

ORDINARY MEETING OF COUNCIL

03 MAY 2017



8.4	37-43 PARK STREET, SOUTH MELBOURNE
LOCATION/ADDRESS:	37-43 PARK STREET, SOUTH MELBOURNE
RESPONSIBLE MANAGER:	GEORGE BORG, MANAGER CITY DEVELOPMENT
AUTHOR:	AIDAN ROBINSON, PRINCIPAL PLANNER
TRIM FILE NO.:	P0535/2014-02
ATTACHMENTS:	1. Advertised plans 2. Discussion Plans March 2017 3. Current permit 4. Endorsed plans 5. Objector Map
37-43 WARD:	Gateway
TRIGGER FOR DETERMINATION:	More than 16 objectors
APPLICATION NO:	535/2014/B
APPLICANT:	SJB Planning
EXISTING USE:	Office
ABUTTING USES:	Dwellings and Office
ZONING:	Mixed Use
OVERLAYS:	Design and Development (Schedule 26-2) Special Building Overlay (Schedule 1)
STATUTORY TIME REMAINING FOR DECISION AS AT DAY OF COUNCIL	Expired

PROPOSAL

To include an additional 25m or 8 storeys to the existing approved 12 storey building (proposed 20 storeys) which would accommodate an additional 49 dwellings (201 total) with a further reduction in the residential and visitor car parking requirements (14 spaces).

I. EXECUTIVE SUMMARY

- I.1 This report relates to a Section 72 amendment application to include an additional 25m or 8 storeys to the existing approved 12 storey building (now 20 storeys) which would accommodate an additional 49 dwellings (201 total) with a further reduction in the residential and visitor car parking requirements.

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- 1.2 The Victorian planning system recognises that a permit holder's intentions may change over time. Rather than requiring a new permit application to be made every time a change is proposed. Section 72 of the Planning and Environment Act allows applicants to apply to the responsible authority for an amendment to a permit.
- 1.3 An application to amend a permit under Section 72, including any plans, drawings or other documents approved under a permit, follows the same process as an application for a permit. It has the same requirements for giving notice and referral. However, the assessment for an application to amend a permit focuses only on the amendment itself and avoids reopening all the issues associated with the approved use or development. It also avoids the proliferation over time of permits for different aspects of the use and development of a parcel of land.
- 1.4 The Section 72 amendment application was lodged with Council on 8 September 2016. Following notice of the application, Council received 27 objections. The objections relate to an overdevelopment of the site, inappropriate reduction in car parking, inappropriate traffic impacts, inconsistent with the DDO26 and Better Apartments Design Standards (BADs), poor internal amenity, excessive height and bulk and amenity impacts on the adjoining residential uses.
- 1.5 The applicant lodged an appeal with VCAT against Council's failure to determine the application within the prescribed time (60 days) on 23 December 2016. A compulsory conference is listed for 4 May 2017 and a full hearing for 5 June 2017 for three days. Following notice of the current VCAT application, five statements of grounds were lodged with the Tribunal. They raised similar concerns to the objectors above.
- 1.6 The original permit for the 12 storey building was approved by Council under delegation on 11 April 2015. At the time of this approval the maximum building height for this site under the Planning Scheme was 35m (excluding plant). The approved building has a height of 35m plus 2.85m of plant material and lift overrun for an overall height of 37.85m.
- 1.7 In June 2016, the Minister for Planning approved Amendment C107 to the Port Phillip Planning Scheme which increased the maximum height allowed on this site to 60m. The applicant has sought to benefit from the change to the maximum height and the proposed building would sit at this maximum of 60m (excluding plant).
- 1.8 The site is strategically well suited for increased residential densities and is in an area identified for intense residential growth. The site is located within Design and Development Overlay (DDO26) which includes a maximum height of 60m and discretionary requirements such as a podium built form and side and rear setbacks. Whilst the overall height would meet the DDO, some variations to those provisions are proposed and are considered to be appropriate.



- 1.9 The proposed development would make a positive contribution to the two streetscapes, Park Street and Kings Way and the broader character of St Kilda Road North Precinct.
- 1.10 The layout and design of the proposed dwellings would offer a reasonable standard of internal amenity, subject to further minor modification should a permit be granted.
- 1.11 The proposed reduction in car parking is considered to acceptable given the proximity to public transport, services and community facilities.
- 1.12 It is recommended that Council informs the Tribunal (VCAT) that it supports the application subject to conditions.

KEY ISSUES

1. Type of application
2. Traffic impacts
3. Amenity impacts
4. Compliance with local and state planning policy

2. RELEVANT BACKGROUND

2.1 The following relevant applications have previously been considered for the subject site:

Application No.	Proposal	Decision	Date of Decision
535/2014	Construction of a 12 storey building containing dwellings, retail premises and offices, use of the ground floor for retail premises. Reduction in the number of car parking spaces; waiver of the loading bay requirements for the retail premises.	Approval	11 April 2015
535/2014/A	Construction of a 12 storey building containing dwellings and retail premises. Reduction in the number of car parking spaces; waiver of the loading bay requirements for the retail premises.	Approval	8 August 2016

2.2 The amendment application 535/2014/A included the following changes to the original approved development:

- Increase in the overall number of dwellings from 118 to 152 including an associated change in the dwelling mix.





- Demolition of the existing two storey commercial building at 37 Park Street, and incorporating that area into the proposed development;
- Provision of service areas within Basement 1 and Basement 1 mezzanine within the north east corner of the land which previously accommodated the commercial building at 37 Park Street;
- An increase in the retail floor area from 116m² to 254m²;
- An increase in the podium height from three storeys (RL 11.55) to six storeys (RL 20.10);
- Extending the building envelope to the eastern property boundary at all levels and the provision of a centrally located light court along the eastern boundary;
- The light court along the western boundary modified in length and area;

2.3 Can the application be considered as an amendment to the existing permit?

Each application must be assessed on its merits, consistent with the general planning principle.

While there has been an increase in the height of the building the fundamental components and typology of the building are common to both applications, with both being a mixed use development, with commercial premises at the ground floor and basement car parking. In this instance the proposal would retain significant elements of the previous approved development and would add to or expand or alter these elements that have been previously allowed.

The Tribunal has found that the ambit of change that may be made to a permit may be quite substantial and may include changes to any of the things allowed by the permit, its conditions and the land description. Moreover, s72 of the Planning & Environment Act is quite broad and does not suggest that the changes contemplated could not be made subject to proper notice being given to potentially affected persons. As discussed in this report, all affected parties have been given the opportunity to make a submission on the planning application pursuant to the requirements of the Act. Further the report has assessed the proposal and considered all matters relevant under the planning scheme.

Assessment of case law suggests that in these circumstances the amendments sought pursuant to Section 72 (Amendments of Permits) of the Act would not fall within the ambit of a transformation of the proposal originally considered by the Council and which was subsequently approved.

3. PROPOSAL

- 3.1 The existing permit 535/2014/A allows the construction of a 12 storey building containing dwellings and retail premises, reduction in the number of car parking spaces; waiver of the loading bay requirements for the retail premises.

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- 3.2 The plans that form the basis of the amendment and Council's consideration were prepared by Elenberg Fraser, and are known as Project No. 14010 and dated 6 October 2016.
- 3.3 These proposed amendments are detailed as follows:

Amendments to plans and development:	
<ul style="list-style-type: none"> • Increase in the height of the building from 35m (12 storeys) to 60m (20 storeys) overall (25m or 8 storeys additional); • Increase the numbers of dwellings from 152 to 201; • Increase the number of basement levels by one(three total) and the number of car spaces from 81 to 125; • Increase the number of bicycle spaces from 132 to 164; • Reduction in the retail floor space on the ground floor from 453sqm to 410sqm; • Increase the podium height of the building from 17.88m to 19.3m; • Changes to the boundary setbacks on all elevations including an increase of setback from the eastern boundary at the tower levels; • Removal of the ground floor car parking and replacement with residential amenities; • Changes to the size and location of the roof top plant equipment area; and • Internal changes and alterations to dwelling layouts. 	
Existing preamble	Amended preamble
Construction of a 12 storey building containing dwellings and retail premises. Reduction in the number of car parking spaces; waiver of the loading bay requirements for the retail premises.	Construction of a <u>new</u> building containing dwellings and retail premises. Reduction in the number of car parking spaces; waiver of the loading bay requirements for the retail premises.
Existing condition/s	Proposed amended condition/s
<p>I. Before the development and use starts (other than demolition and preliminary site works), amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans prepared by Elenberg Fraser dated 23 September but modified to show:</p> <p>(a) Reconfiguration of the layouts of Level 1 and Level 2 to increase the floor area of Apartments 1.07 and 1.15 (on both levels) to a</p>	<p>I. Before the development and use starts (other than demolition and preliminary site works), amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans prepared by Elenberg Fraser dated 8 October 2016 but modified to show:</p> <p>a) DELETED</p>



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<p>minimum of 40m² with a balcony area a minimum of 6m², without increasing the footprint of the floor levels.</p> <p>b) The north facing balconies at levels 1 and 2 to be a minimum width of 1.5m and the south facing balconies at levels 1 and 2 to be a minimum width of 1.6m.</p> <p>(d) one bike space per apartment</p> <p>10. Without the further written consent of the Responsible Authority, no more than 152 dwellings may be constructed on the land.</p>	<p>b) DELETED</p> <p>d) The provision of bicycle parking spaces not less than the statutory requirement</p> <p>10. Without the further written consent of the Responsible Authority, no more than 201 dwellings may be constructed on the land.</p>
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3.4 The following is a development summary of the proposed building:

Level	Commercial	1BR	2BR	Car spaces	Bicycle spaces	Stores
Basements	-	-	-	125	164	201
Ground level	410m ² (retail)	-	-	-	-	-
Level 1	-	2	13	-	-	-
Level 2	-	2	13	-	-	-
Level 3	-	2	13	-	-	-
Level 4	-	2	13	-	-	-
Level 5	-	2	13	-	-	-
Level 6	-	2	7	-	-	-
Level 7	-	2	7	-	-	-
Level 8	-	2	7	-	-	-
Level 9	-	2	7	-	-	-
Level 10	-	2	7	-	-	-
Level 11	-	2	7	-	-	-
Level 12	-	2	7	-	-	-
Level 13	-	2	7	-	-	-
Level 14	-	2	7	-	-	-
Level 15	-	2	7	-	-	-





Level 16	-	2	7	-	-	-
Level 17	-	2	7	-	-	-
Level 18	-	2	7	-	-	-
Level 19	-	2	7	-	-	-
Totals:	410m²	38	163	125	164	201

- 3.5 The one bedroom dwelling sizes range from 42m² to 45m². These dwellings would have balcony spaces of 7m² in the podium levels (Levels 1-5) and 4m² in the tower levels (Levels 6-19).
- 3.6 The two bedroom dwelling sizes range from 51m² to 71m². These dwellings would have balcony spaces of between 7m² and 8m² in the podium levels (Levels 1-5) and of between 6m² and 7m² in the tower levels (Levels 6-19).
- 3.7 The building is proposed in a contemporary flat roofed style. The ground floor is fully glazed frontage to Park Street with the lobby area slightly set back from the street to draw interest to the building.
- 3.8 The podium section of the building would generally have a zero setback to all boundaries up to level 5 (6 floors) other than some light courts in the middle of each side boundary. Above this level (levels 6 – 19) the building would be set back between 4.5m to 5m from the street frontages and between 4m to 4.5m from the side boundaries up to a height of 60m. (Note: there is a slight fall to the rear of the site.)
- 3.9 Materials and finishes are proposed to be white patterned oxidised concrete, clear anodised aluminium, silver reflective glass, clear glass, stainless steel metal cladding and precast concrete.
- 3.10 The applicant has provided some further plans (discussion plans dated 15 March 2017) that proposed further amendments to the tower portion of the building.
- 3.11 These changes would reduce the number of dwellings by 7 (from 201 to 194 dwellings) by replacing 21 x two bedroom dwellings and replacing them with 14 x three bedroom dwellings. The three bedroom dwellings would range from 93m² to 103m² and would have balconies between 13m² and 15m² and would be located on Levels 16-19.
- 3.12 These plans also include changes to the internal layout of the dwellings on levels 6 to 15 and would reduce some of the internal areas to provide additional balcony space.

4. SUBJECT SITE AND SURROUNDS





- 4.1 The subject site is located on the southern side of Park Street, between Kings Way and Palmerston Crescent.
 - 4.2 The subject site is located on the southern side of Park Street, approximately 60m north of the intersection of Park Street and Kings Way, and 200m south of the intersection of Park Street and St Kilda Road.
 - 4.3 The entire site includes two lots, all of a regular shape with a frontage to Park Street of approximately 31.8m, a depth of approximately 40m and a rear abuttal to Kings Place of approximately 30.7m. The overall site area is approximately 1,257m². The site slopes from north-east to south-west by approximately 700mm.
 - 4.4 Currently occupying the site at 37 Park Street is a two storey office building. Currently occupying the site at 39-43 Park Street is a four storey office building. A car park associated with 39-43 Park Street is located at the rear of that lot.
 - 4.5 Vehicle access to the site is currently provided via an existing crossover located along the site's abuttal to Kings Place. Kings Place runs from Kings Way to the west and Palmerston Crescent to the east.
 - 4.6 The land is encumbered by a number of easements mainly for drainage purposes. A 1.77m wide easement for light and air straddles the subject site's common boundary with the lot (for 45 Park Street).
- Surrounding area:
- 4.7 Abutting the site to the west is 45-53 Park Street. The site contains a two storey commercial building. An area for parking is located along that site's north-west frontage to Park Street and to the rear. A 1.77m wide easement for light and air straddles the subject site's common boundary with the lot.
 - 4.8 Abutting the site to the east is 35 Park Street/12 Kings Place. This is a three storey residential building containing four apartments. Two apartments face Park Street and two face Kings Place. The top floor contains roof top terraces covered by shade sails. The building is built to both boundaries with light courts located between the dwellings.
 - 4.9 Further east is 31-33 Park Street which contains a three storey office building. This site has a planning permit for an 11 storey building containing 32 dwellings plus a retail premises at ground level. It also included a reduction in the number of car parking spaces required and waiver of the loading bay requirements. It is noted that Council has recently issued a Notice of Decision to grant a permit for an additional 3 levels to this building. An objector has lodged an application with the Tribunal to review the decision of Council and a hearing is set down for 16 August 2017.
 - 4.10 Beyond this site is Miller Lane which provides access from Park Street to Kings Lane to the rear. It is a one-way street to travel north to south from Park Street to Kings Place only.



- 4.11 A recently constructed 16 storey apartment building is opposite at 52 Park Street. The ground floor contains a small café. On either side of this apartment building is a two storey vacant restaurant and four storey office building. To the east at No. 88 Park Street is a 12 level apartment building. Other buildings along this section of Park Street are two to three storey commercial buildings including an IGA supermarket.
- 4.12 To the south of the site on the opposite side of Kings Place at 313-315 Kings Place is an island site comprising a three storey building which is bound by Kings Place, Kings Way and Cobden Street.
- 4.13 Beyond this is 1-13 Cobden Street (island site) which contains a two storey commercial building. A planning permit application has recently been lodged for this site to construct a 19 storey mixed use building.
- 4.14 Other notable planning permit applications under consideration in the area are located at 200-204 Well Street (20 storeys mixed use building), 5-7 Park Street (20 storeys mixed use building), 9-13 Park Street (20 storeys mixed use building) and 100 Park Street (19 storeys mixed use building).
- 4.15 Both sides of Park Street between Kings Way and St Kilda Road is characterised by predominantly small and narrow lots developed with circa 1960s-70s low to medium rise commercial buildings. There also exists some remnant older buildings and two taller (one recent and one more than a decade old) buildings, and a backdrop of tall buildings along St Kilda Road to the east. It is noted that this area is currently experiencing a change of character as noted in both the approved and proposed developments in the area.
- 4.16 Buildings are almost all constructed to the street frontage and both side boundaries, and most properties do not have vehicle access from their street frontage. Buildings are predominantly commercial in character and appearance despite including a number of residential properties, and exhibit no consistent architectural style or theme.
- 4.17 Park Street is fully constructed with concrete upright kerb and channel, and asphalt footpaths incorporating a mix of low recent and established medium height street trees beneath power lines on both sides. Footpaths along both sides are of a generous width, but are lacking in street furniture.
- 4.18 Tram tracks and associated clearway kerbing and overhead lines run down the centre of the street.
- 4.19 Parallel car parking is allowed along parts of both sides of the street and is mostly IP ticket during the day (9am-6pm) Mon-Fri. The south side of Park Street is a Clearway between 7 am and 9.30am and 4.00pm to 6.00pm Monday to Friday.



- 4.20 There are two ‘Flexi-car’ car-share parking spaces on Wells Street and St Kilda Road, approximately 230m from the subject site, and four (4) other car share spaces within approximately an 800m radius of the subject site.
- 4.21 There is a Melbourne Bike Share hiring/docking station at the corner of Park Street and St Kilda Road approximately 175m east of the site.
- 4.22 The subject site has excellent access to public transport with three tram lines nearby. The Park Street tram runs directly outside the subject site between the Domain Interchange and the City and northern suburbs, the St Kilda Road city to south-eastern suburbs tram line is approximately 200m to the east, and the Clarendon Street tram is approximately 700m to the west of the site. It is noted that site would be proximate to the new Domain Metro Rail Station
- 4.23 The subject site is approximately 700m east of the Clarendon Street Major Activity Centre at its closest point, and approximately 1 Km from the centre of the Activity Centre and the nearest full line supermarket. The South Melbourne Activity Centre includes three full-line supermarkets, health services, the South Melbourne Market, and community facilities including a public library.
- 4.24 The subject site is within close walking distance of extensive public parkland at Kings Domain (approximately 260m to the east) and Albert Park (approximately 320m to the south-west).

5. PERMIT TRIGGERS

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

Zone or Overlay	Why is a permit required?
Clause 32.04 Mixed Use Zone (MUZ)	<p>A planning permit is required to use the land for retail premises (other than Food and drink premises and Shop).</p> <p>A planning permit is required to construct a building or construct or carry out works for a Retail premises.</p> <p>A planning permit is required to construct two or more dwellings on a lot in the Mixed Use Zone.</p> <p>A planning permit is not required to use the land for a dwelling in the Mixed use Zone.</p> <p>It is noted that the use for a retail premise has already been approved and therefore does not form part of the amendment consideration.</p>
Clause 43.02 Design and Development Overlay (DDO26-2)	<p>A planning permit is required to construct a building or construct or carry out works in the Design and Development Overlay.</p>





Clause 44.05 Special Building Overlay (SBO1)	A planning permit is required to construct a building or construct or carry out works in the Special Building Overlay. An application under this overlay is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act.
Clause 52.06 Car Parking	A planning permit is required to reduce (including reduce to zero) the number of car parking spaces required.
Clause 52.07 Loading and Unloading of Vehicles	A planning permit is required to reduce or waive the requirements for the provision of space and access for the loading and unloading of vehicles for a new building or works for the manufacture, servicing, storage or sale of goods or materials (i.e. for the Retail premises use) It is noted that the retail (shop) use is being reduced and the waiver of a loading bay has already been approved by Council and does not form part of the amendment application.
Clause 52.34 Bicycle Facilities	The amended proposal meets the bicycle parking and facilities requirements of Clauses 52.34-3 and 52.34-4.

6. PLANNING SCHEME PROVISIONS

6.1 State Planning Policy Frameworks (SPPF)

The following State Planning Policies are relevant to this application:

- Clause 11: Settlement
- Clause 15: Built Environment and Heritage
- Clause 16: Housing;

6.2 Local Planning Policy Framework (LPPF)

The following local planning policies are relevant to this application:

- Clause 21.03 Ecologically Sustainable Development, including
- Clause 21.03-1 Environmentally Sustainable Land Use and Development
- Clause 21.03-2 Sustainable Transport
- Clause 21.04 Land Use, including
- Clause 21.04-1 Housing and Accommodation
- Clause 21.04-2 Activity Centres
- Clause 21.04-3 Office and Mixed Activity Areas
- Clause 21.05 Built Form, including
- Clause 21.05-2 Urban Structure and Character
- Clause 21.06-3 Urban Design and the Public Realm
- Clause 21.06 Neighbourhoods, including



- Clause 21.06-5 South Melbourne
- Clause 22.06 Urban Design Policy for Non Residential Development and Multi Unit Residential Development
- Clause 22.12 Stormwater Management
- Clause 22.13 Environmentally Sustainable Development

6.3 **Other relevant provisions**

- Clause 52.06 Car Parking
- Clause 52.07 Loading and Unloading of Vehicles
- Clause 52.35 Urban Context Report and Design Response for Residential Development of Five or More Storeys
- Clause 65 Decision Guidelines

6.4 **Other relevant scheme amendments**

Better Apartments Design Standards

This State Government amendment (VC136) introduced the Better Apartments Design Standards (BADs) into all planning schemes on 13 April 2017. Transitional arrangements have been included in the new provisions which state that the requirements would not apply to applications lodged prior to the approval date of the amendment (13 April 2017). However it is still beneficial to consider this application against those standards and accordingly this has formed part of this assessment.

7. REFERRALS

7.1 **Internal referrals**

The application was referred to the following areas of Council for comment. The comments are discussed in detail in Section 9.

7.1.1 **Urban Design**

Public realm & ground floor

Unclear why the reduction is required in the retail space, if there are more apartments the need for more retail space is valid.

The fire booster cupboard integrated into the front façade, through the same materiality and finish so it doesn't appear as a stand-alone object, and has potential for the retail frontage to provide windows to the street.

Façade treatment & detail



The proposed materials of white precast concrete, clear anodised aluminium and steel provide a very stark, white, high contrast building against the existing surrounds and buildings that could be improved.

Distinction between the podium and tower are clearly evident in the setbacks, however there is a lack of differentiation between the two components.

Amenity

The additional 49 apartments should not be reminiscent of the previous permit requirements and should promote good amenity, outlook and access to daylight. All inboard bedrooms that borrow light from adjoining living spaces and saddleback bedrooms beyond the 1.5:1 should be removed.

Further additional plans and details that show the amount of communal open space and landscaping should be provided.

RECOMMENDATION

We are aware that this is an amendment to an existing permit, however there are a number of key urban design issues evident that we do not support, they are as follows:

- *Removal of all inboard bedrooms that require borrowed light from adjoining living spaces, and any saddleback bedrooms meet the 1.5:1 with no more than 1.2m in length.*
- *Clarification on the amount of communal open space and landscaping provided meets the Better Apartment Design Standard requirements.*
- *Improvements to the materiality and façade could be made to incorporate more warmer or textural colours into the podium level to differentiate it from the tower form.*
- *Integrate the fire booster cupboard into the front façade and opportunities for an opening or window for the retail behind located at the ground level.*

Planner Comment:

These matters are discussed in detail later in this report.

7.1.2 Traffic & Parking Management

Car Park Layout:

Vehicle access proposed via Kings Place is not clearly defined on the provided drawings. There are columns and bollards located in positions that would suggest access cannot be achieved. (See below insert from traffic report). This needs to be clarified/updated

Location of columns within access way may restrict movement into Car Lifts. Traffic comments address access concerns later in this referral.

Concerns over vehicle sight lines on exit, There is no corner splay provided for view of pedestrians.

Car Park Dimensions



Car stackers are proposed to be accessed via aisle width of 5.7m. Given the allowable platform width of 2.4m for the proposed car stackers- these dimensions are not in accordance with clause 52.06.

Traffic report states access to and from the car stackers have been checked for a B85 design car however no swept paths have been provided.

Dimensions do not meet Planning Scheme. Swept paths are required to assess access/egress of critical parking spaces. Particularly spaces adjacent to columns /walls.

At least 25% of stackers must have a clearance height of 1.8m and is considered satisfactory.

Bicycles- *Clause 52.34 requirement for bicycle spaces is 62 spaces. The applicant exceeds this requirement with 164 proposed bicycle parking spaces.*

Car Share- *The applicant should consider having car share bay(s) allocated to residents on site, given the large number of dwellings without car parking provisions.*

Traffic Generation:

A traffic generation rate of 0.2 movements per residential car parking space per peak hour has been adopted by the applicant, this is a significant reduction to previous traffic reports on the site which stated 0.3 movements per space during peak.

The report suggests that a summary of a case study which justifies the lower traffic generation rate is provided in Appendix E. Appendix E has been left out of the Traffic Impact assessment completed by TraffixGroup.

The difference between these two traffic generations would have significant impacts on the operation of the Car Lift. To ensure the Car Lift can operate sufficiently an assessment should be completed using a more conservative traffic generation rate as used and justified by case studies in previous reports.

Location of any waiting bay(s) should be clearly defined on plans, to ensure queuing vehicles do not impact on access/egress.

Car Lift-

Without further information requested above it is not possible to assess if the operation of the proposed car lift and waiting area is adequate.

Traffic report states access to and from the car lifts has been checked for a B99 design car, however no swept paths have been provided.

Swept paths are required for assessment (This was raised as a concern in the original traffic comments)

On Street Parking:

- *The existing on-street parking is generally high turnover ticketed parking.*
- *Residents of the development will not be eligible for resident parking permits and visitors utilising on-street parking provisions will be required to pay for parking.*

Public Transport:





- *Subject site is within close walking distance to several public transport options.*

Loading and Waste Collection:

- **Loading-** *No Loading bay has been provided by the applicant. Existing permit appears to have granted a waiver to this requirement.*

Any new development should be self-sufficient in regards to loading facilities.

- **Waste collection-** *waste collection management plan is to be referred to Council Waste Management department for assessment.*

Parking overlay and parking provisions:

- *Clause 52.06 of the planning scheme requires 257 off street parking spaces to be provided for proposed land uses.*
- *The applicant is seeking a waiver in car parking provisions and proposes to have 125 off street car parking provisions provided for residential properties only*
- *Given the above the proposed development results in a shortfall of 132 car parking spaces, the shortfall for parking is summarised below:*
 - *76 one or two bedroom apartments without parking*
 - *16 space shortfall for commercial premises*
 - *40 space shortfall for visitor parking*
- *In terms of car parking provision, reference should be made to CoPP's Sustainable Parking Policy.*
- *Note that the assessment for the appropriate rate for car parking provision lies with Statutory Planning.*

Other:

- *All redundant crossovers must be reinstated to Council satisfaction.*
- *All proposed crossovers must be installed to Council satisfaction.*

Planners comment:

Conditions could be added to any approval, requiring sweep path diagrams for the car lifts and car stackers to the satisfaction of the Responsible Authority [refer new condition 1q)].

In relation to car share schemes, it is understood from recent Council sustainable transport studies that car share spaces located within private buildings do not achieve the desired level of interested or 'take up' as the spaces are not available to the general public in the surrounding area as they are located within secure car parking areas.

Pedestrian sightlines on Kings Place would be identical to the approved development and therefore are considered acceptable in this instance.

The applicant provided further details to demonstrate that the queuing assessment is satisfactory based on Traffic Generations of similar land uses in the vicinity the subject site.



7.1.3 Sustainable Design

This application is not yet of a standard where I could approve it as meeting Council's current expectations for environmentally sustainable design. The applicant should address the comments raised below in order to demonstrate that the development would meet best practice standards for sustainable design:

- *For a development of this size we encourage that the energy rating of energy rating of the dwellings to be at least a 10% improvement on minimum standards (6.6 star average and 5.0-star minimum).*
- *For a development of this size we encourage that the building fabric of non-residential areas at least a 10% improvement on National Construction Code (NCC) Section J minimum standards.*
- *Current report only includes an energy rating sample indicating a potential 6.8 star average, however no commitments are made. Amend report to indicate a commitment to these standards.*
- *As a large number of living rooms and bedrooms have a higher reliance on artificial lighting. Provide further information in the SMP that a commitment for maximum power density (w/m²) will be 25% improvement on the minimum Section J6 standards throughout the development. Include dimmer switches to all bedroom and living lighting.*
- *Additional notes on the plans needed to indicate tanks connected to toilets.*
- *Provide a Maintenance Manual for Water Sensitive Urban Design Initiatives.*
- *Bicycle parking spaces for the development are insufficient.*
- *With a development of this scale we expect an improvement of the site's Ecological Value with planter boxes, green roofs or walls. Otherwise provide with an external tap and floor waste to each dwelling's private open space area to allow residents to grow vegetation should they wish to.*

Planner Comment:

New conditions should be added to any permit requiring an amended sustainable management report and water sensitive urban design report to deal with the concerns raised by this referral above (refer to recommended new conditions 40 to 42).

7.1.4 Waste Management

I have reviewed the waste management plan for 37 & 39-43 Park Street, South Melbourne and have the following comments.

- *Bin room ground floor, please provide location on plans for the waste chute in the bin room.*
- *I am unable to view a clear path on the ground floor where the collection crews will wheel the bins from the bin room to the collection vehicle out in Kings Place.*

Planners comment:





An existing condition on the permit requires the submission of a waste management plan. Therefore the above concerns can be dealt with under this condition.

7.2 External referrals

Referral Authority	Response	Conditions
Melbourne Water	No objection subject to conditions on original permit	Refer conditions within original permit.
Public Transport Victoria	No objection subject to new condition 44	The permit holder must take all responsible steps to ensure that disruption to tram operation along Park Street is kept to a minimum during the construction of the development. Foreseen disruptions to tram operations during construction and mitigation measures must be communicated to Yarra Trams and Public Transport Victoria 14 days prior.

8. PUBLIC NOTIFICATION/OBJECTIONS

- 8.1 It was determined that the proposal may result in material detriment therefore Council gave notice of the proposal by ordinary mail to the owners and occupiers of surrounding properties (565 letters) and directed that the applicant give notice of the proposal by posting three notices on the site for a 14 day period, in accordance with Section 52 of the Planning and Environment Act 1987.
- 8.2 The application has received 27 objections. The key concerns raised are summarised below (officer comment will follow in italics where the concern will not be addressed in Section 9):
 - Overdevelopment of the site
 - Inappropriate reduction in car parking
 - Inappropriate traffic impacts
 - Inconsistent with the DDO26 and Better Apartments Design Standards (BADs)
 - Poor internal amenity
 - Excessive height and bulk
 - Amenity impacts on the adjoining residential uses
 - Transformation of the application.
- 8.3 It is not considered that the objections do not raise any matters of significant social effect under Section 60 (1B) of the Planning Environment Act 1987.





- 8.4 It is noted that five (5) statement of grounds have been lodged with the Tribunal in relation to the pending VCAT application. They raised similar grounds to the issues raised in the objections above.

9. OFFICER'S ASSESSMENT

9.1 Is the proposed use supported by policy?

The retail tenancies at the front of the building and dwellings above would be consistent with Council Local Policy for the site and surrounds and have been previously approved.

Clause 21.04-1 Housing and Accommodation of the MSS sets out Local Policy objectives and strategies for new housing including:

1. *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.*
- 1.1 *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. New housing will generally be in the form of higher density development, including tower-podium developments. The height, scale and massing of new development must be in accordance with any Design and Development Overlay for the area, the urban design local policy or must respect the surrounding built form context or in the case of the Fishermans Bend Urban Renewal Area, the Fishermans Bend Strategic Framework Plan, July 2014 (amended April 2015).

Pursuant to this policy, the land is considered to be located in a **Substantial Residential Growth Area** as defined in the policy:

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

Notwithstanding that the site is not located within a Major Activity Centre, the site is considered to be in a strategic precinct that is approximate to a major activity centres and the fixed rail public transport (Trams) and the proposed Domain Metro Rail Station. Therefore it is considered to be an appropriate location to accommodate an increase in residential density, subject to compliance with the Design and Development Overlay requirements and the urban design local policy.

Relevant objectives and strategies of this portion of the local policy are as follows:

- 1.3 *Support increased residential densities, generally in the form of higher density development, in all Mixed Use zones and Schedule 1 to the Capital City Zone.*



- 1.4 Discourage retail uses (shops) in the Mixed Use and Business 2 zones, unless it can be demonstrated that they do not compete with the primary retail function of an adjacent major activity centre and they do not adversely impact on the amenity of adjoining areas, including car parking impacts.
- 1.6 Allow new industrial uses in the Mixed Use Zone only where they do not adversely impact on residential amenity.
- 2.3 Maintain and promote active land uses at ground floor that encourage pedestrian activity
- 2.6 Encourage the provision of generous ground level floor-to-ceiling heights to provide for current or future commercial land uses.
- 2.7 Ensure new use and development provides appropriate car parking, storage and loading facilities.
- 3.1 Require all non-residential uses to manage off-site impacts such as noise, traffic generation and parking to limit the effect on residential amenity.
- 3.3 Ensure residential development addresses the amenity impacts of established and potential future non-residential uses, including noise attenuation measures in dwellings to protect future occupants.

The proposed development is consistent with the objectives and strategies for this area.

The Tribunal has consistently found that the properties within this area are suitable for high density residential development including at 31-33 and 100 Park Street.

In its decision of 31-33 Park Street, the Tribunal made the following comment at Paragraph 14:

'The review site is within an area identified for substantial change and we concur with the parties that the proposed development is generally consistent with the planning policy framework for this area.'

9.2 Is the amendment consistent with the Local Planning Policy Framework?

The application is required to be assessed pursuant to Clauses 15.01-2 Urban Design Principles of the State Planning Policy Framework (SPPF) and 22.06 Urban Design Policy for Non-Residential Development and Multi-Unit New Residential Development of the Local Planning Policy Framework (LPPF).

Clause 15.01-2 also sets out objectives and policy for high quality urban design and architecture. The objective of the Policy is to achieve high quality urban design and architecture to:

- Create urban environments that are safe, functional and provide good quality environments with a sense of place and cultural identity.

The clause requires consideration also be given to the Design Guidelines for Higher Density Residential Development (Department of Sustainability and Environment, 2004) in assessing the design and built form of residential development of four or more storeys.



Clause 22.06 seeks:

- 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; and
 - 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.

This policy provides a local response to Clause 15.01-2 Urban Design Principles of the SPPF which references the ‘Design Guidelines for Higher Density Residential Development’.

A full assessment of the *Better Apartments Design Standards* has been provided as an attachment to this report with a summary provided later in this report.

An assessment of the proposal against the relevant State and Local Policy is as follows:

State Planning Policy Framework	Officer’s assessment
<p>Ensure that sufficient land is available to meet forecast demand</p> <p>Plan to accommodate projected population growth over at least a 15 year period and provide clear direction on locations where growth should occur. Residential land supply will be considered on a municipal basis, rather than a town-by-town basis.</p> <p>Planning for urban growth should consider:</p> <ul style="list-style-type: none"> • Opportunities for the consolidation, redevelopment and intensification of existing urban areas; • Neighbourhood character and landscape considerations. 	<p>Achieved</p> <p>Both the existing approval and the amendment would achieve an increase in residential density and a mix of uses in an identified mixed use and growth area which is well served by public transport and a broad range of community facilities.</p> <p>Both the existing approval and the amendment would achieve urban consolidation and intensification of the existing urban area in a site identified by State Policy.</p>
Urban Design (SPPF - CI 15.01)	
<p>Context: Development must take into account the natural, cultural and strategic context of its location.</p> <p>The design process and consideration of height, scale and massing of new development should be based on a comprehensive site analysis.</p>	<p>Achieved</p> <p>The application documentation included a site analysis and design response which set out in great detail the evolution of, and considerations underpinning the design.</p> <p>The development is well considered and would be responsive to, and respectful of the sites’ natural, cultural and strategic location.</p> <p>This is discussed later in the report.</p>





<p>The Public realm: Developments should protect and enhance main pedestrian spaces, streets, squares, parks, public spaces and walkways.</p>	<p>Achieved</p> <p>The approved and amended built form would provide casual surveillance of the street which would contribute to public safety through front and rear balconies and ground floor retail and communal spaces.</p> <p>The additional levels of the building would be well articulated and would not present unreasonable bulk or mass to any main pedestrian space, street, square, park, public space or walkway. Nor would it cast appreciable shadow over the public realm.</p> <p>This is discussed later in the report.</p>
<p>Landmarks, views and vistas: Landmarks, views and vistas should be protected and enhanced, or where appropriate, created by new additions to the built environment.</p>	<p>Achieved</p> <p>The proposal would not materially change, or detract from any existing public landmark, view or vista from the public realm.</p>
<p>Pedestrian spaces: Design of the relationships between buildings and footpaths and other pedestrian spaces, including the arrangement of adjoining activities, entrances, windows and architectural decoration, should enhance the visual and social experience of the observer.</p>	<p>Achieved</p> <p>The location of the pedestrian access has not been altered under this amendment.</p> <p>The width of the entrance has been increased by 600mm which would provide a greater visual interaction with the street.</p>
<p>Heritage: New developments should respect, but not simply copy, historic precedents and create a worthy legacy for future generations.</p>	<p>Not Applicable</p> <p>The site is not covered by a Heritage Overlay, nor is it adjacent to a heritage building.</p>
<p>Consolidation of sites and empty sites: New development should contribute to the 'complexity' and diversity of the built environment.</p> <p>Site consolidation should not result in street frontages that are out of keeping with the 'complexity' and 'rhythm' of existing streetscapes.</p> <p>The development process should be managed so that sites are not in an unattractive neglected state for excessive periods and the impacts from vacant sites are minimised.</p>	<p>Achieved</p> <p>Condition 21 of the existing permit requires consolidation of the titles considered under this application.</p> <p>The subdivision pattern of this portion of Park street is not consistent and therefore the consolidation of these two properties would continue to respect the rhythm of the street.</p>





<p>Light and shade: Enjoyment of the public realm should be enhanced by a desirable balance of sunlight and shade.</p> <p>This balance should not be comprised by undesirable overshadowing or exposure to the sun.</p>	<p>Achieved</p> <p>Shadowing is discussed below in the DDO assessment section of the report.</p>
<p>Energy and resource efficiency: All buildings, subdivision and engineering works should promote more efficient use of resources and energy efficiency.</p>	<p>Partially Achieved</p> <p>The environmental outcomes have been assessed and considered to be acceptable subject to further information and assessment required by a condition of any approval as noted in the referral comments above.</p>
<p>Architectural quality: New development should aspire to the high standards in architecture and urban design.</p> <p>Any rooftop plant, lift over-runs, service entries, communication devices, and other technical attachments should be treated as part of the overall design.</p>	<p>Partially Achieved</p> <p>It is considered that the contemporary design would integrate well with the surrounding commercial buildings as the design would have a similar presentation as the approved building.</p> <p>Compliance with DDO requirements are discussed later in this report.</p> <p>Building services and plant are proposed to be located on the roof and would be concealed with screening which is considered to be consistent with the surrounding area.</p>
<p>Landscape architecture: Recognition should be given to the setting in which buildings are designed and the integrated role of landscape architecture.</p>	<p>Not applicable</p> <p>No landscaping required in the DDO and none has been provided.</p>
<p>Clause 22.06 - Urban Design Policy for Non Residential Development and Multi Unit Residential Development (Local Planning Policy)</p>	<p>Officer’s Assessment</p>
<p>The Public Realm</p> <ul style="list-style-type: none"> Encourage new development to protect and enhance pedestrian spaces, streets, squares, parks, public space and walkways (see Performance Measure 1). <p>Performance Measure 1</p> <p><i>New development may meet the above policy for the public realm if, as appropriate:</i></p>	<p>Achieved</p> <p>The building would have a true podium design and compliance with the DDO is discussed later in this report.</p> <p>The building design would not dominate or imply private ownership of public spaces.</p>





<ul style="list-style-type: none"> - <i>The building does not exceed 3 storeys in height adjacent to a public space, including a footpath (unless otherwise specified in a DDO),</i> - <i>Elements of the buildings greater than 3 storeys in height are set back behind the 3rd storey level (unless otherwise specified in a DDO).</i> • Discourage building designs that dominate or imply private ownership of public spaces. • Minimise adverse micro-climatic impacts such as overshadowing and wind tunnelling. 	<p>The building design would not cause wind tunnelling or unreasonably overshadow any adjacent property.</p>
<p>Street Level Frontages</p> <ul style="list-style-type: none"> • Encourage the design of building frontages at footpath level to offer visual interest, passive surveillance, social interaction, safety, shelter and convenience. • Require pedestrian entrances to buildings to: <ul style="list-style-type: none"> - be clearly visible and easily identifiable from streets and other public areas. - provide shelter, a sense of personal address and a transitional space between the public and private realms. • Encourage windows, terraces and balconies at lower building levels to offer surveillance of adjacent public areas. • Require all buildings to be accessible at ground-floor level to people with limited mobility. • Require pedestrian amenities including seating, lighting and public art to create a safe and interesting pedestrian environment. • Discourage blank walls and car park vents onto pedestrian spaces. 	<p>Achieved</p> <p>Street level frontages have remain primarily as approved under the previous permit.</p>
<p>Landmarks, Views and Vistas</p> <ul style="list-style-type: none"> • Encourage new development to preserve the visual prominence of key landmarks in the municipality from adjoining streets, foreshore areas and other key public spaces. These landmarks include (but are not limited to): 	<p>Achieved</p> <p>The amended proposal would not impinge on the visual prominence of any key landmark within the municipality including the Shrine of Remembrance as viewed from the public space.</p>





<ul style="list-style-type: none"> - the Melbourne Central Activities District, - maritime structures such as St Kilda Pier, Kerferd Rd Pier and Station Pier, - landmarks of cultural significance such as town halls, clock towers, church spires, synagogues, grandstands and hotels, - landmark heritage buildings, - the foreshore and adjacent boulevards and promenades, and - public gardens and other key public open spaces. <ul style="list-style-type: none"> • Encourage, where appropriate, new developments on major strategic sites to seek to create or emphasise landmarks, views and/or vistas by carefully responding to the site’s context (a landmark can be expressed in a variety of ways other than building height and may include the restoration and recycling of a heritage place). • Encourage new development to maintain and enhance important vistas in the municipality including, but not limited to: <ul style="list-style-type: none"> - along St Kilda Rd, particularly towards the Shrine of Remembrance, - the Shrine Vista, - from the foreshore and its piers and the Bay towards the Melbourne CAD skyline, - along the beach front roads and boulevards, towards the foreshore and Port Phillip Bay in both directions, - along local roads and streets to Port Phillip Bay, the Melbourne CAD, Albert Park Reserve and local parks and gardens, - the built form edge of key open spaces, including the foreshore. 	<p>Views to these key landmarks are protected from public spaces but do not relate to views from private residents or adjoining building.</p> <p>The subject site is not a major strategic site.</p>
<p>Large Sites</p> <ul style="list-style-type: none"> • Encourage large sites to be developed and subdivided in a manner that provides pedestrian permeability through the block 	<p>Achieved</p> <p>The subject site is not considered to be a large site.</p>





<p>rather than just public access around the perimeter. This may include public laneways or vehicle/pedestrian linkages across the site in a manner that reflects the traditional pattern of streets and lanes and which creates inviting, useable and safe public spaces.</p>	<p>The nearby Millers Lane (20m) allows easy access through to the streets behind.</p>
<p>Energy and Resource Efficiency</p> <ul style="list-style-type: none"> • Encourage buildings, internal building spaces and open spaces to be oriented and designed to take maximum advantage of climatic factors to minimise energy utilisation. • Encourage the use of energy efficient techniques that may include: <ul style="list-style-type: none"> - low energy lighting systems and lighting management controls, - solar and passive heating systems and natural or solar assisted ventilating and cooling systems, - laminated, tinted or double glazing to control heat gain and loss, - use of high thermal performance building materials, - energy recovery systems, - energy storage systems such as heat sinks and air conditioning automatic control systems, - external facade elements which offer climate control benefits, - stormwater retention and use on site, - on site grey water retention and use for appropriate purposes, and - encourage water conservation by the choice of appropriate plant species and irrigation systems for landscaped areas. • Ensure new development does not adversely affect the environmental performance of adjoining properties (e.g. overshadowing of solar panels) 	<p>Partly Achieved – existing condition required/retained</p> <p>The building design would display some sustainable design features like rain water harvesting methods, a relatively high energy rating and bicycle storage areas.</p> <p>The amended built form would not adversely affect the environmental performance of any adjoining property given that the majority of the setbacks are remaining the same or in a lot of areas increasing.</p> <p>Daylight access to habitable rooms including bedrooms is a major consideration in relation to both internal amenity of dwellings and the environmental performance of a building.</p> <p>In the approved development the bedrooms of 12 dwellings on each podium level and 3 dwellings on each tower level (78 dwellings total) would rely solely on borrowed access to daylight.</p> <p>Within the amended design the bedrooms of 6 dwellings on each of the podium levels (30 dwellings total) that would rely solely on borrowed access to daylight. None of the dwellings on the tower section of the building would rely on borrowed light.</p> <p>It is further noted that 20 of these dwellings would be two bedroom dwellings where one of the bedrooms would have an external daylight source.</p> <p>This amendment would mean a reduction from 78 to 30 dwellings (or 36%) that rely on borrowed light overall.</p> <p>Whilst the provision of borrowed light apartments would not meet the discretionary Better Apartment Design Standards (BADs), it is considered that these dwellings and the</p>





	<p>amenity of the building as a whole would be improved.</p> <p>This in the context of the number of dwellings within the approved scheme that rely on borrowed light and the fact that 20 of the dwellings in the amended scheme would be almost identifiable to those of approved scheme.</p> <p>It is noted that the dwellings would be either facing the street or a 38m² light court primarily with either a northern, eastern or western exposure.</p> <p>It is again noted that the BADS are a discretionary requirement and that this development is not subject to these requirements given the transitional provision that sit within the planning scheme amendment.</p> <p>Council's Sustainable Design Advisor has raised some concerns with the development and therefore new conditions would be required on any approval to meet Council's sustainability expectations.</p>
<p>Building Design</p> <ul style="list-style-type: none"> • Encourage the design of new development to generally: <ul style="list-style-type: none"> - express the urban grain and block pattern of subdivision and provide façade articulation, - avoid poorly designed and inappropriately located reproduction architecture, - include elevations, roof forms and facade treatments that are integrated with the overall design of the building which create visual interest at street level and which are legible and interesting from a range of perspectives, - define the corners at major street intersections through detailing and massing of the new built form and by addressing both street frontages and the surrounding context, - ensure that side walls of taller buildings provide interesting design elements to 	<p>Achieved</p> <p>The building design would match the existing block pattern and would have a similar, although higher mass, to the existing and approved building.</p> <p>The new building would be contemporary in style and would not feature reproduction elements or themes.</p> <p>The balconies and opening windows would create visual interest at the street level and range of perspectives.</p> <p>The materials proposed and the varied setbacks would provide an interesting design to break up the mass on the elevations.</p> <p>Mechanical plant would be located on the roof and would not be generally visible from abutting or nearby roads through screens.</p> <p>The building street façade would be architecturally well resolved and would</p>





<p>break up the mass and bulk and reduce the visual impact of blank walls.</p> <ul style="list-style-type: none"> • Encourage the design of the building facades to make provision for the location of appropriate external lighting, mechanical equipment and signage. • Encourage resolution of building details, construction joints and junctions between different materials and finishes to be carefully detailed to ensure that they are properly integrated with the facade design. In particular, construction joints where pre-cast concrete is used to achieve a masonry finish should be carefully detailed. 	<p>include opportunity for external lighting and signage.</p> <p>Building details would be carefully detailed to ensure that they are properly integrated with the facade design.</p>
<p>Urban Art</p> <ul style="list-style-type: none"> • Require all new developments where the Total Project Cost* (as shown on the Planning Permit Application Form) exceeds \$2 million to provide an urban art contribution that addresses Principle 1 and 2 of the Urban Art Strategy 2002. <p><u>Principle 1: Responsive Design</u></p> <p>The City of Port Phillip commits to a responsive design approach for the development of Urban Art, which reflects the identity of place, community values and innovation and creativity.</p> <p><u>Principle 2: Integrated Art</u></p> <p>The City of Port Phillip commits to a relational art approach, which will ensure Urban Art Demonstrates appropriate aesthetic appeal, functionality and utility in design development. Within this approach, art emphasises integration (e.g. response, memory and facilitation for ‘place-making’), and/or promotes intervention (e.g. provocation, parody and challenge for ‘agenda-setting’).</p> <p>* Where staged permits are issued, the aggregated value of all permits relating to one building is the determining value for the Total Project Cost.</p>	<p>Achieved</p> <p>A condition was included on the original permit and would be maintained.</p> <p>The applicant has nominated a location for urban art on the front façade of the building. Further details would be provided at a later date.</p>
<p>Landscape</p> <ul style="list-style-type: none"> • Encourage all new developments to: 	<p>Achieved</p>





<ul style="list-style-type: none"> - retain all existing street trees and public landscape elements that contribute to the streetscape and amenity of the area, - locate vehicle access around the location of existing street trees, where appropriate, and - be setback a sufficient distance from street trees to ensure their ongoing survival and health. <ul style="list-style-type: none"> • Encourage all new developments to provide landscaping to setback areas, ground floor open spaces and outdoor car parking areas that: <ul style="list-style-type: none"> - integrate new buildings and pedestrian spaces into the surrounding neighbourhood and provide pleasant outlooks, and - include vegetation species that reflect those existing in the surrounding locality or otherwise are indigenous to the neighbourhood. • Encourage contributions towards street/public space landscaping, where this is appropriate. • Encourage landscape treatment to enhance the boulevard character and quality, of main boulevards, including Beach St, Beaconsfield Pde, Jacka Boulevard, Marine Pde, Kerferd Rd, Ormond Esplanade, St Kilda Rd, Queens Rd, Kings Way and Albert Rd. 	<p>No landscaping is required under the DDO provisions that relate to this site and the frontages at ground level would remain largely unchanged.</p> <p>The vehicle access point would be the same as previously approved.</p>
<p>Public Open Spaces</p> <ul style="list-style-type: none"> • Encourage the provision of public open space on-site that: <ul style="list-style-type: none"> - directly adjoins or links to a street frontage where the space will be used by the public, - provides an open space link through a site that will contribute to the pedestrian permeability and accessibility of the site and build on the existing open space network of the neighbourhood, and - provides an outlook for as many occupants of the development as 	<p>Achieved</p> <p>No public open space is proposed on site.</p> <p>The provision of public open space within new developments is not typical of the character of the surrounding area. The development will however attract an open space contribution at the subdivision stage if approved.</p> <p>Overshadowing of adjacent public spaces is discussed later in this report.</p>





<p>practicable and includes dwelling entries and windows facing the open space area to maximise opportunities for surveillance and informal interaction.</p> <ul style="list-style-type: none"> • Maximise access to sunlight from key public, recreational and open space areas through the sensitive design and siting of new development. • Ensure new development does not overshadow public parkland (<i>land in the Public Park and Recreation Zone</i>) between the hours of 10.00am and 4.00pm on 22 June (winter solstice), unless otherwise specified in a DDO. 	
<p>Private and Communal Open Space</p> <ul style="list-style-type: none"> • Require any new dwelling to have: <ul style="list-style-type: none"> - private open space with access from a main living room, which must be adequate in area and dimension to be demonstrably usable and to meet the needs of future occupants (a minimum area of 8m² with a minimum width of 1.6m is considered appropriate for a balcony/terrace), or - access to adequate communal open space, where it can be demonstrated by the applicant that this will better serve the needs of residents, and where the building design, site constraints and/or heritage constraints prevent the supply of individual private open space areas. • Encourage the location and design of private and communal open space to take advantage of solar access, have reasonable levels of privacy and be designed to respect the privacy of private open space of surrounding dwellings. • Where on-site communal open space is proposed, encourage a variety of spaces including rooftop gardens and ensure that the space is appropriate to the needs of residents (e.g. in developments that include dwellings that are likely to accommodate families with children, the communal open space area(s) should provide safe and 	<p>Achieved</p> <p>Open space for the dwellings is proposed to be via individual balconies and terraces appurtenant to the living room. No communal open space is proposed.</p> <p>The approved development (152 dwellings) has the following private balconies sizes:</p> <ul style="list-style-type: none"> • 12 dwellings at 4m² • 5 dwellings at 5m² • 41 dwellings at 6m² • 62 dwellings at 7m² • 32 dwellings at 8m² • Average size = 6.5m² <p>The amended design (201 dwellings) would have the following private balconies sizes:</p> <ul style="list-style-type: none"> • 28 dwellings at 4m² • 42 dwellings at 6m² • 116 dwellings at 7m² • 15 dwellings at 8m² • Average size = 6.5m² <p>The applicant has submitted discussion plans which would alter the layout of the tower section of the building (194 dwellings) including the balcony sizes to provide the following outcome:</p>





interesting play areas/equipment for children).

- Encourage new balconies/terraces to be contained wholly within the site boundary.
- Projections outside the site boundary are discouraged unless they follow a local pattern, contribute positively to the design outcome and to the safety of public spaces, are discreet rather than prevailing elements of the building’s design, and do not extend more than 500mm beyond the property line and no more than 2.5m in length if fully cantilevered.

- 28 dwellings at 4m²
- 14 dwellings at 6m²
- 102 dwellings at 7m²
- 36 dwellings at 8m²
- 6 dwellings at 13m²
- 8 dwellings at 15m²
- Average size = 7m²

Whilst this change would be an improvement, it is considered that more three bedroom dwellings should be provided to ensure a greater mix (approx. 10%) of dwelling sizes within the development to accommodate a variety of households of residents within the municipality.

It is therefore considered that an additional 6 x three bedroom dwellings could be accommodated within the upper floors of the building. This would result in a reduced number of apartments and the following balcony areas:

- 28 dwellings at 4m²
- 14 dwellings at 6m²
- 96 dwellings at 7m²
- 33 dwellings at 8m²
- 10 dwellings at 13m²
- 10 dwellings at 15m²
- Average size = 7.4m²

It is considered that this average size of the balconies would be an improvement to the dwelling amenity within the development, particularly in the context of what is currently approved on the site as noted above.

Furthermore the percentage of dwellings with balconies under 6m² would be reduced from 38% in the approved development to 22% in the amended proposal.

The setbacks of the tower and within the podium light courts (minimum 38m²) would provide adequate access to sunlight and





	<p>daylight and outlook from all balcony spaces and habitable room spaces within the development.</p> <p>A condition should therefore be added to any approval that requires the provision of four x three bedroom dwellings on each of levels 15 to 19 [refer recommended new condition 1a)].</p>
<p>Fences</p> <ul style="list-style-type: none"> • Encourage new front fences to: <ul style="list-style-type: none"> - be compatible with fencing in the surrounding area, - relate to the architectural style and use of the building and any adjacent open space areas, and - respond to the character and amenity of the surrounding area. Aspects such as the degree of transparency, height, materials and finishes of fences should be carefully considered. • Discourage front and side fences on St Kilda Rd to maintain the existing character and openness of the boulevard. 	<p>Not applicable</p> <p>There is no existing front fencing and no fencing is proposed.</p>
<p>Residential Amenity</p> <ul style="list-style-type: none"> • Require that new private or communal open space areas receive a minimum of four hours of sunlight between the hours of 9.00a.m. and 3.00p.m. on 22 September (the equinox). • Ensure that solar access to existing habitable rooms and private open space of neighbouring residential properties is not unreasonably affected. • Ensure that existing habitable room windows and private open space areas of neighbouring residential properties are protected from additional direct overlooking through appropriate siting, setbacks, building articulation and screening devices. • Protect the occupants of existing and new buildings from external noise through appropriate acoustic building treatment (such as double glazing), and through the 	<p>Achieved</p> <p>The roof top services location is consistent with the approved building and other tower developments in the area.</p> <p>The new balconies would receive similar access to sunlight to the approved balconies.</p> <p>The additional eight levels on this approved building is unlikely to create unreasonable amenity impacts from shadowing or visual bulk given the existing approval and the high density context in which the site is located.</p> <p>There would be no additional overlooking or overshadowing of the adjoining residential properties above what has already been approved.</p> <p>The only residential building adjacent to the site is to the north-east of the site at 35 Park Street/12 Kings Place.</p>





<p>siting of mechanical equipment and open space areas.</p>	<p>It is considered in terms of overshadowing that any assessment of the proposal's impact on the amenity of the dwellings at 35 Park Street and 12 Kings Place, must have regard to the strategic context of the site. The construction of a high density residential building on the review site is an outcome that must be reasonably expected because, as outlined previously, the planning scheme contemplates such an outcome.</p> <p>It is noted that the shadowing on these dwellings would be the same as the approved building and therefore the overshadowing is considered to be acceptable.</p>
<p>Car Parking and Pedestrian Access</p> <ul style="list-style-type: none"> • Ensure streets, footpaths and driveways provide safe, manageable and convenient access to buildings. • Ensure pedestrian accessways within the development are safe, attractive and convenient to use by occupants and visitors alike. • Encourage vehicle access points to: <ul style="list-style-type: none"> - be via a single crossover or, if appropriate, from an existing crossover (multiple crossovers which result in a loss of on-street car parking are discouraged), and - enable vehicles to move safely and efficiently between the development and the street network. • Encourage car parking to be contained within a building or located at the rear of a building and not visible from the street. If located above ground level, encourage the façade of car parks to be designed to integrate with the building and to screen views of cars from public areas and adjoining buildings. • Minimise hard paved areas over and above the building footprint to minimise stormwater runoff. • Ensure that car parks clearly define the location of visitor and/or customer parking, 	<p>Achieved</p> <p>The car parking and pedestrian access was approved in the original permit application and has only be slightly altered by this proposal, and therefore is considered to be acceptable.</p>





<p>and make adequate provision for disabled parking and the queuing of vehicles on site.</p> <ul style="list-style-type: none"> • Ensure that car parks are separated from habitable room windows to avoid noise and fumes entering dwellings. 	
<p>Loading Facilities</p> <ul style="list-style-type: none"> • Encourage loading facilities to be located at the rear of a building and/or near an area of low pedestrian activity and separate from parking areas. • Avoid the design of loading facilities that require vehicles to reverse off-site. • Ensure that loading facilities are screened from view of the street when not in use. • Ensure that loading and unloading can occur wholly within the site boundaries. 	<p>No change</p> <p>It is considered that the existing on-street loading and parking areas could accommodate any loading activities required for the small retail spaces on the ground floor.</p> <p>The site was not approved with a loading bay and a loading bay is not required now for the increase in dwellings as this is not a permit trigger under the planning scheme.</p>
<p>Site facilities</p> <ul style="list-style-type: none"> • Ensure garbage, recycling bin enclosures and collection points are located within the building wherever possible, are adequate in size and appropriately screened from view, are located for convenient access by occupants and collection vehicles and away from residential uses, and are sited and designed to not detract from the character and amenity of the streetscape. • Ensure that mailboxes are well designed, located for convenient access by occupants, and satisfy the requirements of Australia Post. 	<p>Achieved</p> <p>The services were approved in the original permit application. Small changes have been made to the size and location, however these are acceptable.</p>

9.3 Design and Development Overlay

Is the amendment consistent with the requirements of the Design and Development Overlay 26-2?

The subject site is now within Schedule 26 to the Design and Development Overlay for the St Kilda Road North Precinct, and more particularly, in Sub Precinct 2 (Northwest Corner) DDO 26-2.

The Northwest Corner Sub-Precinct has a mixed character and role, and presents considerable opportunity for development and change as a higher density residential and mixed use enclave, based around lively, pedestrian focussed streets. The objectives for Sub-Precinct 2 are:

- To ensure that new development creates a vibrant residential and mixed use environment, through an increased scale and density of development.





- To reinforce the primacy of the St Kilda Road boulevard by ensuring development provides a gradual visual and physical transition from the higher scale development of St Kilda Road, across the Sub-Precinct to Kings Way.
- To ensure that development provides for a fine grain character in the form and articulation of new buildings.
- To create a high quality public realm through additional tree planting and maintaining access to sunlight along the key pedestrian streets of Bank and Park Streets.
- To improve the streetscape environment of Kings Way through high quality built form and consistent landscaped setbacks.
- To ensure the development in Kings Way creates a landscaped boulevard through high quality architectural design and a landscaped public realm interface.
- To ensure that podium design and heights create and reinforce a ‘human scale’ to provide visual interest and activity for the pedestrian at street level along Kings Way.
- To improve the streetscape environment of the Northwest Corner Sub-Precinct through high quality built form.
- To ensure that buildings are scaled to maintain a respectful setting and backdrop for the Shrine of Remembrance.

Buildings and Works General Requirements:

It is noted that all requirements in this table are discretionary unless otherwise stated within the requirement section of the table.

Requirement	Assessment
<p><u>Design Quality</u></p> <p>New developments should achieve urban design and architectural excellence.</p> <p>Developments on corner sites with a St Kilda Road, Albert Road, Kings Way or Queens Road frontage or abuttal should not express the side street podium requirement to those roads.</p> <p>Where a podium / tower typology is not proposed for a corner site, a high quality architectural response is required which achieves an appropriate transition to podium / setback requirements on adjoining sites, including through building articulation/massing, building materials, finishes and design detail.</p>	<p>Complies</p> <p>The site would provide for an acceptable urban design and architecture outcome as it presents to the street.</p> <p>The building would provide a traditional podium/tower typology that would sit comfortably in the existing and future streetscape.</p> <p>The site would have excellent activation at the street level and above.</p>





<p>Developments on large sites should minimise building bulk and promote vertical articulation in their design.</p>	
<p><u>Separation Distances / Side and Rear Setbacks</u></p> <p>For Sub-Precincts 1, 2, 3 and for properties in Sub-Precinct 4 without a primary frontage to St Kilda Road:</p> <ul style="list-style-type: none"> – Development above the podium height must be set back a minimum of 4.5 metres from side and rear boundaries and at least 9 metres from existing towers. – Where there is no podium or an existing tower, a setback of 4.5 metres to the boundary must be provided. <p>For all Sub-Precincts - Additional side and rear setbacks and/or separation distances may be required to ensure buildings are designed and spaced to:</p> <ul style="list-style-type: none"> – 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. 	<p>Does not comply – acceptable variation.</p> <p>The site does not provide a consistent 4.5m setback from the boundary as required by the DDO. The side boundaries are setback between 4m and 4.5m from the eastern boundary and 4.27m and 4.5m from the western boundary.</p> <p>In terms of amenity impacts the centralisation of the tower would reduce the impacts on 35 Park Street in comparison to the approved built form which adjoined the boundary for a considerable portion of the tower section of the building.</p> <p>Moreover where the podium level walls have been altered on this elevation they have moved away from balconies of the neighbouring dwellings and therefore would result in reduced visual bulk when compared to the approved building.</p> <p>In terms of equitable development, it is noteworthy that the site at 31-33 Park Street has a current permit to construct an 11 storey building with a boundary wall on the eastern boundary with No.35 Park Street.</p> <p>This development was considered by the Tribunal as an appropriate outcome that would allow equitable development between 31-33 Park Street and No.35 Park Street as it provides a blank wall to build against in the future.</p> <p>The fact that this could occur would allow this adjoining site to have some form of setback from the subject site which would provide for an equitable outcome for both sites.</p> <p>The centralisation of the tower would also allow for a visual break in the streetscape, sky views and sun penetration at the street level.</p> <p>The setbacks at the podium levels are considered to be acceptable as they predominantly match those already approved</p>





	<p>and where different would be located adjacent to boundary walls and would allow equitable development opportunities on the adjacent site to the west.</p> <p>The light courts proposed would allow acceptable daylight access should the adjacent sites be developed and at the same time would not unreasonably hinder the development potential of any such developments.</p>
<p><u>Landscaped Setbacks</u></p> <p>Frontages along St Kilda Road and Queens Road must be retained as open space for substantial landscaping and pedestrian activity:</p> <ul style="list-style-type: none"> – St Kilda Road frontages should function as a forecourt for public, private and communal use. Public seating areas should be provided in these forecourts. – Queens Road frontages should be designed to provide substantial landscaping, including, where appropriate, large scale canopy trees. <p>Clear sightlines should be provided from the footpath to the building façade to increase perceptions of pedestrian safety.</p> <p>Water sensitive urban design treatments should be incorporated into frontage design to manage and reduce stormwater runoff.</p> <p>Exhaust stacks from underground car parks must be located away from main pedestrian areas and incorporated into the building design or adequately screened.</p> <p>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 must be designed to not visually dominate the frontage setback space or significantly reduce the area for landscaping.</p>	<p>Complies</p> <p>There is no landscape setback requirement along Park Street or any other frontage.</p> <p>The building would be built to the street boundary, consistent with the existing preferred neighbourhood character.</p>
<p><u>Heritage</u></p> <p>New development must respect the form, massing and siting of heritage buildings on the development site or adjoining sites.</p>	<p>Not Applicable</p> <p>The site and neither of the adjoining sites are subject to a Heritage Overlay.</p>





<p><u>Street Wall/Podium Level</u></p> <p>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.</p> <p>The design of buildings should reinforce the pattern of the street by aligning their façade with the curvature of the street frontage.</p> <p>The design of new buildings should include openable habitable windows and balcony doors on the first five levels of the ‘street wall’ to enhance the sense of connection, surveillance and safety at ground level.</p> <p>All car parking at ground level or above must be sleeved with active uses to ensure it is not visible from the street.</p> <p>Buildings located on corner sites should address both street frontages</p>	<p>Does not comply – acceptable variation.</p> <p>The building would reinforce the pattern of the street by aligning the façade with the street boundary and would provide numerous windows and balconies facing onto the streets.</p> <p>The location of car parking and street activation would not be altered from the approved ground floor layout.</p> <p>The existing approved building includes a street wall and podium level that is built to the street frontage for six levels or a height of 17.55m.</p> <p>The proposed amendment includes a street wall and podium that is built to the street frontage for six levels but with a slight increase height to 18.97m.</p> <p>The additional 1.4m podium height would result in an acceptable outcome as the building would continue to reinforce the pedestrian scale on Park Street and would provide visual interest and activity for the pedestrian at street level through active frontages and balconies. Moreover the façade is finished in glazing and therefore would continue the lightweight finish of the approved building.</p> <p>The tower element of the building would be similar to the approved development in the building being setback between 4.5m and 5m from the front and rear streets. The difference is that the height of the building would be increased by 25m and the tower element would now be centrally located rather than located adjacent to the north-east boundary.</p> <p>The slight deviation from the 5m setback is considered to be acceptable in this instance as the design mimics the approved tower form and the areas within the 5m setback are the curved portions of the façade and therefore are considered to be architectural features or points of the building and would not overwhelm the public realm below.</p>
<p><u>Active Frontages</u></p>	<p>Partially Complies</p>





<p>New development should provide integrated community and active space at street level that contributes to a high quality public realm.</p> <p>All building frontages (except on laneways and service streets) should:</p> <ul style="list-style-type: none"> – 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 must be visually permeable and mounted internally. – Provide no or low, visually permeable front fencing. <p>New development along Queens Lane and Bowen Lane should incorporate lighting, entry doors, habitable rooms with windows, and display windows.</p> <p>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.</p> <p>Foyer areas should have visibility to the street and be designed to encourage activity and interest both within and external to the building.</p> <p>New development within a residential zone should provide:</p> <ul style="list-style-type: none"> – Individual entry points to ground level dwellings to create multiple residential addresses along the building façade, rather than a single entry point. – Entrances with weather protection and lighting. <p>New development within a commercial or mixed use zone should provide:</p> <ul style="list-style-type: none"> – 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 	<p>Condition required</p> <p>The approved retail spaces would continue to provide active spaces on the main street frontage of Park Street.</p> <p>The communal space added to the rear interface would increase the activation at the rear of the site above what has already been approved. It is however considered that this facade would not be particularly active as no pedestrian access is available from this location.</p> <p>Therefore a condition should be added to any approval requiring a pedestrian access to be provided from Kings Place [refer recommended new conditions 1 o)].</p>
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<p>width of the street frontage of each premises for other commercial uses.</p> <ul style="list-style-type: none"> – Lighting design that is incorporated to the façade to contribute to a sense of safety at night 	
<p><u>Tower Design and Internal Amenity</u> Tower forms (above podiums) should not exceed a maximum width of 35 metres to:</p> <ul style="list-style-type: none"> – Ensure that daylight penetrates through to parts of the building and streets, and adjoining buildings. – Reduce their perceived visual bulk. – Maintain sightlines between buildings. <p>New residential development must have access to onsite communal or private open space in the form of rooftops, podiums, balconies or courtyards.</p>	<p>Complies</p> <p>The tower portion of the building would be no greater than 23m wide.</p> <p>Each new apartment would have access to a balcony of between 4m² and 8m² in size. These spaces have already been discussed above</p> <p>No communal open space has been proposed. This is acceptable given the plethora of public open space options in the surrounding area.</p>
<p><u>Building Services</u></p> <p>Waste materials storage and services must be provided on site and should be screened from areas of high pedestrian activity.</p> <p>Waste storage or services should not impede pedestrian access and should be located away from footpaths.</p> <p>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.</p> <p>Building services on rooftops should be screened to avoid detrimental noise and visual impacts on the amenity of both private and public realms.</p> <p>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.</p> <p>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.</p>	<p>Complies</p> <p>The ground floor area is already approved and is acceptable.</p> <p>The roof top areas would be concealed adequately from the views in the street.</p>





<p><u>Vehicular Access and Car Parking</u></p> <p>Vehicle crossovers should be no more than 6m wide, with a maximum of one crossover per site.</p> <p>Vehicle ingress and egress must be located on lanes, where possible.</p> <p>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.</p> <p>Car parks should be built underground or located to the rear of the site to enable active uses on the street frontage. Where car parks are built above ground, they should not front the site or be visible from St Kilda Road, Queens Road or Punt Road.</p> <p>Car parking within a podium should incorporate floor to ceiling heights of 3.5m to enable future adaptation for habitable uses.</p> <p>Open/at-grade car parks should not be located in front setback areas.</p>	<p>Complies</p> <p>The parking location and access was previously approved and is considered acceptable.</p> <p>This is further discussed later in this report.</p>
<p><u>Pedestrian Permeability</u></p> <p>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.</p> <p>Development should enhance existing links/laneways by providing a mix of active and non-active frontages, appropriate to the role of the link / laneway.</p>	<p>Not applicable</p> <p>The site is located within 20m of a side street and therefore a through site link is not required.</p>

Sub-Precinct Requirements

It is noted that all requirements in this table are discretionary unless otherwise stated within the requirement section of the table.

Requirement	Assessment
<p>Development with a direct frontage or abuttal to any road, excluding Kings Way, must:</p> <ul style="list-style-type: none"> – be built to the boundary, and – not exceed 18 metres in height within 5 metres of any street frontage. 	<p>Does not comply – acceptable variation.</p> <p>The existing approved building includes a street wall and podium level that is built to the street frontage for six levels or a height of 17.55m.</p>





	<p>The proposed amendment includes a street wall and podium level that is built to the street frontage for six levels but with a slight increase height to 18.97m.</p> <p>The additional 1.4m podium height would result in an acceptable outcome as the building would continue to reinforce the pedestrian scale on Park Street and would provide visual interest and activity for the pedestrian at street level through active frontages and balconies. More over the façade is finished in glazing and therefore would continue the lightweight finish of the approved building.</p> <p>The tower element of the building would be similar to that approved the building being setback between 4.5m and 5m from the front and rear streets. The difference is that the height of the building would be increased by 25m and the tower element would now be centrally located rather than located adjacent to the north-east boundary.</p> <p>The slight deviation from the 5m setback is considered to be acceptable in this instance as the design mimics the approved tower form. The areas within the 5m setback are the curved portions of the façade and therefore are considered to be an architectural feature of the building and would not overwhelm the public realm below.</p>
<p>Development beyond the setbacks identified above must not exceed a height of 60 metres. A permit may not be granted to construct a building or construct or carry out works which are not in accordance with this requirement unless allowed by clause 4.0 of this schedule. (Mandatory control)</p>	<p>Complies</p> <p>The height of the building would not exceed 60m and therefore complies with the mandatory height control.</p> <p>The plant material would sit within the 4m limit above the mandatory height allowance and would not exceed 10% of the floor area of the top level of the building.</p>
<p>Building facades should follow the alignment of the street frontage to follow the distinctive curvilinear street pattern.</p>	<p>Complies</p> <p>The building façade follows the alignment of the street.</p>
<p>Development must maintain the existing levels of solar access to the southern footpaths of Bank and Park Streets when measured between 10am and 2pm at the Equinox.</p>	<p>Complies</p> <p>The building would not alter the solar access to the southern footpaths of Bank and Park Streets when measured between 10am and</p>





	2pm at the Equinox as the building would be located on the southern side of Park Street.
Development should not overshadow the adjoining dwellings in residential areas south west of Kings Way and comply with the objectives of Clause 55.04-5 - Overshadowing.	Complies The building would not alter the solar access to the residential areas south west of Kings Way.
Development should reinforce the fine grain pattern of the Sub-Precinct.	Complies The site would maintain the existing varied pattern of subdivision in the street.
Large redevelopment and proposals that consolidate smaller sites should incorporate through-block pedestrian links and express the historic fine grain subdivision into their design.	Not Applicable This site is not considered to be a large development site.

Are the materials and finishes acceptable?

Council’s Urban Design Advisor has raised concerns over the materials and finishes proposed and therefore condition 1k) on the existing permit could be retained to require minor changes to this part of the development.

Would the amendment alter any specific requirements of the original permit?

The changes to the preamble are considered to be acceptable as they would still adequately represent the proposed building without referencing the number of storeys which would be shown on any endorsed plans. It is noted that the commercial uses within the building should be referred to as shop uses rather than retail uses.

The deletion of the conditions 1a) and 1b) are considered acceptable given that these changes refer to the approved building and would not be relevant to the amended design.

The changes to condition 10 is also considered acceptable as this would update the condition to meet the new maximum number of dwellings being 191 as required by changes at new conditions 1a) and 1b).

The change to the bicycle rate at condition 1d) is discussed later in this report.

9.4 Better Apartment Design Guidelines

As noted above this State Government amendment (VC136) introduced the Better Apartments Design Standards into all planning schemes on 13 April 2017. Transitional arrangements have be included in the new provisions (Clause 34.01-4) which state that the requirements would not apply to applications lodged prior to the approval date of the amendment (13 April 2017).

While the development would not meet all of the requirements of the standards, the development is considered acceptable subject to the recommended conditions.





9.5 **Traffic and Parking**

The following table shows the changes to the parking requirements on the site over the past approvals and proposed amendment:

Approved Development	Total Required Parking	Approved car parking provided	Approved Variation
152 x 1 and 2 bedroom dwellings A retail premise (453m ²)	Total = 200 1 space to each one and two bedroom dwelling = 152. 1 visitor space to every 5 dwellings = 30. 4 spaces per 100m ² of leasable floor area = 18.	82 spaces total All for residential dwellings. (0.54 spaces per dwelling) Zero provided for visitors or retail tenancies All accessed from rear street to basement and ground floor spaces.	118 spaces total. 70 dwelling spaces 30 visitor spaces 18 retail spaces
Proposed Amendment	Total Required Parking	Proposed car parking provided	Required Variation
201 x 1 and 2 bedroom dwellings A retail premise (410m ²)	Total = 257 1 space to each one and two bedroom dwelling = 201. 1 visitor space to every 5 dwellings = 40. 4 spaces per 100m ² of leasable floor area = 16.	125 spaces total All for residential dwellings. (0.62 spaces per dwelling) Zero provided for visitors or retail tenancies All accessed from rear street to basement and ground floor spaces.	132 spaces total. 76 dwelling spaces 40 visitor spaces 16 retail spaces

As shown above, the proposed variation relates to 14 additional spaces being 10 additional visitor spaces and 6 additional resident spaces minus the reduced retail spaces required (2 spaces).

Given that the retail space requirement is being reduced, this component of the variation is considered to be acceptable in this mixed use context.

As noted above, it is considered that additional three bedroom dwellings should be included in the development. This change would impact the parking requirement slightly in the following manner:





Proposed Amendment	Total Required Parking	Proposed car parking provided	Required Variation
171 x 1 and 2 bedroom dwellings 20 x 3 bedroom dwellings (Total 191 dwellings) A retail premise (410m ²)	Total = 265 1 space to each one and two bedroom dwelling = 171. 2 spaces to each three bedroom dwelling = 40. 1 visitor space to every 5 dwellings = 38. 4 spaces per 100m ² of leasable floor area = 16.	125 spaces total All for residential dwellings. (0.65 spaces per dwelling) Zero provided for visitors or retail tenancies All accessed from rear street to basement and ground floor spaces.	140 spaces total. 86 dwelling spaces 38 visitor spaces 16 retail spaces

This table demonstrates that the inclusion of 3 bedroom dwellings would increase the variation (22 spaces) from the Planning Scheme parking requirements. However it would slightly increase the ratio of spaces to dwellings.

It is noted that there is an empty space in the ground floor level near the proposed communal gym that could accommodate an additional car space. Therefore a condition should be included on any approval requiring a car space to be accommodated within this area that is dedicated to the commercial uses on the ground floor [refer to amended condition 1m)].

Notwithstanding the above it is considered that the reduction to the car parking requirements sought by the amended application is reasonable for the following reasons;

- The variation of 0.62 spaces per dwelling (0.65 with the further changes required by recommended conditions) would be an improvement on the existing approved rate of 0.54 spaces per dwelling and the rate would be consistent with recent planning approvals in the area;
- The site is excellently located to a number of public transport options including the following;

Mode	Between	Distance from site
Tram route 55	Melb Uni – Camberwell	Park St frontage
Tram routes 3, 5, 8, 16, 64, 67 & 72	City – Various	240 m
Bus route 216	Caroline Springs – Brighton East	290 m
Bus route 219	Sunshine Park – Gardenvale	290 m





Bus route 220	Sunshine – Gardenvale	290 m
Proposed Domain Station	Melbourne Metro	Approx. 300m

- The reduction of parking spaces to dwellings would be consistent with Council’s Sustainable Transport Policy which supports reduced allocations in areas well serviced by public transport;
- Numerous car share options are located in proximity to the site;
- A mechanical parking system is not suitable for casual visitor use;
- The development proposes 164 bicycle parking spaces and the immediate area is well serviced by bicycle and walking paths and the distance to the CBD is walkable (2km);
- On street parking is controlled and largely subject to short term restrictions or ticketed;
- The site would be in proximity to the proposed Domain Metro Rail Station;
- The site is located near St Kilda Road, an employment corridor, which is a significant generator of local employment and is easily accessible via public transport, by foot or by bike;
- The site is located in walking distance to South Melbourne Major Activity Centre, which provides local shopping and community services for everyday needs;
- The development is located in an area that promotes walking, cycling and catching public transport;
- The site is well located in terms of public car parks; and
- Residents would not be eligible for parking permits.
- The variation that relates to the shop uses would be less than that currently approved.

To further assist residents with the use of public transport, a condition could be included on any approval requiring the lodgement of the Green Travel Plan (refer to new condition 43).

Taking into consideration the above, coupled with Clause 21.03-2 *Sustainable Transport* of the Port Phillip Planning Scheme which contains the following relevant key issue (to be considered pertaining to planning applications);

Port Phillip has a high rate of private vehicle ownership, which places pressure on the road infrastructure and creates high parking demand. Council is committed to sustainable transport initiatives that encourage alternative modes of transport and reduces the dependence on cars.

The subject sites locality coupled with the reduction of proposed car parking spaces would result in travel demand management strategies that reduce car parking dependence, increase public transport usage and would be consistent with Council’s sustainable transport policies thereby limiting any traffic or parking issues.





9.6 **Bicycle Facilities**

Clause 52.34-1 of the Planning Scheme requires bicycle parking and facilities as follows:

Use, and Bicycle parking rate	No. of dwellings	No. of spaces required	No. of spaces proposed
Dwellings (in developments of four or more storeys) must provide: - One (1) resident bicycle space / 5 dwellings × 201 dwellings = 40 spaces required; and - One (1) visitor bicycle space / 10 dwellings × 201 dwellings = 20 spaces required	201	60 spaces comprising 40 resident and 20 visitor	162 resident and visitor spaces
Retail premises other than Shop and Take-away food premises requires 1 employee/ resident space per 300m ² net floor area and 1 visitor/shopper space per 500m ² net floor area.	410m ²	1 employee 1 visitor	2 spaces 6 spaces (on street)
Totals		62 spaces	170 spaces

The number of bicycle parking spaces proposed would significantly exceed the number of spaces required for the dwellings and retail premises under the Planning Scheme and therefore is considered acceptable.

10. COVENANTS

- 10.1 The applicant has completed a declaration that the subject land, being all that land described as Consolidated Plan 15473 (37 Park Street) and 154732 (39-43 Park Street). Both titles have been checked and are not encumbered by a restrictive covenant or Section 173 Agreement or other obligation such as an easement or building envelope.
- 10.2 Notwithstanding this declaration, both lots are encumbered by an easement. A 1.77m wide easement for light and air straddles the subject site’s common boundary with the lot at 45 Park Street. No. 37 Park Street includes a drainage easement.

11. OFFICER DIRECT OR INDIRECT INTEREST

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

12. OPTIONS

- 12.1 Approve as recommended
- 12.2 Approve with changed or additional conditions
- 12.3 Refuse - on key issues





13. CONCLUSION

- 13.1 The site is strategically located for high rise development in close proximity to services, the Domain interchange and the proposed Domain Metro Rail Station. The additional eight levels and reconfiguration of the building form would further promote both Local and state Planning Policies that relate to the construction of high density residential outcomes.
- 13.2 The proposed development offers an appropriate response to the opportunities and constraints of the site with limited impact on the amenity of adjoining properties, Park Street and Kings Place and the built form character of St Kilda Road North Precinct.
- 13.3 The proposed development complies with the relevant sections of the Port Phillip Planning Scheme including the Design and Development Overlay Schedule 26.
- 13.4 It is considered appropriate to require a greater mix of dwellings in the dwelling through the introduction of twenty (20) x three bedroom dwellings on the upper levels of the towers to be consistent with Local and State Planning Policy and improve the overall internal amenity of the development.
- 13.5 The increase in dwelling numbers and additional car parking reduction would not result in an unreasonable traffic impact on the surrounding parking network or the traffic flow in Kings Place, subject to the recommended conditions.
- 13.6 The amendments sought pursuant to Section 72 of the Act do not fall within the ambit of a transformation of the proposal originally considered by the Council and which was subsequently approved.
- 13.7 It is therefore recommended that Council advise VCAT that it supports the amendment application subject to the appropriate conditions included on any approval.

14. RECOMMENDATION

- 14.1 That the Responsible Authority, having caused the Application No. 535/2014/B to be advertised and having received and noted the objections, advise VCAT that, had it been the Responsible Authority for determination of the application, would have issued a Notice of Decision to Grant an Amended Planning Permit for the construction of a new building containing dwellings and shop premises. Reduction in the number of car parking spaces; waiver of the loading bay requirements for the retail premises at 37-43 Park Street, South Melbourne, with the following amendments:



Amended preamble

Construction of a new building containing dwellings and retail premises. Reduction in the number of car parking spaces; waiver of the loading bay requirements for the shop premises.

Amended conditions

- Amend condition 1 to read as follows:

Before the development and use starts (other than demolition and preliminary site works), amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans prepared by Elenberg Fraser dated 8 October 2016 but modified to show:

- Delete existing conditions 1a) and 1b).

- Amend condition 1d) to read as follows:

1d) The provision of bicycle parking spaces not less than the requirement of Clause 52.34-1 of the Port Phillip Planning Scheme.

- Amend condition 10 to read as follows:

10. Without the further written consent of the Responsible Authority, no more than 191 dwellings may be constructed on the land.

- Amend condition 16 to read as follows

16. Without the further written consent of the Responsible Authority car parking for the approved development must be allocated on any Plan of Subdivision as follows:

- a maximum of one car space for each two and three bedroom apartment;
- no car park spaces for either one bedroom dwellings or visitors;
- one car space for the shop use; and
- 3m³ of storage per apartment

All to the satisfaction of the Responsible Authority.

New conditions:

- **1a)** A minimum of four additional three bedroom dwellings on each of Levels 15 to 19.



- Ib)* The layout on Levels 6 to 14 altered to provide the following:
 - A minimum of two dwellings at each level with 8m² balcony spaces; and
 - A minimum width of 1.5m for any 'snorkel' daylight access space.
- Im)* One car space located in the ground floor level of the building adjacent to the communal gym that is dedicated to the shop use in the building.
- In)* Any changes required by Conditions 40 to 42 (Sustainable Management Plan and Water Sensitive Urban Design).
- Io)* A pedestrian entry/exit on the Kings Place frontage.
- Ip)* Any change required by Conditions 43 (Green Travel plan).
- Iq)* Sweep path diagrams demonstrating access to car lifts and car stackers.

40. Sustainable Management Plant

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

41. Water Sensitive Urban Design

Before the development starts (other than demolition or works to remediate contaminated land) a Water Sensitive Urban Design Report that outlines proposed water sensitive urban design initiatives must be submitted to, be to the satisfaction of and approved by the Responsible Authority. The report must demonstrate how the development meets the water quality performance objectives as set out in the Urban Stormwater Best Practice Environmental Management Guidelines (CSIRO) or as amended.

When approved, the Report will be endorsed and will then form part of the permit and the project must incorporate the sustainable design initiatives listed.

42. Maintenance Manual for Water Sensitive Urban Design Initiatives (Stormwater Management)

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



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

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

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

43. Green Travel Plan

Before the development starts (other than demolition or works to remediate contaminated land), a green travel plan to the satisfaction of the Responsible Authority, prepared by a suitably qualified professional, must be submitted to and approved by the Responsible Authority. The green travel plan must provide detailed advice regarding how traffic movements and staff parking will be managed and ensure an alternative, non-private vehicle transport modes will be encouraged. The plan should also identify specific opportunities for the provision of more sustainable transport options and encouragement of their use. The plan must include but not be limited to:

- a) Tram, train and bus timetables be installed in prominent locations in lifts and public areas (on noticeboards, etc);
- b) Bicycle parking areas to be installed in well secured and prominent locations;
- c) Install signs in prominent locations advising of the location of existing and proposed share car schemes, bicycle parking facilities for residents and visitor, tram stops, taxi ranks, railway stations, bus stops and bicycle paths.
- d) Ensure that access to the on-site parking is restricted and controlled.
- e) Funding by the applicant of the purchase of a bicycle as part of the sale for each of the apartments.
- f) Establishment of a car-pooling database for residents
- g) Establishment of seed funding for the Owners Corporation to allocate for the purchase of public transport fares and on-line shopping deliveries.
- h) Specific targets to guide the plans ongoing implementation;
- i) Identify persons responsible for the implementation of actions;
- j) Estimate timescales and costs for each action;
- k) Include a plan for monitoring and review of the Travel Plan on an annual basis for at least three years.



44. Public Transport Victoria

The permit holder must take all responsible steps to ensure that disruption to tram operation along Park Street is kept to a minimum during the construction of the development. Foreseen disruptions to tram operations during construction and mitigation measures must be communicated to Yarra Trams and Public Transport Victoria 14 days prior.

Amendments to Plans:

- Increase in the height of the building by 25m (8 storeys) to 60m (20 storeys) overall;
- Increase the numbers of dwellings from 152 to 191;
- Increase the number of basement levels by one (three total) and the number of car spaces from 81 to 126;
- Increase the number of bicycle spaces from 132 to 164;
- Reduction in the retail floor space on the ground floor from 453sqm to 410sqm;
- Increase the podium height of the building from 17.88m to 19.3m;
- Changes to the boundary setbacks on all elevations including an increase of setback from the eastern boundary at the tower levels;
- Removal of the ground floor car parking and replacement with residential amenities;
- Changes to the size and location of the roof top plant equipment area; and
- Internal changes and alterations to dwelling layouts.