

Appendix 6: Clause 58 (Apartment Developments) Assessment

CLAUSE 58.01 - URBAN CONTEXT REPORT AND DESIGN RESPONSE
Operation The provisions of this clause contain: - Objectives. An objective describes the desired outcome to be achieved in the completed development. - Standards. A standard contains the requirements to meet the objective. A standard should normally be met. However, if the responsible authority is satisfied that an application for an alternative design solution meets the objective, the alternative design solution may be considered. - Decision guidelines. The decision guidelines set out the matters that the responsible authority must consider before deciding if an application meets the objectives. Requirements A development: - Must meet all of the objectives of this clause. - Should meet all of the standards of this clause. If a zone or a schedule to a zone, or a schedule to an overlay specifies a requirement different from a requirement of a standard set out in Clause 58 (excluding Clause 58.04-1), the requirement in Clause 58 applies. For Clause 58.04-1 (Building setback): - If a zone or a schedule to a zone specifies a building setback requirement different from a requirement set out in Clause 58.04-1, the building setback requirement in the zone or a schedule to the zone applies. - If the land is included in an overlay and a schedule to the overlay specifies a building setback requirement different from the requirement set out Clause 58.04-1 or a requirement set out in the zone or a schedule to the zone, the requirement for building setback in the overlay applies.

TITLE & OBJECTIVE	URBAN CONTEXT REPORT	COMMENTS
CLAUSE 58.01-1 Application requirements An application must be accompanied by: - An urban context report. - A design response.	Submitted and satisfactory.	A comprehensive Urban Context and Design Response assessment is outlined in the Concept Report and Architectural plans both prepared by Cera Stribley Architects. The package is supplemented by a Town Planning Report prepared by Urbis Pty Ltd.
CLAUSE 58.01-2 Urban context report The urban context report may use a site plan, photographs or other techniques.	Submitted and satisfactory.	A site plan, photographs, and written description has been provided in the Concept Report and Architectural plans both prepared by Cera Stribley Architects and a Town Planning Report prepared by Urbis Pty Ltd.
CLAUSE 58.01-3	Submitted and satisfactory	A satisfactory assessment of how the policy responds to the PPF, Clause 58, relevant

Design response The design response must explain how the proposed design: • Responds to any relevant planning provision that applies to the land. • Meets the objectives of Clause 58. • Responds to any relevant housing, urban design and landscape plan, strategy or policy set out in this scheme. • Derives from and responds to the urban context report. The design response must include correctly proportioned street elevations or photographs showing the development in the context of adjacent buildings. If in the opinion of the responsible authority this requirement is not relevant to the evaluation of an application, it may waive or reduce the requirement.	detail provided.	housing, urban design and relevant policies had been provided. The site is in the Design and Development Overlay Schedule 26 (DDO26) St Kilda Road North Precinct and specifically Sub-Precinct 5a - St Kilda Road South of Kings Way. DDO26 controls direct developments to respect the Shrine of Remembrance setting, contribute and maintain spacing between buildings, landscaped setbacks and links and to ensure that development improves the pedestrian environment along Queens Lane with buildings designed to address and engage with the street edge, while recognising the service role of this Lane. DDO26 defines the site as being within a mandatory 65m AHD height limit and a discretionary 4.5m landscape setback from Louise Street. Development fronting and abutting Queens Lane should be built to the Queens Lane boundary; and within 5 metres of Queens Lane should not exceed a height of 11 metres. Development must also be setback at least 4.5 metres from common side boundaries. Further discussion on the design response is discussed in Section 11 of the report.
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CLAUSE 58.02 - URBAN CONTEXT		
TITLE & OBJECTIVE	COMPLIANCE WITH STANDARD?	ASSESSMENT
CLAUSE 58.02-1 Urban context 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. Standard D1 • The design response must be appropriate to the urban context and	Standard and objective met	As discussed in the assessment of the proposal, there are concerns regarding some of the design detail elements proposed as part of the development. The proposed podium tower form is however considered to be generally responsive to the immediate site context and broadly reflects the design objectives of the DDO schedule that affects the subject site and immediate surrounds.

the site. The proposed design must respect the existing or preferred urban context and respond to the features of the site.		
CLAUSE 58.02-2 Residential policy 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. 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.	Standard and objective met	The proposal aligns with policy objectives that encourage higher density housing within appropriate urban areas. The proposal would be well located to public transport and services including those that would be provided as part of the proposed development. A written statement assessing the application against the relevant state and local policies has been provided with the application. Please refer to Section 11 of the report for further discussion.
CLAUSE 58.02-3 Dwelling diversity objective - To encourage a range of dwelling sizes and types in developments of ten or more dwellings. Standard D3 - Developments of ten or more dwellings should provide a range of dwelling sizes and types, including dwellings with a different number of bedrooms.	Standard and objective met	The range of apartment size and types can meet the diverse needs of the area to ensure that housing stock matches changing demand by widening housing choice. The proposed development consists of 104 apartment dwellings. The proposed dwelling mix would be as follows: 1 bedroom - 13 / 12.5% 2 bedroom - 69 / 66.3% 3 bedroom - 16 / 5.8% This is considered an acceptable mix of apartment sizes. It is noted that the apartment layouts also vary to different sections of the building with apartment sizes of each type increasing in size to the upper floors. The proposed layout would also allow for future adaptability allowing for one and two-bed apartments to be easily consolidated in future.
CLAUSE 58.02-4		The development is to be connected to all

Infrastructure objectives - 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 including reticulated services and roads. 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.	Standard and objective met	reticulated services as appropriate and is readily available as a result of the existing infrastructure. All upgrades required will be the responsibility of the developer. The standard and objective are met.
CLAUSE 58.02-5 Integration with the street objective - To integrate the layout of development with the street. Standard D5 - 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.	Standard and objective met subject to conditions	The main entry to the ground floor is midway along the northern frontage to Louise Street and defines a clear 'front door' of the building and is considered appropriate. The vehicle entry is well located in the south west corner on Queens Lane away from the building's primary frontage minimising its impact on pedestrian areas and presentation of the building. Queens Lane is a one-way north bound carriageway. Council's Urban Designers have raised concerns that the viability of the retail may be compromised as it will be concealed from the street by the raised planters and planting. Further design resolution of the Louise Street frontage is recommended to optimise the ground level interface in terms of visual and universal access to the main entry and shop and to provide adequate growing conditions to meet the landscape objectives and requirements of DDO26. This should also consider providing sufficient space in front of the shop for outdoor dining should this be consistent with the type of tenancy. The position of the circular water feature should be reviewed to ensure safe access to the shop and front door, particularly if set at the pavement level.

		The interface with Queens Lane includes windows associated with the retail tenancy and service cupboards are appropriately located and integrated within the Queens Lane frontage which DDO 26 recognises as a service laneway but encourages design responses to engage with the street edge. Objector concerns regarding the utilitarian interface have been raised and it is considered that whilst the current interface is dominated with car parking and garaging on the boundary, the opportunity to introduce urban art or opportunities to minimise services along this boundary should be considered as a condition of any permit, should one issue. The subject site does not adjoin any public open space. The standard and objective can be met subject to recommended amendments outline in Section 11 of the report.
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CLAUSE 58.03 - SITE LAYOUT		
TITLE & OBJECTIVE	COMPLIANCE	ASSESSMENT
CLAUSE 58.03-1 Energy efficiency 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 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	Standard and objective met subject to conditions	The site is in the NatHERS climate zone 21 Melbourne that specifies a maximum cooling load 30 MJ/M2 per annum. The development is targeting an average 6.5-Star average NatHERS rating for all apartments. The results of the Arc Resources modelling confirm that all apartments have a cooling load less than 30MJ/m2 (NatHERS Climate Zone 21 Melbourne) with a development average of 22.8 MJ/M2 per annum and therefore meet the energy efficiency objectives. Council's ESD office has identified concerns in the response to matters relating to Stormwater management, Urban ecology and proposed materials. Most of the concerns raised relate to amended detailing and points of clarification on the architectural plans rather than fundamental concerns with the proposed ESD credentials. The subject site has a north facing orientation and is not developed with comparable

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.		development to the east and west. Within this site setting, the proposed development would maximise the availability of solar energy to these exposed frontages providing solar access into the majority of habitable rooms and balconies / amenity spaces within the development. As the proposed development incorporates adequate setbacks it is considered that the availability of sunlight and daylight to future development would not be unreasonably compromised. Any future development to adjacent sites, apart from 492 St Kilda Road, would unlikely be developed up to the mandatory height limits due to the heritage controls on these sites. It is acknowledged that the proposed height of the development would impact on the energy efficiency of some neighbouring properties but given the height controls on the subject site this is an outcome anticipated by DDO26.
CLAUSE 58.03-2 Communal open space objective • To ensure that communal open space is accessible, practical, attractive, easily maintained and integrated with the layout of the development. Standard D7 • Developments with 40 or more dwellings should provide a minimum area of communal open space of 2.5 square metres per dwelling or 250 square metres, whichever is lesser.	Objective met subject to conditions	The development proposes one primary area of communal open space at ground floor level equating to 116 square metres. This area is supplemented with 240 square metres of internal communal facilities including a dining and lounge area with kitchen, individual working booths, a gym, steam room, pool and associated changing facilities. The storage areas are not considered to form part of the communal facilities. The proposed development would not provide the minimum required communal open space as per the definition in the Planning Scheme which refers to an outdoor area. It noted that the development would however provide areas that could be utilised by all residents within the development. These areas would also provide an element of passive surveillance to Louise Street. The subject site is within close walking distance of significant public parkland at Fawkner Park, and reasonable walking distance from Albert Park and The Domain. A recommended condition of permit is to include a requirement for an access door between the indoor and outdoor communal areas.
CLAUSE 58.03-3 Solar access to communal outdoor	Standard and objective not met	Despite the shortfall in proposed communal open space, the applicant has stated that the proposed external communal area would receive good solar access. It would appear

open space objective - To allow solar access into communal outdoor open space. Standard D8 - The communal outdoor open space should be located on the north side of a building, if appropriate. - At least 50 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.		solar access is best for 1 hour at 12 noon (22 September). Despite the limited solar access given the site constraints the area would remain functional for the future use of residents.
CLAUSE 58.03-4 Safety objective - To ensure the layout of development provides for the safety and security of residents and property. 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.	Standard and objective met subject to conditions	The proposed residential element of the development would be located at ground level via the lobby within the Louise Street frontage. The entrance to the apartments would be separated from the retail use and be provided with a secure entry. This is considered an appropriate arrangement that would minimise conflict between the residential and retail use within the building and would provide an adequate degree of safety. Council's Urban Designer has raised concerns about the extent of landscaping reducing the level of activation to Louise Street. This needs to be appropriately balanced with the landscaping objectives of DDO26. It is recommended that the adoption of a wider pedestrian entry off Louise Street coupled with the relocation of the water feature, that a high level of visibility to the retail entry would be achieved. Subject to the above changes, entries would be visible and easily identifiable, provide shelter, a sense of address and a transitional space around the entries.
CLAUSE 58.03-5 Landscaping objectives - To encourage development that respects the landscape character of the area. - 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. - To promote climate responsive	Objective met subject to conditions	Landscape plans have been prepared by Acre. A site with an area 1,001 and 1,500m² requires 7.5% of the site area to facilitate deep soil areas with a minimum dimension of 3m and 1 medium tree (8-12m) per 50 m² or 1 large tree per 90m² of deep soil. Approximately 91m² of deep soil areas are required with a minimum dimension of 3m. The following areas are proposed. To the north-east corner of the site, an area of approximately 20m² with a depth of 4.5m is proposed. Whilst labelled deep soil this is not technically correct given two additional basement levels below and is more indicative of a planter box.

landscape design and water management in developments that support thermal comfort and reduces the urban heat island effect. Standard D10 The landscape layout and design should: • Be responsive to the site context. • Protect any predominant landscape features of the area. • Take into account the soil type and drainage patterns of the site and integrate planting and water management. • 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. • Consider landscaping opportunities to reduce heat absorption such as green walls, green roofs and roof top gardens and improve on-site storm water infiltration. • Maximise deep soil areas for planting of canopy trees. Development should provide for the retention or planting of trees, where these are part of the urban context. 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 provide the deep soil areas and canopy trees specified in Table D2. If the development cannot provide the deep soil areas and canopy trees specified in Table D2, an equivalent canopy cover should be achieved by providing either: • Canopy trees or climbers (over a pergola) with planter pits sized appropriately for the mature tree soil volume requirements.	• Planter beds along the Louise Street frontage also would not be defined as a deep soil area given the three basement levels below. • An additional area of 35m² is proposed along the eastern boundary. This area has a minimum width of 3.2m and does not have basement construction underneath, this is the only area accurately defined as a deep soil area. Based on the standard an additional area of 56m² of deep soil is required to satisfy the area component of this standard. The concept landscaping plan indicates the provision of: • One Tuckeroo tree capable of reaching a mature height of 10-15m. This tree is proposed to the north-east corner where the basement planter area is located. Provided the planter box contains a suitable volume of topsoil (a minimum of 2m deep), this tree can successfully establish. It is noted the proposed location of the tree detailed on the ground floor plan would not align with the location of the planter below. This must be corrected as a recommended condition of permit. Further the location of a booster cupboard in the same general location would impact the ability of the tree to establish and would likely require trenching through the tree protection zone. Given the concerns regarding the prominence of the booster cupboard these two matters can be successfully reconciled via a condition of permit to relocate the booster cupboard. • Four Crepe Myrtle trees, capable of reaching a mature height of 8m are proposed along the Louise Street frontage. Three of these would be located in a garden bed 0.9m deep x 18.6m long and 2m wide. The fourth tree would be located in a garden bed 0.9m deep x 9m long and 4m wide. These conditions are considered satisfactory to facilitate the successful establishment of the proposed species. • Three Crepe Myrtle trees are proposed along the eastern boundary. These trees would be in an area of deep soil with a minimum width of 3.2m and despite being largely overshadowed are likely to successfully establish. While technically the required deep soil volumes have not been achieved, the equivalent canopy cover would be delivered through the provision of appropriately sized planter pits.
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Vegetated planters, green roofs or green facades Table D2 Deep soil areas and canopy trees <table border="1"> <thead> <tr> <th>Site area</th><th>Deep soil areas</th><th>Minimum tree provision</th></tr> </thead> <tbody> <tr> <td>750 - 1000 square metres</td><td>5% of site area (minimum dimension of 3 metres)</td><td>1 small tree (0-8 metres) per 30 square metres of deep soil</td></tr> <tr> <td>1001 - 1500 square metres</td><td>7.5% of site area (minimum dimension of 3 metres)</td><td>1 medium tree (8-12 metres) per 50 square metres of deep soil or 1 large tree per 90 square metres of deep soil</td></tr> <tr> <td>1501 - 2500 square metres</td><td>10% of site area (minimum dimension of 6 metres)</td><td>1 large tree (at least 12 metres) per 90 square metres of deep soil or 2 medium trees per 90 square metres of deep soil</td></tr> <tr> <td>>2500 square metres</td><td>15% of site area (minimum dimension of 6 metres)</td><td>1 large tree (at least 12 metres) per 90 square metres of deep soil or 2 medium trees per 90 square metres of deep soil</td></tr> </tbody> </table> <i>Where an existing canopy tree over 8 metres can be retained on a lot greater than 1000 square metres without damage during the construction period, the minimum deep soil requirement is 7% of the site area.</i>	Site area	Deep soil areas	Minimum tree provision	750 - 1000 square metres	5% of site area (minimum dimension of 3 metres)	1 small tree (0-8 metres) per 30 square metres of deep soil	1001 - 1500 square metres	7.5% of site area (minimum dimension of 3 metres)	1 medium tree (8-12 metres) per 50 square metres of deep soil or 1 large tree per 90 square metres of deep soil	1501 - 2500 square metres	10% of site area (minimum dimension of 6 metres)	1 large tree (at least 12 metres) per 90 square metres of deep soil or 2 medium trees per 90 square metres of deep soil	>2500 square metres	15% of site area (minimum dimension of 6 metres)	1 large tree (at least 12 metres) per 90 square metres of deep soil or 2 medium trees per 90 square metres of deep soil		Council's Landscape Architect has noted that many of the shrub selections for the Louise Street garden bed will reach a mature height of approximately 1m. Factoring in the raised garden bed, when the plants reach maturity they will obstruct views from the street into the communal areas and retail spaces. It is recommended that the planting proposed in front of the retail space are adjusted to include lower species to ensure the visibility and street activation. The proposed landscape provision is generally considered to be acceptable subject to conditions. It is also noted that, as a result of minimal disruption to the site frontage by way of new crossovers, the existing street trees along this section of Louise Street would be maintained subject to adequate tree protection. Further details of landscaping including associated infrastructure, maintenance and management would be required to the satisfaction of Council. Wind and the planting of canopy trees within the site must be considered collaboratively between the design teams and the resultant impacts on the public open spaces.
Site area	Deep soil areas	Minimum tree provision															
750 - 1000 square metres	5% of site area (minimum dimension of 3 metres)	1 small tree (0-8 metres) per 30 square metres of deep soil															
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CLAUSE 58.03-6 Access objective - To ensure the number and design of vehicle crossovers respects the urban context. Standard D11 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 Road Zone should be minimised. Developments must provide for access for service, emergency and delivery	Standard and objective met subject to conditions	All vehicles would enter and egress from Queens Lane to the side of the site. The proposed amended crossover is 6m with a boundary of approximately 29.7m in length. The proposed accessway therefore complies with the standard. Please see discussion at Section 11 of this report.															

vehicles.		
CLAUSE 58.03-7 Parking location objectives - To provide convenient parking for resident and visitor vehicles. - To protect residents from vehicular noise within developments. Standard D12 Car parking facilities should: - Be reasonably close and convenient to dwellings. - Be secure. Be well ventilated if enclosed.	Standard and objective met	Car parking is provided within three levels of basement (32, 32 and 26 at basement levels 3, 2 and 1 respectively) and accessed via a basement ramp from Queens Lane. A total of 89 residential car parking spaces are proposed comprising equating to a rate of 0.86 spaces per dwelling. The plans do not detail any electric charging points but the SMP report states that electric vehicle chargers installed to 5% of car-parking spaces. The proposed basement car parking would also be accessible via lifts straight to the residential internal floors. This is considered to be convenient and secure for residents.
CLAUSE 58.03-8 Integrated water and stormwater management 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. Standard D13 - Buildings should be designed to collect rainwater for non-drinking purposes such as flushing toilets, laundry appliances and garden use. - Buildings should be connected to a non-potable dual pipe reticulated water supply, where available from the water authority. The stormwater management system should be: - Designed to meet the current best practice performance objectives for stormwater quality as contained in the <i>Urban Stormwater - Best Practice Environmental Management Guidelines</i> (Victorian	Standard and objective met subject to conditions	The SMP and WSUD reports submitted with the application indicates that a 20,000 litre rainwater would be provided on site. The STORM Rating report that forms part of the WSUD response achieves a rating of 108%. This is considered to be acceptable. It is noted however that the plans do not indicate the location of the proposed rainwater tank. This must be included on plans and must also include details of connectivity which are consistent with the submitted SMP in order to achieve compliance with the standard.

Stormwater Committee, 1999). Designed to maximise infiltration of stormwater, water and drainage of residual flows into permeable surfaces, tree pits and treatment areas.		
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CLAUSE 58.04 - AMENITY IMPACTS		
TITLE & OBJECTIVE	COMPLIANCE	ASSESSMENT
CLAUSE 58.04-1 Building setback 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. 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	Standard and objective met subject	If the land is included in an overlay and a schedule to the overlay specifies a building setback requirement different from the requirement set out Clause 58.04-1 or a requirement set out in the zone or a schedule to the zone, the requirement for building setback in the overlay applies. DDO26 defines the site as being within a mandatory 65m AHD height limit and a discretionary 4.5m landscape setback from Louise Street. Development fronting and abutting Queens Lane should be built to the Queens Lane boundary; and within 5 metres of Queens Lane should not exceed a height of 11 metres. Development must also be setback at least 4.5 metres from common side boundaries. A podium and tower form are proposed. The proposed setbacks are: <u>Podium:</u> - Louise Street (north): 4.1m in lieu of preferred a 4.5m Cantilevering planter boxes encroach approximately 1.4m into this setback. Note: While a 4.5m setback is not mandatory, it is noted that Section 2.3 of DDO26 allows for the encroachment of architectural features including landscaping and balconies. - Side to 490 St Kilda Road (east): 3.2m and 4.5m Note: this is a not common side boundary, rather the side boundary of the subject site and the rear boundary of the

meet the objectives of Clause 58.		adjoining site. Section 2.3 of DDO26 allows a variation to this outcome where: – <i>The responsible authority is satisfied that an increased height or reduced setback does not unreasonably impact on the vision for the Sub-Precinct as set out in the Design Objectives for the relevant Sub-Precinct.</i> – <i>The building or works is no higher than the building being replaced.</i> – <i>The building or works is to be constructed no closer to a boundary than the building being replaced.</i> • Side to Queens Lane (west): 0m • Rear to 492 St Kilda Road (south): 0m at ground floor level and 4m at Level 1 and 2. <u>Tower:</u> • Louise Street (north): 4.5m to the glazing line with exposed slab edges and balconies encroaching between 0.4m (Level 3) and 1.7m (Level 16) into these setbacks. • Side to 490 St Kilda Road (east): 4.5m with exposed slab edges and balconies encroaching a maximum of 1.1m (Level 16) into the setback • Side to Queens Lane (west): 5m – 5.1m setback • Rear to 492 St Kilda Road (south): 4.4m setback with exposed slab edges and balconies encroaching a maximum of 0.5m into the setback. Support for the proposed encroachments to facilitate this architectural expression is on balance considered acceptable. The setbacks above the street wall would allow adequate daylight into the apartments, particularly habitable rooms. Whilst the proposal relates to a corner site, the setbacks would assist in mitigate against any visual bulk and would provide for improved visual connections with the surrounding area. <u>Daylight</u> The subject site is not situated adjacent to high scale residential development but is located beside high rise developments at 482-486 St Kilda Road and 492 St Kilda Road. A 9m setback from 492 St Kilda Road would allow for adequate daylight access. The proposed habitable
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		room windows would therefore be providing with adequate provision of daylight. <u>Overlooking</u> Overlooking diagrams have been provided to consider overlooking opportunities into the adjoining property at 490 St Kilda Road. Annotations on the elevations indicate screening at podium levels to limit overlooking into areas of secluded private open space and any habitable room windows. The detailing on the overlooking however is not sufficient to ensure opportunities for overlooking are reasonably addressed to this property. This is recommended as a condition of permit. As a result of the proposed setbacks and interfaces with other residential development exceeding 9m, the proposed habitable room windows balconies within the proposed apartments would not lead to unreasonable overlooking opportunities. <u>Overshadowing</u> The proposal would result in additional overshadowing to areas of private open space at 33 and 34 Queens Road for 3 hours between 9am and 12 noon and 1 hour at 490 St Kilda Road at 3pm on 22 September. Overshadowing diagrams indicate that all other overshadowing would fall over the roofs or areas subjected to existing overshadowing.
CLAUSE 58.04-2 Internal views objective To limit views into the private open space and habitable room windows of dwellings within a development. Standard D15 Windows and balconies should be designed to prevent overlooking of more than 50 per cent of the private open space of a lower-level dwelling directly below and within the same development.	Standard and objective met subject	All proposed balconies would be contained within the footprint of the proposed building to each respective level. As a result of this formation, there would minimal overlooking opportunities into lower level apartments within the development. In addition to the minimal opportunities for overlooking into lower level apartments, the location of balconies within the building footprint would also minimise overlooking into balconies at the same level. The proposed development would also incorporate screens or be adjacent to walls preventing views into apartments at the same level.

CLAUSE 58.04-3 Noise impacts objectives • To contain noise sources in developments that may affect existing dwellings. • To protect residents from external and internal noise sources. Standard D16 • Noise sources, such as mechanical plants should not be located near bedrooms of immediately adjacent existing dwellings. • The layout of new dwellings and buildings should minimise noise transmission within the site. • Noise sensitive rooms (such as living areas and bedrooms) should be located to avoid noise impacts from mechanical plants, lifts, building services, non-residential uses, car parking, communal areas and other dwellings. • New dwellings should be designed and constructed to include acoustic attenuation measures to reduce noise levels from off-site noise sources. Buildings within a noise influence area specified in Table 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 D3 Noise influence area <table><tr><th>Noise source</th><th>Noise influence area</th></tr><tr><td colspan="2">Zone interface</td></tr><tr><td>Industry</td><td>300 metres from the Industrial 1, 2 and 3 zone boundary</td></tr><tr><td colspan="2">Roads</td></tr></table>	Noise source	Noise influence area	Zone interface		Industry	300 metres from the Industrial 1, 2 and 3 zone boundary	Roads		Standard and objective subject to conditions	The proposed mechanical plant would be located at roof top level with a substation proposed to be located at ground level of the building fronting Queens Lane. To these locations, the proposed plant would have minimal impact upon the proposed and existing dwellings within the area at all levels. Mechanical plant would also be subject to EPA guidelines limiting any adverse noise impacts of the equipment. The subject site is not located within proximity to any of the noise influence areas identified within Table D3 of the Standard.
Noise source	Noise influence area									
Zone interface										
Industry	300 metres from the Industrial 1, 2 and 3 zone boundary									
Roads										

Noise source	Noise influence area		
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		
<i>The noise influence area should be measured from the closest part of the building to the noise source.</i>			

CLAUSE 58.05 - ON-SITE AMENITY AND FACILITIES		
TITLE & OBJECTIVE	COMPLIANCE	ASSESSMENT
CLAUSE 58.05-1 Accessibility objective To ensure the design of dwellings meets the needs of people with limited mobility. Standard D17 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 D4.	Standard and objective subject to conditions	The plans subject to the assessment of this application indicate that apartment types C2,7-14, D2, 4-6 and E1 and 2. This equates to 64.42% of apartments achieving the minimum requirements specified. An annotation should be included to confirm that inward opening doors have readily removable hinges and all showers are step free, the latter is not readily clear from the plans. All apartments have otherwise been appropriately designed subject to minor points of clarification and would meet the needs of people with limited mobility.

Table D4 Bathroom design <table border="1"> <thead> <tr> <th></th><th>Design option A</th><th>Design option B</th></tr> </thead> <tbody> <tr> <td>Door opening</td><td>A clear 850mm wide door opening.</td><td>A clear 820mm wide door opening located opposite the shower.</td></tr> <tr> <td>Door design</td><td>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.</td><td>Either: • A slide door, or • A door that opens outwards, or • A door that opens inwards and has readily removable hinges.</td></tr> <tr> <td>Circulation area</td><td>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.</td><td>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.</td></tr> <tr> <td>Path to circulation area</td><td>A clear path with a minimum width of 900mm from the door opening to the circulation area.</td><td>Not applicable.</td></tr> <tr> <td>Shower</td><td>A hobless (step-free) shower.</td><td>A hobless (step-free) shower that has a removable shower screen and is located on the furthest wall from the door opening.</td></tr> <tr> <td colspan="3">Design option A Design option B</td></tr> <tr> <td>Toilet</td><td>A toilet located in the corner of the room.</td><td>A toilet located closest to the door opening and clear of the circulation area.</td></tr> </tbody> </table>		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.	Design option A Design option B			Toilet	A toilet located in the corner of the room.	A toilet located closest to the door opening and clear of the circulation area.		
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CLAUSE 58.05-2 58.05-2 Building entry and circulation 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. Standard D18 Building entry and circulation 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	Standard and objective subject conditions	The development would include a designated entrance to the proposed residential area of the building. Located within the building at ground level, the entrance would provide adequate shelter for residents. Accessed from the Louise Street frontages, the entrance would be provided with adequate natural light owing to the double height void above. The development would be provided with the option of stair access from ground level to all levels. The lift area would also be served with adequate natural light. Access to communal facilities is generally practical. Overall, the proposed access arrangements for the residential component are generally considered to be acceptable within the development.																								

natural light and natural ventilation. - Avoid obstruction from building services. - Maintain clear sight lines.		
CLAUSE 58.05-3 Private open space objective To provide adequate private open space for the reasonable recreation and service needs of residents. Standard D19 A dwelling should have private open space consisting of: • An area of 25 square metres, with a minimum dimension of 3 metres at natural ground floor level and convenient access from a living room, or • An area of 15 square metres, with a minimum dimension of 3 metres at a podium or other similar base and convenient access from a living room, or • A balcony with an area and dimensions specified in Table D5 and convenient access from a living room, or A roof-top area 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 balcony should provide an additional area of 1.5 square metres.	Standard and objective subject to conditions met to	The submitted plans indicate that the proposed development would be provided with the minimum balcony areas and dimensions in accordance with this standard. The north-east balconies are also affected by structural columns. These are generally well placed to facilitate usability and functionality of the space however any design changes arising from other matters in this report must ensure no adverse impacts to these areas of private open space. Many of the apartments with terraces located centrally to the façade include long irregular spaces. As these generally exceed the minimum requirements these are adequate in complying with the objectives or else benefit from a secondary terrace area. Heating and cooling services are to be located on the roof and so would not introduce any requirements to further reduce the areas for heating and cooling services.
CLAUSE 58.05-4 Storage objective To provide adequate storage facilities for each dwelling Standard D20 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 D6.	Standard and objective met	All proposed apartments types include a good provision of internal space. Many of the apartment types would feature built in robes or larger wardrobes. Kitchen storage space also appears to be generous. Volumes of storage spaces have been included on plans to demonstrate compliance with the requirements of table D6. Much of the required storage is provided within the apartments themselves but additional over bonnet storage and storage at ground floor level supplements this.

Table D6 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

CLAUSE 58.06 - DETAILED DESIGN		
TITLE & OBJECTIVE	COMPLIANCE	ASSESSMENT
CLAUSE 58.06-1 Common property 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 D21 Developments should clearly delineate public, communal and private areas. Common property, where provided, should be functional and capable of efficient management.	Standard and objective met	The common property areas would include the residential entry lobby, communal spaces, car parking areas, lift space and internal corridors. These spaces would be clearly delineated from private spaces and would be capable of efficient management, by an Owners Corporation (or similar body).
CLAUSE 58.06-2 Site services objectives To ensure that site services can be installed and easily maintained. To ensure that site facilities are accessible, adequate and attractive. Standard D22 The design and layout of dwellings should provide sufficient space (including easements where required) and facilities for services to be installed and maintained efficiently and economically. Mailboxes and other site facilities should be adequate in size, durable, waterproof and blend in with the development. Mailboxes should be provided and located for convenient access as required by Australia Post.	Standard and objective met subject to conditions	The proposed building layout indicates designated areas at ground level, within the basement levels and at roof level for the provision of services. This is considered to be an appropriate arrangement but for the free-standing fire booster cupboard in the Louise Street frontage. This would benefit from being better integrated into the building rather than standing as an isolated element on the property boundary. It is noted that the location of this service cupboard would like require trenching through the Tree Protection Zone of the street trees. A condition of permit is recommended to relocate this to a less imposing position along the streetscape. The residential lobby features a designated space for mailboxes. Again, this is considered an acceptable arrangement. Clarification should be confirmed that doors of services cupboards should not open over public footpaths. It is considered all services are capable of

		being accommodated in a location that would minimise impact to activate frontages.
CLAUSE 58.06-3 Waste and recycling 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. Standard D23 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.	Standard and objective subject to conditions	The development would be predominantly residential with a retail element at ground level. The applicant has provided a Waste Management Plan which provides details of anticipated accumulated waste volumes for the proposed uses. It is considered that the size and location of the proposed bin storage area is appropriate but would not adequately serve the proposed uses. A bin wash down area has not been proposed within the storage area. The proposed storage area would be internal and would not have direct access from the street. The storage area could however be accessed internally and would be accessed externally via the proposed loading bay to the rear of the site. The proposed storage area would be adequately separated from public and private spaces within the development. Council's Waste Manager Officer has raised concerns regarding the following waste management on site: - Commercial and Residential bin storage room should be separate and clearly identified. - Waste and recycling bin for commercial tenements is not sufficient, the number of bins or collection frequency. Will need to be increased. - Details of how residents would access the organic bins as they are asked not to use the Chute for organic waste. - Highly recommend bin space for glass recycling due to State Government's four waste stream policy. - Highly recommend space for Charity bin to encourage re-use and recycle within the development. - It is important that the space for bins underneath the chute outlet is sufficient and secure so that the

		items from each stream don't contaminate each other. • Access to the bin room (for Retailers) is only through the stairs, accessibility needs to be considered. • Collection times must be in line with Council's Local laws requirements. Council's Traffic Engineer notes that a loading area is proposed on-site which connects to the waste room at ground level. The loading area allows for a 6.4m mini-loader to reverse in, propping partially within the loading area and partially across the basement access way. While the mini-loader partially obstructs the accessway, swept path diagrams provided demonstrate that a B99 vehicle can drive around the parked truck when entering the development. This can be considered reasonable considering the low usage of the loading area. However, consideration should be made for adequate sight distance for opposing traffic as vehicles travelling up the ramp may not see approaching traffic travelling around the mini-loader. It is considered these matters can be addressed via recommended conditions of permit. Given objector concerns regarding traffic movements and waste collection, it is preferable that that additional provision of bin capacity is provided on site rather than increasing the number of weekly services. Increased bin capacities would likely require an amendment to the bin store area and loading bay to accommodate an appropriate vehicle size therefore an increase in the number of services would likely be preferable. Because waste would be collected on site there would not be any significant distribution in Queens Lane.
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CLAUSE 58.07 - INTERNAL AMENITY		
TITLE & OBJECTIVE	COMPLIANCE	ASSESSMENT
CLAUSE 58.07-1 Functional layout objective	Objective met to subject conditions	<u>Bedrooms</u> The submitted plans indicate that all apartment types barring

To ensure dwellings provide functional areas that meet the needs of residents. Standard D24 Bedrooms should: - Meet the minimum internal room dimensions specified in Table D7. - Provide an area in addition to the minimum internal room dimensions to accommodate a wardrobe. Table D7 Bedroom dimensions <table border="1"> <thead> <tr> <th>Bedroom type</th><th>Minimum width</th><th>Minimum depth</th></tr> </thead> <tbody> <tr> <td>Main bedroom</td><td>3 metres</td><td>3.4 metres</td></tr> <tr> <td>All other bedrooms</td><td>3 metres</td><td>3 metres</td></tr> </tbody> </table> Living areas (excluding dining and kitchen areas) should meet the minimum internal room dimensions specified in Table D8. Table D8 Living area dimensions <table border="1"> <thead> <tr> <th>Dwelling type</th><th>Minimum width</th><th>Minimum area</th></tr> </thead> <tbody> <tr> <td>Studio and 1 bedroom dwelling</td><td>3.3 metres</td><td>10 sqm</td></tr> <tr> <td>2 or more bedroom dwelling</td><td>3.6 metres</td><td>12 sqm</td></tr> </tbody> </table>	Bedroom type	Minimum width	Minimum depth	Main bedroom	3 metres	3.4 metres	All other bedrooms	3 metres	3 metres	Dwelling type	Minimum width	Minimum area	Studio and 1 bedroom dwelling	3.3 metres	10 sqm	2 or more bedroom dwelling	3.6 metres	12 sqm		Apartment Type A1 would be provided with main bedrooms of minimum dimensions of 3m x 3.4m. In addition to this, not all secondary bedrooms would be provided with minimum dimensions of 3m x 3m as per Table D7. This is due to the curved design of the development. Notwithstanding this, the rooms would continue to have a functional layout and are deemed to meet the objectives of this standard. <u>Living rooms</u> The submitted plans indicate that all proposed living areas would comply with the minimum width and area requirements indicated in Table D8.
Bedroom type	Minimum width	Minimum depth																		
Main bedroom	3 metres	3.4 metres																		
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Studio and 1 bedroom dwelling	3.3 metres	10 sqm																		
2 or more bedroom dwelling	3.6 metres	12 sqm																		
CLAUSE 58.07-2 Room depth objective To allow adequate daylight into single aspect habitable rooms. Standard D25 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.	Standard and objective met	Based on the majority of ceiling heights of 2.7m across Levels 1 to 14, apartments with single aspect habitable rooms within the development should not exceed a room depth of 6.75m. It is noted that Apartment Types C2, C6, C7, C8, C10 and C13 would exceed these depths however these apartment types would combine living areas, kitchens and dining areas. The kitchen would also be located to the rear of the space further from the window. The ceiling height is also 2.7m. The internal living area is therefore compliant with the standard. In addition to the majority of 2.7m ceiling height rooms, the apartments on levels 15 and 16 would have higher ceiling heights, all apartments would therefore be compliant with this standard.																		
CLAUSE 58.07-3 Windows objective To allow adequate daylight into new habitable room windows. Standard D26 Habitable rooms should have a window in an	Standard and objective met	All habitable room windows feature a window located on an external wall.																		

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.		
CLAUSE 58.07-4 Natural ventilation objectives • To encourage natural ventilation of dwellings. • To allow occupants to effectively manage natural ventilation of dwellings. Standard D27 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.	Standard and objective met	The submitted plans demonstrate that the following apartment types would provide cross-ventilation to a standard which complies with the standard: B1 – B3, C1, C3-5, C9, C12 and C14, D1-2, D4-6 and E1-3. This equates to a total of 62 apartments within the development which equates to 59% of the total apartments. The proposed development would therefore exceed the minimum percentage of apartments required to provide effective cross-ventilation as per the standard.