



**STATUTORY PLANNING  
COMMITTEE**

**AGENDA**

**7 FEBRUARY 2008**

# **PORT PHILLIP CITY COUNCIL**

## **STATUTORY PLANNING COMMITTEE**

### **To Councillors**

Notice is hereby given that a Meeting of the **Statutory Planning Committee** of the **Port Phillip City Council** will be held in the **Council Chamber, St Kilda Town Hall** on **Thursday, 7 February 2008 commencing at 6.00pm.**

### **AGENDA**

- 1. APOLOGIES**
  
- 2. CONFIRMATION OF MINUTES OF PREVIOUS MEETING**  
  
Minutes of the Statutory Planning Committee held on 13 December 2007.
  
- 3. PRESENTATION OF REPORTS**  
  
(See Report Index)

David Spokes  
Chief Executive Officer  
30 JANUARY 2008

# STATUTORY PLANNING COMMITTEE

## REPORT INDEX

### 3. PRESENTATION OF REPORTS

#### **B1 Triangle Site Development Plan 4**

**Responsible Executive Director:** Geoff Oulton, Executive Director Community Development And Planning.

**Purpose:** To Consider Additional Information With Regards To The Triangle Site Development Plan.

**Recommendation:** To Approve The Triangle Site Development Plan Subject To Changes First Being Made.

**STATUTORY PLANNING COMMITTEE  
7 FEBRUARY 2008**

**SUPPLEMENTARY REPORT**

<b>B1</b>	<b>TRIANGLE SITE DEVELOPMENT PLAN</b>
<b>ADDRESS:</b>	<b>1 Lower Esplanade, St.Kilda</b>
<b>PROPOSAL:</b>	<b>Development Plan for the Triangle Site</b>
<b>WARD:</b>	<b>St. Kilda</b>
<b>NEIGHBOURHOOD:</b>	<b>St. Kilda</b>
<b>TRIGGER FOR COUNCIL REPORT:</b>	<b>Major Development</b>
<b>APPLICATION NO.:</b>	<b>1122/2007</b>
<b>APPLICANT:</b>	<b>Urbis Pty Ltd on behalf of BBC Triangle Investments</b>
<b>EXISTING USE:</b>	<b>Palais Theatre and car park</b>
<b>ABUTTING USES:</b>	<b>Foreshore, Luna Park, Esplanade</b>
<b>ZONING:</b>	<b>Special Use Zone</b>
<b>OVERLAYS:</b>	<b>Development Plan Overlay, Heritage Overlay (Palais)</b>
<b>RESPONSIBLE EXECUTIVE DIRECTOR:</b>	<b>Geoff Oulton, Executive Director Community Development and Planning.</b>
<b>AUTHOR:</b>	<b>Richard Schuster, Planning Co-ordinator, St.Kilda/Albert Park</b>
<b>ATTACHMENTS:</b>	<b>1. The memorandum from Council's Executive Director to the Planning Co- ordinator dated 30 January 2008</b> <b>2. The SGS report, "Triangle Site Development, Economic and Community Impact Assessment, January 2008".</b> <b>3. The report of the Design Review Committee regarding "Improvement of views to the Foreshore from the Upper Esplanade", dated 18 January 2008.</b> <b>4. The letter of 22 January 2008 by Tim Nott, Economic analysis and strategy, prepared for Unchain St. Kilda, reviewing the SGS assessment.</b> <b>5. The letter and attachments dated 23 January 2008 prepared for unchain St. Kilda by Clive Lucas, Stapleton &amp; Partners Pty Ltd, Architects &amp; Heritage Consultants, regarding the Palais Theatre St. Kilda</b> <b>6. Letters dated 10 December 2007, 18 January 2008 and 25 January 2008 from Citta Property Group.</b>

**7. Letter dated 26 January 2008 from SGS re “Clarifying points of interest in the Triangle Site Development Economic and Community Impact Assessment.”**

**8. A copy of the notes from the stakeholder meetings of 27 December 2007, 7 January 2008, 15 January 2008 and 25 January 2008.**

**9. An analysis of issues raised in the SGS Economic and Community Impact Assessment prepared by Council staff.**

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**1. EXECUTIVE SUMMARY**

- 1.1. This supplementary report adds to the Council Officer's report on the Triangle site dated 13 December 2007.
- 1.2. It outlines the findings of the economic and community impact report (SGS) and the report of the Design Review Committee with regards to improving views to the foreshore from the Upper Esplanade.
- 1.3. It also reports on discussions between Council, the applicant and community groups, and outlines further modifications to the Development Plan offered by the proponent following these discussions.
- 1.4. The commissioned reports indicate that there is no impediment to the approval of the development plan as previously recommended, subject to a number of additional requirements.
- 1.5. A number of non statutory planning matters arise from the SGS report. These will be separately reported to Council as outlined in the memorandum from the Council's Executive Director, Community Development and Planning.

**2. RELEVANT HISTORY**

- 2.1. On 13 December 2007, Council's Statutory Planning Committee resolved the following:
  1. That the Statutory Planning Committee note that key outcomes envisaged by the Planning Scheme and Urban Design Framework are achieved by the submitted proposal including:
    - Providing a node for cultural and entertainment uses;
    - Providing links between Acland and Fitzroy Streets and the foreshore;
    - Improved pedestrian access;
    - Preserving and enhancing the Palais including provision of back of house facilities;
    - Creating new vistas and landmarks;

- Provision of community uses on the site (including Linden gallery and William Angliss TAFE College);
- Making Jacka Boulevard a true boulevard; and
- Urban design improvements including:
  - Active uses facing Jacka Boulevard;
  - Increased open space and public plazas;
  - Providing a forecourt to the Palais;
  - Removing surface car parking areas; and
  - Improved landscaping.

2. That the Statutory Planning Committee requires the following matters to be addressed to the satisfaction of the responsible authority:

- Reduction and relocation of the 'Pearl' building to improve view lines;
- Reduction of the 'Linden' building to improve view lines;
- Reduced patron numbers for the nightclub/live music venues and the tavern;
- Addition of 'best practice' conditions and management plans relating to entertainment venues;
- Introduction of 'caps' to the various land uses;
- Reduction of the Tavern capacity;
- Production of a 'Public Transport Plan' including best practice taxi rank;
- Deletion of the 'billboard';
- Improvement of the ESD credentials of the proposal;
- Address family/children use of the site;
- Various urban design improvements;
- Improvement of general detail; and
- Preparation of an independent micro economic impact assessment on existing centres and net community benefit.

3 That the Committee defer determination of the application for approval of the St Kilda Triangle Development Plan 31 October 2007 and that consideration of the Development Plan with the recommended 28 conditions as currently proposed in the report by Mr Schuster be the subject of a report to Council at the first Statutory Planning Committee Meeting scheduled for 24 January 2008, and the report include:

- The results of the economic impact assessment with this information used primarily to guide the mix of the tenancy development;
- A report from the Design Review Committee addressing opportunities for the improvement of views from the Upper Esplanade between the Green building and the Ogee Building, across the area known as the Grassy Slopes to the foreshore area;
- Results of discussions on views from the Upper Esplanade with Stakeholders;

And

- If relevant any additional or altered recommended requirements to be imposed on the Development Plan and only in so far as they relate to the matters of the economic impact assessment and views across the Grassy Slopes.

Planning Scheme Control:

2.2. DPO1 – approval of Development Plan – the subject application

The planning scheme controls over the land are set out in the Officer's report of 13 December 2007.

It is relevant however to remind Council of the Development Plan approval process.

The Development Plans set the parameters for the future approval of Planning Permits to be lodged under the Special Use Zone provisions and other relevant Clauses of the Planning Scheme. Accordingly, approval of the Development Plan must precede the issue of planning permits.

Any approval of the Development Plan will not be in the form of a planning permit, but be an endorsement of the Development Plan indicating that the Plans are approved pursuant to Clause 43.04.

The level of detail of plans required at this stage is less than required under a planning permit application stage. It will necessarily be less detailed and specific than approvals ultimately granted under planning permits as its role is to set the broad parameters to guide the issue of future permits but not duplicate that process,

**3. SUPPLEMENTARY INFORMATION:**

**3.1. Economic and Community Impact Assessment**

SGS Economics and Planning Pty Ltd (SGS) were commissioned to undertake the following assessment in response to the concerns raised by public submissions on economic impact as identified by Matrix Planning.

The report from SGS is posted on Council's website.

**3.2. The SGS report at page 5 outlines the brief as follows:**

- *“Assess the economic impact of the extent and composition of retailing proposed for the Triangle Site Development on the Acland, Fitzroy and Carlisle Street shopping precincts, and make recommendations which maximise the potential for future economic viability of each of the centres;*
- *Consider the major social impacts associated with the Triangle Site proposal in the context of appraising the extent to which it generates a Net Community Benefit”.*

**3.3. Specifically, SGS was required to carry out the following tasks:**

- *“Review the existing retail composition and trading patterns of the Acland, Fitzroy and Carlisle Street retail strips - including consideration of trade catchments (local, regional), current trading levels (retail turnover density or similar measure), level of escape expenditure and projections for growth in retail demand.*
- *Review the extent and composition of new retail floorspace proposed within the 'St Kilda Triangle Site' Development proposal.*
- *Estimate the trading impact of the proposed new retail floorspace at the St Kilda Triangle Site on the Acland, Fitzroy and Carlisle Street centres.*
- *Advise whether the level of impact is likely to be significant based on current trading levels and predicted future retail demand (overall and by reference to specific retail segments e.g. supermarket / clothing).*
- *Advise on the impact on the growth / restructure potential for each of these centres, with the view to meeting future shopper / market expectations.*
- *Appraise the overall Net Community Benefit likely to arise from the Triangle Site Development as currently proposed.*
- *Advise on how the Net Community Benefit outcome from the Triangle Site development might be improved through:*
  - *Measures to promote retail complementarity with the Acland, Fitzroy and Carlisle Street centres; and/or*

- *Develop management initiatives to mitigate any other negative externalities which might attend the project and its operations.*
  - *Prepare a report setting out conclusions and recommendations.”*
- 3.4. **At a minimum, the report generated by SGS was expected to address the following questions:**
- *“What is the optimum business / tenancy mix for the Triangle Site (within contract scope) which maximises opportunities for the Acland, Fitzroy and Carlisle Street shopping precincts.*
  - *How should the three precincts position themselves to respond to / capitalise on the Triangle Site Development’s entry to the market?*
  - *How could Council most effectively assist the Acland, Fitzroy and Carlisle Street shopping precincts to withstand / capitalise on the new market entry?”*
- 3.5. The commissioning of the Economic and Community Impact Assessment Report was in response to the public submissions received on this issue. In its review of the submissions, Matrix Planning Pty Ltd formed a view that *“considerable weight should be given to the issue of economic impact”* and that in the event that Council approved the Development Plan, it should require or undertake its own economic impact assessment at the planning permit application stage, so that at least Council can be informed of the impacts on other centres and factor that into its decision on the planning permit applications.
- 3.6. Council has acknowledged that considerable weight should be given to the views of the community and Matrix Planning in regards to economic impacts and determined to consider this matter earlier i.e. at the Development Plan stage rather than later at the planning permit application stage.
- 3.7. Many of the findings of the SGS report are outlined in the conclusion of the report and have been summarized as follows:
- The new St Kilda Triangle site development provides the opportunity for the City of Port Phillip to have its only Principal Activity Centre under Melbourne 2030,
  - If the new centre is developed and operated in isolation from the other St Kilda components (especially Acland Street and Fitzroy Street), no individual component will generate the synergies necessary to create the critical mass of opportunities (shopping, entertainment, employment and residential) necessary to be a vital and viable Principal Activity Centre, irrespective of the designation.
  - The analysis of the proposed tenancy mix of the Triangle site development suggests that the offer on this site is generally consistent with emergent needs in the local catchment and broadly reflects preferences commonly associated with the young, higher income and mobile demography of the district. This includes a significant improvement in fresh food outlets.

- There are two possible scenarios:

**Scenario 1:**

The Triangle site is developed in such a way that it provides a link between the existing Acland Street and Fitzroy Street retail areas. That is, the different retail areas combine into one centre and actively complement each other.

**Scenario 2:**

The Triangle site is developed and operated in isolation from the existing Acland Street and Fitzroy Street retail areas. That is, the different retail areas are direct competitors.

In the event of Scenario 2, the Triangle site is likely to be the more competitive by virtue of the newness and greater efficiency of its management. Acland Street would be most adversely impacted by this competition.

- Economic modelling of these two scenarios suggest:

If the two centres (Acland Street and the Triangle site) are considered to be the same "destination" by shoppers (Scenario 1), all centres would achieve an overall positive growth into the future. There would however, be some minor impact on the fashion outlets in both Carlisle Street (-8%) and Fitzroy Street (-8%), when compared to the turnover projected to the year 2011 without the triangle site development (Percentage Impact – 2016 with Triangle Site Development vs 2011 No Development- pages 45 and 46).

NOTE: Generally, an overall impact of less than 10% is considered acceptable level in planning assessments.

If the two centres are considered separate destinations (ie Scenario 2), the overall impact on the Acland Street centre would be -8%, which is still below the accepted level of -10%.

The impact on some specific retail segments (in particular, fashion, boutique food stores and other miscellaneous specialty stores) would be more pronounced with a proportion of the trade that is currently enjoyed by Acland Street likely to shift to the Triangle site development. This would probably cause a shift in the Acland Street centre role and the change of some shops as the centre adjusts itself to compensate.

Some of this impact could be mitigated if there was an increase in focus on household goods within the retail mix of Acland Street.

- There is also a potential to include Carlisle Street, Balaclava within the pedestrian, bicycle, tram circuit to create a seamless economic activity centre. Not only would such an emphasis be user friendly but it would also be environmentally advantageous. All development, new and old, contributes to the vitality and viability of that defined pedestrian, bicycle and tram circuit. This can be done by providing a defining

street frontage or at least by providing permeability from the boulevard to and through the supporting developments.

- There are a number of tangible actions which can be undertaken to ensure that the three centres are well integrated. The primary integration element is the Fitzroy Street, Upper Esplanade and Acland Street road corridors. The efficiency and quality of the linear circuit from the north end of Fitzroy Street to the south end of Acland Street is crucial in the creation of a visible, united entity. This simple circuit has the potential to be one of Melbourne's most iconic boulevards. Infrastructure and management issues that may further contribute to its integration are recommended.
- The pedestrian connection throughout the area is especially important. Creating a stimulating and inviting environment for pedestrians along the whole length of the linear circuit will be imperative in encouraging users to view and make use of the area as one centre rather than three separate centres.
- There should be a connection to the proposed car park from Upper Esplanade.
- Ease of access for bicycles, and improvements to tram/light rail connections is also very important.
- Potential adverse impacts on Acland Street in Scenario 2 could be mitigated if the mix of retailing in the different areas was encouraged to be highly complementary.
- Additional resources will be required for the new task of managing an enlarged Principal Activity Centre.
- The potential outcome is not entirely in the control of the St Kilda Triangle site development because much of the integration must be achieved within the public domain. This will entail particularly sensitive and creative planning.
- If the retailing and entertainment market does grow it means that the people living and working in the existing St Kilda trade area will have more and better opportunities to have their needs met locally. However, they will have to share that improved quality of lifestyle with a greater number of people; some people may see this as a negative outcome of the development.
- A development such as that proposed for the Triangle site can produce a range of costs and benefits for the community. After accounting for transfer effects (which 'transfer' costs and benefits between individuals in society as they produce no net change in welfare) the Triangle site development has a positive net community benefit. Using social cost benefit analysis an assessment can be made whether the community will be better off as a result of the Triangle site development.
- St Kilda provides a unique experience not just for the local residents but for users from overseas, interstate and country Victoria as well as

Greater Melbourne. With this fact in mind, the community for the social cost benefit analysis has been defined as the whole of Victoria.

- The Triangle site development has a Benefit Cost Ratio of 5.05:1 and Net Present Value (NPV) of \$41.1 million. Even under a lower set of assumptions the Benefit Cost Ratio is high at 2.31:1. The majority of the benefits are due to increased tourism expenditure and travel cost saving. With the major cost being the loss of amenity of St Kilda beach during the construction phase of the project. By definition, any project that has a positive NPV produces a Net Community Benefit, that is, an improvement, on balance, in the welfare of Victorians.
- The bulk of the benefits resulting from the Triangle site development are likely to be attributed to the Melbourne or Victorian community. Meanwhile, a significant proportion of the costs are likely to be borne by the residents of St Kilda living within a short distance to the Triangle site development. There are a number of possible actions which can be undertaken to mitigate the adverse impact on these residents.
- The Triangle site development can and does contribute positively but some changes in both the proposed development, effective management of the area surrounding the site and the Upper Esplanade infrastructure needs to be made to fully capitalise on this potential.

3.8. Comment:

The economic report has been commissioned in response to the concerns raised in public submissions as identified by Matrix Planning Pty Ltd. If the conclusion of the SGS report had been that there were likely to be significant adverse impacts on the Fitzroy Street and Acland Street Activity Centres, there would be serious implications for Council's consideration of the Development Plan and an entirely different recommendation with regards to retail floorspace may have been necessary in the interests of community economics.

The SGS Report makes no reference to an optimum level of retail space for the site.

Nor is it within SGS's brief to consider whether the retail floorspace should be reduced in order to provide for more public open space or whether it is in proportion with the amount of public open space already proposed. It is considered that no further public open space of a practical nature could be provided logistically or physically on the site. Even if retail floorspace were removed from levels below the Grassy Slopes and Yellow Brick Road, there would be no opportunity to increase the areas of open space that are open to the sky. Therefore there is no direct link between the provision of retail floorspace and provision of open space.

The question is therefore not one of a trade-off between retail and public open space. The relevant question with regards to the level of retail floorspace proposed is whether it will have an adverse impact on the existing centres nearby (community economics).

The SGS report confirms that the Triangle development can complement the existing Activity Centres.

Scenario 2 – ‘worst case’ - will have an overall impact on Acland Street of less than 10% which is generally regarded as acceptable.

Scenario 1 – ‘best case’ - all centres would achieve an overall positive growth into the future.

The actual impact is likely to be somewhere between the two scenarios.

There are a range of actions that can be undertaken to mitigate the potential impact of the triangle site development on nearby centres (e.g. greater focus on household goods in Acland and maximising physical connections). These actions would ensure that the actual impact of the proposal is closer to ‘Scenario 1’.

The SGS report does not make recommendations to alter the proposed retail mix for the Triangle site and acknowledges that the proposed composition of retailing will enhance the ‘retail offer’ available in the activity centre (by addressing existing retail gaps in particular fresh food).

As outlined in the Officer report considered by the Statutory Planning Committee on 13 December 2007, the mix of tenancies is not a relevant planning consideration. The Development Plan Overlay only requires that *“the development plan must specify and include...the proposed use and activity of each part of the land, including areas of open space accessible to the public (public areas)”*. Tenancy mix is controlled by the Agreement between the landowner and proponent.

The SGS report confirms that the proposed tenancy mix as governed by the Agreement is consistent with the emergent needs of the area. In addition it is also identified that potential adverse impacts on the neighbouring centres can be mitigated if the mix of retailing in the other centres was encouraged to be highly complimentary and with appropriate management. Specifically on this matter the SGS report states:

*“Corporate shopping centres get their greatest competitive edge over activity centres by their ability to recruit a mix of businesses that customers want and by placing them to complement each other. Because of the diverse ownership of traditional activity centres there are many difficulties in obtaining consensus within activity centres. However, it is increasingly common in Melbourne for managers to be appointed for activity centres.*

*Fortuitously, the City of Port Phillip is at the forefront of this trend and it has had such a management program for some years. However, additional resources will be required for the new task of managing an enlarged Principal Activity Centre.”*

The SGS report also identifies that unless appropriate management of the proposal is provided many of the costs resulting from the development are likely to be borne by the residents in proximity to the site. The Officer’s report of 13 December 2007 outlined a suite of management conditions for the late night venues (refer pages 95 and 97) to address this issue.

It is noted that in response to the SGS report, the Unchain St.Kilda community group has commissioned a critique from its own economic consultant, Mr. Tim Nott.

Mr. Nott has questioned some aspects of the methodology used in the SGS Report and suggests that an assessment should have been made for the first year of operation of the completed development rather than over a five year period and that the convenience retailing (supermarkets, fresh food offer etc) should be removed from the development plan to prevent direct competition with the nearby existing Activity Centres. He believes that "if a new development is likely to cause a decline of retail sales of more than 10% - 15% in another centre that is considered a significant adverse impact".

On 26 January 2008, SGS in turn responded to Mr. Nott's critique. SGS suggest that Mr. Nott's methodology is out dated and further explained their methodology. SGS estimate the impact on Acland Street from a scenario 1 option is positive and therefore only results for Scenario 2 (the worst case scenario) are produced. From a Scenario 2 option they estimate the total impact on Acland Street turnover in 2011, the first year of operation of the triangle site, will range from -14.2% to -16.7% with minimal impact on Clarendon and Fitzroy Streets. Other retail centres experience a positive impact. By 2016 the impact will have reduced down to -8%. They also reinforce their assertion that this can be alleviated by pursuing the Scenario 1 option, ie. three areas working together with the Council's active encouragement.

It is also understood that the proponents is also commissioning a review of Mr. Nott's work by their planning consultants, Urbis.

3.9. Conclusion:

The above discussion is of interest to Council but not directly relevant to planning considerations other than from the perspective of broader community economics.

The SGS report sought by Council confirms that the proposal for the Triangle site can be accommodated economically, notwithstanding Mr. Nott's critique. It is obvious that Scenario 1 (integration into a Fitzroy/Acland Street Principal Activity Centre) would be the preferred scenario.

The SGS report indicates that to achieve Scenario I will require a number of actions, most of which are outside of the control of the St.Kilda Triangle project or statutory planning controls "*because much of this integration must be achieved within the public realm*".

The types of actions referred to include the quality and efficiency of the linear circuit from the north end of Fitzroy Street to the south end of Acland Street to create a visible, holistic entity, including pedestrian, bicycle and tram/light rail linkages. The potential is described as possibly "one of Melbourne's most iconic boulevards" but it must be "*purposely planned as a linear activity centre and not within a classical predetermined point location centre format*".

Accordingly, the report is noted but does not lead to recommendations with regards to the statutory planning process relating to approval of the Development Plan other than a recommendation to provide a direct pedestrian route to the Triangle Site car park from the Upper Esplanade.

Council should note however, that many of the urban design treatments suggested in the SGS report mirror many of the projects identified by the UDF, such as vehicular, bicycle and pedestrian connections through the foreshore, Acland Street, the Triangle site and Fitzroy Street.

A strategic and holistic Council approach will be required and this sits outside of the Statutory Planning process. However, the memorandum from Council's Director, City Development outlines the provision of further reports to Council regarding the works to be pursued to achieve the strategic outcomes for the overall St.Kilda Activity Centre.

**3.10. Report from Design Review Committee (DRC) re improvement of views from Upper Esplanade**

The report may be summarized as follows:

Council's Statutory Planning Committee sought a report on the opportunities for improvement of views from the Upper Esplanade between the Green Building and the Ogee Building, across the area known as the Grassy Slopes to the foreshore area.

The DRC report was received on 18 January 2008 and a copy is on Council's website.

The DRC (with the addition of two community members) based its analysis on an eye level of 1.5m above the Upper Esplanade footpath adjacent to the existing blockwork and a defining the line for views of the foreshore to be from that point to a point where the line of sand meets the pedestrian promenade.

It found that existing views were "extensive" and that the submitted Development Plan was insufficiently comprehensive to enable the views to be adequately assessed. It was evident however, that the proposed development would "*significantly reduce the currently unobstructed outlook to the Reserve from the Upper Esplanade*" but it was also true that "*the proposal would create new and extensive views to the foreshore from many publicly accessible viewpoints ... within 20 or so metres of Jacka Boulevard, offering closer views over the foreshore*". This "trade" of views was identified in the Officer's report to the Council's Statutory Planning Committee Meeting of 13 December 2007.

The developers were asked by the DRC to investigate various means of improving sightlines to the foreshore. The following options were tabled and summarized as follows:

1. The "extreme" option.

To ensure the entire foreshore reserve remained visible from the Upper Esplanade, there could be no building development at all along Jacka Boulevard. DRC considered that such a dramatic option was either

impractical or not consistent with the objectives of the Planning Scheme and therefore this option was not further pursued.

2. Reduced areas of Grassy Slopes in favour of an enlarged Square.

This option would require a substantial redesign of the proposal and would necessitate removal of a significant section of the submitted proposal at the middle (promenade) level (RL 7.0) between the Green and Ogee buildings currently occupied by the Soup Kitchen and “squares and laneways” so as to significantly enlarge the currently proposed square facing out to Jacka Boulevard. Removal of sections of the promenade level would consequently reduce the area of the “Grassy Slopes” above and have impacts on the “Yellow Brick Road”.

The developers oppose this option on the basis that the area of Grassy Slopes would be reduced for a less accessible and more windswept public area and would become “*too large in proportion to the enclosing walls...comparable in size to the unsuccessful and barren plaza at Waterfront City, Docklands*”.

The DRC report concludes that whilst views to the foreshore would be greatly enhanced, it was unlikely to produce a desirable or successful public square due to its excessive size and exposure.

3. Introduction of a lowered semi-enclosed Square at the Jacka Boulevard level set within the area of the large space one level above.

This solution includes:

1. Creating a large open square at the middle or promenade level as referred to in Option 2 above.
2. Lowering the area of the currently proposed Square to Jacka Boulevard level, and creating an opening from the Square out to the Boulevard to provide sufficient visual and pedestrian access to and from the Square,
3. Redesigning (in the established architectural and landscape idiom) the resulting terraced public spaces, embankments, pathways, stairs, landings, pedestrian routes, and retail, entertainment and dining interfaces, to maximise the urban design qualities and civic values already achieved in the Development Plan, and
4. Investigating and implementing any further design opportunities to improve and create view lines across and within the site.

This option is similar to Option 2 but would redistribute areas of grassy slope to two, stepped, split level terraced squares. Much of the Jacka Boulevard frontage would consequently be reduced from two to one (ground) level.

This option would require substantial redesign of the proposal, representing the removal of a large portion of the promenade level (including the soup kitchen, the squares and laneways, and numerous active land uses) and a significant number of active frontages to Jacka Boulevard for the lowered square (at Jacka Boulevard level).

Apparent positive advantages would be retention of existing views from Upper Esplanade in the mix of potential viewing points without significant adverse impact on the design outcome.

Apparent disadvantages are the reduced “strength” of the frontage to Jacka Boulevard, interruption of the “street wall” to the square and loss of the “Soup Kitchen” dining area.

DRC advises that further exploration and testing of the idea would be required before a recommendation could be made on this option. Issues to be explored would be the impact of wind, the impact on pedestrian movement routes and the consequences of a redesign of this scale on the scheme as a whole.

DRC recognizes that this option would represent a significant change with the potential to compromise other positive aspects of the submitted design however concludes that this option could be pursued.

4. A suite of incremental changes:

This would include:

- Repositioning the stairway and lane to the square so as to align with the Catani Arch. This is supported by DRC but it is noted that it is a static new view; it would improve the view to the foreshore from one point only.
- Maximise the transparency of the balustrade on the Yellow Brick Road.
- Reducing floor to ceiling heights below the Grassy Slopes. Some design difficulties are created but DRC recommends that the architects review the position or level of the loading dock to reduce the upper plane of the Grassy Slopes to achieve 0.7m reduction in level where the RL is 11.7.
- Reviewing species and placement of trees.
- Raising the level of the Upper Esplanade footpath.
- Raising the public viewing level alongside the Upper Esplanade footpath within the site at the height of the Grassy Slopes (a second Upper Esplanade footpath).
- Realigning the raised planter beds on the Grassy Slopes.
- Altering the alignment of the Yellow Brick Road edge to increase the area of the Square.

This suite of changes is supported by DRC and largely supported by Council’s Urban Design and Heritage Advisor. The Council’s Advisor recognises the practical limitations that have been highlighted by the DRC and that further design development would be required. He has commented that from an urban design perspective it would be more desirable to ensure that there is a seamless flow of spaces reinforcing the public realm character of the grassy slopes than to have parallel footpaths at different levels;

The suite of changes is also endorsed by the proponent as having a positive impact collectively but recognizing that further investigation and dimensional analysis to ascertain the optimum design solution is required.

It is noted by DRC also however, that *“the cumulative effect of the incremental changes will not dramatically increase the extent of views to the foreshore, although measurable benefit will be evident particularly in terms of directional vistas and slightly enhanced wider views, depending on the viewpoint position on the Upper Esplanade”* and that this must be balanced against the *“important, carefully balanced, public qualities”* woven into the existing scheme, including new view points”.

3.11. Conclusion:

DRC considers that the interruption of views that will inevitably still occur following adoption of the suite of modifications (option 4 above) is acceptable given that there are other parts of the Upper Esplanade from which the foreshore is visible and the Development Plan provides views of the foreshore from new and closer elevated locations within the site.

DRC also advise that Option 3 could be pursued and this option only would allow substantial views of the foreshore from the Esplanade to be retained.

It is however noted that this is not a preferred option to the applicant and the DRC convener advises:

*“The DRC’s role is to review design changes that the developer and their architect may propose to the scheme that was the subject of the award of the contract and any revisions to it and which has evolved into the Development Plan.*

*The (applicant’s) architects prepared the ‘enlarged Square option’ at the request of the DRC as a means of illustrating the extent of change that they consider would be necessary to significantly increase views from the Upper Esplanade to the foreshore.*

*The (applicant’s) architects did not initiate it and do not support it.*

*Had it been proposed by the developer as an intended change to the Development Plan it would become the subject of DRC consideration and would, because of the extent of change that it involves, require considerable assessment by the DRC against the Development Plan, the design rationale behind the Plan, and the relevant parts of the UDF and the Planning Scheme.*

*The DRC has to approach the task that is the subject of this Report within the context of its formal role under the development contract.*

*The DRC’s role does not extend to proposing significant changes to the Triangle Site proposal, nor is it the DRC’s role to review design ideas that are not supported by the developer and which are prepared for theoretical purposes only.*

*Rather, the DRC’s task for this Report is to identify opportunities to enhance the extent of views to the foreshore from the Upper Esplanade without*

*compromising the integrity of the proposal or redesigning it. The enlarged Square changes the design and affects the functionality of the open spaces of the Promenade level and the Esplanade level and affects the civic and commercial uses that abut them. This represents a significant extent of change and the DRC, having been involved in the progressive refinement of the design since early 2006, understands why the architects and the developer do not support so massive a redesign in the context of improving views."*

Further Council's Urban Design and Heritage Advisor comments:

- *Ultimately the Development Plan managed to satisfy the UDF's general position on view lines. The UDF was developed without a specific proposal in mind, and without specific measurable outcomes required other than the specified views from the Jesse Fairchild Memorial;*
- *The main issue raised by the DRC is the time constraints given that "Further work is required to quantify the impact of these alternative design solutions on views to the foreshore." p.16;*
- *The DRC has been unable to reach a clear position in regards to lowering the St Kilda Square and still expresses a divergence of views. The issue here is the impact that this could have on the overall project and design development given the progress that has been made in terms of architectural and consultant documentation. This solution would appear to be a major change to the original brief and problematic in the context of the overall project intent. Apparently the DRC's role "does not extend to proposing significant changes to the Triangle Site proposal, nor is it the DRC's role to review design ideas that are not supported by the developer". If the Square was to be spread over a number of levels, its ability to support activity would be compromised. From an urban design perspective the greater the number of levels within a development, the less opportunity there is for social interaction*
- *Council should pursue most of the 'Suite of Modifications' however greater consideration should be given to creating a seamless edge from the Upper Esplanade onto the site. The proposed 'Lowered St Kilda Square' would have far wider implications for the project from a pragmatic perspective.*

For the above reasons, the suite of modifications (4 above) is the preferred outcome. If Council determines to approve the Development Plan including the changes above, the plans indicating the suite of changes would be reviewed by the Design Review Committee and their advice taken into account prior to the Development Plan being endorsed, following the provision of graphic evidence of their resulting effects on a) views of the foreshore from the Esplanade and from within the site and b) their overall urban design impacts.

**4. RESULTS OF DISCUSSIONS ON VIEWS WITH STAKEHOLDERS:**

- 4.1. Four meetings have been conducted between representatives of Council, the Proponents, Unchain St.Kilda and the Espy Alliance. These meetings took place on 27 December 2007, 7, 15 and 25 January 2008.
- 4.2. At the first meeting (27 December 2007), the proponents further outlined the details of the proposal. Community groups reiterated concerns particularly with regards to:
- The impact and number of nightclub and live music venues,
  - The number of restaurants proposed and the economic impact of the proposed restaurants on existing businesses.
  - The scale and impact of retail uses.
  - The imposition of new buildings against the Palais.
- 4.3. At the second meeting (7 January 2008), alternative models for funding the Palais refurbishment were discussed including use of alternate funding sources to reduce the scale of development and the excise the Palais out of the lease (allow it to be run and managed separately). The proponent raised concerns that these models would have implications for funding and finance and the performance of the development as a whole. The proponent also felt that the models would reduce synergies between the Palais and the site both in terms of physical and operational connections.
- 4.4. It was recognised by all parties that the development must be commercial viable.
- 4.5. At the third meeting (15 January 2008), the proponent offered some potential changes to the development including:
- An additional cultural use.
  - Further reduction of the nightclub/live music venue capacity.
  - Amendments to the "Green" building to improve interface to the Palais.
  - Changes to improve views from the Upper Esplanade to the foreshore.
- 4.6. The proponent advised that a reduction of the retail floorspace was not an option.
- 4.7. The changes offered in 4.5 above are addressed further in Section 5 below.
- 4.8. At the meeting on 25 January 2008, the SGS and Nott reports were discussed with an undertaking given by Council that both would be discussed in this report. The cumulative effects of the changes agreed to were visually presented.

- 4.9. It was concluded that there were a number of improvements to the design as a result of the meetings but that the community groups did not feel that there had been sufficient changes.

**5. FURTHER AMENDMENTS OFFERED BY THE PROPONENT:**

**5.1. The Nolan Building/Little Cavell Street (abutting the Palais)**

The proponents have acknowledged concerns raised by the communityMatrix Planning and Council's Urban Design and Heritage Advisor about the apparent bulk and form of the Nolan Building at the rear of the Palais and the Little Cavell Building and Cinemas alongside the Palais. This appears to also be an issue of interest to Heritage Victoria. This is a matter that the Proponent is prepared to discuss further with the Design Review Committee to improve the architectural outcome and expose more of the Palais building.

The intent is that the bulk of the buildings alongside the Palais be reduced to expose the side elevation of the Palais building and that the building envelope of the Nolan building be reduced behind the Palais so as to provide a more complementary scale in the transition from the Palais to the Nolan building. Most of the reduction would be achieved by improved efficiencies to the internal design (i.e. compressing the Cinema building) and a small reduction in hotel rooms. Some floorspace may be relocated to a rooftop area on the Green building without impact on either the shadow plane or view lines.

It is recommended that the further review of the Nolan Building be accepted and form part of any approval of the Development Plan.

**5.2. Additional Cultural Facility:**

The proponents have advised their willingness to amend the proposal to include an additional cultural facility in place of the 450m<sup>2</sup> restaurant above the Linden Gallery adjacent to the Palais forecourt.

**5.3. Further reduction in Nightclub Patron numbers:**

The proponents have given a concession on the number of nightclubs from 5 to 4 and the total patron numbers proposed for the site. The Officer report of 13 December 2007 outlined that the proponents were prepared to reduce total nightclub numbers from 4640 to 4000. The recommendations of that report indicates that the Development Plan should have a cap on total nightclub patrons of 4000. The proponents are prepared to further reduce the numbers to 3000 balanced marginally by an increase in Cinema patron numbers of 50 (from 600 to 650).

It is proposed that the reduced number of nightclubs and a reduction in the floor area allocated to restaurants/cafes and some retailing be balanced with the provision of office floorspace, which is considered a use with potentially significantly less impact on residential amenity.

Should Council support the proposal, the recommendation should reflect these numbers and recognise that there would be a consequential adjustment to the number of car parking spaces to be provided at the agreed rates and the provision of office floor space.

Key changes proposed in floor areas are:

Reduction in floor area:

- Live Music Venues (400 m<sup>2</sup>).
- Restaurants (800m<sup>2</sup>)
- Fashion Retailing (900m<sup>2</sup>)
- Car parking areas.

In favour of:

- Office.
- Family Friendly Uses.

The opportunity could also be taken to clarify that the 900 square metre limit for the tavern relates to internal floor area and does not include external terrace areas and to seek clarification of the proposed location of any office floorspace.

5.4. Further to these concessions made in response to discussions with stakeholders; the proponent has previously made the offer to Council, to include the following uses in the plans in response to the identified shortfall of family friendly venues in the Council Officer's report of 13 December 2007:

- A tenpin bowling facility in excess of 950m<sup>2</sup>;
- An indoor adventure playground of at least 400m<sup>2</sup>;
- A dance studio offering tuition in a variety of classical and contemporary styles;
- A music tuition venue offering tuition in a variety of musical instruments.

5.5. In response to the community concern expressed regarding the need for uses aimed at families and patrons under 18 years of age, this offer should be incorporated into any approved Development Plan.

## **6. ADDITIONAL MATTERS:**

### **6.1. Further Submissions**

In addition to the submissions considered by Council on 13 December 2007, 22 further submissions were received since that date.

The submissions are predominantly proforma matching those previously received. Those objections which were not proforma reiterate previous concerns regarding concerns about the impact of the nightclubs and licensed venues, the number of shops, that the proposal is an overdevelopment of site and incompatible with St.Kilda with these exceptions:

- A suggestion that the proposal incorporate a Spiegeltent or cabaret tenancy rather than a second gallery space to encourage cultural activity on the site.

- The suggestion that an ice skating-rink be incorporated into the design.
- A suggestion from Save Our Park that the skatepark proposed for the Albert Park Reserve should be relocated to the Triangle Site.

**6.2. Heritage (Palais)**

- It is noted that the Unchain St.Kilda community group have commissioned a “heritage review” with regards to the proposed Palais Theatre works. That review is not critiqued in this report as the information therein will be of interest to the relevant Heritage Authority (Heritage Vic) and not of direct relevance to Council’s planning process except where it has implications for the proposed new buildings abutting the Palais.
- The issue of exposing more of the external walls of the Palais and its vault roof form has been addressed in 5.1 above and discussed previously at 9.19 of the Officer’s report of 13 December 2007.

**6.3. Environmentally Sustainable Design**

ESD conditions have been further refined following discussions between Council’s ESD Officer and the proponent. The “agreed” enhancements to be notated in the Development Plan will now be:

- Any claim relating to greenhouse gas emissions, or reductions there of, will be supported by appropriate documentation prior to commencement of works.
- Where applicable the design is to incorporate fixtures and fittings of at least a 4 star water-efficiency rating in accordance with WELS (Water Efficiency Labelling and Standards)
- Reduction in Energy Consumption of at least 20% across the built form when compared to equivalent BCA compliant buildings
- Grey water will be sourced from the proposed Hotel, Gym and Spa areas, treated and made available to supplement the irrigation demands across the site and to general non potable wash down areas (including unloading and service areas). The sources and uses for grey water will be tabulated in planning permit applications for the substantive buildings and works to the satisfaction of the responsible authority.
- The structural floor system and column grid has been designed for superimposed Dead Loads and Live Loading combinations that will provide flexibility in terms of future uses. Alternative uses can be accommodated in most areas and will be tabulated, along with structural loadings in the planning permit applications for the substantive buildings and works.
- The development will be required to submit consumption data to COPP in the form of an ‘Annual Resource Report’ regarding overall use and sources of water, gas and electricity to the satisfaction of the responsible authority. The required date of submission will be agreed with the responsible authority prior to any building works commencing.

- The building fabric has been designed with a design life that will ensure the development remains in good condition throughout, and beyond the term of the lease. Some building components will require replacement during this period in accordance with their manufacture's recommendations. A capital augmentation and maintenance plan detailing the design life of the building components will be submitted with planning permit applications for the building works.
- For any major new attractions proposed on the site that do not require a planning permit a 'Proposed Activity Report' will be submitted to Council. This report must outline the scope of the proposal and relevant ESD initiatives. Such initiatives will be measured against the approved Development Plan and any applicable standards relevant to the proposal, including any statutory requirements for sustainability at the time of application. The report must be to the satisfaction of and approved by the responsible authority prior to the attraction being established.

There is no need to amend the recommendation which simply requires notation of the "agreed" measures in the Development Plan.

## **7. CONCLUSION:**

Council received the two reports, one in relation to economic impact and the other regarding potential design opportunities to the Development plan to improve views from the Upper Esplanade to the foreshore.

As outlined, the "Economic and Community Impact Assessment" undertaken by SGS did not require any specific modifications to the Development Plan except for an improved pedestrian link between Upper Esplanade and the basement carpark.

It did however identify that the site provides an important link to Acland and Fitzroy Streets and has a potential to re-designate the Major Activity Centre to a Principle Activity Centre.

The SGS report also identifies two possible scenarios resulting from the development. The worst case scenario provides an acceptable outcome and the best case scenario required a range of actions to ensure that the three activity centres are integrated as an economic unit.

The DRC report offered a number of potential options to improve views. The suite of design treatments have been chosen over more extreme options as it had full support of the DRC and Council's Urban Design and Heritage Advisor.

The Proponents have also offered additional modifications to the Development Plan to further improve the proposal.

The above matters will require changes to the recommendation as set out in Section 13 of the Officer's report of 13 December 2007, in the following manner:

Add to Section 2: Masterplan:

- The 'laneway' between the Square and the Upper Esplanade repositioned to align with the Catani Arch and its western end widened,

- Removal of any solid upstand to the Yellow Brick Road handrail when viewed from the Upper Esplanade and the Grassy Slopes to maximise the transparency of the balustrade,
- The result of an investigation of the lowering of the loading dock so that no part of the Grassy Slopes is above RL 11.00.
- The level of the Upper Esplanade footpath raised,
- The public viewing level raised by introducing a footpath along the Upper Esplanade within and at the edge of the site and at the height of the 'Grassy Slopes' as an alternative promenade and viewpoint to the Upper Esplanade,
- The raised planter beds on the Grassy Slopes realigned, and
- The result of any further actions that may be able to be achieved to improve views during the process of detailed design.
- The reduction of the maximum building height of the Nolan building at the rear of the Palais, such that it is similar in height to the Palais:
- Provide more visual separation between the Nolan building and the Palais in Cavell Street in order to expose the vaulted roof profile of the Palais;
- To increase exposure of the side wall of the Palais facing the site.
- Reducing the tapered appearance of the Nolan building facing Jacka Boulevard.
- Nominal adjustments to the Green building to account for redistribution of building volume.
- Provision of a direct pedestrian route from the Upper Esplanade to the Triangle site car park.

Add to Section 2.10 Landscape Design Treatment:

- A review of the species and/or placement of trees along the footpaths and in the median of Jacka Boulevard, particularly between the Stokehouse and the main entry to the underground car park,

Amend the first two dot points of "*Section 2.8 – Land use Activities:*"

*With regards to nightclub and other live music and entertainment venues, the Development Plan includes specific details of (but not limited to):"*

To read:

- Patron numbers and floor areas, including the tavern reduced to a maximum 900m<sup>2</sup> internal floor space, the number of nightclubs reduced from 5 to 4 and a total nightclub and live music venue component of the entertainment venues patron capacity of no greater than 3000 patrons.
- Reference to the use of the buildings for a 650 seat cinema.

And add new dot points reading:

- A tenpin bowling facility in excess of 950m<sup>2</sup>;

- An indoor adventure playground of at least 400m<sup>2</sup>;
- A dance studio offering tuition in a variety of classical and contemporary styles;
- A music tuition venue offering tuition in a variety of musical instruments.
- Fashion retailing floor space to be reduced by 900m<sup>2</sup> to 6,600m<sup>2</sup>.
- Restaurant floor space reduced by 800m<sup>2</sup> to 5,300m<sup>2</sup>.
- Areas to be used as office.

And add a further requirement to read:

2.7: Car parking

- Adjustment of the car parking provision as a consequence of the change to patron numbers and relevant floor areas based on the agreed car parking rates.

**8. RECOMMENDATION (AS AMENDED):**

8.1. That the Statutory Planning Committee note that key outcomes envisaged by the Planning Scheme and Urban Design Framework are achieved by the submitted proposal including:

- Providing a node for cultural and entertainment uses,
- Providing links between Acland and Fitzroy Streets and the foreshore,
- Improved pedestrian access,
- Preserving and enhancing the Palais including provision of back of house facilities,
- Creating new vistas and landmarks,
- Provision of community uses on the site (including the Linden gallery and William Angliss TAFE College)
- Making Jacka Boulevard a true boulevard and
- Urban design improvements including
  - Active uses facing Jacka Boulevard,
  - Increased open space and public plazas,
  - Providing a forecourt to the Palais,
  - Removing surface car parking areas and
  - Improved landscaping.

8.2. That the Statutory Planning Committee notes that on balance, the submitted Development Plan achieves a high level of compliance with the Planning Scheme and St.Kilda UDF but also notes that further work is required with respect to the following matters in order to make the submitted Development Plan suitable for approval:

- Reduction and relocation of the ‘Pearl’ building to improve view lines.
- Reduction of the “Linden” building to improve view lines.
- Reduced patron numbers for the nightclub/live music venues and the tavern.
- Addition of “best practice” conditions and management plans relating to entertainment venues.
- Introduction of “caps” to the various land uses.
- Reduction of the Tavern capacity.

- Production of a “Public Transport Plan” including best practice taxi rank.
- Deletion of the “billboard”.
- Improvement of the ESD credentials of the proposal.
- Address family/children use of the site.
- Various urban design improvements and
- Improvement of general detail.

8.3. That the Statutory Planning Committee, being the Responsible Authority, having caused the application to be exhibited and having received and noted the submissions, authorises the Manager, City Development to approve the St Kilda Triangle Development Plan 31 October 2007 subject to the following changes first being made:

Section 2: Masterplan:

- The height and roof form of the “**Linden**” building revised to improve the view from the Upper Esplanade to the Palais façade and the Luna Park entrance (maximum RL 16.5).
- The “**Pearl**” building reduced in footprint, height and mass; reorientated and relocated to the north of the existing convenience block, to improve view lines to the Bay from the Mandalay apartments.
- The “panel reserved for artistic imagery” on the Nolan Building deleted.
- A notation that the supergraphic on the Cavell Street elevation (fire wall) is to be further resolved in subsequent planning permit applications.
- The ‘laneway’ between the Square and the Upper Esplanade repositioned to align with the Catani Arch and its western end widened,
- Removal of any solid upstand to the Yellow Brick Road handrail when viewed from the Upper Esplanade and the Grassy Slopes to maximise the transparency of the balustrade,
- The result of an investigation of the lowering of the loading dock so that no part of the Grassy Slopes is above RL 11.00.
- The level of the Upper Esplanade footpath raised,
- The public viewing level raised by introducing a footpath along the Upper Esplanade within and at the edge of the site and at the height of the ‘Grassy Slopes’ as an alternative promenade and viewpoint to the Upper Esplanade,
- The raised planter beds on the Grassy Slopes realigned, and
- The result of any further actions that may be able to be achieved to improve views during the process of detailed design.

- The reduction in the maximum building height of the Nolan building at the rear of the Palais, such that it is similar in height to the Palais;
- Visual separation between the Nolan building and the Palais in Cavell Street in order to expose the vaulted roof profile of the Palais;
- To increase exposure of the side wall of the Palais facing the site.
- Reducing the tapered appearance of the Nolan building facing Jacka Boulevard.
- Nominal adjustments to the Green building to account for redistribution of building volume.
- Provision of a direct pedestrian route from the Upper Esplanade to the Triangle site car park.

Section 2.1: Building Envelopes

- The three dimensional Building Envelope Plans providing increased detail to ensure that future planning permit applications can be easily assessed to ensure compliance with the approved building volumes in the Development Plan.

Section 2.5: Access and Movement:

- Reference to Bicycle Parking in accordance with Planning Scheme requirements and reference to likely locations.
- The loading bay onto Cavell Street to be fitted with a roller door that can be closed when the dock is not in operation screening it from public view.
- A notation that prior to the commencement of substantive works, the Proponent, in co-operation with Council and the relevant transport authorities will prepare a Public Transport Plan specifically with reference to movement of persons from the site between midnight and 7am. Within the Public Transport Plan, the developer will make best endeavors to negotiate the provision of an industry best practice taxi rank.

2.7: Car parking

- Adjustment of the car parking provision as a consequence of the change to patron numbers and relevant floor areas based on the agreed car parking rates.

### Section 2.8 – Land Use Activities.

- With regards to nightclub and other live music and entertainment venues, the Development Plan include specific details of (but not limited to):
  - Patron numbers and floor areas, including the tavern reduced to a maximum 900m<sup>2</sup> internal floor space, the number of nightclubs reduced from 5 to 4 and a total nightclub and live music venue component of the entertainment venues patron capacity of no greater than 3000 patrons.
  - Reference to the use of the buildings for a 650 seat cinema.
- The maximum number of restaurant seats and the areas to which restaurants are encouraged to locate, with a reduction of total restaurant floor area from 6,100 m<sup>2</sup> to 5,300m<sup>2</sup>.
- The minimum and maximum floor areas for the various subgroups of “retail” including “supermarket” and the general locations to which the various retail land uses categories will be directed.
- Floor area, room numbers and patron numbers for the gymnasium, residential hotel, tavern/hotel and Community uses.
- Back of house facilities area for the Palais.
- A tenpin bowling facility in excess of 950m<sup>2</sup>;
- An indoor adventure playground of at least 400m<sup>2</sup>;
- A dance studio offering tuition in a variety of classical and contemporary styles;
- A music tuition venue offering tuition in a variety of musical instruments.
- Reduction of fashion retailing by 900m<sup>2</sup> to 6,600m<sup>2</sup>.
- Areas to be used as office.

### Section 2.9: Public Spaces:

- Amended to clearly indicate the intent to improve the management of vehicles and pedestrians to the intersection of Cavell St and Upper Esplanade and provide better connectivity between the Palais and Luna Park.
- Amended to clearly indicate in plan format the opportunity for disabled and wheeled access through the site.
- Embellished to indicate how the open space areas, particularly the urban square and Jacka Boulevard, would allow for varied levels of weather protection prior to the Development Plan being approved.
- Embellished to indicate how both the open space areas and some designated internal spaces would provide positive experiences for children and families.

- An added section on Public Art.
- A notation that developer agrees to work with Council and the local indigenous communities to achieve a meaningful involvement in indigenous culture on the site.

Section 2.10: Landscape Design Treatment.

- Amended to reflect the interface with the St Kilda Promenade in terms of materials, finishes and soft landscaping.
- Further detail of landscaping in Cavell Street.
- A review of the species and/or placement of trees along the footpaths and in the median of Jacka Boulevard, particularly between the Stokehouse and the main entry to the underground car park,

Section 2.11: Ecological Design Principles

- Amended to include the agreed enhancements notated in the plan including that Sustainable Design Statements will be lodged with future applications for planning permit.

Section 3.1: Construction Management Plan

- Notation in the Development Plan that excavation of the site and site contamination would be the first planning permit application applied for, followed by construction of the basement car park with the development of the land above the car park (the remainder) constituting the third stage of approval and development.
- Reference to compliance with Environment Protection Authority Guidelines on the design, installation and management requirements for underground petroleum storage systems (UPSS); Ministerial Directive No. 1 (Section 12(2)(a) of the Planning and Environment Act 1987); Environmental Guidelines for Major Construction Sites and Guidance for environmental management: Dual pipe water recycling systems – health and environmental risk management).

3.2 Operational Plan:

Details of management measures including but not limited to the following matters:

- amplified music and general noise controls, including the use of noise limiters and measures to achieve compliance with SEPP N-2;
- CCTV central monitoring and management
- crowd controllers and security procedures,
- responsible serving of alcohol,
- House Rules and Management Plan and Security Plan taking into consideration the views of Victoria Police and including a 24 hour security presence.

- An expanded taxi rank in Jacka Boulevard during evenings including management of taxis and security arrangements.
- External security lighting adjacent to these venues to create a safe environment.
- Emergency response locations for Police and emergency services and management of communication with Police and emergency services.
- On premises smoking balconies to be provided where practical.
- A Licensed Premises management plan to be developed in co-ordination with stakeholders and City of Port Phillip.
- Design of public spaces to adopt principles of Crime Prevention Through Environmental Design (CPTED).
- Lighting of footpaths and public spaces.

based on Council's "best practice conditions" for both areas internal and external to the venues to be applied to each venue in the complex.

Appendix B – Heritage Report

Comment on the loss of the Embankment.

Other:

- Clearly indicate that consideration has been given to the quality of the visual and physical connection of Little Cavell St to Jacka Boulevard.
- The proposed roll down screens facing Jacka Boulevard deleted in favour of a notation to the effect that preference will be given to glass balustrades and retractable canopies for the purposes of wind protection.
- That treatment of plant, risers and equipment is further resolved to ensure integration with the architecture of proposed buildings and the 'grassy slopes' and appropriate notations added.