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23-47 VILLIERS STREET, NORTH MELBOURNE

ASSESSMENT AGAINST CLAUSE 58 – MELBOURNE CITY COUNCIL

Better Apartment Design Standards

58.01 Urban Context Report and Design Response	
58.01-1 Application Requirements	An application must be accompanied by: <ul style="list-style-type: none">• An urban context report.• A design response.
Assessment	An Urban Context Report and Design Report have been prepared by LatStudios and Architectus, respectively, and provide a response in accordance with Clause 58.01-1. Complies
58.01-2 Urban Context Report	The urban context report may use a site plan, photographs or other techniques and must include: An accurate description of: <ul style="list-style-type: none">• Site shape, size, orientation and easements.• Levels and contours of the site and the difference in levels between the site and surrounding properties.• The location and height of existing buildings on the site and surrounding properties.• The use of surrounding buildings.• The location of private open space of surrounding properties and the location of trees, fences and other landscape elements.• Solar access to the site and to surrounding properties.• Views to and from the site.• Street frontage features such as poles, street trees and kerb crossovers.• The location of local shops, public transport services and public open spaces within walking distance.• Movement systems through and around the site.• Any other notable feature or characteristic of the site. An assessment of the characteristics of the area including: <ul style="list-style-type: none">• Any environmental features such as vegetation, topography and significant views.• The pattern of subdivision.• Street design and landscape.• The pattern of development.• Building form, scale and rhythm.• Connection to the public realm.

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- Architectural style, building details and materials.
- Off-site noise sources.
- The relevant NatHERS climate zones (as identified in Clause 58.03-1).
- Social and economic activity.
- Any other notable or cultural characteristics of the area.

Assessment An Urban Context Report has been prepared by LatStudios and provides a response in accordance with Clause 58.01-2.

Complies

58.01-3

Design Response

The design response must explain how the proposed design:

- Responds to any relevant planning provision that applies to the land.
- Meets the objectives of Clause 58.
- Responds to any relevant housing, urban design and landscape plan, strategy or policy set out in this scheme.
- Selects material and finishes for the external walls.
- Derives from and responds to the urban context report.

The design response must include scaled or 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.

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Assessment A Design Report has been prepared by Architectus and provides a response in accordance with Clause 58.01-3.

Complies

58.02 Urban Context

58.02-1

Urban Context

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

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

Standard D1

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

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

Assessment The design responds appropriately to the opportunities and constraints of the site.

The Urban Context Report, Design Report and Planning Submission provide a thorough assessment of the urban context in accordance with this objective and



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standard. This is supplemented by the detailed architectural plans prepared by Architectus.

Complies

58.02-2 Residential Policy	<p>To ensure that residential development is provided in accordance with any policy for housing in the MPS and PPF.</p> <p>To support higher density residential development where development can take advantage of public and community infrastructure and services.</p>
Standard D2	An application must be accompanied by a written statement to the satisfaction of the responsible authority that describes how the development is consistent with any relevant policy for housing in the MPS and PPF.
Assessment	An assessment against the relevant planning controls and the broader policy context applicable to the development is provided at Section 8 of this Planning Submission.
	Complies
58.02-3 Dwelling Diversity	<p>To encourage a range of dwelling sizes and types in developments of ten or more dwellings.</p>
Standard D3	Developments of ten or more dwellings should provide a range of dwelling sizes and types, including dwellings with a different number of bedrooms.
Assessment	353 BTR apartments are proposed, including 21 studio apartments, 210 one-bedroom apartments, 95 two-bedroom apartments and 27 three-bedroom apartments, with various configurations and accessible layouts, providing an appropriate level of dwelling diversity. Private open spaces are provided in the form of balconies.
	Complies
58.02-4 Infrastructure	<p>To ensure development is provided with appropriate utility services and infrastructure.</p> <p>To ensure development does not unreasonably overload the capacity of utility services and infrastructure.</p>
Standard D4	<p>Development should be connected to reticulated services, including reticulated sewerage, drainage, electricity and gas, if available.</p> <p>Development should not unreasonably exceed the capacity of utility services and infrastructure, including reticulated services and roads.</p>

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In areas where utility services or infrastructure have little or no spare capacity, developments should provide for the upgrading of or mitigation of the impact on services or infrastructure.

Assessment

The proposed development will be connected to services and infrastructure in line with the relevant authority's requirements.

It is not anticipated that the development will unreasonably exceed the capacity of utility services and infrastructure.

Complies

58.02-5

Integration with the Street

To integrate the layout of development with the street.

To support development that activates street frontage.

Standard D5

Development should be oriented to front existing and proposed streets.

Along street frontages, development should:

- Incorporate pedestrian entries, windows, balconies or other active spaces.
- Limit blank walls.
- Limit high front fencing, unless consistent with the existing urban context.
- Provide low and visually permeable front fences, where proposed.
- Conceal car parking and internal waste collection areas from the street.

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

Assessment

The development is proposed to be configured such that:

- Vehicle access is provided from Little George Street via three double crossovers spaced approximately 14 metres apart. All other existing crossovers to the site will be removed and the kerb reinstated.
- Car parking and waste collection areas are concealed from the street. Car parking is proposed to be contained within the Basement, Lower Ground 1 and 2 and the centre of the Ground Floor Level, with apartments facing the site frontages. Waste collection is proposed to occur on-site from the Lower Ground Level 1.
- Pedestrian access is provided via lobbies on the corner of Villiers and Little George Streets for Building A and the corner of Harcourt and Little George Streets for Building B.
- A pedestrian through link is provided between Mary and Harcourt Streets (the Green Spine). Secondary pedestrian access to both buildings is



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provided via the Green Spine, along with bicycle access to the site from Mary Street and the Communal Heart. Apartments are oriented to face the Green Spine to enable passive surveillance.

- Direct access to ground level apartments is provided from Villiers, Mary and Harcourt Streets and the Green Spine, providing ground floor activation.
- Balconies to apartments and apartment windows address all four street frontages, providing passive surveillance of all street interfaces.

Complies

58.03 Site Layout

58.03-1 Energy Efficiency	<p>To achieve and protect energy efficient dwellings and buildings.</p> <p>To ensure the orientation and layout of development reduce fossil fuel energy use and make appropriate use of daylight and solar energy.</p> <p>To ensure dwellings achieve adequate thermal efficiency.</p>
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Standard D6	<p>Buildings should be:</p> <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. <p>Living areas and private open space should be located on the north side of the development, if practicable.</p> <p>Developments should be designed so that solar access to north-facing windows is optimized.</p> <p>Dwellings located in a climate zone identified in Table D1 should not exceed the maximum NatHERS annual cooling load specified in the following table.</p>
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Assessment	<p>The proposed development has been designed to maximise solar energy, where practical.</p> <p>The enclosed SMP prepared by Ark Resources confirms that the proposed development targets a 7.5 star average NatHERS rating, which exceeds Council's 'best practice' standard of 6.5 stars and complies with the NatHERS annual cooling loads, as outlined in Table D1.</p>
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**58.03-2
Communal Open
Space**

To provide communal open space that meets the recreation and amenity needs of residents.

To ensure that communal open space is accessible, practical, attractive, easily maintained and integrated with the layout of the development.

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

Standard D7

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

If a development contains 13 or more dwellings, the development should also provide an additional minimum area of communal open space of 2.5sqm per dwelling or 220sqm, whichever is the lesser. This additional area may be indoors or outdoors and may consist of multiple separate areas of communal open space.

Each area of communal open space should be:

- Accessible to all residents.
- A useable size, shape and dimension.
- Capable of efficient management.
- Located to:
 - Provide passive surveillance opportunities, where appropriate.
 - Provide outlook for as many dwellings as practicable.
 - Avoid overlooking into habitable rooms and private open space of new dwellings.
 - Minimise noise impacts to new and existing dwellings.
- Any area of communal outdoor open space should be landscaped and include canopy cover and trees.

Assessment

353 dwellings are proposed. As such, a minimum of 220 square metres of communal open space should be provided (including a minimum of 30 square metres of communal outdoor open space).

The proposed development provides a total of 1,068.5 square metres of indoor communal amenities and 561.7 square metres of outdoor communal amenities, which exceeds the minimum requirements.

The communal areas will each have their own purpose or function and include:

- A business hub on Lower Ground Level 1, comprising a number of meeting rooms and coworking spaces.
- 3 entertainment/ cinema rooms, a flexible working space, gym, lounge/ dining areas and external terrace on Level 1.
- A pool, pool terrace including an external kitchen and seating areas and pool lounge on Level 2.



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The spaces will be accessible, usable and capable of efficient management.

Complies

58.03-3 Solar Access to Communal Outdoor Open Space	To allow solar access into communal outdoor open space.
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Standard D8	<p>The communal outdoor open space should be located on the north side of a building, if appropriate.</p> <p>At least 50% or 125sqm, whichever is the lesser, of the primary communal outdoor open space should receive a minimum of two hours of sunlight between 9am and 3pm on 21 June.</p>
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Assessment	<p>The primary communal outdoor open space (the Level 2 terrace) has an area of 321 square metres. Therefore, a minimum of 125 square metres should receive a minimum of two hours of sunlight between 9am and 3pm on 21 June.</p>
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More than 125 square metres of the Level 2 terrace receives sunlight between 1pm and 3pm (3 hours) on 21 June, as demonstrated in the Shadow Diagrams prepared by Architectus.

Complies

58.03-4 Safety	To ensure the layout of development provides for the safety and security of residents and property.
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Standard D9	<p>Entrances to dwellings should not be obscured or isolated from the street and internal accessways.</p> <p>Planting which creates unsafe spaces along streets and accessways should be avoided.</p> <p>Developments should be designed to provide good lighting, visibility and surveillance of car parks and internal accessways.</p> <p>Private spaces within developments should be protected from inappropriate use as public thoroughfares.</p>
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Assessment	<p>The development has been designed with an orientation to all four street frontages, the north-south pedestrian link through the site (the Green Spine) and Communal Heart, to maximise passive surveillance of the building entrances, immediate streetscapes and surrounds.</p>
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The entrance to the residential lobbies on the corners of Harcourt and Little George Streets and Villiers and Little George Streets are clearly identifiable and provide safe, secure, and convenient access to the subject site. Ground level dwellings also contain direct pedestrian access from Villiers, Mary and Harcourt Streets and the Green Spine, further engaging with and activating the public realm.

Car parking will be secure and there will be no blind spots within the car parking areas, bin storeroom or lockable storage cages.

The Green Spine will comprise gates at both ends to prevent public access outside of 9am – 5pm.

Complies

58.03-5

Landscaping

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

To preserve existing canopy cover and support the provision of new canopy cover.

To ensure landscaping is climate responsive, supports biodiversity, wellbeing and amenity and reduced urban heat.

Standard D10

Development should retain existing trees and canopy cover.

Development should provide for the replacement of any significant trees that have been removed in the 12 months prior to the application being made.

Development should:

- Provide the canopy cover and deep soil areas specified in Table D2. Existing trees can be used to meet the canopy cover requirements of Table D2.
- Provide canopy cover through canopy trees that are:
 - Located in an area of deep soil specified in Table D3. Where deep soil cannot be provided trees should be provided in planters specified in Table D3.
 - Consistent with the canopy diameter and height at maturity specified in Table D4.
 - Located in communal outdoor open space or common areas or street frontages.
- Comprise smaller trees, shrubs and ground cover, including flowering native species.
- Include landscaping, such as climbing plants or smaller plants in planters, in the street frontage and in outdoor areas, including communal outdoor open space.
- Shade outdoor areas exposed to summer sun through landscaping or shade structures and use paving and surface materials that lower surface temperatures and reduce heat absorption.

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- Be supported by irrigation systems which utilise alternative water sources such as rainwater, stormwater and recycled water.
- Protect any predominant landscape features of the area.
- Take into account the soil type and drainage patterns of the site.
- Provide a safe, attractive and functional environment for residents.
- Specify landscape themes, vegetation (location and species), irrigation systems, paving and lighting.

Assessment

Due to the size of the subject site, 979 square metres (15%) is required for deep soil planting and 1,171 square metres of canopy cover is required, including the provision of at least 2 Type B trees or 1 Type C tree.

A total of 790.4 square metres of deep soil is provided at ground level, along the frontages to Little George Street and Mary Street, and through the Green Spine. A total of 867 square metres of canopy cover is proposed, including 574.1 square metres at ground level, 50.2 square metres on Level 1 and 242.7 square metres on Level 2. Hence, a variation to both the deep soil and canopy cover requirements of the standard is required.

The variations are considered appropriate as the objective is met having regard to the relevant decision guidelines. This is evidenced through the following observations:

- The subject site is not one where the extent of deep soil landscaping contemplated by the standard is evident either 'on the ground' or as a future character of relevant policy. Rather, the subject site is located in an urban renewal area, on the fringe of the Central City and a highly urbanised area.
- The subject site is currently devoid of any meaningful landscaping. As a result, the proposal achieves a significantly improved outcome and one that enhances and connects with the public realm.
- The proposed development prioritises deep soil planting and canopy cover along Little George Street, Mary Street and the Green Spine, to contribute to the existing character of green streetscapes and pedestrian links, surrounding land parcels that typically comprise built form to all site boundaries.
- The proposal includes a considered landscape contribution that will enhance the existing landscape character of the area and reduce the impact of the building from adjoining properties and the public realm, in particular, the subject site's more sensitive interfaces to the south and west. Refer to Section 8.8 and the enclosed Landscape Plan prepared by Arcadia for details of the proposed landscape design.
- The subject site is surrounded by existing parkland, such as Royal Park and Levers Reserve to the north, Errol Street Reserve to the west and Leveson

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Street Park to the south, all within 300 metres of the subject site, which will provide future residents with enviable access to generously provisioned greenspace, without the need to detract from the development potential of the subject site.

Variation required

58.03-6 Access	<p>To ensure that vehicle crossovers are designed and located to provide safe access for pedestrians, cyclists and other vehicles.</p> <p>To ensure the vehicle crossovers area designed and located to minimize visual impact.</p>
Standard D11	<p>Vehicle crossovers should be minimised.</p> <p>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.</p> <p>Pedestrian and cyclist access should be clearly delineated from vehicle access.</p> <p>The location of crossovers should be reviewed as part of a planning process under the Planning and Environment Act 1987. The document must not be used for any purpose which may breach any copyright.</p> <p>Developments must provide for access for service, emergency and delivery vehicles.</p>
Assessment	<p>The development proposes to demolish the existing crossovers along Harcourt and Villiers Street, reinstate them with kerb and channel and propose 3 new double width crossovers to Little George Street. The crossovers will account for approximately 18% of the Little George Street frontage.</p> <p>3 crossovers are required to provide for the safe, convenient and efficient movement of vehicles to and from the site, as detailed in the enclosed Transport Impact Assessment. The crossovers are proposed to be approximately 14 metres apart and comprise landscape buffers with street trees in between. The consolidation of the crossovers on Little George Street will provide additional on-street car parking spaces along Harcourt and Villiers Street and prioritise pedestrian movement along these streets.</p> <p>Pedestrian and cyclist entries are clearly delineated from the vehicle access and provided from the Harcourt, Villiers and Mary Street frontages.</p> <p>The development will provide access for service, emergency and delivery vehicles.</p>
	Complies
58.03-7 Parking Location	To provide convenient parking for resident and visitor access.



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	To protect residents from vehicular noise within developments.
Standard D12	<p>Car parking facilities should:</p> <ul style="list-style-type: none"> • Be reasonably close and convenient to dwellings. • Be secure. • Be well ventilated if enclosed. <p>Shared accessways or car parks of other dwellings should be located at least 1.5m from the windows of habitable rooms. This setback may be reduced to 1m where there is a fence at least 1.5m high or where window sills are at least 1.4m above the accessway.</p>
Assessment	<p>The proposed car parking will be secure, well-ventilated and easily accessible for future residents via the building cores.</p> <p>Habitable rooms are not located within 1.5 metres of the accessways.</p> <p>Complies</p>
58.03-8 Integrated Water and Stormwater Management	<p>To encourage the use of alternative water sources such as rainwater, stormwater and recycled water.</p> <p>To facilitate stormwater collection, utilisation, infiltration within the development.</p> <p>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>
Standard D13	<p>Buildings should be designed to collect rainwater for non-drinking purposes such as flushing toilets, laundry appliances and garden use.</p> <p>Buildings should be connected to a non-potable dual pipe reticulated water supply, where available from the water authority.</p> <p>The stormwater management system should be:</p> <ul style="list-style-type: none"> • Designed to meet the current best practice performance objectives for stormwater quality as contained in the Urban Stormwater – Best Practice Environmental Management Guidelines (Victorian Stormwater Committee 1999) as amended. • Designed to maximise infiltration of stormwater, water and drainage of residual flows into permeable surfaces, tree pits and treatment areas.
Assessment	Stormwater management has been considered as part of the proposal, with stormwater management being undertaken in accordance with Council’s requirements. Refer to the Sustainable Management Plan prepared by Ark

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Resources and the Stormwater Management Plan prepared by Matter Consulting Structural Engineers for details.

Complies

58.04	Amenity Impacts
58.04-1 Building Setback	<p>To ensure the setback of a building from a boundary appropriately responds to the existing urban context or contributes to the preferred future development of the area.</p> <p>To allow adequate daylight into new dwellings.</p> <p>To limit views into habitable room windows and private open space of new and existing dwellings.</p> <p>To provide a reasonable outlook from new dwellings.</p> <p>To ensure the building setbacks provide appropriate internal amenity to meet the needs of residents.</p>
Standard D14	<p>The built form of the development must respect the existing or preferred urban context and respond to the features of the site.</p> <p>Buildings should be set back from side and rear boundaries, and other buildings within the site to:</p> <ul style="list-style-type: none">• Ensure adequate daylight into new habitable room windows.• Avoid direct views into habitable room windows and private open space of new and existing dwellings. Developments should avoid relying on screening to reduce views.• Provide an outlook from dwellings that creates a reasonable visual connection to the external environment.• Ensure the dwellings are designed to meet the objectives of Clause 58.
Assessment	<p>The proposed built form is responsive to its urban context, with appropriate setbacks provided to ensure daylight is provided to new dwellings, views into habitable room windows and private open spaces of new and existing dwellings are limited, a reasonable outlook from dwellings is provided and a high level of internal amenity.</p>
<p>Complies</p>	
58.04-2 Internal Views	<p>To limit views into the private open space and habitable room windows of dwellings within a development.</p>

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Standard D15	Windows and balconies should be designed to prevent overlooking of more than 50% of the private open space of a lower-level dwelling directly below and within the same development.
Assessment	<p>The massing of the proposed development has been carefully designed to limit direct views between balconies or habitable room windows. Where there is the potential for internal overlooking, screening to a height of 1.7 metres is utilised to avoid any direct views.</p> <hr/> <p>Complies</p>
58.04-3 Noise Impacts	<p>To contain noise sources in developments that may affect existing dwellings.</p> <p>To protect residents from external and internal noise sources.</p>
Standard D16	<p>Noise sources, such as mechanical plants should not be located near bedrooms of immediately adjacent existing dwellings.</p> <p>The layout of new dwellings and buildings should minimise noise transmission within the site.</p> <p>Noise sensitive rooms (such as living areas and bedrooms) should be located to avoid noise from mechanical plants, building services, non-residential uses, car parking, communal areas and other dwellings.</p> <p>New dwellings should be designed and constructed to include acoustic attenuation measures to reduce noise levels from off-site noise sources.</p> <p>Buildings within a noise influence area specified in Table D5 should be designed and constructed to achieve the following noise levels:</p> <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. <p>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.</p> <p>Noise levels should be assessed in unfurnished rooms with a finished floor and the windows closed.</p>
Assessment	<p>The subject site is not within a noise sensitive area specified in Table D5.</p> <p>Noise generating sources have been sited away from noise sensitive rooms, with services largely confined to the basement levels (Basement 01 and Lower Ground</p>

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Level 2), building cores, rooftop and the ground floor frontage to Little George Street.

We refer to the Acoustic Report prepared by Volta Acoustics for a detailed acoustic analysis and recommendations to ensure any noise levels are within acceptable limits.

Complies

58.04-4 Wind Impacts	To ensure the built form, design and layout of development does not generate unacceptable wind impacts within the site or on surrounding land.
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Standard D17	<p>Development of five or more storeys, excluding a basement should:</p> <ul style="list-style-type: none"> not cause unsafe wind conditions specified in Table D6 in public land, publicly accessible areas on private land, private open space and communal open space; and achieve comfortable wind conditions specified in Table D6 in public land and publicly accessible areas on private land <p>within a distance of half the greatest length of the building, or half the total height of the building measured outwards on the horizontal plane from the ground floor building façade, whichever is greater.</p> <p>Trees and landscaping should not be used to mitigate wind impacts. This does not apply to sitting areas, where trees and landscaping may be used to supplement fixed wind mitigation elements.</p> <p>Wind mitigation elements, such as awnings and screens should be located within the site boundary, unless consistent with the existing urban context or preferred future development of the area.</p>
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Assessment	<p>We refer to the Wind Impact Assessment prepared by RWDI for a detailed assessment of the likely wind impacts of the proposed development. It concludes that wind conditions in and around the subject site are likely to be within acceptable limits, subject to undertaking wind tunnel testing to confirm the predictions contained within the report are correct. Wind tunnel testing can be undertaken in response to an appropriate permit condition prior to the commencement of the development.</p>
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Complies

58.05	On-Site Amenity and Facilities
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58.05-1 Accessibility	To ensure the design of dwellings meets the needs of people with limited mobility.
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Standard D18	At least 50% of dwellings should have:
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- 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 1.2m that connects the dwelling entrance to the main bedroom, an adaptable bathroom and the living area.
- A main bedroom with access to an adaptable bathroom.
- At least one adaptable bathroom that meets all of the requirements of either Design A or Design B specified in Table D7.

Assessment 76.5% of the apartments have been designed to be accessible, which exceeds the minimum requirement of the standard.

Complies

58.05-2 Building Entry and Circulation

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.

Standard D19

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.

Assessment The communal ground floor pedestrian entries from Villiers and Harcourt Streets and the Green Spine are clearly identifiable and separate from the pedestrian entries to individual apartments. The entries to the upper-level apartments also remain unobstructed and identifiable from the corridors at each level.

Internal corridors have been designed with clear sightlines and are provided with a natural sources of light and ventilation.

Complies

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

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

- An area of 25sqm, with a minimum dimension of 3m and convenient access from a living room.
- A balcony with at least the area and dimensions specified in Table D8 and convenient access from a living room.
- An area on a podium or other similar base of at least 15sqm, with a minimum dimension of 3m and convenient access from a living room.
- An area on a roof of 10sqm with a minimum dimension of 2m and convenient access from a living room.

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

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

Assessment Minor variations to the minimum private open space area requirements are proposed for apartment types DA and DA.1. Both apartment types are provided with 10.8 square metres of private open space in the form of a balcony, rather than the required 12 square metres.

In considering the proposed variations, it is noted that:

- The proposal includes a total of 1,630.2 square metres of communal open space, comprising a range of different facilities that will provide for a variety of recreational needs.
- The subject site is located within a short walking distance of numerous high quality public open spaces, including Royal Park, Levers Reserve, Errol Street Reserve and Leveson Street Park.
- The balconies are of a functional shape and size and are conveniently accessible from the living room.
- Apartment types DA and DA.1 account for only 2 of the 353 apartments proposed. All other apartments are provided with balconies in accordance with the requirements of the standard. Refer to the architectural plans prepared by Architectus for details.

As confirmed in the decision guidelines of Clause 58.05-3 and GFM Investment Management Limited ATF GFM Home Trust II Subtrust No 9 v Port Phillip CC [2024] VCAT 458 (17 May 2024), the size and diversity of communal open spaces provided

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within a development and its proximity to high quality public open spaces are relevant and determining factors in whether a variation to Standard D20 is acceptable.

Both the generous provision of communal open space and exceptional access to high quality public open spaces will provide for the reasonable recreation and service needs of future residents and ensure an acceptable level of internal amenity is provided. Hence, the objective is met and the minor variations are considered to be appropriate.

Complies

58.05-4 Storage	To provide adequate storage facilities for each dwelling.
Standard D21	Each dwelling should have convenient access to usable and secure storage space. The total minimum storage space (including kitchen, bathroom and bedroom storage) should meet the requirements specified in Table D10.

Assessment Storage for all dwellings is provided in accordance with the relevant total and internal storage volume requirements. Refer to the architectural plans prepared by Architectus for details.

Complies

58.06 Detailed Design

58.06-1 Common Property	To ensure that communal open space, car parking, access areas and site facilities are practical, attractive and easily maintained. To avoid future management difficulties in areas of common ownership.
Standard D22	Developments should clearly delineate public, communal and private areas. Common property, where provided, should be functional and capable of efficient management.

Assessment Common property is easily identifiable and can be easily maintained.

The Green Spine is provided with gates on either end to provide exclusive access for residents of the proposed development outside of 9am and 5pm, 7 days a week, and clearly delineate when the pedestrian link will be publicly accessible.

Complies

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<p>58.06-2 Site Service</p>	<p>To ensure that site services are accessible and can be installed and easily maintained.</p> <p>To ensure that site services and facilities are visually integrated into the building design or landscape.</p>
<p>Standard D23</p>	<p>Development should provide adequate space (including easements where required) for site services to be installed and maintained efficiently and economically.</p> <p>Mailboxes and utility services should be designed as an integrated component of the building or landscape.</p> <p>Mailboxes and other site facilities should be adequate in size, durable, water-protected, located for convenient access and integrated into the overall design of the development.</p>
<p>Assessment</p>	<p>Mailboxes will be conveniently located within the primary pedestrian lobbies at the corner of Villiers and Little George Streets and Harcourt and Little George Streets.</p> <p>Site services can be appropriately installed and maintained. The plans identify the space allocated for the required facilities and services.</p> <p>Complies</p>
<p>58.06-3 Waste and Recycling</p>	<p>To ensure dwellings are designed to encourage waste recycling.</p> <p>To ensure that waste and recycling facilities are accessible, adequate and attractive.</p> <p>To ensure that waste and recycling facilities are designed and managed to minimise impacts on residential amenity, health and the public realm.</p>
<p>Standard D24</p>	<p>Developments should include dedicated areas for:</p> <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.

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- Adequate internal storage space within each dwelling to enable the separation of waste, recyclables and food waste where appropriate.

Waste and recycling management facilities should be designed and managed in accordance with a Waste Management Plan approved by the responsible authority and:

- Be designed to meet the better practice design options specified in Waste Management and Recycling in Multi-Unit Developments (Sustainability Victoria, 2019).
- Protect public health and amenity of residents and adjoining premises from the impacts of odour, noise and hazards associated with waste collection vehicle movements.

Assessment Waste and recycling facilities have been designed to minimise impacts on residential amenity, health and the public realm. We refer to the Waste Management Plan prepared by Onemilegrid, which outlines the proposed storage and waste collection methods.

Complies

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58.06-4 External Walls and Materials To ensure external walls use materials appropriate to the existing urban context or preferred future development of the area.
To ensure external walls endure and retain their attractiveness.

Standard D25 External walls should be finished with materials that:

- Do not easily deteriorate or stain.
- Weather well over time.
- Are resilient to the wear and tear from their intended use.

External wall design should facilitate safe and convenient access for maintenance.

Assessment External walls are finished with high-quality materials that are reflective of the existing urban context, will weather well over time and are resilient to wear and tear.

Complies

58.07 Internal Amenity

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

Standard D26 Bedrooms should:

- Meet the minimum internal room dimensions and area specified in Table D11.



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- Provide an area in addition to the minimum internal room dimensions and area to accommodate a wardrobe.

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

Assessment

All apartments meet the minimum dimensions for bedrooms as described in Table D11 and are provided with an area in addition to the minimum internal room dimensions to accommodate a wardrobe.

Minor variations to the minimum living area dimensions are required for the following apartment types:

- Studio apartments – SA
- One bedroom apartments – 1A, 1A.1, 1I and 1L
- Two bedroom apartments – 2A, 2A.2, 2B, 2D, 2E and 2J
- Three bedroom apartments – 3E and 3F.

The remaining apartment types achieve the minimum room area and dimensions specified in Table D12 in both directions, as per the interpretation of the standard included in 631 Plenty Road Preston Pty Ltd v Darebin CC (Red Dot) [2018] VCAT 1849.

The variations to the minimum living area dimensions for the apartment types noted above are considered to be acceptable as functional living areas will continue to be provided to meet the amenity needs of future residents, in accordance with the objective.

Each apartment will be provided with an open plan layout of functional and usable proportions that meets the minimum area requirement and dimension in at least one direction. In most cases, the minimum area requirement is exceeded, despite the minimum dimension not being achieved in both directions. We refer to the architectural plans prepared by Architectus for details of the minimum dimensions and areas achieved for each apartment type.

It should be noted that the Member Blackburn's rationale in applying the minimum living area dimensions in both directions in 631 Plenty Road Preston Pty Ltd v Darebin CC (Red Dot) [2018] VCAT 1849 was to avoid a situation where a 10 metre long and 1 metre wide living area for a one bedroom apartment complied with the requirements of the standard, noting this would be an absurd situation that would not operate as a functional living area.

As demonstrated in the architectural plans prepared by Architectus, this is clearly not the case with these apartments. Apartment type 3E is provided with the narrowest living room dimensions of 4.4 metres x 2.85 metres. However, this is due to a column located in the centre of the room that residents will easily be able to

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walk and locate furniture around. The apartment type would otherwise be provided with compliant dimensions in both directions and hence, continues to provide a functional living area that will meet the service needs of future residents.

Variation required

58.07-2	To allow adequate daylight into single aspect habitable rooms.
Room Depth	
Standard D27	<p>A single aspect habitable room should not exceed a room depth of 2.5x the ceiling height.</p> <p>A single aspect open plan habitable room depth may be increased to 9m provided the following requirements are met:</p> <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 2.7m measured from finished floor level to finished ceiling level, except where services are provided above the kitchen. <p>The room depth is measured from the external surface of the habitable room window to the external surface of the garage wall.</p>
Assessment	All single aspect habitable rooms comply with room depths that are compliant with the standard.
	Complies
58.07-3	To allow adequate daylight into new habitable room windows.
Windows	
Standard D28	<p>Habitable rooms should have a window in an external wall of the building.</p> <p>A window may provide daylight to a bedroom from a smaller secondary area within the bedroom where the window is clear to the sky.</p> <p>The secondary area should be:</p> <ul style="list-style-type: none"> • A minimum width of 1.2m. • A maximum depth of 1.5x the width, measured from the external surface of the window.
Assessment	All habitable rooms include an external window and no habitable rooms rely on borrowed light, in accordance with the standard.
	Complies
58.07-4	To encourage natural ventilation of dwellings.
Natural Ventilation	

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To allow occupants to effectively manage natural ventilation of dwellings.

Standard D29

The design and layout of dwellings should maximise openable windows, doors or other ventilation devices in external walls of the building, where appropriate.

At least 40% of dwellings should provide effective cross ventilation that has:

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

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

Assessment

41.9% of the dwellings are naturally cross-ventilated in accordance with the requirements of the standard. These apartments are provided with windows on opposite or adjacent facades.

Complies

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