



8.5	31 QUEENS ROAD, MELBOURNE
LOCATION/ADDRESS:	31 QUEENS ROAD, MELBOURNE
GENERAL MANAGER:	CLAIRE FERRES MILES, PLACE STRATEGY AND DEVELOPMENT
RESPONSIBLE MANAGER:	GEORGE BORG, MANAGER CITY DEVELOPMENT
AUTHOR:	AIDAN ROBINSON, PRINCIPAL PLANNER
TRIM FILE NO.:	PF16/638708
ATTACHMENTS:	1. Advertised Plans 2. Landscape Drawings 3. 3d images 4. Objector Map
WARD:	Gateway
TRIGGER FOR DETERMINATION BY COMMITTEE:	More than 16 objections
APPLICATION NO:	877/2016
APPLICANT:	Queens Road Projects Pty Ltd
EXISTING USE:	Vacant
ABUTTING USES:	Dwellings
ZONING:	General Residential Zone I
OVERLAYS:	Design and Development – Schedule 26-6b
STATUTORY TIME REMAINING FOR DECISION AS AT DAY OF COUNCIL	Expired

PROPOSAL

Construction of a 16 storey building and three basement levels containing 155 dwellings and a roof top terrace level and a reduction in visitor car parking requirements

I. EXECUTIVE SUMMARY

- 1.1 The proposal is for construction of a 16 storey (49.9m excluding plant and lift overruns) building and three basement levels containing 155 dwellings and a roof top terrace level and a reduction in visitor car parking requirements. The site would have vehicle access to the basement levels from Queens Lane.
- 1.2 Council received 69 objections to the application with the majority of objections related to inappropriate height, traffic and parking impacts, amenity impacts on adjoining sites, waste management issues, impacts on adjacent heritage buildings, inconsistencies with the DDO and a lack of landscaping.



- 1.3 The site is strategically well located for increased residential densities and is in an area identified for intense residential growth. The site is located within Design and Development Overlay (DDO26) which includes a discretionary height control of 40m and additional discretionary requirements such as a podium built form to both street frontages and landscape setbacks to Queens Road. The site is also subject to mandatory side setback controls in this location. It is considered that the proposed height is excessive and it is recommended that the building should be reduced to 40m (excluding plant and lift overruns) as a condition on any approval.
- 1.4 Other conditions on any approval should also increase the side setbacks on the northern boundary to a minimum of 4.5m and to retain the mature gum trees at the front of the site.
- 1.5 The proposed development, subject to these conditions, would make a positive contribution to the two streetscapes of Queens Road and Queens Lane and the broader character of St Kilda Road North Precinct.
- 1.6 The layout and design of the proposed dwellings would offer a high standard of internal amenity.
- 1.7 The proposed 21 visitor car parking reduction, subject to conditions, would be acceptable given the proximity to public transport, services and community facilities and given that the reduction would relate to visitor spaces only.
- 1.8 The site, subject to conditions, would provide a dedicated loading area at the rear of the site accessed off Queens Lane.
- 1.9 It is recommended that Council issues a Notice of Decision to Grant a Planning Permit.

KEY ISSUES

1. Height and scale of the building
2. Amenity impacts
3. Car parking, traffic, loading and waste management

2. RELEVANT BACKGROUND

- 2.1 There is no relevant history or background for this application.

3. PROPOSAL

- 3.1 The application proposes the construction of a 16 storey (49.9m high excluding plant and lift overrun) building and three basement levels containing 155 dwellings with a roof top terrace level and a reduction in visitor car parking requirements.



3.2 The following is a development summary of the proposed building:

Level	1BR	2BR	3BR	Car spaces	Bicycle spaces	Stores
Basements	-	-	-	178	44	155
Ground level	-	-	-	-	16	-
Level 1	3	10	-	-	-	-
Level 2	3	10	-	-	-	-
Level 3	3	10	-	-	-	-
Level 4	3	10	-	-	-	-
Level 5	3	10	-	-	-	-
Level 6	3	10	-	-	-	-
Level 7	3	10	-	-	-	-
Level 8	3	10	-	-	-	-
Level 9	3	10	-	-	-	-
Level 10	2	5	2	-	-	-
Level 11	2	5	2	-	-	-
Level 12	2	5	2	-	-	-
Level 13	-	1	3	-	-	-
Level 14	-	2	2	-	-	-
Level 15	-	1	2	-	-	-
Totals:	33	109	13	178	60	155

3.3 The development would also include:

- Communal spaces including a pool, dining room, gym and cinema and services at the ground floor level.
- The roof level would comprise 3 x private roof terraces which would be accessible to the dwellings on Level 15 via internal staircases.
- A ground floor car drop off area on both the Queens Road and Queens Lane frontages of the site.

3.4 Vehicle access to the basement car parking and waste areas would be via Queens Lane, with the Queens Road Access simply a drop off and pick up point. The porte cochère on the eastern (Queens Lane) side of the building could be used as loading bay area for bin collection and other servicing requirements of the building.



- 3.5 The main pedestrian access would be via Queens Lane with secondary entry point along the north side of the building. No entry is proposed on the Queens Road frontage.
- 3.6 The building will have a maximum height of 49.9 metres (to the roof) above ground level (51.6 metres to the top of the lift overrun).
- 3.7 The building would be setback from all boundaries. It would be set back approximately 15 metres to the façade from Queens Road from ground floor level up through to Level 9, and would increase to approximately 25 metres to the façade on Levels 10 to 12. The setback would then increase again to approximately 34 metres to the Queens Road façade on Levels 13 to 15.
- 3.8 At the rear, the building is set back approximately 5 metres to the façade from Queens Lane from ground floor up through to Level 12, where the setback increases to approximately 11 metres on Levels 13 to 15.
- 3.9 The building would be set back a minimum of 3 metres from the northern boundary and approximately 4.5 metres from the southern boundary.
- 3.10 The materials and finishes of the building would include pre-cast concrete with applied finishes; extensive glazed areas; and wintergarden louvres to match tinted glazing.
- 3.11 The plans which are the subject of this report are those received 23 September 2016.

4. SUBJECT SITE AND SURROUNDS

Site Context

- 4.1 The subject site is located on the east side of Queens Road, between Leopold and Louise Streets, Melbourne.
- 4.2 The site is regular in shape, with frontages to both Queens Road and Queens Lane of approximately 30 metres. It shares boundaries with 30 Queens Road to the north and 32 Queens Road to the south of approximately 76 metres. The site has an area of approximately 2,320m² and is generally rectangular and flat.
- 4.3 It is understood that a two to three storey building which previously occupied the site was demolished in early 2010. Since that time, the site has remained vacant, save for three existing Lemon Scented Gum trees located at the western end of the site. Vehicle access to the site is via an existing crossover at the front of the site (Queens Road), or via two existing crossovers at the rear (Queens Lane). Chain wire fences (incorporating gates) have been erected along both street frontages.
- 4.4 The Queens Road precinct (between Kings Way in the north and Union Street in the south) is considered distinct as a medium rise area with generous and consistent front setbacks, spaces between buildings and medium scaled heights with upper level setbacks are key elements of the street which frame long ranging views along Queens Road and define the urban edge to Albert Park. There is a mix of office and residential uses north of Arthur Street with predominantly residential uses south of Arthur Street.



Surrounding Area:

- 4.5 To the immediate north of the site is 30 Queens Road which contains an existing four to five storey residential building known as 'Newburn Flats'. The Newburn Flats building is of State heritage significance being on the Victorian Heritage Register. To the north of the Newburn Flats is the existing 'Sky apartments' building at 29 Queens Road which has an approximately maximum height of 55m.
- 4.6 To the south, the site adjoins 32 Queens Road which contains an existing 3 to 4 storey apartment complex known as 'Brookwood Flats' which is of local heritage significance. Beyond the Brookwood Flats is Louise Street which is a local street running east-west from Queens Road to St Kilda Road.
- 4.7 To the east/rear, the site adjoins Queens Lane which is a laneway running north-south from Bowen Crescent to Hanna Street. Beyond Queens Lane, the rear of a number of buildings which front St Kilda Road are visible, including:
- 478 St Kilda Road – the Hotel Charsfield site which has a planning permit to construct a 19 storey (65m AHD) mixed use building and the retention of the existing mansion building which is of heritage significance. The site/building is currently under construction.
 - 480 St Kilda Road – an existing 18 storey mixed use building.
 - 482 St Kilda Road – an existing 16 storey mixed use building.
- 4.8 Queens Road is located to the immediate west of the site. At the front of the site there is an existing pole which supports a gantry over Queens Road on which traffic control signs have been mounted. Beyond Queens Road to the west is the Albert Park Golf Course and the broader Albert Park precinct.
- 4.9 The area has a mix of architecture styles with many individual heritage sites ranging from Victorian era mansions to mid twentieth century flats.
- 4.10 There are five car-share on street parking spaces on St Kilda Road, approximately 400m from the subject site.
- 4.11 The subject site has excellent access to public transport with seven tram lines within 300m of the site. It is noted that site would be with approximately 1km of the new Domain Metro Rail Station. It is also noted that several bus routes run along St Kilda Road.
- 4.12 The subject site is approximately 1.5km north of the Fitzroy Street Major Activity Centre and the Chapel street Activity Centre at its closest point and approximately 2km from a full line supermarket in the Chapel Street precinct. There is IGA express located on Park Street, south Melbourne approximately 1.4km from the site.
- 4.13 The subject site is within close walking distance of extensive public parkland at Albert Park (approximately 600m to the south for pedestrian access) and Fawkner Park (approximately 300m to the east).



5. PERMIT TRIGGERS

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

Zone or Overlay	Why is a permit required?
Clause 32.08 General Residential 1 Zone	A permit is required for the construction of two or more dwellings pursuant to 32.08-4 of the Planning Scheme.
Clause 43.02 Design & Development Overlays 26-6b	A permit is required to construct a building or construct or carry out works pursuant to Clause 43.02-2 of the Planning Scheme
Clause 52.06 Car Parking	A permit is required to reduce the standard car parking requirement. Specifically, a reduction of 22 car parking spaces (all for visitors) has been sought.
Clause 52.34 Bicycle Facilities	No permit is required as the proposal meets the bicycle parking and facilities requirements of Clauses 52.34-3 and 52.34-4.

- 5.2 It is noted that the site is not subject to the recently gazetted provisions (Clauses 32.08-4 and 32.08-9) of the General Residential Zone under Amendment VC110 in accordance with Clause 32.08-14 the subject planning permit application was lodged on 23 September 2016, before the approval date of Amendment VC110 being 27 March 2013.

6. PLANNING SCHEME PROVISIONS

6.1 State Planning Policy Frameworks (SPPF)

The following State Planning Policies are relevant to this application:

- Clause 11: Settlement
- Clause 15: Built Environment and Heritage
- Clause 16: Housing;

6.2 Local Planning Policy Framework (LPPF)

The following local planning policies are relevant to this application:

- Clause 21.03-1 Environmentally Sustainable Land Use and Development
- Clause 21.03-2 Sustainable Transport
- Clause 21.04-1 Housing and Accommodation
- Clause 21.05-2 Urban Structure and Character
- Clause 21.06-3 Urban Design and the Public Realm
- Clause 21.06-7 St. Kilda Road and Queens Road Neighbourhood.
- Clause 22.06 Urban Design Policy for Non Residential Development and Multi Unit Residential Development
- Clause 22.12 Stormwater Management
- Clause 22.13 Environmentally Sustainable Development



6.3 Other relevant provisions

- Clause 43.02 Design and Development Overlay
- Clause 52.06 Car Parking
- Clause 52.35 Urban Context Report and Design Response for Residential Development of Five or More Storeys
- Clause 65 Decision Guidelines

6.4 Other relevant scheme amendments

Better Apartments Design Standards

This State Government amendment (VC136) introduced the Better Apartments Design Standards into all planning schemes on 13 April 2017. Transitional arrangements have been included in the new provisions which state that the requirements would not apply to applications lodged prior to the approval date of the amendment (13 April 2017). However it is still beneficial to consider this application against those standards and accordingly this has formed part of this assessment.

7. REFERRALS

7.1 Internal referrals

The application was referred to the following areas of Council for comment. The comments are discussed in detail in Section 9.

7.1.1 Urban Design

Built Form

- *The building height and mass appear to be consistent within the larger context and character of the street.*

Public realm & ground floor

- *Every effort should be made to maintain the established trees identified in the arborists report as having high retention value. The *Corymbia citriodora* within the Queens Rd setback and the *Phoenix canariensis* along the northern boundary represent opportunities for tree retention.*
- *Legibility and entry from Queens Road needs to be improved through the incorporation of a visible pedestrian entry from Queens Rd. The porte-cochère drop off represents the formal entry of the building yet requires visitors to enter the building from the narrow side entry.*

Amenity

- *Building form and internal layout results in some unusable balcony spaces and pinch points making some parts of balconies inaccessible. Further design work is required.*

RECOMMENDATION

We generally support the proposal with the following conditions:



- *Reconfiguration of balconies*
- *Inclusion of pedestrian entry from Queens Rd*

Planner Comment:

It is agreed that the provision of a front entry point is required on the Queens Road frontage. This could be achieved via a condition on any approval [refer recommended condition 1c)].

The size and design of balconies is discussed later in this report.

7.1.2 Traffic & Parking Management

Access ways:

Vehicle access is proposed to be a double crossover via Queens Lane. Access way exceeds requirements under clause 52.06 of the planning scheme.

A pedestrian sight triangle has been proposed and is considered appropriate in line with the planning scheme

Internal ramps are 6.4m wide and can accommodate two way traffic at all times,

Car parking spaces:

Car parking spaces of dimensions 2.6mx4.9m with aisle width of minimum 6.4m are considered appropriate in accordance with Clause 52.06 of the Planning Scheme.

Additional clearance of 0.3m on spaces next to building walls has been provided in accordance with 52.06 and is considered satisfactory.

Parking's spaces of reduced Aisle width of 5.5m have been provided with an additional 0.3m manoeuvre room. The applicant has provided 85th percentile swept paths to show adequate entry and egress to these critical bays.

Car Parking Layout is satisfactory.

Headroom and Gradient of Ramps

- *Minimum headroom complies with Clause 52.06 of the planning scheme.*
- *Ramp gradients have been checked and are considered appropriate in line with the planning scheme.*

Bicycles

- *The applicant proposes 62 bicycle spaces on site and exceeds requirements as set out in Clause 52.34 (47 spaces)*

Loading and Waste Collection

- *No off street loading facility is required under clause 52.07 of the planning scheme. Notwithstanding the applicant is proposing an area on site this is sufficient for Small Rigid Vehicles and is considered satisfactory for typical loading and trades vehicles for the proposed development. It will additionally allow for resident move in/move out which is supported by Council.*
- *Waste Management plan to be referred to Council's Waste Management department for assessment. Consideration for Waste collection to occur off street is recommended.*



Traffic Generation:

Traffic generation rates adopted by the applicant have been checked and are considered appropriate for the proposed land use.

The expected traffic volume generated from the development will be approximately 465 vehicle movements.

The expected traffic volume generated from the development during peak hours will be approximately 47 vehicle movements

The existing peak hour volumes of the existing land use are estimated to be approximately 0 vehicles per peak hour.

Given above; there is a net gain of 47 vehicle movements per peak hour in Queens Lane

It is noted that there has been no analysis on the cumulative traffic volumes of the proposed development and existing traffic conditions in Queens Lane. Without further assessment it is not possible to determine if the development will have negative impacts on nearby intersections and wider street network.

On Street Parking:

- *The existing on-street parking is generally high turnover or ticketed parking.*
- *Visitors/residents of the development will not be eligible for resident parking permits and will need to abide by on-street parking restrictions*

Parking overlay and parking provisions:

- *Clause 52.06 of the planning scheme requires 199 off street parking spaces to be provided for proposed land uses.*
- *The applicant is seeking a waiver in car parking provisions and proposes to have 178 off street car parking spaces.*
- *Given the above the proposed development results in a shortfall of 22 car parking spaces.*
- *In terms of car parking provision, 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.*
- *Note that the assessment for the appropriate rate for car parking provision lies with Statutory Planning.*

Other:

- *All redundant crossovers must be reinstated to Council satisfaction.*
- *All proposed crossovers must be installed to Council satisfaction.*
- *As the applicant is proposing to allow access directly from an Arterial Road, the application will need to be referred to VicRoads for assessment.*

Planner Comment:

The elements noted above have been discussed later in this report.



The application was referred to VicRoads and no objection was raised.

7.1.3 Sustainable Design

This application is not yet of a standard where I could approve it as meeting Council's current expectations for sustainable design. The applicant should address the comments raised below in order to demonstrate that the development would meet best practice standards for sustainable design.

Energy (not meeting best practice)

- For a development of this size we encourage that the energy rating of energy rating of the dwellings to be at least a 10% improvement on minimum standards (6.6 star average and 5.0-star minimum).

Internal Lighting – Residential Multiple Dwellings

- Provide further information in the SMP that a commitment for maximum power density (w/m²) will be 20% more efficient than minimum standards.

Energy Efficiency - Clothes Drying

- Please indicate on plans the location of the indoor drying rails / clothesline.

Water Efficient Fixtures

- The development needs to commit to providing dishwashers as part of the base building if they are to be included within the BESS assessment. If this is not the case then amend them to default/unrated.

Stormwater Treatment

- A note should be provided that indicates the tank is connected to all common area toilets, bin wash, car wash and irrigation.
- Provide a Maintenance Manual for Water Sensitive Urban Design Initiatives.

Bicycle Parking – Residential + Residential Visitor

- Bicycle parking spaces for the development are very low. For developments of this size we have commonly received rates of 1 space per apartment and 1 visitor space per 4 apartments.

Private Open Space

- For developments of this size we have commonly received designs where each dwelling's private open space area either a balcony or courtyard will be provided with an external tap and floor waste. We encourage providing this simple facility.

BESS Assessment

- The project needs to be published by clicking the 'review and submit' tab in the widget on the left hand side. You will still be able to copy the project and continue working in it, it will just put the project in the correct state for council review.
- We expect a development of this size to achieve a minimum of 75% BESS score.



Planner Comment:

An updated Sustainable design plan should be required by a condition on any approval which would include update information on the above points (refer recommended condition 3).

The location of clothes lines or drying rails and a note relating to the connection of water tanks to toilets could be required by condition on any approval [refer recommended conditions 1f) and 1g)].

A Maintenance Manual for Water Sensitive Urban Design Initiatives could be required by a condition on any permit (refer recommended condition 5).

Bicycle parking is discussed later in this report,

7.1.4 Waste Management

Council collection is not possible for this development with reference to the Disability Discrimination Act (1992) minimum requirement for 1.5m width access for footpaths. The kerbside is too narrow for council to collect any size bin, at a width of 1.4m. Therefore collection will need to be private and collected within the development along with the private recycling collection.

All references to council collection will need to be changed to private (in Summary, 1.3 Collection Services; Table 2: Bin Schedule and Collection Frequency; 2.2 Collection Arrangements and Access to Waste Facilities).

Planner Comment:

An updated waste management plan should be required by a condition on any approval which would include a requirement to provide on-site private collection of waste (refer recommended condition 9).

7.1.5 Strategic Planning

Queens Road contains a mix of architectural styles of varying age that are generally of high architectural quality. A key unifying characteristic is the consistent, deep (up to 15m) landscaped setbacks between the buildings and Queens Road. This feature is enhanced by the consistent spacing, scale of buildings which culminates in an emerging and consistent rhythm which assists in creating a cohesive streetscape image.

Building form

Long range views of the profile and silhouette of the proposal will be visible given the linear nature of Queens Road, the low scale adjoining heritage buildings and the views from across Albert Park. It is considered that the proposal is highly articulated when viewed from all angles, with a curvilinear form that allows for interesting side elevation expression.

Building Height

The proposal seeks approval for a 49m high building (excluding services). The upper levels of the building progressively step back above the podium height of 30m.

The overall building height of the advertised proposal is not supported. It is considered that the height of the proposal does not meet the key objectives of DDO26:



DDO26(6) seeks to reinforce the primacy of the St Kilda Road boulevard by creating a preferred future built form which provides a transition down in height from the high rise buildings along St Kilda Road to medium rise buildings along Queens Road.

To ensure new buildings reinforce the primacy of St Kilda Road, DDO26 specifies a discretionary height limit of 40m.

It is considered that the proposal's height at almost 50m will undermine objectives that seek legibly distinct built form scales between St Kilda Road and Queens Road. The maximum building heights in DDO26 ensure consistency of design outcome in this location and provide a defined building edge when viewed from a distance including from across Albert Park and from along Queens Road.

The location of Albert Park and the long linear form of Queens Road result in this form being legible from numerous vantage points.

Further, a key objective in DDO26-6 is to provide for a 'medium scale' of development in this location. While there is no specific definition of 'medium scale', the DDO uses the term 'higher scale' and 'medium scale' to describe various development outcomes for different precincts. It is noted 60m/65m AHD applies along the 'higher scale' St Kilda Road, with 40m along the 'medium' scaled Queens Road (for the section including the subject site).

A difference in building heights can currently be perceived between St Kilda Road and Queens Road with buildings between Leopold Street and Hanna Street (except 29 St Kilda Road at 59m, built in 1986) 40m or less in height.

Importantly, there are many individual heritage sites along Queens Road, ranging from Victorian era mansions to mid twentieth century flats. The lower scale currently required for Queens Road compared to St Kilda Road is in part a response to this heritage context. It is noted that the proposal sits in between two significant heritage places at 30 (HO235) and 32 St Kilda Road (HO335). Specifically, the 'medium' height scale of Queens Road has been selected to provide a respectable setting to the 20th century flat development of 4 to 5 storeys, and large scale Victorian era mansions.

Landscaped Setbacks

DDO26 specifies a discretionary 15m setback from Queens Road. This generous and consistent setback has the potential to make a greater contribution to the landscape character of the area. The landscape setbacks also assist in framing long ranging views along Queens Road and defines the urban edge of Albert Park.

It also provides a reprieve from the heavy volumes of traffic along Queens Road and visual continuation to the 'green' edge of Albert Park.

It is noted that the extent of the basement (to the Queens Road boundary) removes opportunities for significant vegetation to establish within the front setback. As noted above, the front landscaped setback is the essential element of the Queens Road character. Not only does it create a consistent formal, landscaped vista along Queens Road, it also forms a 'green edge' to Albert Park.

Reflecting this, the DDO seeks to ensure that front setbacks provide for canopy trees and other larger plants to enhance the streetscape and pedestrian space.



It is suggested that the proposal further consider opportunities for canopy trees within the Queens Road setback.

Side setbacks

DDO26-6 requires that development must be setback 4.5 metres from common side boundaries. Elements of the development that project into this mandatory setback requirement should be removed. However, it is noted that the DDO allows for some projections as follows:

In relation to any requirements of this schedule which otherwise operate as mandatory requirements, a permit may be granted to vary such requirements if either of the following circumstances apply:

- *A permit may be granted to allow the construction of verandahs, architectural features, balconies, shelters, sunshades, art works, street furniture, fences, reskinning or recladding of an existing building, and basements which do not project above ground level, within the area of a setback required by this schedule.*

Podium form

The proposal complies with the DDO26(6) requirement for a 30m podium (to a depth of 10m) along Queens Road.

The proposal does not comply with the DDO26 requirement for an 11m podium (to a depth of 5m) to Queens Lane. The proposal seeks an alternative to this requirement with a setback of between approximately 5-7m from Queens Lane which incorporates vehicle access, drop off areas, planting and the building's servicing requirements.

The proposal's presentation to Queens Lane is supported given that:

- *It is not considered that the proposal's setback will adversely impact on the pedestrian amenity of Queens Lane*
- *Vehicle access utilises the existing two crossovers*
- *the setback allows for the discrete siting of the water and gas meters and ensure that the basement entrance and substation are not located directly on the Queens Lane footpath*
- *landscaping and lighting is proposed within the setback*
- *the Queens Lane elevation includes a visually prominent foyer entrance into the building where pedestrians can directly and conveniently access the building foyer from Queens Lane*
- *The existing buildings within the site's immediate context have relatively limited redevelopment opportunities and do not incorporate podiums forms to Queens Lane consistent with the DDO specifications. Accordingly, the proposal's variation from the DDO requirement will not undermine a consistent emerging character*
- *The design and treatment (including pavements, design treatments and landscaping) of both the setback area and the building's Queens Lane façade ensure they will appear as integrated (and visually consistent) elements of the proposal's overall design concept.*

Apartment design

It is noted that a number of apartments do not comply with the Better Apartment Draft Standards and accordingly, some concerns are raised regarding the internal amenity of the proposed apartments.



Specifically:

- A number of south facing single aspect apartments do not comply with the 'Room Depth' standard.
- Some of the bedrooms do not comply with the 'Windows' standard (which seeks to ensure that all habitable rooms have direct access to daylight by requiring a window to be directly visible from any point in the room)
- Clarification is sought regarding the location of the communal outdoor space. The 'Solar access to communal outdoor space' standard seeks to ensure that any communal outdoor open space provided on-site for residents achieves a specific amount of direct sunlight through good orientation.
- The proposal does not meet the 'Natural Ventilation' standard.
- A number of the apartments do not comply with the 'Private Open Space' standards.
- The proposal does not comply with the 'Landscaping' standard (particularly the 'deep soil areas' requirements).
- Clarification is sought regarding the proposal's compliance with the 'Accessibility' standard.
- The proposal does not comply with the 'dwelling entry and internal circulation' standard

Building entrance

- DDO26 requires that pedestrian entrances open directly to the street as a key feature of the building façade; and that foyer areas should have visibility to the street and be designed to encourage activity and interest both within and external to the building.
- It is suggested that the entrance/foyer should be more prominently located along the building's primary frontage to Queens Road.

Summary of issues:

- The variation from the DDO26 regarding the setback from Queens Lane is considered acceptable, given the immediate context of the site and the proposed design outcome (as discussed in detail above).
- However the proposal exceeds the 40m height limit. Specifically, it is of concern that by exceeding the height limit, the proposal will:
 - Undermine objective in the DDO which seek to promote medium scaled built form on Queens Road and maintain the prominence of the St Kilda Road Boulevard through a transition in building heights from St Kilda Road.
 - Unreasonably impact on the setting of the adjoining heritage buildings.
- It is suggested that the proposal further consider opportunities for canopy trees within the Queens Road setback.
- Concerns are raised regarding the internal amenity of a number of the apartments.

Planner Comment:

These issues are discussed later in this report.

7.1.6 Tree Management

Trees on the site:

The plans indicate the removal of the following high retention trees:

- Tree 7 Phoenix canariensis



- Tree 10 *Corymbia Citridora*
- Tree 11 *Corymbia Citridora*
- Tree 12 *Corymbia Citridora*

Trees 10 and 12 are considered significant and of high retention value under Council's Amenity Local Law (no.1 clause 44), these trees should be retained and incorporated into the designs. Tree 11 may not be able to be protected under our Local Law, so technically it can be removed without Council's Authorisation. However, this tree is a healthy specimen and worth retaining

The current submitted plans indicate space for a driveway and landscaped areas. I highly recommend the applicant amend designs to the Queens Rd frontage. Where possible tree sensitive building / landscaping techniques should be adopted within the tree protection zones of these trees.

Trees located on adjacent property at 30 Queen Road:

A number of trees growing along the boundary may be impacted by the development.

All trees with an intrusion greater than 10% into the TPZ should be managed in the following manner:

- 1. Exploratory digging must be undertaken along the section of the building's footprint that is encroaching into the TPZ using non-destructive methods to locate roots; pneumatic, hydraulic, or hand digging methods are recommended.*
- 2. If roots over 20mm in diameter found during dig they should be retained and changes to building designs should be considered to avoid them being cut.*
- 3. It is recommend that construction methods be considered that allow encroachment into the TPZ; pier and beam, suspended slabs, and cantilevered building sections, screw piles, and contiguous piling.*
- 4. If piers are to be used it is recommended that they be strategically placed to avoid structural roots found (roots over 20mm in diameter).*
- 5. Small roots exposed during excavation should be pruned by the Project Arborist so that the final cut to leaves roots undamaged (clean) final cut . Pruning cuts should be made with sharp tools such as secateurs, pruners, handsaws or chainsaws. Pruning wounds should not be treated with dressings or paints. It is not acceptable for roots within the TPZ to be 'pruned' with machinery such as backhoes or excavators.*

Planner Comment:

It is noted that none of the trees on the site are protected under the provisions of the Planning Scheme.

The comments state that Tree 7 (phoenix canary palm) and Tree 11 (Lemon-scented gum) could be removed without consent from Council as they are not considered to be significant under the Local law noted above. It is noted that Tree 11 is considered to be in good health and should be retained.



Trees 10 and 12 (both Lemon-scented gums) are considered to be significant under the Local Law noted above and therefore would require Council consent under the Local Law for their removal. This is discussed later in this report.

An arborist report could be required as a condition on any approval which would demonstrate how these trees would be protected during construction of the building (refer recommended condition 11).

7.2 External referrals

Referral Authority	Response	Conditions
Public Transport Victoria	No objection	None
VicRoads	No objection	None

8. PUBLIC NOTIFICATION/OBJECTIONS

8.1 It was determined that the proposal may result in material detriment therefore Council gave notice of the proposal by ordinary mail to the owners and occupiers of surrounding properties (686 letters) and directed that the applicant give notice of the proposal by posting two notices on the site for a 14 day period, in accordance with Section 52 of the Planning and Environment Act 1987.

8.2 The application has received 69 objections. The key concerns raised are summarised below (officer comment will follow in italics where the concern will not be addressed in Section 9):

- Inappropriate height
 - Traffic and parking impacts
 - Reduction in daylight and sunlight into adjoining properties
 - Increased overshadowing
 - Increased overlooking
 - Waste management issues
 - Impact on heritage building adjacent
 - Insufficient street setbacks
 - Lack of landscaping
 - Inconsistent with Better Apartment Design Standards
 - Inconsistent with DDO requirements
 - Insufficient side setbacks
 - Wind impacts
 - Loss of property value
- This are not a planning consideration given that views to Albert Park and beyond are not protected by the Planning Scheme.*
- Loss of views



This are not a planning consideration given that views to Albert Park and beyond are not protected by the Planning Scheme.

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

9. OFFICER'S ASSESSMENT

9.1 Local Policy

Is the proposed use supported by policy?

Clause 21.04-1 Housing and Accommodation of the MSS sets out Local Policy objectives and strategies for new housing including:

1. *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.*

1.1 *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. New housing will generally be in the form of higher density development, including tower-podium developments. The height, scale and massing of new development must be in accordance with any Design and Development Overlay for the area, the urban design local policy or must respect the surrounding built form context or in the case of the Fishermans Bend Urban Renewal Area, the Fishermans Bend Strategic Framework Plan, July 2014 (amended April 2015).

Pursuant to this policy, the land is considered to be located in a **Substantial Residential Growth Area** as defined in the policy:

Strategically appropriate locations for higher density residential development (being proximate to major activity centres and / or the PPTN 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.

Notwithstanding that the site is not located within a Major Activity Centre, the site is considered to be in a strategic precinct that is proximate to a major activity centres and the fixed rail public transport (Trams). Therefore, it is considered to be an appropriate location to accommodate an increase in residential density, subject to compliance with the Design and Development Overlay requirements and the urban design local policy.

9.2 Design and Development Overlay

The subject site is within Schedule 26 to the Design and Development Overlay for the St Kilda Road North Precinct, and more particularly, in Sub Precinct 6b (Queens Road) DDO 26-6b.



The Queens Road Sub-Precinct is distinct as a lower rise, predominantly residential area that forms the edge to Albert Park. There is a consistency of building scale and siting that creates a cohesive streetscape image. The objectives for Sub-Precinct 6 are:

- To reinforce the primacy of the St Kilda Road boulevard by creating a preferred future built form which provides a transition down in height from the high rise buildings along St Kilda Road to medium rise buildings along Queens Road.
- To ensure that buildings are of a medium scale with towers setback above a podium.
- To ensure that development frames long ranging views along Queens Road and forms an edge to Albert Park.
- To ensure that development provides generous and consistent front setbacks and regular spacing between buildings.
- To ensure that front setbacks provide for canopy trees and other larger plants to enhance the streetscape and pedestrian space.
- To provide landscaped links along east-west streets.
- To retain and enhance important heritage buildings.
- To ensure that development improves the pedestrian environment along Queens Lane through buildings designed to address and engage with the street edge while maintaining the service role of this lane.
- To ensure that buildings are scaled to maintain a respectful backdrop for the Shrine of Remembrance.

DDO interpretation of Mandatory and Discretionary requirements

The provisions of DDO 26 have previously led to some confusion as to whether they are to be read as mandatory or discretionary requirements. Particularly in this case the use of the word 'must' in the requirements that are understood to be discretionary in nature.

The following order of the Tribunal (Deputy President Dwyer) in relation to a site with in this DDO area (157 Eastern Road, South Melbourne) helps to explain how these requirements are to be read and how they have been treated within this report:

'Essentially, the interpretation proceeds on the basis that the relevant requirements in DDO-26 are discretionary unless accompanied by the additional words (that appear in the DDO on several occasions) to the effect that a permit may not be granted for a building or works that is not in accordance with the relevant requirement, unless allowed by clause 4.0 of the schedule. Where those words appear, the requirement operates as a mandatory control.'

A further decision of the Tribunal (*7 Bowen Crescent Developments Pty Ltd v Port Phillip CC [2016] VCAT 1576*) in relation to a site with in this DDO area (7-8 Bowen Crescent, Melbourne) also details how these requirements are to be read in the context of this area:



‘Although these requirements include the word ‘must’, they are discretionary, as they are not followed by the words “A permit may not be granted to construct a building or construct or carry out works which are not in accordance with this requirement unless allowed by clause 4.0 of this schedule”, as appear elsewhere in this Clause.’

This interpretation also concurs with the parent control of the DDO provision at Clause 43.02-2 which states the following:

‘A permit may be granted to construct a building or construct or carry out works which are not in accordance with any requirement in a schedule to this overlay, unless the schedule specifies otherwise.’

In light of the above decisions of the Tribunal and the provision at Clause 42.02 of the Planning Scheme, this report will only consider the requirements of the DDO as Mandatory where they are followed by the words “A permit may not be granted to construct a building or construct or carry out works which are not in accordance with this requirement unless allowed by clause 4.0 of this schedule”

Sub-Precinct 6 and 6b Requirements

It is noted that all requirements in this table are **discretionary** unless otherwise stated within the requirement section of the table.

Requirement	Assessment
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<p>A landscape setback of 15 metres must be provided to Queens Road. (Discretionary)</p>	<p>Not Achieved - acceptable variation</p> <p>The proposed setback would be between 14.6m and 16.7m (Ground Levels to Level 9).</p> <p>DDO26 specifies a discretionary 15m setback from Queens Road. This DDO provision is generous and is intended to provide a consistent setback that makes a greater contribution to the landscape character of the area. The landscape setbacks also assist in framing long ranging views along Queens Road and defines the urban edge of Albert Park.</p> <p>It also provides a reprieve from the heavy volumes of traffic along Queens Road and visual continuation to the 'green' edge of Albert Park.</p> <p>It is noted that the extent of the basement (to the Queens Road boundary) removes opportunities for significant vegetation to establish within the front setback. The front landscaped setback is the essential element of the Queens Road character. Not only does it create a consistent formal, landscaped vista along Queens Road, it also forms a 'green edge' to Albert Park.</p> <p>Reflecting this, the DDO seeks to ensure that front setbacks provide for canopy trees and other larger plants to enhance the streetscape and pedestrian space.</p> <p>As noted previously in this report, the construction of the proposed building would require the removal of the large gum trees at the front of the site.</p> <p>It is considered that the removal of the trees would be inappropriate in the context of the requirements to create a landscaped setback that provides a buffer to Albert Park while continuing the character along this edge of Queens Road.</p> <p>The applicant has stated that the trees could be retained at the front of the site, however this would have a significant impact on the building design and construction methods through an additional level of basement car parking, the removal of the vehicle access to Queens Road and further setbacks to the front from Ground level to Level 9 of the building.</p>
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	<p>In relation to these identified impacts on the building and the construction of the building, it is considered that:</p> <ul style="list-style-type: none">• The possible deletion of the front access from Queens Road is acceptable as the main vehicle access is via Queens Lane.• Pedestrian access could be maintained from Queens Road as this proposed access would have carried a low number of pick and drop off vehicle movements that could be accommodated within the drop off area at the rear of the building.• The further setbacks to the front of the site would not have a significant impact to the number or size of the apartments or common spaces in the context of the overall building and would only add further to the landscape setback from Queens Road. <p>Despite the potential impacts on construction costs, time and methods, it is considered that the Lemon Scented Gum trees at the front of the site should be retained and incorporated into the design of the development.</p> <p>This could be achieved by a condition on any approval [refer recommended condition 1d)].</p>
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<p>Development fronting and abutting Queens Lane must:</p> <ul style="list-style-type: none"> ▪ be built to the Queens Lane boundary; and ▪ within 5 metres of Queens Lane not exceed a height of 11 metres. <p>(Discretionary)</p>	<p>Not Achieved - acceptable variation</p> <p>The proposal seeks an alternative to this requirement with a setback of between approximately 5-7m from Queens Lane at the ground level which incorporates vehicle access, drop off areas, planting and the building’s servicing requirements and 5-6m on the upper floors.</p> <p>The proposal would not comply with the Queens Lane podium requirement.</p> <p>The proposal’s presentation to Queens Lane is supported in this instance given that:</p> <ul style="list-style-type: none"> • It is not considered that the proposal’s setback will adversely impact on the pedestrian amenity of Queens Lane • Vehicle access utilises the existing two crossovers • The setback allows for the discrete siting of the water and gas meters and ensure that the basement entrance and substation are not located directly on the Queens Lane footpath • Landscaping and lighting is proposed within the setback • The elevation includes a visually prominent foyer entrance into the building where pedestrians can directly and conveniently access the building foyer from Queens Lane • The existing buildings within the site’s immediate context have relatively limited redevelopment opportunities and do not incorporate podiums forms to Queens Lane consistent with the DDO specifications. Accordingly, the proposal’s variation from the DDO requirement is satisfactory in this instance as it would not undermine a consistent emerging character. • The design and treatment (including pavements, design treatments and landscaping) of both the setback area and the building’s Queens Lane façade ensure they would appear as integrated (and visually consistent) elements of the proposal’s overall design concept.
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<p>Development within 25 metres (inclusive of the 15 metre landscape setback) of any street frontage to Queens Road must not exceed a height of 30 metres.</p> <p>(Discretionary)</p> <p>Development beyond the landscape setbacks and podium height limits must not exceed a height of 40 metres.</p> <p>(Discretionary)</p>	<p>Not Achieved – condition required</p> <p><u>Podium</u></p> <p>The proposal does not meet the DDO26 (6) requirement for a 30m podium (to a depth of 25m) along Queens Road.</p> <p>The only elements of the building within the setback area would be either parapets or balcony space that would have a maximum height of 31.1m and 31.75m respectively. The balustrades proposed are 1.8m high to mitigate the known wind conditions.</p> <p>The provisions of the DDO allow for minor intrusions into the setback area for balconies and in this case these minor height intrusions are considered to be acceptable and as they would not impact the streetscape of Queens Road or impact the stepping down of built form from St Kilda Road to Albert Park.</p> <p><u>Height</u></p> <p>The proposal seeks approval for a 49m high building (excluding services). The upper levels of the building progressively step back above the podium height of 30m.</p> <p>The overall building height of the advertised proposal is not supported. It is considered that the height of the proposal does not meet the key objectives of DDO26:</p> <p>DDO26(6) seeks to reinforce the primacy of the St Kilda Road boulevard by creating a preferred future built form which provides a transition down in height from the high rise buildings along St Kilda Road to medium rise buildings along Queens Road.</p> <p>To ensure new buildings reinforce the primacy of St Kilda Road, DDO26 specifies a discretionary height limit of 40m.</p> <p>It is considered that the proposal's height at almost 50m will undermine objectives that seek legibly distinct built form scales between St Kilda Road and Queens Road. The maximum building heights in DDO26 aim to ensure consistency of design outcome in this location and provide a defined building edge when viewed from a distance including form across Albert Park and from along Queens Road.</p> <p>The location of Albert Park and the long</p>
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	<p>linear form of Queens Road result in this form being legible from numerous vantage points.</p> <p>Further, a key objective in DDO26-6 is to provide for a 'medium scale' of development in this location. While there is no specific definition of 'medium scale' in the planning scheme, the DDO uses the term 'higher scale' and 'medium scale' to describe various development outcomes for different precincts. It is noted 60m/65m AHD applies along the 'higher scale' St Kilda Road, with 40m along the 'medium' scale Queens Road (for the section including the subject site).</p> <p>A difference in building heights can currently be perceived between St Kilda Road and Queens Road with buildings between Leopold Street and Hanna Street (except 29 St Kilda Road at 59m, built in 1986) 40m or less in height.</p> <p>Importantly, there are many individual heritage sites along Queens Road, ranging from Victorian era mansions to mid twentieth century flats. The lower scale currently required for Queens Road compared to St Kilda Road is in part a response to this heritage context. It is noted that the proposal sits in between two significant heritage places at 30 (HO235) and 32 St Kilda Road (HO335). Specifically, the 'medium' height scale of Queens Road has been selected to provide a respectable setting to the 20th century flat development of 4 to 5 storeys, and large scale Victorian era mansions.</p> <p>To achieve these objectives and outcomes sought by the DDO, it is therefore considered that the height of the building should be reduced to 40m (excluding plant) by a condition on any approval [refer recommended condition 1a)] which would reduce the building height by approximately 10m or 3 levels.</p>
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Buildings and Works General Requirements:

It is noted that all requirements in this table are **discretionary** unless otherwise stated within the requirement section of the table.



Requirement	Assessment
<p><u>Design Quality</u></p> <p>New developments should achieve urban design and architectural excellence.</p> <p>Developments on corner sites with a St Kilda Road, Albert Road, Kings Way or Queens Road frontage or abuttal should not express the side street podium requirement to those roads.</p> <p>Where a podium / tower typology is not proposed for a corner site, a high quality architectural response is required which achieves an appropriate transition to podium / setback requirements on adjoining sites, including through building articulation/massing, building materials, finishes and design detail.</p> <p>Developments on large sites should minimise building bulk and promote vertical articulation in their design.</p> <p>(Discretionary)</p>	<p>Part Achieved – conditions required</p> <p>Whilst portions of the building would provide for an acceptable level of architectural quality, as discussed in this report, the height of the building, the side setbacks and the removal of the trees at the front of the site would not provide an acceptable outcome in the streetscape.</p> <p>Therefore conditions should be added to any approval to alter these elements of the development [refer recommended conditions 1a) to 1d)].</p>



<p><u>Separation Distances / Side and Rear Setbacks</u></p> <p>For properties with a primary frontage to St Kilda Road or Queens Road in Sub Precincts 5 and 6 development must be setback 4.5 metres from common side boundaries. A permit may not be granted to construct a building or construct or carry out works which are not in accordance with this requirement unless allowed by clause 4.0 of this schedule - Mandatory</p> <p>For all Sub-Precincts - Additional side and rear setbacks and/or separation distances may be required to ensure buildings are designed and spaced to:</p> <ul style="list-style-type: none"> – Respect the existing urban character and pattern of development. – Equitably distribute access to an outlook, daylight and achieve privacy from primary living areas for both existing and proposed development. – Achieve sky views between towers, ensure adequate sun penetration to street level and mitigate wind effects. – Avoid windows of primary living areas and balconies that directly facing one another. – Maintain the equitable development potential of adjoining lots. 	<p>Part Achieved – condition required</p> <p>As previously discussed, the side setbacks along Queens Road are an important characteristic of the area</p> <p>DDO26-6 requires that development must be setback 4.5 metres from common side boundaries.</p> <p>In relation to any requirements of this schedule which otherwise operate as mandatory requirements, a permit may be granted to vary such requirements if either of the following circumstances apply:</p> <p><i>A permit may be granted to allow the construction of verandahs, architectural features, balconies, shelters, sunshades, art works, street furniture, fences, reskinning or recladding of an existing building, and basements which do not project above ground level, within the area of a setback required by this schedule.</i></p> <p>Elements of the development would project into this mandatory side setback in the following manner:</p> <ul style="list-style-type: none"> • A portion of the basement entry on the southern elevation at ground level • A portion of the ground floor mail room on the ground floor northern elevation • The gas and water meter services on the ground floor. • Portion of the balconies on the levels 1-16 on the northern elevation. <p>The ground floor areas described above would not sit within the exemptions allowed at Clause 4.0 of the DDO provisions and therefore would need to be located outside of the setback area. This could be achieved by a condition on any approval [refer condition 1b)].</p> <p>Balconies are nominated within the exemptions at Clause 4.0 of the DDO, however the extent of reduction in the setbacks required by the balconies on the northern elevation of the building and the extent of the reduced setbacks which are proposed over the entire height of the building in this location would have an unreasonable impact on the existing and</p>
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	<p>preferred character of the area and therefore a 4.5m setback should be required by a condition on any approval [refer recommended condition 1b)].</p>
<p><u>Landscaped Setbacks</u></p> <p>Frontages along St Kilda Road and Queens Road must be retained as open space for substantial landscaping and pedestrian activity:</p> <ul style="list-style-type: none"> – St Kilda Road frontages should function as a forecourt for public, private and communal use. Public seating areas should be provided in these forecourts. – Queens Road frontages should be designed to provide substantial landscaping, including, where appropriate, large scale canopy trees. <p>Clear sightlines should be provided from the footpath to the building façade to increase perceptions of pedestrian safety.</p> <p>Water sensitive urban design treatments should be incorporated into frontage design to manage and reduce stormwater runoff.</p> <p>Exhaust stacks from underground car parks must be located away from main pedestrian areas and incorporated into the building design or adequately screened.</p> <p>Grade differences between the ground floor level and natural ground level should be kept to a minimum. Where level differences cannot be avoided (for example, due to the Special Building Overlay), stairs, terraces, disabled access ramps must be designed to not visually dominate the frontage setback space or significantly reduce the area for landscaping.</p> <p>(Discretionary)</p>	<p>Part Achieved – condition required</p> <p>This has been discussed earlier in this report.</p>



<p><u>Heritage</u></p> <p>New development must respect the form, massing and siting of heritage buildings on the development site or adjoining sites.</p> <p>(Discretionary)</p>	<p>Achieved</p> <p>The site is not covered by a heritage overlay.</p> <p>In relation to the adjacent heritage buildings, the front setback of the building would match those of the adjoining heritage buildings and subject to conditions, would continue the existing landscape character of the streetscape.</p> <p>This would also ensure that the proposed building would not reduce view lines and vistas to the principal façade of these existing heritage buildings.</p> <p>The side setbacks of the building, subject to conditions, would continue the existing character of the area of large detached buildings in the streetscape.</p> <p>It is considered that the building would be well located and sufficiently articulated and would, subject to conditions, provide an acceptable outcome in the context of the adjoining heritage buildings.</p> <p>It is noted that higher buildings are found adjacent to heritage buildings in the Queens Road and St Kilda Road streetscapes.</p> <p>As noted above, the recommended changes to the development would only further improve the relationship with the adjoining heritage buildings.</p>
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<p><u>Street Wall/Podium Level</u></p> <p>The design of podiums should create a 'human scale' providing visual interest and activity for pedestrians at the street edge, ameliorate wind effects and provide access to sunlight and sky views.</p> <p>The design of buildings should reinforce the pattern of the street by aligning their façade with the curvature of the street frontage.</p> <p>The design of new buildings should include openable habitable windows and balcony doors on the first five levels of the 'street wall' to enhance the sense of connection, surveillance and safety at ground level.</p> <p>All car parking at ground level or above must be sleeved with active uses to ensure it is not visible from the street.</p> <p>Buildings located on corner sites should address both street frontages (Discretionary)</p>	<p>Part achieved</p> <p>This has been discussed earlier in this report.</p>
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<p><u>Active Frontages</u></p> <p>New development should provide integrated community and active space at street level that contributes to a high quality public realm. All building frontages (except on laneways and service streets) should:</p> <ul style="list-style-type: none"> – Be orientated towards the street. – Allow for natural surveillance and a visual connection into the building through transparent windows and balconies. – Avoid blank walls, large areas of reflective services, high fences, service areas, car parks and garage doors in the podium interface areas. – Provide clear glazing to street frontages; security grills must be visually permeable and mounted internally. – Provide no or low, visually permeable front fencing. <p>New development along Queens Lane and Bowen Lane should incorporate lighting, entry doors, habitable rooms with windows, and display windows.</p> <p>Design pedestrian entrances to open directly onto the street, as a key feature of the façade and at the same level as the public footpath.</p> <p>Foyer areas should have visibility to the street and be designed to encourage activity and interest both within and external to the building.</p> <p>New development within a residential zone should provide:</p> <ul style="list-style-type: none"> – Individual entry points to ground level dwellings to create multiple residential addresses along the building façade, rather than a single entry point. – Entrances with weather protection and lighting. <p>(Discretionary)</p>	<p>Part Achieved – condition required</p> <p>The rear pedestrian entry would be legible, incorporate a transition area and weather protection would be provided by the overhang of the floors above and a canopy.</p> <p>The existing side entrance would not be orientated to the street, nor would it have natural street surveillance or be easily seen from the street.</p> <p>A new front entry from Queens Road would provide an improved outcome as it would be easily seen from the street and provide a clear identifiable entry point providing the building with an improved sense of address.</p> <p>A condition should be added to any approval requiring a reconfiguration of the ground floor communal areas to accommodate an additional pedestrian access in this frontage [refer recommended condition 1c)].</p> <p>The new entrance in conjunction with the communal spaces in the front and rear of the building and the upper floor windows and balconies would result in an acceptable level of street interaction and surveillance.</p>
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<p><u>Tower Design and Internal Amenity</u></p> <p>Tower forms (above podiums) should not exceed a maximum width of 35 metres to:</p> <ul style="list-style-type: none"> – Ensure that daylight penetrates through to parts of the building and streets, and adjoining buildings. – Reduce their perceived visual bulk. – Maintain sightlines between buildings. <p>New residential development must have access to onsite communal or private open space in the form of rooftops, podiums, balconies or courtyards.</p> <p>(Discretionary)</p>	<p>Complies</p> <p>The width of the tower would be approximately 23m and therefore would comply with the requirement.</p> <p>Side setbacks have been discussed earlier in this report.</p> <p>Each new apartment would have access to a balcony at least 8m² in area.</p> <p>No formal communal space is provided on the site, although the front setback area could provide for an informal communal outdoor space on the site.</p>
<p><u>Building Services</u></p> <p>Waste materials storage and services must be provided on site and should be screened from areas of high pedestrian activity.</p> <p>Waste storage or services should not impede pedestrian access and should be located away from footpaths.</p> <p>New buildings should provide internal and on-site loading facilities and on-site service vehicle parking at the rear of buildings to minimise disruption of traffic or pedestrian access and avoid laneway congestion.</p> <p>Building services on rooftops should be screened to avoid detrimental noise and visual impacts on the amenity of both private and public realms.</p> <p>Noise attenuation measures and suppression techniques should be incorporated into developments to ensure noise does not unreasonably affect the amenity of public areas and nearby residences.</p> <p>Green roofs, roof gardens and vertical gardens should be encouraged in new or refurbished buildings. Green roofs are defined as a vegetated landscape built up from a series of layers that are installed on the roof surface as ‘loose laid’ sheets or modular blocks.</p> <p>(Discretionary)</p>	<p>Complies – conditions required</p> <p>Roof top services would be an acceptable location.</p> <p>Waste has been considered by Council’s Waste Management Department, however a condition could be added to any approval requiring a private waste collection (refer recommended condition 9).</p> <p>Noise attenuation measures to the apartments could be included as a condition on any approval if required (refer recommended condition 12).</p> <p>There is no permit requirement under the current planning scheme that requires the provision of a loading bay for residential uses, however this DDO objectives states that loading provisions should be considered for all new developments to minimise disruption of traffic or pedestrian access and avoid laneway congestion.</p> <p>The application provides for a loading space on the Queens Lane frontage of the building in the porte cochère area which would be used for smaller loading and unloading activities that would be associated with moving in and out of a residential building and also for trade persons attending the site. This is a welcomed provision within the design which would alleviate some of the traffic pressures on Queens Lane.</p> <p>A condition should be added to any approval to identify this area with the rear section of the building [refer condition 1i)].</p>



<p><u>Vehicle Access and Car Parking</u></p> <p>Vehicle crossovers should be no more than 6m wide, with a maximum of one crossover per site.</p> <p>Vehicle ingress and egress must be located on lanes, where possible.</p> <p>Car access ways should not visually dominate the façade of a building, and be visually permeable to retain a visual connection through the site and allow for natural surveillance.</p> <p>Car parks should be built underground or located to the rear of the site to enable active uses on the street frontage. Where car parks are built above ground, they should not front the site or be visible from St Kilda Road, Queens Road or Punt Road.</p> <p>Car parking within a podium should incorporate floor to ceiling heights of 3.5m to enable future adaptation for habitable uses.</p> <p>Open/at-grade car parks should not be located in front setback areas.</p> <p>(Discretionary)</p>	<p>Complies – condition required</p> <p>The basement car parking spaces would be accessed from Queens Lane into the rear of the building which is considered to be acceptable.</p> <p>The front access would be a drop off area only and is not considered to be problematic as noted in the VicRoads comments previously outlined.</p> <p>As previously discussed, the front access would be deleted as a result of the required retention of the gum trees at the front of the site [refer recommended condition 1 d)].</p>
<p><u>Pedestrian Permeability</u></p> <p>New development should include pedestrian links along St Kilda Road, Queens Road and areas in the Mixed Use Zone to create mid-block links and increase the permeability of the Precinct.</p> <p>Development should enhance existing links/laneways by providing a mix of active and non-active frontages, appropriate to the role of the link / laneway.</p> <p>(Discretionary)</p>	<p>Part Achieved – condition required</p> <p>DDO26 requires that pedestrian entrances open directly to the street as a key feature of the building façade; and that foyer areas should have visibility to the street and be designed to encourage activity and interest both within and external to the building.</p> <p>An entrance/foyer should be created along the building’s primary frontage to Queens Road to provide an adequate sense of address and active frontage. The proposed entrance would be acceptable as secondary entrance points and provide adequate interaction on these facades.</p> <p>A condition should be added to any approval requiring an entrance in the Queens Lane frontage [refer recommended condition 1 c)].</p>

9.3 **Urban Design**

The application is required to be assessed pursuant to Clauses 15.01-2 Urban Design Principles of the State Planning Policy Framework (SPPF) and 22.06 Urban Design Policy for Non-residential Development and Multi-Unit New Residential Development of the Local Planning Policy Framework (LPPF).



Clause 15.01-2 also sets out objectives and policy for high quality urban design and architecture. The objective of the Policy is to achieve high quality urban design and architecture to:

- *Create urban environments that are safe, functional and provide good quality environments with a sense of place and cultural identity.*

The clause requires consideration also be given to the Design Guidelines for Higher Density Residential Development (Department of Sustainability and Environment, 2004) in assessing the design and built form of residential development of four or more storeys.

Clause 22.06 seeks:

- *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; and*
 - *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.*

This policy provides a local response to Clause 15.01-2 Urban Design Principles of the SPPF which references the ‘Design Guidelines for Higher Density Residential Development’.

As assessment of the proposal against the relevant State and Local Policy is as follows:

State Planning Policy Framework	Officer’s assessment
<p>Ensure that sufficient land is available to meet forecast demand</p> <p>Plan to accommodate projected population growth over at least a 15 year period and provide clear direction on locations where growth should occur. Residential land supply will be considered on a municipal basis, rather than a town-by-town basis.</p> <p>Planning for urban growth should consider:</p> <ul style="list-style-type: none"> • Opportunities for the consolidation, redevelopment and intensification of existing urban areas; • Neighbourhood character and landscape considerations. 	<p>Part Achieved – condition required</p> <p>The proposal would achieve an increase in residential density in proximity to an identified employment corridor and growth area well served by public transport, park lands and community facilities.</p> <p>The proposal would achieve urban consolidation and intensification of the existing urban area in a site identified by State Policy.</p> <p>As discussed earlier in this report, however the building height is considered to be excessive and would be inconsistent with the medium scale preferred character of the locality and therefore should be lowered to a maximum of 40m (excluding plan and lift overruns) by a condition on any approval [refer recommended condition 1a)].</p>
Urban Design (SPPF - CI 15.01)	



<p>Context: Development must take into account the natural, cultural and strategic context of its location.</p> <p>The design process and consideration of height, scale and massing of new development should be based on a comprehensive site analysis.</p>	<p>Part Achieved – conditions required</p> <p>The application documentation included a site analysis and design response which set out in great detail the evolution of, and considerations underpinning the design.</p> <p>Some parts of the development have been well considered and would be responsive to and respectful of, the site’s natural, cultural and strategic location.</p> <p>However, despite the analysis provided, it is considered that the height of the building, the side setbacks and the removal of the trees at the front of the site would not provide an acceptable outcome in the streetscape and would require modifications.</p> <p>Therefore conditions should be added to any approval to alter these elements of the development [refer recommended conditions 1a) to 1d)].</p>
<p>The Public realm: Developments should protect and enhance main pedestrian spaces, streets, squares, parks, public spaces and walkways.</p>	<p>Achieved</p> <p>The entrances, including those recommended in conditions, in conjunction with the communal spaces in the front and rear of the building and the upper floor windows and balconies would result in an acceptable level of street interaction.</p> <p>The building would not cast appreciable shadow over the public realm.</p>
<p>Landmarks, views and vistas: Landmarks, views and vistas should be protected and enhanced, or where appropriate, created by new additions to the built environment.</p>	<p>Achieved</p> <p>The proposal would not materially change, or detract from any existing public landmark, view or vista.</p>
<p>Pedestrian spaces: Design of the relationships between buildings and footpaths and other pedestrian spaces, including the arrangement of adjoining activities, entrances, windows and architectural decoration, should enhance the visual and social experience of the observer.</p>	<p>Part Achieved</p> <p>This has been discussed previously in this report.</p>
<p>Heritage: New developments should respect, but not simply copy, historic precedents and create a worthy legacy for future generations.</p>	<p>Part Achieved</p> <p>This has been discussed previously in this report.</p>



<p>Consolidation of sites and empty sites: New development should contribute to the 'complexity' and diversity of the built environment.</p> <p>Site consolidation should not result in street frontages that are out of keeping with the 'complexity' and 'rhythm' of existing streetscapes.</p> <p>The development process should be managed so that sites are not in an unattractive neglected state for excessive periods and the impacts from vacant sites are minimised.</p>	<p>Not Applicable</p> <p>The subject site is a single lot and no consolidation is required.</p> <p>The proposed development would not alter the historic subdivision pattern of the site and surrounds.</p>
<p>Light and shade: Enjoyment of the public realm should be enhanced by a desirable balance of sunlight and shade.</p> <p>This balance should not be comprised by undesirable overshadowing or exposure to the sun.</p>	<p>Achieved</p> <p>The proposal would not result in overshadowing to any public park or open space.</p>
<p>Energy and resource efficiency: All buildings, subdivision and engineering works should promote more efficient use of resources and energy efficiency.</p>	<p>Part Achieved - condition required</p> <p>Refer to assessment at Section 7 of this report.</p>
<p>Architectural quality: New development should aspire to the high standards in architecture and urban design.</p> <p>Any rooftop plant, lift over-runs, service entries, communication devices, and other technical attachments should be treated as part of the overall design.</p>	<p>Part Achieved</p> <p>It is considered that the contemporary design would integrate well with the surrounding buildings.</p> <p>Compliance with DDO requirements have been discussed earlier in this report.</p> <p>Building services and plant are proposed to be internal or at roof level which would conceal their visibility.</p>
<p>Landscape architecture: Recognition should be given to the setting in which buildings are designed and the integrated role of landscape architecture.</p>	<p>Part Achieved</p> <p>This has been discussed earlier in this report.</p>
<p>Clause 22.06 - Urban Design Policy for Non Residential Development and Multi Unit Residential Development (Local Planning Policy)</p>	



<p>The Public Realm</p> <ul style="list-style-type: none"> • Encourage new development to protect and enhance pedestrian spaces, streets, squares, parks, public space and walkways (see Performance Measure 1). <p>Performance Measure 1</p> <p><i>New development may meet the above policy for the public realm if, as appropriate:</i></p> <ul style="list-style-type: none"> - <i>The building does not exceed 3 storeys in height adjacent to a public space, including a footpath (unless otherwise specified in a DDO),</i> - <i>Elements of the buildings greater than 3 storeys in height are set back behind the 3rd storey level (unless otherwise specified in a DDO).</i> <ul style="list-style-type: none"> • Discourage building designs that dominate or imply private ownership of public spaces. • Minimise adverse micro-climatic impacts such as overshadowing and wind tunnelling. 	<p>Achieved</p> <p>The podium height and setbacks are discussed earlier in this report.</p> <p>The building design would not dominate or imply private ownership of public spaces.</p> <p>The potential wind tunnelling impacts have been assessed later in this report.</p> <p>The building design would not unreasonably overshadow adjoining properties.</p>
<p>Street Level Frontages</p> <ul style="list-style-type: none"> • Encourage the design of building frontages at footpath level to offer visual interest, passive surveillance, social interaction, safety, shelter and convenience. • Require pedestrian entrances to buildings to: <ul style="list-style-type: none"> - be clearly visible and easily identifiable from streets and other public areas. - provide shelter, a sense of personal address and a transitional space between the public and private realms. • Encourage windows, terraces and balconies at lower building levels to offer surveillance of adjacent public areas. • Require all buildings to be accessible at ground-floor level to people with limited mobility. • Require pedestrian amenities including seating, lighting and public art to create a safe and interesting pedestrian environment. • Discourage blank walls and car park vents onto pedestrian spaces. 	<p>Part Achieved</p> <p>This has been discussed previously in this report.</p>



Landmarks, Views and Vistas	Part Achieved
<ul style="list-style-type: none"> • Encourage new development to preserve the visual prominence of key landmarks in the municipality from adjoining streets, foreshore areas and other key public spaces. These landmarks include (but are not limited to): <ul style="list-style-type: none"> - the Melbourne Central Activities District, - maritime structures such as St Kilda Pier, Kerferd Rd Pier and Station Pier, - landmarks of cultural significance such as town halls, clock towers, church spires, synagogues, grandstands and hotels, - landmark heritage buildings, - the foreshore and adjacent boulevards and promenades, and - public gardens and other key public open spaces. • Encourage, where appropriate, new developments on major strategic sites to seek to create or emphasise landmarks, views and/or vistas by carefully responding to the site's context (a landmark can be expressed in a variety of ways other than building height and may include the restoration and recycling of a heritage place). • Encourage new development to maintain and enhance important vistas in the municipality including, but not limited to: <ul style="list-style-type: none"> - along St Kilda Rd, particularly towards the Shrine of Remembrance, - the Shrine Vista, - from the foreshore and its piers and the Bay towards the Melbourne CAD skyline, - along the beach front roads and boulevards, towards the foreshore and Port Phillip Bay in both directions, - along local roads and streets to Port Phillip Bay, the Melbourne CAD, Albert Park Reserve and local parks and gardens, - the built form edge of key open spaces, including the foreshore. 	<p>The proposal, subject to a reduction in height, would not impinge on the visual prominence of any key landmarks within the municipality as viewed from public spaces.</p> <p>The subject site is not a major strategic site.</p> <p>The proposal would not impinge on or detract from any important vista in the municipality including the Shrine of Remembrance or the adjacent heritage buildings subject to the recommended modifications to height and side setbacks.</p>



<p>Large Sites</p> <ul style="list-style-type: none"> • Encourage large sites to be developed and subdivided in a manner that provides pedestrian permeability through the block rather than just public access around the perimeter. This may include public laneways or vehicle/pedestrian linkages across the site in a manner that reflects the traditional pattern of streets and lanes and which creates inviting, useable and safe public spaces. 	<p>Achieved</p> <p>Private pedestrian access through the site would be achieved along the northern boundary.</p> <p>There is no public spaces proposed and this is acceptable given the site is located approximately 70m from the corner of Louise Street which would provide adequate access to adjoining areas.</p>
<p>Energy and Resource Efficiency</p> <ul style="list-style-type: none"> • Encourage buildings, internal building spaces and open spaces to be oriented and designed to take maximum advantage of climatic factors to minimise energy utilisation. • Encourage the use of energy efficient techniques that may include: <ul style="list-style-type: none"> - low energy lighting systems and lighting management controls, - solar and passive heating systems and natural or solar assisted ventilating and cooling systems, - laminated, tinted or double glazing to control heat gain and loss, - use of high thermal performance building materials, - energy recovery systems, - energy storage systems such as heat sinks and air conditioning automatic control systems, - external facade elements which offer climate control benefits, - stormwater retention and use on site, - on site grey water retention and use for appropriate purposes, and - encourage water conservation by the choice of appropriate plant species and irrigation systems for landscaped areas. • Ensure new development does not adversely affect the environmental performance of adjoining properties (e.g. overshadowing of solar panels) 	<p>Part Achieved – condition required</p> <p>The building design would display some sustainable design features including rain water harvesting methods, a relatively high energy rating and bicycle storage areas. However, further measures are required, as well as clarification and consistency between the plans and reports is required as stated earlier in Section 7 of this report.</p> <p>The building would not adversely affect the environmental performance of any adjoining property.</p> <p>Refer also to the assessment at Section 7 of this report.</p>



Building Design	Achieved
<ul style="list-style-type: none"> • Encourage the design of new development to generally: <ul style="list-style-type: none"> - express the urban grain and block pattern of subdivision and provide façade articulation, - avoid poorly designed and inappropriately located reproduction architecture, - include elevations, roof forms and facade treatments that are integrated with the overall design of the building which create visual interest at street level and which are legible and interesting from a range of perspectives, - define the corners at major street intersections through detailing and massing of the new built form and by addressing both street frontages and the surrounding context, - ensure that side walls of taller buildings provide interesting design elements to break up the mass and bulk and reduce the visual impact of blank walls. • Encourage the design of the building facades to make provision for the location of appropriate external lighting, mechanical equipment and signage. • Encourage resolution of building details, construction joints and junctions between different materials and finishes to be carefully detailed to ensure that they are properly integrated with the facade design. In particular, construction joints where pre-cast concrete is used to achieve a masonry finish should be carefully detailed. 	<p>The building design would match the existing block pattern however the proposed building would have a higher built form than the neighbouring buildings along Queens Road.</p> <p>Higher or similar height buildings are found further along both sections of the road.</p> <p>The new building would be contemporary in style and would not feature reproduction elements or themes.</p> <p>The materials proposed would provide an interesting façades on all frontages.</p> <p>Mechanical plant would be located internally and on the roof and would not be generally visible from abutting or nearby roads.</p> <p>Building details would be carefully detailed to ensure that they are properly integrated with the facade design.</p>



Urban Art	Condition required
<ul style="list-style-type: none"> Require all new developments where the Total Project Cost* (as shown on the Planning Permit Application Form) exceeds \$2 million to provide an urban art contribution that addresses Principle 1 and 2 of the Urban Art Strategy 2002. <p><i>Principle 1: Responsive Design</i></p> <p>The City of Port Phillip commits to a responsive design approach for the development of Urban Art, which reflects the identity of place, community values and innovation and creativity.</p> <p><i>Principle 2: Integrated Art</i></p> <p>The City of Port Phillip commits to a relational art approach, which will ensure Urban Art Demonstrates appropriate aesthetic appeal, functionality and utility in design development. Within this approach, art emphasises integration (e.g. response, memory and facilitation for 'place-making'), and/or promotes intervention (e.g. provocation, parody and challenge for 'agenda-setting').</p> <p>* Where staged permits are issued, the aggregated value of all permits relating to one building is the determining value for the Total Project Cost.</p>	<p>An urban art contribution could be required by a condition on a permit approval (refer recommend condition 8).</p>



Landscape	Part Achieved
<ul style="list-style-type: none"> • Encourage all new developments to: <ul style="list-style-type: none"> - retain all existing street trees and public landscape elements that contribute to the streetscape and amenity of the area, - locate vehicle access around the location of existing street trees, where appropriate, and - be setback a sufficient distance from street trees to ensure their ongoing survival and health. • Encourage all new developments to provide landscaping to setback areas, ground floor open spaces and outdoor car parking areas that: <ul style="list-style-type: none"> - integrate new buildings and pedestrian spaces into the surrounding neighbourhood and provide pleasant outlooks, and - include vegetation species that reflect those existing in the surrounding locality or otherwise are indigenous to the neighbourhood. • Encourage contributions towards street/public space landscaping, where this is appropriate. • Encourage landscape treatment to enhance the boulevard character and quality, of main boulevards, including Beach St, Beaconsfield Pde, Jacka Boulevard, Marine Pde, Kerferd Rd, Ormond Esplanade, St Kilda Rd, Queens Rd, Kings Way and Albert Rd. 	<p>This has been discussed earlier in the report</p>



<p>Public Open Spaces</p> <ul style="list-style-type: none"> • Encourage the provision of public open space on-site that: <ul style="list-style-type: none"> - directly adjoins or links to a street frontage where the space will be used by the public, - provides an open space link through a site that will contribute to the pedestrian permeability and accessibility of the site and build on the existing open space network of the neighbourhood, and - provides an outlook for as many occupants of the development as practicable and includes dwelling entries and windows facing the open space area to maximise opportunities for surveillance and informal interaction. • Maximise access to sunlight from key public, recreational and open space areas through the sensitive design and siting of new development. • Ensure new development does not overshadow public parkland (<i>land in the Public Park and Recreation Zone</i>) between the hours of 10.00am and 4.00pm on 22 June (winter solstice), unless otherwise specified in a DDO. 	<p>Achieved</p> <p>No public open space is proposed on site. A variation is supported for this because:</p> <ul style="list-style-type: none"> • The subject site does not adjoin streets that would benefit from additional public space. • The provision of public open space within new developments is not typical of the neighbourhood character of the commercial and residential areas surrounding the subject site. <p>No public park areas would be overshadowed as a result of the development.</p>
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<p>Private and Communal Open Space</p> <ul style="list-style-type: none"> • Require any new dwelling to have: <ul style="list-style-type: none"> - private open space with access from a main living room, which must be adequate in area and dimension to be demonstrably usable and to meet the needs of future occupants (a minimum area of 8m² with a minimum width of 1.6m is considered appropriate for a balcony/terrace), or - access to adequate communal open space, where it can be demonstrated by the applicant that this will better serve the needs of residents, and where the building design, site constraints and/or heritage constraints prevent the supply of individual private open space areas. • Encourage the location and design of private and communal open space to take advantage of solar access, have reasonable levels of privacy and be designed to respect the privacy of private open space of surrounding dwellings. • Where on-site communal open space is proposed, encourage a variety of spaces including rooftop gardens and ensure that the space is appropriate to the needs of residents (e.g. in developments that include dwellings that are likely to accommodate families with children, the communal open space area(s) should provide safe and interesting play areas/equipment for children). • Encourage new balconies/terraces to be contained wholly within the site boundary. • Projections outside the site boundary are discouraged unless they follow a local pattern, contribute positively to the design outcome and to the safety of public spaces, are discreet rather than prevailing elements of the building’s design, and do not extend more than 500mm beyond the property line and no more than 2.5m in length if fully cantilevered. 	<p>Achieved</p> <p>Open space for the dwellings is proposed to be via individual balconies and terraces adjacent to living rooms. All dwellings would have balconies that at least 8m² in size.</p> <p>Overlooking of adjacent private open space areas is discussed later in this report.</p> <p>No communal open spaces is proposed within the development.</p>
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Fences	Achieved
<ul style="list-style-type: none">• Encourage new front fences to:<ul style="list-style-type: none">- be compatible with fencing in the surrounding area,- relate to the architectural style and use of the building and any adjacent open space areas, and- respond to the character and amenity of the surrounding area. Aspects such as the degree of transparency, height, materials and finishes of fences should be carefully considered.• Discourage front and side fences on St Kilda Rd to maintain the existing character and openness of the boulevard.	<p>There is no existing front fence.</p> <p>Some low planter boxes are proposed along portions of the front boundary. these curved areas would match the style of the building and would not detract from the character of the area which has a varied fence character.</p> <p>The site is not on St Kilda Road.</p>



<p>Residential Amenity</p> <ul style="list-style-type: none"> • Require that new private or communal open space areas receive a minimum of four hours of sunlight between the hours of 9.00a.m. and 3.00pm on 22 September (the equinox). • Ensure that solar access to existing habitable rooms and private open space of neighbouring residential properties is not unreasonably affected. • Ensure that existing habitable room windows and private open space areas of neighbouring residential properties are protected from additional direct overlooking through appropriate siting, setbacks, building articulation and screening devices. • Protect the occupants of existing and new buildings from external noise through appropriate acoustic building treatment (such as double glazing), and through the siting of mechanical equipment and open space areas. 	<p>Partially Achieved – condition required.</p> <p>The majority of balconies would receive adequate levels of sunlight as they face the street or the northern aspect. Some of the dwellings would be south and therefore are going to have reduced access to sunlight. This outcome is acceptable on an east-west orientated site of this size.</p> <p>All balconies and habitable windows would receive acceptable daylight access given the setbacks to the boundaries.</p> <p>The building would not overshadow any private open spaces the areas to the south of the building are common spaces (primarily car parking). The building at 484 St Kilda Road is an office building and therefore would not be unreasonably impacted by the afternoon shadowing from the building.</p> <p>The buildings at No.30 Queens Rd or 478 and 480 St Kilda Rd would not be impacted by shadowing from the new building as they sit to the north of the site.</p> <p>It is noted that numerous windows and balconies would be within 9m of existing habitable windows at both 30 and 32 Queen Road.</p> <p>It is considered that views from these windows would unreasonably impact on the privacy of these spaces and screening of these balconies and windows should be added to prevent direct views into these habitable windows [refer recommended condition 1e)].</p> <p>Acoustic treatment could be required as a condition on any approval (see recommended condition 12).</p>
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<p>Car Parking and Pedestrian Access</p> <ul style="list-style-type: none"> • Ensure streets, footpaths and driveways provide safe, manageable and convenient access to buildings. • Ensure pedestrian accessways within the development are safe, attractive and convenient to use by occupants and visitors alike. • Encourage vehicle access points to: <ul style="list-style-type: none"> - be via a single crossover or, if appropriate, from an existing crossover (multiple crossovers which result in a loss of on-street car parking are discouraged), and - enable vehicles to move safely and efficiently between the development and the street network. • Encourage car parking to be contained within a building or located at the rear of a building and not visible from the street. If located above ground level, encourage the façade of car parks to be designed to integrate with the building and to screen views of cars from public areas and adjoining buildings. • Minimise hard paved areas over and above the building footprint to minimise stormwater runoff. • Ensure that car parks clearly define the location of visitor and/or customer parking, and make adequate provision for disabled parking and the queuing of vehicles on site. • Ensure that car parks are separated from habitable room windows to avoid noise and fumes entering dwellings. 	<p>Part Achieved</p> <p>This has been discussed earlier in this report.</p>
<p>Loading Facilities</p> <ul style="list-style-type: none"> • Encourage loading facilities to be located at the rear of a building and/or near an area of low pedestrian activity and separate from parking areas. • Avoid the design of loading facilities that require vehicles to reverse off-site. • Ensure that loading facilities are screened from view of the street when not in use. • Ensure that loading and unloading can occur wholly within the site boundaries. 	<p>Achieved</p> <p>This is discussed later in the report.</p>



<p>Site facilities</p> <ul style="list-style-type: none"> • Ensure garbage, recycling bin enclosures and collection points are located within the building wherever possible, are adequate in size and appropriately screened from view, are located for convenient access by occupants and collection vehicles and away from residential uses, and are sited and designed to not detract from the character and amenity of the streetscape. • Ensure that mailboxes are well designed, located for convenient access by occupants, and satisfy the requirements of Australia Post. 	<p>Part Achieved - Condition required</p> <p>The refuse area is located on the ground floor of the site. As the development is purely residential it is considered an acceptable arrangement. An amended waste management plan should be required by a condition on any approval to ensure private onsite collection of refuse (refer recommended condition 9)</p> <p>Mail boxes are located at the foyer to the building which is convenient and accessible.</p>
<p>Housing (SPPF - CI 16)</p>	
<p>To locate new housing in or close to activity centres and employment corridors and at other strategic redevelopment sites that offer good access to services and transport.</p> <p>To identify strategic redevelopment sites for large residential development in Metropolitan Melbourne</p>	<p>Achieved</p> <p>The site location is in proximity to tram lines, an employment corridor on St Kilda Road and other services which makes it suitable for significant residential development.</p>

9.4 Better Apartment Design Guidelines

As noted above this State Government amendment (VC136) introduced the Better Apartments Design Standards into all planning schemes on 13 April 2017. Transitional arrangements have been included in the new provisions (Clause 34.01-4) which state that the requirements would not apply to applications lodged prior to the approval date of the amendment (13 April 2017).

While the development would not meet all of the requirements of the standards, the development is considered acceptable subject to the recommended conditions.

9.5 Wind Impacts

The Applicant’s Wind report concludes that the ‘ground levels wind speeds within all public access areas surrounding the development should remain at their present levels or be reduced with the addition of the proposed development and its wind mitigation treatments.’

Moreover the report states that design and location of the upper floor balconies and balustrading would adequately shield these external private open spaces from unreasonable window conditions.

9.6 Traffic and Parking

Car Parking Reduction:

The following table shows the Planning Scheme parking requirements for the development:



Proposed Development	Total Required Parking under the Planning Scheme	Proposed car parking provided	Required Variation
142 x 1 and 2 bedroom dwellings 13 x 3 bedroom dwellings Total 151 dwellings	Total = 199 One space to each one and two bedroom dwelling = 142. Two spaces to each three bedroom dwelling = 26. One visitor space to every 5 dwellings = 31.	Total = 178 spaces 169 resident spaces 9 spaces provided for visitors	22 visitor spaces.

It is considered that given the resident parking would have one additional space than the planning scheme requires, that this additional space could be become a visitor space for the development. It is noted that a space exists immediately adjacent to the proposed visitor spaces that could easily be converted to an additional visitor space. This would reduce the overall reduction in car parking to 21 spaces [refer to recommended condition 1j)].

It is also considered that a Green Transport Plan could be required as a condition of any approval to help residents and visitors identify and use alternative transport options in the surrounding area (refer recommended condition 16).

It is considered that a reduction can be supported for the following reasons:

- As demonstrated in the applicant’s traffic report, on-street parking availability in St Kilda Road, Louise and Leopold Streets, during the day and evening is sufficient to cater to the visitor demands which would be generated by the development;
- The site is located within 200m of an off-street commercial car park on Leopold Street which provides an alternative to the on street network;
- The site is very well served by public transport including seven tram lines with 230m and 3 bus routes within 265m of the site; and
- Visitor bicycle parking has been provided in accordance with the Planning Scheme rates and the site is proximate to numerous bicycle and walking routes.

Car parking design and layout

Council’s Traffic Engineer has reviewed the proposed layout and confirmed that the car parking dimensions and layout, ramp gradients and overall car parking layout would be efficient and compliant with the design standards of the Planning Scheme.

Vehicle Access

The access from Queens Road is existing and no concern has been raised by VicRoads given that the access would not provide access to any car parking spaces within the development.

The rear access points onto Queens Lane would comply with the Planning Scheme requirements and is generally located in the same position as the existing crossovers to the site. The porte cochère in this location would alleviate loading issues currently found on Queens Lane.



Traffic Generation:

The traffic generation rates adopted by the Applicant have been checked and are considered appropriate for the proposed land use.

The expected traffic volume generated from the development will be approximately 465 vehicle movements and the expected traffic volume generated from the development during peak hours will be approximately 47 vehicle movements.

This generation would be acceptable as it would be similar to that created by the development at the rear (478 St Kilda Road) which was considered acceptable by Council and the Tribunal in recent times.

Cumulative Traffic Impacts:

It is noted that other than the subject development and the mixed use development at 478 St Kilda Road, Melbourne, there are no other applications are currently being considered or developments approved along this section of Queens Lane (between Leopold Street and Louise Street).

The applicant provides the following comments on the cumulative traffic impact from the development surrounding area:

Traffix Group (Traffic Engineers) prepared and presented traffic engineering evidence in relation to the development at 478 St Kilda Road. In the evidence statement, it was established that the approved development will generate in the order of 50 vehicle movements to/from Queens Lane during commuter peak hour periods.

As discussed in the traffic engineering report prepared by Traffix Group (Ref. G21301R-01C dated September 2016) for the proposed development on the subject site, a total of 47 vehicle movements are expected to be generated by the proposed development to/from Queens Lane during commuter peak hour periods.

Based on the above, a total of approximately 100 vehicle movements are projected to be generated to/from Queens Lane (between Leopold Street and Louise Street) as a result of the proposed development and the approved development at 478 St Kilda Road.

However, Queens Lane operates one-way northbound and therefore the number of additional movements at any one period will be less than 100 movements. Furthermore, historically both 31 Queens Road and 478 St Kilda Road have had access provided to Queens Lane further lessening the new volumes that will be generated by the proposed developments.

It is acknowledged that motorists using Queens Lane can experience a level of delay, but this is not dissimilar to the conditions of other roads located within inner Melbourne suburbs. In our opinion, the inclusion of the additional traffic may result in minor increases to delays but not to the extent that Queens Lane will become inoperable.

The site benefits from different access routes, and traffic can be distributed to/from Queens Road or St Kilda Road via Hanna Street, Louise Street and Leopold Street.

We are therefore satisfied that the cumulative level of traffic that is likely to be generated to Queens Lane as a result of the proposed development and the approved development at 478 St Kilda Road can be readily accommodated by the surrounding road network and intersections without adverse impacts.



It is noted that this site is located more than 1km from the Albert Road/Park Street area that is experiencing significant growth and subsequently impacts on traffic in the surrounding streets. Therefore given the distance between these areas, the additional traffic movements from this development is unlikely to have an impact on the traffic flow in the Park Street /Albert Road area.

9.7 Bicycle Parking

Clause 52.34-1 of the Planning Scheme requires bicycle parking and facilities as follows:

Bicycle parking rate	No. dwellings	Spaces required	Spaces proposed
Dwellings (in developments of four or more storeys) must provide One (1) resident bicycle space / 5 dwellings and One (1) visitor bicycle space / 10 dwellings	155	31 resident and 16 visitor = 47 spaces total	44 resident and 16 visitor spaces = 60 spaces total

The number of bicycle parking spaces proposed would exceed the number of spaces required for the dwellings under the Planning Scheme and therefore is considered acceptable.

9.8 Loading and Unloading

As discussed previously in this report, there is no permit requirement under the planning scheme that requires the provision of a loading bay for residential uses, however the DDO objectives states that loading provisions should be considered for all new developments to minimise disruption of traffic or pedestrian access and avoid laneway congestion.

The application provides for a loading space on the Queens Lane frontage of the building in the porte cochère area which would be used for smaller loading and unloading activities that would be associated with moving in and out of a residential building and also for trade persons attending the site. This is a welcomed provision within the design which would alleviate some of the traffic pressures on Queens Lane.

A condition should be added to any approval to identify this area with the rear section of the building [refer condition 1i)].

9.9 Waste Management

Council’s Waste Management Officer has confirmed that the waste management provisions should include an onsite private collection rather than collection from the rear lane.

In accordance with this recommendation, a condition should be added to any approval to require that the Waste Management Plan be updated to reflect this recommendation refer recommended condition 9).

10. COVENANTS



- 10.1 The applicant has completed a restrictive covenant declaration form declaring that there is no restrictive covenant on the titles for the subject site known as Crown Allotment 10 Section R City of South Melbourne Parish of Melbourne South [Parent Title Volume 04784 Folio 774].

11. OFFICER DIRECT OR INDIRECT INTEREST

- 11.1 No officers involved in the preparation of this report have any direct or indirect interest in the matter.

12. OPTIONS

- 12.1 Approve as recommended
12.2 Approve with changed or additional conditions
12.3 Refuse - on key issues

13. CONCLUSION

- 13.1 The proposed development, subject to the recommended conditions, complies with State and Local planning provisions contained within the Planning Scheme as it would:
- Comply with the provisions of Design and Development Overlay Schedule 26-6b;
 - Respect the existing and preferred character of this section of the St Kilda Road North Precinct;
 - Protect the landscape character of Queens Road;
 - Have no detrimental impact on the heritage character of the adjacent heritage buildings;
 - Provide each dwelling with a good internal layout and an adequate provision of private open space;
 - Respect the privacy, outlook and orientation of the adjoining properties.
 - Utilise a variety of complementary materials to achieve a visually-interesting and well-articulated contemporary composition that would respect and enhance the character of Queens Road; and
 - Provide adequate parking, waste and loading and unloading facilities for the reasonable needs of the on-site users without placing undue demand on the on-street parking network.
- 13.2 It is considered that the proposed development is worthy of support and it is recommended that a Notice of Decision to Grant a Permit be issued subject to the recommended conditions.



14. RECOMMENDATION - Notice of Decision

- 14.1 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.
- 14.2 That a Notice of Decision to Grant a Permit be issued for construction of a multi-storey building and a reduction in car parking requirements at 31 Queens Road, Melbourne.
- 14.3 That the decision be issued as follows:

1 Amended Plans Required

Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and an electronic copy must be provided. The plans must be generally in accordance with the plans submitted with the application (identified as those drawn by Plus Architecture and received by Council 23 September 2016) but modified to show:

- a) The building height (excluding plant and lift overrun) reduced to a maximum of 40m above natural ground level.
- b) The building, including all balconies and the gas and water service structures on the ground floor, setback a minimum of 4.5m from the side boundaries of the site.
- c) A pedestrian entry point to the Queens Road frontage of the building.
- d) The retention of the existing Lemon Scented Gum Trees identified at Trees 10, to 12 identified in the Arboricultural Construction Impact Assessment Report by Greenwood Consulting Pty Ltd, Dated 15 September 2016.
- e) Screening of habitable windows and/or balconies to prevent direct views into habitable windows of any adjoining dwellings at 30 and 32 Queens Road within 9m of these proposed balconies and/or habitable windows. Where louvre or batten screening is to be used, cross section elevation drawings of the screens must be submitted to and approved by the Responsible Authority. The drawings must:
 - Be drawn to scale and fully dimensioned;
 - Clearly delineate any solid parts of the screen and any louvre or batten parts of the screen;
 - Clearly illustrate how any louvre or batten system may allow horizontal or upward views but will prevent downward views to neighbouring properties;
 - Show the exact width and thickness of each louvre or batten, the exact spacing between each louvre or batten and a section detail from behind the screen demonstrating that direct views of adjacent private open space are precluded, while allowing outlook horizontally and upward from the window.
- f) The location (other than the balcony) of clothes lines or drying rails within each apartment.
- g) A note acknowledging connection of rainwater tanks to toilets within the development.



- h) A full schedule of materials, finishes and paint colours, including colour samples (colour samples in a form that is able to be endorsed and held on file).
- i) The location of the loading area at the rear of the site.
- j) The provision of one additional visitor car space (10 spaces total) within the basement 01 level of the building.
- k) Any consequential changes to the development required as a result of the changes required by condition 1a) to 1e).
- l) Any changes required by Conditions 3, 4, 5, 8, 9, 11, 12, 13 and 16.
- m) All plant, equipment and domestic services (including air conditioning, heating units, hot water systems, etc.) which are to be located externally.
- n) All plan and elevation drawings fully dimensioned, including natural ground level, floor levels, and incremental and total wall and building heights and lengths, with heights to be expressed to Australian Height Datum (AHD) and/or reduced levels.

2 No Alterations

The layout of the site and the size, levels, design and location of buildings and works shown on the endorsed plans must not be modified for any reason without the prior written consent of the Responsible Authority, unless the Port Phillip Planning Scheme exempts the need for a permit.

3 Sustainable Management Plan

Before the development starts (other than demolition or works to remediate contaminated land) a Sustainable Management Plan that outlines proposed sustainable design initiatives must be submitted to, be to the satisfaction of and approved by the Responsible Authority. When approved, the Plan will be endorsed and will then form part of the permit and the project must incorporate the sustainable design initiatives listed.

4 Water Sensitive Urban Design

Before the development starts (other than demolition or works to remediate contaminated land) a Water Sensitive Urban Design Report that outlines proposed water sensitive urban design initiatives must be submitted to, be to the satisfaction of and approved by the Responsible Authority. The report must demonstrate how the development meets the water quality performance objectives as set out in the Urban Stormwater Best Practice Environmental Management Guidelines (CSIRO) or as amended.

When approved, the Report will be endorsed and will then form part of the permit and the project must incorporate the sustainable design initiatives listed.

5 Maintenance Manual for Water Sensitive Urban Design Initiatives (Stormwater Management)

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 Building User's Guide or a Building Maintenance Guide.

6 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.

7 Walls on or facing the boundary

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.

8 Urban Art Plan

Before the development starts (other than demolition or works to remediate contaminated land), an urban art plan in accordance with Council's Urban Art Strategy must be submitted to, be to the satisfaction of and approved by the Responsible Authority. The value of the urban art must be at least 0.5% of the total building cost of the development to the satisfaction of the Responsible Authority. Urban art in accordance with the approved plan must be installed prior to the occupation of the building to the satisfaction of the Responsible Authority.



9 Waste Management Plan

Before the development starts (other than demolition or works to remediate contaminated land), an amended 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:

- A private on site waste collection provider.
- Land use type.
- 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.
- 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.

10 SEPP N1

All air conditioning and refrigeration plant must be screened and baffled and/or insulated to minimise noise and vibration to ensure compliance with noise limits determined in accordance with State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1 to the satisfaction of the Responsible Authority.

11 Arborist Report

Before the development starts (other than demolition or works to remediate contaminated land), a report and plan by a suitably qualified Arborist to comply with AS 4970 - 2009 *Tree protection on development sites* setting out how the Trees 1, 5, 6, 8, 9 at 30 Queen Road, Melbourne and Trees 10, 11 and 12 at 30 Queen Road, Melbourne, as identified in the Arboricultural Construction Impact Assessment Report by Greenwood Consulting Pty Ltd, Dated 15 September 2016, will be protected during and after construction, must be submitted to, approved by and be to the satisfaction of the Responsible Authority. When approved the report and plan will be endorsed and form part of the permit. The tree protection measures outlined in the report must be complied with to the satisfaction of the Responsible Authority.



12 Noise Attenuation for Apartments

External traffic noise intrusion within apartment bedroom and living areas (upon completion; with furnishing within the spaces and with windows and doors closed) and measured in accordance with AS/NZS2107/2000 Acoustics – Recommended Design Sound levels and Reverberation Times for Building Interior shall comply with the following:

- a) Between 10pm and 7am in bedrooms areas must not exceed LAeq, 9hour 40dB(A);
- b) Between 7am and 10pm in living rooms must not exceed LAeq (15hour) 45dB(A).

13 Landscape Plan

Before the development starts (other than demolition or works to remediate contaminated land), an amended detailed Landscape Plan must be submitted to, approved by and be to the satisfaction of the Responsible Authority. When the Landscape Plan is approved, it will become an endorsed plan forming part of this Permit. The Landscape Plan must incorporate:

- a) The retention of the existing Lemon Scented Gum Trees identified at Trees 10, to 12 identified in the Arboricultural Construction Impact Assessment Report by Greenwood Consulting Pty Ltd, Dated 15 September 2016.
- b) A survey plan, including botanical names, of all existing vegetation/trees to be retained;
- c) Buildings and vegetation (including botanical names) on neighbouring properties within 3m of the boundary;
- d) Significant trees greater than 1.5m in circumference, 1m above ground;
- e) All street trees and/or other trees on Council land;
- f) A planting schedule of all proposed vegetation including botanical names; common names; pot sizes; sizes at maturity; quantities of each plant; and details of surface finishes of pathways and driveways;
- g) Landscaping and planting within all open space areas of the site;
- h) Water sensitive urban design;
- i) Trees are not to be sited over easements.

All species selected must be to the satisfaction of the Responsible Authority.

14 Completion of Landscaping

The landscaping as shown on the endorsed Landscape Plan must be carried out and completed to the satisfaction of the Responsible Authority before the occupation of the development and/or the commencement of the use or at such later date as is approved by the Responsible Authority in writing.



15 Landscaping Maintenance

The landscaping as shown the endorsed Landscape Plan must be maintained, and any dead, diseased or damaged plant replaced in accordance with the landscaping plan to the satisfaction of the Responsible Authority.

16 Green Transport Plan

Before the development starts (other than demolition or works to remediate contaminated land), a green travel plan to the satisfaction of the Responsible Authority, prepared by a suitably qualified professional, must be submitted to and approved by the Responsible Authority. The green travel plan must provide detailed advice regarding how traffic movements will be managed and ensure an alternative, non-private vehicle transport modes will be encouraged. The plan should also identify specific opportunities for the provision of more sustainable transport options and encouragement of their use. The plan must include but not be limited to:

- a) Tram, train and bus timetables be installed in prominent locations in lifts and public areas (on noticeboards, etc);
- b) Bicycle parking areas to be installed in well secured and prominent locations;
- c) Install signs in prominent locations advising of the location of existing share car schemes, bicycle parking facilities for residents and visitor, tram stops, taxi ranks, railway stations, bus stops and bicycle paths.
- d) Ensure that access to the on-site parking is restricted and controlled.
- e) Funding by the applicant of the purchase of a bicycle as part of the sale for each of the apartments.
- f) Establishment of a car-pooling database for residents
- g) Establishment of seed funding for the Owners Corporation to allocate for the purchase of public transport fares and on-line shopping deliveries.
- h) Specific targets to guide the plans ongoing implementation;
- i) Identify persons responsible for the implementation of actions;
- j) Estimate timescales and costs for each action;
- k) Include a plan for monitoring and review of the Travel Plan on an annual basis for at least three years.

17 Number of Dwellings

Without the further written consent of the Responsible Authority, no more than 155 dwellings may be constructed on the land.

18 Parking and Loading Areas Must Be Available

Car and bicycle parking and loading 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.

19 Lighting

External lighting of the areas set aside for car parking, access lanes and driveways must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining land.



20 No equipment or services

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

21 Vehicle Crossings

Before the occupation of the development allowed by this permit, vehicle crossings must be constructed in accordance with Council's current Vehicle Crossing Guidelines and standard drawings to the satisfaction of the Responsible Authority. All redundant crossings must be removed and the footpath, naturestrip, kerb and road reinstated as necessary at the cost of the applicant/owner and to the satisfaction of the Responsible Authority.

22 Vehicle Crossings – Removal

Before the occupation of the development *allowed by this permit*, all disused or redundant vehicle crossings must be removed and the area re-instated with footpath, nature strip and kerb and channel at the cost of the applicant/owner and to the satisfaction of the Responsible Authority.

23 Applicant to Pay for Reinstatement

Before the occupation of the development *allowed by this permit*, the applicant/owner must do the following things to the satisfaction of the Responsible Authority:

- a) Pay the costs of all alterations/reinstatement of Council and Public Authority assets necessary and required by such Authorities for the development.
- b) Obtain the prior written approval of the Council or other relevant Authority for such alterations/reinstatement.
- c) Comply with conditions (if any) required by the Council or other relevant Authorities in respect of alterations/reinstatement.

24 Public Services

Before the occupation of the development *allowed by this permit*, any modification to existing infrastructure and services within the road reservation (including, but not restricted to, electricity supply, telecommunications services, gas supply, water supply, sewerage services and stormwater drainage) necessary to provide the required access to the site, must be undertaken by the applicant/owner to the satisfaction of the relevant authority and the Responsible Authority. All costs associated with any such modifications must be borne by the applicant/owner.

25 Car Parking Allocation

Without the further written consent of the Responsible Authority car parking for the approved development must be allocated on any Plan of Subdivision as follows:

- One car space for each one and two bedroom apartment;
- A minimum of two car spaces for each apartment with three or more bedrooms;
- Not less than nine (9) visitor spaces held in common property;

All to the satisfaction of the Responsible Authority.



26 Visitor Car Parking

The number and location of visitor car parking spaces as shown on the endorsed plans may only be altered with the written consent of the Responsible Authority. Prior to the occupation of the building, all visitor car parking spaces must be line marked and designated as visitor car parking to the satisfaction of the Responsible Authority and must be designated as common property on any plan of subdivision.

27 On-Site Bicycle Parking

Before the development starts, bicycle racks must be provided on the land to the satisfaction of the Responsible Authority.

28 Privacy Screens Must be Installed

Privacy screens as required in accordance with the endorsed plans must be installed prior to occupation of the building and thereafter maintained to the satisfaction of the Responsible Authority.

29 Time for Starting and Completion

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

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

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:

No Resident or Visitor Parking Permits

The owners and occupiers of the development allowed by this permit will not be eligible for Council resident or visitor parking permits.

Building Approval Required

This permit does not authorise the commencement of any demolition or construction on the land. Before any demolition or construction may commence, the applicant must apply for and obtain appropriate building approval from a Building Surveyor.

Building Works to Accord with Planning Permit

The applicant/owner will 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.



Drainage Point and Method of Discharge

The legal point of stormwater discharge for the proposal must be to the satisfaction of the responsible authority. Engineering construction plans for the satisfactory drainage and discharge of stormwater from the site must be submitted to and approved by the Responsible Authority prior to the commencement of any buildings or works.

Other Approvals May be Required

This Planning Permit represents the Planning approval for the use and/or development of the land. This Planning Permit does not represent the approval of other departments of the City of Port Phillip or other statutory authorities. Such approvals may be required and may be assessed on different criteria from that adopted for the approval of this Planning Permit.

Construction Management

All construction activities associated with the development must comply with the requirements of Council's Local Law No. 1 (Community Amenity) 2013.

Days and Hours of Construction Works

Except in the case of an emergency a builder must not carry out building works outside of construction hours:-

- Monday to Friday: 7.00am to 6.00pm; or
- Saturdays: 9.00am to 3.00pm.

An Out of Hours permit cannot be obtained for an appointed public holiday under the Public Holidays Act, 1993.

Significant Trees

This permit does not authorise the pruning or removal of any significant trees and/or removal of vegetation. A permit must be obtained pursuant to Local Law No. 1 (Community Amenity) 2013, Clause 44. For further information contact Council's City Permits unit on Ph: (03) 9209 6216.

Laneways to be Kept Clear

During the construction of the buildings and works allowed by this permit, the laneway(s) adjacent to the subject land must be kept free of parked or standing vehicles or any other obstruction, including building materials, equipment etc. so as to maintain free vehicular passage to abutting benefiting properties at all times, unless the necessary permits have been obtained from Council's City Permits unit pursuant to Local Law No. 1 (Community Amenity) 2013.

Impact of Council and Neighbouring Trees

The proposed development must take into account any existing Council trees, and those on neighbouring properties, and take measures to limit the impact of existing trees on the proposed development. This may involve installation of a tree root barrier on the subject property or construction methods sufficient to withstand future tree root growth.

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To limit the impact of the development on existing trees, protection measures in accordance with AS4970-2009 (Protection of trees on development sites) must be implemented during both demolition and construction. Measures may include temporary fencing, and mulching and irrigation of the fenced-off area, or engaging a project Arborist to oversee all tree protection. For further information please contact Council's Tree Management Officers, on 9209 6777.