

48-50 Fordholm Road,  
Hawthorn

Planning Permit Assessment Report

Planning Application No. PA2403134



Officer Assessment Report  
Development Approvals & Design

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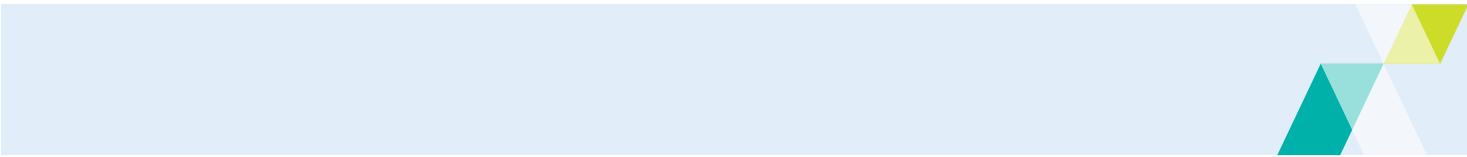
Department  
of Transport  
and Planning

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Prepared by:	_____	16
Approved by:	_____	16

# Executive Summary



Key Information	Details		
Application No:	PA2403133		
Received:	16 August 2024		
Statutory Days:	41		
Applicant:	[REDACTED]		
Planning Scheme:	Boroondara		
Land Address:	48 Fordholm Road, Hawthorn (Lot 3 on Plan of Subdivision 002475) 50 Fordholm Road, Hawthorn (Lot 4 of Plan of Subdivision 002475)		
Proposal:	Use and development of the land for a car park associated with an education centre.		
Development Value:	[REDACTED]		
Why is the Minister responsible?	<p>In accordance with the schedule to Clause 72.01 of the Planning Scheme, the Minister for Planning is the responsible authority for a:</p> <p><i>Primary school or secondary school, or education centre that is ancillary to, carried out in conjunction with, and on the same land or contiguous land in the same ownership as, a primary school or secondary school, if any of the following apply:</i></p> <ul style="list-style-type: none"> <li><i>There is no existing primary school or secondary school on the land.</i></li> <li><i>The estimated cost of development is \$3 million or greater.</i></li> </ul> <p>The application seeks the use of land for an education centre ancillary to an existing primary school on contiguous land in the same ownership as the primary school.</p>		
Why is a permit required?	Clause	Control	Trigger
Zone:	Clause 32.09	Neighbourhood Residential Zone – Clause 3	<i>Use the land for an 'Education centre' Construct a building or construct or carry out works for a use in Section 2</i>
Overlays:	N/A		
Particular Provisions:	Clause 52.06	Car Parking	N/A
	Clause 53.18	Stormwater Management in Urban Development	N/A
	Clause 53.10	Non-Government Schools	N/A
	Clause 65	Decision Guidelines	N/A
	Clause 71.02-3	Integrated Decision Making	N/A
Cultural Heritage:	<p>The site is not located within a mapped area of potential Aboriginal Heritage Cultural Sensitivity. Therefore, a mandatory CHMP is not required.</p> <p>It is noted the subject site is located approximately 21 metres to the west of an existing mapped area of potential Aboriginal Heritage Cultural Sensitivity.</p>		
Total Site Area:	1,250	m <sup>2</sup> (approx)	



<b>Parking:</b>	<b>Cars</b>	<b>Motorcycles</b>	<b>Bicycles</b>
	36	x	x
<b>Referral Authorities:</b>	N/A		
<b>Public Notice:</b>	Notice of the application was undertaken by the applicant at the direction of the Minister for Planning in the following manner: <b>1</b> objection has been received as of <b>17 October 2024</b> . *Boroondara City Council has not formally advised if their submission is to be interpreted as an objection should their recommended conditions not be included in a permit.		
<b>Delegates List:</b>	n/a		



## Application Process

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

Milestone	Date
Pre-application meeting	N/A
Application lodgement	22 August 2024
Further information requested	N/A
Further information received	N/A
Decision Plans	Development Plans prepared by <b>Neil Architecture</b> and dated 24 June 2024.
Other Assessment Documents	Cover Letter and Proposal Overview prepared by Urbis Pty Ltd, dated 13 August 2024. Transport Impact Assessment prepared by OneMileGrid, dated 25 June 2024. Stormwater Management Plan prepared by Structplan, dated August 2024. Copy of correspondence between Clare Warren, Urbis, and Jon Harper, coordinator, City of Boroondara, recapping key points from pre-application meeting. Certificates of Titles

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

## Proposal Summary

3. The proposal can be summarised as follows:
  - Use of the land for a car park associated with an 'Education Centre'.
    - The car park would be utilised by staff of Scotch College.
  - Construction of a 36-bay car park.
    - The car park would comprise of approximately 1,213 sqm in area.
    - Double-wide crossover to Fordholm Road with a security gate and pedestrian access gate.
    - 117 sqm of landscaped area extending around the perimeter of the car park.
4. The applicant has provided the following concept image of the proposal:

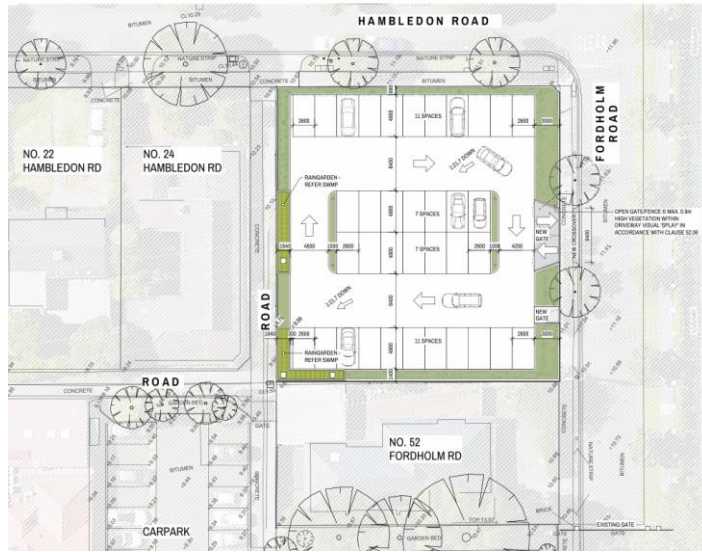


Figure 1: Proposed car park layout (Source: Development Plans)



## Site Description

5. The subject site is known as 48 and 50 Fordholm Road, Hawthorn and formally identified as Lot 3 on Plan of Subdivision 002475 and Lot 4 of Plan of Subdivision 002475.
6. The site is situated at the corner of Fordholm Road and Hambledon Road with a frontage to Fordholm Road of approximately 35m and side frontage to Hambledon Road of 33m. The rear of the site is abutted by a right of way that extends from Morrison Street to the south to the opposite side of Hambledon Road.
7. The site is owned by the applicant (Scotch College) and abuts the existing school campus opposite Fordholm Road to the east of the site. It is noted that the site is not affected by the Development Plan Overlay which applies to the broader Scotch College campus.
8. The site is currently cleared and was previously occupied by two single residential dwellings which have since been demolished.
9. The site is not affected by any easement, restrictions or reserves on the titles.

## Site Surrounds

10. The surrounding development consists of a mixture of one and two storey residential land use form and institutional education uses and form associated with Scotch College. It is noted there are a multiple car parks along Morrison Street, including a number of on-street car park bays.
11. Development surrounding the site can be described as follows:
  - To the **north** of the site is Hambledon Road which is a two-lane residential road lined by predominantly single storey dwellings.
  - To the **south** of the site is 52 Fordholm Road containing a single storey residential dwelling that is setback approximately 4.8m from the site boundary with the subject site.
  - To the **east** of the site opposite Fordholm Road is the Scotch College Junior School and associated sports courts.
  - To the **west** of the site is a right of way laneway. Opposite the laneway is 24 Hambledon Road containing a single storey residential dwelling.



Figure 2: Subject site and surrounds (Source: Nearmaps dated August 4, 2024)





## Municipal Planning Strategy

12. The following objectives and strategies of the Municipal Strategic Statement of the scheme are relevant to the proposal:

Clause	Description
02.01-5	Transport
02.02	Vision
02.03-3	Environmental risks and amenity
02.03-4	Built environment and heritage
02.03-6	Transport
02.03-7	Infrastructure

## Planning Policy Framework

13. The following objectives and strategies of the Planning Policy Framework of the scheme are relevant to the proposal:

<b>Clause 13</b>	<b>Environmental Risks and Amenity</b>
13.05-1S	Noise
13.07-1S	Land use compatibility
13.07-1L	Discretionary uses and development in residential areas
<b>Clause 15</b>	<b>Built Environment and Heritage</b>
15.01-5S	Neighbourhood character
15.01-5L	Neighbourhood character - Boroondara
<b>Clause 18</b>	<b>Transport</b>
18.01-1S	Land use and transport integration
18.02-4L-02	Car parking - Boroondara
<b>Clause 19</b>	<b>Infrastructure</b>
19.02-2S	Education facilities
19.02-2L	Education facilities - Boroondara

14. The assessment section of this report provides a detailed assessment of the relevant planning policies

## Zoning and Overlays

### Neighbourhood Residential Zone – Schedule 3 (NRZ3)

15. Schedule 3 to the NRZ applies to 'Low Scale, Low Density Residential Areas'.

16. The purpose of the NRZ is:

- To manage and ensure that development respects 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.



17. The purpose of Schedule 3 to the NRZ is:

- 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.

18. Pursuant to Clause 32.09-2, a permit is required for 'any other use not in Section 1 or 3'. The use of land for an 'Education Centre' is not listed, therefore **a permit is required**.

19. Pursuant to Clause 32.09-10, a **permit is required** to construct a building or construct or carry out works for a use in Section 2 of Clause 32.09-2.

20. The following sections include a discussion of how the proposal responds to the purpose and decision guidelines of the NRZ3.

## Particular and General Provisions

### Clause 52.06 – Car Parking

21. Clause 52.06-1 states that the Clause applies to applications that include a new use. As such, Clause 52.06 applies.

22. As the proposal does not alter the number of students on the site (or broader school campus area) at any time associated with the 'education centre', a permit is not required.

23. Clause 52.06-9 sets out the design standards for car parking.

### Clause 53.18 – Stormwater Management in Urban Development

24. Clause 53.18 seeks to ensure that stormwater in urban development is managed and mitigated.

25. Pursuant to Clause 53.18-1, this clause applies to the buildings and works of this application.

26. Pursuant to Clause 53.18-3, an application to construct a building or construct or carry out works must meet the objectives and should meet the standards of Clauses 53.18-5 and 53.18-6.

### Clause 53.19 – Non-Government Schools

27. Clause 53.19 seeks to facilitate new non-government schools and facilitate upgrades and extensions to existing non-government schools.

28. Pursuant to Clause 53.19=2, an application under this clause is exempt from the decisions requirements of section 64(1), (2), and (3), and the review rights of section 82(1) of the Act.

### Clause 65.01 – Decision Guidelines

29. Clause 65.01 sets out decision guidelines the responsible authority must consider (as appropriate) before deciding an application.

30. The decision guidelines have been considered within the assessment detailed below.

### Clause 71.02-3 – Integrated decision making

31. Clause 71.02-3 states that 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.



## Referrals

32. The application was referred to the following groups:

Provision / Clause	Organisation	Response and date received
Section 52 Referral – Notice	Boroondara City Council	11 September 2024 & 7 October 2024

## Municipal Council Comments

33. On 11 September 2024, a submission Boroondara City Council (the council) was received stating the council had no objection to the proposal on the basis that the car park would be temporary in nature.

34. It is noted that that applicant had lodged the application with the intent of the car park being temporary in nature, albeit indefinitely. The council commented that the council reaffirms its position that the car park must be temporary in nature and that council would be open to negotiating wording of a 'sunset' condition to ensure the school has a degree of comfort and the council has certainty regarding how long the car park will be in operation.

35. DTP officers sought draft wording the condition sought to be included by the council. On 7 October 2024, the council provided the following draft condition:

### ***Permit to Expire***

*This Permit and use of the land as a temporary car park will expire after **five (5) years** from the date of issue of this Permit, unless otherwise agreed to in writing by the Responsible Authority.*

36. The draft condition was provided to the applicant who has advised (verbally) that they do not support the inclusion of a condition limiting the timeframe by which the car park can operate. The council has not confirmed this position in writing.

37. Further consideration of the council's request is detailed in the assessment below.

## Notice

38. The application is not exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the *Planning and Environment Act 1987* pursuant to the following provisions:

- Clause 32.09 – Neighbourhood Residential Zone

39. The applicant was directed to give notice by way of erecting two signs on the site and notifying adjoining owners and occupiers.

40. One (1) objection has been received, raising the following issues:

- The potential for blocking or restricting access to the rear laneway.
- Impacts associated with the construction of the car park.



## Strategic Direction and Land Use

41. The *Planning Policy Framework* encourage appropriate land use and development which enhances the built environment, supports economic growth, meets the community expectations on retail and commercial provision, delivers diversity in housing supply to meet existing and future needs, and integrates transport and infrastructure planning.
42. The relevant MPS and PPF policies have been considered in assessing the application
- Clauses 02.03-3, 13. 07-1S, 13.07-1L and 19.02-2L seek to protect and minimise adverse amenity impacts from non-residential uses, including educational facilities, on surrounding residential properties.
  - Clauses 02.03-4 15.01-5S and 15.01-5L seek to ensure development, including discretionary uses, respect, retain and enhance the key character attributes that contribute to a precinct's preferred character. Specifically, Clause 19.02-2L seeks to limit detrimental impacts on the neighbourhood character.
  - Clauses 02.03-6, 18.01-1S and 18.02-4L seek to minimise disruption to residential communities and their amenity associated transport movement networks and ensure adequate user and visitor car parking is provided with use and development.
  - Clauses 02.03-7 and 19.02-2S seeks to assist the integration of education and early childhood facilities with local and regional communities.
43. Policy is supportive of expanding of education facilities to meet the existing and future needs; however, it seeks to balance this by ensuring that any such expansions are respectful of existing character and amenity of the area. Further the purpose of the NRZ3 seeks to allow for educational facilities that serve local community needs in appropriate locations.
44. The application seeks to use the land for an 'education centre' that is contiguous to the existing Scotch College while the proposed use would be ancillary to the school. The proposal does not seek to intensify the existing school operations or increase existing staff and student numbers but would rather provide a 36 space car park to serve as an overflow staff car park to meet surplus needs of the school and alleviate car parking pressures within the surrounding street network.
45. The proposal would encroach into the existing residential area adjacent to the school campus that is not currently within a Development Plan Overlay. However, the use of the site would have a minimal impact on the amenity of the area which would be generally limited the vehicle movements that ingress and egress from the car park. Further, while the area is zoned predominantly residential, the surrounding environs of the school contains several existing car parks both within the school campus area and within the adjacent residential setting that service the school (see Figure 3).

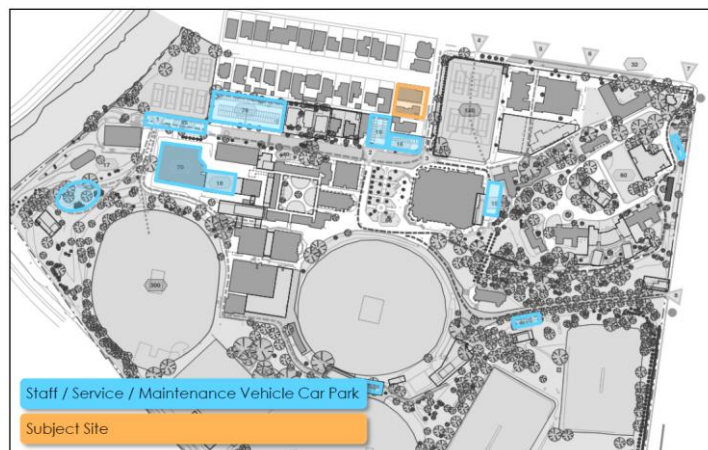


Figure 3: Existing car parks associated with the school (Source: TIA)

46. While there are several car parks across the campus area and surrounds, as detailed in the submitted Traffic Impact Assessment (TIA) prepared by One Mile Grid, dated 26 June 2024, the proximate location to the main campus buildings generally confines the demand towards the northwest corner of the campus area (near subject site). The consequent impact is that existing on-street drop-off / visitor parking spaces and other on-street parking within the broader residential area are utilised (see Figure 4).



Figure 4: Existing car parking associated with the school near subject site (Source: TIA)

47. The proposed car park would only be used by staff and would be managed via a security gate. The gate would be locked and unlocked each day by school security.
48. As noted above, the council does not object to the proposal, however, has requested that a condition be included within a 'sunset' condition be included within a permit requiring the car park to cease operation within 5 years of the permit subject to written consent from the responsible authority.
49. The applicant has advised that while indicated in submitted documentation that the car park is to be a "temporary solution" to provide on-street parking relief within the immediate surrounds, that they no longer seek for the car park to be temporary for the purposes of the application and do not support the inclusion of a 'sunset' condition.
50. Overall, the proposal is generally consistent with policy and the purpose of the NRZ3 and would be compatible with the surrounding residential uses. While the basis behind the council request require a 'sunset' condition in any permit is understood, DTP officers do not support the inclusion of this condition on any permit.

## Buildings and Works

51. The proposed car park would cover an area of approximately 1,213 sqm in area with a double wide crossover measuring 6.4m wide for ingress and egress to Fordholm Road. The design of the car park would facilitate the ability to provide entry and exit to the site in accordance with clause 13.07-1L.
52. The surface of the car park would be setback 3m from the site frontage Fordholm Road (east) and 900mm from the frontage to Hambeldon Road. The setback to sensitive residential interfaces to the south would comprise 1.4m while the setback to the laneway along the western boundary of the site would comprise of 1.64m. Each setback will be landscaped to provide vegetation screening through a range of plantings ranging between 0.3m to 3m in height. Additional plantings are also proposed internally within the car park. The landscaping would minimise any visual and noise related impacts from its use to the sensitive residential interfaces.
53. An open/close security gate measuring 0.9m high would extend along the boundary of site within the crossover.



54. The design and form of the car park with the inclusion of proposed landscaping is appropriate within the local neighbourhood context and consistent with the purpose and decision guidelines of the NRZ3. It is recommended that a condition be included on a permit requiring dimensioned elevation drawings showing the projected vegetation screening and security fencing.

## **Amenity and Microclimate**

### **Amenity Impacts (internal and offsite)**

55. As detailed above, the use of the land for the purpose of car park is not considered to have a detrimental impact on the amenity of the area. In many ways the car park will seek to consolidate car parking within the site, removing vehicles from on-street parking within the surrounding street network.
56. Further, vehicle access into the car park is located away from residential interfaces and with landscaped setbacks providing for the reasonable screening of the use.
57. As noted above, one objection has been received to the application which raised concerns related to car blocking or restricting access to the laneway which extends along the western boundary of the site and provides rear access to dwellings fronting Hambledon Road. Of particular concern is impacts to the laneway access during the construction of the car park.
58. While it is understood that the objecting party has had previous issues with cars blocking the access laneway, it is considered that the construction of a car park in this location would encourage less vehicles to utilise the need for on-street car parking along Hambledon Road thus reduce the potential of vehicles blocking the laneway access. To address concerns related to construction impacts, it is recommended that a condition be included on a permit requiring a construction management plan, which includes strategies to mitigate impacts to surrounding properties and ensure access to the rear laneway is not impacted by the proposed works.

## **Car and Bicycle Parking, Loading, and Other Services**

### **Car Parking**

59. The proposal does not seek to alter the number of students on site and does not seek to reduce the amount of car parking spaces required pursuant to Clause 52.06 as it related to an 'education centre'. Accordingly, a permit is not required for car parking.

### **Design Standards for Car Parking**

60. Design standards for car parking is set out at Clause 52.06-9 and specify standards for car park accessways, car parking spaces, gradients, mechanical parking, urban design, safety and landscaping. The standards are to be considered as relevant.
61. The proposal would comply with Standard 1 (accessways), Standard 2 (parking spaces), Standard 6 (safety) and Standard 7 (landscaping).
62. The applicant has also prepared a swept path assessment which indicates that the car park can be comfortably accessed with no corrective movements required.

### **Access, Traffic Movement and Circulation**

63. The applicant has submitted a Traffic Impact Assessment prepared by One Milde Grid, dated 26 June 2024.
64. The assessment identifies that no additional traffic would be generated to the campus precinct, with the proposal effectively removing the number of vehicles travelling through the campus and residential streets. The assessment also identifies that do to the subject site's location prior to Morrison Street, it is expected that there would be a reduction of 36 vehicle movements within the campus's internal road network and along Morrison Street. This reduction may ease congestion within the drop-off / visitor parking areas during peak periods.



## Sustainability

### Stormwater Management

65. The applicant has submitted a Stormwater Management Plan prepared by Structplan, dated August 2024.
66. The plan identifies the legal point of discharge for the site being to the paved laneway that extends along the western (rear) boundary of the site whereby stormwater travels to Morrison Street before entering into a side entry pit. Runoff from the car park surfaced will be collected via landscaping and raingarden filtration measures, then concentrated to a new piped drainage system connecting to the existing drainage in Morrison Street. The piped drainage system would be designed to cater to a 10% AEP event.
67. It is also detailed that the proposal is responsive to policy (Clause 19.03-3L) and requirements of Clause 53.18 as the car park would incorporate raingardens and permeable landscaping around the perimeter of the site as well as litter screens to prevent litter and coarse sediments from entering the stormwater system. The inclusion of the raingardens achieves a STORM rating of 131%, with a 100% rating demonstrating compliance with best practice performance objectives.
68. The proposal will result in appropriate stormwater outcomes.



69. The proposal is generally consistent with the relevant planning policies of the Boroondara Planning Scheme and will contribute to the provision of off-street car parking within the area surrounding Scotch College.
70. The proposal is generally supported by the council, subject to the inclusion of a 'sunset' condition within any permit. As discussed, it is recommended that a 'sunset' condition is not included in the permit. The council verbally advised that should the condition not be included in a permit, that their response should be interpreted as an objection. DTP officers have not received written confirmation of this position by the council. A sunset clause is not supported.
71. It is **recommended** that Planning Permit No. 2403134 for the use and development of the land for a car park associated with an education centre at 48 and 50 Fordholm Road, Hawthorn be issued subject to conditions.
72. It is **recommended** that the applicant and the council be notified of the above in writing.





**Prepared by:**

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

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

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Name: [Redacted]  
Title: Senior Planner, Development Approvals and Design      Signed: [Redacted]  
Phone: [Redacted]      Dated: 17 October 2024

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**Approved by:**

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

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

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Name: [Redacted]  
Title: Manager Priority Projects      Signed: [Redacted]  
Phone: [Redacted]      Dated: [Redacted]

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