



6.2 305 &307 - 309 CLARENDON STREET, SOUTH MELBOURNE

LOCATION/ADDRESS: 305 &307 - 309 CLARENDON STREET, SOUTH MELBOURNE

EXECUTIVE MEMBER: LILI ROSIC, GENERAL MANAGER, DEVELOPMENT,
TRANSPORT AND CITY AMENITY

PREPARED BY: RICHARD LITTLE, SENIOR URBAN PLANNER

1. PURPOSE

- 1.1 To determine an application (776/2018/A) to amend an existing planning permit, which includes adding a further level (from six to seven storeys) to the approved rear addition, a new pergola at level 3, new plant area and to modify the ground floor access along Bank Street (demolition of an existing column and retention of the ironwork).

2. EXECUTIVE SUMMARY

WARD:	Gateway
TRIGGER FOR DETERMINATION BY COMMITTEE:	More than 16 objections
APPLICATION NO:	776/2018/A
APPLICANT:	Hansen Partnership Pty Ltd
EXISTING USE:	Office
ABUTTING USES:	Road Zone Category 1 Commercial 1 Zone Neighbourhood Residential Zone – Schedule 1
ZONING:	Commercial 1 zone
OVERLAYS:	Design and Development Overlay – Schedule 8 Heritage Overlay 440
STATUTORY TIME REMAINING FOR DECISION AS AT DAY OF COUNCIL	Expired

- 2.1 Planning Permit 776/2018 issued under delegation on 18 September 2019 allows for the partial demolition and buildings and works to construct alterations and additions to the existing buildings for offices and food and drink premises; and a reduction of the standard car parking requirement. The approved development retained the existing heritage building at the front of the site with a six storey (22.8m) contemporary addition to be constructed at the rear of the existing building. Eleven car parking spaces would be provided on the ground floor of the rear addition accessed from Bank Place.
- 2.2 The approved development included:

- Demolition of the rear additions at 305 and 307 to 309 Clarendon Street along with internal demotion of both buildings, the ground floor canopy and iron fence, bluestone plinth (facing Bank Street) and rear and side boundary fence. The front of 305 and 307 - 309 Clarendon Street would be retained along with the party wall with No. 303 Clarendon Street.
 - Construction of a six storey addition to the rear of 305 and 307 - 309 Clarendon Street.
 - The development would provide a 104.7sqm café on the ground floor with office tenancies to be provided in the upper levels, with a combined area of 1858sqm.
 - The rear addition to have a maximum height of 22.8m (top of the parapet)
 - 9 car spaces would be provided at the rear of the site accessed from the rear RoW (Bank Place). Car parking to be provided in an automated car stacker / shuffler (TrendVario 4300) which would provide 8 spaces and one at grade accessible car parking space.
 - 54 bicycle spaces would be provided within the basement along with end of trip facilities (locker and shower facilities).
 - The development would be finished in concrete (plain and pattern finish), copper, white glazing and brick (to match the existing building).
- 2.3 This is a S72 application to amend that permit to add an additional storey (from six to seven storeys) to the rear extension, add a new pergola at level 3, new plant area and modify the ground floor access along Bank Street (delete an existing column and retain ironwork). The additional level would increase the overall height of the building by approximately 2.75m from 22.84m to 25.59m. No changes are proposed to the use which would still provide a food and drinks premises on the ground floor and office use on the upper levels. No changes are proposed to car parking where 11 car parking spaces would still be provided on the ground floor accessed from Bank Place.
- 2.4 Specifically, the amendment application proposes the following changes to the approved development.
- Increase the height of the rear additions to seven (7) storeys (25.59 m).
 - The additional level would be finished in sheet metal (black) and glazing with a timber pergola.
 - An additional office at level 7 with a floor area of 77 sqm with two terrace areas and plant equipment to the front of side of the office.
 - Some additional demolition to the existing building comprising demolition of the existing left-hand column along ramp facing Bank Street.
 - A revised ramp along Bank Street to increase the ramp width by modifying the bluestone plinth.
 - The addition of a pergola at level three.
- 2.5 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 1987 allows applicants to apply to the responsible authority for an amendment to a permit and



associated plans. The assessment of this application is confined to the proposed changes to what has already been approved.

- 2.6 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.
- 2.7 The application was advertised and received 25 objections. The main issues raised were, overdevelopment, neighbourhood character, heritage, streetscape, scale, height, bulk, design, overshadowing, traffic and car parking.
- 2.8 The key considerations are whether the proposed amendments would result in a significant change to the overall design and appearance of the development as approved, would continue to comply with the Design and Development Overlay or would result in any amenity impact to the surrounding properties.
- 2.9 The changes sought in the amendment application would allow for a commercial development similar in scope to the existing approval (albeit one storey higher), which would continue to provide an appropriate response to State and Local Planning Policy Framework. The additional scale of the building is considered acceptable due to the limited visibility of the additional level from the surrounding area, and general compliance with the Design and Development Overlay.
- 2.10 It is considered that the changes proposed in the amendment application are acceptable subject to some modifications. It is recommended that Council issues a Notice of Decision to Amend a Planning Permit.

3. RECOMMENDATION

- 3.1 That the Responsible Authority, having caused the application to be advertised and having received and noted the objections, issue a Notice of Decision to Grant an Amended Planning Permit
- 3.2 That a Notice of Decision to Grant an Amended Planning Permit be issued for the partial demolition and buildings and works to construct alterations and additions to the existing buildings, including a six (6) storey rear addition with basement, for offices and food and drink premises; and a reduction of the standard car parking requirement at 305, 307 and 309 Clarendon Street, South Melbourne with the following changes.

The following changes to be shown as ~~struck-out~~ for deleted words and any additions to the existing permit are in **bold**. All conditions that have already been discharged will be underlined and at the end of each condition will have the word '**DELETED**'.

Permit Preamble (Existing)

The Permit Preamble to be amended to change the height of the building from six storeys to seven storeys.

The preamble to be amended to read:

Partial demolition and buildings and works to construct alterations and additions to the existing buildings, including a ~~six (6)~~ **seven (7)** storey rear addition with basement, for offices and food and drink premises; and, a reduction of the standard car parking requirement

- 3.3 That the decision be issued as follows:
 - 1 **Amended Plans Required**



Before the use or development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and an electronic copy must be provided. The plans must be generally in accordance with the **advertised plans received by Council on 2 February 2021** plans, but modified to show:

- a) A redesigned disabled access arrangement along the northern side of the 307 – 309 Clarendon Street building (Bank Street) with the retention (or removal and reinstatement) of the existing iron and bluestone fence. The long section of fence and the pillar to the left must be retained (or removed and reinstated but may be modified to comply with DDA requirements) but the short section of fence and the pillar to the right and may be demolished. **DELETED**
- b) A 1:50 plan showing the reinstatement of the section of side wall where the ATM previously once was. **DELETED**
- c) The removal of the awning/canopy along the Bank Street frontage. **DELETED**
- d) Any Electric Vehicles charging infrastructure annotated. **DELETED**
- e) Any tank position of fire test water tank annotated along with indications of size and water reuse. **DELETED**
- f) The provision of taps and floor waste gullies to all balconies and courtyards. **DELETED**
- g) Details of the model of the car stacker, with details showing appropriate vertical clearance would be provided within the car park area. **DELETED**
- h) Swept path diagrams (which show the location of any columns to the stackers) to demonstrate clear platform width and structural components of each stacker. **DELETED**
- i) Details of the proposed crossover to Bank Place (if a crossover is required). **DELETED**
- j) The location of all external plant equipment (including air conditioning, heating units, hotwater systems, etc.) on the relevant elevation plans and roof plan with accurate dimensions. **DELETED**
- k) The proposed location of Urban Art. **DELETED**
- l) Any changes required by condition 4 (Sustainable Management Plan) **DELETED**
- m) Any changes required by condition 8 (Waste Management Plan) **DELETED**
- n) **A notation on the plans confirming the bluestone plinth to be removed and reinstated and the notation to include the following details:**
 - I. **The plinth to stay and visually remain from the street face frontage, but internally (on the inside facing the building) to be cut back to allow for the width required for DDA access.**
 - II. **The protruding bluestones into the pathway to be removed (including the steel, curved prop that supports the fence and sits on this bluestone), plus the plinth reduced in depth by approx. 50% to provide the required path width.**



III. Re-attach the fence to the plinth, but in a different way to anchor it and remove the current supporting struts protruding into the pathway to allow DDA access.

2 No Alterations

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

3 No Change to External Finishes

All external materials, finishes and colours as shown on the endorsed plans must not be altered without the written consent of the responsible authority.

4 Sustainable Management Plan

Before the development starts a Sustainable Management Plan (SMP) must be submitted to and approved by the Responsible Authority. Upon approval the SMP will be endorsed as part of the planning permit and the development must incorporate the sustainable design initiatives outlined in the SMP to the satisfaction of the Responsible Authority. Amendments to the SMP must be incorporated into plan changes required under Condition 1. The report must be generally in accordance with the SMP submitted with the application (prepared by Ark Resources dated 19 September 2018) but updated to address the following:

- a) Provide a preliminary Section J energy rating assessment that shows how best practice energy efficiency in building fabric, and base building will be achieved.
- b) State water reuse storage capacity as a percentage of total fire test water, and state water reuse

5 Demolition Method Statement

Before the works permitted by this permit start, including any demolition works, a fully detailed 'demolition method statement' must be submitted to and approved by the Responsible Authority. When approved, the statement will be endorsed and will then form part of the permit. The 'demolition method statement' may be written in stages to address 307 - 309 Clarendon Street separately to 305 Clarendon Street and must:

- a) Fully describe and clearly demonstrate the methods of dismantling of the heritage fabric, restoration and repair and the subsequent reconstruction of the building.
- b) Include reference to the staging of demolition and reconstruction works on the site.
- c) Detail the necessary protection works required during the demolition works to protect those parts of the building to be retained.

Once approved by the Responsible Authority, all buildings and works must be in accordance with the demolition method statement.

6 Walls on or Facing the Boundary

Before the occupation of the development allowed by this permit, all new or extended walls on or facing the boundary of adjoining properties and/or a laneway



must be cleaned and finished to a uniform standard to the satisfaction of the Responsible Authority. Unpainted or unrendered masonry walls must have all excess mortar removed from the joints and face and all joints must be tooled or pointed also to the satisfaction of the Responsible Authority. Painted or rendered or bagged walls must be finished to a uniform standard to the satisfaction of the Responsible Authority.

7 Urban Art Plan

Before the development starts (other than demolition or works to remediate contaminated land), an urban art plan in accordance with Council's Urban Art Strategy must be submitted to, be to the satisfaction of and approved by the Responsible Authority. The value of the urban art must be at least 0.5% of the total building cost of the development to the satisfaction of the Responsible Authority. Urban Art in accordance with the approved plan must be installed prior to the occupation of the building to the satisfaction of the Responsible Authority.

8 Waste Management Plan

Concurrent with the endorsement of plans, a Waste Management Plan (WMP) must be submitted to and approved by the Responsible Authority. The Waste Management Plan must be generally in accordance with the Waste Management Plan submitted with the application prepared by prepared by Ratio Dated but modified to show:

- a) Section 5.2 of the WMP amended to specify that waste collection would not be collected between 6.00am and 9.00am or 4.00pm to 6.00pm weekdays.

9 Vehicle Crossings

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

10 Provision of Bike Racks on the Pavement

Before the use commences circular stainless steel bike racks must be installed at the cost of the applicant/owner on the adjacent public footpath in a location to the satisfaction of the Responsible Authority. Once the racks have been installed they will become a Council asset and the developer will have no further ongoing obligations or responsibilities regarding the racks.

11 Piping, Ducting, Service Units

All service pipes/service units (excluding down pipes, guttering and rainwater heads) must be concealed from view from the public realm and any screening devices suitably integrated into the design of the building to the satisfaction of the Responsible Authority.

12 No Equipment and Services

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



13 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 Green Travel Plan should be generally in accordance with the Green Travel Plan submitted with the application (Prepared by Ratio dated 13 September 2018). 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) Establishment of a car-pooling database for employees of the development.
- f) Specific targets to guide the plans ongoing implementation;
- g) Identify persons responsible for the implementation of actions;
- h) Estimate timescales and costs for each action;
- i) Include a plan for monitoring and review of the Travel Plan on an annual basis for at least three years.

14 Regulation of Deliveries and Rubbish Collection

Without the further written consent of the Responsible Authority deliveries to and from the site, including rubbish collection, must not take place between 6.00am and 9.00am in the morning or between 4.00pm and 6.00pm in the afternoon.

15 SEPP N1

All air conditioning and refrigeration plant must be screened and baffled and/or insulated to minimise noise and vibration to ensure compliance with noise limits determined in accordance with State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1 to the satisfaction of the Responsible Authority.

16 Storage of Goods

Without the further written consent of the Responsible Authority no goods are permitted to be stored or left exposed outside the building so as to be visible from any public area.

17 Lighting

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



18 Satisfactory Continuation

Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.

19 Time for Starting and Completion

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

- a) The development is not started within two (2) years of the date of this permit.
- b) The development is not completed within two (2) years of the date of commencement of works.

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

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

4. RELEVANT BACKGROUND

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

Application No.	Proposal	Decision	Date of Decision
776/2018	Partial demolition and buildings and works to construct alterations and additions to the existing buildings, including a six (6) storey rear addition with basement, for offices and food and drink premises; and a reduction of the standard car parking requirement.	Approved	14/08/2019
44/2010/A	alterations to the existing internally illuminated signage, on the existing building	Approved	19/03/2010
44/2010	alterations to the existing internally illuminated signage, on the existing building	Approved	27/01/2010



982/2005	Replacement of entrance doors from swinging to sliding and repainting of ground floor trims, window and door surrounds and frames to the south and west elevations to match existing.	Approved	30/09/2005
1450/2002	Erection and display of internally-illuminated signage on the premises.	Approved	22/04/2003
906/1992	Internal alterations to bank	Approved	11/09/1992

Planning Permit 776/2018 was issued under delegation on 18 September 2019. A Notice of Decision was issued on 14 August 2019 and as no application to review Council's decision was made to VCAT, a planning permit was therefore issued.

The approved development retained the existing heritage building at the front of the site and the construction of a six storey (22.84m) contemporary addition, for offices and a food and drinks premises, to be built at the rear of the existing building. Nine car parking spaces were originally to be provided on the ground floor of the rear addition accessed from Bank Place.

The plans were later amended under Secondary Consent, which approved the following amendments:

- Additional alterations and reconstruction of the existing 'wing' wall located at the rear of the former bank
- Additional alterations and replacement of the secondary shopfront door (to upper level) at No. 305 Clarendon Street (removal of existing door and highlight window and replace with louvres)
- Car parking stacker model changed and increased provision of car parking spaces (previously 9 now 11), including removal of the parking space at grade for a new stacker.
- Minor internal reconfiguration to the basement and ground floor level resulting in a reduction in bicycle parking numbers. The 12 on-street horizontal bicycle parking spaces remain unchanged (previously 56 now 50 in total, with 38 on site)
- Partial change of cladding as indicated on plans and provision of bi fold glass doors to retail outlet on Bank St (new building)
- Modified Green Travel Plan

The plans and documents amended under secondary consent were endorsed on 12 October 2020.

The permit is still valid and will expire on 18 September 2021 if the development has not commenced.

5. PROPOSAL

- 5.1 It is proposed to amend the existing planning permit to add an additional storey (from six to seven storeys) to the rear extension, add a new pergola at level 3, new plant area and modify the ground floor access along Bank Street (delete an existing column and retain ironwork).
- 5.2 Should the changes be approved the amended permit would allow the partial demolition and buildings and works to construct alterations and additions to the existing buildings, including a seven storey rear addition with basement, for offices and food and drink premises; and a reduction of the standard car parking requirement.
- 5.3 The current approved development consists of the following:
- Demolition of the rear additions at 305 and 307 to 309 Clarendon Street along with internal demotion of both buildings, the ground floor canopy and iron fence, bluestone plinth (facing Bank Street) and rear and side boundary fence. The front of 305 and 307 - 309 Clarendon Street would be retained along with the party wall with No. 303 Clarendon Street.
 - Construction of a six storey addition to the rear of 305 and 307 - 309 Clarendon Street.
 - The development would provide a 104.7sqm café on the ground floor with office tenancies to be provided in the upper levels with a combined area of 1858sqm.
 - The rear addition to have a maximum height of 22.8m (top of the parapet) and
 - 11 car spaces would be provided at the rear of the site accessed from the rear RoW (Bank Place). Car parking to be provided in an automated car stacker / shuffler.
 - 54 bicycle spaces would be provided within the basement along with end of trip facilities (locker and shower facilities).
 - The development would be finished in concrete (plain and pattern finish), copper, white glazing and brick (to match the existing building).
- 5.4 The amendment application proposes the following changes to the approved development:
- Increase the height (by 2.75m) of the rear additions to seven (7) storeys (25.59 m).
 - The additional level would be finished in sheet metal (black) and glazing with a timber pergola.
 - An additional office at level 7 with a floor area of 77 sqm with two terrace areas and plant equipment to the front of side of the office.
 - Additional demolition to the existing building to remove the left hand column on the access ramp.
 - Revised ramp along Bank Street to increase the width to create a DDA complaint access.
 - Addition of a pergola at level three.



No changes to car parking, which would still be 11 spaces provided in four banks of stackers, accessed from Bank Place.

- 5.5 The plans which are the subject of this report are those drawn by Agius Scorpo Architects entitled “1705 Clar 305 – 309 Clarendon Street, South Melbourne”, plan No’s TP0.00 Rev G, TP0.01 to TP0.03 Rev C, TP0.04 Rev F, TP0.05 and TP1.01 Rev E, TP1.02 Rev F, TP1.03 and TP1.04 Rev D, TP1.05 Rev F, TP1.06 and TP1.07 Rev G, TP1.08 Rev F, TP109 Rev G, TP2.01 Rev F, TP2.02 Rev E, TP2.03 to TP3.01 Rev G, TP3.02 Rev F, TP4.01 to TP4.04 Rev A, TP5.07 to TP6.01 Rev F, dated 4/02/21 and received by Council on 10 February 2021.

6. SUBJECT SITE AND SURROUNDS

Description of Site and Surrounds	
Site Area	
Existing building & site conditions	<p>The subject site is located on the corner of Clarendon Street and Bank Street.</p> <p>The site is a regular shaped allotment, comprising two lots, with a frontage to Clarendon Street of 19.28 m, depth of 34.19 m and an overall area of 659.2 sqm. To the rear of the site is Bank Place. The site has a gentle slope from front to rear.</p> <p>The site contains a two storey Victorian era shop front building (No. 305 Clarendon Street) and a two storey gothic revival former bank building with a 1970s addition to the rear (Nos. 307 and 309 Clarendon Street). To the rear of the site is vehicular parking with access via Bank Place.</p>
Surrounds/neighbourhood character	<p>The surrounding land is generally developed with retail premises along Clarendon Street and a combination of commercial and retail properties opposite the site on Bank Street.</p> <p>The site is located within the South Melbourne Major Activity Centre (SMC) and within the Clarendon Street Core local shopping strip of the centre.</p> <p>The Clarendon Street shopping strip is a unique and vibrant Victorian era shopping strip that is the retail and activity focus of SMC. Clarendon Street is a largely intact heritage streetscape characterised by double storey heritage buildings (Edwardian or Victorian shops),</p> <p>Bank Street has a far more eclectic character. Heritage buildings can still be found in Bank Street but the commercial part of the street where the subject site is located does not have a constant or coherent heritage character. The large Melbourne Butter Supply building at 176 - 188 Bank Street (now occupied by commercial uses) and the row of more modern commercial buildings in the south western corner (165 to 187 Bank Street and 311 - Clarendon Street) of the street</p>



	<p>create a mixed character of building scale and architectural form.</p> <p>The site is well served by public transport with tram services located directly in front of the site on Clarendon Street.</p>
Interfacing properties	<p>To the south of the site is Bank Street, a 30m wide road. On the opposite side of Bank Street is a mixture of commercial and mixed-use buildings. The built form ranges from single to triple storey in height.</p> <p>To the north of the site (303 Clarendon Street) is a two storey Victorian era building with ground floor shop premises. It is identical in appearance to No. 305 Clarendon Street. To the rear of the building is a covered parking area with access to Bank Place.</p> <p>To the east of the site is Bank Place. On the opposite side of Bank Place is the former Melbourne Butter Factory, a 1930s three storey (effective height of contemporary four storeys) masonry building.</p> <p>To the west of the site is Clarendon Street, which is a 29.5 m side road. On the opposite side of the street is a row of Victorian era two storey terraces (Nos. 284 to 326 Clarendon Street), which contain shops at ground floor level and have a continuous verandah over the footpath.</p>

7. 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 34.01 Commercial 1 Zone (C1Z)	<ul style="list-style-type: none"> A planning permit is required to construct a building or construct or carry out works in the Commercial 1 Zone pursuant to Clause 34.01-4.
Clause 43.02 Design and Development Overlay Schedule 8 (DDO8)	<ul style="list-style-type: none"> A planning permit is required to construct a building or construct or carry out works, pursuant to Clause 43.02-2 of the Port Phillip Planning Scheme.
Clause 43.01 Heritage Overlay 440	<ul style="list-style-type: none"> A planning permit is required to demolish or remove a building. A permit is required to construct a building or carry out works



<p>Clause 52.06 Car Parking</p>	<ul style="list-style-type: none"> • Pursuant to Clause 52.06-3, a permit may be granted to reduce or to waive the number of car spaces required by the table. • As a change of use is proposed, the car parking requirements for office and food and drink must be considered. An office has a requirement of 3 spaces per 100sqm of net floor area. • The original application approved a car parking reduction of 49 spaces. • The application seeks to increase the office floor area by 77 sqm. This would require an additional two car parking spaces to be provided on site.
<p>Clause 52.34 Bicycle Facilities</p>	<ul style="list-style-type: none"> • Pursuant to Clause 52.34-1, a new use must not commence or the floor area of an existing use must not be increased until the required bicycle facilities and associated signage has been provided on the land. • A permit may be granted to vary, reduce or waive any requirement of Clause 52.34-3 and Clause 52.34-4. • Pursuant to Table 1 to Clause 52.34-5, the use of an office requires 1 employee spaces for each 300 sqm of office space (if the net area exceeds 1000 sqm). An office would also require 1 visitor space for 1000 sqm of net floor area (if the net floor area exceeds 1000 sqm). • The increase in office floor area is 77 sqm and as such, there is no additional bicycle spaces required by the proposed amendment.

8. PLANNING SCHEME PROVISIONS

8.1 State Planning Policy Frameworks (SPPF)

The following State 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 21.04-2 Activity Centres
 - Clause 21.04-3 Office and Mixed Activity Areas
 - Clause 21.04-7 Subdivision
 - Clause 21.04-8 Social Impact Assessments
- Clause 21.05 Built Form, including



- Clause 21.05-1 Heritage
- Clause 21.05-2 Urban Structure and Character
- Clause 21.05-3 Urban Design and the Public Realm
- Clause 21.05-4 Physical Infrastructure

- Clause 21.06 Neighbourhoods, including
- Clause 21.06-5 South Melbourne

8.2 Local Planning Policy Framework (LPPF)

The following local planning policies are relevant to this application:

- Clause 22.04 Heritage Policy
- Clause 22.05 Subdivision Policy
- Clause 22.06 Urban Design Policy for Non - Residential Development and Multi - Unit Residential Development

8.3 Other relevant provisions

- Clause 52.06 Car Parking
- Clause 65 Decision Guidelines

8.4 Relevant Planning Scheme Amendment/s

Nil

9. REFERRALS

9.1 Internal referrals

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

Heritage Advisor

This application has a long history and in relation to heritage there was significant discussion over the degree of change acceptable to the original bank building. One of key issues was the need to create a disabled ramp in the area that currently contains an early cast iron fence and brick pillars.

It was agreed to retain one of the brick piers ('to the left'), as it was deemed to be original, whereas the other one was not. This resulted in the specific wording of the condition that is now proposed to be changed.

However, in looking at the planning report, it contains an early photograph on p.39 that clearly shows the pier was not extant then, so is not part of the original fabric. On this basis, I agree that the pier may be removed and in turn the relevant condition should be amended to allow this. The applicant has confirmed the following changes to the plinth and ramp:

- In regards to the plinth, we had agreed that the plinth was to stay and visually remain from the street face, but internally (on the inside facing the building) it would need to be cut back to allow for the width required for DDA access.
- That is, the protruding bluestones into the pathway would need to be removed (including the steel, curved prop that supports the fence and sits on this



bluestone), plus the plinth reduced in depth by approx. 50% to provide the required path width, (see closeup pic attached of plinth, internal bluestone & prop).

- In addition, we were to re-attach the fence to the plinth, but would find a different way to anchor it, as the current supporting struts protruding into the pathway are to be removed for DDA access.

The above changes are acceptable subject to a note on the plans confirming the above.

In terms of the other change sought, which is the rooftop addition, I note that the sightline diagram indicates it will be contained within the sightline taken from the opposite side of Clarendon Street and 3D renders demonstrate it will be limited visibility and only in longer range views. Because of this, the addition is unlikely to result in any heritage impacts.

Officer Comment

Council's Heritage Advisor has no objection to the proposed alterations to the heritage building or the additional storey.

Urban Design Officer

Comments on advertised plans

The additional height shown at level 7 is indeed minimal and discrete. Agreed that there is no impact to views 01, 02, 03, 06, 08, shown in the package. However the page on View 04 states that maybe affected by street trees. The visual impact of any form and building cannot be assessed or relied on landscaping to mitigate impacts.

The overall concept and seamless elegance of the entire building acting like a backdrop is underdone with a 'cap'. Although it is minimal and cannot be seen directly across the road or from other views, some key sights on the approach within the Emerald Hill precinct denote that it detracts from the top of the heritage parapets and tall chimneys of the heritage building in the foreground. This is shown in views 04, 05, 07 and 09

From design point of view the additional height detracts and contradicts the intent of the large sheer curtain backdrop – of the proposal which was a key drive in the applicant's conceptual design and is not supported.

The pergola lightweight structure and semi permeable slatted structure for the level 3 terrace is supported.

Officer Comment

Council's Urban Design Officer does not support the proposed amendments due to the its impacts to key sights on the approach within the Emerald Hill precinct. The impact on these key sights are discussed later in this report.

Sustainable Design

Comments on advertised plans

Outcome:

- The application demonstrates an acceptable outcome for ESD
- The application does not demonstrate best practice for ESD



Suggested Action:

- ESD improvements required prior to approval > Re-Refer to Sustainable Design
- Approve subject to conditions as listed below

ESD improvements required prior to decision:

The following key ESD matters must be improved/addressed prior to approval. Please re-refer to Sustainable Design Advisor:

- Add notation for tank water reuse on basement plan – toilets, irrigation and bin wash.*
- Show window openings on plans.*
- Provide Section J modelling to support energy credits claimed.*
- Clarify number of bike spaces and lockers – ensure plans, SMP and numbers input to BESS are consistent.*
- Show landscaped areas on plans, as referred to in SMP.*
- Include maintenance details for Gross Pollutant Trap (GPT).*

Officer Comment

Council's Sustainability Advisor has raised a number of concerns with the proposal. It is noted that the existing permit has conditions for the submission of Sustainable Management Plan. This condition would be retained on any approval.

Strategic Planning

Comments on advertised plans

The site is located within Area DDO 8-1 Clarendon Street Core Local Shopping Strip.

Building height:

DDO8 Area 1 does not specify maximum building heights.

- The overall strategic intent of DDO8 is that building height is highest within the precincts along Kings Way (the highest height) and then steps down to Clarendon Street. Precinct 1 (Clarendon Street Core Local Shopping Strip) is supposed to be the lowest height due to the significant heritage precinct along Clarendon Street and is to be lower than the northern part of Clarendon Street (Precinct 2 – Emerging Activity Precinct).
- The adjacent properties east of the subject site along Bank Street are zoned Neighbourhood Residential Zone and are also within HO440 precinct. The maximum mandatory building height in this area is 10m and 3 storeys.
- We reaffirm our previous position that a building height of 7 storeys is not supported as it is not complementary to the surrounding context or strategic intent of DDO8 (as outlined above).

Overshadowing within DDO8:

It is noted that the proposal shows no increase in the overshadowing to the previously approved planning permit (PA-151/2018).

Summary:



As previously raised, from a strategic planning perspective, we have concerns regarding the proposed building height of 7 storeys and the impact of the additional level on the surrounding context and the strategic intent of DDO8.

Officer Comment

Council's Strategic Planning Department does not support the proposal due to its increase in overall height. The impact of the overall height is discussed later in this report.

Waste Management

Comments on advertised plans

No objections.

Comments on original plans

I have reviewed the WMP and have following comments;

- Collection point as been mentioned as a Bank Place but unfortunately this is a 'No standing zone'.
- Couldn't locate the bin room and bins drawn on the plan as mentioned on the WMP, can you please assist with this.
- Please note on the WMP who will be responsible and how will they transport bins from offices to the store rooms.

Bin allocation is suffice.

Officer Comment

Council's Waste Officer has no objection to the proposal.

9.2 **External referrals**

The application was not required to be externally referred.

10. PUBLIC NOTIFICATION/OBJECTIONS

10.1 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 (89 letters) and directed that the applicant give notice of the proposal by posting four notice(s) on the site for a 14 day period, in accordance with Section 52 of the Planning and Environment Act 1987.

10.2 The application has received 25 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
- Character
- Heritage
- Streetscape
- Scale / height
- Design



- Bulk
- Overshadowing (Clarendon and Bank Street and adjacent property)
The only additional shadow would be to a small section of the road in Bank Street at 2pm and 3pm.
- Traffic
- Car parking

10.3 A consultation meeting was held on 27 April 2021. The meeting was attended by two Ward Councillors, applicants, objectors and Planning Officers. The meeting did not result in any changes to the proposal.

10.4 It is considered that the objectors do not raise any matters of significant social effect under Section 60(1B) of the Planning and Environment Act 1987.

11. OFFICER'S ASSESSMENT

11.1 This application seeks to make several changes to the endorsed plans and the permit, notably:

- Increase the height of the rear additions to seven (7) storeys.
- Additional demolition to the existing building.
- Revised ramp along Bank Street.
- Addition of a pergola at level three.
- Level 3 pergola and plant area.
- Revised ramp and deletion of column and retention of iron work
- Further car parking reduction of 2 spaces.

11.2 Because this is an application to amend an existing planning permit, only the proposed changes can be assessed.

The key issues that require assessment are considered under the following headings:

- Would the amendment proposal remain consistent with the state and local planning policy framework?
- Would the amended building comply with the relevant built form guidelines?
- Would there be any additional off site amenity impacts?
- Would there be any heritage implications?
- Would sufficient car parking and bicycle parking be provided and is the layout appropriate (including vehicle access)

These issues are considered in turn in the report below.

11.3 **Would the amended proposal remain consistent with the state and local planning policy framework?**

The delegate report for the original application detailed that the site was considered to be in a strategic precinct that is within a major activity centre and opposite fixed rail public transport (trams). Therefore, it was considered to be an appropriate location to



accommodate a mixed use development. The changes sought in the amendment application would continue to allow for a mixed use development that would be similar in scope to the existing approval with commercial (retail and office) use on the ground floor and office on the upper levels. As such, the amended proposal would continue to provide an appropriate response to State and Local Planning Policy Framework.

Local policy provision includes objectives and strategies for built form outcomes for this site. How the proposed built form responses to the character of the area will be considered in detail further in this report.

11.4 **Would the amended building comply with the relevant heritage and built form guidelines?**

The original delegate report provided a detailed assessment of the proposal against the relevant built form guidelines of the Port Phillip Planning Scheme and in particular the Design and Development Overlay (DDO8) that affects the site. The assessment found that the proposal was generally compliant with Council policies and the requirements of the Design and Development Overlay. It is noted that no conditions were required to address any built form concerns. Overall, it was considered that the proposed development would make a positive contribution to Clarendon and Bank Street and the broader character of the Clarendon Street Core Local Shopping Centre.

It is proposed to add an additional level to the approved addition to the rear of the heritage building where the number of storeys would increase from six storey to seven storeys. In regard to the overall height, it is proposed to increase the rear addition by 2.75 m from the approved height of 22.84 m to a height of 25.59 m.

The proposed change to the number of storeys and the overall height is considered acceptable given the small size of the addition and setbacks proposed from the front and side of the site. The additional level would have a floor area of 77 sqm and would be significantly setback from Clarendon Street with a setback of 26.7 metres. It would also be setback from Bank Street with a setback of 5.9 m. At the size and setbacks proposed, the additional level would be a recessive element that would have a minimal impact on the presentation of the building to both Clarendon Street and Bank Street.

The applicant has also provided sections plans which clearly show that the new level would not be visible from direct views on the footpath opposite the site on both Clarendon and Bank Street (**refer Attachment 1**). Importantly, the new level would sit below a sightline taken on the opposite side of Clarendon Street, which would be in line with the heritage advice in the assessment of the original and this amended application for an acceptable response to the Clarendon Street heritage streetscape.

In addition to the section plans, a range of 3D renders have been prepared by the applicant to demonstrate the impact of the additional level from longer views in the surrounding streets. These renders show that in longer views, the additional level would be barely visible from Clarendon and Bank Street (**refer attachment 2**). As demonstrated on the submitted plans and 3D renders, the additional level would be a discrete element that would result in a minor change to the appearance of the development from both Clarendon and Bank Street or the impact on the heritage character of the place. The 3D renders have been taken from various points along Clarendon Street and Bank Street and these renders show that the additional level would have minimal or no visibility compared to the approved building. The view where the additional level would be most prominent would be the view from the opposite side of Bank Street. However, as shown below, even in this most prominent view the

additional level would be a minor change to the existing approval where it would be setback from the building and be a recessive element to the original approval.



Image: Comparison view from the northeast on Clarendon Street



Image: Comparison view from the northwest on Bank Street

Council's Urban Design Advisor does not support the additional level stating *"The overall concept and seamless elegance of the entire building acting like a backdrop is underdone with a 'cap'. Although it is minimal and cannot be seen directly across the road or from other views, some key sights on the approach within the Emerald Hill precinct denote that it detracts from the top of the heritage parapets and tall chimneys of the heritage building in the foreground. This is shown in views 04, 05, 07 and 09"*.

In considering the above it is noted that the views of the additional level as shown in 'views 05 and 07' would be almost imperceptible when viewed from the street and that Council's Heritage Advisor has not raised similar concerns.

View O5 - Looking North on Clarendon St

Endorsed Plans



Section 72 Proposal



View O7 - Looking Northeast on Clarendon St

Endorsed Plans



Section 72 Proposal

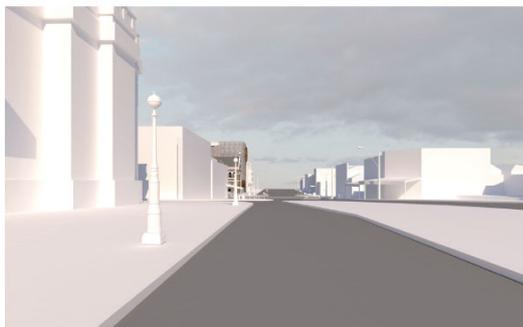


The above view lines demonstrate the limited visibility of the additional floor, over the approved development.

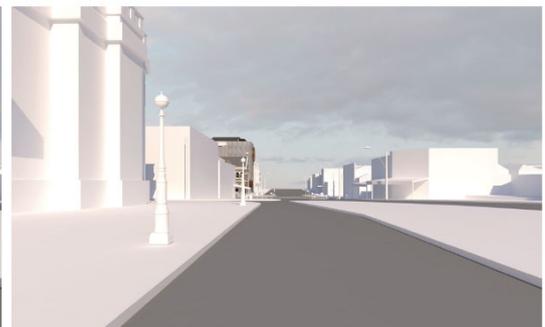
The view (view O4) from the South Melbourne Town Hall is considered to be minor.

View O4 - Looking East along Bank St

Endorsed Plans



Section 72 Proposal



Whilst the additional floor would be visible from the front of the South Melbourne Town Hall, the minor increase in height combined with the distance to the subject site of over 120 m, would have little perceived visibility over the already approved building. When viewed from the South Melbourne Town Hall the proposed level would read as a minor addition, that would marginally change the appearance of the development from both Clarendon and Bank Street. It would have no real impact on the heritage character of the place. Moreover, when standing in the location of View O4, as identified in the

Google Street View image (below), views of the subjects site are obscured by the established tree canopies.



Image: Google street view looking towards the subject site.

The most noticeable increase in built form would be to the rear (view 09).

Images taken on 20/06/2021

View 09 - Looking Northwest on Bank St

Endorsed Plans



Section 72 Proposal



Image: View 09

Whilst it is accepted that this view would have the most noticeable increase in built form, it must be noted that the view of rear of the building, when viewed at street level along Bank Street, would be dominated by the former Melbourne Butter building (Nos. 176-188 Bank Street). The former Melbourne Butter building has a zero frontage along Bank Street with an effective height of four storeys. This building would dominate views, and mitigate the perceived additional bulk when viewed further northwest along Bank Street. Additionally, and as previously discussed, the proposed additional level would be a discrete element that would have limited change to the appearance of the development from Bank Street or negatively impact the heritage place. Finally, it is noted that Council's Heritage Advisor has stated that *"the addition is unlikely to result in any heritage impacts."*

The additional demolition would be minor and consist of a column and bluestone plinth at ground floor level to the bank, facing Bank Street. The demolition of the column is required to achieve DDA compliant access.

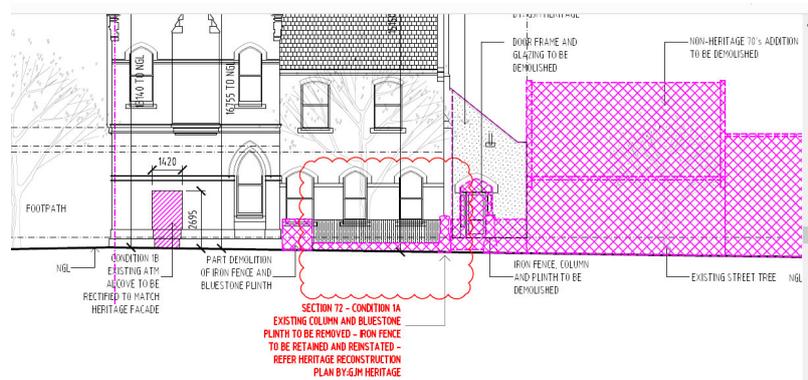


Image: Additional demolition.

Council's Heritage Advisor has noted that the brick column is not a part of the original fabric and therefore does not object to its demolition and the associated amendment of Condition 1a. (Refer Amended condition 1a)

The proposal also includes alterations to the bluestone plinth to allow for a DDA ramp. Whilst the proposed changes would not impact on the appearance of the bluestone plinth and fence when viewed from the street, the proposal would require widening of the ramp, to meet DDA requirements. The applicant has confirmed the following details for the changes to the bluestone plinth and ramp:

- In regards to the plinth, we had agreed that the plinth was to stay and visually remain from the street face, but internally (on the inside facing the building) it would need to be cut back to allow for the width required for DDA access.
- That is, the protruding bluestones into the pathway would need to be removed (including the steel, curved prop that supports the fence and sits on this bluestone), plus the plinth reduced in depth by approx. 50% to provide the required path width.
- In addition, we were to re-attach the fence to the plinth, but would find a different way to anchor it, as the current supporting struts protruding into the pathway are to be removed for DDA access.

It is also noted that the plans currently state that the bluestone plinth is to be removed. Council's Heritage Advisor has reviewed the details above and has no objection to these works provided the note on the plans is amended to reflect the above details and confirm the bluestone plinth is to be retained. (Refer condition 1n)

The remaining changes are generally minor and consist of:

- A Pergola at level 3.
- Access stair to additional level added at ground floor level to the bank building.
- Revised Ramp & Handrail design.

These changes are all minor modifications to the existing approval which would not significantly change the presentation of the building and how it responds to the character and heritage significance of the place.



As such, the amendment application would continue to satisfy the relevant built form guidelines and make a positive contribution to Clarendon and Bank Streets and the broader character of the Clarendon Street Core Local Shopping Centre.

An assessment of the specific requirements of the design and development overlay has been provided below:

The DDO sets out numerous built form requirements. The below assessment will therefore assess the proposal against the general requirements of the DDO, and the requirements of the Clarendon Street Core Local Shopping Strip.

General Requirements

Requirement	Assessment
<p>Buildings must have a zero setback to the street frontage, unless specified in the table to this schedule. A permit may only be granted to vary the zero setback where a public open space or landscaped area is created. This setback must</p> <ul style="list-style-type: none"> - Be designed, landscaped and furnished to the satisfaction of the Responsible Authority - Make a positive contribution to the appearance and amenity of the building and streetscape 	<p>Achieved</p> <p>Unchanged from previous approval.</p> <p>The design of the building continues to incorporate a street wall that would be built to the street frontage. The street wall would be built directly to the street boundary (zero setback) which would comply with this requirement.</p>
<p>The street wall should be built to side boundaries, except in the Kings Way Mixed Use Precinct (See Kings Way Mixed Use Precinct requirements)</p>	<p>Achieved</p> <p>Unchanged from previous approval.</p> <p>The street wall would continue to be built directly to the side boundary.</p>
<p>On corner sites, buildings must address both street frontages with either openings or street level windows.</p>	<p>Achieved</p> <p>Unchanged from previous approval.</p>



	<p>The subject site is located on the corner of Clarendon Street and Bank Street.</p> <p>The existing heritage buildings that are to be retained will continue to provide windows and opening at the street level to provide a direct and active interface with Clarendon Street</p> <p>The new addition would still be designed with a glazed shopfront to Bank street to provide a direct and active interface with Bank Street.</p>
<p>Upper level side walls must be designed to create an attractive façade</p>	<p>Achieved</p> <p>Unchanged from previous approval.</p>
<p>New development must have an active street frontage. At least 25% of the façade should have transparent elements such as windows, doors or display panels. Within the Business 1 and Business 2 zones this is increased to 50%. This requirement can be varied if the provision of transparent elements diminishes the heritage value of the building.</p>	<p>Achieved</p> <p>Unchanged from previous approval.</p> <p>The proposed addition side would continue to be designed with a mix of materials and design features (including a large circular window) which would provide an interesting and attractive appearance.</p>
<p>The building façade on sites with a frontage over 10 metres must be well articulated through variations in forms, materials, openings or colours or the inclusion of vertical design elements.</p>	<p>Achieved</p> <p>Unchanged from previous approval.</p>



	<p>The site has a frontage of more than 10 metres. The overall appearance of the retained heritage buildings and new addition would continue to be visually interesting and attractive which would make a positive contribution to the character of the area.</p>
<p>New garage doors must be integrated with the design of the façade.</p>	<p>Not Applicable</p> <p>No garage doors are proposed within the façade.</p>
<p>Pitched roofs above the eaves/parapet, lift over-runs or plant rooms should be designed as integrated elements with the design of the building to minimise visibility from surrounding streets.</p>	<p>Not Applicable</p> <p>The building would not incorporate any pitched roof forms</p>
<p>A permit to reduce the setbacks above the street wall height by up to 20% of the front setback above the street wall height may only be granted where all of the following apply:</p> <ul style="list-style-type: none"> ○ The precinct requirements do not require the upper level of a building to be obscured from view from the street. ○ The architecture of the upper levels renders them distinctly different and visually recessive through variations in forms, materials, openings or colours. ○ The solar access requirements of the sub-precinct are met. 	<p>Not Applicable</p> <p>The precinct requirement of this part of the DDO does not provide a numerical setback for development above the street wall.</p>
<p>A development application must be accompanied by a site analysis and urban context report.</p>	<p>Achieved</p> <p>A site analysis and urban context report were submitted with the application.</p>



Clarendon Street Core Local Shopping Strip Requirements

Requirement	Assessment
<p>The street wall parapet height must be a minimum of 8 meters (equivalent of two storeys), and must not exceed 12 metres or three storeys, whichever is the lesser.</p>	<p>Variation Acceptable</p> <p>Unchanged from previous approval.</p>
<p>New built form must not diminish sunlight access:</p> <p>To the western footpaths (up to the property line) between 10am and 12pm 21 June.</p> <p>To the eastern footpaths (up to the property line) between 2pm and 4pm 21 June</p>	<p>Variation acceptable</p> <p>The proposal would not result in any additional shadowing to the eastern and western footpaths of Clarendon Street.</p>
<p>The ground floor must be level with the footpath.</p>	<p>Achieved</p> <p>Unchanged from previous approval.</p>
<p>At least 50% of the ground floor façade should be clear-glazed.</p>	<p>Achieved</p> <p>Unchanged from previous approval.</p>
<p>Additional crossovers or garage doors facing the street are not permitted. All vehicular access is to be provided from the side or rear.</p>	<p>Achieved</p> <p>Unchanged from previous approval.</p>

Other relevant Urban Design policies to this proposal include Clauses 15.01-2 Urban Design Principles of the Planning Policy Framework (PPF) and 22.06 Urban Design Policy for Non Residential Development of the Local Planning Policy Framework (LPPF)

Clause 15.01-2 Urban Design Principles



Clause 15.01-2 sets out objectives and policy for high quality urban design and architecture. An assessment against each of these objectives and policies is not necessary, because these issues have been addressed through the DDO8 requirements. There are areas of noncompliance which relate to the areas of noncompliance outlined in relation to the DDO.

Clause 22.06 Urban Design Policy for Non Residential Development and Multi Unit Residential Development

An assessment against each of these policies is not necessary, due to the extent of what is covered under the DDO8 requirements. There are areas of noncompliance, which relate to the areas of non-compliance outlined in relation to the DDO.

The following provisions relating to on site and off site residential amenity have not been addressed in the DDO assessment are considered as follows:

Clause 22.06 - Urban Design Policy for Non Residential Development and Multi Unit Residential Development	Assessment
<p>Landmarks, Views and Vistas</p> <p>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> <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 	<p>Achieved</p> <p>The development would not affect any special or protected landmarks, views or vistas. The new addition would be visible from Clarendon Street but the setback provided is considered sufficient to ensure the heritage character of the street would not be adversely affected.</p>



<ul style="list-style-type: none"> ○ Public gardens and other key public open spaces. <p>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).</p> <p>Encourage new development to maintain and enhance important vistas in the municipality including, but not limited to:</p> <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>Urban Art</p> <p>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> <p><i>Principle 1: Responsive Design</i></p>	<p>Achieved</p> <p>The existing permit includes a condition requiring details of an Urban Art contribution in line with the requirements of this provision (Existing condition 7).</p>



<p><i>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.</i></p> <p><u><i>Principle 2: Integrated Art</i></u></p> <p><i>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').</i></p> <p><i>* Where staged permits are issued, the aggregated value of all permits relating to one building is the determining value for the Total Project Cost.</i></p>	
<p>Residential Amenity</p> <p>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.</p> <p>Protect the occupants of existing and new buildings from external noise through appropriate acoustic building treatment (such as double glazing), and through the siting of mechanical equipment and open space areas.</p>	<p>Not Applicable</p> <p>1 There is residential zoned land to the east of the site, on the opposite side of Bank Place. Whilst the land is zoned residential the land immediately behind the site (176 -188 Bank Street) is abutting the subject site is an office (recording studio) and further along Bank Place is the Greek Orthodox Church. As such, there is no immediately abutting residential properties. The nearest residential properties are 47m to the east on Bank Street.</p>



	<p>2</p> <p>3 The amenity of nearby residential properties would not be affected by the proposed additional office level, given the small over increase in floor space and the separation distance to the residential properties.</p>
--	---

11.5 Would there be any additional off site amenity impacts?

In addition to the limited visibility of the additional floor level, it is noted that there is no abutting or adjoining residential property that would be affected by the proposal. Commercial properties directly abut the subject site to the north and on the other side of the RoW to the east. Given that there are no immediate sensitive land uses and that the additional floor level would have minimal visibility from the public realm, it is not considered that the proposal would not result in any additional loss of amenity.

11.6 Would sufficient car parking and bicycle parking be provided and is the layout appropriate (including vehicle access)

The existing approval provided a total of 11 car parking spaces on site. The proposal does not include any additional car parking spaces for the development. The proposal would result in an additional 77 sqm of office floor area associated with the additional level. Under Clause 52.06-5 of the Port Phillip Planning Scheme the additional 77 sqm of office floor area would require an additional two spaces. This would increase the overall reduction to 49 spaces for the proposed development. The original application allocated one space to the food and drink premises and the remainder to the offices. The current application would continue to allocate the car spaces in the same manner.

Council has adopted a Sustainable Transport Policy which allows for a reduced rate for office use of 2.0 spaces per 100sqm. The 11 spaces that would be provided would provide a rate of 0.57 spaces per 100sqm of office.

As was considered in the assessment of the original application, in this instance, the lower rate of car parking proposed for the office is considered acceptable given the unique characteristics of the site. These circumstances include the constraints of the site due to the significant heritage buildings that are being retained, the strategic location within the South Melbourne Central Major Activity Centre and proximity to public transport and the Melbourne CBD.

The retention of the significant heritage buildings, particularly the individually listed former ANZ Bank building at 307 to 309 Clarendon Street, and the DDO requirement for active uses along Bank Street, constrain the ability to provide an increased amount of car parking. For instance, the area of basement needed to satisfy the car parking requirements of the planning scheme car spaces is not achievable, as extending the basement to the front half of the site would likely compromise the structural integrity of the heritage buildings. This has resulted in a smaller basement area that utilises car stackers to satisfy its parking needs.

The site's strategic position provides justification for a reduced car parking rate. The site is located within the South Melbourne Central Major Activity Centre and close to the Melbourne CBD. The site's location on Clarendon Street also means that it has



direct access to tram services (routes 1 and 12) that run along Clarendon Street but also several other trams, and bus services nearby. These include Tram route 58 and 96 and bus services 236. Furthermore, in its consideration of reducing car parking rates in larger inner city activity centres, VCAT has consistently supported a precinct based approach, whereby parking across an activity centre needs to be addressed in a centre wide manner, rather than on a site by site basis.

In addition, there are 17 on street car share spaces near the subject site. The submitted Traffic Impact Assessment detailing that RACV car share, Flexicar, GreenshareCar and GoGet car share spaces are located within walking distance from the site. The position of the site within the South Melbourne Central Major Activity Centre also provides a range of services within walking distance for employees of the office. The excellent access to public transport and the proximity to local services would ensure that suitable public transport alternatives are readily available to employees and that services are easily accessible for employees without the need to rely on private transport.

Given the constraints of the site, the availability of public transport and provisions of transport alternatives (particularly car share and bicycle parking) the reduction of car parking is considered acceptable and would not create any effects that would adversely affect the surrounding area. It is also noted that there is an approved Green Travel Plan.

The access and details of the stacker system remain as previously approved.

The proposal provides a total of 38 bicycle spaces on site which exceeds the statutory requirements under Clause 52.34 of the Port Phillip Planning Scheme which is 8 spaces. In addition to the 38 spaces to be provided on site there would be an additional 12 spaces on the Bank Street footpath.

Other matters

The existing condition 1 requirements have been satisfied and there are endorsed plans. Given that these conditions (1a-m) have been discharged they can now be deleted. The proposal would require changes to the plans, an additional note relating to the works to the access ramp facing Bank Street (**Refer Condition 1n**).

12. INTEGRATED DECISION MAKING AND CONCLUSION

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

The proposal would result in a number of positive, neutral and negative impacts, these are outlined below:

Positive

- The proposal would result in increased vitality to the Clarendon Street precinct by providing increased employment opportunities and daytime activity to the area. (economic and social)
- Is considered to have strong strategic support from the Planning Scheme, which has a consistent theme of retaining a diverse business mix at strategic locations and within



close proximity to jobs, services and public transport (environmental, economic and social)

- The proposal would achieve the purpose of the zone, providing a clear public benefit by way of contributing to the local vibrant mixed use commercial centre. (economic and social)
- The proposal would achieve the purpose of the zone by way of providing increase office accommodation, within an existing commercial centre, which would support the locality (environmental, economic and social)
- The proposal will have limited visibility and the addition is unlikely to result in any heritage impacts.
- The proposal is considered to be well conceived from an urban design perspective, resulting in high quality architecture which would enhance the public realm and skyline at a strategic 'gateway' location (economic and social)
- The proposal would provide a significant oversupply of bicycle parking (environmental, economic and social)

Neutral

- The overall increase in the height of the development would have little perceived visibility over the already approved building
- Any offsite amenity impacts arising for the increased office use can be appropriately mitigated by way of conditions (environmental, economic and social), should the proposal be supported
- The proposal is considered to satisfy all requirement of DDO8 (environmental, economic and social)
- Carparking rates are considered to be sufficient, balancing considerations of retaining heritage fabric, promoting sustainable transport (encouraging a modal shift towards using public transport, cycling and walking) while not unduly impacting the surrounding network (environmental, economic and social)
- Traffic impacts are considered to be minimal (economic and social)
- Neither the built form nor the use would not result in unreasonable offsite amenity impacts to residential properties (social)

Negative

- The application has received 25 objections (social)

Summary

The impacts of the development are considered to weigh heavily in the favour of 'positive'. The key negative relates to the number of objections.

Viewed holistically and balancing the material considerations along with the interests of present and future Victorians, the proposal is considered to result in a net community benefit and a sustainable development and for these reasons, it is recommended to approve the application.

13. COVENANTS

- 13.1 The applicant has completed a restrictive covenant declaration form declaring that there is no restrictive covenant on the titles for the subject site known as Crown Allotments 23 and 24 [Parent Title Volume 01089 Folio 741 and Volume 01098 Folio 547] and Crown Allotment 22 [Parent Title Volume 01089 Folio 741 and Volume 02408 Folio 401].



14. OFFICER DIRECT OR INDIRECT INTEREST

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

15. OPTIONS

15.1 Approve as recommended

15.2 Approve with changed or additional conditions

15.3 Refuse - on key issues

16. CONCLUSION

16.1 The changes sought in the amendment application would allow for additional office space and allow for DDA compliant access to the development and would continue to provide an appropriate response to State and Local Planning Policy Framework.

16.2 The additional level (level 7) incorporates significant front and side setbacks to both Clarendon Street and Bank Street resulting in an additional built form that has limited visibility from the surrounding streets.

16.3 The additional car parking reduction for the office is considered acceptable given the sites strategic location and the availability of public transport and other alternative transport options in the local area.

16.4 It is considered that the changes proposed in the amendment application are acceptable and no further modification to the proposal is required. It is recommended that Council issues a Notice of Decision to Amend a Planning Permit.

TRIM FILE NO:

PF20/38895

ATTACHMENTS

1. 776/2018/A - TP6.02_PR Bank St Viewline

2. 776/2018/A - ADV - Revised TP Views

3. 776/2018/A - ADV - Plans

4. 776/2018/A - Objector Map