

73, 75-83 High Street and 1 Charles Street, Prahran Planning Application PA2504118

Planning Assessment Report



Planning Assessment Officer Report
Development Assessment



Department
of Transport
and Planning

OFFICIAL

Executive Summary



Key Information	Details		
Application No:	PA2504118		
Date lodged in POL	12 December 2025		
Applicant:	JN High Street Development Pty Ltd c/- Human Habitats		
Planning Scheme:	Stonnington		
Land Address:	73, 75-83 High Street and 1B Charles Street Prahran		
Previous VCAT review	<i>JN High Street Development Pty Ltd v Stonnington CC [2025] VCAT 8</i>		
Proposal:	Use and development of the land for a multi-storey building comprising 41 dwellings and a retail premises		
Development Value:	\$56.2 million		
Why is the Minister responsible?	In accordance with the schedule to Clause 72.01 of the Planning Scheme, the Minister for Planning is the Responsible Authority for an application made under Clause 53.23 Significant Residential Development with Affordable Housing.		
DFP eligibility criteria in accordance with 53.23	Category	1	
	Sector	Residential development with affordable housing	
	Land use	Residential / Accommodation	
	Location	Metropolitan (Stonnington City Council)	
	Alignment with the DFP threshold/criteria	Yes - Proposal is for more than \$50 million and an affordable housing contribution of 10% of the total number of dwellings is intended to be provided. The proposal has written advice from Invest Victoria confirming the likely financial feasibility of the proposal.	
Why is a permit required?	Clause	Control	Trigger
Zone:	37.08-2	Activity Centre Zone 1 (ACZ1)	Use the land for retail premises
	37.08-5	Activity Centre Zone 1 (ACZ1)	Use the land for dwellings Construct a building or construct or carry out works
Overlays:	44.05	Development Contributions Plan Overlay (DCPO1)	No permit trigger
Particular Provisions:	52.06	Car Parking	No permit trigger
	53.06	Live music entertainment venues	No permit trigger
Cultural Heritage:	A CHMP was not required as the land is not within an area of cultural heritage sensitivity.		
Total Site Area:	1,582 sqm		
Height	8	Storeys excluding plant and rooftop terrace	
	31.7 metres	Metres	
Land Uses:	41 dwellings 559.7 sqm retail floor area		
Parking:	Cars	Motorcycles	Bicycles



	82	5	48
Referral Authorities:	Section 52(1)(B) notice of the application was given to Stonnington City Council.		
Advice sought:	Stonnington City Council		
Public Notice:	Notice of the application was undertaken by the applicant at the direction of DTP under delegation to the Minister for Planning by way of public notice signs on the frontages of the site, and letters sent to owners and occupiers of the adjacent and nearby allotments and Stonnington City Council. Following the notice period, 33 objections have been received.		
Delegates List:	Delegated 5 May 2026		



Background

1. The site currently benefits from Planning Permit 0934/23 which is related to the VCAT case *JN High Street Development Pty Ltd v Stonnington CC* [2025] VCAT 8 (7 January 2025), which authorised development of the land for offices and dwellings, and a reduction in car parking within a six storey building.
2. VCAT considered the development and use of a seven storey building accommodating shop, office, dwellings and associated basement car parking. On 7 January 2025 VCAT set aside the Council's decision to refuse the application and directed a planning permit be issued, subject to conditions.
3. The key findings of the Tribunal are summarised below:
 - Height:
 - ACZ1 sets a preferred max building height of 18 metres / 5 storeys.
 - The Tribunal supported some exceedance of this height, but found the 7 storey (24.3m) proposal still too high.
 - Outcome: Tribunal required deletion of one level (Level 4) to reduce height, improve transition to the lower-scale west heritage and north residential interfaces, and fit the ACZ1 built form gradation.
 - Tribunal accepted minor non-compliances with building envelope if impact is acceptable.
 - Visual Bulk & Streetscape:
 - Form must respect transitions: lower scale to west (heritage) and north (residential).
 - The bulk and visual impact needed to be reduced - deletion of Level 4 was considered by the Tribunal to achieve this.
 - Equitable Development:
 - Adequate side setbacks to the west were required for future development of the neighbouring site.
 - Tribunal found final setbacks acceptable.
 - Amenity Impacts:
 - Overlooking: Managed by setbacks, planters, screens.
 - Overshadowing: Acceptable given Activity Centre context and overshadowing mostly during early morning only.
 - Visual Bulk: Reduced with setbacks, articulation and deletion of Level 4.
 - Car Parking:
 - Reduction in parking for the shop approved.
 - Traffic impacts acceptable.
 - ESD:
 - Required to meet certain daylight, shading and sustainability conditions.
 - Tribunal added conditions for design tweaks (double glazing, spandrel panels, shading fins, landscape plans).
 - Public Realm Contribution:



- Streetscape works on Charles Street was regarded as a community benefit but not “significant” enough alone to justify large height exceedance.

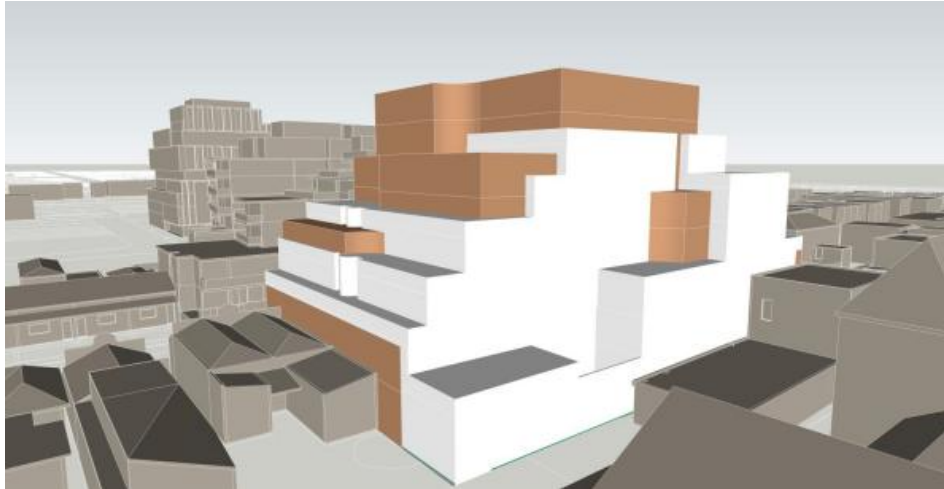


Figure 1: Massing comparison of north and west elevations (white = permitted; brown = proposed) (Source: Application)



Figure 2: Massing comparison of street facing elevations (white = permitted; brown = proposed) (Source: Application)

4. The response to the key matters raised by the Tribunal, is assessed later in this report.
5. The Tribunal also noted the land had in the past been used as a factory and included a condition on the permit requiring a Preliminary Risk Screen Assessment and Environmental Audit, if it is determined one is required, which will be included in any permit issued for the subject application.

Application Process

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

Milestone	Date
DFP Pre-application received	26 June 2025

**DTP Urban Design**

During the pre-application process, DTP Urban Design officers were supportive of the proposal, subject to the resolution of an outstanding matter regarding:

- A small number of deeper three-bedroom dwellings and apartments with elongated circulation will require further refinement to ensure robust daylight access, natural ventilation, and internal efficiency.

The proposal was not reviewed by OVGA during the pre-application process.

Decision Plans

Architectural Plans prepared by Tristan Wong Architecture, dated 23 January 2026

Landscape Plans prepared by Acre, dated 29 January 2026

Other Assessment Documents

Arboricultural Report prepared by Ajarboriculture, dated 13 November 2025

Town Planning Report prepared by Human Habitats, dated 5 February 2026

Sustainable Management Plan prepared by GIW Environmental Solutions, dated 27 January 2026

Traffic Engineering Assessment prepared by Traffix Group, dated 29 January 2026

Urban Context Report prepared by Tristan Wong Architecture, dated January 2026

Acoustic Report prepared by Acoustic Logic, dated 2 February 2026

Waste Management Plan prepared Traffix Group, dated October 2025

Environmental Wind Assessment prepared by MEL Consultants, dated 4 February 2026

7. The subject of this report is the decision plans (as described above).

Proposal Summary

8. Specific details of the application include:

- Construction of a 7 storey building containing 41 apartments and a ground floor retail premises. Shared basements accommodate car parking, storage and waste storage, as well as some bicycle parking and services. The primary bicycle parking area, as well as communal rooms and open space and other services, will be located at ground floor level.

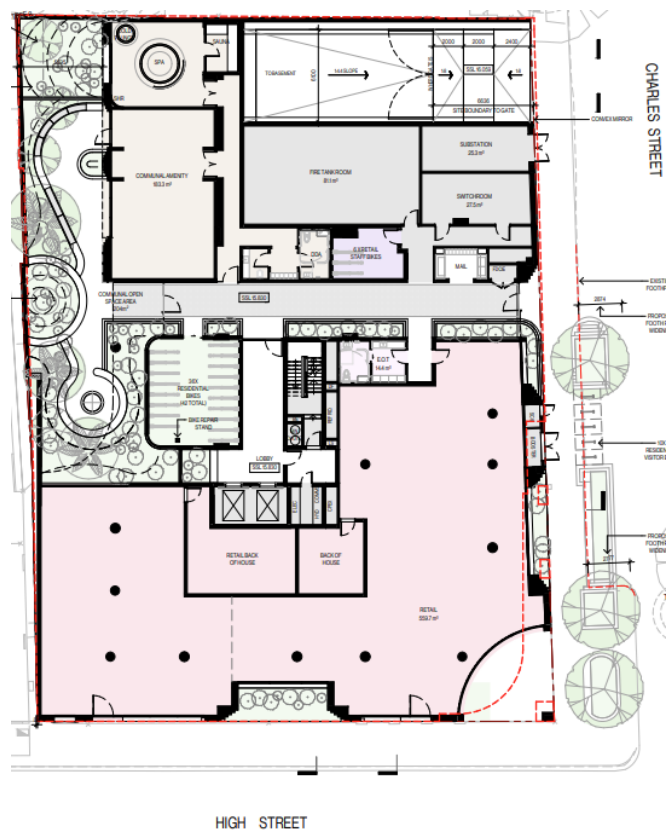
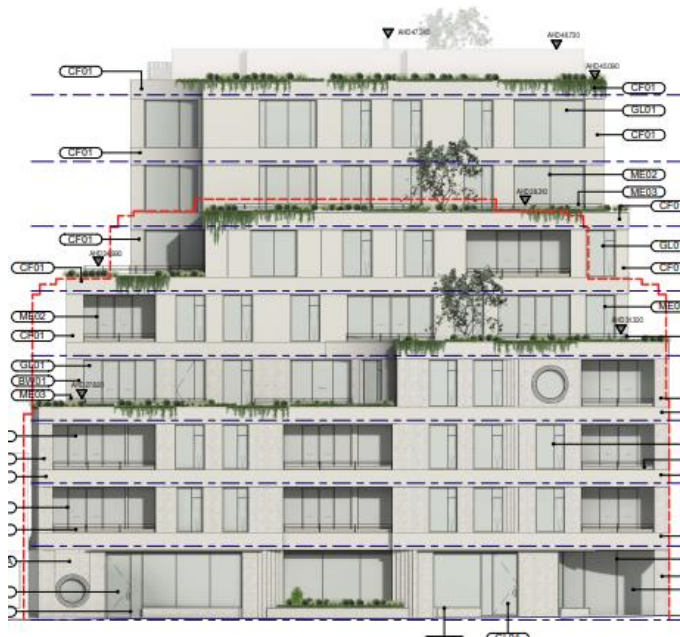
9. A contribution equivalent to the value of 10% of the proposed dwellings being delivered as affordable housing is proposed and will be required as a condition of any permit issued.

10. The proposal can be summarised as follows:

Key Information	Proposed	Approved (VCAT)
Dwellings	41 (14 two bedroom and 27 three bedroom apartments)	27 (10 two bedroom and 17 3+ bedroom apartments)
Commercial Floor Area	559.7sqm retail	486sqm office and 164sqm shop



Building Height	31.7 metres – 8 storeys	22.7m – 6 storeys
Setbacks:	North: 0 (ground) – 12 (roof) metres East: 0 (ground) – 3.4 (roof) metres South: 0 (ground) – 8.6 (Levels 6-7) metres West: 0 (ground) – 5.3 (roof) metres	North: 0 (ground) – 15.4 (Level 5) metres East: 0 (ground) – 4.2 (Level 5) metres South: 0 (ground) – 9 (Level 5) metres West: 0 (ground) – 4.4 (Level 5) metres
Car Parking Spaces:	82 in two level basement	82 in two level basement
Bicycle Parking Spaces:	48 at ground and basement 1 levels	56 at ground level
Loading and Waste arrangements:	Waste is proposed to be stored and collected at the basement level.	Waste is proposed to be stored and collected at the basement level.



Figures 3 and 4: South elevation and ground floor site plan (Source: Application). Red dotted line shows VCAT approval.

11. Key features of the proposal are:

- Retail premises at ground level fronting both High Street and Charles Street, with pedestrian access off High Street.
- A residential pedestrian entrance from Charles Street providing access to lifts and residential common facilities (communal open space, amenity room and spa/sauna) on the northwest side of the building at ground level. Bicycle storage, which will be located mainly at ground level, will also be accessed via this entrance, with an additional 6 spaces located in the basement 1 level.



Figure 5: Concept image of proposal High Street frontage (Source: Application)

- Levels 6 and 7 would be further recessed from the lower levels, with increased setbacks to all boundaries.
- Private open space will be in the form of balconies on upper levels.
- Private open space to the dwellings on Level 7 will also be provided on the rooftop, including swimming pools and outdoor amenity areas to each dwelling, accessed via stairs.
- Vehicle access will be by a vehicle crossing on the north side of the frontage to Charles Street, with a ramp leading to a two-level basement carpark, containing 82 car parking spaces and 5 motorcycle spaces. The basements would also include 6 resident bicycle spaces, storage cages, bin rooms and other building services.
- Common facilities for residents include:
 - A 183sqm communal amenity room, with spa and sauna.
 - 204sqm landscaped garden.
- External materials and finishes of the development include:
 - Grey brickwork and grey concrete finish to cladding to walls.
 - Balconies will feature grey metal balustrades.
- Building service rooms and fire fighting equipment are proposed on the ground floor elevation to Charles Street.
- All trees within the subject site, as well as the street trees in the Charles Street nature strip adjacent to the site, are proposed to be removed.

- Landscaping is provided within the proposed communal open space as well as in garden beds on the Charles Street and High Street frontages and around balconies on upper levels. The rooftop will also feature garden beds.
- The existing kerb outstand in Charles Street will be extended along part of the site frontage, with 3 replacement street trees proposed as well as bicycle hoops and seating.

12. The applicant has provided the following concept images of the proposal:



Figure 6: Concept image of proposal from north along Charles Street (Source: Application)



Figure 7: East elevation – red dotted line shows outline of existing permitted development (Source: Application)



Figure 8: West elevation – red dotted line shows outline of existing permitted development (Source: Application)



Figure 9: North elevation – red dotted line shows outline of existing permitted development (Source: Application)



Figure 10: Concept birds-eye image from northeast (Source: Application)



Site Description

13. The site is located on the northwest corner of High Street and Charles Street intersection in Prahran. It consists of three lots with frontages to High Street of 34.1m and 46.4m to Charles Street, with a total area of 1,582 sqm.



Figure 11: Aerial image of site (Source: Application)

14. The site has a rectangular shape and is flat. It is currently occupied by commercial and residential buildings (double storey) which are proposed to be demolished.
15. The lots comprising the site are formally known as:
- CP151248 and Lot 1 on TP865344 - 75-83 High Street
 - Lot 1 on LP38778 - 73 High Street
 - Lot 1 on TP826061 - 1B Charles Street
16. Lot 1 PS038778 and Lot 1 TP865344 are affected by party wall easements on their common boundary. Both easements (and the party wall) are contained wholly within the subject site, given it comprises both lots.
17. Lot 1 TP826061 is affected by a carriageway easement on the south boundary, which covers an existing vehicle accessway through 75-83 High Street to the rear of 1B Charles Street and 73 High Street. The accessway appears to be a former road which is still shown on the title plans for 1B Charles Street and 73 High Street, both of which are part of the subject land.
18. The land is not affected by a restrictive covenant or Section 173 Agreement.
19. A loading zone and onstreet parking is located along High Street in front of the site. The Charles Street frontage is dominated by a continuous vehicle crossing to 75-83 High Street, with a crossover also to the carriageway easement/accessway discussed earlier and a single onstreet carparking space in front of 1B Charles Street.
20. The kerb outstand at the corner of High Street and Charles Street adjacent to the site includes a council bench and bin, as well as the two street trees discussed earlier.

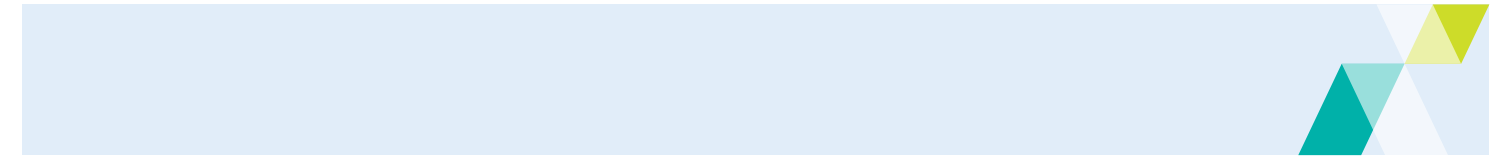
Site Surrounds

21. The site is located near the western edge of the existing South Yarra/Prahran Major Activity Centre centred around Chapel Street. It is also proposed to be rezoned to the Train and Tram Zone in Stage 2 of the Activity Centres Program, which will be discussed later in this report.
22. Lots along High Street in the area are generally occupied by a mix of commercial and residential buildings. Built form is generally double storey in height, although a taller multistorey character is emerging east of the site, of 4 – 8 storeys. Buildings in High Street east and opposite the site are typically built on or close to the street boundary, while to the west (with the notable exception of the adjacent lot 71 High Street) they are setback behind a front garden or parking area.
23. Lots along Charles Street are typically occupied by single storey dwellings, with some commercial buildings of 1-2 storeys in height. The different characters are reflected in the surrounding zoning, with Neighbourhood Residential Zone north of the subject site. Land east of the site and adjoining immediately to the west, as well as land opposite, is in the Activity Centre Zone. Further west of the site land is in the General Residential Zone.



Figure 12: Zone map for the subject site and surrounds. ACZ1 area is shown in light blue. Subject site outlined in red (Source: Application)

24. The site has a high level of access to shops, businesses, schools and parkland in the immediate area.
25. The site is within the Principal Public Transport Network (PPTN) area, with tram route 6 along High Street and Prahran railway station 300m walking distance east of the site.
26. Development surrounding the site can be described as follows:
 - To the **north** of the site is a residential property occupied by a single-storey dwelling with similar scale residential properties extending north along Charles Street.
 - To the **west** adjoining the site is a two-storey building accommodating a bar/art gallery, and a dwelling. Further west is the former Prahran Primary School, a heritage building which has been converted to residential use and contains a number of dwellings.
 - To the **south** on the opposite side of High Street are a mix of commercial and residential properties, 1-3 storeys in height. Directly opposite the site is the Prahran Hotel.

- 
- To the **east** on the opposite side of Charles Street, is an eight-storey building accommodating ground floor shop, a basement car park and dwellings on the upper levels ('LINX building').



Municipal Planning Strategy


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

Clause	Description
02.02	Vision
02.03-1	Settlement
02.03-4	Built Environment and Heritage
02.03-5	Housing

Planning Policy Framework

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

Clause 11	Settlement
11.01-1R	Settlement – Metropolitan Melbourne
11.01-1L-01	Settlement
11.03-1S	Activity centres and precincts
11.03-1R	Activity centres and precincts - Metropolitan Melbourne
11.03-1L-01	Activity centres
Clause 13	Environmental Risks and Amenity
13.01-3S	Urban heat
13.04-1S	Contaminated and potentially contaminated land
13.05	Noise
13.07-1L-01	Amenity
Clause 15	Built Environment and Heritage
15.01-1	Urban design – Metropolitan Melbourne
15.01-1L	Urban design
15.01-1L-02	Awnings
15.01-2S	Building design
15.01-2L-01	Building design
15.01-2L-02	Environmentally Sustainable Development
15.01-5	Neighbourhood character
Clause 16	Housing
16.01-1S	Housing supply
16.01-1R	Housing supply – Metropolitan Melbourne
16.01-1L-01	Housing supply and diversity
16.01-2S	Housing affordability
Clause 17	Economic Development
17.02-1S	Business
Clause 18	Transport
18.01-1S	Land use and transport integration
18.01-3S	Sustainable and Safe Transport
18.01-3L	Sustainable Transport
18.02-3R	Principal Public Transport Network
18.02-4S	Roads
Clause 19	Infrastructure
19.03-1S	Development contributions and infrastructure contributions



29. The assessment section of this report provides a detailed assessment of the relevant planning policies.

Statutory Planning Controls

Clause 53.23 Significant Residential Development With Affordable Housing

30. The purpose of Clause 53.23 is:

- To facilitate residential development that contributes to the provision of affordable housing to meet existing and future needs.
- To facilitate the redevelopment and renewal of public housing stock to meet existing and future needs.
- To facilitate residential development carried out by the State of Victoria or jointly or in partnership with the private sector, including via innovative funding, investment and partnership approaches.
- To facilitate residential development with high quality urban design, architecture and landscape architecture.
- To provide opportunities for non-residential use and development in association with residential development.

Activity Centre Zone

31. A planning permit is required to use and develop land for a retail premises and dwellings. A permit is only required for the dwellings on the second floor, as they are located below third floor on a Main Street (including High Street), as defined in the ACZ1 schedule.

32. The purpose of the ACZ is:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To encourage a mixture of uses and the intensive development of the activity centre:
 - As a focus for business, shopping, working, housing, leisure, transport and community facilities.
 - To support sustainable urban outcomes that maximise the use of infrastructure and public transport.
- To deliver a diversity of housing at higher densities to make optimum use of the facilities and services.
- To create through good urban design an attractive, pleasant, walkable, safe and stimulating environment.
- To facilitate use and development of land in accordance with the Development Framework for the activity centre.

33. An apartment development must meet the requirements of Clause 58.

34. The site is identified in the ACZ1 schedule as located in Precinct 3 – Prahran, which includes the following precinct objectives:

- To achieve a revitalised civic, entertainment and social core of the activity centre and enhance its role as a community, retail, commercial, social and residential hub.
- To encourage a mix of uses along Main Streets and Side Streets with active frontages and activities that requires interaction with customers, visitors and passers-by.
- To support a north-south regional shared path/bike link along the Sandringham railway line and/or adjacent streets.
- To retain and protect the historic core within the Precinct.
- To provide a safer walking environment and improve pedestrian amenity.

- Maintain, improve and provide new access and pedestrian links to existing open spaces such as the Princes Gardens.

35. The schedule to the zone ‘Chapel Street Activity Centre’ specifies discretionary requirements for building height (18m or 5 storeys), street wall heights, upper level setbacks and overshadowing of High Street. These are discussed further in the assessment section of this report.

Development Contributions Plan Overlay (DCPO1)

36. The purpose of the DCPO is:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To identify areas which require the preparation of a development contributions plan for the purpose of levying contributions for the provision of works, services and facilities before development can commence.

37. A permit granted must:

- Be consistent with the provisions of the relevant development contributions plan.
- Include any conditions required to give effect to any contributions or levies imposed, conditions or requirements set out in the relevant schedule to this overlay.

38. The site is subject to the Stonnington Development Contributions Plan.

39. Schedule 1 to the DCPO includes development and community infrastructure levies for both residential and retail development.

40. A condition will be included in any permit issued requiring payment of the levies, unless another arrangement for payment has been agreed to by Stonnington City Council.

Particular Provisions

Provisions that Require, Enable or Exempt a permit

Car parking

41. The proposal is within the Principal Public Transport Network and a Category 3 area in the *Car Parking Requirement Maps* (Department of Transport and Planning, 2025).

42. The total statutory carparking rate required under Clause 52.06-5 is shown in the following table:

Use	No.	Rate	Car parking measure	Total spaces required
Dwelling	41	0 - minimum 2 - maximum	To each dwelling	0 minimum 82 maximum
Retail	559.7 sqm	None specified	N/A	
Total				82

43. The number of spaces for a retail premises is not specified in the table and therefore under Clause 52.06-6, the number of car parking spaces must be provided to the satisfaction of the responsible authority.

44. It is noted the car parking requirements changed under Amendment VC277, which came into operation after the application was lodged.

45. Pursuant to Clause 52.06-12, transitional provisions do not apply for the minimum number of car spaces as:

- The minimum number of car parking spaces for dwellings is less than the number required under the previous clause. As noted above, the minimum number of carspaces for dwellings is zero.
- Retail premises is not a use specified in Table 1 to the current clause.

46. The maximum car parking requirement also does not apply as the application was made before the amendment came into operation.

47. Irrespective of the transitional provisions, a planning permit is not required to reduce the number of car parking spaces required or exceed the maximum number of spaces under Clause 52.06-5. The number of car parking spaces for the proposed retail use will be assessed in the assessment section of this report.

Bicycle facilities

48. Clause 52.34 sets out the following requirements for the different components of the proposed development.

Use	No.	Requirement	Total
Dwelling (four or more storeys)	41	1 space per 5 dwellings for residents	8
		1 space per 10 dwellings for visitors	4
Retail	559.7 sqm	1 space to each 300 sq m of leasable floor area for employees	2
		1 space to each 500 sq m of leasable floor area for visitors	1
Total			15

49. The proposal meets the requirements of the clause, including provision of 48 bicycle spaces, comprising 36 residential spaces and 6 retail spaces at ground level, as well as 6 residential spaces in the Basement 1 carpark. 10 visitor spaces are also proposed in the Charles Street road reserve, as part of the proposed public realm works.

50. End of trip facilities are shown at the rear of the retail premises.

General Requirements and Performance Standards

51. Clause 53.03 prohibits residential development that is connected to reticulated gas service. In accordance with this provision if a permit is to issue a standard condition will require:


Any new apartment development allowed by this permit must not be connected to a reticulated gas service (within the meaning of clause 53.03 of the relevant planning scheme). This condition continues to have force and effect after the development authorised by this permit has been completed

52. Clause 53.06 applies to the construction of a building associated with a noise sensitive residential use (dwellings) that is within 50m of a live entertainment venue. The proposed building will be within 50m of the Prahran Hotel, which is a live entertainment venue.

53. Under Clause 53.06-3 a noise sensitive residential use (dwelling) must be designed and constructed to include acoustic attenuation measures that will reduce noise levels from any:

- Indoor live music entertainment venue to below the noise limits specified in the Environment Protection Regulations under the *Environment Protection Act 2017* and the incorporated Noise Protocol (Publication 1826, Environment Protection Authority, November 2020)
- Outdoor live music entertainment venue to below 45dB(A), assessed as an Leq over 15 minutes.

54. The acoustic report includes an assessment against these criteria and found compliance with Clause 53.06 is achieved, and is discussed further in the Assessment section of this report. As the proposal complies with the criteria, a permit is not required under this clause.

- 
55. Clause 53.18 includes stormwater management requirements for urban development. The clause includes standards and objectives with Standard W2 (Stormwater Management Objectives for Buildings and Works) and Standard W3 (Site Management Objectives) relevant to the application. The performance of the proposal against these standards is assessed in a later section of this report.

Other Strategic Considerations

Plan for Victoria

56. Plan for Victoria (DTP 2025) is the strategic land use plan for all of Victoria, providing guidance for more homes to be created near transport, job opportunities and essential services in vibrant, liveable and sustainable suburbs, towns and regions over the next 30 years
57. The Plan includes setting targets for new housing, which have been implemented in Clause 16.01-1S under Amendment VC283 on 2/9/2025.
58. The target for Stonnington is to construct 50,000 new dwellings by 2051. The number of dwellings in Stonnington was 59,607 in the 2021 ABS census.

Activity Centres Program

59. The Activity Centres Program implements Action 2 of Plan for Victoria, which is to :

Implement new planning controls to streamline planning in activity centres

- *The zones and overlays in planning schemes will be adjusted to ensure there are enough realisable development opportunities for 2.24 million homes in well-serviced locations, freeing up the development industry to deliver the homes we need.*
 - *The introduction of new planning controls in and around the 60 identified Activity Centres will unlock supply for 360,000 new homes in well-located areas close to services and jobs, along train and tram lines across Melbourne.*
60. The site is currently proposed to be rezoned to the Train and Tram Zone in Stage 2 of the program, with a proposed maximum building height of 8 storeys. The lot adjoining the site to the west, as well as lots opposite in High Street and Charles Street, are also proposed to be similarly rezoned. As noted earlier, land adjoining the site to the north is proposed to be rezoned to the Housing Choice and Transport Zone (inner catchment). This zone will provide the potential for development to 6 storeys.
61. Phase 2 consultation of this Activity Centres Program stage was conducted in February-March 2026 and feedback is currently being reviewed, with implementation scheduled for mid-2026.
62. Stage 1 of the program was gazetted 31/3/2026 under Amendment GC270, which implemented new built form and height controls and applying those controls to the core of each activity centre, generally through new schedules to the Built Form Overlay (BFO). GC270 also applied the Housing Choice and Transport Zone (HCTZ) to the catchments of each activity centre.
63. The amendment also amended Clauses 11.03, 15.01, 16.01, to remove policy that is inconsistent with the built form controls contained within the BFO and HCTZ and add policy which supports the implementation of the Train and Tram Zone Activity Centres Program.



Referrals

64. No referrals were required for the application under Section 55 of the *Planning and Environment Act 1987*.
65. The proposal was informally referred internally to DTP Urban Design and the 3D Visualisation team, who provided the following comments:

DTP Urban Design

66. DTP Urban Design recommended amended plans be submitted demonstrating overlooking to the north be mitigated in accordance with the VCAT permit for apartments 2.08 and 2.09, preferably in the form of increased planter depths to their north-facing terraces. Internal overlooking measures were also recommended between apartments 1.09 and 1.01. These measures will be included as conditions on any permit issued.
67. The performance of the proposal against the strategic direction of the Activity Centre Program was also assessed, particularly in relation to the interface to the north, which is proposed to be rezoned to the Housing Choice and Transport Zone. This zone will provide the potential to 6 storeys.
68. The setbacks to the north boundary were assessed as satisfactory and will not inequitably impact the redevelopment of the adjoining land.
69. No further comments were provided in relation to the depth of the 3 bedroom apartments. It is noted the applicant seeks a variation to Standard D27 of Clause 58 and this will be assessed later in this report.

DTP 3D Visualisation team (shadowing):

70. DTP's 3D Visualisation team reviewed the shadow diagrams and found them to be accurate. Comparative shadow diagrams were prepared based on the existing endorsed plans and proposal, as well as comparative views. These are shown in the assessment section of this report.

DTP 3D Visualisation team (wind review):

71. DTP's 3D Visualisation team also reviewed the wind study and provided the following comments:
 - Given the approach speeds from the west would be reduced by existing taller built form, and the east shielded by built form of a similar height, a full wind tunnel test is not required.
 - Local wind conditions on High St are expected to increase but remain within walking comfort, and wind conditions outside entrances are expected to satisfy standing comfort criterion, which is acceptable.
 - Wind conditions along Charles St are expected to satisfy the walking comfort criterion, and conditions outside the recessed entry, to satisfy standing comfort criterion, which is acceptable.
 - Private balconies and the private roof terraces are expected to satisfy between sitting and walking comfort criterion, which is acceptable as these are not communal spaces.
 - Ground level communal open space is expected to satisfy sitting comfort criterion, which is acceptable.

DTP Transport

72. Comments were also received from the transport section of Department of Transport during the preapplication process, with two conditions recommended to be placed on the permit in relation to the protection of tram infrastructure on High Street during construction.



Municipal Council Comments

73. Council acknowledged the improved architectural expression and quality, articulation, massing composition and modulation of the facades, relative to the existing permit. It objected to the proposal, however, and raised the following concerns in a letter dated 16 March 2026:

Stonnington City Council objection ground and comments	Recommendation
Building height and scale is inconsistent with the intended built form transition along High Street as set out in ACZ1, which anticipates a reduction in height west of the railway line. Increased height and associated bulk will likely detract from the established and preferred streetscape character Additional height is expected to exacerbate visual bulk and amenity impacts to the low scale residential interface to the north	The proposed building height and scale is considered satisfactory and is assessed in the Assessment section of this report.
While future rezoning or a Built Form Overlay may in time contemplate higher built form outcomes, the current planning framework and VCAT decision remain the relevant and determinative context for assessment	There has been significant changes to planning policy since the VCAT decision, including a new state planning strategy <i>Plan for Victoria</i> .
The existing conditions forming part of Planning Permit No.934/23 should be used as a reference to inform the drafting of conditions for the new proposal.	The existing conditions will be used as a reference.

74. Council also recommended a reduction in overall height and upper level mass to align with the current planning permit for the site, including the approved 6 storey built form outcome.

Notice

75. Notice of the application was given by a sign on each site frontage and letters to the owners and occupiers of adjoining properties in February-March 2025. 33 submissions were received and are discussed under 'Community concerns' below.

Community concerns

76. Objections have been raised on the following grounds:

Key matters raised in objections	Recommendation
No Strategic /Policy Change to Justify Uplift & Departure from/bypasses/undermines Recent VCAT Outcome <ul style="list-style-type: none"> • Would undermine current community consultation for Activity Centres • No net community benefit 	There has been significant changes to policy since the VCAT decision, including a new state planning strategy <i>Plan for Victoria</i> . It is acknowledged the Activity Centres strategic work currently underway proposes changes to zones and built form – it is however consistent with broader strategic policy directions which have already been implemented in the Planning Scheme, as discussed in this report.
Excessive Height , Building Bulk and Transitions in height with other buildings <ul style="list-style-type: none"> • Location on edge of activity centre • Doesn't comply with ACZ1 	Building height and massing, including its performance against the ACZ1, is assessed in the Assessment section of this report.
Visual Dominance and Streetscape Impacts are Out of Character	Streetscape impacts, particularly the transition in street wall heights and setbacks, are assessed in the Assessment section of this report.
Overshadowing and broader amenity impacts to adjoining properties (equitable development, overshadowing , privacy) <ul style="list-style-type: none"> • Amenity and equitable development of adjoining properties • Overshadowing <ul style="list-style-type: none"> ○ Overshadowing of Charles Street and 	Overshadowing, equitable development and overlooking are assessed in the Assessment section of this report. The proposed vehicle access is onto Charles Street, which is consistent with ACZ1 policy to have car parking in basements, as well as policy for vehicle access to be avoided on main streets. Vehicle headlights when exiting the site are to be expected and reasonable in urban areas.



adjacent properties	
<ul style="list-style-type: none">• Overlooking• Car headlights from basement egress location	
Charles Street Streetscape and Tree Loss	The Charles Street interface, including materiality, and proposed tree removal onsite and in the road reserve is assessed in the Assessment section of this report.
<ul style="list-style-type: none">• Lack of articulation• Materiality stripped back – lack of quality, lack of response to area	
Proposed works in road reserve will encumber future shared path/bike link in Charles Street	Council has not raised any concerns with the proposed works in the road reserve and therefore it is considered the proposal will not conflict with any plans for a future shared path/bike link in Charles Street.
Affordable Housing Trigger Questioned and Misuse of Ministerial / DFP Pathway (Process Concern) and Notification Concerns, not orderly planning/decision consistency, undermines integrity of planning decision making	The proposal is eligible for the Clause 53.23 pathway, as assessed earlier in this report.
Lack of dwelling diversity – no one bedroom apartments	The proposed 2 and 3 bedroom dwellings will provide greater diversity to the dwelling mix, particularly in apartment form and is considered satisfactory.
Lack of information in landscape plan, including dimensions, about planting viability	The landscape plans provided are conceptual and detailed landscape plans will be required as a condition of permit.
Overpopulation, density in the area Overdevelopment	The proposed increase in dwellings is consistent with state and local policy housing objectives and is not regarded as overdevelopment.
Traffic impact on Charles Street and intersection with High Street	Traffic impacts have been assessed in the Assessment section of this report and are supported by a Traffic Engineering Assessment. Council and DTP Transport have not raised any concerns regarding the additional traffic generated by the proposal.



Key Considerations

77. The following are deemed the key considerations in assessing the acceptability of the proposal:
- The Municipal Planning Strategy and Planning Policy Framework of the Stonnington Planning Scheme.
 - Strategic direction and land use.
 - Built form, including building heights and setbacks.
 - Amenity impacts.
 - Landscaping.
 - Car parking and access.
 - The previous Tribunal decision.
 - Clause 58 assessment – refer to Appendix 1 for a detailed assessment against Clause 58.

Strategic Direction and Land Use

78. Housing for all Victorians is one of the 5 key pillars of *Plan for Victoria*. Directions for housing are to enable:
- a. More homes
 - b. Greater diversity
 - c. Affordable and fair housing
 - d. More housing and choice across regional Victoria
 - e. Innovative building solutions.
79. The proposal is regarded as consistent with the strategic directions to provide more housing closer to transport and jobs, in *Plan for Victoria*. The proposal is also regarded as consistent with the proposed strategic direction for the area in Stage 2 of the Activity Centres Program, and more broadly with shift in state policy direction to provide more housing closer to transport and jobs, in *Plan for Victoria*.
80. 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.
81. The relevant Municipal Planning Strategy (MPS) and Planning Policy Framework (PPF) policies have been considered in assessing the application, particularly the strategic importance of the site in the South Yarra/Prahran Major Activity Centre and direction for higher density housing to locations with access to existing infrastructure and transport connections.
82. The proposal is consistent with the ACZ1 strategic directions, which encourage provision of housing at higher densities and for development that responds to the existing urban fabric and preferred character of the area. The proposal will also feature retail at ground floor level, as well as pedestrian entrance to Charles Street, providing active interfaces with both street frontages. The proposed 2 and 3 bedroom dwellings will also contribute to a diversity of housing opportunities and the road reserve works and affordable housing contributions will also deliver community benefits.

Built Form

83. The ACZ1 schedule provisions have been considered in the application. The following variations required are described in the following table:

ACZ1 requirement	Required	Proposal	Assessment
Preferred building height	18.0 metres (5 storeys)	31.7 metres (8 storeys)	Variation required
Preferred street wall height and upper storey setback (High Street)	12.0 metres, with upper storey setback 4.0 metres above the street wall	11.5 – 15.0 metres, street wall	Street wall: Variation required Upper setback: Complies
Preferred street wall height and upper storey setback (Charles Street)	12.0 metres, with upper storey setback 4.0 metres above a height of 21.0 metres	8.3 – 15 metres, with upper storeys setback 2 – 3.3 metres	Street wall: Complies Upper setback: Variation required
Preferred boundary wall height to north boundary and upper storey setbacks	Maximum height of 9.5 metres, with a 45 degree upper building envelope angle above.	8.3 metres height, 45 degree upper building envelope angle not met	Wall height on boundary: Complies 45 degree upper building envelope angle: Variation required
Overshadowing of High Street footpath on south side	No overshadowing between 10.00am and 3.00pm on 22 September	Small amount of overshadowing between 10.00 and 10.30 am	Variation required

84. The current provisions in the zone schedule, including those relating to the South Yarra/Prahran Major Activity Centre, are based on the *Chapel reVision Structure Plan 2013-2031 (City of Stonnington/Hansen Partnership, September 2015)* which was implemented in 2017 under Amendment C172.

Building height (ACZ1)

85. The proposed building height is regarded as satisfactory as follows:

- The 7th and 8th storeys will be setback further into the site than lower levels (8m to High Street, 3.2m to Charles Street, 5-9m to west boundary and 12-15m from north).
- The building massing includes incremental recessions and removal of some building mass along the northern and western interfaces than in the existing permit. This will be more sensitive to adjoining properties.
- The proposal will result in an improved built form to the existing permit. As noted by Council “the proposal demonstrates improved architectural expression, articulation, and modulation of the facades” and “the massing strategy consolidates upper level forms with sculpted, double-height volumes and removes the previous repetitive ‘stepping’ form criticised by VCAT.”
- The proposal will be similar in height to the LINX building (87 High Street), on the opposite side of Charles Street. The parapet level at the top of the proposed building will be 1.9m higher, or 4.2m higher in total height including the walls between private open space on the rooftop.
- The site is not on the immediate edge of the activity centre. The adjoining lot to the west is also within the activity centre and currently provides a transition in building height with the existing residentially zoned lots further to the west, noting these are proposed to be rezoned to the Housing Choice and Transport Zone in Phase 2 of the Activity Centres Program.

Street walls and upper storey setbacks (ACZ1)

86. The proposed street walls and upper storey setbacks are regarded as satisfactory as follows:

High Street (south)

- Only the eastern part of the High St façade exceeds 11.5m, which will provide a transition between the higher street wall to the east along High Street, with a lower street wall height on the building adjoining to the west of the site along High Street. This is shown in Figure 13 below.
- The proposal meets the upper level setback requirement of 4m.

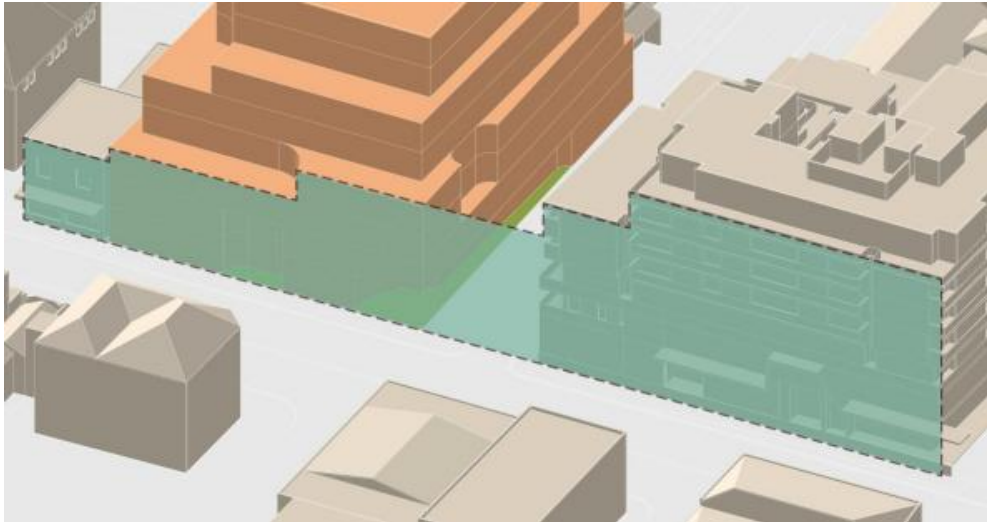


Figure 13: Proposed High Street street wall transition (Source: Application)

Charles Street (east)

- The proposed street wall height will be less than existing permit, which has a street wall along Charles Street of 5 storeys.
- The street wall will transition to 15m (4 storeys) toward the north boundary, with a further step down to 8.3m (2 storeys) on the boundary.
- The proposal will have a similar street wall height as the building on the opposite side of Charles Street.
- A cutaway section will provide articulation as well as landscaping opportunity



Figure 14: Proposed Charles Street street wall transition (Source: Application)

- The upper storey setback will be similar to the existing permit, although it is acknowledged the proposal will have additional storeys which also do not meet the minimum 4m setback above 21 metres.
- Consistent with ACZ1 policy, the upper storeys above the street wall will be differentiated in materials and form, with brickwork walls on the lower levels and textured concrete panels on the upper levels. The upper levels will also feature different setbacks to the north and south boundaries and be stepped back from Charles Street.
- The proposed street wall height and upper setbacks will be similar to the building on the opposite side of Charles Street.

North boundary

- The boundary wall height meets the ACZ1 requirement of 8.3m.
- While the proposal does not meet the 45 degree envelope angle, it is a better outcome than the existing permit as it avoids the 'wedding cake' tiered setback form.
- Below Level 5, only part of the lower storey building walls to Level 5 will protrude into the 45 degree envelope up to Level 5 – noting that this largely includes open balconies.
- Upper storeys are still substantially setback.
- Building is articulated and modulated, avoiding sheer walls and mitigating visual bulk.

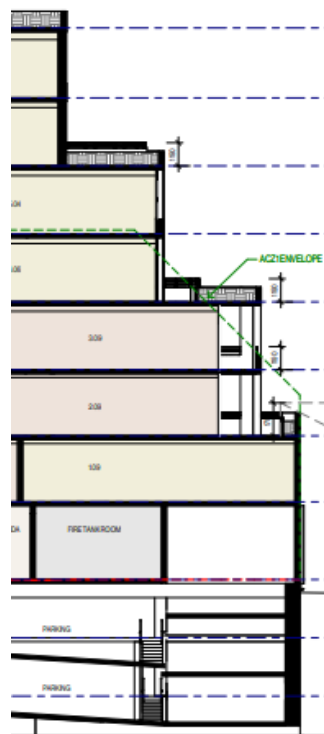


Figure 15: 45 degree building envelope from north boundary in ACZ1 shown in green dotted line

Overshadowing of High Street footpath on south side (ACZ1)

- The proposed overshadowing will include a very small area of footpath between 10.00am and 10.30am on 22 September on the south side of High Street, as shown in the image below. The impact on the amenity of footpath users will therefore be minimal. The footpath will not be overshadowed for the remainder of the ACZ1 specified times of between 10am – 2pm.



Figure 16: Overshadowing at 10.00am 22 September (Source: DTP 3D Team)

Equitable development

87. In accordance with the ACZ1 policy and the previous VCAT decision, as well as the proposed rezoning of land to the north to the HCTZ with future development potential of up to 6 storeys, the development should provide equitable development opportunities to the lots adjoining to the north and west.
88. This is achieved for much of the building through the provision of a wall on part of the west boundary, as well as a setback of 5.3m (Level 6). Dwellings 3.06 and 4.04, however, are located 1.5m from the west boundary and have west-facing habitable room windows. A condition of permit will require these windows to be screened to ensure these would not inequitably encumber future development on the adjoining land, due to the need to avoid overlooking to these windows.
89. The planter depths of the north-facing terraces of dwellings 2.08 and 2.09 will also be required to be modified to avoid overlooking the private open space of the adjoining lot, in accordance with the existing permit and as recommended by DTP Urban Design.

Design Detail

90. The applicant submitted Architectural Plans, Landscape Plans and an Urban Context and Design Response that demonstrate the overall design quality of the proposal including the building layout and material palette of the building. The proposed chamfer at ground level at the street corner will provide pedestrian sightlines and ease of access around the corner.
91. The proposal is further consistent with ACZ1 built form policy as follows:

- The proposal provides active frontages incorporating clear glazing to High Street and partly to Charles Street, through the retail premises and pedestrian entrance. Apartments will also have an outlook over the adjoining streets, providing passive surveillance.
 - The proposal will deliver significant community benefits through the affordable housing contribution and proposed street works and landscaping.
92. An awning will be required as a condition of permit to be provided along the High Street frontage in accordance with ACZ1 policy, to provide continuous weather protection, noting the adjoining lot at 71 High Street, as well as 73 High Street (part of the subject site) both have verandahs. The building at 87 High Street on the opposite side of Charles Street also has a verandah across part of the building façade.
93. The proposal includes 4m floor to floor height at ground floor. It does not provide 3.8m heights on first and second floor, as encouraged in the ACZ1 guidelines, but the 3.4m height provided is regarded as satisfactory for residential use.
94. The ACZ also encourages public art in publicly accessible spaces. The lobby will not be publicly accessible and it is not considered a condition should require public art as part of the road reserve improvements in Charles Street, given Council have not required it (and would be responsible for maintaining it if installed).

Amenity Impacts (internal and offsite)

95. A Clause 58 assessment by DTP officers demonstrates that the proposal is generally compliant with all objectives and most standards as per the below analysis.
96. The proposal also features setbacks that will ensure an appropriate level of daylight, privacy and landscape amenity is achieved to adjoining lots, as demonstrated in the daylight modelling report submitted with the application.
97. The proposal requires variations to some of the Clause 58 standards, as discussed in the following table and in Appendix 1 of this report, but meets the relevant objectives in these instances:

Clause 58 Standard	Variation	Recommendation
Standard D8	2 hours solar access to communal outdoor open space <ul style="list-style-type: none"> • 1 hour 45 minutes provided 	Approve as is a minor variation and satisfactory given the activity centre context.
Standard D10	158.2sqm (10%) deep soil required <ul style="list-style-type: none"> • 138.8 square metres (8.8%) deep soil provided 158.2sqm (10%) deep soil, 466 square metres canopy cover and at least 2 Type B or 1 Type B tree required. <ul style="list-style-type: none"> • 146 square metres canopy cover, with 9 Type A trees provided 	Approve as level of planting provided is satisfactory, given the location of the site in an activity centre.
Standard D14	Building should be setback from side and rear boundaries to avoid direct views into private open space	Permit condition requiring screening to north and west-facing habitable room windows of 4 dwellings.
Standard D15	Overlooking between a bedroom and a living room	Permit condition requiring screening to at least one of the windows.
Standard D27	Room depths of 7 apartments exceed 2.5 times ceiling height	Approve as daylight modelling confirmed high level of performance for the building - 87% of living areas and 99%



Clause 58 Standard	Variation	Recommendation
		bedrooms are compliant with BESS guidelines.

Overlooking

98. The proposal has generally addressed overlooking of habitable room windows and secluded private open space to a satisfactory level, through setbacks and the provision of planters on balcony edges.

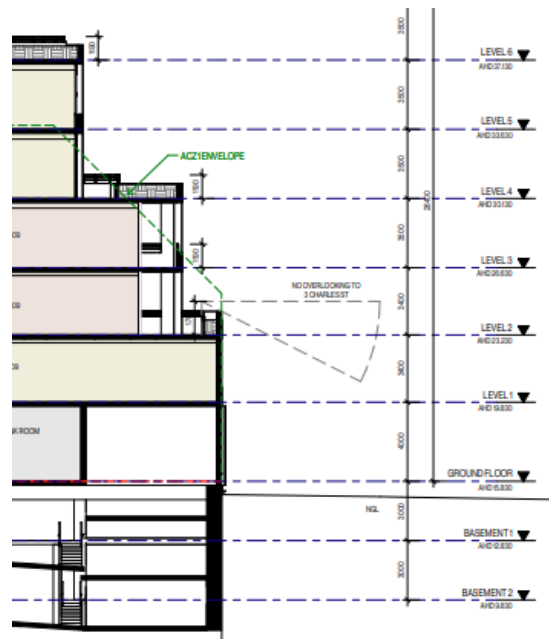


Figure 17: Overlooking diagram facing 3 Charles Street (Source: Application)

99. As discussed earlier, some additional screening measures will be required. Further to this, screening is required to avoid overlooking of existing secluded private open space of 71 High Street, noting this building includes dwellings as well as the 'Midnight in Paris' gallery/bar/restaurant.
100. The west-facing balconies of Dwellings 1.08 and 1.09 will be required to have raised planters, and screening to the west facing habitable room windows of Dwelling 2.08, to avoid overlooking of the adjoining secluded private open space.

Overshadowing

101. The extent of overshadowing of adjoining lots, including existing private open spaces to the west and balconies opposite the site to the east, will not be unreasonable given the policy direction for the site and it being in an area for higher density development. Shadow diagrams, including those generated by the DTP 3D Modelling and Visualisation team shown in Figures 15 and 16 below, demonstrate overshadowing of adjoining and opposite secluded private open space to the east will be limited to after 1pm on September 22nd.



Figure 18: September 22 Overshadowing, red shadows show shadows cast by subject site.

Noise from live music entertainment venues

102. The acoustic report assessed noise from the Prahran Hotel, which found music noise emissions at the proposed dwellings would comply with the noise limits in Clause 53.06-3. It also noted conditions on the permit for the licenced 'Midnight in Paris' venue adjacent to the site required music to be limited to background level and prohibited amplified live music, and therefore would also comply. The website of the premises, however, advertises live amplified music and therefore the acoustic report must be updated to include measures for the proposal, as the agent of change, to mitigate noise from this venue.

Landscaping

103. The Landscape Plans show landscaping that responds appropriately to the proposed development and interfaces with adjoining land, as well as to the emerging character of the South Yarra/Prahran Major Activity Centre. It includes trees within the communal open space, on the terraces on the north and south elevations at Levels 4, 5 and 6, as well as centrally on the rooftop.
104. Garden beds and planters will also create internal amenity, by providing an outlook to vertical planting.
105. The proposal will require the removal of a number of trees within the site and in the Charles Street road reserve adjacent to the site. The three trees proposed for removal within the site are rated as in fair or good condition in the arborist assessment, but with low retention value. The three street trees in Charles Street proposed to be removed are rated between poor to good condition, with moderate retention value. The street trees were identified as having only short term landscape viability, however, due to the highly constrained nature of the planting sites.
106. These street trees (Trees 1, 2 and 3) will require removal to facilitate the proposed vehicle access to the site, as well as public realm works in Charles Street near High Street. The Council has not objected to the removal of the trees, or to the street works, and a condition of permit will require the replanting of the trees as part of the public realm works, which will need to be designed and constructed to the Council's satisfaction.
107. It is noted a permit is not required for tree removal under Clause 52.37, given it does not apply to the ACZ1.
108. The arborist report also recommends street trees 4, 5 and 6 be protected during construction, which will be included as a condition on any permit issued. Other trees on adjoining lots will not be impacted as their notional root zones and canopies to not extend into the subject site.

Car Parking, Loading, Bicycles Storage and Other Services

Car Parking

109. The proposal is to provide 82 car parking spaces, of which 77 will be allocated to residents and 5 to the retail premises. As noted earlier, no resident car parking is required under Clause 52.06, while the number of spaces required for a retail premises is to the discretion of the responsible authority.
110. Given the size of the retail floor area proposed, it is considered the likely retail uses would be a shop or food and drink premises, both of which do not require any spaces to be provided in a Category 3 area and a maximum of 2 spaces to each 100sqm of leasable floor area. Notably the traffic engineering report used this rate in their assessment of car parking provision. Based on this rate, the maximum number of spaces required for a shop would be 11 spaces. The proposal would therefore not exceed the maximum under Clause 52.06, based on the comparable shop use rate, and is regarded as satisfactory.

Design Standards for Car Parking

111. The internal dimensions, ramps and car spaces of the proposed car parking are consistent with relevant requirements of the Stonnington Planning Scheme as demonstrated in the plans and Traffic and Transport Report.
112. As discussed earlier, the car parking is also generally consistent with the ACZ1 provisions, which include locating parking in basements.

Access, Traffic Movements and Circulation

113. The new vehicle access to Charles Street is considered satisfactory and neither DTP Transport or the Council have raised any concerns.
114. The additional traffic movements and circulation were considered in the Traffic and Transport Report, which found they will be able to be accommodated by the surrounding road network. This was reviewed by DTP Transport which has not objected to the proposal. Similarly, the Council has not raised concerns.

Bicycle Facilities

115. The proposal significantly exceeds the statutory bicycle parking provision requirement and the location and layout of the bicycle parking in the ground floor and basement carpark is regarded as satisfactory. The 10 visitor bicycle spaces proposed in the Charles Street road reserve will further add to the extensive bicycle parking that forms part of the proposal.

Loading / Unloading

116. The proposed loading arrangements are considered appropriate and swept path diagrams have been provided in the Transport and Traffic Report, demonstrating waste management vehicles will be able to access the collection areas in the basement carpark. The site also has a loading zone in front of the site in High Street, which can be used for the proposed building. The Council has not raised any concerns regarding the loading arrangements.

Waste

117. A waste management plan has been prepared. It is proposed to utilise a private contractor to manage collection and disposal of waste streams associated with the proposed development. Bins will be stored within separate dedicated bin storage rooms in Basement 1. The waste collection vehicle, a 6.3m rear-lift waste collection vehicle (mini-loader), will enter the carpark and prop adjacent to the bin store, from where the bins will be transferred directly to the waiting truck for emptying. The bins will be returned to the bin storage area immediately following collection.
118. Residents will have convenient access to bin storage areas, including via chute systems with separated garbage and recyclable streams. The retail premises will also have access to the basement waste area via a lift.

119. The Council has not raised any concerns regarding these arrangements.

Environmental Risks

Potentially contaminated land

120. As noted earlier, permit conditions will be included as the site was identified during Tribunal proceedings as having been the site of a former factory. Conditions will therefore be included in the permit requiring a Preliminary Risk Screen Assessment and Environmental Audit, if it is determined one is required.

Sustainability

Environmentally Sustainable Design (ESD)

121. The Sustainability Management Plan (SMP) demonstrates the proposal will achieve a BESS score of 70%, which is better than best practice (50%) and is supported. The Council did not raise concerns regarding the proposed ESD measures.

Stormwater Management & Water Sensitive Urban Design (WSUD)

122. The SMP specifies the proposed development surpasses the pollutant load reduction targets set out in the Best Practice Environmental Management Guidelines (BPEMG) for stormwater management.
123. 10,000L and 12,000L rainwater tanks are proposed to be provided for toilet flushing and irrigation. A raingarden is also proposed to collect water from Level 1 to Level 5 terraces and planters. The Sustainability Management Plan and Blue Factor modelling confirm compliance with best practice stormwater management.
124. It is therefore considered the proposal will result in appropriate stormwater outcomes. The Council did not raise concerns regarding the proposed stormwater measures.

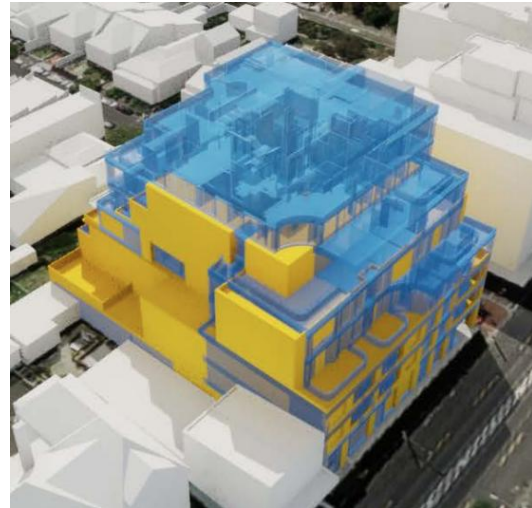
Other Matters

Previous VCAT decision and 'repeat appeal' principles

125. While not directly applicable to this application, given it is not an appeal, the repeat appeal principles set out in *Reichert v City of Banyule and Ors* (1996) VCAT 44 are regarded as useful when considering the subject proposal, given a similar proposal was refused by the Tribunal in 2023.
126. The tests, which may justify a different decision than the previous Tribunal decision, are whether there have since been any of the following:
- *Significant changes in the application itself;*
 - *Changes in the circumstances of the land and its surrounds;*
 - *Changes in planning policy; and/or*
 - *Changes in the interpretation of the facts or law relevant to the Tribunal's consideration.*
127. It is considered there have been significant changes in planning policy, which include Victoria's Housing Statement and the new state planning strategy Plan for Victoria, both of which place emphasis on the delivery of housing, including affordable housing, particularly in well serviced locations. As part of implementing this priority, Clause 53.23 has been introduced, which allows for greater flexibility in facilitating housing delivery, through enabling the Minister for Planning to waive or vary any requirement for minimum garden area, height or setbacks, or Section 2 land use conditions, for residential developments with a 10% affordable housing contribution.



128. The proposal has also responded to the Tribunal's recommendations. While the building height has increased, the proposal now includes better built form articulation and massing to the north boundary. It also provides a more sculpted built form and provides a better visual transition across the street-facing facades, which also include landscaping opportunities.



Figures 19 and 20 (Left to Right): Southwest and Northeast view renders, showing interfaces with north and west boundaries. Proposal is shown in transparent blue and existing permit in opaque yellow (Source: DTP 3D team)

129. Subject to some further screening as discussed earlier, the proposal will maintain equitable development opportunities, both to the west as well as the proposed HCTZ to the north. The proposal has also demonstrated there will be no adverse amenity impacts to adjoining lots, nor adverse overshadowing of the footpath on the south side of High Street.
130. It is acknowledged the proposal has increased the proposed building height to 8 storeys, while the Tribunal required a reduction of the previous 7 storeys proposal to 6 storeys. It is considered the proposed building heights are satisfactory, however, having regard to the changes in state planning policy, as well as changes to setbacks, and minimal external amenity impacts.

Social and affordable housing

131. The proposal includes a voluntary 10% affordable housing contribution, which will be implemented through a permit condition requiring a s173 Agreement to secure the affordable housing. The housing could be delivered either as affordable housing (12 affordable dwellings), or alternative contribution, such as a financial contribution to the State Social Housing Growth Fund.
132. The proposal is considered to meet the purpose of Clause 53.23, as it will provide for affordable housing and is residential development with high quality urban design, architecture and landscape architecture and includes non-residential use at ground level consistent with the scale of the building and ACZ1 objectives.



133. The proposal is generally consistent with the relevant planning policies of the Stonnington Planning Scheme and will contribute to the provision of housing, including affordable housing, and a retail premises in a strategic location being within an Activity Centre Zone in Prahran. Furthermore, the 10% affordable housing and public realm improvements provide an appropriate public benefit.
134. The proposal is generally supported by DTP Transport and Urban Design. No formal referrals were required.
135. Stonnington City Council has acknowledged the improved architectural expression and quality, articulation, massing composition and modulation of the facades, relative to the existing permit. Council however objected to the increased building height above the existing permit. As assessed in this report, it is considered the proposal is a satisfactory response to the emerging mixed use and built form context and the strategic policy directions for the activity centre.
136. It is recommended that Planning Permit No. PA2504118 for the use and development of the land for a multi-storey building comprising 41 dwellings and a retail premises, at 73, 75-83 High Street and 1 Charles Street Prahran is issued, subject to conditions, as outlined in the assessment section of this report.
137. It is recommended that the applicant, the Council and objectors be notified of the above in writing.

Prepared by:

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

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

Name:	[REDACTED]	Signed:	[REDACTED]
Title:	Senior Planner, Development Assessment		
Phone:	[REDACTED]	Dated:	8 May 2026

Approved by:

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

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

Name:	[REDACTED]	Signed:	[REDACTED]
Title:	Manager, Development Assessment		
Phone:	[REDACTED]	Dated:	11 May 2026

Appendix 1: Clause 58 Assessment (Better Apartments Design Standards)



The following tables comprise an assessment of the proposed dwellings against clause 55 of the planning scheme.

Application requirements

Clause 58.01-1	Assessment
<ul style="list-style-type: none"> An application must be accompanied by: <ul style="list-style-type: none"> An urban context report. A design response. 	<p>Complies</p> <p>The application is accompanied by a comprehensive Urban Context Report which incorporates design and landscape responses, as well as a planning report.</p> <p>This includes a detailed site analysis, context, and rationale for the proposal, addressing the site's interfaces with adjoining lots, topography, and relationship to the broader surrounding area.</p>

Urban context report

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

Design response

Clause 58.01-3	Assessment
<ul style="list-style-type: none"> The design response must explain how the proposed design: <ul style="list-style-type: none"> Responds to any relevant planning provision that applies to the land. 	<p>Complies</p>



- *Meets the objectives of Clause 58.*
- *Responds to any relevant housing, urban design and landscape plan, strategy or policy set out in this scheme.*
- *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.*

The Design Response, as outlined in the Urban Context and Town Planning Reports, explains how the proposal meets Clause 58 objectives, responds to planning provisions, and is derived from the urban context. Street elevations and contextual images are included, demonstrating how the design integrates with the adjoining lots and surrounding area.

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> 	Complies
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> 	<p>The design respects the emerging mixed use character of this part of the South Yarra/Prahran Major Activity Centre, as outlined in the Town Planning Report. It also responds to the adjoining lots, including the dwelling to the north and bar/dwelling within the ACZ1 to the west, as well as other recent development in the area. The proposal provides a transition in scale to the adjacent residential area and interfaces positively with the public realm.</p>

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> 	Complies
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> 	<p>The proposal delivers higher density housing in a strategic location, close to jobs, services, and public transport, consistent with the Stonnington Planning Scheme, Activity Centre Zone and Plan for Victoria 2025. The Town Planning Report demonstrates alignment with State and local housing policy, including affordable housing delivery.</p>

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> 	Complies
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> 	<p>The development provides 41 dwellings:</p> <ul style="list-style-type: none"> ● 14 two-bedroom ● 27 three-bedroom <p>This mix supports a range of household types and is confirmed in the Town Planning Report and the</p>



architectural plans.

Infrastructure objectives

Clause 58.02-4	Assessment
Objectives <ul style="list-style-type: none"> To ensure development is provided with appropriate utility services and infrastructure. To ensure development does not unreasonably overload the capacity of utility services and infrastructure. 	Complies The site is fully serviced and the development will not unreasonably overload existing infrastructure. A substation and other services are proposed at ground, basement and rooftop levels as part of the proposal.
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 	

Integration with the street objective

Clause 58.02-5	Assessment
Objective <ul style="list-style-type: none"> To integrate the layout of development with the street. 	Complies The design response appropriately integrates into the surrounding environment and contributes to activation of the public realm across the street frontage. This is discussed in more detail earlier in this report.
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. 	

Energy efficiency objectives

Clause 58.03-1	Assessment
Objectives <ul style="list-style-type: none"> To achieve and protect energy efficient dwellings and buildings. To ensure the orientation and layout of development reduce fossil fuel energy use and make appropriate use of daylight and solar energy. To ensure dwellings achieve adequate thermal efficiency. 	Complies Due to the site configuration most dwellings will be oriented east or west, as well as some to the north. South facing dwellings have been included, which is regarded as appropriate given they will overlook High Street. Most south facing dwellings will have dual aspect to either east or west above Level 2. The Sustainability Management Plan confirms a BESS score of 70% and average NatHERS cooling load of 19.3MJ/sqm, exceeding best practice for
Standard D6 <ul style="list-style-type: none"> Buildings should be: <ul style="list-style-type: none"> Oriented to make appropriate use of solar energy. Sited and designed to ensure that the energy efficiency of existing dwellings on adjoining lots is not unreasonably reduced. Living areas and private open space should be located on the north side of the development, if practicable. Developments should be designed so that solar access to north-facing windows is optimised. 	



- Dwellings located in a climate zone identified in Table D1 should not exceed the maximum NatHERS annual cooling load specified in the following table.

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).

Melbourne.

Communal open space objective

Clause 58.03-2	Assessment
<p>Objectives</p> <ul style="list-style-type: none"> To provide communal open space that meets the recreation and amenity needs of residents. To ensure that communal open space is accessible, practical, attractive, easily maintained. To ensure that communal open space is integrated with the layout of the development and enhances resident amenity. 	<p>Complies</p> <p>The proposal provides extensive outdoor and indoor communal open space at ground level, including the 204sqm landscaped garden, as well as 183sqm communal amenity room, with spa and sauna. The garden planting will include canopy trees, in accordance with the Landscape Plan.</p>
<p>Standard D7</p> <ul style="list-style-type: none"> A development of 10 or more dwellings should provide a minimum area of communal outdoor open space of 30 square metres. If a development contains 13 or more dwellings, the development should also provide an additional minimum area of communal open space of 2.5 square metres per dwelling or 220 square metres, whichever is the lesser. This additional area may be indoors or outdoors and may consist of multiple separate areas of communal open space. Each area of communal open space should be: <ul style="list-style-type: none"> Accessible to all residents. A useable size, shape and dimension. Capable of efficient management. Located to: <ul style="list-style-type: none"> Provide passive surveillance opportunities, where appropriate. Provide outlook for as many dwellings as practicable. Avoid overlooking into habitable rooms and private open space of new dwellings. Minimise noise impacts to new and existing dwellings. Any area of communal outdoor open space should be landscaped and include canopy cover and trees. 	

Solar access to communal outdoor open space objective

Clause 58-03-3	Assessment
<p>Objective</p> <ul style="list-style-type: none"> To allow solar access into communal outdoor open space 	<p>Does not comply – variation required</p>



Standard D8

- *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.*

The outdoor communal open space garden will be located on the northwest side of the building, and will be clear to the sky.

A minor variation is required as the proposal will meet the 50 per cent requirement of solar access for 1 hour and 45 minutes, between 11.25am and 1.10pm on 21 June. This is supported by a shadow analysis.

The solar access is considered satisfactory, due to the following:

- It will be usable and colocated with indoor facilities that together significantly exceed minimum communal open space provision requirements, providing spaces for recreation.
- The ability of the site to provide solar access to communal open space is limited by it being within a high density activity centre.

A condition of permit will require plant species in the communal areas to be shade tolerant, noting lots to the west and north have the potential for multistorey development that will add additional overshadowing in future.

Safety objective

Clause 58.03-4	Assessment
<p>Objective</p> <ul style="list-style-type: none"> • <i>To ensure the layout of development provides for the safety and security of residents and property</i> 	<p>Complies</p>
<p>Standard D9</p> <ul style="list-style-type: none"> • <i>Entrances to dwellings should not be obscured or isolated from the street and internal accessways.</i> • <i>Planting which creates unsafe spaces along streets and accessways should be avoided.</i> • <i>Developments should be designed to provide good lighting, visibility and surveillance of car parks and internal accessways.</i> • <i>Private spaces within developments should be protected from inappropriate use as public thoroughfares.</i> 	<p>The entrance to the building will be visible, legible and accessible from the street. The enclosed circulation corridor will continue through to resident facilities, back-of-house retail spaces and lifts.</p> <p>Passive surveillance from dwellings will be provided to both adjoining streets.</p> <p>Ground level lighting details will be required to be shown in a façade strategy and public lighting strategy as conditions of permit.</p> <p>Basement car parking security will be maintained through an entry gate and clear sightlines.</p>

Landscaping objectives

Clause 58.03-5	Assessment
<p>Objectives</p> <ul style="list-style-type: none"> • <i>To provide landscaping that supports the existing or preferred urban context of the area and reduces the visual impact of buildings on the streetscape.</i> • <i>To preserve existing canopy cover and support the provision of new canopy cover.</i> • <i>To ensure landscaping is climate responsive, supports biodiversity, wellbeing and amenity and reduces urban heat.</i> 	<p>Does not comply – variation required</p>
<p>Standard D10</p> <ul style="list-style-type: none"> • <i>Development should retain existing trees and canopy cover.</i> • <i>Development should provide for the replacement of any significant trees that have been removed in the 12 months prior to the application being made.</i> • <i>Development should:</i> <ul style="list-style-type: none"> ○ <i>Provide the canopy cover and deep soil areas specified in Table</i> 	<p>The proposal includes 138.8sqm (8.8%) of the site as deep soil and 146sqm for canopy cover, which includes 9 Type A trees in the communal open space at ground level, on the north and south elevations at Levels 4, 5 and 6, as well as centrally on the rooftop.</p> <p>The proposal does not meet the requirements of the standard, which are 466sqm of canopy cover and</p>



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 metres or more	350 square metres plus 20% of site area above 2,500 square metres Include at least 2 Type B trees or 1 Type C tree	15% of site area

Table D3 Soil requirements for trees

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

158.2sqm deep soil area and larger (Type B or C) trees.

The level of planting is, however, regarded as satisfactory given the location of the site in an activity centre, as well as the number of trees provided on the different levels of the building.

The landscape plan also includes planting in garden beds at ground level, Levels 3, 4, 5, 6 and the rooftop, which will improve the presentation to the street and surrounding lots, as well as the outlook from the dwellings within the building.

As the landscape plans provided are conceptual, a condition of permit will require the deep soil areas and canopy coverage to be demonstrated on the final landscape plan.



	(min. plan dimension 4.5 metres)	(min. plan dimension of 4.5 metres)	
C	121 square metres (min. plan dimension 6.5 metres)	64 cubic metres (min. plan dimension of 6.5 metres)	1.5 metre

Note:

- Where multiple trees share the same section of soil the total required amount of soil can be reduced by 5% for every additional tree, up to a maximum reduction of 25%.

Table D4 Tree types

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

Access objectives

Clause 58.03-6	Assessment
<p>Objectives</p> <ul style="list-style-type: none"> • To ensure that vehicle crossovers are designed and located to provide safe access for pedestrians, cyclists and other vehicles. • To ensure the vehicle crossovers are designed and located to minimise visual impact. 	<p>Complies</p> <p>Only one 6.1m wide vehicle crossing is to be provided to Charles Street. The basement carpark entry is to the side of the building and will feature powdercoated steel finished in light grey, which will also be used in other parts of the ground level street facade.</p> <p>Swept path diagrams have been provided in the Transport and Traffic Report demonstrating waste management vehicles will be able to access the loading bay and collection zones in the basement carpark. A loading zone is located in front of the site in High Street, which can be used for deliveries to the site.</p>
<p>Standard D11</p> <ul style="list-style-type: none"> • Vehicle crossovers should be minimised. • Car parking entries should be consolidated, minimised in size, integrated with the façade and where practicable located at the side or rear of the building. • Pedestrian and cyclist access should be clearly delineated from vehicle access. • The location of crossovers should maximise pedestrian safety and the retention of on-street car parking spaces and street trees. • Developments must provide for access for service, emergency and delivery vehicles. 	

Parking location objectives

Clause 58.03-7	Assessment
<p>Objectives</p> <ul style="list-style-type: none"> • To provide convenient parking for resident and visitor vehicles. • To protect residents from vehicular noise within developments. 	<p>Complies</p> <p>Car parking is provided in two basement levels, is secure, and can be conveniently accessed by residents and visitors.</p> <p>The carpark entry and ramp will be enclosed within the building and therefore only visible from Charles Street. No habitable rooms are located on ground level within the development near the car park entry, and the dwelling on the adjoining lot will be setback from the access more than 1.5m, which exceeds the standard.</p>
<p>Standard D12</p> <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. 	



Integrated water and stormwater management objectives

Clause 58.03-8	Assessment
Objectives <ul style="list-style-type: none"> To encourage the use of alternative water sources such as rainwater, stormwater and recycled water. To facilitate stormwater collection, utilisation and infiltration within the development. To encourage development that reduces the impact of stormwater run-off on the drainage system and filters sediment and waste from stormwater prior to discharge from the site. 	Complies 10,000L and 12,000L rainwater tanks are proposed will be provided for toilet flushing and irrigation. A raingarden is also proposed to collect water from Level 1 to Level 5 terraces and planters. The Sustainability Management Plan and Blue Factor modelling confirm compliance with best practice stormwater management.
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. 	

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. 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. 	Complies subject to conditions The proposed building setbacks will generally provide adequate daylight, privacy, and outlook to habitable rooms and private open space both within the development and adjoining lots. Some screening will be required to address equitable development and overlooking of existing secluded private open space, as discussed earlier in the report.
Standard D14 <ul style="list-style-type: none"> 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: <ul style="list-style-type: none"> 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. 	

Internal views objective

Clause 58.04-2	Assessment
Objective <ul style="list-style-type: none"> To limit views into the private open space and habitable room windows 	Complies subject to conditions

of dwellings within a development.

Standard D15

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

A condition of permit will require at least one of the apartment 1.01 and 1.09 windows facing the internal light court to be screened to avoid internal views, as recommended by DTP Urban Design.

Aside from these windows, the proposal avoids unreasonable overlooking within the development, with careful placement of windows and balconies. The Town Planning Report and architectural plans confirm compliance.

Noise impacts objectives

Clause 58.04-3

Objectives

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

Assessment

Complies subject to conditions

Standard D16

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

The proposed building is within 80m of a rail corridor. The acoustic report assessed the impact of this noise, as well as from basement mechanical plant, a nearby live music entertainment venue (Prahran Hotel) and vehicle traffic.

Of these noise sources, only the proximity to the railway is specified as a noise influence area specified in Table D5, while the live music entertainment venue is subject to consideration under Clause 53.06 as discussed earlier in this report. It is further noted the traffic level in High Street is lower than the amount required to be assessed as a noise influence area. Midnight in Paris will also need to be assessed as live music entertainment venue, as discussed earlier in the report.

The acoustic report includes recommendations for window glazing, external walls and the car park entry door, as well as further requirements for other plant and equipment for both dwellings and the retail premises.

It is noted the acoustic report does not address how habitable rooms adjoining the liftwell should be insulated from sound, or the pool plant rooms at the rooftop, or the communal areas at ground level. Conditions of permit will require the acoustic report to be updated to address these, as well as further requirements to address compliance of the plant and equipment which were not part of the proposal at the time of the acoustic assessment.

Table D5 Noise influence area

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



Metropolitan Melbourne	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>Complies</p> <p>As discussed earlier in this report, a wind assessment has assessed the initial design as satisfactory and has been reviewed by the DTP 3D and Visualisation Team. No changes are required.</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>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.
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	Assessment
<p>Objective</p> <ul style="list-style-type: none"> To ensure the design of dwellings meets the needs of people with limited mobility. 	<p>Complies</p> <p>36 of 41 apartments (88%) are designed to be accessible, exceeding the 50% minimum requirement. Accessible bathrooms and circulation areas are provided, as confirmed in the plans. The proposal was also reviewed by DTP Urban Design, who have not raised concerns regarding accessibility.</p>
<p>Standard D18</p> <ul style="list-style-type: none"> At least 50 per cent of dwellings should have: <ul style="list-style-type: none"> 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 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.

Building entry and circulation objectives

Clause 58.05-2	Assessment
Objectives <ul style="list-style-type: none"> • <i>To provide each dwelling and building with its own sense of identity.</i> • <i>To ensure the internal layout of buildings provide for the safe, functional and efficient movement of residents.</i> • <i>To ensure internal communal areas provide adequate access to daylight and natural ventilation.</i> 	Complies subject to conditions
Standard D19	The building entry is visible, legible, and provides a sense of address. Common areas at ground level will

- **Entries to dwellings and buildings should:**
 - 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:**
 - 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:
 - Include at least one source of natural light and natural ventilation.
 - Avoid obstruction from building services.
 - Maintain clear sight lines.

have doors that will be open to outside the building and will have natural light.

Corridors on upper levels, however, are internal. While this does not provide for natural light and ventilation, it does maximise the development potential of the site by avoiding the need for corridors to extend to the building wall.

Natural ventilation to the common areas and corridors is not addressed in the application. A condition of permit will require the SMP to be updated to address how these areas will be ventilated.

Private open space objective

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

Storage objective

Clause 58.05-4

Objective

- To provide adequate storage facilities for each dwelling

Standard D21

- 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.

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

Assessment

Complies

All dwellings are provided with storage that meets or exceeds the minimum requirements, both within the dwellings and in secure storage cages.

Common property objectives

Clause 58.06-1

Objectives

- 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.

Standard D22

- Developments should clearly delineate public, communal and private areas.
- Common property, where provided, should be functional and capable of efficient management.

Assessment

Complies

All communal areas are clearly delineated, functional and capable of efficient management.

Site services objectives

Clause 58.06-2

Objectives

- 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.

Standard D23

- 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.

Assessment

Complies

Site services are appropriately integrated into the design and largely contained in the basement areas.

Due to utility provider requirements, the substation and switchroom will be located close to the Charles Street frontage.

The substation and switchroom façades on the east elevation will feature materials consistent with the rest of the elevation, which will assist in its integration with



the building design.

Waste and recycling objectives

Clause 58.06-3	Assessment
<p>Objectives</p> <ul style="list-style-type: none"> To ensure dwellings are designed to encourage waste recycling. To ensure that waste and recycling facilities are accessible, adequate and attractive. To ensure that waste and recycling facilities are designed and managed to minimise impacts on residential amenity, health and the public realm. 	<p>Complies</p>
<p>Standard D24</p> <ul style="list-style-type: none"> Developments should include dedicated areas for: <ul style="list-style-type: none"> Waste and recycling enclosures which are: <ul style="list-style-type: none"> 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: <ul style="list-style-type: none"> 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. 	<p>Dedicated bin storage areas are provided in Basement 1, with convenient access for residents. The Waste Management Plan confirms adequacy. The retail premises will also have access to the basement waste area via the lift.</p>

External walls and materials objective

Clause 58.06-4	Assessment
<p>Objectives</p> <ul style="list-style-type: none"> 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. 	<p>Complies</p>
<p>Standard D25</p> <ul style="list-style-type: none"> External walls should be finished with materials that: <ul style="list-style-type: none"> 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. 	<p>Durable, high-quality materials are specified, with a robust external finishes schedule and façade articulation to ensure longevity and visual interest. This is detailed in the architectural plans and external finishes schedule.</p>



Functional layout objective

Clause 58.07-1	Assessment																	
Objective <ul style="list-style-type: none"> To ensure dwellings provide functional areas that meet the needs of residents 	Complies All bedrooms and living areas meet or exceed the minimum dimensions and areas.																	
Standard D26 <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. <table border="1"> <caption>Table D11 Bedroom dimensions</caption> <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> <ul style="list-style-type: none"> Living areas (excluding dining and kitchen areas) should meet the minimum internal room dimensions specified in Table B13. <table border="1"> <caption>Table D12 Living area dimensions</caption> <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>		Bedroom type	Minimum width	Minimum depth	Main bedroom	3 metres	3.4 metres	All other bedrooms	3 metres	3 metres	Dwelling type	Minimum width	Minimum area	Studio and 1 bedroom dwelling	3.3 metres	10 sqm	2 or more bedroom dwelling	3.6 metres
Bedroom type	Minimum width	Minimum depth																
Main bedroom	3 metres	3.4 metres																
All other bedrooms	3 metres	3 metres																
Dwelling type	Minimum width	Minimum area																
Studio and 1 bedroom dwelling	3.3 metres	10 sqm																
2 or more bedroom dwelling	3.6 metres	12 sqm																

Room depth objective

Clause 58.07-2	Assessment
Objective <ul style="list-style-type: none"> To allow adequate daylight into single aspect habitable rooms 	Does not comply – Variation required Dwellings 1.02, 1.03, 1.08, 1.09, 2.02, 2.03, 3.02, 3.03 include single aspect habitable rooms which exceed the maximum room depth. Daylight modelling is included in the SMP which found the living areas of Dwellings 1.02, 1.03, 2.02, 2.03, 3.02, 3.03 living areas, as well as the Dwelling 1.03, Bed 2 as non-compliant with BESS daylight guidelines. Overall 87% living areas and 99% bedrooms will be compliant with BESS daylight guidelines. This level of compliance is regarded as a satisfactory response to the objective, also noting the proposal includes 3m high ceilings and kitchens are located furthest from windows, which also responds to the standard.
Standard D27 <ul style="list-style-type: none"> Single aspect habitable rooms should not exceed a room depth of 2.5 times the ceiling height. The depth of a single aspect, open plan, habitable room may be increased to 9 metres if all the following requirements are met: <ul style="list-style-type: none"> The room combines the living area, dining area and kitchen. The kitchen is located furthest from the window. The ceiling height is at least 2.7 metres measured from finished floor level to finished ceiling level. This excludes where services are provided above the kitchen. The room depth should be measured from the external surface of the habitable room window to the rear wall of the room. 	

Windows objective

Clause 58.07-3	Assessment
Objective <ul style="list-style-type: none"> To allow adequate daylight into new habitable room windows. 	Complies All habitable rooms either have windows to external walls, or secondary 'snorkel' windows which meet the minimum width and depth requirements of the standard for bedrooms.
Standard D28 <ul style="list-style-type: none"> Habitable rooms should have a window in an external wall of the building. A window may provide daylight to a bedroom from a smaller secondary area within the bedroom where the window is clear to the sky. 	

- *The secondary area should be:*
 - *A minimum width of 1.2 metres.*
 - *A maximum depth of 1.5 times the width, measured from the external surface of the window.*

Natural ventilation objectives

Clause 58.07-4	Assessment
Objectives <ul style="list-style-type: none"> • <i>To encourage natural ventilation of dwellings.</i> • <i>To allow occupants to effectively manage natural ventilation of dwellings.</i> 	Complies
Standard D29 <ul style="list-style-type: none"> • <i>The design and layout of dwellings should maximise openable windows, doors or other ventilation devices in external walls of the building, where appropriate.</i> • <i>At least 40 per cent of dwellings should provide effective cross ventilation that has:</i> <ul style="list-style-type: none"> ○ <i>A maximum breeze path through the dwelling of 18 metres.</i> ○ <i>A minimum breeze path through the dwelling of 5 metres.</i> ○ <i>Ventilation openings with approximately the same area.</i> • <i>The breeze path is measured between the ventilation openings on different orientations of the dwelling.</i> 	All habitable rooms have openable windows. 61% of apartments achieve cross-ventilation, which meets the 40% minimum, as confirmed in the Town Planning Report and architectural plans.