

Appendix 5: Design and Development Overlay, Schedule 26 (DDO26) Assessment

Provision	Assessment
General Requirements	
Design Quality	
New developments should achieve urban design and architectural excellence	Achieved subject to conditions This is discussed in the urban design referrals above along with the assessment against Council's Urban Design Policy also above.
Developments on corner sites with a St Kilda Road, Albert Road, Kings Way or Queens Road frontage or abuttal should not express the side street podium requirement to those roads.	Not Applicable The proposed development would not express a side street podium requirement to St Kilda Road.
Where a podium / tower typology is not proposed for a corner site, a high-quality architectural response is required which achieves an appropriate transition to podium / setback requirements on adjoining sites, including through building articulation/massing, building materials, finishes and design detail.	Achieved The development consists of a conventional podium / tower typology to this corner site. The proposed development is considered to be of a high quality and demonstrates a considered response to the existing streetscape. The development does provide appropriate setbacks that would minimise excessive building bulk and provides an acceptable degree of articulation to the built form. The proposed design is considered to be unique and of a sufficiently high quality that would be appropriate in this location.
Developments on large sites should minimise building bulk and promote vertical articulation in their design.	Achieved This is discussed in the Urban design assessment above and will be considered further in this assessment.
Separation Distances / Side and Rear Setbacks	
For properties in Sub-Precincts 5 and 6 without a primary frontage to St Kilda Road or Queens Road: <ul style="list-style-type: none"> • Development must be setback at least 4.5 metres from common side boundaries; or • Development may be constructed to a side boundary (0 metre setback) where: <ul style="list-style-type: none"> – The adjoining site has a blank boundary wall with no habitable room windows or balconies constructed within 200 millimetres of the boundary; or 	Achieved The site does not share any common side boundaries with abutting lots. <ul style="list-style-type: none"> • The eastern side boundary of the subject site shares a rear boundary to 490 St Kilda Road. • The southern rear boundary of the subject site shares a side boundary to 492 St Kilda Road. The applicant provided legal advice regarding whether the mandatory 4.5m setbacks to common side boundaries apply to an interface between a <u>side and rear boundary</u> . Legal advice confirmed that the 4.5m mandatory setbacks did not apply between such interfaces, only between common <u>side by side boundaries</u> . Council's Strategic planning team confirmed this interpretation was correct.

<p>– The adjoining site has not been developed above the podium height; Providing:</p> <ul style="list-style-type: none"> ○ The primary living areas of all proposed dwellings have a main window(s) / balconies oriented to the front or rear of the site. ○ The new boundary wall matches the length of the boundary wall on the adjoining lot ○ The proposed development does not unreasonably compromise the ability of the adjoining site to be developed and achieve the required minimum 4.5 metre setback or to build to the boundary. ○ There are no existing habitable windows / balconies on the adjoining site within 4.5 metres of the proposed development. <p>A permit may not be granted to construct a building or construct or carry out works which are not in accordance with this requirement unless allowed by Clause 2.3 of this schedule.</p> <p>For all Sub-Precincts: Additional side and rear setbacks and/or separation distances may be required to ensure buildings are designed and spaced to:</p> <ul style="list-style-type: none"> - Respect the existing urban character and pattern of development. - Equitably distribute access to an outlook, daylight and achieve privacy from primary living areas for both existing and proposed development. - Achieve sky views between towers, ensure adequate sun penetration to street level and mitigate wind effects. 	<p>At podium level, the side boundary to 490 St Kilda Road (east) would be setback 3.2m and 4.5m. The 3.2m setback would generally align with the existing setback and the 4.5m setback would achieve the visual separation envisaged by this policy.</p> <p>At tower level, the side setback to 490 St Kilda Road would be 4.5m with exposed slab edges and balconies encroaching a maximum of 1.1m (Level 16) into the setback.</p> <p>The proposed setbacks to this boundary are considered acceptable.</p> <p>The development pattern of lots between St Kilda Road and Queens Lane generally run in an east-west alignment and are not subdivided. The built form outcomes therefore do not generally require a visual break centrally to the site, unless in response to provide adequate separation to a heritage property such as the approach adopted at 478 St Kilda Road (See Figure 7). The subject site is orientated in a north-south alignment and therefore a 4.5m setback is not mandated or required in order to respect the existing urban character and development pattern.</p> <p>Notwithstanding this a 4.5m setback is proposed at Level 1 and would facilitate reasonable access to daylight and facilitate sky views between built forms.</p> <p>Diagrams considering overlooking opportunities into the adjoining property at 490 St Kilda Road have been submitted. Annotations on the elevations indicate screening at podium levels to limit overlooking into areas of secluded private open space and any habitable room windows. The detailing on the overlooking diagrams however is not sufficient to ensure opportunities for overlooking are reasonably. This is recommended as a condition of permit.</p> <p>At podium level, the rear boundary to 492 St Kilda Road (south) would be constructed to the boundary at ground level and setback 4m and Levels 1 and 2.</p> <p>At tower level, the rear setback would be setback 4.4m with exposed slab edges and balconies encroaching a maximum of 0.5m into the setback.</p> <p>The proposed setbacks to this boundary would result in a 9 metre separation between the two buildings and would ensure that daylight and amenity is afforded to both the proposal and the adjacent office building. The setback would continue to achieve sky views between towers, ensuring that adequate sun penetration to street level is achieved (nothing Queens Lane remains in shadow for most of the day) and mitigate wind effects.</p> <p>The Louise Street and Queens Lane elevations have overhead powerlines. The applicant has advised that the Swag and Sway on the lines comply with Electrical Safety Regulations 2019 113/2019.</p>
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<ul style="list-style-type: none"> - Avoid windows of primary living areas and balconies that directly facing one another. - Maintain the equitable development potential of adjoining lots. 	
Landscaped Setbacks	
<p>Frontages along St Kilda Road and Queens Road should be retained as open space for substantial landscaping and pedestrian activity:</p> <ul style="list-style-type: none"> - St Kilda Road frontages should function as a forecourt for public, private and communal use. Public seating areas should be provided in these forecourts. 	<p>Not Applicable</p> <p>The proposed development does not have a frontage to St Kilda Road or Queens Road.</p>
<p>Clear sightlines should be provided from the footpath to the building façade to increase perceptions of pedestrian safety.</p>	<p>Achieved subject to conditions</p> <p>Clear sightlines would be provided between the footpath and the building subject to conditions to improve visibility to the retail premises. Refer to previous discussions and Urban Design referral response.</p>
<p>Water sensitive urban design treatments should be incorporated into frontage design to manage and reduce stormwater runoff.</p>	<p>Achieved subject to conditions</p> <p>The SMP and WSUD reports submitted with the application indicates that a 20,000 litre rainwater would be provided on site. The STORM Rating report that forms part of the WSUD response achieves a rating of 108%. This is considered to be acceptable. It is noted however that the plans do not indicate the location of the proposed rainwater tank. This must be included on plans and must also include details of connectivity which are consistent with the submitted SMP in order to achieve compliance with the standard.</p>
<p>Exhaust stacks from underground car parks should be located away from main pedestrian areas and incorporated into the building design or adequately screened.</p>	<p>Achieved</p> <p>Exhaust stacks would not affect main pedestrian areas and would be incorporated into the design of the building.</p>
<p>Grade differences between the ground floor level and natural ground level should be kept to a minimum. Where level differences cannot be avoided (for example, due to the Special Building Overlay), stairs, terraces, disabled access ramps should be designed to not visually dominate the frontage setback space or significantly reduce the area for landscaping.</p>	<p>Achieved</p> <p>Grade differences between the ground floor level and natural ground level would be kept to a minimum. A ramped pedestrian access from Queens Lane to the primary entry would facilitate universal access. As previously discussed the access ramp would encroach into the landscape setback but given the garden bed would achieve a well resolved landscaping offer to the streetscape this is considered to be an acceptable response.</p>
Heritage	

<p>New development should respect the form, massing and siting of heritage buildings on the development site or adjoining sites</p>	<p>Achieved</p> <p>A detailed assessment of the proposal against the heritage significance of heritage properties adjoining the site has been considered earlier in this report.</p>
<p>Street Wall / Podium Level</p>	
<p>The design of podiums should create a 'human scale' providing visual interest and activity for pedestrians at the street edge, ameliorate wind effects and provide access to sunlight and sky views.</p>	<p>Does not comply / variation acceptable</p> <p>The proposed podium level would seek a minor variation to the preferred street wall / podium to Queens Lane. Sub-precinct 5a directs that development fronting an abutting Queens Lane should be built to the boundary and within 5 metres should not exceed a height of 11 metres. A street wall height of 11.32 metres is proposed with an additional 0.5m glazed balustrade setback 1.4m from the street wall.</p> <p>It is considered that this demonstrates a human scale at street level. The proposed podium level would maintain the predominantly brick and glazed material finish of the proposal. The podium would in turn incorporate balconies and balcony doors to each of the levels which enhances the sense of connection and surveillance with the street.</p> <p>A detailed assessment was previously considered at the Public Realm, Street Level Frontages and Micro-climate / Wind Impacts.</p> <p>Buildings in this section Louise Street, St Kilda Road and Queens Lane / Road do not all provide a podium / tower form. However, the design of building to provide a clear podium and tower is considered to achieve what the DDO is seeking to provide visual interest and create a more human scale to the design when viewed from the public realm and abutting properties.</p>
<p>The design of buildings should reinforce the pattern of the street by aligning their façade with the curvature of the street frontage</p>	<p>Achieved</p> <p>The building would align to the street curvature.</p>
<p>The design of new buildings should include openable habitable windows and balcony doors on the first five levels of the 'street wall' to enhance the sense of connection, surveillance and safety at ground level.</p>	<p>Achieved</p> <p>The building design includes openable windows on the lower levels to enhance the sense of connection, surveillance and safety at ground level.</p>
<p>All car parking at ground level or above should be sleeved with active uses to ensure it is not visible from the street</p>	<p>Achieved</p> <p>Parking is provided within the basements levels and will not be visible from the public realm.</p>
<p>Buildings located on corner sites should address both street frontages.</p>	<p>Achieved</p> <p>A detailed assessment was previously considered at the Public Realm, Street Level Frontages and Micro-climate / Wind Impacts.</p>

Active Frontages	
New development should provide integrated community and active space at street level that contributes to a high quality public realm.	<p>Achieved subject to conditions</p> <p>It is proposed to provide a retail premises and communal residential facilities at the ground floor level. The provision of active commercial use on the ground floor and the proportion of the frontage that would be used is considered to provide an active and vibrant link to the public realm.</p> <p>See detailed assessment was previously considered at the Public Realm, Street Level Frontages and Urban Art.</p>
<p>All building frontages (except on laneways and service streets) should:</p> <ul style="list-style-type: none"> - Be orientated towards the street. - Allow for natural surveillance and a visual connection into the building through transparent windows and balconies. - Avoid blank walls, large areas of reflective services, high fences, service areas, car parks and garage doors in the podium interface areas. - Provide clear glazing to street frontages; security grills should be visually permeable and mounted internally. - Provide no or low, visually permeable front fencing. 	<p>Achieved subject to conditions</p> <p>The building has been designed to be orientated to Louise Street and Queens Lane, acknowledging that Queens Lane also provides a service function. The proposed facades would be suitably active and visually interesting frontage that contributes to a high-quality public realm.</p> <p>A detailed assessment was previously considered at the Public Realm, Street Level Frontages and Urban Art.</p>
Design pedestrian entrances to open directly onto the street, as a key feature of the façade and at the same level as the public footpath.	<p>Achieved</p> <p>The proposal has provided for pedestrian access to directly open to the street with minimal level change.</p>
Foyer areas should have visibility to the street and be designed to encourage activity and interest both within and external to the building.	<p>Achieved</p> <p>The main foyer of the building would be accessed from the front of the site. It would be visible from Louise Street and encourages activity and interest.</p>
<p>New development within a commercial or mixed use zone should provide:</p> <ul style="list-style-type: none"> • Transparent windows and entrances for at least 80 per cent of the width of the street frontage of each individual 	<p>Achieved</p> <p>80 per cent transparency to the street the development is achieved and would provide a level of transparency that meets this objective. The proposal is considered to provide a suitable level of activation and interaction to the street subject to conditions in relation to the height of the landscaping.</p>

<p>retail premises, or at least 60 per cent of the width of the street frontage of each premises for other commercial uses.</p> <ul style="list-style-type: none"> Lighting design that is incorporated to the façade to contribute to a sense of safety at night. 	<p>A detailed assessment was previously considered at the Public Realm, Street Level Frontages and Urban Design referral comments.</p>
Tower Design and Internal Amenity	
<p>Tower forms (above podiums) should not exceed a maximum width of 35 metres to:</p> <ul style="list-style-type: none"> Ensure that daylight penetrates through to parts of the building and streets, and adjoining buildings. Reduce their perceived visual bulk. Maintain sightlines between buildings. 	<p>Achieved</p> <p>The tower form would be a maximum of 34m wide (including architectural encroachments) at the upper most level. As previously discussed, the proposed setbacks and visual separation are appropriate to the orderly development of the area and would maintain slight lines between dwellings whilst slender towers will allow for fast moving shadows throughout the day.</p> <p>The façade is appropriately articulated to ensure any perception of massing is appropriately ameliorated when views from the public realm and adjoining residential properties.</p> <p>The provision of communal and private open space is discussed in the Clause 58 assessment appended to this report.</p>
Building Services	
<p>Waste materials storage and services should be provided on site and should be screened from areas of high pedestrian activity</p>	<p>Achieved</p> <p>Waste storage is provided within the building at the ground floor which would be accessed from the side from Queens Lane.</p>
<p>Waste storage or service should not impede pedestrian access and should be located away from footpaths.</p>	<p>Achieved</p> <p>The waste storage area would not impede pedestrian access and being at stored and collected within the building would be removed from the main pedestrian access from Louise Street.</p>
<p>New buildings should provide internal and on-site loading facilities and on-site service vehicle parking at the rear of buildings to minimise disruption of traffic or pedestrian access and avoid laneway congestion.</p>	<p>Achieved</p> <p>On site loading facilities would be provided within the ground floor level of the building which would be accessed from the side from Queens Lane.</p>
<p>Building services on rooftops should be screened to avoid detrimental noise and visual impacts on the amenity of both private and public realms</p>	<p>Achieved</p> <p>The services on the rooftop are shown to be screened as required.</p>

<p>Noise attenuation measures and suppression techniques should be incorporated into developments to ensure noise does not unreasonably affect the amenity of public areas and nearby residences.</p>	<p>Achieved subject to conditions If a permit were to issue, noise attenuation measures could be incorporated into the development through conditions, if necessary. However, the uses proposed would not generate unreasonable noise, so only standard conditions regarding plant / equipment noise would be required.</p>
<p>Green roofs, roof gardens and vertical gardens should be encouraged in new or refurbished buildings. Green roofs are defined as a vegetated landscape built up from a series of layers that are installed on the roof surface as 'loose laid' sheets or modular blocks.</p>	<p>Not Achieved / Variation Acceptable The applicant has not suggested a green roof, roof garden, or vertical garden as part of their broader landscaping response.</p>
<p>Vehicular Access and Car Parking</p>	
<p>Vehicle crossovers should be no more than 6 metres wide, with a maximum of one crossover per site.</p>	<p>Achieved It is proposed to provide a single access point to the ground floor and basement from the side entry off Queens Lane which would comply with the requirements for vehicle access and car parking.</p>
<p>Vehicle ingress and egress, loading facilities and building services should not be located on frontages along St Kilda Road or Punt Road</p>	
<p>Vehicle ingress and egress should be located on lanes, where possible</p>	
<p>Car access ways should not visually dominate the façade of a building and be visually permeable to retain a visual connection through the site and allow for natural surveillance.</p>	
<p>Car parks should be built underground or located to the rear of the site to enable active uses on the street frontage. Where car parks are built above ground, they should not front the site or be visible from St Kilda Road, Queens Road or Punt Road.</p>	
<p>Car parking within a podium should incorporate floor to ceiling heights of 3.5 metres to enable future adaptation for habitable uses.</p>	
<p>Open/at-grade car parks should not be located in front setback areas.</p>	

Pedestrian Permeability	
<p>New development should include pedestrian links along St Kilda Road, Queens Road and areas in the Mixed Use Zone to create mid-block links and increase the permeability of the Precinct.</p>	<p>Not Applicable</p> <p>It is not considered necessary to provide for a mid-block link for this site as the DDO does not identify this as a site that should provide a mid-block link.</p>
<p>Development should enhance existing links/laneways by providing a mix of active and non-active frontages, appropriate to the role of the link / laneway</p>	<p>Achieved subject to conditions</p> <p>The site abuts Queens Lane and subject to recommendations outlined in the detailed assessment at the Public Realm, Street Level Frontages and Urban Design referral comments, the design response would achieve an appropriate response to the role / function of Queens Lane.</p>
Buildings and Works: Sub-Precinct Requirements	
Sub-Precinct 5b – St Kilda Road South of Kings Way	
<p>Development should be generally in accordance with Map 6 of this schedule which shows:</p> <p><u>Mandatory Controls</u></p> <ul style="list-style-type: none"> • A maximum building height of 65m AHD <p><u>Discretionary Controls</u></p> <ul style="list-style-type: none"> • Development fronting and abutting Queens Lane should not exceed a height of 11m within 5m of Queens Lane. • A landscape setback of 4.5m to Louise Street. 	<p>Does not comply / variation acceptable</p> <p>Map 6 of the DDO details both mandatory and discretionary controls for this part of St Kilda Road.</p> <p><u>Assessment against mandatory controls</u></p> <p>The mandatory controls require an overall building height of 65m AHD. The proposed building meets the mandatory controls with the plans showing the development would stand to a height of 54.48m (62.55m AHD) to the parapet and 57.32m (65.00m AHD) to the top of plant equipment.</p> <p><u>Assessment against Discretionary Controls</u></p> <p>The DDO also includes discretionary controls for an 11m high podium to be provided to Queens Lane with the rest of the building setback 5m.</p> <p>The proposed building does not meet this requirement where the building would be built to Queens Lane to a height of 11.32m. An additional 0.5m high glazed balustrade would be setback 1.4m from the street wall.</p> <p>The rest of the building would be setback between 5m – 5.1m setback with exposed slab edges and balconies encroaching a maximum of 1.3m (Level 16) into the setback.</p> <p>In assessing the proposed variation, it is considered that this is a minor variation and would be acceptable as it would continue to provide a coherent form consistent with the remainder of Queens Lane. The proposed form would not undermine the human scale that is sought in the lane where buildings would not crowd the experience from within Queens Lane.</p> <p>The proposal would be generally consistent with the built form along Queens Lane and it appropriately articulated to reduce building bulk in line with the DDO requirements.</p>

	<p>The design objectives of the DDO includes specific guidance to improve the pedestrian environment along Queens Lane and for the reasons previously considered in the Public Realm, Street Level Frontages and Urban Design referral comments.</p> <p>A reduced podium height to 11m would not necessarily ensure a more equitable built form outcome would be provided. The proposed podium height would continue to ensure sufficient space, light and air would be provided to opposite side of Queens Lane and would not necessarily provide for an improved interface with residential properties to the west side of Queens Lane.</p>
<p>A landscape setback of 4.5 metres should be provided to Arthur Street, Leopold Street, Louise Street and Hanna Street</p>	<p>Not Achieved / Variation Acceptable</p> <p>The site abuts Louise Street and as such has a preferred 4.5m landscape setback from the street.</p> <p>A 4.1m setback is proposed at ground floor level to the building line.</p> <p>The landscaping within this setback would be contained within garden bed with a low brick wall.</p> <p>The concept landscaping plan indicates the provision of:</p> <ul style="list-style-type: none"> • One Tuckeroo tree capable of reaching a mature height of 10-15m. This tree is proposed to the north-east corner where the basement planter area is located. A booster cupboard is located in the same general location • Four Crepe Myrtle trees, capable of reaching a mature height of 8m are proposed along the Louise Street frontage. Three of these would be located in a garden bed 0.9m deep x 18.6m long and 2m wide. The fourth tree would be located in a garden bed 0.9m deep x 9m long and 4m wide. • Cantilevering planter boxes encroaching approximately 1.4m into this setback are also proposed at Levels 1 and 2 of the podium. Section 2.3 of DDO26 allows for the encroachment of architectural features including landscaping and balconies. <p>Council's Landscape Architect has noted that many of the shrub selections for the Louise Street garden bed will reach a mature height of approximately 1m. Factoring in the raised garden bed, when the plants reach maturity they will obstruct views from the street into the communal areas and retail spaces. It is recommended that the planting proposed in front of the retail space are adjusted to include lower species to ensure the visibility and street activation.</p> <p>The proposed landscape provision is generally considered to be acceptable subject to conditions. It is also noted that, as a result of minimal disruption to the site frontage by way of new crossovers, the existing street trees along this section of Louise Street would be maintained subject to adequate tree protection.</p> <p>Further details of landscaping including associated infrastructure, maintenance and management would be</p>

	required to the satisfaction of Council.
A landscape setback of 3 metres should be provided to Kings Way	Not Applicable The site does not abut Kings Way.