



PLANNING &  
PROPERTY | **PARTNERS**

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## TOWN PLANNING REPORT

Section 87A Amendment - 149 Hansworth Street, Mulgrave

October 2021

Prepared for: Hansworth Land Pty Ltd

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## 1. Introduction

### 1.1. Overview

This report accompanies an application to amend Planning Permit TPA/45451 ('the Planning Permit') pursuant to Section 87A of the *Planning and Environment Act 1987* (the 'Act').

The Planning Permit relates to land at 149 Hansworth Street, Mulgrave (the 'Site') and was issued by Monash City Council ('Council') on 8 November 2017, at the direction of the Tribunal in *Pong Property Development Pty Ltd v Monash CC* [2017] VCAT 1360.

The Planning Permit has since been amended (refer Section 1.2 below) and allows:

*The staged development of two residential apartment towers (including podium) of 9 and 10 stories in total height and associated landscaping and works and of 28 two storey townhouses and associated landscaping and works in accordance with the endorsed plans in accordance with the endorsed plans.*

The proposed amendments relate to the residential apartment towers and include revised layouts and changes to the building envelope. The changes will deliver a superior development in terms of its architectural form and onsite residential amenity whilst maintaining an appropriate response to site interfaces. Minor changes to conditions of the Planning Permit are also sought to facilitate the revised development.

The amended proposal is further detailed below and within the accompanying material which includes:

- Urban Context Report prepared by *Cera Stribley Pty Ltd*;
- Architectural plans prepared by *Cera Stribley Pty Ltd*;
- Traffic Engineering Assessment prepared by *Traffix Group Pty Ltd*;
- Sustainability Management Plan prepared by *The Urban Leaf Pty Ltd*;
- Waste Management Report prepared by *The Urban Leaf Pty Ltd*;
- Acoustic Assessment prepared by *Enfield Acoustics Pty Ltd*; and
- Landscape plan prepared by *John Patrick Landscape Architects Pty Ltd*.

### 1.2. Ambit of Section 87A Amendment

Section 87A of the Act provides the Tribunal with jurisdiction to consider amendments to a planning permit issued at its direction. The case law that has established in respect of section 87A confers wide ambit to the Tribunal with the important and critical matter of the discretion confined to the planning merits of the amendments sought, as opposed to reconsidering the proposal totality afresh.

The type of amendments can be minor and clarifying amendments, or more substantive amendments that facilitate change in the development or use permitted.

In this matter, the proposed amendments relate specially to the residential apartment towers, comprising Stage 3 of the approved development. The scale and envelope of the towers are retained generally in accordance with the existing approval with the amendments instead providing improvements to the form and apartment layouts.

Given the confined nature of the amendments, it is submitted that it is not a matter that warrants a re-examination of planning policy or an assessment of the changes in their own merit. Rather, it is more of a comparative exercise involving a consideration of the changes relative to the approval and their suitability.

### 1.3. Planning History

The approved development was considered by the Tribunal in *Pong Property* and found to be a suitable response to the Site's 'unique' attributes and relevant provisions of the Monash Planning Scheme ('the Planning Scheme').

Architectural plans prepared by *Sgourakis Architects Pty Ltd* were endorsed on 23 April 2019 in accordance with Condition 1 of the Planning Permit.

Following issue of the Planning Permit and the endorsement of plans, the applicant in the current matter, *Hansworth Land Pty Ltd*, executed a contract of sale to acquire the Site on in November 2019. Since this time, the following amendments and extensions to the Planning Permit expiry dates have been advanced by the permit holder:

#### Section 87a Amendment: December 2020 – April 2021.

An application to amend the Planning Permit pursuant to Section 87A of the Act was lodged with the Tribunal on 18 December 2020. The amendment sought a staging of the development and layout changes to the approved townhouses. The amendments were approved by the Tribunal on 30 April 2021 with the consent of Council.

Plans prepared by *Parallel Workshop Architects Pty Ltd* and associated consultant reports were endorsed in accordance with the amended Planning Permit on 7 September 2021. The endorsed plans relate to Stage 1 and Stage 2 of the development comprising the two storey townhouses.

Stage 3 of the development relates to the residential apartment towers which is the subject of the current amendment application.

#### Extension of Time Approval: February 2020 – November 2020

Conditions of the Planning Permit required the development to commence within 2 years from the date of issue (being 8 November 2019) and to be completed within 6 years (being 8 November 2023). A request to extend the Planning Permit's expiry date was lodged with Council and refused in March 2020.

Council's decision was appealed to the Tribunal and considered in *Hansworth Land Pty Ltd v Monash CC* [2020] VCAT 1282. The Tribunal set aside Council's refusal of the extension request, extending the date by which development must be commence to 8 November 2021 and the time within which the development is to be completed until 8 November 2024.



## 2. Site and Surrounds

The Site is located at 149 Hansworth Street, Mulgrave. It is formally known as Lot A, PS505303. It is an irregularly shaped lot with an overall area of 1.67 hectare. A portable sales office has recently been installed in the centre of the Site.

Key features of its abuttal include:

- A Melbourne Water pipe track is located to the immediate north. The Monash Freeway is located further north.
- Single and double storey dwellings abut the western and southern boundaries.
- The Blue Cross Hansworth aged care facility is located to the southeast.
- Waverley Gardens Shopping Centre is located further southeast of the aged care facility.

There have been no substantial changes to the Site or its surrounding context since the Planning Permit was issue in November 2017.



Figure 1 – Aerial View of the Site and Surrounds

Source: [www.nearmap.com](http://www.nearmap.com)



### 3. Proposed Amendments

The amendments which are proposed to the Planning Permit pursuant to Section 87A of the Act include changes to the endorsed plans and associated consultant reports, together with permit conditions. These changes are further detailed below.

#### 3.1. Architectural Plans and Reports

Amendments proposed by the applicable follow the engagement of *Cera Stribley Pty Ltd* as the new project architect and include a reconsideration of the building form and internal layouts. Despite the changes, the amended proposal maintains a number of characteristics consistent with the existing approval including:

- Two towers of 9 and 10 stories in height arranged above a 2-3 storey podium. Separation is retained between the two towers and minimum change in the overall building height results;
- Built form is massed towards the Freeway interface along the Site's northeast boundary with substantial separation to the Blue Cross Hansworth aged care facility to the southeast and dwellings to the west;
- No change in shadowing of properties west of the Site will result;
- The ground and podium level car parking is accessed at the southeast corner of the building via Hansworth Street;
- Communal open space areas are provided at the podium level and within the centralised 'pocket park';
- Further landscaping opportunities, notably within the terraces to the apartments is proposed;
- Car parking provisions continue to meet the statutory requirements of Clause 52.06 (Car Parking) of the Planning Scheme with additional parking provided which is commensurate with the increase in apartment numbers; and
- A pedestrian link is provided through the Site between the different sections of Hansworth Street.

The elevations and floorplans included with the architectural package prepared by *Cera Stribley Pty Ltd* detail changes to the building envelope relative to the plans that were prepared by *Sgourakis Architects Pty Ltd* and endorsed on 23 April 2019 (refer Section 1.3 above). The plans show that modest additions beyond the endorsed envelope are proposed, however, the positioning of the building footprint to provide substantial separation to surrounding dwellings and the Blue Cross Hansworth aged care facility is maintained.

The detailed architectural statement included with the Urban Context Report prepared by *Cera Stribley Pty Ltd*, details that the design is informed by a darker, ground podium form that contrasts with the lighter towers above. The buildings will sit within a landscape setting with additional planters at the podium level and on balconies extending the greenery through to the built form.

Drawings TP.5000 – TP.5023 of the submitted architectural plans demonstrate that the apartment floorplans have been designed to address the requirements of Clause 58 (Apartment Developments) of the Planning Scheme noting that these requirements did not apply to the previous approval. In this respect, it is submitted that improved levels of onsite amenity will result from the amended proposal.

Apartment numbers and car parking provisions within the approved and amended schemes are detailed below with a greater range of product now proposed.

	1-bedroom	2-bedroom	3-bedroom	4-bedroom	Apartments	Carparks
Approved	35	57	1		93	119
Amended	27	86	6	4	123	157

### 3.2. Planning Permit Conditions

Changes are proposed to Condition 2 of the Planning Permit which addresses requirements related to the endorsement of plans for Stage 3 of the development (comprising the residential apartment towers). The condition is proposed to be updated as follows to reference the latest plans prepared by *Cera Stribley Pty Ltd* which accompany the amendment application:

2. *Before the development of each Stage starts, amended plans of that Stage drawn to scale and dimensioned, must be submitted to and approved by the Responsible Authority. When approved the plans will be endorsed and will then form part of the permit.*

[...]

*Amended plans for Stage 3 must be generally in accordance with ~~the plans substituted for the application plans at the VCAT hearing in P2277/2016~~ plans prepared by Cera Stribley Architects, dated 22 September 2021, but modified to show:*

jj) [...]

Other conditions of the Planning Permit will remain unchanged.

As further detailed at Section 5.6 below, accompanying plans and consultant reports are provided which consider the amended proposal whilst appropriately addressing conditions of the Planning Permit. These include:

- A waste management report - Condition 11;
- Landscape plan – Condition 15;
- Acoustic assessment - Condition 28; and
- Sustainability management plan - Condition 35.



#### 4. Planning Controls

The Site is within a General Residential Zone – Schedule 2 pursuant to provisions of the Planning Scheme. No overlay controls apply to the Site.

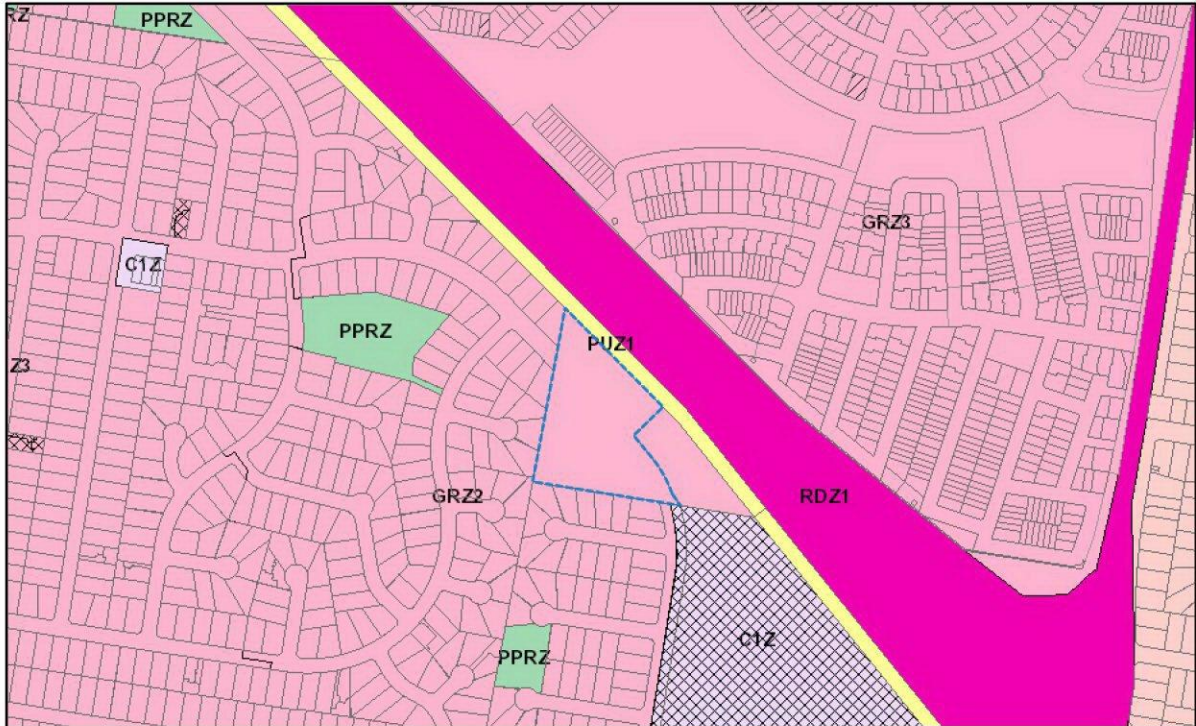


Figure 2 – Zoning controls that apply to the Site and surrounds

Source: VicPlan

These controls remain the same as when the Planning Permit was issued in November 2017.

In *Pong Property Development Pty Ltd v Monash CC*, the Tribunal took into account the following Amendments which had been made to the Planning Scheme after the permit application was lodged with the Council, and before the application for review was determined:

- Amendment VC110 which was gazetted on 27 March 2017 which, amongst other things, introduced the minimum garden area requirements and maximum building height (11 metres, 3 storeys) into the General Residential Zone. Transitional provisions exempted the application from complying with these requirements; and
- Amendment VC136 which was gazetted on 13 April 2017 which inserted a requirement into the General Residential Zone for apartment buildings of five or more storeys to meet the requirements of Clause 58 (Apartment Developments) and amended Clause 55 (Two or more dwellings on a lot and residential buildings) to introduce new standards for apartments (clause 55.07 – Apartment developments). Transitional provisions exempted the application from comply with these requirements.

The Tribunal in *Pong Property Development Pty Ltd v Monash CC* considered these amendments to the extent that they were relevant.

Transitional provisions at Clause 32.08-6 and Clause 32.08-15 of the General Residential Zone continue to apply, exempting the amendments from the provisions now affecting the Site.



## 5. Planning Assessment

### 5.1. Key Considerations

Having regard for the extent of changes proposed by the amendments and to the ambit of the Tribunal's discretion in applications made pursuant to section 87A of the Act, it is submitted that the relevant questions in this matter are as follows:

1. Consideration of the Site's strategic planning context;
2. Response to findings of the Tribunal in Pong Property Development Pty Ltd v Monash CC;
3. Zone requirements;
4. Clause 58 – Apartment Developments;
5. Car parking provisions and layout; and
6. The response to permit conditions.

An assessment of these matters is provided below.

### 5.1. Strategic Planning Context

The Planning Policy Framework provides general principles for land use and development in Victoria, enshrining the objectives and strategies of the Metropolitan Planning Strategy, *Plan Melbourne 2017-2050* ('Plan Melbourne'). The policies which it outlines seek to constrain the outward expansion of Metropolitan Melbourne by fostering a more consolidated, sustainable and healthy City. This includes support for new housing close to services, jobs and public transport to accommodate the increasing population. Within these areas, new development is required to address its context and contribute to cultural identity and a sense of place whilst minimising greenhouse gas emissions and encourage sustainable transport practices.

These policies are outlined within the following clauses of the Planning Policy Framework which are particularly relevant to the current proposal:

- **Clause 11 Settlement**
  - 11.01-1S Settlement
  - 11.01-1R Settlement – Metropolitan Melbourne
- **Clause 15 Built Environment and Heritage**
  - 15.01-1S Urban design
  - 15.01-1R Urban design - Metropolitan Melbourne
  - 15.01-2S Building design
  - 15.01-4S Healthy neighbourhoods
  - 15.01-4R Healthy neighbourhoods - Metropolitan Melbourne
  - 15.02-1S Energy and resource efficiency
- **Clause 16 Housing**
  - 16.01-1S Housing supply
  - 16.01-1R Housing supply - Metropolitan Melbourne
  - 16.01-2S Housing affordability

At the local level, **Clause 21.04 – Residential Development** of the Monash Municipal Strategic Statement details a housing hierarchy to accommodate the additional residential development that is required within the municipality. This framework is based on directing residential growth to *'neighbourhood and activity centres that are well serviced by public transport, retailing, community facilities and employment*

opportunities. This will reduce development pressure on less accessible locations allowing their garden city character to be preserved.'

The resulting Residential Development Framework Map (refer Figure 3) at Clause 21.04 locates the Site within an 'accessible area' alongside the Waverly Gardens Neighbourhood Centre. **Clause 21.06 – Major Activity and Neighbourhood Centres** identifies that Waverly Gardens forms part of a well-connected network of activity and neighbourhood centres within the municipality which provide convenient and accessible services as well as a local community focus.

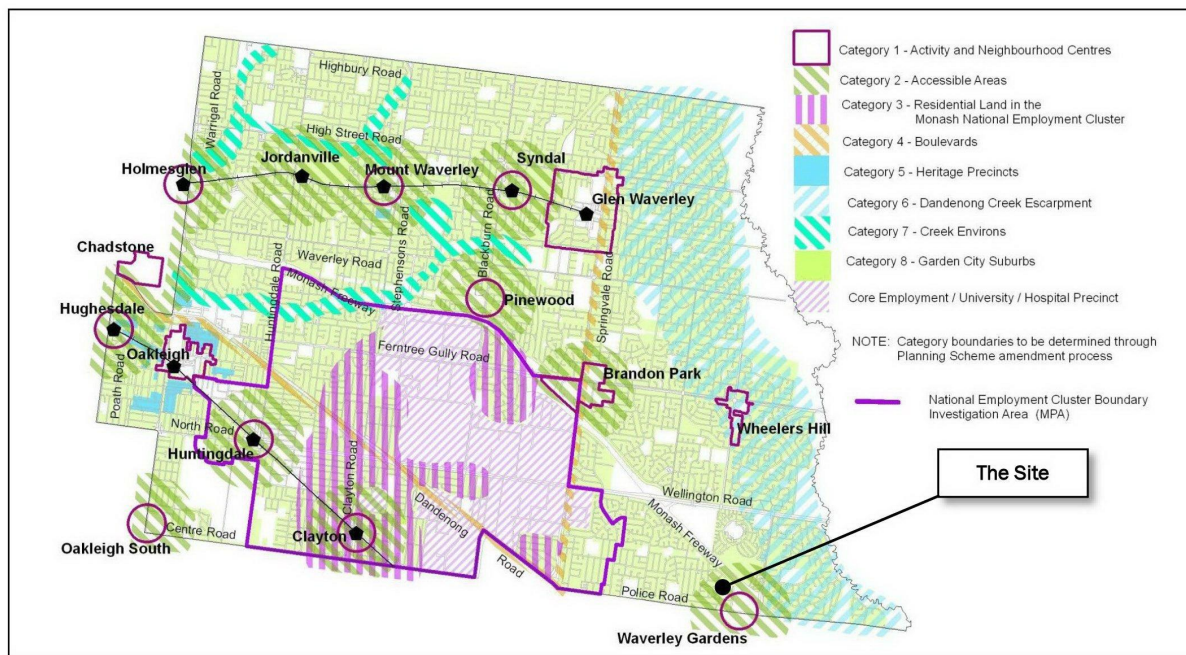


Figure 3 – Residential Development Framework Map

Source: Clause 21.04

Consistent with these policies and outcomes intended by Plan Melbourne, the amended proposal will provide additional housing opportunities at an 'accessible' site that is proximate to a range of community and commercial facilities around the Waverly Gardens Neighbourhood Centre. Commercial 1 zoned land within this activity centres abuts the southeast corner of the Site (refer Figure 2).

The additional housing in this location will continue to contribute to achieving the goals from Outcome 2 of Plan Melbourne which aspires to locate 70 percent of Melbourne's new housing within established areas as a means of contributing to the '20 minute neighbourhood' where people can 'live locally' with access to everyday needs. Infill housing within these areas fosters positive social interaction, improves the economic viability of infrastructure, encourages sustainable transport practices and promote positive environmental outcomes via more efficient use of resources and materials.

The mixture of apartment floorplans and layouts which vary from one – four bedrooms will improve housing affordability and provide residential accommodation for a larger cross section of the community. This is supported by Clause 16.01-2S (Housing Affordability) and Clause 16.01-1S (Housing Supply) together with the Municipal Strategic Strategy.

The amended proposal appropriately balances the Site's 'unique' context which was identified in *Pong Property Development Pty Ltd v Monash CC*, its positioning within an 'accessible' area and character policies at **Clause 22.01 – Residential Development and Character Policy** which locates the Site within a 'Garden City Suburbs Northern Areas.' The preferred character outcomes for these areas include:

*Modest dwellings with simple pitched rooflines and articulated facades will continue the prevailing development themes. On larger sites, low rise apartment development may be appropriate, provided*



*the development is sited within generous open space, is well landscaped, retains the 'open landscape character' of the garden suburban setting and tapers down in scale closer to the boundaries of the site*

Although the development is of a larger form than the 'low rise' apartments envisaged for these areas, the amended proposal provides garden areas of 39 percent with limited site coverage and extensive areas of site permeability. The resulting landscaping opportunities which are shown on the accompanying plan prepared by *John Patrick Landscape Architects Pty Ltd* demonstrates that the canopy and understorey vegetation that will be provided around the residential apartment towers and within the tower itself will respect the 'garden city' ideals of the area. The massing of the residential apartment alongside the Monash Freeway with substantial setbacks to the nearest dwellings also ensures that the proposal 'tapers down in scale closer to the boundaries.'

Remaining local policies of the Planning Scheme relating to sustainability requirements at **Clause 22.04 – Stormwater Management Policy** and **Clause 22.13 – Environmentally Sustainable Development Policy** are suitably considered and addressed within the accompanying Sustainability Management Plan prepared by *The Urban Leaf Pty Ltd*.

## 5.2. Pong Property Development Pty Ltd v Monash CC

The Tribunal undertook a robust analysis of the development in *Pong Property Development Pty Ltd v Monash CC*, considering the Site's strategic planning context, the form of development, offsite amenity impacts, the landscape response and servicing of the development.

The Tribunal ultimately found that the proposal was an appropriate response to the 'rare opportunity' that the Site presented to contribute to the required urban consolidation. This included its overall area of 1.67 hectares, limited constraints, access to services, the non-sensitive freeway interface and relationship to the neighbouring Blue Cross building and residential dwellings.

Detailed comment from *Pong Property Development* as it relates to the amended proposal is provided below:

### Residential Towers and Neighbourhood Character/Urban Design Response (Paras 73 – 90)

Qualified support was provided by the Tribunal to the design and scale of the residential apartment towers as follows:

82. *With two provisos discussed further below, I endorse the design evidence of Mr Czarny and Mr Holdsworth that these very positive features makes it an acceptable 'neighbourhood character' outcome and design response to have built form as tall as 9/10 storeys here. This conclusion is reinforced by what I accept to be the high standard of design for the podium and twin towers. These towers have been designed 'in the round', recognising that they will be very visible when viewed not just from the subject land, but also when driving along the freeway.*
83. *The podium is of an appropriate scale at two/three stories, noting the significant drop in height of the natural ground level from the east down to the west. It is a positive design feature that the western and southern upper levels of the podium have been activated by the placement of south and west-facing apartments at these levels. Having these upper level facades broken up with the more articulated apartment external walls (including terraces) rather than generic blank walls creates greater visual interest, makes these facades more visually recessive, provides 'passive surveillance' benefits and achieves a better 'neighbourhood character' outcome.*
84. *In relation to the towers themselves, it is commendable that in the interests of making them less visually bulky and adding visual interest:*

- *There is a significant horizontal gap of 11.7 metres between the closest facades of the two towers. In addition the western tower sits further to the north because of the oblique angle of this northern boundary, whereas the eastern tower sits noticeably further to the south.*
- *The two towers are perpendicular in that the eastern towers has more of an east-west orientation, whereas the western one sits with more of a north-south layout. This assists the two towers sit more comfortably alongside each other and enhances the 'void space' between the two of them.*
- *Both new towers are highly modulated and articulated and each has a very irregular shape. It cannot be said that either proposed tower would be 'boxy' or 'slab-sided' in appearance.*

The qualifications offered by the Tribunal in support the tower heights included the provision of an east-west public connection through the Site and an 'eroding' of the western façade of the western tower.

The revised proposal retains a 2-3 storey podium height with a finished floor level to Level 2 of RL95.0 metres which is the same as the approved development. The positioning of apartments with outlook from the southern and western facades of this podium continues to activate surrounding areas and 'sleeves' the podium level carparking.

The north-south and east-west orientation of the towers is maintained with apartments arranged to provide outlook along each elevation ensuring that there are no blank facades or 'back' to either building. A substantial separation distance of 10.8 metres is retained between the tower elements.

An 'eroded' western façade is maintained with additional setbacks above Level 6 to the western tower. These recessed upper levels will soften the building form and ensure that it does not impose unreasonably on view form the border area or nearby properties.



Figure 3 – Upper Level Setback

Source: Cera Stribley Urban Context Report

Pedestrian connectivity through the site between Hansworth Street is maintained.



Amenity of Blue Cross Facility (Paras 91 – 96)

The Tribunal observed (at Paragraph 93) that the common boundary between the properties comprised a two storey, west-facing facade to the Blue Cross building. The building is setback approximately 4.5 metres from the boundary with substantial perimeter landscaping within the Blue Cross site.

This interface and the 'institutional' nature of the use contributed to the Tribunal's subsequent findings that:

- The separation distances to the Blue Cross land being 14 metres to the podium and 18 metres to the eastern tower was acceptable; and
- No overshadowing of the Blue Cross property would occur before roughly 2.30pm. Overshadowing after this time was likely to affect only the tall masonry wall of the Blue Cross building on the common boundary and was therefore acceptable.

The revised podium level maintains a minimum setback to the common boundary with the Blue Cross site that is consistent with the existing approval. A 'squaring-off' of these levels along the eastern elevation results in additional building volume at this interface. The revised tower levels will increase setbacks to this boundary in part.

There will be limited change to the depth of shadowing experienced at the Blue Cross site after 2:00pm with the revised shape of the building resulting in some 'infill' shadowing. This additional shadow will however be confined to the north western setback of the Blue Cross building and its masonry wall which was previously accepted by the Tribunal.

These acceptable shadowing outcomes, the substantial separation distances between the existing and proposed buildings together with the new inground landscaping that is on the plan prepared by *John Patrick Landscape Architects Pty Ltd* ensures that an appropriate response to this this interface is maintained.

Amenity of Nearest Residential Properties (Paras 103 – 110)

Separation distances between the towers and residential properties to the south and west (noted to be a distance of 31 metres between the closest external wall of the western tower) were found to appropriately manage offsite amenity relating to privacy and visual bulk concerns. In relation to the overshadowing of these properties, it was obscured that:

- 104. As at the Equinox, the shadows plans at TC03 and TC 04 indicate that the only relevant overshadowing here would be one western neighbouring property that will have some of its front yard overshadowed by the western tower for the period roughly 9.00 to 9.30 am. This impact is minimal and acceptable, bearing in mind that front yards tend to be semi-public areas which occupants typically would not treat as somewhere to linger for a BBQ, coffee etc. Otherwise, it is a plus for the proposal that the shadowing from the towers falls on the subject land itself, not on the neighbouring properties, due to the large size of the site and the positioning of the towers are the northern end of the subject land.*

The amended proposal seeks a minor reduction in the western boundary setbacks of the towers however, the townhouses and internal road network nonetheless provide significant separation between the nearest residential properties and the new development. The minor reduction in setbacks is considered inconsequential within the context of these separation distances which remain at more than 27.0 metres and noting that there is limited change in the podium and overall building heights.

Shadowing diagrams which form part of the accompanying architectural package demonstrate that there will be no change to shadowing of residential properties to the west of the site as a result of the proposed changes.

Landscaping, internal amenity, traffic & parking and waste collection (Paras 111 – 117)

Each of these matters were considered by the Tribunal with the assistance of expert evidence from Mr John Patrick (landscape architecture) and Mr Michael Lee (traffic engineering) and found to be acceptable. The Tribunal commented in relation to these matters that:

- The landscaped ‘pocket parks’ would enhance the onsite amenity of residents with acceptable levels of overshadowing. These areas were complemented by additional communal areas within the residential towers;
- The statutory car parking requirement for 183 car spaces across the Site was achieved with 189 spaces provided. The level of bicycle parking spaces was also appropriate;
- The projected traffic volumes arising from the proposal were acceptable and would not unreasonably impact the operation of the Police Road/Hansworth Street intersection;
- The layout of the three levels of podium car parking, including entry and egress via the internal road networks as was accepted; and
- The draft waste management plan would provide a basis for arriving at a workable waste collection arrangement.

The revised proposal improves the layout of communal open space areas with a more regularised area within the podium level of the apartment towers. The layout and landscaping of these area has been thoughtfully elevated within the benefit of a landscape plan prepared by *John Patrick Landscape Architects Pty Ltd*. Internal communal areas will also be positioned adjacent this outdoor space

The centrally located pocket park is retained for the benefit of all residents at ground level and will feature a mixture of soft and hard landscape treatments. This will be positioned alongside the additional communal areas identified on endorsed plans for Stage 1 and State 2. The accompanying shadowing diagrams demonstrate that the amended proposal will increase shadowing of this area most notable at 10:00 - 11:00am. The area will however remain free of shadow across afternoon hours and will achieve appropriate levels of amenity.

The accompanying Traffic Engineering Assessment prepared by *Traffix Group Pty Ltd* (refer Section 5.5 below) identifies that the statutory car parking requirements (and bicycle parking) continue to be met onsite and that the additional 16 vehicle trips during the commuter peak hours and 163 over the course of the day that will result from the amendments can be accommodated within the nearby road network. The layout of accessway and car parking spaces is further considered in this Traffic Engineering Assessment and found to be acceptable.

A Waste Management Report prepared by *The Urban Leaf Pty Ltd* is provided in support of the amended proposal and addresses requirements of Condition 11 of the Planning Permit.

### 5.3. Zone Requirements

As detailed at Section 4 above, the Site’s zone and overlay controls remain the same as those that applied in November 2017 when the Planning Permit was issued.

Amendment VC110 and Amendment VC136 which were gazetted after lodgement of the application to Council and before the Tribunal’s determination. Transitional provisions which formed part of the Amendments therefore exempted the approval from the new garden area and building height requirements together with the apartment standards at Clause 58 that were introduced.

Notwithstanding these transitional provisions which continue to apply, the amended proposal adequately responds to the existing approval and the intent of these amendments as follows:



- **Garden Area:** Drawing SK.1100 of the submitted architectural plans demonstrates that a garden area of 39 percent is achieved throughout the Site, noting that this also includes Stage 1 and Stage 2 of the approved development. This exceeds the required 35 percent which applies to a site with an area exceeding 650 square metres.
- **Building Height:** The amendments maintain a maximum building height of 9 and 10 storeys (roof height of RL116.7) for the apartment towers with rooftop plant above. This is generally consistent with the height of the existing approval.
- **Clause 58:** The amended apartment layouts have been designed with a high degree of compliance with the requirements of Clause 58 as detailed at Section 5.4 below and within the submitted architectural plans. In this respect, the amended proposal provides levels of internal amenity that are superior to that afforded by the existing approval noting that Clause 58 was not considered in an assessment of the approval.

#### 5.4. Clause 58 – Apartment Developments

The provisions of Clause 58 were not relevant to the development at the time of the granting of the Planning Permit. Council also made submission in *Hansworth Land Pty Ltd v Monash CC* relating to the extension of time request that the approval would fall short of meeting the standards and objectives of Clause 58 in a way that made the proposal unacceptable under the new controls (refer Paragraph 47).

The apartment layouts that form part of the amended proposal have been arranged to address these requirements, providing improved levels of internal amenity relative to the existing approval. Detail floorplans which address provisions of Clause 58 are provided at Drawings TP.5000 – TP.5023 of the submitted architectural plans. As these drawings together with the accompanying floorplans and elevations demonstrate:

- Dwelling diversity is retained within the development as follows:
  - One bedroom apartment: 27 apartments
  - Two bedroom apartment: 86 apartments
  - Three bedroom apartment: 6 apartments
  - Four bedroom apartment: 4 apartments
- Pedestrian and vehicle accessways are easily identifiable from the public realm and a generous proportioned residential lobby allows views to services from the public realm. The orientation of apartments will provide surveillance of common areas within the development;
- Communal open space areas are provided for the benefit of residents in the form of the ground level pocketed park and outdoor terrace to the apartment towers;
- Landscaping opportunities, including deep soil areas, are retained around the building footprint in accordance with the existing approval. Plantings to occur within these areas are shown on the landscape plan prepared by *John Patrick Landscape Architects Pty Ltd*;
- The accompanying consultant reports demonstrate that matters related to environmentally sustainable design, stormwater management and waste management have been appropriately considered and resolved;
- The separation between towers, open space areas within the Site and apartment layouts provide unconstrained outlooks from the common areas of apartments. All habitable rooms within the

development benefit from direct solar access, ensuring there is no reliance upon borrowed light. The depth of rooms and their orientation have been considered to maximise solar access and cross ventilation within the dwellings;

- Seventy nine of the 123 apartments (64 percent) within the development satisfy the accessibility requirements of Standard D17 (Accessibility);
- Pedestrian and vehicle accessways are easily identifiable from the public realm and a generous proportioned residential lobby allows views to services;
- Apartments within the development are provided with access to internal storage and open space areas as follows. Supplementary external storage is provided for apartments where the internal storage is less than the total area required by Standard D20:

	Min. Open Space	Min. Internal Storage
One bedroom Apartment:	8m <sup>2</sup>	6.1m <sup>3</sup>
Two bedroom Apartment:	10m <sup>2</sup>	7m <sup>3</sup>
Three bedroom Apartment:	15.6m <sup>2</sup>	14.5m <sup>3</sup>
Four bedroom Apartment:	25m <sup>2</sup>	18.4m <sup>3</sup>

- All bedrooms and living areas (separate to dining and kitchen facilities) have dimensions and overall areas in accordance with Standard D24 (Functional Layout);
- Apartments within the development have floor to ceiling heights of 2.7 metres allowing for maximum room depths of 6.75 metres pursuant to Standard D25 (Room Depth). This is not exceeded with exception of common areas where kitchens are located furthest from external windows. The overall depth of these rooms does not exceed 9.0 metres;
- Fifty eight of the 123 apartments (47 percent) within the development satisfy the cross ventilation requirements of Standard D27 (Natural Ventilation).
- Easily accessible services (e.g. waste chutes and mailboxes) are provided, while car and bicycle parking is also conveniently located relative to the building entrance and common areas.

### 5.5. Car Parking Provisions and Layout

The accompanying Traffic Engineering Assessment prepared by *Traffix Group Pty Ltd* includes a detailed assessment of car parking requirements as they relate to the amended proposal, including their layout and accessibility. The assessment details that onsite carparking provisions are provided in accordance with Clause 52.06 (Car Parking) of the Planning Scheme as follows:

Land Use	Applied Rate	Parking Measure	Required Parking	Provided Parking
Dwelling	1 space to each one or two bedroom dwelling	113 dwellings	113 spaces	113
	2 spaces to each three or more bedroom dwelling'	10 dwellings	20 spaces	20
	1 space for visitors to every 5 dwellings for developments of 5 or more dwellings	123 dwellings	24 spaces	24
<b>Total</b>			<b>157 spaces</b>	<b>157 spaces</b>



Compliance with the statutory car parking requirements of the Planning Scheme remains consistent with the existing approval.

The Traffic Engineering Assessment provides a further assessment of traffic volumes associated with the approved and amended developments which are summarised below:

	No. of Dwellings	No. of Spaces	Vehicle Trips Per Day	Vehicle Trips at Peak Hour
Existing approval	93	119	467	47
Amended proposal	123	157	630	63

The assessment considers that the additional 16 vehicle trips during the commuter peak hours and 163 over the course of the day can be accommodated within the nearby road network.

Bicycling parking requirements relevant to the amended proposal are also addressed within the Traffic Engineering Assessment. The assessment identifies that the statutory bicycling parking requirements from Clause 52.34 (Bicycle Parking) of the Planning Scheme are as follows:

Use	Applied Rate	Parking Measure	Required Parking	Provided Parking	
	<i>Employee/Resident</i>	<i>Visitors</i>			
Dwellings	<i>In developments of four or more storeys, 1 to each 5 dwellings</i>	<i>In developments of four or more storeys, 1 to each 10 dwellings</i>	123 dwellings	25+12 spaces	38

The table above demonstrates that there is a statutory requirement to provide 37 on-site bicycle parking spaces and the provision of 38 secure bicycle spaces meets this requirement. This contributes to the practice of sustainable transport practices as encouraged by the Planning Scheme.

## 5.6. Response to Permit Conditions.

Conditions of the Planning Permit require the submission of various documents for approval prior to the commencement of development. These requirements have been addressed within the following plans and consultant reports which accompany the amended proposal:

Planning Permit Condition	Submitted Material
Condition 2 – Architectural plans.	Plans prepared by <i>Cera Stribley Pty Ltd</i>
Condition 11 – Waste management plan	Waste Management Report <i>The Urban Leaf Pty Ltd</i>
Condition 15 – Landscape plan	Landscape plan prepared by <i>John Patrick Landscape Architects Pty Ltd</i>
Condition 28 – Acoustic report	Acoustic Assessment prepared by <i>Enfield Acoustics Pty Ltd</i>
Condition 35 – Sustainable management plan	Sustainability Management Plan prepared by <i>The Urban Leaf Pty Ltd</i>

## 6. Conclusion

The amendments which are proposed to the apartment towers at 149 Hansworth Street pursuant to Section 87A of the Act are intended to enhance onsite amenity for residents of the development and improve the form of development.

The amendments maintain the overall scale of development, the location of the building footprint and compliance with the statutory car parking provision which have been increased to address the revised apartment mix. The siting of the apartment towers alongside the freeway abuttal maintains substantial separation distances from dwellings west of the Site and no change in shadowing of these properties will result.

The accompanying consultant reports and plans demonstrate that the amendments have been designed in a manner which addresses conditions of the Planning Permit, considers the landscape treatments of common and private areas and ensures the servicing requirements of the building are met.



**Appendix A**  
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