

Planning Report



Clause 53.23 Application – 27-31
Plunkett St, Bellfield

22 May 2024



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ADVERTISED PLAN

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Proposal

Summary

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Homes Victoria is proposing to develop a three-storey apartment building containing 25 social housing dwellings at 27-31 Plunkett St, Bellfield. The proposal features:

- Removal of all existing vegetation on site, including two large trees – a silky oak and a prickly-leaved paperbark
- Construction of a three-storey building, accommodating 25 apartments (15 one bedroom, eight two bedroom and two three bedroom)
- The building has a front setback of 6m with a maximum height of 10.16 metres
- Construction of a new cross-over to the northern site frontage, providing vehicle access to an at grade car parking area containing 15 car spaces
- The building is to be clad in face brickwork, terracotta tiles with metal powdercoat accents.



Figure 1: Render image of proposed development (Source: Ferencz Baranyay Architects)

Please refer to the accompanying application plans for further detail.

Background on Proposal

- The proposal is being submitted under the “New Capital Works” program run by Homes Victoria.
- A pre-application meeting occurred with Banyule City Council on 14 December 2023, with the relevant commentary received provided as Attachment 1.
- An internal urban design review by Homes Victoria Project Planning team has also been conducted with comments received provided as Attachment 2.
- Preliminary feedback on the proposal has also been obtained from the Department of Transport’s (DTP) officers which is provided as Attachment 3.

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A response to the Council commentary received is noted in the table below. Overall, the comments provided appear reasonable and are general in nature and written as suggestions to consider. These are not crucial to the acceptability of the proposal, none the less have been thoroughly considered in the design response of the proposal.

| Council comment | Response |
|--|---|
| <p>Investigation & Planning History</p> <ul style="list-style-type: none"> • <i>There is no planning history pertaining to the site.</i> | <p>Noted.</p> <p style="text-align: center;">ADVERTISED PLAN</p> |
| <p>Mandatory Zone Requirements</p> <ul style="list-style-type: none"> • <i>The Responsible Authority (Minister for Planning) is able to waive or vary garden area and height requirements at their discretion.</i> | <p>Noted.</p> |
| <p>Detailed/Urban Design</p> <ul style="list-style-type: none"> • <i>Upper-level recession should be provided to front and rear setbacks to minimise bulk and enhance building articulation.</i> • <i>Front fences should be limited to 1.5m in height given the site is located on a residential street.</i> • <i>Site coverage and front setback appears to be generally acceptable.</i> • <i>The material palette is generally acceptable; however, external finishes should be of a high quality to ensure positive presentation to the public realm.</i> • <i>Consider utilising some shrouding or reveals to improve visual interest to fenestration from the public realm.</i> • <i>Consider replacing 'Monument' colour for lighter grey to reduce heat absorption.</i> • <i>Some elevations are inconsistent and do not show balconies where they are shown in the floor plans.</i> | <p>The provided front and side setbacks are generous and create a recessive built form which sits comfortably within its streetscape. Further vertical grooves within the façade divide the upper floors into smaller sections which break down the facade into a series of 'terraces' that are similar in scale to nearby recent developments in the area. In addition, the square openings within the façade also enhance the 'terrace house' feel while providing additional articulation.</p> <p>Front fences have been lowered to a maximum of 1.5m as requested and elevations updated to accurately depict location of balconies.</p> <div style="border: 2px solid red; padding: 10px; text-align: center; margin-top: 20px;"> <p>This copied document to be made available for the sole purpose of enabling its consideration and review as part of a planning process under the Planning and Environment Act 1987. The document must not be used for any purpose which may breach any copyright</p> </div> |
| <p>Landscaping</p> <ul style="list-style-type: none"> • <i>Species should be replaced with indigenous alternatives where possible. A list of example species has been prepared by Council's</i> | <p>Some species have been replaced with the suggested native alternatives such as inclusion of <i>Banksia marginata</i> trees and <i>Lomandra Longifolia</i> and <i>Poa Morrisii</i> grasses.</p> |

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| <p><i>biodiversity officer and is attached as an appendix.</i></p> <ul style="list-style-type: none"> • <i>Consider planting of varying species and heights along the driveway.</i> | <p>Varying species and heights are proposed along the edges of the driveway including small grasses, ground covers, low shrubs and small canopy trees.</p> |
| <p>Impacts on Trees and Tree Removal</p> <ul style="list-style-type: none"> • <i>Trees #5 (Grevillea robusta) and #8 (Melaleuca styphelioidies) are protected under the VPO5. The removal of these trees is acceptable given their low retention value.</i> • <i>There is major encroachment into neighbouring tree #15 (Quercus robur). Consider reducing this encroachment or increasing permeability within the TPZ to reduce development impacts.</i> • <i>Street trees #1-3 should be retained and protected.</i> | <p>Noted re: removal of trees #5 & #8.</p> <p>Permeable pavers are proposed along the north - west corner of the car park to mitigate impact within the TPZ of the neighbouring tree at 33 Plunkett St. Refer to the Tree Management Plan for further information regarding TPZ encroachment and managing impacts to the neighbouring tree.</p> <p>All street trees are proposed to be retained and protected.</p> |
| <p>ESD/WSUD & Clause 53.18</p> <ul style="list-style-type: none"> • <i>External shading should be provided to all north, east and west facing windows to minimise unwanted heat gains and glare, for improved energy efficiency and occupant comfort for the building. Fixed horizontal shading to north windows and operable horizontal shading to east and west windows.</i> • <i>Minimum levels of water efficiency for fixtures and fittings should be set at WELS minimum star ratings of 5 star taps, 4 star WCs and 4 star showers.</i> • <i>Recommended to include all electric systems including reverse cycle split systems and heat pump hot water.</i> • <i>Recommended to include electric vehicle charging points to the</i> | <p>It is submitted that no additional shading devices are required as all apartments achieve a minimum NatHERS rating of above 6.5 stars, an average rating of above 7.5 stars and no dwellings exceed the maximum NatHERS annual cooling load of 21 MJ/m2.</p> <p>EV charging capabilities have been provided.</p> <p>A STROM report with a rating of 108%, meeting the minimum 100% required has been included as part of the application.</p> <p>Roof top elements have an 'Off White' finish colour.</p> |
| <p><i>car parking available to future proof for electric vehicles.</i></p> <ul style="list-style-type: none"> • <i>Undertake a Stormwater Quality assessment, aligned with the Melbourne Water STORM calculator to meet minimum</i> | <p style="text-align: center;">ADVERTISED PLAN</p> |

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| <p>stormwater quality requirements set out in the calculator.</p> <ul style="list-style-type: none"> Roof colour should be revised to a lighter colour to meet a maximum Solar Absorptance (SA) of 0.70 | <h1 style="color: red;">ADVERTISED PLAN</h1> |
| <p>ResCode</p> <ul style="list-style-type: none"> Internal amenity appears to be generally acceptable. Consider external amenity impacts such as overlooking, overshadowing and side/rear setbacks. | <p>Noted re: internal amenity.</p> <p>External amenity impacts are all appropriately addressed, with full compliance with the relevant overlooking, overshadowing and side/rear setbacks standards.</p> |
| <p>Site services</p> <ul style="list-style-type: none"> Air conditioner units and hot water systems should be screened to minimise visibility from the public realm and neighbouring properties. The substation in the front setback should be well integrated into the design response with landscaping around it where practical. Storage sheds should not be located in the front setback. The booster and water meter should be well integrated into the design response. | <p>Air conditioner units and hot water systems are appropriately screened to minimise visibility from the public realm and neighbouring properties.</p> <p>The substation, booster and water meter are all well integrated into the design and landscape response.</p> <p>Previously located storage sheds within the front setback have all been removed and relocated.</p> |
| <p>Car Parking (Clause 52.06)</p> <ul style="list-style-type: none"> The number of car spaces is acceptable for the number of dwellings when applying the rate of 0.6 spaces per dwelling. Waste refuse turning bay appears to change location for the swept path assessment. This should be clarified by the design team. Corner splays to be provided in accordance with Clause 52.06 standards. | <p>Noted re: car parking numbers.</p> <p>Waste vehicle movements are functional and efficient.</p> <p>Corner splays have been provided to the proposed driveway.</p> <p>Wheel stops have been provided to all car spaces (7-15) as they interface the pedestrian access path.</p> |
| <p>Liveability</p> | <p>Noted.</p> |

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| <ul style="list-style-type: none"> • <i>Details of Council's Liveable Housing Guidelines are available here: Liveable Housing Design Guidelines Banyule Council</i> | <h1 style="color: red; margin: 0;">ADVERTISED PLAN</h1> |
| <p>Waste Collection</p> <ul style="list-style-type: none"> • <i>Council's expectation is that a private waste collection service will be required for this development.</i> • <i>1100L MGB bins are often hard to access for children, elderly persons or persons with a disability. Consider using 660L MGB bins in the waste room.</i> • <i>A sink and wash basin should be provided in the waste room.</i> • <i>Ensure the access to the bin room is wide enough to remove bins.</i> • <i>The waste vehicle should enter and exit the site in a forward direction.</i> | <p>Noted - private waste collection is proposed.</p> <p>1100L MGB bins are retained for efficiency.</p> <p>Appropriate washing facilities including water supply and hose will be provided for the regular washing of the bins and waste area by the property manager. Washing facility provided will be connected to the sewerage for drainage to prevent any stormwater pollution.</p> <p>Waste vehicles will exit the site in a forwards direction.</p> |
| <p>Drainage and Flooding</p> <ul style="list-style-type: none"> • <i>There is a 1.8m easement along the western boundary of the site.</i> • <i>The site is subject to flooding and is partially located within the Special Building Overlay (Schedule 1). This will require a referral to Melbourne Water for flood level and conditions.</i> | <p>Noted.</p> |

Site History

There is no planning history pertaining to the site.

Planning Scheme Requirements

Approval Pathway

The proposal is submitted in accordance with the provisions of Clause 53.23 – Significant Residential Development with Affordable Housing.

Clause 53.23 applies to an application under any provision of the Banyule Planning Scheme if all of the following are met:

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- The application includes the use or development of land for accommodation (other than camping and caravan park, group accommodation and residential hotel); and
- The condition corresponding to a category in Table 1 is met.

The application meets the above-mentioned conditions, noting it is a Category 2 type application.

Clause 53.23-2 specifies the Planning Scheme requirements, as follows:

The responsible authority may waive or vary any of the following:

- A minimum garden area requirement.
- Any building height or setback requirement.
- A condition opposite a use in Section 2 in a zone or a schedule to a zone.

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An application is exempt from an application requirement in this planning scheme if in the opinion of the responsible authority the requirement is not relevant to the assessment of the application.

Permit Triggers

The proposal requires a permit pursuant to the following planning scheme provisions:

- General Residential Zone – Clause 32.08-7 - A permit is required to construct or extend a residential building.
- Vegetation Protection Overlay – Schedule 5 – Clause 43.02 - A permit is required to remove, destroy or lop those trees which meet either of the following:
 - Has a height of 12 metres or more, or
 - Has a trunk or stems that collectively are more than 400mm in diameter, measured at 1400mm above the base of the tree.
- Special Building Overlay – Clause 44.05-2 – A permit is required to A permit is required to construct a building or to construct or carry out works, including:
 - Roadworks, if the water flow path is redirected or obstructed.
- Car parking – Clause 52.06-3 - A permit is required to:
 - Reduce (including reduce to zero) the number of car parking spaces required under Clause 52.06-5.

Site and Surrounding Context

Location

The subject site is located on the western side of Plunkett Street, between McNeil Street to the south and Griffiths Street to the north. The site adjoins residential properties to the north, west and south being 33 Plunkett Street, 6,8,10 McGrath Street and 25 Plunkett Street, respectively.

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Title description

The site is formally described as:

- Lot 290 on Plan of Subdivision 042597 Volume 08445 Folio 206
- Lot 291 on Plan of Subdivision 042597 Volume 08445 Folio 207
- Lot 292 on Plan of Subdivision 042597 Volume 08445 Folio 208

A 1.82m wide drainage, sewerage and gas easement runs along the rear site boundary.

There are no restrictive covenants or Section 173 Agreements registered on Title.

Land size

The land is rectangular in shape with an overall area of 1807sqm.

Existing conditions

The site is vacant.



Figure 2: Aerial view of subject site (Source: NearMap, dated 19 November 2023)

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Figure 3: Streetscape view of subject site (Source: Tina Arabajieva, dated 2 February 2024)

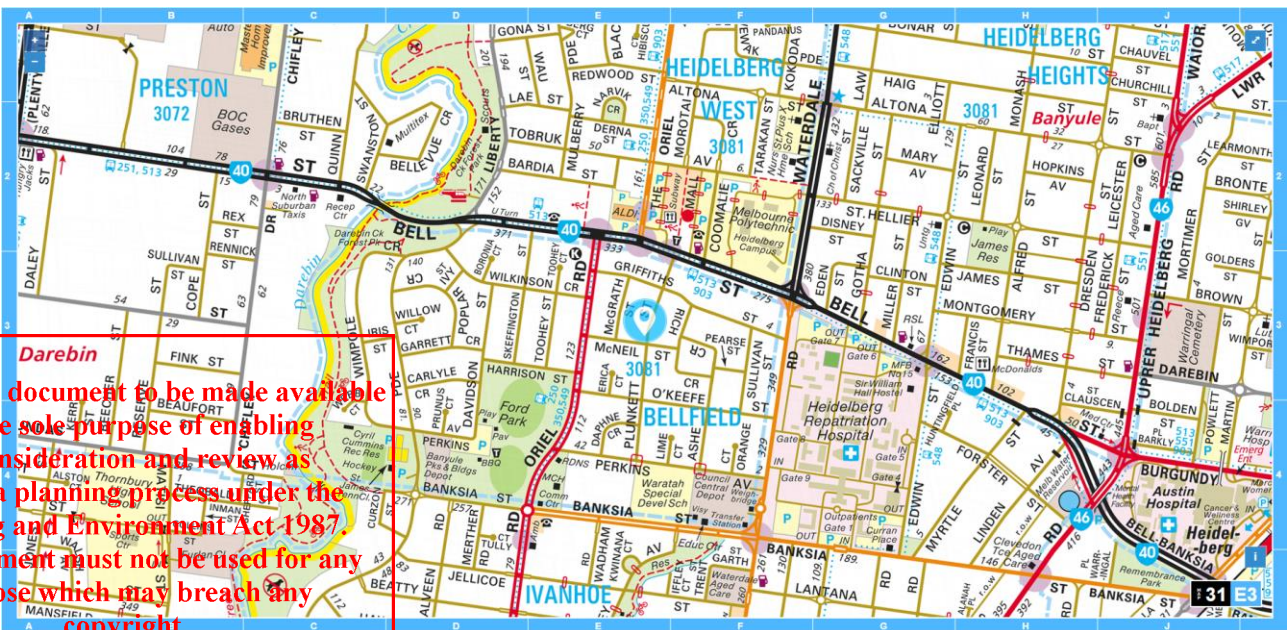
Aboriginal cultural heritage

The land is not in an area of Aboriginal cultural heritage sensitivity.

Locality

The subject site is well located in Bellfield, approximately 13km from Melbourne's CBD.

The site has direct and convenient access to local services, public amenities, community and educational institutions, and public transport. Please refer to the map and aerial image.



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Planning Controls

The land is affected by the following planning controls:

- General Residential Zone – Schedule 1 (GRZ1)
- Vegetation Protection Overlay – Schedule 5 (VPO5)
- Special Building Overlay – Schedule 1 (SBO1)
- Development Contributions Plan Overlay – Schedule 1 (DCPO1)

Please refer to the planning maps below for further detail.

Zoning

Clause 32.08 – General Residential Zone

[GENERAL RESIDENTIAL ZONE \(GRZ\)](#)

[GENERAL RESIDENTIAL ZONE - SCHEDULE 1 \(GRZ1\)](#)



The purpose of the GRZ1 is as follows:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To encourage development that respects the neighbourhood character of the area.
- To encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport.
- To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.

Under the GRZ1 provisions, a planning permit is not required for the use of the land for a dwelling, as it is a Section 1 use pursuant to Clause 32.08-2. However, a planning permit is required to construct a residential building pursuant to Clause 32.08-7.

There are no specifications in Schedule 1 to the zone of relevance to the proposal.

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Maximum Building Height and Garden Area

A maximum building height of 11 metres applies and the building must contain no more than 3 storeys, pursuant to Clause 32.08-11.

The proposal is in line with this requirement being a three-storey building with a maximum height of 10.16m.

An application to construct a residential building on a lot must provide a minimum garden area as set out in the following table:

| Lot size | Minimum percentage of a lot set aside as garden area |
|---------------------|--|
| 400 - 500 sqm | 25% |
| Above 500 - 650 sqm | 30% |
| Above 650 sqm | 35% |

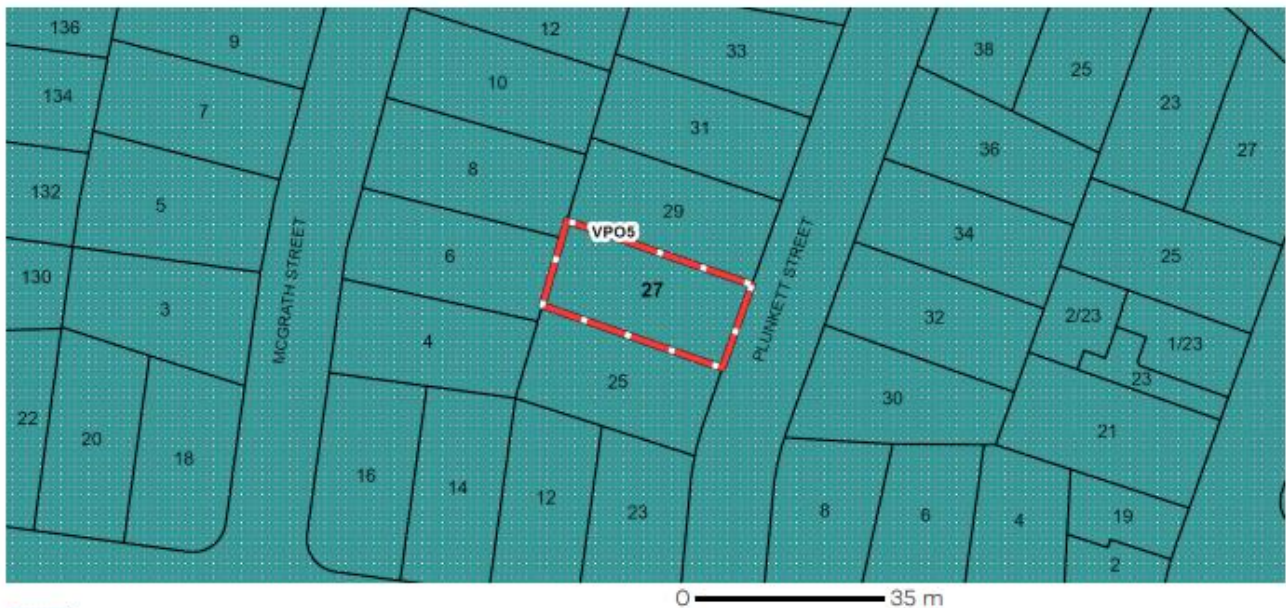
The site has an area of 1807sqm, requiring a garden area of 35%, i.e., 632.35sqm with 637sqm provided in compliance.

Overlays

Clause 42.02 - Vegetation Protection Overlay – Schedule 5

VEGETATION PROTECTION OVERLAY (VPO)

VEGETATION PROTECTION OVERLAY - SCHEDULE 5 (VPO5)



VPO - Vegetation Protection Overlay

Note: due to overlaps, some overlays may not be visible, and some colours may not match those in the legend

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The purpose of the Vegetation Protection Overlay is as follows:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To protect areas of significant vegetation.
- To ensure that development minimises loss of vegetation.
- To preserve existing trees and other vegetation.

- To recognise vegetation protection areas as locations of special significance, natural beauty, interest and importance.
- To maintain and enhance habitat and habitat corridors for indigenous fauna.
- To encourage the regeneration of native vegetation.

The site is affected by Schedule 5 of the VPO – Substantial Tree Protection Area.

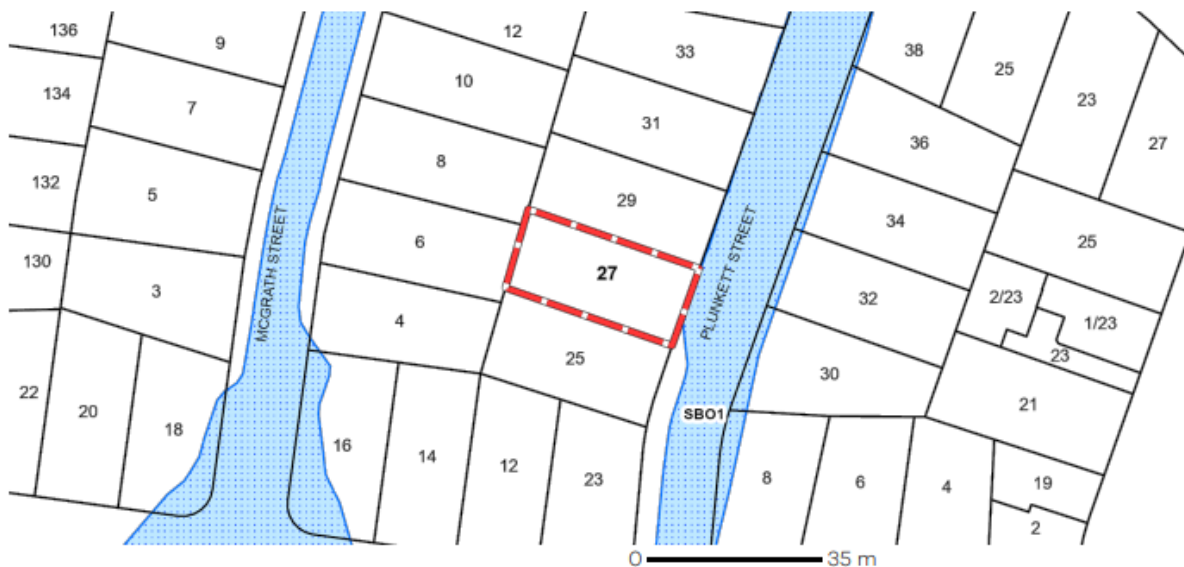
Clause 44.05 – Special Building Overlay

Planning Overlays

OTHER OVERLAYS

Other overlays in the vicinity not directly affecting this land

SPECIAL BUILDING OVERLAY (SBO)



SBO - Special Building Overlay

Note: due to overlaps, some overlays may not be visible, and some colours may not match those in the legend

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The purpose of the Special Building Overlay is as follows:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To identify land in urban areas liable to inundation by overland flows from the urban drainage system as determined by, or in consultation with, the floodplain management authority.
- To ensure that development maintains the free passage and temporary storage of floodwaters, minimises flood damage, is compatible with the flood hazard and local drainage conditions and will not cause any significant rise in flood level or flow velocity.
- To protect water quality and waterways as natural resources by managing urban stormwater, protecting water supply catchment areas, and managing saline discharges to minimise the risks to the environmental quality of water and groundwater.

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Clause 45.06 – Development Contributions Plan Overlay

Planning Overlays

DEVELOPMENT CONTRIBUTIONS PLAN OVERLAY (DCPO)
DEVELOPMENT CONTRIBUTIONS PLAN OVERLAY - SCHEDULE 1 (DCPO1)



The purpose of the Development Contributions Overlay is as follows:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To identify areas which require the preparation of a development contributions plan for the purpose of levying contributions for the provision of works, services and facilities before development can commence.

Clause 45.06-2 specifies that the development contributions plan may:

- Exempt certain land or certain types of development from payment of a development infrastructure levy or community infrastructure levy or both.
- Provide for different rates or amounts of levy to be payable in respect of different types of development of land or different parts of the area.

The proposal is exempt from the requirements of the DCPO1 – refer to Section Planning Assessment below for further detail.

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The Planning Policy Framework (PPF) is outlined at Clause 10-19 of the Banyule Planning Scheme. Of the PPF, the following clauses are relevant to the proposed development:

Clause 11 - Settlement, including:

- **Clause 11.01-1S – Settlement** seeks to facilitate sustainable development that takes full advantage of existing settlement patterns and investment in transport, utility, social, community and commercial infrastructure and services.

Clause 15 - Built Environment and Heritage, including:

- **Clause 15.01-1S - Urban Design** seeks to create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity.
- **Clause 15.01-2S - Building Design** seeks to achieve building design and siting outcomes that contribute positively to the local context, enhance the public realm and support environmentally sustainable development.
- **Clause 15.01-4S – Healthy Neighbourhoods** seeks to achieve neighbourhoods that foster healthy and active living and community wellbeing.
- **Clause 15.01-5S – Neighbourhood Character** seeks to recognise, support and protect neighbourhood character, cultural identity, and sense of place.
- **Clause 15.01-5L-01 – Preferred Neighbourhood Character** (in all areas of Banyule) seeks to:
 - encourage the retention and planting of canopy trees and understorey vegetation to soften the appearance of dwellings, enhance landscape settings, and improve existing wildlife and habitat links.
 - ensure buildings and extensions do not dominate the streetscape, the building, or the outlook and amenity of neighbouring dwellings.
 - protect and enhance the dominant continuous tree canopy and natural vegetated appearance of ridgelines.
 - ensure that household services, vehicle access and storage facilities are not visually prominent features of streetscapes.
- As part of **Clause 15.01-5L-01**, the subject site is located within the Garden Suburban Area - Precinct 2 (GS2). The Garden Suburban Area wide objectives are to maintain and strengthen the landscape setting of each precinct with spacious leafy gardens, tree-dominated streetscapes and spines of trees in rear setbacks; and to ensure development on sites zoned GRZ1, GRZ3 or GRZ4 contributes to an enhanced treed environment whilst providing for increased housing densities. The proposal is entirely in line with this policy by increasing density and providing a high quality landscape response.
Within the GS2, specific strategies are to:
 - Provide landscaping that comprises large native or indigenous trees and understorey vegetation that complements the character of the precinct.
 - Incorporate second storeys within roof spaces where possible.

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- Use low and open style fences complementary to the era of the dwelling.
 - Incorporate main design themes in correct proportions and scale from 1950–1960s era buildings, where they predominate, including low-pitched, hipped roof forms with a second or third hipped roof fronting the street and narrow, boxed eaves.
 - Avoid period detailing, but complement the architectural style, scale and form of the existing building in any additions.
- **Clause 15.01-5L-02 - Postcode 3081 Urban Design Framework** seeks to guide the future identity of the Postcode 3081 Urban Design Framework area while providing for housing change and urban renewal. Specific strategies include to:
 - *Establish a cohesive and contemporary architectural character that responds to the natural creek environment and treed character of the suburb.*
 - *Avoid development that would entrench buildings and/or uses that are inconsistent with the preferred built form or vision for the urban renewal area.*
 - *Maintain good solar access to footpaths, in addition to existing and proposed public open space.*
 - *Ensure buildings include the use of natural materials and colours of muted tones that blend in with the surrounding environment.*

The proposal is in line with these strategies as it provides a contemporary architectural character which is in line with the preferred built form and vision for the area; maintains good solar access to the footpath and uses natural materials and colours of muted tones that blend in with the surrounding environment.

- The subject site is in 'Area 5 – Hinterland' urban renewal area where strategies are to maintain the low rise and generously landscaped character of the area and to respond to the grain and rhythm of existing dwellings. The proposal is in line with recent developments within the area which are predominately composed of two to three storey developments which are the emerging character. The proposal responds to the grain and rhythm of existing dwellings by having a central break which divides the overall mass into two separate building volumes which creates a negative recess along the facade while providing for a clearly identifiable building entry point. Further fine grain response is achieved by the breakdown of the facade into a series of 'terraces' that is similar in scale to the newer townhouse developments emerging around the site.

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Clause 16 - Housing, including:

- **Clause 16.01-1S - Housing Supply** seeks to facilitate well-located, integrated and diverse housing that meets community needs.

- **Clause 16.01-1R - Housing Supply - Metropolitan Melbourne** seeks to manage the supply of new housing to meet population growth and create a sustainable city.

Clause 19 - Infrastructure, including:

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- **Clause 19.03-3S - Integrated Water Management** seeks to sustainably manage water supply and demand, water resources, wastewater, drainage and stormwater through an integrated water management approach.

Overall, the above-mentioned policies encourage more efficient use of land in established residential areas to provide housing (including social) more suited to the changing housing needs of the community. This means higher density, more affordable housing that is energy efficient, well-located with respect to services, and designed to respect the character and landscape aspirations of the neighbourhood in which it is to be located.

Municipal Planning Strategy

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

- **Clause 02.02 – Vision** outlines Banyule’s overarching vision is to:
 - *Create a green, sustainable and vibrant place for a healthy, connected and inclusive community.*
 - *Invest in, and support, activity centres and employment precincts.*
 - *Protect the amenity and character of residential areas.*
 - *Support an equitable and sustainable transport network.*
 - *Protect and enhance the natural environment.*
 - *Provide quality public and open spaces.*
 - *Protect and conserve cultural heritage.*
 - *Conserve water and improve stormwater management.*
 - *Manage flood and bushfire risk.*
 - *Plan for, and respond to, climate change.*
- **Clause 02.03-1 - Settlement** seeks to Direct growth in housing, commercial activity and community facilities to Banyule’s major activity centres.
- **Clause 02.03-2 – Environment and landscape values** seeks to retain and plant Significant Trees, Substantial Trees and other vegetation to protect and enhance Banyule’s landscape character, habitat links and biodiversity, contribute to water-sensitive design, and to manage the urban heat island effect.
- **Clause 02.03-4 Built environment and heritage** seeks to encourage development that contributes to the preferred character of residential neighbourhoods in a manner that supports varying degrees of housing change; as well as encourage development that delivers more environmentally sustainable design and construction.

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- **Clause 02.03-5 Housing - Supply** directs housing growth to locations in or close to activity centres and the Principal Public Transport Network, and to strategic redevelopment sites, to satisfy housing demand. It also promotes more affordable housing, including in the private rental market, crisis accommodation, student accommodation and public housing, that addresses the needs of those seeking to

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reside in Banyule. The Policy also directs to increase the diversity of housing types and the provision of more adaptable housing that meets the special needs of the broader community, including older persons with impaired mobility and those from culturally diverse backgrounds.

- **Clause 02.03-5 Housing – Residential Areas Framework** addresses the issues affecting the municipality as a result of increasing population, and changes to household size and structure, including impacts on neighbourhood character.
- The subject site is located within an 'Accessible Area' (in accordance with **Clause 02.04 Strategic Framework Plan**) which are typically located within convenient walking distance to the business core of an activity centre and within convenient walking distance to the highest priority sections of the Principal Public Transport Network, where higher frequency and quality of public transport services are in operation.
- 'Accessible Areas' have a vision to provide townhouse and other medium density living and some dispersed single dwellings. Some opportunities for higher density housing will also exist. These areas include strategic redevelopment sites that provide for medium density and a higher density housing component. The proposal is fully in line with the aspirations of the 'Accessible Areas' policy.
- As part of **Clause 02.03-5 Housing – Residential Areas Framework**, the site is also located in the 'Postcode 3081 Urban Design Framework Hinterland Area' which has a vision to provide well designed redevelopment opportunities for medium density dwellings within a treed landscape setting and that public housing sites will provide well designed redevelopment opportunities. It also notes a preferred neighbourhood character will support development opportunities at Bell Street Mall Neighbourhood Activity Centre, public housing sites and larger properties.

Decision Guidelines Assessment

The Decision Guidelines of the Banyule Planning Scheme require responsible authorities to decide whether the proposal will produce acceptable outcomes in terms of the decision guidelines of Clause 65, as well those specified in Clause 32.08-14 and Clause 7.0 of Schedule 1 to the GRZ1. The applicable decision guidelines of Clause 32.08-14 and Clause 7.0 of Schedule 1 to the GRZ1 are as follows:

- *The Municipal Planning Strategy and the Planning Policy Framework.*
- *The purpose of this zone.*
- *The objectives set out in a schedule to this zone.*
- *Any other decision guidelines specified in a schedule to this zone.*

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- *The impact of overshadowing on existing rooftop solar energy systems on dwellings on adjoining lots in a General Residential Zone, Mixed Use Zone, Neighbourhood Residential Zone, Residential Growth Zone or Township Zone.*
- *For the construction and extension of two or more dwellings on a lot, dwellings on common property and residential buildings, the objectives, standards and decision guidelines of Clause 55.*
- *Whether the landscaping requirement can be met by including existing trees that are considered worthy of retention.*
- *Whether the proposal responds appropriately to the objectives and relevant strategies in the Preferred neighbourhood character policy at clause 15.01-5L-01.*

The following section of the report provides an assessment of the proposal having regard to the various relevant decision guidelines and the specific planning considerations relevant to the proposed development of the land.

General Residential Zone – Schedule 1

The proposal is consistent with the purpose of the General Residential Zone in that it will provide a development that is respectful to the neighbouring character of the area, will provide diversity in housing types and growth in a location offering good access to services and transport. This is achieved in the following manner:

- The proposal is in line with the *Municipal Planning Strategy and the Planning Policy Framework* as detailed Section Planning Policy Framework of this report.
- The proposal facilitates the site's efficient and intensive redevelopment for social housing on a site conveniently located within close proximity to existing infrastructure, the arterial road network, public transport, employment areas and a variety of services and facilities.
- The proposal responds appropriately to the objectives and relevant strategies in the Preferred neighbourhood character policy at clause 15.01-5L-01, as detailed in Section Planning Policy Framework of this report.
- The proposal includes 25 social housing apartments, comprising a mix of one-, two- and three-bedroom apartments – offering diversity of accommodation suitable to all households, from small to larger family households.
- The proposal achieves compliance with the relevant development standards of Clause 55 (as detailed in the supporting *Clause 55 Assessment* prepared by Ferencz Baranyay Architects), ensuring appropriate internal and external amenity outcomes are achieved.

A right under the Clause 55.07-9 – Private Open Space Objective is noted as relevant to ground floor apartment G03 in having a southern orientation and being short of the required 25sqm with a minimum dimension of 3m. On balance, this is considered a relatively

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minor non-compliance and is limited to this one apartment only. As such presents an acceptable outcome.

- The building ensures the protection of amenity for surrounding properties through generous building setbacks, appropriate building height, perimeter landscaping, variation in façade materials and form, and careful placement of habitable room windows and balconies. Together, these treatments avoid the potential for unreasonable bulk, overshadowing or overlooking onto adjoining sites.
- A high level of internal amenity is achieved through the incorporation of landscaped setbacks to all site boundaries, good access to daylight, natural ventilation, functional internal living and bedroom areas, practical internal and external storage and accessible private open spaces directly adjoining primary living spaces.
- Car parking has been designed to provide for the safe and efficient movement of vehicles to and from the site and will not result in an adverse impact to the operation of the existing road network.
- Waste management facilities are integrated into the development to avoid detrimental impacts on the safety and amenity of the area.
- The proposal achieves all 'best practice' targets regarding sustainable design outcomes and integrated stormwater management.

Overall, the proposed development is well considered and designed with an appropriate height and generous setbacks from the site boundaries to maintain the amenity of adjoining properties, and to present a building form which sits comfortably in the immediate environs.

Overlays

Vegetation Protection Overlay – Schedule 5 – Substantial Tree Protection Area

The site is affected by a Vegetation Protection Overlay – Schedule 5 – Substantial Tree Protection Area which seeks to protect and maintain Banyule's vegetation and treed streetscapes as one of the most valued characteristics that contribute to its neighbourhood character.

Under the schedule to the Overlay, a permit is required to remove, destroy or lop those trees which comply with either of the following:

- *Has a height of 12 metres or more, or*
- *Has a trunk or stems that collectively are more than 400mm in diameter, measured at 1400mm above the base of the tree.*

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The proposal seeks to remove all existing vegetation on site, including two large trees – a silky oak and a prickly-leaved paperbark which meet the above-mentioned trunk dimensions criteria.

An 'Arboricultural Assessment & Report' prepared by Treemap Arboriculture, dated May 2024 is provided in support of the proposed tree removal. The report notes that the subject trees are in poor health and have a low retention value. As such their removal can be supported. It is further noted Banyule City Council has been consulted on the matter and is supportive of the proposed tree removal. Please refer to Attachment 1.

Replacement planting in the form of canopy trees and small trees are proposed along the front and rear site boundaries which is in line with the objectives of the VPO5 to ensure that, where tree removal is permitted, appropriate replacement planting is provided and located appropriately on site.

A 'Tree Protection Management Plan' prepared by Michael Rogers, dated 9 May 2024 is also submitted to address the protection and management requirements during and post construction as relevant to the English Oak neighbouring tree at 33 Plunkett Street, Bellfield, as well as the three Council street trees within the nature strip.

Special Building Overlay

The site is partially affected by a Special Building Overlay, noting preliminary comment from the floodplain management authority (Melbourne Water) has been sought and the application will be formally referred to this authority. The new cross over works are relatively minor in nature and will be design in accordance with any comments received from the relevant floodplain management authority.

Development Contributions Plan Overlay – Schedule 1

In accordance with Clause 4 of Schedule 1 of the Development Contributions Plan Overlay, the proposal for social housing development delivered by and for registered housing associations is exempt from the requirements of the Banyule Development Contributions Plan 2023.

Clause 53.23 Significant Residential Development with Affordable Housing

The proposal is entirely in line with the purpose of this Clause as it will facilitate the redevelopment of public housing stock to meet existing and future needs, which is of high-quality urban design and architecture.

The proposal falls under Category 2 of the Clause 53.23-1, as it will develop land for accommodation carried out and funded by Homes Victoria and is for 100% social housing.

Particular provisions

Consideration has been given to the particular provisions in the Banyule Planning Scheme as follows:

Clause 52.06 - Car parking

The development provides 0.6 car parking spaces per dwelling for a total of 15 spaces, which is below the statutory requirement of 27 spaces required by Clause 52.06-5 of the

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Banyule Planning Scheme. In support of the sought after reduction and whilst not technically applicable to this Clause 53.23 application, it is noted Clause 52.20 makes provision for a reduced car parking requirement of 0.6 car spaces per dwelling. The proposed social housing dwellings are in line with this rate and are thus considered sufficient. The requested reduction in car parking requirements is addressed in further detail in the *Traffic Engineering Assessment* prepared by Traffix Group, dated 04 March 2024.

Clause 52.17 - Native vegetation

The purpose of this Clause is to ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation. Under Clause 52.17-1, a permit is required to remove, destroy or lop native vegetation, including dead native vegetation. This does not apply:

- If the table to Clause 52.17-7 specifically states that a permit is not required.
- If a native vegetation precinct plan corresponding to the land is incorporated into this scheme and listed in the schedule to Clause 52.16.
- To the removal, destruction or lopping of native vegetation specified in the schedule to this clause.

Clause 52.17-7 Table of Exemptions specifies the requirement to obtain a permit does not apply to:

- Native vegetation that is to be removed, destroyed or lopped that was either planted or grown as a result of direct seeding.

The proposal includes the removal of two native trees on site, however does not trigger a permit under Clause 52.17 as these trees are planted vegetation. A review of historical aerial imagery from 1945 shows the site being used for what appears to be farming purposes and is clear of any trees.

Clause 52.34 - Bicycle facilities

The proposal provides 18 bicycle spaces in a safe and secure location internal to the building, as well as 8 spaces adjacent to the main building entry.

Clause 53.18 – Stormwater Management in Urban Development

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

Stormwater management has been carefully considered as part of this proposal. Please refer to the 'Sustainable Management Plan' prepared by IGS, dated 7 May 2024 for further detail.

Clause 55 - Two or More Dwellings on a Lot and Residential Buildings

Clause 55 applies to the construction or extension of apartment developments in a General Residential Zone. It seeks to: achieve residential development that respects the

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existing neighbourhood character or which contributes to a preferred neighbourhood character; encourage residential development that provides reasonable standards of amenity for existing and new residents; and encourage residential development that is respective to the site and the neighbourhood.

An application to construct or extend an apartment development has the following applicable clauses - all of Clause 55 except Clause 55.03-5, Clause 55.03-6, Clause 55.03-8, Clause 55.04-8, Clause 55.05-1, Clause 55.05-2 and Clause 55.05-6.

The application is largely compliant with the requirements of Clause 55, as detailed in the *Clause 55 Assessment* prepared by Ferencz Baranyay Architects.

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Exemption from Review

In accordance with Clause 53.23-5, the application is exempt from the decision requirements of sections 64(1), (2) and (3), and the review rights of sections 82(1) of the Act.

Conclusion

The proposal is an appropriate and acceptable outcome for the site, consistent with the requirements of the General Residential Zone – Schedule 1 and the purpose of Clause 53.23 Significant Residential Development with Affordable Housing.

Overall, the proposal will facilitate the redevelopment of public housing stock to meet existing and future needs and to ensure residential development is of high-quality urban design, architecture and landscape architecture. The proposal is suitable for attaining planning approval.

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