

Planning Assessment Officer Report

PA2604213 – 26-36 Princess
Street, Kew and 11-15 Brougham
Street, Kew



Planning Assessment Officer Report
Development Assessment

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Department
of Transport
and Planning

OFFICIAL

Executive Summary



Key Information	Details												
Application No:	PA2604213												
Received:	10 February 2026												
Applicant:	Princess Kew Investments Pty Ltd c/- Contour Consultants												
Planning Scheme:	Boroondara												
Land Address:	23-36 Princess Street and 11-15 Brougham Street, Kew												
Proposal:	Use the land for dwellings and to construct buildings and works for multiple mixed-use buildings (incorporating dwellings, retail, shops and office) ancillary facilities, landscaping and public realm works.												
Development Value:	\$215 million												
Why is the Minister responsible?	In accordance with the schedule to Clause 72.01 of the Planning Scheme, the Minister for Planning is the responsible Authority for matters where clause 53.23 applies.												
Why is a permit required?	<table border="1"><thead><tr><th>Clause</th><th>Control</th><th>Trigger</th></tr></thead><tbody><tr><td>Zone:</td><td>37.01-1 37.01-4</td><td>Commercial Zone, Schedule 1 <i>Use the land for accommodation (dwellings)</i> <i>Construct a building or construct or carry out works</i></td></tr><tr><td>Overlays:</td><td>43.02-3</td><td>Design and Development Overlay Schedule 14 and 19 <i>Construct a building or construct or carry out works</i></td></tr><tr><td>Particular Provisions:</td><td>52.29-2</td><td>Land adjacent to a Principal Road Network <i>Create or alter access to a road in a Transport Zone 2</i></td></tr></tbody></table>	Clause	Control	Trigger	Zone:	37.01-1 37.01-4	Commercial Zone, Schedule 1 <i>Use the land for accommodation (dwellings)</i> <i>Construct a building or construct or carry out works</i>	Overlays:	43.02-3	Design and Development Overlay Schedule 14 and 19 <i>Construct a building or construct or carry out works</i>	Particular Provisions:	52.29-2	Land adjacent to a Principal Road Network <i>Create or alter access to a road in a Transport Zone 2</i>
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Cultural Heritage:	The subject site is noted located in an area of identified Aboriginal Cultural Heritage Sensitivity. Therefore, a CHMP is not required.												
Total Site Area:	6586 m ²												
Gross Floor Area:	51314 m ²												
Referral Authorities:	Head, Transport for Victoria (S55 Determining)												
Public Notice:	Notice of the application was undertaken by the applicant at the direction of the Minister for Planning. 40 submissions have been received as of 13 May 2026 (1 in support / 39 in objection). Refer to the notice section of this report for further details.												
Delegates List:	Approval to determine under delegation received on 6 May 2026												



Site Description

1. The site is formally described as comprising the following land parcels:
 - 26 Princess Street (Lot 1 on TP015126G)
 - 1/26 Princess Street (Lot 1 on TP699724Q)
 - 32 Princess Street (Lot 2 on PS036988)
 - 34 Princess Street (Lot 1 on PS036988)
 - 36 Princess Street (Lot 1 on TP700086W)
 - 11 Brougham Street (Lot 1 on TP688061B)
 - 13 Brougham Street (Lot 1 on TP226564D)
 - 15 Brougham Street (Lot 1 on TP687656X)
2. Combined, the total site area equates to 6586sqm, with a frontage of 73.3m to Princess Street, a northern boundary of 92.65m, a frontage of 73.55m to Brougham Street and a southern boundary of 91.23m.
3. The site contains the recently closed Leo's supermarket, 4 smaller retail tenancies, a car parking area and single dwellings on the titles to the north of the supermarket.
4. The site has a significant fall of 2.86m from the highest point at the north-east corner and the lowest point in the south-west corner.
5. Vehicle access to the site is via the adjacent council owned land, which contains car parking and also acts as an accessway to surrounding commercial properties.
6. There are several easements on the various applicable titles described below:
 - 26 Princess Street, Kew:
 - Lot 1 on TP015126G – Easement in favour of Boroondara City Council, currently provided access to the car park for the former supermarket.
 - Lot 1 on TP512880X – Two party wall easements and a discontinued road.
 - Lot 1 on TP746452P – Two party wall easements and a discontinued road.
 - Lot 1 on TP513712Q- Drainage easement.
 - Lot 1 on TP676389G – Carriageway easement, identified as discontinued, a drainage easement and party wall easement.
 - 32 Princess Street, Kew – Party wall easement.
 - 34 Princess Street Kew – Party wall easement.

Site Surrounds

7. The site is located on the eastern side of Princess Street (an arterial road), approximately 90m north of the five-way intersection of Princess Street, High Street, Denmark Street, High Street South and Studley Park Road. It is in the established commercial area of Kew Junction and borders with an established residential to the north. The site is very well serviced by public transport with both tram routes 48 and 109 less than 100m from the subject site.
8. The immediate surrounds are described below:

South:

To the south of the site is a public open air car park which contains back of house services to High Street shops at its southern edge. Vehicle access is available throughout the car parking area connecting Princess Street to Brougham Street. Beyond the car parking area/accessway, the rear of commercial/retail buildings, including the Skinny Dog Hotel, back on to the car park and front High Street and/or Brougham Street.

North:

To the immediate north are single storey residential dwellings, zoned in the Housing Choice and Transport Zone, at 38 Princess Street and 17 Brougham Street, Kew. Further north beyond these properties are a mix of residential

properties with dwellings and residential buildings varying in height up to 3 storeys along Princess Street and Brougham Street.

East:

To the east of the site, across Brougham Street, is a two-storey council owned car park and a Woolworths supermarket. South of the supermarket car park is Athenaeum Place which provides access between Brougham Street and Walpole Street further east, behind the commercial properties fronting High Street.

West:

To the west of the site, across Princess Street (an Arterial Road), are residential properties with dwellings and residential buildings varying in height up to 3 storeys. Properties located opposite the site are located in a Barry Street, Kew Heritage Precinct (HO143).



Above: Surrounding uses (source: Urban Context Report, prepared by Wardle) and the subject site with existing built form as shown on survey plan.



Application Process

9. The key milestones in the application process were as follows:

Milestone	Date
Application lodgement	10 February 2026
Further information requested	24 February 2026
Further information received	3 March 2026
Public notice period	22 March 2026 till 6 April 2026
Decision Plans	Architectural Plans prepared by Wardle , various revisions, all dated 27 February 2026.
Other Assessment Documents	<ul style="list-style-type: none"> • Façade Drawings, prepared by Wardle, 21 drawings, various revisions, all dated 27 February 2026. • Town Planning report, prepared by Contour Consultants, dated February 2026. • Urban Context Report, prepared by Wardle, dated February 2026. • Computational Fluid Dynamics (CFD) Environmental Wind Study results, prepared by MEL Consultants (undated) • Sustainability Management Plan, prepared by Ark Resources, dated 4 February 2026. • Landscape Plans, prepared by Oculus, various revisions, dated 15 October 2025 • Landscape Town Planning Report, prepared by Oculus, dated 8 October 2025. • Traffic and Transport Assessment prepared Traffic Engineering Assessment, prepared by Traffix, dated February 2026 • Waste Management Plan, prepared by Traffix Group, dated September 2025. • Acoustic Report, prepared by Acoustic Logic, dated 5 February 2026 • Stormwater Management Plan, prepared by O'Neil Group, dated 2 February 2026. • Green Travel Plan, prepared by Traffix, dated February 2026. • Affordable Housing Strategy, prepared by Affordable Development Outcomes, dated January 2026. • Arborist Report, prepared by Gailbraith and Associates, dated 7 October 2025. • Glare Analysis Memo, prepared by BG&E, dated 3 February 2026. • Access Strategy Memo, prepared by Traffix Group, dated 4 February 2026.

The proposal

10. The proposal is for the use and development of mixed-use, multi-level development (across 4 buildings) including 194 residential dwellings, a supermarket, retail, and offices uses, landscaping and publicly accessible areas on site and an off-site public realm upgrade offering. The buildings are proposed to range in height from 3, 4, 14 and up to 18 storeys. Further details are summarised below:

- At the ground level, the development is proposed to contain 3491sqm of commercial area including 1344sqm for a supermarket, 2063sqm for retail and 65sqm of office leasable floor area.
- A total of 194 residential dwellings are proposed. The proposed typology mix is as follows:
 - 50 x 1-bedroom apartments
 - 88 x 2-bedroom apartments
 - 50 x 3-bedroom apartments; and
 - 6 x 3-bedroom townhouses.
- A total of 419 car parking spaces are proposed to be provided within 3 basement levels and a total of 252 bicycle parking spaces.



- The primary vehicle access to the site is proposed via the council land to the south and a loading bay is proposed to be provided and accessed from Princess Street.
- Publicly accessible open space, including a through-block link, is proposed to be provided, which will extend Athenaeum Lane currently located to the east of the site, connecting Brougham Street to Walpole Street. This is proposed to incorporate hard and soft landscaping treatments, canopy trees and spill out space from the proposed retail and shop tenancies.
- The proposed materials are varied and include bricks, different aluminium cladding types and features in varying warm tones.
- The proposal incorporates a 10% affordable housing contribution which is intended to be provided on site.
- The proposal incorporates an offer to upgrade the adjacent council owned land which currently functions as a car park. The upgrades would incorporate the redevelopment of the car park with new public open space, general streetscape upgrades and civil works and landscaping. Any loss of car parking spaces is proposed to be provided for within the basement car park.

11. Renders of the proposed development are shown below:



Above: Render View of the proposed development taken from the south, looking north.



Above: Render view of the proposed development taken from the north-eastern corner looking south.



Municipal Planning Strategy

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

Clause	Description
02.01	Context
02.02	Vision
02.03	Strategic Directions
02.04	Strategic Framework Plans

Planning Policy Framework

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

Clause 11	Settlement
11.01-1S	Settlement – Metropolitan Melbourne
11.02-1S	Development Capacity
11.03-1S	Activity Centres and Precincts
11.03-1L-03	Kew Major Activity Centre
Clause 12	Environmental and Landscape Values
12.01-1L	Protection of Biodiversity - Boroondara
12.06-1S	Urban Forests
Clause 13	Environmental Risks and Amenity
13.05-1S	Noise Management
Clause 15	Built Environment and Heritage
15.01-1S	Urban Design
15.01-1L-01	Urban Design and Built Form Outcomes
15.01-2S	Building Design
15.01-4S	Healthy Neighbourhoods
15.01-5S	Neighbourhood Character
15.02-1L	Energy and Resource Efficiency - Boroondara
Clause 16	Housing
16.01-1S	Housing Supply
16.01-1L	Housing - Boroondara
16.01-2S	Housing Affordability
Clause 17	Economic Development
17.02-01S	Business



Clause 18	Transport
18.01-1S	Land Use and Transport Integration
18.01-3L	Sustainable Personal Transport - Boroondara
Clause 19	Infrastructure
19.02-6L	Open Space - Boroondara
19.03-3S	Integrated Water Management
19.03-3L	Integrated Water Management

Zoning and Overlays

Commercial 1 Zone (C1Z)


14. Pursuant to Clause 34.04-1, a planning permit is required to use the land for accommodation (dwellings) if any frontage at ground floor level exceeds 2 metres).
15. Pursuant to Clause 34.04-1, a permit is required to construct a buildings or construct or carry out works.
16. The purpose of the C1Z is:
 - *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
 - *To create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses.*
 - *To provide for residential uses at densities complementary to the role and scale of the commercial centre.*

Design and Development Overlay, Schedule 14 and 19 (DDO14 and DDO19)

17. Pursuant to Clause 43.02-3, a planning permit is required to construct a building or construct or carry out work unless a schedule to the overlay specifically states that a permit is not required. Schedules 14 and 19 do not specifically state that a permit not required for the proposed works.
18. DDO14 (Kew Junction Activity Centre) and DDO19 (32-36 Princess Street and 11-15 Brougham Street) both contain a series of design objectives which are assessed in detail in the assessment section of this report and at Appendix B.
19. **Note:** Amendment GC270 was gazetted on 31 March 2026. This applied the Building Form Overlay, Schedule 5 (BFO5) (Clause 43.06) to the land and deleted DDO14 and 19 from the Boroondara Planning Scheme. As the application was made before the approval date of Amendment GC270, transitional provisions apply as per Clause 13 of the BFO5. Accordingly, the DDO14 and 19 continue to apply to the application and will be considered in the assessment section of this report.

Parking Overlay, Schedule 1 (PO1)

20. The purpose of the Parking Overlay, is to:
 - *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
 - *To facilitate an appropriate provision of car parking spaces in an area.*
 - *To identify areas and uses where local car parking rates apply.*
 - *To identify areas where financial contributions are to be made for the provision of shared car parking*
21. Clause 1 of PO1 to seeks to identify car parking rates for land uses in various activity centres throughout the municipality. Clause 3 of the PO1 sets out the car parking rates required for dwellings and office.

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22. A permit is not required under PO1 because the proposal incorporates car parking spaces in accordance with the requirements of the PO1 for dwellings. This includes visitor car parking spaces.

Particular and General Provisions

Clause 52.06 – Car Parking

23. Clause 52.06 sets out the requirements for the number of car parking spaces to be provided in association with new use and development along with statutory provision for their design.
24. The applicable car parking rates for this application are set out in Schedule 1 to the Parking Overlay (set out above) for residential dwellings and office uses and rates set out in Clause 52.06-5 are applicable for retail/shop uses.
25. A permit is not required under Clause 52.06 because car parking in accordance with Clause 52.06-5 is proposed to be provided. An assessment of the proposed car parking provision in respect to Clause 52.06-5 rates and the relevant design standards set out at Clause 52.06-9 are detailed in the assessment section of this report.

Clause 52.34 (Bicycle Parking)

26. Pursuant to Clause 52.34-1, a new use must not commence, or the floor area of an existing use must not be increased until the required bicycle facilities and associated signage have been provided on the land. Where the floor area occupied by an existing use is increased, the requirement for bicycle facilities only applies to the increased floor area of the use.
27. The proposal exceeds the required number of bicycle parking spaces required under Clause 52.34 and accordingly a permit is not required under this provision. Notwithstanding this, the proposed bicycle parking provision is detailed in the assessment section of this report.

Clause 52.29 – Land Adjacent to Road in Principal Road Network

28. Pursuant to Clause 52.29-2 a permit is required to create or alter access to a road in a Transport Zone 2. Princess Street is in a TZ2.
29. The purpose of Clause 52.29 is:
- *To ensure appropriate access to the Principal Road Network or land planned to form part of the Principal Road Network.*
 - *To ensure appropriate subdivision of land adjacent to Principal Road Network or land planned to form part of the Principal Road Network.*

Clause 53.18 – Stormwater Management in Urban Development

30. Clause 53.18 applies to the buildings and works of this application. The clause includes standards and objectives relating to stormwater treatment and reuse.

Clause 53.06 – Live Music Entertainment Venues

31. Clause 53.06 applies to an application required under any zone of this scheme to use land for, or to construct a building or construct or carry out works associated with a noise sensitive residential use that is within 50 metres of a live music entertainment venue. The subject site is located within 50 metres of the Skinny Dog Hotel, which is a venue (food and drink premises) permitted to play live entertainment.
32. The purpose of Clause 53.06 is:
- *To recognise that live music is an important part of the State's culture and economy.*
 - *To encourage the retention of existing and the development of new live music entertainment venues.*

- *To protect live music entertainment venues from the encroachment of noise sensitive residential uses.*
- *To ensure that noise sensitive residential uses are satisfactorily protected from unreasonable levels of live music and entertainment noise.*
- *To ensure that the primary responsibility for noise attenuation rests with the agent of change*

Clause 53.23 – Significant Residential Development with Affordable Housing

33. The application has been submitted under Clause 53.23 (Significant Residential Development with Affordable Housing). Clause 53.23 seeks to facilitate residential development that incorporates affordable housing to meet existing and future needs.
34. The development was confirmed as eligible under Category 1 of Clause 53.23 of the Boroondara Planning Scheme as part of the Development Facilitation Process. Specifically, the application is supported by:
 - A quantity surveyor report confirming the estimated cost.
 - A letter from Invest Victoria.
 - A report outlining how the proposal will contribute to the provision of affordable housing contribution.
35. The affordable housing contribution is discussed in the assessment section of this report. Pursuant to Clause 53.23-5 an application under any provision of the planning scheme is exempt from the decision requirements of section 64(1), (2) and (3), and the review rights of sections 82 (1) of the Act.

Clause 58 (Better Apartment Design Guidelines)

36. Clause 58 applies to the residential apartments proposed as part of this application. A detailed assessment of the proposed development against Clause 58 is contained at **Appendix A** of this report and is also discussed in the assessment section.

Planning Scheme Amendments

37. **Amendment VC277** was gazetted in December 2025. It introduced location-based, map driven parking rates (using the Public Transport Accessibility Level) and minimum and maximum car parking rates in areas with better public transport accessibility. The site is in Category 4 where maximum rates of 2 car parking spaces per dwelling are applicable. It is noted this rate is more than the maximum rate allowed under the applicable Parking Overlay, Schedule 8, to which the proposal already complies.
38. **Amendment VC265** was gazetted on 4 February 2026 and introduced a series of updates and corrections to the VPPs to ensure they are current and accurate. The changes are largely administrative and do not materially affect this application.
39. **Amendment VCGC270** was introduced on 31 March 2026 and introduced planning controls for Stage 1 of the train and tram activity centre, including the introduction of Built Form Overlay which applies to the “core” of the 25 identified activity centres (including Kew Junction) as well as the introduced to the House Choice and Transport Zone to “catchment” areas. As noted above, as part of this the Building Form Overlay, Schedule 5 (BFO5) was applied to the land and DDO14 and 19 was deleted from the Boroondara Planning Scheme. As this application was made before the gazettal date of Amendment GC270, transitional provisions apply as per Clause 13 of the BFO5. Accordingly, the DDO14 and 19 continue to apply to the application and will be considered in the assessment section of this report.



Referrals

40. The application was referred to the following groups:

Provision / Clause	Organisation	Response and date received
Section 55 Referral – Determining	Head, Transport for Victoria	2 April 2026
Section 52(1)(b) Notice	Boroondara City Council	21 April 2026

41. **Head, Transport for Victoria (HtFV)** provided a response on 2 April 2026 confirming no objections to the grant of a permit, subject to conditions. The conditions are split into Section 55 Referral Authority conditions which must be included on any permit issued and 'recommended' conditions for consideration. All of HtFV's conditions are recommended to be included on the planning permit.
42. **Boroondara City Council (the council)** considered the application at its Urban Planning Special Committee on 20 April 2026. The council resolved to provide a submission of broad support for the proposal based on the strategic context but with a series of key issues raised. The key matters raised by the council relate to building height, overshadowing potential future public open space, site access, a request for affordable housing to be provided on site or in Boroondara and an assertion that the council should be the responsible authority for these large developments. The key matters raised by the council are assessed in detail at **Appendix C** of this report.

Notice

43. The application is not exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Planning and Environment Act 1987 pursuant to the following provisions:
- Clause 34.01 and 34.01-4 (C1Z)
 - Clause 43.02-2 (DDO14 and DDO19)
44. The application is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Planning and Environment Act 1987 pursuant to the following provisions:
- Clause 52.29 (Land Adjacent to the Principal Road Network)
45. The applicant was directed to give notice by way of erecting 12 sign/s on the site and notifying adjoining and nearby owners and occupiers. The public notice period occurred between 22 March 2026 and 6 April 2026.
46. At the time of writing, 40 submissions have been received (1 in support and 39 in objection). The objections received raise the following key issues:
- Building height
 - Impacts on neighbourhood character
 - Overshadowing residential properties
 - Overlooking residential properties
 - Neighbourhood character
 - Traffic impacts
 - Lack of parking
 - Impact and disruption during construction



- Disruption to other businesses
 - Lack of landscaping
 - Flooding impacts to adjoining properties
 - Impacts on viability of nearby commercial venues / equitable development / Agent of change considerations
 - Lack of consultation
47. The matters raised in objections are assessed in detail at **Appendix D** of this report.
48. It is noted pursuant to Clause 53.23-5 (Significant Residential Development with Affordable Housing) the application is exempt from the decision requirements sections 64(1), (2) and (3), and the review rights of sections 82(1) of the Act.



Strategic Direction

49. The Planning Policy Framework encourages appropriate land use and development which enhances the built environment, supports economic growth, meets the community expectations on retail and commercial provision, delivers diversity in housing supply to meet existing and future needs, and integrates transport and infrastructure planning. The Municipal Planning Strategy and Planning Policy Framework in the Boroondara Planning Scheme has been considered in detail in the assessment of this application.
50. The subject site is in the core of the Kew Junction Activity Centre which formed part of Stage 1 of the Victorian Government's Train and Tram Zone Activity Centres Program. As part of the program, new planning controls were introduced across 25 designated activity centres to facilitate the delivery of new homes, in well serviced locations. Kew Junction forms part of the program because it has strong tram-focused public transport accessibility. The centre is well serviced by public transport with trams services providing frequent, direct and efficient connections to metropolitan Melbourne, including the city centre, Port Melbourne, Richmond, Balwyn North and Box Hill. By virtue of this, the site is in right location for increased residential densities, amongst commercial uses.
51. The proposal seeks to deliver 194 residential dwellings and 3716sqm of commercial floor area for a combination of retail, shops and office uses, within the core of the Kew Junction Activity Centre. The proposal will strengthen the role of the Kew Junction Activity Centre as vibrant mixed-use centre and directly responds to the strategies set out in the plan refer to above and the objectives and strategies of Clause 11.03-1S (Activity Centres and precincts) and Clause 11.03-11-03 (Kew Junction Major Activity Centre).
52. The site response is well considered, seeking to deliver public realm and accessible connections to Athenaeum Lane and the council owned land to the south along with a built form outcome with appropriate ESD credentials that responds to the urban and building design objectives and strategies sought under Clause 15.01-1S (Urban Design), 15.01-1L-01 (Urban design and built form outcomes) and 15.01-2S (Building design).
53. Clause 16.01-1S (Housing supply) seeks to facilitate well-located, integrated and diverse housing that meets community needs. Clause 16.01-1L (Housing -Boroondara) seeks to support increased housing density and diversity at the upper levels above commercial uses in Activity Centres and to support increased housing density that provides a transition from the Commercial 1 Zone to other residential zones in the Housing Choice and Transport Zone. The proposal responds to the housing policies at Clause 16 of the Boroondara Planning Scheme, as it seeks to deliver increased and diverse housing, generally in the upper levels of the development, above active retail/commercial uses. The development is also designed to transition down in scale towards the northern end of the site which interfaces with the dwellings in the Housing Choice and Transport Zone.
54. Clause 16.01-2S (Housing affordability) seeks to ensure the delivering of affordable housing in areas with good access to opportunities and services. The proposal will positively contribute to housing affordability in the area by providing an increase in housing type choice to meet the needs of households, by increasing supply, and through the incorporation of a 10% affordable housing contribution, to be secured by a Section 173 Agreement.
55. The commercial tenancies, including the proposed boutique supermarket, will provide activation at the ground level and will facilitate economic opportunity within the precinct, co-locating business with existing infrastructure and providing a high level of amenity for patrons and employees, consistent with Clause 17.01-1S (Diversified economy) and Clause 17.02-1S (Business).

Land Use

56. The proposed retail, shops (including food and beverage and supermarket) and offices uses are Section 1 Uses under the Commercial 1 Zone and therefore do not require planning permission and evidently are appropriate, given the site's location and zoning.
57. The residential dwellings require planning permission because the entry to the dwellings at ground level is more than 2 metres wide, which is the threshold for whether accommodation requires permission under Clause 34.01-1.
58. There is strong strategic basis for the proposed use at this site, including dwellings at increased densities, as described under the strategic direction assessment contained above in this report.



59. Additionally, the proposed use is acceptable having regard to the purpose of the C1Z. In this regard, the positioning of the residential dwellings generally above commercial tenancies, will positively contribute to the vibrancy of commercial area. The residential entries are strategically positioned for ease of access and will not dominate or detract from the degree of activation proposed to be provided along the retail frontages.
60. With regard to the decision guidelines of the C1Z relevant to land uses, the proposal is acceptable because the site is well serviced and the proposal has been designed so it can exist without unreasonable noise impact from surrounding commercial uses. Additionally, subject to the recommended permit conditions the development will not have a negative impact on the surrounding road and public transport network. These matters are further considered in the below sections of this report.

Buildings and Works

Height & Massing

61. As noted elsewhere in this report, transitional arrangements apply to this application despite the introduction of the BFO5 and deletion of DDO14 and 19 from the Boroondara Planning Scheme. Accordingly, the DDO14 and 19 controls still apply and are required to be assessed. The DDO14 and 19 prescribe similar height and setback requirements. Specifically, both schedules apply the following preferred/discretionary requirements for the site:
 - A maximum building height of 14.5m
 - A building height of 11 metres at building frontages
 - Upper storeys above 11m setback 5m from the ground level façade
 - Building at residential interfaces setback in accordance with Clause 54.04-1 (Side and Rear Setbacks)
 - A minimum 2m landscaped setback provided along Princess Street.
62. The proposed development is to vary in height from 4 to 18 storeys, with a maximum building height of 61.92m.
63. Under both DDO schedules, an application which does not meet the building or setbacks specified must demonstrate that the proposed development continues to meet the design objectives set out therein. A detailed assessment of the proposal against the relevant design objectives is contained at **Attachment B** of this report. In summary, it is considered the proposal continues to meet the design objectives, despite the departures to the preferred heights and setbacks proposed. In this regard, the following is noted:
 - The development represents a high-quality architectural design that has undergone a detailed review process with the Office of the Victorian Government Architect (OVGA). The OVGA are supportive of the proposal.
 - The proposal makes effective use of the site, with massing arranged to present as a village of forms, responding to the site's varying interfaces and with appropriate separation distances provided between forms internally within the site, and to those adjoining the site.
 - Appropriate regard has been given to the character and amenity of adjacent residential zoned properties in the design. Specifically, 3 to 4 storey townhouses are proposed adjacent to the northern boundary, providing an appropriate transition in scale down to adjacent residential dwellings. Additionally, the minimum 4.5m setback provided will facilitate deep soil planting between the development and adjacent residential properties, and the development will not overshadow the adjacent residential properties, due to the orientation of the site.
 - The design encourages sustainable modes of transport through the number of bicycle parking space which exceed planning scheme requirements. Additionally, the nature of the site's location, within immediate proximity of tram and bus lines, is conducive to reducing car dependency.



- For the reasons outlined in the design detail discussion section below, each of the relevant building facades are well articulated via materials, fenestration details and the variation in façade systems proposed across the development.
64. Whilst not strictly applicable due to the transitional provisions, the recently gazetted BFO5 should be given due consideration at a minimum due to what it demonstrates from a strategic perspective. Specifically, the site's strategic context has evolved since the DDO14 and 19 were introduced and it is noted these controls were based on a now 20-year-old Kew Junction Structure Plan.
65. The BFO5 identifies the subject site as a 'large opportunity site' and prescribes a discretionary 16 storey height control to the site. Given the variation in height proposed across the different buildings proposed, the proposed development largely complies with the discretionary control. However, building 2 exceeds the BFO5 height control by 2 storeys.
66. Table 1 of the BFO states that development of taller built form on these sites (large opportunity sites) is supported and may exceed the building height standard where off site amenity impacts are managed and public benefits are provided. Having regard to this, the following is considered:
- The proposal will not cause unreasonable off-site impacts, by way of overshadowing, overlooking, loss of daylight, visual bulk, noise and wind. These matters are all discussed in further detailed in the other assessment sections of this report.
 - The proposal incorporates the following notable public benefits:
 - The provision of publicly accessible open space on the site, including a garden area and activated through block link which will extend Athenaeum Lane to the east, through the subject site.
 - An off-site public realm upgrade offer/commitment, including resurfacing and relandscaping of the adjacent council owned car park which straddles the subject site, including a new public open space. The public realm upgrade works are indicated to be valued at \$12 million. This is subject to council agreement and approval.
 - A 10% affordable housing contribution, as required for applications eligible under Clause 53.23 (Significant Residential Development with Affordable Housing). The contribution will be secured by condition. However, the supporting material demonstrates the applicant's intention to deliver the affordable housing on site.
67. The suite of proposed public benefits on offer is significant and commensurate to the height uplift proposed on the site.

Design Detail

68. Clause 15.01-1L-01 (Urban design and built form outcomes) seeks to achieve high quality urban design and built form outcomes which enhance streetscapes, maintain amenity and cater to a diversity of user needs. The DDO19 seeks to ensure innovative, high quality architectural design is achieved that makes efficient use of the land whilst enhancing the appearance and strengthening the identity and built form character of the activity centre.
69. As described elsewhere in this report, the proposed development is designed as a 'village of forms' to provide visual relief from various vantage points, to respond to its differing interfaces, managing daylight and sunlight access and wind impacts.
70. The proposed design detail is sophisticated, with various materials strategically applied throughout. This includes utilising brick facades at the lower levels, a mixture of different cladding types and aluminium spandrel in various colour at the upper levels. Each building is slightly differentiated through materials and colours but are all linked through an overarching design language.
71. The façade strategy, prepared by Wardle, demonstrates depth and variation through both the materials and fenestration details and it is considered that the design will make a positive contribution to the Kew Junction area, and is an appropriate built form outcome for this large opportunity site, within the Activity Centre. The design is

considered to respond appropriately to the objectives of relevant policy which seek to ensure design excellence is achieved.

72. The proposed design has had the benefit of undergoing a rigorous pre-application process, involving several workshops with the OVGA. Importantly, the OVGA support the proposal.

Ground Plane, Public Realm and Landscaping

Ground Level Activation

73. Clause 15.01-1L02 (Neighbourhood centres and commercial corridors-built form) applies to the Kew Junction Activity Centre and seeks to achieve excellence in design and high quality, contemporary architecture that efficiently utilises the site, enhances the character of the centre or corridor and activity engages with the public realm.
74. The proposal will enhance the character of the centre and is considered to provide appropriate engagement with existing and proposed publicly accessible areas as follows:
- Ground level activation is proposed through the strategic placement of retail, shop and office tenancies adjacent to publicly accessible space, including the proposed continuation of Athenaeum Lane.
 - The arrangement and general design of the retail / shop tenancies, including the supermarket, will engage with the proposed public realm through clear glazing, the location of entry doors and spill out space.
 - The proposed buildings have been arranged so as to create new publicly accessible space whilst also integrating with the existing public realm, landscaped setbacks to existing and/or proposed pedestrian paths.
75. The recommended permit conditions will secure further detailed design of the ground level façades. Additionally, conditions are recommended to secure public accessibility to the spaces shown, as well as to indemnify council in relation to the public use of those spaces, via in a Section 173 Agreement. The on-site publicly accessible open space and pedestrian links are a welcomed element of the proposal and are of public benefit.
76. Renders of the Athenaeum Lane extension are shown below:



Above: Proposed render of Athenaeum Lane within the proposed development, demonstrating material variations and ground level activation.

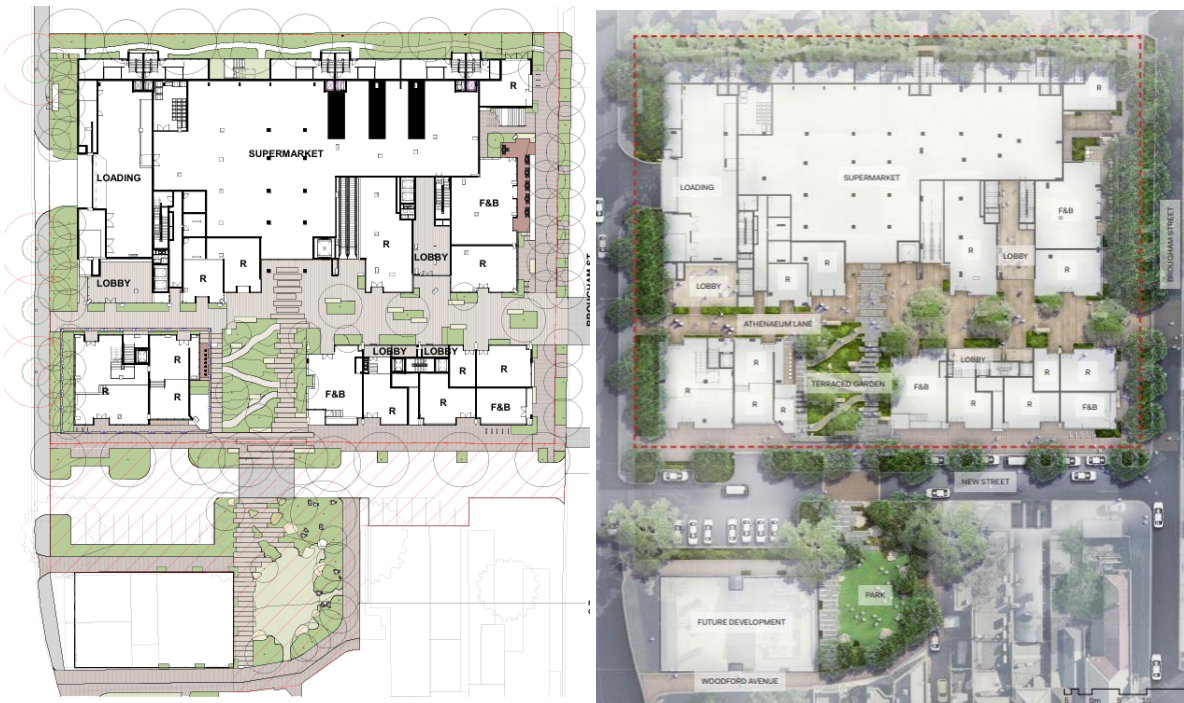


Landscaping & Trees

77. The proposal incorporates 1376sqm of deep soil planting and 1700sqm of canopy cover and is fully compliant with the requirements of Clause 58.03-5 (Landscaping).
78. The proposed landscaping scheme, as shown in the plans and report by Oculus, demonstrate the incorporation of various species of canopy trees, shrubs which are contextually appropriate and will assist in softening the development where it is visible from the public realm and from adjoining properties. It is considered the proposal will make a positive landscape contribution to this Kew Junction Activity Centre and appropriate commitments have been made to reduce the urban heat island effect, as demonstrated in the supporting Sustainability Management Plan. Notwithstanding this, some further detail is recommended to be secured by permit conditions on the landscape plan.
79. It is noted the subject site does not contain any vegetation proposed for removal which requires planning permission. A street tree is proposed to be removed along Princess Street to facilitate the proposed crossover to the loading dock. This will be subject to a separate approvals process with the council and council's recommended condition in regard the street tree removal process is recommended to be included on the planning permit.

Public Realm (council owned)

80. The proposal includes an offer/commitment by the owner to upgrade the council land, located to the immediate south of the site. Specifically, the applicant has committed to delivering upgrades to the adjacent council land in the form of a new public open space area, resurfacing and re-design of the carpark and landscaping throughout. Collectively, the proposed public realm upgrade offering, including powerline undergrounding and footpath resurfacing, is indicated to cost between \$10-12 million.
81. The indicative design is shown below with the council owned land hatched in red on the left:



Above: Landscape Plan showing adjacent council owned land hatched in red to the south (left) and landscape concept plan (right).

82. The off-site public realm works are a voluntary contribution from the permit applicant that ultimately will be subject to separate agreement and approval with Boroondara City Council. These separate approvals process will take further time beyond this permit application and may be subject to separate requirements and processes under different local government legislation (e.g. the Local Government Act).



83. The public realm upgrade offer is a positive feature of the overall public benefit offering that should be secured, notwithstanding the uncertainties associated with the future process required to be undertaken with the council.
84. Given the above, a condition is recommended to be included on the planning permit requiring the owner to enter into a section 173 Agreement with the council and the Minister as party to the agreement, providing for the following:
- a) The owner must endeavour to reach an agreement with the council on the public realm works.
 - b) The owner must pay a deposit into a trust account for the public realm works to demonstrate the commitment within 30 days of the S173 agreement being entered into.
 - c) The deposit held in the trust account will be released if an agreement is not reached with the council within 2 years of the agreement being entered into.
 - d) Should an agreement be reached, the owner will deliver and/or fund the works, with the delivery and funding to be agreed with Boroondara City Council.
85. The permit condition has been agreed with the permit applicant and the council has been consulted. DTP considers the recommended condition to be an appropriately worded for the purpose of securing the commitment made by the applicant without prejudicing the process and future decision making to occur with the council. Additionally, the wording is appropriate given the commitment relates to land which does not form part of the subject site itself.

Amenity and Microclimate

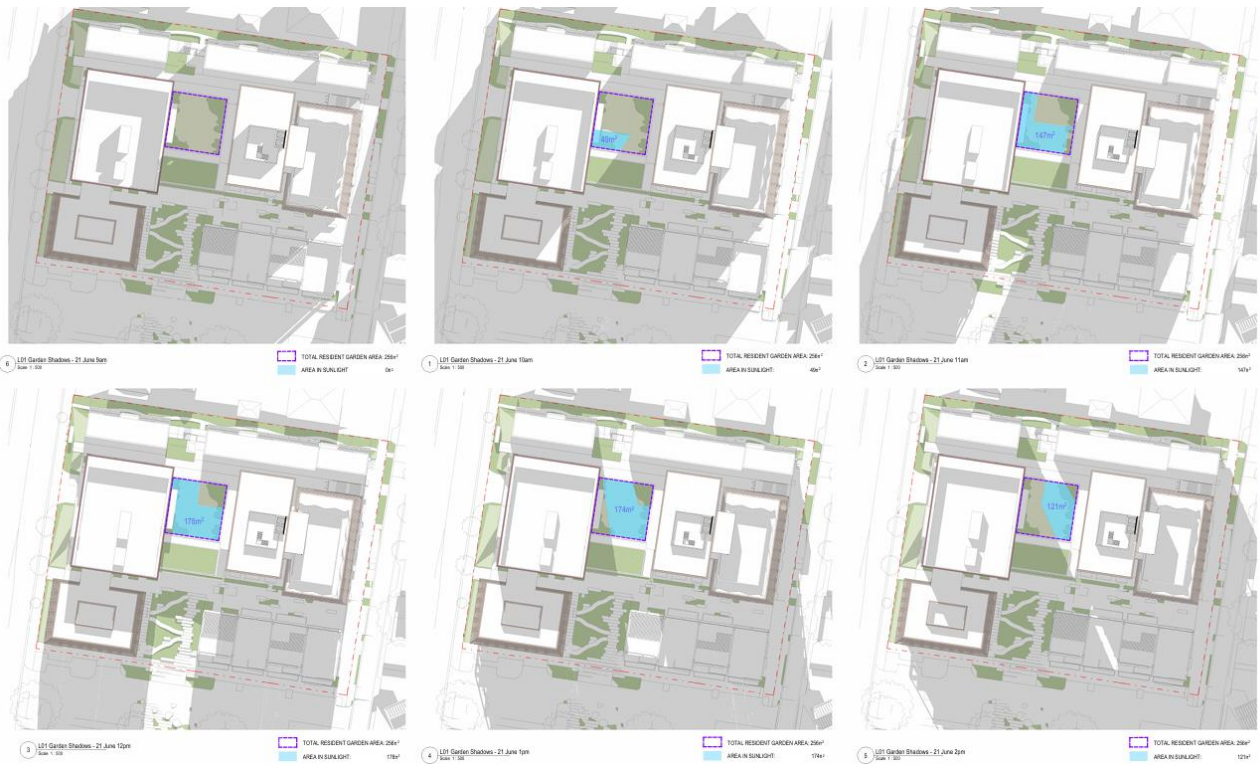
Overshadowing

Adjoining & nearby residential dwellings

86. A decision guideline for buildings and works under C1Z is to consider overshadowing as a result of buildings and works affecting land in a General Residential Zone, Housing Choice and Transport Zone, Neighbourhood Residential Zone, Residential Growth Zone or Township Zone. Similarly, Clause 15.01-1L-02 (Neighbourhood centres and commercial corridors-built form) seeks to minimise the impacts of overshadowing on adjoining residential properties.
87. The subject site adjoins land and is located opposite land containing residential dwellings in the Housing Choice and Transport Zone (HCTZ) and importantly, the proposed development will not unreasonably overshadow adjoining and nearby residential properties. In this regard the following is noted:
- Due to the site orientation, the proposed development will not overshadow the adjoining residential properties to the north.
 - The proposal will cast new shadows at 9am and 10am on the September Equinox over the front gardens of properties located to the west of the site across Princess Street, but otherwise these properties will be free from shadows from 11am onwards. The secluded private open space of these properties will remain unaffected.
88. Similarly, the proposed development will not overshadow any roof top solar energy systems on nearby dwellings, demonstrated on both the September Equinox and the June Solstice in the submitted shadow diagrams.

Communal open space

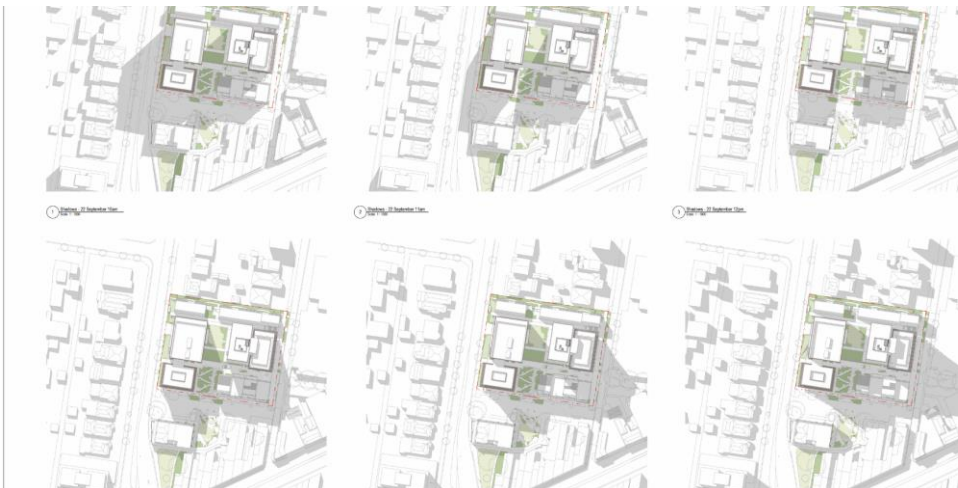
89. The massing and general site layout has been designed with appropriate consideration of the proposed communal open space areas within the development. The communal open space area on Level 1 will receive sunlight in excess of the requirements of 58.03-3, with over 125sqm of sunlight achieved between 11am and 2pm (4 hours) on the June Solstice. As demonstrated in the shadow diagrams below:



Above: June Solstice Shadow diagrams – Communal Open Space.

‘Potential’ public open space

90. Having regard to the public realm, shadows will largely be cast over the adjoining council owned land to the south, currently used as car park and road link. Should the owner and council reach agreement on the proposed public realm offering, described elsewhere in this report, the proposed development will overshadow a potential area of public open space. The submitted shadow diagrams demonstrate the public open space area will be relatively unshadowed between 10am and midday, and some overshadowing between 1pm and 3pm on the September Equinox, demonstrated below:

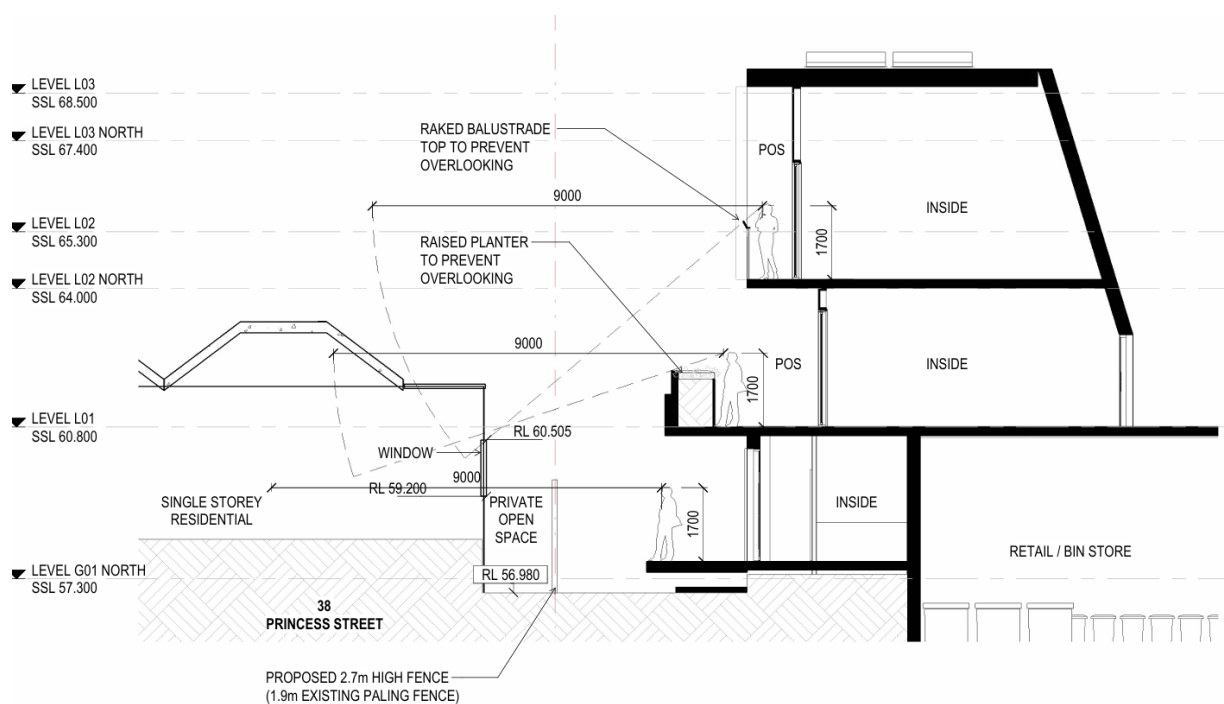


Above: September Equinox Shadow diagrams – Public Open Space to the south of the site.

91. It is acknowledged that except for the midday hour, the space will be overshadowed in the winter based on the June Solstice shadow drawings. However, given its position and given it will receive adequate sunlight on both equinoxes and accordingly for most of the calendar year, the extent of the overshadowing is acceptable on balance.

Overlooking

92. Decision guidelines of the C1Z require consideration of overlooking as a result of buildings and works affecting land in a General Residential Zone, Housing Choice and Transport Zone, Neighbourhood Residential Zone, Residential Growth Zone or Township Zone.
93. The north-facing townhouses are located within 9m of the adjoining residential properties within the HCTZ at 38 Princess Street and 17 Brougham Street, Kew. A combination of measures is proposed to mitigate overlooking impacts from balconies and habitable rooms, into adjoining habitable rooms and secluded private open space. Specifically, the proposed measures, which all obstruct views, are as follows:
- Raked balustrades.
 - Deep planter boxes on balconies; and
 - Boundary fencing to 2.7m above the NGL.



Above: Section diagram demonstrating various overlooking mitigation measures.

94. It is noted that in Clause 55.04-4 (Overlooking) a habitable room does not include a bedroom and it is noted that stairwells are not a habitable room.
95. Notwithstanding the above, the following is noted and is recommended to be addressed by conditions:
- The planter boxes shown to obstruct views on Level 1 of the townhouses in the section drawings is not reflected on the elevation plans. A condition is recommended to be included on the permit to ensure the elevations are consistent with the sections and overlooking measures are shown.
 - Views from the central Level 1 communal garden of the townhouses and the lower stair landing into adjoining private open space may occur, despite the proposed 2.7m fence height. A condition is recommended to be included to secure an increase to the northern balustrades to 1.7m to limit overlooking. This is an appropriate change, given the garden area will have relatively un-obstructed southern views.
96. The apartment buildings are located more than 9m from the adjoining residential properties. Therefore, privacy screening is not required.




Noise

Clause 53.06 (Live Music Entertainment Venues) / Agent of Change Principles:

97. Clause 53.06 (Live Music Entertainment Venues) is applicable to the application because the proposal is for the use of land and building and works associated with a noise sensitive residential land use that is within 50 metres of a live music entertainment venue. The purpose of this clause is to recognise the cultural and economic importance of live music, protect existing venues from encroachment by noise-sensitive uses, ensure new residential uses are satisfactorily protected from unreasonable noise, and uphold the 'agent of change' principle by placing the primary responsibility for noise attenuation on new development.
98. The live music venue within 50 metres of the site is the Skinny Dog Hotel, located at 155 High Street, Kew. The Skinny Dog Hotel is a licensed premises with ground floor indoors areas and semi outdoor areas with a retractable roof on Level 1 and a fully outdoor area facing Brougham Street. DTP understands the indoor area caters for live music (acoustic sets and a DJ). The permit approval allows for 400 patrons on Level 1 and live music (2-member acoustic performances) with noise limit set by conditions for indoors and outdoors.
99. Pursuant to Clause 53.06-3 a noise sensitive residential use must be designed and constructed to include acoustic attenuation measures that will reduce noise levels from any:
 - Indoor live music entertainment venue to below the noise limits specified in the Environment Protection Regulations under the *Environment Protection Act 2017* and the incorporated Noise Protocol (Publication 1826, Environment Protection Authority, November 2020)
 - Outdoor live music entertainment venue to below 45dB(A), assessed as an Leq over 15 minutes

For the purpose of assessing whether the above noise standards are met, the noise measurement point may be located inside a habitable room of a noise sensitive residential use with windows and doors closed (consistent with EPA Publication 1826).
100. The application is supported by an Acoustic Report, prepared by Acoustic Logic. The report demonstrates the reasonable steps undertaken to establish typical noise emissions from the hotel. Noise logging was undertaken over two periods in September and November 2025, including observations from the Hotel roof to establish whether elevated receptors would be more exposed to noise than ground level receptors. Section 2.1.1 of the report indicates that the testing was undertaken during functions and DJ sets.
101. The dominant noise source at the subject site is from patron noise from the rear outdoor beer garden of the hotel. Music noise was found to be generally inaudible above patron noise from the beer garden, and music noise and patron noise from the internal spaces was found to be inaudible from the subject site. The report contends that Inaudibility (as it relates live music) will ensure compliance with Noise Protocol Part 2.
102. The strategic application of glazing treatments in response to the site's different interface is evident in the report. Importantly, dwellings facing the Skinny Dog Hotel are proposed to contain glazing that meets Rw35, amongst a series of the acoustic attenuation measures for the residential dwellings throughout (glazing types, sealants, ventilation roof materials etc).
103. The acoustic report, by Acoustic Logic, nominates a criteria of 55Db(A) Lmax in apartments with external doors/windows closed for bottle disposal noise. This is typical sleep disturbance criteria adopted for similar projects and only applicable to bedrooms between 10pm and 7am. This is acceptable.
104. Whilst it appears reasonable steps have been taken to establish noise emissions from the hotel, the submitted report does not appear to assess the potential for live music to be played in the outdoor areas (e.g. the beer garden or level terrace space). It is acknowledged that the hotel may not typically play live music outdoors, but the planning permit applicable to the Skinny Dog Hotel does allow outdoor live music (within limits). Therefore, this should be further considered to ensure the acoustic treatments proposed are still adequate. A condition is recommended to be included on the permit to address this matter.
105. Importantly, the proposal does not seek to curtail or constrain the lawful operation of the nearby live music entertainment venue (Skinny Dog Hotel). The assessment adopts noise levels based on assumed compliance with



existing regulatory and permit frameworks, consistent with Clause 53.06 and Planning Practice Note 81. Subject to the recommended permit conditions, it is considered the agent-of-change principles will be appropriately applied in the approach to acoustic attenuation and no unreasonable or intended restrictions will be placed on the established Skinny Dog Hotel.

Other noise considerations:

106. The subject site is not in a noise influence area defined under Standard D16 of Clause 58.04-3 (Noise Impacts). Therefore, the noise levels specified under this standard are not applicable. Notwithstanding this, the following qualitative requirements of Standard D16 apply, including the following:
- Noise sources, such as mechanical plants should not be located near bedrooms of immediately adjacent existing dwellings or small second dwellings.
 - The layout of new dwellings and buildings should minimise noise transmission within the site.
 - Noise sensitive rooms (such as living areas and bedrooms) should be located to avoid noise impacts from mechanical plants, lifts, building services, non-residential uses, car parking, communal areas and other dwellings.
 - New dwellings should be designed and constructed to include acoustic attenuation measures to reduce noise levels from off-site noise sources.
107. Having regard to this, and the assessment contained in the submitted Acoustic Report, prepared by Acoustic Logic, the following is noted:
- Plant equipment selection has not been finalised. To ensure amenity of future residents is protected, the development is designed to comply with EPA Noise Protocol – Part 1. This will be through the incorporation of treatments such as lined ductwork, acoustic louvres, acoustic attenuators and vibration isolation mounts.
 - The supermarket tenancy will be designed with EPA Publication 1862.5 Noise Protocol – Part 1. For mechanical plant, the treatments mentioned in the above point will be incorporated. Additionally, the acoustic report recommends a series of operational measures to be implemented to in the supermarket loading area to ensure truck movement and operation of the loading bay achieves compliance with Noise Protocol – Part 1.
 - Subject to a series of recommended treatment measures, the car park access and loading bay door will meet relevant requirements of Noise Protocol – Part 1 and part 2.
108. Some further detail is recommended to be secured by condition in the acoustic report as well as reflected on the architectural plans and future loading management plan.

Wind

109. The application is supported by a Computational Fluid Dynamics (CFD) Environmental Study, prepared by MEL Consultants. The study demonstrated the following:
- The site and surrounding public realm will meet the safety criterion.
 - Princess Street to the west and Brougham to the east will meet standing and walking criterion.
 - The proposed public garden and the internal laneway will meet standing and walking criterion.
110. A Wind Tunnel Study, prepared by MEL Consultants, was submitted informally following the public notice period to further verify the results. The wind tunnel study is generally consistent with the CFD study and recommends some further mitigation measures.
111. Importantly, both studies demonstrate the proposal satisfies the requirements of Clause 58.04-4 and recommended wind mitigation measures will be secured by condition.

Glare

112. The application is supported by a Glare Assessment, prepared by BGE Façade Consultants. The assessment concludes that the glazed and metal-clad façade material poses reflectively risks. However, the metal cladding can generally be managed through the architect's design and material specification process. The report recommends further in-depth glare analysis, despite noting that the materiality does not present any significant reflectivity risk that could reasonably lead to disabling glare events.
113. Given the above, standard conditions are recommended to be included on the planning permit requiring an updated glare assessment which demonstrates a maximum of 15% reflectivity is achieved.

Internal Amenity

114. The proposal is fully compliant with the objectives and Standards of Clause 58. A full assessment of the proposal against the Clause 58 is contained at **Attachment A**. Some highlights are described below:
- 96% of apartments are designed to meet the needs of people with limited mobility, in excess of the 50% required under Standard D18 (Accessibility) of Clause 59.05-1.
 - 100% of dwellings are provided with adequate private open space that is compliant with the requirements of Standard D20 (Private open space) of Clause 58.05-3.
 - 100% of dwellings are provided with functional living areas and bedrooms compliant with the requirements of Standard D26 (Functional layout) of Clause 58.07-1.
 - 6.19% of dwellings are designed to comply with effective cross ventilation, in excess of the standard.
115. The proposed development is acceptable with regard to internal amenity and the exceedances to Clause 58 standards is welcomed.

Sustainability

Environmentally Sustainable Design (ESD)

116. Clause 15.02-2S (Building Design) seeks to ensure building design supports environmentally sustainable development.
117. The application is supported by a Sustainability Management Plan, prepared by Ark Resources, which demonstrates the proposal will attain a 4 star Green Star rating, will achieve a 7.5 stars average NatHERS rating and is designed to meet 'Best Practice' standard for urban stormwater quality. To achieve these credentials, the SMP demonstrates a commitment to the following ESD initiatives:
- A total 66.8 KwP Solar roof top PV Array system, with a total yield of approx. 78 MWh per annum equating to an estimated annual carbon emissions offset of 67 tonnes of CO₂-e per annum.
 - High-performance glazing and energy efficient services and fixtures.
 - Incorporation of vegetation throughout the site to mitigate the urban heat island effect.
118. The proposal commits to a level of sustainability that meets the objectives of Clause 15.02-2S and Standard D6 of Clause 58.03-1 (Energy Efficiency). Notwithstanding this, conditions are recommended to be included on the permit to ensure the commitments are further secured and other detail is provided regarding the Green Star certification.

Water Sensitive Urban Design / Stormwater Management

119. Clause 53.18 (Stormwater Management in Urban Development) seeks to ensure new developments achieve the best practice water quality performance objectives set out in the Urban stormwater management guidance (Environment Protection Authority - Publication 1739.1, 2021)



120. The SMP, by Ark Resources, includes a stormwater response, which demonstrates the proposal will meet best practice requirements in line with the above-mentioned guidelines and policy, as follows:
- MUSIC modelling demonstrates the proposal will exceed the Best Practice pollutant load reduction targets post development.
 - The proposal incorporates the installation of a rainwater harvesting system which will include rainwater harvesting from roofed areas to 20KL rainwater tank for irrigation and a 150KL rainwater tank for toilet flushing re-use.
 - A gross pollutant trap is proposed as a primary run off treatment system and a filter system is proposed as a secondary run off treatment system.
 - Site Management strategies are proposed for the construction phase to reduce risk of pollutants.
121. The site management strategies are recommended to be secured by condition in a Construction Management Plan.
122. The proposal is acceptable having regard to Clause 53.18 (Stormwater Management in Urban Development).

Car and Bicycle Parking, Access, Traffic, Loading, and Other Services

Car Parking

123. Pursuant to Clause 52.06, Category 3 parking rates apply to the subject site. Category 3 applies to areas with medium public transport access, typically along key public transport corridors, major suburban and regional centres and on the periphery of Melbourne Central city. Minimum and maximum car parking rates are applicable in Category 3 areas. The subject site is also affected by a Parking Overlay, Schedule 1 (PO1). The PO1 applies specific car parking rates for dwellings and office uses.
124. Car parking is proposed within three basement levels, accessible from the adjacent council land to the south. A total of 419 spaces is proposed to be provided. Of these, 288 are proposed to be allocated to dwellings and 131 spaces are proposed to be available for commercial uses.
125. The proposal complies with Clause 52.06 and PO1 car parking rates as demonstrated in the following table:

Use	Size	Minimum car parking rate	Maximum car parking rate	Amount Provided	Assessment
Dwellings PO1 rates apply*	1& 2 bedroom dwellings (138)	1 space per dwelling (138 required)	N/A	138	Complies
	3+ bedroom dwellings (112)	2 spaces per dwellings (112 required)	N/A	112	Complies
Dwelling visitor PO1 rates apply *	Visitor spaces for 194 dwellings	1 spaces per 5 dwellings (38 required)	N/A	38	Complies
Office PO1 rates apply *	65sqm	3.5 spaces per 100sqm (2 required)	N/A	2	Complies
Supermarket 52.06 rates apply *	1344sqm	0	2.5 spaces per 100sqm (max 33 spaces)	129	Exceeds requirements
Retail (Including F&B) 52.06 rates apply *	2307sqm	0	2 spaces per 100sqm (max 46 spaces)		Exceeds requirements



126. The land to the south (20 Princess Street) currently contains 61 car parking spaces, some of which straddle the boundary with the subject site. Should the public realm upgrades be agreed with council, there is potential that up to 61 car parking spaces, currently located in the council owned car park, could be displaced. This is notwithstanding the fact the public realm plans provided with the application indicate only 45 would likely be lost.
127. The supporting application material indicates that displaced car parking spaces would be provided for within the basement car parking levels of the proposed development. Given the commercial allocation of car parking spaces well exceeds minimum requirements, up to 61 spaces could readily be accommodated and provided for as publicly accessible spaces.
128. The requirement for this to occur is dependent on an agreement being reached between the council and the permit applicant, outside of the planning process, for the public realm upgrades on offer relevant to the council land. The council support this arrangement in principle, subject to future agreements and detail. In the permit conditions recommended by council officers, it was suggested the spaces should be gifted to the council. DTP does not consider this to be a necessary requirement that should be enforced through this permit. The ownership of the spaces and potential gifting and/or sale arrangements can be negotiated separately between the council and permit holder if deemed necessary. DTP notes this could result in different complexities at the subdivision stage and may raise additional management considerations. This is also potentially onerous, given the permit applicant has offered to pay for and deliver the public realm upgrade works on council land.
129. Instead, the provision of the spaces and public access to the spaces on a 24 hour / 7 day per week basis, is recommended to be secured in a Section 173 Agreement with the council. This is recommended to be entered into prior to occupation, to enable further time for the public realm works to be agreed between parties. Management of the spaces and car parking areas in general is also recommended to be outlined in a Traffic and Parking Management Plan, to further be secured by condition. The permit conditions have been agreed with the permit applicant.

Design Standards for Car Parking

130. The proposed car parking design has been assessed against the design standards of Clause 52.06-9. The general car parking layout dimensions, accessways, ramps, transitions and clearances meet the requirements of Clause 52.06-9 or relevant Australian Standards for Off-Street Parking. A Road Safety Audit is recommended to be secured by condition, which will further review the car parking and access layout, with recommendations incorporated in the design, where applicable.

Bicycle Facilities

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

Proposed Use	Purpose	Bicycle Parking Rate	No. of Spaces Required	No. of Spaces Provided
Dwelling (194)	Resident	1 space / 5 dwellings	39	194
	Visitor	1 space / 10 dwellings	19	
Retail/Office 3472sqm	Employee	1 space / 300m ² of LFA	12	58 (30 staff and 28 visitor)
	Customer	1 space / 500m ² of LFA	17	
Total			77	252

132. The number of bicycle parking spaces exceed the requirements of Clause 52.34.
133. End of Trip facilities are also proposed to be provided on Basement Level 1. The EoT facilities comply with the requirements of Clause 52.34 and are applicable due to the requirement to provide 12 employee spaces on site.
134. The bicycle facilities are a welcomed element of the proposal and will assist in encouraging active and sustainable methods of transport to and from the site, which is particularly important in this well serviced location.

Access, Traffic Movement and Circulation

Primary Access

135. The subject site currently contains two vehicle crossovers along Princess Street and three vehicle crossovers along Brougham Street. There are also three points of access provided from the adjacent council land to the south. Other commercial properties along High Street also gain access from the council land. This is shown below.



Above: Map of properties relying on access from council land (source: Access Strategy Memo, prepared by Traffix Group).

136. The proposed development seeks to again partially rely on the adjacent council land for the primary vehicle access to the site. The benefit of this arrangement is that access to the site will be available from both Brougham Street and Princess Street, distributing traffic to and from the site more evenly. Additionally, by positioning the access point towards the south-west of the site, the proposed pedestrian environment along this council land connection, as well as along Brougham Street and Athenaeum Lane, can be preserved and improved.
137. The location of the site access and its effect on the car parking arrangement/public realm within the council land, will be subject to a separate approvals process with the council. Whilst the outcome of this process will be determined post permit approval, for the reasons stated above in this report, DTP support the location of the primary access as proposed. The traffic implications of this arrangement are discussed in the below sections of this report.

Loading Bay Access

138. The loading bay for commercial uses is proposed to be provided via Princess Street.
139. The proposal to locate the loading bay from Princess Street will assist in minimising conflicts between commercial vehicle traffic and pedestrians along Brougham Street which is significantly narrower than Princess Street. This is also preferable to positioning the loading access from the council land, given the aspirations to improve the pedestrian environment in this area.
140. The Head, Transport for Victoria have not objected to the proposal, including the proposed creation of access to Princess Street which is in a Transport Zone 2. This is subject to conditions which require left in/left out only movements to/from the loading bay, with appropriate signage and line marking.

Traffic Movement

141. The application is supported by a Traffic Engineering Assessment report and numerous supporting memos, prepared by Traffix Group. The submitted material demonstrates the following:



- Traffic Surveys were undertaken on a Friday and Saturday in August 2025 during peak periods. Review of Traffic Surveys indicates that the intersection of the car park access (Council owned land) and Princess Street is currently operating well within capacity, with manageable delays experienced by motorists as they wait to turn into or out of the carpark, south of the site. The same is observed at the High Street and Brougham Street intersection.
 - The development will generate an additional 163 traffic movements during the AM peak hour and 236 traffic movement during the PM peak hour on weekdays and 262 additional traffic during the Saturday peak to and from the site.
 - Traffic distribution to and from the site are expected to following the existing operation of the site. The projected movements to and from the site, are well within the identified capacity for all movements in all of the assessed times, and no movement exceeds 36% of its capacity.
 - A comparative analysis of pre and post development traffic volumes using SIDRA indicates that both the car park and Princess Street intersection will continue to operate in a safe and manageable fashion and the Brougham and High Street intersection will continue to operate under 'excellent conditions.
142. Based on the above, it is considered the proposal will not have a negative impact on the surrounding road network.
143. The Head, Transport for Victoria in their response have provided a set of required permit conditions as a Section 55 Determining Referral Authority and a set of 'recommended' conditions for consideration. The 'recommended' conditions include a requirement for the primary Princess Street access (e.g. entry to the council car park) to have all right-out movements banned and the access clearly lined marked and appropriate signs installed for left in/ left out/ right in only.
144. H TfV recommend this because they believe the additional movements this development will generate will significantly impact the operations of the arterial network and public transport services, thus not addressing the requirements of Clause 18.02-3R (Principal Public Transport Network) and Clause 18.02-4L-01 (Road system – Boroondara).
145. Notwithstanding the submit traffic report indicates Princess Street would not be negatively impacted post development, Traffix Consulting have provided a response to the recommended condition which raises significant concerns. Specifically, they note that should right out movements be banned to Princess Street, the only route to the north for departing vehicles from the council land (from both the development and from other adjacent tenancies) would be via Brougham Street. This is a narrow, 'low-order', residential street and vehicle would need to travel around 800m north to Eglinton Street before being able to turn on to Princess Street.
146. Whilst the above is acknowledged, H,TfV have reviewed the number of additional movements predicted in Princess Street that would be transferred to the Brougham Street exit and have not raised concerns. H,TfV's position stems from concerns with gaps and unknowns in the data and the potential risks to the arterial network and public transport service network, beyond the site.
147. The required and recommended condition from H, TfV are therefore recommended to be included on the planning permit, with a minor variation to the 'recommended condition. Specifically, it is considered reasonable and logical to require the Transport Impact Assessment report required 6 months after occupation, to also consider the impacts of the left in/left out/right in only requirement at the primary Princess Street access. That way, any issues can be rectified, at the discretion of H, TfV.

Loading / Unloading & Waste

148. An on-site loading dock is proposed to be located along the western edge of the development, accessible from Princess Street. As noted elsewhere in this report, the proposal to locate the loading bay off Princess Street will assist in minimising conflicts between commercial vehicles, traffic and pedestrians along Brougham Street which is significantly narrower than Princess Street. It is considered this will likely improve existing conditions, noting the loading bay associated with the former Leo's supermarket has historically been accessed via the council land.



149. The Head, Transport for Victoria have not objected to the proposal, including the proposed creation of access to Princess Street which is in a Transport Zone 2. This is subject to conditions which require left in/left out only movements to/from the loading bay, with appropriate signage and line marking.
150. The loading dock is designed to be at least 12.5m deep by 3.5m wide, with a minimum height clearance of 4.5m. The loading dock is proposed to be dedicated to the Supermarket use for both its deliveries and for private waste collection. Loading activities for the residential dwellings and other commercial uses are expected to be infrequent and can be undertaken within associated off-street car parking and loading zones. Further details are recommended to be secured in a Loading Management Plan, prior to occupation.
151. The application is supported by Waste Management Plan, prepared by Traffix. Private waste collection is proposed for all uses (residential, small commercial and the supermarket) and the waste management plan demonstrates proposed bin storage areas, waste transfer paths and collections areas. Importantly waste collection is proposed to occur on site. The Waste Management Plan is supported subject to minor conditions which secure some further additional detail.

Other Matters

Clause 53.23 – Significant Residential Development with Affordable Housing

152. The application is made under Clause 53.23 (Significant Residential Development with Affordable Housing) which amongst other things seeks to facilitate residential development that includes affordable housing to meet existing and future needs.
153. The application is supported an Affordable Housing Submission which outlines the applicants regarding an affordable housing contribution. The submission is an application requirement of Clause 53.23 and to qualify for the Clause 53.23 pathway, a 10% affordable housing contribution must be provided and will be secured by the mandatory permit condition specified at Clause 53.23-4, which requires a Section 173 Agreement to be entered into for the provision of an affordable housing contribution.
154. The proposed contribution, along with the inherent benefits that come with an increase in supply of dwellings in such a well serviced location, is welcomed and is responsive to the purpose of Clause 53.23 and the strategies of Clause 16.01-2S (Housing Affordability).

Potential for contaminated land

155. The subject site is in an established commercial area and the historic use of the site, beyond the former Leo's supermarket, along with surrounding historic uses, is unknown to DTP at this time. It is therefore considered reasonable to require by condition the submission of a Preliminary Risk Assessment, to ensure the site is suitable for the sensitive land use (e.g. dwellings). This aligns with the strategies within Clause 13.04-1S (Contaminated and potentially contaminated land).

Easements

156. As described in the site description section of this report, the subject site is burdened by a number of drainage and carriage way easements which may or may not require variation, pending further investigation. This can occur post permit and before any relevant works commence.



157. The proposal is generally consistent with the relevant planning policies of the Boroondara Planning Scheme and will contribute to the provision of new homes and retail tenancies within the Kew Junction area.
158. The proposal is generally supported by the various referral agencies.
159. It is recommended that Planning Permit No. PA2604213 for the land at 26-36 Princess Street and 11-15 Brougham Street, Kew be issued subject to conditions.
160. It is recommended that the applicant, Head, Transport for Victoria, the council and those who provided a submission be notified of the above in writing.

Prepared by:

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

- No Conflict**
- Conflict and have therefore undertaken the following actions:
 - Completed the **Statutory Planning Services declaration of Conflict/Interest form**.
 - Attached the Statutory Planning Services declaration of Conflict/Interest form on to the hardcopy file.
 - Attached the Statutory Planning Services declaration of Conflict/Interest form into the relevant electronic workspace.

Name:

Title:

Phone:

Dated: 13 May 2026

Approved by:

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

- No Conflict**
- Conflict and have therefore undertaken the following actions:
 - Completed the **Statutory Planning Services declaration of Conflict/Interest form**.
 - Attached the Statutory Planning Services declaration of Conflict/Interest form on to the hardcopy file.
 - Attached the Statutory Planning Services declaration of Conflict/Interest form into the relevant electronic workspace.

Name:

Title:

Phone:

Dated: 13 May 2026

Appendix A: Clause 58 Assessment



Application requirements

Clause 58.01-1	Assessment
<ul style="list-style-type: none">• <i>An application must be accompanied by:</i><ul style="list-style-type: none">○ <i>An urban context report.</i>○ <i>A design response.</i>	<p>Complies</p> <p>A sufficiently detailed Design Response and Urban Context Report, prepared by Wardle Architects and Contour Planning Consultants was submitted with the application.</p>

Urban context report

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

Design response

Clause 58.01-3	Assessment
<ul style="list-style-type: none">• <i>The design response must explain how the proposed design:</i><ul style="list-style-type: none">○ <i>Responds to any relevant planning provision that applies to the land.</i>○ <i>Meets the objectives of Clause 58.</i>○ <i>Responds to any relevant housing, urban design and landscape plan, strategy or policy set out in this scheme.</i>○ <i>Derives from and responds to the urban context report.</i>• <i>The design response must include correctly proportioned street elevations or photographs showing the development in the context of adjacent buildings. If in the opinion of the responsible authority this</i>	<p>Complies</p> <p>A sufficiently detailed Design Response and Urban Context/Design Report, prepared by Wardle Architects and Contour Planning Consultants was submitted with the application</p>

requirement is not relevant to the evaluation of an application, it may waive or reduce the requirement.

Urban context objectives

Clause 58.02-1	Assessment
Objectives <ul style="list-style-type: none"> To ensure that the design responds to the existing urban context or contributes to the preferred future development of the area. To ensure that development responds to the features of the site and the surrounding area. 	Complies
Standard D1 <ul style="list-style-type: none"> The design response must be appropriate to the urban context and the site. The proposed design must respect the existing or preferred urban context and respond to the features of the site. 	Complies As detailed in the assessment section of this report.

Residential policy objectives

Clause 58.02-2	Assessment
Objectives <ul style="list-style-type: none"> To ensure that residential development is provided in accordance with any policy for housing in the Municipal Planning Strategy and the Planning Policy Framework. To support higher density residential development where development can take advantage of public and community infrastructure and services. 	Complies
Standard D2 <ul style="list-style-type: none"> An application must be accompanied by a written statement to the satisfaction of the responsible authority that describes how the development is consistent with any relevant policy for housing in the Municipal Planning Strategy and the Planning Policy Framework. 	Complies The proposal incorporates the provision of 194 dwellings in a very well serviced location in Kew and in line with the requirements of Clause 53.23, seeks to deliver 10% affordable housing on site.

Dwelling diversity objectives

Clause 58.02-3	Assessment
Objective <ul style="list-style-type: none"> To encourage a range of dwelling sizes and types in developments of ten or more dwellings 	Complies
Standard D3 <ul style="list-style-type: none"> Developments of ten or more dwellings should provide a range of dwelling sizes and types, including dwellings with a different number of bedrooms. 	Complies The proposal incorporates a mixture of one-, two- and three-bedroom apartments. A snapshot of the apartment mix is shown below:

APARTMENT MIX	
APT TYPE	COUNT
1B1B	50
2B1B	2
2B2B	86
3B2B	50
M	6
TOTAL	194



Infrastructure objectives

Clause 58.02-4	Assessment
Objectives <ul style="list-style-type: none"> To ensure development is provided with appropriate utility services and infrastructure. To ensure development does not unreasonably overload the capacity of utility services and infrastructure. 	Complies
Standard D4 <ul style="list-style-type: none"> Development should be connected to reticulated services, including reticulated sewerage, drainage, electricity and gas, if available. Development should not unreasonably exceed the capacity of utility services and infrastructure, including reticulated services and roads. In areas where utility services or infrastructure have little or no spare capacity, developments should provide for the upgrading of or mitigation of the impact on services or infrastructure 	Complies The subject site is well serviced and subject to the recommended permit conditions, will not have an adverse impact on utilities and road infrastructure.

Integration with the street objective

Clause 58.02-5	Assessment
Objective <ul style="list-style-type: none"> To integrate the layout of development with the street. 	Complies
Standard D5 <ul style="list-style-type: none"> Developments should be oriented to front existing and proposed streets. Along street frontage, development should: <ul style="list-style-type: none"> Incorporate pedestrian entries, windows, balconies or other active spaces. Limit blank walls. Limit high front fencing, unless consistent with the existing urban context. Provide low and visually permeable front fences, where proposed. Conceal car parking and internal waste collection areas from the street. adequate vehicle and pedestrian links that maintain or enhance local accessibility. Development next to existing public open space should be designed to complement the open space and facilitate passive surveillance. 	Complies The proposed buildings have been designed with appropriate regard for each street interface, as well as the adjacent council owned land. Buildings are designed to activate street via entries, windows, balconies. Shopfronts have been strategically designed to activate the proposed walkway between Princess Street and Brougham Street, providing an activated link on to Athenaeum Place.

Energy efficiency objectives

Clause 58.03-1	Assessment
Objectives <ul style="list-style-type: none"> To achieve and protect energy efficient dwellings and buildings. To ensure the orientation and layout of development reduce fossil fuel energy use and make appropriate use of daylight and solar energy. To ensure dwellings achieve adequate thermal efficiency. 	Complies
Standard D6 <ul style="list-style-type: none"> Buildings should be: <ul style="list-style-type: none"> Oriented to make appropriate use of solar energy. Sited and designed to ensure that the energy efficiency of existing dwellings on adjoining lots is not unreasonably reduced. Living areas and private open space should be located on the north side of the development, if practicable. Developments should be designed so that solar access to north-facing windows is optimised. Dwellings located in a climate zone identified in Table D1 should not exceed the maximum NatHERS annual cooling load specified in the following table. 	Complies A sustainability management plan, prepared by Ark Resources was submitted with the application and demonstrates the proposed development will not exceed the relevant cooling load. Generally, living areas and balconies are located to achieve good solar access and the site makes use of appropriate solar energy. The development seeks to achieve a 7.5 star average NatHERS rating.



NatHERS climate zone	NatHERS maximum cooling load MJ/M ² per annum
Climate zone 21 Melbourne	30
Climate zone 22 East Sale	22
Climate zone 27 Mildura	69
Climate zone 60 Tullamarine	22
Climate zone 62 Moorabbin	21
Climate zone 63 Warrnambool	21
Climate zone 64 Cape Otway	19
Climate zone 66 Ballarat	23

Note:

- Refer to NatHERS zone map, Nationwide House Energy Rating Scheme (Commonwealth Department of Environment and Energy).

Communal open space objective

Clause 58.03-2	Assessment
<p>Objectives</p> <ul style="list-style-type: none"> • To provide communal open space that meets the recreation and amenity needs of residents. • To ensure that communal open space is accessible, practical, attractive, easily maintained. • To ensure that communal open space is integrated with the layout of the development and enhances resident amenity. 	<p>Complies</p>
<p>Standard D7</p> <ul style="list-style-type: none"> • A development of 10 or more dwellings should provide a minimum area of communal outdoor open space of 30 square metres. • If a development contains 13 or more dwellings, the development should also provide an additional minimum area of communal open space of 2.5 square metres per dwelling or 220 square metres, whichever is the lesser. This additional area may be indoors or outdoors and may consist of multiple separate areas of communal open space. • Each area of communal open space should be: <ul style="list-style-type: none"> ○ Accessible to all residents. ○ A useable size, shape and dimension. ○ Capable of efficient management. ○ Located to: <ul style="list-style-type: none"> - Provide passive surveillance opportunities, where appropriate. - Provide outlook for as many dwellings as practicable. - Avoid overlooking into habitable rooms and private open space of new dwellings. - Minimise noise impacts to new and existing dwellings. • Any area of communal outdoor open space should be landscaped and include canopy cover and trees. 	<p>Complies</p> <p>On level 1, 451sqm of communal private open space is proposed to be provided, where the development is required to provide 220sqm of communal private open space.</p>



Solar access to communal outdoor open space objective

Clause 58-03-3	Assessment
Objective <ul style="list-style-type: none"> To allow solar access into communal outdoor open space 	Complies
Standard D8 <ul style="list-style-type: none"> The communal outdoor open space should be located on the north side of a building, if appropriate. At least 50 per cent or 125 square metres, whichever is the lesser, of the primary communal outdoor open space should receive a minimum of two hours of sunlight between 9am and 3pm on 21 June. 	Complies The communal open space is northern orientated and receives 125sqm of sunlight for 3 hours between 9am and 3pm on the 21 June.

Safety objective

Clause 58.03-4	Assessment
Objective <ul style="list-style-type: none"> To ensure the layout of development provides for the safety and security of residents and property 	Complies
Standard D9 <ul style="list-style-type: none"> Entrances to dwellings should not be obscured or isolated from the street and internal accessways. Planting which creates unsafe spaces along streets and accessways should be avoided. Developments should be designed to provide good lighting, visibility and surveillance of car parks and internal accessways. Private spaces within developments should be protected from inappropriate use as public thoroughfares. 	Complies An easily identifiable shared entry to the site is provided via the proposed extension to Athenaeum Lane, leading to lobby spaces for each of the buildings. There will be a clear delineation between private and public spaces, with private spaces protected from inappropriate use.

Landscaping objectives

Clause 58.03-5	Assessment
Objectives <ul style="list-style-type: none"> To provide landscaping that supports the existing or preferred urban context of the area and reduces the visual impact of buildings on the streetscape. To preserve existing canopy cover and support the provision of new canopy cover. To ensure landscaping is climate responsive, supports biodiversity, wellbeing and amenity and reduces urban heat. 	Complies
Standard D10 <ul style="list-style-type: none"> Development should retain existing trees and canopy cover. Development should provide for the replacement of any significant trees that have been removed in the 12 months prior to the application being made. Development should: <ul style="list-style-type: none"> Provide the canopy cover and deep soil areas specified in Table D2. Existing trees can be used to meet the canopy cover requirements of Table D2. Provide canopy cover through canopy trees that are: <ul style="list-style-type: none"> Located in an area of deep soil specified in Table D3. Where deep soil cannot be provided trees should be provided in planters specified in Table D3. Consistent with the canopy diameter and height at maturity specified in Table D4. Located in communal outdoor open space or common areas or street frontages. Comprise smaller trees, shrubs and ground cover, including flowering native species. 	Complies A key positive feature of the proposed development is the extent of landscaping proposed throughout the site, within both proposed private and publicly accessible areas. The proposal seeks to deliver 1376sqm of deep soil planting and 1799sqm of canopy cover in accordance with Clause 58.03-5.

- *Include landscaping, such as climbing plants or smaller plants in planters, in the street frontage and in outdoor areas, including communal outdoor open space.*
- *Shade outdoor areas exposed to summer sun through landscaping or shade structures and use paving and surface materials that lower surface temperatures and reduce heat absorption.*
- *Be supported by irrigation systems which utilise alternative water sources such as rainwater, stormwater and recycled water.*
- *Protect any predominant landscape features of the area.*
- *Take into account the soil type and drainage patterns of the site.*
- *Provide a safe, attractive and functional environment for residents.*
- *Specify landscape themes, vegetation (location and species), irrigation systems, paving and lighting.*
- *Specify landscape themes, vegetation (location and species), irrigation systems, paving and lighting.*

Table D2 Canopy cover and deep soil requirements

Site area (sqm)	Canopy cover	Deep soil
1000 square metres or less	5% of site area Include at least 1 Type A tree	5% of site area or 12 square metres whichever is the greater
1001 – 1500 square metres	50 square metres plus 20% of site area above 1,000 square metres Include at least 1 Type B tree	7.5% of site area
1501 - 2500 square metres	150 square metres plus 20% of site area above 1,500 square metres Include at least 2 Type B trees or 1 Type C tree	10% of site area
2500 square metres or more	350 square metres plus 20% of site area above 2,500 square metres Include at least 2 Type B trees or 1 Type C tree	15% of site area

Table D3 Soil requirements for trees

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

Note:

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



maximum reduction of 25%.

Table D4 Tree types

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

Access objectives

Clause 58.03-6	Assessment
Objectives <ul style="list-style-type: none"> To ensure that vehicle crossovers are designed and located to provide safe access for pedestrians, cyclists and other vehicles. To ensure the vehicle crossovers are designed and located to minimise visual impact. 	Complies
Standard D11 <ul style="list-style-type: none"> Vehicle crossovers should be minimised. Car parking entries should be consolidated, minimised in size, integrated with the façade and where practicable located at the side or rear of the building. Pedestrian and cyclist access should be clearly delineated from vehicle access. The location of crossovers should maximise pedestrian safety and the retention of on-street car parking spaces and street trees. Developments must provide for access for service, emergency and delivery vehicles. 	Complies The main vehicle access is proposed to be provided via the adjacent council owned car parking area, generally in the vicinity of where the site is accessed currently. A new vehicle crossover is proposed along Princess Street providing access to a loading bay only. The minimal amount of access points is appropriate.

Parking location objectives

Clause 58.03-7	Assessment
Objectives <ul style="list-style-type: none"> To provide convenient parking for resident and visitor vehicles. To protect residents from vehicular noise within developments. 	Complies
Standard D12 <ul style="list-style-type: none"> Car parking facilities should: <ul style="list-style-type: none"> Be reasonably close and convenient to dwellings. Be secure. Be well ventilated if enclosed. Shared accessways or car parks of other dwellings should be located at least 1.5 metres from the windows of habitable rooms. This setback may be reduced to 1 metre where there is a fence at least 1.5 metres high or where window sills are at least 1.4 metres above the accessway. 	Complies Car parking is proposed to be located within three basement levels. Convenient access to from dwellings and the retail tenancies is achieved via the proposed layout and no habitable rooms of dwellings will not be compromised, in amenity terms, by the location of the dwellings.

Integrated water and stormwater management objectives

Clause 58.03-8	Assessment
Objectives <ul style="list-style-type: none"> To encourage the use of alternative water sources such as rainwater, stormwater and recycled water. To facilitate stormwater collection, utilisation and infiltration within the development. To encourage development that reduces the impact of stormwater run-off on the drainage system and filters sediment and waste from stormwater prior to discharge from the site. 	Complies



Standard D13

- Buildings should be designed to collect rainwater for non-drinking purposes such as flushing toilets, laundry appliances and garden use.
- Buildings should be connected to a non-potable dual pipe reticulated water supply, where available from the water authority.
- The stormwater management system should be:
 - Designed to meet the current best practice performance objectives for stormwater quality as contained in the Urban Stormwater - Best Practice Environmental Management Guidelines (Victorian Stormwater Committee, 1999).
 - Designed to maximise infiltration of stormwater, water and drainage of residual flows into permeable surfaces, tree pits and treatment areas.

Complies

The proposal is designed to meet best practice requirements for stormwater management, as discussed in the assessment section of this report and outlined in the submitted Sustainability Management Plan, by Ark Resources.

Building setback objectives

Clause 58.04-1

Objectives

- To ensure the setback of a building from a boundary appropriately responds to the existing urban context or contributes to the preferred future development of the area.
- To allow adequate daylight into new dwellings.
- To limit views into habitable room windows and private open space of new and existing dwellings.
- To provide a reasonable outlook from new dwellings.
- To ensure the building setbacks provide appropriate internal amenity to meet the needs of residents.

Assessment

Complies

Standard D14

- The built form of the development must respect the existing or preferred urban context and respond to the features of the site.
- Buildings should be set back from side and rear boundaries, and other buildings within the site to:
 - Ensure adequate daylight into new habitable room windows.
 - Avoid direct views into habitable room windows and private open space of new and existing dwellings. Developments should avoid relying on screening to reduce views.
 - Provide an outlook from dwellings that creates a reasonable visual connection to the external environment.
 - Ensure the dwellings are designed to meet the objectives of Clause 58.

Complies

The proposed buildings are setback appropriately from each street interface and adequate separation is provided between buildings and towers. This matter is further discussed in the assessment section of the report.

Internal views objective

Clause 58.04-2

Objective

- To limit views into the private open space and habitable room windows of dwellings within a development.

Assessment

Complies

Standard D15

- Windows and balconies should be designed to prevent overlooking of more than 50 per cent of the private open space of a lower-level dwelling directly below and within the same development.

Complies

Solid screens are proposed between balconies and dwellings are adequately separated from or offset from dwellings opposite to mitigated direct and/or unreasonable overlooking.

Noise impacts objectives

Clause 58.04-3

Objectives

Assessment

Complies



- To contain noise sources in developments that may affect existing dwellings.
- To protect residents from external and internal noise sources.

Standard D16

- Noise sources, such as mechanical plants should not be located near bedrooms of immediately adjacent existing dwellings.
- The layout of new dwellings and buildings should minimise noise transmission within the site.
- Noise sensitive rooms (such as living areas and bedrooms) should be located to avoid noise impacts from mechanical plants, lifts, building services, non-residential uses, car parking, communal areas and other dwellings.
- New dwellings should be designed and constructed to include acoustic attenuation measures to reduce noise levels from off-site noise sources.
- Buildings within a noise influence area specified in Table D3 should be designed and constructed to achieve the following noise levels:
 - Not greater than 35dB(A) for bedrooms, assessed as an LAeq,8h from 10pm to 6am.
 - Not greater than 40dB(A) for living areas, assessed LAeq,16h from 6am to 10pm.
- Buildings, or part of a building screened from a noise source by an existing solid structure, or the natural topography of the land, do not need to meet the specified noise level requirements.
- Noise levels should be assessed in unfurnished rooms with a finished floor and the windows closed.

Table D5 Noise influence area

Noise source	Noise influence area
Zone interface	
Industry	300 metres from the Industrial 1, 2 and 3 zone boundary
Roads	
Freeways, tollways and other roads carrying 40,000 Annual Average Daily Traffic Volume	300 metres from the nearest trafficable lane
Railways	
Railway servicing passengers in Victoria	80 metres from the centre of the nearest track
Railway servicing freight outside Metropolitan Melbourne	80 metres from the centre of the nearest track
Railway servicing freight in Metropolitan Melbourne	135 metres from the centre of the nearest track

Note:
The noise influence area should be measured from the closest part of the building to the noise source.

Complies

Mechanical plant is proposed to be largely located at roof level and in basement levels and therefore will not negatively impact on dwellings.

Subject to the recommended conditions, it is considered new dwellings will not be negatively affected by existing off site noise sources (including road noise and commercial noise from venues like the Skinny Dog Hotel).

Refer to the assessment section of this report for further details. Note the site is not in a noise influence area.

Wind impacts objective

Clause 58.04-4

Assessment

Objective

Complies

- To ensure the built form, design and layout of development does not generate unacceptable wind impacts within the site or on surrounding land.



Standard D17

- *Development of five or more storeys, excluding a basement should:*
 - *not cause unsafe wind conditions specified in Table D6 in public land, publicly accessible areas on private land, private open space and communal open space; and*
 - *achieve comfortable wind conditions specified in Table D6 in public land and publicly accessible areas on private land within a distance of half the greatest length of the building, or half the total height of the building measured outwards on the horizontal plane from the ground floor building façade, whichever is greater.*
- *Trees and landscaping should not be used to mitigate wind impacts. This does not apply to sitting areas, where trees and landscaping may be used to supplement fixed wind mitigation elements.*
- *Wind mitigation elements, such as awnings and screens should be located within the site boundary, unless consistent with the existing urban context or preferred future development of the area.*

Table D6 Wind conditions

Unsafe	Comfortable
Annual maximum 3 second gust wind speed exceeding 20 metres per second with a probability of exceedance of 0.1% considering at least 16 wind directions.	Hourly mean wind speed or gust equivalent mean speed (3 second gust wind speed divided by 1.85), from all wind directions combined with probability of exceedance less than 20% of the time, equal to or less than: <ul style="list-style-type: none"> • 3 metres per second for sitting areas, • 4 metres per second for standing areas, • 5 metres per second for walking areas.

The application is supported by a Computational Fluid Dynamics (CFD) Environmental Study, prepared by MEL Consultants. The study demonstrated the following:

- The site and surrounding public realm will meet the safety criterion.
- Princess Street to the west and Brougham to the east will meet standing and walking criterion.
- The proposed public garden and the internal laneway will meet standing and walking criterion.

A Wind Tunnel Study, prepared by MEL Consultants, was submitted informally following the public notice period to further verify the results. The wind tunnel study is generally consistent with the CFD study and recommends some further mitigation measures.

Importantly, both studies demonstrate the proposal satisfies the requirements of Clause 58.04-4 and recommended wind mitigation measures will be secured by condition.

Accessibility objective

Clause 58.05-1	Assessment									
<p>Objective</p> <ul style="list-style-type: none"> • <i>To ensure the design of dwellings meets the needs of people with limited mobility.</i> 	<p>Complies</p>									
<p>Standard D18</p> <ul style="list-style-type: none"> • <i>At least 50 per cent of dwellings should have:</i> <ul style="list-style-type: none"> ○ <i>A clear opening width of at least 850mm at the entrance to the dwelling and main bedroom.</i> ○ <i>A clear path with a minimum width of 1.2 metres that connects the dwelling entrance to the main bedroom, an adaptable bathroom and the living area.</i> ○ <i>A main bedroom with access to an adaptable bathroom.</i> ○ <i>At least one adaptable bathroom that meets all of the requirements of either Design A or Design B specified in Table D7.</i> <p style="text-align: center;">Table D7 Bathroom design:</p> <table border="1" style="width: 100%;"> <thead> <tr> <th style="background-color: #008080; color: white;"></th> <th style="background-color: #008080; color: white;">Design option A</th> <th style="background-color: #008080; color: white;">Design option B</th> </tr> </thead> <tbody> <tr> <td>Door opening</td> <td>A clear 850mm wide door opening</td> <td>A clear 820mm wide door opening located opposite the shower</td> </tr> <tr> <td>Door Design</td> <td>Either: <ul style="list-style-type: none"> • A slide door, or • A door that opens outwards, or • A door that opens inwards that is clear of the circulation area and has readily removable hinges. </td> <td>Either: <ul style="list-style-type: none"> • A slide door, or • A door that opens outwards, or • A door that opens inwards and has readily removable hinges. </td> </tr> </tbody> </table>		Design option A	Design option B	Door opening	A clear 850mm wide door opening	A clear 820mm wide door opening located opposite the shower	Door Design	Either: <ul style="list-style-type: none"> • A slide door, or • A door that opens outwards, or • A door that opens inwards that is clear of the circulation area and has readily removable hinges. 	Either: <ul style="list-style-type: none"> • A slide door, or • A door that opens outwards, or • A door that opens inwards and has readily removable hinges. 	<p>Complies</p> <p>The plans demonstrate 96% of dwellings comply with Standard D18, well in excess of the requirements. The only dwellings which do not comply are the townhouses. This is a positive.</p>
	Design option A	Design option B								
Door opening	A clear 850mm wide door opening	A clear 820mm wide door opening located opposite the shower								
Door Design	Either: <ul style="list-style-type: none"> • A slide door, or • A door that opens outwards, or • A door that opens inwards that is clear of the circulation area and has readily removable hinges. 	Either: <ul style="list-style-type: none"> • A slide door, or • A door that opens outwards, or • A door that opens inwards and has readily removable hinges. 								



Circulation area	<p>A clear circulation area that is:</p> <ul style="list-style-type: none"> A minimum area of 1.2 metres by 1.2 metres. Located in front of the shower and the toilet. Clear of the toilet, basin and the door swing. <p>The circulation area for the toilet and shower can overlap.</p>	<p>A clear circulation area that is:</p> <ul style="list-style-type: none"> A minimum width of 1 metre. The full length of the bathroom and a minimum length of 2.7 metres. Clear of the toilet and basin. <p>The circulation area can include a shower area.</p>	
Path to circulation area	A clear path with a minimum width of 900mm from the door opening to the circulation area.	Not applicable	
Shower	A hobless (step-free) shower.	A hobless (step-free) shower that has a removable shower screen and is located on the furthest wall from the door opening.	
Toilet	A toilet located in the corner of the room.	A toilet located closest to the door opening and clear of the circulation area.	

Building entry and circulation objectives

Clause 58.05-2	Assessment
<p>Objectives</p> <ul style="list-style-type: none"> To provide each dwelling and building with its own sense of identity. To ensure the internal layout of buildings provide for the safe, functional and efficient movement of residents. To ensure internal communal areas provide adequate access to daylight and natural ventilation. 	<p>Complies</p>
<p>Standard D19</p> <ul style="list-style-type: none"> Entries to dwellings and buildings should: <ul style="list-style-type: none"> Be visible and easily identifiable. Provide shelter, a sense of personal address and a transitional space around the entry. The layout and design of buildings should: <ul style="list-style-type: none"> Clearly distinguish entrances to residential and non-residential areas. Provide windows to building entrances and lift areas. Provide visible, safe and attractive stairs from the entry level to encourage use by residents. Provide common areas and corridors that: <ul style="list-style-type: none"> Include at least one source of natural light and natural ventilation. Avoid obstruction from building services. Maintain clear sight lines. 	<p>Complies</p> <p>The proposed ground level entries to residential and non-residential components of the proposal are clearly identifiable, are sheltered and provide a sense of address to each of the buildings. Clear sightlines, a source of natural light and ventilation is proposed within common areas and corridors.</p>



Private open space objective

Clause 58.05-3	Assessment																														
Objective <ul style="list-style-type: none"> To provide adequate private open space for the reasonable recreation and service needs of residents 	Complies																														
Standard D20 <ul style="list-style-type: none"> A dwelling should have private open space consisting of at least one of the following: <ul style="list-style-type: none"> An area at ground level of at least 25 square metres, with a minimum dimension of 3 metres and convenient access from a living room. A balcony with at least the area and dimensions specified in Table D8 and convenient access from a living room. An area on a podium or other similar base of at least 15 square metres, with a minimum dimension of 3 metres and convenient access from a living room. An area on a roof of 10 square metres, with a minimum dimension of 2 metres and convenient access from a living room. If a cooling or heating unit is located on a balcony, the minimum balcony area specified in Table D8 should be increased by at least 1.5 square metres. If the finished floor level of a dwelling is 40 metres or more above ground level, the requirements of Table D8 do not apply if at least the area specified in Table D9 is provided as living area or bedroom area in addition to the minimum area specified in Table D11 or Table D12 in Standard D25. <div style="text-align: center; margin-top: 10px;"> Table D8 Balcony size <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="background-color: #009688; color: white;">Orientation of dwelling</th> <th style="background-color: #009688; color: white;">Dwelling type</th> <th style="background-color: #009688; color: white;">Minimum area</th> <th style="background-color: #009688; color: white;">Minimum dimension</th> </tr> </thead> <tbody> <tr> <td>North (between north 20 degrees west to north 30 degrees east)</td> <td>All</td> <td>8 square metres</td> <td>1.7 metres</td> </tr> <tr> <td>South (between south 30 degrees west to south 20 degrees east)</td> <td>All</td> <td>8 square metres</td> <td>1.2 metres</td> </tr> <tr> <td rowspan="3">Any other orientation</td> <td>Studio or 1 bedroom</td> <td>8 square metres</td> <td>1.8 metres</td> </tr> <tr> <td>2 bedroom</td> <td>8 square metres</td> <td>2 metres</td> </tr> <tr> <td>3 or more bedroom</td> <td>12 square metres</td> <td>2.4 metres</td> </tr> </tbody> </table> </div> <div style="text-align: center; margin-top: 10px;"> Table D9 Additional living area or bedroom area <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="background-color: #009688; color: white;">Dwelling type</th> <th style="background-color: #009688; color: white;">Additional area</th> </tr> </thead> <tbody> <tr> <td>Studio or 1 bedroom</td> <td>8 square metres</td> </tr> <tr> <td>2 bedroom</td> <td>8 square metres</td> </tr> <tr> <td>3 or more bedroom</td> <td>12 square metres</td> </tr> </tbody> </table> </div>	Orientation of dwelling	Dwelling type	Minimum area	Minimum dimension	North (between north 20 degrees west to north 30 degrees east)	All	8 square metres	1.7 metres	South (between south 30 degrees west to south 20 degrees east)	All	8 square metres	1.2 metres	Any other orientation	Studio or 1 bedroom	8 square metres	1.8 metres	2 bedroom	8 square metres	2 metres	3 or more bedroom	12 square metres	2.4 metres	Dwelling type	Additional area	Studio or 1 bedroom	8 square metres	2 bedroom	8 square metres	3 or more bedroom	12 square metres	Complies <p>All proposed dwellings are proposed to be provided with a balcony, terrace or ground level SPOS area that complies with the area and dimension requirements.</p>
Orientation of dwelling	Dwelling type	Minimum area	Minimum dimension																												
North (between north 20 degrees west to north 30 degrees east)	All	8 square metres	1.7 metres																												
South (between south 30 degrees west to south 20 degrees east)	All	8 square metres	1.2 metres																												
Any other orientation	Studio or 1 bedroom	8 square metres	1.8 metres																												
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Studio or 1 bedroom	8 square metres																														
2 bedroom	8 square metres																														
3 or more bedroom	12 square metres																														

Storage objective

Clause 58.05-4	Assessment
Objective <ul style="list-style-type: none"> To provide adequate storage facilities for each dwelling 	Complies
Standard D21 <ul style="list-style-type: none"> Each dwelling should have convenient access to usable and secure storage space. 	Complies <p>All dwellings are provided with the minimal internal</p>



- The total minimum storage space (including kitchen, bathroom and bedroom storage) should meet the requirements specified in Table D10.

Table D10 Storage

Dwelling type	Total minimum storage volume	Minimum storage volume within the dwelling
Studio	8 cubic metres	5 cubic metres
1 bedroom dwelling	10 cubic metres	6 cubic metres
2 bedroom dwelling	14 cubic metres	9 cubic metres
3 or more bedroom dwelling	18 cubic metres	12 cubic metres

storage requirements relevant to the number of bedrooms within the apartment.

Common property objectives

Clause 58.06-1	Assessment
Objectives <ul style="list-style-type: none"> To ensure that communal open space, car parking, access areas and site facilities are practical, attractive and easily maintained. To avoid future management difficulties in areas of common ownership. 	Complies
Standard D22 <ul style="list-style-type: none"> Developments should clearly delineate public, communal and private areas. Common property, where provided, should be functional and capable of efficient management. 	Complies As discussed in this assessment section of this report, the publicly accessible, communal and private areas of the development will be clearly defined and managed. Common areas are functional and will positively contribute to the overall amenity offering within the development.

Site services objectives

Clause 58.06-2	Assessment
Objectives <ul style="list-style-type: none"> To ensure that site services are accessible and can be installed and maintained. To ensure that site services and facilities are visually integrated into the building design or landscape. 	Complies
Standard D23 <ul style="list-style-type: none"> Development should provide adequate space (including easements where required) for site services to be installed and maintained efficiently and economically. Meters and utility services should be designed as an integrated component of the building or landscape. Mailboxes and other site facilities should be adequate in size, durable, water-protected, located for convenient access and integrated into the overall design of the development. 	Complies Site services are proposed to be integrated into the design where required at both the street level and at the roof level. The site services are designed to be accessible and easily identifiable.

Waste and recycling objectives

Clause 58.06-3	Assessment
Objectives <ul style="list-style-type: none"> To ensure dwellings are designed to encourage waste recycling. To ensure that waste and recycling facilities are accessible, adequate and attractive. To ensure that waste and recycling facilities are designed and managed to minimise impacts on residential amenity, health and the public realm. 	Complies



Standard D24

- *Developments should include dedicated areas for:*
 - *Waste and recycling enclosures which are:*
 - *Adequate in size, durable, waterproof and blend in with the development.*
 - *Adequately ventilated.*
 - *Located and designed for convenient access by residents and made easily accessible to people with limited mobility.*
 - *Adequate facilities for bin washing. These areas should be adequately ventilated.*
 - *Collection, separation and storage of waste and recyclables, including where appropriate opportunities for on-site management of food waste through composting or other waste recovery as appropriate.*
 - *Collection, storage and reuse of garden waste, including opportunities for on-site treatment, where appropriate, or off-site removal for reprocessing.*
 - *Adequate circulation to allow waste and recycling collection vehicles to enter and leave the site without reversing.*
 - *Adequate internal storage space within each dwelling to enable the separation of waste, recyclables and food waste where appropriate.*
- *Waste and recycling management facilities should be designed and managed in accordance with a Waste Management Plan approved by the responsible authority and:*
 - *Be designed to meet the best practice waste and recycling management guidelines for residential development adopted by Sustainability Victoria.*
 - *Protect public health and amenity of residents and adjoining premises from the impacts of odour, noise and hazards associated with waste collection vehicle movements.*

Complies

The submitted Waste Management Plan, prepared by Traffix Group, details the proposed waste management arrangements which are acceptable, notably:

- The proposal incorporates adequately sized and positioned waste storage areas.
- Accommodates the range of required waste types, including organics.
- There is adequate circulation space and space for the streams of waste to be separated.
- Dwellings contain adequate storage space for waste.
- The waste collection will be undertaken by a private contractor and collection will occur on site.

External walls and materials objective

Clause 58.06-4	Assessment
Objectives <ul style="list-style-type: none"> • <i>To ensure external walls use materials appropriate to the existing urban context or preferred future development of the area.</i> • <i>To ensure external walls endure and retain their attractiveness.</i> 	Complies
Standard D25 <ul style="list-style-type: none"> • <i>External walls should be finished with materials that:</i> <ul style="list-style-type: none"> ○ <i>Do not easily deteriorate or stain.</i> ○ <i>Weather well over time.</i> ○ <i>Are resilient to the wear and tear from their intended use.</i> • <i>External wall design should facilitate safe and convenient access for maintenance.</i> 	Complies Proposed external wall materials are of a high quality, and further details will be secured in the façade strategy for endorsement.

Functional layout objective

Clause 58.07-1	Assessment
Objective <ul style="list-style-type: none"> • <i>To ensure dwellings provide functional areas that meet the needs of residents</i> 	Complies
Standard D26 <ul style="list-style-type: none"> • <i>Bedrooms should:</i> <ul style="list-style-type: none"> ○ <i>Meet the minimum internal room dimensions specified in Table D11.</i> ○ <i>Provide an area in addition to the minimum internal room dimensions to accommodate a wardrobe.</i> 	Complies All of the proposed dwellings are designed to achieve the minimum bedroom and living room dimension/area requirements, as demonstrated in the submitted plans.



Table D11 Bedroom dimensions

Bedroom type	Minimum width	Minimum depth
Main bedroom	3 metres	3.4 metres
All other bedrooms	3 metres	3 metres

- Living areas (excluding dining and kitchen areas) should meet the minimum internal room dimensions specified in Table B13.

Table D12 Living area dimensions

Dwelling type	Minimum width	Minimum area
Studio and 1 bedroom dwelling	3.3 metres	10 sqm
2 or more bedroom dwelling	3.6 metres	12 sqm

Room depth objective

Clause 58.07-2	Assessment
Objective <ul style="list-style-type: none"> • To allow adequate daylight into single aspect habitable rooms 	Complies
Standard D27 <ul style="list-style-type: none"> • Single aspect habitable rooms should not exceed a room depth of 2.5 times the ceiling height. • The depth of a single aspect, open plan, habitable room may be increased to 9 metres if all the following requirements are met: <ul style="list-style-type: none"> ○ The room combines the living area, dining area and kitchen. ○ The kitchen is located furthest from the window. ○ The ceiling height is at least 2.7 metres measured from finished floor level to finished ceiling level. This excludes where services are provided above the kitchen. • The room depth should be measured from the external surface of the habitable room window to the rear wall of the room. 	Complies Dwellings are either dual aspect or comply with the room dimension and ceiling height requirements of Standard D27.

Windows objective

Clause 58.07-3	Assessment
Objective <ul style="list-style-type: none"> • To allow adequate daylight into new habitable room windows. 	Complies
Standard D28 <ul style="list-style-type: none"> • Habitable rooms should have a window in an external wall of the building. • A window may provide daylight to a bedroom from a smaller secondary area within the bedroom where the window is clear to the sky. • The secondary area should be: <ul style="list-style-type: none"> ○ A minimum width of 1.2 metres. ○ A maximum depth of 1.5 times the width, measured from the external surface of the window. 	Complies All habitable rooms are proposed to be provided with windows in an external wall of the buildings.

Natural ventilation objectives

Clause 58.07-4	Assessment
Objectives <ul style="list-style-type: none"> • To encourage natural ventilation of dwellings. • To allow occupants to effectively manage natural ventilation of dwellings. 	Complies
Standard D29 <ul style="list-style-type: none"> • The design and layout of dwellings should maximise openable 	Complies



windows, doors or other ventilation devices in external walls of the building, where appropriate.

- *At least 40 per cent of dwellings should provide effective cross ventilation that has:*
 - *A maximum breeze path through the dwelling of 18 metres.*
 - *A minimum breeze path through the dwelling of 5 metres.*
 - *Ventilation openings with approximately the same area.*
- *The breeze path is measured between the ventilation openings on different orientations of the dwelling.*

As demonstrated in the submitted plans, 61.9% of dwellings achieve the natural ventilation requirements of Standard D29, in excess of the standard.

Appendix B: DDO14 & DDO19 Design Objectives Assessment

DDO14 All Precincts	Assessment
Design Objectives	
<p>To achieve innovative, high quality architectural design that makes efficient use of land whilst enhancing the appearance and strengthening the identity and built form character of the activity centre.</p>	<p>The proposal makes efficient use of land through the incorporation of varied building heights and building typologies, appropriately spaced to ensure daylight and sunlight access to create publicly accessible open space and a through-link.</p> <p>The proposed materials are high quality and the warm colour palette, which is proposed to vary in tone from building to building, will appear visually interesting when viewed from elsewhere in the Activity Centre.</p>
<p>To ensure development respects the significance of heritage sites and precincts.</p>	<p>The subject site itself is not located in a Heritage Overlay. It is near to heritage precincts along Princess Street and High Street though. In this regard, the manner in which the buildings are designed to vary in height, and the separation distances provided between, will assist in providing visual relief where the development is viewed in the backdrop of nearby heritage precincts. This will be further assisted by materials and colours proposed, which are not considered to be in stark contrast to the warmer hues and textures of heritage buildings, particularly along High Street. Street views provided with the application assist in demonstrating this.</p>
<p>To respect the character and amenity of adjacent residentially zoned land and public open spaces.</p>	<p>The development steps down to a 3-4 storey building, containing townhouses, adjacent to the northern boundary which abuts residential dwellings. The orientation of the site ensures no SPOS areas of residential dwellings will be impacted by way of overshadowing and the subject to the recommended conditions, the proposal is compliant in regard to overlooking.</p>
<p>To encourage development that supports alternative modes of travel such as walking, cycling and public transport.</p>	<p>The proposal incorporates a through-block link and an offer for future upgrades to public open space and realm that will further promote pedestrian and cyclist links. The proposal also includes bicycle parking in excess the statutory requirements.</p>
<p>To create a safe, accessible pedestrian environment for all groups of the community.</p>	<p>The through-block link and pedestrian paths adjacent to or just within the site are designed to be safe and accessible. This is achieved through the extent of active uses at the ground level as well as the passive surveillance provided from balconies and windows of apartments and townhouses above.</p>
<p>To encourage development that is ecologically sustainable.</p>	<p>The submitted SMP demonstrates the ESD commitments and credentials of the proposal which is responsive to policy and Clause 58 requirements.</p>
General Requirements – Building Design	
<p>Buildings should be designed to respect the amenity of adjoining residentially zoned land having regard to matters such as setbacks, overlooking, overshadowing, noise and/or visual bulk, guided by the objectives and standards of ResCode (Clauses 54 and 55 of the Boroondara Planning Scheme).</p>	<p>The proposed development is acceptable with regard to the amenity of adjoining residential zoned land, located to the north of the site, for the following reasons:</p> <ul style="list-style-type: none"> • The buildings are designed to transition down in scale to the adjoining residential dwellings. The transition down to 3 and 4 storeys is appropriate given the context of this large opportunity site. This is further complemented by a minimum 4.5m setback to the north, capable of accommodating planting. • The adjoining residential properties are located to the north and are therefore not overshadowed by the proposal. Additionally, properties to the west, across Princess Street, would receive some overshadowing to front gardens but not to any areas of primary secluded private open space. • The development is designed to limit overlooking in accordance with the requirements of Clause 55 through a variety of mitigation measures. It is noted a bedroom no longer constitutes a habitable room for the purposes of



	overlooking requirements.
Development should demonstrate high quality architectural design that enhances the appearance and amenity of the centre, whilst complementing its existing character.	<p>The proposed design is considered to be of a high-quality and underwent a rigorous design review process with the OVGA prior to lodgement. The materials, colours, fenestration details and the manner in which the buildings are positioned, with landscaping, open space and a through-link prioritised, collectively contribute to the quality of the proposal.</p> <p>The views submitted with the application demonstrates that while the buildings are taller than existing built form, they will sit comfortably within the surrounding context and sufficient visual relief is provided in the design.</p>
Building facades should be articulated through considered composition of their various design elements. This includes the size and placement of door and window openings, balconies or awnings and the colour and texture of different materials.	As noted above, the design is considered to be of a high-quality and underwent a rigorous design review process with the OVGA prior to lodgement. The materials, colours, fenestration details and the manner in which the buildings are positioned, with landscaping, open space and a through-link prioritised, collectively contribute to the quality of the proposal. The utilisation of different tones of the same colour pallet and slight differentiation in fenestration details and openings is well resolved, creating a 'village of forms' with collectively distinct character.
The roof form and building profile of developments should be carefully considered in terms of its appearance within the streetscape and from distant viewpoints to ensure that views to the Holy Trinity Church, the War Memorial and the former Kew Post Office (along High Street) and the Melbourne Chinese Baptist Church (along Cotham Road) are respected.	The proposed flat roof forms are appropriate for a development of this nature and scale, and services will be suitably screened from view. The development will not compromise the listed distant views.
<p>The existing horizontal or vertical design rhythms of the streetscape should be maintained, where these are dominant features, by:</p> <ul style="list-style-type: none"> Referencing the established roof or parapet heights of adjoining buildings, where this is a consistent feature in the streetscape, in the design of a new facade. Maintaining the existing 'fine grain' appearance of buildings created by the narrow shopfronts through vertical articulation in wide building frontages. 	Princess Street and Brougham Street are characterised by single dwellings of a low scale and are not a strategically appropriate reference point for height for a large opportunity site such as this. The fine grain rhythm of buildings, particularly those on High Street is referenced in the gridded fenestration details and sympathetic materials, particularly the use of bricks at the lower levels, is responsive to the character of nearby shopfronts.
Buildings should incorporate Crime Prevention Through Environmental Design (CPTED) principles and provide active frontages (except where landscape setbacks are required) to streets, parks, public plazas, car parks and pedestrian spaces to increase interaction with and passive surveillance of the public realm.	CPTED principles have been considered in the design. Active retail frontages and balconies and windows of dwellings above will provide passive surveillance over publicly accessible through links and open space areas. This will be further aided by a lighting strategy, recommended to be secured by condition.
New or refurbished buildings should have regard to the incorporation of Ecologically Sustainable Design techniques to improve the thermal efficiency of the building and reduce energy and water consumption such as water efficient fittings and fixtures, recycling and organic waste disposal, solar hot water systems and local energy generation.	The submitted SMP demonstrates the ESD commitments and credentials of the proposal which is responsive to policy and Clause 58 requirements.
Development should avoid overshadowing of public spaces and private open spaces between the hours of 11am to 3pm on 21 March and 22 September.	The proposal will not overshadow existing public open space on the equinox. Further, the proposal will not overshadow secluded private open space on the equinox.
Development should incorporate lighting to enhance the night time appearance of the building and add to pedestrian safety.	Pedestrian safety will be enhanced by the lighting from retail tenancies at night. A detailed lighting plan is recommended to be secured by condition.
New residential development should be oriented and designed to avoid and protect residents from the	The proposed development has been designed with regard to the amenity nearby businesses and is supported by a detailed Acoustic



amenity impacts of nearby businesses - e.g. through the use of acoustic insulation.	Report. This matter is assessed in detail in the body of this report.
Development should incorporate weather protection for pedestrians in the form of verandas or awnings.	The upper levels are designed to overhang the ground level providing weather protection. This is sufficient and acceptable.
Building services and equipment such as air-conditioners, stairwells and lift over-runs should be located to minimise their visibility and should be integrated into the design of buildings.	Services are generally provided at the roof level and are to be screened. A condition is recommended to be included on the permit to ensure any ground level services are integrated with the overall design intent.
General – Height and Setbacks	
Landscaped setbacks of a minimum of 2 metres (unless specified otherwise) should be provided where shown on <i>Map 1 Kew Junction Activity Centre and Precincts</i> of this Schedule. Within this setback, suitable tree planting and landscaping utilising Water Sensitive Urban Design (WSUD) is encouraged to add visual interest and amenity to the centre.	A 4-metre setback is proposed along Princess Street, exceeding the minimum 2m landscape setback required. The setback is proposed to accommodate canopy tree planting and will assist in softening the appearance of the development.
Developments should be built to the street edge where shown on <i>Map 1 Kew Junction Activity Centre and Precincts</i> of this Schedule. This may be varied, if a setback is: <ul style="list-style-type: none"> designed as part of the public domain; and fully accessible to the public. Buildings should provide continuous weather protection along these streets.	Map 1 indicates that built form should be constructed on the Brougham Street boundary. The proposal instead incorporates a setback with a pedestrian path and planting. The path would be publicly accessible and will provide some relief to the pedestrian environment on Brougham Street, which is somewhat constrained by its narrow condition.
General – Spaces and Access	
Ensure that new or improved pedestrian links are attractive, accessible, identifiable, well connected and safe for both day and night time users of all abilities.	The through-block link and pedestrian paths adjacent to or just within the site are designed to be safe and accessible. This is achieved through the extent of active uses at the ground level as well as the passive surveillance provided from balconies and windows of apartments and townhouses above. The pedestrian link will extend Athenaeum Lane, which is a positive element of the scheme. A lighting strategy is recommended to be secured by condition.
Ensure development incorporates and encourages sustainable transport options including walking, cycling and public transport.	The proposal incorporates a through-block link and an offer for future upgrades to public open space and realm that will further promote pedestrian and cyclist links. The proposal also includes bicycle parking in excess the statutory requirements.
The number of crossovers, garages and car park entrances should be minimised. Where possible, car parking should be located underground.	The proposal seeks to remove several vehicles crossovers, and the access strategy is appropriate when considered against the site constraints. Although, as discussed in the body of the report, the primary access will be subject further agreement with the council. The proposed car parking is to be provided underground in 3 basement level, minimising any visual impact from car parking structures.
Encourage design that maximises safety and utilises CPTED principles.	CPTED principles have been considered in the design. Active retail frontages and balconies and windows of dwellings above will provide passive surveillance over publicly accessible through links and open space areas. This will be further aided by a lighting strategy, recommended to be secured by condition
Encourage the use of landscaping and street tree planting (in accordance with existing Council policies) to increase the amenity of the centre.	Landscape and deep soil planting is provided throughout the site. The development is designed with setbacks to integrate with existing street trees and proposed landscaping.
DDO14-2 – Precinct 2 – Retail and Activity Core	
To facilitate high quality development and reinforce this precinct as the focal point of retail activity in the centre supported by office, residential and community uses.	The proposal incorporates a high-quality building incorporating a supermarket, office, and other retail/shop premises as well as residential dwellings. The land use mix will complement the character



	of the Retail and Activity Core.
To support the activity and vitality of the precinct through the creation of an attractive, safe and pedestrian focussed retail environment.	The mix of land uses and the way they have been strategically placed and designed through the site and along site interfaces will make a positive contribution to the retail environment of the activity centre.
To improve pedestrian access to supermarket entrances and minimise pedestrian/vehicular conflict while improving loading arrangements.	Car parking is proposed within the basement and will be largely separated from the supermarket use. Pedestrian movements are prioritised by the through link and southern access to the council car park.
To ensure adequate vehicle and loading access to and from Princess Street is provided	Adequate loading is provided from Princess Street. Subject to the conditions recommended by H,TfV, this arrangement is acceptable.
Precinct 2B – Requirements	
Building heights should not exceed an overall height of 14.5 metres.	For the reasons outlined in the assessment section of this report, the proposal to exceed the discretionary height and setback limits of the DDO14 (which is no longer applicable under the BFO), is acceptable.
At the building frontage, building height should not exceed 11 metres.	As above.
Development above 11 metres should be set back 5 metres from the front ground level facade.	As above.

DDO19 Requirements	Assessment
Design Objectives	
To facilitate high quality development and/or expansion of a supermarket and speciality retail to strengthen the role of the wider area (defined as Precinct 2 in the Kew Junction Structure Plan) as the core retail focus of the Kew Junction Activity Centre.	For the reasons outlined in the DDO14 assessment and in the body of the report, the development is of a high-quality. Additionally, and importantly, the development incorporates a speciality/boutique supermarket as well as other shops and retail premises. This will strengthen the retail character of the area.
To contribute to the enhancement of Precinct 2 as an attractive, safe and pedestrian focussed retail hub.	The proposed pedestrian links through the site and adjacent to site boundaries are appropriate in width and gradient and are designed with passive surveillance and retail activation and connectivity in mind. The development will enhance the retail environment of Kew.
To encourage high quality new development that respects the amenity of adjoining residentially zoned land, whilst retaining the built form character of Precinct 2.	For the reasons outlined in the DDO14 assessment and in the body of the report, the development is of a high-quality and amenity of adjoining residentially zoned land has been appropriately considered and will not be unreasonably impacted. The development strikes an appropriate balance of preserving amenity of nearby dwellings and achieving suitable uplift for what is now defined as a large opportunity site under the BFO.
To improve pedestrian access to supermarket entrances and minimise pedestrian-vehicular conflict while improving loading arrangements.	Car parking is proposed within the basement and will be largely separated from the supermarket use. Pedestrian movements are prioritised by the through link and southern access to the council car park. Loading is well separated from pedestrian areas by its position along Princess Street.
To ensure adequate vehicle and loading access to and from Princess Street is provided.	Loading is provided via Princess Street. Vehicle access to the site is provided by the adjacent council owned land, generally as per existing conditions, noting there are currently 3 access points to the site via the adjacent council owned land, which is acceptable from Princess Street and Brougham Street.
Building Design	
Buildings should be designed to minimise their impact on the amenity of adjoining residentially zoned land having regard to matters such as overlooking, overshadowing noise and or visual bulk, guided by the objectives and standards of ResCode (Clauses 54 and	This guideline is addressed in the DDO14 assessment table above.



55 of the Boroondara Planning Scheme).	
Commercial and residential development should implement acoustic treatments that will protect residents from unreasonable noise impacts.	The application is supported by an acoustic report which details acoustic measures to be implemented to ensure the development does not cause amenity impact, by way of noise, and to ensure the development is designed with regard for reverse amenity conditions, given the commercial zoning and context of the site.
Building facades should be articulated through considered composition of their various design elements. This includes the size and placement of door and window openings, balconies or awnings and the colour and texture of different materials.	This guideline is addressed in the DDO14 assessment table above.
Encourage the use of high quality building materials and design innovation in the use of elements - openings, colours, materials, textures, etc. to encourage attractive and interesting streetscapes and reduce the apparent bulk of buildings.	This guideline is addressed in the DDO14 assessment table above.
The roof form and building profile should be carefully considered in terms of its appearance within the streetscape; and from distant viewpoints to ensure that views to the Holy Trinity Church, the War Memorial and the former Kew Post Office (along High Street) and the Melbourne Chinese Baptist Church (along Cotham Road) are retained.	This guideline is addressed in the DDO14 assessment table above.
<p>The existing horizontal or vertical design rhythms of the streetscape should be maintained, where these are dominant features, by</p> <ul style="list-style-type: none"> • Referencing the established roof or parapet heights of adjoining buildings, where this is a consistent feature in the streetscape, in the design of a new facade. • Maintaining the existing 'fine grain' appearance of buildings through vertical articulation of wide building frontages. 	This guideline is addressed in the DDO14 assessment table above.
Buildings should provide active frontages (except where landscape setbacks are required) to streets and pedestrian spaces to increase interaction and passive surveillance of pedestrian areas and integration with the adjoining Commercial 1 zoned land. This can be achieved through design measures such as incorporation of clear glazing at the ground level and windows or balconies at the upper levels.	This guideline is broadly addressed in the DDO14 assessment table above. Notably, the development incorporates clear glazing at ground level along retail frontages and windows and balconies of dwellings above will provide further passive surveillance over pedestrian areas.
Footpaths in front of redevelopment sites should be reconstructed to Council's streetscape standard, where applicable.	The final design of adjacent public realm works will be subject to council approval.
Development should demonstrate the incorporation of Environmentally Sustainable Design techniques to improve the thermal efficiency of buildings and reduce energy and water consumption.	This guideline is addressed in the DDO14 assessment table above.
Height and setback	
Building heights should not exceed an overall height of 14.5 metres	For the reasons outlined in the assessment section of this report, the proposal to exceed the height and setback discretionary limits of the DDO19 (which is no longer applicable under the BFO), is acceptable.
At the building frontages, building height should not exceed 11 metres	As above.
Upper storeys above 11 metres should be set back 5	As above.



metres from the front ground level facades.	
Building setbacks at residential interfaces should be guided by Diagram A1 (Side and Rear Setbacks) of Clause 54.04-1.	A minimum 4.5m setback is provided to residential properties to the north. The proposed setback is acceptable given the manner in which the scale of building transitions down to adjoining residential properties and given the setback will appropriately accommodate landscaping.
Landscaped setbacks of a minimum of 2 metres should be provided along Princess Street and the northern boundary of 36 Princess Street and 15 Brougham Street, Kew.	The proposed development provides setbacks in excess of these requirements along Princess Street and Brougham Street. Further, while 36 Princess Street and 15 Brougham Street now form part of the subject site, a setback 4.5m is proposed to the adjoining properties to the north of these sites.
An application which does not meet the building height or setbacks specified must demonstrate that the proposed development will continue to meet the design objectives specified in the Schedule.	For the reasons outlined in this table assessment, the proposed development is considered to meet the design objectives of the DDO19.
Minor buildings and works such as verandas, architectural features, balconies, sunshades, screens, artworks and street furniture may be constructed within the setback areas specified under the 'Heights and Setback' in the building requirements of the Schedule provided: <ul style="list-style-type: none"> • The facade built to the nominated setback remains visually dominant; • All screening and balustrading to upper level balconies is glazed or of similar lightweight materials. 	The proposed development complies with the setback requirement and where features are proposed to extend into the setback, they do not detract from primary building façade.
Spaces and access	
Ensure that new or improved pedestrian links are attractive, accessible, identifiable, well-connected and safe for users of all abilities.	This guideline is addressed in the DDO14 assessment table above.
Ensure development incorporates and encourages sustainable transport options, including walking, cycling and public transport.	This guideline is addressed in the DDO14 assessment table above.
Ensure that supermarket loading arrangements be provided via Princess Street with appropriate layout to minimise conflict with pedestrian and traffic movement. Discourage loading arrangements via Brougham Street.	Loading is proposed to occur via Princess Street. It is positioned away from key pedestrian areas and subject to the recommended conditions, will not result in traffic implications.
Ensure that supermarket loading arrangements provided via Princess Street provide for safe and efficient movement of delivery vehicles, including provision for forward movement in and out of the site.	As above.
The number of crossovers, garages and car park entrances should be minimised. Where possible, car parking should be located underground.	Several vehicles' crossovers are proposed to be removed. A maximum of two is proposed and all car parking is proposed to be provided in the basement levels.
Ensure that car-parking design and access retains or improves linkages between Princess Street and Brougham Street, Kew.	The development retains the vehicle link between Princess Street and Brougham Street which currently exists to the south of the site.

Appendix C: Council Submission



Matters raised in council submission	Assessment
<p>Strategic Context: The site presents a significant opportunity to deliver housing and support the ongoing evolution of the Kew Junction Activity Centre and is appropriate for a mixed-use redevelopment. The site is well located to support increased housing and commercial activity, with strong access to public transport and existing services.</p> <p>The retention of commercial uses at ground level is supported, as it reinforces the economic and retail function of the centre. The proposal demonstrates positive design intent, including improved pedestrian permeability and new connections through the site.</p>	<p>Noted and agreed.</p>
<p>Building Height:</p> <p>A greater built form than currently anticipated by DDO14 and DDO19 can be accommodated on the site. However, the height and massing proposed is excessive in the context of the surrounding area and would result in unacceptable overshadowing impacts.</p> <p>The proposal exceeds the 16 storey height identified in the Built Form Overlay – Schedule 5 and results in unacceptable overshadowing impacts to nearby streets, and Council land and proposed public open space.</p> <p>If the Built Form Overlay is considered to be an appropriate guide for an outcome on this site, further information is required to understand how overshadowing responds to this control, including through the provision of a theoretical building envelope.</p> <p>It is noted that Council’s previous place based analysis and submission to the Department of Transport and Planning to Stage 1 of the Activity Centre Program with respect to the preferred built form outcomes specified 12+ storeys for this site.</p> <p>It is considered that the building height should be no greater than 16 storeys and any further consideration of height needs to have regard to the impact on future open space and the provision of exceptional community benefit.</p>	<p>Noted and not agreed.</p> <p>As per Table 1 in the BFO5, development of taller built form on these sites (large opportunity sites) is supported and may exceed the building height standard where off site amenity impacts are managed and public benefits are provided. For the reasons outlined in the assessment section of this report, it is considered that site amenity impacts are suitably managed and sufficient public benefits are proposed. Therefore, the proposal to exceed the height control by 2 storeys is acceptable.</p> <p>Overshadowing impacts to potential future public open space is discussed in the assessment section of this report. The extent of overshadowing to this space is acceptable on balance.</p>
<p>Design Quality and Built Form:</p> <p>The proposal demonstrates a high level of architectural intent and has the potential to make a strong contribution to the character of the centre.</p> <p>Further refinement is encouraged to strengthen the distinction between podium, middle and upper levels and enhance the building’s relationship with the surrounding context.</p>	<p>Noted and agreed in part,</p> <p>A detailed façade strategy is recommended to be secured by condition. Although, DTP do not agree the middle and upper levels specifically require further refinement.</p>
<p>Reliance on Council Land:</p> <p>The proposal relies on Council owned land to the south of the site for vehicle access, built form outcomes and the relocation of existing public car parking spaces.</p> <p>A coordinated, partnership approach to the interface with Council owned land presents a genuine opportunity to deliver improved public outcomes, including open space and active frontages. However, there is currently no agreed position regarding the use of this land.</p> <p>Any proposal to use, access, reconfigure or encroach upon Council land, including relocation of at grade public car parking, must be subject to a formal agreement. The design of the development should consider the usability and</p>	<p>Noted and agreed in part.</p> <p>A coordinated partnership between the applicant and council in delivering improved public realm upgrades to the south is encouraged. This will need to occur post permit, given the council have not yet agreed to the proposed public realm upgrades offered, and the works do not form part of the subject site.</p> <p>It is noted the applicant has offered to fund and deliver the works and DTP consider this to be an important benefit and opportunity that should also not be missed by the council. The recommended permit conditions secure these benefits, without prejudicing the future processes under separate legislation that will need to occur to resolve the public realm upgrade offering.</p>



amenity of any proposed open space, including improving solar access and minimising overshadowing. All access and car parking arrangements involving Council land should be resolved prior to further progression of the proposal.

Setting the full public realm works aside, the proposal does rely on access from the adjacent council. Therefore, conditions are recommended to require that evidence be provided to DTP confirming access arrangements have been resolved, prior to works commencing.

Overshadowing:

The proposal results in significant overshadowing to the proposed public open space, as well as impacts to High Street, Princess Street and Brougham Street.

The proposed public open space appears to be overshadowed for most of the day during winter, with only limited sunlight around midday. This materially affects its usability and quality. A development of this scale is expected to deliver a high amenity public realm, and this is not achieved where the primary open space is heavily overshadowed.

Noted and not agreed.

For the reasons outlined above and throughout this report, the extent of overshadowing is acceptable and will not unreasonably compromise the existing and future amenity of the area.

Car Parking:

The proposal presents an opportunity to consolidate Council parking within the development's basement. However, further detail and agreement is required to ensure this functions effectively for the broader community.

This includes accommodating all existing Council car parking spaces, currently identified as 61 spaces, ensuring the spaces are located and designed to effectively support the operation and accessibility of High Street shops, clearly defining their location, access and operation as distinct from the development's spaces, ensuring ongoing public accessibility and convenience, and clarifying management and operational responsibilities.

Noted and agreed in part.

This is correct. However, the requirement to provide publicly accessible spaces in the basement is only necessary if the public realm works within the adjacent council owned land eventuate. That is subject to a successful future agreement with the council.

Should that not occur, the full 61 spaces do not necessarily need to be provided for within the basement. Instead, only displaced spaces should be provided for.

Notwithstanding this, conditions are recommended to secure public access to 61 spaces via a section 173 Agreement.

Affordable Housing:

The required affordable housing contribution must be provided on site as part of the development or in the City of Boroondara.

Noted and agreed in part.

Affordable housing is secured by the mandatory condition in Clause 53.23. It is noted the developer intends to provide the affordable housing on site, as set out in the affordable housing report submitted with the application. However, there is an option for the developer to provide a cash contribution to the Social Housing Growth Fund. This would still align with the requirements of Clause 53.23.

Process:

It is asserted that, moving forward Council, should be the Responsible Authority for large developments, including this development, which have a significant impact on the municipality. Council is best placed to ensure future housing planning and the best outcomes for the community.

Noted and not agreed.

This is a general assertion. The permit applicant has utilised one of several planning pathways available to them.

Appendix D: Public Submissions



Key matters raised in submissions	Assessment
The building height is out of character with the area	Built form expectations within an Activity Centre are different to that of a low scale residential area. For the reasons outlined in this assessment section of this report, the proposed building height is acceptable.
The building heights exceeds the planning controls and is higher than nearby tall buildings and should not be allowed.	For the reasons outlined in the assessment section of this report, the proposal to vary the height standards of the applicable controls is acceptable because design objectives are met, off-site amenity impacts are managed and because the proposal includes commensurate public benefits.
Traffic congestion will be unmanageable	Subject to the recommended conditions and for the reasons outlined in the assessment section of this report, the traffic to be generated by the proposal can be comfortably accommodated within the surrounding road network.
Left out turns on Brougham Street should be banned	This has not been recommended by either the council's traffic department or the Head, Transport for Victoria or the project traffic engineer. Evidently, this would have wider implications on the road network and public transport network.
The proposed car parking is insufficient	The proposed carparking is fully compliant and exceeds the requirements of the Boroondara Planning Scheme. This matter is further discussed in the assessment section of this report.
The shadow across Princess Street should not be allowed	Shadows will fall on the road and the front yards of some residential properties for a limited number of hours. The proposal will not overshadow any secluded private open space areas in a manner which is not compliant with the requirements of the Boroondara Planning Scheme.
Large vehicle access on Princess Street will cause traffic issues.	The loading bay off Princess Street is supported by the Head, Transport for Victoria, subject to conditions which require a left in/ left out arrangement. Further detailed is discussed in the assessment section of this report.
The traffic report is flawed and inaccurate.	The information provided, including the survey information and analysis undertaken, by the traffic engineers, is sufficient to assess and determine the application. The Head, Transport for Victoria are a statutory referral and have reviewed everything in detail, in conjunction with their own data. HtFV support the application, subject to the recommended conditions.
These apartments will turn into a ghetto city.	The proposed dwellings are compliant with and exceed internal amenity requirements of Clause 58. The overall design of the buildings is high quality and well considered, as detailed in the assessment section of this report. The proposal to locate higher density residential in this location is entirely appropriate and supported by state and local planning policy.
The development will result in a less safe neighbourhood and the quality of life of nearby residents will be reduced.	The development is highly responsive to CPTED principles and is designed to both enhance and integrate with the remainder of the Kew Junction Activity Centre. The quality of life of nearby residents also will not be unreasonably affected given the proposed development is compliant with overlooking and overshadowing and other external amenity considerations, discussed in the assessment section of this report.
The blocked drain that is 6 metres into the Leos site should be fixed before development proceeds. This is affecting an adjoining property.	This is a building matter. Notwithstanding this, the permit applicant has been made aware via the submissions and conditions are recommended to secure a Stormwater Management Plan.
Shrubberies and tree should not be planted near boundary fence because of the damage this will cause to drainage, fencing and the adjoining property.	Planting in open space between properties is expected and appropriate. A detailed landscape plan is recommended to be secured by condition.
The development will overlook adjoining and nearby properties and all windows facing adjoining properties should be frosted.	The proposal is compliant with overlooking requirements. Some further detail is recommended to be secured by condition regarding the screening measures shown on the plans Refer to the assessment section of this report.
23 Princess Street will be affected by overshadowing and overlooking all year round.	The property at 23 Princess Street is located opposite the site across Princess Street. The proposal will not overshadow the secluded private open space of this dwelling and the proposed buildings are located well in excess of 9 metres from any secluded private open space or habitable room windows associated



		with this dwelling. Therefore, it is considered no unreasonable amenity impacts to this dwelling.
The notice boards did not say '4 buildings up to 18 storeys'. Notice should be given again.		A summary of the proposal is provided on the notices/notice boards. A clear note is provided stating this is summary of the proposal and to refer to the application material for further information. It is noted that the height of the buildings themselves do not trigger planning permission so this is not reflected in the list of permit requirements.
Not enough time was given for during the notice period for review of the all the application material.		The public notice period of 14 days was undertaken in accordance with the Planning and Environment Act 1987. It is noted this is just the public notice period; submissions can be made right up until the point a decision is made.
The community was not properly consulted. This DFP pathway bypasses the council and consultation requirements.		Public notice was required and was given in accordance with and in excess of the requirements of the Planning and Environment Act 1987. Specifically, the applicant was directed to send over 500 letters to nearby property owners and occupiers, and 12 signs were placed on the site for the required period of 14 days. The public notice requirements are same for an application submitted under Clause 53.23 where the Minister is the RA as an application which would have been submitted with the council.
The development will cause rubbish fumes and noise.		Subject to the recommendations of the Waste Management Plan and Acoustic report, noise and rubbish related impacts will be suitably mitigated.
There are insufficient areas of open space for residents and no areas for children to play.		The proposal includes several communal open space areas well in excess of planning requirements. These spaces are provided in addition to the publicly accessible open space areas at ground level.
It is a contradiction to allow an ultra-modern building when heritage overlays have been policed for so long on adjacent properties and nearby properties.		The expectations for a heritage protected dwelling in a residential zone are different to a large opportunity site in a commercial zone, within the core of an Activity Centre. The design of the building is supported as detailed in the assessment section of this report.
The process of rezoning the Kew Junction to an Activity Centre is flawed.		Kew Junction has historically been defined as an Activity Centre in the Bororoondara Planning Scheme, with the Kew Junction Structure Plan now over 20 years old. The site itself has not been rezoned. It remains zoned in the C1Z, but with a new BFO applied. More information on the Activity Centre Program and the consultation undertaken as part of the program is available online.
The council must receive financial incentives for approving high density affordable housing. Council must be making biased and conflicting decisions due to financial contributions.		The council is not the responsible authority for this permit application. The Minister for Planning is the responsible authority because the applicant has opted for and qualifies for a pathway under Clause 53.23 (Significant Residential Development with Affordable Housing). The proposal is acceptable for the reasons outlined in the assessment section of this report. It is further noted the proposal has been through a rigorous planning and design review process prior to lodgement and post lodgement.
This will impact on other small business.		Subject to the recommended conditions, nearby businesses and dwellings will not be unreasonably affected during construction. The proposal itself will enhance the retail environment of the Kew Junction Activity Centre for the reasons outlined in this report.
There has been no planning for upgraded electricity supply or water supply or upgrades to sewerage.		Supply of services to the development will be required to be provided by the developer, in line with service authority requirements. This will occur as part of the building stage.
The proposal may impact on the equitable use and viability of the Skinny Dog Hotel and the following conditions should therefore be included on any permit issued:	<i>Before the use of any of the dwellings authorised by this permit starts, the owner must enter into a Section 173 agreement with the Responsible Authority. The agreement must</i>	This condition is onerous. The permitholder will be required to comply with any recommendations within the endorsed plans and the endorsed acoustic report which are required by condition. Additionally, conditions will require the submission of an acoustic report 6 months after occupation to confirm all recommended acoustic measures have been installed and the design initiatives implemented within the development achieve the performance outcomes specified in the endorsed acoustic report.



relate to and be registered on the title for those dwellings and run with the land, and must, to the satisfaction of the Responsible Authority, ensure owners and occupants of those dwellings:

- a) **Are notified of potential noise impacts from licenced premises in the locality.**
- b) **Acknowledge that their residence is located within an area where the planning scheme seeks to protect the ongoing operation of licenced premises from the encroachment of noise sensitive residential uses.**
- c) **Are responsible for maintaining the glazing and acoustic treatment required to meet noise levels defined in the ALC Report.**

Façade glazing meeting at least Rw37 and Rw35 (or higher if determined by other conditions) must be installed to all habitable rooms that are facing the Hotel.

The acoustic assessment prepared by Acoustic Logic recommended minimum glazing construction of RW29 and RW35. The façade glazing proposed at RW35 is proposed for areas of the façade located within proximity to the Skinny Dog Hotel, the Woolworths Loading Dock and Princess Street. Façade glazing at RW29 is largely limited to the dwellings located and facing inwards/centrally within the site. This is acceptable.



	<p><i>The façade and glazing of the proposed development must be constructed to achieve a level of 45dB(A) Lmax or lower from noise generated by bottle disposal, waste collection and loading activities undertaken by the Hotel.</i></p>	<p>The acoustic report, by Acoustic Logic, nominates a criteria of 55Db(A) Lmax in apartments with external doors/windows closed for bottle disposal noise. This is typical sleep disturbance criteria adopted for similar projects and only applicable to bedrooms between 10pm and 7am.</p>
	<p><i>Any external areas (including balconies and wintergardens) or areas with openable windows must be designed in a way that ensures compliance with regulated noise limits during bottle disposal, waste collection and loading activities undertaken by the Hotel.</i></p>	<p>There are no regulated noise limits for bottle disposal, waste collection and loading activities externally. Amenity of residents is internal based on external windows/doors closed. Therefore, this condition is not recommended to be included on the permit.</p>
<p>Brougham Street is a narrow street, problematic for two way passing. With an increase in traffic, the functional operations of commercial premises that rely on Brougham Street may be impacted.</p> <p>The following traffic engineering conditions should be included on the planning permit:</p>	<p><i>Widen the Brougham Street carriageway, adjacent to the site's frontage (approx. 72m), from 5.3m to 7.3m (This will provide the opportunity for a dedicated loading area that will not interfere with two-way traffic).</i></p>	<p>The application does not rely solely on Brougham Street for all vehicle movements. The application relies on vehicle access from both Brougham Street and Princess Street. Street widening does not form part of the proposal, and the traffic engineering advice indicates that additional movements in Brougham Street can be accommodated. A loading dock is provided from Princess Street and conditions are recommended to secure further detail in regard to residential loading areas in a Loading Management Plan.</p>
	<p><i>Dedicated onsite loading areas for all commercial uses and residential move-in/move-out activities.</i></p>	<p>There is a dedicated onsite loading dock for the supermarket use and conditions are recommended to secure further detail regarding residential move in/move out activities.</p>
	<p><i>An updated Waste Management Plan to be endorsed to include a strategy for managing the</i></p>	<p>The Waste Management Plan prepared by Traffix Group includes management of all waste collection movements and provision for all residential and commercial collection onsite within the basement level.</p>



	<p><i>high volume of waste collection movements, large vehicles and facilitation of on-site waste collection/loading at-grade.</i></p>	
	<p><i>All loading and waste collection activities to be accommodated on-site without queuing or disruption to Princess or Brougham Street.</i></p>	<p>All waste collection is proposed to occur on site as per the details contained in the WMP. A dedicated loading dock is proposed, and further details is recommended to be secured by condition in a Loading Management Plan. Traffic generation impacts are discussed in the assessment section of this report and are to be further managed by the conditions recommended by the Head, Transport for Victoria.</p>