



8.4	14-16 THE ESPLANADE, ST. KILDA
LOCATION/ADDRESS:	14-16 THE ESPLANADE, ST. KILDA
RESPONSIBLE MANAGER:	GEORGE BORG, MANAGER CITY DEVELOPMENT
AUTHOR:	MARGARET COMMANE, SENIOR URBAN PLANNER
TRIM FILE NO.:	PF16/706026
ATTACHMENTS:	1. Decision Plans 2. Location Map 3. 3D Renders
WARD:	LAKE
TRIGGER FOR DETERMINATION BY COUNCIL:	MORE THAN 15 OBJECTIONS
APPLICATION NO:	1029/2016
APPLICANT:	MESSAGE CONSULTANTS PTY LTD
EXISTING USE:	HOTEL
ABUTTING USES:	RESIDENTIAL
ZONING:	GENERAL RESIDENTIAL ZONE
OVERLAYS:	DESIGN AND DEVELOPMENT OVERLAY – SCHEDULE 6-5, DESIGN AND DEVELOPMENT OVERLAY – SCHEDULE 6-6,
STATUTORY TIME REMAINING FOR DECISION AS AT DAY OF COUNCIL	COMPULSORY CONFERENCE SCHEDULED FOR 17 AUGUST 2017

PROPOSAL

Construction of a nine storey building comprising 236 dwellings and a reduction in the car parking requirements (for four visitor spaces).

I. EXECUTIVE SUMMARY

- 1.1 The applicants have submitted a Section 79 application to VCAT as the application had not been determined within the prescribed time (60 days). A compulsory conference is listed for 17 August 2017 and a full hearing is listed for 25 September 2017 (3 days).
- 1.2 This report is to establish Council's position for the upcoming VCAT compulsory conference and hearing.
- 1.3 This report is based on revised plans circulated by the applicant as part of the VCAT process. It is noted that the applicant had indicated their intention to lodge these amended plans via a S57A of the Act. However, due to changes in the zoning controls (discussed further in Section 6.4) they were unable to do so.



- 1.4 The proposal is for the construction of nine storey building (maximum height 24.5m plus services, which comprise no more than 10% of the building's roof area and extend to a height of 28.5m) comprising 236 dwellings and a reduction in the car parking requirements (for four visitor spaces).
- 1.5 A planning permit is required for two or more dwellings under the General Residential Zone; for buildings and works in a Design and Development Overlay and for a reduction of four car parking spaces pursuant to Clause 52.06 of the Planning Scheme.
- 1.6 The application was advertised and thirty-four (34) objections were received. At the time of writing, two of these objectors have joined as a party to the appeal.
- 1.7 A previous Application (946/2014) sought a similar development of the land. Council's decision to refuse that Application was reviewed by VCAT who affirmed Council's decision. The VCAT decision generally found that the site is suitable for significant redevelopment consistent with policy direction; the building heights, particular setbacks and resultant overshadowing to Alfred Square are consistent with the Design and Development Overlay and the proposed external design treatment, loading area in the basement, waiver of visitor car parking sought and resultant traffic volumes were satisfactory. These aspects of the proposal remain relatively unchanged and will not be revisited given the Tribunal's previous determination on them.
- 1.8 The key reasons for VCAT's rejection of the previous proposal were building mass, the setbacks/landscape treatment proposed to Alfred Square Gardens and Bessiere Place, the enclosed nature of the car park entry, certain aspects of the proposal's interface with adjoining properties, the location of the communal spaces, the lack of access to Bessiere Place, the amenity of the proposed townhouses and daylight access in apartments.
- 1.9 The current proposal will be assessed against the key findings of the Tribunal in relation to Planning Application No. 946/2014 (VCAT Reference No. P267/2016). It is noted that the current proposal does not feature any townhouses for assessment.
- 1.10 It is considered that the current proposal would display good architectural design and would integrate with their varied surroundings which, notwithstanding nearby heritage controls, have varied building stock.
- 1.11 The current proposal's direct impacts on neighbouring amenity, in terms of shadowing and outlook, would be acceptable but it is acknowledged that the outlook from neighbouring properties to the rear would significantly change.
- 1.12 Shadow and daylight impacts would be acceptable and overall internal amenity would be good even though some dwellings would rely on a 'saddleback' layout but with relatively short light access corridors.
- 1.13 The current proposal's car parking supply would be adequate noting the site's excellent locational attributes, especially access to the tram services on Fitzroy Street and The Esplanade and to nearby shopping facilities and activity centres.
- 1.14 Overall, the layout and design of the proposal is considered satisfactory and the proposal is considered appropriate for approval, subject to conditions.
- 1.15 It is therefore recommended that Council advise VCAT that, had it been the Responsible Authority for determination of the application, it would have issued a



Notice of Decision to Grant an Approval of a Permit for the current proposal.

KEY ISSUES

1. Does the proposal address the shortcomings of the previous proposal?
2. Does the proposal address the issues identified by the Tribunal?

2. RELEVANT BACKGROUND

- 2.1 It is noted that this is the second planning application for this site. The previous proposal (Application No. 946/2014) was for the following:
- Construction of two buildings up to eight levels high (just over 24m high) comprising 299 dwellings above basement levels totalling 352 car parking spaces.
 - One building was to be generally square and sit in the south-east section of the site and the other would have been a much larger 'L' shape occupying the remainder of the site.
 - That proposal comprised 167 x one bedroom dwellings, 103 x two bedroom dwellings and 29 x three bedroom dwellings.
 - Of the 352 car parking spaces, 322 were to be allocated to the dwellings and 30 to visitors.
- 2.2 Council refused the application on 17 December 2015. The key areas of concern were overdevelopment of the site; building mass; poor pedestrian permeability, awkwardly located communal facilities, non-compliance with the design objectives of the Design and Development Overlay, sunken units having inappropriate access to daylight and sunlight, poor apartment layout, more specifically "saddleback" arrangements; undesirably long internal corridors and the absence of a loading bay in the basement for larger trucks.
- 2.3 This decision was affirmed by the Victorian Civil and Administrative Tribunal on 6 September 2016. The key findings were:
- 2.3.1 The site is a suitable candidate for a significant redevelopment having regard to its size, proximity to activity centres, access to the Principal Public Transport Network and location relative to the St Kilda foreshore and associated recreation opportunities.
- 2.3.2 The design was ineffective in breaking down the building mass due to only one break in form being proposed and the failure to provide a connection, visual or otherwise, across the site to Bessiere Place. With some further meaningful breaks in the form, they considered that the proposal would meet the desired higher built form in this location and the preferred character of Design and Development Overlay 6-6 (DDO6-6).
- 2.3.3 The faceted facades created by the disjointed balcony treatments created a '*visually rich but ordered presentation*' achieving the richness sought in DDO6-6. In addition, the treatment of the lowest three storeys was considered to distinguish them from the upper floors, breaking up the scale, anchoring the building to the ground plane and referencing the lower scale of much of the surrounding built form.



- 2.3.4 It said “we consider that the proposed external design treatment of the building would result in an appearance that is a more than acceptable response to the built form and character of the locality”.
- 2.3.5 Resultant overshadowing to Alfred Square was deemed to be largely consistent with shadows from the existing building and to affect only a relatively small area in the eastern corner of the Gardens.
- 2.3.6 The Tribunal considered that a greater setback to Alfred Square Gardens should be provided (at a minimum a 3m ground level landscaped setback).
- 2.3.7 The 9m setback between the development and No. 7 Alfred Square was considered acceptable but it was said that the built form proposed above the car park entry should be deleted, to maintain the openness between buildings, improve the amenity outcome for the occupants of 7 Alfred Square. Also, that setbacks from this boundary should not project closer at upper levels.
- 2.3.8 The site’s interface with Bessiere Place was said to lack meaningful landscaping which did not sufficiently respond to the existing context, nor to the requirements of DDO6-5.
- 2.3.9 The upper floor level setbacks proposed to adjacent No. 1-4 Bessiere Place complied with the 9.5 metre height control imposed by DDO6-5 and were considered sufficient to avoid any unacceptable amenity impacts. The adjacent terrace to Apartment 129 was deemed inappropriate due to resultant overlooking and visual bulk.
- 2.3.10 The development as it presented to No. 43 Acland Street was considered an acceptable interface.
- 2.3.11 At the interface with No. 39 Acland Street, DDO6-6 sets an expectation of higher built form. The setbacks from this interface were considered acceptable. However, the Tribunal considered it necessary to delete the terrace adjacent to the north-east wall of dwelling 129 to prevent overlooking to both No. 39 Acland Street and No. 1-4 Bessiere Place without the need for screening.
- 2.3.12 The ten metre gap between No. 17 The Esplanade and proposed Building 2 and the two metre setback from Townhouse T013 to the retaining wall were considered acceptable. However, a nine metre setback between the terrace of Apartment No. 117 and Apartment Nos. G01 to G06 and the wall of No. 17 The Esplanade was recommended to achieve a reasonable amenity outcome for this neighbouring development and the removal of Apartment No. G11 and the reconfiguration of Apartment No. G10 was deemed necessary to provide appropriate spacing between the proposed building and the open space areas of No. 17 the Esplanade.
- 2.3.13 Given the proposed development complies with the height controls included in Schedule 6-5 and Schedule 6-6 to the Design and Development, the consequent visual impact on the Acland Street environs is an outcome contemplated by the Planning Scheme.
- 2.3.14 There was no evidence that the development would detract from the heritage values of this neighbouring area.



- 2.3.15 The failure to achieve best practice for daylight access in apartments with a view to the foreshore was considered appropriate given the highly favourable aspect/outlook, the layout of the dwellings which has sought to minimise the depth of the 'snorkels' leading to the windows, the splayed profile adopted for these 'snorkels' to further enhance daylight penetration, the greater level of useability associated with the larger balconies to maximise the experience of the foreshore views, the role the deeper balconies would play in shielding the dwellings from the westerly sun and a level of daylight being achieved which allows rooms to be occupied and used without the need for electric lighting.
- 2.3.16 The failure to achieve best practice for daylight access in apartments which have an outlook toward neighbouring properties or views internal to the site was not considered appropriate. It was recommended that the depth and size of balconies be reduced (without making them unable to accommodate reasonable recreation needs) or the size of windows be increased (or a combination of both) to improve daylight access into these dwellings.
- 2.3.17 The amenity of the proposed townhouses was deemed appropriate due to their aspect/outlook, limited private open space and the sunken form of the courtyard which is accessed from a bedroom and not the living area, and which is likely to experience limitations on solar access due to its below-ground location.
- 2.3.18 The proposal did not provide access to Bessiere Place, a convenient and obvious route to Acland Street for residents.
- 2.3.19 Communal spaces provided an unacceptable amenity for residents, in that they were confusing and poorly designed, appearing to be an amalgamation of left-over space.
- 2.3.20 The proposed loading area in the basement was acceptable.
- 2.3.21 The waiver of visitor car parking sought was considered appropriate given there is sufficient off-site parking in the vicinity.
- 2.3.22 There was no evidence to demonstrate that the resultant traffic volume cannot be accommodated in Alfred Square.
- 2.4 The Tribunal concluded that there were a number of shortcomings relating to the appearance of the development, its presentation to the public realm, its impact on the amenity of adjoining properties and the amenity it would provide to its occupants. The shortcomings taken cumulatively indicated that the proposal did not represent an acceptable planning outcome. The changes required to address these matters went beyond what could be achieved by permit conditions and therefore the Tribunal confirmed Council's Refusal.
- 2.5 The application currently before Council adopts the following changes in response to the previous VCAT decision, including:
- The introduction of a central break through the site;
 - The introduction of 3m wide landscaped setbacks to Alfred Square;
 - The introduction of improved landscaped setbacks to Bessiere Place;



- Increased separation distances from 7 Alfred Square by up to 6.8m;
- Increased separation distances from 17 The Esplanade by up to 5.6m;
- Refinements to the building configuration adjacent to 1-4 Bessiere Place and 39 Acland Street;
- Revised apartment layouts throughout the development;
- Omission of two-level townhouses dwellings;
- Reconfigured pedestrian access and circulation; and
- Re-planned and relocated communal facilities.

2.6 These will be discussed in further detail below.

3. PROPOSAL

- 3.1 The applicants have circulated revised plans as part of the VCAT process. These have been circulated to all parties and the owners and occupiers of No. 7 Alfred Square and No. 17 The Esplanade at the direction of the Tribunal. The report is based on those plans.
- 3.2 It is proposed to demolish the existing building (no permit required) and construct three buildings (A, B and C) up to nine storeys high (maximum height of 24.5m plus services which extend to 28.5m) comprising 236 dwellings above three basement levels which provide car parking for 365 cars.
- 3.3 Building A would occupy the western portion of the site, Building B would occupy the north-eastern corner of the site and Building C would occupy the south-eastern corner of the site.
- 3.4 Overall, the proposal would comprise 60 x one bedroom apartments, 90 x two bedroom apartments and 86 x three bedroom apartments. More specifically, Building A features 96 apartments (35 x one bedroom apartments, 29 x two bedroom apartments, 32 x three bedroom apartments), Building B features 76 apartments (25 x one bedroom apartments, 27 x two bedroom apartments, 24 x three bedroom apartments) and Building C features 64 Apartments (34 x two bedroom apartments, 30 x three bedroom apartments).
- 3.5 Of the 365 car parking spaces, 322 spaces would be allocated for the dwellings and 43 spaces for residential visitors.
- 3.6 More specifically, the proposal is described as follows.
Basement levels 1, 2 and 3 and part of the lower ground floor level:
- 3.7 Basement levels 1, 2 and 3 and the western portion of the lower ground floor level provide parking, storage and loading facilities on the site. Basement levels 1 and 2 would all essentially occupy the full footprint of the site. All four levels would have the car parking spaces generally arranged both around the perimeter of the site and in double bays within the central sections of the site. They would be accessed by two-way aisles either 6.4m or 6.6m wide. Three stair and lift lobbies are also proposed along with a storage cage area and over-bonnet storage cages above the majority of the resident car parking spaces.



- 3.8 A loading dock is also proposed on lower ground floor level.
- 3.9 The basement levels would contain a total of 365 car parking spaces, 86 secure bicycle parking spaces, 24 visitor bicycle parking spaces, 42 motorcycle parking spaces and 236 storage cages.
- Lower ground level:
- 3.10 As previously outlined, the western portion of the lower ground floor level provides parking, storage and loading facilities.
- 3.11 The remaining eastern portion of the lower ground floor level, would comprise accommodation associated with Buildings B and C.
- 3.12 The northern portion of Building B's lower ground floor would feature a central pool, gym, spa and amenities area.
- 3.13 The southern portion of Buildings B's lower ground floor level would contain four apartments (1 x one bedroom, 2 x two bedroom and 1 x three bedroom) arranged at right angles to each other. The one bedroom apartment would be 53sqm in size, the two bedroom apartments 81m² and 89m² and the three bedroom apartment 119m². These apartments would be orientated north-east to south-west.
- 3.14 Buildings C's lower ground floor level would contain eight apartments (6 x two bedroom and 2 x three bedroom) arranged around a central lift/stair. The two bedroom apartments would from 85m² to 121m² in area and the three bedroom apartments would be 135m² and 161m².
- 3.15 The dwellings in both buildings would all have secluded open space areas either abutting the various boundaries or facing each other in the central section of the site.
- 3.16 Apartments facing The Esplanade would be setback between 3.7m and 12.2m and Apartments facing Alfred Square would be between 3m and 4.6m.
- 3.17 Apartment No. C-LG04 is developed to the site's south-eastern boundary against a wall built to the common boundary associated building. The remaining apartments at this level would be setback a minimum of 5.8m from the site's south-eastern boundary.
- 3.18 Dwellings in Buildings B and C would have a minimum separation distance of 11.5m.
- 3.19 The entry lobby to the Building C would be accessed from The Esplanade and would be located at this level.
- Ground level:
- 3.20 The ground floor level would comprise accommodation associated with Buildings A, B and C.
- 3.21 Buildings A's ground floor level would contain thirteen apartments (5 x one bedroom apartments, 3 x two bedroom and 5 x three bedroom) arranged around a central lift/stair. The one bedroom apartments would be between 53m² to 64m² in area, the two bedroom apartments would be between 82m² to 124m² in area and the three bedroom apartments would be between 101m² and 144m². A number of the Building A's ground floor apartments are provided with an additional entry point off Bessiere Place and Alfred Square.



- 3.22 Buildings B's ground floor level would contain nine apartments (3 x one bedroom apartments, 4 x two bedroom and 2 x three bedroom) arranged around a central lift/stair. The one bedroom apartments would be between 53m² to 82m² in area, the two bedroom apartments would be between 66m² to 82m² in area and the three bedroom apartments are 124m² and 147m². Four of Building B's ground floor apartments are provided with an additional entry point off Bessiere Place.
- 3.23 Buildings C's ground floor level would contain eight apartments (4 x two bedroom and 4 x three bedroom) arranged around a central lift/stair. The two bedroom apartments would be between 85m² to 102m² in area and the three bedroom apartments are between 121m² and 161m² in area.
- 3.24 This level would also contain the entry lobby to Buildings A and B. It would be accessible from Alfred Square and from Bessiere Place and would feature an airlock at either end to restrict access.
- 3.25 This level would also comprise the vehicle access in the north-west corner of the site directly to Alfred Square and it would be 5.8m wide.
- 3.26 The residential interface/setback would be between 6.2m and 10.2m to the site's north-western boundary (between 11m and 17.5m from No. 7 Alfred Square) whilst setbacks from Building A to Bessiere Place would be between 4.9m and 7.2m and Building B to Bessiere Place would be 4.6m (between 16.8m and 18.9m from No. 43 Acland Street). The setbacks from Buildings to the site's south-eastern boundary would be between 6m and 9.5m (between 9m and 14.1m from No. 17 The Esplanade).
- Levels 1 and 2:
- 3.27 These levels would follow a similar form to the level below in terms of the dwellings' positioning. Whilst their orientation would be similar to the levels below, some of the setbacks would differ. Apartment Nos. B-101, B-102 and B-103 in Building B have been angled to provide increased setbacks to the applicable section of the site's south-eastern boundary (setbacks of between 4.22m and 13m). The setback to abutting No. 7 Alfred Square would also vary slightly to between 9m and 16.5m.
- Levels 3-5:
- 3.28 These levels would follow a similar form to the level 1 and 2 below in terms of the dwellings' positioning. Whilst their orientation would be similar to the levels below, some of the setbacks would differ. The north-eastern corner of Building A has been setback 17.2m from the site's north-eastern boundary and 5.6m from Bessiere Place to address the DDO 6-5 controls applying to that section of the site.
- Level 6:
- 3.29 This level would follow a similar form to the levels 3 to 5 below in terms of the dwellings' positioning. It would adopt the same setbacks save for the north-eastern corner of Building A (more specifically Apartment No. A-603), which features an increased setback from the site's north-eastern boundary (7.76m).
- Level 7:
- 3.30 This level would only occur at the rear building and hence, dwellings are only proposed in Buildings A and B. Building A would feature 11 apartments at Level 7 (4 x one bedroom apartments, 4 x two bedroom and 3 x three bedroom) and Building B would



feature 9 apartments at Level 7 (3 x one bedroom apartments, 3 x two bedroom and 3 x three bedroom).

General description:

- 3.31 Whilst comprising three buildings, the architectural design across the whole proposal would be consistent.
- 3.32 The building adopts a curvilinear form. In general the buildings adopt an orthogonal base with a more solid presentation to the lower four levels, with a more sculpted form above with angled apartment faces and balconies stacked vertically above on another.
- 3.33 The facades would feature large expanses of glass divided by expressed floor plate edges and extensive balconies mostly with vertically curved balustrade edges. The lower floors of the buildings would feature solid balcony balustrades while the upper floor levels would feature a mix of solid and glazed balustrades.
- 3.34 The buildings would be finished in a mix of stone pavers, limestone, bluestone, shiplap spotted gum, textured concrete render, anodised bronze aluminium and glazing. A consistent architectural language is employed across the development, with some variation in material and colour finishes between the individual buildings to provide some visual differentiation.
- 3.35 The buildings would be flat roofed and, due to the slope of the land, their height would vary.
- 3.36 The development would have a maximum height of 24.5m plus services, which comprise no more than 10% of the building's roof area. No structures are proposed above 28.5m.
- 3.37 All dwellings would have open space areas of between 6m² and 62m².

4. SUBJECT SITE AND SURROUNDS

- 4.1 The subject site is irregular in shape and has an area of approximately 5,800m². It has a single frontage to The Esplanade of approximately 40.2m and two frontages to Alfred Square of 39.8m and 40.8m. It also has two abutments to Bessiere Place, which is a small lane to the rear, of 23.5m and 40.5m. The site is situated on the north-eastern side of The Esplanade approximately 380m south of the edge of the Fitzroy Street Activity Centre (its intersection with Acland Street) and approximately 360m north-west of the intersection of Carlisle and Acland Streets (the 'top' of the Acland Street Activity Centre). The site is developed with a part six, part seven storey hotel (Novotel) building in the front section of the site with guest open space areas and a pool facing south-east and a decked car park in the rear half of the site. The ground level car park deck is open and uncovered. The car park is accessed from the north-western corner of the site and contains around 213 car parking spaces.
- 4.2 As facing towards the foreshore and Alfred Square, the building presents with unremarkable architecture comprising small rectangular windows generally arranged in a series of vertical column features. Each of these features, which are mostly the width of two windows, is capped by a gable shaped parapet. The building has two colours, being generally white and a contrasting mid-grey. As facing The Esplanade, some sections of the existing building are approximately 26.5m high, whilst the gable peaks facing Alfred Square are approximately 23m high.



- 4.3 A ground level restaurant directly fronts The Esplanade whilst the entry lobby and other function spaces and back of house office areas face Alfred Square at ground level with rooms above.
- 4.4 Abutting buildings are highly varied. To the south-east is No. 17 The Esplanade, an eight storey building used for public housing. The front section of this building abuts the common boundary whilst the remainder of the building is setback approximately 5m to the boundary with a large number of windows and recessed balconies generally at the same or very similar setback. The windows within the recessed balconies are approximately 7m from the boundary.
- 4.5 To the north-east, on the opposite side of Bessiere Place, is No. 43 Acland Street which is a two storey 1970s block of flats. This site features two garages to the rear of the site fronting Bessiere Place. There are two small areas of open space between the garages. That building's rear windows, only some of which are to habitable rooms, are setback 12.3m from the boundary.
- 4.6 To the north-east, immediately abutting the subject site, is No. 1-4 Bessiere Place which is a three storey townhouse development approximately 10-15 years old. It fronts Bessiere Place and has direct under-croft garage car park access from that lane. No. 4 Bessiere Place is developed to the common boundary and its rear secluded private open space area (approximately 4m wide) abuts the common boundary. The building is shielded from the existing subject site's car park by substantial vegetation on the subject site.
- 4.7 To the north-east, immediately abutting the subject site, is No. 39 Acland Street. This site is occupied by an older three storey apartment block. This property has two immediate interfaces with the subject site. One is a section of secluded open space approximately 5m wide in the southern corner of the site that directly abuts the subject site. The other is a wider open car parking area (approximately 14m wide) which is accessed from Wimmera Place via a laneway and gravel apron both behind No. 35 Acland Street. The rear-most wing of that site which is adjacent to the open space parcel is approximately 12m from the boundary. The next closest section of building at No. 39 Acland Street (across the car park) is approximately 23m from the boundary.
- 4.8 No. 35 Acland Street abuts the subject site's northern corner at a single point only. No. 35 Acland Street's car parking area immediately abuts the common boundary accessible via a gravel apron also accessed from Wimmera Place.
- 4.9 To the north-west, immediately abutting the subject site is No. 7 Alfred Square. This building is part three/part four storey. Its' interface to the subject site comprises varied setbacks of 3.2m, 5.4m and 7.5m. The building features several windows (both habitable and non-habitable) fronting the subject site. There is no secluded private open space at ground level facing the subject site with the interface comprising a driveway and car parking area.
- 4.10 To the front of the site is Alfred Square, a public park and open space area. Car parking in Alfred Square is a combination of ticket and half-hour parking (8am and 9am to midnight) and one hour free parking, 8am to midnight. The subject site faces this park on two sides, with the remaining interface being directly to The Esplanade.
- 4.11 The Esplanade is a relatively busy road with one traffic lane in each direction, a central tram line and a combination of parallel and angle car parking. The car parking is generally



a combination of two hour and ticket parking (8am to midnight, Monday to Saturday and 10am to 4pm Sunday) along with no parking times generally being the morning and evening times on Sunday.

- 4.12 Building stock in the broader area is highly varied. Development along The Esplanade comprises a mix of inter-war apartment buildings of generally three to four storey along with 1960s and 1970s apartment buildings of up to 10 storeys. A recent apartment addition to The Esplanade hotel is nine storeys high whilst the abutting building at No. 17 The Esplanade is eight storeys high. Most of these buildings have limited front setbacks and vegetation. Development in Alfred Square comprises a mix of detached and semi-detached Victorian single storey dwellings, three to four storey apartment buildings from the 1960s (some updated) and a 1970s building which is nine storeys high.
- 4.13 Buildings in nearby Wimmera Place are generally a combination of three storey inter-war and 1960s apartment buildings along with one and two storey dwellings from various eras.
- 4.14 Opposite the subject site (other than Alfred Square) is the upper terrace of the St. Kilda foreshore which comprises a wide footpath and well established palm street trees.

5. PERMIT TRIGGERS

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

<i>Zone or Overlay</i>	<i>Why is a permit required?</i>
<i>Clause 32.08 General Residential Zone</i>	<i>Pursuant to Clause 32.08-4, a planning permit is required to construct two or more dwelling on a lot.</i>
<i>Clause 43.02 Design and Development Overlay - Schedule 6-5 and Schedule 6-6</i>	<p><i>Pursuant to Clause 32.08-4, a planning permit is required to construct a building or construct or carry out works.</i></p> <p><i>Buildings and works must be constructed in accordance with any requirements in a schedule to this overlay. A schedule may include requirements relating to:</i></p> <ul style="list-style-type: none"> ▪ <i>Building setbacks.</i> ▪ <i>Building height.</i> ▪ <i>Plot ratio.</i> ▪ <i>Landscaping.</i> ▪ <i>Any other requirements relating to the design or built form of new development.</i> <p><i>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.</i></p>



<p>Clause 52.06 Car Parking</p>	<p>Pursuant to Clause 52.06-1, a new use must not commence or the floor area of an existing use must not be increased until the required car spaces have been provided on the land pursuant to Clause 52.06-2. A permit is required to reduce or waive the relevant rates.</p> <p>The table at Clause 52.06-5 states that the rate for dwelling is one car parking space per one and two bedroom dwellings and two car parking spaces for three bedroom (or larger) dwellings. The visitor car parking rate is one space per five dwellings.</p> <p>Based on these rates, the proposed development triggers a car parking requirement of 322 spaces for the dwellings and 47 spaces for visitors, making a total of 369 spaces required.</p> <p>It is proposed to provide 365 on-site spaces. Therefore, a reduction of 4 visitor spaces has been sought</p>
<p>Clause 52.34 Bicycle Facilities</p>	<p>Pursuant to Clause 52.34-2, a permit may be granted to vary, reduce or waive any requirement of Clause 52.34-3 and Clause 52.34-4.</p> <p>The table at Clause 52.34-3 includes a bicycle parking requirement of 1 space per 5 dwellings for residents. There is also a requirement to provide residential visitor parking at a rate of 1 space per 10 dwellings.</p> <p>Based on these rates, the proposed development triggers a bicycle parking requirement of 47 spaces for residents and 24 spaces for residential visitors, making a total of 71 spaces required.</p> <p>It is proposed to provide 86 bicycle parking spaces on the land, which is in excess of the requirement.</p> <p>Therefore, a planning permit is not triggered under this provision.</p>

6. PLANNING SCHEME PROVISIONS

6.1 State Planning Policy Frameworks (SPPF)

The following State Planning Policies are relevant to this application:

Clause 21.03 Ecologically Sustainable Development, including

Clause 21.03-1 Environmentally Sustainable Land Use and Development

Clause 21.03-2 Sustainable Transport

Clause 21.04 Land Use, including

Clause 21.04-1 Housing and Accommodation

Clause 21.04-2 Activity Centres

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



6.2 Local Planning Policy Framework (LPPF)

The following local planning policies are relevant to this application:

- Clause 22.12 Stormwater Management (Water Sensitive Urban Design)
- Clause 22.13 Environmentally Sustainable Development

6.3 Other relevant provisions

- Clause 43.02 Design and Development Overlay
- Clause 52.06 Car Parking
- Clause 52.34 Bicycle Facilities
- Clause 65 Decision Guidelines

6.4 Relevant Planning Scheme Amendment/s

Amendment C123

Council considered a report on the matter of residential rezoning on 27 October 2015. At this meeting, Council adopted Amendment C118, as its updated translation of the New Residential Zones across Port Phillip, and Amendment C123, as an alternative option that addressed all of the matters for review raised by Minister. The Minister has referred Amendment C123 to the Residential Zones Standing Advisory Committee. Amendment C123 proposes to include the subject site in a General Residential Zone - Schedule 5. The purpose of the proposed zone is to implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies, to encourage development that respects the neighbourhood character of the area, to encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport and to allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations. Schedule 5 to the General Residential Zone does not specify a mandatory maximum building height.

This application pre-dates this provision and would benefit from the transitional provisions outlined at the proposed Clause 32.09-4.

Amendment VC110

Amendment VC110 was gazetted on 27 March 2017. It introduced a minimum garden area requirement, the maximum building height (of 11m) and maximum number of storeys (of 3 storeys) to the Neighbourhood Residential Zone, General Residential Zone, Residential Growth Zone, Mixed Use Zone and Township Zone. 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). The subject application benefits from these transitional provisions.

It is noted that the applicant had indicated their intention to lodge amended plans in response to objectors and referral comments provided, via a S57A of the Act, following the Consultation Meeting. The introduction of this Amendment restricted their ability to



do so, as a S57A amendment would mean the benefits of the transitional provisions would be lost.

It is important to note that the new height controls are at odds with those prescribed by the Design and Development Overlay. It is considered that the Amendment was introduced without consideration of the importance of the DDO controls.

Amendment VC136

Amendment VC136 was gazetted on 13 April 2017. This State Government amendment (VC136) introduced the Better Apartments Design Standards into all planning schemes. 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). Therefore, the subject application is not required to be assessed against these standards.

Although not applicable for consideration, it is noted that, subject to the issues raised by Councils ESD Officer in Section 7 of this report being addressed, this application is considered an appropriate response to the Better Apartments Design Standards.

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.

Council's Traffic Safety Management:

We have reviewed the application plans and accompanying traffic report. We generally concur with Cardno's comprehensive traffic impact assessment and are overall satisfied with the application. We provide the following comments for further consideration.

The overall parking shortfall of four car spaces is relatively small noting that the resident parking provision exceeds statutory requirement. Some of the two-bedroom apartments (x17 dwellings) are allocated two car spaces each.

While it is demonstrated that a typical 6.4m long Small Rigid Vehicle can satisfactorily access the on-site loading bay for waste collection and furniture delivery/removal, there may be opportunity to further accommodate a typical 8.8m long Medium Service Vehicle by marginally increasing the headroom (from 4.25m to 4.5m) and subject to additional swept path analysis.

The crossover should be reconstructed to a maximum of 5.5m width in accordance with City of Port Phillip's standard drawing SD4101. Corner splays adjacent the crossover should be at least 50% visually permeable or landscaped less than 900mm high to provide clear view of pedestrians.

Should the application be approved and once the development is nearing completion, existing on-street parking restrictions (e.g. Taxi Zone, 1/2P) will need to be reviewed and modified to reflect the new land use.



Planner's comment:

Given the planning scheme does not require the provision of a loading bay for developments such as this, it is not considered that Council could successfully argue to VCAT that the application needs to be amended to accommodate a medium service vehicle. It is recommended that VCAT be advised that had the application been decided by Council, it would have imposed a condition requiring that the crossover be constructed, and that corner splays adjacent the crossover be provided, in accordance with Council's Traffic Engineer's comments above (refer recommended Conditions 1(b) and 18)

Council's Manager of Waste Collection

I have reviewed the waste management plan for 14-16 The Esplanade St Kilda and all waste management requirements have been met.

Sustainable Design

This application is not yet of a standard where I could approve it as meeting Council's current expectations for environmentally sustainable design.

To counter this, the applicant should address the following points if they wish to have their Sustainable Management Plan approved:

IEQ

- There is a concern in relation to the depths of living areas to single aspect apartments which appear to be exceeding 8m in depth.

- Indicate the total number of apartments with living areas that exceed a 1% Daylight Factor for 90% of the floor area and the total number of apartments with bedrooms that exceed a 0.5% Daylight Factor for 90% of the floor area.

This is a policy requirement within clause 22.13, and since the Green Star tool has been used the daylight credit is optional and has not been pursued in this assessment. The standard is prescribed in the Indoor Environment Quality fact sheet on our website:

http://www.portphillip.vic.gov.au/default/imap_01_Indoor_Environment_Quality_v6_NOV_2015_PP.pdf

Energy Efficiency

- The sample of NatHERS energy ratings show that some of the apartments are scoring less than the minimum standard required such as C-LG01 5.9 stars, A-403 5.9 stars, B-402 5.9 stars, C-407 5.7 stars, A-703 5.7 stars, A-706 5.9 stars, B-702 5.7 stars. The conditional requirement of using Green Star as a benchmark tool requires the following:

Project teams must demonstrate that the project achieves a minimum NatHERS 0.5-Star rating improvement on the minimum legislated area-weighted average. Each unit must also achieve a minimum NatHERS 0.5-Star rating over the individual rating requirement as specified in Section J0.2a of the NCC.



- In most cases the top floor provides an overhang to north-east and north-west facing glazing which has been appropriately designed, however in some areas there is no protection. The facades to B-G01 up to B-601 and C-LG07 up to C-607 has no protection on the north-west façade and C-LG01 up to C-601 has no protection on the north-east façade. Either providing an overhang at each floor level or external adjustable shading devices need to be considered.
- Indicate on the planning drawings that the solar panels are solar hot water panels providing a minimum 30% boost.

Water

- Indicate the location and volume of temporary storage for fire protection system test water on the town planning drawings. It needs to be in addition to the rainwater storage volume for stormwater requirements, and notations need to indicate on site re-use options.

- 18B.4 Landscape Irrigation - Further information of this credit on the town planning drawings and landscape plan will need to be provided.

Land Use and Ecology

- 23.1 – Ecological Value – Provide further information including the Ecological Value Calculator outcomes as evidence to validate the claimed point.

- 24.1 – Reuse of Land – Provide evidence that the land was previously developed on.

- 24.2 – Contamination and Hazardous Materials – Indicate proposed timing of site testing, if the intention is to conduct this post planning approval, indicate option to include as a planning condition.

- 25.0 – Heat Island Effect Reduction – Provide further information on the specification of roof reflectivity that is required as the design is further developed. Information should be included on planning drawings where references to external materials are located. Ideally a roof plan should show evidence of the specifications that are listed and committed to under this credit.

Emissions + Stormwater Management

- 26.1 Reduced Peak Discharge – Provide calculations to demonstrate compliance with this credit. If a specialist consultant is required then they should be engaged early to provide advice to ensure that the commitments can be achieved.

- 26.2 Reduced Pollution Targets – In order to demonstrate compliance with the reduction targets in Column B a MUSIC model will need to be conducted which will accurately assess the design and its reduction in pollutant loads for all pollutant types. The use of the STORM tool is very limited for a development of this size and only uses reductions in Total Nitrogen (TN) as a proxy for reductions in other pollutants. Provide a copy of the digital .sqz file for review, the MUSIC assessment should also be done in conjunction with Melbourne Water MUSIC Guidelines 2016 - <https://www.melbournewater.com.au/Planning-and-building/Forms-guidelines-and-standard-drawings/Documents/Music-tool-guidelines.pdf>



Provide a planning drawing which illustrates the area inputs provided in the MUSIC report and the connected treatments. An example is provided on our website and the drawing should be provided as part of the planning application drawing set.

http://www.portphillip.vic.gov.au/Stormwater_Management_and_STORM_calculator_site_plan_example.pdf

Indicate the location of any bioretention systems and raingardens on the town planning drawings.

Provide a Maintenance Manual for Water Sensitive Urban Design Initiatives.

The manual must set out future operational and maintenance arrangements for all WSUD (stormwater management) measures. The program must include, but is not limited to:

- inspection frequency
- cleanout procedures
- as installed design details/diagrams including a sketch of how the system operates
- The WSUD Maintenance Manual may form part of a broader Maintenance Program that covers other aspects of maintenance such as a Builder' User's Guide or a Building Maintenance Guide.
- An example of the maintenance manual can be located on our website here: http://www.portphillip.vic.gov.au/Maintenance_Manual_Rainwater_Tank.pdf

-27.1 Light Pollution to Night Sky – Provide further information which indicates which method will be adopted to comply with the credit. Provide calculations where applicable which demonstrate compliance with the credit.

The amended plans circulated as part of the VCAT proceedings have been re-referred to Council's ESD Officer and the below comments have been provided:

The architectural drawings and Sustainable Management Plan (SMP) for the above project were previously reviewed against the WSUD (LPP 22.12), and ESD (LPP 22.13) policies. The proposed project is still not considered to not meet Council's standards for best practice.

Comments on areas where improvement could be made are itemised below:

- **Green star** – The SMP discusses benchmarking against Green Star, and indicates credits to be targeted, but doesn't appear to have a clear commitment to achieving a star level. A commitment to a 4 star Green Star minimum is required if this tool is being used to demonstrate 'best practice'.
- **Third party** – Self assessment of benchmarked results can be seen to lack credibility. A third party confirmation of the 4 star Green Star benchmarking on project completion is sought, with GBCA certification ideal.

IEQ

- **Access to nature light** – Regardless of the application or otherwise of the Cl.58 relating to Better Apartment Design Standard, the Council Best Practice Standards call for a more stringent standard. The previous comments still stand:

There is a concern in relation to the depths of living areas to single aspect apartments which appear to be exceeding 8m in depth.



- **Daylight provision** – Daylight modelling is sought to illustrate daylight levels in the apartment habitable rooms. Council’s Best Practice Standard is sought on all bedrooms, though it should be noted that the BESS tool offers some points for partial compliance. Achieving points in BESS from 80% coverage at the desired illuminance is still not achieving Council’s Best Practice Standard of 90%. It is noted that daylight penetration to units where living areas have been designed beyond maximum 8m standard increase the potential for inferior illuminance.

Some of the apartments with living areas noted as not achieving the sought level of daylight appear in some case appear to have living areas over 11m deep, which is far beyond the 8m limit sought

The previous comments still stand:

Indicate the total number of apartments with living areas that exceed a 1% Daylight Factor for 90% of the floor area and the total number of apartments with bedrooms that exceed a 0.5% Daylight Factor for 90% of the floor area.

This is a policy requirement within clause 22.13, and since the Green Star tool has been used the daylight credit is optional and has not been pursued in this assessment. The standard is prescribed in the Indoor Environment Quality fact sheet on our website:

http://www.portphillip.vic.gov.au/default/1map_01_Indoor_Environment_Quality_v6_NOV_2015_PP.pdf

- **Ceiling height** – The 2.7m ceiling height noted in the above letter should be nominated on the drawings as being the minimum provided for apartment habitable rooms.
- **Ventilation openings** – Page 10 of the SMP notes that the project is to have “Passive design is design that takes advantage of the climate to maintain a comfortable temperature range in the building”. Council’s Best Practice Standard is for all dwellings to be effectively naturally ventilated, either via cross ventilation, single-sided ventilation or a combination. Further details are required to establish if windows allow practical natural ventilation. Consider:

The proposal features rooms where sliding glass doors appears to be their only route for natural ventilation. These are likely to provide poor ventilation, and inhibit use of natural ventilation. Consider the provision of an operable window sashes over or next to these doors to increase likelihood of use in more temperate, windy and inclement conditions.

The provision of windows that allow a degree of protection against windblown rain and gusty conditions are important. Consider the provision of at least one sash per room that can be locked in an ajar position to increase likelihood of use when unattended.

- **Cross ventilation** – Council’s Best Practice Standard Design for at least 60% of a development’s dwellings to be cross ventilated. There is no detail as to how rooms can be cross-ventilated. Consider the provision of:

a simple explanatory diagram per each typical dwelling design to show how cross ventilation for habitable rooms can be achieved.



Energy

- **Photovoltaics** – No photovoltaic power is indicated for the proposal. Consider providing a photovoltaic array on the roof levels.
- **Thermal performance** – An average NatHERS energy rating of 6.5 stars for all units with a minimum of 5.5 stars is considered adequate in this instance.
- **Shading** – To prevent unwanted solar heat gain in the warmer months, north-west, and north-east facing glazing should be shaded as noted. A soffit-level projection would need to be almost as wide as the height of the glazing it is to protect full-height glazing from mid-afternoon sun in March for example. There are several effective shading solutions that could be provided. The previous comments still stand:

In most cases the top floor provides an overhang to north-east and north-west facing glazing which has been appropriately designed, however in some areas there is no protection. The facades to B-G01 up to B-601 and C-LG07 up to C-607 has no protection on the north-west façade and C-LG01 up to C-601 has no protection on the north-east façade. Either providing an overhang at each floor level or external adjustable shading devices need to be considered.

- **Solar hot water** – The number and position of solar hot water panels should be shown on **the roof plan**.
- **Clothes drying** - Council's Best Practice Standard is for external natural clothes drying facilities to be provided. Consider providing individual clothes drying areas in apartments, on balconies or in a communal facility.

Water

- **Fire test water** - The previous comments still stand:

Indicate the location and volume of temporary storage for fire protection system test water on the town planning drawings. It needs to be in addition to the rainwater storage volume for stormwater requirements, and notations need to indicate on site re-use options.

Land Use and Ecology

- **Stormwater detention** – Note the position of any stormwater detention systems on the plans and include the position of raingardens over where they affect basement plans.
- **Maintenance manuals** – Note these need to be provided for rain gardens, as well as rainwater tanks and any other stormwater retention system. The previous comments still stand.

Planner's comment:

It is recommended that VCAT be advised that had the application been decided by Council it would have imposed conditions requiring changes/additional information to address the issues outlined above (refer recommended Conditions 1(c) to 1(l) (inclusive), 10, 11, 12, 13, 14, 15 and 16).

The issue of room depth and daylight access and subsequent condition recommendations are further discussed in Section 9.6 of the report.



Arborist

The general landscape plans look sufficient if the plantings are maintained and irrigated as stipulated in plans. My only concern is the selection of *Metrosideros excelsa* species. This species has been severely impacted by drought conditions which have occurred over the last decade in City of Port Phillip and are probably not suitable. I recommend the planting of the native *Banksia integrifolia* instead.

Planner's comment:

The applicants have confirmed that if they are willing to replace the *Metrosideros excelsa* with a native *Banksia integrifolia* or similar. Therefore, it is recommended that VCAT be advised that had the application been decided by Council it would have imposed Conditions requiring an amended Landscape Plan would have been recommended for inclusion on any permit issued (refer to recommended Condition 6).

Urban Design

Built Form

- The plan is much improved over the former scheme and represents a high quality urban design proposal.
- The proposal positively responds to the 1930's streamline modern architecture common to the local area in the use of curvilinear balcony forms and the predominant use of white.
- The redesign of the buildings into three forms and the addition of the central walkway is a significant improvement.
- Overshadowing of adjacent open space is equivalent to the current situation.

Public realm & ground floor

- Although the separation of building A and B by the introduction of a laneway is supported, this laneway should be publically accessible. Airlocks and shared resident entries can easily be moved into the buildings, making this a public thoroughfare. A public connection between Alfred Square and Bessiere Place would be of great benefit to the wider community, increasing pedestrian permeability of the area and improving links to public transport and open spaces. The social control provided by the new buildings means the risk of anti-social behaviour here is low. The visual appearance of the building separation as a laneway should be carried through at ground level.
- Separated pedestrian entrances to buildings A, B, C is a good design response. Legibility and circulation in general is also fine.

Façade treatment & detail

- The proposal responds well to the seaside context and surrounding character, is responsive to the site's topography and is a vast improvement over the current Novatel hotel building.
- The building has good articulation of the façade both vertically and horizontally and utilises quality finishes responsive to the local character. The use of natural materials at lower levels is a positive addition.
- West facing glazed walls without sun mitigation or balconies are of concern.



Amenity

- *The selected trees for landscaping are suitable in their form, hardiness, wind and salt tolerance. However, one species- Corynocarpus laevigatus (New Zealand Laurel) could be reconsidered for safety reasons. The berries of this tree are toxic and if accidentally ingested may result to death in extreme cases. Shrubs and ground cover selection is also responsive to site conditions, and are appropriately placed.*

RECOMMENDATION

We generally support the proposal with the following conditions:

- *Strongly recommend the connection between Alfred Square and Bessiere Place between buildings A and B be made a 24hr public connection. This would be of great benefit to the wider community.*

Planner’s comment:

The applicants have confirmed that they are willing to provide a publicly accessible route if required. This is further discussed at Section 9.5 below.

7.2 **External referrals**

Referral Authority	Response	Conditions
Public Transport Victoria	No objection subject to conditions.	1. The permit holder must take all reasonable steps to ensure that disruption to tram operation along The Esplanade must be kept to a minimum during the construction of the development. Foreseen disruptions to tram operations during construction and mitigation measures must be communicated to Yarra Trams and Public Transport Victoria fourteen days (14) prior. Any damage to public transport infrastructure must be rectified to the satisfaction of Public Transport Victoria at the full cost of the permit holder. (Refer recommended condition 28).

8. PUBLIC NOTIFICATION/OBJECTIONS

- 8.1 Council gave notice of the proposal by ordinary mail to the owners and occupiers of surrounding properties (532 letters) and directed that the applicant give notice of the proposal by posting three notice(s) on the site for a 14 day period, in accordance with Section 52 of the Planning and Environment Act 1987.
- 8.2 The application received 34 objections. The key concerns raised are summarised below (officer comment will follow in italics where the concern will not be addressed in Section 9):
 - Overdevelopment



- Lack of privacy
The proposed development fronts a number of residential developments. Concerns regarding overlooking to these properties can be addressed as a condition of any permit issued (refer to recommended Condition 1(o)).
- Resultant noise
Planning permission is required only for development and not for the use of the land. Use of the dwelling, more specifically increased noise levels from the side entrance, is not a matter that is considered as part of this application. Irrespective of this, it is anticipated that the noise from the proposed development would not be overtly unreasonable and is expected to be in line with that normal to a dwelling.
- Loss of views of the city/sky
Views are not a relevant planning consideration.
- Loss of daylight and sunlight
- Impact on airflow
- Resultant influx of pedestrians
- Traffic, car parking and negative impacts on pedestrian safety
- Existing tram network unable to accommodate additional residents
- Rubbish
- Proposed building height
- Resultant on local infrastructure
- Negative amenity impacts
- Loss of trees on the site
The trees on the subject site proposed for removal are not significant trees. The proposed development would improve upon the level of landscaping currently featuring on the subject site.
- Negative impacts of construction (noise, dust, vibration)
This is not a planning consideration. This is addressed by Local Laws controls.
- Poor architectural design
- Overshadowing
- Neighbourhood character
- Inconsistency with Council's stated planning objectives for The Esplanade/the foreshore
- Bessiere Place is owned by 43 Acland Street rather than being a right of the subject site.
I note that Bessiere Place is described as a 'road' on the Title Plan for the site (TP842331R) and is also identified as a road on Council's register.
- Insufficient landscaped areas proposed



- Noise from roof plant proposed
Noise from air conditioning units and other dwelling services are controlled by the Environmental Protection Authority State Environment Protection Policies. Should a planning permit be issued, a note would be included outlining the applicability of this control. Despite this, the applicant has indicated they are willing to introduce screening to the air conditioning units to address this concern (discussed further below).
- Unsuitable ESD qualities
- Increased load on the sewerage system/Negative impact on the structural integrity of adjoining properties
This items are not relevant planning considerations. Both items would be considered as part of the Building Permit Approvals process.
- Resultant smells/aromas/odours/cigarette smoke*
- Potential use of apartments for AirBnB*
- Detriment to health and wellbeing*
- Devaluation of property*
- Local schools are at capacity and can't take any additional children that may occupy this building*
*The above concerns (marked with *) are not relevant planning considerations.*

- 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.
- 8.4 A consultation meeting was held on 7 March 2017 which was attended by the three Ward Councillors, applicant, Architect, 16 objectors and Planning Officers. Objector attendees at this meeting re-iterated the concerns expressed in their written objections to the proposal.
- 8.5 The applicant provided discussion plans, a Daylight Investigation Report, prepared by Ark Resources and dated 2 May 2017, and a revised Water Sensitive Urban Design Concept Report, prepared by JBA Consulting Engineers and dated 3 May 2017, on 8 May 2017. The applicants indicated their intention to lodge these amended plans, via a S57A of the Act, following the Consultation Meeting in response to objector and referral comments provided. The introduction of Amendment VCI 10 restricted the applicant's from doing so as a S57A amendment would mean the benefits of the transitional provisions would be lost.
- 8.6 At the time of writing this report, two of the objectors have made themselves a party to the VCAT hearing.
- 8.7 The applicant has instead circulated these amended plans as part of the VCAT process.
- 8.8 These plans included the following changes:
- Additional glazing introduced to the north-eastern elevation;
 - Internal reconfiguration of Apartment Nos. C-LG02, C-LG03, C-LG04, C-LG07,



A-G02, A-G02, A-G03, C-G03, C-G04, A-103, A-104, C-103, C-104, A-203, A-204, C-203, C-204, C-304, C-404, C-504 and C-604 including an increase in the width of snorkel to bedrooms, changes to apartment layouts and an increase in the depth/size of rooms.

- Repositioning of the balcony and outer walls of Apartment Nos. C-G03, C-103 and C-203 (slight reduction in the separation distance to the Building B resulting).
- Alterations to Apartment No. AG-04's door to open space off the bedroom.
- Introduction of a corner splay to Apartment No. B-G09.
- Repositioning of the balcony and outer walls in Apartments Nos. A-G02, A-G03, A-103 and A-203 (resulting in a slight decrease in the setback to No. 7 Alfred Square).
- Repositioning of the balcony and outer walls in Apartments Nos. C-G03, C-103 and C-203.
- Introduction of a corner window to Apartment No. B-208.
- Repositioning of the kitchen closer to the windows in 106 of the apartments.
- Additional glazing introduced to the North-Eastern elevation, more specifically to the North-Eastern façade of Apartment Nos. A-G03, A-103, A-303, A-304, A-403, A-404, A-503, A-504, A-603, A-604, A-703 and A-704.
- Additional glazing introduced to the North-Western elevation, more specifically to the North-Western façade of Apartment Nos. A-G04, A-104 and A-204.
- Part of the South-Eastern corner of the Living area changed to re-entrant void in Apartment Nos. B-G09, B-108 and B-208.
- Introduction of a 300mm deep slab extension to the North-Western façade of Apartment Nos. C-307, C-407, C-507 and C-607.
- Addition of a Bio Retention Tank (below planting) adjacent to SE boundary.

8.9 These amended plans form the basis for this report.

8.10 At the time of writing this report, no additional parties to the appeal have subsequently joined following the circulation of these amended plans.

9. OFFICER'S ASSESSMENT

It is important to note that the proposal under Planning Application No. 946/2014 sought a similar development on the subject site when compared with the current proposal. Council's decision to refuse Planning Application No. 946/2014 was reviewed by VCAT who affirmed Council's decision and no planning permit was granted. The VCAT order discussed in detail the



key aspects of the proposal and generally found that the site is suitable for significant redevelopment consistent with policy direction; the building heights, particular setbacks and resultant overshadowing to Alfred Square are consistent with Schedule 6-5 and Schedule 6-6 to the Design and Development and the proposed external design treatment, loading area in the basement, waiver of visitor car parking sought and resultant traffic volumes were appropriate having regard to planning policy and context of the site. These aspects of the proposal remain relatively unchanged and so will not be revisited given the Tribunal's previous determination on them.

The key reasons for affirming the refusal to grant a permit were due to the building mass, the setbacks/landscape treatment proposed to Alfred Square Gardens and Bessiere Place, the enclosed nature of the car park entry, certain aspects of the proposals interface with adjoining properties, the location of the communal spaces, the lack of access to Bessiere Place, the amenity of the proposed townhouses and daylight access in apartments.

The proposal will be assessed against the key findings of the Tribunal in relation to Planning Application No. 946/2014 (VCAT Reference No. P267/2016). It is noted that the proposal currently before us does not feature any townhouses so it is not necessary to consider the amenity of the proposed townhouses as part of this assessment.

9.1 Building mass

The critical question with regards to building mass is whether the current proposal sufficiently responds to the issues identified in the previous VCAT determination.

The Tribunal was generally supportive of the proposed design detail of the building, stating that the faceted facades created by the disjointed balcony treatments created a 'visually rich but ordered presentation', the development achieved the richness sought by DDO6-6 and the treatment of the lowest three storeys appropriately distinguished them from the upper floors, breaking up the scale, anchoring the building to the ground plane and referencing the lower scale of much of the surrounding built form.

However, they were concerned about the extent of unbroken visual bulk:

19. *We share the Council's concern that the Applicant has sought to develop the land as a unified block, with the only break in form provided in a location that minimises its impact. We agree with the Council that the break between Buildings 1 and 2 cannot be readily appreciated from key locations in the public realm. The design largely ignores the potential to acknowledge the street pattern and the east-west links between The Esplanade and Acland Street by failing to provide a connection, visual or otherwise, even at the upper levels, across the site to Bessiere Place. We acknowledge the gesture made above Level 2 to indent the built form to the rear of the site, but it is ineffective in breaking down the building mass.*
21. *The extent of unbroken visual bulk, however, repeats (albeit in a more interesting way) the appearance of unrelieved mass exhibited by the existing building on the site. With some further meaningful breaks in the form, we consider that the proposal would meet the desired higher built form in this location, the preferred character of DDO6-6 which includes "a street of prominent, individual and diverse buildings of high visibility that reinforce its elevated outlook and its role as the urban edge of St Kilda Hill" and the design objective "to strengthen and enhance the links between*



The Esplanade and ... Acland Street". We consider that the proposed external design treatment of the building will result in an appearance that is a more than acceptable response to the built form and character of the locality.

The revised current proposal would retain the original break between Buildings 1 and 2 (now Buildings B and C) but would introduce an additional east-west break through the site (between Buildings A and B) creating three separate blocks. Generous separation distances are provided between Buildings A and B and B and C (9m and 10m respectively, save for some minor balcony projections). The new break would create a visual connection between The Esplanade and Acland Street and a pedestrian connection between Alfred Square and Bessiere Place which, in conjunction with the separation provided between buildings, would reduce visual bulk.

It is noted that the changes proposed to reduce building mass are supported by Council's Urban Designer who considers the redesign of the buildings into three forms and the addition of the central walkway to be 'a significant improvement'.

Overall, it is considered that the current proposal has addressed VCAT's concern and the building massing proposed is now consistent with the preferred character of DDO6-6.

9.2 **Setbacks/landscape treatment proposed to Alfred Square Gardens and Bessiere Place**

The proposed development would sit immediately opposite Alfred Square Gardens. The Tribunal previously raised concerns about the buildings response to the Alfred Square Gardens, more specifically the absence of appropriate landscaping within the applicable setbacks. The VCAT order stated:

27. *A design objective of DDO6-6 is to ensure that the landscaped setback character is maintained. We consider that the design of the building fails in this regard in its response to the Gardens. Along the north-western interface the proposal's response to the sloping topography of the street edge is comprised of narrow planter boxes varying in height between 1.4 and 2.2 metres with the wall of the building set back 1.43 metres from the boundary behind them.*
28. *At the eastern corner of the Gardens is the main angled entry to Building 2 and the majority of the proposal's apartments and communal facilities. The south-west interface to the Gardens is made up of five townhouses and the six-metre wide car park entry. The immediate interface again comprises narrow planters, in this case sitting above another wider planter 3.1 metres below ground level, onto which the townhouse bedrooms face. The planter boxes and voids are interrupted by bridges, which provide entry to the upper (ground) level of the townhouses.*
29. *We consider this results in an inadequate landscape response to this important interface. At a minimum, the three-metre ground level landscaped setback, as suggested by the Council, should be provided adjacent to Alfred Square. The proposal has insufficient regard for the Gardens, which is an important public open space.*

Buildings A and C in the revised proposal would feature a three metre setback from the applicable south-western boundary and north-western boundary, respectively. Both of the setbacks would be landscaped. It is considered that the proposal has addressed



VCAT's concern with regards to the proposal's interface with Alfred Square Gardens and now meets the design objective of DDO6-6 which seeks to ensure that the landscaped setback character is maintained.

The Tribunal also raised concerns about the previously proposed buildings' response to Bessiere Place, more specifically the absence of appropriate landscaping:

32. *In relation to the interface with Bessiere Place, Mr Sheppard's evidence was that the proposed pedestrian entrance to Building 2 would activate the public realm to the rear of the site. However, such an entry is not immediately apparent on the plans. What the plans do show is a series of townhouses occupying the lowest two levels of the proposed development. They face north-east and south-east onto Bessiere Place, and again feature narrow planter boxes between slatted entry gates to the bridges which lead to the dwelling entries. These bridges span voids of between 3.1 metres (facing north-east) and 4.8 metres (facing south-east). At the lower ground level, around half the area of each courtyard is proposed to sustain planting. The existing dwellings in this lane display some landscaping proximate to their entries, and planting associated with No. 43 Acland Street also makes a contribution to the public realm. We consider that the proposed planters do not sufficiently respond to this existing context, nor to the requirements of DDO6-5 which refer to the provision of adequate landscaping. More meaningful landscaping should be provided.*

The townhouse, and associated planter boxes, featuring in the original proposal have been removed from the current proposal. They have been replaced with Apartment Nos. A-G04, A-G05, A-G06, A-G07, B-G01, B-G02, B-G03 and B-G04. Access from Bessiere Place would be provided to each of these apartments. A landscaped setback of between 3.2m and 5.6m would be provided between Building A and Bessiere Place at ground floor level and of 3m between Building B and Bessiere Place at ground floor level. Given the removal of the split level of townhouses with sunken gardens and the provision of a landscaped setback at ground floor level, the proposed development is considered to appropriately respond to the existing context along this section of Bessiere Place and the requirements of DDO6-5.

It is noted that the landscaping proposed has been reviewed by Councils Arborist and considered appropriate, save for the planting of one tree species (which can be addressed by recommending an appropriate condition to VCAT).

9.3 **Interfaces with adjoining properties/The car park entry**

The subject site has numerous sites/properties in close proximity, including No. 7 Alfred Square, No. 1-4 Bessiere Place, Nos. 39 and 43 Acland Street and No. 17 The Esplanade.

The appropriateness of the proposed development's interface with each of these properties is discussed in turn below.

No. 7 Alfred Square:

No. 7 Alfred Square abuts the site's north-western boundary. The Tribunal was generally in support of the 9m setback provided between the previous development and No. 7 Alfred Square. The current proposal would maintain a minimum setback of 9m between the proposed development and No. 7 Alfred Square.



The Tribunal's concerns with regards to the subject site's interface with No. 7 Alfred Square related to the enclosure of the car park entry and the reduced side setbacks proposed from Level 5 upwards:

31. *We agree with Mr McGurn that a separation of around 9.0 metres, as has been generally provided between the two buildings along this interface, is acceptable. Thus we also agree with his recommendations that, rather than cover the car park entry ramp, the built form above it should be deleted, primarily to maintain the openness between buildings which characterises this area of St Kilda, and also to improve the amenity outcome for the occupants of 7 Alfred Square. A further consequence of removing the apartment above the car park entry ramp and modifying the balcony atop it is the opportunity to provide a more open aspect to the south-west-facing apartments within the proposal and maintaining a view corridor to the foreshore. We also agree with his suggestion that setbacks from this boundary should be consistent, rather than projecting closer from Level 5 upwards. That suggestion was also supported by Mr Sheppard.*

In the current proposal, the portion of Building A immediately adjacent to the 5.8m wide entry ramp would be setback a minimum of 6.8m from the site's north-western boundary providing the openness between buildings, improvement in residential amenity for No. 7 Alfred Square, view corridor to the shoreline and the more open aspect to the south-west-facing apartments within the proposal, sought by the Tribunal. The current proposal would also maintain consistent setbacks between No. 7 Alfred Square and Building A from Level 1 through to Level 7 sought by the Tribunal.

No. 1-4 Bessiere Place:

No. 1-4 Bessiere Place abuts the site's north-eastern boundary. The Tribunal was generally in support of Townhouse T026 being developed against No. 1 Bessiere Place's wall on the boundary and the 5.8m setback above Level 2 and 17m above Level 3 which they deemed to comply with the 9.5m height control in DDO6-5. The Tribunal concluded that this was sufficient to avoid any unacceptable amenity impacts on this neighbouring property.

The Tribunal's concerns with regards to the subject site's interface with No. 1-4 Bessiere Place related to the terrace to Apartment No. 129:

33. *....We consider the consequential separation to be sufficient to avoid any unacceptable amenity impacts on this neighbouring property. We have concerns about a portion of the terrace to apartment 129, which in its current configuration allows overlooking (or alternatively, increased visual bulk) to the private open space of these townhouses. As noted below, we consider that this terrace should be modified.*

The interface between No. 1-4 Bessiere Place and the proposed development in the subject application differs slightly from that of the previous application. While the current proposal features an apartment (No. A-G04) at Ground Level developed to the common boundary, similar to the previous proposal, it does not feature a terrace in the same position as that of Apartment No. 129 on Level 1.



Instead, the applicable section of Building A features two apartments (Nos. A-104 and A-204) on Levels 1 and 2, respectively, developed adjacent to No. 1 Bessiere Place's wall on boundary.

The introduction of Apartment Nos. A-104 and A-204 reduces the separation between the proposed development and No. 1-4 Bessiere Place. Previously, Levels 1 and 2 of Building 2 were to be setback 5.81m from the wall on boundary associated with No. 1 Bessiere Place, with only the terrace associated with Apartment No. 129 projecting into this setback. The reduction in the setbacks to the existing dwelling at No. 1 Bessiere Place proposed at Levels 1 and 2 as part of the current proposal is not considered appropriate. However, if Apartment Nos. A-104 and A-204 were setback 5.81m to match the setback adopted in the original proposal, it would be considered sufficient to avoid any unacceptable amenity impacts on this neighbouring property and achieve the outcome desired by the Tribunal in recommending that the original terrace to Apartment No. 129 be setback from this interface.

Therefore, it is recommended that VCAT be advised that had the application been decided by Council it would have imposed a condition requiring that Building A's south-east facing apartments at Level 1 and 2 be setback a minimum of 5.81m from No. 1 Bessiere Place (refer recommended Condition 1(m)).

It is considered that subject to the change recommended above, the current proposal would provide an appropriate interface with No. 1-4 Bessiere Place.

No. 39 Acland Street:

No. 39 Acland Street abuts the site's north-eastern boundary. The Tribunal was generally in support of the setbacks adopted between the previous proposal and the common boundary but raised concerns about Apartment No. 129's terrace:

35. *At the interface with No. 39 Acland Street, DDO6-6 sets an expectation of higher built form. At Ground floor level, Level 1 and Level 2, the building is set back 3.6 metres, increasing to around 5.0 metres for the next two levels and 7.8 metres above that. The Ground floor level is set 800 mm lower than the natural ground level at No. 39 Acland Street with planting shown in the setback. Whilst we are not convinced that effective screening of built form can occur in this location, given that No. 39 is set back 12.0 metres from its rear boundary and has its main aspect to the north, we find the setbacks from this interface acceptable. We however agree with Mr McGurn that, as noted above, the portion of the terrace adjacent to the north-east wall of dwelling 129 should be deleted. While this still allows a generous terrace to the dwelling, it would prevent overlooking to both No. 39 Acland Street and No. 1-4 Bessiere Place without the need for screening.*

The proposed development adopts similar setbacks from the common boundary as those previously proposed (3.5m at Level 1, Levels 2 and 3, 5m at Levels 4 and 5 and 7.76m at Levels 6 and 7). As discussed in the previous section, the portion of the building previously occupied by the Apartment No. 129's terrace now features part of Apartment No. A-104. The removal of the Apartment No. 129's terrace negates the Tribunal's previous concern regarding overlooking as Apartment No. A-104 features a south-east facing terrace.



While the introduction of Apartment Nos. A-104 and A-204 at Levels 1 and 2 negates concerns regarding overlooking to No. 39 Acland Street, given the positioning of their terraces, visual bulk resulting from the addition of these two apartment requires consideration.

The reduction in the proposed setbacks proposed from No. 39 Acland Street, resulting from the introduction of Apartment Nos. A-104 and A-204 in the portion of the building previously occupied by Apartment No. 129's terrace, is considered to increase visual bulk impacts to No. 39 Acland Street. Therefore, as discussed above it is recommended that VCAT be advised that Council would have imposed a condition requiring that Building A's south-east facing apartments at Level 1 and 2 be setback 5.81m from No. 1 Bessiere Place. This change would result in a similar outcome to that previously sought by the Tribunal from an overlooking perspective and reduce visual bulk to No. 39 Acland Street.

No. 43 Acland Street:

No. 43 Acland Street is located to the north-east of the subject site, on the opposite side of Bessiere Place. The Tribunal was generally in support of the way the previous proposal presented to this interface:

34. *Two dwellings to the rear of No. 43 Acland Street have their carports and rear yards facing the proposed townhouses across the lane. At second floor level the proposed built form is set back around 8.0 metres from the site boundary, creating a space around 22.0 metres between the windows of these dwellings and the proposed development. As their private open space is to their north-east, this is an acceptable interface.*

The proposed development maintains angled apartments and adopts setbacks to the No. 43 Acland Street boundary similar to those previously proposed. In addition, a break has been introduced between Buildings A and B which would improve No. 43 Acland Street's outlook. Therefore, it is considered that the proposed development has an appropriate interface with No. 43 Acland Street.

No. 17 The Esplanade:

No. 17 The Esplanade abuts the site's south-eastern boundary. The Tribunal was generally in support of the 10m setback proposed between Building 2 and No. 17 The Esplanade, the 2m setback between Townhouse T013 and the retaining wall and construction adjacent to No. 17 The Esplanade's wall on the common boundary.

The proposed development continues to show construction adjacent to No. 17 The Esplanade's wall on the common boundary and improves upon the previously adopted setbacks, providing a minimum setback of 11m between the proposed development and the building at No. 17 The Esplanade and adopting a minimum setback of 5.8 m from the applicable retaining wall.

The Tribunal raised concerns about the setbacks proposed between No. 17 The Esplanade and the bank of apartments G01 to G06 and Apartment No. 117's terrace,



the southern corner of Building 1's built form and the outlook for No. 17 The Esplanade's open space and balcony areas:

36. *Turning to No. 17 The Esplanade, the proposal increases the wall on the north-west boundary of the courtyard areas to around 4.0 metres with intermittent built form along the boundary. The ground floor of Building 2 is to be set back (apart from a staircase) around 5.0 metres, creating an approximately 10.0 metre gap between these two buildings. Mr Sheppard and Mr McGurn both find this acceptable. To the rear of the site, the section provided shows that townhouse T013 is set back around 2.0 metres from the retaining wall which we find acceptable, given that the rear courts of No. 17 have some north-eastern exposure to their own open car park. The terrace of apartment 117 above should be set back to achieve a minimum 9.0 metre separation between this element and the wall of No. 17.*
37. *In the central portion of the site Mr McGurn points out the mitigating effect of the landscaped space between Buildings 1 and 2. Bearing in mind that the courtyards of the ground floor of No. 17 The Esplanade will have a 4.0 metre high wall on the boundary, we consider that the bank of apartments G01 to G06 should be set back to achieve a minimum 9.0 metre separation from the wall of No. 17 to achieve a reasonable amenity outcome for this neighbouring development.*
38. *However, in the south corner of Building 1, we find that the built form encroaches onto the adjacent court at No. 17 to an unacceptable extent. The removal of apartment G11 and reconfiguration of apartment G10 would provide a more appropriate spacing between the proposed building and the open space areas of No. 17. In addition, it would allow natural light and ventilation to the central corridor of Building 1, addressing one of the Council's criticisms. This removal of built form should extend the height of the building. Increasing the space between the two buildings will result in a more open outlook for open space and balcony areas of No. 17 which are already overshadowed and face an unavoidable increase in overshadowing.*

At Level 1, Apartments No. B-103 and B-104 now occupy the part of the development previously occupied by Apartment No. 117. These two apartments would be setback a minimum of 11m from the building at No. 17 The Esplanade, which is well in excess of the minimum 9m separation specified by the Tribunal.

A similar minimum separation distance would also be maintained at the upper floor levels. The bank of apartments G01 to G06 have been replaced by Apartment Nos. B-G06, B-G07, B-G08 and B-G09 in the current development and a setback of 11m (9m to the balcony edge) would be provided between Apartment No. B-G06 and No. 17 The Esplanade. The concerns raised regarding Apartment No. G11 have been addressed by providing a minimum setback of 9m between Building C and No. 17 The Esplanade.

The increased setbacks outlined above are considered sufficient to provide a more appropriate spacing between the proposed building and the open space areas of No. 17 The Esplanade, thus addressing the issues previously raised by the Tribunal.



9.4 **Communal spaces:**

With regards to communal spaces, the Tribunal were critical of the entry previously proposed to Building 2:

71. *Mr Sheppard recommends a clearer definition of the entry to Building 2 located in the eastern corner of Alfred Square, suggesting an increase in landscape may assist in identifying it. We go further. Whilst the entry to Building 1 (78 apartments) is a reasonably generous 5.0 metres wide, that to Building 2, from which the vast majority of apartments gain access has a throat as narrow in part as 2.8 metres, and leads to what may be described as an amorphous foyer area comprising an assemblage of partially covered outdoor areas of planting and bike racks and unclear and narrow access to the two lift banks. It does not appear to provide access to Bessiere Place, a convenient and obvious route to Acland Street for residents.*

The proposed development incorporates a 5m wide entry from Alfred Square as well as a 5.9m wide entry from Bessiere Place. The proposed entry way would be further enhanced by the use of landscaping. The building fronting The Esplanade continues to be provided with a generous entry path, varying in width from 2.8m to 12.5m. The proposal is now considered to provide appropriate shared entries.

The previous proposal featured a communal gym, pool and toilet facilities at lower ground floor level in the north-eastern portion of the site. The Tribunal was also critical of the positioning of these communal spaces:

72. *This lack of attention to the communal facilities areas is also evident on the lower ground floor, where the pool's access to natural light comes from the level above via a window onto the car park access ramp. This level also contains a large undesignated space providing an exit up a staircase to a narrow path along the south-east boundary of the site to Bessiere Place. We think the communal spaces provide an unacceptable amenity for residents, in that they are confusing and poorly designed, appearing to be an amalgamation of leftover space.*

The current revised proposal maintains a communal gym, pool and toilet facilities, as well as a spa, at lower ground floor level, however they have been re-positioned. These communal facilities are now proposed in the south-eastern corner of the site within Building B. The changes to these communal facilities is considered to greatly improve the amenity for residents as they are now positioned more centrally on the site and will be more easily accessible for residents of all three buildings. In addition, access to natural light has been improved as the swimming pool and gym would now have an outlook to a 5.7m wide landscaped area adjacent to the site's south-eastern boundary (adjacent to No. 17 The Esplanade).

9.5 **Access to Bessiere Place:**

The subject site has a frontage to The Esplanade, Alfred Square and Bessiere Place. One criticism of the Tribunal in regards to the previous proposal was its failure to provide appropriate access to Bessiere Place:



19.The design largely ignores the potential to acknowledge the street pattern and the east-west links between The Esplanade and Acland Street by failing to provide a connection, visual or otherwise, even at the upper levels, across the site to Bessiere Place.
71.It does not appear to provide access to Bessiere Place, a convenient and obvious route to Acland Street for residents.

The current revised proposal would enhance the pedestrian entry from Bessiere Place, by increasing the width of the entry and introducing a break in built form between Buildings A and B. These changes are considered sufficient to address the concerns raised by the Tribunal.

The Tribunal has commented that the proposal could be further improved by making the pedestrian link between Bessiere Place and Alfred Square publically accessible. This could potentially be achieved by the creation of a carriageway easement between Alfred Square and Bessiere Place, the deletion of the entry gates between the subject site and Alfred Square and Bessiere Place and the repositioning of the central entry gates in front of Building A and Building B's entry lobbies.

It is noted that this concept has been raised by VCAT but was not generally supported by the resident objectors. The alternative view is that whilst a connection between Bessiere Place and Alfred Square would provide a convenient pedestrian link between the foreshore and St Kilda neighbourhoods to the north east, Wimmera Place and Robe Street already provide adequate pedestrian linkages.

It has been estimated that the financial cost to Council of foregoing public open space contributions by providing the link is substantial due to the significant per square metre land value of the subject site.

It is considered that the benefit that the link over private land would provide is outweighed by the cost, given alternative public open spaces the contribution could be put to. It is recommended that VCAT be advised that Council does not support a public pedestrian link through the site.

9.6 **Amenity for Residents:**

The Tribunal acknowledged the locational attributes of the site and the potential for views and outlook from many of the apartments and accepted that an assessment of internal amenity should not be confined to a single consideration, such as daylight, or that the consideration should be given primacy over others (such as the layout, dimensions of the rooms, outlook, orientation, private open space provision, size of windows, ceiling heights and solar access, to name a few).

With regards to the amenity residents, the Tribunal was generally supportive of the level of internal amenity afforded to apartments in the south-west elevations of the building:

68. *For the apartments, we acknowledge that the failure to achieve best practice for daylight access is principally due to the balcony overhang above the windows. We accept that the views toward the foreshore and bay are substantial contributors to*



the very high level of amenity that would be experienced by occupants of such dwellings. These views will be available to dwellings in the south-west elevations of the building. When this highly favourable aspect/outlook is taken into account, together with:

- the layout of the dwellings which has sought to minimise the depth of the 'snorkels' leading to the windows;
- the splayed profile adopted for these 'snorkels' to further enhance daylight penetration;
- the greater level of useability associated with the larger balconies to maximise the experience of the foreshore views;
- the role the deeper balconies will play in shielding the dwellings from the westerly sun; and
- a level of daylight which will allow rooms to be occupied and used without the need for electric lighting (based on the information available to us)

we consider that an acceptable level of internal amenity will be arguably achieved.

With regards to the amenity residents, the Tribunal were critical of apartments with an outlook toward neighbouring properties or views internal to the site and the townhouses:

69. We are less persuaded in respect of the apartments which have an outlook toward neighbouring properties or views internal to the site. We consider that, in these instances, the aspect available to these dwellings does not make as significant a contribution to the amenity experienced by occupants as those dwellings which have a view of the foreshore. We acknowledge that the locational advantages of the review site are able to be enjoyed by residents. However, we are not convinced that the proximity to the foreshore, public open space, public transport, activity centres and the like outweigh any compromised internal amenity which may arise from not achieving an acceptable level of daylight. Consideration should be given to reducing the depth and size of balconies or increasing the size of windows (or a combination of both) to improve daylight access into these dwellings. Attention should be given to the dimensions and overall size of the balconies to ensure they can be utilised by occupants to meet their reasonable recreation needs.
70. We are even less persuaded in respect of the internal amenity of the townhouses. Their below-ground location constrains the outlook from the bedrooms, further reducing the amenity of these rooms. The bridge which connects the dwellings to the adjoining street/laneway to provide access is positioned above windows, and will impact on the daylight and aspect experienced by the associated rooms. Our assessment of the amenity of these dwellings, again, is multi-faceted and has had regard to matters such as their aspect/outlook, limited private open space (typically 4.0 square metres with a width of 1.0 metre), and the sunken form of the courtyard which is accessed from a bedroom and not the living area, and which is likely to experience limitations on solar access due to its below-ground location. The overshadowing diagrams which form part of the set of plans show that the lower, and



some of the upper, levels of the townhouses will be largely overshadowed for more than half the year. In contrast to our conclusions in respect of the apartments facing the foreshore, we have not been persuaded that, in combination, these factors amount to an acceptable level of amenity. A different design response is required to address this. This may involve avoiding the inclusion of below-ground spaces.

The current revised proposal includes a number of changes to the original proposal which would improve internal amenity:

Firstly, the previously proposed townhouses have been removed from the current proposal and as a result no sunken private open spaces are proposed.

Secondly, an additional break in built form has been introduced between Bessiere Place and Alfred Square which results in three separate blocks setback a minimum of 9m from each other.

Thirdly, the number of snorkel bedrooms proposed has been decreased and where snorkel bedrooms are proposed, they adopt generous widths (a minimum of 1.6m) and minimal depths (a maximum of 3m). It is relevant to note that the proposed snorkels exceed the dimensions required by Standard B48 of the Better Apartment Design Guidelines (although it is noted that assessment against this provision is not required due to the transitional provisions) which states that a window providing daylight to a bedroom from a smaller secondary area within the bedroom should be a minimum width of 1.2m and a maximum depth of 1.5 times the width, measured from the external surface of the window. Fourthly, the internal layouts of the proposed apartments have been improved.

Finally, the room depth has been decreased in a number of apartments in an attempt to improve daylight access. However, as discussed in Section 7 of this report, Councils ESD Officer has concerns with regards to access to room depths and daylight provision. The issue of room depth and daylight go hand in hand. While a number of apartments within the development propose room depths in excess of that outlined in Better Apartment Design Standard B47 (single aspect habitable rooms should not exceed a room depth of 2.5 times the ceiling height. The depth of a single aspect, open plan, habitable room may be increased to 9 metres if all requirements relating to open plan rooms, kitchen location and ceiling height are met), the majority of apartments achieve an appropriate level of daylight as outlined in the Applicant's Daylight Investigation Report, prepared by Ark Resources. This report concluded that all bedrooms modelled achieve the best practice benchmark set out in the Built Environment Sustainability Scorecard (BESS) and that the living/dining/kitchen areas of 224 apartments modelled achieve the best practice benchmark set out in (BESS). The 12 apartments failing to achieve the best practice benchmark set out in BESS for living/dining/kitchen areas are A-G02, B-G05, B-G07, B-G08, C-G02 and C-G04 on Ground Level and A-I02, A-I10, A-I12, A-I14, B-I09 and C-I08 on Level 1.



The proposed room depth and score achieved against the BESS best practice benchmarks for each apartment is outlined in the below table:

Apartment No	Room Depth (m)	Score Achieved Against the BESS Best Practice Benchmarks
A-G02	13.5	80%
B-G05	9	71%
B-G07	9.1	77%
B-G08	9	75%
C-G02	8.5	75%
C-G04	13.6	80%
A-I02	11.8	84%
A-I10	9.1	80%
A-I12	9	80%
A-I14	10	83%
B-I09	9.5	73%
C-I08	9.5	78%

It is also considered that the internal amenity of these 12 apartments could be further improved to achieve the BESS best practice benchmarks by decreasing the depth of the living/dining/kitchen areas and/or reconfiguring the internal layout of the apartment and/or increasing the width of the living/dining/kitchen areas.

It is recommended that VCAT be advised that had the application been decided by Council it would have imposed a condition requiring that Apartments No. A-G02, B-G05, B-G07, B-G08, C-G02, C-G04, A-I02, A-I10, A-I12, A-I14, B-I09 and C-I08 be redesigned by way of a decrease in depth of the living/dining/kitchen areas and/or reconfiguring the internal layout of the apartment block and/or increasing the width of the living/dining/kitchen areas (refer recommended Conditions 1(i) and 10).

It is also considered that the internal amenity of all the proposed apartments could be further improved by repositioning the proposed kitchens (which have a lower expectation regarding daylight levels) deeper into the each unit.

Therefore, it is recommended that VCAT be advised that Council would also have imposed a condition requiring that the kitchens throughout the development be setback from the external walls to the back of the living space (refer to recommended Conditions 1(n)).

Subject to these 12 apartments achieving the BESS best practice benchmarks and the kitchens being repositioned in all apartments, the proposal is considered to address the Tribunal's concerns regarding internal amenity for residents.



10. COVENANTS

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 the Land in Plan of Consolidation 167770S [Parent Titles Volume 08146 Folio 131 and Volume 09271 Folio 200].

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 It is considered that subject to the conditions outlined above, the current proposal appropriately responds to the key concerns raised by the Tribunal in regards to the original approval.
- 13.2 Councils Urban Designer considers this scheme a high quality urban design proposal.
- 13.3 The development would integrate with its varied surroundings which, notwithstanding nearby heritage controls, has varied building stock.
- 13.4 The current proposal's direct impacts on neighbouring amenity, in terms of shadowing and outlook, would be acceptable but it is acknowledged that the outlook from neighbouring properties to the rear would significantly change.
- 13.5 Shadow and daylight impacts would be acceptable and overall internal amenity would be good even though some dwellings would rely on a 'saddleback' layout but with relatively short light access corridors.
- 13.6 The current proposal's car parking supply would be adequate noting the site's excellent locational attributes, especially access to the tram services on Fitzroy Street and The Esplanade and to nearby shopping facilities and activity centres.
- 13.7 Overall, the layout and design of the proposal is considered satisfactory and the proposal is considered appropriate for approval, subject to conditions.



14. RECOMMENDATION - GRANT A PLANNING PERMIT

14.1 That the Responsible Authority, having caused the application to be advertised and having received and noted the objections, advise the Victorian Civil and Administrative Tribunal (VCAT) that had the application been decided in the statutory timeframe of the Planning and Environment Act 1987, it would have determined to issue a Notice of Decision to Grant a Permit for the construction of residential apartment buildings up to 9 storeys comprising 236 dwellings and a waiver of the car parking requirements (365 spaces proposed, waiver sought for 4 visitor spaces) at 14-16 The Esplanade, St. Kilda.

14.2 That Council advise VCAT that it would have imposed the following conditions:

I. 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 circulated pursuant to the requirements of the VCAT order dated 11 July 2017 (identified as TP 0400, TP 0401, TP 0402, TP 0403, TP 1001, TP 1096, TP 1097, TP 1098, SK 0071, SK 0072, SK 0073, SK 0074, SK 0075, SK 0076, SK 0077, SK 0078, SK 0079, SK 0082, TP 2002, TP 2003, TP 2004, TP 2005, TP 3000, TP 3001, TP 3002, TP3003, TP 3100, TP 3101, TP 3102, TP 3103 and TP 3200 (All Revision A) and SK 0070, SK 0083, SK 0084, SK 0085 and SK 0086) but modified to show:

- a) Delineation of visitor car parking spaces within the basement and lower ground floor car parking areas.
- b) The crossover reconstructed to a maximum of 5.5m width in accordance with City of Port Phillip's standard drawing SD4101. Corner splays adjacent the crossover must be at least 50% visually permeable or landscaped less than 900mm high to provide clear view of pedestrians.
- c) The 2.7m ceiling height in all dwellings noted on the plans.
- d) A note on the plans indicating that the solar panels are solar hot water panels providing a minimum 30% boost.
- e) The location and volume of temporary storage for fire protection system test water and a notation outlining on site re-use options.
- f) Details of the landscape irrigation proposed.
- g) Details of the materials and reflectivity of the proposed roof.
- h) The location of any bio retention systems and rain gardens.
- i) Apartments No. A-G02, B-G05, B-G07, B-G08, C-G02, C-G04, A-102, A-110, A-112, A-114, B-109 and C-108 redesigned, without increasing the external building footprint, to achieve the BESS best practice benchmarks for daylight.
- j) Provision of a photovoltaic array on the roof levels.
- k) An overhang at each floor level and/or adjustable shading devices introduced to the north-west and north-east facing glazed facades to reduce solar heat gain.
- l) Individual clothes drying areas within apartments, on balconies, or in a communal facility.



- m) Building A's south-east facing apartments at level 1 and 2 setback a minimum of 5.81m from No. 1 Bessiere Place.
- n) Kitchens throughout the development repositioned deeper in the living space.
- o) Privacy screening to the habitable room windows and balconies of Apartments No. A-103, A-102, A-101, A-113, A-114, B-103, B-104, B-105, C-103, C-104, A-203, A-213, B-203, B-204, B-205, C-203, C-204, A-303, A-310, B-303, B-304, B-305, C-303, C-304, A-403, A-410, B-403, B-404, B-405, C-403, C-404, A-503, A-510, B-503, B-504, B-505, C-503, C-504, A-603, A-610, B-603, B-604, B-605, C-603, C-604, A-703, A-710, B-703, B-704 and B-705 to restrict overlooking of abutting habitable room windows and any open spaces, integrated into the architectural design so as not to alter the appearance of the buildings significantly.
- p) Plan and elevation drawing details of the location, height, width and depth of all utility provider (gas, electricity, water, telecommunications, fire brigade) equipment cabinets, metre cabinets, substations, booster cabinets etc. (as applicable).
- q) Any changes required by Condition 5.
- r) Any changes required by Condition 6.
- s) Any changes required by Condition 9.
- t) Any changes required by Condition 10.
- u) Any changes required by Conditions 28 and 29.

2. No Alterations (Development)

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. 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.

4. 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.

5. Urban Art Plan

Before the occupation of the development allowed by this permit, 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.



6. Landscape Plan

Concurrent with the endorsement of plans, a revised Landscape Plan must be submitted to, be to the satisfaction of and approved by the Responsible Authority. The revised Landscape Plan must be generally in accordance with the advertised Landscape Plan (L-TP01 and L-TP02 prepared by John Patrick Landscape Architects Pty Ltd and dated) but modified as follows:

- Details of the landscape irrigation proposed.
- Replacement of the *Metrosideros excels* species with a native *Banksia integrifolia* or similar.
- Replacement of the *Corynocarpus laevigatus* (New Zealand Laurel) with a more appropriate species.
- Water sensitive urban design initiatives.

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

7. 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.

8. 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.

9. Wind Assessment

Before the development starts, a suitably qualified person must undertake a comprehensive wind tunnel test of the entire development and a Wind Climate Assessment Report to the satisfaction of the Responsible Authority must be provided for the written endorsement of the Responsible Authority. Any modifications required to the development in order to ensure acceptable wind conditions must be submitted to and approved by the Responsible Authority as part of the plans for endorsement. The design details of any wind mitigation works must receive the endorsement of the owner's wind climate experts, preferencing the use of architectural features and planting to resolve any issues identified, to the satisfaction of the Responsible Authority.

10. Sustainable Management Plan

Concurrent with the endorsement of plans, a revised Sustainability Management Plan must be submitted to, be to the satisfaction of and approved by the Responsible Authority. The revised Sustainability Management Plan must be generally in accordance with the Sustainability Management Plan submitted with the application (Sustainability Management Plan by JBA Consulting engineers, dated 15 December 2016 and Council date stamped 16 December 2016) but modified as follows:

- Amended to include a commitment to a minimum 4 star Green Star rating.
- Amended to include a Daylight Analysis Assessment confirming that Apartments No. A-G02, B-G05, B-G07, B-G08, C-G02, C-G04, A-102, A-110, A-112, A-114, B-109 and C-108 achieve the BESS best practice benchmarks for daylight.



- Amended to include a simple explanatory diagram to show how cross ventilation for habitable rooms can be achieved and illustrating a suitable level of cross ventilation.
- The Ecological Value section amended to include including the Ecological Value Calculator outcomes as evidence to validate the claimed point.
- The Reuse of Land section amended to include evidence that the land was previously developed on.
- The Contamination and Hazardous Materials section amended to indicate proposed timing of site testing.
- The Heat Island Effect Reduction section amended to include further information on the specification of roof reflectivity.
- The Reduced Peak Discharge section amended to include calculations to demonstrate compliance with this credit.
- The Reduced Pollution Targets section amended to include a MUSIC model and a drawing which illustrates the area inputs provided in this MUSIC report and the connected treatments.
- The Light Pollution to Night Sky section amended to include further information which indicates which method will be adopted to comply with the credit.
- Consistency with the application plans.

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.

11. Green star benchmarking

Upon completion of the development, confirmation must be provided by a suitably qualified person that the development has achieved 4 star Green Star benchmarking.

12. Incorporation of Sustainable Design initiatives

The project must incorporate the sustainable design initiatives listed in the endorsed Sustainable Management Plan to the satisfaction of the Responsible Authority.

13. Implementation of Sustainable Design Initiatives

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

14. Incorporation of Water Sensitive Urban Design initiatives

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



15. 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.

16. Site Management Water Sensitive Urban Design (larger Multi-Unit Developments)

The developer must ensure that:

- No water containing oil, foam, grease, scum or litter will be discharged to the stormwater drainage system from the site;
- All stored wastes are kept in designated areas or covered containers that prevent escape into the stormwater system;
- 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.
- No mud, dirt, sand, soil, clay or stones are washed into, or are allowed to enter the stormwater drainage system;
- 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.

All to the satisfaction of the Responsible Authority.

17. Waste Management Plan for Higher Density Residential Development

Concurrent with the endorsement of plans, a Waste Management Plan based on the City of Port Phillip's Waste Management Plan Guidelines for Developments must be prepared by a Waste Management Engineer or Waste Management Planner to the satisfaction of the Responsible Authority and endorsed as part of this permit. The Plan must include reference to the following:

- 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.
- Waste collection provider.
- How tenants will be regularly informed of the waste management arrangements.
- Scaled waste management drawings.
- Signage.

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

18. Car and Bicycle Parking Layout

Before the use or occupation of the development starts, the area(s) set aside for the parking of vehicles and bicycles and access lanes as shown on the endorsed plans must be:

- Constructed;
- Properly formed to such levels that may be used in accordance with the plans;
- Surfaced with an all weather surface or seal coat (as appropriate);
- Drained and maintained; and
- Line marked to indicate each car space, visitor space, bicycle space, loading bay and/or access lane.
- Clearly marked to show the direction of traffic along access land and driveways

All 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. 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.

21. 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:

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



22. 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.

23. 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.

24. Tandem Car Parking and Car Stacker Parking Allocation

Each set of tandem car parking spaces, or pair of vehicle stacker parking spaces must be allocated to one residential unit respectively.

25. On-Site Bicycle Parking

Before the development is occupied, bicycle parking spaces must be provided on the land to the satisfaction of the Responsible Authority.

26. 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:

- not less than one car space for each one and two bedroom apartment;
- not less than two car spaces for each apartment with three or more bedrooms;
- not less than 43 visitor spaces held in common property; and
- one storage space per apartment.

All to the satisfaction of the Responsible Authority.

27. Construction Management Plan (only to be used for major developments)

Before the development starts, a Construction Management Plan must be submitted to, approved by and be to the satisfaction of the Responsible Authority. The Plan must include details of (but not be limited to):

- Construction hours;
- Control of construction noise to minimise impact on neighbouring properties;
- Maintaining cleanliness in abutting streets;
- Minimising disruption to pedestrian access along footpaths;
- Management of parking of construction worker vehicles (including construction machinery), management of site deliveries and traffic management;



- The waste removal process and duration, including the positions of trucks, equipment and rubbish bins, including the on-site storage of waste construction bins as much as practicable during the project's construction stages.

Once submitted and approved the works detailed by the Construction Management Plan must be carried out to the satisfaction of the Responsible Authority.

28. Public Transport Victoria

The permit holder must take all reasonable steps to ensure that disruption to tram operation along The Esplanade must be kept to a minimum during the construction of the development. Foreseen disruptions to tram operations during construction and mitigation measures must be communicated to Yarra Trams and Public Transport Victoria fourteen days (14) prior. Any damage to public transport infrastructure must be rectified to the satisfaction of Public Transport Victoria at the full cost of the permit holder.

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.

REFERENCE ONLY - NOT TO BE REMOVED