



**6.1** 448 ST KILDA ROAD, MELBOURNE - PDPL/01389/2021

**LOCATION/ADDRESS:** 448 ST KILDA ROAD, MELBOURNE

**EXECUTIVE MEMBER:** KYLIE BENNETTS, GENERAL MANAGER, CITY GROWTH AND DEVELOPMENT

**PREPARED BY:** ANITA ROZANKOVIC-STEVENSON, MAJOR PROJECTS & APPEALS ADVISOR

## 1. PURPOSE

- 1.1 To consider and determine planning permit application PDPL/01389/2021 for the construction of an 18-storey (17 level) Residential Hotel building comprising hotel rooms, dwellings, a shop (wellness spa) and retail premises (food and drink premises) over four (4) basement levels; a reduction in the number of car parking spaces required for a shop and retail premises; the use of the land for accommodation with a ground floor frontage exceeding 2 metres in width; and the use of the land to sell or consume liquor for the sale and consumption of liquor on and off premises.

## 2. EXECUTIVE SUMMARY

<b>WARD:</b>	Gateway
<b>TRIGGER FOR DETERMINATION BY COMMITTEE:</b>	The number of objections exceeds 16
<b>APPLICATION NO:</b>	PDPL/01389/2021
<b>APPLICANT:</b>	Contour Consultants
<b>EXISTING USE:</b>	Office & retail
<b>ABUTTING USES:</b>	Office, retail & residential
<b>ZONING:</b>	Commercial 1 Zone (C1Z)
<b>OVERLAYS:</b>	Design and Development Overlay, Schedule 26-5A (DDO26-5A) Design and Development Overlay, Schedule 13 (DDO13) Special Building Overlay (SBO1)
<b>STATUTORY TIME REMAINING FOR DECISION AS AT DAY OF COUNCIL</b>	Within 60 days

- 2.1 The application proposes the development of the land for an 18-storey Residential Hotel building over four basement levels comprising:
- A Residential Hotel with 108 guest rooms, amenity areas including pool, gymnasium, golf simulator, lounge and conference rooms contained within levels 2 - 7;
  - A total of 55 dwellings contained within levels 8 - 17;
  - Three food and drink premises (restaurant, bar & café) for a total floor area of 426 square metres at the ground and mezzanine levels;



- A 473 square metre shop (spa & wellness) within the lower basement;
  - A General Licence for on and off premises for the sale and consumption of liquor from within the Residential Hotel (including mini bars) and food and drink premises;
  - A reduction of 14 car spaces associated with the food and drink premises;
  - The site retains the existing vehicle access from St Kilda Road and connects through to Queens Lane via an internal accessway;
  - Four basement levels accessed vis Queens Lane accommodate:
    - 3 levels of car parking comprising 117 spaces; and
    - 94 bicycle parking spaces.
- 2.2 Council determined that the permit application may result in material detriment and gave notice of it to owners and occupiers of surrounding properties pursuant to Section 52 of the *Planning and Environment Act 1987* (PEA Act). Two signs were also posted on the Subject Land for 18 days.
- 2.3 A total of eighty-four (84) objections were received with key concerns relating to:
- social impacts; use; neighbour character; amenity impacts; traffic; ESD; and other general submissions related to personal safety and crime, existing uses, impacts to wildlife and insufficient application material.
- 2.4 A consultation meeting was held on 23 August 2022. The meeting was attended by the Ward Councillors, the applicants, sixteen (16) objectors and Planning Officers. The meeting did not result in any changes to the proposal.
- 2.5 The application was formally amended in accordance with Section 57a of the *Planning and Environment Act 1987* (PEA Act) on 17 October 2022. The amended plans sought to address minor concerns raised by internal referrals that related to the front setback area, specifically, DDA accessibility, landscaping and first-floor balcony setback.
- 2.6 It was determined that as the changes were so confined, the amendments did not increase any actual or perceived material detriment to any persons. As such, Council informally notified all registered objectors by e-mail and circulated the amended plans on 19 & 20 October 2022.
- 2.7 Forty (40) objections were received, however upon review, only two were from new objectors, with the balance repeating their initial submissions. Accordingly, the total number of objectors at the time of writing this report is eight-six (86).
- 2.8 At the State and Local level, there is strong policy support for the proposal. The built form of the development is highly compliant with Schedule 26 of the Design and Development Overlay (DDO26) of the Port Phillip Planning Scheme and Clause 58, commonly known as the Better Apartment Design standards (BADS).
- 2.9 The site is located within sub-precinct 5a of the DDO26. The DDO26 contains both discretionary and mandatory controls. The proposal complies with all mandatory controls applicable to the site, including height (65 metres to AHD), side setbacks (4.5 metres) and front setbacks (13.7 metres).



- 2.10 The proposal is considered to respect the existing urban character and pattern of development with a design of a high architectural standard. Bluestone brise-soleil in a 'hit and miss' effect provides shade and articulation to the building's elevations and a reflection pool that references the National Gallery of Victoria is provided within the landscaped setback.
- 2.11 The proposals greatest amenity impact is the additional overshadowing to the northern elevation of 450 St Kilda Road, however, as is the existing case for several developments immediate to the site, the east-west orientation of the allotments cannot reasonably preclude any additional shadow impacts, and the setbacks provided to respond to the DDO26 where development of up to 65 metres AHD are anticipated, will create overshadowing.
- 2.12 Importantly, the proposed setbacks secure the equitable development potential of the adjoining northern allotment that, should it be developed in the future will create additional overshadowing to the proposals northern elevation.
- 2.13 Further, the shadows are considered reasonable due to the Commercial 1 Zoning where amenity expectations must be tempered as a trade-off occurs with the superior access to commercial and community services that the precinct provides.
- 2.14 With regards to the statutory car parking requirements, the residential provision of 98 car spaces exceed the minimum statutory requirements. The statutory car parking provision for the use of the land for a Residential Hotel is to Councils satisfaction. Nineteen car spaces have been allocated to this use. A total of 117 spaces for the Hotel and dwellings are therefore provided on site. No car parking is allocated for the food and drink premises (reduction of 14 spaces is required and supported).
- 2.15 Notably, the provision of car parking aligns with and promotes the use of sustainable transport espoused throughout State and Local policy within the Port Phillip Planning Scheme. Further these reduced rates, assist in limiting traffic impacts on the surrounding road network, particularly traffic generation within Queens Lane.
- 2.16 On site loading and waste collection facilities are provided within the developments basement levels which limit impacts to pedestrians and on the operation of Queens Lane.
- 2.17 The proposal is recommended for approval, subject to the conditions below.

#### **RECOMMENDATION PART A**

- a. That the Responsible Authority, having caused the application to be advertised and having received and noted the objections, issue a Notice of Decision to Grant a Permit.
- b. That a Notice of Decision to Grant a Permit be issued for construction of an 18-storey (17 level) Residential Hotel building comprising hotel rooms, dwellings, a shop (wellness spa) and retail premises (food and drink premises) over four (4) basement levels; a reduction in the number of car parking spaces required for a shop and retail premises; the use of the land for accommodation with a ground floor frontage exceeding 2 metres in width; and the use of the land to sell or consume liquor for the sale and consumption of liquor on and off premises at 448 St Kilda Road Melbourne.
- c. That the decision be issued as follows:

#### **Amended Plans Required**



1. Before the development 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 generally in accordance with the amended Section 57a architectural plans prepared by Kerry Hill Architects Project No. 604, and labelled as A010 Revision E dated 11.10.2022, A020, Revision A dated 11.10.2022, A021 Revision A dated 03.02.2022, A030 Revision B dated 14.10.2022, A031 Revision B dated 02.03.2022, A100 Revision M dated 11.10.2022, A101 Revision H dated 11.10.2022, A102 Revision G dated 03.03.2022, A103 Revision G dated 03.03.2022, A107 Revision F dated 02.03.2022, A108 Revision E dated 03.03.2022, A109 Revision F dated 02.03.2022, A115 Revision E dated 03.03.2022, A117 Revision F dated 03.03.2022, A118 Revision E dated 25.11.2021, A119 Revision F dated 25.11.2021, A120 Revision G dated 08.02.2022, A121 Revision G dated 08.02.2022, A122 Revision E dated 08.02.2022, A150 Revision D dated 11.10.2022, A200 Revision G dated 11.10.2022, A205 Revision E dated 25.11.2021, A250 Revision A dated 26.08.2022, A300 Revision G dated 11.10.2022, A301 Revision H dated 11.10.2022, A302 Revision G dated 11.10.2022 and A303 Revision G dated 11.10.202 and the Advertised Urban Context and Design Response by Kerry Hill Architects, Revision D dated 03 March 2022. The plans must show:
  - a) The location and volume of all external storage to demonstrate compliance with Clause 58.05-4, Standard D21 Storage objective of Port Phillip Planning Scheme.
  - b) Patron numbers removed from the Architectural plans.
  - c) The redline plan amended to show any relevant internal layout changes.
  - d) The balcony balustrades and the return heights amended to improve wind conditions for balconies near, or at, corners of the tower as recommended by the advertised Environmental Wind Assessment authored by Mel Consultants.
  - e) A statement in accordance with the Environmental Wind Assessment by Mel Consultants detailing that the amendments to the proposed balconies as sought by Condition 1(d) are satisfactory.
  - f) Basement B2 including the loading bay and the entire length of the access to basement 2 to be redesigned to accommodate access by a Small Rigid Vehicle with a minimum height of 3.5 metres in line with Australian Standards AS2890.2 – Off street commercial vehicle facilities.
  - g) Notation on the plan allocating two visitor car parking spaces at Basement Level B3 or B4.
  - h) Notation on the plan allocating one maintenance or building management car parking space within any basement level.
  - i) Any changes required by condition 12 - Sustainable Management Plan & Water Sensitive Urban Design Response
  - j) Any changes required by condition 26 - Tree Management Protection Report
  - k) Any changes required by condition 29 - Landscape Plan
  - l) Any changes required by conditions 40 to 43 (inclusive) - Melbourne Water



**No Alterations - use and development**

2. The layout of the site and the size, levels, design and location of buildings and works shown on the endorsed plans must not be modified for any reason without the prior written consent of the Responsible Authority.

**No alterations - external materials**

3. 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 Alterations - Red Line Plan**

4. The red line indicating areas in which liquor may be sold for consumption on the site as shown on the endorsed plan must not be altered without the written consent of the Responsible Authority.

**Hours for Sale and Consumption of liquor**

5. The sale of liquor may occur at any time to guests of the Residential Hotel, and in the restaurant, cafe and bar between the following hours:

Restaurant, café and bar

- Good Friday and ANZAC Day: between 12 noon and 11 p.m.
- 7am - 12 midnight Sunday to Thursday
- 7am – 1am Friday and Saturday

Day Spa

- Good Friday and ANZAC Day: between 12 noon and 10 p.m.
- 10am-10pm, 7 days

Residential Hotel MiniBar

- Anytime.

**Number of Patrons – Sale and Consumption of Liquor**

6. Without the further written consent of the Responsible Authority the number of patrons occupying the premises during operating hours must not exceed the numbers set out below:

Total number of patrons: 754 with no more than the following patron number per area:

Lower ground (mezzanine)

- Restaurant & bar: 200 patrons

Ground Floor Level

- Café & terrace: 80 patrons
- Lounge: 20 patrons

Level 2 - 7

- Hotel Rooms: 324 patrons



### **Restaurant**

7. Tables and chairs must be placed in position on the licensed premises so as to be available for at least 75 per cent of the patrons attending the premises at any one time; and the licensee must not permit –
  - i. the live performance of any musical works; or
  - ii. the playing of any recorded musical works –on the premises at higher than background music level.

### **External Music**

8. All music emissions from the development must comply with the noise limits determined in accordance with the Environmental Protection Regulations 2021, Part II of the Noise Limit and assessment protocol for the control of noise from commercial, industrial or trade premises and entertainment venues, Publication 1826 (the Noise Protocol) to the satisfaction of the Responsible Authority.
9. No external sound amplification equipment or loudspeakers are to be used for the purpose of announcement, broadcast, playing of music or similar purpose.

### **Venue & Patron Management Plan**

10. Before the use starts, an amended Patron Management report must be prepared by a suitably qualified consultant and must be submitted to and approved by the Responsible Authority. When approved, the report will be endorsed and will form part of this permit.

The report must be generally in accordance with the advertised Patron Management Plan (Draft). The report title must be amended to a Venue & Patron Management Plan (VPMP).

The restaurant and bar use must operate and be managed in accordance with the approved VPMP to the satisfaction of the Responsible Authority.

The VPMP must include:

- a) The identification of all noise sources (including, but not limited to, patrons on the premises, patrons entering and leaving the premises);

#### Residential Hotel, restaurant and bar operations

- b) Hours of operation for all parts of the building.
- c) Procedures to be undertaken by staff in the event of a complaint by a member of the public, the Victoria Police, or an authorised officer of the Responsible Authority.
- d) Details of any measures to work with neighbours and other residents to address complaints.
- e) Details of the security staffing arrangement including numbers and working hours.
- f) Details of proposed management of the venue including emergency procedure management plan, patron management, crowd control and access to external areas.
- g) The management and dispersal of patrons, including patrons loitering around the venue after the venue has closed.
- h) Details of operating procedures for patron querying and patron management when the restaurant, café and bar uses close.



- i) Arrival and departure process for Residential Hotel guests.

Except with the prior written consent of the Responsible Authority, the Venue & Patron Management Plan must not be modified.

#### **Green Star Pre-Certification**

11. Prior to occupation or commencement of any use, a Green Star Designed assessment representing pre-certification that the building's design is on track to achieve a minimum 4-star Green Star rating when assessed after construction must be obtained from the Green Building Council of Australia (GBCA) and submitted to the Responsible Authority.

When approved, the report will be endorsed and will then form part of this permit.

#### **Sustainable Management Plan**

12. Prior to the endorsement of Condition 1 plans, an amended Sustainable Management Plan & Water Sensitive Urban Design Response in accordance with the advertised report by Ark Resources and dated 10 December 2021 must be submitted to and approved by the Responsible Authority. The report must incorporate:

- a) Confirmation that the development has been registered with Green Building Council of Australia (GBCA) to achieve a 4 Star Green Star Buildings rating.
- b) Updated Green Star Pathway incorporating any changes required to ensure a minimum 4-star Green Star Buildings Design will be met.

When approved, the report will be endorsed and will then form part of this permit.

#### **Incorporation of Sustainable Design Initiatives & Green Star Certification**

13. The project must incorporate the sustainable design initiatives listed in the endorsed Sustainable Management Plan to the satisfaction of the Responsible Authority.
14. Within 12 months of completion of the development, a certificate must be obtained from the Green Building Council of Australia (GBCA), and provided to the Responsible Authority, that a 4 Star Green Star Buildings rating has been achieved for the development.

#### **Incorporation of Water Sensitive Urban Design Initiatives**

15. Before the occupation of the development approved under this permit, the project must incorporate the water sensitive urban design initiatives listed in the SMP to the satisfaction of the Responsible Authority, and thereafter maintained to the satisfaction of the Responsible Authority.

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

16. 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.

#### **Car Parking and Bicycle Parking Layout**

17. Before the use or occupation of the development starts, the area(s) set aside for the parking of vehicles and bicycles and access lanes as shown on the endorsed plans must be:
- a) Constructed;
  - b) Properly formed to such levels that may be used in accordance with the plans;
  - c) Surfaced with an all-weather surface or seal coat (as appropriate);
  - d) Drained and maintained;
  - e) Line marked, as appropriate, to indicate each car space, visitor space, bicycle space, loading bay and/or access lane; and
  - f) Clearly marked to show the direction of traffic along access land and driveways.

All to the satisfaction of the Responsible Authority.

#### **On-Site Bicycle Parking**

18. Before the development is occupied, bicycle racks must be provided on the land to the satisfaction of the Responsible Authority.

#### **Parking and Loading Areas**

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

#### **Loading Management Plan (LMP)**

20. Prior to the commencement of development, a Loading Management Plan (LMP) must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit.

The loading and unloading of vehicles and waste collection from the land must be conducted in accordance with the LMP as approved by the Responsible Authority under the Permit.

The LMP must include, but not be limited to:

- a) Details regarding the management of loading and unloading of goods and materials, delivery needs of the various uses within the development and how they are to be accommodated.
- b) Any policing arrangements and formal agreements.
- c) Details of wayfinding, cleaning and security of end of trip bicycle facilities.



- d) A schedule of all proposed signage including directional arrows and signage, informative signs indicating location of disabled bays and bicycle parking, exits, restrictions, pay parking system etc.
- e) Reflect the swept path diagrams and nominated vehicles within the advertised Waste Management Plan prepared by Traffix Group dated December 2021.
- f) Confirmation that delivery vehicles entering the land will be restricted to a height no greater than 3.5 metres.
- g) How the access and egress of loading vehicles is to be managed so that any conflicts are minimised.
- h) Vehicles can both ingress/egress the land in a forward direction.

#### **Loading/unloading**

21. The loading and unloading of vehicles and the delivery of goods to and from the premises must at all times be conducted entirely within the site and in a manner that limits interference with other vehicular traffic to the satisfaction of the Responsible Authority.

#### **Waste collection – commercial**

22. Any onsite loading/unloading or collection to occur between the following hours:

- 7am - 8pm Mon-Saturday; and
- 9am - 8pm on Sunday and public holidays regardless of the frequencies of collections.

unless otherwise approved by the Responsible Authority.

#### **Waste collection – residential**

23. Any onsite loading/unloading or collection to occur between the following hours:

- 6.30am - 8pm Mon- Sat; and
- public holidays and 9am - 8pm on Sundays regardless of the frequencies of collections.

unless otherwise approved by the Responsible Authority.

#### **Lighting**

24. External lighting of the areas set aside for car parking, access lanes and driveways must be designed, baffled and located to prevent any adverse effect on adjoining land to the satisfaction of the Responsible Authority.

#### **Vehicle Crossings**

25. Before the occupation of the development allowed by this permit, vehicle crossings must be constructed in accordance with Council's current Vehicle Crossing Guidelines and standard drawings to the satisfaction of the Responsible Authority. All redundant crossings must be removed, and the footpath and road reinstated as necessary at the cost of the applicant/owner and to the satisfaction of the Responsible Authority.

#### **Applicant to Pay for Reinstatement**

26. Prior to the occupation of the development, 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.

#### **Tree Management Protection Report**

**27.** Prior to the commencement of development, including any related demolition or removal of vegetation, a Tree Management Report (TMR), prepared by a suitably qualified arborist, to the satisfaction of the Responsible Authority, must be submitted to and be endorsed by the Responsible Authority.

- a) The applicant must undertake measures to ensure that all contractors, sub-contractors and tradespersons operating on the site are aware of the contents of this report.
- b) The Tree Management Report must include a Tree Protection Plan (TPP) in accordance with AS4970-2009 Protection of Trees on Development Sites.
- c) Both the TMR & TPP must be part of one document that must be named as the Tree Management Protection Report (TMPR).

The TMPR must include:

- d) Details of Tree Protection Zones, as per AS4970-2009, for all trees to be retained on the site and for all trees on neighbouring properties where any part of the Tree Protection Zone falls within the subject site.
- e) Protection measures to be utilised and at what stage of the development they will be implemented.
- f) Appointment of a project arborist detailing their role and responsibilities.
- g) Stages of development at which the project arborist will inspect tree protection measures.
- h) Monitoring and certification by the project arborist of implemented protection measures.
- i) The TPP must:
  - a. Be legible, accurate and drawn to scale.
  - b. Show the location of all tree protection measures to be utilised.
  - c. Include a key describing all tree protection measures to be utilised.

#### **Tree Protection**

**28.** Prior to the commencement of development, including any related demolition or removal of vegetation, the name and contact details of the project arborist responsible for implementing the endorsed Tree Management report and Tree Protection Plan must be submitted to the Responsible Authority.



### **Street Tree Protection**

- 29.** Tree Protection Fencing is to be established around the four street trees parallel to the subject site frontage prior to demolition and maintained until all works on site are complete.
- The fencing is to be a 1.8-metre-high temporary fence constructed using chain wire / cyclone mesh panels, with shade cloth attached (if required), held in place with concrete feet/pads. Alternative materials may be used, if approved by the Responsible Authority.
  - The fencing is to encompass the entire nature strip with each end beyond the TPZ of each tree as shown in the Tree Protection and Management Plan (drawing).
  - No excavation, construction activity, grade changes, surface treatment or storage of materials of any kind is permitted within the TPZ, unless approved in the endorsed Tree Management Protection Report.

### **Landscape Plan**

- 30.** Prior to the endorsement of plans under Condition 1 an amended Landscape Plan must be submitted to, approved by and be to the satisfaction of the Responsible Authority. When the Landscape Plan is approved, it will become an endorsed plan forming part of this Permit. The Landscape Plan must incorporate:
- All condition 1 changes.
  - A survey plan, including botanical names, of all existing vegetation/trees to be retained.
  - Buildings and vegetation (including botanical names) on neighbouring properties within 3m of the boundary.
  - All street trees and/or other trees on Council land.
  - A planting schedule of all proposed vegetation including botanical names; common names; pot sizes; sizes at maturity; quantities of each plant; and details of surface finishes.
  - All planters dimensioned and volume notated.
  - Details of access to planter boxes and a maintenance schedule.
  - Irrigation details.
  - Landscaping and planting within all open space areas of the site; and
  - Water sensitive urban design treatments.
- All to the satisfaction of the Responsible Authority.

### **Completion of Landscaping**

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



### **Landscaping Maintenance**

32. 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.

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

33. Prior to the occupation of the development allowed by this permit, all new or extended walls on or facing the boundary of adjoining properties and/or a laneway must be cleaned and finished to a uniform standard to the satisfaction of the Responsible Authority. Unpainted or unrendered masonry walls must have all excess mortar removed from the joints and face and all joints must be tooled or pointed also to the satisfaction of the Responsible Authority. Painted or rendered or bagged walls must be finished to a uniform standard to the satisfaction of the Responsible Authority.

### **Glare**

34. External building materials and finishes must not result in glare that reflect more than 20% of visible light when measured at an angle of 90 degrees to the surface reflectivity to pedestrians, public transport operators and commuters, motorists, aircraft, or occupants of surrounding buildings and public spaces, to the satisfaction of the Responsible Authority.

### **No Equipment or Services**

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

### **Piping and ducting**

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

### **Ongoing Involvement of the Architect**

37. The applicant must retain Kerry Hill Architects to complete the design and provide architectural oversight of the delivery of the detailed design as shown in the endorsed plans and endorsed schedule of materials and finishes during construction except with the prior written approval of the Responsible Authority.

### **Urban Art Plan**

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

### **EPA noise guidelines**

40. The roof top plant and services must be screened and baffled and/or insulated to minimise noise and vibration to other residences in accordance with Environmental Protection Authority Noise Control Technical Guidelines.



### **Melbourne water**

41. The ground floor must be constructed with finished floor levels set no lower than 5.2 metres to Australian Height Datum (AHD), which is 300mm above the applicable flood level of 4.9 metres to AHD.
42. The apex of the entry to the basement should be constructed no lower than 5.2 metres to AHD, which is 300 mm above the applicable flood level of 4.9 metres to AHD.
43. Any external openings to the basement, including windows, vents, doors and stair openings, should be constructed no lower than 5.2 metres AHD, which is 300 mm above the applicable flood level of 4.9 metres AHD.
44. Prior to the issue of an Occupancy Permit, a certified survey plan (as-constructed and reduced to AHD), must be submitted to Melbourne Water to demonstrate accordance with Melbourne Water's requirements. This plan must show finished floor levels, basement-entry apex levels, and levels of external-openings to the basement.

Time for Starting and Completion - Use & development

45. This permit will expire if one of the following circumstances applies:
  - a) The development is not started within four (4) years of the date of this permit.
  - b) The development is not completed within two (2) years of the date of commencement of works.
  - c) The use is not commenced within two (2) years of the completion of the development.

The Responsible Authority may extend the periods referred to if a request is made in writing:

- before or within 6 months after the permit expiry date, where the use or development allowed by the permit has not yet started; and
- within 12 months after the permit expiry date, where the development allowed by the permit has lawfully started before the permit expires.

### **RECOMMENDATION PART B**

That the Planning Committee authorise the Manager City Development to instruct Council's Statutory Planners and/or Council's solicitors on any VCAT application for review should one be lodged.

### **3. RELEVANT BACKGROUND**

- 3.1 There is no relevant history for this site.

### **4. PROPOSAL**

- 4.1 The application proposes the construction of an 18-storey (17 level) building comprising dwellings, hotel rooms, a shop (wellness spa) and retail premises (food and drink premises) over four (4) basement levels; a reduction in the number of car parking spaces required for a shop and retail premises; and the use of the land to sell or consume liquor for the sale and consumption of liquor on and off premises.
- 4.2 The plans which are subject to this report are the amended Section 57a plans by Kerry Hill Architects, Project No. 604, and labelled as A010 Revision E dated 11.10.2022, A020, Revision A dated 11.10.2022, A021 Revision A dated 03.02.2022, A030 Revision B dated 14.10.2022, A031 Revision B dated 02.03.2022, A100 Revision M



dated 11.10.2022, A101 Revision H dated 11.10.2022, A102 Revision G dated 03.03.2022, A103 Revision G dated 03.03.2022, A107 Revision F dated 02.03.2022, A108 Revision E dated 03.03.2022, A109 Revision F dated 02.03.2022, A115 Revision E dated 03.03.2022, A117 Revision F dated 03.03.2022, A118 Revision E dated 25.11.2021, A119 Revision F dated 25.11.2021, A120 Revision G dated 08.02.2022, A121 Revision G dated 08.02.2022, A122 Revision E dated 08.02.2022, A150 Revision D dated 11.10.2022, A200 Revision G dated 11.10.2022, A205 Revision E dated 25.11.2021, A250 Revision A dated 26.08.2022, A300 Revision G dated 11.10.2022, A301 Revision H dated 11.10.2022, A302 Revision G dated 11.10.2022 and A303 Revision G dated 11.10.2022.

4.3 The plans are to be read with the Advertised Urban Context and Design Response by Kerry Hill Architects, Revision D dated 03 March 2022.

4.4 A summary of the application is set out in the Table 2 below:

<b>Detail</b>		
<b>Site Area</b>	2,230 sqm	
<b>Demolition</b>	Demolition of all existing buildings and works on site (no permit required)	
<b>Land use</b>		
<b>Residential Hotel</b>	Hotel rooms	108 rooms
	Food and Drink Premises (restaurant, bar & café)	426 sqm
	Spa & Wellness	473 sqm
	Conference Facilities	212 sqm
<b>Dwellings</b>	1 bed dwellings	8
	2 bed dwellings	33
	3+ bed dwellings	14
	<b>Total</b>	<b>55</b>
<b>Operating hours</b>		
<b>Residential Hotel</b>	24/7, 7 days	
<b>Day Spa</b>	8am-10pm, 7 days	
<b>Food &amp; Drink Premises</b>	6am - 12 midnight Sunday to Thursday; and 6am - 1am Friday and Saturday.	
<b>Liquor license</b>		
<b>Licence type</b>	General Licence for on and off premises sale and consumption from within the Residential Hotel (including mini bars) and food and drink premises.	
<b>Hours and patron numbers for the sale and consumption of liquor</b>		
<b>Residential Hotel</b>	24/7, 7 days Max patron numbers: 324	
<b>Day Spa / amenities</b>	8am-10pm, 7 days Max patron numbers: 130	
<b>Food &amp; Drink Premises</b>	6am - 12 midnight Sunday to Thursday; and 6am - 1am Friday and Saturday.	


	Total number of patrons: 300
<b>Total number of patrons</b>	754
<b>Built form</b>	
<b>Max. building height</b>	60.2 metres NGL 65.00 m AHD (southern elevation)
	
	Image 1. Source: Town Planning and Urban Context Report, Contour, April 2021



Image 2. Source: Town Planning and Urban Context Report, Contour, April 2021

<b>Podium height</b>	n/a – no podium provided	
<b>Setbacks (DDO26 - 5A)</b>	<b>Requirement</b>	<b>Provided</b>
	<b>East (Front setback)</b>	<b>13.7m - 15.2m</b> 11.5m (slab edge top floor)
	<b>13.7 metres</b>	
	<b>Side (North Adjoining 442)</b>	<b>4.5m – 5m</b> (0m basement ramp wall)
<b>4.5 metres</b>		
<b>Side (South Adjoining 450)</b>	<u>Ground floor</u> <b>4.5m – 9.1m</b> (4.2m bluestone fin at ground and first floor)	
<b>4.5 metres</b>	<u>First floor – level 17</u> <b>4.5m – 5.1m</b>	
	<u>Roof</u> <b>4.5m</b> (4.4m slab edge roof)	
<b>Rear (West Abutting Queen Lane)</b>	<b>0m, 5m</b> (4.4m edge architecture feature)	
<b>0m, 5 metres</b>		




<b>Materials</b>	<p>Bluestone cladding &amp; breeze block Aluminium fenestration Restricted operable window with clear glazing Panel glazing Clear glass balustrade Metal canopy, fascia, and louvres</p>
<b>Internal circulation</b>	<p>Two separate lift and services core located approximately central to the floor plate.</p>
<b>Porte cochere</b>	<p>Central to the site and parallel to the southern boundary</p>
<b>External access</b>	<p>Primary (all ability) pedestrian access via St Kilda Road. Secondary access via Queens Lane.</p>
<b>Residential Hotel drop off/pick up</b>	<p>Utilising the existing location and crossovers</p> <ul style="list-style-type: none"> <li>• Via a one-way driveway parallel to the southern boundary and accessed from south-east corner of the crossover to St Kilda Road.</li> <li>• Egress facilitated by one new crossover to Queens Lane in the south-west corner of the site.</li> </ul> <p>Staff access from Queens lane</p>
<b>Vehicle access to Basement</b>	<p>Utilising the existing location and 5.5-metre-wide crossover Via Queens Lane, in the north-west corner of the site.</p>
<b>Basements</b>	<p>Four (4) basement levels. All basement levels are proposed to be constructed to the site's boundaries. B1 is confined to the Residential Hotel ancillary activities B2 is confined to the use of Residential Hotel activities B3 and B4 are confined to residential uses and visitors</p>
<b>Basement B1 - Lower Ground floor</b>	<p>Day Spa (accessible to the public) and associated amenities, reception, staff facilities Conference/meeting rooms, Pool, sauna, golf simulator Plant equipment and services normal to a building Rooms for the operations of a Residential Hotel</p>
<b>Basement B2</b>	<p>Car parking spaces for Residential Hotel staff and valet, loading bay, bicycle parking, electrical vehicle (EV) charging bays, staff lockers, communications facilities, pool plant rooms, stores, security rooms, residential and Residential Hotel waste rooms</p>
<b>Basement B3 &amp; B4</b>	<p>Identical floor plates comprising: Residential facilities including car parking and garages, electrical vehicle (EV) charging bays, bicycle parking, motorbike parking; and dwelling storage.</p>
<b>Car parking</b>	<p>117 car spaces within basements 2, 3 and 4. Includes an accessible parking bay in accordance with the requirements of AS2890.6:2009.</p>
<b>Bicycle access</b>	<p>Via the southern Porte-cochere (adjacent mail room) and passenger lift cores.</p>
<b>Bicycle parking</b>	<p>Total of 94 bicycle parking spaces inclusive of a minimum allocation of:</p>



	<ul style="list-style-type: none"> <li>• 22 spaces at B1 for Residential Hotel staff and guests</li> <li>• 34 spaces B3 &amp; B4 for residents and visitors</li> <li>• 4 spaces for visitors at ground level, accessed from the St Kilda Road footpath.</li> </ul>
<b>Loading</b>	The loading area is accessed from Queens Lane. Located within B2, the dedicated area measures 6.9 metres in length by 7 metres in width. Clearance heights are discussed at section 13 of the report.
<b>Waste</b>	Onsite within the loading bay in B2. Via a private contractor using a 6.4m long mini rear loading waste vehicle as proposed by the Waste Management Plan prepared by Traffix Group.
<b>Ground level</b>	Residential Hotel entrance and reception, lounge and offices Dwelling lobby, mail room and concierge 148 sqm/61 seat food and drink premises (café) and outdoor terrace 113 sqm gym, pool
<b>Level 1 (mezzanine)</b>	278 sqm/122 seat food and drink premises (restaurant and bar) and verandah Lounge Back of house kitchen and staff/ Residential Hotel facilities Amenities Residential Hotel plantroom
<b>levels 2 – 7 Residential Hotel</b>	108 Residential Hotel rooms ("keys"), more specifically: Level 2 comprises 15 Residential Hotel rooms Identical floorplates for Levels 3-6 comprising 19 Residential Hotel rooms. Level 7 comprises 17 Residential Hotel rooms
<b>Levels 8 - 17 Dwellings</b>	9 floors containing 55 dwellings with a mix of 1, 2, and 3-bedroom dwellings.
<b>Roof top</b>	Equipment and screening to a maximum height of 1.5 metres Lift overrun.

## 5. SUBJECT SITE AND SURROUNDS

Description of Site and Surrounds	
<b>Site area</b>	2,230 sqm
<b>Subject site</b>	<p>Rectangular in shape with an eastern frontage to St Kilda Road of approximately 30.5 metres, a western abuttal to Queens Lane of approximately 30.5 metres and a depth of 76 metres for an overall site area of 2,230sqm.</p> <p>The land is currently developed with a six (6) storey building comprising office and commercial uses.</p> <p>A single width crossover from Kings Way provides access to the one-way internal driveway sited parallel to the southern boundary, that exits via a double width crossover to Queens Lane.</p>

	<p>Access to at grade and under croft carparking is facilitated by the double width crossover.</p> <p>A double width crossover located at the south-west section to the rear boundary provides access to a basement carpark.</p>  <p>Figure 1: Existing site layout and vehicle access arrangements</p>
<p><b>Surrounds/neighbourhood character</b></p>	<p><u>Road network</u></p> <p>St Kilda Road is a heavily treed major boulevard aligned in a north to south orientation that features major tram services as a central spine. To the west, the site abuts Queens Lane a local Council road aligned in a north-south direction between Kings Way to the north and Arthur Street to the south.</p> <p>At this section, the lane is open to two-way traffic.</p> <p>Recent developments feature crossovers to basements and buildings with zero street walls.</p> <p>Evident is a small number of allotments with older buildings that feature smaller heights and larger setbacks to the lane to accommodate parking at grade.</p> <p>Queens Road, another major arterial route is located to the west of the Queen Lane, separating the urbanised environment from Albert Park.</p> <p>Commercially carparks are found within close proximity of the subject site.</p> <p><u>St Kilda Road</u></p> <p>Within this section of St Kilda Road, the development pattern comprises of large regular shaped allotments aligned in a skewed south – west direction.</p> <p>The built form varies from single storey buildings to medium rise with a diversity of architectural styles.</p> <p>A mix of commercial, office and residential uses within large buildings (that reflect their allotment sizes) is evident, and there is an emerging character within ‘St Kilda North’ of high quality architectural designed buildings.</p>



	<p>The streetscape is visually cohesive with a material sense of spaciousness.</p> <p>Despite the intensity and scale of development immediate to the site, the consistency in siting, heights and landscaped frontages promote long oblique views that temper the hard edges and promote openness between buildings.</p> <p><u>Queens Lane</u></p> <p>By virtue of the existing development pattern and the ‘back of house’ service nature of Queens Lane where the landscaping is replaced by hard edges and tighter spaces with limited views, older development has less successfully integrated the public and private domain.</p> <p>However, new development containing ground floor commercial uses and spaces that blend the boundary between public and private by way of zero street walls, the provision of permanent furniture and openable fenestration are emerging, promoting connection and integration at a finer human scale.</p> <p><u>North</u></p> <p>Within the northern allotment at 442 St Kilda Road, a 15-storey residential building (Deva Apartments) containing 109 dwellings is sited with a setback of approximately 25 metres from the frontage.</p> <p>One basement and at-grade car parking is directly accessed from Queens Lane.</p> <p>Open balconies and habitable room windows face the subject sites northern boundary.</p> <p><u>South</u></p> <p>Within the southern allotment at 450 St Kilda Road is the 18 storey ‘Opera’ building containing 235 residences over 4 basement levels and features a minimum front setback of 13.2 metres.</p> <p>Basement access is via Queen lane.</p> <p>Open balconies and habitable room windows face the subject sites southern boundary.</p>						
<p><b>Proximity to Public Transport, PPTN and any relevant parking controls</b></p>	<p>The site is within the Principal Public Transportation Network (PPTN) and is afforded superior access to public transport.</p> <p>Flinders Street Station is located 2.3 kilometres north of the subject site and the future Anzac Station currently under construction is located 650 metres north.</p> <p>Tram services immediate to the subject site include:</p> <p><b>Tram Services</b></p> <table data-bbox="563 1854 1197 2011"> <tr> <td>Route 3/3a</td> <td>Melbourne University - East Malvern</td> </tr> <tr> <td>Route 5</td> <td>Melbourne University - Malvern</td> </tr> <tr> <td>Route 6</td> <td>Moreland – Glen Iris</td> </tr> </table>	Route 3/3a	Melbourne University - East Malvern	Route 5	Melbourne University - Malvern	Route 6	Moreland – Glen Iris
Route 3/3a	Melbourne University - East Malvern						
Route 5	Melbourne University - Malvern						
Route 6	Moreland – Glen Iris						



Route 16	Melbourne University - Kew via St Kilda Beach
Route 64	Melbourne University – East Brighton
Route 67	Melbourne University - Carnegie
Route 72	Melbourne University - Camberwell
The site is proximate to public parks and open space:	
– Fawkner Park 165 metres east	
– Albert Park Golf Course 110 metres west	
– Royal Botanical Gardens 600 metres north	
– Shrine of Remembrance 800 metres north	
– Alfred Hospital 800 metres south-east	
– South Yarra Railway Station (approx. 1.3km to the east).	

## 6. PERMIT TRIGGERS

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

Zone or Overlay	Why is a permit required?
<b>Clause 34.01 Commercial 1 Zone (C1Z)</b>	A <b>planning permit is required</b> for the use of the land for accommodation as the ground level frontage exceeds 2 metres in width pursuant to Clause 34.04-1.  A <b>planning permit is required</b> to construct a building and carry out works pursuant to Clause 34.04-4.
<b>Clause 43.02 Design and Development Overlay (DDO)</b>  <b>Schedule 13 – Shrine vista (DDO13)</b>  <b>Schedule 26 – St Kilda Road North Precinct Sub-precinct 5A (DDO26-5A).</b>	A <b>planning permit is required</b> to construct a building or construct or carry out works pursuant to Clause 43.02-2.  Schedule 13 to Clause 43.02 Design and Development Overlay relates to the Shrine Vista area.  A permit is not required for a building or works to be constructed up to 33 metres in height above the Australian Height Datum on land within the boundaries of this overlay.  A <b>planning permit is required</b> to construct a building or construct or carry out works pursuant to this overlay as the building would be constructed to 65 metres AHD.  A <b>planning permit is required</b> to construct a building or construct or carry out works.
<b>Clause 44.05</b>	A <b>planning permit is required</b> to construct a building or construct



<p><b>Special Building Overlay -Schedule 1 (SBO1)</b></p>	<p>or carry out works pursuant to Clause 44.05-2.</p>
<p><b>Clause 52.06 Car Parking</b></p>	<p>Pursuant to Clause 52.06-3, a planning permit is required to reduce (including reduce to zero) the number of car parking spaces required under Table 1 of Clause 52.06-5 or in a schedule to the Parking Overlay.</p> <p>For the purposes of assessment under Clause 52.06, the subject site is in the Principle Public Transport Network Area (PPTN) and the rates in Column B of Table 1 to Clause 52.06 apply.</p> <p>As the site is in the PPTN, there is no statutory requirement to provide visitor spaces normally required to dwellings.</p> <p><b>The proposal generates the following statutory car parking requirements:</b></p> <ul style="list-style-type: none"> <li>- A total of 83 statutory car parking spaces are required, 69 car spaces for the dwellings and 14 for the food and drink premises.</li> <li>- There is no statutory rate of car parking under Clause 52.06 for a Residential Hotel, instead, must be provided to the satisfaction of Council.</li> </ul> <p><b>The proposal provides the following car parking spaces:</b></p> <ul style="list-style-type: none"> <li>- A total of 117 statutory car parking spaces are provided.</li> <li>- 98 car spaces are provided to the dwellings, exceeding the minimum requirement by 29 car spaces.</li> <li>- Zero car spaces are provided to the food and drink premises.</li> <li>- 19 car spaces are provided to the Residential Hotel. Council considers this to be satisfactory.</li> </ul> <p>No visitor car spaces are proposed.</p> <p>Accordingly, a <b>planning permit is required</b> for the statutory reduction of 14 car spaces associated with the use of the land for food and drink premises.</p>
<p><b>Clause 52.27 Licensed Premises</b></p>	<p><b>A planning permit is required</b> to use land to sell or consume liquor pursuant to Clause 52.27.</p>
<p><b>Clause 52.29 Land adjacent to the Principal Road Network</b></p>	<p>St Kilda Road is a Transport Zone 2 Road.</p> <p>Although the physical access arrangement (existing) is not sought to be altered, the proposal alters access by way of intensification of the land use.</p> <p><b>A planning permit is required</b> to create or alter access to Kings Way, a Transport 2 Road Zone pursuant to Clause 52.29-2.</p>
<p><b>Clause 52.34 Bicycle Facilities</b></p>	<p>Table 1 to Clause 52.34-5 Bicycle spaces, sets out the number and type of bicycle facilities required for a new use.</p> <p>For the split of proposed statutory uses, the development is required to provide a total of 41 bicycle spaces, comprising 11 resident spaces, 12 staff spaces and 18 visitor spaces.</p> <p>The provision of 94 bicycle spaces exceeds the minimum statutory</p>



	<p>requirements.</p> <p>Bicycle parking has been provided in accordance with AS2890.3-2015 as horizontal rails with dimensions of 1.8 metre length and spaced at 1.0 metre centres, accessible from a 1.5 metre aisle, complying with the requirements of AS2890.3.2015.</p> <p>A total of two shower and changeroom facilities are required to be provided for staff.</p> <p>Within B2, 5 shower and changeroom facilities are provided (inclusive of 1 accessible facility), exceeding the minimum requirements of Clause 52.34.</p> <p><b>No planning permit is required</b> pursuant to Clause 52.3 Bicycle facilities.</p>
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## 7. PLANNING SCHEME PROVISIONS

### 7.1 State Planning Policy Frameworks (SPPF)

The following State Planning Policies are relevant to this application:

- Clause 11 Settlement, including:
  - Clause 11.01-1R Settlement - Metropolitan Melbourne
- Clause 13 Environmental Risks and Amenity, including:
  - Clause 13.01 Climate Change Impacts
  - Clause 13.01 Floodplains
  - Clause 13.07 Amenity, human health and safety
- Clause 15 Built Environment and Heritage, including:
  - Clause 15.01-1R Urban design - Metropolitan Melbourne
  - Clause 15.01-2S Building Design
  - Clause 15.01-5S Neighbourhood character
- Clause 16 Housing
- Clause 17 Economic Development, including:
  - Clause 17.01-1R Diversified economy - Metropolitan Melbourne
  - Clause 17.02-1 Business
  - Clause 17.04-1S Facilitating tourism
  - Clause 17.04-1R Tourism in Metropolitan Melbourne
- Clause 18 Transport, including:
  - Clause 18.01-1S Land use and transport integration
  - Clause 18.01-3R Sustainable and safe transport - Metropolitan Melbourne
  - Clause 18.02-1S Walking
  - Clause 18.02-2R Cycling - Metropolitan Melbourne
  - Clause 18.02-3R Principal Public Transport Network



## 7.2 Local Planning Policy Framework (LPPF)

The following local planning policies are relevant to this application:

Clause 21	Municipal Strategic Statement, including:
- Clause 21.01	Vision and approach
- Clause 21.02	Municipal context and profile
- Clause 21.03	Environmentally Sustainable Land Use and Development
- Clause 21.03	Sustainable transport
- Clause 21.04	Land use
- Clause 21.05	Built form
- Clause 21.06-7	St Kilda Road North Precinct
Clause 22.06	Urban Design Policy for Non-Residential Development and Multi-Unit Residential Development
Clause 22.12	Stormwater Management (Water sensitive urban design)
Clause 22.13	Environmentally Sustainable Development

## 7.3 Other relevant provisions

Clause 52.06	Car Parking
Clause 52.27	Licensed Premises
Clause 52.29	Land adjacent to the Principal Road Network Transport Zone
Clause 52.34	Bicycle facilities
Clause 58	Apartment Developments
Clause 65	Decision Guidelines
Clause 66	Referral and notice provisions
Clause 71.02-3	Integrated decision making

## 7.4 Relevant Planning Scheme Amendment/s

Planning Scheme amended VC174 was gazetted in 20 December 2021. The amendment implements revised Better Apartment Design Standards, which delivers improved external amenity and design outcomes for all apartment developments. The amendments:

- Include new and revised requirements for communal and private open space, landscaping, access, external building design, building entries and site services.
  - Introduce a new standard at Clause 58.04-4 (Wind impacts objective) for developments of five or more storeys.
  - Introduce a new standard at Clause 58.06-4 (External walls and materials objective).
  - Make consequential changes to existing provision, standard and table numbers.
- Transitional provisions apply for applications lodged before the approval date of this amendment such as this application.

The plans were formally amended pursuant to Section 57a of the PEA Act.

The application is required to be assessed against these new provisions.





## 8. REFERRALS

### 8.1 Internal referrals

The application was referred to the following areas of Council for comment.

A summary of the referral comments are provided below and the full responses included at Attachment 6.

The relevant comments are discussed in greater detail within the nominated section of the report below.

Internal Department	Referral comments (summarised)
<p><b>Urban Design Advisor</b></p>	<p><b>No objection</b></p> <p>From an urban design perspective, the <b>proposal is supported</b>.</p> <ul style="list-style-type: none"> <li>The amended plans fully address both urban design recommendations, namely improved universal design access and improved soft landscaping to the St Kilda Road frontage</li> </ul>
<p><b>Landscape Architect</b></p>	<p><b>No objection, subject to conditions</b></p> <ul style="list-style-type: none"> <li>The landscape proposal is supported subject to provision of further information regarding the details for adequate soil depths, irrigation and ongoing maintenance.</li> <li>Further details should be provided regarding sufficient soil depth to ensure plants can thrive, and access for safe maintenance of these areas.</li> <li>The plant palette is weighted towards a diverse range of evergreen plants with dramatic or bold foliage that should be suited to the shady conditions on the site.</li> <li>The landscape proposal adequately addresses the DDO objectives, in particular the scale, quality and generosity of the landscape areas.</li> </ul> <p><b><u>Planner comments</u></b></p> <ul style="list-style-type: none"> <li><i>Irrigation and ongoing maintenance will be addressed by way of condition on permit.</i></li> </ul>



<p><b>Arborist</b></p>	<p><b>No objection, subject to conditions</b></p> <p><u>Requirements:</u></p> <p>The applicant must demonstrate that they have:</p> <ul style="list-style-type: none"> <li>• ~ 232 m<sup>2</sup> of deep soil volume; or</li> <li>• ~ 314 m<sup>2</sup> of canopy cover; and</li> <li>• At least 2 trees capable of reaching 8m x 8m at maturity or 1 tree capable of reaching 12m x 12m at maturity.</li> <li>• Landscaping plan requires species detail and type of tree to be notated on plans.</li> <li>• ~369m<sup>2</sup> of canopy cover provided.</li> </ul> <p><u>Planner comments</u></p> <p><i>The objective requires that development <b>should:</b></i></p> <ul style="list-style-type: none"> <li>• <i>Provide the canopy cover and deep soil areas specified in Table D2</i></li> <li>• <i>Provide canopy cover through canopy trees that are: Located in an area of deep soil specified in Table D3.</i></li> <li>• <i>Where deep soil cannot be provided trees should be provided in planters specified in Table D3.</i></li> </ul> <p><i>As detailed above, where they cannot be met (which is typical in developments that provide basements), trees provided in planters can be utilised to meet the standard.</i></p> <p><i>The numerical standard has been met, however, details of the type of tree remains unclear.</i></p> <p><i>The application has provided 369 m<sup>2</sup> of canopy cover.</i></p> <p><i>The application has provided in excess of the minimum 314m<sup>2</sup> of canopy cover required to meet the standard.</i></p> <p><i>The following conditions are required on any planning permit to issue:</i></p> <ul style="list-style-type: none"> <li>• <i>Permit conditions requiring all proposed species to be identified by botanical name on the plan.</i></li> <li>• <i>Planter box depths and irrigation pipes in and wastewater pipes out must also be specified.</i></li> </ul>
<p><b>City Strategy</b></p>	<p><b>No objection, subject to conditions.</b></p> <ul style="list-style-type: none"> <li>• There is generally support for the redevelopment of this site.</li> <li>• The building projection into the 13.7 metre landscape setback area to St Kilda Road is not considered to be consistent with the intent of Clause 2.3 Exceptions to Mandatory Requirements, which allows the “<i>construction of minor buildings and works within the area of a setback required by this schedule...</i>”</li> <li>• Whilst a balcony is permitted under the above mentioned exemption, the enclosed presentation of the balcony (with</li> </ul>



presumably floor to ceiling bi-folding doors) has the potential to 'read' as an extension of the building (rather than a projecting and open balcony element), which projects into the landscape setback.

- A relatively minor alteration, incorporating a permanently open balcony structure (with lower balustrade), which allows a clear reading of the building façade behind, would be more in keeping with the DDO requirement and intent.

**Summary**

- The uniform landscaped setback along St Kilda Road, and including the subject site, is a strong and consistent element.
- A relatively minor alteration to incorporate a more open balcony element would be more in keeping with the DDO requirement and intent.

**Planner comments**

*The first-floor balcony meets the requirement of the DDO with a 13.7 metre setback to the building façade (wall).*

*Balconies are allowable encroachments into this setback as afforded by 2.3 Exceptions to Mandatory Requirements of the DDO26.*

*Accordingly, the proposal complies with the requirements.*

*The first-floor balcony is approximately 12.5 metres in width, sited off center and toward the northern boundary, and projects 2.1 metres into the setback.*

*Insofar as to how the siting and extent of this balcony will erode into the landscaped setback and outcomes sought, it is negligible given the extent of soft landscaping provided at the ground floor.*

*Further, the balcony cantilevers over the ground floor terrace to provide shade, weather protection and activation to the frontage.*

*The fenestration to the balcony is comparable to a winter garden – that is an enclosed balcony.*

*Although the design outcome may not accommodate unencumbered views to the front wall of the building to the extent that a typical balcony will, given that the first-floor balcony is associated with a commercial use that will provide a community benefit this design response is considered to be acceptable and is supported.*

*The Residential Hotel levels above do not contain balconies.*

*Levels 8 to 17 that contain the dwellings feature balconies that encroach (as permitted) into this setback by 1.6 metres.*

*Given the design of the balconies and the provision of them at this height above ground level any potential visual bulk impacts*



	<p><i>associated with these encroachments are negligible.</i></p>
<p><b>Development Engineer</b></p>	<p><b>No objection</b></p> <ul style="list-style-type: none"> <li>• The council stormwater pit at the rear on Queens lane is away from both crossovers.</li> <li>• The drainage of excess water from the landscape area has to be conveyed to internal drainage system.</li> </ul>
<p><b>Waste Management</b></p>	<p><b>No objection, subject to conditions.</b></p> <ul style="list-style-type: none"> <li>• Allocated space for Charity bin would encourage residents to donate items conveniently.</li> <li>• Commercial waste collection time should be the same 7am - 8pm Mon-Saturday, 9am - 8pm on Sunday and public holidays regardless of the frequencies of collections.</li> <li>• Domestic/residential waste collection time should be 6.30am - 8pm Mon- Sat and public holidays and 9am - 8pm on Sundays regardless of the frequencies of collections.</li> <li>• Allowing residents to dispose of their organic waste within their floor level might encourage them for correct use of waste chute.</li> </ul>
<p><b>Environmental Sustainable Development</b></p>	<p><b>No objection, subject to conditions.</b></p> <p>Majority of commitments in the report are vague versions of the Green Star credit requirements, often missing the particular quality standards. Initiatives (e.g. proposed rainwater tank and solar photovoltaic system) are not adequately reflected on plans. Since there is no commitment to achieving a certified Green Star rating, we unable to determine if this development would meet best practice in sustainable design.</p> <p><b><u>Planner comments</u></b></p> <p><i>After receiving the internal referral comments, the applicant provided a without prejudice SMP and WSUD report dated 7 September 2022 and ESD Compliance Comments dated 8 September 2022. These reports have not formally been amended.</i></p> <p><i>These reports were referred and reviewed internally.</i></p> <p><i>The ESD officers response to these reports are:</i></p> <ul style="list-style-type: none"> <li>• The SMP report Section 8 Conclusion (Pg. 26) commits to attaining a 4 star Green Star Buildings rating. Evidence of registration of the project with Green Building Council of Australia(GBCA) must be provided prior to permit being issued.</li> </ul>



	<ul style="list-style-type: none"> <li>• Provide evidence of 4 star Green Star Buildings Design review (pre-certification) approved by GBCA, this will ensure the building is on track to achieve the committed certification.</li> <li>• Once received from GBCA after building completion the 4 star Green Star Buildings Rating must be provided to Council.</li> <li>• Sustainability initiatives like rainwater tanks, raingardens, solar panels must be indicated on plans before they are endorsed to the satisfaction of the responsible authority.</li> </ul> <p><i>It is noted that the ESD officer's response that highlights the proposals commitment to attain a 4-star Green Star Buildings rating, was also committed to in the advertised report.</i></p> <p><i>Evidence that the Green Star rating will be met, can be achieved by requiring that the project be pre-certified and approved by GBCA.</i></p> <p><i>This will ensure that the building will achieve the commitments within the report and satisfy councils requirements for ESD at Clause 21.03 and Clause 58 of the Scheme.</i></p> <p><i>This can be readily achieved by a condition if a permit is to issue. Refer to proposed Conditions 12, 13 and 14.</i></p>
<p><b>Traffic Engineer</b></p>	<p><b>No objection.</b></p> <p><b><u>Updated Traffic Comments (Following Consultation Meeting)</u></b></p> <p><u>NB: these referral comments supersede the relevant comments provided in the original response.</u></p> <p>Following the consultation meeting held on 30 August 2021 further comments were sought in regard to the potential traffic impact on Querns Lane. The additional comments are outlined below:</p> <ul style="list-style-type: none"> <li>• Typical residential developments in inner city with good access to public transport and other facilities generate a daily traffic volume at a rate of between 3 - 5 vehicle movements per dwelling. A peak hour rate is usually 10% of the daily volume.</li> <li>• The residential component is therefore expected to be between 165 and 275 vehicle movements a day and between 17 and 28 vehicle movements during the peak hours. If the upper volume is considered, the volume of 28 vehicles in a peak hour equates to one vehicle every two minutes. That is not a large volume.</li> <li>• The hotel component is expected to generate 0.3 movements per room in the morning peak that is seen as more critical than the evening peak. Which in this case is expected to be 32 movements. All hotel movements are expected to enter via St Kilda Road and exit via Queens Lane.</li> <li>• The existing site is currently expected to generate 50% of the provided spaces in the morning peak. For the 55 spaces that are accessed only from Queens Lane, that represents 28 vehicle movements.</li> </ul>

	<ul style="list-style-type: none"><li>• Expected impact on Queens Lane in the morning peak (seen as most critical for people to leave their homes to go to work) is therefore:<ul style="list-style-type: none"><li>○ 28 vehicles from the residential part leaving the site</li><li>○ 32 vehicles from the hotel entering Queens Lane via St Kilda Road cross-over</li><li>○ Less 28 vehicles from the current use</li></ul></li><li>• Therefore, the morning peak generation of the proposal is expected to be 32 vehicles more than what it currently generates.</li><li>• This is approximately 1 car every 2 minutes. Such impact is seen as minor and can be accommodated safely.</li><li>• <b>Council is also planning to independently review the operation of Queens Lane mainly between Kings Way and Arthur Street in 2023.</b></li></ul> <p><b><u>Original referral comments:</u></b></p> <p><b>Accessways:</b></p> <ul style="list-style-type: none"><li>• Accessway dimensions are in accordance with the Planning Scheme and Australian Standard.</li><li>• A pedestrian sight triangle is provided on the exit side of the ramp to the basement car park in accordance with Clause 52.06 of the Planning Scheme</li></ul> <p><b>Car parking spaces:</b></p> <ul style="list-style-type: none"><li>• Car spaces are provided with minimum dimensions of 2.6 metres width and 4.9 metres length, accessible from 6.4-metre-wide aisles, as per the requirements of Clause 52.06-9.</li><li>• An accessible parking bay has been provided in accordance with the requirements of AS2890.6:2009.</li><li>• Tandem spaces are provided with a total length of 10.3 metres in accordance with Clause 52.06. Tandem space will need to be allocated to the same three-bedroom apartment.</li><li>• Additional clearance has been provided for spaces adjacent to walls and in tandem.</li><li>• A minimum headroom clearance of 2.2 metres is provided.</li></ul> <p><b>Gradient of ramps</b></p> <ul style="list-style-type: none"><li>• The proposed gradient of the accessways accords are acceptable.</li></ul> <p><b>Bicycles</b></p> <ul style="list-style-type: none"><li>• 41 bicycle spaces are required under the Planning Scheme comprising 12 spaces for employees, 11 spaces for residents and 18 spaces for visitors.</li><li>• The development proposes 94 spaces within the site, this satisfies the bicycle parking provision requirements of Clause 52.34.</li></ul>
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	<ul style="list-style-type: none"><li>• Shower and changeroom facilities are provided for staff in basement that exceed the minimum requirements of Clause 52.34.</li></ul> <p><b>Loading and waste collection</b></p> <ul style="list-style-type: none"><li>• The Waste Management Plan should be referred to Council's Waste Management department for assessment.</li><li>• The loading arrangements in the basement is adequate to accommodate small vans &amp; utes, a minimum headroom clearance of 2.2 metres is provided, this is acceptable.</li></ul> <p><b>Traffic Generation and Impact:</b></p> <ul style="list-style-type: none"><li>• Typical residential developments generate a daily traffic rate of between 4-7 vehicle movements per dwelling, with peak hour rates 10% of daily volumes. Based on these rates, traffic generation will be in the order of 275 vehicle movements a day and 28 vehicle movement during the peak hours. This level of traffic is consistent with other developments in the street.</li></ul> <p><b>On-street parking and vehicle crossovers:</b></p> <ul style="list-style-type: none"><li>• The existing on-street parking is generally a mix of short-term and ticketed parking.</li><li>• The proposal intends to retain all existing access arrangements on St Kilda Rd and Queens Lane, this will not impact on the supply of on-street parking.</li><li>• Future residents/visitors of the development will not be eligible for resident/visitor parking permits and will need to abide by on-street parking restrictions.</li></ul> <p><b>Parking overlay and parking provisions:</b></p> <ul style="list-style-type: none"><li>• Proposed 98 parking spaces exceeds the minimum requirements under Clause 52.06 and is therefore acceptable.</li><li>• Traffic report indicates hotels can have demands varying between 0 spaces per room and 0.3 spaces per room, 19 parking spaces are proposed for the residential hotel. This equates to 0.18 per room.</li><li>• Note that the assessment for the appropriate rate for car parking provision lies with Statutory Planning. Reference should be made to CoPP's Sustainable Parking Policy.</li></ul> <p><b><u>Planner comments</u></b></p> <ul style="list-style-type: none"><li>• <i>The statutory number of car parking spaces allocated to the Residential Hotel is acceptable.</i></li><li>• <i>No objection has been raised to the allocation of 98 spaces to the dwellings, resulting in a surplus of 29 car spaces to the residential dwellings.</i></li><li>• <i>No objection has been raised to the reduction of 14 car parking spaces associated with the food and drink premises.</i></li><li>• <i>Basement level B2 Clearance heights are not satisfactory to accommodate waste vehicle lifting height or medium sized</i></li></ul>
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	<p><i>commercial vehicles that require a minimum 3 metre height clearance.</i></p> <ul style="list-style-type: none"> <li>• <i>Councils original traffic engineering referral omitted the expected traffic impact of the Residential Hotel.</i></li> <li>• <i>Further comments sought have confirmed that the combined traffic impact for the Residential Hotel <b>and Dwellings</b> in the morning peak is 32 additional movements above that already experienced to Queens Lane.</i></li> <li>• <i>This is 4 additional movement above the initial advise and relates to vehicles entering the site from St Kilda Road.</i></li> <li>• <i>Overall, this equates to approximately 1 vehicle every 2 minutes.</i></li> <li>• <i>Council's traffic engineer concluded that these additional movements are minor and can be safety accommodated.</i></li> <li>• <i>Council's Traffic Engineer has provided specific consideration of the potential traffic impact on Queens Lane where it is considered that the traffic impact on Queens Lane is minor and can be accommodated safely.</i></li> </ul> <p><i>See section 12 of the report below for a full assessment.</i></p>
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## 8.2 External referrals

Referral Authority	Response	Conditions
Melbourne Water	No objection subject to conditions.	Refer conditions 41 to 44 (inclusive).
Department of Transport (DoT)	No objection.	
Shrine of Remembrance Trustees	No objection.	

## 9. PUBLIC NOTIFICATION/OBJECTIONS

- 9.1 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 and directed that the applicant give notice of the proposal by posting two (2) notice(s) on the site for an 18 day period, in accordance with Section 52 of the PEA Act.
- 9.2 The application received 84 objections.
- 9.3 A consultation meeting was held on 23 August 2022. The meeting was attended by a Ward Councillor, the applicant and project team, sixteen (16) objectors and Planning Officers. The meeting did not result in any changes to the proposal.
- 9.4 To address concerns raised by internal referrals, the applicant formally amended their plans in accordance with Section 57a of the PEA 1987.
- 9.5 As a result of the amendments made to the application and pursuant to section 57b(2) of the PEA 1987, the Responsible Authority must determine whether notice should be





given of an amended application and must consider whether, as a result of the amendments made to the application, the grant of the permit would cause material detriment to any person.

- 9.6 It was determined that the amendments did not increase any actual or perceived material detriment to any persons as the changes were confined to the front setback area and were related to DDA accessibility, landscaping and setback to the first-floor balcony.
- 9.7 Notwithstanding, Council found it appropriate to informally notify all registered objectors by e-mail and circulate the amended plans on 19 & 20 October 2022.
- 9.8 A further 40 objections were received, however, 38 were from existing objectors, repeating the concerns already submitted and two were new objections.
- 9.9 Accordingly, the total number of objectors at the time of writing this report is 86.
- 9.10 The concerns raised are summarised below (officer comment will follow in *italics* where the concern will not be addressed in relevant sections of the report).
- 9.11 It is considered that the objectors do not raise any matters of significant social effect under Section 60 (1B) of the PEA Act.

Social
<ul style="list-style-type: none"> <li>• Disruptions to rental properties and ability to lease and sell. <i>The decision guidelines of the Port Phillip Planning Scheme and Planning and Environment Act 1987 do not accommodate consideration of lost income arising as a result of new development and competing land uses.</i></li> </ul> <p><i>The Victorian Civil and Administrative Tribunal has consistently found that property and rental values are speculative and not a planning matter. Fluctuations in property prices are not a relevant consideration in assessing an application under the provisions of the Planning &amp; Environment Act 1987, or the Port Phillip Planning Scheme.</i></p>
<ul style="list-style-type: none"> <li>• Surplus of empty residential units for sale and for rent than demand entails. <i>The site is located within an area envisaged for growth. There is an imperative under the Port Phillip Planning Scheme to encourage increased densities in areas proximate to and well served by transport and services. The proposed development achieves this objective.</i></li> </ul>
<ul style="list-style-type: none"> <li>• Financial and social harm to adjoining residents and families. <i>Respondents have formed the view that future residents of this building would disrupt the family feel of the area. This view runs against the principles of social inclusion and cannot be given consideration as part of the planning process.</i></li> </ul> <p><i>The Planning and Environment Act 1987 and the Port Phillip Planning Scheme promote a mix of dwelling sizes to allow for a broad demographic mix to reside on-site and promote social inclusion.</i></p>
<ul style="list-style-type: none"> <li>• The area will become run down due to the influx of persons both living here and potentially visiting the hotel. <i>There is no evidence to suggest that this proposal will result in the area becoming rundown. In fact, it is commonly understood that in time, development can contribute to the revitalisation of an area.</i></li> </ul>
<ul style="list-style-type: none"> <li>• Unclear if the building is used for a hotel for tourists and short-term lodgers or residential units for families.</li> </ul>
Use
<ul style="list-style-type: none"> <li>• Change of use.</li> <li>• Hamper the urban residential character of this planned community.</li> </ul>



- Intoxicated patrons and safety concerns.
- Management and staff will have no control of being able to ensure patrons leave in a quiet manner and not be disruptive to surrounding buildings once they are off their premises.
- The area is now substantially residential.
- An entire building block of hotels can be problematic to the area.
- The planning of the whole region of St Kilda Road and Queens Road and Albert Park to be residential with no longer having business premises this will alter the facilities required in this region.

#### Neighbourhood Character

- Already have multiple high-rise residential development around to further overcrowd the area.
- Insufficient setbacks.
- Height.
- Balcony encroachment into front setback.
- Overdevelopment.

#### Amenity Impacts

- Sunlight access.
- Visual Bulk.
- Noise.

*Residential noise associated with a dwelling is considered normal and reasonable in an urban setting.*

*The proposed residential use will have noise impacts consistent with those normal to residential dwellings.*

*The noise levels generated by the development will not be significantly above that of the surrounding area. Residents are no more or less likely to generate excessive noise than the occupiers of the surrounding dwellings and businesses.*

*In regard to vehicle noise, the proposed land use and surrounding road network creates a low-speed environment compensating for the shared use of thoroughfares by both pedestrians and vehicles.*

*Noise emissions associated with vehicles coming and going will not be so unreasonable that it would disturb the amenity of neighbours.*

- Pollution

*A development of this nature, within an established urban setting, will not have a noticeable impact on air pollution levels that are monitored by the State Government and the Environmental Protection Authority (EPA).*

- Privacy.
- Overlooking.
- Overshadowing.

- Mental health impacts

*Mental Health Impacts are outside of the scope of the Planning and Environment Act 1987 or the Port Phillip Planning Scheme.*

- Loss of views and sky views

*The Victorian Civil and Administrative Tribunal has consistently found that although impact upon views can be considered amongst the amenity impacts of a proposal, there cannot be considered a right to any particular view.*

*In the absence of particular planning controls which might require the protection of, or sharing of views, loss of views is usually afforded very limited weight. This is especially the case where a view is obtained across adjoining land and the views are not afforded any special consideration in a planning control.*

*Whilst it is recognised that views may form part of residential amenity, the Tribunal has consistently held that there is no legal entitlement to a view.*



- The proposal will lead to overcrowding on public transport  
*The Port Phillip Planning Scheme encourages increased densities in areas proximate to and well served by transport and services.*

*The increase in population and density at this site is considered an appropriate response to the underutilised state of the site and the proximity of the site to public transport.*

*While any increase in population density will likely increase the level of activity around the site and area, the use of sustainable transport is embedded within Council Policy and the Port Phillip Planning Scheme.*

*The availability and frequency of public transport is delivered by Public Transport Victoria (PTV) and the State Government who address matters of timetabling and overcrowding.*

- Disturbances during construction  
*Some noise and other off-site impacts are inevitable when any construction occurs. Noise and truck movements during the construction phase of development are a temporary and unavoidable consequence of development.*

*It is likely that the Queens Lane or the St Kilda Road slip lane will be temporarily closed while certain activities are undertaken. The applicant will be required to submit a construction management plan, outlining the key events of the construction phase, including the expected length of construction and the hours of construction as part of the relevant permits obtained through City Permits and enforced through Council's Local Laws and EPA regulations regarding construction practices.*

#### Traffic

- Traffic congestion.
- Increase in pedestrian traffic.
- Safety impacts to pedestrians.
- Inability to access existing building car parks on Queens Lane due to congestion.
- Capacity of Queens Lane to accommodate additional traffic movements and associated impacts of additional noise and pollution.
- The proposal introduces a road to the boundary with 450 St Kilda Road.
- Photos submitted with application are not representative of current traffic conditions.  
*Sufficient information to enable an informed view assessment of the application was provided and qualitative data to demonstrate existing traffic conditions are not required nor recommended as a basis to assess traffic related matters.*

#### ESD

- Not environmentally friendly.
- Negative thermal impacts to north facing apartments.
- Increasing heating bills which ultimately adds to global warming and other environmental factors.

#### Other

- Personal safety / Crime.  
*There is no evidence to link the development of private residential apartments with increased crime rates or reduced safety for residents.*

*The development has been well designed to promote street activation and creates clear view lines through the site encouraging a sense of community and interaction between commercial users and residents.*

*The hotel use will require staff to be on site 24/7, providing a level of security and safety that a residential building does not ordinarily provide.*

*There is no foundation to support this objection.*



<ul style="list-style-type: none"> <li>Disturbance by existing hotels/Airbnbs on lower levels of buildings on Queens Lane. <i>Disturbances by exiting uses are not a relevant planning consideration and cannot be considered.</i></li> </ul>
<ul style="list-style-type: none"> <li>Insufficient wind assessment. <i>Sufficient information to enable an informed view assessment of the application was provided and has made recommendations to the built form of the development to reduce wind impacts to future residents.</i></li> </ul> <p><i>Wind impacts to individual persons and their dwellings are not a requirement of the Port Phillip Planning Scheme, with offsite impacts measured collectively to the public realm.</i></p>
<ul style="list-style-type: none"> <li>There are no shadow diagrams included in the published documents. <i>Shadow diagrams to enable an informed view assessment of the application were provided and advertised. These documents were made available for viewing electronically at Council offices and via Council's planning register as part of the notification process, which has been carried out in accordance with Section 57 of the Planning and Environment Act 1987.</i></li> </ul>
<ul style="list-style-type: none"> <li>Unwanted residential noise not covered in the Acoustic Report. <i>The submission of an acoustic report is a requirement under Clause 58 and the DDO26 of the Port Phillip Planning Scheme. These requirements do not extend to the consideration of acoustic impacts to existing dwellings and persons.</i></li> </ul> <p><i>The noise levels generated by the development will not be significantly above that of the surrounding area and any noise relating to the commercial uses can be managed by the businesses.</i></p>
<ul style="list-style-type: none"> <li>Disturbances to native birds. <i>Disturbances to birds is not a relevant planning consideration and cannot be considered.</i></li> </ul>
<p><b>Requests</b></p>
<ul style="list-style-type: none"> <li>Queens Lane requires significant upgrades to the roads (capacity and quality) before any considerations should be given to this proposal to service the current residents before adding more people, vehicles and pollution. <i>Queens Lane is a local road under the management of Council. The upgrade and maintenance of this lane is matter for Council as the Responsible Authority and not the permit applicant.</i></li> </ul>
<ul style="list-style-type: none"> <li>Queens Lane should be made a no parking or stopping zone as this heavily impacts the residential traffic. <i>Car parking management is a matter for Council as the Responsible Authority.</i></li> </ul>
<ul style="list-style-type: none"> <li>A shopping centre /supermarket would be beneficial to the local residents <i>The Port Phillip Planning Scheme directs the uses that are as-of-right (no permit required), permit required or are prohibited. Similarly, through local policies and schedules in the scheme, certain uses can be nominated as preferred in certain areas, however, it is not at Council's discretion to require applicants to provide certain uses or developments.</i></li> </ul>
<ul style="list-style-type: none"> <li>Move drop off area to St Kilda Road or the rear; and</li> <li>Build the road underneath the hotel</li> </ul> <p><i>The location of the drop off area and undergrounding of the internal driveway is not at Council's discretion or reasonable to direct. It is noted that the internal accessway is proposed to be retained in the same location.</i></p> <p><i>Any offsite amenity impacts resulting from this accessway are not expected to be significantly greater from that already experienced.</i></p> <p><i>No issues have been raised by the Department of Transport, or any internal referral departments to the proposed drop off location.</i></p>
<ul style="list-style-type: none"> <li>Restrict the proposals building height to existing 6 storeys <i>Restricting the building to 6 storeys would result in an imposition on the strategic policy of the Planning Scheme for this site.</i></li> </ul>



*Should a permit issue, the applicant and all objectors are afforded appeal rights to the Victorian Civil and Administrative Tribunal (VCAT) who will review the application.*

## 10. OFFICER'S ASSESSMENT

10.1 The key matters raised in the assessment of this application along with the submitted grounds for objection are considered to be as follows:

- **Is the application consistent with the Planning Policy Framework (PPF)?**
- **Are the proposed uses consistent with the Commercial 1 Zone?**
- **Is the proposed built form acceptable to its context including the requirements of Design and Development Overlay Schedule 26?**
- **Would the proposal result in any unreasonable amenity impacts to surrounding properties?**
- **Are the proposed car parking and access arrangements acceptable?**
- **Are the proposed loading activities and waste collection arrangements acceptable?**

### 10.2 Is the application consistent with the Planning Policy Framework (PPF)?

Victorian planning policy seeks to facilitate increased development densities in accessible locations where proximate to jobs, shops, services, facilities, amenities, infrastructure and public transport. Highly accessible locations are typically associated with being capable of accommodating higher densities, while locations with limited accessibility are typically more suitable to less intensive development.

This principle is reflected in the Planning Scheme at Clauses 11 -Settlement and Clause 16 – Housing along with Plan Melbourne 2017-2050. Plan Melbourne 2017-2050 is underpinned by nine principles, including the '20-minute neighbourhoods' concept (essentially giving people the ability to meet most of their daily needs within a 20-minute/ 800 metre one-way walk from home).

Strategies to promote economic development are found within Clause 17 that seeks to promote economic development with a view to providing a strong, innovative and diverse economy where all sectors are critical to economic prosperity; to support employment; to meet the needs of the community for retail, entertainment and other commercial services; to support tourism, maximising associated economic, social and cultural benefits.

In response to these policies and strategies, it is noted that the subject site is located near jobs and services being near the Melbourne CBD and has excellent access to public transport.

Balancing this are policies at Clause 13.07-1S that recognises the tension in facilitating appropriate commercial uses with potential off-site effects to community amenity.

The Planning Policy Framework contains guidance on Urban Design principles in Metropolitan Melbourne at Clause 15 (Built Environment and Heritage).

Amongst other objectives, the Clause seeks to assist in creating a distinctive and liveable city with quality design and amenity (Clause 15.01-1R); by the provision of development that appropriately responds to its surrounding landscape and



character, and contributes positively to the local context and enhance the public realm (Clause 15.01-2S).

Council's vision and strategic approach to the use and development of land within the City of Port Phillip is contained within the Municipal Strategic Statement (MSS). The MSS is a critical part of the integrated planning framework for the city; and is structured around three key themes in which all of the overarching objectives and strategies for the municipality are laid out and further expanded upon within the Local Planning Policies, building upon the objectives of the PPF.

These three themes are Environmentally Sustainable Land Use and Development (21.03), Land Use (Clause 21.04) and Built Form (Clause 21.05).

Clause 21.04-1 seeks to accommodate the City of Port Phillip's growth in appropriate areas and provides five categories for growth being 'minimal residential growth', 'limited residential growth', 'incremental residential growth', 'moderate residential growth' and 'substantial residential growth' (proximate to major activity centre or within the Fishermans Bend Urban Renewal Area).

'Substantial Residential Growth Areas' are defined in the Planning Scheme as follows:

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

The site is considered to fall within the 'Substantial Residential Growth' category given its location on St Kilda Road and excellent connections to arterial roads, public transport services, it represents an area where settlement should be maximised given its ease of accessibility and ability to accommodate more intensive built-forms, subject to compliance with the Design and Development Overlay requirements and other policy considerations.

The policy seeks to provide significant opportunities for new residential accommodation such as a hotel and dwellings in designated locations which have the capacity for change, and which offer highest accessibility to public transport, shops, and social infrastructure; the majority of new residential development should be directed to preferred housing growth areas such as 'Substantial Residential Growth Areas' and 'Moderate Residential Growth Areas'.

Clause 21.06 – Neighbourhoods contains the key planning challenges, vision and strategies that relate to particular neighbourhood areas within the municipality.

Specific strategies for the development of the site are detailed at Clause 21.06-7 St Kilda Road North Precinct, however, these are repeated in the DDO26 which further expands the requirement for development in Sub precinct 5A.

Clause 22.06 Urban Design Policy for Non-Residential Development and Multi-Residential Development builds on the objectives and strategies as contained within the MSS and in the same way seeks to reinforce high quality urban design outcomes.

A full assessment of the proposal against the DDO26 is provided below.

The proposal is considered to have strong strategic support from the Planning



Scheme, which has a consistent theme of increasing residential density at strategic locations and within close proximity to jobs, services and public transport – the site achieves all of these criteria.

The proposal would provide ongoing economic benefit in the form of new commercial space, supporting a diverse economy, job creation, services to the local community and tourism – the express purposes of the Commercial 1 Zone.

### 10.3 Are the proposed uses consistent with the Commercial 1 Zone?

The purpose of the zone is, amongst other things is to:

- *create vibrant mixed-use commercial centres for retail, office, business, entertainment and community uses.*
- *provide for residential uses at densities complementary to the role and scale of the commercial centre.*

A planning permit is required to use the land for accommodation (Residential Hotel & dwellings) as the ground floor frontage exceeds 2 metres in width.

A permit is not required under the Commercial 1 Zone for the use of land as a retail premises that includes a food and drink premises.

The use of the land for the Residential Hotel component may include the sale of liquor for consumption on, or off, the premises, function or conference rooms, entertainment, dancing, amusement machines, and gambling.

For these reasons, it is considered that the conference facilities are ancillary to the Residential Hotel.

Insofar as the land use description for Residential Hotel may include the sale of liquor for consumption on, or off the premises, pursuant to Clause 52.27 Licensed premises, a planning permit is required and consent is sought for this use.

Objections received are concerned about the appropriateness of the site for a commercial use, in an area of a large residential population. On the other hand, objections have also raised concerns with the loss of commercial space and the provision of a Residential Hotel in an area that is saturated.

It is considered that the site remains an ideal location for this development and subject to compliance with various policies, more specifically the DDO26 built form requirements, will meet the intent of the Commercial 1 Zone with the introduction of additional dwellings anchored by a Residential Hotel and day spa to St Kilda Road.

When having regard to the use mix and the manner that the development promotes interweaving of activities in the public and private spaces on the site, there is no doubt that the development will contribute to and advance the creation of a vibrant residential and mixed-use environment.

The proposed commercial use would provide a net community benefit and meet part of the needs of the existing and emerging residential population within the immediate locality.

This combination of uses is highly consistent with State Planning Policy and the Local Planning Policy framework and strategically encouraged to establish within this area.



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

The site is covered by the Design and Development Overlay – Schedule 26 (St Kilda Road North Precinct) and contains precinct-wide design objectives and general requirements.

The DDO26 operates by prescribing design objectives both precinct and sub-precinct wide; moving on to built form requirements, also both precinct and sub-precinct wide.

An assessment of the precinct-wide general requirements at 1.0 is contained below:

**ST KILDA ROAD NORTH PRECINCT**

**1.0 Design objectives - Precinct-wide objectives**

**General**

- *To provide for the future development of the St Kilda Road North Precinct, as a Precinct integrated with its urban and landscape surrounds.*
- *To ensure development is environmentally sustainable.*
- *To ensure development does not dominate or obstruct view corridors to key landmark and civic buildings, including the Shrine of Remembrance.*
- *To encourage building design that minimises adverse amenity impacts upon residential properties, Albert Park Reserve, the Shrine of Remembrance and other open space, streets and public places in the area as a result of overshadowing, wind tunnelling or visual bulk.*

**Shrine Setting**

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

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

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

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

*To maintain solar access to the Shrine's Memorial Gardens.*

The proposal was referred to the Shrine of Remembrance Trustees who did not object to the proposal and the applicants Shrine of Remembrance Vista Property



Assessment Report authored by Veris Australia Pty Ltd and dated 25 February 2022 confirms that there will be no impacts to the Shrine.

### City Beautiful

- *To reinforce a sense of symmetry and consistency in the streetscapes of St Kilda Road and Queens Road, through regularity of building heights, spacing and frontage setbacks.*
- *To create a built form that transitions between the higher scale buildings in St Kilda Road and medium scale buildings in Queens Road respectively.*

The proposal will need to ensure the sub-precinct objectives are met, particularly where variations provide room for an integrated design to the site's context.

Having regard to this, the massing and siting of the proposal is compliant and responsive of its immediate context and the response sought by policy and minor encroachments that are evident in recently developed and permitted by the policy are acceptable. An assessment of the appropriateness of these incursions are detailed later in this report.

Symmetry and consistency in the St Kilda Road streetscape is provided through the proposals contribution to the regularity of building heights, spacing and frontage setbacks evident.

The image below details the proposed buildings fit within the existing St Kilda Road and Queens Lane streetscape.

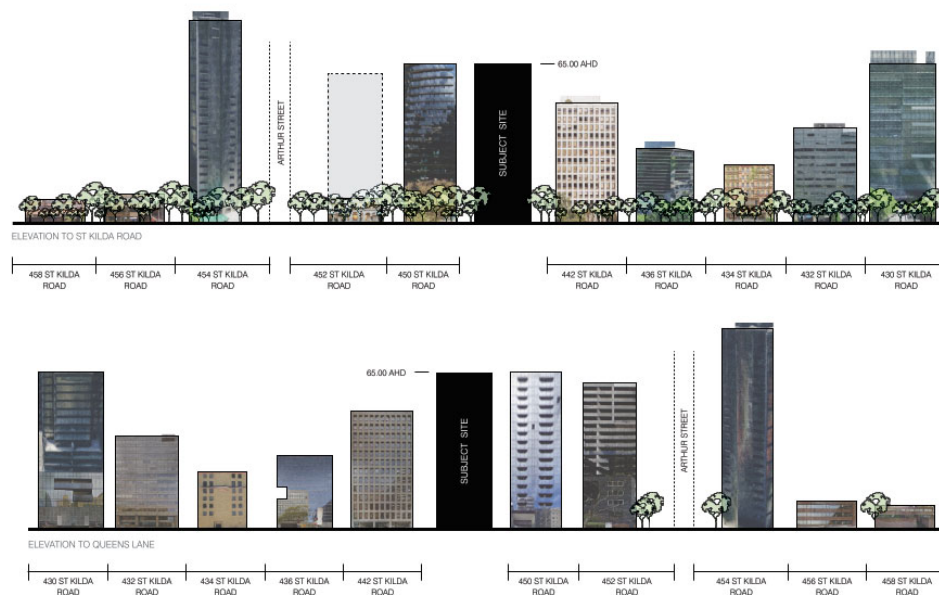


Image 3: Source: Urban Context and Design Response, Kerry Hill Architects, 3 March 2022

Further, a sense of the developments massing and siting is readily appreciable upon site visit and as seen in the site photos at attachment 8, as the development provides a floor plate that is not dissimilar from existing conditions.

### Landscape Setting

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

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

*To develop a high-quality landscape setting which enhances the key view corridors and public realm of St Kilda Road.*

In addition to regular landscaping to the site's consistently spaced perimeters, a comprehensive landscaping response is proposed that includes a vertical garden to the building's northern elevation.

Though vertical gardens can fail to thrive, this garden is provided within a physical break to the façade that will provide protection from the elements.

To the frontage, the 13.7 metre wide landscaped setback will contribute to the enhancement of St Kilda Road as a key view corridor and boulevard.

### **Streets for People**

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

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

The proposals most significant contribution to the pedestrian environment at street level is to the rear interface to Queens Lane.

Several site activities are observable at this point, with the design response providing visual interest to promote pedestrian engagement at street level.

In fact, the provision of the area forward of the boosters, provides an area for pedestrians in this busy environment to meet, rest and observe the surrounds without impinging on any vehicles and other pedestrians due to the narrow footpath.



Image 4: Source: Urban Context and Design Response, Kerry Hill Architects, 3 March 2022

This response will be a positive contribution to a gritty, tightly spaced service laneway

devoid of street trees and landscaping.

To the frontage, the landscaping response consisting of both hard and soft elements. The pedestrian path, building entrance and the mezzanine balcony promotes the layering of uses, providing guests and patrons various options to circulate the building, engage with the development and advances activation.

#### **Private Amenity and Outlook**

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

*To ensure spacing between towers is sufficient to:*

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

Providing a 4.5 metre setback to the side title boundaries for a total building separation of 9 metres to the north and south, ensures that internal amenity for buildings occupants is secured without comprising the amenity and outlook of the adjoining allotments.

In addition, this consistent spacing ensures that the equitable development of the northern allotment at 442 is secured for the future, certainly whilst the same policy controls and development aspirations are shared.

The setbacks provided will ensure that the development will not unreasonably impact on the key amenity considerations derived from the equal sharing of the 9 metre building setbacks that preclude the requirement for excessive screening whilst factoring in cross ventilation to continue to effectively occur.

This outcome is particularly unusual for a commercially zoned strip of buildings in an urbanised environment and reflects the unique and values character of this grand boulevard.

More specifically, this is a reflection of the consistency in strong policy controls on generous sized allotments that will continue to ensure that views to the sky and oblique views through the site at ground level from St Kilda Road to Queens Lane are maintained.

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

Map 1 in Schedule 26 designates the subject site in Sub-Precinct 5: St Kilda Road South of Kings Way.

This precinct is described as:

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

This precinct contains the following relevant design objectives as listed below with an assessment of the proposal alongside.



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

Design Objectives	Assessment
To ensure the development contributes to and maintains consistent and symmetrical building heights on both sides of St Kilda Road.	<p><b>Achieved</b></p> <p>The tower form of the building that rises to a maximum height of 60.2 metres from natural ground level (65m AHD) provides a cohesive response to the existing development pattern of St Kilda Road.</p>
To ensure that development results in regularly placed buildings, with space between them to frame view corridors along St Kilda Road.	<p><b>Achieved</b></p> <p>The building is sited so as to reflect and respect the existing rhythm evident along St Kilda Road that promotes corridor views on certain sites to developments and through to Queens Lane.</p>
To ensure that development provides generous landscaped front setbacks to St Kilda Road that strengthens the leafy grand boulevard character.	<p><b>Achieved</b></p> <p>A generously landscaped frontage is provided with services, facilities and accessways rationalized and sited to maximize the landscaped setting.</p>
To ensure that development improves the pedestrian environment along Queens Lane with buildings designed to address and engage with the street edge, while recognising the service role of this Lane.	<p><b>Achieved</b></p> <p>Despite the gritty and service role of Queens Lane there is a limited but emerging character of buildings that engage with this interface.</p> <p>The development will contribute to this emerging character by the siting of its form and uses to provide visual interest and engage with passersby's.</p>
To ensure that buildings are scaled to maintain a respectful backdrop for the Shrine of Remembrance.	<p><b>Achieved</b></p> <p>The proposed modelling provided by the applicant complies with the Shrine Vista Controls. When viewed from Swanston Street outside the State Library in the City of Melbourne, the Shrine of Remembrance is neither fully or partially obscured by any building or works.</p>

**2.0 Buildings and works & 2.1 General Requirements**

Clause 2.1 of DDO26 sets out the General Requirements and the following relevant objectives are extracted from this policy and the development assessed against the

requirements and objectives in the table below.

<b>2.0 Buildings and works</b>	
<b>2.1 General Requirements</b>	
<b>Design Quality</b>	<b>Assessment</b>
New developments should achieve urban design and architectural excellence.	<p><b>Achieved</b></p> <p>The development is an example of urban design and architectural excellence when having regard to its performance against relevant planning scheme controls and policies.</p> <p>Interior spaces are well resolved in regard to managing uses and circulation, and dwelling layouts are generous and substantially exceed relevant standards.</p> <p>The exterior is of a high quality and well resolved design that provides high end materials ordinarily not provided.</p> <p>The manner in which the building has been designed to address its interfaces is highly regarded, with consideration for offsite public realm engagement.</p> <p>Designing the building with universal accessibility at the fore, has ensured that the spaces both within and external to the building are welcoming, safe and user friendly.</p>
Developments on large sites should minimise building bulk and promote vertical articulation in their design.	<p><b>Achieved</b></p> <p>Vertical articulation is promoted in the framing of each elevation that utilise blue stone brise-soleil in a 'hit and miss' effect that provides shade and articulation to the building's verticality.</p> <p>The irregular rhythm and repetitious design in fenestration provide further visual breaks and introduces varying visual planes that are ordinarily not seen in mixed use buildings, reducing any visual perception of bulk.</p>
<b>Separation Distances / Side and Rear Setbacks</b>	
For properties with a primary frontage to St Kilda Road or Queens Road in Sub-Precincts 5 and 6 development must be setback at least 4.5 metres from common side boundaries.	<p><b>Achieved</b></p> <p><u>North</u> 4.5m – 5m</p> <p><u>South</u> Ground floor 4.5m – 9.1m</p>



<p>A permit may not be granted to construct a building or construct or carry out works which are not in accordance with this requirement unless allowed by Clause 2.3 of this schedule</p>	<p>(4.2m edge architecture feature – bluestone fin at ground and first floor)</p> <p>The building side setbacks are all provided to a minimum of 4.5 metres to the glazing or building wall line.</p> <p>As seen above, minor incursions into the setback are proposed, that range from 100 millimeters (10cm) to 300 millimeters (30cm) to the southern elevation.</p> <p>These are permitted incursions as they are defined as architectural features as bolded in the exemption below.</p> <p>Given the role that these features play in providing articulation to the elevations and the confined use of them, this design response is supported.</p>
<p>Achieve sky views between towers, ensure adequate sun penetration to street level and mitigate wind effects.</p> <p>Avoid windows of primary living areas and balconies that directly facing one another.</p> <p>Maintain the equitable development potential of adjoining lots.</p>	<p>Sky views are maintained between buildings.</p> <p>Wind effects are acceptable, with the greatest impacts to the proposed corner balconies on the upper levels.</p> <p>Equitable development between lots is not comprised.</p>
<p><b>Landscaped Setbacks</b></p>	
<p>Frontages along St Kilda Road and Queens Road should be retained as open space for substantial landscaping and pedestrian activity.</p> <p>St Kilda Road frontages should function as a forecourt for public, private and communal use.</p> <p>Public seating areas should be provided in these forecourts.</p>	<p><b>Achieved</b></p> <p>The proposal maximizes landscaping areas to the frontage and does not provide any fencing to promote an open and inviting space.</p> <p>The landscaped area includes a reflection pool, a terrace dining area and retaining walls that line the forecourt providing incidental public seating to ensure that the uses mix and an active frontage is promoted at all times. See image below</p>



Image 5: Source: Urban Context and Design Response, Kerry Hill Architects, 3 March 2022

<p>Clear sightlines should be provided from the footpath to the building façade to increase perceptions of pedestrian safety.</p>	<p><b>Achieved</b> Clear site lines are provided from the Queens Lane and St Kilda Road footpaths to the various building entrances.</p>
<p>Water sensitive urban design treatments should be incorporated into frontage design to manage and reduce stormwater runoff.</p>	<p><b>Achieved.</b> Please refer to Section 8.1 of this report.</p>
<p>Exhaust stacks from underground car parks should be located away from main pedestrian areas and incorporated into the building design or adequately screened.</p>	<p><b>Achieved</b> The application proposes to incorporate exhaust stacks to the building design at the lower ground.</p>



<p>Grade differences between the ground floor level and natural ground level should be kept to a minimum.</p> <p>Where level differences cannot be avoided (for example, due to the Special Building Overlay), stairs, terraces, disabled access ramps should be designed to not visually dominate the frontage setback space or significantly reduce the area for landscaping.</p>	<p><b>Achieved</b></p> <p>The required finished floor level is set at 5.5 metres to AHD, which is 600 millimeters above the applicable flood level of 4.9 metres and 300 millimeters above the minimum levels at ground floor.</p> <p>Minor cut is proposed to level the site to manage grade difference to provide DDA compliant paths/ramping.</p> <p>The management of these minor grade differences have been successfully integrated into the design of the building and do not compromise access, circulation or street activation.</p>
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**Street Wall / Podium Level**

<p>The design of new buildings should include openable habitable windows and balcony doors on the first five levels of the 'street wall' to enhance the sense of connection, surveillance and safety at ground level.</p>	<p><b>Achieved</b></p> <p>The first five levels provide a range of openable windows, despite that they are not 'habitable rooms' by definition as they are spaces associated with the Residential Hotel use.</p>
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**Active Frontages**

<p>New development should provide integrated community and active space at street level that contributes to a high quality public realm.</p> <p>All building frontages (except on laneways and service streets) should:</p> <ul style="list-style-type: none"> <li>• Be orientated towards the street.</li> <li>• Allow for natural surveillance and a visual connection into the building through transparent windows and balconies.</li> <li>• Avoid blank walls, large areas of reflective services, high fences, service areas, car parks and garage doors in the podium interface areas.</li> <li>• Provide clear glazing to street frontages; security grills should be visually permeable and mounted internally.</li> <li>• Provide no or low, visually permeable front fencing</li> </ul>	<p><b>Achieved</b></p> <p>The St Kilda Road frontage comprises a shared pedestrian entry to the Residential Hotel, dwellings, spa and food and drink premises to maximize activation.</p> <p>Glazing is provided to this frontage that with the omission of fencing, contributes to passive surveillance and safety.</p> <p>The frontage is largely apportioned to the public realm and though formal in design, open grass area forward of the courtyard and the water feature surrounds, promote lingering and activation.</p>
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Design pedestrian entrances to open directly onto the street, as a key feature of the façade and at the same level as the public footpath.	<b>Achieved</b> The main pedestrian entrance is located facing St Kilda Road and is a feature of the facade. Grade differences will be minimized to ensure activation and integration with the public realm that is accessible to all abilities.
Foyer areas should have visibility to the street and be designed to encourage activity and interest both within and external to the building.	<b>Achieved</b> The main foyer has visibility to the Residential Hotel drop off/pick to the southern boundary and to the St Kilda Way frontage.
New development within a commercial or mixed use zone should provide: <ul style="list-style-type: none"> <li>• Transparent windows and entrances for at least 80 per cent of the width of the street frontage of each individual retail premises, or at least 60 per cent of the width of the street frontage of each premises for other commercial uses.</li> <li>• Lighting design that is incorporated to the façade to contribute to a sense of safety at night.</li> </ul>	<b>Achieved</b> Not strictly applicable in this context, nevertheless, the St Kilda Road façade utilises extensive glazing while the rear elevation successfully balances Residential Hotel uses privacy issues with a design response and siting to promote activation.
<b>Building Services</b>	
New buildings should provide internal and on-site loading facilities and on-site service vehicle parking at the rear of buildings to minimise disruption of traffic or pedestrian access and avoid laneway congestion.	<b>Achieved</b> Waste collection and a loading facilities are provided in the basement levels. See detailed assessment of waste and loading facilities further in this report.
Building services on rooftops should be screened to avoid detrimental noise and visual impacts on the amenity of both private and public realms.	<b>Achieved</b> The lift overrun and services are sited central to the building and contained within the maximum building height.  The facilities will not be visible from any public or private realms.
Noise attenuation measures and suppression techniques should be incorporated into developments to ensure noise does not unreasonably affect the amenity of public areas and nearby residences.	<b>Achieved</b> The activities on the site are not expected to generate noise beyond that normal for these uses in a commercial setting.
Green roofs, roof gardens and vertical gardens should be encouraged in new or refurbished buildings. Green roofs are defined as a vegetated landscape built up	<b>Achieved</b> A vertical garden is proposed to the northern elevation and will assist in channeling daylight into



from a series of layers that are installed on the roof surface as 'loose laid' sheets or modular blocks.	common areas, facilitate natural ventilation and provide a visual break in the northern façade.
<b>Vehicular Access and Car Parking</b>	
Vehicle crossovers should be no more than 6 metres wide, with a maximum of one crossover per site.	<b>Achieved</b> All crossovers are existing and the double crossover to Queens Lane will be reduced to single width.
Vehicle ingress and egress, loading facilities and building services should not be located on frontages along St Kilda Road or Punt Road.	<b>Achieved</b> The Residential Hotel accessway from St Kilda Road is an existing condition.
Vehicle ingress and egress should be located on lanes, where possible.	<b>Achieved</b> All three accessways are existing conditions and sited off the St Kilda Road Slip lane and Queens Lane
Car access ways should not visually dominate the façade of a building, and be visually permeable to retain a visual connection through the site and allow for natural surveillance.	<b>Achieved</b> Both accessways are located parallel to the sites boundaries and the roller door to the basement is inset to minimise any dominance.
Car parks should be built underground or located to the rear of the site to enable active uses on the street frontage. Where car parks are built above ground, they should not front the site or be visible from St Kilda Road, Queens Road or Punt Road.	<b>Achieved</b> Basement car parking is proposed.

In addition to the precinct objectives, the following specific objectives apply to Sub-Precinct 5a: St Kilda Road South of Kings Way.

The proposal is assessed against these sub precinct objectives within the table below and it is noted that all requirements in this table are discretionary unless otherwise stated within the requirement section of the table.

<b>Sub-Precinct 5A - St Kilda Road South of Kings Way</b>	
<b>Requirement</b>	<b>Assessment</b>
The following requirements apply to development in Sub-Precinct 5: <ul style="list-style-type: none"> <li>- Development should be generally in accordance with Map 6 of this schedule.</li> <li>- On St Kilda Road a landscape setback of 13.7 metres must be provided to St Kilda Road. A permit may not be granted to construct a building or construct or carry out works which are not in accordance with this requirement unless allowed by clause 2.3 of this schedule.</li> </ul>	
<b>Discretionary Requirements</b> A landscape setback of 4.5 metres should be provided to Arthur Street, Leopold Street, Louise Street and Hanna Street.	<b>Achieved</b> The proposal has complied with the discretionary and mandatory requirements in that;



<p>A landscape setback of 3 metres should be provided to Kings Way.</p> <p>Development fronting and abutting Queens Lane <b>should:</b></p> <ul style="list-style-type: none"> <li>- be built to the Queens Lane boundary; and</li> <li>- within 5 metres of Queens Lane does not exceed a height of 11 metres.</li> </ul> <p><b>Mandatory Requirements</b></p> <p>The following mandatory controls apply to the development:</p> <ul style="list-style-type: none"> <li>- 65 metre AHD building height; and</li> <li>- 13.7 metre landscaped setback</li> </ul> <p><b>2.3 Exceptions to Mandatory Requirements</b></p> <p>A permit may be granted to allow the construction of minor buildings and works within the area of a setback required by this schedule, including:</p> <ul style="list-style-type: none"> <li>- reskinning or recladding of an existing building, sunshades or architectural features on the exterior of the building, or</li> <li>- verandahs, architectural features, shelters, sunshades, art works, outdoor furniture, play equipment, art works, landscaping, fences, and basements which do not exceed the height of ground level or</li> <li>- balconies within the front setback, and seating at ground level.</li> </ul>	<p>Development fronting and abutting Queens Lane is proposed to:</p> <ul style="list-style-type: none"> <li>- be built to the Queens Lane boundary; and</li> <li>- within 5 metres of Queens Lane does not exceed a height of 11 metres.</li> <li>- does not exceed a building height of 65 metre AHD</li> <li>- does provide a 13.7 metre landscaped front setback.</li> <li>- In meeting these requirements, the building will ensure a seamless integration into the St Kilda Road and Queens Lane Streetscape, providing a response that respects the consistent massing and siting of development and positively contributes to design character of the precinct.</li> </ul>
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**11. WOULD THE PROPOSAL RESULT IN ANY UNREASONABLE AMENITY IMPACTS TO SURROUNDING PROPERTIES?**

**11.1 Amenity Impacts – Overshadowing & overlooking**

The Commercial 1 Zone, contains the following decision guideline related to amenity:

- Consideration of the overlooking and overshadowing as a result of building or works affecting adjoining land in a General Residential Zone, Neighbourhood Residential Zone, Residential Growth Zone or Township Zone.

All adjoining properties are zoned Commercial 1 Zone, and as such, consideration of this policy does not apply.

Turning to DDO26, there is one precinct wide objective relating to amenity:

- **To encourage building design that minimises adverse amenity impacts upon residential properties, Albert Park Reserve, the Shrine of Remembrance and**

***other open space, streets and public places in the area as a result of overshadowing, wind tunnelling or visual bulk.***

Controls to manage overshadowing to the Shrine of Remembrance is specifically addressed by the DDO13.

Shadows to the public realm fall on St Kilda Road and Queens Lane with no impacts to areas of valuable public open space.

Beyond this, there are no specific shadow controls for the precinct, and the decision guidelines default shadow considerations to Clause 22.06 of the Scheme.

Clause 22.06 applies to:

- New non-residential development.
- Multi-unit residential development **where Clause 55 does not apply**, i.e. new development of 4 storeys or more, excluding a basement.

At the time of this policy, Clause 55.07 and Clause 58 Better (Apartment Developments) did not exist and Clause 22.06 was required to assess and manage off site impacts.

When regard is given to policy at 22.06, with the exception of one objective relating to energy, there are no shadow requirements that relate to the private realm.

In regard to overlooking, a development must:

- ***Ensure that existing habitable room windows and private open space areas of neighbouring residential properties are protected from additional direct overlooking through appropriate siting, setbacks, building articulation and screening devices.***

Turning to the Local Planning Policy Framework, Clause 21.04 Land Use stipulates the following relevant objective for housing.

- ***To ensure a high level of amenity for existing residents.***

This is to be achieved by the following strategy:

- 4.1 ***Ensure that the reasonable expectations of amenity for existing residential uses are maintained, including privacy, access to sunlight and adequate open space.***

Clause 21.04 Land Use requires the consideration of the following specific policy relating to commercial areas as they impact residential amenity:

3. ***To ensure uses do not adversely impact on residential amenity.***
  - 3.1 ***Require all non-residential uses to manage off-site impacts such as noise, traffic generation and parking to limit the effect on residential amenity.***
  - 3.2 ***Discourage an industrial or warehouse use if it will have an adverse amenity impact upon surrounding residential uses, or if the site is currently used for a dwelling.***
  - 3.3 ***Ensure residential development addresses the amenity impacts of established and potential future non-residential uses, including noise attenuation measures in dwellings to protect future occupants.***

*Amenity impacts to the private realm are outlined in Clause 21.05 – Built form*



*and repeats throughout the following objective and strategy:*

9. **To ensure new development minimises any detrimental impacts on neighbouring properties.**
- 9.1 *Ensure new development **does not unreasonably** affect the amenity of adjoining properties by way of overshadowing, privacy, or visual bulk.*

Strategies in Clause 21.06 Neighbourhoods take precedence where they contain more specific detail than Clauses 21.03, 21.04 and 21.05. The subject site is contained within 21.06-7 St Kilda Road North Precinct, however, a review of the policy shows that there are no amenity controls stipulated within this policy.

As a starting point, the scheme directs that amenity must **not be unreasonably affected**.

It is broadly accepted that in the site's context, amenity impacts relating to a buildings location on St Kilda Road will be traffic congestion, noise and parking.

To the extent that higher density living and mixed-use buildings generate amenity impacts, these are typically experienced in lower levels of privacy, solar access and increased shadows.

As detailed within 21.04-3 the subject site and surrounding properties are categorised as within an Office and Mixed Activity Areas of St Kilda Road where the commercial and office role forms the primary function, with housing as a secondary/supporting function.

Within this precinct, residents benefit from a vibrant mixed-use area with superior access to parklands, public transport, commercial and community services.

These benefits are to be balanced against the disbenefits – the key amenity issues attributable to the location of residential properties within a commercially zoned precinct. In contrast, a resident within a residential zone is likely to experience a higher level of amenity but has constrained access to the offerings that living in this precinct provides.

The planning scheme recognises this tension and is evidenced by the omission of regular ResCode standards to be applied to development. In fact, change is expected in this sites policy context and resolving amenity impacts cannot be at the expense of restraining commercial activities.

Clause 58 is the primary tool by which this development and its amenity impacts are assessed.

The second purpose of Clause is to:

- *To encourage apartment development that provides **reasonable standards of amenity for existing and new residents.***

With the exception of the broader siting and design requirements, amenity impacts required to be managed seeks to provide it to a reasonable standard.

### **Overshadowing**

An assessment of the advertised shadow plans has been undertaken. The plans detail shadow impacts between 9am and 3pm at the 22 September Equinox.

These parameters are the standard when assessing ResCode (Clause 54 and



Clause 55), however, it is critical to note that there is no requirement to assess this development against this matrix. The modelled hours also do not suggest that shadow impacts are confined to these hours.

The shadow plans reveal that the proposed development will cast shadow to the surrounding buildings listed below; and these shadows will be in excess than what the existing building casts.

Due to the east-west orientation of the allotments, all existing buildings cast shadows to their immediate south, to public spaces, Queens Lane and St Kilda Road.

The impacts to the neighbouring buildings can be summarised as follows:

#### 450 St Kilda Road

- Shadow impacts are confined to the northern elevation.
- Shadows are cast for all modelled hours of 9am to 3pm.
- The proposed shadows are greater than those cast by the existing building.
- The shadows are greatest between 1pm and 3pm.

#### 11 Queens Lane

- Shadow impacts are confined to the eastern and southern elevation.
- The proposed shadows are greater than those cast by the existing building.
- The shadows are greatest at 9am.
- By 11am there are no new shadows cast.

#### 12 Queens Lane

- Shadow impacts are confined to the eastern and southern elevation.
- The proposed shadows are greater than those cast by the existing building.
- They are greatest between 10am and 11am
- By Midday there are no new shadows cast.

When regard is given to the reasonableness of the shadow impacts and policy context, it is considered that the application does not unreasonably impact upon amenity of neighbouring properties by way of overshadowing.

The private open space of the majority of north facing dwellings at 450 St Kilda Road will be impacted by the overshadowing. Above ground floor the building contains between four (4) to six (6) balconies on each level that are north facing and single aspect.

As detailed above, solar access and several north facing stories are already compromised by the existing six (6) storey building.

This is not unexpected given the allotments orientation and given the planning controls to the site and the intensity of development sought by the planning scheme, the increase in shadow is considered reasonable.

As evidenced in the site photos, the buildings dark glazing and largely enclosed balconies have been designed in a way that solar access has access not been prioritised.

Restricting any development to decrease these impacts to 450 St Kilda Road would result in an unacceptable imposition on development. This was clear in the officers planning report for the site that similarly contained a five-story building that overshadowed the heritage building to the south.

It is also noted that the 4.5 metre side setbacks for a total shared 9 metre building setback, is provided between the more recent developments in 11, 12, and 14 Queens Road, and as expected, impacts to all north facing dwellings also occur.

### **Overlooking**

The application is required to ensure that existing habitable room windows and private open space areas of neighbouring residential properties are protected from additional direct overlooking through appropriate siting, setbacks, building articulation and screening devices.

To provide guidance, when ResCode applies, Standard B22 Overlooking objective requires that all views within a horizontal distance of 9 metres be treated to limit views into existing secluded private open space and habitable room windows.

Although this metric does not apply, it does provide useful guidance of the acceptability of the design response in settings where the highest levels of residential amenity are expected.

To the southern property at 450 St Kilda Road, the development would meet this standard to all levels as the setback is in excess of 9 metres to all balconies and habitable room windows.

To the rear at 12 Queens Lane, the setback to any balcony and habitable room windows is in excess of 18 metres.

To the north at 442 St Kilda Road, a setback of 9 metres is provided to all levels.

Accordingly, as the setbacks proposed are 9 metres or greater to all elevations, the development would accord with the stringent standard in the planning scheme that does not apply and in this instance, the requirement of appropriate siting has been met.

The development has provided an acceptable response and screening is not recommended so as to not further compromise solar access penetration to the north facing dwellings to the south.

### **11.2 Liquor license – the use of the land for the sale and consumption of liquor**

Pursuant to Clause 52.27 – Liquor License of the Port Phillip Planning scheme, a planning permit is required when a license is required to sell or consume liquor on site under the *Liquor Control Reform Act 1998*.

The proposal seeks permission for a general liquor license, which will allow for the sale and consumption of liquor within the Residential Hotel (including mini bars), Day Spa and all Food and Drink Premises (the 'licensed premises'). The license sought will additionally allow for the sale of limited quantities of liquor off the licensed premises.

The defined area where liquor is proposed to be licensed – that is where it can be supplied and/ or consumed is known as a red-line plan. The red-line plans with the application confine the licenses area to the lower ground floor 'mezzanine', ground, level 1, and Residential Hotel room levels two (2) to seven (7).



A general license also permits liquor to be taken off site, allowing persons to purchase liquor and take it 'off site', but only during the ordinary trading hours.

The appropriateness of an application for a Licensed Premises in the area, the licence category and the hours proposed are assessed against the Decision Guidelines of Clause 52.27, that requires the following matters to be considered.

The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.

The venues location within the Commercial Zone and on St Kilda Road – a commercial strip that contains a large proportion of residential dwellings.

The sale of liquor for onsite consumption will be confined to the Residential Hotel and the uses within it, including the food and drink premises, where the serving of meals are the predominate activity and where a minimum of seventy-five percent of patrons are expected to be seated to dine - discouraging vertical drinking – that is drinking while standing up – characteristically the mode of consumption in a nightclub, pub or bar.

A bar will operate in the conventional manner, with a total maximum of 120 patrons permitted for this purpose, resulting in it been a minor function of the broader Residential Hotel use.

A general license permits the sale of packaged liquor to be consumed off site. To accord with a general license, the volume of packaged liquor permitted to be sold is subordinate to sale for onsite consumption, allowing residents or hotel guests of the building to purchase liquor and take it off site.

This is in contrast to a standalone bottle shop – that requires a different license that is not sought here, and critically, the proposal does not seek to provide, either by activities or floor layout.

Additionally, a general license will permit the stocking of bar fridges within the Residential Hotel rooms.

The red line plans extend the sale and consumption of liquor to include the Day Spa. This is not an irregular occurrence and is akin to the serving of liquor for certain uses such as hairdressers.

The risk nature of the liquor component is lower than other associated uses such as standalone Bars or Nightclubs where vertical drinking is the predominant activity. As this is an integrated use to be contained within the Residential Hotel, safety and amenity impacts will be managed by Hotel operations.

The impact of the sale or consumption of liquor permitted by the liquor licence on the amenity of the surrounding area.

Despite the site being in a commercial area, there are apartment developments surrounding the subject site.

Whilst it is recognised that residential properties in or abutting commercial areas cannot expect the same level of amenity as a residential area, it is considered reasonable that the Patron Management advertised with the application be supplemented by additional conditional requirements of the planning permit and will need to be submitted to and endorsed by the Responsible Authority prior to the use commencing, should a permit be issued.





This will ensure that measures are put in place during the operation of the Residential Hotel (including the restaurant and bar) in order to minimise any potential amenity impacts.

The impact of the hours of operation on the amenity of the surrounding area.

A general licence authorises the license to supply liquor on the licensed premises during ordinary trading hours.

Ordinary trading hours are defined as:

- the hours between 7 a.m. and 11 p.m. on each day, other than Sunday, Good Friday or ANZAC Day; and
- the hours between 10 a.m. and 11 p.m. on Sunday; and
- the hours between 12 noon and 11 p.m. on Good Friday and ANZAC Day;

The proposed licensed premises seek to operate the general license between the following hours:

- Food & Drink Premises      6am - 12 midnight Sunday to Thursday; and  
6am - 1am Friday and Saturday.
- Day Spa                              8am-10pm, 7 days

With the exception of the 6am start for the food and drink premises and the 8am start for the day spa, the proposed hours are considered to be reasonable and is unlikely to create undue detriment to the amenity of the surrounding area based on the operation within the 'residential hotel' however, it is considered that the proposed hours include:

- the hours between 12 noon and 11 p.m. on Good Friday and ANZAC Day.

If a permit is to issue, it is recommended that the permit allows the following hours with a 7am start time to align with ordinary trading hours and a 10am start for the day spa:

- Food & Drink Premises      7am - 12 midnight Sunday to Thursday; and  
7am – 1am Friday and Saturday.
- Day Spa                              10am-10pm, 7 days
- Residential Hotel MiniBar      Anytime

The impact of the number of patrons on the amenity of the surrounding area

The expected seats or patron numbers are detailed on the plans provided and copied below in Table 3.

Patron numbers	Seats	Max
<b>Lower ground</b>		
Meeting rooms & pre-function	24	24
Golf lounge	4	6

Day Spa	40	40
Pool & gym	20	20
Spa	40	40
<b>Ground level</b>		
Café and terrace	61	80
Lounge	13	20
<b>Mezzanine</b>		
Restaurant, Bar	120	200
Residential Hotel floors	216	324

Table 3: Proposed patron numbers

These proposed seats and table represent the maximum permissible at any one point.

Larger variances with the restaurant and bar reflect the capacity of the floor area to accommodate varying activities. Variations to the Residential Hotel floors are indicative of guest capacity and room types. The proposal is considered acceptable.

Should a permit issue, it is recommended that a condition of permit will require the restaurant be subject to a condition of the tables and chairs must be placed in position on the licensed premises so as to be available for at least 75% of the patrons attending the premises at any one time.

The cumulative impact of any existing licensed premises and the proposed licensed premises on the amenity of the surrounding area.

A current Restaurant and Cafe Licence (Deep & Me) is operating on the subject site.

There are a further seven (7) existing liquor licenses proximate to the subject site and include three (3) Restaurant and cafe licenses, three (3) limited licenses and one (1) General Licence. These are detailed herein below in Table 4.

Given the density of this area, this is not considered to be excessive, uncommon or unreasonable. Restaurant and cafe licenses require that the predominant activity carried out at all times on the premises is the preparation and serving of meals to be consumed on the licensed premises.

The three (3) limited licenses – that supply liquor where the scale and scope of the supply is substantially restricted or limited are considered negligible when regard is given to the off-site amenity impacts.

Lastly, one (1) General Licence associated with the Bayview at 6 Queens Road is currently in operation.

Within the context of these licenses, it is considered that one (1) additional general licence to the area will have limited impact and the commercial operations have a statutory obligation to ensure that the sale and consumption of liquor is undertaken and managed in



accordance with the *Liquor Control Reform Act 1998* and *Liquor Control Reform Regulations 2009*, obligations and license conditions.

Amenity Impacts Associated with Restaurant and Bar

With regard to potential noise impacts arising from an introduction of a liquor license on this site, the following is noted:

With the exception of the Minibars, the proposed uses are located at the lower ground, ground and level one and would not have any direct interfaces with residential properties.

As noted, the *Liquor Control Reform Act 1998*, *Liquor Control Reform Regulations 2009*, obligations and license conditions provide for penalties for failing to comply with licence conditions or the Act, including fines, licence suspension and/or cancellation.

Insofar as the management of liquor related off site impacts are concerned, these uses are also considered to be lower risk and it is expected that the sale and consumption of liquor will not detract from the amenity of community life.

Overall, it is considered that subject to additional conditions, the proposed use of the land for the sale and consumption of liquor is appropriate.

1.		2.	
Licence Category	Limited Licence	Licence Category	Restaurant and cafe
Premises Name	CLASSICO PASTA & PIZZA BAR	Premises Name	CLASSICO PASTA & PIZZA BAR
Address	GROUND FLOOR 452 ST KILDA ROAD MELBOURNE	Address	GROUND FLOOR 452 ST KILDA ROAD MELBOURNE
3.		4.	
Licence Category	Restaurant and cafe	Licence Category	Limited Licence
Premises Name	MACOLFEE	Premises Name	KATIE K CATERING
Address	GROUND FLOOR 434 ST KILDA ROAD MELBOURNE	Address	101/14 QUEENS ROAD MELBOURNE
5.		6.	
Licence Category	Restaurant and cafe	Licence Category	General Licence
Premises Name	MR. PERCIVAL	Premises Name	BAYVIEW EDEN
Address	GROUND FLOOR 14 QUEENS ROAD MELBOURNE	Address	6 QUEENS ROAD MELBOURNE
1.		2.	
7.			



Licence Category	Limited Licence	3.
Premises Name	DAMT TRUCK	4.
Address	417 ST KILDA ROAD MELBOURNE	5.

Table 4: Existing liquor licenses. Source: Victorian Gambling and Casino Control Commission, 28 October 2022

## 12. ARE THE PROPOSED CAR PARKING AND ACCESS ARRANGEMENTS ACCEPTABLE?

### Access and Traffic

DDO26 seeks to ensure that development improves the pedestrian environment along Queens Lane with buildings designed to address and engage with the street edge while also recognising the service role of this lane.

The proposal seeks to retain the location of the existing crossover arrangements along St Kilda Road and Queens Lane, albeit with a modification to the width of the Queens Lane exit to the south east boundary from double to single width.

It is also proposed to retain the internal driveway, with minor modifications to align the driveway to the modified crossover.

Basement car parking and loading and waste collection will be accessed via a basement, provided via the existing double width crossover to Queens Lane located at the north-eastern corner of the site.

A pedestrian sight triangle is provided on the exit side of the ramp to the basement car park, according with Clause 52.06 of the Planning Scheme.

The proposal provides for a total of 117 car parking spaces across three levels of basement car parking with a total of 98 spaces allocated to the residential apartments and 19 spaces for the Residential Hotel.

All Residential Hotel guest parking will operate as valet, with guests arriving at the drop off area to the porte cochere adjacent to the southern boundary, who will park it in the basement and return the vehicle at ground floor for departure.

The retention of the existing conditions will result in no loss to any on-street car parking spaces.

### Car parking

The car parking requirements for the proposed development are outlined under Clause 52.06 of the Port Phillip Planning Scheme that contains a number of purposes including:

- *To ensure the provision of an appropriate number of car parking spaces having regard to the demand likely to be generated, the activities on the land and the nature of the locality.*
- *To support sustainable transport alternatives to the motor car.*
- *To promote the efficient use of car parking spaces through the consolidation of car parking facilities.*
- *To ensure that car parking does not adversely affect the amenity of the locality.*

- To ensure that the design and location of car parking is of a high standard, creates a safe environment for users and enables easy and efficient use.

Pursuant to Clause 52.06-3, a planning permit is required to reduce (including reduce to zero) the number of car parking spaces required under Table 1 of Clause 52.06-5 or in a schedule to the Parking Overlay.

For the purposes of assessment under Clause 52.06, the subject site is in the Principle Public Transport Network Area (PPTN) and the rates in Column B of Table 1 to Clause 52.06 apply.

As the site is in the PPTN, there is no statutory requirement to provide visitor spaces.

The proposal generates the following car parking requirements:

Use	Rate	Statutory Requirement	Required	Provided
<b>Residential Hotel</b>	108 rooms	To the satisfaction of Council	To the satisfaction of Council	19
Dwellings	41	1 car space to each 1 & 2-bed dwellings	41	41
	14	2 car spaces to each 3-bed dwelling for tenants	28	28
<b>Total dwellings</b>	<b>55</b>		<b>69</b>	<b>98 (surplus 29 spaces)</b>
<b>Food and Drink Premises</b>	426 sqm	3.5 car spaces to each 100 m <sup>2</sup>	14	0
<b>Total statutory requirement</b>				<b>83</b>
<b>Total provided</b>				<b>117</b>

Table 5: Statutory car parking rate in accordance with Table 1 of Clause 52.05.

Based on table 5 above, the development is statutorily required to provide car parking to the Residential Hotel and ancillary uses (day spa, conference) to Councils satisfaction, at least 69 car spaces for the residential dwellings and 14 car spaces for the food and drink premises for a total statutory requirement of 83 car spaces.

There is no requirement for residential visitor parking due to the location within the PPTN area.

A total of 117 car parking spaces are provided on site.

The development proposes to allocate 98 spaces to the dwellings which results in a surplus of 29 car spaces to this use, exceeding the minimum requirement.

Nineteen (19) car spaces are to be allocated to the Residential Hotel. Councils Traffic Engineer have reviewed this provision and deemed it to be acceptable.

Zero car spaces are to be provided for the food and drink premises.

Overall, the proposal exceeds the number of statutory car spaces required to be provided on site however, given that no car parking is allocated to the food and drink premises a full reduction for this use is sought.

Where a reduction is sought to the statutory car parking requirements, the likely demand generated for the proposal is required to be assessed.

The Traffic Engineering Assessment authored by Traffix Group and dated 9/12/21 was reviewed by Councils Traffic Engineer. The report notes the following:

- *In a standalone environment, we would typically adopt the planning scheme rate of 3.5 spaces per 100 square metres for these uses.*
- *However, as these uses will have an association with the hotel, we will presume that 50% of the demand is already accounted for by the hotel use.*
- *There is a potential demand for 15 car spaces, with a split of 4 to 11 for staff and visitors.*

Staff will have convenient access to bicycle facilities, but not unrestricted long-term parking proximate to the site.

The omission of any spaces dedicated to this use will suppress car parking demand and forces the use of alternative modes of transport.

The sites excellent access to public transport and the provision of bicycle spaces supports reduced car parking requirements and is supported by sustainable transport policy throughout the Scheme.

It is also noted that Councils traffic engineers have raised no concerns with full reduction sought for the food and drink premises. It is also acknowledged that commercial uses are commonly accepted to be the easiest use to accept modal change away from vehicles where parking is not available for free.

Furthermore, as this use is not a standalone business, in addition to the assumption that half of the demand will be accounted for by hotel guests, it is likely that patronage (and staff) will be drawn from the sites immediate surrounds, reducing the burden on the local network and availability of that is an already restricted car parking supply.

The reduction is supported.

#### Residential visitor car parking

Having regard to visitor car parking, although no visitor car parking spaces are required to be provided for the residential component, on-street car parking proximate to the site is highly constrained and availability immediately to the site is confined to four (4) on-street parking spaces along the site's frontage to St Kilda Road. These spaces are however all restricted to 1 hour, and 1 space is a DDA car space.

On-street parking spaces to Queens Lane reflect the service nature of the Council managed lane and is again highly restricted and parking along the site's rear boundary is prohibited.

Strategy 2.7 of Clause 21.04-3 requires new use and developments to provide appropriate car parking, storage and loading facilities.

The absence of visitor parking is contrary to this.



When considering the practicality of not providing visitor spaces for a development of this scale, it is reasonable that provision should be made to provide some visitor parking in order to cater for the needs of residents.

Without any visitor parking it would be difficult for tradesman to be able to service any of the apartments, health workers to access the apartments or to provide visitor parking for friends and family.

Given that the proposal seeks to allocate 29 residential car parking spaces in excess of the minimum requirement to the proposed dwellings, it is considered that to facilitate visitor car parking and reduce localised demand and impacts, requiring two (2) spaces to be allocated to residential visitor car parking and one (1) car space to maintenance or building management is practical.

Conditions to this effect are recommended on permit at condition 1 g) and h).

#### Traffic generation demand & impacts

Following the consultation meeting to address the potential traffic impact on Queens Lane, additional comments were sought from Councils Traffic engineer.

Taking account of proposed traffic generation impacts as it relates to the dwellings, Councils traffic engineer has clarified and adopted a daily traffic rate of between 3 - 5 vehicle movements per dwelling. This leads to in between 165 and 275 vehicle movements a day and during peak hours, in between 17 and 28 vehicle movements.

It has been established that when considering the expected upper volume of 28 vehicles in a peak hour, the expected resulting impact equates to one residential vehicle every two minutes.

In regard to the Residential Hotel, the proposal is expected to generate 0.3 movements per room in the critical morning peak hours and relates. These vehicles are inbound, entering the site from St Kilda Road and exiting the site to Queens Lane that is open to two-way traffic at this section.

When considering the development in its entirety and the movements associated with the existing uses on the site (otherwise known as credits) Councils Traffic engineer has established that the expected impact to Queens Lane in the critical morning peak to be:

- 28 vehicles from the residential part leaving the site;
- 32 vehicles from the hotel entering Queens Lane via St Kilda Road cross-over; and
- Less 28 vehicles from the current use (credits).

In short, the morning peak generation expected to be 32 vehicles more than what it currently generates equates to approximately 1 car every 2 minutes.

Council's Traffic engineer has determined that this impact is minor and can be safely accommodated.

Having reviewed Council's internal traffic referral comments the applicants Traffic Engineering report, it is agreed that while Queens Lane experiences higher levels of traffic in the AM and PM peak period, the additional movements over the demand already experienced on site, will not detrimentally impact the immediate locale and is acceptable.

Further, the following statements made by the permit applicant to support the car parking reduction are agreed with:



- *The site is very well serviced by public transport and alternative transport modes and has excellent access to everyday services, which supports reduced guest, staff and visitor requirements.*
- *The nature of the hotel use and collocation with the commercial uses will contribute to reduced/shared demands.*
- *The existing uses have a significant parking dispensation and have a similar on-street parking credit as the proposal.*
- *State and Local Policy supports reduced parking provisions for these types of uses.*

In this instance, there is no evidence to the contrary and for the aforementioned reasons and when having regard to the relevant decision guidelines of Clause 52.06, the proposed parking reduction is considered appropriate.

Lastly, with the exception of basement clearance heights, Council's Traffic Engineer has reviewed the proposed layout and confirmed that the accessways, car parking spaces and ramp gradients is compliant with the design standards of the Scheme and with the requirements of AS2890.6:2009.

The proposed car parking and access arrangements acceptable.

### **13. ARE THE PROPOSED LOADING ACTIVITIES AND WASTE COLLECTION ARRANGEMENTS ACCEPTABLE?**

Amongst other matters, Clause 65.01 of the Planning Scheme directs the responsible authority to consider:

- *The adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts.*

Loading and unloading activities for the dwellings are most often associated with removalists and are anticipated to be infrequent. Loading activities associated with the Residential Hotel and (and proposed uses within it) are linen services, food and drink etc. and are anticipated to be daily.

Waste collection services are anticipated to be most frequent for the Residential Hotel and for the dwellings and Residential Hotel will not be provided by Council, but a private waste contractor.

The loading bay is to be shared between loading activities and waste collection. The loading bay is provided within a dedicated area at basement level B2 and is accessed via the existing double width crossover to Queens Lane located at the north-eastern corner of the site.

All loading activities and waste collection for the development is proposed from a basement loading area, suitable to accommodate a mini-waste vehicle and vans/utility vehicles of maximum height 2.2 metres (with a minimum lifting height of 2.5 metres).

Basement level B2 clearance heights and the access to the basement level are not satisfactory to accommodate a medium sized commercial van or small Rigid Vehicle with minimum dimensions of 3.5m high in line with Australian Standards AS2890.2 – Off street commercial vehicle facilities for loading and unloading activities.

As such, to ensure that the majority of loading and unloading activities associated with the commercial uses and moving vans can be undertaken on site, a condition of permit is





recommended to ensure that access to the loading area and headroom clearance is per AS2890.2 – Off Street commercial vehicle facilities

The waste areas are appropriately located proximate to the loading bay and a bin wash area is provided to manage odours and vermin.

The waste operators will reverse into the loading bay and transfer the commercial and residential bins from the waste area to the waste truck and empty the bins. The waste vehicle will then exit the loading bay in a forward direction.

Swept paths have been provided and demonstrate that the development is capable of accommodating the vehicles to enable the safe and efficient activities associated with loading and waste management.

In the instances where these activities cannot be provided on site, existing Loading Zones to the western side of Queens Lane will supplement the onsite provision.

This is expected to occur infrequently and will more often be associated with larger bulk deliveries to the dwellings where contractors will not be aware of the onsite loading facilities.

To assist in the management of loading and waste activities, the applicants Traffic Engineer has recommended that a Loading Management Plan be provided to Council for approval.

This condition is accepted and recommended to be included should a permit issue.

The loading and waste provisions are satisfactory.

#### **14. COVENANTS AND OTHER TITLE MATTERS COVENANTS**

##### **Covenants**

A review of the Title for the site confirms the land known as Volume 10372 Folio 398, commonly described as Crown Allotment 8 Section P City of South Melbourne Parish of Melbourne South is not encumbered by any restrictive covenant, Section 173 Agreement or building envelope.

#### **15. INTEGRATED DECISION MAKING AND CONCLUSION**

Clause 71.02 of the planning scheme requires the decision-maker to integrate the range of policies relevant to the issues to be determined and balance the positive and negative environmental, social and economic impacts of the proposal in favour of net community benefit and sustainable development. When considering net community benefit, fair and orderly planning is key; the interests of present and future Victorians must be balanced; and, the test is one of acceptability.

##### Positive

The proposal is considered to have strong strategic support from the Planning Scheme, which has a consistent theme of increasing residential density at strategic locations and within close proximity to jobs, services and public transport (environmental, economic and social).

- The proposal would achieve the purpose of the zone by way of providing a commercial use which would support the locality (environmental, economic and social).
- The overall design of the amended proposal would provide a high-quality architecture that would have a positive impact on the surrounding area (environmental, economic and social).



- The proposal would provide high-quality architecture which would enhance the public realm and is consistent with the built form expectations sought for the precinct (environmental, economic and social).
- The proposal will achieve a minimum 4 star GreenStar rating (environmental, economic and social).
- The development is designed to promote inclusion of persons of all abilities (economic and social).
- There are no traffic impacts to the surrounding network expected (economic and social).
- Subject to conditions onsite loading and waste management are appropriate (economic and social).

#### Neutral

- Potential off-site amenity impacts can be appropriately mitigated by way of permit conditions and planning scheme provisions (environmental, economic and social), should the proposal be supported.
- Carparking rates are considered to be appropriate, balancing considerations of promoting sustainable transport (encouraging a modal shift towards using public transport, cycling and walking) while not impacting the surrounding network (environmental, economic and social).
- Overshadow impacts do not extend beyond what is anticipated by the Port Phillip Planning Scheme.

#### Negative

- The application has received 84 objections (social).

### **16. OFFICER DIRECT OR INDIRECT INTEREST**

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

### **17. OPTIONS**

17.1 Approve as recommended.

17.2 Approve with changed or additional conditions.

17.3 Refuse - on key issues.

### **18. CONCLUSION**

18.1 The proposal is consistent with the strategic direction outlined by the Port Phillip Planning Scheme where the provision of commercial floor area would contribute to the economy of the local area. The provision of high-density residential development in this location is also supported through strategic policy and it is considered that the proposed dwelling typologies offer a good level of dwelling diversity.

18.2 The development will respect the existing development pattern evident in the immediate surrounds promoted by consistent siting, massing and built form requirements of the planning scheme.

18.3 The proposed development demonstrates compliance with the mandatory controls contained within the DDO26 that affects the site.



- 18.4 Minor elements that encroach into the frontage are permissible as 'architectural features' and supported given that the varying depths and planes that the design detail provides.
- 18.5 Moreover, the architectural scheme is of a high standard that successfully balances volumetric density and robust blue stone with varying finishes and fenestration placement, repetition and breaks to articulate the vertically of the tower and reduce any perceived visual bulk impacts.
- 18.6 The proposed development is also considered to be an acceptable scale within this location and would not cause excessive bulk or unreasonable amenity impacts beyond those anticipated by the built form controls of DDO26.
- 18.7 At the ground floor frontage, the landscape architecture response is one that invites engagement between users of the public and private realm, layering multiple uses that encourages activation from offsite patrons and guests and internally between guests and residents.
- 18.8 The introduction of a General liquor licence to the uses contained within the Residential Hotel will assist in advancing the economic purposes of the zone. Amenity impacts are expected to be readily managed by the extensive policy, controls and conditions that the commercial uses will be subject to.
- 18.9 To the rear Queens Lane, the mix of uses and layout results in a development that significantly improves the level of activation and interest to passers-bys.
- 18.10 Pedestrian safety is improved with clear sight lines and an area forward of the booster cabinets that invite pedestrians to pause, rest or meet and encourage surveillance.
- 18.11 The proposed dwellings are highly compliant with BADs and offer a high standard of internal amenity with all dwellings DDA compliant. Each dwelling would be provided with areas of private open space.
- 18.12 The application proposes a reduction of carparking, but this is considered to have no impact to the surrounding road network as the increase in peak periods is of a low volume.
- 18.13 On site loading and waste collection facilities are provided within the basement levels, ensuring that potential offsite amenity impacts are negated.
- 18.14 Overall, the design recognises and responds to the opportunities and constraints of the site and context, including opportunities for landscaping and provides an appropriate and well executed response to the site.
- 18.15 The proposal is recommended for approval, subject to the conditions outlined in this report and per the recommendation.

## **ATTACHMENTS**

- 1. Landscape setback & Architectural drawings**
- 2. Urban context and design response inc. Clause 58, shadow diagrams and Red Line Plans**
- 3. Zone map, site and surrounds, site photos**
- 4. Referral responses**
- 5. Clause 58 (Apartment Developments) Assessment**