1. PURPOSE

1.1 To consider and determine an application for construction of a part seven and part nine storey building (26.7m) comprising 13 dwellings, 60m² of commercial space (ground level only, not including the mezzanine) and a reduction in car parking provisions. The application is not subject to delegated approval due to the number of objections received.

2. EXECUTIVE SUMMARY

WARD: Lake

TRIGGER FOR DETERMINATION BY COMMITTEE: More than 15 objections

APPLICATION NO: 267/2018

APPLICANT: SAC Building Workshop P/L

EXISTING USE: Commercial

ABUTTING USES: Commercial and Residential

ZONING: Commercial 1

OVERLAYS: DDO 34-2E

STATUTORY TIME REMAINING FOR DECISION AS AT DAY OF COUNCIL Expired

2.1 This proposal is for the demolition of the existing buildings (no permit required) and construction of a new building of up to nine levels (including a mezzanine floor shown in the Section 57A amended plans added to the ground floor tenancy) comprising 13 dwellings (all with two bedrooms), 60m² of ground level retail space (excluding the mezzanine floor) supported by four share cars – operated by the relevant Owners' Corporation. The plans that are the subject of this report and assessment have been revised and formally substituted and include changes aimed at reducing previously expressed Council and neighbour concerns by deleting two levels from the building, decreasing dwelling numbers from 17 to 13 and increasing car parking supply from one share car to four.

2.2 The number of levels proposed, size of the commercial tenancy and number of required car parking spaces was complicated unnecessarily by the addition of a mezzanine level in the commercial tenancy in the plans substituted under Section 57A. The mezzanine was shown in elevational cross-sections but not in plan.
The extra level within the building would technically create a ninth level. However, it is recommended that the mezzanine be deleted from the plans and assessment continue based on the original concept of an eight-level building.

2.3 Recent amendments to the Planning Scheme have removed the requirement for visitor car parking, but the Planning Scheme’s parking requirements for residents have not changed. In relation to car parking, Council has accepted that on-site share cars are equivalent to up to 10 regular car parking spaces. Accordingly, the four share cars proposed could be considered the equivalent of 40 resident car spaces. As only 13 dwellings are proposed, it is considered that the four proposed share cars would more than adequately provide for the development.

2.4 The site is in an area identified for residential growth. The DDO specifies a discretionary height of 28.5m and eight storeys. The proposal would be 1.5m lower than the DDO height requirement but a quirk of the planning control is that the addition of the mezzanine floor in the ground level tenancy technically would add a level and produce a total of nine levels. As a result, the proposal would not meet the specified number of storeys as specified in new DDO 34-2E, being eight. Accordingly, removal of the mezzanine from the plans is recommended.

2.5 The new DDO does not specify a street wall height for this site but does specify a discretionary upper level setback of 5m behind the street wall. The proposal would not achieve this outcome but it is considered that the site’s very shallow depth would make this impractical. The proposal would meet the discretionary zero front setback specified in the DDO.

2.6 The building would have zero side setbacks which would comply with the DDO provisions. It is also considered that the new building would meet the DDO built form outcomes and amenity protection requirements, particularly by way of privacy screening being provided to each rear facing balcony.

2.7 The building would not, however, meet the mandatory 4.5m rear setback under the new DDO. Recommended condition 1 (a) would require this to be met whilst at the same time, maintaining the privacy screening shown to the rear faces of all balconies.

2.8 Subject to this and the other requirements of the conditions, it is considered that the proposal is suitable for approval.
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 for construction of an eight storey building comprising 13 dwellings and a reduction in car parking at 36 St. Kilda Road, St, Kilda.

3.3 That the decision be issued as follows:

**Amended Plans**

1. 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 generally in accordance with the plans forming part of the application but modified to show the following:

   a) The entire building including rear balconies to be setback at least 4.5m from the site’s rear (east) boundary, whilst maintaining the balcony privacy screening at all levels facing the rear boundary.

   b) The ground floor frontage to St. Kilda road showing:
      - The commercial tenancy frontage abutting the front title boundary for its full width and having at least 80% of its frontage as clear glass,
      - The recess for the ground level dwelling entry reduced (door moved closer to the front boundary) by 1m.

   c) Reference to and notations to include details of the updated Sustainable Management Plan required under condition 7, most specifically being:
      - Notations for rainwater tank reuse e.g. “connected to toilets and irrigation”.
      - The location, capacity and reuse of the fire test water tank.
      - Location of clothes drying lines.
      - External shading to light well windows.
      - Notation that double glazing will be used on both main facades,
      - Location of external plant including the location and capacity of any solar panels.
      - An elevation of the lightwell windows including details of window operability for natural ventilation.
      - A notation on balconies and roof terrace that an external tap and drain is provided.
      - The extent of any vegetation to roofs (main roof, roof terrace and lightwell roof

   d) Provision of a ground level weather protection canopy above the entrances to both the shop and the apartment access.

   e) Detail of acoustic measures (including the use of double glazing) to the building facades

   f) The car stacker platform as a minimum of 5.4m in length together with a charging point for electric vehicles and accommodating four cars

   g) The vehicle access ramp to the car stacker shown as meeting the relevant gradient requirements of Clause 52.06

   h) Deletion of the mezzanine level from the commercial tenancy

   i) Suitable planting and landscaping for the rooftop terrace
j) A notation that the ground level party wall shared with abutting No. 38, is not to be altered, dismantled or changed in any way together with any consequent reduction in the size of the ground floor retail being depicted accordingly.

No Layout Change
2. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.

External colours and Finishes
3. All external materials, finishes and paint colours are to be to the satisfaction of the responsible authority and must not be altered without the written consent of the Responsible Authority.

Equipment and Services Above Roof Level
4. No equipment, services and architectural features other than those shown on the endorsed plans shall be permitted above the roof level of the building unless otherwise agreed to in writing by the Responsible Authority.

Plant & Equipment
5. No plant, equipment or domestic services (including any associated screening devices) or architectural features, other than those shown on the endorsed plan are permitted, except where they would not be visible from the primary street frontage (other than a lane) or public park without the written consent of the Responsible Authority.

Outdoor Lighting
6. Outdoor lighting must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining land.

7. Updated Sustainable Management Plan
Before the permitted development begins, an updated Sustainable Management Plan must be submitted to the responsible authority. The document must be generally in accordance with that originally submitted, but modified so as to include reference to the following:
- The provision of better and improved natural daylight provision to the ground floor lift lobby via a rooflight/solar tube arrangement.

Incorporation of water sensitive design and Sustainable Design Initiatives
8. Before the occupation of the development approved under this permit, the project must incorporate the water sensitive urban design initiatives listed in the endorsed Water Sensitive Urban Design Report and the sustainable design initiatives listed in the Sustainable management Plan to the satisfaction of the Responsible Authority, and thereafter maintained to the satisfaction of the Responsible Authority.

Maintenance Manual for Water Sensitive Urban Design Initiatives
9. Before the development starts (other than demolition or works to remediate contaminated land) a Maintenance Manual for Water Sensitive Urban Design Initiatives must be submitted to and approved by the Responsible Authority. The manual must set out future operational and maintenance arrangements for all WSUD (stormwater management) measures. The program must include, but is not limited to:
- inspection frequency
- cleanout procedures
- as installed design details/diagrams including a sketch of how the system operates
The WSUD Maintenance Manual may form part of a broader Maintenance Program that covers other aspects of maintenance such as a Builder’ User’s Guide or a Building Maintenance Guide.

Implementation of Sustainable Design Initiatives

10. Before the occupation of the development approved under this permit, a report from the author of the Sustainable Design Assessment/Sustainable Management Plan approved pursuant to this permit, or similarly qualified person or company, must be submitted to the satisfaction of the Responsible Authority. The report must confirm that all measures and recommendations specified in the Ecologically Sustainable Design report have been implemented and/or incorporated in accordance with the approved report to the satisfaction of the Responsible Authority.

I I. Site Management Water Sensitive Urban Design

The developer must ensure 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.

Walls on or facing a boundary

12. Before the occupation of the development allowed 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.

Share Car Allocation/Operation by Owners’ Corporation

13. Before the occupation of the development approved under this permit, four cars must be purchased, owned, maintained and operated as a car share arrangement by or on behalf of the Owners’ Corporation and must be made available for residents of the building at all times. A Share Car Management Plan to the satisfaction of the Responsible Authority is to be submitted to the Responsible Authority setting out how the share cars are to be made available at all times to residents of the dwellings and the methods of reservation, management, maintenance and replacement of vehicles as necessary. When satisfactory to the Responsible Authority, the Share Car Management Plan will be endorsed and form part of this permit. The operation of the car share scheme must be in accordance with the Share Car Management Plan.

Car Stacker and Bicycle Lift Maintenance and Provision

14. The mechanical car stacker and the bicycle/motorcycle lift are to be maintained in a good working order and be permanently available for the parking of vehicles and the moving of...
bicycles/motorcycles in accordance with their purpose, to the satisfaction of the Responsible Authority.

**Car parking Areas must be Available**

15. Car and bicycle parking areas and access lanes must be developed and kept available for those purposes at all times and must not be used for any other purpose such as storage to the satisfaction of the Responsible Authority.

**Landscaping Plan for Roof**

16. Before the permitted building is occupied, a landscape plan for the roof terrace is to be submitted to the responsible authority. If suitable, this plan will be endorsed and will form part of this permit with all landscaping shown on the plan to be completed within 6 months of the building’s completion.

**Waste Management Plan**

17. Before the development starts (other than demolition or works to remediate contaminated land), a Waste Management Plan based on the City of Port Phillip’s Waste Management Plan Guidelines for Developments must be prepared by a Waste Management Engineer or Waste Management Planner to the satisfaction of the Responsible Authority and endorsed as part of this permit. The Plan must include reference to the following:

- The estimated garbage and recycling volumes for the whole development.
- Bin quantity, size and colour.
- The garbage and recycling equipment to be used.
- Collection frequency.
- The location and space allocated to the garbage and recycling bin storage area and collection point.
- The waste services collection point for vehicles.
- Waste collection provider.
- How tenants will be regularly informed of the waste management arrangements.
- Scaled waste management drawings.
- Signage.

Once submitted and approved, the waste management plan must be carried out to the satisfaction of the Responsible Authority.

**Time Limits**

18. This permit will expire if one of the following circumstances applies:

(a) The development is not started within 3 years of the date of this permit.
(b) The development is not completed within 2 years of the date of commencement.

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 use or development allowed by the 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.

**Permit Notes**

- This permit does not authorise the commencement of any building construction works. Before any such development may commence, the applicant must apply for and obtain appropriate building approval.
The applicant/owner would provide a copy of this planning permit to any appointed Building Surveyor. It is the responsibility of the applicant/owner and Building Surveyor to ensure that all building development works approved by any building permit is consistent with this planning permit.

The developer shall show due care in the development of the proposed works so as to ensure that no damage is incurred to any adjoining properties.

Except in the case of an emergency, a builder must not carry out building works outside the following times, without first obtaining a permit from Council’s Local Laws Section:
- Monday to Friday: 7.00am to 6.00pm; or
- Saturdays: 9.00am to 3.00pm.
An after hours building works permit cannot be granted for an appointed public holiday under the Public Holidays Act, 1993.

4. RELEVANT BACKGROUND
4.1 There is no relevant background that would inform the assessment of this application.

5. PROPOSAL
5.1 It is proposed to demolish the existing buildings on the site (no permit required) and construct a nine storey building (including mezzanine) above a basement level that would contain four share cars, 13 motorcycle spaces and 15 bicycle spaces.

5.2 Plans have formally been substituted under S57A of The Act with the originally advertised plans no longer valid. The new plans have been circulated to the objectors and the opportunity to submit additional comments given. They were not formally advertised as the amendments represent a reduction in the proposal. The following description relates to the new plans.

**Basement level:**

5.3 This level would not be accessed directly from the street by a driveway or ramp. It would be accessed from a rear easement across the property to the north connecting to Phoenix lane, which connects to St. Kilda Road. The basement would contain a pit for the car lift together with stair and lift lobbies and bicycle lift. There would be space within the proposed pit for four on-site share cars with electric charging facilities for all cars.

5.4 The basement would also include 13 bicycle racks, 14 motorcycle spaces (with one dedicated to the retail tenancy, the other 13 to the dwellings at the rate of one each), two 5,000 litre underground water tanks and 13 dedicated storage areas, one per dwelling.

5.5 The basement would occupy the full extent of the site aside from the easement at the rear, which is approximately 3m wide.

**Ground level:**

5.6 The northern portion of this level would comprise a pedestrian entry directly from St. Kilda Road. The single retail shop of 60m² in area (not including the mezzanine) would not use the dwelling entry and would have its own entry to St. Kilda Road. The shop would occupy the full width of the site’s frontage aside from the northern pedestrian entry.
5.7 Behind these two features would be the dwelling lobby, lift and stair cores and the waste room. At the rear of the site would be the car and bicycle lifts.

5.8 This level would also occupy the full extent of the site to all boundaries.

5.9 The ground level has a high ceiling (6m) to provide for the stacker and car lift arrangement at the rear of the site. It creates a commercial tenancy with an exceptionally high ceiling fronting St Kilda Road. The Section 57A plans show this space occupied by a mezzanine level for the commercial tenancy (in cross section but not plan) but in doing so has created a ninth level, which is more than the eight storeys prescribed in the DDO. This requires a decision as to whether the mezzanine should be permitted or not.

Levels 1 to 6:

5.10 These levels would for all practical purposes be identical to each other by way of internal layouts, dimensions and side setbacks. The only differences of any note would be the shape and size of the balconies.

5.11 There would be two dwellings per level, one each at the front and rear of the site. They would each have two bedrooms and those at the front of the site would be between 81m² and 84m² in area whilst those at the rear would be 74m² in area. All balconies would be between 12m² and 16m² in area and would directly face east or west. The rear balconies would be within the rear easement and would have a rear setback of between zero (abutting the title boundary behind) tapering to almost 3m. The rear walls of these levels would all be setback 3m from the rear boundary with that setback constituting the easement.

5.12 The front balconies would mostly abut the St. Kilda Road boundary. Due to that boundary’s angle, the building’s front wall would be setback between for all practical purposes, zero and 4m.

Level 7:

5.13 This level would only comprise one dwelling. The front two-thirds of this level would essentially replicate the levels below, but there would be no dwelling at the rear of the site with instead, a roof terrace of 38m² being proposed. The terrace would be setback 1.2m from the north and south boundaries and including the rear easement, four metres from the rear boundary. It would not be landscaped in any way but would be accessible to all residents.

General description:

5.14 The building would be contemporary and geometric in its appearance with a strong rectangular theme and tall, narrow proportions. As facing St. Kilda Road, it would present at ground level with a geometrically and triangularly arranged panels of perforated metal cladding over glass, vertical exposed board-form concrete and clear glass. These materials would continue above at the front ground level but the geometric appearance would be more restrained compared to the ground level mainly through regularly sized and arranged glass windows and sliding doors.

5.15 The front façade above ground level would continue the geometric design by way of the shape of the exposed balcony floors which would be irregular in shape and form. Front balcony balustrades would follow the irregular floor shape of the balconies and would be of decorative glass to a height of one metre.
5.16 The rear elevation would have a similar appearance to the front continuing the design theme of irregular shaped expressed balcony floors. Balustrades would follow the irregular floor shape and would comprise one metre high decorative metal screening with 700mm fixed obscure glass above. Regularly shaped sliding glass doors and fixed clear glazing would be located behind the balustrades together with central vertical strips of board form cement covered in geometrically arranged metal screening.

5.17 The ground level at the rear would mostly comprise exposed concrete.

5.18 The side elevations would have very similar appearances to each other and for the most part, would be blank. The exception would be the five metre wide light well on the north elevation. Both side elevations would have a strongly geometric board form concrete finish mostly comprising triangular and pyramid shapes with an extent of three-dimensional relief.

6. SUBJECT SITE AND SURROUNDS

<table>
<thead>
<tr>
<th>Site area</th>
<th>Approximately 235m².</th>
</tr>
</thead>
<tbody>
<tr>
<td>Existing building &amp; site conditions</td>
<td>The subject site is on the east side fo St. Kilda Road, approximately 100m south of St. Kilda junction and approximately 350m north of Alma Road and 30m north of Octavia Crescent. The site contains a two storey commercial building currently used for office purposes. It has almost 100% site coverage, not including a carriageway easement almost 3.1m wide at the rear of the site running north-south to Phoenix Lane to the north. The existing building is a flat roofed (part mansard style) building with its front section appearing to date from the 1990s. Its front setback is essentially zero, although the front ground level wall is recessed at an angle to the front boundary. The only car parking available is within the easement area at the rear of the site. The building’s side walls are approximately 6m to 6.5m high.</td>
</tr>
<tr>
<td>Surrounds/neighbourhood character</td>
<td>To the north is a partly one/partly two storey building used for a restaurant at ground level. It is splayed from its front boundary resulting in a front wall obliquely aligned to that of the subject site. The two storey section is at the front and is of a very similar height to the building at the subject site. The building appears to date from the 1950s but has had much more recent front and north side wall updates. This updated two storey front section is approximately 7m deep. This site abuts Phoenix Lane to the north for its full length with the remaining approximately 22m wall length being single storey, brick and retaining much more of the building’s original character. It has a double garage accessing Phoenix Lane towards the rear. There is an open courtyard at the very rear of the site. To the south is a single storey commercial building (used for costume hire). It is at zero setback to all boundaries and occupies 100% of its site. Behind and to the east is a group of public housing units. The closest of these is double storey and is setback approximately 4.7m from the subject site’s rear boundary. Including the subject site’s easement, the neighbour to the east is approximately 6.9m from the current</td>
</tr>
</tbody>
</table>
building’s rear wall. There are some windows that appear to relate to habitable rooms facing the subject site.

The intervening setback on the neighbouring site is used for courtyard/open space purposes.

Properties further afield in St. Kilda Road are varied in scale and era. Some are remnant former residential building stock – but used for commercial purposes – whilst others are much newer or updated/ altered older buildings mostly used for commercial purposes. They are generally two to three storeys in height.

Buildings closer to St. Kilda junction are similar in scale and appearance aside from a very recent and highly contemporary multi-level apartment building on the corner of Wellington Street and St. Kilda Road. Other four to five storey rear additions are visible in this location.

Building stock opposite the subject site is distant, being separated by the over 60m wide road reserve. They are, nonetheless, taller at generally four to eight storeys in height. Almost directly opposite is a recent 28 storey apartment building which is just over 60m away.

7. PERMIT TRIGGERS

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

<table>
<thead>
<tr>
<th>Zone or Overlay</th>
<th>Why is a permit required?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Clause 34.01 Commercial 1 Zone</td>
<td>A permit is required to construct a building or carry out works and to use the land for purposes of a dwelling.</td>
</tr>
<tr>
<td>Clause 43.02 Design &amp; Development Overlay 34-2E</td>
<td>A permit is required for all buildings and works and sets out requirements for heights and setbacks.</td>
</tr>
<tr>
<td>Clause 52.06 Car Parking</td>
<td>A permit is required to waive or reduce the car parking requirements outlined in Table 1 to the clause which requires at least one car space per two bedroom dwelling and 3.5 car spaces per 100m² of shop area.</td>
</tr>
</tbody>
</table>

8. PLANNING SCHEME PROVISIONS

8.1 State Planning Policy Frameworks (SPPF)

The following State Planning Policies are relevant to this application:

Clause 11: Settlement, including Clauses:

11.01-1R1: Settlement - Metropolitan Melbourne
11.02: Managing Growth

Clause 15: Built Environment and Heritage, including Clauses:

15.01-1: Built Environment
15.01-1S: Urban Design
15.01-1R: Urban design - Metropolitan Melbourne
15.01-2S: Building Design
15.01-5S: Neighbourhood character
15.02-1: Sustainable development

Clause 16: Housing, including Clauses:
16.01: Residential development
16.01-1S: Integrated housing
16.01-1R: Integrated housing - Metropolitan Melbourne
16.01-2S: Location of residential development
16.01-3S: Housing diversity
16.01-3R: Housing diversity - Metropolitan Melbourne
16.01-4S: Housing affordability

Clause 19: Infrastructure including Clauses:
19.01-1S: Energy supply
19.01-2S: Renewable energy
19.01-2R: Renewable energy - Metropolitan Melbourne
19.03: Development Infrastructure
19.03-4S: Stormwater
19.03-6S: Waste and resource recovery

8.2 Local Planning Policy Framework (LPPF)
The following local planning policies are relevant to this application:

Clause 21.03: Ecologically Sustainable Development, including
  Clause 21.03-1 Environmentally Sustainable Land Use and Development

Clause 21.04: Land Use, including Clauses:
  21.04-1 Housing and Accommodation
  21.04-3 Office and Mixed Activity Areas

Clause 21.05: Built Form, including Clauses
  21.05-2 Urban Structure and Character
  21.05-3 Urban Design and the Public Realm
  21.05-4 Physical Infrastructure

Clause 21.06-6 Neighbourhoods (St. Kilda)

8.3 Other relevant provisions
Clause 43.02: Design and Development Overlay (DDO)
Clause 52.06: Car Parking
Clause 58: Apartment Developments
Clause 65: Decision Guidelines
8.4 Relevant Planning Scheme Amendments:

There are amendments proposed that would affect assessment of this proposal. The most recently gazetted amendment (C122) has changed the site’s DDO controls together with some local policy references. This report takes account of those changes.

9. REFERRALS

9.1 External Referrals
None were required

9.2 Internal Referrals

Strategic Planning:

Due to the recent changes to the DDO provisions and the St.Kilda Neighbourhood provisions (Clause 21.06-6), the proposal in its reduced form was re-referred. The most recent comments are below.

- The proposal meets the discretionary height limit of 28.5m (equivalent to 8 storeys) which helps to provide a transition down to 6 storeys south of Octavia Street.
- In addition to built form controls, the DDO specifies that development must not overwhelm adjoining residential properties. The scale and bulk of the development at the rear and its relationship to the double storey dwellings at 2 and 3 Octavia Crescent should be addressed. It is suggested that the applicant remove some of the building bulk at the rear through increased rear setbacks.
- The ground floor retail shop should contain a shopfront window with at least 80% of the width as transparent glazing for better street activation – requirement in Section 2.8 of DDO34.
- Apartment entry should reduce its recess for safety and visibility reasons.

Other issues

- The provision of a single share car parking space and bike and motor bike parking in lieu of parking for 14 apartments appears inadequate, unless it is supported by a car parking assessment and green travel plan documenting how the shared car space will work in a private building (check with transport).

RECOMMENDATION

It is recommended that the proposal be supported, subject to the following modifications:

- Set levels at the rear of the building back to provide a better transition and more sensitive interface down to the double storey dwellings at 2 and 3 Octavia Street.
- Improve the ground floor design in relation to street activation for the retail premises and apartment entrance safety and visibility.

Planner Comment:

The proposal would not meet the mandatory rear setback stipulated in the DDO. The recommendation is that the building be setback 4.5m from the rear boundary. Currently the plans show the building’s main rear wall abutting the rear easement (giving the 3.1m rear setback) but have the rear balconies protruding to varied extents into that easement.
The applicants accept the need to meet the new DDO setback control by way of condition. Accordingly, recommended condition 1 (a) would require the building to be setback at least 4.5m from the rear boundary whilst maintaining rear privacy screening to the rear balconies.

This increased setback would also achieve a better transition to the properties to the east. It is not considered justifiable to delete entire levels or entire rear facing dwellings in order to achieve a greater transition to the east.

A better and more active ground level treatment at the front is considered reasonable and achievable. Recommended condition 1 (b) would require the ground floor commercial tenancy frontage to have at least 80% of its frontage as clear glass whilst also requiring the recess for the dwelling entry to be reduced (moved closer to the front boundary) by one metre.

It is also recommended that the mezzanine floor in the commercial tenancy be deleted to maintain compliance with the number of storeys prescribed by the DDO (eight) - refer recommended condition 1(h).

**Council’s Traffic Safety Engineer**

There have been several discussions between the applicants and Council’s Traffic Engineer. For the sake of completeness, all comments are shown below, noting that the original comments are mostly superseded.

The Traffic Engineers original commented as follows:

**Proposed Changes:**

- Demolition of the existing building
- Construction of a multi-storey building containing:
  - 13x two-bedroom apartments (previous plans 17x two-bedroom apartments)
  - 60m² Retail/Shop tenancy (previous plans 120m² Retail/Shop tenancy)

**Traffic Engineering Assessment: Not Updated**

**Development Plans: E166054/18**

1. **Other Items:**

   - Can the applicant confirm the “Carriageway Easement” ownership? The current parking arrangement requires access via the “carriageway easement” that may be owned by 34 St Kilda Road.
   - Note, traffic and parking comments is subject to whether the carriageway easement is owned by 36 St Kilda Road.
   - A revised traffic report has not been provided. An updated traffic report should include the revised changes.

2. **Parking Layout and Access Arrangements:**

   Shared Car space has changed.
   - The revised plans now provide four Shared Cars via a mechanical stacker using a combination of two systems Wohr Parklift- 413 and Platform 501.
The old plans had one Car Share space located in a garage space at ground level.

- In addition to the Wohr Parklift’s Data Sheet can they provide more information about the system, such as platform dimensions, headroom clearance and the shuffling system arrangement?
- A new swept path assessment will need to be undertaken to reflect the changes.
- I recommend the applicant to confirm with the supplier if the mechanical stacker can support a charging station for the electric vehicles.
  - Can they confirm if vehicles can still enter/exit the carriageway easement in a forward direction at Phoenix Lane?
  - Although it is good they have increased the number of Car Shared on site; however, using the mechanical stacker to store these vehicles may limit usability such as elderly or people with disabilities.
- As a preferred option, can they consider installing one of the Shared Cars at ground level similar to the previous plans?
- Because of this arrangement, only tenants of the building who have been trained to use this specific mechanical stacker system can safely use these vehicles.
  - The addition of the mechanical stacker will require a ramp/slope of 1:4 to access the system as shown the plans. This is steeper then allowed by Clause 52.06 if a transition ramp is not provided. Furthermore, the ramp/slope between the carriageway and mechanical stacker is steeper then permitted in the Wohr Parklift 413’s Data Sheet.
  - The applicant has not provided an action plan for when scheduled maintenance occurs or the lifts is temporarily unavailable.

Basement Level- Motorcycle Parking arrangement has changed:
- The aisle width between the Lift and Motorcycle Space- “Apt L0302” has been narrowed. Can they widen this section to ensure easy access?
- They have not confirmed if there is sufficient clearance to park a motorcycle safely beneath the storage to ensure a motorbike does not overhang onto the aisle?
- They haven’t specified a motorcycle/bike lift?

3. Traffic Generation and Impact

- The expected traffic generation rates have changed given the additional Shared Cars. Can the applicant update the traffic report?


- The retail space has not been clearly categorised to assess the number of parking spaces required. Also, its preferred the applicant to provide at least one or more spaces for staffs of the retail space.
- The proposed development is expected to seek a parking waiver. Actual amount is subject to number of parking spaces required by the retail space.
• Note that the assessment for the appropriate rate for car parking provision lies with Statutory Planning. Reference should be made to CoPP’s Sustainable Parking Policy. We also suggest comparing previous approved parking provision rates of adjacent developments as part of the Planning team’s assessment / determination

5. Bicycles:
• The applicant has reduced the number of bicycle parking spaces on site from 22 to 15 spaces.
• The applicant hasn’t confirmed if the two Ned Kelly Visitor Bicycle Rack near the building’s frontage is at ground level and a bike parked in this location does not overhang onto the footpath?

6. On Street Parking:
• The existing on-street parking in this area is a mixture of 1/4P and 2P Ticketed parking or just 2P, which is generally occupied and high turnover. Parking surveys undertaken by the applicant indicate that there parking levels are high (i.e. occupied).
• Residents/visitors/staffs of the development will not be eligible for resident parking permits and will need to abide by on-street parking restrictions.

7. Other items
• All redundant crossovers must be reinstated to Council satisfaction.
• All proposed crossovers must be installed to Council satisfaction.
• Applicant shall be responsible for costs incurred by Council to modify any existing on-street parking signage and line-marking.

In response to the above comments, additional information was submitted by the applicant and assessed by Council’s Traffic Engineers. The following later comments were offered regarding the revised plans.

I am generally satisfied with Urbis report; noting that comments made in the report should be reflected on the amended/revised plans for additional review and please refer to my comments below:

The previous plans (TRIM Ref: E166054/18) had a shuffling mechanical stacker system that could provide four parking spaces (Car Share) and an electric vehicle charging station…it is recommended the applicant clarify with the providers/manufactures of the mechanical stacker to determine if a charging station can be located within the system.

I have attached the Wohr Parklift 413 Data Sheet that Urbis' report linked. The model proposed cannot accommodate a vehicle height of at least 1.8m as per CI 52.06. They've mentioned the mechanical stacker available platform width is 2.7m, however, no mention of the length. The previous plans had 5.4m length which would be acceptable. Also, it is recommended they provide an updated swept path to demonstrate a vehicle can enter the mechanical stacker safely and exit the carriageway easement in a forward direction.
I am satisfied to change the Ned Kelly bike racks along the frontage to a towel rail configuration.

Planner Comment:

Since the latest comments above, further discussion had taken place between Council’s Traffic Engineer and the applicant. Importantly, Council’s Traffic Engineer has confirmed that the revised Section 57A plans resolved the concerns raised in the initial referral response to the extent that the following has been accepted:

- Confirmation of the right to use the carriageway easement has been provided.
- Council’s Traffic Engineer has accepted that providing a ground level share car in this instance is not required given the high extent of availability provided by having four share cars.
- An Action plan for maintenance of the car lift can be addressed by way of condition (refer recommended condition 13 and 14).
- A motorbike/bicycle lift is already shown on the plans.
- Council’s Traffic Engineer is satisfied that one staff car space for the retail tenancy can park on the street.
- Council’s Traffic Engineer is satisfied that the stacker does not need to be capable of accepting the maximum vehicle height of 1.8m due to all cars within the system being owned/operated by the Owners’ Corporation who would need to purchase cars of appropriate height for the system.
- The car stacker would cater for four cars,
- The stacker platform length would remain at 5.4m and would be confirmed by permit condition (refer recommended condition 1(f)).
- Safe access into and out of the stacker could be achieved without the need for a swept path diagram.
- The access ramp gradient would have to meet the relevant requirements of Clause 52.06 (refer recommended condition 1(g)),
- That the maintenance of the lift could be addressed by way of condition (refer recommended conditions 13 and 14).

Urban Designer:

(Original comments)

Built Form:

- The overall proposed height of 10 storeys (33m) is in excess of the discretionary 28m outlined in DDO 27-2E. There is no strategic justification for this increase and the quality of the architecture isn’t such that it would warrant the additional height being sought.
- The proposed built form does not comply with the setback requirement of a 5m setback above the streetwall with balconies projecting within this space.
- The proposal’s ground floor entry is setback from the St Kilda Rd site boundary. The preference is for a hard edge to the street. Additionally, the
The proposal does not present a 3-storey streetwall to St Kilda Rd to reflect the existing character and development patterns along the eastern side of the road.

- Due to the low-rise nature of the immediate context, the proposal will be highly visible until and should adjoining sites be developed therefore the quality of the architecture and material choices is critical.
- Design Development Overlay Schedule 27 seeks: “To ensure new development is of a high architectural standard in terms of its form, scale, massing, articulation, and use of materials; and that these elements respond appropriately to the streetscape and neighbourhood context.”
- The proposed design does not adequately respond to this objective.

Public realm & ground floor:
- The ground floor should not be setback from the boundary. A hard edge to the street is sought.

Façade treatment & detail:
- The proposal is located in an area which comprises predominantly rendered and red brick buildings of 2-3-storeys. However, it is expected that this character will change as has occurred with the development of the Icon building and approval of One St Kilda Junction.
- The proposal isn’t articulated in a base, tower and crown typology, with a generally consistent architectural approach applied across the height, characterised by projecting balconies of varying size and shape. This doesn’t achieve the desired streetwall outcome or a visually interesting pinnacle to the building.
- The exposed board concrete finish to the boundary walls is supported in principle however the application as proposed could be rationalised to express each floor or apartment module. Suggest a less visually intense application and a more refined and visually simpler approach is adopted with the boards expressed vertically.

Amenity:
- The balconies are not supported above the easement as they are in essence built to a common boundary which raises issues of overlooking into private open space of adjoining properties. These must be setback 4.5m from the rear boundary as outlined in DDO27.
- This has significant and detrimental overshadowing impacts to the private open space of the Octavia Crescent properties.

Other:
- The drawing on Sheet No. TP203 is incorrectly labelled as the ‘West Elevation’ but correctly labelled as ‘Proposed East Elevation’ on the title block.

RECOMMENDATION
We generally do not support the proposal. The following changes would be required:
- Reduce overall building height to 28m.
- Provide a 5m setback from St Kilda Road.
- Provide a defined street edge and 3-storey streetwall.
- Setback balconies to the eastern boundary by 4.5m.
- Reconsider the architectural approach, with respect to the above including the treatment of the northern and southern boundary walls.

Further comments regarding the Section 57A amended plans reducing the building by two storeys and responding to the comments above:

We support the proposal with the following conditions:

- Demonstrate the level of light and amenity into the bedrooms is acceptable and meets standards – or increase the light court void for all floors by reducing the width of the lift lobby if required.

- The architectural concept and intent of the façade to create visual interest and high quality design is supported however needs to incorporate a level of glazing to enable some activation which promotes retail use rather than a privatised front façade. This can be done within the current concept façade design.

- Locate the building to the title boundary to define the street edge in lieu of no clear definition of a 3 storey streetwall to the front setback

Planner Comment:

The additional extent of glazing to the ground level has previously been noted and can be addressed by condition (refer recommended condition 1 (b)). In relation to the extent of light that the proposed voids would supply, Council’s ESD advisor has commented that they would be adequate.

In terms of locating the building to the front ground level title boundary, it is considered that this is reasonable and relatively simple to achieve by condition. (Refer recommended condition 1 (b)).

Council’s ESD Architect (summary):

Natural daylight provision to the ground floor lift lobby is preferable and could be achieved with a rooflight/ solar tube arrangement to reduce energy use for artificial lighting. This could be required by condition.

Items that should be required to be shown on plans via condition:

- Notation for rainwater tank reuse e.g. “connected to toilets and irrigation”.

- The location, capacity and reuse of the fire test water tank.

- Location of clothes drying lines.

- External shading to light well windows.

- Notation that double glazing will be used (update the materials legend).

- Location of external plant including the location and capacity of any solar panels.

- Provide an elevation of the lightwell windows including details of window operability for natural ventilation.

- Notation on balconies and roof terrace that an external tap and drain is provided.

- Any vegetation to roofs (main roof, roof terrace and lightwell roof) noted on plans. Note that the proposal has not addressed urban heat island effect and
The design presents opportunities for planting to roof areas, as well as provision of green walls. If this suggested wording is applied it allows for flexibility in the response.

Planner Comment:
The comments above can be addressed by way of condition and specifically, that an updated/revised Sustainable Management Plan be submitted addressing these matters. (Refer recommended conditions 1 (c) and 7).

However, the issue related to internal stairs does not relate to planning, obscure glass as opposed to fins to the balconies is considered a better method of privacy control and the rooms facing onto the light well are bedrooms, the privacy of which can be controlled by the future occupants.

Other issues relating to environmental sustainability are addressed by way of recommended conditions 8 to 11 inclusive.

10. PUBLIC NOTIFICATION/OBJECTIONS
10.1 The original plans were advertised as it was considered that the proposal may result in material detriment. The revised plans were not formally re-advertised as they involved reductions in height and an increase in on-site car parking. However, all objectors were advised of the new plans and invited to lodge any new or updated comments in their regard. No further submissions were received.

10.2 The revised plans were the direct result of a Consultation Meeting that took place on 4 September 2018 at which time matters of height, loss of privacy, car parking and potential altered access to neighbouring properties were raised. The revised plans increased the extent of car parking and increased the extent of rear balcony screening.

10.3 The consultation process did not fully resolve the objectors’ concerns but lead to a modified building with improvements.

10.4 Council gave notice of the application by ordinary mail to the owners and occupiers of surrounding properties (310 notices sent) and directed that the applicant place one notice on the site for a minimum 14 day period, in accordance with s.52 of the Planning and Environment Act 1987.

10.5 There have been 21 objections received. The objections raise the following grounds, in summary:
- Excessive height for both the St. Kilda Road context and the Octavia Crescent context (inadequate transition to the east).
- Overlooking from terraces and roof deck, especially to the east.
- Insufficient parking.
- Excessive overshadowing, (resulting from height) to the east.
- Construction process impacts.
- Inappropriate recessed ground floor recess (should be zero setback).
Possible restriction/loss of access to neighbouring businesses across existing easement. Party wall easement also needs to be taken account of.

- Occupant noise especially from roof terrace.
- Not meeting policy outcomes re parking and character.

10.6 It is considered that the objections do not raise any matters of significant social effect under Section 60 (1B) of the Planning and Environment Act 1987.

10.7 The objections are fully assessed later in this report.

11. OFFICER’S ASSESSMENT

11.1 Key Issues:
Based on the various Planning Scheme settings and provisions together with the grounds of objections, it is considered that this proposal raises the following key issues:

- Is there broad strategic land use support for the proposal?
- Would the height and mass of the proposal be appropriate for this site’s St. Kilda Road context and character, especially in the light of key policy provisions and the Design and Development Overlay?
- Would there be unreasonable direct amenity impacts?
- Is the car/motorbike/bicycle arrangement acceptable?

An assessment of these matters follows using the local policy provisions together with the relevant Planning Scheme provisions. In terms of local policy, assessment of many of the above matters are guided by Clauses 21.04-1, 21.04-3, 21.05-2, 21.06-6 and 22.06. The Planning Scheme provisions further used in the following assessment are Clauses 43.02, 52.06 and 58.

11.2 Is there broad strategic land use support for the proposal?

Clause 21.04-1 Housing and Accommodation

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

(Relevant Strategies to achieve this objective are…)

Direct the majority of new residential development to preferred housing growth areas to achieve:

- Substantial residential growth within strategic sites and precincts located within or in close proximity to a Major Activity Centre or the Fishermans Bend Urban Renewal Area. The height, scale and massing of new development will generally align to any relevant planning scheme provision for the area, including any Design and Development Overlay, or urban design local policy or respect the surrounding built form context. In the case of Fishermans Bend Urban Renewal Area new housing will generally be in the form of higher density development in a range of densities and building typologies, including tower-podium, infill, row, shop top, courtyard and perimeter block developments.

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

Definitions:
Substantial Residential Growth Areas
Strategically appropriate locations for higher density residential development (being proximate to major activity centre or within the Fishermans Bend Urban Renewal Area) which provide new housing opportunities as part of the renewal of precincts and large sites. They offer the potential for more intensive development through the creation of a new built form character.

Moderate Residential Growth Areas
Established retail / commercial strips within larger Activity Centres, which have the capacity to absorb some increase in development intensity. The location of development and level of intensification will vary across centres depending on the streetscape and heritage character, and lot size. New use and development must not compromise the economic function of the centre.

The site is best considered one that would cater for moderate residential growth. Strategy 1.1 above specifically refers to the St. Kilda Road South precinct as being one where moderate growth is anticipated. Whilst the site is not within a larger activity centre (approximately 250m to 270m to the north-east edge of the Fitzroy Street commercial area), it is nonetheless considered as having the capacity, due mainly to its access to public transport and easy access to local facilities, to absorb some residential growth.

The new DDO clearly contemplates and provides for a future character of buildings up to 28.5m in height (around eight storeys). The design as amended proposes 13 dwellings which is considered moderate growth and the proposal would not compromise the economic functioning of this section of St. Kilda Road and would be located above a ground level retail premises.

3. To support a diverse range of housing types to suit the needs of Port Phillip’s community.
4. To ensure a high level of amenity for existing residents.
5. To minimise potential amenity conflicts between residential and non residential uses.

It is considered that these outcomes would be met. Whilst all proposed dwellings would essentially be identical (two bedrooms), they would add to the dwelling diversity in this immediate area.

In terms of maintaining high levels of amenity for nearby residents, it is considered that this would be maintained to an acceptable degree, as is outlined later in this report, particularly noting the increased rear setback that would be required by recommended condition 1 (a).

It is also considered that the relatively moderate size of the shop premises and its ground level location directly facing St. Kilda Road would minimise its impact on existing residents to the east. It would also not have unreasonable or unexpected amenity impacts for future occupants of the subject building.
Clause 21.04-3: Office and Mixed Activity Areas.

A relevant objective is:

To ensure new uses support the future strategic role and function of the office and mixed activity areas.

Table 2 within this objective identifies the primary and secondary strategic roles for St. Kilda Road South. Its primary roles are active ground floor uses, intensification of housing (subject to heritage considerations) and commercial/office role. Secondary functions are retail/showrooms and employment. The proposal would not conflict with these specified roles aside from the fact that the ground level would be a shop rather than an office. However, ‘shop’ is an as-of-right use in the Commercial 1 zone.

Key strategies (as specifically relevant) are:

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

The extent of potential off site impacts from a modest shop directly facing St. Kilda Road are considered to be minimal and not likely to justify specific amenity control conditions.

The shop’s parking would be accessed from a rear easement (as is the current building’s and those of a commercial neighbour). Additional commercial traffic activity at the rear is likely to be less than it currently is.

As previously noted, ‘shop’ is an as-of-right use in the zone and no specific amenity control conditions can be imposed on that use.

The residential nature and layout of the development is not considered to give rise to any aspects that would curtail future non-residential uses establishing nearby.

- To facilitate viable and vibrant business activity in office and mixed-use precincts.
- To ensure uses do not adversely impact on residential amenity.

The proposal does not include any office component, but does include an as-of-right commercial use. The proposed commercial shop use would not adversely affect nearby residential amenity due to its location at the front of the site away from the residents to the east and due to it being separated from the hinterland by the main bulk of the subject building.

- Discourage retail uses (shops) in the Mixed Use and Business 2 zones, unless it can be demonstrated that they do not compete with the primary retail function of an adjacent major activity centre and they do not adversely impact on the amenity of adjoining areas, including car parking impacts.

The zone allows for ‘shop’ use without a permit and in this instance, the small size of the tenancy would not lead to any negative impacts on the commercial functioning of the nearest Activity Centre (Fitzroy Street).

11.3 Would the height and bulk of the proposal be appropriate for this site’s St. Kilda Road context and character, especially in the light of key policy provisions and the Design and Development Overlay?
The following clauses and Planning Scheme provisions are the most relevant to this part of the assessment.


- To reinforce the key elements of overall urban structure.
- To protect and enhance the varied nature of neighbourhoods.
- To ensure that height and scale of new development is appropriate to the identified preferred character.
- To retain Port Phillip’s fine grain street pattern.
- To protect streetscape characteristics of established residential areas.
- To ensure new higher density development is responsive to the existing scale and form of neighbouring sites.
- To minimise detrimental amenity impacts.

These objectives seek to achieve a wide variety of outcomes. The proposal is considered to meet the following above objectives:

- A height consistent with the identified character provided by the DDO being no more than 28.5m in height,
- Minimising detrimental amenity impacts,
- Enhancing the varied nature of this neighbourhood by way of built form,
- Appropriate protection of streetscape character of established residential areas,
- No impact on the fine grain street pattern, there is no change to lot pattern.

However, the proposal would not presently achieve the following outcomes:

- Height responsive to the existing scale and form of neighbouring sites.
- Reinforce key elements of overall urban structure which could include two to four storey scale of this strip of St. Kilda Road.

These two interlinked matters would always be difficult to reconcile in an area which is clearly identified for substantial change over time with buildings of eight or nine storeys. The matter to reconcile is what weight should be given to an existing built form character that is anticipated to change when assessing the first building in that area that would comply with the new DDO provisions that embodies and expresses that anticipated change?

The new DDO now in place allows for buildings at the height of the proposal. The alternatives would be to either refuse the proposal or require it to be lowered by deleting additional levels.

Neither alternative is considered reasonable. Refusal would be difficult to sustain noting that height would not exceed the DDO height provision or the policy direction for future development for this location.

Further, reducing the building’s height would either involve a subjective judgement as to how many levels should be deleted or having the building no more than one storey higher than its neighbours resulting in a three storey building. This is not considered reasonable where the DDO controls provides for taller buildings and such a conclusion would potentially result in buildings to the DDO height never being achieved.
Whilst the building would look tall and narrow, it is considered an appropriate piece of architecture to commence the incremental transition of this area. It is concluded that the DDO height requirements should be given more weight than the area’s existing character, an approach consistent with VCAT decisions.

Removing the mezzanine level would allow the proposal to comply with the number of storeys specified by the DDO. There is always a tension between prescribed maximum height and number of levels. The Tribunal typically has found that the number of levels that can fit within a prescribed height is not necessarily a concern.

In this instance, to technically comply with the number of storeys preferred by the DDO, the mezzanine should be removed. The applicants have agreed to do this by way of condition. (Refer recommended condition 1 (h).)

**Clause 21.06-6 St. Kilda**

The most relevant strategies and objectives are considered to be the following.

*Local Strategies:*

- **Strengthening ‘identity and place’**

  6.6.28 Ensure new development:

  - ☐ Contributes positively to the amenity, vibrancy and preferred built form character of each neighbourhood.
  - ☐ Strengthens the boulevard character of St Kilda Road.
  - ☐ Reinforces the topographic high point of St Kilda Hill, and St Kilda Junction as the entry point to the Precinct and the transition point to St Kilda Road North.
  - ☐ Creates visual cohesion within streetscapes through consistency of street wall and building height, and the regular spacing of buildings.
  - ☐ Avoids building heights which create intrusions within the streetscape and detract from the higher scale clusters at St Kilda Hill and St Kilda Junction.
  - ☐ Achieves a transition down in scale to established residential areas.

For the most part, these strategies are considered to be achieved notwithstanding that the proposal would be the tallest building in this area for a period. The site is considered sufficiently removed from the junction so that it would read as a standalone element and not detract from the junction.

It could also be argued that the building would not sufficiently transition down to the residential neighbours to the east. The building would be substantially taller by five levels at the rear at a distance of only about 7m.

Some sense of transition would be achieved through the uppermost level having built form only in its front half, not its rear facing east but a clearly readable difference in height would result notwithstanding the recommended increased rear setback.

Achieving a greater transition by way of height would either involve deleting an arbitrary number of dwellings from the rear half of the building, or deleting an arbitrary number of levels overall or increasing the rear setback beyond the 4.5m stipulated in the DDO.
Given the difference in zoning between the subject site and the land to the east and again, the expectations created by the DDO, it is considered that achieving a greater transition would be impractical and unreasonable.

Creating a 'great place to live':

6.6.31 Provide additional opportunities for well-located housing growth throughout the precinct, recognising its proximity to public transport and activity centres.

6.6.32 Encourage a diversity of housing types, tenures and apartment sizes to meet different household needs, including dwellings suited to larger family households.

6.6.33 Ensure the amenity of adjoining and nearby residential development is not unreasonably impacted (in terms of visual bulk, access to daylight, outlook and overshadowing).

These outcomes are all considered to be achieved. The site is well located in terms of access to public transport and, although to a lesser extent, shopping facilities and it provides for relatively generous apartment sizes that would be amongst the largest in the immediate area.

6.6.34 Ensure the interface between commercial and residential uses is well designed and non-residential uses are managed to protect residential amenity.

As above, noting that the propose use would be entirely residential.

Creating ‘streets and spaces for people’

6.6.37 Encourage land uses that create activity nodes and community focal points for local residents and workers.

6.6.38 Require active land use ‘edges’ at street level throughout commercial and mixed use areas, to contribute to a vibrant street-life and enhance the pedestrian experience.

6.6.39 Ensure the design of new residential buildings presents an active edge, through windows, balconies and entries that address the street.

6.6.40 …

6.6.41 Improve the amenity and function of St Kilda Road as a key pedestrian spine.

6.6.42 Ensure that public realm spaces are well-defined, attractive, functional and safe.

6.6.43 Maintain solar access to key pedestrian streets and green links, including St Kilda Road, Wellington Street, Alma Road and Carlisle Street. Fostering ‘beautiful buildings’.

Subject to the slight re-design of the building’s ground level fronting St. Kilda Road, it is considered that all the above outcomes would be met.

6.6.44 Ensure new buildings are:

- Of a high architectural standard in terms of its form, scale, massing, articulation, and use of materials.
- Designed to provide a high standard of internal amenity for residents.
Flexibly designed to enable adaptation to a variety of future uses.

Designed to achieve best practice sustainable design outcomes.

The design of the building has been previously discussed in terms of its relationship to the street – particularly at ground level – and the dwellings behind. Even so, it is considered that the above outcomes would be met. The proposal’s internal amenity would be very good noting generous dwelling sizes and subject to the recommendations in relation to sustainable design, would achieve suitable ESD outcomes.

Much of the previous assessments have focused on the back of the building in terms of its height and setbacks and the front of the building at ground level. But it is also considered that the front of the building above ground level would be a good piece of architectural design. It would be highly articulated and offer strong visual interest. Its tall and narrow proportions could only reasonably be avoided by deleting several entire levels from the building, and in the absence of DDO support for that, it is considered that the proposed use of materials and form would achieve an appropriate outcome.

Creating ‘easy access for all’

6.6.46 Ensure new use and development is self-sufficient in on-site car parking.

6.6.47 Ensure that new development provides on-site car, bicycle and motor-cycle parking, and loading facilities as follows:

- Dwellings: 1 car space to each 1 and 2 bedroom dwelling; 2 car spaces to each 3 or more bedroom dwelling.
- For residential development, secure bicycle parking at a rate of 1 space per dwelling and publicly accessible bicycle parking for visitors at a rate of 1 space per 5 dwellings.
- Motor-cycle parking at a minimum rate of 1 motor-cycle parking space for every 100 car parking spaces to be provided on-site within new development. Residential and mixed use development proposals meet their obligations to provide on-site accessible car parking
  - In mixed use and commercial developments, provision of a loading bay
- In residential developments of six or more storeys, provision of off-street loading facilities and allocated spaces for service vehicles.

Matters of car parking, loading facilities, bicycle parking and access are assessed later in section 11.5 of this report.

St Kilda Road Neighbourhood

6.6.48 Reinforce the established commercial role of St Kilda Road as a niche retail and business precinct to benefit from the profile and exposure of a St Kilda Road address.

6.6.49 Along the eastern side of St Kilda Road:

- Encourage a diverse range of specialty retail, display based retail uses and complementary commercial uses at ground level, including shops, convenience shops, restricted retail premises / showrooms and galleries, to create a continuous activated edge to the street.
- Support residential at upper levels and to the rear of commercial premises.
Support office uses at the upper levels.

The proposal would include a small and modest commercial tenancy but its use cannot in many instances, be controlled due to the zoning of the land whereby many of the abovementioned uses are as-of-right. But it is likely that the use that ultimately establishes in the tenancy would have a ‘niche’ function.

Clause 22.06: Urban Design Policy for Multi Unit Residential Development:

- To achieve high quality urban design and architecture that:
  - Responds to the context of places within the municipality.
  - Integrates with the prevailing neighbourhood character and contributes to the amenity and vitality of the area.
  - Protects and enhances the valued elements of the municipality.
- To encourage the development of integrated urban art in new development that reflects the identity of place, community values, innovation and creativity.

None of these outcomes would be conflicted with and there would be no substantial variations to any of these policy outcomes. The architectural form of the building itself includes features to add interest and variety which adds an artful dimension to the buildings presentation to the street.

There are various policy outcomes being sought in Clause 22.06 which are listed in various headings, as follows:

- The Public Realm.
- Street Level Frontages.
- Landmarks, Views and Vistas.
- Energy and Resource Efficiency.
- Private and Communal Open Space.
- Residential Amenity.
- Car Parking and Pedestrian Access.
- Loading Facilities.
- Site Facilities

None of these outcomes would be conflicted with and there would be no variations to any of these policy outcomes.

Design & Development Overlay:

Decision guidelines (as relevant to this proposal).

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- The design objectives of the relevant schedule to this overlay.
- The provisions of any relevant policies and urban design guidelines.
- Whether the bulk, location and appearance of any proposed buildings and works will be in keeping with the character and appearance of adjacent buildings, the streetscape or the area.
Whether any proposed landscaping or removal of vegetation will be in keeping with the character and appearance of adjacent buildings, the streetscape or the area.

The layout and appearance of areas set aside for car parking, access and egress, loading and unloading and the location of any proposed off street car parking

Any other matters specified in a schedule to this overlay.

The Design Objectives for DDO 34 are as follows:

To strengthen the boulevard character and visual cohesion of St Kilda Road through a greater consistency in street wall height and overall building scale within sections of the streetscape and the regular spacing of buildings.

This would partly be achieved by way of the street wall height, but it could be argued that the proposal’s height being significantly greater than its neighbours could dilute visual cohesion. However, as previously noted, it is considered that the compliance with the formal height requirement of this DDO would lead to a clearly anticipated scale for this section of the street and the first to conform with the height control should not be disadvantaged.

Buildings would remain regularly spaces with this proposal not affecting lot or ‘grain’ size.

To ensure the scale of buildings reinforce the topographic high point of St Kilda Hill and the entry point of St Kilda Junction, whilst avoiding higher scale intrusions within other sections of the streetscape.

This has been previously discussed. The site is not at or part of St. Kilda junction, but is very close to it and is on the west slope of the hill. There are other buildings further east that are notably taller than the proposal (albeit on the other side of the road) but nonetheless, the scale is considered to reinforce the topography of this area even if it would be the tallest building in this ‘run’ or group of buildings.

DDO 34 also contains several requirements – some mandatory and some discretionary - for the St. Kilda Road South precinct together with sub-precinct requirements relating to the following matters:

- building heights (including built form outcomes),
- street wall heights (including built form outcomes),
- upper level setbacks (including built form outcomes),
- front setbacks (including built form outcomes),
- building separation separation/side and rear setbacks,
- overshadowing,
- active frontages (including built form outcomes),
- architectural quality and design details,
- residential amenity,
- interfaces with residential zones,
- vehicle access, car parking and loading areas,
- waste management and building services,
The specific requirements as relevant for sub precinct 2E are as follows:

**BUILDING HEIGHTS**

*Development should not exceed the Built Form requirements specified in Table 1.*

*Up to two additional storeys will be considered above the maximum discretionary height where the maximum discretionary height is eight storeys, or greater.*

This would be complied with.

*In addition to meeting all of the relevant Built Form Outcomes in Table 1, areas where a discretionary maximum height of eight storeys or greater is specified, development must:*

- moderate the height of buildings on adjoining sites, including the site on the opposite street or laneway for corner sites;

This has been previously discussed and it is considered that this outcome would not be met. None of the abutting or adjacent buildings on St. Kilda Road are 28.5m in height and the proposal would interface its neighbours with vertical walls. The neighbouring properties mostly have two to three storeys buildings and are around 7m to 9m high. The proposal would be significantly higher than its neighbours.

However, as previously stated, the subject site is in an area of transition whereby the proposed height and scale are clearly anticipated by the Design and Development Overlay. There is nothing to preclude the proposed height at this site and an alternative which consolidated the subject site with one or more neighbours would be contrary to other parts of Policy by diminish the fine grained lot size and frontage character/regular spacing of buildings of the area.

- provide a visual distinction between upper and lower levels to create ‘human scale’ visual interest, activity for pedestrians at the street edge, ameliorate wind effects and provide access to sunlight and sky views;

- not overwhelm adjoining and / or adjacent residential dwellings in terms of building scale or bulk, access to daylight, outlook and overshadowing;

- be of a high architectural standard in terms of form, scale, massing, vertical articulation, use of materials and provide a positive address to all street frontages; and

- support high levels of pedestrian amenity through street definition, the retention of sky views and the minimisation of the impacts of overshadowing and wind tunnelling.

These matters- with the exception of wind tunnelling - have all been previously discussed and found to be supportable.

It is considered that the highly articulated balcony faces and the narrow frontage to the street would adequately minimise wind tunnelling effects.

‘Built Form Requirements’ from Table 1, Precinct 2E

28.5 metres (8 storeys)

This would be complied with as the proposal would be slightly lower than this.
‘Built Form Outcomes’ from Table 1, Precinct 2E:

*Provide a transition in scale from higher development at St Kilda Junction to lower scale heritage buildings in Area 2D.*

This would be achieved if (when) development occurs in that neighbouring 2D area which has a maximum height of four storeys.

*Avoid building heights which detract from the higher scale clusters at St Kilda Hill and St Kilda Junction.*

This would be achieved. The buildings clustered around St. Kilda junction are clearly much taller than the proposal.

**UPPER LEVEL SETBACKS (DISCRETIONARY)**

(Areas other than precinct 2D)

‘Built Form Requirements’ from Table 4, Precinct 2E:

*All buildings should be set back above the street wall by a minimum of 5 metres from the front façade.*

‘Built Form Outcomes’ from Table 4, Precinct 2E:

*Reduce the visual dominance of levels above the street wall through upper levels which:*

- are visually recessive when viewed from the street;
- respect the scale of adjoining heritage buildings; and
- maintain open views to the sky.

This discretionary requirement most logically relates to the sub-precincts where a maximum street wall height is specified, so that a form of podium could be achieved above which, the remainder of the building should be setback. Sub-precinct 2E does not have any street wall height specified. There may be cases in this precinct where it could be appropriate to have the entire front of the building at all levels setback less than five metres to St. Kilda Road. In fact, as outlined below, the key outcomes that should be achieved through any upper level setbacks are to reduce visual dominance "of levels above the street wall ...."  (emphasis added).

Noting that there is no street wall requirement for precinct 2E, it is considered that the setbacks of the building above ground level, which would be between zero and almost four metres, would be appropriate and the recessed glass lines at those setbacks would also be acceptable.

*Create a visual distinction between the lower (street wall) levels and upper levels of a building through:*

- *setbacks / recessed development;*
- *well-articulated design; and*
- *the use of varying materials and colour.*

These would be met noting that the angled setbacks of up to almost four metres do not give rise to any concerns from Council’s Urban Designer, that the expressed balcony faces would be highly articulated and that appropriate materials would be used.
FRONT SETBACKS

Development must meet the requirements specified in Table 5. A permit cannot be issued to vary this requirement. Development should meet the requirements specified in Table 6.

DISCRETIONARY FRONT SETBACKS (TABLE 6)

All parts of St. Kilda Road frontage, except for Area 2D

‘Built Form Requirements’ from table 6, Precinct 2E:

Zero setback on St Kilda Road street frontage.

This would be achieved as recommended by condition 1 (b)

‘Built Form Outcomes’ from Table 6, Precinct 2E;

Reinforce the characteristic hard edge alignment of built form to the street.

This would be achieved.

BUILDING SEPARATION/SIDE AND REAR SETBACKS

The following applies to developments with an overall building height of 5 storeys or more:

- The entire building must be set back a minimum of 4.5 metres from any common side or rear boundary or at least 9 metres from any existing building with habitable room windows or balconies on the same or an adjoining site (whichever is the greater), if an adjoining site has an existing building with a habitable room window a balcony facing that boundary; or

- A building can be built with a zero setback blank wall to a common side boundary, where:

  ☐ a building on the adjoining site has a blank boundary wall which has been constructed on or within 200 millimeters of the boundary; or

  ☐ the adjoining site has not been developed above the street wall height, or, to or above the preferred height where no street wall height is specified;

  ☐ providing: ·

      • there are no existing habitable windows or balconies on the adjoining site within 4.5 metres of the proposed development; ·
      • the primary living areas of all proposed dwellings have a main window and balcony oriented to the front or rear of the site; and ·
      • the proposed development does not unreasonably compromise the ability of the adjoining sites to be developed.

A permit cannot be issued to vary this requirement.

Where an adjoining site has an existing habitable room window or a balcony facing the shared side or rear boundary, development should provide a positive address to this boundary and avoid blank walls.

The proposal is in a location and has neighbouring interfaces that would require a mandatory 4.5m rear setback for the entire building. This would need to be achieved by way of condition (refer recommended condition 1 (a)).
ACTIVE FRONTAGES

Development should meet the ‘Built Form Requirements’ specified in Table 7.

In addition to the ‘Built Form Outcomes’ of Table 7, all development should:
- provide an active frontage to any adjoining street (not including laneways);
- provide pedestrian entrances which open directly to the street, have adequate weather protection, are clear glazed and designed as a key feature of the façade;
- be designed to avoid blank walls, large areas of reflective surfaces and high fences;
- incorporate lighting in the façade design to provide visual interest and to contribute to a sense of safety at night;
- include windows and balconies or terraces at upper levels which overlook the street and laneways to maximise passive surveillance of the public realm; and
- include lighting, entry doors and habitable room windows, to provide for passive surveillance, where they abut laneways.

‘Built Form Requirements’, from Table 7:

(Retail)
- A clear glazed façade for at least 80% of the width of the street frontage (for each individual premises) and from footpath level to a height of 2 metres.
- Pedestrian entries should be every 10-15 metres.
- Ground floor levels should provide a minimum floor to floor height of 4 metres.
- Ground floor entries should be level with the footpath.

All these would be achieved. The proposal would – subject to the recommended condition 1 (b) – have an obvious and active frontage. It would not, however, have any projecting weather protection canopy but it is considered reasonable that one be provided. (Refer recommended condition 1 (d)

‘Built Form Outcomes’ from Table 7.

Activate the public realm.
- Reinforce the fine grain commercial streetscape character of St Kilda Road through active frontages.
- Encourage a diverse range of retail and complementary commercial uses at street level.
- Enhance the experience of St Kilda Road as a pedestrian movement corridor
- Enhance the human scale and ‘village feel’ of Wellington Street.
- Create a safe and high-quality interface between the public and private realm.

It is considered that the above references to St. Kilda Road would be met, although it is questionable whether the proposal would enhance the pedestrian movement corridor experience of St. Kilda Road due to the commercial tenancies very modest size and the scale of buildings permitted in this precinct.

ARCHITECTURAL QUALITY AND DESIGN DETAILS

The design of upper levels of buildings should render them distinctly different to lower levels through variations in form, openings and the use of a variety of materials and colours.

This would be achieved. The ground level would be very utilitarian and simple in comparison to the highly articulated balcony floor plates of the levels above.

All visible sides of a building should be fully designed and include variations in form, materials, openings and colour.

The sides of the building would be highly visible and would not have any window openings. However, the design adds interest in form by way of strongly geometric shapes being incorporated into each side wall, visible until such time abutting properties are redeveloped.

Balconies should be designed as an integral part of the street-wall or building façade.

The balconies would form part of the façade, but their floor plates would be highly articulated and varied, contrasting to the rest of the building. They are considered important in adding artful visual interest to a tall and narrow building.

RESIDENTIAL AMENITY

New residential developments should be sited, oriented and configured to ensure that dwellings receive adequate solar access, natural light and natural ventilation.

This would be achieved noting the positive Council’s Sustainable Design Officer’s referral comments in this regard.

Roof and vertical gardens should be provided in new or refurbished buildings.

This would partly be achieved in that a rear rooftop open space terrace is depicted. However, it is not shown with any planting and recommended condition 1 (i) requires this. Given the highly articulated front façade and the fact that greenery and landscaping is not a strong characteristic of St. Kilda Road, vertical gardens/planting is not considered necessary in this instance.

New residential development within commercial and mixed use zones should incorporate acoustic attenuation measures.

None have been depicted but recommended condition 1 (e) would require the plans to show appropriate treatment between the commercial and residential tenancies and facade.

INTERFACES WITH RESIDENTIAL ZONES
Development adjoining properties in a residential zone should incorporate upper level setbacks to avoid amenity impacts from overshadowing of existing secluded private open space or habitable room windows, overlooking or visual bulk.

This matter has been previously assessed.

VEHICULAR ACCESS, CAR PARKING AND LOADING AREAS

- The visibility of car parking areas and vehicle entrances from the public realm should be minimised.
- Open and at-grade car parks should not be located in front of setback areas.
- Vehicle crossovers should be:
  - no more than 6 metres wide;
  - provided only where a site does not already have one;
  - provided from the rear or side of lots wherever possible; and
  - integrated with the design of the building and be visually permeable so as to not dominate the façade and to allow passive surveillance.
- Where car parks are located above ground, they should be at the rear of the site, and must be sleeved with habitable rooms presenting to the street.
- Exhaust stacks or vents from underground car parks should be located away from main pedestrian areas and incorporated into the building design or adequately screened.
- The height of car parking levels within a building should match the height of other uses in the same building to enable future adaptation for habitable uses.

The overall outcomes being sought above are to achieve car parking provision (and access to it) that has little or no visual impact on the wider area. This would be met with all car parking accessed from the rear of the site (no crossover needed) and only publicly visible from a rear lane.

WASTE MANAGEMENT AND BUILDING SERVICES

- New development should provide on-site bin and waste material storage areas which should be located at the rear of the site, be screened from public view and not impede pedestrian access.
- New buildings should provide on-site loading facilities and service vehicle parking within, or at the rear of the buildings.
- Rooftop building services such as lift over-runs and plant rooms should be integrated into the design of the building, screened from surrounding streets and adjoining properties, and attenuated to mitigate unreasonable noise impacts.
- Developments should incorporate noise attenuation measures and suppression techniques to ensure noise does not unreasonably affect the amenity of public areas and nearby residences.

With the exception of a dedicated loading area, it is considered that these outcomes would be met. A loading area for such a small number of dwellings and a retail
tenancy of only 60m² is not considered necessary. The acoustic protection measures required by recommended condition 1 (e) would address the noise suppression issue noted above.

A detailed Waste Management Plan should be required for Council’s endorsement (refer recommended condition 17).

11.4 Would there be unreasonable direct amenity impacts as referred to in the DDO and as assessed under Clause 58?

In relation to amenity protection, this report has previously assessed the two key matters of shadowing and overlooking. Both are considered to be reasonable in this context, subject to screening being provided to the rear facing balconies as required by recommended condition 1 (a).

It is considered that Clause 58 is limited in terms of measures for protection of neighbouring privacy and therefore, as a better guide, the Rescode/Clause 55 provisions have been used later in this report to assist in the amenity assessment, especially that of overshadowing. Again, using those provisions as a guide, it is considered that there would not be any unreasonable amenity impacts from the proposal subject to recommended condition 1 (a).

The proposal has been assessed against the provisions of Clause 58 and is considered to meet the following standards:


Note that standards D7, D8 and D11 are not applicable in this instance.

Standards D1 and D10 are not met but the proposal is considered acceptable as follows:

**Standard D10**

Standard D10 seeks landscaping, retention of existing trees or replacement of removed trees where appropriate.

There is no opportunity to provide for deep soil landscaping or meaningful ground level landscaping given the DDO requirement for a zero front setback. Some opportunity exists for a green/vertical front façade but is not considered a preferable outcome to the architectural expression of the front façade as proposed. Furthermore, planting and greenery on or near buildings is not a characteristic of this section of St. Kilda Road.

A roof terrace is proposed and recommended condition 1 (i) requires it to be landscaped.

Based on the above assessment, it is not considered that there are any fundamental concerns regarding the proposal’s internal or external amenity impacts.

11.5 Is the car/motorbike/bicycle provision acceptable?

As previously noted, recent amendments to Clause 21.06-6 (St. Kilda Neighbourhood) have introduced new local policy outcomes regarding car and motorbike parking
provision and loading area provision. The policy rates are, as relevant to this proposal, the following:

- One car space to each 1 and 2 bedroom dwelling;
- One resident bicycle space per dwelling and one visitor bicycle space per five dwellings,
- Motor-cycle parking at a minimum rate of 1 motor-cycle parking space for every 100 car parking spaces to be provided on-site within new development.
- In mixed use and commercial developments, provision of a loading bay
- In residential developments of six or more storeys, provision of off-street loading facilities and allocated spaces for service vehicles.

The proposal would meet the above resident bicycle provision (the 13 proposed is at the rate of one per dwelling), it would not meet the visitor bicycle parking provision (none are proposed instead of the two arrived at with the above rate), it would substantially and significantly exceed the stated motor-cycle parking rate (13 spaces for residents and one for the commercial tenancy, when the above rates would not require any).

The proposal would not meet the residential car parking rate stated above. Instead of the 13 required by the Planning Scheme rate at Clause 52.06, only four are proposed. However, all four cars would be Owners’ Corporation operated share cars.

In October 2018, Council approved Car Share Policy 2016-2021 which encourages the provision of car share spaces across the municipality including on private property.

The Sustainable Transport Officer has previously advised that in developments of up to 29 dwellings, one car share vehicle in a dedicated car share bay is the equivalent of ten residential parking spaces.

The criteria for car share spaces in private development as set out in the Policy is that the spaces be accessible, visible and easily found by all (including the public). The constraints of the site are such that it is not possible to provide access to parking from St Kilda Road (VicRoads Main Road) but rather by an easement at the rear. Accordingly, they can only visible, accessible and easily found, but by the residents rather than the general public.

This is not considered a problem as the car share would be managed by the Owners Corporation for the exclusive use of residents of the development.

With only 13 dwellings proposed and coupled with the very generous motorcycle and bicycle parking space provision of one per dwelling, it is considered that adequate car, motorcycle and bicycle parking is proposed.

The proposal does not include a loading bay. Given the layout of the basement and ground levels – and the space dedicated to the share cars, storage areas, motorcycles, bicycles and associated lifts (coupled with the very modest 60m² retail tenancy and the fact that only 13 dwellings are proposed) it is not considered practical to provide for an on-site loading bay. Additionally, accessing a loading bay from the rear Right of Way would prove problematic.

As the section of St Kilda Road is commercial, continued loading from St Kilda Road to the new commercial premises is supported.
There are two bays quarter hour bays (8am – 6pm Monday to Friday) 50m south of the site along the St Kilda Road frontage of 46-52 St Kilda Road available for loading purposes and two dedicated loading bays:

- Approximately 140m west of the site along the Fitzroy Street frontage of 1 St Kilda Road, St Kilda
- 170m south of the site at the rear of 78 – 80 St Kilda Road.

11.6 Other matters raised by the objections not previously discussed

- Excessive overshadowing, (resulting from height) to the east.

As a guide and assistance - noting that the proposal is over four storeys high - the standards of Rescode/Clause 55 have been used mainly in relation to assessing overshadowing. In this instance, overshadowing of more than 25% of the open space areas to the east would occur from approximately 1.30pm onwards meaning that there would be approximately four/half hours of sunlight to the abutting open spaces instead of five. Noting that the DDO clearly contemplates buildings of this height (and that recommended condition 1 (a) would have the effect of slightly reducing shadow impacts), it is considered that shadow impacts would be acceptable in this instance.

- Impact from construction processes.

These matters are not covered by the planning process but through a combination of Local Laws and the Building regulations.

- Possible restriction/loss of access to neighbouring businesses across existing easement. Party wall easement also needs to be taken account of

The applicants have confirmed that the proposal would not close, obstruct or alter in any way, access to the existing Right of Way at the rear of the site. All existing access would remain unchanged both to the subject site (which currently has the rear wall of the existing building facing onto it) and to the neighbour at 38 St. Kilda Road to the south, who uses it for access to their rear car parking. The proposal would not alter the easement or its right to be used by any of the properties that currently use it.

The applicants have confirmed that the party wall as covered by an easement on title – would not be altered. The new building would be built around it, but the wall itself would remain. For the sake of clarity, condition 1 (j) requires a notation to this effect to be included on the plans.

- Occupant noise especially from roof terrace,

The roof terrace as described in section 2 of this report, would be located at the rear of the building closest to the dwellings to the east. However, assessing domestic noise from it is not a planning matter. There is no planning control over what essentially amounts to the behaviour of future occupants. Additionally, by way of information, the roof terrace would be substantially above the dwellings to the east which would further reduce any excessive noise impacts.
In relation to the retail tenancy, it is considered that its modest 60m² size and its location at the very front of the site is also not likely to lead to unreasonable residential amenity impacts.

12. COVENANTS
There are no restrictive covenants on the title that would prevent Council from deciding on the proposal.

13. OFFICER DIRECT/INDIRECT INVOLVEMENT
No officers involved in the preparation of this report have any direct or indirect interest in the matter.

14. CONCLUSION
The proposal is a building which, subject to conditions, would comply with the new DDO for the area and as such, would reflect what the Planning Scheme anticipates for this area. It would be the tallest building in this area but there is nothing in the DDO to require any mitigation of a new building when it would be the first design to meet a new set of controls.

Its proportions would be unusual but again, the fact that the building would occupy one lot would maintain the existing lot or grain size for the area.

The proposal is satisfactory in terms of internal amenity, impact on other properties, compliance with Planning Scheme policy and provision of car share, motorcycle and bicycle parking.

The proposal is therefore considered recommended for approval.

TRIM FILE NO: P0267/2018
ATTACHMENTS
1. Objector map
2. Plans