

# Planning Report

Tract

## Planning Permit Application

Wurundjeri Country  
1 Kent Road & 24 Durham Road, Surrey Hills

Prepared for VJ 1 KR Pty Ltd

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PLAN**

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# Acknowledgement of Country

We pay our respects to the Traditional Custodians of Country throughout Australia, their Elders and ancestors, recognising their rich heritage and enduring connection to Country and acknowledging the ongoing sovereignty of all Aboriginal and Torres Strait Islander Nations.

We recognise the profound connection to land, waters, sky and community of the First Nations peoples, with continuing cultures that are among the oldest in human history. We recognise that they are skilled land shapers and place makers, with a deep and rich knowledge of this land which they have cared for, protected and balanced for millennia.

Our Country, 2022

88 x 119 cm Acrylic on canvas

Original artwork by

Alfred Carter

Gunaikurnai

# Overview

Applicant / Owner	VJ 1 KR Pty Ltd
Address	1 Kent Road & 24 Durham Road, Surrey Hills, VIC 3127
Lot Description	CP169721, CP169506
Easements/Restrictions	Existing stormwater drainage easement (Easement E-1)
Lot Size	9158 m <sup>2</sup>
Planning Scheme	Boroondara Planning Scheme
Responsible Authority	Minister for Planning

## Permit Application Details

Description of Proposal	Staged site redevelopment comprising the localised demolition of existing buildings, adaptive re-use of select existing heritage buildings and the construction of two new four-storey apartment buildings to deliver a total of 76 dwellings above a basement car park.
Permit Requirements	<p>Clause 32.09-7 (Neighbourhood Residential Zone) – To construct two or more dwellings on a lot and to construct a front fence.</p> <p>Clause 43.01-1 (Heritage Overlay) – To demolish or remove a building, externally alter a building and to construct a building or construct or carry out works.</p> <p>Clause 52.37-2 (Canopy trees) – To remove, destroy or lop a boundary canopy tree in the NRZ.</p>

## Relevant Planning Provisions

Zone	Neighbourhood Residential Zone – Schedule 3 (NRZ3)
Overlays	Heritage Overlay 670 – Surrey Hills English Counties Precinct (HO670)
Particular Provisions	<p>Clause 52.06 – Car Parking</p> <p>Clause 52.34 – Bicycle Facilities</p> <p>Clause 52.37 – Canopy Trees</p> <p>Clause 53.23 – Significant Residential Development with Affordable Housing</p> <p>Clause 57 – Two or More Dwellings on a Lot and Residential Buildings of Four Storeys</p>
Principal Public Transport Network (PPTN) Area	Yes

# Quality Assurance

## Planning Report

Planning Permit Application  
Wurundjeri Country  
1 Kent Road & 24 Durham Road, Surrey Hills

Project Number  
325-0336-00

## Revisions

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No.	Date	Description	Prepared By	Reviewed By	Project Principal
01	23/02/2026	Pre-application Lodgement	BB & KK	KK / EH	EH
02	27/05/2026	Formal Application Lodgement	BB & KK	KK / EH	EH

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# Executive Summary

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This report has been prepared by Tract Consultants Pty Ltd for VJ 1 KR Pty Ltd to support a planning permit application for the adaptation and regeneration of the former **St Josephs Boy's Home** at 1 Kent Road and 24 Durham Road, Surrey Hills (the 'Site'), pursuant to Clause 53.23 –Significant Residential Development with Affordable Housing.

This executive summary highlights the key benefits of the proposal, noting the nature of these benefits are the result of a forensic analysis of site attributes, constraints and opportunities and extensive pre-application engagement with the Department of Transport and Planning's Development Facilitation Team.

At over 9,000 square metres in area, this consolidated development parcel presents as one of the largest underutilised, privately held residential sites in Surrey Hills and the broader surrounds. Accordingly, the Site represents a development opportunity that cannot be overlooked for sensitively designed, bespoke infill development within an amenity rich location, in an area classified as the 'missing middle' with a lack of diverse product to respond to overwhelming market and population demand.

The shared vision for the Site by the project team has culminated in a scheme which successfully breathes life back into a historic site while delivering upon the objectives of *Victoria's Housing Statement* in a carefully curated and contextually responsive manner. In doing this, the project also offers the following public benefits, which are beyond that which would be delivered by a conventional proposal:

- **More housing** (76 dwellings when a 'conventional' scenario may deliver up to 22 dwellings).
- **More affordable housing** (3% of the residential development cost will be contributed to the Social Housing Growth Fund).
- **Greater diversity in housing**, including one, two and three-bedroom apartment and townhouse typologies.
- **Restoration and adaptive reuse** of existing significant heritage fabric, breathing life back into an underutilised historic site and removing intrusive alterations.
- **66% BESS score**, including 80% of apartments naturally cross-ventilated (no ESD requirements within the Boroondara Planning Scheme).
- **Ample communal amenity space**, delivering a total of 1,083sqm of communal space through a combination of thoughtfully programmed outdoor and indoor spaces.
- **28% of the Site set aside as deep soil area** (no requirement in the Boroondara Planning Scheme).
- **A canopy cover of 26%** (planning scheme requirement of 20%).
- **Engagement of multiple award-winning architects and landscape architect, Woods Bagot, Kerstin Thompson and Oculus** within the project team, who are Tier 1 architects that have a demonstrated track-record of designing and delivering projects of this nature and scale.

The benefits described above are achievable on the proviso that the foundational, first-principles approach height and massing response is supported by the Minister for Planning in recognition of the Site's context, attributes and enormous opportunities.

The Department of Transport and Planning ('DTP') issued an eligibility letter on 13 May 2026 which enables an application to be formally submitted and progressed through the formal review process under Clause 53.23. It follows as the recommendation in this report that a recommendation is made to the Minister for Planning to issue a Planning Permit for the development.

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# 1 Introduction

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## 1.1 Purpose

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This report has been prepared by Tract Consultants Pty Ltd upon the instructions of **VJ 1KR Pty Ltd** ("Applicant").

The purpose of this report is to accompany a planning permit application for the residential redevelopment of the existing land at **24 Durham Road and 1 Kent Road, Surrey Hills** ("the Site"), the former St Joseph's Home for Destitute Children.

The proposal contemplates the adaptive re-use of select existing heritage buildings (the 'main building', 'chapel building' and 'infirmary building' collectively referred to herein as '**St Joseph's**'), and the construction of two new apartment buildings of up to four-storeys in height ('**Building A**' and '**Building B**'). Localised demolition will also be required to facilitate the redevelopment proposal.

In total, the proposed redevelopment will deliver 76 dwellings comprising a mix of apartment and duplex dwelling typologies. It will deliver a high-quality network of open space throughout characterised by generous deep soil and canopy tree planting, a total of 1,083sqm communal amenity space (comprising indoor and outdoor space), 127 car parking spaces and 24 bicycle parking spaces. Conversion of the 'chapel building' for communal amenity is also proposed.

The architectural concept, designed by Woods Bagot and Kerstin Thompson Architects (KTA), will see the redevelopment of a strategic development Site in Surrey Hills in a manner which responds to and engenders the Site's unique heritage setting. The building design is complemented by a high-quality landscape architectural response, driven by the theme of the 'village in the garden', which celebrates the heritage qualities of the Site.

In recognition of this unique heritage context, the proponent has appointed Woods Bagot and KTA to take carriage of different aspects of the architectural design, aspiring to achieve an exemplary 'old meets new' approach in the combination of newer built forms, and restoration of the existing significant heritage fabric.

A planning permit for the proposed development is sought via the approval pathway available at Clause 53.23 (*Significant Residential Development with Affordable Housing*) of the Boroondara Planning Scheme, for which the Minister for Planning is the Responsible Authority.

## 1.2 Permit Requirements

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The following planning permit triggers are applicable under the *Boroondara Planning Scheme* ("Planning Scheme"):

- Clause 32.09-7 (Neighbourhood Residential Zone) – To construct two or more dwellings on a lot and to construct a front fence.
- Clause 43.01-1 (Heritage Overlay) – To demolish or remove a building, externally alter a building and to construct a building or construct or carry out works.
- Clause 52.37-2 (Canopy trees) – To remove, destroy or lop a boundary canopy tree in the NRZ.

## 1.3 Project Team

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The project team assembled for this proposal is as follows:

- Architect – Woods Bagot & Kerstin Thompson Architects.
- Landscape Architect- OCULUS.
- Heritage – Lovell Chen.
- Planning – Tract Consultants.

- Traffic and Waste – Traffix
- Arborist – Tree Logic.
- Environmentally Sustainable Design & Stormwater Management – GIW Environmental Solutions.
- Surveyor – Madigan.

#### 1.4 Application Documents

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The following technical plans and reports are included with this planning permit application:

- Architectural Plans, Woods Bagot and Kerstin Thompson Architects.
- Urban Context Design Report, Woods Bagot and Kerstin Thompson Architects.
- Heritage Impact Statement, Lovell Chen.
- Landscape Concept and Plans, Oculus.
- Arboricultural Report and Arboricultural Impact Assessment Report, Tree Logic.
- Traffic Engineering Assessment, Traffix.
- Waste Management Plan, Traffix.
- Sustainability Management Plan, GIW Environmental Solutions.
- Feature and Level Survey, Madigan.
- Certificates of Title.
- Metropolitan Planning Levy Certificate.

This report has only considered those documents explicitly referenced throughout the document.

#### 1.5 Limitations

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This report has considered the following documents in its planning assessment:

- *Boroondara Planning Scheme*
- *Plan for Victoria 2025*
- *Victoria's Housing Statement 2024-2025*
- *Boroondara Housing Strategy*
- *Boroondara Neighbourhood Character Study*
- *City of Boroondara Local Laws*
- *Mid-Rise Design Guide and Mid-Rise Code Guidelines*

## 2 Site & Surrounds

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This section should be read in conjunction with Section 02 *The Opportunity* and Section 03 *The Site* of the Urban Context Design Report prepared by Woods Bagot.

### 2.1 Site Analysis & Existing Conditions

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The Site is located at 1 Kent Road and 24 Durham Road, Surrey Hills. It occupies an area of 9,158sqm and has an 'L'-shaped configuration, with northern frontages to the existing properties at 17 Middlesex Road and 22 Durham Road, a western frontage to Middlesex Road, a southern frontage to Kent Road and eastern frontages to three existing properties (18, 20 and 22 Durham Road) and Durham Road.

It is occupied by a series of existing buildings associated with the former use of the Site and operation of the St Joseph's Home for Destitute Children, which are described in further detail below. The perimeter of the Site is delineated by an existing solid brick fence which varies in height between approximately 2.1-2.5m in height.

Vehicular access to the Site is provided via four existing single crossovers including one from Durham Road, one from Kent Road, and two from Middlesex Road.

The Site has a notable slope with a fall of approximately 8 metres from the southeastern corner to the northwestern corner. The lowest portion of the Site is the northern end which abuts 17 Middlesex Road.

A total of 63 trees and small trees / shrubs are identified in the Arboricultural Assessment prepared by Tree Logic as being of relevance to the Site. There are a total of 33 trees within Site, six (6) trees or notable shrubs on adjoining properties, and 24 street trees along Middlesex Road, Kent Road and Durham Road.

Trees located within the Site have been assessed by Tree Logic as having a wide mixture of 'Very Low', 'Low', 'Moderate B', 'Moderate C' or 'Moderate A' arboricultural ratings.

Refer to the aerial image, slope analysis below and overleaf for more details of the Site.



Figure 1. 24 Durham Road, Surrey Hills (One Map).

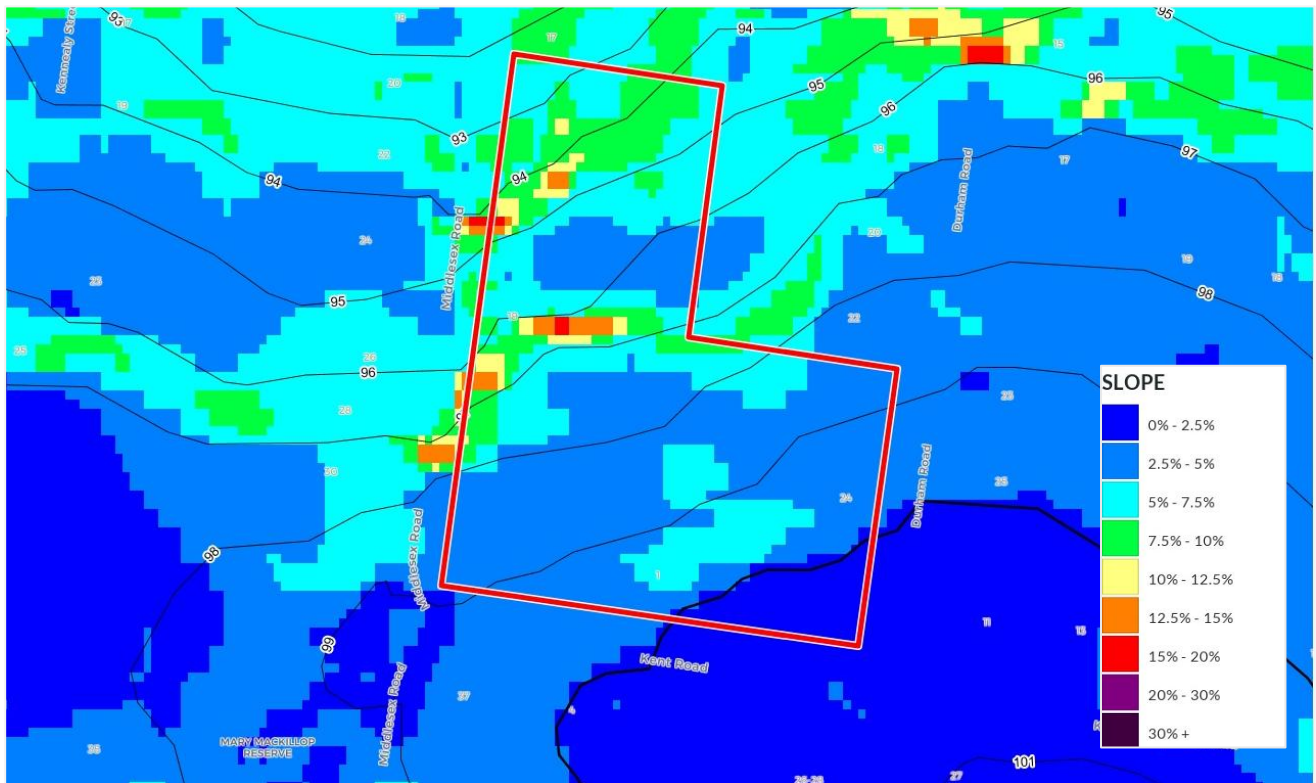


Figure 2. Slope analysis (One Map).

### 2.1.1 Title Particulars

The Site is located at land formally described as CP169721 and CP169506.

The Site is affected by a single easement, Easement E-1, which is a 3-metre wide stormwater drainage. This is shown as an appurtenant easement on CP169506A, shown as A-1 and A-2.

The project team through its investigations has confirmed the following with respect to this easement:

- No drainage or water authority assets are contained within the easement.
- Yarra Valley Water does not have any record of the easement nor do they have the benefit of the easement.
- Council, nor any third parties, are beneficiaries of the easement.
- The easement will be removed as part of the title consolidation/future subdivision process, which will occur following settlement of the property by the Applicant.

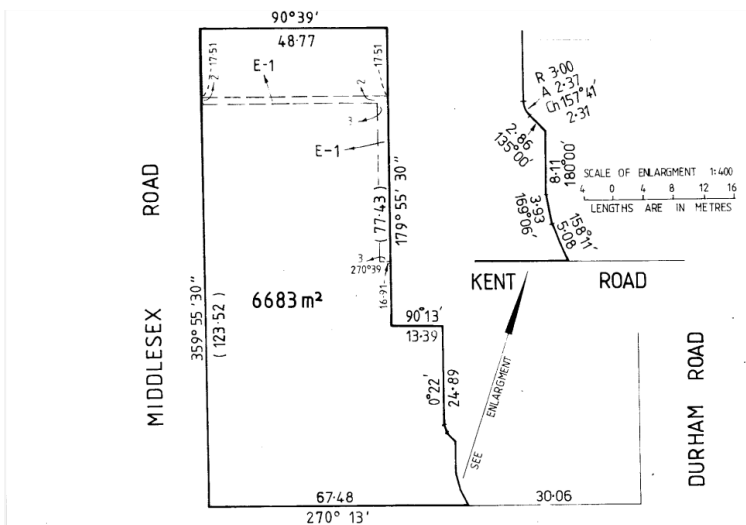


Figure 3. CP169721V.

## 2.1.2 Existing Buildings

Existing heritage buildings within the Site comprise a collection of evolved and extended historic buildings including:

- 1890-1901 St Joseph's Home for Destitute Children established by Sisters of St Joseph in a six-room brick residence in Surrey Hills. The primary approach was from Canterbury Road and the rail corridor at the north.
- Chapel designed by Augustus Andrew Fritsch.
- New wing constructed (also designed by Fritsch), likely the two storey classrooms to the north-east corner of the c. 1901 dormitory/refectory.
- Laundry and outbuildings constructed to the east of the chapel.
- Infirmary constructed at the south of the site, to the east main two-storey building.
- First-floor addition to the c. 1901 building located to the south the chapel.
- School building constructed in the south-east corner of the site.

In addition to the historic buildings, several non-contributory buildings are located in the northern section of the Site. These were used for additional student and staff accommodation as the former institution expanded following its establishment in 1890.

Built elements that are considered to be of **primary significance** for their capacity collectively to demonstrate the Site's valued historical associations are the:

- Two-storey face brick c.1889 building (excluding its later additions), as the earliest, most prominent, and architecturally distinctive structure associated with the orphanage.
- Chapel, as the most intact and symbolically significant building on the Site.
- Red brick boundary fence and entry gates to Kent and Middlesex Roads, which define the site's historic perimeter and setting as well as its institutional use.

Built elements which **contribute to the significance** include:

- The interwar structures (infirmary and school building) at the south of the site, being structures of similar age and architectural expression.
- The laundry and outbuildings.

Dates for the construction of the brick perimeter fence have not been established. It is known, however, that the south-west corner of the site was previously enclosed by a timber picket fence (consistent with its previous use as a private residence). It is anticipated that the wall was built in multiple increments, to a broadly consistent detail, as the Site was developed during the twentieth century.

Refer to the Heritage Impact Statement prepared by Lovell Chen for a detailed description of existing heritage buildings within the Site.



Figure 4. Aerial view of the subject site (part) with dates of construction for the main buildings overlaid (Lovell Chen).

### 2.1.3 Site Interfaces

The Site has the following direct interfaces:

**West** – Direct western frontage of 124m to Middlesex Road, a suburban residential street with a carriageway of approximately 8m. There are nine (9) existing street trees located within the road reserve along the eastern side of Middlesex Road where it abuts the Site boundary. On the opposite side of the street to the southwest is the Mary MacKillop Reserve park and playground, and to the west are existing single- and double-storey dwellings. The character of dwellings along Middlesex Road as you travel north are characterised by lot frontages of between approximately 8m – 20m.

**North** – Direct northern frontage to two (2) existing properties at 17 Middlesex Road and 22 Durham Road. The former property includes a two-storey existing dwelling within a narrow lot with a 12.5 frontage to the street. The secluded private open space (SPOS) to this property abuts the northeastern corner of the Site. There are three (3) south-facing windows to this property which face the Site. Information is not readily available to confirm whether or not these are habitable room windows. There are several existing trees within the frontage of this property abutting Middlesex Road.

The latter property is occupied by a double-storey dwelling with SPOS abutting both the northern and one of the eastern interfaces of the subject Site. There are two (2) existing mature trees to the west and south of this property which afford visual screening between the property and the Site. Based on a review of the available floor plans for this property, there is an existing habitable room window to the southern facade (ground-level) of the property which faces one of the northern Site interfaces.

**South** – Direct southern frontage of 97m to Kent Road, a suburban residential street with a carriageway of approximately 8m which accommodates the Number 612 bus route, operating a service between Box Hill and Chadstone. There are nine (9) existing street trees located within the road reserve along the northern side of Kent Road consisting of a mixture of exotic evergreen and deciduous trees.

Located on the opposite side of Kent Road are three (3) large residential properties at 37 Middlesex Road, 2 Kent Road, and 26-28 Durham Road, ranging between approximately 1110sqm and 1420sqm in size.

**East** – Two different interface conditions including direct eastern interface of 59m in length to three (3) existing properties at 18, 20 and 22 Durham Road, where the site interfaces with the rear boundaries and secluded private open space to these properties.

Secondly, a direct frontage of 64m to Durham Road, a residential street with five (5) existing street trees located within the portion of the road reserve which abuts the eastern Site boundary. Similarly to the condition observed along Middlesex Road, existing properties along Durham Road are characterised by lots of between 800-900sqm, though there are some smaller mews-like properties at 17, 19 and 21 Durham Road.

## 2.2 Surrounding Context

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The Site is located within Surrey Hills, a well-established suburb in Melbourne's east.

Surrey Hills is an established residential suburb located approximately 11 km east of Melbourne's Central Business District, within the municipalities of Boroondara and Whitehorse.

It is characterised by mature tree-lined streets and a fine-grain suburban layout that emerged in the late 19th and early 20th centuries. The suburb covers roughly 4.4 km<sup>2</sup> and accommodates a population of 13,655 (2021 Census), with strong signs of ongoing population growth and sustained demand for high-amenity suburban living.

Surrey Hills is known for its high-quality housing stock and stable, predominantly owner-occupied community. Demographically, the suburb exhibits an affluent, with above-average household incomes, a median age of 42 and a strong representation of family households. These characteristics align with broader trends in Melbourne's inner-eastern suburbs, where high levels of amenity, good schools, and access to services continue to attract long-term residents.

The suburb benefits from a well-connected transport network. The 612 Box Hill Station to Chadstone bus route services Kent Road and runs approximately every 30 minutes. The Site is 315m south of Chatham Train Station on the Belgrave and Lilydale lines. The Site is 1.5 kilometres north of the 70 Waterfront City Docklands - Wattle Park tram route.

The Chatham commercial corridor along Canterbury Road is located 162 metres north of the Site.

The Site is located within the Principal Public Transport Network (PPTN).



Figure 5. Context Plan (One Map).

## 3 Proposal

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This section should be read in conjunction with *Section 04 The Masterplan* of the Urban Context Design Report prepared by Woods Bagot.

### 3.1 Overview

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The proposal comprises a residential development through the adaptive re-use of existing heritage buildings (of 'primary significance') and the construction of two (2) new four-storey apartment buildings to deliver a total of 76 apartment units comprising a mix of one-bedroom two-bedroom, three-bedroom and penthouse apartment units and duplex units.

The existing buildings being adapted for residential use are referred to as '**St Josephs**', excluding the 'chapel building' which is proposed for conversion as a communal amenity space. The two new buildings are referred to as '**Building A**' / the '*Middlesex Residences*' and '**Building B**' / the '*Durham Residences*'.

The proposal designed by Woods Bagot and KTA represents a contextually driven response that respectfully balances its strategic opportunities with a carefully considered built form outcome. The proposal seeks to deliver well-designed medium density housing that achieves an exceptional level of amenity for residents while responding to the Site's unique heritage context and respecting the existing scale and character of the surrounding neighbourhood.

The massing strategy underpinning the newly proposed built form has been informed by the need to respond to the existing heritage buildings being retained, working with the Site's topography, an analysis of interfaces, planning envelopes, landscaping opportunities and environmental sustainability.

The strategy for the adaptive reuse of existing buildings is to retain those of primary heritage significance and original heritage fabric to preserve those elements which are critical to retaining heritage character, balanced with the need to provide internal layouts, dwellings which meet and exceed modern-day standards, and a functional communal amenity space within the chapel building.

The proposal incorporates an embedded landscape design outcome which has been devised in tandem with the proposed architecture.

The on and off-site amenity achieved through the carefully crafted built form response is complemented by the provision of a range of sustainability initiatives to ensure best practice ESD outcomes, generous communal open spaces offerings, bicycle parking, and improved activation to and passive surveillance of the public realm.



Figure 6. Massing and early design sketches (Woods Bagot).

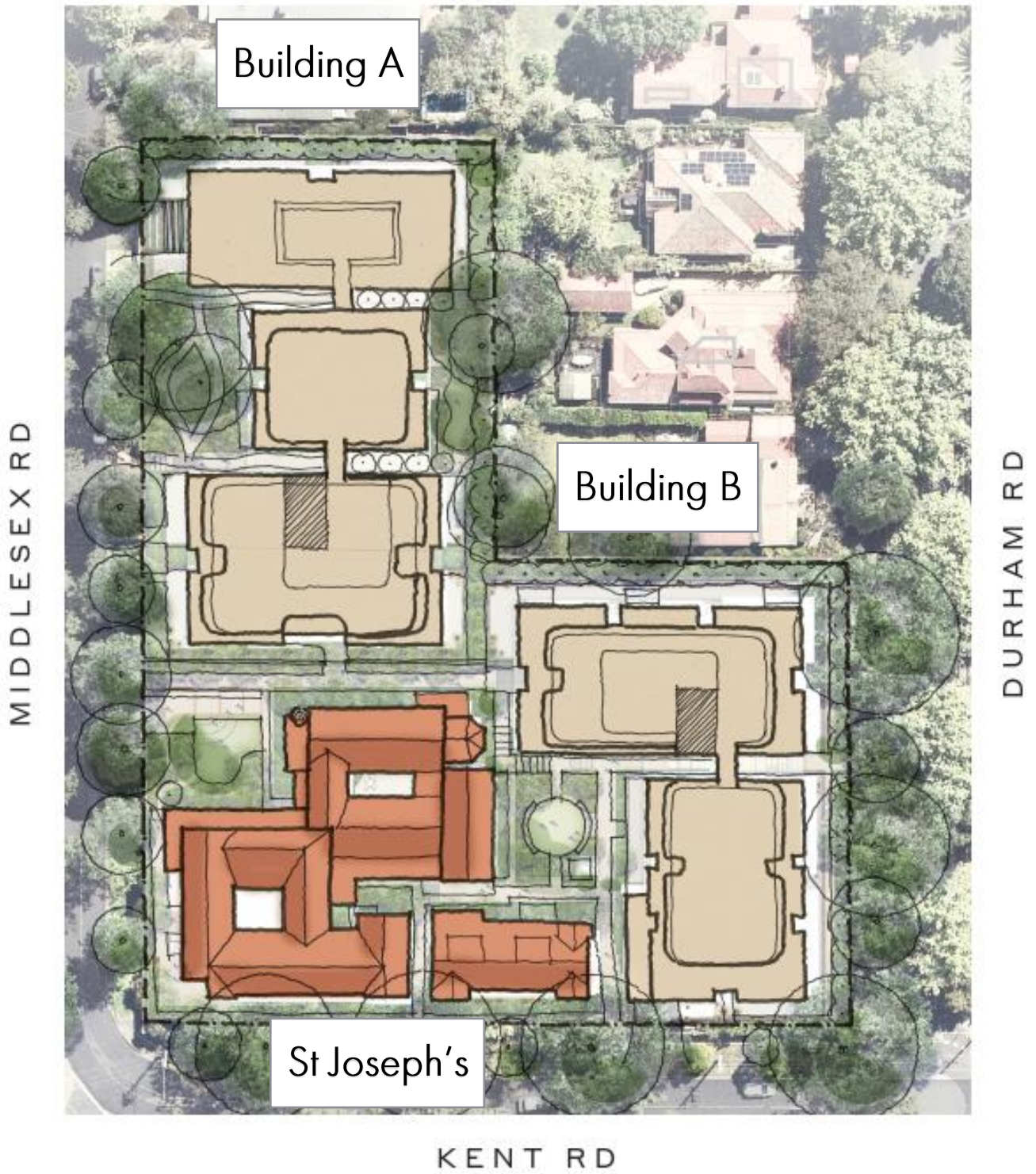


Figure 7. Proposed Masterplan (Woods Bagot).

### 3.2 Key Elements

A summary of the key elements of the proposal is provided in the Table below. Refer to the Development Summary at Drawing TP1 1004 (Woods Bagot) for full detail.

Table 1. Key aspects of the development proposal.

Aspect	Description	Aspect	Description
<b>GFA/Site Coverage</b>	5,303sqm (58%)	<b>Vehicle Access</b>	6.7m wide access to Middlesex Road located at the north-western corner of the Site. 7.4m wide access to Kent Road located at the south-eastern corner of the Site.
<b>Apartments</b>	76 x dwellings comprising 65 x apartment units within Building A and Building B and 11 x duplex units within St Josephs, and a unit mix consisting on 6 x one-bed, 20 x two-bed, 18 x two-bed, 25 x three-bed and 7 x penthouse dwellings.	<b>Car Parking</b>	A total of 124 secure resident spaces at basement level consisting of 59 spaces allocated to Building A, and 65 spaces allocated to Building B and St Josephs.
<b>Building Height</b>	St Josephs – Existing maximum building height unchanged. Building A – Max. 4-storeys. Building B – Max. 4-storeys.	<b>Bicycle Parking</b>	A total of 32 x bicycle parking spaces including 16 x resident spaces at basement level to Building A and Building B, and 16 x visitor spaces at ground plane throughout the Site.
<b>Garden Area</b>	42% achieved. A generous network of open spaces is provided throughout the Site, orientated to receive ample sunlight and natural shade through large canopy tree planting.	<b>Deep Soil</b>	A total of 2,532sqm (28%) deep soil area.
<b>Communal Amenity Space</b>	Total 1,083sqm comprising 622sqm internal and 461sqm external communal amenity space.	<b>Canopy Cover</b>	A total of 2,431sqm (26%) canopy coverage.

### 3.3 Demolition

The proposed demolition works will include:

- Existing buildings and structures including the collection of existing two-storey brick buildings in the northern portion of the Site which are not of any heritage significance.
- The 1910-20s laundry and outbuildings constructed to the east of the chapel (additions to one of the two-storey brick buildings).
- The 1941 school building in the southeastern corner of the Site.
- Hard ground surfacing throughout the Site.
- Existing vehicle crossovers to Middlesex Road (1x), Kent Road, (1x) and Durham Road (2x).
- Portions of the perimeter brick fence.

As outlined further below and within the Landscape Report, it is intended to utilise recycled brick from the existing buildings in paving and hard landscaping throughout the Site where possible.

Refer to Drawing TP10002 of the Architectural Plans (Woods Bagot) for full details.

Refer to the Heritage Impact Statement prepared by Lovell Chen for full details supporting the demolition of existing heritage buildings.

### 3.4 Design Response: A Village in the Garden

#### 3.4.1 Height & Massing Strategy

The design response revolves around a considered massing strategy which responds to the Site's unique heritage setting, topography, and scale and siting of surrounding built form.

**Building A** includes three pavilion style blocks which transition in height from north to south. Opportunities to work with the natural topography of the Site have been utilised in determining the overall height and massing approach.

At its lowest point within the northern end of the Site, the scheme proposes a two storey form, which graduates to a four-storey form where adjacent to the existing chapel and within the southern end of the Site. However, the four-storey form is only read as a three-storey form within the streetscape due to the fall of the land and terracing of courtyards to allow for sunken apartments. The central and southern portions of the building include four-storey elements over basement. At its tallest point, Building A remains below the roof level of St Joseph's, ensuring the existing buildings retain prominence in the streetscape when viewed from Middlesex Road.

**Building B** includes two 'blocks' in its northern and southern portion broadly configured in an 'L'-shape. The northern block is a four-storey building, again due to the terracing of courtyards and partially sunken apartments, however reads as a three-storey form from within the streetscape. The northern block includes an upper-level recess at Level 02 which pull away from the northern building line by approximately 4m to ensure the lower volume is read as the primary volume, particularly when viewed from the Durham Road. The southern block includes an upper-level recess at Level 02 which pulls away from the southern building line and Kent Road by a further 6.5m, responding to the lower-scale streetscape character.

The proposed buildings are separated and connected via glazed links to reduce the perception of overall bulk and mass, ensuring that the development reads as a series of finer-grain, human-scaled elements rather than a single monolithic structure. This approach also reinforces the rhythm and spacing typical of the surrounding residential context, reflecting the scale and cadence of neighbouring allotments and dwellings.

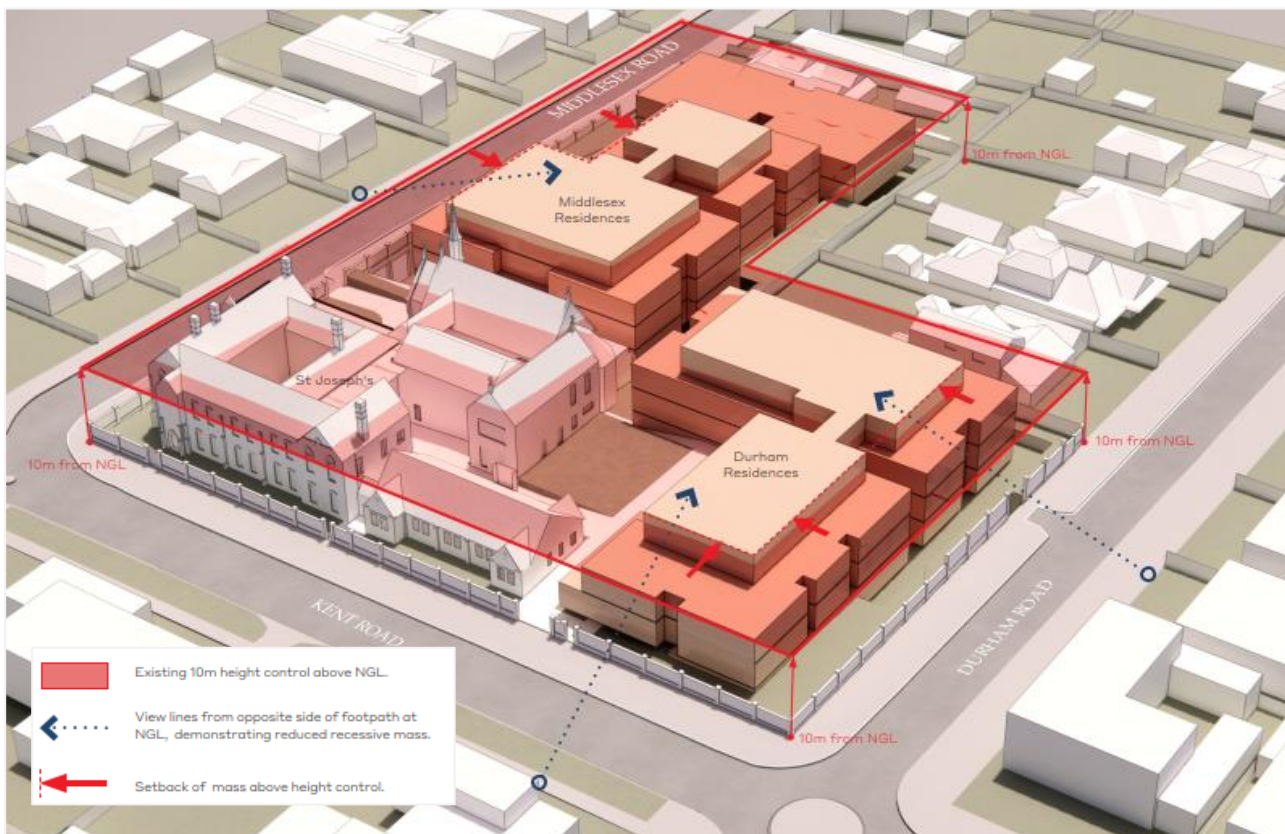


Figure 8. Proposed massing (Woods Bagot).

### 3.4.2 Heritage Adaptations and Alterations

Refer to the Architectural Plans prepared by KTA for full details.

**St Joseph’s Chapel (1903)** – The chapel will be converted into a communal amenity space for use by future residents of the development. The conversion strategy focuses on preserving the chapel’s existing fabric, in particular elements visible from the public realm, and allowing the original facades and internal detailing to remain largely untouched.

A new accessible entry is provided to the north where the change in levels can be accommodated without affecting the existing levels inside the chapel proper.

Internal amenity is enhanced through selective replacement of slate roof tiles with small areas of glazing to improve light instead of introducing new external windows.

**North-east extension to 1907 building** – The approach to adapting this portion of the precinct involves carefully removing later construction layers to uncover and prepare the original heritage fabric for restoration and sensitive interventions, while a lightweight armature added to the building’s eastern face accommodates private open space for each residence, provides shading to neighbouring windows, and supports creeping vegetation that enhances privacy for occupants and creates a green backdrop to the adjacent public piazza.

**St Josephs Home (1890)** – The building’s most ornate terraces will undergo conservation works, including the removal of later infill to reinstate the original terrace form, which also improves passive surveillance of the surrounding landscape from new private open space; additionally, the removal of later additions that had filled the central courtyard will restore light, ventilation, and private open space to the adjoining residences.

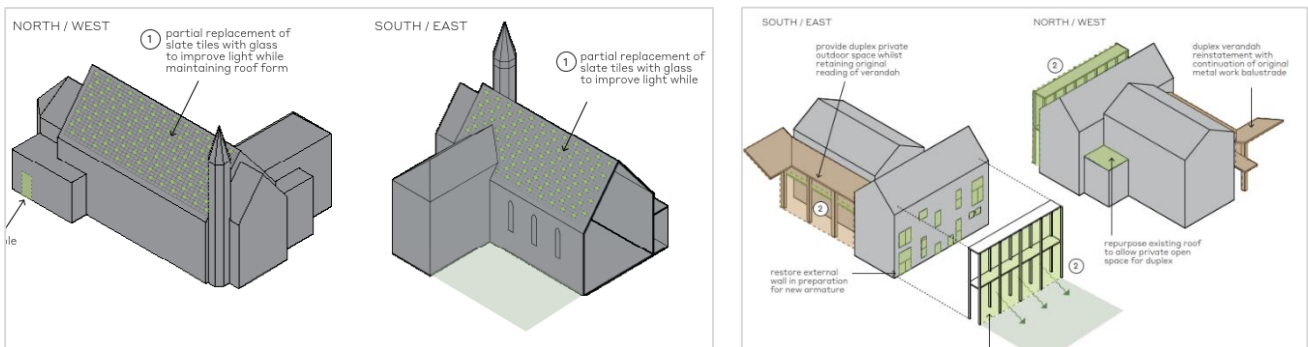


Figure 9. Proposed works to chapel (left) and north-east extension to 1907 building (right) (KTA).

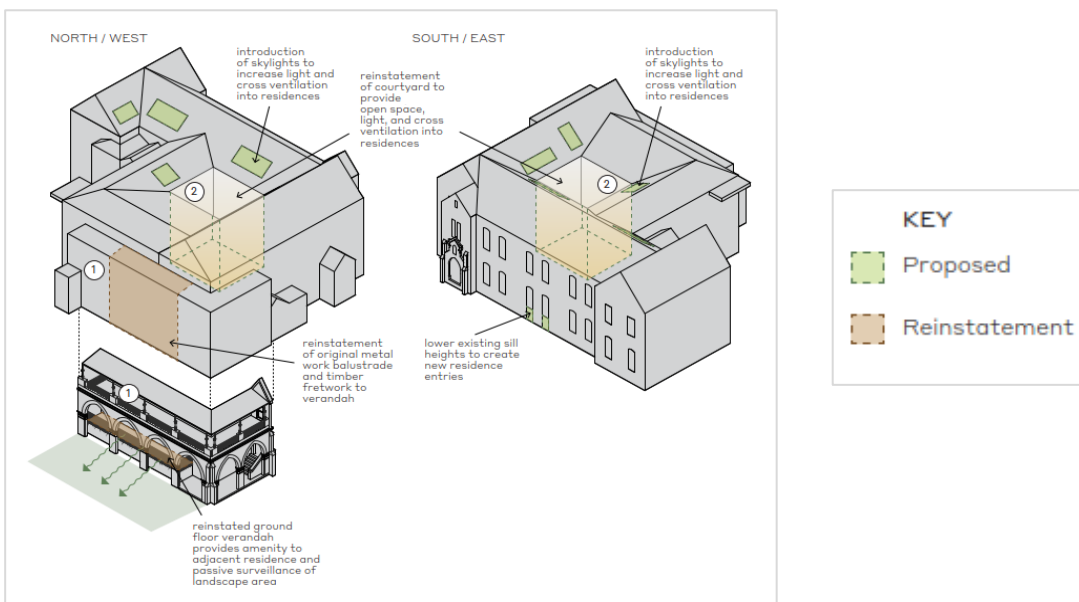


Figure 10. Proposed works to St Joseph's Home (KTA)

The proposal includes the removal of short segments of the site's brick perimeter fence and proposes new gate entries in these locations, designed as architectural 'markers' which balance permeability with heritage protection. Differing gate entry designs distinguish primary and secondary pedestrian entries.

### 3.4.3 Building Program

Floorplates and apartment layouts have been designed to provide a high level of internal amenity for future residents, with 83% of buildings in Building A and Building B dual aspect and affording excellent access to daylight and outlook. 80% of dwellings across the development will be naturally cross-ventilated. Daylight requirements are achieved to all living rooms and bedrooms to all dwellings.

Layouts are functional, generous and adaptable with 81% per cent of the apartments designed to meet the accessibility standard of Clause 57 accommodating individuals with limited mobility and catering to changing needs of residents over time.

## 3.5 Landscape, Communal Amenity

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The landscape strategy seeks to provide an immersive experience for residents driven by the theme of the 'village in the garden', whereby the unique heritage qualities of the Site are celebrated. Oculus' design is led by the desire to achieve an embedded landscape outcome and create the impression of 'exploration' throughout the Site, and the discovery of hidden gardens and moments 'landscape delight' immersed in greenery and nestled amongst the built form.

The landscape design features a welcoming main entry path with feature brickwork and integrated seating, a residents' garden containing a small central lawn framed by a green buffer and meandering paths, and a series of green spaces at the frontage. This includes a casual lawn addressing the chapel with canopy tree planting, winding paths and shaded seating.

Private commons for ground-level apartments and dedicated private open spaces for all dwellings further enhance the site's amenity and sense of connection to landscaped areas. Landscape planters are provided to private open spaces.

A significant portion of the Site is reserved for deep soil planting and landscaping. The planting of canopy trees throughout the Site is integral aspect of the landscaping approach, which will help to define various spaces and integrate with the surrounding streetscape character of Surrey Hills. Broad-canopied deciduous species are proposed to mark main entries paths. The use of large natives within the three main communal spaces as a point of difference while understory to these trees will shading to these areas.

New canopy tree planting is complemented by the retention of several existing, mature trees within the Site, being trees 2, 3, 4, 5, 6 and 15, which comprise a mix of moderate and high value trees.

Integrated wall seating and park style furniture is placed in key landscape areas and along pathways providing a diverse mix of tables and benches for various types of amenity. In addition to the materials overleaf, the use of 'stone markers' at key entry points and along pathways is an opportunity for new works to deliver a greater understanding of the Site and its history for future residents.

Refer to the Landscape Design Report prepared by Oculus for full detail.



Figure 1.1. Landscape Concept Plan (left) and early sketches (right) (Oculus).

### 3.6 Materials, Finishes and Colours

The building material palette has been carefully selected to create a robust and visually rich outcome, introducing variation and texture to the façade of the new built form. The use of multi-tonal brick in a range of finishes, combined with the broader material palette, also references the materials found throughout the wider precinct and within the existing heritage buildings. Rather than replicating these materials in a pastiche manner, the new elements are designed to complement and provide a contemporary contrast to the historic fabric.

The chosen materials for surface treatments and hard-landscape elements align with the overall material language proposed for both new and existing buildings on the Site. Natural materials such as brick, bluestone cobbles and timber, together with modern insertions including steel retaining walls and steel arbours, reinforce the design theme of where old and new built forms meet and complement one another. Where practicable, recycled brick pavers sourced from demolished buildings will also be incorporated.

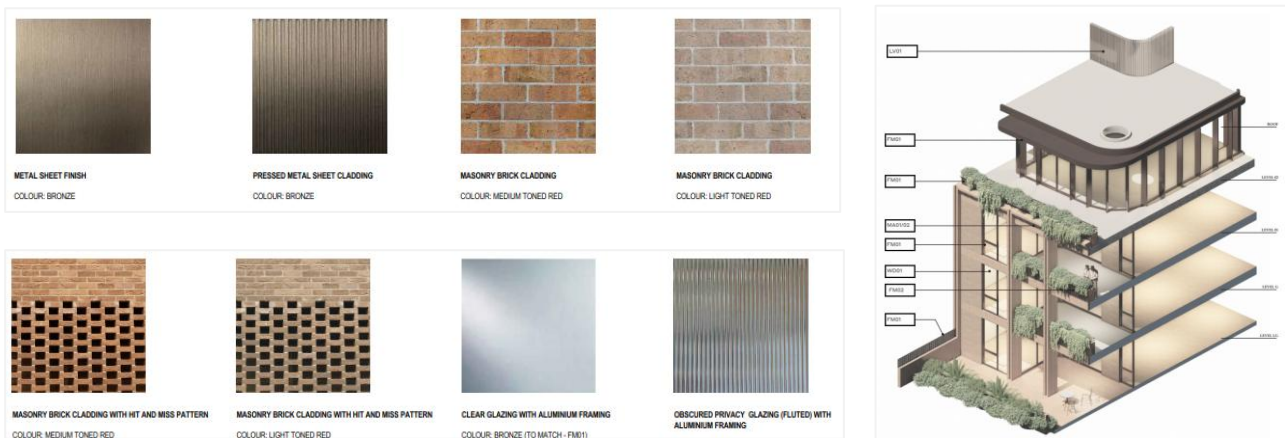


Figure 12. Proposed building material selection (Woods Bagot).



Figure 13. Proposed landscape surface and hardscape materials (Oculus).

### 3.7 Vegetation Removal

The proposal is the culmination of a forensic analysis of existing trees and their arboricultural value on and off the Site. This has resulted in a proposal which allows for, and celebrates, the trees of highest value through careful retention, and the removal of trees of lesser value.

As noted, the Arboricultural Assessment identified a total of 63 x trees and small trees/shrubs. For the purposes of the Arboricultural Impact Assessment, a total of 57 x trees were considered.

Of these 57 trees, a total of 25 trees are proposed for removal including 1 x 'Moderate B' value tree, 15 x 'Moderate C' value trees, 5 x 'Low' value trees and 4 x 'Very low' value trees. The remaining 32 x trees are proposed for retention. Refer to Drawing TP10002 of the Architectural Plans (Woods Bagot) and the Arboricultural Impact Assessment prepared by Tree Logic for full detail.

### 3.8 Environmentally Sustainable Design

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Refer to the Sustainable Management Plan prepared by GIW for full detail.

The sustainability approach led by GIW embeds several features into the project through its lifecycle, including the following ESD initiatives:

- All electric development, inclusive of induction cooktops to all apartments.
- Effective natural ventilation to 80% of dwellings and daylight compliance for all living areas and bedrooms.
- Comprehensive shading strategy through built and landscape features.
- Comfortable dwellings with the provision of thermally broken double glazing.
- Heat pump hot water system.
- Use of heat pump hot water systems. Individual cold water, electricity meters will be provided to the dwellings and communal areas.
- 15kW solar PV array to the rooftop of new buildings.
- Water efficient fixtures and fittings.
- 35kL rainwater tank, to harvest rainwater from all roofed areas, to be used for landscaping for irrigation.
- EV charging facilities (1 x charging point) and substantial bicycle parking provision.
- Substantial communal open space provision.
- Separated general, recycling, glass and green waste bins.

The above contribute to the project achieving a 7.0 Star average NatHERS rating, and a BESS score of 66%, representing industry 'best practice', with no mandatory category below 50%.

### 3.9 Access, Traffic and Parking

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Refer to the Architectural Plans (Woods Bagot) and Traffic Impact Assessment prepared by Traffix for further information.

The proposed development has been designed to facilitate active and sustainable modes of transport, such as walking, cycling and public transport, in combination with private vehicles to meet anticipated demand.

Vehicle access to underground car parking will be provided from Middlesex Road to the west and Kent Road to the south.

The proposal provides a total of 32 bicycle parking spaces including 16 resident spaces and 16 visitor parking spaces. Resident spaces are provided in secure storage rooms located within the basement to Building A and Building B. Visitor parking is distributed evenly across bicycle loops throughout the Site.

The development provides for underground car parking comprising 124 car spaces in total.

Four separate stairwells and lifts are provided to allow for direct access to the respective buildings.

### 3.10 Waste and Loading

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Refer to the Waste Management Plan prepared by Traffix for full detail.

Key elements of the waste and loading strategy include:

- Designated waste storage areas are provided within the basement level of each building which are adequately sized to accommodate the anticipated waste generation.
- For Building A and Building B, a shared waste storage area is provided at basement level and lower ground levels which will be accessed via lifts or a staircase by residents.
- Waste collection for both buildings is to be undertaken on-site within the basement and lower ground level via a private contractor using a 6.4m long mini rear loading waste vehicle. Residents will be responsible for transporting their individual waste to the relevant waste disposal areas.

- Dwellings with site's frontage to Kent Road and Middlesex Road, i.e. Duplex 1-7 (total 7 dwellings) shall place their bins along their respective site's frontages.
- The transfer path shall be clear and provided with suitable grades for the transfer of bins. Once the collection has been completed, residents will be responsible to return their bins as soon as possible back to the property as required.
- Dwellings with no site's frontage, i.e. Duplex 8-11 & (total of 4 dwellings), are to be provided with shared waste storage area which can be accessed internally via residents at ground level.
- Building management will be responsible to transfer the bins via the internal link between buildings that connect from the waste room to Kent Road. Collection to occur on street to Kent Road via private contractor.

### 3.11 Staging

The development is proposed to be delivered across two stages.

Stage 1 will include demolition works (within the Stage 1 area only), site clearance, and removal of trees as described in Section 3.3, and the construction of new buildings (Building A and Building B) and all earthworks, landscaping and other works required to accommodate these buildings.

Stage 2 will include the conversion and adaptation of St Joseph's and the existing heritage buildings, and landscaping works within the immediate vicinity of St Josephs within the area delineated on the Staging Plan.

Stage 1 works do not rely on Stage 2 works. It is expected that Stage 1 and Stage 2 works will occur concurrently, however targeted final completion dates for Stage 2 may occur post completion of Stage 1, having regard to the complexities which can arise when refurbishing heritage buildings.

Refer to Drawing TP1 1002 of the Architectural Plans (Woods Bagot) for full detail.



Figure 14. Proposed staging (Woods Bagot).

## 4 Planning Provisions

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### 4.1 Clause 53.23 – Significant Residential Development with Affordable Housing

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This proposal is seeking approval under the provisions of Clause 53.23 of the *Glen Eira Scheme*, as a 'Category 1' project.

The purpose of Clause 53.23 is:

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

The provisions of Clause 53.23 prevail over any inconsistent provision in this planning scheme.

#### Pathway Eligibility

The Department of Transport and Planning issued an eligibility letter on 13 May 2026 which enables an application to be formally submitted and progressed through the formal review process under Clause 53.23.

### 4.2 Planning Permit Triggers

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A planning permit is required under the following provisions of the Planning Scheme:

- Clause 32.09-7 (Neighbourhood Residential Zone) – To construct two or more dwellings on a lot and to construct a front fence.
- Clause 43.01-1 (Heritage Overlay) – To demolish or remove a building, externally alter a building and to construct a building or construct or carry out works.
- Clause 52.37-2 (Canopy trees) – To remove, destroy or lop a boundary canopy tree in the NRZ.

### 4.3 Zoning

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The site is in the Neighbourhood Residential Zone – Schedule 3 'Low Scale, Low Density Residential Areas' (NRZ3).

The purpose of the NRZ is:

- *To recognise areas of predominantly single and double storey residential development.*
- *To manage and ensure that development is responsive to the identified neighbourhood character, heritage, environmental or landscape characteristics.*
- *To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.*

The objectives of Schedule 3 to the NRZ are:

- *To maintain the detached, one to two storey scale and spacious, suburban character of the area.*
- *To protect and enhance the area's 'leafy' feel and the garden setting of dwellings.*

- To maintain the fine grain rhythm of streetscapes and to enhance the landscape character of the area.

### Land Use

The use of the land for a 'Dwelling' is identified as a Section 1 land use for which a planning permit is not required.

### Buildings & Works

A permit is required to construct two or more dwellings on a lot.

Pursuant to the NRZ3, there is a maximum building height of 9m / 2 storeys above natural ground level.

A building may exceed the maximum building height if:

- It replaces an immediately pre-existing building and the new building does not exceed the building height or contain a greater number of storeys than the pre-existing building.
- There are existing buildings on both abutting allotments that face the same street and the new building does not exceed the building height or contain a greater number of storeys than the lower of the existing buildings on the abutting allotments.
- It is on a corner lot abutted by lots with existing buildings and the new building does not exceed the building height or contain a greater number of storeys than the lower of the existing buildings on the abutting allotments.

An extension to an existing building may exceed the applicable maximum building height or contain more than the applicable maximum number of storeys if it does not exceed the building height of the existing building or contain a greater number of storeys than the existing building. **As such, the maximum building height is 10m.**

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

- The fence is associated with 2 or more dwellings on a lot or a residential building, and
- The fence exceeds the maximum height specified in Clause 55.02-8.

The proposed front fence is greater in height than 1.5 metres per Clause 55.02-8 and as such **a planning permit is required.**

Given the site area exceeds 650sqm, the mandatory minimum garden area required is 35%.

Schedule 3 to the NRZ requires consideration of the following 'the preferred character statement and design guidelines contained in the Boroondara Neighbourhood Character Precinct Statements 2013'.

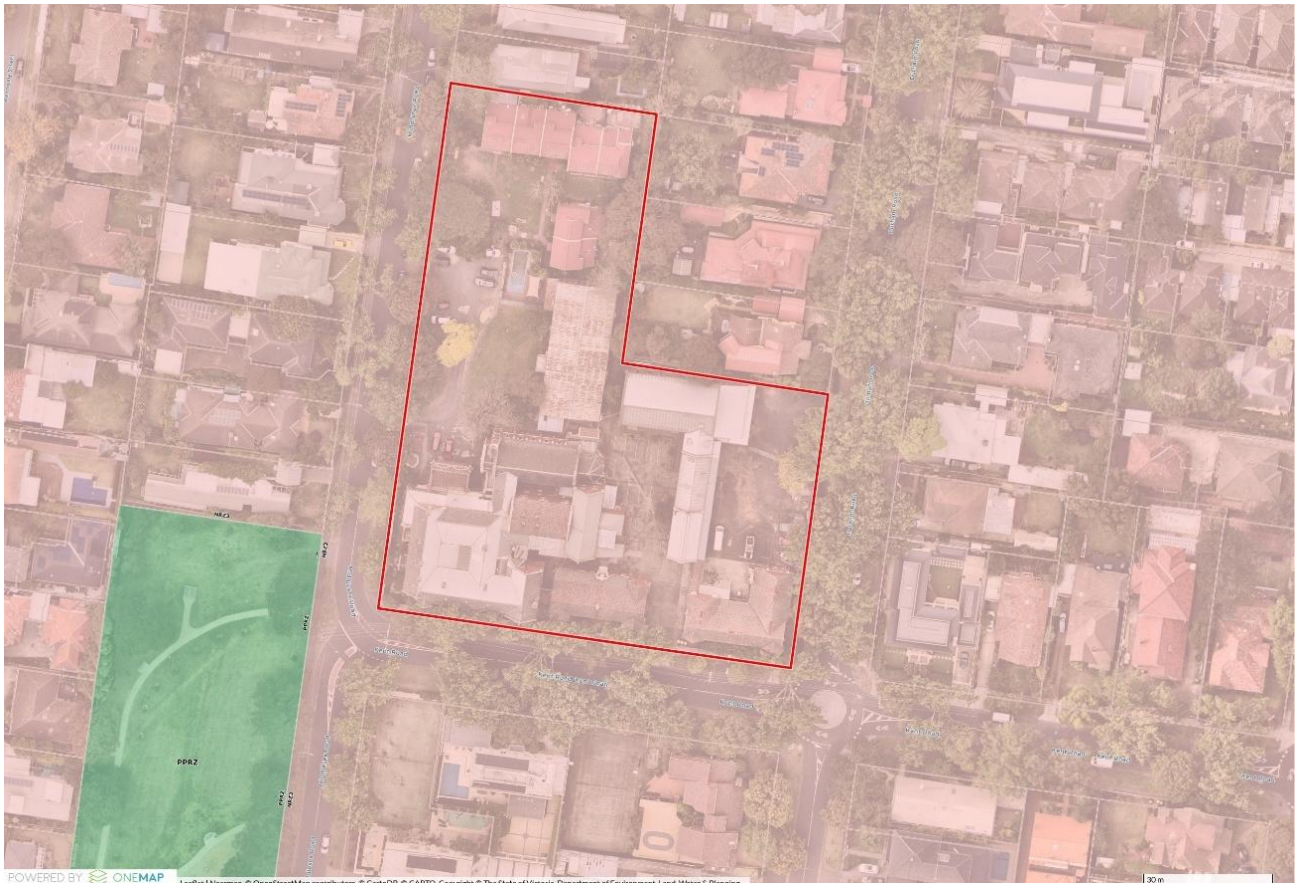


Figure 1.5. Zone Plan (One Map).

#### 4.4 Heritage Overlay

The site is affected by the Heritage Overlay, relating to Heritage Place 670 – *Surrey Hills English Counties Residential Precinct* (HO670).

The purpose of the HO is:

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

The southern portion of the Site is given a 'significant' grading in the statement of significance.

Refer to the Heritage Impact Statement prepared by Lovell Chen which provides further detail regarding the heritage citation for HO670.

Clause 43.01-1 requires a permit to demolish or remove a building, to externally alter a building and to construct a building or construct or carry out works.

No external paint, internal alteration or tree controls apply, nor are any of the buildings included on the Victorian Heritage Register. Solar energy systems controls apply.

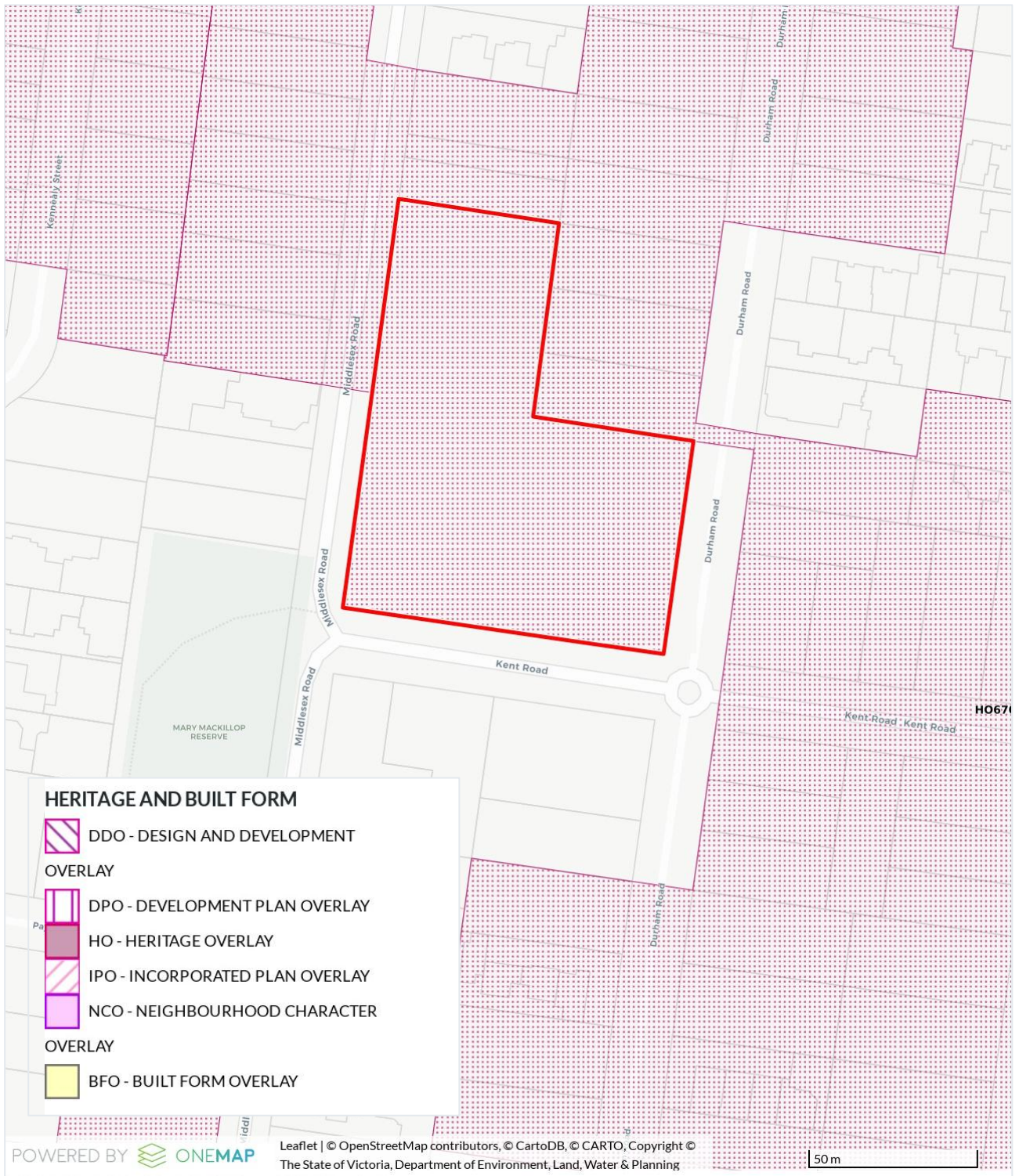


Figure 16. Heritage Overlay Plan (One Map).



Figure 17. City of Boroondara Schedule of Gradings Map with the subject site.

## 4.5 Particular Provisions

### Clause 52.06 – Car Parking

The purpose of Clause 52.06 is:

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

For the purpose of Clause 52.06, the Site is located within a 'Category 2' zone, which sets minimum requirements for car parking requirement of (1) one car parking space per dwelling. As such the proposal generates a requirement for 76 car parking spaces.

### Clause 52.34 – Bicycle Facilities

The purpose of Clause 52.34 is:

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

Pursuant to Clause 52.34-5, a 'Dwelling' triggers resident and visitor bicycle parking spaces in development of four or more storeys as follows:

	Resident Spaces	Visitor Spaces
<b>Standard</b>	1 to each 5 dwellings	1 to each 10 dwellings
<b>Spaces Required</b>	16 spaces	8 spaces
<b>Total Spaces Required</b>	24 spaces	

The proposal exceeds these requirements through the provision of 32 bicycle spaces.

Refer to Section 6 of this report and the Traffic Engineering Assessment prepared by Traffix for an assessment of the proposal against relevant bicycle parking requirements.

### Clause 52.37 – Canopy Trees

The purpose of Clause 52.37 is:

- *To protect and enhance canopy tree cover to support greener and cooler residential areas.*
- *To maximise the retention of existing canopy tree cover where no development is proposed.*
- *To ensure that development is designed to maximise the retention and long-term health of existing and new canopy trees and contributes to increasing canopy tree cover.*
- *To balance the retention of existing canopy trees and residential development to meet the housing needs of Victoria's growing population.*
- *To encourage canopy tree cover that is site and climate responsive and supports the local environment.*

Pursuant to Clause 52.37-2, a planning permit is required to remove a 'boundary canopy tree' in the NRZ. A 'boundary canopy tree' means a 'canopy tree' (as defined in the provision) is any part of its trunk is within:

- *6 metres of the narrowest street frontage of a lot; or*
- *4.5 metres of the rear boundary of a lot.*

Accordingly, three (3) trees within the Site meet the 'boundary canopy tree' definition, Tree(s) 3, 16 and 17. Two (2) of these trees (Tree 16 and 17) are proposed for removal.

Pursuant to Clause 52.37-2, the number of canopy trees proposed on site should meet the minimum canopy tree requirements specific in Table 1 of the clause, which requires that sites of more than 1001sqm achieve a total canopy cover within the site that is equal to at least 20% of the site area.

In this instance, the latter part of Clause 52.37-3 relating to sites of more than 1001sqm with existing canopy tree coverage of 20% does not apply, as the existing tree canopy coverage does not achieve this.

Accordingly, minimum canopy tree cover of 1,831sqm is required. The minimum canopy tree requirement may be met with either an existing canopy tree, by planting a new canopy tree, or a combination of both.

### Clause 57 – Two or More Dwellings on a Lot and Residential Buildings of Four to Six Storeys (Mid-Rise Code)

The purpose of Clause 57 is:

- *To encourage residential development that provides reasonable standards of amenity for existing and new residents.*
- *To encourage residential development consistent with the future urban development of the area.*

The recent 'Mid-Rise Code' was implemented into the Victorian Planning Provisions through the gazettal of planning scheme amendment VC300, which commenced operation on 16 April 2026.

The provisions of the Mid-Rise Code apply to an application to construct an apartment development of four to six storeys, excluding a basement, and is in the Mixed-Use Zone, Township Zone, Residential Growth Zone or Housing Choice and Transport Zone.

These provisions do not apply to the Neighbourhood Residential Zone (NRZ), in which the Site is located.

However, the Responsible Authority may consider the provisions of Clause 57 in the context of the NRZ decision guidelines to guide their assessment of the proposal. Refer to **Appendix A** for an assessment of the proposal against the requirements of Clause 57, to demonstrate how the proposal generally complies with the objectives and standards of Clause 57 despite these provisions not strictly applying

## 4.6 General Provisions

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### Clause 66 – Referral and Notice

Pursuant to Clause 66.02-11, referral to the Head, Transport for Victoria is required when applying for a residential development comprising more than 60 dwellings. The Head, Transport for Victoria will be a determining referral authority in this instance.

## 4.7 Other Considerations

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### 4.7.1 The City of Boroondara Tree Protection Local Law (2016)

The City of Boroondara Tree Protection Local Law (2016) ('Local Law') applies to all private land. The Local Law aims to maintain the treed character of the municipality that is valued by the community.

The Local Law regulates activities which may impact upon 'canopy trees' and 'significant trees'. A canopy tree is defined as, a tree with 'a circumference of 110 cm or more measured at 1.5 m above ground level or with a circumference of 150 cm or more at ground level'.

We note that none of the trees on or surrounding the site are categorised as 'significant trees' and instead have been identified as 'canopy trees'. It is understood that the street trees along Durham Road are classified as 'significant trees.'

For a canopy tree, a local law permit is required to,

- Remove, damage, kill or destroy a canopy tree.
- Carry out works within 2 metres of a canopy tree, measured from the outside of the trunk. It should be noted that works, including excavation and construction occurring more than 2 metres away from a canopy tree may still constitute damage or destruction of the tree and may require a permit.

A local law permit is also required to prune, remove, or work within the Tree Protection Zone of a significant tree, even when they are dead.

It is noted that this Local Law permit is separate to the planning permit application process.

The scheme has been designed in consultation with Tree Logic, to ensure that impacts to high-value trees are minimised.

Refer to the Arboricultural Report(s) and Tree Protection Plan prepared by Tree Logic for details of tree removal and local law permit requirements.

### 4.7.2 Principal Public Transport Network

The north-western section of the site is in the Principal Public Transport Network (PPTN) Area. PPTN Areas are within 400 metres of key existing and future transport nodes across Melbourne. They enable strategic planning and integration of public transport with activity centres, employment, and residential development.

## 5 Planning Policy

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### 5.1 Municipal Planning Strategy

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#### Clause 02.03 – Strategic Directions

The following strategic directions are relevant to the proposal:

##### Clause 02.03-1 – Settlement

- *Minimise the impacts of development on sensitive residential interfaces by way of visual bulk, noise, traffic and vehicle access.*

##### Clause 02.03-2 – Environmental and Landscape Values

- *Protect and enhance biodiversity.*
- *Minimise the impacts land use and development have on the municipality's biodiversity corridors, vegetation and habitat.*
- *Protect mature vegetation that contributes to landscape character.*

##### Clause 02.03-3 – Environmental Risk and Amenity

- *Manage the impacts of urban heat island effect (climate change).*

##### Clause 02.03-4 – Built Environment and Heritage

- *Ensure high quality urban design standards in development.*
- *Protect and respect the preferred neighbourhood character and ensure development makes a positive contribution while minimising adverse impacts.*
- *Protect all individual places, objects and precincts of cultural, aboriginal, urban and landscape significance.*
- *Ensure development respects, and is sensitive to, the significance of heritage places.*
- *Ensure development incorporates Environmentally Sustainable Development (ESD) principles including through energy and waste efficiency and water conservation.*

##### Clause 02.03-5 – Housing

- *Facilitate residential development in accordance with the Housing Framework shown on the Housing Framework Plan at Clause 02.04.*
- *Provide a diverse range of housing types that protect preferred neighbourhood character and adjoining residential amenity.*
- *Provide housing that is sufficiently flexible to account for age, temporary or permanent injury or impairment, and disability.*

##### Clause 02.03-6 – Transport

- *Manage competing transport demands of walking, cycling, private vehicles and public transport.*
- *Support a shift towards healthy and sustainable transport modes.*
- *Ensure provision of sufficient car parking.*

## Clause 02.03-7 – Infrastructure

- *Limit the impacts of urban development on stormwater run-off and river health.*

### **Clause 02.04 – Strategic Framework Plans**

The Housing Framework Plan (Clause 02.04-3) identifies the Site as being in a traditional suburban precinct that will experience minimal housing change. The Transport Framework Plan (Clause 02.04-4) identifies the 612 Box Hill Station to Chadstone bus route that services Kent Road as a Bus Priority Route.

## **5.2 Planning Policy Framework**

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The relevant provisions of the Planning Policy Framework (PPF) are outlined below, and are reproduced in detail at **Appendix B**.

- Clause 11 – Settlement
  - Clause 11.01-1S – Settlement
- Clause 12 – Environmental and Landscape Values
  - Clause 12.01-1L – Protection of Biodiversity – Boroondara
  - Clause 12.06-1S – Urban forests)
- Clause 13 – Environmental Risks and Amenity
  - Clause 13.01-3S – Urban Heat
- Clause 15 – Built Environment and Heritage
  - Clause 15.01-1S – Urban Design
  - Clause 15.01-1L-01 – Urban Design and Built Form Outcomes
  - Clause 15.01-2S – Building Design
  - Clause 15.01-5S – Neighbourhood Character
  - Clause 15.01-5L – Neighbourhood Character – Boroondara
  - Clause 15.02-1L – Energy Resource and Design Efficiency
  - Clause 15.03-1S – Heritage Conservation
  - Clause 15.03-1L – Heritage in Boroondara
- Clause 16 – Housing
  - Clause 16.01-1S – Housing Supply
  - Clause 16.01-1L – Housing - Boroondara
  - Clause 16.01-2S – Housing Affordability

## **5.3 Operational Provisions**

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Clause 71.02-3 – Integrated decision making states the following with respect to the operation of the planning policy framework:

*Victorians have various needs and expectations such as land for settlement, protection of the environment, economic wellbeing, various social needs, proper management of resources and infrastructure. Planning aims to meet these needs and expectations by addressing aspects of economic, environmental and social wellbeing affected by land use and development.*

*The Planning Policy Framework operates together with the remainder of the scheme to deliver integrated decision making. Planning and responsible authorities should endeavour to integrate the range of planning policies relevant to the issues to be determined and balance conflicting objectives in favour of net community benefit and sustainable development for the benefit of present and future generations. However, in bushfire*

affected areas, planning and responsible authorities must prioritise the protection of human life over all other policy considerations.

Planning authorities should identify the potential for regional impacts in their decision making and coordinate strategic planning with their neighbours and other public bodies to achieve sustainable development and effective and efficient use of resources.

## 5.4 Strategic Planning Documents

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The following strategic planning documents are relevant to the Proposal and are discussed below:

- *Plan for Victoria, 2025*
- *Boroondara Housing Strategy, 2023*
- *Neighbourhood Character Study & Precinct Guidelines, 2013*

### Victoria's Housing Statement 2024-2025

Victoria's Housing Statement – *The Decade Ahead 2024–2034* – sets an ambitious target to deliver 800,000 new homes over the next decade. The Statement focuses on five key areas:

1. Boosting housing supply through streamlined planning processes and rezoning in activity centres.
2. Faster approvals via new "deemed-to-comply" standards and reduced permit requirements for certain dwellings.
3. Increasing housing choice in established suburbs, including medium-density housing and second dwellings.
4. Expanding social and affordable housing, supported by partnerships with the Commonwealth and private sector.
5. Long-term planning through the forthcoming *Plan for Victoria* and municipal housing targets.

### Plan for Victoria, 2025

*Plan for Victoria* sets the long-term strategic vision and framework for housing, employment growth, liveability, and sustainability across Victoria until 2050. It is supported by five pillars:

- Self-determination and caring for Country – underpinning and informing all other pillars.
- Housing for all Victorians – delivering sufficient affordable homes for all Victorians.
- Accessible jobs and services – making sure Victorians have good access to facilities and good jobs.
- Great places, suburbs and towns – creating thriving places that are attractive, safe and welcoming for everyone.
- Sustainable environments – preserving the natural values of Victoria and addressing climate change.

*Plan For Victoria* sets a housing target of 65,500 new homes in Boroondara by 2051.

### Boroondara Housing Strategy (2023)

The *Boroondara Housing Strategy* sets out a 15-year plan for accommodating the community's housing needs. It identifies needs and challenges as well as the following strategic directions:

- Housing diversity in appropriate locations.
- Housing that is sustainable and achieves design excellence.
- Housing that meets the needs of all residents now and in the future.

The Strategy identifies the Site as being in a low change area which is generally established and has "limited capacity to accommodate significant future housing change over time". "New housing in these low change areas will need to respect the type, scale, and prevailing character of the area."

### Neighbourhood Character Study & Precinct Guidelines (2013)

The Site is located in Precinct 46 of the *Boroondara Neighbourhood Character Study*. Precinct 46 "contains a mix of detached dwellings constructed from the Edwardian era to now". The preferred character for precinct 46 maintains the existing one to two storey scale and detached character of the area and the green, vegetation setting of dwellings. It aims to achieve this by:

- *Encouraging the retention of large trees and landscaped gardens.*
- *Ensuring sufficient space is retained in front and rear gardens to accommodate large trees.*
- *Ensuring buildings are consistently setback from the front boundary in accordance with the prevailing streetscape condition.*
- *Ensuring new developments and additions respect the predominant building scale and forms of the streetscape.*
- *Encourage design that integrates with the heritage styles of the precinct.*
- *Ensuring car parking structures do not dominate the streetscape.*
- *Ensuring buildings are setback from side boundaries to retain the detached streetscape rhythm.*
- *Maximising soft landscaping and minimising areas of hard surfaces.*
- *Encouraging low or open front fences.*

## 6 Planning Assessment

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### 6.1 Overview

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A planning permit is required under the following provisions of the Planning Scheme:

- Clause 32.09-7 (Neighbourhood Residential Zone) – To construct two or more dwellings on a lot and to construct a front fence.
- Clause 43.01-1 (Heritage Overlay) – To demolish or remove a building, externally alter a building and construct a building or construct or carry out works.
- Clause 52.37-2 (Canopy trees) – To remove, destroy or lop a boundary canopy tree in the NRZ.

An assessment of the development proposal has been conducted under the following headings:

- Alignment with the Municipal Planning Strategy and Planning Policy Framework.
- Consideration of requirements in Clause 53.23.
- Consideration of the Neighbourhood Residential Zone.
- Consideration of the Heritage Overlay.
- Consideration of Clause 57 (Mid-Rise Code) requirements.
- Other considerations (Clause 52.02, Clause 52.06, Clause 52.34 and Clause 52.37).
- Integrated decision-making and net community benefit.

Each of these matters are discussed further below.

### 6.2 Alignment with the Municipal Planning Strategy & Planning Policy Framework

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The proposal complies with the relevant provisions of the MPS and PPF identified in Section 6, as followed under the following thematic headings:

#### **Built Form & Building Design**

The proposal addresses the relevant strategic direction and policy related to the proposed built form and urban design, and neighbourhood character within Built Environment and Heritage (Clause 15.01-1S, Clause 15.01-1L-01, Clause 15.01-2S, Clause 15.01-5S and Clause 15.01-5L) as follows:

- Detailed discussion regarding the proposed height, masterplan approach to the site's redevelopment and massing strategy is discussed in Section 6.5. In summary, the master-planning approach leverages the Site's size and natural topography to focus greater height and massing in less sensitive areas, using setbacks and height transitions to maintain the visual prominence of St Joseph's and other key heritage buildings across surrounding streets. Buildings A and B scale appropriately to their interfaces, ensuring no off-site amenity impacts, while existing mature street trees and proposed layered planting help soften views of the proposed height from all directions.
- Both new buildings use façade modulation to reflect the area's fine-grain character and avoid visual dominance, while the removal of later additions improves access to light, ventilation and private open space. The proposal delivers broader public benefit through affordable housing contributions, adaptation of heritage fabric, high-quality architectural and landscape outcomes, and strong environmental sustainability measures
- Further discussion in relation to neighbourhood character is provided in Section 6.5 below, specifically the preferred character statement and design guidelines contained in the *Boroondara Neighbourhood Character Precinct Statements 2013*.

## Heritage

Further discussion regarding how the proposal responds to the Heritage Overlay is provided below, which also addresses the relevant strategic direction and policy related to the heritage within Built Environment and Heritage (Clause 15.03-1S and Clause 15.03-1L).

## Housing Delivery, Diversity & Affordability

The proposal addresses relevant strategic directions related to Settlement and Housing (Clause 11-01-1S, Clause 16.01-1S, Clause 16.01-1L and Clause 16.01-2S) as follows:

- It will deliver much-needed housing at a unique opportunity Site within Surrey Hills, supporting the achievement of the City of Boroondara's housing targets identified in Plan for Victoria, increases the housing stock within the municipality, and delivers a quality architecturally designed building that incorporates ESD and high levels of liveability and amenity.
- The proposal includes 76 dwellings comprising 65 apartment units (a mix of one, two-, three-bedroom and penthouse typologies) and 11 duplex units, delivering a mix of typologies within the same precinct. The dwellings are varied in size, layout, and aspect and are appropriate for different household structures.
- It will provide a medium density housing solution in an area with excellent access to public transport, community infrastructure, services and amenity within and a site of scale which can accommodate this scale of residential built form.
- The proposal includes a 3% cash affordable housing contribution which contribute to the delivery of affordable housing within the municipality.

## Landscape & Communal Outdoor Amenity

The proposal addresses the relevant strategic direction and policy related to landscape design at Environmental and Landscape Values (Clause 12.06-1S), and Built Environment and Heritage (Clause 15.01-1S, Clause 15.01-1L-01, Clause 15.01-5L and Clause 15.03-1L) as follows:

- The landscape design is supported by the Site's size, with a predominant focus on identifying those opportunities to enhance deep soil and canopy coverage to foster a landscaped, urban setting for both the existing and proposed buildings.
- The concept of an 'embedded' landscape outcome has driven the approach and the 'village within the garden' theme. Close collaboration has occurred between Oculus, Woods Bagot and KTA during design development to ensure symbiosis and integration between the architectural and landscape outcomes.
- Landscaping opportunities to the northern and eastern perimeters of the Site adjacent to sensitive interfaces to prioritise a green, leafy outlook for adjoining dwellings.
- The proposal includes ample canopy tree planting. This has multiple benefits, including 'softening' the visual impact of built form to the street and providing new canopy cover to support climate responsiveness, biodiversity, and urban heat cooling. The retention of existing trees has been secured where practically possible, retaining those which are of higher arboricultural value. Throughout the pre-application process, the opportunities for additional retention of existing trees have been explored, resulting in the retention of Tree 4.
- The hierarchy of open spaces through pocket parks and tree-lined pathways creates a sense of curiosity and safety for future residents, whilst open spaces which are adjacent to the street will foster a sense of visual permeability to the surrounding area, and integration with the landscaped characteristics of the area.
- Extensive communal outdoor open space is provided, primarily with pocket parks distributed throughout the site, will benefit from passive surveillance, northern aspect with ample daylight, extensive planting, adequate shading, and a sense of safety and enclosure for residents.
- A high degree of communal indoor space is also provided. Conversion of the chapel building alone will provide 268sqm of indoor communal indoor space (in addition to the area of outdoor space within the courtyard it provides). Other, smaller areas of indoor communal space are provided within Building A and B.

- An emphasis has been placed on the use of native species in the planting palette. Where possible, the use of recycled brick and materials from demolished buildings will be recycled throughout the development, complemented by installation of stone markers to connect future residents with the Site's history.
- Other landscaping elements such as the ornamental trellis to the eastern façade of the chapel, reiterates the embedded landscape outcome by including virtual landscape elements.

### Environmentally Sustainable Design

There is no specific policy which outlines requirements in relation to environmentally sustainable design (ESD). Notwithstanding, the proposal meets the following best practice standards and with respect to ESD as follows:

- The development is targeting a 4-Star Green Star certified rating.
- The proposal will achieve a high indoor environment quality by ensuring that sufficient daylight is provided to habitable rooms in accordance with BESS requirements and maximum cooling loads of Clause 57 are achieved. 86% of living areas and 98% bedrooms of new apartments in Building A and Building B will achieve daylight compliance throughout the development.
- 80% of all dwelling will achieve natural cross ventilation.
- The development has been designed to prioritise cyclist and pedestrian modes of transport through convenient access to bicycle stores.
- 35K/l capacity rainwater tanks are provided which will collect rainwater from new roof areas to Building A and B and reused for landscape irrigation throughout the site.
- A 15W Solar PV system is to be located on the new roofs of Building A and Building B. The system is expected to generate approximately 20,102kWh per year.
- The landscape design response ensures generous canopy cover supported by substantial deep soil planting areas, including allowance for productive gardens and a mix of private and communal landscaping beds.
- Best practice stormwater initiatives will be delivered to improve the quality of stormwater runoff and reduce impacts on water systems, as detailed in the strategy for integrated water management outlined in the SMP.

### 6.3 Consideration of Clause 53.23

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The following points are raised regarding the proposal's response to statutory considerations within Clause 53.23:

- The proposal has the capacity to comply with all required eligibility criteria for Category 1 projects, including a construction cost of greater than \$50 million and an affordable housing contribution of 3% of the residential development cost.
- Written advice from Invest Victoria has been provided to the satisfaction of the Minister for Planning, demonstrating the likely feasibility of the proposal.
- The proposal offers a substantial net community benefit, as further detailed at Section 6.8. It achieves an exemplary architectural and landscaping outcome and incorporates environmental sustainability strategies which will ensure the proposal achieves an outcome that exceeds conventional requirements.
- Detailed discussion to support the proposed building height is provided at Section 6.5 below. The proposed exceedance of mandatory height provision within the NRZ is entirely supportable in this instance, and can be contemplated by the Responsible Authority through this planning pathway. The proposal complies with, and often exceeds, all other planning scheme requirements.

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

## 6.4 Consideration of the Neighbourhood Residential Zone

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The proposal responds to the purpose of the NRZ by achieving a development which is responsive to contextual considerations, heritage and landscape characteristics of the Site.

Use of the land as a 'Dwelling' does not require a planning permit.

The proposal achieves a garden area of 42%.

### Height

The proposal exceeds the maximum building height stipulated in the NRZ through its four-storey form. There is clear support for the proposal to exceed the maximum building height, which is enabled through the Clause 53.23 planning pathway.

As one of the largest opportunity sites within the area of >9,000sqm in size, the Site has the ability to accommodate greater building height. Through taking a master planning approach to its redevelopment and working with the Site's natural topography, the arrangement of new buildings throughout the Site concentrates greatest height and massing in less sensitive areas. Taller elements are paired away from adjacent, more sensitive interfaces, either through reduced building heights, working with the natural topography of the Site, or upper-level setbacks.

St Joseph's and the existing buildings of primary heritage significance, which sit atop the highest points of the Site to the south, retain prominence in the landscape when viewed from any of the surrounding streets of Middlesex Road, Kent Road and Durham Road. The existing buildings, in particular the tallest element being the chapel steeple, represent key landmark features within the surrounding streetscape. For the purposes of considering visual impact and the proposed built form and massing of proposed new buildings, ensuring these elements retain primacy is a critical benchmark in assessing any new built form, which is readily achieved and supports the proposed height.

Building A, through utilising the natural topography of the Site, achieves an appropriate gradation in scale from two-storey elements adjacent to the most sensitive interfaces to the north (17 Middlesex Road), to four-storey elements adjacent to the existing built form and St Joseph's to the south.

Building B, through utilising the Site's natural topography, generous setbacks to the title boundary to the north and an upper-level recess of 4m at Level O2, ensures the built form and massing to the northern portion of the building does not present any off-site amenity impacts to 22 Durham Road. The use of upper level recess at Level O2 of 6.5m to the southern portion of the building, ensures that existing heritage elements retain primacy when the proposal is viewed from Kent Road to the south.

The renders produced by Woods Bagot clearly demonstrate the Site's capability to accommodate the proposed height when viewed from Durham Road to the east. The new form will appear as a three storey building from the street, with the upper level recessed and of a different materiality to allow the lower form to appear more prominent. To all interfaces (west, south and east), existing mature street trees provide a high degree of visual 'softening' when the built form is viewed from the street. When coupled with the proposed planting scheme which will offer 26% canopy cover, buildings will appear secondary to landscaped elements and greenery.

Surveys of the existing buildings which form part of St Josephs, specifically the chapel building, indicate that the building include four-storeys within the 'deepest' portions of the structure. As such, the proposed building height at the Site will be no greater than the height of existing buildings present.

Both buildings respond to the fine grain nature of the surrounds through the modulation and articulation of facades to break up each building when viewed from each interface and from within the streetscape. For example, the eastern elevation of Building B to Durham Road presents 'protruding' elements of the façade in widths of between 9m and 11m at most, defined generous 1.75m deep 'breaks' in the façade. A similar treatment is observed to the western façade of Building A to Middlesex Road. This design move has taken cues from the more fine-grain lot pattern in the surrounding area.

The proposal does not result in any off-site amenity impacts to adjacent existing residences with respect to overshadowing or overlooking.

As outlined below and in Appendix A, the proposal meets all of the objectives in Clause 57.

## Neighbourhood Character

Having regard to the specific decision guideline outlined in Schedule 3 to the NRZ and the preferred character statement and design guidelines contained in the *Boroondara Neighbourhood Character Precinct Statements 2013* (Precinct 46).

Whilst the preferred character within this precinct is to maintained the existing one to two storey scale and detached character of the area, it is submitted that this does not consider the Site's positioning as a unique opportunity within the precinct with prominent, existing buildings of up to four-storeys in height which do not align with his preferred character.

However, the proposal will adhere to other strategies and preferred character outcomes for the precinct through the design response which allows the lower, two-storey volume to appear as the most prominent, and upper levels recessed and as a secondary element. This design response acknowledges the single to double storey form of the surrounds while also providing a transitioning in scale within the Site to existing taller forms.

The master planning approach taken for the Site ensures that the buildings will exist within a garden setting, both through the retention of existing canopy trees and the planting of new canopy trees and a layering of vegetation. The high levels of deep soil and canopy cover being provided allow this to be achieved at all sensitive edges and along the street edge, allowing the Site to better contribute to the desired character outcome for this precinct.

The proposal, across all aspects (built form, architecture, landscape architecture, massing, setback conditions) has been designed to integrate within and indeed celebrate the existing heritage setting. Newer built form will complement the existing heritage buildings of primary heritage significance and enable them to maintain their prominence within the streetscape. Other elements included the re-use of heritage fabric from demolished buildings and other 'cues' to pay homage to the heritage character of the Site and the broader precinct.

### 6.5 Consideration of the Heritage Overlay

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The proposal represents a balanced and heritage-responsive approach to redevelopment that retains and conserves buildings and elements of primary significance, supports the removal of intrusive or lesser-value fabric, and introduces new development that is appropriately scaled, sited, and designed in relation to the heritage place and precinct.

The new residential development provides an opportunity to rejuvenate a neglected site that has not been in use to its full potential. The proposed residential development would provide a balanced outcome within the contemporary planning context that requires the construction of new residences while maintaining the significance of heritage places.

The works have been sensitively designed to respond to the identified cultural heritage values of the subject site as well as the wider HO670. The new infill development and adaption of the heritage buildings aims to maintain the heritage significance, character and appearance of the former St Joseph's Boys Home and the Surrey Hills English Counties Residential Precinct. The proposal will facilitate the long-term conservation and adaptive reuse of the site while enabling its integration into the residential context.

With respect to newer built form, aside from how the massing of new buildings has sought to respond to the existing context (discussed above), Buildings A and B are sensitively designed to pay homage to existing buildings. Central to the design is a strategic referencing of the site's historic masonry buttresses. This is achieved through a disciplined articulation of expressed vertical piers and deeply recessed planes, establishing a rhythmic cadence that echoes the heritage fabric without resorting to literal imitation.

#### Demolition

The approach to demolition at the Site has been the subject of a careful, detailed analysis of the heritage significance at the Site, and in particular the buildings and elements which are considered to have primary and contributory significance. This analysis has considered the Site as a whole, despite only a portion of the Site being considered 'significant' within the existing heritage citation. The findings determined that significance is not evenly distributed across the Site, which has guided the approach to demolition being contemplated.

As expressed within the HIS prepared by Lovell Chen, the detailed analysis undertaken has ensured that any demolition proposed maintains the integrity of the significant fabric, and is limited to areas of lesser sensitivity and/or areas that have previously been altered. The removal of intrusive fabric to facilitate the adaptive reuse and restoration of heritage buildings allows these buildings to be more reflective of their original form while also introducing new residential development. The modifications to building facades have been guided by established heritage design principles, which seek to balance conservation with adaptive reuse.

The scope of works proposed are supported by Lovell Chen and the Heritage Impact Statement provided.

## 6.6 Consideration of Clause 57 (Mid-Rise Code)

Whilst the provisions of Clause 57 do not strictly apply to the proposal given its zoning, the decision guidelines of the Neighbourhood Residential Zone request that a responsible authority considers these provisions in determining an application of 4-6 storeys.

Refer to the Clause 57 Assessment provided in **Appendix A** and the Residences Apartment Summary at Drawing TP22000 (Woods Bagot) for full detail. The Table below provides a summary of compliance against applicable standards within Clause 57. The proposal meets the majority of requirements of all applicable standards and objectives within Clause 57, confirming that high levels of on and off-site amenity are afforded by the development.

Table 2. Summary of Clause 57 Assessment.

Clause 57 Standard	Does it meet the Standard?	Does it meet the Objective(s)?
<b>57.02 Neighbourhood Character</b>		
E2-1 (Street setback)	✓	✓
E2-2 (Side and rear setbacks)	✗	✓
E2-3 (Wall on boundaries)	n/a	n/a
E2-4 (Site coverage)	✓	✓
E2-5 (Access)	✗	✓
E2-6 (Tree Canopy)	✗	✓
E2-7 (Front fences)	✗	✓
<b>57.03 Liveability</b>		
E3-1 (Parking location)	✓	✓
E3-2 (Street integration)	✓	✓
E3-3 (Building entry and circulation)	✓	✓
E3-4 (Private open space)	✓	✓
<b>E3-5 (Communal Space)</b>	✓	✓
E3-6 (Functional layout)	✓	✓
E3-7 (Room depth)	✓	✓
E3-8 (Daylight to new windows)	✓	✓
E3-9 (Natural ventilation)	✓	✓
E3-10 (Storage)	✓	✓
E3-11 (Accessibility)	✓	✓
<b>E3-12 (Building separation within a site)</b>	✗	✓
<b>E3-13 (Light courts)</b>	✗	✓
<b>58.04 External Amenity</b>		
E4-1 (Overshadowing secluded open space)	✓	✓
E4-2 (Overlooking)	✗	✓
<b>57.05 Sustainability</b>		
E5-1 (Permeability and stormwater management)	✓	✓
E5-2 (Waste and recycling)	✓	✓
E5-3 (Noise impacts)	✓	✓
E5-4 (Energy efficiency)	✓	✓

With respect to non-compliances, the following is highlighted:

- **Standard E2-2 Side and rear setbacks:** The proposal does not achieve a 4.5-metre setback to all side and rear boundaries, with a localized reduction to 4.0 metres along the northern interface with 17 Middlesex Road. Notwithstanding, the development continues to deliver strong landscaping outcomes, including deep soil and canopy tree provision, and achieves an appropriate built form response. Furthermore, given this portion of Building A is only two storeys, the application of the Townhouse and Low-Rise Code is considered more relevant, with compliance demonstrated against Clause 55 side and rear setback standards.
- **Standard E2-5 Access:** The proposed encroachment to the TPZ of Tree 56 to accommodate the new vehicular access from Middlesex Road has been supported by the project arborist as an acceptable outcome, which will still enable retention and survival of the tree.
- **Standard E2-6 Tree canopy:** The proposal delivers an exemplary landscaping outcome, with the siting of the buildings and basement enabling substantial deep soil and canopy tree provision across the site. Although minor variations to basement setbacks occur, these do not undermine the overall landscape outcome, which represents a high-quality and generous response.
- **Standard E2-7 Front fences:** Where it is proposed the remove select portions of the existing brick heritage fence, these areas will be reinstated like for like with the existing fence condition, or with a sympathetic material and style, to either side of new gates opening to the fence. Though the height in these locations will exceed the 1.5m height applicable under the standard, it is commensurate and responsive to the existing condition and therefore is acceptable.
- **Standard E3-12 Building separation within a site:** While the proposal does not strictly meet the standard, it achieves the objectives through an appropriate built form response that respects heritage context, maintains building separation, delivers generous landscaping outcomes, and ensures adequate outlook and daylight to all dwellings.
- **Standard E3-13 Light courts:** Two internal light courts are proposed within St Joseph's that do not strictly comply with the standard. This is acceptable given heritage constraints, with neither serving as a primary light source to living areas. Building 'breaks' along the central spine of Building A are also considered light courts, and while not strictly compliant, they provide adequate dimensions, do not serve living rooms, and achieve daylight requirements.
- **Standard E4-2 Overlooking:** An overlooking assessment is only required where Standard E2-2 setbacks are not met, which in this case relates to the northern interface with 17 Middlesex Road. While two Level 01 windows to Building B would result in minor overlooking without mitigation, obscured glazing is proposed, ensuring no unreasonable impacts and maintaining compliance with overlooking objectives.

## 6.7 Consideration of Other Particular Provisions

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### 6.7.1 Consideration of Clause 52.06

The proposed car parking layouts and access arrangements will provide for convenient and efficient access for residents.

The proposed development has a statutory car parking requirement of 76 car spaces under Clause 52.06-5 relating to residents only and no visitor car parking is formally required. The provision and allocation of 124 car spaces therefore meet the statutory requirements.

The level of traffic generated by the proposal is moderate, residential in nature and can be accommodated without any adverse impacts to the operation of the local road network.

Traffic' report concludes that dedicated loading bay is not warranted for a residential development of this scale, and waste collection can be satisfactorily collected with a hybrid collection method by Council's existing services and a private contractor.

Refer to the Traffic Engineering Assessment prepared by Traffix for full detail.

### 6.7.2 Consideration of Clause 52.34

The proposal provides for a transport response that prioritises active and sustainable travel (walking, cycling and public transport). Cyclists will be able to conveniently access the bicycle parking spaces at basement level via the proposed lift shafts, avoiding any potentially dangerous encounters with motorists along the basement down ramp and at the interface with Whitehorse Road.

Bicycle parking is provided above the minimum requirements set out at Clause 52.34. The location of resident bicycle parking meets the requirements in that it is located within secure, bicycle storage rooms within the basement to each building, which is conveniently accessible via the central lift core.

Visitor bicycle parking loops are evenly distributed throughout the Site across three different locations to ensure convenient access for visitors to the Site in all directions.

Refer to the Traffic Engineering Assessment prepared by Traffix for full detail.

### 6.7.3 Consideration of Clause 52.37

Refer to the Arboricultural Assessment and Arboricultural Impact Assessment Report prepared by Tree Logic for full details.

To facilitate site redevelopment, the removal of 25 trees is required. Only two (2) of these trees (Tree 16 and 17) triggers a planning permit under Clause 52.37.

These trees meet the 'canopy tree' and 'boundary canopy tree' criteria as outlined in the provision.

The development proposal exceeds the 1,831sqm canopy tree cover requirement generated under the provision by providing a total canopy tree cover of 2,376sqm across the Site. The requirement is being met through the planting of new canopy trees, which will be planted within deep soil areas in line with the Clause 52.37 requirements.

## 6.8 Integrated decision-making and net community benefit

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The proposal presents a unique opportunity to deliver a medium-density outcome on a strategic opportunity site of over 9,000 square metres in a location with high levels of accessibility to public transport, community facilities, open space and a commercial precinct. The current planning controls however do not allow this outcome to be realised.

Clause 71.02 – Integrated decision-making acknowledges that *'Victorians have various needs and expectations such as land for settlement, protection of the environment, economic wellbeing, various social needs, proper management of resources and infrastructure.'* It is the role of planning to meet these needs, which often times requires the balancing of competing objectives in favour of net community benefit and sustainable development which benefits current and future generations.

It is considered that the proposal successfully balances the numerous competing policy objectives for this Site including the promotion of densification in amenity rich locations, heritage restoration, retention of high value trees and revegetation, environmentally sustainable design, architectural and design excellence and neighbourhood character. It does this in a manner which ensures that the additional height beyond sought above the mandatory control is delivered in a way which provides a sensitive transition to lower-scale interfaces, avoids unreasonable off-site amenity impact, is respectful and responsive to significant heritage fabric on site and provides a streetscape presentation which is consistent with the surrounding lower-scale development.

The proposal will allow for the restoration and revitalisation of existing underutilised heritage fabric and breathe life back into buildings that have sat largely dormant for years. The siting of new form and restoration of existing form will facilitate the delivery of new dwellings which will sit within a garden setting, with over 26% canopy cover, 42% garden area and 28% of the Site as deep soil- all metrics that go above and beyond planning scheme requirements and expectations.

From a sustainability perspective, the 66% BESS score and high levels of natural ventilation will benefit future generations and ensures the development is future-proofed to respond to a changing climate. Facilitating planning approval through the pathway sought will also result in an affordable housing contribution to the Social Housing Growth Fund, in turn also delivering wide-reaching public benefits beyond the bounds of the Site.

It is therefore considered that on balance, when considering the myriad of planning policy objectives that apply to the Site and the principles of integrated decision-making, the proposal is entirely appropriate and supportable.

## 7 Conclusion

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This report has been prepared by Tract Consultants Pty Ltd upon the instructions of **VJ 1KR Pty Ltd** to accompany a planning permit application for the staged construction of a residential development comprising the adaptive reuse of existing heritage buildings and establishment of new form, comprising 76 dwellings, at 1 Kent Road & 24 Durham Road, Surrey Hills.

The application is proposed for consideration under Clause 53.23 of the Boroondara Planning Scheme; 'Significant Residential Development with Affordable Housing'. As outlined in this report, the proposal is an excellent candidate for this approval pathway and will deliver architectural, landscape, liveability and sustainability excellence, alongside a myriad of other public benefits.

Core to achieving this is the collaboration between Woods Bagot and Kerstin Thompson Architects who have carefully and deliberately curated a scheme which successfully conserves, enhances and celebrates significant heritage fabric and facilitates the establishment of new form, all within a landscaped setting.

The proposal will allow for the redevelopment of a large opportunity site to deliver thoughtfully designed apartments and dwelling diversity through the inclusion of duplex units within St Joseph's to a location well-served by public transport and in proximity to a range of services and amenities.

Redevelopment of the Site as proposed is commensurate with the Government aspirations to deliver more dwellings in established urban areas. Further, the proposed development can be accommodated without introducing unreasonable amenity impact to adjoining properties, by way of overlooking, overshadowing or visual bulk.

It follows as the recommendation of this report that the Minister for Planning should support the proposal and ultimately a Planning Permit for the development.

# Appendices

Appendix A Clause 57 (Mid-Rise Code) Assessment

Appendix B Applicable Planning Policy Framework Policies

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## Appendix A Clause 57 (Mid-Rise Code) Assessment

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# Clause 57 Assessment

<b>Project Number</b>	325-0336-00-P-RP03
<b>Address</b>	24 Durham Road & 1 Kent Road, Surrey Hills
<b>Plan Reference</b>	Architectural Plans prepared by Woods Bagot (26 May 2026) Architectural Plans prepared by Kerstin Thompsom Architects (27 May 2026)
<b>Date of Assessment</b>	27 May 2026

## Operation

The provisions of this clause contain:

- **Objectives.** An objective describes the outcome to be achieved in the completed development.
- **Standards.** A standard contains the requirements to meet the corresponding objective.
  - If a zone or a schedule to a zone specifies a standard that modifies the standard set out in this clause, the modified standard in the zone or a schedule to the zone applies.*
  - If the land is included in a Neighbourhood Character Overlay and a schedule to the overlay specifies a standard that modifies the standard set out in this clause, or a modified standard in the zone or a schedule to the zone, the modified standard in the schedule to the overlay applies.*
  - If the land is included in an overlay, other than a Neighbourhood Character Overlay, and the schedule to the overlay specifies a standard that modifies the standard set out in this clause, or a modified standard in the zone or a schedule to the zone, the modified standard in the schedule to the overlay applies.*
- **Decision Guidelines.** The decision guidelines set out the matters that the responsible authority must consider before deciding if the corresponding objective is met.

## Requirements

A development must meet all of the applicable objectives contained in this clause.

A development should meet all of the applicable standards of this clause that apply to the application.

The responsible authority must consider the applicable decision guidelines in determining whether the corresponding objective is met.

## Clause 57.01 Application Requirements

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An application to which Clause 57 applies must be accompanied by:

- A site description.
- A design response.
- A written statement outlining which standards are met and which are not met. If a standard is not met, the written statement must include an explanation of how the development meets the corresponding objective having regard to the corresponding decision guidelines.

## Clause 57 Application to the Proposal

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Planning Scheme Amendment VC300 came into operation on 16 April 2026 and implements changes to the Victorian Planning Provisions by implementing the Mid-Rise Code to introduce new deemed to comply assessment provisions for four to six storey residential development in most residential zones.

These provisions do not apply to the Neighbourhood Residential Zone (NRZ), in which the Site is located.

However, the Responsible Authority may consider the provisions of Clause 57 in the context of the NRZ decision guidelines to guide their assessment of the proposal.

This assessment has therefore been prepared to demonstrate how the proposal generally complies with the objectives and standards of Clause 57 despite these provisions not strictly applying.

## Clause 57.02 – Urban Context

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### Clause 57.02-1 – Street setback

**Objectives** To ensure that the setbacks of buildings from a street provide space for canopy trees and make efficient use of the site.  
To ensure that the setbacks of buildings from a street respond to the future urban development of the area.

**Standard E2-1** Walls of buildings are set back from streets:

- At least the distance specified in a schedule to the zone; or
- If no distance is specified in a schedule to the zone, the distance specified in Table E2-1.

Entry canopies, pergolas and awnings for windows or doors may encroach up to 1.5 metres into the setbacks of this standard.

Table E2-1. Street setback

Minimum setback from front street	Minimum setback from side street
4.5 metres	3 metres

#### Assessment:

**Complies with the Objective ✓ Complies with Standard ✓**

Standard E2-1 does not apply to St Joseph's as the building footprint is not proposed to be expanded.

Building A will achieve a front setback to Middlesex Road of 6.4m and Building B will achieve a front setback of 6.3m to Durham Road and a side-setback of 3.0m to Kent Road.

Therefore, the proposal complies with Standard E2-1.

### Clause 57.02-2 – Side and rear setbacks

**Objectives** To ensure the setback of a building from a boundary provides sufficient space for canopy trees and landscaping.  
To ensure the setback of a building from a boundary responds to the future urban development of the area and limits the impact on the amenity of existing dwellings and small second dwellings.

**Standard E2-2** A new building not on or within 200mm of a boundary is set back from side or rear boundaries at least 4.5 metres.

If the boundary is to the south of the building, the building is set back at least 6 metres up to a height not exceeding 13.5m and at least 12 metres for a height over 13.5m between south 30 degrees west to south 30 degrees east.

Sunblinds, awnings, privacy screens, eaves, facias, gutters, rainwater goods, flues, pipes, domestic water tanks, heating or cooling equipment or other services may encroach not more than 0.5 metres into the side and rear setbacks.

Stairways and ramps (including landings) that are less than 1 metre above the ground level may encroach into the side and rear setbacks.

Pergolas and shade sails may encroach into the side and rear setbacks.

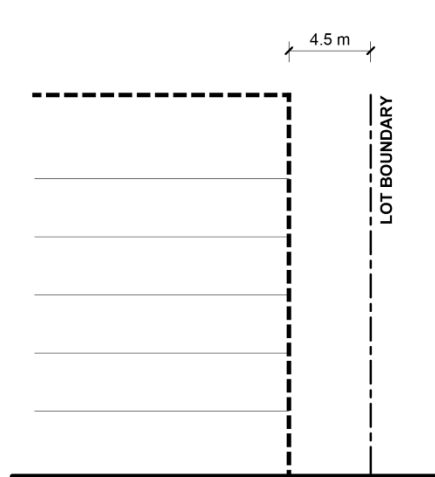


Diagram E2-2.1 Side and rear setbacks

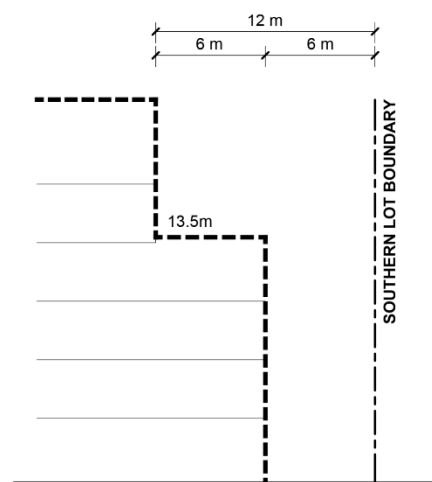


Diagram E2-2.2 Side and rear setbacks to a southern boundary

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**Assessment:**

**Complies with the Objective ✓ Does not comply with the Standard ✗**

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Refer to Drawings TP13003 and TP13003 (Woods Bagot) for full details.

The proposal does not achieve a 4.5-metre setback to all side and rear boundaries. In a single instance, the side setback to the northern boundary (adjacent to 17 Middlesex Road) is reduced to 4 metres.

Notwithstanding, the proposal is still considered to achieve an acceptable outcome as there are no unreasonable off site amenity impacts with respect to overlooking or overshadowing resulting from 'non-compliant' areas. Refer to the discussion provided in relation to overlooking impacts under Clause 57.04-2.

The proposal achieves a generous amount of deep soil, canopy tree and landscaped outcomes within the setback conditions provided to side and rear boundaries. The merits of the overall built form and massing arrangement of Building A and B are discussed in further detail within the Planning Report and within the application documentation.

Lastly, the 4.5 metre setback required under Standard E2-2 contemplates a four to six storey building. To the northern portion of Building A, the building is only two storeys in height. As such, the side and rear setbacks of the Townhouse and Low-Rise Code are considered a more relevant test at this location. This has been documented on the drawings provided, demonstrating compliance with the side and rear setback requirements of B2-3.1 (Clause 55).

Therefore, the proposal meets the objectives.

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### Clause 57.02-3 – Walls on boundaries

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**Objective** To ensure that the location, length and height of a wall on a boundary responds to the future urban development of the area and limits the impact on the amenity of existing dwellings and small second dwellings.

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**Standard E2-3** A new wall constructed on or within 200mm of a side or rear boundary of a lot or a carport constructed on or within 1 metre of a side or rear boundary of a lot does not abut the boundary for a length that exceeds the greater of the following distances:

- 10 metres plus 25% of the remaining length of the boundary of an adjoining lot; or
- The length of existing or simultaneously constructed walls or carports abutting the boundary on an abutting lot.

A new wall or carport may fully abut a side or rear boundary where slope and retaining walls or fences would result in the effective height of the wall or carport being less than 2 metres on the abutting property boundary.

A building on a boundary includes a building set back up to 200mm from a boundary.

The height of a new wall constructed on or within 200mm of a side or rear boundary or a carport constructed on or within 1 metre of a side or rear boundary does not exceed 3.6 metres unless abutting a higher existing or simultaneously constructed wall.

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**Assessment:**

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**Not applicable**

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There are no new walls proposed on boundary.

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### Clause 57.02-4 – Site coverage

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**Objective** To ensure that the site coverage responds to the future urban development of the area and to the features of the site.

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**Standard E2-4** The site area covered by buildings does not exceed:

- The maximum site coverage specified in a schedule to the zone, or
  - If no maximum site coverage is specified in a schedule to the zone, 70%.
- 

**Assessment:**

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**Complies with the Objective ✓ Complies with the Standard ✓**

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The proposal achieves a site coverage of approximately 58%, based on a site coverage area of 5303sqm and a site area of 9158sqm. Therefore, the proposal complies with Standard E2-5.

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## Clause 57.02-5 – Access

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**Objectives** To ensure the number and design of vehicle crossovers responds to the future urban development of the area.  
To ensure that vehicle crossovers are designed and located to provide safe access for pedestrians, cyclists and other vehicles.

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**Standard E2-5** The width of accessways or car spaces (other than to a rear lane) does not exceed:

- 33% of the street frontage; or
- 40% of the street frontage if the width of the street frontage is less than 20 metres.

The number of access points to a road in a Transport Zone 2 or a Transport Zone 3 is not increased.  
The location of a vehicle crossover or accessway does not encroach the tree protection zone of an existing tree that is proposed to be retained in a road by more than 10%.

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### Assessment:

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**Complies with the Objective ✓ Does not comply with the Standard ✗**

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Access will be provided via two (2) access points from Middlesex Road and Kent Road comprising single crossover(s) at each location of 6.9m in width. In both instances the crossover will occupy less than 33% of the site frontage length to Middlesex Road (124m) and Kent Road (97m). Neither Middlesex Road or Kent Road are within a Transport Zone 2 or Transport Zone 3, so there is no increase to the number of access points in these zones.

It is proposed to demolish the existing single vehicle crossover from Middlesex Road and construct a new double vehicle crossover to access the basement level of Building A. Construction of the crossover will result in encroachment of the tree protection zone (TPZ) to an existing street tree (Tree 56) within the road reserve of more than 10% (17%).

The proposed encroachment is supported by Tree Logic, who note that while some root losses are expected, the tolerance of the species to rootzone disturbance is relatively high, in part due to their mostly fibrous root systems. Nevertheless, the Arboricultural Impact Assessment recommended mitigation measures to minimise damage to the root system.

Therefore, the proposal does not meet the standard, however given arboricultural advice supports the encroachment proposed, it is considered that the objective has been met and that the design and number of crossovers respond to the prevailing neighbourhood character.

Refer to the Drawing TP12021 (Woods Bagot) for full detail.

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## Clause 57.02-6 – Tree canopy

<b>Objectives</b>	To provide tree canopy and landscaping that responds to the future urban development of the area.
	To preserve existing tree canopy cover and support the provision of new canopy cover.
	To ensure new canopy trees are climate responsive, support biodiversity, wellbeing and amenity, and help reduce urban heat.
	To ensure that basements allow for space for deep soil planting at the front of a site.

**Standard E2-6** Basements of a building are setback at least 3 metres from the frontage and at least one other boundary. Provide a minimum canopy as specified in Table E1-6.1.

Table E2-6.1 Canopy cover

Site area	Canopy cover
1000 square metres or less	10% of site area
More than 1000 square metres	20% of site area

Existing trees to be retained meet all of the following:

- Has a height of at least 5 metres.
- Has a trunk circumference of 0.5 metres or greater at 1.4 metres above ground level.
- Has a trunk that is located at least 4 metres from proposed buildings.

The minimum canopy cover is met using any combination of trees specified in Table E2-6.2.

Existing trees that are retained can be used in calculating canopy cover.

Table E2-6.2 Tree type, canopy cover, deep soil and planter requirements

Tree type	Minimum canopy diameter at maturity	Minimum height at maturity	Minimum mature canopy cover	Tree in deep soil Area of deep soil	Tree in planter Volume of planter	Minimum depth of planter soil
<b>A</b>	4 m	6 m	12.6 m <sup>2</sup>	12 m <sup>2</sup> (min. plan dimension 2.5 m)	12 m <sup>3</sup> (min. plan dimension 2.5 m)	0.8 m
<b>B</b>	8 m	8 m	50.3 m <sup>2</sup>	49 m <sup>2</sup> (min. plan dimension 4.5 m)	28 m <sup>3</sup> (min. plan dimension 4.5 m)	1 m
<b>C</b>	12 m	12 m	113.1 m <sup>2</sup>	121 m <sup>2</sup> (min. plan dimension 6.5m)	64 m <sup>3</sup> (min. plan dimension 6.5m)	1.5 m

Provide at least one new or retained tree in the front setback and the rear setback.

Trees are located in either:

- An area of deep soil as specified in Table E2-6.2; or
- A planter as specified in Table E2-6.2.

Any tree required to be planted under this standard must be of species to the satisfaction of the responsible authority, having regard to the location and relevant geographic factors.

**Assessment:**

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**Complies with the Objectives ✓ Does not comply with the Standard ✗**

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Refer to the Landscape Design Report prepared by Oculus for full detail.

The siting of the proposed new buildings and basement layout below each together with the overall size of the Site enables substantial deep soil and canopy tree planting to be achieved throughout.

Notwithstanding that there is no statutory requirement for deep soil coverage required under the standard, a total of 2,532sqm (28% of the overall site area) of deep soil coverage is proposed.

The proposal generates a canopy requirement of 1831sqm (20%) under this provision. The proposal provides a total canopy cover of 2431sqm (26%), exceeding the minimum requirement.

The canopy tree requirements will be met through the retention of existing trees together with newly proposed canopy trees (which will meet the requirements at Table E2-7.2)

Refer to Drawing TP10002 (Woods Bagot) for full details regarding which existing trees are proposed for retention. Several existing trees proposed for retention meet the requirements of this provision to contribute to calculating the proposed canopy tree provision. Refer to the Arboricultural Assessment prepared by Tree Logic for full detail.

The proposal includes a basement setback of 2.9m from the northern side of the Building A basement to the northern Site boundary and 2.6m from the western side of the Building A basement to the western Site boundary (at its nearest point). The basement to Building B is also set back 2.6m at its nearest point from the adjacent northern site boundary.

Therefore, the proposal does not strictly comply with the 3m basement setback required under Standard E2-7. However, it is considered that the intent of the objectives is met in achieving a generous level of deep soil and canopy tree planting throughout the Site.

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### Clause 57.02-7 – Front fences

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**Objective** To encourage front fence design that responds to the future urban development of the area.

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**Standard E2-7** A front fence with 3 metres of a street is:

- The maximum height and transparency specified in a schedule to the zone, or
- If no maximum height or transparency is specified in a schedule to the zone, the maximum height and transparency specified in Table E2-7.

Transparency is measured as the percentage of the fence that is open when viewed perpendicular to the fence line.

Table E2-7 Maximum front fence height

Street Context	Maximum front fence height	Minimum front fence transparency
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Streets in a Transport Zone 2	2 metres	25%
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Other Streets	1.5 metres	25%
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**Assessment:**

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**Complies with the Objective ✓ Does not comply with the Standard ✗**

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Refer to TP13001 (Woods Bagot) which shows the front fence details.

There is an existing perimeter front fence to Middlesex Road, Kent Road and Durham Road. Due to the site's appreciable change in topography, the height of the front fence varies depending on where the measuring is taken from, however it varies between 2.1m and 2.4m to Durham Road, between 2.15m and 2.4m to Kent Road, and between 1.98m and 2.5m to Middlesex Road.

All three streets the front fences present to are located within the NRZ, and so the maximum 1.5m height applies.

The proposal includes the removal of short segments of the site's brick perimeter fence to all perimeters and proposes new gate entries in these locations, designed as architectural 'markets' which balance permeability with heritage protection. Differing gate entry designs distinguish primary and secondary pedestrian entries.

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It is proposed to create a total of 14 new entry points along each perimeter of the front fence, including two (2) new 'primary' entrances, four (4) new 'secondary' entrances, one (1) new temporary vehicle entry gate for loading, and a total of seven (7) private resident garden entrances to access the ground plane private open space to a select handful of dwellings.

Each gate type has a different treatment to demarcate the pedestrian entry hierarchy into the Site.

Additionally, the vehicle entry to the basement car park of Building A will include a height clearance bar to a maximum of 2.4m, which will be the highest new element within the front fence.

Where portions of the front fence will be removed and reinstated on either side of a new gate within the front fence, it will be reinstated to align with the existing fence height in that location.

It is further noted that the new fencing will not achieve 25% transparency as is required by Standard E-7.

Though the height of proposed new gates will exceed 1.4m, the height of all new entries is commensurate with the height of the existing heritage fence. Similarly, the inclusion of transparent elements within new fence elements are not considered appropriate in this instance, where this will be juxtaposed with the design and heritage features of the existing fence.

As such, while the proposal does not technically meet the standard, the objective of this provision is achieved.

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## Clause 57.03 – Liveability

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### Clause 57.03-1 – Parking location

<b>Objective</b>	To minimise the impact of vehicular noise within developments on residents.
<b>Standard E3-1</b>	Habitable room windows with sill heights of less than 3 metres above ground level are setback from accessways and car parks by at least: <ul style="list-style-type: none"><li>• 1.5 metres; or</li><li>• If there is a solid fence with a height of at least 1.5 metres between the accessway or car park and the window, 1 metres; or</li><li>• 1 metres where window sills are at least 1.5 metres above ground level.</li></ul>

#### Assessment:

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**Complies with Objective ✓ Complies with the Standard ✓**

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All ground floor habitable room windows are setback from accessways and car parks by at least 1.5m.

The proposal complies with Standard E3-2.

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### Clause 57.03-2 – Street integration

<b>Objectives</b>	To integrate the layout of development with the street and open spaces to support the safety and amenity of residents. To support development that activates and provides passive surveillance to streets and public open spaces.
<b>Standard E3-2</b>	Development is oriented to front a street. Where a development fronts a street or abuts public open space: <ul style="list-style-type: none"><li>• Passive surveillance is provided by a direct view from at least one balcony or a habitable room window at each storey of the building to each street and public open space.</li><li>• The total cumulative width of all site services located within 3 metres of a street, do not take up more than 20% of the width of the frontage.</li></ul> Pedestrian entries are located on street frontages. Car parking and internal waste collection areas are visually concealed from the street. Lighting is provided to all external accessways and paths. One mailbox is provided for each dwelling, and at least one parcel locker is provided for every five dwellings. Mailboxes and parcel lockers are communally located.

#### Assessment:

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**Complies with the Objective ✓ Complies with the Standard ✓**

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The proposal fronts Middlesex Road to the west, Kent Road to the south and Durham Road to the east.

Passive surveillance is provided by direct views from balconies and habitable room windows to all streets and vehicle accessways through views from the first, second and third floor habitable rooms and balconies facing each of these interfaces.

All site services and mailboxes will be appropriately provided in accordance with Standard E3-3. Lighting will also be appropriately provided, though lighting design will form part of the detailed design stage of the project.

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## Clause 57.03-3 – Building entry and circulation

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### Objectives

- To provide safe, weather protected building entries with a sense of address.
  - To ensure the internal layout of buildings provide for the safe, functional and efficient movement of residents.
  - To ensure internal common circulation areas provide adequate access to daylight and natural ventilation.
- 

### Standard E3-3

An apartment development or residential building has:

- A ground level entry door, gate or walkway with a direct line of sight from a street.
- An external covered area over the entry door to the building of at least 1.44 square metres with a minimum dimension of 1.2 metres.

Pedestrian building entries are separated from vehicle entry points.

Shared corridors and common areas:

- Have at least one source of natural light and natural ventilation.
  - Are unobstructed by building services; and
  - Have a clear sightline from the building entry to the lift lobby area at ground level.
- 

### Assessment:

#### Complies with the Objective ✓ Complies with the Standard ✓

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Primary pedestrian entries for residents and visitors to all buildings (Building A, B and St Joseph's) is provided via the shared walkway centrally located at the convergence point between Building A, Building B and St Josephs, and accessed via Middlesex Road.

Clear entrances to Building A and B are provided with direct lines of sight from the shared walkway, with a clear sense of address and legible entry provided by each building. The primary access to each building includes a covered external area adjacent to mail room and amenity areas for residents.

Shared corridors to Building A and Building B will be well lit with daylight access from both ends, also providing natural ventilation.

Secondary building access to Building A is provided at each 'break' at intervals along the building corridor. Secondary building access to Building B is provided from the east via Durham Road, and to the southern portion of the building adjacent to the resident's garden where an internal pedestrian link is provided between Building B and St Joseph's.

Individual entries to each dwelling within St Josephs are provided from Kent Road, Middlesex Road or internally within the Site via the shared walkway. Each unit has an individual sense of address to the street and covered external area.

Access to Building A is provided from the central shared accessway between Building A and St Joseph's, which is accessed directly from Middlesex Road. A clear entrance to the building is provided with a covered lobby adjacent to a mail room and lounge area.

Beyond the individual access to each building, primary and secondary pedestrian entrances into the Site from Middlesex Road, Kent Road and Durham Road are clearly distinguishable and legible from the street.

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## Clause 57.03-4 – Private open space

**Objective** To provide adequate private open space for the reasonable recreation and service needs of residents

**Standard E3-4** A dwelling or residential building has private open space with direct access from a living area, dining area or kitchen consisting of:

- An area of 15 square metres of private open space at ground level or on a podium, with a minimum dimension of 2.4 metres width; or
- A balcony with at least the area and dimensions specified in Table E3-4; or
- An area on a roof of at least 10 square metres, with a minimum dimension of 2 metres width.

If a cooling or heating unit is located in the private open space, the required area is increased by 1.5 square metres.

Table E3-4 Private open space for a balcony

Dwelling type	Minimum area	Maximum length (parallel to the external wall)	Minimum width
Studio or 1 bedroom dwelling	8 m <sup>2</sup>	3 m	1.8 m
2 bedroom dwelling	8 m <sup>2</sup>	3 m	2 m
3 or more bedroom dwelling area	12 m <sup>2</sup>	3 m	2.4 m

### Assessment:

**Complies with the Objective ✓ Complies with the Standard ✓**

Refer to Drawing TP22400 (Woods Bagot) Residences Schedule for full detail.

Each proposed apartment within Building A and Building B has private open space in the form of balconies which meets or exceeds the requirements in Table E3-5, meeting the standard.

Each of the duplex units within St Josephs includes ample private open space, in most instances far exceeding the minimum requirements. The proposal complies with the standard.

## Clause 57.03-5 – Communal space

**Objectives** To provide communal space that meets the recreation and amenity needs of residents.  
To ensure that communal space is accessible, practical, attractive, easily maintained.  
To ensure that communal space is integrated with the layout of the development and enhances resident amenity.

**Standard E3-5** A development of 10 or more dwellings includes communal space accessible to all residents of at least:

- 2.5sqm per dwelling; or
- 25% of the site area, whichever is the lesser.

This may consist of multiple separate areas of communal space.  
This may include indoor communal space or outdoor communal space.  
If outdoor communal space is provided, 50% of the area or 25 square metres whichever is the greater, is not overshadowed for a minimum of two hours between 9 am and 3 pm on 22 September.

**Assessment:**

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**Complies with the Objective ✓ Complies with the Standard ✓**

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The proposal will generate a requirement of 190sqm for communal open space, based on a rate of 2.5sqm per dwelling and a total of 76 dwellings to be delivered.

A total of 1,083sqm of communal space is proposed, comprising a mix of indoor and outdoor spaces.

The proposal will deliver ample outdoor communal open space throughout the Site primarily within pocket parks distributed throughout the site, will benefit from passive surveillance, northern aspect with ample daylight, extensive planting, adequate shading, and a sense of safety and enclosure for residents. Throughout these shared garden areas, a total of 622sqm of communal outdoor open space is provided.

The overshadowing diagrams provided at TP97001 – TP97007 (Woods Bagot) demonstrate that the proposal easily achieves the overshadowing requirements of Standard E3-5.

The proposal also provides a generous amount of communal indoor space, with all resident access provided. Further to stakeholder feedback provided during the pre-application process, it proposed to convert one heritage chapel building for communal indoor amenity, providing a large indoor common area of 268sqm (in addition to the adjacent outdoor courtyard associated with this space). Lift and stepped access to assist residents will be provided, with suitable separation from dwellings within the rest of the St Joseph's complex. Two other indoor communal areas are provided, one within each of the new buildings with mail, lounge and amenity purposes.

The proposal substantially exceeds the minimum communal space provision required under Standard E3-5. More importantly, it delivers a selection of thoughtfully programmed outdoor and indoor communal spaces to ensure a quality communal amenity provision for residents.

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### Clause 57.03-6 – Functional layout

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**Objective** To ensure dwellings provide functional areas that meet the needs of residents.

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**Standard E3-6** Bedrooms:

- Meet the minimum internal room dimensions specified in Table E3-6.1; and
- Provide an additional area of at least 0.8 square metres to accommodate a wardrobe.

Table E3-6.1 Bedroom dimensions

Bedroom type	Minimum width	Minimum depth
Main bedroom	3m	4m
All other bedrooms	3m	3m

Living areas (excluding dining and kitchen areas) meet the minimum internal room dimensions specified in Table E3-6.2.

Table E3-6.2 Living area dimensions

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

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**Assessment:**

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**Complies with the Objective ✓ Complies with the Standard ✓**

---

Refer to Drawing TP22400 (Woods Bagot) for full detail.

All dwellings meet or exceed the minimum width and depth dimensions for main bedrooms of 3m and 3.4, and all secondary bedrooms meet minimum dimensions of 3m.

The living areas of each apartment unit meets or exceeds the minimum area requirements and provides a minimum width of at least 3m in all instances.

The proposal meets Standard E3-7.

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## Clause 57.03-7 – Room depth

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**Objective** To allow adequate daylight into single aspect habitable rooms.

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**Standard E3-7** The depth of a single aspect habitable room does not exceed 2.5 times the ceiling height measured from the external surface of the habitable room window to the rear wall of the room.

The depth of a single aspect, open plan, habitable room may be increased to 9m if all the following requirements are met:

- The room combines the living area, dining area and kitchen.
- The kitchen is located furthest from the window.
- The ceiling height is at least 2.7 metres measured from finished floor level to finished ceiling level. This excludes where services are provided above the kitchen.

The room depth is measured from the external surface of the habitable room window to the rear wall of the room.

For the purpose of Clause 57.03-7 a single aspect habitable room is a habitable room with windows on only one wall.

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### Assessment:

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**Complies with the Objective ✓ Complies with the Standard ✓**

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Refer to Drawing TP22400 (Woods Bagot) Residences Schedule for full detail.

The depth of each single aspect habitable room does not exceed the maximum depth specified in Standard E3-8.

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## Clause 57.03-8 – Daylight to new windows

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**Objective** To allow adequate daylight into new habitable room windows.

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**Standard E3-8** Habitable rooms are to have a window in an external wall of the building.

A habitable room window is not located in a basement.

Where daylight to a bedroom is provided from a smaller secondary area within the bedroom, the secondary area is to have:

- A minimum width of 1.2 metres.
- A maximum depth of 1.5 times the width, measured from the external surface of the window.
- A window clear to the sky.

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### Assessment:

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**Complies with the Objective ✓ Complies with the Standard ✓**

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Each habitable room window faces an outdoor space clear to the sky.

The proposal meets Standard E3-9.

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## Clause 57.03-9 – Natural ventilation

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

**Standard E3-9** At least 40% of dwellings have openable windows, doors or other ventilation devices in external walls of the building that provide:

- 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 size.

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

### Assessment:

**Complies with the Objective ✓ Complies with the Standard ✓**

Refer to Drawing TP22400 (Woods Bagot) Residences Schedule for full detail.

80% of proposed dwellings (61 units total) achieve natural cross-ventilation, exceeding the minimum requirement of 40%. The architectural plans provided by Woods Bagot and KTA show how cross-ventilated units achieves a breeze path in accordance with the standard requirements.

The proposal meets Standard E3-10.

## Clause 57.03-10 – Storage

**Objective** To provide adequate storage facilities for each dwelling.

**Standard E3-10** Each dwelling has exclusive access to storage at least the total minimum storage volume that is specified in Table E3-10.

Table E3-10 Storage

Dwelling type	Total minimum storage volume	Minimum storage volume within the dwelling
Studio	8 m <sup>3</sup>	5 m <sup>3</sup>
1 bedroom dwelling	10 m <sup>3</sup>	6 m <sup>3</sup>
2 bedroom dwelling	14 m <sup>3</sup>	9 m <sup>3</sup>
3 or more bedroom dwelling	18 m <sup>3</sup>	12 m <sup>3</sup>

### Assessment:

**Complies with the Objective ✓ Complies with the Standard ✓**

Refer to Drawing TP22400 (Woods Bagot) Residences Schedule for full detail. Within Building A and Building B, all apartments achieve the minimum storage volumes required within the dwelling, and the total storage volume required is also provided within each unit. Additional external storage is provided within the basement to each building.

Within St Josephs, ample storage is provided internally within each unit. Therefore, all dwellings meet or exceed the minimum storage requirements under Standard D21.

## Clause 57.03-11 – Accessibility

**Objective** To ensure the design of dwellings meets the needs of people with limited mobility.

**Standard E3-11** At least 50% of dwellings 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 E3-11.

Table E3-11 Bathroom design

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

### Assessment:

**Complies with the Objective ✓ Complies with the Standard ✓**

A total of 62 dwellings (82% of the total) are accessibly designed and comply with the requirements in Standard E3-12.

## Clause 57.03-12 – Building separation within a site

**Objective** To ensure that the separation between buildings (other than a light court) within a site provides a reasonable outlook and adequate daylight to new dwellings, and sufficient space for canopy trees and landscaping.

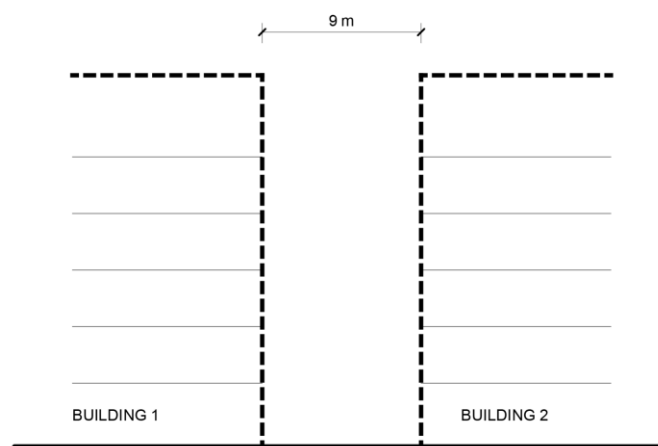
**Standard E3-12** Walls of buildings that contain a habitable room window or balcony are set back from other walls of buildings on a site by at least 9 metres. This does not apply to a wall that forms part of a light court.

Sunblinds, awnings, privacy screens, eaves, fascias, gutters, rainwater goods, flues, pipes, domestic water tanks, heating or cooling equipment or other services may encroach up to 0.5 metres into the building separation setback.

Stairways and ramps (including landings) that are less than 1 metre above the ground level may encroach into the building separation setback.

Pergolas and shade sails may encroach into the building separation setback.

Diagram E3-12 Building separation within a site



### Assessment:

**Complies with the Objective ✓ Does not comply with the Standard ✗**

The proposal achieves the following building separation between new and existing buildings:

- The southern wall of Building A and the northern most wall of St Josephs – 8.7 metres along its most prominent length, and 6.7 metres at its nearest point.
- The western wall of Building B and the eastern wall of the chapel building at its nearest point of 4.3 metres, and to the infirmary building of 4.8 metres. The building separation between the St Joseph's block and the western wall of Building B when measured on either side of the courtyard is 21.1 metres and 23.4 metres from west to east and north to south respectively.
- The western wall of Building A and the eastern wall of Building B, broadly centrally located within the site where the corner of each new building is at their nearest points is 10 metres.

As such, the proposal does not strictly meet the standard but meets the objectives as follows:

- The master planned approach to the site's redevelopment and massing strategy leverages the Site's size and natural topography to focus greater height and massing in less sensitive areas, using setbacks and height transitions to maintain the visual prominence of St Joseph's and other key heritage buildings across surrounding streets.
- Buildings A and B scale appropriately to all external interfaces, but also internally to ensure an appropriate relationship between buildings with the Site.
- The building spacing has been configured in a manner which maintains the primacy of significant heritage facades, allowing for their continued recognition and appreciation.
- Sufficient space for canopy trees and landscaping is demonstrated through compliance with relevant landscaping objectives, and the generous deep soil and canopy tree planting provision.

- Reasonable outlook is afforded to all dwellings, and adequate daylight being achieved is demonstrated through the daylight analysis included within the Sustainability Management Plan prepared by GIW.

### Clause 57.03-13 – Light courts

**Objective** To ensure that a light court provides adequate daylight into a new bedroom or non-habitable room window.

- Standard E3-13** A light court:
- Has a minimum dimension of at least 4.5 metres and an area of at least 20.25 square metres.
  - Has a maximum dimension of 6 metres and a maximum area of 36 square metres.
  - Is enclosed by the wall of a building for at least 75% of its perimeter.
  - Is clear to the sky.
  - Is not the primary source of daylight to a living room or private open space.

**Assessment:**

**Complies with the Objective ✓ Does not comply with the Standard ✗**

Refer to the drawings prepared by Kerstin Thompson Architects for full details.

The renovation of St Josephs will incorporate two (2) internalised courtyards which are considered light courts for the purpose of this standard.

One (1) light court is located in the southwestern portion of the building (below left) and will serve as the private open space to Duplex 11. This light court has an approximate dimension of 5.8 metres x 7.2 metres and an area of 42 square metres.

The other light court (below right) is located to the northern portion of the building, adjacent to the indoor communal amenity space within the chapel building. This light court has a dimension of 3.6 metres x 11.55 metres and an area of 42 sqm.

Both light courts will be fully enclosed by walls of the building to all perimeters. Neither light court would serve as the primary light source to a living area of private open space.

Accordingly, neither light course strictly meets the requirements of Standard E3-13, as in both instances the maximum dimensions and area are exceeded. However, having regard to constraints associated with the refurbishment of an existing heritage building and the need to carefully select and retain existing building fabric and the like, the minor variation proposed is acceptable.

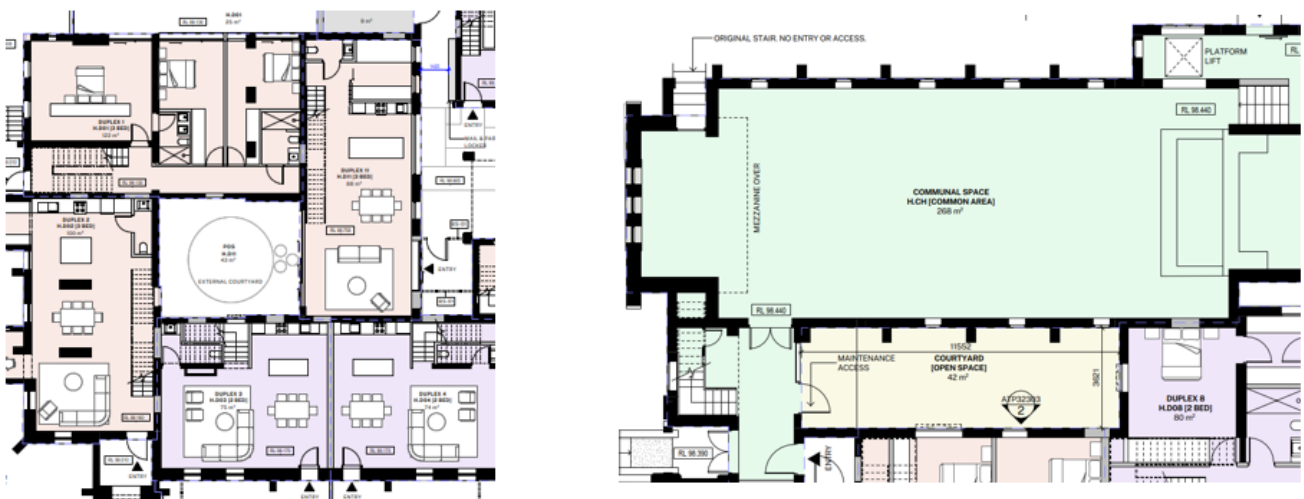


Figure 1. Light court and POS to Duplex 11 (left) and Light court & POS to shared courtyard (right).

Additionally, for the purposes of the standard the building ‘breaks’ on both the western and eastern side of the central corridor and ‘spine’ of Building A are considered to be light courts. In both instances, the light courts are enclosed by the wall of a building for at least 75% of its perimeter. All light courts have a width of 3 metres, and an area of at least 33 sqm.

As such, these light courts do not strictly comply with the standard. However, the arrangement is acceptable on the basis that no living rooms are reliant upon these light court as a primary source of daylight. A small number of bedrooms (19 x bedrooms in total) rely on the outlook to these light courts as a primary source of daylight.

The daylight modelling undertaken by GIW and included in the SMP demonstrates that all living rooms and bedrooms achieve the requisite levels of daylight.

As such, the light courts meet the objective. This should be considered on balance with all the other benefits afforded by the current layout of Building A, and the purpose served by the light courts in further articulating the built form of the building.

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## Clause 57.04 – External Amenity

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### Clause 57.04-1 – Overshadowing secluded private open space

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**Objective** To ensure that any part of a building that does not meet standards E2-2 and E2-3 does not significantly overshadow existing secluded private open space.

**Standard E4-01** The area of secluded private open space that is not overshadowed by the new development is greater than 50%, or 25 square metres with a minimum dimension of 3 metres, whichever is the lesser area, for a minimum of five hours between 9 am and 3 pm on 22 September.

If existing sunlight to the secluded private open space of an existing dwelling or small second dwelling is less than the requirements of this standard, the amount of sunlight is not further reduced.

This standard does not apply to any part of a new building that meets standards E2-2 and E2-3.

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#### Assessment:

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**Complies with the Objective ✓ Complies with Standard ✓**

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Refer to TP97001 to TP97007 (Woods Bagot) for full details.

The shadow diagrams include shadow analysis for the hours between 9am and 3pm on 22 September and demonstrate the proposed buildings do not cast any additional shadows to adjoining properties.

The proposal complies with Standard E4-03.

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### Clause 57.04-2 – Overlooking

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**Objective** To limit views into existing secluded private open space and habitable room windows.

**Standard E4-2** A habitable room window, balcony, podium, terrace, deck or patio is located and designed to avoid direct views into the secluded private open space of an existing dwelling or small second dwelling within a horizontal distance of 6 metres (measured at ground level) of the window, balcony, terrace, deck or patio. Views are measured within a 45 degree angle from the plane of the window or perimeter of the balcony, terrace, deck or patio, and from a height of 1.5 metres above floor level.

A habitable room window, balcony, terrace, deck or patio that is located with a direct view into a habitable room window of an existing dwelling or small second dwelling within a horizontal distance of 6 metres (measured at ground level) of the window, balcony, terrace, deck or patio:

- Is offset a minimum of 1.5 metres from the edge of one window to the edge of the other; or
- Has a sill height of at least 1.5 metres above floor level; or
- Has fixed, obscure glazing in any part of the window below 1.5 metres above floor level; or
- Has permanently fixed external screens to at least 1.5 metres above floor level and be no more than 25% transparent; or
- Has fixed elements that prevent the direct view, such as horizontal ledges or vertical fins.

Obscure glazing in any part of the window below 1.5 metres above floor level may be openable provided that there are no direct views as specified in this standard.

Screens used to obscure a view are:

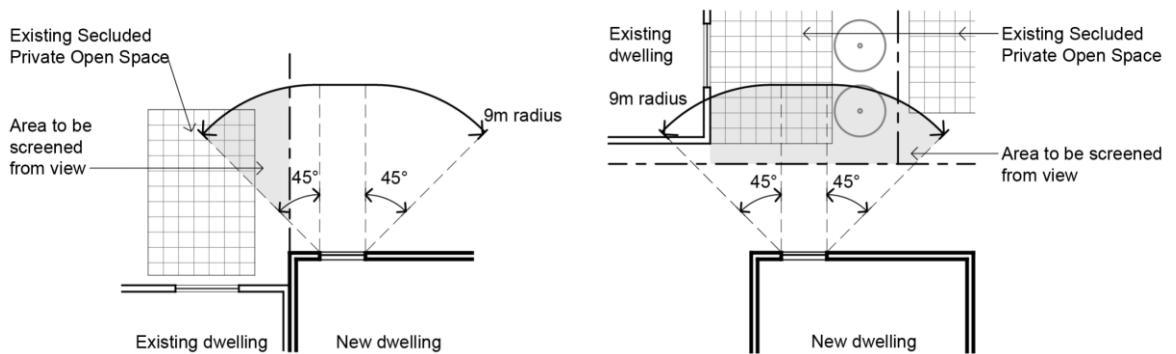
- Perforated panels or trellis with a maximum of 25% openings or solid translucent panels.
  - Permanent, fixed and durable.
-

- Designed and coloured to blend in with the development.

This standard does not apply to a new habitable room window, balcony, terrace, deck or patio which faces a property boundary where there is a visual barrier at least 1.5 metres high and the floor level of the habitable room, balcony, terrace, deck or patio is less than 0.8 metres above ground level at the boundary.

This standard does not apply to a new habitable room window, balcony, terrace, deck or patio that is located in any part of a building that meets standard E2-2.

Diagram E4.2 Overlooking



**Assessment:**

**Complies with the Objective ✓ Does not comply with the standard ✗**

Refer to the overlooking diagrams at Drawings TP34101, TP34102 and TP34201 (Woods Bagot) for full detail.

The standard only requires assessment with respect to overlooking where the side and rear setback requirements under Standard E2-2 are not met. As such, an overlooking assessment is only required to the north facing habitable room windows of Building A and any impacts to the property at 17 Middlesex Road, where the side setback to the title boundary is 4.1 metres.

17 Middlesex Road has three (3) south-facing windows. It has not been possible to confirm whether all are habitable room windows (which includes bedrooms under the standard), so the overlooking assessment has been undertaken on the basis that all three are habitable windows.

The proposed north facing windows at ground level of Building A have not been assessed, as they meet the criteria for exclusion under the standard. That is, they face a property boundary where there is a visual barrier of at least 1.5 metres high (in this instance the property boundary fence) and the ground floor finished floor level is less than 0.8 metres above ground level at the boundary.

The westernmost window of 17 Middlesex Road is offset by 1.5 metres from the proposed windows at Level O1 of Building A. As such, it is just the middle and easternmost of the proposed windows which require further consideration. The assessment indicates that without mitigation measures, both windows would have a marginal overlooking impact to the adjoining property.

It is proposed to treat these windows with obscured glazing up to a height of 1.525 metres to mitigate any overlooking impacts. Both windows provide northern outlook to bedrooms only, and not the living area of this dwelling. The use of obscured glazing will ensure that opportunities for overlooking are substantially limited.

As such, no off-site amenity impacts arising from overlooking will occur, and the proposal meets the objective.

## Clause 57.05 – Sustainability

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### Clause 57.05-1 – Permeability and stormwater management

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<b>Objectives</b>	To reduce the impact of increased stormwater run-off on the drainage system and downstream waterways. To facilitate on-site stormwater infiltration. To encourage stormwater management that maximises the retention and reuse of stormwater. To contribute to urban cooling.
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<b>Standard E5-1</b>	The site area covered by the pervious surfaces is at least 20% of the site. Buildings are connected to a non-potable dual pipe reticulate water supply, where available from the water authority. The development includes a stormwater management system designed to: <ul style="list-style-type: none"><li>• Meet the best practice quantitative performance objectives for stormwater quality specified in the <i>Urban stormwater management guidance</i> (EPA Publication 1739.1, 2021) of:<ul style="list-style-type: none"><li>◦ Suspended solids 80% reduction in mean annual load.</li><li>◦ Total phosphorus and Total Nitrogen 45% reduction in mean annual load.</li><li>◦ Litter 70% reduction of mean annual load.</li></ul><p><b>Note:</b> A certificate generated from a stormwater assessment tool including Stormwater Treatment Objective - Relative Measurement (STORM), Model for Urban Stormwater Improvement Conceptualisation (MUSIC) or an equivalent product accepted by the responsible authority may be used to demonstrate the performance objectives for stormwater quality are met.</p></li><li>• Direct flows of stormwater into treatment areas, garden areas, tree pits and permeable surfaces, with drainage of residual flows to the legal point of discharge.</li></ul>
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#### Assessment:

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#### Complies with the Objectives ✓ Complies with the Standard ✓

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Refer to the Sustainable Management Plan prepared by GIW Environmental Solutions for full detail.

The stormwater treatment design has been modelled using MUSIC software to confirm that the proposal will meet the relevant best practice performance standards outline above.

At this stage in the design development, it is indicated that a compliant MUSIC model result is achieved with the following WSUD initiatives:

- Rainwater collection off all new roof areas (excluding heritage roof), and large upper-level terraces is to be directed into a total 35KLrainwater tank connected to landscape irrigation.  
Prior to the legal point of discharge an Atlan Vortceptor will need to be installed to filter the rainwater before entering the stormwater system, as is standard for this form of development.

The development demonstrates an improvement on the stormwater quality performance objectives.

Rainwater tanks are provided to below ground, beneath the basement levels of Building A and Building B, and will collect and store rainwater for reuse in landscape irrigation. The rainwater tank volume will be determined during detailed design.

Permeable landscaped areas are abundant throughout the Site, through the substantial deep soil areas provided and other, permeable areas and paving.

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## Clause 57.05-2 – Waste and recycling

<b>Objectives</b>	To ensure dwellings are designed to facilitate waste recycling. To ensure that waste and recycling facilities are accessible and are of sufficient size to manage organic and general waste, and mixed and glass recycling. To ensure that waste and recycling facilities are designed and managed to minimise impacts on residential amenity.
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<b>Standard E5-2</b>	The development includes a shared bin storage area for use by each dwelling of at least the applicable area, depth and height specified in Table E5-2.
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Table E5-2 Bin Storage

Number of dwellings	Minimum area	Minimum depth	Minimum height
15 or less	0.7 m <sup>2</sup> per dwelling in a shared waste storage area	0.8 m	2.7 m
16 to 55	0.5 m <sup>2</sup> per dwelling, plus 5sqm in a shared waste storage area.	1 m	2.7 m
56 or more	0.5 m <sup>2</sup> per dwelling in a shared waste storage area.	1 m	2.7 m

Enclosed bin storage areas are ventilated by:

- Natural ventilation openings to the external air with an area of at least 5% of the area for bin storage area; or
- A mechanical exhaust ventilation system.

A tap and drain are provided to wash bins.

A continuous path of travel is provided from each dwelling to bin storage areas.

Each dwelling includes an internal waste and recycling storage space of at least 0.07 cubic metres with a minimum depth of 250mm.

### Assessment:

**Complies with the Objectives ✓ Complies with the Standard ✓**

Refer to the Waste Management Plan prepared by Traffix for further detail.

The shared bin storage areas for Building A and Building B are located at basement level to each building and suitably sized to meet the requirements of Standard E5.5.

Each of the dwellings within St Joseph's will be provided individual bins sized to meet the relevant requirements.

## Clause 57.05-3 – Noise impacts

<b>Objectives</b>	To minimise the impact of mechanical plant noise located in the development. To contain noise sources in developments that may affect existing dwellings. To protect residents from external and internal noise sources.
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<b>Standard E5-3</b>	Mechanical plant, including mechanical car storage, lift facilities, building services, non-residential uses, car parking, communal areas are not located immediately adjacent to bedrooms of new or existing dwellings or small second dwellings, unless a solid barrier is in place to provide a line of sight barrier to transmission of noise and the location of all relevant bedrooms. Buildings within a noise influence area specified in Table E3-5 are designed and constructed to achieve the following noise levels:
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- 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 are assessed in unfurnished rooms with a finished floor and the windows closed.

Table E5-3 Noise influence area

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

**Assessment:**

**Not applicable**

Not applicable. No mechanical plant is proposed adjacent to existing or proposed dwellings or bedrooms.

**Clause 57.05-4 –Energy efficiency**

**Objectives** To achieve energy efficient dwellings and buildings.  
To ensure dwellings achieve adequate thermal efficiency.

**Standard E5-4** Dwellings located in a climate zone identified in Table E5-4 do not exceed the maximum NatHERS annual cooling load.

Table E5-4 Cooling load

NatHERS climate zone	NatHERS maximum cooling load MJ/m <sup>2</sup> 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).

**Assessment:**

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**Complies with the Objectives ✓ Complies with the Standard ✓**

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Refer to the Sustainable Management Plan prepared by GIW Environmental Solutions for full detail.

The proposal complies with the standard as follows:

- The building incorporates space for solar PV panels and to maximise passive heating and cooling.
- Each dwelling will achieve a 7.0 Star average NatHERS rating.
- All apartments will comply with the relevant maximum cooling load.
- Where possible, living spaces have been sited to provide for northern aspect.

Where possible, living spaces are sited to provide for northern aspect, and there are no single aspect south facing units proposed.

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## Appendix B Applicable Planning Policy Framework Policies

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### Clause 11 – Settlement

#### Clause 11.01-1S (Settlement)

Sets a State-wide objective to facilitate the sustainable growth and development of Victoria. It includes strategies to limit urban sprawl and direct growth into existing settlements and deliver high quality integrated settlements with great liveability and accessibility.

### Clause 12 – Environmental and Landscape Values

#### Clause 12.01-1L – Protection of Biodiversity – Boroondara

Relevant strategies include:

- *Retain significant trees and canopy trees.*
- *Provide sufficient space in front and rear gardens to accommodate large canopy trees.*
- *Support the use of indigenous planting in development.*

#### Clause 12.06-1S (Urban forests)

Sets a State-wide objective to protect and enhance tree canopy in urban areas. It supports the retention of existing canopy trees and planting of new trees on both public and private land.

Relevant strategies in order to contribute to achieving an overall 30 per cent tree canopy target for urban areas include:

- Encouraging the retention of existing canopy trees.
- Promoting the planting of new canopy trees both within the public realm and open space (excluding areas dedicated to biodiversity or native vegetation conservation) and on private land.

### Clause 13 – Environmental Risks and Amenity

#### Clause 13.01-3S – Urban Heat

Seeks to reduce urban heat and minimise impacts of urban heat on human health and wellbeing.

Relevant strategies include:

- *Support development that contributes to cooler urban environments.*
- *Support cooling design responses in urban areas through the:*
  - *Planting and maintenance of canopy trees and other vegetation.*
  - *Use of integrated water management.*
  - *Provision of shading of pedestrian walkways.*
  - *Use of permeable surfaces and low heat absorbing surface materials, such as green roofs and walls.*
- *Encourage use of alternative water resources such as recycled water, stormwater and rainwater to support canopy tree and vegetation growth.*

## Clause 15 – Built Environment and Heritage

### Clause 15.01-1S – Urban Design

Seeks to create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity.

Relevant strategies include:

- *Require development to respond to its context in terms of character, cultural identity and heritage, natural features, surrounding landscape and climate.*
- *Ensure development contributes to community and cultural life by improving the quality of living and working environments, facilitating accessibility and providing for inclusiveness.*
- *Ensure the interface between the private and public realm protects and enhances personal safety.*
- *Ensure development supports public realm amenity and safe access to walking and cycling environments and public transport.*
- *Ensure that the design and location of publicly accessible private spaces, including car parking areas, forecourts and walkways, is of a high standard, creates a safe environment for users and enables easy and efficient use.*
- *Ensure that development provides landscaping that supports the amenity, attractiveness and safety of the public realm.*
- *Ensure that development, including signs, minimises detrimental impacts on amenity, on the natural and built environment and on the safety and efficiency of roads.*

### Clause 15.01-1L-01 – Urban Design and Built Form Outcomes

Seeks to achieve high quality urban design and built form outcomes which enhance streetscapes, maintain amenity and cater to a diversity of user needs.

Relevant strategies include:

- *Facilitate development that sensitively manages its various interfaces.*
- *Design buildings and their internal layout to maximise passive surveillance, engagement and safety within the public realm.*
- *Design development to be responsive to existing streetscape patterns and themes.*
- *Provide landscaping as an integral part of the overall design of development.*
- *Design development to contribute positively to streets and laneways as high quality public spaces including their amenity and appearance.*
- *Site and design service areas (and other utility requirements) of buildings to face the private domain where possible or to be fully screened from the public realm.*
- *Design development so that is accessible for people with all abilities.*

### Clause 15.01-2S – Building Design

Seeks to achieve building design and siting outcomes that contribute positively to the local context, enhance the public realm and support environmentally sustainable development.

Relevant strategies include:

- *Ensure a comprehensive site analysis forms the starting point of the design process and provides the basis for the consideration of height, scale, massing and energy performance of new development.*
- *Ensure development responds and contributes to the strategic and cultural context of its location.*
- *Minimise the detrimental impact of development on neighbouring properties, the public realm and the natural environment.*
- *Improve the energy performance of buildings through siting and design measures that encourage:*
  - *Passive design responses that minimise the need for heating, cooling and lighting.*

- On-site renewable energy generation and storage technology.
- Use of low embodied energy materials.
- Restrict the provision of reticulated natural gas in new dwelling development.
- Ensure the layout and design of development supports resource recovery, including separation, storage and collection of waste, mixed recycling, glass, organics and e-waste.
- Encourage use of recycled and reusable materials in building construction and undertake adaptive reuse of buildings, where practical.
- Encourage water efficiency and the use of rainwater, stormwater and recycled water.
- Minimise stormwater discharge through site layout and landscaping measures that support on-site infiltration and stormwater reuse.
- Ensure the form, scale, and appearance of development enhances the function and amenity of the public realm.
- Ensure buildings and their interface with the public realm support personal safety, perceptions of safety and property security.
- Ensure development is designed to protect and enhance valued landmarks, views and vistas.
- Ensure development considers and responds to transport movement networks and provides safe access and egress for pedestrians, cyclists and vehicles.
- Encourage development to retain existing vegetation.
- Ensure development provides landscaping that responds to its site context, enhances the built form, creates safe and attractive spaces and supports cooling and greening of urban areas.

#### Clause 15.01-5S – Neighbourhood Character

Seeks to recognise, support and protect neighbourhood character, cultural identity, and sense of place.

Relevant strategies include:

- Support development that respects the existing neighbourhood character or contributes to a preferred neighbourhood character.
- Ensure development responds to its context and reinforces a sense of place and the valued features and characteristics of the local environment and place by respecting the:
  - Pattern of local urban structure and subdivision.
  - Underlying natural landscape character and significant vegetation.
  - Neighbourhood character values and built form that reflect community identity.

#### Clause 15.01-5L – Neighbourhood Character – Boroondara

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

Relevant general strategies include:

- Maintain the City's valued residential visual amenity including landscaped settings and leafy streets.
- Avoid the loss of mature trees and gardens and ensure development provides adequate space for new vegetation, particularly canopy trees.
- Ensure in all areas except General Residential Zone Schedule 4 that development respects, responds to and makes a positive contribution to the precinct's preferred character.

For sites in the NRZ3, it seeks the following:

- To provide for development that maintains the spacious character including the consistent spine of backyards and low site coverage.
- To ensure development responds to the smaller lot sizes, narrower side setbacks, smaller front and rear gardens and higher site coverage of some inner urban areas.

Relevant NRZ3 strategies include:

- Set development back from the front, side and rear boundaries, consistent with the preferred character of the precinct.
- Site development to retain an area of open space to the rear of the dwelling that is capable of accommodating canopy trees.
- Avoid attached dwellings set one behind the other that provide no visual separation between built forms.
- Design upper storeys of dwellings at the rear of lots to be recessive and have a reduced footprint to the ground floor.

#### Clause 15.02-1L – Energy Resource and Design Efficiency

Relevant strategies include:

- Promote building design that incorporates passive solar design principles including:
  - Maximising northern orientation to internal and external living spaces and windows.
  - Maximising access to natural light and ventilation.
- Encourage 'green' (i.e. vegetated) roofs and walls with a supporting maintenance program.
- Support energy efficient building design.
- Support adaptive re-use of buildings.
- Support the re-use and recycling of building materials, and use of recycled, locally sourced and sustainable building materials.
- Support appropriate waste storage and collection facilities being provided on-site for all types of waste streams. Facilitate a precinct wide energy supply that can be shared between developments, where appropriate.
- Support the use of light coloured and heat reflective surfaces to buildings and pavements.
- Design development to provide private open space of sufficient dimensions to allow for the planting of canopy trees.
- Protect trees to maintain the tree canopy.

#### Clause 15.03-1S – Heritage Conservation

Seeks to ensure the conservation of places of heritage significance.

Relevant strategies include:

- Provide for the conservation and enhancement of those places that are of aesthetic, archaeological, architectural, cultural, scientific or social significance.
- Encourage appropriate development that respects places with identified heritage values.
- Retain those elements that contribute to the importance of the heritage place.
- Encourage the conservation and restoration of contributory elements of a heritage place.
- Ensure an appropriate setting and context for heritage places is maintained or enhanced.
- Support adaptive reuse of heritage buildings where their use has become redundant.

#### Clause 15.03-1L – Heritage in Boroondara

Seeks to protect all significant heritage fabric (including elements not visible from the public realm), support sympathetic new development that prolongs the life of significant places, retain and conserve contributory heritage visible from the primary street, and ensure additions or alterations to contributory places are designed and located to preserve their presentation to the street.

Relevant strategies for **significant** heritage places include:

- Retain significant built fabric and not normally allow demolition.

- Permit partial demolition of significant built fabric for the purpose of additions and alterations only if the partial demolition, additions and alterations will not adversely affect the cultural heritage significance of the place and will assist the long term conservation of the building.
- Support the demolition of non-original and non-contributory additions.
- Ensure alterations, including restoration or reconstruction works, maintain the significance and integrity of the heritage place.
- Encourage reconstruction of features or finishes formerly removed, only where historic evidence of original or earlier appearance can be found.
- Ensure that materials and restoration techniques consistent with the historic period of the heritage place are used.
- Discourage the painting of previously unpainted surfaces. This does not apply to non-original features.
- Discourage the rendering of previously non-rendered surfaces.
- Discourage painting in a manner that detracts from the understanding of the place, including painting in corporate colours, painting over and covering windows and the loss of contrast that provides for articulation of heritage features.
- Discourage sandblasting of rendered, masonry or timber surfaces.
- Discourage the introduction of architectural features, unless there is evidence that they were originally present.
- Ensure development does not alter fabric that contributes to the cultural heritage significance of any part of a 'significant' heritage place including elements that cannot be seen from the public realm.
- Ensure development does not obscure fabric that contributes to the cultural heritage significance of any part of a 'significant' heritage place that addresses the public realm.
- Use materials and surface finishes that are complementary to the fabric of the heritage place.
- Incorporate design details that complement the design of the heritage place (including the type and form of windows, doors, architectural features and verandahs), that are:
  - Interpretive, that honestly admit their modernity while relating to the heritage character of their surroundings, or are a replication of historic forms and detailing.
  - Located and massed in a manner that does not detract from or dominate significant fabric of the heritage place (through siting and massing). This should be achieved utilising a combination of setbacks, heights and physical separation as appropriate. This does not apply to commercial buildings.
  - Located to the rear of the heritage place, where possible.
  - Sympathetic with heritage fabric of the place rather than any 'non-contributory' elements of the place.

Relevant strategies for **contributory** heritage places include:

- Encourage the reuse of previously demolished building materials from the heritage place in the design and construction of new additions to buildings.
- Use design details that complement the design of the heritage place, (including, the type and form of windows, doors, architectural features and verandahs).
- Ensure design details of new buildings and works are either: Interpretive, that honestly admit their modernity while relating to the heritage character of their surroundings.
- A replication of historic forms and detailing.
- Ensure additions and new buildings (other than commercial buildings), are:
  - Located in manner that does not detract from or dominate the heritage place or the heritage values of the precinct. Designed and sited to respect the significance of the heritage place utilising a combination of setbacks and matching the height of the heritage place.
- Design additions and new buildings to be visually recessive and read as a secondary element to the heritage place. Where side setbacks are an important feature in a heritage precinct, ground level additions should have side setbacks that are the same or similar to those of the precinct. Locate additions and new buildings to the rear of the heritage place where possible.

- *Design additions and new buildings to be sympathetic with the heritage fabric of the place and precinct rather than any 'non-contributory' elements of the place.*
- *Design additions and new buildings to be sympathetic with the heritage fabric of the place and precinct rather than any 'non-contributory' elements of the place.*

Relevant strategies for **non-contributory** heritage places include:

- *Support the demolition of 'non-contributory' places.*
- *Ensure replacement buildings, development, alterations and additions are sympathetic with heritage fabric of the place, rather than any 'non-contributory' elements of the place.*
- *Orient new buildings and additions/alterations to non-contributory places in a similar manner to the siting of adjacent 'significant' or 'contributory' heritage places and to the heritage precinct as a whole.*
- *Position a new building and design its façade height or an addition/alteration to the façade of a non-contributory place so that it does not dominate adjoining 'significant' or 'contributory' heritage places.*
- *The façade should neither exceed in height, nor be positioned forward of, the adjoining heritage place(s).*
- *Design new development so that the height of the façade is consistent with the prevailing heights of 'significant' or 'contributory' heritage places in the precinct, especially where the precinct has a consistent façade height.*
- *Avoid front setbacks that are substantially behind prevailing setbacks of 'significant' or 'contributory' heritage places in the heritage precinct, especially where the heritage precinct has a consistent front setback.*
- *Provide side setbacks consistent with the setback of adjacent 'significant' 'contributory' heritage places.*
- *Design new buildings or an additions/ alterations so that the height and form respect the height and form of adjacent and surrounding 'significant' or 'contributory' heritage places, as these places are viewed from the street.*
- *Where a heritage precinct or part of a heritage precinct has a consistent building height and form, ensure the height of the new building or addition/alteration is no higher than the roof ridgeline of the adjacent buildings when viewed from the street, but may include a higher, unobtrusive component to the rear.*
- *Where a heritage precinct or part of a heritage precinct has a diverse building height and form, and the site abuts a 'significant' or 'contributory' heritage place, ensure the height and form of the new building or addition/alteration respect both the adjacent 'significant' or 'contributory' heritage places and the prevailing height and form of 'significant' or 'contributory' places in the precinct, but may include a higher, unobtrusive component to the rear.*
- *Where a heritage precinct or part of a heritage precinct has a diverse building height and form, but the site does not abut a 'significant' or 'contributory' heritage place, ensure the height and form respect the prevailing height and form of 'significant' and 'contributory' heritage places in the precinct.*
- *Design roof form and window and door proportions of new buildings and additions/alterations to non-contributory places to be similar to or sit well with the prevailing forms in the heritage precinct.*
- *Design new buildings and additions/alterations to display the following design characteristics:*
  - *Articulate external walls to be complementary to the heritage precinct through their massing and form and the use of materials and finishes.*
  - *Utilise external materials, textures and finishes that complement materials evident in the heritage precinct.*

All places - **landscape setting** strategies include:

- *Retain or restore (where evidence can be found) original hard and soft landscape elements that contribute to the significance of the heritage place.*
- *Design hard and soft landscaping to not detract from the heritage values of the place.*

## **Clause 16 – Housing**

### Clause 16.01-1S – Housing Supply

Seeks to facilitate well-located, integrated and diverse housing that meets community needs.

Relevant strategies include:

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

#### Clause 16.01-1L – Housing – Boroondara

Relevant strategies include:

- Provide housing that protects the preferred neighbourhood character and adjoining residential amenity.
- Support minimal change and protection of preferred neighbourhood character in 'Minimal change' as identified in the Housing Framework Plan at Clause 02.04.
- Support development at greater density and height than the surrounding area and precinct, while maintaining amenity and character on 'Super-sized' lots.

#### Clause 16.01-2S – Housing Affordability

Seeks "to deliver affordable housing in areas with good access to opportunities and services."

Relevant Strategies Include:

- Improve housing affordability by:
  - Ensuring housing supply continues to be sufficient to meet demand.
  - Increasing choice in housing type, tenure and cost to meet the needs of households as they move through life cycle changes and to support diverse communities.
  - Promoting good housing and urban design to minimise negative environmental impacts and keep costs down for residents and the wider community.
  - Encouraging a significant proportion of new development to be affordable for households on very low to moderate incomes.