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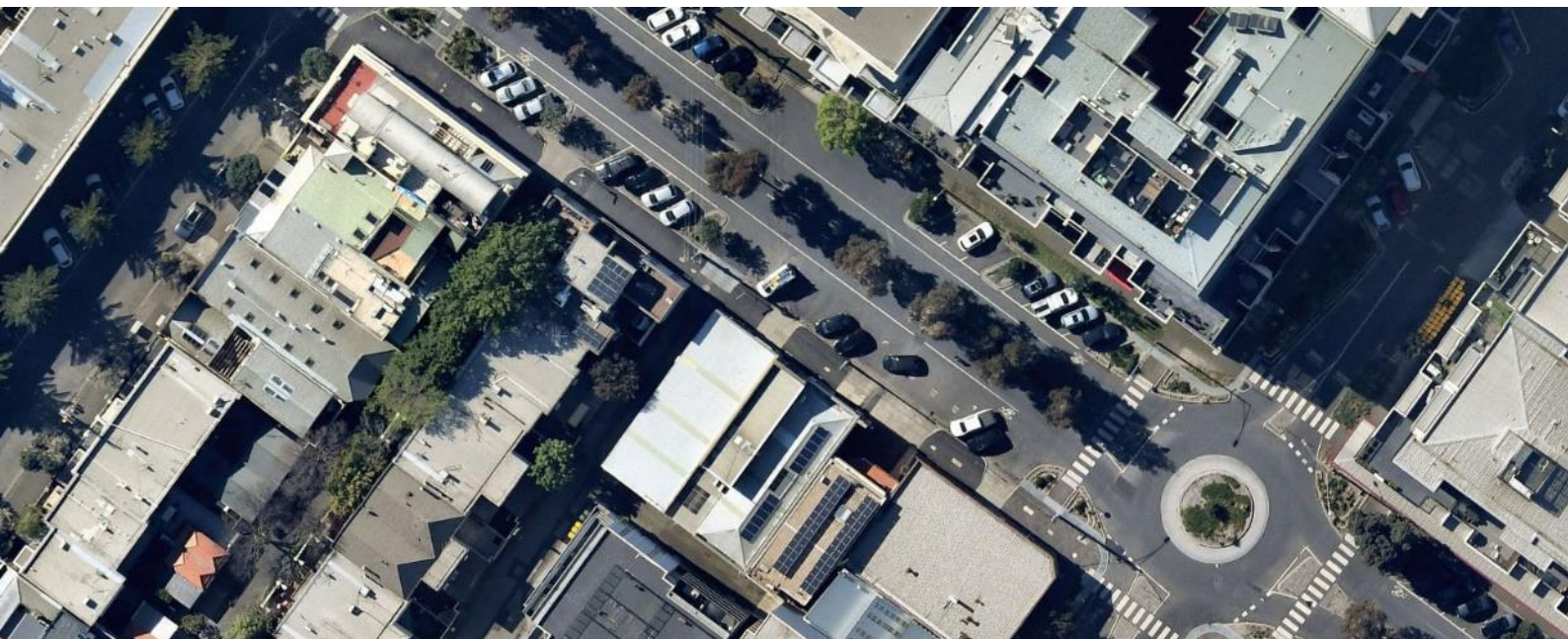
City of Port Phillip
Advertised Document
Planning Application No. PDPL/01407/2021
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223 Rouse Street, Port Melbourne

Construction of a mixed-use development

TOWN PLANNING REPORT

May 2022 – Rev B



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1 WHAT THE APPLICATION INCLUDES

This report has been prepared on behalf of the JGK Investments Pty Ltd in support of an application for a planning permit for the construction of a six-storey mixed use development with rooftop terrace and basement car stacker, comprising multiple dwellings and a ground floor indoor recreation facility; a partial car parking waiver; and the removal of a restrictive covenant on title.

The purpose of this report is to provide:

- A site analysis and urban context report;
- An assessment of the amended proposal against relevant State and local planning policies and planning controls contained within the Port Phillip Planning Scheme; and
- An assessment against Clause 58 of the Port Phillip Planning Scheme.

This report should be read in conjunction with:

- Architectural plans prepared by *Jam Architects*;
- Letter of advice prepared by *Johnston Construction Lawyers*;
- Waste Management Plan prepared by *RB Waste Consulting Service*;
- Traffic Report prepared by *Zav Traffic*;
- Urban Design Advice and Markups by *Hansen*
- SDA report prepared by *Frater*
- Preliminary Aboriginal Heritage Test and certification.

Figure 1 – Proposed Visualisation



2 WHAT THE PROPOSAL INVOLVES

The proposal involves the demolition of the existing building on the land (no permit required) and seeks a permit for the construction of a six-storey mixed use building comprising a ground floor indoor recreation facility, seven (7) dwellings (apartments), a basement storage and parking area, and a rooftop deck.

The proposal seeks a permit for a partial car parking waiver of two (2) residential car spaces.

Specifically, the proposal seeks the following:

- A 19.4-metre-tall building form (21.9 metres tall including services);
- At ground floor, a 52sqm indoor recreation facility fronting Rouse Street, as well as a residential lobby and a car stacker accessed from Donaldson Street along the site's northern boundary with space for eight vehicles;
- At first and second floor, two 2-bedroom apartments per level, with access to a 10sqm balcony SPOS with minimum 2.4 metre dimension;
- Individual 3-bedroom apartments at the third, fourth, and fifth level with access to a minimum 12sqm of SPOS with a minimum 2.1 metre dimension and secondary balconies of 7sqm, 900mm wide;
- All dwellings to contain an open plan kitchen/living/dining area;
- A roof terrace will service Dwelling 7;
- A modern building form with monochromatic colour/material palette comprising render, brick, and metal cladding.

Restricted Recreational Use

The existing restricted recreational use on site was approved 2nd December 2016 under Planning Permit 452/2016 that allows for an 'indoor recreation facility (gym/personal training studio) and business identification signage'. The approved scale and hours of operation will carry over.

Specifically:

- Monday to Friday 6:00 am to 8:00 pm
- Saturday 6:00 am to 12:00 pm
- Sunday Closed
- No more than 10 patrons and 6 staff
- All doors to remain closed during operational hours.
- Donaldson Street is not used for the purpose of outdoor training.
- Rubber vibration isolation gyn floor matting will be used.
- Waste is stored in bins area abutting rear of use.
- Approved 3.2sqm of business identification signage will carry over.
- No car parking is proposed, consistent with existing approval.

Figure 2 – Proposed Ground Floor Plan

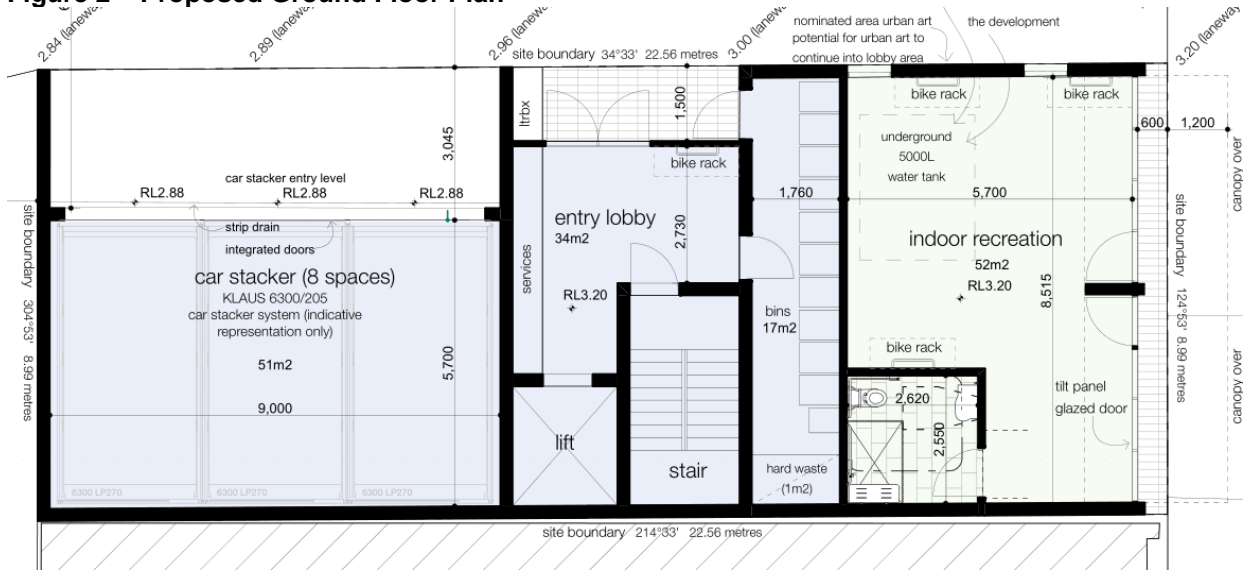


Figure 3 – Proposed Level 1 and 2 plan

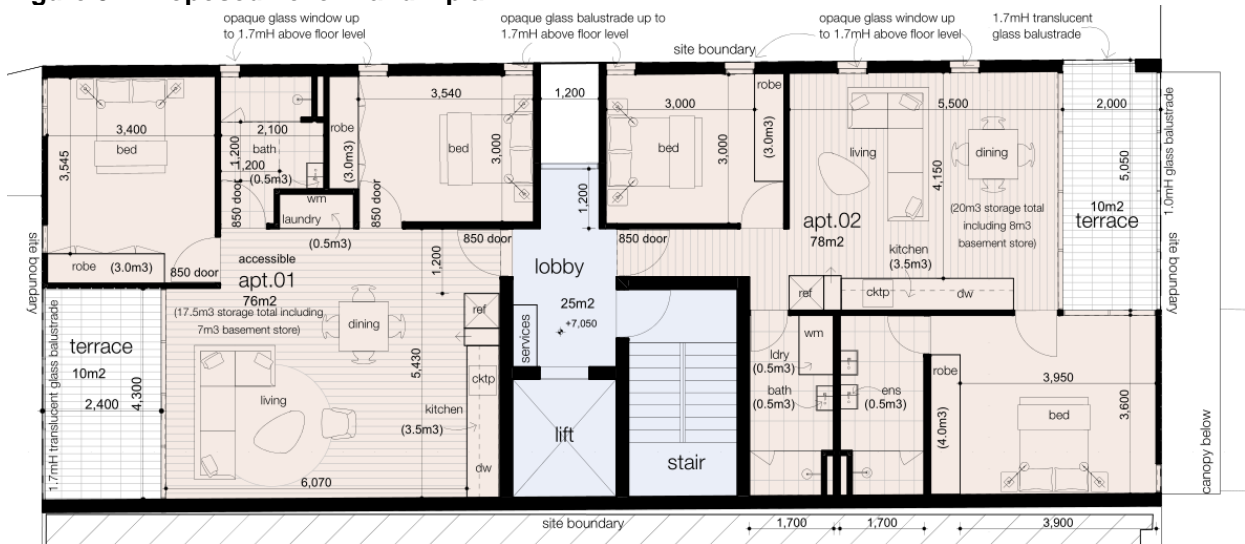


Figure 4 – Proposed Level 4 to 6 Plan

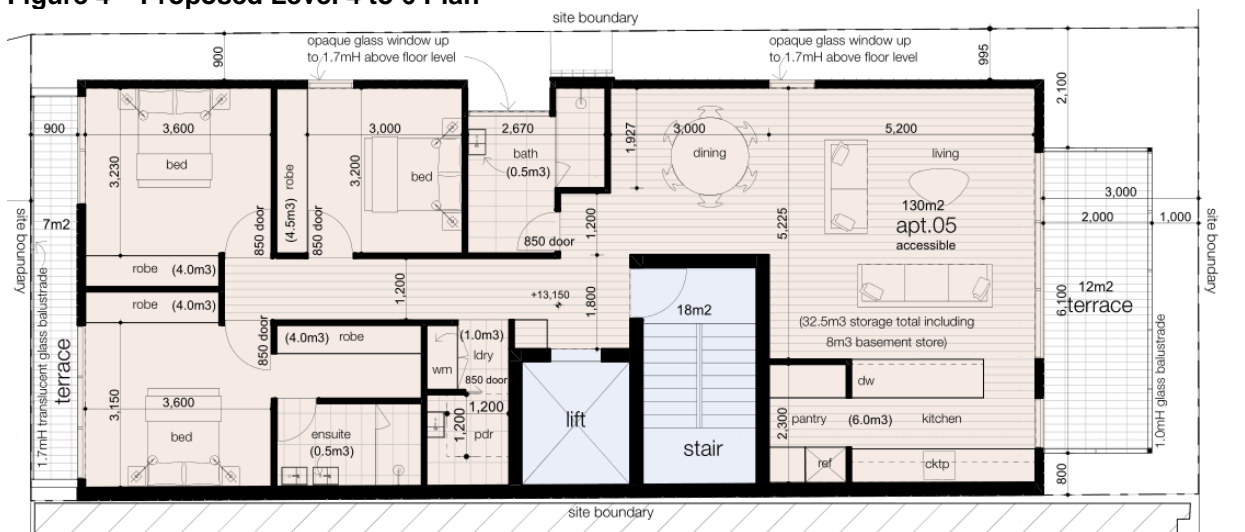


Figure 5 – Proposed Rouse Street Elevation



Variation of restrictive covenant

The proposal also requires a planning permit to remove the restrictive covenant on title (C202718).

The covenant specifies that the proprietor of the land described in Certificate of Title Volume 3149 Folio 647 will not at any time erect on the land a dwelling house nor use or cause or permit the land to be used for residential purposes.

As outlined in the letter from Johnston Construction Lawyers attached with this application, the subject site is the only property benefitting from the restrictive covenant.

The removal of this covenant will allow the site to be used for dwellings.

3 WHAT THE PLANNING SCHEME SAYS

3.1 PLANNING POLICY FRAMEWORK

The Planning Policy Framework (PPF) contains general guiding principles in relation to policies and appropriate practices in Victoria. The PPF contains a number of policies which are relevant to the consideration of the application in an overarching sense.

The key elements of the PPF relevant to this proposal include:

- Clause 11 Settlement
- Clause 13 Environmental Risks and Amenity
- Clause 15 Built environment and heritage
- Clause 16 Housing
- Clause 17 Economic Development
- Clause 18 Transport

The main thrust of these policies as they relate to this proposal can be summarised as follows:

- Clause 11 (Settlement) seeks that *planning is to anticipate and respond to the needs of existing and future communities through provision of zoned and serviced land for housing, employment, recreation and open space, commercial and community facilities and infrastructure*. It also outlines that *planning is to recognise the need for, and as far as practicable contribute towards a high standard of urban design and amenity*.
- Clause 11 also outlines that *planning is to facilitate sustainable development that takes full advantage of existing settlement patterns and investment in transport, utility, social, community and commercial infrastructure and services*.
- Clause 11.01-1S (Settlement) seeks to *promote the sustainable growth and development of Victoria and deliver choice and opportunity for all Victorians through a network of settlements*.
- Clause 11.02-1S (Supply of Urban Land) seeks to *ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses*.
- Clause 11.03-1S (Activity Centres) seeks to *encourage the concentration of major retail, residential, commercial, administrative, entertainment and cultural developments into activity centres that are highly accessible to the community*. It contains a strategy that seeks to *encourage a diversity of housing types at higher densities in and around activity centres*.
- Clause 13.04 (Contaminated and Potentially Contaminated Land) seeks to *ensure that contaminated and potentially contaminated land is used and developed safely*.
- Clause 15 (Built Environment and Heritage) outlines that *planning should ensure all land use and development appropriately responds to its surrounding landscape and character, valued built form and cultural context*.
- Clause 15.01-1S (Urban Design) seeks to *create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity*. It includes a strategy that requires *development to respond to its context in terms of character, cultural identity, natural features, surrounding landscape and climate*.

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- Clause 15.01-1R (Urban Design – Metropolitan Melbourne) seeks *to create a distinctive and liveable city with quality design and amenity*. It includes a strategy that *supports the creation of well-designed places that are memorable, distinctive and liveable*.
- Clause 15.01-2S (Building Design) seeks *to achieve building design outcomes that contribute positively to the local context and enhance the public realm*.
- Clause 15.01-4R (Healthy Neighbourhoods – Metropolitan Melbourne) includes a strategy to *create a city of 20 minute neighbourhoods, that give people the ability to meet most of their everyday needs within a 20 minute walk, cycle or local public transport trip from their home*.
- Clause 15.01-5S (Neighbourhood Character) seeks *to recognise, support and protect neighbourhood character, cultural identity, and sense of place*. It contains a strategy that seeks *to support development that respects the existing neighbourhood character or contributes to a preferred neighbourhood character*.
- Clause 16 (Housing) outlines that *planning should provide for housing diversity, and ensure the efficient provision of supporting infrastructure; and that planning should ensure the long term sustainability of new housing, including access to services, walkability to activity centres, public transport, schools and open space*.
- Clause 16.01-1S (Housing Supply) seeks *to facilitate well-located, integrated and diverse housing that meets community needs*. Clause 16.01-1S also outlines the following strategies:
 - *Increase the proportion of housing in designated locations in established urban areas (including under-utilised urban land) and reduce the share of new dwellings in greenfield, fringe and dispersed development areas.*
 - *Encourage higher density housing development on sites that are well located in relation to jobs, services and public transport.*
 - *Identify opportunities for increased residential densities to help consolidate urban areas.*
- Clause 16.01-1R (Housing Supply – Metropolitan Melbourne) outlines the following strategies:
 - *Manage the supply of new housing to meet population growth and create a sustainable city by developing housing and mixed use development opportunities in locations that are:*
 - *In and around the Central City.*
 - *Urban-renewal precincts and sites.*
 - *Areas for residential growth.*
 - *Areas for greyfield renewal, particularly through opportunities for land consolidation.*
 - *Metropolitan activity centres and major activity centres.*
 - *Neighbourhood activity centres - especially those with good public transport connections.*
 - *Identify areas that offer opportunities for more medium and high density housing near employment and transport in Metropolitan Melbourne.*

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- *Facilitate increased housing in established areas to create a city of 20 minute neighbourhoods close to existing services, jobs and public transport.*
- Clause 16.01-2S (Housing Affordability) seeks *to deliver more affordable housing closer to jobs, transport and services.*
- Clause 17 (Economic Development) outlines that *planning is to contribute to the economic wellbeing of the state and foster economic growth by providing land, facilitating decisions and resolving land use conflicts, so that each region may build on its strengths and achieve its economic potential.*
- Clause 17.02-1S (Business) *to encourage development that meets the community's needs for retail, entertainment, office and other commercial services.*
- Clause 18.02-1S (Sustainable Personal Transport) seeks *to promote the use of sustainable personal transport.*
- Clause 18.02-2S (Public Transport) seeks *to facilitate greater use of public transport and promote increased development close to high-quality public transport routes.*
- Clause 18.02-2R (Principal Public Transport Network) includes a strategy that seeks to *maximise the use of existing infrastructure and increase the diversity and density of development along the Principal Public Transport Network, particularly at interchanges, activity centres and where principal public transport routes intersect.*
- Clause 18.02-4S (Car Parking) seeks *to ensure an adequate supply of car parking that is appropriately designed and located.*

3.2 LOCAL PLANNING POLICY FRAMEWORK

The Local Planning Policy Framework (LPPF) comprises the Municipal Strategic Statement (MSS) and Local Planning Policies.

3.2.1 Municipal Strategic Statement

The elements of the MSS relevant to this proposal include:

- Clause 21.01 Vision and Approach
- Clause 21.03 Ecologically Sustainable Development
- Clause 21.04 Land Use
- Clause 21.05 Built Form
- Clause 21.06 Neighbourhoods

Clause 21.01 Vision and Approach

Clause 21.01-1 contains a vision which seeks (amongst other things):

- *A city that promotes affordable, accessible and diverse housing types to meet the needs of all current and future residents;*
- *A city that promotes sustainable economic growth, high accessibility to goods and services, and prosperous conditions for all residents and businesses;*
- *A city of distinct neighbourhoods where an understanding of local character and heritage is an important element of a sustainable future; and*
- *A diverse and creative city that is reaching out to the future with innovative design and development, high environmental awareness and a vibrant culture.*

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The strategic approach for the municipality outlined at Clause 21.01-2 contains the following guidance:

- *To achieve the vision for Port Phillip, Council will manage land uses across the municipality to (inter alia):*
 - *Create attractive residential areas which are desirable places to live, and where the impacts of new land uses on residential amenity are minimised;*
 - *Provide significant opportunities for housing growth within designated strategic locations which offer greatest accessibility to shops, services and public transport; and*
 - *Provide for a broader land use mix within Port Phillip's highly accessible Major Activity Centres, which support economic viability, local access to goods and services, and the social and cultural role of centres.*
- *To achieve the vision for Port Phillip, Council will manage the built form of the municipality to (inter alia):*
 - *Reinforce the diverse character of individual residential neighbourhoods and the distinct place identity of retail strips across Port Phillip;*
 - *Offer a high level of amenity, good transport connections, and convenient access to services for residents, workers and visitors; and*
 - *Provide a high quality, safe public realm which encourages street-life and supports the cultural vitality of the city.*

Clause 21.03 Ecologically Sustainable Development

Clause 21.03 states that *the built environment has a significant impact on the wider natural environment and most current development practices are not sustainable in the long term. Council's aim is to create a City and region with the smallest possible ecological footprint. To achieve this goal, Council considers sustainable land use and development as essential.*

Clause 21.04 Land Use

Clause 21.04-1 (Housing and Accommodation) outlines the following information of relevance:

Key Issues

- *The City of Port Phillip's resident population is projected to increase to 118,589 residents by the year 2026, which is a 31.1% increase from 2006 and an additional 28,131 people (Victoria in Future-2008);*
- *The Inner Regional Housing Statement (2005) identified that Port Phillip has the capacity to accommodate approximately 16,300 new dwellings by the year 2030;*
- *Meeting the demand for new housing must be carefully managed to protect the heritage, neighbourhood character and amenity of established residential areas, and the economic capacity of activity centres;*
- *Increased residential densities can also be provided within activity centres as part of shop-top housing or as larger mixed use developments on strategic sites. The intensity and scale of such developments will need to be in keeping with the scale and heritage qualities of these centres;*
- *It is important that new residential development in established residential areas, including around activity centres, is sympathetic to the valued heritage and / or neighbourhood character of these locations;*

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- As a part of housing growth, provision must be made for a variety of dwellings to target the needs of diverse households, lifestyles, income levels and lifecycle stages; and
- Future housing development must respond specifically to the need for more affordable housing, for housing which is accessible and adaptable for people with disabilities and for older persons (to enable 'aging in place'), and larger dwellings suited to households with children. The private housing market is currently not adequately providing for all of these housing types.

Objective 1

- To provide significant opportunities for new residential development in designated locations which have the capacity for change, and which offer highest accessibility to public transport, shops, and social infrastructure.

Objective 1 Strategies

- Direct the majority of new residential development to preferred housing growth areas to achieve moderate residential growth within the established retail / commercial strips of the Major Activity Centres, the Glen Huntly Road / Ormond Road Neighbourhood Activity Centre and the St Kilda Road Neighbourhood (St Kilda Road South Precinct). New housing will generally be housing above or to the rear of retail / commercial premises, or as part of more intensive mixed use developments on selected* larger sites. The intensity and scale of new development must respect the existing streetscape character and commercial context of the centre.

Objective 2

- To ensure that new residential development does not compromise the heritage, neighbourhood character and amenity values of established residential areas.

Objective 2 Strategies

- Ensure that the form and density of new residential development within established residential areas is determined by neighbourhood character considerations and not urban consolidation objectives.

Objective 3

- To support a diverse range of housing types to suit the needs of Port Phillip's community

Objective 4

- To ensure a high level of amenity for existing residents.

Objective 5

- To minimise potential amenity conflicts between residential and non-residential uses.

Clause 21.04-2 (Activity Centres) outlines the following information of relevance:

Key Issues

- Activity centres are centres for business, shopping, working and leisure. Some centres also contain community facilities related to public administration, education, health and emergency services and are important locations for the development of different types of housing, including forms of higher density housing. Port Phillip has four Major Activity Centres and six Neighbourhood Activity Centres, as designated under Melbourne 2030.

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Objective 1

- To maintain and enhance a network of sustainable and viable activity centres.

Objective 1 Strategies

- Support land uses which contribute to Major and Neighbourhood Activity Centres being self sufficient in the provision of daily and weekly retail goods and personal services to the local community;
- Provide opportunities for retail growth within Major Activity Centres in accordance with approved Structure Plans, to support the projected increase in population and retail spending across Port Phillip; and
- Ensure new housing in activity centres takes into account the amenity impacts of established and future non-residential uses, through appropriate design and management measures, including noise attenuation.

Objective 4

- To ensure residential development within activity centres does not compromise the primary commercial and cultural role of these centres.

Objective 4 Strategies

- Ensure new residential development within activity centres does not diminish future opportunities for retail expansion, particularly within core retail areas;
- Facilitate new residential development within Major Activity Centres and on key sites and precincts, as defined by Structure Plans; and
- Encourage residential use and development above and/or behind the ground floor frontage in the Major Activity Centres and the Ormond Road / Glen Huntly Road Neighbourhood Activity Centre.

Table 1 to Clause 21.04 outlines that the Bay Street Activity Centre is sought to accommodate increased residential use and retail use.

Clause 21.04-3 (Office and Mixed Activity Areas) outlines the following information of relevance:

Key Issues

- Port Phillip's office and mixed activity areas are those areas that accommodate either predominantly office uses, or a mix of residential and business uses;
- Port Phillip's Mixed Use Zones provide for a range of residential, commercial, industrial and other uses that complement the mixed use function of the locality. It is important that the range of uses is managed appropriately to ensure that residential amenity is protected and at the same time ensuring that commercial opportunities are not unreasonably constrained; and
- A number of Port Phillip's Mixed Use Zones are identified as key locations for increased housing growth. These areas are strategically located within / adjacent Major Activity Centres and therefore provide good access to retail goods and services and public transport infrastructure. The potential degree of change for these areas needs to be clearly defined and managed appropriately.

Objective 1

- To ensure new uses support the future strategic role and function of the office and mixed activity areas, as defined in Table 2.

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It is noted that Table 2 lists the primary functions of the Bay Street (southern end), Port Melbourne Mixed Use Zone as residential intensification and active ground floor uses.

Objective 1 Strategies

- *Support increased residential densities, generally in the form of higher density development, in all Mixed Use zones and Schedule 1 to the Capital City Zone.*

Objective 3

- *To ensure uses do not adversely impact on residential amenity.*

Objective 3 Strategies

- *Require all non-residential uses to manage off-site impacts such as noise, traffic generation and parking to limit the effect on residential amenity; and*
- *Ensure residential development addresses the amenity impacts of established and potential future non-residential uses, including noise attenuation measures in dwellings to protect future occupants.*

Clause 21.05 Built Form

Clause 21.05-2 (Urban Structure and Character) contains the following information of relevance:

Key Issues

- *The City of Port Phillip's urban structure is made up of a distinct built form that varies across the City;*
- *The diversity of the built form makes a valuable contribution to the attractiveness of Port Phillip as a place to live, work and visit;*
- *The established residential areas in Port Phillip are distinguished by their low rise urban form. These areas are experiencing pressure from new development due to strong demand for new dwellings, and in particular for medium and higher density housing. This needs to be carefully managed to ensure that the established neighbourhood character is not eroded;*
- *Retail and commercial growth and change within Port Phillip's Major and Neighbourhood Activity Centres, along with the demand for new residential development, needs to be carefully managed to ensure that the unique and valued character of each centre and the surrounding residential areas is protected and enhanced; and*
- *Development at increased densities needs to be appropriately managed to ensure that the scale and amenity of adjoining low scale buildings is protected.*

Objectives

- *To reinforce key elements of the City's overall urban structure;*
- *To protect and enhance the varied, distinctive and valued character of neighbourhoods across Port Phillip;*
- *To ensure that the height and scale of new development is appropriate to the identified preferred character of an area;*
- *To retain Port Phillip's fine grain street pattern;*
- *To protect streetscape characteristics of the established residential areas;*

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- To ensure new higher density development is responsive to the existing scale and form of neighbouring sites; and
- To ensure new development minimises any detrimental impacts on neighbouring properties.

Clause 21.05-3 (Urban Design and the Public Realm) contains the following information of relevance:

Objectives

- To ensure the design of new development is of a high quality and enhances the amenity, comfort, safety and visual amenity of the public realm;
- To encourage the provision of universal access in new development; and
- To ensure new development provides a positive contribution to the public realm.

Clause 21.06 Neighbourhoods

Clause 21.06 identifies the differing areas within the municipality. Clause 21.06-4 specifies the key planning challenges, vision, and strategies that relate to Port Melbourne and Garden City as follows (inter alia):

Key Planning Challenges

- Enhancing the integration of the Bay Street Activity Centre in order to strengthen its activity mix, place identity, accessibility and sense of community.

Vision

- High quality residential environments in established residential areas distinguished by strong heritage character are maintained; and
- The Bay Street Activity Centre strengthens its role as the hub of Port Melbourne, and provides a mixed use, sustainable and diverse bayside centre that has a strong sense of identity and community.

Local Strategies

Bay Street Activity Centre– General

- Facilitate remaining opportunities for housing growth within the activity centre while protecting the heritage, low-rise character and amenity of the surrounding established residential areas;
- Strengthen Bay Street's sense of place and its role as a local civic and community hub;
- Maintain and reinforce the distinct and contrasting urban character of different precincts within the Bay Street Activity Centre to form a sequence of urban experiences across the activity centre; and
- Strengthen the identity, connectivity and cohesion of the activity centre through enhancements to the public realm.

Activity and Business Mix

- Facilitate the renewal of underutilised sites and precincts to support desired land use change and facilitate a vibrant activity mix across the centre.

Housing Opportunities

- Concentrate new housing growth opportunities in identified strategic precincts within the activity centre;

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- *Ensure new residential development contributes to a diversity of housing choice (in terms of size, type and tenure) and to the supply of accessible and adaptable housing; and*
- *Minimise amenity impacts and the potential for conflict between residential and commercial land uses.*

Reinforcing Urban Character

- *Consolidate the new contemporary higher-rise character of the Port Melbourne mixed use area south of Graham Street while protecting the neighbourhood character values and amenity of the adjoining low rise, residential areas; and*
- *Ensure new development contributes positively to the public realm through reinforcing the spatial definition, safety and activation of streets, lanes and public spaces within the activity centre.*

An Integrated Public Realm

- *Facilitate 'active edges' across the activity centre to promote a safe and vibrant street-life.*

3.2.2 Local Planning Policies

The Local Planning Policies relevant to this proposal include:

- Clause 22.05 Subdivision Policy
- Clause 22.06 Urban Design for Non-Residential and Multi-Unit Residential Development
- Clause 22.12 Stormwater Management (Water Sensitive Urban Design)
- Clause 22.13 Environmentally Sustainable Development
- Clause 22.14 Bay Street Activity Centre Policy

The key elements of these policies as they relate to this proposal are listed below.

Clause 22.05 Subdivision Policy

Clause 22.05-3 outlines that the removal of a covenant requires a development plan to be submitted prior to the removal or the variation of a restrictive covenant.

Clause 22.06 Urban Design for Non-Residential and Multi-Unit Residential Development

Clause 22.06-2 seeks *to achieve high quality urban design and architecture; and to encourage the development of integrated urban art in new development that reflects the identity of place, community values, innovation and creativity.*

Clause 22.06-3 contains the following policy of relevance:

The Public Realm

- *Encourage new development to protect and enhance pedestrian spaces, streets, squares, parks, public space and walkways;*
- *Discourage building designs that dominate or imply private ownership of public spaces; and*
- *Minimise adverse micro-climatic impacts such as overshadowing and wind tunnelling.*

Street Level Frontages

- *Encourage the design of building frontages at footpath level to offer visual interest, passive surveillance, social interaction, safety, shelter and convenience.*
- *Require pedestrian entrances to buildings to:*

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- *be clearly visible and easily identifiable from streets and other public areas.*
- *provide shelter, a sense of personal address and a transitional space between the public and private realms.*
- *Encourage windows, terraces and balconies at lower building levels to offer surveillance of adjacent public areas;*
- *Require all buildings to be accessible at ground-floor level to people with limited mobility;*
- *Require pedestrian amenities including seating, lighting and public art to create a safe and interesting pedestrian environment; and*
- *Discourage blank walls and car park vents onto pedestrian spaces.*

Energy and Resource Efficiency

- *Encourage buildings, internal building spaces and open spaces to be oriented and designed to take maximum advantage of climatic factors to minimise energy utilization;*
- *Encourage the use of energy efficient techniques; and*
- *Ensure new development does not adversely affect the environmental performance of adjoining properties (e.g. overshadowing of solar panels)*

Building Design

- *Encourage the design of new development to generally:*
 - *express the urban grain and block pattern of subdivision and provide facade articulation,*
 - *avoid poorly designed and inappropriately located reproduction architecture,*
 - *include elevations, roof forms and facade treatments that are integrated with the overall design of the building which create visual interest at street level and which are legible and interesting from a range of perspectives,*
 - *define the corners at major street intersections through detailing and massing of the new built form and by addressing both street frontages and the surrounding context,*
 - *ensure that side walls of taller buildings provide interesting design elements to break up the mass and bulk and reduce the visual impact of blank walls.*
- *Encourage the design of the building facades to make provision for the location of appropriate external lighting, mechanical equipment and signage; and*
- *Encourage resolution of building details, construction joints and junctions between different materials and finishes to be carefully detailed to ensure that they are properly integrated with the facade design. In particular, construction joints where pre-cast concrete is used to achieve a masonry finish, should be carefully detailed.*

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Urban Art

- *Require all new developments where the Total Project Cost* (as shown on the Planning Permit Application Form) exceeds two million dollars to provide an urban art contribution that addresses Principle 1 and 2 of the Urban Art Strategy 2002.*

Private and Communal Open Space

- *Require any new dwelling to have:*
 - *private open space with access from a main living room, which must be adequate in area and dimension to be demonstrably usable and to meet the needs of future occupants (a minimum area of 8 square metres with a minimum width of 1.6 metres is considered appropriate for a balcony/terrace), or*
 - *access to adequate communal open space, where it can be demonstrated by the applicant that this will better serve the needs of residents, and where the building design, site constraints and/or heritage constraints prevent the supply of individual private open space areas.*
- *Encourage the location and design of private and communal open space to take advantage of solar access, have reasonable levels of privacy and be designed to respect the privacy of private open space of surrounding dwellings;*
- *Where on-site communal open space is proposed, encourage a variety of spaces including rooftop gardens and ensure that the space is appropriate to the needs of residents (e.g. in developments that include dwellings that are likely to accommodate families with children, the communal open space area(s) should provide safe and interesting play areas/equipment for children); and*
- *Encourage new balconies/terraces to be contained wholly within the site boundary. Projections outside the site boundary are discouraged unless they follow a local pattern, contribute positively to the design outcome and to the safety of public spaces, are discreet rather than prevailing elements of the building's design, and do not extend more than 500mm beyond the property line and no more than 2.5 metres in length if fully cantilevered.*

Residential Amenity

- *Require that new private or communal open space areas receive a minimum of four hours of sunlight between the hours of 9.00a.m. and 3.00p.m. on 22 September (the equinox);*
- *Ensure that solar access to existing habitable rooms and private open space of neighbouring residential properties is not unreasonably affected;*
- *Ensure that existing habitable room windows and private open space areas of neighbouring residential properties are protected from additional direct overlooking through appropriate siting, setbacks, building articulation and screening devices; and*
- *Protect the occupants of existing and new buildings from external noise through appropriate acoustic building treatment (such as double glazing), and through the siting of mechanical equipment and open space areas.*

Car Parking and Pedestrian Access

- *Ensure streets, footpaths and driveways provide safe, manageable and convenient access to buildings;*
- *Ensure pedestrian accessways within the development are safe, attractive and convenient to use by occupants and visitors alike;*

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- *Encourage vehicle access points to:*
 - *be via a single crossover or, if appropriate, from an existing crossover (multiple crossovers which result in a loss of on-street car parking are discouraged), and*
 - *enable vehicles to move safely and efficiently between the development and the street network.*
- *Encourage car parking to be contained within a building or located at the rear of a building and not visible from the street. If located above ground level, encourage the façade of car parks to be designed to integrate with the building and to screen views of cars from public areas and adjoining buildings; and*
- *Ensure that car parks are separated from habitable room windows to avoid noise and fumes entering dwellings.*

Site Facilities

- *Ensure garbage, recycling bin enclosures and collection points are located within the building wherever possible, are adequate in size and appropriately screened from view, are located for convenient access by occupants and collection vehicles and away from residential uses, and are sited and designed to not detract from the character and amenity of the streetscape; and*
- *Ensure that mailboxes are well designed, located for convenient access by occupants, and satisfy the requirements of Australia Post.*

Clause 22.12 Stormwater Management (Water Sensitive Urban Design)

Clause 22.12-2 contains the following objectives of relevance:

- *To achieve the best practice water quality performance objectives set out in the Urban Stormwater Best Practice Environmental Management Guidelines, CSIRO 1999 (or as amended).*
- *To promote the use of water sensitive urban design, including stormwater re-use.*
- *To mitigate the detrimental effect of development on downstream waterways, by the application of best practice stormwater management through water sensitive urban design for new development.*
- *To minimise peak stormwater flows and stormwater pollutants to improve the health of water bodies, including creeks, rivers and bays.*
- *To reintegrate urban water into the landscape to facilitate a range of benefits including microclimate cooling, local habitat and provision of attractive spaces for community use and well being.*

Clause 22.12-3 outlines the following policy of relevance:

- *Require that development applications provide for the achievement of the best practice performance objectives for suspended solids, total phosphorus and total nitrogen, as set out in the Urban Stormwater Best Practice Environmental Management Guidelines, CSIRO 1999 (or as amended).*
- *Require the use of stormwater treatment measures that improve the quality and reduce the flow of water discharged to waterways. This can include but is not limited to:*
 - *collection and reuse of rainwater and stormwater on site*

Clause 22.12-4 specifies that an application must be accompanied by a Water Sensitive Urban Design Response.

Clause 22.13 Environmentally Sustainable Development

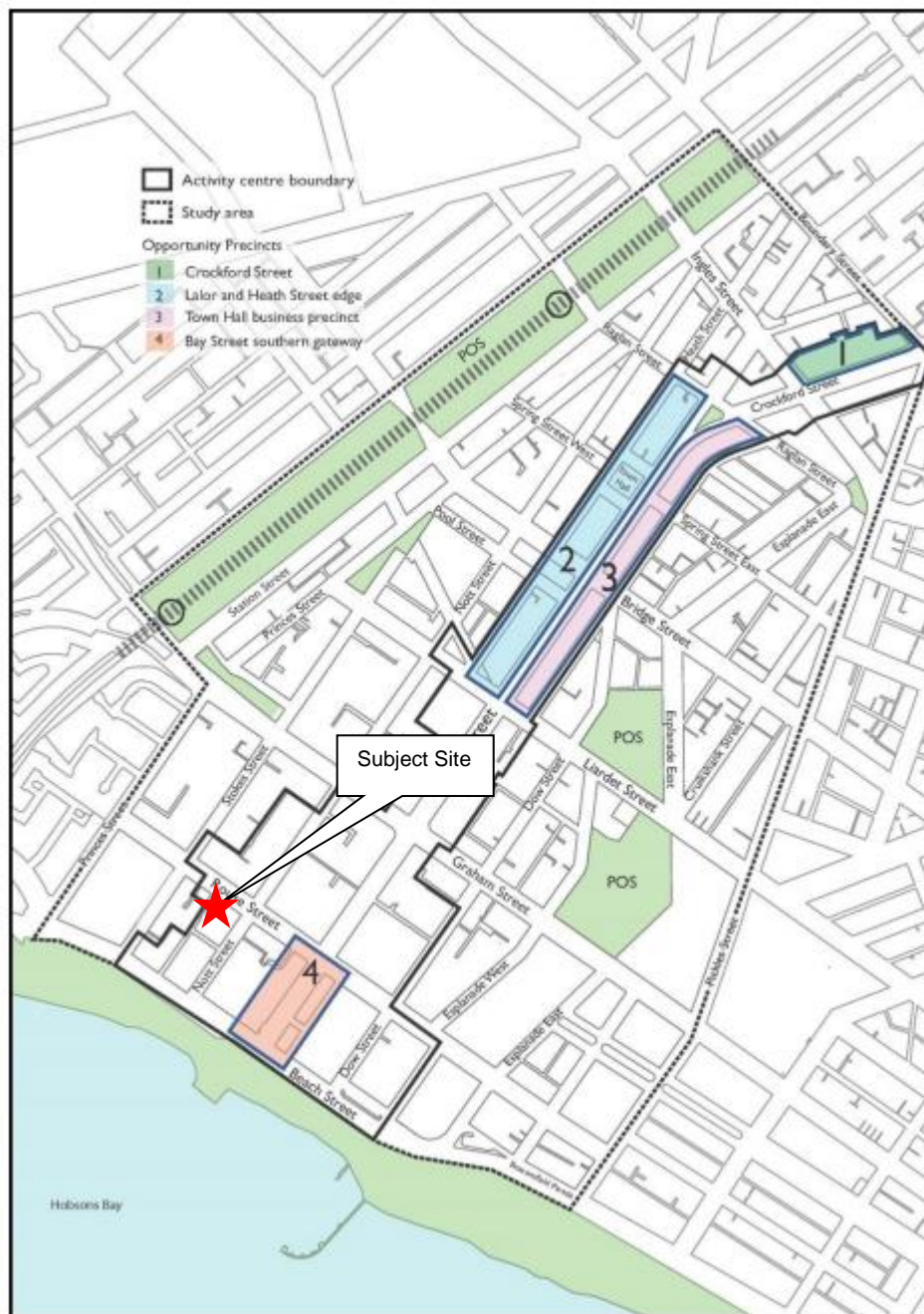
Clause 22.13 outlines objectives in relation to energy performance, water resources, indoor environment quality, stormwater management, transport, waste management, and urban ecology.

Pursuant to Clause 22.13-4, an application to construct between 2 and 9 dwellings must be accompanied by a Sustainable Design Assessment.

Clause 22.14 Bay Street Activity Centre Policy

The subject site is located within the Bay Street Activity Centre and Study Area. Please refer to Figure 6.

Figure 6 – Bay Street Activity Centre and Study Area Map



Clause 22.14-02 outlines the following objectives of relevance:

- *To strengthen the role of the Bay Street Activity Centre as the hub of Port Melbourne;*
- *To ensure the continued development of a vibrant multi-functional activity centre that provides convenient access to a wide range of goods and services, for locals and visitors;*

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- *To concentrate new housing growth opportunities in identified strategic precincts within the activity centre;*
- *To ensure new residential development contributes to a diversity of housing choice (in terms of size, type and tenure) and to the supply of accessible and adaptable housing;*
- *Consolidate the new contemporary higher-rise character of the Port Melbourne mixed use area south of Graham Street while:*
 - *Respecting remaining significant heritage places, and*
 - *Protecting the neighbourhood character values and amenity of the adjoining low rise, residential areas.*
- *To improve the safety, activation, connectedness and comfort of pedestrian spaces and paths; and*
- *To facilitate 'active edges' across the activity centre to promote a safe and vibrant street-life.*

Clause 22.14-03 outlines the following policy in relation to *Activity and Business Mix*:

- *Encourage new retail floorspace to be located and designed to integrate with the established retail strip within the activity centre;*
- *Facilitate opportunities for retail growth and reformatting of retail space which respond to a demonstrated increasing consumer demand;*
- *Encourage further residential use within the activity centre to promote after hours activity while:*
 - *Ensuring new residential development does not diminish the future capacity for retail / commercial growth.*
 - *Ensuring residential uses are located above street-level, to maximise active retail frontages to Bay Street.*
- *Facilitate opportunities to reinforce land use clusters and achieve desired land use changes through the redevelopment or reuse of strategic sites across the activity centre.*

Clause 22.14-04 outlines the following policy in relation to *Housing Opportunities*:

- *Support new residential development and development at higher densities in the areas identified on the Activity Centre Housing Opportunities Framework Plan in the BSACSP. These areas include the mixed use precinct (south of Graham Street). Refer to Figure 7; and*
- *Encourage the provision of accessible housing and support proposals that provide for all new dwellings to be at least 'visitable'.*

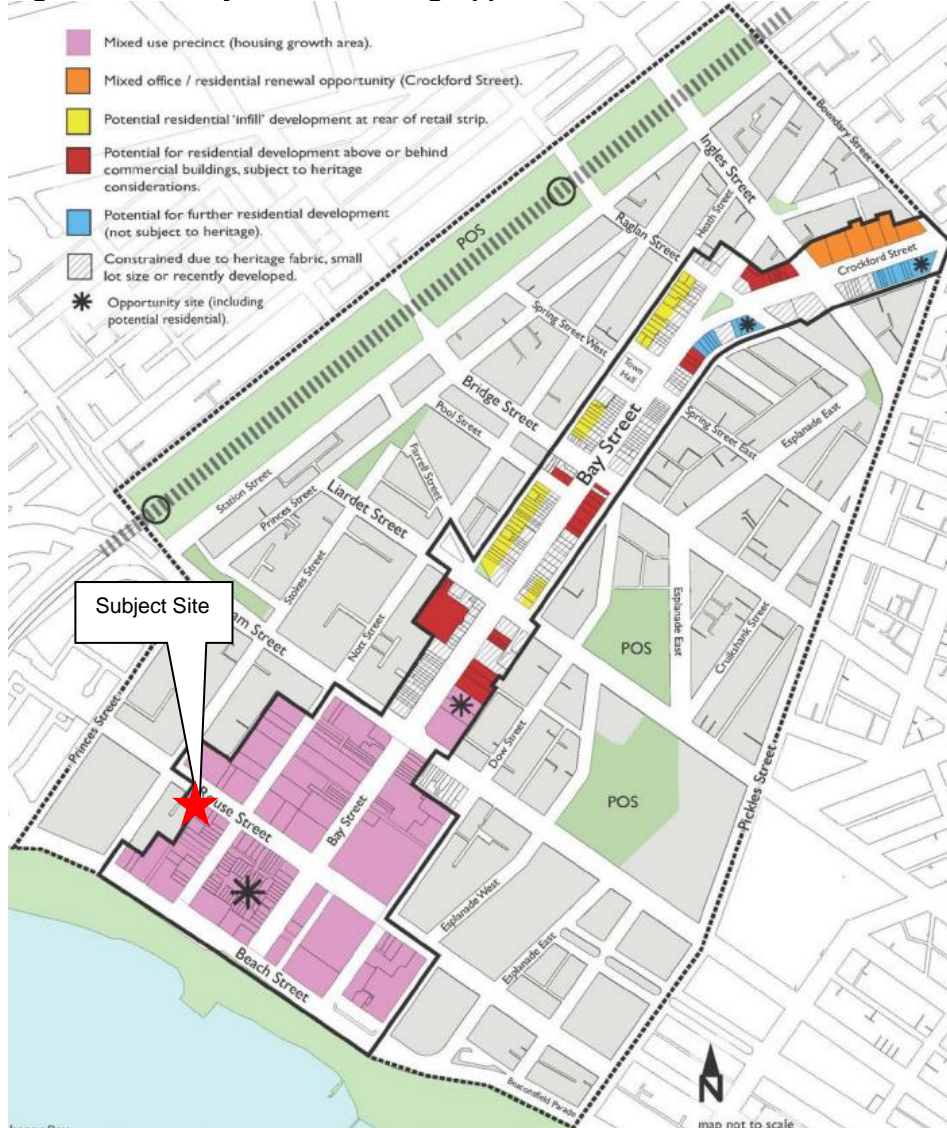
Clause 22.14-06 outlines the following policy in relation to *Reinforcing Urban Character*:

- *Encourage new development to provide a street wall height that is consistent with the prevailing streetscape context;*
- *Ensure that development on larger sites or consolidated sites (with a frontage over 10 metres) is well articulated through variations in form and materials, openings and the inclusion of vertical design elements;*
- *Encourage development to achieve standards of excellence in architectural and urban design;*

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- Consider the protection of residential amenity and character at the interface between the mixed use 'growth' area and established 'sensitive' residential areas south of Graham Street, as indicated on the Built Form Framework Plan in the BSACSP;
- Ensure that development does not diminish sunlight access on 21 June (winter solstice) to the eastern footpath of Bay Street between 10.00am and 3.00pm; The south-western side of Rouse Street between 11.00am and 2.00 pm; The foreshore area including bicycle and pedestrian paths;

Figure 7 – Activity Centre Housing Opportunities Framework Plan



- Ensure new buildings within the activity centre contribute to well defined public streets and spaces by:
 - Creating a sense of street enclosure;
 - Providing cantilevered verandas over footpaths along the length of Bay Street and along 30m wide streets in the mixed use precinct; and
 - Creating well articulated, attractive and detailed facades on all visible elevations, including exposed boundary walls.
- Ensure the design and layout of development within the activity centre:

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- *Maximises the activation of ground level frontages, through appropriate land use and orientation of window and door openings to the street. Maximises opportunities for passive surveillance of streets and public spaces from upper levels via balconies and windows orientated to the street;*
- *Ensures that pedestrian entries are clearly visible from the public domain;*
- *Minimises vehicle crossovers (including the removal of redundant crossovers) and uses rear lane access where available; and*
- *Avoids car parking and loading bays from facing public streets.*

Clause 22.14-07 outlines the following policy in relation to *Sustainable Access and Movement*:

- *Encourage the provision and extension of canopies to offer weather protection and preserve footpath space for pedestrians throughout the retail core;*
- *Encourage developers to contribute toward the installation of on-street bicycle parking facilities and to increase provision of on-site bicycle parking and end of trip facilities; and*
- *Encourage new land use and development proposals that are 'self-sufficient' in on-site car parking.*

Clause 22.14-08 outlines the following policy in relation to *An Integrated Public Realm*:

- *Encourage use and development that enhances the amenity of streets including:*
 - *Proposals for land uses and new buildings that activate existing laneways south of Graham Street; and*
 - *Proposals that provide active land use edges and use the footpaths for street trading activities in main streets south of Graham Street.*
- *Encourage use and development that supports safe, convenient and amenable pedestrian access along defined 'priority pedestrian streets' as identified on the Pedestrian Network Framework Plan in the BSACSP, and at key intersections throughout the activity centre;*
- *Encourage development that supports improved street level activation in locations identified on the Pedestrian Network Framework Plan in the BSACSP through the establishment of an 'Active Retail Edge' (as described in the BSACSP). These locations include along both sides of Bay Street between Beach Street and Rouse Street; and*
- *Encourage development that facilitates passive surveillance of streets and public spaces from upper levels of all buildings.*

3.3 ZONES AND OVERLAYS

3.3.1 Mixed Use Zone

The subject site is located within a Mixed Use Zone (MUZ) under Clause 32.04 of the Port Phillip Planning Scheme.

The purpose of the MUZ is:

- To implement the Municipal Planning Strategy and the Planning Policy Framework;
- To provide for a range of residential, commercial, industrial and other uses which complement the mixed-use function of the locality.;
- To provide for housing at higher densities;
- To encourage development that responds to the existing or preferred neighbourhood character of the area; and
- To facilitate the use, development and redevelopment of land in accordance with the objectives specified in a schedule to this zone.

Figure 8 – Zone Map



Pursuant to Clause 32.04-2, a dwelling is a Section 1 use. Accordingly, the residential use component of the proposal does not require a permit.

Pursuant to Clause 32.04-2, an indoor recreation facility is a Section 2 use. However, this is an already permitted operating use on site. Accordingly, a permit is not required for this use.

Pursuant to Clause 32.04-6, a permit is required to construct two or more dwellings on a lot. An apartment development of five or more storeys, excluding a basement, must meet the requirements of Clause 58. Please refer to Appendix 2.

Pursuant to Clause 32.04-9, a permit is required to construct a building or construct or carry out works for a use in Section 2 of Clause 32.04-2.

3.3.2 Design and Development Overlay – Schedule 1-2

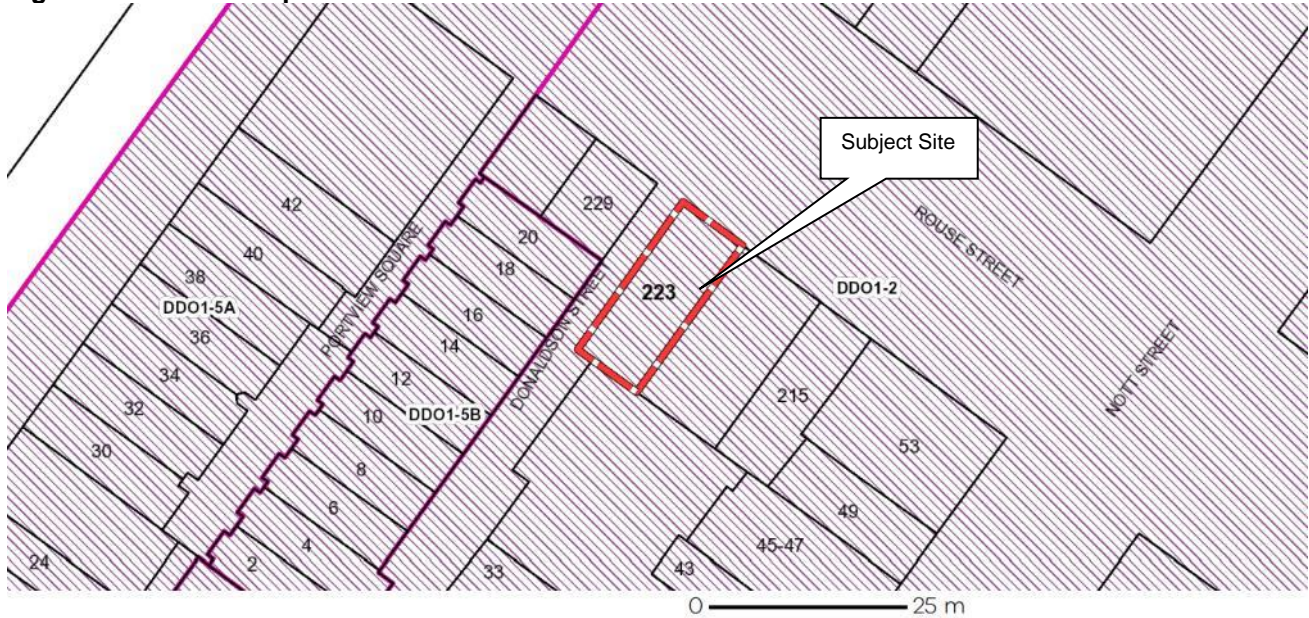
The subject site is affected by the Design and Development Overlay – Schedule 1-2 – Port Melbourne Mixed Use Growth Area (DDO1). The purpose of the DDO is:

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- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To identify areas which are affected by specific requirements relating to the design and built form of new development.

Pursuant to Clause 43.02-2, a permit is required to construct a building or construct or carry out works.

Figure 9 – DDO1-2 Map



Pursuant to Clause 43.02-1, the design objectives contained within the DDO1 are as follows:

- To encourage a built form that responds to the area's significant development opportunities at the same time as respecting those elements that make this area special and distinct from other parts of the municipality such as its seaside ambience, open sky views along Bay Street between Rouse and Beach Street and low rise built form at the street frontage;
- To preserve solar access in mid winter to the foreshore including associated bicycle and pedestrian paths, and to Bay Street and Rouse Street;
- To achieve a built form that responds to the existing characteristics of Port Melbourne (which include the diversity of lot sizes, built form, design features and the complex grain of the urban fabric); and
- To achieve an acceptable balance between the opportunity for increased built form, bulk and height and maintaining a reasonable level of residential amenity. To encourage pedestrian movement and promote active street frontages in the areas between Station Pier and Bay Street Shopping Centre by:
 - Requiring flexible building layouts at ground level capable of accommodating a mixture of uses; and
 - Ensuring that ground floors of new developments at street level are easily accessible and relate well to the street.

Pursuant to Clause 43.02-2, the following buildings and works requirements apply:

Building Height

Buildings and works are considered to meet the design objectives for height if:

- They do not exceed the preferred maximum height specified in the tables to this schedule.

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- The table to schedule DDO1-2 outlines the preferred building height as 10.5 metres.
- *Architectural features such as domes, towers, masts and building services do not exceed the absolute maximum height by more than 4 metres and do not exceed 10 per cent of the gross floor area of the top building level, except for DDO1-5.*

A permit can not be granted to exceed the absolute height.

- The table to schedule DDO1-2 outlines the absolute building height as 19.5 metres.

The height of buildings and works should be consistent with the relevant outcome specified in the tables to this schedule.

- The table to schedule DDO1-2 outlines the following outcomes:
 - *Development responds to the traditional low rise, mixed character of the area's built form.*
 - *The area is characterised by a combination of existing heritage maritime and industrial fabric, and new medium-rise contemporary development adding commercial and residential uses.*
 - *There is comparatively higher development that does not dominate the lower scale setting of the remainder of Rouse Street.*
 - *Development incorporates a 2 – 3 storey podium, with a simple form, masonry finish and 'punched' openings.*
 - *Development is built to the street boundary and has an active edge at ground level in Rouse Street, and has a small front setback elsewhere.*
 - *Upper levels up to a maximum of 6 storeys are distinct from the podium through setbacks and an expressive and heavily articulated form.*
 - *Development contributes to an eclectic mix of architectural styles.*
 - *The roof form contributes to a visually interesting skyline.*
 - *The foreshore including associated bicycle and pedestrian paths, and to Bay Street and Rouse Street enjoys good solar access in mid winter.*

Setbacks

Buildings and works are considered to meet the design objectives for setbacks if:

- *They are no less than the setback distance from boundary specified in a table to this schedule.*
 - The table to schedule DDO1-2 specifies the preferred front setback as being 0 metres.
- *The setback of buildings and works should be consistent with the relevant outcome specified in the tables to this schedule*

Overshadowing

All buildings and works should be designed to avoid casting shadows beyond:

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- *The kerb line on the southern side of the road reserve adjoining the Port Phillip Bay foreshore after 10:00 AM on 22 June (the winter solstice).*
- *The kerb line on the southern-eastern side of Bay Street between the hours of 11:00 AM and 2:00 PM on 22 June (the winter solstice).*
- *The kerb line on the south-western side of Rouse Street between the hours of 11.00 AM and 2.00 PM on 22 June (the winter solstice).*

Building Design

Buildings and works are considered to meet the design objectives for building design if the following requirements, as appropriate, are met:

- *In all areas, the design of buildings should:*
 - *provide direct access from the footpath with minimal change of level,*
 - *incorporate provision for visual 'interaction' between ground floor activity and pedestrians, and*
 - *avoid half-basement or ground floor car parks at a street frontage.*
- *The design of lower levels (ground to third storey) integrates successfully with (and could interpret) traditional building forms in Port Melbourne by including:*
 - *a predominantly masonry style with 'punched' openings and articulated wall surfaces, and*
 - *the provision of weather protection for pedestrians in Beach Street.*
- *The design of buildings above three storeys is in a contrasting, 'lighter' style of design, including:*
 - *a stepping back of upper levels on frontages to all street frontages and lanes,*
 - *heavier articulation in plan form and massing, and in front and side elevations to provide a varied skyline and avoid monolithic tower or slab-block forms, and*
- *The height of new development adjacent to land in a Heritage Overlay should be generally consistent with the facade height of significant and contributory buildings. Taller structures should be sited and designed so that they do not dominate adjacent heritage places.*
- *The height of new development on corner sites is consistent with the built form character of each street. Taller buildings should step down in height along the side frontage toward adjacent low rise development.*
- *The design of buildings and works is consistent with the relevant outcome specified in the tables to this schedule.*
- *In Beach Street between Post Office Place and Dow Street, there is one substantial inset of the elevation to a depth of approximately 20 metres at the Beach Street frontage.*
- *Buildings are designed to front onto Gasworks Park and Lagoon Reserve.*
- *New development is not visible above the roofline of any building fronting Bay Street between Rouse and Beach Streets when viewed from a point located 1.5m above ground level at the centre of Bay Street and in line with the property frontages on the north side of Rouse Street. This affects the block bounded by Beach, Nott, Rouse, Graham and Dow Streets.*

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- *In Beach, Rouse and Bay Streets between Graham and Rouse Streets, the floor to floor heights at ground level are a minimum of 4.5 metres or capable of accommodating a future change of use to retail or entertainment, except for Beach St between Johnston and Pickles St.*

3.3.3 Development Contributions Plan Overlay

The subject site is affected by the Development Contributions Plan Overlay – Schedule 1 – Port Melbourne Mixed Use Area Development Contributions Plan (Streetscape Works) July 1999 (DCPO1). The purpose of the DCPO is:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To identify areas which require the preparation of a development contributions plan for the purpose of levying contributions for the provision of works, services and facilities before development can commence.*

Figure 10 – DCPO1 Map



3.3.4 Environmental Audit Overlay

The subject site is affected by the Environmental Audit Overlay. The purpose of the EAO is:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To ensure that potentially contaminated land is suitable for a use which could be significantly adversely affected by any contamination.*

Pursuant to Clause 45.03-1, *before a sensitive use (residential use, child care centre, pre-school centre, primary school, secondary school or children's playground) commences or before the construction or carrying out of buildings and works in association with a sensitive use commences:*

- *A preliminary risk screen assessment statement in accordance with the Environment Protection Act 2017 must be issued stating that an environmental audit is not required for the use or the proposed use;*
or
- *An environmental audit statement under Part 8.3 of the Environment Protection Act 2017 must be issued stating that the land is suitable for the use or proposed use*

We note that the residential use on site is elevated above a basement and ground level, which separates the sensitive use from the ground conditions.

Figure 11 – EAO Map



3.3.5 Areas of Aboriginal Cultural Heritage Sensitivity

The subject site is located within an area of Aboriginal Cultural Heritage Sensitivity. The subject site has been identified as being located within a coastal dune heritage buffer. It is noted that a Preliminary Aboriginal Heritage Test has been certified by the Department of Premier and Cabinet, which certifies the following information of relevance:

Under the Aboriginal Heritage Regulations 2018 the proposed activity area would usually be considered to be a mapped area of cultural heritage sensitivity as it lies within a dune (r.40). However, it is concluded that the proposed activity area has been subject to significant ground disturbance as defined by the Aboriginal Heritage Regulations 2018 (r.5). Consequently, the area comprising the proposed activity area is no longer considered to be a mapped area of cultural heritage sensitivity and as such, r.40(2) applies in this instance. Accordingly, a mandatory CHMP is not required for the proposed activity.

Figure 13 – Areas of Aboriginal Cultural Heritage Sensitivity Map



3.4 PARTICULAR PROVISIONS

3.4.1 Clause 52.02 - Easements, Restrictions and Reserves

The purpose of Clause 52.02 is *to enable the removal and variation of an easement or restrictions to enable a use or development that complies with the planning scheme after the interests of affected people are considered.*

A permit is required before a person proceeds under Section 23 of the Subdivision Act 1988 to create, vary or remove an easement or restriction or vary or remove a condition in the nature of an easement in a Crown grant.

Pursuant to Clause 52.02, a permit is required to remove the restrictive covenant on title (C202718).

As outlined in the letter from Johnston Construction Lawyers attached with this application, the subject site is the only property benefitting from the restrictive covenant.

3.4.2 Clause 52.06 – Car Parking

Clause 52.06 applies to a new use. Pursuant to Clause 52.06-2, before a new use commences, the number of car parking spaces required under Clause 52.06-5 or in a schedule to the Parking Overlay must be provided to the satisfaction of the responsible authority.

Clause 52.06-5 specifies at Table 1 the following:

- One (1) car space is required for every dwelling with two (2) or less bedrooms;
- Two (2) car spaces are required for every dwelling with three (3) or more bedrooms; and
- 3.5 car spaces are required to each 100sqm of leasable floor area for a shop.

Noting the above, Clause 52.06-2 requires the proposed development to provide 10 car spaces on site. The proposal seeks to provide eight (8) car spaces within a car stacker.

Accordingly, the proposal requires a permit pursuant to Clause 52.06-3 to reduce the number of car spaces required on site. The proposal seeks the waiver of two (2) residential car spaces. A car parking waiver is already granted for the indoor recreation facility use on the site.

The subject site's high level of accessibility, dwelling typology, and the site's location within the Port Phillip PPTN supports the proposed dispensation. Please refer to the attached traffic report prepared by *Zav Traffic* for additional commentary and discussion.

3.4.3 Clause 52.34 – Bicycle Facilities

Pursuant to Clause 52.34-1, a new use must not commence until the required bicycle facilities and associated signage has been provided on the land.

Pursuant to Clause 52.34-5, a development of four or more storeys is required to provide one (1) bicycle space to each five dwellings for residents, and one (1) bicycle space to each 10 dwellings for visitors. As the leasable floor area of 52sqm falls below the 1000sqm trigger for a shop, no bicycle spaces are required for the shop use.

The proposal is therefore required to provide two (2) bicycle spaces on the site. The proposal is able to accommodate this requirement.

3.4.4 Clause 58 – Apartment Developments

The provisions of Clause 58 apply to an application to construct an apartment development of five or more storeys, excluding a basement, in the Mixed Use Zone.

The proposal achieves a high level of accord with Clause 58. A full assessment against the objectives and policies contained within Clause 58 is included at Appendix 2 of this report.

4 HOW THE PROPOSAL RESPONDS

4.1 OVERVIEW

The proposed redevelopment of the subject site for a mixed-use building containing seven (7) apartments and a ground floor minor recreation facility is strongly supported by the relevant planning policies, the site's location within the Bay Street Activity Centre and Study Area, and its proximity to other apartment buildings.

The proposal will make a contribution to urban consolidation objectives and will enhance the built form character of the area; will add to housing choice and stock in this part of Port Melbourne; will activate the Rouse Street and Donaldson Street frontages through the provision of a commercial premises and a residential lobby; and provide a high level of internal amenity for its future occupants without compromising the reasonable amenity expectations of its neighbours.

The proposed development appropriately balances the need to increase residential densities in well serviced areas with the need to ensure that the development will positively contribute to the existing characteristics of the area and the preferred future character outcomes sought by the relevant planning provisions.

The proposed covenant removal to allow residential development on the subject site is entirely appropriate as the subject site is the only property benefitting from the restrictive covenant. The zoning of the site, and the established land use of the area, allows and anticipates residential development. As such, the proposed covenant removal will have no detrimental bearing on the character and amenity of this part of Port Melbourne.

It is indisputable that the site is a suitable candidate for high-density housing given;

- Its location within the Bay Street Activity Centre and Study Area;
- Its location within the Port Phillip PPTN; and
- Its location within the Mixed Use Zone which encourages *housing at higher densities*; and
- The surrounding precedent of apartment buildings of similar heights and densities.

Careful consideration has been given to Council's MSS and Local Policies, including the standards and objectives of Clause 58 of the Port Phillip Planning Scheme, the objectives and design outcomes sought by the DDO1-2, and the outcomes sought by Clause 21.05 (Built Form), Clause 21.06 (Neighbourhoods), Clause 22.06 (Urban Design for Non-Residential and Multi-Unit Residential Development), and Clause 22.14

The project architects have carefully conceived a well-mannered and site responsive design outcome that will suit the existing streetscape and apartment building typology established within the Bay Street Activity Centre and will enhance the existing conditions of the site and activate its dual street frontage, making a positive built form contribution to the neighbourhood.

The appropriateness of the proposed development is demonstrated through an assessment of the application with respect to the following key considerations:

- Compliance with planning policies;
- Compliance with built form objectives;
- Potential for impacts on adjoining residential properties;
- Traffic, car parking, and waste impacts;
- Internal amenity for future residents; and
- Covenant Removal

The following sections of this report will examine these issues in further detail.

4.2 COMPLIANCE WITH PLANNING POLICY

The proposed development demonstrates a high level of consistency with the Planning Policy Framework and local policies contained within the Port Phillip Planning Scheme. Specifically, the proposal responds to Clauses 11, 16, 17, 18, 21.01, 21.04, 21.06, 22.14, and 32.04;

- The site is in a highly sought after location to live, and is well located to take advantage of a range of existing services and facilities within the Bay Street Activity Centre.
- The proposal contributes to the variety of housing stock that caters for a range of households, lifestyles, age, incomes and life stages, and the development of a safe, attractive and high quality built environment.
- The subject site is ideally located having regard to its proximity to a wide array of commercial and community services, as well as a suite of public transport options found within the immediate area. It is readily accessible by PPTN tram routes which are located within proximity to the site, noting that the site is located within the Port Phillip PPTN. As such, the proposal enhances personal and sustainable transport modes in line with Clause 18.
- The proposal provides further residential density, diversity, and affordability within the Bay Street Activity Precinct in line with Clause 11, 16, 21.04, and 22.14, catering to the growing population of the municipality and the changing household types.
- The subject site's location within the mixed use precinct south of Graham Street highlights its appeal and anticipated demand for intensified residential development in accordance with Clause 22.14.
- The proposal contributes to the local community through the provision of an exposed minor recreation facility at ground floor, in line with local and state policies at Clause 17 and Clause 22.14.
- The proposed mixed-use outcome for the site accords with the outcomes sought by Clause 21.04 as well as the established ground floor frontage character of Bay Street, which includes a predominance of commercial tenancies along this part of Rouse Street. The proposed residential intensification above the ground floor commercial frontage is the primary outcome sought for the area.
- The proposal will further enhance passive surveillance, safety, and street front activation, as compared to the existing site conditions, through the provision of the commercial frontage at ground floor. The proposal will reinforce the commercial character of the area and invigorate the public realm in this location through its 'active edge' in accordance with Clauses 21.06 and 22.14.
- The proposal further activates the Donaldson Street interface through the inclusion of a residential entrance and vehicle entrance along this interface. Their location close to the intersection with Rouse Street both increases the passive surveillance of Donaldson Street, which is similar to a laneway, but also ensures that the entrance achieves additional surveillance from the busier Rouse Street interface. Accordingly, the residential entrance will have maximised safety and surveillance in accordance with Clauses 21.06 and 22.14.
- The architectural design response for the site is high quality in terms of design, detailing and use of materials. The application of a refined materials palette and in particular, the understated and sophisticated architectural language espoused within the facade treatments is an entirely appropriate response to the site and the surrounding apartment building stock.
- The proposed development is responsive to the existing neighbourhood and landscape character, and provides an appropriate and attractive built form addition that complements the contemporary design attributes and residential character of the surrounding precinct in line with Clause 15 and Clause 21.01.
- The subject site is bounded by roads and laneways on three of its four interfaces, ensuring shadowing and bulk impacts to neighbouring residential properties are minimised as far as practicable, whilst providing an increased residential density in accordance with Clause 21.06.

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- The proposal achieves a high level of accordancy with the MUZ, providing a complementary mixed use development outcome that provides higher density housing whilst responding to the existing and preferred character of the area. It is noted that the proposal successfully establishes a clear separation between the proposed shop and residential uses, ensuring there will be no adverse impacts to the respective uses.
- The proposal facilitates the renewal of the underutilised subject site to support the development and use outcomes sought for the Bay Street Activity Centre.
- The proposal achieves an appropriate level of consistency with the standards and objectives of Clause 58. This is further detailed at Appendix 2 of this report.

4.3 BUILT FORM RESPONSE

The proposed development provides a built form response that retains the distinctive neighbourhood character of the area whilst providing a distinctive and innovative design outcome that will enhance the neighbourhood moving into the future, in line with the Council vision at Clause 21.01, as well as Clauses 21.04, 21.05, 21.06, 22.06, and 22.14. Specifically:

- The proposal provides a built form outcome and residential density similar to the surrounding residential developments, notably those at 203, 216, 224, and 232-242 Rouse Street, 55 Bay Street, 41 and 45-47 Nott Street, and 65 Beach Street, all photographed at Appendix 1.
- The proposal ensures that its form and design outcome is informed by the aforementioned developments' established typology, allowing the built form outcome to be one that is responsive to the area and one that does not unduly dominate the street frontage or the skyline.
- The proposal enhances the subject site and will further contribute to the high-quality building character of the area through its sophisticated and understated material palette and contemporary design detailing of its elevations.
- The proposed material/colour palette is responsive to the varied building character of the area, providing a recessive design outcome that will reduce the bulk impacts associated with the on-boundary construction of the proposal.
- The proposal provides a street wall height consistent with the neighbouring apartment developments along Rouse Street, and further enhances the interface through the inclusion of a cantilevered canopy over the street in front of the minor recreation premises, as per the policy direction at Clause 22.14.
- The proposal will ensure its interface with the public realm is of a high quality and sophisticated outcome, as all elevations include the provision of articulation in the form of material variation, window fenestration, balcony placement, and built form stepping.
- The proposal provides passive surveillance from all levels of the building to all three street/laneway interfaces in accordance with Clause 22.14.
- The proposal provides its car parking access away from the primary Rouse Street interface, ensuring the pedestrian character of the street is retained and ensuring that vehicle structures do not dominate the frontage.
- The placement of the vehicle entrance to the Donaldson Street interface of the site will activate this part of the street and will ensure that additional surveillance is provided to the proposed residential entrance along this interface.
- The placement of the residential entrance along Donaldson Street, but within view of Rouse Street, will activate the street in accordance with Clause 22.14. The entrance is provided with external and internal shelter/refuge space that achieves the shelter and transition objectives of Clause 22.06.

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- The proposed shadowing outcome of the proposal accords with the requirements of Clause 22.14, and further ensures the extent of additional shadowing is not detrimental to the neighbouring buildings and SPOS areas.
- The provision of the rooftop deck to the building is appropriate noting that the deck is set back from the fifth-floor footprint and is discreet in its visual bulk impacts due to its discreet placement and integration into the overall building form. It is noted that rooftop decks are prevalent in the area, due to the coastal location and city views. The established character at 216 Rouse Street, 203 Rouse Street, 41 Nott Street, 45-47 Nott Street and 65 Beach Street for rooftop decks further supports the proposal.

Further to the above, the proposal achieves a high level of compliance with the DDO1-2 objectives and requirements, noting that:

- The proposal has utilised the development opportunity provided by the subject site and surrounding developments, whilst minimising its impacts upon neighbouring amenity.
- The proposal is located on the southwest side of Rouse Street, ensuring that it has a minimised impact upon the shadowing and daylight access provided to Rouse Street.
- The sophisticated and understated contemporary built form outcome is responsive to the fine grain character of Port Melbourne, and will enhance the design attributes of this part of Rouse Street.
- The proposal successfully balances the need for increased residential densities and larger/bulkier built form outcomes with the reasonable amenity requirements and expectations of neighbouring residential properties and the public realm.
- The proposal encourages pedestrian movement along both Rouse Street and Donaldson Street, noting that the proposal provides a commercial frontage spanning the full width of the Rouse Street interface, and a pedestrian and vehicle entrance to the residential component of the development along Donaldson Street.
- The proposal provides a maximum building height of 19.4 metres in accordance with the absolute maximum height of 19.5 metres allowable for the DDO1-2 precinct. It is noted that the staircase/lift services exceed this height by an additional 2.5 metres in accordance with the 4-metre maximum allowable, noting that these elements do not occupy more than 10% of the gross floor area of the top level.
- The subject site can appropriately accommodate a building of this height, noting it does not provide any shadowing to its northwest residential neighbours, interfaces with an industrial/commercial use to the southeast, and interfaces with a six-storey building to the southwest.
- Furthermore, the proposed development height is responsive to the surrounding developments along Rouse Street, which include six and seven storey building forms.
- The proposal further enhances the area through its varied roof form outcome, which includes flat and skillion roof elements that will contribute to the design diversity of the area.
- The proposal includes a three-storey podium with the additional three storeys located above this. The demarcation of this through built form stepping and material variation ensures an articulated design outcome is achieved, noting that the levels above the podium are more 'light-weight' in their appearance due to the floating balconies and high provision of glazing.
- The podium along the Donaldson Street interface provides a 'punched' window placement outcome in accordance with the direction of the DDO1-2.
- The proposal provides a stepped built form outcome with its interface with the low-rise residential development to the northwest at 231 Rouse Street. It is noted that the site's placement ensures that

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there are no shadowing outcomes to these properties at the September Equinox, further enhancing their amenity.

- The 0-metre setback to all interfaces is consistent with the full site coverage character of the area as well as the outcomes sought by the DDO1-2.
- The proposed 3.6 metre ceiling height of the ground floor minor recreation facility will allow for a future change of use to entertainment or hospitality. It is noted that the subject site is sited away from the main activity precinct along Bay Street and will not have the same expectations for commercial conversions. As such, the reduced 3.6 metre ground floor ceiling height sought for the proposal (4.5 metres is preferred for the DDO1-2) will be appropriate for the site.

In consideration of the above, it is submitted that the proposed building works will be entirely accordant with the relevant policies and provisions of the Port Phillip Planning Scheme and will form a complementary and distinguished built form/design outcome for the site and area.

4.4 OFF SITE AMENITY IMPACTS

The potential for amenity impacts is considered to be limited to the following:

- Overlooking; and
- Overshadowing.

The proposal has been designed in a way to minimise the potential impacts upon adjoining properties as follows:

4.4.1 Overlooking

There is unlikely to be any *unreasonable* overlooking impacts to the neighbouring properties' habitable room windows and secluded private open space areas as all proposed upper floor windows and balconies include translucent glazing or screening to a height of 1.7 metres above FFL with a maximum transparency of 25% in accordance with not applicable but relative Standard A15.

The roof terrace will include a 1.7-metre-high balustrade along its southwest interface, ensuring that it will also comply with the residential overlooking requirements. Accordingly, the overlooking impacts associated with this proposal have been appropriately mitigated in line with the relevant planning provisions.

4.4.2 Overshadowing & Solar Access

The shadow diagrams prepared to accompany the application demonstrate that there would be minimal overshadowing impacts to neighbouring apartments at 41 Nott Street, noting that shadowing at the September Equinox does not occur after 11am. Furthermore, the extent of shadowing to the balconies prior to this is minor.

Additional shadowing occurs to the industrial/commercial properties to the southeast, noting that these properties are not residential, are built to all site boundaries, and do not include external POS areas. The existing solar facilities on these properties will not be impacted at the September Equinox, indicating that they will not be unreasonably impacted year-round.

Shadowing does occur to Rouse Street, but this is expected and anticipated by the DDO1-2 built form guidelines and as established by the surrounding multi-storey apartment buildings.

In respect to solar access, the proposal minimally reduces the level of access to the northeast and northwest apartments at 41 Nott Street, noting that the decrease is limited to before 11am at the September Equinox. It is further noted that the impacted windows are small and would likely not be the primary light source to these dwellings.

Solar access to the dwellings to the northwest would be minimal noting that Donaldson Street runs between the two properties, and the dwellings to the northwest include additional setbacks from Donaldson Street, maximising daylight access to any windows along this interface.

Accordingly, the proposal does not detrimentally impact upon daylight access to neighbouring buildings.

4.5 Traffic, Car Parking, and Waste

The proposal provides a high-level traffic, car parking, and waste response in respect to the subject site's location and the requirements of the proposal, noting as follows:

- The proposal sites its car parking facilities away from the primary Rouse Street frontage, ensuring on-street car parking in the area is not reduced or undermined in any physical way.
- The proposal will not produce any adverse traffic impacts to the surrounding area, noting that both Rouse Street and Donaldson Street are not in a Road Zone.
- The proposal provides efficient and accessible car parking access along the Donaldson Street frontage away from the primary pedestrian infrastructure. Accordingly, the proposal will not produce any adverse safety impacts to pedestrians.
- The proposal provides car parking in the form of an eight-space car stacker, which reduces the need for extensive site cut/fill and reduces the area required for car parking. As such, the proposal is able to provide expanded internal areas.
- The proposed variation to the car parking requirements at Clause 52.06-5 is acceptable, noting that the proposal requires a shortfall of three spaces. This is appropriate for the area, noting the site's location within the Bay Street Activity Precinct and the Port Phillip PTN, indicating the high level of accessibility and allowance of sustainable personal transport.
- The proposal provides adequate waste facilities at ground floor. The waste facilities are both internally and externally accessible for convenience.
- The proposal seeks Council waste collection. Please refer to the waste management report prepared by *RB Waste Consulting Services*.

4.6 On site amenity

The development has been designed to provide future occupants with a high level of internal amenity. This is demonstrated through the following:

- The proposal provides a high level of compliance with the Clause 58 requirements, providing generous internal and external spaces that will allow future occupants a high level of amenity.
- The proposal complies with the DDA requirements of Standard D17 of Clause 58, ensuring the dwellings are adaptable to those with limited mobility.
- The proposed pedestrian and vehicle entrance is provided with passive surveillance from the Rouse Street interface, ensuring safety is maximised.
- The proposals interfaces with Donaldson Street, Rouse Street, and the rear laneway ensure a high level of separation from neighbouring buildings, ensuring all dwellings are provided with adequate solar and daylight access.
- Site facilities and services are conveniently located for efficient access and management.

It is submitted that the proposal provides a high level of amenity to future occupants.

4.7 Appropriateness of the Covenant Removal

The proposed covenant removal is appropriate for the subject site noting that the only title listed on the restrictive covenant on title (C202718) is the subject site. As such, the proposal is consistent with the purpose of Clause 52.02 which seeks to enable the removal and variation of an easement or restrictions to enable a use or development that complies with the planning scheme after the interests of affected people are considered. As there are no interested parties besides the subject site, the provisions of the planning scheme become the determining factor in assessing the application.

The covenant specifies that the proprietor of the land described in Certificate of Title Volume 3149 Folio 647 will not at any time erect on the land a dwelling house nor use or cause or permit the land to be used for residential purposes.

The outcome prohibited by the covenant is inconsistent with the relevant planning provisions and controls that apply to the subject site, as well as the established character of the area. Please refer to Section 3 of this report, which outlines the clear residential development outcomes sought for the Mixed-Use Zone and the Bay Street Activity Precinct.

There is a clear objective and demand for dwelling development in this part of Port Melbourne, as exemplified by the neighbouring apartment developments at 203, 216, 224, and 232-242 Rouse Street, 55 Bay Street, 41 and 45-47 Nott Street, and 65 Beach Street, all photographed at Appendix 1.

The restriction on the subject site disallows this type of development. It is noted that the removal of this covenant would not result in a development outcome that would be at odds with the area. It would result in the contrary, as outlined above.

It is further noted that the proposed covenant removal is accompanied by the development application sought as part of this proposal in accordance with Clause 22.05 which seeks that the removal of a covenant require a development plan to be submitted prior to the removal or the variation of a restrictive covenant. As such, there is a clear residential outcome sought for the site. Furthermore, this outcome is consistent with the planning guidance for the site, as outlined within this Section of the report.

The proposed covenant removal will ensure that the site can meet the development potential that the relevant planning controls and provisions seek. Accordingly, the proposal is appropriate and worthy of support.

5 WHAT THE PROPOSAL DELIVERS

The proposed development and covenant removal represent a well-considered response to the site and surrounding area. They will result in an attractive mixed-use development of high architectural quality. The proposal provides an appropriate response to the outcomes sought by the Port Phillip Planning Scheme for the following reasons:

- It provides for appropriate intensification of land consistent with the policy guidance for areas within the Bay Street Activity Centre and the Port Phillip PPTN;
- It advances objectives and strategies contained within the PPF and the LPPF of the Port Phillip Planning Scheme in terms of building design, urban design, neighbourhood character, and amenity considerations;
- It provides an appropriate and enhance built form addition that retains and complements the existing and emerging character of the area;
- It provides a high level of amenity for future occupants of the dwelling, incorporating spacious well-proportioned indoor and outdoor living areas; and
- It activates the ground floor Rouse Street frontage, providing a commercial premises (indoor recreation facility) that will contribute to the economic growth and activity sought for the area.

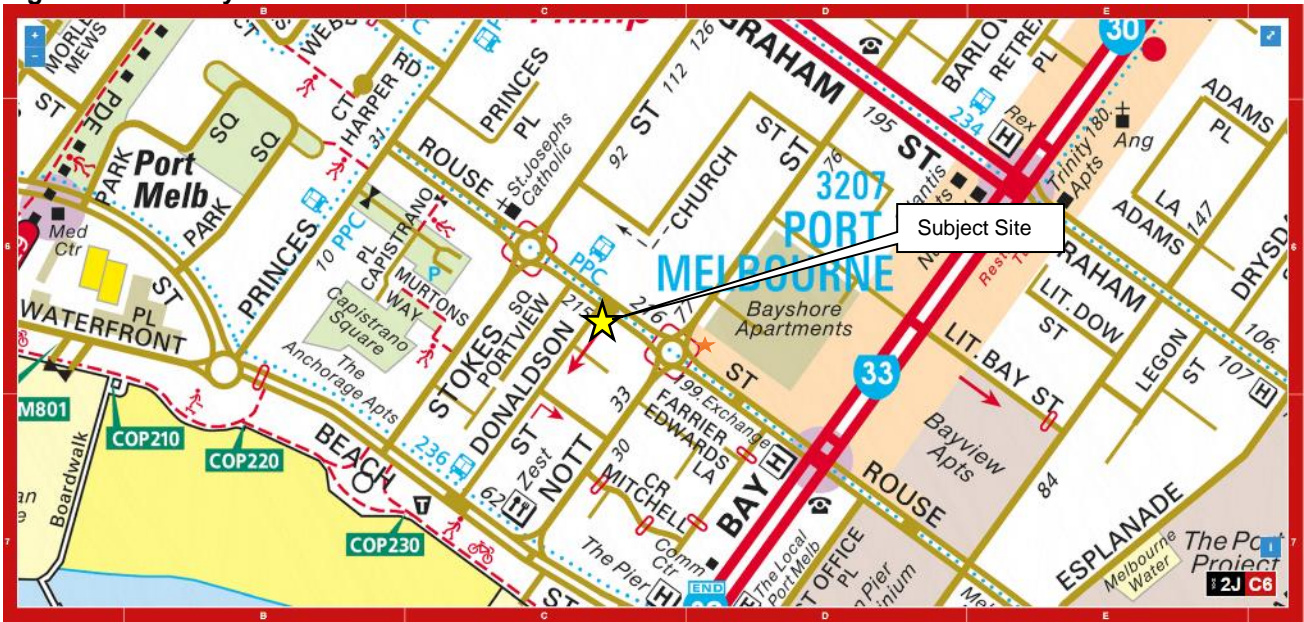
Accordingly, the proposed development is considered to be entirely appropriate and worthy of support.

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APPENDIX 1 – SITE AND SURROUNDS

The subject site is located on the southwest side of Rouse Street in Port Melbourne, 200 metres northwest of Bay Street (refer Figure 1 – Locality Plan). The subject site interfaces with Donaldson Street along its northwest interface, and a ROW to the rear.

Figure 1 – Locality Plan

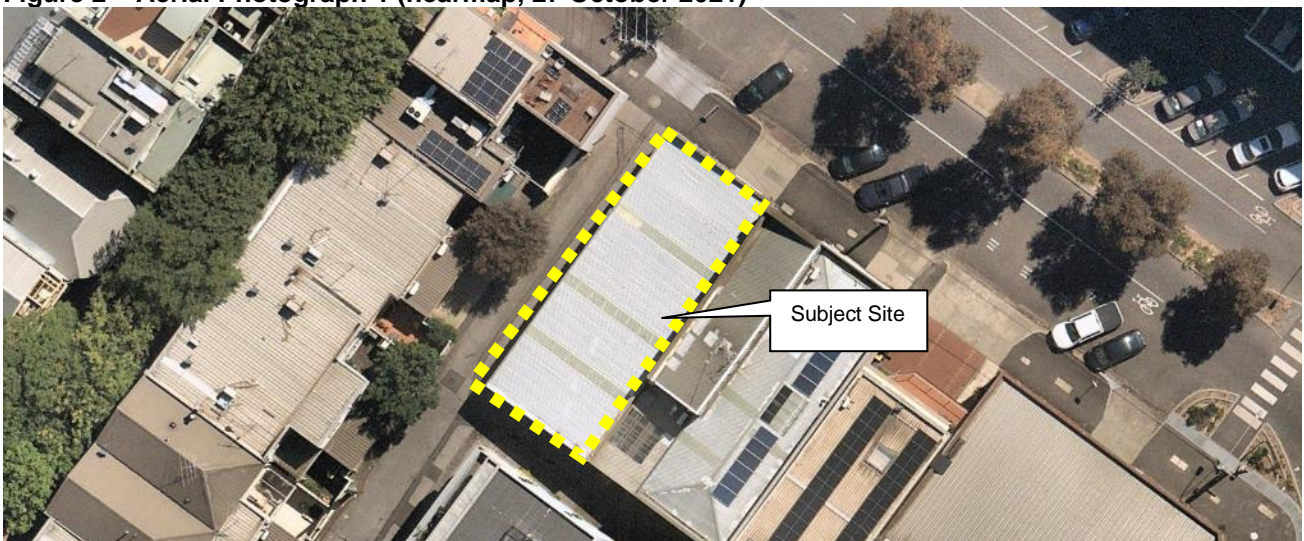


The subject site is rectangular in shape, with a frontage width to Rouse Street of 8.99 metres, a depth of 22.56 metres, and a total site area of 203sqm. Topographically, the site is flat.

The site is occupied by a single storey brick warehouse/garage that occupies the full site and is built to all site boundaries. The building is painted blue, includes a skillion roof form, with gridded windows along its northwest elevation, and a garage door (and vehicle access) along the Rouse Street frontage and the rear ROW interface.

At present, the building is used as a gym, and is occupied by 3 Point Training at present.

Figure 2 – Aerial Photograph 1 (nearmap, 27 October 2021)



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Figure 3 – Aerial Photograph 2 (nearmap, 27 October 2021)



Figure 4 – Subject site frontage to Rouse Street



Figure 5 – Northwest and rear southwest interface of subject site with Donaldson Street



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The subject site is located within the Bay Street Activity Centre and Study Area. This area comprises retail and commercial tenancies, food and drink premises, and tram services within the Port Phillip PPTN.

The subject site is removed from the commercial land uses of Bay Street and is surrounded by a number of residential land uses of varying intensities, densities, and built form outcomes. The locale is undergoing change, including the replacement of industrial and commercial land uses with residential dwelling developments.

The residential development surrounding the subject site is predominantly infill development and comprises of apartment buildings ranging in height from 3-7 storeys, townhouse developments, and heritage conversions.

Developments are predominantly contemporary and modern in appearance and comprise concrete, metal clad, and glazed design responses. Buildings feature extensive balcony and window provision, noting the city and bay views that are afforded to the low-lying area.

Further to the above, there are existing commercial developments along the southwest interface of Rouse Street, comprising of single and double storey warehouse/garage style buildings.

The subject site is further serviced by nearby parks and reserves, including the Port Phillip Bay foreshore and Lagoon Reserve.

Figure 6 – Six storey apartment development at 216 Rouse Street



Figure 7 – Townhouse dwellings along Donaldson Street and a seven-storey apartment development at 65 Beach Street



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Figure 8 – Six storey serviced apartment development at 45-47 Nott Street (Hampton Apartments)



Figure 9 – Six storey apartment development at 203 Rouse Street/38 Nott Street



Figure 10 – Six storey apartment development at 55 Bay Street



The interfaces with the subject site are as follows:

Northeast

The subject site interfaces with Rouse Street along its northeast interface. Across the road from the subject site at 224 Rouse Street is a six (6) storey apartment building. The building is a recent construction and is built boundary to boundary with a 0-metre street setback. The frontage to Rouse Street includes a vehicle garage entrance, a small shop front, and a residential lobby. Balconies span the street frontage on all levels above the ground floor. The material palette of the building consists of mid-grey metal zinc cladding and glass balustrades.

The properties interfacing with 224 Rouse Street to the northwest (232-242 Rouse Street) and the southeast (216 Rouse Street) also include six storey apartment buildings.

Figure 11 – Looking northeast from the subject site towards 224 Rouse Street (centre)



Southeast

The subject site interfaces with 217 Rouse Street to the southeast. The property contains a double storey brick warehouse/garage built to all site boundaries. The building consists of a flat roof form, with grey/blue painted bricks. A garage door occupies the Rouse Street frontage. The building also interfaces with a ROW to the rear.

Figure 12 – Interface between 217 Rouse Street (main) and the subject site at 223 Rouse Street (right)

Southwest

The subject site interfaces with a ROW to the rear. Across the ROW is a six-storey apartment building at 41 Nott Street. The building is modern in appearance and includes concrete cladding. The building includes a rear interface with Donaldson Street, which provides vehicle access to the building, as well as access to the waste room. Above the ground floor interface with Donaldson Street are balconies. The interface with the subject site across the ROW includes only a small provision of windows. Please refer to Figure 13.

Northwest

The subject site interfaces with Donaldson Street to the northwest. Across the street are triple storey and double storey townhouses which form part of a development at 231 Rouse Street. The dwellings include their vehicle access to Donaldson Street, with pedestrian access from a common accessway on the northwest side of the property away from the Donaldson Street interface. These dwellings are contemporary but conservative in appearance and comprise of contrasting colour palettes in either render or weatherboard cladding.

Donaldson Street is characterised by a laneway style typology, whereby a majority of buildings contain vehicle access to the street, and passive surveillance is not a predominant character trait. Please refer to Figure 14-17.

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Figure 13 – ROW and 41 Nott Street (with subject site to the left)



Figure 14 – Interface between subject site (left), Donaldson Street (middle), and the development at 231 Rouse Street (right)



Figure 15 – Looking northeast along Donaldson Street towards the subject site



Figure 16 – 231 Rouse Street as viewed from the subject site across Donaldson Street



Figure 17 – Donaldson Street looking southwest from the subject site



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APPENDIX 2 – CLAUSE 58 ASSESSMENT

ResCode Assessment Table – Apartment Developments

Refer to Clause 58 of the Planning Scheme for objectives, decision guidelines and a full description of standards.

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Urban Context		Clause 58.02
Title & Objective	Standard	Complies / Variation Required
<p>D1 Urban context objectives</p> <p>To ensure that the design responds to the existing urban context or contributes to the preferred future development of the area.</p> <p>To ensure that development responds to the features of the site and the surrounding area.</p>	<p>The design response must be appropriate to the urban context and the site.</p>	<p>Complies</p> <p>The site is located within the Bay Street Activity Centre Study Area, which is host to a range of building types, including apartment buildings ranging in size from 3-7 storeys, townhouses, shop fronts, shop top dwellings, and commercial properties.</p> <p>The high level of activity of this locale, along with the site's location within the Port Phillip PPTN makes the site suitable for a development of this typology, whereby the higher density is supported by the high amenity and accessibility afforded to the site.</p> <p>Furthermore, the established apartment building typology surrounding the subject site, all with heights and design detailing similar to the proposal, provides further support for the proposed development.</p>
	<p>The proposed design must respect the existing or preferred urban context and respond to the features of the site.</p>	<p>Complies</p> <p>The proposed development is an appropriate response to the site context. It provides a higher density dwelling arrangement without detrimentally impacting upon the neighbouring amenity or neighbourhood character of the area.</p> <p>As outlined above, the proposal presents a built form and design detailing outcome that is responsive to the established apartment building character of the area.</p>

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Urban Context		Clause 58.02
Title & Objective	Standard	Complies / Variation Required
<p>D2 Residential policy objectives</p> <p>To ensure that residential development is provided in accordance with any policy for housing in the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.</p> <p>To support higher density residential development where development can take advantage of public and community infrastructure and services.</p>	<p>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 State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.</p>	<p>Complies</p> <p>The proposed development is an appropriate response to the relevant planning policy objectives for the site.</p> <p>Refer to Town Planning report for further information.</p>
<p>D3 Dwelling diversity objective</p> <p>To encourage a range of dwelling sizes and types in developments of ten or more dwellings.</p>	<p>Developments of ten or more dwellings should provide a range of dwelling sizes and types, including dwellings with a different number of bedrooms.</p>	<p>Not Applicable</p> <p>Less than ten dwellings. Noting this, the proposal provides four 2-bedroom dwellings and three 3-bedroom dwellings in accordance with the D3 standard.</p>
<p>D4 Infrastructure objectives</p> <p>To ensure development is provided with appropriate utility services and infrastructure.</p> <p>To ensure development does not unreasonably overload the capacity of utility services and infrastructure.</p>	<p>Development should be connected to reticulated services, including reticulated sewerage, drainage, electricity and gas, if available.</p>	<p>Complies</p> <p>The subject site is located within an established area and the development will have access to existing services and infrastructure.</p>
	<p>Development should not unreasonably exceed the capacity of utility services and infrastructure, including reticulated services and roads.</p>	<p>Complies</p> <p>The existing services and infrastructure are capable of meeting any additional demand generated by the development.</p>
	<p>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.</p>	<p>Any requirement to upgrade the capacity of existing services will be met during the construction phase.</p>

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Urban Context		Clause 58.02
Title & Objective	Standard	Complies / Variation Required
<p>D5 Integration with the street objective</p> <p>To integrate the layout of development with the street.</p>	<p>Developments should provide adequate vehicle and pedestrian links that maintain or enhance local accessibility.</p>	<p>Complies</p> <p>The proposal enhances its interfaces with both Rouse Street and Donaldson Street.</p> <p>The Rouse Street interface will include a fully glazed commercial tenancy at ground floor, ensuring a high level of visual and physical connectivity to the street front.</p> <p>The Donaldson Street interface will include the residential lobby entrance and the residential car parking facilities as well as a window from the commercial use, providing an activated and trafficked interface that will enhance passive surveillance and connectivity along the street front.</p> <p>The proposal enhances the conditions of the site which, at present, provides a “closed-off” appearance to the dual street frontages. It further enhances the Donaldson Street interface, which is presently occupied by garages and lacks activation.</p>
	<p>Development should be oriented to front existing and proposed streets.</p>	<p>Complies</p> <p>As above.</p>
	<p>High fencing in front of dwellings should be avoided if practicable.</p>	<p>Not Applicable</p> <p>The proposed building form is built to all site boundaries.</p>
	<p>Development next to existing public open space should be laid out to complement the open space.</p>	<p>Not Applicable</p> <p>No neighbouring open space or similar.</p>

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Site Layout		Clause 58.03
Title & Objective	Standard	Complies / Variation Required
<p>D6 Energy efficiency objectives</p> <p>To achieve and protect energy efficient dwellings and buildings.</p> <p>To ensure the orientation and layout of development reduce fossil fuel energy use and make appropriate use of daylight and solar energy.</p> <p>To ensure dwellings achieve adequate thermal efficiency.</p>	<p>Buildings should be:</p> <ul style="list-style-type: none"> Oriented to make appropriate use of solar energy. Sited and designed to ensure that the energy efficiency of existing dwellings on adjoining lots is not unreasonably reduced. 	<p>Complies</p> <p>The proposal does not produce any detrimental amenity impacts to the neighbouring residential land uses.</p> <p>The proposal abuts a double storey commercial building to the southeast and does not cast any additional shadow to the dwellings to the northwest.</p> <p>This leaves the southwest interface as the only impacted residential interface at 41 Nott Street.</p> <p>It is noted that the proposed building will produce additional shadow to this building between 9am and 11am at the September equinox. This shadow falls mostly towards the buildings northeast wall and will not impact upon the main balconies or windows of the building. Noting that the building does not include any solar facilities, it is noted the additional impacts are acceptable.</p>
	<p>Living areas and private open space should be located on the north side of the development, if practicable.</p>	<p>Complies</p> <p>The proposal orients the habitable rooms and SPOS areas of the proposed dwellings to the north where practicable.</p>
	<p>Developments should be designed so that solar access to north-facing windows is optimised.</p>	<p>Complies</p> <p>As above.</p>
	<p>Dwellings located in a climate zone identified in Table D1 should not exceed the maximum NatHERS annual cooling load specified in the table.</p>	<p>Complies</p> <p>NatHERS cooling load does not exceed 30 (max outlined under the Melbourne Climate Zone #21)</p>

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Site Layout		Clause 58.03
Title & Objective	Standard	Complies / Variation Required
<p>D7 Communal open space objective</p> <p>To ensure that communal open space is accessible, practical, attractive, easily maintained and integrated with the layout of the development.</p>	<p>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.</p>	<p>Not Applicable</p> <p>The development proposes less than 40 dwellings.</p>
	<p>Communal open space should:</p> <ul style="list-style-type: none"> • Be located to: <ul style="list-style-type: none"> - Provide passive surveillance opportunities, where appropriate. - Provide outlook for as many dwellings as practicable. - Avoid overlooking into habitable rooms and private open space of new dwellings. - Minimise noise impacts to new and existing dwellings. • Be designed to protect any natural features on the site. • Maximise landscaping opportunities. • Be accessible, useable and capable of efficient management. 	<p>Not Applicable</p> <p>As above.</p>
<p>D8 Solar access to communal outdoor space objective</p> <p>To allow solar access into communal outdoor open space</p>	<p>The communal outdoor open space should be located on the north side of a building, if appropriate.</p>	<p>Not Applicable</p> <p>As above.</p>
	<p>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.</p>	<p>Not Applicable</p> <p>As above.</p>
<p>D9 Safety objective</p> <p>To ensure the layout of development provides for the safety and security of residents and property.</p>	<p>Entrances to dwellings should not be obscured or isolated from the street and internal accessways.</p>	<p>Complies</p> <p>The residential entry point along the Donaldson Street frontage is logically located and safe for future residents and visitors. Internal lobbies and accessways include a high level of passive surveillance. No entry points are isolated from view.</p>

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Site Layout		Clause 58.03
Title & Objective	Standard	Complies / Variation Required
	Planting which creates unsafe spaces along streets and accessways should be avoided	Not Applicable No planting is proposed as part of this development.
	Developments should be designed to provide good lighting, visibility and surveillance of car parks and internal accessways.	Complies The development maximises lighting and surveillance over all common areas.
	Private spaces within developments should be protected from inappropriate use as public thoroughfares.	Complies Private spaces are clearly delineated from public spaces.
<p>D10 Landscape objectives</p> <p>To encourage development that respects the landscape character of the area.</p> <p>To encourage development that maintains and enhances habitat for plants and animals in locations of habitat importance.</p> <p>To provide appropriate landscaping.</p> <p>To encourage the retention of mature vegetation on the site.</p> <p>To promote climate responsive landscape design and water management in developments that support thermal comfort and reduces the urban heat island effect.</p>	<p>The landscape layout and design should:</p> <ul style="list-style-type: none"> • 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. 	<p>Complies</p> <p>The proposal does not seek to include any landscaping, in accordance with the surrounding apartment developments which are built to all site boundaries. As seen in Figures 6-15 at Appendix 1, there is no established on-site landscaping character for the area. Accordingly, the absence of landscaping on site is entirely appropriate for the location.</p>
	Development should provide for the retention or planting of trees, where these are part of the urban context.	Complies As above. The 100% site coverage footprint of the existing building on the site (to be demolished) will be retained by the proposal.

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Site Layout		Clause 58.03
Title & Objective	Standard	Complies / Variation Required
	Development should provide for the replacement of any significant trees that have been removed in the 12 months prior to the application being made.	Not Applicable As above.
	The landscape design should specify landscape themes, vegetation (location and species), paving and lighting.	Not Applicable As above.
	Development should provide the deep soil areas and canopy trees specified in Table D2.	Not Applicable The subject site is less than 750sqm.
	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: <ul style="list-style-type: none"> • Canopy trees or climbers (over a pergola) with planter pits sized appropriately for the mature tree soil volume requirements. • Vegetated planters, green roofs or green facades. 	Not Applicable As above.
D11 Access objective To ensure the number and design of vehicle crossovers respects the urban context.	The width of accessways or car spaces should not exceed: <ul style="list-style-type: none"> • 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. 	Complies with objective The 9-metre width of the car parking access to the Donaldson Street frontage occupies 40% of this interface. This outcome is appropriate and acceptable, noting that Donaldson Street acts more as a rear laneway than a primary street, with a majority of its interface dominated by garages, carports, and blank walls on boundary.
	No more than one single-width crossover should be provided for each dwelling fronting a street.	Complies The 9-metre-wide access to the site serves eight cars.

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Site Layout		Clause 58.03
Title & Objective	Standard	Complies / Variation Required
	The location of crossovers should maximise the retention of on-street car parking spaces.	Not Applicable The proposal retains on street car parking along the Rouse Street frontage. The existing conditions of the site's interface with Donaldson Street does not allow on-street parking.
	The number of access points to a road in a Road Zone should be minimised.	Not Applicable Donaldson Street and Rouse Street are not located within a Road Zone.
	Developments must provide for access for service, emergency and delivery vehicles.	Complies Access for service, emergency and delivery vehicles is available via both street interfaces.
D12 Parking location objectives To provide convenient parking for resident and visitor vehicles. To protect residents from vehicular noise within developments.	Car parking facilities should: <ul style="list-style-type: none"> • Be reasonably close and convenient to dwellings. • Be secure. • Be well ventilated if enclosed. 	Complies External car parking located to the rear of the site will be conveniently located for future occupants due to the pedestrian lobby and lift/stair access being located directly adjacent.
	Shared accessways or car parks of other dwellings should be located at least 1.5 metres from the windows of habitable rooms. This setback may be reduced to 1 metre where there is a fence at least 1.5 metres high or where window sills are at least 1.4 metres above the accessway.	Not Applicable No habitable room windows interface with the common car parking/car stacker area.
	Buildings should be designed to collect rainwater for non-drinking purposes such as flushing toilets, laundry appliances and garden use.	Variation Required No rainwater collection is proposed. This retains the current site conditions.

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Site Layout		Clause 58.03
Title & Objective	Standard	Complies / Variation Required
<p>D13 Integrated water and stormwater management objectives</p> <p>To encourage the use of alternative water sources such as rainwater, stormwater and recycled water.</p> <p>To facilitate stormwater collection, utilisation and infiltration within the development.</p> <p>To encourage development that reduces the impact of stormwater run-off on the drainage system and filters sediment and waste from stormwater prior to discharge from the site.</p>	<p>Buildings should be connected to a non-potable dual pipe reticulated water supply, where available from the water authority.</p>	<p>Complies</p> <p>Where possible, this outcome can be achieved.</p>
	<p>The stormwater management system should be:</p> <ul style="list-style-type: none"> • Designed to meet the current best practice performance objectives for stormwater quality as contained in the Urban Stormwater – Best Practice Environmental Management Guidelines (Victorian Stormwater Committee 1999) as amended. • Designed to maximise infiltration of stormwater, water and drainage of residual flows into permeable surfaces, tree pits and treatment areas. 	<p>Complies</p> <p>Refer to SDA report.</p> <p>Plans note underground 5,000 litre tank.</p>

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Amenity Impacts		Clause 58.04
Title & Objective	Standard	Complies / Variation Required
<p>D14 Building setback objectives</p> <p>To ensure the setback of a building from a boundary appropriately responds to the existing urban context or contributes to the preferred future development of the area.</p> <p>To allow adequate daylight into new dwellings.</p> <p>To limit views into habitable room windows and private open space of new and existing dwellings.</p> <p>To provide a reasonable outlook from new dwellings.</p> <p>To ensure the building setbacks provide appropriate internal amenity to meet the needs of residents.</p>	<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>Complies</p> <p>The proposed development is an appropriate response to the site context. It provides a higher density dwelling arrangement without detrimentally impacting upon the neighbouring amenity or neighbourhood character of the area.</p> <p>The 0-metre setback sought to all site boundaries is consistent with the DDO1-2 and the surrounding building character.</p> <p>The building is separated from neighbouring residential development by Donaldson Street and the rear laneway, ensuring that any bulk impacts are minimised as far as practicable, noting the established character for the area is for buildings similar to the proposal.</p>
	<p>Buildings should be set back from side and rear boundaries, and other buildings within the site to:</p> <ul style="list-style-type: none"> • Ensure adequate daylight into new habitable room windows. • Avoid direct views into habitable room windows and private open space of new and existing dwellings. Developments should avoid relying on screening to reduce views. • Provide an outlook from dwellings that creates a reasonable visual connection to the external environment. • Ensure the dwellings are designed to meet the objectives of Clause 58. 	<p>Complies</p> <p>The proposal is screened to ensure views to existing and proposed windows are minimised.</p> <p>The proposal provides a generous provision of glazing to all dwellings to ensure daylight and solar access is maximised, further noting that the above-mentioned setbacks and separation from neighbouring buildings allows an increased percentage of daylight access.</p> <p>All dwellings have a direct connection to the surrounding area, with views to the sky and neighbourhood possible from all dwellings.</p>
<p>D15 Internal views objectives</p> <p>To limit views into the private open space and habitable room windows of dwellings within a development.</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>	<p>Complies</p> <p>Due to the layout of the building, overlooking within the development is limited.</p>

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Amenity Impacts		Clause 58.04
Title & Objective	Standard	Complies / Variation Required
<p>D16 Noise impacts objectives</p> <p>To contain noise sources in developments that may affect existing dwellings.</p> <p>To protect residents from external and internal noise sources.</p>	Noise sources, such as mechanical plants should not be located near bedrooms of immediately adjacent existing dwellings.	<p>Complies</p> <p>Services are appropriately located within designated areas.</p>
	The layout of new dwellings and buildings should minimise noise transmission within the site.	<p>Complies</p> <p>Sensitive habitable spaces are logically located to minimise noise transmission within the site.</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>Complies</p> <p>As above.</p>
	New dwellings should be designed and constructed to include acoustic attenuation measures to reduce noise levels from off-site noise sources.	<p>Complies</p> <p>We respectfully request any requirements be addressed via condition on any permit issued.</p>
	Buildings within a noise influence area specified in Table D3 should be designed and constructed to achieve the following noise levels: <ul style="list-style-type: none"> • Not greater than 35dB(A) for bedrooms, assessed as an LAeq,8h from 10pm to 6am. • Not greater than 40dB(A) for living areas, assessed LAeq,16h from 6am to 10pm 	<p>Not Applicable</p> <p>The site is not located within a noise influence area.</p>
	Buildings, or part of a building screened from a noise source by an existing solid structure, or the natural topography of the land, do not need to meet the specified noise level requirements	<p>Not Applicable</p> <p>The existing building on the land does not act as an acoustic screen/barrier.</p>

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Amenity Impacts		Clause 58.04
Title & Objective	Standard	Complies / Variation Required
	Noise levels should be assessed in unfurnished rooms with a finished floor and the windows closed.	<p>Complies</p> <p>As above. We respectfully request any requirements be addressed via condition on any permit issued.</p>

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On-Site Amenity and Facilities		Clause 58.05
Title & Objective	Standard	Complies / Variation Required
<p>D17 Accessibility objective</p> <p>To ensure the design of dwellings meets the needs of people with limited mobility.</p>	<p>At least 50 per cent of dwellings should have:</p> <ul style="list-style-type: none"> • 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. 	<p>Complies</p> <p>Dwellings 1, 3, 5, and 6 all comply with the standard, providing the requisite dimensions and adaptability requirements to meet the needs of those with limited mobility.</p> <p>As four out of seven apartments are accessible/adaptable, the proposal therefore complies with the 50% minimum requirement of the standard.</p>
<p>D18 Building entry and circulation objective</p> <p>To provide each dwelling and building with its own sense of identity.</p> <p>To ensure the internal layout of buildings provide for the safe, functional and efficient movement of residents.</p> <p>To ensure internal communal areas provide adequate access to daylight and natural ventilation.</p>	<p>Entries to dwellings and buildings should:</p> <ul style="list-style-type: none"> • Be visible and easily identifiable. • Provide shelter, a sense of personal address and a transitional space around the entry. 	<p>Complies</p> <p>The residential entry and car parking facilities are logically located and easily identifiable along Donaldson Street and from the Rouse Street frontage.</p>
	<p>The layout and design of buildings should:</p> <ul style="list-style-type: none"> • 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: <ul style="list-style-type: none"> - Include at least one source of natural light and natural ventilation. - Avoid obstruction from building services. - Maintain clear sight lines. 	<p>Complies</p> <p>The main residential entrance to the development is clearly distinguishable along Donaldson Street and from Rouse Street and is clearly delineated from the ground floor commercial space due to the two uses being located along different streets.</p> <p>The hard-edge nature of the residential entry ensures the space is safe and offers no concealment spaces. The entry is glazed.</p> <p>Natural daylight is offered to the common areas on all levels.</p>

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On-Site Amenity and Facilities		Clause 58.05
Title & Objective	Standard	Complies / Variation Required
<p>D19 Private open space objective</p> <p>To provide adequate private open space for the reasonable recreation and service needs of residents.</p>	<p>A dwelling should have private open space consisting of:</p> <ul style="list-style-type: none"> • 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. 	<p>Complies with objective</p> <p>The 10sqm, minimum 2.4 metre dimension balconies to Dwellings 1-4 comply with the Standard.</p> <p>Dwellings 5 and 6 comply with the SPOS footprint requirements for a 3-bedroom dwelling, providing 6sqm of balcony space on a 900mm deep terrace, and 12sqm of balcony space on a 2.1-metre-deep balcony.</p> <p>A 2.4 minimum dimension is required for an area of 12sqm under the standard requirements, however.</p> <p>It is submitted this minor variation is entirely appropriate considering the expansive footprint of the outdoor SPOS areas of this apartment, their high level of useability and amenity, and their access from expansive internal areas.</p> <p>Dwelling 7 includes the same balcony arrangement as Dwellings 5 and 6, however, it also includes a 70sqm rooftop deck with minimum 5.6 metre dimension, exceeding the standard requirements.</p>
	<p>If a cooling or heating unit is located on a balcony, the balcony should provide an additional area of 1.5 square metres.</p>	<p>Complies</p> <p>Heating and cooling units to be located away from SPOS areas.</p>
<p>D20 Storage objective</p> <p>To provide adequate storage facilities for each dwelling</p>	<p>Each dwelling should have convenient access to usable and secure storage space.</p>	<p>Complies</p> <p>Each dwelling has been provided with storage in accordance with the Standard. Please refer to the town planning drawings for additional detail.</p>

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On-Site Amenity and Facilities		Clause 58.05
Title & Objective	Standard	Complies / Variation Required
	The total minimum storage space (including kitchen, bathroom and bedroom storage) should meet the requirements specified in Table D6.	Complies As above.

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Detailed Design		Clause 58.06
Title & Objective	Standard	Complies / Variation Required
<p>D21 Common property objective</p> <p>To ensure that communal open space, car parking, access areas and site facilities are practical, attractive and easily maintained.</p> <p>To avoid future management difficulties in areas of common ownership.</p>	Developments should clearly delineate public, communal and private areas.	<p>Complies</p> <p>Private and communal spaces are appropriately delineated.</p>
	Common property, where provided, should be functional and capable of efficient management.	<p>Complies</p> <p>Common property areas can be readily managed by an owner's corporation.</p>
<p>D22 Site services objective</p> <p>To ensure that site services can be installed and easily maintained.</p> <p>To ensure that site facilities are accessible, adequate and attractive.</p>	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.	<p>Complies</p> <p>Appropriate provision is made within the building for site services and facilities.</p>
	Mailboxes and other site facilities should be adequate in size, durable, waterproof and blend in with the development.	<p>Complies</p> <p>Mailboxes and other site facilities will be appropriately designed and located to blend in with the development.</p>
	Mailboxes should be provided and located for convenient access as required by Australia Post.	<p>Complies</p> <p>Mailboxes are located adjacent to the residential pedestrian lobby.</p>

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Detailed Design		Clause 58.06
Title & Objective	Standard	Complies / Variation Required
<p>D23 Waste and recycling objectives</p> <p>To ensure dwellings are designed to encourage waste recycling.</p> <p>To ensure that waste and recycling facilities are accessible, adequate and attractive.</p> <p>To ensure that waste and recycling facilities are designed and managed to minimise impacts on residential amenity, health and the public realm.</p>	<p>Developments should include dedicated areas for:</p> <ul style="list-style-type: none"> • Waste and recycling enclosures which are: <ul style="list-style-type: none"> - Adequate in size, durable, waterproof and blend in with the development. - Adequately ventilated. - Located and designed for convenient access by residents and made easily accessible to people with limited mobility. • Adequate facilities for bin washing. These areas should be adequately ventilated. • Collection, separation and storage of waste and recyclables, including where appropriate opportunities for on-site management of food waste through composting or other waste recovery as appropriate. • Collection, storage and reuse of garden waste, including opportunities for on-site treatment, where appropriate, or off-site removal for reprocessing. • Adequate circulation to allow waste and recycling collection vehicles to enter and leave the site without reversing. • Adequate internal storage space within each dwelling to enable the separation of waste, recyclables and food waste where appropriate. 	<p>Complies</p> <p>Please refer to the Waste Management Plan which outlines the proposed waste management of the proposal and its suitability for the site and its mixed-use function.</p>

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Detailed Design		Clause 58.06
Title & Objective	Standard	Complies / Variation Required
	<p>Waste and recycling management facilities should be designed and managed in accordance with a Waste Management Plan approved by the responsible authority and:</p> <ul style="list-style-type: none"> • Be designed to meet the best practice waste and recycling management guidelines for residential development adopted by Sustainability Victoria. • Protect public health and amenity of residents and adjoining premises from the impacts of odour, noise and hazards associated with waste collection vehicle movements. 	<p>Complies</p> <p>As above.</p>

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Internal Amenity		Clause 58.07
Title & Objective	Standard	Complies / Variation Required
<p>D24 Functional layout objective</p> <p>To ensure dwellings provide functional areas that meet the needs of residents.</p>	<p>Bedrooms should:</p> <ul style="list-style-type: none"> • 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. 	<p>Complies</p> <p>The bedrooms to all dwellings comfortably comply with the standard requirements. Please refer to the town planning drawings for additional detail.</p>
	<p>Living areas (excluding dining and kitchen areas) should meet the minimum internal room dimensions specified in Table D8.</p>	<p>Complies</p> <p>The living areas to all dwellings comfortably comply with the standard requirements. Please refer to the town planning drawings for additional detail.</p>
<p>D25 Room depth objective</p> <p>To allow adequate daylight into single aspect habitable rooms.</p>	<p>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"> • 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. <p>The room depth should be measured from the external surface of the habitable room window to the rear wall of the room.</p>	<p>Complies</p> <p>The single aspect living areas of Dwellings 1-4, along with all bedrooms within the development, comply with the standard requirements, as they do not exceed a depth of 2.5 times the ceiling height. Please refer to the town planning drawings for additional detail.</p>
<p>D26 Windows objective</p> <p>To allow adequate daylight into new habitable room windows.</p>	<p>Habitable rooms should have a window in an external wall of the building.</p>	<p>Complies</p> <p>All habitable rooms are provided with an external window.</p>

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Internal Amenity		Clause 58.07
Title & Objective	Standard	Complies / Variation Required
	<p>A window may provide daylight to a bedroom from a smaller secondary area within the bedroom where the window is clear to the sky.</p> <p>The secondary area should be:</p> <ul style="list-style-type: none"> • A minimum width of 1.2 metres. • A maximum depth of 1.5 times the width, measured from the external surface of the window. 	<p>Complies</p> <p>All habitable rooms are provided with an external window and do not rely on borrowed light.</p>
<p>D27 Natural ventilation objective</p> <p>To encourage natural ventilation of dwellings.</p> <p>To allow occupants to effectively manage natural ventilation of dwellings.</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>Complies</p> <p>The layout of the development maximises opportunities for natural ventilation to all apartments.</p>
	<p>At least 40 per cent of dwellings should provide effective cross ventilation that has:</p> <ul style="list-style-type: none"> • 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. <p>The breeze path is measured between the ventilation openings on different orientations of the dwelling.</p>	<p>Complies with objective</p> <p>The development will be provided with an adequate level of cross ventilation to all apartments.</p>