

Assessment Officer Report

PA2302457
437 St Kilda Road,
Melbourne

Architectural
Proposals
for 437 St Kilda Road
Street



Officer Assessment Report
Development Approvals & Design

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Contents

Executive Summary	4
Proposal	6
Application Process	6
Proposal Summary	8
Subject Site and Surrounds	13
Site Description	13
Site Surrounds	15
Planning Provisions	17
Municipal Planning Strategy	17
Planning Policy Framework	17
Zoning and Overlays	18
Commercial 1 Zone	18
Design and Development Overlay – Schedules 17 (Shrine Vista) and 19 (St Kilda Road Area)	18
Particular Provisions	19
Clause 52.06 – Car Parking	19
Clause 52.34 – Bicycle Facilities	19
Clause 53.18 – Stormwater Management in Urban Development	19
Clause 58 – Apartment Developments	19
Referrals and Notice	21
Referrals	21
Head, Transport for Victoria	21
Melbourne City Council Comments	21
Notice	22
Assessment	24
Key Considerations	24
Strategic Direction and Land Use	24
Municipal Planning Strategy	24
Planning Policy Framework	24
Land Use	25
Built Form	25
Design and Development Overlay – Schedules 17 (Shrine Vista) and 19 (St Kilda Road Area)	25
Internal Amenity	33
Clause 58 (Apartment Developments)	33



Amenity Impacts	33
Overshadowing	33
Impacts on Adjoining Properties	36
Car and Bicycle Parking, Loading, and Waste	37
Car Parking	37
Bicycle Facilities	38
Loading	38
Waste	38
Sustainability	38
Environmentally Sustainable Design (ESD)	38
Water Sensitive Urban Design (WSUD)	39
Response to Objections	39
Recommendation	40
Prepared by:	41
Reviewed / Approved by:	41
Appendix 1: Clause 58 Assessment	42
Application requirements	42
Urban context report	42
Design response	42
Urban context objectives	43
Residential policy objectives	43
Dwelling diversity objectives	43
Infrastructure objectives	43
Integration with the street objective	44
Energy efficiency objectives	44
Communal open space objective	45
Solar access to communal outdoor open space objective	46
Safety objective	46
Landscaping objectives	46
Access objectives	48
Parking location objectives	48
Integrated water and stormwater management objectives	49
Building setback objectives	49
Internal views objective	50
Noise impacts objectives	50
Wind impacts objective	51
Accessibility objective	52



Building entry and circulation objectives _____	53
Private open space objective _____	53
Storage objective _____	54
Common property objectives _____	54
Site services objectives _____	55
Waste and recycling objectives _____	55
External walls and materials objective _____	56
Functional layout objective _____	56
Room depth objective _____	57
Windows objective _____	57
Natural ventilation objectives _____	58

Executive Summary



Key Information	Details		
Application No:	PA2302457		
Received:	31 August 2023		
Statutory Days:	136		
Applicant:	Boulevard Properties Pty Ltd c/- Urban Planning Collective (UPco)		
Planning Scheme:	Melbourne		
Land Address:	437 St Kilda Road, Melbourne		
Proposal:	Construct an 18 storey residential building above a basement car park.		
Development Value:	\$75m		
Why is the Minister responsible?	<p>In accordance with the schedule to Clause 72.01 of the Melbourne Planning Scheme, the Minister for Planning is the responsible authority for this application because:</p> <ul style="list-style-type: none"> Development of land as part of a single project or multiple projects, if it involves construction of a new building or buildings containing a total gross floor area of more than 25,000 square metres. 		
Why is a permit required?	Clause	Control	Trigger
Zone:	Clause 34.01	Commercial Zone – Schedule 1 (CZ1)	<i>Use of the land as dwellings. Construct a building or construct or carry out works.</i>
Overlays:	Clause 43.02	Design and Development Overlay – Schedule 17 and Schedule 19 (Area 42)	<i>Construct a building or construct or carry out works.</i>
Particular Provisions:	52.06	Car parking	<i>No permit required</i>
	52.34	Bicycle facilities	<i>No permit required</i>
	53.18	Stormwater management in urban development	<p><i>An application to construct a building or construct or carry out works:</i></p> <ul style="list-style-type: none"> <i>Must meet all of the objectives of Clauses 53.18-5 and 53.18-6.</i> <i>Should meet all of the standards of Clauses 53.18-5 and 53.18-6.</i> <p><i>An application must be accompanied by details of the proposed stormwater management system, including drainage works and retention, detention and discharges of stormwater to the drainage system.</i></p>
	58	Apartment developments	<p><i>A development:</i></p> <ul style="list-style-type: none"> <i>Must meet all of the objectives of this clause.</i> <i>Should meet all of the standards of this clause.</i>
Cultural Heritage:	N/A		
Total Site Area:	3,027 m ²		
Gross Floor Area:	28,720 m ²		
Plot Ratio (as per definition in DDO19):	5.57:1		
Height:	18 storeys, excluding plant		



59.1 metres, excluding plant

64.78 metres AHD, excluding plant; 68.78 metres AHD to the top of plant

Land Uses:	Dwellings	Communal Areas	
	77 dwellings (16 x 2 bedroom 61 x 3+ bedroom)	677 m ² (indoor) 453 m ² (outdoor)	
Parking:	Cars	Motorcycles	Bicycles
	184 resident 4 visitor	3	84 resident 8 visitor
Referral Authorities:	Head, Transport for Victoria (s55 – determining)		
Advice sought:	Melbourne City Council (s52 – notice) Shrine of Remembrance (DDO17 – notice)		
Public Notice:	Notice of the application was undertaken by the applicant (at the direction of the Department) under section 52 of the Act. Nine (9) objections have been received from neighbouring properties.		
Delegates List:	Approval to determine under delegation received on 24 June 2024.		



Application Process

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

Milestone	Date
Pre-application meeting (DTP, Melbourne City Council & applicant)	5 July 2023
Application lodgement	31 August 2023
Further information requested	8 September 2023
Further information received	6 February 2024
Applicant directed to give notice	13 February 2024
Statutory declaration received	18 March 2024
Melbourne City Council Future Melbourne Committee recommendation	7 May 2024

Decision Plans	<p>Plans prepared by Bates Smart Architects, titled '437 St Kilda Rd', dated 18 August 2023 (Revision A) and 16 January 2024 (Revision B) and known as Drawings No.s:</p> <ul style="list-style-type: none"> • TP00.000 – Cover Sheet – Rev B; • TP01.000 – Site Plan – Existing – Rev A; • TP01.001 – Site Plan – Proposed – Rev B; • TP02.000 – General Arrangement Plan – Level GF – Rev B; • TP02.0B1 – General Arrangement Plan – Level B1 – Rev B; • TP02.0B2 – General Arrangement Plan – Level B2 – Rev B; • TP02.0B3 – General Arrangement Plan – Level B3 – Rev B; • TP02.001 – General Arrangement Plan – Level 01 – Rev B; • TP02.002 – General Arrangement Plan – Level 02-04 – Rev B; • TP02.005 – General Arrangement Plan – Level 05 – Rev A; • TP02.006 – General Arrangement Plan – Level 06-7 – Rev A; • TP02.008 – General Arrangement Plan – Level 08 – Rev A; • TP02.009 – General Arrangement Plan – Level 09-11 – Rev A; • TP02.012 – General Arrangement Plan – Level 12-13 – Rev A; • TP02.014 – General Arrangement Plan – Level 14 – Rev A; • TP02.015 – General Arrangement Plan – Level 15 – Rev A; • TP02.016 – General Arrangement Plan – Level 16 – Rev A; • TP02.017 – General Arrangement Plan – Level 17 – Rev A; • TP02.018 – General Arrangement Plan – Level 18 – Roof Plant – Rev B; • TP02.019 – Level 19 – Parapet – Rev B; • TP09.000 – North Elevation – Rev B; • TP09.001 – West Elevation – Rev B; • TP09.002 – South Elevation – Rev B; • TP09.003 – East Elevation – Rev B; • TP10.000 – Building Section AA – Rev B; • TP10.001 – Building Section BB – Rev A; • TP10.002 – Building Section CC – Rev B; • TP11.000 – Typical Building Façade – Rev B; • TP11.001 – Typical Building Façade – Rev B; • TP11.002 – Typical Building Façade – Rev A; • TP21.000 – Shadow Diagrams – 21 June 10 AM – 2 PM – Rev A; and
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- TP40.000 – Materials Board – Rev B.

Other Assessment Documents

Urban Context Report prepared by Bates Smart Architects and dated February 2024;

Planning Report prepared by UPco and dated 30 January 2024;

Shrine of Remembrance Vista Property Assessment Report prepared by Veris Australia on behalf of the Shrine of Remembrance Trustees and dated 22 May 2023;

Traffic Engineering Assessment prepared by Traffix Group and dated 2 February 2024;

Waste Management Plan prepared by Traffix Group and dated 2 February 2024;

Sustainable Management Plan prepared by IGS and dated 2 February 2024;

Landscape Report prepared by Barber Landscape Architecture and dated January 2024; Landscape Plans prepared by Barber Landscape Architecture and dated January 2024; and

Environmental Wind Tunnel Modelling prepared by MEL Consultants and dated 31 July 2023; and

Area Schedule prepared by Bates Smart Architects and dated 16 January 2024.

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

Proposal Summary

3. The application proposes to:
- demolish the existing building on the land (no permit required);
 - construct an 18 storey building; and
 - use the land for dwellings.



Figure 1: Concept image of proposal from the north west (Source: Application)



Figure 2: Concept image of proposal from Fawkner Park (Source: Application)



Figure 3: Concept image of proposal – St Kilda Road arrival (Source: Application)



4. Specific details of the application include:

- 77 dwellings (16 x 2 bedroom and 61 x 3+ bedroom);
- 188 car parking spaces (184 for residents and 4 visitor spaces);
- 92 bicycle spaces (84 for residents and 8 visitor spaces);
- 3 motorcycle spaces; and
- Total GFA of 28,720 m².

5. A detailed description of the building envelope is as follows:

- Basement Levels 1-3 are generally built to all boundaries.
- The Ground Level is setback 20 metres from the western (St Kilda Road) boundary, 4.5 metres from the southern boundary, 4.5 metres from the eastern boundary to Fawkner Park (noting that this is partly a subterranean level given the east – west slope of Slater Street) and along the northern boundary, the built form is partly built on the boundary for half of the eastern length (again, noting that this is partly subterranean level), while the other half is setback approximately 10 metres.
- Levels 1-4 are setback 4.5 metres (measured to the edge of the architectural feature) from the northern, eastern and southern boundaries, noting that the glass line along these elevations is setback a further 0.45 – 0.6 metres. These levels are setback 13.7 metres from St Kilda Road, noting that the glass line is setback a further 0.49 metres. At Level 1, landscaped and private terraces extend to the northern boundary and to parts of the eastern (setback 3.3 metres from the title boundary) and southern (setback 2.44 metres from the title boundary) boundaries.
- Level 5 includes similar setbacks as the levels below, however the glass line for the east facing dwellings is setback 7.1 metres from the eastern title boundary.
- Levels 6-7 include similar setbacks as the levels below, however the setback is increased to 7.1 metres from the eastern title boundary.
- Level 8 includes similar northern and southern setbacks as the levels below, however the glass line for the west facing dwellings is setback a minimum 17.72 metres from St Kilda Road (noting that this setback is on a splay and increases towards the south) and the glass line for the east facing dwellings is setback a maximum 45.16 metres from the eastern boundary (noting that this setback is also on a splay and decreases towards the south). The terraces for the west facing dwellings and the outdoor communal open space towards the east occupy the podium level.
- Levels 9-13 include similar setbacks as Level 8.
- Level 14 includes similar setbacks as the levels below, however the western glass line is setback a minimum 23.28 metres from St Kilda Road (noting that this setback is on a splay and increases towards the south) and the eastern glass line is setback a maximum 50.7 metres from the eastern boundary (noting that this setback is also on a splay and decreases towards the south).
- Level 15 includes similar setbacks as the level below, however the western setback is increased to 23.28 metres and the eastern setback is increased to 50.7 metres.
- Level 16 includes similar setbacks as the level below, however the western balcony is setback a minimum 23.28 metres from St Kilda Road (noting that this setback is on a splay and increases towards the south) and the eastern balcony is setback a maximum 50.7 metres from the eastern boundary (noting that this setback is also on a splay and decreases towards the south).



- Level 17 includes similar setbacks as the level below, however the western balcony is setback a minimum 26.13 metres from St Kilda Road (noting that this setback is on a splay and increases towards the south) and the eastern balcony is setback a maximum 53.56 metres from the eastern boundary (noting that this setback is also on a splay and decreases towards the south).
 - The Plant Level is further setback from the levels below.
6. Basement Levels 1-3 include 188 car spaces, 3 motorcycle spaces, plant and services.
 7. The Ground Level includes a lobby / reception area, two separate lift lobbies, mail room, substation, waste rooms, two separate internal bicycle parking areas, communal lounge / dining / kitchen area, gym and yoga room, pool / spa / steam / sauna area, plant and services and landscaped areas. The basement car park entry is located along the northern boundary and is accessible via the (relocated) double width crossover to Slater Street. Access to the loading area is provided along the southern boundary via the existing crossover to St Kilda Road. A secondary pedestrian entry is provided to the ground level via Slater Street. Visitor bicycle parking is provided within the landscaped setback to St Kilda Road.
 8. Levels 1 -17 are for dwellings. Level 8 includes a communal outdoor area to the east of the tower, measuring 453 m².
 9. The podium will have a height of 27.2 metres and the tower will have a height of 59.1 metres (64.78m AHD), excluding the plant, as measured from the centre of the St Kilda Road frontage (5.672m AHD). The plant has a has an overall height measuring 63.1 metres (68.78m AHD).
 10. Pedestrian access to the residential lobby is via a central pedestrian path (running east-west) from St Kilda Road and a secondary pedestrian path from Slater Street (running north-south).
 11. 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 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 for basement entry / exit. 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.
 12. The built form has been designed having regard to the setback requirements of DDO19 (St Kilda Road Area) and the height and location requirements of DDO17 (Shrine Vista).
 13. The design of the building includes sculptured surfaces and fluid lines, reminiscent of the streamline moderne Art Deco building's within the site's immediate context. The architect describing the proposal as follows:

'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.'

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.'
 14. The materials and finishes include textured masonry cladding, timber-look cladding, aluminium cladding, vertical profile metal cladding, clear and spandrel glass, and horizontal and vertical louvres.
 15. The application is supported by consultant reports including a planning report, urban context report, Shrine of Remembrance Vista assessment, landscape plans, wind tunnel assessment, traffic report, waste management report and a sustainability management plan.



16. The proposal under consideration in this report is based on the plans prepared by Bates Smart Architects titled '437 St Kilda Rd' and dated 18 August 2023 (Revision A) and 16 January 2024 (Revision B).



Site Description

17. The subject site is located on the east side of St Kilda Road, with a secondary frontage to Slater Street in Melbourne.
18. The site is rectangular in shape with a frontage to St Kilda Road of 30.18 metres, a frontage to Slater Street of 100.58 metres and an overall site area of approximately 3,027 square metres.
19. The site consists of 108 parcels of land (comprising separate parcels across each office level and for each individual car space) that are formally described as:
 - Lots 1 to 110 (with the exception of lots 29 and 36) on Plan of Subdivision 523280A, Volume 10982 Folios 220 – 327 (inclusive).
20. Two Citipower easements relating to powerlines and power supply purposes affect the land. No covenant or agreement is registered on the titles.
21. There is an existing crossover along St Kilda Road and two separate crossovers along Slater Street. There is a significant fall in the land from the east to the west of approximately 4.5 metres.
22. The site is currently occupied by a 6-7 storey office building with a ground level café accessed from 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. The lobby entrance is from Slater Street (elevated from the street level) and approximately 100 car parking spaces are provided on site. Three crossovers are provided to the site, one along St Kilda Road providing access to the car park at the rear of the site and two along Slater Street, providing access to the basement and the car park at the rear of the site.

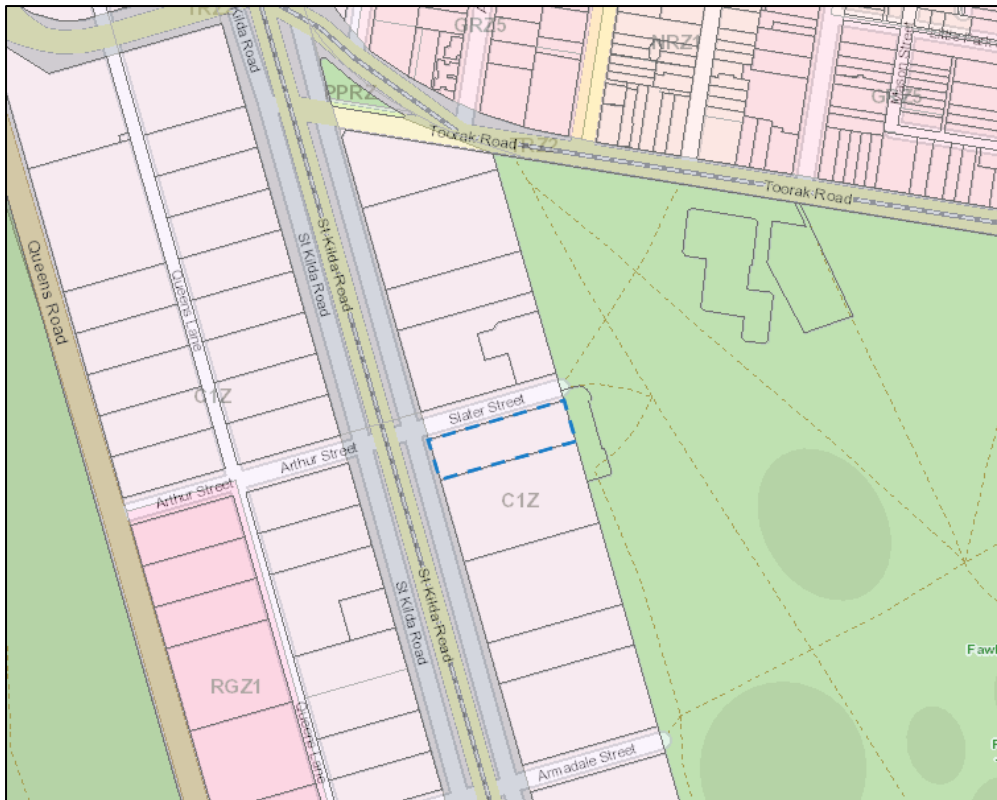


Figure 4: Subject site (Source: VicPlan)



Figure 5: Aerial of subject site (Source: VicPlan)



Figure 6: Subject site viewed from the corner of St Kilda Road and Slater Street (Source: Application)

Site Surrounds

23. The surrounding development consists of a mixture of office, commercial and residential buildings varying from single storey buildings remaining from the late 19th century and early parts of the 20th century, medium rise mid-20th century development and newer towers. Building styles and garden settings are diverse and mostly well maintained. Food and drink premises and business and personal services are common for ground level frontages along the St Kilda Road corridor.
24. The site is in close proximity to Melbourne's CBD, the Shrine of Remembrance, King's Domain and the Royal Botanic Gardens, Fawkner Park, The Alfred Hospital and the future Anzac Metro Train Station (850 metres to the north). The subject site is easily accessed by public transport and bicycle with multiple tram services along St Kilda Road, Toorak Road and Commercial Road.
25. Development surrounding the site can be described as follows:
- To the **north** of the site is Slater Street, a 20 metre wide no-through local road that is signalised at St Kilda Road. On street parking is provided on both sides of the street (45 and 90 degree parking on the north side and parallel parking on the south side). On the north side of Slater Street are two properties, 431 St Kilda Road, a 15 storey residential and commercial building known as Fawkner Towers, and 2-6 Slater Street, an eight storey residential building known as Park Lane Apartments. To the north of these buildings are multi storey commercial buildings and a residential building under construction on the corner of St Kilda Road and Toorak Road.
 - To the **east** of the site is Fawkner Park, a 41 hectare park that contains a wide range of landscape design elements and features including lawns, trees, pathways, playing fields, structures, as well as a number of buildings such as the Caretaker's Cottage and Fence, Substation, Southern Pavilion, Southern Toilet Block now store, Northern Pavilion, Tennis Club and Community Centre, shelter and playgrounds. It is covered by Heritage Overlay 1233 and is on the Victorian Heritage Register (Reference Number H2361). The Caretaker's Cottage and Fence (constructed in 1887) are located adjacent to the subject site and is described in the heritage citation as follows:
 - *This Hawthorn brick and render detailed cottage is simply designed and features a low pitched gable roof, now clad in corrugated Colorbond. The cottage is set within a small cottage garden contained within a low-level iron fence. A small timber outbuilding is located within the rear yard. To the south of the cottage is a works depot, containing four sheds and lunchroom structures, variously constructed of face brick, timber and corrugated sheet cladding.*
 - To the **south** of the site is 441 St Kilda Road, a six storey office building with a crossover adjacent to the common boundary, providing car access to the lower and upper ground levels. The building is setback approximately 5 metres from the common boundary and includes car parking spaces (on the western half) and landscaping (on the eastern half) within the setback. This building is setback more than 14 metres from St Kilda Road and includes a landscaped forecourt. Further south are a mixture of residential and office buildings of various heights. In particular, at 447-453 St Kilda Road is the Kia Ora apartment complex, two mirrored three storey block of apartments, joined at the rear and wrapping around a central courtyard.
 - To the **west** of the site is St Kilda Road, a 60 metre wide boulevard characterised by mature avenues of elm and plane trees. It includes a central tramway, vehicle and bicycle lanes, with services lanes on either side. It is a major north-south boulevard, which at its northern end, passes the Kings Domain and the Shrine and up to the Yarra River. While at the southern end, terminates at St Kilda Junction. On the western side of St Kilda Road are a mixture of multi storey residential and office buildings, providing a landscaped setback to St Kilda Road. Beyond these buildings, is Queens Road and Albert Park Lake.
26. There are several developments existing, approved or under construction in the surrounding area, as illustrated below:

437 St Kilda Rd - Context Map



Figure 7: Subject site and surrounding context (Source: DTP 3D model)



Municipal Planning Strategy

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

Clause	Description
02.01	Context
02.02	Vision
02.03-4	Built environment and heritage
02.03-5	Housing
02.03-6	Economic development
02.03-7	Transport
02.03-8	Infrastructure
02.04	Strategic Framework Plans

Planning Policy Framework

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

Clause 11	Settlement
11.01-1S	Settlement
11.01-1R	Settlement – Metropolitan Melbourne
11.03-1S	Activity centres
11.03-1R	Activity centres – Metropolitan Melbourne
11.03-6L-14	St Kilda Road and South Yarra
Clause 15	Built Environment and Heritage
15.01-1S	Urban design
15.01-1R	Urban design – Metropolitan Melbourne
15.01-1L-03	Sunlight to public spaces
15.01-1L-04	Urban design
15.01-1L-05	Urban design outside the Capital City Zone
15.01-2S	Building design
15.01-2L-01	Energy and resource efficiency
15.01-4S	Healthy neighbourhoods
15.01-4R	Healthy neighbourhoods – Metropolitan Melbourne
Clause 16	Housing
16.01-1S	Housing supply
16.01-1R	Housing supply – Metropolitan Melbourne
Clause 18	Transport
18.01-1S	Land use and transport integration
18.01-1L	Land use and transport planning



18.02-3S	Public transport
18.02-3R	Principal Public Transport Network
Clause 19	Infrastructure
19.03-3S	Integrated water management
19.03-3L	Stormwater management (Water sensitive urban design)
19.03-5S	Waste and resource recovery

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

Zoning and Overlays

Commercial 1 Zone

- 30. Pursuant to Clause 34.01-1, a permit is required to use the land for accommodation (dwellings), as the frontage at ground floor level exceeds 2 metres.
- 31. Pursuant to Clause 34.01-4, a permit is required to construct a building or construct or carry out works.
- 32. An apartment development must meet the requirements of Clause 58.

Design and Development Overlay – Schedules 17 (Shrine Vista) and 19 (St Kilda Road Area)

- 33. Pursuant to Clause 43.02-2, a permit is required to construct a building or construct or carry out works. This does not apply if a schedule to this overlay specifically states that a permit is not required.
- 34. Pursuant to Clause 2.1 of Schedule 17, the height of buildings or works must be in compliance with the shrine vista height control formula as prescribed in the Shrine of Remembrance Vista Control April 2014. A permit cannot be granted to vary this requirement.
- 35. An application to construct a building or construct or carry out works is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act.
- 36. Pursuant to Clause 2.1 of Schedule 19, buildings or works should not exceed the maximum building height specified in the table to this schedule.
- 37. Pursuant to Clause 2.2 of Schedule 19, buildings or works should not be situated within any setback distance specified in the table to this schedule. A permit may be granted to allow various structures and projections.
- 38. Pursuant to Clause 2.3 of Schedule 19, land between a building and St Kilda Road must be landscaped and maintained to the satisfaction of the responsible authority.
- 39. Pursuant to Clause 2.4 of Schedule 19, 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.
- 40. Area 42 includes the following requirements:

Maximum building height	Setbacks	Plot Ratio	Outcomes
60 metres	13.7 metres from St Kilda Road or 4.5 metres if the site abuts another road. Sideage or any other	4	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

boundary:
4.5 metres

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.

Particular Provisions

Clause 52.06 – Car Parking

41. Pursuant to Clause 52.06-2, before a new use commences, the number of car parking spaces required under Clause 52.06-5 must be provided to the satisfaction of the responsible authority.
42. Pursuant to Table 1 (Column B) in Clause 52.06-5, the following car parking spaces are required:
 - One space to each one or two bedroom dwelling – 16 spaces
 - Two spaces to each three or more bedroom dwelling – 122 spaces
 - Total: 138 spaces
43. Given 184 resident spaces and 4 visitor spaces are provided within the development, no permit is required under this provision.

Clause 52.34 – Bicycle Facilities

44. Pursuant to Clause 52.34-1, a new use must not commence until the required bicycle facilities and associated signage has been provided on the land.
45. Pursuant to Table 1 in Clause 52.34-5, the following bicycle spaces are required:
 - One space to each five dwellings for residents – 15 spaces
 - One space to each ten dwellings for visitors – 8 spaces
 - Total: 23 spaces
46. Given 84 resident spaces and 8 visitor spaces are provided within the development, no permit is required under this provision.

Clause 53.18 – Stormwater Management in Urban Development

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

An application must be accompanied by details of the proposed stormwater management system, including drainage works and retention, detention and discharges of stormwater to the drainage system.

Clause 58 – Apartment Developments

48. Pursuant to Clause 58, a development:
 - Must meet all of the objectives of this clause.



- Should meet all of the standards of this clause.



Referrals

49. The application was referred to the following groups:

Provision / Clause	Organisation	Response and date received
Clause 66.02-11 (Section 55 Referral – Determining)	Head, Transport for Victoria	No objection received 30 October 2023
Section 52 – Notice	Melbourne City Council	No objection, subject to conditions received 9 May 2024
DDO17 – Notice	Shrine of Remembrance	No response received

Head, Transport for Victoria

50. On 30 October 2023, Head Transport for Victoria advised that it has considered the application and does not object to the grant of a permit, nor are any conditions required to be included on any permit to issue.

Melbourne City Council Comments


51. The Melbourne City Council (the council) considered the application at their Future Melbourne Committee (FMC) meeting on 7 May 2024. At the meeting, and as advised on 9 May 2024, the council resolved:

That the Future Melbourne Committee resolves to advise the Department of Transport and Planning that the City of Melbourne supports the application subject to the recommended changes set out in the delegate report (refer to Attachment 4 of report from management) subject to the following amendments:

- *Deletion of condition 1a and condition 1b*
- *New Condition 1a 'Introduction of safety measures to reduce potential for conflict between pedestrians and vehicles at the lobby entrance'*
- *Subsequent renumbering to condition 1*

52. The delegate report included the following specific condition 1 requirements, involving the following amendments to the plans:

- Removal of the vehicle pick up and drop off (Porte cohere) area forward of the building's entrance.*
- As a result of Condition 1a), the ground level lobby to be extended westward with considerations of appropriate weather protection to residents and visitors. Any extension of the lobby area must not encroach into the 13.7 metre setback.*
- The terrace associated with the north eastern most dwelling on Level 1 must setback a minimum of 4.5 metres from the Slater Street boundary.*
- Maximum roof top plant equipment height to be shown in a sectional diagram.*
- The roof top plant screen to be reduced in height to be no higher than the maximum equipment height.*
- Details of higher quality finishes to service cupboards within the St Kilda Road setback.*
- Bin wash facilities to be shown on ground floor plan as per the Waste Management Plan. Page 28 of 39
Page 61 of 71*
- Recycling bins in the east core waste storage room to be shown as 660 L bins instead of 1100 L.*
- Annotation on plan that all stormwater drainage from planters must be managed within the subject land.*

- 
- j) *Annotation on plan that the water tank is connected to toilets and irrigation.*
 - k) *Any changes, technical information or plan notations (or otherwise) required as a consequence of any other condition in this Permit.*

53. A number of the council's conditions have been amended and further refined following discussions with the council officers and the applicant held after the council's FMC meeting.

Notice

54. The application is not exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the *Planning and Environment Act 1987* pursuant to the following provisions:

- Commercial 1 Zone – use the land for accommodation (dwellings); and
- Design and Development Overlay – Schedule 19 (St Kilda Road Area) – an application.

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

- Commercial 1 Zone – construct a building or construct or carry out works; and
- Design and Development Overlay – Schedule 17 (Shrine Vista) – an application to construct a building or construct or carry out works.

56. The applicant was directed to give notice by way of erecting two (2) signs on the site and notifying adjoining property owners and occupiers.

57. Nine (9) objections were received, raising the following issues:

- Plot ratio excessive
- Overdevelopment of the site
- Excessive built form and visual bulk when viewed from Slater Street and Fawkner Park
- Poor interface with Fawkner Park and Gardener's Cottage
- Poor interface with Slater Street
- Insufficient ground level setbacks
- Loss of daylight
- Loss of privacy
- Overshadowing
- Insufficient landscaping
- Impact on the equitable development rights of adjacent land
- Inconsistent with the streetscape
- Internal amenity
- Car parking provision, access and traffic
- Dwelling mix and diversity

- Non-compliance with the Better Apartment Design Standards
- Wind tunnel effect on Slater Street
- Construction impacts
- Structural impacts on surrounding properties

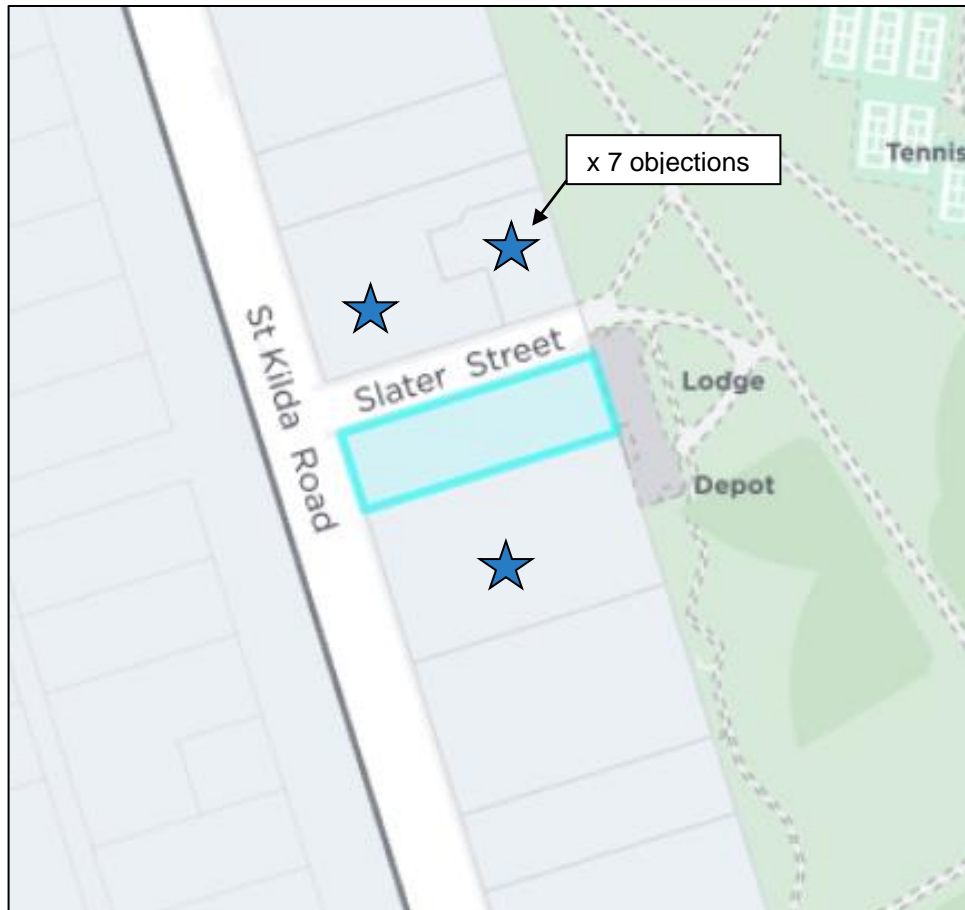


Figure 8: Map of objectors



Key Considerations

58. The following are deemed the key planning considerations in assessing the acceptability of the proposal:

- Strategic Direction and Land Use
- Built Form
- Internal Amenity: Compliance with Clause 58 (Apartment Developments)
- Amenity Impacts
- Car Parking, Bicycle Facilities, Loading and Waste
- Sustainability
- Response to Objections

Strategic Direction and Land Use

Municipal Planning Strategy

59. The particular MPS policies that apply, and a brief assessment is undertaken below. These matters are discussed in greater detail in the report.

- The proposal is consistent with the Vision of the Melbourne Planning Scheme which is to facilitate a city for people; a creative city; a prosperous city; a city of knowledge; an eco-city; and a connected city. The proposal provides housing to accommodate the expected significant population growth in a highly serviced locality.
- The proposal is consistent with the strategic direction for settlement within St Kilda Road, which is 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.
- The proposal is consistent with the strategic direction for built form and heritage by maintaining the visual prominence of the Shrine of Remembrance, by ensuring that the development does not encroach the mandatory Shrine vista controls.

Planning Policy Framework

60. The Planning Policy Framework encourages appropriate land use and development which enhances the built environment, supports economic growth, meets the community expectations on retail and commercial provision, delivers diversity in housing supply to meet existing and future needs, and integrates transport and infrastructure planning. In particular the following is provided in response:

- The proposal is a residential development which is supported on St Kilda Road, as a premier office and residential boulevard.
- The proposal respects the St Kilda Road landscape boulevard character with the generous setbacks and the appearance of “buildings in grounds” and established trees.
- The proposal is consistent with the objective to encourage high rise residential and office developments along St Kilda Road.
- The proposal will protect the visual amenity of Fawkner Park and minimise overshadowing.

61. The proposal is broadly contained within the building envelope established under the planning provisions and accords with the relevant guidelines specific to buildings and works and the built environment. The building is of an appropriate scale and mass having regard to the strategic and urban context of the site, and will achieve the



desirable transition from the higher building forms along St Kilda Road to the lower scale building forms to Fawkner Park.

62. The layout of the development includes pedestrian entry points to each street that are legible and with good levels of passive surveillance alongside communal ground floor spaces, which will enhance the safety and amenity of the public realm.
63. The proposed development also aligns with transport policy by providing safe access and egress for pedestrian, cyclist and vehicle access. The site is afforded with excellent access to sustainable, alternative modes of transport, and the provision of an appropriate amount of on-site car parking accords with transport policy seeking a modal shift to sustainable alternatives.

Land Use

64. A permit is required for use of the site for accommodation (dwelling), given the frontage at ground level exceeds 2 metres.
65. The purpose of the zone has been considered and it is noted that the proposed residential use is consistent with the mixed use activity encouraged in the St Kilda Road area, and that residential uses at densities complementary to the scale of the St Kilda Road boulevard are encouraged.

Built Form

66. The proposal is considered to achieve a positive built form response to the opportunities and constraints of the site, having regard to the immediate and wider context. Specific built form guidance for the development of the land is provided within the Design and Development Overlay – Schedule 19.

Design and Development Overlay – Schedules 17 (Shrine Vista) and 19 (St Kilda Road Area)

Building height and plot ratio

67. Design and Development Overlay – Schedules 17 (Shrine Vista) (DDO17) and 19 (St Kilda Road Area) (DDO19) provide the built form controls and outcomes for the site.
68. The height and scale of the building is within the mandatory requirements of the Shrine Vista Control outlined in DDO17, which allows for a built form envelope between 34.59 m AHD up to 73.34 m AHD (see figures below).

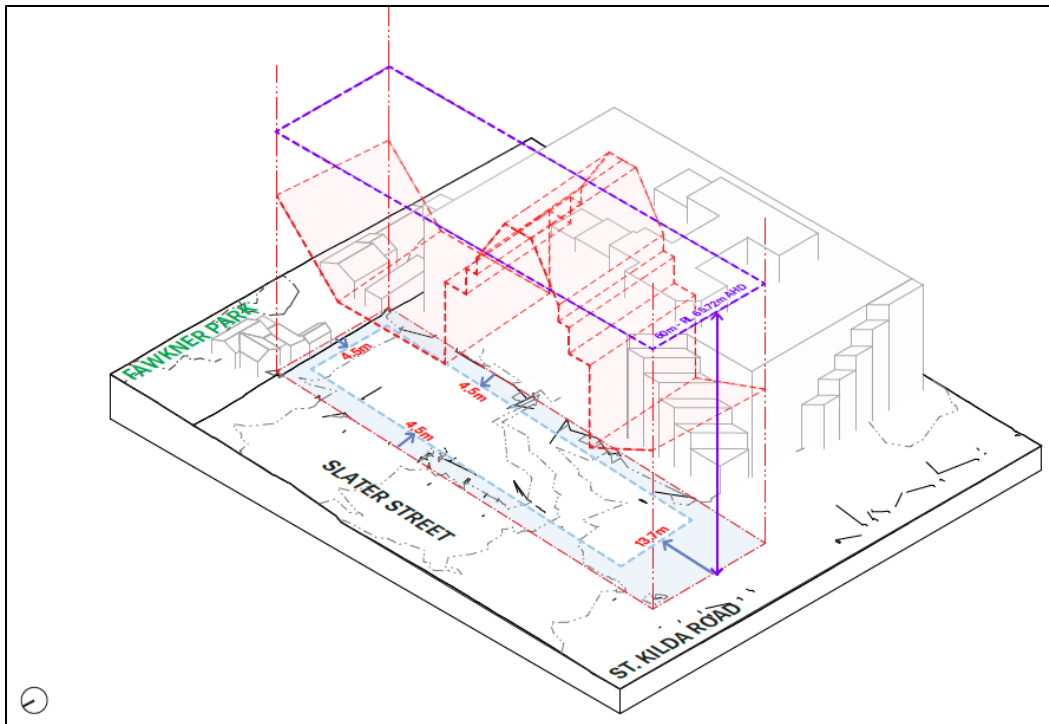


Figure 9: Shrine Vista envelope (red) and DDO19 height control (purple) (Source: Application)

69. The height and scale of the building, at a maximum height of 59.1 metres (excluding the plant), is below the discretionary maximum building height of 60 metres, as specified within DDO19 (Area 42).
70. The table to Schedule 19 also includes the following discretionary requirements:

Area	Maximum building height	Setbacks	Plot Ratio	Outcomes
42	60 metres	13.7 metres from St Kilda Road or 4.5 metres if the site abuts another road. Sideage or any other boundary: 4.5 metres	4	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.

71. The proposed built form is in keeping with buildings along St Kilda Road in terms of height, scale and massing and reinforces the context of St Kilda Road for towers of up to 60 metres. The overall height of the building and its scale is complementary to the nearby existing buildings and the building under construction at the corner of St Kilda Road and Toorak Road.
72. The proposed plot ratio of 5.57:1, exceeds the preferred plot ratio of 4:1. DDO19 requires that where an application exceeds the plot ratio, it 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, which are assessed as follows:



Design objective	Assessment
To encourage site development that will enhance the appearance, dignity and spaciousness of St Kilda Road.	The proposal will respect the existing and preferred development pattern along St Kilda Road. This includes a substantial landscaped setback to St Kilda Road, side setbacks consistent with the discretionary requirements, use of materials and height and massing variation.
To protect and enhance the appearance of St Kilda Road as a major boulevard.	The appearance of St Kilda Road will be protected and enhanced through a proposed 14.6 metre landscaped front setback (which is an increase from the 13.7 metre setback required), with a mix of low to medium height mature trees and two dedicated deep soil areas to complement the existing retained street trees. In addition, the landscaped setting will wrap around the majority of the north side of the building to enhance Slater Street.
To encourage urban design improvements so that the physical environment offers variety, interest, safety and convenience to people in the area.	The application delivers an acceptable contribution to the public realm, including: <ul style="list-style-type: none">• The inclusion of balconies to the St Kilda Road, Slater Street and Fawkner Park interfaces provides for passive surveillance and interaction for improved safety.• The provision of an additional pedestrian access point and residential amenities along Slater Street. Balconies along the Fawkner Park boundary will improve the relationship between the private and public realms, as well as provide passive surveillance.• A landscaped response that integrates with all public realm interfaces, St Kilda Road, Slater Street and Fawkner Park.
To encourage retention of those features of the area that enhance its appearance, give it character or provide a sense of identity.	The existing building does not have any heritage or architectural merit. Furthermore, the building sits towards St Kilda Road (albeit with a substantial front setback) with the remainder of the rear of the site generally covered by at-grade asphalt and concrete car parking. The proposed development will provide a well-designed building, with appropriate setbacks and a strong landscape response. These elements will enhance the appearance and character of the area.
To encourage appropriate landscaped outdoor uses within a garden environment.	The proposal respects the garden environment envisaged along St Kilda Road, through the use of soft and hard landscaping, low to medium height tree planting, including in deep soil planting zones.
To ensure that any new development or redevelopment is at a scale that protects the visual amenity of Fawkner Park.	Currently, the interface with the north-west corner of Fawkner Park consists of an existing at-grade car park, with the office building setback approximately 16 metres. Along this interface, the proposal presents as a seven storey (24.71 metres high) podium, measured to the top of the balustrade of the Level 8 communal outdoor terrace. Levels 1-4 are setback 4.5 metres, while Levels 5-8 (balustrade) are setback 7.1 metres from the east boundary. These heights and setbacks are similar to the setbacks of nearby buildings, noting that the building to the south, at 445 St Kilda Road, has a height of 20.4 metres along its east boundary and is setback 4.5 metres, and 2-6 Slater Street has a height of 27.8 metres along its east boundary and is setback 2.5 metres from Fawkner Park. The proposed east elevation is broken up with balconies that wrap around to the north and south elevations. It is acknowledged that the proposed building will be visible from certain locations within the park. However, the rear portion of the building has been scaled and stepped down, while the tower



form is setback over 44 metres from Fawkner Park. The building will not appear out of context with existing built form found along the park's western boundary.

From a further distance, taller built form is evident, and the proposal will be well setback between existing vegetation along the nature strips of both St Kilda Road and Slater Street, as well as that proposed within the subject site.

Overshadowing impacts will be discussed later in the report.

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

The Shrine Vista report prepared by Veris confirms that the development will not intrude on the vista of the Shrine of Remembrance. Further, DTP's 3D Visualisation Team has confirmed that the 3D model provided by the applicant is consistent with the Shrine Vista overlay and that there will be no intrusions into the vista.

It is noted that the Shrine of Remembrance was given notice of the application and has not provided a response.

73. It is considered that the proposal satisfactorily achieves the specific design objectives and outcomes of DDO19 (Area 42) and DDO17 and is consistent with the intensity and scale of the built form character of St Kilda Road. It is therefore considered acceptable to vary the plot ratio from 4:1 to 5.57:1.
74. The built form along St Kilda Road comprises buildings with heights of up to 25 storeys. Recently constructed building are generally around 60 metres, with side setbacks of at least 4.5 meters and constructed within the Shrine Vista Controls.
75. Two developments to the south of the site have been recently approved. No. 493 St Kilda Road is a residential building with a plot ratio of 7:1. No. 499 St Kilda Road is also a residential building with a plot ratio of 5:1. Further, the residential building under construction at No. 409 St Kilda Road (on the corner of St Kilda Road and Toorak Road) has a plot ratio of 5:1. As such, there is precedent in the immediate area for developments that exceed the preferred 4:1 plot ratio.
76. Given that the proposed building does not exceed the preferred maximum building height, complies with the mandatory Shrine Vista controls and that the site is on a corner, it is considered that the site is capable of an increased plot ratio. The height, setbacks and landscaping proposed along the St Kilda Road interface is consistent with development along the St Kilda Road boulevard.

Setbacks

77. The proposal has a minimum setback from St Kilda Road of 13.7 metres to the edge of the slab (or 14.19 metres to the glazing line), which is consistent with the discretionary front setback in DDO19. The setback increases at Levels 8, 14, 16 and 17 to a maximum 26.1 metres. The building design provides for a first-floor overhang of the ground floor porte cochere and residential lobby. This provides a sense of address, shelter for residents and visitors and a safe drop-off / pick-up point for residents / visitors. While the council officers did not support this design (overturned by FMC), the porte cochere allows for vehicles to exit the site via Slater Street (instead of St Kilda Road) and maintains the minimum front setback requirement.
78. The proposal incorporates setbacks to the north, south and east boundaries of 4.5 metres to the edge of the slab (or a minimum 4.95 metres to the glazing line). DDO19 specifies a minimum 4.5 metres setback but allows for minor building projections (including sunshades and small balconies), a basement, provided that no part of it projects above ground level and other minor structures within the setback. The proposal includes some minor encroachments of the setbacks as follows:
 - At the southern (side) boundary, the rear portion extends to the boundary to enclose building services and the pool at a maximum height of 1.15 metres, with a fence above to match the existing rear boundary fence height at 1.38 metres.

- Along the northern (Slater Street) frontage the Ground Level extends to the boundary to enclose the plant and the pool, which are subterranean due to the level change of the land.
- At Level 01, wrap around terraces associated with the two east facing dwellings extend within the 4.5 metre setbacks to the north, south and east boundary by 3.7 metres, 1.2 metres and 2.06 metres, respectively.

79. It is noted that the council and the property to the south of the site have raised concerns regarding the terraces encroaching into the setbacks. The council has concerns about the Slater Street setback, while the objector has concerns regarding the southern boundary setback.
80. The encroachments into the setback are located to the rear of the site (in the western portion of the site) at Ground Level and Level 01. This is due to the level difference of the footpath along Slater Street, between St Kilda Road and Fawkner Park.

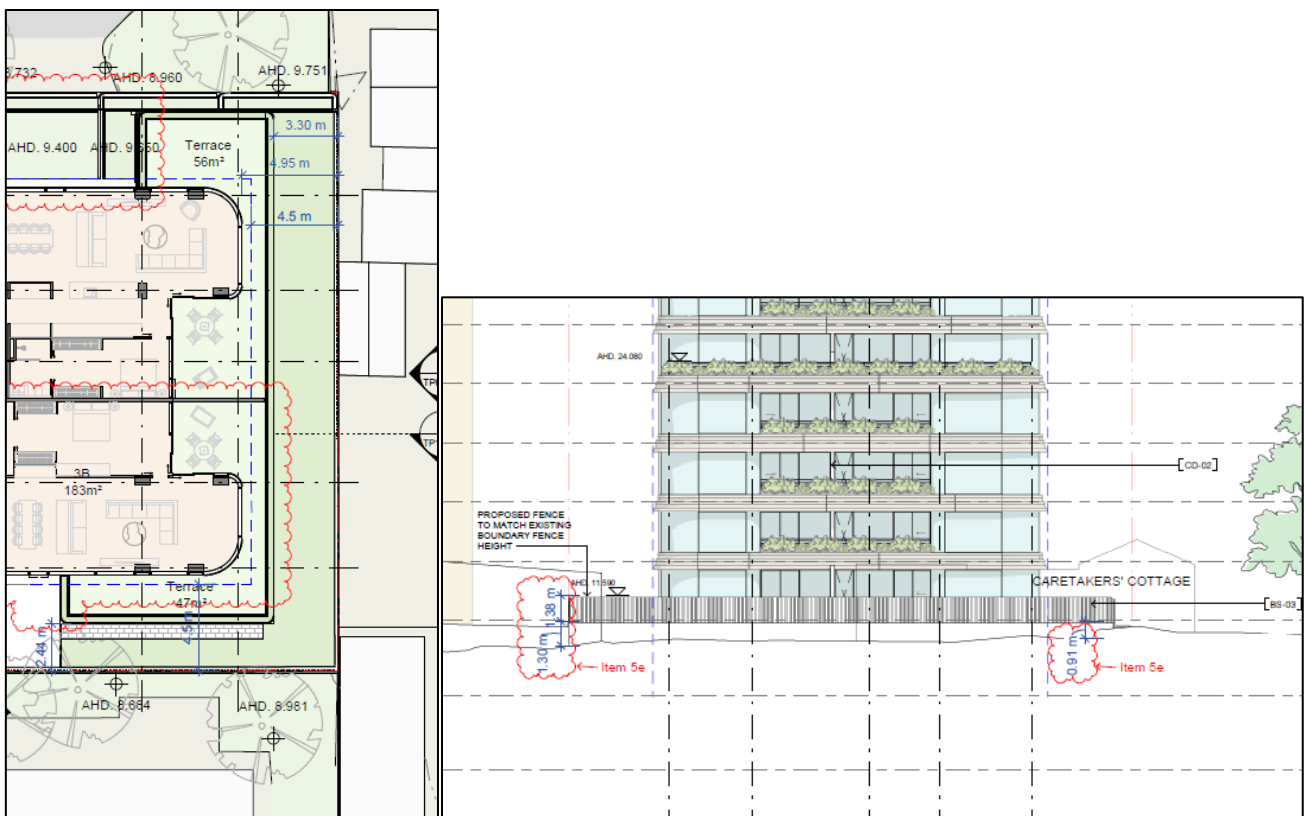


Figure 10: Level 01 plan (left) and east elevation (right) (Source: Application)



Figure 11: Level 01 terrace adjacent to Slater Street (Source: Application)

81. The encroachments into the discretionary setback are considered acceptable due to the following:

- The Ground Level projects modestly above natural ground level, due to the slope of the land. This is associated with the pool, plant and services.
- The Level 01 terraces will not be highly visible from the Slater Street and are reasonably setback from the southern boundary (see image below for interface with the southern boundary).

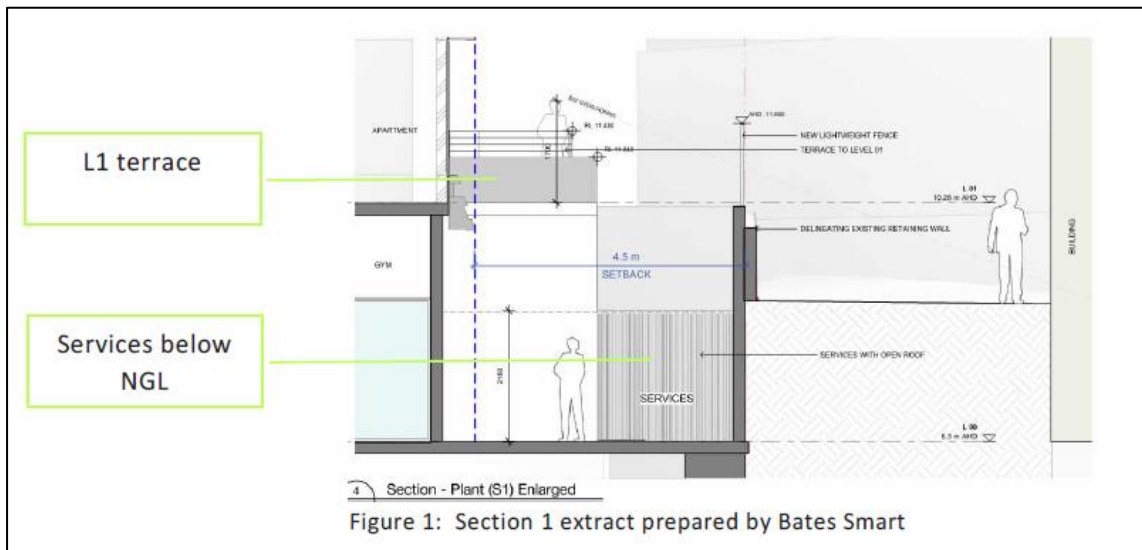


Figure 12: Section of the terrace interface with the southern boundary (Source: Application)

82. Further, the terrace along Slater Street will not be highly visible from the public realm due to the existing landscaped kerb outstand, with intensively planted vegetation (see image below).



Figure 13: Existing conditions of north east corner of the subject site with the landscaped kerb outstand (Source: Google maps)

83. With regard to any potential negative impact on the Caretaker's Cottage along the common boundary, it is noted that the principal views to the cottage are from within Fawkner Park and directly opposite it. When walking east up Slater Street any oblique views to the western side of the cottage will still be available, albeit altered from the existing conditions. This is considered acceptable having regard to the planning controls which encourage redevelopment of the site. Importantly, the proposed landscaping along Slater Street will improve the interface with the public realm and the extension of the Fawkner Park environs.



Figure 14: Render of Slater Street interface towards Fawkner Park (Source: Application)

Landscaping

84. The St Kilda Road frontage includes mature tree planting that will provide a landscaped setting for the building. A dedicated pedestrian route is also provided from St Kilda Road to the main entrance / lobby of the building.
85. An updated Landscape Plan, to include changes as required by condition 1 and for the quantity of the plant types, will be required to be provided for endorsement. The Landscape Maintenance Plan submitted with the application is considered satisfactory as should be endorsed when the Landscape Plan is endorsed.

Fences

86. While no front fence is proposed along St Kilda Road, the landscape design incorporates curved, low level planters approximately 0.3 metres high above footpath level, with permeable bronze top rail plates with spacing.
87. Fencing is proposed along Slater Street and the rear boundary that will match the height to the existing fences along these boundaries. They will consist of dark bronze metal permeable vertical balustrades, with landscaping behind, providing an improved interface with Slater Street.

Car parking areas

88. The basement car park will not be visible from St Kilda Road. The relocated crossover to Slater Street will provide appropriate vehicle access to the basement with a double width crossover.
89. The existing crossover to St Kilda Road will provide access for waste collection vehicles and entry to the porte cochere, primarily associated with taxi and ride share services. The porte cochere sits behind the landscaped setback to St Kilda Road and allows for a pedestrian scale and weather protected drop off / pick up experience, commensurate with other residential buildings along St Kilda Road. The incorporation of this feature into the design of this building is considered reasonable.

Internal Amenity

Clause 58 (Apartment Developments)

90. Clause 58 encourages apartment development that provides reasonable standards of amenity for existing and new residents and supports apartment developments that are responsive to the site and the surrounding area.
91. The development achieves a high level of compliance with the objectives and standards of Clause 58 as detailed in the assessment provided at Appendix 1.
92. A variation is sought to Standard D27 (Room depth objective) that requires adequate daylight into single aspect habitable rooms. The submitted architectural plans and Urban Context Report demonstrate that 78% of dwellings are provided with adequate room depths.
93. 17 dwellings, 14 located centrally within the building and 3 located in the south west corner, exceed the room depth standard.
94. Apartment Type G (x 1) is a two bedroom north facing dwelling, with its bedrooms along the south elevation. This dwelling has a 10.84 metre room depth and is 6.5 metres wide at the balcony.
95. Apartment Type J (x 13) is a three bedroom north facing dwelling with its bedrooms along the south elevation. This dwelling has a 10.63 metres room depth and is 6.5 metres wide at the balcony.
96. Apartment Type Q (x 3) is a three bedroom west facing dwelling with its bedrooms along the south elevation. This dwelling has a 10.2 metre room depth and is 5.8 metres wide at the balcony.

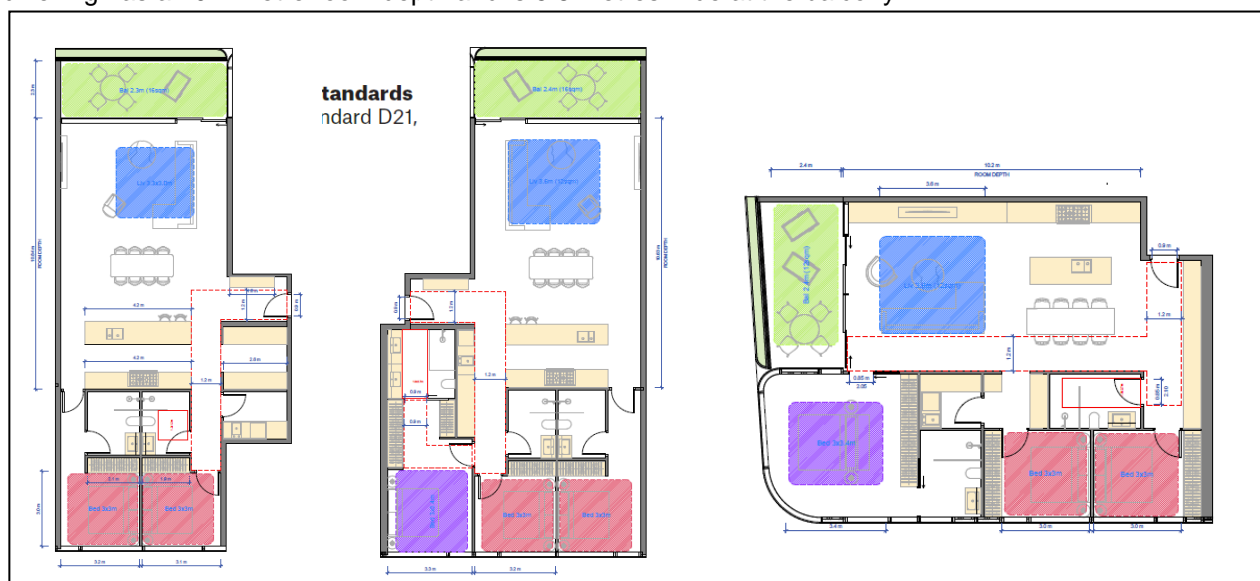


Figure 15: Apartment Type G (left), Apartment Type J (middle) and Apartment Type Q (right) (Source: Application)

97. The internal amenity of these dwellings is considered acceptable, given their sizes (132 – 157 m²), their balcony sizes (minimum 16 m²), floor to ceiling heights of 2.7 metres, the rooms combine the living, dining and kitchen areas and the kitchens are located furthest from the window.

Amenity Impacts

Overshadowing

98. Local policies within the Planning Policy Framework seek to avoid overshadowing of Fawkner Park (Clause 11.03-6L-14) and discourage development that casts additional shadows on public spaces between 11am and 2pm on 22 September (Clause 15.01-1L-03).

99. Also relevant to this matter, is Planning Scheme Amendment C415 (formerly C278), which has been adopted by the council but is not considered a seriously entertained planning scheme amendment by the Department. This amendment seeks to apply a new Design and Development Overlay – Schedule 8 (DDO8) to the site and surrounds. DDO8 seeks to introduce built form requirements for the site and surrounding area ensuring sunlight to parks, noting that Fawkner Park, is a ‘Type 3 (East)’ park for the purposes of applying the following requirements of the proposed DDO8:

Existing shadow is defined by the proposed DDO8 as follows:

‘...any shadow cast by existing buildings and works and the shadow cast by a building of 9 metres in height.’

Park type on Maps 1-10	Hours and date
1	Buildings and works must not cast additional shadow onto the park between 10am and 3pm, on June 21 beyond the existing shadow.
2	Buildings and works must not cast additional shadow onto the park between 10am and 3pm on June 21 beyond the existing shadow or allowable shadow or the combination of the existing shadow and allowable shadow (whichever is the greatest).
3 East	Buildings and works must not cast additional shadow onto the park between 10am and 2pm, June 21 beyond the existing shadow.
3 West	Buildings and works must not cast additional shadow onto the park between 12 noon and 3pm, June 21 beyond the existing shadow.

Figure 16: Extract from the council's adopted version of DDO8 (Source: MCC FMC Report 14 September 2021)

100. As shown in the diagrams below, the proposed development will not cast any additional shadow to Fawkner Park in June nor September between 10am and 2pm. There is some minor additional shadow cast to the council depot in Fawkner Park to the east of the subject site and south of the cottage. Given the discretionary shadow controls and the status of Amendment C415, the minor additional shadows to the depot between 1pm and 2pm are considered reasonable and will not impact on the amenity of Fawkner Park nor the cottage.



Figure 17: Shadow studies June 22 – 11:00am – 2:00pm (Source: DTP 3D model)



Figure 18: Shadow studies September 22 – 11:00am – 2:00pm (Source: DTP 3D model)



101. There will be some overshadowing of the property to the south, an office building, which will not result in unreasonable overshadowing in this urban context and given the 60 metre discretionary height control that applies.

Impacts on Adjoining Properties

Southern interface

102. To the south of the site, at 441 St Kilda Road, is a six storey office building with a crossover adjacent to the common boundary, providing car access to the lower and upper ground levels. The building is setback approximately 5 metres from the common boundary and includes car parking spaces (on the western half) and landscaping (on the eastern half) within the setback.

103. The proposed building is partially constructed to the common boundary, having regard to the fall in the land from the east to the west, with Levels 01 and above setback 4.5 metres. This setback will allow for the adjoining property to provide a similar built form outcome, should a redevelopment of the site occur at a future date. Should the redevelopment of the adjoining site contemplate a residential outcome, a reciprocal 4.5 metres setback (as required by DDO19) will achieve a combined 9 metre building separation. It is noted that there is no current planning permit approved or application proposed for the adjoining site.

104. The proposed boundary fence along the common boundary, includes a solid element with a permeable vertical fence above. The height of the solid element is aligned with the Level 01 terrace associated with the dwelling that wraps around to the south (see image below).

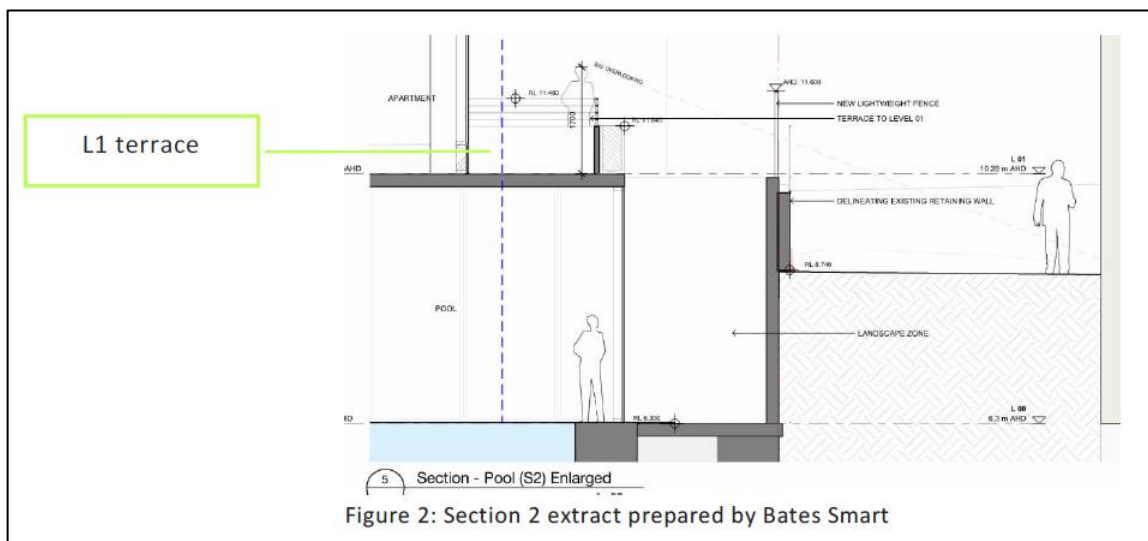


Figure 19: Interface with the southern boundary (Source: Application)

105. Notwithstanding the permeable vertical fence proposed along the common boundary, the minor encroachment of the proposed terrace will not adversely impact on the equitable development rights of the property to the south.

106. Noting that the adjacent owner has raised concerns with overshadowing and as discussed above, the overshadowing impacts to the property to the south will not be unreasonable in this urban context where higher built form is encouraged. Further, the shadows will move throughout the day and provide adequate daylight to the existing office building.

Eastern interface

107. As mentioned above, the current interface with Fawkner Park consists of an existing at-grade car park, with the office building setback approximately 16 metres.

108. Along this interface, the proposed building presents as a seven storey (24.71 metres high) podium, measured to the top of the balustrade of the Level 8 communal outdoor terrace. Levels 1-4 are setback 4.5 metres, while Levels



5-8 (balustrade) are setback 7.1 metres from the east boundary. These heights and setbacks are similar to the setbacks of nearby buildings, noting that the building to the south, at 445 St Kilda Road, has a height of 20.4 metres along its east boundary and is setback 4.5 metres. 2-6 Slater Street has a height of 27.8 metres along its east boundary and is setback 2.5 metres from Fawkner Park.

109. The proposed east elevation is broken up with balconies that wrap around to the north and south elevations.
110. It is acknowledged that the proposed building will be visible from certain locations within the park. However, the rear portion of the building has been scaled and stepped down, while the tower form is setback over 44 metres from Fawkner Park. The building will not appear out of context with existing built form found along the park's western boundary.
111. From a further distance, taller built form is evident, and the proposal will be well setback between existing vegetation along the nature strips of both St Kilda Road and Slater Street, as well as that proposed within the subject site.
112. The interface with the Caretaker's Cottage has been appropriately scaled to ensure that the heritage building is not overwhelmed. Further, it is noted that the main views of the cottage are either from within Fawkner Park or directly opposite. As such, the proposed building will not have an adverse impact on the cottage and its setting.

Car and Bicycle Parking, Loading, and Waste

Car Parking

113. The following car parking rates are relevant to the application:

Use	Rate	Amount Required	Amount Provided
Dwelling (16 x 2 bed 61 x 3 bed)	One space to each one or two bedroom dwelling	16	
	Two spaces to each three or more bedroom dwellings	122	
Total		138	184 resident spaces 4 visitor spaces
Motorcycle Parking	N/A	N/A	3

114. The proposal exceeds the statutory requirement; therefore a permit is not required for the proposed car parking spaces.
115. The council has not raised any concerns with the proposed car parking spaces provided on site. It originally requested 3 motorcycle parking spaces to be provided, which are now shown on the decision plans.
116. The council has not raised any concerns with regard to traffic as a result of the number of car parking spaces proposed.
117. Recommended permit conditions include the provision of a Car Parking Management Plan, Road Safety Audit, a Loading Management Plan and the requirement for a Dock Manager, prior to the commencement of works. It is noted that the applicant has stated that a loading dock manager will not be employed, given that this is a residential building. As such, it is considered appropriate to amend this condition to allow for some flexibility for either a Dock Manager, Building Manager, or similar to be nominated to be responsible for controlling the operation of the loading bay and unloading of goods.
118. The existing crossover to St Kilda Road provides vehicle access and egress to basement car parking and to the waste / loading dock. The proposal is not seeking to alter the crossover dimensions, rather the access arrangements. The crossover will retain access to the waste / loading area, located on the south side of the development and also



entry to the porte cochere within the St Kilda Road setback. The porte cochere will primarily be used by taxi and ride share services.

119. The council previously raised concerns with the potential for resident vehicles to access the basement car park via the porte cochere. The plans were amended as part of the RFI response and extended the traffic island on the ground level to discourage residents turning into the basement from the porte cochere.

Bicycle Facilities

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

Proposed Use	Purpose	Bicycle Parking Rate	No. of Spaces Required	No. of Spaces Provided
Dwelling (77 dwellings)	Resident	1 space / 5 dwellings	15	84
	Visitor	1 space / 10 dwellings	8	8
Total			23	92

121. The proposal includes a total of 92 bicycle spaces (as detailed above), which exceeds the requirement for 23 spaces. As such, no permit is required under this clause.
122. The council has not raised any concerns with the proposed bicycle parking.
123. It is considered that the proposal is acceptable and appropriately responds to Clause 52.34.

Loading

124. A loading area is provided on the ground level accessed along the southern boundary via the existing crossover to St Kilda Road.
125. The council has not raised any concerns with the proposed loading area. However, it has recommended a Loading Management Plan and a Road Safety Audit be submitted for approval. It has also requested a condition for a Dock Manager to be responsible for controlling the operation of the loading bay and unloading of goods. These are considered reasonable, with some flexibility in the Dock Manager role as described above, and will be included as conditions on any permit to issue.


Waste

126. The application is supported by a Waste Management Plan (WMP) prepared by Traffix Group. The council considers the WMP unsatisfactory and has recommended conditions be included on any permit to issue requiring the submission and approval of an updated WMP and plans to nominate the council as the provider for hard waste collection, update the recycling bin numbers, bin wash facilities to be shown and calculation of the waste generated by the communal kitchen and dining area. These are considered reasonable, and will be included as conditions on any permit to issue.

Sustainability

Environmentally Sustainable Design (ESD)

127. The application is supported by a Sustainability Management Plan (SMP) prepared by IGS in response to Clauses 15.01-2L-01 of the planning scheme. The plan states that the proposal has the potential to achieve a certified 5-star Green Star Building rating.
128. The council has recommended a condition be included on any permit to issue requiring the submission and approval of an updated SMP to provide information on site / roof plant that complies with Heat Resilience Credit 19,



evidence that the development can achieve the requirements for a minimum 10% reduction in up front carbon emissions, evidence that a Zero Carbon Action Plan is developed and signed off by the building owner or developer and all glazing to habitable areas including living spaces and bedrooms is shown as double glazed.

129. Some of these requirements cannot be satisfied concurrent with the endorsement of plans under condition 1. As such the council has agreed to rewording of these conditions to ensure that a commitment to these requirements is included in any updated SMP.
130. It is considered that the SMP be updated to achieve the commitments and to reflect the proposed amendments to the plans (required by condition 1).
131. Further, a condition has also been recommended by the council for a report prior to the occupation of the building to ensure that all ESD commitments are implemented when the building is completed.
132. The SMP requests by the council are considered reasonable, and conditions will be included to reflect these requirements.

Water Sensitive Urban Design (WSUD)

133. The SMP submitted with the application includes a response to Clauses 19.03-3L and 53.18 of the planning scheme. The plan includes a WSUD Management Plan which includes an assessment using MUSICX modelling. The required treatment levels are achieved by a rainwater capture and reuse system with a 10 square metre raingarden and a 30,000 litre rainwater tank to be used for toilet flushing and landscaping irrigation to will achieve the best practice performance objectives.

Response to Objections

134. Pursuant to the Commercial 1 Zone (use only) and DDO19 of the Melbourne Planning Scheme, notice of the application was given by way of erecting signs on the site and by mail to nearby property owners and occupiers.
135. As stated in the notice section of this report, a total of nine (9) objections were received. Issues raised include excessive built form and plot ratio, overdevelopment of the site, poor interface with adjoining properties and the public realm, loss of daylight, loss of privacy, overshadowing, insufficient landscaping, impact on the equitable development rights of adjacent land, internal amenity, car parking provision, access and traffic, wind tunnel effect, construction impacts and structural impacts on surrounding properties.
136. Most of these concerns have been addressed in the body of the report and wind is addressed in the appendix.
137. Construction impacts will be managed via a condition on any permit to issue for the submission and approval of a Construction Management Plan, to the satisfaction of the council.
138. Any structural impacts on surrounding properties as a result of the proposed building will be addressed through the building permit stage.
139. It is considered that all relevant objections have been considered and appropriately responded to.



140. The proposal is consistent with the relevant planning policies of the Melbourne Planning Scheme and will contribute to the provision of housing within the St Kilda Road precinct, with a built form response appropriate to the site's urban context. In particular, the proposal is of a design, scale and massing that responds appropriately to DDO17 and DD019 and the adjacent buildings and Fawkner Park interface, with a compliant response to the Shrine vista control and a compliant building height and mostly compliant setbacks in a landscaped setting that will not adversely overshadow the public realm.
141. The proposal is generally supported, subject to conditions, by the various referral agencies and conditions have been incorporated in the decision. Issues raised by objectors have been appropriately addressed.
142. It is recommended a Notice of Decision to Grant Planning Permit No. PA2302457 for use of the land for dwellings and construction of a building and construct and carry out works at 437 St Kilda Road, Melbourne, be issued subject to conditions.
143. It is recommended that the applicant, the council, referral agencies and objectors be notified of the above in writing.



Prepared by:

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

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

Name:

Title:

Signed: _____

Phone:

Dated: _____

Reviewed / Approved by:

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

- No Conflict**
- Conflict and have therefore undertaken the following actions:
 - Completed the **Statutory Planning Services declaration of Conflict/Interest form.**
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Name:

Title:

Signed: _____

Phone:

Dated: _____

Appendix 1: Clause 58 Assessment



Application requirements

Clause 58.01-1	Assessment
<ul style="list-style-type: none">• An application must be accompanied by:<ul style="list-style-type: none">○ An urban context report.○ A design response.	Satisfied The application has been accompanied by an urban context report and a design response prepared by Bates Smart Architects.

Urban context report

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

Design response

Clause 58.01-3	Assessment
<ul style="list-style-type: none">• The design response must explain how the proposed design:<ul style="list-style-type: none">○ Responds to any relevant planning provision that applies to the land.○ Meets the objectives of Clause 58.○ Responds to any relevant housing, urban design and landscape plan, strategy or policy set out in this scheme.○ Derives from and responds to the urban context report.• The design response must include correctly proportioned street elevations or photographs showing the development in the context of adjacent buildings. If in the opinion of the responsible authority this requirement is not relevant to the evaluation of an application, it may waive or reduce the requirement.	Satisfied The submitted planning report prepared by UPco and architectural plans prepared by Bates Smart Architects satisfactorily meet the requirements of this Clause.



Urban context objectives

Clause 58.02-1	Assessment
Objectives <ul style="list-style-type: none">To ensure that the design responds to the existing urban context or contributes to the preferred future development of the area.To ensure that development responds to the features of the site and the surrounding area.	Meets Objective <p>The design responds to the existing urban context and contributes to the preferred future development for St Kilda Road. The development responds to the opportunities and constraints of the site and has regard for existing buildings on surrounding properties.</p>
Standard D1 <ul style="list-style-type: none">The design response must be appropriate to the urban context and the site.The proposed design must respect the existing or preferred urban context and respond to the features of the site.	Complies with Standard <p>The design response is considered appropriate to the urban context and the existing conditions of the site and surrounds. The design responds to the features of the site and responds to the preferred character for St Kilda Road.</p>

Residential policy objectives

Clause 58.02-2	Assessment
Objectives <ul style="list-style-type: none">To ensure that residential development is provided in accordance with any policy for housing in the Municipal Planning Strategy and the Planning Policy Framework.To support higher density residential development where development can take advantage of public and community infrastructure and services.	Meets Objective <p>The development provides higher density residential development in an area identified for increased housing density in a location which has good access to services, infrastructure and public transport. The proposed residential development responds to housing policies in the MPS and PPF.</p>
Standard D2 <ul style="list-style-type: none">An application must be accompanied by a written statement to the satisfaction of the responsible authority that describes how the development is consistent with any relevant policy for housing in the Municipal Planning Strategy and the Planning Policy Framework.	Complies with Standard <p>The submitted planning report by UPco includes a written statement describing how the development is consistent with relevant policies for housing in the MPS and PPF.</p>

Dwelling diversity objectives

Clause 58.02-3	Assessment
Objective <ul style="list-style-type: none">To encourage a range of dwelling sizes and types in developments of ten or more dwellings	Meets Objective <p>The development comprises a range of dwellings sizes and types to meet a range of housing needs.</p>
Standard D3 <ul style="list-style-type: none">Developments of ten or more dwellings should provide a range of dwelling sizes and types, including dwellings with a different number of bedrooms.	Complies with Standard <p>The development provides a range of dwelling types and layouts including 16 x 2 bedroom dwellings and 66 x 3 / 4 bedroom dwellings. A variety of floor layouts and dwelling sizes are also proposed.</p>

Infrastructure objectives

Clause 58.02-4	Assessment
Objectives <ul style="list-style-type: none">To ensure development is provided with appropriate utility services and infrastructure.To ensure development does not unreasonably overload the capacity of utility services and infrastructure.	Meets Objective <p>The development will be provided with appropriate utility services and infrastructure and will not unreasonably overload the capacity of existing utility services and infrastructure.</p>
Standard D4 <ul style="list-style-type: none">Development should be connected to reticulated services, including reticulated sewerage, drainage, electricity and gas, if available.	Complies with Standard <p>The development will be connected to all relevant services as appropriate for a building of this scale. It</p>



- *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*

will not unreasonably exceed the capacity of the surrounding service infrastructure.

Integration with the street objective

Clause 58.02-5	Assessment
Objective <ul style="list-style-type: none"> • <i>To integrate the layout of development with the street.</i> • <i>To support development that activates street frontage.</i> 	Meets Objective The development has been designed to integrate with St Kilda Road and Slater Street, activating both street frontages.
Standard D5 <ul style="list-style-type: none"> • <i>Developments should be oriented to front existing and proposed streets.</i> • <i>Along street frontage, development should:</i> <ul style="list-style-type: none"> ○ <i>Incorporate pedestrian entries, windows, balconies or other active spaces.</i> ○ <i>Limit blank walls.</i> ○ <i>Limit high front fencing, unless consistent with the existing urban context.</i> ○ <i>Provide low and visually permeable front fences, where proposed.</i> ○ <i>Conceal car parking and internal waste collection areas from the street.</i> • <i>Development next to existing public open space should be designed to complement the open space and facilitate passive surveillance.</i> 	Complies with Standard The development is designed to front St Kilda Road and Slater Street. St Kilda Road includes the primary pedestrian entrance to the lobby, while Slater Street incorporates a secondary entrance along the centre of the frontage, with lounge and dining areas visible from the footpath. The upper levels include windows and balconies for the dwellings and an outdoor communal area on Level 08. Given the central location of the lift core, there are no blank facades. Fencing along Slater Street is consistent with the existing urban context. Vehicular access to basement car parking is appropriately located along Slater Street, with waste collection undertaken along the southern boundary, accessed via the existing crossover to St Kilda Road. The development provides appropriate setbacks to Fawkner Park while still allowing for passive surveillance.

Energy efficiency objectives

Clause 58.03-1	Assessment
Objectives <ul style="list-style-type: none"> • <i>To achieve and protect energy efficient dwellings and buildings.</i> • <i>To ensure the orientation and layout of development reduce fossil fuel energy use and make appropriate use of daylight and solar energy.</i> • <i>To ensure dwellings achieve adequate thermal efficiency.</i> 	Meets Objective The development protects the energy efficiency of existing buildings through appropriate setbacks. The orientation and layout of the development makes appropriate use of daylight and solar energy.
Standard D6 <ul style="list-style-type: none"> • <i>Buildings should be:</i> <ul style="list-style-type: none"> ○ <i>Oriented to make appropriate use of solar energy.</i> ○ <i>Sited and designed to ensure that the energy efficiency of existing dwellings on adjoining lots is not unreasonably reduced.</i> • <i>Living areas and private open space should be located on the north side of the development, if practicable.</i> • <i>Developments should be designed so that solar access to north-facing windows is optimised.</i> • <i>Dwellings located in a climate zone identified in Table D1 should not exceed the maximum NatHERS annual cooling load specified in the following table.</i> 	Complies with Standard The development has been designed to maximise solar energy, where practical. The Sustainability Management Plan prepared by IGS is targeting a minimum NatHERS rating of 5.5 stars and an average NatHERS rating above 7.5 stars. No dwelling will exceed the maximum NatHERS annual cooling load of 30 MJ/M ² .



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

Note:

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

Communal open space objective

Clause 58.03-2

Objectives

- To provide communal open space that meets the recreation and amenity needs of residents.
- To ensure that communal open space is accessible, practical, attractive, easily maintained.
- To ensure that communal open space is integrated with the layout of the development and enhances resident amenity.

Standard D7

- A development of 10 or more dwellings should provide a minimum area of communal outdoor open space of 30 square metres.
- If a development contains 13 or more dwellings, the development should also provide an additional minimum area of communal open space of 2.5 square metres per dwelling or 220 square metres, whichever is the lesser. This additional area may be indoors or outdoors and may consist of multiple separate areas of communal open space.
- Each area of communal open space should be:
 - Accessible to all residents.
 - A useable size, shape and dimension.
 - Capable of efficient management.
 - Located to:
 - 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

Meets Objective

The development provides communal open space in the form of the Level 08 terrace that will meet the recreation and amenity needs of residents. The communal open space will be accessible, practical, attractive and is integrated with the layout of the development.

Complies with Standard

The proposed development exceeds the minimum 220 m² required as it provides:

- 677 m² of internal communal areas; and
- 453 m² of external communal areas.

The areas will each have their own purpose or function, comprising:

- Ground Level lobby / reception area, communal lounge / dining / kitchen area, gym and yoga room and pool / spa / steam / sauna area; and
- Level 08 outdoor terrace.

These areas will be accessible, useable and capable of efficient management.



Solar access to communal outdoor open space objective

Clause 58-03-3	Assessment
Objective <ul style="list-style-type: none"> To allow solar access into communal outdoor open space 	Meets Objective The development will allow solar access into the proposed communal outdoor area due to its location and orientation.
Standard D8 <ul style="list-style-type: none"> The communal outdoor open space should be located on the north side of a building, if appropriate. At least 50 per cent or 125 square metres, whichever is the lesser, of the primary communal outdoor open space should receive a minimum of two hours of sunlight between 9am and 3pm on 21 June. 	Complies with Standard The shadow diagrams demonstrate that at least 50 per cent of the Level 08 will receive sunlight throughout the day on 21 June.

Safety objective

Clause 58.03-4	Assessment
Objective <ul style="list-style-type: none"> To ensure the layout of development provides for the safety and security of residents and property 	Meets Objective The layout of the development provides for the safety and security of residents and property.
Standard D9 <ul style="list-style-type: none"> Entrances to dwellings should not be obscured or isolated from the street and internal accessways. Planting which creates unsafe spaces along streets and accessways should be avoided. Developments should be designed to provide good lighting, visibility and surveillance of car parks and internal accessways. Private spaces within developments should be protected from inappropriate use as public thoroughfares. 	Complies with Standard The layout of the development has been designed to maximise passive surveillance towards the two street frontages and Fawkner Park. The layout of the basement car park is safe and functional, well lit and provided with signage to ensure comfortable and safe movements for residents.

Landscaping objectives

Clause 58.03-5	Assessment
Objectives <ul style="list-style-type: none"> To provide landscaping that supports the existing or preferred urban context of the area and reduces the visual impact of buildings on the streetscape. To preserve existing canopy cover and support the provision of new canopy cover. To ensure landscaping is climate responsive, supports biodiversity, wellbeing and amenity and reduces urban heat. 	Meets Objective The proposed landscaping response supports the existing and preferred urban context of the area.
Standard D10 <ul style="list-style-type: none"> Development should retain existing trees and canopy cover. Development should provide for the replacement of any significant trees that have been removed in the 12 months prior to the application being made. Development should: <ul style="list-style-type: none"> Provide the canopy cover and deep soil areas specified in Table D2. Existing trees can be used to meet the canopy cover requirements of Table D2. Provide canopy cover through canopy trees that are: <ul style="list-style-type: none"> Located in an area of deep soil specified in Table D3. Where deep soil cannot be provided trees should be provided in planters specified in Table D3. Consistent with the canopy diameter and height at maturity specified in Table D4. Located in communal outdoor open space or common areas or street frontages. 	Complies with Standard Given the site area is approximately 3,027 square metres, Standard D10 requires 15% of the site area (454 square metres) to be provided for deep soil planting and 350 square metres plus 20% of the site area above 2,500 square metres (106 square metres) of canopy cover (456 square metres). As detailed in the submitted Landscape Report, the development will provide 529 square metres of deep soil planting and a total canopy cover of 538 square metres. 26 River Birch trees are proposed within both the St Kilda Road and the Slater Street setbacks, consistent with the requirements of this standard. The proposed integrated landscaping will enhance the landscape setting of the area, contribute to the

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

Table D2 Canopy cover and deep soil requirements

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

Table D3 Soil requirements for trees

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

Note:

urban landscape and improve amenity for future occupants. The proposal will also provide for the retention of street trees on adjacent streets.

The development contributes to an increase in canopy tree cover and enhances the landscape character of the area.

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

Table D4 Tree types

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

Access objectives

Clause 58.03-6

Objectives

- To ensure that vehicle crossovers are designed and located to provide safe access for pedestrians, cyclists and other vehicles.
- To ensure the vehicle crossovers are designed and located to minimise visual impact.

Standard D11

- Vehicle crossovers should be minimised.
- Car parking entries should be consolidated, minimised in size, integrated with the façade and where practicable located at the side or rear of the building.
- Pedestrian and cyclist access should be clearly delineated from vehicle access.
- The location of crossovers should maximise pedestrian safety and the retention of on-street car parking spaces and street trees.
- Developments must provide for access for service, emergency and delivery vehicles.

Assessment

Meets Objective

The existing vehicle crossover to St Kilda Road will continue to provide access for on-site loading and entry to the porte cochere, primarily associated with taxi and ride share services. A relocated crossover along Slater Street will provide safe access for pedestrian, cyclists and other vehicles.

Complies with Standard

Along Slater Street, one crossover is proposed to be removed, while the other is proposed to be relocated to the west of it's existing location.

The relocated double width crossover is the preferred access to the basement car park, away from St Kilda Road. While the St Kilda Road crossover is primarily associated with entry for loading, taxi and ride share vehicles, exiting the site would be via the porte cochere within the St Kilda Road setback.

The proposal may impact the existing tree to the west of the relocated crossover. The council has recommended conditions to ensure that the street tree is either protected or replaced. This is considered reasonable, and conditions will be included on any permit to issue.

Pedestrian and bicycle access is via the central path within the St Kilda Road frontage or the secondary access from Slater Street. The council has recommended a condition to ensure pedestrian safety, requiring the introduction of safety measures to reduce potential conflict between pedestrians and vehicle at the lobby entrance and this condition will be included on any permit to issue.

Adequate access is provided on site for service, emergency and delivery vehicles.

Parking location objectives

Clause 58.03-7

Objectives

- To provide convenient parking for resident and visitor vehicles.
- To protect residents from vehicular noise within developments.

Assessment

Meets Objective

The development provides convenient parking for residents in a secure basement which also ensures residents are well protected from vehicle noise.

Standard D12

Complies with Standard



- *Car parking facilities should:*
 - *Be reasonably close and convenient to dwellings.*
 - *Be secure.*
 - *Be well ventilated if enclosed.*
- *Shared accessways or car parks of other dwellings should be located at least 1.5 metres from the windows of habitable rooms. This setback may be reduced to 1 metre where there is a fence at least 1.5 metres high or where window sills are at least 1.4 metres above the accessway.*

Car parking is appropriately located within the basement of the development. Car parking areas are appropriately set out, provided with convenient internal access and internal areas can be well lit and protected via security systems as required.

Integrated water and stormwater management objectives

Clause 58.03-8	Assessment
Objectives <ul style="list-style-type: none"> • <i>To encourage the use of alternative water sources such as rainwater, stormwater and recycled water.</i> • <i>To facilitate stormwater collection, utilisation and infiltration within the development.</i> • <i>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.</i> 	Meets Objective The development achieves the objectives of this Clause through the use of alternative water sources to reduce the impact of stormwater run-off on the drainage system.
Standard D13 <ul style="list-style-type: none"> • <i>Buildings should be designed to collect rainwater for non-drinking purposes such as flushing toilets, laundry appliances and garden use.</i> • <i>Buildings should be connected to a non-potable dual pipe reticulated water supply, where available from the water authority.</i> • <i>The stormwater management system should be:</i> <ul style="list-style-type: none"> ○ <i>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).</i> ○ <i>Designed to maximise infiltration of stormwater, water and drainage of residual flows into permeable surfaces, tree pits and treatment areas.</i> 	Complies with Standard As detailed in the submitted Sustainable Management Plan, the development will meet the best practice standard for urban stormwater management. MUSICX modelling results have been provided for the building, which achieves best practice, with a 10 square metre raingarden and a 30,000 litre rainwater tank to be used for toilet flushing and landscaping irrigation.

Building setback objectives

Clause 58.04-1	Assessment
Objectives <ul style="list-style-type: none"> • <i>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.</i> • <i>To allow adequate daylight into new dwellings.</i> • <i>To limit views into habitable room windows and private open space of new and existing dwellings.</i> • <i>To provide a reasonable outlook from new dwellings.</i> • <i>To ensure the building setbacks provide appropriate internal amenity to meet the needs of residents.</i> 	Meets Objective DDO19 includes preferred front and side / rear setbacks. The proposed building includes front and side / rear setbacks consistent with these requirements (see discussion above). This allows for adequate daylight into the new dwellings and for reasonable outlook from all habitable rooms, ensuring a high standard of internal amenity for future occupants. The design response, in terms of height and setbacks, contributes to the preferred future development of the area for increased housing.



Standard D14

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

Complies with Standard

The proposed built form respects the existing and preferred urban context and appropriately responds to the features of the site.

The proposed height and setbacks are considered acceptable as the building will provide adequate daylight into new habitable room windows, avoid direct views into any habitable room windows, provide an outlook that creates a visual connection to the surrounding environment and appropriately responds to the objectives of Clause 58.

Internal views objective

Clause 58.04-2	Assessment
<p>Objective</p> <ul style="list-style-type: none"> • <i>To limit views into the private open space and habitable room windows of dwellings within a development.</i> 	<p>Meets Objective</p> <p>The building is designed to limit views into the private open space and habitable room windows of dwellings within the development.</p>
<p>Standard D15</p> <ul style="list-style-type: none"> • <i>Windows and balconies should be designed to prevent overlooking of more than 50 per cent of the private open space of a lower-level dwelling directly below and within the same development.</i> 	<p>Complies with Standard</p> <p>The massing of the tower has been designed to ensure direct views are limited between balconies or habitable room windows. While there is potential overlooking into the private open space of the terraces associated with the dwellings on Level 08 (and above) of the dwellings on the upper levels. Most of these balconies incorporate landscaping along the terrace edges, restricting direct overlooking to the terraces below and is considered reasonable.</p>

Noise impacts objectives

Clause 58.04-3	Assessment
<p>Objectives</p> <ul style="list-style-type: none"> • <i>To contain noise sources in developments that may affect existing dwellings.</i> • <i>To protect residents from external and internal noise sources.</i> 	<p>Meets Objective</p> <p>The building is designed to protect residents from external and internal noise sources.</p>
<p>Standard D16</p> <ul style="list-style-type: none"> • <i>Noise sources, such as mechanical plants should not be located near bedrooms of immediately adjacent existing dwellings.</i> • <i>The layout of new dwellings and buildings should minimise noise transmission within the site.</i> • <i>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.</i> • <i>New dwellings should be designed and constructed to include acoustic attenuation measures to reduce noise levels from off-site noise sources.</i> • <i>Buildings within a noise influence area specified in Table D3 should be designed and constructed to achieve the following noise levels:</i> <ul style="list-style-type: none"> ○ <i>Not greater than 35dB(A) for bedrooms, assessed as an LAeq,8h from 10pm to 6am.</i> ○ <i>Not greater than 40dB(A) for living areas, assessed LAeq,16h from 6am to 10pm.</i> • <i>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</i> 	<p>Complies with Standard</p> <p>The building is designed to ensure that all internal and external noise is mitigated through the appropriate siting of plant, waste, and car parking.</p> <p>The layout of dwellings and mechanical plant is appropriately separated to ensure the amenity of residents is protected.</p> <p>The adoption of modern materials, including double glazing for all windows and sliding doors, will ensure that noise emissions from the building are contained within what would be considered as acceptable and normal to a residential building.</p>



need to meet the specified noise level requirements.

- Noise levels should be assessed in unfurnished rooms with a finished floor and the windows closed.

Table D5 Noise influence area

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

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

Wind impacts objective

Clause 58.04-4

Objective

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

Standard D17

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

Table D6 Wind conditions

Unsafe	Comfortable
Annual maximum 3 second gust wind speed exceeding 20 metres per second with a probability of	Hourly mean wind speed or gust equivalent mean speed (3 second gust wind speed divided by 1.85), from all wind directions combined with probability of exceedance less than 20% of the time, equal to or less than:

Assessment

Meets Objective

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

Complies with Standard

An Environmental Wind Tunnel Modelling prepared by MEL Consultants and dated 31 July 2023 accompanied the application and notes that wind model testing considered the effects of the proposed development having regard to the wind comfort level criteria contained here.

It was concluded that the proposal satisfies the:

- Walking comfort criterion in the surrounding streetscapes;
- Standing comfort criterion for building entrances; and
- Standing comfort criterion on the upper level terraces and outdoor communal area.

exceedance of 0.1% considering at least 16 wind directions.

- 3 metres per second for sitting areas,
- 4 metres per second for standing areas,
- 5 metres per second for walking areas.

Accessibility objective

Clause 58.05-1

Objective

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

Standard D18

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

Table D7 Bathroom design:

	Design option A	Design option B
Door opening	A clear 850mm wide door opening	A clear 820mm wide door opening located opposite the shower
Door Design	Either: <ul style="list-style-type: none"> • A slide door, or • A door that opens outwards, or • A door that opens inwards that is clear of the circulation area and has readily removable hinges. 	Either: <ul style="list-style-type: none"> • A slide door, or • A door that opens outwards, or • A door that opens inwards and has readily removable hinges.
Circulation area	A clear circulation area that is: <ul style="list-style-type: none"> • A minimum area of 1.2 metres by 1.2 metres. • Located in front of the shower and the toilet. • Clear of the toilet, basin and the door swing. The circulation area for the toilet and shower can overlap.	A clear circulation area that is: <ul style="list-style-type: none"> • A minimum width of 1 metre. • The full length of the bathroom and a minimum length of 2.7 metres. • Clear of the toilet and basin. The circulation area can include a shower area.
Path to circulation area	A clear path with a minimum width of 900mm from the door opening to the circulation area.	Not applicable
Shower	A hobless (step-free) shower.	A hobless (step-free) shower that has a removable shower screen and is located on

Assessment

Meets Objective

The design and layout of the development has regard for the needs of people with limited mobility.

Complies with Standard

The submitted architectural plans and Urban Context Report demonstrate that 99% of the proposed dwellings achieve compliance with the requirements of this Standard.



		the furthest wall from the door opening.
Toilet	A toilet located in the corner of the room.	A toilet located closest to the door opening and clear of the circulation area.

Building entry and circulation objectives

Clause 58.05-2	Assessment
Objectives <ul style="list-style-type: none"> To provide each dwelling and building with its own sense of identity. To ensure the internal layout of buildings provide for the safe, functional and efficient movement of residents. To ensure internal communal areas provide adequate access to daylight and natural ventilation. 	Meets Objective <p>The building has a clearly defined main entry from St Kilda Road, with a central pedestrian path leading to the lobby / reception area. The internal layout will provide for the safe, functional and efficient movement of residents via two lift cores. The internal corridors will have access to natural light adjacent to each lift core.</p>
Standard D19 <ul style="list-style-type: none"> Entries to dwellings and buildings should: <ul style="list-style-type: none"> Be visible and easily identifiable. Provide shelter, a sense of personal address and a transitional space around the entry. The layout and design of buildings should: <ul style="list-style-type: none"> Clearly distinguish entrances to residential and non-residential areas. Provide windows to building entrances and lift areas. Provide visible, safe and attractive stairs from the entry level to encourage use by residents. Provide common areas and corridors that: <ul style="list-style-type: none"> Include at least one source of natural light and natural ventilation. Avoid obstruction from building services. Maintain clear sight lines. 	Complies with Standard <p>The building includes two pedestrian entries, one to each street, that are visible and easily identifiable and that provide shelter and sense of address. Windows are provided to building entrances and lift areas. Internal communal and common areas are appropriately laid out to ensure safe, functional and efficient thoroughfare. Common areas, including internal corridors, have at least one source of natural light, are clear of obstructions and maintain clear sightlines.</p>

Private open space objective

Clause 58.05-3	Assessment
Objective <ul style="list-style-type: none"> To provide adequate private open space for the reasonable recreation and service needs of residents 	Meets Objective <p>The development provides adequate private open space for the reasonable recreation and services needs of residents.</p>
Standard D20 <ul style="list-style-type: none"> A dwelling should have private open space consisting of at least one of the following: <ul style="list-style-type: none"> An area at ground level of at least 25 square metres, with a minimum dimension of 3 metres and convenient access from a living room. A balcony with at least the area and dimensions specified in Table D8 and convenient access from a living room. An area on a podium or other similar base of at least 15 square metres, with a minimum dimension of 3 metres and convenient access from a living room. An area on a roof of 10 square metres, with a minimum dimension of 2 metres and convenient access from a living room. If a cooling or heating unit is located on a balcony, the minimum balcony area specified in Table D8 should be increased by at least 1.5 square metres. 	Complies with Standard <p>The submitted architectural plans and Urban Context Report demonstrate that 100% of the proposed dwellings achieve compliance with the requirements of this Standard.</p>

- If the finished floor level of a dwelling is 40 metres or more above ground level, the requirements of Table D8 do not apply if at least the area specified in Table D9 is provided as living area or bedroom area in addition to the minimum area specified in Table D11 or Table D12 in Standard D25.

Table D8 Balcony size

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

Table D9 Additional living area or bedroom area

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

Storage objective

Clause 58.05-4

Objective

- To provide adequate storage facilities for each dwelling

Standard D21

- Each dwelling should have convenient access to usable and secure storage space.
- The total minimum storage space (including kitchen, bathroom and bedroom storage) should meet the requirements specified in Table D10.

Table D10 Storage

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

Assessment

Meets Objective

The development provides adequate storage facilities for each dwelling.

Complies with Standard

The submitted architectural plans and Urban Context Report demonstrate that 100% of the proposed dwellings achieve compliance with the requirements of this Standard, with storage exceeding the minimum requirement within the dwellings.

Common property objectives

Clause 58.06-1

Objectives

- To ensure that communal open space, car parking, access areas and site facilities are practical, attractive and easily maintained.
- To avoid future management difficulties in areas of common ownership.

Assessment

Meets Objective

Communal open space, car parking, access areas and site facilities are practical, attractive and easily maintained.



Standard D22

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

Complies with Standard

Private property is clearly distinguished from communal open space or common areas. Communal areas are laid out in a functional, accessible and easily maintainable manner.

Site services objectives

Clause 58.06-2	Assessment
<p>Objectives</p> <ul style="list-style-type: none"> • <i>To ensure that site services are accessible and can be installed and maintained.</i> • <i>To ensure that site services and facilities are visually integrated into the building design or landscape.</i> 	<p>Meets Objective</p> <p>Site services are accessible and will be installed and maintained. Site services and facilities are located in the basement levels, the ground level, level 08 and the roof plant. All services are either well setback and visually integrated with the building design.</p>
<p>Standard D23</p> <ul style="list-style-type: none"> • <i>Development should provide adequate space (including easements where required) for site services to be installed and maintained efficiently and economically.</i> • <i>Meters and utility services should be designed as an integrated component of the building or landscape.</i> • <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>Complies with Standard</p> <p>The development will be appropriately serviced, with service and plant areas clearly shown on the architectural plans and integrated into the building design. Service and plant areas are appropriately positioned to provide ease of access for installation and maintenance.</p> <p>Mailboxes are conveniently located adjacent to the west lift lobby for convenient access and security.</p>

Waste and recycling objectives

Clause 58.06-3	Assessment
<p>Objectives</p> <ul style="list-style-type: none"> • <i>To ensure dwellings are designed to encourage waste recycling.</i> • <i>To ensure that waste and recycling facilities are accessible, adequate and attractive.</i> • <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>Meets Objective</p> <p>The development is designed to encourage waste recycling as outlined in the submitted Waste Management Plan. Communal waste and recycling facilities are accessible, adequate and located within the building, on the ground level, minimising impacts on residential amenity and the public realm.</p>
<p>Standard D24</p> <ul style="list-style-type: none"> • <i>Developments should include dedicated areas for:</i> <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> • <i>Waste and recycling management facilities should be designed and managed in accordance with a Waste Management Plan approved by</i> 	<p>Complies with Standard</p> <p>All residents are provided with convenient access to waste storage facilities in the form of a waste chute adjacent to each lift core on every floor, connecting to one of the waste storage rooms located on the ground level.</p> <p>Dwellings will be provided with sufficient internal storage space to enable temporary storage of household waste.</p> <p>Waste collection can be appropriately undertaken via the loading bay on the ground level. Further details are provided in the accompanying Waste Management Plan.</p>

the responsible authority and:

- Be designed to meet the best practice waste and recycling management guidelines for residential development adopted by Sustainability Victoria.
- Protect public health and amenity of residents and adjoining premises from the impacts of odour, noise and hazards associated with waste collection vehicle movements.

External walls and materials objective

Clause 58.06-4	Assessment
<p>Objectives</p> <ul style="list-style-type: none"> • To ensure external walls use materials appropriate to the existing urban context or preferred future development of the area. • To ensure external walls endure and retain their attractiveness. 	<p>Meets Objective</p> <p>The proposed development adopts 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.</p> <p>It is considered that the proposed external materials are appropriate to the existing urban context and the preferred future development of the area.</p>
<p>Standard D25</p> <ul style="list-style-type: none"> • External walls should be finished with materials that: <ul style="list-style-type: none"> ○ Do not easily deteriorate or stain. ○ Weather well over time. ○ Are resilient to the wear and tear from their intended use. • External wall design should facilitate safe and convenient access for maintenance. 	<p>Complies with Standard</p> <p>The external walls are finished with materials that will not deteriorate or stain and will be resilient and weather well to serve their intended use to positively contribute to the character of the area.</p> <p>The external walls can be easily accessed for maintenance (as required).</p>

Functional layout objective

Clause 58.07-1	Assessment																		
<p>Objective</p> <ul style="list-style-type: none"> • To ensure dwellings provide functional areas that meet the needs of residents 	<p>Meets Objective</p> <p>The design and layout of dwellings within the development provides functional areas that will meet the needs of residents.</p>																		
<p>Standard D26</p> <ul style="list-style-type: none"> • Bedrooms should: <ul style="list-style-type: none"> ○ Meet the minimum internal room dimensions specified in Table D11. ○ Provide an area in addition to the minimum internal room dimensions to accommodate a wardrobe. <p style="text-align: center;">Table D11 Bedroom dimensions</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="background-color: #008080; color: white;">Bedroom type</th> <th style="background-color: #008080; color: white;">Minimum width</th> <th style="background-color: #008080; color: white;">Minimum depth</th> </tr> </thead> <tbody> <tr> <td>Main bedroom</td> <td>3 metres</td> <td>3.4 metres</td> </tr> <tr> <td>All other bedrooms</td> <td>3 metres</td> <td>3 metres</td> </tr> </tbody> </table> <ul style="list-style-type: none"> • Living areas (excluding dining and kitchen areas) should meet the minimum internal room dimensions specified in Table B13. <p style="text-align: center;">Table D12 Living area dimensions</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="background-color: #008080; color: white;">Dwelling type</th> <th style="background-color: #008080; color: white;">Minimum width</th> <th style="background-color: #008080; color: white;">Minimum area</th> </tr> </thead> <tbody> <tr> <td>Studio and 1 bedroom dwelling</td> <td>3.3 metres</td> <td>10 sqm</td> </tr> <tr> <td>2 or more bedroom dwelling</td> <td>3.6 metres</td> <td>12 sqm</td> </tr> </tbody> </table>	Bedroom type	Minimum width	Minimum depth	Main bedroom	3 metres	3.4 metres	All other bedrooms	3 metres	3 metres	Dwelling type	Minimum width	Minimum area	Studio and 1 bedroom dwelling	3.3 metres	10 sqm	2 or more bedroom dwelling	3.6 metres	12 sqm	<p>Complies with Standard</p> <p>The submitted architectural plans and Urban Context Report demonstrate that all bedrooms and living areas comply with the requirements of Table D11 and Table D12.</p>
Bedroom type	Minimum width	Minimum depth																	
Main bedroom	3 metres	3.4 metres																	
All other bedrooms	3 metres	3 metres																	
Dwelling type	Minimum width	Minimum area																	
Studio and 1 bedroom dwelling	3.3 metres	10 sqm																	
2 or more bedroom dwelling	3.6 metres	12 sqm																	



Room depth objective

Clause 58.07-2	Assessment
Objective <ul style="list-style-type: none">To allow adequate daylight into single aspect habitable rooms	Meets Objective <p>The development will allow adequate daylight into single aspect habitable rooms.</p>
Standard D27 <ul style="list-style-type: none">Single aspect habitable rooms should not exceed a room depth of 2.5 times the ceiling height.The depth of a single aspect, open plan, habitable room may be increased to 9 metres if all the following requirements are met:<ul style="list-style-type: none">The room combines the living area, dining area and kitchen.The kitchen is located furthest from the window.The ceiling height is at least 2.7 metres measured from finished floor level to finished ceiling level. This excludes where services are provided above the kitchen.The room depth should be measured from the external surface of the habitable room window to the rear wall of the room.	Variation to Standard <p>The submitted architectural plans and Urban Context Report demonstrate that 78% of dwellings are provided with adequate room depths.</p> <p>17 dwellings, 14 located centrally within the building and 3 located in the south west corner, exceed the room depth standard.</p> <p>Apartment Type G (x 1) is a two bedroom north facing dwelling, with its bedrooms along the south elevation. This dwelling has a 10.84 metre room depth and is 6.5 metres wide at the balcony.</p> <p>Apartment Type J (x 13) is a three bedroom north facing dwelling with its bedrooms along the south elevation. This dwelling has a 10.63 metres room depth and is 6.5 metres wide at the balcony.</p> <p>Apartment Type Q (x 3) is a three bedroom west facing dwelling with its bedrooms along the south elevation. This dwelling has a 10.2 metre room depth and is 5.8 metres wide at the balcony.</p> <p>The internal amenity of these dwellings is considered acceptable, given their sizes (132 – 157 m²), their balcony sizes (minimum 16 m²), floor to ceiling heights of 2.7 metres, the rooms combine the living, dining and kitchen areas and the kitchens are located furthest from the window.</p> <p>Overall, given the size, layout and number of dwellings that do not strictly meet this standard, a variation to this standard is considered acceptable.</p>

Windows objective

Clause 58.07-3	Assessment
Objective <ul style="list-style-type: none">To allow adequate daylight into new habitable room windows.	Meets Objective <p>The development is designed to allow adequate daylight into new habitable room windows</p>
Standard D28 <ul style="list-style-type: none">Habitable rooms should have a window in an external wall of the building.A window may provide daylight to a bedroom from a smaller secondary area within the bedroom where the window is clear to the sky.The secondary area should be:<ul style="list-style-type: none">A minimum width of 1.2 metres.A maximum depth of 1.5 times the width, measured from the external surface of the window.	Complies with Standard <p>The submitted architectural plans demonstrate that all habitable rooms enjoy direct access to daylight.</p> <p>Further, the SMP includes a daylight analysis that demonstrates that at least 60% of the combined living room and bedroom areas receive high levels of daylight. The council's ESD officer has assessed this and raised no concerns.</p>

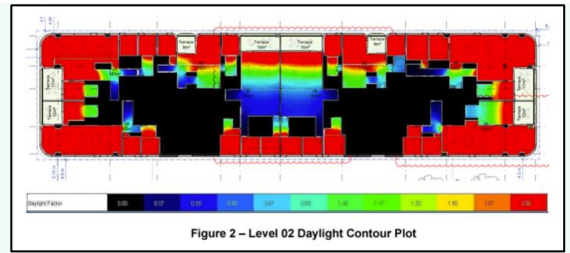


Figure 20: Level 02 Daylight analysis (Source: Application)

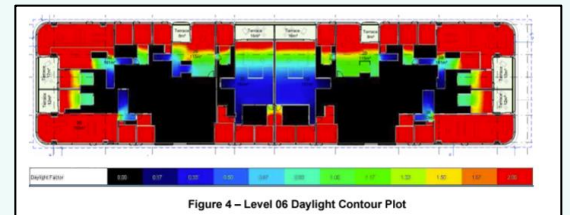


Figure 21: Level 06 Daylight analysis (Source: Application)

Natural ventilation objectives

Clause 58.07-4

Objectives

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

Assessment

Meets Objective

The design and layout of the development will allow occupants to effectively manage natural ventilation of individual dwellings.

Complies with Standard

The submitted architectural plans and Urban Context Report demonstrate that 64% of dwellings are provided with effective cross ventilation, which exceeds the minimum 40% required by Standard D29.