



This version was included in Mr Glossop's Town Planning Expert Report produced for DHHS at the request of the Standing Advisory Committee and distributed October 30. While it is clearly an Appendix and not intended to be understood as the DPO Schedule itself it adds to the confusion around document navigation, particularly for stakeholders from non-planning backgrounds.

(Richard Holt)

## **APPENDIX F: TRACK CHANGES COPY OF PROPOSED DPO**



-C157-/2017

Shown on the planning scheme map as **DPO3**.

**1.0 Requirement before a permit is granted**

-C157-/2017  
C157

Exhibition Version  
11 September 2017

Revised  
31 October 2017

## SCHEDULE 3 TO CLAUSE 43.04 DEVELOPMENT PLAN OVERLAY

### PUBLIC HOUSING RENEWAL - NEW STREET, BRIGHTON

This Schedule applies to land at Allot 6 Sec. 24 at Elsternwick, Parish of Prahran and Lot 1 on TP298184 on New Street, Elsternwick (referred to in this Schedule as 'the site'). Refer to the boundaries shown on the Development Concept Plan included in this Schedule.

~~A permit may be granted for use or to subdivide land or to construct a building or to construct or carry out works that is not in accordance with the development plan.~~

A permit may be granted before a development plan has been approved for the following:

- The removal or demolition of any building that is carried out in accordance with a Construction Management Plan prepared in accordance with this Schedule;
- Earthworks and site preparation works that are carried out in accordance with a Construction Management Plan Strategy and Arboricultural Assessment Report prepared in accordance with this Schedule;
- The construction of minor buildings or works that are carried out in accordance with a Construction Management Plan Strategy prepared in accordance with this Schedule;
- ~~Consolidation or subdivision of land;~~ and
- Removal, variation or creation of easements or restrictions.

#### 2.0 Conditions

Commented [JG1]: Should a CMP be a requirement of Clause 3.0?

Before granting a permit the Responsible Authority must be satisfied that the permit will not prejudice the future use and integrated and orderly development of the site in accordance with the development plan requirements specified in this Schedule.

The following conditions and/or requirements apply to permits:

- ~~Except for a permit granted before a development plan has been approved in accordance with Clause 1.0 of this Schedule, conditions that give effect to the provisions and requirements of the approved development plan.~~
- Prior to the commencement of any permitted demolition, buildings or works, a detailed Construction Management Plan Strategy as relevant to that demolition or those buildings or works must be prepared to the satisfaction of the Responsible Authority. The plan must include, but not be limited to, the following:
  - Location of construction vehicle access and worker parking;
  - Protection of the amenity, access and safety of adjoining residents; and
  - Protection of trees on or adjacent to the site to be retained in accordance with an Arboricultural Assessment Report and Tree Management Plan prepared in accordance with this Schedule.

The above does not apply for a permit granted before a development plan has been approved in accordance with Clause 1.0 of this Schedule.

and requirements for permits

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### 3.0

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#### Requirements for development plan

A development plan must include the following requirements

##### General

The development plan must be prepared to the satisfaction of the Responsible Authority in consultation with Bayside City Council.

The development plan must seek to achieve the following objectives

- To maximise the social, economic and environmental 'return' of public land assets ~~and ensure the economic viability of the project.~~
- ~~To facilitate the increase in the number of social housing dwellings.~~
- To deliver ~~an energy efficient~~ sustainable and high quality development that contributes to the longevity of housing stock and reduces the cost of living.
- To create safe buildings and spaces throughout the site.
- To respond to the features of the site, such as context, aspect, topography and significant vegetation.
- To integrate with the surrounding area by responding ~~to existing or~~ preferred neighbourhood character, enhancing the public realm and existing networks and delivering 'good neighbour' outcomes.
- ~~To achieve dwelling diversity across the site to meet the current and future needs of the community.~~
- ~~To create a series of separate building forms at the upper level to provide a sense of spaciousness.~~
- To balance issues of equity in the successful delivery of social and private housing that is 'tenure blind'.
- To provide retail, commercial or community uses ~~at a scale that~~ meets an identified local need or stimulate local activity and participation.
- To prioritise pedestrian and bicycle access within the site.
- To establish legible access and address points for the site, buildings and spaces, including defining private, communal and public spaces.
- To foster social connections between residents and the wider community.
- To provide high levels of residential amenity and liveability.
- To provide landscaping and communal open space that is resilient and enhances the sense of place, sustainability and liveability of the site and local area.
- To deliver buildings and spaces that are accessible and practical for people of all abilities and adaptable to respond to the future needs of residents.
- ~~To provide buildings and spaces accessible to people with disability in accordance with the Disability Discrimination Act (DDA).~~  
~~To ensure that Crime Prevention through Environmental Design (CPTED) design principles are used to determine the siting of buildings, access ways and dwelling design.~~

**Commented [JG2]:** It is not clear to me how this will be reflected in a Development Plan.

**Commented [JG3]:** Could be split into 2 separate points: 1 addressing commercial use, the other addressing community use.

**Commented [JG4]:** Covered by other parts of the planning scheme

##### Land Use

The development plan should make provision for small scale retail, commercial or community uses to meet the needs of the local community ~~within areas specified on the Development Plan. Non-residential uses should be located to ground floor level and adequately manage potential amenity impacts on nearby residential properties. provided these uses achieve the following criteria:~~

~~Located at ground floor level;~~

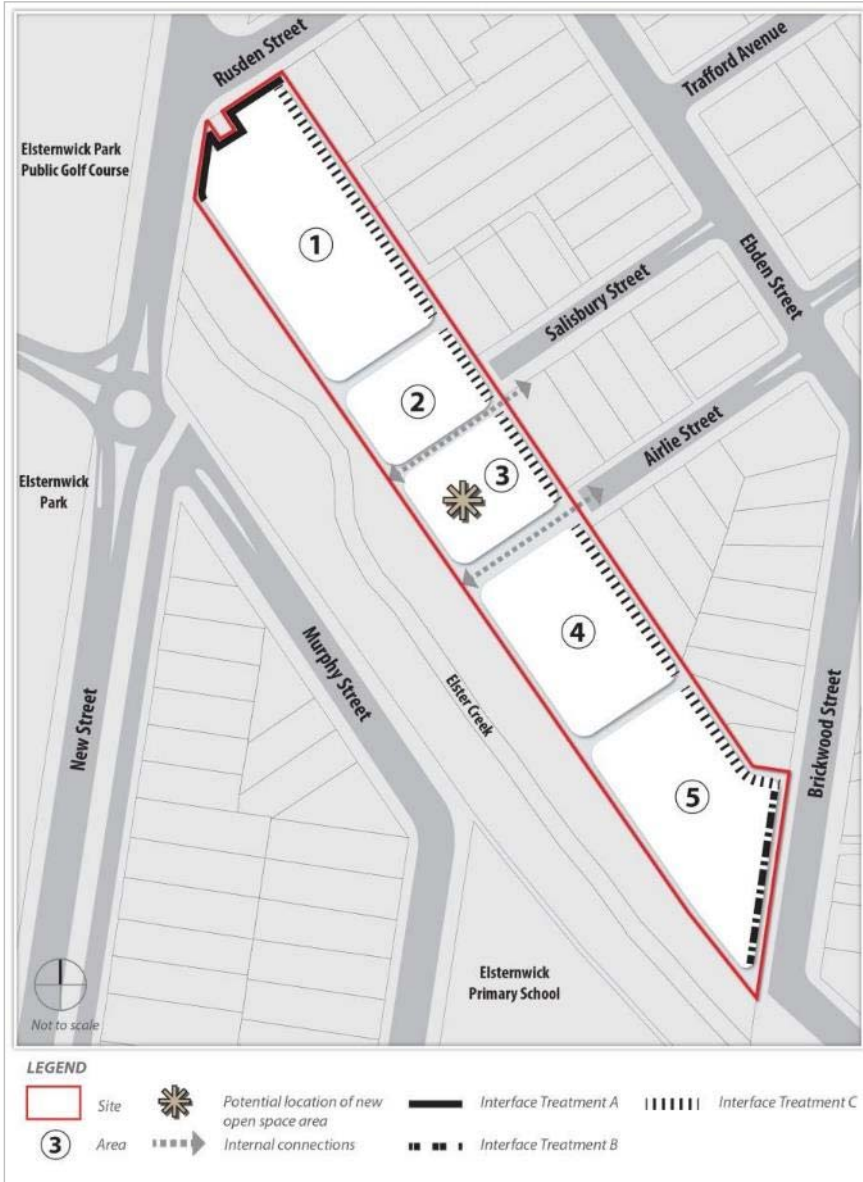
~~Fronting New, Rusden and Brickwood Streets, the new publicly accessible open space corridor or other appropriate locations; and~~

~~Demonstrate that the Adequately manage potential amenity impacts on nearby residential properties can be adequately managed.~~

**Built Form**

[A development plan must be generally in accordance with the Development Concept Plan forming part of this schedule to the satisfaction of the responsible authority.](#)

[Development Concept Plan](#)





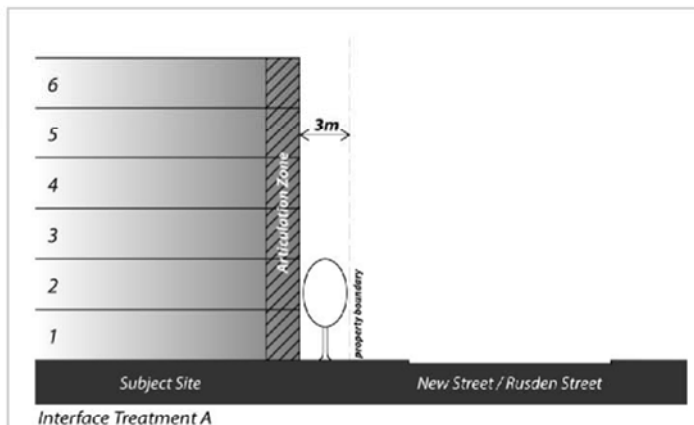
The development plan should show or make provision for:

- Highest built form fronting adjoining Elster Creek and New Street with a transition downwards towards the adjoining roads and with the lowest to lower-built forms at residential interfaces.
- Buildings that do not exceed the building heights provided in the table below.

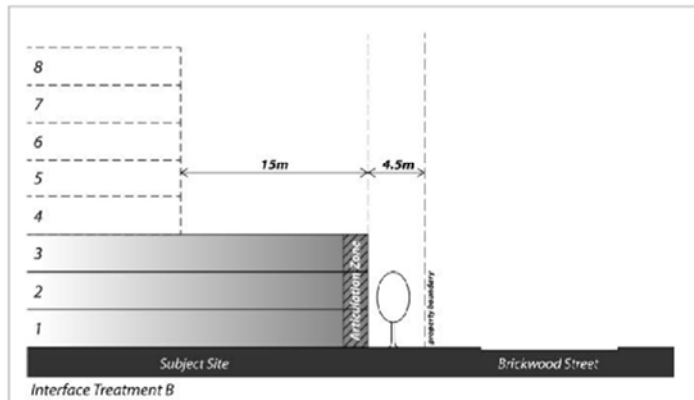
Area (refer to Development Concept Plan)	Building Height	Interface Treatment
1	6 storeys	Interface Treatments A and C
2	9 storeys	Interface Treatment C
3	3 storeys	Interface Treatment C
4	8 storeys	Interface Treatment C
5	6 storeys	Interface Treatments B and C

**Commented [JG5]:** Preferale that heights be expressed in metres (m) but with the number of stroeys listed underneath in brackets.

- Buildings that do not encroach within the following building setbacks:
  - **Interface Treatment A (New and Rusden Streets)** – 3m street setback with articulation zone (as shown in the diagram below);



- **Interface Treatment B (Brickwood Street)** – 4.5m street setback up to 3 storeys with articulation zone and an additional 15m setback above 3 storeys (as shown in the diagram below); and



- **Interface Treatment C (Direct Residential Interfaces)** – 3m boundary setback up to 3 storeys and an additional 15m setback above 3 storeys, increased as required to protect existing trees to be retained or accommodate replacement canopy trees and to comply with Clause 32.04-9.
- Building envelopes that are adapted to:
  - Protect **any** existing trees to be retained; and
  - Provide reasonable levels of sunlight to internal open space areas on 21 June.
- Active frontages to New, Rusden and Brickwood Streets, internal connections and open space areas, through the following:
  - Avoiding large expanses of blank wall, large service areas, garbage storage areas, car parking and co-located or continuous garage doors along ground floor frontages; ~~and~~
  - Provision of individual entry doors to ground floor dwellings that have frontages to a road or internal connection;
- Where **ground floor** non-residential uses are proposed, provision of the following:
  - A minimum 4m floor to floor height;
  - An entrance and/or clear glazed window at the street frontages of each individual non-residential use; and
  - Weather protection at the street frontages of the non-residential uses.
- Visual bulk of buildings reduced through **adequate breaks between buildings**, the placement of balconies and use of discontinuous forms, articulated facades and varied materials;
- Articulation zones are to be used for the placement of balconies, open space, architectural features, sunshades and artworks to demonstrate a positive contribution to the overall façade composition;
- The location of car parking spaces suitably concealed within buildings or behind features such as active podium frontages or located within basement levels;
- Cohesive architectural design throughout the site, **with-and** the use of high quality, durable and low maintenance materials;
- Appropriate mitigation measures to minimise the adverse impacts on existing sensitive uses in proximity of the site **and**;
- Appropriate noise attenuation measures to minimise noise impacts on proposed dwellings

**Commented [JG6]** recommend an interface treatment be prepared for Elster Creek boundary.

Also recommend that further consideration be given to ~~limit~~ at the north east corner of the site with Rusden and New Street and south east corner with Brickwood Street.

**Commented [JG7]** measure should be inserted.

from New and Rusden Streets and any non-residential uses on or adjoining the site.

#### Landscape and Open Space

The development plan should show or make provision for:

- A new open space area accessible to all residents, located **generally** as shown on the Development Concept Plan. This area may form part of the communal open space required under Clause 55.07-2 or Clause 58.03-2;
- ~~Retention of trees assessed in an Arboricultural Assessment Report prepared in accordance with this Schedule as having moderate or high retention value, unless it is demonstrated that their retention significantly affects the feasibility of development of the relevant precinct.~~
- Replacement of trees assessed in the required Arboricultural Assessment Report as having moderate or high retention value with trees on a two for one ratio, that provide equivalent amenity value to residents and the public realm;
- Landscaped buffers at residential interfaces, consisting of existing trees to be retained and/or replacement canopy trees;
- Additional street trees along the frontages of New, Rusden and Brickwood Streets, subject to agreement from Bayside City Council; and ;
- New canopy trees along the new open space corridor and internal connections and within new open space areas.

**Commented [JG8]:** I'm not sure what these are.

#### Circulation

The development plan should show or make provision for:

- A legible vehicle circulation system within the site;
- Accessible car parking for residents, workers (if applicable) and visitors;
- Accessible bicycle parking for residents and visitors, and bicycle servicing facilities; and ;
- Publicly accessible pedestrian paths between Elster Creek and Airlie and Salisbury Streets, as shown on the Development Concept Plan. These paths may connect with a new publicly accessible pedestrian path provided along Elster Creek between New and Brickwood Streets.

#### Required documents, plans and reports

The following documents, plans and reports must form part of any development plan (as applicable if the development plan is approved in stages):

1. A Planning Report that that demonstrates how the proposal meets the requirements of this schedule.
- 1.2. A **Site Context Analysis** prepared in accordance with Clause 55.01 or Clause 58.01 of the Planning Scheme that includes, but is not limited to, the following:
  - The urban context and existing conditions showing topography, the surrounding and on site land uses, buildings, noise sources, access points, adjoining roads, cycle and pedestrian network and public transport;
  - Views to be protected and enhanced, including views of and from the site; and
  - Key land use and development opportunities and constraints.

**2.3. Preliminary Architectural Plans** that show the distribution and design of built form on the site [to be generally](#) in accordance with the Development Concept Plan included in this Schedule, including, but not limited to, the following:

- A design response to the Site Context Analysis in accordance with Clause 55.01 or Clause 58.01 of the Planning Scheme;
- Demolition works;
- Building envelopes including maximum building heights, building setbacks, and building depths;
- The relationship between proposed buildings and works and surrounding land uses and development, including the proposed built form edge and interface treatments to adjoining streets and adjoining residential properties;
- Conceptual elevations and cross-sections, indicating level changes across the site;
- Shadow diagrams [of both existing conditions and proposed shadows to be prepared at the September equinox at 9am, 12 noon and 3pm;](#)
- Images which show how the proposed built form will be viewed from the surrounding area, ~~particularly the Bell Street corridor~~, other adjoining streets and adjoining residential properties;
- An indicative mix of dwelling types and sizes;
- The mix of land uses, including non-residential uses such as retail, commercial and community facilities;
- Vehicle access, circulation and parking locations;
- [Waste collection zones to each building and primary points of access of waste vehicles;](#)

Pedestrian and bicycle access and circulation. The building footprints and internal connections shown on the Development Concept Plan are indicative only and further connections within the site and through the building envelopes should also be provided to ensure a clear pedestrian and cycling links through the site~~highly permeable urban structure~~; and

- Open space area/s surrounding buildings and the proposed use and access of all spaces;

~~3.4.~~ An **Integrated Transport and Traffic Management Plan** that addresses, but is not limited to, the following:

- The range and scale of uses that will be anticipated on the site;
- The estimated population of residents, visitors and workers (if applicable);
- Estimated vehicle trip generation levels resulting from use and development within the site;
- Vehicle ingress and egress points and estimated levels of usage;
- The likely impacts of the proposed development on the arterial and local roads and any mitigating works required such as off-site traffic management treatments;
- An indicative layout of internal roads that:
  - Complements the form and structure of the surrounding network;
  - Recognises the primacy of pedestrian and bicycle access within the site;
  - Provides a high level of amenity and connectivity, whilst managing the movement of vehicles travelling through the site;
  - Are of sufficient width to accommodate footpaths and street trees;
- The location of on-site car parking for residents, visitors and workers (if applicable). The location of car parking spaces should be suitably concealed within buildings or situated at basement level;
- Provision for loading and unloading of vehicles and means of access to them, including waste, delivery and furniture removalist vehicles; ~~and~~
- Provision of a safe and accessible pedestrian and bicycle network within the site and connecting to the external network;
- Green Travel Plan initiatives that can be adopted to reduce private car usage by residents, visitors and workers (if applicable), including a new resident awareness and education program and opportunities for the provision of a car share program;
- Provision for secure bicycle storage for residents and workers (if applicable), end of bicycle trip facilities for workers (if applicable) and short term bicycle parking for visitors; and
- The views of VicRoads and Bayside City Council.

**Commented [JG9]:** Should Melbourne Water be included?

~~4.5.~~ An **Arboricultural Assessment Report** prepared by a suitably qualified person(s), that addresses, but is not limited to, the following:

- Assessment of trees on or adjacent to the site, including retention value;
- Recommendations for the protection of trees to be retained to conform to Australian Standard AS 4970-2009 Protection of Trees on Development Sites to ensure long-term health, including designation of tree protection zones and structural root zones; and
- Recommendations for trees species to replace the removal of any trees of moderate or high retention value, ~~required to be removed where replacement trees provide equivalent amenity value to residents and the public realm~~.

~~6.~~ A **Tree Management Plan** that addresses, but is not limited to, the following:

- Identifying trees which are to be retained; and

[Detailing the methodology for protecting trees identified for retention, including the provision of high visibility tree protection fences at least 1.8 metres tall before construction commences, and measures to protect the trees, including their canopies, during construction.](#)

[5.7.](#) A **Landscape and Open Space Plan** that addresses, but is not limited to, the following:

- Existing vegetation to be retained as assessed in an Arboricultural Assessment Report prepared in accordance with this Schedule;
- New canopy trees and landscaping within the public realm, communal areas / open space areas and along internal connections;
- Landscaping areas within private open spaces;
- Street trees along New, Rusden and Brickwood Streets;
- A planting theme that complements existing trees to be retained on the site and the surrounding neighbourhood character;
- Delineation of communal and private open spaces and the treatment of these interfaces;
- Hard and soft landscaping treatments of the public realm and communal open spaces;
- Interface treatments between adjoining streets and residential properties, including boundary fences;
- Integration of sustainability and water sensitive urban design measures; ▪ Opportunities for communal gardens; and ▪ Maintenance responsibilities.

[6.8.](#) An **Ecologically Sustainable Development Plan** that demonstrates how development on the site will achieve best practice standards and incorporate innovative initiatives on a precinct-wide scale. The Plan is to address the areas of energy efficiency, water resources, indoor environment quality, stormwater management, transport, waste management, innovation and urban ecology.

[7.9.](#) A **Services and Infrastructure Plan** that addresses, but is not limited to, the following:

- An assessment of the existing engineering infrastructure servicing the site and its capacity to service the proposed development;
- A description of the proposed provision of all appropriate utility services to development parcels; and
- A stormwater drainage master plan, including the location of any on-site drainage retention facilities.

[8.10.](#) An **Environmental Site Assessment** that addresses, but is not limited to, the following:

- A soil sampling and analysis program;
- The extent of any filling that has occurred on the site, including area, depth and fill material;
- The depth, quality and flow direction of groundwater at the site;
- The contamination status of soil on the site; and
- An assessment of risks for the proposed redevelopment of the site and recommendations, if any, for any required remediation.

[9.11.](#) Where the development will be undertaken in stages, a **Staging Plan** that addresses, but is not limited to, the following:

The delivery of infrastructure and shared facilities within each stage to ensure the orderly development of the site; and

- Site management, such as resident amenity, vehicle access and parking, pedestrian access and protection of existing buildings, infrastructure and vegetation.
- Timeframes for the commencement and completion of each stage and any management of overlap between stages.

[10.12.](#) An **Acoustic Report** is required to be prepared by a suitably qualified person(s) to the satisfaction of the Responsible Authority. The Report must identify:

- Whether the proposed use and development of the Estate is likely to be affected by noise from nearby uses or abutting roads;
- The likely effect of non-residential uses on the site on the amenity of nearby residential uses; and
- Methods to address the issues identified.