

**Clause 58 Apartment Development – 361, 371, 391 Plummer Street, Port Melbourne**

**June 2020 Plans**

**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
<p><b>CLAUSE 58.01-1</b>  <b>Application requirements</b>                      An application must be accompanied by:</p> <ul style="list-style-type: none"> <li>• An urban context report.</li> <li>• A design response.</li> </ul>	<p>Submitted and satisfactory.</p>	<p>A detailed urban context report prepared and design response prepared by Ellenberg Fraser Architecture is supplemented by a Town Planning Report prepared by Urbis.</p>
<p><b>CLAUSE 58.01-2</b>  <b>Urban context report</b>                      The urban context report may use a site plan, photographs or other techniques.</p>	<p>Submitted and satisfactory.</p>	<p>A site plan, photographs, and written description has been provided in the architectural package prepared by Ellenberg Fraser Architecture.</p>
<p><b>CLAUSE 58.01-3</b>  <b>Design response</b>                      The design response must explain how the proposed design:</p> <ul style="list-style-type: none"> <li>• Responds to any relevant planning provision that applies to the land.</li> <li>• Meets the objectives of Clause 58.</li> <li>• Responds to any relevant housing, urban design and landscape plan, strategy or policy set out in this scheme.</li> <li>• Derives from and responds to the urban</li> </ul>	<p>Submitted and satisfactory.</p>	<p>A design response has been provided in the architectural package prepared by Ellenberg Fraser Architecture.                      A Town Planning Report prepared by Urbis supplements the application material.</p>

<p>context report.</p> <p>The design response must include correctly proportioned street elevations or photographs showing the development in the context of adjacent buildings.</p> <p>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.</p>		
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<b>CLAUSE 58.02 - URBAN CONTEXT</b>		
<b>TITLE &amp; OBJECTIVE</b>	<b>COMPLIANCE WITH STANDARD?</b>	<b>ASSESSMENT</b>
<p><b>CLAUSE 58.02-1</b></p> <p><b>Urban context objectives</b></p> <ul style="list-style-type: none"> <li>To ensure that the design responds to the existing urban context or contributes to the preferred future development of the area.</li> <li>To ensure that development responds to the features of the site and the surrounding area.</li> </ul> <p><b>Standard D1</b></p> <ul style="list-style-type: none"> <li>The design response must be appropriate to the urban context and the site.</li> <li>The proposed design must respect the existing or preferred urban context and respond to the features of the site.</li> </ul>	No	<p>Please refer to Sections 11 of the main body of the report.</p> <p>The height and massing/setbacks of the proposal would not comply with the preferred hybrid (predominantly mid-rise) building typology for the land and surrounds.</p> <p>The proposal is predominantly high-rise and seeks a number of podium and tower and setback variations.</p> <p>The standard and objective are only met in part. The podium and tower heights and building setbacks should be amended to meet or exceed minimum setback standards and not exceed the preferred maximum building heights for the land. Towers should be varied in height.</p>
<p><b>CLAUSE 58.02-2</b></p> <p><b>Residential policy objectives</b></p> <ul style="list-style-type: none"> <li>To ensure that residential development is provided in accordance with any policy for housing in the Municipal Planning Strategy and the Planning Policy Framework.</li> <li>To support higher density residential development where development can take advantage of public and community infrastructure and services.</li> </ul> <p><b>Standard D2</b></p> <ul style="list-style-type: none"> <li>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.</li> </ul>	Yes	<p>The application and its design response accords with the Municipal Planning Strategy and the Planning Policy Framework, although it is noted an amended Town Planning Report and CI 58 assessment has not been provided with the amended documentation received on 15 June 2020.</p> <p>Please refer to Sections 11 of the main body of the report.</p> <p>The standard and objective are met.</p>

<p><b>CLAUSE 58.02-3</b> <b>Dwelling diversity objective</b></p> <ul style="list-style-type: none"> <li>To encourage a range of dwelling sizes and types in developments of ten or more dwellings.</li> </ul> <p><b>Standard D3</b></p> <ul style="list-style-type: none"> <li>Developments of ten or more dwellings should provide a range of dwelling sizes and types, including dwellings with a different number of bedrooms.</li> </ul>	No	<p>Please refer to Section 11.1.1 of the report.</p> <p>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. It is further noted the layout facilitates amalgamating apartment types as required.</p> <p>200 (24.7%) three-bedroom apartments and 71 (8.8%) three-bedroom terrace home or four-bedroom = 33.5% being three-bedrooms or greater.</p> <p>The standard and objective are met and complies with the requirements of CI22.15 which requires development of more than 100 dwelling to provide 30% within the Wirraway Precinct.</p> <p>It is noted that the draft amended plans to demonstrate full compliance with street wall height, setbacks and internal separation should be conditioned to continue to demonstrate a min 30% three-bedroom compliance in accordance with Clause 22.15.</p>
<p><b>CLAUSE 58.02-4</b> <b>Infrastructure objectives</b></p> <ul style="list-style-type: none"> <li>To ensure development is provided with appropriate utility services and infrastructure.</li> <li>To ensure development does not unreasonably overload the capacity of utility services and infrastructure including reticulated services and roads.</li> </ul> <p><b>Standard D4</b></p> <ul style="list-style-type: none"> <li>Development should be connected to reticulated services, including reticulated sewerage, drainage, electricity and gas, if available.</li> <li>Development should not unreasonably exceed the capacity of utility services and infrastructure, including reticulated services and roads.</li> <li>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.</li> </ul>	Yes	<p>The development is to be connected to all reticulated services as appropriate and is readily available as a result of the existing infrastructure.</p> <p>All upgrades required will be the responsibility of the developer.</p> <p>The standard and objective is met.</p>
<p><b>CLAUSE 58.02-5</b> <b>Integration with the street objective</b></p> <ul style="list-style-type: none"> <li>To integrate the layout of development with the street.</li> </ul> <p><b>Standard D5</b></p> <ul style="list-style-type: none"> <li>Developments should provide adequate vehicle and pedestrian links that maintain or enhance local accessibility.</li> </ul>	Yes	<p>Please refer to Section 11 of the report.</p> <p>The site has a dual frontage to both Plummer Street and Salmon Street.</p> <p>The built form to Plummer Street will be setback approximately 6 metres (plans should be amended to clarify the annotated distance is from the title boundary).</p> <p>A new road, approximately 22 metres in width is proposed along the northern</p>

<ul style="list-style-type: none"> <li>• Development should be oriented to front existing and proposed streets.</li> <li>• High fencing in front of dwellings should be avoided if practicable.</li> <li>• Development next to existing public open space should be laid out to complement the open space.</li> </ul>		<p>boundary of the site in an east-west alignment.</p> <p>An internal laneway, approximately 10 metres in width is proposed mid-block in a north-south alignment.</p> <p>The development layout is such that it will appropriately responds to all existing and proposed frontages by locating retail uses at the ground floor level that achieve a high level of activation along the public realm. Commercial uses at first floor level and residential above are orientated to provide passive surveillance and outlook to the street and areas of open space.</p> <p>The proposed urban structure generally in accordance with the requirements of CCZI and the Fishermans Bend Strategic Framework Plan.</p> <p>The standard and objective are met.</p>
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CLAUSE 58.03 - SITE LAYOUT		
TITLE & OBJECTIVE	COMPLIANCE	ASSESSMENT
<p><b>CLAUSE 58.03-1</b></p> <p><b>Energy efficiency objectives</b></p> <ul style="list-style-type: none"> <li>• To achieve and protect energy efficient dwellings and buildings.</li> <li>• To ensure the orientation and layout of development reduce fossil fuel energy use and make appropriate use of daylight and solar energy.</li> <li>• To ensure dwellings achieve adequate thermal efficiency</li> </ul> <p><b>Standard D6</b></p> <p>Buildings should be:</p> <ul style="list-style-type: none"> <li>• Oriented to make appropriate use of solar energy.</li> <li>• Sited and designed to ensure that the energy efficiency of existing dwellings on adjoining lots is not unreasonably reduced.</li> <li>• Living areas and private open space should be located on the north side of the development, if practicable.</li> <li>• Developments should be designed so that solar access to north-facing windows is optimised.</li> <li>• Dwellings located in a climate zone identified in Table D1 should not exceed the maximum NatHERS annual cooling load specified in the following table.</li> </ul> <p>Table D1 Cooling load</p>	<p>Yes</p>	<p>The proposal has been designed and sited to maximise on the use of daylight and solar energy and to ensure dwellings achieve adequate thermal efficiency.</p> <p>A SMP prepared by Cundall (Job No: 1023110, Rev D, dated 30 August 2019). Correspondence dated 9 June 2020 confirms that the design and built changes will not adversely impact the ability to deliver on the sustainability outcomes of the aforementioned report.</p> <p>The site is in the NatHERS climate zone 21 Melbourne that specifies a maximum cooling load 30 MJ/M2 per annum.</p> <p>Cooling energy in apartments shall be limited to <math>\leq 30</math> MJ/m<sup>2</sup>.</p> <p>The SMP commits to targeting an 8-star average NatHERS rating, exceeding the 7-star target of Clause 22.15.</p> <p>The commercial office area will target a 5-Star NABERS Energy Base Building performance.</p> <p>The SMP the commercial and retail area will achieve a 20% improvement on NCC/BCA energy requirements.</p> <p><b>Note:</b> the draft amended plans to demonstrate full compliance with street wall height, setbacks and internal separation will likely improve opportunities for solar access to apartments orientated toward the internal laneway.</p>

<table border="1"> <thead> <tr> <th>NatHERS climate zone</th> <th>NatHERS maximum MJ/M<sup>2</sup> per annum</th> </tr> </thead> <tbody> <tr> <td>Climate zone 21 Melbourne</td> <td>30</td> </tr> <tr> <td>Climate zone 22 East Sale</td> <td>22</td> </tr> <tr> <td>Climate zone 27 Mildura</td> <td>69</td> </tr> <tr> <td>Climate zone 60 Tullamarine</td> <td>22</td> </tr> <tr> <td>Climate zone 62 Moorabbin</td> <td>21</td> </tr> <tr> <td>Climate zone 63 Warrambool</td> <td>21</td> </tr> <tr> <td>Climate zone 64 Cape Otway</td> <td>19</td> </tr> <tr> <td>Climate zone 66 Ballarat</td> <td>23</td> </tr> </tbody> </table>	NatHERS climate zone	NatHERS maximum MJ/M <sup>2</sup> 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 Warrambool	21	Climate zone 64 Cape Otway	19	Climate zone 66 Ballarat	23		
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<p>Note: Refer to NatHERS zone map, Nationwide House Energy Rating Scheme (Commonwealth Environment and Energy).</p> <p><b>CLAUSE 58.03-2</b>  <b>Communal open space objective</b></p> <ul style="list-style-type: none"> <li>To ensure that communal open space is accessible, practical, attractive, easily maintained and integrated with the layout of the development.</li> </ul> <p><b>Standard D7</b></p> <ul style="list-style-type: none"> <li>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.</li> </ul>	<p>Yes</p>	<p>At ground level, in addition to the new road from Salmon Street, the development includes:</p> <ul style="list-style-type: none"> <li>A north-facing public open space.</li> <li>A north-south aligned laneway providing mid-block access from Plummer Street through to the new road.</li> </ul> <p>On the podium rooftop, primarily relating to Stages 2 and 3, a mix of communal outdoor facilities are provided, including:</p> <ul style="list-style-type: none"> <li>A swimming pool and spa;</li> <li>Male and female amenities area;</li> <li>Outdoor dining</li> <li>Games area;</li> <li>Pickleball court</li> </ul> <p>Tower / Stage 1, communal terrace at Level 12 and rooftop terrace at Level 26 (not indicated on architectural plans)</p> <p>Tower / Stage 3, rooftop communal space at Level 26</p> <p>Tower / Stage 4, rooftop at Level 26 (not indicated on architectural plans)</p> <p>The schedule of accommodation notes the following communal open space areas:</p> <ul style="list-style-type: none"> <li>Tower / Stage 1: 1252sqm</li> <li>Tower / Stage 2: 1347sqm</li> <li>Tower / Stage 3: 1607sqm</li> <li>Tower / Stage 4: 667sqm</li> </ul> <p>The standard and objective is met, subject to further design resolutions.</p> <p>It is noted that the draft amended plans to demonstrate full compliance with street wall height, setbacks and internal separation will impact the provision of communal open space therefore the following condition should therefore be required in the draft Incorporated Document.</p> <p>A communal outdoor open space provided in accordance with Standard D7 of Clause 58.03-2 (Communal open space).</p>																		
<p><b>CLAUSE 58.03-3</b>  <b>Solar access to communal outdoor open space objective</b></p>		<p>The proposed communal outdoor open space is generally located to the rooftop of north of Towers 1, 2 and 4.</p> <p>The podium communal area at Level 6 will be</p>																		

<ul style="list-style-type: none"> <li>To allow solar access into communal outdoor open space.</li> </ul> <p><b>Standard D8</b></p> <ul style="list-style-type: none"> <li>The communal outdoor open space should be located on the north side of a building, if appropriate.</li> <li>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.</li> </ul>		<p>and terrace area to Level 12 of Tower 1 will likely be subject to a high level of overshadowing. The overshadowing diagrams are limited to the hours between 11am and 2pm and details of areas overshadowed areas are not provided. Insufficient detail is available to confirm if the development complies with this standard / objective.</p> <p>Notwithstanding this, it is anticipated that at least 125 square metres of the area will receive a minimum two hours of sunlight between 9am and 3pm on 21 June but it is recommended that the following condition be included in any Incorporated Document as follows:</p> <p><i>The communal outdoor open space to achieve minimum sunlight in accordance with Standard D8 of Clause 58.03-3 (Apartment Developments).</i></p> <p>Again, this will be subject to change if plans are amended to demonstrate full compliance with setbacks and internal separation.</p>
<p><b>CLAUSE 58.03-4</b></p> <p><b>Safety objective</b></p> <ul style="list-style-type: none"> <li>To ensure the layout of development provides for the safety and security of residents and property.</li> </ul> <p><b>Standard D9</b></p> <ul style="list-style-type: none"> <li>Entrances to dwellings should not be obscured or isolated from the street and internal accessways.</li> <li>Planting which creates unsafe spaces along streets and accessways should be avoided.</li> <li>Developments should be designed to provide good lighting, visibility and surveillance of car parks and internal accessways.</li> <li>Private spaces within developments should be protected from inappropriate use as public thoroughfares.</li> </ul>	Yes	<p>Whilst the entries are not clearly distinguished on the floor plans or elevations, the layout of the proposed development is capable of providing for clear and identifiable entries for each use and building to facilitate the safety and security of the property.</p> <p>The new roads, laneways and public open spaces are generally flanked by retail and commercial uses that activates these links with passive surveillance.</p> <p>The exception to this is the western boundary of Tower 4.</p> <p>Appropriate lighting and will provide a further layer of safety for pedestrians moving through the site.</p>
<p><b>CLAUSE 58.03-5</b></p> <p><b>Landscaping objectives</b></p> <ul style="list-style-type: none"> <li>To encourage development that respects the landscape character of the area.</li> <li>To encourage development that maintains and enhances habitat for plants and animals in locations of habitat importance.</li> <li>To provide appropriate landscaping.</li> <li>To encourage the retention of mature vegetation on the site.</li> <li>To promote climate responsive landscape design and water management in developments that support thermal comfort</li> </ul>	No	<p>Landscape plans have been prepared by Jack Merlo Design and Landscape Project No: 18.103, Dwg No: TP01-TP05 Rev E and dated 29/08/2019. Correspondence from Jack Merlo Design and Landscape dated 05/06/2020 advised the 15 June 2020 will not adversely impact the outcomes of the aforementioned documents.</p> <p>The plans illustrate there will be a mix of bicycle lanes, vehicle lanes and car parking facilitated within the new road. There is no legend on this plan to indicate surface finishes, types of planting, lighting etc at ground floor level and to new areas of public open space.</p>

<p>and reduces the urban heat island effect.</p> <p><b>Standard D10</b></p> <ul style="list-style-type: none"> <li>• Be responsive to the site context.</li> </ul>		<p>All upper floor areas of communal open space remain similarly unresolved in detail. A revised landscape plan is required to provide such details and appropriate integration with the development, associated infrastructure, maintenance and managements will be required</p> <p>This standard and objective are not fully met. DELWP considers, subject to the inclusion of a condition in the draft incorporated document to provide a detailed landscape plan as per this standard, the objective of this clause will be met.</p> <p>Wind and the planting of canopy trees within the site must be considered collaboratively between the design teams.</p> <p>Please refer to Section 11 of the report for further discussion.</p>
<p><b>CLAUSE 58.03-6</b></p> <p><b>Access objective</b></p> <ul style="list-style-type: none"> <li>• To ensure the number and design of vehicle crossovers respects the urban context.</li> </ul> <p><b>Standard D11</b></p> <p>The width of accessways or car spaces should not exceed:</p> <ul style="list-style-type: none"> <li>• 33 per cent of the street frontage, or</li> <li>• if the width of the street frontage is less than 20 metres, 40 per cent of the street frontage.</li> </ul> <p>No more than one single-width crossover should be provided for each dwelling fronting a street.</p> <p>The location of crossovers should maximise the retention of on-street car parking spaces.</p> <p>The number of access points to a road in a Road Zone should be minimised.</p> <p>Developments must provide for access for service, emergency and delivery vehicles.</p>	No	<p>Vehicle access to the site has been limited to the new road off Salmon Street. Existing crossovers will be removed on Plummer and Salmon Street and the footpath and landscaping reinstated.</p> <p>This removal of crossovers will support the vision for future metro, tram and strategic cycling corridor alignments along Plummer Street.</p> <p>Please refer to Section 11 of this report for further discussion.</p> <p>The new road at the rear will provide satisfactory access for service and delivery vehicles, and the new road and Plummer and Salmon Street will provide satisfactory access for emergency vehicles.</p>
<p><b>CLAUSE 58.03-7</b></p> <p><b>Parking location objectives</b></p> <ul style="list-style-type: none"> <li>• To provide convenient parking for resident and visitor vehicles.</li> <li>• To protect residents from vehicular noise within developments.</li> </ul> <p><b>Standard D12</b></p> <p>Car parking facilities should:</p> <ul style="list-style-type: none"> <li>• Be reasonably close and convenient to dwellings.</li> <li>• Be secure. Be well ventilated if enclosed.</li> </ul>	Yes	<p>The proposal provides convenient access to car parking for residents to the proposed development in the Podium Levels of the development through lift wells and stair wells in each building.</p> <p>Commercial tenancies at first floor and residential dwellings with some terraces sleeve the floors with car parking at levels 2 to 5 but for the western elevation to Tower 4.</p>
<p><b>CLAUSE 58.03-8</b></p> <p><b>Integrated water and stormwater management objectives</b></p> <ul style="list-style-type: none"> <li>• To encourage the use of alternative water</li> </ul>	Yes	<p>Development will achieve a <math>\geq 100\%</math> STORM score for its Water Sensitive Urban Design (WSUD) measures and meet the Capital City Zone (CCZ) rainwater harvesting tank requirements</p>

<p>sources such as rainwater, stormwater and recycled water.</p> <ul style="list-style-type: none"> <li>To facilitate stormwater collection, utilisation and infiltration within the development.</li> <li>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.</li> </ul> <p><b>Standard D13</b></p> <ul style="list-style-type: none"> <li>Buildings should be designed to collect rainwater for non-drinking purposes such as flushing toilets, laundry appliances and garden use.</li> <li>Buildings should be connected to a non-potable dual pipe reticulated water supply, where available from the water authority.</li> </ul> <p>The stormwater management system should be:</p> <ul style="list-style-type: none"> <li>Designed to meet the current best practice performance objectives for stormwater quality as contained in the <i>Urban Stormwater - Best Practice Environmental Management Guidelines</i> (Victorian Stormwater Committee, 1999).</li> <li>Designed to maximise infiltration of stormwater, water and drainage of residual flows into permeable surfaces, tree pits and treatment areas.</li> </ul>		<ul style="list-style-type: none"> <li>Collection and re-use of rainwater from at least 10,427m<sup>2</sup> of roof and other exposed surfaces which will be redirected to a rainwater tank of at least 525,000L tank on ground level total capacity.</li> <li>The proposed rainwater tank will be connected to toilet flushing for all of the public area and staff toilets on the Ground Floor and Level 01. The tank capacity nominated is preliminary and extent of toilet flushing will be confirmed based on water balance calculations during the subsequent detailed design phase of the development. The SMP Report estimates this will serve at least 540 occupants.</li> </ul> <p>Officers consider the objectives of this clause are capable of being met subject to the inclusion of more detail, and plans being updated to reflect commitments in the SMP. It is recommended any Incorporated Documents include a condition to require a revised SMP, ensure implementation of the revised SMP and to require amendment to the SMP to show:</p> <ul style="list-style-type: none"> <li>Rainwater tank capacity to meet the FBURA tank sizing requirement of 0.5m<sup>3</sup> per 10m<sup>2</sup> of roof catchment.</li> <li>The rainwater tank to be connected to all toilets throughout the development, not just ground and Level 1.</li> </ul>
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<p align="center"><b>CLAUSE 58.04 - AMENITY IMPACTS</b></p>		
<p><b>TITLE &amp; OBJECTIVE</b></p>	<p><b>COMPLIANCE</b></p>	<p><b>ASSESSMENT</b></p>
<p><b>CLAUSE 58.04-1</b> <b>Building setback objectives</b></p> <ul style="list-style-type: none"> <li>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.</li> <li>To allow adequate daylight into new dwellings.</li> <li>To limit views into habitable room windows and private open space of new and existing dwellings.</li> <li>To provide a reasonable outlook from new dwellings.</li> <li>To ensure the building setbacks provide appropriate internal amenity to meet the needs of residents.</li> </ul> <p><b>Standard D14</b></p>	<p>No</p>	<p>Please refer to Section 11 of the report for further discussion.</p> <p>The proposal seeks a number of setback variations.</p> <p>The increase in setback from Plummer Street is supported because it is to accommodate a future road widening.</p> <p>The reduced podium and tower setbacks, particularly adjacent to the mid-block and western side lanes are not supported.</p> <p>The land is not constrained from meeting or near meeting the preferred setbacks.</p>



<p>The built form of the development must respect the existing or preferred urban context and respond to the features of the site.</p> <p>Buildings should be set back from side and rear boundaries, and other buildings within the site to:</p> <ul style="list-style-type: none"> <li>• Ensure adequate daylight into new habitable room windows. Avoid direct views into habitable room windows and private open space of new and existing dwellings.</li> <li>• Developments should avoid relying on screening to reduce views.</li> <li>• Provide an outlook from dwellings that creates a reasonable visual connection to the external environment.</li> <li>• Ensure the dwellings are designed to meet the objectives of Clause 58.</li> </ul>		
<p><b>CLAUSE 58.04-2</b></p> <p><b>Internal views objective</b></p> <p>To limit views into the private open space and habitable room windows of dwellings within a development.</p> <p><b>Standard D15</b></p> <p>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.</p>	No	<p>Detailed design to facilitate assessment against this standard has not been provided. It is considered the design, subject to complainant side and internal separation requirements of DDO33 can protect the private open spaces (balconies) and habitable rooms within the development from overlooking.</p> <p>The standard and objective can be met. The design team are encouraged to work collaborate with the ESD consultant to ensure this does not impact solar access to the dwellings.</p>
<p><b>CLAUSE 58.04-3</b></p> <p><b>Noise impacts objectives</b></p> <ul style="list-style-type: none"> <li>• To contain noise sources in developments that may affect existing dwellings.</li> <li>• To protect residents from external and internal noise sources.</li> </ul> <p><b>Standard D16</b></p> <p>Noise sources, such as mechanical plants should not be located near bedrooms of immediately adjacent existing dwellings.</p> <p>The layout of new dwellings and buildings should minimise noise transmission within the site.</p> <p>Noise sensitive rooms (such as living areas and bedrooms) should be located to avoid noise impacts from mechanical plants, lifts, building services, non-residential uses, car parking, communal areas and other dwellings.</p> <p>New dwellings should be designed and constructed to include acoustic attenuation measures to reduce noise levels from off-site noise sources</p>	No	<p>The Acoustic Assessment prepared by Acoustic Logic, Project ID: 20190720.1, Rev 1, dated 17/07/2019, proposes different levels of noise attenuation for dwellings facing the Freeway and dwellings facing away.</p> <p>The Acoustic Assessment does not consider noise impacts from a nearby outdoor place of assembly and venue on Plummer Street or the future tram / metro works extension proposed along Plummer Street.</p> <p>It is considered the acoustic report should be amended to specify all dwellings be constructed with the same high level of noise attenuation to protect against road, commerce and industry noise.</p> <p>The architectural plans do not include the recommendations set out in the Acoustic report.</p> <p>The type of glazing should be considered in conjunction with the ESD and reflectivity requirements.</p> <p>A revised Acoustic Report should address these matters.</p>

**CLAUSE 58.05 - ON-SITE AMENITY AND FACILITIES**

TITLE & OBJECTIVE	COMPLIANCE	ASSESSMENT
<p><b>CLAUSE 58.05-1</b>  <b>Accessibility objective</b>                      To ensure the design of dwellings meets the needs of people with limited mobility.  <b>Standard D17</b>                      At least 50 per cent of dwellings should have:</p> <ul style="list-style-type: none"> <li>• A clear opening width of at least 850mm at the entrance to the dwelling and main bedroom.</li> <li>• 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.</li> <li>• A main bedroom with access to an adaptable bathroom.</li> <li>• At least one adaptable bathroom that meets all of the requirements of either Design A or Design B specified in Table D4.</li> </ul>	<p>No</p>	<p>An assessment of the Typical Apartment Types outlined in the Urban Context Report dated 15 June 2020 is provided below:</p> <p><b>Apartment A1 – 1 bed and 1 bath – does not comply:</b></p> <ul style="list-style-type: none"> <li>• Clear opening to entrance and main bedroom – scales at 0.9m therefore complies</li> <li>• Clear path – 1.2m width to main living area, 0.9m to bathroom and bedroom therefore only partially complies</li> <li>• Main bedroom with access to adaptable bathroom – complies.</li> <li>• Adaptable bathroom – annotation required to demonstrate inward opening door can be removed from hinges, does not comply with either Design option A or B circulation area requirements, toilet not located closest to the door opening.</li> </ul> <p><b>Apartment C1 – 2 beds and 2 bath – does not comply:</b></p> <ul style="list-style-type: none"> <li>• Clear opening to entrance and main bedroom – scales at 1.2m and 0.9m respectively therefore complies</li> <li>• Clear path – 1.2m width to main living area and bedroom but not either bathroom.</li> <li>• Main bedroom with access to adaptable bathroom – complies.</li> <li>• Adaptable bathroom – neither bathroom doors are complainant, annotation required to demonstrate inward opening door can be removed from hinges, does not comply with either Design option A or B circulation area requirements.</li> </ul> <p><b>Apartment C2 – 2 beds and 2 bath – complies:</b></p> <ul style="list-style-type: none"> <li>• Clear opening to entrance and main bedroom – both scale at 1m therefore complies.</li> <li>• Clear path – 1.3m width to main living area and 1.2m to bedroom and bathroom therefore complies</li> <li>• Main bedroom with access to adaptable bathroom – complies.</li> </ul>

		<ul style="list-style-type: none"> <li>• Adaptable bathroom – bathroom adjacent to the main entrance complies with Design Option A.</li> </ul> <p><b>Apartment C4 – 2 beds and 2 bath – complies:</b></p> <ul style="list-style-type: none"> <li>• Clear opening to entrance and main bedroom – both scale at 0.9m therefore complies.</li> <li>• Clear path – 1.4m width to main living area, bedroom and bathroom.</li> <li>• Main bedroom with access to adaptable bathroom – complies.</li> <li>• Adaptable bathroom – the ensuite bathroom complies with Design Option A.</li> </ul> <p><b>Apartment D5 – 3 beds and 2 bath – complies:</b></p> <ul style="list-style-type: none"> <li>• Clear opening to entrance and main bedroom – both scale at 1m therefore complies.</li> <li>• Clear path – 1.2m width to main living area, bedroom and bathroom.</li> <li>• Main bedroom with access to adaptable bathroom – complies.</li> <li>• Adaptable bathroom – the ensuite bathroom complies with Design Option A.</li> </ul> <p>Noting draft amended plans to demonstrate full compliance with the street wall height, setbacks and internal separation will likely result in changes to potential compliance. This should be required as a condition of any Incorporated Document.</p>
<p><b>CLAUSE 58.05-2</b></p> <p><b>58.05-2 Building entry and circulation objectives</b></p> <ul style="list-style-type: none"> <li>• To provide each dwelling and building with its own sense of identity.</li> <li>• To ensure the internal layout of buildings provide for the safe, functional and efficient movement of residents.</li> <li>• To ensure internal communal areas provide adequate access to daylight and natural ventilation.</li> </ul> <p><b>Standard D18</b></p> <p><b>Building entry and circulation</b></p> <p>Entries to dwellings and buildings should:</p> <ul style="list-style-type: none"> <li>• Be visible and easily identifiable.</li> <li>• Provide shelter, a sense of personal address and a transitional space around the entry.</li> </ul> <p>The layout and design of buildings should:</p> <ul style="list-style-type: none"> <li>• Clearly distinguish entrances to residential and</li> </ul>	<p>No</p>	<p>Considering the development typology, the buildings internal circulation design is considered to provide for the safe, functional and efficient movement of residents but could be improved.</p> <p>Documentation is unclear as to the whether sufficient natural daylight to circulation areas and natural ventilation is provided. Further information in relation to the podium levels is necessary. Given the length and depth of the proposed tower elements it is likely this objective will be satisfactory.</p>

<p>non-residential areas.</p> <ul style="list-style-type: none"> <li>• Provide windows to building entrances and lift areas. Provide visible, safe and attractive stairs from the entry level to encourage use by residents.</li> <li>• Provide common areas and corridors that: <ul style="list-style-type: none"> <li>- Include at least one source of natural light and natural ventilation.</li> <li>- Avoid obstruction from building services.</li> <li>- Maintain clear sight lines.</li> </ul> </li> </ul>																	
<p><b>CLAUSE 58.05-3</b>  <b>Private open space objective</b>  To provide adequate private open space for the reasonable recreation and service needs of residents.  <b>Standard D19</b>  A dwelling should have private open space consisting of:</p> <ul style="list-style-type: none"> <li>• 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</li> <li>• 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</li> <li>• 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.</li> </ul> <p>Table D5 Balcony size</p> <table border="1" data-bbox="204 1205 788 1310"> <thead> <tr> <th>Dwelling type</th> <th>Minimum area</th> <th>Minimum dimension</th> </tr> </thead> <tbody> <tr> <td>Studio or 1 bedroom dwelling</td> <td>8 square metres</td> <td>1.8 metres</td> </tr> <tr> <td>2 bedroom dwelling</td> <td>8 square metres</td> <td>2 metres</td> </tr> <tr> <td>3 or more bedroom dwelling</td> <td>12 square metres</td> <td>2.4 metres</td> </tr> </tbody> </table>	Dwelling type	Minimum area	Minimum dimension	Studio or 1 bedroom dwelling	8 square metres	1.8 metres	2 bedroom dwelling	8 square metres	2 metres	3 or more bedroom dwelling	12 square metres	2.4 metres	<p>Yes</p>	<p><b>Apartment A1 – 1 bed and 1 bath:</b> complies  <b>Apartment C1 – 2 beds and 2 bath:</b> complies  <b>Apartment C2 – 2 beds and 2 bath:</b> complies  <b>Apartment C4 – 2 beds and 2 bath:</b> complies  <b>Apartment D5 – 3 beds and 2 bath:</b> complies</p>			
Dwelling type	Minimum area	Minimum dimension															
Studio or 1 bedroom dwelling	8 square metres	1.8 metres															
2 bedroom dwelling	8 square metres	2 metres															
3 or more bedroom dwelling	12 square metres	2.4 metres															
<p><b>CLAUSE 58.05-4</b>  <b>Storage objective</b>  To provide adequate storage facilities for each dwelling  <b>Standard D20</b>  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.</p> <p>Table D6 Storage</p> <table border="1" data-bbox="204 1675 788 1825"> <thead> <tr> <th>Dwelling type</th> <th>Total minimum storage volume</th> <th>Minimum storage volume within the dwelling</th> </tr> </thead> <tbody> <tr> <td>Studio</td> <td>8 cubic metres</td> <td>5 cubic metres</td> </tr> <tr> <td>1 bedroom dwelling</td> <td>10 cubic metres</td> <td>6 cubic metres</td> </tr> <tr> <td>2 bedroom dwelling</td> <td>14 cubic metres</td> <td>9 cubic metres</td> </tr> <tr> <td>3 or more bedroom dwelling</td> <td>18 cubic metres</td> <td>12 cubic metres</td> </tr> </tbody> </table>	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	<p>No</p>	<p><b>Internal storage volumes:</b>  <b>Apartment A1 – 1 bed and 1 bath:</b> complies  <b>Apartment C1 – 2 beds and 2 bath:</b> complies  <b>Apartment C2 – 2 beds and 2 bath:</b> complies  <b>Apartment C4 – 2 beds and 2 bath:</b> complies  <b>Apartment D5 – 3 beds and 2 bath:</b> complies  Insufficient detail is provided on the architectural plans to confirm the total minimum storage is achieved.  Further information is required to ensure minimum volumes are achieved.</p>
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															
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**CLAUSE 58.06 - DETAILED DESIGN**

TITLE & OBJECTIVE	COMPLIANCE	ASSESSMENT
<p><b>CLAUSE 58.06-1</b>  <b>Common property objectives</b>  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.  <b>Standard D21</b>  Developments should clearly delineate public, communal and private areas.  Common property, where provided, should be functional and capable of efficient management.</p>	No	<p>There is insufficient information provided in the application material to confirm the common property objectives can be met.  Nonetheless, it is considered that the communal spaces, car parking, access areas and site facilities, subject to conditions can be practical and management matters could be resolved by civil means.  The standard and objective could be met.</p>
<p><b>CLAUSE 58.06-2</b>  <b>Site services objectives</b>  To ensure that site services can be installed and easily maintained.  To ensure that site facilities are accessible, adequate and attractive.  <b>Standard D22</b>  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.</p>	No	<p>The floor plans do not show detail of any services such as booster cupboards etc. It is considered all services are able to be accommodated in a location that would minimise impact to activated frontages.  It is recommended that the following conditions be included as conditions of any Incorporated Document:  <i>The location and dimensions of all building services and utility installations; all such services and installations must be architecturally resolved and incorporated into the design of the building and minimised facing any street or laneway.</i>  <i>A Services Plan and Report prepared by a suitably qualified person detailing the type, location and service authority requirements for the building based the height of the building, number of units, visibility and ease of accessibility, operational requirements including distances from entries and connection points, and safety.</i></p>
<p><b>CLAUSE 58.06-3</b>  <b>Waste and recycling objectives</b>  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.  <b>Standard D23</b>  Developments should include dedicated areas for:</p> <ul style="list-style-type: none"> <li>• Waste and recycling enclosures which are: <ul style="list-style-type: none"> <li>- Adequate in size, durable, waterproof and blend in with the development.</li> <li>- Adequately ventilated.</li> <li>- Located and designed for convenient access by residents and made easily accessible to people with limited mobility.</li> </ul> </li> </ul>	No	<p>The proposal has not been designed to ensure that waste and recycling facilities are accessible, adequate and attractive. Waste and recycling facilities have been designed to be managed to minimise impacts on residential amenity.  A Waste Management Plan prepared by Leigh Design dated 30 August 2019 needs to be amended to address omitted information - See also Sections 11.7 and 11.8 of the report.</p>

- Adequate facilities for bin washing. These areas should be adequately ventilated.		
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CLAUSE 58.07 - INTERNAL AMENITY																				
TITLE & OBJECTIVE	COMPLIANCE	ASSESSMENT																		
<p><b>CLAUSE 58.07-1</b>  <b>Functional layout objective</b>            To ensure dwellings provide functional areas that meet the needs of residents.</p> <p><b>Standard D24</b>            Bedrooms should:</p> <ul style="list-style-type: none"> <li>Meet the minimum internal room dimensions specified in Table D7.</li> <li>Provide an area in addition to the minimum internal room dimensions to accommodate a wardrobe.</li> </ul> <p>Table D7 Bedroom dimensions</p> <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> <p>Table D8 Living area dimensions</p> <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	Yes	<p><b>Bedroom Dimensions</b>  <b>Apartment A1 – 1 bed and 1 bath:</b> complies  <b>Apartment C1 – 2 beds and 2 bath:</b> complies  <b>Apartment C2 – 2 beds and 2 bath:</b> complies  <b>Apartment C4 – 2 beds and 2 bath:</b> complies  <b>Apartment D5 – 3 beds and 2 bath:</b> complies</p> <p><b>Living Area Dimensions</b>  <b>Apartment A1 – 1 bed and 1 bath:</b> complies  <b>Apartment C1 – 2 beds and 2 bath:</b> complies  <b>Apartment C2 – 2 beds and 2 bath:</b> complies  <b>Apartment C4 – 2 beds and 2 bath:</b> complies  <b>Apartment D5 – 3 beds and 2 bath:</b> complies</p>
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<p><b>CLAUSE 58.07-2</b>  <b>Room depth objective</b>            To allow adequate daylight into single aspect habitable rooms.</p> <p><b>Standard D25</b>            Single aspect habitable rooms should not exceed a room depth of 2.5 times the ceiling height.</p> <p>The depth of a single aspect, open plan, habitable room may be increased to 9 metres if all the following requirements are met:</p> <ul style="list-style-type: none"> <li>The room combines the living area, dining area and kitchen.</li> <li>The kitchen is located furthest from the window.</li> <li>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.</li> </ul> <p>The room depth should be measured from the external surface of the habitable room window to the rear wall of the room.</p>	Yes	<p>Insufficient information is provided to facilitate assessment.</p> <p>Given the relatively slender and profile of the towers, and the floor plans generally included a dwelling depth no greater than 8m, it is likely that this standard can be met.</p> <p>A condition requiring such details should be required as part of any Incorporated Document.</p>																		
<p><b>CLAUSE 58.07-3</b>  <b>Windows objective</b></p>	Yes	The floorplans indicate, all habitable room windows feature a window located on an external wall.																		

<p>To allow adequate daylight into new habitable room windows.</p> <p><b>Standard D26</b></p> <p>Habitable rooms should have a window in an external wall of the building.</p> <p>A window may provide daylight to a bedroom from a smaller secondary area within the bedroom where the window is clear to the sky.</p> <p>The secondary area should be:</p> <ul style="list-style-type: none"> <li>• A minimum width of 1.2 metres.</li> <li>• A maximum depth of 1.5 times the width, measured from the external surface of the window.</li> </ul>		<p>A condition requiring such details to be shown on elevations should be required as part of any Incorporated Document.</p>
<p><b>CLAUSE 58.07-4</b></p> <p><b>Natural ventilation objectives</b></p> <ul style="list-style-type: none"> <li>• To encourage natural ventilation of dwellings.</li> <li>• To allow occupants to effectively manage natural ventilation of dwellings.</li> </ul> <p><b>Standard D27</b></p> <p>The design and layout of dwellings should maximise openable windows, doors or other ventilation devices in external walls of the building, where appropriate.</p> <p>At least 40 per cent of dwellings should provide effective cross ventilation that has:</p> <ul style="list-style-type: none"> <li>• A maximum breeze path through the dwelling of 18 metres.</li> <li>• A minimum breeze path through the dwelling of 5 metres.</li> <li>• Ventilation openings with approximately the same area.</li> </ul> <p>The breeze path is measured between the ventilation openings on different orientations of the dwelling.</p>	<p>Yes</p>	<p>Insufficient information is provided to facilitate assessment however given a high number of apartments feature have aspect to two external walls, it is likely that effective natural cross ventilation could be achieved for most apartments.</p>