

PA2604314 – 18-30
Whitehorse Road, Deepdene



Planning Assessment Officer Report
Development Assessment



Department
of Transport
and Planning

OFFICIAL

Executive Summary



Key Information		Details	
Application No:	PA2604314		
Received:	27 March 2026		
Applicant:	VJ1830 Pty Ltd C-/ Tract		
Planning Scheme:	Boroondara		
Land Address:	18-30 Whitehorse Road, Deepdene		
Proposal:	Use and development of the land for mixed-use buildings, comprising dwellings and shops, a reduction to the number of car parking spaces required for residential visitor and shop parking and to create or alter access to a road in a Transport Zone 2		
Development Value:	\$32M		
Why is the Minister responsible?	In accordance with the schedule to Clause 72.01 of the Planning Scheme, the Minister for Planning is the Responsible Authority for matters to which clause 53.25 (Great Design Fast Track) applies.		
Why is a permit required?	Clause	Control	Trigger
Zone:	Clause 34.01	Commercial 1 Zone (C1Z)	Clause 34.01-1 – To use land for accommodation where ground floor frontage exceeds two (2) metres.
	Clause 34.01	Commercial 1 Zone (C1Z)	Clause 34.01-4 – To construct a building or construct or carry out works.
Overlays:	Clause 43.02	Design and Development Overlay – Schedule 16 (DDO16)	Clause 43.02-2 – To construct a building or construct or carry out works.
	Clause 45.03	Environmental Audit Overlay (EAO)	Applies to this development – No permit trigger.
	Clause 45.09	Parking Overlay (PO)	Applies to this development – No permit trigger.
Particular Provisions:	Clause 52.06	Car Parking	Clause 52.06-3 – To reduce the statutory car parking requirement for residential visitor and shop car parking spaces. - Land is located within Category 2 of the car parking requirements map.
	Clause 52.17	Native vegetation	N/A – vegetation is exotic.
	Clause 52.29	Land adjacent to a Principal Road network	Clause 52.29-2 – To create or alter access to a road in a Transport Zone 2.
	Clause 52.34	Bicycle Parking	Applies to this development – No permit trigger.
General Requirements and Performance Standards:	Clause 53.18	Stormwater Management in Urban Development	Applies to this development – No permit trigger.
	Clause 53.25	Great Design Fast Track	Applies to this development – No permit trigger.
	Clause 58	Apartment Developments	Applies to this development – No permit trigger.
Cultural Heritage:	The subject site is not located within an area of cultural heritage sensitivity therefore a Cultural Heritage Management Plan (CHMP) is not required.		



Total Site Area: Approximately 4,755 sqm.

Referral Authorities	Head, Transport for Victoria (HTfV) – (Clause 52.29-4) – s55 determining – supportive subject to conditions. Head, Transport for Victoria (HTfV) – (Clause 62.02-11) – s55 determining – supportive subject to conditions.
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Public Notice:	Boroondara City Council (the Council) – Section 52 notice – The Council objected raising a number of key issues, however they also provided broad support based on strategic context. Department of Energy, Environment and Climate Action (DEECA) – s52 notice (as public land manager to the adjoining land to the west (Anniversary Trail) – support subject to conditions. Notice of the application was undertaken and a total of 4 objections have been received (including from the Council). (Refer to 'notice' section of this report for further details).
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Delegates List:	Approval to determine under delegation received on 23 June 2026 .
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Recommendation:	Grant planning permit PA2604314.
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Application Process

1. The key milestones in the application process were as follows:

Milestone	Date
OVGA Review	20 February 2026
Clause 53.25 Eligibility Confirmation	20 March 2026
Application lodgement	2 April 2026
Further information requested	N/A
Further information received	N/A

Decision Plans	Architectural Plans, prepared by KTA (Kirsten Thomson Architects Pty Ltd), dated 20 March 2026.
Assessment Documents	- Design Statement and Urban Context Report, prepared by KTA, Revision No. 01, dated 20 March 2026. - Arboricultural Impact Assessment Report, prepared by Tree Logic Pty Ltd, dated 27 March 2026. - Planning and Urban Context Report, prepared by Tract, dated 27 March 2026. - Landscape Plan, prepared by Openwork, dated 13 March 2026. - Survey Plan Features and Levels, prepared by Reeds Consulting, dated 7 May 2025. - Sustainable Management Plan, prepared by GIW Environmental Solutions, Revision G, dated 17 March 2026. - Transport Impact Assessment, prepared by Eukai Pty Ltd, dated 24 March 2026. - Waste Management Plan, prepared By Leigh Design, dated 27 March 2026. - Environmental Wind Assessment report, prepared by MEL Consultants Pty Ltd, dated 29 January 2026. - Cover Letter, prepared by Tract, dated 27 March 2026. - Titles - Application Form.

2. The subject of this report is the decision plans (as described above).

Proposal Summary

3. The proposal is for the use and development of the land for mixed-use buildings, comprising dwellings and shops, a reduction to the number of car parking spaces required for residential visitor and shop parking and to create or alter access to a road in a Transport Zone 2.
4. The development includes 4 separate buildings with the two central buildings comprising 6-storeys and the two outer most buildings will be 3 to 4 storeys. The heights will range from 16.3 m to a maximum height of 22.34 m. (Refer to Figures 1 and 2 for north and west elevations respectively and Figure 3 for photomontage when viewed from Whitehorse Road).
5. Specifically, the application includes:
 - At the Ground level, the development is proposed to contain two retail tenancies comprising 207 sqm of area and an indoor communal area (wellness centre) comprising 115 sqm. A total area of 106 sqm of outdoor communal space is also proposed. (Refer to Figure 4).
 - At Basement 1 level, the development is proposed to contain one tenancy comprising 83 sqm of retail area, including 17 sqm of outdoor space.
 - A total of 76 residential dwellings (apartments). The proposed typology mix is as follows:
 - 9 x 1-bedroom apartments
 - 29 x 2-bedroom apartments
 - 34 x 3-bedroom apartments
 - 4 x 4-bedroom apartments.
 - Two levels of basement containing a total of 139 on-site car parking spaces (136 spaces for residents and 3 spaces for the shop staff).
 - A total of 102 bicycle spaces will be provided, comprising 98 spaces on Basement 1 level and 4 spaces within Ground level.
 - A reduction of 15 car parking spaces is sought for the residential visitor spaces and a reduction of 4 spaces is sought for shop spaces.
 - A new, 6.4 m wide crossover from Whitehorse Road (a designated arterial road) is proposed to access the Basement levels and the existing crossover at street level will be replaced with footpath.
 - Removal and pruning of exotic vegetation (no permit required).
 - Materials and finishes include warm brick, metal, aluminium and acrylic render, in brown, beige, grey tones.



Figure 1 – North elevation (Whitehorse Road) – Source: Application





Site Description

6. The site is formally described as comprising the following land parcels:
 - Lot 1 on TP599382A – 18-24 Whitehorse Road, Deepdene.
 - Lot 2 on PS043711 – 1/26 and 2/26 Whitehorse Road, Deepdene.
 - Lot 3 on PS043711 – 28 and 30 Whitehorse Road, Deepdene.
7. The subject site is located on the southern side of Whitehorse Road, with a street frontage of approximately 56 m, and a combined site area of approximately 4, 755 sqm. The western boundary interfaces directly with the Anniversary Trail, (Crown land that provides for a pedestrian and cycling corridor), while the eastern boundary adjoins existing residential properties and community facilities.
8. The site benefits from vehicular access via an existing crossover along Whitehorse Road, with no formal access provided via any of the other interfaces. The site does not have a southern boundary. The site contains predominantly brick buildings which are currently unoccupied. The two main buildings were recently occupied by Outdoor Ellis Living, with large glazed openings at ground level. The other was occupied by a single-storey commercial premises which formerly operated as a garden centre and cafe, with a glazed shopfront and an outdoor seating area that provided a level of activation to the street frontage.
9. The site has a gradual slope from southwest to northeast, with a fall of approximately 8 metres from the southern corner to the northeastern corner of the site. Whilst not located within the site, the canopies of a number of large trees in the Anniversary Trail reserve project into the site.
10. There are several easements on the various applicable titles described below:
 - Easement E-2 – carriageway easement over Lot 2 benefitting Lots 1 and 3 (subject site).
 - Easement E-3 – set aside for drainage and protection of plumbing over Lot 2 and in favour of Lot 3 (subject site).
 - Easement E-4 – affects Lots 2 and 3 and is for the purpose of sewerage.
 - Road R1 – traverses the centre of the site and is not listed on Council's road register and acts as a carriageway easement and drainage easement.
11. Lot 3 contains a covenant (Dealing No. 1103536) and a variation of covenant (2600218R) which imposes the following restriction:

'transferees will not at any time hereafter erect or permit or suffer to be erected upon the said Lot or any part thereof any dwelling the main roof of which shall be corrugated iron nor shall such erection be at a lessor distance than Twenty five feet from the Street on which the Lot abuts nor will they at any time carry on quarrying operations upon the said Lot nor take or remove therefrom any gravel or sand except such as may be required for use in erecting the said dwelling or other erections thereon.'
12. Legal advice was submitted by the applicant on 19 May 2026 confirming that the proposal will not be in breach of the covenant. The Legal advice, prepared by Hunt and Hunt Lawyers, dated 19 May 2025 (presumably 2026), states that the restrictions have been legally modified and the 'Presumption of Regularity' has been applied in accepting that the Covenant has been properly and legally effectively modified to remove the requirement of a building setback from the front boundary and the roof material not to be corrugated iron.

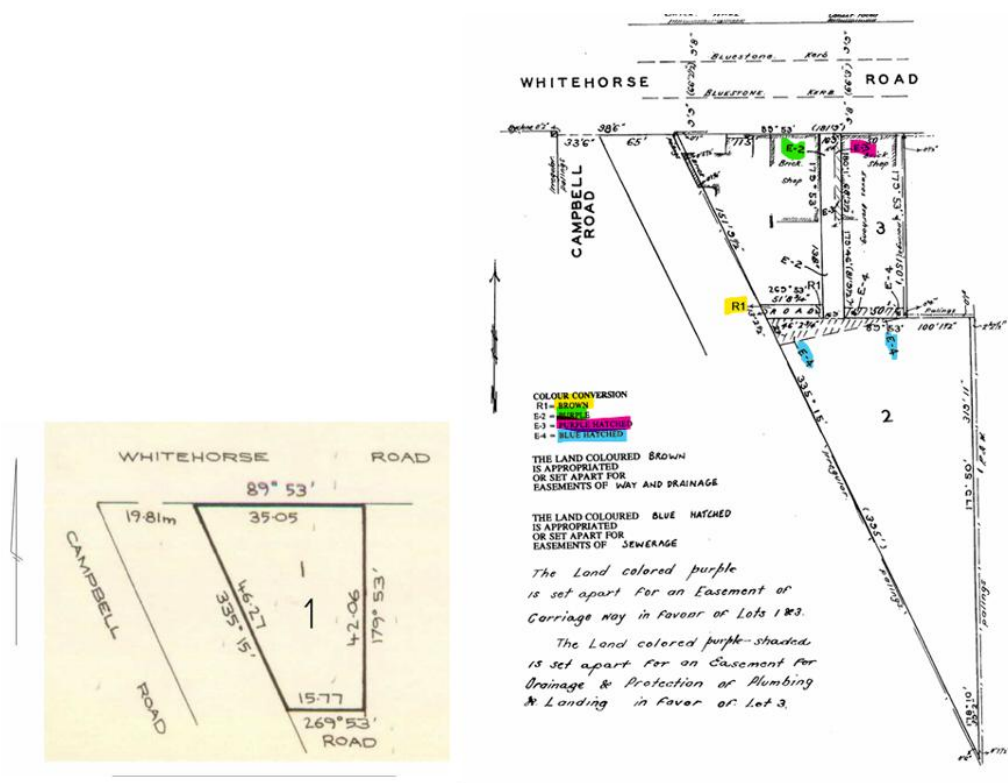


Figure 5 – Lot 1, TP599382A (Left) and Lots 2 and 3, PS043711 (Right) – Source: Application

Site Surrounds

13. The subject site is located on the southern side of Whitehorse Road (an arterial road) and within the Deepdene neighbourhood Centre.
14. The immediate surrounds generally include:
 - To the **north** is Whitehorse Road, a major arterial road that forms part of the principal road network and accommodates the 109 tram route, providing a route from Box Hill to Port Melbourne and traversing the CBD. The road reserve includes wide footpaths and established trees. Opposite the site, on the northern side of Whitehorse Road, is a mix of residential and commercial properties, including buildings of 1-3 storeys in scale.
 - To the **east** the site adjoins a row of commercial and residential buildings, including the Deepdene Scout Hall, a two-storey multi apartment complex at 31 Barnsbury Road, Deepdene and a three-storey retirement village building at 27 Barnsbury Road, Deepdene. The commercial buildings to the east of the site fronting Whitehorse Road are built to the street frontage and contribute to an active street interface. Further afield lies Deepdene Park, a significant open space that includes recreational facilities such as the Deepdene Tennis Club.
 - To the **west** is the Anniversary Trail, a pedestrian and cycling corridor, providing a green buffer between the site and the adjoining residential properties. The portion of the Anniversary Trail reserve along the north-western site boundary contains a car park which is reserved for staff of the local primary school. Campbell Road is further west (the other side of the Anniversary Trail) and provides access to adjoining residential properties. Further west are non-residential uses including the Our Lady of Good Counsel Church and Primary School. Land further afield is used for residential purposes.

- To the **south** is the continuation of the Anniversary Trail. Further south-east and south-west are residential properties, predominantly single and double storey.

15. The site is also well serviced by community infrastructure in the area, which contribute to the social and economic vibrancy of the area and provide for the following key services:

- St Georges Hospital – approximately 900 m.
- Genezzano College – approximately 550 m.
- Deepdene Primary School – approximately 200 m.
- Our lady of Good Counsel Church and Primary School – approximately 50 m.
- Reservoir Reserve – approximately 400 m.
- Deepdene Park – approximately 400 m.
- Deepdene Tennis Club – approximately 400 m.
- Anniversary Trail – adjoining site.
- Deepdene Scout Hall – adjoining site.

16. In summary, the subject site is well serviced by a range of amenities and services to service the everyday needs of residents, expected of any established urban settlement.



Planning Policy Framework

17. The Planning Policy Framework (PPF) provides the broad policy direction within the Victoria Planning Provisions. The planning principles set out under the PPF are to be used to guide decision making on planning proposals across the state. The following policies are considered relevant to this assessment:

- Clause 02 – Municipal Planning Strategy
 - Clause 02.01 Context
 - Clause 02.02 Vision
 - Clause 02.03 Strategic Directions
 - Clause 02.04 Strategic Framework Plans
- Clause 11 – Settlement
 - Clause 11.01-1S – Settlement
 - Clause 11.02-1S – Development Capacity
 - Clause 11.03-1L-04 – Neighbourhood Centres. Local Centres, Commercial Corridors
- Clause 12 – Environmental and Landscape Values
 - Clause 12.01-1L – Protection of Biodiversity - Boroondara
- Clause 13 – Environmental Risks and Amenity
 - Clause 13.04-1S – Contaminated and Potentially Contaminated Land
 - Clause 13.05-1S – Noise Management
- Clause 15 – Built Environment and Heritage
 - Clause 15.01-1S – Urban Design
 - Clause 15.01-1L-02 – Neighbourhood Centres and Commercial Corridors Built Form
 - Clause 15.01-2S – Building Design
 - Clause 15.01-4S – Healthy Neighbourhoods
 - Clause 15.01-5S – Neighbourhood Character
- Clause 16 – Housing
 - Clause 16.01-1S – Housing Supply
 - Clause 16.01-1L – Housing - Boroondara
 - Clause 16.01-2S – Housing Affordability
- Clause 18 – Transport
 - Clause 18.01-1S – Land Use and Transport Integration
 - Clause 18.01-3S – Sustainable and Safe Transport
 - Clause 18.02-2S – Cycling
 - Clause 18.02-4L-02 – Car Parking - Boroondara

Zoning and Overlays

Zoning

18. The site is located within the Commercial 1 Zone (C1Z).



19. Pursuant to Clause 34.04-1, a permit is required to use the land for accommodation (dwellings) if any frontage at ground level exceeds 2 metres.
20. Pursuant to Clause 34.01-4, a permit is required to construct a building or construct or carry out works.
21. The purpose of the C1Z is:
 - *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
 - *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.*

Overlays

22. The subject site is affected by a range of overlays including the Design and Development Overlay, Schedule 16 (DDO16), the Environmental Audit Overlay (EAO), the Parking Overlay, Schedule 1 (PO1) and it abuts a Transports Zone Schedule 2 (TRZ2).

Clause 43.02 – Design and Development Overlay, Schedule 16 (DDO16)

23. Pursuant to Clause 43.02-2, a permit is required to construct a building or construct or carry out works.
24. The subject site is located within the ‘Deepdene Neighbourhood Centre - Built Form Areas’ (Map 12). (Refer to Figure 6).



Figure 6 – Map 12 to Schedule 16 to Clause 43.02 (Subject site highlighted in yellow) – Source: Boroondara Planning Scheme

25. The Design objectives of the DDO16 include:
 - *To ensure the height and setbacks of development maintain and enhance the established streetscape and traditional, low-rise, high street character of neighbourhood centres.*
 - *To achieve innovative, high quality architectural design that makes efficient use of land while enhancing the appearance and strengthening the identity of the neighbourhood centres.*
 - *To ensure appropriate development that is complementary to the existing neighbourhood character and has regard to adjoining residential amenity.*

- *To ensure development respects and enhances identified heritage buildings and precincts.*

Clause 45.03 – Environmental Audit Overlay (EAO)

26. The subject site is included within an EAO.

27. A planning permit is not triggered however the EAO provisions apply.

28. The relevant purpose of EAO include:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To ensure that potentially contaminated land is suitable for a use which could be significantly adversely affected by any contamination.*

29. Pursuant to Clause 45.03-1, the following documents must be provided before a sensitive use commences or before the construction or carrying out of buildings and works in association with such uses commences:

- *A preliminary risk screen assessment statement in accordance with the Environment Protection Act 2017 must be issued stating that an environmental audit is not required for the use or the proposed use; or*
- *An environmental audit statement under Part 8.3 of the Environment Protection Act 2017 must be issued stating that the land is suitable for the use or proposed use; or*
- *A certificate of environmental audit must be issued for the land in accordance with Part IXD of the Environment Protection Act 1970; or*
- *A statement of environmental audit must be issued for the land in accordance with Part IXD of the Environment Protection Act 1970 stating that the environmental conditions of the land are suitable for the use or proposed use.*

Clause 45.09 – Parking Overlay, Schedule 1 (PO1) (Category 2 map)

30. The subject site is affected by the Parking Overlay, Schedule 1 (PO1).

31. A planning permit is not required pursuant to the PO1 because the proposal incorporates car parking spaces in accordance with the requirements of the PO1 for dwellings and visitors.

32. The relevant objective of the PO1 include:

- *To identify appropriate car parking rates for land uses in various activity centres throughout the municipality.*

33. Schedule 1 to the PO specifies the following minimum car parking requirement:

- *One (1) space to each one or two bedroom dwelling, plus*
- *Two (2) spaces to each three or more bedroom dwelling, plus*
- *One (1) space for visitors to every five dwellings for development of five or more dwellings.*

Particular Provisions

Clause 52.06 (Car Parking)

34. Clause 52.06-2 specifies that before a new use commences, the number of car parking spaces required by Clause 52.06-5 or in a schedule to the Parking Overlay must be provided to the satisfaction of the responsible authority.
35. The applicable car parking rates for this application are set out in Schedule 1 to the Parking Overlay (set out above) for residential dwellings and rates set out in Clause 52.06-5 are applicable for retail/shop uses.
36. Figure 7 reflects the statutory requirements for the proposed development, as submitted by the applicant, which has been checked as an accurate assessment.

Use		Size	Statutory Parking Rate	Statutory Parking Requirement	Proposed Provision
Residential	1-bedroom	9 dwellings	1 space per dwelling	9 spaces	136 spaces
	2-bedroom	29 dwellings	1 space per dwelling	29 spaces	
	3+-bedroom	38 dwellings	2 spaces per dwelling	76 spaces	
	Visitor	76 dwellings	1 space per 5 dwellings	15 spaces	-
Shop		362 sqm	2 spaces per 100sqm	7 spaces	3 spaces
Total				136 spaces	139 spaces

Figure 7 – Statutory requirements for the proposed development – Source: Application documents

37. The table above indicates that a reduction in car spaces is sought for residential visitors (15 spaces) and for shop parking (4 spaces). Therefore, a reduction of 19 car parking spaces is sought pursuant to Clause 52.06-3.

Clause 52.17 (Native Vegetation)

38. A planning permit is not required pursuant to Clause 52.17 of the Boroondara Planning Scheme (the Scheme), because the vegetation to be removed or pruned is not native vegetation but rather exotic species and therefore this provision does not apply.

Clause 52.29 (Land Adjacent to the Principal Road network)

39. Pursuant to Clause 52.29-2 a permit is required to create or alter access to a road in a Transport Zone 2. Whitehorse Road is in a TZ2.
40. The purpose of Clause 52.29 is:
- 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.

Clause 52.34 (Bicycle Facilities)

41. Clause 52.34-1 specifies that a new use must not commence until the required bicycle facilities have been provided on the land.
42. For the proposed dwellings, the proposal generates a statutory provision of 15 spaces for employees and 8 spaces for visitors (23 spaces in total). Furthermore, no spaces are required for the proposed shops.
43. A total of 102 bicycle spaces is proposed within the development. Accordingly, no planning permit is triggered under this clause.

General Requirements and Performance Standards

Clause 53.18 (Stormwater Management in Urban Development)

44. Clause 53.18 applies to the buildings and works of this application. The clause includes standards and objectives relating to stormwater treatment and reuse.



45. A Stormwater Management Plan (SMP) was submitted with the application outlining how the proposal responds to the provisions of Clause 53.18.

Clause 53.25 (Great Design Fast Track)

46. The purposes of the GDFT is to:

- *To facilitate innovative dwelling, apartment and mixed-use residential development.*
- *To facilitate development that increases the density and diversity of dwellings to respond to Victoria's population growth.*
- *To facilitate the development of dwellings with convenient access to public transport, and community, retail and other services.*
- *To facilitate development that is of a high quality in its design, liveability and sustainability.*

47. The provisions of Clause 53.25 apply to this development given that all of the application requirements under clause 53.25-1 have been met as summarised within the table below.

Application requirement	DTP assessment
<i>The applicant submits written confirmation that the application is an application to which this clause applies.</i>	The applicant has provided a comprehensive planning report which confirms that the application is an application to which this clause applies. Complies – requirement met.
<i>The application includes the construction of at least eight dwellings.</i>	The application involves 76 dwellings. Complies – requirement met.
<i>Any proposed building contains at least two storeys and not more than eight storeys.</i>	The application is for a 6-storey building. Complies – requirement met.
<i>The proposed development achieves a minimum NatHERS rating of:</i> • <i>8.0 stars average, with no individual dwelling less than 6.5 stars for apartment developments.</i>	The submitted SMP confirms that the apartments will achieve an average of 8.0 stars, and no individual apartments will achieve less than 6.5 stars. Complies – requirement met.
<i>Each proposed dwelling provides effective natural ventilation, which includes cross ventilation, single sided ventilation or mechanically assisted ventilation.</i>	The submitted SMP confirms that 100% of the apartments are effectively naturally ventilated, including 87% (66 out of 76 dwellings) cross ventilated. 10 out of the 76 dwellings achieve effective single sided or mechanically assisted ventilation in accordance with this requirement. Complies – requirement met.
<i>The Minister for Planning has advised in writing that they are satisfied the proposed use or development of land for accommodation (other than camping and caravan park, group accommodation, residential hotel and small second dwelling) is of significance having regard to:</i> • <i>The purpose of clause 53.25.</i> • <i>Whether the quality of the design, liveability and sustainability of the proposed development meets the design principles published by the Minister for Planning on the Department's Internet site for the purposes of clause 53.25 ('the design principles').</i> • <i>The location of the proposed development and whether it has convenient access to jobs, services, infrastructure and</i>	By way of DTP eligibility letter issued on 20 March 2026, the letter confirms that: • The proposed development is consistent with the purpose of Clause 53.25 – Great Design Fast Track. • The proposed development has convenient access to jobs, services, infrastructure and community facilities. • The quality of the design, liveability and sustainability of the proposed development meets the design principles published by the Minister for Planning, as advised by the Office of the Victorian Government Architect (OVGA) on 20 February

community facilities.

Information demonstrating that the proposed development meets the design principles is provided to the satisfaction of the Minister for Planning. This must include written advice from the Office of the Victorian Government Architect to the satisfaction of the Minister for Planning.

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 (Department of Jobs, Skills, Industry and Regions) to the satisfaction of the Minister for Planning.

2026.

- The OVGA has provided a detailed report dated 20 February 2026 assessing the application against the GDFT principles (addressed to the Minister for Planning) during the pre-application phases. Furthermore, a letter dated 20 February 2026 addressed to the Minister for Planning from the OVGA was prepared confirming that the proposal meets the design principles and supports the proposal for entry into the GDFT pathway.
- Invest Victoria, under delegation, has provided written advice indicating that the project is financially feasible on 4 February 2026.

Complies – requirements met.

48. On this basis, the provisions of Clause 53.25 are applicable to this application.
49. Furthermore, it should be noted that Clause 53.25-2 allows the responsible authority to waive or vary any of the following:
- A minimum garden area requirement.
 - Any building height or setback requirement.
 - A condition opposite a use in Section 2 in a zone or a schedule to a zone.

Clause 58 (Apartment Developments)

50. Clause 58 applies to an application for an apartment development if the apartment development is in the Commercial 1 Zone.
51. A detailed assessment against Clause 58 has been undertaken at **Appendix A** of this report.

Planning Scheme Amendments

52. **Amendment C108** to the Boroondara Planning Scheme implemented the findings of the *Neighbourhood Centres and Commercial Corridors Guidelines 2014*, which ultimately resulted in the gazettal of the built form controls for the site. These controls were gazetted in April 2015 and are over 10 years old.
53. In preparing Amendment C108, Council contemplated greater building height at the site, which was proposed through an earlier version of the proposed DDO. Specifically, the exhibited amendment documentation contemplated a mandatory building height of 14.5 metres above NGL (4–5 storeys) for the site, which could be increased to 15.5 m above NGL where slope allows. This height control was later revised by Council to 11 metres following exhibition.
54. However, the Panel Hearing which considered the amendment, supported the previous height (14.5m), recommending also that this height be applied as a discretionary height. This recommendation was ultimately not pursued by Council, and the Minister for Planning at that time approved against panel directions.



Referrals

56. The application was referred to the following groups:

Provision / Clause	Organisation	Date response received
Section 55 Referral – Determining – (Clause 52.29-4)	Head, Transport for Victoria	3 June 2026
Section 55 Referral – Determining – (Clause 66.02-11)	Head, Transport for Victoria	3 June 2026

57. **Head, Transport for Victoria (HTfV)** provided a response on 3 June 2026 confirming no objections to the grant of a permit, subject to conditions. The conditions relate to the construction of the crossover driveway, vehicles to enter and exit in a forward direction, the removal and reinstatement of disused or redundant crossings along Whitehorse Road, avoidance of disruption to tram operations and ensure that all track, tram and overhead infrastructure is not altered or damaged. A permit note is also included regarding obtaining separate approval under the *Road Management Act 2004* for the construction of a crossover.

Municipal Council Comments

58. City of Boroondara (the Council) was notified of the application under section 52(1)(b) of the *Planning and Environment Act 1987*.

59. The Council considered the application at its Urban Planning Special Committee Meeting on 1 June 2026. The Council resolved to provide a submission of broad support for the proposal based on the strategic context but with a series of key issues raised (objection). The key matters raised by the Council relate to building height and setbacks, architectural treatment and public realm, on-site amenity and facilities, off-site amenity impacts, Environmentally Sustainable Design (ESD), car parking, provision of floor space and Good Value Homes Principle.

60. The key matters raised by the Council and a response are included in detail at **Appendix B** of this report.

Department of Energy, Environment and Climate Action (DEECA) Comments

61. DEECA was notified of the application under section 52(1)(b) of the *Planning and Environment Act 1987*, given the adjoining Anniversary Trail is managed by DEECA as Crown land.

62. DEECA support the proposal subject to the inclusion of 5 conditions and a note, relating to no encroachment of or formal access to or from the Crown land, no discharge of polluted or sediment laden run-off directly or indirectly onto the Crown land, no services directed to or located on the Crown land, no pathways to be created on the Crown land from the subject site and no removal of vegetation from within the Crown land (except for Tree No. 45) and the pruning of branches overhanging the subject site without prior written consent. The note relates to appropriate authorisation to be obtained to use, occupy or access the Crown land.

Notice

63. The application **is not exempt** from the notice requirements of section 52(1)(a), (b) and (d), pursuant to Clause 34.01 (C1Z), Clause 43.02 (DDO) and Clause 52.06 (Car parking) of the Scheme.

64. The application **is exempt** from the decision requirements of section 52(1)(a),(b) and (d), section 64(1), (2) and (3) and the review rights of section 82(1) of the *Planning and Environment Act 1987* (the Act) pursuant to Clause 52.29-5 of the Scheme.

65. However, **Clause 53.25-4** (GDFT) of the Scheme **exempts** the decision requirements of sections 64(1), (2) and (3) and the review rights of section 82(1) of the Act for an application under any provision of the Scheme.



66. The applicant was directed to give notice by way of erecting two signs on the site and notifying adjoining and nearby owners and occupiers.
67. Department of Transport and Planning (DTP) gave notice to Department of Energy, Environment and Climate Action (DEECA), as the public land manager of the adjoining land to the west (Anniversary Trail) and the relevant municipal Council (City of Boroondara).
68. A total of 4 objections (including from the Council) were received at the time of this report raising key concerns with impact of excavation, traffic and parking, building height, architectural treatment, lack of public realm activation, eastern boundary fence, insufficient Environmentally Sustainable Design (ESD) outcomes, fails to adequately address Principle 7 – Good Value Homes of the Great Design Fast Track Design Principles and amenity impacts such as overshadowing and noise.
69. The matters raised in objections are discussed in detail at **Appendix C** of this report

Strategic Direction

70. The Planning Policy Framework encourages appropriate land use and development which enhances the built environment, supports economic growth, meets the community expectations on retail and commercial provision, delivers diversity in housing supply to meet existing and future needs, and integrates transport and infrastructure planning. The Municipal Planning Strategy and Planning Policy Framework in the Boroondara Planning Scheme has been considered in detail in the assessment of this application.
71. Clause 02.04 Strategic Framework Plan identifies the site as being within the Neighbourhood Centre where development within this designation is expected to support the role of the centre as a sustainable and multi-functional destination for the local community. Future proposals should facilitate a mix of uses including retail, office and residential, promote site-responsive design that enhances accessibility and integration with the public realm, and ensure that non-retail activities are directed to upper levels or the periphery of the centre. Development must also protect the amenity of adjoining residential areas and reflect the scale and function appropriate to its role within the municipal hierarchy.



Figure 8 – Strategic Framework Plan – Source: Boroondara Planning Scheme (modified by DTP)

72. The proposal seeks to deliver 76 residential dwellings and shops across 4 separate buildings, with the two central buildings comprising 6 storeys in height and the two outer most buildings 3 to 4 storeys in height.
73. The proposed development will benefit from access to the existing services situated in Deepdene Neighbourhood Centre, with the future residents likely to support local businesses and further enhance the social and economic role



of the centre. Further, the development is reflective of sustainable urban growth through building on an opportunity for infill development in a well serviced and established area, with public open space, civic and educational facilities, retail and services and public transport connections all within close proximity to the site. The development of this site for medium density housing will result in the realisation of a 20-minute neighbourhood for the future residents, which on account of the varied apartment typologies, will offer choice in housing for a number of family/living structures. It should be noted that a number of the apartments will also contain bedrooms that can be adapted as a lounge room or a study space for the future residents. For the reasons outlined above, the proposal accords with Clause 02.03-1 (Settlement), Clause 11.01-1S (Settlement), Clause 11.02-1S (Development capacity) and Clause 16.01-1S (Housing supply).

74. Whilst the proposal is predominately residential in nature, the development seeks to respect the site's location within the Deepdene Neighbourhood Centre. Acknowledging that neighbourhood centres seek to support and protect retail land uses, the development makes provision for a series of ground floor retail tenancies fronting Whitehorse Road that will activate this interface. Further, it is noted that the provision of greater density in an activity centre location builds upon the principles for Plan for Victoria and adds to the vibrancy and economic vitality of the neighbourhood activity centre. For the reason outlined above, the proposal accords with Clause 11.03-1L-04 (Neighbourhood centres, local centres, commercial corridors).
75. The proposed landscape strategy seeks to create habitat corridors that link with the adjoining Anniversary Trail. A range of indigenous and native species will be planted, including canopy trees, to ensure that the private gardens and communal areas provide valuable habitat for local fauna species. For the reasons outlined above, the proposal accords with Clause 02.03-2 (Environmental and landscape values) and Clause 12.01-1L (Protection of biodiversity – Boroondara).
76. The proposed residential development has been designed to minimise off-site amenity impacts, through the spacing of buildings and variation of building heights to respond to site features and the sensitivity of respective interfaces. Specifically, Buildings B and C propose greater heights than Buildings A and D as Buildings B and C are centrally located and are less likely to overshadow or impose upon the adjoining residential properties and the Whitehorse Road streetscape. The development recognises and protects the "garden suburb" character of Boroondara through providing opportunities for canopy tree planting between and around the built forms, following the design strategy: 'urban villas in a landscape setting'. In addition to enhancing the internal amenity for residents, generous landscaping also softens the interface to adjoining residential properties. The use of brickwork across the development is reminiscent of interwar/postwar architectural character and a number of significant local buildings including the Deepdene Scout Hall. For the reasons outlined above, the proposal accords with Clause 02.03-4 (Built Environment and Heritage), Clause 15.01-1S (Urban Design), Clause 15.01-2S (Building Design) and Clause 15.01-5S (Neighbourhood Character).
77. The proposed development achieves an average 8.0-star NatHERS energy rating, demonstrating excellent energy performance through siting and design measures in accordance with Clause 15.01-2S (Building design).
78. The proposed development provides a diversity housing types that cater for a range of needs. Whilst two (2) and three (3) bedroom typologies represent the majority of proposed housing stock, they will be complemented by a number of one (1) and four (4) bedroom apartments. Furthermore, a number of typologies make provision for an adaptable bedroom which has been designed with a large sliding door, making it suitable as a study or extension to the living room. This design strategy will ensure that the housing stock remains usable irrespective of changing housing demands. At least 50 per cent of apartment typologies have been designed in accordance with Standard D18 of Clause 58 to meet the needs of people with limited mobility. Finally, the supply of a greater number of apartments will assist in increasing supply, which plays a critical role in stabilising housing pricing. For the reasons outlined above, the proposal accords with Clause 02.03-5 (Housing) and Clause 16.01-2S (Housing affordability).
79. To facilitate active transport, substantial visitor and resident bicycle spaces are at Basement 01 and Ground Level. The site is well positioned to take advantage of the Anniversary Trail which provides a direct cycle route to Kew East and Camberwell East. Further, future residents will also benefit from access to the 109-tram route and the 548-bus route. For the reasons outlined above, the proposal accords with Clause 02.03-7 (Transport), Clause 18.01-1S (Land

use and transport integration), Clause 18.01-3S (Sustainable and safe transport), Clause 18.01-3L (Sustainable personal transport), Clause 18.02-2S (Cycling) and Clause 18.02-4L-02 (Car parking – Boroondara).

80. Overall, the proposed development responds appropriately to the strategic direction that has been established for Deepdene pursuant to the Scheme.

Land Use

81. The proposed retail uses are Section 1 Uses (no permit required) pursuant to the Commercial 1 Zone and therefore do not require planning permission and evidently are appropriate, given the site's location and zoning.
82. The residential dwellings (apartments) require planning permission because two dwellings (namely A-001 and A-002) have Ground Floor frontage that exceeds 2 metres, which is the threshold for whether accommodation requires permission under Clause 34.01-1. It should be noted that technically these two apartments are shown as having a frontage to the Ground Floor however they actually sit above the retail and driveway which is at Basement 1 Level. All other apartments on Ground Level do not have a street frontage to Whitehorse Road.
83. There is strong strategic basis for the proposed to use at this site, including dwellings at increased densities, as described under the strategic direction assessment contained above in this report.
84. Additionally, the proposed use is acceptable having regard to the purpose of the C1Z. In this regard, the positioning of the two residential dwellings at Ground Level frontage will positively contribute to the vibrancy of retail area. It should be noted that their entries are not facing Whitehorse Road frontage and therefore they will not dominate or detract from the degree of activation proposed to be provided along the retail frontages.
85. With regard to the decision guidelines of the C1Z relevant to land uses, the proposal is acceptable because the site is well serviced and the proposal has been designed so it can exist without unreasonable noise impact from surrounding retail uses.

Buildings and Works

Height & Massing

86. The DDO16 sets out a mandatory maximum building height of 12 m (given the slope) and a mandatory street wall height of 8 m. A discretionary 3 m minimum upper storey setback applies above the street wall. These controls are applicable to the entire Deepdene Neighbourhood Centre. Other general requirements applicable to all Neighbourhood Centres also apply. The following table outlines the proposed development against the DDO16 requirements and whether each requirement is achieved:

Deepdene Neighbourhood Centre	Required	Proposed	Complies
Mandatory Maximum Street Wall Height	8 m	12.5 m (10.0 m average)	No
Preferred Minimum Upper Storey Setback	3 m	6.5 m	Yes
Mandatory Maximum Overall Building Height	12 m (due to slope)	Building A: 16.7 m Building B: 22.3 m Building C: 22.3 m Building D: 15.8 m	No
General Requirements	Required	Proposed	Complies
Primary Street Frontage Setback	Upper storey setback 1.6 m	6.5 m	Yes
	Development up to the street wall height should be	500 mm recess from title boundary	No



	built on or within 200mm of the boundary		
Mandatory Setback from Residential Zones	3 m	Building C: 4.5 m Building D: 3 m	Yes

87. The proposed development seeks to vary the street wall height, maximum building height and the front setback from Whitehorse Road.
88. It should be noted that the height proposed generally aligns with the recommendations of Amendment C108boro, which supported height of up to 15.5 m at the site and that this height be applied as discretionary. This was due to the recognition of the heavy lifting that strategic sites can offer with respect to delivering density in a sensitive, respectful manner.
89. While the DDO16 requirements are mandatory, the Great Design Fast Track (Clause 53.25-2) allows development that exceed mandatory height and setback controls to be varied, where appropriate. This is considered justified for this proposal due to the continued strong compliance with the objectives of the DDO16, the design excellence and innovation which characterises the scheme, and the contextually responsive built form outcome.
90. The particulars of how the proposal continues to respond to the objectives and decision guidelines of the DDO are outlined below:

Whitehorse Road interface – Building A:

91. The Scheme adopts a street wall height which seeks a variation to the 8 m street wall height requirement of the DDO16 through the delivery of a varied 10.25 m – 12.5 m street wall (due to the slope of Whitehorse Road). It is noted that the face of the building is set back from the street wall through the enclosing of balconies, which allow the street wall to appear distinct in character along Whitehorse Road and at the corners, while also allowing the taller form at the rear to be visually recessive and even obscured. This design response achieves the low-rise streetscape character desired by the DDO16 and is responsive to the surrounding context, comprising finer grain tenancies of a lower height and scale.
92. It should also be noted that the Whitehorse Road interface is considered appropriate given the slope of the land and the surrounding context which includes buildings of similar scale, namely the school building to the west and the commercial building to the north at 35 Whitehorse Road. Despite the proposed exceedance, the development is considered to appropriately maintain the character of the existing streetscape, in line with the DDO16 objectives.

Building height:

93. All buildings propose to exceed the mandatory height of 12 metres above natural ground level. However, the proposal generally accords with the Panel preferred height of 15.5 metres – with the exception of the uppermost levels to Buildings C and D. These levels are set back from each primary face of the building (and from each site boundary) to achieve a visual lightness relative to the podium form and limit any further offsite impact by way of shadow or bulk.
94. This outcome is appropriate when considering the design objectives of the DDO16 and the general site arrangement which is more conducive to increased height. As outlined above, lower scale form is achieved to Whitehorse Road and the rear of the site, where the context supports a tapering of form. Greater building heights have been provided in favour of generous breaks between buildings, which range from 7 to 10 metres. (Refer to Figure 9). This allows for the delivery of a landscaped corridor through and around the site, resulting in enhanced interfaces and outlook for residents. In simple terms, a slight height increase allows for greater landscaping and amenity outcomes (both on-site and offsite), particularly when compared to a DDO-compliant outcome.



Figure 9 – West elevation – Source: Application

95. The built form strategy also prioritises solar access to the public and private realms. From 11am, the shared path within the Anniversary Trail is free of shadow. Prior to 11am, the generous building separation maintains instances of solar access to considerable portions of the trail. This is an outcome that would not be achieved if strict DDO compliance were delivered at this site. To the east, afternoon shadows are cast to the adjoining Neighbourhood Residential Zone (NRZ) land. However, these shadows fall largely on areas that are utilised for carports, driveways, and common property. These spaces are generally passive in nature as opposed to being relied on for primary recreational purposes.
96. For these reasons, the proposed height above the existing DDO control is supported due to the strong policy context, the tangible amenity benefits, the demonstrated mitigation of unreasonable off-site impacts and, importantly, the design excellence and innovation that accompanies such a design outcome.

Eastern setback:

97. The proposal has regard for the side setback requirement of the DDO16, which specifies that a minimum of 3 m be provided where the land adjoins a Residential Zone. The site partly adjoins the Neighbourhood Residential Zone (NRZ) to the south/east.
98. The proposed development, specifically Building C and Building D provide a 4.5 m and 3 m setback respectively, thus achieving the requirement.

Interface to Anniversary Trail:

99. The proposal adopts a design response which moves away from the delivery of a street wall to the trail, as desired by the DDO. This is considered a satisfactory design outcome as it allows for a layered landscape outcome to the Anniversary Trail through varied building setbacks, and enhanced solar access to the main trail. The angled setbacks adopted also reduces perceived bulk to the trail while still offering improved passive surveillance and activation to this interface. The layered landscaping comprising existing and proposed canopy trees will allow the buildings to sit within a landscaped setting, with views from the trail filtered through vegetation. Accordingly, this design response continues to provide a sensitive and respectful outcome to the trail and maintains suitable activation as desired by the DDO.

Interface to heritage:

100. The DDO16 does not stipulate any building setback requirements from adjoining commercial land, or land within a Heritage Overlay. However, given the adjoining land at 32 Whitehorse Road (directly adjoining to the east and occupied by the Deepdene Scout Hall) is an individually listed heritage building, the proposal respects and responds to the heritage features of the place.
101. It is highlighted that the heritage building does not have a strong streetscape presence, being set back substantially from Whitehorse Road. Accordingly, care has been taken to provide sufficient curtilage around the building such that its presence is not diminished by the introduction of a more robust form adjacent. The 10 metre separation between Buildings A and B provides a considerable break in building mass and allow for views to the sky from the heritage site and from Whitehorse Road.



102. The placement of balconies as well as the light court to Building A softens the built form at this interface. This, along with the high-quality and tactile materials and finishes proposed along the boundary wall balances maintaining the street wall character of Whitehorse Road while respecting the significance of the adjacent heritage place.

Response to Great Design Fast Track Design Principles

103. A response against the 7 'design principles' and how the proposed development achieves the principles is provided below.

Design principle	Response
Principle 01: Neighbourly homes Enhancing local identity by embracing change and generating lasting social value.	General: This principle is achieved through high quality street and internal building interfaces that pick up on the rhythm and detailing of significant local buildings. Further, the landscape strategy seeks to build upon the strong garden character of the site and surrounds. The incorporation of brick materiality and other human scaled detailing is a nod to the local inter and post war character of the area and broader suburb. Further, the considered landscape design strategy and provision of residential amenities and retail tenancies will create lasting social value. Recommended suggestions by OVGA were appropriately responded to.
Principle 02: Welcoming homes Creating welcoming and safe homes that promote a sense of family and community.	General: The building will be accessed via Whitehorse Road, with the resident amenities and retail tenancies seeking to activate the interface and create a sense of community. Without compromising safety, the generous landscape planting along the primary access path will create a welcoming and tranquil environment for residents. Whilst social activity and interaction is encouraged through the design, residents will have the opportunity for quiet introspection within the communal garden areas. The urban villa typology prioritises central building cores and accessways in an attempt to create a neighbourhood feeling within each of the buildings. Recommended suggestions by OVGA were appropriately responded to.
Principle 03: Landscaped homes Enhancing local biodiversity, natural systems and connections to nature.	General: Landscaping has been carefully considered to make excellent use of both communal gardens and private terraces, borrowing from and connecting with the surrounding parkland. There has been a deliberate effort to establish clear habitat corridors in the development, facilitated through the breaks between each of the four buildings and the ample opportunities for deep soil planting. Landscaping is sited such that it can be seen from the public realm and from internal apartment areas to foster strong connections with the natural environment. Further, planting across the building facades has been incorporated to ensure the preferred 'garden character' is realised on a vertical axis.



	Recommended suggestions by OVGA were appropriately responded to.
Principle 04: Sustainable homes Enduring and high performing, embedding climate resilience and minimising environmental impacts.	General: In addition to the average 8.0 NatHERS energy rating achieved for the apartments, a holistic sustainability strategy to deliver 'durable, resilient and energy efficient' homes is employed in the development. The strategy includes specifying lightweight roofs and eaves to increase resilience to extreme weather events and adopting materials that are durable, low maintenance, low carbon and recycled where feasible. Thermally broken double glazing will help to maintain internal temperatures while canvas blinds and awnings will shade and protect balconies from heat gain. Recommended suggestions by OVGA were appropriately responded to.
Principle 05: Healthy Homes Enhancing health and wellbeing through integrating the natural and built environment.	General: All apartments will benefit from connection to the natural environment and community through well landscaped communal and private spaces and a communal dining area and wellness centre. Apartments are afforded ample daylight, solar access and cross ventilation through at least one north, east or west aspect for almost all apartments. Recommended suggestions by OVGA were appropriately responded to.
Principle 06: Adaptable homes Housing that meets the diverse and changing needs of households and families.	General: Floorplans have been designed to allow for reconfiguration in terms of apartment numbers and size, and to cater to diverse households. Flexible spaces allow for conversion of bedrooms to a second living area or home office while second bedrooms can be designed for children or guests. Recommended suggestions by OVGA were appropriately responded to.
Principle 07: Good value homes Supporting more affordable housing through innovative housing development and delivery models that respond to changing housing markets.	General: A wide range of apartment sizes (one to four bedrooms) and layouts are offered through the development, catering to various entry levels / price points and household types. The proposed mix responds directly to a demand in Deepdene for housing that allows for aging in place and proximity of relatives to assist with caring. No recommendations were suggested from OVGA.

104. The above assessment demonstrates alignment with each of the design principles of the GDFT.

Communal Amenity, Public Realm and Landscaping

105. Clause 15.01-1L-02 (Neighbourhood Centres and Commercial Corridors-Built Form) applies to Deepdene and seeks to achieve excellence in design and high quality, contemporary architecture that efficiently utilises the site, enhances the character of the centre or corridor and activity engages with the public realm.
106. A significant portion of the site has been reserved for deep soil planting and landscaping. The landscape strategy seeks to provide an immersive experience for residents that integrates with the adjoining Anniversary Trail reserve. A raised boardwalk and permeable steel boundary fencing have been integrated into the design and give the impression that the development is set within the landscape and provide opportunities for climbing plants to attach to these structures. In order to facilitate the proposed habitat pathways, a number of native grass, shrub and tree species will be planted across the development. Further, the northern interface to Whitehorse Road will include street planters at the ground floor level. Refer to Figure 10 for Landscape Concept Plan.



Figure 10 – Landscape Concept Plan – Source: Application

107. The private open space of ground floor residences will be partly enclosed, ensuring they are reasonably protected from sight. Semi permeable brick and steel mesh walls will provide this sense of enclosure and privacy whilst still allowing for outlook to the surrounding landscaping which is a feature of the development. The breaks in the brickwork will also allow for the greening of these walls with vines and climbing plant species.
108. Private balconies will be setback to allow for the establishment of landscape planters. These planters will allow for the establishment of a green and living façade that further builds upon the garden suburb character, ensuring that this cherished character is maintain on the vertical aspect.
109. The design will ensure a high level of integration between the landscape and the built form, giving the impression of a home within the bush within a suburban context.
110. A condition of permit will require that before development starts, a detailed landscape plan or package be submitted for approval that must be generally in accordance with the Landscape Plan, prepared by Openwork and dated 13 March 2026.



Amenity and Microclimate

Internal Amenity

111. Clause 16.01-1S (Housing Supply) seeks to facilitate development that adopts best practice through a combination of methods and provides a high level of internal amenity.
- At least 50 percent of dwellings have are compliant with Clause 58.05-1 (Standard D18 – Accessibility), including an adaptable bathroom thus meeting Design Option A or B.
 - The dimensions of bedrooms and living room areas comply with the requirements of Clause 58.07-1 (Standard D26 – Functional Layout).
 - More than 86% of dwellings are capable of natural ventilation through cross breeze paths, complying with Clause 58.07-4 (Standard D29 – Natural Ventilation). The remainder of the dwellings will achieve ventilation requirements of the GDFT via mechanically assisted ventilation.
 - Each dwelling will be provided with ample storage space both internally to the dwelling and within the basement. The supplementing of storage space internal to the dwelling with basement storage is practical, allowing residents to keep bulkier items outside of the dwelling, thus complying with Clause 58.05-4 (Standard D21 – Storage).
 - The submitted ESD report provides a daylight analysis of all the apartments demonstrating that it will be capable of an appropriate degree of natural lighting into the apartments.
 - The development capitalises on views towards the Anniversary Trail reserve for west facing dwellings, providing for attractive views at the tree canopy level and a sense of immersion in nature.
112. In terms of Standard D20 – Private Open Space, 13 out of the 76 dwellings (17%) do not meet the minimum dimension requirements in terms of achieving the required balcony depth, thus a variation is sought. This shortfall is considered satisfactory given all the dwellings meet or exceed the minimum area requirement and some have multiple access points from internal living (and bedroom) spaces. The shortfall to the minimum dimension generally ranges between 300 mm and 400 mm, which is considered minor. Furthermore, the balconies to each dwelling are positioned to avoid direct views to the secluded private open space of eth ground floor dwellings.
113. A full assessment against all other relevant design standards of Clause 58 is provided at Appendix A.
114. As such, it is considered that the dwellings are capable of achieve an acceptable degree of internal amenity.

Overshadowing

115. Clause 15.01-2S, which seeks to ensure that new development minimises any impacts on neighbouring properties and the public realm.
116. The submitted shadow diagrams on 21 June show that the development will overshadow the communal open space. The submitted shadow diagrams on 22 September show the development will overshadow the adjoining property to the east (29 and 31 Barnsbury Road).
117. In response to the communal area overshadowing, Clause 58.03-3 (Standard D8 – Solar Access to Communal Outdoor Open Space) requires the communal outdoor open space to be located to the north side of a building, if appropriate. It also requires at least 50 per cent or 125 square metres (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.
118. A variation is sought to Clause 58.03-3 given the shadow diagrams show most of the communal open space will be overshadowed during these times, with limited sunlight from 2pm onwards to part of the area. (Refer to shadows in Figure 11).

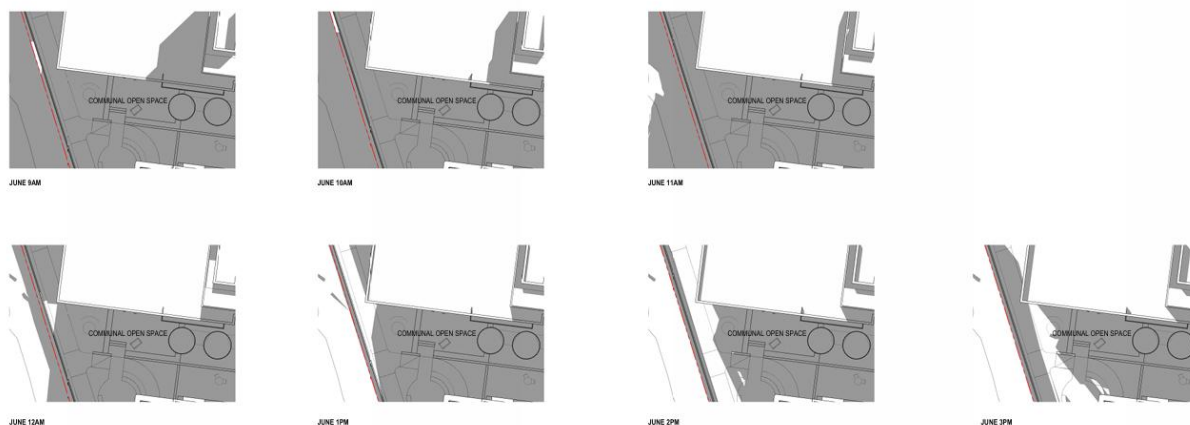


Figure 11 – June Solstice shadow diagrams – Communal Open Space – Source: Application

119. While the communal open space does not meet the standard of Clause 58.03-3, the objective is met as the space receives solar access to part of the space (seating area) from 11am on the equinox and receives solar access in winter from 2pm. This is considered acceptable given that:
 - The proposed layout of Building A prioritises appropriate outlooks towards the Whitehorse Road (resulting in a built form that result in unavoidable internal overshadowing).
 - The proposed quantum of communal open space (approximately 200 sqm) well exceeds the minimum requirement.
 - The site adjoins the Anniversary Trail (reserve).
120. The proposed development will cast shadows to the ground floor balconies and common property at 29 Barnsbury Road (retirement village adjoining the site to the east), but only to a small extent from 1pm onwards and to a greater extent from 2pm in the afternoon. The development does not impact these balconies in the morning hours. This is not considered unreasonable given the affected area of communal open space will still receive adequate sunlight between 9am and 2pm. Furthermore, given the nature of the retirement village and presence of alternative open spaces on site, residents will continue to have access to receiving sunlight between 2pm and 3pm. Finally, it should be noted that no unreasonable shadows will be cast on 27 Barnsbury Road (located directly south of 29 Barnsbury Road).
121. While some shadows will be cast to the adjoining property at 31 Barnsbury Road from 1pm onwards, (property north of 29 Barnsbury Road), the shadow is limited with no shadow cast in the morning. Consolidating building height to four detached buildings provides generous breaks between buildings (which in turn allow for sunlight access between building shadows instead of one continuous albeit shorter shadow). As such, the overshadowing impact is considered reasonable.

Overlooking

122. Clause 58.04-1 (Standard D14 – Building setback) seeks to ensure that the setbacks of buildings limit views into habitable room windows and private open space of new and existing dwellings. In particular, it encourages development be setback so as to avoid direct views into habitable room windows and private open space of new and existing dwellings.
123. Overlooking concerns were raised by an occupant of the adjoining resident at 31 Barnsbury Road. The instances where there is a window at 31 Barnsbury Road within a 9 m horizontal view cone of proposed windows and balconies is limited. Where this is the case, the proposed windows and openings to balconies are offset from existing windows opposite, to avoid direct views between into habitable room windows. It should be further noted that the primary outlook for the corner apartments of Building D is to the north. Furthermore, the building height



does not increase the potential for overlooking, noting views from the upper levels achieve greater separation from the existing dwellings at 31 Barnsbury Road. (Refer to Figure 12).

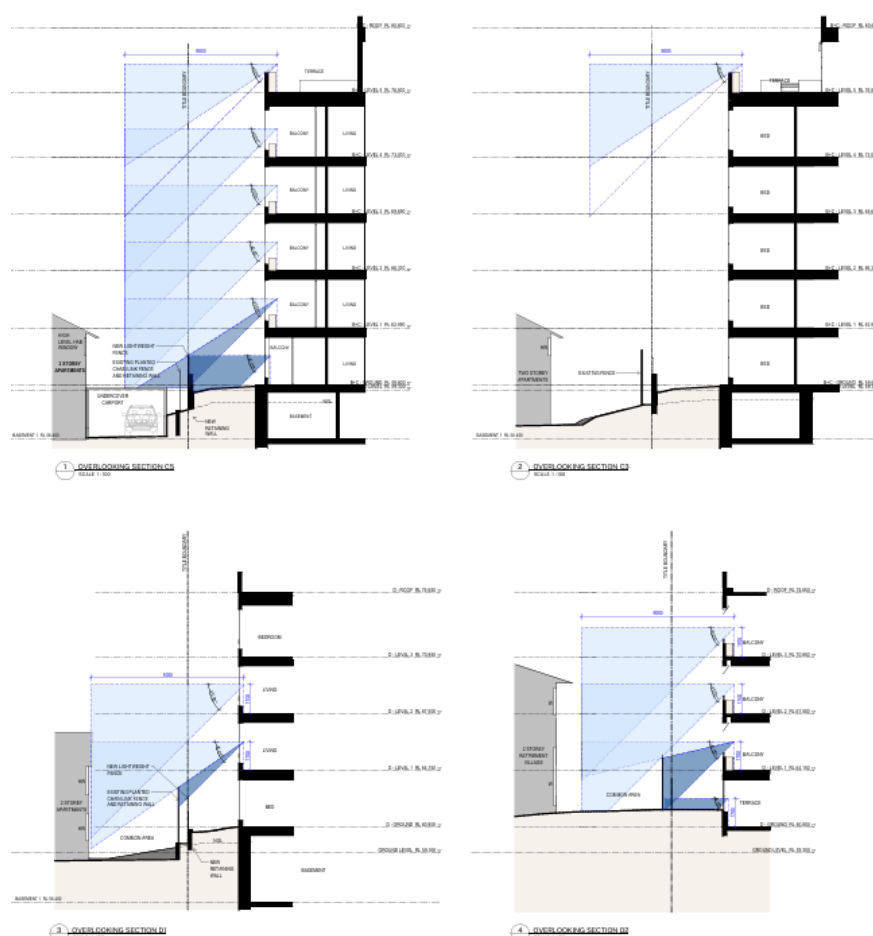


Figure 12 – Overlooking diagrams – Source: Application

124. In general, the development responds to each varied interface context to its east with setbacks ranging from 3 m to 4.5 m, with additional setbacks of 6.2 m and 10.5 m at the uppermost level (Buildings B and C). These allow for outlook and daylight access while minimising potential for overlooking to existing habitable room windows to the east.
125. As such, the proposal has limited direct views and will avoid unreasonable overlooking.

Noise

126. Noise concerns were raised from CitiPower, who own and manage the Deepdene Zone Substation (ZSS) located at 25-31 Whitehorse Road (building directly opposite the site to the north and on the other side of Whitehorse Road). Concerns have been raised with the close proximity of the proposed development to the existing substation, creating a high-risk and unresolved interface through noise emanating from the existing sub-station.
127. It should be noted that a noise report was not prepared as part of the application material, with the applicant correctly stating that an acoustic report is not an application requirement given the site is not within a noise influence area (in accordance with the requirements of Clause 58.04-3), as Whitehorse Road carries less than 40,000 Annual Average Daily Traffic Volume. Even so, to respond to the concerns raised, the applicant engaged in the services of Acoustic Logic, who prepared a Memorandum of Advice (MoA), (dated 28 May 2026) to assess the



noise from the existing substation. The MoA confirms that the substation noise is inaudible over traffic noise along Whitehorse Road and as such is not expected to be perceptible to residents at the subject site.

128. While the submitted MoA was not submitted as part of the application material forming part of the planning application, the assessment confirms that noise emanating from the existing substation will not present unreasonable noise to future residents or occupants of the development.
129. In terms of the relevant sections of the Scheme, the proposal demonstrates a strong level of compliance as highlighted below:
- Clause 58.04-3 (Noise impacts objectives) applies to the proposal as it proposes an apartment development within the Commercial 1 Zone. The clause seeks to, among other things, 'protect residents from external and internal noise sources.' With respect to compliance with this objective and corresponding Standard D16, it is highlighted that, as stated earlier, the site is not located within a noise influence area as defined in Table D5, and as such is not required to be designed and constructed to achieve the noise levels specified within the standard. The standard however does state that 'new dwellings should be designed and constructed to include acoustic attenuation measures to reduce noise levels from off site sources.' To ensure this is achieved, a standard condition of permit will be included in any permit to issue requiring that at all times, noise emanating from the land must comply with the requirements of the Environment Protection Regulations 2021. Accordingly, the standard and objective of Clause 58.04-3 is considered to be appropriately met.
 - Schedule 16 (Neighbourhood Centres) to the Design and Development Overlay which applies to the site also includes an application requirement, where appropriate, for the submission of an acoustic report to demonstrate how residential uses will be protected from external noise sources including (but not limited to) entertainment activities, roads, tram and railway lines. It is highlighted that this application requirement, and schedule, pre-dates Clause 58 and the objectives and standards of the Better Apartments Design Standards. Accordingly, an acoustic report has not been provided with the planning application material as the site is not located within a noise influence area as defined by Clause 58.04-3. This is further supported by the MoA prepared by Acoustic Logic which confirms that as part of the detailed design process Acoustic Logic has already undertaken testing and provided recommendations for glazing treatment for dwellings along Whitehorse Road to ensure the relevant EPA requirements with respect to noise will be met. This will be enforced and implemented as part of the building permit process. Accordingly, the objectives of the DDO16 are met.
 - The Citipower submission states the proposal does not respond to various clauses of the Boroondara Planning Scheme such as Clause 13.05-1S (Noise abatement), Clause 15.01-1S (Urban design), Clause 13.07-1S (Land use compatibility) and Clause 19.03-4S (Electricity infrastructure). For reasons outlined above, it is considered that the proposal suitably responds and addresses each of these clauses where and as appropriate. EPA requirements relating to noise sources within the surrounds have already been considered and a condition of permit will ensure that noise will appropriately be addressed. This will ensure a high level of amenity will be provided to residents and occupants, acknowledging that these residents will also knowingly be occupying a dwelling within an activity centre and along a major arterial thoroughfare, and as such are making an informed decision regarding amenity expectations.
130. Overall, subject to conditions the proposal is acceptable from a noise perspective.

Wind

131. The application has included an Environmental Wind Assessment (EWA) through a desktop study, rather than the wind tunnel test. The desktop study has revealed that the proposal will not result in any unreasonable wind impacts and accordingly requires no design modification. This is considered acceptable.
132. In particular, the following is noted:

- The proposed massing arrangement will achieve appropriate wind conditions in accordance with Clause 58.05-4 (Standard D17 – wind objective).
- The EWA confirmed that the wind conditions within the development site and in the streetscapes surrounding the proposed development would have wind conditions that would satisfy the walking criterion and likely the standing comfort criterion or better and conditions in the surrounding areas would not be significantly altered by the presence of the development.
- The EWA confirmed that the wind conditions on the Level 1 – 4 balconies/terraces would be expected to satisfy the standing criterion, and likely achieve the sitting criterion at locations away from building corners. Conditions on the Level 5 balconies would be expected to achieve the standing comfort criterion with areas near the corners achieving the walking comfort criterion.
- The EWA confirmed that wind conditions would satisfy pedestrian safety criterion.

133. Overall, the desktop study demonstrated a high degree of compliance.

Sustainability

Environmentally Sustainable Design (ESD)

134. The application is supported by a Sustainable Management Plan (SMP), prepared by GIW Environmental Solutions, which demonstrates the development will achieve an 8 star average NatHERS rating with no individual dwelling less than 6.5 stars. To achieve these credentials, the SMP demonstrates a commitment to the following ESD initiatives:

- Utilises a rooftop solar photovoltaic system with a peak capacity of 20.5kW for each building, which minimises reliance of fossil fuels.
- 100% of the dwellings are naturally ventilated.
- 74% (56 out of 76 dwellings) achieve at least 3 hours of sunlight.
- A total of 62,000 litre rainwater tanks will harvest rainwater from all roofs and terraces/balconies, which will be connected to landscape irrigation.

135. It is also noted that, where possible, the committed ESD initiatives have been shown on the development plans.

136. The submitted SMP will be endorsed to form part of any permit to issue and a condition of permit will require that within 6 months of the occupation of the development, a report from the author of the endorsed SMP must outline how the design initiatives implemented within the completed development achieve the performance outcomes specified in the endorsed report.

137. As such, the proposal provides an acceptable ESD outcome.

Stormwater Management

138. Clause 53.18 (Stormwater Management in Urban Development) seeks to ensure new developments achieve the best practice water quality performance objectives set out in the *Urban stormwater management guidance* (Environment Protection Authority - Publication 1739.1, 2021).

139. The submitted SMP includes a stormwater response, which demonstrates the development will meet best practice requirements in line with the above-mentioned guidelines and policy, as follows:

- Water efficient initiatives such as potable water supplies, recycling of water sources and integration of stormwater treatment in the communal open spaces.
- A total of 62,000 litre rainwater tanks will harvest rainwater from all roofs and terraces/balconies, which will be connected to landscape irrigation.

- Landscape irrigation demand will be connected to the rainwater tank 105% STORM rating.
- A range of water sensitive urban design measures that have been appropriately integrated within the overall landscape plan.

140. Furthermore, as outlined earlier in the report and for the reasons outlined above, the development satisfactorily complies with Clause 58.03-8 (Standard D14 – Integrated Water and Stormwater Management).

141. As such, the proposal provides an acceptable ESD outcome.

Car Parking, Bicycle Parking, Vehicle Access, Loading and Waste

Car Parking and Vehicle Access

142. The proposed development provides a total 139 car parking spaces in the form of a two level basement. The provision of car parking exceeds the 136 spaces that are required by Clause 52.06-5. While adequate car parking spaces are provided, a reduction for 15 spaces and 4 spaces are sought for residential visitors and for shop parking respectively.

143. Objections were received regarding impact of increased vehicle traffic during construction. Traffic generated during construction can be managed through a Demolition and Construction Management Plan (DCMP), which will be required as part of the Building Permit Application.

144. Additional concerns were raised regarding impact to off-street parking and the new dwellings requiring additional car parking spaces for parking. As outlined earlier, more spaces will be provided than is required by the Scheme for the residents of the new dwellings. A reduction of 19 spaces is sought (for residential visitors and shop parking), which is considered acceptable given:

- The proposed car parking reduction for residential visitors and shop employees is supported from a traffic and strategic transport perspective, as outlined in the submitted Transport Impact Assessment (TIA) report prepared by Eukai. The following reasons support the reduction and the car parking layout:
 - The proposed car parking supply of 139 spaces is considered appropriate having regard to available on-street vacancies, the public transport and active travel accessibility.
 - The proposed car parking has been designed in accordance with the requirements of the Boroondara Planning Scheme and the relevant Australian Standards.
 - The proposed development is forecast to generate in the order of 30 and 284 vehicle movements during the peak hour and daily periods, respectively.
 - There is adequate capacity in the surrounding road network to accommodate the forecast traffic generation from the proposed development.

145. A new vehicle access is proposed from Whitehorse Road (TZ2) and the existing vehicle access will be made redundant.

146. The vehicle access arrangements have been fully assessed and is acceptable noting the following:

- Swept path diagrams have been provided demonstrating that vehicles will be capable of entering and exiting the site in a forward direction in a safe and efficient manner.
- The TIA report considered the proposed vehicle access location to Whitehorse Road appropriate.
- HTfV did not raise any issues with the proposed accessway and requested standard conditions be included in any permit to issue relating to construction of the crossover driveway, vehicles to enter and exit in a forward direction, the removal and reinstatement of disused or redundant crossings along Whitehorse Road, avoidance of disruption to tram operations and ensure that all track, tram and overhead infrastructure is not altered or damaged. A permit note is also required to be included regarding obtaining separate approval under the Road Management Act 2004 for the construction of a crossover.



147. All of the conditions and notes from HTFV will be included in any permit to issue.
148. The basement layout has been assessed and the following is noted:
- The basement has been integrated with the overall building design and hidden from the streetscape.
 - The width of the car parking spaces is 2.6 m, which complies with the requirements of Clause 52.20-6.7.
 - The aisles widths are 6.4 m, which complies with the Scheme. The width allows for efficient two-way traffic flow, without resulting in any vehicle conflicts.
149. Overall, the proposal provides an acceptable car parking and vehicle access arrangement.

Bicycle Facilities

150. Clause 52.34-1 of the Scheme requires a total of 23 spaces (15 spaces for residents and 8 for visitors). There are no requirements for the shops.
151. The proposal incorporates the provision of 102 bicycle spaces between the ground floor and the two basement levels.
152. Overall, the provision of bicycle provision is appropriate noting the following:
- All resident bicycle spaces are located within and generally conveniently accessible within Basement 1 and Basement 2 levels.
 - Some visitor bicycle spaces are conveniently located at ground floor within close proximity to the resident pedestrian entry and others within the Basement levels.
 - Some bicycle spaces including space for cargo are included.
153. While pre-application lodgement discussions encouraged the separating the bicycle entry point from vehicles for safety reasons, the bicycle access to the basement levels will remain shared with vehicles. This arrangement is considered to be acceptable given the low traffic volumes (1 every 2 minutes) forecast by the proposed development and is consistent with the approach of other mid-sized developments. However, linemarking through painted lines has been incorporated into the design which will indicate bicycle access on the shared way.
154. As such, the bicycle parking and amenities provision is acceptable.

Waste

155. A Waste Management Plan (WMP) was submitted as part of the application material.
156. It identifies waste collection will be undertaken by a private contractor, with the residents responsible for transporting their individual waste to the relevant bin disposal areas, located within Basement 1. The architectural plans clearly show 4 different locations for the storage and collection areas of waste, one per building.
157. The WMP identifies that:
- Waste collection will occur on-site within Basement 1 and occur during specified days and times, to minimise disturbance to nearby residential properties.
 - Waste collection can be carried out by rear-lift vehicles (nom. 6.4 m long, 2.1 m high and 6.4 tonnes gross vehicle mass (requiring a 2.5 m high clearance when lifting the bins).
 - Swept paths demonstrate the vehicles can enter and exit in a safe and efficient manner, with sufficient space turn and exit the site in a forward direction.
158. These commitments are acceptable and can be secured by way of a formal permit condition.
159. As such, the proposed waste collection arrangements are acceptable, subject to conditions.



Loading

160. It is not proposed to provide a loading bay on-site and as such all loading demands (excluding waste collection) for the proposed development will occur on-street. Given the relatively small scale of the proposed land uses, loading activities are expected to be infrequent and completed predominantly by smaller loading vehicles such as small moving vans.
161. The Transport Impact Assessment report states that the proposed arrangement is considered acceptable given:
- The land area is insufficient to reasonably accommodate a loading facility (and to maintain active frontages to Whitehorse Road) and to allocate a significant area of the site for such an infrequent situation would impose a design standard which would represent an inappropriate constraint on the development.
 - There are suitable on-street parking spaces abutting the development that could also accommodate service vehicle demands.
162. As such, the absence of a dedicated loading bay is satisfactory. It should also be noted that the HTfV have not objected to the proposal, including the proposed creation of access to Whitehorse Road which is in a Transport Zone 2.

Environmental Audit

163. Given the site is affected by the EAO, suitable permit conditions will be included in any permit to issue ensuring that the site is suitable for residential and commercial land uses.
164. An audit was prepared by Environmental Earth Sciences and dated 13 May 2026, which confirms that the site is suitable for residential and commercial land uses. As such appropriate conditions will be included in any permit to issue requiring that the recommendations of the Environmental Audit Statement (EAS) be complied with.

Other matters

Clause 53.25 – Great Design Fast Track

165. As stated earlier, the application is made pursuant to Clause 53.25 (Great Design Fast Track). The provision seeks to facilitate innovative dwelling, apartment and mixed-use development that increases the density and diversity of dwellings to respond to Victoria's population growth, with convenient access to public transport and that is high quality design and sustainable.
166. The application requirements have been met.

Easements

167. The site contains numerous easements, which were identified earlier in the report. While the majority of these easements will become redundant upon site redevelopment, the applicant submits that the removal of the sewer easement is not proposed as part of this application.
168. Should any easements require to be varied or relocated, this will need to occur post permit and before any relevant works commence, in accordance with the relevant authorities' requirements. As such, a note will be included in any permit to issue that will require that the owner must obtain the consent of all relevant authorities for any buildings or works, paving, fencing and landscaping, over any easement.

Vegetation removal and access to and from Crown land (Anniversary Trail)

169. The proposed development will require the removal of some exotic trees within the site, the removal of Tree No. 45 (located within the adjoining land to the west - Anniversary Trail) and the pruning of some vegetation within the Anniversary Trail.
170. A planning permit is not required for the removal of vegetation. Consent from DEECA, as the Public Land Manager of the Anniversary Trail would need to be obtained for the removal of Tree No. 45 and the pruning of other



vegetation within the Anniversary Trail. These permissions lie outside of the planning permit, however, DEECA requested conditions be included to ensure no vegetation removal from the adjoining Crown land be undertaken, with the exception of Tree No. 45 and the pruning of branches overhanging the title boundary, without prior written consent from DEECA. These requirements are reasonable and will be included in any permit to issue.

171. Furthermore, DEECA requested conditions be included to ensure that there is no encroachment of or formal access to and from the Crown land. Once again, this is a reasonable request and will be included in any permit to issue.
172. A note will also be included in any permit to issue, providing awareness to the permit holder that Tree Protection Local law approval from the City of Boroondara may be required to be obtained for the removal or lopping of vegetation associated with the development, whether the vegetation is located within or adjoining the subject land.



173. The proposal is generally consistent with the relevant planning policies of the Boroondara Planning Scheme and will contribute to the provision of high quality housing within the Deepdene area.
174. The proposal is generally supported by HTfV and DEECA.
175. Boroondara City Council was notified of the application under section 52(1)(b) of the Act, and raised concerns, which have been addressed in detail either through permit conditions or in the body of this report. The Council does provide support on a strategic level.
176. It is **recommended** that:
- Planning permit No. PA2604314 for the land at 18-30 Whitehorse Road Deepdene be issued subject to conditions.
 - The applicant, HTfV, DEECA, the Council and those who provided a submission be notified of the above in writing.



Prepared by:

I have considered whether there is a conflict of interest in assessing this application and I have determined that I have:

- ☒ **No Conflict**
- ☐ Conflict and have therefore undertaken the following actions:
- ☐ Completed the **Statutory Planning Services declaration of Conflict/Interest form**.
- ☐ Attached the Statutory Planning Services declaration of Conflict/Interest form on to the hardcopy file.
- ☐ Attached the Statutory Planning Services declaration of Conflict/Interest form into the relevant electronic workspace.

Name:

Title:

Phone:

Signed:

Dated:

23 June 2026

Approved by:

I have considered whether there is a conflict of interest in assessing this application and I have determined that I have:

- ☒ **No Conflict**
- ☐ Conflict and have therefore undertaken the following actions:
- ☐ Completed the **Statutory Planning Services declaration of Conflict/Interest form**.
- ☐ Attached the Statutory Planning Services declaration of Conflict/Interest form on to the hardcopy file.
- ☐ Attached the Statutory Planning Services declaration of Conflict/Interest form into the relevant electronic workspace.

Name:

Title:

Phone:

Signed:

Dated:

26 June 2026

Appendix 1: Clause 58 Assessment (Better Apartments Design Standards)



Application requirements

Clause 58.01-1	Assessment
- An application must be accompanied by: - An urban context report. - A design response.	Complies An urban context report prepared by Tract Consultants has been provided.

Urban context report

Clause 58.01-2	Assessment
- 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. - 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.	Complies A Design Statement and Urban Context Report (DSUCR), prepared by KTA has been provided. The DSUCR explains how the proposal has been derived relative to its existing physical and policy context.

Design response

Clause 58.01-3	Assessment
- 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. - 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.	Complies A planning report prepared by Tract explains how the proposal has responded to the relevant provisions of the Boroondara Planning Scheme.



Urban context objectives

Clause 58.02-1	Assessment
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.	Complies
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.	Complies As detailed in the assessment section of this report the proposal provides an appropriate balance between the planning policy objectives for this part of Deepdene.

Residential policy objectives

Clause 58.02-2	Assessment
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.	Complies
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.	Complies The proposal responds appropriately to the housing objectives as set out within clause 2.04 (Strategic Framework) and clause 16.01 (Residential Development).

Dwelling diversity objectives

Clause 58.02-3	Assessment
Objective To encourage a range of dwelling sizes and types in developments of ten or more dwellings	Complies
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.	Complies The proposal provides for 76 dwellings across a mix of apartment sizes and layouts, including: 9 one-bedroom apartments 29 two-bedroom apartments 34 three-bedroom apartments 4 four-bedroom apartments.

Infrastructure objectives

Clause 58.02-4	Assessment
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.	Complies
Standard D4 Development should be connected to reticulated services, including reticulated sewerage, drainage, electricity and gas, if available.	Complies The subject site is located in an established urban

- *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*

area and will benefit from ready access to all necessary reticulated services and utilities, noting that no gas connections will occur.

A substation will be provided on site to provide sufficient electrical infrastructure for the development. The scale of the development does not warrant upgrades to surrounding infrastructure or roads. Existing sewer infrastructure will be realigned to allow for a more efficient development outcome.

Integration with the street objective

Clause 58.02-5

Objective

- *To integrate the layout of development with the street.*

Standard D5

- *Developments 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.*
 - *Conceal car parking and internal waste collection areas from the street. adequate vehicle and pedestrian links that maintain or enhance local accessibility.*
- *Development next to existing public open space should be designed to complement the open space and facilitate passive surveillance.*

Assessment

Complies

Complies

The development, and in particular Building A, is designed to orient towards Whitehorse Road. Balconies and windows are incorporated into the street frontage to provide passive surveillance and integration with the street. Car parking and waste collection areas are concealed in the basement. The development also ensures passive surveillance opportunities are provided to the Anniversary Trail through the orientation of balconies and windows which will front the adjoining reserve.

Energy efficiency objectives

Clause 58.03-1

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 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

Complies

Complies

The proposal has been designed to ensure an appropriate degree of energy efficiency, noting the submitted SMP report commits to a high degree of sustainability, in accordance with the requirements of clause 53.25.

The buildings are oriented and designed to maximise daylight access and provide equitable solar access to all dwellings. The majority of dwellings are dual aspect and accordingly purely south-facing apartments are limited. The dwellings will deliver energy efficient designs that comply with max cooling loads identified in the standard, as confirmed in the submitted SMP.



Table D1 Cooling load	
NatHERS climate zone	NatHERS maximum cooling load MJ/M ² per annum
Climate zone 21 Melbourne	30
Climate zone 22 East Sale	22
Climate zone 27 Mildura	69
Climate zone 60 Tullamarine	22
Climate zone 62 Moorabbin	21
Climate zone 63 Warrnambool	21
Climate zone 64 Cape Otway	19
Climate zone 66 Ballarat	23

Note:

- Refer to NatHERS zone map, Nationwide House Energy Rating Scheme (Commonwealth Department of Environment and Energy).

Communal open space objective

Clause 58.03-2

Objectives

- 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.
- Any area of communal outdoor open space should be landscaped and include canopy cover and trees.

Assessment

Complies

Complies

The development has a standard requirement to provide for 30 sqm of communal outdoor open space, plus 2.5 sqm per dwelling above the additional space (internal or external) (160 sqm). The development provides minimum 200 sqm of communal space including 87 sqm of dedicated communal outdoor space (between Buildings A and B) and 115 sqm of indoor space (communal dining and wellness centre) in Building A, adjacent to the lobby. The provision in terms of total area exceeds the standard (190 sqm). The communal outdoor open spaces are located for access by all residents, will be landscaped and include elements of play for children. It is noted that additional seating areas are provided adjacent to circulation space / the boardwalk (at Buildings C and D) which provide additional opportunities to meet amenity needs of residents and for passive surveillance of common spaces.



Solar access to communal outdoor open space objective

Clause 58-03-3	Assessment
Objective To allow solar access into communal outdoor open space	Complies
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.	Variation required The communal open space does not achieve this requirement due the orientation of the site with Whitehorse Road to the north. The communal open space is sited to the south of Building A, which limits opportunity for solar access in winter months. While the communal open space does not meet the standard, the objective is met as the space receives solar access to part of the space (seating area) from 11am on the equinox and receives solar access in winter from 2pm. This is considered acceptable given that: - The proposed layout of Building A prioritises appropriate outlooks towards the Whitehorse Road (resulting in a built form that result in unavoidable internal overshadowing). - The proposed quantum of communal open space (approximately 200 sqm) well exceeds the minimum requirement. - The site adjoins the Anniversary Trail (reserve). As such, a variation is supported in this instance.

Safety objective

Clause 58.03-4	Assessment
Objective To ensure the layout of development provides for the safety and security of residents and property	Complies
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.	Complies The main entrance to the development is provided off Whitehorse Road, and is clearly visible from the street. Internally, lobbies are located off the primary pedestrian path and are clearly visible and well lit, providing a sense of entry and address. Internal communal areas will only be accessible for residents due to the gated entry along Whitehorse Road. The secure car parking area is located within the basement, with access to the basement being limited to residents and employees of the commercial tenancies.

Landscaping objectives

Clause 58.03-5	Assessment
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.	Complies

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.
 - 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.
 - Specify landscape themes, vegetation (location and species), irrigation systems, paving and lighting.

Table D2 Canopy cover and deep soil requirements

Site area (sqm)	Canopy cover	Deep soil
1000 square metres or less	5% of site area Include at least 1 Type A tree	5% of site area or 12 square metres whichever is the greater
1001 – 1500 square metres	50 square metres plus 20% of site area above 1,000 square metres Include at least 1 Type B tree	7.5% of site area
1501 - 2500 square metres	150 square metres plus 20% of site area above 1,500 square metres Include at least 2 Type B trees or 1 Type C tree	10% of site area
2500 square metres or more	350 square metres plus 20% of site area above 2,500 square metres Include at least 2 Type B trees or 1 Type C tree	15% of site area

Table D3 Soil requirements for trees

Tree	Tree in deep soil	Tree in planter	Depth of
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Complies

A key positive feature of the proposed development is the extent of landscaping proposed throughout the site.

The proposal seeks to deliver 990 sqm of deep soil planting (20.8%) and 976 sqm of canopy cover (20.52%), exceeding the requirements of this standard. The proposal exceeds the standard tree type requirement by providing three type C trees and multiple type B and Type A trees.

The proposal demonstrates a strong alignment with the objective, achieves the standard and aligns with the Great Design Fast Track design principle 'landscaped homes'.



type	Area of deep soil	Volume of planter soil	planter soil
A	12 square metres (min. plan dimension 2.5 metres)	12 cubic metres (min. plan dimension 2.5 metres)	0.8 metre
B	49 square metres (min. plan dimension 4.5 metres)	28 cubic metres (min. plan dimension of 4.5 metres)	1 metre
C	121 square metres (min. plan dimension 6.5 metres)	64 cubic metres (min. plan dimension of 6.5 metres)	1.5 metre

Note:

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

Table D4 Tree types

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

Access objectives

Clause 58.03-6	Assessment
Objectives - 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.	Complies
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. - 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.	Complies Vehicular access will be provided from Whitehorse Road in the form of a double crossover within the eastern edge of the site. This crossover provides access to basement car parking and bicycle parking. The entrance to the car park will be integrated with the design of the development through the placement of dwellings above the basement ramp, and commercial tenancies on either side. Cyclist access is differentiated from vehicle access with line markings. A splay has been provided to the west of the crossover to ensure sightlines are maintained. Suitable access is available for emergency and service vehicles, as confirmed in the submitted Traffic Report prepared by Eukai. Furthermore, HTfV confirmed standard conditions be included in any permit to issue relating to the crossover driveway and disused or redundant crossings along Whitehorse Road.

Parking location objectives

Clause 58.03-7	Assessment
Objectives - To provide convenient parking for resident and visitor vehicles. - To protect residents from vehicular noise within developments.	Complies
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.	Complies The design includes car parking within two basement levels and will not result in any unreasonable noise or other impacts to future residents. The arrangement provides for convenient and secure parking for residents and will be mechanically ventilated. It also ensures dwellings are suitably separated from parking areas in line with this standard.

Integrated water and stormwater management objectives

Clause 58.03-8	Assessment
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.	Complies
Standard D13 - Buildings should be designed to collect rainwater for non-drinking purposes such as flushing toilets, laundry appliances and garden use. - 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.	Complies The proposal is designed to meet best practice requirements for stormwater management, as discussed in the assessment section of this report and outlined in the submitted SMP. The development provides for a total of 62k litre rainwater tanks which will provide for reuse opportunities. The development provides for permeable surface and ample deep soil to facilitate infiltration and minimise stormwater runoff.

Building setback objectives

Clause 58.04-1	Assessment
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. - To ensure the building setbacks provide appropriate internal amenity to meet the needs of residents.	Complies



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. 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.*

Complies

The siting and massing of each building including setbacks from boundaries and internal building separation have been developed in response to the site context and with regard to the preferred future development of the area.

The development responds to each varied interface context to its east with setbacks ranging from 3 m to 4.5 m, with additional setbacks of 6.2 m and 10.5 m at the uppermost level (Buildings B and C). These allow for outlook and daylight access while minimising potential for overlooking to existing habitable room windows to the east. Where windows are located within a 9 m view cone, openings have been offset to avoid direct views into habitable room windows.

All dwellings achieve outlook from one or more aspects, providing visual connection to the external environment including views to landscape, and achieve excellent daylight in accordance with requisite daylight factor

Internal views objective

Clause 58.04-2

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

Complies

Complies

The proposal does not result in any unreasonable internal overlooking.

The proposal has been designed with sufficient building separation to limit internal overlooking from dwellings to lower-level balconies and ground level terraces. Where lower-level terraces are within 9 m of opposite apartments, the feature of the seat + parti wall will direct views to sunken terraces such that overlooking is limited and a reasonable sense of privacy is achieved.

Noise impacts objectives

Clause 58.04-3

Objectives

- *To contain noise sources in developments that may affect existing 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.*
- *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 D3 should be*

Assessment

Complies, subject to condition

The site is not located within a noise influence area, as Whitehorse Road carries less than 40k AAVT. Mechanical plant, and in particular air conditioning condensers, are located at rooftop level and away from habitable rooms. The central lift core to each building is separated from dwellings to minimise noise intrusion to sensitive rooms.



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.

Table D5 Noise influence area

Noise source	Noise influence area
Zone interface	
Industry	300 metres from the Industrial 1, 2 and 3 zone boundary
Roads	
Freeways, tollways and other roads carrying 40,000 Annual Average Daily Traffic Volume	300 metres from the nearest trafficable lane
Railways	
Railway servicing passengers in Victoria	80 metres from the centre of the nearest track
Railway servicing freight outside Metropolitan Melbourne	80 metres from the centre of the nearest track
Railway servicing freight in Metropolitan Melbourne	135 metres from the centre of the nearest track

Note:

The noise influence area should be measured from the closest part of the building to the noise source.

Wind impacts objective

Clause 58.04-4

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

Assessment

Complies

Complies

The application has included an environmental wind assessment through a desktop study, rather than the wind tunnel test.

The desktop study has revealed that the proposal will not result in any unreasonable wind impacts and accordingly requires no design modification.

This is considered acceptable.



urban context or preferred future development of the area.

Table D6 Wind conditions

Unsafe	Comfortable
Annual maximum 3 second gust wind speed exceeding 20 metres per second with a probability of exceedance of 0.1% considering at least 16 wind directions.	Hourly mean wind speed or gust equivalent mean speed (3 second gust wind speed divided by 1.85), from all wind directions combined with probability of exceedance less than 20% of the time, equal to or less than: • 3 metres per second for sitting areas, • 4 metres per second for standing areas, • 5 metres per second for walking areas.

Accessibility objective

Clause 58.05-1	Assessment															
Objective To ensure the design of dwellings meets the needs of people with limited mobility.	Complies															
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. <table><tr><th colspan="3">Table D7 Bathroom design:</th></tr><tr><th></th><th>Design option A</th><th>Design option B</th></tr><tr><td>Door opening</td><td>A clear 850mm wide door opening</td><td>A clear 820mm wide door opening located opposite the shower</td></tr><tr><td>Door Design</td><td>Either: - A slide door, or - A door that opens outwards, or - A door that opens inwards that is clear of the circulation area and has readily removable hinges. </td><td>Either: - A slide door, or - A door that opens outwards, or - A door that opens inwards and has readily removable hinges. </td></tr><tr><td>Circulation area</td><td>A clear circulation area that is: - A minimum area of 1.2 metres by 1.2 metres. - Located in front of the shower and the toilet. - Clear of the toilet, basin and the door swing. The circulation area for the toilet and shower can overlap.</td><td>A clear circulation area that is: - A minimum width of 1 metre. - The full length of the bathroom and a minimum length of 2.7 metres. - Clear of the toilet and basin. The circulation area can include a shower area.</td></tr></table>	Table D7 Bathroom design:				Design option A	Design option B	Door opening	A clear 850mm wide door opening	A clear 820mm wide door opening located opposite the shower	Door Design	Either: - A slide door, or - A door that opens outwards, or - A door that opens inwards that is clear of the circulation area and has readily removable hinges.	Either: - A slide door, or - A door that opens outwards, or - A door that opens inwards and has readily removable hinges.	Circulation area	A clear circulation area that is: - A minimum area of 1.2 metres by 1.2 metres. - Located in front of the shower and the toilet. - Clear of the toilet, basin and the door swing. The circulation area for the toilet and shower can overlap.	A clear circulation area that is: - A minimum width of 1 metre. - The full length of the bathroom and a minimum length of 2.7 metres. - Clear of the toilet and basin. The circulation area can include a shower area.	Complies More than 50% of dwellings have been designed to achieve compliance with either Design option A or Design option B.
Table D7 Bathroom design:																
	Design option A	Design option B														
Door opening	A clear 850mm wide door opening	A clear 820mm wide door opening located opposite the shower														
Door Design	Either: - A slide door, or - A door that opens outwards, or - A door that opens inwards that is clear of the circulation area and has readily removable hinges.	Either: - A slide door, or - A door that opens outwards, or - A door that opens inwards and has readily removable hinges.														
Circulation area	A clear circulation area that is: - A minimum area of 1.2 metres by 1.2 metres. - Located in front of the shower and the toilet. - Clear of the toilet, basin and the door swing. The circulation area for the toilet and shower can overlap.	A clear circulation area that is: - A minimum width of 1 metre. - The full length of the bathroom and a minimum length of 2.7 metres. - Clear of the toilet and basin. The circulation area can include a shower area.														



Path to circulation area	A clear path with a minimum width of 900mm from the door opening to the circulation area.	Not applicable
Shower	A hobless (step-free) shower.	A hobless (step-free) shower that has a removable shower screen and is located on the furthest wall from the door opening.
Toilet	A toilet located in the corner of the room.	A toilet located closest to the door opening and clear of the circulation area.

Building entry and circulation objectives

Clause 58.05-2	Assessment
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.	Complies
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. - 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.	Complies The development is provided with a generous entry threshold from Whitehorse Road through a secure but visually permeable entry gate to the communal boardwalk. Each building is then provided with its own sense of identity through slight differences in the entry experience to each building: - Building A via the lobby adjacent to the café and communal dining area. - Building B via steps or ramp down around the 'seat /play' area. - Building C past the cantilevered corner of Building B and adjacent to the 'seat/watch' area. - Building D at the end of the boardwalk with a seat book-ending the walkway. An open stair with skylight above will provide daylight to internal circulation areas, inviting residents to use the stair as well as the lift. Recessed doors with overhead details and touch points including lighting, door handles and entry mats single a sense of personal address and threshold.

Private open space objective

Clause 58.05-3	Assessment
Objective To provide adequate private open space for the reasonable recreation and service needs of residents	Complies
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	Variation required All dwellings comply with or exceed the private open space standard in terms of balcony area. A small number of dwellings (13 out of 76 dwellings) do not



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.

Table D8 Balcony size

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

Table D9 Additional living area or bedroom area

Dwelling type	Additional area
Studio or 1 bedroom	8 square metres
2 bedroom	8 square metres
3 or more bedroom	12 square metres

meet the minimum dimension requirements in terms of balcony depth. For example, 3 dwellings within the design type 1BA1 provide 1.4 m width instead of the required 1.7 m width. In these instances, the balcony provides additional area to the minimum area requirement, has multiple access points from internal living (and bedroom) spaces, varied aspect and outlook, and is able to support use of the space in conjunction with the generous internal living areas. For these reasons, the private open spaces provided comply with the objective and is considered satisfactory response.

Storage objective

Clause 58.05-4

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.

Table D10 Storage

Dwelling type	Total minimum storage volume	Minimum storage volume within the dwelling
Studio	8 cubic metres	5 cubic metres
1 bedroom dwelling	10 cubic metres	6 cubic metres
2 bedroom dwelling	14 cubic metres	9 cubic metres
3 or more bedroom	18 cubic metres	12 cubic metres

Assessment

Complies

Complies

Each dwelling type provides the minimum storage volume required via storage provided in the kitchen, bathroom(s) and bedroom(s)



Common property objectives

Clause 58.06-1	Assessment
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.	Complies
Standard D22 - Developments should clearly delineate public, communal and private areas. - Common property, where provided, should be functional and capable of efficient management.	Complies At the site entry, the publicly accessible resident entryway (path from Whitehorse Road adjacent to the corner retail tenancy) is clearly delineated from the private, communal area by a secure entry gate. Communal and common property areas of the site have been designed to allow for efficient management by an owners corporation including indoor communal space (wellness and dining) and car and bicycle parking areas in the basement. Outdoor common property areas are clearly delineated from private areas through design features such as dual seat/parti walls and palisade fences, while allowing for a landscape response that sprawls across the site and provides a buffer between circulation areas and private terraces at ground level.

Site services objectives

Clause 58.06-2	Assessment
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.	Complies
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.	Complies The development sets aside sufficient space for necessary services including substations and meters, in locations that meet necessary authority requirements. Where proposed, these have been integrated into the design and landscaping as much as practicable. Services are incorporated into the landscaping and design to minimise visual impacts along the street front. Mailboxes are included in the lobby of the indoor communal area.

Waste and recycling objectives

Clause 58.06-3	Assessment
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.	Complies
Standard D24	Complies



- *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 best practice waste and recycling management guidelines for residential development adopted by Sustainability Victoria.*
 - *Protect public health and amenity of residents and adjoining premises from the impacts of odour, noise and hazards associated with waste collection vehicle movements.*

The development provides for a dedicated waste bin storage area for multiple waste streams including food and organics, as well as space for hard waste. The bin rooms for each building are located within the basement and will be appropriately ventilated and provided with bin washing facilities in line with this standard. The size and layout of waste facilities and the number of bins have been informed by waste and traffic advice and a waste management plan has been prepared which confirms details for on-site waste management and collection. A condition of permit will require all waste from the site be managed in accordance with the endorsed Waste Management Plan.

Each dwelling has sufficient internal storage for private waste collection. This is confirmed in the architectural plans.

External walls and materials objective

Clause 58.06-4	Assessment
Objectives • <i>To ensure external walls use materials appropriate to the existing urban context or preferred future development of the area.</i> • <i>To ensure external walls endure and retain their attractiveness.</i>	Complies
Standard D25 • <i>External walls should be finished with materials that:</i> ○ <i>Do not easily deteriorate or stain.</i> ○ <i>Weather well over time.</i> ○ <i>Are resilient to the wear and tear from their intended use.</i> • <i>External wall design should facilitate safe and convenient access for maintenance.</i>	Complies The proposal has been designed to incorporate high quality external materials and finishes, including warm brick, metal, aluminium and acrylic render. Light green and beige sunshade fabric (retractable awnings) provide a softness in contrast, while remaining resilient to wear and tear.

Functional layout objective

Clause 58.07-1	Assessment
Objective • <i>To ensure dwellings provide functional areas that meet the needs of residents</i>	Complies
Standard D26 • <i>Bedrooms should:</i> ○ <i>Meet the minimum internal room dimensions specified in Table D11.</i> ○ <i>Provide an area in addition to the minimum internal room dimensions to accommodate a wardrobe.</i> Table D11 Bedroom dimensions	Complies The living rooms and bedrooms for all dwellings have been designed to comply with the minimum dimensions/ area requirements.



Bedroom type	Minimum width	Minimum depth
Main bedroom	3 metres	3.4 metres
All other bedrooms	3 metres	3 metres

- *Living areas (excluding dining and kitchen areas) should meet the minimum internal room dimensions specified in Table B13.*

Table D12 Living area dimensions

Dwelling type	Minimum width	Minimum area
Studio and 1 bedroom dwelling	3.3 metres	10 sqm
2 or more bedroom dwelling	3.6 metres	12 sqm

Room depth objective

Clause 58.07-2	Assessment
Objective • <i>To allow adequate daylight into single aspect habitable rooms</i>	Complies
Standard D27 • <i>Single aspect habitable rooms should not exceed a room depth of 2.5 times the ceiling height.</i> • <i>The depth of a single aspect, open plan, habitable room may be increased to 9 metres if all the following requirements are met:</i> ○ <i>The room combines the living area, dining area and kitchen.</i> ○ <i>The kitchen is located furthest from the window.</i> ○ <i>The ceiling height is at least 2.7 metres measured from finished floor level to finished ceiling level. This excludes where services are provided above the kitchen.</i> • <i>The room depth should be measured from the external surface of the habitable room window to the rear wall of the room.</i>	Complies All dwellings achieve excellent daylight access noting most are dual aspect. Where dwellings are single aspect (in Building A), the layout complies with the standard requirements of this standard.

Windows objective

Clause 58.07-3	Assessment
Objective • <i>To allow adequate daylight into new habitable room windows.</i>	Complies
Standard D28 • <i>Habitable rooms should have a window in an external wall of the building.</i> • <i>A window may provide daylight to a bedroom from a smaller secondary area within the bedroom where the window is clear to the sky.</i> • <i>The secondary area should be:</i> ○ <i>A minimum width of 1.2 metres.</i> ○ <i>A maximum depth of 1.5 times the width, measured from the external surface of the window.</i>	Complies All dwellings have windows in external walls of the building, compliant with this standard.

Natural ventilation objectives

Clause 58.07-4	Assessment
Objectives • <i>To encourage natural ventilation of dwellings.</i> • <i>To allow occupants to effectively manage natural ventilation of dwellings.</i>	Complies 66 out of the 76 (88%) dwellings achieve cross ventilation easily exceeding the 40% requirement of this standard. The remainder of the dwellings (single sided) will achieve ventilation requirements of the Great Design Fast Track via mechanically assisted ventilation.
Standard D29 • <i>The design and layout of dwellings should maximise openable windows, doors or other ventilation devices in external walls of the</i>	



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.*

Appendix B: Council Submission/Objection

Matters raised in council submission/objection	Assessment/response
Strategic Context: The site's location within the Deepdene Neighbourhood Centre, combined with recent shifts in planning policy, supports its suitability for mixed-use redevelopment. Increased residential density at this location is also appropriate. However, this does not outweigh the importance of how the design response manages its sensitive interfaces, treats the public realm or achieves acceptable amenity outcomes on and off-site. Many attributes of the site make it a sound candidate for redevelopment and renewal, and the state planning policy has undergone significant reform since the gazettal of the Design and Development Overlay that affects the site. It is therefore considered that the site is capable of accommodating some additional building height beyond the mandatory 12 metres control set out in Design and Development Overlay 16 (DDO16). However, any departure from these controls still depends on a careful response to the site's irregular shape, northward fall, and sensitive interfaces.	Council's comments acknowledging the site's attributes and strategic context making it a good location for redevelopment and renewal, and capable of accommodating height beyond the height set by the DDO control, are acknowledged. The built form response proposed across the site has been considered thoroughly through context analysis (including site orientation, shape, interfaces and slope) and draws upon first principles of design which is appropriate.
Building Height and Setbacks: Increased building height beyond what is contemplated by Design and Development Overlay 16 (DDO16) of the Boroondara Planning Scheme may be accommodated toward the Whitehorse Road frontage (Buildings A and B), however concern is raised with the proposed height and setbacks of Buildings C and D adjacent the site's most sensitive residential interface. The proposed height and subsequent visual impact of Buildings C and D to the residential interface to the east is not supported. Building C, which seeks to nearly double the mandatory height control at 22.3 metres (6 storeys + basement projection), will be visually dominant and overbearing when viewed from the residential interface. This will be compounded by the proposed variation to mandatory side setbacks, and the proposed façade treatment, which both fail to adequately reduce the perception of bulk or visual intrusion. The same applies to Building D at 15.8 metres (4 storeys). The absence of a stepped built form or eroded facade results in excessive visual bulk and insufficient responsiveness to context.	As outlined in the assessment section of this report, It is acknowledged that while the proposed buildings will be taller than the height limit specified in the DDO and the buildings in the residential hinterland to the east, height in itself (and that the buildings will be visible), this should not be conflated with visual bulk. The setbacks of the buildings and breaks between the buildings provide effective breathing space and views to the sky which will assist in reducing the potential for visual bulk that might otherwise be present in a continuous built form outcome, built closer to the boundary and with upper levels setback. The proposed arrangement allows for perimeter planting, which will assist in softening the appearance of the buildings when viewed from the residential interface. The design strategy including façade treatment addresses the potential for bulk as follows: • High quality material specification (blonde brick), which takes cues from the sturdy yet intricate brickwork of buildings in the neighbourhood. • Articulation of the form through uniform openings and delicate detailing to add visual interest and texture and distinguish the buildings. It is increasingly accepted and evidenced by recent planning reform (e.g. 'the mid rise code') that an approach to the siting and massing of built form through sheer buildings, without a stepped form, achieves better design, landscape, structural, and sustainability outcomes. The façade does not require 'eroding' to reduce visual bulk; the sophisticated façade is tactile and visually interesting.
Architectural Treatment and Public Realm: The proposed architectural treatment should provide an improved response and transition to its surrounds. The current proposal will result in an overly dominant appearance from the public realm and residential interfaces. The simple block form significantly compromises the local character and residential amenity, resulting in unreasonable visual bulk impacts from sensitive residential interfaces and the public realm. This will result in an overly dominant appearance, which worsens toward the south of the site	As outlined in the assessment section of this report, 'the simple block form' is a sophisticated response and encouraged by recent planning reform and consensus around how mid-rise buildings should be designed. It should be noted that the steepest change in topography between the site and adjoining land to the east is at the rear of 31 Barnsbury Road where the interface is with carports and common property to the rear of the carports. It is considered that the proposal does deliver high quality public realm interfaces to both Whitehorse Road and the anniversary



adjacent Buildings C and D as the topography rises toward the rear. The proposal does not deliver high-quality public interfaces, nor a clear sense of address. The Whitehorse Road interface is unsatisfactory, with limited activation and pedestrian engagement due to the ground plane treatment, and failure to comply with the DDO setback requirement on the front title boundary.

The façade treatment to Whitehorse Road is not supported due to the continuous brick perimeter wall, which lacks visual permeability and presents an inactive interface at a key activity corridor. The façade prioritises vehicle access and services, with a constrained pedestrian access at the western end of the site. The Whitehorse Road interface, and its interaction with the public realm should be improved as it currently lacks activation and instead prioritises services and vehicle access.

The western interface to the Anniversary Trail is poorly resolved, with the proposed fencing treatment and walls creating a harsh and impermeable edge that fails to engage with its public setting. Encouragement for preventative treatment to reduce the likelihood of up to 170 metres of graffiti on the Anniversary Trail interface should be implemented.

On-Site Amenity and Facilities:

On and off-site amenity impacts should be addressed, including overshadowing and non-compliances with the provision and useability of private and communal open space.

The proposal does not achieve full compliance with Clause 58. This outcome does not meet the elevated expectations associated with the Great Design Fast Track pathway and is not supported. The extent of shadowing to communal open space within the development is significant, which points to insufficient separation between the buildings, and previously detailed concerns about building height. In a similar vein, the minimum dimensions to numerous balconies do not meet the standard, which adversely impacts the useability of the space provided for future residents.

Off-Site Amenity Impacts:

There is significant shadowing to the secluded private open space and balconies to apartments at 27-29 Barnsbury Road. Off-site amenity impacts such as these are not tolerable for an application lodged under the Great Design Fast Track, and further highlight excessive building height and/or insufficient side setbacks, which do not comply with mandatory controls, for Building D.

Environmentally Sustainable Design (ESD):

Environmentally Sustainable Design (ESD) outcomes are

trail, as outlined earlier.

To Whitehorse Road, the brick wall at street level is not continuous, but broken up by retail entries along this frontage. Above the brick wall, openings are provided to the retail outdoor areas providing a good level of activation and integration between the public and private realms. Services and the vehicle entry do not accommodate an unreasonable portion of the frontage or dominate the frontage.

To the Anniversary Trail, there is a substantial level difference and separation distance between the trail and the boundary fence with substantial tree planting in between. The buildings have also been designed and oriented to face the trail, improving opportunities for passive surveillance and in turn enhancing the public realm particularly when compared to existing conditions. To maintain security and privacy for residents, a boundary fence treatment is proposed. The design of this boundary treatment with the fence has been designed to integrate with the high-quality landscape and architectural treatment of the site. It should not be assumed that the fence will be graffitied.

As outlined in the assessment section of this report, the proposal achieves almost full compliance with the objectives of Clause 58 and in most instances also meets the standard. Where variations are proposed, sufficient justification has been detailed earlier in the assessment section of this report, including the overall amenity that is provided to the dwellings through layout and design. For example, where a balcony is shy of a minimum dimension, the overall balcony area exceeds the standard requirement.

The shadow cast to the communal open space is unavoidable to a certain extent noting the site's orientation, with Whitehorse Road to the north and a consistent street wall sought for this interface. The proposed location of the communal open space is logical, noting it is co-located with the lobby and internal communal space.

It is noted that 27-29 Barnsbury Road is a retirement village and balconies in these types of developments are not treated in the same way as secluded private open space of dwellings. Clause 58 also intentionally does not include strict shadow tests akin to those included for low or mid-rise buildings, acknowledging the contextual differences for sites where taller forms are encouraged and supported. Notwithstanding, shadows cast by the proposal (Building D) at the equinox affects the ground floor balconies and common property of 29 Barnsbury Road, but only to a very small extent from 1pm and to a greater extent from 2pm in the afternoon. The proposal does not impact these balconies in the morning hours and it does not impact 27 Barnsbury Road at all (having regard to the shadow diagrams).

It is further noted in terms of off-site impact, that Building D is designed with several openings to balconies and lightweight balustrade elements which soften the appearance of the building at this southern corner (which interfaces with 27-29 Barnsbury Road). For these reasons, the off-site impact of Building D is limited and acceptable.

As outlined earlier in the assessment section of this report, the proposal achieves ESD excellence through achieving a BESS



insufficient, and do not deliver an exemplary level of climate mitigation and adaptation. Many aspects of the proposal would have lower ESD targets than comparable developments in Boroondara.

The overall ESD response is not considered to reflect an exemplary level of climate mitigation and adaptation anticipated by the Great Design Fast Track pathway. Many aspects of the proposed development would have a lower target than a standard development application of similar scale in Boroondara.

Car Parking:

The provision of 136 car spaces is almost double the requirement for dwellings since the gazettal of Amendment VC277. The effective 60 space surplus could be utilised for additional bicycle spaces, and to reduce the extent of the basement. These alternatives would support a more sustainable development, improve the minimal provision of deep soil, and reduce construction costs associated with vehicle accommodation.

Provision of Commercial Floorspace:

Having regard to the purpose of the Commercial 1 Zone, together with the decision guidelines of DDO16, which seek to ensure the design of development can accommodate an integrated mix of uses including retail, office/commercial and residential, the extent of commercial floorspace proposed is considered deficient in the context of the site area and the strategic role of the Neighbourhood Centre.

Good Value Homes Principle:

The proposed development is not considered to adequately address Principle 7 - Good Value Homes, of the Great Design Fast Track Design Principles. Specifically, the development does not propose a delivery model to support affordability. Further, of the one-bedroom apartments that would have the potential to be offered a lower price point; the development only proposes 9 out of 76 dwellings.

score of 72%. This is achieved through numerous ESD initiatives, proposed both in response to the Great Design Fast Track principles but also as a demonstration of a commitment to sustainable design.

When considering the absence of a localised ESD policy within the Boroondara Planning Scheme, this result is considered to deliver a far superior outcome than those which would be required or expected under a conventional planning permit outcome.

Further, the proposal meets the high bar for sustainability to qualify for acceptance into the GDFT pathway. Specifically, the development achieves an 8.0 Star average NatHERS energy rating.

The proposal meets the minimum requirement for car parking under the planning scheme for residents and seeks a shortfall for retail and visitors. The provision has considered ABS data around car ownership and expected vehicle demand. A further reduction is not required. It is noted, however, that additional bicycle spaces including space for cargo bicycles was introduced in response to DTP's feedback prior to formal lodgement.

The development includes a mix of retail (commercial) space and dwellings, both of which are sought by and permissible in the Commercial 1 Zone. The proposed mix including retail tenancies of varying sizes represents a considered response to the scale and role of the Deepdene Neighbourhood Activity Centre.

The principles of the Great Design Fast Track recognise that good value homes can be achieved in a variety of formats. By virtue of delivering apartments within Deepdene, a suburb with very little apartment stock, the proposal offers a diversity in dwelling stock and contributes to the provision of better value homes within the area. Furthermore, the stacked building forms and efficient floor plates contribute to reducing construction costs, resulting in ripple effects to the ultimate cost of housing.

The proposal was also assessed by the OVGA as meeting this GDFT principle.

Appendix C: Public Submissions



Key matters raised in public submissions	Assessment/response
Impact of excavation.	Detailed structural and geotechnical engineering will inform the earth retention systems that are put in place during excavation of the site during construction. This is to ensure there is no impact on surrounding earth and neighbouring structures. The relevant reports will be commissioned and completed as part of the building permit process. A dilapidation report of all adjacent properties will also be prepared prior to commencement of construction, as part of the building permit process.
Impact of increased vehicle traffic during construction.	As outlined earlier, traffic is dealt with as part of the Demolition and Construction Management Plan required as part of the Building Permit Application. This is a construction matter as opposed to a planning matter.
Impact to off-street parking and car parking provision	As outlined earlier, there is concern that every proposed bedroom may equate to one additional car in ownership (needing to be parked). As outlined in the Traffic Report prepared by Eukai, the proposed provision of 136 car spaces for residents exceeds the expected car ownership of 105 spaces (based on ABS Data) and meets the minimum requirement of clause 52.06 based on the site's category 2 location. The reduction sought to visitor and shop car parking spaces is supported having regard to available on-street vacancies, the accessibility of public transport and active travel routes and relevant planning policy seeking to facilitate use of these alternate modes.
Building height (particularly of Building C) and offsite amenity impact	As outlined earlier, the shadow impacts to adjoining properties is considered reasonable, given the context and time where the properties will not be shadowed. A response to overlooking was outlined earlier, stating that where there is a window within a 9 m horizontal vie core, the proposed windows and openings to balconies are offset from existing windows opposite, to avoid direct views between dwellings. With regard to visual bulk, this was also addressed earlier in this report, stating that avoiding stepped forms and proposing sheer volumes to reduce site coverage and allow for increased canopy tree planting as well as breathing space between buildings and around the perimeter of the site was an intended design response. This, combined with high quality materials and articulation of the built form reduce the potential for inappropriate visual bulk.
Eastern boundary fence and retaining wall arrangement	There is a new fence proposed along this boundary. The existing retaining wall will be maintained and appropriate retention put in place during excavation and construction of the building. The fence will comprise a natural concrete and metal balustrade. The architectural plans demonstrates that the new proposed fence will not be higher than the existing fence at 31 Barnsbury Road.
Noise and Amenity (Proximity to Deepdene Zone Substation)	The objection from CitiPower raises concerns with the proximity of eth proposed residential dwellings to the existing substation located directly opposite the site. It was stated earlier that a MoA was submitted by the applicant following receipt of eth submission that confirmed that the substation noise is inaudible over traffic noise along Whitehorse Road and as such is not expected to be perceptible to residents at the subject site. It was also pointed out that the site is not located within a noise influence area as defined in Table D5 of Standard D16 of Clause 58.04-3 (Noise impacts objective).