

Planning Report

Tract

S.87A Application

28 – 32 Albert Road, South Melbourne

Prepared for DCF Developing Entity 28 Albert Road South Melbourne

City of Port Phillip
Advertised Document
No. of Pages: 72

Overview

Background

Applicant / Owner	28 Albert Road South Melbourne Pty Ltd
Address	28-32 Albert Street, South Melbourne
Lot Description	Lot 1 on Title Plan 948355L

Relevant Planning Provisions

Planning Policy Framework	<p><i>Port Phillip Planning Scheme</i>, including:</p> <ul style="list-style-type: none">- Clause 11.01-1R (Settlement – Metropolitan Melbourne).- Clause 11.03-1R (Activity Centres – Metropolitan Melbourne).- Clause 15.0101R (Urban Design – Metropolitan Melbourne).- Clause 15.01-2S (Building Design).- Clause 15.01-4R (Healthy Neighbourhoods – Metropolitan Melbourne).- Clause 15.02-1S (Energy and Resource efficiency).- Clause 16.01-1R (Housing Supply – Metropolitan Melbourne).- Clause 17.01-1R (Diversified economy – Metropolitan Melbourne).- Clause 17.04-1S (Facilitating Tourism).- Clause 17.04-1R (Tourism in Metropolitan Melbourne).- Clause 18.01-1S (Land use and transport integration).- Clause 18.02-3R (Principal Public Transport Network).- Clause 21.01 (Vision and approach).- Clause 21.03 (Ecologically Sustainable Development).- Clause 21.04 (Land Use).- Clause 21.05 (Built Form).- Clause 21.06 (Neighbourhoods).- Clause 22.06 (Urban Design Policy for Non – Residential Development and Multi Residential Development).- Clause 22.12 (Stormwater Management – Water Sensitive Urban Design).- Clause 22.13 (Environmentally Sustainable Development).
Zone	Commercial 1 Zone (C1Z).
Overlays	Design and Development Overlay – Schedule 26 (DDO26).

Special Building Overlay – Schedule 2 (SBO2).

Particular Provisions

Clause 52.02 (Easements, Restrictions and Reserves).
Clause 52.06 (Car Parking).
Clause 52.27 (Licensed Premises).
Clause 52.34 (Bicycle Parking).
Clause 53.18 (Stormwater Management in Urban Development).

Planning Permit Amendment Details

Description of Proposal

Amendment to Planning Permit 1051/2017 under *Section 87 of the Planning and Environment Act 1987*.
The amendment will allow the use of part of the building as a Residential Hotel, as well as some associated built form changes.
The amendment also includes changes to the planning permit preamble and conditions.

Quality Assurance

Planning Report

S.87A Application
28 – 32 Albert Road, South Melbourne

Project Number
321.0036.00

Revisions

Issue	Date	Description	Prepared By	Reviewed By	Project Principal
--	23/06/2022		Robert Carletti	Daniel Soussan	Daniel Soussan

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1 Introduction

1.1 Purpose

This report has been prepared by Tract Consultants Pty Ltd upon the instructions of **DCF Developing Entity 28 Albert Road South Melbourne**.

The purpose of the report is to accompany an application made under Section 87a of the *Planning and Environment Act 1987* to amend planning permit 1051/2017.

The planning permit allows for:

Construction of buildings and works, use of land for dwellings, reduction in the statutory car parking requirements and variation of easement E-1 in TP948355L.

It is proposed to amend the existing planning permit to allow the following:

Construction of buildings and works, use of land for accommodation (dwellings and residential hotel), sale and consumption of liquor and variation of easement E-1 in TP948355L.

It is sought to amend a number of conditions, as well as the decision plans, in order to facilitate this amendment.

The key details of the amendment are as follows:

- Introduction of a residential hotel (to be located on the ground level up to level 9).
- Alteration of car parking arrangements, to include a more 'traditional' basement layout, rather than a car parking stacker system. Vehicles will access the basement via a car parking lift (with the exception of loading vehicles which will have ramp access) and ingress / egress into their car parking spaces.
- Alteration of the ground floor to include a restaurant (operated under the residential hotel), as well as two separate lobbies for the residential hotel and dwellings.
- Addition of communal facilities for the residential hotel and dwellings at Level 1, including a bar, pool, gym and workspaces.
- Conversion of Levels 2 through to 9 to a residential hotel use (in lieu of dwellings).
- Sale and consumption of liquor to occur on the ground level through to level 9 (associated with the residential hotel).
- Addition of another storey within the approved building envelope, through a combination of reductions of floor to ceiling heights and a slight encroachment into the previous services enclosure.
- Internal reconfiguration of the apartments.

Compliance with a number of the approved conditions has also been achieved on the amended set of plans.

1.2 Limitations

This report has considered the following documents:

- *Port Phillip Planning Scheme.*
- Development Plans prepared by Elenberg Fraser.
- Planning permit 1051/2017.
- ESD Report prepared by LID Consulting.
- Traffic Report prepared by Traffix Group.
- Waste Management Plan prepared by LID Consulting.

2 Site & Surrounds

2.1 Subject Site - Description

The subject site is located at 28 – 32 Albert Road, South Melbourne and is identified formally as Lot 1 on Plan of Subdivision 948355L (the 'Site').

The Site has an area of 1,010sqm. It has a frontage to Albert Road of approximately 20m and a depth of approximately 55m. At its rear, the site has an interface to an unnamed laneway. The southern boundary of the Site is splayed, meaning that the rear boundary dimension is slightly smaller than the front boundary.

In terms of existing conditions, the Site contains a four storey commercial building which covers the vast majority of the Site. It has a small front setback, with a centralised vehicle access point and crossover (on the ground floor) accessed via Albert Road. The façade comprises of a dark grey rendered concrete with horizontal bands of windows.

There are two street trees in Albert Road in front of the Site, as well as one tree on-site within the front setback.

There is an easement through the centre of the Site, which benefits the SECV (now 'Citipower'). The approved planning permit seeks to vary this easement and no changes are proposed to the approval in terms of the easement.

The Site is also subject to an existing Section 173 agreement registered on the Title. It is also applicable to the property to the south (34 – 38 Albert Road). This S.173 requires that there are no more than 151 car parking spaces provided on Site, as well as also requiring that any redevelopment of the Site provides setbacks / overlooking screening to the property to the south (34 – 38 Albert Road). It relates solely to planning permit 1255/2015 which previously applied to the Site and now does not have relevance – given that planning permit has expired (as per Section 6.2 of the S173 agreement).

The Site also has a slope of approximately 5.4%, sloping down from the east towards the west.

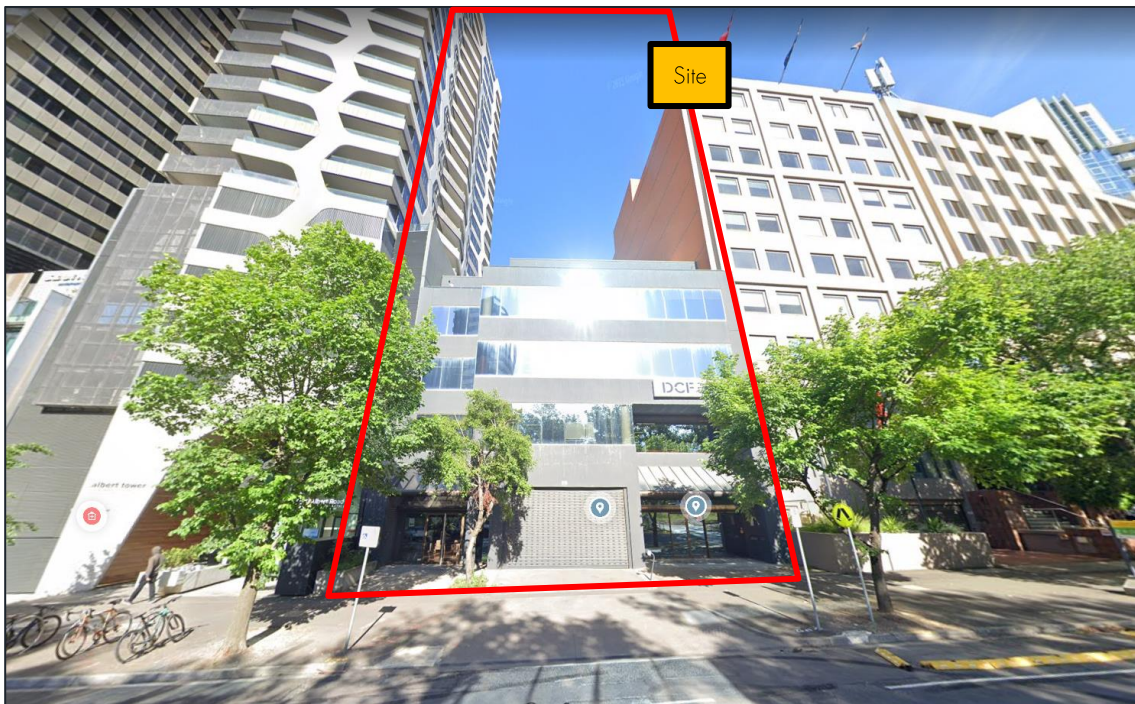
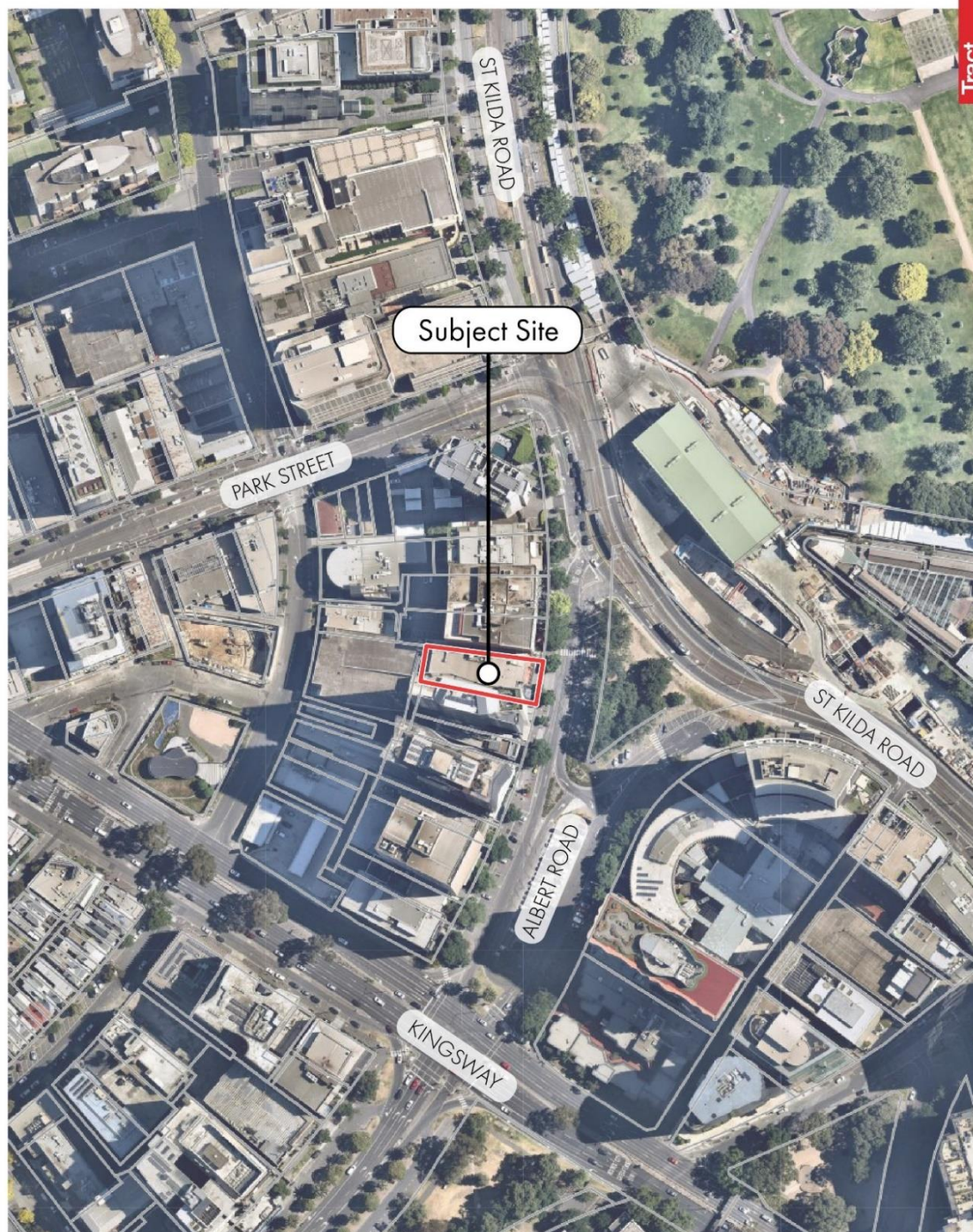


Image 1 – Albert Road frontage of the Site.



Drawing Title

Project Name

Aerial Map

28-32 Albert Street, South Melbourne

Drawing No.

Revision

Date

Drawn

Checked

Project Principal

Scale

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Figure 1 – Aerial Photography of the Site and surrounds.

2.2 Subject Site – Planning History

The Site has been subject to several planning permit applications in previous years, with some of these applications having had decisions made at the Tribunal. This includes planning permit application 1255/2015, 917/2017 and the current planning permit applicable (1051/2017/A).

Given the current planning permit has the most relevance, a summary of this is provided below.

2.2.1 Planning Permit 1051/2017/A

Planning permit 1051/2017 was issued on 20 February 2019 at the direction of VCAT. The planning permit remains live (noting the relevant condition states development must commence by 19 February 2023). The permit allows the following:

Construction of buildings and works, use of land for dwellings, reduction in the statutory car parking requirements and variation of easement E-1 in TP948355L.

More particularly, the permit allows for the construction of a twenty five storey mixed use building, with a food and drinks premises, a wellness spa and dwellings, with a basement car park. The plans provided for 55 dwellings, with 5 basement levels containing 148 parking spaces.

In late 2019, a Section 87A amendment application was lodged with the Victorian Civil and Administrative Tribunal (VCAT) seeking to convert a number of levels of the building into a residential hotel. It also proposed the introduction of a bar and reconfiguration of apartment layouts / numbers. Some changes to the building form at the podium were also proposed. Accompanying this were proposed changes to the conditions of the planning permit, as well as the pre-amble. Council opposed the proposed amendment.

However, this amendment was withdrawn from VCAT by the permit applicants on the basis that there were unresolved matters relating to the issue of 'transformation'. planning permits.

Mondib Group Pty Ltd v Moonee Valley City Council [2021] VSC 722 has since clarified that planning permits can be amended through Section 72 / Section 87A amendments to make changes to the use / form of approvals in the manner proposed.

This Section 87A amendment is very similar to the amendment lodged in late 2019.

2.3 Adjoining properties

The Site has a number of interfaces, which can be summarised as follows:

- To the **east**, the Site has a frontage to Albert Road. Opposite Albert Road is the South African War Memorial (a small parklet in the centre of the Albert Road & St Kilda Road intersection). To the east of St Kilda Road is the Anzac Metro Railway Station (which is currently under construction) and the Kings Domain / Royal Botanic Gardens.



Image 2 – Albert Road streetscape (opposite the Site).

- To the **west**, the Site has a rear interface to an unnamed laneway. To the west of the laneway is 13 - 21 Palmerston Crescent, which contains a six level multi storey car park.

Planning permit 916/2014 formally applied to this property and allowed for the construction of a 19 storey building, however we understand it has now expired.



Image 3 – 13-21 Palmerston Crescent (viewed from Palmerston Crescent).

- To the **south**, the Site adjoins 38 Albert Road, South Melbourne. This property contains a 29 storey building with a height of approximately 93m, 156 apartments and retail at the ground floor. It is constructed to the boundary at the first five levels (which contains podium car parks), whilst from level 6 and above, windows and balconies are setback from the common boundary with the Site at a distance between 1.85m and 3m. As can be seen in the below image, the side setback remains consistent from level 6 and above.



Image 4 – Interface of the Site with 38 Albert Road.

- To the **north**, the Site adjoins 24 – 26 Albert Road, South Melbourne. This contains a 10 storey commercial building, with a large blank concrete wall on the common boundary. This building contains commercial uses, as well as the offices of the Turkish Consulate General.

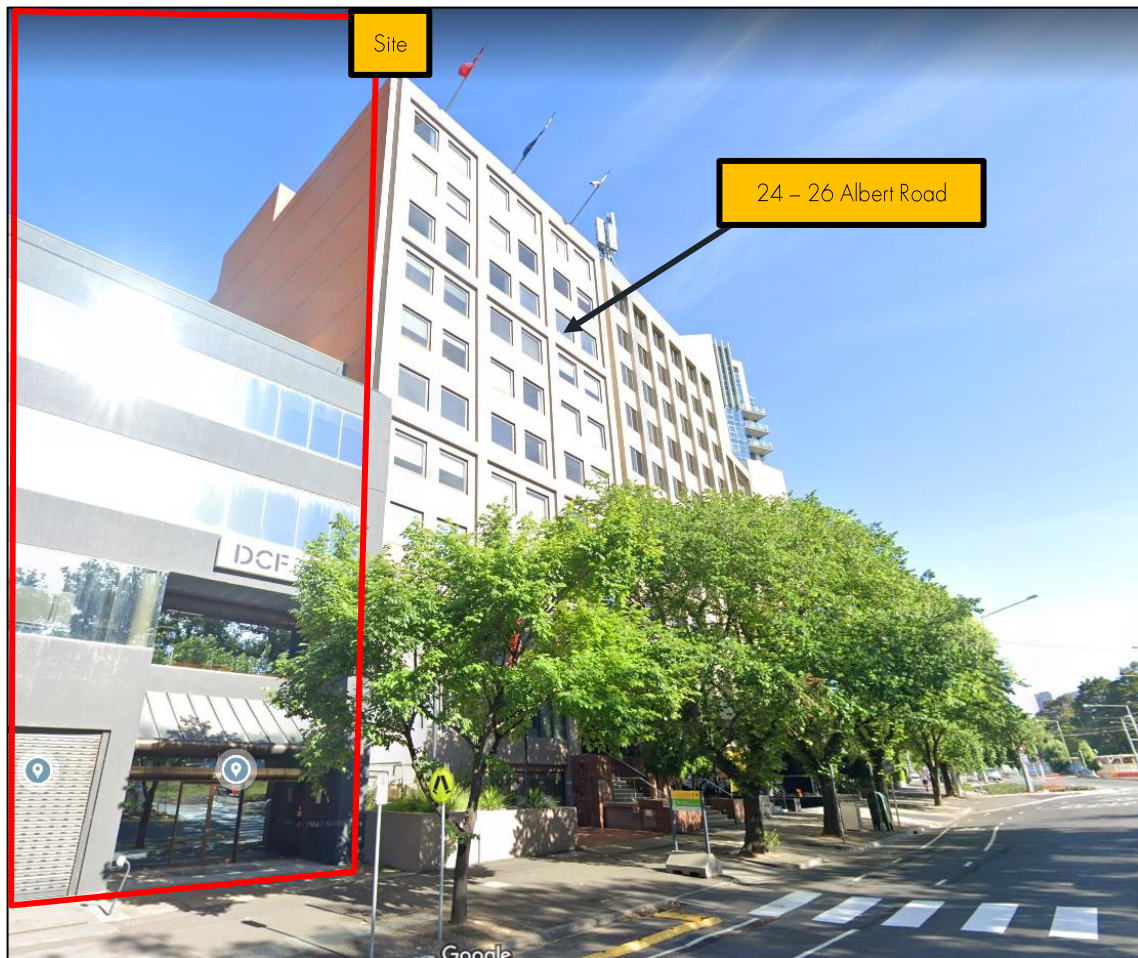


Image 5 – Interface of the Site with 24 – 26 Albert Road.

2.4 Locational Attributes

2.4.1 Amenities

The Site is located within the St Kilda Road precinct, which acts as a linear extension of the Melbourne CBD south from the Yarra River to the St Kilda Junction.

- Extensive access to high quality parklands, including the Royal Botanic Gardens, Kings Domain and Albert Park, all within 500m of the Site. These includes facilities such as barbeques, walking / running trails, grassed areas, playgrounds and the like.
- Employment, with key employment areas such as Southbank, the Melbourne CBD, South Yarra and St Kilda accessible via foot, bicycle or public transport.
- Shops and services, including convenience stores and cafes along St Kilda Road, the South Melbourne Major Activity Centre (along Clarendon Street) and South Yarra Major Activity Centre, all providing supermarkets, post offices, newsagent and other key daily conveniences.

See below Street Directory Map showing the location of the Site in its context.



Figure 2 – Street Directory Map showing the Site and surrounding area. Source: www.streetdirectory.com.au

2.4.2 Transport

Given the Site's location within the St Kilda Road precinct, it enjoys excellent access to a range of transport options, primarily public and active transport. These include:

- St Kilda Road 'tram spine', which has nine tram routes running within the median of the road. This provides access to the CBD, including Flinders Street Railway Station (and the wider metropolitan and regional train network). It also provides access to key destinations within the south eastern suburbs, such as South Yarra, Prahran, St Kilda and Caulfield.
- The Anzac Railway Station is located opposite the Site (under St Kilda Road) and is currently under construction. When completed in 2025, this will provide a stop along the Melbourne Metro, which will connect the Site to the CBD, western suburbs and south eastern suburbs.
- St Kilda Road includes bicycle lanes which provides a connection through to the CBD and the wider metropolitan bicycle network. The Victorian Government has announced this will be substantially upgraded with the opening of the Melbourne Metro.
- Bicycle infrastructure also runs along Albert Road and Domain Road, connecting the Site with Albert Park, Middle Park Beach and South Yarra.

See below public transport and bicycle maps.

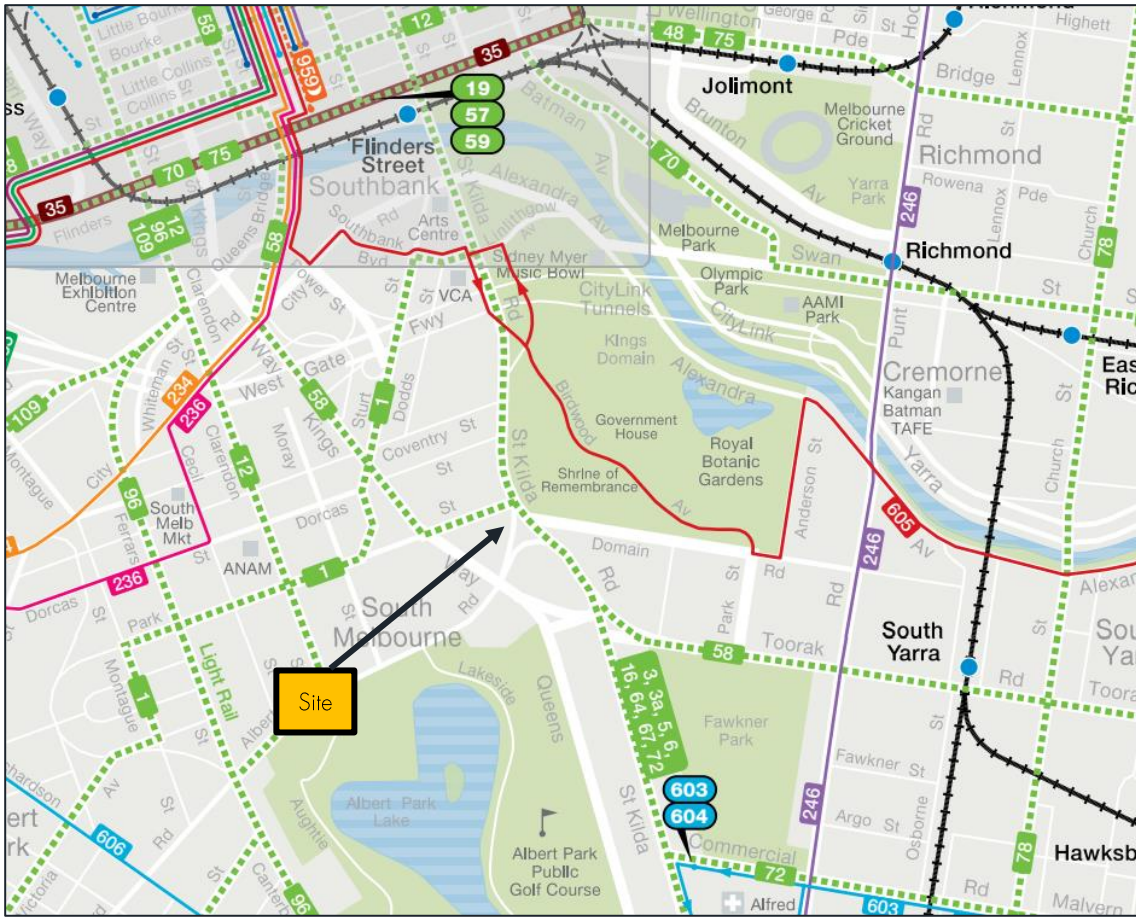


Figure 3 – Local area public transport map. Source: www.ptv.vic.gov.au

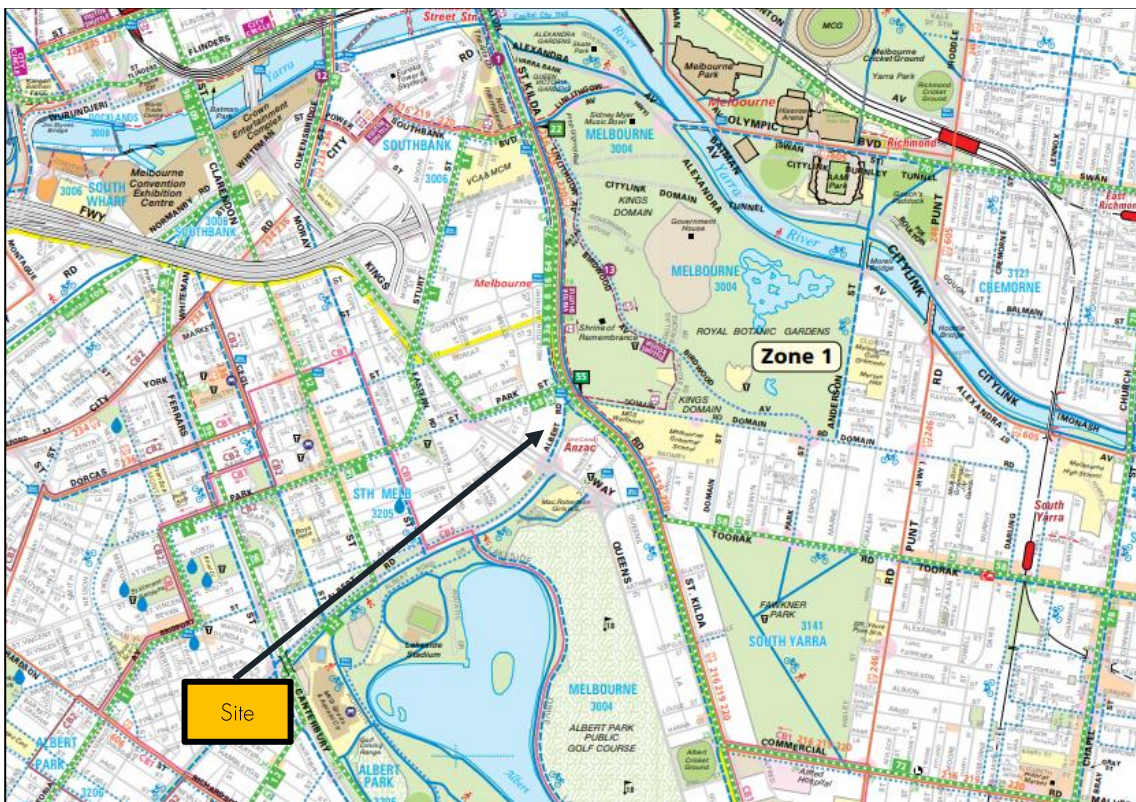
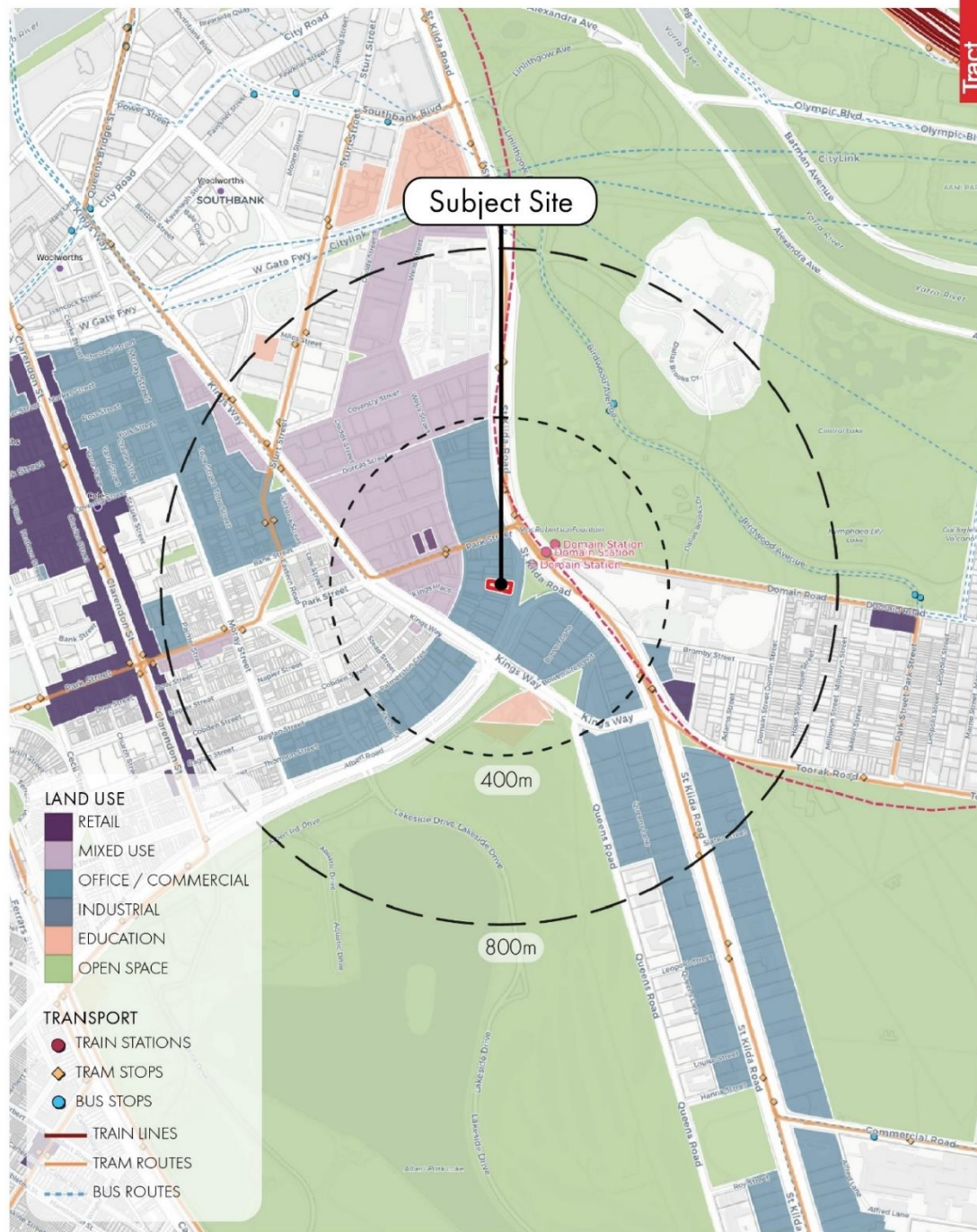


Figure 4 – Local bicycle route map. Source: www.portphillip.vic.gov.au



Drawing Title

Project Name

Context Map

28-32 Albert Street, South Melbourne

Drawing No.

Revision Date

Drawn

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Project Principal

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Figure 5 – Site Context map.

3 Proposal

3.1 Summary of revised proposal

The revised proposal seeks to change the lower levels of the building from conventional apartments to a residential hotel. This includes changes to the floor plans from ground level to level 9. The facilities associated with the residential hotel (bar, restaurant, gym, pool, workspaces etc) will be located at the ground and first floors, whilst the hotel rooms will be located from level 2 to level 9. The previously proposed wellness spa and food and drink premises at the ground level are proposed to be deleted.

From level 10 to level 25, the building will continue to provide for residential apartments, albeit with reconfigured internal layouts.

Importantly, the form of the approved building remains generally consistent with what has been approved, with the following exceptions:

- Reduction in the number of basement levels (from 5 to 3).
- Expansion of level 1 to provide a more regular floorplate largely constructed to boundaries in order to provide facilities for the residential hotel.
- Expansion of levels 2 to 5, as well as balconies above at Level 6, which creates an inverted 'U' shaped form to the south (with new walls on boundaries proposed) and internalisation of the light court to the south.
- An additional storey is proposed within the approved envelope of the building. This is achieved through reducing floor to ceiling heights as well as a reduction in the height of the services enclosure.

In addition to the above, the number of dwellings and car parking spaces have been reduced, whilst reconfigurations have also been made to apartment layouts. These do not expand the form of dwellings, however balcony locations have changed slightly (whilst still remaining within the approved envelope).

3.2 Amendment to the Development Plans

The changes schedule prepared by Ellenberg Fraser details all of the changes to the amended scheme in comparison to the plans that have been lodged with Council to obtain endorsement.

Notwithstanding, a summary of the proposed changes to each part of the building are listed below. Please note that they do not include the changes made to facilitate compliance with the planning permit conditions found in Condition 1, which have also been included as part of this amendment application.

Basement levels

- The basement has been reconfigured in order to delete the car parking stacker system. The basement levels are now in a more 'traditional' format, where vehicles can ingress and egress into car parking spaces, with access to each level provided via a car parking lift.
- The number of basement levels has been reduced from 5 levels to 3 levels.
- The number of car parking spaces has also reduced from 149 car parking spaces to 69 car parking spaces.
- There has been an increase in the number of bicycle spaces (from 32 spaces to 34 spaces).
- Introduction of a turntable to basement level 1, in order to facilitate loading and unloading.
- Given the changes noted above, the core / stairs have also been adjusted to ensure access continues to be provided to each basement level. Likewise, the locations of storage, bicycle parking, services etc have been amended.

Ground floor

- Introduction of a restaurant associated with the residential hotel (in lieu of the previous wellness space).

- Deletion of the food and drinks premises.
- Addition of a hotel lobby and subsequent changes to the alteration of a residential lobby.
- Associated reconfiguration of window / door locations, services etc.
- Replacement of the previous vehicle ramp to Albert Road with a car lift.
- Deletion of the 'void' adjacent to the pedestrian arcade.
- Reconfiguration of the stair / core location.

Levels 1 to 9

- Change of use on level 1 from residential apartments to communal facilities for residents / hotel guests (such as a bar, gym work spaces and a pool).
- Expansion of the size of level 1 (with a larger footprint than previously proposed).
- Expansion of levels 1 through to 5, to include additional walls on the southern boundary. The light court to the south has now become enclosed.
- At level 6, additional balconies are proposed.
- Alterations to the layout / change of the use of levels 2 to 9 to facilitate the use of the land as a residential hotel (rather than for residential dwellings).
- Reduction of floor to floor heights.
- Reconfiguration of the stair / core / communal corridor location and layout.
- Minor updates to the materials and finishes, largely keeping the approved architectural design of the built form.

Levels 10 and above

- Changes to the internal layout of apartments, as well as the location of balconies. Both the internal areas of dwellings and balconies continue to remain within the approved envelope.
- Introduction of a new level 25 within the approved height of the building (with the screen to the services remaining at 85m AHD as per the approved development).
- Reduction of floor to floor heights.
- Reconfiguration of the stair / core / communal corridor location and layout.
- Minor updates to the materials and finishes, largely keeping the approved architectural design of the built form.

3.3 New planning permit triggers

The proposal continues to seek a planning permit under the following provisions:

- Buildings and works (Commercial 1 Zone, Design and Development Overlay – Schedule 26).
- Use of dwellings (Commercial 1 Zone).
- Variation of an easement (Clause 52.02).

The planning permit currently provides permission to reduce the statutory number of car parking spaces under Clause 52.06. However, as the proposal has been amended to ensure full compliance with the rate of car parking required for the residential component, and no statutory rate is specified for the residential hotel, it is proposed to delete the permission currently allowed to *reduce the statutory rate of car parking*.

However, the proposed amendment also seeks the following additional permissions:

- Use of land as a residential hotel (Commercial 1 Zone).
- Sale and consumption of liquor (Clause 52.27).

It is noted that a bar and restaurant are proposed. These form part of (and are ancillary to) the use of the land as a residential hotel. Notwithstanding, even if they were not associated with the residential hotel, both land uses are as of right (ie. 'Section 1' – no planning permit required) uses under the Commercial 1 Zone.

3.4 Changes to the planning permit

Several changes are proposed to the planning permit, in order to facilitate the proposal. These are detailed in the '28-32 Albert Road, South Melbourne - Tracked Changes Planning Permit' document.

However, a summary of these changes are provided below:

Condition	Summary of change	Purpose of change
Planning permit pre-amble	Inclusion of new uses within the planning permit pre-amble (residential hotel and sale and consumption of liquor). Deletion of permission for statutory reduction of car parking.	This change allows the permit to provide permission for the two new planning permit triggers – use of land for a residential hotel and for the sale and consumption of liquor (associated with the residential hotel). It also deletes the permission for the statutory reduction of car parking, given this is no longer required.
Condition 1	Deletion of conditions 1A – J, 1M – Q and 1S.	The deletion of these conditions has been proposed given that these design changes are either incorporated into the amended plans, or are no longer relevant to the amended proposal.
Condition 3 (new)	Relates to the red line plan.	This new condition ensures that any changes to the red line plan need to be altered only with the written consent of the Responsible Authority.
Condition 4	Updates to reflect the new Environmentally Sustainable Design (ESD) Report.	This ensures that the permit references the updated ESD Report, as well as deletes irrelevant conditions.
Condition 11	Updates to reflect the new Waste Management Plan (WMP) Report.	This ensures the permit references the updated WMP Report, as well as deleted previous conditions which have either been satisfied in the new report, or are no longer relevant.
Condition 20	Deletion of the condition	This condition is not considered to be necessary. Clause 52.06 already requires one car parking space to a one / two bedroom dwelling and two car parking spaces to a bedroom with three or more dwellings. A condition imposing what this clause already requires is not necessary. Visitor car parking is also no longer a requirement for this Site given its location within the Principal Public Transport Network (PPTN).

A variation is also sought for the statutory rate for the commercial car parking spaces.

Condition 22	Updated to delete references to the car parking stacker system.	As the car stacker system is no longer proposed, this condition has been amended to refer solely to the car lift / turntable systems within the proposal.
Condition 25	Updated to reflect the new Landscape Plan.	<p>As a Landscape Plan has now been prepared by Barber, this condition has been updated to reflect this.</p> <p>Likewise, the items required to be shown on the Landscape Plan have been deleted given these are reflected in the Landscape Plan submitted.</p>
Condition 31	Updated for better wording clarity	<p>Clause 58.04 (Standard D16) outlines the relevant acoustic requirements for bedrooms and living areas in residential apartments.</p> <p>The condition has been updated to ensure the permit references these conditions, rather than other Australian Standards which are not relevant to Standard D16.</p>
Condition 33	Deleted.	<p>The number of apartments in this scheme has reduced from the original proposal (44 dwellings in lieu of 55 dwellings approved), therefore the amended proposal still comfortably complies with this provision.</p> <p>Notwithstanding, should more or less dwellings be sought, the applicant would need to seek Council's consent to alter any endorsed plans issued under the amended planning permit. Thus, this condition is not considered to be relevant or required.</p>
Conditions 38 to 41	New conditions added to ensure the appropriate management of the proposed bar.	<p>Given the introduction of a bar (and the associated sale and consumption of liquor), these conditions have been added to ensure they can be appropriately managed.</p> <p>This includes the requirement for a Venue Management Plan, operating hours, a requirement to undertake the responsible service of alcohol and to ensure no external music is permitted.</p>

4 Planning Provisions

4.1 Planning Policy Framework

The following provisions of the State and Local Planning Policy Frameworks (SPPF and LPPF) have been identified as being relevant to this matter.

Clause 11.01-1R (Settlement – Metropolitan Melbourne)

Clause 11.01-1R seeks to focus investment in key precincts within the state, such as the Melbourne Central City, as well as activity centres.

It also seeks to create mixed use neighbourhoods at various densities, with choices in housing and employment.

Clause 11.03-1R (Activity Centres – Metropolitan Melbourne)

Clause 11.03-1R seeks to facilitate the development of activity centres in Melbourne, including encouraging employment generating uses and the use of public and alternative forms of transport to access these centres.

Clause 15.01-1R (Urban Design – Metropolitan Melbourne)

Clause 15.01-1R seeks to create *a distinctive and liveable city with quality design and amenity*. Strategies to support this include:

- *Support the creation of well-designed places that are memorable, distinctive and liveable.*
- *Strengthen Melbourne's network of boulevards.*

Clause 15.01-2S (Building Design)

Clause 15.01-2S seeks to *achieve building design outcomes that contribute positively to the local context and enhance the public realm*. Relevant strategies to support this include:

- *Ensure a comprehensive site analysis forms the starting point of the design process and provides the basis for the consideration of height, scale and massing of new development.*
- *Ensure development responds and contributes to the strategic and cultural context of its location.*
- *Minimise the detrimental impact of development on neighbouring properties, the public realm and the natural environment.*
- *Ensure the form, scale, and appearance of development enhances the function and amenity of the public realm.*
- *Ensure buildings and their interface with the public realm support personal safety, perceptions of safety and property security.*
- *Ensure development is designed to protect and enhance valued landmarks, views and vistas.*
- *Ensure development provides safe access and egress for pedestrians, cyclists and vehicles.*

Clause 15.01-4R (Healthy Neighbourhoods – Metropolitan Melbourne)

Clause 15.01-4R seeks to *create a city of 20 minute neighbourhoods, that give people the ability to meet most of their everyday needs within a 20 minute walk, cycle or local public transport trip from their home*.

Clause 15.02-1S (Energy and Resource efficiency)

Clause 15.02-1S seeks to *encourage land use and development that is energy and resource efficient, supports a cooler environment and minimises greenhouse gas emissions*. Relevant strategies to support this include:

- *Improve the energy, water and waste performance of buildings and subdivisions through environmentally sustainable development.*
- *Promote consolidation of urban development and integration of land use and transport.*
- *Improve efficiency in energy use through greater use of renewable energy technologies and other energy efficiency upgrades.*
- *Support low energy forms of transport such as walking and cycling.*

Clause 16.01-1R (Housing supply – Metropolitan Melbourne)

Clause 16.01-1R seeks overarchingly to facilitate the provision of new housing in appropriate areas, whilst encouraging infill development. Strategies to support this include:

- *Manage the supply of new housing to meet population growth and create a sustainable city by developing housing and mixed use development opportunities in locations that are: (inter alia) in and around the Central City, in Major Activity Centres and near existing and proposed railway stations that can support transit oriented development.*
- *Facilitate increased housing in established areas to create a city of 20 minute neighbourhoods close to existing services, jobs and public transport.*
- *Create mixed-use neighbourhoods at varying densities that offer more choice in housing.*

Clause 17.01-1R (Diversified economy – Metropolitan Melbourne)

Clause 17.01-1R seeks to ensure economic growth in a range of areas. A relevant strategy to support this includes *supporting the Central City to become Australia's largest commercial and residential centre by 2050, by planning for office, retail, residential, education, health, entertainment and cultural activity spaces.*

Clause 17.04-1S (Facilitating tourism)

Clause 17.04-1S seeks to encourage tourism development to maximise the economic, social and cultural benefits of developing the state as a competitive domestic and international tourist destination. Relevant strategies to support this include:

- *Encourage the development of a range of well-designed and sited tourist facilities, including integrated resorts, accommodation, host farm, bed and breakfast and retail opportunities.*
- *Seek to ensure that tourism facilities have access to suitable transport.*
- *Encourage investment that meets demand and supports growth in tourism.*

Clause 17.04-1R (Tourism in Metropolitan Melbourne)

Clause 17.04-1R seeks to maintain and develop Metropolitan Melbourne as a desirable tourist destination. A relevant strategy to support this include maintaining Metropolitan Melbourne's position as a global, national and local destination in its own right and as a gateway to regional Victoria by: (inter alia) developing city precincts and promenades.

Clause 18.01-1S (Land use and transport integration)

Clause 18.01-1S seeks to facilitate access to social, cultural and economic opportunities by effectively integrating land use and transport. Relevant strategies to support this include:

- *Support urban development that makes jobs and services more accessible: (inter alia) by taking advantage of all available modes of transport.*
- *Design neighbourhoods to: (inter alia) increase the share of trips made using sustainable transport modes.*

Clause 18.02-3R (Principal Public Transport Network)

Clause 18.02-3R seeks overarchingly to maximise the utilisation of the Principal Public Transport Network. A relevant strategy includes maximising the use of existing infrastructure and increase the diversity and density of development along the Principal Public Transport Network, particularly at interchanges, activity centres and where principal public transport

Clause 21.01 (Vision and Approach).

Clause 21.01 articulates a vision for the City of Port Phillip, which includes the following (where relevant):

- *Encourage the development of a range of well-designed and sited tourist facilities, including integrated resorts, accommodation, host farm, bed and breakfast and retail opportunities.*
- *A city that produces low greenhouse gas emissions and is responsive to climate change issues;*
- *A city that provides a healthy and safe environment for residents, workers and visitors;*
- *A city where all members of our community feel connected through a strong sense of place, and can enjoy the benefits of the city and participate in community life;*
- *A city that promotes sustainable economic growth, high accessibility to goods and services, and prosperous conditions for all residents and businesses;*
- *A city that manages traffic and transport in a way that maximises use of environmentally sustainable modes of travel;*
- *A city of distinct neighbourhoods where an understanding of local character and heritage is an important element of a sustainable future;*

- *A diverse and creative city that is reaching out to the future with innovative design and development, high environmental awareness and a vibrant culture.*

A range of strategies are then outlined in order to achieve the vision. This includes (as relevant):

- *Contribute to a more sustainable environment through increasing housing and employment densities in locations closest to public transport.*
- *Create an integrated and sustainable transport network which supports the use of public transport, cycling and walking above private car travel.*
- *Reduce the impact of private cars on the liveability of the City.*
- *Provide significant opportunities for housing growth within designated strategic locations which offer greatest accessibility to shops, services and public transport.*
- *Maintaining the role of St Kilda Road as the City's premier commercial strip.*
- *Provide for a broader land use mix within Port Phillip's highly accessible Major Activity Centres, which support economic viability, local access to goods and services, and the social and cultural role of centres.*
- *Support a vibrant, well managed local tourism industry that co-exists harmoniously with local residents, businesses, traders and the natural environment.*

Clause 21.03 (Ecologically Sustainable Development).

Clause 21.03 outlines Council's vision to create *a city and region with the smallest possible ecological footprint*. This is described as achieving a built environment that:

- *Moves towards the elimination of the use of non-renewable resources (such as fossil fuel based energy, mains water and materials).*
- *Moves towards the elimination of solid waste production.*
- *Moves towards the elimination of air, soil and water pollution.*
- *Creates healthy indoor environments.*
- *Protects and enhances natural eco-systems and cycles.*

A range of strategies are outlined in order to achieve these goals, including as relevant:

- *Ensure new use and development supports the prioritisation of transport modes in the following order:*
 - *Walking.*
 - *Cycling.*
 - *Public Transport.*
 - *Freight.*
 - *Multiple occupancy vehicles.*
- *Ensure that land use and development which generates a high number of trips are located within activity centres and are easily accessible by walking*
- *Direct land use and development which increases housing density, employment and visitation to locations which offer greatest access to public transport.*
- *Allow for a reduction in the required number of on-site parking spaces where the provision of sustainable transport facilities / initiatives can reduce the demand for parking through increased use of alternative modes of transport: walking, cycling, and public transport.*

Clause 21.04 (Land Use).

Clause 21.04 has been designed to provide guidance on the use of land within the Port Phillip municipality. Of note, it provides guidance on Housing and Accommodation and Office and Mixed Activity Areas (in which St Kilda Road is identified as being a part of).

For these relevant areas, a range of Key Issues are identified, followed by Objectives and Strategies in order to implement these issues.

The key issues relevant to this Site for Housing and Accommodation are identified as follows:

- *Increased residential densities can also be provided within activity centres as part of shop-top housing or as larger mixed use developments on strategic sites. The intensity and scale of such developments will need to be in keeping with the scale and heritage qualities of these centres*
- *As a part of housing growth, provision must be made for a variety of dwellings to target the needs of diverse households, lifestyles, income levels and lifecycle stages.*

Objectives and strategies in relation to this include:

- *To provide significant opportunities for new residential development in designated locations which have the capacity for change, and which offer highest accessibility to public transport, shops, and social infrastructure.*
- *Direct the majority of new residential development to preferred housing growth areas to achieve: Substantial residential growth within strategic sites and precincts located within or in close proximity to a Major Activity Centre or the Fishermans Bend Urban Renewal Area. The height, scale and massing of new development will generally align to any relevant planning scheme provision for the area, including any Design and Development Overlay, or urban design local policy or respect the surrounding built form context.*
- *To support a diverse range of housing types to suit the needs of Port Phillip's community.*
- *To ensure a high level of amenity for existing residents.*
- *Ensure that the reasonable expectations of amenity for existing residential uses are maintained, including privacy, access to sunlight and adequate open space.*
- *Ensure new housing within Business 1, Business 2, Business 5 and Mixed Use Zones takes into account the amenity impacts of existing and potential future non-residential uses, through appropriate design and management measures including acoustic attenuation*

The key issues relevant to this Site for Office and Mixed Activity Areas are identified as follows:

- *Port Phillip's office and mixed activity areas are those areas that accommodate either predominantly office uses, or a mix of residential and business uses.*
- *St Kilda Road has traditionally provided a location for office and related commercial uses that support the capital city function, however this area is under increased pressure for housing.*

Objectives and Strategies are outlined to assist in rectifying these key issues, which include encouraging housing in appropriate locations to support the mixed use areas.

Clause 21.05 (Built Form).

Clause 21.05 provides guidance on the future built form character of the Port Phillip municipality, under the themes of Heritage, Urban Structure and Character, Urban Design and Public Realm and Physical Infrastructure.

The Clause articulates 'Key Issues' for each of these themes, followed by a range of objectives and strategies to assist in addressing the issues. Relevant to the proposal, these are as follows:

Urban Structure and Character

- *The City of Port Phillip's urban structure is made up of distinct built form that varies across the City and includes (inter alia):*
 - *Boulevards.*
 - *The diversity of the built form makes a valuable contribution to the attractiveness of Port Phillip as a place to live, work and visit.*
- *Development at increased densities needs to be appropriately managed to ensure that the scale and amenity of adjoining low scale buildings is protected.*
- *Ensure that the reasonable expectations of amenity for existing residential uses are maintained, including privacy, access to sunlight and adequate open space.*

Objectives and Strategies outlined to address these issues include re-enforcing the key elements of the overall urban structure of the municipality, retaining important vistas, ensure developments respect the character of areas, to maintain vegetation and minimise detrimental impacts on adjoining properties.

Urban Design and Public Realm

- *New development should make a positive contribution to the overall character of Port Philip through the design and setting of private buildings and public spaces, parks and gardens, infrastructure provisions and maintenance of civil*

infrastructure assets. These factors impact on the general appearance and attractiveness of an area, and Port Phillip relies upon the attractiveness of all parts of its city to ensure a pleasant living, working and recreation environment.

Objectives and Strategies aim to ensure developments present a human scale, have active frontages and protect and enhance the public realm.

Clause 21.06 (Neighbourhoods)

Clause 21.06 outlines a range of key planning challenges, vision and strategies relating to particular neighbourhoods within the municipality.

Within this Clause, the Site is identified as being located within the St Kilda Road North Precinct.

The vision for the precinct is as follows:

- *St Kilda Road North Precinct is a dynamic inner urban locality. Highly connected and beautifully integrated, it is home to a community that is inclusive and full of vitality*
- *St Kilda Road maintains its role as a world famous boulevard and the Shrine of Remembrance maintains its prominence and landmark quality.*
- *St Kilda Road maintains its role as a premier office location supporting the Melbourne Central Activity District (CAD) and a preferred location for well designed, higher density residential development.*
- *Increased communal meeting spaces and public meeting points are provided.*
- *Through new development St Kilda Road North Precinct will:*
 - *Be a safe and inclusive place to live, work and visit*
 - *Retain its highly valued urban character and established identity.*
 - *Continue to accommodate demand for residential apartments and commercial floor space in a sustainable and sensitive manner.*
 - *Have convenient, safe and accessible sustainable modes of travel that allows residents, workers and visitors the choice to live and travel car-free.*
 - *Have a high quality well-landscaped public realm that supports convenient access to nearby parks, services and sustainable transport modes.*

The Site is then identified as being located within Sub Precinct 4 – Albert Road North and Bowen Crescent. Here, the streetscape is strongly defined by the scale and form of regularly spaced buildings, the consistent boulevard planting and the wide, straight road with multiple lanes.

The relevant objectives for the precinct are as follows:

- *Ensure that built form creates a focal point within the wider St Kilda Road Precinct where Albert Road, St Kilda Road and Domain Road meet through the development of higher scale quality buildings*
- *Ensure that development reinforces the distinctive street pattern by building frontages following the curve of the street and are complemented by formal tree planting in setback areas.*
- *Ensure that podium heights create and reinforce human scale at street level.*
- *Ensure that buildings are of a scale, form and design detail that creates a respectful background to the Shrine of Remembrance.*

A range of objectives and strategies are also outlined for all precincts and relevant to this Site, these are as follows:

- *Encourage the development of a vibrant inner urban mixed use area, providing for residential, commercial and community uses.*
- *Ensure that development provides high quality living spaces*
- *Encourage future development to deliver a wider mix of housing types and sizes and includes flexible and adaptable design features, to accommodate a more diverse community including:*
 - *Larger (3 bedroom or more) dwellings suited to family households and people working from home.*
 - *Universally accessible dwellings and accommodation suited to older people and people with limited mobility moveable walls and flexible spaces*

- *Ensure new use and development contributes to an active, high quality pedestrian environment at street level and increases pedestrian connectivity.*

Clause 22.06 (Urban Design Policy for Non – Residential Development and Multi Residential Development).

Clause 22.06 has the following objectives:

- *To achieve high quality urban design and architecture that:*
 - *Responds to the context of places within the municipality.*
 - *Integrates with the prevailing neighbourhood character and contributes to the amenity and vitality of the area.*
 - *Respects and enhances places and sites with significant heritage, architectural, scientific and cultural significance.*
 - *Protects and enhances the valued elements of the municipality*
- *To encourage the development of integrated urban art in new development that reflects the identity of place, community values, innovation and creativity.*

A range of strategies are outlined in pursuit of these objectives, including improving the public realm, ensuring good building design, activating street level frontages, protecting landmarks, views and vistas, promoting energy efficiency, facilitating urban art and providing sufficient landscaping, amongst other items.

Clause 22.12 (Stormwater Management – Water Sensitive Urban Design).

Clause 22.12 outlines a range of objectives that aim to *achieve the best practice water quality performance objectives set out in the Urban Stormwater Best Practice Environmental Management Guidelines, CSIRO 1999 (or as amended).*

A range of strategies are outlined in order to achieve the objectives, including requiring an industry accepted such as STORM or MUSIC report for applications for new buildings extensions to buildings which are 50sqm in floor area.

It is noted that the updated ESD Report provides some of this information, whilst the existing conditions of the planning permit also continue to require documentation in accordance with this Clause.

Clause 22.13 (Environmentally Sustainable Development)

Clause 21.13 has an overarching objective for development to achieve best practice in environmentally sustainable development from design stage through to construction and operation. A range of objectives relating to energy performance, water resources, indoor environment quality, stormwater management, transport, waste management and urban ecology.

The strategies outlined to achieve this include a requirement for a Sustainable Design Assessment or Sustainable Management Plan, as well as a Green Travel Plan.

It is noted that the updated ESD Report provides some of this information, whilst the existing conditions of the planning permit also continue to require documentation in accordance with this Clause.

4.2 Zone (Commercial 1 Zone)

The zone applicable to the site is the **Commercial 1 Zone (C1Z)**. The purpose of this zone is as follows:

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

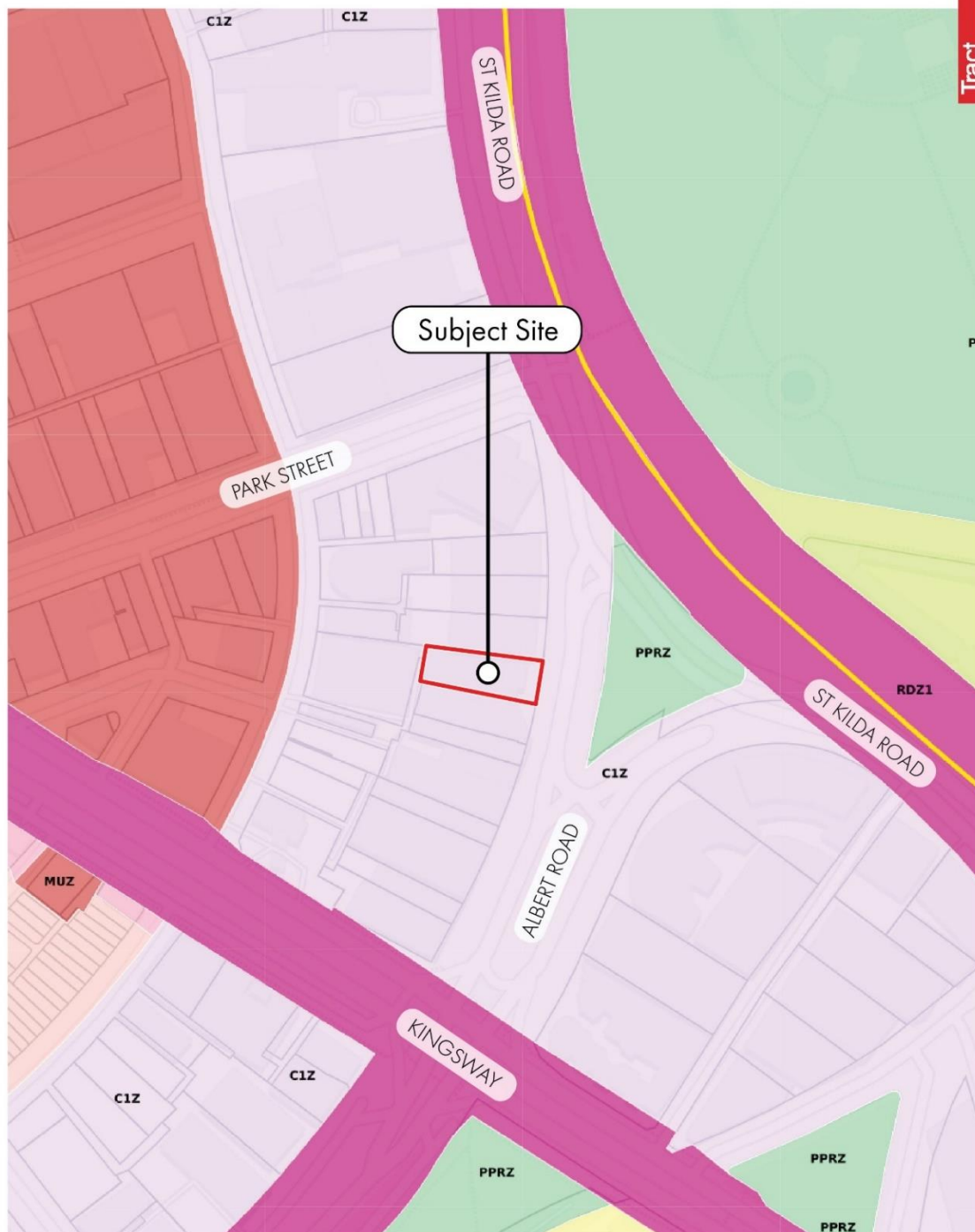
Schedule 1 to the zone does not include any minimum or maximum area of leasable floor space to be provided for offices.

Under the zone, any accommodation with a frontage of more than 2m requires a planning permit. It is noted the existing planning permit already provides permission to use the Site for dwellings, however it is sought to amend the planning permit to allow for accommodation (dwellings and residential hotel).

Likewise, buildings and works require a permit under the C1Z. The existing planning permit already provides permission for buildings and works.

It is proposed to introduce a bar and restaurant to the proposal, which are 'Section 1' (planning permit not required) uses under the C1Z – and which are in any case directly associated with (and ancillary to) the use of the land as a residential hotel.

Refer to **Figure 6 (Zone Plan)**.



Drawing Title

Project Name

Zone Map

28-32 Albert Street, South Melbourne

Drawing No.

Revision

Date

Drawn

Checked

Project Principal

Scale

321-0036-00-P-00-DR03

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13.01.2022

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Figure 6 Zone Plan

4.3 Overlays (Design and Development Overlay – Schedule 26)

DDO26 has been designed to implement the findings of the **St Kilda Road North Precinct Structure Plan**. It locates the Site within Precinct 4, sub precinct A. This provides guidance for the proposed built form amendments as part of this application.

It includes a range of design objectives for St Kilda Road North, as follows:

General.

The General Objectives are the main objectives for the precinct. These are as follows:

- *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.

These objectives relate to ensuring that key views and vistas to the Shrine of Remembrance are maintained and that built form respects its location within close proximity to the shrine.

City Beautiful.

These objectives relate to ensuring the design of built form respects the character of the area through regulating building heights and setbacks.

Landscape Setting

These objectives relate to ensuring there is an appropriate level of landscaping within the precinct, particularly along streetscapes to maintain St Kilda Road's status as one of Melbourne's 'grand boulevards'.

Streets for people.

These objectives relate mainly to ensure the pedestrian environment is enhanced, to encourage walking as a form of transport.

Private Amenity and Outlook.

These objectives relate to ensuring that building occupants have excellent levels of amenity, including natural ventilation, and daylight.

Sub Precinct 4 (the sub precinct which the site is located in) also contains an additional character statement and objectives. The character statement says:

The Albert Road north & Bowen Crescent Sub-Precinct is a distinct part of the Precinct expressing a unique nineteenth century formal street layout. Higher scale buildings clustered around the Domain will sit in a landscaped setting serving as a focal point within the overall precinct area and a point of transition along the St Kilda Road axis.

The objectives for this precinct are as follows (as relevant):

- *To ensure that built form creates a focal point for the wider St Kilda Road Precinct where Albert Road, St Kilda Road and Domain Road meet through the development of higher scale and quality buildings.*
- *To ensure that development reinforces the distinctive street pattern by building frontages following the curve of the street and are complemented by formal tree planting in setback areas.*
- *To ensure that podium heights create and reinforce human scale and provide visual interest and activity at street level.*

- *To improve public streets, provide for additional street trees and increase pedestrian connections.*
- *To ensure that buildings are scaled to maintain a respectful setting and backdrop for the Shrine of Remembrance.*

Several design requirements, including mandatory requirements and discretionary requirements, are outlined within the provision. These include, as relevant to the Site:

Mandatory requirements

- *85m AHD height limit.*
- *Development must not result in any additional overshadowing that will reduce the amenity of the:*
 - *South African War Memorial Reserve and the Bowen Crescent Reserve at the Equinox between 10am and 2pm.*
 - *Mac Robertson Girls' High School at the Equinox between 10am and 2pm.*
 - *Albert Park at the Winter Solstice between 11am and 2pm.*

It is noted that the new scheme does not create additional shadows to these locations.

Discretionary requirements (quantifiable)

- *18m – 30m podium height (depth of 10m).*
- *3m landscaped front setback.*
- *Building facades should align with the street frontage.*
- *Development:*
 - *within 13 metres (inclusive of the 3 metre landscape setback) of any direct street frontage or abuttal to Albert Road and Kings Way should be a minimum height of 18m and should not exceed a maximum height of 30 metres, and,*
- *Development above the podium height (including balconies) should be set back a minimum of 4.5 metres from common side and rear boundaries and at least 9 metres from existing towers.*
 - *Where no podium is proposed as part of the development, a setback of 4.5 metres to the common boundary should be provided.*
- *Additional side and rear setbacks and/or separation distances may be required to ensure buildings are designed and spaced to:*
 - *Respect the existing urban character and pattern of development.*
 - *Equitably distribute access to an outlook, daylight and achieve privacy from primary living areas for both existing and proposed development.*
 - *Achieve sky views between towers, ensure adequate sun penetration to street level and mitigate wind effects.*
 - *Avoid windows of primary living areas and balconies that directly facing one another.*
 - *Maintain the equitable development potential of adjoining lots.*
- *New development within a commercial or mixed use zone should provide:*
 - *Transparent windows and entrances for at least 80 per cent of the width of the street frontage of each individual retail premises, or at least 60 per cent of the width of the street frontage of each premises for other commercial uses.*
 - *Lighting design that is incorporated to the façade to contribute to a sense of safety at night*
- *Tower forms (above podiums) should not exceed a maximum width of 35 metres to:*
 - *Ensure that daylight penetrates through to parts of the building and streets, and adjoining buildings.*
 - *Reduce their perceived visual bulk.*
 - *Maintain sightlines between buildings.*

Other discretionary requirements (design guidance)

- *New developments should achieve urban design and architectural excellence*

- *Developments on large sites should minimise building bulk and promote vertical articulation in their design.*
- *Clear sight lines should be provided from the footpath to the building façade to increase perceptions of pedestrian safety.*
- *Water sensitive urban design treatments should be incorporated into frontage design to manage and reduce stormwater runoff.*
- *Exhaust stacks from underground car parks should be located away from main pedestrian areas and incorporated into the building design or adequately screened.*
- *Grade differences between the ground floor level and natural ground level should be kept to a minimum. Where level differences cannot be avoided (for example, due to the Special Building Overlay), stairs, terraces, disabled access ramps should be designed to not visually dominate the frontage setback space or significantly reduce the area for landscaping.*
- *The design of podiums should create a 'human scale' providing visual interest and activity for pedestrians at the street edge, ameliorate wind effects and provide access to sunlight and sky views.*
- *The design of buildings should reinforce the pattern of the street by aligning their façade with the curvature of the street frontage.*
- *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.*
- *All car parking at ground level or above should be sleeved with active uses to ensure it is not visible from the street.*
- *New development should provide integrated community and active space at street level that contributes to a high quality public realm.*
- *All building frontages (except on laneways and service streets) should:*
 - *Be orientated towards the street.*
 - *Allow for natural surveillance and a visual connection into the building through transparent windows and balconies.*
 - *Avoid blank walls, large areas of reflective services, high fences, service areas, car parks and garage doors in the podium interface areas.*
 - *Provide clear glazing to street frontages; security grills should be visually permeable and mounted internally.*
 - *Provide no or low, visually permeable front fencing*
- *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.*
- *Foyer areas should have visibility to the street and be designed to encourage activity and interest both within and external to the building.*
- *New residential development should have access to onsite communal or private open space in the form of rooftops, podiums, balconies or courtyards.*
- *Waste materials storage and services should be provided on site and should be screened from areas of high pedestrian activity.*
- *Waste storage or service should not impede pedestrian access and should be located away from footpaths.*
- *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.*
- *Building services on rooftops should be screened to avoid detrimental noise and visual impacts on the amenity of both private and public 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.*
- *Green roofs, roof gardens and vertical gardens should be encouraged in new or refurbished buildings.*
- *Green roofs are defined as a vegetated landscape built up from a series of layers that are installed on the roof surface as 'loose laid' sheets or modular blocks.*
- *Vehicle crossovers should be no more than 6 metres wide, with a maximum of one crossover per site.*

- *Vehicle ingress and egress should be located on lanes, where possible.*
- *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.*
- *Car parks should be built underground or located to the rear of the site to enable active uses on the street frontage.*
- *New development should include pedestrian links along St Kilda Road, Queens Road and areas in the Mixed Use Zone to create mid-block links and increase the permeability of the Precinct.*
- *Development should enhance existing links/laneways by providing a mix of active and non-active frontages, appropriate to the role of the link / laneway*

A planning permit is required under DDO26 for buildings and works.

Refer to **Figure 7 (Overlay Plan)**.

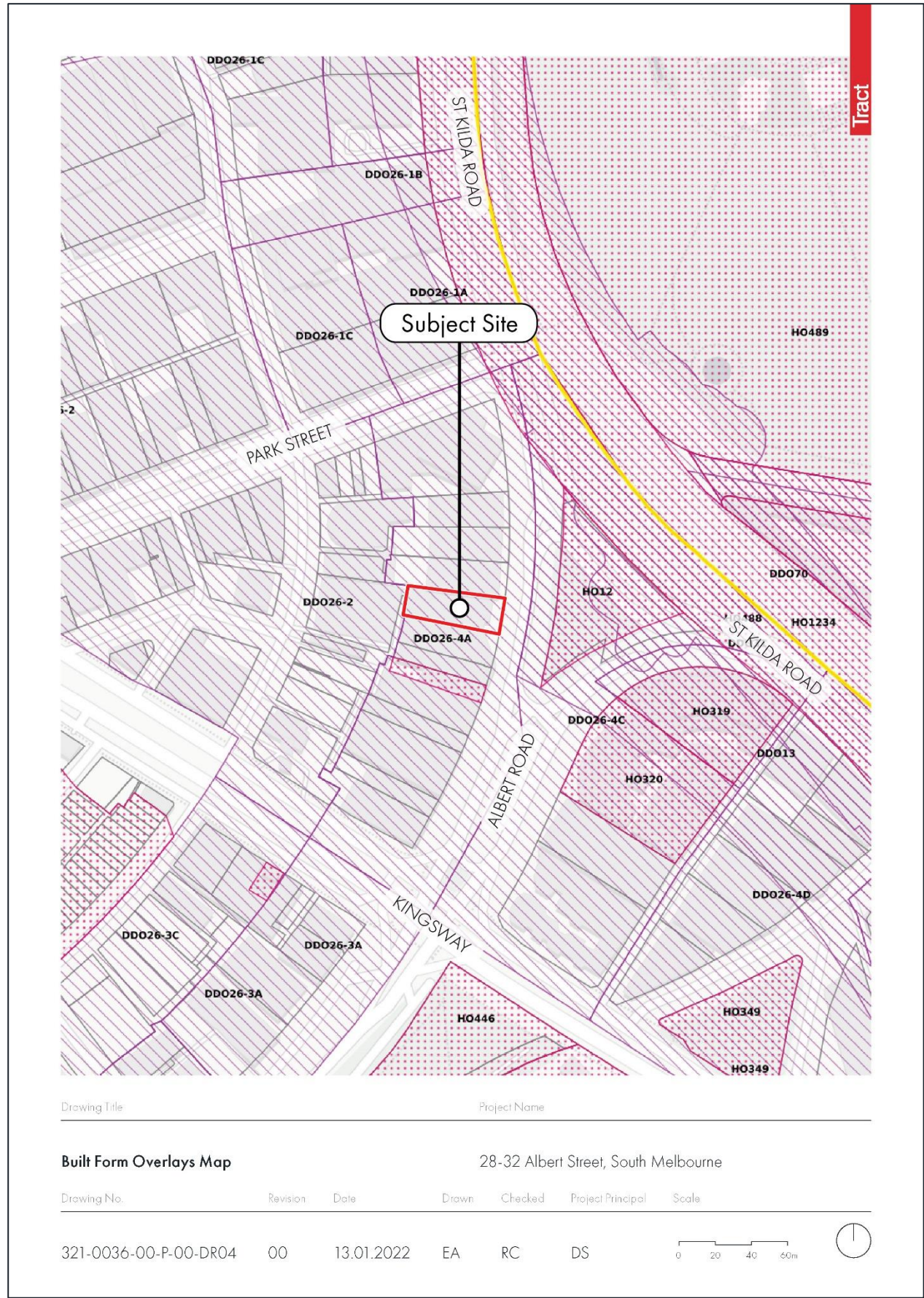


Figure 7 Overlay Plan

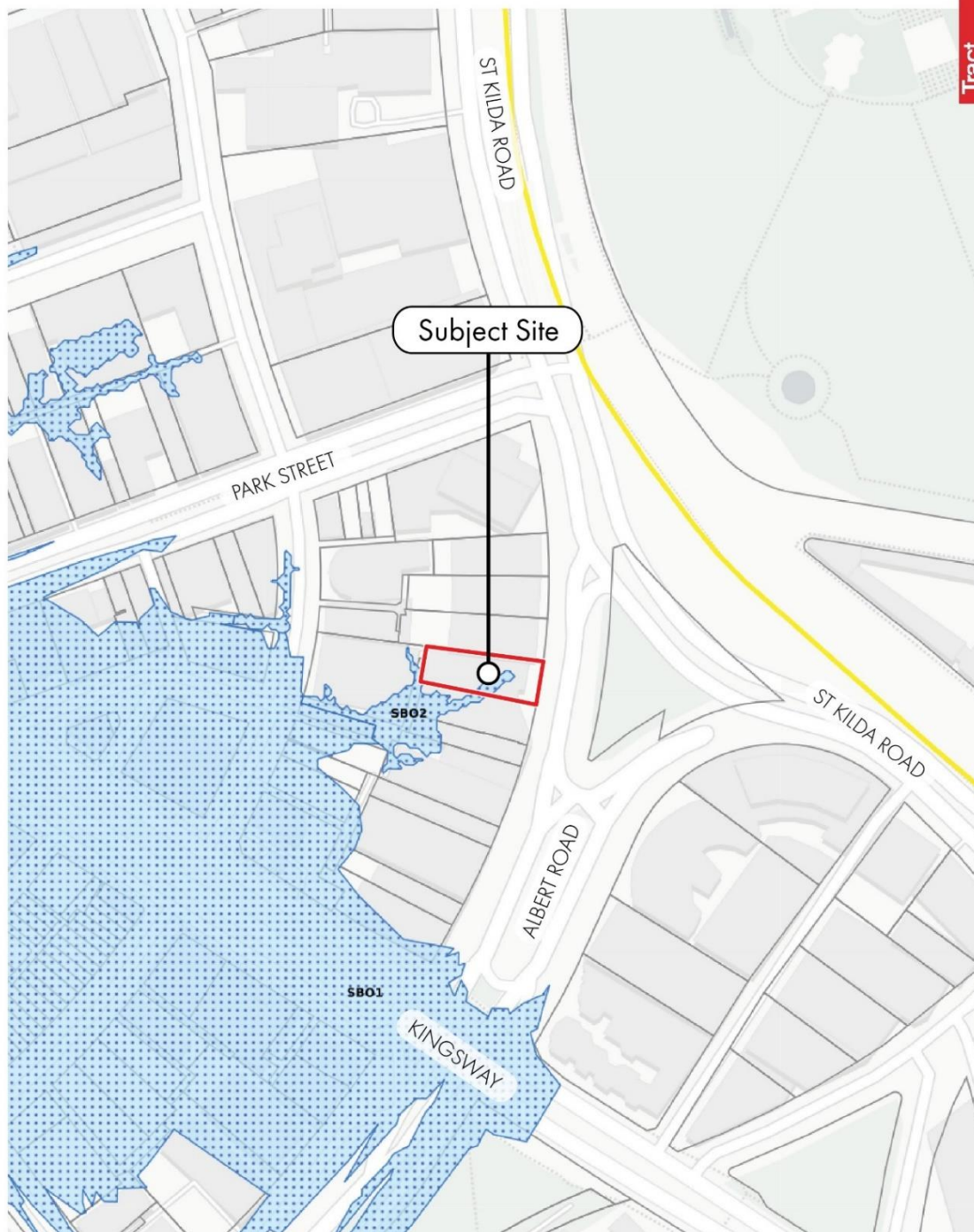
4.4 Overlays (Special Building Overlay – Schedule 2)

The Special Building Overlay – Schedule 2 (SBO2) applies to the Site. The purpose of this overlay is as follows:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To identify land in urban areas liable to inundation by overland flows from the urban drainage system as determined by, or in consultation with, the floodplain management authority.*
- *To ensure that development maintains the free passage and temporary storage of floodwaters, minimises flood damage, is compatible with the flood hazard and local drainage conditions and will not cause any significant rise in flood level or flow velocity.*
- *To protect water quality and waterways as natural resources by managing urban stormwater, protecting water supply catchment areas, and managing saline discharges to minimise the risks to the environmental quality of water and groundwater.*

A planning permit is required for buildings and works under this overlay.

Refer to **Figure 8 (Overlay Plan)**.



Drawing Title

Project Name

Land Management Overlays Map

28-32 Albert Street, South Melbourne

Drawing No.

Revision

Date

Drawn

Checked

Project Principal

Scale

321-0036-00-P-00-DR05

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Figure 8 Overlay Plan

4.5 Particular Provisions (Clause 52.02 – Easements, Restrictions and Reserves)

Clause 52.02 has the following purpose:

To enable the removal and variation of an easement or restrictions to enable a use or development that complies with the planning scheme after the interests of affected people are considered.

It requires a planning permit to create, alter or remove an easement.

The approved planning permit has permission to vary the existing E-1 easement on Site. It is not proposed to alter this permission.

Therefore, no further planning permission is required under this provision.

4.6 Particular Provisions (Clause 52.06 – Car Parking)

Clause 52.06 aims to provide an appropriate number of car parking spaces having regard to the demand, the activities on the land and the nature of the locality.

The Clause also promotes the efficient use of car parking spaces through the consolidation of car parking facilities and ensuring that car parking facilities are functional.

Clause 52.06 outlines a range of car parking rates for specific uses. Of note, the Site is located within the Principal Public Transport Network (PPTN) and as such, Column B of Table 1 applies.

For the proposed uses on Site, the requirements are as follows:

Use	Rate
Dwelling	1 car parking space to each 1 or 2 bedroom dwelling. 2 car parking spaces to each dwelling with 3 or more bedrooms.
Residential Hotel	No rate specified – but to the satisfaction of the Responsible Authority.

It is also noted that the bar and restaurant will operate as part of the residential hotel, and therefore do not generate their own requirement for car parking.

There are also no requirements for visitor car parking to any of the uses proposed.

The mix of 44 apartments proposed are as follows:

- 20 x one and two bedroom dwellings.
- 24 x three and four bedroom dwellings.

Given the above, the proposal generates a requirement for 68 residential car parking spaces. 69 car parking spaces are proposed (1 surplus car parking space). Therefore, no statutory reduction is sought for this amendment.

It is noted that no rate of car parking is specified for a residential hotel, this instead must be 'to the satisfaction of the Responsible Authority'. It is proposed to not provide any car parking for the residential hotel. No statutory reduction is required to facilitate this.

Clause 52.06-9 also outlines a range of design standards applicable to car parking facilities. As the proposal seeks to retain existing car parking spaces and facilities, these are not relevant.

4.7 Particular Provisions (Clause 52.34 Bicycle Facilities)

Clause 52.34 focuses on encouraging cycling as a mode of transport and providing secure, accessible and convenient bicycle parking spaces and associated shower and change facilities.

Pursuant to Clause 52.34-1 a use must not commence until bicycle facilities have been provided on the land. Table 1 to Clause 52.34-5 sets out the required bicycle facilities.

Of relevance to this proposal, the rates required are as follows:

Use	Employee / Resident Rate	Visitor / Shopper / Student rate
Dwelling	In developments of four or more storeys, 1 bicycle space to each 5 dwellings	In developments of four or more storeys, 1 bicycle space to each 10 dwellings
Residential Building	In developments of four or more storeys, 1 bicycle space to each 10 lodging rooms	In developments of four or more storeys, 1 bicycle space to each 10 lodging rooms

In addition, the Clause also requires showers and change rooms for all of the uses listed as requiring bicycle parking. Requirements are as follows:

Facility	Employee / Resident	Visitor / Shopper / Student
Showers	If 5 or more employee bicycle spaces are required, 1 shower for the first 5 employee bicycle spaces, plus 1 to each 10 employee bicycle spaces thereafter	None
Change Room	1 change room or direct access to a communal change room to each shower. The change room may be a combined shower and change room	None

On this basis, the proposal generates the following requirements for bicycle facilities:

- 9 resident spaces (residential).
- 5 visitor spaces (residential).
- 9 employee spaces (residential hotel).
- 9 customer spaces (residential hotel).

The proposal provides 34 bicycle spaces, inclusive of 28 secure spaces for residents (and their visitors) / employees within the basement, as well as 6 spaces for visitors to the hotel at the ground floor (which are not secure).

The proposal also provides a shower (as required), as well as a changeroom, for the nine employee spaces that are required.

Given the above, the proposal therefore complies with the requirements of this provision and no planning permit is sought to vary this provision.

In addition, Clause 52.34-6 also outlines a range of design measures for bicycle spaces, rails, compounds and lockers and signage.

4.8 Particular Provisions (Clause 52.27 – Licensed Premises)

Clause 52.27 provides the following purpose:

- *To ensure that licensed premises are situated in appropriate locations.*
- *To ensure that the impact of the licensed premises on the amenity of the surrounding area is considered.*

It specifies that a permit is required if a license is required under the *Liquor Control Reform Act 1998* in order to sell or consume liquor on Site.

Given the proposal seeks a liquor license for the residential hotel, a planning permit is required under this provision.

The proposal will include a 'general' licence to enable the sale of alcohol to guests within the residential hotel rooms and the sale and consumption of alcohol in the bar and restaurant areas.

Plan Melbourne Refresh (2017 – 2050).

Plan Melbourne 2017-2050 is the Victorian Government's Metropolitan Planning Strategy that will guide the city's growth to 2050 ('the Strategy'). Plan Melbourne is organised under 9 principles which underpin a long-term vision as well as 7 outcomes, 32 directions and 90 policies.

The outcomes set out in the strategy all apply generally to the proposal, being;

- Outcome 1 which states *Melbourne is a productive city that attracts investment, supports innovation and creates jobs.*
- Outcome 2 which states that *Melbourne provides housing choice in locations close to jobs and services.*
- Outcome 3 which states *Melbourne has an integrated transport system that connects people to jobs and services and goods to market.*
- Outcome 4 which states *Melbourne is a distinctive and liveable city with quality design and amenity.*
- Outcome 5 which states *Melbourne is a city of inclusive, vibrant and healthy neighbourhoods.*
- Outcome 6 which states *Melbourne is a sustainable and resilient city.*

In an overarching sense, these outcomes all seek to encourage ore infill housing, greater commercial investment in Melbourne and strengthened inner city economy. They also seek to reduce reliance on motor vehicles and increased use of more sustainable travel modes, better urban design that enhances and respects local character and foster environmentally sustainable development.

5 Planning Assessment

5.1 Overview

When assessing the proposal against the *Port Phillip Planning Scheme*, the proposal prompts the following questions:

- Is the proposed amendment consistent with the State and Local Planning Policy Framework?
- Is the proposed residential hotel an appropriate land use?
- Do the proposed external built form changes comply with Design and Development Overlay – Schedule 26 (DDO26)?
- Is the provision of access, bicycle parking, car parking, loading / unloading and waste collection appropriate?
- Is the amended proposal reflective of best practice environmentally sustainable design?
- Is the amended proposal consistent with the Special Building Overlay – Schedule 2 (SBO2)?
- Do the proposed internal changes ensure an appropriate level of internal amenity is provided to residents?
- Is the proposed service and consumption of alcohol appropriate and consistent with Clause 52.27?

Each of these issues is discussed further below.

5.2 Is the proposed amendment consistent with the State and Local Planning Policy Framework?

The proposed amendment has been assessed against the relevant provisions of the State and Local Planning Policy Framework. It is considered that the proposal is consistent with these policy provisions, noting the following:

- The proposed amendment will further diversify the uses on Site, by introducing a residential hotel
 - This will contribute to the further diversifying of uses in the St Kilda Road precinct, which has traditionally been an office district, but been experiencing increasing development of residential apartments.
 - The amendment will provide both additional long term housing, as well as a use that encourages tourism to the area and provides for short stay accommodation. This will cater to a range of business and leisure tourists.
 - This will assist in further diversifying the uses within the St Kilda Road precinct and ensuring it is a mixed use, 24/7 precinct, consistent with Clauses 11.01-1R, 11.03-1R, 15.01-4R, 16.01-1R, 17.01-1R, 17.04-1R, 17.04-1R, 21.01, 21.04 and 21.06.
- The proposal will assist in reducing motor vehicle dependency, by locating a large residential and tourism development on a Site which is located opposite the Anzac Metro Railway Station and the St Kilda Road tram spine.
 - This provides users of the building direct access to high quality public transport which is frequent, reliable and well connected to other key destinations.
 - Likewise, the provision of no car parking for the residential hotel, as well as the reduction in the total number of car parking spaces on Site, will assist in discouraging motor vehicle travel and reducing motor vehicle dependency. This is consistent with Clauses 15.01-4R, 15.02-1S, 18.02-3R, 21.01, 21.03, 21.06 and 22.12.
- The proposed alterations to the building will maintain the architectural integrity of the proposal. In particular:
 - The introduction of a bar and restaurant associated with the residential hotel (at the ground and first floors) will further facilitate passive surveillance and interaction with the street.
 - The expanded footprint of Levels 1 to 6 will create a 'podium and tower' typology that is consistent with the form of nearby development.
 - This will provide urban design benefits and contribute positively to the surrounding area, consistent with Clauses 15.01-1R, 15.01-2S, 21.01, 21.05, 21.06 and 22.06.

5.3 Is the proposed residential hotel an appropriate land use?

The proposed introduction of a residential hotel is considered to be positive change.

At a broad level, the hotel will create employment and attract tourism opportunities for the surrounding area (having a flow on effect of creating further employment in the surrounding area), further achieving the desire of a '20 minute city'. Likewise, it will further diversify the uses on Site (and in the surrounding precinct) and is consistent with the relevant provisions of the *Port Phillip Planning Scheme* that seek to foster a range of uses along St Kilda Road.

The following is noted in support of this:

- Within the purpose of the Commercial 1 Zone (C1Z) is clear support for a range of uses, with the following noted in the objectives of the C1Z:
 - *create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses, and,*
 - *provide for complementary residential uses.*

A residential hotel assists in creating a 'vibrant' centre – with the guests utilising the amenities of the surrounding area during times where they may not otherwise be in high use (ie. such as during weekdays when residents are not at home, or later in evenings). Likewise, it provides a 'complementary' residential use. This will contribute to the transformation of the St Kilda Road precinct into 24/7 precinct, consistent with the objectives of the C1Z and local planning policy.

- The Site is well located for tourism accommodation, noting its proximity to a number of key tourist destinations. This includes the Kings Domain / Royal Botanic Gardens, the Shrine of Remembrance and Albert Park Lake, whilst other destinations such as South Yarra, Port Melbourne, Southbank, the CBD and St Kilda are also within easy reach via public transport.
- The surrounding precinct includes a number of substantial commercial buildings, so it is likely that business related tourism will also be able to take advantage of the close proximity to employment precincts. This makes the Site an attractive location for short term accommodation and is consistent with the desire within the *Port Phillip Planning Scheme* to ensure there is short term accommodation in business precincts.
- The Site is proximate to a number of large parklands, which provides amenity for residential hotel guests (given it assists in meeting their outdoor open space needs). Views to these parklands will also provide good internal amenity for the residential hotel rooms.
- The use will not have any unreasonable amenity impacts on the residents within the building or the surrounding area, noting the following:
 - Residents and hotel guests will access the building through separate lobbies and lifts, ensuring minimal interaction between short term guests and residents. Whilst the communal working area, gym, pool and terrace will be accessible for all, this is a common arrangement in such mixed use buildings and ensures that these facilities are used to the maximum extent possible.
 - The residential hotel rooms and other facilities are largely internal to the building, thus there are unlikely to be any impacts to existing residents (for instance, by way of lighting or noise).
 - The residential hotel rooms are located on Levels 2 through to 9 only, ensuring that facilities such as corridors are not shared (which could have the potential to create noise or lighting impacts).
 - The restaurant and bar facilities associated with the hotel are located at the ground and first floor, where there were also previously commercial uses. It is common to have commercial uses (such as shops, restaurants, bars, offices, cafes etc) in the podium of a building, with dwellings above. This ensures minimal impacts to residents (8-9 floors above) by way of noise or lighting.
 - An Acoustic Report prepared by SLR also confirms there will not be any unreasonable noise impacts from the communal facilities associated with the residential hotel to existing or future residents in the proposed building or adjoining buildings.
- The Delegate Report associated with the previous S87A application acknowledged the broader planning policy support for the principal of the use of the Site as residential accommodation (see excerpt below).

It is acknowledged that there is state and local policy support for a residential hotel in this location. The site is located proximate to the CBD and is served by good public transport options. There is also amenity space in the form of public parkland close to the site.

- We note that the previous Delegate Report raised potential concerns with respect to certain elements of the residential hotel including:
 - No designated vehicle facility provided for the dropping off and picking up of hotel guests.
 - Minimum allocated car parking spaces for the proposed hotel use.
 - Proposed car parking spaces only accessible by car lift.
 - A hotel lobby entrance that would be shared with the standard dwellings.

With respect to the first three items above, please refer to the car parking / access sections of this report and the accompanying traffic report prepared by Traffix.

In relation to the lobby, it is noted that the residential and hotel lobbies have now been separated in this proposed amendment to address this concern.

The residential hotel includes an ancillary bar and restaurant on the ground and first floor. These facilities will operate as part of the residential hotel, catering to and targeting the guests staying within the complex. For instance, guests will be provided with breakfast / lunch / dinner options within the restaurant.

We note that if these uses were not ancillary, they would nonetheless be 'as of right' uses under the C1Z, and are therefore land uses that are expressly supported and encouraged by the zone and will not have any unreasonable amenity impacts to residents on Site or the surrounding area.

Notwithstanding the above, we note that any potential impacts have been minimised through the following:

- An Acoustic Report prepared by SLR demonstrates that the bar and restaurant will not have unreasonable noise impacts. Furthermore, given the location in the C1Z and in an inner urban, high rise precinct, any minor noise impacts are not unreasonable.
- By way of lighting, these uses are largely internalised within the building, and light and glare are likely to only impact the street. This is considered to be positive, given it will improve pedestrian safety at night.
- In terms of movements, the vast majority of patrons to both the bar and restaurant will be from the residential hotel. Thus, they are unlikely to generate a large demand for vehicle movements or car parking. Notwithstanding, the location of the Site in the PPTN and adjacent to the under construction Anzac Metro means that the majority of patrons or staff not already on the premises will likely access the Site via public transport or active transport.

Any impacts from the sale and consumption of liquor are explored later within this report.

5.4 Do the proposed external built form changes comply with Design and Development Overlay – Schedule 26 (DDO26)?

The built form changes proposed in the amended plans have been assessed against the relevant objectives and design standards of Design and Development Overlay – Schedule 26 (DDO26) and are considered to be appropriate, noting the following:

- The amended proposal continues to achieve a high level of architectural quality and a form generally consistent with the existing approval. The main change visible to pedestrians passing the Site will be the expanded Levels 1 – 5. This is considered to assist in creating a 'podium and tower typology' by providing a larger base for the building, with a slender tower above – which is consistent with the character of buildings within the immediate area. It is noted that there is a preferred podium height of between 18m – 30m in this precinct – the amended proposal sits comfortably within this range and is therefore an improvement over the previous form.
- The expanded footprint at levels 1 to 5 will not have any amenity impacts on adjoining properties. Notably, the expanded footprints will adjoin the car park at 34 – 38 Albert Road (built to the common property boundary) and a blank wall at 24 – 26 Albert Road. It will therefore not appear any closer to any adjoining dwellings or other outlooks, given there are no views to the Site at these levels of the adjoining buildings.
- The expanded footprint will not create any overshadowing or overlooking impacts, given there are no adjoining existing outlooks to this area.
- The large balconies at level 6 will provide spaces for landscaping, which will assist in complementing the landscaped character of the surrounding area.

- The expanded level 1 will provide better opportunities for passive surveillance of the street, given that it will have a number of large windows / semi open area from the bar area to the street below. This is in comparison to the less active uses previously proposed at level 1 (dwellings), which were setback from the street below, limiting views to the street.
- The location of the pool at level 1 also provides some views to the rear laneway, again facilitating passive surveillance.
- The changes to balcony locations above the residential hotel continue to be within the approved envelope of the tower. Given the design of the building (which minimised the presence of the balconies, as their balustrades appear as part of the glazing that the balance of building is finished in), this will not have any unreasonable visual impact to the street or surrounding area. Likewise, they will not have any daylight or outlook impacts.
- All balconies continue to be a minimum of 9m from any other existing habitable room window or balcony.
- The proposed height continues to sit within the 85m AHD mandatory height limit, as well as the approved height of the building. Given the additional storey will not create additional height, it will not have any new overshadowing impacts to the surrounding area.
- At the ground floor, the hotel restaurant will provide a more active interface with the street, in comparison to the previously approved wellness centre. The restaurant will have large windows to the street and will operate throughout the day (catering to breakfast, lunch and dinner for the hotel) and therefore will offer interaction and passive surveillance with the street at more times during the day.

Given the above, it is considered that the amended proposal remains consistent with the relevant provisions of DDO26.

5.5 Is the provision of access, bicycle parking, car parking, loading / unloading and waste collection on Site appropriate?

This Section of the report should be read in conjunction with the **Traffic Report prepared by Traffix Group.**

5.5.1 Access

Access to the basement

Access to the basement car park is proposed to be facilitated via two car lifts (one facing the rear laneway, one facing Albert Road).

Vehicles will enter the Site via the lift at the rear laneway. They will exit via the lift on Albert Road. This will minimise any potential vehicle conflict that could be generated by sharing car lifts for both ingress and egress arrangements.

The number of vehicles using the car lifts has been considered by Traffix and will be an appropriate outcome. Queuing is more likely to occur when entering and therefore will occur within the laneway. Any potential queuing will be minor and not impact the safety or operation of the laneway, particularly considering it has a 'dead end' past the Site (and therefore vehicles access other properties are unlikely to be impacted).

When exiting the Site if any queuing occurs, it will occur within the basement car park (given vehicles will wait to use the lift to exit). This is unlikely to be common and waits are unlikely to be long. Traffix has indicated this is an appropriate outcome. Vehicle conflicts will be kept clear of Albert Road given vehicles will simply exit once they reach the level of Albert Road. Appropriate pedestrian sight splays are provided and Traffix has deemed these to be functional.

Access to the loading bay

The proposal provides a loading bay on the lower ground level, which is accessible via the rear laneway. A ramp provides access to this area, whilst a turntable allows the loading vehicles to ingress the egress the Site in a forward direction.

The ramp that provides access to this area is single width, however given the low numbers of vehicles anticipated to use this area, this is considered appropriate. Should loading vehicles arrive and see that the area is in use, they can prop adjacent to the car lift and wait for the loading vehicle to exit prior to entering the Site.

Access for the Residential Hotel

Given the closure of the extensive crossovers fronting the Site on Albert Road, this will create approximately two on street car parking spaces. It is proposed that these spaces will be used for residential hotel guest drop off / pick up.

It is acknowledged that some hotels provide a dedicated on Site drop off / pick up zone (known as a porte-cochere), where vehicles can ingress and egress in a forward direction. However, this requires large spaces to be dedicated to such areas, which are not available on this Site.

This has been assessed by Traffix Group and is considered an appropriate outcome, with the following noted:

- The proposed two new spaces on street are considered to be appropriate to facilitate access to the 88 residential hotel rooms. Notwithstanding, should these spaces be busy, vehicles such as taxis and ubers could use the other on street parking in the area for the 5-10 minutes required to drop off or pick up people.
- It is considered that a large number of hotel guests will be using public transport to access the Site (instead of taxis or ubers). This is given the excellent locational attributes of the Site (within the PPTN and adjacent to Anzac Railway Station). It is also noted that Anzac Railway Station will in future provide a direct connection by train to Melbourne Airport, should the proposed Airport Rail be realised. This provides encouragement for tourists to not utilise a motor vehicle when staying on Site.
- The Site clearly has constraints which would prevent a porte-cochere be provided. For instance, the width of the Site is minimal and there is a desire to prioritise providing a pedestrian connection through the Site (rather than a vehicle connection). Likewise, the basement size and dimensions are constrained which would make it challenging to provide the ability for drop off and pick up to occur internally.
- It is unlikely, should a drop off or pick-up be proposed within the basement, that this would be utilised by taxis or ubers. These vehicles would be unlikely to travel down a laneway, to access a basement, to drop off or pick up people. They are instead likely to go to the most readily accessible location (ie. out the front of the lobby of the hotel).
- Providing a drop off / pick up point in the basement may create vehicle conflicts with residential vehicles using the private car park.
- This is also not an unusual arrangement, with many inner city residential hotels not having on site porte-cocheres or pick up / drop off facilities. This is similar to a recent approval at 10-16 Dorcas Street, Southbank (TP-2020-235), approx 400m north from the Site (but within the City of Melbourne), which allows pick up and drop off on street and is a similarly sized hotel.

5.5.2 Bicycle facilities

The amended proposal generates a requirement for 32 bicycle spaces, as follows:

- 9 resident spaces (residential).
- 5 visitor spaces (residential).
- 9 employee spaces (residential hotel).
- 9 customer spaces (residential hotel).

The proposal provides 34 bicycle spaces, inclusive of 28 secure spaces for residents (and their visitors) / employees within the basement, as well as 6 spaces for visitors to the hotel at the ground floor (which are not secure).

The proposal also provides a shower (as required), as well as a changeroom, for the 9 employee spaces that are required.

Given this, the proposal satisfied the requirements of Clause 52.34 (Bicycle Facilities).

5.5.3 Car Parking

Dwellings

The amended proposal provides the statutory rate of car parking to all of the dwellings, with all one / two bedroom dwellings provided with one car parking space, and all three or more bedroom dwellings provided with two car parking spaces. This generates a statutory rate of 68 spaces (and 69 spaces are proposed).

It is noted that no residential car parking visitor spaces are required.

Therefore, given compliance has been achieved, the proposal is considered to be appropriate and no further discussion is provided around this matter.

Residential Hotel

Clause 52.06 does not specify a car parking rate for a residential hotel, instead noting that car parking 'should be provided to the satisfaction of the Responsible Authority'.

It is not proposed to provide car parking for the residential hotel, as it is considered that the access to public and active transport will be sufficient for the demand for hotel guests, as well as associated staff. For further detail please refer to the report prepared by Traffix Group.

5.5.4 Loading and unloading

The proposal has provided an on Site loading bay at the lower ground level, which is accessible via the rear laneway. The loading bay will provide for relevant loading and unloading requirements, such as cleaning / maintenance vehicles needing access to the residential, movement of furniture in and out of the building, loading and unloading of goods for the residential hotel (and associated uses) and the like. It will also be used for waste collection.

The loading bay is considered to be sufficient to meet these demands and has been assessed by Traffix Group to be usable and functional.

5.5.5 Waste collection

LID Consulting have prepared a waste management plan, which details how waste will be transferred from dwellings to and from the basement, how it will be stored in the basement and subsequently collected (from the loading bay).

These arrangements are considered to be functional and are also consistent with Condition 10 of the existing planning permit.

5.6 Is the amended proposal reflective of best practice environmentally sustainable design?

This Section of the report should be read in conjunction with the **ESD Report prepared by LID Consulting**.

The amended proposal has a BESS Rating of 51 percent, which is considered to be reflective of best practice environmentally sustainable development. The amended proposal includes the following features which contributes to achieving this rating:

- The vast majority of dwelling will be provided with dual aspects. This ensures appropriate opportunities for cross ventilation, as well as access to daylight throughout the day, minimising the need for heating / cooling and lighting systems, reducing energy usage.
- A 6.7 star average energy rating has been achieved across the development for the dwellings, ensuring residents have the ability to seek to reduce energy usage as appropriate. Furthermore, the developing has cooling limits of 30 MJ/m2 and heating limits of 88 MJ/M2.
- The development will be gas free for the dwellings, with inductions installed rather than gas cooking. This ensures that there is limited use of gas on Site and reduces carbon emission generation.
- The proposal provides a 16Kw system of solar panels, which will generate electricity for use on Site. Likewise, a 9,000 litre water tank will be installed and connected to the toilets on the ground and first floor. This will reduce reliance on the energy grid, as well as usage of potable water, which assists in minimising carbon emissions associated with energy production and conserving fresh water.
- The proposed dwellings have an appropriate level of daylight, which is similar to the existing approval and will ensure appropriate amenity for residents.
- The location of the proposal in an amenity rich area, the provision of no car parking for the residential hotel, as well as provision of bicycle facilities exceeding the planning scheme requirements, will assist in encouraging the use of active and public transport. This will assist in reducing reliance on the motor vehicle (and their associated greenhouse gas emissions).
- The proposal provides some EV charging points within the basement, assisting in facilitating the future growth of EV Vehicles.

Given the above, it is considered that the amended proposal is reflective of best practice ESD design.

5.7 Is the amended proposal consistent with the Special Building Overlay – Schedule 2 (SBO2)?

The Site is affected by the Special Building Overlay – Schedule 2 (SBO2). It is acknowledged that when the planning permit was issued, the Site was not affected by this control.

The SBO2 outlines that the relevant water management authority is Port Phillip City Council (rather than Melbourne Water).

During the previous S87A process, comments were sought from Council's engineering department in relation to this issue and their comments were implemented into the development plans. These changes continue to form part of this amendment and are as follows:

- Self-closing mechanical floor barrier extending to 500mm above the NGL (3.41 AHD) has been added to the entrance to the basement car park along the rear lane.
- The floor level of the landing area of the pedestrian arcade at the rear has been noted (3.295m). Should this be insufficient a condition on the planning permit can seek to alter the level.
- A notation has been made that there will be no electrical / gas points or switches below 4.12m AHD.

Given the above, it is considered compliance with the relevant requirements of the SBO2 have been met.

5.8 Do the proposed internal changes ensure an appropriate level of internal amenity is provided to residents?

This Section of the report should be read in conjunction with the **Clause 58 assessment prepared by Tract**.

The proposal has been assessed against Clause 58 (Apartment Buildings) of the *Port Phillip Planning Scheme*. A fresh assessment has been completed, given that a number of the apartments have had internal reconfigurations in comparison to the approved planning permit.

It is considered that the apartments provide an appropriate level of internal amenity and compliance with Clause 58, noting the following:

- Dwellings have been designed to be generously sized, in order to provide for a high level of amenity. This provides good spaces for a range of activities.
- The majority of dwellings are either oriented to face east or west towards Albert Road of the rear laneway. This provides excellent outlook for dwellings, as well as access to daylight and sunlight throughout the day.
 - Whilst there are approximately 15 apartments which face south only (to the common boundary with 34 – 38 Albert Road), these apartments are shallow (rather than deep) and have 2.7m minimum floor to ceiling heights in living areas, maximising access to daylight.
 - The apartments also are provided with a minimum 9m separation from the façade at 34 – 38 Albert Road, ensuring good outlook is provided by not requiring privacy screening to be installed.
 - The ESD assessment performed by LID also confirms appropriate daylight is provided to living areas and bedrooms in these apartments.
 - Furthermore, 66 percent of the apartments will be cross ventilated, minimising the need for heating, cooling and lighting throughout the day.
- The vast majority of apartments comply with (or exceed) the requirements of Standard D26 (Functional Layout), providing well sized bedrooms and living spaces for a range of activities. It is noted that a variation is sought only due to the unique nature of the façade in some circumstances, but is considered appropriate given that there is ample kitchen / dining space providing which is more than would usually be required to meet minimum requirements.
- Furthermore, apartment balconies generally comply with the size requirements of Standard D20, however, some variations are required for minimum depths given the unique shape of the proposed building. This is considered to still provide good amenity, given that the small depths only impact part of the balconies and the balance of the balconies have depths well in excess of the requirements.

- It is acknowledged that the proposal does not provide any outdoor communal open space, instead providing shared communal facilities at Level 1 (with the Residential Hotel) that provides working spaces, a bar, pool and gym. These spaces have an area of approximately 1000sqm.

This is considered to be appropriate, despite no outdoor communal space being provided (apart from the outdoor pool), noting the following:

- The Site is located opposite the South African War Memorial Reserve, which includes grassed areas, a barbeque and several large mature trees. Opposite this Reserve is parklands associated with the Royal Botanic Gardens / Kings Domain / Shrine of Remembrance. These are extensive parkland areas which provide for a range of outdoor passive and active leisure / recreation opportunities, which will appropriately meet the open space needs of residents on Site.
- Likewise, all apartments will include good sized balconies, that allow for the provision of small tables that can cater to passive recreation and leisure needs.
- Given the open space needs of residents are considered to be met, the internal facilities provided will ensure excellent amenity for residents, by providing them with additional facilities for leisure and recreation.
- It is also noted that the size of these facilities (approximately 1000sqm) meets the minimum area that would otherwise be required for outdoor communal spaces (albeit indoors).
- The constraints of the Site would mean that the only opportunities to provide communal open space would be along the southern boundary (above the podium) which would be significantly compromised by shadows, or the rooftop, which would likely be an unusable space in a range of different weather conditions (such as wind).
- Large areas of internal and external storage is provided to apartments, ensuring compliance with Standard D21 and providing storage well in excess of the requirements.
- 77 percent of apartments comply with Standard D18 (relating to accessibility), ensuring the apartments are liveable and visitable by people with limited mobility.
- A diversity of apartments are provided, with 1, 2, 3 and 4 bedroom apartments provided, catering to a range of diverse resident needs.

Given the above, it is submitted that the proposal provides an appropriate level of internal amenity for future residents.

5.9 Is the proposed service and consumption of alcohol appropriate and consistent with Clause 52.27?

The amended proposal seeks permission for a liquor license, which will allow for the sale and consumption of alcohol in the bar, restaurant and hotel rooms.

The liquor license sought under the *Liquor Control Reform Act 1998* is a 'general license' – which would enable the sale and consumption of alcohol on-premises through the restaurant and bar, and to guests within the residential hotel rooms.

It is considered that the license sought is appropriate and will not have any unreasonable impacts on the surrounding area, with the following noted:

- The proposal is located within a commercial area, with a range of uses in the surrounding area. Local policy generally seeks to foster a mix of uses in the surrounding St Kilda Road precinct. The sale and consumption of alcohol within the residential hotel will provide a further mix of uses and activities within this precinct and will not have any unreasonable impacts on nearby properties having regard to the proposed hours of operation and nature of the proposed use.
- The proposed hours of operation of the bar and restaurant are 7am to midnight which is supported by the acoustic report prepared by SLR.
- Patron numbers will be dictated by the liquor licence, noting that the restaurant will provide for seated patrons and the bar area is only in the order of 170sqm in area.
- A Venue Management Plan (VMP) has been proposed as a condition of the planning permit and will need to be submitted to and endorsed by the Responsible Authority prior to the use commencing. 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.
- In terms of a cumulative impact we note the following:

- In this pocket of Albert Road (between Kings Way and St Kilda Road), there are four other existing licenses.
- Of these, two are a restaurant / café license, whilst one is a limited license and another a late night license.
- It is not considered that there will be an unreasonable cumulative impact from these existing licenses. It is unlikely (given the tightly controlled nature / serving of food as the primary activity) that there will be excessive alcohol consumption at the restaurant and café licenses. Likewise, the limited license is associated with a residential hotel, which again is unlikely to foster this behaviour.
- 52 Albert Road (which has the late night license) is a bar. This bar went into liquidation and was closed in March 2020. It is unclear whether the licence has since expired. Notwithstanding this, given the proposed hours of operation and nature of the proposed venue on the Site, there is not expected to be any unreasonable cumulative impact.

Given the above, it is considered that the sale and consumption of liquor proposed as part of the use of the land as a residential hotel is appropriate and meets the decision guidelines under Clause 52.27.

6 Conclusion

The amendment to the approved planning permit will facilitate the use of a residential hotel for the lower levels of the approved building, as well as the associated sale and consumption of liquor within the residential hotel. At a broad level, this is considered to be an appropriate use, given the excellent locational attributes of the Site (within easy reach of high quality public and active transport routes, as well as the CBD and a number of tourist attractions), the desire to foster a mix of uses along St Kilda Road and the desire to create and expand facilities for tourists.

The residential hotel will not be provided with any car parking. This is an appropriate outcome, given the proximity of the Site to Anzac Railway Station.

The amendments to the planning permit pre-amble and its conditions are also appropriate and will ensure the new use can be facilitated.

In terms of built form changes, the amended proposal will ensure the building creates more opportunities for interaction with the street and employs a more traditional podium and tower typology. New areas of built form will not result in any unreasonable amenity impacts to adjoining properties and are therefore considered to be appropriate.

Clause 58

Apartment Developments

1.1 Overview

- To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- To encourage apartment development that provides reasonable standards of amenity for existing and new residents.
- To encourage apartment development that is responsive to the site and the surrounding area.

1.2 Requirements

A development:

- Must meet all of the objectives of this clause.
- Should meet all of the standards of this clause.

If a zone or a schedule to a zone, or a schedule to an overlay specifies a requirement different from a requirement of a standard set out in Clause 58 (excluding Clause 58.04-1), the requirement in Clause 58 applies.

For Clause 58.04-1 (Building setback):

- If a zone or a schedule to a zone specifies a building setback requirement different from a requirement set out in Clause 58.04-1, the building setback requirement in the zone or a schedule to the zone applies.
- If the land is included in an overlay and a schedule to the overlay specifies a building setback requirement different from the requirement set out Clause 58.04-1 or a requirement set out in the zone or a schedule to the zone, the requirement for building setback in the overlay applies.

1.3 Definition

An Apartment is defined in Clause 72 as:

- A dwelling located above the ceiling level or below the floor level of another dwelling and is part of a building containing two or more dwellings.

Clause 58.02 – Neighbourhood Character and Infrastructure

Clause 58.02-1 – Urban Context Objectives

Objectives To ensure that the design responds to the existing urban context or contributes to the preferred future development of the area.
To ensure that development responds to the features of the site and the surrounding area.

Achieved

Standard D1 The design response must be appropriate to the urban context and the site.
The proposed design must respect the existing or preferred urban context and respond to the features of the site.

Complies with the Standard

Clause 58.02-1 – Urban Context Objectives Assessment

This application relates to an amendment to an existing permit which was issued following a detailed Urban Context report. The proposal remains consistent with the surrounding urban context.

Clause 58.02-2 – Residential Policy Objectives

Objectives To ensure that residential development is provided in accordance with any policy for housing in the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
To support higher density residential development where development can take advantage of public and community infrastructure and services.

Achieved

Standard D2 An application must be accompanied by a written statement to the satisfaction of the responsible authority that describes how the development is consistent with any relevant policy for housing in the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.

Complies with the Standard

Clause 58.02-2 – Residential Policy Objectives Assessment

Please refer to Section 5.2 of the Planning Report prepared by Tract.

Clause 58.02-3 – Dwelling Diversity Objectives

Objectives	To encourage a range of dwelling sizes and types in developments of ten or more dwellings.
	Achieved
Standard D3	Developments of ten or more dwellings should provide a range of dwelling sizes and types, including dwellings with a different number of bedrooms.
	Complies with the Standard

Clause 58.02-3 – Dwelling Diversity Objectives Assessment

The proposal provides for a total of forty-four (44) apartments. This is comprised of a diversity of dwelling sizes and types, including:

- 15 x one-bedroom dwellings;
- 1 x one bedroom, one study dwelling;
- 4 x two bedroom dwellings,
- 8 x three bedroom, two bathroom dwellings;
- 10 x three bedroom, two and a half bathroom dwellings; and
- 6 x four bedroom dwellings

This provides an appropriate diversity of dwellings.

Clause 58.02-4 – Infrastructure Objectives

Objectives	To ensure development is provided with appropriate utility services and infrastructure. To ensure development does not unreasonably overload the capacity of utility services and infrastructure.
	Achieved
Standard D4	Development should be connected to reticulated services, including reticulated sewerage, drainage, electricity and gas, if available. Development should not unreasonably exceed the capacity of utility services and infrastructure, including reticulated services and roads. In areas where utility services or infrastructure have little or no spare capacity, developments should provide for the upgrading of or mitigation of the impact on services or infrastructure.
	Complies with the Standard

Clause 58.02-4 – Infrastructure Objectives Assessment

The proposed development is located within an established urban area, and would be connected to existing services and infrastructure. The proposal would not unreasonably exceed or overload the capacity of utility services and infrastructure.

Clause 58.02-5 – Integration with the Street Objectives

Objectives To integrate the layout of development with the street.
To support development that activates street frontage

Achieved

Standard D5 Development should be oriented to front existing and proposed streets.
Along street frontage, development should:

- Incorporate pedestrian entries, windows, balconies or other active spaces.
- Limit blank walls.
- Limit high front fencing, unless consistent with the existing urban context.
- Provide low and visually permeable front fences, where proposed.
- Conceal car parking and internal waste collection areas from the street.

Development next to existing public open space should be designed to complement the open space and facilitate passive surveillance.

Complies with the Standard

Clause 58.02-5 – Integration with the Street Objectives Assessment

The proposal provides for an active street frontage to Albert Road (east) as well as to the rear laneway. Blank walls to street frontages have been avoided through providing large areas of glazing and openings. The ground floor would comprise a restaurant and hotel lobby at the Albert Road interface, as well as a 3-metre-wide transitional pedestrian entry arcade which provides access through the building. The proposed bar on Level 1, would further activate the frontage and integrate the proposal with the street.

Clause 58.03 – Site Layout

Clause 58.03-1 – Energy Efficiency Objectives

Objectives To achieve and protect energy efficient dwellings and buildings.
To ensure the orientation and layout of development reduce fossil fuel energy use and make appropriate use of daylight and solar energy.
To ensure dwellings achieve adequate thermal efficiency.

Achieved

Standard D6 Buildings should be:

- Oriented to make appropriate use of solar energy.
- Sited and designed to ensure that the energy efficiency of existing dwellings on adjoining lots is not unreasonably reduced.

Living areas and private open space should be located on the north side of the development, if practicable.
Developments should be designed so that solar access to north-facing windows is optimised.
Dwellings located in a climate zone identified in Table D1 should not exceed the maximum NatHERS annual cooling load specified in the following table.

NatHERS Climate Zone	NatHERS Maximum Cooling Load (MJ/M ² per annum)
Climate Zone 21 Melbourne	30
Climate Zone 22 East Sale	22
Climate Zone 27 Mildura	69
Climate Zone 60 Tullamarine	22
Climate Zone 62 Moorabbin	21
Climate Zone 63 Warrnambool	21
Climate Zone 64 Cape Otway	19
Climate Zone 66 Ballarat	23

Refer to NatHERS zone map, Nationwide House Energy Rating Scheme (Commonwealth Department of Environment and Energy).

Complies with the Standard

Clause 58.03-1 – Energy Efficiency Objectives Assessment

The application is accompanied by an ESD assessment report prepared by LID Consulting demonstrating compliance with the objectives and standards of Clause 58.03-1.

Clause 58.03-2 – Communal Open Space Objective

Objectives	To provide communal open space that meets the recreation and amenity needs of residents. To ensure that communal open space is accessible, practical, attractive, easily maintained. To ensure that communal open space is integrated with the layout of the development and enhances resident amenity.
Achieved	
Standard D7	A development of 10 or more dwellings should provide a minimum area of communal outdoor open space of 30 square metres. If a development contains 13 or more dwellings, the development should also provide an additional minimum of communal open space of 2.5 square metres per dwelling or 220 square metres, whichever is the lesser. This additional area may be indoors or outdoors and may consist of multiple separate areas of communal open space. Each area of communal open space should be: <ul style="list-style-type: none">• Accessible to all residents.• A usable size, shape and dimension.• Capable of efficient management.• Located to:<ul style="list-style-type: none">◦ Provide passive surveillance opportunities, where appropriate.◦ Provide outlook for as many dwellings as practicable.◦ Avoid overlooking into habitable rooms and private open space of new dwellings.◦ Minimise noise impacts to new and existing dwellings. Any area of communal outdoor open space should be landscape and include canopy cover and trees.
Complies with the Objective	

Clause 58.03-2 – Communal Open Space Objective Assessment

The proposal generates the requirement of a minimum of 140 square metres of outdoor communal open space, given the requirement for a base of 30sqm, as well as the provision of 44 dwellings (generating an additional requirement for 110sqm of communal open space).

The proposal does not provide any communal open space, but rather, provides communal spaces internally within the building at Level 1. This includes a bar, gym, pool and workspaces (ie. a business lounge) for use by residents and hotel guests. This space covers the majority of the Site (so has a total area of approximately 1,000sqm).

This is considered to appropriately meet the communal open space requirements for residents on Site, noting the following:

- The Site is opposite the South African War Memorial Reserve, and located within close proximity to extensive parklands at the Royal Botanic Gardens, Shrine of Remembrance and Albert Park Lake. This is considered to meet the open space needs for residents requiring access to large spaces for leisure and recreation.
- Each apartment is provided with a balcony (that are generally well sized). This provides appropriate open space to meet passive recreation, leisure and entertainment requirements within the dwelling.
- The Site is constrained in size and it is challenging to provide an area of communal open space that will be usable for residents. The areas above the podium are small and to the south of the building, not providing a good space with access to sunlight for resident use. Likewise, the rooftop (at 85m AHD) would unlikely to be usable in a variety of weather conditions.
- The provision of indoor communal facilities on Level 1 provides excellent facilities for resident use, which includes a pool and gym. This will assist in meeting some of the recreational needs of residents.

Given this, it is considered the proposed provision of internal communal open spaces (in lieu of external) is appropriate.

Clause 58.03-3 – Solar Access to Communal Outdoor Open Space Objective

Objectives	To allow solar access into communal outdoor open space. Not applicable (no communal space is provided onsite)
Standard D8	The communal outdoor open space should be located on the north side of a building, if appropriate. At least 50 per cent or 125 square metres, whichever is the lesser, of the primary communal outdoor open space should receive a minimum of two hours of sunlight between 9am and 3pm on 21 June. Not applicable (no communal space is provided on Site)

Clause 58.03-3 – Solar Access to Communal Outdoor Open Space Objective Assessment

Not Applicable, as no communal open space is provided on Site.

Clause 58.03-4 – Safety

Objectives	To ensure the layout of development provides for the safety and security of residents and property. Achieved
Standard D9	Entrances to dwellings should not be obscured or isolated from the street and internal accessways. Planting which creates unsafe spaces along streets and accessways should be avoided. Developments should be designed to provide good lighting, visibility and surveillance of car parks and internal accessways. Private spaces within developments should be protected from inappropriate use as public thoroughfares. Complies with the Standard

Clause 58.03-4 – Safety Assessment

The layout of the proposal would maintain safety and security for residents and property. Private areas of the building (i.e., the residential uses) would be separated from public access areas, through separate elevator services. Private spaces would not need to be traversed by the public in order to access the restaurant or hotel lobby. As abovementioned, the proposal is well integrated into both Albert Road and the rear laneway, and the design response would not result in the creation of unsafe spaces.

Clause 58.03-5 – Landscaping Objectives

Objectives	<p>To provide landscaping that supports the existing or preferred urban context of the area and reduces the visual impact of buildings on the streetscape.</p> <p>To preserve existing canopy cover and support the provision of new canopy cover.</p> <p>To ensure landscaping is climate responsible, supports biodiversity, wellbeing and amenity and reduces urban heat.</p>
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Achieved

Standard D10	<p>Development should retain existing trees and canopy cover.</p> <p>Development should provide for the replacement of any significant trees that have been removed in the 12 months prior to the application being made.</p> <p>Development should:</p> <ul style="list-style-type: none">• Provide the canopy cover and deep soil areas specified in Table D2. Existing trees can be used to meet the canopy cover requirements of Table D2.• Provide canopy cover through canopy trees that are:<ul style="list-style-type: none">◦ Located in an area of deep soil specified in Table D3. Where deep soil cannot be provided trees should be provided in planters specified in Table D3.◦ Consistent with the canopy diameter and height at maturity specified in Table D4.◦ Located in communal outdoor open space or common areas or street frontages.• Comprise smaller trees, shrubs and ground cover, including flowering native species.• Include landscaping, such as climbing plants or smaller plants in planters, in the street frontage and in outdoor areas, including communal outdoor open space.• Shade outdoor areas exposed to summer sun through landscaping or shade structures and use paving and surface materials that lower surface temperatures and reduce heat absorption.• Be supported by irrigation systems which utilise alternative water sources such as rainwater, stormwater and recycled water.• Protect any predominant landscape features of the area.• Take into account the soil type and drainage patterns of the site.• Provide a safe, attractive and functional environment for residents.• Specify landscape themes, vegetation (location and species), irrigation systems, paving and lighting.
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Site area	Canopy cover	Deep soil
1001-1 500 square metres	50 square metres plus 20% of site area above 1,000 square metres Include at least 1 Type B tree	7.5% of site area

Tree type	Tree in deep soil Area of deep soil	Tree in planter Volume of planter soil	Depth of planter soil
B	49 square metres (min. plan dimension 4.5 metres)	28 cubic metres (min. plan dimension of 4.5 metres)	1 metre

Where multiple trees share the same section of soil the total required amount of soil can be reduced by 5% for every additional tree, up to a maximum reduction of 25%.

Tree type	Minimum canopy diameter at maturity	Minimum height at maturity
B	8 metres	8 metres

Complies with the Objective

Clause 58.03-5 – Landscaping Assessment

The proposal is accompanied by a Landscape Plan prepared by Barbour Landscape Architects that demonstrates a considered landscape response, consistent with the urban context. It provides extensive landscaping at the entrance to the building along Albert Road, the terrace on Level 1 and above the roof (and facing the street on Level 2).

Whilst this does not strictly comply with the above requirements for deep soil for canopy tree planting, the proposed landscaping is considered to meet the Objective as it provides landscaping which complements the surrounding character. It would also be challenging to meet the deep soil canopy tree requirements given the constraints of the Site.

Clause 58.03-6 – Access Objective

Objectives	To ensure that vehicle crossovers are designed and located to provide safe access for pedestrians, cyclists and other vehicles. To ensure the vehicle crossovers are designed and located to minimise visual impact.
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Achieved

Standard D11	Vehicle crossovers should be minimised. Car parking entries should be consolidated, minimised in size, integrated with the façade and where practicable located at the side or rear of the building. Pedestrian and cyclist access should be clearly delineated from vehicle access. The location of crossovers should maximise pedestrian safety and the retention of on-street car parking spaces and street trees. Developments must provide for access for service, emergency and delivery vehicles.
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Complies with the Standard

Clause 58.03-6 – Access Objective Assessment

The application is supported by a Traffic Report prepared by Traffix Group. The report outlines how the proposed design response complies with the requirements of Clause 58.03-6.

Vehicle crossovers have been minimised with one (1) single width crossover for egress to Albert Road (via car lift), and vehicular entry provided via the laneway at the rear of the dwelling.

Clause 58.03-7 – Parking Location Objectives

Objectives To provide convenient parking for resident and visitor vehicles.
To protect residents from vehicular noise within developments.

Achieved

Standard D12 Car parking facilities should:

- Be reasonably close and convenient to dwellings.
- Be secure.
- Be well ventilated if enclosed.

Shared accessways or car parks of other dwellings should be located at least 1.5 metres from the windows of habitable rooms. This setback may be reduced to 1 metre where there is a fence at least 1.5 metres high or where window sills are at least 1.4 metres above the accessway.

Complies with the Standard

Clause 58.03-7 – Parking Location Objectives Assessment

The basement car park is accessible via lift / stairs, is secure and will be appropriately ventilated.

Clause 58.03-8 – Integrated Water and Stormwater Management Objectives

Objectives To encourage the use of alternative water sources such as rainwater, stormwater and recycled water.
To facilitate stormwater collection, utilisation and infiltration within the development.
To encourage development that reduces the impact of stormwater run-off on the drainage system and filters sediment and waste from stormwater prior to discharge from the site.

Achieved

Standard D13 Buildings should be designed to collect rainwater for non-drinking purposes such as flushing toilets, laundry appliances and garden use.
Buildings should be connected to a non-potable dual pipe reticulated water supply, where available from the water authority.
The stormwater management system should be:

- Designed to meet the current best practice performance objectives for stormwater quality as contained in the *Urban Stormwater – Best Practice Environmental Management Guidelines* (Victorian Stormwater Committee 1999).
- Designed to maximise infiltration of stormwater, water and drainage of residual flows into permeable surfaces, tree pits and treatment areas.

Complies with the Standard

Clause 58.03-8 – Integrated Water and Stormwater Management Objectives Assessment

The proposal is supported by an ESD Report prepared by LID consulting, addressing how the proposal responds to the requirements of Standard D13.

Existing Conditions of the Planning Permit also require a Water Sensitive Urban Design Report and Maintenance Manual to be prepared and approved by the Responsible Authority.

Clause 58.04 – Amenity Impacts

Clause 58.04-1 – Building Setback Objectives

Objectives	<p>To ensure the setback of a building from a boundary appropriately responds to the existing urban context or contributes to the preferred future development of the area.</p> <p>To allow adequate daylight into new dwellings.</p> <p>To limit views into habitable room windows and private open space of new and existing dwellings.</p> <p>To provide a reasonable outlook from new dwellings.</p> <p>To ensure the building setbacks provide appropriate internal amenity to meet the needs of residents.</p>
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Achieved

Standard D14	<p>The built form of the development must respect the existing or preferred urban context and respond to the features of the site.</p> <p>Buildings should be set back from side and rear boundaries, and other buildings within the site to:</p> <ul style="list-style-type: none">• Ensure adequate daylight into new habitable room windows.• Avoid direct views into habitable room windows and private open space of new and existing dwellings. Developments should avoid relying on screening to reduce views.• Provide an outlook from dwellings that creates a reasonable visual connection to the external environment.• Ensure the dwellings are designed to meet the objectives of Clause 58.
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Complies with the Standard

Clause 58.04-1 – Building Setback Objectives Assessment

The amended proposal maintains a similar built form to the approval, albeit, with changes to Level 1 (expanded to cover the majority of the Site) and Levels 2 to 6 (creating a 'U' shaped form to the south).

The additional form at Levels 1 to 6 is considered to be a positive change, creating a more typical 'podium and tower' typology, consistent with other buildings in the surrounding area (such as 34 – 38 Albert Road adjoining the Site to the south).

In particular, the new form to the south will be constructed to the boundary, where 34 – 38 Albert Road is also constructed to the boundary (due to the location of podium car parking).

Clause 58.04-2 – Internal Views Objective

Objectives	To limit views into the private open space and habitable room windows of dwellings within a development.
	Achieved
Standard D15	Windows and balconies should be designed to prevent overlooking of more than 50 per cent of the private open space of a lower-level dwelling directly below and within the same development.
	Complies with the Standard

Clause 58.04-2 – Internal Views Objective Assessment

The proposal has been designed to limit views into the private open space and habitable room windows of dwellings within the development. As above, the varied and angular built form would obscure views. The placement of balconies has been designed to also prevent views into the private open space of adjacent dwellings within the same development.

Clause 58.04-3 – Noise Impacts

Objectives	To contain noise sources in developments that may affect existing dwellings. To protect residents from external and internal noise sources.
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Achieved

Standard D16	Noise sources, such as mechanical plants should not be located near bedrooms of immediately adjacent existing dwellings. The layout of new dwellings and buildings should minimise noise transmission within the site. Noise sensitive rooms (such as living areas and bedrooms) should be located to avoid noise impacts from mechanical plants, lifts, building services, non-residential uses, car parking, communal areas and other dwellings. New dwellings should be designed and constructed to include acoustic attenuation measures to reduce noise levels from off-site noise sources. Buildings within a noise influence area specified in Table D3 should be designed and constructed to achieve the following noise levels: <ul style="list-style-type: none">• Not greater than 35dB(A) for bedrooms, assessed as an LAeq,8h from 10pm to 6am.• Not greater than 40dB(A) for living areas, assessed LAeq,16h from 6am to 10pm. Buildings, or part of a building screened from a noise source by an existing solid structure, or the natural topography of the land, do not need to meet the specified noise level requirements. Noise levels should be assessed in unfurnished rooms with a finished floor and the windows closed.
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Noise Source

Noise Influence Area

Zone Interface

Industry	300 metres from the Industrial 1, 2 and 3 zone boundary
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Roads

Freeways, tollways and other roads carrying 40,000 Annual Average Daily Traffic Volume	300 metres from the nearest trafficable lane
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Railways

Railway servicing passengers in Victoria	80 metres from the centre of the nearest track
Railway servicing freight outside Metropolitan Melbourne	80 metres from the centre of the nearest track
Railway servicing freight in Metropolitan Melbourne	135 metres from the centre of the nearest track

The noise influence area should be measured from the closest part of the building to the noise source.

Complies with the Standard

Clause 58.04-3 – Noise Impacts Assessment

The approved planning permit already includes conditions that seek to ensure no unreasonable noise impacts to future residents, as well as existing residents in adjoining buildings.

The Acoustic Report prepared by SLR demonstrates that this will be achievable.

Clause 58.04-4 – Wind Impacts

Objectives	To ensure the built form, design and layout of development does not generate unacceptable wind impacts within the site or on surrounding land.
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Achieved

Standard D17	<p>Development of five or more storeys, excluding a basement should:</p> <ul style="list-style-type: none">• not cause unsafe wind conditions specified in Table D6 in public land, publicly accessible areas on private land, private open space and communal open space; and• achieve comfortable wind conditions specified in Table D6 in public land and publicly accessible areas on private land <p>within a distance of half the greatest length of the building, or half the total height of the building measured outwards on the horizontal plane from the ground floor building façade, whichever is greater. Trees and landscaping should not be used to mitigate wind impacts. This does not apply to sitting areas, where trees and landscaping may be used to supplement fixed wind mitigation elements. Wind mitigation elements, such as awnings and screens should be located within the site boundary, unless consistent with the existing urban context or preferred future development of the area.</p>
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Unsafe

Annual maximum 3 second gust wind speed exceeding 20 metres per second with a probability of exceedance of 0.1% considering at least 16 wind directions.

Comfortable

Hourly mean wind speed or gust equivalent mean speed (3 second gust wind speed divided by 1.85), from all wind directions combined with probability of exceedance less than 20% of the time, equal to or less than:

- 3 metres per second for sitting areas,
- 4 metres per second for standing areas,
- 5 metres per second for walking areas.

Complies with the Standard

Clause 58.04-4 – Wind Impacts Assessment

Condition 32 of the existing planning permit requires that a Wind Impact Assessment based on wind tunnel modelling be provided for endorsement by the Responsible Authority prior to commencement of development.

This appropriately satisfies this requirement.

Clause 58.05 – On Site Amenity and Facilities

Clause 58.05-1 – Accessibility Objective

Objectives To ensure the design of dwellings meets the needs of people with limited mobility.

Achieved

Standard D18 At least 50 per cent of dwellings should have:

- A clear opening width of at least 850mm at the entrance to the dwelling and main bedroom.
- A clear path with a minimum width of 1.2 metres that connects the dwelling entrance to the main bedroom, an adaptable bathroom and the living area.
- A main bedroom with access to an adaptable bathroom.
- At least one adaptable bathroom that meets all of the requirements of either Design A or Design B specified in Table D7.

Table D7 Bathroom design

	Design Option A	Design Option B
Door opening	A clear 850mm wide door opening.	A clear 820mm wide door opening located opposite the shower.
Door design	Either: <ul style="list-style-type: none">• A slide door, or• A door that opens outwards, or• A door that opens inwards that is clear of the circulation area and has readily removable hinges.	Either: <ul style="list-style-type: none">• A slide door, or• A door that opens outwards, or• A door that opens inwards and has readily removable hinges.
Circulation area	A clear circulation area that is: <ul style="list-style-type: none">• A minimum area of 1.2 metres by 1.2 metres.• Located in front of the shower and the toilet.• Clear of the toilet, basin and the door swing.	A clear circulation area that is: <ul style="list-style-type: none">• A minimum width of 1 metre.• The full length of the bathroom and a minimum length of 2.7 metres.• Clear of the toilet and basin. The circulation area can include a shower area.
Path to circulation area	A clear path with a minimum width of 900mm from the door opening to the circulation area.	Not applicable.
Shower	A hobless (step-free) shower.	A hobless (step-free) shower that has a removable shower screen and is located on the furthest wall from the door opening.
Toilet	A toilet located in the corner of the room.	A toilet located closest to the door opening and clear of the circulation area.

Complies with the Standard

Clause 58.05-1 – Accessibility Objective Assessment

Of the 44 apartments proposed, 77% will comply with the accessibility requirements of Standard D18.

Clause 58.05-2 – Building Entry and Circulation Objectives

Objectives	To provide each dwelling and building with its own sense of identity. To ensure the internal layout of buildings provide for the safe, functional and efficient movement of residents. To ensure internal communal areas provide adequate access to daylight and natural ventilation.
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Achieved

Standard D19	Entries to dwellings and buildings should: <ul style="list-style-type: none">• Be visible and easily identifiable.• Provide shelter, a sense of personal address and a transitional space around the entry. The layout and design of buildings should: <ul style="list-style-type: none">• Clearly distinguish entrances to residential and non-residential areas.• Provide windows to building entrances and lift areas.• Provide visible, safe and attractive stairs from the entry level to encourage use by residents.• Provide common areas and corridors that:<ul style="list-style-type: none">◦ Include at least one source of natural light and natural ventilation.◦ Avoid obstruction from building services.◦ Maintain clear sight lines.
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Complies with the Objective

Clause 58.05-2 – Building Entry and Circulation Assessment

Entries to both the residential and non-residential uses of the building would be appropriately delineated and identifiable.

The hotel component is proposed to have its own lobby, with its own elevators providing access to the hotel floors. Similarly, the residential area would have its own private lobby, with elevator access to the residential floors.

Natural light throughout the development would be provided through windows and skylights.

In terms of residential corridors, these do not have access to a daylight source (noting that whilst windows would be provided on the northern boundary, they may be closed in future should the adjoining property redevelop). Considering the constraints of the Site and the short nature of the residential corridors, this is considered to be an appropriate response.

Clause 58.05-3 – Private Open Space Objective

Objectives To provide adequate private open space for the reasonable recreation and service needs of residents.

Achieved

Standard D20

A dwelling should have private open space consisting of at least one of the following:

- An area at ground level of at least 25 square metres, with a minimum dimension of 3 metres and convenient access from a living room.
- A balcony with at least the area and dimensions specified in Table D8 and convenient access from a living room.
- An area on a podium or other similar base of at least 15 square metres, with a minimum dimension of 3 metres and convenient access from a living room.
- An area on a roof of 10 square metres, with a minimum dimension of 2 metres and convenience access from a living room.

If a cooling or heating unit is located on a balcony, the minimum balcony area specified in Table D8 should be increased by at least 1.5 square metres.

If the finished floor level of a dwelling is 40 metres or more above ground level, the requirements of Table D8 do not apply if at least the area specified in Table D9 is provided as living area or bedroom area in addition to the minimum area specified in Table D11 or Table D12 in Standard D25.

Table D8 Balcony Size

Orientation of dwelling	Dwelling type	Minimum area	Minimum dimension
North (between north 20 degrees west to north 30 degrees east)	All	8 square metres	1.7 metres
South (between south 30 degrees west to south 30 degrees east)	All	8 square metres	1.2 metres
Any other orientation	Studio or 1 bedroom dwelling	8 square metres	1.8 metres
	2 bedroom dwelling	8 square metres	2 metres
	3 or more bedroom dwelling	12 square metres	2.4 metres

Table D9 Additional living area or bedroom area

Dwelling type	Additional area
Studio or 1 bedroom dwelling	8 square metres
2 bedroom dwelling	8 square metres
3 or more bedroom dwelling	12 square metres

Complies with the Objective

Clause 58.05-3 – Private Open Space Objective Assessment

All of the apartments in the proposed scheme are provided with balconies, with the majority of these balconies being compliant with the relevant requirements of Standard D20. However, variations are sought for the following apartments:

- Apartment type A2 (which has a 9sqm area in lieu of the 8m required, however, a small portion of the balcony (due to the shape of the façade) has a dimension less than 1.8m).
- Apartment Type B1 (which has an 8sqm area as required, however, a small portion of the balcony (due to the shape of the façade) has a dimension of less than 2m).

- Apartment Type C2 (which has a 9sqm area in lieu of the 12sqm required, with a small portion of the balcony (due to the shape of the façade) with a dimension of less than 2.4m).
- Apartment Type C3 (which has a 9sqm area, in lieu of the 12sqm required and also not meeting (due to the shape of the façade) the minimum dimension of 2.4m).
- Apartment Type D1 (which has a 13sqm area, consistent with the 12sqm required, but not meeting the minimum dimension (due to the shape of the façade) of 2.4m in a small portion of the balcony).

These variations are considered appropriate, noting the unique shape of the façade means that the minimum dimension is challenging to meet. Generally, compliance has been achieved with the areas and the plans demonstrate that these balconies are functional and usable.

Furthermore, it should be noted that for these apartments, they are provided with areas internally that are well in excess of the required areas and dimensions required by Standard D24 (Functional Layout). This ensures there is ample space provided within the dwellings for a range of living and recreational activities.

Clause 58.05-4 – Storage Objective

Objectives To provide adequate storage facilities for each dwelling.

Achieved

Standard D21 Each dwelling should have convenient access to usable and secure storage space. The total minimum storage space (including kitchen, bathroom and bedroom storage) should meet the requirements specified in Table D10.

Table D10 Storage

Dwelling Type	Total Minimum Storage Volume	Minimum Storage Volume within the Dwelling
Studio	8 cubic metres	5 cubic metres
1 bedroom dwelling	10 cubic metres	6 cubic metres
2 bedroom dwelling	14 cubic metres	9 cubic metres
3 or more bedroom dwelling	18 cubic metres	12 cubic metres

Complies with the Standard

Clause 58.05-4 – Storage Objective Assessment

Each apartment has adequate storage facilities, consistent with (or well in excess) of the requirements of Standard B21 and the specified requirements in Table D10.

Clause 58.06 – Detailed Design

Clause 58.06-1 – Common Property Objectives

Objectives To ensure that communal open space, car parking, access areas and site facilities are practical, attractive and easily maintained.
To avoid future management difficulties in areas of common ownership.

Achieved

Standard D22 Developments should clearly delineate public, communal and private areas.
Common property, where provided, should be functional and capable of efficient management.

Complies with the standard

Clause 58.06-1 – Common Property Objectives Assessment

The common property areas proposed as part of the development are practical and capable of being effectively maintained by any future owner's corporation on Site.

Clause 58.06-2 – Site Services Objectives

Objectives To ensure that site services are accessible and can be installed and maintained.
To ensure that site services and facilities are visually integrated into the building design or landscape.

Achieved

Standard D23 Development should provide adequate space (including easements where required) for site services to be installed and maintained efficiently and economically.
Meters and utility services should be designed as an integrated component of the building or landscape.
Mailboxes and other site facilities should be adequate in size, durable, water-protected, located for convenient access and integrated into the overall design of the development.

Complies with the standard

Clause 58.06-2 – Site Services Objectives Assessment

The proposal has been designed to include sufficient space for the relevant on-site services.

Clause 58.06-3 – Waste and Recycling Objectives

Objectives	<p>To ensure dwellings are designed to encourage waste recycling.</p> <p>To ensure that waste and recycling facilities are accessible, adequate and attractive.</p> <p>To ensure that waste and recycling facilities are designed and managed to minimise impacts on residential amenity, health and the public realm.</p>
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Achieved

Standard D24	<p>Developments should include dedicated areas for:</p> <ul style="list-style-type: none">• Waste and recycling enclosures which are:<ul style="list-style-type: none">◦ Adequate in size, durable, waterproof and blend in with the development.◦ Adequately ventilated.◦ Located and designed for convenient access by residents and made easily accessible to people with limited mobility.• Adequate facilities for bin washing. These areas should be adequately ventilated.• Collection, separation and storage of waste and recyclables, including where appropriate opportunities for on-site management of food waste through composting or other waste recovery as appropriate.• Collection, storage and reuse of garden waste, including opportunities for on-site treatment, where appropriate, or off-site removal for reprocessing.• Adequate circulation to allow waste and recycling collection vehicles to enter and leave the site without reversing.• Adequate internal storage space within each dwelling to enable the separation of waste, recyclables and food waste where appropriate. <p>Waste and recycling management facilities should be designed and managed in accordance with a Waste Management Plan approved by the responsible authority and:</p> <ul style="list-style-type: none">• Be designed to meet the better practice design options specified in <i>Waste Management and Recycling in Multi-unit Developments</i> (Sustainability Victoria, 2019).• Protect public health and amenity of residents and adjoining premises from the impacts of odour, noise and hazards associated with waste collection vehicle movements.
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Complies with the standard

Clause 58.06-3 – Waste and Recycling Objectives Assessment

A waste management plan prepared by LID Consulting accompanies this application which details the proposed waste management system.

Clause 58.06-4 – External Walls and Materials Objective

Objectives To ensure external walls use materials appropriate to the existing urban context or preferred future development of the area.
To ensure external walls endure and retain their attractiveness.

Achieved

Standard D25 External walls should be finished with materials that:

- Do not easily deteriorate or stain.
- Weather well over time.
- Are resilient to the wear and tear from their intended use.

External wall design should facilitate safe and convenient access for maintenance.

Complies with the standard

Clause 58.06-4 – External Walls and Materials Objective Assessment

The proposal incorporates external wall materials that are appropriate for the urban context. Durable materials such as glazing, precast and polished concrete, and powder-coated aluminium would be incorporated, ensuring that the building would retain its attractiveness over time.

Clause 58.07 – Internal Amenity

Clause 58.07-1 – Functional Layout Objective

Objectives	To ensure dwellings provide functional areas that meet the needs of residents.
Achieved	

Standard D26	Bedrooms should: <ul style="list-style-type: none">• Meet the minimum internal room dimensions specified in Table D11.• Provide an area in addition to the minimum internal room dimensions to accommodate a wardrobe.
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Table D7 Bedroom Dimensions

Dwelling Type	Minimum Width	Minimum Depth
Main bedroom	3 metres	3.4 metres
All other bedrooms	3 metres	3 metres

Living areas (excluding dining and kitchen areas) should meet the minimum internal room dimensions specified in Table D12.

Table D8 Living Area Dimensions

Dwelling Type	Minimum Width	Minimum Area
Studio and 1 bedroom dwelling	3.3 metres	10 square metres
2 or more bedroom dwelling	3.6 metres	12 square metres

Complies with the Objective

Clause 58.07-1 – Functional Layout Objectives Assessment

The majority of dwellings comply with the requirements for living area and bedroom dimensions / sizes as per this requirement, however, the following variations are sought:

- Apartment Type A1 (which has a bedroom with a small part that does not comply with a 3.4m dimension requirement, given the splay of the façade).
- Apartment Type A2 (which has a bedroom with a small part that does not comply with a 3.4m dimension requirement, given the splay of the façade).
- Apartment Type B1 (which has a bedroom with a small part that does not comply with a 3.4m dimension requirement, given the splay of the façade).
- Apartment Type A2 (which has a small section of the living area not complying with the 3.6m dimension, given the splay of the façade).

It is considered that these variations are appropriate given they are confined to such a small part of the bedroom or living area (limited to just where the façade has a splay). In all of the above, compliance is achieved for the balance of the dimension, ensuring functional living areas and bedrooms.

Clause 58.07-2 – Room Depth Objective

Objectives To allow adequate daylight into single aspect habitable rooms.

Achieved

Standard D27 Single aspect habitable rooms should not exceed a room depth of 2.5 times the ceiling height. The depth of a single aspect, open plan, habitable room may be increased to 9 metres if all the following requirements are met:

- The room combines the living area, dining area and kitchen.
- The kitchen is located furthest from the window.
- The ceiling height is at least 2.7 metres measured from finished floor level to finished ceiling level. This excludes where services are provided above the kitchen.

The room depth should be measured from the external surface of the habitable room window to the rear wall of the room.

Complies with the Standard

Clause 58.07-2 – Room Depth Objective Assessment

All single aspect habitable room windows have been designed to comply with this Standard.

Clause 58.07-3 – Windows Objective

Objectives To allow adequate daylight into new habitable room windows.

Achieved

Standard D26 Habitable rooms should have a window in an external wall of the building. A window may provide daylight to a bedroom from a smaller secondary area within the bedroom where the window is clear to the sky. The secondary area should be:

- A minimum width of 1.2 metres.
- A maximum depth of 1.5 times the width, measured from the external surface of the window.

Complies with the standard

Clause 58.07-3 – Windows Objective Assessment

All habitable rooms would have windows on an external wall of the building. No habitable rooms are reliant on a snorkel for daylight access.

Clause 58.07-4 – Natural Ventilation

Objectives To encourage natural ventilation of dwellings.
To allow occupants to effectively manage natural ventilation of dwellings.

Achieved

Standard D29 The design and layout of dwellings should maximise openable windows, doors or other ventilation devices in external walls of the building, where appropriate.
At least 40 per cent of dwellings should provide effective cross ventilation that has:

- A maximum breeze path through the dwelling of 18 metres.
- A minimum breeze path through the dwelling of 5 metres.
- Ventilation openings with approximately the same area.

The breeze path is measured between the ventilation openings on different orientations of the dwelling.

Complies with the standard

Clause 58.07-4 – Natural Ventilation Assessment

The proposal would allow for adequate natural ventilation within dwellings. A total of 66% of the proposed dwellings would have cross ventilation opportunities in accordance with this standard. Refer to accompanying plans for details of breeze paths.
