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Appendix A – Copy of Title
Appendix B – Planning Property Report
Appendix C – Clause 58 Assessment
1 Introduction

1.1 Project Overview

This report accompanies an application to the State Government’s Development Facilitation Program for the land at 86-96 Stubbs Street, Kensington (‘Site’) and its redevelopment for an eight storey mixed-use building. Planning & Property Partners Pty Ltd is engaged as town planning consultants on behalf of Assemble.

The proposal is to be delivered through the Assemble Housing Model, an innovative new pathway to home ownership, which provides a bridge between renting and purchasing a home in response to the home ownership and affordability challenge evident across metropolitan Melbourne. This is a fundamental component of the application and demonstrates a measurable broader community benefit within the Macaulay Urban Renewal Precinct.

The proposal is to be delivered across two conjoined buildings, located around each of the Site’s four street frontages and a central public courtyard area which links its prominent Stubbs and Thompson Street fronts. A variety of land uses are proposed including a large office tenancy; retail tenancies; resident communal halls/spaces; and 199 apartments of varying sizes, layouts, and bedroom typologies.

The Site and project forms part of Assemble’s Tranche 1 submission to the Development Facilitation Program following the earlier application made to the State Government’s fast-track pilot program Building Victoria’s Recovery Taskforce (‘BVRT’) in response to the COVID-19 Pandemic. This application follows ongoing correspondence with senior Department representatives and following their review of Assemble’s earlier BVRT submission. This application and Tranche 1 submission provides a complete and comprehensive planning package in response to the Department’s additional information requests and to facilitate the development’s approval through the Development Facilitation Program process.

1.2 Planning Permit Requirements

The Site is located within the Mixed Use Zone (‘MUZ’) and is affected by the Design and Development Overlay – Schedule 26 (‘DDO26’); Design and Development Overlay – Schedule 63 (‘DDO63’); the Development Contributions Plan Overlay – Schedule 2 (‘DCPO2’); and the Environmental Audit Overlay (‘EAO’) pursuant to the provisions of the Melbourne Planning Scheme (‘Planning Scheme’). Under these planning controls and the particular provisions of the Planning Scheme, a planning permit is required on the Site for:

- Use and development for the purposes of a ‘retail premises’ within the MUZ;
- Use and development for the purposes of an ‘office’ with a leasable floor area in excess of 250sqm within the MUZ;
- Construct two or more dwellings in the MUZ;
- Construct a building and carry out works in DDO63; and
- Reduction in the number of on-site resident, retail and office car parking spaces pursuant to Clause S2.06-5 of the Planning Scheme.

1.3 Statutory Approval Process

This project is sought to be approved and implemented through the application of the Special Controls Overlay (SCO) to the Site. The SCO provisions were introduced via VC148 in July 2018 and have been applied to facilitate planning approvals where there have been particular planning objectives which warrant site specific and proponent specific planning approval where extraordinary circumstances apply. This includes the recent State Government’s response to the COVID-19 pandemic where the SCO has been applied to projects through the Department’s BVRT program, in order to revitalise Victoria’s economy.

The SCO is being rolled out across the Victorian Planning Mapping database to pick up on sites which have traditionally been afforded site specific exclusions from underlying planning scheme provisions. This mapping
exercise brings another level of legibility to those sites where specific controls apply and has been an excellent initiative.

The SCO at Clause 45.12 has as its purpose:

‘To apply specific controls designed to achieve a particular land use and development outcome in extraordinary circumstances.’

Moreover, Clause 45.12 includes the following:

‘Land affected by this overlay may be used or developed in accordance with a specific control contained in the incorporated document corresponding to the notation on the planning scheme map (as specified in the schedule to this overlay). The specific control may:

- Allow the land to be used or developed in a manner that would otherwise be prohibited or restricted.
- Prohibit or restrict the use or development of the land beyond the controls that may otherwise apply.
- Exclude any other control in this scheme.

The SCO provisions have been selected as the most appropriate means of facilitating planning approval for the Assemble projects which amount to the largest portfolio of privately funded social and affordable housing in the nation’s history. The Assemble proposals cover eight strategic land parcels and in combination offer the following extraordinary contribution of affordable housing and economic stimulus:

- Over 600 privately funded social housing dwellings to be managed by the Community Housing Sector;
- Over 2,900 privately funded dwellings with over 60% to be affordable essential worker rentals;
- Over $1 Billion of construction activity; and
- Over 8,000 full time jobs.

The projects identified by Assemble are institutionally funded and can be brought to the point of construction commencement in line with the objectives of the Building Victoria’s Recovery Taskforce (BVRT) and are truly ‘shovel ready’.

The application of the SCO provision to the portfolio of Assemble projects is proposed to be implemented via the application of an incorporated document for each proposal, which references the plans and conditions for the approval and which will function in the same way as a planning permit. This approach will facilitate the redevelopment of each site for the variety of uses proposed and associated development which will enable the significant community benefits to be released on each strategic land parcel, including provision of social housing and affordable housing both through an innovative new pathway to home ownership and through social and affordable build to rent ('BTR') dwellings.

The SCO control provides a clear direction for the urban renewal of each site, through incorporating documents into the respective Planning Scheme. The SCO will be site specific and will enable development in support the State Government’s objective to stimulate the economy, ultimately fast-tracking the approval process. This approach will enable early commencement of construction and realisation of the community benefits offered by each proposal and specific stimulus to the construction sector of the economy and in turn delivering a truly extraordinary opportunity for the State of Victoria.

1.4 Accompanying documents

This report is accompanied by detailed architectural plans and an ‘Urban Context Report’ prepared by Hayball and has been further informed by the accompanying consultant reports as follows:

- ‘Landscape Plan’ prepared by Oculus Landscape Architecture;
- ‘Waste Management Plan’ prepared by Leigh Design Pty Ltd;
- ‘Traffic Engineering Assessment’ prepared by Traffix Group Pty Ltd;
• ‘Environmentally Sustainable Design Report’ prepared by Atelier Ten Pty Ltd;
• ‘Arboricultural Assessment and Report’ prepared by Tree Logic Pty Ltd;
• ‘Town Planning Report’ prepared by Acoustic Logic Pty Ltd;
• ‘Application for Certification of a Preliminary Aboriginal Test’ prepared by Pragmatic Cultural Heritage Services and duly certified by Aboriginal Victoria.
2 Site Context

2.1 The Subject Site

The Site comprises all land within Plan of Consolidation 353167 and is not affected by any encumbrances such as restrictive covenants or easements as reflected in the land title documents provided at Appendix A.

As shown in Figure 1 above, the Site is an ‘island site’, located on the western side of Stubbs Street and eastern side of Thompson Street, approximately 34 metres north of their intersections with Robertson Street and 33 metres south of their intersections with Smith Street.

The Site is rectangular in shape, maintaining principal frontages to Stubbs and Thompsons Street for approximately 79 metres. Secondary street frontages of approximately 50 metres are to the Site’s north and south to declared public roads. Overall, the Site contains a land size area of approximately 3,985 square metres.

The Site contains a slight north-west to south-east fall of approximately 0.8 metres and is currently occupied by a former industrial building of single storey scale for its length to Thompson Street with a two storey component contained in its north-east corner. On-site car parking is provided at-grade via a central vehicle crossover to Stubbs Street with a pocket of vegetation found in the south-east corner of the site containing 24 trees. Seven street trees are located along the Site’s Stubbs Street front.

The Site is located in an area of Aboriginal Cultural Heritage Sensitivity and has been subject to significant ground disturbance as confirmed in ‘Application for Certification of a Preliminary Aboriginal Test’ prepared by Pragmatic Cultural Heritage Services and certified by the Director of Heritage Services at Aboriginal Victoria.

2.2 Strategic Context

The Site is located approximately four kilometres north-west of the Melbourne Central Activities District and within the defined ‘Arden-Macaulay’ local area pursuant to Clause 21.11 of the Planning Scheme. The immediate area is historically characterised by industrial uses, however, is identified as a ‘Major Urban Renewal Precinct’ within the
Planning Scheme and Plan Melbourne 2017-2050, which will result in its transformation into a mixed-use precinct with an increased density and built form scale.

The envisaged change for the area is for multi-level, mixed-use developments that will result in a truly mixed-use precinct with increased density and built form scale that takes advantage of existing and planned infrastructure and services including a new underground train station, 34,000 jobs, high quality public real, community hubs and diverse open space networks. This transformation of the area is already evident in recent planning approvals and applications nearby and within the greater Arden-Macaulay Major Urban Renewal’ as summarised below:

- 68 Smith Street, Kensington (Planning Permit TP-2014-394): Development of the land for a three-storey building including five dwellings; and
- 28-32 Albermarle Street, Kensington: Planning Permit Application TP-2015-1203, for the development of a six storey mixed-use building;
- 51-61 Hardiman Street, Kensington: Planning Permit TP-2016-1039, issued for the development of a part four storey, part six storey mixed-use building;
- 369-399 Macaulay Road, Kensington: Planning Permit TP-2018-360, issued for the development of an eight (8) storey mixed-use building;
- 347-367 Macaulay Road, Kensington: Planning Permit TP-2017-709, issued for the development of a six (6) storey mixed-use building; and

Figure 2 – Zoning controls within the Macaulay Urban Renewal Precinct

Source: DELWP
246-350 Macaulay Road, Kensington: Planning Permit Application TP-2019-526, for the development of an eight storey mixed-use building.

The Site offers excellent, walkable access to multiple public transport options including Macaulay and Kensington Railway Stations approximately 350 metres and 550 metres to the south-east and south-west of the Site respectively and forming part of the broader Principal Public Transport Network. Kensington Railway Station forms part of the Kensington retail core pursuant to Clause 21.08 of the Planning Scheme, offering local service needs with a range of retail and food and beverage outlets.

The Site is well serviced by nearby public open space, including the Moonee Ponds Creek Reserve east of the Site which forms part of the Capital City Trail and offers direct bicycle and pedestrian connections to the Melbourne CBD. Clayton and Boundary Road Reserves are further east of the Moonee Ponds Creek Reserve, while the State significant Royal Park is also conveniently located in context of the Site.

Numerous medical facilities including The Royal Melbourne Hospital, Melbourne Private Hospital, and the Royal Women’s Hospital, that form part of the internationally recognised bio-medical precinct is proximate to the Site.

The excellent location of the Site to the aforementioned facilities intrinsically encourages its use and development for an urban renewal project incorporating a range of uses, including a large office space, retail activation, a variety of communal spaces and higher density/affordable residential living.

Figure 3 – Site Context  
Source: Melway Online

### 2.3 Key Contextual Cues

Through urban setting, site context and strategic planning policy analysis, the key contextual elements that have been taken into account in informing the preparation of the proposal include:

- The anticipated mixed-use character and built form character and outcomes to be achieved within the ‘Arden-Macaulay Major Urban Renewal Precinct’;
▪ The island-characteristic of the Site, its orientation, and significant land size area at approximately 3,985sqm;
▪ The opportunity for a truly mixed-use development given the MUZ of the Site and variety of uses to take advantage of nearby amenities.
▪ The existing generally poor urban realm bordering the Site and opportunity to revitalise this through ground floor activation, public realm improvements, pedestrian experiences, connections, and wayfinding in and around the immediate area;
▪ The hierarchical status of the immediate road network and need to transition the scale of built form down to the western edge of the Urban Renewal Precinct, sub-precincts of DDO63, and the General Residential Zone land beyond.
▪ The need to leverage and optimise underutilised site’s within established areas that can benefit from existing and planned infrastructure and services including the Arden Macaulay Urban Renewal Precinct and the PPTN;
▪ The historic industrial past of the area and influence in the architectural response by way of materiality, colours, and finishes;
▪ The equitable development potential of sites on the opposite sides of the northern and southern laneways;
▪ The relationship to existing residential dwellings on the western side of Thompson Street and ensuring no unreasonable off-site amenity impacts will arise in context of their location within the ‘Arden-Macaulay Urban Renewal Precinct’; and
▪ Protection of unreasonable impacts to the public realm and understanding of its future role within the Urban Renewal Precinct.
3 Proposal

The proposal seeks use and development of the Site for the purposes of an eight storey mixed-use building which is to contain office spaces; a retail tenancy; public open space; residential apartments and associated amenities to be delivered via the Assemble Housing Model.

The Assemble Housing Model is an innovative, new pathway to home ownership in response to the housing affordability issues evident across Metropolitan Melbourne. The Assemble Housing Model focuses on providing high quality design, community and sustainable projects, which are delivered in a rent-to-buy system, offering rent stability, financial coaching and other various community support services to promote and encourage resident interaction through the variety of areas, spaces and events provided within their projects.

The proposed development will have a target that a minimum of 70% of all apartment rents and purchase price, are “affordable” to low-moderate income households consistent with definitions within the Planning and Environment Act 1987.

3.1 Built Form Details

The proposal seeks demolition and removal of all existing buildings and trees on-site for its redevelopment for an eight storey building levels above a basement level car park. The design response prepared by Hayball presents an excellent architectural and urban design response for this strategic site and meaningful contribution to the urban renewal precinct. The island-site characteristic of the Site will enable the architectural response to be appreciated from all angles of the public realm and within the Site itself.

Key built form outcomes of the proposal are as follows:

- A complementary architectural and urban design outcome that appreciates the historic urban environment and industrial past in which the Site is located.
- Two conjoined buildings designed around a central public open space area and orientated to address each of the Site’s four street frontages and the immediate road hierarchy.
- To the eastern Stubbs Street, the buildings are connected and a six storey streetwall is provided with a central inversion to create depth and interest to the façade. Levels 6 and 7 are setback 3.7 – 6.8 metres above this streetwall with a change in materiality recessing the upper levels to this frontage.
- The proposal contains a three storey streetwall to Thompson Street to create an east to west transition of height / scale from Stubbs Street responding to the planning controls and western boundary of the Urban Renewal Precinct.
- A physical break in the built form is provided to Thompson Street through a 15.1 metre wide ground floor public open space. Two additional five metre wide breaks are provided to each of the buildings along this frontage, accommodating the upper level apartments external circulation areas.
- A 3.1-3.9 metre setback is provided above the Thompson Street streetwall, creating a clear lower/upper built form relationship and distinguished through the contrasting materials and finishes while ensuring adequate solar access is provided to the public realm.
- To the northern laneway, the building is setback 2.2 – 2.5 metres at ground with splayed landscape corners to create a widened shared space. Above the ground level an additional setback of 1.8 metres (4 – 4.1 metre total) is provided, creating a four metre setback from the title boundary in considering the future development expectations and built form relationship/ separation of norther properties with frontage to Smith Street.
- To the southern laneway, a single storey streetwall is provided before setting back the upper levels approximately 4 - 4.1 metres to provide a low scale interface and avoid a sense of enclosure, while catering for future redevelopment opportunities of properties fronting Robertson Street.
- A generous approximate 647sqm communal roof terrace is provided which will provide an excellent outlook for future residents as well as recreational and entertainment opportunities through the various spaces and amenities provided.
Opportunities for landscaping including added greenery are incorporated throughout the design response, namely the central public open space area. Additional landscaping is incorporated along the Site’s principal street frontages; the widened northern laneway through landscape stoops to the office pedestrian entrances; the upper level circulation areas; and the resident rooftop terrace.

3.2 Street Activation

The proposal seeks to significantly enhance the immediate public realm through addressing each of the Site’s street frontages and the central public open space area through the proposed ground floor uses, pedestrian movement and interaction opportunities creating activity to the immediate streetscape and within the Site itself. This includes:

- A centrally located approximate 517sqm public open space area providing recreational opportunities and an east-west link to Stubbs and Thompson Street, and which is bordered by commercial and resident activity at ground and upper levels.
- A 1,323sqm ground floor office to the northern half of the Site with frontages to both Stubbs and Thompson Streets and the northern laneway as well as bordering the length of the northern edge of the central public open space area. The principal entrance to this office is via a central corridor off this public open space area.
- A widened northern laneway to provide a shared space with alternative pedestrian entrances to the aforementioned office via walk-up landscape stooped entrances.
- Communal Assemble spaces/rooms on the southern edge of the public open space area for various Assemble events and internal/external spaces and connections.
- High levels of glazing combined with architectural fenestration add to an interesting and active façade.
- An 89sqm retail premises (café tenancy) central to Thompson Street, signifying the east-west connection through the Site and providing street level activity and informal outdoor dining opportunities.
- A smaller 92sqm office tenancy to Stubbs Street.
- Clearly defined residential entrances to the Thompson Street frontage through the upper level break in built form to accommodate the communal circulation spaces. Additional resident pedestrian entrances are afforded through the central public open space area.
- Isolated building services and vehicle access points away from enhanced pedestrianised areas.
- Added bicycle/pedestrian movement along the southern laneway given its location adjacent to the lock-up bicycle storage space.

The orientation of the upper level apartments to the Site’s frontages and central open space area further adds to the passive surveillance and safety to these various ground floor uses.

3.3 Façade Design

The island site characteristic of the Site enables the architectural design response to be appreciated ‘in the round’ from various vantages of the immediate public realm. The immediate areas industrial past has influenced the built form presentation and the proposed material and colour palette in order for it to sit harmoniously with the existing built form landscape and age timelessly.

Features of the architectural façade presentation are as follows:

- A variety and contrast of materials and finishes are provided at various levels to create and define horizontal feature elements. This creates sub-horizontal volume and layering of the building through the primary red clay face brick/base at street level which further defines resident pedestrian entrances; the flat and curved profile of the lite precast concrete for the streetwalls; and darker black flat and curved concrete of the uppermost levels.
- A complementing vertical rhythm is achieved through the physical breaks in built form to Stubbs Street and inverted central façade treatment to Thompson Street creating depth to this façade.
The colour change from the lighter precast concrete to the Stubbs Street streetwall to the darker black concrete on the upper levels in concert with the setbacks, enables the upper levels to be recessive in their presentation to the streetscape.

The provision of balconies and windows to upper level apartments to all frontages further articulates the façade presentation and continues the horizontal and vertical architectural theme to all street frontages.

Generous provision of glazing to the ground floor uses to assist in the commercial activation and vibrancy of the building at street level.

### 3.4 Apartment Layout

The proposal provides a total of 199 apartments with a range of dwelling types and typologies provided, encompassing a mix of studio, one-bedroom, two-bedroom and three-bedroom apartment options as broken down below:

- 32 studio apartments
- 25 single-bedroom apartments
- 104 two-bedroom apartments
- 38 three-bedroom apartments

The apartments are orientated toward the Site’s street frontages or central communal open space area to provide an excellent level of internal amenity and are bridged by a common circulation/corridor area with a series of voided spaces. This innovative design response and considered internal layout of the apartments enhances their liveability, attraction, and internal amenity, allowing natural daylight and cross ventilation to be suitably received throughout the building.

Internal and external communal areas are features of the Assemble Housing Model with various resident services provided at ground floor and on the building’s roof to encourage social interaction between residents of the development through recreational activities, communal gardening, functions and events and community groups.

### 3.5 Parking, Access and Loading

On-site car parking is provided within a basement level with vehicle access provided via new crossover to Stubbs Street, near to the Site’s south east corner. A total of 96 car parking spaces (including 41 within a shuffle system) are to be provided for the convenience of future residents and office/retail staff.

Additional motorcycle parking is provided within the building’s basement, along with storage and waste areas and 94 lock-up bicycle spaces. Adjacent to the vehicle accessway is a separate bicycle entrance, which affords access to a further 340 lock-up bicycle spaces at ground floor and within a dedicated mezzanine level, more than double the number of dwellings proposed.

Access to the upper levels is granted via central lift services and stairs to each of the conjoined buildings, with a separate lift provided at basement/ground floor in the Site’s south-west corner for a dedicated loading area for future residents/tenants.
4   Town Planning Context

The Site is located within the MUZ and is affected by DDO26, DDO63, DCP02 and the EAO pursuant to the provisions of the Planning Scheme. A copy of the DELWP Planning Report is provided at Appendix B.

4.1   Zone

The purpose of the MUZ as contained at Clause 32.04 of the Planning Scheme 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.
▪ To facilitate the use, development and redevelopment of land in accordance with the objectives specified in a schedule to this zone.

The MUZ schedule does not contain any local objectives or nominate maximum building height requirements.

Under the provisions of the zone, use of the land for a ‘dwelling’ is a ‘Section 1 – Permit not required’ land use, however a permit is required for the construction of two or more dwellings on a lot and must meet the requirements of Clause 58 pursuant to Clause 32.04-6 of the Planning Scheme.

Given the size of the proposed ‘office’, a planning permit is required for its use and associated construction along with the proposed ‘retail premises’ use.

4.2   Overlays

4.2.1   Design and Development Overlay – Schedule 26

DDO26 applies to the defined ‘North Melbourne, West Melbourne and Arden-Macaulay Noise Attenuation Area’ with its objective being to ensure new, refurbished or converted developments for new residential and other noise sensitive uses include appropriate acoustic measures to attenuate noise from the Laurens Street, North Melbourne Industrial Area.

The ‘Acoustic Report’ prepared by Acoustic Logic addresses the requirements of DDO26 ensuring that the apartments will be appropriately acoustically treated to attenuate external noise. The acoustic recommendations contained within the ‘Acoustic Report’ are able to be appropriately implemented as a condition of any future approval.

4.2.2   Design and Development Overlay – Schedule 63

DDO63 applies to the ‘Macaulay Urban Renewal Area, Kensington and North Melbourne’ and is of particular relevance to the Site and proposal, containing the following design objectives:

▪ To create a compact, high density, predominantly mid-rise, 6 – 12 storey walkable neighbourhood that steps down at the interface with the low scale surrounding established residential neighbourhoods.
▪ To provide for higher development that delivers identified demonstratable benefits on large sites that do not interface with the low scale surrounding established residential neighbourhoods.
▪ To create urban streetscapes that are defined by a generally consistent plane of building facades that enclose streets but allow daylight and sunlight to penetrate to the streets and to lower building levels.
▪ To ensure that built form elements above the street wall are visually recessive and do not contribute to visual bulk.
▪ To encourage the ground floor of buildings to be designed so that they can be used for a variety of uses over time.
The Site is located within ‘Area 4’ of DDO63, which contains the following built form outcomes to be achieved:

- Deliver a scale of development that provides street definition and a pedestrian friendly scale.
- Deliver a scale of development that provides appropriate access to sunlight and daylight.
- Deliver a scale of development at the interface with established low-scale residential development that provides an appropriate transition in height and minimises the visual impact of upper levels.
- Solar access is maintained to ground floors on western side of Thompson Street and southern side of Scarborough Place.

The built form controls applying to the Site and ‘Area 4’ are as follows:

<table>
<thead>
<tr>
<th>DDO63 ‘Area 4’ Built form controls</th>
</tr>
</thead>
<tbody>
<tr>
<td>Preferred maximum building height</td>
</tr>
<tr>
<td>Absolute (mandatory) maximum building height</td>
</tr>
<tr>
<td>Maximum street wall heights and setbacks</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
</tbody>
</table>

DDO63 states that for development to exceed the preferred maximum building heights, it must satisfy the below requirements:

‘A demonstratable benefit to the broader community that include among others:

- Exceptional quality of design.
- A positive contribution to the quality of the public realm.
- High quality pedestrian links where needed.
- Good solar access to the public realm.’

The proposal delivers a clear broader community benefit through the provision of the Assemble Housing Model on the Site, an innovative housing response which addresses the housing affordability crisis of Metropolitan Melbourne. The proposal further delivers an exceptional architectural and urban design response, with a significant enhancement to the public realm through the activation, movement and interest along all four of the Site’s boundaries and through the Site itself through the pedestrian connection provided through the central public open space area.

The built form requirements and design objectives of DDO63 have been a key consideration in the design proposal as further addressed at Section 5.2 of this report.

4.2.3 Development Contributions Plan Overlay – Schedule 2

DCPO2 applies to the ‘Arden-Macaulay Urban Renewal Area’, requiring development contributions be provided to fund new and upgraded infrastructure to the precinct. Any future development contributions are able to be dealt with at the subdivision stage of the project.
4.2.4 Environmental Audit Overlay

The Site is subject to the EAO, which requires prior to a sensitive use commencing or construction occurring for a sensitive use, the environmental conditions of the land be suitable for such uses.

The requirements of the EAO can be included as a condition on any future approval issued and will be undertaken prior to the occupation of the residential use of the Site.

4.3 Particular Provisions

4.3.1 Clause 52.06 – Car parking

Clause 52.06 of the Planning Scheme requires that prior to a new use or an increase in an existing use, the car parking provision required under Clause 52.06-5 must be provided to the satisfaction of the Responsible Authority.

The Site is located within the PPTN area; therefore, the car parking rates in Column B of Clause 52.06-5 apply as follows:

- Where the use is a ‘dwelling’, one car parking space must be provided to each one or two-bedroom dwelling and two car parking spaces provided to each three-bedroom dwelling.
- Where the use is an ‘office’, three car parking spaces must be provided to each 100 square metres of net floor area.
- Where the use is a ‘shop (retail)’ premises’ 3.5 car parking spaces must be provided to 100 square metres of leasable floor area.

Accordingly, the development has a statutory requirement to provide 282 car spaces, comprising 237 resident car spaces; 3 spaces for the retail (shop) tenancy; and 42 spaces for the office tenancy as examined by Traffix Group Pty Ltd.

The appropriateness of this rate and support is detailed in the accompanying ‘Traffic Engineering Assessment’ prepared by Traffix Group Pty Ltd which further informs that no material impact on the operation of the existing road network is anticipated to arise as a result of the proposal.

Further detail regarding the proposed car parking provided on-site, vehicle access requirements and traffic generation is contained within the ‘Traffic Engineering Assessment’ prepared by Traffix Group Pty Ltd.

4.3.2 Clause 52.34 – Bicycle facilities

Clause 52.34 of the Planning Scheme requires the provision of bicycle facilities before any new use commences. Table 1 to Clause 52.34-1 specifies statutory rates for bicycle parking as follows:

<table>
<thead>
<tr>
<th>Proposed Land Use</th>
<th>Statutory Requirement</th>
<th>Total Required Bicycle Provision</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Resident/Employee</td>
<td>Visitor/Customers</td>
</tr>
<tr>
<td>Retail</td>
<td>1 space to each 300m² of leasable floor area (89sqm = 0)</td>
<td>1 space per 500m² of leasable floor area (89sqm = 0)</td>
</tr>
<tr>
<td></td>
<td>1 space to each 300m² of leasable floor area if in excess of 1000m² (1415sqm = 5)</td>
<td>1 space to each 1000m² of leasable floor area if in excess of 1000m² (1415sqm = 3)</td>
</tr>
</tbody>
</table>
A total of 434 on-site bicycle spaces are provided, with 340 in a secure room in the building’s ground floor and mezzanine level in its south-east corner with an entrance from Stubbs Street and an additional 84 bicycle spaces within the building’s basement.

As such, the provided number of bicycle spaces considerably exceeds the 68 spaces required by Clause 52.34 of the Planning Scheme.

### 4.3.3 Clause 58 – Apartment Developments

Clause 58 – ‘Apartment Developments’ applies to all apartment developments of five or more storeys in the MUZ.

The purpose of Clause 58 is:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To encourage apartment development that provides reasonable standards of amenity for existing and new residents.
- To encourage apartment development that is responsive to the site and the surrounding area.

Following our assessment of the application plans, all Objectives of Clause 58 have been met in the design response, providing an excellent internal amenity and desirable housing option for future residents of the proposal.

An assessment against Clause 58 requirements is provided at Appendix C and within the architectural plan package prepared by Hayball, highlighting the excellent internal amenity features of the proposed apartments.
5 Key Planning Considerations

5.1 Alignment with Planning Policy

The Site’s location within the defined ‘Arden-Macaulay Major Urban Renewal Precinct’ dictate that a higher degree of change, function, land use and built form outcomes are to be achieved to the area. The proposal responds to the desired outcomes outlined in Plan Melbourne 2017-2050 which states that ‘Major urban renewal precincts will play an important role in accommodating future housing and employment growth and making better use of existing infrastructure. In particular, Outcomes 1 and 2 of Plan Melbourne 2017-2050 state that ‘Melbourne is a productive city that attracts investment, supports innovation and creates jobs’ and ‘Melbourne provides housing opportunity in locations close to jobs and services.’

The proposal is to be delivered as part of the Assemble Housing Model, which is an innovative housing pathway to home ownership in a clear response to housing affordability policies at planning policies at Clause 16.01-2S (Housing Affordability) of the Planning Scheme, while delivering a sustainable and community focused housing opportunity for a variety of future residents and driving the directions of Plan Melbourne 2017-2050 for additional, affordable housing in such identified locations as sought by Directive 2.3.

The proposal successfully implements relevant objectives and strategies of the PPF, and local planning policy as follows:

Planning Policy Framework

- Provides a genuine mix of uses to the ‘Arden-Macaulay Major Urban Renewal Precinct’ including office space, retail tenancy, communal spaces, and higher intensity residential living in a location highly accessible to the community as sought by the purposes of the MUZ.

- Positively renews the urban environment through the architectural design response, delivery of additional and enhanced public realm, and additional landscaping. Collectively these create an inviting, functional, enjoyable, and safe environment for future residents and variety of users to the precinct, satisfying objectives and strategies of Clauses 15.01-1S and 15.01-1R (Urban Design).

- Provides a considered architectural outcome that has logically responded to the Site’s immediate and broader context that provides visual and physical connection to the existing and anticipated built form environment; delivers an enhanced and attractive public realm outcome; acknowledges the redevelopment potential of nearby properties; and will not unreasonably impact upon existing residential properties, thus satisfying Clause 15.01-2S (Building Design) objectives and strategies.

- Increases housing density and supply within an established urban area and identified housing opportunity area pursuant to Clause 16.01-1S and 16.01-1R (Housing Supply), with excellent access to nearby jobs, services, and public transport in response to its strategies regarding location of new housing.

- Responds to the housing affordability issues evident across Melbourne and further provides a diversity of housing within a community sense through the Assemble Housing Model, responding to objectives and strategies at Clause 16.01-2S (Housing Affordability).

Local Planning Policy Framework

- Clause 21.03 contains Council’s Vision to provide additional housing for the expected population growth, with a challenge to achieve a diversity or housing choice, affordability, and a good standard of building design and amenity all of which is accommodated in the proposal.

- Clause 21.04 identifies the Site within an ‘Existing Urban Renewal Area’ recognising it within an area of transition and where growth is directed to occur. The proposed design response and variety of uses contribute towards the preferred future renewal of the ‘Arden-Macaulay Major Urban Renewal Precinct’ with significant community benefits provided.

- Consistent with Clause 21.06 policy requirements regarding ‘Built Environment and Heritage’ the proposed scale, built form and associated setbacks, materials and finishes complement the existing features of the area, however, these design elements enable a ‘new built form character’ to be realised as sought by DDO63. The variety of land uses at ground level including the central open space area
provide activation and assist in identifying the Site’s significance to the urban renewal precinct, enhancing the public realm and pedestrian connections and movements within, and surrounding the Site.

- Responds to Clause 21.07 requirements regarding ‘Housing’ providing additional housing and population growth within an identified Urban Renewal area, with the apartments providing an affordable housing solution; a high standard of internal amenity including various community facilities and on-site resident amenities; and catering for the equitable development potential of other nearby landholdings.

- Provides an enhanced public realm outcome to all street frontages and an extension through the provided central communal open space area and east-west link with good sunlight access and user comfort as sought by objectives of Clause 22.02.

- While the proposal will result in a level of additional shadowing to the public realm, this is considered reasonable in the context of the built form outcomes sought by DDO63 for this site.

- The proposal will be benchmarked against the GreenStar 5 star rating requirements pursuant to Clause 22.18 requirements and obtains a project score of 65 displaying ‘Australian Excellence’ as reflected in the ‘Environmentally Sustainable Development Report’ prepared by Atelier Ten. which demonstrates the proposal is to achieve a project score of 65 displaying ‘Australian Excellence’.

- The proposal will not result in the creation of any unreasonable stormwater runoff or create the entry of any excess pollutants and will be designed in accordance with Clause 22.23 requirements regarding ‘Stormwater Management (Water Sensitive Urban Design Response)’.

5.2 Community Benefits

The delivery of the proposal through the Assemble Housing Model and the associated design response provides significant, broader community benefits through:

- 70% of apartments to be provided as ‘affordable’ housing, for low-moderate income consistent with Victorian State Government definitions and through a clear diversity in dwellings.

- Positive enhancements and investments to the public realm through the variety of ground floor uses, creating activity, attraction and interaction for future residents and the general public.

- Provision of a central communal open space area to Thompson Street.

- Enhanced east-west and north-south pedestrian links adjacent and through the Site itself.

- Additional employment and job opportunities during the project construction phase and post-construction through the various uses provided.

- An excellent architectural and landscape design response that offers visual interest to the changing environs.

- Commitments to excel in standard ESD requirements.

5.3 Built Form and Urban Design Outcomes

The proposed building massing and scale are appropriate for the Site and its context and in response to DDO63 requirements for the following reasons:

- Satisfies the absolute eight storey maximum building height contemplated by DDO63 and the preferred outcome and direction for the ‘Arden Macaulay Major Urban Renewal Precinct’ through the delivery of broader community benefits including provision of affordable housing; enhanced and new pedestrian connections; investment and improvements to the immediate public realm with good access to sunlight; provision of new public open space; and commitments ESD excellence.

- The proposed six (6) storey streetwall to Stubbs Street complies with the mandatory maximum of DDO63. This streetwall, contains a central inversion to the façade to create depth and vertical rhythm, rather than the alternative of a continued length along this frontage. The architectural package prepared by Hayball indicates this treatment of the lower levels with only 66% of the street frontage containing the streetwall to the Site’s eastern boundary. Level 6 and 7 are setback a minimum 3.7 metres above this streetwall, thus only a minor encroachment is sought to Level 7.

- DDO63 otherwise allows for the provided Stubbs Street streetwall to be infilled within the provided central recession to the façade and still remain compliant with the DDO63 control. This however would result in
the removal of articulation and depth to the façade as proposed in the design response. The change in colour from the Brighton lite precast concrete provided to the streetwall to the darker Nawkar black concrete to the upper levels in concert with the setback enables these upper levels to also be recessive in their presentation to the streetscape.

- To Thompson Street, the proposal contains a maximum three (3) storey streetwall complying with the mandatory maximum of DDO63. As reflected in the Hayball architectural package, the provided streetwall and the upper level built form only accounts for 58% of this frontage due to the physical breaks in built form namely the central 15.1 metre wide communal open space and the two (2) 5 metre wide corridor/circulation areas. DDO63 allows for these areas to be infilled, however the alternative of having reduced setbacks above the streetwalls to capture this lost built form, reduces the extent of mass to the public realm and provides an overall improved architectural and urban design outcome as reflected in the architectural package.

- The stepping down of the upper levels to the three (3) storey streetwall to Thompson Street further enables an east-west transition of scale to be achieved in appreciating the sub-precinct boundaries of DDO63 and the heights achievable on the western side of Thompson Street and beyond this with existing properties within the General Residential Zone area, outside of the ‘Arden-Macaulay Urban Renewal Precinct’.

- The provision of red clay face brick signifies pedestrian entrances and contrasts to the vertical, curved, and flat lighter precast concrete which defines the proposals streetwalls. The uppermost levels of the building are then setback and finished with the darker curved and flat concrete material. The material and colour palette effectively creating a series of horizontal layers, further articulated through windows and balconies, collectively reducing the built form presence and the overall mass of the proposal when observed from the public realm.

- Above the streetwall to the north and southern laneways, the proposed upper levels are setback a minimum of four (4) metres from the Site’s title boundary, complying with DDO63 requirements for the northern laneway.

- Variation is sought to the southern laneway and its minimum four (4) metre setback above streetwall from the title boundary. While this variation will result in overshadowing to the southern laneway, if a three (3) storey streetwall was to be provided as per DDO63 this laneway would still constantly be in shadow. Thus, the proposal has been designed to respond to the width of the laneway and equitable development potential of the southern property.

- The presentation to this southern laneway provides a pedestrian friendly human scale through the provided one (1) storey streetwall in response to design objectives for ‘Area 4’ of DDO63 and overall would create a 10.3 metre separation of built form when accounting for the reasonable development expectations of the properties which front the southern Robertson Street, noting their further heritage overlay constraint.

- Two existing immature, juvenile street trees are proposed to be removed to accommodate future vehicle access to the Site while the existing vehicle crossover is to be reinstated to nature strip, kerb and channel while enabling additional street tree planting opportunities. The remaining street trees along Stubbs Street are to be protected with Tree Protection Zones established during the construction phase as outlined in the ‘Arboricultural Assessment and Report’ prepared by Treelogic.

Moreover, in response to Clause 22.17 requirements regarding ‘Urban Design Outside the Capital City Zone’ the proposal:

- Provides an inviting, useable and safe environment for future residents, occupiers and the general public providing an enhanced public realm and pedestrian connections adjacent and within the Site.

- Creates activity and movement at ground floor through the variety of uses with clearly defined pedestrian entrances that promotes the areas wayfinding and strategic identity.

- Responds to the identified ‘renewal streets’ and contains visually interesting façades when observed from various angles of the public realm which are articulated through the physical and visual breaks in built form through the central landscape space; communal corridor circulation; building setbacks; locations of balconies and windows; contrasting materials and finishes palette that differentiate the building into various components and takes precedent from the areas historic industrial past; and avoidance of any blank walls.
- Significant landscaping opportunities which harmoniously complements the architectural response and softens its perception, while providing a range of service, entertainment, event and recreational needs for future residents and the general public.
- Appropriately sites building services on the building’s roof remove their presence from the public realm and integrating them as part of the architectural response.

5.4 Management of Adjoining Interfaces

The Site is conveniently separated from adjoining properties noting the opportune four street frontages. Notwithstanding, given the width (circa three metres title boundary to title boundary) of the existing northern and southern laneways, the built form relationship to properties directly north and south has been considered in the context of their future development and that contemplated under the DDO63 control.

We note the following in respect of the design response in its presentation to the northern and southern interfaces:

- The streetwall height to both of these respective laneways is less than that contemplated under DDO63. This ensures a sense of human scale is maintained given their smaller widths when compared to the identified Stubbs and Thompson Street ‘renewal street’ hierarchy.
- The proposal provides opportunity for shared spaces and enhanced activation to these frontages, proposing a widened northern laneway while locating the bicycle storage area adjacent to the southern laneway.
- Above the northern streetwall, the proposed upper levels are setback a minimum of four metres from the Site’s title boundaries, meeting the DDO63 requirements to the north.
- To the north, this four metre upper level setback from the title boundary can be appropriately matched in the future redevelopment of northern properties fronting Smith Street, creating an overall approximate 11 metre building separation when including width of the laneway.
- The provided upper level setback to the south creates an overall 11 metre setback when accounting for the reasonable development expectations of southern properties fronting Robertson Street and matching the provided setback proposed.
- With just a single-storey streetwall to the south, this creates a pedestrian friendly scale and given the laneway width a three storey streetwall as contemplated by DDO63 would result in the same overshadowing extent to this laneway as what is proposed in the design response and therefore considered acceptable.

Accordingly, the proposal will not impact on the reasonable development potential of these northern and southern properties which can contribute towards an enhanced public realm to these laneways as proposed by the design response.

5.5 Internal Amenity for Future Occupants

The proposed use and development of the Site responds to the need to provide additional affordable housing opportunities within inner-city localities and provides an excellent internal amenity and highly liveable lifestyle choice for future residents.

The internal layouts of each of the dwellings are generous and well-conceived in response to market demand following the recent approval and balloting process of the Assemble Housing project at 393-399 Macaulay Road, Kensington through Planning Permit TP-2018-360.

With respect to this proposal we note the following:

- The diversity of dwelling types across the proposal, with a range of studio, one-bedroom, two-bedroom and three-bedroom options.
- All dwellings are designed and oriented to receive acceptable daylight and solar access taking advantage of the four site frontages and central common area.
Each dwelling is accessible via easily identifiable pedestrian entrances to the enhanced streetscape at ground floor and basement level through the provision of lift and stair facilities to each conjoined building.

Each dwelling is provided with sufficient secluded private open space in the form of terraces, with an area between 8 – 54sqm with direct access from the apartment’s primary living area.

All dwellings are designed to contain natural cross-flow ventilation through the provided open corridor areas, which further creates a sense of community and opportunities for resident interaction at each level, enhancing their liveability and attraction.

Each dwelling has been designed in accordance with the objectives of Clause 58 of the Planning Scheme, notably exceeding the cross ventilation Standard, and complying with relevant accessibility, room depth, private open space and living area objectives of Clause 58.

A key feature of the proposal is the communal spaces at ground floor level and rooftop terrace area. These spaces provide additional resident amenities including a child’s playground, vegetable gardens, dog park and futsal court, overall contributing further to the sense of resident community and opportunities for interaction and various Assemble events.

Provision of 434 lock-up bicycle spaces, greatly in excess of Clause 52.34 statutory requirements.

Generous provision of external storage space within the building’s basement and internal storage space within the apartments themselves.

The Site’s location within the ‘Arden-Macaulay Urban Renewal Precinct’ further affords future resident excellent access to existing and planned nearby facilities and services, as well as being located within close proximity to railway stations linking the Site to the PPTN.

5.6 Management of Offsite Amenity Impacts

The Site does not contain any direct abutments to sensitive interfaces given its island-site characteristic. The proposed use and development will further not unreasonably impact upon existing commercial or residential uses in the near vicinity of the Site in particular when accounting for the anticipated change and redevelopment of the ‘Arden-Macaulay Major Urban Renewal Precinct’ in which they form part of.

The below assessment considers the amenity impacts caused in respect of overlooking and overshadowing with the built form and visual amenity impact covered in Sections 5.2 and 5.3 above.

Overlooking

Given the Site’s four street frontages and physical separation from residential uses no unreasonable overlooking will arise.

The closest residential property at 16-20 Thompson Street is separated approximately 10.9 metres from the Site, notably greater than the nine metre overlooking requirement prescribed at Clause 55.04-6 of the Planning Scheme if it otherwise applied.

The minimum four metre setback of upper levels to the northern and southern laneways, caters for the development expectations of properties on the opposite side of these laneways which can reasonably match this provided setback. When including the width of these laneways this will create an approximate 11 metre of building separation, thus in excess of the nine metre overlooking requirement contained at Clause 55.04-6 of the Planning Scheme and therefore no future unreasonable overlooking is anticipated to occur.

Overshadowing

As provided in the architectural package prepared by Hayball, it is not considered the proposal will create any unreasonable overshadowing to nearby residential properties, particularly those on the western side of Thompson Street given the separation of the Site.

Given the scale and size of the development the provisions of Clause 55.04-5 also do not apply to the proposal.

When accounting for the development expectations of eastern and western properties, no unreasonable overshadowing is expected to occur beyond what is to be reasonably expected by a conforming DDO63 building envelope and the existing conditions of the Site as shown in the architectural package.
• While reduced setbacks above the Thompson Street streetwall result in an isolated additional shadow cast at 11am to the western footpath of Thompson Street (beyond the existing conditions and DDO63 envelope), this is considered acceptable when balanced against the extended and enhanced public realm proposed by the application, the limited time this additional shadow occurs, the other aspirations of the PPF in respect to optimising development opportunities on sites such as this, and the provision of affordable housing.

• As shown in these shadow diagrams, from 12noon, there is no shadow to this western footpath of Thompson Street and thus considered reasonable for an identified Major Urban Renewal Precinct.

5.7 ESD Performance

The following ESD features are to be provided in the proposal:

• Benchmarked against GreenStar 5 star rating requirements in accordance with Clause 22.18 requirements and as reflected in the ‘Environmentally Sustainable Development Report’ prepared by Atelier Ten, which demonstrates the proposal is to achieve a project score of 65 displaying ‘Australian Excellence’.

• Use of robust materials throughout the building, with pre-cast concrete the noted primary structural material for durability and thermal mass performance.

• Natural cross-flow ventilation to each apartment through the provided open circulation areas and provision of operable windows. This passive design feature limits the reliance on mechanical heating and cooling throughout the year.

• High performance glazing and appropriate fenestration ratios to reduce thermal loads and provide natural light to habitable areas of each apartment.

• Promotion of sustainable transport modes such as walking and cycling, vastly exceeding the statutory requirement for bicycle parking contained at Clause 52.34 of the Planning Scheme.
6 Conclusion

As outlined in this submission, the proposed use and development of the land at 86-96 Stubbs Street, Kensington appropriately meets the policy requirements and strategic direction of the Planning Scheme.

The location of the Site within the ‘Arden-Macaulay Major Urban Renewal Precinct’ provides all necessary justification for the Site’s urban renewal in the form and scale proposed and the anticipated and continually changing character of the immediate environs.

More specifically, the proposal:

▪ Aligns with key objectives and strategies of State and local planning policy through the provision of additional, affordable housing within an identified urban renewal precinct and the forecast population growth.
▪ Assists in the establishment of the ‘Arden-Macaulay Urban Renewal Precinct’ through increased housing, jobs, and economic activity.
▪ Provides a truly mixed-use development with an improved and enhanced public realm and pedestrian connections and wayfinding through a considered architectural response.
▪ Creates additional public open space.
▪ Does not unreasonably impact upon nearby existing residential properties and immediately adjacent properties in context of their location within the ‘Arden-Macaulay Urban Renewal Precinct’ and the future development potential.

On this basis, it is considered the proposal provides a well resolved design outcome for this strategic site and will deliver a significant net-community benefit to the immediate and broader area and warrants approval.
Appendix A
Copy of Title
REGISTER SEARCH STATEMENT (Title Search) Transfer of Land Act 1958
=====================================================================

VOLUME 10092 FOLIO 609  Security no :  124086561219W
Produced 13/11/2020 09:58 AM

LAND DESCRIPTION
-----------------
Land in Plan of Consolidation 353167F.

PARENT TITLES :
Volume 03749 Folio 673     Volume 03987 Folio 229     Volume 07160 Folio 978
Volume 07409 Folio 729     Volume 09351 Folio 404
Created by instrument PC353167F 26/11/1992

REGISTERED PROPRIETOR
---------------------
Estate Fee Simple
Sole Proprietor
ASSEMBLE TSK PTY LTD of 86-96 STUBBS STREET KENSINGTON VIC 3031
AT336960G 15/06/2020

ENCUMBRANCES, CAVEATS AND NOTICES
---------------------------------
Any encumbrances created by Section 98 Transfer of Land Act 1958 or Section 24 Subdivision Act 1988 and any other encumbrances shown or entered on the plan set out under DIAGRAM LOCATION below.

DIAGRAM LOCATION
-----------------
SEE PC353167F FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS
-----------------------------
NIL

END OF REGISTER SEARCH STATEMENT

Additional information: (not part of the Register Search Statement)

Street Address: 86-96 STUBBS STREET KENSINGTON VIC 3031

ADMINISTRATIVE NOTICES
----------------------
NIL

eCT Control    20620D HERBERT SMITH FREEHILLS
Effective from 19/06/2020

DOCUMENT END
Delivered from the LANDATA® System by InfoTrack Pty Ltd.

The information supplied by InfoTrack (BHL Insight) has been obtained from InfoTrack Pty Limited by agreement between them. The information supplied has been obtained by InfoTrack Pty Limited who is licensed by the State of Victoria to provide this information via LANDATA® System.
Appendix B
DELWP Planning Report
PLANNING PROPERTY REPORT

PROPERTY DETAILS

Address: 86-96 STUBBS STREET KENSINGTON 3031
Lot and Plan Number: Plan PC353167
Standard Parcel Identifier (SPI): PC353167
Local Government Area (Council): MELBOURNE
Council Property Number: 615433
Planning Scheme: Melbourne
Directory Reference: Melway 2A B4

UTILITIES

Rural Water Corporation: Southern Rural Water
Melbourne Water Retailer: City West Water
Melbourne Water: Inside drainage boundary
Power Distributor: JEMENA

STATE ELECTORATES

Legislative Council: NORTHERN METROPOLITAN
Legislative Assembly: MELBOURNE

Planning Zones

MIXED USE ZONE (MUZ)
SCHEDULE TO THE MIXED USE ZONE (MUZ)

Note: labels for zones may appear outside the actual zone - please compare the labels with the legend.
Planning Overlays

DESIGN AND DEVELOPMENT OVERLAY (DDO)
DESIGN AND DEVELOPMENT OVERLAY - SCHEDULE 26 (DDO26)
DESIGN AND DEVELOPMENT OVERLAY - SCHEDULE 63 (AREA 4) (DDO63-A4)

Note: due to overlaps, some overlays may not be visible, and some colours may not match those in the legend.

DEVELOPMENT CONTRIBUTIONS PLAN OVERLAY (DCPO)
DEVELOPMENT CONTRIBUTIONS PLAN OVERLAY - SCHEDULE 2 (DCPO2)

Note: due to overlaps, some overlays may not be visible, and some colours may not match those in the legend.
PLANNING PROPERTY REPORT

Planning Overlays

ENVIRONMENTAL AUDIT OVERLAY (EAO)

Other overlays in the vicinity not directly affecting this land

CITY LINK PROJECT OVERLAY (CLPO)
HERITAGE OVERLAY (HO)
INCORPORATED PLAN OVERLAY (IPO)
LAND SUBJECT TO INUNDATION OVERLAY (LSIO)

Note: due to overlaps, some overlays may not be visible, and some colours may not match those in the legend

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Note: notwithstanding this disclaimer, a vendor may rely on the information in this report for the purpose of a statement that land is in a bushfire prone area as required by section 32C (b) of the Sale of Land Act 1962 (Vic).
Areas of Aboriginal Cultural Heritage Sensitivity

All or part of this property is an area of cultural heritage sensitivity.

‘Areas of cultural heritage sensitivity’ are defined under the Aboriginal Heritage Regulations 2018, and include registered Aboriginal cultural heritage places and land form types that are generally regarded as more likely to contain Aboriginal cultural heritage.

Under the Aboriginal Heritage Regulations 2018, ‘areas of cultural heritage sensitivity’ are one part of a two part trigger which require a ‘cultural heritage management plan’ be prepared where a listed ‘high impact activity’ is proposed.

If a significant land use change is proposed (for example, a subdivision into 3 or more lots), a cultural heritage management plan may be triggered. One or two dwellings, works ancillary to a dwelling, services to a dwelling, alteration of buildings and minor works are examples of works exempt from this requirement.

Under the Aboriginal Heritage Act 2006, where a cultural heritage management plan is required, planning permits, licences and work authorities cannot be issued unless the cultural heritage management plan has been approved for the activity.

For further information about whether a Cultural Heritage Management Plan is required go to http://www.aav.mirs.net.au/aavQuestion1.aspx

More information, including links to both the Aboriginal Heritage Act 2006 and the Aboriginal Heritage Regulations 2018, can also be found here - https://www.aboriginalvictoria.vic.gov.au/aboriginal-heritage-legislation
Further Planning Information

Planning scheme data last updated on 11 November 2020.

A planning scheme sets out policies and requirements for the use, development and protection of land. This report provides information about the zone and overlay provisions that apply to the selected land. Information about the State and local policy, particular, general and operational provisions of the local planning scheme that may affect the use of this land can be obtained by contacting the local council or by visiting https://www.planning.vic.gov.au

This report is NOT a Planning Certificate issued pursuant to Section 199 of the Planning and Environment Act 1987. It does not include information about exhibited planning scheme amendments, or zonings that may abut the land. To obtain a Planning Certificate go to Titles and Property Certificates at Landata - https://www.landata.vic.gov.au

For details of surrounding properties, use this service to get the Reports for properties of interest.

To view planning zones, overlay and heritage information in an interactive format visit https://mapshare.maps.vic.gov.au/vicplan

For other information about planning in Victoria visit https://www.planning.vic.gov.au
Designated Bushfire Prone Areas

This property is not in a designated bushfire prone area. No special bushfire construction requirements apply. Planning provisions may apply.

Designated bushfire prone areas as determined by the Minister for Planning are in effect from 8 September 2011 and amended from time to time.

The Building Regulations 2018 through application of the Building Code of Australia, apply bushfire protection standards for building works in designated bushfire prone areas.

Designated bushfire prone areas maps can be viewed on VicPlan at https://mapshare.maps.vic.gov.au/vicplan or at the relevant local council.

Note: prior to 8 September 2011, the whole of Victoria was designated as bushfire prone area for the purposes of the building control system.

Further information about the building control system and building in bushfire prone areas can be found on the Victorian Building Authority website https://www.vba.vic.gov.au.


Appendix C
Clause 58 Assessment
## Clause 58 Assessment
### 86-96 Stubbs Street, Kensington

<table>
<thead>
<tr>
<th>Objectives and summary of standards</th>
<th>Applicant’s Assessment</th>
</tr>
</thead>
<tbody>
<tr>
<td>• A development <strong>must</strong> meet all objectives</td>
<td></td>
</tr>
<tr>
<td>• A development <strong>should</strong> meet all standards</td>
<td></td>
</tr>
</tbody>
</table>

### Clause 58.01-1: Urban Context Report and Design Response

An application must be accompanied by:

- An urban context report.
- A design response.

**Complies**

This report and the accompanying architectural package prepared by **Hayball** provide a detailed urban context report and design response in accordance with this requirement.

### Clause 58.01-2: Urban context report

The urban context report may use a site plan, photographs or other techniques and must include:

An accurate description of:

- Site shape, size, orientation and easements.
- Levels and contours of the site and the difference in levels between the site and surrounding properties.
- The location and height of existing buildings on the site and surrounding properties.
- The use of surrounding buildings.
- The location of private open space of surrounding properties and the location of trees, fences and other landscape elements.
- Solar access to the site and to surrounding properties.
- Views to and from the site.
- Street frontage features such as poles, street trees and kerb crossovers.
- The location of local shops, public transport services and public open spaces within walking distance.
- Movement systems through and around the site.
- Any other notable feature or characteristic of the site.
- An assessment of the characteristics of the area including:
  - Any environmental features such as vegetation, topography and significant views.
  - The pattern of subdivision.
  - Street design and landscape.
  - The pattern of development.
  - Building form, scale and rhythm.
  - Connection to the public realm.
  - Architectural style, building details and materials.
  - Off-site noise sources.
  - The relevant NatHERS climate zones (as identified in Clause 58.03-1).

**Complies**

This report and the accompanying architectural package prepared **Hayball** provide details of the site by way of a site plan, photographs, and written description in accordance with this requirement.
- Social and economic activity.
- Any other notable or cultural characteristics of the area.

<table>
<thead>
<tr>
<th>Clause 58.01-3: Design Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>The design response must explain how the proposed design:</td>
</tr>
<tr>
<td>- Responds to any relevant planning provision that applies to the land.</td>
</tr>
<tr>
<td>- Meets the objectives of Clause 58.</td>
</tr>
<tr>
<td>- Responds to any relevant housing, urban design and landscape plan, strategy or policy set out in this scheme.</td>
</tr>
<tr>
<td>- Derives from and responds to the urban context report.</td>
</tr>
<tr>
<td>The design response must include correctly proportioned street elevations or photographs showing the development in the context of adjacent buildings.</td>
</tr>
</tbody>
</table>

| Complies |
| Material included within the accompanying architectural package and this planning report clearly articulates how the proposed development derives from, and responds to, the historic industrial character of the area and planning controls in particular DDO63 applying to the ‘Arden-Macaulay Urban Renewal Precinct’. |
| An assessment against the objectives of Clause 58 follows below. |

<table>
<thead>
<tr>
<th>Clause 58.02-1 – Urban Context Objectives</th>
</tr>
</thead>
<tbody>
<tr>
<td>• To ensure that the design respects the existing urban context or contributes to the preferred future development of the area.</td>
</tr>
<tr>
<td>• To ensure the development responds to the features of the site and surrounding area.</td>
</tr>
</tbody>
</table>

**Standard D1 (cannot be varied)**

- 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.

**Decision Guidelines**

Before deciding on an application, the responsible authority must consider:

- Any relevant urban design objective, policy or statement set out in this scheme.
- The urban context report.
- The design response.

| Complies |
| A detailed assessment of the Site’s urban context and surrounding area is provided at Sections 2 and 7.2 of this report and the accompanying architectural package prepared by Hayball. |

<table>
<thead>
<tr>
<th>Clause 58.02-2 – Residential Policy Objectives</th>
</tr>
</thead>
<tbody>
<tr>
<td>• 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.</td>
</tr>
<tr>
<td>• To support higher density residential development where development can take advantage of public and community infrastructure and services.</td>
</tr>
</tbody>
</table>

**Standard D2 (cannot be varied)**

An application must be accompanied by a written statement that describes how the development is consistent with any relevant policy for housing in:

- the SPPF; and
- the LPF including the MSS; and
- Local Planning Policies (i.e. Clause 22.01 – Urban Design within the Capital City Zone).

**Decision Guidelines**

Before deciding on an application, the responsible authority must consider:

- The State Planning Policy Framework and the Local Planning Policy Framework including the Municipal Strategic Statement and local planning policies.

| Complies |
| As detailed in the body of this report, the design and siting of the proposal is considered appropriate in the context of the Site and surrounding area. The architectural material and various consultant reports that accompany the application includes a detailed study of surrounding land uses and development, including its location, scale and intensity particularly that destined to evolve to this strategic precinct. |
| The proposal envisages an appropriate truly mixed-use development that is extremely well located to take advantage of the various retail, community and service amenities in the Urban Renewal Precinct and convenient connections to the Melbourne CBD and other nearby activity centres. |
| The development provides an affordable housing solution through delivery of the Assemble Housing Model in response policy requirements along with a diversity in housing in an area extremely close to existing jobs, services |
- The design response.

and public transportation and clearly identified for change in State and local planning policy. The high quality architectural design ensures the development will provide a positive contribution to the surrounding area.

This is entirely consistent with the directives of *Plan Melbourne* and State and Local Planning Policy Framework policies of the Planning Scheme on the basis that the proposal remains entirely respectful of nearby developments, approvals and aspirations this evolving precinct.

<table>
<thead>
<tr>
<th>Clause 58.02-3 – Dwelling Diversity Objective</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Complies</strong> The proposal incorporates a range of studio, one, two and three-bedroom options, displaying a range of sizes, types and layouts.</td>
</tr>
<tr>
<td><strong>Standard D3 (can be varied)</strong> Developments of 10 or more dwellings <strong>should</strong> provide a range of dwelling sizes and types including dwellings with a different number of bedrooms. <em>There are no decision guidelines for this objective and standard.</em></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Clause 58.02-4 – Infrastructure Objectives</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Complies</strong> The proposal development is able to be connected to all services required for the residential, commercial and public uses of the land.</td>
</tr>
<tr>
<td><strong>Standard D4 (can be varied)</strong> Development <strong>should</strong> be connected to reticulated services including reticulated sewerage, drainage, electricity and gas if available. Development <strong>should</strong> 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 space capacity, developments <strong>should</strong> provide for the upgrading or mitigation of the impact on services or infrastructure.</td>
</tr>
</tbody>
</table>

**Decision Guidelines**

*Before deciding on an application, the responsible authority must consider:*

- The capacity of the existing infrastructure.
- In the absence of reticulated sewerage, the capacity of the development to treat and retain all wastewater in accordance with the State Environment Protection Policy (Waters of Victoria) under the Environment Protection Act 1970.
- If the drainage system has little or no spare capacity, the capacity of the development to provide for stormwater drainage mitigation or upgrading of the local drainage system.

<table>
<thead>
<tr>
<th>Clause 58.02-5 – Integration with the Street Objective</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Complies</strong> The proposed development is oriented to each of the Site’s frontages, however in particular Stubbs and Thompson Streets in response to the recognised road hierarchy and overall significantly improves the appearance of the public realm.</td>
</tr>
<tr>
<td><strong>Standard D5</strong> Developments <strong>should</strong> provide adequate vehicle and pedestrian links that maintain or enhance local accessibility. Development <strong>should</strong> be orientated to front existing and proposed streets.</td>
</tr>
</tbody>
</table>

The proposal is well integrated with the street including concentrated activity at ground floor.
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.

**Decision Guidelines**

*Before deciding on an application, the responsible authority must consider:*

- Any relevant urban design objective, policy or statement set out in this scheme.
- The design response.

**Clause 58.03-1 – Energy Efficiency Objective**

- 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.

**Standard D6 (Can be varied)**

- Buildings should be:
  - 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.
- Dwellings located in a climate zone identified in Table D1 should not exceed the maximum NatHERS annual cooling load specified in Table D1:

<table>
<thead>
<tr>
<th>NatHERS climate zone</th>
<th>NatHERS maximum cooling load</th>
</tr>
</thead>
<tbody>
<tr>
<td>Moorabbin</td>
<td>21</td>
</tr>
</tbody>
</table>

Refer to NatHERS zone map, Nationwide House Energy Rating Scheme (Commonwealth Department of Environment and Energy).

**Decision Guidelines**

*Before deciding on an application, the responsible authority must consider:*

- The design response.
- The size, orientation and layout of the site.
- The existing amount of solar access to abutting properties.
- The availability of solar access to north-facing windows on the site.
- The annual cooling load for each dwelling.

**Clause 58.03-2 – Communal Open Space Objective**

- To ensure that communal open space is accessible, practical, attractive, easily maintained and integrated with the layout of the development.

**Standard D7 (Can be varied)**

*Complies*

The proposal provides excessive communal open space at ground floor and on the building’s roof, greatly in excess of Standard D7.
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.

Communal open space should:

- Be located to:
  - 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.

**Decision Guidelines**

*Before deciding on an application, the responsible authority must consider:*

- Any relevant design objective, policy or statement set out in this scheme.
- The design response.
- The useability and amenity of the communal open space based on its size, location, accessibility and reasonable recreation needs of residents.
- The availability of and access to public open space.

### Clause 58.03-3 – Solar access to communal outdoor open space objective

- To allow solar access into communal outdoor open space.

**Standard D8 (Can be varied)**

- 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.

**Decision Guidelines**

*Before deciding on an application, the responsible authority must consider:*

- The design response.
- The useability and amenity of the primary communal outdoor open space areas based on the urban context, the orientation of the building, the layout of dwellings and the sunlight it will receive.

### Clause 58.03-4 – Safety Objectives

- To ensure the layout of development provides for the safety and security of residents and property.

**Standard D9 (Can be varied)**

- 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.
- Private spaces within developments should be protected from inappropriate use as public thoroughfares.

**Complies**

Pedestrian and vehicle accessways are clearly recognised and have been distinguished on their Stubbs Street frontage to ensure the safety of pedestrians accessing the site.

Both the pedestrian and vehicle entrances will be adequately lit at night to ensure an appropriate level of safety, while providing a sense of place and identity to both frontages.
### Decision Guidelines

Before deciding on an application, the responsible authority must consider the design response.

### Clause 58.03-5 – Landscaping Objectives

- 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.

### Standard D10 (Can be varied)

The landscape layout and design should:

- 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.

Development should provide for the retention or planting of trees, where these are part of the urban context.

Development should provide for the replacement of any significant trees that have been removed in the 12 months prior to the application being made.

The landscape design should specify landscape themes, vegetation (location and species), paving and lighting.

Development should provide the deep soil areas and canopy trees specified in Table D2.

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:

- 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.

### Complies

The Site’s land size area at approximately 3,985 square metres requires 15% of the site area to be allocated for deep soil area or approximately 597.75 square metres, with one (1) large tree to be planted or two (2) medium trees per 90 square metres.

While the number of trees and area of deep-soil planting does not satisfy Standard D10 requirements, importantly, Standard D10 also states ‘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:

- 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.’

Given the anticipated change of the area as a recognised Major Urban Renewal Precinct, the proposal does not provide for the deep-root planting however incorporates landscaping in the form of landscape stoops, green landscaping and trees within the central ground floor communal open space area; climbers and planter boxes to each of the common circulation areas, overall providing a sustainable and pleasant environment for future residents of the proposal as detailed in the ‘Landscape Plan’ prepared by Oculus Landscape Architects.

Accordingly, with the discretion contained within Standard D10 the proposal complies with this and the objective.
- The design response.
- The location and size of gardens and the predominant plant types in the area.
- The health of any trees to be removed.
- The suitability of the proposed location and soil volume for canopy trees.
- The ongoing management of landscaping within the development.
- The soil type and drainage patterns of the site

<table>
<thead>
<tr>
<th>Clause 58.03–6 – Access Objective</th>
<th>Complies</th>
</tr>
</thead>
<tbody>
<tr>
<td>To ensure the number and design of vehicle crossovers respects the urban context.</td>
<td></td>
</tr>
</tbody>
</table>

**Standard D11 (Can be varied)**

The width of accessways or car spaces should not exceed:
- 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.

No more than one single-width crossover should be provided for each dwelling fronting a street.

The location of crossovers should maximise the retention of on-street car parking spaces.

The number of access points to a road in a Road Zone should be minimised.

Developments must provide for access for service, emergency and delivery vehicles.

**Decision Guidelines**

Before deciding on an application, the responsible authority must consider:

- The design response.
- The impact on the streetscape.
- The reduction of on-street car parking spaces.
- The effect on any significant vegetation on the site and footpath.

<table>
<thead>
<tr>
<th>Clause 58.03–7 – Parking Location Objective</th>
<th>Complies</th>
</tr>
</thead>
<tbody>
<tr>
<td>To provide convenient parking for resident and visitor vehicles.</td>
<td></td>
</tr>
<tr>
<td>To protect residents from vehicular noise within developments.</td>
<td></td>
</tr>
</tbody>
</table>

**Standard D12 (Can be varied)**

Car parking facilities should:
- Be reasonably close and convenient to dwellings.
- Be secure.
- Be well ventilated if enclosed.

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.

**Decision Guideline**

- Before deciding on an application, the responsible authority must consider the design response.

<table>
<thead>
<tr>
<th>Clause 58.03–8 – Integrated Water And Stormwater Management Objective</th>
<th>Complies</th>
</tr>
</thead>
<tbody>
<tr>
<td>The proposal removes existing crossovers to Stubbs and Thompson Streets and provides for one (1) crossover in the south-east corner of the Site.</td>
<td></td>
</tr>
<tr>
<td>The width of the accessway to Stubbs Street at 6.1 metres allows for two-way vehicle access and accounts for approximately 7.68% of the total 79.4 metre Stubbs Street frontage.</td>
<td></td>
</tr>
</tbody>
</table>

The car parking area is provided within a single dedicated area at basement level, with convenient access to each apartment provided by lift and stair facilities and the generous circulation areas.

No habitable rooms are located near the car park or accessway.
• 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.

**Standard D13 (Can be varied)**

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.

The stormwater management system should be:

- Designed to maximise infiltration of stormwater, water and drainage of residual flows into permeable surfaces, tree pits and treatment areas.

**Decision Guidelines**

Before deciding on an application, the responsible authority must consider:

- Any relevant water and stormwater management objective, policy or statement set out in this scheme.
- The design response.
- Whether the development has utilised alternative water sources and/or incorporated water sensitive urban design.
- Whether discharge from the site to the stormwater will adversely affect water quality entering the drainage system.
- The capacity of the drainage network to accommodate additional stormwater.
- Whether the stormwater treatment areas can be effectively maintained.

**Clause 58.04-1 – Building Setback Objective**

- 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.

**Standard D14 (Can be varied)**

The built form of the development must respect the existing or preferred urban context and respond to the features of the site.

Buildings should be set back from side and rear boundaries, and other buildings within the site to:

- Ensure adequate daylight into new habitable room windows.

A 25,000 litre rainwater tank is proposed beneath the basement, with rainwater tank connected from the buildings roof and reticulated for toilet flushing.

Enclosed within the ‘Environmentally Sustainable Design Report’ prepared by Atelier Ten, is a MUSIC Modelling report prepared by Webber Design to satisfy Best Practice Environmental Management Guidelines and clause 22.23 requirements of the Planning Scheme.

Further information with regards to the proposal’s water use is contained in the accompanying ‘Environmentally Sustainable Design Report’ prepared by Atelier Ten.

Clause 58.04-1 – Building Setback Objective

- 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.

**Complies**

A detailed response to the built form controls applying to the Site through DDO63 is provided at Section 5.3 of this report and should be read alongside the architectural package prepared by Hayball.
- 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.

**Decision Guidelines**
Before deciding on an application, the responsible authority must consider:
- The purpose of the zone and/or overlay that applies to the land.
- Any relevant urban design objective, policy or statement set out in this scheme.
- The urban context report.
- The design response.
- The relationship between the proposed building setback and the building setbacks of existing adjacent buildings, including the interface with laneways. The extent to which the proposed dwellings are provided with reasonable daylight access through the layout of rooms and the number, size, location and orientation of windows.
- The impact of overlooking on the amenity of existing and proposed dwellings.
- The existing extent of overlooking into existing dwellings and private open space.
- Whether the development meets the objectives of Clause 58.

<table>
<thead>
<tr>
<th>Clause 58.04-2 – Internal Views Objective</th>
<th>Complies</th>
</tr>
</thead>
<tbody>
<tr>
<td>To limit views into the private open space and habitable room windows of dwellings within a development.</td>
<td>The proposal has been designed to avoid any unreasonable overlooking to private open space areas of dwellings within the development, either directly below or alongside.</td>
</tr>
</tbody>
</table>

**Standard D15 (Can be varied)**
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.

**Decision Guidelines**
- Before deciding on an application, the responsible authority must consider the design response.

<table>
<thead>
<tr>
<th>Clause 58.04-3 – Noise Impacts Objective</th>
<th>Complies</th>
</tr>
</thead>
<tbody>
<tr>
<td>To contain noise sources in developments that may affect existing dwellings.</td>
<td>The proposed development includes services provided in the core of the building, with a main services room located in the basement level and on the building’s roof. Feature glazing and insulation has been equipped and will provide noise attenuation from any on or off-site noise sources as detailed in the ‘Acoustic Report’ prepared by Acoustic Logic Pty Ltd and in response to DDO26 requirements.</td>
</tr>
<tr>
<td>To protect residents from external and internal noise sources.</td>
<td></td>
</tr>
</tbody>
</table>

**Standard D16 (Can be varied)**
Noise sources, such as mechanical plants should not be located near bedrooms of immediately adjacent existing dwellings.

The layout of new dwellings and buildings should minimise noise transmission within the site.

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.

New dwellings should be designed and constructed to include acoustic attenuation measures to reduce noise levels from off-site noise sources.

Buildings within a noise influence area specified in Table D3 should be designed and constructed to achieve the following noise levels:
• 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 LAdn,16h from 6am to 10pm.

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.

Noise levels should be assessed in unfurnished rooms with a finished floor and the windows closed.

**Decision Guidelines**

*Before deciding on an application, the responsible authority must consider:*  

• The design response.
• Whether it can be demonstrated that the design treatment incorporated into the development meets the specified noise levels or an acoustic report by a suitably qualified consultant submitted with the application.
• Whether the impact of potential noise sources within a development have been mitigated through design, location and siting.
• Whether the layout of rooms within a dwelling mitigates noise transfer within and between dwellings.
• Whether an alternative design meets the relevant objectives having regard to the amenity of the dwelling and the site context.

**58.05-1 Accessibility objective**

To ensure the design of dwellings meets the needs of people with limited mobility.

**Standard D17**

At least 50 per cent of dwellings should have:

• 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.

<table>
<thead>
<tr>
<th>Table D4 - Bathroom Design</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Design Option A</strong></td>
</tr>
<tr>
<td>Door Opening</td>
</tr>
<tr>
<td>A clear 850mm wide door opening.</td>
</tr>
<tr>
<td>Door Design</td>
</tr>
<tr>
<td>Either:</td>
</tr>
<tr>
<td>* A slide door, or</td>
</tr>
<tr>
<td>* A door that opens outwards, or</td>
</tr>
<tr>
<td>* A door that opens inwards that is clear of</td>
</tr>
<tr>
<td>the circulation area and has readily</td>
</tr>
<tr>
<td>removable hinges.</td>
</tr>
<tr>
<td>Circulation area</td>
</tr>
<tr>
<td>A clear circulation area that is:</td>
</tr>
<tr>
<td>* A minimum width of 1 metre.</td>
</tr>
<tr>
<td><strong>Design Option B</strong></td>
</tr>
<tr>
<td>Door Opening</td>
</tr>
<tr>
<td>A clear 820mm wide door opening located</td>
</tr>
<tr>
<td>opposite the shower.</td>
</tr>
<tr>
<td>Door Design</td>
</tr>
<tr>
<td>Either:</td>
</tr>
<tr>
<td>* A slide door, or</td>
</tr>
<tr>
<td>* A door that opens outwards, or</td>
</tr>
<tr>
<td>* A door that opens inwards and has</td>
</tr>
<tr>
<td>readily removable hinges.</td>
</tr>
</tbody>
</table>

100 of the 199 apartments (50.2%) of the apartments are designed to be ‘accessible’ thus satisfying the Standard and Objective of clause 58.05-1.
A minimum area of 1.2 metres by 1.2 metres.
* Located in front of the shower and the toilet.
* Clear of the toilet, basin and the door swing.
The circulation area for the toilet and shower can overlap.

* The full length of the bathroom and a minimum length of 2.7 metres.
* Clear of the toilet and basin.
The circulation area can include a shower area.

Path to circulation area
A clear path with a minimum width of 900mm from the door opening to the circulation area.

Not applicable.

Shower
A hobless (step-free) shower.

A hobless (step-free) shower that has a removable shower screen and is located on the furthest wall from the door opening.

Toilet
A toilet located in the corner of the room.

A toilet located closest to the door opening and clear of the circulation area.

There are no decision guidelines for this objective and standard

<table>
<thead>
<tr>
<th>58.05-2 Building entry and circulation objective</th>
</tr>
</thead>
<tbody>
<tr>
<td>• To provide each dwelling and building with its own sense of identity.</td>
</tr>
<tr>
<td>• To ensure the internal layout of buildings provide for the safe, functional and efficient movement of residents.</td>
</tr>
<tr>
<td>• To ensure internal communal areas provide adequate access to daylight and natural ventilation.</td>
</tr>
</tbody>
</table>

Standard D18 (can be varied)

Entries to dwellings and residential buildings should:
• Be visible and easily identifiable.
• Provide shelter, a sense of personal address and a transitional space around the entry.

The layout and design of buildings should:
• 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:
  □ Include at least one source of natural light and natural ventilation.
  □ Avoid obstruction from building services.
  □ Maintain clear sight lines.

Decision Guidelines
Before deciding on an application, the responsible authority must consider

• The design response.

Complies
The Site contains four (4) street frontages, with the principal ‘renewal streets’ of Stubbs and Thompson Streets to be significantly enhanced through the provision of commercial and residential uses at ground floor.

The entrances to the lobby areas from both Stubbs and Thompson Street is clearly identifiable and provides a sense of address to the streetscape, successfully integrating with the public realm.

The primary vehicle entrance way is also provided via Stubbs Street, clearly separated from the pedestrian entrances along this frontage.

The residential entrance, is further afforded with a generous lobby area and mailroom for the added convenience of future residents. Corridors of the building’s upper levels maintain a minimum width of 1200mm and are open to the Thompson Street front and contain a series voids which enhance natural light, ventilation to this area and the dwellings.
The useability and amenity of internal communal areas based on daylight access and the natural ventilation it will receive.

**Clause 58.05-3 – Private Open Space Objective**
- To provide adequate private open space for the reasonable recreation and service needs of residents.

**Standard D19 (can be varied)**
A dwelling should have private open space consisting of:
- 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 located on a balcony, the balcony should provide an additional area of 1.5 square metres.

**Table D5 Balcony Size**

<table>
<thead>
<tr>
<th>Dwelling Type</th>
<th>Minimum Area</th>
<th>Minimum Dimension</th>
</tr>
</thead>
<tbody>
<tr>
<td>Studio or 1 bedroom dwelling</td>
<td>8 square metres</td>
<td>1.8 metres</td>
</tr>
<tr>
<td>2 bedroom dwelling</td>
<td>8 square metres</td>
<td>2 metres</td>
</tr>
<tr>
<td>3 or more bedroom dwelling</td>
<td>12 square metres</td>
<td>2.4 metres</td>
</tr>
</tbody>
</table>

**Decision Guidelines**

Before deciding on an application, the responsible authority must consider:
- the design response.
- The useability and functionality of the private open space, including its size and accessibility.
- The amenity of the private open space based on the orientation of the lot, the wind conditions and the sunlight it will receive.
- The availability of and access to public or communal open space.

**Clause 58.05-4 – Storage Objective**
- To provide adequate storage facilities for each dwelling

**Standard D20 (can be varied)**
- 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.

**Table D6 - Storage**

<table>
<thead>
<tr>
<th>Dwelling Type</th>
<th>Total minimum storage volume</th>
<th>Minimum storage volume within the dwelling</th>
</tr>
</thead>
<tbody>
<tr>
<td>Studio</td>
<td>8 cubic metres</td>
<td>5 cubic metres</td>
</tr>
<tr>
<td>1 bedroom dwelling</td>
<td>10 cubic metres</td>
<td>6 cubic metres</td>
</tr>
<tr>
<td>2 or more bedroom dwelling</td>
<td>14 cubic metres</td>
<td>9 cubic metres</td>
</tr>
<tr>
<td>3 or more bedroom dwelling</td>
<td>18 cubic metres</td>
<td>12 cubic metres</td>
</tr>
</tbody>
</table>

Each dwelling is provided with a private open space area with convenient access from a living room, which range in size from 8-74 square metres, depending on the size of the apartment, and complying with the minimum dimension sizes.

All of the upper level apartments satisfy the minimum balcony dimensions and sizes required for their respective bedroom types, however a variation to the Standard requirement for Apartment G.02 on the Stubbs Street frontage which is considered acceptable when considering:
- Its courtyard area is accessed from the apartment’s principal living area of the apartment.
- The size and dimensions of this courtyard areas otherwise satisfies the minimum balcony requirements of Standard D19 for a three-bedroom apartment.
- The eastern orientation of these courtyard areas providing an excellent exposure to natural sunlight.
- The communal and public open space and amenity features provided as part of the development, including the communal rooftop terrace area.

Each dwelling is provided with storage that meets or exceeds with the requirements of Table D6. This includes storage provided both within the dwelling and lockable storage located in the basement level as detailed at Drawing Nos. TP5.01 – TP5.06 of the architectural package prepared by Hayball.

The basement storage areas are easily accessible for residents via the lift or stairs.
**Decision Guidelines**

Before deciding on an application, the responsible authority must consider:

- the design response.
- The useability, functionality and location of storage facilities provided for the dwelling.

---

**Clause 58.06-1 – Common Property Objective**

- 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 (can be varied)**

- Developments should clearly delineate public, communal and private areas.
- Common property, where provided, should be functional and capable of efficient management.

**Decision Guidelines**

- There are no decision guidelines for this objective and standard.

---

**Clause 58.06-2 – Site Services Objective**

- To ensure that site services can be installed and easily maintained.
- To ensure that site facilities are accessible, adequate and attractive.

**Standard D22 (can be varied)**

- The design and layout of dwellings should provide sufficient space (including easements where required) and facilities for services to be installed and maintained efficiently and economically.
- Mailboxes and other site facilities should be adequate in size, durable, waterproof and blend in with the development.
- Mailboxes should be provided and located for convenient access as required by Australia Post.

**Decision Guidelines**

- Before deciding on an application, the responsible authority must consider the design response.

---

**Clause 58.06-3 – Waste and Recycling Objective**

- To ensure dwellings are designed to encourage waste recycling.
- To ensure that waste and recycling facilities are accessible, adequate and attractive.
- To ensure that waste and recycling facilities are designed and managed to minimise impacts on residential amenity, health and the public realm.

**Standard D23 (Can be varied)**

Developments should include dedicated areas for:

- Waste and recycling enclosures which are:
  - 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.

**Complies**

The bin storage area is appropriate for the residential and commercial use as detailed in the ‘Waste Management Plan’ prepared by Leigh Design Pty Ltd.
• 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.

Waste and recycling management facilities should be designed and managed in accordance with a Waste Management Plan approved by the responsible authority and:

• 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.

**Decision Guidelines**

**Before deciding on an application, the responsible authority must consider:**

• The design response.

• Any relevant waste and recycling objective, policy or statement set out in this scheme.

---

**Clause 58.07-1 - Functional Layout Objective**

• To ensure dwellings provide functional areas that meet the needs of residents.

**Standard D24 (Can be varied)**

Bedrooms should:

• 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.

**Table D7 Bedroom Dimension**

<table>
<thead>
<tr>
<th>Bedroom Type</th>
<th>Minimum Width</th>
<th>Minimum Depth</th>
</tr>
</thead>
<tbody>
<tr>
<td>Main bedroom</td>
<td>3 metres</td>
<td>3.4 metres</td>
</tr>
<tr>
<td>All other bedrooms</td>
<td>3 metres</td>
<td>3 metres</td>
</tr>
</tbody>
</table>

Living areas (excluding dining and kitchen areas) should meet the minimum internal room dimensions specified in Table D8.

**Table D8 Living Area Dimension**

<table>
<thead>
<tr>
<th>Bedroom Type</th>
<th>Minimum Width</th>
<th>Minimum Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>Studio and 1 bedroom dwelling</td>
<td>3.3 metres</td>
<td>10 sqm</td>
</tr>
<tr>
<td>2 or more bedroom dwelling</td>
<td>3.6 metres</td>
<td>12 sqm</td>
</tr>
</tbody>
</table>

**Decision Guidelines**

**Before deciding on an application, the responsible authority must consider:**

Complies

As detailed in Drawing No TP5.01 – TP5.06 all of the bedrooms for each respective apartment and all of the living areas, including studio apartments, have been designed to meet the minimum requirements contained in Tables D7 and D8.

Thus, satisfying the Standard and Objective of Clause 58.07-1.
- The design response.
- The useability, functionality and amenity of habitable rooms.

<table>
<thead>
<tr>
<th>Clause 58.07-2 – Room Depth Objectives</th>
<th>Compiles</th>
</tr>
</thead>
<tbody>
<tr>
<td>* To allow adequate daylight into single aspect habitable rooms.</td>
<td>All habitable rooms, including the open plan layout of living areas, comply with the standard when measuring the depth from the glazing line of the habitable room windows.</td>
</tr>
</tbody>
</table>

**Standard D25 (Can be varied)**

Single aspect habitable rooms should not exceed a room depth of 2.5 times the ceiling height.

The depth of a single aspect, open plan, habitable room may be increased to 9 metres if all the following requirements are met:

- 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.

The room depth should be measured from the external surface of the habitable room window to the rear wall of the room.

**Decision Guideline**

Before deciding on an application, the responsible authority must consider:

- The design response.
- The extent to which the habitable room is provided with reasonable daylight access through the number, size, location and orientation of windows.
- The useability, functionality and amenity of the dwelling based on layout, siting, size and orientation of habitable rooms.
- Any overhang above habitable room windows that limits daylight access.

**Clause 58.07-3 – Windows Objectives**

- To allow adequate daylight into new habitable room windows

**Standard D26 (Can be varied)**

Habitable rooms should have a window in an external wall of the building.

A window may provide daylight to a bedroom from a smaller secondary area within the bedroom where the window is clear to the sky.

The secondary area should be:

- A minimum width of 1.2 metres.
- A maximum depth of 1.5 times the width, measured from the external surface of the window.

**Decision Guideline**

Before deciding on an application, the responsible authority must consider:

- The design response.
- The extent to which the habitable room is provided with reasonable daylight access through the number, size, location and orientation of windows.
- The useability and amenity of the dwelling based on the layout, siting, size and orientation of habitable rooms.

**Complies**

All habitable rooms have a window with an external wall of the building, noting that the windows provided to the secondary/third bedroom are all clear to the sky.

These enable an adequate daylight response into these secondary bedrooms while otherwise apartments are designed to face either of the Site’s street frontages or central communal open space area.

Accordingly, both the Standard and Objective of Clause 58.07-3 are satisfied in this innovative design response.
### Clause 58.07-4 – Natural Ventilation Objectives

- To encourage natural ventilation of dwellings.
- To allow occupants to effectively manage natural ventilation of dwellings.

### Standard D27 (Can be varied)

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.

### Decision Guideline

Before deciding on an application, the responsible authority must consider:

- The design response.
- The size, orientation, slope and wind exposure of the site.
- The extent to which the orientation of the building and the layout of dwellings maximises opportunities for cross ventilation.
- Whether an alternative design meets the relevant objectives having regard to the amenity of the dwelling and the site context.

### Complies

All of the habitable rooms are fitted with openable windows, and opportunities for cross-ventilation have been maximised with the provisions of the external corridor which enables all of the dwellings to be cross-ventilated, greatly exceeding the requirements of the Standard.