

s72 Amendment Officer Report

PA2101071-1

15 King Street, Dandenong



Section 72 Amendment Officer Assessment Report
Development Assessment

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Executive Summary



Key Information	Details								
Permit No:	PA2101071-1								
Permit Allows:	Development of the land for a four-storey residential building comprising 13 dwellings in a Residential Growth Zone, in accordance with the endorsed plans.								
Land Address:	15 King Street Dandenong								
Amendment Received:	12 December 2024								
Statutory Days:	49								
Applicant:	ATN Developments Pty Ltd c/- Go Design Pty Ltd								
Planning Scheme:	Greater Dandenong								
s72 Proposal Summary:	<p>Use of the land amended to community care accommodation and various amendments to the plans, reducing the overall number of units to 11, including:</p> <ul style="list-style-type: none">• Various changes to internal layout.• Various changes to building setbacks.• Building height increased by 350mm and changes to various floor levels.• Various changes to external materials.• Metal screening added to northern balconies.• Car stackers deleted and car parking provision reduced from 14 to 6 spaces.• Front fence height increased to 1.88 metres and setback 1 metres from street frontage. <p>Associated amendments to permit conditions including:</p> <ul style="list-style-type: none">• Deletion of conditions 1 (i), (j) and 25.• Amendments to previous conditions 6(c), 23.• Addition of new conditions 1(s-z), 6(d-e), 21, 23.								
Conditions Compliance Summary:	N/A								
Development Value:	<table><thead><tr><th>Approved</th><th>value:</th><th>Amended</th><th>value:</th></tr></thead><tbody><tr><td>\$ 5.0 m</td><td></td><td>\$ 4.65 m</td><td></td></tr></tbody></table>	Approved	value:	Amended	value:	\$ 5.0 m		\$ 4.65 m	
Approved	value:	Amended	value:						
\$ 5.0 m		\$ 4.65 m							
Why is the Minister responsible?	Pursuant to the Schedule to Clause 72.01 of the Greater Dandenong Planning Scheme, the Minister for Planning is the responsible authority for land within the Central Dandenong Declared Project Area, where the development has a building height of four storeys or more.								
Planning Controls:	Clause 32.07 Residential Growth Zone – Schedule 1 (RGZ1)								
Background Information:	<p>A planning permit was issued on 7 March 2022 for the construction of a 4-storey residential building, comprising 13 dwellings.</p> <p>Since the permit was issued, no plans have been endorsed in accordance with the conditions of the permit (including condition 1). Some preliminary demolition and site works have commenced.</p>								
Planning History:	On 14 March 2024, the permit was extended for a period of 2 years, requiring the development to commence by 7 March 2026 and be completed by 7 March 2028.								
Referral Authorities:	Development Victoria (s55 – Determining) Greater Dandenong City Council (s52 – Notice)								
Public Notice:	Notice of the application was undertaken by the applicant at the direction of the Minister for Planning. One objection has been received.								
Recommendation:	The amendments to the permit are recommended for approval.								

Background



1. Planning permit PA2101071 was issued on 7 March 2022, allowing the development of the land for a four-storey residential building comprising of 13 dwellings, in a Residential Growth Zone, in accordance with the endorsed plans. The permit was later extended on 14 March 2024, for a period of 2 years.
2. The subject site is not located within an area of aboriginal cultural heritage sensitivity and as such, the preparation of a Cultural Heritage Management Plan is not required.
3. The key milestones in the application process were as follows:

Milestone	Date
Pre-application meeting	N/A
Application lodgement	12 December 2024
Further information requested	7 January 2025
Further information received	27 March 2025
Decision Plans	Architectural plans prepared by GO Design Drafting & Project Management, dated 26 March 2025, Revision 4
Other Assessment Documents	<ul style="list-style-type: none">• Sustainable Management Plan prepared by Low Impact Development Consulting and dated 21 March 2025.• Waste Management Plan prepared by Low Impact Development Consulting, dated 21 March 2025.• Traffic Management Plan prepared by Red Square Traffic, dated 6 February 2025.• Landscape Plans prepared by Go Design & Project Management, Revision 3, dated 28 February 2025• Tree Protection Management Plan prepared by TMC Reports, dated 18 March 2025.• Special Disability Accommodation Preliminary Design Assessment prepared by SDA Assessors Australia and dated 10 December 2024.

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



5. The proposal can be summarised as follows:

Key Information	Details	
Proposal:	Use of the land amended to community care accommodation and various amendments to the plans, reducing the overall number of dwellings to 11, including: <ul style="list-style-type: none"> • Various changes to internal layout. • Various changes to building setbacks. • Building height increased by 350mm and changes to various floor levels. • Various changes to external materials. • Metal screening added to northern balconies. • Car stackers deleted and car parking provision reduced from 14 to 6 spaces. • Front fence height increased to 1.88 metres and setback 1 metres from street frontage. 	
Total Site Area:	699 sqm	
	Approved	Proposed
Gross Floor Area:	1,645 sqm	1,857 sqm
Floor Area Ratio:	2.35	2.65
Height:	11.75 m	12.1 m (+ 350mm)
Setbacks: (minimum)	North – 2.7 m South – 5.6 m East – 1.1 m West – 1.1 m	North – 3.5 m (+ 0.8m) South – 5.6 m East – 1.1 m West – 1.1 m
Land Uses:	Dwellings (Residential building)	Community Care Accommodation (Residential building)
Car Parking:	14 spaces	6 spaces (- 8 spaces)
Bicycle Parking:	14 spaces	12 spaces (- 2 spaces)
Motorcycle Parking:	Nil	Nil
Loading and Waste:	Storage and collection on basement level	Storage and collection on basement level

6. Specific details of the application include:

Land use changed from dwellings to community care accommodation

The land use is proposed to be amended from dwellings to community care accommodation. The proposal seeks to replace the approved 13 dwellings with 10 community care accommodation units and one associated on-site accommodation unit to be used by support staff.

The community care accommodation units will provide permanent, temporary or emergency accommodation for residents supported through the National Disability Insurance Scheme (NDIS), with care providers available on-site at all times.

At the time of writing, a NDIS provider has not yet been secured for the development. However, the units have been specifically designed as NDIS specialist disability accommodation (SDA) and a preliminary SDA assessment has been submitted with the application, confirming the units comply with relevant design requirements to achieve 'fully accessible' benchmarks. The application identifies the process to confirm a NDIS provider is currently underway, with intention to secure a provider in the coming months.



Given the use is not funded by or carried out by or on behalf of a government department or registered NDIS provider, the proposal does not benefit from the use exemptions set out in Clause 52.22-2 of the Greater Dandenong Planning Scheme and consent for the land use is required through this amendment.

Various changes to internal layout

Generally, the proposed design response is similar to the approved built form, continuing to present as a four-storey, residential building. Various internal layout changes are required however to ensure units meet accessibility requirements associated with community care accommodation. Internal changes include:

- Relocation of lift and internal stairwell
- Reconfiguration of bicycle racks, storage cages and bin room storage on the basement level.
- Reconfiguration of ground floor layout, including foyer, services, mailboxes, dwelling layouts and window locations/ sizes.
- Ground floor eastern courtyard deleted, and eastern wall realigned.
- Reconfiguration of first floor hallway, including deletion of window.
- Minor reconfigurations of first floor dwelling layouts, including changes to balcony areas and location of windows.
- Reconfiguration of second floor hallway.
- Reconfigurations of second floor dwelling layouts, including changes to balcony areas and location of windows.
- Reconfiguration of third floor to provide overnight, on-site accommodation unit. Minor changes to balcony sizes and window locations.
- South facing, third floor balcony amended to communal open space area.

Changes to building setbacks

Various minor changes to building setbacks are proposed, most consequential changes include:

- Basement level minimum southern setback reduced from 5.6 metres to 5.2 metres
- Ground floor foyer entrance southern setback reduced from 12 metres to 7.4 metres.
- Ground floor eastern courtyard deleted, and eastern wall realigned from 4 metre to 1.6 metres setback in this area.
- Portion of second floor western setback reduced from 3.00 metres to 2.85 metres.
- Portion of third floor eastern setback reduced from 4.64 metres to 4.50 metres.
- Third floor minimum eastern setback reduced from 4.64 metres to 4.25 metres.

The minimum setbacks for each floor are listed in the table below, with proposed reduced setbacks highlighted.

	Minimum setback approved	Minimum setback proposed
Basement	North 3.5m South 5.6m East 1.1m West 0.40m	North 2.7m South 5.2m East 1.135m West 0.45m
Ground	North 3.5m South 5.6m East 1.1m West 1.1m	North 3.5m South 5.6m East 1.1m West 1.1m
First	North 2.7m South 5.0m East 1.6m West 1.6 m	North 2.7m South 5.0m East 1.6m West 1.6m



Second	North 4.1m South 5.0m East 1.6m West 2.5m	North 4.1m South 5.0m East 1.6m West 2.5m
Third	North 6.65m South 7.82m East 4.64m West 5.01m	North 6.65m South 7.9m <u>East 4.25m</u> West 5.1m

Changes to levels

Various minor changes to building levels, most consequential changes include:

- Overall increase to building height of 350mm.
- Minimum floor to ceiling heights reduced from 2.55m to 2.4m
- Basement finished floor level increased from 26.80 m to 28.60 m AHD
- Finished ground level (external) increased from 31.05 m to 31.37m AHD
- Ground floor finished floor level increased from 31.20m to 31.40 m AHD
- First floor finished floor level increased from 34.25m to 34.45 m AHD
- Second floor finished floor level increased from 37.15m to 37.25m AHD
- Third floor finished floor level increased from 40.05 to 40.10m AHD

Metal screening added to rear balconies

Metal screening added to north facing balconies to first, second and third floors. Screens to height of 2 metres, with maximum 25% opening.

Car parking provision reduced

The basement carparking area has been amended to delete car parking stackers and reduce the overall provision of spaces from provide 6 car parking spaces, rather than 14 spaces previously approved.

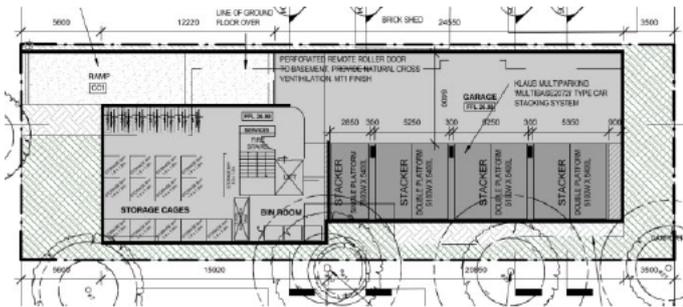
Front fence changes

Front fence setback 1 metres from King Street frontage and fencing height increased from 1.47 metres to 1.88 metres.

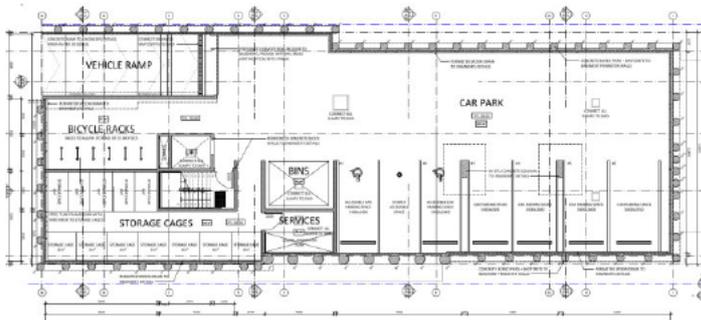
Changes to external materials

Various minor changes to external material including:

- Exposed and natural concrete materials deleted, replaced with concrete render with painted finish.
- Feature brickwork deleted.
- Face brick amended from smooth grey to gunmetal blue colour.
- Powder coated aluminium material in charcoal grey deleted.
- Metal sheet cladding in basalt replaced by the Lysaght colorbond in night sky colour.
- Weatherboard cladding treatment level 3 north elevation replaced with rendered finish in white.



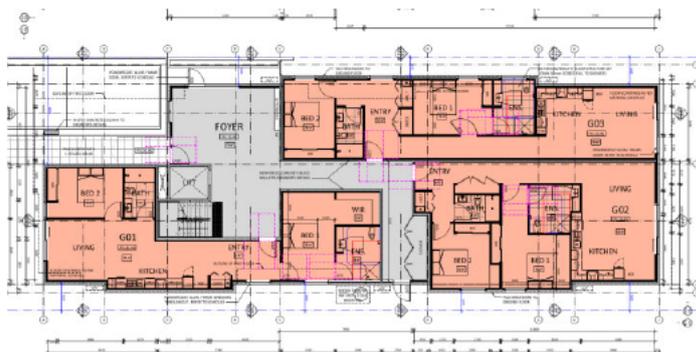
Approved basement floor plan



Amended basement floor plan



Approved ground floor plan



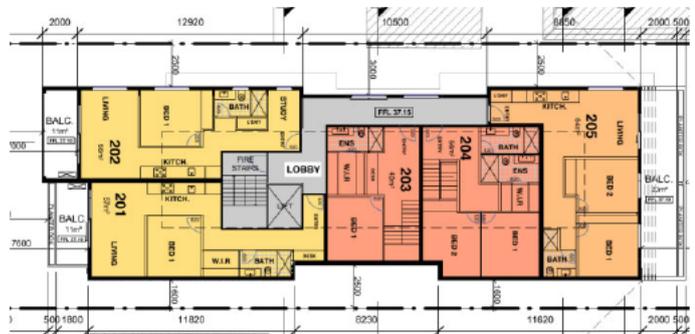
Amended ground floor plan



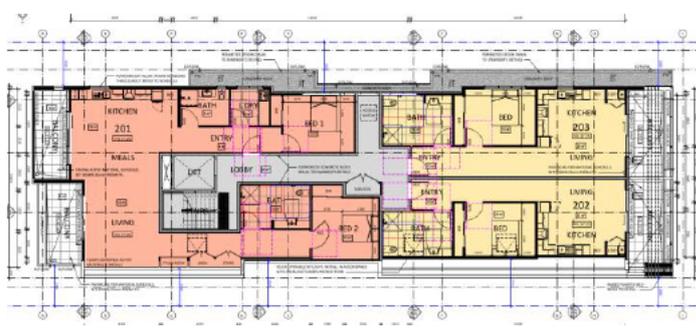
Approved first floor plan



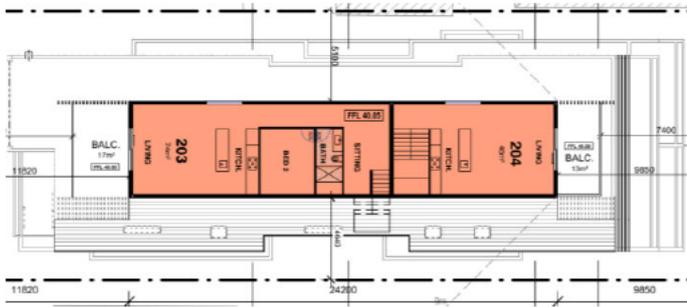
Amended first floor plan



Approved second floor plan



Amended second floor plan

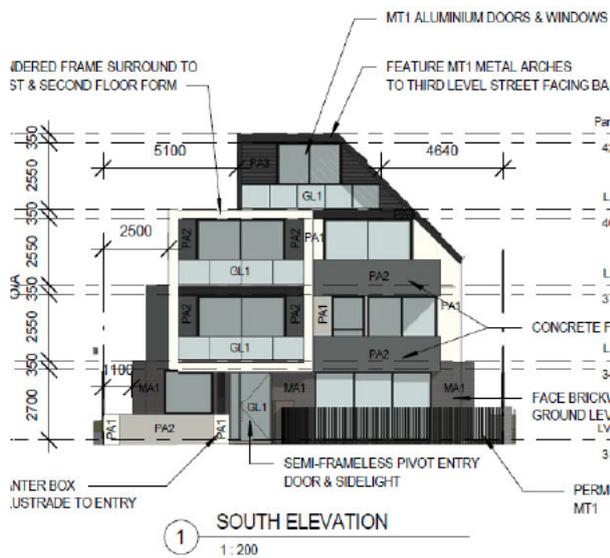


Approved third floor plan

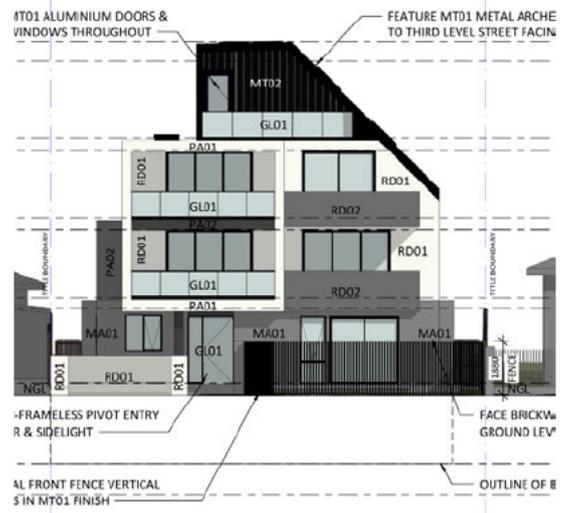


Amended third floor plan

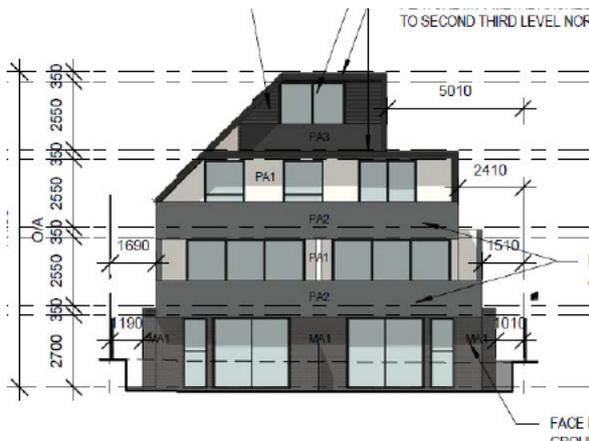
Figure 1 Comparison of approved floor plans and proposed amended floor plans



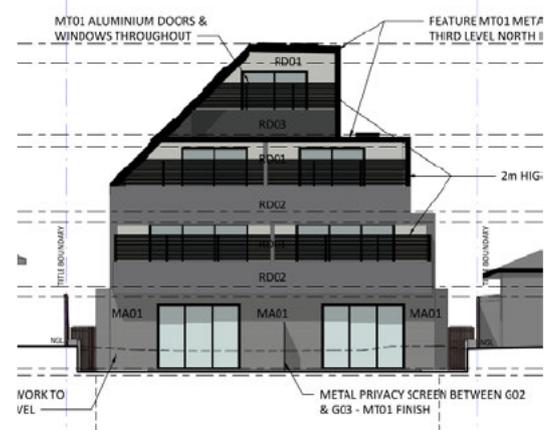
Approved south elevation plan – King Street frontage



Amended south elevation plan – King Street frontage



Approved north elevation plan



Amended north elevation plan



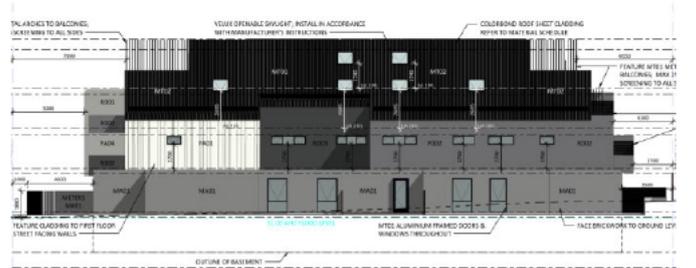
Approved west elevation plan



Amended west elevation plan



Approved east elevation plan



Amended east elevation plan

Figure 2 Comparison approved and amended elevation plans

7. The applicant has provided the following concept image/s of the proposal:



Figure 3 Proposed King Street frontage



Figure 4 Proposed northern aspect



Site Description

8. The subject site is located on the northern side of King Street, approximately 180 metres east of the intersection of Cleeland and King Streets.
9. The site is a regular shaped lot, with a street frontage of 15.24 metres, depth of 45.87 metres and total parcel area of 699 square metres.
10. The existing site was previously occupied by a single storey brick dwelling, outbuilding and brick front fence, which have all recently been demolished. The site is now cleared and vacant.
11. The site is formally described as Lots 1 and 2 on Title Plan 426803W. The subject site is not affected by any easements, restrictions or reserves.
12. The title plan includes a 1.22 metres wide drainage easement, which immediately abuts the northern boundary of the site. This easement is not within the boundary of the subject site and no development is proposed within this area.



Figure 5 Aerial image of subject site and immediate surrounds

Site Surrounds

13. The site surrounds are characterised as a well serviced, residential area at the periphery of central Dandenong.
14. The surrounding development mainly consists of low and medium density residential development, particularly to the north and east of the subject site. The land to the south and southwest consists of commercial/ retail land uses, including the Dandenong Market precinct.
15. Development surrounding the site can be described as follows:
 - To the north of the site: residential development, generally consisting of multi-dwelling unit developments, typically one-two storeys.
 - To the south of the site: retail land uses, including the Dandenong Market precinct and associated carparking area.



- To the east of the site: residential development, typically consisting of multi-dwelling unit developments, typically one or two storeys.
- To the west of the site: residential development, generally consisting of multi-dwelling unit developments and commercial development beyond Cleeland Street, including Coles Dandenong.

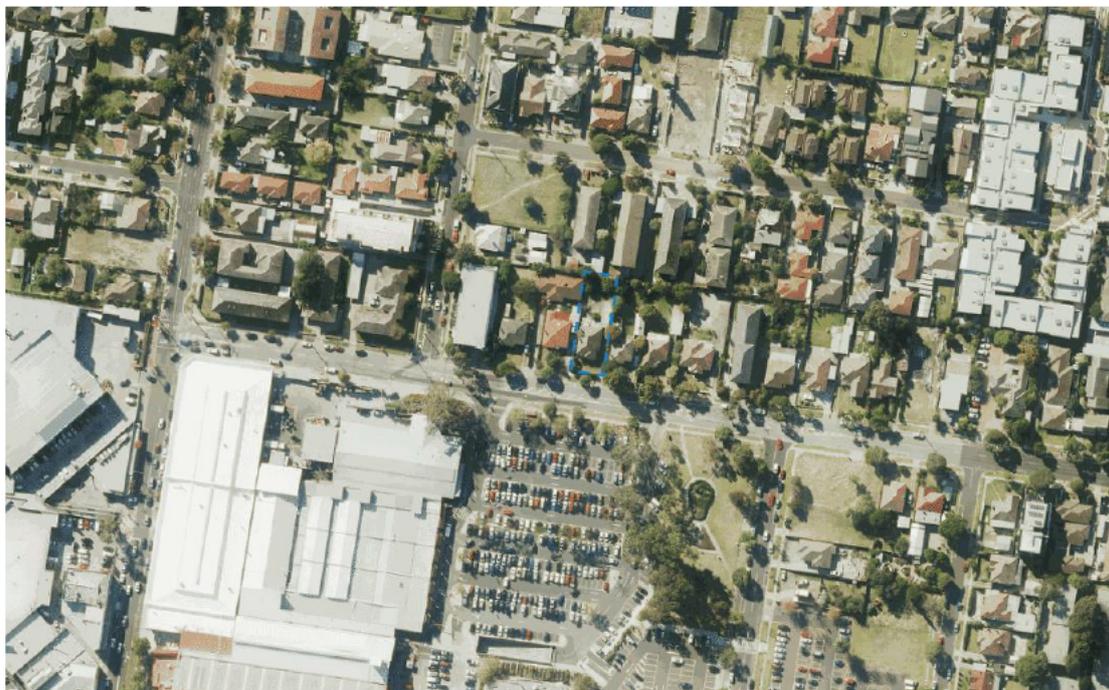


Figure 6 Aerial image of subject site and broader surrounds

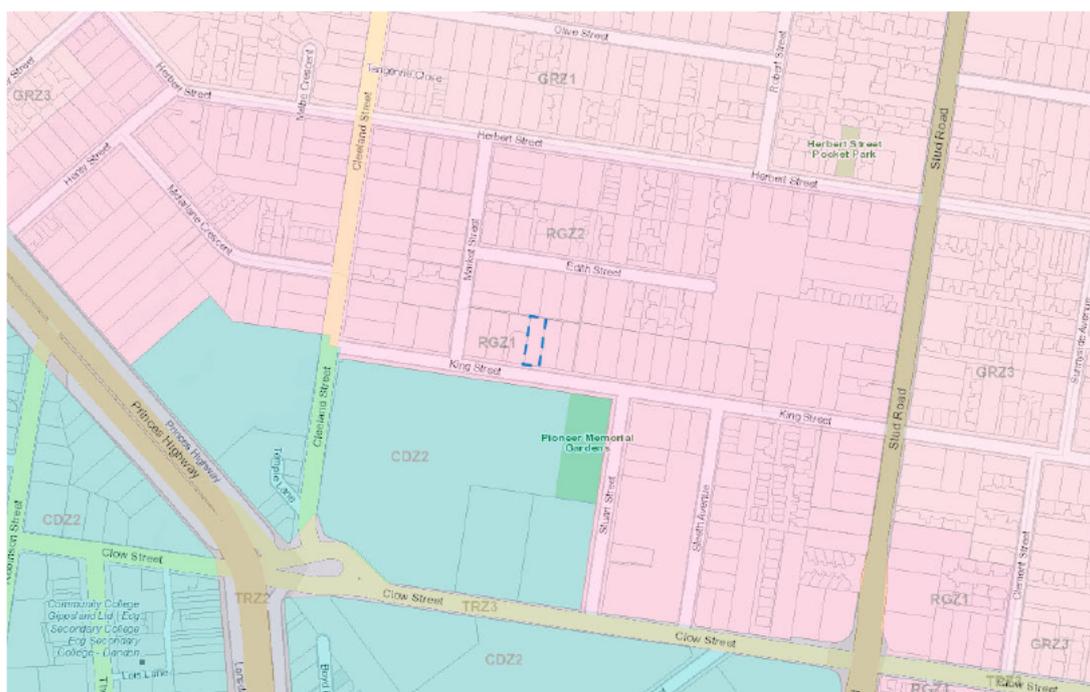


Figure 7 Zones applying to subject site and surrounds



Referrals

16. The application was referred to the following groups:

Provision / Clause	Organisation	Date Response Received
Section 55 Referral – Determining	Development Victoria	17 December 2024
Section 52 Notice	Greater Dandenong City Council	14 February 2025 6 May 2025

Municipal Council Comments

17. Greater Dandenong City Council considered the application and provided initial comments on 14 February 2025. The council's comments and DTP response comments are summarised below:

Council referral team/ issue	Council comments	DTP response
Planning	<p>Overall medium-high density apartment typology and up to four storeys is envisaged by local policy Clause 22.09 in this location, which the proposal complies with.</p> <p>Based on the current information provided, Council considers that the use of the land for community care accommodation will require planning approval pursuant to Clause 32.07-1, as the requirements of Clause 52.22-2 have not been met as follows. Depending on how many people reside in each dwelling, more than twenty (20) people could be accommodated on the land.</p> <p>No information has been provided as to how the numbers of people to reside in each dwelling will be limited/restricted to meet this requirement. In addition, no evidence has been provided as to whether the use would be funded by or carried out by a registered National Disability Insurance Scheme (NDIS) provider.</p> <p>The side setbacks of the building should be increased to meet the requirements of Clause 55.04-1 (Standard B17) – Side & Rear Setbacks to provide a more appropriate response to the adjoining residential properties.</p> <p>The sill heights of the east-facing habitable room windows on the east elevations should be notated to ensure compliance with Clause 55.04-6 (Standard B22) – Overlooking. It is also unclear if north-facing balconies meet the requirements of the Standard, as there may be views into the SPOS areas of adjoining properties.</p> <p>As a landscape plan has not been submitted and the Site Plan provides minimal information regarding the amount of private open space available for G01, G02 and G03. It is unclear if the dwellings have been provided with access to sufficient private open space.</p> <p>It is unclear as to the purpose and suitability of the south-facing balcony on Level 3 which is not associated with any of the dwellings.</p>	<p>The further information response provided on 27 March 2025 includes submission of a landscape plan, updated planning report, including a response to the requirements of Clause 52.22 and updated Clause 55 assessment, Tree Protection Management Plan, Traffic Impact Assessment and Waste Management Plan as requested.</p> <p>It is confirmed the amendment application has been made without confirmation of a NDIS provider to manage the community care accommodation use on the site. On this basis, consent for the land use is sought as part of this amendment application.</p> <p>Variations to Standard B17 were previously approved as part of the original planning permit application. The extent of additional variation is limited to the central portion of the second floor on the western elevation and third floor on the eastern elevation. The additional variation is generally negligible and is not anticipated to result in any additional material detriment to adjoining properties or significantly impact the character of the streetscape. A detailed assessment of the amended development against the requirements of Clause 55 is provided as Appendix 1 to this report. The rear setbacks remain compliant with the Standard.</p> <p>The amended traffic impact assessment includes analysis of proposed land use and associated car parking requirements. The assumption community care accommodation residents typically have low car ownership rates</p>



	<p>As an amended landscape plan has not been provided, it is unclear if the proposed changes to the approved development would result in a suitable landscape character for the development as required by local policy at Clause 22.09.</p> <p>Car parking - Concern is raised regarding the provision of only six (6) car spaces for the number of people who are likely to reside on the premises.</p> <p>Council recently introduced a Local Law for the protection of trees on private land and a Locals Laws permit may be required for tree removal from the site, even if planning approval is not required. Any tree which has a diameter of 40cm or larger measured 1.4m from the ground which is proposed to be removed will require a Tree Protection on Private Land permit. This permit will need to be granted by Council's Local Laws department. If the Local Laws Permit is refused, the design of the proposal must be amended to enable the tree to safely be retained.</p> <p>Additional information required:</p> <ul style="list-style-type: none"> • An updated planning report, including a response to the requirements of Clause 52.22-1. • Diagrams to demonstrate compliance with Clause 55.04-6 (Standard B22) - Overlooking, particularly in relation to the north facing balconies view into the neighbouring SPOS. • A landscape plan. • A Tree Protection Management Plan should be prepared by a suitably qualified professional to determine the appropriate measures to be taken during construction to safety protect trees on adjoining land in proximity to the development, and the street tree. • A traffic report prepared by a suitably qualified professional which provides justification to the appropriateness of the number of car spaces provided for the development. • Updated Waste Management Plan and Sustainability Management Plan. 	<p>given mobility impairments and the shared accommodation configuration. Residents are provided with supported living, which reduces the requirement for private vehicles to support daily needs. A detailed assessment of the reduced carparking rates is provided in the assessment section of this report.</p> <p>The level 3 south-facing balcony is proposed as communal private open space and is to be accessible for all residents via the central lift. This space is considered suitably functional and acceptable.</p> <p>The requirement for a local law permit to be sought for consent to remove trees on site which exceed the specified size is noted.</p>
<p>Transport planning</p>	<p>Objection.</p> <p>The provision of 6 car spaces for the building is not supported. Given that a high proportion of the dwellings are two-bedroom, parking demand is likely to be higher, particularly for the two-bedroom dwellings which are likely to include family member/s who live in the building as well.</p> <p>Parking supply should consider the following:</p> <ul style="list-style-type: none"> • Resident demand (particularly 2-bedroom dwellings) – needs to be DDA accessible • Visitor demand – needs to be DDA accessible • On site staff. • In addition, the ramp gradients do not work. There is a direct change between 1:10 and 1:4, which does not comply with Clause 52.06 or AS2890.1. 	<p>As above, a traffic impact assessment was submitted as part of the further information response.</p> <p>The provision of car parking spaces is considered acceptable given the proposed land use and reduced reliance on private vehicles.</p> <p>Two of the six car parking spaces provided have a shared accessible space adjoining for accessibility.</p> <p>The amended plans submitted show an updated ramp gradient, transitioning from 1:10-1:6 - 1:4 - 1:6 - 1:10, complying with the requirements of design standard 3 at Clause 52.06.</p>



<p>Asset planning</p>	<p>No objection.</p> <p>The above property is subject to uncontrolled overland flow through the property. The minimum finished floor level of the proposed building is 31.55m to AHD with maximum height of surrounding ground level to be set no higher than 31.25m to AHD.</p> <p>The minimum ridge of the ramp is to be 30.90m to AHD.</p> <p><i>Suggested conditions:</i></p> <ul style="list-style-type: none"> The height of retaining walls must be set no higher than the existing ground level at adjoining properties. <p><i>Suggested notes:</i></p> <ul style="list-style-type: none"> A flood dispensation is to be obtained prior to issue of building Permit. 	<p>Noted. The proposed FFL and FGL exceed the 31.00 AHD flood level.</p> <p>The recommended permit condition is already included as Condition 1(c) of the current planning permit specifying <i>'the height of retaining walls to be no higher than the existing ground level of adjoining properties'</i>.</p> <p>The suggested permit note is recommended to be added to the amended permit.</p>
<p>Civil development</p>	<p>No objection.</p> <p><i>Suggested conditions:</i></p> <ul style="list-style-type: none"> Provision must be made for the drainage for proposed development including landscaped and paved areas, all to the satisfaction of the Responsible Authority. The connection of the internal drainage infrastructure to the Legal Point of Discharge must be to the satisfaction of the Responsible Authority. Collected stormwater must be retained onsite and discharged into the drainage system at pre-development peak discharge rates as stated in the Legal Point of Discharge approval letter. Approval of drainage plan including any retention system within the property boundary is required. Access to the site and any associated roadwork must be constructed to Council Standard SD306, all to the satisfaction of the Responsible Authority. The on-street parking bay line marking is to be removed/replaced to Council standard and satisfaction. Any redundant vehicle crossing will need to be removed and reinstated with kerb and channel in accordance with Council Standards. <p><i>Suggested notes:</i></p> <ul style="list-style-type: none"> Prior to works commencing the developer will need to obtain an Asset Protection Permit from Council. Any works undertaken within the road reservation and easements will require the developer to obtain a Civil Works Permit from Council. The developer will need to obtain a Vehicle Crossing Permit from Council. A drainage plan approval fee is to be paid to Council prior to the issue of approved drainage plans. Please contact the Civil Development department for the current schedule of fees. 	<p>Some of the recommended Civil Development permit conditions are already included or partially addressed by the existing permit conditions. Responses to each recommended condition is detailed below:</p> <p>Permit conditions</p> <ul style="list-style-type: none"> <u>Provision must be made for the drainage for proposed development including landscaped and paved areas, all to the satisfaction of the Responsible Authority.</u> Condition 21 on the current permit requires Stormwater Management System plan to be submitted to and approved by Greater Dandenong City Council, to be constructed and before occupation of the development and provision made to connect the system to the Council's stormwater drainage system. This condition does not specifically reference landscaped and paved areas. It is recommended this additional condition is added to the amended permit as Condition 23, however the wording amended from 'to the satisfaction of the Responsible Authority' to 'the satisfaction of Greater Dandenong City Council'. <u>The connection of the internal drainage infrastructure to the Legal Point of Discharge must be to the satisfaction of the Responsible Authority.</u> Included in current permit as Condition 23 (now 24), replacing refer to Responsible Authority with Greater Dandenong City Council. <u>Collected stormwater must be retained onsite and discharged into the drainage system at pre-development peak discharge rates as stated in the Legal Point of Discharge approval letter. Approval of drainage plan including any retention</u>



		<p><u>system within the property boundary is required.</u></p> <p>Condition 23 (now 25) of the current permit addresses this condition. The updated wording regarding the approval of drainage plan is recommended to be added.</p> <ul style="list-style-type: none">• <u>Access to the site and any associated roadwork must be constructed to Council Standard SD306, all to the satisfaction of the Responsible Authority. The on-street parking bay line marking is to be removed/replaced to Council standard and satisfaction.</u> <p>Recommended to be included in amended permit as Condition 21.</p> <ul style="list-style-type: none">• <u>Any redundant vehicle crossing will need to be removed and reinstated with kerb and channel in accordance with Council Standards.</u> <p>Condition 20 addresses the requirements of this conditions – requiring all necessary vehicle crossings to be constructed, unnecessary vehicle crossings demolished, and kerb and channel reconstructed in accordance with Council standards.</p> <p>Permit notes</p> <ul style="list-style-type: none">• <u>Prior to works commencing the developer will need to obtain an Asset Protection Permit from Council.</u> <p>Addressed by existing permit note - An Asset Protection Permit is required from Greater Dandenong City Council.</p> <ul style="list-style-type: none">• <u>Any works undertaken within the road reservation and easements will require the developer to obtain a Civil Works Permit from Council.</u> <p>Includes as existing permit note.</p> <ul style="list-style-type: none">• <u>The developer will need to obtain a Vehicle Crossing Permit from Council.</u> <p>Addressed by existing permit note - A Vehicle Crossing Permit is required from Greater Dandenong City Council.</p> <ul style="list-style-type: none">• <u>A drainage plan approval fee is to be paid to Council prior to the issue of approved drainage plans. Please contact the Civil Development department for the current schedule of fees.</u> <p>Addressed by existing permit note – updated wording added as per the Council's recommendation.</p>
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<p>Sustainability Planning</p>	<p>No objection.</p> <p>Further information required as outlined below: Updated Sustainability Management Plan (SMP) has not yet been provided for this development. A SMP will need to be provided to reflect the amended proposal appropriately and demonstrate how this application addresses the requirements set out in Clause 22.06.</p> <p>Town Planning Drawings: The following are noted on the plans and are supported by Council:</p> <ul style="list-style-type: none"> • Secure bike parking • Provision of rainwater tank (capacity and end use to be confirmed) • Provision of solar PV on rooftop (capacity to be confirmed). <p>Further opportunities for consideration are included below:</p> <ul style="list-style-type: none"> • Confirmation that the development will be all-electric/gas free. • Confirmation of targeted average NatHERS rating for development, and provision of preliminary certificates for all thermally unique dwellings • Provision of electric hot water heat pumps • Provision of electric vehicle charging. 	<p>An amended SMP was submitted with further information response on 27 March. The assessment addresses the additional opportunities raised by the Council as follows:</p> <ul style="list-style-type: none"> • Report notes the development is all electric/ gas-free. • Preliminary energy assessment provided as Appendix 2 which confirms all dwellings within the development will meet 7-star NatHERS performance standards, including relevant heating and cooling loads. • Noted electric hot water heat pumps are not provided, as suggested. • Development will facilitate electric vehicle charging, including electrical distribution boards appropriately sized to avoid retrofitting being required at a later date.
<p>Urban Design</p>	<p>No objection.</p> <ul style="list-style-type: none"> • The urban design outcome is suitable and doesn't differentiate largely from the previous application so no further comment. <p>Further information required as outlined below:</p> <ul style="list-style-type: none"> • An amended landscape plan has not been provided so it is unclear as to the landscaping outcomes for the site. 	<p>Comments noted.</p> <p>An amended landscape plan was lodged with the further information on 27 March 2025, demonstrating proposed landscape outcomes for the site, including planting along all site boundaries.</p>

18. Amended plans were provided as part of the further information response were submitted on 27 March 2025. The council reviewed the further information and provided an additional response on 6 May 2025. Additional comments and DTP responses are summarised below:

Council referral team/ issue	Council comments	DTP response
<p>Transport planning</p>	<p>Objection.</p> <p>Justification should be provided that 6 is a satisfactory number of parking spaces. The current justification is inappropriate as it does not actually consider parking demand associated with the use or look at demand on a first principles basis – it just compares to a different use. Rooming house and community care are not the same (one generates more long-term parking and one has higher volumes of visitors, DDA needs are completely different).</p> <p>Given a high proportion of the rooms are two-bedroom, parking demand may be higher – particularly if one of the</p>	<p>As discussed, the proposed provision of six spaces, including two DDA compliant spaces is appropriately justified by the amended land use and is considered satisfactory.</p> <p>It is noted Clause 52.06-5 does not specify a specific rate for car parking provision associated with community care accommodation land use and the provision of car parking spaces is to the satisfaction of the responsible authority only. The traffic and parking assessment submitted with the amendment application details the residents in</p>



	<p>bedrooms caters for a family member who lives in the complex also.</p> <p>Parking supply should consider demand for the following:</p> <ul style="list-style-type: none"> • Residential demand (particularly 2-bedroom dwellings) – needs to be DDA accessible. • Visitor demand – needs to be DDA accessible. • On site staff. <p>No details have been provided as to how parking will be managed.</p> <p>The ramp gradients do not seem to work. There is a direct change between 1:10 and 1:4, which is too great and does not comply with Clause 52.06 or AS2890.1.</p>	<p>community care accommodation development are generally less likely to own a car and require a dedicated parking space. Residents are typically individuals with some degree of disability of mobility impairments, which requires internal modifications and on-site support. It is therefore reasonable to assume many, if not all residents, will not rely on driving their own private vehicle and instead be provided modified disability transport services and or access to public transport for independent travel. As well as NDIS support staff who are to be on site at all times, specific staff also attend community care accommodation residents on-site, which can reduce the need for travel in private vehicles for medical appointments or personal needs.</p> <p>The location of the site is also considered to provide a variety of amenities and services within walking distance, including Dandenong Market immediately opposite the site (approximately 260 metres south), Dandenong Square shopping centre (approx. 700 metres south) and Coles Dandenong (approx. 400 metres west). There is also public transport connections nearby including bus routes along Stud Road and Cleeland Street within 400 metres and Dandenong train station approximately 1.4 km southwest. The provision of on-site support through the community care use, as well as the availability of nearby services is considered to be provide opportunity for future residents to meet daily needs within the surrounding area and be less reliant on private car travel.</p>
<p>Asset planning</p>	<p>No objection.</p> <p>No changes to comments provided to DTP on 14/02/2025</p>	<p>Noted.</p>
<p>Civil development</p>	<p>No objection.</p> <p>No changes to comments provided to DTP on 14/02/2025</p>	<p>Noted.</p>
<p>Sustainability Planning</p>	<p>No objection.</p> <p>A review of the Sustainable Design Assessment (SDA) and town planning drawings submitted as part of application PDA21/0002.01 finds that in the context of this development, this application satisfies Councils expectations for environmental sustainability subject to conditions or further information.</p> <p>A set of outstanding matters are conveyed below that require modification in the form of a revised SDA and town planning drawings. These matters can be translated into a set of conditions at the request of the department or addressed by the applicant as part of any revised town planning packages.</p> <p>Town Planning Drawings: Removal of gas hot water system: The plans make reference to gas meters and specify a gas booted hot water system on the ground floor plan.</p>	<p>The following permit conditions are recommended to address the outstanding issues raised by the council's Sustainability Planning team:</p> <ul style="list-style-type: none"> • Condition 1 (u) requiring removal of references to gas appliances and metres. • Condition 1(v) requiring location of hot water heat pumps to be identified. • Condition 1(w) requiring notation to be added to basement plan to confirm rainwater tank is connected for toilet flushing. • Condition 6(d) requiring full energy rating assessment of all dwellings in the development, to achieve a minimum rating of 7 stars, with a target of 8 stars. • Condition 6(b) of the current permit already requires the capacity of the water tank to be updated in the SMP and BESS to be 10,000 litres, consistent with the development plans, no further changes to permit conditions are required.



	<p>As the SDA specifies and has assessed the development as an all-electric facility, the plans must be revised to specify the development as an all-electric development. This is in accordance with the revisions to the Victorian Planning system in 2024 which requires all residential development to be all-electric with no gas connections. As the development has been amended since its initial lodgement, Council will not accept a development that incorporates natural gas appliances.</p> <p>Action: The applicant must revise the town planning drawings that remove gas appliances and meters, making the site all electric. Hot water heat pumps must be spatially depicted on the plans.</p> <p>Rainwater Tank: The basement plan must specify the rainwater tanks as connected to all flushing of all toilets.</p> <p>Sustainable Design Assessment The applicant must submit a revised Sustainable Design Assessment that includes: Energy Ratings: The preliminary energy efficiency (NatHERS) assessment demonstrates a sample of 8, stars. However, this is not consistent with the inputs in the BESS tool. In addition, a full preliminary assessment should be undertaken to ensure energy efficiency and occupant comfort are consistent with the sample assumptions.</p> <p>Action: The author of the SDA is to conduct a full energy rating assessment of all dwellings in the development. The assessment must achieve a minimum rating of 7 stars, with a target of 8 stars.</p> <p>BESS assessment: The applicant is to update the BESS assessment to include selection of management credit 2.2 and a revised energy section that includes the updated energy rating score as a result of the updated NatHERS rating.</p> <p>Stormwater: The BESS assessment, water section of the SDA and STORM tool all specify the rainwater tank as 8,000L in capacity. However the rainwater tank on the plans specifies a capacity of 10,000L, which is supported by Council.</p> <p>Action: The author of the SDA must revised the SDA, BESS assessment and STORM tool to reflect this increase in rainwater tank capacity.</p>	
Urban Design	<p>No objection. Amended landscape plan now provided. No changes to the comments regarding the other items raised.in comments provided to DTP on 14/02/2025.</p>	<p>Noted. Permit condition 14 is recommended to be amended to reference the updated Landscape Plan for endorsement.</p>
Waste Services	<p>No objection The Waste Management Plan (WMP), prepared by LID Consulting, dated 21/3/2025 is considered appropriate and could be endorsed to form part of the amended permit, if issued.</p>	<p>Noted. Permit condition 8 is recommended to be amended to reference the updated WMP for endorsement.</p>
Arborist	<p>No objection.</p>	<p>Noted.</p>



	<p>The submitted Tree Protection Management Plan, Version 1, prepared by TMC Reports, dated 18/03/2025 is satisfactory.</p> <p>Further information required as outlined below (in accordance with Condition 14 of the parent permit): The Landscape Plan must show the location of tree protection zones and tree protection fencing as outlined in the Arboricultural Impact Assessment report prepared by TMC Reports, dated 26 March 2021 as required by Condition 14a. The landscape plan must include a notation stating that all recommendations of the Tree Protection Management Plan are to be carried out to the satisfaction of the City of Greater Dandenong as per Condition 14a.</p> <p>Tree species should be identified in the northwestern planter box as per Condition 14e. Screening vegetation opposite secluded private open space and habitable room windows of adjoining dwellings has not been provided pursuant to the requirements of Condition 16f.</p>	<p>Condition 16 of the current permit requires the Tree Protection Management Plan to be submitted to and approved by the Council.</p> <p>Condition 14(a) is recommended to be updated to reference the updated tree protection management plan prepared on 18 March 2025. The remainder of Condition 14 is unchanged and require changes to the landscape plan prior to endorsement.</p>
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Other Statutory Referrals

Development Victoria

19. Development Victoria did not raise any objection to the proposed amendment. No permit conditions were provided in the referral response.

Informal Referrals / Advice

20. Advice from internal referral teams was not sought in relation to this application.

Notice

21. 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:
- Clause 32.07-2 - Use of the land for community care accommodation (where the requirements of Clause 52.22-2 are not met).
 - Clause 32.07-9 - Buildings and works associated with a Section 2 use, community care accommodation (where requirements of Clause 52.22-3 are not met).
22. The applicant was directed to give notice by way of erecting a sign on the site and notice to adjoining owners and occupiers.
23. One objection has been received, raising the following issues:
- Building scale and height
- *A four-storey development on a site less than 700 square metres is excessive.*
24. Planning permit PA2102071 has been issued applying to the site, which allows development of a four-storey residential building. The scale of the development is larger than the surrounding residential development nearby, which is typically single or double storey. However, the approved building height of 11.75 metres and amended building height of 12.1 metres now proposed are less than the maximum allowable height of 13.5 metres, as specified in the Residential Growth Zone.
25. This application seeks to amend this permit only, primarily to facilitate the use of the land for community care accommodation instead of private dwellings. The amendment does not propose any significant built form changes to



the proposed development, which continues to be a four-storey residential building. The merits of this development scale on the site are noted to be outside the scope of this assessment, given the development has already been approved.

Side setbacks

- *The western side setback encroaches on the ResCode (Clause 55) requirements at the second and third floors. This encroachment is excessive and will impact extent of shadows and views from our property at 13 King Street.*
26. The decision plans previously approved some variations to the side setback requirements set out by Standard B17, specifically a portion of the second and third floor on the western elevation and portion of the second-floor roofline on the eastern elevation. The extent of encroachment to the standard previously approved (approximately 53.5cm) is not required to re-interrogated as part of this amendment application.
27. The amended plans show side setbacks which are largely consistent with those previously approved. There is minor reduction to the side setback in the central portion of the western wall at the second floor, reducing from 3 metres to 2.85 metres. This reduction to the western setback results in a marginal additional encroachment to the standard (approx. 56cm). The additional encroachment is very minor and does not result in any material additional overshadowing or amenity impacts to the adjoining property at 13 King Street, beyond what has previously been approved.
28. The western side setback at the third floor and rear setback remain consistent with the previously approved plans.

Overshadowing

- *The submitted shadow diagrams do not represent the property at 13 King Street correctly. There is a sunroom at the rear of the dwelling which currently functions as a living space which is not clear on the plans.*
 - *Our secluded private open space is approximately 40 square metres and there should be no increase to overshadowing of this area. The shadow diagrams at 9am and 10am show this secluded private open space will be fully overshadowed by this development.*
29. It is recognised the north facing habitable room windows at 13 King Street are not notated on the shadow diagrams submitted.
30. The private open space at 13 King Street is bounded by a brick shed to the east and paling fencing to the west and north, with an approximate area of 40 sqm and depth of 3.3 metres. The September 22 analysis demonstrates the proposed development will completely overshadow of the private open space at 9am, approximately 64% of the space at 10am and approximately 5.3% of the space at 11am. The area will not be overshadowed by the development for the remainder of the day. More than 75% of the private open space will receive sunlight between 11am and 3pm. While this does not achieve the 5 hours required by the standard, this variation is deemed acceptable given the extent of existing overshadowing of this area at 9am and 10am is caused by the brick shed adjoining the eastern boundary. Shadows cast by this outbuilding already impact 40% of this area at 9am, including overshadowing of the sunroom habitable windows (refer to figure 8).

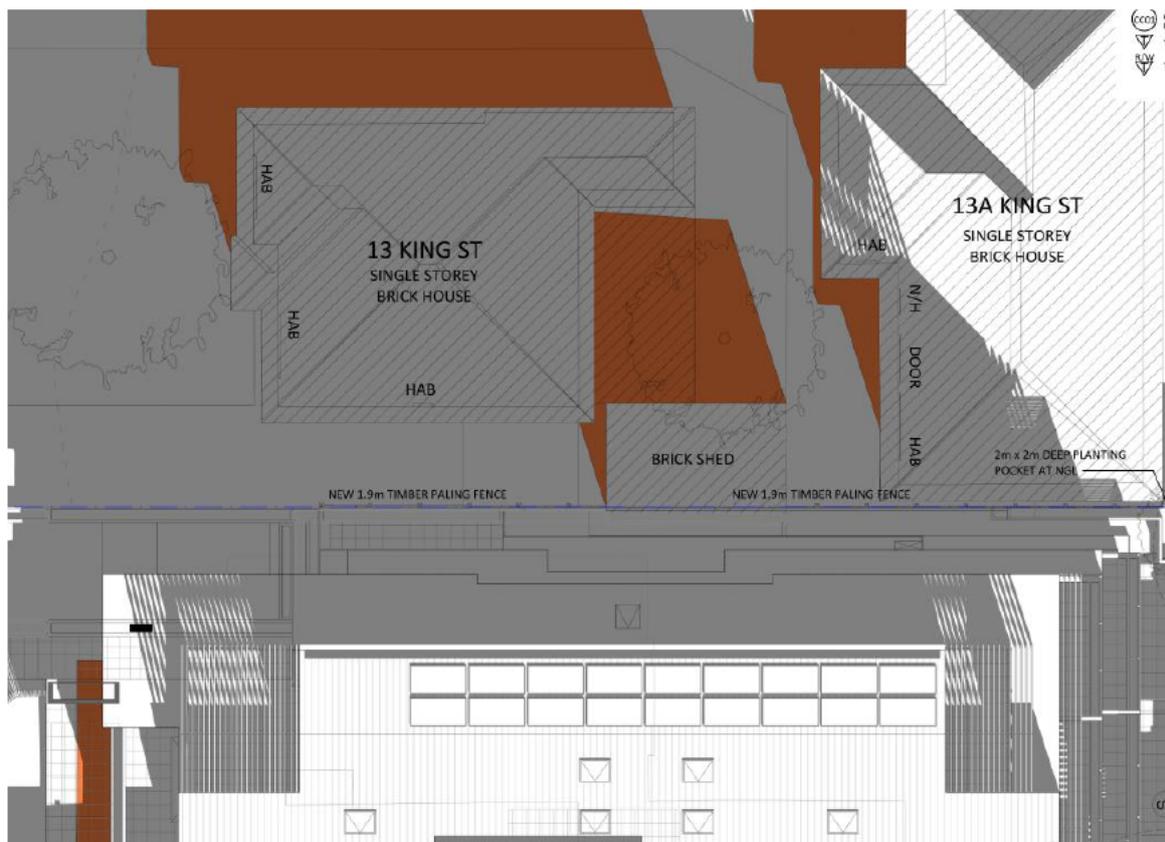


Figure 8 Overshadowing analysis 9am, 22 September - orange indicates extent of existing overshadowing

31. The extent of overshadowing is marginally increased by approximately 4% at 10am compared with the shadow diagrams previously approved. The amended overshadowing extent is considered acceptable and does not constitute an unreasonable outcome beyond what was previously approved, noting the extent of overshadowing of this SPOS in the morning partially results from the existing outbuilding. The underlying Residential Growth Zone is also considered to be a relevant factor, noting this is an area where medium-density redevelopment is encouraged. On this basis, the variation to Standard B21 continues to be deemed acceptable.

Overlooking

- All windows on the western elevation at the first, second and third levels should be screened to a height of 1.7 metres. While the sill heights are shown as 1.7 metres, the bathroom window of apartment should also be shown to this height.
 - Given the changes to ResCode requirements, this sill height requirement should be conditioned.
32. All habitable room windows on the western elevation have sill heights of 1.7 metres and met Standard B22 – Overlooking. The requirements of increased sill heights or other relevant overlooking treatments do not apply to non-habitable rooms, including bathrooms.
33. The west facing bathroom of Apartment 101 is shown with a windowsill height of 1.54 metres. This window is located within 9 metres of the secluded private open space at 13 King Street, Dandenong. While not a requirement to meet the Standard, opportunity to provide overlooking treatment to this window such as obscure glazing has been suggested to the applicant to mitigate objector concerns and also ensure privacy within the new bathroom. The applicant is supportive of this being required through permit conditions.

Fencing



- *The architectural plans show a new 1.9-metre-high timber paling fence to be constructed along site boundaries. There is an existing colorbond fence along the western site boundary which is in good condition and is requested to be retained.*
 - *The plans show a 2 x 2.5m visibility splay which would require removal of the boundary fence in this location. Concerns are held with lowering the fence in this location and practicality where a security gate is to be installed at the frontage of the 13 King Street frontage.*
34. The request to retain the existing colorbond fencing has been raised with the permit applicant and is to be required to be shown on amended architectural plans through condition on permit. It is noted that boundary fencing is a civil matter to be agreed between neighbours rather than something to be addressed through the planning process.
35. The requirement to provide visibility splays at the frontage of driveways is set out at Clause 52.06-9 and is sought to improve safety and ensure vehicles can see oncoming traffic/ pedestrians before exiting the site. A solid colorbond fence 1.9 metres high at the King Street frontage will not provide for pedestrian safety. Visibility splays must be provided with at least 50% clear of visual obstructions. This may be achieved through higher fencing which is visually permeable fencing in this area to address the submitter's security concerns.

NDIS provider

- *It is understood a NDIS provider is yet to be confirmed for the development. Given this is a requirement of Clause 52.22-2 this should have been settled.*
36. At the time of writing an NDIS provider has not been confirmed for the development. A planning permit is able to be issued allowing use of community care accommodation where a NDIS provider has not yet been confirmed, noting the confirming the use/ development is funded by or carried out by a register provider provides an exemption from requiring planning consent for the use and buildings/ works. This application does not rely on the provisions of Clause 52.22 and is not bound by them. The applicant has advised a NDIS provider is to be confirmed shortly, however the decision can proceed before this is finalised.



Planning Policy

37. None of the applicable policies under the Planning Policy Framework or statutory planning controls within the scheme have changed since the decision on the application and given the nature of the amendments these policies do not need to be re-examined.
38. It is noted scheme amendment VC267 was gazetted on 6 March 2025. This amendment implements new residential development planning assessment provisions to facilitate faster and more efficient decision making, including modifying the operation and requirements of Clause 55 to codify standards. Transitional provisions are provided at Clause 32.07-6 Residential Growth Zone, implementing Clause 55 as it applied prior to the approval of VC267 to applications lodged prior or Section 72 amendments to permits lodged before this approval date. On this basis, the amended development has been assessed on the previous Clause 55 objectives and standards. The full assessment is included in Appendix 1.

Statutory Planning Controls

39. The zoning controls remain the same since the decision for the application was made. The land remains unaffected by any overlay controls.

Land Use

40. The proposed change of use from dwellings to community care accommodation does not compromise the objectives of the Residential Growth Zone, as the proposal will continue to provide residential accommodation at increased building densities.

Built form

41. The proposed amendments to the built form of the development are relatively minor and do not significantly transform the proposal, which remains a four-storey residential building. The design remains largely consistent with the approved plans and the minor architectural changes do not compromise the objectives of the zone.
42. The majority of the building setbacks remain consistent with the approved development. There are some minor reductions to setback proposed, most consequentially:
 - Reduction of 15cm to the central portion of the second-floor western side setback.
 - Reduction of 14cm to the majority of the third-floor eastern side setback (Unit 301 wall).
 - Reduction of 39.5cm to the southern portion of the third-floor eastern side setback (central communal circulation area wall).
43. The impacts of these varied side setbacks will not result in any significant visual impact, beyond the development already approved on the land. The amended setbacks continue to provide appropriate separation between the proposed building and adjoining dwellings to the east and west and will not result in an unreasonable dominance within the streetscape. An assessment of additional encroachment into side setback Standard B17 is included in Appendix 1. These variations are deemed acceptable and are not considered to result in adverse impacts for surrounding properties.
44. The proposed changes to building levels and resulting overall increase to building height of 350mm is considered minor and does not result in any significant additional overshadowing impacts for adjoining properties. The proposed amended building height of 12.1 metres remains well below the allowable 13.5 metres as specified in the Residential Growth Zone. The proposed building height is consistent with the objectives of the zone and aligns with the emerging character of the Central Dandenong Declared Project Area.
45. The amended plans remain compliant with the requirements of the following permit conditions:
 - Condition 5 – Material and finishes (based on updated materials schedule submitted)
 - Condition 6 – Environmentally Sustainable Design (based on updated plan submitted)
 - Condition 7 – Waste Management Plan (based on updated plan submitted)
 - Condition 14 – Landscape Plan (based on updated plan submitted)



Carparking

46. The amendment includes the deletion of four car stackers previously approved, with the overall provision of on-site parking reduced from 14 to 6 spaces. The demand for parking associated with community care accommodation land use is considerably less than typical private dwellings. Community care residents are more likely to rely on shared transport services or public transport, given mobility impairments and support requirements. It is also noted medical or other support staff typically visit community care residents at home, in addition to the presence of a support staff member at all times. This operation allows daily needs of residents to be provided at home, reducing the need for travel.
47. Clause 52.06-5 does not prescribe a specific statutory carparking rate for community care accommodation land uses and provision of parking is to the satisfaction of the responsible authority only.
48. The provision of six carparking spaces on the land, including two DDA accessible spaces is considered satisfactory based on the proposed community care accommodation land use and location of the site, which offers several key amenities within walking distance. The six spaces provided are considered adequate to service demand generated by visitors and support staff.

Clause 55 – Residential Building

49. The amended development generally meets many of the relevant standards, with variations sought to the following provisions:
 - Standard B9 – Permeability and Stormwater Management
 - Standard B17 – Side and rear setbacks (*variation previously approved*)
 - Standard B21 – Overshadowing open space
 - Standard B28 – Private open space (*variation previously approved*)
 - Standard B29 – Solar access to private open space (*variation previously approved*)
 - Standard B32 – Front fences (*variation previously approved*)
 - Standard B36 – Communal open space (*communal open space not previously proposed*)
 - Standard B37 – Solar access to communal open space (*communal open space not previously proposed*)
 - Standard B38 – Deep soil areas (*variation previously approved*)
 - Standard B43 – Private open space
50. A detailed assessment of the amended design response against the objectives and standards of Clause 55 is provided in Appendix 1.

Amended Land Use

51. Change proposed to the use of the land is assessed as follows:

Change / Comment	
Proposed Change	Land use from dwellings to community care accommodation.
Assessment	<p>Community care accommodation allows residents to live and receive support services on -site, on a permanent or temporary basis, as required. This land use is nested within the accommodation group at Clause 73.04-1.</p> <p>As such, the use remains consistent with the purpose of the Residential Growth Zone, which seeks to encourage diversity of housing types in locations which offer good access to services and transport. The amendment of the approved residential building to provide community care demonstrates the use can be readily accommodated in a residential area.</p> <p>Providing care accommodation in a well services area of Dandenong is considered to be an appropriate outcome and is not anticipated to result in any detrimental impacts on surrounding residents, compared to a private residential building. It is also noted where a NDIS provider had been secured prior to this application being lodged, no consent for the use of the land would be required.</p> <p>The change of use is considered appropriate and is recommended to be supported.</p>



Amended Plans

52. Changes proposed to the plans are assessed as follows:

Change / Comment	
Proposed Change	<p>Various changes to internal layout</p> <ul style="list-style-type: none">• Relocation of lift and internal stairwell• Reconfiguration of bicycle racks, storage cages and bin room storage on the basement level.• Reconfiguration of ground floor layout, including foyer, services, mailboxes, dwelling layouts and window locations/ sizes.• Ground floor eastern courtyard deleted, and eastern wall realigned.• Reconfiguration of first floor hallway, including deletion of window.• Minor reconfigurations of first floor dwelling layouts, including changes to balcony areas and location of windows.• Reconfiguration of second floor hallway.• Reconfigurations of second floor dwelling layouts, including changes to balcony areas and location of windows.• Reconfiguration of third floor to provide overnight, on-site accommodation unit. Minor changes to balcony sizes and window locations.• South facing, third floor balcony amended to communal open space area.
Assessment	<p>The proposed internal layout changes are primarily sought to deliver accessible dwellings which can achieve DDA compliance and appropriately meet the needs of community care residents. This includes step free accessways, internal and external door widths of minimum 1200 mm, kitchen, bedroom and laundry areas designed with minimum internal circulation areas, bathroom layout and shower with minimum dimensions of 1160mm x 1100mm.</p> <p>The associated changes to the internal configuration of apartments, lifts and services are generally minor and acceptable.</p> <p>Given the reduction to the overall provision of dwellings from 13 to 11, all units are now provided with either north or south orientation and the requirement for east facing courtyard on the ground floor is no longer required. The ground floor setbacks have been amended accordingly.</p> <p>The design response and built form of the development externally are generally consistent with the plans previously approved, with minor exterior changes only.</p> <p>On this basis, the proposed internal layout changes are considered appropriate and are recommended to be supported.</p>

Change / Comment	
Proposed Change	<p>Various changes to building setbacks, reducing the following building setbacks:</p> <ul style="list-style-type: none">• Basement level minimum northern setback reduced from 5.6 metres to 5.2 metres• Ground floor foyer entrance northern setback reduced from 12 metres to 7.4 metres.• Ground floor eastern courtyard deleted, and eastern wall realigned from 4 metre to 1.6 metres setback in this area.• Second floor central portion western setback reduced slightly from 3 metres to 2.85 metres.• Portion of third floor eastern setback reduced from 4.64 metres to 4.50 metres.• Third floor minimum eastern setback reduced from 4.64 metres to 4.25 metres.
Assessment	<p>The proposed changes to building setbacks have been assessed and are generally considered acceptable.</p> <p>The reduced northern setback of the basement level is inconsequential and will have no additional impact adjoining properties or trees.</p> <p>Ground floor</p>



The amendments to the ground floor setbacks are resulting from the reconfigured internal layout and DDA requirements. The reduced southern setback of the foyer entrance is not considered to have any significant visual impact compared with the approved design, noting the foyer remains well setback beyond the front wall of unit G01. The overall minimum front setback at ground floor level remains 5.6 metres as previously approved. The realignment of the eastern wall at ground level is resulting from the reduced number of units, removing the need for an east facing courtyard to be provided as private open space for the additional dwelling previously shown at this level. The eastern wall has been relocated east in this location to align with the average setback along this elevation, which is considered logical and appropriate.

Second floor

A reduction of 15cm to the western side setback is proposed a portion second floor. This reduced setback spans for a wall length of 10.84 metres only, central to the site. The setback continues to be more than the approved 2.5 metres approved for the front portion of the second-floor western wall and will continue to provide some articulation to the western façade. The reduced setback is not considered to result in any material detriment to adjoining properties beyond the setback encroachment previously approved.

Third floor

The amended third floor plan now incorporates a south facing communal balcony (setback 4.67 metres from eastern boundary), central circulation area (setback 4.25 metres from eastern boundary) and an overnight on-site accommodation unit (setback 4.5 metres from eastern boundary). The approved plans show a setback of 4.64 metres from the eastern boundary across this level. The amended plans show setback is considered minor, 14cm less than the approved distance. The central circulation portion of the third floor extends for approx. 5.48 metres and encroaches 39.5cm on the approved setback. The reduction to the setback is more significant in this area, however, is not considered detrimentally impact the amenity on the adjoining property at 17 King Street, which is shown to have a non-habitable room window only in this location and will continue to receive adequate solar access. Based on the above, the amended setbacks are recommended to be supported.

Change / Comment

Proposed Change	Various changes to buildings levels, including overall building height increasing from 11.75 metres to 12.1 metres (+350mm)
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Assessment	<p>Following the approval of the current planning permit, detailed structural engineering drawings were prepared for the development which identified required beam locations and floor depths. Minor adjustments to building level across all levels are required as a result, including an overall increase to the building height of 350mm.</p> <p>This increase is considered generally minor in the scale of a four-storey residential building and remains well below the maximum allowable building height of 13.5 metres specified in the Residential Growth Zone. The impact of the increased height on surrounding residential properties is anticipated to be very minor and the increased extent of overshadowing of private open space and adjoining habitable room windows is negligible compared with the approved development height.</p> <p>On this basis, the increased levels are considered acceptable and recommended to be supported.</p>
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Change / Comment

Proposed Change	Metal screens added to northern, rear balconies.
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Assessment	<p>The amended plans show metal overlooking screens to a height of 2 metres applied to all north facing balconies on the first, second and third floors. These screens are to be constructed of powder coated metal and provide maximum visual permeability of 25%.</p> <p>These screens are provided to mitigate potential overlooking to adjoining residential habitable room windows and secluded private open space on properties to the north. Planter box balustrades are also provided to north facing balconies on levels one and two to limit downwards views.</p>
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While some overlooking treatment is required to limit views from the identified balconies and comply with Condition 1(l) of the current planning permit, screening to a height of 2 metres exceeds the requirements of Standard B22 and is considered to unnecessarily reduce the internal amenity of these balcony areas for future residents. A condition on permit is recommended to reduce the height of these screens to 1.7 metres to sufficiently comply with the standard.

Change / Comment

Proposed Change

Carparking provision reduced from 14 to 6 spaces, including deletion of car stackers.

Assessment

The proposed amendment seeks to delete four car stackers previous shown on approved plans, reducing the overall carparking provision in the development basement from 14 spaces to 6 spaces.

It is noted Clause 52.06-5 does not specify a specific rate for car parking provision associated with community care accommodation land uses. As a result, the provision of car parking spaces is to the satisfaction of the responsible authority only as per Clause 52.06-6.

The traffic and parking assessment submitted with the amendment application details the residents in community care accommodation development are generally less likely to own a car and require a dedicated parking space. Residents are typically individuals with some degree of disability or mobility impairments, which requires internal modifications and on-site support. It is therefore reasonable to assume many, if not all residents, will not rely on driving their own private vehicle and instead be provided modified disability transport services and or access to public transport for independent travel. As well as NDIS support staff who are to be on site at all times, specific staff also attend community care accommodation residents on-site, which can reduce the need for travel in private vehicles for medical appointments or personal needs.

The location of the site is also considered to provide a variety of amenities and services within walking distance, including Dandenong Market immediately opposite the site (approximately 260 metres south), Dandenong Square shopping centre (approx. 700 metres south) and Coles Dandenong (approx. 400 metres west). There are also public transport connections nearby including bus routes along Stud Road and Cleeland Street within 400 metres and Dandenong train station approximately 1.4 km southwest. The provision of on-site support through the community care use, as well as the availability of nearby services is considered to be provide opportunity for future residents to meet daily needs within the surrounding area and be less reliant on private car travel.

The amended proposal consists of 11 units: 4 one-bedroom and 7 two-bedroom residences. Where these units were traditional private dwellings, a total of 13 spaces would be required to meet the statutory requirement (11 resident spaces and two visitor spaces). The submitted traffic and transport assessment identifies 'rooming house' as a more comparable land use in terms of car parking demand, based on residents who share accommodation and do not typically own vehicles. Based on the statutory car parking requirement for rooming house, this development would generate a demand for 4 spaces. The proposed provision of 6 spaces exceeds this estimated requirement.

Visitors and support staff will have opportunity to use one of the six car spaces, as well as 12 secured bicycle spaces on the site.

The proposed provision of six spaces, including two DDA compliant spaces is appropriately justified and considered satisfactory.

Change / Comment

Proposed Change

Front fence amended to be setback 1 metre from King Street and height increased to 1.88 metres.

Assessment

The front fence shown in the decision plans previously assessed as part of the original permit approval has a maximum height of 1.47 metres and setback approximately 0.3 metres from the King Street frontage. Permit condition 1(n) required the front fence to be amended to be setback at least 1 metre from the frontage, which has been implemented on the amended plans.



The amended plans include metal slats front fencing with a maximum height of 1.88m. The fence screens the south facing secluded private open space to ground floor unit G01 and extents across the site for 8.4 metres, or approximately 55% of the site width.

Pursuant to Clause 32.07-6 a permit is required to construct a front fence within 3 metres of a street, where the fence is associated with a residential building and exceeds the maximum height specified in Clause 55.02-8 (1.2 metres is the maximum height specified in the schedule to the RGZ). The proposed amendment does not create a new permit trigger, given a variation to the maximum height was previously approved.

The additional variation sought adds 41cm to the approved fence height. This variation is deemed acceptable given the additional setback from the street frontage, fence design and visual permeability. The fence does not extend across the whole site frontage and the vehicle and pedestrian entrance will ensure an appropriate level of street level activation.

There are examples of existing front fences in the vicinity which exceed 1.2 metres including 9 and 33 King Street. The proposed amendment to the fence height not considered to detrimentally impact the character of the area and is acceptable.

Change / Comment

Proposed Change

Various changes to external materials including:

- Exposed and natural concrete materials deleted, replaced with concrete render with painted finish.
- Feature brickwork deleted.
- Face brick amended from smooth grey to gunmetal blue colour.
- Powder coated aluminium material in charcoal grey deleted.
- Metal sheet cladding in basalt replaced by the Lysaght colorbond in night sky colour.
- Weatherboard cladding treatment level 3 north elevation replaced with rendered finish in white.

Assessment

The proposed changes to external materials are considered acceptable and have minimal impact on the overall design outcome. The updated materials including concrete render and colorbond are suitable for a contemporary residential building and are considered appropriate in the context. The surrounding streetscape includes a mix of single-storey brick and rendered dwellings and two-storey unit developments. Given Residential Growth Zoning of the land, increased dwelling densities through development of residential buildings is encouraged and the amended external materials are considered responsive to this context.

Amended Permit Conditions

53. Changes are proposed to the conditions of the permit as follows:

Change / Comment

Proposed Change

Condition 1 (i) deleted – Apartment 102 to incorporate opening on the western balcony wall.
Condition 1 (j) deleted – Apartment 203 to incorporate window to the stairwell.

Assessment

Condition 1 (i) is no longer relevant based on the amended internal configuration. An opening on the western wall of Unit 102 balcony would create a direction view line into the adjoining balcony for 101 and is not appropriate.
Condition 1(j) is no longer relevant based on the amended internal configuration.

Change / Comment

Proposed Change

Condition 1 (t - z) added requiring various minor updated to architectural plans:

- Height of overlooking screens applies to north facing balconies reduced to 1.7 metres.
- Remove references to gas appliances and metres.



- Location of hot water heat pumps identified.
- Notation added to confirm rainwater tank is connected for flushing of all toilets.
- Notation added to confirm retention of existing colorbond fencing along western site boundary.
- Unit 101 west-facing bathroom window shown as obscured glazing or alternative suitable overlooking treatment.
- Outdoor lighting to be shown on site plan.
- Level 2 floor plan amended to show skylight to Unit 201, bedroom 2, consistent with the Level 3 plan above.

Assessment	<p>Condition 1(t) is recommended to be added to reduce the overlooking screens which are currently shown as 2 metres high, beyond the requirements of Standard B22 and considered to impact the amenity of north facing balconies.</p> <p>Condition 1(u, v, w) are recommendations of the Council's Sustainability Planning department.</p> <p>Condition 1 (x, y) are recommended to satisfy concerns raised by neighbouring objectors who has requested the retention of existing boundary fencing and overlooking treatment to west facing bathroom window.</p> <p>Condition 1(z) is recommended to identified proposed outdoor lighting along entrance pathway and building foyer entrance to comply with Standard B12 – Safety objective.</p> <p>Condition 1(aa) is recommended to confirm location of skylight to provide light and ventilation to bedroom 2 in Unit 201, as this is shown on the roof plan above but is not clearly notated on the floor plan.</p>
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Change / Comment

Proposed Change	<p>Condition 6 (c) amended to reference correct bicycle parking provision of 12 spaces.</p> <p>Condition 6 (d and e) added, requiring amendments to the SMP including full energy rating assessment and updated BESS assessment consistent with updated energy score.</p>
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Assessment	<p>Condition 6(c) is updated to reference 12 bike spaces, instead of 14 as previously required</p> <p>Conditions 6(d) and (e) are requirements from Greater Dandenong City Council's sustainability planning department and are recommended to be included.</p>
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Change / Comment

Proposed Change	<p>Condition 21 added requiring access to the site and associated roadworks to be constructed to Council Standard SD306.</p> <p>Condition 23 added requiring provision to be made for drainage of proposed landscapes and paved areas.</p> <p>Condition 25 amended to included updated condition wording 'approval of drainage plan including any retention system within the property boundary is required'.</p>
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Assessment	<p>The addition of Condition 21 and 23 and amendments to the wording of Condition 25 are recommended based on the advice of Greater Dandenong City Council's Asset Planning and Civil Development departments.</p>
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Change / Comment

Proposed Change	<p>Condition 25 relating to maintenance of mechanical car stackers deleted.</p>
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Assessment	<p>The deletion of condition 25 is recommended given the proposed amendment remove mechanical car stackers within the basement. On this basis, this condition is no longer relevant and can be deleted.</p>
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54. The following permit conditions have also been amended to reference the updated documents submitted as part of this amendment application:
- Condition 1 – Architectural plans prepared by GO Design Drafting & Project Management, dated 26 March 2025, Revision 4.
 - Condition 6 – Sustainable Management Plan prepared by Low Impact Development Consulting and dated 21 March 2025.
 - Condition 8 – Waste Management Plan prepared by Low Impact Development Consulting, dated 21 March 2025.
 - Condition 12 – Traffic Management Plan prepared by Red Square Traffic, dated 6 February 2025.
 - Condition 14 – Landscape Plans prepared by Go Design & Project Management, Revision 3, dated 28 February 2025
 - Condition 14 (a) – Arboricultural Impact Assessment prepared by TMC Reports, dated 18 March 2025.

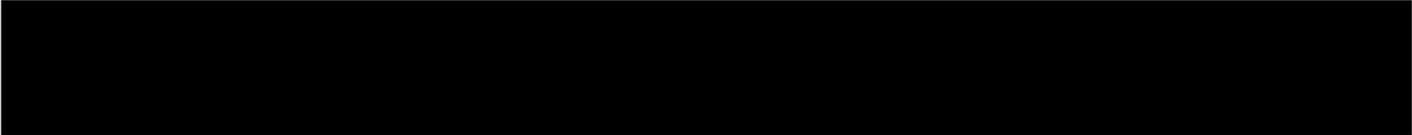


55. Greater Dandenong City Council object to the proposed amendment on the basis of the reduced car parking provision.
56. **It is recommended that** a Notice of Decision to Grant an Amended Planning Permit No. PA2101071-1 for the use of the land for community care accommodation, reducing the number for units and various associated changes to the architectural plans, at 15 King Street Dandenong, be issued subject to conditions.
57. It is recommended that the applicant 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:

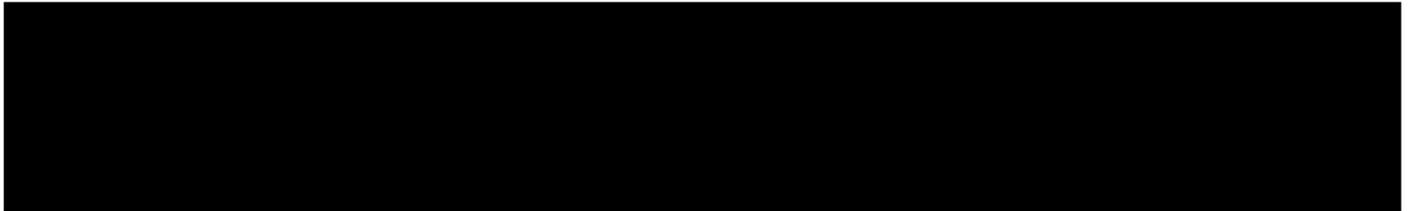
- No Conflict**
- Conflict and have therefore undertaken the following actions:
 - Completed the **Statutory Planning Services declaration of Conflict/Interest form.**
 - Attached the Statutory Planning Services declaration of Conflict/Interest form on to the hardcopy file.
 - Attached the Statutory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



Approved by:

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

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



Appendix 1: Clause 55 Assessment



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

1.1. Neighbourhood and site description

Clause 55.01-1	Assessment
<ul style="list-style-type: none"> • <i>The neighbourhood and site description may use a site plan, photographs or other techniques and must accurately describe:</i> <ul style="list-style-type: none"> ○ <i>In relation to the neighbourhood:</i> <ul style="list-style-type: none"> - <i>The pattern of development of the neighbourhood.</i> - <i>The built form, scale and character of surrounding development including front fencing.</i> - <i>Architectural and roof styles.</i> - <i>Any other notable features or characteristics of the neighbourhood.</i> ○ <i>In relation to the site:</i> <ul style="list-style-type: none"> - <i>Site shape, size, orientation and easements.</i> - <i>Levels of the site and the difference in levels between the site and surrounding properties.</i> - <i>The location of existing buildings on the site and on surrounding properties, including the location and height of walls built to the boundary of the site.</i> - <i>The use of surrounding buildings.</i> - <i>The location of secluded private open space and habitable room windows of surrounding properties which have an outlook to the site within 9 metres.</i> - <i>Solar access to the site and to surrounding properties.</i> - <i>Location of significant trees existing on the site and any significant trees removed from the site 12 months prior to the application being made, where known.</i> - <i>Any contaminated soils and filled areas, where known.</i> - <i>Views to and from the site.</i> - <i>Street frontage features such as poles, street trees and kerb crossovers.</i> - <i>The location of local shops, public transport services and public open spaces within walking distance.</i> - <i>Any other notable features or characteristics of the site.</i> • <i>If in the opinion of the responsible authority a requirement of the neighbourhood and site description is not relevant to the evaluation of an application, the responsible authority may waive or reduce the requirement.</i> <p>Satisfactory neighbourhood and site description</p> <ul style="list-style-type: none"> • <i>If the responsible authority decides that the neighbourhood and site description is not satisfactory, it may require more information from the applicant under Section 54 of the Act.</i> • <i>The responsible authority must not require notice of an application to be given or decide an application until it is satisfied that the neighbourhood and site description meets the requirements of Clause 55.01-1 and is satisfactory.</i> • <i>This does not apply if the responsible authority refuses an application under Section 52(1A) of the Act.</i> 	<p>MET</p> <p>The application includes a locality and site context plans (annotated aerial images), demonstrating the existing pattern of development relevant site details.</p>

1.2. Design response

Clause 55.01-2	Assessment
<ul style="list-style-type: none"> • <i>The design response must explain how the proposed design:</i> <ul style="list-style-type: none"> ○ <i>Derives from and responds to the neighbourhood and site description.</i> ○ <i>Meets the objectives of Clause 55.</i> ○ <i>Responds to any neighbourhood character features for the area identified in a local planning policy or a Neighbourhood Character Overlay.</i> 	<p>MET</p> <p>The design response as it presents to King Street is largely unchanged compared with the previous approved plans. The design response remains a four-storey residential building, incorporating contemporary design response. Streetscape elevations are provided to demonstrate how the proposal will integrate with the broader streetscape.</p>



- *If the application is for an apartment development, the design response must explain how the proposed design selects materials and finishes for the external walls.*
- *The design response must include correctly proportioned street elevations or photographs showing the development in the context of adjacent buildings. If in the opinion of the responsible authority this requirement is not relevant to the evaluation of an application, it may waive or reduce the requirement.*

The proposal provides increased residential densities, as encouraged by the Residential Growth Zone. residential growth zone – includes Substantial change to surrounding neighbourhood, previously approved design

1.3. Neighbourhood character objectives

Clause 55.02-1	Assessment
Objectives <ul style="list-style-type: none"> • <i>To ensure that the design respects the existing neighbourhood character or contributes to a preferred neighbourhood character.</i> • <i>To ensure that development responds to the features of the site and the surrounding area.</i> 	MET
Standard B1 <ul style="list-style-type: none"> • <i>The design response must be appropriate to the neighbourhood and the site.</i> • <i>The proposed design must respect the existing or preferred neighbourhood character and respond to the features of the site.</i> 	COMPLIES The amended design is largely consistent with development previously approved on the site. The development is considered an appropriate response to the preferred character of the area, noting the site is within the Dandenong 'Declared Area', where residential developments with more intensive dwelling densities are generally encouraged.

1.4. Residential policy objectives

Clause 55.02-2	Assessment
Objectives <ul style="list-style-type: none"> • <i>To ensure that residential development is provided in accordance with any policy for housing in the Municipal Planning Strategy and the Planning Policy Framework.</i> • <i>To support medium densities in areas where development can take advantage of public transport and community infrastructure and services.</i> 	MET
Standard B2 <ul style="list-style-type: none"> • <i>An application must be accompanied by a written statement to the satisfaction of the responsible authority that describes how the development is consistent with any relevant policy for housing in the Municipal Planning Strategy and the Planning Policy Framework.</i> 	COMPLIES The architectural plans and accompanying documents respond to the relevant policies for housing in the Municipal Planning Strategy and the Planning Policy Framework.

1.5. Dwelling diversity objective

Clause 55.02-3	Assessment
Objective <ul style="list-style-type: none"> • <i>To encourage a range of dwelling sizes and types in developments of ten or more dwellings.</i> 	MET
Standard B3 <ul style="list-style-type: none"> • <i>Developments of ten or more dwellings should provide a range of dwelling sizes and types, including:</i> <ul style="list-style-type: none"> ○ <i>Dwellings with a different number of bedrooms.</i> ○ <i>At least one dwelling that contains a kitchen, bath or shower, and a toilet and wash basin at ground floor level.</i> 	COMPLIES The amended proposal includes 10 community care accommodation units and one on site overnight accommodation unit for support staff. Overall, four one-bedroom dwellings and seven two-bedroom units are provided within the development.



1.6. Infrastructure objectives

Clause 55.02-4	Assessment
Objectives <ul style="list-style-type: none"> To ensure development is provided with appropriate utility services and infrastructure. To ensure development does not unreasonably overload the capacity of utility services and infrastructure. 	MET
Standard B4 <ul style="list-style-type: none"> Development should be connected to reticulated services, including reticulated sewerage, drainage and electricity, if available. Connection to a reticulated gas service is optional. Development should not unreasonably exceed the capacity of utility services and infrastructure, including reticulated services and roads. In areas where utility services or infrastructure have little or no spare capacity, developments should provide for the upgrading of or mitigation of the impact on services or infrastructure. 	COMPLIES The amended proposal will be connected to reticulated services as previously approved. The amendment seeks to reduce the number of dwellings provided on the land and will not exceed the capacity of utility services, infrastructure and roads in the area.

1.7. Integration with the street objective

Clause 55.02-5	Assessment
Objective <ul style="list-style-type: none"> To integrate the layout of development with the street. 	MET
Standard B5 <ul style="list-style-type: none"> Developments should provide adequate vehicle and pedestrian links that maintain or enhance local accessibility. Development should be oriented to front existing and proposed streets. High fencing in front of dwellings should be avoided if practicable. Development next to existing public open space should be laid out to complement the open space. 	COMPLIES The amended development will continue to appropriately integrate with the surrounding streetscape. The street frontage incorporates pedestrian and vehicle access and is articulated by landscaping within the front setback. The south facing balconies will provide some passive surveillance and activation to the public realm. The amended proposal includes a front fence (1.88 metres) which is higher than the 1.5-metre-high fence previously approved. The fence is setback 1 metre from the street frontage and provides security and screening for the ground floor unit G01. The fence is to have a maximum 25% transparency, however the curved design and setback from the street is considered to provide an acceptable visual outcome. The development will provide a positive contribution to the streetscape.

1.8. Street setback objective

Clause 55.03-1	Assessment
Objective <ul style="list-style-type: none"> To ensure that the setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site. 	MET
Standard B6 <ul style="list-style-type: none"> Walls of buildings should be set back from streets: <ul style="list-style-type: none"> At least the distance specified in a schedule to the zone, or If no distance is specified in a schedule to the zone, the distance specified in Table B1. 	COMPLIES The proposal provides a setback of 5.6 metres from King Street frontage, which complies with the minimum setback of 5 metres specified in the schedule to the zone.



- Porches, pergolas and verandahs that are less than 3.6 metres high and eaves may encroach not more than 2.5 metres into the setbacks of this standard.

Table B1 Street setback

Development Context	<i>There is an existing building on both the abutting allotments facing the same street, and the site is not on a corner.</i>
Minimum setback from front street (metres)	<i>The average distance of the setbacks of the front walls of the existing buildings on the abutting allotments facing the front street or 9 metres, whichever is the lesser.</i>
Minimum setback from a side street (metres)	<i>Not applicable.</i>

1.9. Building height objective

Clause 55.03-2	Assessment
Objective <ul style="list-style-type: none"> • To ensure that the height of buildings respects the existing or preferred neighbourhood character. 	MET
Standard B7 <ul style="list-style-type: none"> • The maximum building height should not exceed the maximum height specified in the zone, schedule to the zone or an overlay that applies to the land. • If no maximum height is specified in the zone, schedule to the zone or an overlay, the maximum building height should not exceed 9 metres, unless the slope of the natural ground level at any cross section wider than 8 metres of the site of the building is 2.5 degrees or more, in which case the maximum building height should not exceed 10 metres. • Changes of building height between existing buildings and new buildings should be graduated. 	COMPLIES The amended design includes a minor increase in overall building height, from 11.75 to 12.1 metres. The design response does not exceed the maximum building height of 13.50m allowable under the Residential Growth Zone. The amended building height is considered appropriate in an area designated for 'substantial change'.

1.10. Site coverage objective

Clause 55.03-3	Assessment
Objective <ul style="list-style-type: none"> • To ensure that the site coverage respects the existing or preferred neighbourhood character and responds to the features of the site. 	MET
Standard B8 <ul style="list-style-type: none"> • The site area covered by buildings should not exceed: <ul style="list-style-type: none"> ○ The maximum site coverage specified in a schedule to the zone, or ○ If no maximum site coverage is specified in a schedule to the zone, 60 per cent. 	COMPLIES The proportion of a site covered by buildings is approximately 63%, which satisfies the standard for a maximum of 70%.

1.11. Permeability and stormwater management objectives

Clause 55.03-4	Assessment
Objectives <ul style="list-style-type: none"> • To reduce the impact of increased stormwater run-off on the drainage system. 	MET



- To facilitate on-site stormwater infiltration.
- To encourage stormwater management that maximises the retention and reuse of stormwater.

Standard B9

- The site area covered by the pervious surfaces should be at least:
 - The minimum area specified in a schedule to the zone, or
 - If no minimum is specified in a schedule to the zone, 20 percent of the site.
- The stormwater management system should be designed to:
 - Meet the current best practice performance objectives for stormwater quality as contained in the Urban Stormwater - Best Practice Environmental Management Guidelines (Victorian Stormwater Committee, 1999).
 - Contribute to cooling, improving local habitat and providing attractive and enjoyable spaces.

Does not comply - Variation required

The amended design includes a reduced extent of permeable land area compared with the approved development. The previous design responses provided approximately 178sqm, equating to 25.4% of land area while the revised plans provide 110sqm, equating to 15.7% of site area, less than the required 20%.

The variation to the standard is considered acceptable given additional width of pathways and paved surfaces are provided to ensure the development is suitably accessible for those with limited mobility who are likely to reside in the NDIS provided community care accommodation. The extent of variation to the standard is not considered unreasonable, noting the development continues to meet best practice urban storm water management guidelines and achieve a STORM rating score of 107%.

1.12. Energy efficiency objectives

Clause 55.03-5	Assessment
<p>Objectives</p> <ul style="list-style-type: none"> • To achieve and protect energy efficient dwellings and residential buildings. • To ensure the orientation and layout of development reduce fossil fuel energy use and make appropriate use of daylight and solar energy. 	MET
<p>Standard B10</p> <ul style="list-style-type: none"> • Buildings should be: <ul style="list-style-type: none"> ○ Oriented to make appropriate use of solar energy. ○ Sited and designed to ensure that the energy efficiency of existing dwellings on adjoining lots is not unreasonably reduced. ○ Sited and designed to ensure that the performance of existing rooftop solar energy systems on dwellings on adjoining lots in a General Residential Zone, Neighbourhood Residential Zone or Township Zone are not unreasonably reduced. The existing rooftop solar energy system must exist at the date the application is lodged. • Living areas and private open space should be located on the north side of the development, if practicable. • Developments should be designed so that solar access to north-facing windows is maximised. 	<p>COMPLIES</p> <p>The subject site is a narrow lot with a north south orientation, which limits the number of apartments which can face north.</p> <p>Based on the amended design response, seven of the eleven apartments proposed have living areas and private open space balconies which are orientated north.</p> <p>The remaining four apartments are located on the southern side of the development. However, these dwellings are designed to ensure bedrooms and living areas are provided with an east or west facing window, ensuring appropriate solar access to maximise solar efficiency as much as possible on a constrained site.</p> <p>The proposed side setbacks and tapered roof design ensures that the energy efficiency and rooftop solar energy systems of existing dwellings on adjoining lots will not be unreasonably reduced.</p>

1.13. Open space objective

Clause 55.03-6	Assessment
<p>Objective</p> <ul style="list-style-type: none"> • To integrate the layout of development with any public and communal open space provided in or adjacent to the development. 	MET



Standard B11

- *If any public or communal open space is provided on site, it should:*
 - *Be substantially fronted by dwellings, where appropriate.*
 - *Provide outlook for as many dwellings as practicable.*
 - *Be designed to protect any natural features on the site.*
 - *Be accessible and useable.*

COMPLIES

A small communal balcony is provided on the southern area of level 3. This balcony space is not fronted by any of the proposed dwellings however is highly accessible and useable by residents.

1.14. Safety objective

Clause 55.03-7	Assessment
<p>Objective</p> <ul style="list-style-type: none"> • <i>To ensure the layout of development provides for the safety and security of residents and property.</i> 	<p>MET</p>
<p>Standard B12</p> <ul style="list-style-type: none"> • <i>Entrances to dwellings and residential buildings should not be obscured or isolated from the street and internal accessways.</i> • <i>Planting which creates unsafe spaces along streets and accessways should be avoided.</i> • <i>Developments should be designed to provide good lighting, visibility and surveillance of car parks and internal accessways.</i> • <i>Private spaces within developments should be protected from inappropriate use as public thoroughfares.</i> 	<p>COMPLIES</p> <p>The amended design response includes reduced building setback of the ground floor lobby area. The building entrance to the residential building is now proposed to be setback 7.4 metres from the King Street frontage.</p> <p>The building entrance is visible from the street and has appropriate internal passive surveillance. Lighting of the communal entrance is not shown on the plans, however this is considered appropriate to request as permit condition.</p> <p>A landscaped buffer is shown between the front fence and the southern boundary, providing ground floor apartment (G01) with an appropriate privacy screening. While this portion of the ground floor frontage will not be visually permeable, the extent of passive surveillance from the ground floor and south facing balconies above is considered to meet the standard.</p>

1.15. Landscaping objectives

Clause 55.03-8	Assessment
<p>Objectives</p> <ul style="list-style-type: none"> • <i>To encourage development that respects the landscape character of the neighbourhood.</i> • <i>To encourage development that maintains and enhances habitat for plants and animals in locations of habitat importance.</i> • <i>To provide appropriate landscaping.</i> • <i>To encourage the retention of mature vegetation on the site.</i> 	<p>MET</p>
<p>Standard B13</p> <ul style="list-style-type: none"> • <i>The landscape layout and design should:</i> <ul style="list-style-type: none"> ○ <i>Protect any predominant landscape features of the neighbourhood.</i> ○ <i>Take into account the soil type and drainage patterns of the site.</i> ○ <i>Allow for intended vegetation growth and structural protection of buildings.</i> ○ <i>In locations of habitat importance, maintain existing habitat and provide for new habitat for plants and animals.</i> 	<p>COMPLIES</p> <p>The existing trees at the rear of the site are proposed to be removed to accommodate the development, as previously approved. The existing street tree within the road reserve and trees on adjoining properties are to be protected through the recommended tree protection measures identified in the submitted TPMP.</p>



- Provide a safe, attractive and functional environment for residents.
- Development should provide for the retention or planting of trees, where these are part of the character of the neighbourhood.
- Development should provide for the replacement of any significant trees that have been removed in the 12 months prior to the application being made.
- The landscape design should specify landscape themes, vegetation (location and species), paving and lighting.
- Development should meet any additional landscape requirements specified in a schedule to the zone.

An amended landscape plan has been submitted with the to demonstrate specific landscape design proposed.

A variety of trees, shrubs, grasses and groundcover species have been selected, including 4 canopy trees which will provide for replacement canopy coverage following the removal of existing trees on the land.

Planter boxes are provided adjacent to the basement ramps, along the western boundary and at the rear of the site. Planting is to otherwise be in-ground, including screening planting along the southern King Street frontage.

1.16. Access objective

Clause 55.03-9	Assessment
Objectives <ul style="list-style-type: none"> • To ensure the number and design of vehicle crossovers respects the neighbourhood character. 	MET
Standard B14 <ul style="list-style-type: none"> • The width of accessways or car spaces should not exceed: <ul style="list-style-type: none"> ○ 33 per cent of the street frontage, or ○ if the width of the street frontage is less than 20 metres, 40 per cent of the street frontage. • No more than one single-width crossover should be provided for each dwelling fronting a street. • The location of crossovers should maximise the retention of on-street car parking spaces. • The number of access points to a road in a Transport Zone 2 or a Transport Zone 3 should be minimised. • Developments must provide for access for service, emergency and delivery vehicles. 	COMPLIES The proposed crossover has an approximate width of 3.6 metres at the King Street frontage, equating to 23.6% of the site frontage and complying with the standard.

1.17. Parking location objectives

Clause 55.03-10	Assessment
Objectives <ul style="list-style-type: none"> • To provide convenient parking for resident and visitor vehicles. • To protect residents from vehicular noise within developments. 	MET
Standard B15 <ul style="list-style-type: none"> • Car parking facilities should: <ul style="list-style-type: none"> ○ Be reasonably close and convenient to dwellings and residential buildings. ○ Be secure. ○ Be well ventilated if enclosed. • Shared accessways or car parks of other dwellings and residential buildings should be located at least 1.5 metres from the windows of habitable rooms. This setback may be reduced to 1 metre where there is a fence at least 1.5 metres high or where window sills are at least 1.4 metres above the accessway. 	COMPLIES Carparking is provided on site on the basement level. This location is appropriately convenient and accessible for future residents via the internal lift. The basement is accessed via the crossover and ramp at the southwest of the site. This shared accessway is appropriately separated from windows of habitable rooms and meets the standard.

1.18. Side and rear setback objective

Clause 55.04-1	Assessment
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Objective

- To ensure that the height and setback of a building from a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings.

Standard B17

- A new building not on or within 200mm of a boundary should be set back from side or rear boundaries:
 - At least the distance specified in a schedule to the zone, or
 - If no distance is specified in a schedule to the zone, 1 metre, plus 0.3 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres.
- Sunblinds, verandahs, porches, eaves, fascias, gutters, masonry chimneys, flues, pipes, domestic fuel or water tanks, and heating or cooling equipment or other services may encroach not more than 0.5 metres into the setbacks of this standard.
- Landings having an area of not more than 2 square metres and less than 1 metre high, stairways, ramps, pergolas, shade sails and carports may encroach into the setbacks of this standard.

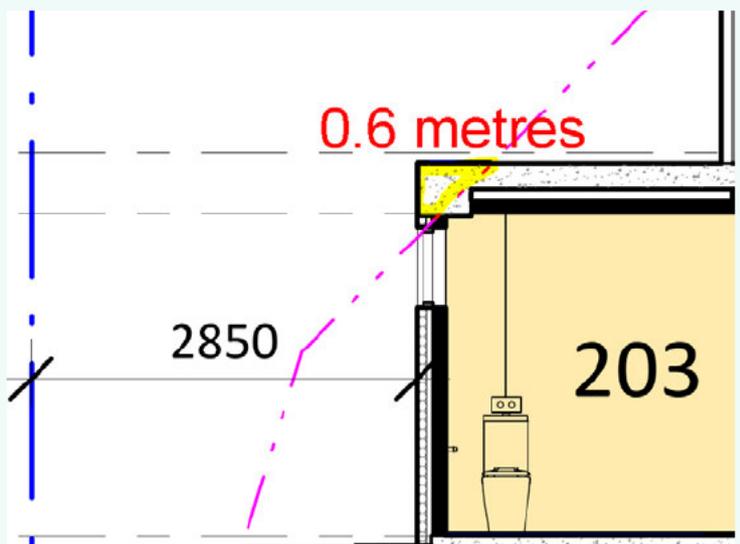
MET

Does not comply - Variation required

The amended plans continue to seek minor encroachment to the standard. The decision plans previously approved setback variation to a central portion of the second and third floor on the western elevation and portion of the second-floor roofline on the eastern elevation.

Western side setback

The amended plans show side setbacks which are largely consistent with those previously approved. There is minor reduction to the side setback in the central portion of the western wall at the second floor, reducing from 3 metres to 2.85 metres. The extent of encroachment to the standard previously approved on the second floor was approximately 53.5cm. Based on the reduced setback this encroachment is proposed to increase to approximately 56cm as shown:

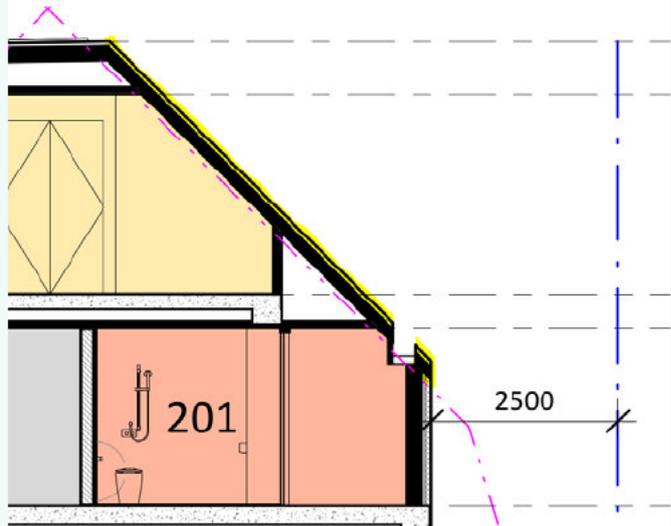


The additional encroachment is small and does not result in any material detriment through significant overshadowing or amenity impacts to the adjoining property at 13 King Street, beyond what has previously been approved.

The western side setback at the third floor remains 5.1 metres and no change to the approved encroachment to the standard is sought through this amendment.

Eastern setback

The amended plans show a minor reduction to the eastern wall setback at the third floor, reducing from 4.64m to 4.5m. There is also a small portion of the wall where the setback is further reduced to 4.24 metres adjacent to the services/ communal circulation area. The angle of the eastern roofline at this level follows the contour of the standard, however the reduced setback results in a minor encroachment of the roofline of approximately 40cm as shown:



This encroachment is very minor and is not anticipated to result in any noticeable visual impact or adverse impact to the adjoining property at 17 King Street. This additional variation is considered acceptable.

Rear setback

The rear setback proposed complies with the standard.

1.19. Walls on boundary objective

Clause 55.04-2	Assessment
<p>Objective</p> <ul style="list-style-type: none"> To ensure that the location, length and height of a wall on a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings. 	<p>MET</p>
<p>Standard B18</p> <ul style="list-style-type: none"> A new wall constructed on or within 200mm of a side or rear boundary of a lot or a carport constructed on or within 1 metre of a side or rear boundary of lot should not abut the boundary: <ul style="list-style-type: none"> For a length of more than the distance specified in a schedule to the zone; or If no distance is specified in a schedule to the zone, for a length of more than: <ul style="list-style-type: none"> 10 metres plus 25 per cent of the remaining length of the boundary of an adjoining lot, or Where there are existing or simultaneously constructed walls or carports abutting the boundary on an abutting lot, the length of the existing or simultaneously constructed walls or carports whichever is the greater. A new wall or carport may fully abut a side or rear boundary where slope and retaining walls or fences would result in the effective height of the wall or carport being less than 2 metres on the abutting property boundary. A building on a boundary includes a building set back up to 200mm from a boundary. The height of a new wall constructed on or within 200mm of a side or rear boundary or a carport constructed on or within 1 metre of a side or rear boundary should not exceed an average of 3.2 metres with no part higher than 3.6 metres unless abutting a higher existing or simultaneously constructed wall. 	<p>COMPLIES</p> <p>No walls on boundaries are proposed.</p>



1.20. Daylight to existing windows objective

Clause 55.04-3	Assessment
Objective <ul style="list-style-type: none"> To allow adequate daylight into existing habitable room windows. 	MET
Standard B19 <ul style="list-style-type: none"> Buildings opposite an existing habitable room window should provide for a light court to the existing window that has a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky. The calculation of the area may include land on the abutting lot. Walls or carports more than 3 metres in height opposite an existing habitable room window should be set back from the window at least 50 per cent of the height of the new wall if the wall is within a 55 degree arc from the centre of the existing window. The arc may be swung to within 35 degrees of the plane of the wall containing the existing window. Where the existing window is above ground floor level, the wall height is measured from the floor level of the room containing the window. 	COMPLIES <p>The 7.3m high eastern wall of second floor apartment 201 (before the sloped roof) is setback approximately 3.6m from the existing habitable room window at 17 King Street. The eastern wall meets the standard.</p> <p>The 9.025 m high western wall of second floor apartment 202 is setback 6.27 m from the existing habitable room window at 13 King Street. The western wall meets the standard as the proposed setback is more than half the height of the wall adjacent an existing habitable room window.</p>

1.21. North-facing windows objective

Clause 55.04-4	Assessment
Objective <ul style="list-style-type: none"> To allow adequate solar access to existing north-facing habitable room windows. 	MET
Standard B20 <ul style="list-style-type: none"> If a north-facing habitable room window of an existing dwelling is within 3 metres of a boundary on an abutting lot, a building should be setback from the boundary 1 metre, plus 0.6 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres, for a distance of 3 metres from the edge of each side of the window. A north-facing window is a window with an axis perpendicular to its surface oriented north 20 degrees west to north 30 degrees east. 	COMPLIES <p>There are no north facing habitable windows of an existing dwelling within 3m of a boundary on an abutting lot.</p>

1.22. Overshadowing open space objective

Clause 55.04-5	Assessment
Objective <ul style="list-style-type: none"> To ensure buildings do not significantly overshadow existing secluded private open space. 	MET
Standard B21 <ul style="list-style-type: none"> Where sunlight to the secluded private open space of an existing dwelling is reduced, at least 75 per cent, or 40 square metres with minimum dimension of 3 metres, whichever is the lesser area, of the secluded private open space should receive a minimum of five hours of sunlight between 9 am and 3 pm on 22 September. If existing sunlight to the secluded private open space of an existing dwelling is less than the requirements of this standard, the amount of sunlight should not be further reduced. 	Does not comply - Variation required <p>Due to the orientation of the site, the development will not overshadow the SPOS of any dwellings to the north.</p> <p><u>13A King Street</u></p> <p>The private open space area is 40m². Shadow diagrams confirm that the SPOS is approximately 100% overshadowed at 9am, 77.5% at 10am and 25% at 11am. The SPOS is not overshadowed by the development beyond 11am. The overshadowing of the SPOS at 13A King Street does not increase between the extent of shadows previously approved.</p> <p><u>13 King Street</u></p> <p>The private open space at 13 King Street is bounded by a brick shed to the east and paling fencing to the</p>



west and north, with an approximate area of 40 sqm and depth of 3.3 metres.

The September 22 analysis demonstrates the proposed development will completely overshadow the private open space at 9am, approximately 64% of the space at 10am and approximately 5.3% of the space at 11am. The area will not be overshadowed by the development for the remainder of the day. More than 75% of the private open space will receive sunlight between 11am and 3pm. While this does not achieve the 5 hours required by the standard, this variation is deemed acceptable given the extent of existing overshadowing of this area at 9am and 10am caused by the brick shed adjoining the eastern boundary. Shadows cast by this outbuilding already impact 40% of this area at 9am, including overshadowing of the sunroom habitable windows. The extent of overshadowing is marginally increased by approximately 4% at 10am compared with the previous shadow diagrams approved. The amended overshadowing extent is considered acceptable and does not constitute an unreasonable outcome beyond what was previously approved, noting the extent of overshadowing of this SPOS in the morning partially results from the existing outbuilding.

17 King Street

Shadow diagrams submitted demonstrate the development does not overshadow the adjoining secluded private open space at 17 King Street until 3pm, where approximately 13% is overshadowed. More than 75% of the SPOS is not overshadowed, complying with the standard.

1.23. Overlooking objective

Clause 55.04-6	Assessment
<p>Objective</p> <ul style="list-style-type: none"> To limit views into existing secluded private open space and habitable room windows. 	<p>MET</p>
<p>Standard B22</p> <ul style="list-style-type: none"> A habitable room window, balcony, terrace, deck or patio should be located and designed to avoid direct views into the secluded private open space of an existing dwelling within a horizontal distance of 9 metres (measured at ground level) of the window, balcony, terrace, deck or patio. Views should be measured within a 45 degree angle from the plane of the window or perimeter of the balcony, terrace, deck or patio, and from a height of 1.7 metres above floor level. A habitable room window, balcony, terrace, deck or patio with a direct view into a habitable room window of existing dwelling within a horizontal distance of 9 metres (measured at ground level) of the window, balcony, terrace, deck or patio should be either: <ul style="list-style-type: none"> Offset a minimum of 1.5 metres from the edge of one window to the edge of the other. Have sill heights of at least 1.7 metres above floor level. Have fixed, obscure glazing in any part of the window below 1.7 metre above floor level. 	<p>COMPLIES</p> <p>There are no opportunities for internal overlooking from the eastern and western elevations, given all habitable windows proposed on levels 1 – 3 are highlight windows with the sill at least 1700mm above the finished floor level.</p> <p>The amended plans include 2-metre-high overlooking screens applied to the north facing balconies of on the first and second floors, to mitigate any potential overlooking to secluded private open space or habitable room windows to lots orientated toward Edith Street to the north. The third floor north facing balcony is setback 7.5 metres from the northern boundary. Noting there is also a 1.22-metre-wide easement adjoining the boundary, the overlooking opportunities into adjoining properties within 9 metres is very limited</p>



- Have permanently fixed external screens to at least 1.7 metres above floor level and be no more than 25 per cent transparent.
- Obscure glazing in any part of the window below 1.7 metres above floor level may be openable provided that there are no direct views as specified in this standard.
- Screens used to obscure a view should be:
 - Perforated panels or trellis with a maximum of 25 per cent openings or solid translucent panels.
 - Permanent, fixed and durable.
 - Designed and coloured to blend in with the development.
- This standard does not apply to a new habitable room window, balcony, terrace, deck or patio which faces a property boundary where there is a visual barrier at least 1.8 metres high and the floor level of the habitable room, balcony, terrace, deck or patio is less than 0.8 metres above ground level at the boundary.

and does not include any existing habitable windows or SPOS.

The southern facing balconies generally overlook King Street and are partially enclosed on the eastern and western walls. There is some opportunity for eastern balconies to overlook the properties to the east at 17 King Street, however views are limited to the front garden and are not considered secluded private open space.

1.24. Internal views objective

Clause 55.04-7	Assessment
Objective <ul style="list-style-type: none"> ● To limit views into the secluded private open space and habitable room windows of dwellings and residential buildings within a development. 	MET
Standard B23 <ul style="list-style-type: none"> ● Windows and balconies should be designed to prevent overlooking of more than 50 per cent of the secluded private open space of a lower-level dwelling or residential building directly below and within the same development. 	<p>COMPLIES</p> <p>There are no opportunities for internal overlooking from the eastern and western elevations.</p> <p>The amended plans include 2-metre-high overlooking screens applied to the north facing balconies of on the first and second floors, to mitigate any potential overlooking to the ground floor private open space. The third floor north-facing balcony is enclosed with on the eastern and western walls with metal arches, which limits overlooking to the private open space below, within 9 metres.</p> <p>The southern facing balconies overlook King Street. There is some opportunity for first floor south facing balconies to overlook the ground floor open space below, however less than 50% of the SPOS below will be visible, based on the extended balustrade with proposed.</p> <p>The development is considered to comply with the standard.</p>

1.25. Noise impacts objectives

Clause 55.04-8	Assessment
Objectives <ul style="list-style-type: none"> ● To contain noise sources in developments that may affect existing dwellings. ● To protect residents from external noise. 	MET
Standard B24 <ul style="list-style-type: none"> ● Noise sources, such as mechanical plant, should not be located near bedrooms of immediately adjacent existing dwellings. ● Noise sensitive rooms and secluded private open spaces of new dwellings and residential buildings should take account of noise sources on immediately adjacent properties. ● Dwellings and residential buildings close to busy roads, railway lines or industry should be designed to limit noise levels in habitable rooms. 	<p>COMPLIES</p> <p>As per the previous approval, permit conditions are included to require an acoustic assessment and ensure habitable rooms adjoining the lift are suitably treated.</p>



1.26. Accessibility objective

Clause 55.05-1	Assessment
Objective <ul style="list-style-type: none"> To encourage the consideration of the needs of people with limited mobility in the design of developments. 	MET
Standard B25 <ul style="list-style-type: none"> The dwelling entries of the ground floor of dwellings and residential buildings should be accessible or able to be easily made accessible to people with limited mobility. 	COMPLIES The amended development has been designed to meet the accessibility requirement to be used as community care accommodation, managed by a NDIS provider. As a result, all dwellings are accessible for residents with limited mobility.

1.27. Dwelling entry objective

Clause 55.05-2	Assessment
Objective <ul style="list-style-type: none"> To provide each dwelling or residential building with its own sense of identity. 	MET
Standard B26 <ul style="list-style-type: none"> Entries to dwellings and residential buildings should: <ul style="list-style-type: none"> Be visible and easily identifiable from streets and other public areas. Provide shelter, a sense of personal address and a transitional space around the entry. 	COMPLIES The entrance and path are designed to provide shelter, a sense of personal address and a transitional space around the entrance. The entrance path will be visible and easily identifiable from the street.

1.28. Daylight to new windows objective

Clause 55.05-3	Assessment
Objective <ul style="list-style-type: none"> To allow adequate daylight into new habitable room windows. 	MET
Standard B27 <ul style="list-style-type: none"> A window in a habitable room should be located to face: <ul style="list-style-type: none"> An outdoor space clear to the sky or a light court with a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky, not including land on an abutting lot, or A verandah provided it is open for at least one third of its perimeter, or A carport provided it has two or more open sides and is open for at least one third of its perimeter. 	COMPLIES All habitable rooms are provided with a window which faces an area clear to the sky or balcony which is open for at least one third of its perimeter that meets the standard. Although the 1700mm high windows on the eastern and western elevations of upper floor levels are narrow, adequate levels of sunlight will still penetrate habitable rooms and provide a good level of internal amenity consistent with the standard.

1.29. Private open space objective

Clause 55.05-4	Assessment
Objective <ul style="list-style-type: none"> To provide adequate private open space for the reasonable recreation and service needs of residents. 	MET
Standard B28 <ul style="list-style-type: none"> A dwelling or residential building should have private open space of an area and dimensions specified in a schedule to the zone. If no area or dimensions are specified in a schedule to the zone, a dwelling or residential building should have private open space consisting of: 	Does not comply - Variation required Ground floor Three units are proposed on the ground floor. Unit G01 is provided with secluded private open space within the building frontage, with a minimum dimension of 4.35 metres and total area of 35sqm.



- An area of 40 square metres, with one part of the private open space to consist of secluded private open space at the side or rear of the dwelling or residential building with a minimum area of 25 square metres, a minimum dimension of 3 metres and convenient access from a living room, or
- A balcony of 8 square metres with a minimum width of 1.6 metres and convenient access from a living room, or
- A roof-top area of 10 square metres with a minimum width of 2 metres and convenient access from a living room.
- The balcony requirements in Clause 55.05-4 do not apply to an apartment development.

Units G02 and G03 are provided with north facing SPOS, with minimum dimensions of 3 metres, however the area is limited by retaining walls and planter along property boundaries. The functional areas of these courtyards are 18sqm (G03) and 20.3sqm (G02), excluding the raised garden bed areas. This variation is considered acceptable, noting the reduced courtyard spaces remain functional and the opportunities for landscaping and deep soil planting are limited on the site where retaining walls/ planters are not provided in these locations.

First floor

South facing units 101 and 102 are provided with balconies minimum dimensions of 2 metres and areas of 10sqm and 9sqm respectively, complying with the minimum standards.

Both north facing units 103 and 104 are provided with balconies minimum dimensions of 2.1 metres and areas of 11sqm, complying with the minimum standards.

Second floor

South facing unit 201 is provided with two south facing balconies, each with minimum dimensions of 1.9 metres and areas of 10 and 9sqm, complying with the standard.

Both north facing dwellings 202 and 203 are provided with balconies with minimum dimensions of 2.48 metres and areas of 11sqm and 10sqm respectively, complying with the standard.

Third floor

The overnight on-site accommodation unit for support staff is provided with a north facing balcony, measuring 12sqm, with a minimum dimension of 1.9 metres, complying with the minimum standard.

All private open space areas are provided with convenient access immediately adjoining dwelling living areas.

1.30. Solar access to open space objective

Clause 55.05-5	Assessment
Objective <ul style="list-style-type: none"> • To allow solar access into the secluded private open space of new dwellings and residential buildings. 	MET
Standard B29 <ul style="list-style-type: none"> • The private open space should be located on the north side of the dwelling or residential building, if appropriate. • The southern boundary of secluded private open space should be set back from any wall on the north of the space at least $(2 + 0.9h)$ metres, where 'h' is the height of the wall. 	Does not comply – Variation required The amended development continues to incorporate some south facing open space, as previously approved. The southern boundary of the south facing, ground floor SPOS of unit G01 the setback 4.35 metres from the northern wall, which is less than the 9.97 metres required to meet the standard based on the northern wall height of 8.85m. This variation was previously supported based on the shadow diagrams



demonstrating this area will receive sufficient solar access throughout the day.

The south-facing balconies 101, 102 and 202 are partially enclosed for weather protection, but are provided with east or west facing openings to achieve sufficient solar access. This design was previously approved.

1.31. Storage objective

Clause 55.05-6	Assessment
Objective <ul style="list-style-type: none"> To provide adequate storage facilities for each dwelling. 	MET
Standard B30 <ul style="list-style-type: none"> Each dwelling should have convenient access to at least 6 cubic metres of externally accessible, secure storage space. 	COMPLIES All dwellings are provided with 6 cubic metres of external storage in basement cages.

1.32. Design detail objective

Clause 55.06-1	Assessment
Objective <ul style="list-style-type: none"> To encourage design detail that respects the existing or preferred neighbourhood character. 	MET
Standard B31 <ul style="list-style-type: none"> The design of buildings, including: <ul style="list-style-type: none"> Facade articulation and detailing, Window and door proportions, Roof form, and Verandahs, eaves and parapets, should respect the existing or preferred neighbourhood character. Garages and carports should be visually compatible with the development and the existing or preferred neighbourhood character. 	COMPLIES The amended development incorporates external materials and façade design which is generally consistent with the previous approval. The development is contemporary but considered to contribute to the preferred neighbourhood character within the Residential Growth Zone. Carparking is limited to be development basement is suitably screened from public view.

1.33. Front fences objective

Clause 55.06-2	Assessment
Objective <ul style="list-style-type: none"> To encourage front fence design that respects the existing or preferred neighbourhood character. 	MET
Standard B32 <ul style="list-style-type: none"> The design of front fences should complement the design of the dwelling or residential building and any front fences on adjoining properties. A front fence within 3 metres of a street should not exceed: <ul style="list-style-type: none"> The maximum height specified in a schedule to the zone, or If no maximum height is specified in a schedule to the zone, the maximum height specified in Table B3. 	Does not comply - Variation required The amended design response increased the front fence height from 1.47 to 1.88 metre. The front fence is also setback 1 metre from the King Street frontage, as required by permit condition 1(n). The front fence provides privacy screening for the private open space area for unit G01. While the fence exceeds the 1.5-metre maximum height required by the standard, the variation is considered acceptable. The existing front fences in the streetscape are varied, ranging from low scale approx. 500mm to approx. 1.5 metres. While the streetscape is currently characterised by single dwelling development, the Residential Growth Zone seek to encourage increased densities and changes to more contemporary, multi-dwellings are anticipated in the Central Dandenong 'declared project area'. As such, the preferred character is expected to change.

Table B3 Maximum front fence height

Street Context	Maximum front fence height
Streets in a Transport Zone 2	2 metres
Other streets	1.5 metres



Given the transitional areas and immediate interface with the commercial Dandenong Market precinct, the proposed fence height is considered acceptable. The design is well integrated into the development and will present positively to the street.

1.34. Common property objectives

Clause 55.06-3	Assessment
Objectives <ul style="list-style-type: none"> To ensure that communal open space, car parking, access areas and site facilities are practical, attractive and easily maintained. To avoid future management difficulties in areas of common ownership. 	MET
Standard B33 <ul style="list-style-type: none"> Developments should clearly delineate public, communal and private areas. Common property, where provided, should be functional and capable of efficient management. 	COMPLIES Common property is easily identifiable and functional. The change of use to community care accommodation will negate the need for future subdivision of dwellings and common property areas, noting all units are to be operated by a dedicated NDIS provider.

1.35. Site services objectives

Clause 55.06-4	Assessment
Objectives <ul style="list-style-type: none"> To ensure that site services can be installed and easily maintained. To ensure that site facilities are accessible, adequate and attractive. 	MET
Standard B34 <ul style="list-style-type: none"> The design and layout of dwellings and residential buildings should provide sufficient space (including easements where required) and facilities for services to be installed and maintained efficiently and economically. Bin and recycling enclosures, mailboxes and other site facilities should be adequate in size, durable, waterproof and blend in with the development. Bin and recycling enclosures should be located for convenient access by residents. Mailboxes should be provided and located for convenient access as required by Australia Post. 	COMPLIES Bin storage area is located in the basement, providing capacity for storage and collection of all waste streams as required by the waste management plan. The waste storage area is conveniently accessible for residents, via the lift. A site services are proposed within the basement and along the eastern side boundary. Meter boxes are provided within the front setback, integrated with the front fence of apartment G01 SPOS. Mailboxes are proposed within the building foyer on the ground floor.

1.36. Energy efficiency objectives

Clause 55.07-1	Assessment
Objectives <ul style="list-style-type: none"> To achieve and protect energy efficient dwellings and buildings. To ensure the orientation and layout of development reduce fossil fuel energy use and make appropriate use of daylight and solar energy. To ensure dwellings achieve adequate thermal efficiency. 	MET
Standard B35 <ul style="list-style-type: none"> Buildings should be: <ul style="list-style-type: none"> Oriented to make appropriate use of solar energy. Sited and designed to ensure that the energy efficiency of existing dwellings on adjoining lots is not unreasonably reduced. 	COMPLIES The subject site is a narrow lot with a north south orientation, which limits the number of apartments which can be orientated north. Based on the amended design response, seven of the eleven apartments proposed have living areas and



- *Sited and designed to ensure that the performance of existing rooftop solar energy systems on dwellings on adjoining lots in a General Residential Zone, Neighbourhood Residential Zone or Township Zone are not unreasonably reduced. The existing rooftop solar energy system must exist at the date the application is lodged.*
- *Living areas and private open space should be located on the north side of the development, if practicable.*
- *Developments should be designed so that solar access to north-facing windows is optimised.*
- *Dwellings located in a climate zone identified Table B4 in should not exceed the maximum NatHERS annual cooling load specified in the following table.*

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

Note:

- *Refer to NatHERS zone map, Nationwide House Energy Rating Scheme (Commonwealth Department of Environment and Energy). Maximum cooling load levels are currently being prepared for all relevant Victorian climate zones.*

private open space balconies which are orientated north.

The remaining four apartments are located on the southern side of the development. However, these dwellings are designed to ensure bedrooms and living areas where possible are provided with an east or west facing window, ensuring appropriate solar access to maximise solar efficiency as much as possible on a constrained site.

The subject site is located within NatHERS climate zone 62, requiring a maximum cooling load of 21 MJ/m³ per annum.

The updated ESD Assessment has been provided, with the maximum cooling load for the dwellings proposed calculated as 16.7MJ/m³, complying with the standard.

1.37. Communal open space objective

Clause 55.07-2	Assessment
<p>Objectives</p> <ul style="list-style-type: none"> ● <i>To provide communal open space that meets the recreation and amenity needs of residents.</i> ● <i>To ensure that communal open space is accessible, functional, and is easily maintained.</i> ● <i>To ensure that communal open space is integrated with the layout of the development and enhances resident amenity.</i> 	<p>MET</p>
<p>Standard B36</p> <ul style="list-style-type: none"> ● <i>A development of 10 or more dwellings should provide a minimum area of communal outdoor open space of 30 square metres.</i> ● <i>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 consist of multiple separate areas of communal open space.</i> 	<p>Does not comply - Variation required</p> <p>The amended development introduces a communal balcony on the third floor. The development provides a total of 11 units, including one support accommodation unit.</p> <p>The communal balcony has a total area of 22sqm, which is less than required 30sqm required for a development with more than 10 dwellings. This variation is considered acceptable noting the specific</p>



- *Each area of communal open space should be:*
 - *Accessible to all residents.*
 - *A useable size, shape and dimension.*
 - *Capable of efficient management.*
 - *Be 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.*

use of the land for community care, requiring generous internal layouts to meet accessibility requirements and the narrow, constrained site, which limits opportunities for larger communal open space areas.

1.38. Solar access to communal outdoor open space objective

Clause 55.07-3	Assessment
Objective <ul style="list-style-type: none"> • <i>To allow solar access into communal outdoor open space.</i> 	MET
Standard B37 <ul style="list-style-type: none"> • <i>The communal outdoor open space should be located on the north side of a building, if appropriate.</i> • <i>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.</i> 	<p>Does not comply - Variation required</p> <p>The amended development introduces a communal balcony on the third floor. This balcony is located on the south side of the building and is enclosed by metal arches on both sides and above. As a result, the communal balcony is largely shaded most of the day.</p> <p>While this is a variation to the standard, the preference to enclose the space will provide weather protection and will likely make the area more useable for community care residents. On this basis, this variation is considered acceptable.</p>

1.39. Landscaping objectives

Clause 55.07-4	Assessment
Objectives <ul style="list-style-type: none"> • <i>To provide landscaping that supports the existing or preferred urban context of the area and reduces the visual impact of buildings on the streetscape.</i> • <i>To preserve existing canopy cover and support the provision of new canopy cover.</i> • <i>To ensure landscaping is climate responsive, supports biodiversity, wellbeing and amenity and reduces urban heat.</i> 	MET
Standard B38 <ul style="list-style-type: none"> • <i>Development should retain existing trees and canopy cover.</i> • <i>Development should provide for the replacement of any significant trees that have been removed in the 12 months prior to the application being made.</i> • <i>Development should:</i> <ul style="list-style-type: none"> ○ <i>Provide the canopy cover and deep soil areas specified in Table B5. Existing trees can be used to meet the canopy cover requirements of Table B5.</i> ○ <i>Provide canopy cover through canopy trees that are:</i> <ul style="list-style-type: none"> - <i>Located in an area of deep soil specified in Table B6. Where deep soil cannot be provided trees should be provided in planters specified in Table B6.</i> - <i>Consistent with the canopy diameter and height at maturity specified in Table B7.</i> 	<p>Does not comply - Variation required</p> <p>Existing vegetation on the land is to be removed, consistent with the previous approval.</p> <p>The 699m² site is required to provide at least 1 Type A tree and 34.95m² of deep soil area to meet the standard. A permit condition will require the landscape plans to identify deep soil areas and the Type A tree.</p> <p>The amended landscape plan provided shows planting of five new canopy trees, which achieve the Type A size:</p> <ul style="list-style-type: none"> • 1 x Dawson River Weeper (6m x 4m) • 1 x Dwarf Apple Gum (7m x 5m) • 1 x Cootamundra Wattle (8m x 5m)



- Located in communal outdoor open space or common areas or street frontages.
- o Comprise smaller trees, shrubs and ground cover, including flowering native species.
- o Include landscaping, such as climbing plants or smaller plants in planters, in the street frontage and in outdoor areas, including communal outdoor open space.
- o 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.
- o Be supported by irrigation systems which utilise alternative water sources such as rainwater, stormwater and recycled water.
- o Protect any predominant landscape features of the area.
- o Take into account the soil type and drainage patterns of the site.
- o Provide a safe, attractive and functional environment for residents.
- o Specify landscape themes, vegetation (location and species), irrigation systems, paving and lighting.

Table B5 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 B6 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:

- 2 x Evergreen Ash (6m x 4m)

Deep soil planting is limited to the King Street frontage, with an area of 28.85sqm and two deep soil planters at the northeast and northwest corners of the site, with a combined area of 7.8sqm.

A variation is sought to the deep soil requirements, noting the two deep soil planters are approximately 2m x 2m and do not meet the minimum 2.5m dimension required in Table B6. Each planter is proposed each to accommodate planting of one evergreen ash tree. This variation is considered acceptable, noting the increasing the volume of planter boxes who encroach on the function secluded private open space area of north facing ground floor dwellings, which is already less than the 25sqm required by Standard B43.



- 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 B7 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

1.40. Integrated water and stormwater management objectives

Clause 55.07-5	Assessment
<p>Objectives</p> <ul style="list-style-type: none"> • To encourage the use of alternative water sources such as rainwater, stormwater and recycled water. • To facilitate stormwater collection, utilisation and infiltration within the development. • To encourage development that reduces the impact of stormwater run-off on the drainage system and filters sediment and waste from stormwater prior to discharge from the site. 	<p>MET</p>
<p>Standard B39</p> <ul style="list-style-type: none"> • Buildings should be designed to collect rainwater for non-drinking purposes such as flushing toilets, laundry appliances and garden use. • Buildings should be connected to a non-potable dual pipe reticulated water supply, where available from the water authority. • The stormwater management system should be: <ul style="list-style-type: none"> ○ Designed to meet the current best practice performance objectives for stormwater quality as contained in the <i>Urban Stormwater - Best Practice Environmental Management Guidelines</i> (Victorian Stormwater Committee, 1999). ○ Designed to maximise infiltration of stormwater, water and drainage of residual flows into permeable surfaces, tree pits and treatment areas. 	<p>COMPLIES</p> <p>The amended design response continues to provide a 10,000-litre rainwater tank in the basement, to be used for on-site water reuse.</p> <p>An amended ESD assessment has been provided which references an 8,000-litre tank STORM rating report demonstrating score of 107%, exceeding the best practice requirement.</p> <p>A condition on permit is recommended to update the ESD assessment to correct the tank volume consistent with the architectural plans. As retention is increasing ESD outcome is anticipated to further improve.</p>

1.41. Access objective

Clause 55.07-6	Assessment
<p>Objectives</p> <ul style="list-style-type: none"> • To ensure that vehicle crossovers are designed and located to provide safe access for pedestrians, cyclists and other vehicles. • To ensure that vehicle crossovers are designed and located to minimise visual impact. 	<p>MET</p>
<p>Standard B40</p> <ul style="list-style-type: none"> • Vehicle crossovers should be minimised. • Car parking entries should be consolidated, minimised in size, integrated with the façade and where practicable located at the side or rear of the building. • Pedestrian and cyclist access should be clearly delineated from vehicle access. • The location of crossovers should maximise pedestrian safety and the retention of on-street car parking spaces and street trees. • Development must provide access for service, emergency and delivery vehicles. 	<p>COMPLIES</p> <p>The amended design response continues to include one vehicle crossover only, adjoining the western side boundary. The crossover is 3.6 metres wide and provides access to the basement carparking area, which is well integrated with the design and screened from view from the public realm.</p> <p>Pedestrian access to the development is separated, provided through entry path to the ground floor lobby area.</p> <p>The existing street tree in the King Street reserve is to be protected.</p>

1.42. Noise impact objective

Clause 55.07-7	Assessment																		
<p>Objectives</p> <ul style="list-style-type: none"> To contain noise sources in developments that may affect existing dwellings. To protect residents from external and internal noise sources. 	MET																		
<p>Standard B41</p> <ul style="list-style-type: none"> Noise sources, such as mechanical plants should not be located near bedrooms of immediately adjacent existing dwellings. The layout of new dwellings and buildings should minimise noise transmission within the site. Noise sensitive rooms (such as living areas and bedrooms) should be located to avoid noise impacts from mechanical plants, lifts, building services, non-residential uses, car parking, communal areas and other dwellings. New dwellings should be designed and constructed to include acoustic attenuation measures to reduce noise levels from off-site noise sources. Buildings within a noise influence area specified in Table B8 should be designed and constructed to achieve the following noise levels: <ul style="list-style-type: none"> Not greater than 35dB(A) for bedrooms, assessed as an LAeq,8h from 10pm to 6am. Not greater than 40dB(A) for living areas, assessed LAeq,16h from 6am to 10pm. Buildings, or part of a building screened from a noise source by an existing solid structure, or the natural topography of the land, do not need to meet the specified noise level requirements. Noise levels should be assessed in unfurnished rooms with a finished floor and the windows closed. <p style="text-align: center;">Table B8 Noise influence area:</p> <table border="1"> <thead> <tr> <th>Noise source</th> <th>Noise influence area</th> </tr> </thead> <tbody> <tr> <td colspan="2">Zone interface</td> </tr> <tr> <td>Industry</td> <td>300 metres from the Industrial 1, 2 and 3 zone boundary</td> </tr> <tr> <td colspan="2">Roads</td> </tr> <tr> <td>Freeways, tollways and other roads carrying 40,000 Annual Average Daily Traffic Volume</td> <td>300 metres from the nearest trafficable lane</td> </tr> <tr> <td colspan="2">Railways</td> </tr> <tr> <td>Railway servicing passengers in Victoria</td> <td>80 metres from the centre of the nearest track</td> </tr> <tr> <td>Railway servicing freight outside Metropolitan Melbourne</td> <td>80 metres from the centre of the nearest track</td> </tr> <tr> <td>Railway servicing freight in Metropolitan Melbourne</td> <td>135 metres from the centre of the nearest track</td> </tr> </tbody> </table> <p>Note:</p> <ul style="list-style-type: none"> The noise influence area should be measured from the closest part of the building to the noise source. 	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	<p>COMPLIES</p> <p>There are no significant noise influence areas within close proximity of the subject site.</p> <p>The existing planning permit requires the submission of an acoustic report prepared by a suitably qualified consultant, to demonstrate the habitable rooms which adjoining the lift core have been designed to limit internal noise levels to a maximum of 45dB, in accordance with relevant Australian standards.</p> <p>The amended design response continues to provide habitable rooms adjoining the lift core, specifically units G01, 101 and 201.</p> <p>The submission of the acoustic report to satisfy permit conditions will appropriately meet the standard.</p>
Noise source	Noise influence area																		
Zone interface																			
Industry	300 metres from the Industrial 1, 2 and 3 zone boundary																		
Roads																			
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1.43. Accessibility objective

Clause 55.07-8	Assessment
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Objective

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

MET

Standard B42

- 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 B9.

COMPLIES

The development has been amended to provide community care accommodation units, which are intended to be managed by a NDIS provider.

As a result, all ten of the community care accommodation units have been designed to be DDA compliant, to be fully accessible for those with limited mobility.

The amendment application includes an initial assessment prepared by an accredited SDA Assessor, confirming units achieve spatial requirements for fully accessible compliance.

The third-floor unit does not meet all the accessibility requirements, noting the intention is for this to be utilised by support staff and not those with mobility requirements.

Table B9 Bathroom design:

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



1.44. Private open space objective

Clause 55.07-9	Assessment																						
Objectives <ul style="list-style-type: none"> To provide adequate private open space for the reasonable recreation and service needs of residents. 	MET																						
Standard B43 <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 B10 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 B10 should be increased by at least 1.5 square metres. 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 at least 10 square metres, with a minimum dimension of 2 metres and convenient access from a living room. 	<p>Does not comply - Variation required</p> <p><u>Ground floor</u></p> <p>Three units are proposed on the ground floor. Unit G01 is provided with secluded private open space within the building frontage, with a minimum dimension of 4.35 metres and total area of 35sqm.</p> <p>Units G02 and G03 are provided with north facing SPOS, with minimum dimensions of 3 metres, however the area is limited by retaining walls and planter along property boundaries. The functional areas of these courtyards are 18sqm (G03) and 20.3sqm (G02), excluding the raised garden bed areas. This variation is considered acceptable, noting the reduced courtyard spaces remain functional and the opportunities for landscaping and deep soil planting are limited on the site where retaining walls/ planters are not provided in these locations.</p> <p><u>First floor</u></p> <p>South facing units 101 and 102 are provided with balconies minimum dimensions of 2 metres and areas of 10sqm and 9sqm respectively, complying with the minimum standards.</p> <p>Both north facing units 103 and 104 are provided with balconies minimum dimensions of 2.1 metres and areas of 11sqm, complying with the minimum standards.</p> <p><u>Second floor</u></p> <p>South facing unit 201 is provided with two south facing balconies, each with minimum dimensions of 1.9 metres and areas of 10 and 9sqm, complying with the standard.</p> <p>Both north facing dwellings 202 and 203 are provided with balconies with minimum dimensions of 2.48 metres and areas of 11sqm and 10sqm respectively, complying with the standard.</p> <p><u>Third floor</u></p> <p>The overnight on-site accommodation unit for support staff is provided with a north facing balcony, measuring 12sqm, with a minimum dimension of 1.9 metres, complying with the minimum standard.</p> <p>All private open space areas are provided with convenient access immediately adjoining dwelling living areas.</p>																						
Table B10 Balcony size																							
<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="background-color: #009688; color: white;">Orientation of dwelling</th> <th style="background-color: #009688; color: white;">Dwelling type</th> <th style="background-color: #009688; color: white;">Minimum area</th> <th style="background-color: #009688; color: white;">Minimum dimension</th> </tr> </thead> <tbody> <tr> <td>North (between north 20 degrees west to north 30 degrees east)</td> <td>All</td> <td>8 square metres</td> <td>1.7 metres</td> </tr> <tr> <td>South (between south 30 degrees west to south 20 degrees east)</td> <td>All</td> <td>8 square metres</td> <td>1.2 metres</td> </tr> <tr> <td rowspan="3">Any other orientation</td> <td>Studio or 1 bedroom</td> <td>8 square metres</td> <td>1.8 metres</td> </tr> <tr> <td>2 bedroom</td> <td>8 square metres</td> <td>2 metres</td> </tr> <tr> <td>3 or more bedroom</td> <td>12 square metres</td> <td>2.4 metres</td> </tr> </tbody> </table>		Orientation of dwelling	Dwelling type	Minimum area	Minimum dimension	North (between north 20 degrees west to north 30 degrees east)	All	8 square metres	1.7 metres	South (between south 30 degrees west to south 20 degrees east)	All	8 square metres	1.2 metres	Any other orientation	Studio or 1 bedroom	8 square metres	1.8 metres	2 bedroom	8 square metres	2 metres	3 or more bedroom	12 square metres	2.4 metres
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																				

1.45. Storage objective

Clause 55.07-10	Assessment
Objectives <ul style="list-style-type: none"> To provide adequate storage facilities for each dwelling. 	MET
Standard B44	COMPLIES



- 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 B11.

Table B11 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 bedrooms	18 cubic metres	12 cubic metres

All units are provided with 6 cubic metres of external storage in the building basement.

All units are also provided with a minimum of 8 cubic metres of internal storage, complying with the minimum overall storage requirement of 14 cubic metres required to meet the standard.

1.46. Waste and recycling objectives

Clause 55.07-11	Assessment
<p>Objectives</p> <ul style="list-style-type: none"> • To ensure dwellings are designed to encourage waste recycling. • To ensure that waste and recycling facilities are accessible, adequate and attractive. • To ensure that waste and recycling facilities are designed and managed to minimise impacts on residential amenity, health and the public realm. 	<p>MET</p>
<p>Standard B45</p> <ul style="list-style-type: none"> • Developments should include dedicated areas for: <ul style="list-style-type: none"> ○ Waste and recycling enclosures which are: <ul style="list-style-type: none"> - Adequate in size, durable, waterproof and blend in with the development. - Adequately ventilated. - Located and designed for convenient access by residents and made easily accessible to people with limited mobility. ○ Adequate facilities for bin washing. These areas should be adequately ventilated. ○ Collection, separation and storage of waste and recyclables, including where appropriate opportunities for on-site management of food waste through composting or other waste recovery as appropriate. ○ Collection, storage and reuse of garden waste, including opportunities for on-site treatment, where appropriate, or off-site removal for reprocessing. ○ Adequate circulation to allow waste and recycling collection vehicles to enter and leave the site without reversing. ○ Adequate internal storage space within each dwelling to enable the separation of waste, recyclables and food waste where appropriate. • Waste and recycling management facilities should be design and managed in accordance with a Waste Management Plan approved by the responsible authority and: <ul style="list-style-type: none"> ○ Be designed to meet the better practice design options specified in Waste Management and Recycling in Multi-unit Developments (Sustainability Victoria, 2019). 	<p>COMPLIES</p> <p>The revised design response includes a 11sqm waste storage area within the building basement. This storage area can accommodate the eight bins required as determined by the submitted waste management plan. This storage area is easily accessible via the central lifts. The waste management plan sets out estimated waste volumes across four waste streams - recycling, food organics, glass and landfill. A bin wash area is not provided within the bin store area, however the bin collection contractor can replace clean bins as required.</p>

- Protect public health and amenity of residents and adjoining premises from the impacts of odour, noise and hazards associated with waste collection vehicle movements.

1.47. Functional layout objective

Clause 55.07-12	Assessment																	
Objectives <ul style="list-style-type: none"> • To ensure dwellings provide functional areas that meet the needs of residents. 	MET																	
Standard B46 <ul style="list-style-type: none"> • Bedrooms should: <ul style="list-style-type: none"> ○ Meet the minimum internal room dimensions specified in Table B12. ○ Provide an area in addition to the minimum internal room dimensions to accommodate a wardrobe. 	COMPLIES <p>All units are provided with a main bedroom which achieves the minimum dimension of 3.4 x 3.0m. Most second bedrooms provided also well exceed the minimum dimension of 3.0 x 3.0m required.</p> <p>The living areas provided within each unit meet the minimum width and area required by the standard. The one-bedroom dwellings 102, 202, 203 and 301 are provided with smaller sized living spaces, however they continue to comply with the minimum requirements for a 1-bedroom unit set out in the standard. All two-bedroom dwellings are provided with living areas exceeding 12sqm with minimum dimensions of 3.6m.</p>																	
<p style="text-align: center;">Table B12 Bedroom dimensions</p> <table border="1"> <thead> <tr> <th>Bedroom type</th> <th>Min. width</th> <th>Min. 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 B13 Living area dimensions</p> <table border="1"> <thead> <tr> <th>Dwelling type</th> <th>Min. width</th> <th>Min. 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	Min. width	Min. depth	Main bedroom	3 metres	3.4 metres	All other bedrooms	3 metres	3 metres	Dwelling type	Min. width	Min. area	Studio and 1 bedroom dwelling	3.3 metres	10 sqm	2 or more bedroom dwelling	3.6 metres
Bedroom type	Min. width	Min. depth																
Main bedroom	3 metres	3.4 metres																
All other bedrooms	3 metres	3 metres																
Dwelling type	Min. width	Min. area																
Studio and 1 bedroom dwelling	3.3 metres	10 sqm																
2 or more bedroom dwelling	3.6 metres	12 sqm																

1.48. Room depth objective

Clause 55.07-13	Assessment
Objective <ul style="list-style-type: none"> • To allow adequate daylight into single aspect habitable rooms. 	MET
Standard B47 <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. 	COMPLIES <p>The amended plans include various changes to the floor to ceiling heights, reducing the height of levels 1 and 2 from 2.55m to 2.4m and increasing the height of level 3 from 2.55m to 2.7m. The ground level height remains consistent at 2.7m.</p> <p>Ground floor dwellings</p> <p>All single aspect habitable rooms on the ground floor do not exceed the room depth of 6.75 metres, complying with the standard. Habitable rooms which exceed this depth are provided with multiple window aspects.</p> <p>First & second floor dwellings</p> <p>All single aspect habitable rooms on the first and second floor do not exceed the room depth of 6 metres, complying with the standard. Habitable rooms which exceed this depth are provided with multiple window aspects.</p>



Third floor dwellings

All single aspect habitable rooms on the third floor do not exceed the room depth of 6.75 metres, complying with the standard. Habitable rooms which exceed this depth are provided with multiple window aspects.

1.49. Windows objective

Clause 55.07-14	Assessment
Objective <ul style="list-style-type: none"> To allow adequate daylight into new habitable room windows. 	MET
Standard B48 <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 All habitable rooms have a window in an external wall of the building.

1.50. Natural ventilation objectives

Clause 55.07-15	Assessment
Objectives <ul style="list-style-type: none"> To encourage natural ventilation of dwellings. To allow occupants to effectively manage natural ventilation of dwellings. 	MET
Standard B49 <ul style="list-style-type: none"> The design and layout of dwellings should maximise openable windows, doors or other ventilation devices in external walls of the building, where appropriate. At least 40 per cent of dwellings should provide effective cross ventilation that has: <ul style="list-style-type: none"> A maximum breeze path through the dwelling of 18 metres. A minimum breeze path through the dwelling of 5 metres. Ventilation openings with approximately the same area. The breeze path is measured between the ventilation openings on different orientations of the dwelling. 	COMPLIES All dwellings are provided with openable windows to all habitable rooms on the eastern and western elevation, as required by permit condition 1(h). The third-floor dwelling is also provided with openable skylights. Combined with sliding door opening to balconies, either orientated north or south, each apartment is considered to be provided with effective cross ventilation to comply with the standard. The design and layout of the upper floor dwellings relies on openable windows and skylights to provide the required breeze path from the northern and southern balconies through the dwellings.

1.51. Building entry and circulation objectives

Clause 55.07-16	Assessment
Objectives <ul style="list-style-type: none"> To provide each dwelling and building with its own sense of identity. To ensure the internal layout of buildings provide for the safe, functional and efficient movement of residents. To ensure internal communal areas provide adequate access to daylight and natural ventilation. 	MET



Standard B50

- *Entries to dwellings and buildings should:*
 - *Be visible and easily identifiable.*
 - *Provide shelter, a sense of personal address and a transitional space around the entry.*
- *The layout and design of buildings should:*
 - *Clearly distinguish entrances to residential and non-residential areas.*
 - *Provide windows to building entrances and lift areas.*
 - *Provide visible, safe and attractive stairs from the entry level to encourage use by residents.*
 - *Provide common areas and corridors that:*
 - *Include at least one source of natural light and natural ventilation.*
 - *Avoid obstruction from building services.*
 - *Maintain clear sight lines.*

COMPLIES

The entrance to the building individual apartments continues to be visible and easily identifiable to provide a sense of personal address. The amended plans have removed window providing access to daylight/ ventilation to Level 1 hallway, however all other floor area provided with windows to communal hallways. The change to level 1 does not impact the functionality of this space and is considered acceptable.

1.52. Integration with the street objective

Clause 55.07-17	Assessment
Objectives <ul style="list-style-type: none"> • <i>To integrate the layout of development with the street.</i> • <i>To support development that activates street frontages.</i> 	MET
Standard B51 <ul style="list-style-type: none"> • <i>Development should be oriented to front existing and proposed streets.</i> • <i>Along street frontages, 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 <p>The amended development continues to be oriented to front King Street and incorporates passive surveillance of existing public open space to the south through balconies on south facing balconies and living areas.</p> <p>The car parking and internal waste collection areas are appropriately concealed from view, located within the building basement.</p>

1.53. Site services objective

Clause 55.07-18	Assessment
Objectives <ul style="list-style-type: none"> • <i>To ensure that site services are accessible and can be easily installed and maintained.</i> • <i>To ensure that site services and facilities are visually integrated into the building design or landscape.</i> 	MET
Standard B52 <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, weather-protected, located for</i> 	COMPLIES <p>Building services are provided within the building basement and on the ground floor within the eastern building setback. Metre boxes are located within the frontage between the ground floor entrance and dwelling G01 private open space, as required by the current permit conditions.</p> <p>Mailboxes are shown within the building lobby, which is weather protected and conveniently located for residents.</p>



convenient access and integrated into the overall design of the development.

The location of building services is practical and can be easily maintained.

1.54. External walls and materials objective

Clause 55.017-19	Assessment
Objectives <ul style="list-style-type: none">• <i>To ensure external walls use materials appropriate to the existing urban context or preferred future development of the area.</i>• <i>To ensure external walls endure and retain their attractiveness.</i>	MET
Standard B53 <ul style="list-style-type: none">• <i>External walls should be finished with materials that:</i><ul style="list-style-type: none">○ <i>Do not easily deteriorate or stain.</i>○ <i>Weather well over time.</i>○ <i>Are resilient to the wear and tear from their intended use.</i>• <i>External wall design should facilitate safe and convenient access for maintenance.</i>	COMPLIES <p>The proposed external materials are generally consistent with the previously approved design, incorporating brick, Colorbond cladding, rendered concrete, all of which are suitably durable and weather resistant.</p> <p>The development can be easily maintained.</p>