

Provision	Assessment
<b>General Requirement</b>	
<b>Design Quality</b>	
New developments should achieve urban design and architectural excellence	<p><b>Achieved.</b></p> <p>The design of the development is discussed in the main report and in the urban design referral with an assessment against Council's Urban Design Policy.</p>
Developments on corner sites with a St Kilda Road, Albert Road, Kings Way or Queens Road frontage or abuttal should not express the side street podium requirement to those roads.	<p><b>Not Applicable.</b></p> <p>The site is not on a corner site.</p>
Where a podium / tower typology is not proposed for a corner site, a high-quality architectural response is required which achieves an appropriate transition to podium / setback requirements on adjoining sites, including through building articulation/massing, building materials, finishes and design detail.	<p><b>Achieved</b></p> <p>The development consists of a podium / tower typology, in a horseshoe configuration.</p> <p>The proposed development is considered to be of a high quality and demonstrates a considered response to the existing streetscape. The development does provide appropriate setbacks that would minimise excessive building bulk and provides an acceptable degree of articulation to the built form. The proposed design is considered to be unique and of a sufficiently high quality that would be appropriate in this location.</p>
Developments on large sites should minimise building bulk and promote vertical articulation in their design.	<p><b>Achieved</b></p> <p>The site is large, being 6966 sqm. The development would minimise building bulk through a horseshoe layout. Along the rear elevation, where the development would be at its widest, it would have a series of vertical recesses to break up the building mass.</p>
<b>Separation Distance / Side and Rear Setbacks</b>	
<p>For properties in Sub-Precincts 5 and 6 without a primary frontage to St Kilda Road or Queens Road:</p> <ul style="list-style-type: none"> <li>• Development must be setback at least 4.5 metres from common side boundaries; or</li> <li>• Development may be constructed to a side boundary (0 metre setback) where: <ul style="list-style-type: none"> <li>– The adjoining site has a blank boundary wall with no habitable room windows or balconies constructed within 200 millimetres of the boundary; or</li> <li>– The adjoining site has not been developed above the podium</li> </ul> </li> </ul>	<p><b>Achieved</b></p> <p>The site shares common boundaries with No. 1 Roy Street (to the north) and No. 55 Queens Road (to the south). The proposal, at both podium and tower level, would have a minimum side setback of 4.5 m to each of the shared boundaries.</p>

height; Providing:

- The primary living areas of all proposed dwellings have a main window(s) / balconies oriented to the front or rear of the site.
- The new boundary wall matches the length of the boundary wall on the adjoining lot
- The proposed development does not unreasonably compromise the ability of the adjoining site to be developed and achieve the required minimum 4.5 metre setback or to build to the boundary.
- There are no existing habitable windows / balconies on the adjoining site within 4.5 metres of the proposed development.

A permit may not be granted to construct a building or construct or carry out works which are not in accordance with this requirement unless allowed by Clause 2.3 of this schedule.

For all Sub-Precincts:  
Additional side and rear setbacks and/or separation distances may be required to ensure buildings are designed and spaced to:

- Respect the existing urban character and pattern of development.
- Equitably distribute access to an outlook, daylight and achieve privacy from primary living areas for both existing and proposed development.
- Achieve sky views between towers, ensure adequate sun penetration to street level and mitigate wind effects.
- Avoid windows of primary living areas and balconies that directly facing one another.
- Maintain the equitable

development potential of adjoining lots.	
<b>Landscaped Setbacks</b>	
Frontages along St Kilda Road and Queens Road should be retained as open space for substantial landscaping and pedestrian activity: - St Kilda Road frontages should function as a forecourt for public, private and communal use. Public seating areas should be provided in these forecourts.	<b>Achieved</b> The proposed development would have a frontage to Queens Road. The proposal would have a minimum front setback of 15 m. The proposal includes a detailed landscape plan with extensive landscaping and canopy cover.
Clear sightlines should be provided from the footpath to the building façade to increase perceptions of pedestrian safety.	<b>Achieved</b> Clear sightlines would be provided between the footpath and the building.
Water sensitive urban design treatments should be incorporated into frontage design to manage and reduce stormwater runoff.	<b>Achieved</b> The SMP and WSUD reports submitted with the application indicates that a 40,000 litre rainwater would be provided on site. The MUSIC report shows that the WSUD response would exceed all the performance objectives with the exception of suspended solids removal. Council's Sustainability Officer has not raised any objections to this.
Exhaust stacks from underground car parks should be located away from main pedestrian areas and incorporated into the building design or adequately screened.	<b>Achieved</b> The basement level exhaust stacks would be within the front setback of the development and incorporated within the landscaping and behind the security fencing along Queens Road.
<b>Heritage</b>	
New development should respect the form, massing and siting of heritage buildings on the development site or adjoining sites	<b>Achieved</b> A detailed assessment of the proposal against the heritage significance of heritage properties adjoining the site has been considered earlier in this report.
<b>Street Wall / Podium Level</b>	
The design of podiums should create a 'human scale' providing visual interest and activity for pedestrians at the street edge, ameliorate wind effects and provide access to sunlight and sky views.	<b>Achieved .</b> The proposed podium level would meet the preferred street wall / podium to Queens Lane.  Sub-precinct 6b directs that development fronting and abutting Queens Lane should be built to the boundary and within 5m of Queens Lane not exceed a height of 11 metres.  The podium would have a street wall height of 10.2 m is proposed.

	<p>It is considered that this demonstrates a human scale at street level. The proposed podium level would maintain the predominantly bronze metal, white metal and glazed material finish of the proposal. The podium would in turn incorporate windows to the pool and amenities area balconies and balcony doors to each of the levels which enhances the sense of connection and surveillance with the street.</p> <p>A detailed assessment was previously considered at the Public Realm, Street Level Frontages and Micro-climate / Wind Impacts.</p> <p>Buildings in this section Queens Road do not all provide a podium / tower form. However, the design of building to provide a clear podium and tower is considered to achieve what the DDO is seeking to provide visual interest and create a more human scale to the design when viewed from the public realm and abutting properties.</p>
<p>The design of buildings should reinforce the pattern of the street by aligning their façade with the curvature of the street frontage</p>	<p><b>Achieved</b> The building would align to the street curvature.</p>
<p>The design of new buildings should include openable habitable windows and balcony doors on the first five levels of the 'street wall' to enhance the sense of connection, surveillance and safety at ground level.</p>	<p><b>Achieved</b> The building design includes openable windows and balconies on the lower levels to enhance the sense of connection, surveillance and safety at ground level.</p>
<p>All car parking at ground level or above should be sleeved with active uses to ensure it is not visible from the street</p>	<p><b>Achieved</b> Parking is provided within the basements levels and will not be visible from the public realm.</p>
<p>Buildings located on corner sites should address both street frontages.</p>	<p><b>Achieved</b> The site is not located on a corner.</p>
<p><b>Active Frontages</b></p>	
<p>New development should provide integrated community and active space at street level that contributes to a high quality public realm.</p>	<p><b>Achieved</b></p> <p>It is proposed to provide a residential lobby and communal residential facilities at the ground floor level. The provision of an active ground floor and the proportion of the frontage that would be used is considered to provide an active and vibrant link to the public realm.</p> <p>See detailed assessment was previously considered at the</p>

	Public Realm, Street Level Frontages and Urban Art.
<p>All building frontages (except on laneways and service streets) should:</p> <ul style="list-style-type: none"> <li>– Be orientated towards the street.</li> <li>– Allow for natural surveillance and a visual connection into the building through transparent windows and balconies.</li> <li>– Avoid blank walls, large areas of reflective services, high fences, service areas, car parks and garage doors in the podium interface areas.</li> <li>– Provide clear glazing to street frontages; security grills should be visually permeable and mounted internally.</li> <li>– Provide no or low, visually permeable front fencing.</li> </ul>	<p><b>Achieved</b></p> <p>The building has been designed to be orientated primarily to Queens Lane, acknowledging that Queens Road is the principle street address. The is considered acceptable as Queens Road is a busy main road. Furthermore, the DDO setback requirements result in the building being closer to the Queens Lane.</p> <p>The proposed facades would be suitably active and visually interesting frontage that contributes to a high-quality public realm.</p> <p>A detailed assessment was previously considered at the Public Realm, Street Level Frontages and Urban Art.</p>
<p>Design pedestrian entrances to open directly onto the street, as a key feature of the façade and at the same level as the public footpath.</p>	<p><b>Achieved</b></p> <p>The proposal has provided for pedestrian access to directly open to the street with minimal level change.</p>
<p>Foyer areas should have visibility to the street and be designed to encourage activity and interest both within and external to the building.</p>	<p><b>Achieved</b></p> <p>The main foyer of the building would be accessed from the front of the site. It would be visible from Queens Lane and encourages activity and interest.</p>
<p>New development within a commercial or mixed use zone should provide:</p> <ul style="list-style-type: none"> <li>• Transparent windows and entrances for at least 80 per cent of the width of the street frontage of each individual retail premises, or at least 60 per cent of the width of the street frontage of each premises for other commercial uses.</li> <li>• Lighting design that is incorporated to the façade to contribute to a sense of safety at night.</li> <li>• A detailed assessment was previously considered at the Public Realm, Street Level</li> </ul>	<p><b>Not Applicable</b></p> <p>The site is not within a commercial or mixed use zone.</p>

Frontages and Urban Design referral comments.	
<b>Tower Design and Internal Amenity</b>	
<p>Tower forms (above podiums) should not exceed a maximum width of 35 metres to:</p> <ul style="list-style-type: none"> <li>• Ensure that daylight penetrates through to parts of the building and streets, and adjoining buildings.</li> <li>• Reduce their perceived visual bulk.</li> <li>• Maintain sightlines between buildings.</li> </ul>	<p><b>Does not comply / variation acceptable</b></p> <p>The proposal would have a maximum width of approximately 83 m. This is significantly greater than the recommended 35 m. When viewed from the Queens Road the width of the development would not be significant as the proposed U-shape built form would present mainly as two tower elements. It is when viewed from along Queens Lane that the width would be most noticeable. However, it is noted that the site is large, being 91.44 m long. As such, it is reasonable to expect a wider proposal given the size of the site. It is noted that the existing building has a width of 86 m. As such, the sightlines between existing buildings would be maintained as it currently is. The design includes three vertical recesses which help to reduce the appearance of visual bulk, by breaking up the façade. This along with the significant use of glass and horizontal concrete bullnose banding present a light and open façade to the property's opposite. In addition to the above it should also be noted to the rear of the site is Queens Lane, which is 9.5 m wide. This combined with the design elements discussed above, would limit the visual bulk and ensure daylight penetration to properties to St Kilda Road.</p>
<b>Building Services</b>	
Waste materials storage and services should be provided on site and should be screened from areas of high pedestrian activity	<p><b>Achieved</b></p> <p>The proposal would have its main waste storage area at basement level and a temporary waste holding area, within the development, at ground floor level. As such, these would not be readily visible from pedestrian area.</p>
Waste storage or service should not impede pedestrian access and should be located away from footpaths.	<p><b>Achieved</b></p> <p>The proposal would have all waste bins contained within the development at basement level. Waste vehicles would enter and exit the site via the basement vehicle ramp.</p>
New buildings should provide internal and on-site loading facilities and on-site service vehicle parking at the rear of buildings to minimise disruption of traffic or pedestrian access and avoid laneway congestion.	<p><b>Achieved</b></p> <p>The proposal would include a waste collection facility within the rear setback, between the development and title boundary. In addition to this are two loading bays at basement level for man with a van/ deliveries.</p>
Building services on rooftops should be screened to avoid detrimental noise and visual	<p><b>Achieved</b></p> <p>The services on the rooftop are shown to be screened as required.</p>

impacts on the amenity of both private and public realms	
Noise attenuation measures and suppression techniques should be incorporated into developments to ensure noise does not unreasonably affect the amenity of public areas and nearby residences.	<b>Achieved</b> The uses proposed would not generate unreasonable noise, so only standard conditions regarding plant / equipment noise would be required
Green roofs, roof gardens and vertical gardens should be encouraged in new or refurbished buildings. Green roofs are defined as a vegetated landscape built up from a series of layers that are installed on the roof surface as 'loose laid' sheets or modular blocks.	<b>Not Achieved / Variation Acceptable</b> The applicant has not suggested a green roof, roof garden, or vertical garden as part of their broader landscaping response.
<b>Vehicular Access and Car Parking</b>	
Vehicle crossovers should be no more than 6 metres wide, with a maximum of one crossover per site.	<b>Achieved</b> It is proposed to provide a single access point to the ground floor and basement from the side entry off Queens Lane which would comply with the requirements for vehicle access and car parking.
Vehicle ingress and egress, loading facilities and building services should not be located on frontages along St Kilda Road or Punt Road	<b>Not Applicable</b> The vehicle ingress and egress would be at rear off Queens Lane.
Vehicle ingress and egress should be located on lanes, where possible	<b>Achieved</b> The vehicle ingress and egress would be at rear off Queens Lane.
Car access ways should not visually dominate the façade of a building and be visually permeable to retain a visual connection through the site and allow for natural surveillance.	<b>Achieved</b> The car access would be at rear off Queens Lane. The access way would be to the rear and appear as a minor part of the overall development.
Car parks should be built underground or located to the rear of the site to enable active uses on the street frontage. Where car parks are built above ground, they	<b>Achieved</b> The proposed car parking would be at basement levels and would be accessed via an entry point to the rear on Queens Lane.

<p>should not front the site or be visible from St Kilda Road, Queens Road or Punt Road.</p>	
<p>Car parking within a podium should incorporate floor to ceiling heights of 3.5 metres to enable future adaptation for habitable uses.</p>	<p><b>Not Applicable</b> There is no car parking proposed within the podium.</p>
<p>Open/at-grade car parks should not be located in front setback areas.</p>	<p><b>Not Applicable</b> There is no open/ at grade car parks within the front setbacks.</p>
<p><b>Pedestrian Permeability</b></p>	
<p>New development should include pedestrian links along St Kilda Road, Queens Road and areas in the Mixed Use Zone to create mid-block links and increase the permeability of the Precinct.</p>	<p><b>Not Applicable</b>  It is not considered necessary to provide for a mid-block link for this site as the DDO does not identify this as a site that should provide a mid-block link.</p>
<p>Development should enhance existing links/laneways by providing a mix of active and non-active frontages, appropriate to the role of the link / laneway</p>	<p><b>Achieved subject to conditions</b>  The site abuts Queens Lane and as outlined in the detailed assessment at the Public Realm, Street Level Frontages and Urban Design referral comments, the design response would achieve an appropriate response to the role / function of Queens Lane.</p>
<p><b>Buildings and Works: Sub-Precinct Requirements</b></p>	
<p><b>Sub-Precinct 6b – Queens Road</b></p>	
<p>Precent wide requirements:</p> <ul style="list-style-type: none"> <li>• Development should be generally in accordance with Map 7 of this schedule which shows.</li> <li>• A landscape setback of 15 metres should be provided to Queens Road.</li> <li>• Development fronting and abutting Queens Lane should: <ul style="list-style-type: none"> <li>– be built to the Queens Lane boundary; and</li> <li>– within 5 metres of Queens Lane not exceed a height of 11 metres.</li> </ul> </li> </ul> <p>Sub-Precinct requirements:</p> <ul style="list-style-type: none"> <li>• Development within 25 metres (inclusive of the 15 metre landscape setback) of any street frontage to Queens Road</li> </ul>	<p><b>Not Achieved / Variation Acceptable</b></p> <p><u>Assessment against the precinct wide controls</u></p> <p>The mandatory controls require an overall building height of 65m AHD. The proposed building meets the mandatory controls with the plans showing the development would stand to a height of 49.22m (57.2m AHD) to the roof and 51.72m (59.6m AHD) to the top of plant equipment. This is the only mandatory control under this precinct. The remaining controls are discretionary.</p> <p>The development would be setback a minimum of 15 m from Queens Road. The setback area would be landscaped.</p> <p>The development would front Queens Lane and would have a maximum height less than 11 m (10.2 m) within 5 m.</p> <p><u>Assessment against the Sub-Precinct Controls</u></p> <p>The development within 25 m (inclusive of the 15 m</p>



should not exceed a height of 30 metres.

- Development beyond the landscape setbacks and podium height limits should not exceed a height of 40 metres.

Mandatory Controls

- A maximum building height of 65m AHD

landscape setback) of the street frontage to Queens Road would not exceed a maximum height of 30 m (29.63 m).

The development beyond the landscape setbacks and podium height limits would not exceed 40 m (39.22 m) for levels 9, 10 and 11.

However, the development would exceed a height of 40 m for levels 12, 13 and 14.

In considering this variation, it is considered that the variation would be acceptable. Whilst the development would exceed the discretionary height control, it would still be below the mandatory height control, by 11.2 m (to roof level) and 5.6 m to the plant screen. It is noted that this section of the development would have the smallest footprint and greatest setback to Queens Road. It is also noted that the adjoining development are both above the discretionary height control (40.73m – 1 Roy Street) and (44.21 m – 55 Queens Road). As such, it is not out of character in the immediate area for developments to exceed 40 m in height. One of the key sub-precinct objective of Queens Road is to “To reinforce the primacy of the St Kilda Road boulevard by creating a preferred future built form which provides a transition down in height from the high rise buildings along St Kilda Road to medium rise buildings along Queens Road”. In considering the proposed development height against the immediately abutting properties the following is note.

To the rear of the site No. 564 St Kilda Road would be 0.9 m lower than the proposal. No. 566 would be significantly lower as it is only eight storeys and No 568 would be 2.1 m higher than the proposal. The adjoining properties at No. 1 Roy Street and 55 Queens Road would be 8.5 m and 7.2 m lower respectively.

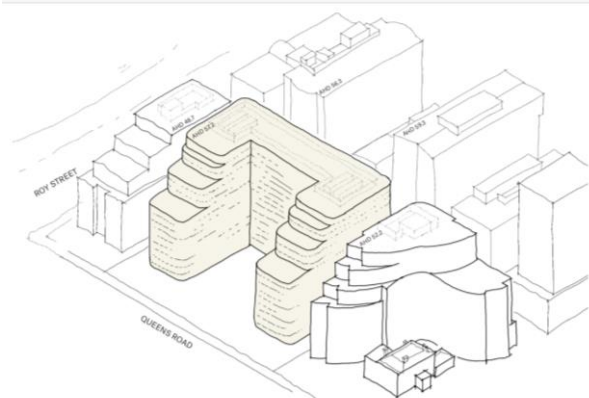


Image 1: Building heights in the immediate area.

It is noted that of the three properties to the rear of the site (562, 564 and 568 St Kilda Road) one of the properties would be higher, one would be significantly lower and one would be just below the height of the proposal.

	<p>It is also noted that the built form is well setback from Queens Road and rises up, with increasing setbacks, to the rear of the site. As such, when viewed from Albert Park it would show a built form provides a transition in height from Queens Road to St Kilda Road. Also, when viewed from ground level, the height of the development would not be seen along long range views along Queens Road, due to the existing development on either side of the subject site. When viewed from St Kilda Road, the proposal would have minimal visibility and its height above the buildings of St Kilda Road would not be perceivable and as such not detracting from the primacy of St Kilda Road in terms of building height. Again, when viewed from ground level from Albert Park, the proposal building height, due to the recessed building form, would not appear to be higher than development along St Kilda Road. Furthermore, the proposed development is well below the mandatory height limit of 65 m allowed for this site and the sites that front St Kilda Road. As such, the proposal would provide a transition in height from the existing built form along St Kilda Road and would also create a preferred future built form, if and when the sites along St Kilda Road are development to their maximum allowed heights.</p>