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**Report Prepared for:**  
Planning Report – 200 Wells Street,  
South Melbourne

April 2021



**Amended Planning Application  
Section 87A Application VCAT**

200 Wells Street, South Melbourne

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# 1 Introduction:

## Instruction

Ratio Consultants has been engaged by Wells St Developments Pty Ltd, the permit applicant, to prepare a town planning report with respect to an Amended Planning Permit Application under Section 87A of the Planning and Environment Act for the development of a 20-storey mixed-use building (containing retail, office and dwellings) over five levels of basement at the subject site.

## Investigations & Research

In the course of this report, we have:

- Assessed the proposal against the relevant planning controls and policies contained within the Port Phillip Planning Scheme;
- Inspected the site and surrounds;
- Reviewed the application plans prepared by Bates Smart.
- Reviewed the Wind Report prepared by RWDI Consultants.
- Reviewed the Landscape Plan prepared by John Patrick Landscape Architects.
- Reviewed the Sustainability Management Plan prepared by Sustainable Development Consultants Pty Ltd.
- Reviewed the Traffic Impact Report prepared by Traffix Group;
- Reviewed the Green Travel Plan prepared by Traffix Group; and
- Reviewed the Waste Management Plan prepared by Traffix Group;



## 2 Existing Conditions:

### Subject Site

The subject site is located on the north western corner of Wells and Park Street, South Melbourne. Little Bank Street which is a 3-metre-wide laneway borders the properties' northern boundary.

The site has a frontage of approximately 51 metres to Wells Street and 30 metres to Park Street and an overall site area of 1549sq.m.

**Figure 2.1:**

Cadastral Plan.



Source: Vic Plan [www.mapshare.vic.gov.au/vicplan](http://www.mapshare.vic.gov.au/vicplan)

The key features of the site are summarised as follows:

- The site currently supports a part single and double storey commercial office building used for an office with a flat roof form. The double storey form is located within the northern portion of the site.
- The building occupies the full extent of the property.
- There is a single crossover from both Wells and Park Street which provides vehicular access into the building.
- Pedestrian access is provided via both Wells Street and Park Street.
- The topography of the site is generally flat.
- There are three small street trees along Wells Street as well as power poles, rubbish bin, parking signs and a pedestrian crossing light.
- The adjacent tram stop on Park Street was upgraded in 2018 to include a superstop. This has altered to access width along this portion of Park Street and added a pedestrian crossing to access the eastern end of the platform.
- The site is not affected by any easements or restrictions.

**Photo 2.1:**

Subject site.



## Surrounding Land

### North

- To the north of the site on the opposite side of Little Bank Street is No. 1-13 Bank Street. The site includes a single storey commercial building occupied by a number of food and drink premises. The existing building is setback slightly from Wells Street and constructed to Little Bank Street. This setback is utilised for outdoor seating associated with the uses that occupy these building during trading hours.
- At the rear of the building there is a small open, at-grade car park with approximately 15 spaces directly accessible from Little Bank Street.
- To the north-west of the site is No. 15-29 Bank Street which is occupied by a three-storey commercial building used as an office. It includes car parking on the roof of the building.

**Figure 2.2:**

Looking west along Little Bank Street from Wells Street



### **West**

- To the immediate west of the site is No. 36-38 Park Street which is occupied by a double storey commercial building which is used for the purpose of a supermarket at ground floor and an office at the upper floor. It occupies the entire site and is constructed to Little Bank Street.
- Further west is No. 40 Park Street which is occupied by a single storey commercial building which includes at grade car parking directly from Park Street. The building is setback from Little Bank Street to accommodate further car parking.
- No. 21 Bank Street to the north west is occupied by a multi-level car parking which is commercially operated. It is constructed to the laneway boundary across seven levels.
- A 16-storey mixed use building has been constructed at No. 52 Park Street and includes no setback to the laneway across all levels. It was approved under Planning Permit 173/2010/A.



**Photo 2.2:**

No. 36-38 Park Street to the west of the site.



**South**

- Immediately south of the site is a tram superstop along Park Street. This was constructed as part of overall street works in Park Street in 2018/2019.
- On the opposite side of Park Street is a number of properties occupied by building of varying height between 2 and 5 stories.
- These buildings are all constructed to the boundary and are occupied by office, a restaurant and serviced apartments.
- Further south are a number of properties fronting Park Street and Palmerston Crescent that are occupied by a range of building typologies and a mix of commercial uses.
- There are a number of recent development approvals including a 20-storey building at No. 8 Palmerston Crescent and a 19-storey mixed use building further south at No. 1-13 Cobden Street.
- A number of tower developments of similar heights have been approved along the eastern side of Palmerston Crescent and the southern side of Park Street. Some of these have commenced or completed constructed and are occupied.

**Photo 2.3:**

View south from the subject site over Park Street



**West**

- On the opposite side of Wells Street at No. 376-384 St Kilda Road is a 16-storey commercial building which includes pedestrian access from Park Street and vehicle access from Wells Street. There is a 7-storey office building located on the corner of Park Street and St Kilda Road that forms part of the same address.
- To the south west of the site is a 36-storey mixed use building at No. 360 St Kilda Road.

**Photo 2.4:**

No. 376-384 and 360 St Kilda Road, to the west of the site



## Broader character

Contextually, the site is located within an established commercial precinct that forms part of the St Kilda Road North Precinct (Precinct 2) which is currently undergoing a significant degree of change with respect to the redevelopment of older buildings/sites.

Building upon the above, the site is located within a mixed-use area, with the immediately surrounding land to the north, west and south also located within the **Mixed-Use Zone** and consisting almost exclusively of commercial land uses. Land to the east fronting St Kilda Road is zoned **Commercial 1 Zone**.

Building heights within the surrounding area range from 2 to 36 storeys, with larger development located closer to St Kilda Road and of a modern, contemporary appearance given recent approvals and construction. Many of the approved towers have a height of between 19 to 20 storeys are located south of Park Street and have been designed to fit to the maximum building heights prescribed under the relevant DDO.

Notably, a number of developments in the area have been approved with variations to the discretionary setback requirements of tower elements. This includes developments at No. 5 and No. 9 Park Street that include minimum setbacks of 4.5 metres to the centre of the abutting laneway to the south. These setbacks have undergone assessment through VCAT and deemed appropriate to ensure appropriate separation between tower forms to protect the reasonable amenity expectations of existing and future development.

The site is located close to the future ANZAC station which is currently being constructed on St Kilda Road between Albert Road and Park Street. In conjunction with this major development, there have been a number of upgrades to tram and road layout to accommodate light rail. This includes along Park Street to accommodate a superstop and upgrades to Route 58.

## Locational attributes

Given the site's commercial setting within the St Kilda Road North Precinct, the site is well located in terms of its proximity to a range of commercial, retail, community and recreational services. In addition to these services, we note that the site also benefits from the following (measured as the crow flies):

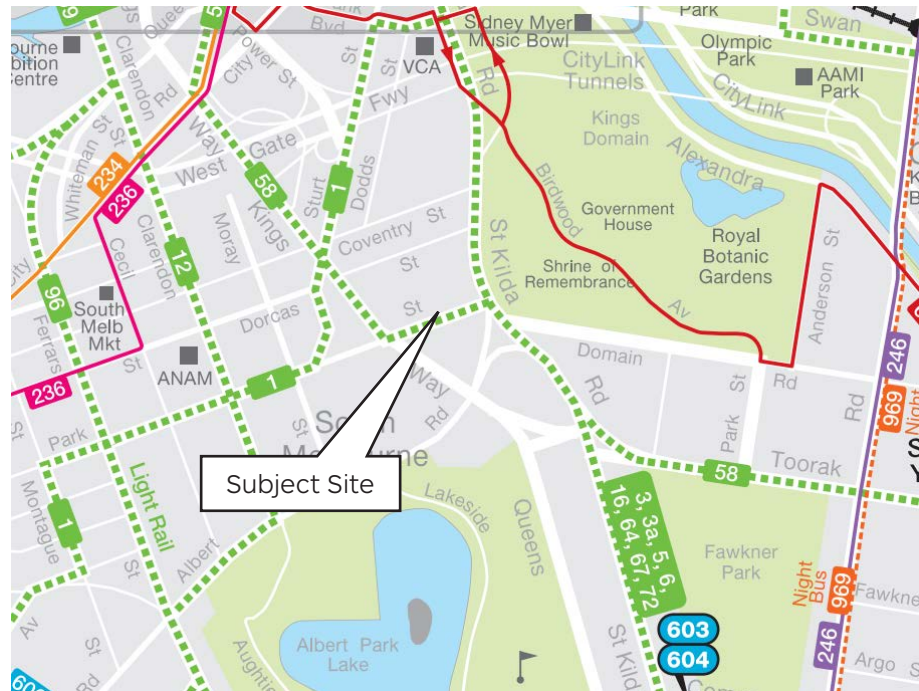
- Tram Route No. 58 to the immediate front of the site and a number of routes along St Kilda Road. The future ANZAC station is located approximately 200m to the east;
- Shrine of Remembrance and Royal Botanic Gardens located between 250 and 450 metres from the site.
- South Melbourne Central Activity Centre, located approximately 600 metres to the north-west;
- Albert Park Lake and Reserve, located approximately 400 metres to the south;
- Numerous retail and food and drink premises located to the immediate north and along St Kilda Road.

Notably, the site achieves a "walkscore" of "97 – Walker's Paradise" where daily errands do not require a car.



**Figure 2.2**

PTV Services within the surrounding area.



Source: [www.metlinkmelbourne.com.au](http://www.metlinkmelbourne.com.au)

## Existing Planning Permit 906/2016

### Original Permit

Planning Permit 906/2016 was lodged with Council in October 2016 and was approved on 27 June 2017 at the direction of VCAT following an agreement reached at compulsory conference.

The application had been advertised and 104 objections were received. An appeal under s79 of the Planning and Environment Act 1987 was subsequently lodged by the applicant against Council's failure to determine the application within the prescribed time (VCAT reference P351/2017). A number of residents were joined as respondents to the appeal.

Council supported the application after amended plans were circulated prior to the compulsory conference and further changes being agreed to between the parties at the first compulsory conference. The consent position was then formerly reached at the second, subsequent, compulsory conference.

The planning permit allowed for the 'Construction of a Multi-Storey Mixed-Use Building over Basement Levels Containing Dwellings and Shops, Reduction in The Car Parking Requirements and a Waiver Of The Loading Bay Requirements'.

The proposal included a 20-storey mixed use building with retail at ground floor and a mix of office and residential land uses in the levels above. Particulars of the development included:

- Two basement levels of car parking with additional spaces being provided at Levels 1 and 2 with a total of 179 spaces. This

resulted in a reduction of 57 car spaces given the size and type of uses approved.

- Podium level of 5 storeys inclusive of retail 'shop' land uses at ground floor and office in the levels above.
- Apartments located in the tower element.
- The podium level built to all boundaries with the exception of a 2.4 metre setback (across the extent of the podium) from Little Bank Street.
- Tower with an overall height of 59.5metres
- Ramp Up 1:10 for 5.7 metres from Little Bank Street to account for potential flooding as required under the relevant Special Building Overlay.

Plans were never endorsed under the original planning permit.

#### Amended Proposal 2018

##### **Figure 2.3 and 2.4**

Render of the proposed development that was sought under the Stellar 237 Pty Ltd Amendment versus the proposed 87A development





An application to amend the permit under s 87A of the Planning and Environment Act 1987 was lodged by Stellar 237 Pty Ltd with VCAT on 28 May 2018 (VCAT reference P1028/2018). This application sought a number of key changes to the approved building including a redesign by Ewert Leaf Architects. A 3D render of the building that was proposed by Stellar 237 Pty Ltd is shown below:

A consent order was signed at the second compulsory conference that was held on 27 September 2018. Amended Planning Permit 906/2016 was then issued on 1 October 2018 in accordance with the Tribunal's order dated 27 September 2018 (VCAT referenced P1028/2018).

The amendment allowed for some modifications to the design and layout of the proposal including various changes to conditions. These are detailed in the track change of the Council's Delegate's report that is included at Appendix E.

Key changes that were considered included:

- Reduce the number of levels from 20 to 18 but include a slight increase in the building height from 59.5 metres to 59.6 metres to accommodate more functional floor to ceiling heights.
- A reduction in the number of apartments from 174 to 84.
- A reduction in the number of car parking spaces from 179 to 119 (with 42 car parking spaces located in the basement level and the remainder in an above ground configuration on Levels 1 and 2).

There were relatively minor design and layout of the podium level which included removing a number of inserts to the street and included a podium height at 18.46 metres. However, Condition 1a was amended to ensure revised tower setbacks including:

- 5 m from Wells Street.
- 5 m from Park Street.
- 4.5 m from the west boundary.
- 6 m from Little Bank Street.
- Architectural features with encroachments into these setbacks, to a maximum of 300mm from Park Street, Little Bank Street and the western boundary and 430mm from Wells Street.

The number of car parking spaces was reduced overall from 179 to 115.

Overall, this resulted in a reduction of spaces as required under the provisions of Clause 52.06 with the permit issued reflecting this.

Most of the other changes to conditions related to the author of various technical reports and some requirements of these reports to reflect changes in the approved development scheme.

While the overall number of car parking spaces is not specified in Condition 19 of the Planning Permit, several requirements remain regarding minimum/maximum allocation of spaces to specific uses in the building. They include:

- A minimum of three spaces for the food and drink premises.
- A maximum of two spaces for each three-bedroom dwelling.
- A maximum of one space for each one- and two-bedroom dwelling.
- No less than four car parking spaces for visitors.
- A minimum of twelve spaces for the offices.
- The loading bay to be shared by all occupants (commercial and residential) and used for loading and unloading purposes.

Plans are yet to be endorsed for this scheme.

### Current limitations of the Planning Permit

Condition 28 of the planning permit states that the permit will expire if the following circumstances applies:

- a) The development is not commenced within three years from the issued date of this permit.
- b) The development is not completed within two years of the date of commencement of works.

The planning permit was extended by Council on 26 March 2020.

The time in which the development must be commenced was extended by 2 years from 27 June 2020 to 27 June 2022.

The permit will now expire on 27 June 2022 if the development has not commenced.



**Photo 2.5**

Aerial photograph of the subject site and surrounding area.



Source: [www.nearmap.com](http://www.nearmap.com) (8 January 2021)



## Section 87A Amendment

It is proposed to amend existing planning permit 906/2016 under Section 87A of the Planning and Environment Act.

The purpose of the amendment is to:

- Improve the overall design and functionality of the building.
- To ensure it provides a strong architectural presence in the precinct and sets a precedent for high quality design for future development.
- Significantly increase the amenity afforded to the range of uses included in the development.

The following provides an overview of the changes sought as part of this amendment.

**Figure 3.1:**

3D perspective of proposed development within Precinct 2



### Development Plans

Overall elements of the building envelope proposed **to be maintained** include:

- 2.24 metre setback of the building at ground and first floor along Little Bank Street.
- Maintain the general form and height of the podium to Wells and Park Street.
- Maintain the 5.0 metre setback of the tower element to Wells and Park Street and the 4.5 metres setback to the western boundary.
- Maintain the overall building height (there will be a very slight increase in height of the building from 59.6 metres to 60 metres).

**Key changes** to the proposed design and layout include:

- Relocate all car parking to basement configuration of five levels. This will facilitate an increase the extent of car parking from 117 to 159 spaces and improve bike parking with a provision of a total of 145 spaces with change room facilities. It will also allow for the functional use of floorspace in the podium.
- Decrease the number of apartments by 2 overall.

- Increase the extent of office floorspace from 1190sqm to 5076sqm of net area.
- Increase the floorplate of Levels 2-4 of the podium level to the northern boundary (built to Little Bank Street) and to the extent of the western boundary.
- Decrease the tower setback to 4.5 metres from the centre of Little Bank Street.
- Improve the extent of active frontages to Wells and Park Street by relocation and reconfiguration of services.

More specifically:

- Basement Level 5 – 36 x car parking spaces provided at grade with ramp providing access from ground level, 17 x bike parking spaces, rainwater tank and lift and 2 x stairs.
- Basement Level 3 and 4 - 34 x car parking spaces provided at grade with ramp providing access from ground level, 16 x bike parking spaces, plant room and lift and 2 x stairs.
- Basement Level 2 – 30 car parking spaces, 66 x bike spaces, 8 EOT office bicycle parking) accessible bathroom, male and female changerooms with lockers and showers, lift and 2 x stairs to the levels above and below.
- Basement Level 1 – 25 car parking spaces, 24 bike parking spaces including 8 visitor spaces), plant and services, waste storage, hard rubbish and lifts/stairs.
- Ground Floor – 124 and 427 sqm retail (food and drink) spaces, common commercial and residential lobby areas, ramp access from Little Bank Street, services, substations and lift and stairs to the levels above. A loading area direct from Little Bank Street is also provided.
- First Floor – 1226sq.m office space, amenities, lift and stairs to the levels above.
- Second – Third Floors – 1310sq.m office space, amenities, lift and stairs to the levels above.
- Fourth Floor - 1230sq.m office space, amenities, lift and stairs to the levels above.
- Fifth floor – 6 Residential apartments (mix of three- and two-bedroom dwellings) with private terraces ranging in size from 106sqm to 44sqm, lift and stairs. Terraces will be divided by 1.8-metre-high privacy screens and there will be perimeter edge planting and 1.1-metre-high glass balustrade to the building's edge to provide fall protection.
- Sixth Floor – 4 residential apartments with private balconies, communal lounge (285sqm), private and co-working spaces (60sqm), amenities gym (100sqm) outdoor terrace and stairs.
- Seventh to Fifteenth Floor – 7 apartments mix of 2 and 3 bedroom, lifts and stairs. POS areas ranging in size.
- Sixteenth and Seventeenth floor – 4 larger penthouse apartments per level, lifts and stairs. POS areas ranging in size.
- The building is provided with a residential entry and lobby area at ground floor accessible via Wells Street and a separate office entry and lobby via Park Street. Separate pedestrian entry is provided for the ground floor retail spaces. The entries contained within the development are well marked and provide the building with a clear and proud sense of address as viewed from the street.
- The development will comprise a maximum building height of 60 metres from natural ground level to ensure compliance with DDO26

requirements. The overall height and size of the roof top services will comply with the requirements under Section 4 of the DDO26.

- The podium level will be constructed to all boundaries with the exception of the 2.24 metre setback at ground and first floor to Little Bank Street. It has a maximum height of 18.46 meters. This provides a clearance height of 7.4 metres within this setback area for larger vehicles or emergency vehicles to pass, in addition to vehicles entering and existing the site.
- The tower component is proposed to be setback a minimum 5.0 metres from Wells and Park Streets, 4.5 metres from the western boundary and 4.5 metres from the centre of Little Bank Street. As with the original design and condition 1 of the Planning Permit, there will be slight architectural projections of no more than 300mm within these setbacks.
- A Landscape Plan has been prepared by John Patrick Landscape Architects which includes planting at the top of the podium associated with future residential terraces. Please refer to the plan for more information regarding specie type and the planting schedule.
- The building proposes a flat roof form and will be of a modern contemporary design, comprising a suitable range of building materials.
- A total of 159 car parking spaces and 145 bicycle parking spaces are provided for in the basement levels. Car parking spaces are all provided at grade with a number proposed in a tandem layout at the lowest basement level. Levels will all be accessed via ramp that connects to Little Bank Street. Further, the building is provided with high-quality end-of-trip facilities which include both male and female amenities, showers and lockers.
- Vehicle access is proposed via a double width crossover to Little Bank Street which incorporates a bund to deal with potential flooding issues.
- A loading area (min 3.9 x 8.8 metres) is proposed to be accessed from Little Bank Street which will be able to be utilised by all uses within the building.
- Sufficient area is provided for at Basement Level 1 for a mini waste truck for private waste collection. As described in the Waste Management Plan, this space allows for access for a 6.4m long mini Hino rear loader. A minimum headroom clearance of 2.5m is required within the waste collection area to accommodate the rear lifting of the bins. Collections occurring more than once a week are recommended to be restricted to the hours 7 am —6 pm Monday to Saturday.
- All site services are provided for on-site and are minimised along the frontages of Park and Wells Street. Plant equipment that extends above 60 metres from ground level will be capped at 10% of the overall roof area.

Please refer to the application plans prepared by Bates Smart for full details of the proposed amended development.

**Figure 3.2:**

3D perspective of proposed development looking north-west from Palmerston Crescent



### Permit Preamble

The current permit preamble allows for:

*Use of the land for the purpose of a food and drink premises and offices, construction of a multi-storey mixed-use building over a basement level, containing dwellings with communal facilities, food and drink premise, offices and a reduction of the standard car parking requirement.*

Given the proposed changes to the basement levels of the development, a slight amendment to the permit preamble is sought as indicated below:

*Use of the land for the purpose of a food and drink premises and offices, construction of a multi-storey mixed-use building over ~~a~~ basement levels, containing dwellings with communal facilities, food and drink premise, offices and a reduction of the standard car parking requirement.*

### Conditions of Permit

It is sought to amend a number of conditions of planning permit. These changes reflect some of the alterations proposed in the overall layout and design and refer to the appropriate technical reports required with the submission of the application.

Details of the sought changes are included in the track changed permit at **Appendix G** and detailed below:

Condition 1 - Delete – No changes required to the plans for endorsement. Any additional requirements have been accommodated into the plans. Renumber conditions accordingly.



Condition 5 – We challenge the need for this condition given the level of detail provided, however if retained, should reference Bates Smart as the supervising architect.

Condition 10 – Updated to reference the Waste Management Plan prepared by Traffix Group.

Condition 11 – Should be amended to remove reference to the communal terraces.

Condition 19 – We consider this condition should be deleted given the potential for amendments in the future that may result in internal floor area reconfigurations. If the condition is to be retained it should be simplified to allocate minimum car spaces to each land use and remove maximum/minimum requirements for the different dwelling typologies (i.e. 2, 3 or 4 bedroom dwellings).

**Figure 3.3:**

3D perspective of proposed development looking north from Park Street





## 4 Planning Controls:

Planning Policy Framework	
<b>Clause 11.01-1S</b>	Settlement
<b>Clause 11.02-1S</b>	Supply of Urban Land
<b>Clause 11.03-1S</b>	Activity Centres
<b>Clause 15.01-1S</b>	Urban Design
<b>Clause 15.01-2S</b>	Building Design
<b>Clause 15.01-4S</b>	Healthy Neighbourhoods
<b>Clause 15.02-1S</b>	Energy and Resource Efficiency
<b>Clause 17.01-1S</b>	Diversified Economy
<b>Clause 17.01-2S</b>	Innovation and Research
<b>Clause 17.02-1S</b>	Business
<b>Clause 18.02-1S</b>	Sustainable Personal Transport
<b>Clause 18.02-2S</b>	Public Transport
<b>Clause 18.02-2R</b>	Principal Public Transport Network
<b>Clause 18.02-4S</b>	Car Parking
Local Planning Policy Framework	
<b>Clause 21.01</b>	Vision and Approach
<b>Clause 21.02</b>	Municipal Context and Profile
<b>Clause 21.03-1</b>	Ecologically Sustainable Development
<b>Clause 21.04-2</b>	Land Use - Activity Centres
<b>Clause 21.04 -3</b>	Office and Mixed Activity Areas
<b>Clause 21.05-2</b>	Urban Structure and Character
<b>Clause 21.05-3</b>	Urban Design and the Public Realm

<b>Clause 21.06-7</b>	St Kilda Road North Precinct
<b>Clause 22.06</b>	Urban Design Policy for Non-Residential and Multi-Residential Development
<b>Clause 22.12</b>	Stormwater Management (Water Sensitive Urban Design)
<b>Clause 22.13</b>	Environmentally Sustainable Development
<b>Statutory Planning Controls</b>	
<b>Mixed Use Zone</b>	<ul style="list-style-type: none"> <li>— Pursuant to <b>Clause 32.04-2</b>, “Dwelling” is “Section 1 – no permit required” land uses. An office that exceeds 250sqm and a retail (food and drink) space that exceeds 150sqm are in Section 2 – ‘Permit Required’.</li> <li>— Pursuant to <b>Clause 32.04-9</b>, a permit is required to “<i>construct a building or construct or carry out works for a use in Section 2</i>”.</li> <li>— Pursuant to <b>Clause 32.04-6</b>, a permit is required to <i>construct two or more dwellings on a lot</i>,</li> <li>— An apartment development of five or more storeys, excluding a basement, must meet the requirements of Clause 58.</li> <li>— However, Clause 58 does not apply to an application for a planning permit lodged before the approval date of Amendment VC136. This also applies to an application for an amendment of a permit under section 72 of the Act, if the original permit application was lodged before the approval date of Amendment VC136.</li> <li>— In this instance, the original permit application was lodged before the approval date of Amendment VC136 and therefore Clause 58 does not apply to this application.</li> </ul>
<b>Design and Development Overlay – Schedule 26-Precinct 2</b>	<ul style="list-style-type: none"> <li>— Pursuant to <b>Clause 43.02-2</b>, a permit is required to “<i>construct a building or construct or carry out works</i>”.</li> <li>— Pursuant to <b>Schedule 26</b> of the <b>DDO</b>, the subject site is located within “Sub-precinct 2”, which relates to the Northwest Corner area and specifies a number of building design requirements.</li> <li>— This includes a mandatory maximum height of 60 metres and a discretionary maximum height of 18 metres for the podium level. A discretionary 5 metre setback above podium level is also included.</li> <li>— An assessment against the relevant design guidelines is contained in <b>Section 5.2</b> of this report.</li> <li>— Pursuant to the provisions at Section 7.0 of Schedule 26 to the DDO, notice of an application to construct a building or construct or carry out works exceeding the maximum development height requirements specified under Clause 3.2, 3.5 and 3.6 to this schedule must be given in accordance with Section 52(1)(c) of the Planning and Environment Act 1987 to The Shrine of Remembrance Trustees as specified in the Schedule to Clause 66.06. <u>As the proposal includes an overall height in accordance with the relevant height provisions for Sub-precinct 2, the application is exempt from notice and review pursuant to the overlay controls.</u></li> </ul>

Particular Provisions	
<b>Clause 52.06 – Car Parking</b>	<p>The car parking Table under <b>Clause 52.06-5</b> prescribes the number of car parking spaces required having regard to the activities on the land. We note that the car parking rate is under Column B due to the site's location in the PPTN. Rates are as follows:</p> <ul style="list-style-type: none"> <li>o Dwelling: 1 space for each two-bedroom dwelling, 2 spaces for each three or more-bedroom dwelling.</li> <li>o Office: 3.5 spaces per 100sq.m of net floor area.</li> <li>o Retail (or shop): 4 car spaces per 100sq.m of leasable floor area.</li> </ul> <p>A total of 159 car spaces have been provided throughout the basement levels. We note that the existing planning permit already allows for an overall reduction in car parking spaces.</p> <p>We defer to the Traffic Impact Report prepared by Traffix Group with respect to car parking provision between the various land uses provided for onsite.</p> <p>Pursuant to Clause 52.06-4, an application under Clause 52.06-3 is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act if:</p> <ul style="list-style-type: none"> <li>— The application is only for a permit under Clause 52.06-3; or</li> <li>— The application is also for a permit under another provision of the planning scheme and in respect of all other permissions sought, the application is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act.</li> </ul>
<b>Clause 52.34 – Bicycle Parking</b>	<p>A new use must not commence, or the floor area of an existing use must not be increased until the required bicycle facilities and associated signage has been provided on the land.</p> <p>The bicycle parking Table under <b>Clause 52.34</b> prescribes the number of bicycle parking spaces required having regard to the activities on the land as follows:</p> <ul style="list-style-type: none"> <li>o Dwelling: In developments of four or more storeys, 1 to each 5 dwellings and 1 visitor space to each 10 dwellings</li> <li>o Office: 1 to each 300sq.m of net floor area if the net floor area exceeds 1000sq.m, and 1 visitor space to each 1000sq.m of net floor area if the net floor area exceeds 1000sq.m.</li> <li>o Retail: 1 to each 300sq.m of leasable floor area, and 1 visitor space to each 500sq.m of leasable floor area.</li> <li>o Pursuant to Tables 2 and 3, if 5 or more employee bicycle spaces are required, 1 shower for the first 5 employee bicycle spaces, plus 1 to each 10 employee bicycle spaces thereafter. One change room is also required for each shower provided.</li> </ul> <p>The proposal provides a total of 145 x bicycle spaces in the basement levels, which exceeds the numerical requirements of <b>Clause 52.34</b> for bicycle parking.</p> <p>A permit may be granted to vary, reduce or waive any requirement of this clause.</p>

<b>Clause 53.18 – Stormwater Management in Urban Development</b>	This clause applies to an application to construct a building, noting none of the exemptions apply for this application. We defer to the ESD Report prepared by Sustainable Development Consultants Pty Ltd for further information in this regard.
General Provisions	
<b>Clause 65 – Decision Guidelines</b>	‘Decision Guidelines’ states that, before deciding on an application, considerations should be given to a series of matters including the purpose of the zone, overlay or other provision, the orderly planning of the area and the effect on the amenity of the area.

## 5 Planning Considerations:

The key planning related considerations in the assessment of this amended application are considered to be:

1. Is the proposed amendment consistent with the strategic direction of the planning scheme?
2. Are the amended built form outcomes appropriate to the site context?
3. Will the new design and layout have appropriate amenity outcomes?
4. Is the amended proposal appropriate having regard to traffic, parking and waste?
5. Does the amended proposal retain reasonable equitable development opportunities?
6. Are the existing conditions of permit appropriate?

### **Is the proposed amendment consistent with the strategic direction of the Port Phillip Planning Scheme?**

Since the issue of the Amended Planning Permit in 2018, there have been very limited changes to planning policy or strategies under the Port Phillip Planning Scheme that affect this site.

State and Local Planning Policy continues to encourage the concentration of major retail, residential, commercial, administrative, entertainment and cultural developments into activity centres that are highly accessible to the community. This position is strengthened through the site's accessibility to a range of services and amenities including the future ANZAC station located within walking distance of the site.

Importantly, the planning controls including the Mixed-Use Zone and Design and Development Overlay Schedule 26 continue to affect the land with the key purposes, objectives and decision guidelines remaining largely unchanged.

There have, however, been a number of changes to the mandatory and discretionary requirements under the DDO26 and specifically for Precinct 2. These are discussed and assessed in the next section of our report.

The following provides an overview and assessment of the amended proposal against the current policy framework:

#### **Planning Policy Framework (PPF)**

The PPF continues to encourage urban consolidation to take advantage of existing settlement patterns and infrastructure provision. The provision of a diversity of well-located office/commercial floor space, within close proximity to main roads, proximate to activity centres, community services and public transport remains at the forefront of the policy agenda. Specifically:

- **Clause 11.02-1S** seeks to ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses.
- **Clause 15.01-2S** seeks to achieve building design outcomes that contribute positively to the local context and enhance the public realm.
- **Clause 17.01-1S** seeks to strengthen and diversify the economy through facilitating growth in a range of employment sectors.
- **Clause 17.02-1S** seeks to encourage development which meet the communities' needs for retail, entertainment, office and other commercial services and provides net community benefit in relation

to accessibility, efficient infrastructure use and the aggregation and sustainability of commercial facilities.

In addition to the above, there continues to be general recognition that by focusing a substantial proportion of new employment focused development in and around activity centres that have good access to the principal transport network, this will help to reduce car trips; maximise the efficient use of infrastructure and reduce the pressure for land at the fringes of the metropolitan area.

The amended development which incorporates a mix of residential, office and retail uses will continue to assist in:

- Facilitating increased housing in established areas to create a city of 20-minute neighbourhoods close to existing services, jobs and public transport.
- Providing commercial uses that can service the needs of the local community and provide new employment opportunities to the area;
- Increasing the local employment population base that supports activity centres, local businesses, schools, community centres and the like; and
- Encouraging walking, cycling and public transport as viable transport alternatives whilst still ensuring the development is fully self-sufficient with car parking.

As such, we consider the subject site continues to be entirely appropriate for a mixed use development of this scale given the sites strategic context and the overall design of the proposal.

### **Local Planning and Policy Framework (LPPF)**

In our view, the amended proposal continues to enjoy the strategic support of the MSS of the Port Phillip Planning Scheme. The subject site is located within the St Kilda Road North Precinct with close proximity to a number of tram routes, the future ANZAC train station and the South Melbourne Major Activity Centre. It also has a lack of sensitive interfaces.

**Clause 21.04-2** (Activity Centres) seeks to maintain and enhance a network of sustainable and viable activity centres. This is to be done through supporting land uses which contribute to Major Activity Centres being self-sufficient in the provision of daily and weekly retail goods and personal services to the local community. The provision of a new mixed use development within the St Kilda Road North Precinct and within close proximity to the South Melbourne Central Major Activity Centre will positively contribute to the services that the activity centre provides to the local community and will offer increased employment opportunities to the area.

**Clause 21.04-3** (Office and Mixed Activity Areas) outlines ensure new uses support the future strategic role and function of the office and mixed activity areas. It is considered the proposed development can readily accommodate such uses which is demonstrated by the application plans put forward which includes two functional ground level retail tenancies and a combined total of 5076sq.m office floor space in the podium levels above.

The significant increase in office space compared to the approved scheme is also consistent with the overarching strategy for activity centres which seeks to ensure employment-generating uses are fostered and located above ground level.

We also say that the retail premises (food and drink) are of a size and scale that is appropriate to the area and will not compete with the primary retail function of any adjacent major activity centre and will not adversely impact on the amenity of adjoining areas, including car parking impacts.

Overall, the nature and intensity of office and commercial activity proposed is appropriate to this location.

The proposal will continue to assist in achieving the local strategies identified in **Clause 21.06-7** (St Kilda Road North Precinct) through a high quality architecturally designed building that is appropriate to its context. It will assist in the development of this area as a vibrant inner urban mixed-use area through the provision of a range of housing typologies including larger dwellings suited to family households and people working from home and universally accessible dwellings and accommodation suited to older people and people with limited mobility moveable walls and flexible spaces.

The amended development also provides for an active streetscape at ground floor through the provision of a retail (food and drink) uses across much of the Park and Wells Street frontages. This will ensure a high level of activation and amenity within the public realm.

The proposed uses will further assist in strengthening the ongoing operation and growth of the St Kilda Road North Precinct and more generally, the South Melbourne Central Major Activity Centre to the site's west.

The overall height of the building remaining under the prescribed height of the DDO for this precinct at 60 metres will reinforce the primacy of St Kilda Road by ensuring development provides a gradual visual and physical transition from the higher scale development of St Kilda Road across the sub-precinct to Kings Way.

### Zone Provisions

The principal planning control affecting the review site is the **Mixed Use Zone**. The relevant "purposes" of this zone are:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To provide for a range of residential, commercial, industrial and other uses which complement the mixed-use function of the locality.*
- *To provide for housing at higher densities.*
- *To encourage development that responds to the existing or preferred neighbourhood character of the area.*
- *To facilitate the use, development and redevelopment of land in accordance with the objectives specified in a schedule to this zone.*

The proposed height and scale which is retained at just under 60 metres is considered compatible with other buildings within the surrounding area and is consistent with the envisaged scale of future development for the area as outlined within **DDO26**, noting that these are mandatory height requirements. The overall height is also complimentary to the range of buildings that have been recently approved in the area and the overall preferred character of the precinct.

The proposal will also continue to assist in providing a strong mix of residential and commercial uses to complement the mixed-use function of the locality.

We note that pursuant to the Table in the Mixed Use Zone at **Clause 32.04-2**, 'office' with a leasable floor area above 250sqm and 'retail (food and drink premises)' with a leasable floor area exceeding 150 square metres are both 'Section 2 – Permit required' land uses. A dwelling is as of right or 'Section 1 Use – No Permit Required'.

We say that the proposed land uses (both in type and scale) are entirely appropriate in this location as outlined in the assessment above.

## Contextual Issues

The specific context of the site is such that it represents an excellent opportunity for the establishment of a high-quality mixed-use development of the nature proposed. Specifically, we note:

- It is located within the core of a **Mixed Use Zone** area and is within the St Kilda Road North higher density residential and mixed use enclave;
- The existing use of the site is for the purpose of commercial office;
- There are no “sensitive” residential interfaces;
- The site is well serviced by public transport, with numerous tram/light rail stops and future ANZAC train station within walking distance;
- The site includes vehicular access via Little Bank Street to the immediate north;
- The site is devoid of any meaningful vegetation and is absent of any heritage controls; and
- All services are available on-site.

## Conclusion

The site continues to be proximate to a wide range of services and facilities and in a location where State and Local policy offers a high level of strategic support for the achievement of urban consolidation and employment generating development and land use.

The relevant provisions of the Planning Scheme continue to provide for strong strategic support for an appropriately designed mixed-use development on this site, and that this should weigh in favour of the proposal and inform other relevant considerations.

## Are the amended built form outcomes appropriate to the context?

We say that the amended design and layout of the proposal will result in a significant improvement to the development to be delivered on this site. It will also provide for a high-quality architectural outcome that will set a strong precedent for future built form in the immediate precinct.

The proposal seeks to largely utilise the approved building footprint under the existing planning permit. This includes the general form of the podium and the tower element including the existing 2.2 metre setback at ground and first floor level of the podium to Little Bank Street. The key changes sought through this amendment include:

- Increase the floorplate of Levels 2-4 of the podium level to the northern boundary (built to Little Bank Street) and to the extent of the western boundary.
- Decrease the tower setback to 4.5 metres from the centre of Little Bank Street.

It is also proposed to:

- Relocate all car parking to basement configuration of five levels and remove from the podium element.
- In doing so, increase the extent of office floorspace from 1190sqm to 5076sqm net floor area.
- Improve the extent of active retail space at ground floor and reduce the extent of services and plant equipment along Park and Wells Street.



Beyond the direction of state and local policy that seeks a higher scale of buildings in this area, DDO26 remains the key planning control and direction for built form outcomes on this site.

Broadly, the DDO sets out a mandatory 60 metre height control for this site as well as a discretionary 18 metre height control for the podium and 5 metre setbacks for the tower component.

Amendment C154 was introduced to the Planning Scheme on 24 January 2019. It updated Schedule 26 to the Design and Development Overlay (DDO26) to clarify the operation of certain existing controls (track change version included in **Appendix D**). Specific to the consideration of this application, DDO26 was altered to include:

- For precincts 1, 2 and 3, development **'should'** instead of **'must'** be setback a minimum of 4.5 metres from common side and rear boundaries or the boundary with a lane and at least 9 metres from existing towers. For the precinct it also included the removal of the requirement that 'a permit may not be granted to construct a building or construct or carry out works which are not in accordance with this requirement unless allowed by clause 4.0 of this schedule in relation to the above requirement'.
- Removal of 'where new development abuts a lane less than 3.5 metres in width, a setback of at least 2.2 metres from the boundary with the lane must be provided at ground level and level one'. It also deleted 'a permit may not be granted to construct a building or carry out works which are not in accordance with this requirement unless allowed by clause 4.0 of this schedule' relating to this requirement.
- New residential development **'should'** instead of **'must'** have access to onsite communal or private open space in the form of rooftops, podiums, balconies or courtyards.
- New buildings **'should'** instead of **'must'** provide internal and on-site loading facilities and onsite service vehicle parking at the rear of buildings to minimise disruption of traffic or pedestrian access and avoid laneway congestion.
- Development with a direct frontage or abuttal to any road, excluding lanes and Kings Way, **'should'** instead of **'must'** be built to the boundary, and not exceed 18 metres in height within 5 metres of any street frontage.
- At Section 4, amended to say a permit may be granted to allow the construction of minor buildings and works within the area of a setback required by this schedule, such as reskinning or recladding of an existing building, sunshades or architectural features on the exterior of the building.

We also note that the transitional arrangements also apply with relation to considerations under Clause 58 of the Port Phillip Planning Scheme as the original permit application was lodged before the approval date of Amendment VC136. Nevertheless, the architect has responded to key directions, particularly in relation to the amended building's architectural response, amenity outcomes and internal functionality. An assessment of these key considerations is included at **Appendix F**.

Having regard to the above and the physical context of the site and giving due consideration of the overarching-built form objectives contained within the Port Phillip Planning Scheme, we consider the amended design represents a high-quality architectural addition to the local built environment in terms of the site layout, design and built form.

Importantly, the proposed building seeks only minor variations to the approved building form. We say that given the limited changes to policy direction and the applicable controls, the development is entirely contextual and appropriate in its amended form. We also say that the variations to the most recent approval is highly reflective of the building layouts recently approved within this Precinct of the DDO26, including setbacks.

### **Planning Policy Framework response**

Generally, the amended proposal responds well to the broader strategic vision of the PPF in relation to built form given:

- The development continues to positively contribute to the strategic and cultural context of the St Kilda Road North Precinct by presenting an architecturally designed building which is appropriate in scale and design and that will make a positive contribution to the mixed-use precinct.
- The proposal will promote ecologically sustainable development using industry standards and environmental performance assessment tools as described in the ESD Report prepared by Sustainable Development Consultants (Clause 21.03).
- The building incorporates a distinctive and consistent street edge to Park and Wells Street which responds to the envisaged human scale and height of the surrounding St Kilda Road North Precinct (Clause 21.06-7). The removal of car parking from the podium level will improve the portion of the building as it presents to Wells Street by introducing visible office floor space that adds to visual interest and architectural quality. It will also increase passive surveillance over the street and rear lane.
- The existing context combined with the height and siting of the amended development will ensure that views are retained through to the Shrine of Remembrance (Clause 21.06-7).
- The proposed landscaping as detailed in the plans prepared by John Patrick Landscape Architects ensures the overall development positively contributes to the preferred landscape character of the precinct (Clause 21.06.7). The terraces at Level 5 are to incorporate planters/planting which will cascade down the building's front façade). Furthermore, we note that the balconies will provide improved internal amenity for the future occupants and a visually appealing design detail when viewed from the public realm as part of the overall design of the facade.
- The proposed ground floor level has been appropriately designed to ensure that it provides a more extensive "active" frontage through thoughtful design which will draw in passers-by.
- The modern contemporary design of the proposal incorporates a range of detailed design elements that draw on those of the more recently constructed or approved developments within the surrounding area. The design will further ensure that the proposal will largely maintain the relatively fine-grained subdivision pattern in building design, massing, modulation and facade articulation.
- The development utilises Little Bank Street for vehicular access and for loading opportunities. This will minimise any potential visual impacts associated with access/loading/car parking.
- The relocation of car parking provided at basement level will ensure that car parking does not dominate the streetscape or obscure views. It also ensures that car parking screening does not feature as part of the podium component, allowing for more functional and flexible office in this element of the building.

**Figure 5.1:**

3D perspective of proposed podium level along Wells Street.



- The overall height and scale of the building is consistent with the height of a number of recently constructed developments within the surrounding area as well respecting the form and scale of the older building stock that has not yet been developed. Importantly, all building height comply with the mandatory built form requirements of **DDO26-2** (see below).

#### **Design and Development Overlay – Schedule 26-2**

As stated, the key design policy for a new development on the subject site is the **Design and Development Overlay – Schedule 26-2**, which relates to the St Kilda Road North Precinct.

As discussed, Amendment C154 modified DDO26 by changing the terminology used to express discretionary controls by replacing the verb ‘must’ with ‘should’. It also made minor changes to wording to clarify the intent of certain requirements that were causing confusion in their interpretation.

Firstly, **DDO26** includes a number of design objectives and built form requirements that new development must give appropriate regard to. ‘Precinct 2’ includes the following “objectives”:

- *To ensure that new development creates a vibrant residential and mixed-use environment, through an increased scale and density of development.*
- *To reinforce the primacy of the St Kilda Road boulevard by ensuring development provides a gradual visual and physical transition from the higher scale development of St Kilda Road, across the Sub-Precinct to Kings Way.*
- *To ensure that development provides for a fine grain character in the form and articulation of new buildings.*
- *To create a high-quality public realm through additional tree planting and maintaining access to sunlight along the key pedestrian streets of Bank and Park Streets.*
- *To improve the streetscape environment of Kings Way through high quality-built form and consistent landscaped setbacks.*
- *To ensure the development in Kings Way creates a landscaped boulevard through high quality architectural design and a landscaped public realm interface.*

- *To ensure that podium design and heights create and reinforce a 'human scale' to provide visual interest and activity for the pedestrian at street level along Kings Way.*
- *To improve the streetscape environment of the Northwest Corner Sub-Precinct through high quality-built form.*
- *To ensure that buildings are scaled to maintain a respectful setting and backdrop for the Shrine of Remembrance.*

It is considered that the amended proposal satisfies the above objectives as follows:

- It provides for a strong mix of land uses including retail (food and drink premises) at ground level, office in the balance of the podium and residential apartments within the tower component. This will ensure the development continues to create a vibrant residential and mixed-use environment, through an increased scale and density of development.
- The amended building height is consistent with the heights identified for the sub-precinct, ensuring that the development achieves an appropriate transition in height from St Kilda Road to other sub-precincts (north and south).
- The building is designed to incorporate extensive vertical elements and a range of other design techniques and provides for a fine grain character in its form and articulation.
- An existing condition of permit will maintain a high-quality public realm through landscaping and maintaining access to sunlight where possible along Park Street.
- The proposed street wall is reflective of the heights sought by the sub-precinct and will ensure that a consistent street edge is achieved when adjoining properties are developed in the future. It is also generally consistent with the approved podium height (slight increase of around 200mm overall).
- Will ensure a high level of active frontage and streetscape environment along Wells and Park Street and maintain a safe clearance along Little Bank Street.
- The building will continue to have no impact on the Shrine of Remembrance.

In addition to the above, **DDO26** includes a number of “general requirements” that apply to new or amended developments. Overall, it is considered that the proposal satisfies the relevant requirements as follows:

#### DESIGN QUALITY

- The proposal has been designed to ensure that the development presents to both Park and Wells Street as an innovative and aesthetically pleasing building that will make a positive contribution to the wider precinct and emerging character of the streetscape.
- The amended building is designed to ensure a high level of vertical articulation is achieved in order to minimise visual bulk and to create a high-quality architectural response and aesthetically pleasing building as viewed from the public realm.

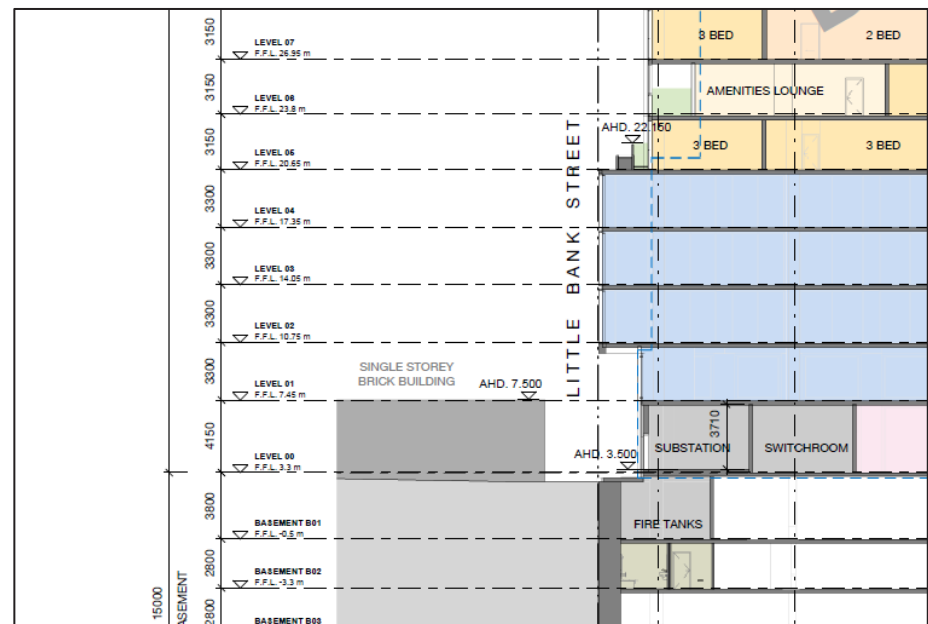
#### SEPARATION DISTANCES / SIDE AND REAR SETBACKS

- Sub-precinct 2 includes a discretionary setback of 4.5 metres above the podium height from the side boundaries.
- This setback is achieved along the western boundary, ensuring consistency with the design guideline.

- The revised setback of the tower 4.5 metres from the middle of Little Bank Street will ensure a minimum 9 metres from any future tower on the property to the north.
- Amendment C154 deleted the need for a setback of at least 2.2 metres from the boundary with Little Bank Street (at ground and first floor). Nevertheless, the design of the podium level will continue to maintain the existing 2.2 metre setback at ground and first floor along the Little Bank Street. This is to ensure safe and efficient access is maintained for vehicles and pedestrians along this interface.
- It is however proposed to extend the podium at Levels 2 to 4 to the Little Bank Street. This will ensure an appropriate upper street wall to Little Bank Street while maintaining the 2.2 metre clearance at ground and first floor. This will continue to allow for equitable development rights in the event that the property to the north is developed in the future.

**Figure 5.2:**

Interface of the proposal to the northern elevation (Little Bank Street)



#### STREET WALL / PODIUM LEVEL

- As noted earlier, 'Precinct 2' includes an maximum overall height requirement of 18 meters. Amendment C154 clarified that this requirement was discretionary.
- The amended design generally replicates the existing form of the podium along Park and Wells Street with a negligible increase in street wall height from 18.4 to 18.65. It therefore generally accords with the approved podium form and ensures it achieves the envisaged human scale and presentation envisaged by the DDO.
- All levels include windows with an outlook toward all streets. This will ensure that adequate passive surveillance opportunities are achieved to the public realm.
- All car parking has been relocated to five basement levels and removes car park screening that was included in the approved podium along Wells Street. This ensures that car parking features are hidden from the key areas of the public realm do not dominate the streetscape.



**Figure 5.3:**

Active frontage along Park Street



#### ACTIVE FRONTAGES

- The amended proposal includes a significant increase in the extent of active retail frontages from the approved form, particularly along Park and Wells Street. This will be in excess of 60% along both street frontages.
- Despite slight recesses, pedestrian entrances to the office and residential lobbies open directly onto the street, as a key feature of the façade on Park and Wells Street. They are also designed to encourage activity and interest both within and external to the building.
- Car parking has been relocated to a full basement arrangement which ensures that it will not disrupt or impact upon streetscape views. Further, the proposal seeks to provide access to the basement via Little Bank Street.

#### TOWER DESIGN AND INTERNAL AMENITY

- The amended tower element is designed to incorporate significant vertical articulation, reducing the opportunity for perceived visual bulk.
- Appropriate setbacks have been included to ensure that daylight penetrates through to the street and adjoining buildings.
- A focus of the redesign of the building is to provide for highly functional and usable areas of private open space, reducing the reliance on communal open space. Nevertheless, the proposal incorporates internal communal spaces in the form of a communal dining/bar area and gymnasium and a 29sqm outdoor terrace.

#### BUILDING SERVICES

- Waste materials and services are located at basement level in order to ensure that they do not impact upon any views when viewed from the public realm. Further, all waste is to be collected on-site by a private contractor. We defer to the Waste Management Plan prepared by Traffix Group for further information.
- Building services are provided throughout the building including the rooftop level. These areas are designed to be sited centrally on the roof where it will have minimal visual impact from the streetscape.

#### VEHICLE ACCESS AND CAR PARKING

- As outlined earlier, all car parking areas will be provided at basement levels and are accessed via the ramp from Little Bank Street to the immediate north of the subject site. This will ensure that there are no visual impacts associated with car parking features.
- The basement levels are also designed so that they can be retrofitted in the future if necessary.

- Loading facilities are provided at ground level and will be directly accessible from Little Bank Street. It will service vehicles up to 6.4 metre Small Rigid Vehicle.
- For details with respect to the access and maneuverability of the car parking and loading we defer to the Traffic Impact Report prepared by Traffix Group.

In addition to the above “general requirements”, the DDO includes a number of requirements that are specific to “Precinct 2”. Overall, the proposal satisfies these requirements as follows:

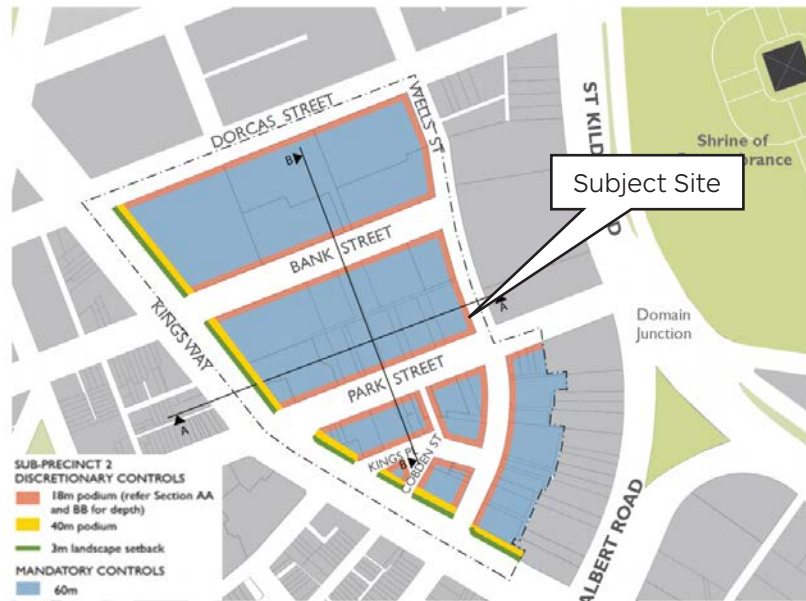
- The proposal includes a street wall height of 18.85 metres. The overall height is generally consistent with the discretionary height requirements of the DDO relative to the subject site and almost identical to the approved form. The podium street wall will ensure a human scale to the public realm and is designed to provide for a very high level of visual interest.
- The proposal sits slightly under the overall maximum building heights of 60 meters (at 60 metres).
- The podium wall follows the regular pattern of the street boundary.
- The amended design will not result in any further overshadowing of the southern footpath of Park Street when measured between 10am and 2pm at the Equinox.
- The vertical detailed design of the podium and tower will reinforce the fine grain pattern of the Sub-Precinct.

**Figure 5.4:**

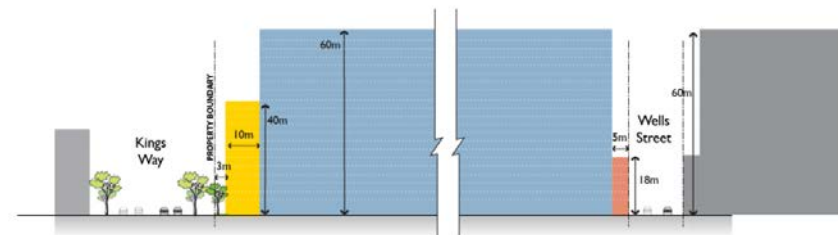
Precinct map for DDO26-2

**Sub-Precinct 2 - North-West Corner**

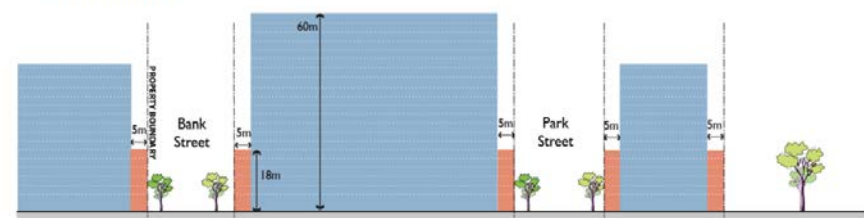
**Map 3: Built Form and Setback Requirements: Sub-Precinct 2**



**Cross Section AA**



**Cross Section BB**



Overall, it is considered that the amended proposal very closely aligns with the approved form and has been designed in accordance with both the general and specific design guidelines applicable to the subject site.

The development will make a very positive contribution to the public realm and will provide a new mixed-use offering for the wider area and will result in an improved architectural outcome with a higher level of internal and external amenity.

**Assessment against relevant Local Policies**

**Clause 22.06** (Urban Design Policy for Non-Residential Development and Multi-Unit Residential Development) applies to all new non-residential development and includes a number of requirements. An assessment against these requirements is provided at [Appendix C](#).



**Clause 22.12** (Stormwater Management); **Clause 22.13** (Environmentally Sustainable Design); and **Clause 53.18** (Stormwater Management in Urban Development) require the submission of reports outlining how the application achieves the objectives of these policies, a site management plan, and maintenance program.

A Sustainability Management Plan and Water Sensitive Urban Design Assessment has been prepared by Sustainable Development Consultants Pty Ltd for the proposed development.

## **Will the proposal have appropriate amenity outcomes?**

The changes to the design and layout of the proposal will have a significant positive affect on the external and internal amenity of the development through:

- Removal of car parking from the podium level.
- Improved active frontages along Wells and Park Streets.
- Improved passive surveillance over the public realm.
- More functional and rational floor layouts including for the apartments.
- Higher quality architectural detailed design including improved material and finish selection.
- Improved response to car parking provision and loading facilities.

### **External Amenity**

As discussed previously, the site is located within an existing mixed use that does not include any residential/sensitive interfaces within its immediate context.

Given the site's abuttal of street interfaces along the southern, eastern and northern boundaries and the adjoining and abutting land is used/developed for commercial purposes, it is considered that there are no potential external amenity impacts to the nearby properties as a consequence of the proposed development.

The proposed separation of the building from the western boundary and the centre of Little Bank Street will also ensure that there is a minimum 9 metre separation between the proposed building and future opposing towers. This removes the need for any screening to be provided within the building and will ensure no unreasonable overlooking opportunities in the future.

As discussed in detail below, the proposal includes the construction of a blank wall on boundary to the west, which ensures that appropriate equitable development opportunities are achieved between the subject site and abutting land.

A desktop wind analysis has been undertaken by RDWI consultants who considered the overall design of the proposal appropriate to ensure acceptable wind conditions in the public realm. Please refer to the report for more detail and assessment.

### **On-Site Amenity**

As discussed previously, the amended development will provide for a significant increase in the on-site amenity of future residents and occupants of the building. This will be achieved by a more functional and rational layout of the development overall, with specific attention to the proposed apartments within the tower component of the building. The removal of car parking from the podium will have a positive impact on the

ability to deliver flexible office space that maximises outlook and daylight penetration.

The amended proposal includes clear pedestrian entry point for the residential component to Wells Street and a separate entry for the offices to Park Street. Vehicular access is provided via Little Bank Street and the additional setback at the ground and first floor levels. The overall design is to ensure personal safety, security and a high level of amenity along the street and to users of the laneway.

The high levels of glazing at ground level along Park and Wells Street (and from Levels 2 and above along Little Bank Street) ensures that the development has good access to natural light across each of its levels. This will be achieved partly by large floor to ceiling height windows for the office levels. This will be further complemented through a number of balconies for the dwellings that will have outlook towards the street and beyond toward Albert Park for the dwellings in the residential component of the tower.

The amended proposal will also incorporate a communal gym, co-working space and lounge area for the residential component of the building. These high-quality communal open space areas will provide functional and weather protected spaces for the future occupants.

Dwellings are designed to incorporate a high level of amenity through functional and spacious design with most of the apartments have dual street outlook. While not technically applicable to the consideration of the amended design, the proposal has also been designed to provide compliance with the key internal amenity considerations under BADS (Clause 58) including accessibility, building entry, private open space and storage. An assessment of the proposal against these Standards are included at Appendix F.

The wind report suggests with the inclusion of the proposed development was found to result in a minimal impact to the surrounding wind conditions. It also found that the wind conditions at the Level 5 terrace, on the roof, and on balconies were found to be comfortable for the intended use throughout the year with no safety exceedance.

Finally, the provision of 145 x bike parking spaces and excellent EOT facilities which include both male and female amenities with will also add to the overall amenity of the development and will ensure that sustainable methods of transport are adequately catered to.

### **Is the amended proposal appropriate having regard to traffic, parking and waste?**

We defer to the 'Traffic Impact Report' with respect to all matters relating to traffic, parking and the 'Waste Management Report' with regard to the proposed waste storage and collection procedures. Both of these are prepared by Traffix Group.

A number of existing conditions of permit relate to car parking and traffic and these have been raised and assessed below.

### **Does the amended proposal result in reasonable equitable development opportunities?**

Appropriate consideration needs to be given to ensuring that the proposed building reasonably allows for equitable development of adjoining sites to occur in due course (i.e. access to daylight, sunlight, and reasonable separation for overlooking etc.).

Significantly, the subject site is located within an emerging, high density mixed-use precinct and is absent of any sensitive interfaces (i.e. commercially zoned and developed land to the west and north, with Wells and Park Streets to the south and east respectively).

It is reasonable to expect that the properties to the sites immediate north and west will be similarly developed over time given their strategic locations and the aforementioned strategic directives for the area, noting that they are affected by the same planning controls. As such, the proposal is appropriately designed in order to ensure that the adjoining properties will not be unreasonably impacted upon and will have equitable development opportunities.

This is achieved through the design response providing blank walls along the western podium wall, absent of any windows or openings.

For the tower component, the building proposes a 4.5 meters setback to the western boundary and 4.5 metre setback to the middle of Little Bank Street to ensure a clear 9 metre setback of towers to both of these interfaces. As previously discussed, a number of recently approved developments in the area have included a similar setback arrangement of 4.5 meters from the middle of the laneway for the tower component.

Adjoining sites can therefore be developed to their maximum potential with shared or common walls on boundary resulting between these two sites. Therefore, equitable sharing of development potential between the subject site and the adjoining land to the north and west is appropriately achieved in this context.

### **Are the existing conditions of permit appropriate?**

As previously discussed, it is sought to amend a number of conditions of the existing planning permit. These changes reflect some of the alterations proposed in the overall layout and design and refer to the appropriate technical reports required with the submission of the application.

We consider the changes outlined in the proposal section of the report are appropriate given:

- There are no further changes required to the plans and therefore Condition 1 can be deleted.
- We challenge the need for this condition 5 to remain on the planning permit as there will be a requirement that the design and materials used in the construction of the building be aligned with those approved and endorsed in the event of the amended planning permit be issued. Any change to the materials and layout of the proposal would need approval. However, if the condition is to be retained, it should reference Bates Smart as the supervising architect.
- Appropriate references to the technical report to be endorsed will need to be updated as these have changed.
- The proposal provides a 29sqm communal open terrace on Level 6. The amended proposal includes more focus on creating higher quality and more functional areas of POS to compensate for this.
- Finally, we consider Condition 19 should be deleted given that this may compromise future amendments to the proposal resulting from internal floor area reconfigurations. If the condition is to be retained, it should be simplified to allocate minimum car spaces to each land use and remove maximum/minimum requirements for the different dwelling typologies (i.e. 2, 3 or 4 bedroom dwellings). The condition in its current form is very restrictive and

does not necessarily reflect the demand for car parking each land use would likely have as part of the amended proposal.

## 6 Conclusion:

### Conclusion

The amended proposal is a significant improvement in terms of design and layout and will deliver a high-quality architectural outcome that sets a strong precedent for future development in the area. It is also designed to respond well to the overarching and specific strategic direction included in the Design and Development Overlay – Schedule 26 as well as the recent changes to discretionary built form requirements that have been included as part of Amendment C154.

The amended development presents a site responsive design that has appropriate regard to the site's specific interfaces and will not result in any unreasonable amenity impacts to the adjoining or adjacent properties.

The overall height of the amended building also continues to respond to the scale of the existing streetscape and will ensure that the building sits comfortably within both Park and Wells Street (again, noting compliance with DDO26-2 controls).

The amended proposal provides onsite bike parking and EOT facilities in excess of the requirements of the planning scheme and an appropriate level of car parking given the site's excellent connectivity with a range of public transport and commercial services in the area.

In our view, the overall development will be a significant improvement to the approved scheme and will contribute significantly to the local economy both in local business and employment. It will also help to meet the demand for new housing in the precinct and wider municipality.

For all the reasons contained in this report it is respectfully requested that the amended application is supported.

**Ratio Consultants Pty Ltd**

## Appendix A : Certificate of Titles

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REGISTER SEARCH STATEMENT (Title Search) Transfer of Land Act 1958

VOLUME 08885 FOLIO 777

Security no : 124088958518M  
Produced 29/03/2021 11:05 AM

LAND DESCRIPTION

Crown Allotment 19 Section 99, Crown Allotment 20 Section 99 and Crown Allotment 21 Section 99 City of South Melbourne Parish of Melbourne South.

PARENT TITLES :

Volume 03776 Folio 032      Volume 08677 Folio 292

Created by instrument D969637 24/02/1971

REGISTERED PROPRIETOR

Estate Fee Simple

Sole Proprietor

WELLS ST DEVELOPMENTS PTY LTD of 9 PEPPERMINT GROVE TAYLORS HILLS VIC 3037  
AT881009C 17/12/2020

ENCUMBRANCES, CAVEATS AND NOTICES

MORTGAGE AT881010T 17/12/2020

AUSTRALIA PACIFIC MORTGAGE FUND LTD

CAVEAT AU171384A 24/03/2021

Caveator

15 PARK STREET PTY LTD ACN: 086926641

Grounds of Claim

AGREEMENT WITH THE FOLLOWING PARTIES AND DATE.

Parties

THE REGISTERED PROPRIETOR(S)

Date

14/12/2020

Estate or Interest

INTEREST AS MORTGAGEE

Prohibition

ABSOLUTELY

Lodged by

GADENS LAWYERS

Notices to

ANDREW KENNEDY of LEVEL 13 447 COLLINS STREET MELBOURNE VIC 3000

For details of any other encumbrances see the plan or imaged folio set out under DIAGRAM LOCATION below.

DIAGRAM LOCATION

SEE TP775812V FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NUMBER		STATUS	DATE
AT838998F (E)	NOMINATION OF ECT TO LC	Completed	07/12/2020
AT881008E (E)	DISCHARGE OF MORTGAGE	Registered	17/12/2020
AT881009C (E)	TRANSFER	Registered	17/12/2020
AT881010T (E)	MORTGAGE	Registered	17/12/2020
AU171384A (E)	CAVEAT	Registered	24/03/2021

-----END OF REGISTER SEARCH STATEMENT-----

Additional information: (not part of the Register Search Statement)

ADMINISTRATIVE NOTICES

NIL

eCT Control 22763T DWF LAW AUSTRALIA PTY LTD  
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DOCUMENT END

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Security no : 124088958496L  
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LAND DESCRIPTION

Crown Allotment 19 Section 99, Crown Allotment 20 Section 99 and Crown Allotment 21 Section 99 City of South Melbourne Parish of Melbourne South.

PARENT TITLES :

Volume 03776 Folio 032      Volume 08677 Folio 292

Created by instrument D969637 24/02/1971

REGISTERED PROPRIETOR

Estate Fee Simple

Sole Proprietor

WELLS ST DEVELOPMENTS PTY LTD of 9 PEPPERMINT GROVE TAYLORS HILLS VIC 3037  
AT881009C 17/12/2020

ENCUMBRANCES, CAVEATS AND NOTICES

MORTGAGE AT881010T 17/12/2020

AUSTRALIA PACIFIC MORTGAGE FUND LTD

CAVEAT AU171384A 24/03/2021

Caveator

15 PARK STREET PTY LTD ACN: 086926641

Grounds of Claim

AGREEMENT WITH THE FOLLOWING PARTIES AND DATE.

Parties

THE REGISTERED PROPRIETOR(S)

Date

14/12/2020

Estate or Interest

INTEREST AS MORTGAGEE

Prohibition

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DIAGRAM LOCATION

SEE TP775812V FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NUMBER		STATUS	DATE
AT838998F (E)	NOMINATION OF ECT TO LC	Completed	07/12/2020
AT881008E (E)	DISCHARGE OF MORTGAGE	Registered	17/12/2020
AT881009C (E)	TRANSFER	Registered	17/12/2020
AT881010T (E)	MORTGAGE	Registered	17/12/2020
AU171384A (E)	CAVEAT	Registered	24/03/2021

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Additional information: (not part of the Register Search Statement)

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LAND DESCRIPTION

Crown Allotment 19 Section 99, Crown Allotment 20 Section 99 and Crown Allotment 21 Section 99 City of South Melbourne Parish of Melbourne South.

PARENT TITLES :

Volume 03776 Folio 032      Volume 08677 Folio 292

Created by instrument D969637 24/02/1971

REGISTERED PROPRIETOR

Estate Fee Simple

Sole Proprietor

WELLS ST DEVELOPMENTS PTY LTD of 9 PEPPERMINT GROVE TAYLORS HILLS VIC 3037  
AT881009C 17/12/2020

ENCUMBRANCES, CAVEATS AND NOTICES

MORTGAGE AT881010T 17/12/2020

AUSTRALIA PACIFIC MORTGAGE FUND LTD

CAVEAT AU171384A 24/03/2021

Caveator

15 PARK STREET PTY LTD ACN: 086926641

Grounds of Claim

AGREEMENT WITH THE FOLLOWING PARTIES AND DATE.

Parties

THE REGISTERED PROPRIETOR(S)

Date

14/12/2020

Estate or Interest

INTEREST AS MORTGAGEE

Prohibition

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DIAGRAM LOCATION

SEE TP775812V FOR FURTHER DETAILS AND BOUNDARIES

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AT838998F (E)	NOMINATION OF ECT TO LC	Completed	07/12/2020
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AT881010T (E)	MORTGAGE	Registered	17/12/2020
AU171384A (E)	CAVEAT	Registered	24/03/2021

-----END OF REGISTER SEARCH STATEMENT-----

Additional information: (not part of the Register Search Statement)

ADMINISTRATIVE NOTICES

NIL

eCT Control 22763T DWF LAW AUSTRALIA PTY LTD  
Effective from 17/12/2020

DOCUMENT END

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TITLE PLAN		EDITION 1		TP 775812V	
Location of Land			Notations		
Parish: CITY OF SOUTH MELBOURNE PARISH OF MELBOURNE SOUTH			ANY REFERENCE TO MAP IN THE TEXT MEANS THE DIAGRAM SHOWN ON THIS TITLE PLAN		
Section: 99					
Crown Allotment: 19, 20, 21					
Crown Portion:					
Last Plan Reference:					
Derived From: VOL 8885 FOL 777					
Depth Limitation: NIL					
Description of Land / Easement Information				THIS PLAN HAS BEEN PREPARED FOR THE LAND REGISTRY, LAND VICTORIA, FOR TITLE DIAGRAM PURPOSES AS PART OF THE LAND TITLES AUTOMATION PROJECT	
				COMPILED: 10/03/2003	
				VERIFIED: L.S.	
LENGTHS ARE IN LINKS		Metres = 0.3048 x Feet Metres = 0.201168 x Links		Sheet 1 of 1 sheets	



## Appendix B : Photographic Analysis



**Photo 6.1:**

Subject site



**Photo 6.2:**

Building to the west along Park Street



**Photo 6.3:**

Building to the east, on the opposite side of Wells Street



**Photo 6.4:**

Properties to the immediate south of the site, on the opposite side of Park Street





**Photo 6.5:**

Buildings to the south west, on the opposite side of Park Street



**Photo 6.6:**

View of subjects site on Wells Street looking north-west



**Photo 6.7:**

Interface to the north



**Photo 6.8:**

View west along Little Bank Street



## Appendix C : Clause 22.06 Assessment

Policy	Assessment
<p><b>Clause 22.06</b> (Urban Design Policy for Non-Residential Development and Multi-Unit Residential Development) applies to this amended application. Where relevant, we provide the following assessment against the policy requirements:</p>	
<p><b>The Public Realm</b></p> <ul style="list-style-type: none"> <li>— Encourage new development to protect and enhance pedestrian spaces, streets, squares, parks, public space and walkways.</li> <li>— Discourage building designs that dominate or imply private ownership of public spaces.</li> <li>— Minimise adverse micro-climatic impacts such as overshadowing and wind tunnelling.</li> </ul>	<p><b>Assessment:</b> The proposal will not unreasonably impact upon existing pedestrian spaces, public spaces or surrounding streets, nor will the building imply ownership over the surrounding public spaces including the ROW.</p> <p>In addition, the surrounding buildings generally include 100% site coverage with minimal areas of private open space, and therefore the proposed overshadowing levels are appropriate.</p>
<p><b>Street Level Frontage</b></p> <ul style="list-style-type: none"> <li>— Encourage the design of building frontages at footpath level to offer visual interest, passive surveillance, social interaction, safety, shelter and convenience.</li> <li>— Require pedestrian entrances to buildings to: <ul style="list-style-type: none"> <li>• be clearly visible and easily identifiable from streets and other public areas.</li> <li>• provide shelter, a sense of personal address and a transitional space between the public and private realms.</li> </ul> </li> <li>— Encourage windows, terraces and balconies at lower building levels to offer surveillance of adjacent public areas.</li> <li>— Require all buildings to be accessible at ground-floor level to people with limited mobility.</li> <li>— Require pedestrian amenities including seating, lighting and public art to create a safe and interesting pedestrian environment.</li> <li>— Discourage blank walls and car park vents onto pedestrian spaces.</li> </ul>	<p><b>Assessment:</b></p> <p>The amended proposal will present to the public realm with significant active “retail” frontage along Park and Wells Street at ground level.</p> <p>Through the combination of the retail spaces and entry lobbies being visible from the footpath level, this will ensure that the development presents to the public realm with a high level of internal activity.</p> <p>The ground floor facade incorporates high levels of glazing which will allow views to filter through to the internal areas, and these areas have been oriented to Park and Wells Street. Further, Levels 1 to 5 include high level glazing to all street interfaces which will offer views over the public realm. This will ensure that passive surveillance opportunities are achieved.</p> <p>Blank walls are generally confined to the western elevation of the podium level with the purpose of this being for equitable development of the adjoining site. Otherwise, the building is highly articulated through vertical detailed design ensuring visual interest when viewed from all vantage points in the public realm.</p>
<p><b>Landmarks, Views and Vistas</b></p> <ul style="list-style-type: none"> <li>— Encourage new development to preserve the visual prominence of key landmarks from adjoining streets, foreshore areas and other key public spaces.</li> <li>— Encourage new development to maintain and enhance important vistas.</li> </ul>	<p><b>Assessment:</b> The amended development is not considered to impact upon any views to the key landmarks or important vistas identified within the clause.</p>
<p><b>Energy and Resource Efficiency</b></p> <ul style="list-style-type: none"> <li>— Encourage buildings, internal building spaces and open spaces to be oriented and designed to take maximum advantage of climatic factors to minimise energy utilisation.</li> <li>— Encourage the use of energy efficient techniques.</li> <li>— Ensure new development does not adversely affect the environmental performance of adjoining properties (e.g. overshadowing of solar panels).</li> </ul>	<p><b>Assessment:</b> The amended building is designed to ensure high levels of internal amenity are achieved and to maximise energy efficiency where appropriate. We defer to the SMP prepared by Sustainable Consultants for further justification.</p> <p>In addition, it is not considered that the proposal will adversely affect the environmental performance of adjoining properties.</p>



### Building Design

- Encourage the design of new development to generally:
  - Express the urban grain and block pattern of subdivision and provide facade articulation.
  - Avoid poorly designed and inappropriately located reproduction architecture.
  - Include elevations, roof forms and facade treatments that are integrated with the overall design of the building which create visual interest at street level and which are legible and interesting from a range of perspectives.
  - Define the corners at major street intersections through detailing and massing of the new built form and by addressing both street frontages and the surrounding context.
  - Ensure that side walls of taller buildings provide interesting design elements to break up the mass and bulk and reduce the visual impact of blank walls.
- Encourage the design of the building facades to make provision for the location of appropriate external lighting, mechanical equipment and signage.
- Encourage resolution of building details, construction joints and junctions between different materials and finishes to be carefully detailed to ensure that they are properly integrated with the facade design. In particular, construction joints where pre-cast concrete is used to achieve a masonry finish, should be carefully detailed.

**Assessment:** The amended built form responds very closely to the approved built form with only minimal changes proposed to the setback of the building to the northern boundary.

The revised overall design and layout is considered to provide a significant improvement to the architectural expression of the building and will set a precedent for quality design for the present.

Overall, the amended building will present as a modern, contemporary commercial development that achieves a high-level of design excellence and creates an appropriate level of visual interest when viewed from a range of vantage point. The building will be constructed of a variety of materials including concrete, and high levels of glazing, which ensures the development achieves a high degree of articulation and fenestration.

Whilst the proposal includes blank walls to the west elevation of the podium, it is highly likely that the adjoining properties will be redeveloped in the near future to replicate the blank walls of the subject site.

The design of the building is considered more than capable of achieving appropriate levels of external lighting in order to ensure the safety of the future tenants and surrounding area, as well as providing a clearly marked and identifiable building.

### Urban Art

Require all new developments where the Total Project Cost\* (as shown on the Planning Permit Application Form) exceeds two million dollars to provide an urban art contribution that addresses Principle 1 and 2 of the Urban Art Strategy 2002.

**Assessment:** Condition 14 of the planning permit requires an Urban Art Plan to be submitted for approval.

### Landscaping

- Encourage all new developments to retain all existing street trees and public landscape elements that contribute to the streetscape and amenity of the area.

**Assessment:** The landscape plan includes planter box planting for the terraces at Level 5. This will also contribute to a “green” outlook being achieved.

### Residential Amenity

- Ensure that solar access to existing habitable rooms and private open space of neighbouring residential properties is not unreasonably affected.
- Ensure that existing habitable room windows and private open space areas of neighbouring residential properties are protected from additional direct overlooking through appropriate siting, setbacks, building articulation and screening devices
- Protect the occupants of existing and new buildings from external noise through appropriate acoustic building treatment (such as double glazing), and through the siting of mechanical equipment and open space areas.

**Assessment:** There are no existing residential properties that have an immediate interface with the subject site, noting that the closest dwellings are located approximately 40 metres to the west.

As such there will be no residential amenity impacts associated with the development.

### Car Parking and Pedestrian Access

- Ensure streets, footpaths and driveways provide safe, manageable and convenient access to buildings.
- Ensure pedestrian accessways within the development are safe, attractive and convenient to use by occupants and visitors alike.

**Assessment:** Pedestrian access to the site will be via Wells Street for the residential component and from Park Street for the office levels in the podium. Retail spaces will have separate entries with no proposed changes to the existing conditions of the footpath. Access will be designed to enable persons with limited mobility and to ensure DDA access.

- Encourage car parking to be contained within a building or located at the rear of a building and not visible from the street.

Vehicular access is provided via Little Bank Street which allows access to basement parking. Car parking has been removed from the podium level which reduces the need for car parking skinning across this element of the building.

We defer to the Traffic Report prepared by Traffix Group for further information with respect to the manoeuvrability and functionality of the basement.

#### Site Facilities

Ensure garbage, recycling bin enclosures and collection points are located within the building wherever possible, are adequate in size and appropriately screened from view, are located for convenient access by occupants and collection vehicles and away from residential uses and are sited and designed to not detract from the character and amenity of the streetscape.

**Assessment:** Garbage and recycling facilities are provided within a dedicated waste room at basement level, ensuring no impact upon views or amenity impacts to surrounding properties.

We defer to the WMP prepared by Traffix Group with respect to all matters relating to waste.

## Appendix D: Track Changes Amendment C154

02/06/2016  
~~C107~~  
 Proposed  
 C154

## SCHEDULE 26 TO ~~CLAUSE 43.02~~ THE DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as **DDO26**.

### ST KILDA ROAD NORTH PRECINCT

St Kilda Road North Precinct comprises land generally between St Kilda Road and Queens Road, Melbourne and Kings Way, South Melbourne, extending from Dorcas Street, South Melbourne, in the north to Punt Road and High Street, Windsor, in the south. The precinct also includes land along Albert Road and the south side of Palmerston Crescent, east of Moray Street, South Melbourne. The extent of the Precinct is shown on Map 1.

#### 1.0

#### Design objectives

02/06/2016  
~~C107~~  
 Proposed  
 C154

#### Precinct-wide Objectives

##### General

To provide for the future development of the St Kilda Road North Precinct, as a Precinct integrated with its urban and landscape surrounds.

To ensure development is environmentally sustainable.

To ensure development does not dominate or obstruct view corridors to key landmark and civic buildings, including the Shrine of Remembrance.

To encourage building design that minimises adverse amenity impacts upon residential properties, Albert Park Reserve, the Shrine of Remembrance and other open space, streets and public places in the area as a result of overshadowing, wind tunnelling or visual bulk.

##### Shrine Setting

To protect the Shrine of Remembrance as a significant historic and cultural landmark and place of reverence by:

- Maintaining the scale of development within its setting and backdrop.
- Preserving important views and vistas to and from the Shrine.
- Ensuring that external building materials and finishes are selected to minimise solar reflectivity and glare impacts, particularly on ANZAC Day and Remembrance Day.
- Ensure that advertising signs do not adversely affect the significance of the Shrine of Remembrance as a place providing contemplation and reflection.

To prevent further intrusion of built form into the Shrine's silhouette above the level of the portico roof when viewed from its western elevation.

To maintain a lower scale edge along St Kilda Road in the vicinity of the Shrine, north of Park Street.

To maintain the view corridor along Bank Street between the Shrine terrace and South Melbourne Town Hall Clock Tower.

To maintain solar access to the Shrine's Memorial Gardens ~~at all times of the day and year~~.

## City Beautiful

To reinforce a sense of symmetry and consistency in the streetscapes of St Kilda Road and Queens Road, through regularity of building heights, spacing and frontage setbacks.

To create a built form that transitions between the higher scale buildings in St Kilda Road and medium scale buildings in Queens Road respectively.

To enhance the role of Kings Way as an important commercial precinct and gateway to the municipality and the central city area, by improving the quality of the built form and landscaping.

To emphasise the Domain as the point of transition along the St Kilda Road boulevard, through a higher scale built form fronting Albert Road north of Kings Way.

To ensure development provides for a built form transition from the Domain interchange (intersection of St Kilda Road and Albert Road) to the adjoining low rise residential areas and to Albert Park Reserve.

To achieve a stepped building form along Albert Road and from Albert Road to Palmerston Crescent / Raglan Street, south/west of Kings Way, that creates a transition down in scale to adjoining residential properties.

To ensure development does not compromise any identified heritage value of adjoining or nearby properties.

## Landscape Setting

To ensure development contributes to an expanded network of high quality green streets and public places.

To maintain and consolidate the grand landscape setting of the Precinct as an important and distinctive feature of the area by requiring consistent front and side boundary setbacks and high quality landscaping.

To maintain solar access to major open spaces.

To provide an attractive and enclosing street edge to Bowen Crescent Reserve and Albert Road North.

To maintain a consistent landscaped frontage setback along St Kilda Road and Queens Road.

To define the edges of Albert Park Reserve along Queens Road and Albert Road with a high quality of built form and landscaped setbacks.

To strengthen the landscaped links along the streets connecting St Kilda Road and Queens Road.

To develop a high quality landscape setting which enhances the key view corridors and public realm of:

- Albert Road, Bowen Crescent and Kings Way, between Domain/St Kilda Road and Albert Park Lake Reserve.
- Park Street, between Domain and Eastern Reserve.
- Bank Street, between the Domain and South Melbourne Town Hall Clock Tower.
- St Kilda Road.
- Queens Road, between the Domain and St Kilda Junction.



## Streets for People

To ensure new development enhances the public realm and contributes to a network of pedestrian friendly streets.

To ensure development contributes to connections that achieve a fine-grained pedestrian network.

To create an active, high quality pedestrian environment at street level.

## Private Amenity and Outlook

To ensure a high degree of internal amenity for building occupants, including providing for outlook and privacy, natural ventilation, sunlight and daylight and noise minimisation.

To ensure spacing between towers is sufficient to:

- Allow for cross ventilation within the building.
- Assist in maintaining the sense of space and ‘open sky views’ at street level.
- Provide opportunities for buildings to have an outlook.

To ensure development does not unreasonably impact on the amenity of adjoining residential areas.

To ensure development in the Precinct does not unreasonably overshadow adjoining residential properties south/west of Kings Way.

To ensure that the design of buildings constructed ‘boundary to boundary’ minimises building bulk across the width of the site, reflects the existing fine grain subdivision pattern and promotes vertical articulation in the design.

## Sub-Precinct Objectives

In addition to the overall objectives for the Precinct, the following specific objectives apply to the individual Sub-Precincts.

### Sub-Precinct 1: Edge of Shrine Memorial Gardens

The Edge of Shrine Memorial Gardens Sub-Precinct forms the western backdrop to the Shrine and the edge to the Memorial Gardens and the Domain Parklands. The scale, form and detailed design elements of buildings within this Sub-Precinct are critical in respecting the sensitivity of the Shrine setting.

- To ensure that buildings are of a scale, form and design detail that creates a respectful background to the Shrine of Remembrance and Memorial Gardens.
- To ensure that buildings are designed to respect the sensitivity of the immediate vicinity of the Shrine of Remembrance and the more distant elevated points of the Shrine of Remembrance site.
- To ensure that new development reinforces the established and consistent built form pattern of low scale built form at street edge with high towers that have substantial setback from the street edge.
- To ensure the continuation of consistent street tree planting that contributes to the maintenance of a high amenity of the streetscape.

### Sub-Precinct 2: Northwest Corner

The Northwest Corner Sub-Precinct has a mixed character and role, and presents considerable opportunity for development and change as a higher density residential and mixed use enclave, based around lively, pedestrian focussed streets.

- To ensure that new development creates a vibrant residential and mixed use environment, through an increased scale and density of development.
- To reinforce the primacy of the St Kilda Road boulevard by ensuring development provides a gradual visual and physical transition from the higher scale development of St Kilda Road, across the Sub-Precinct to Kings Way.
- To ensure that development provides for a fine grain character in the form and articulation of new buildings.
- To create a high quality public realm through additional tree planting and maintaining access to sunlight along the key pedestrian streets of Bank and Park Streets.
- To improve the streetscape environment of Kings Way through high quality built form and consistent landscaped setbacks.
- To ensure the development in Kings Way creates a landscaped boulevard through high quality architectural design and a landscaped public realm interface.
- To ensure that podium design and heights create and reinforce a 'human scale' to provide visual interest and activity for the pedestrian at street level along Kings Way.
- To improve the streetscape environment of the Northwest Corner Sub-Precinct through high quality built form.
- To ensure that buildings are scaled to maintain a respectful setting and backdrop for the Shrine of Remembrance.

#### **Sub-Precinct 3: Albert Road South**

The Albert Road South Sub-Precinct forms the edge of Albert Park and provides a transition in scale to the adjoining heritage residential neighbourhoods and parklands.

- To ensure that the built form transitions in scale from:
  - its highest towards the Domain and gradually steps down along Albert Road from Kings Way to Moray Street.
  - Albert Road and Kings Way to the adjoining heritage neighbourhood of South Melbourne.
- To ensure that a medium rise built form edge is established along the Palmerston Crescent and Raglan Street frontage providing an appropriate lower scale interface between higher scale development on Albert Road and Kings Way and the adjoining heritage neighbourhood of South Melbourne.
- To ensure that landscaped setbacks are provided to all street frontages and enhance the leafy character of the area.
- To ensure that podium designs and heights create a human scale and provide visual interest and activity for pedestrians at the street level.
- To ensure that building facades follow the street alignment and reflect the curvature of the underlying 19th century 'city beautiful movement' street pattern unique to the area.

#### **Sub-Precinct 4: Albert Road North & Bowen Crescent**

The Albert Road North & Bowen Crescent Sub-Precinct is a distinct part of the Precinct expressing a unique nineteenth century formal street layout. Higher scale buildings clustered around the Domain will sit in a landscaped setting serving as focal point within the overall precinct area and a point of transition along the St Kilda Road axis.

- To ensure that built form creates a focal point for the wider St Kilda Road Precinct where Albert Road, St Kilda Road and Domain Road meet through the development of higher scale and quality buildings.

- To ensure that development reinforces the distinctive street pattern by building frontages following the curve of the street and are complemented by formal tree planting in setback areas.
- To ensure that podium heights create and reinforce human scale and provide visual interest and activity for the pedestrian at street level.
- To improve public streets, provide for additional street trees and increase pedestrian connections.
- To ensure that development improves the pedestrian environment along Queens Lane and Bowen Lane through buildings designed to address and engage with the street edge, while maintaining the service role of these lanes.
- To ensure that buildings are scaled to maintain a respectful setting and backdrop for the Shrine of Remembrance.

#### **Sub-Precinct 5: St Kilda Road South of Kings Way**

The St Kilda Road South of Kings Way Sub-Precinct forms the southern section of the St Kilda Road boulevard between Kings Way and the Junction. Here, the streetscape is strongly defined by the scale and form of regularly spaced buildings, the consistent boulevard planting and the wide, straight road reserve with multiple traffic lanes.

- To ensure the development contributes to and maintains consistent and symmetrical building heights on both sides of St Kilda Road.
- To ensure that development results in regularly placed buildings, with space between them to frame view corridors along St Kilda Road.
- To ensure that development provides generous landscaped front setbacks to St Kilda Road that strengthens the leafy grand boulevard character.
- To provide landscaped links along east-west streets.
- To encourage the development of a high quality, high amenity mixed use area on Raleigh and Union Streets.
- To provide a transition in height from the high rise development along St Kilda Road to sites fronting Punt Road to provide an appropriate lower scale interface to the residential areas to the east.
- To ensure that development improves the pedestrian environment along Queens Lane with buildings designed to address and engage with the street edge, while recognising the service role of this Lane.
- To ensure that buildings are scaled to maintain a respectful backdrop for the Shrine of Remembrance.

#### **Sub-Precinct 6: Queens Road**

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

- To reinforce the primacy of the St Kilda Road boulevard by creating a preferred future built form which provides a transition down in height from the high rise buildings along St Kilda Road to medium rise buildings along Queens Road.
- To ensure that buildings are of a medium scale with towers setback above a podium.
- To ensure that development frames long ranging views along Queens Road and forms an edge to Albert Park.
- To ensure that development provides generous and consistent front setbacks and regular spacing between buildings.

- To ensure that front setbacks provide for canopy trees and other larger plants to enhance the streetscape and pedestrian space.
- To provide landscaped links along east-west streets.
- To retain and enhance important heritage buildings.
- To ensure that development improves the pedestrian environment along Queens Lane through buildings designed to address and engage with the street edge while maintaining the service role of this lane.
- To ensure that buildings are scaled to maintain a respectful backdrop for the Shrine of Remembrance.

**Map 1: St Kilda Road North Precinct and Sub-Precincts**





## 2.0 Buildings and Works: General Requirements

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### Design Quality

New developments should achieve urban design and architectural excellence.

Developments on corner sites with a St Kilda Road, Albert Road, Kings Way or Queens Road frontage or abuttal should not express the side street podium requirement to those roads.

Where a podium / tower typology is not proposed for a corner site, a high quality architectural response is required which achieves an appropriate transition to podium / setback requirements on adjoining sites, including through building articulation/massing, building materials, finishes and design detail.

Developments on large sites should minimise building bulk and promote vertical articulation in their design.

### Separation ~~d~~Distances / ~~s~~Side and ~~r~~Rear ~~s~~Setbacks

- For Sub-Precincts 1, 2, 3 and for properties in Sub-Precinct 4 without a primary frontage to St Kilda Road:

- Development above the podium height (including balconies) ~~must~~ should be set back a minimum of 4.5 metres from common side and rear boundaries ~~or the boundary with a lane~~ and at least 9 metres from existing towers.

- ~~Where there is no podium or an existing tower is proposed as part of the development~~, a setback of ~~at least~~ 4.5 metres to the common boundary ~~or boundary with a lane must~~ should be provided.

~~— Development may be constructed to a side boundary (0 metre setback) where:~~

~~— The adjoining site has a blank boundary wall with no habitable room windows or balconies constructed within 200 millimetres of the boundary; or~~

~~— The adjoining site has not been developed above the podium height required elsewhere in this Schedule;~~

Providing:

~~— The primary living areas of all proposed dwellings have a main window(s) / balconies oriented to the front or rear of the site.~~

~~— The new boundary wall matches the length of the boundary wall on the adjoining lot.~~

~~— The proposed development does not unreasonably compromise the ability of the adjoining site to be developed and achieve the required minimum 4.5 metre setback or to build to the boundary.~~

~~— There are no existing habitable windows / balconies on the adjoining site within 4.5 metres of the proposed development.~~

~~A permit may not be granted to construct a building or construct or carry out works which are not in accordance with this requirement unless allowed by clause 4.0 of this schedule.~~

- For properties with a primary frontage to St Kilda Road in Sub-Precinct 4:

- Development above a podium height of 30 metres must be set back a minimum of 4.5 metres from common side and rear boundaries and at least 9 metres from existing towers on the same or an adjoining site(s); or

- Where no podium is proposed, a setback of [at least 4.5 metres](#) to the boundary must be provided.

A permit may not be granted to construct a building or construct or carry out works which are not in accordance with this requirement unless allowed by clause 4.0 of this schedule.

- For properties with a primary frontage to St Kilda Road or Queens Road in Sub-Precincts 5 and 6 development must be setback [at least 4.5 metres](#) from common side boundaries. A permit may not be granted to construct a building or construct or carry out works which are not in accordance with this requirement unless allowed by clause 4.0 of this schedule
- For properties in Sub-Precincts 5 and 6 without a primary frontage to St Kilda Road or Queens Road:
  - Development must be setback [at least 4.5 metres](#) from common side boundaries; or
  - Development may be constructed to a side boundary (0 [metre](#) setback) where:
    - The adjoining site has a blank boundary wall with no habitable room windows or balconies constructed within 200 [millimetres](#) of the boundary; or
    - The adjoining site has not been developed above the podium height ~~(18 metres)~~;

Providing:

- The primary living areas of all proposed dwellings have a main window(s) / balconies oriented to the front or rear of the site.
- The new boundary wall matches the length of the boundary wall on the adjoining lot.
- The proposed development does not unreasonably compromise the ability of the adjoining site to be developed and achieve the required [minimum 4.5 metre](#) setback or to build to the boundary.
- There are no existing habitable windows / balconies on the adjoining site within 4.5 [metres](#) of the proposed development.

A permit may not be granted to construct a building or construct or carry out works which are not in accordance with this requirement unless allowed by clause 4.0 of this schedule.

- Where the site is located at 80 Queens Road, 1 Union Street and K3 Union Street:
  - Development must be setback [at least 4.5 metres](#) from common side and rear boundaries.
  - Side setbacks may be reduced to a minimum of 3 metres provided:
    - Side setback is no less than those of the directly adjoining site.
    - Habitable room windows and /or balconies do not directly face another habitable room window on an adjoining site. (Directly face means at an angle of 45° either horizontally or vertically).
    - Development achieves a 4.5 [metre](#) setback to the rear boundary to ensure the regular spacing between buildings on Queens Road, when viewed from Queens Road, is maintained.

A permit may not be granted to construct a building or construct or carry out works which are not in accordance with this requirement unless allowed by clause 4.0 of this schedule.

- For all Sub-Precincts:

- Additional side and rear setbacks and/or separation distances may be required to ensure buildings are designed and spaced to:
  - Respect the existing urban character and pattern of development.
  - Equitably distribute access to an outlook, daylight and achieve privacy from primary living areas for both existing and proposed development.
  - Achieve sky views between towers, ensure adequate sun penetration to street level and mitigate wind effects.
  - Avoid windows of primary living areas and balconies that directly facing one another.
  - Maintain the equitable development potential of adjoining lots.

### Landscaped ~~s~~Setbacks

Frontages along St Kilda Road and Queens Road ~~must~~ should be retained as open space for substantial landscaping and pedestrian activity:

- St Kilda Road frontages should function as a forecourt for public, private and communal use. Public seating areas should be provided in these forecourts.
- Queens Road frontages should be designed to provide substantial landscaping, including, where appropriate, large scale canopy trees.

Clear sightlines should be provided from the footpath to the building façade to increase perceptions of pedestrian safety.

Water sensitive urban design treatments should be incorporated into frontage design to manage and reduce stormwater runoff.

Exhaust stacks from underground car parks ~~must~~ should be located away from main pedestrian areas and incorporated into the building design or adequately screened. ~~A permit may not be granted to construct a building or construct or carry out works which are not in accordance with this requirement unless allowed by clause 4.0 of this schedule.~~

Grade differences between the ground floor level and natural ground level should be kept to a minimum. Where level differences cannot be avoided (for example, due to the Special Building Overlay), stairs, terraces, disabled access ramps ~~must~~ should be designed to not visually dominate the frontage setback space or significantly reduce the area for landscaping.

### Heritage

New development ~~must~~ should respect the form, massing and siting of heritage buildings on the development site or adjoining sites.

### Street Wall / Podium Level

The design of podiums should create a 'human scale' providing visual interest and activity for pedestrians at the street edge, ameliorate wind effects and provide access to sunlight and sky views.

The design of buildings should reinforce the pattern of the street by aligning their façade with the curvature of the street frontage.

~~Where new development abuts a lane less than 3.5 metres in width, a setback of at least 2.2 metres from the boundary with the lane must be provided at ground level and level one. A permit may not be granted to construct a building or carry out works which are not in accordance with this requirement unless allowed by clause 4.0 of this schedule.~~

The design of new buildings should include openable habitable windows and balcony doors on the first five levels of the 'street wall' to enhance the sense of connection, surveillance and safety at ground level.

All car parking at ground level or above ~~must~~ should be sleeved with active uses to ensure it is not visible from the street.

Buildings located on corner sites should address both street frontages.

### Active Frontages

New development should provide integrated community and active space at street level that contributes to a high quality public realm.

All building frontages (except on laneways and service streets) should:

- Be orientated towards the street.
- Allow for natural surveillance and a visual connection into the building through transparent windows and balconies.
- Avoid blank walls, large areas of reflective services, high fences, service areas, car parks and garage doors in the podium interface areas.
- Provide clear glazing to street frontages; security grills ~~must~~ should be visually permeable and mounted internally.
- Provide no or low, visually permeable front fencing.

New development along Queens Lane and Bowen Lane should incorporate lighting, entry doors, habitable rooms with windows, and display windows.

Design pedestrian entrances to open directly onto the street, as a key feature of the façade and at the same level as the public footpath.

Foyer areas should have visibility to the street and be designed to encourage activity and interest both within and external to the building.

New development within a residential zone should provide:

- Individual entry points to ground level dwellings to create multiple residential addresses along the building façade, rather than a single entry point.
- Entrances with weather protection and lighting.

New development within a commercial or mixed use zone should provide:

- Transparent windows and entrances for at least 80 per cent of the width of the street frontage of each individual retail premises, or at least 60 per cent of the width of the street frontage of each premises for other commercial uses.
- Lighting design that is incorporated to the façade to contribute to a sense of safety at night.

### Tower Design and Internal Amenity

Tower forms (above podiums) should not exceed a maximum width of 35 metres to:

- Ensure that daylight penetrates through to parts of the building and streets, and adjoining buildings.
- Reduce their perceived visual bulk.
- Maintain sightlines between buildings.

New residential development ~~must~~ should have access to onsite communal or private open space in the form of rooftops, podiums, balconies or courtyards.

## Building ~~s~~Services

Waste materials storage and services ~~should~~must:

- ~~— Be provided on site.~~
- ~~— Be located away from footpaths.~~
- ~~— Be screened from areas of high pedestrian activity.~~
- ~~— Not impede pedestrian access.~~

~~be provided on site and should be screened from areas of high pedestrian activity.~~

Be provided on site and should be screened from areas of high pedestrian activity.

Waste storage or service should not impede pedestrian access and should be located away from footpaths.

~~Waste storage or services should not impede pedestrian access and should be located away from footpaths.~~

~~A permit may not be granted to construct a building or carry out works which are not in accordance with this requirement unless allowed by clause 4.0 of this schedule.~~

New buildings ~~should~~must ~~should~~ provide internal and on-site loading facilities and on-site service vehicle parking at the rear of buildings to minimise disruption of traffic or pedestrian access and avoid laneway congestion. ~~A permit may not be granted to construct a building or construct or carry out works which are not in accordance with this requirement unless allowed by clause 4.0 of this schedule.~~

Building services on rooftops should be screened to avoid detrimental noise and visual impacts on the amenity of both private and public realms.

Noise attenuation measures and suppression techniques should be incorporated into developments to ensure noise does not unreasonably affect the amenity of public areas and nearby residences.

Green roofs, roof gardens and vertical gardens should be encouraged in new or refurbished buildings. Green roofs are defined as a vegetated landscape built up from a series of layers that are installed on the roof surface as 'loose laid' sheets or modular blocks.

## Vehicular Access and ~~e~~Car ~~p~~Parking

Vehicle crossovers should be no more than 6 metres wide, with a maximum of one crossover per site.

Vehicle ingress and egress, loading facilities and building services should not be located on frontages along St Kilda Road or Punt Road.

Vehicle ingress and egress ~~must~~should be located on lanes, where possible.

Car access ways should not visually dominate the façade of a building, and be visually permeable to retain a visual connection through the site and allow for natural surveillance.

Car parks should be built underground or located to the rear of the site to enable active uses on the street frontage. Where car parks are built above ground, they should not front the site or be visible from St Kilda Road, Queens Road or Punt Road.

Car parking within a podium should incorporate floor to ceiling heights of 3.5 metres to enable future adaptation for habitable uses.

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



### **Pedestrian Permeability**

New development should include pedestrian links along St Kilda Road, Queens Road and areas in the Mixed Use Zone to create mid-block links and increase the permeability of the Precinct.

Development should enhance existing links/laneways by providing a mix of active and non-active frontages, appropriate to the role of the link / laneway.

**3.0**

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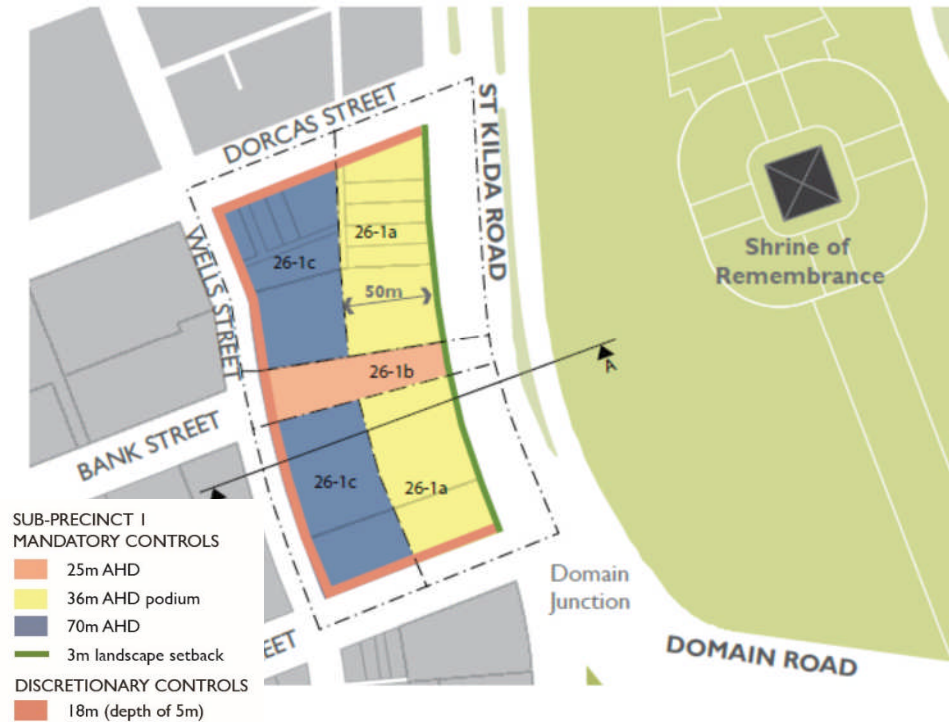
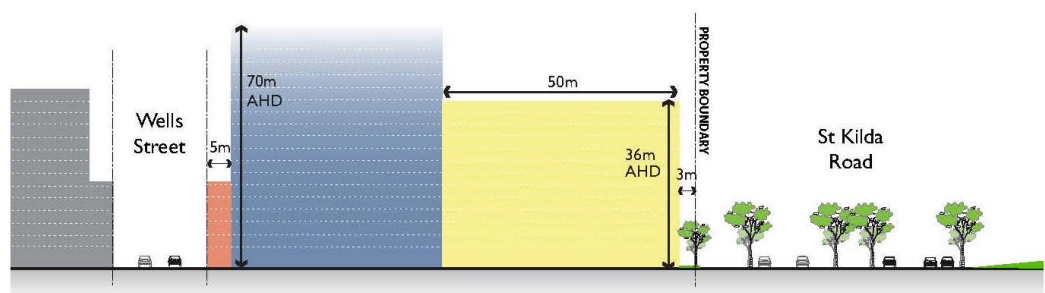
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~~C154~~**Buildings and Works: Sub-Precinct Requirements****Sub-Precinct 1 – Edge of Shrine Memorial Gardens****Map 2: Built Form and Setback Requirements: Sub-Precinct 1****Cross Section AA**

The following requirements apply to development in Sub-Precinct 1.

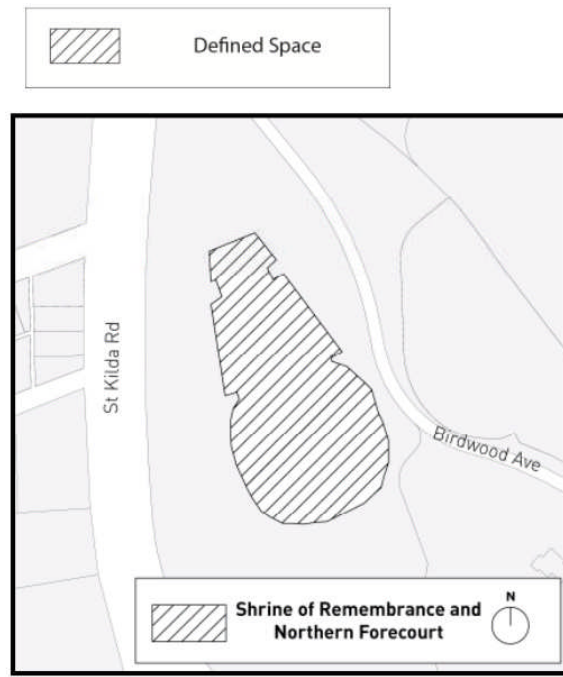
Development should be generally in accordance with Map 2 of this schedule.

- Development ~~in Sub-Precinct 1~~ must not protrude into the Shrine's silhouette above the level of the Portico roof when viewed from Birdwood Avenue. A permit may not be granted to construct a building or construct or carry out works which are not in accordance with this requirement unless allowed by clause 4.0 of this schedule.
- ~~With the exception of minor works or minor changes to existing buildings within that defined space, a permit must not be granted for B~~ buildings and works which would ~~must not cast any additional shadow across the Shrine of Remembrance and its northern forecourt, – shown in Figure 1 of this schedule, between the hours of 11.00am and~~

~~3.00pm, from the 22 April to and the 22 September and shown in Figure 1 of this schedule. A permit may not be granted to construct a building or construct or carry out works which are not in accordance with this requirement.~~

- ~~Development in Sub-Precinct 1 must maintain all existing solar access to the Shrine of Remembrance Memorial Gardens at all times of the day and year. A permit may not be granted to construct a building or construct or carry out works which are not in accordance with this requirement unless allowed by clause 4.0 of this schedule.~~

**Figure 1: Shrine of Remembrance and Northern Forecourt**



### Sub-Precinct 1-a

A 3 metre landscape setback must be provided to the direct frontage or abuttal to St Kilda Road. A permit may not be granted to construct a building or construct or carry out works which are not in accordance with this requirement unless allowed by clause 4.0 of this schedule.

Development within 5 metres of Dorcas and Park Streets ~~must~~ should not exceed a height of 18 metres.

Development beyond the setbacks identified above must not exceed a height of 36 metres AHD. A permit may not be granted to construct a building or construct or carry out works which are not in accordance with this requirement unless allowed by clause 4.0 of this schedule.

### Sub-Precinct 1-b

A 3 metre landscape setback must be provided to the direct frontage or abuttal to St Kilda Road. A permit may not be granted to construct a building or construct or carry out works which are not in accordance with this requirement unless allowed by clause 4.0 of this schedule.

Development within 5 metres of Wells Street ~~must~~ should not exceed a height of 18 metres.

Development beyond the setbacks identified above must not exceed a height of 25 metres AHD. A permit may not be granted to construct a building or construct or carry out works which are not in accordance with this requirement unless allowed by clause 4.0 of this schedule.

### **Sub-Precinct 1-c**

Development within 5 metres of Dorcas, Wells and Park Streets ~~must~~should not exceed a height of 18 metres.

Development beyond the setbacks identified above must not exceed a height of 70 metres AHD. A permit may not be granted to construct a building or construct or carry out works which are not in accordance with this requirement unless allowed by clause 4.0 of this schedule.

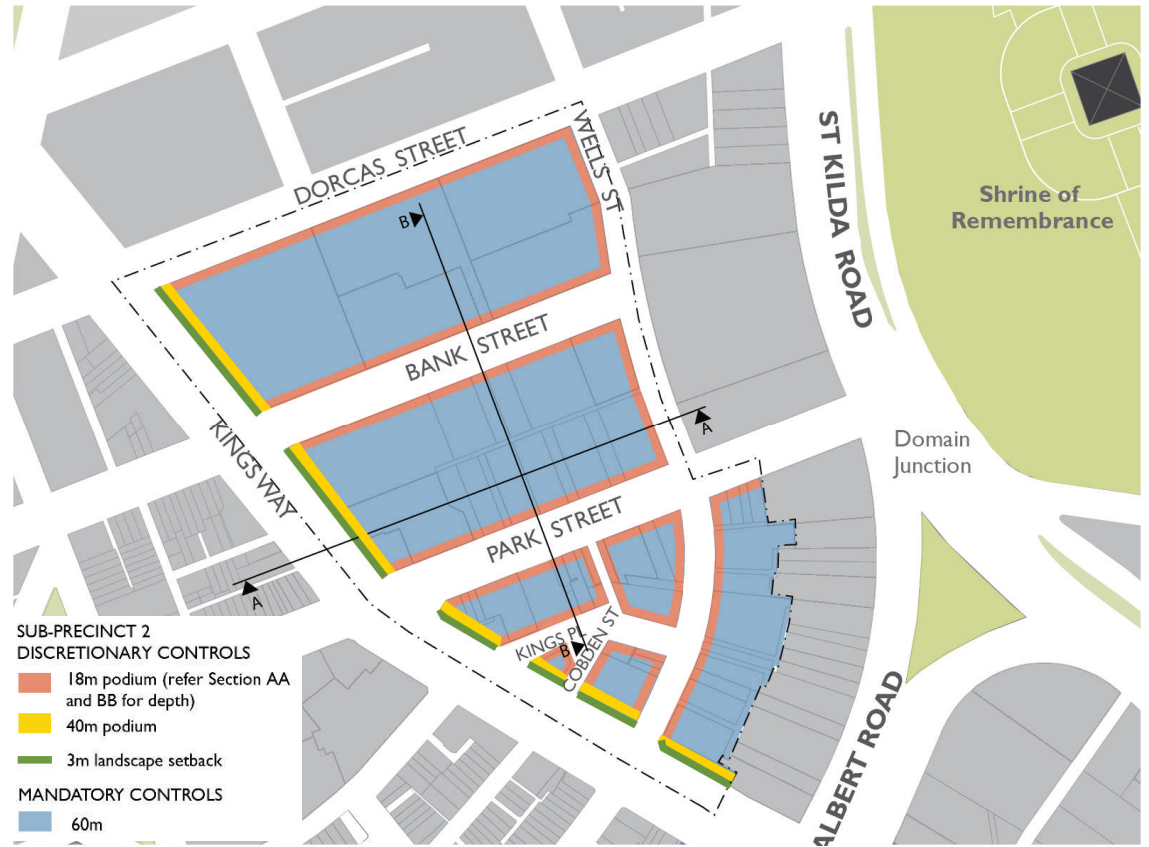
Development should ensure that the key view corridor along Park Street between the Domain and Eastern Reserve is enhanced through a high quality of built form and landscaping.

### 3.2

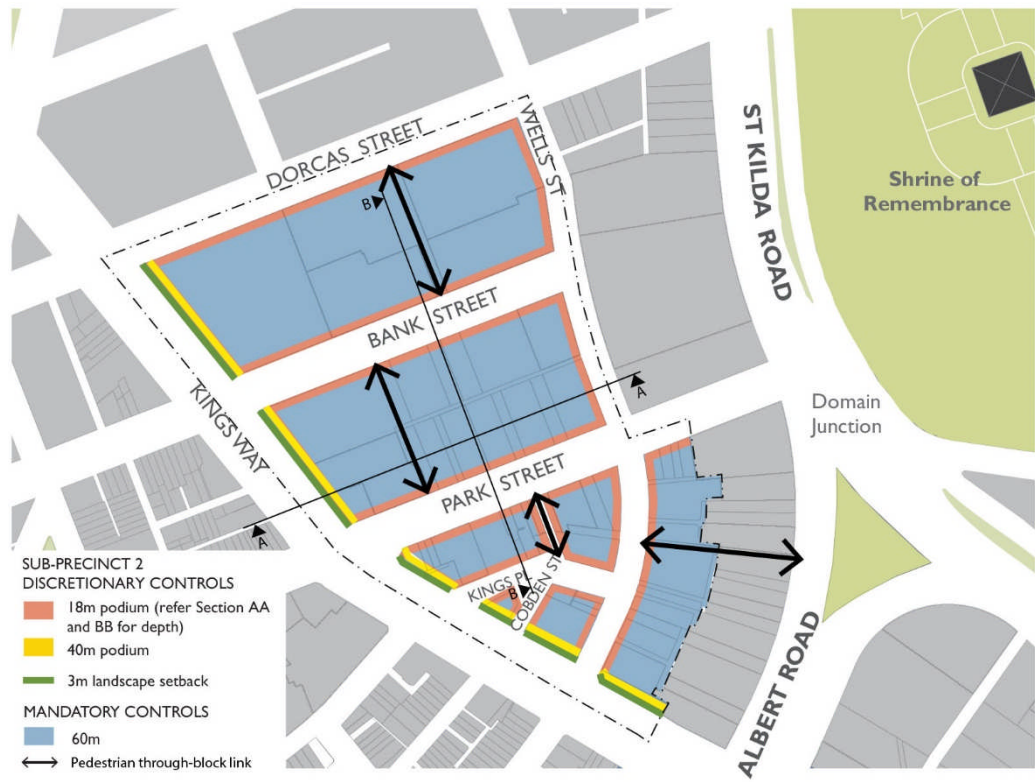
### Sub-Precinct 2 - North-west Corner

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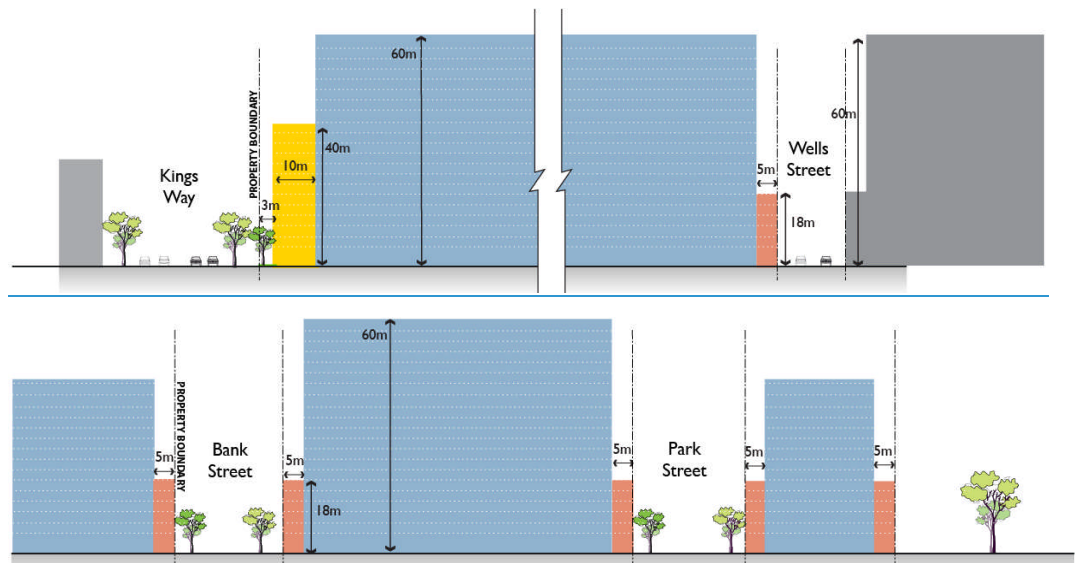
### Map 3: Built Form and Setback Requirements: Sub-Precinct 2



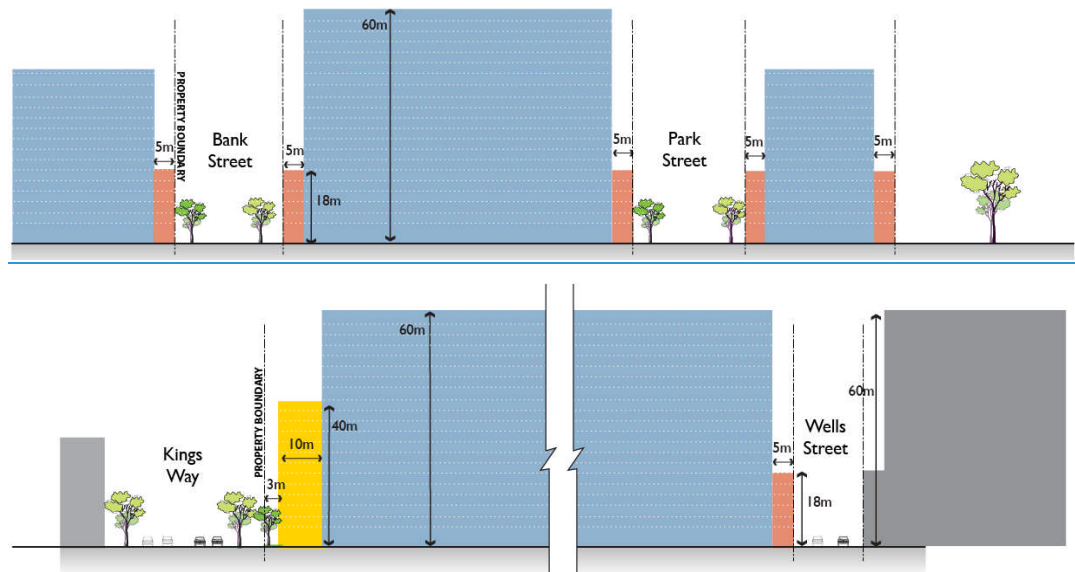




**Cross Section AA**



**Cross Section BB**



The following requirements apply to development in Sub-Precinct 2:

- Development should be generally in accordance with Map 3 of this schedule.
- A 3 metre landscape setback ~~must~~ should be provided to the direct frontage or abuttal to Kings Way.
- Development within 13 metres (inclusive of the 3 metre landscape setback) of a direct frontage or abuttal to Kings Way ~~must~~ should not exceed a height of 40 metres.
- Development with a direct frontage or abuttal to any road, excluding ~~lanes and~~ Kings Way, ~~must~~ should :
  - be built to the boundary, and
  - not exceed 18 metres in height within 5 metres of any street frontage.
- Development beyond the setbacks identified above must not exceed a height of 60 metres. A permit may not be granted to construct a building or construct or carry out works which are not in accordance with this requirement unless allowed by clause 4.0 of this schedule.
- Building facades should follow the alignment of the street frontage to follow the distinctive curvilinear street pattern.
- Development ~~must~~ should maintain the existing levels of solar access to the southern footpaths of Bank and Park Streets when measured between 10am and 2pm at the Equinox.
- Development should not overshadow the adjoining dwellings in residential areas south west of Kings Way and comply with the objectives of Clause 55.04-5 - Overshadowing.
- Development should reinforce the fine grain pattern of the Sub-Precinct.
- Large redevelopment and proposals that consolidate smaller sites should incorporate through-block pedestrian links and express the historic fine grain subdivision into their design.

~~Development of the following properties should create continuous pedestrian links:~~

~~between Bank Street and Park Street, along the boundary between 88 Park Street and 231 Kings Way,~~

~~between Park Street and Kings Place, through Millers Lane, and~~

~~between Palmerston Crescent and Albert Road, through 13-21 Palmerston Crescent and 28-32 Albert Road (in Sub-Precinct 4).~~

## 3.3

## Sub-Precinct 3 - Albert Road South

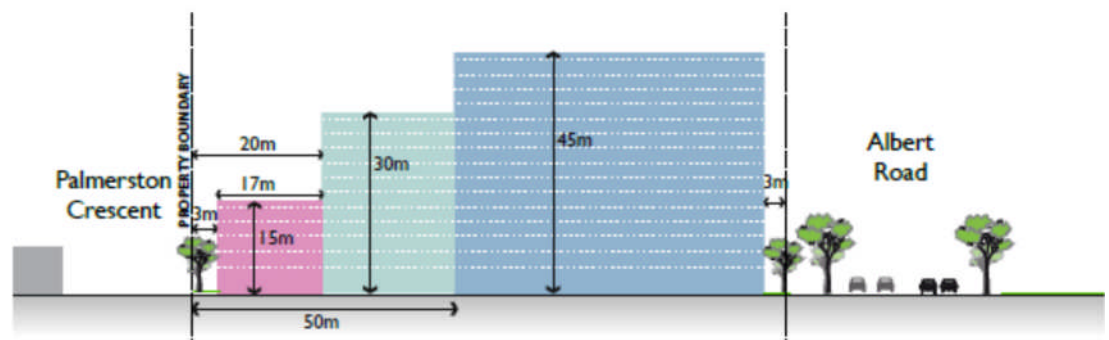
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## Map 4: Built Form and Setback Requirements: Sub-Precinct 3



## Cross Section AA



The following requirements apply to development in Sub-Precinct 3:

- Development should be generally in accordance with Map 4 of this schedule.
- A 3 metre landscaped setback ~~must~~ should be provided to all street frontages, except laneways and Kings Way.
- A 3 metre landscaped setback ~~must~~ should be provided to Kings Way.

- Building facades should follow the alignment of the road frontage to follow the distinctive curvilinear street pattern.
- New development must not result in any additional overshadowing that will reduce the amenity of the Mac Robertson Girls' High School at the Equinox between 10am and 2pm and Albert Park Reserve at the Winter Solstice between 11am and 2pm. A permit may not be granted to construct a building or construct or carry out works which are not in accordance with this requirement unless allowed by clause 4.0 of this schedule.

### Sub-Precinct 3-a

Development within 13 metres (inclusive of the 3 metre landscape setback) of Kings Way ~~must~~ should be a minimum height of 18 metres and not exceed a maximum height of 30 metres.

Development beyond the setbacks identified above must not exceed a height of 60 metres. A permit may not be granted to construct a building or construct or carry out works which are not in accordance with this requirement unless allowed by clause 4.0 of this schedule.

### Sub-Precinct 3-b

Development within 13 metres (inclusive of the 3 metre landscape setback) of Stead Street ~~must~~ should be a minimum height of 18 metres and not exceed a maximum height of 30 metres.

Development beyond the setbacks identified above must not exceed a height of 45 metres. A permit may not be granted to construct a building or construct or carry out works which are not in accordance with this requirement unless allowed by clause 4.0 of this schedule.

### Sub-Precinct 3-c

Development within 20 metres (inclusive of the 3 metre landscape setback) of Palmerston Crescent must not exceed a height of 15 metres. A permit may not be granted to construct a building or construct or carry out works which are not in accordance with this requirement unless allowed by clause 4.0 of this schedule.

Development beyond the setbacks identified above must not exceed a height of 30 metres. A permit may not be granted to construct a building or construct or carry out works which are not in accordance with this requirement unless allowed by clause 4.0 of this schedule.

### Sub-Precinct 3-d

Development within 20 metres (inclusive of the 3 metre landscape setback) of Palmerston Crescent must not exceed 15 metres in height. A permit may not be granted to construct a building or construct or carry out works which are not in accordance with this requirement unless allowed by clause 4.0 of this schedule.

Development beyond of the 20 metre Palmerston Crescent setback and within 8 metres (inclusive of the 3 metre landscape setback) of Sandilands Street and the eastern side of Eastern Road ~~must~~ should not exceed a height of 18 metres.

Development beyond the setbacks identified above must not exceed a height of 30 metres. A permit may not be granted to construct a building or construct or carry out works which are not in accordance with this requirement unless allowed by clause 4.0 of this schedule.

**Sub-Precinct 3-e**

Development within 8 metres (inclusive of the 3 metre landscape setback) of Thomson Street and the western side of Eastern Road ~~must~~should not exceed a maximum height of 18 metres.

Development beyond the setbacks identified above must not exceed a height of 30 metres. A permit may not be granted to construct a building or construct or carry out works which are not in accordance with this requirement unless allowed by clause 4.0 of this schedule.

**Sub-Precinct 3-f**

Development within 20 metres (inclusive of the 3 metre landscape setback) of Moray Street must not exceed a height of 9 metres. A permit may not be granted to construct a building or construct or carry out works which are not in accordance with this requirement unless allowed by clause 4.0 of this schedule.

Development within 20 metres (inclusive of the 3 metre landscape setback) of Raglan Street must not exceed a height 15 metres. A permit may not be granted to construct a building or construct or carry out works which are not in accordance with this requirement unless allowed by clause 4.0 of this schedule.

Development beyond the setbacks identified above must not exceed a height of 18 metres. A permit may not be granted to construct a building or construct or carry out works which are not in accordance with this requirement unless allowed by clause 4.0 of this schedule.

Development at the boundaries with dwellings in a Residential Zone ~~must~~should comply with the objectives of Clause 55.04-5 (Overshadowing Open Space).

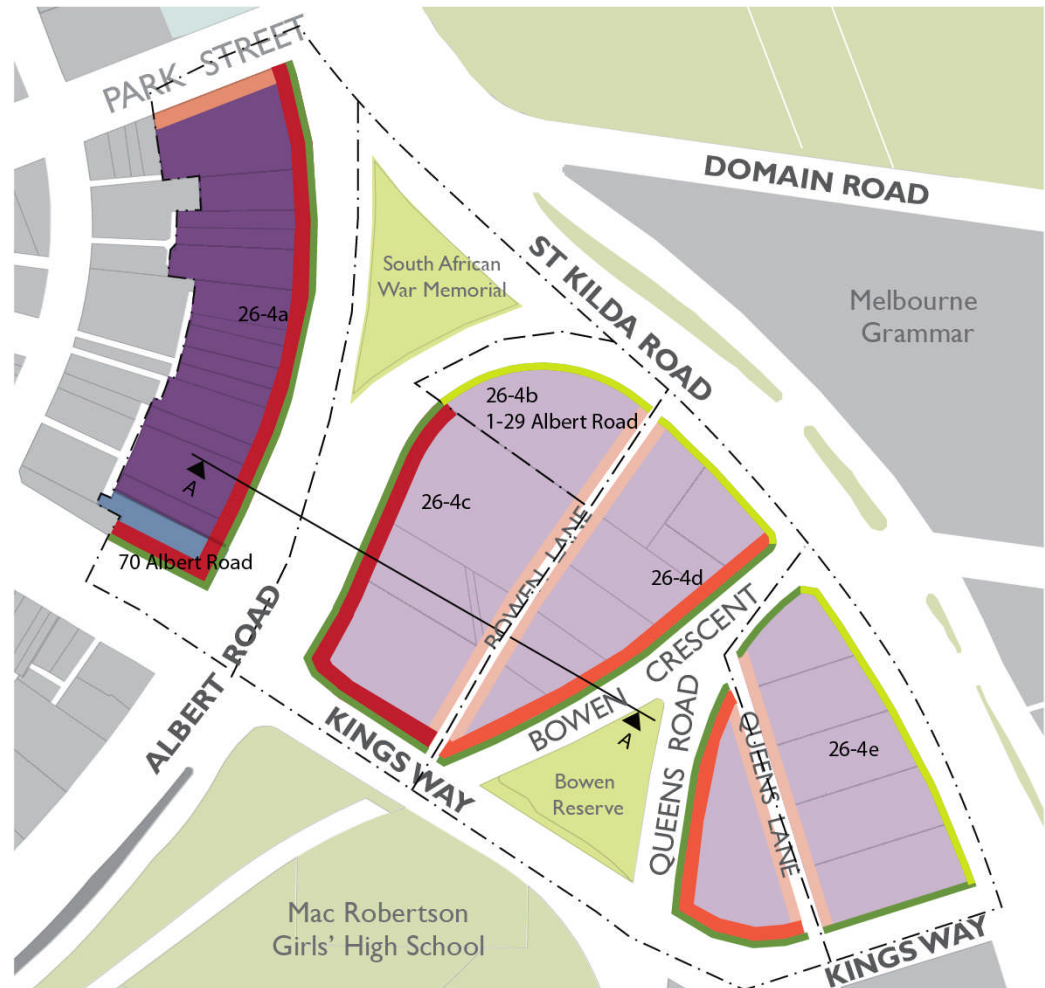


### 3.4

### Sub-Precinct 4 – Albert Road North & ~~and~~ Bowen Crescent

02/06/2016  
C107  
Proposed  
C154

#### Map 5: Built ~~f~~Form and ~~s~~Setback ~~r~~Requirements: Sub-Precinct 4



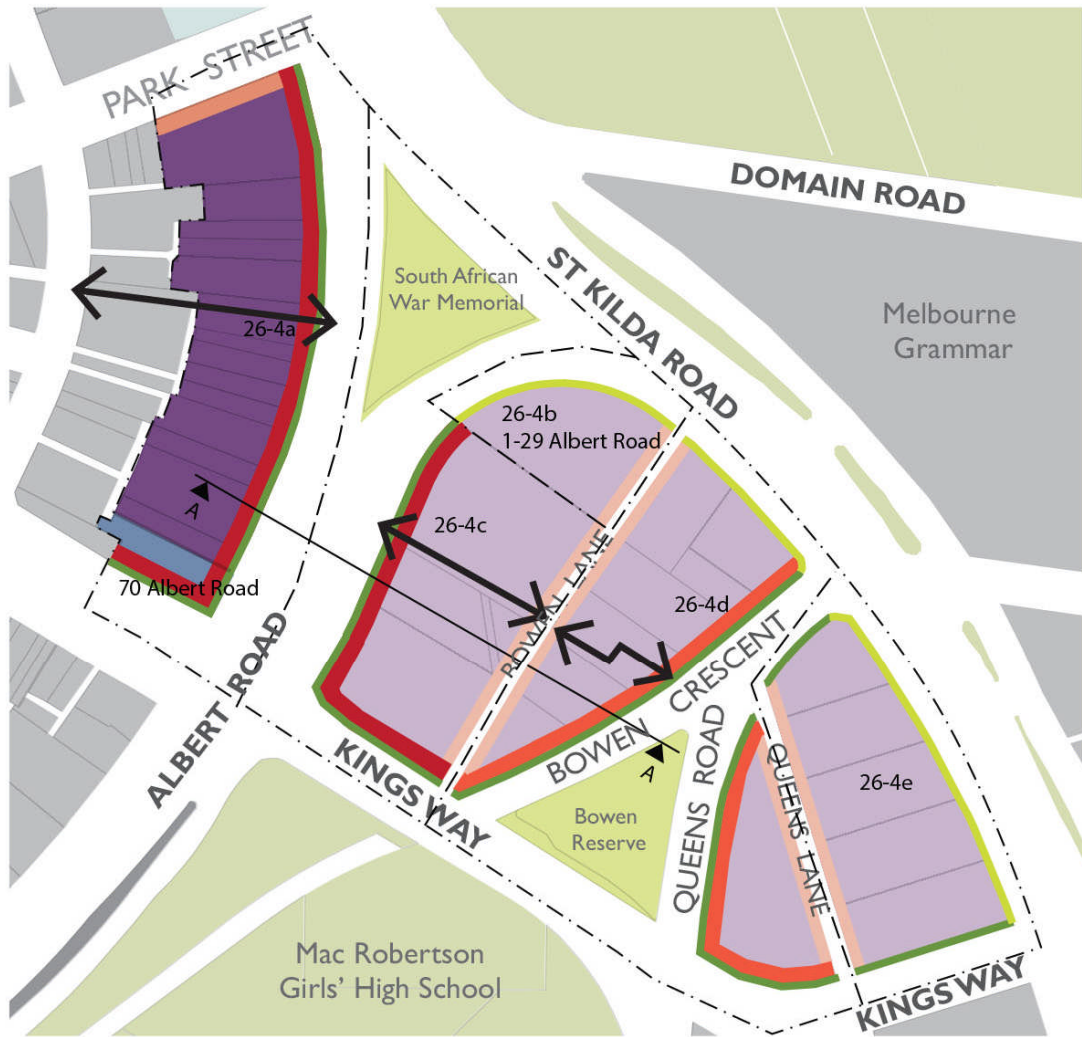
#### SUB-PRECINCT 4

##### MANDATORY CONTROLS

- 60m
- 65m AHD
- 85m AHD
- 3m landscape setback along St Kilda Road

##### DISCRETIONARY CONTROLS

- 3m landscape setback elsewhere
- 11m podium (depth of 5m)
- 18m podium (depth of 5m)
- 18m - 30m podium (depth of 5m)
- 18m - 30m podium (depth of 10m)



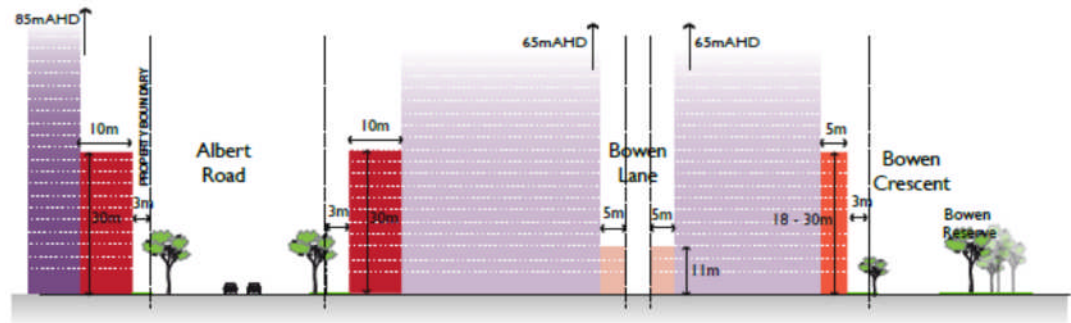
**SUB-PRECINCT 4  
MANDATORY CONTROLS**

- 60m
- 65m AHD
- 85m AHD
- 3m landscape setback along St Kilda Road

**DISCRETIONARY CONTROLS**

- 3m landscape setback elsewhere
- 11m podium (depth of 5m)
- 18m podium (depth of 5m)
- 18m - 30m podium (depth of 5m)
- 18m - 30m podium (depth of 10m)
- Pedestrian through-block link

## Cross Section AA



The following requirements apply to development in Sub-Precinct 4:

- Development should be generally in accordance with Map 5 of this schedule.
- A 3 metre landscaped setback must be provided to St Kilda Road. A permit may not be granted to construct a building or construct or carry out works which are not in accordance with this requirement unless allowed by clause 4.0 of this schedule.
- A 3 metre landscaped setback ~~must~~ should be provided to all other street frontages, except Bowen Lane, Queens Lane and Park Street.
- Building facades ~~must~~ should align with the street frontage.
- Development must not result in any additional overshadowing that will reduce the amenity of the:
  - South African War Memorial Reserve and the Bowen Crescent Reserve at the Equinox between 10am and 2pm.
  - Mac Robertson Girls' High School at the Equinox between 10am and 2pm.
  - Albert Park at the Winter Solstice between 11am and 2pm.

A permit may not be granted to construct a building or construct or carry out works which are not in accordance with this requirement unless allowed by clause 4.0 of this schedule.

### Sub-Precinct 4-a

Development:

- within 13 metres (inclusive of the 3 metre landscape setback) of any direct street frontage or abuttal to Albert Road and Kings Way ~~must~~ should be a minimum height of 18m and ~~must~~ should not exceed a maximum height of 30 metres, and
- between 13 metres (inclusive of the 3 metre landscape setback) of Kings Way and the northern boundary of 70 Albert Road must not exceed a height of 60 metres. A permit may not be granted to construct a building or construct or carry out works exceeding a height 85 metres AHD unless allowed by clause 4.0 of this schedule.

Development with a direct frontage to Park Street ~~must~~ should:

- be built to the boundary, and
- within 5 metres of Park Street not exceed a height of 18 metres.

~~Development of 28-32 Albert Road and 13-21 Palmerston Crescent (in Sub-Precinct 2) should create a continuous pedestrian link between Albert Road and Palmerston Crescent.~~

Development beyond the setback areas set out above must not exceed a height of 85 metres AHD. A permit may not be granted to construct a building or construct or carry out works which are not in accordance with this requirement unless allowed by clause 4.0 of this schedule.

#### Sub-Precinct 4-b

Development fronting Bowen Lane ~~must~~ should:

- be built to the Bowen Lane boundary, and
- within 5 metres of Bowen Lane not exceed a height of 11 metres.

Development beyond the setback areas set out above must not exceed a height of 65 metres AHD. A permit may not be granted to construct a building or construct or carry out works which are not in accordance with this requirement unless allowed by clause 4.0 of this schedule.

#### Sub-Precinct 4-c

Development within 13 metres (inclusive of the 3 metre landscape setback) of any street frontage to Albert Road and Kings Way ~~must~~ should be a minimum height of 18 metres and not exceed a maximum height of 30 metres.

Development fronting Bowen Lane or Queens Lane ~~must~~ should:

- be built to the Bowen Lane or Queens Lane boundary; and
- within 5 metres of Bowen Lane or Queens Lane not exceed a height of 11 metres except within 13 metres of Kings Way.

~~Development of 31-33 Albert Road should create a continuous pedestrian link between Albert Road and Bowen Lane.~~

Development beyond the setback areas set out above must not exceed 65 metres AHD. A permit may not be granted to construct a building or construct or carry out works which are not in accordance with this requirement unless allowed by clause 4.0 of this schedule.

#### Sub-Precinct 4-d

Development within 8 metres (inclusive of the 3 metre landscape setback) of any street frontage to Bowen Crescent, Queens Road and Kings Way ~~must~~ should be a minimum height of 18 metres and not exceed a maximum height of 30 metres.

Development fronting Bowen Lane or Queens Lane ~~must~~ should:

- be built to the Bowen Lane or Queens Lane boundary; and
- within 5 metres of Bowen Lane or Queens Lane not exceed a height of 11 metres.

~~Development of 3 Bowen Crescent should create a continuous pedestrian link between Bowen Crescent and Bowen Lane.~~

Development beyond the setback areas set out above must not exceed a height of 65 metres AHD. A permit may not be granted to construct a building or construct or carry out works which are not in accordance with this requirement unless allowed by clause 4.0 of this schedule.

#### Sub-Precinct 4-e

Development fronting Queens Lane ~~must~~ should:

- be built to the Queens Lane boundary; and

- within 5 metres of Queens Lane not exceed a height of 11 metres.

Development beyond of the setback areas set out above must not exceed a height of 65 metres AHD. A permit may not be granted to construct a building or construct or carry out works which are not in accordance with this requirement unless allowed by clause 4.0 of this schedule.



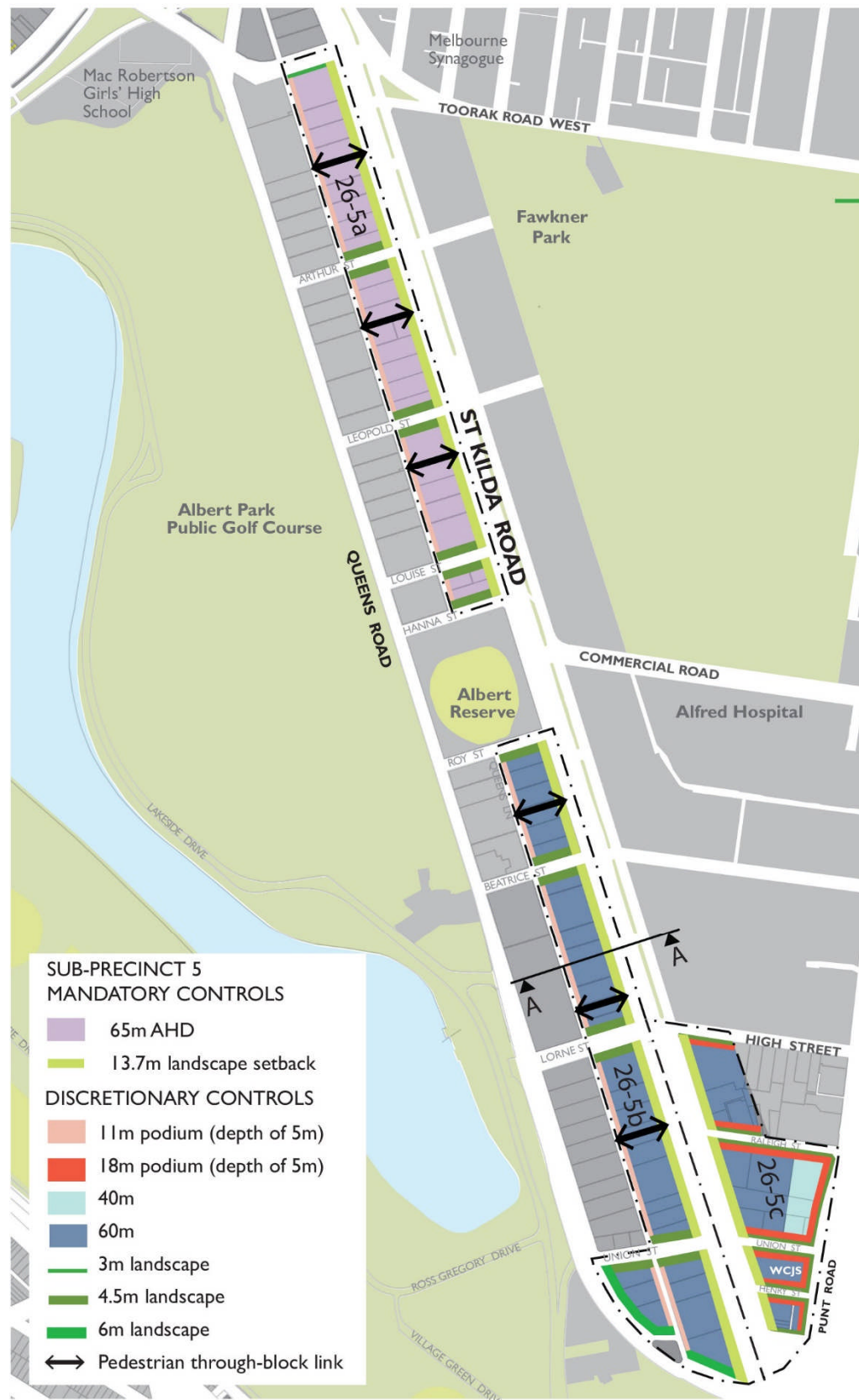
### 3.5

02/06/2016  
C407  
Proposed  
C154

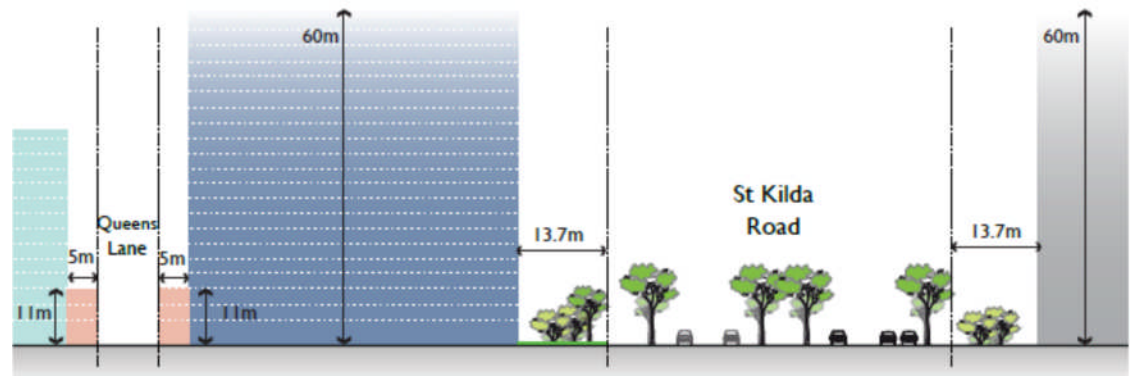
## Sub-Precinct 5 – St Kilda Road ~~s~~South of Kings Way

### Map 6: Built ~~f~~Form and ~~s~~Setback ~~r~~Requirements: Sub-Precinct 5





### Cross Section AA



The following requirements apply to development in Sub-Precinct 5:

- Development should be generally in accordance with Map 6 of this schedule.
- On St Kilda Road a landscape setback of 13.7 metres must be provided to St Kilda Road. A permit may not be granted to construct a building or construct or carry out works which are not in accordance with this requirement unless allowed by clause 4.0 of this schedule.

### Sub-Precinct 5-a

A landscape setback of 4.5 metres ~~must~~ should be provided to Arthur Street, Leopold Street, Louise Street and Hanna Street

A landscape setback of 3 metres ~~must~~ should be provided to Kings Way.

Development fronting and abutting Queens Lane ~~must~~ should:

- be built to the Queens Lane boundary; and
- within 5 metres of Queens Lane not exceed a height of 11 metres.

~~Development of the following properties should create continuous pedestrian links between St Kilda Road and Queens Lane:~~

~~—along the boundary between 434 and 436 St Kilda Road;~~

~~—through 458 St Kilda Road; and~~

~~—along the boundary between 472 474 and 476 St Kilda Road.~~

Development beyond the landscape setbacks and the Queens Lane height limit identified above must not exceed a height of 65 metres AHD A permit may not be granted to construct a building or construct or carry out works which are not in accordance with this requirement unless allowed by clause 4.0 of this schedule.

### Sub-Precinct 5-b

A landscape setback of 4.5 metres ~~must~~ should be provided to Roy Street, Beatrice Street, Lorne Street and Union Street.

A landscape setback of 6 metres ~~must~~ should be provided to Queens Road.

Development fronting and abutting Queens Lane ~~must~~ should:

- be built to the Queens Lane boundary; and
- within 5 metres of Queens Lane not exceed a height of 11 metres.

~~Development of the following properties should create continuous pedestrian links between St Kilda Road and Queens Lane:~~

~~—through 568 St Kilda Road;~~

~~—through 596 St Kilda Road; and~~

~~—through 608 St Kilda Road; and~~

Development height beyond the landscape setbacks and the Queens Lane setback requirement ~~must~~ should not exceed a height of 60 metres.

### **Sub-Precinct 5-c**

A landscape setback of 4.5 metres ~~must~~ should be provided to any street frontage or street abuttal, except St Kilda Road.

Development within 9.5 metres (inclusive of the 4.5 metre landscape setback) of Punt Road, High Street, Raleigh Street, Union Street and Henry Street ~~must~~ should not exceed a height of 18 metres.

Development within 50 metres of Punt Road between Raleigh Street and Union Street, beyond of the landscape setbacks and podium setbacks identified above ~~must~~ should not exceed a height of 40 metres.

Development beyond the setback areas set out above ~~must~~ should not exceed a height of 60 metres.

3.6

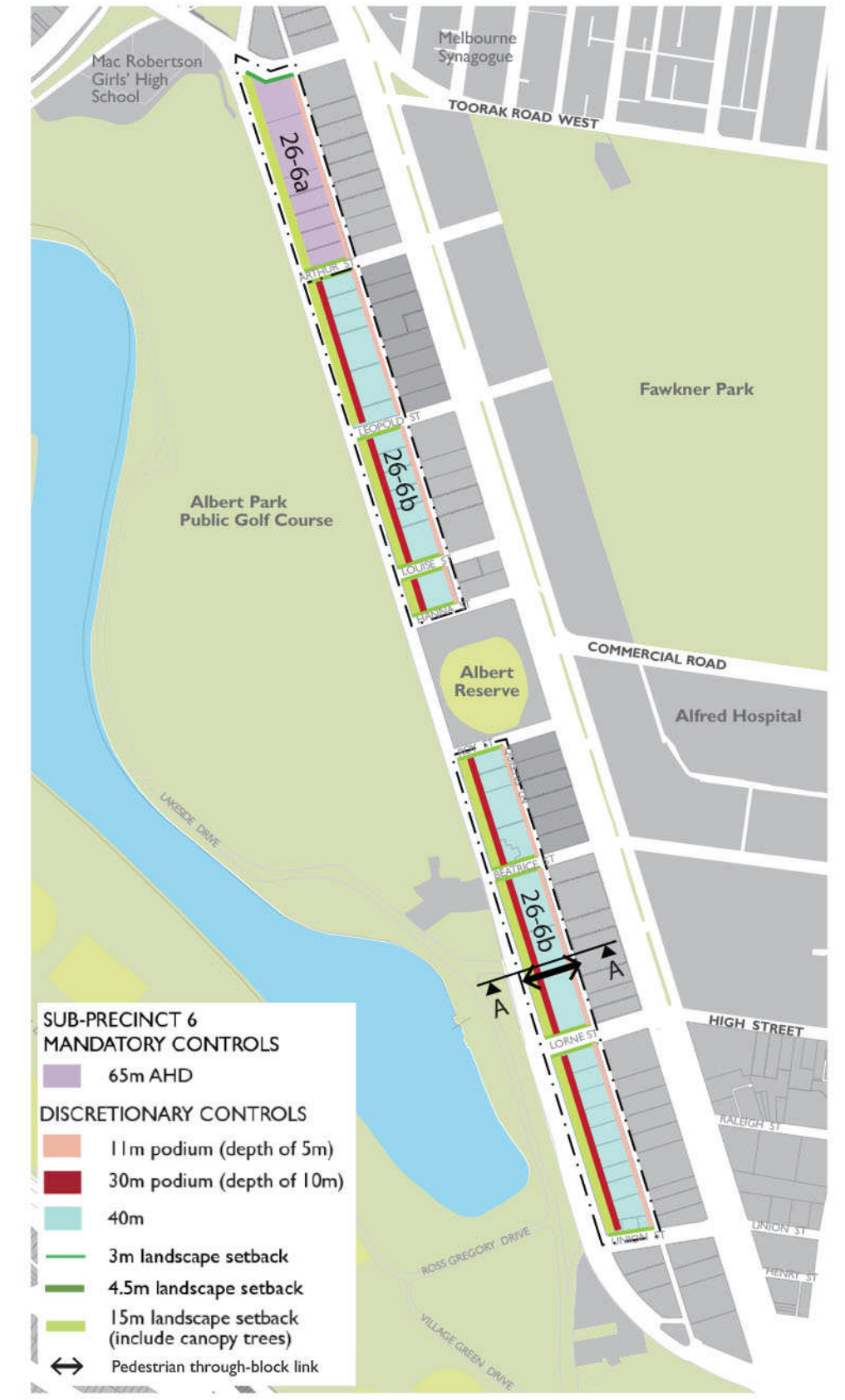
Sub-Precinct 6 – Queens Road

02/06/2016  
C107  
Proposed  
C154

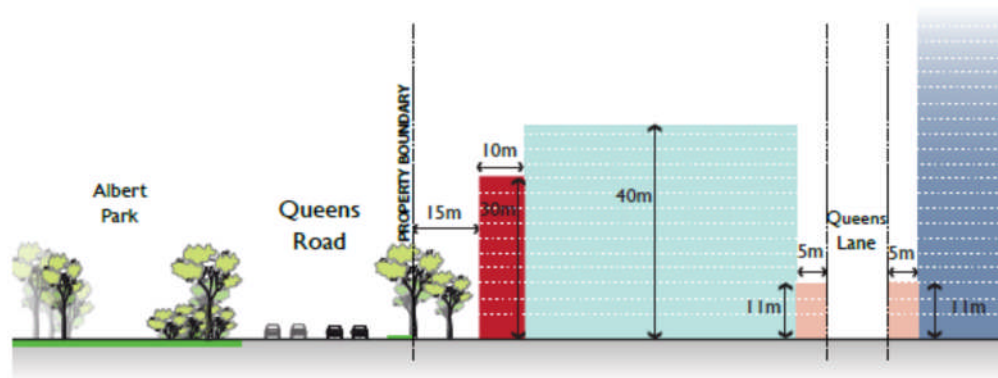
Map 7: Built Form and Setback Requirements: Sub-Precinct 6







## Cross Section AA



The following requirements apply to development in Sub-Precinct 6:

- Development should be generally in accordance with Map 7 of this schedule.
- A landscape setback of 15 metres ~~must~~ should be provided to Queens Road.
- A landscape setback of 4.5 metres ~~must~~ should be provided to Arthur Street, Leopold Street, Louise Street, Hanna Street, Roy Street, Beatrice Street, Lorne Street and Union Street.
- Development fronting and abutting Queens Lane ~~must~~ should:
  - be built to the Queens Lane boundary; and
  - within 5 metres of Queens Lane not exceed a height of 11 metres.

### Sub-Precinct 6-a

A landscape setback of 3 metres ~~must~~ should be provided to Kings Way.

Development beyond the landscape setbacks and the Queens Lane height limit must not exceed a height of 65 metres AHD. A permit may not be granted to construct a building or construct or carry out works which are not in accordance with this requirement unless allowed by clause 4.0 of this schedule.

### Sub-Precinct 6-b

Development within 25 metres (inclusive of the 15 metre landscape setback) of any street frontage to Queens Road ~~must~~ should not exceed a height of 30 metres.

~~Development of 61-67 Queens Road should create a continuous pedestrian link between Queens Road and Queens Lane.~~

Development beyond the landscape setbacks and podium height limits ~~must~~ should not exceed a height of 40 metres.

## 4.0

### Buildings and Works: ~~e~~Exceptions to ~~m~~Mandatory ~~r~~Requirements

02/06/2016  
C107  
Proposed  
C154

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

- A permit may be granted to allow the construction of minor buildings and works within the area of a setback required by this schedule, such ~~including: as~~

- reskinning or recladding of an existing building, sunshades or architectural features on the exterior of the building, or
- verandahs, architectural features, balconies, shelters, sunshades, art works, street outdoor-furniture, play equipment, art works, landscaping, fences, reskinning or recladding of an existing building, and basements which do not project above exceed the height of ground level, within the area of a setback required by this schedule or
- balconies within the front setback which do not dominate the front façade, landscaping, and seating at ground level.
- Within Sub-Precinct 2 and Sub-Precinct 3, a permit may be granted to allow architectural features such as domes, towers, masts and building services that do not exceed the maximum height by more than 4 metres and do not exceed 10% of the gross floor area of the top building level or 50 square metres (whichever is the greater). (No gross floor area limit applies to the installation of solar panels.)
- Within Sub-Precinct 2 and Sub-Precinct 3, allow the construction of a ~~communal~~ green roof (defined as a vegetated landscape built up from a series of layers that are installed on the roof surface as 'loose laid' sheets or modular blocks) or communal open space that does not exceed the mandated building height by more than 2 metres.
- ~~— A permit may be granted to allow off site loading so long as the Responsible Authority is satisfied that the physical constraints of the site make on site loading impractical.~~
- A permit may be granted to replace a building or works which existed on 15 May 2016 which does not meet the height or setback requirements of this schedule so long as all of the following apply:
  - The responsible authority is satisfied that an increased height or reduced setback does not unreasonably impact on the vision for the Sub-Precinct as set out in the Design Objectives for the relevant Sub-Precinct.
  - The building or works is no higher than the building being replaced.
  - The building or works is to be constructed no closer to a boundary than the building being replaced.

## 5.0

### Application Requirements

02/06/2016  
C407  
Proposed  
C154

An application to construct a building or construct or carry out works ~~must~~ should be accompanied by the following information, as appropriate:

- A plan, drawn to scale and including relevant dimensions, that shows:
  - The boundaries and dimensions of the land.
  - The location of adjoining roads.
  - A neighbourhood framework plan illustrating the location and use/purpose of adjacent buildings and works.
  - Relevant ground levels and surface levels (using Australian Height Datum).
  - The location and layout of existing buildings and works (including landscaping) identifying those buildings, works and landscaping to be retained.
  - The location and layout of proposed buildings and works (including landscaping).
  - Existing and proposed vehicle, bicycle and pedestrian access points, driveways, and pathways; car and bicycle parking and loading areas.
- Elevation and section drawings, drawn to scale and including relevant dimensions, that show:

- The location and height of existing buildings and works to be retained and proposed buildings and works (using Australian Height Datum).
- The location and height of adjacent buildings and works (using Australian Height Datum).
- Any appurtenances to the exterior of the building (including roof structures).
- Relevant ground levels and surface levels (using Australian Height Datum).
- The colour, materials and finishes of external walls and surfaces.
- Where buildings will be visible from the forecourt of the Shrine of Remembrance, evidence that the reflectivity of the materials and finishes will not cause visual distraction from glare on ANZAC Day (April 25) and Remembrance Day (11 November).
- A landscape plan showing the detailed landscape design and including the details of vegetation to be planted; the density of planting, the location of pathways, surfaces to be constructed and materials to be used, the location, design and finishes of furniture, fixtures and public art works, and other site works as relevant.
- A Traffic and Parking Assessment Report which includes an examination of the cumulative impacts of traffic and parking in the Precinct.
- Shadow diagrams, drawn to scale and including relevant dimensions, that shows:
  - The boundaries and dimensions of the land.
  - The location and layout of proposed buildings and works, including the location of windows and open spaces (as relevant).
  - The location of adjoining roads.
  - The location and use/purpose of adjacent buildings and works.
  - The shadows cast by the development during daylight hours on 22 September (Equinox).
  - For applications within sub-precincts affected by additional shadow requirements, the shadows cast by the development during the specified day and time.
- A wind impact study demonstrating the wind effects of proposed buildings and works.
- Plans or a model, drawn or constructed to scale and including relevant dimensions that show the proposed development in the context of the Shrine and its setting.

## 6.0

02/06/2016  
~~C107~~  
 Proposed  
 C154

### Decision Guidelines

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

- Whether the proposed buildings or works achieve the Design Objectives.
- Whether the proposed buildings or works are in accordance with the General Requirements and the Requirements for the relevant sub-precinct detailed in this schedule.
- Whether the development is designed to avoid or limit over shadowing of adjoining residential properties and the public realm in accordance with the Objectives and Policy Requirements of *Clause 22.06 - Urban design policy for non-residential development and multi-unit residential development*.

## 7.0 Notice Requirements

02/06/2016  
~~C107~~  
 Proposed  
 C154

Notice of an application to construct a building or construct or carry out works exceeding the maximum development height requirements specified under Clause 3.2, 3.5 and 3.6 to this schedule must be given in accordance with Section 52(1)(c) of the Planning and Environment Act 1987 to The Shrine of Remembrance Trustees as specified in the Schedule to Clause 66.06.

## 8.0 Advertising Signs

02/06/2016  
 C107

### Notice Requirements

Where a permit is required under Clause 52.05 for a sign and the sign is located above 23 metres AHD, notice must be given under Section 52(1)(c) of the Planning and Environment Act 1987 to the Shrine of Remembrance Trustees as specified in the Schedule to Clause 66.06.

### Decision Guidelines

Before deciding on an application to display a sign located above 23 metres AHD, the Responsible Authority must consider, in addition to the decision guidelines at Clause 52.05 and Clause 65:

- Whether the advertising sign detracts from the landmark qualities and historical and cultural significance of the Shrine of Remembrance
- Whether the location, size, illumination and reflectivity of the advertising signs detracts from important views and vistas from the Shrine of Remembrance.

## 9.0 Reference Documents

02/06/2016  
~~C107~~  
 Proposed  
 C154

*St Kilda Road North Precinct Plan (2013 – Updated 2015)*

*The Shrine of Remembrance, Managing the Significance of the Shrine, July 2013*



## Appendix E : Delegate Report 2018

## CITY OF PORT PHILLIP DELEGATE REPORT – S87A APPLICATION TO AMEND THE PERMIT AT VCAT

PERMIT APPLICATION No.	P906/2016
VCAT REF No.	P1028/2018
ADDRESS	200-204 Wells Street, South Melbourne
APPLICANT	Stellar 237 Pty Ltd
PROPOSAL	Use of land for the purpose of shops, construction of a multi-storey mixed use building over basement levels containing dwellings and shops, reduction in the car parking requirements and a waiver of the loading bay requirements
ZONE	Mixed Use Zone
OVERLAYS	Special Building Overlay – Schedule 2 Design and Development Overlay – Schedule 26 (area 2)
WARD	Gateway
DELEGATION	Complies with the instrument of delegation because it is a VCAT application to amend an existing permit, and less than 15 Statements of grounds have been lodged
OFFICER	Kathryn Pound

### 1. BACKGROUND

#### 1.1 Planning permit P906/2016 and VCAT appeal P351/2017

Planning permit P906/2016 was issued by Council at the direction of VCAT on 27 June 2017 for use of land for the purpose of shops, construction of a multi-storey mixed use building over basement levels containing dwellings and shops, reduction in the car parking requirements and a waiver of the loading bay requirements. The permit was based on a consent position being reached by parties over two compulsory conferences.

The application had been advertised and 104 objections were received. An appeal under s 79 of the Planning and Environment Act 1987 was subsequently lodged by the applicant against Council's failure to determine the application within the prescribed time (VCAT reference P351/2017). A number of residents were joined as respondents to the appeal.

A position was formed under delegation that the proposal should not be supported on a number of grounds. However, as a result of amended plans being circulated prior to the compulsory conference and further changes being agreed to between the parties at the first compulsory conference, the Council delegate supported the proposal. To obtain delegation, the matter was reported to Council as a confidential item at the Planning Committee Meeting on 21 June 2017. At the meeting, Council determined to uphold the delegate recommendation and support the consent position. The consent position was then formerly reached at the second, subsequent, compulsory conference.

Plans have not been endorsed in accordance with the permit.

#### 1.2 Amendment of planning permit P906/2016 through VCAT appeal P1028/2018

An application to amend the permit under s 87A of the *Planning and Environment Act 1987* was lodged by Stellar 237 Pty Ltd with VCAT on 28 May 2018 (VCAT reference P1028/2018). An initiating order was subsequently issued by the Tribunal on 13 June 2018.

A practice day hearing was held on 20 July 2018. A second practice day hearing was held on 13 July 2018 to consider the extent of notice required. In an order dated 18 July 2018, VCAT subsequently directed the extent of notice required. Accordingly, the applicant undertook notice of the application to adjoining properties.

Five parties have lodged Statements of Grounds and been joined as parties to the appeal.

A compulsory conference was held on 4 September 2018. At the compulsory conference, a number of issues were discussed and it was considered that the proposal could likely be supported subject to

some matters being resolved. As a result, a partial set of amended plans were circulated by the applicant to parties on 17 September 2018. A second compulsory conference has been scheduled for 27 September 2018.

A full hearing has been scheduled for two days commencing 29 October 2018.

The purpose of this report is to assess the proposal and determine whether a consent position can be reached and/ or otherwise determine Council's position at the upcoming hearing.

## 2. PROPOSED AMENDMENTS

### 2.1 Proposed amendments

The plans under assessment are those lodged with the VCAT appeal and received by Council on 19 June 2018, prepared by Ewert Leaf marked Revision A dated 26 March 2018.

The permit applicant has provided the following summary of proposed changes:

The changes to the approved development can be summarised as follows;

- Reduce the number of levels from 20 to 18-storey
- Increase the building height from 62.35RL to 62.41RL.
- A reduction in the number of apartment from 174 to 84.
- Consolidation of the three (3) shops into one (1) food and drink premises.
- Introduction of office uses facing Park Street on Levels 1 to 3 with separate access and lift and pedestrian access off Park Street.
- Introduction of 814m<sup>2</sup> of serviced offices.
- 2 levels of communal facilities comprising gym, library, media room, pool.
- Deletion of 1 access point along the Wells Street frontage.
- Introduction of the correct size substation enclosure.
- Reduction in the number of car spaces from 197 to 119.
- Deletion of two basement levels to a single basement.
- Provision of an additional level of podium parking i.e. from 2 levels to 3.
- Deletion of the car lift and mechanical stackers.

The Table below is excerpted from the submitted Traffic Engineering Assessment and also provides a useful breakdown of the changes in the development:

**Table 1: Approved & Proposed Development Schedules**

Use		Approved Scheme <sup>1</sup>	Proposed Scheme	Change
Residential	1-bedroom	58 Dwellings	36 Dwellings	-22 Dwellings
	2-bedroom	98 Dwellings	36 Dwellings	-62 Dwellings
	3-bedroom	18 Dwellings	12 Dwellings	-6 Dwellings
	Total	174 Dwellings	84 Dwellings	-90 Dwellings
Food & Drink		-	383m <sup>2</sup>	+383m <sup>2</sup>
Shop		300m <sup>2</sup>	-	-300m <sup>2</sup>
Office		-	1,190m <sup>2</sup>	+1,190m <sup>2</sup>

### 2.2 Supporting documentation



The following supporting material was also received by Council on 19 June 2018:

- Town Planning Report prepared by Steller dated May 2018
- Traffic Engineering Assessment prepared by Traffix Group dated May 2018
- Waste and Recycling Management Plan prepared by Strata plan dated 28 March 2018

A Sustainability Management Plan prepared by Sustainable Development Consultants dated August 2018 was later provided to Council on 17 August 2018.

### 2.3 Amended plans circulated after the Compulsory Conference

Following the initial compulsory conference, the applicant circulated amended plans to all parties on 17 September 2018. These plans are those prepared by Ewert Leaf marked Revision C dated 10 September 2018 (they do not comprise a full set). They include various changes.

## 3. PLANNING SCHEME PROVISIONS

### 3.1 Original planning permit triggers

Zone or Overlay	Why is a permit required?
Clause 32.04 Mixed Use Zone	<ul style="list-style-type: none"> <li>• Pursuant to Clause 32.04-2 – a permit is required to use the land for a Shop where the leasable floor area exceeds 150 square metres.</li> <li>• Pursuant to Clause 32.04 – 6 a permit is required to construct a building or construct or carry out works associated with a residential building.</li> <li>• Pursuant to Clause 32.04-8 a permit is required to construct a building or carry out works for a section 2 use.</li> <li>• A permit <b>is not</b> required to use the land for a dwelling</li> </ul>
Clause 43.02 Design and Development Overlay 26	<ul style="list-style-type: none"> <li>• Pursuant to Clause 43.02-2 a permit is required to construct a building or construct or carry out works.</li> </ul>
Clause 44.05 Special Building Overlay	<ul style="list-style-type: none"> <li>• Pursuant to Clause 44.05-1 a permit is required to construct a building or carry out works.</li> </ul>
Clause 52.06 Car Parking	<ul style="list-style-type: none"> <li>• Pursuant to Clause 52.06-2, the car parking spaces required under Clause 52.06-5 must be provided on the land prior to the commencement of a new use. A permit may be granted to reduce or waive the number of car spaces required by the table included in Clause 52.06-5.</li> <li>• Pursuant to Clause 52.06-5 the following should be provided: <ul style="list-style-type: none"> <li>○ 4 spaces to each 100sqm of leasable floor area;</li> <li>○ 1 car space to each one or two bedroom dwelling;</li> <li>○ 2 car spaces to each three or more bedroom dwelling; and</li> <li>○ 1 car space for visitors to every 5 dwellings for developments of five or more dwellings.</li> </ul> </li> </ul> <p>...</p> <p><u>Updated Plans</u></p> <ul style="list-style-type: none"> <li>• A total of 12 spaces are required for the shops (300sqm), 192 spaces for the dwellings and 34 visitor spaces (total 238 spaces).</li> <li>• The revised proposal would provide 197 on-site parking spaces for residents including 15 visitor spaces. (Parking rate of 1.12 spaces per dwelling).</li> <li>• The revised application seeks a waiver of 41 spaces.</li> </ul>
Clause 52.07 Loading and Unloading of Vehicles	<ul style="list-style-type: none"> <li>• Pursuant to Clause 52.07 a permit is required to reduce the minimum loading bay dimensions.</li> </ul>

The original planning permit triggers were summarised as follows in the Council report:

### **3.2 Changes in planning permit controls and policies since the grant of the original permit**

Since the grant of the original permit on 27 June 2017, the following planning scheme amendments have resulted in relevant changes to the planning scheme.

#### Amendment VC139 – new guidelines for apartment developments

Amendment VC139 was gazetted on 29 August 2017 and introduced new guidelines for apartment developments at Clause 58 of the planning scheme, and removing redundant references to older documents. However, transitional provisions apply for applications to amend an existing permit, so that Clause 58 does not technically apply to this application.

#### Amendment VC142 – delegation of loading bay provisions

Amendment VC142 was gazetted on 16 January 2018 and made numerous changes to the VPPs. Of particular relevance to this application was the deletion of Clause 52.07, so that a planning permit is no longer required to reduce the minimum loading bay dimensions.

#### Amendment VC148 and VC151 – introduction of the Planning policy framework (PPF)

Amendment VC148 was gazetted on 31 July 2018 and made significant changes to the VPPs, notably replacing the SPPF with a new integrated PPF. Transitional provisions apply to the LPPF.

Also of relevance to this application is the amendment of Clause 52.06 Car parking, to apply the car parking rates in Column B of Table 1 if any part of the land is identified as being within the Principal Public Transport Network Area as shown on the *Principal Public Transport Network Area Maps* (State Government of Victoria, 2018). The correct *Principal Public Transport Network Area Maps* was introduced in Amendment VC151 which came into effect on 6 August 2018. The site is located within this area and therefore column B rates apply. A planning permit is still required to reduce the standard car parking requirement under the amended Clause 52.06.

Also relevant here, Amendment VC148 also deleted clauses 52.35 Urban context report ... and 52.36 Integrated public transport planning.

This proposal has been assessed against the PPF and updated Clause 52.06.

#### Amendment C154 – DDO26 interim controls

A request was submitted to the Minister for Planning in June 2018 to prepare and approve Amendment C154 to the Port Phillip Planning Scheme pursuant to Section 20(4) of the Planning and Environmental Act 1987 to update Schedule 26 to Clause 43.02 - Design and Development Overlay (DDO26).

The Planning Scheme Amendment seeks the following:

- Administrative changes to address issues resulting from the expression of controls that are causing confusion including changing the word 'must' to 'should' throughout the DDO where the requirement is not intended to be mandatory to improve transparency and consistency with other DDO's.
- Make changes which implement an element of the adopted Precinct Plan.
- Make changes which strengthen the existing control where the outcome is not being achieved on a consistent basis.

Amendment C154 would have the following impact on the proposed development:

- Makes separation distances/ side and rear setbacks from the common boundary and boundary with a lane above the podium height (including balconies) mandatory: a minimum of 4.5 m; and makes mandatory a minimum 9 m setback from existing towers.
- Makes exhaust setbacks from underground car parks mandatorily located away from main pedestrian areas and incorporated into the building design or adequately screened.
- Introduces a new requirement that where new development abuts a lane less than 3.5 metres in width, a setback of at least 2.2 metres from the boundary with the lane must be provided at ground level and level one. A permit may not be granted to construct a building or carry out works which are not in accordance with this requirement unless allowed by clause 4.0 of this schedule.



- Makes the requirement for all car parking at ground level or above to be sleeved with active uses to ensure it is not visible from the street discretionary (not mandatory).
- Makes the requirement for security grills to be visually permeable and mounted internally discretionary (not mandatory).
- Makes the requirement for new residential development to have access to onsite communal or private open space in the front of rooftops, podiums, balconies or courtyards discretionary (not mandatory).
- Introduces some mandatory waste materials storage requirements.
- Makes the requirement to provide internal and on-site loading facilities and on-site service vehicle parking at the rear of buildings mandatory (not discretionary). But, updates section 4.0 to allow a permit to be granted to allow off-site loading where the RA is satisfied that the physical constraints of the site make on-site loading impractical.
- Makes the requirement for vehicle ingress and egress to be located on lanes mandatory (not discretionary), but only where possible.
- Makes the requirement for development to be built to Wells or Park Streets and not exceed 18 m in height within 5 m of any street frontage discretionary (not mandatory).
- Makes the requirement to maintain the existing levels of solar access to the southern footpaths of Bank and Park Streets between 10 am and 2 pm at the equinox discretionary (not mandatory).
- Updates section 4.0 to allow some additional exceptions to mandatory requirements, including minor buildings and works within setbacks (including reskinning or recladding, sunshades or architectural features and balconies within the front setback which do not dominate the front façade, landscaping and seating at ground level).

Implications of these changes are considered in the assessment below.

### **3.3 Planning scheme provisions**

#### Planning policy framework (PPF)

The following provisions of the PPF are relevant to this application:

Clause 11:	Settlement
Clause 13:	Environmental Risks and Amenity
Clause 15:	Built Environment and Heritage
Clause 16:	Housing
Clause 17:	Economic Development
Clause 18:	Transport
Clause 19:	Infrastructure

#### Local planning policy framework (LPP)

The Municipal Strategic Statement (MSS) contains a number of clauses, which are relevant to this application as follows:

Clause 21.01:	Vision and Approach						
Clause 21.02:	Municipal Context and Profile						
Clause 21.03:	Ecologically Sustainable Development, including: <table> <tr> <td>21.03-1:</td><td>Environmentally Sustainable Land Use and Development,</td></tr> <tr> <td>21.03-2:</td><td>Sustainable Transport.</td></tr> </table>	21.03-1:	Environmentally Sustainable Land Use and Development,	21.03-2:	Sustainable Transport.		
21.03-1:	Environmentally Sustainable Land Use and Development,						
21.03-2:	Sustainable Transport.						
Clause 21.04:	Land Use, including <table> <tr> <td>21.04-1:</td><td>Housing and Accommodation</td></tr> <tr> <td>21.04-2:</td><td>Activity Centres</td></tr> <tr> <td>21.04-3:</td><td>Office and Mixed Activity Areas</td></tr> </table>	21.04-1:	Housing and Accommodation	21.04-2:	Activity Centres	21.04-3:	Office and Mixed Activity Areas
21.04-1:	Housing and Accommodation						
21.04-2:	Activity Centres						
21.04-3:	Office and Mixed Activity Areas						

- Clause 21.05: Built Form, including:  
21.05-1: Heritage  
21.05-2: Urban Structure and Character  
21.05-3: Urban Design and the Public Realm  
21.05-4: Physical Infrastructure
- Clause 21.06: Neighbourhoods, including:  
21.06-5: South Melbourne

The application also needs to be assessed against the following Local Planning Policies:

- Clause 22.06: Urban Design Policy for Non Residential Development and Multi Unit Residential Development
- Clause 22.12: Stormwater Management (Water Sensitive Urban Design)
- Clause 22.13: Environmentally Sustainable Development

#### Other relevant provisions

The following particular and general provisions are relevant to this application:

- Clause 52.06: Car Parking
- Clause 52.34: Bicycle Facilities
- Clause 65: Decision Guidelines, including:  
Clause 65.01: Approval of an Application or Plan

#### **4. PUBLIC NOTIFICATION**

The applicant undertook notification of the amendment application in accordance with the Tribunal's order dated 18 July 2018.

As a result, five parties have lodged Statements of grounds and been joined as parties to the appeal (one of these was made on behalf of 21 people). The key issues raised therein are:

- Supportive of some aspects of the proposal, including reduction in dwelling numbers, increase in size of apartments, and removal of car lifts and mechanical stackers
- Alterations to setbacks compared to what has been approved; DDO26 setback requirements to be met
- Parapet not shown
- Insufficient information shown on roof plan, including plant and screening, lift overrun, access, etc
- Shadow diagrams are incorrect
- Poor access from Park Street
- Single door to food and drink premises
- No accessible amenities shown to commercial and common areas
- No light to internal corridors
- Snorkel windows
- Accessible bathrooms not accessed via master bedrooms
- Deficiencies in layout of kitchens
- Waste collection and ventilation
- Some balcony widths are less than allowed
- Exceeds mandatory height limit
- Insufficient contribution to public realm, including lack of setbacks and landscape contribution

These matters are discussed in the assessment below.

#### **5. INTERNAL REFERRALS**

The application has been referred to the following internal areas of Council.



## 5.1 Strategic Planning

### The Site:

The site is located north-west of the Park Street and Wells Street junction in South Melbourne. The site fronts both Park and Wells Street and a laneway (Little Bank St) to the rear. The site is 1548.7m<sup>2</sup>.

### The Proposal:

An Application to amend Planning Permit 906/2016 pursuant to Section 87A of the Planning and Environment Act 1987 has been lodged.

Planning Permit (906/2016) was approved at the direction of the VCAT (consent order) for the land at 200 Wells Street, South Melbourne. Condition 1 required alterations to the proposal not yet endorsed.

Planning Permit (906/2016) allows for the use of land for the purpose of shops, the construction of a multi-storey mixed-use building over basement levels containing dwellings and shops, a reduction in the car parking requirements and a waiver of the loading bay requirements.

### Planning Controls:

Zoning: MUZ

Overlays: SBO2, DDO26-2

### Planning Assessment:

Comments in response to proposed amendments (amendment items as raised by the applicant):

- Reduce the number of levels from 20 to 18
  - As noted by the applicant, this reduction in levels (whilst generally maintaining the overall height) accommodates increased floor to floor heights thereby improving the internal amenity outcomes from that of the original proposal. No strategic planning concerns.
  - The submitted documentation identifies that the amended proposal introduces floor to floor heights of 3.45 to 3.6m within the podium levels. DDO 26 requires that car parking within a podium should incorporate floor to ceiling heights of 3.5m to enable future adaptation.
- Increase the building height from 62.35RL to 62.41RL
  - The submitted planning report identifies the amended proposal has a revised height of 59.4m. It is assumed this excludes services and is consistent with the mandatory 60m height requirement for this site in DDO26.
  - The roof services (including lift overrun) will need to be compliant with Clause 4 of DDO26.
- A reduction in the number of apartments from 174 to 84
  - No strategic planning objection.
- Consolidation of three shops into one food and drink premises.
  - DDO26 seeks to provide a fine grain character and to improve the streetscape environment ...through high quality built form.
  - Clause 22.06 states: Encourage the design of building frontages at footpath level to offer visual interest, passive surveillance, social interaction, safety, shelter and convenience.
  - Further, Wells Street is identified as a key component of the local pedestrian network (St Kilda Road North Precinct Review 2013) where the aim is to create more intimate streetscapes within a vibrant residential and mixed-use environment.
  - The deletion of a range of tenancy sizes from 3 to 1 (and removal of associated entrances) at ground level will reduce interest and activation along Wells Street (from that proposed under the current permit).
  - As a minimum, it is suggested that opportunities for multiple pedestrian entries along the Wells Street frontage be explored (also see comments below re Wells St activation).
- Introduction of office uses facing Park Street on Levels 1 to 3 with separate access lift and pedestrian access off Park Street
  - No strategic objection in principle.

- However, CI22.06 states: ensure pedestrian accessways within the development are safe, attractive and convenient to use by occupants and visitors alike. The amended residential lobby and corridor leading to the lifts is small and narrow. It is suggested that opportunities to improve circulation spaces, visibility and access to natural light in the foyer area be explored, consistent with CPTED principles.
- Introduction of 814m<sup>2</sup> of serviced offices
  - No strategic planning objection.
  - Clause 21.06-7 of the MSS reinforces the role of St Kilda Road as a premier office location supporting the Melbourne Central Activity District and a preferred location for well designed, higher density residential development. The proposed development comprising 814m<sup>2</sup> commercial office space and 84 apartments is considered to comply with the land use objectives of Clause 21.06-7.
- Two levels of communal facilities comprising gym, library, media room, pool.
  - The proposal includes extensive communal facilities (all level 4 and 5). The application documentation clarifies that the introduction of two levels of communal facilities including pool, gym, lounge room, dining room and library has been provided on the fourth and fifth floor for the enjoyment of the residents. Accordingly, it is understood that these communal facilities will be available only for resident use and on this basis raises no concerns.
- Deletion of 1 access point along the Wells Street frontage.
  - The consolidation of vehicle access to one crossover accessed via Little Bank Street, and associated removal of the vehicle crossover from Wells Street, is supported.
  - However the amended proposal removes five pedestrian entry points at ground level (from that previously proposed), resulting in no pedestrian entry points to Wells Street.
  - DDO26, states: Design pedestrian entrances to open directly onto the street, as a key feature of the facade and at the same level of the public footpath and ensure that buildings located on corner sites should address both street frontages.
  - DDO26 also requires transparent windows and entrances for at least 80% of the width of the street frontage of each individual retail premises, or at least 60% of the width of the street frontage of each premises for other commercial uses.
  - To comply with the DDO requirement, it is suggested that opportunities for multiple pedestrian entries along the Wells Street frontage be explored.
  - The ground level treatment will play a critical role in improving/activating the streetscape and pedestrian experience along Wells Street, which is currently poor.
- Introduction of the correct size substation enclosure
  - DDO26 requires (under Building Services) that waste storage or services should not impede pedestrian access and should be located away from footpaths.
  - The previous proposal incorporated the substation in the north west corner of the site (accessed from Little Bank Street). The amendment seeks to relocate the substation to the north east corner of the site along the Wells Street façade.
  - It is suggested that options to co-locate the service cabinets with the loading/parking areas along Little Bank Street be explored to minimise adverse impacts on the footpath, consistent with the DDO requirement.
- Reduction in the number of car spaces from 197 to 119
  - Subject to traffic assessment, no strategic planning objection.
- Deletion of two basement levels to a single basement
  - Preferred outcome is to locate all car parking within the basement. If not possible, car parking levels within the podium must be "sleeved" with active uses (see comments below).
- Provision of an additional level of podium parking (from 2 levels to 3)
  - DDO26 Clause 2 requires that:



- The design of new buildings should include openable habitable windows and balcony doors on the first five levels of the 'street wall' to enhance the sense of connection, surveillance and safety at ground level.
- All car parking at ground level or above must be sleeved with active uses to ensure it is not visible from the street.
- Car parks should be built underground or located to the rear of the site to enable active uses on the street frontage. Where car parks are built above ground, they should not front the site...
- Car parking within the podium should incorporate floor to ceiling heights of 3.5m to enable future adaptation for habitable uses
- All buildings (except on laneways and service streets) should:
  - Allow for natural surveillance and a visual connection into the building through transparent windows and balconies.
  - Avoid blank walls, large areas of reflective surfaces, service areas, car parks and garage doors in the podium interface areas.
- Further, Local Policy 22.06 states:
  - Discourage blank walls and car park vents onto pedestrian spaces.
  - Encourage car parking to be contained within a building or located at the rear of a building and not visible from the street. If located above ground level, encourage the façade of the car park to be designed to integrated with the building and to screen views of cars from public areas and adjoining buildings.
- The application documentation states that the introduction of podium parking seeks to address water table issues identified in the GAR assessment. The amendment proposes relocating basement car parking into the podium without an active use sleeve. The "sleeve" of office use along the Park Street facade only extends partially along the southern end of the Wells Street façade.
- Podium car parking without a "sleeve" of active uses to the Wells Street frontage is not supported as it is inconsistent with DDO26 and CL22.06 (specified above).
- It is recommended that all podium car parking be "sleeved" to Wells Street (and continue sleeving along Park Street).
- Deletion of the car lift and mechanical stackers.
  - Subject to the traffic assessment the only concern relates to the larger car parking footprint required to accommodate ramping and associated lack of active use "sleeve" (as discussed above).
- Other comments:

For this site, DDO26 requires that:

- Development above the podium height must be set back a minimum of 4.5 meters from side and rear boundaries and at least 9 meters from existing towers. Where there is no podium or an existing tower, a setback of 4.5 meters to the boundary must be provided.

#### Planner comments:

This advice is generally agreed with and is discussed in the assessment at section 6 below.

## **5.2 Urban Designer**

### **Port Phillip Planning Policy**

Clause 21.05: Built Form;

Clause 21.05-2 Urban Structure and Character:

Clause 21.5-3: Urban Design and Public Realm:

### **Urban Design Response:**

- Reduction in floor heights - is supported.



- Increase the building height from 62.35RL to 62.41RL – DDO clearly states 60m, unclear how this corresponds to this requirement and whether it is additional plant, or architectural features
- Reduction in apartments – supported as this provides greater amenity for the internal floors and residents.
- Consolidation of three shops into one food and drink premises. - The change and variety to the number of shops is not an urban design concern, however the interface and how this presents to the Wells St and Park St frontages is detailed in comments below. To note it is recommended the entrance to the Park St remains aligned and any change in levels is resolved within the title boundary to avoid creating crevices and indents to the frontage.
- Introduction of office uses facing Park Street on Levels 1 to 3 with separate access lift and pedestrian access off Park Street- The introduction of office uses is supported, as with the lobby access to all levels from the street front. With the idea of passive surveillance along the busy main street, has the applicant explore providing office uses to the Wells St frontage, and residential to the Park St frontage which is the main pedestrian route and likely to provide some passive surveillance to the area at night.
- Introduction of 814m<sup>2</sup> of serviced offices - supported by Urban Design with the above comments.
- Two levels of communal facilities comprising gym, library, media room, pool. – The outdoor terrace and facilities on level 05 is supported taking into account the proximity and outlook of the gardens and streetscapes nearby. It is recommended that wind testing be undertaken to ensure the spaces are able to be utilised by residents, and any wind mitigations needed are done with the building façade now, rather than blades and awnings as an afterthought. It is unclear the use of a travel agent within the facilities to only service the residents is required or an appropriate utilisation of the tenancy.
- Deletion of 1 access point along the Wells Street frontage. This is not supported by Urban Design. The application is now subject to transformation of the Park St streetscape, with the recent relocation of the Park St tram stop and Councils upgrade to the streetscape. The ground floor frontages along Park St and Wells St are subject to a high number of commuters and growing number of residents and pedestrians to the area. Given the large footprint and frontage to Wells St this is a missed opportunity to provide access along a large glazed frontage, and explore opportunities for footpath trading. We would recommend reinstating 1 large or 2 small entrances from Wells St.
- Introduction of the correct size substation enclosure - The substation size on the ground floor has two openings. This is in contrast to the large tenancy that has no entrances fronting Wells St. It is recommended that the finishing of this substation enclosure is integrated with the building façade.
- Reduction in the number of car spaces from 197 to 119 - This is a traffic assessment.
- Deletion of two basement levels to a single basement - This is partly a traffic assessment but also relates to Urban Design. Car parking in the podium is not supported unless it is sleeved with inhabitable spaces such as office, or residential to provide passive surveillance and visual interest to the key surrounding streets to all pedestrian streets.
- Provision of an additional level of podium parking (from 2 levels to 3) - This is a traffic assessment.
- Deletion of the car lift and mechanical stackers - This is a traffic assessment.

#### **Other issues**

- The lobby entrance frontage to Park St does not provide a clear line of sight to the lobby area – rather a dog leg configuration which is a poor outcome.
- The proposed awning and canopy on Park St is approximately 2m wide, it is requested that the applicant work with Councils urban design team to ensure all canopy and awnings correspond and correlate to any future streetscape improvements by Council.

#### **RECOMMENDATION**

We generally support the proposal with the following conditions:

- The Park St entrance to the tenancy remains aligned and any change in levels is resolved within the title boundary to avoid creating crevices and indents to the frontage.
- Explore opportunities to provide retail in place of office and potentially sleeve offices
- Wind testing to be undertaken on the terrace and communal level
- Justification of the need for a travel agency located in the communal facilities level
- Provide more entrances to the tenancy on the Wells St frontage to allow pedestrians to access the tenancy and opportunities for footpath trading to occur.
- Substation is well integrated into the design of the facade of the building
- Car parking in the podium must be sleeved with inhabitable spaces such as office or residential or mixed use.
- It is requested that the applicant work with Council's urban design team to ensure all canopy and awnings correspond and correlate to any future streetscape improvements by Council.

Planner comments:

This advice is generally agreed with and is discussed in the assessment at section 6 below.

### 5.3 Waste Officer

- Commercial uses need to be listed out separately with related waste/recycling generation rates from CoPP's WMP Guidelines for developments (<http://www.portphillip.vic.gov.au/WasteManagementPlanGuidelinesfinal2013.pdf>). If retail uses are unknown, applying a higher generation rate (café or restaurant) is advised.
- Residential and commercial bin rooms need to be separated which may require adjusting the table of bin numbers on page 6
- Hard waste storage needs to be drawn into the plans. Bins also need to be drawn in on the plans.
- The suggested sweep path diagram is impractical and it's not clear where all the bins will stand for collection at the designated spot. It looks more practical to collect bins from the first bin room instead.

Planner comments:

This advice is discussed in the assessment at section 6 below.

### 5.4 Sustainable Design Advisor

*In summary it appears the buildings has increased in performance in many of the initiatives mentioned, and 'communal space' is added, which was not part of the previous scheme. However, the re-designed tower floorplates have common corridors which no longer have access to natural air, or natural light, and the design of many apartments includes elements such as unshaded western glazing, and apartment layouts which turn their backs on external walls, which could otherwise increase access to natural air and light.*

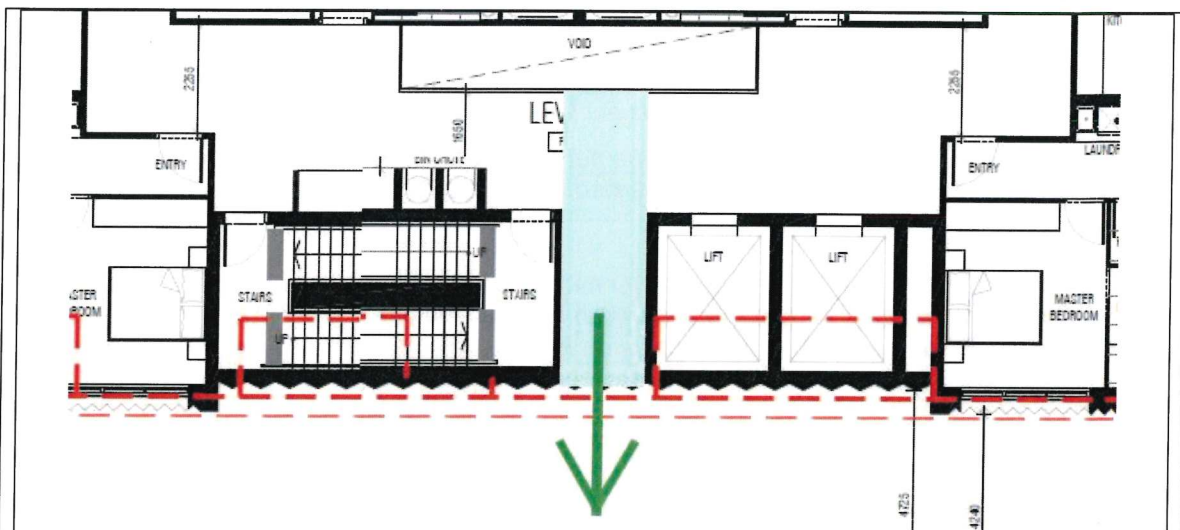
*Rather than create a rooftop communal area where access to sun is likely to be high, the design has elected to create a communal area at podium level. This space has poor landscaping, is heavily over-shadowed – and is likely with future development to receive virtually no warming sun. It has poor articulation of outdoor recreation/communal space, and no breeze protection for what are anticipated to be elderly residents.*

*The ESD report is silent on inclusion of the photovoltaic array that was included in the previous scheme. No roof plan was provided for the current scheme. This should be sought.*

*There is no commitment to gaining Green Star certification in the ESD report. The Green Building Council of Australia 'registers' projects that seek certification, and assess submissions for their adherence to Green Star's detailed technical standards, before deciding to award Green Star 'certification'. Without the GBCA's involvement, Council is left with a 'just trust us' commitment. It is suggested therefore that an extension of the standard condition G13 be included in any permit to the effect of:*



<p><b>G13 Implementation of Sustainable Design Initiatives</b></p> <p><i>Before the occupation of the development approved under this permit, a report from the author of the Sustainable Design Assessment/Sustainable Management Plan approved pursuant to this permit, or similarly qualified person or company, must be submitted to the satisfaction of the Responsible Authority. The report must confirm that all measures and recommendations specified in the Ecologically Sustainable Design report have been implemented and/or incorporated in accordance with the approved report to the satisfaction of the Responsible Authority.</i></p>
<p><i>This project is to be benchmarked against the Green Building Council of Australia's Green Star 'Design and As-built' rating tool to a 4 star Green Star standard. The above report above is to include:</i></p> <ul style="list-style-type: none"> <li><i>• An itemised summary of the credits that were successfully pursued for the project</i></li> <li><i>• A description of the initiatives involved in each credit and the evidence provided as required by the Green Star credit's standards set forth in the Technical Manual</i></li> <li><i>• A statement by the report's author that the credits nominated were achieved to the scope and standard set forth in the Green Star Technical Manual.</i></li> <li><i>• A point tally evidencing the credits achieved meet or exceed the points required for the nominated star rating</i></li> </ul>
<p><b>Assessment</b></p>
<p><i>The architectural drawings and Sustainable Management Plan (SMP) and the stormwater management plan for the above project were reviewed against the WSUD (LPP 22.12), and ESD (LPP 22.13) policies.</i></p> <p><i>Further information is needed before the project proposal could be considered to meet Council's standards for best practice. Comments on areas where improvement could be made are itemised below:</i></p>
<p><b>Review</b></p>
<p><b>General</b></p>
<p><i>The current SMP for this project proposes benchmarking against Green Star standards and provide what are perceived to be an improvement on the previous proposal which used BESS. However there are still issues that require resolution, with the principal comments on the current design being:</i></p> <ul style="list-style-type: none"> <li><i>• Orientation – 1/2 of apartments are on corners, however only ¼ of apartments on the lower tower have dual frontages, which is loss of potential amenity</i></li> <li><i>• Lower-tower apartments – The NE and SE apartments if mirror reversed, could have cross-ventilated, dual-façade living areas</i></li> <li><i>• Upper-tower apartments – The NW and SW apartments could similarly be redesigned to have dual-façade living-rooms</i></li> <li><i>• Shade – Western tower windows are shown unshaded. This is unsupported.</i></li> <li><i>• Corridors – The proposed corridor design has removed access to natural light and air which the previous design embraced. The removal of this is not supported.</i></li> </ul>



Planning efficiencies would allow the potential for break to be placed in the services core for example.

- **Sun access** – Access to good sunlight in winter is of high-value, particularly to the elderly. In many of the apartments proposed there will be very limited, or no access to warming winter sun. With mirrored adjacent development, some small pockets of the podium communal terrace may receive an hour or so of winter sun. Although the rooftop is likely to have good sun access all year around, and without the same overshadowing issues, neither scheme has provided occupant access to it.



Image indicating mirrored developments to the North of the site would be likely to see warming winter sun on reach a one corner of the podium for an hour or so a day

- **Communal space** – Well designed communal spaces can facilitate a variety of uses, congregation and connection with nature, in variety of weather conditions. The space provided indicates limited vegetation, and design prompts limited variation of uses. More intensive, and varied vegetation can improve breeze protection and visual amenity. Increased depth and breadth of planters should be encouraged, along with design which encourages varied uses of this space.
- **Roof plan** – No roof plan is shown. Provide a roof plan which indicates the photovoltaic array previous shown at a minimum. Consider provision of a rooftop communal space per comments below under Urban Ecology.



- **Green Star** – The SMP refers to the application of the Green Star Design and As-built tool:
  - Certification – Achieving a Green Star certification allows the project to be publicly promoted and acknowledged for this achievement. Consider Green Star certification.
  - Verification – If the project is not to be put forward for certification with the GBCA, consider assessment by an appropriately qualified, and experienced independent third party.

#### Indoor Environment Quality

- **Natural ventilation** – Council policy is for healthy indoor environment quality to be achieved for the wellbeing of building occupants which includes the provision of fresh air intake and cross ventilation, to achieve thermal comfort levels with a reduced reliance on mechanical heating, ventilation and cooling systems. 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.
  - **Operability** - Window and door format and sash operation need to be clearly indicated using architectural drawings conventions.
  - **Windows additional to doors** – Some rooms are shown without windows. Doors are inadequate for regular ventilation as they provide poor control of drafts, and are less likely to be used in with the threat of rain, overnight or when unattended. Provide a minimum of one operable window sash to each habitable room in addition to any glazed door.
  - **Unattended operation** - Consider sashes that are wind and rain resistant when open, and that can be locked in an ajar position to increase likelihood of use when unattended, and allow 'night-purging' in warmer months.
  - **Venting through other rooms** - Provide magnetic door catches for doors indicated on breeze corridors.
  - **Inter-balcony screens** – Provide screens that run full-height to the underside of the soffit over (or 2m where no soffit over) where they separate balconies - to conserve visual and acoustic privacy and limit inhibition of natural ventilation due to wind-blown cigarette smoke.
  - **Level 4** – Consider provision of west-facing window openings to all for additional daylight access and cross-ventilation of the commercial facilities on this level.
- **Window performance** - Council's Best Practice Standard is to reduce energy peak demand through optimising glazed areas. Increasing the thermal performance of windows will increase occupant comfort and conserve heating and cooling energy. Consider the following:
  - Double glazing – Annotate the drawings to note double glazing is to be provided to all windows and glazed doors to habitable rooms
  - Frames – Provide detail of the type and scope of thermally improved window and door frames on the drawings.
  - VLT – Provide above 60% for appropriately shaded glazing

#### Energy

- **Energy demand & GHG** – Council policy is to see efficient use of energy, the reduction in total operating greenhouse gas emissions, and to reduce energy peak demand:
  - Shade – Indicate effective shade for all glazing in habitable rooms within the tower.
  - Cooling loads - Consider the application of the maximum cooling load per dwelling of 30 MJ/M<sup>2</sup> per annum
  - Carpark ventilation – Consider variable speed drive exhaust fans



- *Hot Water System* - Consider provision a highly insulated flow-and-return reticulation system (with insulation 10% greater than that required under BCA Section J7), with individual hot water meters per apartment
- *Clothes drying* - Council's Best Practice Standard is for external natural clothes drying facilities to be provided. Provide a retractable or fixed individual clotheslines per apartment sufficient height to hang bed linen.
- *Hybrid ventilation systems* – Consider the provision of mechanical systems designed to harmonise with and optimise the potential for natural ventilation such as mixed-mode (concurrent, change-over, zoned systems), in all commercial and communal conditioned spaces. Provide full economy cycle capacity for the same.
- *Ceiling fans* – Consider ceiling mounted fans to bedrooms and living rooms. These are a low-cost way to increase summer comfort, save energy through minimising the need to use any air-conditioning.
- *Photovoltaic* – Provide a roof plan indicating as a minimum the 10kW photovoltaic array noted on the previous scheme.
- *Lighting efficiency* – Consider a maximum illumination power density at least 20% lower than required by the BCA, and provision of lighting zoned with perimeter zones adjacent areas of higher daylight, paired with dimmable lights, and daylight sensors.
- *Pool heating* – Provide detail of GHG minimisation strategy for pool water heating (beyond that of the pool cover detailed).
- **Active transport** – Council's Best Practice Standard is to improve the efficient use of energy. Well-designed access to stairways will minimise lift usage thus saving energy, and offer benefits of increased fitness and connectivity of occupants. Consider:
  - *Ensure access* – Consider door hardware/security profiles and signage are provided provide connectivity between various commercial levels and between residential levels, to encourage stair use over lifts, and resident connectivity.

#### Water

- **Water efficiency** – Council's Best Practice Standard is to improve water efficiency and reduce total operating potable water use through the installation of WELS rated fixtures and energy rated appliances within one star of best available.
  - *Urinals* – Consider the provision of waterless urinals (ensure appropriate maintenance training is in place to avoid maloperation creating odour nuisance)
  - *Hospitality* – Confirm water efficiency commitment for commercial dishwashing commitment
  - *Meters* – Provide individual hot and cold water meter per dwelling
  - *Fire test water* – Page 31 of the SMP notes the project doesn't include a fire protection system. Confirm if the building is to be sprinkled, and if so, consider the provisions of tanks to capture a minimum of 80% of test water for reuse within the building.

#### Stormwater

- **Stormwater management** – Refer to the table provided in the Local Policy 22.12: Stormwater Management for the application requirements of this policy. These include as appropriate the following:
  - **Modelling report** – The nominated stormwater modelling tool (STORM) is considered more appropriate to simple, and smaller scale projects. A project of this complexity needs to consider a tool which is capable of complex, continuous simulation modelling such as MUSIC. Provide a report and electronic file for MUSIC stormwater modelling ('.sqz' format), or equivalent for assessment.
  - **Maintenance manual** – Provide a maintenance manual for water sensitive urban design initiatives. These must set out future operational and maintenance arrangements for all

WSUD measures appropriate to a complex project of this scale, including inspection frequency, cleanout procedures and as installed design details/diagrams including a sketch of how the system operates. This manual needs to be incorporated into the Building Maintenance Guide.

- **Construction Site Management Plan** – Provide a management plan that details stormwater management during construction.

#### Transport

- **Green Travel Plan** - Council's Best Practice Standard for large developments is for a Green Travel Plan to be provided. Consider:
  - Provision of a prominent and highly accessible display board or an electronic display which will display locale specific green travel information for building users and visitors.
- **Low emission vehicles** – Council's Best Practice Standard Incorporate electric vehicle charging infrastructure into the development. Consider the provision of infrastructure for future electrical vehicle charging within the car parking levels of the building.
  - Charging points – Further to statements on Page 15 of the SMP, clarify the commitment to electric vehicle charging.
- **Bicycle facilities** – Council policy is to ensure that the built environment is designed to promote cycling as part of minimising car dependency.
  - Residential spaces - Council's Best Practice Standard is for residential developments to provide at least one secure bicycle parking space per dwelling and one visitor bicycle parking space per 4 dwellings. Consider increasing parking numbers to this rate, and or state reason for reduction.
  - Commercial spaces - Council's Best Practice Standard for non-residential developments, is for at least one secure bicycle parking space to be provided for 10% of building occupants. Consider increasing parking numbers to this rate.
  - End-of-trip facilities - Council's Best Practice Standard for sufficient end of trip facilities (showers and lockers) to be provided in non-residential developments. Provide these.
  - Visitor parking – Provide visitor parking adjacent to the principal street pedestrian entry, and with consideration for delivery riders.
  - Bicycle security – Consider CCTV monitoring of the bicycle storage area to minimise theft.
  - No-lift parks – Some bike riders are unable to lift bicycles into vertical racks. Nominate a minimum of 20% horizontal bicycle parks per 'AS 2890.3:2015 Parking facilities Bicycle parking'. Consider all horizontal parks for residents given the retirement focus of the buildings.
  - Electric bikes – provide appropriate electrical charging points for electric bicycles.

#### Waste

- **Operational waste** – Council's Best Practice Standard is for recycling facilities to be provided that are at least as convenient for building occupants as general waste facilities. Consider:
  - Recycling – clearly delineate on drawings the provision of commingled recycling as distinct from landfill waste collection
  - Other waste streams – Page 10 of the SMP names specific recycling streams and "one other waste stream". Given the size of commercial and shared facilities, confirm the extent to which recycling will be separated.
  - Organic – clarify commitment to organic waste

#### Urban ecology



- **Landscape plan** – The plan shows inadequate detail to be assessed and should include a more fine-grained detail of species, stormwater management and garden design and ground and podium level.
  - Species – The design should include food production ability, indigenous species, increased biodiversity, and xeriscaping and/or water efficient species. Consider inclusion of a productive gardens which may include herbs, fruit trees, vines, etc. Clearly annotate these on drawings.
  - Irrigation – Provide taps and floor waste gullies to all private balconies and courtyards.
  - Green façade – Consider provision of a green façade elements to the facade
- **Urban Heat Island Effect** – Council policy is to provide is for the Urban Heat Island Effect to be minimised. Use of lighter colour roofing and/or paving can assist in alleviating the UHI Effect.
  - Provide detail of the albedo of the podium paving material where these will be exposed to direct sun (while being mitigating overt glare).
- **Communal areas & solar access** - Council's Best Practice Standard is for areas for social interaction between building occupants to be provided and a minimum of least 70% of apartments to receive a minimum of three hours direct sunlight between 9am and 3pm in mid-winter in living areas and private open spaces. Council's Best Practice Standard is for areas for social interaction between building occupants to be provided. Such spaces can accommodate a wide range of functions beneficial to residents. Consider:
  - Provision of a wind sheltered outdoor areas with exposure to as much mid-winter sun between 9am and 3pm as possible. Variegated shade, and access to garden areas are also important.

#### Drawings

Clearly show on the drawings and annotate the following:

##### FLOOR PLANS

- **Rainwater tank** – Indicate tank position and annotate size, and water reuse.
- **Electric vehicles** – Annotate EV car and bicycle charging infrastructure.
- **Fire test water tank** – Indicate the position of any tank and annotate size, and water reuse.
- **Bicycle parking** – Indicate location and annotate number of parks for residents/other occupants/internal visitor parks/visitor parks on footpath.
- **Clothes drying** – Indicate location and annotate clotheslines for each apartment.
- **Sun shading** – indicate effective shading for all sun exposed glazing to habitable rooms.
- **NatHERS rating** – State the average and minimum NatHERS rating for all dwellings.
- **Double glazing** – Note on drawings that the windows and glazed doors of all habitable rooms are to be double-glazed.
- **Plant** - Indicate the location of condenser units and external hot water systems on the drawings.
- **Balcony screens** – Indicate height to extend to underside of soffit over.
- **Irrigation** – Annotate the provision of taps and floor waste gullies to all balconies and courtyards.

##### ROOF PLAN

- **Solar panels** – show panel location for photovoltaic (annotate array size)

##### ELEVATIONS

- **Sash operation** – Indicate sash operation for all windows and glazed doors.
- **Sun shading** – Indicated effective shading as above.

Planner comments:

This advice is discussed in the assessment at section 6 below.

## **5.5 Traffic Engineer**

### Car Park Layout:

#### Access ways:

Vehicle access proposed via Little Bank Street meets requirements under clause 52.06 of the planning scheme and is considered satisfactory

A pedestrian sight triangle has been provided within the proposed easement off set from Little Bank Street.

#### Car Park Dimensions:

Typical parking spaces of dimension 2.6m\*4.9m with aisle width of 6.4m are proposed throughout the development and are considered satisfactory in line with cl 52.06 of the planning scheme.

Additional clearance on spaces next to building walls has been provided in accordance with 52.06.

Applicant has provided an 85th percentile swept paths of all critical spaces, and circulation of the accessway and internal ramps; which are considered appropriate.

#### Loading

The applicant is proposing a multipurpose bay on the ground floor to facilitate internal loading by small vans and vehicles.

There are concerns that the slight angle in the ground floor (ramp up then down) effectively reduces the unobstructed height from 3.15m to below 3m.

Given a typical smaller truck (i.e. man with van) is 3 m in height\*, there may be restrictions on the potential of this bay to be used by residential moving in and out, and larger deliveries the proposed retail land uses.

A typical smaller truck (i.e. man with van) is 3 m in height\*, \*taken from <https://manwithavan.com.au/news-faq/moving-tips/wheels>.

### Planner comments:

This advice is discussed in the assessment at section 6 below.

## **6. ASSESSMENT**

### **6.1 Overview of amendment**

This amendment seeks to make a number of changes to the endorsed plans, notably:

- Reduction in dwelling numbers from 174 to 84
- Introduction of office uses
- Deletion of two basement levels and reconfiguration of car parking into the podium levels, with deletion of the car lift and mechanical stackers
- Provision of two levels of communal facilities
- Some changes to building setbacks
- Slight increase in overall height

Because this is an application to amend the existing planning permit, only the proposed changes can be assessed.

The plans lodged with VCAT have formed the basis of this assessment, however consideration has also been given to the plans circulated after the compulsory conference.

The key issues that require assessment are:



- Does the proposal remain consistent with the strategic planning policy framework, including Clause 21.04 land use and the purpose of the zone?
- Does the building comply with the relevant built form guidelines, including DDO26?
- Would there be any additional off-site amenity impacts?
- Has sufficient car parking and bicycle parking been provided and is the layout appropriate (including vehicle access)?

These issues are considered in turn, in addition to a number of functional issues relating to the SBO, ESD/WSUD outcomes and waste management.

## **6.2 Does the proposal remain consistent with the strategic planning policy framework?**

The amended plans would consolidate the layout of the dwellings, resulting in a decrease in total numbers from 174 to 84, but increasing the size of the apartments and providing additional communal facilities. This is a positive outcome which would result in improved dwelling amenity. The loss of dwellings within the development is acceptable since the site would still accommodate a significant number of new dwellings in what is a Substantial Residential Growth Area. A sufficiently diverse mix of one, two and three bedroom dwellings would be retained.

The amount of commercial floor area would increase from 202 sqm of shops to 383 sqm of food and drink premises and 1190 sqm of serviced offices. The site is located in the Mixed Use Zone, proximate to various services and facilities. A mix of uses is encouraged under the zone and PPF policies, including Clause 21.06-7, and an insufficient mix of uses was one of the reasons why Council did not support the original proposal. The substantial increase in commercial floor area, and introduction of serviced offices, is a positive outcome in this context.

While Council's Strategic Planner has identified that a range of tenancy sizes is preferred, the proposed layout lends itself to future reconfiguration to provide for smaller tenancies if required.

For these key reasons, the proposal would remain consistent with the strategic planning policy framework.

## **6.3 Does the building comply with the relevant design and built form guidelines, including DDO26?**

### Streetscape interface

The proposed design would provide for an acceptable streetscape interface to all three adjoining streets, subject to some changes which the Applicant has agreed to make.

At the ground level, the interface to Little Bank Street would be 'back of house', with blank walls and vehicle crossover, which is appropriate since it has the characteristics of a laneway.

The interface to Wells Street would be predominantly active, with glazing associated with the food and drink premises along the majority in addition to a substation abutting Little Bank Street. The Applicant has agreed to include an additional door to the food and drink premises, as currently there is no direct access from Wells Street into the site. In the future, it would be a simple exercise to introduce additional doors in the glazing (for instance, if smaller tenancies are created). While the substation location is not ideal, it is considered to be an acceptable outcome on balance of the activation achieved along the remainder of Wells Street.

To Park Street, the ground level would be predominantly active, with the food and drink premises, entry into the offices and entry into the apartments. There would be a small services cupboard.

At the upper levels, offices, shared amenities and balconies and habitable room windows would face Park Street.

There are some issues in relation to the interface to Wells Street, particularly where car parking and non-habitable rooms would abut the street. Car parking would abut Wells Street at levels 1 and 2, treated through a combination of angled screens and walls. While it is acknowledged that this is not ideal, and that it would be preferable to have it fully sleeved by another active use, in this instance it is acceptable on balance of a number of factors. This is due in part to flooding and water issues in the area which make multi-level basements difficult and mean that car parking on podium levels, hidden by screening, is already a feature of this area. Further, the offices would abut part of Wells Street at the corner with Banks Street. The architectural treatment proposed would provide visual interest and would not be a



blank wall. The treatment would provide some visual permeability to ensure a connection to the street below. Lastly, parking at the podium levels results in a much more functional parking and traffic outcome overall, especially when compared to what is approved. A condition will require 1:50 detail plans to show the detail of what is proposed and ensure a high quality outcome.

The applicant has also agreed to address the non-habitable room issue, and the amended plans circulated after the compulsory conference show these apartments altered so that only habitable room windows face onto Wells Street (in addition to balconies).

The interface to Little Bank Street would generally be acceptable, with concealed car parking at levels 1 and 2 and more active uses at the upper levels.

#### Height and setbacks

The site is located in DDO26 sub-precinct 2, with a discretionary podium height of 18m, discretionary tower setbacks of 5 m from Park and Wells streets and 4.5 m from the (west) side and rear boundary and a mandatory height of 60 m.

The proposed building would be slightly higher (0.04m) than the approved building (62.41 RL compared to 62.35 RL). It would still be under the 60 m mandatory height limit (with a maximum height of 59.41 m).

The height of the podium would be 18.46 m which is slightly more than the 18 m discretionary height, but this includes 1.2 m high balustrades around the terrace. This is equivalent to the height of the approved podium.

The tower would be in part setback less than the DDO requirements: at 4.7 m from Park Street and 4.24 m from the west boundary. Although the minimum setback from Little Bank Street would be 5.725 m which does comply. However, the applicant has agreed to meet the minimum setbacks required, with only architectural features encroaching (which is an allowable encroachment under the DDO). This would mean that none of the approved setbacks would be reduced. In fact, the setbacks from Bank Street would be greater to the edge of the building because of the siting of the terraces.

Condition 1c) on the current permit also requires that levels 3, 4 and 5 be setback 3 m from Little Bank Street. This setback has been maintained on the current plans.

Because there would be no notable changes to the built form envelope, there would be no additional shadow or off-site impacts.

#### Dwelling layout

The proposed layout of the dwellings is generally acceptable in terms of amenity and functionality, and improved compared to the amenity of the approved dwellings. This is partly because no dwellings are now proposed in the podium level. The proposed layout of the tower with the access core on the west side means that all dwellings have either a north, east or south orientation facing a street. While some of the east facing bedrooms have a 'snorkel' window, the rooms would receive ample daylight as they face Wells Street and have a double width.

However, there is a concern that the layout of the apartments in the north east and south east corners have their bathrooms and wardrobes abutting the street resulting in less light into the living/ kitchen areas. The applicant has agreed to amend this layout so that the non-habitable rooms would not abut the street. This will be addressed through a condition.

Some of the balconies would have less than 8 sqm with a width of 1.6 m. However, the applicant has agreed to have each balcony having minimum dimensions in accordance with Standard D19 at Clause 58.05-3 Private open space objective. This would be addressed through a condition.

#### Layout of access and communal areas

The general layout of access areas is generally acceptable. The main residential entry is not ideal, being via a dog leg corridor off Park Street so that there is no visibility from the street to the lift area. The area would also receive minimal natural light. However, on balance of the overall design, it is acceptable in this instance.

The upper level residential corridors would have some access to natural light from a central void. While the void could be larger, it is acceptable on balance of the overall design.

The amended design includes two levels of communal facilities for residents, including day spa, pool, commercial kitchen/ bar, laundry, large lounge area and outdoor terrace above the podium. This is a positive outcome and would contribute to the residents' amenity.

#### Other matters

The DDO26 states that car parking within a podium should have floor to ceiling heights of 3.5 m to enable future adaption. A floor to ceiling height of 3 m is shown. This is generally acceptable, on the basis that these levels already include office space and other facilities, and would be sufficient to enable future adaption. Further, services/ structures would be accommodated outside of the 3 m, with 0.45 m space between each level for those purposes.

Council's Urban Designer has recommended that wind testing occur to ensure that the terrace would be usable, with any wind mitigations constructed within the building façade. However given that a wind assessment was never required for the original proposal (which included an arguably more wind affected roof terrace), this will not be required now.

#### Proposed DDO26

The proposed changes to DDO26 under Amendment C154 would not make a significant difference to this proposal. In particular, the tower setbacks would be met as would the 2.2 m setback from Little Bank Street.

#### **6.4 Would there be any additional off-site amenity impacts?**

Given that there would be no increase in height or noticeable changes to setbacks, there would be no additional off-site amenity impacts, for instance from shadow or loss of light and outlook, compared to the approved development.

#### **6.5 Has sufficient car parking and bicycle parking been provided and is the layout appropriate (including vehicle access)?**

##### Car parking

The number of car parking spaces has decreased from 197 to 119. The layout has also been revised, with the deletion of two basement levels and car parking subsequently located in one basement level and on the ground level, level 1 and level 2. Instead of having vehicle access from both Wells Street and Little Bank Street, there would only be vehicle access from Little Bank Street via one, double width crossover. There are now no stackers proposed.

Council's Traffic Engineer has reviewed the proposed layout and access arrangement and has not raised any issues with it. Overall, it is considered that this is an improved and more functional layout, with no car stackers and only one vehicle access point from the laneway.

The table below summarises the statutory car parking rates for the proposed development, based on the Column B rates which apply to the site:

Proposal	No./ size	Statutory requirement	Requirement	Proposed allocation	Reduction sought?
1& 2 bedroom dwellings	72	1	72	72	-
3 bedroom dwellings	12	2	24	24	-
Food and drink premises	383 sqm	3.5 per 100 sqm of LFA	13	3	10
Office	1190 sqm	3 per 100 sqm of NFA	36	12	24
Visitors	-	0	0	7	+7
<b>TOTAL</b>			<b>145</b>	<b>118</b>	<b>27</b>



As shown, a reduction of 27 spaces has been sought, associated with the commercial uses (assuming that the seven visitor spaces would be allocated to the commercial spaces).

The original proposal had a waiver of 41 spaces, comprising predominantly visitor spaces associated with the dwellings and some spaces associated with the shop.

The submitted Traffic Engineering Assessment provides various justification for the reduction, which is generally agreed with. Overall, the reduction is acceptable on balance of the previous reduction supported, the factors outlined in the Traffic Engineering Assessment and the existing conditions on the permit (including the Green Travel Plan requirement and car parking allocation requirement).

#### Bicycle parking

This proposal includes 33 bicycle parking spaces within the building in the basement, ground floor and level 1. There is a statutory bicycle parking requirement of 32 spaces, which is just exceeded.

While the original proposal included a condition at 1m) requiring a minimum of 20 on-site bicycle spaces being accessible for visitors, 10 are now proposed at the ground level. Given that there has been more than a 50% decrease in dwelling numbers, a reduced number of visitor spaces is acceptable.

#### Loading

The approved development includes one multi-function loading space that was smaller than the required loading bay dimensions under (the then) Clause 52.07.

Now, a multi-purpose bay is proposed on the ground floor, for use by small vans and vehicles. Council's Traffic Engineer has raised a concern with the height, noting that:

*There are concerns that the slight angle in the ground floor (ramp up then down) effectively reduces the unobstructed height from 3.15m to below 3m.*

*Given a typical smaller truck (i.e. man with van) is 3 m in height\*, there may be restrictions on the potential of this bay to be used by residential moving in and out, and larger deliveries the proposed retail land uses.*

*A typical smaller truck (i.e. man with van) is 3 m in height\*...*

While the amended plans circulated after the compulsory conference has shown this space widened to 4.5 m, there has been no change to the height. A condition is therefore recommended that it have a height clearance of at least 3.5 m.

#### Traffic impacts

Given that the number of cars accommodated on the site would significantly reduce, there would be less traffic impacts than from the approved development.

The 2.2 m setback from Little Bank Street has been retained, which is essential in facilitating safe and functional traffic movements.

The removal of the crossing from Wells Street is also a positive outcome, given that Little Banks Street is a laneway and is therefore Council's preferred location for vehicle crossings.

### **6.6 Would the provisions of the SBO be addressed?**

The Council report states:

*The site is partly affected by a Special Building Overlay (SBO2) which relates to Port Phillip Council Local Drain. The application was referred to Council's Drainage Engineer who advised that the floor levels of the original application would not be sufficiently raised above the flood level for the area. The referral comments noting that the finished floor level of the ground floor would have to be increased to 3.496 AHD.*

*In response to this ground of refusal the applicant has agreed to the inclusion of a condition (condition 1o) for the minimum finished floor levels of the ground floor to be 3.5m AHD. This condition would satisfy the requirements of the Special Building Overlay that affects the site and therefore this ground of refusal has been resolved.*

The amended plans show the floor level being 3 m RL. To ensure that the floor levels are adequate, conditions are recommended in accordance with the previous advice of Council's Drainage Engineer.

#### **6.7 Would Council's ESD and WSUD requirements be met?**

Council's ESD Advisor raised numerous issues with the proposed development. Conditions will require that amended SMP and WSUD information is provided, to ensure that an overall acceptable outcome would be achieved. Being an amendment application, the key issue is ensuring that the overall outcome in terms of ESD and WSUD initiatives and performance would not be reduced. This has to temper the outcomes we can seek, so while numerous areas for improvement have been indicated they are not all expected to be addressed.

#### **6.8 Would waste management be appropriate?**

A Waste Management Plan has been submitted and reviewed by Council's Waste Officer who raised a number of issues with the proposed arrangement. These will be addressed via condition.

#### **6.9 Do the amended plans raise any new issues?**

The proposed amendments would not raise any additional issues that have not already been considered in this assessment.

A full review of the existing conditions has been undertaken and all conditions that remain relevant are recommended to be retained or modified as necessary. This includes the retention of some condition 1 requirements that have not been addressed in the amended plans. Attachment 1 contains a tracked changes list of the proposed amendments to conditions.

### **7. CONCLUSION**

Overall, the proposal changes would result in a significantly more functional building that (subject to some conditions) would remain compliant with the built form requirements of the DDO26 and result in an improved amenity for residents (with larger dwellings and substantial communal amenities). There would be significantly more commercial floor area, notably offices, which is an excellent outcome in this mixed use locality. The external design would be an architectural response befitting of this location. Importantly, there would be less impacts on the surrounding area through a substantial decrease in dwellings and car parking spaces on site, with no notable changes to the approved building envelope. For these key reasons, it is recommended that the proposal be supported, subject to conditions.

### **8. RECOMMENDATION**

That Council support the s 87A Application to amend the planning permit at 200-204 Wells Street, South Melbourne, subject to the amended conditions contained in Attachment 1.

Signed:  .....

Authorised delegate of the City of Port Phillip

Date: 26/9/18 .



#### **WHAT THE PERMIT ALLOWS:**

Use of the land for the purpose of a food and drink premises and offices, construction of a multi-storey mixed use building over basement level containing dwellings with communal facilities, food and drink premise and offices and a reduction of the standard car parking requirement

#### **CONDITIONS:**

##### **Amended Plans Required**

- 1 ~~Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to, and approved by, the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and two copies must be provided. The plans must be generally in accordance with the plans identified as 'architectural drawings prepared by Artisan Architects and circulated for the purposes of the compulsory conference dated 24 May 2017 (Plans TP00A, TP01B, TP02A – TP20A), but modified to show:~~
  - ~~(a) Minimum setback of 6 metres for Levels 6 and above to the northern title boundary (Little Bank Street).~~
  - ~~(b) The ground and first floor podium level set back 2.2m from Little Bank Street to allow for a passing/waiting lane on the site.~~
  - ~~(c) Levels 3, 4 and 5 setback 3 metres from Little Bank Street;~~
  - ~~(d) Openable habitable room windows facing each street at podium levels.~~
  - ~~(e) Lighting scheme for the building façade including ground floor and podium levels.~~
  - ~~(f) An additional pedestrian access to the shop along Park Street and the introduction of mullions or similar features on the facade of the shops to reflect the fine grain pattern of shop fronts along Park and Wells Street.~~
  - ~~(g) Redesigned residential lobbies that are clearly identifiable from proposed commercial spaces.~~
  - ~~(h) Permeable material for the proposed garage door with the setback of the garage door to Little Bank Street to the satisfactory of the Responsible Authority.~~
  - ~~(i) All balconies having a minimum width of 1.6m.~~
  - ~~(j) delete occupiable part of the rooftop terrace at TP10 including the 1.7 metre high glass balustrade;~~
  - ~~(k) Minimum 25% of car stackers with a clearance height of 1.8 metres.~~
  - ~~(l) Minimum headroom for car parking in accordance with Design Standard 1 of Clause 52.06-8.~~
  - ~~(m) Minimum 20, on-site bicycle parking spaces accessible for visitors.~~
  - ~~(n) Minimum finished floor levels of the ground floor at 3.5 metres AHD.~~
  - ~~(o) Any changes required by conditions 4, 5, 6, 7, 8 and 9.~~



- (p) ~~The introduction of an additional basement level to provide not less than 32 additional car parking spaces (having regard to any parking spaces which may be lost on other levels to enable access to that additional basement level).~~
- (q) ~~The allocation of not less than 15 visitor car parking spaces.~~
- (r) ~~The setback of dwellings 301, 312, 313, 314, 401, 413, 414, 415, 501, 513, 514 and 515 4.5 metres from the centre line of Little Bank Street.~~
- (s) ~~The setback of dwellings 409, 410, 411, 412, 509, 510, 511 and 512 and the relevant section of 413 and 513 not less than 5 metres from the western boundary.~~
- (t) ~~The replacement of the bedroom window with a highlight window in the south facing wall of the bedroom to dwellings 312 413 and 513.~~
- (u) ~~The deletion of the terraces to dwellings 309, 310, 311 and the redesign of those dwellings to include a balcony/terrace setback not less than 5 metres from the western boundary.~~
- (v) ~~The redesign of dwelling 312 to provide a balcony/terrace facing towards Little Bank Street.~~
- (w) ~~Increase in the width of the planter adjacent to the western boundary or other screening device to prevent downwards views to the property at 36—38 Park Street to the west.~~
- (x) ~~The redesign of the floor plates to the tower floor levels from level 6—20 (inclusive) generally in accordance with the attached plans TP07 Rev B dated 26.5.17, TP08 Rev B dated 26.5.17, TP20 Rev B dated 26.5.17 and the redesign of the floor plates of:~~
  - ~~(—) podium levels 2, 4 and 5 generally in accordance with the attached plans TP02, TP04 and TP05 all Rev B dated 26.5.17; and~~
  - ~~(—) podium level 3 generally in accordance with the attached plan TP03 Rev B dated 26.5.17 subject to the deletion of the landscaped area on the western boundary to the satisfaction of the responsible authority.~~
- (aa) ~~Changes to the layout of the car parking areas and the shops and apartment layouts in the podium as a consequence of the plan changes required by this condition 1.~~
- (bb) ~~the ground floor plan to provide details of the final dimensions and typical internal layout of each shop in conjunction with the redesign of the parking area on the ground floor as required by this condition 1.~~
- (cc) ~~modification of all communal corridors to ensure that they are DDA compliant.~~
- (dd) ~~the provision of a typical bathroom layout for a one, two and three bedroom apartment to demonstrate the ability for those bathrooms to be adapted for disability access;~~
- (ee) ~~all external glazing must be of a type that does not reflect more than 20% of visible light when measured at an angle of incidence normal to the glass surface.~~

1 Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and an electronic copy must be provided. The plans must be generally in accordance with the plans lodged with the VCAT appeal prepared by Ewert Leaf marked Revision A dated 26 March 2018 but modified to show the following, to the satisfaction of the Responsible Authority:

a) The following changes agreed to on 4 September 2018, which are generally shown on the plans prepared by Ewert Leaf marked Revision C dated 10 September 2018:

i. Tower setbacks clearly detailed on the plans and a minimum of:

- a. 5 m from Wells Street.
- b. 5 m from Park Street.
- c. 4.5 m from the west boundary.
- d. 6 m from Little Bank Street.

Architectural features are an allowable encroachment into these setbacks.

ii. A 1:50 detail plan showing the material, colour and design treatment to the podium parking on Wells Street.

iii. All balconies having minimum dimensions in accordance with the requirements of Standard D19 at Clause 58.05-3 Private open space objective.

iv. An additional pedestrian entry into the ground floor food and drink premises from Wells Street.

v. The height of parapets to be clearly indicated.

vi. Increase in size of multi-functional car space to 4.5 m in width.

vii. DDA compliant bathrooms on communal areas.

viii. Grease trap adjacent to the rise in the lower levels.

ix. Alteration to the internal layouts of the corner apartments at levels 6 to 11 so as to have habitable rooms facing onto Wells Street.

x. Provision of a door into the air-conditioning room.

xi. Provision of a roof access hatch.

xii. Annotation that no telecommunication towers or lighting will be installed on the roof.

xiii. Relocation of roof plant area and inclusion of screening to plant.

xiv. Shadow diagrams correctly drawn and annotated.

b) The multi-functional car space and the access way to it from Little Bank Street having a height clearance of at least 3.5 m.



c) The following minimum levels for the ground floor:

- i. 3.496 m AHD for the habitable areas, including the food and drink premises, substation, services, pedestrian entries, lobby and access areas and lifts.
- ii. 3.346 m AHD for the car park area.

d) All entrance/ access ramps with an apex above the flood level to avoid flood water entering (the flood level for the property is 3.196 m AHD).

e) All switches and electrical boxes installed 600 mm above the flood level.

f) Lighting scheme for the building façade including ground floor and podium levels.

g) Permeable material for the proposed garage door with the setback of the garage door to Little Bank Street to the satisfactory of the Responsible Authority.

h) The treatment of the substation incorporated into the building façade.

i) The ground wall facing Park Street fully abutting the title boundary with any change in levels resolved within the building, to remove indents within the frontage.

j) All communal corridors being DDA compliant.

k) The provision of a typical bathroom layout for a one, two and three bedroom apartment to demonstrate the ability for those bathrooms to be adapted for disability access.

l) All external glazing must be of a type that does not reflect more than 20% of visible light when measured at an angle of incidence normal to the glass surface.

m) Designation of the accessible car parking spaces required for the commercial premises.

n) Any changes required by conditions 4, 6, 7 and 10.

Commented [KP1]: This condition added in response to comments from KB

#### **No Alterations**

- 2 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.

#### **Walls on or facing the boundary**

- 3 Before the development is occupied, all walls on or facing the boundary of adjoining properties and/or the laneway must be cleaned and finished to a uniform standard. Unpainted or unrendered masonry walls must have all excess mortar removed from the joints and face and all joints must be tooled or pointed 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.

#### Plant and equipment on roof

- 4 The only plant or equipment shown on the endorsed plan must be erected on the roof top level and the area occupied by all plant and equipment must be in accordance with DDO26.

#### Project architect

- 5 Unless otherwise agreed by the Responsible Authority, ~~Artisan Architects-Ewert Leaf~~ must be retained as the supervising architect for the development.

#### Sustainable Management Plan

- 6 Before the development starts (other than demolition or works to remediate contaminated land) a Sustainable Management Plan generally in accordance with the Plan prepared by ~~Sustainable Design Consultants dated August 2018 Simpson Kotzman Consulting Engineers dated 22 September 2016~~ that outlines proposed sustainable design initiatives must be submitted to, be to the satisfaction of and approved by the Responsible Authority. When approved, the Sustainable Management Plan will be endorsed and will then form part of the Permit. The development must incorporate the sustainable design initiatives listed in the approved Sustainable Management Plan to the satisfaction of the Responsible Authority. The plan ~~must be revised to include~~ should be revised so that the project is benchmarked against the Green Building Council of Australia's Green Star 'Design and As-built' rating tool to a 4 star Green Star standard and to include:
  - ~~(a) A minimum of 70% overall score and 50% minimums in Energy, Water, Stormwater and IEQ categories in BESS.~~
  - ~~(b) A preliminary NatHERS assessment of sample units (including FirstRate, Accurate and BERS Pro) or provide information on how energy efficiency requirements will be achieved.~~
  - ~~(c) Confirmation that all major common area services are separately sub metered.~~
  - ~~(d) External shading devices to all unprotected northeast and northwest facing glazing.~~
  - ~~(e) 20% improvement in efficiency for maximum power density.~~
  - ~~(f) All inputs provided in the STORM report and connected treatments.~~
  - ~~(g) IEQ related initiatives to improve score to 50% in BESS.~~
  - a) An itemised summary of the credits that were successfully pursued for the project.
  - b) A description of the initiatives involved in each credit and the evidence provided as required by the Green Star credit's standards set forth in the Technical Manual
  - c) A statement by the report's author that the credits nominated were achieved to the scope and standard set forth in the Green Star Technical Manual.
  - d) A point tally evidencing the credits achieved meet or exceed the points required for the nominated star rating.



### **Water Sensitive Urban Design**

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

When approved, the Water Sensitive Urban Design Report will be endorsed and will then form part of the permit. The development must incorporate the sustainable design initiatives listed in the approved Water Sensitive Urban Design Report to the satisfaction of the Responsible Authority.

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

- 8 Before the development starts (other than demolition or works to remediate contaminated land) a Maintenance Manual for Water Sensitive Urban Design Initiatives to the satisfaction of the Responsible Authority must be submitted to, and approved in writing by, the Responsible Authority. The program must include, but is not limited to:

- (a) inspection frequency
- (b) cleanout procedures
- (c) as installed design details/diagrams including a sketch of how the system operates

The Maintenance Manual for Water Sensitive Urban Design Initiatives 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. The approved Maintenance Manual for Water Sensitive Urban Design Initiatives must be implemented to the satisfaction of the Responsible Authority.

### **Site Management Water Sensitive Urban Design**

- 9 The developer must ensure that:
- (a) no water containing oil, foam, grease, scum or litter will be discharged to the stormwater drainage system from the site;
  - (b) all stored wastes are kept in designated areas or covered containers that prevent escape into the stormwater system;
  - (c) the amount of mud, dirt, sand, soil, clay or stones deposited by vehicles on the abutting roads is minimised when vehicles are leaving the site;
  - (d) no mud, dirt, sand, soil, clay or stones are washed into, or are allowed to enter, the stormwater drainage system; and

- (e) the site is developed and managed to minimise the risks of stormwater pollution through the contamination of run-off by chemicals, sediments, animal wastes or gross pollutants in accordance with currently accepted best practice

all to the satisfaction of the Responsible Authority.

#### Waste Management

10 Before the development starts (other than demolition or works to remediate contaminated land), a Waste Management Plan must be submitted to, and approved by, the Responsible Authority. The Waste Management Plan must be generally in accordance with the Waste Management Plan prepared by Strata Plan dated 28 March 2018 but modified to address the following:

- a) Commercial uses listed separately with related waste/ recycling generation rates from CoPP's WMP Guidelines for developments.
- b) Separation of residential and commercial bin rooms.
- c) Provide for hard waste storage.
- d) Where bins will stand for collection.
- e) Limitation of noise from use of rubbish shoots (i.e. from bottles etc).

~~10 — based on the draft "Best Practice Guidelines for Kerbside Recycling at Multi-Occupancy Residential Developments" (Sustainability Victoria June 2006) and be prepared by a Waste Management Engineer or Waste Management Planner. Once approved, the Waste Management Plan will be endorsed and will then form part of this Permit. The Waste Management Plan must include reference to the following:~~

- ~~(a) — the estimated garbage and recycling generation volumes for the whole development;~~
- ~~(b) — the garbage and recycling equipment to be used and the collection service requirements, including the frequency of collection;~~
- ~~(c) — the location of, proximity, screening of and space allocated both to the garbage and recycling storage areas and collection points;~~
- ~~(d) — the path of access for both users and collection vehicles;~~
- ~~(d) — how noise, odour and litter will be managed and minimised;~~
- ~~(d) — approved facilities for washing bins and storage areas;~~
- ~~(d) — who is responsible for each stage of the waste management process;~~
- ~~(d) — how tenants and residents will be regularly informed of the waste management arrangements.~~
- ~~(d) — Provision of a loading area adjacent to the bin room for waste collection.~~
- ~~(d) — waste collection from within the building.~~

The approved Waste Management Plan must be implemented to the satisfaction of the Responsible Authority



#### **Landscape Plan**

- 11 Before the development starts (other than demolition or works to remediate contaminated land), a detailed Landscape Plan for the roof-top communal terraces must be submitted to, be to the satisfaction of and approved by the Responsible Authority. When the Landscape Plan is approved, it will become an endorsed plan forming part of this Permit. The Landscape Plan must incorporate:
- (a) all street trees and/or other trees on Council land;
  - (b) a planting schedule of all proposed vegetation including botanical names; common names; pot sizes; sizes at maturity; quantities of each plant; and details of surface finishes;;

#### **Completion of Landscaping**

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

#### **Landscaping Maintenance**

- 13 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.

#### **Urban Art Plan**

- 14 Before the development is occupied, 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 Urban Art Plan must be installed before the development is occupied to the satisfaction of the Responsible Authority.

#### **Parking and Loading Areas must be available**

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

#### **Vehicle Crossings**

- 16 Before the development is occupied, 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.

#### **Applicant to pay for Reinstatement**

- 17 Before the development is occupied, the applicant/owner must do the following to the satisfaction of the Responsible Authority:

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

#### Public Services

- 18 Before the development is occupied, 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.

#### Car Parking Allocation

- 19 Without the further written consent of the Responsible Authority car parking for the approved development must be allocated as follows:
- (a) A ~~maximum-minimum of two-three~~ spaces for the ~~Shop-food and drink premises.~~
  - (b) A maximum of two spaces for each three bedroom dwelling.
  - (c) A maximum of one space for each ~~one and~~ two bedroom dwelling.
  - (d) ~~No less than fifteen car parking spaces for visitors with any additional spaces to be allocated for the purposes of visitor parking Deleted.~~
  - (e) ~~Provision of parking for the one bedroom dwellings at a rate not less than 0.8 spaces per one bedroom dwelling Deleted.~~
  - (f) ~~A minimum of twelve spaces for the offices.~~
  - (e)(g) The multi-functional/ service space to be shared by all occupants (commercial and residential) and used for loading and unloading purposes.

#### No equipment and services

- 20 Except with the written consent of the Responsible Authority, no equipment, services and exhausts other than those shown on the endorsed plan must be erected above the roof level of the building.

#### Lighting baffled

- 21 All lighting of external areas both during construction and after completion must be suitably baffled so as not to cause nuisance or annoyance to nearby properties or roads, to the satisfaction of the Responsible Authority and all illuminated advertising lighting on cranes must be turned off between the hours of 10PM and 7AM.



#### Privacy screens must be installed

- 22 Before the development is occupied, privacy screens in accordance with the endorsed plans must be installed to the satisfaction of the Responsible Authority. The privacy screens must be maintained to the satisfaction of the Responsible Authority.

#### Green Transport Plan

- 23 Before the development starts (other than demolition or works to remediate contaminated land), a Green Travel Plan to the satisfaction of the Responsible Authority must be submitted to, and approved in writing by, the Responsible Authority. The Green Travel Plan must be prepared by a suitably qualified professional and must provide detailed advice regarding how traffic movements and staff parking will be managed and how any alternative, non-private vehicle transport modes will be encouraged. The Green Travel Plan should also identify specific opportunities for the provision of more sustainable transport options and encouragement of their use. The Green Travel Plan must include, but not be limited to:
- (a) a requirement that tram, train and bus timetables be installed in prominent locations in lifts and public areas (on noticeboards, etc);
  - (b) a requirement that bicycle parking areas be installed in well secured and prominent locations;
  - ~~(c) provide a 'Share-Car' parking space within the development for use by residents of the proposed development;~~
  - ~~(d)~~(c) the installation of signs in prominent locations advising of the location of existing and proposed share car schemes, bicycle parking facilities for residents and visitors, tram stops, taxi ranks, railway stations, bus stops and bicycle paths;
  - ~~(e)~~(d) a requirement that access to the on-site parking is restricted and controlled;
  - ~~(f)~~(e) establishment of a car-pooling database for residents;
  - ~~(g)~~(f) specific targets to guide the plans ongoing implementation;
  - ~~(h)~~(g) identification of persons responsible for the implementation of actions;
  - ~~(i)~~(h) estimate timescales and costs for each action;
  - ~~(j)~~(i) a plan for monitoring and review of the Green Travel Plan on an annual basis for at least three years.

The approved Green Travel Plan must be implemented to the satisfaction of the Responsible Authority.

#### SEPP N1

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

### Noise Attenuation for Dwellings

- 25 External traffic noise intrusion within bedroom and living areas (upon completion; with furnishing within the spaces and with windows and doors closed) and measured in accordance with AS/NZS2107/2000 *Acoustics – Recommended Design Sound levels and Reverberation Times for Building Interior* must comply with the following:
- (a) between 10pm and 7am in bedrooms areas must not exceed LAeq, 9hour 40dB(A);
  - (b) between 7am and 10pm in living rooms must not exceed LAeq (15hour) 45dB(A)

to the satisfaction of the Responsible Authority.

### PTV Conditions

- 26 The permit holder must take all reasonable steps to ensure that disruption to tram operation along Park Street is 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 prior.
- 27 The permit holder must ensure that all track, tram and overhead infrastructure is not damaged. Any damage to public transport infrastructure must be rectified to the satisfaction of Public Transport Victoria to the full cost of the permit holder

### Expiry

- 28 This permit will expire if one of the following circumstances applies:
- (a) The development is not started within three years of the issued date of this permit.
  - (b) The development is not completed within two years of the date of commencement of works.

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

## Appendix F : BADS Assessment

PROVISION	STANDARD	OBJECTIVE	EXPLANATION
Standard D1 of Clause 58.02-1 'Urban context objectives'	✓	✓	Please see report for details.
Standard D2 of Clause 58.02-2 'Residential policy objectives'	✓	✓	Please see report for details.
Standard D3 of Clause 58.02-3 'Dwelling diversity objective'	✓	✓	There is a mix of dwelling typologies proposed including 2- and 3-bedroom dwellings.
Standard D4 of Clause 58.02-4 'Infrastructure objectives'	✓	✓	The proposal will be connected to the required infrastructure and services.
Standard D5 of Clause 58.02-5 'Integration with the street objective'	✓	✓	The proposal appropriately fronts and addresses both primary interfaces of Park Street and Wells Street.
Standard D6 of Clause 58.03-1 'Energy efficiency objective'	✓	✓	The proposal is appropriately orientated to make appropriate use of solar energy and promote energy efficiency within dwellings, with further details included within the ESD report.
Standard D7 of Clause 58.03-2 'Communal open space objectives'	✗	✓	The proposal provides external communal open space area of 29sqm, however the proposal will also provide excellent communal space amenities in the form of a gymnasium, lounge, and coworking spaces totaling 285sqm.
Standard D8 of Clause 58.03-3 'Solar access to communal outdoor open space objective'	✓	✓	As noted above, 29sqm of communal outdoor terrace is provided for in addition to the gymnasium, lounge and coworking space areas are located to the northern side of the development, allowing for internal solar access to the spaces.
Standard D9 of Clause 58.03-4 'Safety objective'	✓	✓	The development features active frontages to enhance the lighting and surveillance opportunities to the surrounds, while the residential and office entries to the development faces the streetscape, is easily identifiable and will be appropriately illuminated.
Standard D10 of Clause 58.03-5 'Landscaping objectives'	✗	✓	The subject site is located on the corner of Wells Street and Park Street in South Melbourne on a site which features no existing vegetation of significance. While the development does not provide deep soil areas for canopy tree planting, the provision of plantings on top of the podium



			level is an appropriate response to the inner city landscaping context and density sought for development in this location.
Standard D11 of Clause 58.03-6 'Access objective'	✓	✓	The subject site provides appropriate access and vehicle crossovers to the development. Please see traffic report prepared by Traffix Group for further information.
Standard D12 of Clause 58.03-7 'Parking location objectives'	✓	✓	The proposal provides secure basement car parking for residents and visitors to the site, which will not disturb residents within the development (noting that the dwellings are first located on Level 5).
Standard D13 of Clause 58.03-8 'Integrated water and stormwater objectives'	✓	✓	The proposal will seek to capture stormwater runoff. Please see the Sustainability Management Plan for more information.
Standard D14 of Clause 58.04-1 'Building setback objectives'	✓	✓	The building provides appropriate setbacks to ensure adequate daylight is achieved into habitable rooms, direct views to the surrounds are minimised, and reasonable outlooks to the surrounds are achieved.
Standard D15 of Clause 58.04-2 'Internal views objectives'	✗	✓	The proposal will generally provide appropriate screening as to minimise internal views. Should Council require more information on this matter, this could be required as a condition of permit, should a permit be issued.
Standard D16 of Clause 58.04-3 'Noise Impacts objective'	✓	✓	The proposal will ensure that the mechanical equipment and uses proposed will not unreasonably impact the surrounding area, while proposed dwellings will be located away from and appropriately treated to ensure that noise transmission is minimised.
Standard D17 of Clause 58.05-1 'Accessibility objective'	✓	✓	The development will provide dwellings which will meet the needs of people with limited mobility. Should Council require further dimensions to demonstrate compliance with Standard D17, it is considered that this could be required as a condition of permit, should a permit be issued.
Standard D18 of Clause 58.05-2 'Building entry and circulation objectives'	✓	✓	The development provides distinctive communal residential and commercial entrance areas which will facilitate access to all apartments and commercial spaces within the development. The internal design and layout of the development provides appropriate design techniques to provide windows to the residential entrance, visible access to stairs, and communal corridors which provide a source of natural light.
Standard D19 of Clause 58.05-3 'Private open space objective'	✓	✓	All dwellings are provided with a balcony achieving the required balcony area and dimensions to ensure that the balconies facilitate adequate and appropriate private open space to meet the needs of residents.
Standard D20 of Clause 58.05-4 'Storage objective'	✓	✓	Each dwelling will be provided with sufficient storage facilities internal to the development. For certainty, this can be provided as a condition of permit.

Standard D21 of Clause 58.06-1 'Common property objective'	✓	✓	Each communal area is clearly identifiable and distinct from the private areas (dwellings) and other land uses within the building.
Standard D22 of Clause 58.06-2 'Site services objectives'	✓	✓	The proposal will facilitate efficient and accessible service installation.
Standard D23 of Clause 58.06-3 'Waste and recycling objectives'	✓	✓	The proposal will provide appropriate and accessible waste storage facilities for each dwelling and for the overall development, with a rubbish and recycling waste chute proposed. Please see Waste Management Plan prepared by Traffix Group.
Standard D24 of Clause 58.07-1 'Functional layout objective'	✓	✓	The proposed dwellings will all be provided with functional areas to meet the needs of residents in accordance with Standard D24. The architectural plans include a functional layout plan which confirms that the Standard is met.
Standard D25 of Clause 58.07-2 'Room depth objective'	✓	✓	The room depths of single aspect habitable rooms will ensure that sufficient daylight will be received for habitable rooms, with habitable rooms all compliant with Standard D25 being not greater than 9m in depth.
Standard D26 of Clause 58.07-3 'Windows objective'	✓	✓	All new habitable room windows will receive appropriate levels of daylight, with all habitable windows featuring a primary window to an external wall of the building.
Standard D27 of Clause 58.07-4 'Natural ventilation objective'	✓	✓	The proposal will encourage natural ventilation of dwellings through operable windows to external walls of the development. The proposal will ensure that at least 40% of dwellings meet the natural ventilation diagrams under Standard D27.

## Appendix G: Permit – Track Changes



# PLANNING PERMIT

Application Number: **906/2016**  
Planning Scheme: **Port Phillip**  
Responsible Authority: **City of Port Phillip**

## ADDRESS OF THE LAND:

**200-204 WELLS STREET, SOUTH MELBOURNE VIC 3205**

## THE PERMIT ALLOWS:

Use of the land for the purpose of a food and drink premises and offices, construction of a multi-storey mixed use building over a basement level, containing dwellings with communal facilities, food and drink premise, offices and a reduction of the standard car parking requirement generally in accordance with the endorsed plans and subject to the following conditions.

## THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

### Amended Plans Required

~~1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and an electronic copy must be provided. The plans must be generally in accordance with the plans lodged with the VCAT appeal prepared by Ewert Leaf marked Revision A dated 26 March 2018 but modified to show the following, to the satisfaction of the Responsible Authority:~~

~~a) The following changes agreed to on 4 September 2018, which are generally shown on the plans prepared by Ewert Leaf marked Revision C dated 10 September 2018:~~

~~i. Tower setbacks clearly detailed on the plans and a minimum of:~~

~~a. 5 m from Wells Street.~~

~~b. 5 m from Park Street.~~

~~c. 4.5 m from the west boundary.~~

~~d. 6 m from Little Bank Street.~~

~~Architectural features are an allowable encroachment into these setbacks, to a maximum of 300mm from Park Street, Little Bank Street and the western boundary and 430mm from Wells Street.~~

~~ii. A 1:50 detail plan showing the material, colour and design treatment to the podium parking on Wells Street.~~

~~iii. All balconies having minimum dimensions in accordance with the requirements of Standard D19 at Clause 58.05-3 Private open space objective.~~

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- iv. ~~An additional pedestrian entry into the ground floor food and drink premises from Wells Street.~~
- v. ~~The height of parapets to be clearly indicated.~~
- vi. ~~DDA compliant bathrooms on communal areas.~~
- vii. ~~Grease trap adjacent to the rise in the lower levels.~~
- viii. ~~Alteration to the internal layouts of the corner apartments at levels 6 to 11 so as to have habitable rooms facing onto Wells Street.~~
- ix. ~~Provision of a door into the air-conditioning room.~~
- x. ~~Provision of a roof access hatch.~~
- xi. ~~Annotation that no telecommunication towers or lighting will be installed on the roof.~~
- xii. ~~Relocation of roof plant area and inclusion of screening to plant.~~
- xiii. ~~Shadow diagrams correctly drawn and annotated.~~
- b) ~~The loading bay and the access way to it from Little Bank Street having a height clearance of at least 3.3 m. It may be relocated to be accessed directly off Little Bank Street. A loading bay with minimum dimensions of 4.5 m width x 5 m length x 3.3 m height, accessed off Little Bank Street. This may include a consequential reduction in up to three car parking spaces.~~
- c) ~~The minimum levels for the ground floor of the car park must be 3.346 m AHD.~~
- d) ~~The main vehicle access ramp off Little Bank Street (excluding the loading bay) with an apex above the flood level to avoid flood water entering (the flood level for the property is 3.196 m AHD).~~
- e) ~~All switches and electrical boxes installed 600 mm above the flood level.~~
- f) ~~Lighting scheme for the building façade including ground floor and podium levels.~~
- g) ~~Permeable material for the proposed garage door.~~
- h) ~~The treatment of the substation incorporated into the building façade.~~
- i) ~~The ground wall facing Park Street fully abutting the title boundary with any change in levels resolved within the building, to remove indents within the frontage.~~
- j) ~~All communal corridors being DDA compliant.~~
- k) ~~The provision of a typical bathroom layout for a one, two and three bedroom apartment to demonstrate the ability for those bathrooms to be adapted for disability access.~~
- l) ~~All external glazing must be of a type that does not reflect more than 20% of visible light when measured at an angle of incidence normal to the glass surface.~~
- m) ~~Any changes required by conditions 4, 6, 7 and 10.~~
- n) ~~Designation of the accessible car parking spaces required for the commercial premises.~~

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## No Alterations

~~21~~ 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.

## Walls on or facing the boundary

~~32~~ Before the development is occupied, all walls on or facing the boundary of adjoining properties and/or the laneway must be cleaned and finished to a uniform standard. Unpainted or unrendered masonry walls must have all excess mortar removed from the joints and face and all joints must be tooled or pointed 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.

## Plant and equipment on roof

~~43~~ The only plant or equipment shown on the endorsed plan must be erected on the roof top level and the area occupied by all plant and equipment must be in accordance with DDO26.

## Project architect

~~54~~ ~~Unless otherwise agreed by the Responsible Authority, Ewert Leaf must be retained as the supervising architect for the development.~~

## Sustainable Management Plan

~~65~~ Before the development starts (other than demolition or works to remediate contaminated land) a Sustainable Management Plan generally in accordance with the Plan prepared by Sustainable Design Consultants dated August 2018 that outlines proposed sustainable design initiatives must be submitted to, be to the satisfaction of and approved by the Responsible Authority. When approved, the Sustainable Management Plan will be endorsed and will then form part of the Permit. The development must incorporate the sustainable design initiatives listed in the approved Sustainable Management Plan to the satisfaction of the Responsible Authority. The plan should be revised so that the project is benchmarked against the Green Building Council of Australia's Green Star 'Design and As-built' rating tool to a 4 star Green Star standard and to include:

- a) An itemised summary of the credits that were successfully pursued for the project.
- b) A description of the initiatives involved in each credit and the evidence provided as required by the Green Star credit's standards set forth in the Technical Manual
- c) A statement by the report's author that the credits nominated were achieved to the scope and standard set forth in the Green Star Technical Manual.
- d) A point tally evidencing the credits achieved meet or exceed the points required for the nominated star rating.

## Water Sensitive Urban Design

~~76~~ Before the development starts (other than demolition or works to remediate contaminated land) a Water Sensitive Urban Design Report that outlines proposed water sensitive urban design

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initiatives must be submitted to, be to the satisfaction of and approved by the Responsible Authority. The Water Sensitive Urban Design Report must demonstrate how the development meets the water quality performance objectives as set out in the Urban Stormwater Best Practice Environmental Management Guidelines (CSIRO) as amended from time to time.

When approved, the Water Sensitive Urban Design Report will be endorsed and will then form part of the permit. The development must incorporate the sustainable design initiatives listed in the approved Water Sensitive Urban Design Report to the satisfaction of the Responsible Authority.

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

**87** Before the development starts (other than demolition or works to remediate contaminated land) a Maintenance Manual for Water Sensitive Urban Design Initiatives to the satisfaction of the Responsible Authority must be submitted to, and approved in writing by, the Responsible Authority. The program must include, but is not limited to:

- (a) inspection frequency
- (b) cleanout procedures
- (c) as installed design details/diagrams including a sketch of how the system operates

The Maintenance Manual for Water Sensitive Urban Design Initiatives 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. The approved Maintenance Manual for Water Sensitive Urban Design Initiatives must be implemented to the satisfaction of the Responsible Authority.

#### **Site Management Water Sensitive Urban Design**

**98** The developer must ensure that:

- (a) no water containing oil, foam, grease, scum or litter will be discharged to the stormwater drainage system from the site;
- (b) all stored wastes are kept in designated areas or covered containers that prevent escape into the stormwater system;
- (c) the amount of mud, dirt, sand, soil, clay or stones deposited by vehicles on the abutting roads is minimised when vehicles are leaving the site;
- (d) no mud, dirt, sand, soil, clay or stones are washed into, or are allowed to enter, the stormwater drainage system; and
- (e) the site is developed and managed to minimise the risks of stormwater pollution through the contamination of run-off by chemicals, sediments, animal wastes or gross pollutants in accordance with currently accepted best practice

all to the satisfaction of the Responsible Authority.

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**Kathryn Pound**

**Signature for Responsible Authority**

## Waste Management

~~409~~ Before the development starts (other than demolition or works to remediate contaminated land), a Waste Management Plan must be submitted to, and approved by, the Responsible Authority. The Waste Management Plan must be generally in accordance with the Waste Management Plan prepared by Strata Plan dated 28 March 2018 but modified to address the following:

- a) Commercial uses listed separately with related waste/ recycling generation rates from CoPP's WMP Guidelines for developments.
- b) Separation of residential and commercial bin rooms.
- c) Provide for hard waste storage.
- d) Where bins will stand for collection.
- e) Limitation of noise from use of rubbish shoots (i.e. from bottles etc).

Once approved, the Waste Management Plan will be endorsed and will then form part of this Permit. The approved Waste Management Plan must be implemented to the satisfaction of the Responsible Authority

## Landscape Plan

~~410~~ Before the development starts (other than demolition or works to remediate contaminated land), a detailed Landscape Plan ~~for the communal terraces~~ must be submitted to, be to the satisfaction of and approved by the Responsible Authority. When the Landscape Plan is approved, it will become an endorsed plan forming part of this Permit. The Landscape Plan must incorporate:

- (a) all street trees and/or other trees on Council land;
- (b) a planting schedule of all proposed vegetation including botanical names; common names; pot sizes; sizes at maturity; quantities of each plant; and details of surface finishes;;

## Completion of Landscaping

~~421~~ The landscaping as shown on the endorsed Landscape Plan must be carried out and completed to the satisfaction of the Responsible Authority before the development is occupied and/or the use starts, or at such later date as is approved by the Responsible Authority in writing.

## Landscaping Maintenance

~~431~~ 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.

## Urban Art Plan

~~441~~ Before the development is occupied, 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

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development to the satisfaction of the Responsible Authority. Urban art in accordance with the approved Urban Art Plan must be installed before the development is occupied to the satisfaction of the Responsible Authority.

#### **Parking and Loading Areas must be available**

~~45~~14 Car and bicycle parking and loading areas and access lanes must be developed and kept available for those purposes at all times and must not be used for any other purpose, such as storage, to the satisfaction of the Responsible Authority.

#### **Vehicle Crossings**

~~46~~15 Before the development is occupied, 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.

#### **Applicant to pay for Reinstatement**

~~47~~16 Before the development is occupied, the applicant/owner must do the following to the satisfaction of the Responsible Authority:

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

#### **Public Services**

~~48~~17 Before the development is occupied, 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.

#### **Car Parking Allocation**

~~19~~ Without the further written consent of the Responsible Authority car parking for the approved development must be allocated as follows:

- ~~(a) A minimum of three spaces for the food and drink premises.~~
- ~~(b) A maximum of two spaces for each three bedroom dwelling.~~
- ~~(c) A maximum of one space for each one and two bedroom dwelling.~~
- ~~(d) No less than four car parking spaces for visitors.~~

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~~(e) A minimum of twelve spaces for the offices.~~

~~(f) The loading bay to be shared by all occupants (commercial and residential) and used for loading and unloading purposes.~~

### **No equipment and services**

**2018** Except with the written consent of the Responsible Authority, no equipment, services and exhausts other than those shown on the endorsed plan must be erected above the roof level of the building.

### **Lighting baffled**

**2419** All lighting of external areas both during construction and after completion must be suitably baffled so as not to cause nuisance or annoyance to nearby properties or roads, to the satisfaction of the Responsible Authority and all illuminated advertising lighting on cranes must be turned off between the hours of 10PM and 7AM.

### **Privacy screens must be installed**

**2220** Before the development is occupied, privacy screens in accordance with the endorsed plans must be installed to the satisfaction of the Responsible Authority. The privacy screens must be maintained to the satisfaction of the Responsible Authority.

### **Green Transport Plan**

**2321** Before the development starts (other than demolition or works to remediate contaminated land), a Green Travel Plan to the satisfaction of the Responsible Authority must be submitted to, and approved in writing by, the Responsible Authority. The Green Travel Plan must be prepared by a suitably qualified professional and must provide detailed advice regarding how traffic movements and staff parking will be managed and how any alternative, non-private vehicle transport modes will be encouraged. The Green Travel Plan should also identify specific opportunities for the provision of more sustainable transport options and encouragement of their use. The Green Travel Plan must include, but not be limited to:

- (a) a requirement that tram, train and bus timetables be installed in prominent locations in lifts and public areas (on noticeboards, etc);
- (b) a requirement that bicycle parking areas be installed in well secured and prominent locations;
- (c) the installation of signs in prominent locations advising of the location of existing and proposed share car schemes, bicycle parking facilities for residents and visitors, tram stops, taxi ranks, railway stations, bus stops and bicycle paths;
- (d) a requirement that access to the on-site parking is restricted and controlled;
- (e) establishment of a car-pooling database for residents;
- (f) specific targets to guide the plans ongoing implementation;
- (g) identification of persons responsible for the implementation of actions;
- (h) estimate timescales and costs for each action;

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- (i) a plan for monitoring and review of the Green Travel Plan on an annual basis for at least three years.

The approved Green Travel Plan must be implemented to the satisfaction of the Responsible Authority.

#### SEPP N1

2422 All air conditioning and refrigeration plant must be screened and baffled and/or insulated to minimise noise and vibration to ensure compliance with noise limits determined in accordance with State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1 to the satisfaction of the Responsible Authority.

#### Noise Attenuation for Dwellings

2523 External traffic noise intrusion within bedroom and living areas (upon completion; with furnishing within the spaces and with windows and doors closed) and measured in accordance with AS/NZS2107/2000 *Acoustics – Recommended Design Sound levels and Reverberation Times for Building Interior* must comply with the following:

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

to the satisfaction of the Responsible Authority.

#### PTV Conditions

2624 The permit holder must take all reasonable steps to ensure that disruption to tram operation along Park Street is 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 prior.

2725 The permit holder must ensure that all track, tram and overhead infrastructure is not damaged. Any damage to public transport infrastructure must be rectified to the satisfaction of Public Transport Victoria to the full cost of the permit holder

#### Expiry

2826 This permit will expire if one of the following circumstances applies:

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

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

**Note: This permit was amended on 1 October 2018 pursuant to s 91 of the *Planning and Environment Act 1987* in accordance with the Tribunal's order dated 27 September 2018 (VCAT referenced P1028/2018), to make various changes to conditions.**

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# IMPORTANT INFORMATION ABOUT THIS NOTICE

## WHAT HAS BEEN DECIDED?

The Responsible Authority has issued a permit.

## WHEN DOES A PERMIT BEGIN?

A permit operates:

- \* from the date specified in the permit, or
- \* if no date is specified, from
  - (i) the date of the decision of the Victorian Civil and Administrative Tribunal, if the permit was issued at the direction of the Tribunal, or
  - (ii) the date on which it was issued, in any other case.

## WHEN DOES A PERMIT EXPIRE?

1. A permit for the development of land expires if: -
  - \* the development or any stage of it does not start within the time specified in the permit, or
  - \* the development requires the certification of a plan of subdivision or consolidation under the Subdivision Act, 1988 and the plan is not certified within two years of the issue of the permit, unless the permit contains a different provision; or
  - \* the development or any stage is not completed within the time specified in the permit, or if no time is specified, within two years after the issue of the permit or in the case of a subdivision or consolidation within five (5) years of the certification of the plan of subdivision or consolidation under the Subdivision Act, 1988.
2. A permit for the use of land expires if: -
  - \* the use does not start within the time specified in the permit, or if no time is specified, within two (2) years after the issue of the permit, or
  - \* the use is discontinued for a period of two (2) years
3. A permit for the development and use of land expires if: -
  - \* the development or any stage of it does not start within the time in the permit; or
  - \* the development or any stage of it is not completed within the time specified in the permit or if no time is specified, within two (2) years after the issue of the permit; or
  - \* the use does not start within the time specified in the permit, or if not time is specified, within two (2) years after the completion of the development or
  - \* the use is discontinued for a period of two (2) years.
4. If a permit for the use of land or the development and use of land or relating to any of the circumstances mentioned in Section 6A(2) of the Planning and Environment Act, 1987 or to any combination of use, development or any of those circumstances requires the certification of a plan under the Subdivision Act, 1988 unless the permit contains a difference provision -
  - \* the use or development of any stage is to be taken to have started when the plan is certified; and
  - \* the permit expires if the plan is not certified within two (2) years of the issue of the permit.
5. The expiry of a permit does not affect the validity of anything done under that permit before the expiry.

## WHAT ABOUT APPEALS? – ADVICE FOR APPLICANTS

- \* The person who applied for the permit may appeal against any condition in the permit unless it was granted at the direction of the Victorian Civil and Administrative Tribunal (VCAT), in which case no right of appeal exists.
- \* An appeal must be lodged within 60 days after the permit was issued, unless a Notice of Decision to grant a permit has been issued previously, in which case the appeal must be lodged within 60 days after the giving of that notice.
- \* An appeal is lodged with the Victorian Civil and Administrative Tribunal (VCAT).
- \* An appeal must be made on an Application for Review – Permit Applicant form which can be obtained from the VCAT website, <https://www.vcat.vic.gov.au/resources/document/permit-applicantspermit-holder-application-review-form>
- \* An appeal must state the grounds upon which it is based.
- \* An appeal must also be served on the Responsible Authority.
- \* Details about appeals and the fees payable can be obtained from the VCAT website [www.vcat.vic.gov.au](http://www.vcat.vic.gov.au) or by telephoning VCAT on (03) 9628 9777.





# PLANNING COMPLIANCE

## Common planning compliance issues when developing land

### Fact sheet

#### Planning and building permit compliance

Building permit plans must match planning permit plans for development. While building permit plans will have more technical and structural detail than planning permit plans, they must be consistent with the endorsed planning permit plans.

Council will enforce compliance with the endorsed planning permit plans, even in cases where an error in the building permit plans causes an inconsistency.

#### Expired planning permits

You must pay careful attention to any conditions relating to the expiration of your planning permit. Once the permit expires you may no longer be able to lawfully commence or continue any building and works allowed by the permit.

You can apply to extend your planning permit by contacting Council's Planning Department. This must be done while the permit is still valid; within six months of the permit's expiry date if the development has not commenced or within 12 months of the permit's expiry date to complete the development.

#### Additional reports and documents

Most planning permits require you to submit additional documentation to Council prior to commencing the development allowed by the permit. These documents must be endorsed by Council by the times specified.

Typical examples of documents still required after the issue of a planning permit include revised plans, demolition method statements, arborist reports, sustainable design statements and acoustic reports.

Please pay careful attention to the conditions of your permit, as failure to comply with the requirements of these conditions can result in enforcement action being taken with no notice to you.

#### Demolition within Heritage Overlay sites

Heritage Overlays are used to protect sites that have heritage significance, and are contained within Council's planning schemes.

Much of the municipality is covered by a Heritage Overlay, and as such, many planning permits deal with partial demolition of protected heritage buildings.

It is essential that you take particular care not to exceed the extent of any demolition that has been allowed by the planning permit. You should ensure that you are familiar with the Demolition Method Statement and the plans indicating the extent of demolition permitted.

Council takes illegal demolition very seriously and offenders may be referred to the Magistrates Court for prosecution.

#### Landscaping

Landscaping must be completed in accordance with the permit, usually before or within a set period of time after the occupation of the building.



# PLANNING COMPLIANCE

## Tree protection

Some planning permits require you to take special measures to protect trees located on your land or on neighbouring properties.

If your planning permit includes conditions regarding tree protection, you must ensure you comply with these conditions. This often means, installing protective fencing around trees and maintaining the fence during construction.

You may also be required to employ the services of a qualified arborist to supervise areas of construction near protected trees.

## Building heights and setbacks

Floor levels and parapets must comply with the approved heights indicated on the endorsed plans. Over-height buildings are considered a serious breach and can be very expensive to rectify.

Any changes to the height of a building must be approved prior to carrying out any building works, even if these changes are required for technical reasons.

## Screening - windows and decks

All privacy screening must be installed as approved prior to occupation of the building. Screening must comply with the conditions outlined in the approved permit and plans including materials, heights and design.

Generally, windows that require screening must not be able to be opened below a height of 1.7metres above floor level.

Screening materials must not be altered from those approved without first gaining further planning approval for the alternative screening proposal.

## Domestic services

In heritage areas, domestic services including air conditioners, solar panels, heaters and hot water services require planning approval if visible from a street (front or side) or public park. A condition on the planning permit may also restrict domestic services except with further Council consent. Consideration should be given to any noise issues that may result for neighbours from the placing and operation of these types of units.

Any domestic services you intend to install must be shown on the endorsed plans forming part of your planning permit, including any proposed screening, prior to the unit's installation.

## Finishes on boundary walls

Finishes must be completed to an acceptable standard in accordance with the conditions of the planning permit, prior to occupation.

Brick boundary walls must have any excess mortar removed and the brick face cleaned with joints tooled to a consistent finish, prior to occupation of the building.

## For more information contact

Planning Compliance, St Kilda Town Hall  
99A Carlisle St, St Kilda, 3182

Ph: (03) 9209 6293

Email: [planningcompliance@portphillip.vic.gov.au](mailto:planningcompliance@portphillip.vic.gov.au)