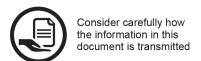


PLANNING COMMITTEE

AGENDA

23 JULY 2025







Planning Committee

Welcome

Welcome to this Planning Committee
Meeting of the Port Phillip City Council.
The aim of this Committee is to consider,
within the framework of the Planning and
Environment Act, State and Local Planning
Schemes, major planning applications or
applications that will have a large impact on
the local area. This Committee also allows
you to be involved in the statutory and
strategic planning decision making
processes of Council.

About this meeting

There are a few things to know about tonight's meeting. The first page of tonight's Agenda itemises all the different parts to the meeting. Some of the items are administrative and are required by law. In the agenda you will also find a list of all the items to be discussed this evening. Each item has a report written by a Council officer outlining the purpose of the report, all relevant information and a recommendation. The Committee will consider the report and either accept the recommendation or make amendments to it

This Committee has delegated authority. A recommendation is carried if it receives majority support of the Councillors in attendance at the Committee meeting.

Public Question Time and Submissions

Public Question Time Provision is made at the beginning of the meeting for general question time from members of the public concerning planning matters.

All contributions from the public will be heard at the start of the meeting during the agenda item 'Public Questions and Submissions.' Members of the public have the option to either participate in person or join the meeting virtually via Teams to ask their questions live during the meeting.

If you would like to address the Council and /or ask a question on any of the items being discussed, please submit a 'Request to Speak form' by 4pm on the day of the meeting via Council's website:

Request to speak at a Council meeting - City of Port Phillip





PORT PHILLIP CITY COUNCIL PLANNING COMMITTEE

To Councillors

Notice is hereby given that a Planning Committee Meeting of the Port Phillip City Council will be held in **St Kilda Town Hall** and **virtually via Teams** on **Wednesday, 23 July 2025** at **6:30pm**. At their discretion, Councillors may suspend the meeting for short breaks as required.

AGENDA

1	APO	LOGIES		
2	MINUTES OF PREVIOUS MEETINGS			
	Minu	tes of the Planning Committee 23 April 2025.		
3	DEC	LARATIONS OF CONFLICTS OF INTEREST		
4	PUBLIC QUESTION TIME AND SUBMISSIONS			
5	COUNCILLOR QUESTION TIME			
6	PRESENTATION OF REPORTS			
	6.1	80 Wright Street, Middle Park - PDPL/00281/2025	5	
	6.2	145 Chapel Street, St Kilda - PDPL/00195/2024	39	
	6.3	204 Princes Street, Port Melbourne - PDPL/00535/2024	115	
7	URG	ENT BUSINESS		
8	CONFIDENTIAL MATTERS			
	Nil			



1. APOLOGIES

2. MINUTES OF PREVIOUS MEETINGS

RECOMMENDATION:

That the minutes of the Planning Committee of the Port Phillip City Council held on 23 April 2025 be confirmed.

- 3. DECLARATIONS OF CONFLICTS OF INTEREST
- 4. PUBLIC QUESTION TIME AND SUBMISSIONS
- 5. COUNCILLOR QUESTION TIME
- 6. PRESENTATION OF REPORTS

6.1	80 Wright Street, Middle Park - PDPL/00281/2025	5
6.2	145 Chapel Street, St Kilda - PDPL/00195/2024	39
63	204 Princes Street Port Melhourne - PDPI /00535/2024	115



6.1 80 WRIGHT STREET, MIDDLE PARK - PDPL/00281/2025

LOCATION/ADDRESS: 80 WRIGHT STREET, MIDDLE PARK

EXECUTIVE MEMBER: BRIAN TEE, GENERAL MANAGER, CITY GROWTH AND

DEVELOPMENT

MANAGER PAUL WOOD, MANAGER CITY DEVELOPMENT

PREPARED BY: JAMES MCINNES, PRINCIPAL PLANNER

1. PURPOSE

1.1 To consider and determine planning application PDPL/00281/2025 for the demolition of an existing dwelling, and construction of a two-storey dwelling in a Heritage Overlay.

2. EXECUTIVE SUMMARY

WARD: Albert Park

TRIGGER FOR DETERMINATION

BY COMMITTEE:

More than 16 objections

APPLICATION NO: PDPL/00281/2025

APPLICANT: Roda Developments

EXISTING USE: Dwelling

ABUTTING USES: Dwellings, primary school, and place of

worship

ZONING: Neighbourhood Residential Zone, Schedule

1 (NRZ1)

OVERLAYS: Heritage Overlay (HO444)

- 2.1 This report provides Council with an assessment of planning application PDPL/00281/2025 at 80 Wright Street, Middle Park. The key considerations are the acceptability of the demolition of the existing non-contributory dwelling, and whether the proposed replacement dwelling is acceptable within the context of the Heritage Overlay.
- 2.2 The application proposes the full demolition of the existing dwelling and associated outbuildings and fencing on the site. In its place, and the construction of a two-storey replacement dwelling to a maximum height of 7.26 metres is proposed.
- 2.3 The land is within the Neighbourhood Residential Zone, Schedule 1 (NRZ1), and is affected by a Heritage Overlay 444 Middle Park and St Kilda West Precinct (HO444). As the subject site is larger than 300 square metres in area, there are no planning requirements under the zone, meaning there is no requirement to consider Clause 54 siting requirements or car parking design as part of this assessment. A planning permit is only required under the Heritage Overlay, and assessment of the proposal is limited to heritage matters.
- 2.4 The application was publicly notified and received objections from 18 people.

 Concerns relate to a poor response to the heritage context, impact on the streetscape



and surrounding heritage significance, inappropriate bulk, form, and appearance, visibility of upper floor elements, inappropriate external materiality and colour selection, overlooking issues, excessive site coverage, noise impacts from use of the roof terrace and location of air conditioners and pool equipment. Also, that approval would set an inappropriate precedent.

- 2.5 A consultation meeting was held on 14 April 2025 in response to the previously submitted application at the site, also for a replacement single dwelling. The meeting was attended by an elected member of Council, a Council planning officer, a representative of the permit applicant, and members of the public who made submissions on the application. The meeting resulted in a number of changes to the proposal, namely the 'splitting' of the first floor to separate and reduce the overall first-floor footprint. Those changes are included in the plans forming part of the current application subject to this assessment
- 2.6 The application has been assessed against local and State heritage planning policies contained within the Port Phillip Planning Scheme, and the purpose and decision guidelines of the Heritage Overlay.
- 2.7 On balance, in meeting the recommended conditions, the proposal is an appropriate design response for the heritage context, and will not adversely affect the significance of nearby heritage places.
- 2.8 The proposal is recommended for approval, subject to the conditions below.

3. RECOMMENDATION

- 3.1 That the Responsible Authority, having caused the application to be advertised and having received and noted the objections, issue a Notice of Decision to Grant a Permit for Application No. PDPL/00281/2025 at 80 Wright Street, Middle Park.
- 3.2 That a Notice of Decision to Grant a Permit be issued subject to the following permissions:

Planning scheme clause	Matter for which the permit has been granted	
43.01-1	Demolish or remove a building	
43.01-1	Construct a building or construct or carry out works	

3.3 That the decision be issued subject to the following conditions:

Approved and endorsed plans

 The plans endorsed and which form part of this permit are the plans submitted with the application, identified as Sheets 3 to 11 (of 14) inclusive, revision C – dated 21 May 2025, and prepared by Roda Developments.

Layout not to be altered

2. The layout of the development must not be altered from the layout on the approved and endorsed plans (unless the Port Phillip Planning Scheme specifies a permit is not required) without the written consent of the responsible authority.

Water sensitive urban design



- 3. Concurrent with the endorsement of plans as required by condition 1 of this permit, the Water Sensitive Urban Design (WSUD) Report, dated February 2025, and prepared by Energy Lab, is endorsed to form part of this permit.
- 4. Before the development is occupied, the provisions, recommendations, and requirements of the endorsed WSUD Report must be implemented and complied with to the satisfaction of the responsible authority.

Vehicle crossing

5. Before the development is occupied, the vehicle crossing must be constructed in accordance with Council's current Vehicle Crossing Guidelines and standard drawings to the satisfaction of the responsible authority.

Boundary walls

6. Before the development is occupied, all new or extended walls on or facing the boundaries of adjoining properties or a laneway must be cleaned and finished to the satisfaction of the responsible authority.

Equipment or services

7. No plant, equipment or domestic services (including any associated screening devices) or architectural features, other than those shown on the endorsed plans, are permitted, except where they would not be visible from a street (other than a lane) or public park without the written consent of the responsible authority.

Gas connection not permitted

8. Any new dwelling allowed by this permit must not be connected to a reticulated gas service (within the meaning of clause 53.03 of the relevant planning scheme). This condition continues to have force and effect after the development authorised by this permit has been completed.

Permit expiry

- 9. This permit as it relates to development (buildings and works, including demolition) will expire if one of the following circumstances applies:
 - a) The development is not started within 2 years of the issued date of this permit.
 - b) The development is not completed within 4 years of the issued date of this permit.

In accordance with section 69 of the *Planning and Environment Act 1987*, an application may be submitted to the responsible authority for an extension of the periods referred to in this condition.

4. RELEVANT BACKGROUND

Planning permit PDPL/00073/2023

4.1 Planning permit PDPL/00073/2023 was issued by Council on 6 August 2024, approving the partial removal of two easements under Clause 52.02 of the Port Phillip Planning Scheme.



4.2 The easements approved to be removed are E-1 and E-2 as shown on the title plan. These easements are in favour of South East Water Corporation and Melbourne Water. It is noted that they currently extend to be within the proposed building footprint of the garage. There may be a requirement for a build-over-easement agreement between the permit-holder and these authorities, however, this is of no consequence for the approval sought as part of this planning application.

Planning application PDPL/00069/2023

4.3 Planning application PDPL/00069/2023 was lodged with Council on 15 February 2023, proposing full demolition of the existing dwelling and associated outbuildings, and the construction to two double-storey dwellings on the site. The application was refused under delegation by Council on 28 October 2024 on grounds relating to not satisfying heritage and neighbourhood character policy, failing to meet Clause 55 objectives, and car parking design issues.

Planning application PDPL/00009/2025

- 4.4 Planning application PDPL/00009/2025 was lodged with Council on 13 January 2025, and proposed full demolition of the existing dwelling and associate outbuildings, and construction of a two-storey replacement dwelling. The application was publicly notified and received objections from 23 people.
- 4.5 Following public notification, Council officers identified that the application had been lodged without a Metropolitan Planning Levy (MPL) certificate, meaning that the application was void and could not be further considered. The application was subsequently withdrawn as being void.
- 4.6 Planning application PDPL/00281/2025, the application which is the subject of this report, was lodged with Council on 4 June 2024 on the basis of an amended set of plans and with a reduced estimated cost of development, meaning an MPL certificate is not required.
- 4.7 All objectors to the previous application have been notified of the current application and provided the opportunity to carry over their objection to the current application. In addition to this, standard public notification has been carried out for the current application.

5. PROPOSAL

- 5.1 The application proposes the full demolition of the existing dwelling and associated outbuildings and fences on the site. A two-story replacement dwelling is proposed, consisting of the following:
 - A basement level containing a foyer, multi-purpose room, store, and cellar.
 - At ground floor an open plan entry/study, master bedroom with ensuite, open plan kitchen/dining/living, store, powder room, laundry, mudroom, alfresco area, and double garage. A pool is proposed within the private open space area to the northeast of the dwelling, however this itself does not require planning permission as it would not be visible from Wright Street or any other street or public park.
 - At first floor closest to Wright Stret, two bedrooms, a retreat, nook and bathroom. At first floor closest the rear of the site, a bedroom with ensuite and a balcony.
 - An uncovered roof terrace immediately above the first-floor retreat.



- A double garage at the rear of the site, with vehicle access to the rear laneway.
- The maximum building height is 7.26 metres. Two boundary walls are proposed to the south-western boundary, and one boundary wall to the north-eastern boundary.
- External materiality is a mix of light-coloured face brick, charred timber cladding, ivory and charcoal/dark grey render, and stained timber cladding. The roof is proposed to be charcoal/dark grey tiling.



Figure 1 - Artist's rendering of proposal as viewed from Wright Street

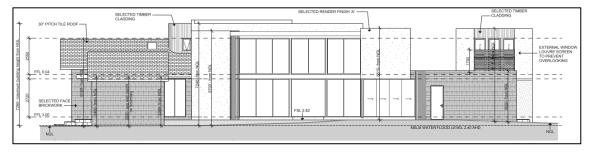


Figure 2 - Excerpt from proposed north-east elevation

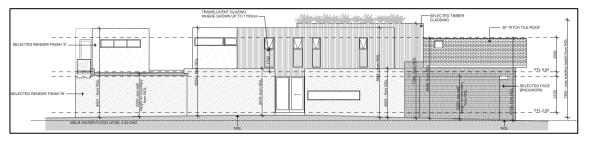


Figure 3 - Excerpt from proposed south-west elevation



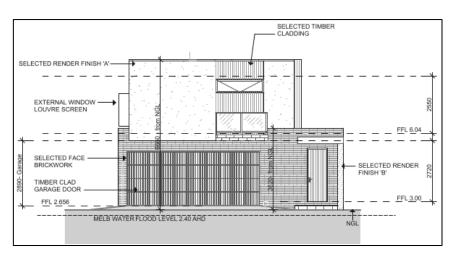


Figure 4 - Excerpt from proposed north-west elevation

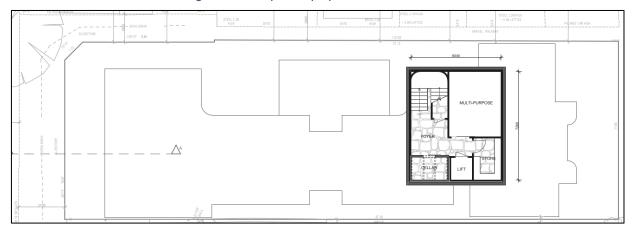


Figure 5 - Excerpt from basement floor plan

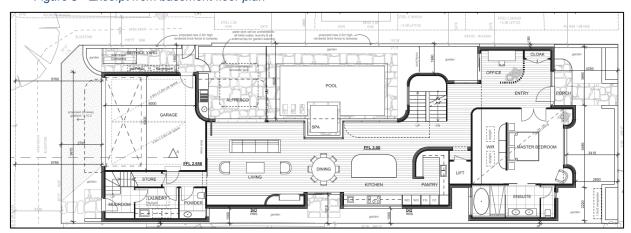


Figure 6 - Excerpt from ground floor plan



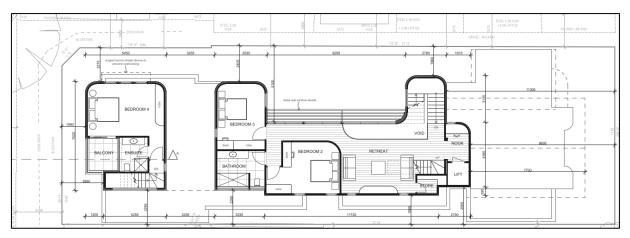


Figure 7 - Excerpt from first floor plan

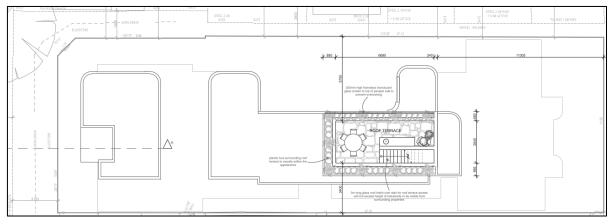


Figure 8 - Excerpt from roof terrace floor plan

6. SUBJECT SITE AND SURROUNDS

The subject site

- 6.1 The subject site is a generally rectangular shaped allotment with a small splay at the north-western corner, is approximately 445 square metres in area, and has a slight rise at the western end of the site. The site fronts Wright Street to the south-east for a width of 11.93 metres, and is 37.19 metres long at its deepest point. The site is bounded partly by a walkway and partly by a laneway along the northern-eastern boundary, by a laneway along the north-western boundary, and by 82 Wright Street along the southern boundary.
- 6.2 The site is developed with a single-storey post-war era dwelling, constructed predominately of brick. There is a small brick outbuilding to the rear of the dwelling, together with raised garden beds and concreted areas. There is a 0.8 metre high, brick and wrought iron fence front fence along the street alignment.





Figure 9 - Aerial image of subject site and surrounding area (NearMap - 26 May 2025)

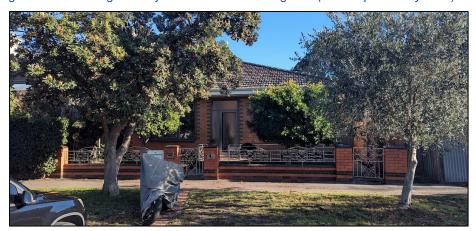


Figure 10 - Photo of subject site frontage (Officer inspection - 4 July 2025)



Figure 11 - Photo of rear of subject site, interface with laneway (Officer inspection - 4 July 2025)



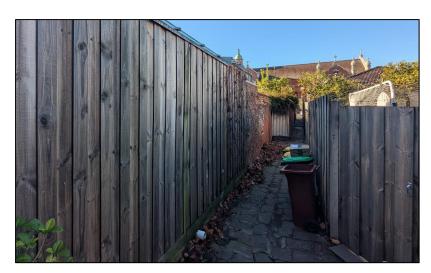


Figure 12 - Photo of subject site north-eastern interface (Officer inspection - 4 July 2025)

The surrounding area

- 6.3 The surrounding area is predominately zoned Neighbourhood Residential Zone (NRZ), excepting for Middle Park Primary School adjacent to the north-west which is zoned Public Use Zone 2 (PUZ2).
- 6.4 All immediately adjoining land is within a Heritage Overlay, with surrounding residential areas within the 'Middle Park and St Kilda West Precinct' under HO444, Middle Park Primary School individually listed under HO239, and Our Lady of Mt Carmel Catholic Church individually listed under HO238.
- 6.5 Wright Street road reserve, directly adjoining to the south-east, is a Council-owned road.



Figure 13 - Map showing zoning of site and surrounding area (VicPlan - 3 July 2025)





Figure 14 - Map showing extent of Heritage Overlay affecting the surrounding area (VicPlan - 3 July 2025)

6.6 Adjoining and adjacent land is developed as follows:

82 Wright Street (adjoining to south-west)

Single-storey, double-fronted Federation-era dwelling, constructed of rendered masonry, with a slate tile double-hipped roof, and a contemporary detached rear two-storey addition. This dwelling has a significant heritage grading.

194 Richardson Street (adjacent to north-west, across laneway)

Middle Park Primary School, which consists of several larger buildings, outbuildings, and open space playground areas. The site has a significant heritage grading.

196 Richardson Street (adjacent to north-east, across laneway)

Single storey Victorian-era dwelling, with a contemporary ground floor extension to the rear. The site has a contributory heritage grading.

196, 198, 200, 202, 204, 206, and 208 Richardson Street (adjacent to north-east, across laneway/pedestrian footpath)

These lots are each developed with single storey Victorian-era dwellings. Each appear to have contemporary ground floor extensions to the rear with 202 Richardson Street subject to a two-storey rear extension. These dwellings all have a significant heritage grading.

210-218 Richardson Street (opposite to south-east, across Wright Street road reserve)

Our Lady of Mt Carmel Catholic Church, which is a large church building constructed of red brick, with high tiled roof form and turrets. This building has a significant grading.

6.7 The broader surrounding area is typified by generally single storey dwellings, however some examples of two and three storey infill development is present (including 39 Harold Street and 92 Hambleton Street), as well as two-storey rear extensions (including 82 Wright Street, 84 Wright Street, 90 Wright Street, 202 Richardson Street, 232 Richardson Street, 234 Richardson Street, and 81 Neville Street).





Figure 15 - Photo of 82 Wright Street frontage (Officer inspection - 4 July 2025)



Figure 16 - Photo of 82 Wright Street interface with Neville Street (Officer inspection - 4 July 2025)



Figure 17 - Photo looking south-east toward 84, 86, and 88 Wright Street (Officer inspection 4 July 2025)





Figure 18 - Photo of 198 (background) to 208 (foreground) Richardson Street frontages (Officer inspection - 4 July 2025)



Figure 19 - Photo of Our Lady of Mt Carmel Catholic Church frontage to Wright Street (Officer inspection - 4 July 2025)

7. PERMIT TRIGGERS

7.1 The following zones, overlays, and particular provisions apply to the site and are relevant to assessment of the proposal. Planning permission is required as described below:

Planning control	Why is a permit required?
Clause 32.09	<u>Use</u>
Neighbourhood Residential Zone, Schedule 1	A permit is not required to use the land for the purpose of a dwelling.
(NRZ1)	Buildings and works
	A permit is not required to construct or extend one dwelling on a lot greater than 300 square metres in area.
	Minimum garden area requirement



	Clause 32.09-4 of the NRZ requires 30% of a lot between 500-650 square metres be set aside as garden area. The application meets this requirement , setting aside approximately 34% (152.68 square metres).
Clause 43.01 Heritage Overlay ('Middle Park and St Kilda West Precinct' – HO444)	Buildings and works A permit is required to demolish or remove a building. A permit is required to construct a building or construct or carry out works.
Clause 52.06 Car Parking	Clause 52.06 does not apply to the construction and use of one dwelling on a lot in the Neighbourhood Residential Zone, unless the zone or a schedule to the zone specifies that a permit is required to construct one dwelling on a lot.
Clause 53.03 Residential Reticulated Gas Service Connection	Clause 53.03 applies to an application for a permit for the construction of a new dwelling. The mandatory condition at Clause 53.03-2 prohibiting any new dwelling allowed by a planning permit must be included on any permit issued for the proposal.

8. PLANNING SCHEME PROVISIONS

8.1 The following policies, controls, and provisions are relevant to assessment of this application:

Municipal Planning Strategy (MPS) and Planning Policy Framework (PPF)

- Clause 02 Municipal Planning Strategy
 - o Clause 02.01 Context
 - o Clause 02.02 Vision
 - Clause 02.03 Strategic Directions
- Clause 15 Built Environment and Heritage
 - o Clause 15.03 Heritage
 - Clause 15.03-1S Heritage conservation
 - Clause 15.03-1L Heritage policy
- Clause 19 Infrastructure
 - Clause 19.03 Development Infrastructure
 - Clause 19.03-3L Stormwater management (water sensitive urban design)

Zone and Overlay Controls

• Clause 43.01 – Heritage Overlay



Particular, General, and Operational Provisions

- Clause 53.03 Residential Reticulated Gas Service Connection
- Clause 65 Decision Guidelines
- Clause 71.02-3 Integrated decision making
- 8.2 The subject site is within the *Middle Park and St Kilda West Precinct* (HO444) of the Heritage Overlay. The statement of significance for the precinct is summarised below:

What is significant?

The Middle Park/St Kilda West Precinct comprises a large wedged-shaped area bounded by the major thoroughfares of Canterbury Road, Fitzroy Street, Beaconsfield Parade(one of Melbourne's premier beachside boulevards) and Kerferd Road. Owing to the swampy land, residential development was delayed – commencing at the southeastern (St Kilda West end) in the early 1870s, spreading along the north-western fringe (Kerferd Road, Canterbury Road and the top ends of intersecting side streets) from the late 1870s to the 1890s and then finally infilling during the early 1900s and 1910s. Today, the precinct remains strongly characterised by a broad range of late Victorian and Edwardian housing stock, with contemporaneous commercial and community-oriented buildings (corner shops, churches, schools and hotels).

Why is it significant?

Historically, the precinct is significant as a notable and highly atypical expanse of late nineteenth and early twentieth century inner-suburban residential development, conspicuously sandwiched between the much older settlements of Port Melbourne (Sandridge), South Melbourne (Emerald Hill) and St Kilda. With the contemporaneous development of Middle Park and St Kilda West hampered by a notorious expanse of swampland and a foreshore military reserve, it was not until the late 1870s and early 1880s – when the swamp was reclaimed, military presence was withdrawn and the new Middle Park Railway Station was opened (1882) – that residential expansion could begin in earnest.

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Aesthetically, the precinct is significant for its fine and largely intact streetscapes of Victorian and Edwardian housing.

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Irrespective of their style and era, the pre-war buildings within the precinct exhibit notable cohesion through their broadly consistent scale (mostly one and two storey) and materials, their closely grained siting and relatively narrow setbacks. Many of the streetscapes are enhanced by their settings, which includes original bluestone kerbs, gutters and pitching to laneways and crossovers (particularly along Kerferd Road), landscaped median strips (again in Kerferd Road, and the far end of Danks Street) as well as some outstanding rows of mature deciduous street trees (most notably on Mary Street and Richardson Street, as well as Park Street, Page Street, York Street).

9. REFERRALS

Internal referrals

9.1 The application was referred to the following areas of Council for comment. Below is a summary of those comments and requirements, and a response to each where further assessment or a condition to address and issue is required.



Internal department	Referral comments
Heritage officer	No objection
	The setbacks of the proposed dwelling are the same or similar to the house at no.82: the main front wall of the new dwelling is approximately in line with the front wall of the house at no.82. The projecting window bay is approximately in line with the projecting bay of no.82. This is appropriate in the context.
	The setback of the two-storey section (9.6m to the frontage and approx. 5-6m from the façade) will ensure that while visible it will be a recessive element.
	The front and side setbacks are sufficient and will not impact upon oblique views to 82 Wright Street. The biggest impact upon views to no.82 is the high solid fence that sits in front of it.
	The roof terrace is set back 11.3m from the frontage. It is also relatively narrow. This will ensure that it is of limited visibility within the streetscape and will not result in any heritage impacts.
	The low solid front fence is OK as a contemporary interpretation and in the context of high solid front fence next door.
	Materials should respect and complement but not simply copy original materials on surrounding houses. The proposed cement-coloured masonry brick (similar in colour to the traditional render found on heritage dwellings in the area including no.82), dark tiled gabled roof (similar to traditional slate), and multi-pane windows set within a projecting bay (like the traditional windows in projecting bays of Victorian and Edwardian houses in the street) are all appropriate and respectful of the surrounding heritage buildings.
Sustainable Design	No objection, conditions required
officer	The Water Sensitive Urban Design (WSUD) report contains acceptable stormwater management systems.
	'Typical Rainwater tank system diagram' showing an above ground RWT to be replaced with one that reflects the proposed underground RWT
	Location, volume, and connection details for rainwater tank connections should be included on the WSUD catchment drawing
	Location and dimensions of the raingarden should be included on the WSUD catchment drawing



- The WSUD catchment drawing to include all impervious surfaces around the pool area that will drain to stormwater
- Standard conditions requiring implementation of WSUD measures are required

Planner's comments

The above issues have been addressed by a revised WSUD report. A rainwater tank system design diagram for an underground rainwater tank has not been provided, however it is not considered necessary, noting that sufficiently detailed implementation and management requirements are contained within the WSUD report. Those requirements will need to be met by the development by inclusion of standard implementation and management conditions recommended for the permit combined with endorsement of the WSUD Report.

External referrals

9.2 The application was not required to be referred to any authorities pursuant to Clause 66 of the planning scheme, or Section 55 of the Planning and Environment Act 1987.

10. PUBLIC NOTIFICATION/OBJECTIONS

Public notification

10.1 Public notice of the application was given in mid-June to early-July 2025, including by the mailing of 35 notices to the owners and occupiers of directly adjoining and nearby properties, including objectors to the previous single dwelling application on the subject site, and display of a notice on the land.

Objections received

- 10.2 The application has received 18 objections. These contain grounds of objection which include the following themes:
 - Poor response to heritage context
 - Impact on streetscape and heritage significance
 - Inappropriate bulk, form, and appearance
 - Inadequate front and side setbacks
 - Visibility of upper-level elements
 - Inappropriate external materiality and colour selection
 - Overlooking concerns
 - Excessive site coverage
 - Noise impacts from use of roof terrace, and siting of air-conditioning and pool equipment
 - Approval would set inappropriate precedent



Consultation meeting

10.3 A consultation meeting was held on 14 April 2025 during assessment of the previous application for the site (PDPL/00009/2025). The meeting resulted in changes to the proposal to alter and reduce the first-floor built form. These changes have been incorporated into the plans submitted with the current application.

11. OFFICER'S ASSESSMENT

- 11.1 The planning controls relevant to the application contain a purpose and decision guidelines, and the following assessment will respond to the relevant requirements, along with other matters required to be considered under the planning scheme and the *Planning and Environment Act 1987*.
- 11.2 As a planning permit is only required under the provisions of the Heritage Overlay, assessment of the proposal is confined to heritage matters.
- 11.3 The purpose of the Heritage Overlay is to conserve and enhance places of natural or cultural significance, to conserve those elements which contribute to the significance of the place, and to ensure that development does not adversely affect the significance of heritage places. The decision guidelines of the Heritage Overlay also require consideration to be given to the applicable statement of significance and heritage study for the precinct.
- 11.4 Considerations under the Heritage Overlay are consistent with the broader heritage conservation policy of the Planning Policy Framework at Clause 15.03-1S (Heritage conservation). Clause 15.03-1L (Heritage policy) provides the principal policy guidance in assessing an application within the heritage overlay for the local context.
- 11.5 Assessment of the acceptability of the proposal with respect to relevant heritage matters will be undertaken by responding to the following questions:
 - Is full demolition of the existing dwelling appropriate?
 - Is the proposed replacement dwelling acceptable in the heritage context?
 - Does the proposal result in amenity impacts based on the relevant planning controls?
 - Are there any other matters that require consideration, including outstanding objector concerns?

Is full demolition of the existing dwelling appropriate?

- 11.6 Local heritage policy at Clause 15.03-1L (Heritage policy) provides only policies and strategies which relate to conservation and demolition which are relevant to heritage places which are significant or contributory.
- 11.7 Whilst the subject site is within a Heritage Overlay, and consequently the application is subject to a planning control which requires permission for demolition works, the existing dwelling on the site is not graded as either significant or contributory within the heritage precinct. It is not of any heritage significance.
- 11.8 It is acknowledged that the rear portion of the site is mapped as contributory, however this relates to an area of land which was associated with a dwelling which formerly occupied part of the site (formerly known as 61 Neville Street). This dwelling was demolished in September-October 2021 in accordance with planning permit 642/2016.



- 11.9 Mapping under City of Port Phillip Planning Scheme has not yet been updated following the demolition of the dwelling and the re-subdivision of the land, which incorporated the rear part of 61 Neville Street into the rear part of 80 Wright Street.
- 11.10The extent of demolition proposed within the area mapped as contributory is for removal of a small shed along the southern boundary, and an area of concrete paving and raised garden beds. None of these elements are themselves of heritage significance and are acceptable to be demolished.



Figure 20 - Map showing contributory (green) and significant (red) places in the surrounding area

Is the proposed replacement dwelling acceptable in the heritage context?

11.11Local heritage policy at Clause 15.03-1L (Heritage policy) provides the following strategies relevant to assessment of the proposed replacement dwelling:

General

Conservation of heritage places and new development are guided by the statement of significance, the urban context and any relevant documentary or physical evidence.

Encourage high quality, contemporary design responses for new development that respects and complements the heritage place by using a contextual approach that:

- Responds to and reinforces the contributory features of the heritage place, including:
 - Building height, scale, massing and form.
 - Roof form and materials.
 - Siting, orientation and setbacks.
 - Fenestration and proportion of solid and void features.
 - Details, colours, materials and finishes.
- Conserves and enhances the setting and views of heritage places.

Avoid development that would result in the incremental or complete loss of significance of a heritage place by:

- Altering, concealing or removing a feature, detail, material or finish that contributes to the significance of the heritage place.
- Distorting or obscuring the significance of the heritage place by using historic styles and detail where these previously did not exist.



New buildings

Support new buildings that respect and complement Significant and Contributory buildings in relation to form, scale, massing, siting, details and materiality.

Roof terraces and roof decks

Encourage roof terrace and roof decks to be sited so that they are concealed when viewed from the street and, when on a corner, from the side street (excluding a laneway).

- 11.12It is important to note that the sightline and concealment zone requirements of local heritage policy, which ordinarily apply to additions to existing dwellings within a Heritage Overlay do not apply to an application for a new dwelling.
- 11.13The application supports the outcomes sought by local heritage policy and the objectives and decision guidelines of the Heritage Overlay by proposing a replacement dwelling which is respectful of the heritage precinct through incorporating the following:
 - A maximum height of 7.26 metres above natural ground level (or 9.94 AHD)
 which is only 0.1 metres higher than the maximum height of the two-storey
 addition to 202 Richardson Street, and 0.61 metres higher than the two-storey
 detached extension to the rear of 82 Wright Street, the two nearest examples of
 contemporary development to the subject site.
 - A pitched roof form with a gabled end for the street-facing ground floor part of the dwelling. The roof will incorporate a dark coloured tile, taking cues from similar dark coloured slate roof materials which are a traditional materiality in this heritage context.
 - Cement-coloured masonry materiality, similar in colour to the traditional render found throughout the heritage precinct, including at 82 Wright Street.
 - Multi-pane windows set within a modern interpretation of a street-facing projecting window bay, taking cues from windows bays found in Victorian and Edwardian heritage dwellings.
 - Asymmetrical massing and form at both ground and first floor, particularly for built form which will be sighted from Wright Street.
 - A minimum street setback of 2.8 metres to the front wall which responds appropriately to the street setback of the adjoining significant-graded dwelling at 82 Wright Street, which likewise has a minimum street setback of 2.8 metres. It is acknowledged that the roof form projects forward of this to have a street setback of approximately 2 metres, however being an open-style gable end, and to a maximum height of 6.148 metres, the 2 metres setbacks is not seen to impact on the heritage streetscape.
 - A first-floor minimum street setback of 9.695 metres (6.89 metres behind the
 ground floor street setback), which is sufficient to ensure that the first-floor built
 form, whilst visible from the street, will be an appropriately recessive part of the
 development. It is important to note that the first-floor is setback from the street
 further than the chimney of 82 Wright Street, ensuring sightlines to that important
 heritage feature are not inappropriately impacted.
 - Sufficient side setbacks such that oblique views to 82 Wright Street from the streetscape will not be inappropriately impacted. It is acknowledged that a wallon-boundary is proposed adjacent to 82 Wright Street along the south-western



boundary. However, the height of boundary wall is a maximum of 3.275 metres above natural ground level (or approximately 5.72 AHD). This is approximately 1.18 metres lesser in height than the height of the wall opposite at 82 Wright Street. It is important to further note that the 82 Wright Street already has views to its frontage from the streetscape compromised by the height of its own front fencing and hedging.

- A minimum street setback to the roof terrace of 11.3 metres, ensuring there will be limited sightlines to the roof terrace from the streetscape.
- 11.14Local heritage policy at Clause 15.03-1L provides the following strategies relevant to assessment of the new vehicle access:

Vehicle access

Encourage vehicle access to be:

From a rear laneway.

Avoid onsite car parking in locations that would be visible from a street (other than a lane).

- 11.15The proposed new vehicle access aligns with this policy, noting is it will provide vehicle access to the site from the rear laneway, with limited sightlines from the Neville Street streetscape.
- 11.16Local heritage policy at Clause 15.03-1L provides the following strategies relevant to assessment of proposed new front fencing:

Fencing

Encourage conservation of fences or gates that contribute to the significance of a heritage place.

Ensure the height, materials, detailing and colours of front fences are appropriate to the architectural style of the heritage place.

Encourage new fences or gates for Non-contributory places to be in a simple contemporary style that complements the fences historically found in the heritage precinct.

11.17The proposed front fencing is acceptable, noting that it will have a maximum height of 0.8 metres, and will be rendered masonry in construction. It will present as a contemporary interpretation of heritage front fencing, utilising a common materiality found throughout the heritage precinct.

Does the proposal result in amenity impacts based on the relevant planning controls?

11.18As the site is larger than 300 square metres in area, meaning the siting requirements of Clause 54 are not required to be assessed as part of this application, there is no scope to consider amenity impacts resulting from setbacks, boundary walls, daylight to existing windows, overshadowing, overlooking, or site coverage. Assessment of these requirements, and consideration of any amenity impacts resulting from them, will be considered at the building permit stage.

Are there any other matters that require consideration, including outstanding objector concerns?



Objector concerns

- 11.19 Noise emanating from siting of air conditioners, pool equipment, or any other domestic equipment is not contemplated by the assessment required by the planning scheme. Such noise is controlled by the requirements of the *Environment Protection Act 2017*.
- 11.20 Noise resulting from use of the roof terrace is also not contemplated by the assessment required by the planning scheme, noting that use of the land for a dwelling does not require a planning permit in this planning context.

12. COVENANTS

12.1 The title documentation submitted with the application indicates that the land is not encumbered by any registered restrictive covenants.

13. OFFICER MATERIAL OR GENERAL INTEREST

13.1 No officers involved in the preparation of this report have declared a material or general interest in the matter.

14. CONCLUSION

- 14.1 Clause 71.02 of the planning scheme requires the decision-maker to integrate the range of policies relevant to the issues to be determined and balance the positive and negative environmental, social and economic impacts of the proposal in favour of net community benefit and sustainable development. When considering net community benefit, fair and orderly planning is key; the interests of present and future Victorians must be balanced; and, the test is one of acceptability.
- 14.2 A balanced assessment finds that in meeting the recommended conditions for permit the proposed development is appropriately site and context responsive and has regard for the relevant planning provisions and objectives sought by the Heritage Overlay. On this basis, it is recommended that a Notice of Decision to Grant a Permit be issued.

ATTACHMENTS 1. Assessed plans

Attachment 1:

Assessed plans

Attachment 1:

Assessed plans



6.2 145 CHAPEL STREET, ST KILDA - PDPL/00195/2024

LOCATION/ADDRESS: 145 CHAPEL STREET, ST KILDA

EXECUTIVE MEMBER: BRIAN TEE, GENERAL MANAGER, CITY GROWTH AND

DEVELOPMENT

MANAGER PAUL WOOD, MANAGER CITY DEVELOPMENT PREPARED BY: MATTHEW SCHREUDER, PRINCIPAL PLANNER

1. PURPOSE

1.1 To consider and determine an application for the demolition of the existing building and construction of a mixed use, six storey building with basement car park and communal roof terrace, use of the land as dwellings and a reduction in the car parking requirements of Clause 52.06.

2. EXECUTIVE SUMMARY

WARD: Balaclava

TRIGGER FOR DETERMINATION

BY COMMITTEE:

More than 16 objections.

APPLICATION NO: PDPL/00195/2024

APPLICANT: Garfield Nominees Pty Ltd

EXISTING USE: Vacant

ABUTTING USES: Commercial and residential

ZONING: Commercial 1 Zone

OVERLAYS: Design and Development Overlay – Schedule 21

Carlisle Street Major Activity Centre (DDO21)

Environmental Audit Overlay (EAO)

Heritage Overlay - Schedule 7 St Kilda, Elwood,

Balaclava, Ripponlea (HO7)

Special Building Overlay - Schedule 1 Melbourne

Water Main Drain (SBO1)

- 2.1 This application proposes the construction of a six storey mixed use building comprising of a ground floor office with apartments above. The proposal includes 20 apartments comprising four 1-bedroom apartments with study and 16 two-bedroom apartments. A car stacker is accessed off the rear lane with 16 spaces. 22 bicycle spaces are provided.
- 2.2 23 car spaces are required to meet the statutory car parking rate at Clause 52.06 (Car Parking). As 16 spaces are provided, the application seeks a waiver of 7 spaces.
- 2.3 The proposal includes the demolition of the non-contributory heritage graded buildings on the site. The single storey commercial building has been vacant for a number of years.



- 2.4 The application was in advertised in January 2025. 18 objections have been received at the time of writing this report. Keys concerns raised include the following which are outlined in more detail within the report:
 - Impact on heritage significance of 147 Chapel Street.
 - Inappropriate heritage response.
 - Non-compliance with the design objectives of the Design and Development Overlay.
 - Impact on the amenity of neighbouring properties including overlooking, overshadowing, loss of daylight and noise from roof terrace.
 - Inadequate internal amenity.
 - Traffic impacts related to use of the lane, car parking issues, traffic noise, pedestrian safety and access to the lane during construction.
 - Inaccuracies on plans.
 - Waste disposal.
 - Impact on property value.
- 2.5 The proposal is acceptable for the following reasons:
 - Strong strategic support for increased residential densities in the Carlisle Street
 Major Activity Centre with proximity to jobs, services and public transport.
 - The proposal is an acceptable response to the DDO21. In particular, the development is well-designed and provides an active street edge, appropriate street wall and upper-level setbacks. The scale of the building is commensurate with other development within the Carlisle Street Major Activity Centre.
 - The proposal provides an appropriate level of internal amenity for future residents.
 - Off-site amenity impacts are acceptable.
 - The provision of 16 residential car spaces is acceptable given proximity to public transport and the location within the Principal Public Transport Network (PPTN).
 - The provision of 26 bicycle spaces exceeds the 6 spaces required by Clause 52.34 – Bicycle Facilities. This further supports the reduction to the car parking requirements.
 - Melbourne Water supports the proposal subject to conditions.
- 2.6 The proposal is recommended for approval subject to the conditions.

3. RECOMMENDATION

- 3.1 That the Responsible Authority, having caused the application to be advertised and having received and noted the objections, issue a Notice of Decision to Grant a Permit for Application No. PDPL/00195/2024 at 145 Chapel Street, St Kilda.
- 3.2 That a Notice of Decision to Grant a Permit be issued subject to the following permissions:



Planning scheme clause	Matter for which the permit has been granted			
34.01-1	To use the land as dwellings (where the frontage at ground level exceeds two metres)			
34.01-4	Construct a building or construct or carry out works			
43.01-1	Demolish or remove a building			
43.01-1	Construct a building or construct or carry out works			
43.02-2	Construct a building or construct or carry out works			
44.05-2	Construct a building or construct or carry out works			
52.06-3	Reduce the number of car parking spaces required under Clause 52.06-5			

3.3 That the decision be issued subject to the following conditions:

Amended Plans Required

- Before the use and development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans identified as 'Proposed development 145 Chapel Street, TP01-TP-18', prepared by Terry Harper Architects date stamped as received by Council on 25 March 2025 and additional revision C plans TP-03, TP-04 and TP-05 received on 22 April 2025), but modified to show:
 - a) The changes shown on the revision C plans to be incorporated on the full suite of plans for endorsement (ie. any changes to also be reflected on the elevations, etc).
 - b) The provision of obscure glass or similar to a height of 1.7 metres above finished floor level of the south facing bedrooms on levels 2, 3 and 4 to avoid direct views into the habitable room windows of the dwelling at level three at 147 Chapel Street.
 - c) Deletion of the angled parapet along level six fronting Chapel Street.
 - d) Provision of an access door to the area containing the solar panels and air conditioning units to the south of the front communal roof terrace space.
 - e) External louvres to the west-facing kitchen/living area of level 5 shown on floor plans.
 - f) Details of the garage ventilation to be in accordance with Standard D12 of Clause 58.03-7 (Parking location objectives).
 - g) The dark 'Monument' colour on the upper levels modified with to be a lighter colour that remains distinguishable from the first three levels of the street wall.



- h) The fire services cupboard on the Chapel Street frontage to be designed as an integral part of the building architectural design, and where possible reduced in size to ensure a greater proportion of glazing to office.
- i) The verandah on Chapel Street frontage to extend the full length of the street frontage.
- j) Any changes as required by Condition 15 (Landscape Management Plan), Condition 18 (Waste Management Plan) and Conditions 22 to 27 (Melbourne Water Conditions).

No Alterations

The layout of the development must not be altered from the layout on the approved and endorsed plans (unless the Port Phillip Planning Scheme specifies a permit is not required) without the written consent of the responsible authority.

No change to external finishes

All external materials, finishes and colours as shown on the endorsed plans must not be altered without the written consent of the responsible authority

No equipment or services

4 No plant, equipment or domestic services (including any associated screening devices) or architectural features, other than those shown on the endorsed plans, are permitted, except where they would not be visible from a street (other than a lane) or public park without the written consent of the responsible authority.

Privacy Screening Must be installed

5 Before the development is occupied, all window screening must be installed in accordance with the endorsed plans and maintained to the satisfaction of the responsible authority.

Walls on or Facing the Boundary

Before the development is occupied, all new or extended walls on or facing the boundaries of adjoining properties or a laneway must be cleaned and finished to the satisfaction of the responsible authority.

Urban Art Plan

- Pefore the development is occupied, an Urban Art Plan to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the Urban Art Plan will be endorsed and will then form part of the permit. The Urban Art Plan must have regard to Clause 15.01-2L-03 of the Port Phillip Planning Scheme and detail the provision of an urban art contribution for the development that:
 - a) Offers aesthetic appeal, functionality and utility.
 - b) Takes on an artistic approach that either promotes integration (for example response, memory and facilitation for 'placemaking'), and/or intervention (for example provocation, parody and challenge for 'agenda-setting').

Urban art in accordance with the approved plan must be installed to the satisfaction of the responsible authority before the building is occupied.



Updated Sustainability Management Plan

Concurrent with the endorsement of plans as required by condition 1 of this permit, an updated Sustainability Management Plan (SMP) must be submitted to and approved by the Responsible Authority. The updated SMP must be generally in accordance with the SMP submitted with the application titled '145 Chapel Street, St Kilda' and dated 30 October 2024, prepared by AV – Low Impact Development Consulting, but modified to include reflect the decision plans referenced in Condition 1 of the permit and any changes required by Condition 1.

Where alternative Environmentally Sustainable Design (ESD) initiatives are proposed, the responsible authority may vary the requirements of this condition at its discretion, subject to the development achieving equivalent (or greater) ESD outcomes.

The provisions, recommendations and requirements of the endorsed SMP must be implemented and complied with to the satisfaction of the responsible authority and must not be varied except with the written consent of the responsible authority.

As Built Report for Environmentally Sustainable Design measures.

9 Before the development is occupied, an As-Built report for Environmentally Sustainable Design (ESD) measures is to be provided from a suitably qualified person or company, must be submitted to and endorsed by the responsible authority. The Report must confirm and provide supporting evidence that all ESD initiatives in the endorsed Sustainability Management Plan and Water Sensitive Urban Design (WSUD) report have been implemented in accordance with the approved plans/documents to the satisfaction of the responsible authority.

Car and Bicycle Parking Layout

- 10 Before the development is occupied, the areas set aside for the parking of vehicles and bicycles and access lanes as shown on the endorsed plans must be:
 - a) Constructed.
 - b) Properly formed to such levels that may be used in accordance with the plans.
 - c) Surfaced with an all-weather seal coat (as appropriate).
 - d) Drained.
 - e) Provided with lighting that is designed, baffled and located to prevent adverse effects on adjoining land.

All to the satisfaction of the responsible authority.

At all times car spaces, access lanes and driveways must be kept available for these purposes.

Once constructed, these areas must be maintained to the satisfaction of the responsible authority.

Vehicle Crossings

11 Before the development is occupied, the vehicle crossing must be constructed in accordance with Council's current Vehicle Crossing Guidelines and standard drawings to the satisfaction of the responsible authority.



Car Parking Stacker Maintenance and Provision

- Before the development is occupied, a Car Stacker System Management Plan (CSSMP) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The CSSMP must show:
 - a) Allocation of car spaces according to vehicle size and typ.
 - b) Ongoing maintenance of the car stacker system.
 - c) Instructions to owners and occupiers about the operation of the car stacker system.
 - d) Communicating to prospective residents about the availability of car stacker spaces and sizes.

The provisions, recommendations and requirements of the endorsed Car Stacker System Management Plan must be implemented and complied with to the satisfaction of the responsible authority and must not be varied except with the written consent of the responsible authority.

The mechanical car stackers must be maintained in a good working order and be permanently available for the parking of vehicles in accordance with their purpose, to the satisfaction of the responsible authority.

Legal Point of Discharge

14 The development discharge to the legal point of discharge and otherwise must be drained to the satisfaction of the responsible authority.

Landscape Plan

- 15 Before the development starts, a Landscape Plan to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved the plan will be endorsed and will then form part of the permit. The landscape plan must be prepared by a person suitably qualified or experienced in landscape design and must be drawn to scale with dimensions. All species selected must be to the satisfaction of the responsible authority. The Landscape Plan must show:
 - A planting schedule of all proposed vegetation including botanical names; common names; pot sizes; sizes at maturity; quantities of each plant and details of surface finishes of pathways and driveways.
 - b) Landscaping and planting within all open space areas of the site.
 - c) Water sensitive urban design.
 - d) All dimensions of planters, including size depth and soil volumes.
 - e) Seating and other communal facilities such as a BBQ to the roof terraces.
 - f) Ongoing maintenance of landscaping including replacing any dead, diseased, dying or damaged plants.

Completion of Landscaping

Before the development is occupied, the landscaping as shown on the endorsed Landscape Plan must be carried out and completed to the satisfaction of the



responsible authority, or at such later date as is approved by the responsible authority.

Construction Management Water Sensitive Design Measures

- 17 All construction (including demolition and excavation) must be carried out, so that:
 - a) No water containing oil, foam, grease, scum or litter will be discharged to the stormwater drainage system from the site.
 - b) All stored wastes are kept in designated areas or covered containers that prevent escape into the stormwater system.
 - c) The amount of mud, dirt, sand, soil, clay or stones deposited by vehicles on the abutting roads is minimised when vehicles are leaving the site.
 - d) No mud, dirt, sand, soil, clay or stones are washed into, or are allowed to enter the stormwater drainage system.
 - e) The site is developed and managed to minimise the risks of stormwater pollution through the contamination of run-off by chemicals, sediments, animal wastes or gross pollutants in accordance with currently accepted best practice.

Waste Management Plan

- Concurrent with the endorsement of plans as required by condition 1 of this permit, an updated Waste Management Plan (WMP) must be submitted to and approved by the Responsible Authority. The WMP must be generally in accordance with the WMP prepared by Waste Space Solutions, titled '145 Chapel Street, St Kilda' and dated 17 October 2024, but modified to address the following:
 - a) Noise mitigation measures for the movement and collection of bins from within the site.
 - b) Collections vehicles to not block Duke Street while the operator bin tugs the bins to street level.
 - c) Bins presented to the Duke Street kerbside, or an alternative truck parking and bin collection area must be specified.
 - d) A generic residential apartment and commercial tenancy floor plan showing waste, recycling and food waste disposal points.
 - e) Accessibility specifications of the waste chutes.
 - f) Scaled drawings of the bin room size and clearance.
 - g) Disability access to the screened bin areas for Glass and FOGO.
 - h) The hard waste area identified on the plans.
 - i) Scaled waste management drawings to include:
 - i. How bins in the waste storerooms will be collected.
 - ii. Collection area location.
 - iii. Movement diagrams of each material from disposal, storage, and collection points including any gradient/slope/lift.



iv. Swept path diagrams illustrating sufficient access to collection points for all vehicles required to collect from the development.

The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the responsible authority and must not be varied except with the written consent of the responsible authority.

No Reticulated Gas

Any new dwelling allowed by this permit must not be connected to a reticulated gas service (within the meaning of clause 53.03 of the relevant planning scheme). This condition continues to have force and effect after the development authorised by this permit has been completed.

Environmental Assessment

20 Before the development starts (other than for necessary demolition and investigation works forming part of the environmental site assessment process), a Preliminary Risk Screen Assessment Statement to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Preliminary Risk Screen Assessment Statement must be prepared by a suitably qualified environmental professional in accordance with the Potentially Contaminated Land General Practice Note (Department of Environment, Land, Water and Planning, July 2021). The report must include recommendations as to whether the condition of the land requires an Environmental Audit to be conducted taking into account the proposed uses. The permit holder must comply with the findings of the Preliminary Risk Screen Assessment Statement to the satisfaction of the Responsible Authority, including if required the preparation of an Environmental Audit.

If an Environmental Audit is required, then before the development starts (other than for necessary excavation, demolition and investigation works) an Environmental Audit must be undertaken pursuant to section 208 of the *Environment Protection Act 2017* and an Environmental Audit Statement prepared and provided to the Responsible Authority.

- Where an Environmental Audit Statement is issued for the land in accordance with Condition 21:
 - The buildings and works and the use(s) of the land that are the subject of this permit must comply with all directions and conditions contained within the Statement to the satisfaction of the Responsible Authority;
 - b) Before the use or development starts (other than for necessary excavation, demolition and excavation works) and before the issue of an Occupancy Permit under the *Building Act 1993*, a letter prepared by an Environmental Auditor appointed under Division 1 of Part 8.3 of the *Environment Protection Act 2017* must be submitted to the Responsible Authority to verify the directions and conditions contained in the Environmental Audit Statement are satisfied; and
 - c) Where any condition of that Statement requires any maintenance or monitoring of an ongoing nature, the Owner must enter into an Agreement with Council under section 173 of the *Planning and Environment Act 1987*. Where a section 173 Agreement is required, the Agreement must be



executed before the development starts (other than for necessary excavation, demolition and excavation works). All expenses involved in the drafting, negotiating, reviewing, lodging, registering and execution of the Agreement, including those incurred by the Responsible Authority, must be met by the Owner.

Melbourne Water conditions

- The Finished Floor Levels (FFLs) of all ground floor areas, including all lift and stair lobbies, must be set no lower than 6.03 metres to Australian Height Datum (AHD) (with the exception of service and transitional areas containing landings, steps or ramps to the satisfaction of Melbourne Water).
- Any/all basement entry and exits points, including lift entries, stairwells, windows, openings and vents, that could allow entry of floodwaters to the basement level, must be set no lower than 6.03 metres to Australian Height Datum (AHD).
- The ramp to proposed car stacker/ carparking system must incorporate a flood proof apex set no lower than 5.82 metres to Australian Height Datum (AHD) to prevent floodwaters entering the basement levels during a flood event.
- 25 Flood resistant materials must be used for the construction of floor levels and walls below the Nominal Flood Protection Level 6.03m AHD.
- Any electrical installations within areas subject to flooding must meet the applicable standards of the relevant authority.
- The layout of buildings and works at ground level as shown on the plans must not be altered without prior written consent from Melbourne Water.

Permit expiry

- 28 This permit will expire if one of the following circumstances applies:
 - a) The development is not started within 2 years of the issued date of this permit.
 - b) The development is not completed within 4 years of the issued date of this permit.
 - c) The use does not start within 2 years of completion of the development.

In accordance with Section 69 of the *Planning and Environment Act 1987*, an application may be submitted to the responsible authority for an extension of the periods referred to in this condition.

4. RELEVANT BACKGROUND

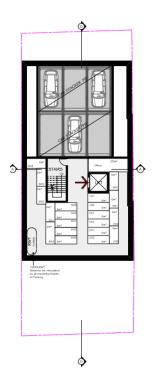
4.1 There is no relevant history or background for this application.

5. PROPOSAL

- 5.1 The application includes the demolition of the existing non-contributory buildings on the land and the construction of a six storey building containing the following elements:
 - Basement level with car stacker pit, stairs and lift access and apartment storage units.



- The ground floor consists of 106sqm of office space, the residential entry and foyer with access to stairs and lift, the bike store and bin rooms and a 16-space car stacker.
- The first floor comprises four apartments, two with two bedrooms and two with 1 bedroom and additional study. All apartments have access to a terrace within the light court and separate area of private open space on a balcony with direct access from a living room.
- The second floor has an identical layout to the first floor, consisting of four apartments, but without access to a light court terrace.
- The third, fourth and fifth floor comprise of 4 two-bedroom apartments with access to a balcony accessed off the living room.
- The roof terrace comprises two separate areas of communal open space accessed via the lift and stairs. Perimeter planting and service areas including solar panels are located on the roof.
- 5.2 A full set of the plans are contained in the attachments to this report, however the following images show the layout of each floor:



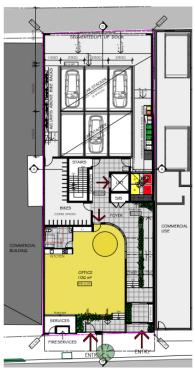




Figure 1 - proposed basement, ground and first floor.





Figure 2 - Second, third, fourth floor plans.



Figure 3 - Fifth floor and roof terrace plans.

5.3 The proposal also includes:

- Use of the land as dwellings in the Commercial 1 Zone, as the frontage of the dwellings at ground level exceeds 2 metres.
- A reduction of the number of car parking spaces.



6. SUBJECT SITE AND SURROUNDS

Subject site

- 6.1 The subject site is located on the western side of Chapel Street, approximately 50 metres north of the intersection with Carlisle Street, St Kilda. The site is rectangular in shape and has a frontage to Chapel Street of approximately 13.5 metres and a depth of approximately 36.58 metres. The subject site has a total area of approximately 503 square metres.
- 6.2 The site has a rear abuttal to an unnamed lane that provides access to the rear of shops fronting Carlisle Street and dwellings fronting Duke Street.
- 6.3 The site is currently occupied by a single storey commercial building that is vacant and has been closed off from the street with hording panels.
- 6.4 Car parking is accessible from the rear lane.
- 6.5 The subject site is located within the Chapel Street North Precinct of the Carlisle Street Major Activity Centre.
- 6.6 The following are images of the subject site:

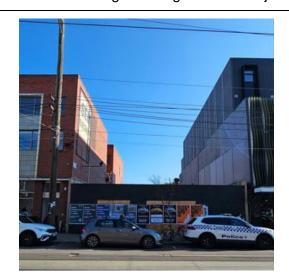


Figure 4 - subject site at 145 Chapel Street, St Kilda. Source: Council officer. July 2025



Figure 5 - Rear of subject site from lane and 147 Chapel Street to the south. Source: Council officer. July 2025

Surrounding land

- 6.7 To the south of the site there are various commercial buildings within the Commercial 1 Zone, to the rear of the site is land within the Neighbourhood Residential Zone Schedule 1 and to the north of the site beyond Duke Street, along Chapel Street the area is residential within the General Residential Zone.
- 6.8 Directly abutting to the north is 141-143 Chapel Street which contains a 5 storey mixed use building with a restaurant at street level and four levels of apartments above constructed in approximately 2011. The site is a corner lot with secondary frontage to Duke Street. The residential access is from Duke Street as well as access to the car parking.



- 6.9 To the south of the site is 147 Chapel Street which contains a three-storey building constructed in 1942. The site is within the heritage overlay and has a significant grading.
- 6.10 The building has a commercial tenancy at street level, offices at the first floor and has a dwelling that is currently being renovated at the second level. The site has a rear abuttal to the lane off Duke Street.
- 6.11 The site is provided with a light court along the shared boundary with the subject site. A wall is constructed along the entire boundary at ground level.
- 6.12 To the east of the subject site, on the opposite side of Chapel Street is the St Kilda Police Station. The building is a three-storey significant graded heritage building with individual significance and a site-specific heritage citation.
- 6.13 To the west of the subject site is an unnamed laneway.
- 6.14 On the opposite side of the lane is a row of single storey attached Victorian cottages constructed of weatherboard with pitched iron roofs. The narrow lots have frontages of approximately 5 metres to Duke Street. Small areas of secluded private open space are located to the rear of the dwellings. Despite the small area of the lots at around 190-250 square metres, there is a variety of small canopy trees on each of the sites within the front setbacks and rear yards.
- 6.15 Nearest to the subject site is 41 Duke Street which has rear access to the laneway and provides off street car parking within the secluded private open space area. The lot has a timber paling fence along the lane of approximately 2.5 metres.
- 6.16 The site is located within the Principal Public Transport Network. It is well serviced by public transport with Balaclava Station within 300 metres and trams available along Chapel Street, Carlisle Street and St Kilda Road.
- 6.17 The site is within the Carlisle Street Major Activity Centre with various major supermarkets within proximity of the site as well as other essential services such as medical clinics.
- 6.18 The following are images of the surrounding area:



Figure 6 - 141-143 Chapel Street to the north of the subject site. Source: Council officer. July 2025



Figure 7 - 147 Chapel Street to the south of the subject site. Source: Council officer. July 2025





Figure 8 - Row of Victorian cottages to the west of the subject site and entrance to rear lane. Source: Council officer. July 2025



Figure 9 - Rear of 41 Duke Street with vehicular access to the rear private open space. Source: Council officer.

July 2025



Figure 10 - Aerial Photograph of subject site (identified with green marker) and surrounds. Source: Nearmap 26 May 2025



Figure 11 - Carlisle Street Major Activity Centre with subject site identified by blue dot.

7. PERMIT TRIGGERS

7.1 The following zone and overlay controls apply to the site, with planning permission required as described.

Zone or Overlay	Why is a permit required?			
Clause 34.01	<u>Use</u>			
Commercial 1 Zone (C1Z)	Clause 34.01-1 'Table of Uses' lists accommodation as a Section 1 – Permit not required subject to any frontage at ground floor not exceeding 2 metres.			
	As the residential frontage, at 2.7m, is more than 2 metres, a permit is required for the use of the land for accommodation.			
	<u>Works</u>			
	Clause 32.08-7 states that a permit is required to:			



	 Construct a building or construct or carry out works. A planning permit is required under the zone. 			
Clause 43.01 Heritage Overlay (HO7) – St Kilda, Elwood, Balaclava, Ripponlea	Clause 43.01-1 states that a permit is required to: • Demolish or remove a building. • Construct a building or construct or carry out works. A planning permit is required under the HO7.			
Clause 43.02 Design and Development Overlay Schedule 21 (DDO21) - Carlisle Street Major Activity Centre	Clause 43.02-2 states that a permit is required to: Construct a building or construct or carry out works. A planning permit is required under the DDO21.			
Clause 44.05 Special Building Overlay Schedule 1 (SBO1) – Melbourne Water Main Drain	Clause 44.05-2 states that a permit is required to: • Construct a building or construct or carry out works. A planning permit is required under the SBO1.			
Clause 52.06 Car Parking	 Clause 52.06-3 states that a permit is required to: Reduce the number of car parking spaces required under Clause 52.06-5. A planning permit is required under Clause 52.06. 			

8. PLANNING SCHEME PROVISIONS

8.1 The following provisions of the Municipal Planning Strategy (MPS) are relevant to this application:

Clause 02 MPS

02.1 Context

02.02 Vision

02.03 Strategic Directions

02.04 Strategic Framework Plans

8.2 The flowing provisions of the Planning Policy Framework (PPF) are relevant to this application:

Clause 11 Settlement

11.01-1R Settlement – Metropolitan Melbourne

11.02 Managing Growth

11.03-1S Activity Centres

11.03-1L-03 Carlisle Street Major Activity Centre

Clause 15 Built Environment and Heritage



15.01 Urban Design

15.01-1L -02 Urban Design

15.01-2L-01 Building Design

15.01-2L-02 Environmentally Sustainable Development

15.01-2L-03 Urban Art

15.03 Heritage

15.03-1L Heritage Policy

Clause 16 Housing

16.01 Residential Development

16.01-1S Housing supply

16.01-1R Housing supply - Metropolitan Melbourne

16.01-1L-01 Housing diversity

16.01-1L-02 Location of residential development

Clause 18 Transport

18.01-1S Land use and transport integration

18.01-1L-01 Land use and transport integration

18.02-4L-01 Car parking

18.02-3L-02 Loading facilities

Clause 19 Infrastructure

19.03 Development infrastructure

19.03-3S Integrated Water Management

19.03-3L Stormwater management (water sensitive urban design)

19.03-5L Waste and Resource Recovery

8.3 The following Particular and General Provisions are relevant to this application:

Clause 52.06 Car Parking

Clause 58 Apartment developments

Clause 65 Decision Guidelines

8.4 The following operational provisions are relevant to this application:

Clause 71 Operation of this planning scheme

71.01 Operation of the Municipal Planning Strategy

71 .02 Operation of the planning policy Framework

71.03 Operation of Zones

71.04 Operation of Overlays

71.05 Operation of Particular provisions



8.5 There are no planning scheme amendments relevant to this application.

9. REFERRALS

9.1 Internal referrals

The application was referred to the following areas of Council for comment. A summary of referral comments is as follows:

Heritage Advisor

Councils Heritage advisor does not object to the demolition of the existing buildings on the subject site, nor to the proposed new building.

<u>Urban Design</u>

Councils Urban Design officers support the broad form of development in this location, however have identified the following areas that should be addressed:

- Limited diversity of apartment types across the proposal.
- Poor daylight access to some of the bedrooms.
- Potential overlooking into the dwelling at 147 Chapel Street.
- Poor outlook from some bedrooms facing the internal light courts.
- East and West facing balconies and windows of Level 5 and Level 4 exposure to heat gain.
- The angled parapet at the top of the front façade unnecessarily adds complex form
- Lack of maintenance door access to the solar panel and AC units on the roof located to the south of the Communal Roof Terrace.

A condition is included within the recommendation to require an obscured glass to the bedrooms of levels three, four and five on the south elevation to limit views into the dwelling at 147 Chapel Street.

A condition is included that requires amended plans to show the removal of the angled parapet from the front elevation of level five forward of the roof terrace as well as the provision of a door to access the solar panels and AC units to the south of the front communal roof terrace area.

While the proposal only provides 1 and 2 bedroom apartments, it is considered that these apartment types provide sufficient diversity in accordance with the dwelling diversity objective of Clause 58.02-3.

Heat gain to some of the bedroom windows and balconies is inevitable. The ESD performance of the building is assessed in this report and is on balance an acceptable outcome.

An outlook for bedrooms into a light court is not unreasonable or uncommon. Daylight and outlook matters are discussed in the assessment section of this report

Sustainable Design

Councils ESD officer has made the following suggestions to improve the ESD performance of the building:



- The external louvres to west-facing kitchen/living area of level 5 are to also be shown on floor plans.
- Passive ventilation is to be provided to garage.
- External north and west walls appear to be clad in metal sheeting of a
 Monument-type colour. This is considered too dark and will result in heat gain.
 This must be a lighter colour with higher reflectivity and a low solar absorptance
 value of =0.45. A materials schedule is to be provided in support of this.
- E/V charging is to be provided to all car parking spaces.

Conditions contained in the recommendation address the dark colours proposed, external louvres to west-facing kitchen/living area of level 5 and passive ventilation to the garage. Subject to these conditions the proposal provides an acceptable ESD response.

As the car parking is provided within car stackers it is not currently practicable to provide charging points for the car spaces.

<u>Traffic</u>

Councils traffic engineers raised concerns with the following matters:

- Provision of car parking.
- Appropriate space provided within the building to accommodate the stacker system.
- Provision of an automated door for the stackers to minimise wait times.
- Pedestrian safety in the lane way.

A condition is included within the officer recommendation to provide an automated door to the stackers to minimise wait times when entering the site.

The proposed reduction in car spaces is acceptable in this location. The site is well serviced by public transport and other services. This is detailed in the body of the report.

The ground floor plans demonstrates that there is sufficient space to accommodate the stacker system. There is additional space around the stacker that would be able to allow minor variations in the dimensions of the stacker without impacting on circulation around the ground floor.

The laneway will have much lower usage than a typical road. Vehicles will be travelling at slower speeds given the width of the laneway. The setback of the car stacker also provides view lines from the laneway to existing vehicles. The pedestrian safety of the entry and laneway is considered acceptable.

The conditions included within the officer recommendation will ensure that wait times to enter the stacker and pedestrian safety is managed to an acceptable level<insert text>

Waste Management

Waste officers identified a few matters that require further clarification within the Waste Management Plan (WMP), or that need to be shown on the plans prior to the endorsement of the plans.



In this respect, an amended WMP forms part of the recommendation which resolves the matters raised. These matters include:

- Noise reduction measures.
- Prevention of litter entering stormwater.
- Bins must be presented kerbside on Duke Street.
- Collection vehicles must not block Duke Street.
- Floor plans of an apartment and the commercial tenancy showing waste, recycling and food waste disposal points.
- Scale drawings required for bin rooms and accessways for bin transportation.
- Disability access for the proposed screened bin area for Glass and FOGO.
- The hard waste storage.

Development engineers

No objection to the proposal but suggest that the site is drained to the legal point of discharge, and that the car parking areas include lighting.

9.2 External referrals

Melbourne Water

The application was referred to Melbourne Water in their capacity as a determining referral authority pursuant to Clause 66 of the Scheme. Melbourne Water has no objection to the proposal on the basis that conditions are included as part of any decision. These are included in the recommendation.

10. PUBLIC NOTIFICATION/OBJECTIONS

- 10.1 Notice of the application was given by ordinary mail to the owners and occupiers of surrounding properties (91 letters) and the display of two notices on the site for a 14 day period, in accordance with Section 52 of the Planning and Environment Act 1987. 18 objections have been received.
- 10.2 The key concerns raised are summarised below, noting that responses are either included below (*italics*) or otherwise discussed at Section 11):

Neighbourhood character and heritage impacts

- Impact on the heritage significance of the building at 147-149 Chapel Street.
- The proposed materials and finishes are not sympathetic to the heritage overlay, including the grey side elevation wall.
- Does not provide an appropriate transition in scale down to 147-149 Chapel Street.
 The two additional storeys of height above 147 Chapel Street is acceptable. The upper levels are setback from by 3-5 metres above the street wall which makes these levels recessive.
- Does not comply with the height controls of the Design and Development Overlay.

Amenity impacts

Unreasonable overlooking.



- Unreasonable overshadowing.
- Unreasonable impact on daylight to adjoining properties.
- The roof top terrace private open space will result in excessive noise.

The proposal will not result in unreasonable noise in this context.

The use of the land for apartments is only triggered as a result of the width of the entry at street level being more than two metres wide. This is design consideration relating to appropriate activation of the commercial streetscape. The use would otherwise be as of right. Residential noise typical of higher density development is to be expected and acceptable. Roof terraces are a common and supported provision of private open space for apartment developments and commercial land uses.

Onsite amenity and services

- The internal amenity is not acceptable.
- The proposed balconies do not comply with elements of Clause 58.

Traffic

- The proposal will have an unreasonable impact on traffic in the laneway at the rear.
- The reduction in the car parking provision will have an impact on parking in the area.
- The proposal will result in unreasonable traffic noise in the rear lane.

The proposal will not result in unreasonable traffic noise. The level of traffic movements in the lane will be approximately 6 movements an hour during peak times, according to the traffic impact assessment.

Conditions are included in the officer recommendation for noise attenuation measures and testing of the noise generated by the car stacker.

• The proposal will be a risk to pedestrian safety in the lane.

The entrance to the car stackers at the rear of the site is only 20 metres from Duke Street. The short section of the lane is constructed and clear of any obstructions. Adequate manoeuvring space at the entrance to the stackers will ensure that cars will be able to check for pedestrians before reversing into the laneway. View lines are also provided by the setback of the car stackers. Pedestrian safety is considered acceptable.

ESD

There is insufficient daylight access for north facing apartments.

Other

• There are various inaccuracies on the plans such as the current use of the adjoining building at 147-149 Chapel Street and the width of the rear lane.

The plans, associated planning submission, site inspections and objector information provide sufficient detail for an assessment of the proposal. Where mistakes or omissions have been identified or clarification was required to ensure an appropriate assessment (i.e. dimensions of the lane, use of adjoining properties and location of relevant buildings and structures), a site visit has been undertaken, or objectors' information has been used to clarify the correct information.



- The proposal does not provide for appropriate waste disposal and collection.
- Access to the rear lane will be impacted during construction.
 Matters related to the construction of the development are not a planning consideration and are dealt with through local laws and asset protection.
- The development will impact on property values.

 The impact on property values as a result of this proposal are not a planning consideration and this has been confirmed for numerous development applications at the Victorian Civil Administrative Tribunal.
- The proposal will block view of the skyline.

 The planning controls relevant to this proposal do not protect views of the skyline.
- The proposal will set a precedent for future development.

 Every application is assessed on its own merits. Assessment of this application concludes that the proposal is acceptable.
- A construction management plans is required for the development.
 The developer will be required to comply with Councils Local law in relation to any proposed road occupation or road closures and managing amenity on the building site including construction times and noise, dust, vibration or other thing is emitted from a building site as a result of the carrying out of building works
- The ground floor commercial tenancy should be retail instead of office.

 The use of the site as an office is 'as of right' and does not require planning approval.

11. OFFICER'S ASSESSMENT

- 11.1 The key matters raised in the assessment of this application along with the submitted grounds of objection are considered to be as follows:
 - Is there strategic support for the proposal?
 - Is the built form acceptable?
 - Would the proposal result in unreasonable amenity impacts to the surrounding properties?
 - Would the proposal provide an acceptable level of internal amenity for residents?
 - Does the proposal appropriately respond to the Heritage Overlay?
 - Does the proposal appropriately respond to the Special Building Overlay?
 - Are the proposed car and bicycle parking provision and access arrangements acceptable?
 - Are the waste management arrangements acceptable?
 - How does the proposal address potentially contaminated land?

Is there strategic support for the proposal?

11.2 There is strong support in the Scheme for the redevelopment of the site to provide commercial activation at street level and increased residential development above.



- 11.3 The proposal is consistent with the Vision for Port Phillip outlined in Clause 02.02 which seeks to create a city that is easy to get around, with 10-minute neighbourhoods that give locals access to shops, community spaces and other services of the Major Activity Centre.
- 11.4 State based policies such as 16.01-1S (Housing Supply) seek sustainable development opportunities for intensification of existing urban areas that take full advantage of existing settlement patterns and investment in transport, utility, social, community and commercial infrastructure and services. Residential intensification of this site in an established area accords with this direction.
- 11.5 Policies such as Clause 16.01-1L-02 (Location of Residential Development) encourage housing growth in well-located areas, particularly within and around activity centres. The subject site is situated within the Carlisle Street Major Activity Centre (MAC), a vibrant and highly accessible urban precinct that offers excellent access to public transport, retail, community services, and employment opportunities. The sites location supports the Planning Scheme's objectives to direct higher-density residential development to areas that can accommodate growth sustainably. These attributes make the site highly suitable for increased housing density and contribute to achieving broader urban consolidation goals within the City of Port Phillip.
- 11.6 The proposal adopts strategies of Clause 11.03-1L-01 (activity centres) through supporting development that positively contributes to the built form character of the centre. The street level commercial tenancy provides a continuous active frontage in accordance with this policy.
- 11.7 The proposal aligns with the strategies of the Carlisle Street Major Activity Centre as outlined at Clause 11.03-1L -03, which 'encourage significant new residential and mixed-use development at increased densities within the activity centre to meet growth objectives, whilst ensuring that the heritage and neighbourhood character of established residential areas is retained'. Further discussion in relation to built form is contained below.
- 11.8 The proposal is consistent with the purpose of the Commercial Zone which includes:
 - To create a vibrant mixed use commercial centres for retail, offices, business, entertainment and community uses.
 - To provide for residential uses at densities complimentary to the role and scale of the commercial area.
- 11.9 The proposal provides for increased housing density. While the proposal exceeds the 5-storey recommended building height of the Design and Development Overlay for this area, there are numerous other buildings in the area that exceed 5 storeys. The benefits gained from redeveloping an unutilised commercial property with a new commercial use at street level and medium density residential development above assist in justifying a variation to the discretionary height control.

Is the built form acceptable?

- 11.10The proposal provides an acceptable built form outcome in relation to its context and the Design and Development Overlay Schedule 21 Carlisle Street Major Activity Centre.
- 11.11The site is covered by the DDO21 which provides a range of design objectives that seek to ensure that new development is well designed and contributes to the built form



character of the various precincts within the activity centres. These land use and design outcomes are derived from the Carlisle Street Activity Centre Structure Plan (2009) and the Carlisle Street Urban Design Framework (2009).

- 11.12The subject site is located within Area 6: Chapel Street North Precinct of the DDO21.

 The Preferred Character of Area 6 are:
 - A more intensive built form that supports an increase in commercial and residential activity, with the continuation of commercial or retail uses at street level.
 - Retention of heritage buildings and a high standard of design in new contemporary development appropriate to mark the entry point to the activity centre.
 - Built form of a height and bulk that maintains a human scale and responds to the predominant scale of existing development.
 - A vibrant, safe and attractive pedestrian environment with buildings actively fronting the street
 - Built form that responds, and provides an appropriate transition, to the residential properties situated to the north and west
- 11.13 The relevant Design Objectives are:
 - To promote design excellence in new development, appropriate to this high-profile location within the Carlisle Street Activity Centre.
 - To ensure new development contributes to a more coherent edge to Chapel Street.
 - To realise the development potential within the precinct, whilst respecting heritage buildings and the existing building scale along Carlisle Street.
 - To enhance the pedestrian experience along Chapel Street as a principal walking route.
 - To emphasise the corner site through built form and street level activity.
 - To create a transition down in the intensity of built form to the adjoining low-rise 'fine grain' residential areas to the west and north, and Carlisle Street to the south.
- 11.14The proposal is consistent with the preferred character in that the development provides 'a more intensive built form' that supports an increase in commercial and residential activity whilst providing a 'commercial use at street level'. The commercial tenancy will 'enhance the pedestrian experience' and provide a safe pedestrian environment. The buildings on site that are proposed to be removed are non-contributory within the heritage overlay and the new building will provide a 'high standard of design'. While the proposed building is 1 level higher than the mixed-use development to the north of the site, the additional level is acceptable and will sit comfortably in the streetscape.
- 11.15The three-storey street wall 'maintains a human scale and responds to the predominant scale of existing development'. The additional height will not impact on the transition down to the fine grain residential development to the north with the development at 141-143 Chapel Street which is the last commercially zoned lot heading north, creating an appropriate distinction between the commercial and residential areas.
- 11.16The proposal will have limited impact on the amenity of the dwellings to the west within the Neighbourhood Residential Zone, with limited overshadowing only impacting these properties before 11 am. Further discussion related to amenity impacts is contained below.



11.17 The development responds to the design objectives through presenting an attractive street façade that will enhance this section of Chapel Street. The commercial tenancy provides continuity with the street level commercial uses on each of the adjoining properties. The modern built form is readily distinguishable from the heritage features of 147 Chapel Street. The street elevation provides a verandah that will provide shelter to pedestrians and align with the verandah of 141-143 Chapel Street. A recommended condition of the permit will require that the verandah run the entire length of the frontage in accordance with the 'requirements' section of Precinct 6 of the DDO21 that states 'the street-wall on Chapel Street should have a veranda for the full width of the frontage...'



Figure 12 - Artist render showing the proposed development integrated with the existing development on the adjoining lots.

- 11.18The proposal meets the requirements set out for the street wall that is no more that the mandatory 11 metres and matches the development at 141-143 Chapel Street.
- 11.19The DDO21 provides a discretionary height of 16 metres or 5 storeys. It is considered that the additional storey resulting in a height of 20.9 metres to the top of the parapet is acceptable. While the two adjoining properties are lower than this development, there are a number of mixed-use developments with proximity of the site that have been developed up to 6 stories such as 126, 128 and 154 Chapel Street. While these properties are located within a different precinct of the DDO21, the 5 storey discretionary height controls are the same. The properties shown in figures 12 and 13 are located approximately125 metres south of the subject site. These sites also have an interface with fine grain residential properties to the rear.





Figure 13 - 6 storey development to the south of the subject site on Chapel Street.



Figure 14 - Additional 6 storey development along Chapel Street.

- 11.20 Above the street wall, levels three and four have been setback by 3 metres. Level 5 is setback by between 4.7 and 5.1 metres due to the slightly angled front boundary. The design requirements allow a setback of 3 metres rather than 5 metres where the upper levels are distinctly different and visually recessive. The proposal achieves sufficient distinction through the use of varied materials on the upper three levels. While the darker cladding on the upper levels will be required to be lighter for ESD reasons, the upper levels will still present as recessive to the lower levels. The feature screening to the street wall façade with circular openings contrasts to the square liner design of the upper levels. Landscaping in planter boxes along the top of the street wall also provides a visual break between the street wall and upper levels.
- 11.21 The ground floor façade provides good activation of the street with a commercial tenancy occupying 10 metres of the 13.5 metre frontage. The majority of the façade comprises clear glazing providing direct views to the street and into the building from the street. The remaining 3.5 metres of the front of the site includes the residential entrance with clear views into the lobby towards the stairs and lift. A small section of the frontage contains the fire services cupboard which cannot be located elsewhere on the site. A condition is included within the officer recommendation that requires that the fire cupboard be reduced in size unless the fire authority demonstrates that this is not possible.





Figure 15 - Street elevation demonstrating glazed facade providing street activation.

Would the proposal result in unreasonable amenity impacts to the surrounding properties?

11.22The proposal will not result in unreasonable off site amenity impacts. The key amenity impacts relate to daylight access, overshadowing, overlooking and visual bulk. These are discussed below.

Overshadowing

- 11.23 The proposal will reduce the amount of sunlight to the dwellings at 37, 39 and 41 Duke Street to the west of the subject site. However, the extent of overshadowing will not be unreasonable in the context of the area and the relevant planning controls.
- 11.24 The decision guidelines of the Commercial 1 Zone state that the responsible authority must consider the overlooking and overshadowing as a result of building or works affecting adjoining land in a General Residential Zone, Housing Choice and Transport Zone, Neighbourhood Residential Zone, Residential Growth Zone or Township Zone
- 11.25 Clause 58 is silent on overshadowing. This is because development of an apartment buildings in areas capable of accommodating such development should not be unreasonably constrained by shadow impacts on private open space. In *Mirvac BTR Developments v Moreland* CC [2022] VCAT 300 (22 March 2022) the Tribunal noted:
 - In relation to shadow impacts it is significant that Clause 58, ... do not contain standards relating to overshadowing of adjacent properties. This reflects a recognition that the development of apartment buildings in precincts designated for such development should not be unduly prejudiced by the consideration of overshadowing impacts. The planning scheme contemplates a contextual analysis of a proposal's amenity impacts to determine whether those impacts are acceptable.
- 11.26The most impacted property would be 41 Duke Street. The rear section of this lot is used for dual car parking and secluded private open space (SPOS). The SPOS will be overshadowed between 9 and 10 am on 23 September. By 11 am there are no additional shadows cast on the property. While the proposal does add to the overshadowing, a significant amount of shadow is cast by the tall boundary fence of 41 Duke Street along the lane at the rear of the subject site. The fence which is more than 2.5 metres high casts shadows across the narrow lot. The area of secluded private open space at the rear of this site tappers down to a very narrow width due to the vehicle access provided to the area and the orientation of the lane.





Figure 16 - rear private open space of Duke Street properties with 41 Duke with a car parked in the rear private open space.



Figure 17 - Taller rear fence and vehicular access of lane to 41 Duke Street.

- 11.2737 and 39 Duke Street also have their areas of SPOS overshadowed with 37 Duke Street receiving additional shadow before 10 am and 39 Duke Street receiving shadows between 9 am and just after 10 am. Overall it is considered that the extent of additional shadows is not unreasonable for properties that are adjacent to a major activity centre.
- 11.28 Additional shadows will also be cast onto the building at 147 Chapel Street. While there is a dwelling being renovated at the third floor of that building the shadows will not be cast on an area of private open space. While the proposal will impact sunlight access to windows at 147 Chapel Street, the Planning Scheme purposely does not seek protect sunlight to habitable room windows on adjoining sites in activity centres. To do so would result in constraints that would prevent achievement of higher density sought in major activity centres.

Daylight access to 147 Chapel Street

- 11.29Standard D14 (Building Setback objectives) of Clause 58 relates to ensuring setbacks provide adequate daylight for new dwellings, not existing dwellings. The standard is about buildings designed to ensure daylight is provided from within their own site, and not rely on daylight access from adjoining private land.
- 11.30 While a proposed on-boundary three storey high wall could be acceptable to the boundary with 147 Chapel Street, the development provides daylight access via light courts provided on both side elevations. On the south side of the building a light court



is provided alongside the light court of 147 Chapel Street. The light court is larger than 147 Chapel Street. The combined light courts benefit 147 Chapel Street occupants along with the future occupants of the proposed development.

Overlooking

- 11.31 The development will not result in unreasonable overlooking subject to conditions.
- 11.32The proposal has potential to allow overlooking to the residential properties to the west. These properties which front Duke Street have areas of SPOS that are adjacent to the rear of the proposed development. To mitigate this matter that development has incorporated privacy screening to a height of 1.7 metres above the finished floor levels of each of the balconies. These screens are appropriate and ensure that there will not be any overlooking to the properties.
- 11.33On the south side of the development there are potential views into the habitable room windows of 147 Chapel Street. The resident (objector) at this site has identified that the second level is used as a dwelling.
- 11.34 A condition is included within the officer recommendation that requires the provision of obscure glass or similar to a height of 1.7 metres above finished floor level of the south facing bedrooms on levels 2, 3 and 4 to avoid direct views into the habitable room windows of the dwelling at level three at 147 Chapel Street. The use of obscure glass will ensure that the daylight to these apartments is not impacted unreasonably. Overlooking measures is not required for the first floor as it sits below the level of the dwelling.

Would the proposal provide an acceptable level of internal amenity for residents?

- 11.35 An application for the construction of an apartment building within the Commercial 1 Zone is required to be assessed against the objectives, standards and decision guidelines of Clause 58.
- 11.36 A Clause 58 assessment is included as an attachment to this report. The proposal provides an acceptable level of compliance with the internal amenity objectives of Clause 58, particularly functional layout of bedrooms and living rooms, daylight to habitable rooms, natural ventilation and private open space.

Accessibility Objective - Clause 58.05-1

- 11.37 The development meets the standards and objective of this clause which is to ensure the design of dwellings meets the needs of people with limited mobility.
- 11.38 16 of the 20 (75%) apartments meet the accessibility standards in relation to door openings, clear access paths and bathroom access and design. The standard requires that 50% achieve compliance.

Private Open Space objective - Clause 58.05-3

- 11.39 The development meets the objective of this clause which is to provide adequate private open space for the reasonable recreation and service needs of residents.
- 11.40 All apartments are provided with an appropriate area of private open space. The private open space is provided as balconies with direct access from a living room. While a 5 of the balconies are between 100- 300mm short of the required minimum dimension of 2 metres, these balconies make up for the short fall by providing an area of greater than 8 square metres as required by the standard.



11.41 The development also provides a communal roof terrace with an area of 129 sqm which is accessible to all residents of the building. The communal space exceeds the area required under Clause 58.03-2 Communal open space objective which requires 80 square metres. The space incorporates perimeter landscaping. A condition is included in the officer recommendation that required the plans to include seating and other facilities for users such as a BBQ.

<u>Functional layout objective – Clause 58.07-1</u>

- 11.42 The developments meet the standards and objective of the above clause for both bedrooms and living rooms which is to ensure dwellings provide functional areas that meet the needs of residents.
- 11.43 All bedrooms and living rooms are provided with the minimum dimensions required by this standard.

Windows objective - Clause 58.07-3

- 11.44 The development meets the standards and objective of the above clause which is to allow adequate daylight into new habitable room windows.
- 11.45 All living rooms have a window in an external wall of the building. Bedrooms of the apartments have a window to one of the light courts on the north or south elevation.
- 11.46 The bedrooms facing the light courts at the lower levels will not receive as much daylight as the upper levels.
- 11.47 Plans submitted after the application was advertised provided an increased area of light court of the northern facing bedrooms opposite the existing wall on boundary. Large windows are also provided to all bedrooms to maximise light penetration.
- 11.48 The proposal was reviewed by Councils ESD officers who supported the proposal and the amount of light to bedrooms.

Natural Ventilation objective - Clause 58.07-4

- 11.49 The development meets the standards and objective of this clause which is to encourage natural ventilation of dwellings and to allow occupants to effectively manage natural ventilation of dwellings.
- 11.50 All of the apartments provide appropriate cross ventilation with breeze paths of more than 5 metres and less than 18 metres on different orientations of the building.

Does the proposal appropriately respond to the Heritage Overlay?

- 11.51 The proposed development is an appropriate response to the heritage significance of the subject site and neighbouring properties.
- 11.52 The subject site is located within the heritage overlay schedule 07 'St Kilda, Elwood, Balaclava, Ripponlea'. The site is ungraded within the precinct. The construction of proposed development requires the demolition of all buildings on the site. The site currently contains a single storey commercial building with an area of car parking at the rear. The building is constructed to the frontage of the site with a narrow eave along verandah along the frontage. The building has not been in use for a number of years and tall hoarding boards have been erected along the front of the site to Chapel Street.



Demolition

11.53 The removal of the existing buildings at the site is acceptable as they are ungraded and do not provide any contribution to the heritage precinct. Councils' heritage advisor supports the demolition of the buildings. The proposal is not inconsistent with Clause 15.03-1L Heritage Policy which only seeks to discourage the complete demolition significant or contributory buildings.

New works

- 11.54 The proposed development provides and appropriate response to the heritage policy. Clause 15.03-1 supports new buildings that respect and complement significant and Contributory buildings in relation to form, scale, massing, siting, details and materiality.
- 11.55 The development will not have an unreasonable impact on the significance of the heritage building at 147 Chapel Street. Views of the front of the building will not be obscured by the proposed development. While the proposed building is two storeys taller than 147 Chapel Street the recessing of the levels above the street wall will ensure that the development will not dominate the streetscape. The proposed street wall is consistent with the DDO21 and is similar in height to the front facade of 147 Chapel Street.
- 11.56 The side wall on boundary of the proposed development is to be concrete. This is typical of boundary wall on multistorey developments. The natural grey concrete finish is a subtle and neutral colour that will not detract from the red brick finish of 147 Chapel Street.
- 11.57 Council heritage advisor was satisfied that the proposed building would not have a negative impact on the adjoining building.

Does the proposal appropriately respond to the Special Building Overlay?

- 11.58 The subject site is located within an area affected by The Special Building Overlay Schedule 1. This schedule relates to the Melbourne Water Main Drain.
- 11.59 The purpose of the SBO1 is
 - To identify land in urban areas liable to inundation by overland flows from the urban drainage system as determined by, or in consultation with, the floodplain management authority.
 - To ensure that development maintains the free passage and temporary storage of floodwaters, minimises flood damage, is compatible with the flood hazard and local drainage conditions and will not cause any significant rise in flood level or flow velocity.
 - To protect water quality and waterways as natural resources by managing urban stormwater, protecting water supply catchment areas, and managing saline discharges to minimise the risks to the environmental quality of water and groundwater.
- 11.60 An application under this overlay is required to be referred to the relevant floodplain management authority (Melbourne Water). Melbourne Water did not object to the proposal subject to a range of condition that have been included in the officer recommendation.



- 11.61 The conditions provided require changes to the plans to ensure that any potential flood impacts to the site can be appropriately mitigated. These changes encompass matters such as:
 - raising finished floor levels of ground floor areas to a level that is above the applicable flood level of the site.
 - Provision of flood resistant materials for any wall below the flood level, and
 - Ensuring electrical installations within the areas subject to flooding are in accordance with the relevant authority's standards.
- 11.62 The changes required by Melbourne Water will readily be able to be incorporated into the development without significant change to the proposal. It is considered that subject to the conditions required by Melbourne Water that the proposal appropriately responds to the potential floor risk at the site.

Are the proposed car and bicycle parking provision and access arrangements acceptable?

- 11.63 The development provides an appropriate number of car parking spaces. The 7-car space reduction to the statutory car parking rate is acceptable
- 11.64 The table below outlines the spaces provided, the statutory rate of Clause 52.06 and the short fall.

Proposal	Rate	Statutory rate	Total required	Spaces provided	Reduction sought
20 two bedroom apartments	1 spaces per one or two bedroom apartment	20	23	16 residential spaces	7 spaces (4 residential, 3 office)
106 sqm office space	3 spaces to each 100sqm of leasable floor area	3			

- 11.65 No visitor spaces are required as the site is located within the Principal Public Transport Network.
- 11.66 A permit is required to reduce the number of car parking spaces. Clause 52.06-7 sets out the matters Council must consider before granting a such a permit. These matters include;
 - A car parking demand assessment that assesses the car parking demand likely to be generated by the proposal based on matters including the availability of public transport nearby; the convenience of pedestrian and cyclist access to the land.
 - The provision of bicycle parking for cyclists and the anticipated car ownership rates of occupants of the land.
 - Relevant planning policy; and



- Access to alternative transport modes to and from the land.
- 11.67 To the support this, Clause 18.02-4L-01 Car parking provision contemplates it is appropriate to "support support a reduction in the required number of car parking spaces where the following are met":
 - The site is located within a short walking distance to high frequency public transport; or the site is located within Activity Centres or areas immediately adjacent to Activity Centres.
 - The provision of sustainable transport infrastructure / initiatives, including higher quantities of bicycle parking can reduce the demand for parking through increased use of alternative modes of transport: walking, cycling, and public transport.
 - The development or use is unlikely to result in unreasonable adverse impacts on existing on-street parking.
- 11.68 A reduction in car parking is acceptable because the site has excellent access to public transport with the following routes within walking distance of the site:
 - Tram routes 3, 3a, 16, along Carlisle Street, 78 along Chapel Street and Bus route 623 along St Kilda Road
 - Balaclava Railway station is located just over 300 metres to the east of the site on Carlisle Street.
- 11.69 The site is within 200 metres of two major supermarkets and is centrally located within the Chapel Street and Carlisle Street shopping strip that makes up the Carlisle Street Major Activity Centre. This proximity allows future residents to meet all their shopping and service needs without relying on a car.
- 11.70 Although the Scheme requires the provision of 6 bicycle spaces, a total of 26 spaces are provided. The provision for bicycle parking combined with the various bicycle routes nearby, including on-road bicycle lanes, make the use of bicycles a viable alternative to a car in this location.
- 11.71 A reduced car parking provision combined with generous bicycle parking and proximity to public transport is supported by policy that seeks development that promotes alternative modes of transport and reduces reliance on private car travel.
- 11.72 ABS census data of car ownership rates in St Kilda in the Traffic Impact Assessment (TIA) provided by the applicant shows that approximately 20% of residents in two-bedroom apartments do not own a car. Applying this rate to the 20 apartments would result in a demand of 16 spaces which is what is provided.
- 11.73 Reduced provision for resident car parking can result in lower rates of private vehicle ownership. This has benefits including reduced traffic congestion and the environmental and health benefits associated with increased use of walking, cycling and public transport. These outcomes are supported in local policy.
- 11.74 Car parking is restricted within the surrounding streets to 1 hour between 8am and 6pm and permit zones. While short term parking is available, residents will not have access to long term parking or parking permits. Residents without an allocated car space will be unlikely to own cars given that car parking will not be available. The restricted car parking in the area will reduce the impact of the car parking reduction on existing residents in the area.



Traffic impacts

- 11.75 The proposal will not have an unreasonable impact on the traffic in local area.
- 11.76 The site is located on Chapel Street and is close to the intersection of Carlisle Street. St Kilda Road is located approximately 300 metres to the west. Traffic generated by the proposal will be able to readily access these roads and will not result in unacceptable traffic congestion.
- 11.77 The Traffic Impact assessment provided in support of the application calculated that there would be approximately 6 traffic movements generated by the proposal during peak times. As the car stacker entrance is only 20 metres from Duke Street this will not result in an unreasonable impact on the current users of the lane.
- 11.78 While there may occasionally be multiple cars using the laneway at the rear of the site, the lane is short and waiting times for cars entering or exiting the lane from Duke Street or from any of the sites serviced by the lane would be minimal.
- 11.79 The rear lane is already used by many properties as a thoroughfare from the rear of properties with an abuttal to Duke Street and Chapel Street. The lane is short and has acceptable clearance for pedestrian sightlines.

Design of car and bicycle parking and vehicle access

- 11.80 Car parking is provided at the rear of the building in a 16-car space stacker system. Access to the stacker is off the rear lane. While the lane is only single car width, the entry to the stacker is setback 7 metres from the neighbouring property boundary fence on the west side of the lane. This setback provides adequate space for cars to be able to enter and exit the stacker system in a safe and efficient manner.
- 11.81 While Councils traffic engineer expressed some concern with the available space to accommodate the stacker system, the development plans show that the stacker readily fits within the space.
- 11.82 All vehicles will be able to enter the car stacker in a forwards direction and reverse out so that they can exit the lane onto Duke Street in a forwards direction.
- 11.83 Bicycle parking spaces have been provided in a mix of horizontal and vertical wall mounted rails. Access to the bike storage areas is via 1.5 metres wide passages.

Are the waste management arrangements acceptable?

- 11.84 The proposed development will be able to effectively manage the collection, storage and disposal of waste generated at the site.
- 11.85 A waste management plan (WMP) was submitted with the application. The WMP provided details of waste volumes generated by the users of the building as well as the storage of the waste additional information was required by Councils Waste management team. Conditions are included within the officer recommendation that will provide the detail on the plans that is missing.
- 11.86 The bins are stored at the rear of the site and will be moved to the Duke Street roadside for collection by a private contractor. The contractor will be responsible for moving the bins to the street and will ensure that the laneway is not blocked by the waste collection truck.
- 11.87 The waste collection will be undertaken in a manner that is similar to the mixed use building at 141-143 Chapel Street next door.



11.88 Councils Waste Management Officer is satisfied that the matters requiring clarification can be resolved through conditions.

How does the proposal address potentially contaminated land?

- 11.89 The subject site is located within an area covered by the Environmental Audit Overlay. The purpose of this overlay is to ensure that potentially contaminated land is suitable for a use which could be significantly adversely affected by any contamination.
- 11.90 The overlay requires that before a sensitive use (residential use) commences or before the construction or carrying out of buildings and works in association with these uses commences:
 - A preliminary risk screen assessment statement in accordance with the Environment Protection Act 2017 must be issued stating that an environmental audit is not required for the use or the proposed use; or
 - An environmental audit statement under Part 8.3 of the Environment Protection Act 2017 must be issued stating that the land is suitable for the use or proposed use; or
 - A certificate of environmental audit must be issued for the land in accordance with Part IXD of the Environment Protection Act 1970; or
 - A statement of environmental audit must be issued for the land in accordance with Part IXD of the Environment Protection Act 1970 stating that the environmental conditions of the land are suitable for the use or proposed use.
- 11.91 Conditions are included within the officer recommendation requiring that the above actions are undertaken, as appropriate, prior to the commencement of the development.

12. OFFICER MATERIAL OR GENERAL INTEREST

12.1 No officers involved in the preparation of this report has declared a material or general interest in the matter.

13. CONCLUSION

13.1 Clause 71.02-3 of the planning scheme requires the decision maker to integrate the range of policies relevant to the issues to be determined and balance the positive and negative environmental, social, and economic impacts of the proposal in favour of net community benefit and sustainable development. When considering net community benefit, fair and orderly planning is key; the interests of present and future Victorians must be balanced; and the test is one of acceptability.

13.2 The proposal:

- Is consistent with the strategic direction of the Port Phillip Planning Scheme.
- Will result in an increase is residential density in an area that is well serviced by jobs, services and public transport.
- Provides an acceptable response to context and a commercial street activation that will contribute to the public realm.
- Provides an appropriate response to the design objectives and requirements of the Design and Development Overlay.

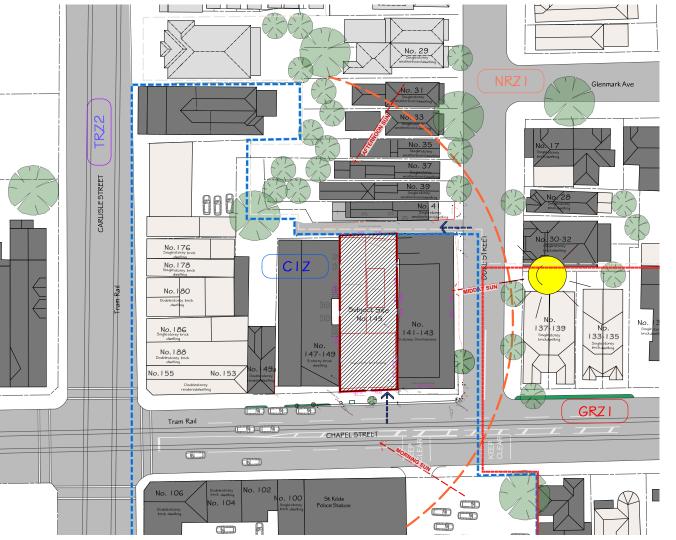
PLANNING COMMITTEE 23 JULY 2025



- Provides an acceptable response to the Heritage Overlay and Special Building Overlay.
- Provides an acceptable standard of internal amenity for future residents.
- Provides car parking at an acceptable rate given the sites location and planning policy aimed at reducing reliance on private car ownership.
- Will be able to provide for waste collection facilities that are acceptable subject to conditions.
- 13.3 On balance, is considered the proposal is acceptable subject to conditions of the officer recommendation to address the issues of concern raised in this report and will result in a net community benefit.
- 13.4 It is recommended that Council issues a Notice of Decision to Grant a Planning Permit.

ATTACHMENTS

- 1. Decision plans.
- 2. Revision C Decision Plans
- 3. Clause 58 Assessment
- 4. Zoning Map



SUBJECT SITE

- The site is located on the north side of Chapel Street, 15m east of the intersection with Duke Street \$ 50m west of Carlisle street.
- A single storey office is constructed on the site. The building covers the whole site.
- The site is approximately rectangular in shape. It measures: -13.18 m along the east boundary facing Chapel Street. -36.54m along the south boundary -36.56m along the north boundary -36.56m along the north boundary facing existing lane
- 4. The site is relatively flat.
- The area of the site is 480sq.m.
- There are no easements on site.
- There is no vegetation on site.
- The site is zoned Commercial I Use C1Z. It is covered by the following overlays:

 It is covered by the following overlays:

 It bentage Overlay (tHO)

 Special Bulluling Overlay (BDO)

 Design # Development Overlay (DDO).

- MelbourneWater has advised that the applicable "Flood Level" for the site grades from 5.73m AHD to 5.52m AHD.
- The site is centrally located 4 able to take advantage of a wide range of community services of facilities of the community services of facilities of the control of the community and the community facilities to the south-west, the Chaple Street shopping strp to the South and other community facilities including the Schilda town that, ill heary, betain garden's 4 beats.
- The area is well served by public transport.

 -Train routes no.78 operate along Chispel 5t.

 -Train routes 3,3a, & 16 operate along Carlele Street, 50m to the south.

 -Bus routes 246 (to Elstermuck 5t), 600 900 & 922 (to Southland & 5t. Kilda Staton) & 246 (to Ciliton Hill) operates along Carlele 5t 50m to the south.
- The site has sufficient services \$ infrastructure to accommodate the proposed development.

NEIGHBOURHOOD CHARACTER

- This section of Chapel Street has a varied streetscape. The area has a mixed commercial \(\psi\) residential character. It is undergoing/significant change as more of the commercial buildings in the area are being modified or replaced with multi-residential developments.
- Most buildings are constructed to the street boundary.
- Buildingstyles & wall materials in the area vary widely. The older buildingstyles are more industrial with brick facades. Buildings are generally built to the boundaries. Many of the existing buildings have undercroft parking within the front setback.

To the East (narrow laneway) 3.1 m under facing a single storey Aconcrete lane, approximately 3.1 m under facing a single storey facility for the store of the st

 $\begin{array}{l} \underline{\text{To the South}} \\ \overline{\text{A 3 storey brick dwelling along the west boundary.} \\ \text{On the opposite side of the lane is a Police Station} \end{array}$

To the West (Chapel Street)
A concrete 4 brumen flootpath extends across the property frontage to the time of the property frontage to the undercord; parking arrangement at the front of but to the undercord; parking chape Street.

There are no street trees in front of the site along Chapel Street.

To the north (143 Chapel St) a new 5 storey apartment built to the street boundary.

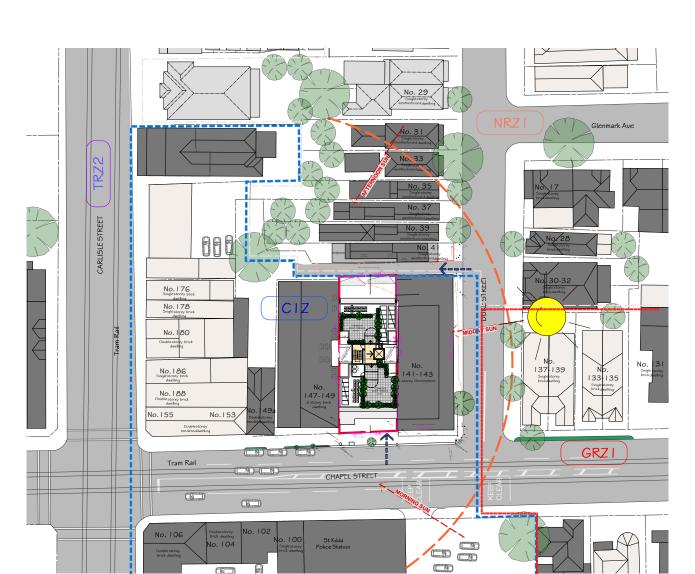




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Attachment 1:

Decision plans.



PORT PHILLIP PLANNING DEPARTMENT Date Received: 25/03/2025

DESIGN RESPONSE TO NEIGHBOURHOOD \$ SITE

- The site offers a unique opportunity for new development in a highly-sort after location within an emerging area that is close to public transport # other community facilities.
 - The development provides for commercial use at the ground floor \$ residential units to the upper levels.
- A variety of dwelling sizes # lay-outs are provided
- Lift access is provided to all levels.
 On-grade access is provided to the Ground Floor entry.
- 4. The Melbourne water designated flood level for the site grades from 5.73 AHD down to 5.52 AHD. The Ground Floor level is 6.03 AHD, this is 300mm above the Flood Level (5.73 AHD). The drivest to the car park is via a rear lansway. Garage floor level is 5.60m AHD. This is grater than 150mm above the flood level.
- The layout of the development is integrated with the street. The residential entry is via the entry from Chapel Street. The commercial area entry is via steps directly off Chapel Street. Entry can also be made from the central foyer. The commercial area addresses Capel Street along the East
- The contemporary character of the development is compatible with the many varied building forms in the area. The form is well articulated, both horizontally & vertically. The proposed glazed fenestration is set at differing angles. This will create an interesting movement of light & reflection around the facade. Materials & textures have been selected to highlight the architectural form of the building & to compliment the surrounding-buildings.
- 7. The privacy \$ amenity of adjacent properties is respected.
 There is no overlooking of habitable room windows or adjacent private open spaces.

- There is no overshadowing of any existing north facing windows

All Apartments have been designed in accordance with the "Better Apartment Design Guidelines".

Refer to SECTION 5 - CLAUSE 58 ASSESSMENT.
- Living areas \$ bedrooms are greater or equal to minimal

- Living areas \$ bedrooms are grease to square sources.

- Greater than 50% of apartments are accessible.

- Seal than that the comma have a window opening to the outside.

All apartments have direct access to a Balcony \$ Lift access to the communal roof terrace.

- Cross ventilation is provided to greater than 40% of apartments.

- All apartments have adequate storage.

- 9. Secure bicycle storage for 26 bikes is provided on the ground
- Secure becycle storage for 26 bites is proviace on site grounds floor.

 Rosidents = 20
 Votors = 3
 Access to the car park areas is both safe 4 convenient 4 will not conflict with the existing decistran 4 traffic patterns.

 All traffic entering the stacker Parking can enter 4 exit the site in florward direction. A passing area is provided at the back to the Bin room to avoid conflict.
- 11. A total of 16 car parks (Stacker) are provided.
- The continuous crossing in front of the site will be made good with new kerbing \$ the footpath reinstated across the front of the site.
- 13. The development provides a renewal of the existing aged building
- 14. It is considered that the development will make a positive contribution to the neighbourhood

DESIGN RESPONSE





145 CHAPEL STREET ST. KILDA	
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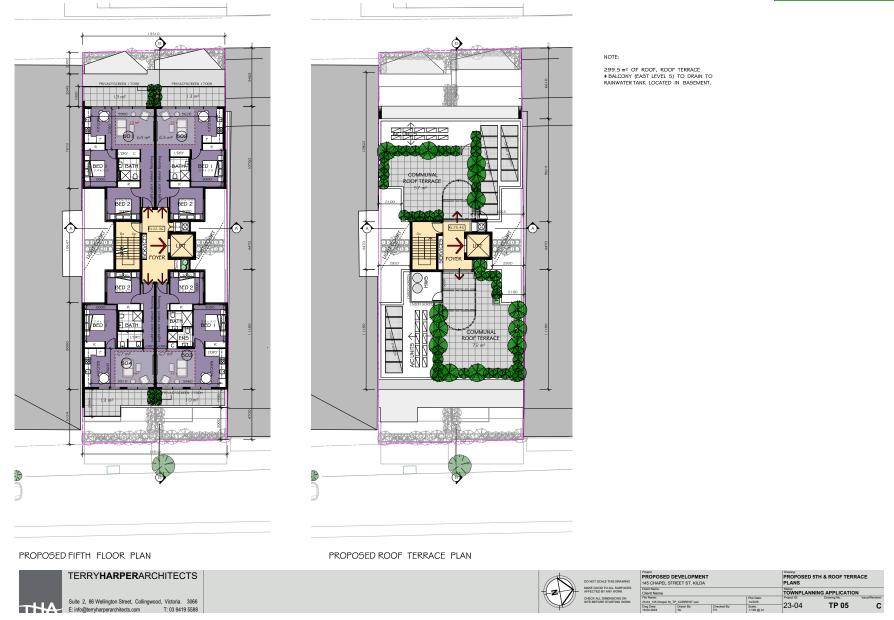
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PROPOSED BASEMENT FLOOR PLAN

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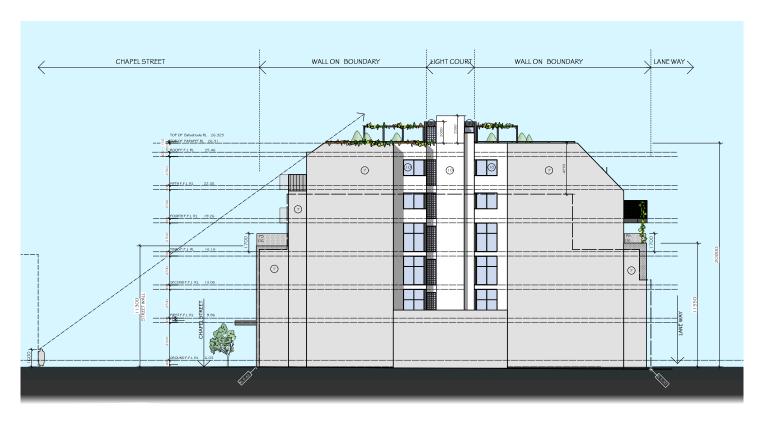






EAST ELEVATION





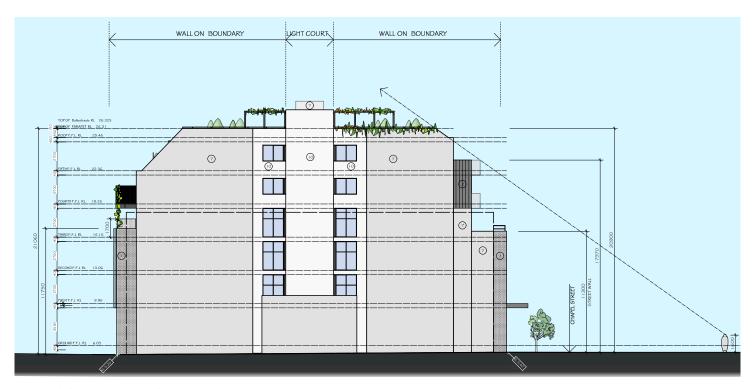
NORTH ELEVATION

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WEST ELEVATION

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SOUTH ELEVATION

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SECTION A-A SECTION B-B

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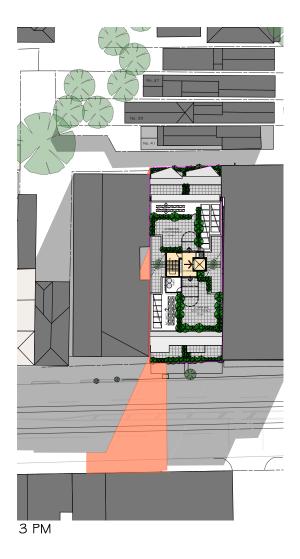
Attachment 1:

Decision plans.

PORT PHILLIP PLANNING DEPARTMENT Date Received: 25/03/2025

EXISTING SHADOW

ADDITIONALSHADOW



	SHADOW ANALYSIS								
	NO. 3	7, PO5: 84m²	NO. 39, POS: 65m ²		NO.41,	POS: 45m²			
	Existing Sunlight	Proposed	Existing Sunlight	Proposed	Existing Sunlight	Proposed			
9 AM	28.81m² - 34.3%	0%	7.68m² - 11.8%	0%	4.57m² - 10%	0%			
IO AM	41.26m² - 49.1%	No additional shadow - 49.1%	35.54m² - 54.6%	28.95m²- 44.5%	12.58m² - 27.9%	0%			
LLAM	57.37m² - 68.2%	No additional shadow - 68.2%	41.63m² - 64%	No additional shadow- 64%	22.5m² - 50%	No additional shadow - 50%			
12 AM									
I PM	No Additional Shadow from proposed development								
2 PM	No Additional Shadow from proposed development								
3 PM									

SHADOWS @ SEPTEMBER 23rd							
TIME	ALTITUDE	AZIMUTH					
9am	32	61					
I Oam	41	47					
1 lam	49	28					
I 2pm	52	5					
l pm	50	341					
2рт	45	320					
Зрт	36	304					

3PM SHADOW DIAGRAM @ 23rd SEPTEMBER



Decision plans.

PORT PHILLIP PLANNING DEPARTMENT Date Received: 25/03/2025

TOTAL STORAGE MIN. STORAGE EXTERNAL (M3) ACHIEVED

YES

YES YES

YES

YES YES

YES

YES YES

YES YES

YE5

YES YES YES



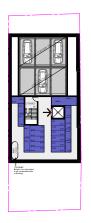




3RD FLOOR PLAN



5TH FLOOR PLAN







2ND FLOOR PLAN

BASEMENT IST FLOOR PLAN

STORAGE DIAGRAM LEGEND

EXTERNAL STORAGE INDICATIVE LAYOUT

INTERNAL STORAGE INDICATIVE LAYOUT

STORAGE DIAGRAMS





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STORAGE SCHEDULE

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14

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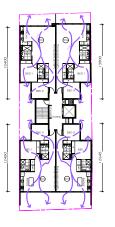
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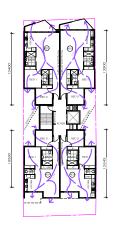
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Decision plans.

PORT PHILLIP PLANNING DEPARTMENT Date Received: 25/03/2025







3RD FLOOR PLAN

4TH FLOOR PLAN

5TH FLOOR PLAN





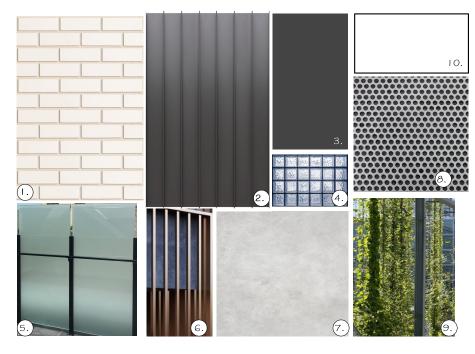
IST FLOOR PLAN 2ND FLOOR PLAN

LEGENDS:

BREEZE PATH

NATURAL VENTILATION DIAGRAMS





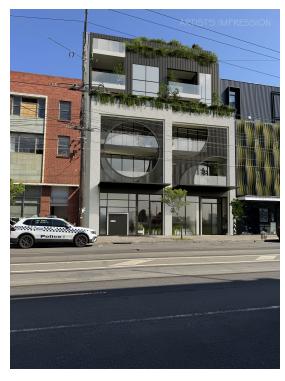
- 1. White Brick
- 2. Standing seam cladding
- 3. Window frames/Steel works
- 4. Glass blocks
- 5. Obsecure Glass
- 6. Slat Screen
- 7. Concrete walls with patterned finish
- 8. Privacy screen ballustrades, perforated panel (25% transparency)
- 9.Vertical Garden
- IO.White Render

EXTERIOR FINISHES











SUPERIMPOSED 3D IMAGES









Appendix 2: Clause 58 Assessment

CLAUSE 58.	02 - URBAN CON	NTEXT
CLAUSE 58.02-1 Urban context objectives To ensure that the design responds to the existing urban context or contributes to the preferred future development of the area. To ensure that development responds to the features of the site and the surrounding area. Standard D1 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.	✓ Standard and objective met	The development provides an increased residential density in a location that is well serviced by services, jobs and transport. The development responds to the context and features of the site.
CLAUSE 58.02-2 Residential policy objectives To ensure that residential development is provided in accordance with any policy for housing in the Municipal Planning Strategy and the Planning Policy Framework. To support higher density residential development where development can take advantage of public and community infrastructure and services. Standard D2 An application must be accompanied by a written statement to the satisfaction of the responsible authority that describes how the development is consistent with any relevant policy for housing in the Municipal Planning Strategy and the Planning Policy Framework.	Standard and objective met	A written assessment has been provided with the proposal The proposal supports higher density residential development.
CLAUSE 58.02-3 Dwelling diversity objective To encourage a range of dwelling sizes and types in developments of ten or more	✓ Standard and objective met	The development provides a mix of dwelling types comprising of: 4 - 1 bedroom plus study 16 - 2 bedrooms

dwellings.		20 apartments
Standard D3		
Developments of ten or more dwellings should provide a range of dwelling sizes and types, including dwellings with a different number of bedrooms.		
CLAUSE 58.02-4 Infrastructure objectives To ensure development is provided with appropriate utility services and infrastructure. To ensure development does not unreasonably overload the capacity of utility services and infrastructure. Standard D4 Development should be connected to reticulated services, including reticulated sewerage, drainage, electricity and gas, if available. Development should not unreasonably exceed the capacity of utility services and infrastructure, including reticulated services and roads. In areas where utility services or infrastructure have little or no spare capacity, developments should provide for the upgrading of or mitigation of the impact on services or infrastructure.	✓ Standard and objective met	The site is currently connected to services. The development would not unreasonably exceed the capacity of services. The applicant will need to enter into agreement for the provision of services with the relevant authorities.
CLAUSE 58.02-5 Integration with the street objective To integrate the layout of development with the street. To support development that activates street frontage. Standard D5 Developments should be oriented to front existing and proposed streets. Along street frontage, development should: Incorporate pedestrian entries, windows, balconies or other active spaces.	✓ Standard and objective met	The proposal fronts the street with a commercial tenancy at ground floor level. There is a separate residential and commercial entry off Chapel Street. Each entry is readily visible from the street and gives a sense of address. There are no blank walls on the frontage. Balconies at upper levels overlook the street providing passive surveillance. No fencing is proposed. Car parking is to the rear accessed from the unnamed lane. The site is not adjacent to public open space.

	-	Limit blank walls.	
	-	Limit high front fencing, unless consistent with the existing urban context.	
	-	Provide low and visually permeable front fences, where proposed.	
	_	Conceal car parking and internal waste collection areas from the street.	
•	spa the	velopment next to existing public open ace should be designed to complement e open space and facilitate passive rveillance.	

CLAUSE 58.03 - SITE LAYOUT				
TITLE & OBJECTIVE	COMPLIANCE	ASSESSMENT		
CLAUSE 58.03-1 Energy efficiency objectives To achieve and protect energy efficient dwellings and buildings.	✓ Standard and objective met.	Due to the orientation of the site, there is limited opportunity for energy efficient design. The site is to the south of the adjoining residential lot.		
To ensure the orientation and layout of development reduce fossil fuel energy use and make appropriate use of daylight and solar energy.		The second floor of the property to the south contains a dwelling that is currently being renovated. This property contains a light court along its north boundary wall elevation. This		
To ensure dwellings achieve adequate thermal efficiency Standard D6		proposal provides a larger light court opposite the one at 147 Chapel Street. this will help minimise impacts to the daylight access to the dwelling.		
Buildings should be:		Private open spaces on the northern		
Oriented to make appropriate use of solar energy.		side are not practical. The roof terrace will have a northern orientation and will receive good sunlight.		
Sited and designed to ensure that the energy efficiency of existing dwellings on adjoining lots is not unreasonably reduced.		There are no north facing windows which is unavoidable given the orientation of the site.		
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				

and private open space of new

Minimise noise impacts to new and

dwellings.

identified in Table D1 should not exceed the maximum NatHERS annual cooling load specified in the following table. **CLAUSE 58.03-2** Standard The required are of POS is 80sqm, and objective being 30sqm plus 2.5 sqm per dwelling Communal open space objective met, subject to conditions To provide communal open space that The proposal provides an area of 129 meets the recreation and amenity needs of sqm of communal space exceeding the residents. standard. The communal open spaces are To ensure that communal open space is located on the roof and is accessible accessible, practical, attractive, easily via stairs and a lift and is useable. maintained. Access is not shown on the roof To ensure that communal open space is plan for the solar panels and air integrated with the layout of the conditioners and a condition is development and enhances resident within the included officer amenity. recommendation to provide access. The landscape plan will be required to Standard D7 show the size and depth of the planters A development of 10 or more dwellings as well as additional feature for the should provide a minimum area of users of the space such as seating and communal outdoor open space of 30 square a BBQ. metres. If a development contains 13 or more dwellings, the development should also provide an additional minimum area of communal open space of 2.5 square metres per dwelling or 220 square metres, whichever is the lesser. This additional area may be indoors or outdoors and may consist of multiple separate areas of communal open space. Each area of communal open space should be: Accessible to all residents. A useable size, shape and dimension. Capable of efficient management. Located to: Provide passive surveillance opportunities, where appropriate. Provide outlook for as many dwellings as practicable. Avoid overlooking into habitable rooms

Appendix 2: Clause 58 Assessment

existing dwellings.		
Any area of communal outdoor open space should be landscaped and include canopy cover and trees.		
CLAUSE 58.03-3 Solar access to communal outdoor open space objective To allow solar access into communal outdoor open space. Standard D8 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.	✓ Standard and objective met.	The communal open space is located on the roof and will receive solar access in accordance with this standard.
CLAUSE 58.03-4 Safety objective To ensure the layout of development provides for the safety and security of residents and property. Standard D9 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.	✓ Standard and objective met	The pedestrian entrance is located off Chapel Street. The entrance is not obscured and the residential foyer is visible from the street. The internal apartment entrances are clearly visible from the short internal corridors. There is no public access to any areas of private open space. The commercial tenancy entrance is separate from the residential entry and is readily identifiable from the street.
CLAUSE 58.03-5 Landscaping objectives To provide landscaping that supports the existing or preferred urban context of the	✓ Standard and objective	There is no vegetation on site Commercial zone so no requirement.

area and reduces the visual impact of buildings on the streetscape.

- To preserve existing canopy cover and support the provision of new canopy cover.
- To ensure landscaping is climate responsive, supports biodiversity, wellbeing and amenity and reduces urban heat.

Standard D10

- Development should retain existing trees and canopy cover
- Development should provide for the replacement of any significant trees that have been removed in the 12 months prior to the application being made.
- Development should:
 - Provide the canopy cover and deep soil areas specified in Table D2. Existing trees can be used to meet the canopy cover requirements of Table D2.
 - Provide canopy cover through canopy trees that are:
 - Located in an area of deep soil specified in Table D3. Where deep soil cannot be provided trees should be provided in planters specified in Table D3.
 - Consistent with the canopy diameter and height at maturity specified in Table D4
 - Located in communal outdoor open space or common areas or street frontages.
- Comprise smaller trees, shrubs and ground cover, including flowering native species.
 Include landscaping, such as climbing plants or smaller plants in planters, in the street frontage and in outdoor areas, including communal outdoor open space.
- Shade outdoor areas exposed to summer sun through landscaping or shade structures and use paving and surface materials that lower surface temperatures and reduce heat absorption.
- Be supported by irrigation systems which utilise alternative water sources such as rainwater, stormwater and recycled water.

met, subject to conditions.

Deep soil areas are not required given the site is less than 1000sqm. (503sqm)

No canopy trees at upper level

Various landscaped areas are provided across the development.

Roof terrace needs canopy to provide wind and sun protection.

A landscape plan is required as a condition in the officer recommendation.

•	Protect any of the area	y predominant landsc 	ape features			
•	Take into a patterns of	account the soil type at the site.	and drainage			
•		safe, attractive and funt for residents.	nctional			
•	(location at paving and					
	Table D2 Canopy cov	ver and deep soil requirements				
	Site area	Canopy cover	Deep soil			
	1000 square metres	5% of site area Include at least 1 Type A tree	5% of site area or 12 square metres whichever is the greater			
	1001 - 1500 square metres	50 square metres plus 20% of site area above 1,000 square metres Include at least 1 Type B tree	7.5% of site area			
	1501 - 2500 square metres	150 square metres plus 20% of site area above 1,500 square metres Include at least 2 Type B trees or 1 Type C tree	10% of site area			
	2500 square metres or more	350 square metres plus 20% of site area above 2,500 square metres Include at least 2 Type B trees or 1 Type C tree	15% of site area			
	Table D3 Soil require	ments for trees				
	Tree type	Tree in deep soil Tree in planter Area of deep soil Volume of planter so	Depth of planter soil			
	A	12 square metres 12 cubic metres (min. plan dimension 2.5 (min. plan dimension metres) 2.5 metres)	0.8 metre			
	В	49 square metres 28 cubic metres (min. plan dimension 4.5 (min. plan dimension metres) 4.5 metres)	1 metre			
	С	121 square metres 64 cubic metres (min. plan dimension 6.5 (min. plan dimension metres) 6.5 metres)	1.5 metre			
	for every additi	trees share the same section of soil the total required am ional tree, up to a maximum reduction of 23%.	ount of soil can be reduced by 5%			
			height at maturity			
		netres 6 metres				
		metres 8 metres metres 12 metres	3			
	AUSE 58.03				Standard objective	Vehicular access to the car stackers is from the rear lane which is supported.
•	designed a	that vehicle crossove and located to provide rians, cyclists and oth	safe access	met		A traffic report has been provided which show that cars can safely manoeuvre in and out of the site.
•		the vehicle crossove and located to minimis				Delivery vehicles will be able to access the site from Chapel Street or Duke Street.
Sta	andard D11					Emergency service vehicle s are able to access the site from Duke Street,
•	Vehicle cro	ossovers should be m	inimised			Chapel Street and the rear lane.
•	minimised	g entries should be co in size, integrated wit practicable located a	th the façade			

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rear of the building		
The location of crossovers should maximise pedestrian safety and the retention of on- street car parking spaces and street trees.		
Developments must provide for access for service, emergency and delivery vehicles.		
CLAUSE 58.03-7	✓ Standard and objective met	Car parking is conveniently located. Secure and well ventilated
Parking location objectives		
To provide convenient parking for resident and visitor vehicles.		
To protect residents from vehicular noise within developments.		
Standard D12		
Car parking facilities should:		
Be reasonably close and convenient to dwellings.		
Be secure. Be well ventilated if enclosed.		
CLAUSE 58.03-8	✓ Standard and objective	A WSUD report has been provided that is acceptable and demonstrates that the proposal will achieve a STORM
Integrated water and stormwater management objectives	met	rating of 100%.
To encourage the use of alternative water sources such as rainwater, stormwater and recycled water.		The development will utilise rainwater tanks for water collected from the roof, terraces and balconies. The retained water will be used for
To facilitate stormwater collection, utilisation and infiltration within the development.		toilet flushing across 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		
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 meet the current best practice performance objectives for stormwater quality as contained in the <i>Urban</i>		

Stormwater - Best Practice Environmental
Management Guidelines (Victorian
Stormwater Committee, 1999).

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

CLAUSE 58.04 - AMENITY IMPACTS

CLAUSE 58.04 - AMENITY IMPACTS				
TITLE & OBJECTIVE	COMPLIANCE	ASSESSMENT		
CLAUSE 58.04-1 Building setback objectives 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 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. 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	✓ Standard and objective met subject to conditions.	In the context of the site the zero side setbacks are acceptable. The development is adequately setback from boundaries to allow each apartment to receive adequate daylight. Revisions to the plans after advertising made improvements to the lower levels apartments facing the northern light court. View to the residential properties to the rear have been obscured through the provision of 1.7-metre-high screens. Views from windows on the northern side of the site do not have any overlook due to the wall on boundary of 141-143 Chapel Street. On the south side of the development there are potential views into the habitable room windows of 147 chapel street. The resident (objector) at this site has identified that the second level is used as a dwelling. A condition is included within the officers recommendation that requires that flitted glass or similar is provided to a height of 1.7 metres above floor level of apartments at levels 2, 3 and 4 to limit views into the habitable room windows of this site.		
creates a reasonable visual connection to				

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the external environment.		
 Ensure the dwellings are designed to meet the objectives of Clause 58. 		
CLAUSE 58.04-2 Internal views objective To limit views into the private open space and habitable room windows of dwellings within a development. Standard D15 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.	✓ Standard and objective met, subject to Condition.	Due to the form of the building there will not be any internal views possible.
CLAUSE 58.04-3 Noise impacts objectives	✓ Standard and objective met	The proposed lift has been centrally located to provide as much separation between the bedrooms
To contain noise sources in developments that may affect existing dwellings.	met	of the apartments. The layout of each apartment will
To protect residents from external and internal noise sources.		not result in unreasonable internal noise
Standard D16		
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 D5 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, 		

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assessed as an LAeq,16h from 6am to 10pm

Table D5 Noise influence area

Noise source	Noise influence area	
Zone interface		
Industry	300 metres from the Industrial 1, 2 and 3 zone boundary	
Roads		
Freeways, tollways and other roads carrying 40,000 Annual Average Daily Traffic Volume	300 metres from the nearest trafficable lane	
Railways		
Railway servicing passengers in Victoria	80 metres from the centre of the nearest track	
Railway servicing freight outside Metropolitan Melbourne	80 metres from the centre of the nearest track	
Railway servicing freight in Metropolitan Melbourne	135 metres from the centre of the nearest track	

Note: The noise influence area should be measured from the closest part of the building to the noise source.

- 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

Clause 58.04-4

Wind impacts objective

 To ensure the built form, design and layout of development does not generate unacceptable wind impacts within the site or on surrounding land.

Standard D17

- Development of five or more storeys, excluding a basement should:
 - not cause unsafe wind conditions specified in Table D6 in public land, publicly accessible areas on private land, private open space and communal open space;
 - and achieve comfortable wind conditions specified in Table D6 in public land and publicly accessible areas on private land

within a distance of half the greatest length of the building, or half the total height of the building measured outwards on the horizontal plane from the ground floor building façade, whichever is greater.

- Trees and landscaping should not be used to mitigate wind impacts. This does not apply to sitting areas, where trees and landscaping may be used to supplement fixed wind mitigation elements.
- Wind mitigation elements, such as awnings and screens should be located within the site

✓ Standard and objective met

The application was supported by a wind impact assessment prepared by VIPAC.

The report found that the wind conditions at street level would be expected to be within the recommended walking comfort levels.

Wind conditions at the main entrances would be expected to be within the recommended **standing** comfort criterion;

Wind conditions in the private balconies would be expected to be within the recommended **walking** comfort criterion;

Wind conditions at the rooftop communal areas would be expected to be within the recommended **standing** comfort criterion; and

Wind conditions would be expected to fulfil safety criterion.

A condition is included within the recommendation of the permit that requires that loose lightweight furniture is on the roof terrace is fixed to the terrace.

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CLAUSE 58.05 - ON-SITE AMENITY AND FACILITIES				
TITLE & OBJECTIVE		COM	IPLIANCE	ASSESSMENT
of people with limited mod Standard D18 At least 50 per cent of dw A clear opening width entrance to the dwell A clear path with a m metres that connects the main bedroom, at the living area. A main bedroom with bathroom. At least one adaptable of the requirements of Design B specified in Table D7 Bathroom design Door opening A clear \$50mm wide door opening. Door design Door design Door design A clear \$50mm wide door opening. Door design Lither: A slide door, or	rellings should have: n of at least 850mm at the ing and main bedroom. inimum width of 1.2 the dwelling entrance to adaptable bathroom and access to an adaptable bathroom and access to an adaptable e bathroom that meets all of either Design A or Table D7. Design option B A clear accommission contracts, or - A door that opens contracts, or - A door that opens contracts, or - A door that opens invarids and has readily removable horges. A clear circulation area that is:	and met	Standard objective	Apartment types 1 bed plus study – all 4 comply Entry – 920mm Bedroom – 850mm Access – 1.2 m Bathroom – Type A 2 bedrooms – levels 2 -5 Entry – 920mm Bedroom – 850mm Access – 1.2 m Bathroom – Type A 2 bedrooms – levels 6 – 4 don't comply. Access – 1 m 16/20 comply – 75%

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CLAUSE 58.05-2 58.05-2 Building entry and circulation objectives To provide each dwelling and building with its own sense of identity. To ensure the internal layout of buildings provide for the safe, functional and efficient movement of residents. To ensure internal communal areas provide adequate access to daylight and natural ventilation. Standard D19 Entries to dwellings and 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 nonresidential 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.	Standard objective met	The building entry provides a good sense of identity with a separate commercial and residential entry. Each entry is provided with shelter from an indented entry and the roof of the levels above. The entries are safe and functional Lift and stairs are close to one another Internal corridors are provided with ventilation and natural light. The corridors provide clear sight lines.
CLAUSE 58.05-3 Private open space objective To provide adequate private open space for the reasonable recreation and service needs of residents. Standard D20 A dwelling should have private open space consisting of at least one of the following: • An area of 25 square metres, with a minimum dimension of 3 metres and convenient access from a living room. • A balcony with at least the area and dimensions specified in Table D8 and convenient access from a living room.	✓ Objective met, variation acceptable.	All bedrooms require 8 sqm with minimum dimension of 1.8 for 1 bedroom and 2 metres for 2 bedrooms. First floor all apartments comply with a balcony and access to the terraces at the base of the light courts. Apartments on levels four and five fall just short of the minimum dimension of 2 metres, however these balconies provide additional area above the required 8 square metres.

- An area on a podium or other similar base of at least 15 square metres, with a minimum dimension of 3 metres and convenient access from a living room, or
- An area on a roof 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 minimum balcony area specified in Table D8 should be increased by at least1.5 square metres.

If the finished floor level of a dwelling is 40 metres or more above ground level, the requirements of Table D8 do not apply if at least the area specified in Table D9 is provided as living area or bedroom area in addition to the minimum area specified in Table D11 or Table D12 in Standard D25.



CLAUSE 58.05-4

Storage objective

To provide adequate storage facilities for each dwelling.

Standard D21

- Each dwelling should have convenient access to useable and secure storage space.
- The total minimum storage space (including kitchen, bathroom and bedroom storage) should meet the requirements specified in Table D10.

Table D10 Storage

Dwelling type	Total minimum storage volume	Minimum storage volume within the dwelling
Studio	8 cubic metres	5 cubic metres
1 bedroom dwelling	10 cubic metres	6 cubic metres
2 bedroom dwelling	14 cubic metres	9 cubic metres
3 or more bedroom dwelling	18 cubic metres	12 cubic metres

✓ Standard and objective met

All apartments have been provided with an appropriate area of externally accessible storage in accordance with the standard.

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CLAUSE 58.06 - DETAILED DESIGN		
TITLE & OBJECTIVE	COMPLIANCE	ASSESSMENT
CLAUSE 58.06-1 Common property objectives To ensure that communal open space, car parking, access areas and site facilities are practical, attractive and easily maintained. To avoid future management difficulties in areas of common ownership. Standard D22 Developments should clearly delineate public, communal and private areas. Common property, where provided, should be functional and capable of efficient management.	✓ Standard and objective met	The areas of common property are clearly delineated and easily managed.
CLAUSE 58.06-2 Site services objectives To ensure that site services are accessible and can be installed and maintained. To ensure that site services and facilities are visually integrated into the building design or landscape. Standard D23 Development should provide adequate space (including easements where required) for site services to be installed and maintained efficiently and economically. Meters and utility services should be designed as an integrated component of the building or landscape. Mailboxes and other site facilities should be adequate in size, durable, water-protected, located for convenient access and integrated into the overall design of the development.	✓ Standard and objective met, subject to conditions.	Letterboxes are well located to accessed by Australia Post. Fire service are readily accessible at the frontage of the site. A condition in the officers recommendation will require that the fire services are reduced in size unless the authority demonstrates that this is not possible.
CLAUSE 58.06-3 Waste and recycling objectives To ensure dwellings are designed to encourage waste recycling.	✓ Standard and objective met	A waste management plans has been submitted with the application various areas of clarification and additional detail is required and a condition is included within the officer recommendation to

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To ensure that waste and recycling facilities are accessible, adequate and attractive.		provide an updated WMP to include the information.
To ensure that waste and recycling facilities are designed and managed to minimise impacts on residential amenity, health and the public realm. Standard D24		Councils Waste Management Officer has reviewed the WMP and the development plans and is satisfied that the
		requirements can be met to allow a safe and storage and
Developments should include dedicated areas for:		collection of all waste streams.
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. 		
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 better practice design options specified in Waste Management and Recycling in Multi-unit Developments (Sustainability Victoria, 2019).		
Protect public health and amenity of residents and adjoining premises from the impacts of odour, noise and hazards associated with waste collection vehicle movements.		
CLAUSE 58.06-4	✓ Standard and objective met	The external materials proposed are acceptable and

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External walls and materials objective

- To ensure external walls use materials appropriate to the existing urban context or preferred future development of the area.
- To ensure external walls endure and retain their attractiveness.

Standard D25

- External walls should be finished with materials that:
 - Do not easily deteriorate or stain.
 - Weather well over time.
 - Are resilient to the wear and tear from their intended use.
- External wall design should facilitate safe and convenient access for maintenance.

supported by Councils Urban Design officers.

The concrete side boundary walls are typical of exposed boundary walls and are durable and do not readily stain.

The external walls would readily be able to be cleaned and maintained by professional cleaners.

CLAUSE 58.07 - INTERNAL AMENITY

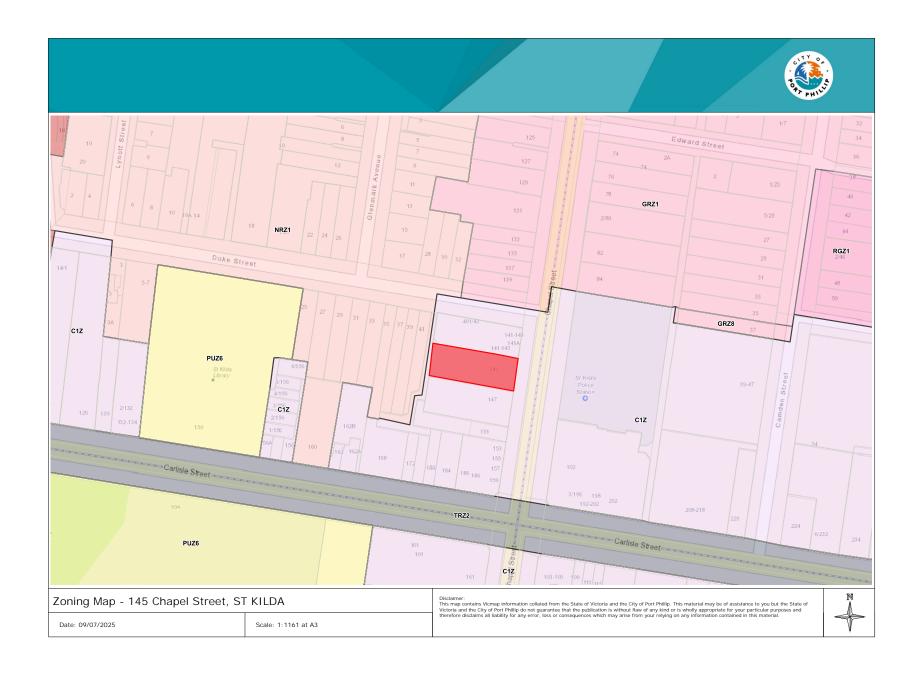
TITLE & OBJECTIVE COMPLIANCE **ASSESSMENT** ✓ Standard and objective met **Bedrooms CLAUSE 58.07-1** The submitted plans indicate, that all apartments would be provided with **Functional layout objective** bedrooms that meet the minimum To ensure dwellings provide functional areas that requirements of this Standard. meet the needs of residents. Standard D26 Living rooms The floor plan indicate that all Bedrooms should: apartments meet the functional layout requirements Meet the minimum internal room dimensions and area specified in Table D11. Provide an area in addition to the minimum internal room dimensions and area to accommodate a wardrobe. Living areas (excluding dining and kitchen areas) should meet the minimum internal room dimensions specified in Table D12. Table D11 Bedroom dimensions Bedroom type Minimum width Minimum depth Main bedroom 3 metres 3.4 metres 10.2 sqm Table D12 Living area dimensions 3.6 metres 12 sqm

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Ro To hal	AUSE 58.07-2 om depth objective allow adequate daylight into single aspect bitable rooms. Indard D27 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.	✓ Objective met, variation acceptable.	Ceiling height = 2.7 Maximum depth = 6.75 All habitable rooms meet the maximum room depth apart from the west facing open plan living rooms of levels 2, 3 and 4 which are 7.2 metres deep. While The maximum depth for these rooms is 6.75 metres, had the kitchens been located towards the back of the rooms rather than the side, the room depths would have been able to be 9m. It is considered that the minor variations are acceptable.
CLAUSE 58.07-3 Window objective To allow adequate daylight into new habitable room windows. Standard D28 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.		✓ Standard and objective met	All habitable rooms are provided with a window on an external wall of the building.

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CLAUSE 58.07-4 Natural ventilation objectives To encourage natural ventilation of dwellings. To allow occupants to effectively manage	✓ Standard and objective met	All apartments provide appropriate cross ventilation with breeze paths of more than 5 metres and less than 18 metres on different orientations of the building.
natural ventilation of dwellings. Standard D29		
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.		





6.3 204 PRINCES STREET, PORT MELBOURNE -

PDPL/00535/2024

LOCATION/ADDRESS: 204 PRINCES STREET PORT MELBOURNE

EXECUTIVE MEMBER: BRIAN TEE, GENERAL MANAGER, CITY GROWTH AND

DEVELOPMENT

MANAGER PAUL WOOD, MANAGER CITY DEVELOPMENT

PREPARED BY: VIVIAN LIU, SENIOR URBAN PLANNER

1. PURPOSE

1.1 To consider and determine Planning Application PDPL/00535/2024 for the construction of two three-storey dwellings in a General Residential Zone and the reduction of car parking requirements of Clause 52.06.

2. EXECUTIVE SUMMARY

WARD: Montague

TRIGGER FOR DETERMINATION Councillor call in

BY COMMITTEE:

APPLICATION NO: PDPL/00535/2024

APPLICANT: ASK Planning Services Pty Ltd

EXISTING USE: Residential Residential Residential

ZONING: General Residential Zone – Schedule 1

Expired

OVERLAYS: No Overlays

STATUTORY TIME REMAINING FOR

DECISION AS AT DAY OF COUNCIL

- 2.1 Planning permit application PDPL/00535/2024 was received by Council on 19 September 2024 and seeks approval for construction of two three-storey dwellings and a car parking reduction at 204 Princes Street, Port Melbourne. The application proposes to demolish the existing one storey dwelling on the site. The proposed dwellings each include 3 bedrooms, a roof terrace, and 1 car park in the ground level garages to the rear, accessed from Allen Place.
- 2.2 The proposal requires the provision of 4 car parking spaces to satisfy Clause 52.06 (Car Parking). Two spaces are provided, 1 to each dwelling. Therefore, the application seeks a waiver of 2 spaces.
- 2.3 The proposal includes the demolition of the existing dwelling that currently occupies the site. No planning permit is required for demolition.
- 2.4 The subject site has a front boundary of 11.65m to Princes Street and a depth of 14m on its north-east side, the site has a splayed south-west boundary to Allen Place. The site has an area of 179sqm and currently contains a single storey dwelling fronting Princes Street.



- 2.5 The land is within a General Residential Zone Schedule 1 (GRZ1). There are no overlays on the site.
- 2.6 The planning permit triggers for the application are:
 - To construct two or more dwellings on a lot pursuant to Clause 32.08-7 of the General Residential Zone.
 - To reduce the number of car parking spaces required under Clause 52.06-5 (Car Parking)
- 2.7 The application was advertised in February 2025 and received 13 objections. Key concerns raised include neighbourhood character, lack of landscaping and open space, amenity impacts, traffic concerns, lighting and safety, and construction impacts.
- 2.8 A consultation meeting was held on 15 April 2025. The meeting was attended by 3 Councillors, the applicant, objectors and planning officers.
- 2.9 Following the consultation meeting the permit applicant lodged amended plans pursuant to Section 57A of the Planning and Environment Act 1987 on 9 May 2025.
- 2.10 The amended plans include the following changes:
 - The front setback of the second floor of Dwelling 2 has been increased from 1.6m to 1.9m to match the setback of 208 Princes Street.
 - A 482mm offset from the rear boundary at second floor (from 0m) has been introduced.
 - The first and second floor walls associated with the living room and master bedroom of Dwelling 1 have been setback from the laneway (south-west boundary) by 410mm (from 0m).
 - 1.7m high screens material on the roof terrace have been replaced with opaque laminated glass from aluminium screening to limit overlooking and acoustic impacts.
 - The material applied to the upper floor north-east facing wall adjacent to 208
 Princes has been changed to a metal cladding as opposed to light coloured brick.
 - A 1.8m dimension has been added to the top level highlight window on the south elevation.
 - Air conditioner condenser units on the roof top have been reduced in size to represent their true size and have been further recessed to reduce visibility and noise.
 - The "rounding" of Bed 2 corner has been increased to have a radius of 1200mm.
- 2.11 The amended plans were informally advertised to all objectors. No objections were withdrawn.
- 2.12 Because the amended plans were lodged after 6 March 2025 the application needs to be assessed under the revised Clause 55 assessment introduced under Planning Scheme Amendment VC267. Planning Scheme amendment VC267 has introduced a streamlined assessment of low-rise residential development where it is limited to the objectives, standards, and decision guidelines of Clause 55. The new code introduces a deemed to comply assessment pathway to support faster decisions and greater certainty for townhouses and apartment buildings up to three storeys at clause 55 of all planning schemes.



- 2.13 The proposal is acceptable for the following reasons:
 - The proposed reduction in car parking aligns with the strategic direction in Clause 18.02-4L-01 which supports car parking reduction where a site is located within a short walking distance to high frequency public transport or immediately adjacent to activity centres. The subject site measures favourably against both these criteria, being located approximately 215m from the Bay Street Major Activity Centre and 200m from the light railway line.
 - The proposal satisfies the neighbourhood character and amenity objectives of Clause 55 where it satisfies most of the deem to comply standards. Variations are sought to side and rear setbacks, walls on boundaries, site coverage, overshadowing, and overlooking but these are considered acceptable given the site's corner location, laneway interfaces, and surrounding built form. Overshadowing affects only a small area during morning hours, and overlooking is mitigated through proposed screening, with conditions recommended to ensure compliance. Overall, the design responds appropriately to its urban context while maintaining residential amenity.
 - The proposal offers strong internal amenity and sustainability, with spacious living areas, over 34sqm of private open space per dwelling, and only a negligible variation to entry cover. It meets all sustainability standards, including stormwater management with two 2,000-litre rainwater tanks and a high STORM rating of 168%, ensuring a comfortable and environmentally responsible design.
 - The provision of 2 car spaces (1 for each dwelling) is acceptable given proximity
 to numerous modes of public transport and location within the Principal Public
 Transport Network (PPTN). Each dwelling is also provided with space within the
 garage for bicycle storage. The small site size makes achieving on-site parking
 difficult. Furthermore, planning policy supports reducing reliance on private car
 ownership.
- 2.14 The concerns raised by the objectors are acknowledged and discussed within this report.
- 2.15 The proposal is recommended for approval, subject to the conditions below.

3. RECOMMENDATION

- 3.1 That the Responsible Authority, having caused the application to be advertised and having received and noted the objections, issue a Notice of Decision to Grant a Permit
- 3.2 That a Notice of Decision to Grant a Permit be issued subject to the following permissions:

Planning Scheme Clause No:	Description of what is allowed
Clause 32.08-7	Construct two or more dwellings on a lot in a General Residential Zone
Clause 52.06-3	Reduce the number of car parking spaces required under Clause 52.06-5
In accordance with the endorsed plans.	



3.3 That the decision be issued as follows:

Amended Plans Required

- Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and an electronic copy must be provided. The plans must be generally in accordance with the plans submitted with the application (identified as TP00 TP23 Revision B, job number eA2415, dated Aug 2024, received by Council on 08/01/2024, prepared by Elevation7) but modified to show:
 - a) External lighting of the areas set aside for car parking and driveways must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining land
 - b) A minimum 2m x 2.5m corner splay provided at the south-west corner. Any structures or vegetation within the splay must not exceed 0.9m in height
 - c) Dwelling 1's first floor dining room windows as obscure glazed
 - d) Details of the 1.7m high timber screening on the second floor terrace to demonstrate compliance with Clause 55.04-4 Standard B4-4 Overlooking
 - e) A section diagram demonstrating Dwelling 2's terrace is in compliance with Clause 55.04-4 Standard B4-4 Overlooking as it relates to overlooking to the northeast
 - f) The driveway gradients to the garages in compliance with Clause 52.06 Design Standard 3: Gradients
 - g) Water Efficient Landscaping An updated landscape plan is required with appropriate plantings in support of this
 - h) 'Retractable paraline' on terrace floor plan to include the word 'clothesline' for clarity
 - i) External Lighting Motion detector controlled
 - j) Internal Lighting illumination density of 4W/sqm or less
 - k) Double Glazing marked on plans for Unit 2, and triple-glazed for Unit 1
 - I) External Shading to north, east and west elevations
 - m) FOGO bins on plans (with volume as per any accompanying and approved waste report)
 - n) Tap and waste on each dwelling's courtyard/terrace
 - o) The upper most level to be a light colour
 - p) Both kitchen windows of Dwelling 2 to be openable in to demonstrate compliance with Clause 55.03-10 Standard B3-10 Natural Ventilation
 - q) The external material colour of the second floor addition as a lighter colour such as cream or similar.



No Alterations

The layout of the site and the size, levels, design and location of buildings and works shown on the endorsed plans must not be modified for any reason without the prior written consent of the Responsible Authority.

Satisfactory Continuation and Completion

Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.

Privacy Screening Must Be Installed

Prior to the issue of any Certificate of Occupancy or Certificate of Final Inspection for the development approved by this permit the installation of privacy screens must be undertaken in accordance with the endorsed plans. The privacy screens must be maintained thereafter to the satisfaction of the Responsible Authority.

Walls on or Facing the Boundary

Prior to the issue of any Certificate of Occupancy or Certificate of Final Inspection for the development approved by this permit all new or extended walls on or facing the boundary of adjoining properties and/or a laneway must be cleaned and finished to a uniform standard to the satisfaction of the Responsible Authority. Unpainted or unrendered masonry walls must have all excess mortar removed from the joints and face and all joints must be tooled or pointed also to the satisfaction of the Responsible Authority. Painted or rendered or bagged walls must be finished to a uniform standard to the satisfaction of the Responsible Authority.

No Equipment or Services

Any plant, equipment or domestic services visible from the primary street (other than a lane) or public park must be located and visually screened to the satisfaction of the Responsible Authority.

Driveway to be Kept Clear

7 Once the development has been completed, the driveways must be kept clear of any obstruction to always maintain free vehicular passage to both dwellings.

Vehicle Crossing

Prior to the issue of any Certificate of Occupancy or Certificate of Final Inspection for the development approved by this permit, vehicle all crossings must be constructed in accordance with Council's current Vehicle Crossing Guidelines and standard drawings to the satisfaction of the Responsible Authority. All redundant crossings must be removed and the footpath, naturestrip, kerb and road reinstated as necessary at the cost of the applicant/owner and to the satisfaction of the Responsible Authority.

Water Sensitive Urban Design

9 Prior to the endorsement of plans under Condition 1 of this permit, a Water Sensitive Urban Design (Stormwater Management) Report must be submitted to the Responsible Authority in electronic format. When approved, the Water Sensitive Urban Design Report will be endorsed and will then form part of this permit. The report must:



- a) Demonstrate how the development meets the water quality performance objectives as set out in the Urban Stormwater – Best Practice Environmental Management Guidelines (CSIRO, 1999) or its updated equivalent. This must include:
 - i. An updated and accurate STORM report including all impervious areas, treated and untreated.
 - ii. The Site Layout Plan updated to include access hatches shown to both RWT's, along with connection details for stormwater re-use.

Updated Sustainable Design Assessment

- Prior to plans being endorsed under condition 1 of this permit, an updated Sustainable Design Assessment (SDA) must be submitted to and approved by the Responsible Authority. The updated SDA must be generally in accordance with the SDA submitted with the application titled Sustainable Design Assessment, dated 25 November 2024, authored by Elevation7, but modified to address the following;
 - a) The BESS updated to include solar P/V as per the roof plan shows.
 - b) The BESS improved in the category of Water to an acceptable score.
 - c) Statements made in the SDA that include recycling of construction wastes, use of recycled materials with FSC/PEFC accreditation, sustainably sourced timber where possible and cement to be supplemented with Supplementary Cementing Materials (SCM) concretes, to be formalised by being noted on the plans. Upon addressing/finalising matters raised below, the report to be 'published' to formalise.

Where alternative ESD initiatives are proposed to those specified in this condition, the Responsible Authority may vary the requirements of this condition at its discretion, subject to the development achieving equivalent (or greater) ESD outcomes.

When approved, the updated SDA will be endorsed and will then form part of this permit. The ESD initiatives in the endorsed SDA must be fully implemented and must be maintained throughout the operational life of the development to the satisfaction of the Responsible Authority.

Incorporation of Water Sensitive Urban Design Measures

11 Prior to the issue of any Certificate of Occupancy or Certificate of Final Inspection for the development approved by this permit, the provisions, recommendations and requirements of the endorsed Water Sensitive Urban Design Report must be implemented and complied with to the satisfaction of the Responsible Authority.

Construction Management Water Sensitive Urban Design

- The developer must ensure that throughout the construction of the building(s) and construction and carrying out of works allowed by this permit:
 - a) No water containing oil, foam, grease, scum or litter will be discharged to the stormwater drainage system from the site.
 - b) All stored wastes are kept in designated areas or covered containers that prevent escape into the stormwater system.



- c) The amount of mud, dirt, sand, soil, clay or stones deposited by vehicles on the abutting roads is minimised when vehicles are leaving the site.
- d) No mud, dirt, sand, soil, clay or stones are washed into, or are allowed to enter the stormwater drainage system.
- e) The site is developed and managed to minimise the risks of stormwater pollution through the contamination of run-off by chemicals, sediments, animal wastes or gross pollutants in accordance with currently accepted best practice.

No Reticulated Gas

Any new dwelling allowed by this permit must not be connected to a reticulated gas service (within the meaning of Clause 53.03 of the Port Phillip Planning Scheme). This condition continues to have force and effect after the development authorised by this permit has been completed.

Time for Starting and Completion

- 14 This permit will expire if one of the following circumstances applies:
 - a) The development is not started within two years of the date of the permit.
 - b) The development is not completed within four years of the date of the permit. The Responsible Authority may extend the periods referred to if a request is made in writing:
 - Before or within 6 months after the permit expiry date, where the development allowed by this permit has not yet started; and
 - Within 12 months after the permit expiry date, where the development allowed by the permit has lawfully started before the permit expires.

4. RELEVANT BACKGROUND

There is no relevant history or background for this application.

5. PROPOSAL

- 5.1 The plans which are the subject of this report are the 57A amended plans received by Council on 9 May 2025, dated 29.04.2025, prepared by Elevation and numbered TP00, TP01, TP02, TP03, TP04, TP05, TP06, TP07, TP08, TP09, TP10, TP11, TP12 TP13, TP14, TP15, TP16, TP17, TP18 TP19, TP20, TP21 and TP23 all revision C.
- 5.2 The application is for the construction of two three-storey dwellings with roof terraces and carparking off Allen Place. The dwellings will each comprise of 3 bedrooms, and a single garage. Garages at the rear of the site, located off Allen Place with primary frontage to Princes Street.





Figure 1. Artist render of the proposed development

- 5.3 Dwelling 1 includes two ground-level bedrooms, one bathroom, and a garage. The southwest boundary adjoins Allen Place. The first floor comprises open-plan kitchen, dining, and living areas with a balcony on the front boundary. The second floor includes a main bedroom, a kitchenette, and a terrace with roof garden along the southwest side. A 26m² roof terrace with planters, and services are proposed on the roof. The roof terrace is screened to 1.7m on the west and south elevations.
- 5.4 Dwelling 2 includes one ground-level bedrooms, one bathroom, and a garage. The northeast boundary adjoins 208 Princes Street. The first floor comprises open-plan kitchen, dining, and living areas with a balcony facing Princes Street. The second floor includes a main bedroom and a second bedroom. A 25m² roof terrace with planters, and services are proposed on the roof. The roof terrace is screened to 1.7m on the south elevations.
- 5.5 The dwellings are designed to integrate with the surrounding urban context, featuring contemporary architectural elements. The proposal is 3 storeys and reaches a maximum height of 8.8 metres, with 94% site coverage and 21% of the site available for stormwater absorption. The façade materials are contemporary and include light brick, concrete render, interlock cladding, and aluminium battens.
- 5.6 Further particulars of the proposal are outlined below.

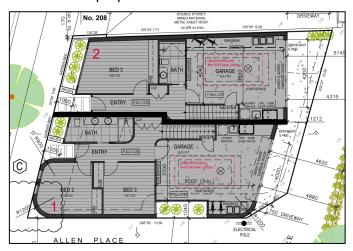


Figure 2. Ground floor plan



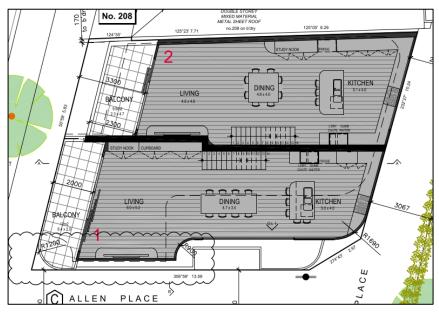


Figure 3. First floor plan



Figure 4. Second floor plan



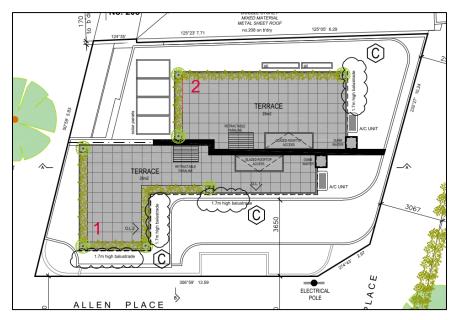


Figure 5. Roof floor plan

5.7 A full set of the development plans is at **Attachment 1**.

6. SUBJECT SITE AND SURROUNDS

	Description of Site and Surrounds
Site Area	179 sqm
Existing building & site conditions	The site is on a corner lot – fronting Princes Street. It also has a southern (side) and eastern (rear) interface to Allen Place. A single storey infill brick dwelling with a flat roof occupies the site. It has a low brick and steel front fence. The site has access from Princes Street and Allen Place. There is no car parking within the site. The site is irregular in shape with a 11.65m front to Princes Street, and a depth of 15.8m to Allen Place. The irregularity of the lot relates to the splay along the southern corner of the site in relation to the junction of laneways of Allen Place.
	Figure 6. Subject site. Source: Council Officer, 22 October 2024





Figure 7. Rear of subject site, Allen Place. Source: Council Officer, 9 April 2025

Surrounds/n eighbourhoo d character

The character of Princes Street is diverse in nature comprising a mixture of single storey Victorian cottages through to two and three storey contemporary development. This is reflective of the two different residential zones and the Heritage Overlay which covers the north-east section of Princes Street, as detailed within the below Council mapping.



Figure 8. Intramaps: Zone and Overlay, subject site identified in red.



Figure 9. Southwest of the subject site (L-R 187, 189, 191, 193, 197 Princes Street). Source: Council Officer, 9 April 2025





Figure 10. Southwest of the subject site (L-R 176, 172, 170 Princes Street). Source: Council Officer, 9 April 2025



Figure 11. Northeast of the subject site (230 Princes Street). Source: Council Officer, 9 April 2025



Figure 12. Northeast of the subject site (237, 239, 239A Princes Street). Source: Council Officer, 9 April 2025

The southwestern end of Princes Street, including the subject site and adjoining site of 208 Princes Street, is within the General Residential Zone. The northeastern end of Princes Street is within the Neighbourhood Residential Zone and is covered by the Heritage Overlay.



The area is characterised by residential dwellings with small or no front setbacks. Some first floor levels are located on the front boundary, with third levels generally recessed, however still visible from the street. Many of the sites have no or limited side setbacks, including at upper levels. There are several dwellings with balconies facing Princes Street, and roof terraces.



Figure 13. Subject site and adjoining sites (208 Princes St on Left, 200 Princes Street on Right). Source: Council Officer, 22 October 2024

The site has the following interfaces:

To the southwest of the site is a small laneway known as Allen Place. Beyond the laneway is 200 Princes Street which is developed with a double storey dwelling that fronts Princes Street with minimal setbacks. The front setback includes car access. It has a double storey wall on boundary for a portion of Allen Place. The rear portion of the interface with Allen Place has a ground floor SPOS.



Figure 14. Southwest of the subject site (L-R 200 Princes St, 198 Princes Street). Source: Council Officer, 9 April 2025

To the northeast of the site is 208 Princes Street. It is developed with a dwelling that is single storey at the front, and graduates to double storey at the



rear of the site. It shares a wall on the boundary with the subject site for the entire length of the subject site. It has a 1.89m front setback to Princes Street.



Figure 15. Northeast of the subject site (L-R 216 Princes St, 208 Princes Street). Source: Council Officer, 9 April 2025

To the rear of the site is the rear part of the Allen Place laneway. Beyond the Laneway is 6 Allen Place which is vacant block of land. There is a current planning permit application (PDPL/00252/2024) which proposes the construction of two dwellings on a lot and reduction of the car parking requirement. One of the dwellings would be three storeys with a maximum height of 10.7m, both dwellings front Allen Place. No determination has been made for the application at the date of this report.

Aerial photo



Figure 16. Aerial photograph of subject site (red marker) and surrounds. Source: Nearmap April 2025

7. PERMIT TRIGGERS

The following zone and controls apply to the site, with planning permission required as described. A Zoning Map is contained at **Attachment 2**.



Zone or Overlay	Why is a permit required?
Clause 32.08-7 General Residential Zone Schedule 1 (GRZ1)	 General Residential Zone states a permit is required to: Construct two or more dwellings on a lot in a General Residential Zone A permit is required to construct or extend a front fence within 3 metres of a street if: The fence is associated with 2 or more dwellings on a lot or a residential building, and The fence exceeds the maximum height specified in Clause 55.02-8. The front fence/planter box to Dwelling No. 2 is 900m in height, no permit is required for the fence. A development must meet the requirements of Clause 55. This does not apply to a development of four or more storeys, excluding a basement.
Clause 52.06-3 Car Parking	The Car Parking Provisions states a permit is required to: • Reduce (including reduce to zero) the number of car parking spaces required under Clause 52.06-5

8. PLANNING SCHEME PROVISIONS

8.1 State Planning Policy Frameworks (SPPF)

The following State Planning Policies are relevant to this application:

Clause 18.02-4L-01 Car parking

8.2 Other relevant provisions

Clause 52.06	Car Parking
Clause 53.03	Residential Reticulated Gas Service Connection
Clause 53.18	Stormwater Management in Urban Development
Clause 55	Two or More Dwellings on a Lot and Residential Buildings
Clause 62	General Exemptions
Clause 65	Decision Guidelines
Clause 71	Operation of this Planning Scheme

8.3 Relevant Planning Scheme Amendment/s

Planning Scheme Amendment VC267

Planning Scheme Amendment VC267 (Gazetted 6 March 2025) introduced updated planning assessment provisions for residential development across Victoria, focusing on the "Townhouse and Low-rise Code" (Clause 55) and "4 Storey Apartment Standards" (Clause 57). The reforms aim to simplify and expedite planning for developments up to three storeys (Clause 55) and four-storey apartments (Clause 57).



For developments of two or more dwellings up to three storeys, Clause 55 now offers a deemed-to-comply assessment pathway: if all applicable standards are met, the proposal is considered compliant and cannot be refused on those grounds. In such cases, third-party appeal rights (objector appeals) do not apply.

Another significant update is that the responsible authority is no longer required to consider the Municipal Planning Strategy, Planning Policy Framework, zone purposes, Clause 65, or other decision guidelines—unless a relevant Clause 55 guideline specifies otherwise.

Assessment under Clause 55 is now aligned with four thematic pillars, Neighbourhood Character, Liveability, External Amenity and Sustainability. Each theme includes updated objectives (desired outcomes) and standards (methods to meet them). If a standard is met it is deemed to comply. If a standard isn't met, decision guidelines help determine whether the objective is still satisfied.

A section 57A application was received to amend the application on 9 May 2025. This amended application is taken to have been received by the council on the day the request for amendment was received by the council. As the amendment was lodged after 6 March 2025, the new clause 55 introduced by Amendment VC267 will apply to the application.

9. REFERRALS

9.1 Internal referrals

The application was referred to the following areas of Council for comment. The comments are discussed below.

Internal department	Referral comments (summarised)
Urban Design	The proposal is supported from an urban design perspective given the diverse context of the area. The first-floor balconies facing Princes Street will provide the development with depth. The top floor could be a lighter colour so that it appears less heavy.
	Officer Comment
	The proposal is supported from an urban design perspective. However, it is suggested that a lighter colour for the top floor would result in the addition appearing less heavy. A condition has been recommended in relation to this (condition 1q).
Transport Engineer	Clause 52.06 requires two car spaces for three-bedroom dwellings, and each unit should be supplied with two spaces which could be achieved through car stackers within the garages.
	Access and Layout
	The swept paths in the applicant's traffic report have been reviewed. B85 vehicles are required to undertake specific tight manoeuvres during entry and exit to/from garages. Concerns are raised with reversing manoeuvres when exiting both garages.



No. 3–5 have their primary pedestrian access via the laneway (see nearmap aerial photos), and vehicular reversing during exit impacts pedestrian movements (most critically, vulnerable pedestrians).

The driveway gradients to the garages are unclear and need to comply with the planning scheme and AS2890.1. When constructing, the driveways must be built without altering the existing levels or existing surface of the laneway. The relevant areas of the driveways must be made trafficable matching with the swept paths.

Pedestrian Sightlines and Splays

A minimum 2m x 2.5m corner splay should be provided at the southwest corner of the property to meet pedestrian sight triangle requirements as outlined in the planning scheme and/or AS2890.1. Any structures or vegetation within the splay must not exceed 0.9m in height.

The existing splay at the southeast corner of the site (near the light pole) must be retained with no changes.

Officer Comment:

Due to the proposed parking being located at the rear of the site, the access is constrained by Allen Place which is a T shape laneway. It is acknowledged that vehicles exiting would need to reverse past No. 5 Allen Place to turn and exit the lane. Whilst the proposal meets the requirements for the Australian Standards in regard to corrective movements, there is potential for conflict between vehicles and pedestrians. However, the arrangement is considered acceptable as:

- The arrangement would be for two dwellings with one car space each. The number of movements during the day would be limited.
- This is a common arrangement in the inner city suburbs of Melbourne where laneways are often shared by vehicles and pedestrians.
- The residents of these dwellings would become familiar with the required movements to access the spaces.

The swept paths show both vehicles utilising a small area of each others driveway for access. This application does not include subdivision however this area should be kept clear of fencing and obstructions. A note should be included if a permit is issued to explain that a carriageway easement will be required.

A condition has been recommended to ensure driveways are kept clear of any obstruction to maintain free vehicular passage to both dwellings.

The driveway gradients to the garages have been recommended to be shown via conditions.



A minimum 2m x 2.5m corner splay provided at the front south-west corner has been recommended as a condition.

Pedestrian doors opening outward from the garages has not been included as there is ample space for the doors as proposed.

The proposed works do not include altering the existing levels or existing surface of the laneway, or removing the light pole in Allen Place and the splay at the rear south-west corner would be retained.

Sustainable Design

The application generally demonstrates an acceptable outcome for ESD, pending resolution of the following.

- WSUD report to include statement as to connection details of both RWT's to include ideally toilets (additional to irrigation as per BESS).
- STORM report score at 168% has not included the correct untreated driveway areas of both dwellings (approx 19sqm as opposed 0.55sqm noted). The STORM report is to be re-done including all impervious areas, treated or not.
- Site Layout Plan to include access hatches shown to both RWT's, along with connection details for stormwater re-use.
- RWT inspection requirements and maintenance procedures are acceptable.

BESS

The BESS score at 70% brings the proposal almost into the 'excellence' category, however, the mandatory pass category of Water has only achieved 16%, and which is not acceptable. There is also no reason why solar P/V cannot be provided to the roof area, particularly as E/V charging is proposed.

Statements made in the SDA that include recycling of construction wastes, use of recycled materials with FSC/PEFC accreditation, sustainably sourced timber where possible and cement to be supplemented with Supplementary Cementing Materials (SCM) concretes, need to be formalised by being noted on the plans. Upon addressing/finalising matters raised below, the report to be 'published' (currently DRAFT status) to formalise. The DRAFT status is also obscuring many areas of text, and which are often unreadable.

Plans

Additional information is suggested to be included on the plans in relation to water efficient landscaping, the retractable paraline, external lighting, internal lighting, double and triple glazing, external shading to north, east and west elevations, operational waste, irrigation for balconies, cross flow ventilation.

Other



No Solar P/V is proposed, yet the 25sqm roof terrace areas provides space to locate even a modest P/V system, particularly considering provision of E/V charging

Smart building automation – This is not considered 'innovation' per se. To claim, details as to the system need to be provided in full, incl. functionality and the benefits as per described by the manufacturer.

Notation as to the specific system will also need to be included upon the plans, to ensure inclusion in endorsed docs.

Water efficient management – WSUD, water efficient fixtures and 'smart irrigation' systems are not considered 'innovation' per se. Such irrigation functionality would be considered in the above building automation. This claimed credit to be removed.

Officer comment:

As per the new clause 55 provisions introduced by VC267, the responsible authority is exempt from and is not required to consider the Planning Policy Framework. Therefore, the local ESD policy is no longer applicable. Sustainability provisions are limited to Clause 55.05 Sustainability. Nevertheless, the below matters refer to requirements in the revised Clause 55 and as such are recommended to be included as conditions should a permit be issued.

The WSUD report does indicate the rainwater tanks are to be connected to all toilets.

Solar P/V has not been added to the BESS report, however, are proposed on the roof plan. A condition has been recommended to update the BESS report to accurately depict the plans.

An updated SDA has been recommended as a condition as per the above comments.

Recommended changes to the plans have been included where relevant.

9.2 **External referrals**The application was not required to be externally referred.

10. PUBLIC NOTIFICATION/OBJECTIONS

- 10.1 It was determined that the proposal may result in material detriment therefore Council gave notice of the proposal by ordinary mail to the owners and occupiers of surrounding properties (6 letters) and directed that the applicant give notice of the proposal by posting 2 notices on the site for a 14 day period, in accordance with Section 52 of the Planning and Environment Act 1987.
- 10.2 The application has received 13 objections. The key concerns raised are summarised below (officer comment will follow in italics where the concern will not be addressed in Section 11):
 - Neighbourhood character



- Visual bulk
- Sheer walls with no setback on boundaries
- Building height is overwhelming
- Lack of articulation
- Adverse impact on the character of the area
- Non-compliance with Clause 15.05-L Neighbourhood Character Policy

Neighbourhood character is assessed in Section 11 of the report.

- Lack of landscaping and open space
 - Minimal garden space and vegetation is proposed
 - Impact on street trees

Landscaping is assessed within Clause 55 Attachment 3 of the report.

- Amenity impacts
 - Noise and amenity concerns from the roof terraces
 - Overlooking from the upper levels and terraces
 - Non-compliance with Side and Rear Setbacks standard
 - Placement of air conditioning units being visually and audibly disruptive

Amenity impacts are assessed in Section 11 of the report and within Clause 55 Attachment 3 of the report.

- Traffic
 - Lack of car parking
 - Concerns with the proposed garage access

The proposed access and parking are assessed in Section 11 of the report.

- Lighting and safety
 - Lack of lighting in Allen Place
 - Pedestrian safety in Allen Place

The existing light pole in Allen Place is not proposed to be removed and will continue to provide light to Allen Place.

- Construction impacts
 - Concerns of rainwater drainage as downpipes have not been shown
 - Requests for dilapidation report

These matters are non-planning issues and will be dealt with at the Building Permit stage.

10.3 Notice of the application was also given to Melbourne Water as the site is affected by flooding from Sea Level Rise in the year 2100. The proposed dwelling developments has a finished ground-floor level of 2.25m (AHD). The garage would be 2.2m AHD. In a response, Melbourne Water advised they do not object to the proposal. However, provided the following:



Advice

The site has been identified as subject to flooding as a result of storm surge/tidal inundation associated with Sea Level Rise (SLR) from Port Phillip Bay. The predicted year 2100 1% Annual Exceedance Probability (AEP) flood level for tidal storm surge is 2.4 metres (m) to Australian Height Datum (AHD).

Development recommendations:

- It is recommended that the finished floor levels for any new dwellings is set no lower than 3m AHD, which is 600mm above the applicable flood level of 2.4 metres to AHD.
- It is recommended that the finished floor levels for garages is set no lower than the applicable flood level of 2.4 metres to AHD.
- 10.4 This response was shared with the applicant, who did not wish to amend their design. Therefore, the Melbourne Water response is considered as an objection. As Melbourne Water is not a Determining Referral Authority, their recommendations will not be included on any permit that may issue. If planning approval is provided for this application, the development may need to increase the finished floor levels at the building stage, and a subsequent Section 72 Amendment may be required to the planning approval.
- 10.5 A consultation meeting was held on 15 April 2025. The meeting was attended by a Ward Councillor, applicants, objectors and Planning Officers.
- 10.6 After the consultation meeting, section 57A amended plans were submitted. Council gave informal notice of the amended proposal to objectors to the original proposal.
- 10.7 The application received 13 objections; no objections have been withdrawn. No new grounds of objection have been raised in the second period of informal notice.
- 10.8 It is considered that the objectors do not raise any matters of significant social effect under Section 60 (1B) of the Planning and Environment Act 1987.

11. OFFICER'S ASSESSMENT

- 11.1 Planning Scheme Amendment VC267, has introduced a streamlined assessment of low-rise residential development where it is limited to the objectives, standards, and decision guidelines of Clause 55. The below assessment will therefore be predominately focused on consideration of the application against Clause 55 but also include assessment of the proposed car parking reduction. This assessment will address these matters by considering the following:
 - Does the proposal align with the Municipal Planning Strategy and Planning Policy Framework?
 - Does the proposal meet mandatory building height and garden area requirements of the General Residential Zone?
 - Does the proposal appropriately respond to neighbourhood character in accordance with the Townhouse and Low-rise Code (Clause 55)?
 - Would it result in unreasonable amenity impacts on surrounding properties?
 - Does it provide adequate internal amenity for future occupants?
 - Is the sustainable design response consistent with Clause 55 standards?



Is the proposed car parking provision acceptable?

<u>Does the proposal align with the Municipal Planning Strategy and Planning Policy</u> Framework?

- 11.2 With the submission of the amended plans the application is now subject to assessment under the new "Townhouse and Low-rise Code" (Clause 55). As set out in the redrafted Clause 55, the responsible authority is not required to consider the Municipal Planning Strategy the Planning Policy Framework or the purpose or decision guidelines of the relevant zone. Consideration of the proposed new building is limited to the objectives, standards, and decision guidelines of Clause 55.
- 11.3 For this application, it is therefore only the proposed reduction in car parking that needs to be assessed against the Municipal Planning Strategy and the Planning Policy Framework. The proposed reduction of the 1 space for each dwelling aligns with the strategic direction in Clause 18.02-4L-01 which supports car parking reduction where a site is located within a short walking distance to high frequency public transport or immediately adjacent to activity centres. The subject site measures favourably against both these criteria, being located approximately 215m from the Bay Street Major Activity Centre and 200m from the light railway line.

<u>Does the proposal meet mandatory building height and garden area requirements of the General Residential Zone?</u>

- 11.4 Under the General Residential Zone, a building used as a dwelling, small second dwelling or a residential building must not exceed a height of 11 metres and 3 storeys. The building would be three storeys and 8.8 metres in height, which is compliant.
- 11.5 The General Residential Zone include a provision for a minimum garden area to be provided. However, the garden area requirements do not apply to this application as the lot is less than 400 square metres.

<u>Does the proposal appropriately respond to neighbourhood character in accordance with the Townhouse and Low-rise Code (Clause 55)?</u>

- 11.6 For Neighbourhood character, Clause 55 includes eight objectives, street setback, building height, side and rear setbacks, wall on boundaries, site coverage, access, tree canopy and front fences.
- 11.7 The proposal satisfies the deem to comply standards for building height, access, tree canopy and front fence.
- 11.8 Variations are sought for the street setback, side and rear setbacks and walls on boundaries, and site coverage standards. The variations to these standards are considered acceptable for the following reasons:

Street setback

- 11.9 The subject site is located on a corner lot adjoining 208 Princes Street, which has a front setback of 1.89 metres.
- 11.10The proposal seeks a street setback variation of 0–1 metre, which includes a 1 metre setback for Dwelling 2 and part of Dwelling 1, with the remainder of Dwelling 1 presenting a zero setback. This variation is considered acceptable given the presence of existing buildings along Princes Street with similarly minimal setbacks. The 1 metre setback adjoining 208 Princes Street is also considered appropriate, as it reduces visual impact on the neighbouring allotment.



11.11The side wall along Allen Place includes a zero setback for Dwelling 1. As there are no abutting allotments facing Allen Place, the side setback variation is acceptable. This condition is consistent with other corner properties in the area, including 200 Princes Street directly opposite, which presents minimal setbacks to Allen Place.

Side and rear setbacks

- 11.12 Variations to the side and rear setbacks are proposed across ground, first, and second floors. These are considered acceptable due to the site's rear interface with Allen Place, a 2.59–3.71-metre-wide laneway that does not present sensitive amenity concerns. The ground floor rear setback provides 4.32–5.15 metres separation from 6 Allen Place, which is currently vacant and suitable for future development.
- 11.13Minor variations at the first floor include 0.19m (dining/kitchen) and 1.19m (living), while the second floor seeks 0.24m (passage/kitchenette) and 3.48m (main bedroom) reductions. Despite these, generous separations ranging from 4.01m to 7.36m are maintained between the proposal and 200 Princes Street, ensuring no unreasonable impact to its private open space.

Walls on boundaries

- 11.14The proposal includes walls on boundaries that seek variations in height and length, all of which are considered acceptable within the context of the site and its surrounds.
- 11.15A three-storey wall is proposed along the northeast boundary, with variations of up to 0.73m in length, 4.87m in maximum height, and 3.43m in average height. This wall generally aligns with the existing wall at 208 Princes Street, extending 1 metre beyond at the front only. Despite the adjoining wall being single storey, the proposed wall does not affect internal amenity, as no windows or light courts face this boundary. Upperlevel wall lengths remain within the extent of the neighbour's existing wall.
- 11.16To the rear, a first-floor cantilevered wall seeks height variations of 2.1m (maximum) and 1.92m (average). Given its interface with Allen Place a non-sensitive laneway, and the vacant site opposite at 6 Allen Place, the impact is deemed minimal.
- 11.17Lastly, the ground floor wall along the southwest boundary fully complies with planning standards and does not require a variation.

Site Coverage

11.18The proposed site coverage of 94%, while notably higher than the standard, is considered acceptable in this case due to several contextual factors. The site itself is small, only 179 square metres, which naturally limits development potential. The surrounding area features a fine-grain character that supports higher density, and neighbouring properties also exhibit similarly high site coverage—some reaching around 91.8%. In addition, the pattern of development commonly includes buildings constructed to the boundaries, further reinforcing the suitability of the proposal in its local setting.

Would it result in unreasonable amenity impacts on surrounding properties?

11.19 Clause 55 includes several objectives to protect the amenity of surrounding property under the theme of External Amenity. The objectives include daylight to existing windows, existing north facing windows, overshadowing secluded open space, overlooking and internal views.



- 11.20The proposal satisfies the standards for daylight to existing windows, existing north facing windows and internal views. Given the orientation of the sites and its interfaces to adjacent property there are not any windows within close proximity to the subject site and thus all the standards relating to impact on adjacent windows are satisfied.
- 11.21 The two objectives where the deem to comply standards are not met are overshadowing open space and overlooking. The variations to these standards are considered acceptable for the following reasons:

Overshadowing secluded open space

- 11.22 Due to the orientation of the lot, the only property impacted by overshadowing is 200 Princes Street, located to the south across the laneway.
- 11.23According to the submitted shadow diagrams, the proposed development would overshadow the private open space of 200 Princes Street at 9am and 11am. Since the existing sunlight levels in this secluded outdoor area already fall short of the requirements under Standard B4-3, any further reduction in sunlight is not supported. Therefore, the proposal does not comply with Standard B4-3.
- 11.24However, the variation to this standard is considered acceptable for the following reasons:
 - The additional overshadowing is minimal, occurring only at 9am and 11am during the equinox, and affecting a small area of 2.85 sqm.
 - There is no impact to the sunlight received by the space from 12pm onward.

Overlooking

- 11.25The proposed development includes habitable room windows, balconies, and terraces that are located within 9 metres of adjacent habitable room windows or areas of private open space. These include:
 - A first-floor dining room window on the western elevation of Dwelling 1
 - A second-floor terrace on the western side of Dwelling 1
 - Roof terraces associated with both Dwellings 1 and 2
- 11.26The submitted plans indicate that screening will be provided for all these windows and terraces. However, further details are required to confirm that the screening materials will comply with the relevant standards.
- 11.27In particular, the second-floor terrace is proposed to have a 1.7-metre-high opaque laminated glass balustrade. As no specific details have been provided, it is recommended that a condition be imposed to ensure compliance with the standard (**Recommended condition 1d**).
- 11.28 Similarly, roof terraces are shown to include 1.7-metre-high opaque laminated glass balustrade screening on the south-east and south-west elevations. To address potential overlooking toward the northeast, a condition is recommended to confirm that both terraces satisfy the required screening standards (**Recommended condition 1e**).

Does it provide adequate internal amenity for future occupants?

11.29For internal amenity, Clause 55 includes eleven objectives under the theme of Liveability with corresponding standards for all objectives. The objectives are dwelling diversity, parking location, street integration, entry, private open space, solar access to



- open space, functional layout, room depth, daylight to new windows, natural ventilation, storage and accessibility for apartment development (not relevant to this application).
- 11.30The proposal satisfies all of the standards for all objectives except for a minor variation sought to the covered area of the dwelling entries. The variations are imperceivable (0.2 to 0.3sqm) where they would be of no consequence and not impact the safety or amenity of future residents.
- 11.31 Beyond the compliance with the Clause 55 standards, the two proposed dwellings would be designed with large open plan living area, and two separate areas of private open space (first and roof top terraces) that combined would provide private open space greater than 34sqm. This would ensure the development provides practical and comfortable living arrangements for future residents.

Is the sustainable design response consistent with Clause 55 standards?

- 11.32As outlined earlier, sustainability considerations are now confined to those specified within Clause 55. The recent planning scheme amendment VC267, which seeks to streamline the assessment process for townhouse and low-rise developments, has removed the requirement to consider local planning policy. Consequently, previous sustainable design policies in local clauses are no longer applicable to the assessment of such applications.
- 11.33Clause 55 outlines seven key sustainability objectives, each supported by corresponding standards. These objectives cover permeability and stormwater management, overshadowing of domestic solar energy systems, rooftop solar energy generation areas, solar protection for new north-facing windows, waste and recycling facilities, noise impacts, energy efficiency in apartment developments.
- 11.34The proposed development meets all standards for sustainability. It delivers appropriate permeability and incorporates effective stormwater management and storage solutions, while ensuring there is no adverse impact on neighbouring solar installations or north-facing windows.
- 11.35In terms of stormwater management, the project achieves a STORM rating of 168%, facilitated by the installation of two 2,000-litre rainwater tanks—one for each dwelling

Is the proposed car parking provision acceptable?

- 11.36 Pursuant to Clause 52.06-3, the proposal generates a requirement of 4 spaces, being 2 to each three or more-bedroom dwelling. The application proposes 1 space to be provided for each dwelling at the rear to be accessed from Allen Place. The application therefore seeks a reduction of two car parking spaces.
- 11.37The reduction of two car parking spaces is considered acceptable given the site's close proximity to the Bay Street Major Activity Centre and the light rail line, both of which support alternative transport options and reduce reliance on private vehicles. This location encourages walkability and sustainable travel, aligns with local planning policies promoting transit-oriented development, and benefits from nearby public and shared parking facilities. The proposal would likely have minimal impact on residential amenity, local traffic, and economic activity.
- 11.38The layout of the car parking and accessways meets the applicable design standards of Clause 52.06-9. As outlined under the comments from Council's Transport and Parking Department the minor outstanding matters with the car parking design are recommended to be addressed via condition. These include matter relating to keeping



driveways clear, driveway gradients, and minimum splays (Recommended condition 1b, 1f, and 7).

12. COVENANTS

12.1 The applicant has completed a restrictive covenant declaration form declaring that there is no restrictive covenant on the titles for the subject site known as Lot 3 of Title Plan 944248J [Volume 11220 Folio 380].

13. OFFICER MATERIAL OR GENERAL INTEREST

13.1 No officers involved in the preparation of this report has declared a material or general interest in the matter.

14. CONCLUSION

- 14.1 Clause 71.02 of the planning scheme requires the decision maker to integrate the range of policies relevant to the issues to be determined and balance the positive and negative environmental, social, and economic impacts of the proposal in favour of net community benefit and sustainable development. When considering net community benefit, fair and orderly planning is key; the interests of present and future Victorians must be balanced; and the test is one of acceptability.
- 14.2 The planning application is supported as it aligns with strategic transport policies by reducing car parking near high-frequency public transport and a major activity centre. The design respects neighbourhood character and amenity objectives, with acceptable variations due to the site's corner location and urban context. It delivers high internal amenity and sustainability, including generous private open space and excellent stormwater management. With two car spaces and bicycle storage, the proposal balances transport accessibility and site constraints, making it a well-considered and contextually appropriate development.
- 14.3 On balance, is considered the proposal is acceptable subject to conditions.
- 14.4 It is recommended that Council issues a Notice of Decision to Grant a Planning Permit.

ATTACHMENTS

- 1. Zoning Map
- 2. Development Plans
- 3. Clause 55 Assessment Table





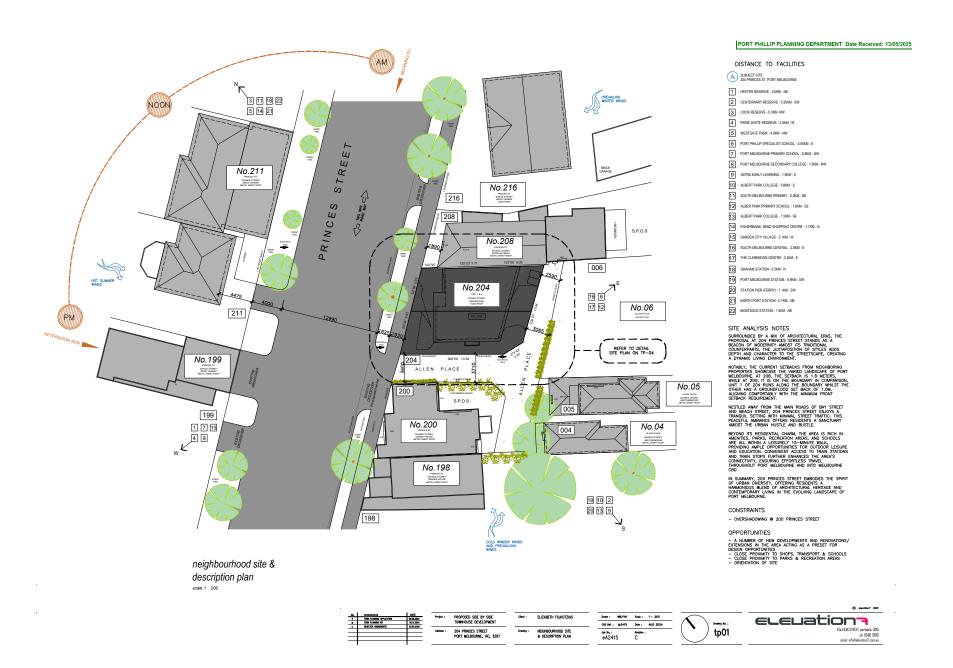
204 princes street, vic. 3207 proposed side-by-side townhouse

elizabeth filikotzias



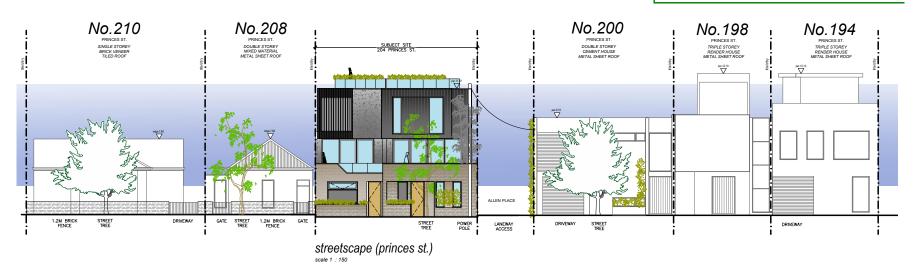








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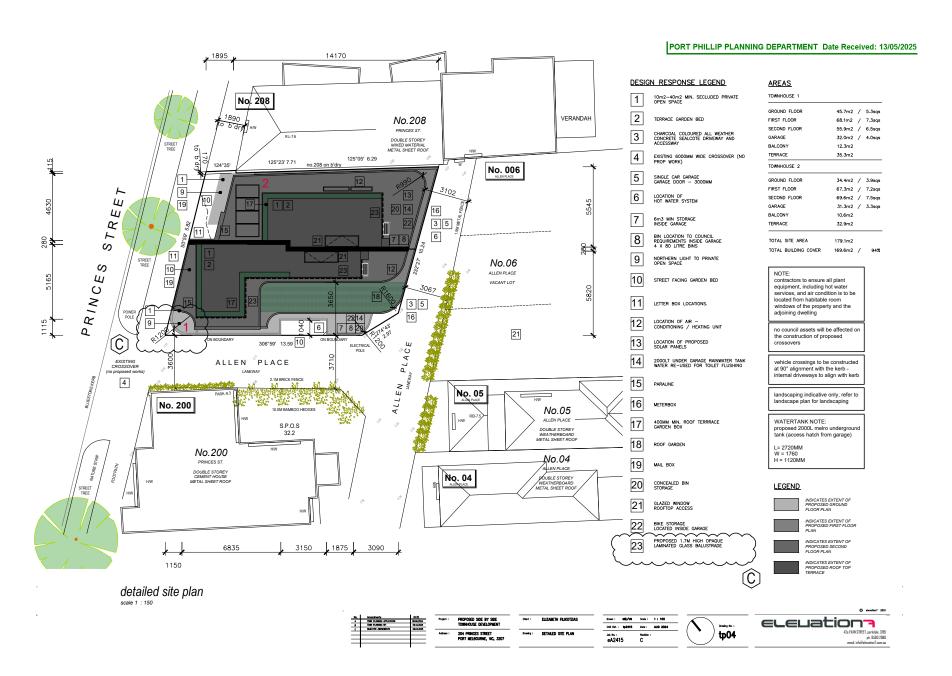


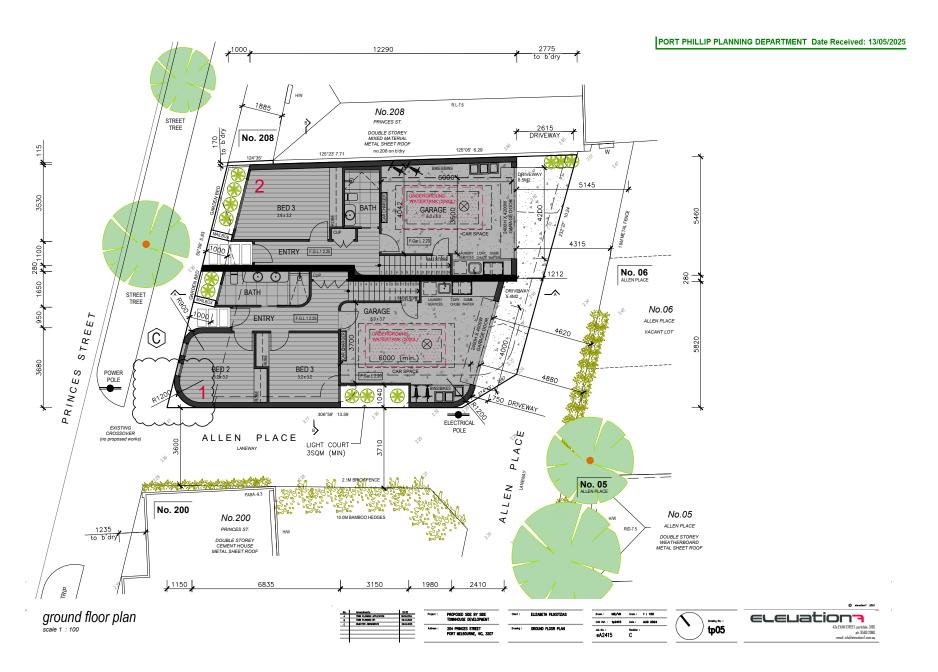
PROPOSED SIDE BY SIDE TOWNHOUSE DEVELOPMENT

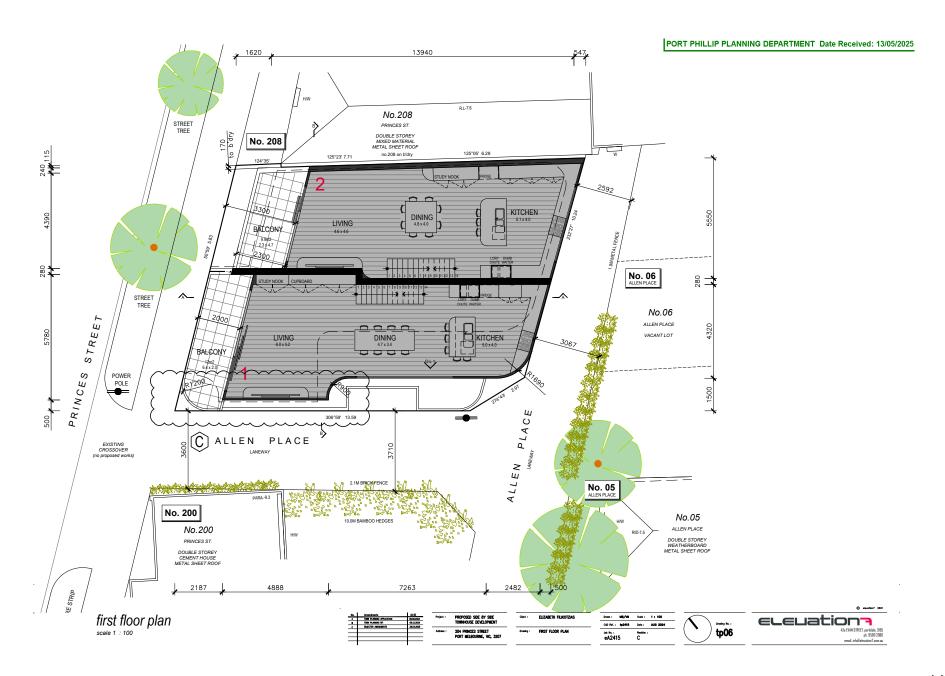
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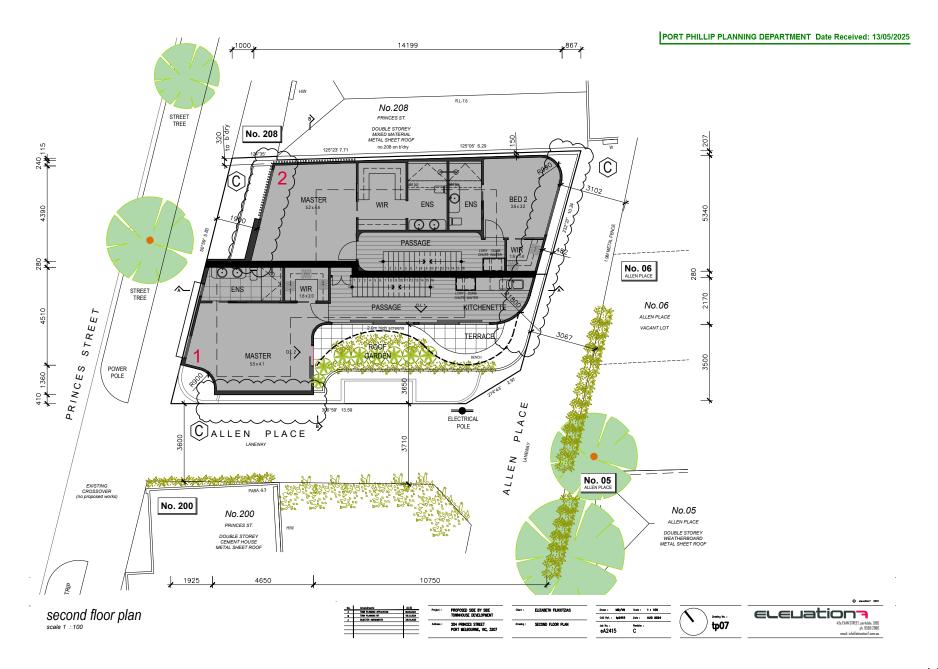


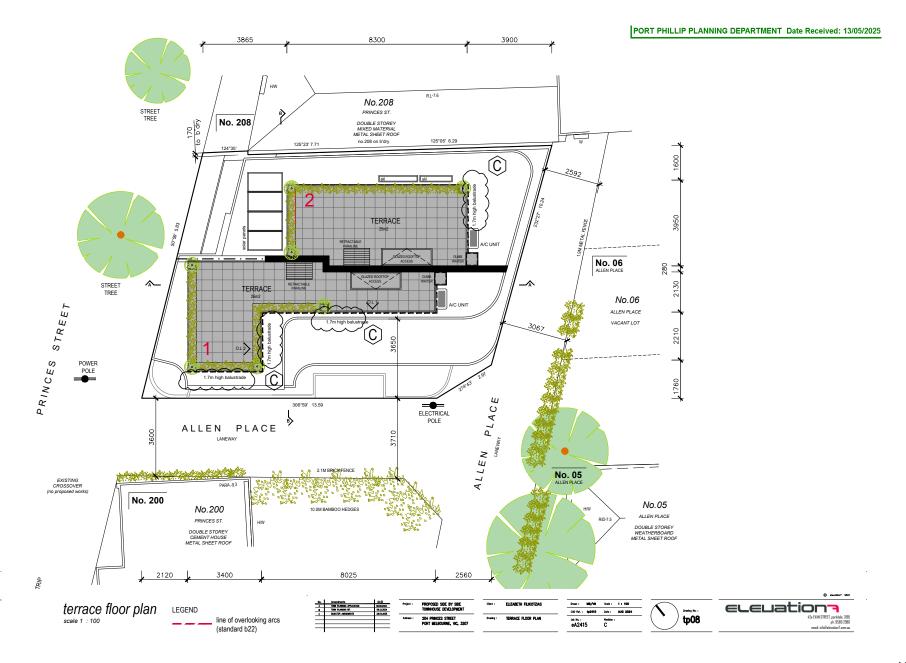
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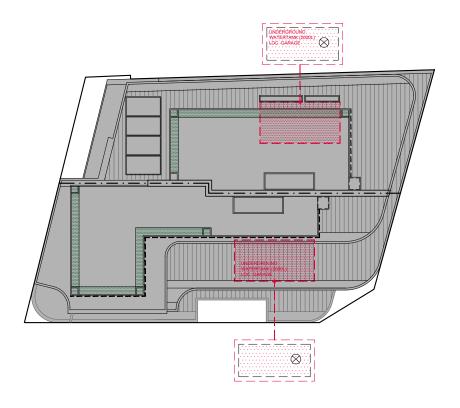












Melbourne STORM Rating Report

TransactionID: Municipality:

PORT PHILLIP Rainfall Station: PORT PHILLIP Address: 204 Princes Street

Port Melbourne

Residential - Multiunit

VIC 3207 Assessor: Vince Nicandro

Development Type: Allotment Site (m2): 179.00

STORM Rating %:

Description	Impervious Area (m2)	Treatment Type	Treatment Area/Volume (m2 or L)	Occupants / Number Of Bedrooms	Treatment %	Tank Water Supply Reliability (%)
Unit 1 Townhouse	64.00	Rainwater Tank	2,000.00	3	166.00	82.00
Unit 2 Townhouse	66.20	Rainwater Tank	2,000.00	3	172.00	82.00
Unit 1 uncovered	0.55	None	0.00	0	0.00	0.00

PERMEABLE LEGEND



INDICATES EXENT OF ROOF AREA CONNECTED TO WATER TANKS - 130.2m2



INDICATES EXTENT OF IMPERMEABLE DRIVE - 13.9m2



INDICATES LOCATION OF ROOF TOP GARDEN 29.6m2 (NOT IN.C IN PERMEABLE AREA)



UNDERGROUND WATERTANK (2000L) LOC. GARAGE



INDICATIVE LOCATION OF REFRIGERATED COOLING UNIT CONTRACTOR TO CONFIRM LOCATION

TOTAL SITE AREA 179.1m2 130.2m2 / 72% TOTAL BUILDING COVER TOTAL HARD AREA 135.7m2 / 75% TOTAL PERMEABLE AREA 38.5m2 / 21%

NOTE:

contractors to ensure the development complies with Clause 53.03 which prohibits reticulated gas connections to new dwellings.

dwelling to be committed to an all electric dwelling

WATERTANK NOTE: proposed 2000L melro underground tank (access hatch from garage)

L= 2720MM W = 1760 H = 1120MM











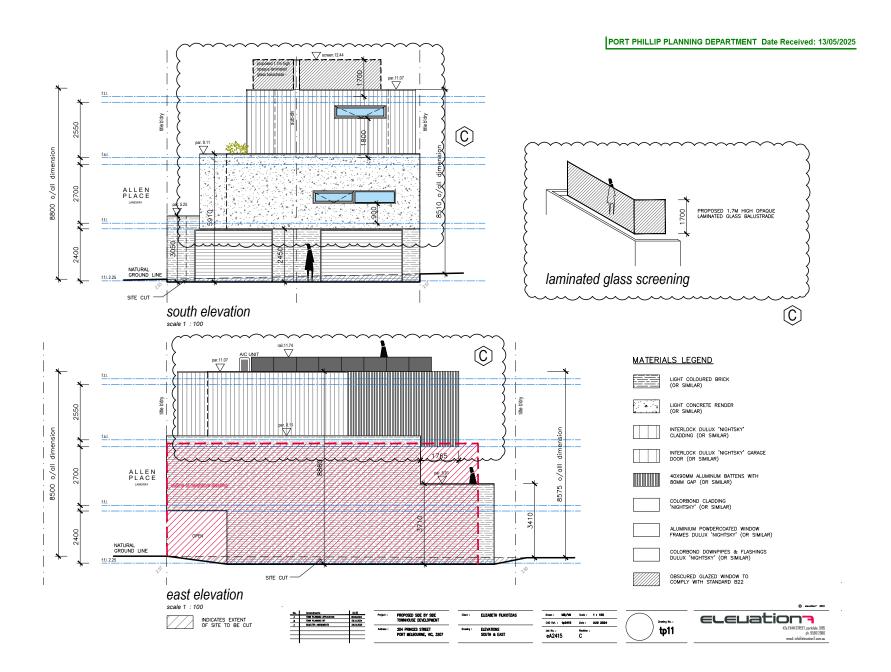
PORT PHILLIP PLANNING DEPARTMENT Date Received: 13/05/2025 EXTERNAL WINDOW CANOPY / SHROUD ALLEN PLACE PROPOSED 1.7M HIGH OPAQUE LAMINATED GLASS BALUSTRAD - 25% MAX TRANSPARENCY (C) NATURAL GROUND LINE double glazed glass screening north elevation MATERIALS LEGEND par.11.07 LIGHT COLOURED BRICK (OR SIMILAR) LIGHT CONCRETE RENDER (OR SIMILAR) INTERLOCK DULUX 'NIGHTSKY' CLADDING (OR SIMILAR) EXTERNAL WINDOW CANOPY / SHROUD INTERLOCK DULUX 'NIGHTSKY' GARAGE DOOR (OR SIMILAR) 40X90MM ALUMINUM BATTENS WITH 80MM GAP (OR SIMILAR) ALLEN PLACE COLORBOND CLADDING 'NIGHTSKY' (OR SIMILAR) ALUMINIUM POWDERCOATED WINDOW FRAMES DULUX 'NIGHTSKY' (OR SIMILAR) OPEN COLORBOND DOWNPIPES & FLASHINGS DULUX 'NIGHTSKY' (OR SIMILAR) NATURAL GROUND LINE OBSCURED GLAZED WINDOW TO COMPLY WITH STANDARD B22 west elevation AVG HEIGHT AVG HEIGHT scale 1 : 100 INDICATES EXTENT OF SITE TO BE CUT Drown: MR/MI Scale: 1:100 **e**Leuation

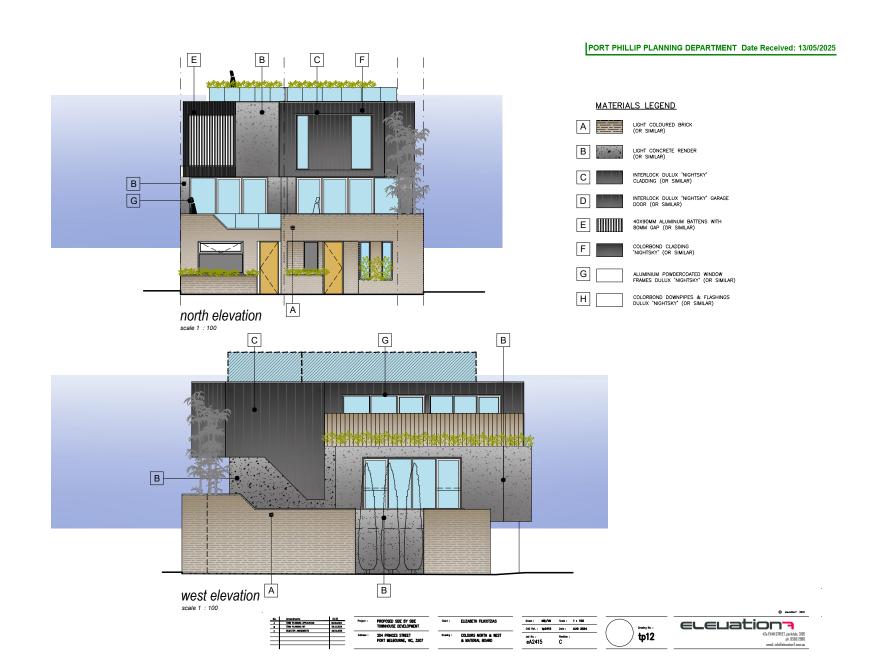
CAD Fall : \$2415 Date : AUG 2024

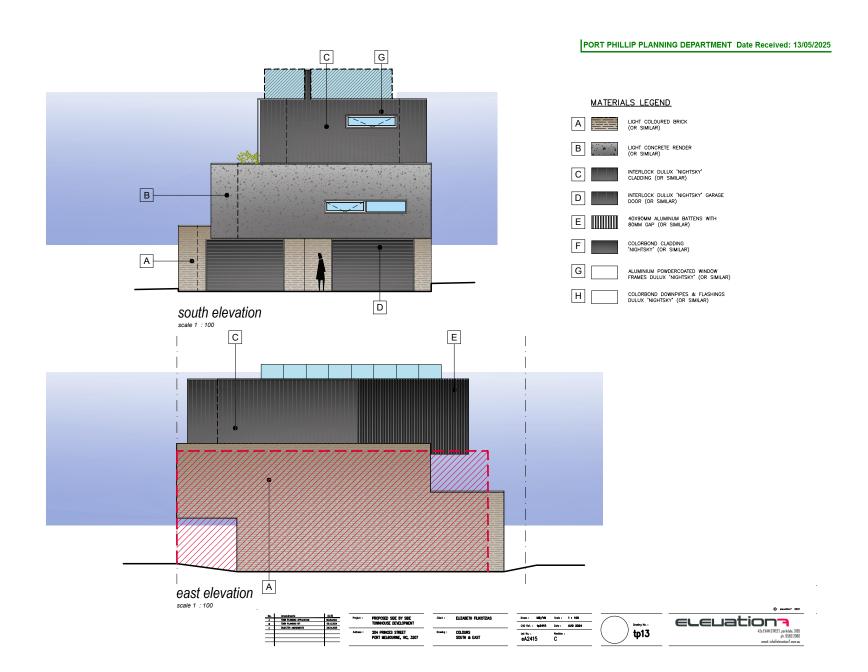
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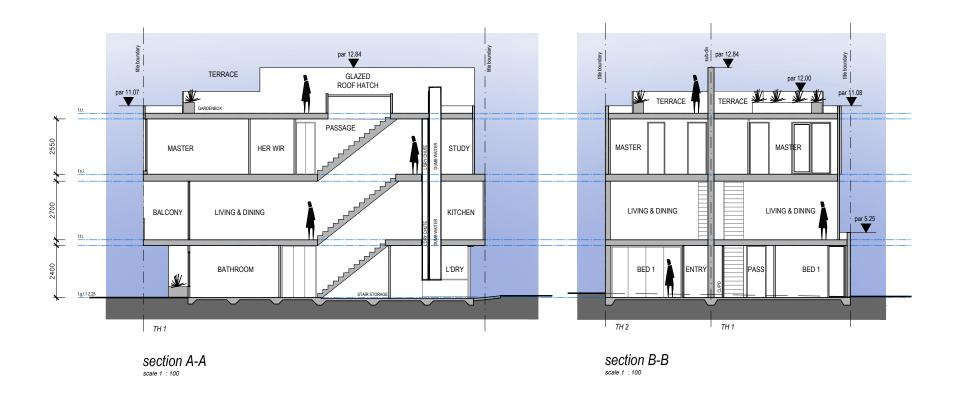
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ELEVATIONS NORTH & WEST



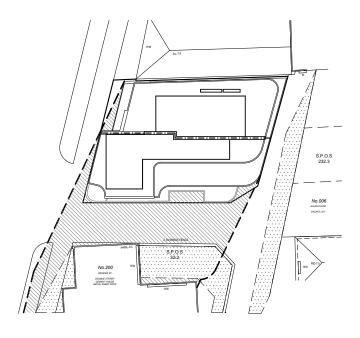








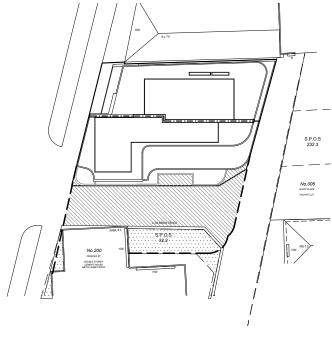




shadows diagram 9:00am

EXTENT OF SHADOWS CAST FROM EXISTING PALING FENCE AND NEIGHBORING BUILDINGS @ 9.00AM

EXTENT OF SHADOWS CAST FROM PROPOSED DWELLING @ 9.00AM



shadows diagram 10:00am



EXTENT OF SHADOWS CAST FROM EXISTING PAUNG FENCE AND NEIGHBORING BUILDINGS @ 10.00AM



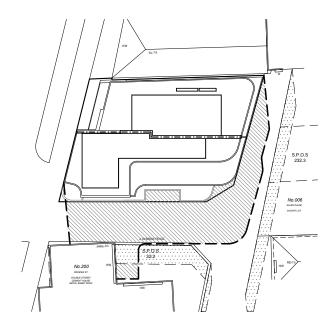
EXTENT OF SHADOWS CAST FROM PROPOSED DWELLING @ 10.00AM







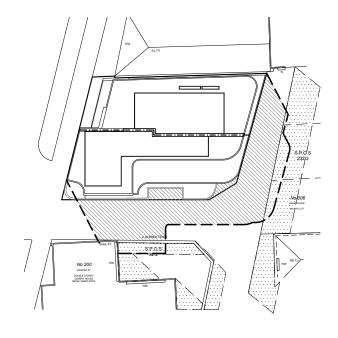




shadows diagram 11:00am

EXTENT OF SHADOWS CAST FROM EXISTING PALING FENCE AND NEIGHBORING BUILDINGS @ 11.00AM

EXTENT OF SHADOWS CAST FROM PROPOSED DWELLING @ 11.00AM



shadows diagram 12:00pm

EXTENT OF SHADOWS CAST FROM EXISTING PAUNG FENCE AND NEIGHBORING BUILDINGS @ 12.00PM



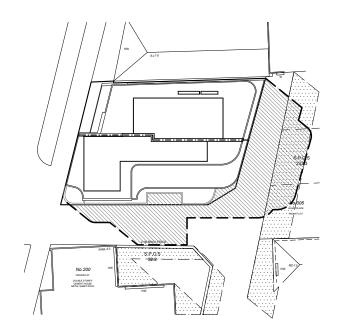
EXTENT OF SHADOWS CAST FROM PROPOSED DWELLING @ 12.00PM

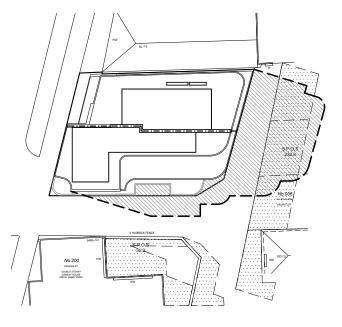












shadows diagram 1:00pm

EXTENT OF SHADOWS CAST FROM EXISTING PALING FENCE AND NEIGHBORING BUILDINGS @ 1.00PM

EXTENT OF SHADOWS CAST FROM PROPOSED DWELLING @ 1.00PM

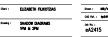
shadows diagram 2:00pm

EXTENT OF SHADOWS CAST FROM EXISTING PALING FENCE AND NEIGHBORING BUILDINGS @ 2.00PM

EXTENT OF SHADOWS CAST FROM PROPOSED DWELLING @ 2.00PM

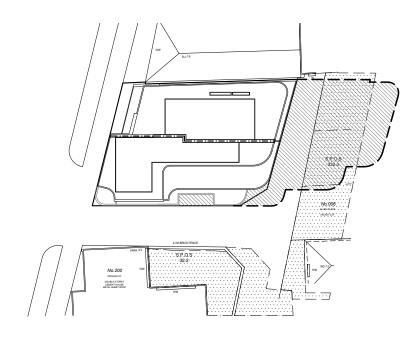












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9AM	28.4M2	88.1%	2.84M2	8.85%
10AM	20.4M2	63.4%	0M2	0%
11AM	14.6M2	45.3%	2.80M2	8.85%
12N00N	13.4M2	41.6%	0M2	0%
1PM	13.8M2	42.8%	0M2	0%
2PM	23.0M2	71.4%	0M2	0%
3РМ	32.2M2	100.0%	0M2	0%

shadows diagram 3:00pm

EXTENT OF SHADOWS CAST FROM EXIST PALING FENCE AND NEIGHBORING BUILD

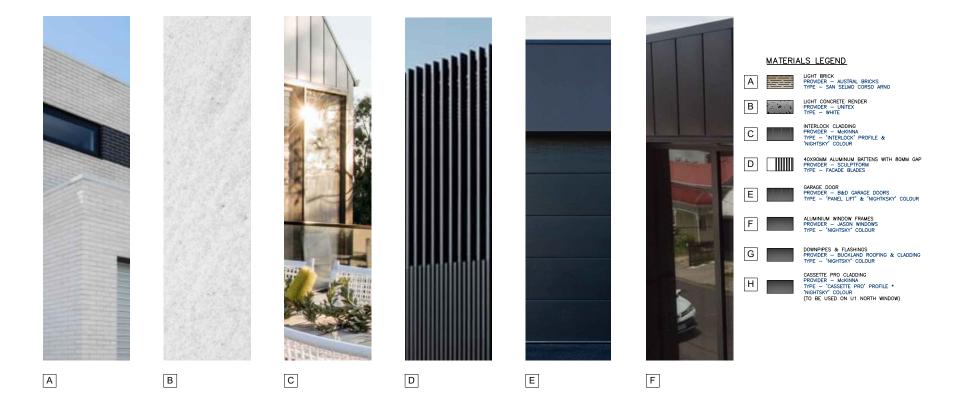
EXTENT OF SHADOWS CAST FROM PROPOSED DWELLING @ 3.00PM









































171 - PRINCES STREET TRIPLE STOREY STOREY - RENDER HOUSE 173 - PRINCES STREET TRIPLE STOREY - RENDER HOUSE



175 - PRINCES STREET TRIPLE STOREY - RENDER HOUSE 177 - PRINCES STREET TRIPLE STOREY - RENDER HOUSE



187 — PRINCES STREET TRIPLE STOREY — MIX MATERIAL 189 — PRINCES STREET TRIPLE STOREY — MIX MATERIAL



33 - 111 - PRINCES ST. & WEBB RD. TRIPLE STOREY - MIXED MATERIAL



90 - PRINCES STREET TRIPLE STOREY - RENDER HOUSE



76 – 286 – PRINCES ST. & ROUSE ST. TRIPLE STOREY – MIXED MATERIAL (APARTMENTS)



246 - STOKES STREET TRIPLE STOREY - MIXED MATERIAL



199 - PRINCES STREET TRIPLE STOREY - PAINTED BLOCK HOUSE



248 - FARRELL STREET TRIPLE STOREY - MIXED MATERIAL



203 - PRINCES STREET TRIPLE STOREY - RENDERED HOUSE

tp23



92A - NOTT STREET TRIPLE STOREY - RENDERED HOUSE



05 - TURVILLE PLACE TRIPLE STOREY - RENDER HOUSE



165 - LIARDETT STREET TRIPLE STOREY - METAL SHEET HOUSE



Project :	PROPOSED SIDE BY SIDE TOWNHOUSE DEVELOPMENT
Address :	204 PRINCES STREET PORT MELBOURNE, VIC, 3207













198 - PRINCES STREET TRIPLE STOREY - RENDER HOUSE



188 - PRINCES STREET TRIPLE STOREY - PAINTED BRICK HOUSE



186 - PRINCES STREET TRIPLE STOREY - MIXED MATERIAL



180 - PRINCES STREET TRIPLE STOREY - RENDER HOUSE



170 - PRINCES STREET TRIPLE STOREY - RENDER HOUSE



07 - TURVILLE PLACE TRIPLE STOREY - RENDER HOUSE



8 - TURVILLE PLACE TRIPLE STOREY - PAINTED BRICK HOUSE

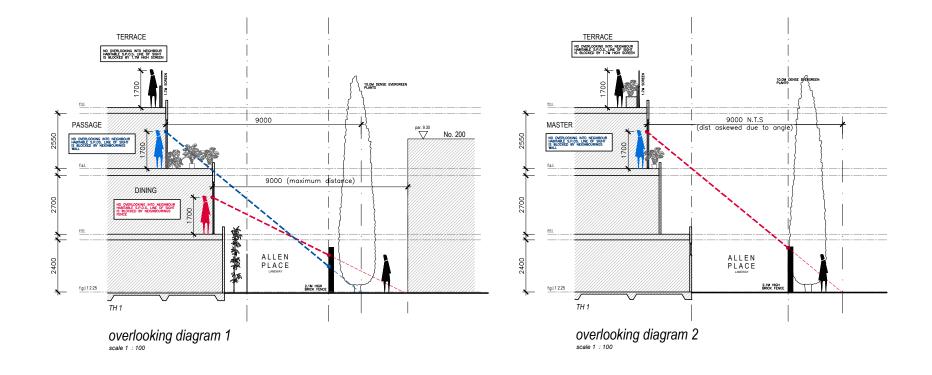


PROPOSED SIDE BY SIDE TOWNHOUSE DEVELOPMENT

Address: 204 PRINCES STREET PORT MELBOURNE, VIC. 3207 4: ELIZAECTH FLIKOTZMS 2008: MB/M 5008: 1:100
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404: MEDORD/URHODO 2008: MB/D 2024
CMAPACTER PHOTOS 2008: MB/D 2024













Attachment 3

Clause 55 - Rights of Appeal and Deemed to Comply Snapshot

Neighbourhood Character

Rights of Appeal

Standard	Standard Met (If	t (If Yes then Deem to Comply)		
B2-1 Street Setback		No		
B2-2 Height	Yes			
B2-3 Side and rear setbacks		No		
B2-4 Walls on boundaries		No		
B2-5 Site coverage		No		
B2-6 Access	Yes			
B2-7 Tree Canopy	Yes			
B2-8 Front fences	Yes			

Liveability

No rights of appeal (irrespective of whether the standard is met or not)

Standard	Standard Met	
B3-1 Dwelling diversity	Yes (not applicable)	
B3-2 Parking location	Yes	
B3-3 Street integration	Yes	
B3-4 Entry		No
B3-5 Private open space	Yes	
B3-6 Solar access to open space	Yes	
B3-7 Functional layout	Yes	
B3-8 Room depth	Yes	
B3-9 Daylight to new windows	Yes	
B3-10 Natural ventilation	Yes	
B3-11 Storage	Yes	

B3-12 Accessibility for apartment developments	Yes (not applicable)	
External Amenity		
Rights of Appeal		
Standard	Standard Met (If Yes then	Deem to Comply)
B4-1 Daylight to existing windows		No
B4-2 Existing north facing windows	Yes	
B4-3 Overshadowing open space		No
B4-4 Overlooking		No
No rights of appeal (irrespective		et or not)
Standard	Standard Met	
B4-5 Internal views	Yes	
Sustainability		
Rights of Appeal		
Standard	Standard Met (If Yes then	Deem to Comply)
B5-2 Overshadowing domestic solar energy systems	Yes	
No rights of appeal (irrespective	e of whether the standard is me	et or not)
Standard	Standard Met	
B5-1 Permeability and stormwater management	Yes	
B5-3 Rooftop solar energy generation area (not applicable)	Yes	

B5-4 Solar protection to new north facing windows	Yes	
B5-5 Waste and recycling	Yes	
B5-6 Noise impacts	Yes	
B5-7 Energy efficiency for apartments development (not applicable)	Yes (not applicable)	

55.02-1 Street Setback Ob	ojectives	
Standard B2-1	Standard Met?	Yes (Deemed to comply)
		No (Appeal rights apply)
Required setback: The site is on a corner Minimum front setback If there is a building on the abutting allotment facing the front street, the same distance as the setback of the front wall of the existing building on the abutting allotment facing the front street existing building on the abutting allotment facing the street or G metres, whichever is the lesser. If there is no building on the abutting allotment facing the front street, 6 metres for streets in a Transport Zone 2 4 metres for other streets. Minimum setback from side street Front walls of new development fronting the side street of a corner site	The site is on a corner lot. The adjowhich has a front setback of 1.89m seeks a variation between 0.89m – 1m front setback. Dwelling 2 and a A portion of dwelling 1 has zero set The 1m and zero setback to Prince There are examples of existing builminimal to no setbacks. The 1m set Street which results in less visual in The side wall of the proposal is on allotment facing Allen Place. The zetadjoins Allen Place and is opposite minimal setback to the street (zero As there is no abutting allotment facing didelines are considered in relation setback to Allen Place is considered of existing buildings on corner sites the side street. 200 Princes Street (The proposal's street setback 1.89m as the proposal has a zero portion of dwelling 1 is setback 1mback. Is Street is considered acceptable, dings fronting Princes Street within tback portion adjoins 208 Princes appact to the abutting allotment. Allen Place. There is no abutting ero-setback portion (of dwelling 1) 200 Princes Street which has a — 1.24m). Cing Allen Place, the decision in to the side setback. The zero diacceptable. There are examples within the area that have walls on

of any existing building on the abutting allotment facing the side street or \$\square\$ 3 metres, whichever is the lesser. \$\square\$ Side walls of new development on a corner site are setback the same distance as the setback of the front wall of any existing building on the abutting allotment facing						
the side street or □2 metres, whichever is the lesser.						
55.02-2 Building height of	ojective					
Standard B2-2	Standard Met	t		Yes (D	Deemed to co	omply)
				No (Ap	ppeal rights a	pply)
The maximum building height does not exceed the maximum height specified in the zone, schedule to the zone or an overlay that applies to the land. □If no maximum height is specified in the zone, schedule to the zone or an overlay, the maximum building height does not exceed 9 metres, unless the slope of the natural ground level at any cross section wider than 8 metres of the site of the building is 2.5 degrees or more, in which case the maximum building height does not exceed 10 metres.	and is therefor 11 metres, are any point.	n building heigh ore compliant. T nd the building r	he ma	ximum b	ouilding heigh	t at this site is
Standard B2-3	Standard Met			Vec (F	Deemed to co	mnly)
Standard DZ-3	Standard Me	t :		,		
	7		ı.	` '	ppeal rights	,
☑A new building not on or within 200mm of a boundary is set back from	Relevant figu	d development i res are detailed	relies o	on the pr lows:	ovisions of B	2-3.1.
side or rear boundaries in accordance with either B2-3.1 or B2-3.2. Standard B2-3 is met if	Northeast (side) Proposed wall height (m)	Setb requ (m)		Setback proposed (m)	

the building is setback in
accordance with either
B2-3.1 or B2-3.2, rather
than needing to comply
with both of these
provisions:

⊠B2-3.1: The building is setback at least 1 metre, plus 0.3 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres.

□B2-3.2: If the boundary is not to the south of the building, the building is setback at least 3 metres up to a height not exceeding 11 metres and at least 4.5 metres for a height over 11 metres.

□If the boundary is to the south of the building, the building is setback at least 6 metres up to a height not exceeding 11 metres and at least 9 metres for a height over 11 metres between south 30 degrees west to south 30 degrees east.

□Sunblinds, verandahs, porches, eaves, facias, gutters, masonry chimneys, flues, pipes, domestic fuel or water tanks, and heating or cooling equipment or other services encroach not more than 0.5 metres into the side and rear setbacks.

□Landings that have an area of not more than 2 square metres and less than 1 metre high, stairways, ramps, pergolas, shade sails and carports encroach into the side and rear setbacks.

Ground	Wall on boundary refer to Standard B2- 4	N/A	N/A	
First	Wall on boundary refer to Standard B2- 4	N/A	N/A	
Second	Wall on boundary refer to Standard B2- 4	N/A	N/A	

Southea				
	Proposed wall height (m)	Setback required (m)	Setback proposed (m)	Variation (m)
Ground	2.4	1	<u>0.75</u> - 2.62	0.25 Partial compliance
First	Wall on boundary refer to Standard B2-4	N/A	N/A	
Second	8.8	3.89	0.48	3.41

Southwe	est (side)			
	Proposed wall height (m)	Setback required (m)	Setback proposed (m)	Variation (m)
Ground	3.04	1	1.04 (light court)	Complies
First	5.91	1.69	0.5 (living area) 1.5 (dining/kitchen area)	1.19 0.19
Second	8.8	3.89	0.41 (main bedroom) 3.65 (passage/kitchenette)	3.48 0.24

The ground rear setbacks seek a partial variation.

The second-floor rear setback seeks a variation.

The variations are acceptable as the rear of the site is Allen Place which is 2.59-3.07m wide accessway. It is not a sensitive interface. The distance of the ground floor rear to 6 Allen Place varies between 4.32 – 5.15m. It provides an acceptable distance between the

proposal and future development fronting 6 Allen Place which is currently vacant.

The first floor southwest seeks a variation of 0.19m (dining/kitchen area) and 1.19m (living area). The second floor southwest seeks a variation of 0.24m (passage/kitchenette area) and 3.48m (main bedroom).

These variations are acceptable as the interface is also Allen Place which is 3.6m - 3.71m wide here and is not a sensitive interface. At the first-floor level, it provides 4.1m and 5.21m between the proposal and 200 Princes Street. At the second-floor level, it provides 4.01m and 7.36m between the proposal and 200 Princes Street. It would not create any unreasonable material detriment to this interface of 200 Princes Street and it's SPOS.

Walls on Boundary objectives

Standard B2-4

Standard met?

Yes (Deemed to comply)

No (Appeal rights apply)

A new wall constructed on or within 200mm of a side or rear boundary of a lot or a carport constructed on or within 1 metre of a side or rear boundary of a lot does not abut the boundary for a length that exceeds the greater of the following distances:

□10 metres plus 25 per cent of the remaining length of the boundary of an adjoining lot, or □The length of existing or simultaneously constructed walls or carports abutting the boundary on an abutting

□A new wall or carport fully abuts a side or rear boundary where slope and retaining walls or fences would result in the effective height of the wall or carport being less than 2 metres on the abutting property boundary.

☐A building on a boundary includes a building set back up to 200mm from a boundary. The proposed development relies on the provisions of B2-3.1. Relevant figures are detailed below.

A three-storey wall is proposed to the northeast boundary for a length up to 12.66m and a maximum height of 8.58m. The proposal seeks a variation to the length and height of the wall. The variation to the length, maximum height, and average height is 0.73m, 4.87m, and 3.43m, respectively. The proposed ground floor wall on the boundary would abut a simultaneous wall on the boundary at 208 Princes Street, except for the proposal extending 1m beyond the wall at 208 Princes Street at the front of the site. Although the existing wall at 208 Princes Street is only 1 storey adjoining the proposal, the three-storey wall is considered acceptable as there is no impact on the internal amenity of the adjoining site as there are no windows or light courts along this boundary. Furthermore, at the first and second floor levels, the length of the proposed wall adjoining 208 Princes Street doesn't extend beyond their existing wall on boundary.

A wall on boundary is proposed to the rear boundary on the first storey. The variation to the maximum height, and average height is 2.1m, and 1.92m, respectively. This wall cantilevers over the ground floor proposed built form. It interfaces Allen Place which is not a sensitive interface, and 6 Allen Place across the laneway which is currently vacant.

A wall on boundary is proposed to the southwest boundary on the ground floor. This proposed wall complies with the standard and no variation is sought.

□The height of a new wall constructed on or within 200mm of a side or rear boundary or a carport constructed on or within 1 metre of a side or rear boundary does not exceed an average of 3.2 metres with no part higher than 3.6 metres unless abutting a higher existing or simultaneously constructed wall.	

	Length of v boundary		Maximum heig on boundary	ght of wall	Average h boundary	eight of wall on
	Required	Proposed	Required	Proposed	Required	Proposed
North east (Side)	11.56m (10m plus 25%) (14.33m – length of existing wall of 208 Princes St)	12.29m First floor –	of 208 Princes St estimated to be 3.71m.	<u>8.58m</u>	3.6m	7.03m =106m²/15.07m
South east (Rear)	10.06m	First floor - 9.69m	3.6m	<u>5.7m</u>	3.2m	<u>5.12m=</u> 49.58m²/9.69m
South west (Side)	10.9m	Ground – 8.82m	3.6m	3.58m	3.2m	2.89m = 20m ² + 5.51m ² /8.82m

Any areas that don't meet the standard are underlined

55.02-5 Site coverage objective

Standard B2-5	Standard met?	Yes (Deemed to comply) No (Appeal rights apply)
□The site area covered by buildings does not exceed: The maximum site coverage specified in a schedule to the zone; or If no maximum site coverage is specified in a schedule to the zone, the percentage specified in Table B2-5. □ NRZ 60% ☑ GRZ 65% □ RGZ 70% □ HCTZ 70% □ MUZ 70%	the site. The fine grain character is the properties nearby have 91.8%. There are other properties	cumstances of this proposal, it is rd to the following: which constrains development on

Γ		
□If the maximum site coverage is specified in a schedule to a zone, it must be greater than the percentage specified in Table B2-5.		
55.02-6 Access Objective		
Standard B2-6	Standard met?	Yes (Deemed to comply)
		No (Appeal rights apply)
The width of accessways or car spaces (other than to a rear lane) does not exceed:	There is no accessway proposed in through the rear lane (Allen Place).	
□33 per cent of the street frontage; or □40 per cent of the street frontage if the width of the street frontage is less than 20 metres.		
□The number of access points to a road in a Transport Zone 2 or a Transport Zone 3 is not increased.		
□The location of a vehicle crossover or accessway does not encroach the tree protection zone of an existing tree, that is proposed to be retained in a road by more than 10 per cent or □No existing tree in a road proposed to be retained.		
55.02-7 Tree canopy object		
Standard B2-7	Standard met?	Yes (Deemed to comply) No (Appeal rights apply)
Provide a minimum canopy cover as specified in Table B2-7.1.	canopy trees are proposed within the as the standard would require canon that is 1.79m ² . The tree types in Ta	ble B2-7.2 have a minimum mature
☐Site area 1,000sqm or less 10%.	canopy cover starting from 12.6sqm, which greatly exceeds 10% of the site area. The area required for deep soil planting is at least 12sqm, which is difficult to achieve in a constrained site size of 179sqm.	

 \square Site area more than 1,000sqm 20%. The development proposes a variety of large shrubs, shrubs, perennials, ground covers, accent plans, rushes, and grasses. This will contribute to a greener environment. Existing trees to be retained meet all of the Further, the character of the area does not comprise of many canopy following: trees as a result of the context of the site containing smaller narrow lots, often with a high level of site coverage. □Has a height of at least 5 metres, □Has a trunk circumference of 0.5 metres or greater at 1.4 metres above ground level, ☐Has a trunk that is located at least 4 metres from proposed buildings. □No existing trees to be retained. ☐The minimum canopy cover is met using any combination of trees specified in Table B2-7.2. Existing trees that are retained can be used in calculating canopy cover. □Provide at least one new or retained tree in the front setback and the rear setback. Trees are located in either: □An area of deep soil as specified in Table B2-7.2; □A planter as specified in Table B2-7.2. □Any tree required to be planted under this standard must be of species to the satisfaction of the responsible authority, having regard to the location and relevant geographic factors 55.02-8 Front fences objectives Standard B2-8 Standard met? Yes (Deemed to comply)

No (Appeal rights apply)

No front fence is proposed. Garden beds with a maximum height of 900mm are proposed within the front setback of both dwellings.

	55.03 – LIVEABILITY	
55.03-1 Dwelling diversity obje	ective	
Standard B3-1	Standard met?	Yes (Deemed to comply)
		No (Appeal rights apply)
		Not Applicable
Requirements: N/A	This standard does not apply as 10 dwellings.	the development is for less than
55.03-2 Parking location objec	tive	
Standard B3-2	Standard met?	Yes
		No (But no appeal rights apply)
Habitable room windows with sill heights of less than 3 metres above ground level are setback from accessways and car parks by at least: □1.5 metres; or □If there is a solid fence with a height of at least 1.5 metres between the accessway or car park and the window, 1 metre; or □1 metre where window sills are at least 1.5 metres above ground level.	There are no habitable room windows with sill heights of less than 3 metres above ground level facing accessways and car parks	
□This standard is met if an accessway or relevant car parking space is used exclusively by the resident of		

the building with the habitable room.		
55.03-3 Street integration obje	ctive	
Standard B3-3	Standard Met? Yes	
		No (But no appeal rights apply)
Where a development fronts a street, a vehicle accessway, or abuts public open space: Passive surveillance is provided by a direct view from a balcony or a habitable room window to each street, vehicle accessway and public open space. The total cumulative width of all site services to be located within 3 metres of a street, do not take up more than 20 per cent of the width of the frontage and are screened from view from the street or located behind a fence. Screens or fences are to provide no more than 25 per cent transparency. Lighting is provided to all external accessways and paths. Mailboxes are provided for each dwelling and can be communally located.	The proposal satisfies the standard where passive surveillance would be provided to all street frontages. The development has been designed with the following: Princes Street (frontage): 2 habitable room windows at ground level 2 balconies on the first-floor level 2 habitable room windows at second-floor level Allen Place (side) A habitable room window at first-floor level Allen Place (rear) A habitable room window at first-floor level and second-floor level No site services are proposed within 3 metres of a street. Screens and fences provide no more than 25% transparency. A condition is recommended to provide external lighting to the development. Each dwelling is provided with a mailbox within the front setback	
55.03-4 Entry objectives		
Standard B3-4	Standard Met?	Yes
	No (But no appeal rights apply)	
Dwellings (other than a dwelling in or forming part of an apartment development) and residential buildings Each dwelling and each residential building has a ground level entry door that: Image: Ima	The proposal meets the standard where both dwellings would have a direct line of sight and pedestrian access from Princes Street. Both entries would not be through a garage. A variation is sought in regard to the covered areas above the door. Dwelling 1 would have an external covered area of at least 1.44 square metres but a variation of 0.3m is sought for the minimum dimension of the door.	

less than the area and

Dwelling 2 would not have an external covered area of at least □Has an external covered 1.44 square metres where a variation of 0.2sqm is sought. A area of at least 1.44 square variation of 0.2m is also sought for the minimum dimension of the metres with a minimum door. dimension of least 1.2 metres over the entry door. The variations sought are minor and will not impact on the safety and amenity of future residents. 55.03-5 Private open space objectives Standard B3-5 Standard Met? Yes Nο (But no appeal rights apply) A dwelling or residential Both dwellings would provide the private open space required by building has private open Standard B3-5 through the provision of balconies and roof space of an area and dimensions specified in a schedule to the zone. Table B3-5 specifies for North orientated dwellings, a minimum area of 8 square metres and a minimum dimension of 1.7m. The If no area or dimension is first-floor balconies to both dwellings are north facing and would specified in a schedule to the comply with the dimensions of the standard: zone, a dwelling or residential building has private open Dwelling 1 would have a balcony with an area of 12sqm and space with direct access from a minimum dimension of 2m. a living area, dining area or Dwelling 2's balcony would have an area of 9.9sqm and a kitchen consisting of: minimum dimension of 2.3m □An area of 25 square metres of secluded private open In addition, both dwellings would provide roof terraces with areas space, with a minimum of 25sqm and 26sqm. dimension of 3 metres width; or ⊠A balcony with at least the area and dimensions specified in Table B3-5; or □An area on a podium or similar of at least 15 square metres, with a minimum dimension of 3 metres width; or □An area on a roof of at least 10 square metres, with a minimum dimension of 2 metres width. If the area and dimensions of the private open space or secluded private open space is specified in a schedule to the zone. ☐The area and dimensions specified in the schedule must be 25 square metres or less; and ☐The area and dimensions specified for a podium, balcony or an area on a roof must be

dimensions specified in this standard.		
□If a cooling or heating unit is located in the secluded private open space or private open space the required area is increased by 1.5 square metres.		
□Where ground level private open space is provided an area for clothes drying is provided.		
55.03-6 Solar access to open s	pace objective	
Standard B3-6	Standard Met? Yes	
		No (But no appeal rights apply)
The southern boundary of secluded private open space is set back from any wall on the north of the space at least (2 + 0.9h) metres, where 'h' is the height of the wall.	The first-floor balconies are facing the street with no walls within proximity and as such the standard is met.	
55.03-7 Functional layout object	ctive	
Standard B3-7	Standard Met? Yes	
		No (But no appeal rights apply)
Bedrooms: ⊠Meet the minimum internal room dimensions specified in Table B3-7.1; and provide an additional area of at least 0.8 square metres to accommodate a wardrobe. Table B3-7.1 Bedroom dimensions Main bedroom ⊠Minimum width 3 metres ⊠Minimum depth 3.4 metres ⊠Minimum width 3 metres ⊠Minimum width 3 metres ⊠Minimum width 3 metres ⊠Minimum depth 3 metres	The dimensions of the bedrooms and living areas all comply with the standard: Dwelling 1 Main bedroom: 5.5 x 4.1m Bed 2 & 3: 3.2 x 3.2m Living room: 24.5sqm with a minimum dimension of 4.6m Dwelling 2 Bed 2 & 3: 3.6 x 3.2m Main bedroom: 5.2 x 4.4m Living room: 18sqm with a minimum dimension of 4m.	
⊠Living areas (excluding dining and kitchen areas) meet the minimum internal room		

dimensions specified in Table B3-7.2. Table B3-7.2 Living area dimensions Studio and 1 bedroom dwelling Minimum width 10 metres Minimum area 10 square metres		
2 or more bedroom dwelling ⊠Minimum width 3.6 metres ⊠Minimum area 12 square metres		
55.03-8 Room depth objective		
Standard B3-8	Standard Met? Yes	
		No (But no appeal rights apply)
⊠The depth of a single aspect habitable room does not exceed 2.5 times the ceiling height measured from the external surface of the habitable room window to the rear wall of the room.	All rooms meet the room depth standard. The bedrooms do not exceed 2.5 times the ceiling height measured from the external surface of the habitable room window to the rear wall of the room. The open plan living/dining/kitchen areas have dual aspect.	
55.03-9 Daylight to new window	ws objective	
Standard B3-9	Standard Met?	Yes
		No (but no appeal rights apply)
Dwelling (other than a dwelling in or forming part of an apartment development)	All habitable rooms would provid required by the standard	e an external window as
	The windows would face an outd light court with a minimum area of dimension of 1 metre clear to the abutting lot.	of 3 square metres and minimum
Habitable rooms in a dwelling have a window that faces: ☑An outdoor space clear to the sky or a light court with a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky, not including land on an abutting lot; or ☐A verandah provided it is open for at least one third of its perimeter; or ☐A carport provided it has two or more open sides and is		

open for at least one third of its			
perimeter.			
55.03-10 Natural ventilation ob	jective		
Standard B3-10	Standard Met?	Yes	
		No	
		(But no appeal rights apply)	
Dwelling (other than a dwelling in or forming part of	The two dwellings would provide accordance with the standard. The		
an apartment development)	having dual aspect.	ins is achieved by dwellings	
⊠Dwellings have openable			
windows, doors or other ventilation devices in external	Dwelling 1's first floor open place		
walls of the building that	openings facing north-west and sapproximately 8.2m.	south-east. The breeze path is	
provide:	approximatory o.z.m.		
⊠A maximum breeze path	Dwelling 2's first floor open place		
through the dwelling of 18 metres.	openings facing north-west and sapproximately 12.3m. However,		
⊠A minimum breeze path	the same size as the kitchen win		
through the dwelling of 5	condition is recommended to allo		
metres. □Ventilation openings with	openable to ensure better ventila	ation.	
approximately the same size.			
55.03-11 Storage objective			
Standard B3-11	Standard Met?	Yes	
		No	
		(But no appeal rights apply)	
Dwelling (other than a dwelling in or forming part of	The plans indicate that 6 cubic metres of storage would be		
an apartment development)	provided under the stairs of		
⊠Each dwelling has exclusive	each dwelling within the		
access to at least 6 cubic metres of externally accessible	garages.		
storage space.			
5 .			
55.03-12 Accessibility for apar	tment development's objective		
Standard B3-12	Standard Met?	Yes	
		No	
		(But no appeal rights apply)	
		Not Applicable	
At least 50 per cent of	As the development is not an apa	artment development, the	
dwellings in or forming part of	standard is not applicable	•	
an apartment development 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 B3-12.

	55.04 External Amenity			
55.04-1 Daylight to existing windows objective				
Standard B4-1	Standard Met?	Yes (Deemed to comply)		
		No (Appeal rights apply)		
□Buildings opposite an existing habitable room window provide for a light court to the existing window that has a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky. The calculation of the area may include land on the abutting lot. □Walls or carports more than 3 metres in height opposite an existing habitable room window are set back from the window at least 50 per cent of the height of the new wall if the wall is within a 55 degree arc from the centre of the existing window. The arc may be swung to within 35 degrees of the plane of the wall containing the existing window. Where the existing window is above ground floor level, the wall height is measured from the floor level of the room containing the window.	The standard is met as there are windows within 3 metres of the o			
55.04-2 Existing north facing wi	ndows objective			
Standard B4-2	Standard Met?	Yes (Deemed to comply)		
		No (Appeal rights apply)		

Where a north-facing habitable room window of a neighbouring dwelling or small second dwelling is within 3 metres of a boundary on an abutting lot:

The standard is met as there are no existing north facing habitable room windows within 3 metres of the development

□A new building is to be set back from the boundary by at least 1 metre, plus 0.6 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres. This setback is to be provided for a distance of at least 3 metres from the edge of each side of the window.

□For new buildings that meet the Standard B2-3.2 setback, the building is setback at least 6 metres up to a height not exceeding 11 metres and at least 9 metres for a height over 11 metres between south 30 degrees west to south 30 degrees east. This setback is to be provided for a distance of at least 3 metres from the edge of each side of the window.

For this standard a north-facing window is a window with an axis perpendicular to its surface oriented from north 20 degrees west to north 30 degrees east.

55.04-3 Overshadowing secluded open space objective

Standard B4-3 Standard Met? Yes (Deemed to comply) No (Appeal rights apply) The area of secluded private Given the orientation of the lot the only property affected by open space that is not overshadowing is the property to the south on the other side of overshadowed by the new the laneway 200 Princes Street. development is greater than: The included table details the overshadowing impact on the □50 per cent, or adjacent property □25 square metres with a minimum dimension of 3 metres, As detailed above and shown on the submitted shadow whichever is the lesser area, for diagrams the proposal would overshadow the private open a minimum of five hours between 9 am and 3 pm on 22

☐If existing sunlight to the secluded private open space of an existing dwelling or small

September.

As detailed above and shown on the submitted shadow diagrams the proposal would overshadow the private open space are of 200 Princes Street at 9am and 11am. Given that the existing sunlight that the secluded private open space of 200 Princes Street receives is already less than the requirements of this standard, the amount of sunlight should not be further reduced. As such the proposal does not comply with standard B4-3.

second dwelling is less than the requirements of this standard, the amount of sunlight will not be further reduced.

In this instance the variation to the standard is considered acceptable because of the following reasons:

- The additional overshadowing is only shown to occur at 9 and 11am at the equinox and is only an area of 2.85sqm.
- The proposal does not impact the sunlight to the SPOS at 12pm and onwards.

	Shadow Schedule - September Equinox (22 September)									
Hours	Exi	isting	Exi	sting	Add	itional	P	ost-	Diffe	erence
	sha	dowed	unsha	adowed	oversh	adowing	devel	opment	% /	sqm
		POS		POS		POS		adowed		
	% /	sqm	% /	sqm	% /	sqm		POS		
							% /	sqm		
9 am	88.10%	28.4sqm	11.90%	3.84sqm	8.85%	2.84sqm	3.05%	0.98sqm	8.85%	2.84sqm
10 am	63.40%	20.44sqm	36.60%	11.8sqm	0%	0.0sqm	36.6%	11.8sqm	0.00%	0.0sqm
11 am	45.30%	14.6sqm	54.70%	17.63sqm	8.85%	2.8sqm	45.85%	14.78sqm	8.85%	2.8sqm
12 noon	41.60%	13.4sqm	58.40%	18.83sqm	0%	0.0sqm	58.40%	18.83sqm	0.00%	0.0sqm
1 pm	42.80%	13.8sqm	57.20%	18.44sqm	0%	0.0sqm	57.20%	18.44sqm	0.00%	0.0sqm
2 pm	71.40%	23.0sqm	28.60%	9.22sqm	0%	0.0sqm	28.60%	9.22sqm	0.00%	0.0sqm
3 pm	100%	32.2sqm	0.00%	0.0sqm	0%	0.0sqm	0.00%	0.0sqm	0.00%	0.0sqm

Assessment table of proposed overshadowing

55.04-4 Overlooking objective

Standard B4-4	Standard Met?	Yes (Deemed to comply)
		No (Appeal rights apply)

A habitable room window (excluding bedroom), balcony, terrace, deck or patio located with a direct view into the secluded private open space of an existing dwelling avoids direct views within a horizontal distance of 9m

⊠A habitable room window, balcony, terrace, deck or patio that is located with a direct view into a habitable room window of an existing dwelling or small second dwelling within a horizontal distance of 9 metres (measured at ground level) of the window, balcony, terrace, deck or patio:

□Is offset a minimum of 1.5 metres from the edge of one window to the edge of the other; or

☐ Has sill heights of at least 1.7 metres above floor level; or

Habitable room widows, balconies or terraces for the proposal that are within 9 m of adjacent habitable room windows or private open space consist of the following:

- A first-floor window to the room of dinning room on the western elevation of dwelling 1
- A terrace on the second floor to the western side of dwelling 1
- Roof terraces to both dwellings 1 and 2

The plans show that some sort of screening would be provided to all of these windows and terraces however more detail is required for the screening materials to ensure it meets the standard.

Specifically, the second-floor terrace is shown that it would provide a 1.7m high opaque laminated glass balustrade. Details of this screening have not been provided; therefore, a condition is recommended to meet the standard.

The roof terraces are also shown to provide 1.7m above floor level high opaque laminated glass balustrade screening on the south-east elevation and south-west elevation. A condition is recommended to demonstrate dwelling 2's terrace meets this standard as it relates to overlooking to the northeast.

□Has fixed, obscure glazing in any part of the window below 1.7 metre above floor level; or □Has permanently fixed external screens to at least 1.7 metres above floor level and be no more than 25 per cent transparent; or □Has fixed elements that prevent the direct view, such as horizontal ledges or vertical fins.		
55.04-5 Internal views objective		
Standard B4-5	Standard Met?	No (But no appeal rights apply)
A habitable room window (excluding bedroom), balcony, terrace, deck or patio located with a direct view into the secluded private open space of another dwelling within the development: Is offset a minimum of 1.5 metres from the edge of the secluded private open space; or Has a sill height of at least 1.7 metres above floor level; or Has a fixed, visually obscure balustrade to at least 1.7 metre above floor level; or Has permanently fixed external screens to at least 1.7 metres above floor level; or Has fixed elements that prevent the direct view, such as horizontal ledges or vertical fins.	The standard is met where the vector balconies will prevent internal vibetween the roof terraces will prevent internal vibetween the roof terraces will prevent in the roof terraces will prevent in the roof terraces.	ews and a 2.1m high wall

55.05-5 SUSTAINABILITY				
55.05-1 Permeability and stormwater management objective				
Standard B5-1	Standard Met?	No (But no appeal rights apply)		
☐The site area covered by the pervious surfaces is at least 20 percent of the site.	The proposal has a 21% (38.5m2) permeability. The STORM report has a score of 168%. One 2,000L rainwater tank is proposed per dwelling.			

The development includes a stormwater management system designed to: ☐Meet the best practice quantitative performance objectives for stormwater quality specified in the Urban stormwater management guidance (EPA Publication 1739.1, 2021) of: □Suspended solids 80% reduction in mean annual load. □Total phosphorus and Total Nitrogen 45% reduction in mean annual load. □Litter 70% reduction of mean annual load. A certificate generated from a stormwater assessment tool including Stormwater Treatment Objective - Relative Measurement (STORM), Model for Urban Stormwater Improvement Conceptualisation (MUSIC) or an equivalent product accepted by the responsible authority may be used to demonstrate the performance objectives for stormwater quality are met. \square Direct flows of stormwater into treatment areas, garden areas, tree pits and permeable surfaces, with drainage of residual flows to the legal point of discharge.

55.05-02 Overshadowing domestic solar energy systems objectives

Standard B5-2	Standard Met?	Yes (Deemed to comply)
		No (Appeal rights apply)
Any part of a new building that will reduce the sunlight at any time between 9am and 4 pm on 22 September to an existing domestic solar energy system on the roof of a building on an adjoining lot be set back from the boundary to that lot by at least 1 metre at 3.6 metres above ground level, plus 0.3 metres for every metre of building height over 3.6 metres up to 6.9 metres, plus 1 metre	The standard is met where the properties of a building on an adjoining lot. Street is not proposed to be over	solar energy system on the roof The solar system at 208 Princes

on area objective	
ard Met?	Yes
	No (But no appeal rights apply)
	Not Applicable
	ard Met?

Table B5-3 Minimum rooftop solar energy generation area □1 bedroom dwelling Minimum roof area 15 square metres □2 or bedroom dwelling Minimum roof area 26 square metres □4 or more bedroom dwelling Minimum roof area 34 square metres This standard does not apply to apartments and residential buildings.		
55.05-4 Solar protection to nev	v north facing windows objectiv	e
Standard B5-4	Standard Met?	Yes
		No (But no appeal rights apply)
North facing windows are shaded by eaves, fixed horizontal shading devices or fixed awnings with a minimum horizontal depth of 0.25 times the window height	The standard is met where no no	orth facing windows are provided
55.05-5 Waste and recycling of	bjectives	
Standard B5-5	Standard Met?	Yes
		No (but no appeal rights apply)
⊠The development includes an individual bin storage area for each dwelling, or □A shared bin storage area for use by each dwelling, of at least the applicable area, depth and height specified in Table B5-5.1.	The standard is met where Each bin storage area within the garag minimum dimension requirement	
Table B5-5.1 Bin storage □Individual bin storage area for a dwelling □Minimum area 1.8 square metres □Minimum depth 0.8 metre □Minimum height 1.8 metres.		
Shared bin storage area for 3 dwellings or less □Minimum area 5.4 square metres □Minimum depth 0.8 metre		

Shared bin storage area for 4 or more dwellings □Minimum area 1 square metre per dwelling plus 4 square metres □Minimum depth 0.8 metre □Minimum height 1.8 metres.		
If the development includes a shared bin storage area: The shared bin storage area: The shared bin storage area: Ils located within 40 metres of a kerbside collection point. Includes a tap for bin washing. There is a continuous path of travel free of steps and obstructions from dwellings to the bin storage area. Where access is provided for private bin collection on the land the design of access ways must allow the vehicle to enter and exit in a forward direction. Each dwelling includes an internal waste and recycling storage space of at least 0.07 cubic metres with a minimum depth of 250 millimetres.		
55.05-6 Noise impacts objective	re	
55.05-6 Noise impacts objective Standard B5-6	Standard Met?	Yes
		Yes No (But no appeal rights apply)
		No (But no appeal rights apply) Inditioner units are proposed to are not located immediately
Mechanical plant, including mechanical car storage and lift facilities are not located immediately adjacent to bedrooms of new or existing dwellings or small second dwellings, unless a solid barrier is in place to provide a line-of-sight barrier to transmission of noise and the location of all relevant bedroom	Standard Met? The standard is met where air co be located on the roof level. They	No (But no appeal rights apply) Inditioner units are proposed to are not located immediately existing dwellings.
Mechanical plant, including mechanical car storage and lift facilities are not located immediately adjacent to bedrooms of new or existing dwellings or small second dwellings, unless a solid barrier is in place to provide a line-of-sight barrier to transmission of noise and the location of all relevant bedroom	Standard Met? The standard is met where air co be located on the roof level. They adjacent to bedrooms of new or e	No (But no appeal rights apply) Inditioner units are proposed to are not located immediately existing dwellings.
Mechanical plant, including mechanical car storage and lift facilities are not located immediately adjacent to bedrooms of new or existing dwellings or small second dwellings, unless a solid barrier is in place to provide a line-of-sight barrier to transmission of noise and the location of all relevant bedroom	Standard Met? The standard is met where air co be located on the roof level. They adjacent to bedrooms of new or experience of the standard is met where air co be located on the roof level. They are a standard is met where air co be located on the roof level. They are the standard is met where air co be located on the roof level.	No (But no appeal rights apply) Inditioner units are proposed to are not located immediately existing dwellings.

		Not Applicable
Dwellings in or forming part of an apartment development located in a climate zone identified in Table B5-7 do not exceed the maximum NatHERS annual cooling load.	Not applicable as not an apartme	ent development

PLANNING COMMITTEE 23 JULY 2025



- 7. URGENT BUSINESS
- 8. CONFIDENTIAL MATTERS