

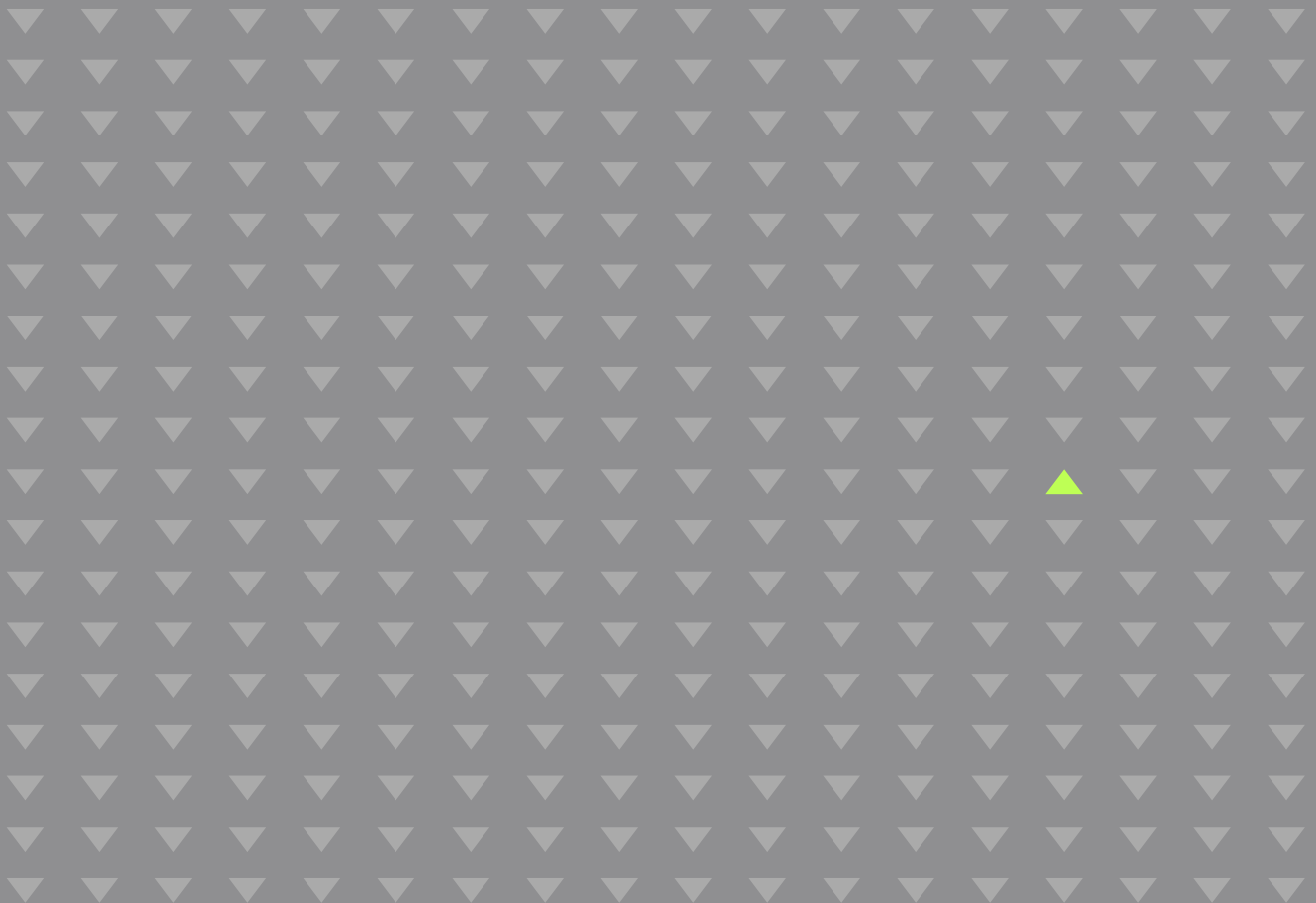
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Planning Submission

437 St Kilda Road, Melbourne
30 January 2024



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LIST OF ATTACHMENTS

Attachment 1 - Clause 58 Assessment

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This planning submission has been prepared on behalf of Boulevard Properties Pty Ltd, the owner and prospective developer of the land at 437 St Kilda Road, Melbourne (**the subject site**).

The planning submission supports an application for a planning permit to use and develop the subject site for a multi-unit development above a basement car park.

The subject site is located within the Commercial 1 Zone (**C1Z**) and is affected by Design and Development Overlay Schedules 17 and 19 (**DDO17** and **DDO19**).

A planning permit is required:

- pursuant to Clause 34.01-1, for the use of accommodation; and
- pursuant to Clause 34.01-4 (C1Z) and Clause 43.02-2 (DDO), to construct a building or construct or carry out works.

This submission describes the subject site and the broader urban context in which it is located; describes the development proposal; identifies the relevant planning controls, policies and provisions set out in the Melbourne Planning Scheme (**the Planning Scheme**); and provides an assessment of the planning merits of the proposal against these policies and controls.

This permit application follows a pre-application meeting on 05 July 2023 with Officers of Melbourne City Council and the Department of Transport and Planning, during which the proposal was discussed and feedback received. This feedback has, where appropriate, been incorporated into the proposal.

The submission should be read in conjunction with the following material:

- Certificate of Title.
- A Metropolitan Planning Levy Certificate.
- Architectural Plans and Town Planning Report prepared by Bates Smart.
- Landscape Plans and Supporting Design Report prepared by Barber.
- Traffic Engineering Assessment prepared by Traffix Group.
- Waste Management Plan prepared by Traffix Group.
- Sustainable Management Plan prepared by IGS.
- Environmental Wind Assessment prepared by MEL Consultants.
- Shrine Vista Report prepared by Veris.

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2.0 SUBJECT SITE AND SURROUNDING AREA

2.1 LOCATION

The subject site is located in Melbourne, on the eastern side of St Kilda Road, to the south-east corner of Slater Street and immediate west of Fawknar Park.

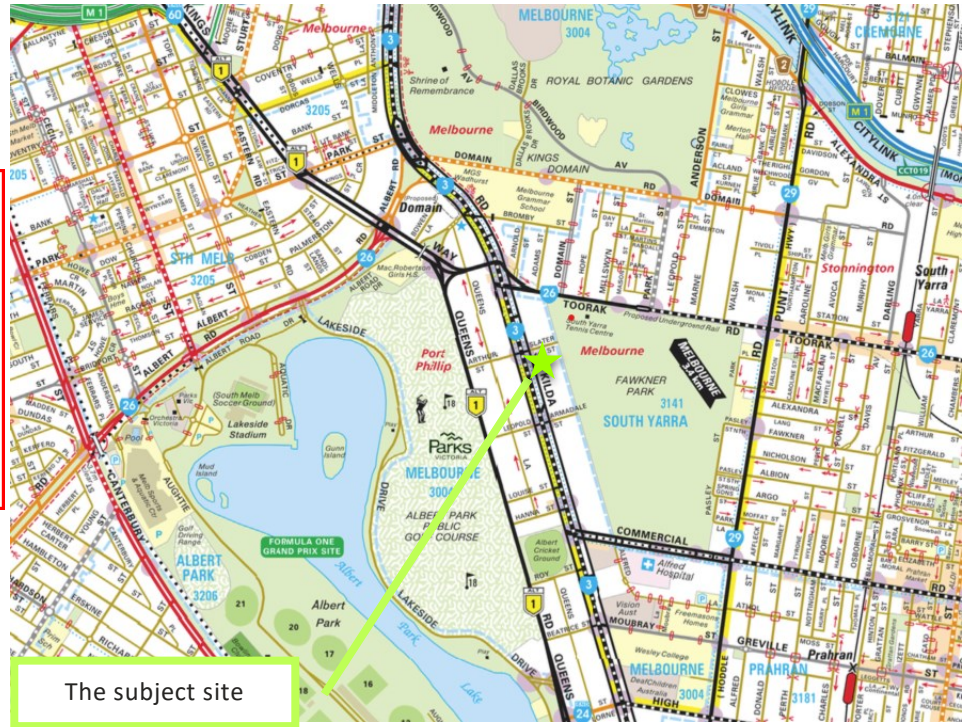


Figure 1: Location of the review site
Source: Melway 2022

The subject site is also located approximately:

- 200 metres east of Albert Park – a regional public open space located to the west side of Queens Road.
- Immediately west of Fawknar Park – a City of Melbourne municipal park.
- 300 metres south of Kings Domain and the Royal Botanic Gardens.
- 2.5 kilometres south of Melbourne’s CBD.

The subject site is very well serviced by public transport with multiple tram routes travelling along St Kilda Road and Kings Way, and bus routes also along St Kilda Road. The new Anzac Station is well advanced, and about 800 metres to the north.

It is also relevant to note that the subject site is in the Principal Public Transport Network Area as per the *Principal Public Transport Network Area Maps* prepared by the State Government of Victoria (2018).

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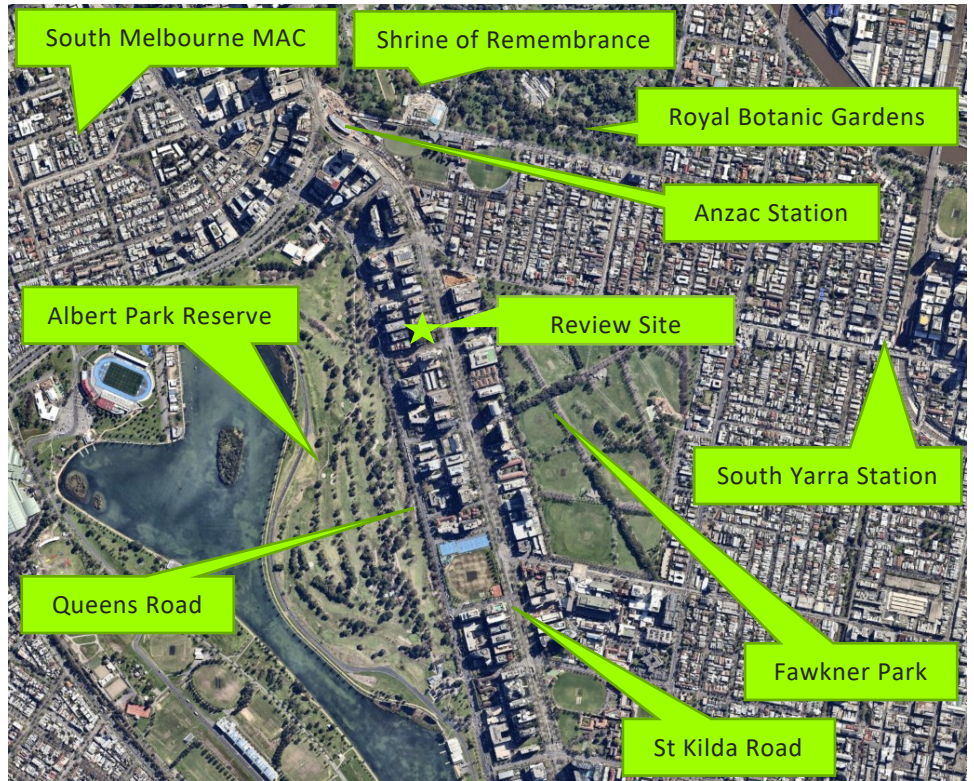


Figure 2: Aerial photograph locating the subject site in the context of the surrounding area (Source: Nearmap April 2023)

2.2 TITLE INFORMATION AND DIMENSIONS

The subject site is formally described as Lot 1 on Plan of Subdivision 523280A.

Two Ctipower easements affect the land.

The land is not the subject of a covenant or other restriction that would prevent the issue of a planning permit for the proposal.

The subject site is of regular, rectangular shape with details drawn from the Certificate of Title and survey as follows:

- Frontage to St Kilda Road of 30.18 metres.
- Frontage to Slater Street of 100.58 metres.
- Rear boundary to Fawkner Park of 30.18 metres.
- A total site area of approximately 3,027 square metres.



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2.3 SITE CONDITIONS

The subject land experiences a significant change in levels from west (St Kilda Road) to east (rear) and is evident when walking along Slater Street. The levels are identified as:

- North west corner: 5.70m AHD
- North east corner: 9.75m AHD
- South west corner: 5.64m AHD
- South east corner: 10.10m AHD

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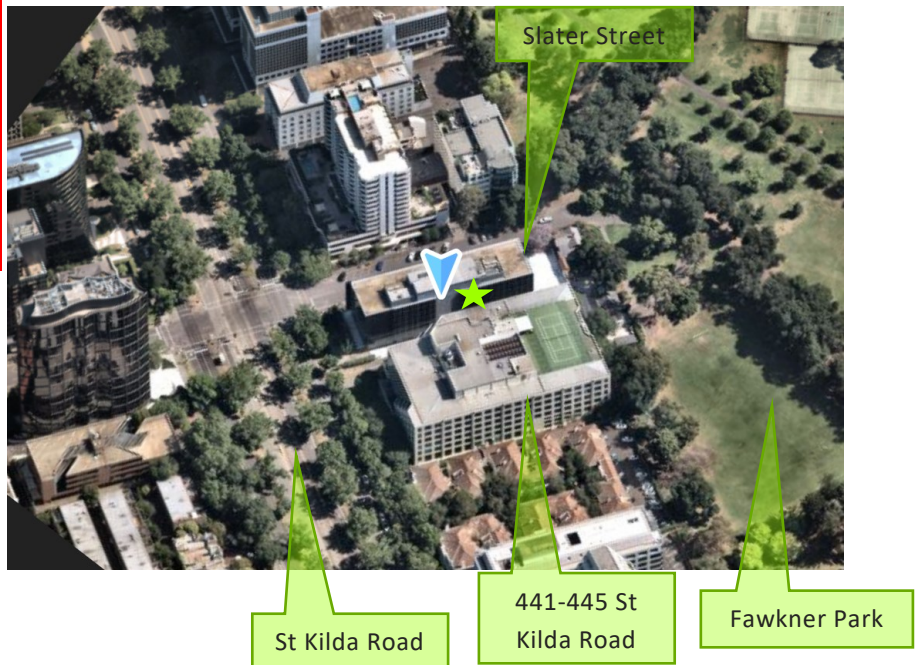


Figure 3: Aerial image (oblique view) the subject site and surrounds

The subject site is developed with a multistorey (6 – 7 storey) office building, with a café located at ground floor fronting St Kilda Road. The building is positioned with a St Kilda Road setback area, occupied by hard paving with rows of trees and some raised planter beds along Slater Street, which assist with the level change.



Figure 4: View of subject site from the corner of St Kilda Road and Slater Street



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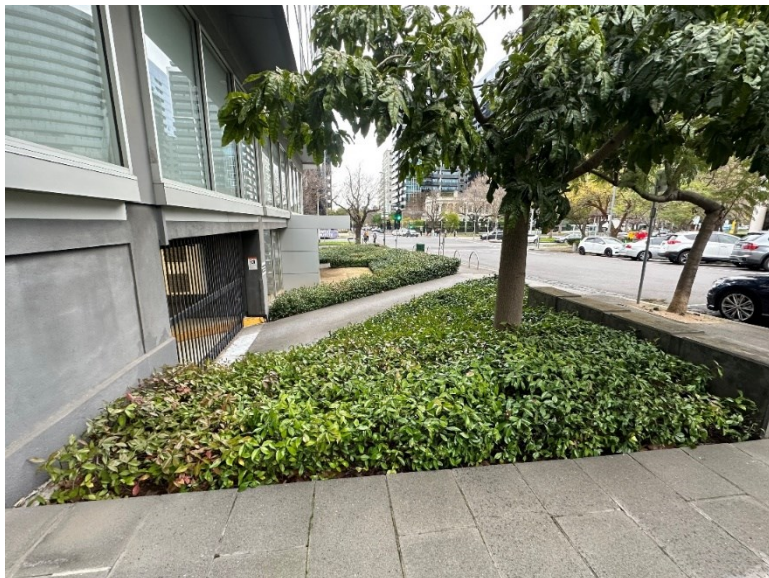
Figure 5: View east from the subject site's crossover along St Kilda Rad



The subject site comprises three vehicle crossovers, one to the south-west corner of St Kilda Road, and two along Slater Street.

The lobby entrance is accessible from Slater Street, at Level 1. Vehicle access from the part-basement car park is sited towards St Kilda Road.

Figure 6: View west along the subject site's Slater Street frontage from the entrance to the building



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Figure 7: View east along the subject site's frontage to Slater Street to lobby entrance



To the rear portion of the site, a low blank concrete wall runs along the subject site's frontage to Slater Street to accommodate the under-croft car parking and level changes as the land rises towards Fawkner Park.

To the immediate rear is the subject site's interface with Fawkner Park. A double width crossover is located to the rear of the subject site to provide access to car parking. A fence (AHD 11.59) runs along the subject site's rear boundary.

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Figure 8: View east along Slater Street from the rear portion of the subject site



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Figure 9: View east to rear vehicle crossover to the rear along Slater Street and caretaker cottages behind



Figure 10: View south along rear of the subject site from Slater Street



2.4 IMMEDIATE SURROUNDS

The immediate surrounds of the subject site are discussed in turn below.

To the south

To the south is the subject site's only property abuttal to 441-445 St Kilda Road, which is developed with a large, 6 – 7 storey office building. The north-west portion of the subject site provides for a double crossover from St Kilda Road, with the front setback area occupied by vehicle access, loading and driveway to the car park, and a secondary driveway along the property's north boundary (ie. adjacent to the subject site). Part of the northern side setback area is occupied by a garden



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bed with ground cover and small/medium size trees. The balance of the building's frontage to St Kilda Road includes landscaping with established trees and ground cover planting.

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Figure 11: View to the abutting property at 441-445 St Kilda Road



Figure 12: View west along the subject site's southern site boundary and interface with the office building at 441-445 St Kilda Road



Figure 13: View of St Kilda Road frontage at 411-455 St Kilda Road



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To the north

To the north is Slater street, a no-through east-west orientated local road that has a signalised intersection with St Kilda Road to the west, and Fawkner Park to the east. The width of the road is generous and provides for 90 degree parking on at the northern kerb, and parallel parking at the southern kerb.

On the northern side of Slater Street is a 7 – 8 storey multi-unit building at the eastern end adjacent to Fawkner Park. At the north-east corner of St Kilda Road and Slater Street is the large, 15 storey residential building known as Fawkner Towers.

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Figure 14: View to northern side of Slater Street to 2-6 Slater Street



Figure 15: View to the north-east corner of St Kilda Road and Slater Street – Fawkner Towers



To the east

To the east is Fawkner Park, which is affected by Heritage Overlay (HO1233) and classified within the Victorian Heritage Register (Ref H2361). The Statement of Significance provides the following description:

Fawkner Park is a trapezoidal shaped public park of 41 hectares (101 acres) established in the southern part of the City of Melbourne. It contains a wide range of landscape design elements and features including lawns, tree plantings, pathways, playing fields, structures, such as a circular seat, as well as a number of buildings such as the Caretaker's Cottage and Fence (1885), Substation (1925), Southern Pavilion (1936), Southern Toilet Block now store (1937), Northern Pavilion (1937), Tennis Club and Community Centre (interwar), shelter and playgrounds.

As relevant, the Statement of Significance recognises that the earliest structure remaining on site is the nineteenth century Caretaker's Cottage, located to the western boundary of Fawkner Park on Slater Street.



Figure 16: View to Fawkner Park from the eastern end of Slater Street

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Figure 17: View from the rear crossover along Slater Street to the rear of the heritage significant Fawkner Park Caretaker's Cottage and depot



Figure 18: View of Caretaker's Cottage (source: Bates Smart Town Planning Report)

To the west

To the west is St Kilda Road. As one of Melbourne's most significant boulevards, it is characterised by its generous reservation width and mature avenues of elm and plane trees. Over time, its through traffic lanes have reduced in number as more of the road has been dedicated to tramway and pedestrian infrastructure and bicycles.

St Kilda Road (Melbourne) remains a major north-south boulevard which, at its northern end, passes the Kings Domain and the Shrine to its east to terminate at the Yarra River. Its southern end terminates at St Kilda Junction.

The intersection of Slater Street (and Arthur Street west of St Kilda Road) and St Kilda Road is signalised, and both left and right turns (north and southbound) are permitted into the central and service lanes.

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Like many parts of inner Melbourne, the St Kilda Road area has undergone considerable change over the last two decades due to its proximity to central Melbourne, multiple amenities (including public transport, restaurants, parkland etc) and a consequentially favourable planning policy and control framework that has specifically encouraged more intensive development.

2.5 WIDER CONTEXT

As observable from aerial and other photographs in this report, the subject site is in an intensively developed inner metropolitan setting where it is very well-connected to physical and community infrastructure.

A mix of zones in the St Kilda Road area has delivered a combination of land uses which comprise offices, service businesses, dwellings, and food and drinks premises (cafés and restaurants), as well as a limited number of personal services.

The built form varies from single storey buildings remaining from the late 19th Century and early parts of last century, medium rise mid-20th Century development that has been renovated/refurbished over time and newer tower forms hosting office space and/or higher density dwellings. Building styles and garden settings are diverse and mostly well-maintained.

Street activation has steadily improved over the last 20 years, with a growing number of food and drink premises and business and personal services serving both the working and residential populations. These premises often occupy ground level frontages, and are especially common along the St Kilda Road corridor – emerging also along some side streets.

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3.1 RESIDENTIAL APARTMENT BUILDING

The description of the proposal below should be read in conjunction with the detailed architectural package prepared by Bates Smart.

The application proposes to use and develop the subject site for an eighteen (18) storey apartment building, including residential amenities, above three (3) levels of basement.

The building has been designed to accord with the relevant Standards pursuant to Clause 58, as such providing high levels of internal and external amenity.

A summary of the details of the apartment building are as follows:

- A total of seventy-seven (77) apartments, comprising sixteen (16) two-bedroom apartments, and sixty-one (61) three+ bedroom apartments.
- An area of 453 square metres of communal open space/terrace located at level 8.
- An area of resident amenities of 677 square metres located at ground floor, comprising a lap swimming pool, gymnasium/yoga room, steam and sauna, lounge and dining rooms, and meeting rooms.
- A total of one-hundred-and-eighty-eight (188) car parking spaces, including four (4) visitor spaces within the three levels of basement.
- A total of eighty-four (84) residential bicycle spaces located within a secure area at ground floor level, and eight (8) visitor bicycle parking spaces located within the subject site's front setback area from St Kilda Road.
- 64% of the apartments are cross-ventilated.
- 99% of the apartments are accessible.
- Balconies have been provided to each apartment and orientated to allow for good solar access and daylight.
- The building reaches a maximum height (to roof parapet) of 59.1 metres and podium of 27.2 metres (measured from centreline along St Kilda Road).
- The overall building massing and setbacks have been designed within the Shrine Vista parameters of DDO17 and the preferred heights/setbacks of DDO19.

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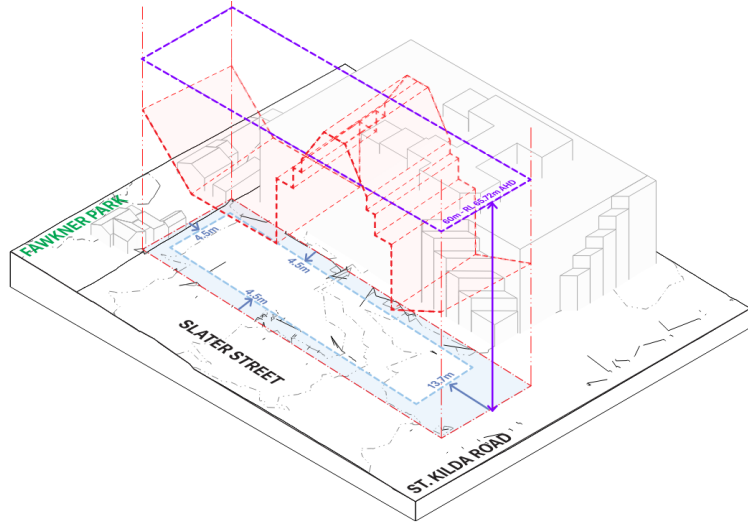


Figure 19: Design Response of the proposed building massing within the Shrine Vista envelope and DDO height/setbacks (Source: Bates Smart)

- Pedestrian access to the residential lobby is via a central pedestrian path (running east-west) from St Kilda Road. A secondary side entrance for residents is located centrally along Slater Street.
- The retained crossover to St Kilda Road provides for left-in only access for waste and loading along the southern side of the building, and drop off/pick up to the porte cochere. The St Kilda Road crossover also provides for left-out only egress for waste vehicles.
- The existing crossover to the rear of Slater Street is to be removed and the kerb reinstated, while the existing crossover to the west along Slater Street is to be slightly relocated.
- Resident and visitor vehicle movements will be directed to and from Slater Street, which benefits from a signalised intersection with St Kilda Road.
- A one-way porte cochere is proposed with entry from St Kilda Road and exit to Slater Street. The porte cochere has been designed to be a minimum of 4 metres wide and provides for drop-off/pick-up opportunities outside the site's St Kilda Road landscaped frontage.
- Bicycle access is via the existing crossover along St Kilda Road to the southern driveway leading directly to secure, resident bicycle storage areas and access to the lobby/lifts.
- Dedicated waste areas/rooms are proposed adjacent to the loading dock.
- The front setback area from St Kilda Road has been designed in conjunction with Barber Landscape Architect, to provide for meaningful opportunity for deep soil planting, ground cover and new trees.

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- Barber envisages a comprehensive landscape design response within the generous St Kilda Road street setback area, which provides opportunities for deep soil planting (with allowance included in the basement for this) and to create a beautiful and green vegetated streetscape environment with a combination of new trees and groundcovers.



Figure 20: Landscape coverage of St Kilda Road front setback area
(Source: Barber)

- An additional ground floor garden is proposed to be located above the basement ramp to the car park, centrally located adjacent to Slater Street. The interface along Slater Street (to the east of the garden) manages both the level change from pavement to Level 1, and in doing so provides opportunities for deep soil planting combined with vertical landscaping along the terraces.
- At the upper levels, the inboard balconies have been sculpted with curved corners and integrated planter boxes to provide a landscaped transition from the natural surrounds of the subject site and the living spaces within the building, as well as the landscaped communal area on Level 8 of the building.



Figure 21: Level 8 Landscape Design
(Source: Barber)



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- The project will target a 5-Star Green Star Building Certification and demonstrate the achievement of Australian Excellence Sustainable Design. This incorporates a range of measures, including (but not limited to) solar PV Panel on the roof, thermally enhanced building fabric and window system, rain water tank for toilet flushing and landscape irrigation, and green travel options.
- The building façade is designed to offer efficient summer shading while enabling winter light penetration. The horizontal masonry bands maintain a uniform upstand across the apartments, achieving a favourable window to wall ratio and protection from the stronger summer sun, but allowance of winter daylight.

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Figure 22: Extract of balcony and façade composition and solar protection (Source: Bates Smart)

Please refer to the Architectural Plans prepared by Bates Smart and Landscape Plan prepared by Barber for further details. In addition, matters on ESD, car parking and traffic, and waste, are outlined in Sections 6.5, 6.6 and 6.7 of this submission and the accompanying application reports.

3.2 DESIGN AND BUILT FORM

The scale, siting and design of the proposed building have been carefully considered having regard to the character of the area/St Kilda Road boulevard, heritage and landscape significance of the Shrine of Remembrance and Fawkner Park, existing abutting and nearby properties, the prevailing siting and design of development in the local area, the landscape expectations, and the existing and emerging neighbourhood character.

The development accommodates a higher-density built form outcome, whilst maintaining a beautifully crafted landscaped setting within the St Kilda Road boulevard and Fawkner Park environs.



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The design principles of the development are based on the streamline moderne approach to fluid lines, horizontal banding, and a connection with nature, in which proposed building geometry is combined with lush planting. *“The overarching principles of streamline-moderne and connection to nature will be brought into the careful detailing and craft of the residences”,* and will *“deliver generously sized high quality apartments that are light filled, amenity rich and embodies a quality of restrained timelessness”* (Source: Bates Smart).

The evolution of the building’s massing is illustrated in the documentation prepared by Bates Smart and effectively describes the ‘step by step’ design principles and influence on the height, setbacks, articulation, and landscaping of the building.

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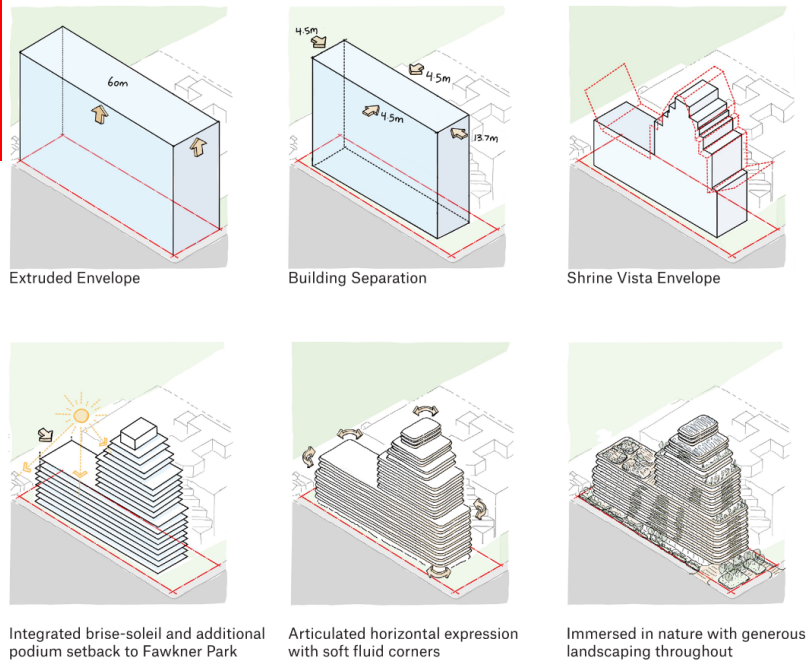


Figure 23: Massing overview (Source: Bates Smart)

A key feature of the building form is its sculpted surfaces and fluid lines, which presents a timeless expression, deep reveals and soft articulation, all reminiscent of the streamline moderne Art Deco buildings within the subject site’s immediate context.



Figure 24: Extract of sculpted surfaces and fluid lines (Source: Bates Smart)



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The materiality is purposefully restrained, but rich in textures and tones, to support the streamline moderne design philosophy and emphasise the landscape contribution and offering of the design. The palette uses warm tones in timber-look material on balcony soffits to create captivating moments along the building façade. The planter boxes and privacy screens feature a subdued metal finish, completing the landscape and masonry aesthetic. Materials provide for textured masonry cladding, timber-look cladding, aluminium cladding, vertical profile metal cladding, clear and spandrel glass, and horizontal and vertical louvres.

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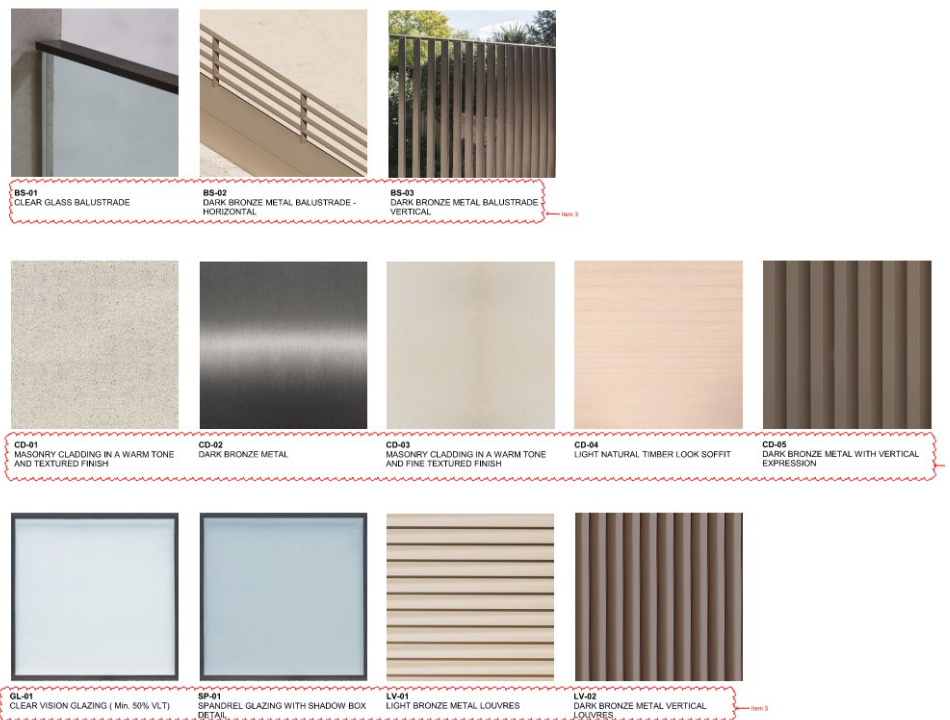


Figure 25: Materials Board (Source: Bates Smart)

The key components of the design statement provided by Bates Smart Architects is included below (extracts):

The proposed built form is shaped by a thorough consideration of setback controls and the shrine vista envelope, ensuring a harmonious response to the surrounding context...

The proposed ground plane and street interfaces significantly increase the landscape cover of the site, providing a verdant formal garden with deep planting along St. Kilda Road and a generously landscaped garden edge along Slater Street, which terraces with the natural topography of the site. The consolidation of crossovers along Slater Street will make this a more pedestrian-friendly environment for journeys to and from Fawcner Park.

...



Drawing inspiration from streamline moderne design principles, the building is expressed as a series of horizontal planes with softened corners, continuous lines, and balanced proportions to create a calm and serene presence when viewed from all angles. The profiled masonry bands have been designed with subtle variations to create a play of light and shadow, gracefully stepping around the form. These well-poised forms float past the glazing line to form an integrated brise-soleil, which effectively shades windows in summer while allowing winter light into the residences for passive solar heating.

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This effective shading allows the apartment windows to be large and expansive, providing panoramic views of the surrounding gardens and city skyline while remaining energy-efficient. The glazed surface curves around corners and bends into balconies to further enhance the streamline character of the building. The integration of warm balcony soffits and perimeter planter boxes along balconies and terraces foster a strong connection to nature.

A timeless and enduring addition to St Kilda Rd.

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4.0 RELEVANT PLANNING CONTROLS

4.1 ZONE

The subject site is located within the Commercial 1 Zone (**C1Z**) pursuant to **Clause 34.01** of the Melbourne Planning Scheme. Refer to Figure below.

This is the zone that most widely applies in the St Kilda Road North Precinct. The C1Z applies to the subject site's surrounds, except for land to the immediate east, known as Fawkner Park, located within the Public Park and Recreation Zone.

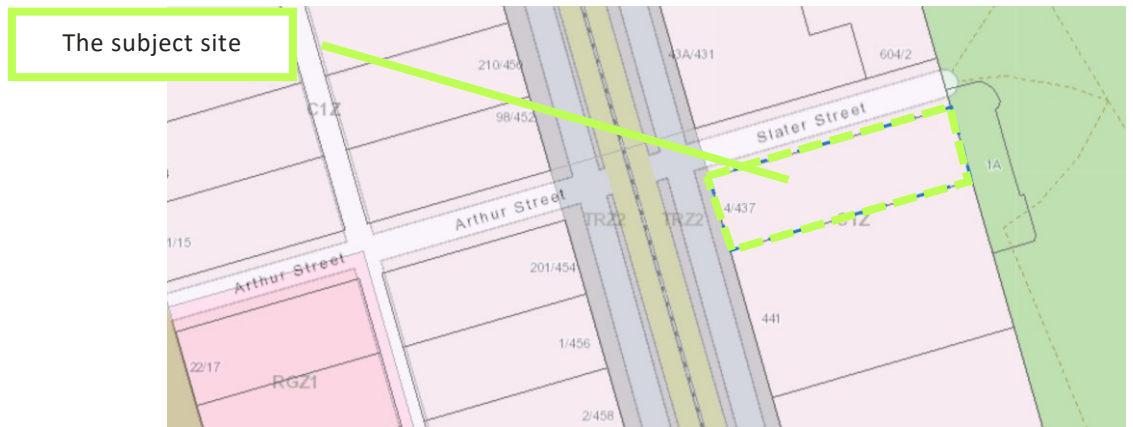


Figure 26:
Zoning map (Source: VicPlan)

The purpose of this zone is:

To implement the Municipal Planning Strategy and the Planning Policy Framework.

To create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses.

To provide for residential uses at densities complementary to the role and scale of the commercial centre.

Pursuant to Table 1 of Clause 34.01-1, the use of the land for dwellings (accommodation) is "as of right". However, the condition for the use of the land for 'accommodation' states 'any frontage at ground floor level must not exceed 2 metres (other than a bed and breakfast and caretaker's house)'.

The proposed ground floor frontage for the residential foyer exceeds 2 metres, and therefore a planning permit is required for the use of the land as a dwelling (accommodation).

Pursuant to Clause 34.01-4, a planning permit is required to construct a building or construct or carry out works. An apartment development must meet the requirements of Clause 58.

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4.2 OVERLAYS

The subject site is affected by two schedules of the Design and Development Overlay at **Clause 43.02**. These being:

- Design and Development Overlay – Schedule 17 (DDO17)
- Design and Development Overlay – Schedule 19 (DDO19)

Pursuant to Clause 43.02-2, a permit is required to construct a building or construct or carry out works.

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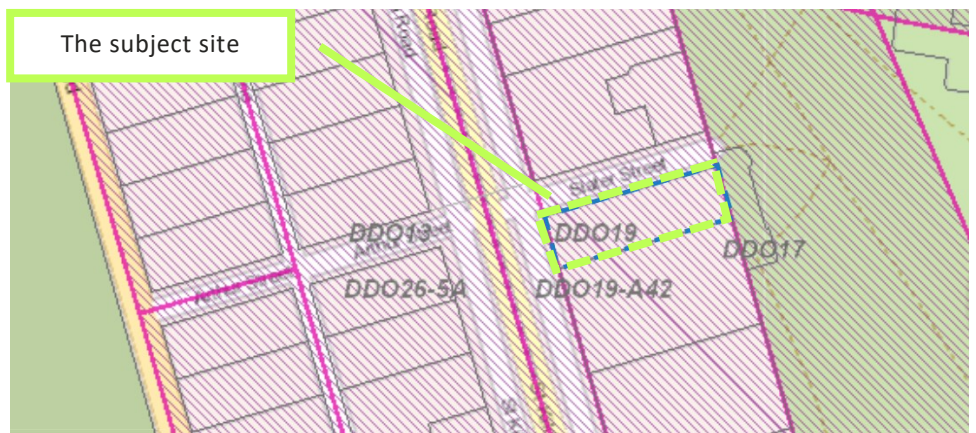


Figure 27:
DDO map (Source: VicPlan)

4.2.1 DDO17

Schedule 17 (DDO17) relates to the Shrine Vista. The design objective of this schedule is as follows:

To ensure that the Shrine of Remembrance and its outline as viewed from Swanston Street outside the State Library in the City of Melbourne is not fully or partially obscured by any building or works.

A permit is required for buildings or works constructed above 33 metres above the Australian Height Datum (AHD) on land within the boundaries of this overlay.

The height of buildings or works must be in accordance with the Shrine Vista Height Control formula as described in the Shrine of Remembrance Controls (April 2014).

A permit cannot be granted to vary this requirement.

4.2.2 DDO19

Schedule 19 (DDO19) relates to the St Kilda Road Area. The design objectives seek:

To encourage site development that will enhance the appearance, dignity and spaciousness of St Kilda Road.

To protect and enhance the appearance of St Kilda Road as a major boulevard.



To encourage urban design improvements so that the physical environment offers variety, interest, safety and convenience to people in the area.

To encourage retention of those features of the area that enhance its appearance, give it character or provide a sense of identity.

To encourage appropriate landscaped outdoor uses within a garden environment.

To ensure that any new development or redevelopment is at a scale that protects the visual amenity of Fawkner Park.

To ensure that development preserves the vista of the Shrine of Remembrance.

DDO19 outlines a range of built form and massing controls. The subject site is located within Area 42, which provides for the following:

Outcomes

Development does not impact upon the attractiveness of Fawkner Park, the vista to the Shrine of Remembrance or the built form character of the area.

The landscaped garden frontages to St Kilda Road are maintained.

The intensity and scale of development reinforces the existing built form character of St Kilda Road as a non-CBD commercial district and does not detrimentally impact on the traffic and car parking capacity of St Kilda Road.

Height

Buildings or works *should* not exceed the maximum building height specified in the table to this schedule.¹ The height for Area 42 is 60 metres.

An application to exceed the maximum building height and/or plot ratio must be accompanied by a site analysis plan and urban context report documenting how the development will achieve the design objectives and outcomes of this schedule.

¹ Height of a building or works is the height of its highest point above the permanent footpath at the centre of the site frontage.

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Setbacks

Buildings and works should not be situated within any setback distance specified in the table to this schedule. The setbacks for the subject site (Area 42) provide for:

- 13.7 metres from St Kilda Road or
- 4.5 metres if the site abuts another road
- 4.5 metres from sideage or any other boundary

A permit may be granted to allow:

- *Minor building projections (including sunshades and small balconies) other than projections into the setback distance from St Kilda Road.*
- *A structure within a setback area on land with a frontage to St Kilda Road provided that the structure is:*
 - *single storey and located at ground level.*
 - *separated by a landscaping strip of a minimum width of 6.5 metres from St Kilda Road.*
 - *constructed of lightweight materials consisting of glazing or a canvas roofing system, and being primarily an open structure within a garden setting.*
 - *of a design and quality that is in keeping with the garden environment of St Kilda Road.*
- *An unenclosed verandah that is part of an entry to a building at or near ground level to extend into a setback area on land with a frontage to St Kilda Road:*
 - *up to 4.5 metres into a setback area at the front of a building.*
 - *up to 3 metres into a setback area at the side of a building.*
- *A fire escape*
- *A basement within a setback area provided no part of it projects above ground level. If the site abuts St Kilda Road, any part of the basement within a frontage setback area must be at least 0.8 metres below permanent footpath level. Garden soil must cover the basement to a depth of at least 0.8 metres and the surface must be planted and maintained with lawn, garden trees, shrubs or other appropriate features, except for any pedestrian and vehicular access ways.*
- *Stairs to a basement within a setback area.*

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- *This does not include:*
- *The construction or modification of a waste pipe, flue, vent, exhaust fan, skylight security camera, street heater or similar minor works provided they are to the satisfaction of the Responsible Authority.*

An application for buildings and works within the setback distance must be accompanied by a site analysis plan and a written urban context report documenting how the development will achieve the specific design objectives and outcomes of this schedule.

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Landscaping

Land between a building and St Kilda Road must be landscaped and maintained to the satisfaction of the responsible authority.

Fences

A fence should not be built higher than 0.3 metres, unless it can be demonstrated to the satisfaction of the responsible authority that the design objectives of this schedule can be met.

Car parking areas

Cars parked in parking areas should not be visible from St Kilda Road and footpaths and driveways should be no wider than 4.5 metres, unless it can be demonstrated to the satisfaction of the responsible authority that the design objectives of this schedule can be met.

Display of goods

Any goods displayed in a building or on the site must not be able to be seen from St Kilda Road, unless it can be demonstrated to the satisfaction of the responsible authority that the design objectives of this schedule can be met.

4.3 PARTICULAR PROVISIONS

4.3.1 Clause 52.06 – Car parking

The following particular provisions are relevant to the site:

The purpose of this Clause is to ensure the provision of an appropriate number of car parking spaces having regard to demand, the activities on the land and nature of the locality. It also supports sustainable transport alternatives and seeks to ensure car parking is of a high standard, creates a safe environment for users, enables easy and efficient use and does not adversely affect the amenity of the locality.



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All car parking associated with a specified land use is required to be provided in accordance with **Clause 52.06** of the Scheme (unless elsewhere specified) together with the requirements for aisle widths and dimensions of car spaces. Given the location of the subject site within the Principal Public Transport Network (**PPTN**), Column B rates are applicable.

Table 1 to Clause 52.06 specifies the following statutory car parking requirements for the proposed use:

Use	Statutory rate	Required	Proposed
Dwelling	1 space to each one to two bedroom dwelling; plus	16	16
	2 to each three or more bedroom dwelling (with studies or studios that are separate rooms counted as a bedrooms)	122	122
Total Statutory Requirement			138 spaces
Total Provided			184 spaces

The provision of 188 spaces on-site for residents exceeds the minimum requirements of Clause 52.06 and therefore no permit is sought under Clause 52.06. There is no requirement to provide visitor parking, and a permit is not required to provide parking above the statutory rates for residents.

Notwithstanding this, the application seeks to include four (4) visitor car parking spaces within the building.

The Traffic Engineering Assessment prepared by Traffix Group provides further details in respect of these matters.

A new use requires the provision of bicycle facilities in accordance with **Clause 52.34** of the Scheme, together with the provisions of showers and changes rooms.

Table 2 to Clause 52.34 specifies the following statutory bicycle facility requirements for the proposed uses:

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4.3.2 Clause 52.34 – Bicycle facilities



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Use	Rate	Statutory Requirement
Dwelling	Resident: In developments of four or more storeys, 1 to each 5 dwellings	15 Resident spaces
	Visitor: In developments of four or more storeys, 1 to each 10 dwellings	8 Visitor spaces
Total statutory requirement		23 bicycle spaces
Total proposed bicycle spaces		92 bicycle spaces

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The proposed bicycle parking arrangements and facilities are considered appropriate, and a permit is not triggered under this provision.

The Traffic Engineering Assessment prepared by Traffix Group provides further details in respect of the proposal's bicycle parking provision and its appropriateness.

4.3.3 Clause 52.29 – Land Adjacent to the Principal Road Network

The purpose of **Clause 52.29** is to ensure appropriate access to the Principal Road Network or land planned to form part of the Principal Road Network.

Pursuant to Clause 52.29-2, a planning permit is required to create or alter access to a Transport Zone 2 (TRZ2). St Kilda Road is a Transport Zone 2.

No works are proposed for the existing crossover on St Kilda Road, therefore a permit under Clause 52.29 is not required.

4.3.4 Clause 53.18 – Stormwater management in urban development

Clause 58.18 seeks to ensure that stormwater in urban development, including retention and reuse, is managed to mitigate any adverse impacts on the environment, property and public safety, and to provide cooling, local habitat and amenity benefits.

Stormwater management has been considered as part of the proposal. The Sustainable Management Plan (SMP) prepared by IGS provides further explanation of the appropriateness of the proposal's stormwater management.

4.3.5 Clause 58 – Apartment developments

An apartment development must meet the objectives and should meet the standards of **Clause 58**. This Clause seeks to facilitate new residential development that:

- Implements the Municipal Planning Strategy and the Planning Policy Framework.



Encourages apartment development that provides reasonable standards of amenity for existing and new residents.

Encourages apartment development that is responsive to the site and the surrounding area.

A detailed assessment of the proposal against the Clause 58 objectives and standards is included at **Attachment 1**.

4.3.6 General Provisions

Clause 65 of the Planning Scheme sets out matters that must be considered to determine whether the proposed development will produce an acceptable planning outcome.

4.4 SUMMARY OF PERMIT TRIGGERS

A planning permit is required pursuant to the following clauses of the Planning Scheme:

- Clause 34.01-1 (C1Z), a planning permit is required for the use of Accommodation; and
- Clause 34.01-4 (C1Z) and Clause 43.02-2 (DDO), a planning permit is required to construct a building or construct or carry out works.

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5.0 RELEVANT STATE AND LOCAL POLICIES

5.1 PLANNING POLICY FRAMEWORK

The Planning Policy Framework (PPF) is outlined at Clauses 10 – 19 of the Melbourne Planning Scheme. The PPF underpins the key objectives of the *Planning and Environment Act 1987* and its objectives that require consideration in the administration of land use and development planning across Victoria. It informs the preparation and implementation of local planning policy objectives and the introduction of zone and overlay controls. It is therefore necessary that planning permit applications build on and achieve these important policy objectives.

Of the PPF, the following clauses relevant to this proposal are as follows:

Settlement at Clause 11 states planning should anticipate and respond to the needs of existing and future communities. **Activity Centres at Clause 11.03-1S** seeks to encourage the concentration of major retail, residential, commercial, administrative, entertainment and cultural developments into activity centres that are highly accessible to the community.

Built Environment and Heritage at Clause 15 states planning should recognise the role of urban design, building design, heritage and energy and resource efficiency in delivering liveable and sustainable cities, towns and neighbourhoods.

- **Urban Design at Clause 15.01-1S** seeks to create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity.
- **Urban Design – Metropolitan Melbourne** seeks to create a distinctive and liveable city with quality design and amenity.
- **Building Design at Clause 15.01-2S** seeks to achieve building design outcomes that contribute positively to the local context and enhance the public realm.
- **Healthy Neighbourhoods at Clause 15.01-4S** seeks to achieve neighbourhoods that foster healthy and active living and community wellbeing.
- **Healthy Neighbourhoods – Metropolitan Melbourne at Clause 15.01-4R** seeks to create a city of 20-minute neighbourhoods, that give people the ability to meet most of their everyday needs within a 20-minute walk, cycle or local public transport trip from their home.
- **Neighbourhood Character at Clause 15.01-5S** seeks to recognise and protect neighbourhood character, cultural identity and sense of place.
- **Heritage Conservation at Clause 15.03-1S** seeks to ensure the conservation of places of heritage significance.

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Housing at Clause 16 states planning should provide for housing diversity and ensure the efficient provision of supporting infrastructure.

- **Housing Supply at Clause 16.01-1S** seeks to facilitate well-located, integrated and diverse housing that meets community needs.

Transport at Clause 18 states planning should ensure an integrated and sustainable transport system that provides access to social and economic opportunities, facilitates economic prosperity, contributes to environmental sustainability, coordinates reliable movements of people and goods, and is safe.

Infrastructure at Clause 19 states planning should ensure development of social and physical infrastructure that enables it to be provided in a way that is efficient, equitable, accessible and timely.

- **Integrated Water Management at Clause 19.03-3S** seeks to sustainably manage water supply, water resources, wastewater, drainage and stormwater through an integrated water management approach.

5.1.1 Melbourne – Planning Policy Framework

Specific to the Melbourne Planning Scheme are the following policies within the Planning Policy Framework:

St Kilda Road and South Yarra at Clause 11.03-6L-14 supports residential development on St Kilda Road within its context as a premier office and residential boulevard. The built environment and heritage strategies seek to (as relevant):

- *Ensure development in St Kilda Road respects its landscaped boulevard character which includes generous landscaped front setbacks, the appearance of “buildings in grounds” and established street trees.*
- *Ensure development along St Kilda Road maintains views to the Arts Centre Spire and Shrine of Remembrance.*
- *Encourage high rise residential and office developments along St Kilda Road.*
- *Ensure development around Fawkner Park protects the visual amenity of the park and avoids overshadowing.*

Sunlight to public space at Clause 15.01-1L-03 applies to public spaces throughout the municipality including parks and gardens, streets and lanes. Policy guidelines discourages development that casts additional shadows on public spaces between 11am and 2pm on 22 September, and considers whether the area of additional overshadowing is acceptable relative to the area of remaining sunlit spaces in the public area.

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Urban design outside the Capital City Zone at Clause 15.01-1L-05 has the objectives to:

- *Ensure that the scale, siting, massing and bulk of development complements the adjoining and nearby built form, and relates to the prevailing patterns of height and scale of existing development in the surrounding area.*
- *Ensure that buildings on prominent sites are designed to achieve a high standard of design that reflects the importance of their location and extent of their visibility.*
- *Ensure that building design at the ground floor frontages creates and improves pedestrian interest and engagement.*
- *Prioritise pedestrian movement and amenity and strengthen networks of pedestrian pathways.*
- *Minimise the adverse impacts of wind in surrounding public spaces and provide weather protection.*

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The Clause outlines a range of strategies under sub-headings relating to building form, activation, articulation, service areas, weather protection etc. These will be addressed in the assessment section of this report.

Energy and resource efficiency at Clause 15.01-2L-01 ensures buildings achieve high environmental performance standards at design, construction and operation phase. All applications are to be accompanied by a detailed Waste Management Plan and a Sustainability Management Plan.

5.2 MUNICIPAL PLANNING STRATEGY

The Municipal Planning Strategy at Clauses 02.01 – 02.04 outlines the key features of the City, historic precincts and assets. The Vision is for the City to achieve six high level goals: to be a city for people, a creative city, a prosperous city, a city of knowledge, an eco-city and a connected city.

Clause 02.03-1 – Settlement classifies the City as containing five types of settlement areas. St Kilda Road is identified with ‘Other Areas’; within which, St Kilda Road is recognised as,

a premier boulevard containing high density office and residential development. The continued development of the area has necessitated the introduction of a wide range of uses and services to support residents, workers and businesses.

Clause 02.03-4 – Built environment and heritage identifies Melbourne’s character as being defined by its distinctive urban structure, historic street pattern, boulevards, parks, heritage precincts and laneways.



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Where the built form character of an area is valued, new development must respect this character and add to the overall quality of the urban environment. In areas where built form change is more substantial, a new and equally attractive environment must be created.

In managing the built environment, Council will protect and enhance the City’s distinct physical character and heritage and maintain the importance of, amongst others, the Shrine of Remembrance.

Clause 02.03-5 – Housing expects significant population growth in an already densely developed city. New housing needs to be diverse, affordable and provide a good standard of building design. High standards of on-site amenity should be provided in all residential development, including good access to sunlight, daylight and privacy as well as protection from effects such as noise and light spill.

**5.3
PLANNING SCHEME
AMENDMENTS**

The following Amendments are relevant to the application.

Amendment C278 (now known as **C415**) proposes to protect **winter sunlight access to parks** across the City, excluding the Central City, Spring Street South, Southbank and Docklands.

Amendment C415 proposes to introduce a revised approach to protect sunlight access to parks. The revised approach seeks to introduce winter sun protection between 10am to 3pm on 21 June, for people to be able to enjoy parks for longer periods throughout the day and year. In areas of growth, moderate the impact of ‘no additional overshadowing’, and allow limited overshadowing of parks within certain circumstances, using the existing controls in the Design and Development Overlay, in terms of street wall height or overall building height, as the basis for the sunlight control.

As relevant to the proposal,

- Fawkner Park (Park No.97) is identified as ‘Park Type 3 (east)’.
- Park Type 3 provides the mandatory requirement of *“No additional shadow onto the park between 10am and 2pm on June 21”*.

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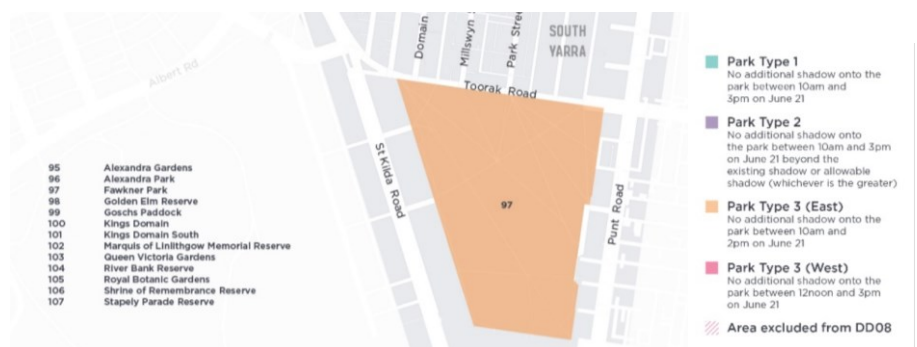


Figure 28:
Extract of proposed DDO8 Map
(Adoption version)

The amendment was adopted by Council in late 2021 and has subsequently been awaiting a decision by the Minister for Planning.



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Amendment C376 relates to **Sustainable Building Design**. Amendment C376 completed exhibition in April 2023 and the submissions are still being considered by Council. We are advised by Council's strategic planning department that, at the time of writing this report, the 2023 panel dates have been vacated. As such, the Amendment is not seriously entertained.

Amendment C376 (Sustainable Building Design Amendment) proposes changes to the planning rules to ensure future development achieves best practice in Environmentally Sustainable Design, including increased energy efficiency and greening of buildings.

In addition, the new planning rules are designed to improve the liveability of the city as the climate gets hotter and more extreme. Council will help developers and community implement the new standard for green infrastructure through the Council's Green Factor Tool.

5.4 PLAN MELBOURNE 2017- 2050: METROPOLITAN PLANNING STRATEGY

The current metropolitan Planning Strategy, *Plan Melbourne 2017-2050: Metropolitan Planning Strategy* (Department of Environment, Land, Water and Planning, 2017), is in many respects a response to Melbourne's much faster than expected population growth and the desirability of more employment opportunities which are integral to community wealth, health and prosperity.

At page 12, the vision for Melbourne as "*a global city of opportunity and choice*" anticipates outcomes including that "*Melbourne is a productive city that attracts investment, supports innovation and creates jobs*" and that "*Melbourne provides housing choices in locations close to jobs and services*". Related directions include:

- *Improve access to jobs across Melbourne and closer to where people live. (Direction 1.2)*
- *Create development opportunities at urban renewal precincts across Melbourne (Direction 1.3)*
- *Manage the supply of new housing in the right locations to meet population growth and create a sustainable city (Direction 2.1)*
- *Deliver more housing closer to jobs and public transport (Direction 2.2)*
- *Provide greater choice and diversity of housing (Direction 2.5)*

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Any redevelopment of the subject site must carefully synthesise a range of sometimes competing policy expectations, in favour of net community benefit and sustainable development.

In this case, there exists an inherent policy tension between realising the strategic opportunity presented by the redevelopment of a large, underutilised, commercially zoned site along St Kilda Road, well placed to make a meaningful contribution to urban consolidation, sustainability and housing policy imperatives, all whilst ensuring the urban design, heritage, and amenity outcomes of policy are achieved, in order to achieve the acceptable planning outcomes sought by the decision guidelines at Clause 65 of the Melbourne Planning Scheme.

Accordingly, the key assessment considerations relevant to determine whether the acceptable planning outcome is achieved are:

- Is the proposal consistent with strategic and municipal planning policy?
- Does the built form response meet the requirements of the DDO17 and DDO19?
- Is the built form response appropriate to the subject site's physical and strategic contexts?
- Does the proposed development satisfy the objectives of Clause 58 and appropriately address on and off-site amenity impacts?
- Does the proposal result in an appropriate environmentally sustainable design outcome?
- Are the car parking, access and waste arrangements appropriate?

Each of these matters is addressed below.

In forming a view about the proposal's consistency with planning policy, it is appropriate to acknowledge that the subject site is:

- Located in the Commercial 1 Zone, as is land in its immediate surrounds, except Fawkner Park to the immediate east, which is within the Public Park and Recreation Zone;
- not within a Heritage Overlay, but is located adjacent in HO1233 'Fawkner Park', which is also listed within the Victorian Heritage Register (Ref H2361);
- affected by two Design and Development Overlays, relating to the Shrine Vista and St Kilda Road Area;

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6.1 STRATEGIC PLANNING CONSIDERATIONS



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- located on a corner with two frontages to St Kilda Road and Slater Street, one direct property abuttal to an office building to the south and one direct abuttal to Fawkner Park to the east; and
- located in an area with a land use and built form character that is mixed, as a consequence of the various layers of the boulevard's development over the years.

Through this prism, the proposed development achieves the objectives and implements the relevant strategies of the Melbourne Planning Scheme as follows:

- *Plan Melbourne* explains that the St Kilda Road Precinct is one of four key precincts around Melbourne's Central City. Central Melbourne is the highest order activity centre in Victoria. In policy terms, there is no doubt that it is suited to more intensive development and the proposed mix of land uses. *Plan Melbourne* also seeks to manage the supply and location of new housing to provide for diversity of housing in the "right locations" to create a sustainable city.
- The importance of St Kilda Road as a premium office and residential boulevard is supported by local policy at Clause 11.03-6L-14. St Kilda Road is further recognised as, and targeted to, containing high density office and residential development at Clause 02.03-1.
- The proposed residential scheme comprising a total of eighty-three (83) high-end apartments in a mix of one, two and three+ bedroom typologies, is an appropriate response to housing choice and diversity objectives. The apartment building is well located along St Kilda Road boulevard, on land zoned C1Z, responding to policy at Clause 16.01-1S to facilitate well-located, integrated and diverse housing that meets community need.
- The St Kilda Road area has capacity for change, as the location offers new residents a very high level of accessibility to public transport, places of employment and entertainment, shopping, parks and gardens and social infrastructure. Accessibility is a very important aspect of settlement, sustainable development, residential development, integrated transport, movement networks and infrastructure policies appearing throughout Clauses 11 to 19 of the Planning Scheme.
- Resident proximity to public transport, including Anzac Station under construction at a location on St Kilda Road (approximately 850 metres to the north) and multiple tram and bus services, is entirely consistent with 20-minute neighbourhood policy which, amongst other things, is expected to promote walking and cycling consistent with neighbourhood and integrated housing policies.

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- The height and scale of the building is appropriate to the character of the area (Clause 02.03-4). St Kilda Road is not an established hinterland residential area where degrees of change are expected to be of lower order. To the contrary, the area is earmarked as a vibrant residential and office environment to be achieved, in part, through an increased scale and density of development, albeit distinct from the Central City. Discussion in later sections of this report confirms that the building responds to various aspects of its context (Clause 15.01-1S) and, by virtue of its planning, design and aesthetic, has appropriate regard for the amenity, comfort, safety and visual amenity of the public realm.
- It does not offend the landmarks, views and vista objective at Clause 15.01-1L-04 and has had regard for various of the building design, landscape pedestrian, carparking and vehicle access and environmentally sustainable design objectives.
- The proposal significantly enhances the site's landscaping offering within the broader urban context when compared to the existing limited conditions. Landscaping is provided in the generous street setback(s), upper-level planting via planters to balcony areas and the Level 8 terrace (Clause 15.01-1S).
- The proposal provides on-site car parking spaces for future residents as well as promoting sustainable transport modes through the provision of generous visitor and resident bicycle parking spaces in accordance with Clause 18.02.
- The proposal promotes the use of sustainable development through the incorporation of ESD initiatives and 5-star Green Star commitments in accordance with Clause 15.012L-01.
- The proposed design response allows for future equitable development opportunity, to ensure the area develops in a proper and orderly manner, with shared amenity in the form of access to daylight, outlook and sunlight (Clauses 15 and 16).
- The proposal achieves a high-quality architectural design outcome in keeping with Clause 15.01-1S, Clause 15.01-5S and Clause 02.03-4 that will make a positive contribution to the streetscape and the city's distinct neighbourhood character through:
 - Appropriate site layout and setbacks, which respond to the built form guidelines for the area and promote a landscaped design response to the St Kilda Road boulevard environs. This will be emphasised through the provision of meaningful landscaping opportunities as well as appropriate separation of form to the abutting office interface.

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- The incorporation of landscaping treatments around and within the development site.
- Increased opportunity for passive surveillance via habitable room windows and terraces and balconies that survey the public realm.
- The composition of quality materials and finishes that reference the character of the surrounding area and have been integrated to respond to the subject site's location.

The proposal's consistency with planning policy supports the proposition it will achieve the acceptable planning outcomes sought by Clause 65 and implement the objectives of the Act.

6.2 RESPONSE TO DDO17 AND DDO19

The development is responsive to the two overlay controls affecting the land, as set out in the next sections of this report.

Shrine Vista – DDO17

As the development exceeds 33 metres above the Australian Height Datum, the application must be referred to the Shrine of Remembrance Trustees, consistent with Clause 3.0 of the Schedule.

We refer to the accompanying Shrine Vista Report prepared by Veris, which confirms that the development will not intrude on the protected vista.

St Kilda Road Area – DDO19

The proposed building has been carefully designed to respond to the Design Objectives and Requirements of DDO19 (Area 42), as follows:

- The proposed maximum of height 59.1 metres to the roof parapet is below the DDO19 preferred 60 metre maximum height (the proposed roof plant sits above this). The roof parapet and plant height are demonstrated on each of the building's elevations and sections.
- The building is sited with a ground floor setback (to the building's glazing line) from St Kilda Road of approximately 24 metres, with the frontage occupied by landscaping, pedestrian access and a one way porte-cochere. At the levels above, the building is set back a minimum of 13.7 metres to the edge of the slab (or 14.19 metres to the glazing line). The setback increases to 17.7, 23.28, and 26.1 metres as it rises. This setback meets or exceeds the DDO19 preferred St Kilda Road setback of 13.7 metres.
- DDO19 has a discretionary setback of 4.5 metres to Slater Street (ie. any other road) and 4.5 metres to any side or other boundary. The proposal is designed with setbacks of at least 4.5 metres to the north, south and east, except for the following encroachments at Ground Floor and Level 1:

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- At the southern (side) boundary, the rear portion extends to the boundary to enclose planned building services and the pool at a maximum height of 1.15 metres, with fence above to match the existing rear boundary fence height at 1.38 metres.
- The north (Slater Street) frontage provides for the Ground Floor to be setback 4.5 metres except for the Plant room and pool, albeit these are subterranean due to the level change of the land.
- At first floor, to the rear portion of the site, the building comprises a number of terraces that extend approximately 1.5-2 metres within the 4.5 metre setback zone, at varying setbacks.
- While a variation to the above setbacks is sought, the proposed design response satisfies the relevant design objectives of DDO19, as follows:
 - The degree of encroachment in the setback zone is limited to the rear of the building, where the level difference between the footpath at Slater Street and the Ground Floor, is at its greatest;
 - The encroachment into the 4.5 metre setback from Slater Street is limited to the subterranean plant and pool, while the Level 1 terrace is located adjacent to termination of the footpath and existing street planter (with vegetation reaching between 1.6- 1.8 metres in height);
 - No reduction in setback is sought at the St Kilda Road frontage, thereby protecting the appearance of the major boulevard;
 - The setbacks along Slater Street provide a meaningful contribution to the landscape environment with carefully designed planters and transparent fencing to encourage engagement between the public and privates realms as viewed along Slater Street towards Fawkner Park.
- The proposed basement is sited within the setback area of St Kilda Road, but with no projection above ground level. The portion of the basement below the 13.7 metre setback zone on St Kilda Road is designed to accommodate a soil depth of 0.8 metres below the footpath level.
- The St Kilda Road setback area will be planted with River Birch trees set in a sea of medium height, deep green evergreen shrubbery, and draping groundcovers. This landscape response will provide a meaningful contribution to the landscape setting of the boulevard and will greatly improve on the sparse landscaping evident in existing conditions.
- While no fence is proposed, the landscape design incorporates curved, low level planters, of approximately 0.3 metres high to St Kilda Road, above footpath level, with permeable bronze top rail plates with spacings. The planters will contribute to the overall landscape aesthetic of the design.



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- The proposed car parking is located within the basement, which is accessed from the double crossover of 6.2 metres wide along Slater Street (at a distance of 16.9 metres from St Kilda Road). A porte-cochere is also proposed to utilise the existing crossover (left-in) from St Kilda Road to provide for loading and waste that will be collected from the southern side of the building, and drop off/pick up from the building's St Kilda Road address through to Slater Street. The areas set aside for vehicles (other than for the existing access at the southern boundary which is being retained) is set back at least 14.6 metres from the front boundary and generously exceeds the 13.7 metre setback area specified in DDO19 and will mostly be obscured behind proposed landscaping and covered by the building above it.
- The proposed new crossover along Slater Street (effectively shifting an existing crossover to the west), at a width of 6.2 metres, is located 16.9 metres from the front boundary (ie. St Kilda Road), and provides access to basement ramps to the east. These driveway areas are greater than 4.5 metres wide and have very limited visual presence from St Kilda Road,, forming an important part of ensuring safe vehicle movements to and from the site.
- The proposal also seeks a variation to the preferred plot ratio of 4:1. This variation is considered appropriate and responds to the design objectives of DDO19, for the following reasons:
 - The nearby developments at 493 St Kilda Road has a plot ratio of 7:1, and the refurbished building (not new build) at 499 St Kilda Road has a plot ratio of 5:1.
 - The proposal satisfies the DDO19 discretionary maximum building height, being less than 60 metres (except for the plant which is permitted to exceed the limitation).
 - The proposal also satisfies the preferred side and rear setbacks of 4.5m metres, except for a minor encroachment of rear terraces at Level 1 (at the northeast corner of the building).
 - The proposal adopts the nominated 13.7m street setback from St Kilda Road, as per DDO19.
 - The proposal is designed wholly within the DDO17 Shrine Vista envelope as required by this specific planning control.
 - The building envelope and mass will not result in any additional overshadowing to Fawkner Park, in accordance with Amendment C278 and notwithstanding the future of this proposed control is uncertain.

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Broadly, the proposal has been carefully designed with a very high level of regard for and compliance with building height, setback and other envelope parameters expressed in DDOs17 and 19. The proposed plot ratio is a reasonable outcome in the context of the St Kilda Road boulevard



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environment and has regard to the established built form character, of large buildings, in the immediate surrounds.

Having regard to the discretionary built form outcomes for Area 42, the proposal:

- presents a dynamic and attractive building, designed by one of Melbourne's award-winning architecture practices, Bates Smart. It does not impact on the attractiveness of Fawkner Park to the east, the vista to the Shrine of Remembrance or the built form character of the area. It is of an order of height and scale commensurate with numerous other buildings, including recently constructed buildings, on St Kilda Road;
- delivers a meaningful landscape contribution within the St Kilda Road front setback area, providing a vast improvement on existing conditions, and a setting that will engage with the public realm;
- respects the preferred scale of built form along St Kilda Road, which is distinct from the character of the nearby CBD; and
- utilises the site's sideage to Slater Street for resident car access to the basement, and proposing only limited use of the existing crossover at St Kilda Road for loading, waste and porte-cochere.

Matters of urban design and response/contribution to the public realm are discussed in more detail in the next section of this report.

In the same manner that the design of the building closely adheres to the DDO, the proposal has been carefully crafted to achieve an acceptable built form and urban design outcome.

Numerous strategies set out at Clause 15.01-1L-05 are adopted, as explained below.

Building Form

The design principles of the development are based on the streamline moderne. A key feature of the building form is its sculpted surfaces and fluid lines, which present a timeless expression, deep reveals and soft articulation, all reminiscent of the streamline moderne Art Deco buildings within the subject site's immediate context.

The building combines this aesthetic with lush planting in the round at Ground Level, extending up through the building on its balconies and the Level 8 communal terrace.

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6.3 BUILT FORM AND URBAN DESIGN RESPONSE



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The building's streamline moderne form is developed in the round, providing interest and articulation to all its frontages, resulting in a positive contribution to the urban landscape and public realm.



Figure 29: Render of the proposal at the corner of St Kilda Road and Slater Street (Source: Bates Smart)

As previously discussed, the building's massing has been carefully crafted with regard to the DDO policy controls, achieving a highly compliant and responsive built form outcome to the emerging preferred built form context of the St Kilda Road area.

Street Level

The St Kilda Road frontage delivers a large garden forecourt with high quality finishes and generous landscaping. The landscape design prepared by Barber, envisages deep soil planting (with allowance included in the basement) within the forecourt to St Kilda Road to create a beautiful and lush green streetscape environment with a combination of new trees and groundcovers. This landscape response continues up through the building's balconies facing St Kilda Road.

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Figure 30: Renders of St Kilda Road forecourt (Source: Bates Smart)

The Slater Street frontage manages a significant level change between St Kilda Road and Fawkner Park. A visual presentation of the interface between the proposal and Slater Street and the level change from pavement is outlined at Section 5.6 of the Bates Smart town planning report.

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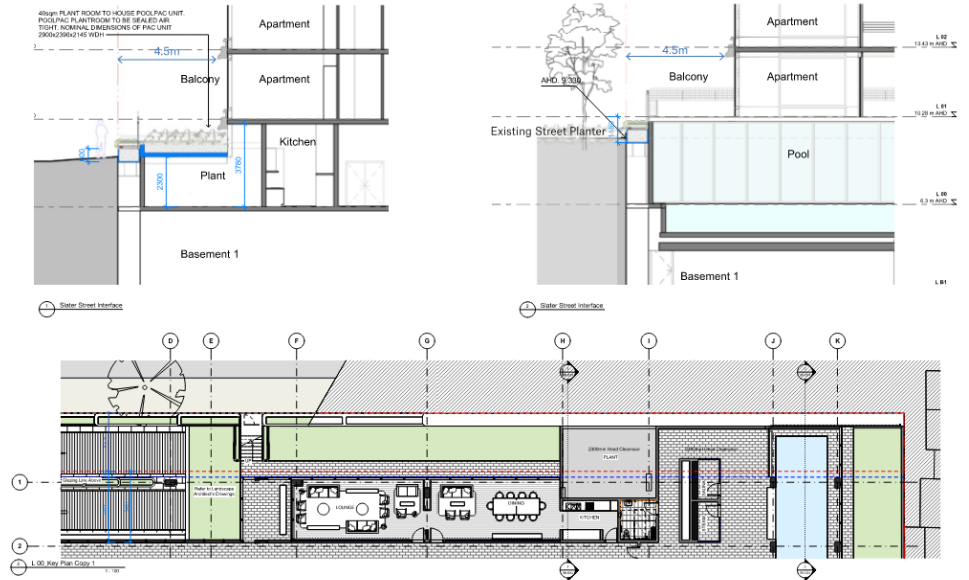


Figure 31: Slater Street design response extract (Source: Bates Smart)

The western end of Slater Street is occupied by the generous, landscaped forecourt to St Kilda Road and the reconfigured (existing) Slater Street crossover to provide resident/visitor access to the basement. To the east of the driveway ramp along Slater Street, within the 4.5 metre setback area, is a linear garden terrace area (slightly lower than the Slater Street pavement). This garden will provide opportunity for deep planting for the balance of the street frontage and approach to Fawkner Park, with permeable fencing between an on-boundary low planter and the garden terraces.

The proposal also provides for a secondary resident side entrance, centrally along Slater Street, offering convenient access for residents to Slater Street and Fawkner Park.

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Figure 32: Axo diagram to illustrate the setbacks and Level 1 terrace adjacent to the existing street planter along Slater Street



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The north-east corner of the site provides for a modest Level 1 terrace within the preferred 4.5 metre setback from Slater Street. At this location, the pedestrian footpath terminates at the landscaped kerb outstand, with intensively planted vegetation in the order 1.6-1.8 metres in height. The level change in this location is also relevant, with the proposed Level 1 terrace at RL10.28, the adjacent landscaped kerb outstand at RL 9.75 and footpath at RL 8.96. Given the limited level change between the footpath and terrace, the Level 1 terrace will be substantially obscured by the vegetated outstand, at the approach to Fawkner Park. We are satisfied that the minor non-compliance with the discretionary 4.5m setback in this location is acceptable and can be approved.

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Figure 33: Render of Slater Street interface towards Fawkner Park (Source: Bates Smart)

The activation of both streets is provided by dedicated pedestrian paths, separated vehicle access, a glazed ground floor lobby, and clear identification of the building and sense of address.

Landscape

The landscape contribution, philosophy and outcome have already been detailed throughout this submission, in particular its contribution to the street level activation and environment.

It is important to highlight that significant improvement in landscaping to be delivered by the development, as a comparison to existing conditions. In general terms, the existing building offers a landscape setback zone of 13.7 metres with a landscape cover of 85 square metres, whereas the proposal will provide for a landscape cover of 200 square metres – more than double the existing conditions.



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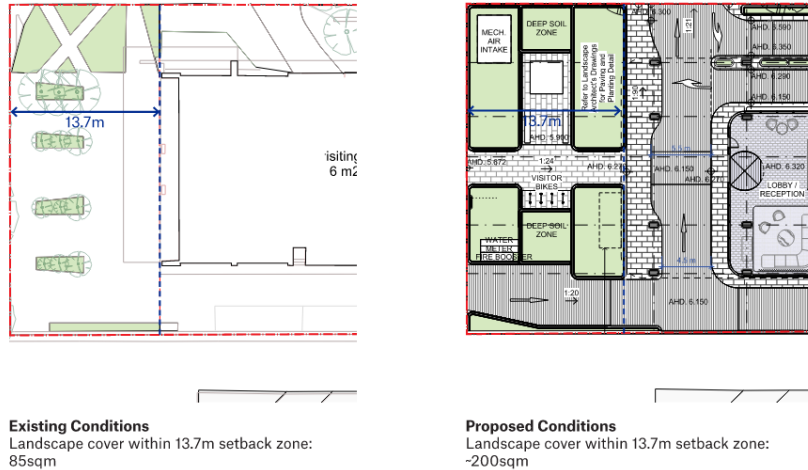


Figure 34: Landscape cover comparison (source: Bates Smart)

Service areas

The service areas are located centrally within the subject site, along the southern side of the building at Ground Floor, with access from the existing/reconfigured driveway. In this location are the substation, loading dock, waste rooms/collection, and services. The design avoids any services direct to the public realm.

Building projections

No building projections are proposed. The building is contained within the subject site and within the Shrine Vista control. The proposed rooftop plant is minimal of size, designed to integrate within the building’s form and, given its setbacks, will not be readily visible from the public realm.

Visibility and safety

The proposed pedestrian access is clearly identifiable from both St Kilda Road and Slater Street, leading to a resident ground-floor lobby that is glazed to both street frontages, providing lighting, visibility and safety.

Weather protection

The building design provides for a first-floor overhang of the ground floor portecochere and residential lobby, providing shelter for resident/visitors. While the pedestrian entrance paths are not covered, this responds to the design requirements of DDO19, which discourage any structure within the 13.7 metre setback zone from St Kilda Road. The proposal thereby strikes a suitable balance in providing an open landscape forecourt with weather protection outside this zone adjacent to the lobby.

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Figure 35: Render of arrival experience and weather protection
(Source: Bates Smart)



Heritage considerations

Clause 15.03-1S seeks to ensure the conservation of places of heritage significance. The proposed development is sited adjacent to the rear of the heritage protected Caretaker’s cottage. The principal views to the cottage are from Fawkner Park, to which the proposal will have no impact. Any oblique views to the rear of cottage when walking east along Slater Street will remain, albeit within the physical context of planting/landscaping, built form and structure, and the rear boundary fence. The proposal seeks to replace the existing rear boundary fence at the existing fence height (AHD 11.59).

Response to Amendment C415

The proposed building has been planned to comply with the June overshadowing requirements of Amendment C415, which require no additional overshadowing is allowed to Fawkner Park; notwithstanding, the amendment is still awaiting a decision.

The design response prepared by Bates Smart explains how the building form has been “reversed engineered” to ensure that no overshadowing is cast to Fawkner Park on 21 June, between 10am and 2pm.

For the above reasons, the proposed built form response is considered to be appropriate to the subject site’s natural, cultural and strategic contexts.

6.4 EXTERNAL AND INTERNAL AMENITY CONSIDERATIONS

6.4.1 Internal Amenity

An assessment of the proposal against the provisions of Clause 58 of the Scheme is attached to this report (**Attachment 1**). Where standards are not met, consideration of the design guidelines justifies a variation to achieve the corresponding objective. The proposal meets all the objectives and all, except for one, of the standards.

The assessment at **Attachment 1** demonstrates that the proposal provides a high level of compliance with Clause 58 standards and, therefore, future residents will be provided with a high level of internal amenity.

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The following aspects evidence the achievement of a high level of internal amenity:

- In the first instance, there is a variety of apartment types (2 and 3+ bedroom apartments) responding to the objective at Clause 16.01 of the Scheme and Standard D3 at Clause 58.02-3. All residents of the development will enjoy an excellent level of community amenity derived from the subject site's city edge location.
- Each apartment will have a functional internal layout that provides for comfortable and flexible living arrangements for future occupants. The minimum bedroom and living room dimensions comply (or in many instances exceed) with the Clause 58 objectives.
- Each apartment will have access to secluded private open space in the form of terraces and balconies, which provide an outlook to St Kilda Road, Slater Street or Fawkner Park, providing excellent connection with the surrounding environment (Standard D14). There are no solely south facing apartments.
- All dwellings have balconies or terraces complying with Standard D20 (Private Open Spaces). In many instances, the provision of spaces exceeds the expectation set in the standard.
- The apartments are designed as functional and spacious and provide a total of 99% of accessible apartment layouts, well in excess of the 50% required by Standard D17.
- All apartments have generous windows that provide adequate daylight into habitable rooms.
- All dwellings have internal storage and total storage complying with Standard D21.
- The communal open space is provided at Level 8, with the provision of a large communal outdoor terrace of 453 square metres (in excess of the Standard D7 at Clause 58.03-2. This will provide opportunities for residents of the development to further entertain guests and utilise as necessary – with views to Fawkner Park. Residents of the apartments will also have access to the building's pool and gymnasium/yoga, and private lounge/dining room at ground floor.
- No habitable rooms rely on 'borrowed light' and apartment layouts facilitate direct access to daylight and natural ventilation, with 64% of the dwellings being naturally ventilated.

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Figure 37: Apartment Type G (Source: Bates Smart)

6.4.2 External amenity

The subject site benefits from limited property abutments, being the large, 6 – 7 storey office building at 441-445 St Kilda Road to the south. The proposal has been designed to ensure unreasonable impacts on the existing conditions and equitable development potential of the abutting property are protected/maintained.

With regards to Clause 58.04 Amenity Impacts, in addition to the Clause 58 assessment at **Attachment 1**, it is noted that:

- The proposal has been provided with appropriate setbacks of 4.5 metres along the southern boundary for the entire building, except for the following:
 - Subterranean ground floor wall on boundary to the rear portion of the site.
 - First floor rear terrace at a setback of 3.3 metres (for a length of 12 metres).

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Given the large size of both the subject site and the abutting property, it is submitted that a setback of 4.5 metres from the southern boundary is acceptable and founded on the commonly accepted principles of equitable development as tested by the Tribunal. In general terms, if a combined 9 metre separation is sought in a future redevelopment scenario between the properties, given the large size of both properties, they can equally share the 4.5 metre separation.

The minor terrace encroachment is acceptable given the limited length of terrace, and modest height (terrace at RL10.28) above the NGL of 441 St Kilda Road in this location at RL8.6. The terrace will not affect view lines or amenity between the buildings or to Fawcner Park.



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- The proposed land use as apartments, the articulated design and setbacks of the building at the upper levels (substantially contracting in the size of the footprint), and location of vehicle movements to Slater Street, will ensure no external impacts on the existing conditions or development potential of the abutting land.
- Any noise generated from the development should not result in amenity impacts to the surrounds, due to the plant being contained within the roof plant and screened appropriately, or located within the building.
- The wind conditions have been tested within the subject site and in the surrounds, concluding,

For the Proposed Configuration, the wind conditions for all Test Locations in the streetscapes surrounding the Development have been shown to satisfy the walking comfort criterion at a minimum. The wind conditions at the main entrance into the building have been shown to satisfy the recommended standing comfort criterion for building entrances.

The wind conditions for the Proposed Configuration on the upper level terraces and outdoor amenities have been shown to satisfy the standing comfort criterion.

The wind conditions at all measured Test Locations have been shown to satisfy the Standard D17 safety criterion.

6.5 SUSTAINABILITY CONSIDERATIONS

Minimising adverse impacts on the environment through the careful administration of land use and development is one of the cornerstones of current State and Local planning policy objectives.

Environmentally Sustainable Design considerations has therefore played a key role in designing the proposed development, with ESD Consultant (IGS) provided since design inception. As a result, it is submitted that the proposed development is an excellent environmental performer.

More specifically the accompanying Sustainability Management Plan prepared by IGS addresses the City of Melbourne’s Energy, Water and Waste Efficiency Policy and National Construction Code (NCC 2019) Section J energy efficiency requirements, as well as Clause 15.012L-01.

The report concludes that the development will be designed to achieve:

- *Energy efficiency: Exceed NCC 2019 Section J;*
- *Minimum 20% potable water reduction under Green Star Buildings Version 1.0;*



- A Waste Management Plan (WMP) has been prepared in accordance with the current version of the City of Melbourne's Guidelines for Waste Management Plans; and
- A 5 Star Green Star design and construction under the Green Star Buildings Version 1.0 for the whole development.

Key initiatives/performance measures of the development comprise:

- Thermally enhanced building fabric and window system are proposed to all residential apartments within the development. All apartments are to achieve a minimum 5.5-Star and average above 7.5-Star NatHERS energy rating to exceed NCC 2019 Section J requirements by minimum 10%.
- Water efficient fixtures are proposed in conjunction with 30kL rainwater tank for toilet flushing, landscaping irrigation and fire testing water collection and reuse.
- A 5-Star Green Star certified rating is targeted under Green Star Buildings V1 to form the base level of sustainable performance for the proposed mixed-use residential development.
- At least 75% of the whole site will incorporate one, or a combination of, strategy/ies that reduce the heat island effect.
- The building's energy use is at least 20% less than the reference building. Roof mounted Solar PV Panels are proposed with minimum capacity of 20kW-e with yield of approximately 22,000kWh electricity per annum. Tilt angle to be minimum 10o.
- For all apartments, 5.5-star minimum and 7.5-star Average NatHERS Energy Rating are targeted.

While **Amendment C376** is not yet seriously entertained, as per our pre-application meeting with Council Officer, Steve McKeller, the application has been assessed by the Green Factor tool; the outcome of which is included in the SMP prepared by IGS which produces a score outcome of 0.61, thereby exceeding the preferred Green Factor target of 0.55 as part of the Amendment.

Overall, the proposed development has been designed to meet the objectives of City of Melbourne's Sustainable Building Design.

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6.6 TRAFFIC, CAR PARKING AND BICYCLE CONSIDERATIONS

Car parking and traffic considerations are addressed in the accompanying report prepared by Traffix Group. The report concludes:

- a) *The proposal has a statutory car parking requirement to provide 137 car spaces under Clause 52.06-5 of the Planning Scheme.*
- b) *The development provides 188 car spaces and therefore exceeds the statutory car parking requirement.*
- c) *The proposed parking layout and access arrangements accord with the requirements of Clause 52.06-9 of the Planning Scheme and AS2890.1:2004 (where relevant).*
- d) *The level of traffic generated by the proposed development will be relatively low and will not have a material impact to Slater Street, St Kilda Road or the surrounding road network.*
- e) *Bicycle parking is provided in excess of the statutory requirement.*
- f) *Suitable waste collection and loading arrangements are proposed.*
- g) *There are no traffic engineering reasons why a planning permit for the proposed residential development at 437 St Kilda Road, Melbourne should be refused.*

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From a planning perspective the following is further noted having regard to vehicle access and arrangements:

- The proposed vehicle access location along Slater Street has been carefully located to the western end of the subject site to manage the change in levels experienced across the subject land;
- The primary vehicle movements will be directed to and from Slater Street, which benefits from a signalised intersection with St Kilda Road;
- A one-way porte-cochere is proposed with entry from St Kilda Road and exit to Slater Street. The porte-cochere has been designed to be a minimum of 4 metres wide and provides for 'indented' parallel parking for drop-off/pick-up opportunities;
- The retained crossover to St Kilda Road provides for left-in and left-out only for waste and loading access along the southern side of the building. The St Kilda Road crossover along will provide for left-in drop off/pick up to the porte-cochere and then will exit to Slater Street;

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- While not a requirement at Column B rates of Clause 52.06, the development provides for four (4) visitor car parking spaces within the basement, to provide a convenient experience for visitors; and
- The proposed bicycle parking provides for eighty-four (84) resident spaces on the Ground Floor in a dedicated and secure storage area, plus eight (8) visitor spaces within the front setback area from St Kilda Road.

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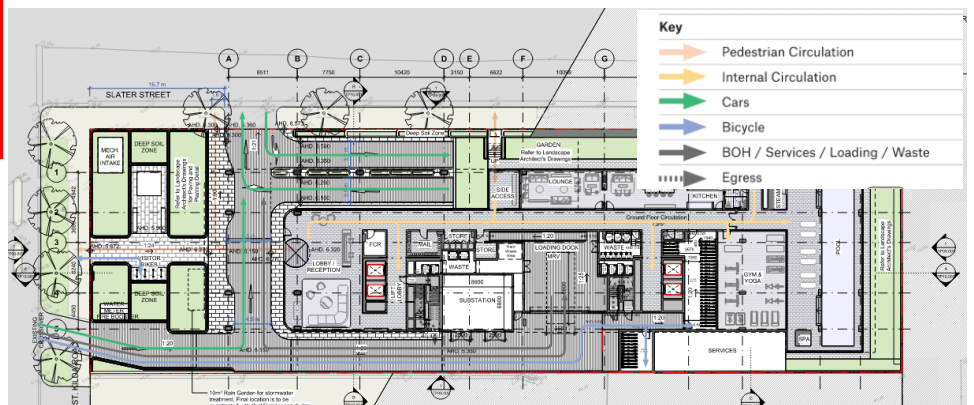


Figure 38: Ground Floor movement and circulation plan (Source: Bates Smart)

Further details are outlined in the accompanying Traffic Engineering Report.

6.7 WASTE CONSIDERATIONS

Waste considerations are addressed in the accompanying Waste Management Plan prepared by Traffix Group. From a planning perspective, key elements of the proposed waste system for the building are described as follows:

- The waste management systems of the proposed development comprise of the following components:
 - Immediate smaller bins within individual apartments for temporary storage of waste,
 - A dual-chute system for residential garbage and recyclable waste at each building level, and
 - Shared mobile garbage bins (MGBs) within the waste rooms at ground floor.
- Communal waste rooms are provided on ground floor adjacent both the eastern and western cores, with direct access provided to the loading dock.
- The waste generated by the proposed development will be separated and managed into waste streams comprising: general garbage, food and organics/green waste, glass recycling, recycling. Each waste stream is provided its own management stream/system.



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- Waste collection is proposed to be undertaken onsite within the loading dock on ground floor via a Council collection using a 8.8 metre long waste collection vehicle.
- Access to the on-site loading area for waste collection will be provided via the access to St Kilda Road (left-in, left-out).

Further details, including information on waste generation, waste equipment, waste systems, signage, collection arrangements, amenity impacts and ongoing maintenance and sustainability initiatives are outlined in the accompanying Waste Management Plan.

6.8 NET COMMUNITY BENEFIT

A degree of policy tensions inevitably arise in planning applications and the Scheme provides the guidance to reconcile them at Clause 71.02-3; to balance conflicting objectives in favour of net community benefit and sustainable development for the benefit of present and future generations.

There is strong policy support for the proposal, and in order to achieve a development which broadly addresses the expectations of the Scheme, it is to be expected that there will be some aspects that could be considered adverse. However, these must be balanced against the benefits that will accrue from what is very high-quality site planning and design proposition, which is expected to:

- improve activation of St Kilda Road;
- consolidate and rationalise the existing crossovers along Slater Street;
- vastly improve the landscaped offering of the site to the public realm;
- allow more people the opportunity to live in a highly accessible area; and
- contribute to the vitality of the area.

The development is entirely consistent with urban consolidation policies and will deliver an acceptable planning outcome having regard to the decision guidelines at Clause 65 of the Scheme.

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7.0 CONCLUSION

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The proposed development seeks approval for the use and development of the subject site for a high-end residential building above basement car parking.

The proposed development is considered appropriate having regard to the requirements of the Commercial 1 Zone, Design and Development Overlay (DDO17 and DDO19) and the subject site's location along the St Kilda Road boulevard.

The design and siting of the proposed building is consistent with the existing and emerging urban design and built form of the surrounding area. The architectural response of streamlined moderne form and aesthetic is responsive to the history of St Kilda Road and emerging character of contemporary infill development.

The high quality materials and finishes adopted by the proposed development are respectful of the status of a St Kilda Road address, and will provide a visually interesting form as it presents to the streetscape and Fawkner Park beyond. Opportunities have been provided to integrate a sophisticated landscaping response to St Kilda Road, Slater Street and throughout the development, using substantial planter boxes to complement the building's form and materiality.

The thoughtful architectural design response manages its built form response by appropriate setbacks, vehicle access and integration with the streetscape. The proposal achieves high levels of environmental performance and has incorporated a range of sustainable design initiatives.

For the above reasons, the proposal achieves a net community benefit and sustainable development in accordance with Clause 71.02-3 of the Planning Scheme and a planning permit should issue on this basis.

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437 ST KILDA ROAD

ASSESSMENT AGAINST CLAUSE 58 – MELBOURNE

Better Apartment Design Standards

58.01 Urban Context Report and Design Response

58.01-1 *An application must be accompanied by:*

Application requirements

- *An urban context report.*
- *A design response.*

Assessment

The application is accompanied by an extensive urban context report and design response prepared by Bates Smart and UPco.

Complies

58.01-2 *The urban context report may use a site plan, photographs or other techniques and must include:*

Urban context report

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.*

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- 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.

Assessment An urban context report has been included within the Architectural plans and Town Planning Report.

Complies

58.01-3

Design response

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.
- Selects material and finishes for the external walls.
- 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.

Assessment A design response has been included within the architectural plans.

Complies

58.02

Urban Context

58.02-1

Urban context

To ensure that the design responds to the existing urban context or contributes to the preferred future development of the area.

To ensure that development responds to the features of the site and the surrounding area.

Standard D1

The design response must be appropriate to the urban context and the site.

The proposed design must respect the existing or preferred urban context and respond to the features of the site.

Assessment A design response has been included within the architectural package prepared by Bates Smart and planning submission prepared by UPco.

Complies



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58.02-2 Residential policy *To ensure that residential development is provided in accordance with any policy for housing in the MPS and PPF.*

To support higher density residential development where development can take advantage of public and community infrastructure and services.

Standard D2 *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 MPS and PPF.*

Assessment The planning submission highlights how the proposal adequately responds to the applicable residential policy within the MPS and PPF.

Complies

58.02-3 Dwelling diversity *To encourage a range of dwelling sizes and types in developments of ten or more dwellings.*

Standard D3 *Developments of ten or more dwellings should provide a range of dwelling sizes and types, including dwellings with a different number of bedrooms.*

Assessment The proposal comprising sixteen (16) two-bedroom apartments, and sixty-six (66) three/four (plus) bedroom apartments. These apartments are generous in size, ranging from 52sqm to 443sqm.

Complies

58.02-4 Infrastructure *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.

Standard D4 *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.

Assessment The proposed development can be connected to all applicable utility services and infrastructure.



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Complies

58.02-5 *To integrate the layout of development with the street.*
Integration with the street *To support development that activates street frontage.*

Standard D5 *Development should be oriented to front existing and proposed streets.*

Along street frontages, 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.*

Development next to existing public open space should be designed to complement the open space and facilitate passive surveillance.

Assessment The proposal provides a high degree of integration to St Kilda Road and Slater Street as outlined in details in the urban context report prepared by Bates Smart and body of this planning submission.

Complies

58.03 Site Layout

58.03-1 *To achieve and protect energy efficient dwellings and buildings.*
Energy efficiency *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.

Standard D6 *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.

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

Assessment

A Sustainability Management Plan has been prepared by IGS (Integrated Group Services), detailing the developments proficiency in response to energy efficiency. The Report (at Section 3.1) states that all apartments will average above 7.5-star NatHERS energy rating. This will exceed NCC 2019 Section J requirements by minimum 10%.

Complies

**58.03-2
Communal open
space**

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 and integrated with the layout of the development.

To ensure that communal open space is integrated with the layout of the development and enhances resident amenity.

Standard D7

A development of 10 or more dwellings should provide a minimum area of communal outdoor open space of 30 sqm.

If a development contains 13 or more dwellings, the development should also provide an additional minimum area of communal open space of 2.5sqm per dwelling or 220sqm, 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.*

Assessment

The development seeks a communal open space at Level 8 of the building. This is to comprise a total area of 453sqm. The provision of open space is well in excess of the requirement.

Complies



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58.03-3 *To allow solar access into communal outdoor open space.*

Solar access to communal outdoor open space

Standard D8 *The communal outdoor open space should be located on the north side of a building, if appropriate.*

At least 50% or 125sqm, 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.

Assessment The development provides for an outdoor communal terrace at level 8 which will receive sunlight throughout the day on 21 June.

Complies

58.03-4 *To ensure the layout of development provides for the safety and security of residents and property.*

Safety

Standard D9 *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.

Assessment All dwellings are proposed above ground level via a secure lobby entrance and car entry via the secure basement. Entry points to the building will be well lit and appropriately signposted.

Complies

58.03-5 *To provide landscaping that supports the existing or preferred urban context of the area and reduced visual impact of buildings on the streetscape.*

Landscaping

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 reduced urban heat.

Standard D10 *Development should retain existing trees and canopy cover.*



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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:

- *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.*

Assessment An extensive Landscaping Plan and Report have been prepared by Barber Landscape Architects.

Complies

58.03-6 *To ensure that vehicle crossovers are designed and located to provide safe access*
Access *for pedestrians, cyclists and other vehicles.*

To ensure the vehicle crossovers area designed and located to minimize visual impact.

Standard D11 *Vehicle crossovers should be minimised.*

Car parking entries should be consolidated, minimised in size, integrated with the façade and where practicable located at the side or rear of the building.



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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.

Assessment

Two vehicle crossovers are proposed. The crossover to St Kilda Road seeks to retain as per the existing conditions, whilst the crossover to Slater Street seeks a double width ingress and egress in a similar position to that of the existing. Both crossovers are safe, clearly delineated and minimise the impact of their appearance on the streetscape. The existing crossover to the eastern end of Slater Street will be removed and the kerb reinstated.

Complies

58.03-7

Parking location

To provide convenient parking for resident and visitor access.

To protect residents from vehicular noise within developments.

Standard D12

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 1.5m from the windows of habitable rooms. This setback may be reduced to 1m where there is a fence at least 1.5m high or where window sills are at least 1.4m above the accessway.

Assessment

Sufficient, safe, and convenient parking is provided through three (3) levels of basement parking.

Complies

58.03-8

Integrated water and stormwater management

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.

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Standard D13 *Buildings should be designed to collect rainwater for non-drinking purposes such as flushing toilets, laundry appliances and garden use.*

Buildings should be connected to a non-potable dual pipe reticulated water supply, where available from the water authority.

The stormwater management system should be:

- *Designed to meet the current best practice performance objectives for stormwater quality as contained in the Urban Stormwater – Best Practice Environmental Management Guidelines (Victorian Stormwater Committee 1999) as amended.*
- *Designed to maximise infiltration of stormwater, water and drainage of residual flows into permeable surfaces, tree pits and treatment areas.*

Assessment The development will demonstrate a reduction in average annual stormwater discharge (ML/yr) of 40% across the whole site by reusing rainwater and undertaking a civil pollutant reduction design.

Complies

58.04 Amenity Impacts

58.04-1 Building setback *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.

Standard D14 *The built form of the development must respect the existing or preferred urban context and respond to the features of the site.*

Buildings should be set back from side and rear boundaries, and other buildings within the site to:

- *Ensure adequate daylight into new habitable room windows.*
- *Avoid direct views into habitable room windows and private open space of new and existing dwellings. Developments should avoid relying on screening to reduce views.*
- *Provide an outlook from dwellings that creates a reasonable visual connection to the external environment.*



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- Ensure the dwellings are designed to meet the objectives of Clause 58.

Assessment The proposed built form represents a modern and highly responsive built form to the subject site that is substantially justified through an extensive design and context response provided through the architectural plans prepared by Bates Smart and within the Town Planning report. These documents detail the exemplary nature of the proposed development.

Complies

58.04-2
Internal views *To limit views into the private open space and habitable room windows of dwellings within a development.*

Standard D15 *Windows and balconies should be designed to prevent overlooking of more than 50% of the private open space of a lower-level dwelling directly below and within the same development.*

Assessment All potential internal views have been restricted through screening and efficient layout management.

Complies

58.04-3
Noise impacts *To contain noise sources in developments that may affect existing dwellings.*

To protect residents from external and internal noise sources.

Standard D16 *Noise sources, such as mechanical plants should not be located near bedrooms of immediately adjacent existing dwellings.*

The layout of new dwellings and buildings should minimise noise transmission within the site.

Noise sensitive rooms (such as living areas and bedrooms) should be located to avoid noise impacts from mechanical plants, lifts, building services, non-residential uses, car parking, communal areas and other dwellings.

New dwellings should be designed and constructed to include acoustic attenuation measures to reduce noise levels from off-site noise sources.

Buildings within a noise influence area specified in Table D5 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.*



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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.

Assessment

The building has been designed to ensure that all internal and external noise is mitigated through the appropriate siting of plant, waste, and car parking (ground floor and below and on the roof level). The interface between any services and habitable rooms will be treated to ensure the amenity of residents is protected. The adoption of modern materials will ensure that noise emissions from the building are contained within what would be considered as acceptable and normal to a residential building.

Complies

58.04-4

Wind impacts

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

Standard D17

Development of five or more storeys, excluding a basement should:

- not cause unsafe wind conditions specified in Table D6 in public land, publicly accessible areas on private land, private open space and communal open space; and*
- achieve comfortable wind conditions specified in Table D6 in public land and publicly accessible areas on private land*

within a distance of half the greatest length of the building, or half the total height of the building measured outwards on the horizontal plane from the ground floor building façade, whichever is greater.

Trees and landscaping should not be used to mitigate wind impacts. This does not apply to sitting areas, where trees and landscaping may be used to supplement fixed wind mitigation elements.

Wind mitigation elements, such as awnings and screens should be located within the site boundary, unless consistent with the existing urban context or preferred future development of the area.

Assessment

We refer to the detailed wind report prepared by MEL Consulting which confirms the development's compliance with Standard D17.

Complies

58.05

On-site Amenity and Facilities

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58.05-1 *To ensure the design of dwellings meets the needs of people with limited mobility.*

Accessibility

Standard D18	<p><i>At least 50% of dwellings should have:</i></p> <ul style="list-style-type: none"><i>• A clear opening width of at least 850mm at the entrance to the dwelling and main bedroom.</i><i>• A clear path with a minimum width of 1.2m that connects the dwelling entrance to the main bedroom, an adaptable bathroom and the living area.</i><i>• A main bedroom with access to an adaptable bathroom.</i><i>• At least one adaptable bathroom that meets all of the requirements of either Design A or Design B specified in Table D7.</i>
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Assessment 99% of the apartments are accessible.

Complies

58.05-2 *To provide each dwelling and building with its own sense of identity.*

Building entry and circulation

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.

Standard D19	<p><i>Entries to dwellings and buildings should:</i></p> <ul style="list-style-type: none"><i>• Be visible and easily identifiable.</i><i>• Provide shelter, a sense of personal address and a transitional space around the entry.</i> <p><i>The layout and design of buildings should:</i></p> <ul style="list-style-type: none"><i>• Clearly distinguish entrances to residential and non-residential areas.</i><i>• Provide windows to building entrances and lift areas.</i><i>• Provide visible, safe and attractive stairs from the entry level to encourage use by residents.</i><i>• Provide common areas and corridors that:</i><ul style="list-style-type: none"><i>○ Include at least one source of natural light and natural ventilation.</i><i>○ Avoid obstruction from building services.</i><i>• Maintain clear sight lines.</i>
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Assessment All dwelling entries are internal to the building and will be clearly identifiable. These entry points are safe, functional and allow for the efficient movement of residents more broadly through the main points of entry and circulation at ground floor and above. Corridors provide for natural light at each level.

Complies

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58.05-3 Private open space *To provide adequate private open space for the reasonable recreation and service needs of residents.*

Standard D20 *A dwelling should have private open space consisting of at least one of the following:*

- An area of 25sqm, with a minimum dimension of 3m 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 15sqm, with a minimum dimension of 3m and convenient access from a living room.*
- An area on a roof of 10sqm with a minimum dimension of 2m and convenient access from a living room.*

If a cooling or heating unit is located on a balcony, minimum balcony area specified in Table D8 should be increased by at least 1.5sqm.

If the finished floor level of a dwelling is 40m 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.

Assessment Each dwelling is afforded at least the minimum requirement as detailed above (where applicable). It is noted that most apartments are well in excess of the applicable requirement.

Complies

58.05-4 Storage *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.

Assessment Each dwelling has at least the minimum requirement for storage specified in Table D10. It is noted that most dwellings are well in excess of this requirement.

Complies

58.06 Detailed Design

58.06-1 Common property *To ensure that communal open space, car parking, access areas and site facilities are practical, attractive and easily maintained.*



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To avoid future management difficulties in areas of common ownership.

Standard D22	<p><i>Developments should clearly delineate public, communal and private areas.</i></p> <p><i>Common property, where provided, should be functional and capable of efficient management.</i></p>
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Assessment

The communal open space is provided at Level 8 and is attractive through its views, landscaping opportunities, materiality, and design detail. Residents of the apartments will also have access to the building's pool and gymnasium/yoga, and private lounge/dining room at ground floor, of which is clearly signposted.

Car parking is spread across three levels of basement floor area and will be clearly identifiable.

Complies

58.06-2 Site service	<p><i>To ensure that site services are accessible and can be installed and easily maintained.</i></p> <p><i>To ensure that site services and facilities are visually integrated into the building design or landscape.</i></p>
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Standard D23	<p><i>Development should provide adequate space (including easements where required) for site services to be installed and maintained efficiently and economically.</i></p> <p><i>Mailboxes and utility services should be designed as an integrated component of the building or landscape.</i></p> <p><i>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.</i></p>
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Assessment

Services are provided predominately at the ground floor level and are all clearly delineated through sectionalised rooms including but not limited to the mail room and substation.

Complies

58.06-3 Waste and recycling	<p><i>To ensure dwellings are designed to encourage waste recycling.</i></p> <p><i>To ensure that waste and recycling facilities are accessible, adequate and attractive.</i></p> <p><i>To ensure that waste and recycling facilities are designed and managed to minimise impacts on residential amenity, health and the public realm.</i></p>
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Standard D24	<p><i>Developments should include dedicated areas for:</i></p> <ul style="list-style-type: none">• <i>Waste and recycling enclosures which are:</i><ul style="list-style-type: none">○ <i>Adequate in size, durable, waterproof and blend in with the development.</i>○ <i>Adequately ventilated.</i>○ <i>Located and designed for convenient access by residents and made easily accessible to people with limited mobility.</i>• <i>Adequate facilities for bin washing. These areas should be adequately ventilated.</i>• <i>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.</i>• <i>Collection, storage and reuse of garden waste, including opportunities for on-site treatment, where appropriate, or off-site removal for reprocessing.</i>• <i>Adequate circulation to allow waste and recycling collection vehicles to enter and leave the site without reversing.</i>• <i>Adequate internal storage space within each dwelling to enable the separation of waste, recyclables and food waste where appropriate.</i> <p><i>Waste and recycling management facilities should be designed and managed in accordance with a Waste Management Plan approved by the responsible authority and:</i></p> <ul style="list-style-type: none">• <i>Be designed to meet the better practice design options specified in Waste Management and Recycling in Multi-Unit Developments (Sustainability Victoria, 2019).</i>• <i>Protect public health and amenity of residents and adjoining premises from the impacts of odour, noise and hazards associated with waste collection vehicle movements.</i>
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Assessment Several waste rooms are provided at the ground floor level, encouraging best practice in waste and recycle through appropriate facilities and collection (private collection details are included within the Town Planning Report).

Complies

58.06-4
External walls and materials

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.

Standard D25	<p><i>External walls should be finished with materials that:</i></p> <ul style="list-style-type: none">• <i>Do not easily deteriorate or stain.</i>• <i>Weather well over time.</i>• <i>Are resilient to the wear and tear from their intended use.</i> <p><i>External wall design should facilitate safe and convenient access for maintenance.</i></p>
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Assessment The proposed development is a high-end concept that seeks to adopt materials that will endure and retain their attractiveness over time. The gradual and subtle patina of the metal components will contribute positively to the character of the building.

Complies

58.07 Internal Amenity

58.07-1 *To encourage dwellings that provide functional areas that meet the needs of*
Functional layout *residents.*

Standard D26 *Bedrooms should:*

- *Meet the minimum internal room dimensions and area specified in Table D11.*
- *Provide an area in addition to the minimum internal room dimensions and area to accommodate a wardrobe.*

Living areas (excluding dining and kitchen areas) should meet the minimum internal room dimensions specified in Table D12.

Assessment All bedrooms meet the minimum requirements referenced at Table D11, with all living areas meeting (mostly exceeding) the internal dimensions specified at Table D12.

Complies

58.07-2 *To allow adequate daylight into single aspect habitable rooms.*
Room depth

Standard D27 *A single aspect habitable room should not exceed a room depth of 2.5x the ceiling height.*

A single aspect open plan habitable room depth may be increased to 9m provided 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 2.7m measured from finished floor level to finished ceiling level, except where services are provided above the kitchen.*

The room depth is measured from the external surface of the habitable room window to the rear wall.

Assessment Apartment type J provides for a room depth of 10.6 metres. This room depth is combined with a window width/expanse of approximately 6.5 metres, well in excess of what would be considered as ‘standard’ to an apartment, and thereby allowing excellent daylight to the apartment to satisfy the objective at Clause 58.07-2.

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Apartment type G is a standalone one-bedroom apartment in an “L” shape. The kitchen space is located away from the window and therefore seeks a variation from Standard D27. The variation of one apartment out of 83 is considered acceptable, noting that the bedroom, living and dining area are all well located in proximity to the windows and therefore the objective is met.

Variation required

58.07-3 Windows

To allow adequate daylight into new habitable room windows.

Standard D28

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 1.2m. .*
- *A maximum depth of 1.5x the width, measured from the external surface of the window.*

Assessment

All habitable rooms have a window within an external wall of the building.

Complies

58.07-4 Natural ventilation

To encourage natural ventilation of dwellings.

To allow occupants to effectively manage natural ventilation of dwellings.

Standard D29

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% of dwellings should provide effective cross ventilation that has:

- *A maximum breeze path through the dwelling of 18m..*
- *A minimum breeze path through the dwelling of 5m..*
- *Ventilation openings with approximately the same area.*

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

Assessment

64% of the dwellings will provide for effective cross ventilation.

Complies

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