

Date

Wednesday, 20 April 2022

To

Tyrone Rath
Planning & Property Partners Pty Ltd

Sent

Via Email: rath@pppartners.com.au

Dear Tyrone,

77 Park Street & 286 Kings Way, South Melbourne

Planning Permit 239/2017

S87a Application for Review

We refer to your instructions for our office to undertake a review of proposed amendments to City of Port Phillip ("Council") Planning Permit 239/2017 ("Permit") as it applies to 77 Park Street & 286 Kings Way, South Melbourne.

It is our understanding that an application for review is proposed to be lodged with VCAT pursuant to Section 87a of the *Planning and Environment Act 1987* and be accompanied by the following material:

- Architectural Drawings and Statement of Changes – Fender Katsalidis
- Acoustic Report – Enfield
- Sustainability Management Plan and Water Sensitive Urban Design – ADP Consulting
- Traffic Report – Traffix Group
- Waste Management Plan – Leigh De1sign

Background

Planning Permit 239/2017 was issued on 19 April 2018 at the direction of the Victorian Civil and Administrative Tribunal. The Permit allows:

- *Partial demolition of a building and buildings and works within a heritage overlay, and; buildings and works associated with the construction of a multi-storey residential building plus two basement levels, and; reduction in car parking requirements from the planning scheme, generally in accordance with the endorsed plans.*

Since the granting of the Permit:

- A permanent Heritage Overlay applies to the site (at the time of the Permit issuing, the Heritage Overlay was Interim)
- The site is now affected by the Special Building Overlay
- The site is identified within the Principal Public Transport Network (PPTN)

No material has been lodged for endorsement with Council since the granting of the Permit, with works required to commence on-site by 19 April 2024.



Subject Site and Surrounds

Subject Site

The site is located on the south-west corner of Kings Way and Park Street and is improved by a two storey commercial building that fronts Kings Way with car parking accessed via Park Street. The former Church of Our Lady of the Assumption fronts Park Street (subject of the Heritage Overlay).

The intersection of Kings Way and Park Street is a signalised intersection, with a zebra crossing encumbering the left-turn only accessway from Kings Way onto Park Street.

The interface to Kings Way includes a widened footpath area with various public infrastructure elements including, powerlines, traffic signage and a bin. Along Park Street, the public realm includes a footpath, nature strip, traffic signage and a street tree.

Surrounds

- North: On the northern side of Park Street, a row of single and double storey dwellings of various eras and designs front the streetscape. A single storey retail shop is located on the corner of Park Street and Kings Way. No vehicle access from Park Street is provided for these properties.
- North-east corner of Kings Way and Park Street: This property is improved by a three storey office building with vehicle access via Park Street.
- South-east corner of Kings Way and Park Street: This property is improved by a single storey retail building with vehicle access via Kings Way and a rear laneway.
- South and south-west: This property is improved by an apartment complex that ranges in height from two storeys to five storeys. The property wraps around the southern and western boundaries of the site, with the abuttal with the common boundary of the subject site mainly comprising of pedestrian pathways and communal landscaping areas.

The interfaces that surround the subject site do not appear to have changed since the granting of the Permit.

Planning Controls

The site is subject to the following planning controls:

- General Residential Zone, Schedule 1
- Heritage Overlay, Schedule 50
- Special Building Overlay, Schedule 1

Proposed Amendments

We refer to the amended plans dated 5 April 2022 and the associated statement of changes prepared by Feder Katsalidis Architects.

The key amendments associated with the amended application are as follows:

- Increase in dwelling yield from 50 to 54 (including modified typology)
- Modified car parking provisions, layout and design (including a third basement level and a reduction in car spaces from 63 to 62)
- Detailed design changes

It is noted that intertwined with the above key changes in a change in project architects from Jackson Clement Burrows to Fender Katsalidis.

Minimal changes to the approved building envelope are proposed as part of this amended application.

Planning Assessment

An assessment of the key amendments is provided below.

Increase in dwelling yield from 50 to 54 (including modified typology)

The change in dwelling yield and typology is as follows:

Dwelling Type	Approved	Proposed
One bedroom	4	12 (+8)
Two bedroom	35	27 (-8)
Three bedroom	5	8 (+3)
Studio	0	1 (+1)
Townhouses	6	6 (no change)
TOTAL	50	54 (+4)

The change in dwelling yield is a result of further detailed design of the scheme, new project architects and a response to the change in market expectations since the granting of the original Permit.

In addition to the above, the following is noted:

- The proposed increase in apartment numbers will further advance the planning policy objectives of the planning scheme which encourage higher density residential development where it can take advantage of public and community infrastructure and services.
- The development will continue to provide a high level of dwelling diversity.
- The development will result in a positive safety outcome for future occupants, whilst enhancing passive surveillance around the site, particularly along Park Street.
- The apartments will continue to provide good levels of amenity for future occupants. In particular:
 - o The living and bedrooms are well proportioned, and all have access to natural daylight. To this end, the bedrooms and living spaces are commensurate to what has previously been approved.
 - o All balconies are sized appropriately and located with access from a living area, again noting that each balcony is commensurate to what has previously been approved.
- The proposed building envelope is largely unchanged since the granting of the original Permit, and therefore despite the increase in dwelling yield, the off-site amenity impacts in respect to overshadowing and visual bulk are negligible.
- A comprehensive overlooking strategy has been imbedded into the revised architectural scheme to ensure no unreasonable overlooking of adjoining habitable room windows and secluded private open space areas.

Modified car parking provisions, layout and design (including a third basement level and a reduction in car spaces from 63 to 62)

As identified above, the subject site is now included within the PPTN, and therefore there is no requirement to provide for on-site residential visitor car parking. As there is no statutory requirement to provide for visitor parking, the proposed application seeks to remove the three visitor car spaces that are required under the current permit.

Based on the modified dwelling yield and typology, the statutory car parking requirements are as follows:

Dwelling type	Requirement	Quantum	Total Requirement
One and two bedroom	1 car spaces to each dwelling	40	40
Three bedroom dwelling	2 car spaces to each dwelling	14	28

The application proposes 62 car spaces and intends to satisfy the parking requirements for the two and three bedroom dwellings, and therefore a reduction in 6 car spaces associated with the one-bedroom dwellings is sought.

A reduction in residential car parking and deletion of residential visitor parking in this location is considered appropriate and consistent with the objectives of the Port Phillip Planning Scheme. We defer to the accompany traffic report prepared by Traffix Group for further information.

The application seeks to include an additional basement level (three in total) to allow for a more efficient car park and layout which reduces the reliance on car stackers compared to the approved scheme. This is considered to result in an improved amenity outcome for future residents and will not have any impact on adjoining properties.

Detailed design changes

In addition to the key changes outlined above, and change in project architects, the following detailed design changes have been incorporated into the amended application:

- Removal of ground level home office space
- Relocation of the residential lobby entrance to adjoin the vehicle accessway
- Relocation of the lift core and stairwell
- Introduction of bicycle parking at grade
- Inclusions of services
- Provision of two fire escapes from the communal lobby at ground level
- Change in material palette

The detailed design changes outlined above are typical for a development of this scale, complexity and evolution given the passage of time since the granting of the Permit. Importantly, the detailed design changes are consistent with the existing Permit and do not result in a transformation of the scheme nor do they result in any unreasonable off-site amenity impacts.

We note that the amended application is accompanied by numerous consultant reports which has informed the detailed design changes.

Conclusion

For the above reasons, the proposed amendment to Planning Permit 239/2017 represents an acceptable planning outcome and is worthy of planning approval.

Yours sincerely



Michael Henderson
Associate