



8.9	85 DUNDAS PLACE, ALBERT PARK
LOCATION/ADDRESS:	85 DUNDAS PLACE, ALBERT PARK
RESPONSIBLE MANAGER:	GEORGE BORG, MANAGER CITY DEVELOPMENT
AUTHOR:	RICHARD LITTLE, SENIOR URBAN PLANNER
TRIM FILE NO.:	P0615/2016
ATTACHMENTS:	1. Plans 2. Objector Map
WARD:	Lake
TRIGGER FOR DETERMINATION BY COMMITTEE:	Number of objections
APPLICATION NO:	P0615/2016
APPLICANT:	Jewell Partnership P/L
EXISTING USE:	Hotel
ABUTTING USES:	Commercial and Residential.
ZONING:	Commercial I
OVERLAYS:	Heritage Overlay (HO044)
STATUTORY TIME REMAINING FOR DECISION AS AT DAY OF COUNCIL	Expired

PROPOSAL

Partial demolition of the building and construction of ground, first and second floor alterations and additions to the existing building, including a three storey rear addition a three storey lift shaft, an additional floor at the third floor level and a first floor outdoor function space and a waiver of the car parking requirements.

I. EXECUTIVE SUMMARY

- 1.1 The proposal relates to the existing three storey Albert Park Hotel on the corner of Dundas Place and Montague Street. The application seeks to continue the existing use of the Albert Park hotel at ground and first floor level and use the second and proposed third floor level as an office for the Colonial Leisure Group, the owner of the Albert Park Hotel and other hotels in the municipality and Melbourne.
- 1.2 This proposal is for the partial demolition of the building and construction of ground, first and second floor alterations and additions to the existing building, including an additional floor at roof level and a first floor outdoor garden and a waiver of the car parking requirements. The use of the hotel at ground and first floor would continue and the second floor and proposed third floor level would be used as an office for the Hotel operator. At second floor level there would be a terrace, associated with the office, facing Dundas Place.



- 1.3 A waiver of the car parking requirements is required for the new office.
- 1.4 Twenty objections and one letter of support have been received. The main concerns relate to parking, additions not in keeping with the heritage building, the additional floor is too high, noise from the terraces and additional doors at ground floor level.
- 1.5 Additional consideration relates to the new built form and whether it is an appropriate outcome in a Heritage Overlay. Given that most of the additions would be located to the rear of the building and at roof level behind an existing parapet wall, the proposal is considered to be appropriate.
- 1.6 A permit is also required to waive the number of car spaces in connection with the proposed office use. Given the site's location in a Neighbourhood Activity Centre; the availability of on street parking and the opportunity to support a local business, a waiver of car parking is considered acceptable in this instance.
- 1.7 In regards to the residential amenity of the adjoining properties, the terrace at first floor level, facing Dundas place is existing. At second floor level a terrace is associated with the proposed office and is not part of the hotel. The proposed terrace would face Dundas Place.
- 1.8 The additional doors at ground floor level would all face busy roads and are unlikely to result in additional noise to residential properties. The proposal does not include any outdoor seating or increase in patron numbers to the existing hotel.
- 1.9 The proposal is recommended for approval subject to conditions.

KEY ISSUES

1. Partial Demolition, alteration and additions to a Significant Heritage Building (Albert Park Hotel)
2. External Residential Amenity
3. Car parking Waiver

2. PROPOSAL

The application under consideration includes the following:

- 2.1 **Use:**
 - The ground and first floor would continue to be used as part of the Albert Park Hotel.
 - The ground floor would contain the hotel trading area, WCs, stairs, keg room, cool room, dry store, bin store, bike store, kitchen and lift.
 - The first floor would continue to be used by the Albert Park Hotel and includes a trading area, external deck (33m²), stairs, WCs, staff kitchen, manager's office, utility room and external garden.
 - The existing 286.74m² second floor of the hotel would be used for 186m² of office floorspace for the company that owns this and other hotels in the City of Port Phillip and other Melbourne locations. The reduction in floor area is created by adding voids open to the floor level below. The second floor would contain an open office area (186m²), void area, meeting room, stairs, WCs, copy rooms and lift.



- The office on both floors would be used by the headquarters of the hotel management group (Colonial Leisure Group) to manage this local business and their other premises.
- The new third floor would be used as office floorspace (135m²) comprising an open plan office, boardroom, stairs, lift, external deck (36.5m²) and external plant room.

2.2 **Demolition:**

- All internal walls, fixture, fittings and joinery at ground floor level.
- Some of the external doors and windows at ground, first and second floor level.
- The existing first floor extension, between the main wall of the original building and the boundary with No. 87-89 Dundas Place.
- Part of the floor at first and second floor level.
- The existing roof.

2.3 **Buildings and Works:**

- Addition of a three storey lift shaft
- Alterations to the exterior of the building including installation of new doors and openings at ground, first and second floor level. At ground floor level there would be new doors and windows to replace the existing openings at ground floor level. At first floor level there would be a new door at the front of the building and new windows at the rear of the building. At second floor level there would be new windows at the rear of the building.
- Construction of additions at first and second floor level to the rear of the building.
- At first floor level the additions would be 22.6m long, 8.8m wide and 3.7m high (126sqm). The additions would be built to the eastern boundary and be setback back 1.4m from the southern boundary.
- At second floor level additions would be 17.9m long, 8.12m wide and 5.3m high (96sqm). The additions would be built to the eastern boundary and 4.4m to 6.2m from the southern boundary.
- An additional floor at third level with a floor area of 110m² and an outdoor deck area (36.5m²). The additional level would have a length of 19.m, depth of 12.5m and height of 3.17m.
- Create an outdoor garden not for public use, at first floor level at the rear of the building.
- External plant roof and deck at third floor level.

Amended plans:

The application was formally amended under Section 57A following advertising. The changes included:

- The removal the originally proposed first floor function area at the rear of the building,

- Retention of the four port hole windows at ground floor level which were originally proposed to be removed (facing Montague Street and the port hole window at first floor level (facing Montague Street),
- Inclusion of a bike store at ground floor level.
- Further minor internal alterations, rain water tanks within the cellar, a new window on the western elevation at first floor level, minor increase to the first floor extensions to accommodate showers and lockers for cyclists and additions of fire services cupboards at ground floor level, facing Montague Street.

A copy of the amended plans were circulated to all objectors.

3. SUBJECT SITE AND SURROUNDS

- 3.1 The subject site is located on the south-west corner of Dundas Place and Montague Street, Albert Park. To the rear of the site is Dundas Lane.



Figure 1: Aerial photograph of the site and surrounding area.

- 3.2 The site has a frontage to Dundas Place of 17.5m and a sideage to Montague Street of 53.04m with an overall site area of 572m².
- 3.3 The site contains a three storey hotel building constructed to the site boundaries, except for the slight recess at the northern corner. The hotel was originally built in the 1880s and significantly altered in the 1930s. Most of the current building dates from the 1930s.



Figure 2: Photograph of the subject site (Dundas Place elevation). The surrounding land is generally developed with a mixture of traditional commercial buildings facing Dundas Place and Bridport Street residential properties facing Montague Street and Faussett Street.

- 3.4 To the west of the site is No. 87 Dundas Place which is a four storey mixed use building with a commercial use at ground floor and apartments on the upper floors. The apartments have terraces facing the front of the site.
- 3.5 To the east of the site is the Albert Park Library.
- 3.6 To the immediate north of the site is the Dundas Street reserve and beyond are commercial buildings located on the other side of Dundas Place.
- 3.7 To the south of the site is Dundas Lane and No. 336 Montague St which is a single storey weatherboard Victorian Cottage. Further to the south are a mixture of Victorian cottages and terraced properties.

4. PERMIT TRIGGERS

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



<i>Zone or Overlay</i>	<i>Why is a permit required?</i>
<i>Clause 34.01 Commercial 1 Zone</i>	<i>Pursuant to Clause 34.01-4 of the Port Phillip Planning Scheme a permit is required to construct a building or construct or carry out works. Pursuant Clause 34.01-1 Table of uses, a permit is NOT required to use the land as an office.</i>
<i>Clause 43.01 Heritage Overlay</i>	<i>Pursuant to Clause 43.01-1 of the Port Phillip Planning Scheme a permit is required to demolish or remove a building, and construct a building or construct or carry out works.</i>
<i>Clause 52.06 Car Parking</i>	<i>Pursuant to Clause 52.06-3, a permit is required to: Reduce (including reduce to zero) the number of car parking spaces required under Clause 52.06-5 or in a schedule to the Parking Overlay. Pursuant to Table 1 in Clause 52.06-5:</i> <ul style="list-style-type: none"> <i>• 3.5 spaces to each 100 sqm of net floor area.</i> <i>Therefore a planning permit is required to waive this requirement..</i>

5. PLANNING SCHEME PROVISIONS

5.1 State Planning Policy Frameworks (SPPF)

The following State Planning Policies are relevant to this application:

- Clause 21.03 Ecologically Sustainable Development, including
- Clause 11.01 Activity Centres
- Clause 15.01 Urban Environment
- Clause 15.03 Heritage
- Clause 17 Economic Development

5.2 Local Planning Policy Framework (LPPF)

The following local planning policies are relevant to this application:

- Clause 21.03-1 Environmentally Sustainable Land Use and Development
- Clause 21.04-2 Activity Centres
- Clause 21.05-2: Urban Structure and Character.
- Clause 21.06-3: Middle Park and Albert Park.
- Clause 22.06 Urban Design Policy.

The application also needs to be assessed against the following Clauses of the LPPF;

- Clause 22.04 Heritage Policy
- Clause 22.12 Urban Design Policy for Non-Residential Development and Multi-Unit



Residential Development

Clause 22.12 Stormwater management (Water Sensitive Urban Design)

5.3 **Other relevant provisions**

The following clauses are relevant to the proposal:

Clause 34.01 Commercial I Zone

Clause 43.01 Heritage Overlay

The following Particular Provisions and General Provisions are relevant to the proposal:

Clause 52.06: Car Parking

Clause 52.34: Bicycle Facilities

Clause 65: Decision Guidelines

5.4 **Relevant Planning Scheme Amendment/s**

Nil

6. **REFERRALS**

6.1 **Internal referrals**

Council's Waste Management Officer:

A Waste Management Plan has been submitted and referred to the Council's Waste Management Officer. The proposal includes a bin room at ground floor level, within the building. It is considered that having the bin store located within the building would minimise any potential amenity impact through noise or odour through storing waste until collection time. The Waste Management Officer has confirmed that the plan is acceptable.

Council's Sustainability Architect.

A Water Sustainable Urban Design Response has been received, but requires further details to be acceptable. A Sustainable Management Plan has not been submitted. If the remainder of the application is acceptable a condition should be placed on any permit granted that requires a water sustainable urban development plan and a sustainable management plan. **(Refer recommended conditions 9 to 15).**

Council's Heritage and Urban Design Advisor:

Comments on advertised (original) proposal:



This is a Significant building within the Victoria Ave/Bridport Street precinct. As noted in the heritage report submitted with the application, the hotel was constructed in the 1880s and extensively remodelled in the late 1930s. Further changes were carried out in 1997 and 2001.

The significant fabric of this building is associated with the 1880s and 1930s designs. This includes the whole of the principal upper façades (i.e. above ground level) facing toward Dundas Place and Montague Street including the windows (these include the 1880s double hung timber windows, as well as the distinctive ‘port holes’ added during the 1930s renovation) the rendered walls with horizontal rendered bands and the railing to the balcony. Apart from the windows, very little trace of the 1880s hotel remains and it is the 1930s design and detailing that in my opinion is of primary conservation value. The building demonstrates elements of the Moderne and Functionalist/International styles. The latter through the sheer planar walls (mostly) stripped of applied ornamentation and rectilinear forms, and the former through details such as the horizontal rendered bands across the façade and the porthole windows. Even the balcony railing demonstrates the Moderne style as it was another detail used to create a horizontal emphasis that contrasted with the vertical of the tower.

The building is far less intact at ground floor level, having been significantly changed in 1997 and again in 2001. It appears the only significant fabric remaining is the row of four ‘porthole’ windows that retain original steel grilles with the letters ‘AP’ set within wavy lines in a characteristic Moderne fashion. None of the other openings are original (some may be in the same location as previous, but have been significantly altered) and neither is the canopy, which was added in 2001.

I have carefully reviewed the plans and I don’t have any significant concerns with the proposed additions to the building, including on the rooftop. I note that:

- Most of the additions are concealed behind the building within the space between the hotel and the development at no. 87-89*
- The south elevation (facing Dundas Lane) is not significant and the changes proposed will not result in the loss of any significant fabric. The proposed new lift shaft will be a discreet addition at this end and the proposal to clad it in a different material, connected by a narrow glazed section to the original building, is an appropriate response to distinguish it from the original structure.*
- The roof top addition is set well back from the front (Dundas), lesser from the side (Montague) and slightly below the height of the ‘tower’ element at the front, thus ensuring that the tower retains its prominence within the overall composition. Elevations show the top of the addition will project less than 1m above the existing parapet. Because of the height of the existing building this will mean while part of the addition will be visible from certain longer range vantage points (During my inspection I viewed the hotel from various places looking north and side along Montague Street and from the opposite side of Montague, and Dundas Place/Vic Ave), it will not be highly visible. The low simple glazed form is an appropriate response.*



- *In relation to demolition, the removal of windows in the less significant south and west elevations will not have an impact. Neither will the removal of the non-original canopy at the front.*
- *Proposed materials and colours are appropriate. For the original building I note that colours will match the existing off-white scheme.*

My concerns relate to the proposal to remove all of the porthole windows and the balcony railing. These are all part of the 1930s makeover and are typical features of the Moderne style that contribute to the significance. The heritage report submitted with the application acknowledges this:

Of the "Moderne" lineage in the hotel's existing architecture, we will easily be able to read the spare, box-like geometry that defines the style — the asymmetrical arrangement of rectilinear boxes (one turned on end to form the front 'tower') — their sheer planar surfaces punctuated by geometric openings or inscribed with parallel bands or ribs — as abstract materials cut by machine. There are a few decorative details that carry through these themes — notably metal grilles in the ground floor porthole windows — reportedly original — a balcony railing, but little more.

I am therefore surprised that the heritage report supports the removal of these elements — the rationale appears to be that the 1880s should be used as the basis of the conservation approach:

The preferred 1930s pub interface was virtually impenetrable, physically and visually. The architects have chosen to re-emphasize the more formal and gracious 1880s approach to the public interface of the hotel — more generous, more open, and on a grander public scale. The preferencing of this earlier era makes the hotel more relevant to today. It's this trace of its past that makes the most sense to today's use and enjoyment of the historic hotel. The loss of the toilets, and their porthole windows, is what comes with this greater good.

I don't agree with this approach. The 1930s makeover virtually obliterated the 1880s decorative scheme and the proposed new openings at ground floor and replacement of the porthole windows in the tower does not in any meaningful way restore any sense of the original building, and only diminishes the integrity of the important 1930s scheme. Accordingly, I do not support this approach, especially when the retention of these elements would not significantly impact upon the functionality of the renovation. I therefore recommend:

- *The two porthole windows in the tower must be retained. I am not prepared to negotiate this.*
- *Of the four porthole windows in the ground elevation, the demolition plans show that removal of only two middle windows is required to accommodate the new door openings. Accordingly, the two outer windows and the decorative grills should be retained. The heritage report mentions that the decorative grills will be 're-used as 'identity enhancers' elsewhere in the building*



The balcony railing should be retained in its current horizontal format as this is typical of Moderne architecture. If there is a compliance issue then an alternative solution (e.g. installing a glazed balustrade adjacent to the rail) must be found.

Comments on the amended (s57A) plans.

In response to the Council's Heritage Advisor's comments, the applicant has formally amended the proposals. The amended plans were referred back to the Council's Heritage Advisor, who provided the following comments:

The amended plans resolve my concerns. I note that:

- *The balustrade is to be retained – this resolves my concern.*
- *The 'porthole' window is now proposed to be retained in the same position, but as part of proposed door. The applicant has provided a detail plan showing how the proposed new door to the balcony, which would incorporate the existing porthole window would be constructed. This also resolves my concern.*
- *A new change is the proposed installation of a window in the west elevation wall. This is set back from the façade and will not have a significant impact.*
- *The applicant now proposes to retain the four porthole windows in the ground floor elevation. This resolves my concern.*

Accordingly, there are now no outstanding heritage issues for this application.

Planner Comment:

Following formal amendments to the plans to retain the port hole windows at ground and first floor levels, the design response is now satisfactory.

7. PUBLIC NOTIFICATION/OBJECTIONS

- 7.1 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 (57 notices) and directed that the applicant place two notices on the site for a minimum 14 day period, in accordance with s.52 of the Planning and Environment Act 1987.
- 7.2 A total of twenty objections have been received from nearby properties in particular Montague Street, Bridport Street and Dundas Place. One letter of support has been received for the application. The ground of objections are summarised below:
- Inadequate car parking.
 - The acoustic screening of the plant equipment room for the office at third floor level is inadequate at 1.1m.
 - The proposal does not include sufficient waste storage for the hotel.
 - Overlooking and overshadowing would impact on the adjoining apartments.



- Adverse amenity impacts to the adjoining properties including overshadowing, loss of daylight, and visual bulk.
- The proposal would result in noise and disturbance from the proposed terraces and additional ground floor doors to the surrounding residential properties.
- The proposal would increase the amount of outdoor seating which would result in noise and disturbance to the surrounding residential properties.
- The proposed extensions are not in keeping with the heritage building.
- The height of the additional floor would be out of keeping with the heritage building and the village feel of the area.

These matters are discussed later in the report.

- 7.3 The application was formally amended under Section 57A. The changes included the removal of the originally proposed first floor function area at the rear of the building, retention of the four port hole windows at ground floor level which were originally proposed to be removed (facing Montague Street and the port hole window at first floor level (facing Montague Street) and other alterations as outlined at above.
- 7.4 Copies of the amended plans were sent to all objections. No new objections were received and one existing objection was withdrawn.
- 7.5 It is not considered that the objections raise any matters of significant social effect under Section 60 (1B) of the Planning Environment Act 1987.

8. OFFICER'S ASSESSMENT

- 8.1 The key matters raised in this application are considered to be the impact of the proposed additions on the heritage building, car parking waiver and residential amenity impacts from the proposal.

8.2 **Are the alterations compatible with the existing building and sympathetic to heritage values?**

Clause 43.01 Heritage Overlay requires that before deciding on an application, the following must be considered:

- *Whether the location, bulk, form or appearance of the proposed building will adversely affect the significance of the heritage place.*
- *Whether the location, bulk, form and appearance of the proposed building is in keeping with the character and appearance of adjacent buildings and the heritage place.*

These sentiments are repeated in local policy at Clauses 21.05-1 Heritage and 22.04 Heritage Policy, which support urban consolidation where it can be achieved without affecting heritage significance. Objectives include:

- *Ensure that new development respects and enhances the scale, form and setbacks of nearby heritage buildings.*



- *To ensure all new development and redevelopment of significant and contributory places is respectfully and harmoniously integrated with the surrounding character.*
- *To promote design excellence (in terms of building siting, scale, massing, articulation and materials) which clearly and positively supports the heritage significance of all Heritage Overlay areas.*
- *To ensure that new development and any publicly visible additions and/or alterations in or to a heritage place maintains the significance of the heritage place and employs a contextual design approach.*

The proposed external alterations to the existing building are considered to be acceptable as most of the significant changes are located to the rear of the building and at roof level behind the existing parapet.

GROUND FLOOR

At ground floor level, there is little of the original building fabric remaining, with the exception of the four porthole windows with grilles. The remainder of the other openings are not original. The demolition of the existing canopy facing Dundas Street or the existing windows and doors not considered to be part of the heritage fabric of the building, but later additions/ alteration. The proposal would retain all four of the porthole windows and grilles. The proposal would include ten new doors and two new windows along the eastern and northern elevations. The new windows and doors would provide a unified design and appearance at ground floor level and replace a number of mis-matched windows and doors at ground floor level. The proposed new doors and windows are considered to be acceptable in terms of design and appearance and would not harm the heritage fabric of the building. The proposal would also include a retractable awning and two service cupboards on the eastern elevation. The awning and service cupboards are minor additions that would not impact on the appearance of the building.

FIRST FLOOR

At first floor level, the changes are generally minor. The demolition of the existing door on the northern elevation is considered to be acceptable. The replacement door would have a larger opening and be fully glazed. To the rear of the building there would be a new glazed window, overlooking the existing ground floor roof and proposed garden area. The opening up of the rear elevation with a double storey glass window and would be acceptable as it is not on a principal façade and not result in the loss of any significant heritage fabric.

The proposed first floor additions to the rear of the building would replace existing additions, which are not part of the original heritage fabric of the building. The additions would be finished in different materials to the main building and have a large glazed area to the south. Given that the additions would replace a previous extension in the same location and would use materials that provide a clear separation between the historic fabric and the modern addition, the extensions are considered to be acceptable with regards to design and appearance.

The metal railing on the northern elevation would be retained as it is considered to be a significant heritage element. The proposal would have a clear glazed screen set behind the existing railing to comply with current building regulations. The design of the clear glass screen is acceptable as it would not have an impact of the heritage character of the building.



The proposed garden and stairs from ground floor level would be set behind the existing parapet wall and would not impact on the appearance of the building.

SECOND FLOOR

At second floor level the changes would be to the rear of the building. There would be no change to the building on the northern elevation. On the southern elevation there would be a large glazed window, which matches the proposed window at first floor level. The removal of the windows on the western elevation, to become an internal wall and doors to the proposed extension are considered to be acceptable as they are not on the principal façade of the building, but at the rear. The proposal would also include an extension between the boundary of No. 87-89 Dundas Place and the main building. The extensions would be set behind the existing building and would only have limited visibility from the south along Montague Street. When viewed from the rear, the extension would be read as a modern addition to the building because of its contemporary design and use of modern materials. . It is considered that due to the limited visibility of the extensions combined with the clear distinction through design and materials the proposed second floor additions would be acceptable on design grounds and would not detract from the character and appearance of the heritage building.

THIRD FLOOR

The proposal seeks to add an additional level to the building. The additional floor level would be setback 6.3m from the Dundas Place facade and one metre from the Montague Street façade. A terrace would be located between the Dundas Street façade and the proposed floor level and set behind the existing parapet wall.

The additional floor is considered to be acceptable as it is well setback from Dundas Street and partially obscured by the existing parapet wall. The additional floor level would only be 1.9m above the existing parapet wall along Montague Street and 0.96m above the parapet wall facing Dundas Street. Given the height of the existing building and the existing parapet walls the additional floor would not be highly visible from the surrounding streets. Whilst, the additional level would be visible from longer range views, the proposed modern simple glazed design would be an appropriate response that clearly distinguishes from the heritage fabric and the modern additions. Furthermore, the setback and scale will ensure that the additional floor would be read as a subservient addition which would be consistent with the Council's heritage Policy. .

The proposal would also include a plant room at the rear of the building at third floor level. The plant room would be located at the rear of the building and would not be visible from any public vantage point. The plant room would be located abutting the existing wall on the boundary with No. 87-89 Dundas Place, and not opposite any residential window or terrace. The plant room would be acoustically treated to prevent any noise to the residential properties adjoining the site. When viewed from the property to the rear the plant room would be set against the existing wall on the boundary and appear as a minor addition to the building and would not have any visual impact on the properties to the rear. The plant room would be acoustically treated to prevent noise and disturbance to the adjoining properties.

Should the proposal be supported a condition could be included on any permit granted requiring noise levels from the plant room to comply with State Environmental Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1



(Refer recommended condition 7). Given the location of the plant room to the rear of the building it is considered to be acceptable as it would not impact on the heritage character of the building.

LIFT SHAFT

The proposal includes a lift shaft at first, second and third floor level at the rear of the building. The overall scale of the lift shaft is not considered to dominate the building. The lift shaft would be finished in a different material to the hotel and the interface between the lift shaft and the building would be glass. This would combine to clearly distinguish the modern addition from the heritage fabric of the building.

8.3 **Would the development/use create an active and attractive street frontage?**

Clause 22.06 applies to additions and alterations to non-residential development. Of particular relevance is the policy for street level frontages which state that it is policy to:

- Encourage the design of building frontages at foot path level to offer visual interest, passive surveillance, social interaction, safety, shelter and convenience.
- Require pedestrian entrances to buildings to:
 - Be clearly visible and easily identifiable from streets and other public areas.
- Encourage windows, terraces and balconies at lower building levels to offer surveillance of adjacent public areas
- Require all buildings to be accessible at ground-floor level to people with limited mobility.

The existing building already has an active frontage to the street, with a number of doors that open out to the foot path. The proposal would maintain this and improve the overall appearance of the building to the street through a more unified design and additional glazed entrances to the building. This would open up the inside of the building to the street to create additional visual interest, enhance passive surveillance of the public realm and improve social interaction.

8.4 **Is the proposal supported by policy?**

Clause 17.01-1 Business encourages development which meets the community's needs to retail, entertainment, office and other commercial services and provides net community benefit. The proposed use would accord with this policy by continuing and enhancing the existing entertainment (hotel) use at ground and first floor level and introduce a new office use to the site at second and third floor level. This is further confirmed under Clause 21.04 which highlights the importance of neighbourhood activity centres for providing business, shopping, working and leisure.

The site is in within the Victoria/ Bridport Street Neighbourhood Activity Centre which has a mix of commercial, business, residential and entertainment uses. Table 1: Activity Centres in Port Phillip includes local entertainment as part of the strategic role and function of the Bridport/ Victoria Streets Neighbourhood Activity Centre. Under the zone, a permit is not required for the use of an office. It is considered the proposal would further contribute to the strategic role and function of the neighbourhood activity centre.



The office would be used by the headquarters of the management group that owns and runs the Albert Park Hotel and three other hotel premises within the municipality. The consolidation of management on site is considered to be a positive outcome indicating the ongoing support for the continuing use of the hotel on the site and others within the area.

8.5 Would the proposal result in increased parking demand and/or a parking dispensation?

Clause 52.06 of the Port Phillip Planning Scheme requires the provision of car parking spaces at a rate of 3.5 spaces per 100 m² of floor area.

	Planning Scheme Requirement	Required Car Parking Spaces	Proposed provision of car parking spaces
Office (347m ² of floor area)	3.5 spaces per 100m ² of floor area	12 car parking spaces	0

The proposal would have total office floor area of 347m², comprising 211.7m² of floor area at second floor level and 135.3m² of floor area at third floor. This would require 12 car parking spaces to be provided for the proposed office use. None are proposed or could be provided.

A traffic engineering assessment has been provided by SALT with the application which indicates that the surrounding street network has on street parking generally with 1- 2 hour parking restrictions between 8am and 6pm.

More specifically, to the north of the site along Dundas Place is one hour parking from 8am to 6pm. Further north along Montague St, Bridport Street, Bevan St and St Vincent Place South is a mixture of one and two hours parking (between 8am and 6pm).

To the south of the site along Montague Street is one hour parking from 8am to 6pm with a section of permit parking in front of No. 348-353. To the east along Dundas Place, Bridport Street and Madden street is a mixture of one and two hour parking (between 8am and 6pm) and permit parking. To the west of the site along Bridport St, Faussett St and Merton street is a mixture of one and two hour parking, between 8am and 6pm.

Clause 52.06-6 of the Port Phillip Planning Scheme requires an application to reduce (including to zero) the number of car parking spaces required under Clause 52.06-5. Under this clause the Council must consider the car parking demand assessment.

The traffic engineering report, which includes a car parking demand assessment, found that there was a minimum of 185 car parking spaces available in the surrounding street network between 8am and 5pm. In summary the report found that:

- There was a total of 763 car parking spaces in the surrounding street network.
- During the day there was at least 185 car parking spaces available and their availability peaked at 5pm with a total of 304 spaces available.
- The greatest demand was at midday with a total of 185 spaces available.



- The site has very good public transport availability with the No. 1 tram stop within 100m of the site, the No. 96 tram stop within 350m of the site and the No. 606 bus stop within 550m of the site.
- There is a flexicar space opposite the subject site.
- The report also found that the site has excellent walkability and bicycle access including a 22 bike station opposite the site. The proposal also includes bike storage facilities.

It is considered unlikely that majority of office workers would chose to drive to work and park in the surrounding streets. The surrounding street network is generally limited to 1-2 hour parking (8am to 6pm) or all day permit parking. Office hours are typically between 9am and 5pm weekdays and the surrounding street parking would not be a viable option for office workers as they would have to move cars every one to two hours. It is also noted that peak parking demand by local residents would be outside of office hours and in the evening returning from work. It is considered that the majority of office workers would choose an alternative means of travelling to work, in this case public transport, car share and bicycle parking and this should be encouraged by a condition on any permit granted requiring the preparation of a Green Travel Plan to encourage non car based travel to the site. (Refer recommended condition 4).

It is further noted that the proposed office space would be associated with the management of this hotel and others owned by the Group in the area. Colonial Leisure Group are looking to establish their headquarters within the building. In supporting the car parking waiver the Council would be further supporting the local business in the area with the associated economic flow on to the surrounding area by having additional local businesses in the area resulting in a positive economic outcome.

8.6 *Would the proposal minimise adverse amenity impacts on any nearby residential areas?*

The use of the hotel is an existing use and therefore is not part of the application. There would be no additional hotel floor space created as part of the proposal, or any new outdoor area created. The first floor terrace is existing and is currently part of the hotel. It is also noted that the terrace faces Dundas Place and Montague Street, and does not directly face any residential properties.

The additional ground floor doors are unlikely to cause any loss of amenity. The doors are not opposite any residential properties. To the north the doors face Dundas Place, Dundas Place Reserve and Bridport Street. To the east the doors would face Montague Street and the Albert Park Library. It should also be noted that the application does not include any additional footpath seating or increase in patron numbers. Given that the hotel already has footpath trading, it is not considered that the additional doors would result in an increase in noise and disturbance to the surrounding residential properties above the existing conditions.

The office use does not require planning permission. The use would be contained within the building and the only external area would be a third floor terrace facing Dundas Place.



The terrace would have an area of 36 sqm and be located abutting residential properties and balconies. It is possible that the use of the terraces could result in loss of amenity the adjoining residential properties through noise and disturbance. If the remainder of the application is acceptable, then a condition should be included on any permit granted that would limit its use until 10pm Monday to Friday and not to be used on the weekends. (Refer recommended condition 3).

The terrace at third floor level would have a 1.2m high wall on the boundary with the residential properties at 87-89 Dundas Place. From the terrace there would be direct views into the residential properties, including the balconies to the apartments. Should the Council support the proposal, then a condition should be included on any permit granted requiring a 1.7m high privacy screen to be installed along the eastern elevation of the terrace to prevent views into the adjoining residential properties. (Refer recommended condition 1a).

The proposal would result in an extension at first and second floor level and an additional floor at roof level (Third Floor Level), which would abut the adjoining residential properties at No. 87-89 Dundas Place. The adjoining property contains five apartments on the upper floors with terraces fronting Dundas Place.

At first and second floor level, the proposed extensions would abut the existing boundary wall of No. 87-89 Dundas Place. At third floor level the majority of the proposed wall would abut the existing wall on the boundary. However, a small section of the wall (0.9m) would project forward of the principal facade of the top floor apartment, abutting their terrace.

In addition to this, the proposed third floor additions would result in the existing flank wall of the building being increased in height by 1.69m to 3.69m. The wall would be setback between 0m and 2.4m from the boundary and would project forward of the principal facade of the adjoining property, abutting the terrace. The principal views from the terrace are to the north, across Dundas Place. Whilst there would be views to the east across the subject site, they would be to the roof and rear of the parapet wall/ tower of the subject site. It is not considered that the proposed additional floor would result in a significant loss of views and outlook from the adjoining property, given that the views to the east are of the roof and parapet wall. Given the setback of the proposed wall, the additional floor would not create an additional sense of enclosure to the occupiers of the terrace. In terms of loss of light, the proposal would result in some loss of morning daylight, but as the windows and terrace face north, the apartment would maintain very good solar access throughout the day.

To the rear of the site the extensions would be well setback from the adjoining property. In addition to this the extensions are in front of the existing three storey building at No. 87-89 Dundas Place. As such it is not considered that the proposal would result in any loss of amenity to the neighbouring properties to the rear through loss of outlook, daylight or creating a sense of enclosure.



The proposal includes a new window at first floor level on the flank elevation facing 87-89 Dundas Place. The proposed window would overlook the adjoining residential properties. A condition should be included on any permit granted that would require the window to be fitted with obscure glass and fixed shut to a height of 1.7m above finished floor level. (Refer recommended condition 1b).

In terms of overshadowing the shadow would fall to the south in the morning and move to the east during the day. Given the siting of the development at third floor level would be away from the rear boundary and that to the immediate rear is Dundas Lane and further south is No. 336 Montague Street that there would be no significant shadow to the property to the rear. To the east of the site is Montague Street.

The plant equipment would be located within an acoustic enclosure. The equipment room would not be located opposite any habitable room windows or amenity areas. As such it is considered that the plant equipment would not result in any loss of amenity through noise and disturbance to the adjoining residential properties. Should the Council support the application, then a general amenity condition should be imposed on any permit granted to ensure that the amenity of the area must not be affected by noise. (Refer recommended conditions 6 and 7)

Bicycle Facilities

Under Clause 52.35 bicycle parking facilities are only required if there is more than 1000m² of office floor area. In this case the proposal would have 366.5m² of office floor area. However, the proposal would include the provision of five bicycle spaces. The bicycle spaces would be located at ground floor level, with access via Dundas Lane, to the rear of the site.

9. COVENANTS

The applicant has confirmed that there is no restrictive covenant on the titles for the subject site known as Crown Allotment 28 Section 43] City of South Melbourne Parish of Melbourne South [Parent Title Volume 01158 Folio 424].

10. OFFICER DIRECT OR INDIRECT INTEREST

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

11. OPTIONS

Approve as recommended

Approve with changed or additional conditions

Refuse - on key issues

12. CONCLUSION

It is considered that the proposed partial demolition of the building, including ground floor doors, windows, canopy, the extensions at first and second floor level are appropriate given there would be no impact on the heritage significance of the existing building.



Given the sites corner location, the proposed size of the third floor built form would be a subservient addition to the heritage building and would be in keeping with this diverse streetscape along Dundas Place.

The contemporary two storey extension and lift shaft to the rear of the building would represent an appropriate design response with respect to both the heritage overlay and the wider neighbourhood. The Council's Urban Design and Heritage Advisor has assessed the proposal and all supporting documentation submitted by the applicant and supports the application.

The proposal alterations and extensions are considered to be responsive and sympathetic to the existing heritage building. The alterations at ground floor level would result in a unified design and appearance, whilst retaining key heritage fabric of the building. The alterations and additions to the rear of the building at first and second floor level have been sympathetically designed to respect the heritage fabric of the building.

The proposed alterations at third floor level would be subservient to the host building and in keeping with the diverse streetscape of Dundas Place. The third floor has been designed to take into account the amenity of the adjoining properties, through appropriate wall heights and side setbacks.

The waiver of car parking is supported for the reasons set out in this report.

Approval is recommended subject to conditions.

13. RECOMMENDATION

- 13.1 That the Responsible Authority, having caused the application to be advertised and having received objections, issue a Notice of Decision to Grant a Permit.
- 13.2 That a Notice of Decision to Grant a Permit for the partial demolition of the building and construction of ground, first and second floor alterations and additions to the existing building, including a three storey lift shaft, an additional floor at roof level and a waiver of the car parking requirements at Clause 52.06 of the Port Phillip Planning Scheme at 85 Dundas Place, Albert Park.
- 13.3 That the decision be issued as follows:
 - I. **Amended Plans required**

Before the development and/or use starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:

 - a) A 1.7m high privacy screen is installed along the eastern elevation of the terrace. The drawings must:
 - i. Be drawn to scale and fully dimensioned;
 - ii. Clearly delineate any solid parts of the screen and any louvre or batten parts of the screen;



- iii. Clearly illustrate how any louvre or batten system may allow horizontal or upward views but will prevent downward views to neighbouring properties;
- iv. Show the exact width and thickness of each louvre or batten, the exact spacing between each louvre or batten 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 balcony and/or window.

All to the satisfaction of the Responsible Authority.

- b) The first floor window on the western elevation to be fitted with obscure glass and fixed shut to a height of at least 1.7m above finished floor level.
- c) A coloured schedule (2 copies) of the materials, colours and finishes to be used on the main external surfaces, including roofs, walls, windows, doors of the proposed additions;
- d) All plant, equipment and domestic services (including air conditioning, heating units, hotwater systems, etc.) which are to be located externally.

2. No Alterations

The development and/or use as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.

3. Use of terrace

The terrace on the second floor level must:

- a) Only be used in association with the office
- b) Not be used after 10pm Monday to Friday
- c) Not be used on weekends and public holidays.

4. Green Travel 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, bicycle parking facilities for staff 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 for staff.
- f. Establishment of a car-pooling database for staff
- g. Specific targets to guide the plans ongoing implementation;
- h. Identify persons responsible for the implementation of actions;



- i. Estimate timescales and costs for each action;
- j. include a plan for monitoring and review of the Travel Plan on an annual basis for at least three years.

Once approved this document must be complied with to the satisfaction of the Responsible Authority and must not be varied except with the written approval of the Responsible Authority.

5. Storage and disposal of garbage

Provision must be made for the storage and disposal of garbage to the satisfaction of the Responsible Authority. All garbage storage areas must be screened from public view.

6. Amenity

The amenity of the area must not be detrimentally affected by the development through the:

- a) Transport of materials, goods or commodities to or from the land
- b) Appearance of any building, works or materials
- c) Emissions of noise, artificial light, vibration, smell, fumes, smoke, steam, soot, ash, dust, waste water, waste products, grit or oil;
- d) Presence of vermin;
- e) Change to television and/or radio reception
- f) In any other way

7. SEPP N1

All air conditioning and refrigeration plant must be screened and baffled and/or insulated to minimise noise and vibration to ensure compliance with noise limits determined in accordance with State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1 to the satisfaction of the Responsible Authority. *(Optional addition - A report prepared by a suitably qualified professional demonstrating compliance with the requirements of this condition must be submitted prior to the commencement of the use.)*

8. No equipment and services

No equipment, services and exhausts other than those shown on the endorsed plan must be erected above the roof level of the building unless otherwise agreed to in writing by the Responsible Authority.

9. Sustainable Design Assessment

Before the development starts (other than demolition or works to remediate contaminated land) a Sustainable Design Assessment that outlines proposed sustainable design initiatives must be submitted to, be to the satisfaction of and approved by the Responsible Authority. When approved, the Assessment will be endorsed and will then form part of the permit and the project must incorporate the sustainable design initiatives listed.

10. Incorporation of Sustainable Design initiatives

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



11. Implementation of Sustainable Design Initiatives

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

12. Water Sensitive Urban Design

Before the development starts (other than demolition or works to remediate contaminated land) a Water Sensitive Urban Design Report that outlines proposed water sensitive urban design initiatives must be submitted to, be to the satisfaction of and approved by the Responsible Authority. The 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.

13. Incorporation of Water Sensitive Urban Design initiatives

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

14. Maintenance Manual for Water Sensitive Urban Design Initiatives

Before the development starts (other than demolition or works to remediate contaminated land) a Maintenance Manual for Water Sensitive Urban Design Initiatives must be submitted to and approved by the Responsible Authority.

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

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

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

15. Site Management Water Sensitive Urban Design

The developer must ensure that:

- a) No water containing oil, foam, grease, scum or litter will be discharged to the stormwater drainage system from the site;
- b) All stored wastes are kept in designated areas or covered containers that prevent escape into the stormwater system;
- c) The amount of mud, dirt, sand, soil, clay or stones deposited by vehicles on the abutting roads is minimised when vehicles are leaving the site.



- d) No mud, dirt, sand, soil, clay or stones are washed into, or are allowed to enter the stormwater drainage system;
- 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.

16. Time for starting and completion

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

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

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires or within three months afterwards.