Planning Permit Officer Assessment Report

PA2402980, 173 Burke Road and 28 Hope Street, Glen Iris

Officer Assessment Report
Development Approvals & Design

VICTORIA State Government | Department of Transport and Planning

Contents

Executive Summary

Key Information	Details		
Application No:	PA2402980		
Received:	12 June 2024		
Statutory Days:	83		
Applicant:	Glen Iris Devco Pty Ltd c/- Urbis		
Planning Scheme:	Stonnington		
Land Address:	173 Burke Road and 28 Hope Street, Glen Iris		
Proposal:	Use and development for a 3-5 storey mixed use building (including supermarket, food and drink premises and dwellings); signage; reduction to the car parking requirement; creation and alteration of access to a road in a Transport Zone 2. The proposed development includes a 5-storey building on the portion of the site known as 173 Burke Road and a 3-storey building on the portion of the site known as 28 Hope Street.		
Development Value:	$77.6m		
Why is the Minister responsible?	Pursuant to Clause 72.01-1, the Minister for Planning is the responsible authority for matters under Divisions 1, 1A, 2 and 3 of Part 4 of the Act, and endorsement of, approval of or being satisfied with matters required by a permit or the scheme to be endorsed, approved or done to the satisfaction of the responsible authority, in relation to the use and development of land for a use or development to which clause 53.23 applies.		
Why is a permit required?	**Clause**	**Control**	**Trigger**
Zone:	Clause 34.01	Commercial 1 Zone (C1Z)	• Use the land for accommodation (dwellings) with a frontage of more than 2 metres at ground level • Construct a building or construct or carry out works
	Clause 32.08	General Residential Zone Schedule 10 (GRZ10)	• Construct a residential building • Front fence greater than 1.5m high associated a residential building
Particular Provisions:	Clause 52.05	Signs	• Internally illuminated business identification signage
	Clause 52.06	Car Parking	• Reduction to the car parking requirements
	Clause 52.29-4	Land Adjacent to the Principal Road Network	• Create or alter access to a road in a Transport Zone 2.
Cultural Heritage:	The land is not in an area of cultural heritage sensitivity		
Total Site Area:	4,306m²		
Gross Floor Area:	24,231m²		
Height:	<u>28 Hope Street:</u>		
	3 storeys excluding plant 8.49m excluding plant		
	<u>173 Burke Road:</u>		

	5 storeys excluding plant 19.1m excluding plant	
Land Uses:	**Dwellings**	**Retail**
	64 total: 1 x 1 studio 5 x 1 bedroom 32 x 2 bedroom 26 x 3 bedroom	3,160m^2 total: Supermarket: 3,035m^2 Food and Drink: 125m^2
	Informally amended plans:	
	60 total: 4 x 1 bed 30 x 2 bed 26 x 3 bed	No change
Parking:	**Cars**	**Bicycles**
	Residential: 123 spaces Retail (staff and visitors): 170 spaces	109 spaces
Signs	Internally illuminated business identification signs: • total 17.8m^2 - 11.7m^2 of signage along the Hope Street frontage - 6.1m^2 along the Burke Road frontage	
Referral Authorities:	Head, Transport for Victoria (s55 – determining)	
Public Notice:	• Notice to Stonnington City Council under section 52(1)(b) • Notice under section 52(1)(a) was undertaken by the applicant at the direction of the Department of Transport and Planning (DTP) under delegation from the Minister for Planning. • **223** submissions have been received as of 25 October 2024.	
Delegates List:	Approval to determine under delegation received on **18 October 2024**	

Background

Application Process

1. The application was confirmed as significant and eligible for the planning pathway under Category 1 of Clause 53.23 – Significant Residential Development with Affordable Housing.

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

Milestone	Details
Pre-application consideration of eligibility for Clause 53.23	Confirmed by Minister for Planning's delegate on 28 May 2024
Application lodgement	12 June 2024
Further information requested	5 July 2024
Further information received	2 August 2024
Public Notice	13 August 2024 - 30 August 2024
Informally revised plans	20 September 2024 Floor plans for apartment levels at 173 Burke Road and associated shadow diagrams (plans TP.1101, TP.1102, TP.1103, TP.1104 and TP.8000) were amended in response to objections to show: • Reduction the total apartment yield from 64 to 60 dwellings to ensure the development meets the requirement to provide 10% of dwellings as affordable housing (i.e. the 6 proposed dwellings at 28 Hope Street). This would be achieved by converting Apartment 1.20 to a communal amenity space; Apartments 113 & 114, 406 & 407, and 401 & 410 combined with each other to further reduce the total number of dwellings. • Building massing amended to cause no additional overshadowing to the secluded private open space (SPOS) of 25 and 25A Irymple Avenue on 22 September. This would be achieved by a reduction to the living room area and terrace parapet line of Apartment 306, and the southern terrace to Apartment's 405 and 406 reduced in depth by 200mm. These are not the formal decision plans but are considered where relevant in the assessment and will be formalised via permit condition.

Decision Plans and reports	Documents advertised August 2024: • Plans prepared by Cera Stribley Architects, dated August 2024. • Urban Context and Design Response Report prepared by Urbis, dated May 2024 • Planning Report prepared by Urbis, dated June 2024 • Land Survey prepared by Reeds Consulting, dated 23 September 2021 • Landscape Plan prepared by Acre, dated 29 July 2024 • Acoustic Assessment prepared by Acoustic Logic, dated 4 December 2023 • Development Impact Assessment (arborist report) prepared by Arbor Survey, dated 11 December 2023 • Traffic Engineering Assessment 28 Hope Street, Glen Iris prepared by Traffix Group, dated 14 December 2023 • Traffic Engineering Assessment 173 Burke Road prepared by Traffix Group, dated June 2024 • Loading Management Plan prepared by Traffix Group, dated June 2024 • Functional Layout Plan prepared by Traffix Group, dated 3 June 2024 • Sustainable Management Plan prepared by Sustainable Development Consultants, dated May 2024 • Environmental Wind Assessment prepared by MEL Consultants, dated 3 October 2023 • Waste Management Plan 28 Hope Street prepared by WSP, dated June 2024 • Waste Management Plan 173 Burke Road prepared by WSP, dated June 2024 • Economic Benefits & Impacts Assessment prepared by Macroplan, dated 12 March 2024 • Affordable Housing Report prepared by Urbanxchange, dated March 2024

3. The subject of this report is the decision plans and the informally revised plans (as described above).

173 Burke Road Previous Planning Permit Application and Review

4. In 2020 planning permit application 278/21 for 173 Burke Road was refused by Stonnington City Council (the council). The permit applicant sought review of the council's refusal to grant a permit by the Victorian Civil and Administrative Tribunal (the Tribunal) and a hearing was held over 12 days in March - April 2022 (*Glen Iris Devco Pty Ltd v Stonnington CC [2022] VCAT 471*).

5. The Tribunal considered a proposal for construction of a 6 storey building including:

   - 3 levels of basement parking
   - a supermarket (3,794m2 total floor area) and liquor shop 'BWS' (175m2)
   - 80 apartments at first floor and above, comprising:
     - 8 x 1 bedroom
     - 61 x 2 bedroom
     - 11 x 3 bedroom apartments
   - vehicle access to the basement and a loading dock, from Hope Street
   - signalisation of the intersection of Hope Street and Burke Road.

6. The Tribunal affirmed the decision of the council and no permit was granted.

7. The Tribunal outlined the key issues that included:

- The land uses that require a planning permit.
- The design response including siting and layout, built form and appearance in regard to the subject land's context.
- The traffic and parking implications including operation and functional matters, use of Hope Street for all vehicle access and egress; loss of on-street car parking; potential impacts on access to private properties; and the effect on the amenity of the area.
- Impacts on the amenity on the adjoining and nearby residential properties.

Figure 1 Photomontage extract Burke Road, north of Hope Street (Glen Iris Devco Pty Ltd v Stonnington CC [2022] VCAT 471)

Figure 2 Photomontage extract from south, Burke Road (Glen Iris Devco Pty Ltd v Stonnington CC [2022] VCAT 471)

8. The current proposal retains the proposed supermarket and includes a similar level of commercial car spaces (reduced from 171 to 170 (-1 space)). Key differences between the previous scheme and the current proposal include:

- The current proposal now encompasses 28 Hope Street which is within the GRZ1. The overall planning unit is increased from 3,860m² to 4,306m².
- Reduction from 6 storeys to 5 storeys.
- Increased building setbacks.
- Reduction in the number of dwellings from 80 to 58 at 173 Burke Road (-22 dwellings), excluding the 6 proposed dwellings a 28 Hope Street.
- Deletion of the bottle shop.
- Inclusion of a 125m² food and drink premises at ground level.
- Reduction in residential car spaces from 132 to 120 (-12 spaces).
- Reduction to the number of on-street car parking spaces lost (from 29 to 22).
- All loading and some vehicle access off Burke Street, whereas previously all loading and vehicle access was from Hope Street.
- The engagement of a new project architect providing a different architectural proposition.

28 Hope Street Planning Permit No. 989/12

9. On 12 May 2023 a Planning Permit (No. 989/12) was issued by Stonnington City Council for the construction of two dwellings at 28 Hope Street. The approved development includes double storey dwellings (one 2-bedroom dwelling and one 3-bedroom dwelling) with vehicle access and parking from the rear laneway.

Figure 3 Hope Street Elevation of development approved under Permit No. 989/21

Proposal Summary

10. The proposal is for a mixed use development including a 5 storey building on the portion of the site known as 173 Burke Road and a 3 storey building on the portion of the site known as 28 Hope Street. The development includes dwellings (permit required), supermarket (as of right), food and drink premises (as of right). Car parking is to be located within a basement.

11. Specific details of the application include:

- A total of 64 dwellings:

	173 Burke Road	28 Hope Street
Dwelling Composition	58 dwellings: - 2 x 1 bed - 30 x 2 bed - 26 x 3 bed	6 dwellings (affordable housing) - 4 x 1 bed - 2 x 2 bed
Car spaces	290 car spaces: - 120 Residential spaces - 170 Retail spaces	3 car spaces
Bicycle spaces	97 spaces - 14 staff spaces - 49 residential spaces - 22 on-site visitor spaces - 12 off-site visitor spaces	12 bicycle spaces

As noted above, informally amended plans result in a reduction to the number of dwellings to 60.

- Ground level supermarket 3,035m^2 (as of right land use) with vehicle access from Burke Road and pedestrian access from the corner of Burke Road and Hope Street.
- Ground level food and drink premises 125m^2 (as of right land use).
- Alteration of access to Burke Road associated with the proposed vehicle crossover.

- Construction of a front fence at 28 Hope Street with a height of 1.36m – 1.62m.
- The intersection of Hope Street and Burke Road is to be signalised.
- Internally illuminated business identification signage including:

  Hope Street elevation

  - 2 x 7m^2 signs above basement car park entry and above supermarket entry.
  - 1.1m^2 sign under canopy at ground level.

  Burke Road elevation

  - 3m^2 sign attached to façade at first floor level (above canopy).
  - 2 x 1m^2 signs hanging below street canopy at ground level.
  - 1m^2 sign under canopy at ground level

12. The applicant has provided the following concept images of the proposal:

Figure 4 Photomontage extract Burke Road, north of Hope Street

Figure 5 Photomontage extract from south, Burke Road

Subject Site and Surrounds

Site Description

13. The site is located on the south-west corner of Burke Road and Hope Street. The site includes two lots including 173 Burke Road and 28 Hope Street, Glen Iris, which are formally known as (respectively):

    - Lot 1 on Title Plan 136496Y
    - Land in Plan of Consolidation 166589J.

    The land is not affected by covenants, section 173 Agreements, or easements.

14. The site has a frontage to Burke Road of 83.66m and a frontage to Hope Street of 70.62m with an overall area of 4,751m^2. The site also has interfaces with a laneway to the rear west and south boundaries.

15. The part of the site at 173 Burke Road is within the Commercial 1 Zone (C1Z) and currently occupied by a 2 storey office with at-grade and under croft car parking spaces to the rear of the site. There is a double-width vehicle access to the site from Hope Street.

16. The part of the site known as No. 28 Hope Street site is within the Neighbourhood Residential Zone (NRZ) and currently occupied by a single storey pitched roof dwelling. Vegetation is located to the north and south of the site with a 16m high x 11m canopy Deodar Cedar in the rear setback. Informal car parking access is provided via the rear laneway.

17. The site is at the northern end of a small neighbourhood activity centre which includes commercially zoned land to the south, fronting Burke Road and Wattletree Road.

18. The site is located within the Principal Public Transport Network (PPTN) area. Two tram routes and a bus route are located in close proximity to the site. Glen Iris Railway Station is located approximately 950m northeast of the site and Gardiner Railway Station is located 1.1km north of the site.

Figure 6 aerial view subject site

Site Surrounds

19. Other than the subject land and 163A Burke Road, the activity centre consists substantially of single and double storey Edwardian buildings.

20. Surrounding residential areas include mostly single and double storey dwellings, including Edwardian dwellings and later residential infill development. Several 3 storey, multi-dwelling developments have been constructed on residentially-zoned land opposite Central Park on both Burke Road and Wattletree Road.

21. Development surrounding the site can be described as follows:

- To the **north** of the site:
  - A medical centre is located on the opposite (northern) corner of Hope Street and Burke Road.
  - There are two single storey dwellings west of the medical centre at 25 Hope Street.
  - At 23 Hope Street is a contemporary double storey dwelling.
- To the **south** of the site:
  - 163A Burke Road abuts part of the southern boundary of the subject land, within the activity centre. It contains a single storey gabled building with a landscaped front setback. The applicant has confirmed that a permit has been issued (No. 1016/20) for a mixed use building on this property.
  - 25 Irymple Avenue is to the south-west, separated by a laneway, which contains two double storey contemporary townhouses.
- To the **east** of the site:
  - Are dwellings on the east side of Burke Road, including the large Dorrington Estate precinct extending further east. Three schools are also in this area.
- To the **west** of the site:
  - 23 Irymple Avenue which interfaces the southern part of the western boundary of the site, separated by a laneway and containing a double storey dwelling.

22. A site inspection of the subject site and surrounds was undertaken on 22 August 2024. Images of the site and surrounds are reflected in Figures 7, 8 and 9.

Figure 7 Subject site looking north along Burke Road

Figure 8 Subject site looking south along Burke Road

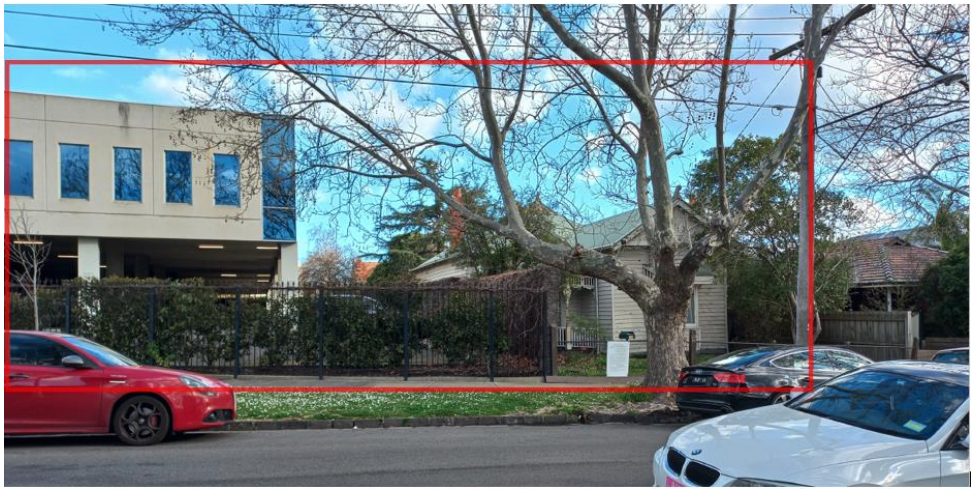


Figure 9 Subject site from Hope Street

Planning Provisions

Municipal Planning Strategy

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

Clause	Description
02.01	Context
02.02	Vision
02.03	Strategic Directions
02.03-1	Settlement
02.03-5	Built environment and heritage
02.03-6	Housing
02.03-7	Transport
02.04	Strategic framework plans

Planning Policy Framework

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

Clause 11	Settlement
11.01-1S	Settlement
11.01-1R	Settlement – Metropolitan Melbourne
11.01-1L-02	Social Impacts
11.03-1S	Activity Centres
11.03-1R	Activity Centres – Metropolitan Melbourne
11.03-1L-01	Activity Centres
Clause 13	**Environmental Risks and Amenity**
13.05-1S	Noise management
13.06-1S	Air quality management
13.07-1S	Land use compatibility
13.07-1L-01	Amenity
Clause 15	**Built Environment and Heritage**
15.01-1S	Urban design
15.01-1R	Urban design - Metropolitan Melbourne
15.01-1L-01	Urban Design
15.01-1L-02	Awnings
15.01-1L-03	Signs
15.01-2S	Building design
15.01-2L-01	Building Design
15.01-2L-02	Environmentally Sustainable Development

15.01-4S	Healthy neighbourhoods
15.01-4R	Healthy neighbourhoods - Metropolitan Melbourne
15.01-5S	Neighbourhood character
15.01-5L	Preferred Neighbourhood Character
Clause 16	**Housing**
16.01-1S	Housing Supply
16.01-1R	Housing Supply – Metropolitan Melbourne
16.01-1L-01	Housing Supply and Diversity
16.01-2S	Housing Affordability
Clause 17	**Economic Development**
17.01-1S	Diversified economy
17.01-1L	Diversified economy
17.02-1S	Business
Clause 18	**Transport**
18.01-1S	Land use and transport integration
18.01-3S	Sustainable and safe transport
18.01-3L	Sustainable transport
18.02-1S	Walking
18.02-1L	Walking
18.02-2S	Cycling
18.02-3S	Public transport
18.02-3R	Principal Public Transport Network
18.02-4S	Roads
18.02-4L-01	Road system
18.02-4L-02	Car Parking
Clause 19	**Infrastructure**
19.01-1S	Energy supply
19.03-1S	Development and infrastructure contributions plans
19.03-2S	Infrastructure design and provision
19.03-3S	Integrated water management
19.03-3L-02	Water sensitive urban design

Zoning and Overlays

Commercial 1 Zone

25. 173 Burke Road is within the C1Z.

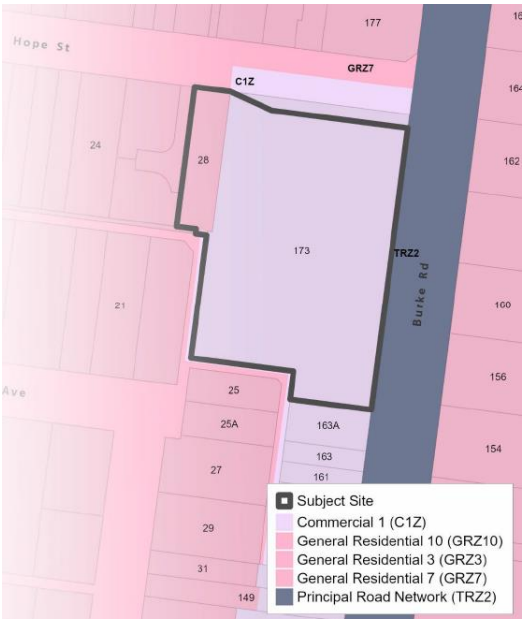


Figure 10 Subject site zones

26. Pursuant to Clause 34.01-2 a permit is not required to use the land for a shop (other than Adult sex product shop) which includes supermarket and food and drink premises.

27. Pursuant to Clause 34.01-2 a permit is required to use the land for accommodation (other than Community care accommodation, Corrective institution, Rooming house and Small second dwelling) where the frontage at ground floor level exceeds 2m. Given the residential frontages to Burke Road and Hope Street exceed 2m, a permit is required for the proposed dwelling land use.

28. Pursuant to Clause 34.01-4 a permit is required to construct a building or construct or carry out works.

29. An apartment development must meet the requirements of Clause 58.

General Residential Zone Schedule 10

30. 28 Hope Street is within the GRZ10.

31. Pursuant to Clause 32.08-2 a permit is not required to use the land for dwellings.

32. Pursuant to Clause 32.08-7 a permit is required to construct a residential building.

33. A mandatory height limit of 9m (10m with a specified slope) applies.

34. A permit is required to construct a front fence within 3m of a street associated with a residential building and exceeding the maximum height of 1.5m. The proposed front fence at 28 Hope Street is 1.36 – 1.62m high and therefore requires a permit.

35. Pursuant to Clause 32.08-4 an application to construct a residential building must provide a minimum garden area of 111.5m^2 (i.e. 25% of the 446m^2 lot). The proposal provides 124.43m^2 of garden area (27.89% of the lot).

36. The proposed development of 28 Hope Street must meet the requirements of Clause 55.

Development Contributions Plan Overlay

37. Pursuant to Clause 45.06-1 a permit granted must:

- Be consistent with the provisions of the relevant development contributions plan.

- Include any conditions required to give effect to any contributions or levies imposed, conditions or requirements set out in the relevant schedule to this overlay.

38. Schedule 1 to the DCPO applies the *Stonnington Municipal-Wide Development Contributions Plan* (2020-2040) (the DCP) to all new development excluding land developed for affordable housing, as defined by Section 3AA of the Act.

39. A permit condition will require the relevant contribution to be paid before any buildings or works can commence.

Particular and General Provisions

Signs – Clause 52.05

40. Pursuant to Clause 52.05-11, a permit is required for a business identification sign where the total display area of all signs to each premises exceeds 8m^2.

41. Pursuant to Clause 52.05-11, a permit is required for an internally illuminated sign where the total display area to each premises exceeds 1.5m^2.

Car Parking – Clause 52.06

42. Pursuant to Clause 52.06-3 a permit is required to reduce the number of car parking spaces required under Clause 52.06-5.

43. Pursuant to Clause 52.06-5, Column B parking rates apply given the subject site is within the PPTN area, as follows:

Use	Size/No.	Car Parking Rate	Car Parking Requirement	Proposed Provision	Shortfall/Surplus
173 Burke Road dwellings					
one and two bedroom dwellings	32	1 space per dwelling	32	32	0
three or more bedroom dwellings	26	2 spaces per dwelling	52	52	0
Residential visitors			NA		0
Surplus resident spaces				36	+36
Total			84	120	+36
28 Hope Street dwellings					
one and two bedroom dwellings	6	1 space per dwelling	6	3	-3
Residential visitors			NA		
Retail					
Supermarket	3,035m^2	5 spaces per 100m^2 of leasable floor area	151		
Food and drinks premises	125m^2	3.5 spaces per 100m^2 of leasable floor area	4	170	+15
Total			155		
Overall Total			245	293	+12

44. Based on the above a permit is required to reduce the car parking requirement for 28 Hope Street by 3 spaces.

Land Adjacent to the Principal Road Network – Clause 52.29

45. Pursuant to Clause 52.29-2 a permit is required to create or alter access to a road in a Transport Zone 2 (TZ2). The proposed access to Burke Road (a TZ2) triggers a permit.

46. Pursuant to Clause 52.29-4 an application must be referred under section 55 of the Act to the Head, Transport for Victoria.

Bicycle Facilities – Clause 52.34

47. Pursuant to Clause 52.34-2 a permit may be granted to vary, reduce or waive any requirement of Clause 52.34-5 (required bicycle facilities) and Clause 52.34-6 (Design of bicycle spaces).

48. Pursuant to Clause 52.34-5 bicycle facilities are required as follows:

Use	Employee/Resident Requirement	Customer/Visitor Requirement	Proposed Provision	Shortfall/Surplus
173 Burke Road dwellings				
58 dwellings	12 spaces (1 space per 5 dwellings)	6 spaces (1 space per 10 dwellings)	49 resident spaces	+31
28 Hope Street dwellings				
6 dwellings	NA for developments less than 4 storeys		12 spaces	+12
Retail				
Supermarket (shop) - 3,035m^2	5 spaces 1 to each 600m^2 of leasable floor area if the leasable floor area (LFA) exceeds 1,000m^2	6 spaces 1 to each 500m^2 of LFA if the LFA exceeds 1,000m^2	14 employee spaces 22 customer/visitor spaces on site (excluding proposed footpath spaces)	+8 employee spaces +15 customer spaces
Food and drinks premises (retail) - 125m^2	1 space to each 300m^2 of LFA	1 space to each 500m^2 of LFA		
Total	17 spaces	12 spaces	97 spaces	+66 spaces

49. There is a requirement for one shower/change room for staff under Clause 52.34, which is met on-site via the provision of two showers/change rooms at Basement Level 2.

50. Based on the above a permit is not required in relation to Clause 52.34.

Stormwater Management in Urban Development - Clause 53.18

51. Pursuant to Clause 53.18-3 an application to construct a building or construct or carry out works:

- Must meet all of the objectives of Clauses 53.18-5 and 53.18-6.
- Should meet all of the standards of Clauses 53.18-5 and 53.18-6.

Significant Residential Development with Affordable Housing - Clause 53.23

52. Clause 53.23 seeks to facilitate residential development that includes affordable housing to meet existing and future needs.

53. The development has been confirmed as eligible under Category 1 conditions of Clause 53.23 of the Stonnington Planning Scheme as part of the Development Facilitation process (reference no. DFP-312).

54. Pursuant to Clause 53.23-5 an application under any provision of this planning scheme is exempt from the decision requirements of sections 64(1), (2) and (3), and the review rights of sections 82(1) of the Act.

Two or More Dwellings on a Lot and Residential Buildings - Clause 55

55. Clause 55 applies to an application to construct two or more dwellings on a lot in the General Residential Zone. As such, Clause 55 is applicable to the portion of the proposal within 28 Hope Street.

56. It is noted that Clause 55.03-5, Clause 55.03-6, Clause 55.03-8, Clause 55.04-8, Clause 55.05-1, Clause 55.05-2 and Clause 55.05-6 do not apply to an apartment development.

Apartment Development – Clause 58

57. Clause 58 applies to an application to construct or extend an apartment development, in the C1Z.

58. Clause 58 does not apply to an apartment development below five storeys in the GRZ. As such, Clause 58 is not applicable to the portion of the proposal within 28 Hope Street.

Referrals and Notice

Referrals

59. The application was referred to the following groups:

Provision / Clause	Organisation	Response and date received
Section 55 Referral – Determining	Transport for Victoria	No objection subject to conditions - 31 July 2024 Further comments received 25 September 2024
Section 52 Notice	Stonnington City Council	Objection – 8 July 2024

Transport for Victoria

60. Transport for Victoria (TfV) notes the application proposes two options for the Burke Road access, and Option 1 which provides a left turn in only for supermarket customers and residents, is supported in-principle.

61. TfV's outstanding concerns are noted and have been addressed as conditions drafted by TfV generally relating to:

- Appropriate signage and line marking to minimise potential of cars going the wrong way on the ramp from Basement 1 towards Ground level and ensure drivers understand that, whilst you may enter from Burke Road, you cannot exit from Burke Road and must exit from Hope Street.
- Details of the role of the Loading Dock Manager and co-ordination between supermarket loading and waste collection to ensure the mitigation of potential conflict related to the mix of cars and trucks using the Burke Road access. It is understood that Woolworths will coordinate its own trucks and smaller delivery vehicles and open the delivery door ahead of time, but clarification is required around the control of arrival of non-Woolworths delivery and waste vehicles.
- The removal of one further, on-street car space on the east side of Burke Road north of Dorrington Avenue to minimise sideswipe potential.
- Swept path analysis to investigate improvements at the intersection of Hope Street and Burke Road via modification of the radius of the respective corners of Hope Street and Burke Road. Whilst rigid vehicles are noted to be infrequent, they should still be investigated and if required, the relevant intersection corners of Hope Street and Burke Road cut back to improve swept paths.
- A loading zone should be provided along the property frontage on Burke Road to provide for residents (occasional furniture truck or whitegoods delivery) and the retail shop.
- Comments on signage to ensure it is appropriately positioned and visible.

Conditions from TfV will be included on the permit.

Municipal Council Comments

62. Stonnington City Council (the council) objected to the grant of a planning permit on the following grounds:

Built form

- Height, breadth and massing of the 5 storey building is excessive
- The proposed building height is only 1.85m lower than the height of the previous planning application for a 6 storey building considered by the Tribunal and the roof plant screening is more extensive.
- Council maintains the view that a maximum height of 4 storeys is appropriate.
- The setbacks of the upper levels to Hope Street are insufficient.

- The podium facing Hope Street is predominantly brick with limited articulation and presents a harsh interface to this residential street.
- The use of hit and miss bricks to both residential lobbies facing Hope Street and Burke Road is a missed opportunity to increase articulation of the street frontages.
- The scale and massing of the 3 storey building at 28 Hope Street cannot be accommodated on the narrow width of the site (being only 10m) and is inconsistent with the character of the 1-2 storey residential streetscape.
- The development at 28 Hope Street does not achieve an appropriate transition between the higher scale development on 173 Burke Road and the lower scale residential properties further west. A 2 storey development would be better accommodated.
- The finished floor levels of the ground floor apartments at 28 Hope Street are below the surface level of the rear right-of-way and the lowest natural ground level on site. This leaves the development susceptible to flooding during peak storm events. This matter requires consideration by a suitably qualified drainage engineer.

Landscaping

- Construction to all boundaries on 173 Burke Road does not allow for any inground planting.
- Separation should be provided between buildings on commercial and residential zoned land to provide opportunities for suitable vegetation to soften the interface.
- The development at 28 Hope Street fails to provide an appropriate landscape response. Insufficient space for planting and canopy trees is proposed around the building, due to the extent of hard surfaces and construction along the entire eastern boundary.
- The development relies on the removal of several street trees and has the potential to adversely impact several trees on the land at 28 Hope Street as well as an established London Plane street tree located in front of the lot. A significant tree is also proposed to be removed from the rear setback of 28 Hope Street.
- The removal and pruning of significant trees and street trees, will require separate permission from council's Local Laws department and approval cannot be guaranteed until a full assessment is carried out.
- The approval of a development on this site must be conditional upon the submission of a tree management plan.

Traffic and parking

- Concerns with the impact on traffic and parking in the area.
- Significant increase in traffic volumes and movements on Hope Street.
- The proposal will impact highly on Burke Road traffic and adjoining roads, particularly at busy peak times and noting the presence of three large schools in the vicinity.
- Logistical issues with the pedestrian operated signals proposed on Burke Road. The council is not persuaded that it is reasonable for access out of Hope Street to be determined by signals.
- The development and signals rely on extensive modifications to on-street parking, including a loss of twenty parking spaces on Burke Road and Hope Street, and may restrict access to some private properties.
- The parking provision for the apartments at 28 Hope Street does not meet the statutory requirement and has the potential to further impact the availability of on-street parking in the surrounding area.

Amenity impacts

- The development, by virtue of its excessive height, massing, insufficient setbacks, robust materiality and lack of in ground landscaping, will result in unacceptable visual bulk impacts.
- The development will result in additional overshadowing of secluded private open spaces at 23, 25 and 25A Irymple Avenue in the morning.
- There is insufficient and conflicting information within the application to determine the impact of illuminated signage.

Internal amenity

- There are a number of bedrooms which provide a window in a small secondary area that do not comply with Standard D28 of Clause 58.
- There is a lack of external shading to north, west and east facing habitable room windows which are exposed to solar heat gains.

Office of the Victorian Government Architect (OVGA)

63. The OVGA provided advice as part of the Development Facilitation process, advising that externally the project is well resolved and suitable for its context, whilst internally further design development would improve the functionality, safety and activation. The building cores, stairs, atrium, entrances (supermarket and residential), and resident circulation spaces would be improved with more design consideration.

64. Key OVGA comments are summarised as follows:

Context and urban design

- The building use and location is an appropriate neighbourhood fit.
- The architectural expression is well resolved and the outcome is improved from the earlier scheme. The design is skilfully managed, and the horizontal language reduces previous visual bulk.
- The reduction in height from previous scheme is successful.
- Design refinement recommended to the car park levels in relation to bicycle parking and pedestrian safety at lift lobbies etc.
- The eastern street frontage (Burke Road) should not be covered with decals or shelving, but instead used for circulation space to allow visual connectivity to help activate the street.
- Consider a planter at the top of the south-east corner boundary walls, to allow landscape to cascade down laneway wall.

Architectural design

- The composition including building bulk, massing, and modulation is well handled.
- Built form relationships to nearby buildings including separation, setbacks, amenity, and urban form are well handled.
- The architectural design approach, materials and detailing are generally well considered for this stage of design.

Amenity

- Environmental impacts, sustainable design, overshadowing, visual and acoustic privacy, noise, wind, and reflectivity appear appropriate for this stage of design.
- Recommend the atrium aperture is at least double on upper levels to make a meaningful contribution of natural light to all floors.
- Recommend the core and vertical circulation is further reviewed to address:
  - Opportunity for greater separation between the residential entrance and the loading dock entrance.
  - Upper level lobbies sufficiently sized for moving furniture.

- Clear location of mailboxes.
- Safe egress from the southern fire stairs.
- Whether bicycle parking to the centre of spiral ramp (B2) is safe/functional.
- Whether the B2 residential lift lobby is safe/functional.
- Fire stair access to avoid going through the services rooms.
- Encourage fire stairs to be designed to encourage day to day use by residents, rather than lifts.

- Ensure that all planter boxes have sufficient soil depth and are irrigated to provide for plant longevity. Provide safe and secure maintenance access.

DTP comment
In response to the above, the lodged application includes the following changes and refinements:

- The layout of the proposed supermarket is shown to provide circulation space closest to the windows which are to be clear glazing.
- Planters are shown to the south-east corner boundary walls with 12 'Blueberry Ash' feature trees (8m height x 3m canopy).
- Mailboxes shown within residential lobby.
- Bicycle parking to the centre of spiral ramp on basement level 2 has been relocated to basement level 3 southern corner and provided with a clear path to the bicycle lift.
- The basement level 2 residential lift lobby has been provided with increased circulation space (increased from 1.65m to 2m width) and a pedestrian crossing provided.
- Access through one stair core is provided directly between the stair and the residential corridor.

Notice

65. 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 Act in relation to the zones, Clause 52.05 and Clause 52.06.

66. The application as it relates to creation/alteration of access to a road in a TZ2 is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act.

67. The applicant was directed to give notice by way of erecting signs on the site and notifying adjoining owners and occupiers.

Objections

68. A total of 223 objections have been received to date from 164 different properties and included a petition with 21 signatures from local traders.

69. The map below shows objectors within the vicinity of the site. It is noted that 30 objectors did not include their affected property address.

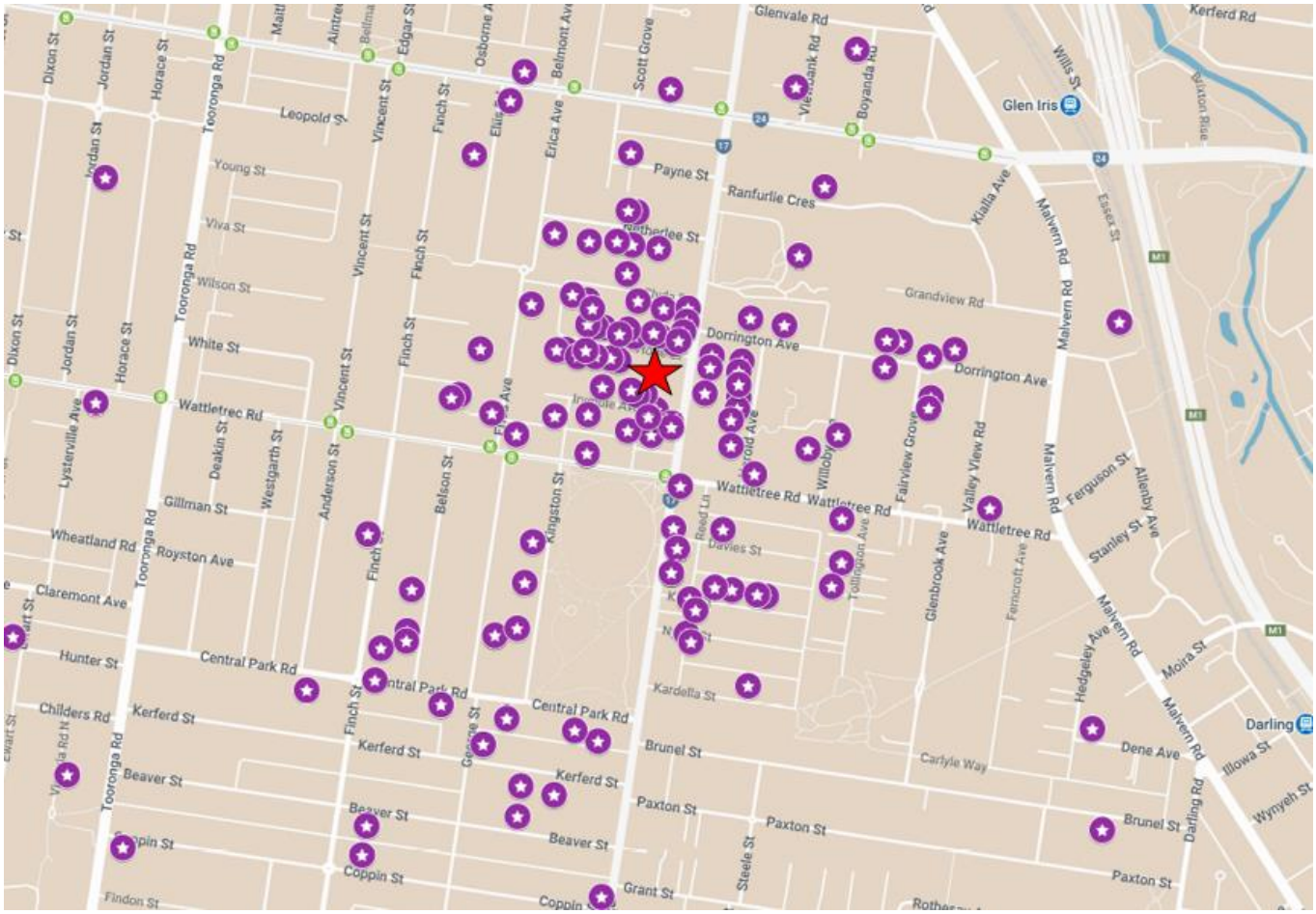


Figure 11 Objector Map

70. The objections raised the following key concerns:

Affordable Housing

- Application is not eligible for the development facilitation process as it provides 9.37% affordable housing.

Traffic Concerns

- Additional traffic congestion in the area.
- Increased traffic and queuing on Burke Road and Hope Street.
- Concerns with the ability to support truck and loading access to Burke Road.
- Impacts of trucks and loading management by third parties.
- Pedestrian safety concerns with respect to vehicle crossovers to Burke Road and Hope Street.
- Signalised intersection and subsequent congestion and delays.
- Removal of on-street parking and increase of traffic volumes will restrict access and worsen existing conditions for local residents, given they will have increased competition for parking.
- Concern with right turns, despite proposed ‘no right turn’ signage.
- The traffic surveys are too old and car parking surveys were done at off-peak times.

- Car parking reduction for 28 Hope Street will increase the demand for on street parking.

Amenity concerns

- Overlooking and privacy concerns.
- Overshadowing to adjoining SPOS.
- Overshadowing of solar energy systems located at 25 Irymple Avenue.
- Noise and air pollution associated with the commercial operations at the site.
- Loss of trees and lack of landscaping.
- Signage impacts.
- Location of services, mechanical plant, goods lifts, and loadings bays in the south-western corner in relation to neighbouring habitable room windows.

Built form concerns

- Excessive building height and massing.
- Building scale not in keeping with neighbourhood character.
- Excessive visual bulk.
- Concerns that the former VCAT findings have not been addressed.
- Proposal not sympathetic to nearby heritage dwellings.

Other concerns

- Construction impacts
- Commercial competition
- Lack of demand for supermarket
- Air pollution and emissions associated with vehicle use and the basement.
- Impacts on property values.
- Access for emergency vehicles on Burke Road and to apartments.
- Trolley management.
- Property damage associated with trucks and cars.

Applicant response to objections

71. The permit applicant has responded to objections as follows:

Modifications to plans

- Informally amended architectural plans have been provided to show:
    - Reduction of the total apartment yield from 64 to 60 dwellings to ensure the development meets the requirement to provide 10% of dwellings as affordable housing (i.e. the 6 proposed dwellings at 28 Hope Street).

This would be achieved by converting Apartment 1.20 to a communal amenity space; Apartments 113 & 114, 406 & 407, and 401 & 410 combined with each other to further reduce the total number of dwellings.

- Building massing amended to now cause no additional overshadowing to the secluded private open space (SPOS) of 25 and 25A Irymple Avenue on 22 September.

  Amendments include reduction of the living area and terrace parapet line of Apartment 306, and the southern terrace to Apartment's 405 and 406 reduced in depth by 200mm.

These are not the formal decision plans but are considered where relevant in the assessment and will be formalised via permit condition. It is noted that the changes are a reduction to the building compared with the advertised plans and do not increase potential detriment.

Traffic

- Confirmation that TfV agreed to key assessment parameters as an acceptable basis for analysis including the date of traffic surveys, traffic volume adjustments, anticipated traffic growth, traffic generation rates.
- Potential 'rat runs' are unlikely that vehicles given the detour from the Hope Street intersection would be a long, circuitous route back to Burke Road.

  Signage can be provided by way of permit condition to discourage vehicles from turning left from the carpark egress, excepting local traffic.
- Functionality of the signalised intersection has been through rigorous review and testing with TfV.
- Concerns regarding the existing crossover at 164 Burke Road being within the proposed signalised intersection addressed within the traffic impact assessment through installation of a vehicle detector loop system within the vehicle crossover allowing safe exit into the intersection.
- 'Keep Clear' treatment proposed for the existing medical centre crossover to ensure gaps in traffic queuing allowing the infrequent number of cars to exit onto Hope Street if there is no queued traffic, wait for any traffic queue to clear once the signals change or be let out via a courtesy gap as required.
- The proposed loading zone to Burke Road, which is required by TfV, will be available for deliveries to the site, as well as other businesses within the activity centre. There is no dedicated on street loading bay currently. It will likely be used as a loading zone during business hours only and remain available for the general public outside of those times.
- The 'parking survey' was undertaken to review car parking restrictions and nominal supply in the area. It was not intended to demonstrate or review the current car parking levels in the area; given that extensive car parking surveys had previously been undertaken in February 2022 on a weekday and a Saturday.
- The loss of 20 on-street parking spaces has sought to balance the needs of the proposed intersection, requirements of TfV, and noting the proposed surplus of parking on site.
- A loading management plan, agreed to by TfV subject to conditions, will ensure appropriate management of loading and operations.
- The proposed signalised intersection with pedestrian crossings will improve pedestrian safety. 'Keep Clear' line marking is proposed for Dorrington Avenue and other treatments for nearby properties. Further

improvements may alleviate some of the concerns raised for school traffic, however, these would fall outside the scope of what the permit application can consider.

Shadow

- Further analysis of overshadowing of solar energy systems at 25 Irymple Avenue has been undertaken.

Amenity

- Proposed building siting has sought to limit overlooking to secluded private open spaces or habitable room windows within 9m and to minimise the need for screening. Screening such as balcony balustrades have been used where required.
- Services have largely been located away from sensitive areas, however in this commercial context there should be an expectation that some are provided. Any services will comply with BCA notes and EPA requirements.
- A permit condition to restrict internally illuminated signage within Hope Street to supermarket operating hours is accepted.

DTP Comment

72. Matters of affordable housing provision, traffic and parking, amenity and built form are discussed throughout the assessment in this report. For matters not addressed in the assessment discussed below, the following is noted:

- Pruning impacts on the street tree near the basement is a matter for the council's pruning requirements and practices and will be addressed via separate local laws application.
- The council has various local laws relating to construction which the development will need to comply with.
- Concerns regarding commercial competition arising from the proposed retail uses in the development (which are as of right) are not a planning consideration.
- As previously noted, the proposed retail uses are as of right in the C1Z. Questions around demand for a supermarket are not relevant. As noted by the Tribunal in the previous application (*Glen Iris Devco Pty Ltd v Stonnington CC [2022] VCAT 471*):

  91 Although the question of need is frequently raised in disputes about planning permit applications, need does not have to be demonstrated to support this permit application. Case law is that a demonstrated need for a facility or use may be a relevant factor in a decision but lack of a need will rarely, if ever, be a ground for refusing to grant a planning permit.

- Given the retail uses are as of right in the C1Z, detailed operational matters such as trolley management are not relevant to the planning application.

Strategic Direction and Land Use

73. The proposal will increase the supply of housing, including affordable housing, providing greater housing choice and diversity (Plan Melbourne Directions 2.3 & 2.5 and Clause 16). The redevelopment is within an established urban area and will capitalise on existing facilities, infrastructure, services and amenities within and around the activity centre (Clauses 16.01-1R and 16.01-1S).

74. The proposal responds to key objectives and strategic directions of the scheme including at Clause 2.03-5 which seeks to (as relevant):
    - Accommodate the projected population, in particular making provision for increased numbers of smaller households.
    - Maintain housing diversity and provide housing choice to meet the future needs of Stonnington's population, including for families, young people, smaller households, older people and people living with a disability.
    - Maintain a clear distinction between the type of development outcomes in locations for higher density development and the type of development outcomes in the lower density residential hinterland.
    - Directing higher density residential development to locations with the highest accessibility to public transport and services; being sites in and beside activity centres, adjacent to main roads with trams and Smart buses and beside railway stations.

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

76. The proposal will focus growth into an existing activity centre and along the PPTN, maximising accessibility to facilities, services, transport and jobs, and capitalising on the opportunity for urban renewal and infill redevelopment Clauses 11.01-1S, 11.03-1S, 13.06-1S, 17.01-1S, 18.01-1S, 18.02-3S, 18.02-3R).

77. The proposal meets the purpose of the C1Z to create vibrant mixed use commercial centres and provide for residential uses at densities complementary to the role and scale of the commercial centre.

78. The proposal responds to Clause 16.01-1R which seeks to create mixed-use neighbourhoods at varying densities that offer more choice in housing.

79. The proposal responds to Clause 15.01-2S which encourages new building design outcomes that positively contribute to strategic context, noting that the OVGA generally supports the proposed architectural and urban design proposal.

80. The proposal will respond to the activity centre context and provide an improved public realm outcome compared with the existing building on site. The proposal will increase activation with active uses, clear glazing and 0m street setbacks which is appropriate for the commercial setting of the site (Clause 15.01-1S and 15.01-2S).

81. The proposal has been appropriately designed to respond to adverse amenity impacts (such as noise) and environmental risks (such as flooding) with appropriate mitigation and management measures in place to ensure a safe and comfortable environment for residents and users of the site (Clause 13).

82. The building will achieve appropriate energy performance through such measures as siting and design, daylight access, energy efficient appliances, rooftop solar panels (Clauses 15.01-2S, 15.01-2L-01). A sustainable management plan has been provided.

83. The bicycle and end of trip facilities will facilitate walking and cycling as a part of daily life (Clauses 15.01-4S, 18.01-3S, 18.01-3R, 18.02-2S).

84. The proposed car parking provision will meet the anticipated demand, while encouraging more sustainable and active modes of transport, including public transport, walking and cycling (Clauses 18.02-1S).

85. The proposal supports Plan Melbourne Direction 5.1 by contributing to development of mixed-use neighbourhoods at varying densities and adding to the neighbourhood activity centre, the role of which is to provide access to local goods, services and employment opportunities and serve the needs of the surrounding community

86. The proposed use of the land for dwellings requires permission because the Burke Road frontage and the Hope Street frontage for residential lobbies at ground floor exceeds 2m in width.

87. The extent of dwelling use at ground level is minor, particularly in the context of a primarily commercial ground floor. The location of dwellings above ground floor is an appropriate response to local policy for residential uses in and beside activity centres. The proposed extent of residential use at ground level is not expected to compromise the commercial role of the neighbourhood activity centre.

88. The proposed residential entries are an acceptable width for their function. Given the extent of the site's main frontage, the southern entry does not compromise the active commercial use at ground level to Burke Road.

89. The proposal is designed to address both street frontages with residential lobbies accessible from both Hope Street and Burke Road.

Buildings and Works

Overall Scale, Massing and Design

173 Burke Road

90. There are no height controls for the subject site or the activity centre more broadly. As such, a multi-level building on a large site is possible.

91. Given its corner position and comparably large size, the subject site presents an opportunity to be a marker at the northern end of the activity centre. Most of the activity centre is affected by a Heritage Overlay (HO) which will affect the extent and height of redevelopment of nearby commercial properties in the future.

92. The proposal responds to Clause 15.01-2L-01 (Building Design) by adopting a commercial character appropriate to the commercial zoning and activity centre. This is considered acceptable given the nature of the existing office building which has a commercial character and extends into Hope Street. The proposal is considered to provide an improved contemporary architectural massing and articulation that balances the commercial and residential interfaces.

93. The proposed building has a maximum height of 19.1m to the top of the main structure, with a further 1.74m to the top of the rooftop plant screen. The building occupies the majority of the site at ground level, built to street frontages with a projecting awning over footpaths.

94. The first and second floors define the three level podium/street wall with recessed levels above. The podium façade is defined through horizontal grey brick material and with a series of arches at ground level. The podium is further articulated with double height recesses providing planters with trees across first and second floor levels.

95. The solid podium base is emphasized through the contrast of the recessed third and fourth storeys which are finished with grey aluminium panels.

96. The design of the podium and the recessed upper levels help to minimise the visual impact of the top portion of the building.

97. Whilst most of the activity centre is affected by a HO, the subject site, the adjoining property to the south (163A Burke Road) and Hope Street are not within the HO. The scale and form of the proposal responds to the heritage context of the activity centre by positioning the two storey portion of the Burke Road street wall to the south, to align with the broader one to two storey commercial streetscape. To the north of the site, the street wall steps up to three storeys, which helps to minimise views to the upper levels.

98. The southern boundary wall is considered acceptable within the commercial context and will provide the opportunity for future adjoining development to mirror this boundary form.

99. If the approved three storey development at 163A Burke Road is constructed, the proposal will also respond appropriately to this future context. The submitted urban context report notes that the proposal has been designed to account for future development of 163A Burke Road, with the upper form generally reflecting the adjoining proposed street wall and, above the two storey street wall, setting back the third storey in line with the 163A Burke Road upper form.

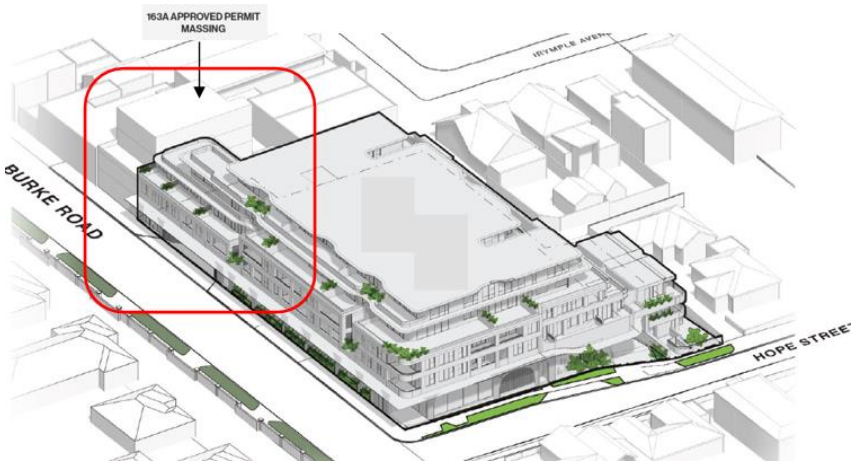


Figure 12 massing relationship to 163A Burke Road (circled)

100. The design response differs from the proposal considered by the Tribunal which had an open frame façade element exposing the upper levels. The proposal has a simpler architectural language with greater solidity and serves to restrict views to upper levels, ensuring the podium form is the primary visual presence in the street.

Tribunal	Proposed
6 storeys	5 storeys
22.61m	19.1m excluding plant
25.03m including plant	20.84m including plant

Figure 13 previous design (left) and proposed design (right) from Corner Burke Road and Hope Street

101. It is also noted that the OVGA deemed the building composition to be well resolved, providing an improved outcome compared with the earlier scheme.

102. The presentation to Hope Street, includes a 3 storey primary form which continues the defining grey brick that wraps the Burke Road corner. The west portion of the Hope Street elevation recedes away from the main street wall, with setbacks from the Hope Street façade of 2.4m at levels 1 and 2, and 6m at levels 3 and 4. The

westernmost portion of the Hope Street form at 173 Burke Road is further differentiated using a lighter concrete material. The plans do not clearly define this material and this will be required via a condition for a façade strategy with detailed materials and finishes.

103. The west portion of the 173 Burke Road form transitions to the more residential presentation of the proposed building at 28 Hope Street and this, in turn, transitions to the more traditional detached dwelling forms further into Hope Street. This responds to Clause 15.01-2L-01 which supports development that provides a sensitive transition to adjoining lower density development in terms of built form, scale and setbacks.

104. The current proposal differs from the development considered by the Tribunal which did not include the transitional building proposed at 28 Hope Street.

Figure 14 north elevation previous design

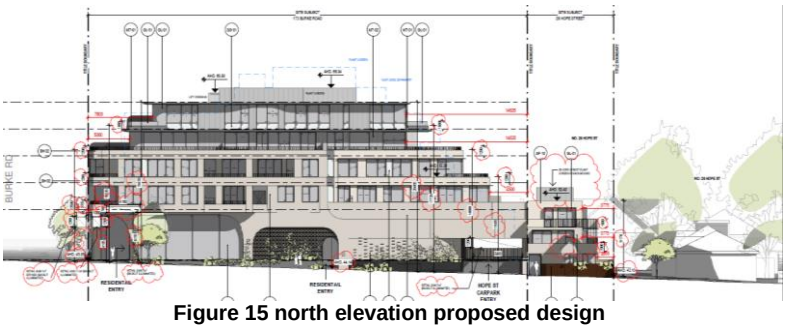


Figure 15 north elevation proposed design

Figure 16 previous design (left) and proposed design (right) Hope Street

28 Hope Street

105. The proposed building at 28 Hope Street adopts a lower scale and less bulk to provide a balance between the commercial nature of Burke Road properties and the more traditional residential character of Hope Street. Greater setbacks are provided to the west, creating breathing room and space for landscaping adjacent to the single storey dwellings at 26 Hope Street.

106. The proposed development at 28 Hope Street responds to Clause 15.01-2L-01 which seeks avoidance of full or excessive site coverage to provide adequate space for in-ground and canopy landscaping and visual breaks between buildings.

107. The proposal responds to strategies for the Garden Suburban 4 neighbourhood character precinct as follows:

- Provides sufficient space and contributes to the leafy streetscapes by providing suitable garden surrounds and new canopy trees.
- Provides a new contemporary building that complements key aspects of building form including street setback, the scale which provides a transition between 173 Burke Road and the existing buildings in Hope

Street. The form and design detail responds to the mixture of styles within the street which include flat roofed, contemporary buildings among Edwardian style dwellings and 1960s/1970s flats.

- The proposal avoids construction on the west boundary and adjoins 173 Burke Road. This transitional response is considered acceptable in this context.
- The proposal provides adequate space between and around the building to the north, south and west to accommodate vegetation and provide a garden setting.
- Car parking is located to the rear of the site and will not be visible from Hope Street.
- A low front fence, accommodating the slope of the land, is proposed.

Height and Setbacks

108. As noted above, there are no height controls for 173 Burke Road or other properties in the activity centre.

109. Clause 15.01-2L-01 (General building design) provides guidance for building design and the proposal responds as follows:

- The development is not significantly higher than the surrounding buildings.
- The proposal defines the edge of the activity centre, particularly in key views along Burke Road.
- The proposal contributes to key views compared with existing conditions.
- The proposal establishes a podium that reflects the existing street scale (2-3 storeys).
- Walls above podium are setback from street boundaries.
- Walls above podium are setback from side boundaries to provide a separation from lower scale residential development to the west/south-west and lower scale commercial development to the south.
- 173 Burke Road is to be constructed to the street boundaries to match the alignment of existing commercial buildings and deliver an activated commercial interface. This is an improvement on the existing office building which is recessed from street boundaries and includes car parking to the Hope Street interface.
- 173 Burke Road is designed to address both street frontages with the supermarket corner entry location accessible from both Hope Street and Burke Road. Glazing to both street frontages provides for activation and views to/from the public realm. Integrated seating and landscaping delivers design detail that addresses both street frontages, and windows and balconies at levels above provide secondary activation and passive surveillance of streets.
- The proposed 7m-8.7m street setback of 28 Hope Street aligns with the 7m street setback of 26 Hope Street and is an increase on the 6m setback of the existing dwelling on the subject site.
- The side and rear setbacks respect the existing character with sufficient space to mitigate visual bulk and enable landscaping.

110. To Irymple Avenue the built form would be more exposed. The building has been substantially cut back from this interface compared with the proposal considered by the Tribunal. The prominent south-west corner is now more recessive, as follows:

- Level 1 western setback increased from 4m to 10m
- Levels 2 and 3 western setback increased from 7m to 15m
- Level 4 western setback increased from 10m to 18m.

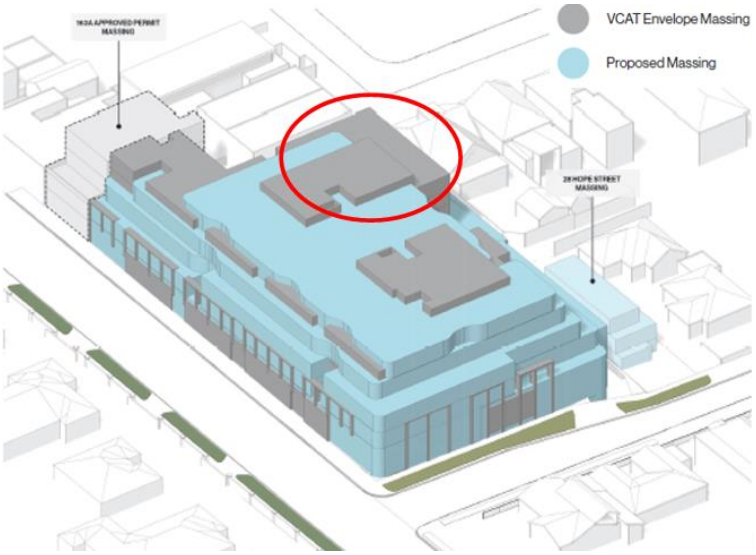


Figure 17 Massing Comparison (south-west corner circled)

Figure 18 previous design (left) and proposed design (right) Hope Street

111. The proposal would have more of a recessive, background appearance in this location.

112. The wall extending along and around the south-west boundary has been reduced from a double storey wall to 2.5m – 3.5m in height.

Figure 19 3D oblique view of the proposal's interface to the laneway and 23 Irymple Street from the south

113. The south wall to the loading turntable would be higher but impact the boundary only to the extent of the turntable itself, flanked by small setbacks providing for landscaping to soften the visual impact. This is considered acceptable.

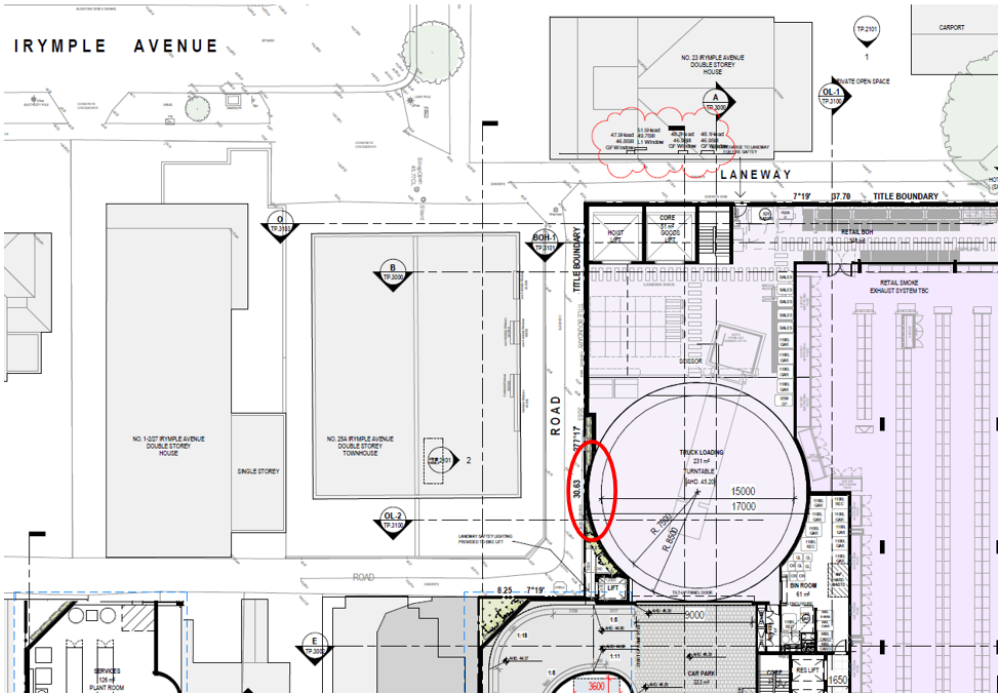


Figure 20 southwest corner (turntable wall extent circled)

Design Detail

114. The building façade is articulated through:

- A defined podium base with a similar but distinct colour palette to distinguish from the upper levels and provide a coherent overall composition.
- The Burke Road street wall with a high degree of solidity to complement the existing activity centre streetscape, rather than the open frame design of the previous design scheme considered by the Tribunal.
- Burke Road street wall broken into three modules combined with height variation to break up the 80m frontage.
- Two ‘U-shape’ voids in the street wall provide large visual breaks and define the three façade modules.
- The two ‘U-shape’ voids enhanced with trees that with a height and canopy spread of 8m x 4m, underplanted with plants that will drape over the planter, to further soften the facade and create a green backdrop.
- Punched openings of various sizes in the facade to articulate the street wall and reference the grain found along the activity centre streetscape.
- Solid plinths along the supermarket frontage to frame the window openings and together with bench seating and planters, will activate the street.
- Landscaping across the height of the building including the ground level to help soften proposed built form and respond to the landscape character of Hope Street and the surrounding residential area.
- Tapering of the setbacks at 28 Hope Street to respond to the residential character west of the site.

- The architectural language of the Burke Road podium wraps the corner and carries through to 28 Hope Street, providing a holistic and integrated design.
- 28 Hope Steet balcony balustrades include a mixture of brick and semi-transparent metal picket treatments to provide a transition from 173 Burke Road and provide a lightweight materiality in response to the neighbouring residential context.
- Mixed materials including vertically and horizontally applied grey brick, grey concrete, glass, dark grey aluminium panels, dark grey metal planters, dark grey metal picket balustrades, dark grey metal roof, and dark grey render.

115. Clause 15.01-2L-01 encourages 'white rooftops' (roofs covered in light coloured or reflective materials) and 'green rooftops' (roofs covered in vegetation). It is considered that the proposal should adopt a light coloured roof material to respond to this policy and minimise urban heat impacts.

116. Clause 15.01-2L-01 includes guidance for building form, heights, setbacks, site coverage, frontages, landscaping fences, garages, vehicle crossovers and parking, service equipment open space and large sites. The proposal responds to relevant sections of Clause 15.01-2L-01 as follows:

- The proposed front fence to 28 Hope Street complements the proposed building, using timber material. The material is not clearly defined in the plans and will be addressed as a permit condition. The height of the fence responds to the slope of the land and is kept relatively low in height (1.36m – 1.62m) to allow for passive surveillance of the public realm. This is generally consistent with the varied front fence heights and materials found within Hope Street.
- 28 Hope Street locates car parking to the rear of the site access from the laneway. This will ensure parking facilities do not impact the streetscape and greater space is maintained for frontage landscaping.
- The vehicle access to 173 Burke Road is located on Burke Road and to the rear of the proposed mixed-use building on Hope Street. Locating car parking within the basement will mitigate visual impacts.
- The proposed Hope Street driveway has been designed to be visually recessive, sitting behind the facade line of the buildings at both 173 Burke Road and 28 Hope Street to be largely concealed from oblique views. Landscaping is included to soften hard surfaces associated with the basement ramp.

  This is considered an improvement on existing conditions which include a double width crossover to the centre of the Hope Street interface of 173 Burke Road. The proposal results in the loss of three existing on-street parking spaces and seeks to install two new indented parking bays along Hope Street. This would minimise the loss of on-street parking, noting that new indented parking bays would be subject to approval from the council.

  The proposed driveway/crossover to Hope Street will not impact the nearby street tree subject to conditions (discussed further below).
- Crossover to Burke Road will include pedestrian sight triangles, gentle gradients, surface treatments and signage, DDA tactile pads, signage and line marking to minimise impacts on the continuity of the footpath and provide safety for pedestrians on the footpath.
- Whilst on-street parking will be lost, the proposed crossover and intersection has been designed to optimise safety and functionality. There is adequate car parking supply within the vicinity of the site and a surplus of car parking is provided within the development proposal, minimising impacts to the surrounding area.
- Two small street trees on Burke Road are proposed to be removed to make way for the crossover. These are small, topiarised trees which do not make a significant contribution to the streetscape in terms of height or canopy size.
- 28 Hope Street includes a 1.65m high roof plant screen which is setback from the levels below and will integrate with the building design. The plant screen is located on the rear portion of the building to minimise

views from the street. A condition will require the setbacks and details of the plant screen to be clearly shown.

- Roof plant at 173 Burke Road is shown to be screened and setback from the levels below which will minimise its visibility. It is not clear whether exhausts and associated plant to the south of the building roof is screened or requires screening. A permit condition will require a well-considered design response to manage plant and screening.
- Utility services are to be located to either not be visible from the public realm or be appropriately integrated with the building design as follows:
    - Fire booster cupboard integrated into the ground floor facade by applying transparent glazed doors, consistent with the glass façade and making these a visual feature (as shown in Figure 22).
    - Electricity and communications cupboards located inside the Hope Street lobby.
    - Services such as water meter, comms room, fan room located in the basement.
    - Substation concealed behind the ground level food and drink premises.

Figure 21 fire booster behind glazed doors

117. As noted above, the OVGA has advised that the architectural expression is well resolved and the design is skilfully managed with the horizontal language reducing the visual bulk of the previous design considered by the Tribunal.

118. Overall, subject to conditions, the architectural response is considered acceptable.

Activation

119. The proposed supermarket includes circulation space around internal checkout facilities and a trolley bay. This is consistent with the advice of the OVGA to provide for circulation space to allow visual connectivity to help activate the interface with Burke Road.

120. Integrated bench seating and planters to the external Burke Road façade will further enhance activation and respond to Clause 15.01-2L-01 which encourages design that facilitates social interaction and community inclusion and allows for good visibility into and within spaces.

Figure 22 render corner of Burke Road and Hope Street

121. Further south, the Burke Road frontage includes the residential lobby, 13m width of vehicle ramp and a food and drink premises. The ramp consumes approximately 15% of the overall Burke Road frontage which is considered a minor intrusion in the overall façade. The majority of the frontage will be acceptably activated.

122. The Hope Street interface near the corner with Burke Road provides entry and circulation space to the supermarket. Further west along Hope Street, the ground level glazing will provide a view to travelators that provide access between the supermarket and the basement.

123. The plans also show bench seats outside of the site adjacent to the Hope Street footpath. This should not be shown given it does not fall within the site boundaries. A condition will ensure this is addressed. Any street furniture will be subject to separate consideration by the Council.

124. The Hope Street frontage will include 11m width of vehicle ramp. This is located away from the primary commercial area along Burke Road and is bordered by landscaped areas to soften the visual impact within Hope Street.

125. Overall, the degree and measures of activation are considered appropriate.

Amenity and Microclimate

Off-site Amenity Impacts

126. Clause 15.01-2S, seeks to ensure that new development minimises detrimental impacts on neighbouring properties and the public realm.

127. The proposal responds to the Amenity Impacts objectives at Clause 55 and Clause 58 which is considered an indicator that amenity impacts have been appropriately addressed.

128. The proposed building at 28 Hope Street is sited to provide greater setbacks to the west, adjacent to 26 Hope Street. This provides for appropriate daylight, appropriate separation for overlooking, mitigation of visual bulk and a landscape buffer to this interface.

129. The proposal includes screening to balconies and windows within 9m of neighbouring windows. The driveway of 26 Hope Street is located adjacent to the subject site which provides greater separation.

130. Permit conditions will ensure that appropriate overlooking mitigation is provided to apartments at Level 1 of the building at 173 Burke Road which are closest to habitable room windows and private open space at 25 Irymple Avenue and 23 Irymple Avenue. This is discussed further at Appendix 2.

131. Visual bulk is discussed above. Overall, the scale, massing and siting of the development is considered to provide for acceptable visual bulk that is further mitigated through the materials and finishes palette and landscaping.

132. It is noted that properties on the east side of Burke Road are greater than 9m from the subject site and, therefore, not within the typical distance for consideration of overlooking.

Overshadowing

133. The C1Z requires consideration of overlooking and overshadowing, including overshadowing on existing rooftop solar energy systems on dwellings, affecting adjoining land in a residential zone. Clause 58.03-1 (Energy efficiency objectives) seeks to protect energy efficient dwellings and buildings.

134. Standard B21 of Clause 55 is used to guide consideration of overshadowing to SPOS.

135. On 22 September the proposal would cast additional shadow, beyond existing conditions, to neighbouring SPOS at 23, 25 and 25A Irymple Avenue at 9am. No shadow is cast from the proposal to these SPOS areas from 10am onward.

136. In response to objections, informally amended architectural plans were submitted showing a reduction to building mass toward the south-eastern corner of the site, to ensure that there will be no additional overshadowing to 25 and 25A Irymple Avenue at 9am. Specifically, changes include:

- Apartment 306 - reduction of the living room area and the terrace parapet line.
- Apartments 405 and 406 - reduction to the depth of the southern terrace to by 200mm.

137. This is considered a positive change and is supported. It is recommended that the amended plans be formally substituted by way of permit condition.

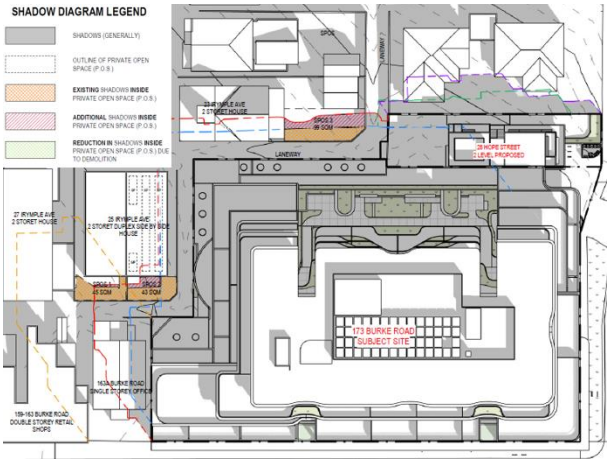


Figure 23 Formal application plans 9am shadow

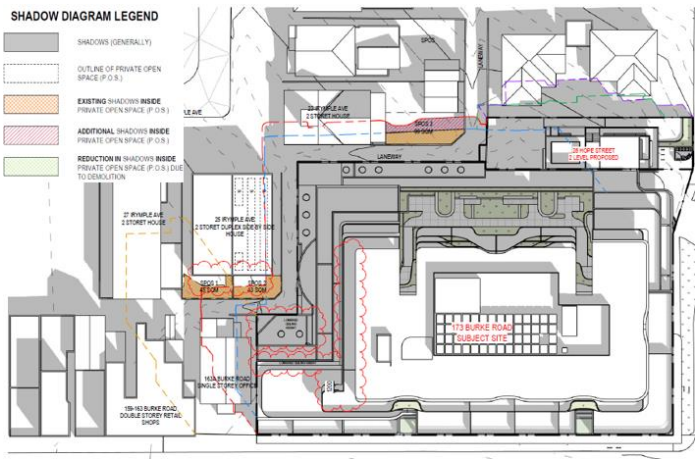


Figure 24 revised plans 9am shadow

138. Sunlight will be maintained to more than 75% of the SPOS of 23 Irymple Avenue from 11am to 2pm on 22 September. At 10am and 3pm this SPOS will have close to the 75% expectation under Standard B21 with sunlight to 68.7% of the space (noting that the shadow at these times is not from the proposal). Accordingly, whilst the proposal reduces sunlight to the SPOS of 23 Irymple Avenue, it does not fall significantly short of Standard B21 and provides a reasonable outcome given the activity centre's residential interface.

139. The proposal would overshadow rooftop solar panels at 25 Irymple Avenue during the Winter Solstice until 10am, with shadow receding until 2pm after which the proposal will not overshadow the solar panels. The solar panels are not overshadowed in March and September.

140. The impact to adjoining solar panels is considered acceptable for the following key reasons:

- The performance of neighbouring solar panels will remain unaffected for the majority of the year.

- The existing solar energy system will already have a reduced output during winter. The applicant's ESD consultant has advised that power output is reduced to 30-40% compared to summer months, due to a range of factors including shorter days and increased cloud cover.
- East facing solar panels are not considered to be as efficient in Melbourne given they only capture morning sun.
- The solar energy system is new (installed late 2023) and the applicant's ESD consultant has advised that newer solar systems have more efficiencies during shadowing. As such, reductions in overall output due to shadowing would be somewhat lessened compared with an older solar energy system.

Noise

141. Clause 13.05-1S (Noise Management) seeks to minimise the impact on human health from noise exposure to occupants of sensitive land use (i.e. residential) through suitable building siting and design (including orientation and internal layout), urban design and land use separation techniques as appropriate to the land use functions and character of the area.

142. The development has been designed to avoid unreasonable impacts on adjoining residential lots as a result of noise or traffic movements. This involves locating services away from adjoining lots and acoustically screening services located on the roof (imperforate screen or acoustic louvre for the building at 173 Burke Road).

143. The acoustic report also notes that vehicle access and car parking areas have been designed in a way to limit off-site impacts to the Hope Street residential area, with loading access provided from the Burke Road frontage of the site, furthest from the corner with Hope Street.

144. The acoustic report confirms that, to ensure that protection of amenity of the existing nearby residential receivers and the future residents within the development, the operation of the proposed supermarket tenancy shall be designed to ensure compliance with Environmental Protection Authority (EPA) Noise Protocol – Part I. The impact from the supermarket operation is primarily due to mechanical plant and equipment, the loading dock and back-of-house activities.

145. The acoustic report recommends a range of acoustic treatments to achieve compliance with EPA Noise Protocol – Part I. These include (but are not limited to):

- The slab soffit within the loading dock area shall be lined with absorptive material.
- The loading area on ground level accessible to pallet jack and trolleys shall incorporate an isolated secondary concrete slab.
- Loading dock entry door to be solid imperforate to be vibration isolated from the building structure.
- Loading dock access door to be kept closed except during vehicle access and managed.
- Loading dock entry managed to ensure that the door is open prior to truck arrival to avoid idling trucks outside of the dock. The door to be fully closed once the truck is inside and prior to turntable or loading/un-loading activities.
- Loading dock to be mechanically ventilated, with the fan to be acoustically treated.
- Any fresh air intake louvres to be acoustically treated.
- Specific recommendation for pallet jack types rather than conventional mechanical supermarket pallet jacks.

146. It is expected that the above and all other physical/design related acoustic measures will be detailed on plans as required by a permit condition.

147. Mechanical plant and equipment for the supermarket tenancy is to be to be reviewed and designed by a suitably qualified acoustic consultant during the detailed design stage.

148. It is noted that the Tribunal found that noise from the apartments, noise from the communal terrace, and plant and equipment were not reasons to refuse a permit or to require plan changes and that the details of other plant and equipment can be addressed by permit conditions, noting that noise is regulated through state-wide legislation.

149. The Tribunal noted the prospect of vehicles operated by third parties (rather than the supermarket operated trucks) may be problematic because these vehicles could arrive while the loading bay is in use resulting in more than a second vehicle entering the loading bay and potentially resulting in acoustic impacts. This would have conflicted with assumptions in the acoustic report that the loading dock access door would be kept closed except during vehicle access.

150. The submitted traffic report specifies that loading arrangements will be managed by the supermarket operator under a loading management plan and that this operator will oversee the management and co-ordination of all users of the loading bay and there will be no conflict with other users. Further, the traffic report notes that, the arrival of a smaller second loading vehicle is highly unlikely and not expected to occur under typical circumstances. This will be required to be addressed in the loading management plan as a condition of permit.

151. Subject to conditions and the specified attenuation measures, noise impacts are considered acceptable.

152. Potential noise from proposed dwellings and terraces are considered an expected and acceptable aspect of a mixed use area and will be required to meet the *Environment Protection Regulations 2021* Noise Protocol.

Wind

153. The Wind Report prepared by MEL Consultants confirms that the development by way of built form, design and layout, will not generate unacceptable wind impacts within the site or on surrounding land.

On-site Amenity

154. Clause 16.01-1S (Housing Supply) seeks to encourage the development of well-designed housing that provides a high level of internal and external amenity and incorporates universal design and adaptable internal dwelling design.

155. Habitable rooms are configured to receive natural light with windows located in external walls and the proposal generally meets the objectives for Daylight to new windows and room depth (discussed further at Appendices 1 and 2).

156. A number of bedrooms will face secondary light areas which provides for comparably lower levels of daylight. This is considered acceptable given bedrooms are generally occupied for shorter periods during the daytime periods and that given this context, the secondary areas are of a suitable size to allow for reasonable daylight access.

157. The following key aspects of Clause 58 have been addressed, demonstrating suitable internal amenity (discussed further in Appendices 1 and 2):

- The individual apartment plans demonstrate 56% of the proposed configurations are compliant with Clause 58.05-1 (Accessibility).
- Apartments are provided with access to appropriately sized and functional areas of private open space and balconies in accordance with Clause 58.05-3 (Private Open Space).
- The dimensions of bedrooms and living room areas comply with the requirements of Clause 58.07-1 (Functional Layout).
- The depth of habitable rooms will enable appropriate daylight to dwellings and complies with Clause 58.07-2 (Room Depth).
- At least 40% of apartments are capable of natural ventilation through cross breeze paths, complying with Clause 58.07-4 (Natural Ventilation).

Awnings

158. Awnings are located on the Burke Road frontage and part of the Hope Street frontage. The awnings respond to Clause 15.01-1L-02 (Awnings) as follows:

- Provides for horizontal awnings that will deliver a degree of weather protection with glass material to maintain sunlight and daylight to the footpath.

The proposed horizontal awnings are acceptable as they:

- Are to be clear glazing and will not be a dominant feature of the façade.
- Do not include facias that could accommodate signage.
- Have a minimum clearance of 5.8m (in excess of the minimum sought 2.7m) above the footpath and align with others in the street.
- Have a minimum horizontal clearance of 1.1m (in excess of the minimum sought 0.75m) from the street kerb.

Trees and Landscaping

159. Clauses 15.01-1L (Urban Design), 15.01-2S (Building design) and 15.01-2L-01 (Building design) generally encourage retention of existing vegetation and provision of landscaping that responds to the site context, enhances the built form, creates safe and attractive spaces and supports cooling and greening of urban areas.

160. The proposal includes removal of 23 trees in the front and rear setbacks of 173 Burke Road and 1 tree in the rear of 28 Hope Street.

161. The submitted arborist report notes that no trees are Victorian native specimens.

162. The submitted arborist report recommends that, based on the findings of non-destructive (hand) excavation, it is feasible to construct a new crossover at a minimum distance of 4.5m from the street tree in front of 28 Hope Street (identified as Tree 1, a *Platanus x acerifolia* (London Plane)). Specialised construction requirements would need to be undertaken to ensure that the roots are pruned correctly during crossover construction. This will be addressed via permit condition.

163. The tree to the rear of 28 Hope Street is an exotic *Cedrus deodara* (Deodar Cedar) which is in fair health and has a height of 16m with canopy width of 11m. The arborist report notes that this tree is of no protection value. This tree will require a separate local law permit from the council which has noted that approval of tree removal cannot be guaranteed until such time as a full assessment is carried out.

164. The arborist report confirms that impacts to vegetation along the boundary within 26 Hope Street can be mitigated via construction techniques. This will be addressed via permit conditions for a tree management plan.

165. There is one tree within 26 Hope Street (Tree 15) which is of no protection value as it is dead.

166. A total of 22 new trees are proposed. Landscaped areas are provided throughout the development at ground level and across the height of the building. Key areas of landscaping include a canopy tree at 28 Hope Street along with planting throughout the street setback, along the west side boundary and in the south setback.

167. The development at 173 Burke Road includes Level 1 communal area terrace planting and feature tree planters along the south and south-west boundaries. Two feature trees in planter boxes are provided in the Level 1 façade to Burke Road.

168. Planters are shown to the south-east corner boundary walls with 12 ‘Blueberry Ash’ feature trees (8m height x 3m canopy). It is recommended that underplanting with species that will cascade down the laneway walls be provided, consistent with the OVGA advice.

169. It is not considered appropriate or necessary to provide landscape setbacks and deep soil planting zones due to the context of most of the site being in the activity centre where higher density is generally sought.

170. It is noted that the Tribunal previously found that 173 Burke Road is not a site where a strong landscape outcome would be expected.

171. Further assessment of landscaping is included at paragraphs 35 and 107 above and Appendices 1 and 2.

Car Parking, Bicycle Parking and Loading

Car Parking

28 Hope Street

172. The proposal requires a car parking reduction in relation to 28 Hope Street for 3 spaces. This is considered appropriate for the following reasons:

- The site is located within an area well serviced by public transport and in close proximity to shops and everyday services.
- Bicycle parking provision for 12 bicycles at 28 Hope Street exceeds the number of required bicycle parking spaces which will facilitate bicycle use and optimise the site's access to the Principal Bicycle Network (PBN).
- Residents will not be eligible for on-street parking permits, including in the event that further parking restrictions are introduced.
- The proposal responds to policy to design development to promote the use of walking, cycling and public transport and minimise car dependency (Clause 15.01-2L-02 - Environmentally sustainable development).

On-street car parking

173. In order to accommodate the proposed signalised intersection and access arrangements, a total of 22 existing car spaces are proposed to be removed along both sides of Hope Street and Burke Road. TfV conditions will require the removal of one further on-street car space on the east side of Burke Road north of Dorrington Ave

174. Two new indented parallel car spaces are proposed along the site frontage to Hope Street, resulting in a net loss of 21 car spaces. This is less than the 29 car spaces previously proposed to be removed under the proposal considered by the Tribunal.

175. Post-development, there are proposed to be five car spaces retained along the site's frontage to Burke Road and two new indented car spaces along the site's frontage to Hope Street (subject to approval by the council).

176. The traffic report indicates that there is adequate car parking supply within the vicinity of the site to cater for on-street car parking demands as well as a surplus of car parking within the proposed development. This will minimise impacts to the surrounding area.

177. Whilst the proposed signalised intersection results in a loss of on-street parking, it will also provide a benefit in the form of two new pedestrian crossings and improved pedestrian connectivity in the area and neighbourhood activity centre.

Design Standards for Car Parking

178. The proposal meets the design standards at Clause 52.06-9 as follows:

Car Parking Design 173 Burke Road

<u>Accessways</u>

- Accessways are at least 4.2m wide, exceeding the 3m minimum requirement.
- Space is provided for vehicles parked in the last space of a dead-end accessway to exit in a forwards direction.

- At least 2.1m headroom is provided beneath overhead obstructions.
- Cars can exit the site in a forward direction.
- Two-way movement is possible so that a passing area is not required.
- Sight triangles provide a clear view of pedestrians on the footpath of the frontage road.

Car Parking Spaces

- Car spaces at 173 Burke Road meet the required dimensions of Clause 52.06-9 (i.e. 2.6m wide x 4.9m long from a minimum 6.4m wide accessway), with a number of car spaces that exceed the required dimensions.
- Tandem car spaces (for residents) are provided with an additional 0.5m length.
- Disabled car parking spaces are designed in accordance with AS2890.6-2009 and the Building Code of Australia.

Gradients

- The grades over the first 5m from the frontage are 1:16 to Burke Road and 1:10 to Hope Street (do not exceed the required 1:10 (10%)).
- Ramp grades are no greater than 1:6 (16.7%) in accordance with the maximums outlined at Table 3 to Clause 52.06-9.

Urban Design

- A tilt-up panel door is provided at a setback of 13m from the Burke Road frontage garage doors and a car park door is located at the basement entry from Hope Street. A permit condition will require details of the Hope Street car park entry door to ensure it integrates with the overall building design and does not visually dominate public space.

  A condition will also require details of entry door opening and closing and how this will operate to ensure no impacts to queueing.
- The design of the development ensures clear and separate pedestrian and vehicle entry points to the site.

Safety

- Lighting of the carpark can be addressed via permit condition.
- The submitted traffic report suggests that signage within the carpark be addressed within a car parking management plan. This will be required by a permit condition.
- The common accessways provide acceptable opportunity for passive surveillance due to their proximity to the street, their aperture and inclusion of sight distance triangles.
- The car parking areas include defined pedestrian crossings and a pedestrian entry area adjacent to the travelators. It is recommended a signage and line marking plan be required within the Car Parking Management Plan by a permit condition to ensure this is shown in further detail.

28 Hope Street

- The accessway is 3.3m wide exceeding the 3m minimum requirement.
- A single-width access is acceptable given only three car spaces are proposed.
- The plans illustrate a maximum grade of 1:10 between the site boundary and start of the car spaces and 1:18 in front of car spaces.
- The plans do not show sight distance triangles to the access from the rear lane. It is noted that the rear laneway does not include a footpath and would not be frequently access by pedestrians. Notwithstanding, the plans do not show a rear boundary fence or other obstructions that would block views to the rear laneway.
- The rear car park will include a trafficable entry path to the building for pedestrians.

- Car spaces at 28 Hope Street meet the required dimensions of Clause 52.06-9 (i.e. 3m wide x 4.9m long from a minimum 5.2m wide accessway).
- Pedestrian access to the site is available to Hope Street via a separate pedestrian entrance located towards the intersection with Burke Road.

Bicycle Facilities

179. The overall provision of bicycle parking exceeds the requirements of Clause 52.34 of the Planning Scheme.

180. Customer and visitor bicycle spaces are shown both at ground level and within Basement 2, adjacent to the retail lift. The ground floor bicycle spaces are located outside of title boundaries and will therefore be required to be deleted from plans.

181. Staff bicycle spaces are provided within a secure room on Basement Level 2 and accessed via the retail lift.

182. A bicycle lift for residents is proposed to provide a connection between the bicycle parking on Basement Level 3 and the rear laneway at ground level. Residents can also use the lifts from Burke Road if required.

183. Bicycle spaces are provided via either horizontal rails (wishbone racks), vertical wall mounted rails or two-tier bicycle racks. All spaces accord with the manufacturer's specifications and/or AS2890.3-2015.

184. Approximately 64% of bicycle parking spaces provided via horizontal arrangements (62 out of 97) in accordance with AS2890.3-2015.

185. There is a requirement for 1 shower/change room for staff under Clause 52.34, which is exceeded with the provision of 2 showers/change rooms at Basement Level 2.

Loading / Unloading

186. Clause 65.01 of the Planning Scheme specifies that, before deciding on an application or approval of a plan, the responsible authority must consider the adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts. The C1Z requires consideration of vehicles providing for supplies and waste removal.

Supermarket Loading

187. The main loading requirement of the development is the supermarket.

188. A loading bay with vehicle turntable is proposed, accessed via Burke Road and providing for 12.5m long heavy rigid vehicle trucks.

189. The proposed turntable will allow loading vehicles to enter and exit the site in a forward direction, via Burke Road only.

190. Swept path diagrams have been provided demonstrating adequate loading bay access.

191. The nature of supermarket loading activity includes daily deliveries:

- Four to seven deliveries by Woolworths trucks (i.e. 12.5m trucks) per day.
- Up to five smaller direct vendor deliveries per day (B99 style van, up to a 6.4m long Small Rigid Vehicle).
- The loading bay will typically be operational between 6am to 9pm. Trucks will be given a delivery window with no overlap, and avoiding the block-out times of:
  - 8am-9am and 3pm-5.30pm Monday to Friday; and
  - 8.30am-1pm Saturday and Sunday.
- Trucks will be provided with detailed instructions on how to access the site (access routes to enforce left-in/left-out) and to co-ordinate arrivals with a Loading Bay Manager to open the internal security door to the loading bay.

192. Permit conditions, as required by TfV, will be included to address loading management.

193. It is noted that the Tribunal previously found that there was likelihood of ongoing impacts to traffic movement and amenity as a consequence of the previously proposed position of the loading bay on the Hope Street frontage, and inadequately resolved loading arrangements.

194. The current proposal locates the loading bay to the Burke Road frontage. This addresses the previous concern relating to tight and constrained conditions in Hope Street and the physical constraints of larger trucks not being able to legally fit between the stop line and 'Keep Clear' on Hope Street.

Figure 25 site layout *Glen Iris Devco Pty Ltd v Stonnington CC [2022] VCAT 471*

Figure 26 proposed site layout

195. The traffic report notes that co-ordination with larger trucks is achieved via supermarket staff and the internal door will be opened ahead of arrival. Smaller, infrequent deliveries from third party suppliers will enter the site and similarly co-ordinate loading access ahead of arrival time. A permit condition will ensure this is clearly defined in the loading management plan.

196. The Tribunal noted concerns with the previous proposal regarding the prospect of more than a second vehicle entering the loading bay as this also contradicted assumptions in the former acoustic report. This potential impact is lessened under the current proposal as noise associated with loading and access would be within the Burke Road commercial area and not the more sensitive Hope Street adjacent residential area. The submitted acoustic report notes that loading/unloading activities will only occur inside the loading dock and, provided that the loading bay is constructed to specified details and the loading bay door is kept closed except to allow vehicle access, the truck movement and operation of the loading dock / back-of-house will achieve compliance with EPA Noise Protocol – Part I at the nearest noise sensitive residential receivers (156-162 Burke Road) and the future residential apartments within the proposed development.

197. The Tribunal decision also outlined the need to consider the cumulative impacts arising with other delivery and waste vehicles on top of the large heavy rigid vehicles that will access the site with specific reference to the previous position of the loading bay location (on Hope Street) and inadequately resolved arrangements for this location.

198. A loading dock manager (or similar) will coordinate deliveries to ensure that there is no more than one larger truck at any one time. Waste collection will be managed to avoid conflicting loading times for the supermarket trucks and other occasional suppliers.

199. A permit condition will ensure that management of trucks, smaller vehicles and waste vehicles are appropriately coordinated.

200. It is considered that locating the loading bay on the Burke Road interface, permit conditions and implementation of a loading management plan will appropriately mitigate loading impacts.

Food and Drinks Premises

201. Given the size of the food and drink premises, the submitted loading management plan states that deliveries are expected to be undertaken via smaller delivery vehicles (i.e. vans). Deliveries would typically be no more than 15 minutes during business hours and would be expected to utilise the on-street parking near the site (including along the site frontage), similar to other shop and café tenancies within the activity centre.

Residential Loading

202. Residential loading for minor loading activities via residents cars or vans can occur within the basement level 3 carpark. It is expected that occasional furniture removalist trucks will be able to load on-street, including along the site's frontage to Burke Road where 5 on-street short-term car spaces will be retained post-development. The submitted traffic report states that this arrangement is appropriate given the infrequent nature of these activities.

203. Overall, subject to conditions, the proposed loading arrangements are considered appropriate.

Access, Traffic Movement and Circulation

204. Clause 65.01 requires consideration of the impact the use or development will have on the current and future development and operation of the transport system. Further, Clauses 18.01-3S (sustainable and safe transport), 18.01-2S (walking), 18.02-2S (cycling), 18.02-3R (Principal Public Transport Network), 18.02-4S (roads) are relevant. There is a focus through these clauses on maximising the efficient use of infrastructure, prioritising the use of sustainable personal transport, supporting increased walking and cycling, reducing transport related greenhouse gas emissions, and optimising accessibility, emergency access, service and amenity.

205. For the residential component, the submitted traffic report includes consideration of a traffic generation rate of 232 vehicles per day. The adopted rate is based on comparable mixed use development and is described as conservative based on the subject site's location proximate to sustainable transport and accounting for some dwellings having increased parking allocation.

206. For the retail component, the submitted traffic report includes consideration of traffic generation rates of 1,896 movements per day. The adopted rates are based on seven comparable developments that include suburban supermarkets within Melbourne. The traffic report describes the adopted rates as conservative noting the case studies included other commercial tenancies (in addition to a supermarket), only the supermarket floor area was used to calculate traffic generation, and the assessment of the proposal includes the food and drink premises as a total with the supermarket.

207. The projected overall daily traffic associated with the development is 3,134 vehicles per day. This is a reduction from the of 3,483 vehicles per day anticipated under the proposal considered by the Tribunal.

208. Trucks departing the site will exit via Burke Road only and cars departing the site will primarily exit via the Hope Street access. Traffic impacts from the proposed development will generally be limited to Hope Street and Burke Road, with traffic movements dispersing via the arterial road network at Wattletree Road to the south and High Street to the north.

209. The submitted traffic report also notes that the total traffic associated with a supermarket typically includes a proportion of 'diverted trips', which are trips already travelling along the road network that are then diverted to the supermarket (i.e., travelling along Burke Road and diverted into the site). These aren't 'new trips' to the road network and can account for up to 28% of trips associated with a supermarket.

210. The projected post-development daily traffic within Hope Street will fall within categorisation of an Access Street - Level 2 (A street providing local residential access where traffic is subservient, speed and volume are low and pedestrian and bicycle movements are facilitated) which, under Clause 56.06 of the Planning Scheme provides for 2000-4000 vehicles per day (VPD).

Street	Existing Daily Weekday Volumes (vpd)	Post-Development Daily Volumes (vpd) – VCAT 2022	Post-Development Daily Volumes (vpd) Left-in permitted via Burke Road	Clause 56.06 Local Access Road vpd
Hope Street west of the site access	352	352 (Excludes the daily traffic currently accessing the site (59 vpd))	352	2,000 – 3,000
Hope Street east of the site access (near Burke Road)	563	4,004 (excludes the daily traffic currently accessing the site (56 vpd) at the time of the Tribunal decision.	2,100	

211. Notably, the increase in traffic to Hope Street will occur between the site access point and Burke Road, not to the west of the site access within the majority of Hope Street.

212. With regard to queuing, the traffic report notes that the network will operate to an acceptable level during morning peak (when network traffic and school traffic coincide), the afternoon/evening peak, the school pick-up peak, the Saturday midday peak, and the Saturday maximum peak.

213. The submitted traffic report found that traffic modelling for post-development conditions is acceptable and can be catered for via the modifications proposed to the road network, including the installation of signals at the intersection between Burke Road and Hope Street and the removal of on-street car parking where relevant.

214. Queuing for the respective approaches between the intersections of Burke Road and Wattletree Road, and Burke Road and the western leg of Hope Street does not queue past the location of the proposed site access during any of the assessed peak hours, with a 95th percentile queue ranging between 14m – 24m.

215. The traffic report also notes a 95th percentile queue length of 17.8m (2.5 vehicles) for the right-turn lane from Burke Road to Hope Street.

216. Specifically, queueing on Hope Street is projected to change as follows (one car represents a 7m queue):

- Morning peak: increased queue from 1.0m to 14.0m (i.e. an increase of 13.0m).
- School peak: increased queue from 0.9m to 17.5m (i.e. an increase of 16.6m).
- Afternoon/evening peak: increased queue from 0.9m to 24.0m (i.e. an increase of 23.1m).
- Saturday midday peak: increased queue from 0.9m to 21.9m (i.e. an increase of 21.0m).
- Saturday max peak: increased queue from 0.2m to 18.5m (i.e. an increase of 18.3m).

217. The traffic modelling for post-development conditions can be catered for via the modifications proposed to the road network, including the installation of operated signals at the intersection between Burke Road and Hope Street and removal of on-street car parking where relevant.

218. An objection was lodged on behalf of the medical centre (at 177 Burke Road). A ‘keep clear’ area is proposed on Hope Street to maintain clear access to the medical centre crossover . The traffic report details traffic counts of vehicles using the medical centre carpark, finding that the vehicle volumes generated by this carpark are generally low and infrequent. In the afternoon peak hour there was one vehicle that exited the carpark and during the school peak hour there were three vehicles across the hour that left the site.

219. It is proposed that the ‘keep clear’ will allow the low volume of cars exiting the medical centre carpark to:

- Exit onto Hope Street if there is no queued traffic.

- Wait for any traffic queue to clear once the signals change.

  Be let out via a courtesy gap as required.

220. It is noted that concern has been raised regarding potential for some vehicles to attempt right-turns where these will be prohibited which may impact traffic on Burke Road. TfV have also noted that enforcing the right-out ban and right-in ban will be easier for trucks than everyday customers to the supermarket.

221. It is considered that assessment of the application cannot be based on the expectation that road users will disobey road signs and rules. The development and intersection has been designed to include traffic control measures and include signage and line marking. Permit conditions from TfV will require:

- Burke Road access to be provided with appropriate signage and line-marking for the truck “left in/left out” only access, residential/retail car left in only access, and no right turn movements.
- Appropriate signage at the Burke Road access to drivers to look out for pedestrians.

222. Traffic associated with 28 Hope Street will be minimal given the three car spaces on site and access from the rear laneway. This is an increase over the existing conditions on site by two car spaces noting that the existing dwelling has vehicle access from the rear laneway.

223. The submitted traffic report indicates that 1-2 vehicle movements associated with 28 Hope Street are expected in peak hours. Overall, traffic associated with 28 Hope Street is not considered unreasonable.

224. Overall, while the proposal will result in increased traffic in the area, an increase or change in traffic conditions is not a reason to refuse the application. Traffic matters have been addressed and mitigated through the signalisation of the intersection of Hope Street and Burke Road, location of the loading bay access to Bourke Road, design and permit conditions. The proposed signalisation is supported by TfV subject to conditions.

225. The proposal realises the opportunity to make more efficient use of land within the activity centre, provide employment and everyday services to the local community and additional and affordable housing in an existing, well-serviced area. As such, subject to conditions, the traffic impacts are considered acceptable on balance, having regard for the benefits of the proposal.

Waste

226. Both residential and food and drink premises waste will be collected on-site, from within the ground floor loading bay via a medium rigid vehicle. Collection vehicles will enter and exit the site in a forward direction via Burke Road. Swept path diagrams show appropriate movement for waste vehicles.

227. The collection vehicle will prop within the loading bay adjacent to the residential waste room, with vehicle operators collecting bins directly from the waste room and returning them immediately upon emptying.

228. The submitted waste management plan notes that building management will ensure sufficient access is provided for collection vehicle operators during collection times. The submitted loading management plan addresses waste and confirms that waste collection will be managed to avoid loading times for the supermarket trucks and other occasional suppliers.

229. As noted above, a permit condition will require coordination of waste collections vehicles together with loading vehicles to ensure appropriate management of all vehicles using the loading bay and opening of the internal door ahead of arrival.

Environmental Risks

Flood Mitigation

230. The council has raised potential flood impacts due to finished floor levels of apartments at 28 Hope Street relative to rear laneway levels and the lowest natural ground level on site. The applicant has advised that civil drainage will

be worked through during detailed design to ensure that an appropriate outcome can be achieved. The slope of the land is a characteristic of the area that has been addressed in surrounding development and can be addressed in the proposed development.

Sustainability

Environmentally Sustainable Design (ESD) and Water Sensitive Urban Design (WSUD)

231. The proposal seeks to achieve a Green Star Buildings v1 rating, with a 5 Star rating (Australian Excellence) minimum being targeted.

232. The submitted sustainability management plan (SMP) outlines the following elements which will contribute to sustainable design:

- Involvement of a Green Star Accredited Professional who will advise through the design and construction phases of the project.
- At least 90% of construction and demolition waste will be diverted from landfill.
- In addition to general waste and recycling, the development will provide for collection of hard waste, cardboard, composting and E-waste.
- Bespoke supermarket waste management including (not limited to):
  - separation and storage of general and recycling waste.
  - battery and mobile phone recycling to safely recycle E-waste.
  - any unused cardboard will be stored to allow customers to collect it for reuse.
  - 100% of edible unsold food: to be donated.
- All living rooms and bedrooms will have outlook and daylight access.
- The developments upfront carbon emissions reduced by at least 20% (compared to reference building) via such measures as a high percentage of cement replacement, use of pos t-consumer recycled steel, finishes to be chosen with reduced upfront carbon.
- Use of materials with low toxic chemicals.
- Proposed building fabrics will provide an improvement (compared to reference building)in heating and cooling energy.
- Rooftop solar panels.
- Energy efficient systems and appliances.
- Heat pump hot water systems.
- Water efficient fittings and fixtures.
- Capture and use of rainwater for toilet flushing and irrigation.
- The STORM Rating for the project is 102%.

233. The council has noted that there is a lack of external shading to numerous north, west and east facing habitable room windows which are exposed to solar heat gains. Many windows will generally be shaded by balconies above and the roof will extend out to shade the fourth floor and so external shading is not considered necessary.

Signage

234. Signage policy at Clause 15.01-1L-03 (Signs) seeks to limit signs on commercial buildings consistent with the character of the area and minimise signage in residential areas with signs expected to include materials, colours and styles to match the building and complement any buildings on the site.

235. It is reasonable to allow signage for identification and wayfinding. The overall amount of signage is considered acceptable. The position of the proposed signs generally responds to policy for signage in commercial areas, including its location on the building's façades.

236. The council has advised that the impact of illuminated signage to Hope Street must be carefully considered.

237. It is considered that signage facing Hope Street should reflect the residential nature and sensitivity of the street.

238. The permit applicant is willing to accept permit conditions related to the restriction of internally illuminated signage within Hope Street to be restricted to supermarket operating hours.

239. Noting that supermarkets can be open from early morning and into the evening, when ambient light levels are low, it is considered that illumination of signage should be restricted in order to minimise the light contrast and possible amenity impacts to Hope Street. It is considered that the illuminated signs associated with the basement car park should be:

- Dimmable to the satisfaction of the responsible authority.
- Enable control of brightness of the lighting to provide for upper and lower thresholds that respond to external/ambient light levels so as to minimise contrast when ambient light levels are low. This could be automated via a local light sensor to adjust illumination of signs to ambient lighting conditions.

240. It is also recommended that specific signage plans be provided to clearly show all details of signs, how they are applied to the building and how the illumination will operate.

241. The proposed two above verandah signs of 3m^2 each are located to the north-east corner of the building. This is considered appropriate to the location of the site and building entry as well as the overall scale of the development.

242. The proposed signage to Burke Road is considered acceptable given the commercial and activity centre context.

Other Matters

Cultural Heritage

243. The subject site is not within an area of aboriginal cultural heritage sensitivity.

Potentially Contaminated Land

244. Clause 13.04-1S (Contaminated and potentially contaminated land) seeks to ensure that potentially contaminated land is used and developed safely. The land must be suitable for the proposed use, prior to the commencement of any use or development.

245. Sensitive uses (residential, childcare centre, kindergarten, pre-school centre, schools) must be protected from the effects of contamination.

246. Given the majority of the subject site has been used for commercial purposes, permit conditions will require a preliminary risk screen assessment to determine the suitability of the current land and whether an environmental audit is required.

Development Contributions

247. Conditions will be included on the permit for development contributions relating to 173 Burke Road as per the DCPO1. This will not apply to 28 Hope Street as per Schedule 1 to the DCPO which excludes land developed for affordable housing, as defined by Section 3AA of the Act.

Clause 53.23 – Significant Residential Development with Affordable Housing

248. Clause 53.23-4 (Requirement before the grant of a permit) requires that, unless specified in Clause 53.23-1 of the Planning Scheme, a permit must not be granted unless the owner of the land has entered into an agreement with

the responsible authority under section 173 of the Act for the provision of affordable housing. Clause 52.23-1 allows the responsible authority to decide to not require an agreement to be entered into under Section 173 of the Act.

249. In this case the agreement under section 173 of the Act is deferred to after the grant of a permit and will be required by a permit condition.

250. A total of six of the proposed dwellings within the development are to be affordable housing which will be secured by the agreement. As noted above, informally amended plans have been submitted to show a reduction in the total apartment yield from 64 to 60 dwellings to ensure the development meets the requirement to provide 10% of dwellings as affordable housing (i.e. the 6 proposed dwellings at 28 Hope Street).

251. The affordable housing benefit to be delivered by the development is part of the justification for the proposal.

Recommendation

252. The proposal is generally consistent with the relevant planning policies of the Stonnington Planning Scheme and will contribute to the provision of diverse and affordable housing and retail facilities within the Glen Iris area.

253. The proposal is generally supported by Transport for Victoria, a s55 referral agency.

254. It is recommended that Planning Permit No. PA2402980 for the use and development for a 3-5 storey mixed use building (including supermarket, food and drink premises and dwellings); signage; reduction to the car parking requirement; and creation and alteration of access to a road in a Transport Zone 2 at 173 Burke Road and 28 Hope Street, Glen Iris be issued subject to conditions.

255. It is recommended that the applicant, the council and TfV 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.

[redacted]

Dated: 8 October 2024

Reviewed 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.

[redacted]

Dated: 9 October 2024

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.

[redacted]

Dated: 25 October 2024

Appendix 1: Clause 55 Assessment

The following table details the assessment of the proposed apartments at 28 Hope Street against clause 55 of the planning scheme.

Neighbourhood and site description

Clause 55.01-1	Assessment

• *The neighbourhood and site description may use a site plan, photographs or other techniques and must accurately describe:*
  ○ *In relation to the neighbourhood:*
  - *The pattern of development of the neighbourhood.*
  - *The built form, scale and character of surrounding development including front fencing.*
  - *Architectural and roof styles.*
  - *Any other notable features or characteristics of the neighbourhood.*
  ○ *In relation to the site:*
  - *Site shape, size, orientation and easements.*
  - *Levels of the site and the difference in levels between the site and surrounding properties.*
  - *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.*
  - *The use of surrounding buildings.*
  - *The location of secluded private open space and habitable room windows of surrounding properties which have an outlook to the site within 9 metres.*
  - *Solar access to the site and to surrounding properties.*
  - *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.*
  - *Any contaminated soils and filled areas, where known.*
  - *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.*
  - *Any other notable features or characteristics of the site.*
• *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.*
Satisfactory neighbourhood and site description
• *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.*
• *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.*
• *This does not apply if the responsible authority refuses an application under Section 52(1A) of the Act.*
	A neighbourhood and site description is included in the submitted urban context report.

Design response

Clause 55.01-2	Assessment

• *The design response must explain how the proposed design:*
  ○ *Derives from and responds to the neighbourhood and site description.*
  ○ *Meets the objectives of Clause 55.*
  ○ *Responds to any neighbourhood character features for the area identified in a local planning policy or a Neighbourhood*
	Design response is included in the submitted urban context report.

Character Overlay. • *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.*	

Neighbourhood character objectives

Clause 55.02-1	Assessment
Objectives • *To ensure that the design respects the existing neighbourhood character or contributes to a preferred neighbourhood character.* • *To ensure that development responds to the features of the site and the surrounding area.*	Complies The proposed development will sit comfortably within the evolving neighbourhood character of this area.
Standard B1 • *The design response must be appropriate to the neighbourhood and the site.* • *The proposed design must respect the existing or preferred neighbourhood character and respond to the features of the site.*	

Residential policy objectives

Clause 55.02-2	Assessment
Objectives • *To ensure that residential development is provided in accordance with any policy for housing in the Municipal Planning Strategy and the Planning Policy Framework.* • *To support medium densities in areas where development can take advantage of public transport and community infrastructure and services.*	**Complies** The dwellings are consistent with State and Local policy regarding housing. The proposal will provide increased diversity in housing in an established residential and commercial area, well serviced by public transport, community infrastructure and services.
Standard B2 • *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.*	

Dwelling diversity objective

Clause 55.02-3	Assessment
Objective • *To encourage a range of dwelling sizes and types in developments of ten or more dwellings.*	**Complies** The proposal contributes to a mix of dwellings and includes 4 x 1 bedroom apartments and 2 x 2 bedroom apartments at 28 Hope Street. Combined with the proposed dwellings at 173 Burke Road, the proposal provides further diversity with a mix of 1, 2 and 3 bedroom dwellings.

Standard B3
• *Developments of ten or more dwellings should provide a range of dwelling sizes and types, including:*
  ○ *Dwellings with a different number of bedrooms.*
  ○ *At least one dwelling that contains a kitchen, bath or shower, and a toilet and wash basin at ground floor level.*	

Infrastructure objectives

Clause 55.02-4	Assessment

Objectives	Complies
• *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.*	The dwellings will be provided with appropriate utility services and connected to existing infrastructure.
Standard B4 • *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.*	

Integration with the street objective

Clause 55.02-5	Assessment
Objective • *To integrate the layout of development with the street.*	**Complies** Hope Street dwellings are orientated to Hope Street in an apartment format with a centralised entrance from the street. The development has been designed to integrate with the street and provide appropriate pedestrian and vehicular access. The proposed front fence height of 1.36m – 1.62m is generally consistent with the mix of fences in Hope Street and will allow for interaction with the street.
Standard B5 • *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.*	

Street setback objective

Clause 55.03-1	Assessment
Objective • *To ensure that the setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site.*	**Variation accepted** The proposed building at 28 Hope Street provides a variable setback that transitions from 8.7m to the western boundary adjacent No. 26 Hope Street to 7m to the east. No. 26 Hope Street is setback approximately 7.4m – 8.9m. This requires a minor variation to the setback which is considered acceptable given the proposed setbacks provide an appropriate transition from the mixed use development in the C1Z to the residential development along Hope Street. The proposed setback allows for adequate space for genuine landscaping opportunities, including canopy tree planting.

Standard B6
• *Walls of buildings should be set back from streets:*
  ○ *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.*
• *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	*There is an existing building on both the abutting allotments facing the same street, and the site is not on a corner.*	*There is an existing building on one abutting allotment facing the same street and no existing building on the other abutting allotment facing the same street, and the site is not on a*	*There is no existing building on either of the abutting allotments facing the same street, and the site is not on a corner.*	*The site is on a corner.*

		corner.		
Minimum setback from front street (metres)	*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.*	*The same distance as the setback of the front wall of the existing building on the abutting allotment facing the front street or 9 metres, whichever is the lesser.*	*6 metres for streets in a Transport Zone 2 and 4 metres for other streets.*	*If there is a building on the abutting allotment facing the front street, the same distance as the setback of the front wall of the existing building on the abutting allotment facing the front street or 9 metres, whichever is the lesser.* *If there is no building on the abutting allotment facing the front street, 6 metres for streets in a Transport Zone 2 and 4 metres for other streets.*
Minimum setback from a side street (metres)	*Not applicable.*	*Not applicable.*	*Not applicable.*	*Front walls of new development fronting the side street of a corner site should be setback at least the same distance as the setback of the front wall of any existing building on the abutting allotment facing the side street or 3 metres, whichever is the lesser.* *Side walls of new development on a corner site should be setback the same distance as the setback of the front wall of any existing building on the abutting allotment facing the side street or 2 metres, whichever is the lesser.*

Building height objective

Clause 55.03-2	Assessment
Objective • *To ensure that the height of buildings respects the existing or preferred*	**Complies** The maximum building height of the proposed building

neighbourhood character.	at 28 Hope Street is 7.83m – 8.45m which complies with the 9m maximum.
Standard B7 • *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.*	

Site coverage objective

Clause 55.03-3	Assessment
Objective • *To ensure that the site coverage respects the existing or preferred neighbourhood character and responds to the features of the site.*	**Complies** The proposed site coverage of 28 Hope Street is 41% which complies with the 60% maximum.

Standard B8
• *The site area covered by buildings should not exceed:*
  ○ *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.*	

Permeability and stormwater management objectives

Clause 55.03-4	Assessment
Objectives • *To reduce the impact of increased stormwater run-off on the drainage system.* • *To facilitate on-site stormwater infiltration.* • *To encourage stormwater management that maximises the retention and reuse of stormwater.*	**Complies** The proposed permeability of 28 Hope Street is 27.9% of the site area which complies with the 20% minimum.

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.*	

Energy efficiency objectives

Clause 55.03-5	Assessment
Objectives • *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.*	**N/A** Clause 55.03-5, Clause 55.03-6, Clause 55.03-8, Clause 55.04-8, Clause 55.05-1, Clause 55.05-2 and Clause 55.05-6 are not applicable to apartment development.
Standard B10	

• *Buildings should be:*
  ○ *Oriented to make appropriate use of solar energy.*
  ○ *Sited and designed to ensure that the energy efficiency of existing dwellings on adjoining lots is not unreasonably reduced.*
  ○ *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.*	

Open space objective

Clause 55.03-6	Assessment

Objective
• *To integrate the layout of development with any public and communal open space provided in or adjacent to the development.*
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.*
	NA
	Clause 55.03-5, Clause 55.03-6, Clause 55.03-8, Clause 55.04-8, Clause 55.05-1, Clause 55.05-2 and Clause 55.05-6 are not applicable to apartment development.

Safety objective

Clause 55.03-7	Assessment
Objective • *To ensure the layout of development provides for the safety and security of residents and property.* **Standard B12** • *Entrances to dwellings and residential buildings should not be obscured or isolated from the street and internal accessways.* • *Planting which creates unsafe spaces along streets and accessways should be avoided.* • *Developments should be designed to provide good lighting, visibility and surveillance of car parks and internal accessways.* • *Private spaces within developments should be protected from inappropriate use as public thoroughfares.*	**Complies** The proposed dwellings are provided with a defined entrance that is oriented to Hope Street to provide for reasonable safety and security of residents.

Landscaping objectives

Clause 55.03-8	Assessment
Objectives • *To encourage development that respects the landscape character of the neighbourhood.* • *To encourage development that maintains and enhances habitat for plants and animals in locations of habitat importance.* • *To provide appropriate landscaping.* • *To encourage the retention of mature vegetation on the site.*	**NA** Clause 55.03-5, Clause 55.03-6, Clause 55.03-8, Clause 55.04-8, Clause 55.05-1, Clause 55.05-2 and Clause 55.05-6 are not applicable to apartment development.

Standard B13
• *The landscape layout and design should:*
  ○ *Protect any predominant landscape features of the neighbourhood.*
  ○ *Take into account the soil type and drainage patterns of the site.*
  ○ *Allow for intended vegetation growth and structural protection of buildings.*
  ○ *In locations of habitat importance, maintain existing habitat and provide for new habitat for plants and animals.*
  ○ *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.*	

Access objective

Clause 55.03-9	Assessment
Objectives • *To ensure the number and design of vehicle crossovers respects the neighbourhood character.*	**Complies** The proposal does not include vehicular access from Hope Street to 28 Hope Street. It is proposed to include a 7.4m crossover from Hope Street to 173 Burke Road which occupies 11.45% of the total Hope Street frontage of the subject site. The width of the accessways do not exceed 33% of the frontage.

Standard B14
• *The width of accessways or car spaces should not exceed:*
  ○ *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.*	

Parking location objectives

Clause 55.03-10	Assessment
Objectives • *To provide convenient parking for resident and visitor vehicles.* • *To protect residents from vehicular noise within developments.*	**Complies** The three on-site car parking spaces provided at the rear of 28 Hope Street are convenient and secure. The proposed access way and spaces are not located within 1.5m of adjoining lots or existing habitable room windows.

Standard B15
• *Car parking facilities should:*
  ○ *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.*	

Side and rear setback objective

Clause 55.04-1	Assessment
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.*	**Variation accepted** <table><tr><th></th><th>Wall Height</th><th>Required Setback</th><th>Proposed Setback</th></tr><tr><td>West wall</td><td>7.93m – 8.49m</td><td>2.58m – 3.58m</td><td>3.84m</td></tr><tr><td>West terrace first floor</td><td>3.6m – 3.95m</td><td>1m – 1.11m</td><td>1.89m - 2.1m</td></tr><tr><td>West terrace second floor</td><td>5.85m</td><td>1.68m</td><td>1.8m</td></tr><tr><td>South</td><td>7.93m</td><td>2.58m</td><td>11.8m</td></tr></table>

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.*
	GRZ10 requires no boundary walls for the front 5m of the building:
	
	For a distance of at least 5 metres behind the front facade of the building fronting the street, setback new buildings (including basements) a minimum of 2 metres from at least one side boundary and at least 1 metre from the other side boundary up to 3.6 metres in height.
	Where no setback is specified, standard A10 or B17 applies
	
	The proposed west boundary wall of 28 Hope Street abuts the C1Z and the proposed 173 Burke Road building. The building at 173 Burke Road will also have a wall on boundary and is not subject to the same B18 variation.
	
	In this instance, a variation to the standard is appropriate for approval noting the interface to 173 Burke Road is to a Commercial 1 Zone, that the development includes two key built forms which have been designed to interface and blend sympathetically with each other.
	
	When considered on a whole site basis, the proposal does not include boundary to boundary development within the GRZ10. The proposed layout provides adequate space for vegetation and tree planting on 28 Hope Street in line with its garden setting.

Walls on boundary objective

Clause 55.04-2	Assessment
Objective • *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.*	**N/A** No boundary walls proposed. It is noted that the east wall to 28 Hope Street abuts the west wall of the proposed building at 173 Burke Road. This has been designed to tie in with the overall
Standard B18 • *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: ○ *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:* - *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.*	development.

Daylight to existing windows objective

Clause 55.04-3	Assessment
Objective • *To allow adequate daylight into existing habitable room windows.* **Standard B19** • *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** The development has been designed to ensure that all habitable room windows of adjoining properties maintain adequate daylight. The closest existing windows to 28 Hope Street are at 26 Hope Street and are setback from the proposed development as follows. **West**: Maximum Wall Height 7.93m – 8.49m; Required Setback (to window) 3.9m - 4.24m; Proposed Setback (to window) 8.6m minimum

North-facing windows objective

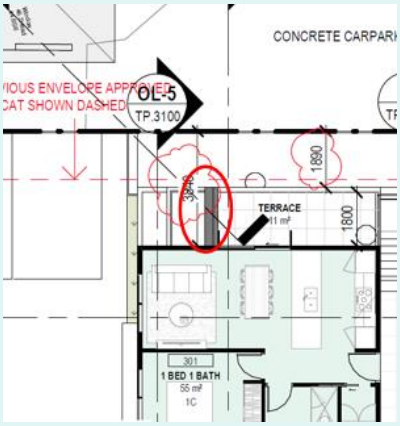
Clause 55.04-4	Assessment
Objective • *To allow adequate solar access to existing north-facing habitable room windows.* **Standard B20** • *If a north-facing habitable room window of an existing dwelling is within 3 metres of a boundary on an abutting lot, a building should be setback from the boundary 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.*	**NA** There are no north facing windows within 3m of 28 Hope Street.

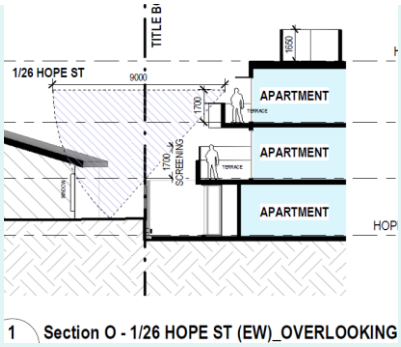
Overshadowing open space objective

Clause 55.04-5	Assessment
Objective • *To ensure buildings do not significantly overshadow existing secluded private open space.* **Standard B21** • *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.*	**Complies** The proposed development at 28 Hope Street does not cast additional shadow to any adjoining SPOS on 22 September. The proposal overshadows the driveway of 26 Hope Street at 9am and 10am and does not affect adjoining properties from 11am onward.

Overlooking objective

Clause 55.04-6	Assessment

Objective
• *To limit views into existing secluded private open space and habitable room windows.*
Standard B22
• *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:*
  ○ *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.*
  ○ *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.*
	Complies
	Upper level windows with outlook towards habitable room windows or the private open space of adjoining properties avoid overlooking.
	
	The southernmost western terraces at 28 Hope Street are within 9m of existing windows at 1/26 Hope Street (located to the rear of the site).
	
	The first floor terrace has screening along the balcony balustrade to a height of 1.7m to limit views, in accordance with Standard B22.
	
	The second floor terrace includes a shelf along its southern edge to ensure views are not obtained within 9m.
	 



1 Section O - 1/26 HOPE ST (EW)_OVERLOOKING

It is recommended that a permit condition require the elevations dimension the screen height and material.

Internal views objective

Clause 55.04-7	Assessment
Objective • *To limit views into the secluded private open space and habitable room windows of dwellings and residential buildings within a development.*	**Variation accepted** The development has been designed to ensure no unreasonable overlooking between the proposed dwellings. This includes walls separating the private open space areas. The plans note that internal overlooking from the first floor western terraces to the ground level open space is more than 50%. The first floor terraces are oriented in a way to minimise internal overlooking. 1.7m screening along the eastern interface of 28 Hope Street will restrict views to/from apartments at 173 Burke Road. It is considered that sufficient measures are proposed to minimise internal views to an acceptable level. This is balanced with the ideal to provide outlook and minimise any negative effects of screening structures.
Standard B23 • *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.*	

Noise impacts objectives

Clause 55.04-8	Assessment
Objectives • *To contain noise sources in developments that may affect existing dwellings.* • *To protect residents from external noise.*	**N/A** Clause 55.03-5, Clause 55.03-6, Clause 55.03-8, Clause 55.04-8, Clause 55.05-1, Clause 55.05-2 and Clause 55.05-6 arenot applicable to apartment development.
Standard B24 • *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.*	

Accessibility objective

Clause 55.05-1	Assessment
Objective • *To encourage the consideration of the needs of people with limited mobility in the design of developments.*	**N/A** Clause 55.03-5, Clause 55.03-6, Clause 55.03-8, Clause 55.04-8, Clause 55.05-1, Clause 55.05-2 and Clause 55.05-6 are not applicable to apartment development.
Standard B25 • *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.*	

Dwelling entry objective

Clause 55.05-2	Assessment
Objective • *To provide each dwelling or residential building with its own sense of identity.*	NA Clause 55.03-5, Clause 55.03-6, Clause 55.03-8, Clause 55.04-8, Clause 55.05-1, Clause 55.05-2 and Clause 55.05-6 are not applicable to apartment development.

Standard B26
• *Entries to dwellings and residential buildings should:*
  ○ *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.*	

Daylight to new windows objective

Clause 55.05-3	Assessment
Objective • *To allow adequate daylight into new habitable room windows.*	**Complies** All habitable room windows are located to face an outdoor space and will have access to adequate daylight. Western windows at first floor level will be below terraces at second floor level. This is considered acceptable given the 1.6m - 1.8m depth of the terraces, the dual aspect of apartment HS201, the openness of the perimeter of the space in front of windows, and the shading that will be provided by the terraces from the western sun.

Standard B27
• *A window in a habitable room should be located to face:*
  ○ *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.*	

Private open space objective

Clause 55.05-4	Assessment
Objective • *To provide adequate private open space for the reasonable recreation and service needs of residents.*	**Variation accepted** The ground level private open spaces are 25m^2 – 56m^2 HS101 is provided with a minimum dimension of 2.1m instead of the required 3m and is directly accessible from the living room. It is considered that a minor variation from the standard for this one dwelling is appropriate given that the open space is usable and that the site is proximate to public open space including Central Park to the south. This will provide for the open space needs of future occupants.
Standard B28 • *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:* ○ *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.*	First and second floor terraces are as follows: HS201: 8.55m^2, minimum width of 1.8m HS202: 32m^2, minimum width of 1.55m HS301: 11m^2, minimum width of 1.8m HS302: 9m^2, minimum width of 1.8m.

Solar access to open space objective

Clause 55.05-5	Assessment
Objective • *To allow solar access into the secluded private open space of new dwellings and residential buildings.*	**Complies** The proposal maximises the northern aspect of the site, accommodating the orientation and width of the land with three dwellings to have areas of private open space to the north. The remaining dwellings have outlook to the north, west and south. The terraces to the south of the building core will have northern light given the vertical steel battens to be applied to the core which will allow light to pass through. A permit condition will require plans to show further detail to secure this.
Standard B29 • *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.*	

Storage objective

Clause 55.05-6	Assessment
Objective • *To provide adequate storage facilities for each dwelling.*	**N/A** Clause 55.03-5, Clause 55.03-6, Clause 55.03-8, Clause 55.04-8, Clause 55.05-1, Clause 55.05-2 and Clause 55.05-6 are not applicable to apartment development.
Standard B30 • *Each dwelling should have convenient access to at least 6 cubic metres of externally accessible, secure storage space.*	

Design detail objective

Clause 55.06-1	Assessment
Objective • *To encourage design detail that respects the existing or preferred neighbourhood character.*	**Complies** The proposed design is respectful of the existing neighbourhood character while balancing the need for increased housing densities and diversity. The proposal provides for an appropriate level of articulation and detailing including: • Brick and concrete materials • Pop-out window shrouds • A mixture of solid and visually permeable balcony balustrades • Vehicle access and parking concealed from views from Hope Street. It is considered this design detailing will sit comfortably within Hope Street and provide a transition from the C1Z to the east.
Standard B31 • *The design of buildings, including:* ○ *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.*	

Front fences objective

Clause 55.06-2	Assessment

Objective
• *To encourage front fence design that respects the existing or preferred neighbourhood character.*
Standard B32
• *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:*
  ○ *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.*
	Variation Accepted
	Due to the slope in natural ground level, the proposed fence height is 1.36m – 1.62m. Given the minor variation (0.12m) proposed and the mix of fence heights in Hope Street, the height is considered acceptable.
	
	The proposed front fence is to be constructed of timber to align with the design articulation throughout the development and is consistent with front fences along Hope Street. A condition will require material detail to be clearly shown on plans.

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

Common property objectives

Clause 55.06-3	Assessment
Objectives • *To ensure that communal open space, car parking, access areas and site facilities are practical, attractive and easily maintained.* • *To avoid future management difficulties in areas of common ownership.* **Standard B33** • *Developments should clearly delineate public, communal and private areas.* • *Common property, where provided, should be functional and capable of efficient management.*	**Complies** The proposal clearly delineates the interfaces between public, private and communal areas with fencing, pathways and architectural features. The proposal has been designed to ensure that car parking, access areas and site facilities are practical, attractive and capable of easy maintenance.

Site services objectives

Clause 55.06-4	Assessment
Objectives • *To ensure that site services can be installed and easily maintained.* • *To ensure that site facilities are accessible, adequate and attractive.* **Standard B34** • *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** The development will ensure site services and facilities can be installed, are accessible and easily maintained. Mailboxes are located within the Hope Street frontage that are easily accessible by Australia Post. Bin storage is shown within a dedicated enclosure in the front setback for accessibility to the street. The enclosure will appropriately screen bins from street views.

Energy efficiency objectives

Clause 55.07-1	Assessment
Objectives • *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.*	**Complies** The design incorporates habitable areas that will allow for adequate ventilation and reasonable solar access, including orientation of habitable room windows and private open space to the north where possible. The development is located with climate zone 62 Moorabbin which has a maximum cooling load of 21MJ/M2 per annum. No dwelling within the development exceeds this maximum cooling load and therefore achieves adequate thermal efficiency.

Standard B35
• *Buildings should be:*
  ○ *Oriented to make appropriate use of solar energy.*
  ○ *Sited and designed to ensure that the energy efficiency of existing dwellings on adjoining lots is not unreasonably reduced.*
  ○ *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.*	

Table B4 Cooling load

NatHERS climate zone	NatHERS maximum cooling load MJ/M² 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.*

Communal open space objective

Clause 55.07-2	Assessment
Objectives • *To provide communal open space that meets the recreation and amenity needs of residents.*	**N/A**

• *To ensure that communal open space is accessible, functional, and is easily maintained.* • *To ensure that communal open space is integrated with the layout of the development and enhances resident amenity.*	

Standard B36
• *A development of 10 or more dwellings should provide a minimum area of communal outdoor open space of 30 square metres.*
• *If a development contains 13 or more dwellings, the development should also provide an additional minimum area of communal open space of 2.5 square metres per dwelling or 220 square metres, whichever is the lesser. This additional area may be indoors or outdoors and 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.*
  ○ *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.*	

Solar access to communal outdoor open space objective

Clause 55.07-3	Assessment
Objective • *To allow solar access into communal outdoor open space.*	**N/A**
Standard B37 • *The communal outdoor open space should be located on the north side of a building, if appropriate.* • *At least 50 per cent or 125 square metres, whichever is the lesser, of the primary communal outdoor open space should receive a minimum of two hours of sunlight between 9am and 3pm on 21 June.*	

Landscaping objectives

Clause 55.07-4	Assessment
Objectives • *To provide landscaping that supports the existing or preferred urban context of the area and reduces the visual impact of buildings on the streetscape.* • *To preserve existing canopy cover and support the provision of new canopy cover.* • *To ensure landscaping is climate responsive, supports biodiversity, wellbeing and amenity and reduces urban heat.*	**Variation Accepted** The architectural plans show landscaping opportunities across the site, with 4% of the site designated for deep soil planting at the Hope Street interface. For 28 Hope Street the following is required: • Canopy cover to 5% of site area • At least 1 x Type A tree - 4m (canopy) x 6m (height) • Deep soil of 22.4m^2 (5% of site area) At 28 Hope Street the following is proposed: • Canopy cover of 4.4% • 1 tree with 5m (canopy) and 7m (height) • Deep soil 17m^2
Standard B38 • *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 B5. Existing trees can be used to meet the canopy cover requirements of Table B5.*	

- *Provide canopy cover through canopy trees that are:*
  - *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.*
  - *Consistent with the canopy diameter and height at maturity specified in Table B7.*
  - *Located in communal outdoor open space or common areas or street frontages.*
- *Comprise smaller trees, shrubs and ground cover, including flowering native species.*
- *Include landscaping, such as climbing plants or smaller plants in planters, in the street frontage and in outdoor areas, including communal outdoor open space.*
- *Shade outdoor areas exposed to summer sun through landscaping or shade structures and use paving and surface materials that lower surface temperatures and reduce heat absorption.*
- *Be supported by irrigation systems which utilise alternative water sources such as rainwater, stormwater and recycled water.*
- *Protect any predominant landscape features of the area.*
- *Take into account the soil type and drainage patterns of the site.*
- *Provide a safe, attractive and functional environment for residents.*
- *Specify landscape themes, vegetation (location and species), irrigation systems, paving and lighting.*

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	64 cubic metres	1.5 metre

The overall site at 28 Hope Street includes 82m^2 of deep soil, however, not all of this will have a minimum dimension of 3m.

The proposed tree in the front setback will somewhat offset the removal of the exotic Deodar Cedar in the rear setback. The existing tree is in fair health and has a height and canopy spread of 16m x 11m.

	(min. plan dimension 6.5 metres)	(min. plan dimension of 6.5 metres)

Note:

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

Table 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

Integrated water and stormwater management objectives

Clause 55.07-5	Assessment
Objectives • *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.*	**Complies** The proposed development provides for integrated water and stormwater management initiatives as detailed in submitted SMP which specifies: *Runoff from the non-trafficable roof area, with an area of 124m² will be diverted to rainwater tank(s) with a minimum total effective storage capacity of 5,000L. The stored water will be used for toilet flushing for all toilets in the entire building*. A permit condition will require the rainwater tank to be clearly shown on the plans.

Standard B39
• *Buildings should be designed to collect rainwater for non-drinking purposes such as flushing toilets, laundry appliances and garden use.*
• *Buildings should be connected to a non-potable dual pipe reticulated water supply, where available from the water authority.*
• *The stormwater management system should be:*
  ○ *Designed to meet the current best practice performance objectives for stormwater quality as contained in the Urban Stormwater - Best Practice Environmental Management Guidelines (Victorian Stormwater Committee, 1999).*
  ○ *Designed to maximise infiltration of stormwater, water and drainage of residual flows into permeable surfaces, tree pits and treatment areas.*	

Access objective

Clause 55.07-6	Assessment
Objectives • *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.*	**Complies** All vehicular access to the site will occur from rear (south) of the site, from the laneway.
Standard B40 • *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.

Noise impact objective

Clause 55.07-7	Assessment
Objectives • *To contain noise sources in developments that may affect existing dwellings.* • *To protect residents from external and internal noise sources.*	**Complies** The proposed apartments will be designed and constructed to ensure noise sources originating from the proposed development will not unreasonably affect dwellings. The proposal will be designed to ensure future residents are protected from both internal and external noise sources. Heat pumps are shown within the open space of each dwelling and a notation confirms that heat pumps and air conditioner units will be located on the roof. A permit condition will require clarification of the location of heat pumps and confirmation that roof services are screened.

Standard B41

- *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:*
  - *Not greater than 35dB(A) for bedrooms, assessed as an LAeq,8h from 10pm to 6am.*
  - *Not greater than 40dB(A) for living areas, assessed LAeq,16h from 6am to 10pm.*
- *Buildings, or part of a building screened from a noise source by an existing solid structure, or the natural topography of the land, do not need to meet the specified noise level requirements.*
- *Noise levels should be assessed in unfurnished rooms with a finished floor and the windows closed.*

Table B8 Noise influence area:

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

Note:

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

Accessibility objective

Clause 55.07-8

Objective

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

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.*

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: • A slide door, or • A door that opens outwards, or • A door that opens inwards that is clear of the circulation area and has readily removable hinges.	Either: • A slide door, or • A door that opens outwards, or • A door that opens inwards and has readily removable hinges.
Circulation area	A clear circulation area that is: • A minimum area of 1.2 metres by 1.2 metres. • Located in front of the shower and the toilet. • Clear of the toilet, basin and the door swing. The circulation area for the toilet and shower can overlap.	A clear circulation area that is: • A minimum width of 1 metre. • The full length of the bathroom and a minimum length of 2.7 metres. • Clear of the toilet and basin. The circulation area can include a shower area.
Path to circulation area	A clear path with a minimum width of 900mm from the 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

Assessment

Variation required

The applicant has advised that the proposed dwellings at 28 Hope Street were designed in consultation with affordable housing providers to ensure the needs of future residents can be catered to. As such, the dwellings have not been designed to the specifications of Standard B42. However, given the overall development, combined with proposed dwellings at 173 Burke Road, exceeds 50% of apartments that meet accessibility, the variation is considered acceptable.

area.	

Private open space objective

Clause 55.07-9	Assessment
Objectives • *To provide adequate private open space for the reasonable recreation and service needs of residents.*	**Variation accepted** Discussed above at Clause 55.05-4.

Standard B43
• *A dwelling should have private open space consisting of at least one of the following:*
  ○ *An area at ground level of at least 25 square metres, with a minimum dimension of 3 metres and convenient access from a living room.*
  ○ *A balcony with at least the area and dimensions specified in Table 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.*	

Table B10 Balcony size

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

Storage objective

Clause 55.07-10	Assessment
Objectives • *To provide adequate storage facilities for each dwelling.*	**Complies** Each dwelling is provided with convenient access to usable and secure storage space in accordance with the below requirements: ▪ 1-bedroom dwelling = 6m3 within the dwelling, 10m3 overall ▪ 2-bedroom dwelling = 9m3 within the dwelling, 14m3 overall Internal storage space has been provided for each dwelling within the 28 Hope Street building including a minimum of 6.3m^3 internal and 4.9m^3 external storage.
Standard B44 • *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	Minimum storage volume within the

	volume	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

Waste and recycling objectives

Clause 55.07-11	Assessment
Objectives • *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.*	**Complies** The proposal has been designed to ensure that waste and recycling facilities are accessible, adequate and attractive. Additionally, waste and recycling facilities have been designed and managed to minimise impacts on residential amenity. The bin storage area is provided in a screened area in the front setback. The WMP specifies that waste, recyclables and food and organics will be provided for. Collection will be undertaken through Council's standard kerbside collection service Adequate internal storage space has also been provided within each dwelling to enable the separation of waste, recyclables and food waste where appropriate. A permit condition will require the submitted WMP to include reference to the *Waste Management and Recycling in Multi-unit Developments (Sustainability Victoria, 2019)*, as sought under Standard B45.

Standard B45
• *Developments should include dedicated areas for:*
  ○ *Waste and recycling enclosures which are:*
  - *Adequate in size, durable, waterproof and blend in with the development.*
  - *Adequately ventilated.*
  - *Located and designed for convenient access by residents and made easily accessible to people with limited mobility.*
  ○ *Adequate facilities for bin washing. These areas should be adequately ventilated.*
  ○ *Collection, separation and storage of waste and recyclables, including where appropriate opportunities for on-site management of food waste through composting or other waste recovery as appropriate.*
  ○ *Collection, storage and reuse of garden waste, including opportunities for on-site treatment, where appropriate, or off-site removal for reprocessing.*
  ○ *Adequate circulation to allow waste and recycling collection vehicles to enter and leave the site without reversing.*
  ○ *Adequate internal storage space within each dwelling to enable the separation of waste, recyclables and food waste where appropriate.*
• *Waste and recycling management facilities should be designed and managed in accordance with a Waste Management Plan approved by the responsible authority and:*
  ○ *Be designed to meet the 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.*	

Functional layout objective

Clause 55.07-12	Assessment
Objectives • *To ensure dwellings provide functional areas that meet the needs of residents.*	**Complies** The proposal has been designed to ensure all dwellings provide functional areas that meet the needs of residents.
Standard B46 • *Bedrooms should:*	All living rooms and bedrooms achieve the minimum

○ *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.* **Table B12 Bedroom dimensions** **Bedroom type** / **Min. width** / **Min. depth** Main bedroom / 3 metres / 3.4 metres All other bedrooms / 3 metres / 3 metres • *Living areas (excluding dining and kitchen areas) should meet the minimum internal room dimensions specified in Table B13.* **Table B13 Living area dimensions** **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	dimension requirements specified within the standard.

Room depth objective

Clause 55.07-13	Assessment
Objective • *To allow adequate daylight into single aspect habitable rooms.*	**Complies** The proposal has been designed to allow high levels of daylight to filter into habitable rooms across the development. Living rooms to four of the 6 dwellings at 28 Hope Street are dual aspect. The two single aspect living areas are approximately 6.6m deep which complies with the 6.75m maximum. Bedrooms are no more than a maximum of 4.1m deep which complies with the 6.75m maximum.
Standard B47 • *Single aspect habitable rooms should not exceed a room depth of 2.5 times the ceiling height.* • *The depth of a single aspect, open plan, habitable room may be increased to 9 metres if all the following requirements are met:* ○ *The room combines the living area, dining area and kitchen.* ○ *The kitchen is located furthest from the window.* ○ *The ceiling height is at least 2.7 metres measured from finished floor level to finished ceiling level. This excludes where services are provided above the kitchen.* • *The room depth should be measured from the external surface of the habitable room window to the rear wall of the room.*	

Windows objective

Clause 55.07-14	Assessment
Objective • *To allow adequate daylight into new habitable room windows.*	**Complies** All habitable room windows are located to face an outdoor space and will have access to adequate daylight. Western windows at first floor level will be below terraces at second floor level. This is considered acceptable given the 1.6m - 1.8m depth of the terraces, the dual aspect of apartment HS201, openness of the perimeter of the space in front of windows, and the shading that will be provided by the terraces from western sun.
Standard B48 • *Habitable rooms should have a window in an external wall of the building.* • *A window may provide daylight to a bedroom from a smaller secondary area within the bedroom where the window is clear to the sky.* • *The secondary area should be:* ○ *A minimum width of 1.2 metres.* ○ *A maximum depth of 1.5 times the width, measured from the external surface of the window.*	

Natural ventilation objectives

Clause 55.07-15	Assessment
Objectives • *To encourage natural ventilation of dwellings.* • *To allow occupants to effectively manage natural ventilation of dwellings.*	**Variation Accepted** Two of the dwellings at 28 Hope Street are shown to achieve Standard B49. The design and layout of the proposed dwellings has maximised openable windows and doors in external walls of the building. When combined with the proposed dwellings at 173 Burke Road, the development achieves 39% of dwellings with the specified ventilation details. Given the minor variation of 1% proposed, this is considered acceptable.

Standard B49
• *The design and layout of dwellings should maximise openable windows, doors or other ventilation devices in external walls of the building, where appropriate.*
• *At least 40 per cent of dwellings should provide effective cross ventilation that has:*
  ○ *A maximum breeze path through the dwelling of 18 metres.*
  ○ *A minimum breeze path through the dwelling of 5 metres.*
  ○ *Ventilation openings with approximately the same area.*
• *The breeze path is measured between the ventilation openings on different orientations of the dwelling.*	

Building entry and circulation objectives

Clause 55.07-16	Assessment
Objectives • *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.*	**Variation accepted** The proposal is considered to meet the requirements of this standard in that each dwelling and use within the overall development have been designed to provide their own sense of identity and address. The internal layout of the building provides for the safe, functional and efficient movement of residents in and around the complex whilst ensuring adequate natural ventilation and solar access to common areas. It is noted that the communal staircase is not provided with a light source but as it only services two dwellings per floor, it is considered an acceptable variation.

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.*	

Integration with the street objective

Clause 55.07-17	Assessment
Objectives • *To integrate the layout of development with the street.* • *To support development that activates street frontages.*	**Complies** The proposed building has been designed to integrate with Hope Street, with windows fronting the street to provide activation and passive surveillance.
Standard B51	

• *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.*
	The proposed fence is consistent in height and materials with others found along Hope Street.
	
	A pedestrian path and clear entry is included.
	
	The car parking area is to the rear (south) of the site accessed from the laneway and the bin storage area has been designed to minimise impacts along Hope Street.

Site services objective

Clause 55.07-18	Assessment
Objectives • *To ensure that site services are accessible and can be easily installed and maintained.* • *To ensure that site services and facilities are visually integrated into the building design or landscape.*	**Complies** The development will ensure site services and facilities can be installed, are accessible and easily maintained. Mailboxes are located within the Hope Street frontage that are easily accessible by Australia Post. Bin storage is shown within a dedicated enclosure, in the front setback, for accessibility to the street. The enclosure will appropriately screen bins from street views.
Standard B52 • *Development should provide adequate space (including easements where required) for site services to be installed and maintained efficiently and economically.* • *Meters and utility services should be designed as an integrated component of the building or landscape.* • *Mailboxes and other site facilities should be adequate in size, durable, weather-protected, located for convenient access and integrated into the overall design of the development.*	

External walls and materials objective

Clause 55.017-19	Assessment
Objectives • *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.*	**Complies** High quality facade materials and finishes have been selected and it is expected that the building will weather well over time.

Standard B53
• *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.*	

Appendix 2: Clause 58 Assessment (Better Apartments Design Standards)

The following tables comprise an assessment of the proposed apartments at 173 Burke Road against clause 58 of the planning scheme.

Application requirements

Clause 58.01-1	Assessment

• *An application must be accompanied by:*
  ○ *An urban context report.*
  ○ *A design response.*
	A neighbourhood and site description is included in the submitted urban context report.

Urban context report

Clause 58.01-2	Assessment

• *The urban context report may use a site plan, photographs or other techniques and must include:*
• *An accurate description of:*
  ○ *Site shape, size, orientation and easements.*
  ○ *Levels and contours of the site and the difference in levels between the site and surrounding properties.*
  ○ *The location and height of existing buildings on the site and surrounding properties.*
  ○ *The use of surrounding buildings.*
  ○ *The location of private open space of surrounding properties and the location of trees, fences and other landscape elements.*
  ○ *Solar access to the site and to surrounding properties.*
  ○ *Views to and from the site.*
  ○ *Street frontage features such as poles, street trees and kerb crossovers.*
  ○ *The location of local shops, public transport services and public open spaces within walking distance.*
  ○ *Movement systems through and around the site.*
  ○ *Any other notable feature or characteristic of the site.*
• *An assessment of the characteristics of the area including:*
  ○ *Any environmental features such as vegetation, topography and significant views.*
  ○ *The pattern of subdivision.*
  ○ *Street design and landscape.*
  ○ *The pattern of development.*
  ○ *Building form, scale and rhythm.*
  ○ *Connection to the public realm.*
  ○ *Architectural style, building details and materials.*
  ○ *Off-site noise sources.*
  ○ *The relevant NatHERS climate zones (as identified in Clause 58.03-1).*
  ○ *Social and economic activity.*
  ○ *Any other notable or cultural characteristics of the area.*
	An urban context report has been submitted.

Design response

Clause 58.01-3	Assessment

• *The design response must explain how the proposed design:*
  ○ *Responds to any relevant planning provision that applies to the land.*
  ○ *Meets the objectives of Clause 58.*
  ○ *Responds to any relevant housing, urban design and landscape plan, strategy or policy set out in this scheme.*
  ○ *Derives from and responds to the urban context report.*
• *The design response must include correctly proportioned street elevations or photographs showing the development in the context of adjacent buildings. If in the opinion of the responsible authority this*
	Design response is included in the submitted urban context report.

requirement is not relevant to the evaluation of an application, it may waive or reduce the requirement.	

Urban context objectives

Clause 58.02-1	Assessment
Objectives • *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.*	**Complies** The proposed design response is appropriate to the site context and the urban surrounds as generally discussed throughout this report.
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.*	

Residential policy objectives

Clause 58.02-2	Assessment
Objectives • *To ensure that residential development is provided in accordance with any policy for housing in the Municipal Planning Strategy and the Planning Policy Framework.* • *To support higher density residential development where development can take advantage of public and community infrastructure and services.*	The submitted planning report and urban context report explain how the proposed development responds to relevant policy and strategic context. The higher density mixed-use development proposal is appropriate in this location which benefits from proximity to established public and community infrastructure, services and transport infrastructure.
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 Municipal Planning Strategy and the Planning Policy Framework.*	

Dwelling diversity objectives

Clause 58.02-3	Assessment
Objective • *To encourage a range of dwelling sizes and types in developments of ten or more dwellings*	**Complies** The proposal incorporates a mix of one, two and three-bedroom apartments. Specifically, the proposal includes: • 5 x one-bedroom • 34 x two-bedroom • 25 x three+-bedroom This is considered to be an appropriate mix of apartments (64 total) and responds to local market trends. The informally amended plans provide for a reduction in the overall number of apartments to 60 with 54 apartments provided at 173 Burke Road.
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.*	

Infrastructure objectives

Clause 58.02-4	Assessment
Objectives • *To ensure development is provided with appropriate utility services and infrastructure.*	**Complies** The proposed development will be connected to reticulated services, including sewerage, drainage,

• *To ensure development does not unreasonably overload the capacity of utility services and infrastructure.*	electricity and gas.
Standard D4 • *Development should be connected to reticulated services, including reticulated sewerage, drainage, electricity and gas, if available.* • *Development should not unreasonably exceed the capacity of utility services and infrastructure, including reticulated services and roads.* • *In areas where utility services or infrastructure have little or no spare capacity, developments should provide for the upgrading of or mitigation of the impact on services or infrastructure*	Utility services will be provided at basement, ground floor and roof levels.

Integration with the street objective

Clause 58.02-5	Assessment
Objective • *To integrate the layout of development with the street.*	**Complies** The proposal is orientated towards both Burke Road and Hope Street, with pedestrian and vehicle access via both frontages.

Standard D5
• *Developments should be oriented to front existing and proposed streets.*
• *Along street frontage, development should:*
  ○ *Incorporate pedestrian entries, windows, balconies or other active spaces.*
  ○ *Limit blank walls.*
  ○ *Limit high front fencing, unless consistent with the existing urban context.*
  ○ *Provide low and visually permeable front fences, where proposed.*
  ○ *Conceal car parking and internal waste collection areas from the street. adequate vehicle and pedestrian links that maintain or enhance local accessibility.*
• *Development next to existing public open space should be designed to complement the open space and facilitate passive surveillance.*
	The proposal includes:
	• Integrated bench seating along the Burke Road interface.
	• Retail glazing with in-built planter beds facing Burke Road and Hope Street interfaces.
	• Open corner entry to the supermarket at the Burke Road and Hope Street corner junction.
	• Residential pedestrian entry and food and drink premises entry spaced along the Burke Road interface.

Energy efficiency objectives

Clause 58.03-1	Assessment
Objectives • *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.*	**Complies** The proposal incorporates habitable areas that will allow for adequate ventilation and reasonable solar access, including orientation of habitable room windows and private open space to the north where possible.

Standard D6
• *Buildings should be:*
  ○ *Oriented to make appropriate use of solar energy.*
  ○ *Sited and designed to ensure that the energy efficiency of existing dwellings on adjoining lots is not unreasonably reduced.*
• *Living areas and private open space should be located on the north side of the development, if practicable.*
• *Developments should be designed so that solar access to north-facing windows is optimised.*
• *Dwellings located in a climate zone identified in Table D1 should not exceed the maximum NatHERS annual cooling load specified in the following table.*
	The development is located with climate zone 62 Moorabbin which has a maximum cooling load of 21MJ/M2 per annum. No dwelling within the development exceeds this maximum cooling load and therefore achieves adequate thermal efficiency.
	Further, the proposal will not unreasonably impact the energy efficiency of adjoining lots.
	It is considered that the proposal is sited and designed to ensure that the energy efficiency of existing dwellings on adjoining lots is not unreasonably reduced.
	Shadow to nearby dwellings is worst at 9am and does not change from existing conditions from 10am onward.

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

Note:

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

The informally amended plans show a reduction to overshadowing to 25 Irymple Avenue.

The solar panels to 25 Irymple Avenue have been considered in this assessment.

Communal open space objective

Clause 58.03-2	Assessment
Objectives • *To provide communal open space that meets the recreation and amenity needs of residents.* • *To ensure that communal open space is accessible, practical, attractive, easily maintained.* • *To ensure that communal open space is integrated with the layout of the development and enhances resident amenity.*	**Complies** The proposal is required to provide 180m^2 of communal open space including 30m^2 of outdoor communal open space. The proposed development will provide 406m^2 of communal space, comprising of 65m^2 of internal area and 341m^2 on the Level 1 communal terrace. It is not clear how the Level 1 indoor communal area is accessed and this will be required to be addressed as a permit condition. The Level 1 terrace includes landscaping with 8 canopy trees. It is considered that the size and shape of the communal spaces are functional, accessible, capable of efficient management, and located with appropriate surveillance, outlook, and minimisation of noise.

Standard D7
• *A development of 10 or more dwellings should provide a minimum area of communal outdoor open space of 30 square metres.*
• *If a development contains 13 or more dwellings, the development should also provide an additional minimum area of communal open space of 2.5 square metres per dwelling or 220 square metres, whichever is the lesser. This additional area may be indoors or outdoors and may consist of multiple separate areas of communal open space.*
• *Each area of communal open space should be:*
  ○ *Accessible to all residents.*
  ○ *A useable size, shape and dimension.*
  ○ *Capable of efficient management.*
  ○ *Located to:*
  - *Provide passive surveillance opportunities, where appropriate.*
  - *Provide outlook for as many dwellings as practicable.*
  - *Avoid overlooking into habitable rooms and private open space of new dwellings.*
  - *Minimise noise impacts to new and existing dwellings.*
• *Any area of communal outdoor open space should be landscaped and include canopy cover and trees.*	

Solar access to communal outdoor open space objective

Clause 58-03-3	Assessment
Objective • *To allow solar access into communal outdoor open space*	**Complies** The outdoor communal space is located to the west. In excess of 125m^2 of this communal open space will receive sunlight on 21 June from 12pm to 3pm.
Standard D8 • *The communal outdoor open space should be located on the north side of a building, if appropriate.* • *At least 50 per cent or 125 square metres, whichever is the lesser, of the primary communal outdoor open space should receive a minimum of two hours of sunlight between 9am and 3pm on 21 June.*	

Safety objective

Clause 58.03-4	Assessment
Objective • *To ensure the layout of development provides for the safety and security of residents and property*	**Complies** The entrance to the residential apartments is provided via both Burke Road and Hope Street which will provide for a high level of passive surveillance. The applicant has advised that the entrances will have good lighting, to ensure safety is provided at night and will be secure for residents with security measures in place (i.e. key/swipe access). It is recommended that lighting be shown on plans as required by permit condition.
Standard D9 • *Entrances to dwellings should not be obscured or isolated from the street and internal accessways.* • *Planting which creates unsafe spaces along streets and accessways should be avoided.* • *Developments should be designed to provide good lighting, visibility and surveillance of car parks and internal accessways.* • *Private spaces within developments should be protected from inappropriate use as public thoroughfares.*	

Landscaping objectives

Clause 58.03-5	Assessment
Objectives • *To provide landscaping that supports the existing or preferred urban context of the area and reduces the visual impact of buildings on the streetscape.* • *To preserve existing canopy cover and support the provision of new canopy cover.* • *To ensure landscaping is climate responsive, supports biodiversity, wellbeing and amenity and reduces urban heat.*	**Variation accepted** The subject site is 4,306m^2 and therefore required to provide a deep soil area and canopy trees as defined within Table D2 of Standard D10, as follows: • Canopy cover of 711.2m^2 (i.e. 350m^2 plus 20% of site area above 2,500m^2 (361.2m^2)) • Include at least 2 Type B trees or 1 Type C tree • Deep soil for 15% of site area. The proposal includes: • Canopy cover of 123.5m^2 • 0 trees of the type specified in Table D4. Proposed trees canopy sizes range from 2.5m to 5m and heights range from 3m to 8m. • No deep soil provided. Planters of varying sizes provided throughout the development. The proposed landscaping is considered appropriate for the proposed development, reflecting the commercial zoning of the site, its location within an activity centre and the general character of the area.

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

Table D2 Canopy cover and deep soil requirements

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

Table D3 Soil requirements for trees

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

Note:

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

maximum reduction of 25%.

Table D4 Tree types

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

Access objectives

Clause 58.03-6	Assessment
Objectives • *To ensure that vehicle crossovers are designed and located to provide safe access for pedestrians, cyclists and other vehicles.* • *To ensure the vehicle crossovers are designed and located to minimise visual impact.*	**Complies** Vehicular access to the proposed development will be provided as follows: • Burke Road: 9.245m, 11% of Burke Road frontage. • Hope Street. 7.4m, 11.6% of Hope Street frontage. The width of the accessways do not exceed 33% of the frontage of either street. Measures are proposed to ensure pedestrian safety including pedestrian sight triangles, gentle gradients, surface treatments and signage, DDA tactile pads, signage and line marking to minimise impacts on the continuity of the footpath and provide safety for pedestrians on the footpath. Impacts to on-street car parking have been considered acceptable as discussed above.
Standard D11 • *Vehicle crossovers should be minimised.* • *Car parking entries should be consolidated, minimised in size, integrated with the façade and where practicable located at the side or rear of the building.* • *Pedestrian and cyclist access should be clearly delineated from vehicle access.* • *The location of crossovers should maximise pedestrian safety and the retention of on-street car parking spaces and street trees.* • *Developments must provide for access for service, emergency and delivery vehicles.*	

Parking location objectives

Clause 58.03-7	Assessment
Objectives • *To provide convenient parking for resident and visitor vehicles.* • *To protect residents from vehicular noise within developments.*	**Complies** The development incorporates secure, ventilated basement car parking across three levels. Acoustic treatment is proposed throughout the development. The car parking will be conveniently accessible to the dwellings via lift cores and staircases.

Standard D12
• *Car parking facilities should:*
  ○ *Be reasonably close and convenient to dwellings.*
  ○ *Be secure.*
  ○ *Be well ventilated if enclosed.*
• *Shared accessways or car parks of other dwellings should be located at least 1.5 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.*	

Integrated water and stormwater management objectives

Clause 58.03-8	Assessment
Objectives • *To encourage the use of alternative water sources such as rainwater, stormwater and recycled water.*	**Complies** The proposed development provides for integrated water and stormwater management initiatives. The

• *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.*	application includes a sustainable management plan detailing water efficient fittings and fixtures, capture and use of rainwater for toilet flushing and irrigation.

Standard D13
• *Buildings should be designed to collect rainwater for non-drinking purposes such as flushing toilets, laundry appliances and garden use.*
• *Buildings should be connected to a non-) dual pipe reticulated water supply, where available from the water authority.*
• *The stormwater management system should be:*
  ○ *Designed to meet the current best practice performance objectives for stormwater quality as contained in the Urban Stormwater - Best Practice Environmental Management Guidelines (Victorian Stormwater Committee, 1999).*
  ○ *Designed to maximise infiltration of stormwater, water and drainage of residual flows into permeable surfaces, tree pits and treatment areas.*	

Building setback objectives

Clause 58.04-1	Assessment
Objectives • *To ensure the setback of a building from a boundary appropriately responds to the existing urban context or contributes to the preferred future development of the area.* • *To allow adequate daylight into new dwellings.* • *To limit views into habitable room windows and private open space of new and existing dwellings.* • *To provide a reasonable outlook from new dwellings.* • *To ensure the building setbacks provide appropriate internal amenity to meet the needs of residents.*	**Complies** The site has a number of non-sensitive abuttals, being Burke Road, Hope Street and a laneway to the south and west. From level 1 the building is setback 9.99m from the south to 25 Irymple Avenue (including the 3m laneway) and 13.25m from the west to 23 Irymple Avenue (including the 3m laneway). The upper levels of the building step away from the more sensitive interfaces with existing dwellings culminating in a south setback of 14.667m and west setback of 21.18m (including the 3m laneways). The development will accommodate acceptable outlook and daylight to new habitable room windows, while avoiding unreasonable overlooking into surrounding residential uses. The building at 173 Burke Road includes level 1 southern terraces which are less than 9m from neighbouring habitable room windows and private open space at 25 Irymple Avenue A permit condition will require measures to restrict views to these areas. Proposed level 1 western terraces are generally located approximately 9m from 23 Irymple Avenue private open space. It is not clear whether apartment 115 and the communal terrace will have views to 23 Irymple Avenue habitable room windows and private open space. A permit condition will require this to be addressed.

Standard D14
• *The built form of the development must respect the existing or preferred urban context and respond to the features of the site.*
• *Buildings should be set back from side and rear boundaries, and other buildings within the site to:*
  ○ *Ensure adequate daylight into new habitable room windows.*
  ○ *Avoid direct views into habitable room windows and private open space of new and existing dwellings. Developments should avoid relying on screening to reduce views.*
  ○ *Provide an outlook from dwellings that creates a reasonable visual connection to the external environment.*
  ○ *Ensure the dwellings are designed to meet the objectives of Clause 58.*	

Internal views objective

Clause 58.04-2	Assessment
Objective • *To limit views into the private open space and habitable room windows*	**Variation accepted** The orientation of the site combined with the layout of

of dwellings within a development.	the proposed dwellings will ensure that windows and balconies do not unreasonably overlook the private open space of lower-level dwellings.
Standard D15 • *Windows and balconies should be designed to prevent overlooking of more than 50 per cent of the private open space of a lower-level dwelling directly below and within the same development.*	The development has been designed to reduce the need for external screening devices, and balconies and habitable room windows have been oriented to limit opportunities for views into adjoining sensitive interfaces within the development.

Noise impacts objectives

Clause 58.04-3	Assessment
Objectives • *To contain noise sources in developments that may affect existing dwellings.* • *To protect residents from external and internal noise sources.*	**Complies** The development will not generate an unreasonable level of noise for a multi-storey mixed-use development. Measures to contain resident noise sources and on-site commercial services to protect future and existing surrounding residents from noise sources have been incorporated into the proposal. Air condensers are located on the roof within a screened area. Supermarket mechanical plant and equipment shall be reviewed and designed by a suitably qualified acoustic consultant during the detailed design stage to ensure compliance with the EPA Noise Protocol. Noise sensitive rooms located above the proposed supermarket, food and beverage premises and associated loading bay will be protected via measures recommended in the acoustic report including solid doors, vibration isolated building structure, management measures, acoustically treated and internally lined ductwork and slabs among others.
Standard D16 • *Noise sources, such as mechanical plants should not be located near bedrooms of immediately adjacent existing dwellings.* • *The layout of new dwellings and buildings should minimise noise transmission within the site.* • *Noise sensitive rooms (such as living areas and bedrooms) should be located to avoid noise impacts from mechanical plants, lifts, building services, non-residential uses, car parking, communal areas and other dwellings.* • *New dwellings should be designed and constructed to include acoustic attenuation measures to reduce noise levels from off-site noise sources.* • *Buildings within a noise influence area specified in Table D3 should be designed and constructed to achieve the following noise levels:* ○ *Not greater than 35dB(A) for bedrooms, assessed as an LAeq,8h from 10pm to 6am.* ○ *Not greater than 40dB(A) for living areas, assessed LAeq,16h from 6am to 10pm.* • *Buildings, or part of a building screened from a noise source by an existing solid structure, or the natural topography of the land, do not need to meet the specified noise level requirements.* • *Noise levels should be assessed in unfurnished rooms with a finished floor and the windows closed.*	

Table D5 Noise influence area

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

Railway servicing freight in Metropolitan Melbourne	135 metres from the centre of the nearest track

Note:

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

Wind impacts objective

Clause 58.04-4	Assessment
Objective • *To ensure the built form, design and layout of development does not generate unacceptable wind impacts within the site or on surrounding land.*	**Complies** Wind Report prepared by MEL Consultants confirms that the development by way of built form, design and layout, will not generate unacceptable wind impacts within the site or on surrounding land.

Standard D17

- *Development of five or more storeys, excluding a basement should:*
  - *not cause unsafe wind conditions specified in Table D6 in public land, publicly accessible areas on private land, private open space and communal open space; and*
  - *achieve comfortable wind conditions specified in Table D6 in public land and publicly accessible areas on private land*

  within a distance of half the greatest length of the building, or half the total height of the building measured outwards on the horizontal plane from the ground floor building façade, whichever is greater.
- *Trees and landscaping should not be used to mitigate wind impacts. This does not apply to sitting areas, where trees and landscaping may be used to supplement fixed wind mitigation elements.*
- *Wind mitigation elements, such as awnings and screens should be located within the site boundary, unless consistent with the existing urban context or preferred future development of the area.*

Table D6 Wind conditions

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

Accessibility objective

Clause 58.05-1	Assessment
Objective • *To ensure the design of dwellings meets the needs of people with limited mobility.*	**Complies** The apartment building will provide accessibility in accordance with Standard D18 for 36 dwellings, being 56% of the overall development. This complies with the 50% minimum under Standard D18. The informally amended plans show that each of the revised apartment layouts will provide accessible dwellings in accordance with Standard D18.

Standard D18

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

Table D7 Bathroom design:

	Design option A	Design option B
Door opening	A clear 850mm wide door opening	A clear 820mm wide door opening located opposite the shower
Door Design	Either: • A slide door, or • A door that opens outwards, or • A door that opens inwards that is clear of the circulation area and has readily removable hinges.	Either: • A slide door, or • A door that opens outwards, or • A door that opens inwards and has readily removable hinges.
Circulation area	A clear circulation area that is: • A minimum area of 1.2 metres by 1.2 metres. • Located in front of the shower and the toilet. • Clear of the toilet, basin and the door swing. The circulation area for the toilet and shower can overlap.	A clear circulation area that is: • A minimum width of 1 metre. • The full length of the bathroom and a minimum length of 2.7 metres. • Clear of the toilet and basin. The circulation area can include a shower area.
Path to circulation area	A clear path with a minimum width of 900mm from the 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.

Building entry and circulation objectives

Clause 58.05-2	Assessment
Objectives • *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.*	**Complies** The building provides a sense of identity with an active frontage to the street. Separate entries are provided for the residential and commercial components of the development. Residential entrances include a greater proportion of solid to void with fine-grain brick detailing. This will differentiate from the retail entries and provide identification. The internal lobby areas will provide shelter and transitional space.

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.*
	The brick detailing is not clearly shown on the materials schedule and will be required to be detailed as a permit condition.
	
	Architectural plans and renders also suggest that climbing plants will be a feature of the Buke Road and Hope Street residential entries. The landscape plan suggests creeping fig will be planted in these locations. A permit condition will ensure that climbers are clearly shown.
	
	The residential levels of the building are provided with day light sources and ventilation to corridors via the central atrium and external glazing/doors.
	
	All dwellings have comfortable access to and from the lift core and staircases.

Private open space objective

Clause 58.05-3	**Assessment**
Objective • *To provide adequate private open space for the reasonable recreation and service needs of residents*	**Complies** Each of the dwellings has a balcony or terrace that is conveniently accessible from a living room, with an area meeting or exceeding those specified in Table D5. North balconies • $9m^2$ – $77m^2$ with a minimum dimension of 1.7m. South balconies • $17m^2$ - $32m^2$ with a dimension of more than 1.2m. East and west balconies • $11m^2$ – $60m^2$ with a dimension of more than 2m. It is noted that a number of balconies have more than one aspect and generous usable areas. Cooling units are located on the building roof and will not impact balconies. In combination with the communal open space through the development, the recreation and service needs of future residents will be provided for. The informally amended plans also comply with Table D8, showing balconies with areas ranging from $21m^2$ – $77m^2$ with a minimum dimension of at least 2.5m.

Standard D20
• *A dwelling should have private open space consisting of at least one of the following:*
  ○ *An area at ground level of at least 25 square metres, with a minimum dimension of 3 metres and convenient access from a living room.*
  ○ *A balcony with at least the area and dimensions specified in Table D8 and convenient access from a living room.*
  ○ *An area on a podium or other similar base of at least 15 square metres, with a minimum dimension of 3 metres and convenient access from a living room.*
  ○ *An area on a roof of 10 square metres, with a minimum dimension of 2 metres and convenient access from a living room.*
• *If a cooling or heating unit is located on a balcony, the minimum balcony area specified in Table D8 should be increased by at least 1.5 square metres.*
• *If the finished floor level of a dwelling is 40 metres or more above ground level, the requirements of Table D8 do not apply if at least the area specified in Table D9 is provided as living area or bedroom area in addition to the minimum area specified in Table D11 or Table D12 in Standard D25.*	

Table D8 Balcony size

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

	3 or more bedroom	12 square metres	2.4 metres

Table D9 Additional living area or bedroom area

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

Storage objective

Clause 58.05-4	Assessment
Objective • *To provide adequate storage facilities for each dwelling*	**Variation accepted** All dwellings will be provided with conveniently accessible storage space that is usable and secure. Minimum internal storage of 6m3
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.*	One 3 bedroom apartment (Apartment 4.10) has internal storage of 8.1m^3 and total storage of 17.5m^3. The remaining 3 bedroom apartments have storage of at least 15.1m3 and typically more. This variation is considered acceptable given it applies to a single apartment which has a generous overall size (131m^2) and a separate study which can accommodate appropriate storage. External storage areas are located centrally in dedicated areas on Levels 1 and 2. The informally amended plans also comply with Table D10, showing internal storage volumes of 14.3m^3 – 39.2m^3. A permit condition will ensure overall volumes are shown to address Clause 58.05-4.

Table D10 Storage

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

Dwelling type	Total minimum storage volume	Minimum storage volume within the dwelling
Studio	8.3m^3	
1 bed	10.9m^3 minimum	6m^3 minimum
2 bed	14.2m^3 minimum	8.2m^3 minimum
3+ bed	17.5m^3 minimum	8.1m^3 minimum

Common property objectives

Clause 58.06-1	Assessment
Objectives • *To ensure that communal open space, car parking, access areas and site facilities are practical, attractive and easily maintained.* • *To avoid future management difficulties in areas of common ownership.*	**Complies** The proposal delineates communal and private areas, with common property expected to be functional and capable of efficient management.
Standard D22 • *Developments should clearly delineate public, communal and private areas.* • *Common property, where provided, should be functional and capable of efficient management.*	

Site services objectives

Clause 58.06-2	Assessment

Objectives • *To ensure that site services are accessible and can be installed and maintained.* • *To ensure that site services and facilities are visually integrated into the building design or landscape.*	**Complies** The development will ensure site services and facilities can be installed, are accessible and able to be easily maintained.
Standard D23 • *Development should provide adequate space (including easements where required) for site services to be installed and maintained efficiently and economically.* • *Meters and utility services should be designed as an integrated component of the building or landscape.* • *Mailboxes and other site facilities should be adequate in size, durable, water-protected, located for convenient access and integrated into the overall design of the development.*	A booster is located to the Burke Road frontage with electricity meters and communications facilities inside the Hope Street lobby. The building substation is located internally, adjacent to the ground level car park ramp. Space is set aside within the basement for general services. Mailboxes are located within the Burke Road lobby that are easily accessible by Australia Post. Bin storage is shown at ground level behind the residential lobby for accessibility to the waste collection point in the loading bay.

Waste and recycling objectives

Clause 58.06-3	**Assessment**
Objectives • *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.*	**Complies** Waste and recycling management facilities have been purposefully designed and will be managed in accordance with a waste management plan. The WMP confirms • Residential waste will be collected by private contractor • Waste and recycling enclosure is to be a minimum 59m^2 (proposed 61m^2) located at ground level and connected to the residential lobby. • Waste storage accommodates garbage, recycling, food organics, glass, cardboard, E-waste, charity and hard waste. • The collection vehicle will prop within the loading bay adjacent to the residential waste room, with vehicle operators collecting bins directly from the waste room and returning them immediately upon emptying.

Standard D24
• *Developments should include dedicated areas for:*
  ○ *Waste and recycling enclosures which are:*
  - *Adequate in size, durable, waterproof and blend in with the development.*
  - *Adequately ventilated.*
  - *Located and designed for convenient access by residents and made easily accessible to people with limited mobility.*
  ○ *Adequate facilities for bin washing. These areas should be adequately ventilated.*
  ○ *Collection, separation and storage of waste and recyclables, including where appropriate opportunities for on-site management of food waste through composting or other waste recovery as appropriate.*
  ○ *Collection, storage and reuse of garden waste, including opportunities for on-site treatment, where appropriate, or off-site removal for reprocessing.*
  ○ *Adequate circulation to allow waste and recycling collection vehicles to enter and leave the site without reversing.*
  ○ *Adequate internal storage space within each dwelling to enable the separation of waste, recyclables and food waste where appropriate.*
• *Waste and recycling management facilities should be designed and managed in accordance with a Waste Management Plan approved by the responsible authority and:*
  ○ *Be designed to meet the best practice waste and recycling management guidelines for residential development adopted by Sustainability Victoria.*	

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

External walls and materials objective

Clause 58.06-4	Assessment
Objectives • *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.*	**Complies** The proposed development has been designed with high-quality building materials including brick, concrete and metal cladding. This will ensure that possible deterioration over time is minimised. This will be required to be further detailed in the façade strategy permit condition.
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.*	

Functional layout objective

Clause 58.07-1	Assessment
Objective • *To ensure dwellings provide functional areas that meet the needs of residents*	**Complies** All dwellings will comprise bedrooms that meet or exceed the minimum internal room dimensions and area specified in Table D11, as follows: • Main bedroom: 10.2m^2 minimum with minimum dimensions of 3m x 3.4m. • Other bedrooms: 9m^2 minimum with minimum dimensions of 3m x 3m. All dwellings will comprise living areas that meet or exceed the minimum internal room dimensions specified in Table D12, as follows: • Studio and 1-bed: 10.89m^2 with a minimum dimension of 3.3m. • 2+ bed: 12.17m^2 minimum with a minimum width of 3.6m.
Standard D26 • *Bedrooms should:* ○ *Meet the minimum internal room dimensions specified in Table D11.* ○ *Provide an area in addition to the minimum internal room dimensions to accommodate a wardrobe.* **Table D11 Bedroom dimensions** **Bedroom type** / **Minimum width** / **Minimum depth** Main bedroom / 3 metres / 3.4 metres All other bedrooms / 3 metres / 3 metres • *Living areas (excluding dining and kitchen areas) should meet the minimum internal room dimensions specified in Table B13.* **Table D12 Living area dimensions** **Dwelling type** / **Minimum width** / **Minimum area** Studio and 1 bedroom dwelling / 3.3 metres / 10 sqm 2 or more bedroom dwelling / 3.6 metres / 12 sqm	

Room depth objective

Clause 58.07-2	Assessment
Objective • *To allow adequate daylight into single aspect habitable rooms*	**Complies** Many living rooms of apartments feature multiple aspects which will provide a good level of daylight. In instances where single aspect rooms exceed a
Standard D27 • *Single aspect habitable rooms should not exceed a room depth of 2.5 times the ceiling height.*	

• *The depth of a single aspect, open plan, habitable room may be increased to 9 metres if all the following requirements are met:*
  ○ *The room combines the living area, dining area and kitchen.*
  ○ *The kitchen is located furthest from the window.*
  ○ *The ceiling height is at least 2.7 metres measured from finished floor level to finished ceiling level. This excludes where services are provided above the kitchen.*
• *The room depth should be measured from the external surface of the habitable room window to the rear wall of the room.*
	room depth of 2.5 times the ceiling height, these are limited to open plan living / kitchen / dining rooms that have a depth of less than 9m and a ceiling height of at least 2.7m.

Windows objective

Clause 58.07-3	Assessment

Objective
• *To allow adequate daylight into new habitable room windows.*
Standard D28
• *Habitable rooms should have a window in an external wall of the building.*
• *A window may provide daylight to a bedroom from a smaller secondary area within the bedroom where the window is clear to the sky.*
• *The secondary area should be:*
  ○ *A minimum width of 1.2 metres.*
  ○ *A maximum depth of 1.5 times the width, measured from the external surface of the window.*
	Variation accepted
	The majority of habitable rooms within the development will comprise a window in an external wall of the building providing acceptable daylight access.
	
	20 apartments feature separate rooms with no window, to be used as studies. This is considered acceptable given the overall amenity of dwellings and the studies are of a size and/or shape that is not conducive to be being used as a bedroom.
	
	It is noted that 17 bedrooms are proposed with a daylight source from a secondary area (adjacent to a desk) that are not clear to the sky above (balcony overhang).
	These secondary areas have a minimum width of 1.31m and depth of no more than 1.35m.
	Given the nature of these rooms being secondary spaces and the adequately sized secondary area provided, a minor variation from the standard is considered appropriate.

Natural ventilation objectives

Clause 58.07-4	Assessment

Objectives
• *To encourage natural ventilation of dwellings.*
• *To allow occupants to effectively manage natural ventilation of dwellings.*
Standard D29
• *The design and layout of dwellings should maximise openable windows, doors or other ventilation devices in external walls of the building, where appropriate.*
• *At least 40 per cent of dwellings should provide effective cross ventilation that has:*
  ○ *A maximum breeze path through the dwelling of 18 metres.*
  ○ *A minimum breeze path through the dwelling of 5 metres.*
  ○ *Ventilation openings with approximately the same area.*
• *The breeze path is measured between the ventilation openings on different orientations of the dwelling.*
	40% of dwellings will have cross ventilation that features a minimum breeze path through the dwelling of more than 5m but a maximum of less than 18m, measured between the ventilation openings on different orientations of each dwelling.
	
	This complies with the minimum 40% required by Standard D27.
	
	Four of the five apartments with revised layouts, as shown on informally amended plans, include appropriate breeze paths.