

# Planning Assessment Officer Report

PA2503889 – 138 Barkers  
Road, Hawthorn



Planning Assessment Officer Report  
Development Assessment

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# Executive Summary



Key Information	Details		
Application No:	PA2503889		
Received:	21 August 2025		
Statutory Days:	31		
Applicant:	Human Habitats		
Planning Scheme:	Boroondara		
Land Address:	138 Barkers Road, Hawthorn		
Proposal:	Construct three, 6-storey apartment buildings, partly within a Heritage Overlay and alteration of access to a road in a Transport Zone 2		
Development Value:	\$ 315,776,600		
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 this application because:</p> <p>The Minister for Planning is the responsible authority where Clause 53.23 applies for matters under Divisions 1, 1A, 2 and 3 of Part 4 of the Act.</p>		
Why is a permit required?	Clause	Control	Trigger
Zone:	Clause 32.08	General Residential Zone – Schedule 4 (GRZ4)	Construct two or more dwellings on a lot
Overlays:	Clause 43.01	Heritage Overlay (HO152)	Construct a building or construct or carry out works
Particular Provisions:	Clause 52.29	Land adjacent to the principal road network	Create or alter access to a road in a Transport Zone 2
Cultural Heritage:	A CHMP is not required, the site is not located within an area of Cultural Heritage Sensitivity.		
Total Site Area:	7,801	m <sup>2</sup>	
Gross Floor Area:	30,702	m <sup>2</sup>	
Height:	6	Storeys, excluding plant	
	21.39	Metres maximum, excluding plant	
Number of Dwellings:	116 dwellings in total		
Parking:	Cars	Motorcycles	Bicycles
	261 spaces	13 spaces	146 spaces (116 resident, 30 visitor)
Referral Authorities:	Head, Transport for Victoria – s55 (determining)		
Public Notice:	<p>Notice of the application was undertaken by the applicant at the direction of the Minister for Planning in the following manner:</p> <ul style="list-style-type: none"> <li>- Direct mail notice to adjoining and surrounding properties</li> <li>- Display of three public notice signs on site for at least 14 days</li> </ul> <p>25 objections have been received as of 8 January 2025.</p>		
Delegates List:	Approval to determine under delegation received on 19 December 2025		



## Site Planning History

1. The site currently benefits from planning permit PP14/01036, issued by Boroondara City Council on 5 March 2015 and subsequently amended at the direction of VCAT on 1 July 2015. The application has been subsequently amended pursuant to s72 and 87a of the Act, most recently amended on 4 March 2021. The current approval allows:

*Buildings and works to construct 45 dwellings (within 4 buildings ranging between 2 -4 storeys) above a basement car park; demolition and removal of a building (selected boundary fences); construction of a building and construction and carrying out of works under the Heritage Overlay, including: domestic services normal to a dwelling if the services are visible from a street; a fence; road works (the vehicle crossings to Barkers Road); and a domestic swimming pool or spa and associated mechanical and safety equipment; and creation of access to a road in a Road Zone Category 1.*

2. Works have not commenced for this application and per the most recent extension of time request to the permit approved on 12 February 2025, the permit will expire if development has not commenced by 6 March 2026.
3. The approved development can be summarised as follows:
  - 45 dwellings spread across two, 4-storey (16 metre max. height) apartment buildings and two double storey townhouses (fronting Hawthorn Grove).
  - 53.1% site coverage, 22% site permeability.
  - A series of ground floor communal open spaces in the form of paths and seating areas.
  - 141 car parking space across a single level of basement parking.



Figure 1 – Site plan of existing approval PP14/01036



Figure 2 – Elevations of PP14/01036 approval including western elevation of side profile (top), Barkers Road elevation (bottom left) and Hawthorn Grove elevation (bottom right)



Figure 3 – 3D render of existing approval PP14/01036, as viewed from Barkers Road

## Application Process

- The key milestones in the application process were as follows:

Milestone	Date
DFP Pre-application Assessment	Received April 2025



<b>CL 53.23 Eligibility Letter Issued</b>	<b>19 August 2025</b>
<b>Application lodgement</b>	<b>21 August 2025</b>
<b>Further information requested</b>	<b>15 September 2025</b>
<b>Further information satisfied</b>	<b>31 October 2025</b>
<b>Section 57a Amendment</b>	<p>In summary, the 57a Amendment made the following changes to the Architectural and Landscape Plans:</p> <ul style="list-style-type: none"><li>• Reduced extent of basement and increase deep soil planting areas</li><li>• Landscape plan updated to accurately capture soil depths across the site and provide additional landscaping areas as a result of basement reduction.</li><li>• Reduced extent of front courtyards to HG building, reduced fencing in Hawthorn Grove frontage.</li><li>• Modifications to the massing and setbacks of the development including:<ul style="list-style-type: none"><li>○ Increased upper floor setbacks from Hawthorn Grove and western boundary to HG building.</li><li>○ Increased building separation between each building.</li><li>○ Associated reductions in overshadowing to adjoining properties to the west.</li><li>○ Reconfiguration of dwellings across the development as a result, including deletion of a dwelling on level 3.</li></ul></li><li>• Brick finish applied to lower two levels of HG building's western elevation and shared path fence.</li><li>• Alternative colour finishes selected for central building.</li><li>• Shared path to provide a minimum width of 3 metre for full length, other minor improvements to landscaping an eastern fence abutting shared path permeability.</li></ul>
<b>Decision Plans</b>	Architectural Plans prepared by <b>Cera Stribley Architects</b> , titled ' <b>TP Decision Plans</b> ' and dated <b>23 January 2026</b> .
<b>Other Assessment Documents</b>	<p>Acoustic Report prepared by Enfield Acoustics Pty Ltd and dated 21 November 2025</p> <p>Arboricultural Assessment and Report prepared by Treelogic and dated 22 September 2024</p> <p>Landscape Concept Plan prepared by Cera Stribley Architects and dated January 2026</p> <p>Town Planning Report prepared by Human Habitats and dated 9 October 2025</p> <p>Transport Impact Assessment prepared by Onemilgrid and dated 31 October 2025</p> <p>Response to Request for Transport for Victoria Further Information prepared by Onemilegrid and dated 31 October 2025</p> <p>Heritage Impact Statement prepared by Bryce Raworth and dated November 2025</p> <p>Site Surface Validation Report prepared by AGS Environmental Services Pty Ltd and dated 19 June 2020</p> <p>Stormwater Management Plan prepared by Matter Consulting Structural Engineers and dated 11 April 2025</p> <p>Sustainable Management Plan prepared by GIW Environmental Solutions and dated 24 April 2025</p> <p>Waste Management Plan prepared by Onemilgrid and dated 24 April 2025</p> <p>Wind Impact Assessment prepared by Vipac and dated 24 April 2025</p>

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

## Proposal Summary

- The proposal principally seeks approval to construct three separate apartment buildings with internal connectivity between each building. The development is summarised as follows:

### Dwellings

- A total of 115 dwellings (reduced from 116) are proposed, with 87 dwellings located in 'Building B' (the two Barkers Road buildings) and 28 in 'Building H' (Hawthorn Grove building). Building H is connected to B at the ground floor level via an internal hallway but is otherwise serviced by a separate basement area and its own lift core/stairwell/waste room etc. A diverse range of dwelling types, sizes and configurations are proposed, including (per the s57a Amendment Plans) 6 x 1-bedroom apartments, 58 x 2-bedroom apartments, 48 x 3-bedroom apartments and 3 x 4-bedroom and greater apartments.
- A total of 1,348 m<sup>2</sup> communal open space is proposed across the development including the primary 786 m<sup>2</sup> outdoor central pool area and an internal courtyard within Building B, as well as and 506 m<sup>2</sup> of communal indoor space in Building B and 101 m<sup>2</sup> in Building H.
- The development proposes to fulfill its affordable housing contribution required per Category 1 of Clause 53.23 via a 3% cash contribution to the Social Housing Growth Fund.

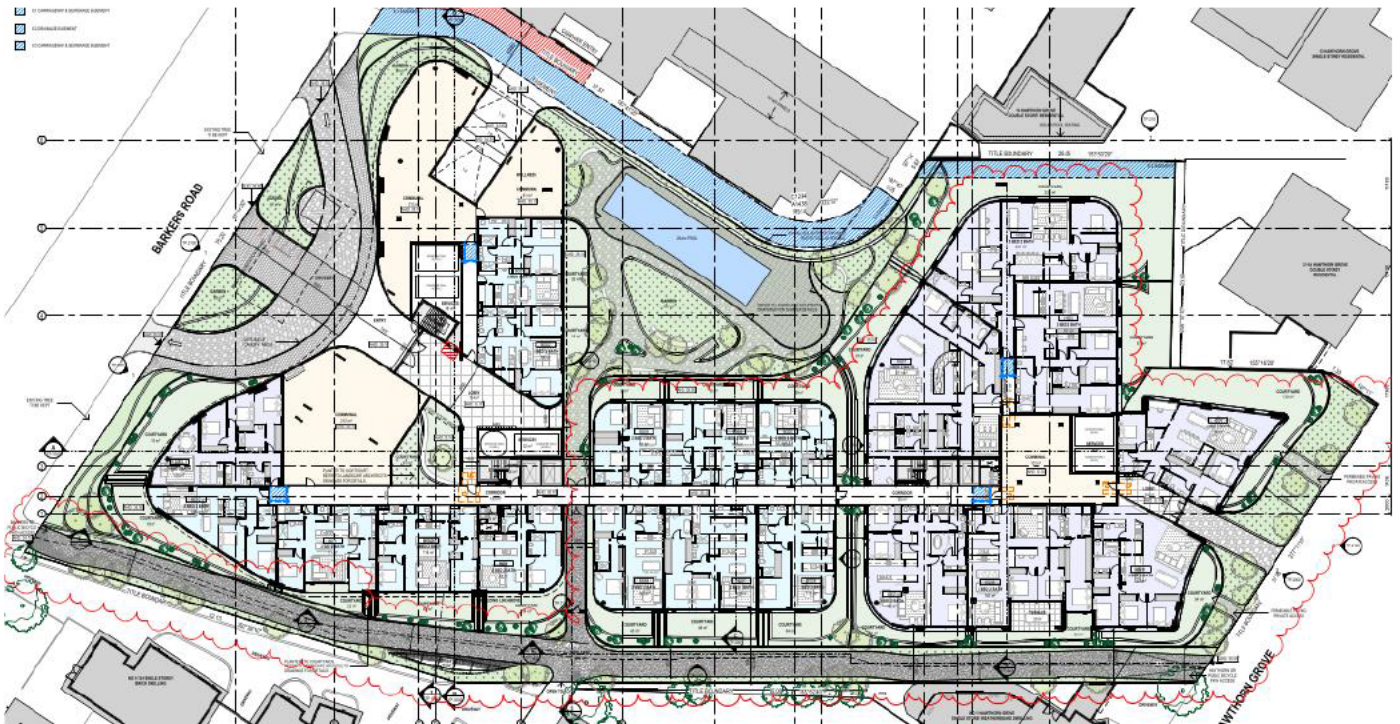


Figure 4 – Ground floor plan of proposal showing location of shared path, communal open space, footprint of all three building segments etc. in context with surrounding built form.



Figure 5 – Level 2 floor plan of Barkers Road building (left) and Hawthorn Grove building (right), showing typical layouts and orientation of dwellings.

### Car Parking & Vehicle Access

- Two basement levels containing a total of 261 car parking spaces, with Building H's 58 car parking spaces provided on Basement Level 1 in a series of secure double and triple car garages, while Building B's remaining 203 parking spaces are provided across Basement Levels 1 and 2.
- A total of 116 resident bicycle parking spaces and 30 visitor bicycle parking spaces are also provided on Basement Level 1.
- Vehicle access to the basement is proposed via the privately owned laneway that is spread across 138 and 140-142 Barkers Road and accessed via an existing double width crossover to Barkers Road.
- The proposal also includes a porte-cochere within the Barkers Road frontage incorporated into the main building entrance, requiring the creation of two new vehicle crossovers to Barkers Road and intended to facilitate drop-off/pick-up movements, deliveries and emergency access to the site.

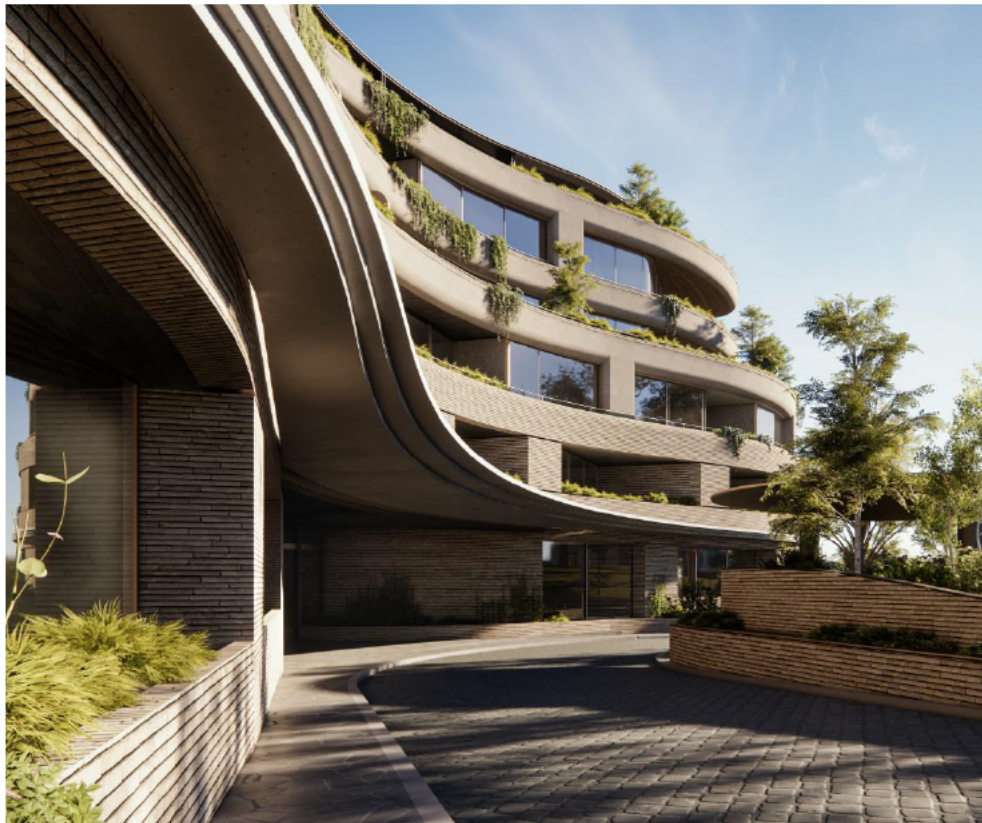


Figure 6 – 3D render showing porte-cochere upon entry into the site in the Barkers Road frontage

### Landscaping & Public Realm

- The development proposes 22% site permeability with approximately 742 m<sup>2</sup> of deep soil planting area (improved from 589 m<sup>2</sup> per advertised plans) and a proposed canopy cover of 2,095 m<sup>2</sup> (26.7%) achieved. Landscaping is provided across the ground plane in both frontages, within ground level courtyards and communal open space, as well as upper-level balcony planter boxes and green roofs on Building H.

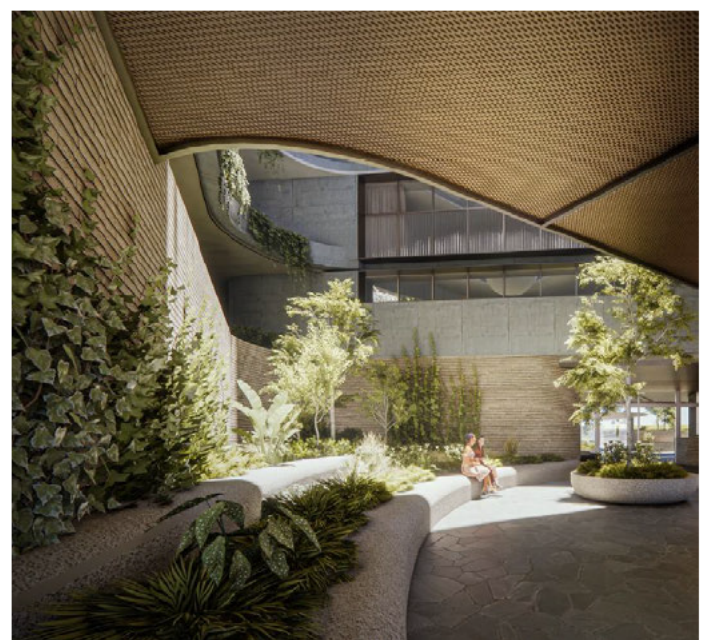


Figure 7 – 3D render of landscaping response to Barkers Road (left) and within communal open space areas (right)



- Finally, the development proposes a through-block link between Barkers Road and Hawthorn Grove along the western boundary, that includes a 3-metre-wide shared user path, landscaping and public seating which is proposed to be vested to Boroondara City Council as public open space. A secondary entrance to Building B is also provide via this link, between the two Building B towers.



Figure 8 – 3D render of shared path entry and development interface at Barkers Road entrance (left) and a typical cross-section of the shared path (right).



7. The main improvements made to the built form response as a result of the 26 January 2025 s57a Amendment are as follows:

- Increased HG building setbacks to respond to the Hawthorn Grove streetscape:
  - Level 1 western minimum setback increased from 5.105 metres to 6 metres;
  - Level 2 southern setback increased from 7.34 metres to 8.5 metres (Apartment H205) and 8.4 metres to 11.2 metres approx. (Apartment H204).
  - Level 2 minimum western setback increased from 5.105 metres to 6 metres, Apartment H205 and H206 master bedroom western setbacks increased from 5.105 metres and 7.23 metres (respectively) to 8 metres.
  - Level 3 H304 terrace southern setback increased 6.85 metres behind front building line, Apartment H303 eastern terrace setback increased from 4.4 metres to 5.2 metres approx. and Apartment H303/H302 southern setback increased from 8.305 metres to 8.975 metres – 9.575 metres.
  - Level 4 Apartment H402 terrace western setback increased from 7.995 metres to 8.96 metres approx.
  - Apartment H401 and 402 southern terrace setback increased by approx. 1 metre.

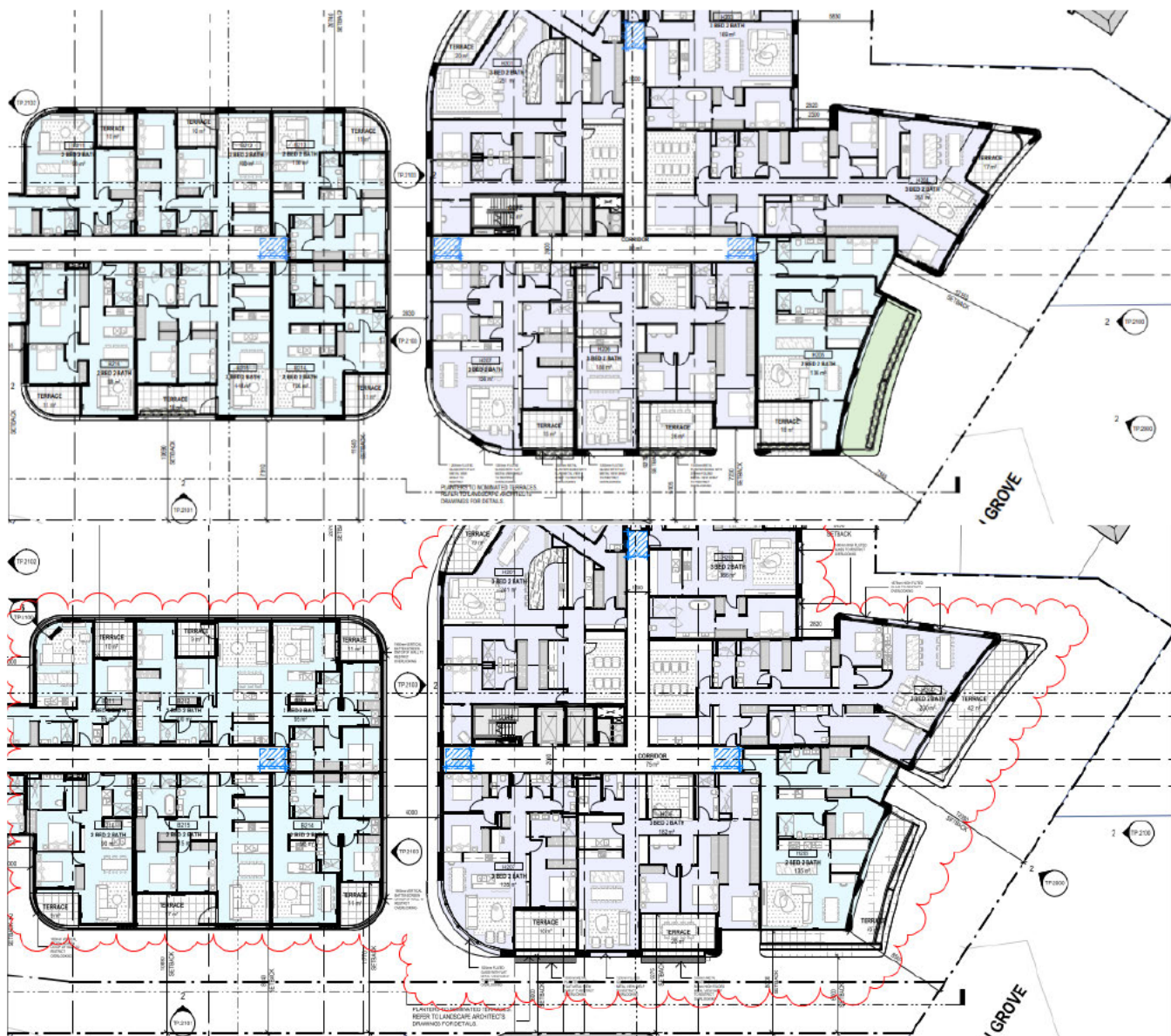


Figure 9 – Comparison of Level 2 floor plan between advertised (top) and s57a amendment (bottom) plans



- Increased building separation, including between the central tower and the HG Building to address overshadowing to 9 and 11 Hawthorn Grove as follows:
  - Ground level separation increased from 3 metres (between all buildings) to 3.25 metres (between central building and HG Building) and 3.42 metres (between central building Barkers Road frontage building).
  - Level 1 building separation increased from a minimum 2.83 metres (between central building and HG building) and 2.435 metres (between central building and Barkers Road frontage building) to 3.25 metres minimum and 3 – 3.4 metres minimum (respectively).
  - Level 2 – 5 minimum building separation between central building and Barkers Road frontage building increased from 2.155 metres to 3 metres.
  - Level 2 & 3 minimum setback between central building and HG building increased from 2.83 metres to 4 metres.
  - Level 4 and 5 setback between central building and HG building increased from 2.83 metres to 4.195 – 13.7 metres approx.
  - Minor increases and decreases to western setbacks of central building as a result with no reduction to the minimum western.

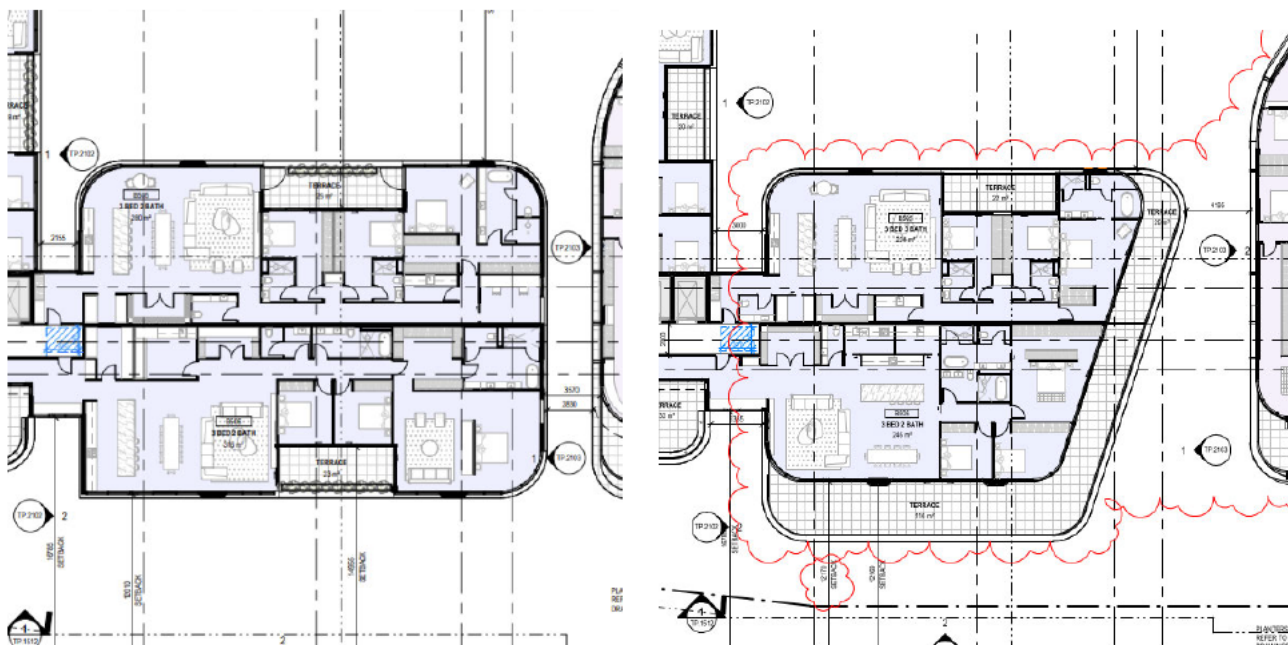
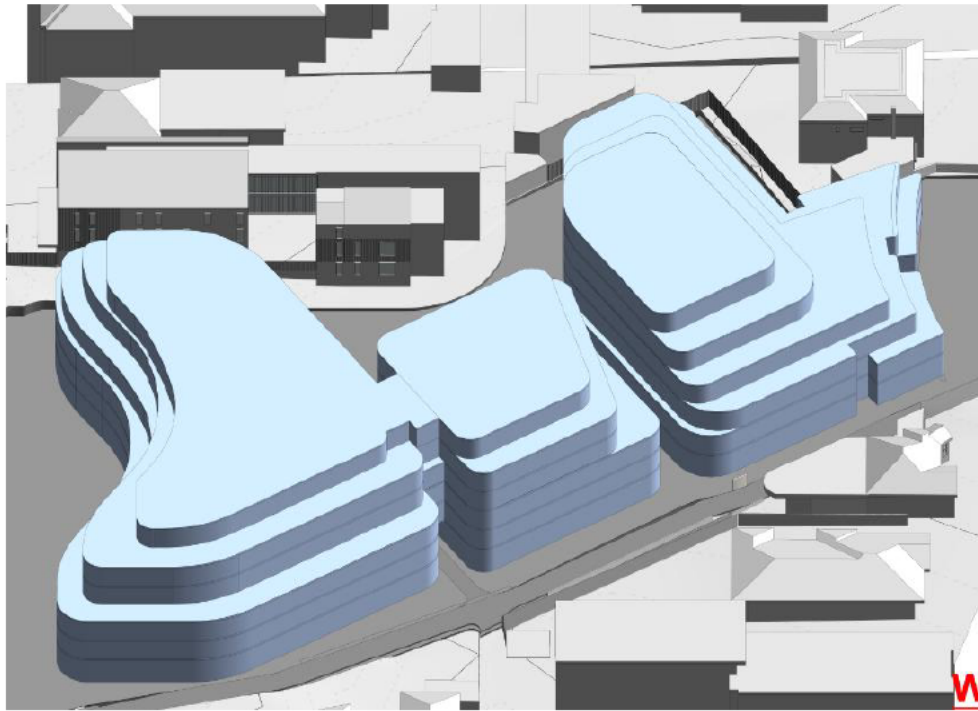


Figure 10 – Level 5 floor plan showing building separation between central and Hawthorn Grove building compared between advertised (left) and s57A amendment (right) plans

- Increased screening to the eastern elevation of the HG building where opposite 1/11A Hawthorn Grove.
  - Reduced basement footprint within HG building frontage, communal open space area and shared path reserve, combined with decreased extent of the Apartment HG04 and HG05 ground floor courtyards in the HG building frontage to increase deep soil planting area.
  - Modifications to shared path reserve to ensure a minimum path width of 3 metres for the full length, straighten alignment and be located entirely outside of the basement levels below.
8. The applicant has provided the following massing diagrams as a result of the s57a Amendment Plans, as well as a comparison of the Hawthorn Grove streetscape between the advertised plans and the s57a Amendment Plans:



ORIGINAL MASSING



ALTERNATIVE MASSING

Figure 11 – Massing diagrams of amended proposal (top) and of Hawthorn Grove building, compared to previous approval (bottom)



## Site Description

- The site is located at 138 Barkers Road, Hawthorn, approximately 100 metres east of the intersection with Power Street and 900 m south of Kew Junction. The site is approximately 7,832 m<sup>2</sup> with dual frontages to both Barkers Road to the north (75.2 metre frontage) and Hawthorn Grove to the south (46.97 metre frontage). There is a modest fall across the site, with the highest point being in the north-eastern corner. The existing site is primarily vacant except for a property sales office in the south of the site and hoarding fencing across the Barkers Road and Hawthorn Grove frontages. There are also three existing vehicle crossovers along the Barkers Road frontage in the western corner, centre and eastern corner (shared with the laneway) of the site.



Figure 12 – Aerial image of subject site (outlined in red) and surrounds

The site's irregular shape and disproportionate size compared to its surrounding finer grain subdivision pattern is reflective of the history of the site, most notably as the location of the Barkers Station and Kew railways line (which continued to the north and south of the site) between 1887-1957.

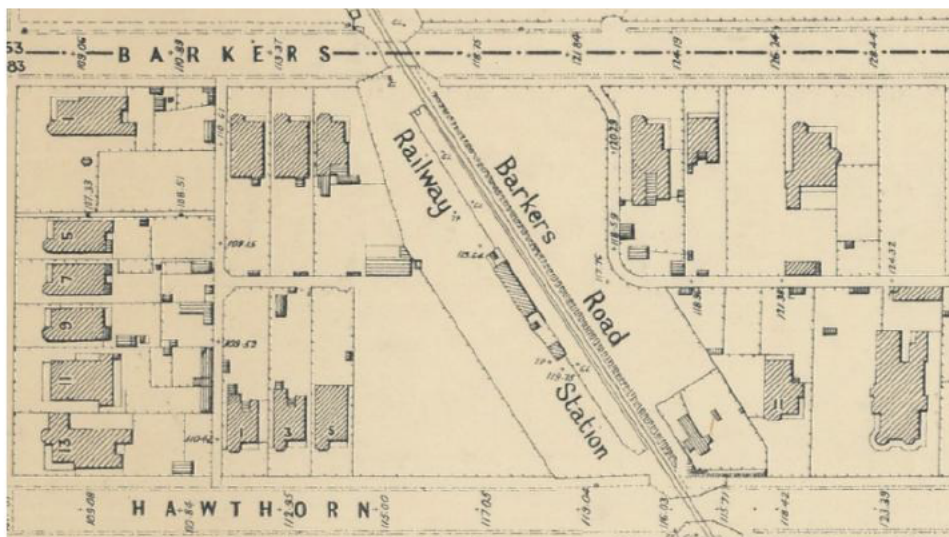


Figure 13 – Extract from a 1900 Melbourne Metropolitan Board of Works plan of Hawthorn showing Barkers Road railway station (Source: Heritage Impact Statement)



- The site is comprised of two land parcels formally described as Lots 1 and 2 on Plan of Subdivision 52794V. There are several easements which effect Lot 2, with lots E-1 and E-3 being reserved for the purpose of carriageway and sewerage and easement E-2 reserved for drainage. The carriageway right created by easement E-1 and E-3 varies between 3.05 metres and 3.57 metres in width along the site's eastern boundary where it abuts the laneway between the subject site and 142-144 Barkers Road.
- The carriageway easements are reserved in favour of the properties which abut the public laneway which extends further east and services land fronting Barkers Road and Hawthorn Grove (described as the land in Volume 1678, Folio 537, Volume 1967 Folios 289, 290 & 291, Volume 1974 Folio 664 and Lots on LP 222203). While there is an existing vehicle crossover that provides access to Barkers Road through the E-1 carriageway easement, this is not currently in use, with 5.5 metre wide crossover and laneway extension constructed immediately to the east of E-1 within 142-144 Barkers Road. Per Plan of Subdivision 52794V, the site has the benefit of carriageway access as a result of easement A-1 which applies to this section of the laneway.

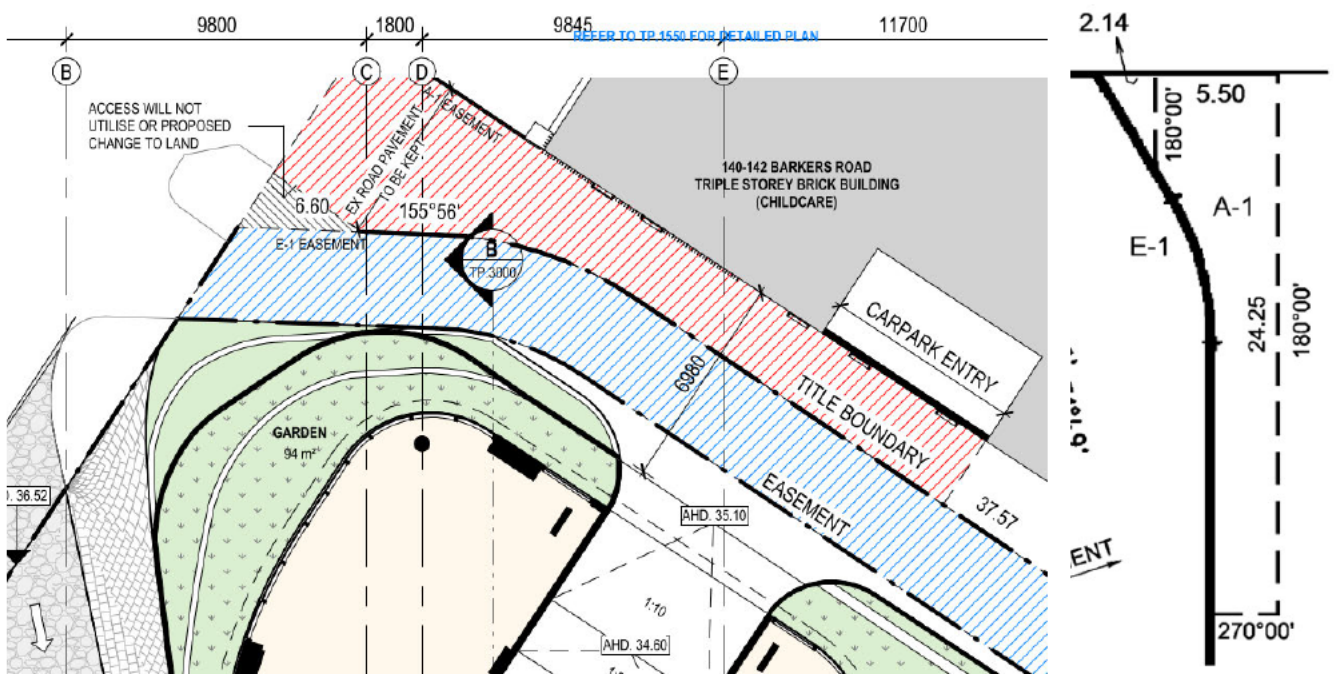


Figure 14 – Ground floor plan excerpt showing the E-1 easement (blue) and A-1 easement location in context with the proposal and existing laneway and excerpt from the plan of subdivision showing easements (right)

## Site Surrounds

- The surrounding area is primarily developed for residential purposes, though there are a number of non-residential uses and developments surrounding the site, due to its location in close proximity to the intersection of two arterial roads (Barkers Road and Power Street). The majority of residential land surrounding the site is located within the Neighbourhood Residential Zone. The nature of residential development in the surrounds is eclectic, with a number of established and recently constructed multi-unit and apartment buildings located predominantly along Barkers Road which are typically 2-3 storeys, while the residential hinterland area south of the site is more typically comprised of detached single dwellings on medium-large allotments which are predominantly contributory or significant dwellings within the Heritage Overlay.
- The residential area to the south of the site is typified by leafy streets, low permeable fencing, generous front setbacks and recessed upper levels and is unified around a linear open space and shared path network at Le Bray Park which has taken the place of the former Kew Line railway line.

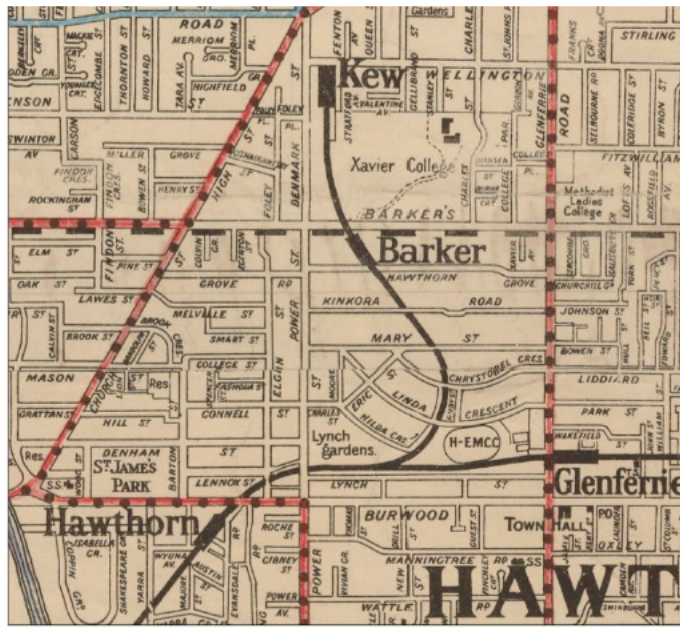


Figure 2 Extract from a c1930s map of Melbourne showing the Kew branch line running north from Hawthorn railway station with a station at Barkers Road and terminus at Denmark Street. Source: State Library of Victoria

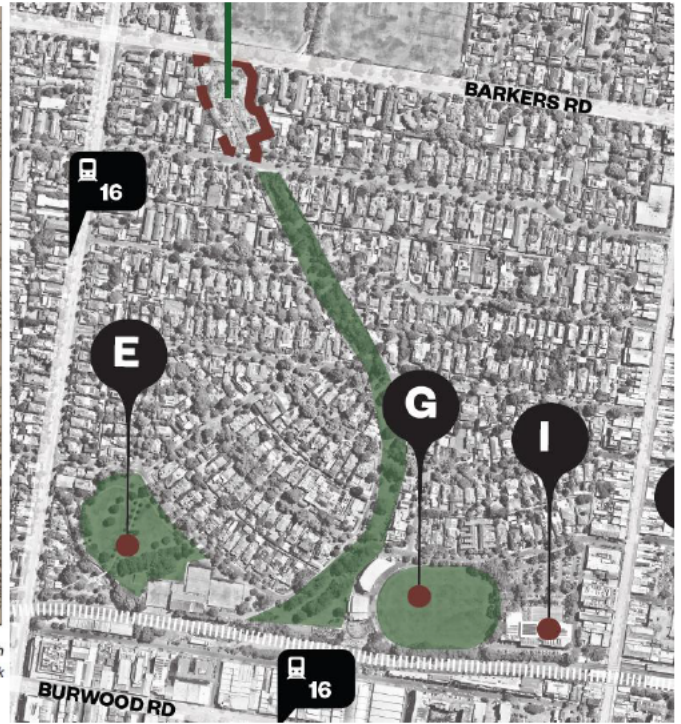


Figure 15 – 1930s map of Melbourne showing the Kew Line and Barkers Road station (left) and location of Le Bray Park which follows the former railway line (right) (Source: Heritage Impact Statement, Town Planning Report)

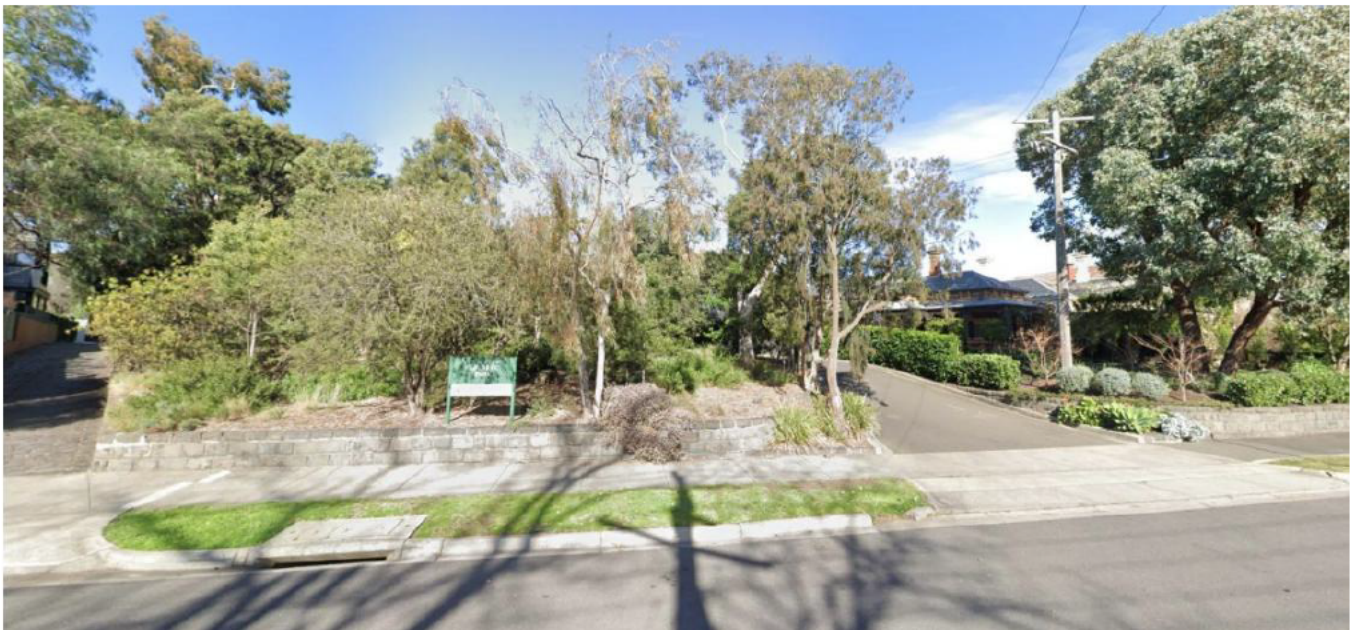


Figure 16 – Entrance to Le Bray Park and associated shared path on the right (Source: Town Planning Report)

The site is well located in close proximity to a number of schools and public open space and recreation areas and is located approximately 750 metres south of the Kew Junction Major Activity Centre, 800 metre north-east of the Glenferrie Road Major Activity Centre, 700 metres north of the West Hawthorn Commercial Corridor along Burwood Road, 1.5 km east of Victoria Gardens Shopping Centre and 900 metres north-east of Swinburne University.

14. Development surrounding the site can be described as follows:



- To the north of the site:
  - Barkers Road, a 20 metre wide road reserve which is designated as a Transport Zone 2 road, with two lanes in either direction which increases to four lanes in the west-bound direction at the intersection with Power Street, 100 metres west of the site.
  - Immediately opposite the southern boundary of Xavier College, which primarily consists of sports playing fields, high star picket boundary fencing with concrete columns and plinths, ball nets, canopy trees and a double width vehicle crossover and access way to Barkers Road.



Figure 17 – View of Barkers Road looking east, with the fencing and vehicle entry to Xavier College to the left.

Also opposite the site to the north is the boundary fencing and vehicle access gate to the car parking area of the former VicRoads Kew site at 60 Denmark Street which is to be subject to a future residential redevelopment through Development Victoria.

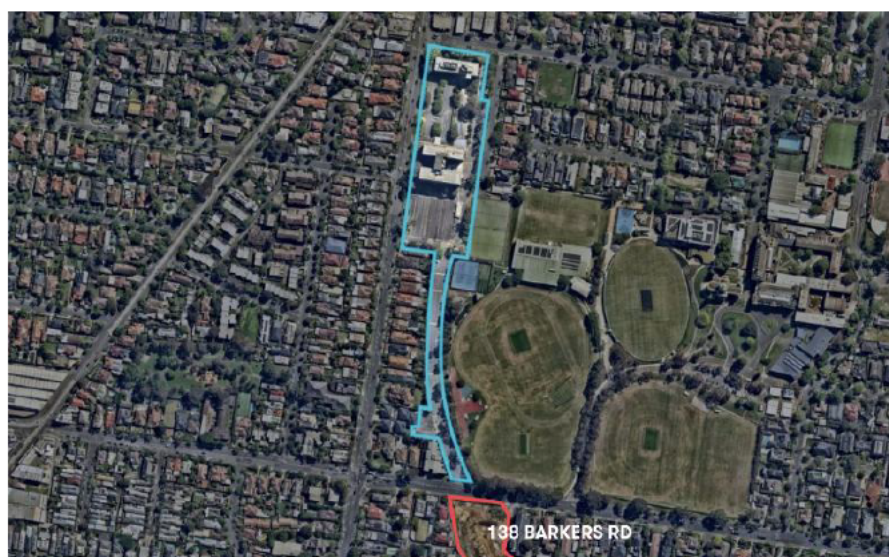


Figure 18 – Future development site (outlined in blue) at 60 Denmark Street to the north of the site.



- To the north-east of the site is a three storey (with elevated basement level) apartment building at 121 Barkers Road.
- To the **south** of the site:
  - Hawthorn Grove, an approximately 20 metre wide road reserve which accommodates a single lane in each direction and on-street parking on both sides of the street.
  - The residential land along Hawthorn Grove, consisting of a range of contributory, significant and non-contributory dwellings that are typically single and double storey, as well as a small number of multi-unit developments (7 Hawthorn Grove). The entrance to Le Bray park is also located opposite the south-eastern corner of the site.
- To the **east** of the site:
  - The site has a total eastern boundary length of 131 metres, abutting properties that front both Barkers Road and Hawthorn Grove.
  - Abutting the northern half of the site is 140-142 Barkers Road, a three storey building which is used for a 109-place childcare centre which operates between 7am and 7pm, Monday to Friday, with car parking accessed from the laneway with recently upgrade crossover to Barkers Road, located between the two sites, with the remainder of the laneway located inside the site's title boundaries. This laneway wraps around the rear of 140-142 Barkers Road and extends approximately 450 metres east, providing vehicle access to properties fronting both Barkers Road and Hawthorn Grove.



Figure 19 – Childcare centre at 40-42 Barkers Road and existing vehicle crossover and laneway within easement A-1.



Figure 20 – Interface of childcare centre with the site’s eastern boundary (cobblestone laneway is the E1 easement portion of the laneway which is within the site’s title boundaries.

Abutting the southern half of the site are three dwellings at 1/11a, 2/11a and 13 Hawthorn Grove. 1/11a and 2/11a Hawthorn Grove are a double storey duplex that is non-contributory to the heritage overlay, with individual garages accessed from Hawthorn Grove. The primary interface with the subject site is the secluded private open spaces of both dwellings. Abutting the eastern-most boundary of the subject site is 13 Hawthorn Grove, a contributory, detached single storey dwelling with extensive outbuildings to the rear which along with the dwelling’s secluded private open space is the main interface with the subject site.



Figure 21 – The non-contributory dwellings at 1/11a and 2/11a Hawthorn Grove to the east of the site.

To the west of the site:

- The site has a total western boundary of approximately 137 metres, abutting properties that front both Barkers Road.
- Abutting the northern half of the site are three single storey units, with the shared driveway accessed from Barkers Road forming the primary interface with the subject site at the boundary. A laneway which services vehicle access to properties on Barkers Road and Hawthorn Grove accessed from Power Street also abuts the site's western boundary, where it terminates.
- Abutting the southern half of the site are 9 and 11 Hawthorn Grove, both contributory detached dwellings on triangular allotments, tapering to a point where they abut the shared boundary. 11 Hawthorn Grove has several sensitive interfaces with the subject site including secluded private open spaces and habitable room windows, while 9 Hawthorn Grove's primary interface is its secluded private open space.



Figure 22 – The contributory dwelling at 11 Hawthorn Grove to the west of the site, including recent building addition abutting the shared boundary.



## Municipal Planning Strategy

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

Clause	Description
02.01	Context
02.02	Vision
02.03-1	Settlement
02.03-4	Built environment and heritage
02.03-5	Housing
02.03-6	Transport
02.03-7	Infrastructure
02.04-3	Housing framework plan

16. The site is identified as within the 'super-sized lots and residential land in commercial centres' designation of the Borondara Housing Framework Plan at Clause 02.04-3, and which also identifies the location of activity centres, neighbourhood centres etc.

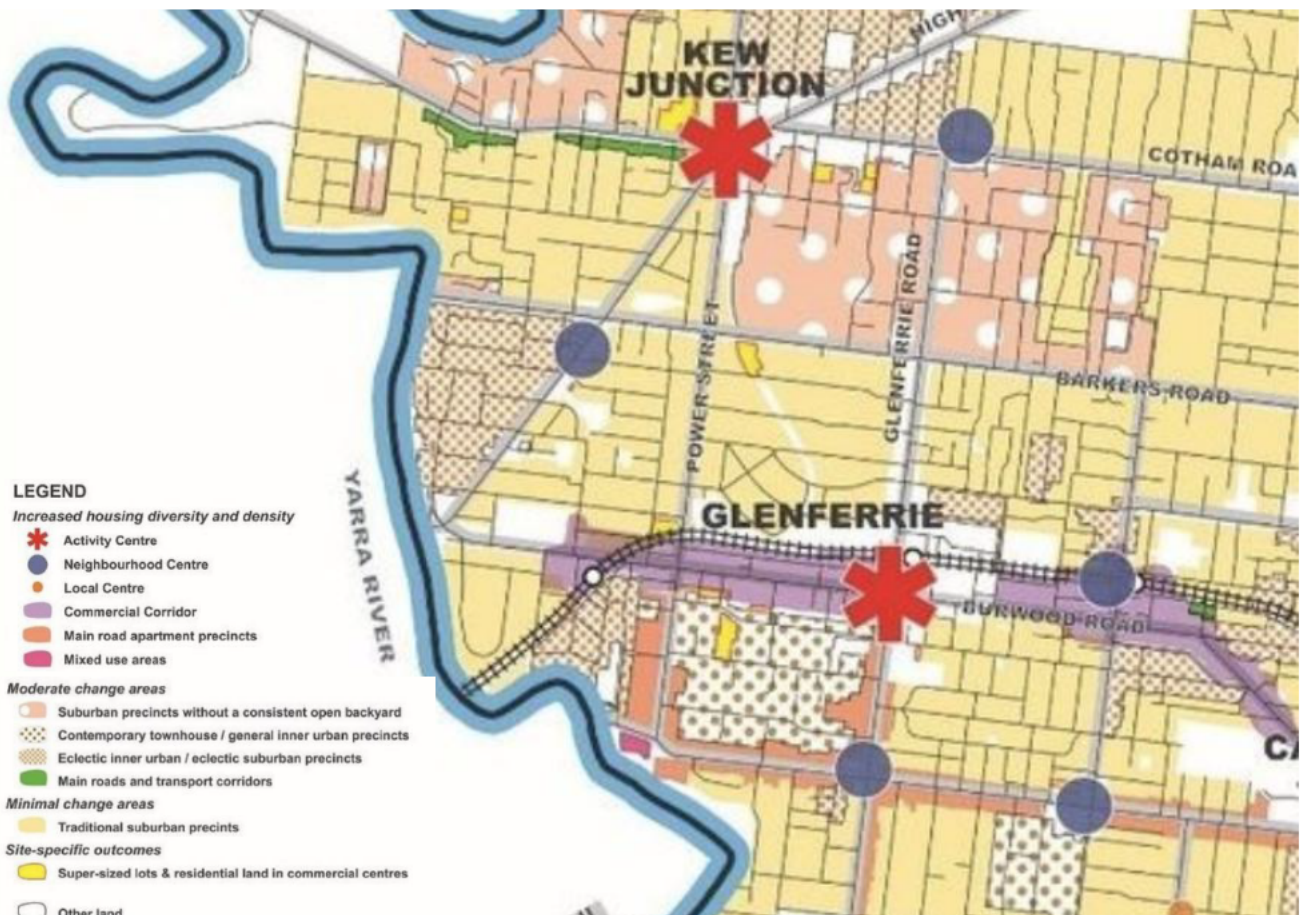


Figure 23 – Excerpt of Clause 02.04-3 Housing Framework Plan, showing the site as a 'super-sized lot' and the location of nearby activity centres



## Planning Policy Framework

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

<b>Clause 11</b>	<b>Settlement</b>
11.01-1R	Settlement – Metropolitan Melbourne
<b>Clause 15</b>	<b>Built Environment and Heritage</b>
15.01-1S	Urban Design
15.01-1L-01	Urban Design and Built Form Outcomes
15.01-2S	Building Design
15.01-5S	Neighbourhood Character
15.01-5L	Neighbourhood Character - Boroondara
15.03-1L	Heritage in Boroondara
<b>Clause 16</b>	<b>Housing</b>
16.01-1S	Housing supply
16.01-1L	Housing - Boroondara
<b>Clause 18</b>	<b>Transport</b>
18.01-1S	Land use and transport integration
18.01-3R	Sustainable and safe transport – Metropolitan Melbourne
18.01-3L	Sustainable personal transport - Boroondara
18.02-1S	Walking
18.02-2S	Cycling
18.02-3R	Principal Public Transport Network
18.02-4S	Roads
18.02-4L-02	Car Parking - Boroondara
<b>Clause 19</b>	<b>Infrastructure</b>
19.02-6L-01	Open Space - Boroondara
19.03-3S	Integrated water management
19.03-5S	Waste and resource recovery

18. In addition to the relevant planning policy framework provisions listed above, the following local policies are relevant.

### Neighbourhood Character Precinct Statement (Precinct 26)

19. Relevant for consideration under Clause 15.01-5L (Neighbourhood Character – Boroondara), this policy outlines the preferred character statement and design guidelines to achieve this for Precinct 26 which applies most of the land between Barkers Road, Glenferrie Road, Power Street and Glenferrie Oval which is also primarily located in the Grace Park and Hawthorn Grove heritage overlay precinct (HO152).

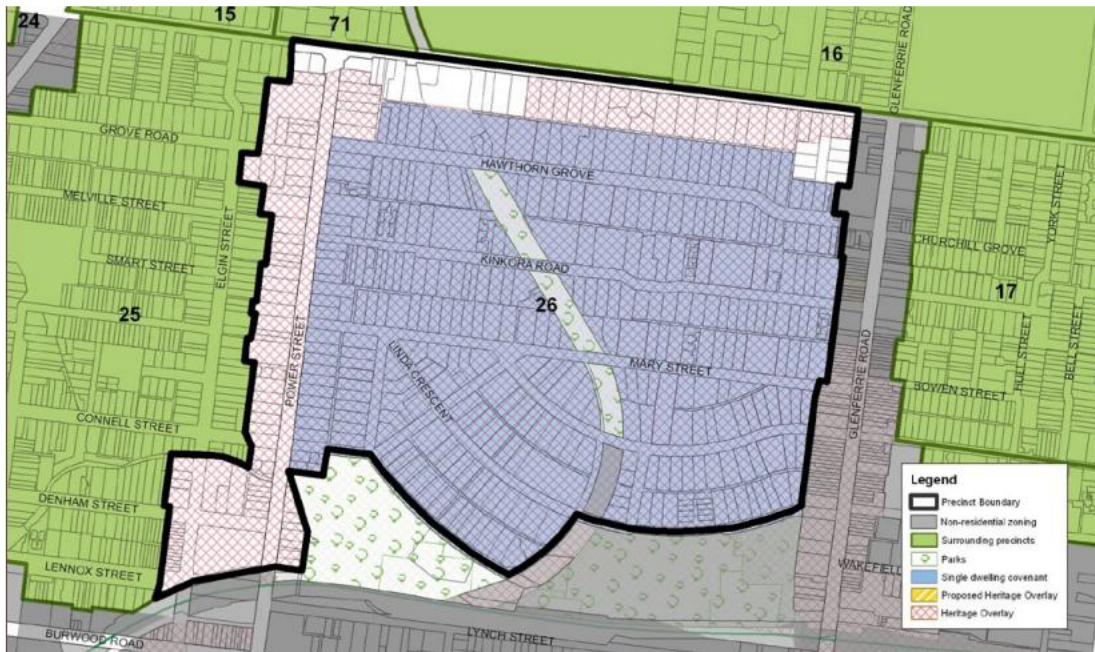


Figure 24 – Map of the extent of the Precinct 26 of the City of Boroondara Neighbourhood Character Precinct Statements

**Heritage Policy – Statements of Significance (City of Boroondara, August 2016)**

20. This policy is relevant for consideration under Clause 15.03-1L (Heritage in Boroondara) and includes the statement of significance for the heritage overlay precinct HO152 – Grace Park and Hawthorn Grove that the site is located within. The policy notes the precinct is of significance as a relatively intact precinct of high-quality residential building of the later Victoria and Federation periods.

**City of Boroondara Schedule of Gradings Map**

This policy is also relevant for consideration under Clause 15.03-1L (Heritage in Boroondara) and identifies the heritage grading of all properties in Boroondara. The heritage grading of properties in proximity to the site are shown below:

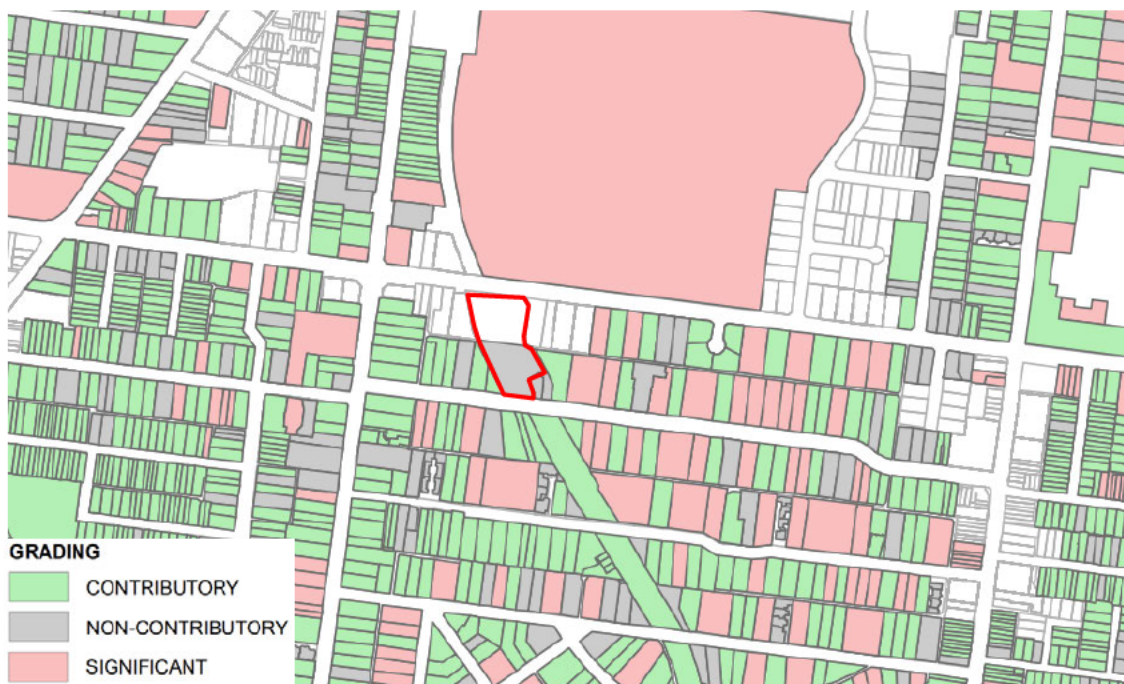


Figure 25 – Excerpt from Schedule of Gradings Map showing the subject site (red) in context with surrounding heritage properties.

## Boroondara Bicycle Strategy 2022

21. Relevant for consideration under several provisions of Clause 18.02 (Movement Networks) the Boroondara Bicycle Strategy set a framework to advance bicycle infrastructure and mode share in the City of Boroondara until 2032.

## Boroondara Open Space Strategy

22. Relevant for consideration under Clause 19.02-6L-01, the Boroondara Open Space Strategy provides the strategic direction for future planning, provision, design and management of open space in Boroondara between 2013 and 2025. The strategy identifies the site as a sub-precinct for a proposed small local open space to improve connectivity between Hawthorn and Kew Junction to the north in the future.



Figure 26 – Excerpt from the Boroondara Open Space Strategy's precinct recommendations for Hawthorn.

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

## Zoning and Overlays

### Applicable Zone

24. The site is located within the General Residential Zone (Schedule 4) (GRZ4) which is applicable to 'Super-Sized Lots'. Pursuant to Clause 32.08-7, a planning permit is required to construct two or more dwellings on a lot. The purpose of the General Residential Zone is:

- To implement the *Municipal Planning Strategy* and the *Planning Policy Framework*.
- Encourage development that is responsive to the neighbourhood character of the area.
- Encourage a diversity of housing types and housing growth, particularly in locations offering good access to services and transport.

25. Clause 32.08-11 of the GRZ outlines mandatory building height restrictions for any building constructed for use as a dwelling, with a mandatory maximum building height of 3 storeys/11 metres being applicable under the scheme.

26. In addition to considering the purpose of the zone and the MPS/PPF, the relevant decision guidelines of the GRZ4 include:

- The impact of overshadowing on existing rooftop solar energy systems on dwellings on adjoining lots in residential zones.
- For the construction of an apartment development of five or more storeys, the objectives, standards and decision guidelines of Clause 58.
- The preferred character statement and design guidelines contained in the *Boroondara Neighbourhood Character Study Precinct Statements 2013*.

27. The following sections include a discussion of how the proposal responds to these requirements.

## Applicable Overlay

28. The only overlay which applies to the site is the Heritage Overlay, which impacts the southern half of the site, associated with the Grace Park and Hawthorn Grove Precinct (HO152). The site is a non-contributory property within the overlay and while there are no structures of heritage significance existing on site, the purpose of the Heritage Overlay includes ensuring that new development does not adversely affect the significance of heritage places.
29. Pursuant to Clause 43.01-1, a planning permit is required to construct a building or construct or carry out works. The decision guidelines relevant to this proposal are:
- The *Municipal Planning Strategy* and the *Planning Policy Framework*.
  - Any applicable statement of significance and whether the proposal will adversely affect the natural or cultural significance of the place.
  - Whether the location, bulk, form or appearance of the proposed building will adversely affect the significance of the heritage place or be in keeping with the character and appearance of adjacent buildings.
30. There is no heritage guidelines specified within the schedule to the Heritage Overlay however, Clause 15.03-1L (Heritage in Boroondara) includes several strategies which are relevant for consideration for works within a Heritage Overlay and achieve the relevant objective of ensuring new buildings and works to non-contributory properties are sympathetic to the heritage values of the precinct and complement the precinct's heritage built fabric by being respectful of the scale, massing, rhythm and detailing. Relevant strategies for non-contributory heritage places include:
- Ensure replacement buildings are sympathetic with heritage fabric of the place, rather than any 'non-contributory' elements of the place.
  - Orient new building 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 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.
  - 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.
  - Provide side setbacks consistent with the setback of adjacent '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 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.

- 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.
- Design fences for 'non-contributory' places to complement the heritage significance of the precinct, including its height, visual permeability, spacing of elements, materials and finishes
- Ensure vehicle accommodation and other services do not dominate heritage places.

31. A detailed assessment of the proposal against these policy considerations is discussed in further sections of this report.

## Particular and General Provisions

### Provisions that Require, Enable or Exempt a Permit

#### Clause 52.06 – Car Parking

32. Clause 52.06 sets out the requirements for the supply and design of car parking. On 18 December 2025, Clause 52.06 was amended as a result of VC277 which most relevantly, modified the prescribed rates for all proposed land uses contained within Table 1 of Clause 52.06-5 and introduced maximum parking requirements for some categories of land. The site is located within a Category 2 area and requires a minimum car parking requirement of only 1 space per dwelling per Table 1 of Clause 52.06-5, with no maximum rate prescribed. The proposal meets these requirements and therefore a permit is not required to reduce the car parking requirements.
33. Further discussion of car parking provision and the design of vehicle access and car parking is provided in further sections of this report.

#### Clause 52.29 – Land adjacent to the Principal Road Network

34. Clause 52.29 applies to all land that is adjacent to the Principal Road Network, or a Transport Zone 2 road (Barkers Road). Pursuant to Clause 52.29-2, a planning permit is required to create or alter access to a road in a Transport Zone 2, with the development proposing the creation of two new crossovers to Barkers Road to service the porte-cochere.
35. Clause 52.29-4 also requires that an application under this clause must be referred under Section 55 of the Act to Head, Transport for Victoria (H,TfV), as specified in Clause 66.03. H,TfV was referred the application and did not object to the proposed alterations to access to Barkers Road, subject to conditions.

### General Requirements and Performance Standards

#### Clause 53.18 – Stormwater Management in Urban Development

36. Pursuant to Clause 53.18-3 an application to construct a building or construct or carry out works must meet all of the objectives of Clauses 53.18-5 (Stormwater management objectives for buildings and works) and 53.18-6 (Site management objectives) and should meet all of the standards of Clauses 53.18-5 and 53.18-6. An application must be accompanied by details of the proposed stormwater management system, including drainage works and retention, detention and discharges of stormwater to the drainage system.
37. The application has been accompanied by Stormwater Management Report and Sustainability Management Plan which details the proposed stormwater management system. Further details of the proposed stormwater management on site are discussed further in this report.



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

38. The application has been submitted under Clause 53.23 (Significant Residential Development with Affordable Housing). Clause 53.23 seeks to facilitate residential development that incorporates affordable housing to meet existing and future needs.
39. The development was confirmed as eligible under Category 1 of Clause 53.23 of the Boroondara Planning Scheme as part of the Development Facilitation Program (DFP). The application was supported by the following application/eligibility requirements:
  - A quantity surveyor report confirming the estimated cost meets the Category 1 threshold (\$50 million).
  - A letter from Invest Victoria confirming project viability.
  - A statement outlining how the proposal will contribute to the provision of affordable housing.
40. The application has nominated that a 3% of development cost cash contribution to an approved affordable housing fund, with this contribution discussed in greater detail in further sections of this report.
41. Additionally, pursuant to Clause 53.23-2, in determining an application under Clause 53.23, the responsible authority may waive or vary an building height or setback requirement within the planning scheme. Pursuant to Clause 53.23-5, an application under any provision of the planning scheme is also exempt from the decision requirements of section 64(1), (2) and (3), and the review rights of section 82(1) of the Act.

### Clause 58 (Apartment Developments)

42. The provisions of Clause 58 – Apartment Developments applies to an application to construct an apartment development of 5 or more storeys within the General Residential Zone. A detailed assessment against Clause 58 is contained in Appendix 1 of this report. Instances where a variation is sought to the relevant standards of Clause 58, or a condition is required to ensure an objective of Clause 58 is met, are also discussed further in the assessment section of this report.

## **Relevant Strategic Plan / Background Documents**

### Plan for Victoria

43. In February 2025, Plan for Victoria (the new strategic plan for Victoria) came into effect, which is structure around five pillars for action:
  - Self-determination and caring for country.
  - Housing for all Victorians.
  - Accessible jobs and services.
  - Great places, suburbs and towns.
  - Sustainable environments
44. Amendment VC283 gazetted on 9 September 2025 (after the application was submitted), modified the Victoria Planning Provisions of all planning schemes to implement the action points of Plan for Victoria. This resulted in references to the now superseded Plan for Melbourne 2017-2050 being removed from the scheme and most relevantly has amended state planning provisions related to Settlement and Housing to reference Victoria's Housing Statement 2023 and associated housing targets to deliver 2.24 million homes across Victoria by 2051, in accordance with Action 1 of Plan for Victoria.

### Amendment VC289

45. This planning scheme amendment was gazetted on 15 September 2025 and introduced a planning permit requirement to remove, destroy or lop a canopy tree in residential areas at clause 52.37 (Canopy trees) into the



Victoria Planning Provisions (VPP) and all planning schemes, in order to implement Action 12 of Plan for Victoria to protect and enhance canopy trees. Per the transitional provisions of clause 52.37-9 (Canopy trees), the provisions of this clause do not apply to an application made prior to the gazettal date of VC289. Consideration of canopy tree coverage against the relevant provisions of the PPF and Clause 58 can be found in further sections of this report.

#### Amendment VC277

46. This planning scheme amendment was gazetted on 18 December 2025 to amend car parking requirements and related policy to align car parking rates with demand and reduce the number of car parking spaces required in developments in locations well-served by public transport. The prescribed car parking rates for land uses contained in Table 1 of Clause 52.06-5 have been modified and categorised based on the land's access to public transport. The site is located within a Category 2 area (parts of the site are located within Category 1 but per Clause 52.06-5 where a site is in two or more categories, the requirements of the higher category are applicable. Per Transitional Provision A provided at Clause 52.06-12, transitional provisions apply to an application to use or develop land made before the transition date (18 December 2025) in the event that both of the following apply:
- The proposal is for a use specified in Table 1 in its current form.
  - The number of car parking spaces that would be required for the proposal under the previous version of Clause 52.06 is less than the minimum number of car parking spaces required under the current clause.
47. Dwelling is a listed use in Table 1 of Clause 52.06 in the previous version of the clause and continues to be specified in Table 1 of the current clause and now has a lesser car parking requirement than the former version of the clause. Only 1 space is required per dwelling under the current version of the clause, whereas previously 2 spaces were required for 3-bedroom or larger dwellings. Therefore, the transitional provisions of clause 52.06-12 do not apply to either application and the rates contained in Table 1 in the current version of the clause are applicable in this instance.



## Referrals

48. The application was referred to the following groups:

Provision / Clause	Organisation	Response and date received
Section 55 Referral – Determining	Head, Transport for Victoria	11 December 2025 – no objection, subject to conditions

## Municipal Council Comments

49. The Boroondara City Council (the council) considered the application at their Urban Planning Delegated Committee Meeting on 18 December 2025. The council did not object to the proposal and supported an increase in height above the GRZ4 mandatory height limit where a balanced outcome is achieved that delivers tangible community benefit. The council raised a number of issues with the proposal that it recommended be resolved via conditions on the planning permit in order to ensure a balanced outcome was met.

50. These issues are summarised as follows:

- The proposed building height and presentation to Hawthorn Grove would result in a form that visually dominates the highly intact Hawthorn Grove heritage streetscape and needs to be better integrated with the precinct's scale and garden setting through:
  - Increased 4.2 m setback from Hawthorn Grove at all levels, whilst maintaining the existing architectural expression and articulation.
  - Ensure all front fencing is low and permeable.
  - Increase the application of the face brick material to the side elevations.
  - Include a Heritage Interpretation Strategy along the shared path, highlight the formers Barkers Road Railway Station and the historical Kew Railway alignment.
- The proposal should satisfy the off-site amenity impacts outlined in Clause 57 of the Boroondara Planning Scheme, to ensure appropriate external amenity outcomes for adjoining properties, including overlooking and overshadowing standards which should be complied with.
- Increased building separation, size of internal light-court and other measures to ensure consistent internal amenity across the development for daylight access and internal overlooking and overshadowing.
- The shared path to be vested to the council for future ownership and maintenance and the design of the shared path further refined to improve safety and useability.

51. The section 57a amendment plans have largely addressed all of the council's concerns, though it is noted that in particular, the extent of increased Hawthorn Grove setbacks sought by the council have not been adopted. A detailed discussion of all recommended changes and conditions sought by the council and whether they have been adopted by the amended plans or included in the recommended conditions is provided within Appendix 2 of this report.

## Notice

52. 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 32.08 (GRZ4) – an application for a permit to construct more than two dwellings on a lot is not exempt from the notice provisions of the Act.



- Clause 43.01 (HO) – an application for a permit to construct a building is not exempt from the notice provisions of the Act.
53. The applicant was directed to give notice by way of erecting sign/s on the site and directly notifying adjoining and surrounding owners and occupiers by mail notice.
54. Twenty-five (25) objections were received, raising the following issues:
- Lack of compliance with heritage policy with building heights and setbacks to Hawthorn Grove being inconsistent with heritage character of the street and risks degrading the significance of the precinct.
  - Overall building height is excessive and inappropriate for this location as it is not in an Activity Centre and will introduce a significant change of scale to the existing neighbourhood's single/double-storey character.
  - The combined height and massing of the development through block and insufficient building separation between towers dominates views from surrounding residential properties.
  - Extent of overshadowing into secluded private open spaces, restricted ability to install solar panels in future and loss of solar access inside surrounding dwellings.
  - Insufficient setbacks and screening to prevent overlooking into adjoining secluded private open spaces and habitable room windows.
  - Microclimate and amenity impacts including wind and noise.
  - Increase vehicle movements and demand on on-street parking to Hawthorn Grove and safety and congestion impacts to Barkers Road.
  - Safety and security concerns related to the proposed shared path which adjoins other dwellings.
  - Inappropriate use of DFP pathway as no affordable housing is proposed on site and seeks to retest VCAT precedent set by previous approval on site limiting to 4-storeys.
  - Construction impact concerns.



## Strategic Direction and Land Use

55. The *Municipal Planning Strategy (MPS)* and *Planning Policy Framework (PPF)* encourage appropriate land use and development which enhances the built environment, delivers diversity in housing supply to meet existing and future needs, and integrates transport and infrastructure planning.
56. The proposed redevelopment of this now vacant site for high density housing is supported by the MPS and PPF, with Clause 02.03-5 Strategic directions – housing) identifying a need for more diverse housing options which is to be facilitated by encouraging development in accordance with the Housing Framework Plan and providing a diverse range of housing types that protect preferred neighbourhood character and adjoining residential amenity. The subject site is identified within the Housing Framework Plan at Clause 02.04 as a 'super-sized lot', which Clause 16.01-1L (Housing – Boroondara) states are lots that should support development at greater density and height than the surrounding area and precinct, while maintaining amenity and character. The proposed 6-storey development notably exceeds the prevailing heights of other multi-unit developments in the surrounding residential area which are typical 2 – 3 storeys and the existing approval for the site which is 2-4 storeys.
57. The proposed mid-rise development, yields 115 new dwellings, compared to the existing approval's 50 dwellings, with the height increase from 4 to 6 storeys allowing more than double the number of dwellings on site, while maintaining comparable site coverage. The uplift in height and associated increase in dwelling yield is strategically supported when considering the land is a super-sized lot, in a residential area where existing low density housing stock on large allotments is largely protected from demolition by extensive Heritage Overlay precincts. The diminished capacity of immediately surrounding residential land to contribute to the higher density and more diverse housing in well-located areas as sought by Clause 16.01-1S (Housing supply), increases the strategic importance of the site towards achieving the Plan for Victoria housing target at Table 1 of Clause 16.01-1S for 65,500 new dwellings in Boroondara by 2051.
58. The site is also located in close proximity to Kew Junction and Glenferrie Activity Centres and within the outer catchment of the draft Train and Tram Zone that is anticipated to apply to site and surrounding land, which are one of several key zones that Clause 11.01-1R (Settlement – Metropolitan Melbourne) directs future urban growth to. Under this draft zone, building heights up to 4 storeys would be expressly encouraged on larger sites in the outer catchment, with inner catchment sites heights allowed up to 6 storeys, which are anticipated to be further increased again in the activity centre 'core'. The increased housing density in proximity to public transport is also consistent with the purpose of the existing General Residential Zone. The proposal is therefore responsive to the existing and future strategic direction for housing growth in the area and the proposed building height and dwelling yield, which includes a diverse range of dwelling sizes and typologies, ensures that this strategic site will not be under-utilised.



Figure 27 – Excerpt from State of Victoria's Train and Tram Zone Activity Centres Program map showing the subject site (light blue) in context with the proposed Train outer and inner catchments and core of the Train and Tram Zones.



59. In addition to the strategic justification of the site, the proposed increased building height and housing intensification still appropriately responds to the surrounding neighbourhood character and minimises the impacts of the development on surrounding sensitive residential interfaces in accordance with the strategic directions at Clause 02.03-1 (Settlement) and Clause 02.03-5 (Housing) and provides housing that is well-designed with a high level of internal amenity and adaptable dwelling design as sought by Clause 16.01-1R (Housing supply – Metropolitan Melbourne). Discussion of the proposal compliance with relevant policy regarding neighbourhood character and internal and external amenity is provided in further sections of this report.
60. Finally, the proposed height uplift must be considered within the context of net community benefit offered by the development, in accordance with Clause 71.02-1 (Purpose of the Planning Policy Framework). In addition to the 3% of development cost cash contribution proposed towards affordable housing as required by Clause 52.23, the proposal includes a contribution of 575.64 m<sup>2</sup> of land (7.4% of the site) for a shared user path along the western boundary which is to be delivered by the proponent and vested to the council. This proposed section of path is strategically valuable as it provides a critical missing link to an existing open space network which extends south of Hawthorn Grove down to the railway line to the south, with the Boroondara Open Space Strategy 2013 identifying the site for a future small public open space to close this gap, which is also encouraged by Clause 19.02-6L-01 (Open space – Boroondara). Securing this contribution to the open space network is of increased strategic importance due to the future redevelopment of the former VicRoads site at 60 Denmark Street which is located immediately north of the site and planned to deliver 500 homes and with the potential to provide continuation of this pedestrian and cycling network all the way to the Key Junction Activity Centre. The public benefit posed by this contribution, in addition to the reduction in land able to be utilised for the development further supports an appropriate height uplift in this instance.

## Buildings and Works

61. The PPF and zoning and overlay provisions related to buildings and works have been considered in the application, with the relevant built form provisions of the General Residential Zone being largely the development's performance against objectives and standards of Clause 58 (Apartment Developments) and the Precinct 26 Neighbourhood Character Statement (Clause 15.01-5L – Neighbourhood character), while heritage considerations are primarily informed by the decision guidelines of Clause 43 (Heritage Overlay) and the relevant objectives and strategies at Clause 15.03-1L (Heritage In Boroondara).
62. The proposed building height at this site is not contemplated by the existing zoning which has a mandatory maximum height of 11 metres /3 storeys and as a result, strict adherence to the preferred neighbourhood character design guidelines of Precinct 26 and Clause 15.03-1L heritage strategies for new development on non-contributory properties is not realistic while facilitating higher housing uplift on the site. While heights greater than 3 storeys are not permitted under the zone, neighbourhood character policy at Clause 15.01-5L for GRZ4 land acknowledges the objective of this zone for allowing development to occur at greater height and density than the surrounding area and supports increased building heights where the increased height will not adversely impact the precinct's preferred character. It is therefore accepted that the development will present as an anomaly in the surrounds, particularly to Hawthorn Grove, however as discussed further below, the proposed setbacks, building massing and architectural response is considered to appropriately respond to the surrounding character and heritage streetscape, while facilitating increased housing intensity on the site.

## Heritage Significance

63. The decision guidelines of the Heritage Overlay includes consideration of the applicable statement of significance and whether the significance of the heritage place will be adversely affected by the proposal. The statement of significance for HO152 (Grace Park and Hawthorn Grove Precincts, Hawthorn) does not refer to any specific built form elements that are primary significance to this area of the precinct, with the primary significant heritage elements within Hawthorn Grove being:
- Mature gardens and street trees giving the area distinctive shaded character.



- The intactness and high-quality residential buildings from the later Victorian and Federation periods, including a concentration of 1880s housing in tighter patterns of typically-scaled suburban development in Hawthorn.
- Visually unified by the shared, curving park based around the former Kew Railway line, that runs through the entire precinct from south to north and reads as a reminder of the precinct's early popularity as a commuter suburb.



Figure 28 – Example of mature gardens and street trees in Hawthorn Grove which contribute to leafy, shaded character.

64. When considering what is significant within the precinct, the proposal will not adversely affect the significance of the heritage place and further, will positively contribute towards enhancing the precinct's unification around the linear park following the former Kew Railway line. The application has been accompanied by a Heritage Impact Statement which concludes that while the proposal will obviously create a substantial change to the built form character of the area, this change does not result in an unacceptable heritage impact by providing appropriate height, setbacks and architectural expression to Hawthorn Grove and ample provision for front landscaping, as discussed in further detail below. The statement acknowledges that the large site is an anomaly within the streetscape and therefore represents an opportunity for atypically larger development to accommodate increased housing supply, than may be appropriate on a smaller, typical lot. Appropriate sensitivity to existing contributory heritage buildings in proximity to the site (discussed further below) will ensure that the intactness and integrity of existing heritage housing stock is not degraded as a result.
65. Finally, subject to conditions to provide a heritage interpretation strategy to enhance the connection of the proposed through-block link to the site's past as the Barkers Road station part of the Kew Railway Line, will ensure the main significant element of the site is not just maintained but enhanced.

#### Setbacks, massing and visual bulk

66. The relevant strategies of Clause 15.03-1L (Heritage in Boroondara) and design guidelines of Clause 15.01-5L generally seek to maintain the leafy landscape character of the area including front gardens, ensure buildings are setback from the street and side setbacks in line with adjoining heritage buildings to not dominate the streetscape or disrupt existing streetscape rhythm and ensure buildings maintain the prevailing building height of adjoining heritage dwellings and the wider precinct at the frontage, ensuring upper levels are setback to minimise visibility. A comprehensive response to these strategies and design guidelines in Appendix 2 of this report.



67. The development provides an appropriate response to these provisions, with both Barkers Road and Hawthorn Grove street setbacks being in line with the adjoining dwellings and general rhythm of setbacks which vary between 5 – 9 metres, with both frontage but particularly Hawthorn Grove providing sufficient space within the frontage for deep soil and canopy tree planting. Generous side setbacks of 4.2 m – 6.1 m (approx.) and 6 m – 10.4 m are provided from the eastern and western boundaries, respectively, responsive to the rhythm of setbacks of larger allotments within Barkers Road and Hawthorn Grove and the detached nature of housing stock, while also providing sufficient space for planting including canopy trees between the development and surrounding housing stock, to contribute to the leafy character.

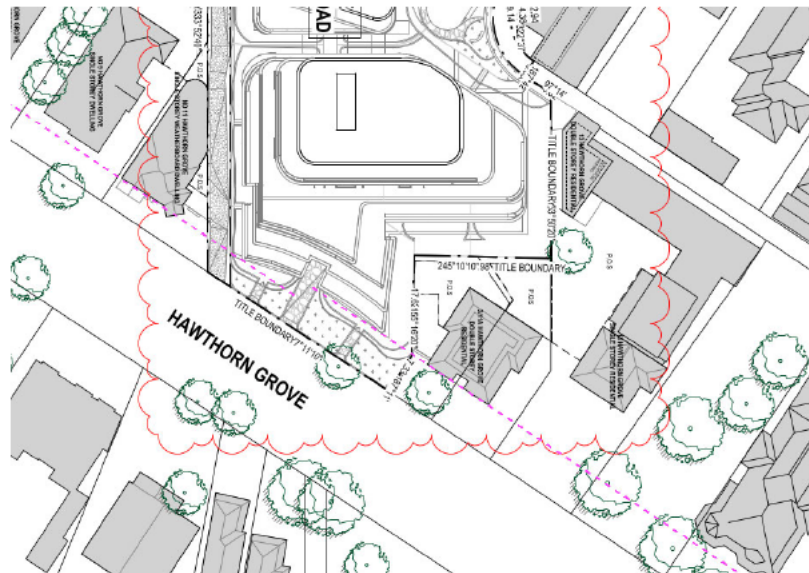


Figure 29 – Proposal's street wall setbacks from Hawthorn Grove, which are in line with adjoining properties and generally consistent with prevailing setback of heritage dwelling

68. The street wall height of three storeys and setback of upper floors to the Barkers Road frontage is responsive to its main road setting and existing built form in the immediate surrounds, including a three-storey street wall to the development immediately adjoining (140-142 Barkers Road) and opposite (121 Barkers Road) the site. While the upper floor levels are still visible from Barkers Road, the progressive setbacks, generous front balcony provisions and varied setbacks of the curved façade provide appropriate visual relief and emphasis to the lower floor street wall, particularly when viewed from the north-western and north-eastern corners which interface adjoining, lower scale development.
69. The height and upper-level setbacks to Hawthorn Grove are also acceptable. While it is noted that Boroondara City Council's Heritage Advisor requested the lower four levels be setback an additional 4.2 metres, and the south-eastern corner of the upper two levels be setback 4.2 metres, this has not been considered necessary. The amended proposal has increased upper floor setbacks from both Hawthorn Grove and the western boundary at the frontage to present a consistent double storey street to Hawthorn Grove, provide greater relief to the adjoining contributory heritage dwelling at 11 Hawthorn Grove and reduce the extent of the basement and courtyard fencing in the frontage to increase deep soil planting area and canopy coverage.



Figure 30 – Hawthorn Grove elevation demonstrating the height of the street wall is consistent with the ridgeline/wall height of adjoining dwellings.

70. These changes, in addition to a generously stepped built form that progressively tapers to a 25.945 metre setback of the sixth storey from Hawthorn Grove are a sufficient massing response to the heritage streetscape, despite clear visibility of built form between 2 and 4 storeys from Hawthorn Grove. Per the Heritage Impact Statement while the proposal will not be consistent with the precinct's prevailing building height of one to two storeys would not diminish the integrity or intactness of the precinct. The upper floor setbacks proposed will reduce the apparent dominance of the building's volume and place architectural emphasis on the dominant element of the Hawthorn Grove façade, being the double storey street wall, which us in keeping with the height and setbacks of surrounding contributory and significant heritage buildings.



Figure 31 – Excerpt from the western elevation, with emphasis in pink of the progressive, stepped heights and setbacks of the building down to the double storey street wall to Hawthorn Grove.

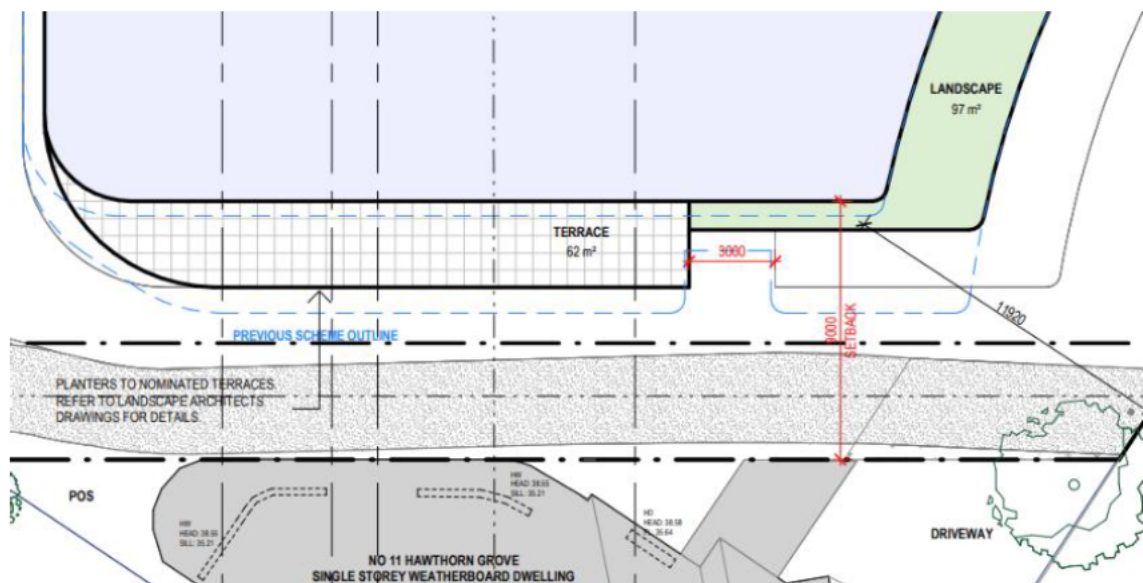


Figure 32 – Excerpt from sketch plan of 57A amendment demonstrating extent of built form reduction at the south-western corner of the site compared to advertised proposal (dashed blue line) at level 2.

## Design Detail

71. The proposal's architectural expression, materiality and other design detailing also appropriately responds to the heritage and neighbourhood character considerations. With regards to heritage considerations, the Hawthorn Grove building has a 'polite contemporary' architectural expression, utilising a solid to void ratio across the façade that aligns with the masonry wall construction of neighbouring buildings and façade openings respond to traditionally vertically proportioned windows. Though hipped and gabled roof forms are the prevailing roof form, the flat roofs of the development are unobtrusive and appropriate in the context of infill development that is not a detached dwelling.
72. The materiality and colour palette also complements materials evident within the heritage precinct which mostly consists of face brick and render in warm tones. The use of the selected cream brick material across the lower two storeys of the Hawthorn Grove building, front courtyard fencing and the fencing abutting the shared path where visible from Hawthorn Grove contributes strongly to the materiality of the streetscape and is consistent with the materiality of other infill buildings in the surrounds.
73. The application of brick to the lower two floors is continued across the rest of the development also remains responsive to existing housing stock in the Barkers Road streetscape, while the application of textured render in cream and light red finishes and bronze metal cladding to the more recessive upper levels provides a contemporary response that draws on the existing materiality of the surrounds. The application of an alternative red brick and render finish to the central tower emphasise building separation and breaks up the appearance of the built form when viewed from the east and west, while use of a lightweight cladding material in a darker bronze finish on upper floor levels visible from the street frontages assists in making this aspect of the built form appear more recessive.



Figure 33 – 3D renders demonstrating proposed material palette, including brick and textured render material (left) and bronze metal cladding to upper floors (right)

74. A condition of the planning permit will require a Façade Strategy to be submitted for endorsement which further details materiality and façade systems, and will ensure that all external finishes are accounted for in the material schedule and provide details regarding required maintenance of external walls to ensure they weather well over time, in accordance with Standard D25 of Clause 58.05-4 (External walls and materials).

## Amenity and Microclimate

### Amenity Impacts (offsite and onsite)

#### Overlooking

75. Standard D14 of Clause 58.04-1 (Building Setback) states that buildings should be setback from side and rear boundaries to avoid direct views into habitable room windows and private open spaces of existing dwellings and avoid relying on screening to reduce views. The amended plans demonstrate that no unreasonable overlooking occurs into habitable room windows or private open spaces of adjoining dwellings, adopting the 9 metre radius to measure downward views per Standard B4-4 (Overlooking) of Clause 55, which would be applicable if the development did not exceed 3 storeys, per the zone. The overlooking diagrams demonstrate that through a combination of building setbacks and screening devices such as balustrades with ledges and fins and in limited cases, obscure glazing will appropriately restrict downward views into all sensitive interfaces on adjoining properties.

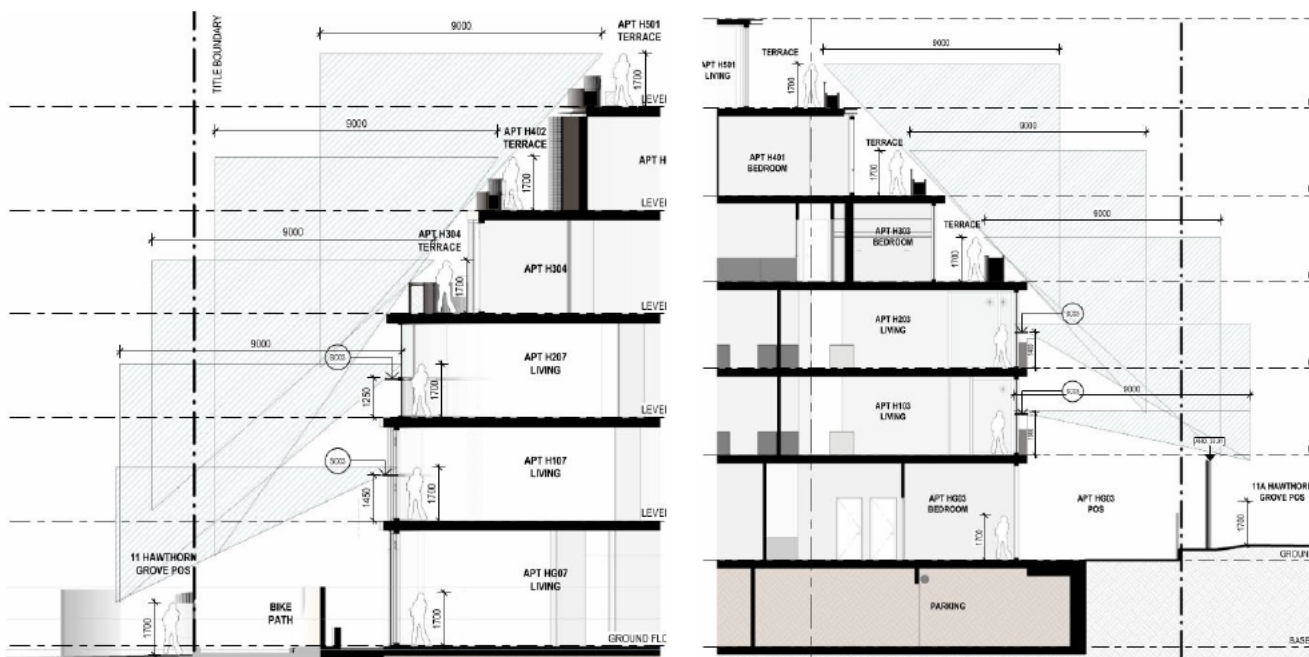


Figure 33 – Overlooking diagrams demonstrating the combination of building setbacks and screening devices to prevent downward views within 9 metres into adjoining secluded private open space at 11 Hawthorn Grove (left) and 1/11a Hawthorn Grove (right)

76. With regards to internal overlooking, the development complies with both Standard D14 and Standard D15 of Clause 58.04-2 (Internal views) which seek to ensure that direct views between habitable room windows and balconies of different dwellings onsite, as well as downward views into lower floor private open spaces, are restricted without unreasonable reliance on screening devices. Due to the orientation of the three separate buildings around a central communal open space area, there is potential for internal overlooking to occur between buildings. This is avoided through the siting of balconies and windows offset from other windows and balconies on closely interfacing dwellings and a limited extent of screening devices including obscure glazing.

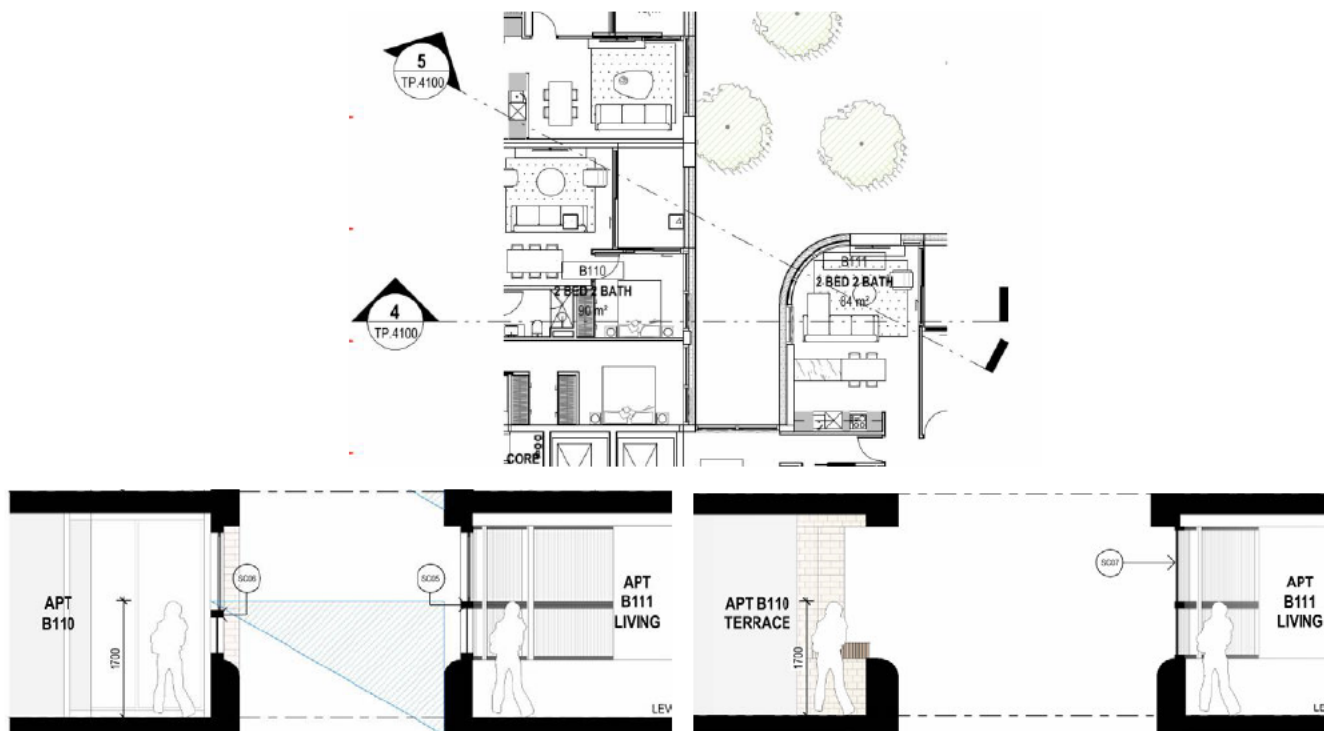


Figure 34 – Example of an area on site where internal overlooking occurs (top) and proposed screening treatments to address this between habitable room windows and balconies and habitable room windows (bottom)



## Overshadowing

77. It is noted that there is no standard of Clause 58 which seeks to reduce overshadowing to adjoining private open spaces however, Standard D6 (Energy Efficiency) and the decision guidelines of the GRZ4 do state that development should be designed to ensure that the energy efficiency of existing dwellings, including rooftop solar energy facilities are not unreasonably impacted. Despite this, the plans have also been prepared to demonstrate compliance with the relevant Clause 55 overshadowing standard, B4-3.
78. As demonstrated in the overshadowing diagrams, for all adjoining dwellings which comply with minimum overshadowing requirements (25 m<sup>2</sup> free of shadow for 5 consecutive hours between 9 am and 3 pm on 22 September) under existing conditions (9, 1/11a, 2/11a and 13 Hawthorn Grove, will continue to comply with the standard, despite additional overshadowing created to SPOS areas during the morning and afternoon. It is noted that under existing conditions, 11 Hawthorn Grove does not comply with the standard, largely due to the small size and narrow width of the SPOS areas which are located on the western side of the dwelling. The amended proposal has sought to ensure that from 10 am onward, where 11 Hawthorn Grove's primary SPOS area at the north of the property begins to be free of shadow under existing conditions, no additional overshadowing is posed. As a result, it is considered that the minor additional overshadowing increases are acceptable and do not unreasonably reduce this SPOS areas existing level of solar amenity.

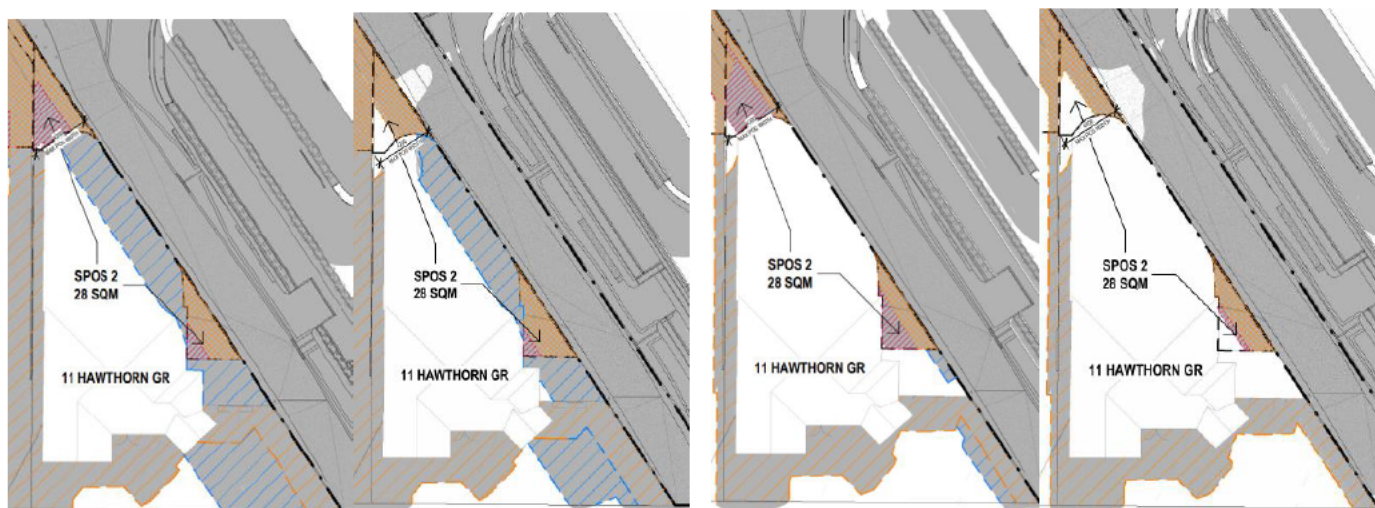


Figure 35 – Excerpt from overshadowing diagrams demonstrating the improvement of overshadowing to 11 Hawthorn Grove's secluded private open space between the advertised and amended proposals at 10am (left) and 11am (right).

79. Additionally, no rooftop solar energy facilities are overshadowed by the proposal, nor is any notable increase to overshadowing created to existing roofs that would unreasonably prejudice against future rooftop solar energy facility installations.

## Wind

80. The wind impact assessment submitted with the application, considered the wind impacts to surrounding public land, publicly accessible areas on private land and private and communal open spaces, using a desktop assessment to confirm compliance with Standard D16 of Clause 58.04-4 (Wind Impacts). The report considers that safety and comfort criteria of Table D6 for standing (at main building entry and communal open space) and walking (publicly accessible areas and terraces) can be achieved, though some mitigation measures included dense vegetation at the north-east and north-west corners of the development and a 2 metre tall porous fence along part of the pool area.



Figure 36 – Excerpt from Wind Impact Assessment demonstrating main areas of concern within and surrounding the development for windspeeds and recommended location for mitigation measures to counteract these.

It is acknowledged that the amended proposal is no longer consistent with the building massing used in this assessment and that the assessment recommended further analysis using a wind tunnel model at detailed design stage. A condition of the planning permit will require an amended wind impact assessment which is consistent with the current proposal and includes wind tunnel model analysis is submitted for endorsement, with any further wind mitigation measures to ensure compliance with this standard to be adopted into the development.

## Noise

81. The subject site is not located within proximity to a noise influence area per Table D5 of Standard D15 of Clause 58.04-3 (Noise), though is located abutting a Transport Zone 2 road which is a notable external noise source. An acoustic report submitted with the application has found that noise from the main road and adjoining commercial building at 142-144 Barkers Road would not create unreasonable noise impacts to future resident, subject to design specifications for glazing etc. which are to be determined at detailed design stage.
82. Similarly, noise from the mechanical plant associated with the development is anticipated to be able to be limited to ensure compliant noise levels can be maintained for existing dwellings and future dwellings on site, subject to specifications at detailed design stage. A condition of the planning permit will require an amended acoustic report to be submitted before the development commences, specifying any of these design requirements, and will ensure they are implemented on site. These measures, combined with the fully residential use of the development means that it is not anticipated that unreasonable noise impacts will occur for existing surrounding or future onsite residents.

## Other On-site Amenity

83. In addition to the matters discussed above, the development proposes a high level of compliance with the relevant standards of Clause 58 regarding internal amenity including, accessibility, amenity and functionality of internal corridors and common building areas, private open space areas, storage, the functional layout of rooms, natural ventilation and solar access to new dwellings. The following variations to these standards are discussed below.

### Private Open Space

84. Several of the ground floor dwellings which have a private open space area abutting the western shared user path or the outdoor communal open space do not comply with Standard D20 of Clause 58.05-3 which requires a private open space provided at ground level to have an area of at least 25 square metres with a minimum dimensions of 3

metres. This is considered acceptable given the overall area of 25 square metres is met for almost all dwellings (excluding BG02 and BG11) and an area that is compliant with the Standard D20 requirements for a balcony are otherwise met for dwellings, ensuring that a usable outdoor recreation area is provided for each dwelling. The only exception to this is H07 which has a total terrace area of 37.8 m<sup>2</sup> however, only 5.5 m<sup>2</sup> is also at least 2.4 m wide of a required 12 m<sup>2</sup>, as required for balconies servicing a 3-bedroom dwelling oriented west. This is considered acceptable as an area of approx. 12m<sup>2</sup> still has a usable minimum dimension of 1.8 metres and can accommodate outdoor furniture/outdoor recreation needs proportionate to the size of the dwelling, with extra space provided for landscaping in addition to the 37.8m<sup>2</sup> terrace area.

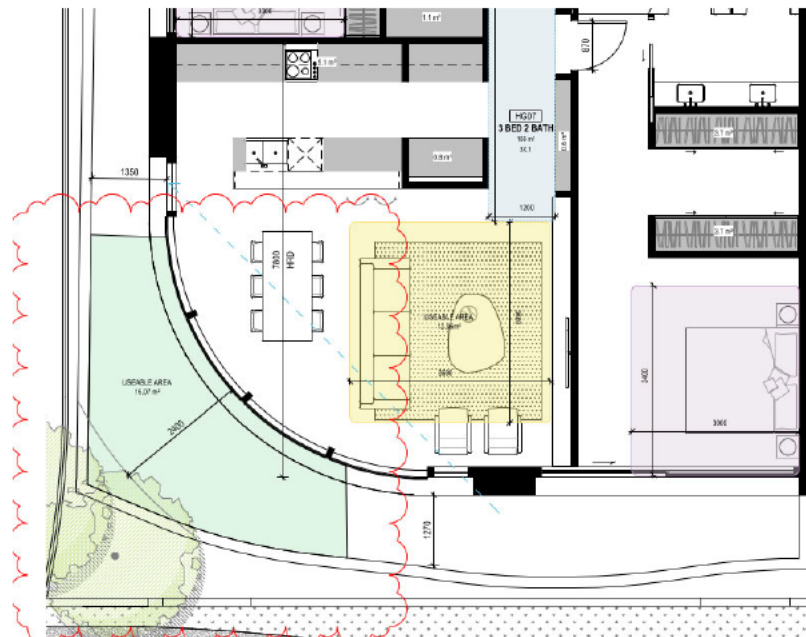


Figure 37 – Excerpt of Apartment H07's Clause 58 assessment plan demonstrating the extent of the terrace that is still a usable dimensions for most outdoor creation needs.

### Storage

85. While the internal storage requirements of Standard D21 of Clause 58.05-4 is met for all dwellings and for most dwellings, the internal storage also fulfills the overall storage requirements for each dwellings, there are a number of two bedroom dwellings which would require additional external storage to reach the total minimum storage volume required for the dwelling type. While storage cages are proposed within the basement levels, the plans and accompanying Clause 58 assessment matrix do not clearly identify which dwellings are to be provided access to these external storage areas, to confirm compliance with this standard is being achieved. A condition of the planning permit will require all external storage to be clearly noted where required for each dwelling to comply with the standard.

### Daylight Access

86. The development is considered to provide a high level of solar amenity and daylight access to all dwellings, which has been further improved by amendments to the proposal which increase building separation, particularly between the central tower and the Hawthorn Grove building. The Sustainability Management Plan submitted with the application demonstrates that appropriate levels of daylight access are achieved for future building occupants with 92% of living rooms and 91% of bedrooms (of a required 80%) complying with the BESS daylight standard. A condition of the planning permit will require an updated BESS report to be submitted for endorsement as part of the SMP that reflects the amended proposal however, it is anticipated a similar degree of compliance will continue to be met, with the modifications generally improving daylight access to apartments.

### Solar Access to Communal Open Space



87. The development exceeds requirements for outdoor communal open space of Standard D7 of Clause 58.03-2 (Communal Open Space), providing 768 m<sup>2</sup> total of a required 30m<sup>2</sup> outdoor and 220m<sup>2</sup> overall communal open space. However, due to the location of the main outdoor communal open space centrally within the development, compliance with Standard D8 of Clause 58.03-3 (Solar access to communal open space) is not achieved, as the space only receives daylight access in the following hours of 21st June, of a required 125 m<sup>2</sup> for at least two hours:

- 10 am: 70.6 m<sup>2</sup> free of shadow
- 11 am: 219.5 m<sup>2</sup> free of shadow
- 12 pm: 94 m<sup>2</sup> free of shadow
- 1 pm: 3.1 m<sup>2</sup> free of shadow

88. This variation is considered acceptable, noting that the development only falls slightly short of complying with the standard at 12 pm. The outdoor communal open space is also predominantly reserved for landscaping that cannot be occupied and an outdoor pool which is unlikely to be highly utilised in the middle of winter. The areas which receive solar access between 10 am and 12 pm includes at least one of the three outdoor seating areas proposed and at other times of the year where the pool is more likely to be utilised, the communal open space receives generous solar access during the middle of the day. The development also benefits from generous balcony sizes which exceed minimum standards to almost all dwellings, with the orientation of balconies and separation between buildings ensuring good solar access throughout the year.

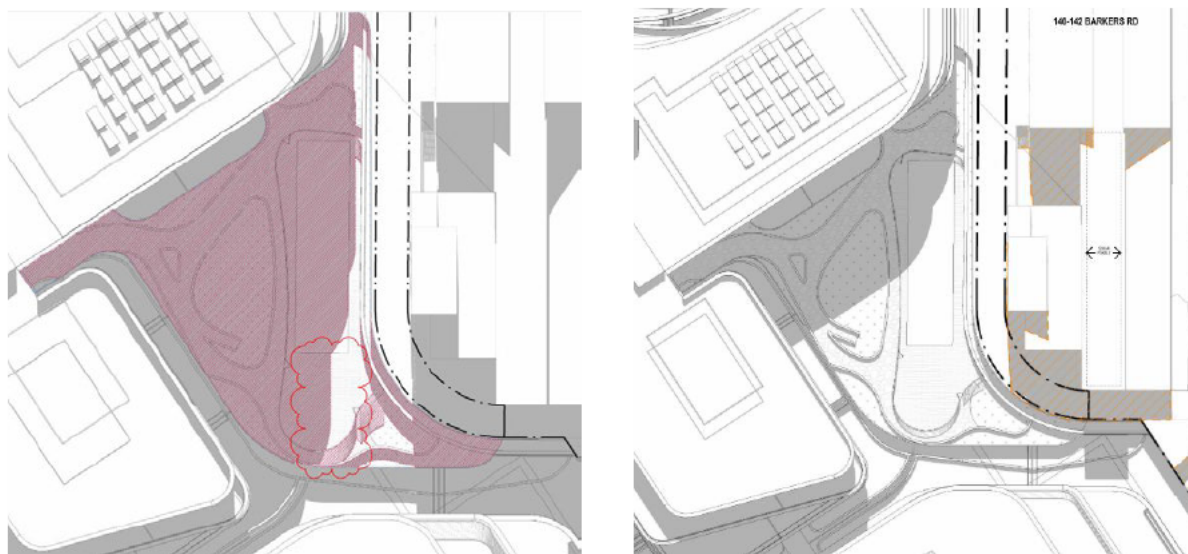


Figure 38 – Comparison of overshadowing of the communal open space at 12pm on 21 June (left) and 22 September (right), demonstrating high level of solar access in the middle of the day when pool area is more likely to be utilised.

## Public Realm

### Ground Level Activation/Public Interfaces

89. The proposal provides an appropriate level of activation at the ground level and treatment to public interfaces, in accordance with the relevant standards of Clause 58 including Standard D5 (Integration with the street) and Standard D19 (Building entry and circulation), as well as the relevant strategies of Clause 15.01-1S (Urban Design) and Clause 15.01-2S (Building design). Generally, these provisions seek to ensure that the appearance of development and their interfaces with the public realm enhance the amenity of the public realm and perceptions of safety, support safe access to walking and cycling environments and ensure publicly accessible private spaces such as forecourts and building entries are of a high standard and enable safe and efficient use. Passive surveillance is encouraged to be facilitated where interfacing public open space and street frontages but incorporating active spaces



(pedestrian entries, windows, balconies etc.), limiting blank walls and high front fencing. The Neighbourhood Character Statement (Precinct 26) also seeks to ensure that views into front gardens are retained.

90. The development positively responds to these considerations, with generous provision for tiered front landscaping below low fencing in both street frontages, which provide clear view to building entries and other active spaces (ie. indoor communal open space areas in Barkers Road frontage). While there is some solid front fencing proposed within both frontages around ground level private open spaces, this fencing is setback at least 3 metres from both frontages, occupies a very small portion of an otherwise highly activated frontage in Barkers Road and to Hawthorn Grove, the solid fencing is still a lower height of 1.5 metres above the footpath level, allowing for views into the building façade beyond. Both street frontages remain highly activated by the orientation of dwellings with ample clear glazing and expansive front balconies towards the street frontages. The publicly accessible areas of private space such as the Barkers Road forecourt/porte-cochere and main Hawthorn Grove entry are also appropriately designed to provide a high quality pedestrian experience through generous path widths, generous landscaping and a transitional front entry space that provides shelter.



Figure 39 – 3D renders demonstrating visibility of ground floor communal indoor space areas from Barkers Road (left) and the generous building entry treatment and pedestrian scale fencing to Barkers Road.



Figure 40 – Excerpt from landscape plan of generous front landscaping area and canopy tree planting in Hawthorn Grove (left) and elevation of Hawthorn Grove fencing, demonstrating all front landscaping is contained behind low height retaining walls and forward of higher private courtyard fencing.

## Public Open Space

91. The interface to the future public open space associated with the shared user path and the design of the shared user path is also appropriate for ensuring a safe and attractive pedestrian and cyclist experience, providing sufficient passive surveillance of the space from the development and preventing conflict between the building entry proposed from the shared path and movement of pedestrians and cyclists within the shared user path. The shared user path is proposed to be 3 metres wide throughout with space for buffers on the sides of the path between abutting fencing,



provides a mostly straight alignment that provides clear sightlines for at least 15 metres ahead along the path and provides formal seating at midway point of that path, where visible from the proposed building entry, which are all consistent with the Urban Design Guidelines for Victoria for pedestrian and bicycle paths.

92. In addition to the location of a secondary building entry accessed from the path to create continuous activation of the space, passive surveillance is enabled through regular placement of transparent sections of fencing which provides views between ground floor terraces and the path, as well as the orientation of dwellings and balconies overlooking the path from above. Other design treatments including varied fence heights abutting the path and provision of a varied landscaping scheme will assist in ensuring the space feels inviting despite being bordered by high obstructions to the east and west. Conditions of the planning permit will require a detailed Shared Path Plan to be prepared in consultation with the council to ensure all other matters such as lighting and signage are appropriately designed to ensure safe and efficient use of the space.

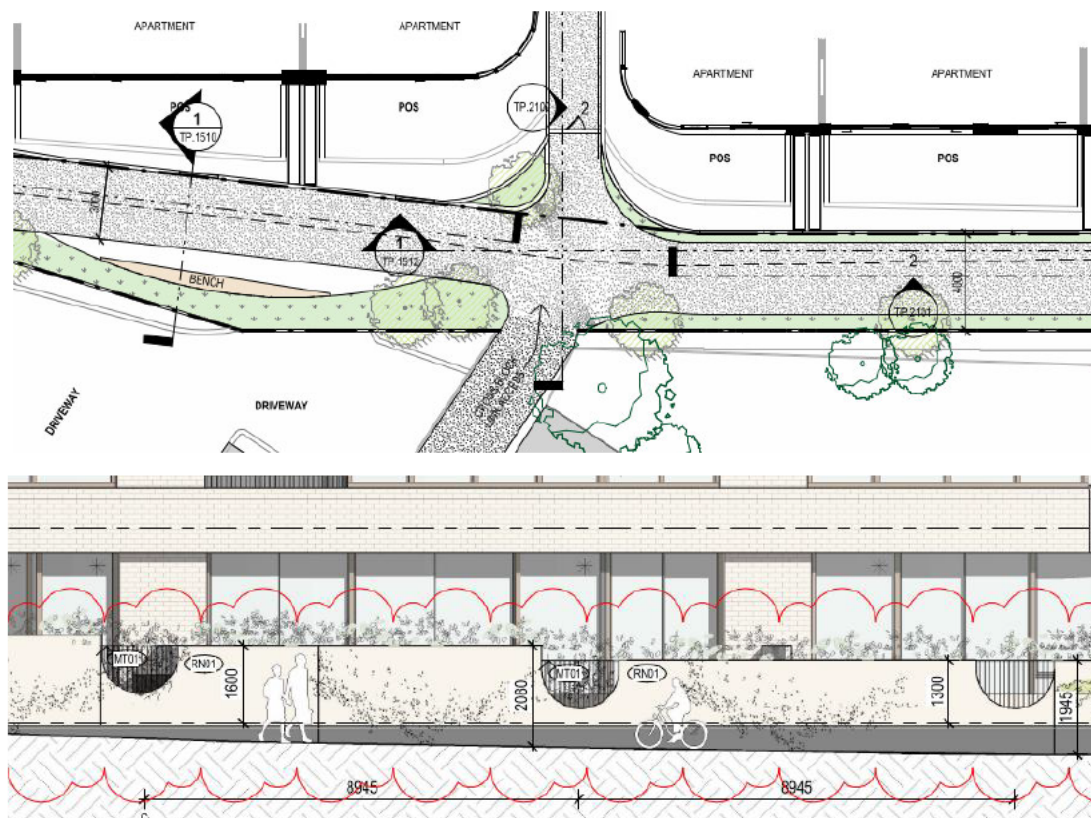


Figure 41 – Excerpt of share path plan showing proposed width, landscaping treatment and splayed courtyard fencing where the secondary building entry intersects with the path (top) and the treatment of courtyard fencing abutting the path which staggers in height and includes permeable fencing sections at regular intervals.

## Landscaping

93. The proposal provides a robust landscaping scheme across the property frontages, communal open space, shared user path and private open spaces, including the incorporation of planting into balconies and roof areas in prominent locations. The application was accompanied by a Landscape Concept Plan which outlines the proposed landscaping scheme across the development, demonstrating thoughtful design that is suited to the various areas and intended future use of the development. This includes front gardens which contribute to the 'leafy' character of both streetscapes, particularly Hawthorn Grove, with the southern frontage including three large canopy trees which will reach a height of 15 metres and canopy spread of 12 metres at maturity, consistent with the nature of tree planting within established front gardens in the heritage precinct. There are only two mature trees on site (Trees 4 and 11 per the submitted Arborist Report) which will require removal in order to facilitate the proposed shared user path, neither of which have been deemed to have a high retention value. Encroachments within the TPZ and SRZ of several street



trees and trees on neighbouring properties have also been identified however the arborist report indicates that impacts can be avoided subject to tree protection during construction and sympathetic construction measures. A condition of the planning permit will require a detailed Tree Management Plan to be submitted for endorsement to ensure this is achieved and that any modifications to the development necessary to support tree retention are implemented.

94. It is noted that a variation is sought to the deep soil requirement of Standard D10 of Clause 58.03-5 (Landscaping), with 1,175 m<sup>2</sup> of compliant deep soil planting area (15% of the site) required where only 742 m<sup>2</sup> (improved from 589 m<sup>2</sup>) in total (9.5% of the site) provided. The proposed variation is considered acceptable, as a large portion of the site that is free of the basement area is being provided for a shared path to be vested to Council, limiting capability to provide this space as deep soil planting. Despite the non-compliance, the required canopy coverage is met at 2,095 m<sup>2</sup> of a required 1,416m<sup>2</sup> (assuming trees reach mature canopy spread) including 4 large Type C trees provided in compliant deep soil planting areas (of a required 1 Type C Tree) which will contribute to the landscaping character of Hawthorn Grove's streetscape. Additionally, the landscape plan includes a memo from landscape architect confirming the species selected for non-compliant planter boxes perform well in restricted conditions due to behaviour of their root system and are therefore likely to reach near full size at maturity.

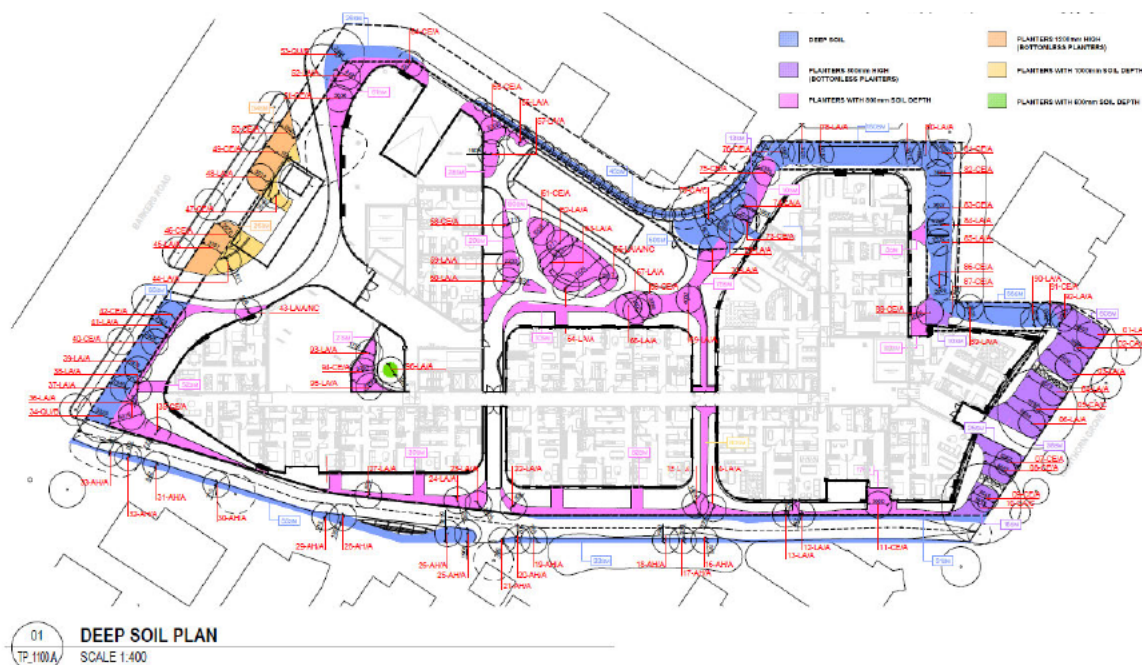


Figure 42 – Deep soil plan of the site showing areas of bottomless soil (purple and orange areas) and planting above basement that is still at least 800mm deep and appropriate for Type A tree planting (pink)

95. A condition of the planning permit will require more detailed and comprehensive landscape plan to be submitted for endorsement which will detail all relevant considerations including irrigation systems and stormwater reuse, maintenance schedules and access to upper level planting for maintenance etc.

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

### Car Parking Provision

96. The following car parking rates are relevant to the application per the current form of Table 1 of Clause 52.06-5:

Use	Rate	Amount Required	Amount Provided
Dwelling	1 space per dwelling	115 spaces	261 spaces in total



97. It is noted that under the previous version of Table 1 of Clause 52.06-5, the development required 166 resident parking spaces and 23 spaces. The changes to Table of Clause 52.06-5 mean that visitor parking spaces are no longer required however, the applicant has not elected to remove provision for visitor parking within the basement. Any parking that is to be provided for visitors will be required to be designated as such as a condition of the Traffic and Parking Management Plan.
98. The surplus of car parking provided on site is considered acceptable, when considering the larger size of the apartments (44.3% being 3 bedroom or greater) and that the site is not in a car parking requirement area where access to public transport and services warrants a restriction on the maximum number of car parking spaces that can be required. The impacts of increased vehicle movements to Barkers Road and surrounding street network as a result of the proposal have been considered by Head, Transport for Victoria who did not object to the number of car parking spaces provided and resulting vehicle movements.

### Design Standards for Car Parking

99. The development generally complies with the design standards for car parking at Clause 52.06-9, including the dimensions and grades of vehicle accessways, parking aisles, car parking spaces and passing areas, including when considering the section of laneway within private land as forming part of the vehicle access rather than as a road. As a result, the development will ensure that safe and efficient movement of vehicles to and from and within the site is provided.

### Access, Traffic Movement and Circulation


100. All vehicle access to the site is proposed via Barkers Road, including the access to the basement via a privately owned section of laneway between the site and 140-142 Barkers Road, which the site benefits from right of access over, as well as two new crossovers to provide a porte-cochere within the frontage. The proposed vehicle access arrangements are appropriate, providing an option for drop-off and pick-up movements and emergency access to the site which is impacted by a clearway zone in the frontage. All access points to Barkers Road provide separation or space for passing between entering and exiting vehicles and ensure clear view lines are maintained to oncoming traffic and pedestrian movements and are appropriately sited away from where the proposes shared user path intersects with Barkers Road.
101. The creation of the two new vehicle crossovers and the impacts of increased vehicle movements on the existing laneway access to Barkers Road have been considered by the relevant road authority, Head, Transport for Victoria who did not object to the proposal, subject to conditions to submit a Functional Layout Plan and functional stage Road Safety Audit for endorsement prior to the development commencing.

### Bicycle Facilities

102. Clause 52.34-1 of the Scheme requires bicycle parking facilities as follows:

Proposed Use	Purpose	Bicycle Parking Rate	No. of Spaces Required	No. of Spaces Provided
Dwelling	Resident	1 space / 5 dwellings	23	116
	Visitor	1 space / 10 dwellings	12	30
<b>Total</b>			<b>35</b>	<b>146</b>

103. Bicycle parking facilities are provided within Basement Level 1, including 116 spaces within a secure bicycle storage room for residents, and an open area adjacent to the Hawthorn Grove lift lobby for 30 visitor spaces, in excess of the minimum requirements. All visitor spaces are proposed as a horizontal rail, while the resident bicycle parking offers a combination of horizontal and vertical parking options. Access to bicycle parking can be facilitated via lift access, conveniently accessed from either building entry and most directly via the building entry accessed



from the proposed shared user path. A condition of the planning permit will require details such as how visitors will be directed to bicycle parking, the specific bicycle parking devices to be installed etc. to be outlined in the Traffic and Parking Management Plan to be submitted for endorsement, which will ensure safe and efficient use of onsite bicycle parking is supported.

### Loading / Unloading

104. As outlined in the submitted Traffic Engineering Assessment, the purely residential use is anticipated to have low loading demands generally only require for occasional removalist vehicles. These infrequent loading demands can be sufficiently catered to by on-street parking or within the basement level for smaller vans and trucks, or within the porte-cochere which has been designed to accommodate an ambulance vehicle (similar size to a small rigid vehicle). A condition of the planning permit will require details of how loading including use of the porte-cochere will be managed to be included in the Traffic and Parking Management Plan that is to be submitted for endorsement.

### Waste

105. The Waste Management Plan submitted with the application has appropriately considered the proposed management of all waste streams on site to meet best practice waste and recycling guidelines in accordance with Standard D24 of Clause 58.06-3 (Waste and recycling objectives) and Clause 19.03-3S (Waste and resource recovery). An individual bin room within Basement Level 1 is provided for each building, with bin chutes for general waste and recycling streams. Each bin room is of a sufficient size to accommodate the anticipated waste generation demands for each waste stream, with roller door access to the basement to enable bin collection.
106. All waste collection is to be carried out by a private contractor, within the basement. Due to low frequency of collections (twice a week) and low vehicle movements within the basement levels, a dedicate waste loading zone is not required, with trucks to prop adjacent to the bin store areas which is considered acceptable.

## Sustainability

### Environmentally Sustainable Design (ESD)

107. A Sustainability Management Plan (SMP) has been submitted with the application which outlines the proposed environmentally sustainable design (ESD) measures to be implemented on site, inclusive of a compliant BESS report (63% of a minimum 50% rating required) which demonstrates that best practice ESD is achieved, as well as compliance with Standard D6 of Clause 58.03-1 (Energy efficiency), through the following key initiatives proposed:
- Daylight to new living rooms and bedroom in excess of BESS compliance standard.
  - 7.5 star average NatHERS energy rating.
  - 16.65 kW Solar PV system on roof of the development.
  - Individual water and electricity meters for each apartment.
  - Water efficient fittings and fixtures.
  - Rainwater tanks for rainwater harvesting for reuse by toilets and landscaping irrigation.
  - Exceeding the minimum bicycle parking for residents and visitors required by the scheme.
108. A condition of the planning permit will require an amended SMP to be submitted for endorsement that is updated to reflect the amended proposal and provide further information to confirm proposed initiatives are met, such as preliminary certification for NatHERS energy ratings.



## Water Sensitive Urban Design (WSUD)

109. As part of the SMP, a STORM rating report has been prepared, demonstrating that the proposed collection and reuse of rainwater onsite meets best practice WSUD performance and mitigates the stormwater impacts of the development on the environment, in accordance with Clause 19.03-3S (Integrated water management), Clause 53.18 (Stormwater management in urban development) and Standard D13 of Clause 58.03-8 (Integrated water and stormwater management).
110. Noting that the Stormwater Management Plan indicates that separate rainwater tanks and collection/reuse systems are proposed for the two buildings, a condition of the planning permit will require an amended STORM report to show the inputs for catchment areas/occupants for reuse to be separated accordingly, as the existing report implies are shared system across the whole development and therefore may not provide an accurate STORM rating.

## Stormwater Management

111. The council requested that a condition be included on the planning permit requiring Development Stormwater Drainage Plans to be submitted to the council for approval prior to the development starting which must detail stormwater drainage requirements such as an on-site stormwater detention system, connection to the council legal point of discharge and associated computations.
112. Subject to the inclusion of this condition and the submission of an amended STORM report as described above, the proposal will result in appropriate stormwater management on site, which will not create off-site impacts as a result of the development.

## Other Matters

### Public Benefits

113. As discussed earlier in this report, the proposal incorporates a through-block link in the form of a shared user path which is proposed to be delivered by the proponent and vested to Boroondara City Council following completion of the development. Subject to the recommended permit conditions to ensure the design of the shared path provides appropriate safety and function to the space, this is considered a positive contribution and public benefit that responds to identified gaps in Boroondara's public open space network and will create opportunities for further linkage to critical bicycle routes and the Kew Junction Activity Centre as a result of future redevelopment of land to the north of the site.
114. The application is made under Clause 53.23 (Significant Residential Development with Affordable Housing) which amongst other things, seeks to facilitate residential development that includes affordable housing to meet existing and future needs. Clause 16.01-2S (Housing affordability) also seeks to deliver affordable housing areas with good access to opportunities and services. The development proposed a 3% of development cost cash contribution, which is an accepted alternative to providing 10% of dwellings on site as affordable housing which required under Category 1 of Clause 53.23. The cash contribution will be secured via a section 173 agreement as condition of the planning permit and is to be made to the Social Housing Growth Fund or any other appropriate housing fund nominated in the agreement and to the Minister's satisfaction.
115. The proposed contribution, along with the inherent benefits associated with increase the supply and diversity of housing typologies in existing well-serviced urban areas is responsive to the purpose of Clause 53.23 and strategies of Clause 16.01-2S (Housing Affordability).

# Recommendation



116. It is **recommended** that Planning Permit No. **PA2503889** for the construction of three, 6-storey apartment buildings, partly within a Heritage Overlay and alteration of access to a road in a Transport Zone 2 at 138 Barkers Road, Hawthorn be issued, subject to conditions.
117. It is **recommended** that the applicant, the council and Head, Transport for Victoria as well as all objectors 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:	██████████	Signed:	██████████
Title:	Senior Planner, Development Assessment		
Phone:	██████████	Dated:	4 March 2026

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**Reviewed / Approved by:**

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

- X No Conflict**
- Conflict and have therefore undertaken the following actions:
  - Completed the **Statutory Planning Services declaration of Conflict/Interest form.**
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Name:	██████████	Signed:	██████████
Title:	Manager, Development Assessment		
Phone:	██████████	Dated:	4/03/2026

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

## Application requirements

Clause 58.01-1	Assessment
<ul style="list-style-type: none"> <li>An application must be accompanied by:                             <ul style="list-style-type: none"> <li>An urban context report.</li> <li>A design response.</li> </ul> </li> </ul>	Complies

## Urban context report

Clause 58.01-2	Assessment
<ul style="list-style-type: none"> <li>The urban context report may use a site plan, photographs or other techniques and must include:</li> <li>An accurate description of:                             <ul style="list-style-type: none"> <li>Site shape, size, orientation and easements.</li> <li>Levels and contours of the site and the difference in levels between the site and surrounding properties.</li> <li>The location and height of existing buildings on the site and surrounding properties.</li> <li>The use of surrounding buildings.</li> <li>The location of private open space of surrounding properties and the location of trees, fences and other landscape elements.</li> <li>Solar access to the site and to surrounding properties.</li> <li>Views to and from the site.</li> <li>Street frontage features such as poles, street trees and kerb crossovers.</li> <li>The location of local shops, public transport services and public open spaces within walking distance.</li> <li>Movement systems through and around the site.</li> <li>Any other notable feature or characteristic of the site.</li> </ul> </li> <li>An assessment of the characteristics of the area including:                             <ul style="list-style-type: none"> <li>Any environmental features such as vegetation, topography and significant views.</li> <li>The pattern of subdivision.</li> <li>Street design and landscape.</li> <li>The pattern of development.</li> <li>Building form, scale and rhythm.</li> <li>Connection to the public realm.</li> <li>Architectural style, building details and materials.</li> <li>Off-site noise sources.</li> <li>The relevant NatHERS climate zones (as identified in Clause 58.03-1).</li> <li>Social and economic activity.</li> <li>Any other notable or cultural characteristics of the area.</li> </ul> </li> </ul>	<p><b>Complies</b></p> <p>The application was submitted with a comprehensive and satisfactory urban context report which appropriately describes the site's immediate and wider urban context.</p>

## Design response

Clause 58.01-3	Assessment
<ul style="list-style-type: none"> <li>The design response must explain how the proposed design:                             <ul style="list-style-type: none"> <li>Responds to any relevant planning provision that applies to the land.</li> <li>Meets the objectives of Clause 58.</li> <li>Responds to any relevant housing, urban design and landscape plan, strategy or policy set out in this scheme.</li> <li>Derives from and responds to the urban context report.</li> </ul> </li> <li>The design response must include correctly proportioned street elevations or photographs showing the development in the context of adjacent buildings. If in the opinion of the responsible authority this requirement is not relevant to the evaluation of an application, it may waive or reduce the requirement.</li> </ul>	<p><b>Complies</b></p> <p>The application was submitted with a detailed design response which details how the applications respond to the relevant planning provisions and policies applicable to both applications. The design response is appropriately supported by a variety of massing diagrams, street and internal elevations, sections and detailed 3D renders which depict the proposal in context with surrounding built form.</p>



## Urban context objectives

Clause 58.02-1	Assessment
<b>Objectives</b> <ul style="list-style-type: none"> <li>To ensure that the design responds to the existing urban context or contributes to the preferred future development of the area.</li> <li>To ensure that development responds to the features of the site and the surrounding area.</li> </ul>	<b>MET</b> The proposal appropriately responds to the existing urban context of the surrounds as detailed throughout this report.
<b>Standard D1</b> <ul style="list-style-type: none"> <li>The design response must be appropriate to the urban context and the site.</li> <li>The proposed design must respect the existing or preferred urban context and respond to the features of the site.</li> </ul>	<b>COMPLIES</b> The design response provides an appropriate response to the existing and proposed urban context, as discussed throughout this report.  The proposed siting, building heights, setbacks, architectural expression and materiality appropriately respond to the surrounding urban context of Barkers Road and the heritage context of Hawthorn Grove. The design response also includes consideration of off-site amenity impacts such as overlooking and overshadowing and the design, layout and functionality of open space.

## Residential policy objectives

Clause 58.02-2	Assessment
<b>Objectives</b> <ul style="list-style-type: none"> <li>To ensure that residential development is provided in accordance with any policy for housing in the Municipal Planning Strategy and the Planning Policy Framework.</li> <li>To support higher density residential development where development can take advantage of public and community infrastructure and services.</li> </ul>	<b>Met</b> As discussed throughout this report, the proposal supports the relevant housing policy and housing outcomes sought Boroondara Planning Scheme, including the provision of contribution towards affordable housing.
<b>Standard D2</b> <ul style="list-style-type: none"> <li>An application must be accompanied by a written statement to the satisfaction of the responsible authority that describes how the development is consistent with any relevant policy for housing in the Municipal Planning Strategy and the Planning Policy Framework.</li> </ul>	<b>Complies</b> The application was accompanied by a satisfactory written statement and affordable housing report describing how the development is consistent with relevant housing policy.

## Dwelling diversity objectives

Clause 58.02-3	Assessment
<b>Objective</b> <ul style="list-style-type: none"> <li>To encourage a range of dwelling sizes and types in developments of ten or more dwellings</li> </ul>	<b>Met</b>
<b>Standard D3</b> <ul style="list-style-type: none"> <li>Developments of ten or more dwellings should provide a range of dwelling sizes and types, including dwellings with a different number of bedrooms.</li> </ul>	<b>Complies</b> The proposal contains mostly two and three-bedroom dwellings in a range of different configurations and a small number of 1-bedroom and 4-bedroom apartments are also provided to suit a range of housing needs.  1 bedroom = 6 (5.2%) 2 bedroom = 58 (50.4%) 3 bedroom = 47 (41.7%) 4 bedroom = 3 (2.6%)



## Infrastructure objectives

Clause 58.02-4	Assessment
<b>Objectives</b> <ul style="list-style-type: none"> <li>To ensure development is provided with appropriate utility services and infrastructure.</li> <li>To ensure development does not unreasonably overload the capacity of utility services and infrastructure.</li> </ul>	<b>Met</b>
<b>Standard D4</b> <ul style="list-style-type: none"> <li>Development should be connected to reticulated services, including reticulated sewerage, drainage, electricity and gas, if available.</li> <li>Development should not unreasonably exceed the capacity of utility services and infrastructure, including reticulated services and roads.</li> <li>In areas where utility services or infrastructure have little or no spare capacity, developments should provide for the upgrading of or mitigation of the impact on services or infrastructure</li> </ul>	<b>Complies</b> <p>The development is capable of being connected to all reticulated services (excluding gas) and any necessary upgrades to services and utilities will be attended to at the direction of the relevant service authority.</p> <p>The proposal's impacts on the road and public transport infrastructure has also been considered, with no objection raised by Head, Transport for Victoria regarding impacts to Barkers Road.</p>

## Integration with the street objective

Clause 58.02-5	Assessment
<b>Objective</b> <ul style="list-style-type: none"> <li>To integrate the layout of development with the street.</li> </ul>	<b>Met</b>
<b>Standard D5</b> <ul style="list-style-type: none"> <li>Developments should be oriented to front existing and proposed streets.</li> <li>Along street frontage, development should:               <ul style="list-style-type: none"> <li>Incorporate pedestrian entries, windows, balconies or other active spaces.</li> <li>Limit blank walls.</li> <li>Limit high front fencing, unless consistent with the existing urban context.</li> <li>Provide low and visually permeable front fences, where proposed.</li> <li>Conceal car parking and internal waste collection areas from the street. adequate vehicle and pedestrian links that maintain or enhance local accessibility.</li> </ul> </li> <li>Development next to existing public open space should be designed to complement the open space and facilitate passive surveillance.</li> </ul>	<b>Complies</b> <p>The proposal has appropriately considered the integration of the development with the surrounding external street network to Barkers Road and Hawthorn Grove, as well as the internal shared user path along the western boundary that is to be publicly vested.</p> <p>High fencing is well setback from both street frontages behind lower raised planters/retaining walls. Higher fencing within the Barkers Road and Hawthorn Grove frontages is limited to private terraces and at heights consistent with fencing within the surrounds (1.4m – 1.6m approx.).</p> <p>Both the Barkers Road and Hawthorn Grove frontages are highly active through the location of building entries and communal indoor spaces, ground floor private open spaces and ample outlook from balconies and windows on all upper floor levels above.</p> <p>All car parking and waste collection areas are concealed within the basement and the entry well concealed from the street, accessed via the existing right of way to the east of the site. While the porte-cochere is located within the Barkers Road frontage, landscaping and paving selection/incorporation with building entry assist in disguising its appearance as a car parking area within the frontage.</p> <p>The interface to the future public shared user path</p>

along the western boundary is designed to allow for clear sightlines and utilises changes in fence height, materiality and regularly placed permeable fence sections to limit the appearance of blank walls and enable passive surveillance from ground floor private open spaces, which is complemented by passive surveillance enabled from windows and balconies on western upper floor levels.

## Energy efficiency objectives

Clause 58.03-1	Assessment																	
<p><b>Objectives</b></p> <ul style="list-style-type: none"> <li>To achieve and protect energy efficient dwellings and buildings.</li> <li>To ensure the orientation and layout of development reduce fossil fuel energy use and make appropriate use of daylight and solar energy.</li> <li>To ensure dwellings achieve adequate thermal efficiency.</li> </ul>	<p><b>Met</b></p>																	
<p><b>Standard D6</b></p> <ul style="list-style-type: none"> <li>Buildings should be: <ul style="list-style-type: none"> <li>Oriented to make appropriate use of solar energy.</li> <li>Sited and designed to ensure that the energy efficiency of existing dwellings on adjoining lots is not unreasonably reduced.</li> </ul> </li> <li>Living areas and private open space should be located on the north side of the development, if practicable.</li> <li>Developments should be designed so that solar access to north-facing windows is optimised.</li> <li>Dwellings located in a climate zone identified in Table D1 should not exceed the maximum NatHERS annual cooling load specified in the following table.</li> </ul> <table border="1"> <caption>Table D1 Cooling load</caption> <thead> <tr> <th>NatHERS climate zone</th> <th>NatHERS maximum cooling load MJ/M<sup>2</sup> per annum</th> </tr> </thead> <tbody> <tr> <td>Climate zone 21 Melbourne</td> <td>30</td> </tr> <tr> <td>Climate zone 22 East Sale</td> <td>22</td> </tr> <tr> <td>Climate zone 27 Mildura</td> <td>69</td> </tr> <tr> <td>Climate zone 60 Tullamarine</td> <td>22</td> </tr> <tr> <td>Climate zone 62 Moorabbin</td> <td>21</td> </tr> <tr> <td>Climate zone 63 Warrnambool</td> <td>21</td> </tr> <tr> <td>Climate zone 64 Cape Otway</td> <td>19</td> </tr> <tr> <td>Climate zone 66 Ballarat</td> <td>23</td> </tr> </tbody> </table> <p><b>Note:</b></p> <ul style="list-style-type: none"> <li>Refer to NatHERS zone map, Nationwide House Energy Rating Scheme (Commonwealth Department of Environment and Energy).</li> </ul>		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
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	<p><b>Complies, subject to conditions</b></p> <p>The Sustainability Management Plan submitted with the application demonstrates that appropriate levels of daylight access are achieved for future building occupants with 92% of living rooms and 91% of bedrooms (of a required 80%) complying with the BESS daylight standard. A condition of the planning permit will require an updated BESS report to be submitted for endorsement as part of the SMP that reflects the amended proposal however, it is anticipated a similar degree of compliance will continue to be met, with the modifications generally improving daylight access to apartments.</p> <p>The energy efficiency of dwellings on adjoining lots will also not be unreasonably reduced, as the proposal does not overshadow any roof-top solar energy facilities and does not create unreasonable overshadowing or loss of solar access to adjoining properties.</p> <p>The site is located within climate zone 21, the SMP submitted with the application confirms that confirms that the maximum NatHERS annual cooling load of 30 will not be exceeded by any of the buildings.</p>																	

## Communal open space objective

Clause 58.03-2	Assessment
<p><b>Objectives</b></p> <ul style="list-style-type: none"> <li>To provide communal open space that meets the recreation and</li> </ul>	<p><b>Met</b></p>



<p>amenity needs of residents.</p> <ul style="list-style-type: none"> <li>To ensure that communal open space is accessible, practical, attractive, easily maintained.</li> <li>To ensure that communal open space is integrated with the layout of the development and enhances resident amenity.</li> </ul>	
<p><b>Standard D7</b></p> <ul style="list-style-type: none"> <li>A development of 10 or more dwellings should provide a minimum area of communal outdoor open space of 30 square metres.</li> <li>If a development contains 13 or more dwellings, the development should also provide an additional minimum area of communal open space of 2.5 square metres per dwelling or 220 square metres, whichever is the lesser. This additional area may be indoors or outdoors and may consist of multiple separate areas of communal open space.</li> <li>Each area of communal open space should be:             <ul style="list-style-type: none"> <li>Accessible to all residents.</li> <li>A useable size, shape and dimension.</li> <li>Capable of efficient management.</li> <li>Located to:                 <ul style="list-style-type: none"> <li>Provide passive surveillance opportunities, where appropriate.</li> <li>Provide outlook for as many dwellings as practicable.</li> <li>Avoid overlooking into habitable rooms and private open space of new dwellings.</li> <li>Minimise noise impacts to new and existing dwellings.</li> </ul> </li> </ul> </li> <li>Any area of communal outdoor open space should be landscaped and include canopy cover and trees.</li> </ul>	<p><b>Complies</b></p> <p>The proposal complies with the standard, providing the following amount of communal open space:</p> <p>Outdoor open space: 768m<sup>2</sup> total (707m<sup>2</sup> main pool area, 61m<sup>2</sup> Building B internal courtyard) Indoor open space: 506m<sup>2</sup> total</p> <p>Total communal open space = 1,274m<sup>2</sup> Required = 30m<sup>2</sup> outdoor and 220m<sup>2</sup> indoor/outdoor</p> <p>Communal open space areas are accessible to all residents and of a generous size suited for the intended future use. The location of all communal open spaces on the ground floor and easily accessed from primary entries allows for efficient management.</p> <p>Passive surveillance of the outdoor communal open spaces is afforded by ground floor private open spaces and upper floor dwellings/balconies providing outlook to the space due the central location, with landscape buffers and fencing used to ensure views and transmission of noise from the outdoor communal open space and private dwellings is mitigated. Indoor communal open spaces have clear glazing fronting the street or outdoor communal open spaces (Building B) or double as a thoroughfare through the building (Building HG).</p> <p>The outdoor communal open spaces are generously landscaped, including ample provision of canopy cover.</p>

**Solar access to communal outdoor open space objective**

<p><b>Clause 58-03-3</b></p>	<p><b>Assessment</b></p>
<p><b>Objective</b></p> <ul style="list-style-type: none"> <li>To allow solar access into communal outdoor open space</li> </ul>	<p><b>Met</b></p>
<p><b>Standard D8</b></p> <ul style="list-style-type: none"> <li>The communal outdoor open space should be located on the north side of a building, if appropriate.</li> <li>At least 50 per cent or 125 square metres, whichever is the lesser, of the primary communal outdoor open space should receive a minimum of two hours of sunlight between 9am and 3pm on 21 June.</li> </ul>	<p><b>Does not comply – variation accepted</b></p> <p>The communal indoor open space of Building B are located to the north of the building.</p> <p>The proposal does not comply with the standard as the main outdoor communal open space only achieves the following area free of overshadowing on 21 June, of a required 125m<sup>2</sup> throughout the day:</p> <p>9am: 0m<sup>2</sup> free of shadow 10am: 70.6m<sup>2</sup> free of shadow 11am: 219.5m<sup>2</sup> free of shadow</p>



12pm: 94m<sup>2</sup> free of shadow  
 1pm: 3.1m<sup>2</sup> free of shadow  
 2pm: 0m<sup>2</sup> free of shadow  
 3pm: 0m<sup>2</sup> free of shadow

This variation is considered acceptable, noting that the development only falls slightly short of complying with the hours of 10am and 12pm receiving compliant or nearly compliant solar access. The outdoor communal open space is also predominantly reserved for landscaping that cannot be occupied and an outdoor pool which is unlikely to be highly utilised in the middle of winter. The areas which receive solar access between 10am and 12pm includes at least one of the three outdoor seating areas and at other times of the year where the pool is more likely to be utilised, the communal open space receives generous solar access during the middle of the day. The development also benefits from generous balcony sizes which exceed minimum standards to almost all dwellings, with the orientation of balconies and separation between buildings ensuring good solar access throughout the year.

It's therefore considered that solar access to the communal open space is appropriate.

**Safety objective**

Clause 58.03-4	Assessment
<b>Objective</b> <ul style="list-style-type: none"> <li>To ensure the layout of development provides for the safety and security of residents and property</li> </ul>	<b>Met</b>
<b>Standard D9</b> <ul style="list-style-type: none"> <li>Entrances to dwellings should not be obscured or isolated from the street and internal accessways.</li> <li>Planting which creates unsafe spaces along streets and accessways should be avoided.</li> <li>Developments should be designed to provide good lighting, visibility and surveillance of car parks and internal accessways.</li> <li>Private spaces within developments should be protected from inappropriate use as public thoroughfares.</li> </ul>	<b>Complies subject to conditions</b> <p>Each building entry (and two separate dwelling entries in Building HG) is directly oriented and accessible from either Barkers Road or Hawthorn Grove in visible locations and facilitated by generous and accessible pedestrian paths.</p> <p>All other dwelling entries are access securely within the building.</p> <p>Secondary access to the buildings and access through the site is provide via the proposed western shared user path which subject to conditions regarding the final design and specifications of landscaping, lighting etc. ensure that clear visibility and safety of the shared user path and secondary building entry is provided.</p> <p>Secure entry points are used across the development to limit access to the buildings/certain areas of the buildings for intended future residents. Fencing and landscaping buffers are used in order to provide appropriate security between public or communal areas and private open spaces.</p>

## Landscaping objectives

Clause 58.03-5	Assessment												
<p><b>Objectives</b></p> <ul style="list-style-type: none"> <li>To provide landscaping that supports the existing or preferred urban context of the area and reduces the visual impact of buildings on the streetscape.</li> <li>To preserve existing canopy cover and support the provision of new canopy cover.</li> <li>To ensure landscaping is climate responsive, supports biodiversity, wellbeing and amenity and reduces urban heat.</li> </ul>	<p><b>Met</b></p>												
<p><b>Standard D10</b></p> <ul style="list-style-type: none"> <li>Development should retain existing trees and canopy cover.</li> <li>Development should provide for the replacement of any significant trees that have been removed in the 12 months prior to the application being made.</li> <li>Development should: <ul style="list-style-type: none"> <li>Provide the canopy cover and deep soil areas specified in Table D2. Existing trees can be used to meet the canopy cover requirements of Table D2.</li> <li>Provide canopy cover through canopy trees that are: <ul style="list-style-type: none"> <li>Located in an area of deep soil specified in Table D3. Where deep soil cannot be provided trees should be provided in planters specified in Table D3.</li> <li>Consistent with the canopy diameter and height at maturity specified in Table D4.</li> <li>Located in communal outdoor open space or common areas or street frontages.</li> </ul> </li> <li>Comprise smaller trees, shrubs and ground cover, including flowering native species.</li> <li>Include landscaping, such as climbing plants or smaller plants in planters, in the street frontage and in outdoor areas, including communal outdoor open space.</li> <li>Shade outdoor areas exposed to summer sun through landscaping or shade structures and use paving and surface materials that lower surface temperatures and reduce heat absorption.</li> <li>Be supported by irrigation systems which utilise alternative water sources such as rainwater, stormwater and recycled water.</li> <li>Protect any predominant landscape features of the area.</li> <li>Take into account the soil type and drainage patterns of the site.</li> <li>Provide a safe, attractive and functional environment for residents.</li> <li>Specify landscape themes, vegetation (location and species), irrigation systems, paving and lighting.</li> <li>Specify landscape themes, vegetation (location and species), irrigation systems, paving and lighting.</li> </ul> </li> </ul>	<p><b>Does not comply – variation accepted</b></p> <p>Required Deep Soil: 1,175m<sup>2</sup> and at least one Type C tree or two Type B trees.</p> <p>Provided: 742m<sup>2</sup> (improved from 589m<sup>2</sup>) in total and only 382m<sup>2</sup> that is compliant regarding planter depth/width or 9.5% of a required 15% site area. Four Type C trees and two Type B trees are provided.</p> <p>The proposed variation is considered acceptable, as a large portion of the site that is free of the basement area is being provided for a shared path to be vested to Council and that the required canopy coverage is met at 2,095m<sup>2</sup> of a required 1,416m<sup>2</sup> (assuming trees reach mature canopy spread) including 4 large Type C trees provided in compliant deep soil planting areas which will contribute to the landscaping character of Hawthorn Grove's streetscape. Additionally, the landscape plan includes a memo from landscape architect confirming the species selected for non-compliant planter boxes perform well in restricted conditions due to behaviour of their root system and are therefore likely to reach near full size at maturity.</p> <p>The proposal provides a robust landscaping scheme across public and communal open spaces, street frontages and private open spaces at both the ground plane and at upper levels, including incorporation of rooftop and balustrade planting in prominent locations. Plant selections support biodiversity, incorporate native species and will be supported by irrigation from rainwater tank reuse on site.</p>												
<p><b>Table D2 Canopy cover and deep soil requirements</b></p>													
<table border="1"> <thead> <tr> <th data-bbox="67 1612 279 1680">Site area (sqm)</th> <th data-bbox="279 1612 630 1680">Canopy cover</th> <th data-bbox="630 1612 912 1680">Deep soil</th> </tr> </thead> <tbody> <tr> <td data-bbox="67 1680 279 1803">1000 square metres or less</td> <td data-bbox="279 1680 630 1803">5% of site area Include at least 1 Type A tree</td> <td data-bbox="630 1680 912 1803">5% of site area or 12 square metres whichever is the greater</td> </tr> <tr> <td data-bbox="67 1803 279 1960">1001 – 1500 square metres</td> <td data-bbox="279 1803 630 1960">50 square metres plus 20% of site area above 1,000 square metres Include at least 1 Type B tree</td> <td data-bbox="630 1803 912 1960">7.5% of site area</td> </tr> <tr> <td data-bbox="67 1960 279 2011">1501 - 2500</td> <td data-bbox="279 1960 630 2011">150 square metres plus 20% of site area above</td> <td data-bbox="630 1960 912 2011">10% of site area</td> </tr> </tbody> </table>		Site area (sqm)	Canopy cover	Deep soil	1000 square metres or less	5% of site area Include at least 1 Type A tree	5% of site area or 12 square metres whichever is the greater	1001 – 1500 square metres	50 square metres plus 20% of site area above 1,000 square metres Include at least 1 Type B tree	7.5% of site area	1501 - 2500	150 square metres plus 20% of site area above	10% of site area
Site area (sqm)	Canopy cover	Deep soil											
1000 square metres or less	5% of site area Include at least 1 Type A tree	5% of site area or 12 square metres whichever is the greater											
1001 – 1500 square metres	50 square metres plus 20% of site area above 1,000 square metres Include at least 1 Type B tree	7.5% of site area											
1501 - 2500	150 square metres plus 20% of site area above	10% of site area											



square metres	1,500 square metres Include at least 2 Type B trees or 1 Type C tree
2500 square metres or more	350 square metres plus 15% of site area 20% of site area above 2,500 square metres Include at least 2 Type B trees or 1 Type C tree

**Table D3 Soil requirements for trees**

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

**Note:**

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

**Table D4 Tree types**

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

## Access objectives

Clause 58.03-6	Assessment
<b>Objectives</b> <ul style="list-style-type: none"> <li>• To ensure that vehicle crossovers are designed and located to provide safe access for pedestrians, cyclists and other vehicles.</li> <li>• To ensure the vehicle crossovers are designed and located to minimise visual impact.</li> </ul>	<b>Met</b>
<b>Standard D11</b> <ul style="list-style-type: none"> <li>• Vehicle crossovers should be minimised.</li> <li>• Car parking entries should be consolidated, minimised in size, integrated with the façade and where practicable located at the side or rear of the building.</li> <li>• Pedestrian and cyclist access should be clearly delineated from vehicle access.</li> <li>• The location of crossovers should maximise pedestrian safety and the retention of on-street car parking spaces and street trees.</li> <li>• Developments must provide for access for service, emergency and delivery vehicles.</li> </ul>	<b>Complies</b> <p>The porte cochere vehicle crossings to Barkers Road take up only 11.9% of the site's frontage width and the primary vehicle access utilises the existing laneway and its crossover to Barkers Road. The primary car parking entrance is located to the side of the building and minimally visible from Barkers Road.</p> <p>Pedestrian access to the Barkers Street entrance is integrated kerb-free into the porte-cochere, with different paving selections used to clearly delineate</p>



pedestrian-only and shared zones within the frontage. Separate access to bicycle parking in the basement for cyclists is also provided via the building entry from the shared user path.

The crossovers are well spaced away from the main pedestrian entry and low retaining walls/landscaping is utilised to provide clear view of vehicles exiting the site. The siting of the crossovers can also enable retention of two existing street trees, subject to tree protection measures to be outlined in a Tree Management Plan via conditions.

## Parking location objectives

Clause 58.03-7	Assessment
<b>Objectives</b> <ul style="list-style-type: none"> <li>To provide convenient parking for resident and visitor vehicles.</li> <li>To protect residents from vehicular noise within developments.</li> </ul>	Met
<b>Standard D12</b> <ul style="list-style-type: none"> <li>Car parking facilities should:               <ul style="list-style-type: none"> <li>Be reasonably close and convenient to dwellings.</li> <li>Be secure.</li> <li>Be well ventilated if enclosed.</li> </ul> </li> <li>Shared accessways or car parks of other dwellings should be located at least 1.5 metres from the windows of habitable rooms. This setback may be reduced to 1 metre where there is a fence at least 1.5 metres high or where window sills are at least 1.4 metres above the accessway.</li> </ul>	<b>Does not comply – variation accepted</b> The residential car parks in Basement Levels 1 and 2 are directly accessible for all residents via lift and stairwell for each building and will be securely accessible at the entry and within the basement for different users (ie. HG building has secure section of basement, with secure garage located within this area as well).  The access way is within 1 metre of a habitable room window at the upper floors of Building B (Apartment B106) however a solid wall extends the length of B1. The submitted acoustic report has considered the impact of the vehicle access gates noise on proximate apartments above and has found that compliant noise levels can be achieved, subject to final specifications regarding glazing and vehicle access gates etc

## Integrated water and stormwater management objectives

Clause 58.03-8	Assessment
<b>Objectives</b> <ul style="list-style-type: none"> <li>To encourage the use of alternative water sources such as rainwater, stormwater and recycled water.</li> <li>To facilitate stormwater collection, utilisation and infiltration within the development.</li> <li>To encourage development that reduces the impact of stormwater run-off on the drainage system and filters sediment and waste from stormwater prior to discharge from the site.</li> </ul>	Met
<b>Standard D13</b> <ul style="list-style-type: none"> <li>Buildings should be designed to collect rainwater for non-drinking purposes such as flushing toilets, laundry appliances and garden use.</li> <li>Buildings should be connected to a non-potable dual pipe reticulated water supply, where available from the water authority.</li> <li>The stormwater management system should be:               <ul style="list-style-type: none"> <li>Designed to meet the current best practice performance objectives for stormwater quality as contained in the Urban Stormwater - Best Practice Environmental Management Guidelines (Victorian Stormwater Committee, 1999).</li> </ul> </li> </ul>	<b>Complies, subject to conditions</b>  The application has been accompanied by a STORM rating report (forming part of the Sustainability Management Plan) and Stormwater Management Plan demonstrating that stormwater run-off from roof and terrace areas can be collected into rainwater tanks and reused for toilet flushing and irrigation and achieve a compliant STORM rating, with suitable filtration system to be used for runoff from terraces



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

(trafficable surfaces).

Noting that the Stormwater Management Plan indicates that separate rainwater tanks and collection/reuse systems are proposed for the two buildings, a condition of the planning permit will require an amended STORM report to show the inputs for catchment areas/occupants for reuse to be separated accordingly, as the existing report implies are shared system across the whole development and therefore may not provide an accurate STORM rating.

## Building setback objectives

Clause 58.04-1	Assessment
<p><b>Objectives</b></p> <ul style="list-style-type: none"> <li>• <i>To ensure the setback of a building from a boundary appropriately responds to the existing urban context or contributes to the preferred future development of the area.</i></li> <li>• <i>To allow adequate daylight into new dwellings.</i></li> <li>• <i>To limit views into habitable room windows and private open space of new and existing dwellings.</i></li> <li>• <i>To provide a reasonable outlook from new dwellings.</i></li> <li>• <i>To ensure the building setbacks provide appropriate internal amenity to meet the needs of residents.</i></li> </ul>	<p><b>Met</b></p>
<p><b>Standard D14</b></p> <ul style="list-style-type: none"> <li>• <i>The built form of the development must respect the existing or preferred urban context and respond to the features of the site.</i></li> <li>• <i>Buildings should be set back from side and rear boundaries, and other buildings within the site to:</i> <ul style="list-style-type: none"> <li>○ <i>Ensure adequate daylight into new habitable room windows.</i></li> <li>○ <i>Avoid direct views into habitable room windows and private open space of new and existing dwellings. Developments should avoid relying on screening to reduce views.</i></li> <li>○ <i>Provide an outlook from dwellings that creates a reasonable visual connection to the external environment.</i></li> <li>○ <i>Ensure the dwellings are designed to meet the objectives of Clause 58.</i></li> </ul> </li> </ul>	<p><b>Complies</b></p> <p>As discussed throughout this report, the proposed built form massing, including setbacks, is generally responsive to the surrounding urban context while allowing for appropriate intensification onsite in response to its strategic development potential. The massing and setbacks as a result of the amended proposal achieve a built form outcome that is appropriately sensitive to the lower heights and more sensitive heritage streetscape to the south on Hawthorn Grove and adjoining residential properties to the east and west, appropriately concentrating the more expansive bulk towards the less sensitive Barkers Road arterial road interface.</p> <p>The development has been appropriately setback from side boundaries and between buildings to limit direct and downward views into habitable room windows and private open spaces and minimise reliance on comprehensive high screening to new habitable room windows. Where preventing direct overlooking or downward views within 9 metres into sensitive interfaces cannot be achieved by setbacks alone, a range of overlooking treatments have been utilised across the development which strike an appropriate balance of restricting views but still allowing for high amenity outlook and solar access for new dwellings. The layout of buildings and dwellings on site has also generally sought to maximise orientation of and outlook from main living spaces towards street frontages, the communal open space or shared path, rather than towards adjoining SPOS areas or other buildings on site.</p>



The setback and massing of the development also ensures compliance with Standard B4-3 (Overshadowing secluded open space) of Clause 55 (the standards which would be applicable if the development did not exceed the mandatory 3 storey building height) would be achieved. All adjoining secluded private open spaces will continue to have an area of at least 25m<sup>2</sup> that is at least 3m wide receive solar access for 5 consecutive hours between 9am and 3pm on 22 September or, where existing conditions are already non-compliant at 11 Hawthorn Grove, no additional overshadowing occurs after 9am to its primary northern SPOS area. As noted below,

**Overlooking external**

- 04 Apartment eastern living to be screened to full 1.7m height since it's a secondary window, 303 terrace eastern overlooking also further reduced, alternate screening to 103 and 203 eastern terrace to keep views within 9m to adjoining fence height

**Overlooking internal**

Generally complies, need to provide details of all overlooking screening devices (ie. floor to ceiling battens used on B13 apartment terraces to restrict views in to H01 types. Provide internal overlooking diagram for the B and H building internal interface as well to clearly demonstrate this.

**Daylight to existing windows**

7 Hawthorn Grove = 3<sup>rd</sup> storey podium is 12.1m high = 6.05m setback (achieved), 4<sup>th</sup> storey = 15.46m high = 7.73m setback (achieved), 5<sup>th</sup> storey = 18.8m high = 9.4m setback (achieved), 6<sup>th</sup> storey = 21.31m high = 10.515m setback (achieved)

11 Hawthorn Grove = 3<sup>rd</sup> storey podium is 11.3m high = 5.515m setback (achieved) 4<sup>th</sup> storey = 14m = 7m setback (achieved) 5<sup>th</sup> storey = 17.3m, 8.65m setback (achieved), 6<sup>th</sup> storey = 20.72 = 10.35m setback (achieved)

**Internal views objective**

Clause 58.04-2	Assessment
<b>Objective</b> <ul style="list-style-type: none"> <li>To limit views into the private open space and habitable room windows of dwellings within a development.</li> </ul>	Met
<b>Standard D15</b> <ul style="list-style-type: none"> <li>Windows and balconies should be designed to prevent overlooking of more than 50 per cent of the private open space of a lower-level dwelling directly below and within the same development.</li> </ul>	<b>Complies</b>  Dwellings and their balconies have been appropriately sited to ensure that downward views into private open spaces are restricted and where required, screening devices are utilised to ensure that more than 50% of



lower-level private open spaces are not overlooked from upper floor dwellings of the building on site.

## Noise impacts objectives

Clause 58.04-3	Assessment																		
<p><b>Objectives</b></p> <ul style="list-style-type: none"> <li>To contain noise sources in developments that may affect existing dwellings.</li> <li>To protect residents from external and internal noise sources.</li> </ul>	<p><b>Met</b></p>																		
<p><b>Standard D16</b></p> <ul style="list-style-type: none"> <li>Noise sources, such as mechanical plants should not be located near bedrooms of immediately adjacent existing dwellings.</li> <li>The layout of new dwellings and buildings should minimise noise transmission within the site.</li> <li>Noise sensitive rooms (such as living areas and bedrooms) should be located to avoid noise impacts from mechanical plants, lifts, building services, non-residential uses, car parking, communal areas and other dwellings.</li> <li>New dwellings should be designed and constructed to include acoustic attenuation measures to reduce noise levels from off-site noise sources.</li> <li>Buildings within a noise influence area specified in Table D3 should be designed and constructed to achieve the following noise levels:               <ul style="list-style-type: none"> <li>Not greater than 35dB(A) for bedrooms, assessed as an LAeq,8h from 10pm to 6am.</li> <li>Not greater than 40dB(A) for living areas, assessed LAeq,16h from 6am to 10pm.</li> </ul> </li> <li>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.</li> <li>Noise levels should be assessed in unfurnished rooms with a finished floor and the windows closed.</li> </ul>	<p><b>Complies subject to conditions</b></p> <p>The subject site is not located within proximity to a noise influence area per Table D5, though is located on a Transport Zone 2 road.</p> <p>An acoustic report submitted with the application has found that noise from the main road and adjoining commercial building at 142-144 Barkers Road would not create unreasonable noise impacts to future resident, subject to design specifications for glazing etc. which are to be determined at detailed design stage.</p> <p>Similarly, noise from the mechanical plant associated with the development is anticipated to be able to be limited to ensure compliant noise levels can be maintained for existing dwellings and future dwellings on site, subject to specifications at detailed design stage.</p> <p>A condition of the planning permit will require an amended acoustic report to be submitted before the development commences, specifying any of these design requirements, and will ensure they are implemented on site.</p> <p>These measures, combined with the fully residential use of the development means that it is not anticipated that unreasonable noise impacts will occur for existing surrounding or future onsite residents.</p>																		
<p><b>Table D5 Noise influence area</b></p>																			
<table border="1"> <thead> <tr> <th data-bbox="67 1263 592 1301">Noise source</th> <th data-bbox="592 1263 1516 1301">Noise influence area</th> </tr> </thead> <tbody> <tr> <td colspan="2" data-bbox="67 1301 1516 1339"><b>Zone interface</b></td> </tr> <tr> <td data-bbox="67 1339 592 1435">Industry</td> <td data-bbox="592 1339 1516 1435">300 metres from the Industrial 1, 2 and 3 zone boundary</td> </tr> <tr> <td colspan="2" data-bbox="67 1435 1516 1473"><b>Roads</b></td> </tr> <tr> <td data-bbox="67 1473 592 1570">Freeways, tollways and other roads carrying 40,000 Annual Average Daily Traffic Volume</td> <td data-bbox="592 1473 1516 1570">300 metres from the nearest trafficable lane</td> </tr> <tr> <td colspan="2" data-bbox="67 1570 1516 1608"><b>Railways</b></td> </tr> <tr> <td data-bbox="67 1608 592 1704">Railway servicing passengers in Victoria</td> <td data-bbox="592 1608 1516 1704">80 metres from the centre of the nearest track</td> </tr> <tr> <td data-bbox="67 1704 592 1800">Railway servicing freight outside Metropolitan Melbourne</td> <td data-bbox="592 1704 1516 1800">80 metres from the centre of the nearest track</td> </tr> <tr> <td data-bbox="67 1800 592 1883">Railway servicing freight in Metropolitan Melbourne</td> <td data-bbox="592 1800 1516 1883">135 metres from the centre of the nearest track</td> </tr> </tbody> </table>		Noise source	Noise influence area	<b>Zone interface</b>		Industry	300 metres from the Industrial 1, 2 and 3 zone boundary	<b>Roads</b>		Freeways, tollways and other roads carrying 40,000 Annual Average Daily Traffic Volume	300 metres from the nearest trafficable lane	<b>Railways</b>		Railway servicing passengers in Victoria	80 metres from the centre of the nearest track	Railway servicing freight outside Metropolitan Melbourne	80 metres from the centre of the nearest track	Railway servicing freight in Metropolitan Melbourne	135 metres from the centre of the nearest track
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<p><b>Note:</b> The noise influence area should be measured from the closest part of the building to the noise source.</p>																			



## Wind impacts objective

Clause 58.04-4	Assessment				
<b>Objective</b> <ul style="list-style-type: none"> <li>To ensure the built form, design and layout of development does not generate unacceptable wind impacts within the site or on surrounding land.</li> </ul>	Met				
<b>Standard D17</b> <ul style="list-style-type: none"> <li>Development of five or more storeys, excluding a basement should:               <ul style="list-style-type: none"> <li>not cause unsafe wind conditions specified in Table D6 in public land, publicly accessible areas on private land, private open space and communal open space; and</li> <li>achieve comfortable wind conditions specified in Table D6 in public land and publicly accessible areas on private land within a distance of half the greatest length of the building, or half the total height of the building measured outwards on the horizontal plane from the ground floor building façade, whichever is greater.</li> </ul> </li> <li>Trees and landscaping should not be used to mitigate wind impacts. This does not apply to sitting areas, where trees and landscaping may be used to supplement fixed wind mitigation elements.</li> <li>Wind mitigation elements, such as awnings and screens should be located within the site boundary, unless consistent with the existing urban context or preferred future development of the area.</li> </ul> <p style="text-align: center;"><b>Table D6 Wind conditions</b></p> <table border="1"> <thead> <tr> <th>Unsafe</th> <th>Comfortable</th> </tr> </thead> <tbody> <tr> <td>Annual maximum 3 second gust wind speed exceeding 20 metres per second with a probability of exceedance of 0.1% considering at least 16 wind directions.</td> <td>           Hourly mean wind speed or gust equivalent mean speed (3 second gust wind speed divided by 1.85), from all wind directions combined with probability of exceedance less than 20% of the time, equal to or less than:           <ul style="list-style-type: none"> <li>3 metres per second for sitting areas,</li> <li>4 metres per second for standing areas,</li> <li>5 metres per second for walking areas.</li> </ul> </td> </tr> </tbody> </table>	Unsafe	Comfortable	Annual maximum 3 second gust wind speed exceeding 20 metres per second with a probability of exceedance of 0.1% considering at least 16 wind directions.	Hourly mean wind speed or gust equivalent mean speed (3 second gust wind speed divided by 1.85), from all wind directions combined with probability of exceedance less than 20% of the time, equal to or less than: <ul style="list-style-type: none"> <li>3 metres per second for sitting areas,</li> <li>4 metres per second for standing areas,</li> <li>5 metres per second for walking areas.</li> </ul>	<b>Complies subject to conditions</b> <p>A wind impact assessment was submitted with the application, which considered the wind impacts to surrounding public land, publicly accessible areas on private land and private and communal open spaces, using a desktop assessment.</p> <p>The report considered that safety and comfort criteria of Table D6 for standing (at main building entry and communal open space) and walking (publicly accessible areas and terraces) can be achieved though some mitigation measures included dense vegetation at the north-east and north-west corners of the development and a 2 metre tall porous fence along part of the pool area.</p> <p>It is acknowledged that the amended proposal is no longer consistent with the building massing used in this assessment and that the assessment recommended further analysis using a wind tunnel model at detailed design stage. A condition of the planning permit will require an amended wind impact assessment which is consistent with the current proposal and includes wind tunnel model analysis is submitted for endorsement, with any further wind mitigation measures to ensure compliance with this standard to be adopted into the development.</p>
Unsafe	Comfortable				
Annual maximum 3 second gust wind speed exceeding 20 metres per second with a probability of exceedance of 0.1% considering at least 16 wind directions.	Hourly mean wind speed or gust equivalent mean speed (3 second gust wind speed divided by 1.85), from all wind directions combined with probability of exceedance less than 20% of the time, equal to or less than: <ul style="list-style-type: none"> <li>3 metres per second for sitting areas,</li> <li>4 metres per second for standing areas,</li> <li>5 metres per second for walking areas.</li> </ul>				

## Accessibility objective

Clause 58.05-1	Assessment						
<b>Objective</b> <ul style="list-style-type: none"> <li>To ensure the design of dwellings meets the needs of people with limited mobility.</li> </ul>	Met						
<b>Standard D18</b> <ul style="list-style-type: none"> <li>At least 50 per cent of dwellings should have:               <ul style="list-style-type: none"> <li>A clear opening width of at least 850mm at the entrance to the dwelling and main bedroom.</li> <li>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.</li> <li>A main bedroom with access to an adaptable bathroom.</li> <li>At least one adaptable bathroom that meets all of the requirements of either Design A or Design B specified in Table D7.</li> </ul> </li> </ul> <p style="text-align: center;"><b>Table D7 Bathroom design:</b></p> <table border="1"> <thead> <tr> <th></th> <th>Design option A</th> <th>Design option B</th> </tr> </thead> <tbody> <tr> <td>Door opening</td> <td>A clear 850mm wide door opening</td> <td>A clear 820mm wide door opening located opposite the shower</td> </tr> </tbody> </table>		Design option A	Design option B	Door opening	A clear 850mm wide door opening	A clear 820mm wide door opening located opposite the shower	<b>Complies</b> <p>The development complies with the standard, with 77.4% of 89 dwellings meeting the accessibility design standards of Table D7, of a required 50%.</p>
	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	<p>Either:</p> <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>	<p>Either:</p> <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	<p>A clear circulation area that is:</p> <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 the door swing.</li> </ul> <p>The circulation area for the toilet and shower can overlap.</p>	<p>A clear circulation area that is:</p> <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> <p>The circulation area can include a shower area.</p>
Path to circulation area	A clear path with a minimum width of 900mm from the door opening to the circulation area.	Not applicable
Shower	A hobless (step-free) shower.	A hobless (step-free) shower that has a removable shower screen and is located on the furthest wall from the door opening.
Toilet	A toilet located in the corner of the room.	A toilet located closest to the door opening and clear of the circulation area.

## Building entry and circulation objectives

Clause 58.05-2	Assessment
<p><b>Objectives</b></p> <ul style="list-style-type: none"> <li>To provide each dwelling and building with its own sense of identity.</li> <li>To ensure the internal layout of buildings provide for the safe, functional and efficient movement of residents.</li> <li>To ensure internal communal areas provide adequate access to daylight and natural ventilation.</li> </ul>	<p><b>Met</b></p>
<p><b>Standard D19</b></p> <ul style="list-style-type: none"> <li>Entries to dwellings and buildings should:             <ul style="list-style-type: none"> <li>Be visible and easily identifiable.</li> <li>Provide shelter, a sense of personal address and a transitional space around the entry.</li> </ul> </li> <li>The layout and design of buildings should:             <ul style="list-style-type: none"> <li>Clearly distinguish entrances to residential and non-residential areas.</li> <li>Provide windows to building entrances and lift areas.</li> </ul> </li> </ul>	<p><b>Complies</b></p> <p>All building entries to Barkers Road, Hawthorn Grove and the shared path are clearly visible and easily identifiable from respective access points and provide a partly undercover transitional entry. Individual dwelling entries to HG04 and HG05 from Hawthorn grove are delineated as such with generous</p>



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

distancing from the main building entry, smaller paths and different path surfacing.

Building entries and ground floor lift areas are provided with windows, while common areas are generally provided with ample natural light and ventilation, including for each building corridor on each floor. Building corridors are generously proportioned with clear sight lines.

## Private open space objective

### Clause 58.05-3

#### Objective

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

#### Standard D20

- A dwelling should have private open space consisting of at least one of the following:
  - An area at ground level of at least 25 square metres, with a minimum dimension of 3 metres and convenient access from a living room.
  - A balcony with at least the area and dimensions specified in Table D8 and convenient access from a living room.
  - An area on a podium or other similar base of at least 15 square metres, with a minimum dimension of 3 metres and convenient access from a living room.
  - An area on a roof of 10 square metres, with a minimum dimension of 2 metres and convenient access from a living room.
- If a cooling or heating unit is located on a balcony, the minimum balcony area specified in Table D8 should be increased by at least 1.5 square metres.
- If the finished floor level of a dwelling is 40 metres or more above ground level, the requirements of Table D8 do not apply if at least the area specified in Table D9 is provided as living area or bedroom area in addition to the minimum area specified in Table D11 or Table D12 in Standard D25.

**Table D8 Balcony size**

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

**Table D9 Additional living area or bedroom area**

Dwelling type	Additional area
---------------	-----------------

### Assessment

#### Met

#### DNC – variations accepted

Overall, the development provides a high degree of compliance with this standard, with most dwellings exceeding the minimum area and dimensions required relative to the size of the dwelling.

It is noted that most of the ground level private open space do not achieve a minimum dimensions of 25 square metres that is at least 3 metres wide however, the majority do meet or exceed the required minimum dimensions for balconies for their respective dwelling size/orientation which is considered an appropriate compromise when considering the dwelling typologies and generous onsite communal open space.

The exception to this is HG07 which has a total terrace area of 37.8m<sup>2</sup> however, only 5.5m<sup>2</sup> is also at least 2.4m wide of a required 12m<sup>2</sup>, as required for balconies servicing a 3-bedroom dwelling oriented west. This is considered acceptable as an area of approx. 12m<sup>2</sup> still has a usable minimum dimension of 1.8 metres and can accommodate outdoor furniture/outdoor recreation needs proportionate to the size of the dwelling, with additional private open space provided for landscaping in addition to the 37.8m<sup>2</sup> terrace.



Studio or 1 bedroom	8 square metres
2 bedroom	8 square metres
3 or more bedroom	12 square metres

## Storage objective

Clause 58.05-4	Assessment															
<b>Objective</b> <ul style="list-style-type: none"> <li>To provide adequate storage facilities for each dwelling</li> </ul>	<b>Met</b>															
<b>Standard D21</b> <ul style="list-style-type: none"> <li>Each dwelling should have convenient access to usable and secure storage space.</li> <li>The total minimum storage space (including kitchen, bathroom and bedroom storage) should meet the requirements specified in Table D10.</li> </ul> <table border="1" data-bbox="148 734 900 992"> <caption>Table D10 Storage</caption> <thead> <tr> <th>Dwelling type</th> <th>Total minimum storage volume</th> <th>Minimum storage volume within the dwelling</th> </tr> </thead> <tbody> <tr> <td>Studio</td> <td>8 cubic metres</td> <td>5 cubic metres</td> </tr> <tr> <td>1 bedroom dwelling</td> <td>10 cubic metres</td> <td>6 cubic metres</td> </tr> <tr> <td>2 bedroom dwelling</td> <td>14 cubic metres</td> <td>9 cubic metres</td> </tr> <tr> <td>3 or more bedroom dwelling</td> <td>18 cubic metres</td> <td>12 cubic metres</td> </tr> </tbody> </table>	Dwelling type	Total minimum storage volume	Minimum storage volume within the dwelling	Studio	8 cubic metres	5 cubic metres	1 bedroom dwelling	10 cubic metres	6 cubic metres	2 bedroom dwelling	14 cubic metres	9 cubic metres	3 or more bedroom dwelling	18 cubic metres	12 cubic metres	<b>Complies subject to conditions</b> <p>All dwellings meet their minimum storage requirements however it is noted that several dwellings will require external storage to meet their total minimum storage requirements. While a number of storage cages have been provided for in the basement levels, the BADS schedule included in the development plans does not identify which dwellings these are provided to and how much storage is provided externally. A condition of the planning permit will require this information to be provided, and for compliance with the standard to be achieved.</p>
Dwelling type	Total minimum storage volume	Minimum storage volume within the dwelling														
Studio	8 cubic metres	5 cubic metres														
1 bedroom dwelling	10 cubic metres	6 cubic metres														
2 bedroom dwelling	14 cubic metres	9 cubic metres														
3 or more bedroom dwelling	18 cubic metres	12 cubic metres														

## Common property objectives

Clause 58.06-1	Assessment
<b>Objectives</b> <ul style="list-style-type: none"> <li>To ensure that communal open space, car parking, access areas and site facilities are practical, attractive and easily maintained.</li> <li>To avoid future management difficulties in areas of common ownership.</li> </ul>	<b>Met</b>
<b>Standard D22</b> <ul style="list-style-type: none"> <li>Developments should clearly delineate public, communal and private areas.</li> <li>Common property, where provided, should be functional and capable of efficient management.</li> </ul>	<b>Complies, subject to conditions</b> <p>The development clearly delineates the various areas that are public, communal or private through use of gates, doors etc. which can be complemented by signage. The shared user path which is to be vested with council will also be clearly delineated and signage used to ensure it is clear which entity is responsible for the land where it interfaces the development.</p>

## Site services objectives

Clause 58.06-2	Assessment
<b>Objectives</b> <ul style="list-style-type: none"> <li>To ensure that site services are accessible and can be installed and maintained.</li> <li>To ensure that site services and facilities are visually integrated into the building design or landscape.</li> </ul>	<b>Met</b>
<b>Standard D23</b> <ul style="list-style-type: none"> <li>Development should provide adequate space (including easements where required) for site services to be installed and maintained efficiently and economically.</li> <li>Meters and utility services should be designed as an integrated component of the building or landscape.</li> </ul>	<b>Complies</b> <p>The site services have limited visibility within the public realm, with the substation located below ground within the frontage and the fire hydrant and sprinkler booster incorporated into the building façade and accessed via the porte-cochere being well</p>



- Mailboxes and other site facilities should be adequate in size, durable, water-protected, located for convenient access and integrated into the overall design of the development.

setback from the street.

The façade strategy required to be endorsed via conditions of this planning permit will require this interface to be clearly detailed to ensure it is well integrated into the building.

Each building also incorporates mail facilities into the ground floor lobby areas which are located within a secure and conveniently accessible area of the lobbies.

## Waste and recycling objectives

Clause 58.06-3	Assessment
<b>Objectives</b> <ul style="list-style-type: none"> <li>• To ensure dwellings are designed to encourage waste recycling.</li> <li>• To ensure that waste and recycling facilities are accessible, adequate and attractive.</li> <li>• To ensure that waste and recycling facilities are designed and managed to minimise impacts on residential amenity, health and the public realm.</li> </ul>	<b>Met</b>
<b>Standard D24</b> <ul style="list-style-type: none"> <li>• Developments should include dedicated areas for:               <ul style="list-style-type: none"> <li>○ Waste and recycling enclosures which are:                   <ul style="list-style-type: none"> <li>- Adequate in size, durable, waterproof and blend in with the development.</li> <li>- Adequately ventilated.</li> <li>- Located and designed for convenient access by residents and made easily accessible to people with limited mobility.</li> </ul> </li> <li>○ Adequate facilities for bin washing. These areas should be adequately ventilated.</li> <li>○ Collection, separation and storage of waste and recyclables, including where appropriate opportunities for on-site management of food waste through composting or other waste recovery as appropriate.</li> <li>○ Collection, storage and reuse of garden waste, including opportunities for on-site treatment, where appropriate, or off-site removal for reprocessing.</li> <li>○ Adequate circulation to allow waste and recycling collection vehicles to enter and leave the site without reversing.</li> <li>○ Adequate internal storage space within each dwelling to enable the separation of waste, recyclables and food waste where appropriate.</li> </ul> </li> <li>• Waste and recycling management facilities should be designed and managed in accordance with a Waste Management Plan approved by the responsible authority and:               <ul style="list-style-type: none"> <li>○ Be designed to meet the best practice waste and recycling management guidelines for residential development adopted by Sustainability Victoria.</li> <li>○ Protect public health and amenity of residents and adjoining premises from the impacts of odour, noise and hazards associated with waste collection vehicle movements.</li> </ul> </li> </ul>	<b>Complies</b> <p>The Waste Management Plan submitted with the application has appropriately considered the proposed management of all waste streams on site to meet best practice waste and recycling guidelines.</p> <p>An individual bin room within Basement Level 1 is provided for each building, with bin chutes for general waste and recycling streams. Each bin room is of a sufficient size to accommodate the anticipated waste generation demands for each waste stream, with roller door access to the basement to enable bin collection.</p> <p>All waste collection is to be carried out by a private contractor, within the basement. Due to low frequency of collections (twice a week) and low vehicle movements within the basement levels, a dedicate waste loading zone is required, with trucks to prop adjacent to the bin store areas which is considered acceptable.</p>

## External walls and materials objective

Clause 58.06-4	Assessment
<b>Objectives</b> <ul style="list-style-type: none"> <li>• To ensure external walls use materials appropriate to the existing</li> </ul>	<b>Met</b>



urban context or preferred future development of the area.

- To ensure external walls endure and retain their attractiveness.

**Standard D25**

- External walls should be finished with materials that:
  - Do not easily deteriorate or stain.
  - Weather well over time.
  - Are resilient to the wear and tear from their intended use.
- External wall design should facilitate safe and convenient access for maintenance.

**Complies**

As detailed in the development plans, the primary external wall materials being brick and textured render in red and cream tones and bronze metal cladding for upper floors provides an appropriate response to the urban context, including the heritage streetscape on Hawthorn Grove.

These are durable finishes and subject to details of façade maintenance being included in the façade strategy required via condition of the planning permit, will be appropriately maintained to ensure they weather well over time.

**Functional layout objective**

Clause 58.07-1	Assessment																		
<p><b>Objective</b></p> <ul style="list-style-type: none"> <li>• To ensure dwellings provide functional areas that meet the needs of residents</li> </ul>	<p><b>Met</b></p>																		
<p><b>Standard D26</b></p> <ul style="list-style-type: none"> <li>• Bedrooms should:           <ul style="list-style-type: none"> <li>○ Meet the minimum internal room dimensions specified in Table D11.</li> <li>○ Provide an area in addition to the minimum internal room dimensions to accommodate a wardrobe.</li> </ul> </li> </ul> <p style="text-align: center;"><b>Table D11 Bedroom dimensions</b></p> <table border="1"> <thead> <tr> <th>Bedroom type</th> <th>Minimum width</th> <th>Minimum depth</th> </tr> </thead> <tbody> <tr> <td>Main bedroom</td> <td>3 metres</td> <td>3.4 metres</td> </tr> <tr> <td>All other bedrooms</td> <td>3 metres</td> <td>3 metres</td> </tr> </tbody> </table> <ul style="list-style-type: none"> <li>• Living areas (excluding dining and kitchen areas) should meet the minimum internal room dimensions specified in Table B13.</li> </ul> <p style="text-align: center;"><b>Table D12 Living area dimensions</b></p> <table border="1"> <thead> <tr> <th>Dwelling type</th> <th>Minimum width</th> <th>Minimum area</th> </tr> </thead> <tbody> <tr> <td>Studio and 1 bedroom dwelling</td> <td>3.3 metres</td> <td>10 sqm</td> </tr> <tr> <td>2 or more bedroom dwelling</td> <td>3.6 metres</td> <td>12 sqm</td> </tr> </tbody> </table>	Bedroom type	Minimum width	Minimum depth	Main bedroom	3 metres	3.4 metres	All other bedrooms	3 metres	3 metres	Dwelling type	Minimum width	Minimum area	Studio and 1 bedroom dwelling	3.3 metres	10 sqm	2 or more bedroom dwelling	3.6 metres	12 sqm	<p><b>Complies</b></p> <p>All bedrooms and living rooms comply with the minimum dimensions and room areas required by the standard.</p>
Bedroom type	Minimum width	Minimum depth																	
Main bedroom	3 metres	3.4 metres																	
All other bedrooms	3 metres	3 metres																	
Dwelling type	Minimum width	Minimum area																	
Studio and 1 bedroom dwelling	3.3 metres	10 sqm																	
2 or more bedroom dwelling	3.6 metres	12 sqm																	

**Room depth objective**

Clause 58.07-2	Assessment
<p><b>Objective</b></p> <ul style="list-style-type: none"> <li>• To allow adequate daylight into single aspect habitable rooms</li> </ul>	<p><b>Met</b></p>
<p><b>Standard D27</b></p> <ul style="list-style-type: none"> <li>• Single aspect habitable rooms should not exceed a room depth of 2.5 times the ceiling height.</li> <li>• The depth of a single aspect, open plan, habitable room may be increased to 9 metres if all the following requirements are met:           <ul style="list-style-type: none"> <li>○ The room combines the living area, dining area and kitchen.</li> <li>○ The kitchen is located furthest from the window.</li> <li>○ 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.</li> </ul> </li> </ul>	<p><b>Complies</b></p> <p>The development complies with the standard. Where single aspect room depth greater than 2.5 metres of the ceiling height is proposed, this only effects the open plan living spaces, which meet the requirements of the standard, or a large bedroom suit where only a hallway/walk in robe or other infrequently habituated space is beyond nine metres from the window.</p>

- *The room depth should be measured from the external surface of the habitable room window to the rear wall of the room.*

## Windows objective

Clause 58.07-3	Assessment
<b>Objective</b> <ul style="list-style-type: none"> <li>• <i>To allow adequate daylight into new habitable room windows.</i></li> </ul>	<b>Met</b>
<b>Standard D28</b> <ul style="list-style-type: none"> <li>• <i>Habitable rooms should have a window in an external wall of the building.</i></li> <li>• <i>A window may provide daylight to a bedroom from a smaller secondary area within the bedroom where the window is clear to the sky.</i></li> <li>• <i>The secondary area should be:</i> <ul style="list-style-type: none"> <li>○ <i>A minimum width of 1.2 metres.</i></li> <li>○ <i>A maximum depth of 1.5 times the width, measured from the external surface of the window.</i></li> </ul> </li> </ul>	<b>Complies</b> All habitable rooms have a window in an external wall of the buildings and do not rely only daylight from secondary areas.

## Natural ventilation objectives

Clause 58.07-4	Assessment
<b>Objectives</b> <ul style="list-style-type: none"> <li>• <i>To encourage natural ventilation of dwellings.</i></li> <li>• <i>To allow occupants to effectively manage natural ventilation of dwellings.</i></li> </ul>	<b>Met</b>
<b>Standard D29</b> <ul style="list-style-type: none"> <li>• <i>The design and layout of dwellings should maximise openable windows, doors or other ventilation devices in external walls of the building, where appropriate.</i></li> <li>• <i>At least 40 per cent of dwellings should provide effective cross ventilation that has:</i> <ul style="list-style-type: none"> <li>○ <i>A maximum breeze path through the dwelling of 18 metres.</i></li> <li>○ <i>A minimum breeze path through the dwelling of 5 metres.</i></li> <li>○ <i>Ventilation openings with approximately the same area.</i></li> </ul> </li> <li>• <i>The breeze path is measured between the ventilation openings on different orientations of the dwelling.</i></li> </ul>	<b>Complies</b> Compliance with the standard is achieved, with 45.2% or 52 dwellings of a required 40% of dwellings meeting the natural ventilation requirements of the standard.

# Appendix 2: Detailed Heritage and Neighbourhood Character Response



## Precinct 26 Neighbourhood Character Statement

Design guidelines	Response
<p><b>Vegetation</b> <u>Objective</u></p> <ul style="list-style-type: none"> <li>Maintain the leafy landscape character of the area</li> </ul> <p><u>Design Response</u></p> <ul style="list-style-type: none"> <li>Ensure front gardens incorporate soft landscaping that complements the streetscape.</li> <li>Ensure retention of large trees.</li> </ul>	<p>A generous area is provided within both frontages to enable landscaping, including canopy trees, ground covers and shrubs and which is responsive to the landscape character of the two different streetscapes, with a greater front setback and depth of planting, size of canopy trees etc. provided to the Hawthorn Grove streetscape which has a more distinctly 'leafy' landscape character with robust front gardens.</p> <p>The trees proposed to be remove on site are unavoidable to remove to enable the development and shared path and are not of high retention value. These trees will be replaced by appropriate canopy cover across the site.</p>
<p><b>Siting</b> <u>Objective</u></p> <ul style="list-style-type: none"> <li>To maintain the consistent and detached streetscape rhythm.</li> <li>To ensure buildings do not dominate the streetscape or disrupt the existing streetscape rhythm.</li> <li>To maintain the existing well vegetated backyard character.</li> </ul> <p><u>Design Response</u></p> <ul style="list-style-type: none"> <li>Ensure building in the Heritage Overlay are setback in line with or behind the adjoining heritage buildings.</li> <li>Ensure buildings are setback from both side boundaries in accordance with the prevailing streetscape spacing.</li> <li>Ensure buildings are sufficiently setback from rear boundaries to maintain the open, backyard character of the immediate area where this exists.</li> </ul>	<p>The development is appropriately setback to match the street and side setbacks of adjoining buildings to both streets (noting that both streets have a varied setback pattern). The proposal's generous side setbacks ensure that the larger buildings adopts a proportionate setback rhythm to smaller, detached dwellings.</p> <p>Due to the dual frontage, no backyard area is proposed by the development however, the central location of ground floor communal open space with provision for extensive landscaping including large canopy trees aligns with the general backyard location of Barkers Road properties, ensuring this vegetated character in the centre of properties between Barkers Road and Hawthorn Grove continues to be reinforced.</p>
<p><b>Building Height and Form</b> <u>Objective</u></p> <ul style="list-style-type: none"> <li>To maintain the predominantly single storey scale and pitched roof character of the precinct.</li> </ul> <p><u>Design Responses</u></p> <ul style="list-style-type: none"> <li>Ensure new building do not exceed the prevailing height of building in the streetscape when viewed from the street.</li> <li>Ensure visible roof forms integrate with the pitched roofs in the streetscape.</li> </ul>	<p>This objective is not relevant to the proposal which is located within the GRZ4 on a super sized lot, which Clause 15.01-5L expressly encourages height and density greater than the surrounding area, providing the preferred character of the precinct is not detrimentally impacted. The proposed street wall building height at both frontages (3 storeys to Barkers Road, 2 storeys to Hawthorn Grove) is responsive to prevailing building heights in these respective streetscapes, with upper floor levels above progressively setback, particularly from Hawthorn Grove to appear less dominant in the streetscape and ensure the preferred character setting in both streetscapes is not negatively impacted.</p> <p>While the building typology and contemporary form does not lend itself to incorporating pitched roof forms, strong emphasis on horizontal banding and alignment with the gutter lines and/or ridgelines of pitched roofs on adjoining properties is generally provided, with this being closely matched within the Hawthorn Grove streetscape, ensuring the flat roof forms are still well integrated into the streetscape.</p>
<p><b>Building Materials and Design Details</b> <u>Objective</u></p> <ul style="list-style-type: none"> <li>To ensure building materials and façade articulation integrates within the streetscape.</li> </ul>	<p>The proposal's architectural expression, materiality and other design detailing appropriately responds to both streetscapes, utilising a 'polite contemporary' architectural expression, solid to void ratio across the façade that aligns with the masonry wall construction of neighbouring buildings and façade openings respond to traditionally vertically proportioned windows.</p>



<p><b>Design Response</b></p> <ul style="list-style-type: none"> <li>• Ensure materials, colours and façade articulation, including the size and spacing of windows integrates with the streetscape.</li> </ul>	<p>The materiality and colour palette also complements materials evident in the surrounds and heritage streetscape which mostly consists of face brick and render in warm tones.</p> <p>The application of brick to the lower two floors of the development also remains responsive to existing housing stock, while the application of textured render in cream and light red finishes and bronze metal cladding to the more recessive upper levels provides a contemporary response that draws on the existing materiality of the surrounds. All finishes are warm tones of creams, reds and bronze which contribute to the palette of the surrounds.</p>
<p><b>Front Boundary Treatment</b></p> <p><b>Objective</b></p> <ul style="list-style-type: none"> <li>• To ensure the height and design of front fences are appropriate to the era of the dwelling and integrate with the streetscape.</li> <li>• To maintain views of front gardens.</li> </ul> <p><b>Design Response</b></p> <ul style="list-style-type: none"> <li>• Ensure front fences are no more than 1.5 metres or the average fence height of the four properties on either side.</li> <li>• Front fences along declared main roads may be up to 2 metres in height where consistent with the prevailing fence height on neighbouring properties.</li> </ul>	<p>All front fencing in both the Hawthorn Grove and Barkers Road frontages is proposed at a setback of at least 3 metres. Retaining walls and raised planters located within the frontage are all low in height, not exceeding 1.2 metres. This ensures clear views to front landscaping in both frontages is maintained.</p> <p>While higher, solid fencing is proposed visible in the frontage for ground floor private open spaces, this occupies a very small portion of an otherwise highly activated frontage in Barkers Road (main road) and does not exceed 2 metres in height and to Hawthorn Grove, the solid fencing is still a lower height of 1.5 metres above the footpath level, allowing for views into the building façade beyond. All fencing is proposed to be finished in the same textured render and brick (to Hawthorn Grove) materials utilised across the development which is in keeping with the materiality and design response of existing front fences in the streetscapes.</p>
<p><b>Car Park Structures</b></p> <p><b>Objective</b></p> <ul style="list-style-type: none"> <li>• To minimise the loss of front gardens and the dominance of car parking structures.</li> <li>• To ensure basement garages do not increase the visual bulk of buildings.</li> </ul> <p><b>Design Response</b></p> <ul style="list-style-type: none"> <li>• Ensure car parking structures, including basement entries, are located to the rear of dwellings where rear access is available. Where no rear access is available, ensure driveways are located to the side of dwellings.</li> <li>• Ensure car parking structures including entrances to basements are setback at least 1 metre behind the dwelling façade and are designed to minimise their prominence.</li> <li>• Ensure basements project no more than 0.5 metres above natural ground level, unless the FFL of abutting properties is greater than 0.5 metres.</li> </ul>	<p>The development complies with the preferred design response for car parking structures by consolidating all vehicle access to the Barkers Road main road frontage and ensuring the basement entry is located to the side of the development, in excess of one metre behind the front wall of the building, with Basement Level 1 also not notably projecting above NGL at the street frontages.</p>
<p><b>Clause 15.03-1L – Non-contributory heritage places strategies</b></p>	
<p><b>Strategy</b></p>	<p><b>Response</b></p>
<p>Ensure replacement buildings are sympathetic with heritage fabric of the place, rather than any 'non-contributory' elements of the place.</p>	<p>When considering the appropriate setback, building heights and design detailing required to be sympathetic to the heritage fabric, contributory properties including the directly adjoining 11 Hawthorn Grove have provided the overarching point of reference.</p>



<p>Orient new building in a similar manner to the siting of adjacent 'significant' or 'contributory' heritage places and to the heritage precinct as a whole.</p>	<p>The new building is oriented predominantly parallel with the street, consistent with the siting of adjacent contributory places though at slightly opposing angle in response to the irregular shape and property boundaries. The building is still generally read to directly face Hawthorn Grove, with precedent for angled front façade components observed in adjacent contributory heritage dwellings, including 11 Hawthorn Grove.</p>
<p>Position a new building and design its façade height 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.</p> <p>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.</p>	<p>Due to the anomalous size of the lot and proposed building, it is unavoidable that the new building and its façade height will exceed that of adjoining heritage dwellings however it is considered that the massing and upper floor setbacks have been appropriately designed to mitigate impacts to heritage streetscape.</p> <p>The amended proposed provide increased setback of the 3<sup>rd</sup> storey and increased front/side setbacks at the south-eastern corner to create a two storey street wall that is responsive to prevailing heritage building heights in Hawthorn Grove and ensure the setting of the only adjoining contributory property at 11 Hawthorn Grove is not dominated by the proposal. The western front façade is setback approx. 12 metres from the original heritage fabric of 11 Hawthorn Grove at the ground/first floor level and does not sit forward of 11 Hawthorn Grove's front setback.</p> <p>The development manages a successful transition down from the centralised 6-storey building height to the Hawthorn Grove street wall, utilising a generously stepped down profile that results in built form above 4 storeys largely being obscured from most vantage points within Hawthorn Grove. Ensuring that any built form above two storeys is not visible from Hawthorn Grove is an unrealistic proposition for the strategic context of the site and noted in the application's Heritage Impact Statement, not necessary to retain the integrity of the heritage precinct, given the sensitivity paid to the retaining the setting of the adjoining contributory building at 11 Hawthorn Grove. Visible built form above two storeys is softened in appearance and to appear less dominant by tapered side setbacks, proposed rooftop/balcony landscaping and articulation of the façade.</p>
<p>Provide side setbacks consistent with the setback of adjacent 'significant' or contributory heritage places, as these places are viewed from the street.</p>	<p>Due to the irregular triangular shape of 11 Hawthorn Grove, this adjoining contributory property is not necessarily reflective of prevailing side setbacks. Nevertheless, at its greatest, the original heritage built form of the adjoining dwelling is setback approx. 5.5 metres from the shared boundary. The development is setback a minimum of 6 metres at the ground floor level from the western boundary and 5.5 metres from the eastern boundary where visible from Hawthorn Grove. These setbacks progressively taper to western side setback of 16.18 metres and eastern setback of 15.9 metres at the 6<sup>th</sup> storey.</p> <p>These setbacks are responsive to the prevailing side setbacks within the heritage streetscape of generally 1.5 – 3 metres (depending on lot width) but in proportion to the much large size of the building and ensure the Hawthorn Grove building contributes to the detached built form character of the heritage precinct.</p>
<p>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.</p>	<p>The Hawthorn Grove building utilises a solid to void ratio across the façade that aligns with the masonry wall construction of neighbouring buildings and façade openings respond to traditionally vertically proportioned windows. Though hipped and gabled roof forms are the prevailing roof form, the flat roofs of the development are unobtrusive and appropriate in the context of infill development that is not a detached dwelling. The flat roof form and horizontal banding of the ground and first floor level is generally aligned with the gutter line and ridgeline of 11 Hawthorn Grove, to provide</p>



	reference to prevailing roof forms in a contemporary manner.
<p>Design new buildings and additions/alterations to display the following design characteristics:</p> <ul style="list-style-type: none"> <li>• Articulate external walls to be complementary to the heritage precinct through their massing and form and the use of materials and finishes.</li> <li>• Utilise external materials, textures and finishes that complement materials evident in the heritage precinct.</li> </ul>	<p>The massing of the lower three storey most prominent to Hawthorn Grove present similar in form to two large detached dwellings through two projecting forms which contain one dwelling each at all three levels, with a 3 metre wide recessed setback to accentuate the two distinct forms of the façade. This is reinforced by separate dwelling entries and private open space areas in the frontages of both ground floor dwellings. This articulation of built form response is reflective of the large double fronted detached dwellings typical of the streetscape.</p> <p>The materiality and colour palette also complements materials evident within the heritage precinct which mostly consists of face brick and render in warm tones. The use of the selected cream brick material across the lower two storeys of the Hawthorn Grove building, front courtyard fencing and the fencing abutting the shared path where visible from Hawthorn Grove contributes strongly to the materiality of the streetscape and is consistent with the materiality of other infill buildings in the surrounds.</p>
<p>Design fences for 'non-contributory' places to complement the heritage significance of the precinct, including its height, visual permeability, spacing of elements, materials and finishes</p>	<p>It typical for dwellings in the frontage to have a front fence formally defining the edge of the property. Front fencing in the streetscape is eclectic depending on the style of dwelling but generally does not exceed 1.5 metres (though several properties in close proximity to the site possess 1.8 – 2m high fencing) and a semi-permeable design such as timber or wrought iron pickets, with the latter often including stone or brick plinths and pillars.</p> <p>A low retaining wall is included across the Hawthorn Grove frontage to provide a formal edge around front landscaping in lieu of a front fence at the title boundary. The 1.5 metre high brick fencing proposed to enclose ground floor private open spaces in the frontage are setback sufficiently to ensure views into landscaping in the frontage and views to the building façade beyond. This is considered an appropriate front fence response to the heritage streetscape that is also consistent with the design response of the contemporary building.</p>

# Appendix 3: Response to Council Submission



## Recommended Conditions

Requested Condition	Response
Conditions 1a) – 1g) Stormwater Drainage Plan Pre-Requisite Requirements	This condition relates to technical stormwater and drainage requirements and is recommended to be adopted in full though wording modified to clarify it must be submitted to Boroondara City Council for approval and that this must only be done prior to the development commencing, rather than before other plans are endorsed.
Condition 2 – Amended Plans	
Conditions 2a) – 2f) – Shared Path Design	
a) The useable width of the shared path with a minimum width of 3m. Any furniture, structures (including walls) and trees setback at least 1 metre from the path (or 0.5m snag-free surface if needed, to the satisfaction of Council).	This condition is adopted in full.
b) A delineation along the north-east edge of the path in line with the 1 metre clearance required in condition 2a).	Conditions of the planning permit will require the shared path area to be transferred to the council to be clearly delineated on all relevant plans.
c) Alterations to the basement so that it does not extend beyond the path delineation required by condition 2b).	The s57A amendment plans have addressed this issue, the basement is setback completely clear of the proposed shared path parcel.
d) All perimeter walls adjoining the shared path with a maximum height of 1.8m and 50% visually permeable, unless otherwise agreed to by Council.	This condition has not be adopted however it is noted that per the s57A amendment plans, increased provision of visually permeable fence sections have been provided along the full length of the path to provide passive surveillance. The perimeter fence heights (generally between 1.9 and 2.2 metres site higher above the footpath due to the elevation of adjacent ground floor terraces, which require fencing of sufficient height and opacity for security and privacy.
e) Pedestrian sight triangles provided at the junction of the shared path and the development accessway.	This condition is to be included in the planning permit.
f) Delineation of the shared path and its surrounds which are to be transferred to Council ownership	As above, this will be included on the planning permit.
Conditions 2g) – 2n) - Heritage	
g) The setback of the Ground Floor (TP1100), Level 1 Plan (TP1101), Level 2 Plan (TP1102) and Level 3 plan (TP1103) increased by an additional 4.2m from the Hawthorn Grove frontage, maintaining the existing curved architectural form and expression and central inset and without decreasing any other setback.	This condition has not been adopted. The s57A amendment plans provide revised setbacks to Level 2 from the south-east and Hawthorn Grove to create a double storey height podium across the frontage this responsive to the scale in Hawthorn Grove. Per the submitted Heritage Impact Statement, greater ground floor setbacks are not required as the development is already in line with existing street setbacks.
h) The setback of the Dwelling HG05's terrace increased by an additional 4.2m from Hawthorn Grove.	This condition has not been adopted however, the extent of HG05's terrace within the frontage has been reduced in the S57A amendment plans to increase the area of front landscaping within the frontage that is not obscured by fencing.
i) The terrace associated with Dwelling HG04 relocated from the Hawthorn Grove setback to the side of the dwelling and replaced with suitable	As above, this condition has not been adopted but the extent of HG04's terrace within the frontage has been scaled back to increase planting in front of fencing.



landscaping.	
j) Removal of the basement storage area, where it projects beyond the ground floor envelope, to allow for deep soil.	This condition has not been adopted as it has been addressed by the s57A plans.
k) The south-east curved corner associated with the bedroom and terrace of Dwelling H402 (TP1104) and Dwelling H501 (TT1105) setback an additional 4.2m, without reducing any other setback and maintaining a curved form.	This condition has not been adopted. Per the discussion throughout this report and the Heritage Impact Statement, the already highly recessive setbacks of Levels 4 and 5 are considered acceptable and will largely not be visible from Hawthorn Grove.
l) All fencing within the Hawthorn Grove frontage and front setback as no higher than 1.5 metres and at least 50% visually permeable.	This condition has not been adopted as the s57A amendment plans have ensured all front fencing is below 1.5 metres and where higher fencing that limits views to landscaping is proposed around the terraces, this is setback at least 3 metres from the front boundary. A large central area of the frontage is also retained free of high fencing, around the building entry, providing clear views to the building and activation of the street frontage.
m) The elevation plans updated to depict the brickwork as distinct from the render material.	This condition has not been adopted as this has been addressed in the s57a amendment plans.
n) The face brick cladding extended along the ground floor, Level 1 and Level 2 on the side elevations.	The selected brick material is proposed across the ground and first floor level of the development and some sections of the second floor level external walls of the Hawthorn Grove building. Considering the Hawthorn Grove primary façade presentation to the streetscape is the double storey podium, this is considered acceptable.
<b>Conditions 2o) – 2z) – General</b>	
o) Removal of the porte-cochere to Barkers Road. If retained, it must be designed as a pedestrian-priority shared zone with high-quality paving, a maximum wall height of 1.5 metres, and a 10 km/h speed limit.	This condition has not been adopted as all of the request design measures are already included per the section 57A amendment plans. The Traffic and Parking Management Plan will include a condition requiring management of the porte-cochere to be outlined, which can include any speed limits and associated signage.
p) The gaps between the three main building volumes (north, middle and south wings) with a minimum of 3m setback (in line with the ground floor footprint).	This condition has not been adopted as the building separation has been increased to at least 3 metres for the full height of each building per the s57A amendment plans.
q) The light-court to the front building to follow the ground floor envelope at the upper levels (to have an area of 61sqm).	This condition has not been adopted as this has been addressed by the s57A amendment plans.
r) The proposal demonstrating compliance with all 'External Amenity' Standards at Clause 57.04.	This has condition has not been adopted because as discussed throughout this report, it is considered that compliance with these (not actually applicable) standards has been achieved by the s57A amendment plans.
s) Amendments to the boundary setbacks achieving compliance with Clause 55.04-3 (Overshadowing secluded open space objective) in relation to the SPOS at 11 Hawthorn Grove.	The condition has not been adopted as the s57a amendment plans have made appropriate reductions to overshadowing of 11 Hawthorn Grove's secluded private open space, as discussed in this report.
t) A notation that the pathway to the entrance lobby of Hawthorn Grove will be constructed of a permeable material.	This condition has not been adopted however the s57a amendment plans have modified the individual entry paths to the HG04 and HG05 dwellings to be a permeable product. Other improvements have also been made to increase deep soil planting within the frontage by the s57A amendment plans.
u) Any modifications to the layout of	A condition to this effect has been included.



buildings or works as recommended in the approved Landscape Plan required by this permit.	
v) Any modifications to the layout of buildings or works as recommended in the approved Tree Management Plan required by this permit.	A condition to this effect has been included.
w) Any modifications to the layout of buildings or works as recommended in the approved Environmentally Sustainable Design Report required by this permit.	A condition to this effect has been included.
x) Any modifications to the layout of buildings or works as recommended in the approved Waste Management Plan required by this permit;	A condition to this effect has been included.
y) Any modifications to the layout of buildings or works as recommended in the approved Heritage Interpretation Strategy in accordance with this permit	A condition to this effect has been included.
z) Any modifications to the layout of buildings or works as recommended in the approved External Lighting and Signage Strategy in accordance with this permit.	A condition to this effect has been included.
Condition 3a) – 3d) – Shared Path Plan	Conditions to this effect has been included.
Condition 3 – Layout not to be altered	A condition to this effect has been included.
Condition 5a) – 5m) – Landscape Plan In conjunction with the submission of endorsement of plans, a landscape plan to the satisfaction of the responsible authority must be submitted to and approved by the Responsible Authority. The plan must be drawn to scale with dimensions and electronic copies provided (unlocked PDF). When endorsed, the plan will form part of the permit. The landscape plan must show:	A condition to this effect has been included.
a) A survey (including botanical names) of all existing trees to be retained and of those to be removed. The intended status of the trees shown on the landscape plan must be consistent with that depicted on the development layout plan.	A condition to this effect has been included.
b) A planting schedule of all proposed trees, shrubs and ground covers including botanical names, common names, pot sizes, sizes at maturity and the quantities of each plant	A condition to this effect has been included.
c) Details of the surface finish of all pathways, paved areas and accessways	A condition to this effect has been included.
d) Detailed construction specifications for all permeable surfaces that include cross-section diagrams	A condition to this effect has been included.
e) Two (2) canopy trees (minimum two	This condition has not been adopted however the s57A amendment plans



metres tall when planted and must achieve a minimum mature height of 20 metres and canopy spread of 10 metres) in the setback to Hawthorn Grove. The combined deep soil area for these trees (whereby no services can be included) to be a 90sqm)	have included the planting of three canopy trees which will reach a mature height of 15 metres and canopy spread of 12 metres, in a deep soil planting area greater than 90sqm, which will still provide an appropriate canopy contribution to the streetscape.
f) All other trees to be a minimum two metres tall when planted	A condition to this effect has not been included.
g) Detailed specifications, including sections, of all planters to demonstrate adequate soil capacity for the tree species	
h) All trees must comply with Australian Standard AS2303:2015 - Tree Stock for Landscape Use	A condition to this effect has not been included.
i) All canopy trees must be planted by an AQF Level 3 Qualified Arborist, Landscape Gardener or Horticulturist	A condition to this effect has not been included.
j) Depict the approved Development Stormwater Drainage Plans required under Condition 1, demonstrating that proposed landscaping can be accommodated while not prejudicing the approved drainage infrastructure	A condition to this effect has not been included however consideration of this matter is required by the Development Stormwater Drainage Plan condition.
k) Trees set back a minimum of 1 metre from the shared path to prevent conflict with cyclists and pedestrians	A condition to this effect has not been included to provide greater flexibility in final landscaping scheme within the shared path.
l) Planting required by any other condition of this permit; and	A condition to this effect has not been included.
m) Landscaping and planting within all open areas of the site	A condition to this effect has not been included.
Condition 6 (Completion of landscaping works) and Condition 7 (Landscaping Maintenance	A condition to this effect has been included.
Conditions 8 – 11 – Tree Management and Arborist Conditions	This condition has been adopted in full.
Condition 12 – Drainage	A condition to this effect will be included on the planning permit.
Condition 13 – Confirmation of architect team	A condition to this effect has been included.
Condition 14 – Shared Path Ownership	A condition to this effect requiring the transfer of the bike path to the Council prior to occupation of the building has been included on the planning permit.
Condition 15 – Vehicle Crossovers	A condition the effect has been included on the planning permit.
Condition 16 – Removal of redundant vehicle crossovers	This condition will not be included on the planning permit as some areas of existing vehicle crossover to Barkers Road which may become redundant are implicated by a carriageway easement and may require a separate application to remove or vary this easement before the crossover can be remove. The road authority for Barkers Road (H,TfV) has accepted that resolution of removing redundant vehicle crossovers can occur within the separate approval of the vehicle crossovers required by its conditions.
Condition 17 – Environmentally Sustainable Development	A condition to this effect has been included however some of the requested information is already provided in the submitted SMP so have not been included where redundant.
Condition 18a) – 18e) – Waste Management Plan	While an amended WMP will be required to be submitted for endorsement as a result of amendments to the building, the information requested to be provided is already contained within the submitted WMP, which the WMP to



	be submitted for endorsement must be generally in accordance with.
Condition 14a) – 14l) – Construction Management Plan	These conditions are recommended to generally be adopted in full but are to be submitted directly to the Council for approval and endorsement and Condition 14a) modified to remove specification of construction hours as a result of deleting Condition 15.
Condition 15 – Construction Hours	It is not considered necessary for hours for construction to be regulated in a condition separate to the Construction Management Plan/these are already regulated by the Council's Local Law and may create conflict with permit conditions should changes be sought even temporarily. The approved construction management plan can outline approved construction hours to the council's discretion before approval and are not required to be specified in a permit condition.
Condition 16a) – 16f) – External Lighting and Signage	A condition to this effect has been adopted as part of the Shared Path Plan condition.
Condition 20 & 21 – Heritage Interpretation Strategy	These conditions appear to somewhat duplicate each other however, the requirements of these conditions are generally recommended to be included in the planning permit within the shared path plan condition.

# Appendix 4: Response to Objections



Objection/submission	Response
<p>Heritage/NC:</p> <ul style="list-style-type: none"> <li>• Damage to heritage character of HG/degradation of significance</li> <li>• Non-compliance with HO policy</li> <li>• Two-storey or three-storey built form fronting Hawthorn Grove sought, with levels above recessed beyond view or to not exceed 3/4 storeys within HO</li> <li>• Inconsistent with heritage design detailing (ie. pitched roofs)</li> <li>• Insufficient room for landscaping in southern/side boundaries</li> </ul>	<p>Refer to discussion throughout this report which finds that while strict adherence to all strategies and design guidelines of relevant heritage and neighbourhood character policy, the development still provides an appropriate response to sensitive character and heritage elements of the surrounds, while allowing for appropriate intensification of housing supply on site.</p> <p>Improvements have also been made to upper level setbacks, permeable space in the frontage etc. of the Hawthorn Grove building by the s57A amendment plans.</p>
<p>Building Height/Visual bulk</p> <ul style="list-style-type: none"> <li>• Height increase not supported by relevant policy (i.e. not in an AC/in outer catchment of train and tram zone which is drafted at 4 storeys)</li> <li>• Introduces a significant change of scale to existing neighbourhood single/double storey character/sets a precedent</li> <li>• Dominate views from the east, exacerbated by limited horizontal separation between towers</li> </ul>	<p>As discussed throughout this report, there is sufficient strategic policy support for the proposed building height in this location. Exceedance of the maximum mandatory building height/approved building height considered acceptable on this large super-sized lot and in line with increased housing supply outcomes sought by state and local policy. Policy supports intensification of built form beyond the prevailing scale of the surrounds on such a site and the built form and upper floor levels are appropriately setback to mitigate off-site amenity impacts such as overlooking and overshadowing.</p> <p>The section 57A amendment plans have also introduced considerable increases to building separation between the central and southern building towers, as well as use a different colour palette for the central tower to break up the appearance of the development through the site when viewed from long ranging eastern and western views.</p>
<p>Amenity Impacts</p> <ul style="list-style-type: none"> <li>• Accuracy/extent of overshadowing modelling</li> <li>• Non-compliance with CI 58 (overshadowing and overlooking)</li> <li>• Overshadowing impacts to 7, 9, 11, 13 HG</li> <li>• Overshadowing restricts future ability to install solar panels</li> <li>• Wind impacts to neighbouring properties and Hawthorn Grove</li> <li>• Noise from development and shared path, no acoustic treatment details for plant equipment</li> </ul>	<p>As discussed throughout this report, all potential offsite amenity impacts have been appropriately considered and will be sufficiently mitigated by the proposal or by further design measures to be implemented in the required amended wind and acoustic reports at detailed design stage. Improvements have also been made to overshadowing to 9 and 11 Hawthorn Grove and overlooking to 11 and 1/11a Hawthorn Grove through the S57A amendment plans.</p> <p>While not applicable in this instance, this development would broadly comply with all relevant standards of Clause 55 if applicable to this development.</p>
<p>Protection of Tree 13</p>	<p>This tree is identified to be protected in the submitted Arborist Report, subject to appropriate tree protection measures and tree sympathetic construction methods which will be further detailed and required to be implemented by an endorsed Tree Management plan, required by conditions. This tree will only be impacted by the construction of the shared path as opposed to basements or building footings.</p>
<p>Traffic/Parking</p> <ul style="list-style-type: none"> <li>• Increased vehicle flows and on-street parking on Hawthorn Grove</li> <li>• Increase vehicle turning movements from/into busy Barkers Road</li> </ul>	<p>As discussed throughout this report, increased traffic flows and their impact on the surrounding road network have been considered, including by Head, Transport for Victoria and the council's traffic unit and are not considered to pose an unreasonable impact, with these impacts largely</p>



<ul style="list-style-type: none"> <li>• Insufficient car parking provided</li> <li>• Increased traffic and noise from HG laneway</li> <li>• Insufficient details on car park and access design</li> <li>• Request full SIDRA modelling analysis, school-period assessments, laneway capacity analysis and compliant 52.29 review.</li> <li>• Lack of onsite visitor parking</li> </ul>	<p>constrained to Barkers Road. Head, Transport for Victoria was also satisfied with the quality and content of traffic modelling provided to determine impacts on the road network, subject to conditions.</p> <p>The development also provides a generous oversupply of car parking and capacity for visitor parking despite not being required by statutory requirements. It is noted that parking restrictions already apply to Hawthorn Grove and that per Boroondara’s parking permit policy, no resident of this development will be eligible for residential parking permits in the future.</p>
<p>Shared path</p> <ul style="list-style-type: none"> <li>• Should be owned by council</li> <li>• Changes interface of adjoining properties and increases safety/security concerns</li> <li>• No CPTED assessment/shared path generally unsafe</li> </ul>	<p>These concerns have largely been addressed or will be addressed by conditions on the planning permit regarding the ultimate design of the shared path, which will be transferred to the Council’s ownership.</p>
<p>Misuse of DFP pathway</p> <ul style="list-style-type: none"> <li>• Should provide affordable housing onsite to satisfy cl 53.23</li> <li>• Does not unlock site the for development due to the site having an existing approval – quasi VCAT appeal</li> </ul>	<p>Provision of a cash contribution in lieu of providing affordable housing on site as part of Clause 53.23 requirements is a standard alternative accepted by DFP.</p> <p>The proposal is not considered a comparable application to the previous existing approval tested at VCAT as while also for an apartment development, the typology, form, height and dwelling yield are all very different to the new proposal.</p> <p>This is a distinctly new application and development and should be assessed under the relevant facts and circumstances of the application at the time it is made. Significant strategic policy change, including housing targets and the introduction of activity centres and associated train and tram zones has also occurred since the previous approval was considered at VCAT.</p>
<p>Construction</p> <ul style="list-style-type: none"> <li>• No use of HG for construction access</li> <li>• Binding, limited construction timeframes</li> <li>• Disruptions and other impacts (noise, dust, vibration) during construction</li> </ul>	<p>Construction activities, including whether access can occur from Hawthorn Grove and matters like dust and noise will be regulated by a Construction Management Plan required by a condition of the planning permit and to be approved by Boroondara City Council.</p>