



4.1 **8 PALMERSTON CRESCENT, SOUTH MELBOURNE**
LOCATION/ADDRESS: **8 PALMERSTON CRESCENT, SOUTH MELBOURNE**
GENERAL MANAGER: **CLAIRE FERRES MILES, PLACE STRATEGY & DEVELOPMENT**
PREPARED BY: **GRANT LOGAN, MAJOR PROJECTS & APPEALS ADVISOR**

1. PURPOSE

1.1 To determine Council's position in the upcoming Victorian Civil and Administrative Tribunal (VCAT) compulsory conference and hearing for Planning Permit Application 606/2017.

2. EXECUTIVE SUMMARY

2.1 This report relates to an application for planning permit to construct an 18 storey building including basement car parking, office (3000sqm), food and drink premises (433sqm) and 44 dwellings comprising 36 two bedroom dwellings and 8 three bedroom dwellings. 113 car park spaces would be provided on site contained within three basement levels. The proposal also includes a reduction of car parking requirements from the Planning Scheme (Reduction of 105 spaces).

2.2 Following notice of the application, Council received 59 objections. The objections relate to an overdevelopment of the site, inappropriate reduction in car parking, inappropriate traffic impacts, inconsistent with the requirements of the DDO26 and Better Apartments Design Standards (BADS), poor internal amenity, excessive height, wind impacts and bulk and amenity impacts on the adjoining residential uses.

2.3 The applicant lodged an appeal with VCAT against Council's failure to determine the application within the prescribed time (60 days) on 11 December 2017. A compulsory conference is listed for 23 March 2018 and a full hearing for 7 May 2018 for four days. As of 30 January 2018 (the closing date for submissions), Council have received six Statements of Grounds.

2.4 The site is located within the Mixed Use Zone and is covered by the Design and Development Overlay (DDO26). DDO26 includes a maximum height of 60m and discretionary requirements such as a podium built form and side and rear setbacks. Whilst the overall height would meet the DDO, some variations to those provisions are proposed and are considered to be appropriate in this context. The site is strategically well suited for increased residential densities and is in an area identified for substantial residential growth.

2.5 Some of the key changes required by condition would include the provision of office and visitor parking and loading and compliance with accessibility standards.

2.6 The proposed development would make a positive contribution to the Palmerston Crescent and Kings Place interface and the broader character of St Kilda Road North Precinct.



- 2.7 The layout and design of the proposed dwellings would offer a good standard of internal amenity consistent with the requirements of Clause 58 and the Urban Design Guidelines for Victoria, subject to further minor modification should a permit be granted.
- 2.8 The proposed reduction in car parking is considered to be acceptable given the requirement for office and visitor parking and on site loading as well as the site's proximity to public transport, services and community facilities.
- 2.9 It is recommended that Council informs the Tribunal (VCAT) that it supports the application subject to conditions, as per Recommendation "Part A".



3. RECOMMENDATION

3.1 That Council adopt Recommendation “Part A” and “Part B”, to advise VCAT that:

- It supports the application with conditions.
- In the event that VCAT determines to grant a permit for the application, any permit issued should incorporate the conditions to this report.
- Authorise the Manager City Development to instruct Council’s Statutory Planners and/or Council Solicitors on the VCAT Application for review.

RECOMMENDATION “PART A”:

3.2 That the Responsible Authority, having caused the application to be advertised and having received and noted the objections, advise VCAT that, had it been the Responsible Authority for determination of the application, would have issued a Notice of Decision to Grant a Planning Permit for the construction of a building and the carrying out of works for a multi-storey building containing dwellings, the use of the land for office, food and drink premises (café and restaurant) and a reduction of the car parking requirements at No. 8 Palmerston Crescent, South Melbourne.

3.3 The decision be issued as follows:

1 Amended Plans Required

Before the development commences, amended plans and elevation drawings to scale and fully dimensioned 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 identified as those drawn by Ellenberg Fraser ‘Rev B’ dated 18 September 2017 but modified to show:

- a) Any changes required by Melbourne Water conditions.
- b) A notation on the plans that written confirmation by a Licensed Land Surveyor will be provided to the Responsible Authority verifying that the development does not exceed 60 metres in height above natural ground level (excluding building services as described at 4.0 of Schedule 26 of the Design and Development Overlay). This must be provided at frame stage inspection and at final inspection.
- c) Screening to the north facing windows of the podium floors that have direct outlook of less than 9 metres towards habitable rooms or balconies. Screening must be installed to a minimum sill height of 1.7m above the finished floor level or screened to 1.7m above FFL by obscure glazing or louvres allowing upward and horizontal views but not downward overlooking of adjacent properties. If louvred screens



are proposed, a cross section elevation drawing of screens to the windows must be provided which detail the following:

- i. Be drawn to scale and fully dimensioned;
 - ii. Clearly delineate any solid parts of the screen and any louvre parts of the screen;
 - iii. Clearly illustrate how any louvre system may allow upward and horizontal views but will prevent downward views to neighbouring properties;
 - iv. Show the exact width and thickness of each louvre, the exact spacing between each louvre and a section detail from behind the screen demonstrating that direct views of adjacent private open space are precluded, while allowing outlook horizontally and upward from the window.
- d) Cross sectional diagrams that indicate how overlooking will be limited for north facing windows of the tower element adjacent to No. 21-27 Park. If downward views to neighbouring properties occur within 9 metres, appropriate screening is required to relevant windows as per the requirements of Condition 1c.
 - e) Car spaces 1, 2 and 3 on Basement Level 1 to be nominated as visitor spaces.
 - f) Car space 4 to be converted to a multi-purpose loading space.
 - g) Unnumbered car space in Basement Level 1 to be increased in size to accommodate a car share space for the office use.
 - h) A minimum of 3 scooter/motorbike spaces provided at Basement Level 1.
 - i) Dimensions of car space 1 in Basement level 1.
 - j) Vertical Clearance Diagram demonstrating sufficient ground clearance is provided when a waste vehicle accesses Basement Level 1.
 - k) Swept path diagrams that demonstrate waste vehicles are able to perform safe manoeuvres into Millers Lane from Park Street.
 - l) Dimensions of the access path between the area between the bin holding room and the car lift within Basement Level 1 to allow safe access for bicycles.
 - m) Details of the lengths of ramp grades that are used to access Basement Level 01 as well as the RL at grade changes.
 - n) Compliance with Standard D17 (Accessibility) of Clause 58 of the Port Phillip Planning Scheme.
 - o) All external glazing and the plant enclosure to be no more than 20% reflectivity.
 - p) The detail and location of external storage for each dwelling resulting in an overall minimum 14 cubic metres for each 2 bedroom dwelling and 18 cubic metres for each 3 bedroom dwelling.



- q) All three bedroom dwellings to have terraces with a minimum area of 12sqm and minimum dimension of 2.4 metres.
- r) Nominate openings in the windows at podium level to allow access to planter boxes.
- s) Dedicated and marked pedestrian paths in Basement Level 1.
- t) The design of external lighting so as to be incorporated to the façade.
- u) Any changes required by the Sustainable Management Plan at Condition 3.
- v) Any changes required by the Water Sensitive Urban Design Reports at Conditions 4 and 5.
- w) Any changes required by condition 7 (Landscape Plan).
- x) Any changes required by condition 10 (Waste Management Plan).
- y) All plant, equipment and domestic services (including air conditioning, heating units, hotwater systems, etc.) which are to be located externally.
- z) All plan and elevation drawings fully dimensioned, including natural ground level, floor levels, and incremental and total wall and building heights and lengths, with heights to be expressed to Australian Height Datum (AHD) and/or reduced levels.
- aa) Urban Art to be included in accordance with Council's Urban Art Strategy and must be clearly indicated on the drawings, as per Condition 11.
- bb) Notation on plan to change reference from 'retail premises' to 'food and drink premises'

2 No Alterations

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

3 Sustainable Management Plan

Before the endorsement of plans under condition 1, an amended Sustainable Management Plan that outlines proposed sustainable design initiatives must be submitted to and be to the satisfaction of and approved by the Responsible Authority. When approved, the Plan will be endorsed and will then form part of the permit and the project must incorporate the sustainable design initiatives listed

4 Water Sensitive Urban Design

Before the endorsement of plans under condition 1, an amended Water Sensitive Urban Design Report that outlines proposed water sensitive urban design initiatives must be submitted to, be to the satisfaction of and approved by the Responsible Authority. The report must demonstrate how the development meets the water quality performance objectives as set out



in the Urban Stormwater Best Practice Environmental Management Guidelines (CSIRO) or as amended.

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

5 Maintenance Manual for Water Sensitive Urban Design Initiatives

Before the endorsement of plans under condition 1, a Maintenance Manual for Water Sensitive Urban Design Initiatives must be submitted to and approved by the Responsible Authority. The manual must set out future operational and maintenance arrangements for all WSUD (stormwater management) measures. The program must include, but is not limited to:

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

The WSUD Maintenance Manual may form part of a broader Maintenance Program that covers other aspects of maintenance such as a Builder' User's Guide or a Building Maintenance Guide.

6 Vehicle Crossing

Before the occupation of the development allowed by this permit, vehicle crossings must be constructed in accordance with Council's current Vehicle Crossing Guidelines and standard drawings to the satisfaction of the Responsible Authority.

All redundant crossings must be removed and the footpath, nature strip kerb and road reinstated as necessary at the cost of the applicant/owner and to the satisfaction of the Responsible Authority.

7 Landscape Plan

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

- a) A survey plan, including botanical names, of all existing vegetation/trees to be retained;
- b) Buildings and vegetation (including botanical names) on neighbouring properties within 3m of the boundary;
- c) Significant trees greater than 1.5m in circumference, 1m above ground;
- d) All street trees and/or other trees on Council land;
- e) A planting schedule of all proposed vegetation including botanical names; common names; pot sizes; sizes at maturity; quantities of each plant; and details of surface finishes of pathways and driveways;



- f) Landscaping and planting within all open space areas of the site;
- g) Water sensitive urban design;
- h) Details of access to podium level landscape areas.
- i) Details of levels on the ground floor landscape areas.

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

8 Completion of Landscaping

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

9 Landscaping Maintenance

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

10 Waste Management

Before the development starts (other than demolition or works to remediate contaminated land), an amended Waste Management Plan (by Leigh Design dated 21 September 2017) based on the draft "Best Practice Guidelines for Kerbside Recycling at Multi-Occupancy Residential Developments (Sustainability Victoria June 2006) must be prepared by a Waste Management Engineer or Waste Management Planner to the satisfaction of the Responsible Authority and endorsed as part of this permit. The Plan must include reference to the following:

- a) 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.
- e) How noise, odour and litter will be managed and minimised.
- f) Approved facilities for washing bins and storage areas.
- g) Who is responsible for each stage of the waste management process.
- h) How tenants and residents will be regularly informed of the waste management arrangements.
- i) Provision of hard waste.
- j) Location of waste collection within the basement level.



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

11 Urban Art Plan

Before the occupation of the development allowed by this permit, an urban art plan in accordance with Council's Urban Art Strategy must be submitted to, be to the satisfaction of and approved by the Responsible Authority. The value of the urban art must be at least 0.5% of the total building cost of the development to the satisfaction of the Responsible Authority. Urban art in accordance with the approved plan must be installed prior to the occupation of the building to the satisfaction of the Responsible Authority.

12 Noise Attenuation for Apartments

The building must be designed and constructed to achieve the following noise levels:

- a) Not greater than 35dB(A) for bedrooms, assessed as an LAeq,8h from 10pm to 6am.
- b) Not greater than 40dB(A) for living areas, assessed LAeq,16h from 6am to 10pm

Noise levels should be assessed in unfurnished rooms with a finished floor and the windows closed. The noise influence area should be measured from the closest part of the building to the noise source.

13 Green Transport Plan

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

- a) Tram, train and bus timetables be installed in prominent locations in lifts and public areas (on noticeboards, etc);
- b) Bicycle parking areas to be installed in well secured and prominent locations;
- c) Install signs in prominent locations advising of the location of existing and proposed share car schemes, bicycle parking facilities for residents and visitor, tram stops, taxi ranks, railway stations, bus stops and bicycle paths.
- d) Ensure that access to the on-site parking is restricted and controlled.
- e) Funding by the applicant of the purchase of a bicycle as part of the sale for each of the apartments.
- f) Establishment of a car-pooling database for residents



- g) Establishment of seed funding for the Owners Corporation to allocate for the purchase of public transport fares and on-line shopping deliveries.
- h) Specific targets to guide the plans ongoing implementation;
- i) Identify persons responsible for the implementation of actions;
- j) Estimate timescales and costs for each action;
- k) Include a plan for monitoring and review of the Travel Plan on an annual basis for at least three years.

14 Car and Bicycle Parking Allocation and Management Plan

Without the further written consent of the Responsible Authority car parking for the approved development must be allocated in a Car and Bike Parking Management Plan and on any Plan of Subdivision as follows:

- a) Maximum two (2) car space for each three bedroom dwelling;
- b) A maximum (1) car space for each two bedroom dwelling.
- c) Forty-nine (49) spaces for office;
- d) Two (2) spaces (one to each tenancy) for food and drink premises (café and restaurant);
- e) Three (3) spaces allocated to visitors at Basement 1 Level;
- f) One car share space at Basement 1 Level;
- g) Multipurpose loading area;
- h) A minimum thirteen (13) bicycle parking spaces to the residential component; and
- i) A minimum thirteen (13) bicycle parking spaces to the office component

All to the satisfaction of the Responsible Authority.

15 Street Bicycle Parking

All bicycle rails/hoops must be installed to Council satisfaction and at a cost to the applicant. The development plans indicate the provision of 4 bicycle hoops along Palmerston Crescent and 6 bicycle hoops along Kings Place.

16 Number of Dwellings

Without the further written consent of the Responsible Authority, no more than 44 dwellings may be constructed on the land.

17 Rooftop and Podium Terraces

The rooftop and podium terraces must not be used between 11 pm and 7 am on any day (with the exception of New Year's Eve).

18 Amplified Music

No amplified music to be played or external lighting other than the bollard lighting shown on the endorsed plans to be operated on the roof terrace.



19 Alteration/Reinstatement of Council or Public Authority Assets

Before the occupation of the development allowed by this permit, the Applicant/ Owner shall do the following things to the satisfaction of the Responsible Authority:

- a) Pay the costs of all alterations/reinstatement of Council and Public Authority assets necessary and required by such Authorities for 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 reinstatement.

20 Walls on or facing the Boundary

Prior to the occupation of the building(s) allowed by this permit, all new 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.

21 Piping and Ducting

All piping and ducting (excluding down pipes, guttering and rainwater heads) must be concealed to the satisfaction of the Responsible Authority.

22 No Equipment or Services

No plant, equipment or domestic services (including any associated screening devices) or architectural features, other than those shown on the endorsed plan are permitted, except where they would not be visible from the primary street frontage (other than a lane) or public park without the written consent of the Responsible Authority.

23 Privacy Screens Must Be Installed

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

24 Lighting Baffled

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.

25 Services to be underground

All basic services to the property including water, electricity, gas, sewerage, telephone and telecommunications (whether by means of a line or cable)



must be installed underground and located in a position approved by the responsible authority.

26 Level 5

The internal spaces located on Level 5 must only be used by residents or office employees and must not be used for any commercial purposes.

27 Loading/Unloading

The loading and unloading of goods from vehicles must only be carried out on the subject land within the designated multipurpose space, as detailed on the endorsed plans, and must be conducted in a manner which does not cause any interference with the circulation and parking of vehicles on the land to the satisfaction of the Responsible Authority.

28 SEPP N-1

All air conditioning and 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.

29 Car Parking Stacker Maintenance and Provision

The basement mechanical car stacker is to be maintained in a good working order and be permanently available for the parking of vehicles in accordance with their purpose, to the satisfaction of the Responsible Authority.

30 Parking Areas must be available

Car parking areas and access lanes must be kept available for those purposes at all times and must not be used for any other

Melbourne Water Conditions

31 The ground floor of the building must be constructed with finished floor levels set no lower than 2.7 metres to Australian Height Datum (AHD), which is 300mm above the applicable flood level of 2.4m to AHD.

32 Finished Prior to the issue of an Occupancy Permit, a certified survey plan, showing finished floor levels (as constructed) reduced to the AHD, must be submitted to Melbourne Water to demonstrate that the floor levels have been constructed in accordance with Melbourne Water's requirements.

33 All doors, windows, vents and openings to the basement car park must be set no lower than 2.7 metres to AHD including a flood proof apex to the basement.

34 All Electrical system, including components for the DDA access lift, must be set no lower than 2.65m AHD.

Melbourne Metro Rail Authority Conditions

35 Before development starts, including demolition and bulk excavation, three (3) copies of a Construction Management Plan must be submitted to the satisfaction of Melbourne Metro Rail Authority. The Construction



Management Plan must include details of (but not be limited to) management proposals to minimise impacts to the construction of the Metro Tunnel project, and must set out objectives and performance and monitoring requirements for:

- a) The demolition and construction program;
- b) Preferred arrangement for vehicles delivering to the land, including delivery and unloading and expected duration and frequency;
- c) Requests to occupy public footpaths or roads, or anticipated disruptions to local services;
- d) Measures to ensure that all works on the land will be carried out in accordance with the Construction Management Plans.

36 All demolition and construction works must be carried out in accordance with the approved Construction Management Plan. The Construction Management Plan must be implemented at no cost to Melbourne Metro Rail Authority.

37 Time for Starting and Completion

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

- a) The development is not started within three years of the date of this permit.
- b) The development is not completed within four years of the date of commencement of works.
- c) The use is not commenced within two (2) years of the completion of the development.

The Responsible Authority may extend the periods referred to if a request is made in writing before or within 6 months after the permit expiry date, where the use or development allowed by the permit has not yet started; and within 12 months after the permit expiry date, where the development allowed by the permit has lawfully started before the permit expires.

RECOMMENDATION “PART B”:

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

4. RELEVANT BACKGROUND

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

5. PROPOSAL

- 5.1 The application seeks approval for the construction of an 18 storey tower with a mix of retail, office and dwelling uses as well as a three level basement.



5.2 A total of 44 apartments including 36 two bedroom, 6 three bedroom and two penthouse apartments (also three bedrooms) are proposed. 3000sqm of office and 433sqm of retail are also included in the development.

5.3 More specifically, the proposal would consist of:

Basement Levels 1-3

- Fully automatic car parking system across Basement Levels 2 and 3 with the provision of 109 car spaces, accessible via two car lifts.
- Basement Level 1 to include four car parking spaces, bin store and a holding area, bike storage (50 spaces). The level also includes a vehicle access ramp to Millers Lane.
- A wine cellar at 69sqm associated with one of the ground floor retail spaces.
- Centralised lift and staircase across each level.
- All basement levels to cover the full extent of site.

Ground Floor

- Double width vehicle access from Millers Lane.
- Two retail tenancies with one facing Millers Lane/Kings Place (163sqm) and one to Kings Place/Palmerston Crescent (201sqm). Total retail floorspace of 364sqm.
- Office lobby (to Palmerston Crescent), Residential Lobby (to Kings Place) and services (to Matthews Lane).
- Ground floor to cover the full extent of the site with windows to be set in 1.0 metre from each of the street interfaces.

Levels 1-4

- 3000sqm of office over 4 floors including kitchens and amenities.
- Centralised lift and stair core.
- Levels 1-4 to cover the full extent of the site with windows to be set in 1.0 metre from each of the street interfaces.

Level 5 (Podium)

- Communal spaces for the residential dwellings, including dining and living area, cinema, gymnasium and amenities.
- 92 and 130sqm outdoor communal terraces.



Level 6 to 14

- Four, two bedroom dwellings with an overall floor area of approximately 118sqm.
- Each dwelling includes individual entries and 11sqm wintergardens accessed from living areas.
- Centralised lift and stair core.
- Tower setbacks range between 3.2 and 4.7 metres along Palmerston Crescent, 0 and 4.4m along Kings Place and between 0m and 9.3 metres to Millers Lane.
- Setback of 4.5 metres from the centre of Millers Lane.

Level 15 to 16

- Three, three bedroom dwellings with wintergardens ranging between 10 and 18sqm. Apartments sizes range between 137sqm and 201sqm.
- Centralised lift and stair core.
- Tower setbacks as per Levels 6 to 14.

Level 17

- Two, three bedroom dwellings with wintergardens of 16sqm.
- Centralised lift and stair core.
- Tower setbacks as per Levels 6-14.

Level 18 - Rooftop

- Communal rooftop garden area 413sqm including Pool.
- Services that cover 91sqm (18%)

Building Height and Design

- The overall maximum height of the building would be 60.0 metres to the top of the parapet with the proposed lift overrun at a maximum height of 64.0 metres above natural ground level.
- A varied palette of materials and finishes are proposed including pre-cast concrete with exposed aggregate, reflective silver glazing, reflective stainless steel and coloured breeze blockwork.
- The development would not include the provision of any visitor car parking.



- Waste is proposed to be collected in the following manner:
 - A private contractor shall collect waste at the onsite Basement 1 driveway (refer to the traffic report).
 - Collection staff shall have access to the Bin Stores and transfer bins to the waste vehicle and back to the stores.
 - The waste collection shall be carried-out by the rear-lift vehicles (nom. 6.4m long, 2.1m high, and 6.4 tonnes gross vehicle mass, needing a 2.3m high clearance when collecting 660L bins).

6. SUBJECT SITE AND SURROUNDS

- 6.1 The subject site at 8 Palmerston Crescent, South Melbourne is an irregular sized parcel of land at 908m² bounded by Palmerston Crescent (24 metres), Kings Place (36 metres), Millers Lane (22 metres) and Matthews Lane for a length of 47 metres. The site is located 80m south east of Park Street, 125m west of Albert Road and 180m south west of St Kilda Road.
- 6.2 The site is occupied by a double storey building towards the middle and eastern side of the property and is used for the purpose of a Brothel. It includes undercroft parking accessed from Matthews Lane. The remainder of the site contains an at-grade open car park adjacent to Kings Place and Millers Lane.
- 6.3 Vehicle access occurs through a single crossover from Kings Place. There are a number of semi-mature Silver Burch Street Trees along Palmerston Crescent and Kings Place frontage.
- 6.4 Buildings surrounding the site are typically commercial on disparate lot sizes and configurations due to the layout of the streets. Site coverage is generally high at around 80-100%.
- 6.5 Kings Place and Palmerston Crescent are both wide streets, with Millers Lane and Matthews Lane being significantly narrower and characteristic of a back-of-house laneway serving predominately vehicle access.
- 6.6 The property to the immediate south of the subject site at No. 1-13 Cobden Street contains a two storey commercial building and an at-grade car park. The site is currently surrounded by a two storey hoarding along all street boundaries. Planning Permit (P1955/2017) was approved by VCAT on 15 January 2017 which allows for a 19 storey mixed use building with a roof terrace level and three basement levels containing 231 dwellings and retail premises and a reduction in car parking and loading requirements. Vehicle access is proposed for this development from Cobden Street.
- 6.7 The property to the west at No. 31 to 33 Park Street is currently occupied by a three storey office building fronting Park Street. Planning Permit 281/2014/A allows for the construction of a 14 storey mixed use building including 38 dwellings and a 49sqm food and drink premises. Vehicle access for this proposal would be from Millers Lane (via a car lift to Basement Level 1-5).



- 6.8 Adjoining this site to the west is No. 37-43 Park Street. It was recently granted approval by VCAT for the construction of a 20 storey mixed use building. Particulars of the development included 176 dwellings and 368sqm of retail. This development was also granted reductions in car parking (reduction of 59 car spaces) and loading requirements.
- 6.9 The properties to the immediate north of the site, on the opposite side of Matthews Lane, include varied land uses.
- 6.10 No. 29 Park Street includes a very narrow lot occupied by a double storey commercial building along the extent of the site. The property includes vehicle access onto Millers Lane.
- 6.11 No. 21-27 Park Street is occupied by a four storey building used for the purpose of Accommodation (Serviced Apartments). Some of the apartments appear to be used as dwellings. The majority of the site is separated by Matthews Lane from the subject site. 4.7 metres of the site directly abuts the subject site. Apartment habitable windows and living spaces of this property are setback between 2.4 and 13.4 metres from the title boundary of the subject site. These setback increases by 1.23 metres for the tower level.
- 6.12 No. 19 Park Street is a narrow site that includes a two storey commercial building. The rear is set in from Matthews Lane in line with the building at No. 21-27 Park Street.
- 6.13 No. 15-17 Park Street includes an existing part 5 storey commercial building with a one and two storey component located along the edge of the title boundary on Matthews Lane. Vehicle access also occurs from Matthews Lane.
- 6.14 Properties to the west of the site, on the opposite side of Palmerston Crescent, include a mix of building types with a predominance of commercial uses.
- 6.15 No. 13-21 Palmerston Crescent is a large site and is currently occupied by a multi-level car park. The property also includes an approval (at the direction of the Tribunal) for the construction of a 19 storey mixed use building with 196 apartments and two basement car parking levels. A reduction in car parking was approved.
- 6.16 No. 9-11 Palmerston Crescent is currently occupied by a double storey commercial building. There is a current application (1163/2017) for a 19 storey mixed use building containing dwelling, office and dwellings.
- 6.17 The subject site has excellent access to public transport with tram lines nearby on Park Street and the Domain Interchange on St Kilda Road. It is also noted that the site would be approximately 250m from the new Domain Station Metro Rail Station and 50m from the new Park Street Tram Stop. There are a number of car share vehicles in close proximity to the site including at the rear of No. 44 Albert Road.
- 6.18 The subject site is approximately 650m east of the South Melbourne Major Activity Centre.



- 6.19 South Melbourne Activity Centre includes three (3) full-line supermarkets, health services, the South Melbourne Market, and community facilities. The site is also within close walking distance of extensive public parkland at Kings Domain and Albert Park.

7. PERMIT TRIGGERS

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

Zone or Overlay	Why is a permit required?
Clause 32.04 Mixed Use Zone (MUZ)	<p>A planning permit is required to use the land for food and drink premises (32.04-2) and office if the leasable floor area exceeds 250sqm (32.04-2)</p> <p>A planning permit is required to construct a building or construct or carry out works for a food and drink premises. (Clause 32.04-8)</p> <p>A planning permit is required to construct two or more dwellings on a lot in the Mixed Use Zone. (Clause 32.04-6)</p> <p>A planning permit is not required to use the land for a dwelling in the Mixed use Zone.</p> <p>An apartment development of five or more storeys, excluding a basement, must meet the requirements of Clause 58, pursuant to Clause 32.04-6.</p>
Clause 43.02 Design and Development Overlay Schedule 26	<p>A planning permit is required to construct a building or construct or carry out works in the Design and Development Overlay pursuant to Clause 43.02-2 of the Planning Scheme.</p>
Clause 44.05 Special Building Overlay	<p>A planning permit is required to construct a building or construct or carry out works in the Special Building Overlay pursuant to Clause 44.05-1 of the Planning Scheme.</p>
Clause 52.06 Car Parking	<p>Prior to a new use commencing or a new building being occupied, or the floor or site area of an existing use being increased, or the number of patrons, seats or practitioners at an existing use being increased, the car parking spaces required under Clause 52.06-5 must be provided.</p> <p>Dwellings require 1 car space to each 1 or 2 bedroom dwelling and 2 spaces per 3 bed dwelling, plus 1 car space for visitors to every 5 dwellings (for developments of 5 dwellings or more) = 52 resident spaces and 8 visitor parking spaces (60 spaces total).</p> <p>Food and Drink Premises use requires 4 car spaces per 100m² = 17 spaces.</p> <p>Office use requires 3.5 spaces per 100m² = 105 spaces.</p> <p>Overall total required would be 182 spaces.</p> <p>A total of 113 spaces (88 resident, 25 Office, no visitor or food and drink spaces) would be provided.</p> <p>An overall reduction of 105 spaces – 80 spaces for office, 17 food and drink premises, 8 visitor spaces plus a surplus of 36 resident spaces.</p> <p>A permit is required to reduce the number of car spaces.</p>
Clause 52.34 Bicycle Facilities	<p>A new use must not commence or the floor area of an existing use must not be increased until the required bicycle facilities have been provided on the land pursuant to Clause 52.34-1.</p>



	<p><i>The table at Clause 52.34-3 requires bicycle parking to be provided as follows:</i></p> <ul style="list-style-type: none"> - 1 space to each 5 dwellings for residents = 8 spaces. - 1 space to each 10 dwellings for visitors = 4 spaces. - 1 space to each 300sm² of office if NFA is > 1000sqm = 10 staff - 1 space to each 300m² of office if NFA is > 1000sqm = 3 visitor - 1 space per 300m² of retail space for employees = 1 space. - 1 space per 500m² of retail space for visitors = 1 space. <p><i>A total of 28 bicycle spaces are required. A total of 50 resident/employee bicycle parking spaces are proposed on site with a further 20 spaces at ground level accessible for visitors and customers.</i></p> <p><i>No permit is required to vary, reduce or waive any bicycle facility requirement.</i></p>
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8. PLANNING SCHEME PROVISIONS

8.1 State Planning Policy Frameworks (SPPF)

- Clause 11: Settlement
- Clause 15: Built Environment and Heritage
- Clause 16: Housing;
- Clause 17: Economic Development
- Clause 18: Transport;

8.2 Local Planning Policy Framework (LPPF)

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

- Clause 21.03-1 Environmentally Sustainable Land Use and Development
- Clause 21.03-2 Sustainable Transport
- Clause 21.04-1 Housing and Accommodation
- Clause 21.04-3 Office and Mixed Activity Areas
- Clause 21.05-2 Urban Structure and Character
- Clause 21.05-3 Urban Design and the Public Realm
- Clause 21.06-7 St Kilda Road North Precinct

The following local planning policies are relevant to this application:

- Clause 22.06 Urban Design Policy for Non - Residential Development and Multi – Unit Residential Development
- Clause 22.12 Stormwater Management
- Clause 22.13 Environmentally Sustainable Development

8.3 Other relevant provisions

- Clause 43.02 Design and Development Overlay



Clause 44.05 Special Building Overlay

Clause 52.06 Car Parking

Clause 52.34 Bicycle Parking

Clause 65 Decision Guidelines

Urban Design Guidelines for Victoria (Department of Environment, Land, Water and Planning, 2017)

Clause 58 - Apartment Design Guidelines for Victoria (Department of Environment, Land, Water and Planning 2017)

8.4 Relevant Planning Scheme Amendment/s

Loading and Unloading of Vehicles

Amendment VC142 deleted Clause 52.07 which related to the Loading and Unloading of vehicles on site.

9. REFERRALS

9.1 Internal referrals

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

Urban Design

Urban Design provided comments in response to the advertised plans. The key issues and subsequent recommended changes are included below:

- *A tower setback of 4.5m minimum above the podium to Palmerston Crescent and Kings Place.*
- *A tower setback of 4.5m minimum from the centreline of both Millers and Matthews Lanes.*
- *All ground floor windows and the dual sliding doors either side of the residential entry lobby to be relocated to the property boundary.*
- *A continuous awning provided to the full Palmerston Crescent and Kings Place retail frontages*
- *Deletion of the exterior planters to the podium levels (or provision of a way for them to be accessed and maintained from within the office spaces).*
- *The proposed podium level privacy screens along the northern elevation either relocated to sit internally to the landscaped edge (or, a better outcome would be for the landscaping along that edge of the podium to be enhanced (widened and increased in height) to block views using planting and mounding).*



- *Wintergardens to be open air and useable all year round.*

Planner Comment:

Appropriate setbacks of the tower and podium elements are discussed later in the report.

Conditions of any approval would require:

- All ground floor windows to be relocated to the property boundary and the provision of an awning along the Palmerston Crescent and Kings Place frontages.
- Access to the proposed exterior planters at podium levels for their maintenance.
- The proposed podium level privacy screens either relocated to sit internally to the landscaped edge or the landscaping along that edge of the podium to be enhanced (widened and increased in height) to block views using planting and mounding.
- Any balcony space or wintergarden provide an element of openness so they can be used throughout the year.

Traffic and Parking Management

The following provides a summary of the key issues raised by Council's Traffic Engineers:

Access ways:

Vehicle access is proposed via Millers Lane located at the site's western frontage.

A 6.0m wide two way accessway that accommodates central columns between entry and egress lane is considered satisfactory in this circumstance. The accessway for each lane narrows to 2.9m for a short distance. Council traffic engineers have assessed the narrowing and are satisfied there is sufficient space for vehicles to pass in this circumstance.

A 6.1m wide by 7.0m long passing area has not been provided by the applicant.

Car parking spaces:

113 car parking spaces have been provided.

109 of the car spaces provided are accommodated via a mechanical car parking system by Levanta.

Non Mechanical Parking



Spaces (2-4) of basement level 01 are dimensioned to have a length and width of 4.9m and 2.6m respectively. These spaces are accessed of from a 6.4m wide aisle. This is in accordance with Clause 52.06 – Design Standard 2 of the Planning Scheme and is considered satisfactory.

Car space 1 of the Basement 01 Car-Park floor plans has not been dimensioned. The Traffic Impact Assessment (T.I.A) states this space will be allocated as a small car space.

Mechanical Parking

The T.I.A states that each transfer compartment has clear dimensions of 2.9m x 5.9m.

The T.I.A states that at least 25 per cent of mechanical car parking spaces can accommodate a vehicle clearance height of at least 1.8metres. This is considered satisfactory.

No mechanical car parking spaces have been allocated to visitors.

Swept Path Diagrams have been submitted demonstrating a B99 vehicle accessing and egressing each of transfer compartment to the Levanta Car Parking System. This is considered satisfactory.

Applicant must have an action plan in place for when scheduled maintenance occurs or the lift is temporarily unavailable.

Vertical Clearance and Ramp Gradients:

The T.I.A states that at least 25 per cent of mechanical car parking spaces can accommodate a vehicle clearance height of at least 1.8metres. This is considered satisfactory.

The T.I.A states a minimum 2.2m vertical clearance has been provided within the ground floor parking area.

Accessible Parking Bay:

The traffic report provided indicates 25 spaces are to be allocated to office staff. As per the BCA requirements the provision of any off-street parking for commercial purposes requires an accessible parking bay to be provided.

The development plans indicate that none of the parking bays have been designated as accessible parking bays. This does not conform to AS2890.6 or BCA requirements.

Traffic Generation and Impact:

Daily Traffic generation rates adopted by the applicant provided are as follows:

- *Residential 130 vehicles/day*



- *Office 4 movements per space - total 100 vehicle trips/day*
- *Residential 0.3 movements/dwelling – 13 peak hour movements*
- *Office 25 spaces (50 movements in peak) – 13 peak hour movements*
- *Total of 26 vehicle movements generated in peak hour*

Overall the development is expected to have a minimal impact on the surrounding street network if considered in isolation.

Bicycles:

Clause 52.34 has a requirement of 28 bicycle spaces. The applicant proposes 50 bicycle spaces on site and exceeds requirements as set out in Clause 52.34.

The proposal has a requirement of 11 employee spaces and thus as per Clause 52.34 requires a shower/change room to be provided.

Noting the above, the applicant has indicated that this could be implemented by a way of permit condition and has not indicated the provision of a shower/change room on the development plans.

Loading and Waste Collection:

The applicant has not provided a loading zone, despite the requirements of the DDO26.

Council traffic engineers have concerns regarding the ability of a waste vehicle to access Millers Lane from Park Street. The swept path diagrams that have been provided do not demonstrate adequate clearance from tram infrastructure.

On Street Parking:

The existing on-street parking is generally high turnover ticketed parking between 8am – 6pm Mon-Fri.

Residents/visitors/staff of the development will not be eligible for resident parking permits and will need to abide by on-street parking restrictions.

It is proposed to remove and reinstate the existing crossover and utilise Millers Lane to access off-street parking. Reinstating the existing crossover along Kings Place will result in adjusting the on-street signage.

Parking overlay and parking provisions:

Clause 52.06 of the planning scheme requires 182 off street parking spaces to be provided for proposed land uses.

The applicant is seeking a waiver in car parking provisions and proposes to have 113 off street car parking spaces.



The proposed development results in a shortfall of 69 car parking spaces.

In terms of car parking provision, reference should be made to CoPP's Sustainable Parking Policy. We also suggest comparing previous approved parking provision rates of adjacent developments as part of the Planning team's assessment / determination.

Note that the assessment for the appropriate rate for car parking provision lies with Statutory Planning.

It is recommended that some of the parking spaces within the basement level to be allocated to resident visitor parking. This space could be used to accommodate visitor parking within the basement level as well as assist resident with moving into or out of an apartment without adding to on street parking pressures.

Planner Comment

An assessment of car parking and access is included at Section 12 of the report.

An accessible parking bay is not required to be provided in this instance.

Sustainable Design

Below is a summary of the comments received by Council's Sustainability Officer:

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

In particular it is noted:

- *the drawings lack shading to the tower*
- *the lack of detail as to how the building can be naturally ventilated*
- *Office levels lack disabled toilets as well as end of trip facilities.*
- *The BESS report is unpublished and incomplete which leaves it unable to be assessed.*

Key suggested changes to the proposal include:

- *The building envelope for the non-residential portion of the development should provide a commitment to achieving a 10% improvement on section J of the NCC through energy modelling OR a 15% improvement on elemental provisions.*
- *Provision of natural ventilation to basement, commercial tenancies and residents.*



- *Clarify the nature of mechanical conditioning systems to be provided including use of economy cycles.*
- *Efficient gas instantaneous or electric heat pump as an alternate to electric instantaneous HWS*
- *Provision of retractable or fixed clotheslines, preferably with protection from rain.*
- *Council's Best Practice Standard is for the external shading devices to be provided for glazed areas that allow winter sun, while blocking summer solar heat gains.*
- *The provision of switches that shutdown unnecessary electrical demand when apartments are unattended.*
- *Council's Best Practice Standard: Install energy efficient lighting.*
- *Waterless urinals.*
- *Individual hot and cold water meter per dwelling.*
- *Indicate on plans size and location of fire safety system water re-use tank. Consider 100% capture for reuse.*
- *Provide a maintenance manual for water sensitive urban design initiatives. These must set out future operational and maintenance arrangements for all WSUD (stormwater management) measures.*
- *Use of lighter colour roofing and/or paving can assist in alleviating the UHI Effect.*

Planner Comment

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

A Maintenance Manual for Water Sensitive Urban Design Initiatives could be required by a condition on any permit (refer recommended condition 4 and 5).

Waste Management

The following response was provided by Council's Waste Management Department:

- Hard waste storage is not shown on the plans and will need to be included
- A charity bin could be included for a development of this size



- The waste vehicle loading bay is not shown on the plans and will need to be included

Planner Comment

An updated waste management plan would be required by a condition on any approval which includes a requirement to detail hard waste and waste vehicle specifications. Location of waste collection within the basement level must be nominated on the plans. (refer recommended condition 10).

9.2 **External referrals**

Referral Authority	Response	Conditions
Melbourne Water	No objection subject to conditions summarised.	<ol style="list-style-type: none"> 1. The ground floor of the building must be constructed with finished floor levels set no lower than 2.7 metres to Australian Height Datum (AHD), which is 300mm above the applicable flood level of 2.4m to AHD. 2. Finished Prior to the issue of an Occupancy Permit, a certified survey plan, showing finished floor levels (as constructed) reduced to the AHD, must be submitted to Melbourne Water to demonstrate that the floor levels have been constructed in accordance with Melbourne Water's requirements. 3. All doors, windows, vents and openings to the basement car park must be set no lower than 2.7 metres to AHD including a flood proof apex to the basement. 4. All Electrical system, including components for the DDA access lift, must be set no lower than 2.65m AHD.
Melbourne Metro Rail Authority	No objection subject to conditions summarised.	<ol style="list-style-type: none"> 1. Before development starts, including demolition and bulk excavation, three (3) copies of a Construction Management Plan must be submitted to the satisfaction of Melbourne Metro Rail Authority. The Construction Management Plan must include details of (but not be limited to) management proposals to minimise impacts to the construction of the Metro Tunnel project, and must set out objectives and performance and monitoring requirements for: <ol style="list-style-type: none"> a) The demolition and construction program; b) Preferred arrangement for vehicles delivering to the land, including delivery and unloading and expected duration and frequency; c) Requests to occupy public footpaths or roads, or anticipated disruptions to local services; d) Measures to ensure that all works on the land will be carried out in accordance with the Construction Management Plans. 2. All demolition and construction works must be carried out in accordance with the approved Construction Management Plan. The Construction Management Plan must be implemented at no cost to Melbourne Metro Rail Authority.



10. PUBLIC NOTIFICATION/OBJECTIONS

10.1 It was determined that the proposal may result in material detriment therefore Council gave notice of the proposal by ordinary mail to the owners and occupiers of surrounding properties (106 letters) and directed that the applicant give notice of the proposal by posting 4 notice(s) on the site for a 14 day period, in accordance with Section 52 of the Planning and Environment Act 1987.

10.2 The application has received 59 objections. The key concerns raised are summarised below (officer comment will follow in italics where the concern will not be addressed in Section 9):

- Deficiencies and discrepancies in the plans.

Council consider the plans are accurate and have assessed the proposal under this assumption.

- Overdevelopment of the site not compliant with DDO26.
- No assessment against the Better Apartments Standards.
- Reduction in car parking and loading.
- Unreasonable setbacks to allow for equitable development rights.
- On-street parking and traffic concerns.
- Design of car parking and access.
- Inappropriate amenities provided for office levels not meeting Building Code.
- Roof services not compliant with DDO26.
- Lack of public open space contribution.
- Proposed detailed design including glazing reflectivity.
- Noise associated with use of rooftop facilities.
- Construction Management concerns.

Matters of construction management are dealt with by Council's City Development team under Council's Local Law No. 1.

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

11. OFFICER'S ASSESSMENT

11.1 Local Policy



The mixed use proposal would be consistent with Council Local Policy for the site and surrounds.

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

1. *To provide significant opportunities for new residential development in designated locations which have the capacity for change, and which offer highest accessibility to public transport, shops, and social infrastructure.*
- 1.1 *Direct the majority of new residential development to preferred housing growth areas to achieve:*

Substantial residential growth within strategic sites and precincts located within or in close proximity to a Major Activity Centre or the Fishermans Bend Urban Renewal Area. New housing will generally be in the form of higher density development, including tower-podium developments. The height, scale and massing of new development must be in accordance with any Design and Development Overlay for the area, the urban design local policy or must respect the surrounding built form context or in the case of the Fishermans Bend Urban Renewal Area, the Fishermans Bend Strategic Framework Plan, July 2014 (amended April 2015).

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

Strategically appropriate locations for higher density residential development (being proximate to major activity centres and / or the PPTN or within the Fishermans Bend Urban Renewal Area) which provide new housing opportunities as part of the renewal of precincts and large sites. They offer the potential for more intensive development through the creation of a new built form character.

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

Relevant objectives and strategies of this portion of the local policy are as follows:

- 1.3 *Support increased residential densities, generally in the form of higher density development, in all Mixed Use zones and Schedule 1 to the Capital City Zone.*
- 2.3 *Maintain and promote active land uses at ground floor that encourage pedestrian activity*
- 2.6 *Encourage the provision of generous ground level floor-to-ceiling heights to provide for current or future commercial land uses.*
- 2.7 *Ensure new use and development provides appropriate car parking, storage and loading facilities.*
- 3.1 *Require all non-residential uses to manage off-site impacts such as noise, traffic generation and parking to limit the effect on residential amenity.*



- 3.3 *Ensure residential development addresses the amenity impacts of established and potential future non-residential uses, including noise attenuation measures in dwellings to protect future occupants.*

The proposed development would be consistent with the objectives and strategies for this area.

Has sufficient residential diversity been provided?

Objective 3 of Clause 21.04-1 seeks:

- *To support a diverse range of housing types to suit the needs of Port Phillip's community.*

Clause 21.06-7 St Kilda Road North Precinct includes a local strategy to:

6.7.3 *Encourage future development to deliver a wider mix of housing types and sizes and includes flexible and adaptable design features, to accommodate a more diverse community including:*

- *Larger (3 bedroom or more) dwellings suited to family households and people working from home*
- *Universally accessible dwellings and accommodation suited to older people and people with limited mobility moveable walls and flexible spaces*

The proposed development would provide sufficient residential diversity. Forty four dwellings are proposed consisting of 36 x 2 bedroom and 8 x 3 bedroom dwelling. The provision of 3 bedroom dwellings within the development (at 18%) is considered an acceptable outcome and consistent with objective 3 of Clause 21.04-1. As proposed, the mix of dwellings is considered appropriate.

Is the extent of office and food and drink premises space appropriate?

Objectives of Clause 21.04-3 seeks:

- *Ensure that the nature and intensity of office and commercial activity is appropriate to its location.*
- *Maintain and promote active land uses at ground floor that encourage pedestrian activity.*
- *Encourage the provision of generous ground level floor-to-ceiling heights to provide for current or future commercial land uses.*

Clause 21.06-7 St Kilda Road North Precinct includes a local strategy to:

6.7.13 *Ensure that use and development creates a vibrant residential and mixed use environment, through an increased scale and density of development.*

It is considered that the provision of 3000sqm of office and 433sqm of food and drink premises in this location to be acceptable and is therefore supported. In particular, the proposal include generous, 4.6 metre high ground floor levels



which include commercial and lobby spaces. They are designed to ensure a high level of street activity, particularly along Palmerston Crescent and Kings Place. The 3D perspectives demonstrate that the ground floor would include high quality architecture and will be attractive to users and pedestrians.

The provision of office space above ground level would also add to the mix of land uses in the building. Its limitation to the podium level would maintain residential as the predominant land use in the development, consistent with the purpose of the Mixed Use Zone and objectives at Clause 21.04-3 and 21.06.

11.2 **Design and Development Overlay**

The subject site is located within Schedule 26 to the Design and Development Overlay for the St Kilda Road North Precinct, and more particularly, in Sub Precinct 2 (Northwest Corner) DDO 26-2.

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. The objectives for Sub-Precinct 2 are:

- *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.*

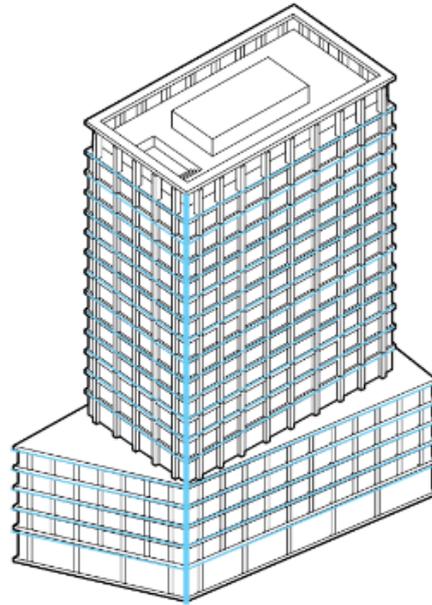


Sub-Precinct 2 (Northwest Corner) Requirements

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

Requirement	Assessment
<p>Development with a direct frontage or abuttal to any road, excluding Kings Way, must:</p> <ul style="list-style-type: none"> - be built to the boundary, and - not exceed 18 metres in height within 5 metres of any street frontage. 	<p>Does not comply</p> <p>The development would have the following podium heights:</p> <ul style="list-style-type: none"> - Kings Place – 18.2m; - Palmerston Crescent – 17.9 to 18.2m - Matthews Lane – 18.2m. - Millers Lane – 18.2m. <p>Above this height the building is setback in the following manner (excluding support structures that protrude 0.3m from the line of the building):</p> <ul style="list-style-type: none"> o Palmerston Crescent - between 3.2 and 4.7m; and o Kings Place - between 0 and 4.4m o Millers Lane – between 0 and 9.3m o Mathews Lane - 4.5m (from the centre of the laneway). <p>In accordance with the diagram within the sub-precinct requirements, Matthews Lane is not identified as a road where podium level setbacks are required above 18 metres.</p> <p>The overall slight increase in podium height above 18 metres (approximately 0.2 metres) relating to balustrades is considered to respond appropriately to the intent of the DDO, particularly given the podium is proposed at 5 storeys. Notably, Section 4.0 of the DDO26 contemplates elements of the podium that could be constructed within the area required by the setback and this includes balustrades. Importantly, the resulting podium design and heights create and reinforce a human scale to provide visual interest and activity for the pedestrians.</p> <p>In response to concerns raised by Council, the applicant produced discussion plans on 18 January 2018. The purpose of these plans were to address concerns raised by Council's Urban Designer and to demonstrate how near compliance with the discretionary podium setbacks would result in a reduced design and amenity benefit for the proposal. The diagrams below indicates the potential difference between the two designs.</p>

01 LODGED APPLICATION

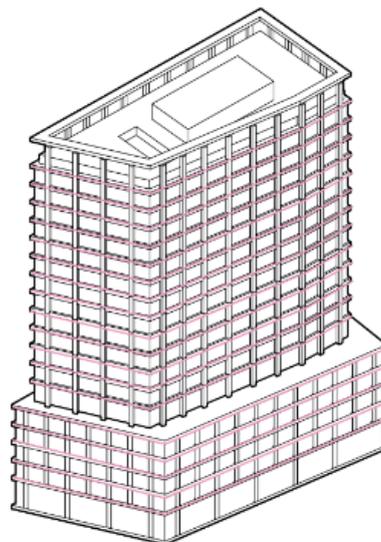


VIEW FROM KINGS WAY

LEGEND

- Non parallel lines
- Parallel lines

02 COUNCIL'S PREFERRED SETBACKS



VIEW FROM KINGS WAY

CHANGES

- Podium tower separation is reduced through the use of parallel slab edges rather than non-parallel slab edges



The applicant considers the current design to provide a better design outcome than the parameters of the DDO setbacks, particularly given the unique dimensions and street interface of the site.

It is considered that the reduced setbacks above the podium (tower) are acceptable for the following reasons:

- The height of the podium would be at an acceptable pedestrian scale of approximately 18m.
- The tower would maintain a width less than 35 metres instead of up to 41 metres as contemplated by the DDO.
- There is a clear distinction in the detailed design of the podium and tower components. For example, the glazing line recesses behind the solid grid expressing a portal frame delineating the internal program break up of spaces. The building proposes finishes of tactile high quality materials, both internally and externally. This would result in a decrease in the perceived massing of the building and clearly distinguish the two components of the development.
- The context of the adjoining and nearby sites is varied and the site is unlikely to be read like a traditional streetscape given its location with almost full street or lane interface. Therefore a varied or different outcome could be acceptable. This particularly evident on Kings Place and Millers Lane. A summary of each interface is included below:

Palmerston Crescent

- The curved nature of the podium element provides an additional level of differentiation in built form to the rectilinear tower element.
- The setbacks of the tower along Palmerston Crescent are still sufficient to ensure that the podium level remains the dominant feature of this streetscape
- The podium setbacks to the corner of Palmerston Crescent and Kings Place would also ensure a clear podium element when viewed along both street frontages.

Kings Place

- The imposition of above podium setbacks along Kings Place would have no discernible benefit on the experience of the building from the pedestrian scale. The juxtaposition of the conventional, rectilinear tower form against the atypical podium form result in a clear distinction of the forms when read from the public realm.
- The zero setback of the tower to the corner of Kings Place and Millers Lane is acceptable in that it would be constructed adjacent to a four-way intersection and absence of adjoining built form accentuated by the abnormally large kerb to boundary area in front of the property at 31-33 Park Street.

Millers Lane

- The larger setback to Millers Lane allows for greater separation in an area of sensitivity (north western corner of



	<p>the site). The current design allows for better separation from the properties to the west and north. It also enables better outlook for the residents and users of No. 21-27 Park Street.</p> <ul style="list-style-type: none"> - The greater setback along this interface will strengthen the human scale of the podium for pedestrians connecting between Park Street and Millers Lane. - This is highly relevant given Millers Lane is identified in the DDO as a 'street' as opposed to a laneway where human scale design outcomes are more highly sought. <p><u>Matthews Lane</u></p> <ul style="list-style-type: none"> - The proposal would be appropriately setback from the centre of Matthews Lane to ensure the equitable development rights of adjacent properties and the reasonable protection of amenity to the existing service apartment. <p><u>Building and Apartment Amenity</u></p> <ul style="list-style-type: none"> - The proposed setback controls provide limited opportunities for cross ventilation, sunlight, outlook, maintaining a sense of space and open sky views when compared to the application package. - The rectilinear form enables well-proportioned internal living spaces, private open area, dual aspect living and an enhanced access to natural ventilation and daylight. - The current design provides for better outlook for dwellings. <p><u>External Amenity</u></p> <ul style="list-style-type: none"> - The extent of building separation through the location of street interfaces would allow for good light and sun penetration to the street and sky views from the street. Furthermore the wind impacts from development would not be considered to be unreasonable. - The building would provide good surveillance of the street through balconies and habitable windows. - The development would not unreasonably overshadow any notable public spaces or desirable footpath areas.
<p>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. (Mandatory)</p>	<p>Complies, with condition - The building would have a maximum building height of 59.4m above NGL, not including the roof terrace, lift overrun and services and 64m above NGL to top of the lift overrun.</p> <p>More detail about the size and height of roof terrace structures and building services is required to ensure that they comply with Clause 4.0 exemptions.</p> <p>This is required as Condition 1b.</p>
<p>Building facades should follow the alignment of the street frontage to follow the</p>	<p>Complies – While the tower element is not proposed to be curved, the podium level responds to the curvilinear street pattern of Palmerston Crescent. It is noted that the curve of Palmerston Crescent is minor at approximately 1-2 metres.</p>



distinctive curvilinear street pattern.	Given that the more visible element (podium) clearly responds to the alignment of the street, it is considered an acceptable development outcome.
Development must 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.	Not Applicable - The building would not alter the solar access to the southern footpaths of Bank or Park Streets.
Development should reinforce the fine grain pattern of the Sub-Precinct.	Complies - The site would maintain the fine grain nature of the street given that it would not alter the existing subdivision pattern in the street.

Buildings and Works General Requirements:

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

Requirement	Assessment
<p><u>Design Quality</u></p> <p>New developments should achieve urban design and architectural excellence.</p> <p>Developments on corner sites with a St Kilda Road, Albert Road, Kings Way or Queens Road frontage or abuttal should not express the side street podium requirement to those roads.</p> <p>Where a podium / tower typology is not proposed for a corner site, a high quality architectural response is required which achieves an appropriate transition to podium / setback requirements on adjoining sites, including through building articulation/massing, building materials, finishes and design detail.</p> <p>Developments on large sites should minimise building bulk and promote vertical articulation in their design.</p>	<p>Complies with conditions</p> <p>The site does not include St Kilda Road, Albert Road, Kings Way or a Queens Road frontage.</p> <p>The zero setback to the corner of Kings Place and Millers Lane is considered acceptable in this location.</p> <p>The setbacks above the podium have been previously discussed in this report.</p> <p>Overall, it is considered that with the above changes, the proposal provides for urban design and architectural excellence.</p>
<p><u>Separation Distances / Side and Rear Setbacks</u></p> <p>For Sub-Precincts 1, 2, 3 and for properties in Sub-Precinct 4 without a primary frontage to St Kilda Road:</p> <ul style="list-style-type: none"> - Development above the podium height must be set back a minimum of 4.5 metres from side and rear boundaries and at least 9 metres from existing towers. 	<p>Complies</p> <p>The proposal includes a minimum setback of 4.5 metres from the centre of Matthews Lane to ensure appropriate separation from the properties to the immediate north (including those that abut the site directly).</p> <p>It is considered that the proposed separation would provide adequate access to sunlight, daylight and sky views.</p>



<ul style="list-style-type: none"> - Where there is no podium or an existing tower, a setback of 4.5 metres to the boundary must be provided. <p>For all Sub-Precincts - Additional side and rear setbacks and/or separation distances may be required to ensure buildings are designed and spaced to:</p> <ul style="list-style-type: none"> - Respect the existing urban character and pattern of development. - Equitably distribute access to an outlook, daylight and achieve privacy from primary living areas for both existing and proposed development. - Achieve sky views between towers, ensure adequate sun penetration to street level and mitigate wind effects. - Avoid windows of primary living areas and balconies that directly facing one another. - Maintain the equitable development potential of adjoining lots. 	<p>It is noted however that the properties to the immediate north of the site are primarily used for accommodation. There is ambiguity around the extent of dwellings in the property at No. 21-27 Park Street. It is therefore considered that there is a decreased amenity expectation from this property.</p> <p>Nevertheless, the proposed separations would adequately limit overlooking and overshadowing of adjoining sites and would allow for equitable development.</p> <p>The proposed design is also supported in relation to its interface to the approved development at No. 31-33 Park Street. The tower element includes an increasing dimensioned setback from the title boundary. The built form is well separated from the rear portion of the recently approved development at this site (14 storeys set in 5 metres above podium level). This will allow for a better level of amenity to the residents at No. 21-27 Park Street, maintaining good light access and views southwest through the subject site and No. 31-33 Park Street.</p> <p>There are no other side setbacks given the layout of the streets around the property.</p>
<p><u>Landscaped Setbacks</u></p> <p>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.</p> <p>Exhaust stacks from underground car parks must be located away from main pedestrian areas and incorporated into the building design or adequately screened.</p> <p>Grade differences between the ground floor level and natural ground level should be kept to a minimum. Where level differences cannot be avoided (for example, due to the Special Building Overlay), stairs, terraces, disabled access ramps must be designed to not visually dominate the frontage setback space or significantly reduce the area for landscaping.</p>	<p>Complies</p> <p>An awning would be required as a condition of permit for the purpose of weather protection. No exhaust stacks have been indicated for the basement car park.</p> <p>Grade differences between ground and natural ground are reflected in the conditions provided by Melbourne Water due to the flooding potential of the site.</p>
<p><u>Heritage</u></p>	<p>Not Applicable</p>



<p>New development must respect the form, massing and siting of heritage buildings on the development site or adjoining sites.</p>	<p>The site and neither of the adjoining sites are subject to a Heritage Overlay.</p>
<p><u>Street Wall/Podium Level</u></p> <p>The design of podiums should create a 'human scale' providing visual interest and activity for pedestrians at the street edge, ameliorate wind effects and provide access to sunlight and sky views.</p> <p>The design of buildings should reinforce the pattern of the street by aligning their façade with the curvature of the street frontage.</p> <p>The design of new buildings should include openable habitable windows and balcony doors on the first five levels of the 'street wall' to enhance the sense of connection, surveillance and safety at ground level.</p> <p>All car parking at ground level or above must be sleeved with active uses to ensure it is not visible from the street.</p> <p>Buildings located on corner sites should address both street frontages</p>	<p>Complies</p> <p>The podium and setbacks above have been discussed earlier in this report.</p> <p>The podium level would align with curvature of the street along Palmerston Crescent. The non-curvature nature of the tower component above is also considered acceptable given the setbacks to the street only vary by between 1 to 2 metres.</p> <p>A condition of permit would require openings in the windows at podium level to allow access to planter boxes (Condition 1r)</p> <p>Adequate active frontages are provided to both key street frontages.</p>
<p><u>Active Frontages</u></p> <p>New development should provide integrated community and active space at street level that contributes to a high quality public realm.</p> <p>All building frontages (except on laneways and service streets) should:</p> <ul style="list-style-type: none"> – Be orientated towards the street. – Allow for natural surveillance and a visual connection into the building through transparent windows and balconies. – Avoid blank walls, large areas of reflective services, high fences, service areas, car parks and garage doors in the podium interface areas. – Provide clear glazing to street frontages; security grills must be visually permeable and mounted internally. – Provide no or low, visually permeable front fencing. <p>Design pedestrian entrances to open directly onto the street, as a key feature of the façade and at the same level as the public footpath.</p>	<p>Complies</p> <p>The proposed retail premises and lobby would provide strong activation to all frontages. Transparent windows and entrances for at least 80 per cent of the width of the street frontage are proposed.</p> <p>The services and car park entry would be located on Millers Lane which would have the least pedestrian interaction and the space is reduced as much as possible and to an acceptable level.</p> <p>The building façade would have clear glazing on the lower levels to provide adequate surveillance and interaction with the street.</p> <p>A condition of permit will require a lighting design that is incorporated to the façade to contribute to a sense of safety at night. (Condition 1t)</p>



<p>Foyer areas should have visibility to the street and be designed to encourage activity and interest both within and external to the building.</p> <p>New development within a commercial or mixed use zone should provide:</p> <ul style="list-style-type: none"> – 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 	
<p><u>Town Design and Internal Amenity</u></p> <p>Tower forms (above podiums) should not exceed a maximum width of 35 metres to:</p> <ul style="list-style-type: none"> – Ensure that daylight penetrates through to parts of the building and streets, and adjoining buildings. – Reduce their perceived visual bulk. – Maintain sightlines between buildings. <p>New residential development must have access to onsite communal or private open space in the form of rooftops, podiums, balconies or courtyards.</p>	<p>Complies</p> <p>The overall width of the tower element is less than 35 metres.</p> <p>The site is mostly separated from other sites by the location of street interfaces. This allows for an appropriate level of separation and therefore access to daylight and sky views.</p> <p>Open space for the dwellings is proposed to be via individual balconies and terraces appurtenant to the living room. All dwellings would have balconies (wintergardens) that are at least 10m² in size. As discussed further in the report, a number of these balconies need to be increased in area to provide consistency with Clause 58 (BADS).</p> <p>Communal open space is proposed on the roof in the form of a 413m² terrace and amenities. Another level is proposed at the podium.</p>
<p><u>Building Services</u></p> <p>Waste materials storage and services must be provided on site and should be screened from areas of high pedestrian activity.</p> <p>Waste storage or services should not impede pedestrian access and should be located away from footpaths.</p> <p>New buildings should provide internal and on-site loading facilities and on-site service vehicle parking at the rear of buildings to minimise disruption of traffic or pedestrian access and avoid laneway congestion.</p> <p>Building services on rooftops should be screened to avoid detrimental noise and</p>	<p>Complies</p> <p>The waste storage areas and services would be well located on Basement Level 1 and would not impact the pedestrian areas.</p> <p>The lack of detail for the roof top services restricts an assessment. Further detail could be required by a condition if the application was approved (Condition 1b)</p> <p>It is noted that the services would be required to meet EPA guidelines at all times.</p> <p>Noise attenuation measures to the apartments could be included as a condition on any permit.</p> <p>Basement Access would be from Millers lane and would be considered appropriate as it would not disrupt street activation and urban design from Kings Place or Palmerston Crescent.</p>



<p>visual impacts on the amenity of both private and public realms.</p> <p>Noise attenuation measures and suppression techniques should be incorporated into developments to ensure noise does not unreasonably affect the amenity of public areas and nearby residences.</p> <p>Green roofs, roof gardens and vertical gardens should be encouraged in new or refurbished buildings. Green roofs are defined as a vegetated landscape built up from a series of layers that are installed on the roof surface as 'loose laid' sheets or modular blocks.</p>	<p>Whilst there is a loading bay directly opposite the site in Palmerston Crescent, a loading bay space should be provided on site. This is due to the number of existing commercial businesses that continue to operate in this area along with the emerging scale mixed use development envisaged within the precinct. The existing loading bay on Palmerston Crescent would not likely be able to satisfy the long term loading demands in the area.</p> <p>Given the basement level can accommodate a loading bay, a condition of permit would require that the development include a multi-purpose loading bay that would adequately allow for service deliveries and removal vehicles (Condition 1f)</p> <p>A fully landscaped roof level is proposed as part of the application.</p>
<p><u>Vehicular Access and Car Parking</u></p> <p>Vehicle crossovers should be no more than 6m wide, with a maximum of one crossover per site.</p> <p>Vehicle ingress and egress must be located on lanes, where possible.</p> <p>Car access ways should not visually dominate the façade of a building, and be visually permeable to retain a visual connection through the site and allow for natural surveillance.</p> <p>Car parks should be built underground or located to the rear of the site to enable active uses on the street frontage. Where car parks are built above ground, they should not front the site or be visible from St Kilda Road, Queens Road or Punt Road.</p> <p>Open/at-grade car parks should not be located in front setback areas.</p>	<p>Complies</p> <p>The entrance to the car parking area would be located off Millers Lane (on the most northern section of the site) which is considered to be the best location for the site. It has a maximum width of 6 metres.</p> <p>There is no parking proposed at the podium levels.</p> <p>The proposed car parking entrance will not be visible from St Kilda Road.</p>
<p><u>Pedestrian Permeability</u></p> <p>New development should include pedestrian links along St Kilda Road, Queens Road and areas in the Mixed Use Zone to create mid-block links and increase the permeability of the Precinct.</p> <p>Development should enhance existing links/laneways by providing a mix of active and non-active frontages, appropriate to the role of the link / laneway.</p>	<p>Not Applicable</p> <p>The site dimensions and street layout does not lend itself to a through block link.</p>



11.3 **Other Urban Design/Built Form Requirements**

Relevant Urban Design policies to this proposal include Clauses 15.01-2 Urban Design Principles of the State Planning Policy Framework (SPPF) and 22.06 Urban Design Policy for Non Residential Development and Multi-Unit New Residential Development of the Local Planning Policy Framework (LPPF). Clause 15.01-2 requires consideration also be given to the Urban Design Guidelines for Victoria and Apartment Design Guidelines for Victoria.

Clause 15.01-2 Urban Design Principles

Clause 15.01-1 sets out objectives and policy for high quality urban design and architecture. An assessment against each of these objectives and policies is not necessary, because these issues have been addressed through the DDO26 requirements.

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

An assessment against each of these policies is not necessary, due to the extent of what is covered under the DDO26 requirements.

The following provisions relating to on-site and off-site residential amenity have not already been addressed in the DDO assessment and are considered as follows:

Clause 22.06 - Urban Design Policy for Multi-Unit Residential Development	Assessment
<p>Residential Amenity</p> <ul style="list-style-type: none"> Require that new private or communal open space areas receive a minimum of four hours of sunlight between the hours of 9.00am and 3.00pm on 22 September (the equinox). Ensure that solar access to existing habitable rooms and private open space of neighbouring residential properties is not unreasonably affected. Ensure that existing habitable room windows and private open space areas of neighbouring residential properties are protected from additional direct overlooking through appropriate siting, setbacks, building articulation and screening devices. Protect the occupants of existing and new buildings from external noise through appropriate acoustic building treatment (such as double glazing), 	<p>Achieved</p> <p>Private open space for the dwellings are proposed to be via individual balconies, wintergardens and terraces attached to the living room. All dwellings would have balconies that are at least 10m² in size.</p> <p>In addition, a communal roof terrace is proposed which includes a range of amenities. The podium roof level also provides further recreational amenities. Conditions of permit would restrict the use of these areas to limit what residents and/or the office use component of the building (to avoid unreasonable hours).</p> <p>The balconies proposed are either primarily east or west facing and would receive good to excellent daylight and sun at differing times of the day.</p> <p>Given the orientation and separation of the site from neighbouring properties, there would not be any unreasonable overlooking or overshadowing of existing or future dwellings and their open space areas.</p>



<p>and through the siting of mechanical equipment and open space areas.</p>	<p>North facing windows of the podium level (office space) within 9 metres of balconies or windows of the adjoining serviced apartments/dwellings would require screening to avoid direct overlooking. This would form a condition of any permit to issue (Condition 1c).</p> <p>The applicant must also provide cross sectional diagrams that indicate how overlooking will be limited for north facing windows of the tower element adjacent to No. 21-27 Park. If overlooking occurs within 9 metres, appropriate screening is required to relevant windows. This is included at Condition 1d.</p> <p>The subject site is in a Mixed Use Zone and is predominantly surrounded by a mix of uses. A number of these uses generate noise as a result of the activities carried out on-site, and many have building plant and equipment for heating and cooling etc.</p> <p>Accordingly, it is considered that the new dwellings should feature noise attenuation measures in their construction, so as to achieve a satisfactory level of internal amenity for the new residents. This could be provided for by a condition of any approval that may issue for the proposal (Condition 12)</p>
<p>Landmarks, Views and Vistas</p> <p>Encourage new development to preserve the visual prominence of key landmarks in the municipality from adjoining streets, foreshore areas and other key public spaces. These landmarks include (but are not limited to):</p> <ul style="list-style-type: none"> o The Melbourne Central Activities District o Maritime structures such as St Kilda Pier Kerferd Rd Pier and Station Pier o Landmarks of cultural significance such as town halls, clock towers, church spires synagogues, grandstands and hotels o Landmark heritage buildings o The foreshore and adjacent boulevards and promenades o Public gardens and other key public open spaces. <p>Encourage, where appropriate, new developments on major strategic sites to seek to create or emphasise landmarks, views and/or vistas by carefully responding to the site's context (a landmark can be expressed in a variety</p>	<p>Achieved</p> <p>The development would not affect any special or protected landmarks, views or vistas.</p> <p>The subject site is not a major strategic site.</p>



<p>of ways other than building height and may include the restoration and recycling of a heritage place).</p> <p>Encourage new development to maintain and enhance important vistas in the municipality including, but not limited to:</p> <ul style="list-style-type: none"> o Along St Kilda Rd, particularly towards the Shrine of Remembrance o The Shrine Vista o From the foreshore and its piers and the Bay towards the Melbourne CAD skyline o Along the beach front roads and boulevards, towards the foreshore and Port Phillip Bay in both directions o Along local roads and streets to Port Phillip Bay, the Melbourne CAD, Albert Park Reserve and local parks and gardens o The built form edge of key open spaces including the foreshore 	
<p>Urban Art</p> <p>Require all new developments where the Total Project Cost* (as shown on the Planning Permit Application Form) exceeds \$2 million to provide an urban art contribution that addresses Principle 1 and 2 of the Urban Art Strategy 2002.</p>	<p>Achieved</p> <p>The plans do not identify an area of the development for Urban Art. Should a permit be issued it is recommended that a condition is included requiring details of an Urban Art contribution in line with the requirements of this provision (Condition 1aa and 11)</p>

11.4 **Urban Design Guidelines for Victoria**

An assessment of the relevant provisions of the Urban Design Guidelines is included below:

Title & Objective/s	Assessment
5.2 HIGHER DENSITY RESIDENTIAL BUILDINGS	
<p><u>5.2.1 To create a sense of address for dwellings within higher density residential buildings</u></p> <p>A Create multiple building entries that serve smaller groups of dwellings within a building.</p> <p>B Arrange building façades to identify individual dwellings.</p> <p>C Where ground floor dwellings face the street, provide individual entrances to each dwelling.</p>	<p>Achieved</p> <p>A lobby foyer to the dwellings would be provided on Kings Place that would provide entry to the apartments on the upper levels of the building. This would be separate to the foyer area for the proposed office use which is accessible from Palmerston Crescent.</p>



	The residential lobby/foyer area is easily identifiable from the street and would provide an appropriate sense of address for the residential dwellings within the development.
<p><u>5.2.2 To enable informal surveillance of streets and public spaces from higher density residential buildings</u></p> <p>A Elevate ground floor dwellings to provide views to adjacent public spaces and streets.</p> <p>B Locate windows of living areas to overlook streets and other public spaces.</p>	<p>Achieved</p> <p>The development does not propose any dwellings on the ground floor. The apartments on the upper levels of the building have been designed with windows and living areas that would overlook the street to provide passive surveillance and activation of the building.</p>
<p><u>5.2.3 To support safe and convenient access and circulation for residents and visitors to higher density residential buildings</u></p> <p>A Locate the main pedestrian entry to be clearly visible and accessible from the street.</p> <p>B Provide shelter and waiting space on the street at pedestrian entries to buildings.</p> <p>C Provide clear sightlines from the building foyer to the street so people can see both in and out when entering or leaving a building.</p> <p>D Lay out building entry areas to achieve direct sightlines from the outside of the entry door to all of the lobby space.</p> <p>E Provide mail boxes and parcel post facilities close to the building entries in an active, well-lit and weather-protected area, with potential for informal surveillance.</p>	<p>Achieved</p> <p>The lobby/foyer for the dwellings is clearly visible and accessible from Kings Place. It has been designed to provide clear sightlines to and from the building with weather protection for residents and visitors.</p> <p>A mail room and delivery boxes are provided within the main residential lobby.</p>
<p><u>5.2.4 To minimise noise reverberation between faces of neighbouring higher density residential buildings</u></p> <p>A Apply sound diffusing surfaces to walls within light courts, or walls facing onto streets or lanes less than 7.5m wide.</p> <p>B Locate mechanical plant rooms in sound insulated areas.</p> <p>C Shield adjacent dwellings from mechanical plant noise.</p>	<p>Achieved</p> <p>Mechanical plant rooms are separated from apartments to ensure apartments are shielded from noise from any services.</p>
<p><u>5.2.5 To maintain common spaces, services and landscaped areas to ensure residents' safety in higher density residential buildings</u></p>	<p>Achieved</p> <p>Common spaces and service areas would be appropriately located in the basement level.</p>



<p>A Locate waste bin storage areas away from property boundaries so the bins cannot be used to climb walls and fences.</p> <p>B Maintain landscaping near higher density residential building entries to remove potential concealment places.</p>	
<p>5.4 CAR PARKING STRUCTURES</p>	
<p><u>5.4.1 To provide conveniently located car parking structures</u></p> <p>A Locate car parking structures in proximity to the activities they support.</p> <p>B Where possible, share the car parking facility between multiple neighbouring uses.</p>	<p>Achieved</p> <p>Basement car parking would be provided which is accessible to and from the residential foyer. This is considered appropriate to the development that is proposed.</p>
<p><u>5.4.2 To ensure car parking structures support an active and safe interface with the street</u></p> <p>A Where practical, locate larger car parking structures below ground or within buildings or wrap them in a residential or commercial use.</p> <p>B Incorporate active uses into the building frontage of car parking structures.</p> <p>C On the principal street façades of the car parking structure, detail the walls to provide an interesting appearance.</p> <p>D Protect sensitive adjacent uses from vehicle noise, vibrations and emissions.</p>	<p>Achieved</p> <p>The street would incorporate an acceptable amount of active frontage.</p>
<p><u>5.4.3 To maximise informal surveillance opportunities within car parking structures</u></p> <p>A Locate pedestrian entrances to car parking structures in convenient and visible locations at ground level on an active street frontage.</p> <p>B Minimise the number of pedestrian entry and exit points to multi-level car parks.</p> <p>C Locate pedestrian ramps, stairs and lift entrances in areas that are easily seen from internal pedestrian paths.</p> <p>D Locate stairwells and lifts at the perimeter of the car park and clad walls with transparent materials.</p>	<p>Achieved</p> <p>Access to the car park allows for appropriate surveillance and pedestrian safety.</p>
<p><u>5.4.4 To ensure safe and convenient pedestrian movement around and within car parking structures</u></p>	<p>Achieved</p> <p>Safe and convenient pedestrian movement would be provided to and from the car parking area.</p>



<p>A Locate vehicle entrances to car parking structures away from pedestrian priority streets and public transport routes.</p> <p>B Arrange vehicle exits so that vehicles leave car parking structures in a forward direction and do not block pedestrian paths when exiting.</p> <p>C Where car lifts are employed, provide sufficient space for car queuing off the street and away from pedestrian paths.</p> <p>D Provide and locate bicycle parking close to vehicle entry points, with easy access to the public area of the car parking structure.</p> <p>E Locate visitor and disabled parking close to the vehicle entry and with easy access to pedestrian paths and the public area of the car parking structure.</p> <p>F Provide dedicated and marked pedestrian paths in busy areas within car parking structures.</p> <p>G Use colours, lighting and numbers as part of a way-finding system within the car parking structure.</p>	<p>Bike parking is provided at the basement level for residents and ground floor (on the street) for visitors and is easily accessible.</p> <p>The bike parking area in the basement is highly proximate to the vehicle entry point from Millers Lane.</p> <p>A condition of permit would require that visitor parking is located in Basement 1 and close to pedestrian paths and the public area of the car parking structure.</p> <p>A condition of permit would require dedicated and marked pedestrian paths in Basement Level 1.</p>
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Apartment Design Guidelines for Victoria

- 11.5 Amendment VC136 introduced the Apartment Design Guidelines for Victoria (Better Apartments Design Standards) into all planning schemes on 13 April 2017. These guidelines have been translated into relevant standards and objectives at Clause 58 of the Port Phillip Planning Scheme. Under Clause 32.04-6, an apartment development of five or more storeys, excluding a basement, must meet the requirements of Clause 58 (Mixed Use Zone).
- 11.6 Pursuant to Clause 58 a development:
 - Must meet all of the objectives of this clause.
 - Should meet all of the standards of this clause.
- 11.7 A full assessment against Clause 58 is provided as an Attachment to this report. The proposed development satisfies the relevant objectives and standards, where variations are proposed they are considered reasonable, or alternatively could be addressed by conditions. The proposal generally satisfies urban context, site layout, on site amenity and facilities, amenity impacts, and detailed design (subject to conditions).
- 11.8 The proposal involves forty-four (44) generous sized apartments ranging from 118m² to 237m². Apartments would include thirty six 2 bedrooms, six 3 bedroom and two 3 bedroom penthouses at the upper most level. Overall, dwelling diversity positively responds to the objective at Clause 58.02-3.



- 11.9 The development is well designed to include significant active frontages and clear entry points for the residential and commercial uses, particularly along Palmerston Crescent and Kings Place responding to the objective at Clause 58.02-5.
- 11.10 Each apartment would be provided with a terrace with a good connection to a living area. Terraces would range in size from 10m² to 18m² with penthouses including 16sqm spaces. Four of the three bedroom dwellings have 10m² wintergardens. These should be increased to a minimum 12sqm to meet the standards. As discussed, a condition of permit would require dimensions to align with the Standard (Condition 1q).
- 11.11 Notably, more than 250sqm of communal open space would be provided through the rooftop and above podium terraces. These areas would provide excellent outlook and provide a good level of amenity to the residents of the building. The overall design and size of this space, in conjunction with the podium roof terraces would ensure full compliance with Clause 58 requirements.
- 11.12 Bedroom and living areas would be functional and adequately sized, with all apartments meeting Clause 58 requirements. Bedrooms and living areas also clearly meet Standard D26 (windows objective) ensuring that adequate daylight into new habitable room windows.
- 11.13 Standard D27 is also considered to be clearly met, particularly given that each apartment has dual aspect and is generally sized to allow appropriate minimum breeze paths to occur.
- 11.14 Noise sensitive rooms of the apartments should be protected from noise impacts, particularly due to the proximity of the site to Kings Way. Double glazing should be considered from a sustainability point of view, however would also assist with noise impacts. Conditions regarding acoustic measures as outlined in Standard D16 should be included on any permit to be issued (Condition 12).
- 11.15 Some of the storage for each apartment would be provided within apartments. A condition of permit would require the minimum storage requirements included in Table D6 of Standard D20 are met. This includes an overall minimum 14 cubic metres for each 2 bedroom dwelling and 18 cubic metres for each 3 bedroom dwelling. Provision of storage in the basement could ensure this is appropriately provided (Condition 1p).
- 11.16 It is unclear if the development would meet the accessibility requirements listed within Clause 58.05-1 (Accessibility objective) and compliance with the standard should be achieved. A condition should be included on any permit issued to ensure this standard is met (Condition 1n).
- 11.17 The proposed lobby entry for the dwellings at ground floor (and office lobby entry) allows the development to have a clear sense of identity. It is also considered that the internal layout of buildings provide for the safe, functional and efficient movement of residents as well as providing for adequate access to daylight and natural ventilation.



12. CAR PARKING

- 12.1 Clause 52.06 of the Planning Scheme requires a total of 182 parking spaces for the proposal as follows:
- 44 dwellings @ 1 spaces per one or two bedroom dwelling (36 dwellings) and 2 spaces per three bedroom dwelling (6 dwellings) = 48 spaces;
 - Office @ 3.5 spaces per 100sqm = 105 spaces;
 - Food and Drink Premises Use @ 4 spaces/100m² of net floor area = 17 spaces (433m²)
 - 8 visitor spaces for the dwellings (1 space per 5 dwellings); and
- 12.2 A total of 113 car spaces would be provided in the basement levels allocated in the following manner:
- 88 spaces for residents (44 dwellings @ 2 spaces per dwelling)
 - 16 spaces for 3 bedrooms (8 dwellings @ 2 spaces per dwelling)
 - 72 spaces for 2 bedroom dwellings (36 dwellings @ 2 spaces per dwelling)
 - 25 spaces for office
 - No spaces for the food and drink premises
 - No spaces for visitors
- 12.3 As shown above, the number of spaces allocated to Office, Food Drink Premises and Residential Visitors would not comply with the requirements of Clause 52.06 of the Planning Scheme. The car parking provision for two bedroom dwellings would be at surplus by 36 spaces. A total reduction of 105 (8 visitor, 80 office and 17 food and drink premises) spaces would be required.

Sustainable Parking Rates (Sustainable Transport Rates)

- 12.4 At its Strategy and Policy Review Committee meeting dated 2 April 2007, Council resolved to adopt the general direction of the Sustainable Transport Policy and Parking Rates strategy.
- 12.5 The Sustainable Transport Policy and Parking Rates strategy includes consideration of a reduction in the car parking requirements prescribed by the Planning Scheme.
- 12.6 The reduced rate for residential land uses is as follows:
- Residential land uses – 0 – 0.8 spaces per 1 bed-room dwelling and 1 space per 3 or more bed-room dwelling.*



- 12.7 It is noted that the policy does not recommend a reduction in the Clause 52.06 requirement of 1 space per 2 bedroom dwelling.
- 12.8 The strategy identifies a number of mandatory conditions that are required to be met before applying an upper limit reduced parking rate.
- 12.9 These mandatory conditions are as follows (in italics), with assessment below each in normal text:
- The site must be within or no more than 200 metres walk to the edge of an Activity Centre;*
- Not Achieved - the site is located more than 650m from the edge of the Clarendon Street Major Activity Centre.
- The site must be no more than 200 metres to fixed rail public transport;*
- Achieved, the site is located within 200m of tram routes.
- Strict control of on-street parking must be in operation within surrounding streets;*
- Not achieved - Whilst daytime restrictions exist in surrounding streets, these restrictions cease to operate outside of normal business hours and would not therefore act as a disincentive to own a car.
- The development must not be eligible to participate in Council's parking permit scheme;*
- Achieved -The development would not be eligible for resident parking permits.
- Provision of motor scooter / motorbike parking must be provided on site;*
- As a condition of any permit to issue would require the provision of 3 motorbike/scooter spaces to be provided in Basement Level 1 (Condition 1h).
- Only small dwellings would be eligible for a reduced rate;*
- N/A – The proposal does not include any small dwellings (one bedroom or studio).
- The site must be within approximately 400 metres of a full line (over 1,500m²) supermarket.*
- Not Achieved - The nearest supermarket is located approximately 1km to the northwest of the subject site, on the corner of Clarendon and Coventry Streets, South Melbourne. However, a smaller IGA supermarket is located on Park Street (150m) and a small local supermarket located on Dorcas St (600m).
- 12.10 Additional conditions (requirements) with which to consider application of a 'lower limit' sustainable (reduced) rate for residential land uses include:-



Participation in car share scheme or other similar initiatives

Not Achieved - however it is noted that there are several on street car share spaces located within close proximity of the subject site on Wells Street, Albert Road and St Kilda Road for residents to utilise.

Be located within a mixed use development or in an employment precinct

Achieved - the development includes a mix of land uses.

Other contributions to sustainable transport infrastructure or services

Achieved. Located in an area that is serviced by Public Transport.

Other initiatives to reduce usage and/or ownership of motor vehicles

Achieved - bicycle spaces would be provided at a rate that would exceed that required by the Planning Scheme.

- 12.11 There are also reduced rates for office land use. The provision of 2.0 – 3.0 spaces per 100sqm for unshared parking, and 2.0 – 2.8 spaces per 100sqm for shared parking is required. The applicant proposes that the provision of office parking be shared.

- 12.12 These mandatory conditions are as follows (in italics), with assessment below in italics.

Within an Activity Centre (defined by business zoning)

Not Achieved - the site is located more than 600m from the edge of the Clarendon Street Major Activity Centre.

No more than 200 metres to fixed rail public transport

Achieved, the site is located within 200m of tram routes.

Strict control of on-street parking in surrounding streets

Achieved – Parking is strictly controlled during business hours.

Provision of motor scooter / motorbike parking on site

As a condition of any permit to issue would require the provision of 3 motorbike/scooter spaces to be provided in Basement Level 1.

Provide the full bicycle and amenities provision as required under Clause 52.34.

Achieved - bicycle spaces would be provided at a rate that would exceed the rate required by the Planning Scheme.



- 12.13 Additional requirements for a reduced rate less than 3.0 per 100sqm² for office land uses are assessed as follows:

Total supply of car parking is pooled or shared (section 173 agreement), i.e. mixed use development.

Achieved - Office parking would be shared at a rate of 25 spaces.

Subsidised public transport

Not achieved - There is no specific proposal to provide subsidised public transport to staff.

Exceed bicycle and amenities provision as required under Clause 52.34

Achieved - bicycle spaces would be provided at a rate that exceed that required by the Planning Scheme.

Upgrade bus/tram/train stops/approaches or other works to facilitate public transport usage directly applicable to the site

Achieved – Whilst not proposed to be completed by the applicant, there are two major public transport upgrades proposed in the area

Participation in car share scheme or other similar initiatives

A condition of any permit to issue would require the provision of one car share space to be provided in Basement Level 1 for the office use component.

It is also noted that there are several on street car share spaces located within close proximity of the subject site including one to the rear of 44 Albert Road.

Other initiatives to reduce usage of motor vehicles

Achieved - bicycle spaces would be provided at a rate that exceeds the rate required by the Planning Scheme.

- 12.14 The car parking requirements for the proposal pursuant to the Planning Scheme and Sustainable Transport Rates, and the proposed parking provision are as follows:

Car parking requirement	Planning Scheme Rates	Sustainable Rates	Car spaces proposed
Dwellings	44 Dwellings @ 36 two bedroom dwellings and 8 three bedroom dwellings	36 x 2BR and 8 x 3BR @ 1 space per dwelling, 44 total spaces required	88 resident



	52 total spaces required 1 space for every 5 dwellings for visitors = 8 spaces	No change for visitor rates = 8 spaces required	0 visitor
Office	3.5 spaces per 100sqm of floor space = total 105 spaces	2.0 – 3.0 spaces per 100sqm for unshared parking, and 2.0 – 2.8 spaces per 100sqm for shared parking = 60-84 given parking is proposed as shared.	25
Food and Drink Premises	433m ² @ 4 spaces/100m ² of net floor area = 17 spaces	No change for Food and Drink Premises = 17 spaces	0
Total	182 spaces	129-153 spaces	113 spaces

- 12.15 This table shows that the overall parking provided would not comply with the sustainable parking rates that have been adopted by Council, and furthermore does not change the variation to visitor or retail parking space requirements.
- 12.16 The proposal includes a surplus of allocated residential parking. A reduction in all other components including residential visitor, office and food and drink premises is proposed at a rate of 105 spaces.
- 12.17 Is the proposed reduction of car parking acceptable?

The sites location with good access to public transport and services are persuasive reasons to support a reduction of the parking spaces for the development. As noted previously, the site is well served by public transport with trams and bus routes located nearby and the entrance to the future Anzac railway station is also located close to the site.

The site is also close to the Clarendon Street Major Activity Centre (650m west of the site). The good access to public transport and the close proximity to local services would ensure that suitable public transport alternatives are readily available to residents and employees and that services are accessible without the need to rely on private transport.

A total reduction of 105 (80 office, 8 residential visitor and 17 retail) spaces would be required for the current development. Again, it is noted that the residential



component proposes a surplus of 36 spaces so the primary reduction would relate to the office use (80 spaces).

The total reduction in visitor parking is not considered acceptable in this location. In line with recent developments in the area, a rate of 0.1 visitor space should be achieved. The proposed layout of the basement level is such that 3 of the spaces at basement level could be accessed and used for residential visitor parking. Although this is below a rate of 0.1 (4 spaces required based on 44 dwellings), an additional space should be nominated for the purpose of loading or for tradespersons requiring parking on site. These spaces would replace residential allocation. This could be achieved by has been translated into relevant permit conditions (Condition 14).

There is some street parking provided near the subject site but this parking is subject to short term ticketed restrictions and would have a high occupancy rate particularly after the introduction of the new Park Street Tram Stop and subsequent street upgrade works which would result in loss of some of the Park Street on-street spaces.

Additionally, the current number of large multi-storey developments approved and being considered by Council (some of which are proposed on existing commercial car parking developments), would impact on the availability of on-street parking in the future.

In light of the absence of alternatives for visitor car parking, an adequate level of parking for visitors should be provided on site as described above. While the quantum may not be necessary to be the 8 spaces required by Clause 52.06, approximately half this requirement should be provided, consistent with recent approvals in this locality.

An example of a recent VCAT approval (Reference P1955/2017) in the area which included visitor parking is 1-13 Cobden Street. This development was required to provide approximately 49 visitor spaces under the planning scheme, however the provision of 23 visitor spaces within the development was considered to be an acceptable outcome for the development of this size and the surrounding area. 23 spaces was equivalent to a rate of just less than 0.1 which would be a similar outcome (3 spaces for 44 dwellings) in this development. This is also consistent with the recent approval at No. 41-49 Bank Street (1186/2016) and 200 Wells Street (906/2016).

Secondly, it is considered that the surplus of residential parking could be better allocated to the reduced rates for the other proposed uses. The provision of two car space for each two bedroom dwelling is considered excessive. One space per two bedroom dwelling is considered adequate and aligns more closely to the Sustainable Transport Policy.

Also, given the size of the proposed food and drink premises, it is considered that at least one space should be provided for each tenancy. This would allow the manager for example to park on site with the remainder of staff expected to arrive by foot or with public transport.



Finally, the reduction of office car parking at 80 spaces is unacceptable. A provision at less than 25% of the rate at Clause 52.06 and approximately 40% of the minimum requirement of the Sustainable Transport Policy rates is considered not to meet the demand for on-site parking for office use. A rate closer to 50% of the requirements of Clause 52.06 would be more acceptable due to the locational context including access to public transport (including the future Anzac Station). It should also be considered that the provision of a car share space would assist in further reducing the car parking demand for the office component. It would also respond effectively to the Sustainable Transport policy that suggests providing a car share as a strategy for developments that include office uses reduced rate less than 3.0 per 100sqm².

Accordingly, the surplus of 36 residential spaces should therefore be allocated to:

- 2 food and drink premises spaces (one for each tenancy)
- 29 additional office spaces (resulting in a total of 49 spaces)
- 3 visitor spaces (in Basement Level 1)
- 1 multi-purpose loading area (in Basement Level 1)

These requirements will form part of Condition 14.

Condition 14 would lower the reduction of the office car parking spaces from 80 to 51. It is considered that this reduction would respond more appropriately to the Sustainable Transport Policy and would not have an unreasonable impact on the surrounding on-street parking network, subject to an increase in bike and motorbike/scooter parking for the following reasons:

- A car share space would be provided.
- The subject site has very good public transport options available within close walking distance including trams and buses and is in an area designated for significant public transport improvements including the Park Street Tram Stop and Anzac Station;
- The proposal incorporates provision for alternative transport including on-site bicycle parking in excess of the statutory requirements. This includes additional visitor spaces on the street and end-of-trip facilities.
- The constrained on-street parking environment does not allow staff without a car space to drive to work and park in the nearby area,
- If the application was supported a condition on any permit should include a Green Travel Plan which would also be relevant to the offices;
- The site is located near St Kilda Road, an employment corridor, which is a significant generator of local employment and is easily accessible via public transport, foot or bike;



- The site is well located in terms of on-street car share schemes which could also be used by the businesses;
- The development is located in an area that promotes walking, cycling and catching public transport;

Even with the allocation of two food and drink premises spaces, the reduction in car spaces from the planning scheme requirements would be appropriate in this location as it is considered likely that an employee would travel to site on public transport or by other means that a private vehicle, when there is restricted onsite provision and no on-street network capacity.

Whilst the planning scheme does not include a requirement for motorbike or scooter parking, it is accepted that this type of parking provides an alternative to car parking and provides occupants of the building with other options when car parking is not allocated within the building itself.

It is therefore considered appropriate to require motor bike or scooter parking within the basement levels that is also accessible for the office use.

Cumulative traffic and parking impacts

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

Traffic accessing the subject site will do so via a left turn (only) from Park Street into Millers Lane and then depart the area via Palmerston Crescent by a left turn at Park Street or Kings Way.

Other development site within the block bounded by Park Street, Kings Way and Albert Road are similarly restricted, however most drivers would turn left into Palmerston Crescent, instead of Millers Lane when coming from Park Street.

Left turns have the least impact on the performance of intersections. The site nearby area is well connected to the arterial road network (Kings Way, St Kilda Road, Park Street and Albert Road are arterial roads). Traffic generated by the development will be spread between these roads. The level of traffic generated by this site is negligible in the context of the volume of traffic in the nearby arterial roads.

Millers Lane is a single lane, one-way laneway. As such, it has a significantly higher capacity than if it allowed two-way traffic flow (in the order of 1,000 vehicles per day, instead of 300 vehicles per day).

The subject site will generate up to 230 vehicle movements into Millers Lane. Accordingly, there will remain ample spare capacity in Millers Lane post development of the subject site.

There are only two other properties abutting Millers Lane, 29 Park Street and 31-31 Park Street. Neither of these properties are especially large (approximately 5m wide and 10m wide, respectively).

Consequently, they have limited ability to accommodate a large number of car spaces and therefore generate a high level of traffic in Millers Lane. Consequently, we are satisfied that there will remain ample capacity within Millers Lane to accommodate the development traffic and development potential of other sites in Millers Lane.

The removal of on-street parking along Park Street in favour of public transport is indicative of the transport priorities of local and state planning bodies for this area. The improved public transport facilities are viewed as more important than retaining on-street parking on arterial roads. Visitors will have a high level of access to the site by public transport services in future, which in our view supports the non-provision of visitor parking on the subject site (it encourages sustainable transport).

The applicant's comments are acknowledged, however they do not justify the car parking provision for this development. The requirement for additional on site parking in the manner outlined in this report and recommended conditions achieves a more appropriate parking provision for this proposal, in particular considering the diminishing levels of on street parking as a consequence of the construction of the Anzac Station, the Park Street tram stop and the cumulative impact of car parking reductions for previously approved and future developments.

13. TRAFFIC AND ACCESS

13.1 Traffic

Council's Traffic Engineer has provided comments that the traffic generation rates adopted by the applicant have been checked and are considered satisfactory. Council's Traffic Engineer considers that this level of traffic is not expected to have negative impacts on the local street network other than from a cumulative perspective which is addressed above.

13.2 Accessing and Manoeuvring

Council's Traffic Engineer has assessed access and manoeuvring associated with the development and it has been considered to be satisfactory.

The location of the vehicle access on Millers Lane is also considered acceptable.

The applicant will be required to submit swept path diagrams that demonstrate the identified waste vehicle is able to perform safe manoeuvres into Millers Lane from Park Street (Condition 1k).

13.3 Bicycle Parking

Clause 52.34 of the Planning Scheme requires bicycle parking for the uses as follows:



Use, and Bicycle parking rate	Quantity	Spaces required	Spaces proposed
<u>Dwelling</u> 1 resident space to each 5 dwellings 1 visitor space to each 10 dwellings	44 dwellings	8 resident spaces 4 visitor spaces	50 secure total 20 on-street spaces
<u>Office</u>	3000sqm	10 staff 3 customer	See above
<u>Food and Drink Premises</u> 1 employee space to each 300m2 1 visitor space to each 500m2	433m2	1 employee space 1 visitor spaces	See above
Totals		28 spaces	50 spaces on site, 20 on-street

The development would provide more than the resident and visitor spaces required and the allocation and availability of these spaces would meet the Planning Scheme requirements for bicycle parking.

Level 5 includes communal facilities for office and retail employees including change and shower facilities.

13.4 Loading and unloading

The Design and Development Overlay Schedule 26 requires that new buildings should provide internal and on-site loading facilities and on-site service vehicle parking at the rear of buildings to minimise disruption of traffic or pedestrian access and avoid laneway congestion.

A condition of permit would require the nomination of an existing car space at Basement Level 1 (Space 4) be converted to a multi-purpose loading space. This provision would be considered acceptable to address on site loading demands.

13.5 Waste Management

The application included a Waste Management Plan (WMP) which was referred to Council's Waste Management Coordinator who has stated that the provision was acceptable, subject to conditions. Given the change in the plans, an amended plan would be required by a permit condition if the development is approved and would be consistent with other recent approvals in the precinct including No. 41-49 Bank Street (1186/2016), 1-13 Cobden Street (1081/2013) and 200 Wells Street (906/2016) (Condition 10)



14. SUSTAINABLE DESIGN

- 14.1 A Sustainable Management Plan (SMP) has been submitted with the application. The SMP has been reviewed by Council's Sustainable Design Officer who has provided comments for improvements to the sustainability of the proposal.
- 14.2 It is recommended that these outstanding matters are noted and should a permit be issued be required as a condition of the permit.

15. COVENANTS

- 15.1 The applicant has completed a restrictive covenant declaration form declaring that there is no restrictive covenant on the titles for the subject site known as Lot of Plan of Consolidation 167951N [Parent Title Volume 06247 Folio 308, Parent Title Volume 09504 Folio 822 and Parent Title Volume 09628 Folio 417].

16. OFFICER DIRECT OR INDIRECT INTEREST

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

17. OPTIONS

- 17.1 Approve with changed or additional conditions.
- 17.2 Approve as recommended, as per Recommendation "Part A".
- 17.3 Refuse
- 17.4 Authorise the Manager City Development to instruct Council's Statutory Planners and/or Council's Solicitors on the VCAT application for review, as per Recommendation "Part B".

18. CONCLUSION

- 18.1 The proposed development, subject to the recommended conditions, complies with State and Local planning provisions contained within the Planning Scheme as it would:
- Be consistent with the strategic direction outlined by the Port Phillip Planning Scheme. The subject site is located in an area identified as a preferred location for higher density housing which is also highly accessible to public transport and services.
 - Be designed with a form and presentation that would provide a comfortable fit with the emerging character in this section of the St Kilda Road North Precinct.
 - Achieve a visually-interesting and well-articulated contemporary composition that would respect and enhance the character of Palmerston Crescent and Kings Place.



- Largely comply with the provisions of Design and Development Overlay Schedule 26.
- Improve the internal amenity that was to be provided to dwellings in the existing approval. The size and layout of the dwellings would provide practical and comfortable living arrangements for future residents.
- Respect the privacy, outlook and orientation of the adjoining properties and not create unreasonable amenity impacts on other dwellings.

18.2 It is recommended that Council informs the Tribunal (VCAT) that it supports the application subject to conditions, as per Recommendation "Part A".

WARD:	Gateway
TRIGGER FOR DETERMINATION BY COUNCIL:	More than 15 objections
APPLICATION NO:	606/2017
APPLICANT:	Palmerston Crescent Development Pty Ltd
EXISTING USE:	Brothel
ABUTTING USES:	Commercial and Accommodation
ZONING:	Mixed Use Zone
OVERLAYS:	Design and Development Overlay Schedule 26, Special Building Overlay Schedule 1
STATUTORY TIME REMAINING FOR DECISION AS AT DAY OF COUNCIL	Expired

TRIM FILE NO:	PF17/307289
ATTACHMENTS	<ol style="list-style-type: none">1. Advertised Plans 1 of 42. Advertised Plans 2 of 43. Advertised Plans 3 of 44. Advertised Plans 4 of 45. Advertised Plans Shadow Studies6. Advertised Plans Building Setbacks7. Clause 58 Assessment8. Objectors Map