

CITY OF PORT PHILLIP DTP REFERRAL REPORT

Application No: PA2604376 (Council reference: PDMR/00009/2026)

INTRODUCTION

1. This submission provides the Department of Transport and Planning (**DTP**) with the City of Port Phillip's (**Council**) position on Planning Permit Application PA2604376 (**the application**) at 464-466 St Kilda Road, Melbourne, in response to notice of the application received on 20 May 2026 under section 52 of the *Planning and Environment Act 1987*.
2. The application has been notified to Council pursuant to Section 52(1)(b), notwithstanding that DTP has specifically advised that public notice under Sections 52(1)(a) and (d) has not yet occurred. Recent correspondence from DTP further indicates that a response to a Request for Further Information had only recently been received, and that this material has not been provided to Council for consideration as part of the notification process.
3. Council is therefore unclear as to exactly which version or components of the application currently on public notice are being notified for Council's consideration. It is important to note that if the response to DTP's request for further information contains amendments to the application, these may constitute an amendment to the application pursuant to Section 50 of the Act. If there are amendments, these should be notified to Council. This lack of clarity significantly impedes Council's ability to undertake a meaningful and informed assessment of the proposal.
4. Council is also disappointed to note that a number of matters identified in DTP notice letter (prescribed Form 2) appear to be incorrect or based on outdated information. In particular, the referral refers to the alteration of access within a Road Zone Category 1, despite this terminology no longer existing within the Port Phillip Planning Scheme. Further, the referral identifies a planning permit trigger relating to a reduction in car parking requirements, when no such trigger forms part of the application, and a permit requirement pursuant to the Special Building Overlay which is exempt from notice and review and does not include a permit trigger for the use of dwellings in the Commercial 1 zone (frontage exceeds 2m). The presence of these inaccuracies raises concerns regarding the accuracy of the notified documentation and further complicates Council's consideration of the application.
5. The submission is structured in four parts: a brief introduction (including the history of the site); a summary of internal referrals; an assessment of the proposal, centred on eight key questions arising under the relevant provisions of the *Port Phillip Planning Scheme*; and a recommendations section, which sets out a series of recommendations (in order of preference) for the Department to consider before deciding on the application.
6. This application seeks approval for an 18-storey building, inclusive of a three storey podium, comprising 325 apartments, two ground floor retail (371 sqm) premises and 254 car parking spaces. The podium would be rebuilt using reinstated original metal fabric from the existing building. The development would have a maximum building height of 58.94m (roof level) and 62.14m (top of the lift overrun). The overall height would be RL. 67.9.
7. More specifically the proposal would include:
 - Full demolition of the existing building.
 - Reconstruction of the three-storey heritage podium utilising salvaged original façade elements.
 - Construction of a 15-storey tower above the podium level.
 - Two basement levels containing 254 car parking spaces, 14 motorbikes spaces and 109 bicycle spaces.
 - 325 apartments comprising:

- 172 – one-bedroom apartments
 - 63 – two-bedroom apartments
 - 66 – three-bedroom apartments
 - 24 – four-bedroom apartments
 - Two food and drink premises with a total area of 371 sqm.
 - Back-of-house loading area at ground floor with vehicle access from Queens Lane.
 - Approximately 2,200 square metres of residential amenity area across four separate areas at levels 1 and 2.
 - Outdoor communal open space at level 3.
8. The information submitted for the application includes the following:
- Architectural plans prepared by Cox Architecture and titled “464 St Kilda Road”, Plan no’s TP10-020, TP11-010, TP21-098, TP21-099, TP21-100, TP21-101, TP21-102, TP21-103, TP21-104, TP21-112, TP21-200, TP30-100, TP30-200, TP30-300, TP30-400, TP40-100, TP41-100, TP41-200, TP41-300, TP41-400, TP41-500 and TP41-600, and received by Council on 20 May 2026.
 - Supporting Documents:
 - Urban Context Report dated April 2026
 - Transport Report dated 29th April 2026
 - SMP dated 1st May 2026.
 - Landscape Report dated April 2026
 - Wind Report dated 28th April 2026
 - VERIS Report dated 16th December 2025
 - Heritage Report dated 28th April 2026
9. The application relates to land at 464-466 St Kilda Road, Melbourne (**the site**). The site is regularly shaped, with a 61.07sqm frontage to St Kilda Road and length of 76.2m an area of approximately 4653 square metres. The site also abuts Queens Lane to the rear.
10. The site was currently occupied by an 8-storey office building which is Significantly graded under the Port Phillip Planning Scheme. The existing building comprises a three-storey podium and tower. The building is clad in a distinctive bronze metal cladding and bronze tinted windows. The site has vehicle crossovers on both St Kilda Road and Queens Lane.
11. The site is within the Commercial 1 Zone (**C1Z**) and affected by Schedule 26 to the Design and Development Overlay (St Kilda Road North Precinct) (**DDO26-5A**), heritage Overlay (**HO307**) and Schedule 1 to the Special Building Overlay – Schedule 1 (**SBO1**).
12. The applicable permit triggers are:
- Clause 34.01-1 (Commercial 1 Zone) – Use of land for Accommodation.
 - Clause 34.01-4 (Commercial 1 Zone) – Construct a building or construct or carry out works.
 - Clause 43.01-1 (Heritage Overlay HO307) – Demolish or remove a building
 - Clause 43.01 -1 (Heritage Overlay HO307) – Construct a building or construct or carry out works.
 - Clause 43.02-2 (Design and Development Overlay) – Construct a building or construct or carry out works.
 - Clause 44.05 - 2 (Special Building Overlay - Schedule 1) - Construct a building or construct or carry out works.
 - Clause 52.29-2 – Create or alter access to a road in a Transport Zone 2.

13. The application qualifies for assessment under Clause 53.23 (Significant Residential Development with Affordable Housing), the purpose of which is to facilitate residential development that contributes to the provision of affordable housing to meet existing and future needs. On this basis, the Minister for Planning is the responsible authority, pursuant to Clause 72.01-1.
14. The site has an important history, especially in regard to the demolition of the heritage building.
15. Planning Permit 909/2020 was issued in February 2022 for the demolition and reconstruction of the existing building on the site, construct a building and carry out works associated with a multi storey (16 storey) mixed use building (retail and office - no permit required for use) and associated reduction in car parking. A key consideration in this application was the acceptability of the full demolition of a significant graded heritage building.
16. The former VACC offices is of local heritage significance and building on the site has an individual Statement of Significance which states:

The VACC building is of significance as one of the first commercial buildings to be built along St Kilda Road. Its use of expressed steel and bronzed glazing are early examples of distinctive elements that were to be repeated through Melbourne. The significance of the building has been greatly reduced by the recent refurbishment of the entrance foyer. The VACC building is associated with the transformation of St Kilda Road from a primarily residential area to the largest commercial area outside of the CBD. The new Port Phillip Thematic Environmental History 2020 identifies this as an important theme in the history of the municipality.

17. The total demolition was supported as the building would be reconstructed in an almost identical form, with a few minor exceptions, being a marginal increase in height, new pergola structure at first floor level and relocation of parking to the basement and partial enclosure of the under-croft area.
18. While Council does not generally support the demolition and reconstruction of a heritage building, the 909/2020 application was considered a rare and exceptional circumstance. Council's Heritage Advisor accepted the approach due to the extensive analysis of the original building, the high level of documentation ensuring an accurate reconstruction, and the heritage value retained through faithful replication of the significant lower levels. Importantly, both Council's Heritage Advisor and Urban Designer concluded that the replacement building achieves the required standard of design excellence, responds appropriately to its St Kilda Road context, and continues to provide a tangible reference to the site's historical significance. Consequently, on balance, Council determined that the proposal warranted support despite departing from the usual preference for retaining original heritage fabric.



Fig 1: Render of development approved by planning permit 909/2020

REFERRALS

19. The application has been referred to several internal departments of Council. The referral comments are summarised below:

Heritage

20. Council's Heritage Advisor has raised significant concerns with the proposal and noted that the proposed redevelopment would cause major, irreversible harm to the heritage significance of the VACC building—primarily due to demolishing the original tower and altering the podium. The integrity of the retained podium would be further diminished by changes to the open undercroft, which would destroy the original 'floating' appearance. Such a significant loss of original fabric is not an acceptable outcome and is not supported by State or local heritage policy or the Burra Charter.

Urban Design

21. Comments have been provided from Council's Urban Designers that that from an urban design perspective, the proposal in its current form is not supported. The proposal needs to focus on strengthening the heritage design response, improving pedestrian safety and amenity across the site, enhancing the landscape quality of the St Kilda Road setback, increasing activation and surveillance to Queens Lane, upgrading public pedestrian connections, and improving internal amenity by providing better natural light and ventilation to podium dwellings and enhanced daylight to lift lobbies.

Traffic and Parking

22. Council's Traffic Engineers considers the proposal as being partially satisfactory, but several items still require updated plans and additional technical information to demonstrate full compliance with standards and previous referral advice.
23. The proposed access control measures must be set back 5.5 m from the boundary and must not open toward Queens Lane. Plans need to be updated to show sight triangles at all key access points, including the ramp, porte-cochère, and loading area. The ramp design remains unresolved, as longitudinal sections showing grades, lengths, and headroom clearances in accordance with AS2890.1 have not been provided. Updated swept paths retaining on-street parking are supported, though widening the loading bay door is recommended to improve vehicle manoeuvring.

Sustainability

24. Council's Sustainable Design Advisor has noted that the SMP/BESS shows minimal change from previous comments. Key outstanding requirements include providing effective external shading to all north, east and west glazing, increasing EV charging provision beyond 5% of car spaces, and submitting a landscape plan with water-efficient species supported by rainwater irrigation. Daylight access to lower-level bedrooms and living rooms must be improved, and full NatHERS certificates and Section J reports are required. All roof surfaces must achieve an SRI of 80, and paving must achieve an SRI of at least 40. The SMP/BESS will need to be updated to reflect all required changes.

Waste Management

25. Council's Waste Officer has provided comments that the Waste Management Plan still does not fully meet Council requirements, with several operational, design and documentation issues needing correction. The WMP needs to include colour-coded chute doors for waste and recycling and specify reinforced-base bins for chute systems. A dedicated e-waste bin is required. The scaled drawings must clearly show colour-coded bins, include the e-waste bin, and provide movement diagrams for all bin rooms. The plan must also confirm that new residents receive a welcome pack explaining waste and recycling services.

Landscape Architect

26. Council's Landscape Architect has provided comments that the landscape plans are generally acceptable but require further refinement to address outstanding issues and improve coordination. Key concerns include limited deep soil plans due to basement extent, extensive areas of pavement adjacent to St Kilda Road, limited tree canopy cover, poor interface with Queens Lane. Poor amenity experience for users of the north and south laneways and poor landscape outcome for level 3. The landscape plan should include all details of irrigation information, maintenance management plan, typical details, section of the Queens Lane interface and ensure that any plants species include are not invasive and support biodiversity and native/indigenous species.

Development Engineer

27. Council's Development Engineer has recommended that the redundant crossover to Queens Lane be removed, and the footpath and kerb and channel be reinstated, all runoff from paved and landscape areas are captured within the site before discharging to the legal point of discharge, a lighting design plan for Queens Lane be prepared.

ASSESSMENT

28. The following questions for determination arise under the relevant provisions of the Planning Scheme:
- Is the application consistent with the Planning Policy Framework (PPF)
 - Is the proposed demolition and reconstruction acceptable in the context of the Heritage Overlay.
 - Is the proposed built form acceptable to its context including the requirements of Design and Development Overlay Schedule 26?
 - Are the proposed car parking, bicycle parking and access arrangements acceptable?
 - Are the proposed environmentally sustainable development and water sensitive urban design outcomes acceptable?
 - Are the proposed waste management arrangements acceptable?
 - Is the proposed landscaping acceptable?
 - Is the Clause 58 response acceptable?
29. These questions are addressed in turn below.

Is the application consistent with the Planning Policy Framework (PPF)

30. The Planning Policy Framework thematically organises objectives and strategies under several headings. As this is a referral response, it is not considered necessary for Council to undertake a full assessment against all of the different themes of the PPF. However, it is acknowledged that this proposal would have broad policy support, particularly under the broad policy themes of Clause 11 (Settlement) and Housing (Clause 16). The strategies under these themes broadly support higher levels of dwelling densities in locations that are well served by services, public transport and jobs.
31. However, the proposal fails to meet the requirements of Clause 15.03 (Heritage). The proposal fails to meet the requirement so the objective as it does not ensure conservation of places of heritage significance. The proposed modifications to the podium will diminish the original 'floating' appearance of the design. The removal of the original tower form would adversely impact upon the integrity and intactness of the place, to the extent that its significance will be irretrievably lost. In addition to this the proposed tower form aggressively contrasts with and would visually overwhelm the retained podium.

32. Another key policy theme that it is considered particularly relevant is Clause 18 (Transport) given a car parking reduction is being sought by the proposal. Clause 18 seeks to support higher intensity development within the principal public transport network, and which encourages the use of active and sustainable transport. The proposed car parking reduction is considered to have strong policy support where the site is located within the Principal Public Transport Network (PPTN) in a highly accessible location that would contribute greatly to personal and sustainable transport options inclusive of public transport.

The only other two key policy areas that Council wishes to highlight are Clause 15.01-2L-03 (Urban Art) and 15.01-2L-02 (Environmentally Sustainable Development).

33. Clause 15.01-2L-03, is a specific Port Phillip Policy that seeks to encourage the integrated urban art in new developments that reflects the identity of place, community values and innovation and creativity. It is noted that the application did not provide any urban art submission despite the estimated cost of works exceeding the threshold trigger of Clause 15.01-2L-03. Therefore, should a permit be granting, it should contain relevant urban art conditions to ensure the requirements of Clause 15.01-2L-03 are met.
34. Clause 15.01-2L-02 (Environmentally Sustainable Development) seeks to achieve best practice in environmentally sustainable development for new residential and non-residential development within the municipality. The application has been submitted with a response to the requirements of this policy. However, as set out in the referral comments by Council's ESD Officer there are several outstanding matters that still need to be addressed.

Is the proposed demolition and reconstruction acceptable in the context of the Heritage Overlay.

35. As set out in the introduction, the total demolition and reconstruction of the existing building has been approved under an earlier planning application. Planning application 909/2020 approved a new office development where all the existing building was to be demolished but reconstructed in an almost identical manner and then redeveloped with a new upper-level form that was clearly distinguishable from the reconstructed parts of the building.
36. It is considered that the circumstances of the previously supported proposal are materially different from those presented by the current application. Council's support for the earlier proposal was based on a unique set of circumstances, including a comprehensive analysis of the existing building, extensive documentation of the original fabric, and a reconstruction methodology that would faithfully replicate the heritage place and retain a strong tangible connection to its heritage significance. Importantly, Council's Heritage Advisor's support was expressly founded on the ability of the proposal to achieve an accurate reconstruction that would continue to provide a meaningful reference to the building's historical and architectural significance.
37. The current proposal represents a fundamentally different proposition. Rather than undertaking a detailed reconstruction that replicates and interprets the heritage building, the proposal seeks the demolition of the building with only limited reconstruction and retention of original fabric. As a result, the approach would not maintain the same degree of authenticity, legibility or tangible connection to the heritage place that was central to the justification of the previous approval.
38. Accordingly, the reasoning that supported the earlier proposal is no longer applicable in this instance. The exceptional circumstances that warranted support for complete demolition and accurate reconstruction do not exist where the outcome is predominantly a new building with only limited reference to the original heritage fabric. In this context, the proposal would result in a substantial loss of heritage significance without the corresponding heritage benefits that underpinned the previous decision.
39. The referral comments provided by Council's Heritage Advisor and Urban Designer align with the concerns outlined above. Council's Heritage Advisor does not support the demolition of the tower element of the original heritage building, which forms a fundamental component of the building's original design and heritage significance. The proposed removal and replacement of

this element would adversely affect the integrity and intactness of the heritage place to such an extent that its significance would be irretrievably diminished. Such a substantial loss of original fabric is not considered an acceptable heritage outcome and is inconsistent with both State and local heritage policy, as well as the principles of the *Burra Charter*.

40. The Heritage Advisor also raised concerns regarding alterations to the open undercroft of the retained podium. The proposed infill would further erode the integrity of the heritage building by eliminating its original "floating" appearance. This contrasts with the previously approved scheme, which maintained the visual impression of a floating podium through the recessive treatment of the undercroft infill behind the front edge of the podium.
41. Similarly, Council's Urban Designer concluded that the proposal represents a poor heritage outcome. In particular, concerns were raised that the reconstructed podium constitutes a poor-quality heritage design response and that the proposed tower lacks a meaningful architectural relationship with the podium. Overall, the Urban Designer considered the design approach to be fundamentally flawed, resulting in a poor-quality built form outcome that is difficult to justify from both a heritage and urban design perspective.
42. There are also concerns that the proposed tower form would present as a dominant and visually assertive element that substantially exceeds the scale and presence of the retained podium. As depicted in the submitted architectural imagery (see Fig 2 below), the tower rises abruptly from the podium with a contemporary glazed façade, pronounced vertical expression and substantial overall height. This would result in a clear imbalance between the new built form and the retained lower-scale structure. Rather than reading as a complementary addition that respects and reinforces the character of the podium, the tower would visually overwhelm it, diminishing the prominence, legibility and appreciation of the retained building when viewed from the public realm. Consequently, the proposal does not achieve a sufficiently sympathetic integration of old and new built form that would allow the retained podium to remain a prominent and meaningful element of the overall development.



Fig 2: Render of proposed building

43. For these reasons, the proposed demolition and reconstruction are considered contrary to the objectives and decision guidelines of heritage policy (15.03) and the heritage overlay (43.01), which seek to conserve significant heritage fabric and discourage demolition unless it can be clearly demonstrated that the heritage significance of the place will be appropriately retained and interpreted. Council therefore considers that the proposal does not meet the threshold of exceptional circumstances required to justify demolition of a significant heritage building.

Is the proposed built form acceptable to its context including the requirements of Design and Development Overlay Schedule 26?

44. The site is affected by the Design and Development Overlay (Schedule 26) (DDO26-5A), which applies the St Kilda Road North precinct. The purpose of the DDO26 is to ensure that future development of the St Kilda Road North Precinct is integrated with its urban and landscape surrounds, is environmentally sustainable, ensure development does not dominate or obstruct view corridors to key landmark and civic buildings (including the Shrine of Remembrance) and to ensure that building design minimises adverse amenity impacts on residential properties and public open spaces.
45. The site is located within sub precinct 5A (St Kilda Road South of Kings Way) of Design and Development Overlay Schedule 26. Sub precinct 5 is a long thin stretch of land predominantly along St Kilda Road between Kings Way to the north and Queens Road/ Queens Way to the south. This precinct is characterised by a highly consistent and formal boulevard setting, where the streetscape is defined by regularly spaced buildings of a similar scale and form, mature boulevard planting, and the expansive road reserve accommodating multiple traffic lanes
46. DDO26 establishes several design objectives for Sub-Precinct 5. Of particular relevance to this application are the objectives that seek to maintain consistency in the height, scale and spacing of development along St Kilda Road, while reinforcing the boulevard's landscaped character through generous front setbacks and substantial planting opportunities. The overlay also seeks to improve the pedestrian environment along Queens Lane by encouraging development that better addresses and engages the laneway interface, whilst acknowledging and accommodating its ongoing service and access functions.
47. The proposed building is designed to rebuild the lower podium of the existing building with a tower above designed in a sculpted form, comprising four projecting wings extending from a central core. The building mass would be articulated through curved façades and recessed indentations between each wing of the building.
48. The concerns regarding the heritage response have been outlined in detail above. Notwithstanding those concerns, the proposed building, in terms of its form and architectural expression, is generally reflective of the contemporary development character that has emerged along this section of St Kilda Road. The overall design quality and architectural treatment would be broadly compatible with the surrounding streetscape.
49. However, as identified in the referral comments provided by Council's Urban Designer, the proposal exhibits a number of significant design shortcomings. In particular, the extensive vehicle circulation areas and associated hard paving are considered to dominate the St Kilda Road frontage, resulting in an outcome that is inconsistent with the boulevard character sought by the planning scheme, which emphasises a generous landscaped setting and a pedestrian-friendly environment.
50. The proposed additional crossover and internal loop road fails to respond appropriately to the requirements of DDO26 relating to vehicular access and car parking. The Design and Development Overlay seeks to limit vehicle access points to a maximum of one crossover per site, ensure that vehicle access arrangements do not visually dominate building frontages, and maintain visual permeability through sites to support passive surveillance and preserve the landscaped character of the boulevard. The proposal does not satisfactorily achieve these objectives.
51. Further concerns arise in relation to the activation of Queens Lane. The ground-floor interface is predominantly characterised by blank walls, areas identified for future green walls, and service, loading and driveway functions. As a result, the proposal provides limited opportunities for active frontage and passive surveillance, leading to a poor urban design outcome that fails to contribute positively to the quality, safety and amenity of the laneway environment.
52. The specific built form controls of the DDO that are applicable to Sub-Precinct 5A include a mandatory maximum building height of 65 metres AHD, a mandatory 13.7-metre landscaped setback to St Kilda Road, and mandatory side setbacks of 4.5 metres. In addition, the overlay includes a discretionary requirement for development to provide an 11-metre-high podium

element to Queens Lane, extending to a depth of 5 metres, to help define the laneway edge and improve the pedestrian experience.

53. The proposal does not comply with the mandatory maximum building height requirement applicable to Sub-Precinct 5A and, as such, the current design outcome is not supported. The DDO specifies a mandatory maximum building height of 65 metres AHD. While the building parapet is shown at 65 metres AHD, the lift overrun, and associated plant/services extend to 67.9 metres AHD. As the height control is expressed as a mandatory requirement, there is no discretion available to support any exceedance, regardless of whether it relates to occupied floor area or building services. Accordingly, the design would need to be amended to ensure that all elements of the building, including lift overruns and service infrastructure, are contained within the prescribed 65-metre AHD height limit.
54. The proposal otherwise demonstrates a generally appropriate response to the remaining built form controls of the DDO. The development provides the required mandatory side setbacks of 4.5 metres to both the northern and southern boundaries, fully satisfying this requirement of the overlay. These setbacks assist in maintaining appropriate building separation and are consistent with the built form outcomes anticipated for the precinct.
55. The DDO also includes a discretionary requirement for an 11-metre-high podium element to Queens Lane, extending to a depth of 5 metres, to assist in defining the laneway edge and enhancing the pedestrian environment. The proposed podium generally achieves this objective. While the balustrade element is shown at approximately 11.93 metres in height, marginally exceeding the preferred podium height, the extent of the variation is minor and does not materially alter the presentation of the podium or diminish the role it plays in framing Queens Lane. Given the discretionary nature of this requirement and the limited degree of exceedance, the variation is considered acceptable.
56. As detailed above the proposal does not satisfactorily meet the requirements and objectives of DDO26. Of particular concern is the failure to comply with the mandatory maximum building height of 65 metres AHD, with the lift overrun and associated plant extending to 67.9 metres AHD. In addition, the design does not adequately respond to the urban design objectives of the overlay, with the extensive vehicle circulation areas, additional crossover and hard paved frontage undermining the landscaped boulevard character of St Kilda Road. The proposal also provides a poor interface to Queens Lane, where blank walls, service functions and limited active frontage fail to achieve the desired levels of activation, passive surveillance and pedestrian amenity. While the building's contemporary architectural expression is generally consistent with the emerging character of this section of St Kilda Road, and the proposal complies with the mandatory side setback requirements, the identified deficiencies mean the development does not fully achieve the intent of DDO26. The minor variation to the discretionary Queens Lane podium height is, however, considered acceptable.

Are the proposed car parking, bicycle parking and access arrangements acceptable?

57. Council's Traffic Engineer is generally supportive of the proposal and has made only three recommendations. These are discussed in turn.
58. The access control measures (e.g. gates or roller doors) must be set back a minimum of 5.5m from the property boundary. This ensures vehicles can enter the site and clear the roadway (Queens Lane) prior to the operation of such controls.
59. There is insufficient information to assess both ramps. The traffic engineer has noted:
The applicant must provide longitudinal sections for both ramps showing all intermediate levels, grades, lengths of grades, and headroom clearances in accordance with AS2890.1. Headroom clearance for both basement levels must comply with AS2890.1
60. The final recommendation from the Traffic Engineer is that the loading bay door be widened to facilitate more convenient turning movements during entry and exit.

61. If the remainder of the application had been acceptable the above access and traffic matters could be dealt with as conditions of the permit.

Are the proposed environmentally sustainable development and water sensitive urban design outcomes acceptable?

62. Council's ESD officer has reviews the amendment application and provided comments that the proposal does not provide an acceptable ESD outcome. In summary the issues are:
- Provision of effective external shading to north, east and west facing glazing to residential and non-residential uses.
 - Greater than 5% of total car parking spaces are to be provided with fast E/V charge infrastructure, with provision of additional E/V ready car parks.
 - Landscape plan with water efficient species, noting irrigation from RWT.
 - Improvement of daylight to ground and first level bedrooms and living rooms.
 - NatHERS certificates for residential and Section J energy report for non-residential.
 - All roof surfaces to have a SRI of at least 80.
 - Paving materials to have a SRI minimum of 40.
 - Any amendment to SMP/BESS resultant of the above.
63. In addition to the above the SMP/ BESS, Stormwater management Plan are inadequate, lack detail or are of date. As such, there are significant ESD concerns that must be addressed and revised documentation is required before further assessment can be made.

Are the proposed waste management arrangements acceptable?

64. Council's Waste Officer has reviewed the application and has recommended minor charges/ additional information. These include

Waste System

- Bin chute doors on each floor are to be colour coded: red for waste and yellow for recycling.
- Where chute systems are installed, CoPP requires bins to have reinforced bases for bin longevity.

Additional Waste Requirements

- Dedicated e-waste bin must be provided.

Scaled Waste Management Drawing

- Ensure bins are colour coded.
- Show e-waste bin in drawing.
- Include a movement diagram for all bin rooms.

Signage and Education

- Ensure a welcome pack is provided for all new residents explaining all waste a recovery services and how to use them.

65. Had the remainder of the application been supported, it would be recommended that a revised WMP be conditioned.

Is the proposed landscaping acceptable?

66. Council's Landscape Architect has reviewed the application and has noted several changes/ additional information are required before the plan can be supported. Key concerns include:
- Limited deep soil planting – due to basement.
 - Extensive pavement area adjacent St Kilda Road.

- Limited Canopy Tree Cover.
- Poor Interface along Queens Lane.
- Level 3 landscape design.
- Additional details of irrigation, maintenance, typical sections, and Queens Lane interface sections.
- Further details of species selection.

67. As such, had the remainder of the application be acceptable a condition would have been recommended to submit a revised landscape plan to address the above.

Is the Clause 58 response acceptable?

68. The following key issues are raised for consideration. Please note the following is based on a preliminary assessment of the proposal; a detailed assessment has not been conducted and will be required by the Department prior as part of the assessment.

Clause 58.05-1 – Accessibility objective

Bathroom designs indicated as compliant do not fully meet or provide sufficient detail to determine of the requirements of Table D7 - Bathroom design of Standard D18, noting occasions where it appears a mix of design options A and B have been utilised in a single layout, and toilet locations do not meet the requirement.

Clause 58.05-3 – Private open space objective

A number of balconies are not provided minimum dimensions or minimum area in accordance with Table D8 – Balcony size, of Standard D20.

Clause 58.07-1 – Functional layout objective

Some proposed bedrooms do not meet the minimum dimensional requirements of Table D11 – Bedroom dimensions, of Standard D26. This is often the case where bedrooms are irregularly shaped.

Clause 58.07-2 – Room depth objective

A number of single aspect bedrooms have a room depth greater than 6.75m (2.5 x the 2.7m ceiling height) not complying with the requirements of Standard D27. A number of these rooms are south-facing and are not expected to receive a reasonable amount of daylight access to their deepest point.

A number of single aspect open plan living/dining/kitchen areas have a room depth greater than 9m not complying with the requirements of Standard D27. A number of these rooms are south facing and are not expected to receive a reasonable amount of daylight access to their deepest point. Where the deepest point is an area of corridor or a small area of kitchen, such a variation may be acceptable.

Clause 58.07-3 – Windows objective

A number of study rooms are not provided a window in an external wall of the building, not complying with Standard D28.

A number of bedrooms rely on daylight provided from a window to a smaller secondary area. In many instances these windows are not 'clear to the sky', noting there is building overhang at the levels above (i.e. the floorplate of level 3 overhangs these windows). This design response does not comply with the requirements of Standard D28. A number of these bedrooms are south-facing and are not expected to receive a reasonable amount of daylight access.

Clause 58.07-4 – Natural ventilation objectives

Two of the apartment types (CS01 and CS02) that are noted to meet the requirements of this Standard but show a breeze path passing through a solid wall.

Conclusion

69. Having regard to the relevant planning controls, policy framework and referral responses, Council considers that the proposal should not be supported.
70. The primary concern with the proposal is its unacceptable heritage impact. Unlike Planning Application 909/2020, which was supported due to exceptional circumstances involving the faithful reconstruction of the heritage building and retention of its heritage significance, the current proposal involves substantial demolition, limited reconstruction and minimal retention of original fabric, resulting in a predominantly new building. As confirmed by Council's Heritage Advisor and Urban Designer, the demolition and replacement of the tower, alterations to the podium, and poor integration between these elements would result in a substantial and irreversible loss of heritage significance, contrary to state and local heritage policy and without the exceptional circumstances necessary to justify demolition. Moreover, the proposed tower's scale, height and contemporary design would visually dominate and overwhelm the retained podium, diminishing its prominence and resulting in an unsympathetic integration of the new and existing built form.
71. In addition, the proposal does not satisfactorily meet the requirements and objectives of DDO26. The development exceeds the mandatory maximum building height, fails to adequately reinforce the landscaped boulevard character of St Kilda Road, and provides a poor interface to Queens Lane. While aspects of the architectural expression and setback response are acceptable, these positive elements do not outweigh the identified shortcomings.
72. Further, the submitted SMP, BESS assessment and Stormwater Management Plan are inadequate, lacking sufficient detail and containing outdated information. As a result, significant ESD matters remain unresolved and cannot be properly assessed.
73. Overall, the proposal represents an unacceptable planning outcome. Most critically, it would result in a substantial loss of heritage significance in circumstances that are materially different from, and far less compelling than, those that justified the previous approval. When considered alongside the proposal's non-compliance with DDO26 and unresolved ESD concerns, Council finds insufficient strategic or planning merit to warrant support for the application.

RECOMMENDATIONS

Recommendation A

Having regard to the matters outlined above, it is recommended that the Minister for Planning Refuse Planning Permit Application PA2604376 on the following grounds:

- (a) The proposed demolition and reconstruction is contrary to the heritage policy at Clause 15.03-1L and decision guidelines of the Heritage Overlay (Clause 43.01) where the proposed removal of the original tower form of the existing building would adversely impact upon the integrity and intactness of the place, to the extent that its significance would be lost and the new proposed tower form would visually overwhelm the retained podium.
- (b) The scale, height, massing and contemporary architectural expression of the proposed tower would visually dominate and overwhelm the retained podium, diminishing its prominence and legibility and resulting in an unsympathetic integration of the new and existing built form that fails to appropriately respect the significance and character of the retained building and heritage place.
- (c) The proposal does not satisfactorily meet the requirements and objectives of schedule 26 of the Design and Development Overlay (DDO26). The development exceeds the mandatory maximum building height, fails to adequately reinforce the landscaped boulevard character of St Kilda Road, and provides a poor interface to Queens Lane.

- (d) The application fails to provide an appropriate response to Clause 15.01-2L-02 (Environmentally Sustainable Development) where the submitted Sustainable Management Plan (SMP), BESS assessment and Stormwater Management Plan are inadequate, lacking sufficient detail and containing outdated information

Recommendation B

If the Minister for Planning is of a mind to grant a permit for Planning Permit Application PA2604376, it is recommended that the following conditions be included in any permit issued. Please note that these conditions are not exhaustive and should be included alongside any other condition the Department thinks fit or any mandatory conditions of the Port Phillip Planning Scheme, as appropriate.

Compliance with documents approved under this permit

1. At all times what the permit allows must be carried out in accordance with the requirements of any document approved under this permit to the satisfaction of the Responsible Authority

Amended Plans Required

2. Before the development starts, plans must be approved and endorsed by the responsible authority. The plans must:
 - a) Be prepared to the satisfaction of the responsible authority
 - b) Be drawn to scale with dimensions
 - c) Submitted in electronic form
 - d) Be generally in accordance the plans prepared by Cox Architecture and titled "464 St Kilda Road", Plan no's TP10-020, TP11-010, TP21-098, TP21-099, TP21-100, TP21-101, TP21-102, TP21-103, TP21-104, TP21-112, TP21-200, TP30-100, TP30-200, TP30-300, TP30-400, TP40-100, TP41-100, TP41-200, TP41-300, TP41-400TP41-500 and TP41-600, and received by Council on 20 May 2026 but amended to show the following:
 - i. Maximum building height not to exceed 65m AHD.
 - ii. Access control measures (e.g. gates or roller doors) must be set back a minimum of 5.5m from the property boundary.
 - iii. Longitudinal sections for both ramps showing all intermediate levels, grades, lengths of grades, and headroom clearances in accordance with AS2890.1. Headroom clearance for both basement levels must comply with AS2890.1
 - iv. Loading bay door be widened to facilitate more convenient turning movements during entry and exit
 - v. The proposed location of Urban Art.
 - vi. Any changes required by condition 6 (Sustainable Management Plan).
 - vii. Any changes required by condition 11 (Waste Management Plan).
 - viii. Any changes required by condition 12 (Landscape Plan).

Layout not altered

3. The layout of the development and use must not be altered from the layout on the approved and endorsed plans without the written consent of the responsible authority.

Satisfactory Continuation and Completion

4. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.

No change to external finishes

5. All external materials, finishes and colours as shown on the endorsed plans must not be altered without the written consent of the responsible authority.

No Equipment or Services

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

Updated Sustainability Management Plan

7. Concurrent with the endorsement of plans required by Condition 1, an updated Sustainability Management Plan (SMP) must be submitted to and approved by the Responsible Authority in consultation with Port Phillip City Council. When approved, the SMP will be endorsed and will then form part of the permit. The updated SMP must be generally in accordance with the SMP submitted with the application, but modified to include following:
- a) Provision of effective external shading to north, east and west facing glazing to residential and non-residential uses.
 - b) Greater than 5% of total car parking spaces are to be provided with fast E/V charge infrastructure, with provision of additional E/V ready car parks • Landscape plan with water efficient species, noting irrigation from RWT.
 - c) Improvement of daylight to ground and first level bedrooms and living rooms. NatHERS certificates for residential and Section J energy report for non-residential.
 - d) All roof surfaces to have a SRI of at least 80.
 - e) Paving materials to have a SRI minimum of 40.
 - f) Any amendment to SMP/BESS resultant of the above.

Implementation of Sustainability Management Plan requirements

8. The provisions, recommendations and requirements of the endorsed Sustainability Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority and must not be varied except with the written approval of the Responsible Authority.

Pre-occupation Sustainability Management Plan compliance

9. Before the development is occupied, a report must be submitted confirming that all measures specified in the endorsed Sustainability Management Plan have been implemented in accordance with the approved plan. The report must be prepared by a suitably qualified Environmentally Sustainable Design professional and be to the satisfaction of the responsible authority.

Construction management – Water Sensitive Urban Design

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

Construction Management Water Sensitive Urban Design

11. The developer must ensure that throughout the construction of the building(s) and construction and carrying out of works allowed by this permit;
- a) No water containing oil, foam, grease, scum or litter will be discharged to the stormwater drainage system from the site.
 - b) All stored wastes are kept in designated areas or covered containers that prevent escape into the stormwater system.
 - c) The amount of mud, dirt, sand, soil, clay or stones deposited by vehicles on the abutting roads is minimised when vehicles are leaving the site.

- d) No mud, dirt, sand, soil, clay or stones are washed into, or are allowed to enter the stormwater drainage system.
- e) The site is developed and managed to minimise the risks of stormwater pollution through the contamination of run-off by chemicals, sediments, animal wastes or gross pollutants in accordance with currently accepted best practice.

Waste Management Plan

12. Prior to plans being endorsed under condition 1 of this permit, a detailed Waste Management Plan must be submitted to, approved by and be to the satisfaction of the responsible authority and in consultation with Port Phillip City Council, generally in accordance with the Waste Management Plan submitted with the application. When the Waste Management Plan is approved, it will become an endorsed plan forming part of this Permit. The Waste Management Plan must incorporate:

- a) Waste System
 - Bin chute doors on each floor are to be colour coded: red for waste and yellow for recycling.
 - Where chute systems are installed, CoPP requires bins to have reinforced bases for bin longevity.
- b) Additional Waste Requirements
 - Dedicated e-waste bin must be provided.
- c) Scaled Waste Management Drawing
 - Ensure bins are colour coded.
 - Show e-waste bin in drawing.
 - Include a movement diagram for all bin rooms.
- d) Signage and Education
 - Ensure a welcome pack is provided for all new residents explaining all waste a recovery services and how to use them.

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

Landscape Plan

13. Prior to plans being endorsed under condition 1 of this permit, a detailed Landscape Plan must be submitted to, approved by and be to the satisfaction of the responsible authority and in consultation with Port Phillip City Council, generally in accordance with the Landscape Plan submitted with the application. When the Landscape Plan is approved, it will become an endorsed plan forming part of this Permit. The Landscape Plan address the following issues:

- Limited deep soil planting – due to basement.
- Extensive pavement area adjacent St Kilda Road.
- Limited Canopy Tree Cover.
- Poor Interface along Queens Lane.
- Level 3 landscape design.
- Additional details of irrigation, maintenance, typical sections, and Queens Lane interface sections.
- Further details of species selection.

Completion of Landscaping

14. The landscaping on the subject land 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.

Landscaping Maintenance

15. The landscaping as shown in the endorsed Landscape Plan must be maintained, and any dead, diseased or damaged plant replaced in accordance with the landscaping plan to the satisfaction of the responsible authority.
16. All landscaping shown in the approved landscape and public realm plans must be carried out and completed prior to occupation of buildings and thereafter maintained to the satisfaction of the Council.

Lighting

17. All lighting of external areas must be suitably baffled so as not to cause nuisance or annoyance to nearby properties or roads.

Vehicle Crossings – Removal

18. Prior to the issue of any Certificate of Occupancy or Certificate of Final Inspection for the development approved by this permit, all disused or redundant vehicle crossings must be removed and the area re-instated with footpath, nature strip and kerb and channel at the cost of the applicant/owner and to the satisfaction of the Responsible Authority.

Applicant to Pay for Reinstatement

19. Before the occupation of the development allowed by this permit, the applicant/owner must do the following things to the satisfaction of the Responsible Authority:
 - a) Pay the costs of all alterations/reinstatement of Council and Public Authority assets necessary and required by such Authorities for the development.
 - b) Obtain the prior written approval of the Council or other relevant Authority for such alterations/reinstatement.
 - c) Comply with conditions (if any) required by the Council or other relevant Authorities in respect of alterations/reinstatement.

Public Services

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

Urban Art Plan

21. Concurrent with the submission of amended plans in accordance with Condition 2, or as otherwise agreed in writing by responsible authority, an Urban Art Plan in accordance with Port Phillip City Council's Urban Art Strategy must be submitted to and approved by the responsible authority in consultation with Port Phillip City Council. When approved, the Urban Art Plan will be endorsed and will form part of this permit. The value of the urban art must be at least 0.5 per cent of the development cost. The urban art must be installed in accordance with the approved Urban Art Plan before the development is occupied.

Parking Must be Available

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

Car Parking Management Plan

23. Before the use starts, a Car Park Management Plan must be submitted and approved to the satisfaction of the Responsible Authority in consultation with Port Phillip City Council. When approved, the plan will be endorsed and will then form part of the permit. Two copies of the plan must be submitted and must include:

- a) Detailing proposed car parking allocation
- b) Details of signage, line marking, and any traffic measures such as directional arrows and convex mirrors where required to improve safety and visibility throughout the basement levels.

The car parking management plan must be implemented to the satisfaction of the Responsible Authority.

Reflectivity

24. Specular light reflectance must be less than 15 per cent for all external building glazing and cladding materials and finishes, when measured at an angle of 90 degrees to the surface of the material (normal incidence), except with the written consent of the responsible authority.

Condition required by Clause 53.03-2 (Residential reticulated gas service connection)

25. Any new apartment development allowed by this permit must not be connected to a reticulated gas service (within the meaning of clause 53.03 of the relevant planning scheme). This condition continues to have force and effect after the development authorised by this permit has been completed.

Time for Starting and Completion

26. 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 five years of the date of this permit.
- c) The use is not stated within five years of the date of this permit.

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.

