



6.1 [46-52 ST KILDA ROAD, ST KILDA](#)

LOCATION/ADDRESS: 46-52 ST KILDA ROAD, ST KILDA

EXECUTIVE MEMBER: LILI ROSIC, GENERAL MANAGER, DEVELOPMENT,
TRANSPORT AND CITY AMENITY

PREPARED BY: PHILLIP BEARD, PRINCIPAL PLANNER

1. PURPOSE

- 1.1. This report assesses a proposal for the construction of an eight-storey building comprising ground level retail, 26 dwellings, 44 car parking spaces, 33 car stacker parking spaces and 31 on site and two on-street bicycle spaces.

2. EXECUTIVE SUMMARY

Ward:	Lake
Trigger for determination BY Committee:	More than 15 objections
Application NO:	358/2019
Applicant:	Urbis Consultants
Existing use:	Two storey commercial (office/shop)
Abutting uses:	Commercial and residential
Zoning:	Commercial 1
Overlays:	DDO 34-2B
Statutory time remaining for decision as at day of council	Expired

- 2.1 The proposal is a new application which is an alternative to what is currently approved for the site (outlined in the background section of this report).
- 2.2 In summary, the new proposal as advertised is not considered a satisfactory design response due to excessive height and interface issues to the rear related to height.
- 2.3 The application was advertised and 21 objections have been received.
- 2.4 The applicants have acknowledged Council Officer's and objector concerns and agreed to a reduction in height by one storey and to double the setback of the building from the nearest sensitive use (4.5m to 9m).



- 2.5 Subject to requirements for a loading bay, lowering of the building by one storey, increasing the rear setback and other comparatively minor matters, which could all be addressed by conditions on any permit granted, it is considered that the proposal would be acceptable.
- 2.6 The report includes, amongst other matters, an assessment under all relevant planning scheme and policy provisions, most notably the Design and Development Overlay (DDO) which was not in place when the previous application was approved.

3 RECOMMENDATION “PART A”:

- 3.1 That the Responsible Authority, having caused the application to be advertised and having received and noted the objections, issue a Notice of Decision to Grant a Permit.
- 3.2 That a Notice of Decision to Grant a Permit be issued for construction of a seven-storey building to be used for the purposes of ground level retail tenancies and dwellings above and a reduction of car parking requirements at 46-52 St. Kilda Road, St. Kilda.
- 3.3 That the decision be issued as follows:

1 Amended plans

Before the development starts, amended plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be generally in accordance with the submitted plans but modified to show the following:

- a) A loading bay, preferably in basement level 2, measuring at least 30m² in area and with a clearance and access of at least 2.7m.
- b) Deletion of the uppermost level
- c) The ground to third floors inclusive being setback to the east boundary by at least 9m and the screening devices for any new windows facing 1 Octavia Street continued to be depicted for levels four and above
- d) Provision for at least one electric vehicle and one electric bicycle parking bays
- e) At least four additional bicycle parking rails along the St. Kilda Road frontage.
- f) The provision of operable external shading devices to the north, east and west facing glazing.
- g) Allocated space for electronic waste, a charity bin and space for a food/organic bin.



- h) A notation that commercial and residential waste collection areas are to be separate.
- i) Depiction of any car park ventilation fan, ideally adjacent to the car park ramp on the west elevation.

All to the satisfaction of the Responsible Authority.

2 No layout alteration

The development and use as shown on the endorsed plans must not be altered without the written consent of the responsible authority.

3 No change to external finishes

All external materials finishes and paint colours are to be to the satisfaction of the responsible authority and must not be altered without the written consent of the responsible authority.

4 Plant and equipment

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

5 Outdoor lighting

Outdoor lighting must be designed, baffled and located to prevent any adverse effect on adjoining land, to the satisfaction of the responsible authority.

6 Sustainable Management Plan

Before the development starts a revised Sustainable Management Plan that modifies the submitted plan to accord with the comments received from Council's Sustainability Design Officer, most particularly including the following:

- a) Demonstration that the minimum 50% overall score and minimums in Energy (50%), Water (50%), IEQ (50%) and Stormwater (100%) categories in BESS would be achieved.
- b) A commitment to achieving a rating beyond the 6-star minimum requirement (7-star average) under the National Construction Code (NCC).
- c) Revisions to the SMP indicating a connection to 60 bedrooms/occupants to be consistent with the STORM report.
- d) Additional details in the Construction Site Management Plans to be consistent with Council's guide
- e) Provision of additional light access modelling indicating that all bedrooms, would meet SDAPP daylight requirements



- f) Inclusion of calculations in the BESS assessment demonstrating how the non-residential spaces are predicted to perform in relation to daylight benchmarks outlined in BESS so as to reflect the 41% being claimed.
- g) An indication of electric vehicle parking
- h) Provision of additional notes and information showing that each dwelling's private open space area will be provided with an external tap, preferably connected to the rainwater tank.

When approved, the Sustainable Management Plan will be endorsed and will then form part of the permit and the development must incorporate the sustainable design initiatives listed.

7 Implementation of sustainable design Initiatives

Before the development is occupied, a report from the author of the approved Sustainable Management Plan, or similarly qualified person or company, must be submitted to the satisfaction of the responsible authority. The report must confirm that all measures and recommendations specified in the approved Sustainable Management Plan have been implemented and/or incorporated to the satisfaction of the responsible authority.

8 Car park

The car parking areas and access ways as shown on the endorsed plans must be left open and unobstructed for those purposes at all times and must be formed to such levels so that they may be used in accordance with the plan, and shall be properly constructed, surfaced, drained and line-marked. The car park and driveways shall be maintained to the satisfaction of the responsible authority.

9 Roads/lanes to remain open

During the construction of the development, the roads, streets and lanes 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 with the written consent of the responsible authority.

10 Urban Art

Before the development is completed, the permit holder must incorporate Urban Art in the development, in accordance with Council's Urban Art Strategy, viewable from the frontage/public realm, to a value of at least 0.5% of the total building cost of the development to the satisfaction of the responsible authority.

11 Applicant to pay for reinstatement



The Applicant/Owner must do the following before the development is completed 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, in particular the electricity pole at the front of the site and the removal/making good/reinstatement of the exiting crossover to St. Kilda Road with kerb, channel, footpath and nature strip as relevant reinstated to Council's standards and satisfaction;
- 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.

12 Car parking allocation:

Without the further written consent of the responsible authority the car parking must be allocated as follows:

- a) not less than two car spaces for each of the retail tenancies,
- b) not less than one car parking space to each one and two bedroom dwelling,
- c) Not less than two car spaces for each three bedroom dwelling.

Any plan of subdivision must accord with the above allocations.

13 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.

14 Waste Management Plan

Before occupation of the building a modified Waste Management Plan must be submitted for endorsement. The plan must be in accordance with the submitted plan but be modified to include reference to the matters noted in conditions 1 (g) and 1 (h) together with including clarification that the retail and office tenants will be separately responsible for the sorting and disposal of waste.

15 Sight Line Triangle

No landscaping is to be planted in the sight line triangle adjacent to the vehicle access ramp.

16 Power Pole, Light and Stay Cable



Before the building is occupied, the applicant/permit holder must meet the following requirements in relation to the power pole, light and stay cable in the footpath adjacent to the north-east corner of the site:

- All works related to the assessment, design, removal, installation and/or relocation of electrical assets (e.g. power poles, stay cables, overhead wires) and public lighting assets (i.e. luminaires, glare shields) must be carried out at the applicant's expense. The applicant must pay for all costs.
- All works must comply with relevant Australian Standards, regulations, and are approved by the relevant authority, i.e. CitiPower/Powercor for electrical works and public lighting assets.
- It is the responsibility of applicant to ensure that electrical works and public lighting assets meet the satisfaction of the relevant authorities, being CitiPower and Council.
- The assessment of the stay cable attached to CitiPower pole (038015-9000A_PL) is subject to all necessary CitiPower assessments, designs, approvals and work processes.
- A lighting assessment and design is to be carried out to ensure compliance with Australian Standard AS 1158, particularly in relation to light spill from the streetlight (LIS-38015) onto abutting properties (i.e. apartments 1.05 and 2.05).

17 Street Tree Relocation

A Management Plan prepared by a qualified Arborist is to be submitted and approved by a Council Arborist. It is to outline details and the timetable and methodology of the tree relocation before any works taking place on the development site. It also needs to indicate that the tree will be stored and maintained off site at a suitable location for the duration of the works and that the tree will undergo a suitable maintenance regime for 2 years once it has been re-planted at the site following completion of all development works. The tree relocation is to be done outside the Spring and summer months and is to be carried out by an experienced person/company.

18 Time limit

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

- a) The development is not started within three years of the issue date of this permit.
- b) The development is not completed, or the use does not start, within four years of the issue date of this permit.



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

RECOMMENDATION “PART B”

- 3.4 Authorise the Manager City Development to instruct Council’s Statutory Planners and/ or Council’s Solicitors on the VCAT application for review.

4 RELEVANT BACKGROUND

- 4.1 Planning permit 148/2011 was issued by Council in December 2011. There have been two amendments neither of which fundamentally affect the overall proposal. The most recent iteration of the permitting. No planning permit was required for that demolition due to there being no Heritage Overlay on this site.
- 4.2 Council has also recently issued a Notice of Decision on the site immediately to the south for a seven-storey building comprising exclusively office floor space above ground level.

5 PROPOSAL

- 5.1 It is proposed to demolish the existing building and all structures on the land (no permit required) and to construct an eight level building above two basement levels. The development would include just over 230m² of retail floor space on the ground level, 26 dwellings and a total of 44 car parking spaces. There would also be 33 bicycle spaces (31 in the basements and two at street level). More specifically, the proposal is described as follows:

Basement Levels:

- 5.2 These levels would occupy the full extent of the site and would include all of the car parking spaces (11 conventional parking spaces in the upper basement with 33 in car stacker arrangements in the lower basement) together with storage areas, bicycle parking (31 of the 33), lift/stair lobbies and a rainwater tank.

Ground Level:

- 5.3 The two retail tenancies would front St. Kilda Road and would be 117m² in size each. Aside from their recessed entries, they would abut St. Kilda Road and both north and south boundaries. Behind these tenancies would be two dwellings both orientated north-south and fronting Octavia Street. They would be setback 2.2m from that street with private open space terraces within the setback. Each dwelling would have two bedrooms.
- 5.4 The service areas, lobbies, bin chute and mail room would all be located at this level behind the dwellings, generally therefore in the vicinity of the south boundary. The entrance to the car park would be accessed by a 3m wide crossover leading to a 4m wide driveway, all at the site’s north-east corner.

Levels 1 and 2:

- 5.5 These levels would have essentially identical layouts, shapes and setbacks to each other. They would abut St. Kilda Road aside from two balconies, one at the north-west



corner and the other generally in the centre of the frontage. They would abut most of the south boundary aside from one light well per level.

- 5.6 The setback to the north boundary (Octavia Street) would be the same 2.2m as the level below and would be occupied by the balcony space of three of the six dwellings at this level. Five of the dwellings would have two bedrooms with the other having a single bedroom.
- 5.7 At its closest, the rear setback as submitted would be 4.5m.

Level 3:

- 5.8 This level would be similar to the levels below but would have a smaller footprint. The front setback would be 3.5m with balconies occupying that space. Similarly, the front balcony would return onto the Octavia Street frontage resulting in a 2.4m setback to that street. Also, a balcony is proposed in the south-east corner as opposed to floor area resulting in a setback of 3m at that corner as opposed to abutting the street as the level below does.
- 5.9 The rear setback would remain at 4.5m but an increased setback to 3.7m is proposed on the north-east corner reducing building mass in that corner compared to the level below.
- 5.10 There would be four dwellings at this level with two, having three bedrooms, one with two bedrooms and one with one bedroom.

Levels 4 to 7:

- 5.11 These levels would be slightly reduced in footprint and would comprise only two dwellings, each having three bedrooms. The front setback would remain at 3m, but no balconies would occupy that space. Balconies would occupy much of the Octavia Street setback of 3.7m, but the balconies would not reach that boundary. The other most notable change would be the increased rear setback at 9m per level.

General Description:

- 5.12 The building in some ways would represent relatively modest architecture in terms of its style. It depicts a rhythmic design with evenly spaced vertical and horizontal features on its street elevations mainly comprising recessed balconies with several planter boxes in the foreground. The most notable architectural treatment is the proposed recessed fourth level which would create a small visual break to what could be termed the podium below. This level would also form a visual transition to the main body of the building above.
- 5.13 The rear elevation would have a similar treatment in terms of its vertical and horizontal articulation, but there would be no balconies facing that boundary. The south elevation would be less articulated with a much greater extent of blank wall facing the abutting site. These would, however, abut blank walls of the recently approved development to the south, if and when constructed.
- 5.14 The building would have a flat roof and would have an overall maximum height of 26.2m (excluding plant above that) as facing St. Kilda Road.



6 SUBJECT SITE AND SURROUNDS

Site area	740m ²
Existing site conditions.	<p>The site is slightly irregular in shape due to its angled front boundary. It has an area of approximately 740m². The land falls from south to north and also from east to west. The north-south fall is approximately 1m. The site is orientated east-west.</p> <p>The site currently contains a two storey commercial building dating from the late 1800s. It has a parapet feature with raised central clerestory. Its overall height is generally 7m to 8m. It is built to its west, north and south boundaries. The rear (east) portion of the site is occupied by an open car park with spaces for approximately 12 cars.</p> <p>The existing building immediately to the south is a two storey office building with curtain glass façade but will be demolished to make way for a seven storey building. The interface between that building and the proposal would be two blank walls.</p>
Site Surrounds	<p>The building immediately to the south is a plain two storey 1980s glass office building that has recently been the subject of a planning approval through Council for a seven storey office building. It is currently vacant.</p> <p>The sites further to the south contain relatively consistent two storey Victorian buildings fronting and abutting St. Kilda Road. Most of these have original presentations, but some have been highly modified in the 1960s and 1970s. This built character generally continues up the rise in St. Kilda Road to Alma Road. These buildings are mostly used for commercial purposes. Buildings to the north over Octavia Street have a similar character of scale and form, although they display less of a fine grain when compared with those to the south.</p> <p>Other buildings further north generally comprise a commercial two storey scale. The building immediately to the north is a 1980s two storey office building with some vague references to Victorian features. One of the buildings further north has been added to, to bring it to five levels. These additional levels are however generously setback from St. Kilda Road by approximately 15m at their highest point. Whilst form is similar to that found to the south of the site, most buildings between the site and St. Kilda junction to the north are more recent with architecture from the 170s and 1980s being relatively common.</p> <p>Development to the west is on the opposite side of St. Kilda Road and comprises a mix of commercial and residential buildings of varying eras and mostly two to three storeys in height, except for 26 storeys at 3/5 St Kilda Road (STK Apartments), and 15 storeys at 101 St Kilda Road (Ascent St Kilda).</p>



	<p>Buildings to the east in Octavia Street are notably different from those in St. Kilda Road. Octavia Street itself is very narrow and carries low vehicle volumes. Built form reflects this very modest character with small generally single fronted cottages dominating. The great majority of these are single storey cottages with limited front setbacks and landscaping. Street planting is also limited. Some two storey buildings exist further to the east (dating from the 1960s to 1980s) whilst a three storey building further to the east was relatively recently completed.</p> <p>St. Kilda Road itself is a very wide and heavily trafficked road. It comprises four traffic lanes in each direction in addition to bike and parallel parking lanes. Tram lines exist in the centre median. The road reserve is substantial being approximately 60m wide opposite the site. By contrast, the road reserve of Octavia Street is only approximately 11m wide.</p> <p>The kerbside parking is subject to various restrictions with parking in St. Kilda Road (on the subject site’s side) generally 2P ticket 8am to 6pm Monday to Friday and in Octavia Street generally 2P 8am to 6pm Monday to Saturday. Some short term 1P ticket parking is also available in St. Kilda Road.</p>
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7 PERMIT TRIGGERS

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

Zone or Overlay	Why is a permit required?
Clause 34.01 Commercial 1 Zone (Schedule 1)	<p>Under the provisions of Clause 34.01-4, a permit is required to construct a building and carry out works.</p> <p>No permit is required for the retail use. No permit is required in this instance for the dwelling use as the ground level frontage to Octavia Street does not exceed 2m in width.</p>
Clause 43.02 Design and Development Overlay 34 (2B)	A permit is required for all buildings and works.



<p>Clause 52.06 Car Parking</p>	<p>Under Clause 52.06-3, a permit is required to reduce the number of car parking spaces prescribed by the Table at Clause 52.06-5.</p> <p>The table indicates car parking should be provided at the rate of 3.5 spaces per 100m² for retail (shop. A rate of 1.7 spaces per 100m² is proposed).</p> <p>The residential component would comply with its parking requirements.</p>
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8 PLANNING SCHEME PROVISIONS

8.1 Planning Policy Frameworks

Clause 15: Built Environment and Heritage, including:

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

Clause 19: Infrastructure including

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

Clause 21.03: Ecologically Sustainable Development, including

- Clause 21.03-1 Environmentally Sustainable Land Use and Development

Clause 21.04: Land Use, including:

- Clause 21.04-3 Office and Mixed Use Activity areas

Clause 21.05: Built Form, including

- Clause 21.05-2 Urban Structure and Character
- Clause 21.05-3 Urban Design and the Public Realm

Clause 21.06: Neighbourhoods, including

- Clause 21.06-6 St. Kilda Road South Precinct



Clause 22.06 Non-residential Development

Other relevant provisions

Clause 52.06 Car Parking

Clause 52.29 Access to/alteration of access to a Road Zone Category 1.

Clause 65 Decision Guidelines

8.2 Relevant Planning Scheme Amendment/s

There are none relevant to the consideration of this application.

9 REFERRALS

9.1 External Referrals

None were required.

9.2 Internal Referrals

Urban Design

In response to the application 358/2019, City Design does not support the proposal given the following considerations:

- *The proposal exceeds the discretionary limit of six stories under the provisions of DDO34 with no particular consideration of adjacent sites or the impact on the public realm. A nine storey plus roof floor building is not supported.*
- *The planning scheme seeks to strengthen the consistency in street wall height and overall building scale within sections of the streetscape. However, the development references a superseded approved permit for 54-60 St Kilda Road as a reason for their design response. In principle, studying the context and responding to current and proposed developments in the area is encouraged.*
- *The proposed development fails to achieve the desired transition down in scale to the established residential areas on Octavia Street. The proposed visual break and 9m setback at the east end of the property is supported and highly encouraged, however, more measures are needed to ensure a sensible and respectful transition to lower scale residential areas.*

RECOMMENDATION

- *The sought street wall consistency is achieved taking into consideration current applications for adjacent sites.*
- *The height is reduced under the provisions of DDO34 which establishes 6 storeys with a maximum of 7, given all other considerations are met.*
- *An adequate transition to the residential area is achieved. Currently, the proposal overwhelms adjoining residential area on Octavia Street in terms of visual bulk and outlook. This further articulation can be achieved by*



reducing streetwall height towards the residential sites and increasing the visual break between elements.

Planner Comment:

The applicants have considered the comments and produced a without prejudice set of images for discussion purposes only, indicating how the building could look if it were lowered by one level.

Further, the DDO mandatory setbacks require an increased setback from 4.5m as shown, to 9m as required for all levels up to and including level 3 and for the proposal to be supported, these setbacks must be required by condition of any permit issued (refer recommended condition 1 (c)). This would also further reduce the visual impact of the proposal to the abutting property and those further into Octavia Street. .

Council's Urban Designer has confirmed that these changes would resolve all their concerns, especially the transition and visual massing in relation to the residential properties behind.

The issue of the appropriate height of the street wall is assessed in more detail later in section 11 of this report.

Council's Traffic Engineer:

Car Park Layout:

Accessways:

- *Accessway dimensions are generally in accordance with the Planning Scheme and Australian Standard..*
- *A single width accessway ramp is provided from Octavia Street and between the basement levels. A stop-go activated warning system is recommended at the Octavia Street entrance and within the basement levels to avoid conflict occurring on the ramps.*
- *The headroom clearance above the accessway is generally a minimum of 2.2 metres, which is in accordance with the Planning Scheme and Australian Standard.*
- *It is suggested that the tilt lift door to the car park be set back at least 6.0 metres from the site boundary to ensure propped vehicles do not block the footpath or Octavia Street.*

Car parking spaces:

- *All car parking spaces and accessway widths accord with the Planning Scheme.*
- *Additional clearance has been provided for spaces adjacent to walls.*
- *Swept path assessments have been provided demonstrating acceptable ingress and egress from end spaces.*
- *Headroom*



- *A minimum headroom clearance of 2.2 metres is provided above the at-grade car spaces. This meets the requirements of the Planning Scheme.*
- *A minimum headroom clearance of 2.5 metres is provided above the waste collection area.*

Gradient of ramps

- *The proposed gradient of the access ways accords with the Planning Scheme.*

Mechanical parking

- *A Klaus Multiparking Trendvario 4300-230 system is proposed on the plans. This system provides parking for vehicles up to 2.05 metres high on the ground and lower levels and 1.75 metres on the upper level. This system allows independent access to each parking space.*
- *The applicant's traffic engineer advises that a 2.6 metres wide by 5.7 metres long clear platform is provided per car space.*
- *The proposed mechanical parking system is considered to be acceptable.*
- *Swept path diagrams have been provided to demonstrate that cars can enter and exit the end car spaces.*

Bicycles

- *Ten bicycle spaces are required under the Planning Scheme comprising 6 spaces for residents, 1 space for employees, and 3 spaces for visitors.*
- *The development proposes 32 spaces within the site.*
- *Spaces are proposed in a mix of vertical and horizontal arrangements with at least 20 percent provided using horizontal rails in accordance with the Australian Standard.*
- *The basement location of the bicycle parking is not ideal with access via the lift or the accessway ramps.*
- *An additional 4 visitor bicycle parking spaces using ground level horizontal rails is recommended on the ground level of the site in a location accessible to the public.*
- *Alternatively the applicant shall fund the supply and installation of two bicycle rails on public land. Installation shall be arranged by the Responsible Authority along the St Kilda Road frontage of the site or a nearby location.*
- *It is noted that no electric bicycle parking spaces are proposed on the site. It is suggested that some spaces be allocated for electric bicycles.*

Pedestrians



- *A pedestrian sight triangle is provided on the west side of exit to Octavia Street in accordance with the Planning Scheme. No landscaping or structures above 900mm shall be allowed within the sight triangle.*
- *A partial pedestrian sight triangle is provided on the east side of exit to Octavia Street. This is considered to be acceptable, in this case, in view of the low fence at the abutting property.*
- *A splay is provided at the northwest corner of the site to improve sight lines for pedestrians on the footpath. This is considered to be acceptable.*

Loading and waste collection

- *Given the scale of the development and parking demand in the area, it is considered appropriate that a loading area be provided on the site rather than reliance on-street parking.*
- *On-street parking space is not guaranteed and any future request for on-street loading zones may not be supported.*
- *The Waste Management Plan should be referred to Council's Waste Management department for assessment.*
- *Waste collection is proposed on the site. Swept path assessment is provided for mini rear loader waste collection vehicles. A minimum headroom clearance of 2.5 metres is provided above the waste collection area and 2.2 metres above the accessway. This is considered to be acceptable.*

Traffic Generation and Impact:

- *In view of the reduction in parking on the site it is considered appropriate that a reduced traffic generation rate be adopted.*
- *The applicant's traffic engineer has not clearly stated the traffic generation for the development.*
- *A conservative estimate of 125 vehicle movements a day is suggested, based on 3 trips per one and two-bedroom dwelling, 5 trips per three-bedroom dwelling and 4 trips per employee parking space.*
- *It is expected that 15 vehicle trips would occur in the respective peak hours.*
- *It can be expected that a significant proportion of traffic will enter and exit via St Kilda Road.*
- *Octavia Street carries approximately 600 vehicles per weekday. The additional traffic generated would still be within the Council threshold of 2,000-3,000 vehicles per weekday for a local street.*
- *The traffic generation is not expected to significantly impact the surrounding road network.*

On-street parking and vehicle crossovers:



- *The existing on-street parking is generally a mix of short-term, ticketed and long-term parking.*
- *The applicant's traffic engineer suggests that a minimum of 99 on-street spaces are available for public parking in the surrounding area based on a spot survey on Tuesday 5 February 2019. However there are no details when this survey was undertaken and how the peak time for parking occupancy was determined based on one survey.*
- *The existing crossover to Octavia Street is proposed to be relocated to the eastern boundary. There is a reduction of one on-street parking space from this change.*
- *An existing street tree on Octavia Street is proposed to be relocated to provide access to the new vehicle crossover. The relocation of the street tree should be referred to Council's Parks Services team for comment.*
- *An electricity pole cable stay on Octavia Street is proposed to be relocated to provide clearance from the new vehicle crossover. The relocation of the cable stay should be referred to Council's Asset Management team for comment and written consent from the electricity authority is suggested.*
- *The new vehicle crossover to Octavia Street shall be installed to the satisfaction of the Responsible Authority.*
- *The redundant crossover to Octavia Street shall be reinstated to footpath, kerb and channel to the satisfaction of the Responsible Authority.*
- *The proposal has a shortfall of 4 spaces under the Planning Scheme.*
- *Note that the assessment for the appropriate rate for car parking provision lies with Statutory Planning. Reference should be made to CoPP's Sustainable Parking Policy. We also suggest comparing previous approved parking provision rates of adjacent developments as part of the Planning team's assessment / determination.*

Planner Comment:

There are no fundamental concerns regarding the overall parking arrangements. However, conditions of any permit granted would need to address the issues raised above to increase the distance of the tilt door to 6m from the property boundary, re-arrangement of access to the bicycle spaces such that they are not accessed only from the lift or ramps, the addition of four publicly accessible bicycle spaces, space for e-bikes and a loading bay. Recommended conditions 1 (a), 1 (e) and 11 would address these matters. Recommended condition 15 would address the requirement for no landscaping in the pedestrian sight line triangle.

Recommended condition 1(a) requires the provision of a loading bay with at least 2.7m clearance and its access. The applicants have confirmed that the loading bay can be provided (most likely in lieu of some car spaces that would no longer be required through the deletion of a level and required increased setback which would reduce dwelling numbers) and that the head clearance height can be achieved.



The 2.7m clearance height is the maximum that can be achieved without notably raising the height of the building and altering the access ramp grade.

The above comments also suggested referral to Council's Assets and Parks Services teams was necessary. Their response is as follows:

Council's Assets Team

Existing conditions:

- *CitiPower pole (038015-9000A_PL)*
 - *Stay cable in front of proposed location for driveway*
 - *CitiPower will need to assess whether the stay cable can be removed safely (while retaining the power pole in its current position).*
 - *If not, CitiPower may/will require the developer to reposition the power pole to give enough space to the stay cable and keep clear of the proposed driveway. This task will be expensive – power pole removal and relocation, configuring overhead wires, repositioning streetlight, etc.*
 - *Light spill from streetlight (14W T5)*
 - *light spill from rear and side of streetlight may be a nuisance for occupants of apartment 1.05 and 2.05.*
 - *It is prudent to ask the applicant to complete a lighting design to check the light spill is compliant with the AS lighting standard, if not, the developer can buy and install glare shields. It'll be for their client's benefit.*

Proposed conditions requested:

- *All works related to the assessment, design, removal, installation and/or relocation of electrical assets (e.g. power poles, stay cables, overhead wires) and public lighting assets (i.e. luminaires, glare shields) must be carried out at the applicant's expense. The applicant must pay for all costs.*
- *All works must comply with relevant Australian Standards, regulations, and are approved by the relevant authority, i.e. CitiPower/Powercor for electrical works and public lighting assets.*
- *It is the responsibility of applicant to ensure that electrical works and public lighting assets meet the satisfaction of the relevant authorities, i.e. CitiPower and Council.*
- *The assessment of the stay cable attached to CitiPower pole (038015-9000A_PL) is subject to all necessary CitiPower assessments, designs, approvals and work processes.*
- *A lighting assessment and design is to be carried out to ensure compliance with Australian Standard AS 1158, particularly in relation to light spill from*



the streetlight (LIS-38015) onto abutting properties (i.e. apartments 1.05 and 2.05).

Planner Comment:

The suggested condition is recommended on any permit granted (Refer recommended condition 16).

Council's Parks Services

The works would need to be undertaken by an experienced tree transplanting company such as ETT (Established Tree Transplanters) with the tree removed before the Spring and Summer months.

A Management Plan prepared by a qualified Arborist would need to be submitted and approved by a Council Arborist that details the timetable and methodology of the tree removal prior to any works taking place on the development site, that the tree will be stored and maintained off site at a suitable location for the duration of the works and that the tree will undergo a suitable maintenance regime for 2 years once it has been re-planted at the site following completion of all development works.

Planner Comment:

These requirements are addressed by recommended condition 17.

Sustainable Design Officer:

BESS Assessment

The project still needs to meet the minimum 50% overall score and minimums in Energy (50%), Water (50%), IEQ (50%) and Stormwater (100%) categories in BESS to demonstrate best practice in sustainable design. In areas falling short of the targets, adjustments will need to be made to demonstrate that the project meets the BESS minimums.

Energy 1.2 Thermal Performance Rating - Residential

The report includes a preliminary rating that indicates a 7-star average rating is achievable, however there is no commitment to achieving a rating beyond the 6-star minimum requirement under the National Construction Code (NCC). Amend statement in report to indicate a clear commitment to achieving a 7-star average or amend BESS entries.

Stormwater

- *Local Policy 22.12: Stormwater Management applies to this application size. Refer to <http://www.portphillip.vic.gov.au/sustainable-design-guidelines-stormwater-management.pdf> on how to provide an appropriate response. This includes addressing the following:*
- *STORM report indicates a connection to 60 bedrooms/occupants while statement on page 10 of the SMP indicates only 41 bedrooms/occupants. Please clarify and amend accordingly.*



- *Construction Site Management Plan – Current statement does not provide sufficient details for a development of this size. Refer to Council’s guide mentioned above and example in Appendix C.*

IEQ 1.2 Daylight Access – Bedrooms

7 bedrooms within the design are a battle axe configuration which restricts daylight access to the main area of the room. They do not “Auto-pass” as indicated in BESS assessment. Contrary to the Better Apartments Design Standards Analysis table provided, these bedrooms do meet Better Apartments Design Standards. If not changing the layout provide daylight modelling that proves all the battle-axe bedrooms meet SDAPP Daylight requirements.

IEQ 1.4 Daylight access – Non-residential

Calculations (modelling or hand calculations) must be included in the report to demonstrate how the spaces are predicted to perform in relation to daylight benchmarks outlined in BESS (<https://bess.net.au/tool-notes/>) that reflects the 41% entered in BESS.

Transport 1.5 Bicycle Parking - Non-Residential Visitor

The reports states that 2 visitor bike parks will be provided, however there are no notations or allocation for this to occur on the drawings. Please clarify and amend.

Transport 2.1 Electric Vehicle Infrastructure

To claim this credit, indicate clearly on plans.

Urban Ecology 2.4 Private Open Space - Balcony / Courtyard Ecology

To claim this credit, provide additional notes on the drawings which shows that each dwelling’s private open space area will be provided with an external tap, preferably connected to the rainwater tank.

External Shading

Concerned about the extent of exposed North, East and West facing glazing (i.e. not shaded by overhanging eaves or shading devices). Provide operable external shading should be provided to prevent glare and overheating. This could be in the form of external operable awnings, louvers, sliding shutters, venetian or roller blinds.

Planner Comment:

All these requirements are capable of being addressed by way of permit condition, should one be issued. (Refer recommended conditions 1 (c), 1 (d), 1 (e) and 6).

Waste Management

I have reviewed the plan and have below comments;

- *Bin rooms for residential and commercial bins must be separate.*
- *Please allocate bin space for food/organic waste for future council services.*
- *Please allocate bin space for E-waste and Charity waste for development of this size.*



- *Please provide a swept path diagram to further assist with the assessment.*

Planner Comment:

All the above matters can be addressed by way of condition on any permit granted (refer recommended conditions 1 (g) and 1 (h)).

The matter of the swept paths has been confirmed as being satisfactory by Council's Traffic Engineer.

10 PUBLIC NOTIFICATION / OBJECTION

- 10.1 It was determined that the proposal may result in material detriment therefore Council gave notice of the proposal by ordinary mail to the owners and occupiers of surrounding properties (63 notices sent) and directed that the applicant place two notices on the site for a minimum 14 day period, in accordance with s.52 of the Planning and Environment Act 1987.
- 10.2 There have been 21 objections received that raise the concerns summarised in the bullet points below
- Does not accord with the DDO by way of excessive height (no reason for more than 6 storeys)
 - Some existing features of the existing building should be retained (bluestone elements)
 - Out of scale with surrounding residential areas of Octavia Street, poor transition down to that hinterland.
 - Side and rear setbacks and the setback above the street wall are too small
 - Excessive overlooking, overshadowing, loss of light and overall outlook/visual impacts to Octavia Street.
 - No visitor parking.
 - Excessive traffic noise from car park ramp.
- 10.3 These objections are assessed in the following section of this report.
- 10.4 It is not considered that the number of objections raise an issue of significant social effect under Section 60 (1B) of the Planning Environment Act 1987.
- 10.5 Due to the current Covid-19 situation, no consultation meeting with residents was held. However, the nearest abutting neighbour (No.1 Octavia Street) together with a key representative of the JAAG resident group were both contacted and informed of the applicant's agreement to delete one level from the building. Both acknowledged that the deletion of one level would be a notable improvement.
- 10.6 Both objectors were also informed that this report would recommend support subject to the deletion of one level and the inclusion of amongst other matters, a loading bay and an increased rear setback from 4.5m to 9m at levels 1 to 3.



11 OFFICER ASSESSMENT

The key issues in this proposal relate to the site's strategic suitability for increased building scale together with consideration of the proposed scale and height of the building, character, street interface, car parking, traffic impacts and immediate amenity impacts. The matters of the building's character and scale and alignment with the local policy and DDO provisions are very closely aligned and are best assessed together. The existing approval for development of the subject land is also a relevant consideration, even though the architecture of that design is quite different from this proposal.

The key issues are considered to be as follows:

- Would the proposal align with the Planning Scheme (most notably the DDO provisions) and the key strategic and character policy outcomes?
- Would the proposal be responsive to the St. Kilda Road frontage and scale of the surrounding residential area and integrate with those characters?
- Would there be excessive amenity impacts to residential properties, most particularly overlooking, overshadowing, loss of light and excessive visual bulk impacts?
- Would there be sufficient on site car parking and would access to and from the car park lead to excessive traffic volumes in the abutting side street?

The assessment of these questions uses the relevant local policy and planning scheme provisions.

11.1 Would the proposal align with the Planning Scheme (most notably DDO provisions) and the key strategic and character policy outcomes?

Clause 21.04-3 (Office and Mixed Activity Areas) identifies areas where new commercial and in some instances, residential uses, should establish. Table 2 to this Clause makes two mentions of St. Kilda Road South with the first of those referring to commercially zoned land such as the subject site. This section of St. Kilda Road is identified as having the following uses as Primary roles:

- Employment node
- Commercial/office role
- Intensification of housing

A secondary role is having active ground floor uses.

Another strategy for all office and mixed activity areas is that they do not detrimentally impact on the amenity of nearby residential areas.

Given that the site is within a DDO where new buildings are contemplated that would be clearly larger than the existing ones, it is considered that there is sufficient strategic support for an increase in dwelling density. More intense residential use is also one of the stated primary uses for this area. The proposal also shows retail use in an area where commercial use is also a planning policy outcome.

On balance, it is considered that there is strong strategic support for the proposed uses. Building bulk and amenity impacts are assessed later in this section.



- 11.2 Would the proposal be responsive to the St. Kilda Road frontage and scale of the surrounding residential area and integrate with it? (and)

Would there be excessive amenity impacts to residential properties, most particularly overlooking, overshadowing, loss of light and excessive visual bulk impacts?

These matters relate in part to the existing characteristics of the streets and in part to whether there are any specific policy outcomes being sought for a particular area.

The two principal components of urban character are form and scale. Urban structure is considered closely linked to these two elements.

There are several relevant policies that relate to site responsiveness, bulk, height, scale and the like and there is an extensive suite of objectives and strategies referencing these matters. Rather than quote each and every objective and strategy, this report summarises what the relevant clause is seeking to achieve when it comes to scale, massing and overall built form.

Clause 21.05-2 Urban Structure and Character.

This Clause seeks to protect any distinctive and varied character and encourage proposed building height and/or scale to be appropriate to that character. New buildings should graduate in height and massing and transition down to areas of high density activity areas and nearby residential areas.

This Clause also encourages new development to minimise amenity impacts on residential properties by considering overshadowing, privacy or bulk.

It is considered that the proposal as advertised, would not adequately achieve these aims as submitted. The site is not separated from the nearest residential property in Octavia Street by a laneway as is the development recently approved by Council at 54-60 St Kilda Road. There is direct abuttal to No. 1 Octavia Street and the subject site is clearly visible from within the public realm of Octavia Street. Where the building would be at its tallest, it would be setback 9m to the nearest dwelling being No.1 Octavia Street.

By way of comparison, the current approval for the site would provide a setback of almost 11m from No.1 Octavia Street where it is at its tallest. Therefore, the proposal is considered similar in its rear setback to the current approval. It does not propose a dramatically different rear setback compared to the current approval.

The two most common methods of achieving a better interface would be to either increase the setback and lower the building's height. Both would be possible in this instance and both would have beneficial results.

Given other concerns (expressed later in this section and also as noted in Council's Urban Designer's comments) it is considered that a reduction in height should be achieved. The applicants have agreed to remove one level, which would result in a seven storey building at approximately 21.5m high (at its east elevation) and provide a setback of 9m to the side wall of No. 1 Octavia Street. The changes offered by the applicant should be included on any permit issued. (Refer recommended condition 1(b).

The DDO contemplates six storey buildings plus one additional level, which would be achieved in this instance. That is, the DDO height as expressed in metres would be met, but it would not be met in terms of number of storeys. The proposal, in other words, has



been able to occupy the envelope set in the DDO in terms of metres but has managed to incorporate one additional level within that height.

It is considered that overall height is best understood and expressed in metres and therefore, it is considered that the revised proposal would achieve a good balance between abutting outlook and the streetscape character of Octavia Street, the zoning of the site and its planning scheme settings which contemplate six to seven storey development.

Impacts on No.1 Octavia Street would be substantially reduced by an increased setback from the current 4.5m to at least 9m (for proposed ground level to level 3 inclusive) as required by the mandatory setback requirement of the planning scheme. This should be required by condition (refer recommended condition 1 (c)). As previously noted, the interface to the neighbour at 1 Octavia Street is direct. Unlike 54-60 St. Kilda Road recently determined by Council, there is no laneway separating this site from its closest neighbour. The 9m setback stated in the DDO is therefore considered to be justified to ensure reduced bulk impacts on the residential abuttal.

The applicants advise that the 9m setback requirement would result in dwelling numbers being reduced from 26 to 21. Car parking implications of this are assessed later in this report. Additionally, it is not known at this stage what the final east elevation treatment would be in terms of any new windows but it is likely that some would face east. Any privacy screening shown on levels 1-3 would need to be retained despite the increased setback. However, no new or additional screening is considered likely to be needed.

The lowering of the building would also improve the St. Kilda Road presentation. Once modified, it would be lower than the recent Council approval to the south at 54-60 St Kilda Road by approximately 6m, or two levels, but it would transition to the intersection of Octavia Street and to some extent, acknowledge the down slope of the site.

In terms of integrating with the St. Kilda Road frontage it is considered that the proposal would achieve an appropriate outcome. The street wall would vary from almost 9m high up to almost 10m high due to the slope of the land. The DDO suggests that an 11m high street wall height would be ideal and that it should be no higher than this, but it is silent on heights under 11m. The only guidance is that any street wall should maintain the visual prominence and view lines to the nearby Post Office Hotel, that it should create streetscapes at a human scale and that it should strengthen the boulevard character along St Kilda Road by creating a more coherent and consistent streetscape.

It is considered that all three objectives would be met. Nearby buildings in St. Kilda Road are mostly remnant Victorian era buildings with front walls approximately 7m to 8m high with which the proposal would integrate well. By way of comparison, the current approval has a street wall generally between 10m and 11m high. This application would therefore have a very similar treatment and consequently, streetscape presentation by way of its abuttal to St. Kilda Road. The recent Council approval immediately to the south would have a street wall between 4m and almost 7m at its highest portion abutting this subject site. Taking into account the overall difference in building height between that site and this (approximately 6m) and the down slope of the land, it is considered that consistency would be achieved.



A street wall of 9m to 10m high would be consistent with DDO requirements and it is not considered that it should be lowered to just over 7m height of the street wall to match the approval to the south because this would diminish the effect of the podium. The DDO is aiming for some greater consistency in street wall heights and noting the predominance of 7m to 8m high street walls nearby, it is considered that the proposal in this instance should remain unchanged.

Clause 21.05-3 Urban Design and the Public Realm

This Clause seeks to ensure new development is of a high quality, enhances the public realm, encourages the provision of universal access and for new buildings to make a positive contribution to the public realm.

There is nothing in this clause specifically relating to height, mass, bulk and amenity but it is considered that the interface to the immediate public realm would be acceptable, largely due to the active frontage to St. Kilda Road and the residential interface to Octavia Street with the proposal's open space terraces and living areas dominating the frontages to that elevation.

Universal access would be available.

Clause 21.06-6 St Kilda Neighbourhood

There have been recent amendments to this Clause to include new guidelines particularly in relation to the St. Kilda Road north and south precincts. These are assessed below:

Strengthening 'identity and place'

This should mostly be achieved through ensuring that new development contributes to the amenity and built form character of the area, that it strengthens the boulevard character of St. Kilda Road, reinforces the high point of St. Kilda Hill and the Junction, creates cohesive streetscapes through overall height, street wall height and building spacing and provides an appropriate transition to nearby residential areas and in so doing, avoids heights that would cause visual intrusion.

It is considered that these outcomes would be achieved. The street wall height would create a human scale, a podium feature to the building and would align with the discretionary DDO provisions in that regard. It would also be consistent with what is currently allowed on the land. Additionally, the building would not directly impact on St. Kilda Hill or St. Kilda Junction.

Strategically it is considered that the contemplated future character for this area is a consistent run of buildings far greater in height than currently exist. At seven storeys but also at approximately 21.5m as stipulated as the preferred discretionary height in the DDO, it is considered that the proposal would not be out of place with the encouraged and emerging character of what is a transitioning character.

Creating a 'great place to live'

This would be achieved by minimising amenity impacts on nearby properties, ensuring that the interface to residential areas is well designed to protect amenity. The building as submitted would transition from its single storey neighbour, but insufficiently. As



noted above, this would be resolved with deletion of one level and by increasing all setbacks to the west facing habitable room windows of no. 1 Octavia Street to 9m.

Creating 'streets and spaces for people'

This would be achieved by creating nodes of active land use fronting the footpath at ground level, ensuring that pedestrian environments are safe and amenable with St. Kilda Road being maintained as a pedestrian spine and ensuring that the public spaces are attractive and functional.

The ground level retail would help create an activity node with pedestrian access along St. Kilda Road being the building's main frontage. Solar access to St. Kilda Road would also be maintained through the recessed setbacks of the levels above ground. No entrance canopy is required in this instance as both commercial tenancies would be recessed from the main frontage by approximately 1.2m.

Fostering 'beautiful buildings'

It is considered that the building would be of an appropriate visual quality. As facing St. Kilda Road, it would have a clear podium with recessed levels above (albeit with some intervening balconies at the third floor, but none above) it would display visual coherence and consistency across its facades whilst still being highly articulated and would have a modest palette of materials and colours. Its treatment would be different in terms of shape from the current proposal's built form character with its more curved feature above the podium, but would be very similar in its mass and once reduced by one level almost identical in height.

Creating 'easy access for all'

The strategies outlined in this section of the policy mostly relate to parking provision (car, motorcycle and bicycle) and some relate to pedestrian and cycle linkages.

Whilst car parking is assessed later in this report, this section of policy also calls for analysis of the matter.

On balance, it is considered that the strategies would achieve the overall aims being sought. The proposal would enhance or at least increase the use of pedestrian and cycling linkages to nearby activity centres and use of public transport.

In terms of car parking, there is no rate for retail in this section of the policy. Also, no rates for bicycle parking for commercial developments are stated in this section of the policy but bicycles should be provided for dwellings at the rate of one space per dwelling. This would be exceeded (26 dwellings with 33 bicycle spaces proposed). Motorcycle parking should be provided at the rate of one space for every 100 car parking spaces. None would therefore be required by this policy in this instance.

It is also stated that commercial developments should be provided with a loading bay. One is not proposed but recommended condition 1 (a) requires one to be provided. The applicants have confirmed that this could be achieved, together with confirming that the 2.7m head clearance as required by this condition could also be provided. The increased setback from the rear would lead to the loss of five dwellings and thus a decreased demand in parking, some of which could be used for the loading bay.



More detailed discussion about all forms of parking occurs later in this section but in summary, the proposal would achieve the required car parking provision for the dwellings but would be short of the Planning Scheme rate for retail premises (3.5 spaces per 100m²) which would produce a requirement of eight spaces. Four spaces would be allocated for staff. At two per tenancy, this is considered sufficient and consistent with similar approvals.

The recent Council approval of the proposed development at 54-60 St. Kilda Road accepted a retail parking rate of 1 space/100m². That rate in this instance would require two car spaces in total. The proposed allocation of four spaces for staff only is considered sufficient by way of comparison to the recent approval next door.

The adequacy of all aspects of car, bicycle and motorcycle parking is assessed later in this section.

St Kilda Road Neighbourhood

There are separate objectives and strategies for the St. Kilda Road neighbourhood as stated below.

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

6.6.49 Along the eastern side of St Kilda Road:

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

Support residential at upper levels and to the rear of commercial premises.

It is considered that these objectives would be met. It is not known what activity would occupy the retail spaces but due to its location outside of a traditional shopping strip it is likely to be 'niche'. However, there is no planning control under the zone over the type of retail which may establish. The same holds true in relation to encouraging a wide and diverse range of uses however, an active frontage is proposed to all of the St. Kilda Road frontage.

Clause 22.06 Urban Design Policy for Non - Residential Development and Multi - Unit Residential Development

This Clause also has an extensive suite of objectives and strategies related to achieving appropriate height, bulk, mass and design of new buildings together with minimising their amenity impacts. In summary, this Clause encourages new development to be site responsive and contextual and integrate with the area and any prevailing character. It also seeks to encourage interesting and active ground level treatments and passive surveillance of nearby streets and public spaces

It also states various design outcomes related to specific built form elements such as entrances, doors, windows, blank walls, roof forms and elevations that should all be appropriate to their setting and integrate with any prevailing character. It also encourages landscaping where appropriate. This Clause also makes mention of the



provision of adequate loading facilities. As previously noted, a loading bay would be required by recommended condition 1 (a).

In general, it is considered that these would all be achieved. It is also considered that the overall treatment, proportion and extent of glass versus masonry surfaces would be contextual noting the site's commercial zoning and the emerging character of the area with newly constructed medium to high rise buildings.

This Clause also comprises various sub headings under which applications should be assessed. They are:

- Public realm
- Street level frontages

These matters have been previously assessed and will be assessed again later in this section under the DDO. In summary, the building's interface to the public realm (both streets) would be acceptable by way of its active frontages and its recessed upper levels, both in line with the current approval, but one level needs to be deleted to achieve better streetscape response to the frontage and better transition to Octavia Street.

- Landmarks views and vistas,
- As previously assessed, none would be affected.
- Large sites

The subject site falls into this category and its overall form and mix of commercial uses above basement car parking are considered appropriate for this particular large site.

- Energy efficiency
- Building design
- As discussed in the report above.
- Urban art

A contribution should be required (refer recommended condition 10).

- Landscape
- Public open spaces
- There are very limited opportunities for effective public spaces or landscaping, especially noting the DDO requirement for abuttal to St. Kilda Road. Adequate landscaping would abut Octavia Street.
- Private and communal space

The proposal includes adequate private balcony spaces, with only four being at the minimum 8m² in area. The remainder range from generally 14m² up to over 20m².

- Fences

None are proposed except for the side wall of the car park ramp which would range from approximately 1.7m high to approximately 2.2m high due to the slope of the land.



It would be a plain masonry finish and would almost exclusively interface with the side wall of No. 1 Octavia Street. This is considered satisfactory. Importantly, no tall or out of character street fencing is proposed in St. Kilda Road or Octavia Street.

- Residential amenity
- Car parking and pedestrian access

These matters have either previously been partly discussed or are further discussed later in this section.

- Loading facilities

None are shown but a loading bay should be required (refer recommended condition 1 (a)).

- Site facilities.

All are depicted.

11.3 Design and Development Overlay

This is considered to be the key planning control in this instance and an assessment under each separate relevant provision occurs below.

Building Heights

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

One additional storey will be considered above any maximum discretionary height where that maximum discretionary height is up to seven storeys. Up to two additional storeys will be considered above the maximum discretionary height where the maximum discretionary height is eight storeys, or greater.

The discretionary height for precinct 2B is 21.5m or 6 storeys. However, the DDO also allows one additional storey (seven storeys) for sites where the discretionary maximum height is less than eight storeys, as is the case in this instance.

Subject to the deletion of one storey as recommended, the proposal would be seven storeys high which would therefore comply with the above control by way of storeys. Once lowered by recommended condition 1 (b) it would be 21.6m high, also complying with that measure.

The built form requirements as relevant to this proposal and a consideration of height, as stated in Table 1 are as follows:

Achieve greater consistency in overall building scale along St Kilda Road between Inkerman Street and 166 St Kilda Road, and Alma Road and Octavia Street.

As previously noted, the building scale along this section of St. Kilda Road is *generally* two storeys or between 7m to 8m given the Victorian buildings to the south. The proposal would be much higher than this scale but its street wall at 9m to 10m would be appropriate for this emerging built form context, particularly noting the 21.6m height approved at this site and the approximately 27m height approved by Council for the site to the south (54-60 St Kilda Road).



Avoid building heights which create intrusions in the streetscape and detract from the higher scale clusters at St Kilda Hill and St Kilda Junction.

This would be achieved subject to deletion of one level as recommended. The existing buildings closer to St. Kilda junction and the 26 storey residential tower on the opposite side of St. Kilda Road are far taller than this proposal would be.

Achieve a transition down in scale and respect the established fine grain, low scale of the adjoining residential area.

This would be achieved by deletion of one level as required by recommended condition 1 (b) and the increased setback of levels up to and including level 3 to a 9m setback.

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

The submitted shadow diagrams show that the only affected residential property would be the abutting site at No.1 Octavia Street. This property would only experience discernible additional shadowing from approximately 1.30pm onwards *meaning* it would receive unchanged shadowing for approximately 4.5 hours. Also, subject to recommended conditions 1 (b) and 1 (c) the extent of shading affecting that site would be very similar to if not less than that of the current approval. On balance, this additional extent of shading in this commercial interface context where the DDO contemplates buildings of up to 21m in height would be reasonable.

In terms of access to daylight as opposed to shadowing, the proposal would have some impacts noting that 1 Octavia Street has two habitable room windows facing the *subject* site. They would interface with the ground level car park ramp wall where at a height of approximately 1.7m. Above that, no part of the building would be closer than 9m to the boundary.

The *DDO* requires a mandatory separation of at least 9m between the proposal and the adjacent windows. Recommended condition 1 (c) would require this.

Whilst not specifically mentioned in the above strategy, the matter of potential *overlooking* is considered relevant. The plans show some privacy screening and obscure glass to levels 1 and 2 where currently at the 4.5m setback to the boundary. However, once modified by recommended condition 1 (c), all windows and balconies would be 9m from the neighbouring building and its rear yard. This would match the Rescode requirement but the screening would need to be retained, as the removal of the screening by way of amended plans as part of the increased setback has not been advertised. This is included in recommended condition 1(c).

Preserve view lines and maintain the visual prominence of the landmark St Kilda Post Office Hotel.

There would be no impact on the St Kilda Post Office Hotel.

Respect the heritage values of adjoining and nearby heritage places.

There are none in this section of St. Kilda Road and the properties of heritage *significance* in nearby residential streets would be sufficiently separated from the proposal such that their significance would be maintained.



Development must:

- *not overwhelm adjoining properties in a residential zone in terms of building scale or bulk, access to daylight, outlook and overshadowing;*

This has previously been assessed.

- *achieve a greater overall consistency of scale within the streetscape and moderate the difference between mid-rise development and existing taller high rise structures;*

There is no existing mid-rise nearby development on this side of St. Kilda Road.

- *be designed to reduce the visual dominance of levels above the street wall;*

This is considered to be achieved by the 3m setbacks above the podium.

- *not detract from the distinct higher-rise built form outcomes sought at St Kilda Hill or the Junction; and*
- *respect the fine grain of adjoining sensitive residential interfaces.*

These have been previously assessed.

Street Wall heights

The discretionary street wall height in precinct 2B is 11m (3 storeys) to St. Kilda Road. The built form outcomes sought to be achieved by the street wall heights are as follows:

- *Maintain the visual prominence of and preserve view lines to the landmark St Kilda Post Office Hotel.*
- *Create human scale streetscapes.*
- *Strengthen the boulevard character along St Kilda Road through creating a more coherent and consistent streetscape, having regard to the scale and form of buildings on adjacent sites.*

These have all been previously assessed.

- *Facilitate modern retail / commercial development.*

This would be achieved.

Upper Level Setbacks

The discretionary upper level setback in Precinct 2B is 5m from the front façade. The built form outcomes that this setback seeks to achieve are as follows:

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

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

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

- *setbacks/recessed development;*



- *well-articulated design; and*
- *the use of varying materials and colour*

The proposed 3m setback to St. Kilda Road would create a distinction between the podium and the levels above but would not meet the 5m discretionary provision but would be identical to that of the existing approval. The recent Council approval for the site to the south (54-60 St Kilda Road) also proposes a 3m podium setback.

Accordingly, it is considered that this aspect of the design is supportable.

Front Setbacks

Precinct 2B is subject to discretionary front setbacks which in this instance is zero. The built form outcome that this is seeking to achieve is as follows:

- *Reinforce the characteristic hard-edge alignment of built form to the street*

This would be met with the abuttal to St Kilda Road.

Building Separation/Side and rear Setbacks:

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

- *The entire building must be set back a minimum of 4.5 metres from any common side or rear boundary or at least 9 metres from any existing building with habitable room windows or balconies on the same or an adjoining site (whichever is the greater), if an adjoining site has an existing building with a habitable room window a balcony facing that boundary; or*
- *A building can be built with a zero setback blank wall to a common side boundary, where:*
 - *a building on the adjoining site has a blank boundary wall which has been constructed on or within 200 millimetres of the boundary; or*
 - *the adjoining site has not been developed above the street wall height, or, to or above the preferred height where no street wall height is specified;*

providing:

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

A permit cannot be issued to vary this requirement.

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



In summary, the above controls require mandatory separation to any nearby *habitable* room windows on an abutting site of at least 9m. There is no discretion to vary these requirements.

There are two such windows at No. 1 Octavia Street which are just under 1m from the boundary. The 9m separation would be met for levels 4 and above, but not the levels below where a 4.5m setback is depicted. A condition is required to ensure compliance with the Scheme (refer recommended condition 1 (c)).

There are no other habitable room windows within close proximity of the proposal.

Overshadowing

New development should not cast a shadow beyond the southern kerb-line of Alma Road and the southern kerb-line of Inkerman Street between 10am and 3pm on 21 September.

This is achieved.

Active frontages

- *Development should meet the Built Form Requirements specified in Table 7.*

In addition to the Built Form Outcomes of Table 7, all development should:

- *Provide an active frontage to any adjoining street (not including laneways);*
- *Provide pedestrian entrances which open directly to the street, have adequate weather protection, are clear glazed and designed as a key feature of the façade;*
- *Be designed to avoid blank walls, large areas of reflective surfaces and high fences;*
- *Incorporate lighting in the façade design to provide visual interest and to contribute to a sense of safety at night;*
- *Include windows and balconies or terraces at upper levels which overlook the street and laneways to maximise passive surveillance of the public realm; and*
- *Include lighting, entry doors and habitable room windows, to provide for passive surveillance, where they abut laneways.*

The design shows clear glazing to the ground level retail tenancies. No weather protection is shown but as previously noted, the recessed commercial entries would mitigate against this requirement.

No blank walls are proposed at ground level along St. Kilda Road. Windows above ground level would provide surveillance of both street abutments.

In this instance, the built form outcomes in Table 7 indicate that for commercial development, at least 60% clear glazing to a height of one to two metres should be provided above footpath level and that pedestrian entries should be at least every 30m. These outcomes would be achieved, in that the commercial entries would essentially read as one.



The relevant built form outcomes that these measures are seeking to achieve are also as follows:

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

These are considered to be adequately met.

In short, when it comes to the matter of active frontages it is considered that the proposal includes a sufficient extent of glass and appropriate uses behind that would activate St. Kilda Road.

Architectural quality and design details

- *New development should use materials, colours and finishes that complement the appearance and character of the neighbourhood and street.*
- *The design of upper levels of buildings should render them distinctly different to lower levels through variations in form, openings and the use of a variety of materials and colours.*
- *All visible sides of a building should be fully designed and include variations in form, materials, openings and colour.*
- *Corner sites should achieve a high quality design outcome and address both street frontages with either door openings or street level windows.*
- *On sites with a frontage over 10 metres in width, building facades should be well-articulated through variations in form, materials, openings, colours and the inclusion of vertical design elements.*
- *New development, particularly on larger sites, should express the scale and rhythm of the wider streetscape.*
- *Balconies should be designed as an integral part of the street-wall or building façade.*
- *Awnings or verandahs providing weather protection should be constructed to match the height and coverage of the footpath of awnings or verandahs on adjoining properties.*

It is considered that all these outcomes would be met as confirmed by Council's Urban Designer.



Interfaces with residential zones

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

This matter has previously been discussed.

Vehicular access, car parking, and loading areas

- *The visibility of car parking areas and vehicle entrances from the public realm should be minimised.*

This would be achieved.

Open and at-grade car parks should not be located in front of setback areas.

None are proposed.

Vehicle crossovers should be:

- *no more than 6 metres wide;*
- *provided only where a site does not already have one;*
- *provided from the rear or side of lots wherever possible; and*
- *integrated with the design of the building and be visually permeable so as to not dominate the façade and to allow passive surveillance.*

The access would be from Octavia Street and would use the location of the existing commercial car park access. No new crossovers are proposed and any existing public asset features to be removed would need to be made good. (Refer recommended condition 11).

- *Where car parks are located above ground, they should be at the rear of the site, and must be sleeved with habitable rooms presenting to the street.*

None are proposed.

- *Exhaust stacks or vents from underground car parks should be located away from main pedestrian areas and incorporated into the building design or adequately screened.*
- *The car park fan is not depicted. (refer recommended condition 1 (i)).*
- *The height of car parking levels within a building should match the height of other uses in the same building to enable future adaptation for habitable uses.*

The car parking areas would be in the basement and not above ground whereby they could be re-developed or re-used in the future. The car park areas would not be suitable for any future residential uses.

Waste management and building services



New development should provide on-site bin and waste material storage areas which should be located at the rear of the site, be screened from public view and not impede pedestrian access.

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

Council's Waste Management Section has assessed the proposal and any requirements can be addressed by recommended conditions.

Based on all of the above, it is considered that the proposal would be acceptable in terms of impacts of height, bulk, integration with the street and its hinterland and overall; amenity impacts.

11.4 Would there be sufficient on site car parking and would access to and from the car park lead to excessive traffic volumes in the abutting side street?

All residential parking requirements would be met.

Council's Sustainable Parking Policy and Clause 52.06 both suggest a parking rate for retail use should be 3.5 spaces per 100m² of floor area. The application as submitted proposes a rate of 1.7 spaces/100m². That is, four retail spaces are proposed instead of eight.

Requirements to obtain upper limit of sustainable rate:

- Within an activity centre – **Not achieved as this section of St. Kilda Road is not a designated activity centre despite its zoning but has characteristics of an activity centre.**
- No more than 200 m from fixed rail public transport – **achieved**
- Strict control of on-street parking in surrounding streets – **achieved**
- Provision of motor scooter/ motorbike parking on site – **not achieved**
- Provision of full bicycle parking and amenities required under Clause 52.34 – **achieved (exceeds)**

In this instance, the majority of the above tests would be met and could justify the parking requirement being reduced as proposed. It is very common that only staff parking for retail tenancies is provided and given the excellent access to public transport and the high level of bicycle provision, it is considered that what amounts to two staff spaces per retail tenancy would be sufficient and supportable.

The recommended increased setback would reduce overall dwelling numbers, most likely from 26 to 21. The final form of internal layout has not yet been determined, but it



is most likely to comprise 3 x one bedroom dwellings, 7 x two bedroom dwellings and 11 x three bedroom dwellings requiring at least 32 residential car spaces. The reduction in dwelling numbers would enable residential parking to be maintained at the required rates, with spare parking spaces for be converted to a loading bay.

Clause 52.06-7 outlines the considerations the Responsible Authority must have regard to in determining the appropriateness of a car parking reduction. The following table provides an assessment of the proposal against these considerations:

Clause 52.06-7 Consideration	Assessment
The Car Parking Demand Assessment.	As assessed above, the car parking demand assessment provided by the applicant and its conclusion that all residential parking would be met and that only staff parking for the retail tenancies being provided is considered acceptable.
Any relevant local planning policy or incorporated plan.	There is no incorporated plan relating to car parking. Council’s Sustainable Parking Strategy is relevant and has been considered in this report.
The availability of alternative car parking in the locality of the land.	There is none that could practically be used for long term parking. Kerbside parking in St Kilda Road is available for short term/customer parking nearby which is highly likely to meet retail customer demands.
On street parking in residential zones in the locality of the land that is intended to be for residential use.	Not Applicable
The practicality of providing car parking on the site, particularly for lots of less than 300 square metres.	The site is well over 300m ² in area and additional car parking could be provided by adding levels to the basement car park. This, however, is not considered necessary.
Any adverse economic impact a shortfall of parking may have on the economic viability	The site is not in a defined activity centre but in a commercial strip with good access to the Fitzroy Street Activity Centre. The car parking reduction would not adversely affect the operation of the commercial strip and may provide economic



of any nearby activity centre.	stimulus to it by providing employment and customers to other businesses.
The future growth and development of any nearby activity centre.	Fitzroy Street Activity Centre would not be directly affected by the proposal but may benefit from the increased number of employees in the area.
Any car parking deficiency associated with the existing use of the land.	It is likely that there is no existing parking shortfall or credit noting that the existing development has 12 on site car spaces supporting a modest two storey development.
Any credit that should be allowed for car parking spaces provided on common land or by a Special Charge Scheme or cash-in-lieu payment.	This is not applicable to this application.
Local traffic management in the locality of the land.	Council’s Traffic Engineers have raised no concerns in this regard having particular regard to the proposal’s excellent access to a major arterial road (St Kilda Road).
The impact of fewer car parking spaces on local amenity, including pedestrian amenity and the amenity of nearby residential areas.	There would be no negative impacts in this regard car parking would be contained in a basement. On-street parking in Octavia Street has time limits which would not negatively affect the ability of retail customers to park there.
The need to create safe, functional and attractive parking areas.	All parking would be in basement areas and not visible from the public realm.
Access to or provision of alternative transport modes to and from the land	As discussed earlier in this report the site is located within close proximity to numerous tram services in addition to cycling infrastructure.
The equity of reducing the car parking requirement having regard to any historic	This is not relevant to this application.



contributions by existing businesses.	
The character of the surrounding area and whether reducing the car parking provision would result in a quality/positive urban design outcome.	The surrounding area’s character would not be negatively affected by the proposed basement car parking but equally, and provision of a basement car park is preferable to at grade car parking from an urban design perspective.

In summary, the proposal is considered acceptable with respect to the considerations of Clause 52.06-7 and would bear favourably in granting the proposed car parking waiver.

Council’s Traffic Engineer has confirmed that traffic movements and volumes would not be detrimental to the nearby area or cause congestion.

11.5 Clause 58

The only area of non-compliance with this clause – based on the internal ESD referral comments is that of daylight to bedroom windows. The applicant’s submission indicates that the relevant standard would be met, but this is disputed by Council. To fully clarify the issue, recommended condition 6 (e) requires daylight modelling that would indicate

11.6 Other objector concerns not previously assessed.

Some existing features of the existing building should be retained (bluestone elements)

The site is not covered by a Heritage Overlay and retention of any existing physical features cannot be compelled.

No visitor parking.

The site is within the Principle Public Transport Network where there is no requirement for visitor parking.

Excessive traffic noise from car park ramp.

The access ramp would be relatively close to the side of No. 1 Octavia Street, but traffic movements are not considered to be excessive such that detriment from noise would occur. Some increase in noise out-of-hours compared to the current situation may occur, but generally after approximately 9pm, vehicle movements are likely to be relatively low.

12 COVENANTS

12.1 The applicant has completed a restrictive covenant declaration form declaring that there is no restrictive covenant on the titles for the subject site known as lot 1, title plan 379090S, volume 08053, folio 692.

13 OFFICER DIRECT OR INDIRECT INTEREST

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



14 OPTIONS

- 14.1 Approve as recommended
- 14.2 Approve with changed or additional conditions
- 14.3 Refuse - on key issues

15 CONCLUSION

- 15.1 The proposal once modified, would be of a different from to the current and still valid development, but would essentially be the identical height and one that would comply with DDO requirements. It would therefore sit comfortably in the streetscape and would not have detrimental character impacts. The modifications would also reduce its impressions of bulk and mass in Octavia Street.
- 15.2 Car parking for the residential component would be met and it would only be the retail parking that would be seeking a shortfall. That shortfall is considered supportable as the retail tenancies would be allocated two staff spaces each. The absence of customer parking is something that has been consistently supported in locations such as this.
- 15.3 Subject to the recommended changes, the proposal is considered supportable.

<insert text>

TRIM FILE NO: PF20/8586
ATTACHMENTS
1. Advertised Plans
2. Objector Map