

Assessment Officer Report

Permit No PA2402930 11 Beach Street,
Frankston



Officer Assessment Report
Development Approvals & Design

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Executive Summary



Key Information	Details																					
Application No:	PA2402930																					
Received:	17 May 2024																					
Statutory Days:	55																					
Applicant:	CAAMCo c/- ProUrban																					
Planning Scheme:	Frankston																					
Land Address:	11 Beach Street, Frankston																					
Proposal:	Development of a 14-storey apartment building, comprising 62 dwellings and ancillary office above two levels of basement car parking.																					
Development Value:	\$33.46 m																					
Why is the Minister responsible?	<p>Clause 72.01-1:</p> <p><i>Minister for Planning is the responsible authority for matters under Divisions 1, 1A, 2 and 3 of Part 4 of the Act, and endorsement of, approval of or being satisfied with matters required by a permit or the scheme to be endorsed, approved or done to the satisfaction of the responsible authority, in relation to the use and development of land for a:</i></p> <ul style="list-style-type: none">• ...• <i>Use or development to which clause 53.23 applies.</i> <p>Minister confirmation was provided 3 April 2024 that application is eligible to apply under Category 3 of Clause 53.23-1.</p>																					
Why is a permit required?	<table><thead><tr><th>Clause</th><th>Control</th><th>Trigger</th></tr></thead><tbody><tr><td>Zone:</td><td>Clause 32.04</td><td>Mixed Use Zone (MUZ)</td><td>Construct a residential building</td></tr><tr><td rowspan="3">Overlays:</td><td>Clause 43.02</td><td>Design and Development Overlay Schedule 5 (DDO5)</td><td>Construct a building or construct or carry out works</td></tr><tr><td>Clause 44.05</td><td>Special Building Overlay</td><td>Construct a building or construct or carry out works</td></tr><tr><td>Clause</td><td>Parking Overlay Schedule 1 (PO1)</td><td>Reduction to the car parking requirements</td></tr><tr><td>Particular Provisions:</td><td>Clause 52.06</td><td>Car Parking</td><td>Reduction to the car parking requirements</td></tr></tbody></table>	Clause	Control	Trigger	Zone:	Clause 32.04	Mixed Use Zone (MUZ)	Construct a residential building	Overlays:	Clause 43.02	Design and Development Overlay Schedule 5 (DDO5)	Construct a building or construct or carry out works	Clause 44.05	Special Building Overlay	Construct a building or construct or carry out works	Clause	Parking Overlay Schedule 1 (PO1)	Reduction to the car parking requirements	Particular Provisions:	Clause 52.06	Car Parking	Reduction to the car parking requirements
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Cultural Heritage:	Aboriginal Cultural Heritage Management Plan under section 46 of the <i>Aboriginal Heritage Act 2006</i> is not required. The proposal is an exempt activity under Regulation 10 of the <i>Aboriginal Heritage Regulations 2018</i> as the subject site is not within 200m of the coastal waters of Victoria or the Murray River and is less than 0.11ha.																					
Total Site Area:	829m ²																					
Gross Floor Area:	7,806m ²																					
Height:	14 storeys excluding plant																					
	47.45 m excluding plant																					
	49.65 m total (53.83m to Australian Height Datum (AHD))																					
Land Uses:	Dwellings	Office																				
	62	Ancillary to dwellings - 28m ²																				



Parking:	Cars	Bicycles
	20	71
Referral Authorities:	Melbourne Water (s55 – determining) Head, Transport for Victoria (s55 – determining)	
Public Notice:	<ul style="list-style-type: none">• DTP gave notice to Frankston City Council (the council) (under s52(1)(b) – notice of the <i>Planning and Environment Act 1987</i> (the Act)) which objected to the proposal.• Notice of the application to neighbouring properties was undertaken by the applicant at the direction of the Minister for Planning by placing signs on site and sending letters. <p>Five objections have been received (including the objection from the council) as of 9 August 2024.</p>	
Delegates List:	Approval to determine under delegation received on 5 August 2024.	



Application Process

1. The application was confirmed as significant and eligible for the planning pathway under Category 3 of Clause 53.23 – Significant Residential Development with Affordable Housing.
2. The key milestones in the application process were as follows:

Development Facilitation Program	Details
Enquiry lodgement	23 February 2024
Invest Victoria	12 March 2024
Pre-application consideration of eligibility for Clause 53.23	Confirmed by Minister for Planning 3 April 2024

Application process	Details
Application lodgement	17 May 2024
Further information requested	30 May 2024
Further information received	7 June 2024
Public notice	20 June 2024 – 4 July 2024
Decision Plans	Plans prepared by Caleb Smith Architect and James Harbard Architect, titled '11 Beach Street Frankston, Victoria' and dated 6 May 2024.
Other Assessment Documents	<ul style="list-style-type: none">• Arboricultural Impact Assessment prepared by Homewood Consulting, dated 19 April 2024• Clause 58 Assessment prepared by ProUrban, dated 16 May 2024• Green Travel Plan prepared by Traffix Group, dated May 2024• Landscape Plan prepared by John Patrick Landscape Architects, dated 10 May 2024• Planning Report prepared by ProUrban, dated 16 May 2024• Significant Ground Disturbance Assessment prepared by Landskape, dated 23 April 2024• Structural Civil Memo prepared by Norman, Disney & Young, dated 14 April 2024• Sustainable Management Plan (SMP) prepared by Integrated Group Services, dated 16 May 2024• Traffic Engineering Assessment prepared by Traffix Group, dated May 2024• Urban Context Report prepared by Caleb Smith Architect, dated 6 May 2024• Waste Management Plan (WMP) prepared by Traffix Group, dated May 2024• Wind Tunnel Test Report prepared by MEL Consultants, dated 2 May 2024

3. The subject of this report is the decision plans and documents (as described above) which were advertised as part of public notice.

Proposal Summary

4. The proposal is for a significant residential development which provides 100% of proposed dwellings as affordable housing, specifically designed to be operated by a registered community housing provider.



5. The project includes construction of a 14 storey apartment building, comprising 62 dwellings with 28m² of ancillary office space and two levels of basement car parking.
6. Specifically, the proposed development includes the following:
 - A maximum building height of 47.75m (49.65m to top of the roof services).
 - A three storey / 12.6m – 13.6m street wall.
 - Mixture of dwellings including 29 x 1 bedroom, 32 x 2 bedroom, and 1 x 3 bedroom apartments.
 - 20 car parking spaces across two levels of basement.
 - 71 bicycle spaces including 65 spaces in the ground level store and 6 visitor spaces along the west setback.
 - All dwellings are to be affordable housing.
7. The applicant has provided the following concept image/s of the proposal:



Figure 1 View at Beach Street & Nepean Highway



Figure 2 Beach Lane looking north



Figure 3 Beach Street Podium



Figure 4 View from corner Beach Street and Evelyn Street



Figure 5 Upper tower levels



Figure 6 Tower Side Wall Detail

Subject Site and Surrounds

Site Description

8. The site is located at on the north side of Beach Street in Frankston.
9. The site is rectangular in shape with a frontage to Beach Street of approximately 19.6m, a depth of approximately 42.7m and an overall area of 829m².
10. The site is currently occupied by a single storey detached building, formerly used as a dwelling but converted for commercial purposes. The building is generally surrounded by paving, with a car parking area to the rear (north) and porte-cochere and signage in the site frontage.
11. Six small shrubby or topiarised trees exist within the front setback. Vegetation within proximity to the site largely exists along the northern/rear boundary, within the privately owned car park. A hedgerow located within the neighbouring property at 13 Beach Street runs along the fence line and encroaches into the subject site.
12. The land is formally described as Lot 10 on Plan of Subdivision 008386 and contains two easements which extend along the northern and western boundaries of the site. These easements have been created in favour of South East Water (sewer asset) and the council (drainage asset) respectively.

Site Surrounds

13. The site is located approximately 38km south-east of the Melbourne CBD in the Frankston Metropolitan Activity Centre (FMAC). The site is within 100m of the Bayside Shopping Centre, proximate to a variety of retail, convenience and service offerings, and is located approximately 550m from Frankston Railway Station.

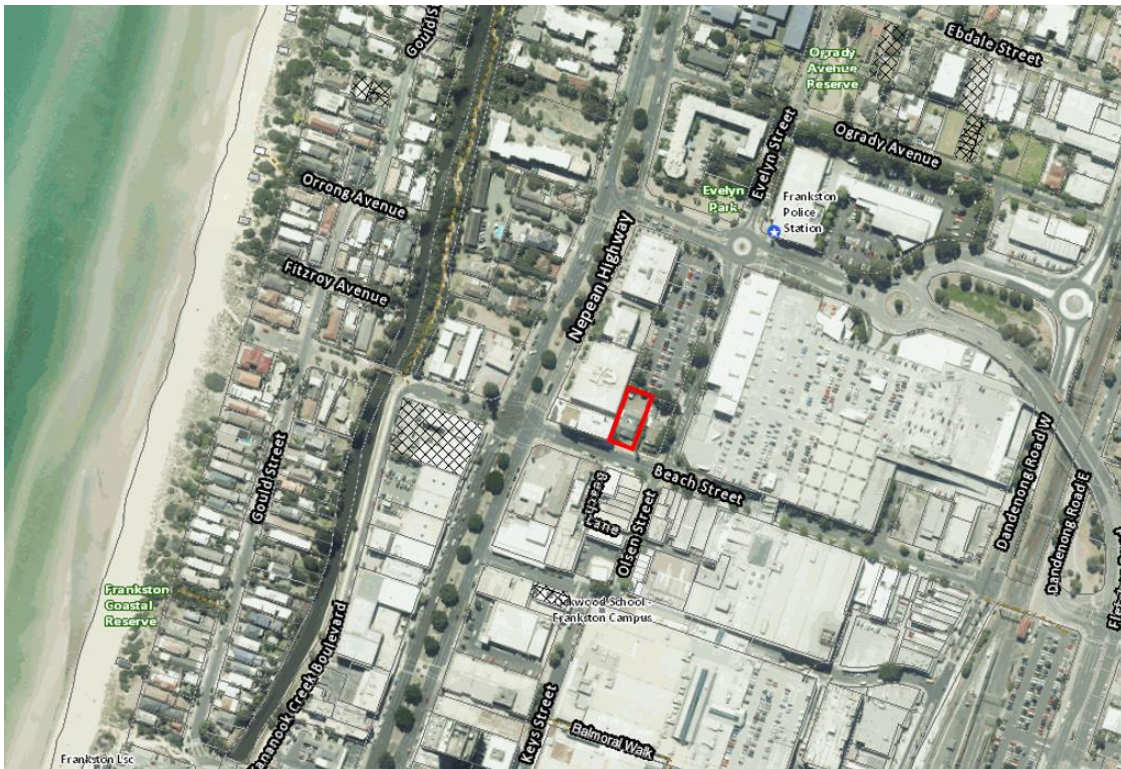


Figure 7 Aerial view subject site

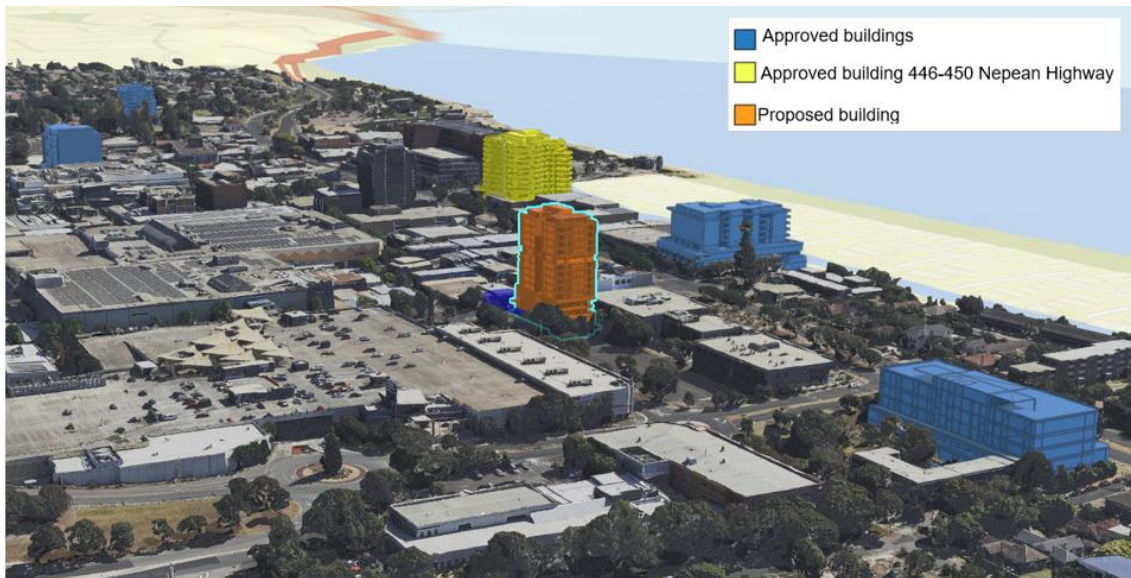
14. Surrounding development mainly comprises commercial uses, with buildings generally of low scale, ranging between one – three storeys in height. A variety of street interface treatments exist, with buildings constructed to the street boundary as well as setbacks, with and without landscaping.
15. In the wider activity centre context, there are various examples of emerging higher rise development. Buildings with heights of up to 12-14 storeys have been approved and are under construction in the activity centre.

16. The immediate interfaces of the are described as follows:

- **North:** 1 – 13 Evelyn Street contains an at-grade car park including vegetation along the perimeter of the southern, eastern and western boundaries of the site.
- **South:** Beach Street which is a local, east-west road providing a single lane of traffic in each direction, as well as time restricted on-street parking on both sides of the street.

On the south side of Beach Street is 14 and 16 Beach Street which are both developed with single storey brick commercial buildings.

- **East:** 13 Beach Street is located on the corner of Beach Street and Evelyn Street and contains a single storey former dwelling, now used as a medical facility (orthodontist). The front setback is landscaped, with a hedge along the common boundary with the subject site. Car parking for the facility is located at the rear (north) with access via Evelyn Street.
- **West:** 411 Nepean Highway is located at the corner of Beach Street and Nepean Highway and is developed with a three storey commercial office and medical centre. Car parking access is via Nepean Highway.
- No. 405 – 409 Nepean Highway also adjoins the subject site (at the north-west corner) and is developed with a two storey office building. Car parking access to this building is also provided via Nepean Highway.





Municipal Planning Strategy

17. The following objectives and strategies of the Municipal Planning Strategy are relevant to the proposal:

Clause	Description
02.01	Context
02.02	Vision
02.03-1	Settlement
02.03-5	Built environment and heritage
02.03-6	Housing
02.04	Strategic framework plans

Planning Policy Framework

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

Clause 11	Settlement
11.01-1R	Settlement – Metropolitan Melbourne
11.03	Planning for Places
11.03-1S	Activity centres
11.03-1R	Activity centres - Metropolitan Melbourne
11.03-1L-02	Frankston Metropolitan Activity Centre
Clause 13	Environmental Risks and Amenity
13.03-1S	Floodplain management
13.04-1S	Contaminated and potentially contaminated land
13.05-1S	Noise management
13.06-1S	Air quality management
13.07-1S	Land use compatibility
Clause 15	Built Environment and Heritage
15.01-1S	Urban design
15.01-1R	Urban design - Metropolitan Melbourne
15.01-1L-02	Urban design
15.01-2S	Building design
15.01-2L-01	Environmentally Sustainable Development
15.01-2L-02	Efficiency and sustainability
15.01-5S	Neighbourhood character
15.03-2S	Aboriginal cultural heritage
Clause 16	Housing



16.01-1S	Housing supply
16.01-1R	Housing supply - Metropolitan Melbourne
16.01-1L	Housing supply
16.01-2S	Housing affordability
Clause 17	Economic Development
17.01-1S	Diversified economy
Clause 18	Transport
18.01-1S	Land use and transport integration
18.01-3S	Sustainable and safe transport
18.01-3R	Sustainable and safe transport – Metropolitan Melbourne
18.02-2S	Cycling
18.02-3S	Public transport
18.02-3R	Principal Public Transport Network
18.02-4S	Roads
Clause 19	Infrastructure
19.01-1S	Energy supply
19.01-2R	Renewable energy – Metropolitan Melbourne
19.03-2S	Infrastructure design and provision
19.03-3S	Integrated water management

Zoning and Overlays

Mixed Use Zone (MUZ)

19. Pursuant to Clause 32.04-2 a planning permit is not required to use the land for dwellings.
20. Pursuant to Clause 32.04-7 a planning permit is required to construct a residential building.

Design and Development Overlay Schedule 5 (DDO5)

21. Pursuant to Clause 43.02-2 planning permit is required to construct building or construct or carry out works.
22. The DDO5 sets out requirements for an application to construct a building or construct or carry out works including building heights and setbacks.
23. The subject site is located within Sub-precinct C as identified in Map 1 to the DDO5 which provides for:
 - Preferred maximum building height of 38m.
 - Street frontage height of 12m with the development above the podium setback at least 5m from the primary street frontage.

- Engaging and activated frontage – no ground level front and side setbacks.

Special Building Overlay

24. Pursuant to Clause 44.05-2 a planning permit is required to construct a building or construct or carry out works.

Parking Overlay

25. This overlay operates in conjunction with Clause 52.06 and specifies car parking rates for food and drink premises, residential building (other than residential aged care facility), and shop (other than restricted retail).
26. Given the proposal is for dwellings, the car parking rates at Clause 52.06 apply.

Particular and General Provisions

Clause 52.06 Car Parking

27. Pursuant to Clause 52.06-3 a permit is required to reduce (including reduce to zero) the number of car parking spaces required under Clause 52.06-5.
28. Given the subject site is within the Principal Public Transport Network Area, the car parking rate in Column B of Table 1 to Clause 52.06-5 applies.
29. The proposal generates a requirement for 63 spaces and provides a total of 20 car spaces. Accordingly, a shortfall of 43 spaces is proposed and a permit is required under Clause 52.06-3.

Clause 52.34 Bicycle Facilities

30. Pursuant to Clause 52.34-2 a permit may be granted to vary, reduce or waive any requirement of Clause 52.34-5 (Required bicycle facilities) and Clause 52.34-6 (Design of bicycle spaces).
31. The proposal generates a requirement for 18 bicycle spaces and provides 71 spaces. As such, a permit is not required under Clause 52.34.

Clause 53.18 Stormwater Management in Urban Development

32. Pursuant to Clause 53.18-3 an application to construct a building or construct or carry out works:
- Must meet all of the objectives of Clauses 53.18-5 and 53.18-6.
 - Should meet all of the standards of Clauses 53.18-5 and 53.18-6.

Clause 53.23 Significant Residential Development with Affordable Housing

33. Clause 53.23 seeks to facilitate residential development that includes affordable housing to meet existing and future needs.
34. The development has been confirmed as eligible under Category 3 Conditions of Clause 53.23 of the Frankston Planning Scheme as part of the Development Facilitation process (reference no. DFP310).
35. Pursuant to Clause 53.23-5 an application under any provision of this planning scheme is exempt from the decision requirements of sections 64(1), (2) and (3), and the review rights of sections 82(1) of the Act.

Relevant Strategic Plan / Background Documents

Frankston Metropolitan Activity Centre Structure Plan (2015)

36. The *Frankston Metropolitan Activity Centre Structure Plan, May 2015* (FMAC Structure Plan, 2015) provides a 20 year vision and framework for development of the FMAC.
37. Clause 11.03-1L-02 of the Frankston Planning Scheme includes the FMAC Structure Plan (2015) as a reference document. It is also a background document in the schedule to clause 72.08.



38. The site is located within Precinct 5 – Nepean Highway Boulevard. The objectives for this precinct include to provide for a range of commercial and residential uses that complement the mixed-use function of the and to provide for housing at increased densities, particularly at upper levels.
39. The FMAC Structure Plan, 2015 includes height and setbacks which are reflected in the DDO5.

Draft Amendment C160fran – Frankston Metropolitan Activity Centre Structure Plan, June 2023

40. The *Frankston Metropolitan Activity Centre Structure Plan – June 2023* (FMAC Structure Plan, 2023) provides a framework to guide development within the FMAC over the next 20 years.
41. On 14 June 2023, the council adopted the *Frankston Metropolitan Activity Centre Structure Plan – June 2023* (FMAC Structure Plan, 2023) and requested authorisation from the Minister for Planning to prepare Planning Scheme Amendment C160fran.
42. The amendment proposes to rezone the subject site to the Activity Centre Zone – Schedule 1 (ACZ1) and delete the DDO5.
43. The Minister for Planning authorised draft Planning Scheme Amendment C160fran in October 2023, with exhibition of the amendment occurring between 16 November – 18 December 2023.
44. An independent Planning Panel hearing was held from 1 July 2024 - 17 July 2024.
45. It is noted that the council contend that Draft Amendment C160fran should be given significant weight. However, given a panel report has not been published at the time of this assessment, Draft Amendment C160fran is not considered seriously entertained.
46. Nonetheless, the Draft Amendment C160fran has been considered as part of assessment of the proposal, as discussed further below.



Referrals

47. The application was referred to the following groups:

Provision / Clause	Organisation	Response and date received
Section 55 Referral – Determining	Head, Transport for Victoria	No objection 24 July 2024
Section 55 Referral – Determining	Melbourne Water	No objection, subject to conditions 26 July 2024
Section 52 Notice	Frankston City Council	Objection 18 June 2024

Frankston City Council Comments

48. The council advised that it objects to the proposal on the following grounds:

- The height, setbacks, bulk, mass and scale of the development is not consistent with the strategic objectives of the FMAC Structure Plan (2015), FMAC Structure Plan (2023) and DDO5 of the Frankston Planning Scheme.
- The proposed development does not represent a satisfactory urban design response consistent with the objectives of Clauses 11.03-1L-02, 15.01-1S, 15.01-2S and 15.01-5S of the Frankston Planning Scheme.
- Overshadowing caused by the proposed development is not consistent with the strategic objectives of the FMAC Structure Plan (2015) and FMAC Structure Plan (2023).
- The proposed development will unfairly prejudice the development of adjacent sites with zero separation between buildings, creating excessive visual bulk, overshadowing and wind impacts and limiting access to daylight.
- The method of waste management and the location of the waste collection point on Beach Street is not consistent with Clause 65.01 of the Frankston Planning Scheme and Council's standards and creates safety, management and amenity concerns.
- The proposal has not demonstrated a sufficient level of compliance with Clause 58 of the Frankston Planning Scheme in respect to Clause 58.02-3 (Dwelling diversity), Clause 58.02-5 (Integration with the street), Clause 58.03-3 (Solar access to communal open space), Clause 58.04-1 (Building setback), Clause 58.04-4 (Wind impacts), Clause 58.04-2 (Internal Views), Clause 58.05-3 (Private Open Space) and Clause 58.07-1 (Internal Amenity).

49. The council also noted the following decisions of the Victorian Civil and Administrative Tribunal (the Tribunal) with regard to weight given to the FMAC Structure Plan, 2023:

- Franky Investment Pty Ltd vs Frankston City Council VCAT 559 dated 14 June 2024.
- Pace Development Group Pty Ltd v Frankston CC VCAT 645 dated 12 July 2024.

Head, Transport for Victoria

50. Head, Transport for Victoria advised that it does not object to the grant of a permit and did not request any permit conditions.

Melbourne Water

51. Melbourne Water advised that it does not object subject to permit conditions which generally relate to protection of a Melbourne Water asset and easement.



Office of the Victorian Government Architect (OVGA)

52. The OVGA provided advice as part of the Development Facilitation process on an earlier version of the proposed design, advising that it generally supports the development scheme. Key comments are summarised as follows:
- An apartment building is a good fit in this location – a central street, close to public transport and facilities.
 - Strongly support the provision of affordable housing in the city centre.
 - As the first tower development in this area of the city, there are project-specific challenges including in relation to height, overshadowing of the public realm, wind mitigation, anticipating future development on adjacent sites, and addressing easements.
 - Generally support the building height as proposed.
 - Podium form, articulation, materials and integrated façade planting establish a quality street wall.
 - Overshadowing of the southern footpath acceptable given the narrow building footprint and therefore limited size of shadow.
 - Pedestrian entry points work well and visible activity within the ground level contributes to improving the public realm. The extent of driveway and service access should be reduced.
 - Wind vent level is a potentially interesting negative detail on the tower façade. However, it raises the height of the building by one floor. More consideration should be given to other possible solutions, potential for any occupation of this floor by residents, detail to ensure deliberate building composition, including exposed soffits, wall finishes and facade junctions.
 - The design could be improved to address the north interface at lower levels of the building.
 - Setbacks need to consider potential future development on adjacent sites.
 - Building height and lightwells impact daylight into apartments.
 - The pedestrian/bike entry, creating a laneway and landscaping set in the easement along the west boundary with open ground floor/lobby onto this space is an effective design response given the site constraints.
 - Privacy screening to bedroom windows in light wells should consider alternatives to reduce need for screening (controlled views, light shelves, light scoop type windows, offset windows to remove direct lines of sight).
 - Drawings suggest high-quality detailing, materials and finishes. More information and certainty is needed to secure the quality of materials and detailing.
53. Following the OVGA advice and prior to lodgement of the planning permit application, the design was revised generally as follows:
- Vehicle entry reduced to a single lane off Beach Street.
 - Northern facade further developed with increased activation and design elements similar to Beach Street façade adopted.
 - Wind vent confirmation provided that future occupation is possible once adjacent sites are built up and provide screening from wind effects. Wind Engineers deem wind vent necessary to achieve safe street level wind conditions. The applicant has noted a façade strategy condition could require design detail of the wind vent level.
 - Additional materials detail and renders provided.
 - Bedroom windows facing into the lightwell have been revised to remove screening and adopt a larger window to admit more daylight. The privacy between apartments is provided by careful placement of fluted glass at key sightlines, while clear vision glass is used to maintain outward views.
 - The removal of the screening and slab overhang opens up the lightwell and increases the area that is open to the sky, thus improving daylight at the lower levels. Daylight modelling provided.

- Planting species have been selected to be tolerant of low light levels.

Notice

54. The applicant was directed to give notice by way of erecting signs on the site and sending letters to adjoining owners and occupiers.
55. Four objections were received, including one objection from a property in Seaford (not shown on map below), raising the following issues:
- Construction impacts.
 - Overshadowing including to footpaths.
 - Seeking assurance of equitable development opportunity.
 - Excessive height and bulk.
 - Insufficient side setbacks.
 - Potential overlooking.
 - Insufficient car parking and traffic impacts.
 - non-compliances with the existing planning controls relating to built form.

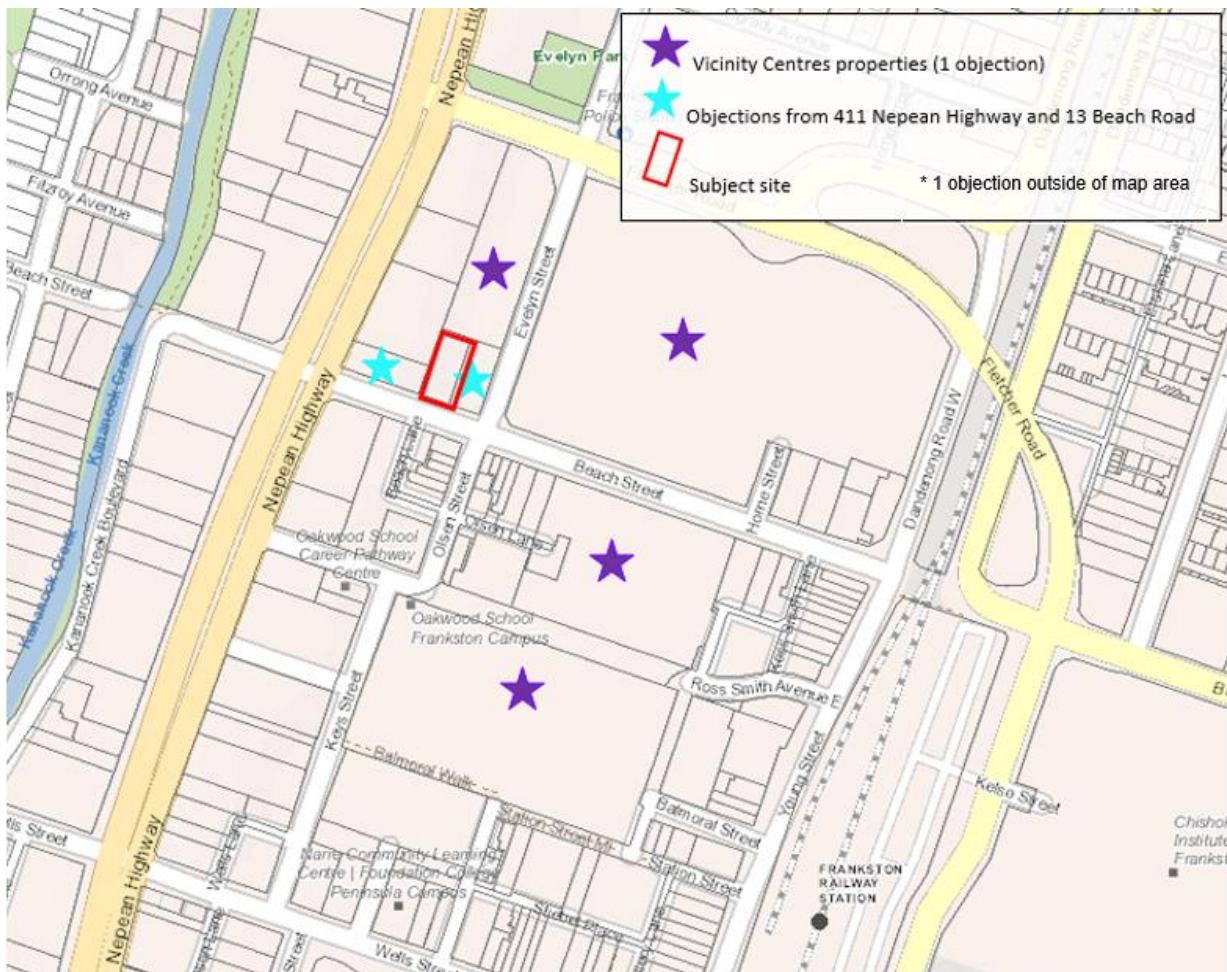


Figure 8 - Objector map



56. In relation to construction impacts, it is noted that this is not a planning issue. Nonetheless, a permit condition relating to securing a construction management plan prior to any works commencing, as recommended by the council, will be included.
57. The remaining matters identified in objections are generally discussed throughout the assessment below.



Strategic Direction and Land Use

58. The proposal will increase the supply of affordable housing providing greater housing choice and diversity in an area of need (Plan Melbourne Direction 2.3 & 2.5 and Clause 16). The redevelopment is within an established urban area and will capitalise on existing facilities, infrastructure, services and amenities within and around the FMAC (Clauses 16.01-1R and 16.01-1S).
59. Frankston is identified in Plan Melbourne as a metropolitan activity centre which is a place of state significance that will be the focus for investment and growth. Metropolitan activity centres are to provide a diverse range of jobs, activities and housing for regional catchments that are well served by public transport.
60. The proposal responds to key objectives and strategic directions of the Frankston Planning Scheme including at Clause 2.03-6 which seeks to:
 - Encourage the provision of affordable housing, in locations with existing services and community infrastructure.
 - Encourage the delivery of new housing stock that reflects Frankston's changing population requirements.
 - Facilitate the supply and even distribution of public and social housing stock across the municipality.
 - Promote the FMAC as a location for significant higher density residential development.
61. 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.
62. The proposal will focus investment and growth in the FMAC, close to public transport and compatible use and development (Clause 11.01-1S, 11.03-1S, 11.03-1R, 13.06-1S, 13.07-1S, 17.01-1S, 18.01-1S, 18.02-3S, 18.02-3R).
63. The proposal meets the purpose of the MUZ to provide for a range of residential and commercial uses which complement the mixed-use locality, and to provide for housing at higher densities, to encourage development that responds to the existing or preferred neighbourhood character of the area.
64. The proposal responds to Clause 15.01-2S which encourages new building design outcomes that positively contribute to strategic and cultural context.
65. The proposal will respond to the metropolitan activity centre context and the public realm will be enhanced through increased activation with clear glazing and a small street setback to allow appropriate movement, new building entries, glazing and active uses (Clause 15.01-1S and 15.01-2S).
66. The proposal has been appropriately designed to respond to adverse amenity impacts (such as noise) and environmental risks (such as flooding) with appropriate mitigation and management measures in place to ensure a safe and comfortable environment for residents and users of the site (Clause 13).
67. The building will achieve appropriate energy performance through siting and design with a thermally enhanced building envelope, daylight access and energy efficient heating, cooling and lighting and rooftop solar panels (Clauses 15.01-2S, 15.01-2L-01). A sustainable management plan has been provided.
68. The bicycle and end of trip facilities will facilitate walking and cycling as a part of daily life and will discourage use of private motor vehicles (Clauses 15.01-4S, 18.01-3S, 18.01-3R, 18.02-2S).
69. The proposed car parking provision will meet the anticipated demand, while encouraging more sustainable and active modes of transport, including public transport, walking and cycling (Clauses 18.02-1S).

Buildings and Works

Height and Setbacks

70. The overall building height of 49.65m is considered generally acceptable having regard to the 38m preferred height under DDO5 and the 41m (12 storey) height identified in the draft ACZ1. The proposal is approximately 11.65m above the DDO5 (approximately 23% increase above the preferred maximum) and 8.65m above the draft ACZ1 (approximately 17% increase above the draft preferred maximum).
71. This responds to the aspiration for the Nepean Highway Boulevard area of the FMAC Structure Plan 2015 (Precinct 5) to provide for a range of commercial and residential uses that complement the mixed-use function of the precinct and housing at increased densities, particularly at upper levels throughout the precinct.
72. Under the FMAC Structure Plan 2023 the subject site would move to the city centre precinct (i.e. Precinct 1: City Centre). The proposal is considered to respond to relevant objectives of the precinct as follows:
- To activate streets by providing podium constructed closer to the street boundary with clear glazing and visibility between the site and the street.
 - To support residential, office, accommodation and other uses on upper levels of buildings across the precinct.
 - The proposal would help to activate Beach Lane, providing views down the lane (refer Figure 9) and would provide for improved activation at ground level and surveillance from upper levels.
 - The proposal would enhance the built form interface of the subject site and of the locality to improve activation and safety.
 - The proposal would maintain adequate sunlight to key streets in the City Centre.
 - The proposal would improve the pedestrian experience within the City Centre by providing housing closer to services enabling residents and visitors to avoid car use.



Figure 9 View from Beach Lane looking north

73. The proposed height is not considered to undermine the objective of the 2023 Structure Plan and responds to the intent to deliver the highest built form within the core of the activity centre.

74. The height above the preferred maximum is acceptable having regard for the decision guidelines at Clause 6.0 of the DDO5 and the decision guidelines of the draft ACZ1, as discussed further below.
75. The podium has a height of 12.62m – 13.59m which is considered to be generally in accordance with the DDO5 preferred podium height of 12m. This also responds to the 12m (3 storey) preferred maximum street wall height under the draft ACZ1.
76. The podium varies in height to account for the change in grade across the site frontage and responds to the principle to provide for human scale to key city centre streets.
77. Above the podium the building is setback a minimum of 5m from Beach Street which complies with the DDO5 preferred street setback as well as the 5m setback under the draft ACZ1.
78. The building is setback 0m from the side and rear boundaries and does not meet the preferred 5m setbacks under DDO5 and the draft ACZ1.
79. The side and rear setbacks are considered acceptable given the location of the site within a metropolitan activity centre which has an evolving character moving toward higher density development. The proposal will not affect sensitive residential uses and will provide for equitable development for the east adjoining property to replicate if it is developed in future. West boundary walls approximately match the length of adjoining commercial building at 411 Nepean Highway and will be located adjacent to a driveway of the commercial building at 405 Nepean Highway which provides separation.
80. It is considered that the preferred setbacks may present difficulty in achievability for the subject site given its dimensions as shown in the markup prepared by DTP at Figure 10. This would limit the feasibility of potential floorplates for any development on the site.
81. The council has outlined that for the subject site to redevelop to the proposed height, it would need to be consolidated with an adjacent site, to facilitate the provision of upper-level setbacks to side boundaries. This is considered a high expectation given the site is not unreasonably small at 829m².

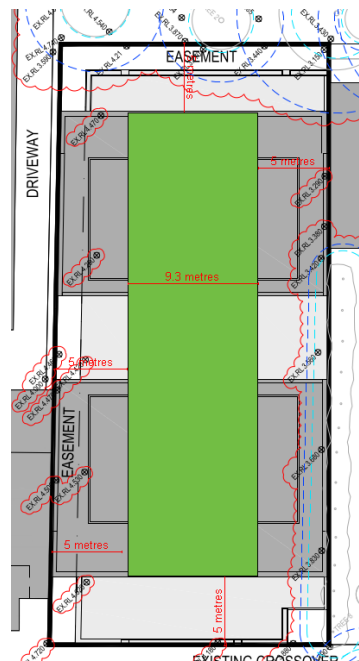


Figure 10 floorplate based on preferred setbacks (DTP markup)

82. The ground level is setback 1.37m from the Beach Street boundary which falls short of the preferred 0m setback under DDO5. The application outlines that the ground level is proposed to be pushed back in order to maximise street activation. The setback enables pedestrian movement, entry and egress while minimising obstruction of the



footpath. The setback will also accommodate exposed fire booster (rather than solid booster cupboards) to keep the street frontage open.

83. The podium levels above ground are setback 0m and will provide a defined street edge and passive surveillance from apartment balconies to further contribute to street activation.
84. The proposal is considered a significant improvement on existing conditions. The combination of podium form, articulation, materials and integrated façade planting are considered to establish a quality street wall. The pedestrian entry points and housing office space will provide visible activity within the ground level and contribute to improving the streetscape and public realm.
85. The design guidelines of the DDO5 and draft ACZ1 are summarised in the table below:

	DDO5 Requirement (Sub-precinct C)	ACZ1 (Precinct 1C: City Centre)	Comments	Compliance
Street Wall / Podium Height	12m	12m (3 storey) (preferred maximum)	12.62m – 13.59m (3 storeys)	
Height	38m	41m (12 storeys) (preferred maximum)	49.65m (14 storeys)	
Upper setbacks (above street level)	5m from the north, west and south	5 metres (preferred)	0m from east and west 5m from north and south	
Street setback	0m	0 metres (preferred)	1.37m at ground level 0m at levels 1-2	
Floor-to-floor heights		<ul style="list-style-type: none"> Ground level: 4m for all uses (preferred) Above ground level: 3.5m for all uses (preferred) Above street wall: 3.2m for residential (preferred) 	<ul style="list-style-type: none"> 5.4m ground level 3.425m - 4.175m above ground level 3.1m above street wall 	
Primary Active Frontage to Beach Street		80% of the site frontage be fitted with windows or entries with clear glazing, and a canopy / verandah to the site frontage.	<p>The frontage is made up of approximately 76% active elements including windows, entries and side access (i.e. 15m active of the 19.8m site frontage).</p> <p>A canopy is proposed to the site frontage.</p>	
Shadows		Solar access to be maintained to the entire southern footpath to the kerb line between 10am and 2pm on 22 September (preferred)	Solar impacts on 22 September throughout the day	

86. The decision guidelines of the DDO5 and draft ACZ1 are summarised in the table below:

DDO5 Decision Guidelines	Draft ACZ1 Decision Guidelines	Comment
Whether any variation to the preferred building height is consistent with the overall vision and objectives of the FMAC Structure Plan 2015 including the Built Form Principles which require the avoidance of visually dominant building forms adjacent to the city centre streets	Where an application proposes to exceed or vary any of the requirements in this schedule, whether the development meets or provides for as many of the following as possible: - The proposal presents, or substantially facilitates an improved architectural	The proposal is consistent with the 2015 structure plan vision to provide for a range of housing choices that are close to everything and deliver opportunities for walking, cycling or public transport use as well as providing for provide for people-oriented streets with high quality



and public spaces, the retention of solar access to footpaths on the opposite side of street and public spaces and the avoidance of overshadowing and overlooking.

- outcome.
- Any shadow cast by additional built form is within or does not significantly exceed the overshadowing requirements for the Precinct.
 - Greater building separation than the minimum requirement in this schedule.
 - Communal or private open space provision that exceeds the minimum standards in Clauses 55.07 and 58.
 - Demonstrable and significant benefits are provided to the wider community.

architecture that encourages passive surveillance.

The proposal will reinforce human scale with a podium-tower design, retain a level of solar access to the street, provide active frontages and weather protection.

Shadow cast by additional built form does not significantly exceed the overshadowing requirements for the Precinct compared with the preferred building height.

The proposal provides demonstrable and significant benefits in the form of affordable housing which makes up 100% of proposed dwellings.

Whether compliance with the requirements of the schedule is achievable having regard to the size, shape, orientation and topography of the site and the location, type and condition of existing vegetation.

The setback requirements seeking 5m from the side and rear boundaries are not readily achievable given the dimensions of the subject site. These setbacks would not provide for workable floorplates and would make the site undevelopable.

The amenity impacts on any adjoining land particularly with respect to overshadowing, overlooking and visual bulk.

- Whether the proposal acceptably mitigates off-site impacts such as visual bulk, overlooking and overshadowing to adjacent land including the public realm, public open space or adjacent residentially zoned properties relative to a compliant scenario.
- The effect of the development on the amenity of nearby properties and the public realm, particularly in regard to visual impacts, overlooking and overshadowing.
- How potential on and off-site amenity impacts have been mitigated through measures including the design, location and siting of the proposed development.

The proposal includes measures to suitably restrict unreasonable overlooking and the building orientation provides for primary outlook to the north car park and south over Beach Street. The adjacent properties are not residential and do not have the same level of amenity as residential uses.

The proposal will prepare the east interface for equitable development against proposed boundary walls. Until the adjoining site is developed the proposal will provide an attractive interface with fluted façade panels and quality materials.

- Whether the proposal provides housing for diverse household types.
- Whether the development provides for affordable housing and its management and maintenance.

The proposal provides demonstrable and significant benefits in the form of affordable housing which makes up 100% of proposed dwellings.

87. Clause 71.02-3 – ‘Integrated Decision Making’ of the planning scheme requires the decision-maker to integrate the range of policies relevant to the issues to be determined and balance conflicting objectives in favour of net community benefit and sustainable development for the benefit of present and future generations.
88. The proposal does not strictly meet all numerical parameters of the current built form controls and proposed ACZ1. However, it is considered a significant development which facilitates new affordable housing stock that will contribute to meeting existing and future needs whilst delivering quality architecture and design.
89. The applicability of Clause 53.23, which specifically allows the responsible authority to waive or vary any requirement relating to building height or setbacks, is an indicator of the significant benefit that the proposal would deliver.
90. The decision guidelines of Clause 53.23 require consideration of the views of the OVGA. The OVGA has advised that the overall height and setbacks are generally appropriate.

Tribunal Decisions

91. The council cited decisions of the Tribunal with regard to weight given to the FMAC Structure Plan, 2023. The following observations are made in relation to these decisions.

Franky Investment Pty Ltd vs Frankston City Council VCAT 559 dated 14 June 2024 (89 Young Street).

92. The Franky Investment decision notes that built form guidance within the planning scheme for the part of the Activity Centre around 89 Young Street is limited and there is no specific DDO or policy provision in the scheme that provides guidance on intended building height and form. As such, the Tribunal's findings were based on the 2023 Structure Plan. The Tribunal also noted that there is overall consistency between the 2023 Structure Plan and the 2015 Structure Plan.

93. In contrast, the subject site has built form guidance in the form of the DDO5 which relates to the 2015 structure plan.

94. The Tribunal found that the 2023 structure plan should be given weight and the proposal before the Tribunal was to be considered in terms of whether it would be so inconsistent with the 2023 Structure Plan and C160fran such that it would have the potential to defeat their purpose.

95. The Tribunal cited *Lyndale & Black Pty Ltd v Melbourne & Metropolitan Board of Works* ('Lyndale & Black') 1 PABR 207; (1983) 7 APA 470 which outlines that the weight that should be given to a draft planning scheme amendment (or similar) will vary according to a number of factors including:

- The stage of the planning scheme amendment process.
- The seriousness with which implementation is being pursued.
- Whether the grant of a permit would impair the objectives of the draft planning scheme amendment and not merely be inconsistent with the strict letter of the draft planning scheme amendment.
- The nature of the development or use for which a permit is sought.

Pace Development Group Pty Ltd v Frankston CC VCAT 645 dated 12 July 2024

96. The Pace Development Group decision notes that built form guidance within the planning scheme for the part of the activity centre around 89 Young Street is limited and there is no specific DDO or policy provision in the scheme that provides guidance on intended building height and form. As such, the Tribunal's findings were based on the 2023 Structure Plan.


97. The Pace Development site is affected by the DDO14 which is an interim control, gazetted 27 October 2023 under planning scheme amendment C164fran. The DDO14 is generally consistent with controls proposed by draft amendment C160fran and is based on the 2023 FMAC Structure Plan. In this case there is a clear requirement for the Tribunal to consider the later structure plan.

98. The interim DDO14 was brought in to manage development outcomes while permanent planning controls proceed through a planning scheme amendment process, and to provide immediate protection from inconsistent development occurring that will prevent future built form controls from fully achieving their purpose. The same interim control was not introduced for the subject site and surrounding area.

99. The Tribunal noted that:

100. ...*Given the provisions in DDO14 are predominantly derived from the Structure Plan, 2023, we do give it some weight in our deliberations.*

100. The Tribunal found that the Pace Development Group proposal did not achieve an acceptable outcome partly due to the sensitivity of the area at the periphery of the FMAC and the proposed built form that would have significant visual bulk impacts on sensitive features including Kananook Creek and nearby dwellings and their areas of open space that back onto the creek. In contrast, the subject site at 11 Beach Street is not within the sensitive Kananook Creek area, nor proximate to dwellings. Rather the subject site is centrally located in the commercial metropolitan activity centre.



101. Overall, the Tribunal decisions referred to by the council are not considered directly comparable to the subject site and proposal. As discussed throughout this report, the 2023 Structure Plan has been considered, however, the assessment has primarily been based on current planning controls and policy.

Design Detail

102. The proposal responds to the relevant design detail requirements of the DDO5 as follows:

- The building façade is articulated through:
 - The wind vent at level 8 including colour applied to the soffit and columns to emphasise the break in the building form. This has been detailed in the urban context report and a permit condition will require further detail on plans. This will also address the council's recommended condition for the wind vent to better integrate with the overall building design.
 - Window and door openings and balconies.

The council has recommended plans include confirmation of clear glazing to ground level, within all podium levels to Beach Street and to the easement / bike access to maximise passive surveillance. This is considered acceptable and will be included.
 - Landscaping across the podium levels.
 - Mixed materials including a scalloped facade finish to east and west boundary walls. The presentation of this finish will change throughout the day as shadows define the depth of the scallop detail (refer figure 11).
 - Recesses including voids from level 3 up.

The council has recommended articulation of the east and west walls through the considered use of windows, awnings, balconies and other architectural treatments and design detailing in association with additional setbacks. As discussed above, the boundary walls are considered acceptable and it is not appropriate to include windows, balconies etc. to boundary walls. The scallop detail and voids are considered acceptable to articulate the tower.
 - Revealed columns to the front and rear façade running the full height of the building above podium.
- The upper levels include lighter materials with simple finishes including scalloped pre-cast concrete in 'White Brightonlite Cement', Metal cladding in a soft white colour ('Surfmist Matt'), clear and neutral glazing.
- The building entry fronts the street and is clearly defined and legible as viewed from the public realm with the use of round airlock doors and clear glazing that provides views through to the residential lobby.

The council has recommended the ground level bike access gate and fencing/walling facing Beach Street have a minimum permeability of 75%. This will be included as a permit condition.
- Appropriate communal areas are provided in the form of a ground floor community meeting room, communal lounge and terrace at level 1, ground floor residential lobby and circulation with office space provided for the community housing provider.
- Basement car parking and access will be screened via a section door, setback 6m from the street boundary.



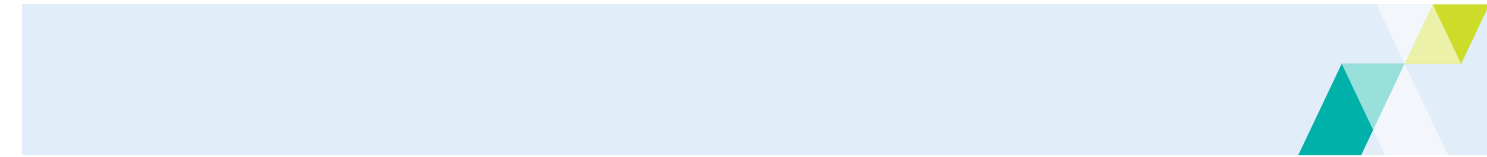
Figure 11 fluted tower wall detail

103. The council has recommended conditions requiring redesign of the north and south tower elevations to better integrate with the podium design.
104. The north and south tower elevations are considered acceptable. The approach of integrating a greater level design detail to the podium which is pedestrian scale and able to be viewed at closer range compared with a simpler treatment to the tower, which would be viewed from greater distances is considered appropriate.
105. Building services have been thoughtfully designed and are considered acceptable given:
 - Internal waste areas are located at ground level to the rear of the building, away from streets and public spaces.
 - The proposed development includes dedicated loading at ground level in a concealed position adjacent to the building core.
 - Fire booster cabinets are exposed to minimise solid elements that may reduce street activation and movement. This minimises impact on the public realm and will not dominate the pedestrian experience.
 - Plant is generally located on the roof, the basement and centrally at ground level. This ensures appropriate concealment and incorporation with the building to ensure visual impacts are minimised.
 - The vehicle access is setback from the main façade and includes doors positioned away from the street edge to minimise visual prominence and ensure the pedestrian entry is the primary focus.
106. Overall, the design detail including building services will provide a high quality outcome and positive pedestrian experience.

Amenity and Microclimate

Amenity Impacts (internal and offsite)

107. The subject site is generally surrounded by commercial development and will not impact sensitive uses.
108. The proposal provides no setbacks to the side boundaries which is considered to provide opportunity for the neighbouring sites to mirror this response. The site forms part of a small block within the Beach Street streetscape. As such, the mirroring of 0m setbacks for 11 and 13 Beach Street is not expected to result in unreasonable visual bulk subject to appropriate articulation and dependent on any future design detail.
109. The west adjoining properties to Nepean Highway are oriented differently to the subject site and the property at 405-409 Nepean Highway has been consolidated, providing a much larger area to accommodate side and rear setbacks should it be redeveloped in future.

- 
110. Similarly, most properties located within the same block as the subject site have been consolidated and are larger, providing greater capability to respond to preferred site and rear setbacks.
111. Accordingly, it is considered that the 0m side setbacks of the proposal will not create unfair development opportunity for nearby properties.
112. Due to the position and location of balconies, there will not be unreasonable direct or inappropriate views from the site. The sides of balconies are to be clear glass but are positioned to look north and south over the north adjoining car park and to Beach Street. This directs views away from the adjoining east and west commercial properties. This is considered sufficient to address overlooking given the non-sensitive adjoining uses and primary outlook for balconies.
113. Rooms facing the internal light wells have windows that have limited openings to provide restricted directional views outward. Fluted glass will be used at low-level of windows to provide privacy, with vision glass at high-level to provide outlook and maximise daylight.
114. Habitable rooms are configured to receive natural light with windows located in external walls. The development is designed with east and west light wells that will provide daylight to bedrooms.
115. The proposal prioritises daylight to living areas which are positioned to the north and south. A number of bedrooms will face light wells with comparably lower levels of daylight. This is considered to optimise daylight access by positioning the living spaces, occupied for longer daytime periods, to have higher daylight levels whilst bedrooms, generally occupied for fewer daylight hours, will face light wells.
116. The applicant has provided daylight modelling which shows that show that:
- Under existing conditions, all bedrooms achieve a daylight factor of at least 0.5% to 90% of the floor area.
 - If the adjoining site at 13 Beach Street is developed with a building of the same height as the proposal and constructed to the shared boundary, 86% of bedrooms would achieve a daylight factor of at least 0.5% to 90% of the floor area.
117. The daylight modelling shows that the proposal responds to the BESS Indoor Environment Quality (IEQ) category which requires the daylight to achieve more than 80% of the total number of bedrooms with a daylight factor greater than 0.5% to 90% of the floor area in each bedroom.
118. Overall, the proposal is considered to provide an acceptable daylight outcome.
119. The council has recommended a permit condition requiring an assessment to address potential reflected glare from the proposed building. Planning Practice Note 96 (Planning Considerations for Reflected Sunlight Glare) notes that reflected glare risk is greater for developments that utilise glass and polished cladding as opposed to matt, rough or textured finishes that tend to diffuse reflectivity.
120. Given the proposal is largely concrete including scalloped/curved concrete to the east and west boundary walls, it is considered that the risk of unreasonable glare impacts is low. Accordingly, it is recommended that conditions require external finishes not cause unreasonable glare and that the façade strategy confirms this.
121. The council has recommended a permit condition requiring the 'corridor' be deleted so that the community housing provider's office can be expanded. This is considered unreasonable as the corridor provides safe pedestrian access, separate to the vehicle entry, to the substation, residents moving area, and waste room allowing transfer of bins to collection vehicle. The corridor is considered a practical safety feature and is acceptable.
122. A detailed Clause 58 assessment is included at Appendix 1.

Overshadowing

123. Shadow diagrams show that the proposal will affect the footpaths and southern properties on Beach Street. These include a service station and office buildings. No public parks will be affected.



124. The DDO5 requires consideration of shadow consistent with the FMAC Structure Plan 2015 which includes a built form principle that new development should maintain sunlight to footpaths on the opposite side of the street and adjacent public spaces.
125. The draft ACZ1 seeks solar access to be maintained to the entire southern footpath to the kerb line between 10am and 2pm on 22 September. Given the preferred height of 41m in the draft ACZ1 it is not considered feasible that this will be achieved. The *FMAC Structure Plan: Urban Design and Planning Assessment, Tract, 2022* provides a technical assessment that has partly informed the FMAC Structure Plan, 2023. The Urban Design and Planning Assessment includes massing and shadow testing that shows that significant setbacks would be required, greater than the 5m preferred minimum, to achieve solar access to the southern footpath within the specified heights (refer Figures 12 and 13). The assessment notes that *testing demonstrated that sunlight is achievable in this period whilst allowing for generous building envelopes. Future development on the north side of Wells Street and Beach Street are impacted most by the sunlight requirement as they are narrower than other streets and buildings cast a shadow to the south.*

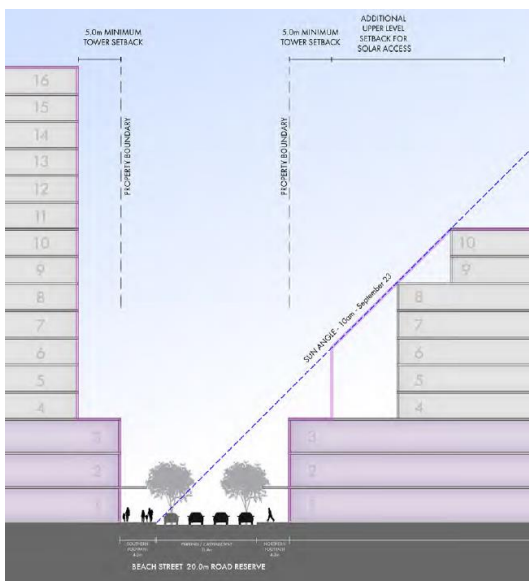


Figure 28. Beach Street Cross Section - Proposed building heights and sun angle

Figure 12 Beach Street section for shadows from FMAC Structure Plan: Urban Design and Planning Assessment, Tract, 2022



Figure 13 Beach Street massing for shadows from FMAC Structure Plan: Urban Design and Planning Assessment, Tract, 2022

126. The building occupies a small mid-block site which presents challenges in relation to overshadowing of the southern footpath. Given the narrow footprint of the building and therefore limited size of shadow to the footpath the proposal is considered acceptable.
127. As noted above, the proposal is considered to respond to the decision guidelines of the draft ACZ1 which require the balancing of variations to requirements in this schedule against demonstrable and significant benefits provided to the wider community.
128. The proposal is considered to respond to the DDO5 being the current and primary built form consideration.

Wind

129. The wind report prepared by MEL Consultants, dated 6 June 2024, confirms that subject to mitigation measures, the proposal will:
- meet the safety comfort criterion
 - provide for walking wind comfort in the streets surrounding the development.
 - Achieved standing comfort wind conditions at the main entrance along Beach Street.

- Achieve walking and standing comfort wind conditions on upper level balconies.

130. The mitigation strategies recommended by MEL Consultants to achieve the above wind conditions include venting a level midway up the tower and balustrade heights of 1.8m on the west side of balconies facing the beach. These mitigation strategies have been reflected on the plans.

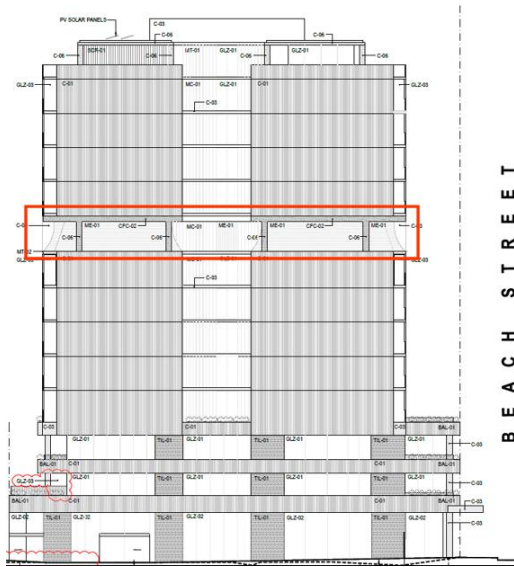


Figure 14 west elevation (wind vent outlined)



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AN

Bird mesh to blind venting level

Colour applied to the soffit and columns to emphasise the break in the building form

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Figure 15 Upper level render showing wind vent

Weather Protection

131. The proposal includes a canopy over the Beach Street footpath which includes a cut-out to accommodate a street tree and has a height clearance of approximately 5m. The council has recommended a permit condition to ensure that the street canopy covers the footpath only and avoids overhang of the nature strip. This is considered appropriate and will be included.
132. This responds to the draft ACZ1 which seeks canopies/verandahs to be at an appropriate height above the footpath.
133. The council has noted that the development proposes a canopy which will encroach into the airspace of Beach Street which is a Crown/Government Road, and as such the occupation is governed by the Land Act 1958. Certain structural and architectural elements, including canopies, have been exempted from requiring specific tenure by the Governor in Council. The council has recommended a permit condition to require the preparation of an agreement under section 173 of the Act to provide for public liability insurance, indemnity for the council and continuity of appropriate maintenance to ensure the continued safety of the structure and any risk to public safety is minimised.



Figure 16 Beach Street canopy

Landscaping

134. Landscaped areas are proposed within the development at ground level, within the podium level terraces, at level 3, and the rooftop planters at the base of the eastern and western voids.
135. The landscape response includes areas of raised planters and planter boxes with a range of plant species chosen for their various positions and light availability throughout the development.
136. It is not considered appropriate or necessary to provide landscape setbacks and deep soil planting zones due to the context of the site in the FMAC where higher density is generally sought.
137. The council has recommended landscaping conditions which will be included in the permit.
138. Further assessment of landscaping is included at Appendix 1.

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

Car Parking

139. The proposal generates a requirement for 63 spaces and provides a total of 20 car spaces.
140. The proposed reduction of 43 car spaces is considered acceptable given the site is located within the FMAC, along the Principal Bicycle Network (PBN), and has excellent access to everyday services promoting sustainable transport use.
141. The site provides more than the required bicycle parking spaces which will facilitate bicycle use and somewhat compensate for the car parking reduction.
142. Empirical evidence included within the submitted traffic report suggests that average car ownership rates for affordable housing development ranges from 0.27-0.63 car spaces per dwelling. The proposal includes car parking for residents at a rate of 0.32 spaces per dwelling which falls within the range of demand expected to be generated.
143. It is noted that the council's traffic engineer considers the proposed parking provision acceptable.
144. The submitted traffic report confirms that the proposed development is predicted to generate an additional vehicle 10 movements during peak hours, which is equivalent to an average of one additional vehicle movement



approximately every six minutes. This level of traffic is expected to have minimal impact on the operation of the surrounding road network.

145. The proposal generates a requirement for 18 bicycle spaces and provides 71 spaces. As such, a permit is not required under Clause 52.34.
146. Clause 65.01 of the Planning Scheme states that the responsible authority must consider the adequacy of loading and unloading facilities.
147. The plans identify an area at ground floor for residents to temporarily park vehicles when moving in or out. This space will accommodate small delivery/loading vehicles (i.e. vans). It is considered appropriate for large delivery vehicles to utilise nearby on-street parking. This is consistent with the majority of residential developments of this scale.


Waste

148. Waste collection will occur via a private contractor kerbside along the Beach Street frontage.
149. The council has objected to the proposal partly based on the method of waste management and the location of the waste collection point on Beach Street due to safety, management and amenity concerns.
150. Specifically, the council's waste department comments note the following key matters:
 - Bins larger than 240 litres are not able to be collected from kerbside and collection must take place on site.
 - Chutes are only provided for waste and recycling. Chutes for other streams such as glass or organics should be provided.
 - Section 3.5. Signage of the WMP should be amended to delete the wood stirrers / chopsticks from the organics signage, as there may be issues with the processor of the material once service is established.
 - It will be the property manager's responsibility to educate and ensure all residents are provided with the relevant information regarding the waste management system and sustainability strategies of the proposed development.
151. Conditions will be included on the permit to require additional waste chutes and updated signage.
152. Section 5.3 of the WMP confirms that it will be the responsibility of the property manager to ensure all residents are provided with the relevant information and materials regarding the waste management system and sustainability strategies of the proposed development. Relevant information will be provided at the waste areas to ensure that all users will operate and maintain safe practice when utilising the waste facilities.
153. The WMP notes that it will be the responsibility of the building manager or the private contractor to transfer bins between the waste store and the collection truck. The waste vehicle will prop temporarily on street whilst the bins are emptied.
154. It is recommended that conditions of permit require the WMP include specific measures to mitigate impacts from kerbside waste collection including specific collection times within off-peak times whilst maintaining the amenity of the development and surrounding area to ensure no unreasonable noise impacts.
155. Subject to conditions, the waste management plan is considered acceptable.

Environmental Risks

Flood Mitigation

156. The proposal is considered to respond to the objectives of the SBO to ensure that development will not cause any significant impacts to flood levels and to protect water quality.
157. The applicant has advised that pre-application flooding advice from Melbourne Water was that the site is not subject to flooding. Alternatively, pre-application flooding advice from South East Water identified a flood level of RL3.58m.

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158. The proposed building adopts the RL3.58 flood level with the addition of 600mm freeboard allowance (i.e. minimum ground finished floor level of RL4.18m) to mitigate any flood risk.
159. The applicant was referred to Melbourne Water, who supported the proposal subject to conditions which will be included on any permit issued.

Sustainability

Environmentally Sustainable Design (ESD) and Water Sensitive Urban Design (WSUD)

160. In accordance with Clause 15.01-2L-01, a Sustainability Management Plan (SMP) and Green Travel Plan have been provided.
161. The submitted SMP demonstrates the proposal includes a variety of sustainability measures, including:
- Achieves an average NatHERs rating of 7 stars ensuring good building energy efficiency, and minimum 6 star rating is targeted.
 - Rainwater harvesting and re-use.
 - Energy efficient building services to reduce the electricity consumption greenhouse gas emissions.
 - Building services that minimise solar load, heat transfer and air infiltration, while providing plentiful natural daylight to bedrooms and living areas.
 - Solar Photovoltaic systems to generate on-site clean energy, using a rooftop solar photovoltaic system with a minimum 5kW, which minimises reliance of fossil fuels.
 - Design for health and wellbeing including low toxicity materials, fresh air intake, acoustic comfort, natural daylight, views, maximise thermal comfort.
 - Waste management strategies, construction waste management through specification of resilient building materials that will reduce requirements for replacement and repair, 90% of construction waste diverted from landfill, and provision of an operational waste management plan.
 - Has been designed to ensure that all apartments have appropriate access to natural daylight.
162. It is noted that the council's ESD officer has reviewed the application and has no objection subject to conditions to ensure that plans confirm:
- Rainwater tanks are connected to all toilet flushing and irrigation areas.
 - Double glazing to all living and bedroom area windows.
 - Solar PV panels location and size.
 - An 'ESD Schedule' with details of dwelling star ratings, energy and water efficiency ratings for heating/cooling systems and plumbing fittings and fixtures, solar PV panels, energy efficiency initiatives, lighting efficiency, natural ventilation, as well as, any waste recovery and use of sustainable materials commitments etc.
163. These conditions will be included on the permit.
164. The proposal responds to Clause 53.18 by:
- Providing water sensitive urban design measures, in the form of rainwater tanks connected to all toilet flushing and irrigation areas, that meet the best practice.
 - Providing landscaping to contribute to cooling
 - Confirming in the SMP that The Building Contractor will implement an Environmental Management Plan (EMP) to include the site management procedures to reduce the stormwater pollution during construction phase.



165. Overall, the proposal provides an acceptable ESD outcome.

Other Matters

Clause 53.23 – Significant Residential Development with Affordable Housing

166. Clause 53.23-4 (Requirement before the grant of a permit) requires that, unless specified in clause 53.23-1, a permit must not be granted unless the owner of the land has entered into an agreement with the responsible authority under section 173 of the Act for the provision of affordable housing. Clause 52.23-1 allows the responsible authority to decide to not require an agreement to be entered into under Section 173 of the Act.
167. In this case the agreement under section 173 of the Act is deferred to after the grant of a permit and will be required by permit condition.
168. All of the proposed dwellings within the development are to be affordable housing which will be secured by the agreement.
169. The significant benefit to be delivered by the development is part of the justification for the proposal varying some built form controls.

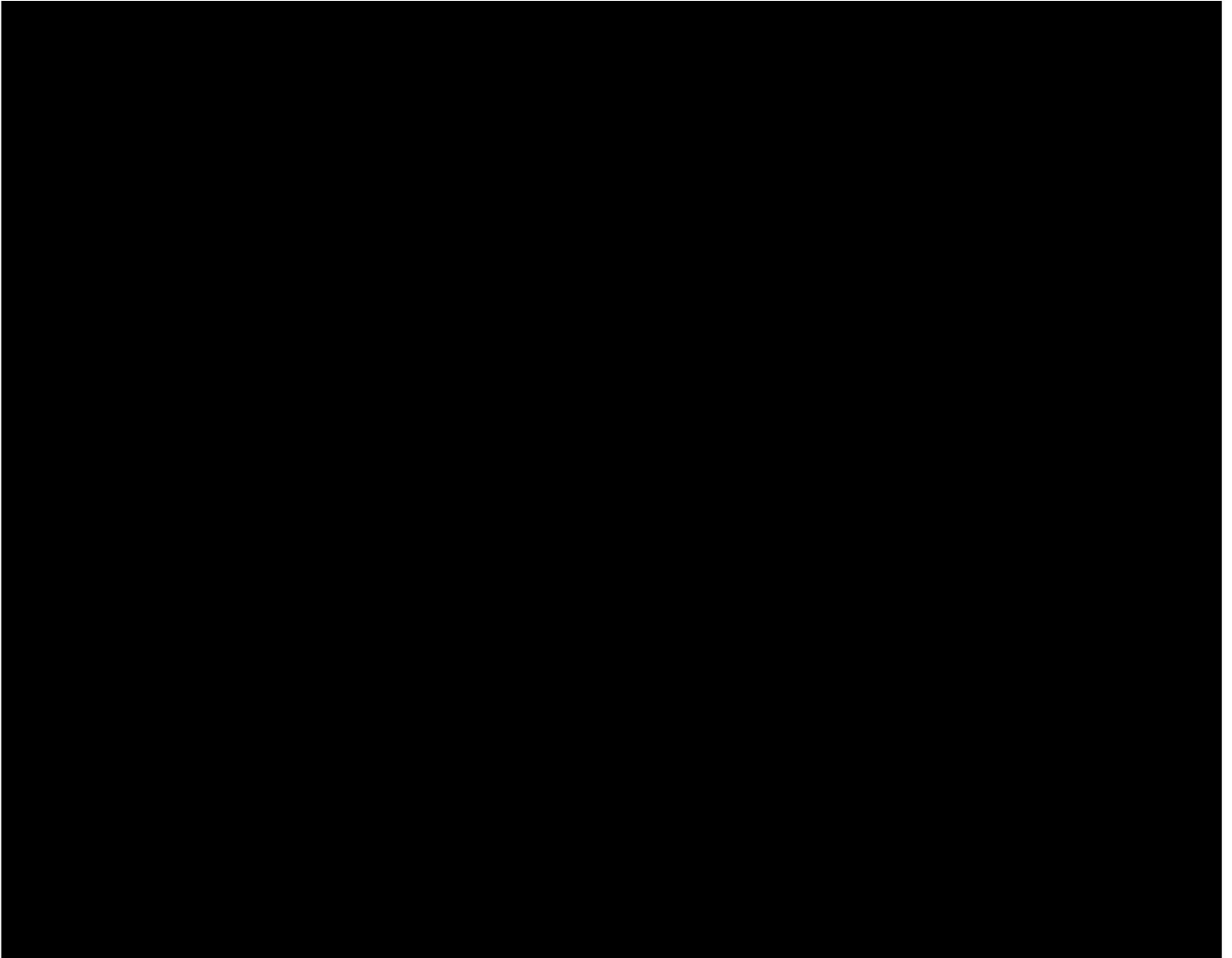
Cultural Heritage

170. An Aboriginal Cultural Heritage Management Plan under section 46 of the *Aboriginal Heritage Act 2006* is not required. While the proposed activity area is located within an area identified as being of cultural heritage sensitivity, the proposed activity is exempt as the subject site is less than 0.11ha in area and is not located within 200m of the coastal waters of Victoria or the Murray River.
171. In addition, the applicant has submitted a Significant Ground Disturbance Assessment / Summary to accompany their request which states that the site has undergone significant ground disturbance as defined by the Aboriginal Heritage Regulations 2018 and the proposed activity area is no longer considered to be an area of cultural heritage sensitivity. Therefore a mandatory CHMP is not required to be prepared and approved prior to the commencement of the proposed activity.

Recommendation



173. The proposal is generally consistent with the relevant planning policies of the Frankston Planning Scheme and will contribute to the provision of affordable housing within the Frankston Metropolitan Activity Centre area.
174. It is recommended that Planning Permit No. PA2402930 for the construction of buildings and works for a 14-storey apartment building and reduction to the car parking requirement at 11 Beach Street, Frankston be issued subject to conditions.
175. It is recommended that the applicant, the council and objectors be notified of the above in writing.



Appendix 1: Clause 58 Assessment



Clause 58 applies to the application to construct an apartment development given the apartment development more than five storeys and in a Mixed Use Zone.

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>	An urban context report and design response have been submitted.

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>	The urban context report includes an appropriate description of the site, surrounds and character.

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>	<p>The urban context report describes the design response in relation to key elements including podium and ground plane, tower, detail and materiality, lobby and communal areas, and apartments.</p> <p>The urban context report includes renders of the proposal in context of adjacent buildings.</p>



- *Derives from and responds to the urban context report.*
- *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 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"> • <i>To ensure that the design responds to the existing urban context or contributes to the preferred future development of the area.</i> • <i>To ensure that development responds to the features of the site and the surrounding area.</i> 	MET
Standard D1 <ul style="list-style-type: none"> • <i>The design response must be appropriate to the urban context and the site.</i> • <i>The proposed design must respect the existing or preferred urban context and respond to the features of the site.</i> 	COMPLIES The design response is appropriate to the urban context and the site having regard for the metropolitan activity centre setting and preferred character outlined in the DDO5 and draft ACZ1.

Residential policy objectives

Clause 58.02-2	Assessment
Objectives <ul style="list-style-type: none"> • <i>To ensure that residential development is provided in accordance with any policy for housing in the Municipal Planning Strategy and the Planning Policy Framework.</i> • <i>To support higher density residential development where development can take advantage of public and community infrastructure and services.</i> 	MET
Standard D2 <ul style="list-style-type: none"> • <i>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.</i> 	COMPLIES The submitted Clause 58 Assessment outlines that the proposal is consistent with residential policy objectives within state and local planning policy. The proposal provides a range of apartment typologies in a central location, supporting housing and affordable housing objectives. The Planning Report prepared by ProUrban outlines how the proposal responds to planning policy objectives including Clause 53.23, Plan Melbourne, Municipal planning strategy and the Frankston Housing Strategy, 2013.

Dwelling diversity objectives

Clause 58.02-3	Assessment
Objective <ul style="list-style-type: none"> • <i>To encourage a range of dwelling sizes and types in developments of ten or more dwellings</i> 	MET
Standard D3 <ul style="list-style-type: none"> • <i>Developments of ten or more dwellings should provide a range of dwelling sizes and types, including dwellings with a different number of bedrooms.</i> 	COMPLIES The development provides 62 apartments in a range of dwelling sizes, types and bedrooms ranging from 62m ² to 117m ² and including: <ul style="list-style-type: none"> • 29 x 1 bedroom apartments • 32 x 2 bedroom apartments



- 1 x 3 bedroom apartments

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. 	MET
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 <p>The proposed development is readily capable of being connected to all essential reticulated services which are accommodated in the basement, ground, mezzanine and level 13.</p> <p>The applicant has confirmed that all services will be provided to satisfaction of the relevant authorities.</p>

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. 	MET
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 <p>The building will be orientated to front Beach Street and is articulated with an extended frontage, single-lane car access, and a residential lobby with high architectural quality. Residents and visitors are provided with clear pedestrian, bike and car entry points with a strong sense of address to the building.</p> <p>Separated pedestrian and vehicular access, with multiple pedestrian entry points further support safety and accessibility, and activation on the street frontage.</p>

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. 	MET
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. 	COMPLIES <p>Living areas are proposed to be located on the northern and southern side of the development. This in addition to the</p>



- 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.

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).

orientation of the dwellings and void spaces on the eastern and western sides of the built form, all of which allow for additional solar access.

The submitted SMP confirms the site is in NatHERS Climate Zone: 62 Moorabbin Airport and proposed dwellings will not exceed the maximum NatHERS annual cooling load of 21 MJ/m².

Communal open space objective

Clause 58.03-2

Objectives

- 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.

Standard D7

- 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:
 - Accessible to all residents.
 - A useable size, shape and dimension.
 - Capable of efficient management.
 - Located to:

Assessment

MET

Whilst the provision of communal open space falls short of the standard, the proposal is considered acceptable given the site has excellent access to public open space. The site is within approximately 200m of Kananook Creek and 300m of Frankston Foreshore and associated reserve.

VARIATION

The proposal requires 155m² of communal open space.

The proposal includes an internal residential community meeting room on the ground floor (32m²) connected to an outdoor communal terrace (36m²). On level 1 there is an internal communal resident's lounge (50m²) connected to an outdoor resident's terrace (37m²). The total communal area provided for residents amounts to 155m², 82m² internal and 73m² external.

The communal spaces and terraces provide opportunities for passive surveillance over the north adjoining car park and Evelyn Street. The space provides outlook for residents to the street and adjacent Bayside Shopping centre and is designed for minimal noise impacts on adjoining dwellings.



- 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.

The external areas are appropriately landscaped and accessible for all residents.

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 	MET
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 Outdoor communal areas are located on the north side of the development and receive adequate sunlight. Shadows The level 1 outdoor terrace is 37m ² in total and 22m ² of that is in sunlight between 9am and 3pm on 21 June. This exceeds the minimum requirement of two hours of sunlight to at least 18 m ² (i.e. 50% of the terrace area).

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 	MET
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 The proposed development creates an urban environment that is safe and secure, ensuring occupants and visitors feel safe to move around the building and dwelling at any time. The entrances are clearly identified from the street. The western bike access path will have passive surveillance from the extensive glazing along the ground level west elevation which interfaces with the residential lobby.

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. 	MET
Standard D10 <ul style="list-style-type: none"> • Development should retain existing trees and canopy cover. • Development should provide for the replacement of any 	VARIATION Under Standard D10 the proposal would require canopy cover to 5% of site area (41m ²) with at least 1 Type A tree (4m canopy x



significant trees that have been removed in the 12 months prior to the application being made.

- **Development should:**
 - 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:
 - 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.
 - 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	350 square metres plus 20% of site area	15% of site area

6m height) and 41.5m² of deep soil.

The proposal includes:

- 31m² of deep soil to the rear (north) setback
- Five 6m x 2m trees to the rear setback at ground level
- Three 4m x 4m trees to the first floor rear communal terrace
- Three 3m x 2m trees to the first floor rear communal terrace
- Two 10m x 4m trees in the east and west voids at level 3.
- Three 5m x 3m trees in the front planters at level 3.

It is not considered appropriate or necessary to provide deep soil planting zones due to the activity centre context and the higher density sought in this location.

The development provides a quality landscape response through the provision of climbers, ground coverings, and raised planter boxes with shrubs and trees which can reach a mature height of 3-6m.



metres or more above 2,500 square metres
 Include at least 2 Type B trees or 1 Type C tree

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 4.5 metres)	1 metre
C	121 square metres (min. plan dimension 6.5 metres)	64 cubic metres (min. plan dimension 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 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

Objectives

- 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.

Standard D11

- 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,

Assessment

MET

COMPLIES

Vehicle access to the development is provided from a single-width crossover to Beach Street, reduced from the existing double width crossover. The proposal creates a new crossover to better service the development and kerb and nature strip will be reinstated. This will also increase the extent of on-street parking.

Noting the site's frontage spans a distance of 19.6m, the single-width 3.4m wide crossover is compliant as it occupies 17% of this dimension.

emergency and delivery vehicles.

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.	MET
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 <p>Car parking is conveniently provided within the two basement levels of the development, well separated from any sensitive land uses.</p> <p>Car parking areas near the proposed development will not affect habitable rooms.</p>

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.	MET
Standard D13 <ul style="list-style-type: none">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:<ul style="list-style-type: none">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 <p>The proposed development includes:</p> <ul style="list-style-type: none">A 10kL rainwater tank connected to the tower roof for rainwater collection and used for toilet flushing and landscaping irrigation.Water sensitive urban design to increase stormwater infiltration and improve the quality of stormwater before it enters to the drainage system. <p>The STORM Rating calculation has been undertaken and demonstrates best practice compliance.</p>

Building setback objectives

Clause 58.04-1	Assessment
Objectives <ul style="list-style-type: none">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.	MET



- 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.

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 building is considered to provide acceptable side and rear setbacks.

Primary living areas have been located to the north and south to avoid direct views into potential future apartments which will also provide for outlook, enhanced solar accessibility and sufficient daylight.

The setbacks are considered to respond to the constraints of the site and its context within the FMAC.

Adequate daylight will be afforded as discussed further below.

Internal views objective

Clause 58.04-2	Assessment
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<p>Objective</p> <ul style="list-style-type: none"> • To limit views into the private open space and habitable room windows of dwellings within a development. 	MET
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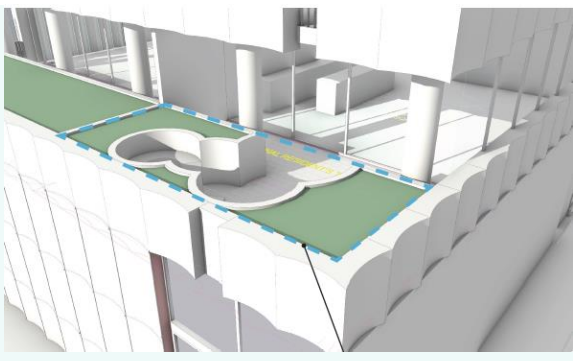
<p>Standard D15</p> <ul style="list-style-type: none"> • Windows and balconies should be designed to prevent overlooking of more than 50 per cent of the private open space of a lower-level dwelling directly below and within the same development. 	<p>COMPLIES</p> <p>Due to their position and location, balconies will not have direct or inappropriate views into other balconies on the site.</p> <p>Bedrooms facing the internal light wells have windows that have limited openings to provide limited directional views outward.</p> <p>Fluted glass will be used at low-level of windows to provide privacy, with vision glass at high-level to provide outlook and maximise daylight.</p>
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Vision glass at high-level to provide outlook & maximise daylight

Fluted glass at low-level to provide privacy

The council recommended a permit condition to reformat the communal resident terrace area of Level 01 to 'square off' the planter box areas and ensure no overlooking to the adjoining Apartment 03. The submitted sunlight plans for the communal terrace suggest that the planters are a height that would limit overlooking. It is recommended a condition require this to be demonstrated.



Noise impacts objectives

Clause 58.04-3	Assessment
Objectives	MET
<ul style="list-style-type: none"> To contain noise sources in developments that may affect existing dwellings. To protect residents from external and internal noise sources. 	

Standard D16	COMPLIES
<ul style="list-style-type: none"> 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: <ul style="list-style-type: none"> 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. 	<p>The proposed development has been designed to limit the impact of internal and external noise sources.</p> <p>The location of the primary building services on the ground floor, mezzanine and basement ensures noise sources are adequately contained.</p> <p>The subject site is approximately 50m from Nepean Highway which has an Annual Average Daily Traffic Volume of 30,000. Accordingly, the site is not within a noise influence area specified in Table D3.</p>

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	300 metres from the nearest



Daily Traffic Volume	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.

Wind impacts objective

Clause 58.04-4	Assessment				
<p>Objective</p> <ul style="list-style-type: none"> To ensure the built form, design and layout of development does not generate unacceptable wind impacts within the site or on surrounding land. 	<p>MET</p>				
<p>Standard D17</p> <ul style="list-style-type: none"> Development of five or more storeys, excluding a basement should: <ul style="list-style-type: none"> 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. 	<p>COMPLIES</p> <p>The proposal will not result in unsafe wind conditions.</p> <p>The proposal generally results in the following impacts:</p> <ul style="list-style-type: none"> Some locations on the Beach Street and Evelyn Street footpaths will go from standing to walking wind conditions. The north-west corner of the site will go from sitting to standing. The northeast corner will go from standing to walking. The rear council car park will go from standing to walking. Balconies will achieve safe wind conditions including a mixture of sitting, standing and walking conditions. <p>Mitigation measures suggested in the wind report include:</p> <ul style="list-style-type: none"> Venting a level midway up the tower. This has been incorporated into the building design. 1.8m high balustrades on the west side for balconies facing the beach (balconies B1, B2, B5 and B6) provide significant mitigation effect and improved amenity so that the wind conditions pass the sitting comfort criterion. The plans show full height glazing to these western balcony ends. Privacy screening for communal terraces add wind mitigation benefit to these areas. This is shown on plans. 				
<p>Table D6 Wind conditions</p> <table border="1"> <thead> <tr> <th>Unsafe</th> <th>Comfortable</th> </tr> </thead> <tbody> <tr> <td>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.</td> <td>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. </td> </tr> </tbody> </table>	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. 	
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. 				



Accessibility objective

Clause 58.05-1

Objective

- To ensure the design of dwellings meets the needs of people with limited mobility.

Standard D18

- At least 50 per cent of dwellings should have:
 - A clear opening width of at least 850mm at the entrance to the dwelling and main bedroom.
 - 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.
 - A main bedroom with access to an adaptable bathroom.
 - At least one adaptable bathroom that meets all of the requirements of either Design A or Design B specified in Table D7.

Table D7 Bathroom design:

	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	A clear circulation area that is: <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. The circulation area for the toilet and shower can overlap.	A clear circulation area that is: <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. The circulation area can include

Assessment

MET

COMPLIES

The submitted apartment schedule confirms that 95% of apartments comply with standard D18.



		a shower area.
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.

Assessment

Building entry and circulation objectives

Clause 58.05-2	Assessment
Objectives <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. 	MET
Standard D19 <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. 	COMPLIES <p>Access to the main building is provided via the street frontage through the lobby and internal walkway. These access points are highly visible and easily identifiable.</p> <p>The lobby area fronting Beach Street provides a distinct transition and sense of entry from the street into the residential building. This transition area provides a level of privacy due to the clear doors yet maintains clear sightlines from the main entrance to the rear of the lobby, and entry points to upper levels via lift and stairs, to support separation and safety.</p> <p>Corridors to dwelling entries are benefited by natural light provided via the light wells on the eastern and western sides of the building, including a seated area to provide outlook over the eastern void.</p> <p>The proposed development achieves a sense of personal address by an inviting architectural response to the entry and front door, leading to lifts stairs, and letter boxes in the lobby.</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 	MET <p>The proposed balconies exceed the minimum area specified in</p>



Standard D20

- A dwelling should have private open space consisting of at least one of the following:
 - 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.

Table D8 Balcony size

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

Table D9 Additional living area or bedroom area

Dwelling type	Additional area
Studio or 1 bedroom	8 square metres
2 bedroom	8 square metres
3 or more bedroom	12 square metres

Standard D20 and provide adequate open space for residents.

VARIATION

All proposed 2 and 3-bedroom dwelling typologies comply with standard D20.

The 1-bedroom dwelling typologies comply with standard D20, excluding apartment type A2.0 which makes up 9 apartments / 14% of the overall development.

Apartment type A2.0 is south facing, with a balcony depth of 1m and total area of 10.1m². As such, a minor reduction of 0.2m² to the depth dimension is sought. This reduction is considered acceptable given the minor extent of variation, the overall area of the terrace exceeds the minimum requirement of 9.5m² (8m² + 1.5m² for cooling unit), and the entire terrace is conveniently and directly accessible from both the main living area and bedroom.

The remaining balconies in the development range in area from 9.8m² to 30.03m². This accommodates cooling/heating units located on balconies.

Aside from Apartment Type A2.0, the dimension of balconies varies from 1.85m to 3.6m.

Storage objective

Clause 58.05-4	Assessment
Objective <ul style="list-style-type: none"> • To provide adequate storage facilities for each dwelling 	MET
Standard D21 <ul style="list-style-type: none"> • Each dwelling should have convenient access to usable and secure storage space. • The total minimum storage space (including kitchen, bathroom and bedroom storage) should meet the requirements specified in Table D10. 	COMPLIES The proposed development has been designed with convenient access to secure storage for each dwelling in accordance with Standard D21. A total of 44 apartments include external storage in addition to



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

internal storage. This is provided on level 2 which includes a storage room with 44 resident storage cages.

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. 	MET
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 All communal areas such as the car park, lift, refuse area, lobby and pedestrian corridor, communal outdoor spaces area all practically designed, attractive and will be easily maintained.

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. 	MET
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 All site services would be adequate in size and strategically positioned to ensure they can be accessed and maintained. Fire boosters are located in the front setback adjacent to the building entry. The substation is located central to ground level with adequate space for access. Mailboxes are secure and internally located within the lobby. Mailboxes would be easily accessible.

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, 	MET



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.

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

Waste management facilities are integrated into the design of the development to ensure the appropriate collection and transport of waste.

Each dwelling shall be provided with bins for temporary storage of general waste, recycling, organic waste, and glass.

Residents will place general landfill waste in tied plastic bags and dispose of bagged garbage in garbage chute in each level.

As noted above, it is recommended that bin chutes be provided for organic waste and glass. This will be required by permit condition.

Waste collection will occur via a private contractor kerbside along Beach Street. It will be the responsibility of the building manager or private contractor to transfer bins between the waste store and the collection truck.

External walls and materials objective

Clause 58.06-4

Objectives

- To ensure external walls use materials appropriate to the existing urban context or preferred future development of the area.
- To ensure external walls endure and retain their attractiveness.

Assessment

MET

Standard D25

- External walls should be finished with materials that:
 - Do not easily deteriorate or stain.
 - Weather well over time.
 - Are resilient to the wear and tear from their intended use.
- External wall design should facilitate safe and convenient access for maintenance.

COMPLIES

The proposal utilises carefully considered materials to respond to the emerging character for the area.

The Urban Context Report confirms that:

The design uses materials that are durable, robust & cost effective. This allows the building to age gracefully and minimises long-term maintenance costs for the future operator. Simple techniques of profiled coloured panels for the upper levels & integrated planting for the lower levels brings visual interest to the design.



A condition of any permit issued will require façade details to confirm materials and maintenance considerations.

Functional layout objective

Clause 58.07-1	Assessment									
<p>Objective</p> <ul style="list-style-type: none"> To ensure dwellings provide functional areas that meet the needs of residents 	<p>MET</p>									
<p>Standard D26</p> <ul style="list-style-type: none"> Bedrooms should: <ul style="list-style-type: none"> Meet the minimum internal room dimensions specified in Table D11. Provide an area in addition to the minimum internal room dimensions to accommodate a wardrobe. 										
<p>Table D11 Bedroom dimensions</p> <table border="1"> <thead> <tr> <th>Bedroom type</th> <th>Minimum width</th> <th>Minimum depth</th> </tr> </thead> <tbody> <tr> <td>Main bedroom</td> <td>3 metres</td> <td>3.4 metres</td> </tr> <tr> <td>All other bedrooms</td> <td>3 metres</td> <td>3 metres</td> </tr> </tbody> </table>	Bedroom type	Minimum width	Minimum depth	Main bedroom	3 metres	3.4 metres	All other bedrooms	3 metres	3 metres	<p>VARIATION</p> <p>The bedroom and living areas for all 1 and 2 bedroom dwellings comply with the requirements outlined in Table D7 and D8.</p> <p>There is one adaptable dwelling proposed on Level 13 which provides a smaller third bedroom/study which could be utilised for a child. This bedroom has a width of 2.376m and falls short of the 3m minimum by 0.6m. This is somewhat offset by and exceedance in length, measuring 3.6m.</p> <p>The proposed variation is considered acceptable given this applies to a single 3 bedroom (rather than 1 or 2 bedroom) apartment and given the compliance of other bedrooms and apartments throughout the development.</p>
Bedroom type	Minimum width	Minimum depth								
Main bedroom	3 metres	3.4 metres								
All other bedrooms	3 metres	3 metres								
<ul style="list-style-type: none"> Living areas (excluding dining and kitchen areas) should meet the minimum internal room dimensions specified in Table B13. 										
<p>Table D12 Living area dimensions</p> <table border="1"> <thead> <tr> <th>Dwelling type</th> <th>Minimum width</th> <th>Minimum area</th> </tr> </thead> <tbody> <tr> <td>Studio and 1 bedroom dwelling</td> <td>3.3 metres</td> <td>10 sqm</td> </tr> <tr> <td>2 or more bedroom dwelling</td> <td>3.6 metres</td> <td>12 sqm</td> </tr> </tbody> </table>	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	
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
<p>Objective</p> <ul style="list-style-type: none"> To allow adequate daylight into single aspect habitable rooms 	<p>MET</p>
<p>Standard D27</p> <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. 	
	<p>All habitable rooms within each dwelling comply with the requirements outlined in Standard D27.</p> <p>The largest living/kitchen/dining room dimension is 7.56m which is within the allowable 9m depth.</p>

Windows objective

Clause 58.07-3	Assessment
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<p>Objective</p> <ul style="list-style-type: none"> To allow adequate daylight into new habitable room windows. 	<p>MET</p>
<p>Standard D28</p> <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. 	<p>COMPLIES</p> <p>All bedrooms are configured to receive natural light via windows, or for internal bedrooms, from the central voids.</p> <p>All habitable rooms have a window in an external wall.</p> <p>A number of bedrooms from Level 3 up face light wells which are open to the sky and provide daylight.</p> <p>Daylight modelling has been undertaken to show that:</p> <ul style="list-style-type: none"> Under existing conditions, all bedrooms achieve a daylight factor of at least 0.5% to 90% of the floor area. If the adjoining site at 13 Beach Street is developed with a building of the same height as the proposal and constructed to the shared boundary, 86% of bedrooms would achieve a daylight factor of at least 0.5% to 90% of the floor area. <p>It is considered appropriate to ensure living areas face north and south to ensure optimal daylight and outlook, whilst bedrooms face light wells.</p> <p>Overall, the proposal is considered to provide an acceptable daylight outcome.</p>

Natural ventilation objectives

<p>Clause 58.07-4</p>	<p>Assessment</p>
<p>Objectives</p> <ul style="list-style-type: none"> To encourage natural ventilation of dwellings. To allow occupants to effectively manage natural ventilation of dwellings. 	<p>MET</p>
<p>Standard D29</p> <ul style="list-style-type: none"> The design and layout of dwellings should maximise openable 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: <ul style="list-style-type: none"> 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. 	<p>COMPLIES</p> <p>The proposed development provides adequate natural ventilation with 65% of dwellings having a compliant breeze path.</p> <p>Openable windows and doors have been maximised throughout the development for all apartments, providing appropriate ventilation.</p>