S72 Amendment Delegate Report

PA1600142-7

288-308 Exhibition Street, Melbourne

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Summary

Table 1 - Summary

Key Information	Details
Application No:	PA1600142-7
Applicant:	Urbis c/ Setia (Melbourne) Development Company Pty Ltd
Planning Scheme:	Melbourne
Land Address:	288-308 Exhibition Street, Melbourne
Development Value:	$ 250 m
Why is the Minister responsible?	In accordance with 72.01, the Minister for Planning is the responsible authority for matters under Divisions 1, 1A, 2, and 3 of Part 4 and Part 4AA of the Act and matters required by a permit or the scheme to be endorsed, approved or done to the satisfaction of the responsible authority in relation to: • development of land as part of a single project or multiple related projects, if it involves: o construction of a new building or buildings containing a total gross floor area of more than 25,000 square metres;
The permit allows:	Demolition of existing buildings and construction of two mixed use towers comprising residential hotel, dwellings and retail premises (other than Adult sex bookshop, Department store, Supermarket and Tavern)
Delegates List:	Approval to determine under delegation received on **24 August 2026.**

Site and Surrounds

1. The subject land is known as 310-326 Exhibition Street, Melbourne, whilst it is noted that it was formerly addressed at 288-326 Exhibition Street.

2. A review of the site and surrounding area indicates that no substantial changes have occurred since the original decision was issued. Accordingly, the following extract from the previous delegate report dated 22 March 2022 remains relevant to the assessment.

The site is located on the south-east corner of Exhibition and La Trobe Streets, Melbourne (refer to Figure 1 below). The site has an area of 4,140m2 at ground and 4,790m2 above RL39.59 metres (the air rights easement as described above). The site has a frontage of 51.5 metres to Exhibition Street and 93 metres to La Trobe Street.

The site is formally described as comprising the following land parcels: Lot S2 of Plan of subdivision 811190V. There are a number of easements and restrictions which affect the site as follows:

- *An easement to protect a subterranean cable chamber running in a north-south direction on the western side;*
- *A carriageway easement of the eastern side, also running along a north-south axis;*
- *Expanded air rights on title which increase the southern site boundary above RL39.59 metres; and*
- *Three tunnels associated with the Melbourne Underground Rail Loop (MURL) are located below the site and result in limitations to loads associated with any above ground structures.*

Development surrounding the site can be described as follows:

- *To the north of the site: on the opposite side of La Trobe Street are three properties which form an island bounded by roads on all sides. These properties are occupied by a small vacant site that was utilised by the Bureau of Meteorology Weather Station, a dwelling and by the Royal Society of Victoria building, a two-storey building included on the Victorian Heritage Register and sited in a garden setting. Further to the north is the Carlton Gardens, a World Heritage Site containing the Royal Exhibition Building, Melbourne Museum, Imax Cinema and the Carlton Gardens Tennis Club. On the north-west corner of Exhibition and La Trobe Street is the eighteen (18) storey building occupied by Mantra On The Park.*

- *To the south of the site: is the existing eighteen (18) storey concrete purpose built telecommunications exchange building which formed part of the larger site prior to its subdivision under permit TP-2015-687 issued by Melbourne City Council on 2 September 2015. The building occupies the western two thirds of the site with the remaining area to the east consisting of open space. Pedestrian access to the site is achieved via Little Lonsdale Street or a pathway known as Burton Street from La Trobe Street which runs along the eastern boundary of the site.*

- *To the east of the site: across Burton Street, is 33 La Trobe Street (known as City Gate Tower), an eighteen (18) storey apartment building constructed to the street with a tennis court located to the rear. The building is setback from the common boundary with the direct interface with the site being the car parking and circulation space. South of this property is 28 Little Lonsdale Street (known as City Gate Gardens Apartments) is a six (6) storey apartment building which was the first stage of the redevelopment of the overall site with City Gate Tower. It is understood that the tennis court is a shared facility between both sites.*

- *To the west of the site: on the opposite side of Exhibition Street on the south-west corner of Exhibition and La Trobe Streets is 321 Exhibition Street, a seventeen (17) storey office building*

(currently occupied by Origin Energy) with ground floor tenancies. South of this building are a series of one and two storey buildings containing shops and food and drink premises. The north-west corner of Exhibition Street and Little Lonsdale Street is occupied by 287-293 Exhibition Street (known as Exhibition Apartments) a twelve (12) storey apartment building.

3. Construction of the development has been undertaken in stages, broadly reflecting the staging of delivery of the residential component (Tower 1) and hotel component (Tower B). Staging was introduced into the planning permit and development via an amendment in 2021. Construction has therefore commenced for the entire development, however Tower 1 was fully completed, fitted out and occupied, while Tower B was delivered as a cold shell.



Proposal

4. The proposal can be summarised as follows:

s72 Proposal Summary	The proposal seeks to replace the approved hotel component within Tower B with residential dwellings and associated changes to amenity and function areas. No external works are proposed, with all changes limited to internal fit-out and reconfiguration works. No changes are proposed to Tower 1 (noting that this tower is constructed).
	Specifically, the proposal includes:
	• The provision of 393 apartments within Tower B, comprising:
	  ○ 98 studio apartments
	  ○ 147 one-bedroom, one-bathroom apartments
	  ○ 138 two-bedroom apartments, including:
	  ▪ 12 two-bedroom, one-bathroom apartments
	  ▪ 126 two-bedroom, two-bathroom apartments
	  ○ 10 three-bedroom apartments
	• 2,247 square metres of retail floor area (GLAR) within the podium and sky bridge.
	• 4,624 square metres of place of assembly floor area (function space) within the podium.
	• 1,423 square metres of indoor communal amenity and 670 square metres of outdoor communal amenity.
	• An increase in bicycle parking provision to 487 spaces (an increase of 213 spaces).
	• Internal layout and circulation changes required to accommodate the residential scheme.

Decision documents

5. The subject of this report is the decision documents (as submitted with the application and described below):

Decision Documents
– Title document Lot 2 on Plan of Subdivision 81119OV.
– Amended Architectural Plans prepared by Cox dated 19 March 2026.
– Planning Report prepared by Urbis dated March 2026
– Amended Development Summary prepared by Cox dated 23 March 2026.
– Amended Internal Staging Plan prepared by Cox dated 23 March 2026
– Amended Acoustic Report prepared by Acoustic Logic dated 20 March 2026.
– Amended ESD Report prepared by WSP dated March 2026
– Amended Transport Impact Assessment prepared by Eukai dated 18 March 2026
– Amended Loading Management Plan prepared by Eukai dated 31 March 2026
– Amended Waste Management Plan prepared by Leigh Design dated 31 March 2026
– Ventilation System Services Memo prepared by WSP dated 31 March 2026

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

Milestone	Date
Background information *S72 Amendments*	– PA1600142-1: The permit was amended on 5 December 2017 to allow above slab clearance works as approved by Planning Permit TP-2017-529 issued by Melbourne City Council, replace references to Public Transport Victoria to Transport for Victoria and other minor corrections. – PA1600142-2: The permit was amended on 2 March 2018 to reword condition 1(m) to reference only condition 39 and not all Transport for Victoria conditions. – PA1600142-3: The permit was amended on 27 September 2018 to reword conditions 22, 40 and 42 to allow below ground slab clearance works to occur prior to satisfying the requirements of the conditions. – PA1600142-4: The permit was amended on 15 March 2019 to allow a reduction in the number of apartments and hotel rooms, setback of podium outside the Telstra light and air easement, deletion of basement and basement car parking (two additional levels of car parking added to the podium levels), lower ground level split into two levels, removal of ramp and crossover to La Trobe Street and major revisions to the ground floor layout. These revisions include the removal of the though block link across the rear (southern boundary) of the site, removal of the north-south through block link and extension of the hotel lobby into this space, hotel drop off port cochere relocated from first floor to ground level, with access from Exhibition Street and changes to the landscaped setback and activation to La Trobe Street and La Trobe/Exhibition Streets corner. Conditions 25d and 28 were deleted and new conditions 26, 27, 30 and 32 were added. Amended plans were endorsed as part of the amendment. – PA1600142-5: The permit was amended on October 2021 to amend Condition 12, 18 and 32 to allow for the staged occupation of development and new condition 60 requiring submission of a staging plan and, new conditions 61-63 relating to the lighting strategy. – PA1600142-6: The permit was amended on 23 March 2022 to allow amendments to the architectural plans, staging plans and Conditions 35 and 60.
Background information *Secondary Consent*	– Amended plans were approved under the secondary consent mechanism on 21 June 2018 as part of the condition compliance request. – Amended plans were approved under the secondary consent mechanism on 27 August 2019 to allow the removal of a peppercorn tree along Burton Lane. – Amended plans were approved under the secondary consent mechanism on 14 April 2020 to allow reconfiguration of levels 8 and 9, introduction of level 10A (mezzanine) and modifications to the level 57 (penthouse). – Amended plans were approved under the secondary consent mechanism on 12 January 2021 to allow minor changes to the hotel tower rooms and apartment layouts, common areas and services. – Amended plans were approved under the secondary consent mechanism on 9 February 2022 to delete the pedestrian ramp and stairs to the south of the subject site and the southern edge of Burton Street proposed to be treated with a removable steel fence. – Amended plans were approved under the secondary consent mechanism on 14 October 2022 to allow minor amendments to the endorsed plans to allow flexibility in the allocation of car parking to the apartments within the development. – Amended plans were approved under the secondary consent mechanism on 21 August 2023 to alter apartment 3808 on Floor 63 to allow the deletion of two walls.
Background information *Condition Compliance*	– Plans and reports were endorsed to comply with conditions 1, 7, 10, 11, 13, 14, 15 and 16 on 21 June 2018 and Melbourne City Council advised that Conditions 25 and 28 had been satisfied. – Condition 17 (Landscape Plan) was discharged on 11 July 2022. – Condition 61 and 62 (Lighting Impact Assessment and Lighting Strategy) were approved on 7 July 2022.
Background Information	– On 12 December 2024, an extension of time request was approved for 2 years to allow an extension to the completion expiry date (extended to 13 June 2027) to allow for the final stage of hotel fit out works to occur.

Extension of Time	–	On 25 May 2023, an extension of time request was approved for two (2) year extension to the development completion, so that the new permit expiry is for works to be completed by 13 June 2025.
Application lodgement	14 April 2026	
Further information requested	**N/A**	

Referral and Notice

Referrals

7. The application was referred to the following groups:

Table 2 – Referrals

Provision / Clause	Clause	Organisation	Response and date received
Section 55 Referral – Determining	Clause 66.02-11 – Land use and transport integration An application to subdivide land, to construct a building or to construct or carry out works for a residential development comprising 60 or more dwellings or lots.	Head, Transport for Victoria	19 May 2026 No objection, no conditions recommended.

Notice

8. The application is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Planning and Environment Act 1987 pursuant to the following provisions:

Capital City Zone

- An application to demolish or remove a building or works is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act.

Design and Development Overlay – Schedule 1

- An application for construction of a building or to construct or carry out works is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act.

Design and Development Overlay – Schedule 10

- An application to construct a building or construct or carry out works is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act.

9. The application is not exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Planning and Environment Act 1987 pursuant to the DDO4 (World Heritage Environs Area (WHEA)).

10. The application was not advertised other than to the municipal authority under section 52(1)(b) as it was considered not to cause material detriment to any person because:

    - The purpose of DDO4 is to protect the World Heritage significance of the Royal Exhibition Building and Carlton Gardens by ensuring that development preserves their prominence, visibility, key views and vistas, and the clear-sky backdrop of their distinctive architectural features.
    - The proposal comprises internal fit-out and reconfiguration works only, with no external alterations or changes to the building envelope.
    - As no external works or changes to the building envelope are proposed, the development will not affect the visibility, prominence, views, vistas, or setting of the Royal Exhibition Building and Carlton Gardens. Accordingly, the proposal is not considered to result in material detriment to any person arising from the objectives of DDO4, which is the only planning control under which notice would otherwise be required.

City of Melbourne

11. Notice of the application was given to Council in accordance with Section 52(1)(b). Council provided a response dated 31 July 2026 confirming that they did not object to the application, subject to the resolution of the following matters and the following changes to conditions:

Outstanding Concern	Response
Prior to issuing an amended planning permit, it is recommended that further consideration and/or justification be provided to demonstrate that an acceptable standard of residential amenity will be achieved for future occupants, having regard to the absence of operable windows and reliance on mechanical ventilation. Further information should also be provided to confirm that the proposed residential conversion can satisfactorily meet the relevant National Construction Code requirements relating to ventilation and indoor environmental quality, and to justify why natural ventilation cannot be reasonably incorporated into the development.	Assessed in the body of the report.
Prior to issuing an amended planning permit, it is recommended that the Minister satisfy themselves that the conversion of Tower B from residential hotel to dwellings does not result in any unintended land use	Assessed in the body of the report.

Outstanding Concern	Response
consequences and that any retained uses remain appropriately authorised under the Melbourne Planning Scheme. In particular, consideration should be given to whether any uses previously operating as ancillary to the residential hotel component may require separate planning permission in the absence of the residential hotel use, noting that uses such as a Bar or Nightclub require a planning permit under the Capital City Zone Schedule 1.	
Amended Conditions <u>Amended architectural plans</u> Before the development starts, an electronic set of amended plans drawn to scale (including an updated development summary) must be submitted to and approved by the Responsible Authority. The plans must be generally in accordance with the plans by Cox (Revision 11, and all dated 5 June 2026) but modified to show: a. Apartment types D01.1 – D06-1, A05.1, A09.1, A11.1 and A12.1 designed to provide a minimum of 8 square metres as additional living area or bedroom area, with any necessary modifications to internal layouts to accommodate the additional area, unless otherwise agreed by the Responsible Authority. b. Any changes, plan notations, or otherwise required from any other condition in this permit required to be satisfied concurrently with the endorsement of plans. <u>Amended waste management plan</u> An amended Waste Management Plan (WMP) must be submitted to and approved by the Melbourne City Council. The amended WMP must be generally in accordance with the WMP prepared by Leigh Design dated 11 June 2026 but modified to confirm the size of the commercial recycling compactor and the collection frequency, to the satisfaction of Melbourne City Council.	On 27 August 2026, Urbis confirmed acceptance of the proposed permit conditions, with the exception of Condition 1a. On 16 September 2026, Urbis submitted discussion plans prepared by Cox Architects for apartment types D01.1-D06.1, A05.1, A09.1, A11.1 and A12.1. The revised layouts incorporate Murphy beds within studio apartments, providing greater flexibility and additional usable living space. DTP considers this an innovative and positive response within the context of the adaptive reuse of the existing building. In response to Condition 1a, Urbis also proposed an alternative condition requiring additional living or bedroom areas beyond the minimum requirements of Clause 58.07-1 to be clearly identified on endorsed plans, rather than prescribing a minimum floor area increase. On 22 September 2026, Council advised that the revised apartment layouts represented an improvement on the plans previously reviewed and generally achieved the intent of Council's recommended condition. Council also acknowledged the unique circumstances of the proposal, noting the permit was originally issued in 2017, the building has been substantially constructed, and the proposal effectively constitutes an adaptive reuse development. Council raised no further concerns.

Assessment

Municipal Planning Strategy

1. Victoria's Housing Statement: The Decade Ahead 2024–2034 (DPC, 2023) and Plan for Victoria (DTP, 2025) together establish the State's strategic framework for accommodating population and employment growth by significantly increasing housing supply in well-serviced locations. Both policies prioritise streamlined planning and the concentration of higher-density housing within activity centres and areas with strong access to public transport, jobs and essential services, aligning land use planning with major infrastructure investment to support liveable and sustainable communities.
2. Consistent with these directions, the City of Melbourne has been allocated a municipal housing target of approximately 119,500 additional dwellings by 2051, reflecting its high level of accessibility, established infrastructure and strategic importance within Melbourne. By facilitating an additional 393 dwellings, the proposal makes a meaningful contribution towards meeting this target and increasing housing supply within the municipality.
3. The proposed amendments do not alter the fundamental assessment of the proposal and are not considered to warrant a detailed re-examination of the relevant planning policies and controls, with the exception of the following amendments to the planning scheme have been gazetted relevant to the proposal.

Amendment C308melb

4. Amendment C308melb was gazetted on 30 September 2021 to implement the recommendations of the *Synthesis Report: Promoting High-Quality Urban Design Outcomes in the Central City and Southbank* (January 2018). The amendment introduced new urban design and built form controls through Design and Development Overlay Schedule 1 (DDO1) and made consequential changes to the Melbourne Planning Scheme, including applying DDO1 to the subject site.
5. DDO1 did not apply to the site when the original permit was issued. Pursuant to Clause 43.02-2, a permit is now required under DDO1 for buildings and works associated with the proposal, as the amendment would result in an increase in the number of dwellings within the development.
6. The planning permit has been updated to include the new permit trigger.
7. The purpose of DDO1 is to ensure development delivers high-quality urban design, architecture and landscaping that responds positively to its context, supports a legible and pedestrian-friendly public realm, creates strong connections between buildings and surrounding streets, and provides attractive, human-scaled and safe interfaces with the public realm.
8. DTP acknowledges that many of the outcomes sought by DDO1, including those relating to urban structure, site layout, building massing, building program, public interfaces and design detail, are not directly relevant to this application. The proposal is limited to internal modifications, with no changes to the approved external built form. Tower 1 has been completed, and the structural shell of Tower B has already been constructed. DTP is satisfied that the proposed internal reconfiguration continues to achieve an appropriate response to DDO1, noting that all interfaces with the main street network remain activated and that no additional parking is proposed, with the existing podium parking arrangement remaining unchanged.

Amendment VC251

9. On 17 April 2025, Amendment VC251 was gazetted which made changes to the VPP, Melbourne and Yarra planning schemes by implementing the recommendations of the World Heritage Environs Area Strategy Plan: Royal Exhibition Building and Carlton Gardens (Department of Transport and Planning, 2024) through policy and built form controls to improve the protection and management of the World Heritage listed Royal Exhibition Building and Carlton Gardens. Specifically, the amendment applied the DDO4 to the subject site.
10. The subject site is not included within a 'WHEA' Building Height Area and the proposal will retain the existing building envelope, including no increase in height or changes to setbacks. As such, the proposal is considered to respond appropriately to the objectives of DDO4 which seek to protect the WHEA and ensure that development does not detract from or intrude on the predominance and visibility of the Royal Exhibition Building and Carlton Gardens.
11. As the planning permit predates the current Form 4 requirements, it is not necessary to amend the permit preamble to include DDO4 as an additional permit trigger, noting that the permit already authorises buildings and works.
12. The amended proposal is considered to respond appropriately to the current planning policy framework and statutory planning controls, including DDO1 and DDO4. In reaching this conclusion, it is acknowledged that the Capital City Zone Schedule 1 (CCZ1) and DDO10 applied to the site at the time the original permit was issued and were assessed as part of that approval. The current amendment does not alter the approved external built form and is therefore not considered to raise any new concerns in relation to the objectives and outcomes previously assessed under those controls.

Assessment of changes

13. The proposal seeks to alter the existing use in Tower B from hotel to dwellings. In accordance with Clause 1.0 of the CCZ, dwellings are a Section 1 use and therefore no planning permit is required.
14. The City of Melbourne recommended that the Minister be satisfied that the conversion of Tower B from a residential hotel to dwellings does not give rise to any unintended land use consequences and that any remaining uses within the development continue to be appropriately authorised under the Melbourne Planning Scheme.
15. DTP has reviewed the proposed land uses within the development and is satisfied that they are Section 1 uses in the CCZ1 and therefore do not require a planning permit:

    - The function space is classified as a Place of assembly, which is a Section 1 use in the CCZ1.
    - The proposal includes a Restaurant and Food and drink premises at ground-floor level. A Retail premises is a Section 1 use in the CCZ1 and does not require a planning permit.
    - The skybridge incorporates a fine-dining restaurant and teppanyaki/sushi venue. As a Retail premises, this use is also a Section 1 use in the CCZ1 and does not require a planning permit.

16. Accordingly, DTP is satisfied that the conversion of Tower B from a residential hotel to dwellings with some non-residential uses as described above, does not result in any unauthorised land uses.

Clause 58

17. In accordance with Clause 37.04-4, an apartment development must meet the requirements of Clause 58. A full assessment of Clause 58 is provided at Appendix 1, which indicates that most standards are met. The following variations to some standards are proposed and are considered acceptable given the associated objectives are met and the inherent constraints of a tower originally designed for a hotel use.

Standard D6 (Energy Efficiency Objectives)

18. Standard D6 seeks to promote energy-efficient dwellings and buildings by ensuring that the orientation and layout of development minimise reliance on fossil fuel energy sources and maximise opportunities for daylight access and passive solar performance.
19. The proposal has sought to optimise dwelling orientation within the constraints of the existing building envelope. Where practicable, apartments have been located and configured to take advantage of northern aspects, thereby maximising access to daylight and solar gain. However, given the building's existing oval floorplate and the adaptive reuse of the established structure, a number of south-facing dwellings are unavoidable. These outcomes reflect the inherent limitations of the retained built form and cannot reasonably be addressed without substantial alterations to the building.
20. The application is supported by a Sustainability Management Plan (SMP), which generally confirms that the apartments within Tower B are capable of achieving the relevant energy efficiency and sustainability performance requirements. Preliminary NatHERS modelling indicates that heating and cooling demands remain within acceptable benchmarks, notwithstanding that cooling loads may be comparatively due to the proposed mechanical ventilation strategy. Importantly, the overall performance of the development continues to align with the applicable residential energy efficiency objectives. Having regard to the constraints associated with the adaptive reuse of the existing building and noting that the proposal avoids the significant embodied carbon impacts that would result from extensive modifications to the façade and structural envelope,
21. DTP is satisfied that the development provides an acceptable response to the objectives of Standard D6 and achieves a reasonable balance between sustainability outcomes and the retention of the existing built form.

Standard D19 (Building entry and circulation objectives)

22. Standard D19 seeks to ensure that each dwelling and residential building has its own sense of identity, while also promoting building layouts that support the safe, functional and efficient movement of residents. The standard further encourages the provision of adequate daylight access and natural ventilation to common circulation areas.
23. DTP is satisfied that the proposal generally achieves the objectives of Standard D19. The development incorporates clearly identifiable and legible ground floor lobby areas that provide safe, functional and efficient access for residents and visitors.
24. It is acknowledged that the centrally located lift core does not provide opportunities for direct access to natural daylight or natural ventilation within the common circulation areas. However, this arrangement reflects the existing building configuration, with the lift cores and structural

elements forming part of the existing hotel shell. The relocation or significant modification of these elements would be impractical and would undermine the adaptive reuse of the building.

25. In considering the proposal, DTP acknowledges that the proposal seeks to prioritise access to natural light and outlook for living areas and bedrooms, and the design delivers a superior residential amenity outcome for future occupants than would be achieved if façade access were diverted to circulation spaces associated with the lift core. Given the constraints of the existing building and the overall quality of the proposed residential environment, DTP is satisfied that the proposal appropriately responds to the intent of Standard D19 and achieves an acceptable planning outcome.

Standard D20 (Private Open Space Objective)

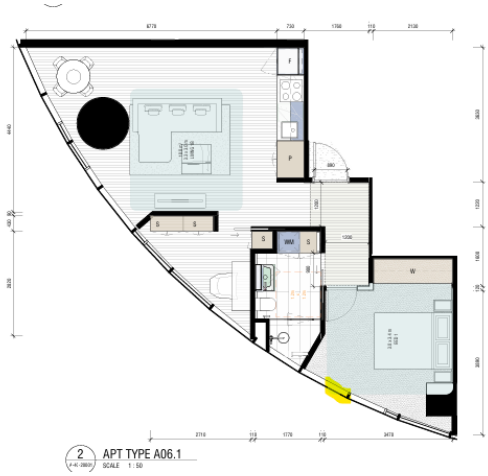
26. Standard D20 seeks to ensure that dwellings are provided with adequate private open space to meet the reasonable recreational and service needs of residents, in accordance with the requirements of Table D8.
27. The proposal seeks a variation to Standard D20 on the basis that the building's existing constructed façade, originally designed and developed as a hotel, does not readily facilitate the provision of conventional private balconies. The retrofitting of balconies would necessitate substantial alterations to the building envelope and would compromise the architectural integrity and adaptive reuse objectives of this proposal.
28. Notwithstanding the above, Standard D20 recognises that private open space outcomes may be addressed through alternative means in taller buildings. Specifically, where the finished floor level of a dwelling is 40 metres or more above ground level, the requirements of Table D8 do not apply provided that the dwelling contains the additional living area or bedroom area specified in Table D9, in addition to the minimum area requirements set out in Tables D11 and D12 under Standard D25.
29. Council recommended a condition requiring Apartment types D01.1 – D06-1, A05.1, A09.1, A11.1 and A12.1 be designed to provide a minimum of 8 square metres as additional living area or bedroom area, with any necessary modifications to internal layouts to accommodate the additional area, unless otherwise agreed by the Responsible Authority.
30. As outlined above, the permit applicant has submitted discussion plans demonstrating each apartment's potential for additional area.
31. DTP is satisfied that subject to conditions included within the recommendation to require the additional areas to be clearly identified within the endorsed plans, the dwellings will be designed to provide internal floor areas that exceed the minimum requirements of Standard D26, thereby compensating for the absence of private balconies and providing residents with additional usable living space. Furthermore, the development includes communal open space in excess of the applicable requirements, offering residents access to a range of shared indoor and outdoor amenities. Having regard to the additional internal amenity provided within the dwellings, together with the generous provision of communal open space, DTP is satisfied that the proposal achieves the underlying objective of Standard D20 and delivers an acceptable residential amenity outcome for future occupants.

Standard D26 (Functional Layout Objective)

32. Standard D26 seeks to ensure that bedrooms meet the minimum internal room dimensions specified in Table D11 and living areas dimensioned in Table D12.
33. A number of dwellings seek variations to the prescribed bedroom and living area dimensions as a consequence of the building's curved façade geometry. While the irregular room configurations result in some dimensions not strictly complying with the relevant standard, it is noted that, in all instances, the affected bedrooms and living areas provide additional floor area such that the minimum room area requirements are exceeded. Accordingly, the proposed layouts maintain a functional level of amenity and usability consistent with the intent of the standard, notwithstanding the dimensional variations.



3 APT TYPE D03.1
SCALE 1 : 50



2 APT TYPE A06.1
SCALE 1 : 50

Standard D29 (Natural Ventilation Objective)

34. Standard D29 seeks to encourage natural ventilation within dwellings allowing occupants to effectively manage natural ventilation of dwellings. Given the building's original design and construction as a hotel, the existing façade configuration and building services infrastructure do not readily facilitate the incorporation of operable windows for all dwellings. As such, the proposal adopts a mechanical ventilation strategy as the primary means of providing fresh air to residents, and a variation to Standard D29 is therefore sought.
35. The proposed mechanical ventilation system has been specifically designed to provide a high standard of indoor environmental quality for future residents. The system is intended to exceed

the fresh air supply requirements prescribed by AS 1668.2:2012 and will deliver continuous, controlled, and reliable air exchange to all dwellings. In addition, the system incorporates energy recovery technology, allowing incoming fresh air to be tempered through heat exchange processes, thereby reducing heating and cooling loads and improving overall energy efficiency. The application is supported by a memorandum prepared by WSP, which confirms that the existing building services infrastructure can be successfully adapted to accommodate a residential ventilation system and that the proposed approach is capable of delivering ventilation outcomes appropriate for long-term residential occupation.

36. Council has requested further justification to demonstrate that an appropriate level of residential amenity will be achieved for future occupants, particularly in circumstances where some dwellings are reliant on mechanical ventilation and do not benefit from operable windows. In response, it is noted that the proposed system will provide a consistent supply of filtered fresh air, maintain indoor air quality regardless of external weather conditions, and avoid issues commonly associated with naturally ventilated environments, such as noise intrusion, external pollutants, and variable ventilation performance.
37. DTP is satisfied that the proposed mechanical ventilation is appropriate in the context of the existing building's structural, façade, and servicing constraints, and achieves the underlying objective of Standard D29 through different means.

Amended Permit

Amended Plans	As discussed in detail above, DTP accepts the condition recommended by Council to provide amended plans to address internal amenity. A new amended plans condition has been included within the recommendation requiring plans to be provided.
ESD	As discussed above, the application was supported by an ESD report. The planning permit will be amended to include reference to the updated report.
Traffic Impact Assessment	The application was supported by a Transport Impact Assessment which generally concludes; - *The proposed change of use generates a statutory bicycle parking requirement of 134 bicycle spaces. The proposed bicycle parking supply of 487 spaces exceeds the minimum statutory requirement and is therefore considered appropriate for the proposed change of use.* - *The proposed change of use generates a maximum statutory car parking requirement of 407 spaces. the proposed provision of 20 spaces (i.e. spaces previously allocated to the hotel) is less than the statutory maximum car parking requirement and is therefore considered appropriate.* - *The proposed development is forecast to generate in the order of 23 vehicle movements during a peak hour, which is significantly less than the approved development which was forecast to generate in the order of 80 vehicle movements in a peak hour.*

	- *There is adequate capacity in the surrounding road network to accommodate the forecast traffic generation from the proposed development. ▪ The repurposing of the approved hotel loading area (1 x MRV & 1 x SRV) is considered appropriate for the proposed change of use.* - *The proposed change of use complies with the relevant transport conditions from the initial Planning Permit.* Condition 26 of the planning permit requires an amended Traffic and Transport Assessment. As such, Condition 26 has been amended to reference the updated report for endorsement.
Loading Management Plan	The application was supported by a loading management plan which at a high level, includes an addendum to the endorsed loading management plan prepared by Cardno. Overall, the loading management plan concerns that the endorsed and implemented loading management plan is considered to be "fit for purpose" and does not require further amendments. Condition 33 of the permit required a loading management plan to be prepared for each stage. An amended permit has been included to reference the submitted loading management plan which is considered to sufficiently address the loading requirements for the site.
Waste Management Plan	As discussed in detail above, DTP accepts the condition recommended by Council. A condition has been included within the recommendation to replace the existing Condition 32.

Recommendation

12. As outlined in the body of the report, the proposal is generally consistent with the relevant planning policies of the Melbourne Planning Scheme and will contribute to the provision of housing within the central city.

- It is recommended that Amended Planning Permit No. PA1600142-7 issued subject to conditions and the applicant and agencies are advised of the decision.

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Prepared by:

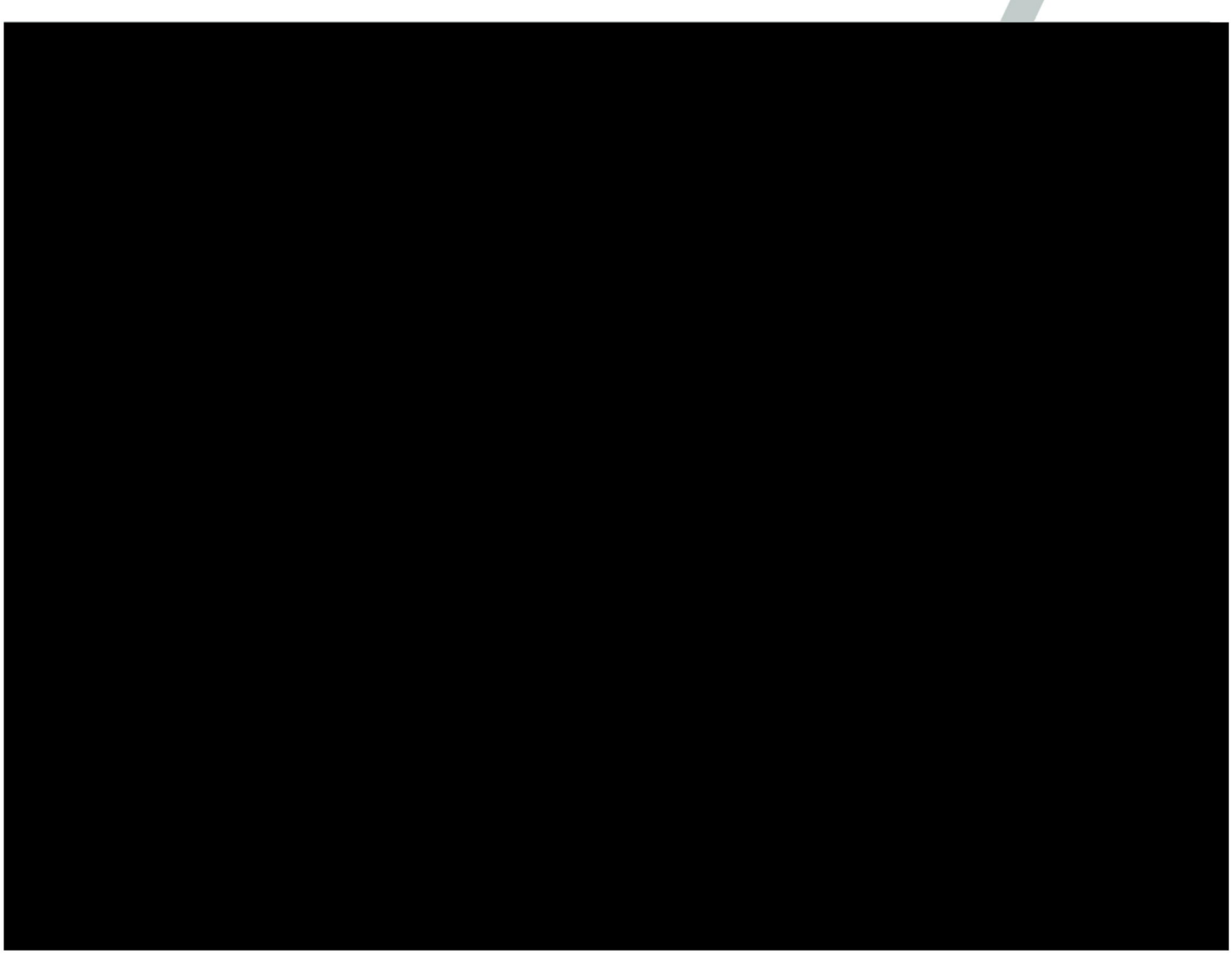
I have considered whether there is a conflict of interest in assessing this application and I have determined that I have:

☒ **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.**



Application requirements

Clause 58.01-1	
Objective	**Assessment**
• An application must be accompanied by: ○ *An urban context report.* • A design response.	☒ **Met** ☐ **Not Met. Full assessment provided in the body of the report**

Urban context report

Clause 58.01-2	
Objective	**Assessment**

• *The urban context report may use a site plan, photographs or other techniques and must include:*
• *An accurate description of:*
  ○ *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:*
  ○ *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.*
	☒ **Met**
	☐ **Not Met. Full assessment provided in the body of the report**

Design response

Clause 58.01-3	
Objective	**Assessment**

• *The design response must explain how the proposed design:*
  ○ *Responds to any relevant planning provision that applies to the land.*
  ○ *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.*
	☒ **Met**
	The proposed dwelling mix includes:
	- 98 x studios
	- 147 x 1-bedroom (1 bathroom) apartments
	- 138 x 2-bedroom apartments, comprising
	- 12 x 2-bedroom 1 bathroom apartments
	- 126 x 2-bedroom 2 bathroom apartments
	- 10 x 3–bedroom apartments
	☐ **Not Met. Full assessment provided in the body of the report**

Infrastructure objectives

Clause 58.02-4		
Objectives	**Standard D4**	**Assessment**
• *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.*	• *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*	☒ **Met** The proposal is connected to all necessary infrastructure noting that the proposal has been mostly constructed. ☐ **Not Met. Full assessment provided in the body of the report**

Integration with the street objective

Clause 58.02-5

Objective	Standard D5	Assessment

• *To integrate the layout of development with the street.*	• *Developments should be oriented to front existing and proposed streets.*
	• *Along street frontage, development should:*
	  ○ *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.*
		☒ **Met**
		No alterations to external built form.
		☐ **Not Met. Full assessment provided in the body of the report**

Energy efficiency objectives

Clause 58.03-1		
Objective	**Standard D6**	**Assessment**

• *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.*
	• *Buildings should be:*
	  ○ *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.*
		☐ **Met**
		☒ **Not Met. Full assessment provided in the body of the report**

Table D1 Cooling load	
NatHERS climate zone	**NatHERS maximum cooling load MJ/M^2 per annum**
Climate zone 21 Melbourne	30
Climate zone 22 East Sale	22
Climate zone 27 Mildura	69
Climate zone 60 Tullamarine	22
Climate zone 62 Moorabbin	21
Climate zone 63 Warrnambool	21
Climate zone 64 Cape Otway	19
Climate zone 66 Ballarat	23

Note:

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

Communal open space objective

Clause 58.03-2		
Objective	**Standard D7**	**Assessment**

• *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.*
	• *A development of 10 or more dwellings should provide a minimum area of communal outdoor open space of 30 square metres.*
	• *If a development contains 13 or more dwellings, the development should also provide an additional minimum area of communal open space of 2.5 square metres per dwelling or 220 square metres, whichever is the lesser. This additional area may be indoors or outdoors and may consist of multiple separate areas of communal open space.*
	• *Each area of communal open space should be:*
	  ○ *Accessible to all residents.*
	  ○ *A useable size, shape and dimension.*
	  ○ *Capable of efficient management.*
	  ○ *Located to:*
	  - *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.
		☒ **Met**
		Given a total of 393 dwellings are proposed, the total communal area should be at least 250 square metres, with a minimum of 30 square metres of outdoor area.
		A total of 2093 sqm of communal areas, open to all residents is provided, including 1423 sqm of internal area and 670 sqm of outdoor area
		☐ **Not Met. Full assessment provided in the body of the report**

Solar access to communal outdoor open space objective

Clause 58-03-3		
Objective	**Standard D8**	**Assessment**
• *To allow solar access into communal outdoor open space*	• *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.*	☒ **Met** The shadow diagrams indicate that the proposal will achieve 189sqm of communal open space around the northern perimeter of the building free of shadow. ☐ **Not Met. Full assessment provided in the body of the report**

Safety objective

Clause 58.03-4		
Objective	**Standard D9**	**Assessment**
• *To ensure the layout of development provides for the safety and security of residents and property*	• *Entrances to dwellings should not be obscured or isolated from the street and internal accessways.* • *Planting which creates unsafe spaces along streets and accessways should be avoided.* • *Developments should be designed to provide good lighting, visibility and surveillance of car parks and internal accessways.* • *Private spaces within developments should be protected from inappropriate use as public thoroughfares.*	☒ **Met** The proposal includes an appropriate layout to provide for the safety and security of residents including clear lobby entrances, well planned landscaping and clear private spaces. ☐ **Not Met. Full assessment provided in the body of the report**

Landscaping objectives

Clause 58.03-5		
Objectives	**Standard D10**	**Assessment**
• *To provide landscaping that supports the existing or preferred urban context of the area and reduces the visual impact of buildings on the streetscape.*	• *Development should retain existing trees and canopy cover.* • *Development should provide for the replacement of any significant trees that have been removed in the 12 months prior to the application being made.* • *Development should:*	☒ **Met** Landscaping remains unchanged from the original proposal. The

- *To preserve existing canopy cover and support the provision of new canopy cover.*
- *To ensure landscaping is climate responsive, supports biodiversity, wellbeing and amenity and reduces urban heat.*

- *Provide the canopy cover and deep soil areas specified in Table D2. Existing trees can be used to meet the canopy cover requirements of Table D2.*
- *Provide canopy cover through canopy trees that are:*
  - *Located in an area of deep soil specified in Table D3. Where deep soil cannot be provided trees should be provided in planters specified in Table D3.*
  - *Consistent with the canopy diameter and height at maturity specified in Table D4.*
  - *Located in communal outdoor open space or common areas or street frontages.*
- *Comprise smaller trees, shrubs and ground cover, including flowering native species.*
- *Include landscaping, such as climbing plants or smaller plants in planters, in the street frontage and in outdoor areas, including communal outdoor open space.*
- *Shade outdoor areas exposed to summer sun through landscaping or shade structures and use paving and surface materials that lower surface temperatures and reduce heat absorption.*
- *Be supported by irrigation systems which utilise alternative water sources such as rainwater, stormwater and recycled water.*
- *Protect any predominant landscape features of the area.*
- *Take into account the soil type and drainage patterns of the site.*
- *Provide a safe, attractive and functional environment for residents.*
- *Specify landscape themes, vegetation (location and species), irrigation systems, paving and lighting.*
- *Specify landscape themes, vegetation (location and species), irrigation systems, paving and lighting.*

Table D2 Canopy cover and deep soil requirements

Site area (sqm)	Canopy cover	Deep soil
1000 square metres or less	5% of site area Include at least 1 Type A tree	5% of site area or 12 square metres whichever is the greater
1001 – 1500 square metres	50 square metres plus 20% of site area above 1,000 square metres	7.5% of site area

standard is considered to be met noting that the provision of landscaping on the site supports the preferred urban context and, wellbeing and amenity of future residents.

☐ **Not Met. Full assessment provided in the body of the report**

	Include at least 1 Type B tree	
1501 - 2500 square metres	150 square metres plus 20% of site area above 1,500 square metres Include at least 2 Type B trees or 1 Type C tree	10% of site area
2500 square metres or more	350 square metres plus 20% of site area above 2,500 square metres Include at least 2 Type B trees or 1 Type C tree	15% of site area

Table D3 Soil requirements for trees

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

Note:

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

Table D4 Tree types

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

	C	12 metres	12 metres	

Access objectives

Clause 58.03-6		
Objectives	**Standard D11**	**Assessment**
• *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.*	• *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.*	☒ **Met** No modifications from the original approval. ☐ **Not Met. Full assessment provided in the body of the report**

Parking location objectives

Clause 58.03-7		
Objectives	**Standard D12**	**Assessment**

• *To provide convenient parking for resident and visitor vehicles.*
• *To protect residents from vehicular noise within developments.*
	• *Car parking facilities should:*
	  ○ *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*
		☒ **Met**
		No modifications from the original approval.
		☐ **Not Met. Full assessment provided in the body of the report.**

Integrated water and stormwater management objectives

Clause 58.03-8		
Objectives	**Standard D13**	**Assessment**
• *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*	• *Buildings should be designed to collect rainwater for non-drinking purposes such as flushing toilets, laundry appliances and garden use.* • *Buildings should be connected to a non-potable dual pipe reticulated water supply, where available from the water authority.* • *The stormwater management system should be:* ○ *Designed to meet the current best practice performance objectives for stormwater quality as contained in the Urban Stormwater - Best Practice Environmental Management Guidelines (Victorian Stormwater Committee, 1999).*	☒ **Met** The application was supported by an amended ESD report which confirmed that the development has been designed to meet best practice stormwater management guidelines. Council

stormwater prior to discharge from the site.	• *Designed to maximise infiltration of stormwater, water and drainage of residual flows into permeable surfaces, tree pits and treatment areas.*	offered no comments on the submitted SMP. ☐ **Not Met. Full assessment provided in the body of the report**

Building setback objectives

Clause 58.04-1		
Objectives	**Standard D14**	**Assessment**

• *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.*
	• *The built form of the development must respect the existing or preferred urban context and respond to the features of the site.*
	• *Buildings should be set back from side and rear boundaries, and other buildings within the site to:*
	  ○ *Ensure adequate daylight into new habitable room windows.*
	  ○ *Avoid direct views into habitable room windows and private open space of new and existing dwellings. Developments should avoid relying on screening to reduce views.*
	  ○ *Provide an outlook from dwellings that creates a reasonable visual connection to the external environment.*
	• *Ensure the dwellings are designed to meet the objectives of Clause 58.*
		☒ **Met**
		No modifications from the original approval.
		
		☐ **Not Met. Full assessment provided in the body of the report**

Internal views objective

Clause 58.04-2		
Objectives	**Standard D15**	**Assessment**
• *To limit views into the private open space and habitable room windows of dwellings within a development.*	• *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.*	☒ **Met** The towers are provided with 13m of separation which limits views into the habitable room windows of dwellings within the development. ☐ **Not Met. Full assessment provided in the body of the report**

Noise impacts objectives

Clause 58.04-3

Objectives	Standard D16	Assessment

• *To contain noise sources in developments that may affect existing dwellings.*
• *To protect residents from external and internal noise sources.*
	• *Noise sources, such as mechanical plants should not be located near bedrooms of immediately adjacent existing dwellings.*
	• *The layout of new dwellings and buildings should minimise noise transmission within the site.*
	• *Noise sensitive rooms (such as living areas and bedrooms) should be located to avoid noise impacts from mechanical plants, lifts, building services, non-residential uses, car parking, communal areas and other dwellings.*
	• *New dwellings should be designed and constructed to include acoustic attenuation measures to reduce noise levels from off-site noise sources.*
	• *Buildings within a noise influence area specified in Table D3 should be designed and constructed to achieve the following noise levels:*
	  ○ *Not greater than 35dB(A) for bedrooms, assessed as an LAeq,8h from 10pm to 6am.*
	  ○ *Not greater than 40dB(A) for living areas, assessed LAeq,16h from 6am to 10pm.*
	• *Buildings, or part of a building screened from a noise source by an existing solid structure, or the natural topography of the land, do not need to meet the specified noise level requirements.*
	• *Noise levels should be assessed in unfurnished rooms with a finished floor and the windows closed.*
	Table D5 Noise influence area
	Noise source / **Noise influence area**
	Zone interface
	Industry — 300 metres from the Industrial 1, 2 and 3 zone boundary
	Roads
	Freeways, tollways and other roads carrying 40,000 Annual Average Daily Traffic Volume — 300 metres from the nearest trafficable lane
	Railways
	Railway servicing passengers in Victoria — 80 metres from the centre of the nearest track
	Railway servicing freight outside Metropolitan Melbourne — 80 metres from the centre of the nearest track
	Railway servicing freight in Metropolitan Melbourne — 135 metres from the centre of the nearest track
	Note:
		☒ **Met**
		The application is accompanied by an Acoustic Report, prepared by Acoustic Logic. This confirms that the constructed development incorporates sufficient glazing and roof specifications in the external fabric to meet the internal noise levels under Standard D16.
		The report also considered Condition 10 of the planning permit. Condition 10 requires the approval of an acoustic report, with all recommendations to be implemented prior to the occupation of the dwellings. As the condition remains operative and enforceable, no amendments to the permit are required.
		☐ **Not Met. Full assessment provided in the body of the report**

	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		
Objective	**Standard D17**	**Assessment**

• *To ensure the built form, design and layout of development does not generate unacceptable wind impacts within the site or on surrounding land.*	• *Development of five or more storeys, excluding a basement should:*
	  ○ *not cause unsafe wind conditions specified in Table D6 in public land, publicly accessible areas on private land, private open space and communal open space; and*
	  ○ *achieve comfortable wind conditions specified in Table D6 in public land and publicly accessible areas on private land within a distance of half the greatest length of the building, or half the total height of the building measured outwards on the horizontal plane from the ground floor building façade, whichever is greater.*
	• *Trees and landscaping should not be used to mitigate wind impacts. This does not apply to sitting areas, where trees and landscaping may be used to supplement fixed wind mitigation elements.*
	• *Wind mitigation elements, such as awnings and screens should be located within the site boundary, unless consistent with the existing urban context or preferred future development of the area.*
		☒ **Met**
		No modifications from the original approval.
		
		☐ **Not Met. Full assessment provided in the body of the report**

Table D6 Wind conditions

Unsafe	Comfortable
Annual maximum 3 second gust wind speed exceeding 20 metres per second with a probability of exceedance of 0.1% considering at least 16 wind directions.	Hourly mean wind speed or gust equivalent mean speed (3 second gust wind speed divided by 1.85), from all wind directions combined with probability of exceedance less than 20% of the time, equal to or less than: • 3 metres per second for sitting areas, • 4 metres per second for standing areas, • 5 metres per second for walking areas.

Accessibility objective

Clause 58.05-1		
Objective	**Standard D18**	**Assessment**

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

- *At least 50 per cent of dwellings should have:*
  - *A clear opening width of at least 850mm at the entrance to the dwelling and main bedroom.*
  - *A clear path with a minimum width of 1.2 metres that connects the dwelling entrance to the main bedroom, an adaptable bathroom and the living area.*
  - *A main bedroom with access to an adaptable bathroom.*
  - *At least one adaptable bathroom that meets all of the requirements of either Design A or Design B specified in Table D7.*

Table D7 Bathroom design:

	Design option A	Design option B
Door opening	A clear 850mm wide door opening	A clear 820mm wide door opening located opposite the shower
Door Design	Either: • 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: • 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: • 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: • 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	Not applicable

☒ Met

A total of 71% of dwellings meet the accessibility requirements (refer to TP-412).

☐ Not Met. Full assessment provided in the body of the report

	door opening to the circulation area.	
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		
Objectives	**Standard D19**	**Assessment**

• *To provide each dwelling and building with its own sense of identity.*
• *To ensure the internal layout of buildings provide for the safe, functional and efficient movement of residents.*
• *To ensure internal communal areas provide adequate access to daylight and natural ventilation.*
	• *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.*
		☐ **Met**
		☒ **Not Met. Full assessment provided in the body of the report**

Private open space objective

Clause 58.05-3		
Objective	**Standard D20**	**Assessment**

• *To provide adequate private open space for the reasonable recreation and service needs of residents*	• *A dwelling should have private open space consisting of at least one of the following:*
	  ○ *An area at ground level of at least 25 square metres, with a minimum dimension of 3 metres and convenient access from a living room.*
	  ○ *A balcony with at least the area and dimensions specified in Table D8 and convenient access from a living room.*
	  ○ *An area on a podium or other similar base of at least 15 square metres, with a minimum dimension of 3 metres and convenient access from a living room.*
		☐ **Met**
		☒ **Not Met. Full assessment provided in the body of the report**

- *An area on a roof of 10 square metres, with a minimum dimension of 2 metres and convenient access from a living room.*

- *If a cooling or heating unit is located on a balcony, the minimum balcony area specified in Table D8 should be increased by at least 1.5 square metres.*
- *If the finished floor level of a dwelling is 40 metres or more above ground level, the requirements of Table D8 do not apply if at least the area specified in Table D9 is provided as living area or bedroom area in addition to the minimum area specified in Table D11 or Table D12 in Standard D25.*

Table D8 Balcony size

Orientation of dwelling	Dwelling type	Minimum area	Minimum dimension
North (between north 20 degrees west to north 30 degrees east)	All	8 square metres	1.7 metres
South (between south 30 degrees west to south 20 degrees east)	All	8 square metres	1.2 metres
Any other orientation	Studio or 1 bedroom	8 square metres	1.8 metres
	2 bedroom	8 square metres	2 metres
	3 or more bedroom	12 square metres	2.4 metres

Table D9 Additional living area or bedroom area

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

Storage objective

Clause 58.05-4		
Objective	**Standard D21**	**Assessment**
• *To provide adequate storage facilities for each dwelling*	• *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.*	☒ **Met** TP-412 indicates that the proposal achieves full compliance with Standard D21 by providing storage in accordance with Table D10. ☐ **Not Met. Full assessment provided in the body of the report**

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

Common property objectives

Clause 58.06-1		
Objectives	**Standard D22**	**Assessment**
• *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.*	• *Developments should clearly delineate public, communal and private areas.* • *Common property, where provided, should be functional and capable of efficient management.*	☒ **Met** Communal areas and spaces within the development are appropriately delineated, functional and capable of efficient management. ☐ **Not Met. Full assessment provided in the body of the report**

Site services objectives

Clause 58.06-2		
Objectives	**Standard D23**	**Assessment**
• *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.*	• *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.*	☒ **Met** The plans include appropriate provision for site services including mailboxes. ☐ **Not Met. Full assessment provided in the body of the report**

1.1. Waste and recycling objectives

Clause 58.06-3		
Objectives	**Standard D24**	**Assessment**

• *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.*
	• *Developments should include dedicated areas for:*
	  ○ *Waste and recycling enclosures which are:*
	  - *Adequate in size, durable, waterproof and blend in with the development.*
	  - *Adequately ventilated.*
	  - *Located and designed for convenient access by residents and made easily accessible to people with limited mobility.*
	  ○ *Adequate facilities for bin washing. These areas should be adequately ventilated.*
	  ○ *Collection, separation and storage of waste and recyclables, including where appropriate opportunities for on-site management of food waste through composting or other waste recovery as appropriate.*
	  ○ *Collection, storage and reuse of garden waste, including opportunities for on-site treatment, where appropriate, or off-site removal for reprocessing.*
	  ○ *Adequate circulation to allow waste and recycling collection vehicles to enter and leave the site without reversing.*
	  ○ *Adequate internal storage space within each dwelling to enable the separation of waste, recyclables and food waste where appropriate.*
	• *Waste and recycling management facilities should be designed and managed in accordance with a Waste Management Plan approved by the responsible authority and:*
	  ○ *Be designed to meet the best practice waste and recycling management guidelines for residential development adopted by Sustainability Victoria.*
		☒ **Met**
		The application was supported by an amended Waste Management Plan which generally seeks to address Standard D24. Council recommended a condition to require an amended WMP to confirm
		the size of the commercial recycling compactor and the collection frequency. The applicant offered no objection to the inclusion of the condition. As such, a condition to require an amended WMP to address Council comments has been included within the recommendation.

	• *Protect public health and amenity of residents and adjoining premises from the impacts of odour, noise and hazards associated with waste collection vehicle movements.*	☐ **Not Met. Full assessment provided in the body of the report**

External walls and materials objective

Clause 58.06-4		
Objectives	**Standard D25**	**Assessment**

• *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.*
	• *External walls should be finished with materials that:*
	  ○ *Do not easily deteriorate or stain.*
	  ○ *Weather well over time.*
	  ○ *Are resilient to the wear and tear from their intended use.*
	• *External wall design should facilitate safe and convenient access for maintenance.*
		☒ **Met**
		No modifications from the original approval.
		
		☐ **Not Met. Full assessment provided in the body of the report**

Functional layout objective

Clause 58.07-1		
Objective	**Standard D26**	**Assessment**

• *To ensure dwellings provide functional areas that meet the needs of residents*	• *Bedrooms should:*
	  ○ *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 D11 Bedroom dimensions
	Bedroom type / **Minimum width** / **Minimum depth**
	Main bedroom / 3 metres / 3.4 metres
	All other bedrooms / 3 metres / 3 metres
	• *Living areas (excluding dining and kitchen areas) should meet the minimum internal room dimensions specified in Table B13.*
	Table D12 Living area dimensions
	Dwelling type / **Minimum width** / **Minimum area**
	Studio and 1 bedroom dwelling / 3.3 metres / 10 sqm
	2 or more bedroom dwelling / 3.6 metres / 12 sqm
		☐ **Met**
		☒ **Not Met. Full assessment provided in the body of the report**

Room depth objective

Clause 58.07-2		
Objective	**Standard D27**	**Assessment**

• *To allow adequate daylight into single aspect habitable rooms*	• *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:*
	  ○ *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.*
		☒ **Met**
		Room depth objective met – all ceiling heights are at least 2.7m and no greater than 9m for room depth, in accordance with the standard.
		☐ Not Met. Full assessment provided in the body of the report

Windows objective

Clause 58.07-3		
Objective	**Standard D28**	**Assessment**
• *To allow adequate daylight into new habitable room windows.*	• *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.*	☒ **Met** All habitable rooms have a window in an external wall of the building to allow for adequate daylight. ☐ **Not Met. Full assessment provided in the body of the report**

Natural ventilation objectives

Clause 58.07-4		
Objectives	**Standard D29**	**Assessment**

• *To encourage natural ventilation of dwellings.*
• *To allow occupants to effectively manage natural ventilation of dwellings.*
	• *The design and layout of dwellings should maximise openable windows, doors or other ventilation devices in external walls of the building, where appropriate.*
	• *At least 40 per cent of dwellings should provide effective cross ventilation that has:*
	  ○ *A maximum breeze path through the dwelling of 18 metres.*
	  ○ *A minimum breeze path through the dwelling of 5 metres.*
	  ○ *Ventilation openings with approximately the same area.*
		☐ **Met**
		☒ **Not Met. Full assessment provided in the body of the report**

	• *The breeze path is measured between the ventilation openings on different orientations of the dwelling.*	



[Click to add text if required]