



9 November 2023

**Tom Albert**

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Dear Tom,

**RESPONSE TO REQUEST FOR INFORMATION (RFI) AND SECTION 50 AMENDMENT**

**Planning Application No:** GE/DP-36420/2023  
**Subject Site:** 139 and 141 Hawthorn Road, Caulfield North  
**Proposal:** Construction of a three storey residential apartment building, a front fence exceeding 1.5m in height (to Halstead St), alter access in a Transport Zone 2 (Hawthorn Rd) and a reduction to the statutory car parking requirements.

We continue to act for the permit applicant, DO Architects. We provide additional information and amendments to plans (Sec 50 amendment) In response to Council's request for information (RFI) and subsequent internal referral comments received from Council's ESD, Traffic, Waste and Park Services.

Please find the following information enclosed:

- ☐ Amended Application Form and completed Sec 50 Amendment Forms.
- ☐ Amended Architectural drawings by DO Architect, Revision A, dated October 2023.
- ☐ Amended Waste Management Plan by One Mile Grid, dated 29 August 2023.
- ☐ Amended ESD report by Lid Consulting, Version 2, dated 26/10/2023.
- ☐ Daylight Modelling Report by Lid Consulting dated 26/10/2023.

**1. SEC 50 AMENDMENT TO PLANS**

The amended plans by DO Architects show all amendments in red revision clouds, in summary, the amendments are:

**Generally**

- ☐ Deep soil planting area added to Development Summary, also shown on Dwg TP-15.
- ☐ Boundary fence heights and distances of neighbouring habitable room windows added to all plans (Dwg, TP-02 – TP-09).

- Outdoor tap shown in courtyard and balcony spaces.
- Hot water services locations shown for each apartment.
- Air conditioning condensers shown in ground level courtyard spaces with remainder on roof.
- PV panel note on roof amended to note 10 degree angle facing north.
- ESD general note added to all plans confirming they are to be read in conjunction with the endorsed ESD report and all initiatives contained within must be implemented to the satisfaction of the responsible authority.

#### **Proposed Garden Area Plan (TP-04)**

- Floor plan amended to reflect amended ground floor plan. Indented glass line to apartment G.02 and G.03 deleted. No impact to garden area calculation.

#### **Proposed Basement Plan (TP-05)**

- Underground rainwater tank size increased from 7,000L to 10,000L to reflect SMP report requirements– connected to all toilets for flushing.
- Storage cages reallocated from apartment G.06, G.07 and G.08 to apartment 1.05, G.05 and 2.01.

#### **Proposed Ground Floor Plan (TP-06)**

- Structural Root Zones (SRZs) added to all street trees.
- Apt G.02 and G.03 floor plans amended from 2 bed to 2 bed + Study and indented glass line to living room deleted to achieve daylight standards.
- Apt G.06, G.07 and G.08 floor plans amended by turning the kitchen 90 degrees and providing a walk in pantry at the back wall to achieve daylight standards.

#### **Proposed First Floor Plan (TP-07)**

- Apartment 1.05 floor plan amended by relocating the second bedroom to provide a north facing living room and balcony to achieve daylight standards.
- Apartment 1.09 floor plan amended by relocating the kitchen and study space to achieve daylight standards.
- Apartment 1.06, 1.07 and 1.08, 1.7m high privacy screens to balcony and obscure glass to windows amended to a 1.3m high angled privacy screen to provide horizontal views/outlook while preventing downward views within 9m in accordance with the overlooking standard.

#### **Proposed Second Floor Plan (TP-08)**

- Apartment 2.06 and 2.07, 1.7m high privacy screens to balcony and obscure glass to windows amended to a 1.3m high angled privacy screen to provide horizontal views/outlook while preventing downward views within 9m in accordance with the overlooking standard.

#### **Elevations (TP-10 – TP-12)**

- All elevations are amended to reflect the amendments to plans described above.

#### **Sections (TP-12 – TP-13)**

- Proposed Section E-E and A-A updated to show angled screen detail and sight line diagrams demonstrating no overlooking of habitable room windows or private open space within 9m, in accordance with the relevant standards.
- Proposed Section B-B and C-C updated to show the relocated apartment 1.05 balcony.

### **Better Apartment Design Standards Diagrams (TP-15)**

- Diagrams and tables updated to reflect amended floor plans.

### **Proposed Shadow Diagrams (TP-16 – TP16A)**

- Shadow diagrams updated to show existing shadow cast over existing POS from all neighbouring buildings and fences. Tables updated accordingly.

## **2. RESPONSE TO PRELIMINARY ASSESSMENT AND REFERRAL COMMENTS**

We provide the following response to Council's preliminary assessment in the order the issues are raised in Council's letter dated 15 August 2023:

### *Area of Aboriginal Cultural Heritage Sensitivity*

1. The permit applicant has engaged Green Heritage (Cultural Heritage Consultants) to undertake an assessment of Aboriginal Cultural Heritage matters on the site. A Notice of Intent to Prepare a Cultural Heritage management Plan (CHMP) was lodged with the Secretary, Department of Premier and Cabinet on 10 August 2023 under project number: CHMP Plan ID. 19730. An inception meeting has been undertaken with the Bunurong on 5 September 2023 and field work has commenced.

We note that it is not required to have a completed and approved CHMP at the RFI stage. The remaining assessment of the planning application can continue. It is understood that a decision on the planning application cannot be issued until the approved CHMP is received.

### *Internal Amenity*

2. We note that the south-facing apartments comprise only 30% of the overall number of apartments. 70% of the apartments are provided with access to direct sunlight for some time throughout the day. On an east-west orientated allotment there will be some south-facing apartments. The design of privacy screening to balconies has been amended to provide for outlook (distant views) while protecting neighbour privacy within 9m in accordance with overlooking standards. Daylight modelling has now been undertaken for the building which, with some minor amendments to floor plans and privacy screens, confirms that the building meets the current BESS best practice daylight standards.

### *Impact on off-site amenity*

3. The town planning assessment and dimensions on plans confirm that the building design complies with Clause 55.04-3 and Clause 55.04-4. No amendment to plans is required to comply.

### *Location of services*

4. The location of the services along the south-western corner of the site is in response to service authorities, who require the services to be facing the road adjacent the front property boundary on the primary street address. This necessitates locating the services within the fence on the Hawthorn Road boundary. The services cupboards are painted in a dark colour

and set off to one side of the street frontage so that they are not visually dominant. Further discussion is provided under section 3 below (RFI Response).

### *Referrals*

5. We provide a response to the relevant referral comments below.

☐ **VicRoads/DTP**

We note that DTP has no objection to the proposal subject to a typical condition to remove redundant vehicle crossings and reinstate with kerb and channel.

☐ **Waste**

The waste management plan has been amended to include an area nominated for kerbside collection on Halstead Street.

☐ **Park Services**

The ground floor plan has been amended to accurately show all off-site trees with their SRZ and TPZs shown to scale as per the arborist report.

The landscape plan originally lodged with the application is generally in accordance with the RFI requested by Park Services in their referral comments. No amendments are required or proposed to the landscape plan.

☐ **Traffic**

We note that Council's Traffic Engineering Referral does not support the reduction of 4 car parking spaces for resident parking (i.e. 22 spaces provided in lieu of 26 required under the statutory car parking rates at Clause 52.06). No reason is given for the opposition to the car parking reduction.

We note that where an application is made to reduce the car parking requirements, an assessment of the matters under Clause 52.06-7 is required to be undertaken by the responsible authority. This assessment has been made by the traffic consultants for the project. We note:

- The site is located on the PPTN (Tram Route 64 on Hawthorn Road) providing transport from East Brighton through the CBD to Melbourne University and also to Malvern (Burke Road).
- The site is within the residential area of the Caulfield Park Neighbourhood Activity Centre and directly adjacent the Commercial 1 Zone which has a wide variety of shops, cafes and medical facilities, including a local IGA supermarket, pharmacy and other shopping facilities to meet day-to-day requirements.
- Seven bicycle spaces for resident and four visitor bicycle spaces are proposed, which exceeds the statutory requirements for 2 resident and 3 visitor spaces, providing a reduced need for private motor vehicles.

- The car parking demand assessment provided by One Mile Grid Traffic engineers demonstrates, using Census Car Ownership for City of Glen Eira, that between 23 – 32% of residents in one-bedroom dwellings did not own or park a vehicle at their place of residence. This is equivalent to 3 or 4 one-bedroom dwellings with no need for a car space for this development. The proposed development provides 1 car space for each 2 bedroom apartment and 1 car space to eight 1 bedroom apartments, and no parking for the remaining four 1 bedroom apartments. This is consistent with the Census rates of car ownership/car parking requirements for the municipality.

#### □ ESD

The amended ESD report and daylight modelling addresses the key issues raised in the ESD referral. Amendments are generally highlighted in blue text in the SMP, and revision clouded in the architectural drawings.

The additional information added to the architectural drawing set related to ESD initiatives includes:

- A general note on all plans confirming “Plans are to be read in conjunction with the endorsed ESD report (which forms part of the planning permit submission), and all initiatives contained within must be implemented to the satisfaction of the responsible authority.”
- 10,000L underground water tank shown on the basement level, connected to all toilets for flushing.
- Privacy screens and floor plans have been amended on relevant apartments to achieve BESS best practice standards for natural daylight to living areas and bedrooms.
- Outdoor taps and hot water service locations shown on all POS and Balcony spaces.
- Air-conditioner condensers shown on ground floor and roof plans. PV panels, 26KW total, at 10 degree angle facing north, shown on roof plan.

The proposal achieves a BESS score of 53% and a STORM rating of 103%, which represents current best practice. The relevant standards are met by the proposal as demonstrated by the amended SMP and daylight assessment submitted.

### 3. RFI RESPONSE

We provide the following response to Council’s request for information in the order they have been requested.

#### *Forms*

1. An amended Application Form attached confirming the correct permit applicant and land owner details.

### Plans

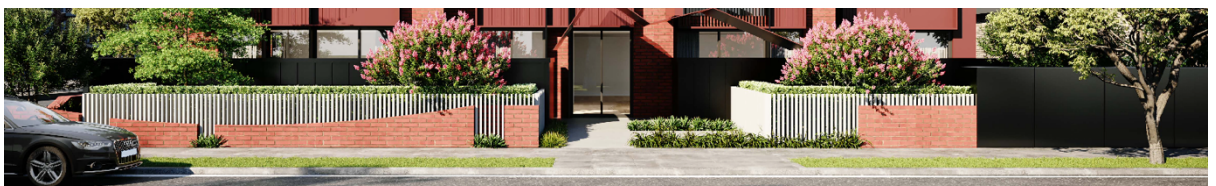
2. The boundary fence heights have been added to the ground floor plan and shown as a dashed line in the elevations. There are no ground floor windows that have views over the neighbouring fence height.
3. The setback distance of the existing neighbouring habitable room windows to the subject site boundary has been added to all plans.
4. The deep soil planting area has been added to the Development Summary, measured as per Standard B38 as shown on TP-15. The deep soil planting area required is 7.5%. The proposal provides at 21.23%. The area within the front setback alone achieves 9.4% and provides the required area and minimum dimension for the tree types required.

### Elevations

5. The services cupboards fronting Hawthorn Road are a requirement of service authorities. They must be close to/on the primary property frontage. This necessitates their position within the front fence. The material, colour and height of the services are appropriately integrated into the overall fence design. They are positioned off to the side so as to not dominate the site frontage and have the same colour and appearance as the taller fencing set back into the site. It is also part of the fencing theme with similar sections of solid fencing along the Halstead Street frontage (as per the images below).



*Image 1: Services cupboard colour, height, style (RHS) integrated with solid fence theme for the site (LHS).*



*Image 2: Services cupboards off to the side do not interrupt the primary frontage, same colour/height as solid fence to edge of POS behind. Open landscaped frontage with low fence is predominant.*

The alternative approach is to maintain a 1.8-1.9m high rendered fence across the full length of Hawthorn Road on the property frontage to give the whole frontage the same appearance as the services cupboards (which would not require a planning permission). However, this would detract from the public realm and existing fencing character to Hawthorn Road.

6. The shadow diagrams have been updated showing the existing shadow over adjoining POS from all existing fences and buildings.

*Cultural Heritage Management Plan*

7. As noted under section 2 above, a CHMP is currently being prepared for the site. We ask that Council proceed with the planning assessment and commence public notification at the earliest opportunity. The approved CHMP will be provided when it becomes available. The permit applicant understands that a final decision on the planning permit application cannot be made until the approved CHMP is provided.

We trust that the above information satisfies Council's request for further information.

Should you require further information or clarification, please contact the undersigned.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Danny Haahesy', with a horizontal line underneath.

**Danny Haahesy**  
Managing Principal Planner