areas of communal open space. Each area of communal open space should be: • Accessible to all residents. • A useable size, shape and dimension. • Capable of efficient management. • Located to: ○ Provide passive surveillance opportunities, where appropriate. ○ Provide outlook for as many dwellings as practicable. ○ Avoid overlooking into habitable rooms and private open space of new dwellings. ○ Minimise noise impacts to new and existing dwellings and existing small second dwellings. • Any area of communal outdoor open space should be landscaped and include canopy cover and trees.

Assessment	The proposal provides for 78 dwellings and 197.4 square metres of communal space, primarily located at the ground floor level, facing the rear laneway. This includes 30 square metres of outdoor open space. This meets the minimum requirement of 195 square metres (30 square metres + (2.5 square metres x 66 dwellings (78-12) = 165). The communal space provides for a range of amenities, such as shared kitchen, lounge area, recreation area (pool table), wellness centre and landscaped terrace at the ground floor level, facing the rear laneway, a communal lounge near the
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residential lobby at the ground floor level and a communal workshop in Basement Level 2. These amenities will meet the recreation and amenity needs of residents, are accessible and designed in a way that is practical and they can be easily maintained.

Complies

58.03-3 Solar Access to Communal Outdoor Open Space Objective	To allow solar access into communal outdoor open space.
Standard D8	The communal outdoor open space should be located on the north side of a building, if appropriate. 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.
Assessment	At least 15 square metres of the 30 square metres of communal outdoor open space will receive winter sunlight between 9am and 11am on 21 June. This meets the requirement for 50% of the communal outdoor open space to receive a minimum of two hours of sunlight between 9am and 3pm on 21 June. Winter shadow diagrams are included in the architectural plans. Refer to TP-9920 for details.
Complies	
58.03-4 Safety Objective	To ensure the layout of development provides for the safety and security of residents and property.
Standard D9	Entrances to dwellings should not be obscured or isolated from the street and internal accessways. Planting which creates unsafe spaces along streets and accessways should be avoided. Developments should be designed to provide good lighting, visibility and surveillance of car parks and internal accessways. Private spaces within developments should be protected from inappropriate use as public thoroughfares.
Assessment	The development is oriented towards both Glenferrie Road and the rear laneway. Dwelling balconies and terraces face these areas, providing passive surveillance to the immediate streetscape and surrounds. The basement car park is secure, with only residents and commercial users having access, from the corridor/ lift on the ground floor and basement levels.

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Within the internal corridors, dwelling entrances are easily identifiable from within the corridor due to the relatively short length of these spaces. The proposal ultimately provides for safe and secure entry spaces, with entrances having good visibility and surveillance from the street, as well as from various upper-level terraces and windows.

Complies

58.03-5 Landscaping Objectives	To provide landscaping that supports the existing or preferred urban context of the area and reduces the visual impact of buildings on the streetscape. To preserve existing canopy cover and support the provision of new canopy cover. To ensure landscaping is climate responsive, supports biodiversity, wellbeing and amenity and reduces urban heat.
Standard D10	Development should retain existing trees and canopy cover. Development should provide for the replacement of any significant trees that have been removed in the 12 months prior to the application being made. Development should: • Provide the canopy cover and deep soil areas specified in Table D2. Existing trees can be used to meet the canopy cover requirements of Table D2. • Provide canopy cover through canopy trees that are: ○ Located in an area of deep soil specified in Table D3. Where deep soil cannot be provided trees should be provided in planters specified in Table D3. ○ Consistent with the canopy diameter and height at maturity specified in Table D4. ○ Located in communal outdoor open space or common areas or street frontages. • Comprise smaller trees, shrubs and ground cover, including flowering native species. • Include landscaping, such as climbing plants or smaller plants in planters, in the street frontage and in outdoor areas, including communal outdoor open space. • 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. • Be supported by irrigation systems which utilise alternative water sources such as rainwater, stormwater and recycled water. • Protect any predominant landscape features of the area.

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- Take into account the soil type and drainage patterns of the site.
- Provide a safe, attractive and functional environment for residents.
- Specify landscape themes, vegetation (location and species), irrigation systems, paving and lighting.

Assessment

Due to the size of the subject site (1,625 square metres), Standard D10 requires:

- 175 square metres (150 + 25) of canopy cover.
- 10% (162.50 square metres) of the site areas as deep soil.
- 2 Type B trees or 1 Type C tree.

The requirement of the standard is not met however; the objective is having regard to the relevant decision guidelines:

- The site's context is not one where the extent of deep soil landscaping contemplated by the standard is evident either 'on the ground' or as a preferred future character outcome of policy. Rather, the site is located in an inner city, highly urbanised area, in a Commercial 1 Zone, within a major activity centre.
- Landscaping and deep soil planting opportunities are constrained, and the existing landscape features are limited to adjacent street trees along Glenferrie Road. Given the existing site is devoid of landscaping, the proposal achieves a significantly improved outcome.
- Substantial planters provide an appropriate landscaping outcome for the scale and locational context of the development. The planters provide for both small/medium canopy trees, with the planters cascading over the edge of the proposed building.

The proposal's landscape response appropriately balances the context, and the urban design and landscape character outcomes of the Scheme. It is responsive to and respectful of, the site's context and emerging character, in accordance with the objective of Clause 58.03-5.

Variation required

58.03-6

Access Objective

To ensure that vehicle crossovers are designed and located to provide safe access for pedestrians, cyclists and other vehicles.

To ensure the vehicle crossovers are designed and located to minimise visual impact.

Standard D11

Vehicle crossovers should be minimised.

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.

Pedestrian and cyclist access should be clearly delineated from vehicle access.

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The location of crossovers should maximise pedestrian safety and the retention of on-street car parking spaces and street trees.

Developments must provide for access for service, emergency and delivery vehicles.

Assessment

The development proposes to take vehicle access from the rear service laneway and in doing so, double the existing width of the laneway to provide convenient two-way movements.

The proposed vehicle access is limited to the minimum width required to facilitate two-way vehicle movements to ensure safe, convenient and efficient movement of vehicles.

Complies

58.03-7 Parking Location Objectives

To provide convenient parking for resident and visitor vehicles.

To protect residents from vehicular noise within developments.

Standard D12

Car parking facilities should:

- Be reasonably close and convenient to dwellings.
- Be secure.
- Be well ventilated if enclosed.

Shared accessways or car parks of other dwellings 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.

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Assessment

A secure car park is provided over 4 levels of basements. The basement levels will be ventilated, with convenient access to the dwellings via one central lift core and a communal staircase.

Complies

58.03-8 Integrated Water and Stormwater Management Objectives

To encourage the use of alternative water sources such as rainwater, stormwater and recycled water.

To facilitate stormwater collection, utilisation and infiltration within the development.

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.

Standard D13

Buildings should be designed to collect rainwater for non-drinking purposes such as flushing toilets, laundry appliances and garden use.



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Buildings should be connected to a non-potable dual pipe reticulated water supply, where available from the water authority.

The stormwater management system should be:

- 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).
- Designed to maximise infiltration of stormwater, water and drainage of residual flows into permeable surfaces, tree pits and treatment areas.

Assessment

Stormwater management and water sensitive urban design outcomes have been considered and addressed as part of the proposal and are to be undertaken in accordance with Council requirements.

Please refer to the SMP prepared by GIW Environmental Solutions for more details.

Complies

58.04 Amenity Impacts

58.04-1

Building Setback Objectives

To ensure the setback of a building from a boundary appropriately responds to the existing urban context or contributes to the preferred future development of the area.

To allow adequate daylight into new dwellings.

To limit views into habitable room windows and private open space of new and existing dwellings.

To provide a reasonable outlook from new dwellings and existing small second dwellings.

To ensure the building setbacks provide appropriate internal amenity to meet the needs of residents.

Standard D14

The built form of the development must respect the existing or preferred urban context and respond to the features of the site.

Buildings should be set back from side and rear boundaries, and other buildings within the site to:

- Ensure adequate daylight into new habitable room windows.
- Avoid direct views into habitable room windows and private open space of new and existing dwellings and existing small second dwellings. Developments should avoid relying on screening to reduce views.
- Provide an outlook from dwellings that creates a reasonable visual connection to the external environment.
- Ensure the dwellings are designed to meet the objectives of Clause 58.

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Assessment

The proposal’s built form is responsive to its urban context, with appropriate setbacks provided ensuring appropriate levels of daylight to new dwellings; views into habitable room windows and private open space of new and existing dwellings are limited; an excellent outlook from dwellings is provided; and an appropriate internal amenity to the dwellings is provided.

Complies

58.04-2 Internal Views Objective	To limit views into the private open space and habitable room windows of dwellings within a development.
Standard D15	Windows and balconies should be designed to prevent overlooking of more than 50 per cent of the private open space of a lower-level dwelling directly below and within the same development.

Assessment	Due to the location, orientation, setback of balconies and positioning of planters within the built form, there are limited opportunities for internal views.
	Complies

58.04-3 Noise Impacts Objectives	To contain noise sources in developments that may affect existing dwellings or small second dwellings. To protect residents from external and internal noise sources.
Standard D16	Noise sources, such as mechanical plants should not be located near bedrooms of immediately adjacent existing dwellings or small second 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 D5 should be designed and constructed to achieve the following noise levels: - Not greater than 35dB(A) for bedrooms, assessed as an LAeq,8h from 10pm to 6am. - Not greater than 40dB(A) for living areas, assessed LAeq,16h from 6am to 10pm. 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.

Assessment The building is not within a noise area specified in Table 3. Building services have been appropriately located. Appropriate noise attenuation measures will be used in constructing new dwellings, protecting the amenity of the residents from external and internal noise sources.

Additionally, and in respect of the existing building / infrastructure located at No. 844 Glenferrie Road, acoustic mitigation works have recently been undertaken to attenuate two existing kitchen exhaust fans (installation of podded attenuators) and acoustic enclosures have also been installed on two existing refrigeration units. The Acoustic Assessment prepared by Enfield, which accompanies this application confirms that; '...inclusive of the installed mitigation above, we are satisfied that the risk of reverse amenity noise impacts from the permitted development has been appropriately mitigated.' (p.9, Acoustic Report).

Please refer to the amended Acoustic report prepared by Enfield Acoustics for further details.

Complies

58.04-4 Wind Impacts Objective To ensure the built form, design and layout of development does not generate unacceptable wind impacts within the site or on surrounding land.

Standard D17 Development of five or more storeys, excluding a basement should:

- not cause unsafe wind conditions specified in Table D6 in public land, publicly accessible areas on private land, private open space and communal open space; and
- achieve comfortable wind conditions specified in Table D6 in public land and publicly accessible areas on private land

within a distance of half the greatest length of the building, or half the total height of the building measured outwards on the horizontal plane from the ground floor building façade, whichever is greater.

Trees and landscaping should not be used to mitigate wind impacts. This does not apply to sitting areas, where trees and landscaping may be used to supplement fixed wind mitigation elements.

Wind mitigation elements, such as awnings and screens should be located within the site boundary, unless consistent with the existing urban context or preferred future development of the area.

Assessment The Wind Assessment prepared by MEL Consultants demonstrates the development proposal achieves the wind comfort and safety criteria of Standard D17. The

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proposal does not result in the creation of any unacceptable wind impacts within the site or surrounding area.

Please refer to the accompanying Wind Assessment prepared by MEL Consultants for further detail.

Complies

58.05 On-Site Amenity and Facilities	
58.05-1 Accessibility Objective	To ensure the design of dwellings meets the needs of people with limited mobility.
Standard D18	At least 50 per cent of dwellings should have: • A clear opening width of at least 850mm at the entrance to the dwelling and main bedroom. • 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. • A main bedroom with access to an adaptable bathroom. • At least one adaptable bathroom that meets all of the requirements of either Design A or Design B specified in Table D7.
Assessment	The architectural plans and Clause 58 table contained therein confirms that 39 apartments, equating to 50% of dwellings, have been designed to be accessible and to meet the needs of people with limited mobility.
Complies	
58.05-2 Building Entry and Circulation Objectives	To provide each dwelling and building with its own sense of identity. To ensure the internal layout of buildings provide for the safe, functional and efficient movement of residents. To ensure internal communal areas provide adequate access to daylight and natural ventilation.
Standard D19	Entries to dwellings and buildings should: • Be visible and easily identifiable. • Provide shelter, a sense of personal address and a transitional space around the entry. The layout and design of buildings should: • Clearly distinguish entrances to residential and non-residential areas. • Provide windows to building entrances and lift areas.



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- Provide visible, safe and attractive stairs from the entry level to encourage use by residents.
- Provide common areas and corridors that:
 - Include at least one source of natural light and natural ventilation.
 - Avoid obstruction from building services.
 - Maintain clear sight lines.

Assessment The central dwelling entry is readily identifiable from both the exterior and interior. Internal corridors are provided with natural light and maintain clear sight lines throughout.

Corridors are provided with operable windows, allowing for natural light and ventilation to fill the common areas.

Complies

58.05-3 Private Open Space Objective To provide adequate private open space for the reasonable recreation and service needs of residents.

Standard D20 A dwelling should have private open space consisting of at least one of the following:

- 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.
- A balcony with at least the area and dimensions specified in Table D8 and convenient access from a living room.
- 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.
- An area on a roof of 10 square metres, with a minimum dimension of 2 metres 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 D8 should be increased by at least 1.5 square metres.

If the finished floor level of a dwelling is 40 metres or more above ground level, the requirements of Table D8 do not apply if at least the area specified in Table D9 is provided as living area or bedroom area in addition to the minimum area specified in Table D11 or Table D12 in Standard D25.

Assessment All dwellings have been provided with terraces or balconies that exceed the minimum area and depth requirements for areas of private open space for their dwelling type.

Complies

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58.05-4 Storage Objective	To provide adequate storage facilities for each dwelling.
Standard D21	Each dwelling should have convenient access to usable and secure storage space. The total minimum storage space (including kitchen, bathroom and bedroom storage) should meet the requirements specified in Table D10.
Assessment	Storage for all dwellings have been provided in accordance with the total and internal storage volume required for a dwelling. External storage cages are provided within the basement for any surplus storage required by future residents and will be allocated on an as needs basis.
	Complies

58.06 Detailed Design	
58.06-1 Common Property Objectives	To ensure that communal open space, car parking, access areas and site facilities are practical, attractive and easily maintained. To avoid future management difficulties in areas of common ownership.
Standard D22	Developments should clearly delineate public, communal and private areas. Common property, where provided, should be functional and capable of efficient management.
Assessment	Common property is easily identifiable and can be easily maintained.
	Complies
58.06-2 Site Services Objectives	To ensure that site services are accessible and can be installed and maintained. To ensure that site services and facilities are visually integrated into the building design or landscape.
Standard D23	Development should provide adequate space (including easements where required) for site services to be installed and maintained efficiently and economically. Meters and utility services should be designed as an integrated component of the building or landscape. Mailboxes and other site facilities should be adequate in size, durable, water-protected, located for convenient access and integrated into the overall design of the development.
Assessment	Mailboxes and services are appropriately located. The location of the mailbox within the residential entrance lobby is an outcome that accords with Australia Post requirements.

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Complies

**58.06-3
Waste and Recycling
Objectives**

To ensure dwellings are designed to encourage waste recycling.

To ensure that waste and recycling facilities are accessible, adequate and attractive.

To ensure that waste and recycling facilities are designed and managed to minimise impacts on residential amenity, health and the public realm.

Standard D24

Developments should include dedicated areas for:

- Waste and recycling enclosures which are:
 - Adequate in size, durable, waterproof and blend in with the development.
 - Adequately ventilated.
 - Located and designed for convenient access by residents and made easily accessible to people with limited mobility.
- Adequate facilities for bin washing. These areas should be adequately ventilated.
- 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.
- Collection, storage and reuse of garden waste, including opportunities for on-site treatment, where appropriate, or off-site removal for reprocessing.
- Adequate circulation to allow waste and recycling collection vehicles to enter and leave the site without reversing.
- Adequate internal storage space within each dwelling to enable the separation of waste, recyclables and food waste where appropriate.

Waste and recycling management facilities should be designed and managed in accordance with a Waste Management Plan approved by the responsible authority and:

- Be designed to meet the better practice design options specified in *Waste Management and Recycling in Multi-unit Developments* (Sustainability Victoria, 2019).
- Protect public health and amenity of residents and adjoining premises from the impacts of odour, noise and hazards associated with waste collection vehicle movements.

Assessment

Waste will be managed by way of 3 waste storage areas at ground floor (one residential and 2 retail bin stores) with collection to occur from the rear within the widened laneway. The Waste Management Plan prepared by Traffix Group provides full details.

Complies

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58.06-4 External Walls and Materials Objective	To ensure external walls use materials appropriate to the existing urban context or preferred future development of the area. To ensure external walls endure and retain their attractiveness.
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Standard D25	External walls should be finished with materials that: • Do not easily deteriorate or stain. • Weather well over time. • Are resilient to the wear and tear from their intended use. External wall design should facilitate safe and convenient access for maintenance.
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Assessment	The Design Report prepared by Wardle Architects explains and demonstrates the contextual basis for the proposed amended external wall materials and finishes. All materials are contextually derived and are known for their enduring quality and their ability to retain their attractiveness.
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The amended development has been driven by seeking an enhanced architectural outcome including through the selection of high-quality external materials and finishes.

Complies

58.07 Internal Amenity

58.07-1 Functional Layout Objective	To ensure dwellings provide functional areas that meet the needs of residents.
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Standard D26	Bedrooms should: • Meet the minimum internal room dimensions specified in Table D11. • Provide an area in addition to the minimum internal room dimensions to accommodate a wardrobe. Living areas (excluding dining and kitchen areas) should meet the minimum internal room dimensions specified in Table D12.
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Assessment	All dwellings comply with the minimum room size dimensions for both bedrooms and minimum room dimensions for living areas.
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Complies

58.07-2 Room Depth Objective	To allow adequate daylight into single aspect habitable rooms.
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Standard D27	Single aspect habitable rooms should not exceed a room depth of 2.5 times the ceiling height. The depth of a single aspect, open plan, habitable room may be increased to 9 metres if all the following requirements are met: • The room combines the living area, dining area and kitchen. • The kitchen is located furthest from the window. • 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. The room depth should be measured from the external surface of the habitable room window to the rear wall of the room.
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Assessment	Minor variations are proposed in respect of the maximum room depth for single-aspect habitable rooms within apartment types 01A-2B2B, 01B-2B2B, 02B-2B2B and 03-2B2B.
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These variations are considered appropriate for the following reasons:

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The exceedances are minor, with a maximum room depth of 9.6 metres. Ceiling heights exceed 2.7 metres, and the rooms comprise combined living, dining and kitchen spaces, with the kitchen located furthest from the window to prioritise daylight to primary living areas.

- 85% of living areas achieve the daylight factor requirements under BESS, satisfying the Indoor Environment Quality (IEQ) guidelines for daylight.

As contemplated by the standard, dual-aspect living rooms are capable of accommodating deeper living zones given their access to multiple sources of daylight.

Variation required

58.07-3 Windows Objective	To allow adequate daylight into new habitable room windows.
Standard D28	Habitable rooms should have a window in an external wall of the building. A window may provide daylight to a bedroom from a smaller secondary area within the bedroom where the window is clear to the sky. The secondary area should be: • A minimum width of 1.2 metres. • A maximum depth of 1.5 times the width, measured from the external surface of the window.
Assessment	All habitable rooms are provided with a window, allowing for natural light and ventilation.



Where daylight to a bedroom is provided from a smaller secondary area, the area is at least 1.2 metres wide and has a maximum depth of 1.5 times the width, in accordance with the minimum requirement of the standard.

Complies

**58.07-4
Natural Ventilation
Objectives**

To encourage natural ventilation of dwellings.
To allow occupants to effectively manage natural ventilation of dwellings.

Standard D29

The design and layout of dwellings should maximise openable windows, doors or other ventilation devices in external walls of the building, where appropriate.

At least 40 per cent of dwellings should provide effective cross ventilation that has:

- A maximum breeze path through the dwelling of 18 metres.
- A minimum breeze path through the dwelling of 5 metres.
- Ventilation openings with approximately the same area.

The breeze path is measured between the ventilation openings on different orientations of the dwelling.

Assessment

76.9% of dwelling have been provided with cross ventilation, well in excess of the requirements of the standard. Operable windows have been provided at various orientations within each dwelling where possible.

Complies

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