

Clause 58 Apartment Development Assessment

CLAUSE 58.01 - URBAN CONTEXT REPORT AND DESIGN RESPONSE

Operation

The provisions of this clause contain:

- Objectives. An objective describes the desired outcome to be achieved in the completed development.
- Standards. A standard contains the requirements to meet the objective. A standard should normally be met. However, if the responsible authority is satisfied that an application for an alternative design solution meets the objective, the alternative design solution may be considered.
- Decision guidelines. The decision guidelines set out the matters that the responsible authority must consider before deciding if an application meets the objectives.

Requirements

A development:

- Must meet all of the objectives of this clause.
- Should meet all of the standards of this clause.

If a zone or a schedule to a zone, or a schedule to an overlay specifies a requirement different from a requirement of a standard set out in Clause 58 (excluding Clause 58.04-1), the requirement in Clause 58 applies.

For Clause 58.04-1 (Building setback):

- If a zone or a schedule to a zone specifies a building setback requirement different from a requirement set out in Clause 58.04-1, the building setback requirement in the zone or a schedule to the zone applies.
- If the land is included in an overlay and a schedule to the overlay specifies a building setback requirement different from the requirement set out Clause 58.04-1 or a requirement set out in the zone or a schedule to the zone, the requirement for building setback in the overlay applies.

TITLE & OBJECTIVE	URBAN CONTEXT REPORT	COMMENTS
<p>CLAUSE 58.01-1</p> <p>Application requirements</p> <p>An application must be accompanied by:</p> <ul style="list-style-type: none"> • An urban context report. • A design response. 	Submitted and satisfactory.	The submitted Town Planning Report is supplemented by the detailed urban context report and design response prepared by Fender Kalsalidis Architecture.
<p>CLAUSE 58.01-2</p> <p>Urban context report</p> <p>The urban context report may use a site plan, photographs or other techniques.</p>	Submitted and satisfactory.	A site plan, photographs, and written description has been provided in the architectural package prepared by Urbis and Fender Kalsalidis Architecture.
<p>CLAUSE 58.01-3</p>	Submitted and satisfactory.	A design response has been provided in the architectural package prepared by

<p>Design response</p> <p>The design response must explain how the proposed design:</p> <ul style="list-style-type: none"> • Responds to any relevant planning provision that applies to the land. • Meets the objectives of Clause 58. • Responds to any relevant housing, urban design and landscape plan, strategy or policy set out in this scheme. • Derives from and responds to the urban context report. <p>The design response must include correctly proportioned street elevations or photographs showing the development in the context of adjacent buildings.</p> <p>If in the opinion of the responsible authority this requirement is not relevant to the evaluation of an application, it may waive or reduce the requirement.</p>		<p>Urbis and Fender Kalsalidis Architecture.</p>
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<p style="text-align: center;">CLAUSE 58.02 - URBAN CONTEXT</p>		
<p>TITLE & OBJECTIVE</p>	<p>COMPLIANCE WITH STANDARD?</p>	<p>ASSESSMENT</p>
<p>CLAUSE 58.02-1</p> <p>Urban context objectives</p> <ul style="list-style-type: none"> • To ensure that the design responds to the existing urban context or contributes to the preferred future development of the area. • To ensure that development responds to the features of the site and the surrounding area. <p>Standard D1</p> <ul style="list-style-type: none"> • The design response must be appropriate to the urban context and the site. • The proposed design must respect the existing or preferred urban context and respond to the features of the site. 	<p>Yes</p>	<p>Please refer to Sections 11.1 to 11.5 inclusive of the main body of the report.</p> <p>It is considered that that the proposed development will sit comfortably within the existing, emerging and preferred future development of the area.</p> <p>The standard and objective is met.</p>
<p>CLAUSE 58.02-2</p> <p>Residential policy objectives</p> <ul style="list-style-type: none"> • To ensure that residential development is provided in accordance with any policy for housing in the Municipal Planning Strategy 	<p>Yes</p>	<p>The application and its design response accords with the Municipal Planning Strategy and the Planning Policy Framework.</p> <p>Please refer to Sections 11.1 to 11.5 inclusive of the main body of the report.</p>

<p>and the Planning Policy Framework.</p> <ul style="list-style-type: none"> To support higher density residential development where development can take advantage of public and community infrastructure and services. <p>Standard D2</p> <ul style="list-style-type: none"> An application must be accompanied by a written statement to the satisfaction of the responsible authority that describes how the development is consistent with any relevant policy for housing in the Municipal Planning Strategy and the Planning Policy Framework. 		<p>The standard and objective is met.</p>
<p>CLAUSE 58.02-3</p> <p>Dwelling diversity objective</p> <ul style="list-style-type: none"> To encourage a range of dwelling sizes and types in developments of ten or more dwellings. <p>Standard D3</p> <ul style="list-style-type: none"> Developments of ten or more dwellings should provide a range of dwelling sizes and types, including dwellings with a different number of bedrooms. 	<p>No</p>	<p>Please refer to Section 11.1.1 of the report for further discussion.</p>
<p>CLAUSE 58.02-4</p> <p>Infrastructure objectives</p> <ul style="list-style-type: none"> To ensure development is provided with appropriate utility services and infrastructure. To ensure development does not unreasonably overload the capacity of utility services and infrastructure including reticulated services and roads. <p>Standard D4</p> <ul style="list-style-type: none"> Development should be connected to reticulated services, including reticulated sewerage, drainage, electricity and gas, if available. Development should not unreasonably exceed the capacity of utility services and infrastructure, including reticulated services and roads. In areas where utility services or infrastructure have little or no spare capacity, developments should provide for the upgrading of or mitigation of the impact 	<p>Yes</p>	<p>The development is required to be connected to all reticulated services as appropriate and is readily available as a result of the existing infrastructure.</p> <p>All upgrades required will be the responsibility of the developer.</p> <p>The ESD Opportunities Assessment outlines a commitment to meet the sustainability requirements, although not expressly detailed in the supporting material this would include the third pipe.</p>

on services or infrastructure.		
<p>CLAUSE 58.02-5</p> <p>Integration with the street objective</p> <ul style="list-style-type: none"> To integrate the layout of development with the street. <p>Standard D5</p> <ul style="list-style-type: none"> Developments should provide adequate vehicle and pedestrian links that maintain or enhance local accessibility. Development should be oriented to front existing and proposed streets. High fencing in front of dwellings should be avoided if practicable. Development next to existing public open space should be laid out to complement the open space. 	Yes	<p>Please refer to Section 11.3, 11.7 and 11.8 of the report.</p> <p>The standard and objective is met.</p>

CLAUSE 58.03 - SITE LAYOUT		
TITLE & OBJECTIVE	COMPLIANCE	ASSESSMENT
<p>CLAUSE 58.03-1</p> <p>Energy efficiency objectives</p> <ul style="list-style-type: none"> To achieve and protect energy efficient dwellings and buildings. To ensure the orientation and layout of development reduce fossil fuel energy use and make appropriate use of daylight and solar energy. To ensure dwellings achieve adequate thermal efficiency <p>Standard D6</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. Living areas and private open space should be located on the north side of the development, if practicable. Developments should be designed so that solar access to north-facing windows is optimised. 	No	<p>The site is in the NatHERS climate zone 21 Melbourne that specifies a maximum cooling load 30 MJ/M2 per annum.</p> <p>The ESD Opportunities Assessment outlines a commitment to meet the sustainability requirements, although not expressly detailed in the supporting material this would include adequate thermal efficiency and where the site orientation permits, living areas and private open space have been oriented on the north side of the development.</p>

<ul style="list-style-type: none"> Dwellings located in a climate zone identified in Table D1 should not exceed the maximum NatHERS annual cooling load specified in the following table. 		
<p>CLAUSE 58.03-2</p> <p>Communal open space objective</p> <ul style="list-style-type: none"> To ensure that communal open space is accessible, practical, attractive, easily maintained and integrated with the layout of the development. <p>Standard D7</p> <ul style="list-style-type: none"> 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. 	Yes	<p>The proposal provides 1,060 square metres of communal open space at level 6 of the building, exceeding the Standard D7 requirement.</p> <p>These facilities will be accessible by all residents including the social housing tenants.</p>
<p>CLAUSE 58.03-3</p> <p>Solar access to communal outdoor open space objective</p> <ul style="list-style-type: none"> To allow solar access into communal outdoor open space. <p>Standard D8</p> <ul style="list-style-type: none"> The communal outdoor open space should be located on the north side of a building, if appropriate. At least 50 per cent or 125 square metres, whichever is the lesser, of the primary communal outdoor open space should receive a minimum of two hours of sunlight between 9am and 3pm on 21 June. 	No	<p>It is unclear from the plans if the solar access to communal open space would be met.</p>
<p>CLAUSE 58.03-4</p> <p>Safety objective</p> <ul style="list-style-type: none"> To ensure the layout of development provides for the safety and security of residents and property. <p>Standard D9</p> <ul style="list-style-type: none"> Entrances to dwellings should not be obscured or isolated from the street and internal accessways. Planting which creates unsafe spaces along streets and accessways should be avoided. Developments should be designed to provide good lighting, visibility and surveillance of car parks and internal accessways. 	Yes	<p>The dwelling entrances are accessed via lobbies central to the building and generally are well activated with retail uses. The design provides a satisfactory design response.</p> <p>Details of lightening are not provided.</p>

<ul style="list-style-type: none"> Private spaces within developments should be protected from inappropriate use as public thoroughfares. 		
<p>CLAUSE 58.03-5</p> <p>Landscaping objectives</p> <ul style="list-style-type: none"> To encourage development that respects the landscape character of the area. To encourage development that maintains and enhances habitat for plants and animals in locations of habitat importance. To provide appropriate landscaping. To encourage the retention of mature vegetation on the site. To promote climate responsive landscape design and water management in developments that support thermal comfort and reduces the urban heat island effect. <p>Standard D10</p> <ul style="list-style-type: none"> Be responsive to the site context. 	Yes	<p>Please refer to section 11.1.1 of the report.</p> <p>The development has the potential to provide a meaningful contribution to the landscape character of the area but further details relating to detailed design, maintenance and management are required.</p>
<p>CLAUSE 58.03-6</p> <p>Access objective</p> <ul style="list-style-type: none"> To ensure the number and design of vehicle crossovers respects the urban context. <p>Standard D11</p> <p>The width of accessways or car spaces should not exceed:</p> <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. <p>No more than one single-width crossover should be provided for each dwelling fronting a street.</p> <p>The location of crossovers should maximise the retention of on-street car parking spaces.</p> <p>The number of access points to a road in a Road Zone should be minimised.</p> <p>Developments must provide for access for service, emergency and delivery vehicles.</p>	Yes	<p>Please refer to section 11.4 and 11.7 of the report.</p> <p>The standard and objective is met.</p>
<p>CLAUSE 58.03-7</p> <p>Parking location objectives</p> <ul style="list-style-type: none"> To provide convenient parking for resident and visitor vehicles. 	Yes	<p>Please refer to section 11.2.4 of the report.</p>

<ul style="list-style-type: none"> To protect residents from vehicular noise within developments. <p>Standard D12</p> <p>Car parking facilities should:</p> <ul style="list-style-type: none"> Be reasonably close and convenient to dwellings. Be secure. Be well ventilated if enclosed. 		
<p>CLAUSE 58.03-8</p> <p>Integrated water and stormwater management objectives</p> <ul style="list-style-type: none"> To encourage the use of alternative water sources such as rainwater, stormwater and recycled water. To facilitate stormwater collection, utilisation and infiltration within the development. To encourage development that reduces the impact of stormwater run-off on the drainage system and filters sediment and waste from stormwater prior to discharge from the site. <p>Standard D13</p> <ul style="list-style-type: none"> Buildings should be designed to collect rainwater for non-drinking purposes such as flushing toilets, laundry appliances and garden use. Buildings should be connected to a non-potable dual pipe reticulated water supply, where available from the water authority. <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 <i>Urban Stormwater - Best Practice Environmental Management Guidelines</i> (Victorian Stormwater Committee, 1999). Designed to maximise infiltration of stormwater, water and drainage of residual flows into permeable surfaces, tree pits and treatment areas. 	No	Please refer to section 11.11 of the report.

CLAUSE 58.04 - AMENITY IMPACTS		
TITLE & OBJECTIVE	COMPLIANCE	ASSESSMENT

<p>CLAUSE 58.04-1</p> <p>Building setback objectives</p> <ul style="list-style-type: none"> • To ensure the setback of a building from a boundary appropriately responds to the existing urban context or contributes to the preferred future development of the area. • To allow adequate daylight into new dwellings. • To limit views into habitable room windows and private open space of new and existing dwellings. • To provide a reasonable outlook from new dwellings. • To ensure the building setbacks provide appropriate internal amenity to meet the needs of residents. <p>Standard D14</p> <p>The built form of the development must respect the existing or preferred urban context and respond to the features of the site.</p> <p>Buildings should be set back from side and rear boundaries, and other buildings within the site to:</p> <ul style="list-style-type: none"> • 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>No</p>	<p>For Clause 58.04-1 (Building setback):</p> <p>If the land is included in an overlay and a schedule to the overlay specifies a building setback requirement different from the requirement set out Clause 58.04-1 or a requirement set out in the zone or a schedule to the zone, the requirement for building setback in the overlay applies.</p> <p>See section 11.3 of the report.</p>
<p>CLAUSE 58.04-2</p> <p>Internal views objective</p> <p>To limit views into the private open space and habitable room windows of dwellings within a development.</p> <p>Standard D15</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>Yes</p>	<p>No windows or balconies will allow for overlooking of more than 50 per cent of the private open space (balconies) of a lower-level dwelling directly below or within the same development.</p> <p>The standard and objective is met.</p>
<p>CLAUSE 58.04-3</p> <p>Noise impacts objectives</p> <ul style="list-style-type: none"> • To contain noise sources in developments that may affect existing dwellings. 	<p>Yes</p>	<p>See section 11.13 of the report.</p>

<ul style="list-style-type: none"> To protect residents from external and internal noise sources. <p>Standard D16</p> <p>Noise sources, such as mechanical plants should not be located near bedrooms of immediately adjacent existing dwellings.</p> <p>The layout of new dwellings and buildings should minimise noise transmission within the site.</p> <p>Noise sensitive rooms (such as living areas and bedrooms) should be located to avoid noise impacts from mechanical plants, lifts, building services, non-residential uses, car parking, communal areas and other dwellings.</p> <p>New dwellings should be designed and constructed to include acoustic attenuation measures to reduce noise levels from off-site noise sources</p>		
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CLAUSE 58.05 - ON-SITE AMENITY AND FACILITIES		
TITLE & OBJECTIVE	COMPLIANCE	ASSESSMENT
<p>CLAUSE 58.05-1</p> <p>Accessibility objective</p> <p>To ensure the design of dwellings meets the needs of people with limited mobility.</p> <p>Standard D17</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>No</p>	<p>The architectural plans do not detail all entrance dimensions, minimum circulation widths and dimensions of bathrooms to facilitate adaptability of same.</p> <p>In the absence of this information Council officers are unable to confirm at least 50% of dwellings meet these standards.</p> <p>The architectural plans indicate 59% of apartments are adaptable.</p>
<p>CLAUSE 58.05-2</p> <p>58.05-2 Building entry and circulation objectives</p> <ul style="list-style-type: none"> To provide each dwelling and building with its own sense of identity. 	<p>No</p>	<p>The circulation corridors are provided with a single source of natural light. Considering the development typology, the buildings internal circulation design is considered satisfactory.</p>

<ul style="list-style-type: none"> • To ensure the internal layout of buildings provide for the safe, functional and efficient movement of residents. • To ensure internal communal areas provide adequate access to daylight and natural ventilation. <p>Standard D18</p> <p>Building entry and circulation</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>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>other constraints.</p> <p>The standard and objective is met.</p>
<p>CLAUSE 58.05-3</p> <p>Private open space objective</p> <p>To provide adequate private open space for the reasonable recreation and service needs of residents.</p> <p>Standard D19</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. If a cooling or heating unit is 	<p>No</p>	<p>The balconies for all apartments do not meet the minimum area and dimension requirements.</p> <p>Note. The annotated area does not align with the dimensions. E.g. Apt A01, one bed apartment – area states as 8m², dimensions noted as 1.98 x 3.59 = 7.1m².</p> <p>Clarification should be provided that a cooling or heating unit will not be located within this area.</p>

<p>located on a balcony, the balcony should provide an additional area of 1.5 square metres.</p>		
<p>CLAUSE 58.05-4 Storage objective To provide adequate storage facilities for each dwelling Standard D20 Each dwelling should have convenient access to usable and secure storage space. The total minimum storage space (including kitchen, bathroom and bedroom storage) should meet the requirements specified in Table D6.</p>	<p>No</p>	<p>The 1-bedroom apartment (A03) is an exception, as it provides 4.84 cubic metres of storage, as is the 2-bedroom apartment (B01) as it provides 8.10 cubic metres, which is slightly under the internal storage requirement.</p>

<p align="center">CLAUSE 58.06 - DETAILED DESIGN</p>		
<p>TITLE & OBJECTIVE</p>	<p>COMPLIANCE</p>	<p>ASSESSMENT</p>
<p>CLAUSE 58.06-1 Common property objectives To ensure that communal open space, car parking, access areas and site facilities are practical, attractive and easily maintained. To avoid future management difficulties in areas of common ownership. Standard D21 Developments should clearly delineate public, communal and private areas. Common property, where provided, should be functional and capable of efficient management.</p>	<p>Yes</p>	<p>The communal spaces, car parking, access areas and site facilities are practical and management matters could be resolved by civil means. The standard and objective is met.</p>
<p>CLAUSE 58.06-2 Site services objectives To ensure that site services can be installed and easily maintained. To ensure that site facilities are accessible, adequate and attractive. Standard D22 The design and layout of dwellings should provide sufficient space (including easements where required) and facilities for services to be installed and maintained efficiently and economically. Mailboxes and other site facilities should be</p>	<p>Yes</p>	<p>All services are able to be accommodated. The standard and objective is met.</p>

<p>adequate in size, durable, waterproof and blend in with the development.</p> <p>Mailboxes should be provided and located for convenient access as required by Australia Post.</p>		
<p>CLAUSE 58.06-3</p> <p>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>Standard D23</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. 	<p>No</p>	<p>See section 11.8 of the report.</p>

CLAUSE 58.07 - INTERNAL AMENITY		
TITLE & OBJECTIVE	COMPLIANCE	ASSESSMENT
<p>CLAUSE 58.07-1</p> <p>Functional layout objective</p> <p>To ensure dwellings provide functional areas that meet the needs of residents.</p> <p>Standard D24</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>Yes</p>	<p>Each apartment meets the minimum bedroom dimensions for width and depth and; the minimum living area dimensions for width and area.</p> <p>The standard and objective is met.</p>

<p>CLAUSE 58.07-2</p> <p>Room depth objective</p> <p>To allow adequate daylight into single aspect habitable rooms.</p> <p>Standard D25</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>Yes</p>	<p>All single aspect habitable rooms comply with the standard.</p> <p>The standard and objective is met.</p>
<p>CLAUSE 58.07-3</p> <p>Windows objective</p> <p>To allow adequate daylight into new habitable room windows.</p> <p>Standard D26</p> <p>Habitable rooms should have a window in an external wall of the building.</p> <p>A window may provide daylight to a bedroom from a smaller secondary area within the bedroom where the window is clear to the sky.</p> <p>The secondary area should be:</p> <ul style="list-style-type: none"> • 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>Yes</p>	<p>All habitable room windows feature a window located on an external wall.</p>
<p>CLAUSE 58.07-4</p> <p>Natural ventilation objectives</p> <ul style="list-style-type: none"> • To encourage natural ventilation of dwellings. • To allow occupants to effectively manage natural ventilation of dwellings. <p>Standard D27</p>	<p>No</p>	<p>85 out of 280 dwellings (30%) meeting the breeze path requirements.</p> <p>All dwellings are of a good size and have been provided with convenient access to a balcony terrace or occupant operable window to allow residents to effectively manage the natural ventilation of their dwelling.</p>

The design and layout of dwellings should maximise openable windows, doors or other ventilation devices in external walls of the building, where appropriate.

At least 40 per cent of dwellings should provide effective cross ventilation that has:

- A maximum breeze path through the dwelling of 18 metres.
- A minimum breeze path through the dwelling of 5 metres.
- Ventilation openings with approximately the same area.

The breeze path is measured between the ventilation openings on different orientations of the dwelling.

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