



6.2 376-384 ST KILDA ROAD MELBOURNE

LOCATION/ADDRESS: 376-384 ST KILDA ROAD MELBOURNE

EXECUTIVE MEMBER: BRIAN TEE, ACTING GENERAL MANAGER, DEVELOPMENT,
TRANSPORT AND CITY AMENITY

PREPARED BY: SCOTT PARKINSON, PRINCIPAL PLANNER

1. PURPOSE

- 1.1 To consider and determine Planning Permit application 764/2020 for buildings and works to an existing commercial building associated with a food and drinks premises, office, and supermarket (no permit required for use) and reduce the car parking requirements at 376 - 384 St Kilda Road, Melbourne.

2. EXECUTIVE SUMMARY

WARD:	Gateway
TRIGGER FOR DETERMINATION BY COMMITTEE:	No of Objections
APPLICATION NO:	764/2020
APPLICANT:	URBIS
EXISTING USE:	Office and Retail (Café)
ABUTTING USES:	Mixed Use Commercial and Residential
ZONING:	Commercial 1
OVERLAYS:	Design and Development Overlay Schedule 26-1A and 26-1C (DDO26-1A, DDO26-1C) Design and Development Overlay Schedule 31
STATUTORY TIME REMAINING FOR DECISION AS AT DAY OF COUNCIL	Expired

- 2.1 The application proposes buildings and works to an existing commercial building associated with a food and drinks premises, office, and supermarket (no permit required for use) and a reduction of the car parking requirements.
- 2.2 The proposal involves buildings and works to the existing building consisting of a range of internal alterations and external changes to the ground floor, particularly the presentation of the building to the St Kilda Road and Park Street frontages. The internal alterations include the removal of car parking to provide a small format supermarket, upgraded end of trip facilities, new retail tenancies and increased office floor area. It is also proposed to refurbish the expansive podium rooftop on level 8 that is used as a terrace for the office tenancies.
- 2.3 The application was advertised and received 44 objections. Several positive attributes of the proposal were acknowledged by objectors, including the activation of the St Kilda Road and Park Street interfaces, the introduction of a Metro style supermarket and the greening of the level 8 podium roof. However, a key concern was



raised about the potential impact of the use of the level 8 terrace on the amenity of surrounding residential dwellings. Other concerns were also raised about the reduction of car parking and the impact of the ground level café on surrounding residential dwellings.

- 2.4 A Consultation Meeting was held on 30 August 2021. The meeting was attended by all three Ward Councillors, the applicant, objectors and Planning Officers. The meeting did not result in any formal changes to the proposal. However, following the consultation meeting the applicant provided a letter to Council and the objectors outlining a range of measures to address the concerns raised by objectors, particularly in relation to the use of the outdoor terrace on level 8 of the building.
- 2.5 The proposal is consistent with the strategic direction outlined by the Port Phillip Planning Scheme where the additional commercial floor area would contribute to the economy of the local area and a new convenience shopping facility would be provided which would cater for the needs of the local population.
- 2.6 Overall, the proposed building and works are well resolved and would significantly improve the urban design response of the building and its relation to the street whilst retaining the broader building envelope. The street interface with the public realm would be vastly improved with increased activation of the lower floor levels and improved legibility and accessibility to the main building entries.
- 2.7 Subject to additional measures suggested by the applicant to address light glare and noise, combined with a restriction on any live or amplified music within the level 8 terrace the amenity of surrounding properties would be protected.
- 2.8 The proposed reduction of carparking is considered acceptable balancing considerations of promoting sustainable transport while not unduly impacting the surrounding road network.
- 2.9 Adequate loading facilities would be provided for the retail and office uses.
- 2.10 The proposal is recommended for approval, subject to the conditions below

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 a Permit
- 3.2 That a Notice of Decision to Grant a Permit be issued for buildings and works to an existing commercial building associated with a food and drinks premises, office, and supermarket (no permit required for use) and reduce the car parking requirements at 376 - 384 St Kilda Road, Melbourne with the following conditions:
- 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 but modified to show:



- a) Measures to prevent patrons using the rooftop terrace from being able to unreasonably overlook adjoining properties to the satisfaction of the Responsible Authority.
- b) Any changes required by conditions 4, 10, 11 and 12.

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 prepared by Cardno submitted with the application but updated to address the following:

- a) Specify hot water system type and efficiency for end of trip facilities
- b) Update language on pages 2-5 to clarify that the ESD initiatives therein will be implemented (remove statements such as “is recommended” “should be considered”).

5 Incorporation Sustainable Design Initiatives

The project must incorporate the sustainable design initiatives listed in the endorsed Sustainable Management Plan to the satisfaction of the Responsible Authority.

6 Implementation of Sustainable Design Initiatives

Before the occupation of the development approved under this permit, a report from the author of the Sustainable Management Plan approved pursuant to this permit, or similarly qualified person or company, must be submitted to the satisfaction of the Responsible Authority. The report must confirm that all measures and recommendations specified in the Ecologically Sustainable Design report have been implemented and/or incorporated in accordance with the approved report to the satisfaction of the Responsible Authority.

7 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.

8 Site Management Water Sensitive Urban Design (larger Multi-Unit Developments)

The developer must ensure that:

- a) No water containing oil, foam, grease, scum or litter will be discharged to the stormwater drainage system from the site;
- b) All stored wastes are kept in designated areas or covered containers that prevent escape into the stormwater system;
- c) The amount of mud, dirt, sand, soil, clay or stones deposited by vehicles on the abutting roads is minimised when vehicles are leaving the site.
- d) No mud, dirt, sand, soil, clay or stones are washed into, or are allowed to enter the stormwater drainage system;
- e) The site is developed and managed to minimise the risks of stormwater pollution through the contamination of run-off by chemicals, sediments, animal wastes or gross pollutants in accordance with currently accepted best practice.

9 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 0.25% 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.

10 Waste Management Plan

Before the development starts (other than demolition or works to remediate contaminated land), a Waste Management Plan must be submitted to, approved by and be to the satisfaction of the Responsible Authority. The Waste Management Plan must be generally in accordance with the Waste Management Plan submitted with the application but modified to include a requirement that:

- a) The owner and occupier must ensure that waste collection does not occur during the hours of 8.00am to 9.30am and 4.30pm to 6.00pm.

Once submitted and approved, the requirements detailed by the Waste Management Plan must be carried out to the satisfaction of the responsible Authority.

11 Landscape Plan

Before the development starts (other than demolition or works to remediate contaminated land), a detailed Landscape Plan must be submitted to, approved by and



be to the satisfaction of the Responsible Authority. When the Landscape Plan is approved, it will become an endorsed plan forming part of this Permit. The Landscape Plan must incorporate:

- a) A survey plan, including botanical names, of all existing vegetation/trees to be retained;
- b) Buildings and vegetation (including botanical names) on neighbouring properties within 3m of the boundary;
- c) Significant trees greater than 1.5m in circumference, 1m above ground;
- d) All street trees and/or other trees on Council land;
- e) A planting schedule of all proposed vegetation including botanical names; common names; pot sizes; sizes at maturity; quantities of each plant; and details of surface finishes of pathways and driveways;
- f) Landscaping and planting within all open space areas of the site;
- g) Water sensitive urban design.

All species selected must be to the satisfaction of the Responsible Authority.

12 Wind Assessment

Before the development starts (other than demolition or works to remediate contaminated land), a suitably qualified person must prepare an updated Wind Climate Assessment Report to the satisfaction of the Responsible Authority, which must be provided for the written endorsement of the Responsible Authority. The Report must be in general accordance with the submitted Environmental Wind Considerations, prepared by ARUP and dated 30 September 2020. Any modifications required to the development in order to ensure acceptable wind conditions must be submitted to and approved by the Responsible Authority as part of the plans for endorsement. The design details of any wind mitigation works must receive the endorsement of the owner's wind climate experts, preferencing the use of architectural features and planting to resolve any issues identified, to the satisfaction of the Responsible Authority.

13 Completion of Landscaping

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

14 Landscaping Maintenance

The landscaping as shown the endorsed Landscape Plan must be maintained, and any dead, diseased or damaged plant replaced in accordance with the landscaping plan to the satisfaction of the Responsible Authority.

15 Car Parking and Bicycle Parking Layout

Before the use or occupation of the development starts, the area(s) set aside for the parking of vehicles and bicycles and access lanes as shown on the endorsed plans must be:

- Constructed



- Properly formed to such levels that may be used in accordance with the plans
- Surfaced with an all weather surface or seal coat (as appropriate);
- Drained and maintained
- Line marked to indicate each car space, visitor space, bicycle space, loading bay and/or access lane.
- Clearly marked to show the direction of traffic along access land and driveways

All to the satisfaction of the Responsible Authority.

16 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.

17 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) objectives that must be linked to measurable targets, actions and performance indicators
- b) a description of the existing active private and public transport context
- c) initiatives that would encourage employees and visitors of the development to utilise active private and public transport and other measures that would assist in reducing the amount of private vehicle traffic generated by the sit
- d) timescale and costs for each action
- e) the funding and management responsibilities, including identifying a person(s) responsible for the implementation of actions, including nominating a tenant(s) as a 'green travel champion'
- f) a monitoring and review plan, requiring annual review for at least three years to track progress against the annual targets, actions and performance indicators
- g) the promotion of various alternative transport smartphone applications, such as Tram Tracker
- h) promotion of existing car-share schemes, bicycle parking facilities for employees/visitors, railway stations, tram stops, bus stops, taxi ranks, and bicycle paths
- i) signage and wayfinding information for bicycle facilities and pedestrians pursuant to Australian Standard AS2890.3
- j) establishment of a car-pooling database for employees.

18 Regulation of Deliveries and Rubbish Collection



Without the further written consent of the Responsible Authority, deliveries and rubbish collection, must not occur during the hours of 8.00am and 9.30am and 4.30pm to 6.00pm daily.

19 Lighting

External lighting of the level 8 rooftop terrace area must be designed, baffled and located to prevent any adverse effect on adjoining land due to light spill to the satisfaction of the Responsible Authority.

20 Noise

The level of noise emitted from the premises must not exceed the permissible levels specified in the Environment Protection Regulations 2021 to the satisfaction of the Responsible Authority.

21 No live or Amplified Music on the Level 8 Terrace

No amplified or live music to be played on the Level 8 Terrace and any other music played must not be audible in any dwelling beyond the subject land.

22 Tables and Furnishings on the Level 8 Terrace

All tables and furnishings on the Level 8 Terrace must be fixed or otherwise stored when not in use.

23 St Kilda Rd Café

Except with the prior written consent of the Responsible Authority, the provision of music and entertainment in the food and drink premises (café) must only be at background noise levels and that no speakers are either installed or placed external to the building.

Rail Projects Conditions 24 and 25

24 Construction Management Plan

Prior to the commencement of development (including demolition and excavation), a Construction Management Plan (CMP) must be submitted to the satisfaction of Rail Projects Victoria (a Division of the Major Transport Infrastructure Authority) (RPV). The CMP submitted to RPV may form a dedicated part of a broader CMP. The CMP may be approved in stages. The CMP must include details of (but not limited to) management proposals to minimise impacts to Metro Tunnel Infrastructure during construction and must set out objectives and performance and monitoring requirements for:

- a) The hours of operation for demolition, excavation and construction
- b) The demolition and construction program, including a plan setting out the proposed staging of development
- c) Preferred arrangements for trucks delivering to the subject site, including delivery and unloading and expected duration and frequency;
- d) An outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services



- e) Waste management arrangements for the subject site and any impacts on waste management arrangements for adjoining sites, if necessary, including alternative waste management arrangements for adjoining sites
- f) How traffic management (including traffic controllers) will be delineated from Metro Tunnel traffic management areas and controllers to avoid confusion between areas of control for the Metro Tunnel and subject sites
- g) Measures to ensure that all works on the subject site will be carried out in accordance with the CMP
- h) A requirement that the CMP be reviewed and updated at intervals as required by RPV
- i) A notification process which ensures that RPV is provided with at least 10 business days notice prior to construction, including significant demolition, excavation and construction works; and
- j) A timing program that demonstrates that works will not interfere with, or will not be commenced until after completion of, the Metro Tunnel program requirements
- k) The positioning of any cranes on St Kilda Road and information to confirm that they will not apply unacceptable loads to the MTP tunnels.

25 Implementation of Construction Management Plan

All demolition and construction works must be carried out in accordance with the approved CMP. The CMP must be implemented at no cost to RPV. Any CMP approved by City of Port Phillip, must be consistent with Rail Projects Victoria's CMP requirements approved under Condition 2 (above).

26 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.

27 Satisfactory Continuation

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

28 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 four (4) years of the date of this permit.

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

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



4. RELEVANT BACKGROUND


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

Application No.	Proposal	Decision	Date of Decision
106/2009	Use the ground floor for the purposes of a café (food and drink premises) with associated liquor licence and a reduction of the car parking requirements	Approved	April 2009
1111/2007	Buildings and works comprising the removal of a revolving door and replacement of shopfronts	Approved	January 2008
406/2007	Internal works including the enclosure of the stairwell leading to an increased office floor area of 24sqm	Approved	May 2007

5. PROPOSAL

- 5.1 The proposal involves buildings and works to the existing building consisting of a range of internal alterations and external changes to the ground floor, particularly the presentation of the building to the to St Kilda Road and Park Street frontages. The internal alterations include the removal of car parking to provide a small format supermarket, upgraded end of trip facilities, new retail tenancies and increased office floor area. It is also proposed to refurbish the expansive podium rooftop on level 8 that is used as a terrace for the office tenancies.
- 5.2 The plans which are the subject of this report are those drawn by Architectus entitled “380 St Kilda Road”, project no 180416, Plan no’s DA0010, DA1001 to DA1020, DA1101 to DA1120, DA2101 to DA2104, DA2201 to DA2204, DA5001, DA5002, DA5101, DA5102, DA5200 and DA5201, dated 18/09/2020 and date received by Council 30/03/2021.
- 5.3 The proposal is detailed within the below table:

	Proposal
Site area	3651sqm
Type of development	Commercial
Land uses	Retail (Café and Supermarket) and Office

Demolition	It is proposed to demolish several parts of the existing building. Generally, the demolition involves removing parts of the façade at the lower levels of the building, removing internal car parking spaces and ramps to make way for new uses, and demolishing internal amenities.																
Commercial floor areas	<table border="1"> <thead> <tr> <th data-bbox="603 595 831 629">Use</th> <th data-bbox="831 595 1046 629">Existing</th> <th data-bbox="1046 595 1262 629">Proposed</th> <th data-bbox="1262 595 1463 629">Difference</th> </tr> </thead> <tbody> <tr> <td data-bbox="603 629 831 685">Office</td> <td data-bbox="831 629 1046 685">23,864sqm</td> <td data-bbox="1046 629 1262 685">25,619sqm</td> <td data-bbox="1262 629 1463 685">+1,755sqm</td> </tr> <tr> <td data-bbox="603 685 831 904">Retail (Café)</td> <td data-bbox="831 685 1046 904">704sqm</td> <td data-bbox="1046 685 1262 904">396sqm (108sqm on Basement 01 and 288sqm on Ground)</td> <td data-bbox="1262 685 1463 904">-308sqm</td> </tr> <tr> <td data-bbox="603 904 831 994">Retail (Supermarket)</td> <td data-bbox="831 904 1046 994">0sqm</td> <td data-bbox="1046 904 1262 994">1,233sqm</td> <td data-bbox="1262 904 1463 994">+1,233sqm</td> </tr> </tbody> </table>	Use	Existing	Proposed	Difference	Office	23,864sqm	25,619sqm	+1,755sqm	Retail (Café)	704sqm	396sqm (108sqm on Basement 01 and 288sqm on Ground)	-308sqm	Retail (Supermarket)	0sqm	1,233sqm	+1,233sqm
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Buildings and works	<p>The proposal involves buildings and works to the existing building generally consisting of internal alterations and alterations to pedestrian entrances. The proposal will facilitate part re-use of the basement and ground floor areas for new retail spaces, additional office space, upgraded end of trip facilities, modified façade (predominantly at street-level), upgraded amenities and refurbishment of the existing terrace on level 8.</p> <p>Importantly, apart from some minor faced alterations at the lower levels to the south (Park Street), east (St Kilda Road) and west (Wells Street) elevations, the external envelope of the building remains unchanged. That is, the height and setbacks of the existing building are to be maintained.</p>  <p style="text-align: center;"><i>Artist's impression of the proposed Park Street Entry</i></p>																
Loading bay	The existing loading zone that is accessed via Wells Street will be retained.																



Car parking	<p>314 on site car parking spaces would be provided. These would be allocated as follows:</p> <ul style="list-style-type: none"> • 295 spaces for 'office' use (both existing and new office space) This represents a parking provision for the office of 1.15 spaces per 100sqm of net leasable office floor area. • Four (4) spaces for the 'food and drink premises (one or two spaces per tenancy) • Nine (9) spaces for the supermarket use.
Bicycle parking	<p>198 bicycle spaces would be provided within basement level 01, accessed from a separate entrance from Park Street. Significant of End of Trip (EOT) facilities also provided with large shower changing facilities and 198 lockers.</p>

5.4 The specific modifications proposed to each level of the building is described as follows:

Basement 03

New fixtures and finishes for lift lobby

Basement 02

Basement 02 slab to be built up to street level at Wells Street/Park Street frontage

Provision of 108sqm Retail space fronting the corner of Park Street and Wells Street intersection featuring two overhead canopies

New fixtures and finishes to lift lobby

Provision of waste storage rooms for office, retail, and supermarket adjacent loading dock

Basement 01

Provision of new park street entrance (replacing previous staired access)

New fixtures and finishes to lift lobby

Upgraded end of trip facilities providing storage for 198 bicycles with 198 lockers and exclusive access via Park Street frontage

Provision of 1,125sqm retail tenancy (supermarket) at eastern end with entrance to Park Street

Additional services located adjacent new Park Street entrance

Ground

Refurbishment of existing ground floor (the main changes listed below)

Create two new retail spaces (cumulatively 288sqm) adjacent to internal lobby

Create a new 486sqm office space in the north eastern corner



Conversion of existing colonnade transition space into a functional lounge space along Park Street.

Refurbishment of ground floor lobby space, as well as the inclusion of a corporate lounge and multi-function space (formerly the MAM offices, mail room and ground floor amenities)

Relocation of ground floor amenities, MAM offices and mail room. ▪ Removal of Park St Entry, directing main entry to ground floor spaces at St Kilda Road.

Creation of double height space at St Kilda Road entry, reducing NLA of level 2 tenancy above.

Level 2

Removal of existing atrium 'bridge' access to level 2 tenancy and create new main entry off lift lobby.

Reduction in the size of existing atrium/void, creating additional NLA to level 2 tenancy, and GFA for relocated female amenities.

Refurbished amenities and lift lobby to this level.

Conversion of the top three half levels of car parking into office space to connect into existing office space on Level 3 and Level 4 making them whole contiguous levels.

Level 3

Conversion of existing carpark to this level to increase NLA to Level 3 office tenancy (2,785sqm)

Refurbished amenities and lift lobby to this level.

Level 4

Conversion of existing carpark to this level to increase NLA to Level 3 office tenancy (2,780sqm)

Refurbished amenities and lift lobby to this level.

Levels 5 to 15

Internal modifications to office areas across all upper levels of the building

Updated amenities

On level 8 it is also proposed to refurbish the existing 1364sqm terrace. The submitted Design Response details that the surface treatments will be modified to a mix of timber, crushed gravel and paving, new planting will be provided and new seats and fixtures (BBQ / service area, dining table, fire pit, kitchen garden and fitness space). No change



is proposed to the existing 2.38m high balustrade that surrounds the full edge of the terrace.

It is noted that the concept plan indicates several covered structures on the terrace. However, as these were not included on the architectural plans, they are considered to be only a concept and not part of this proposal.

Elevations

Various changes to ground-floor façade

No change to upper levels

6. SUBJECT SITE AND SURROUNDS

Description of Site and Surrounds	
Site Area	3651sqm
Existing building & site conditions	<p>The subject site is located on the western side of St Kilda Road and features a side interface to Park Street to the south and a rear interface to Wells Street to the west.</p> <p>The site is 32.68m in width to St Kilda Road and is 107.34m in depth along Park Street with a total site area 3,651sqm.</p> <p>The land slopes down from the east (St Kilda Road) to the west (Wells Street).</p> <p>The site is currently occupied by a 15 storey commercial building (with 8 storey podium to St Kilda Road) that is constructed to each of the boundaries of the site. The existing commercial building contains 704sqm of retail on the ground floor and 23,864sqm of office on the upper levels. 478 car parking spaces are provided for the commercial building within the basement levels and on levels 1 to 4.</p> <p>There is no vegetation currently located on the site.</p> <p>There are several mature trees located adjacent the site in the Park Street and St Kilda Road nature strip.</p>
Surrounds/neighbourhood character	<p>The surrounding area varies dramatically with respect to scale, height, and style. Immediately north of the site are several large residential towers which were constructed prior to the introduction of mandatory DDO controls which now limits height to a maximum of 70m AHD to Wells Street and 36m to St Kilda Road. In surrounding areas heights are expected to reach up to 60 - 85 metres.</p> <p>Stylistically these buildings vary dependant on their use. More uniform, balcony-less tower forms generally are used</p>



	<p>for office uses whilst more articulated and buildings featuring balconies are used for dwellings or residential hotels.</p> <p>Materiality, style, and articulation generally varies quite substantially between buildings.</p> <p>The surrounding area is expected to continue to intensify and transform as land is redeveloped as expected in the DDO.</p>
Interfaces	<p><u>North:</u></p> <p>To the north of the site is the land at 368 St Kilda Road which is occupied by the Royal Domain Tower which is 46 storeys in height and provides for a seven storey podium to St Kilda Road. This building is setback from the boundary shared with the site with exception of a services core which is located adjacent the service core of the existing building located on the subject site. A small terrace is provided on the rooftop of the podium level adjacent the site.</p> <p><u>East:</u></p> <p>To the east of the Site is St Kilda Road, more specifically the intersection of St Kilda Road with Park Street. Further east of St Kilda Road is the Shrine of Remembrance and surrounding gardens. The Anzac Station will soon be constructed south-east of the site and feature entrances on either side of St Kilda Road.</p> <p><u>South:</u></p> <p>To the south of the site is Park Street. Further south of Park Street is a mixed context of smaller two storey buildings fronting Park Street and Palmerston Crescent and larger buildings fronting Albert Road.</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)	<p>Clause 34.01-1 – The use of land for ‘Office’, and ‘Food and Drink premises’ (café), and a ‘Supermarket’ (as nested under ‘shop’) are Section 1 uses and therefore <u>do not</u> require planning permission.</p> <p>Clause 34.01-2 – A use must not detrimentally affect the amenity of the neighbourhood.</p>



	<p>Clause 34.01-4 – A permit is required to construct a building or construction or carry out works. A permit is therefore required for this proposal to construct a building and carry out works.</p>
<p>Clause 43.02 Design and Development Overlay DDO Schedule 26-1A and 1C (DDO26) Schedule 31 (DDO31)</p>	<p>Clause 43.02-2 – A permit is required to construct a building or construction or carry out works. A permit is therefore required for this proposal to construct a building and carry out works.</p> <p>Schedule 26 is recognised as the ‘<i>St Kilda Road North Precinct</i>’ area. The site itself is located within Precinct 1 of the DDO26 area.</p> <p>Schedule 31 is recognised as the ‘<i>Melbourne Metro Rail Project – Infrastructure Protection Areas</i>’. Pursuant to the DDO31 an application must be referred under Section 55 of the Act to the person or body specified as the referral authority in the Schedule to Clause 66.04.</p>
<p>Clause 52.06 Car Parking</p>	<p>Pursuant to Clause 52.06-3 a permit is required to reduce the standard car parking requirement.</p>
<p>Clause 52.34 Bicycle Facilities</p>	<p>Clause 52.34 seeks to ensure that bicycle facilities are provided in an appropriate manner.</p> <p>Clause 52.34-1 states that 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 are provided on the land.</p> <p>Clause 52.34-5 outlines the required bicycle facilities as follows:</p> <ul style="list-style-type: none"> - Office <ul style="list-style-type: none"> o 1 employee space to each 300sqm of net floor area if the net floor area exceeds 1000sqm o 1 visitor space to each 1000sqm of net floor area if the net floor area exceeds 1000sqm - Supermarket (nested under shop) <ul style="list-style-type: none"> o 1 employee space to each 600sqm of leasable floor area if the leasable floor area exceeds 1000sqm; o 1 shopper space to each 500sqm of leasable floor area exceeds 1000sqm; - Cafe (nested under retail premises) <ul style="list-style-type: none"> o 1 employee space to each 300sqm of leasable floor area o 1 shopper space to each 500sqm of leasable floor area. <p>Based on the land uses outlined in Section 1 of this report this requires the following bicycle parking spaces:</p> <ul style="list-style-type: none"> - Office <ul style="list-style-type: none"> o 6 employee spaces o 2 visitor space



	<ul style="list-style-type: none"> - Supermarket <ul style="list-style-type: none"> o 2 employee spaces o 3 visitor spaces - Café – no requirements as this land use is not being increased. <p>The proposal provides for a total of 198 bicycle parking spaces which satisfies the above requirement. Therefore, no permit is required for a reduction to the bicycle parking space requirements under Clause 52.34.</p> <p>When assessed holistically based on the overall development the following bicycle parking requirements exist:</p> <ul style="list-style-type: none"> - Office <ul style="list-style-type: none"> o 85 employee spaces o 26 visitor spaces - Supermarket <ul style="list-style-type: none"> o 0 Spaces as the tenancy does not exceed 1000sqm - Food and Drink Premises <ul style="list-style-type: none"> o 1 employee space o 1 shopper space. <p>This requires a total requirement of 113 bicycle parking spaces. The proposed alterations to the building satisfy this requirement.</p> <p>Table 2 to Clause 52.34-5 states that if five or more employee bicycle spaces are required one shower is required for the first 5 employee bicycle spaces plus 1 to each 10 employee bicycle spaces thereafter. Under the new or extended uses there would be a requirement for one shower to be provided for the required 5 bicycle parking spaces.</p> <p>When assessed holistically there would be a requirement for 9 showers based on 86 employee spaces. A total of 21 showers are provided which satisfies this requirement.</p> <p>Table 3 to Clause 52.34-5 requires 1 change room or direct access to a communal change room to each shower required under Table 2. The end of trip facilities provides combined shower/change rooms and a communal change room area which satisfies this requirement.</p> <p>In summary, no permit would be required under Clause 52.34 for a reduction in bicycle facilities.</p>
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8. PLANNING SCHEME PROVISIONS

8.1 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 17.02-1S Business
- Clause 18.02-1S Sustainable Personal Transport

8.2 Local Planning Policy Framework (LPPF)

The following local planning policies are relevant to this application:

- Clause 21.03-1 Environmentally Sustainable Land Use and Development
- Clause 21.03-2 Sustainable Transport
- Clause 21.04-1 Housing and Accommodation
- Clause 21.04-3 Office and Mixed Activity Areas
- Clause 21.05-2 Urban Structure and Character
- Clause 21.06-3 Urban Design and Public Realm
- 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
- Clause 22.06 Urban Design Policy for Non - Residential Development and Multi - Unit Residential Development
- Clause 22.13 Environmentally Sustainable Development

8.3 Other relevant provisions

- Clause 52.06 Car Parking
- Clause 52.34 Bicycle Facilities
- Clause 65 Decision Guidelines

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 11.

Urban Design Officer

From an urban design perspective, the proposal is strongly supported. Each of the proposed interventions to the existing building appear very well considered. The proposed works will provide public benefit through greatly improved activation of the lower floor levels and improved legibility and accessibility to the main building entries.



From an urban design perspective, the proposal is supported. No further information or changes are requested.

Transport Safety Engineer

Original Comments

Car Park Layout

The proposed development proposes to convert the existing top three half levels of car parking into office space. Other than this change the proposed car park and access arrangement remains relatively unaffected to current conditions.

The Traffic assessment notes that car parking spaces are in accordance with clause 52.06, of the planning scheme with a width of 2.6m, a length of 4.9m, accessed via an aisle width of 6.4m. However, the Plans did not have dimensions and as a result could not be checked.

Please provide plans including dimensions of car parking bays for review, to demonstrate the development accords with the planning scheme.

Traffic Generation

With reference to the proposed reduction in onsite parking- the traffic generation anticipated from the redevelopment of the site is expected to have minimal impact on the surrounding street network.

However, with the redevelopment there will be a higher reliance on the loading bay, further comments on this aspect are provided below.

On Street Parking

The existing on-street parking is generally high turnover ticketed parking.

Loading and Waste Collection

The applicant is proposing to retain the existing loading zone that is accessed via Wells Street, with a portion being converted to a waste management area.

Based on the new proposed land uses at the site, (particularly the Supermarket) it is anticipated that there will be a much higher reliance on the Loading Bay. The traffic impact assessment fails to provide any detail on the expected trip generation for Loading and waste management for the site.

Council Traffic Engineers note Wells Street (particularly during Peak hours) can have significant queue lengths. Given this, combined with the location of the loading zone and higher numbers of loading vehicles, there may be a negative impact on the street network, which further may impact on the capacity of the intersection of Park Street, Wells Street and Palmerston Crescent.



Please provide a detailed assessment on the trip generation of loading and waste vehicles. Please also provide further detail in how all loading activity will access the site, (Swept Paths) for further assessment by Council.

Waste Management

Proposed waste management strategy to be reviewed by Council waste management team.

Parking Overlay and Parking Provisions

Clause 52.06 of the planning scheme requires 826 off street parking spaces to be provided for the proposed development. Given the applicant proposes 314 off-street car spaces; there is a shortfall of 512 off-street car spaces. The applicant is seeking a waiver in the requirement of car parking requirements.

The appropriate rate for car parking provision lies with Statutory Planning.

Updated Comments (in response to response from applicant traffic engineers)

Parking Layout

I accept that the parking layout is acceptable on the basis the applicant has confirmed in writing that it accords with Clause 52.06 of the planning scheme and the site is existing and functioning satisfactorily.

Loading and Waste (Swept Paths)

Based on the swept path diagrams provided by the applicant; Wells Street on approach to the intersection of Park Street, is to be cleared of almost all queued traffic in order to make the corrective movements required to access the Loading Bay.

The applicant has adequately clarified the traffic generation of waste vehicle movements to the site. Further the applicant advised that waste collection will be limited to outside the peak hrs to avoid delays on street. This is supported by Council, however we suggest extending the restriction beyond 4.30pm to at least 6.30pm as we are aware of major traffic queuing on Wells Street during this time.

The applicant failed to advise on the anticipated frequency of other Loading Activities e.g. deliveries for the supermarket.

Notwithstanding given these movements require Wells Street Traffic to be cleared (based on Swept Paths); Similar time restrictions, as suggested by the applicant's for Waste collection activities, should apply for all other loading activities.

Council Traffic Engineers suggest that peak hour restrictions for all waste/loading activities should be considered as a condition of permit to ensure adequate and safe ingress/egress to the site, and limit impact on the surrounding street network.

Sustainable Design



Overall Outcome

The application demonstrates an acceptable outcome for ESD subject to conditions for an updated Sustainability Management Plan (SMP) and Implementation report for Environmentally Sustainable Design. The SMP to be updated to address the following:

- Specify hot water system type and efficiency for end of trip facilities
- Update language on pages 2-5 to clarify that the ESD initiatives therein will be implemented (remove statements such as “is recommended” “should be considered”).

Full Assessment Comments by Category

BESS Assessment

This is achieved with the exception of stormwater, which is not required in this instance.

IEQ – Daylight Modelling

Addressed. Some of the new office space to be developed within existing car park areas retains the existing façade. This was discussed at pre-app as a barrier to meeting natural daylight outcomes. The applicant was advised to demonstrate best practice for natural daylight to floor areas where a new façade is proposed, hence providing opportunity to design the façade for good natural daylight provision. This is demonstrated in the daylight modelling information provided.

Energy - Hot Water

The BESS assessment still claims credit for the new hot water systems being within one star of the best available or 85% better than the most efficient equivalent. Section 6.6 of the SMP clarifies that the only new hot water system will be for the end of trip facilities on Basement Level 1. However, it does not specify what the system type will be or what its efficiency will be, so the credit claimed in BESS isn't backed up with any supporting information.

Water – Water Efficient Fixtures

Addressed. No longer scoped out of BESS.

Stormwater Management

It was agreed in the pre-app meeting with Danielle Joffe (Mirvac) and Davis Demillo (Cardno) that if the proposal does not include 50m² or greater new floor space, a stormwater management response is not required.

Transport 2.1 Electric Vehicle Infrastructure

Addressed. Now not scoped out in BESS and four car spaces are annotated on B2 floor plan shown as potential location for electric vehicle charging. However – The SMP only refers to potentially installing electric vehicle charging and doesn't clearly



state that any charging will be installed. The language must be clearer to demonstrate a minimum commitment.

Transport 2.2 Car Share Scheme

Addressed. Now not scoped out in BESS and the B2 floor plan shows the potential location for car share vehicles. However – The SMP only refers to potentially providing car share and doesn't clearly state that any shared cars will be provided. The language must be clearer to demonstrate a minimum commitment.

Transport 2.3 Motorbikes / Mopeds

Addressed. Now not scoped out in BESS with no credit claimed, which is acceptable.

Construction and demolition waste

Addressed. The SMP now states that 90% of construction waste will be diverted from landfill.

Waste Management

I have reviewed the plan and would like to see a swept path diagram please. Rest all looks good.

9.2 External referrals

Referral Authority	Response	Conditions
Rail Projects Victoria (DDO31)	Pursuant to Section 56(1) of the Planning and Environment Act 1987, RPV does not object to the grant of a planning permit subject to the following condition being placed on any permit granted:	<p><u>Refer conditions</u></p> <p>Construction Management Plan</p> <p>1. Prior to the commencement of development (including demolition and excavation), a Construction Management Plan (CMP) must be submitted to the satisfaction of Rail Projects Victoria (a Division of the Major Transport Infrastructure Authority) (RPV). The CMP submitted to RPV may form a dedicated part of a broader CMP. The CMP may be approved in stages. The CMP must include details of (but not limited to) management proposals to minimise impacts to Metro Tunnel Infrastructure during construction and must set out objectives and performance and monitoring requirements for:</p>



		<ul style="list-style-type: none"> a) <i>The hours of operation for demolition, excavation and construction;</i> b) <i>The demolition and construction program, including a plan setting out the proposed staging of development;</i> c) <i>Preferred arrangements for trucks delivering to the subject site, including delivery and unloading and expected duration and frequency;</i> d) <i>An outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;</i> e) <i>Waste management arrangements for the subject site and any impacts on waste management arrangements for adjoining sites, if necessary, including alternative waste management arrangements for adjoining sites;</i> f) <i>How traffic management (including traffic controllers) will be delineated from Metro Tunnel traffic management areas and controllers to avoid confusion between areas of control for the Metro Tunnel and subject sites;</i> g) <i>Measures to ensure that all works on the subject site will be carried out in accordance with the CMP;</i> h) <i>A requirement that the CMP be reviewed and updated at intervals as required by RPV;</i> i) <i>A notification process which ensures that RPV is provided with at least 10 business days notice prior to construction, including significant demolition, excavation and construction works; and</i> j) <i>A timing program that demonstrates that works will not interfere with, or will not be commenced until after</i>
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		<p><i>completion of, the Metro Tunnel program requirements;</i></p> <p>k) <i>The positioning of any cranes on St Kilda Road and information to confirm that they will not apply unacceptable loads to the MTP tunnels.</i></p> <p>2. <i>All demolition and construction works must be carried out in accordance with the approved CMP. The CMP must be implemented at no cost to RPV. Any CMP approved by City of Port Phillip, must be consistent with Rail Projects Victoria's CMP requirements approved under Condition 2 (above).</i></p> <p><i>In accordance with Section 66 of the Planning and Environment Act 1987, City of Port Phillip must provide RPV a copy of any permit which it decides to grant and a copy of any notice given under Section 64 or 65.</i></p>
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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 (846 letters) and directed that the applicant give notice of the proposal by posting 3 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 44 objections.
- 10.3 Several positive attributes of the proposal were acknowledged by objectors, including the activation of the St Kilda Road and Park Street interfaces, the introduction of a Metro style supermarket and the greening of the level 8 podium roof.
- 10.4 The key concerns raised are summarised below (officer comment will follow in italics where the concern will not be addressed in Section 11):
- Impact of the use of the level 8 terrace (particularly in relation to noise and glare of lighting) on the amenity of surrounding residential dwellings.
 - Requirement for a landscape plan for the level 8 terrace and that all table and furnishings would be secured.
 - No structures are permitted to be erected or remain on the level 8 terrace that exceed the mandatory height limit of 36m AHD podium as provided in the DDO26 overlay.
 - Car Parking
 - Impact of ground level café (particularly in relation to noise lighting and fumes) on surrounding residential dwellings.



The applicant has confirmed that the ground level café would predominately be used as a grab and go offering. Objections have sought conditions to be included on any permit that music and entertainment in this café must only be at background noise level and no external speakers be erected for this café. It is recommended that this condition be included should a permit be issued.

- A 3m landscape green space should be provided along the ground floor on the St Kilda Road frontage as required by the DDO.

Design and Development Overlay includes a requirement for new development in Sub Precinct 1 to provide a 3m landscape setback to St Kilda Road. However, this requirement does not apply to existing buildings. Moreover, it would be difficult and not practical to require the existing building to be reconstructed to provide the 3m setback to St Kilda Road.

- No public use of the level 8 terrace is permitted and only tenants and employees of tenants working on the site known as 376-384 St Kilda Road, Melbourne, must be allowed to use the level 8 terrace.

The applicant has confirmed that the level 8 terrace would only be used by employees of tenants of the office building. Objectors have asked for a condition to be included on any permit that is issued that stipulates that only tenants of the office building can use the level 8 terrace. This is not considered necessary to be included on the permit. The application is clearly only in relation to the existing office use and any other use of the terrace would require further amendments to the permit.

- 10.5 A consultation meeting was held on 30 August 2021. The meeting was attended by a Ward Councillor, applicants, objectors and Planning Officers. The meeting did not result in any formal changes to the proposal. However, following the consultation meeting the applicant provided a letter to Council and the objectors outlining a range of measures to address the concerns raised by objectors. The letter included several suggested conditions. The specific measures that were addressed were as follows:

Lighting in the Level 8 terrace

The applicant has agreed to engage a specialist lighting consultant to design the lighting in the level 8 terrace so that there would be no unreasonable light spill from the level 8 terrace. The following condition has been suggested:

Lighting

External lighting of the level 8 rooftop terrace area must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining land due to light spill.

Overlooking

The applicant has suggested the following condition to protect adjacent residential dwellings from overlooking as a condition 1 requirement:

Measures to prevent patrons using the rooftop terrace from being able to unreasonably overlook adjoining properties to the satisfaction of the Responsible Authority.



Noise from use of terrace

The applicant has confirmed that they are happy to accept the EPA regulations in terms of the control of music noise. The following condition has been suggested to be included on any permit:

Noise

Noise levels must not exceed the permissible noise levels stipulated in State Environment Protection Policy N-2 (SEPP N-2) (Control of Music Noise from Public Premises), or otherwise updated Environmental Protection Authority regulations, to the satisfaction of the Responsible Authority.

Terrace Use

The applicant has confirmed that the terrace will only be used by tenants of the office building primarily during business hours.

Wells Street Retail

The applicant has confirmed that the proposed café on Wells Street is intended to operate as a grab and go offering and that they are not applying for a permit for in street trading for the proposed café. The eventual operator would need to apply for this separately to this application.

Wind

The applicant has confirmed that a wind consultant has been engaged to assess the wind impacts on the terrace. They have confirmed a further commitment to consult with the wind consultant during design development.

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 approval for buildings and works associated with a food and drinks premises, office, and supermarket (no permit required for use) and to reduce the car parking requirements.
- 11.2 Broadly, the proposal is well resolved and significantly improves the urban design response of the building and its relation to the street whilst retaining the broader building envelope.
- 11.3 As the proposes uses do not require planning permission this assessment will generally focus on built-form outcomes or those matters relating to use (car parking, sustainability, bicycle parking, loading, etc).
- 11.4 On review of the Port Phillip Planning Scheme, the following matters are relevant:
 - Is the application consistent with the Planning Policy Framework?



- Is the application consistent with the Commercial 1 Zone?
- Is the application consistent with the Design and Development Overlay Schedule 26?
- Is the application consistent with the Design and Development Overlay Schedule 31?
- Does the proposal provide an acceptable response to Clause 22.06?
- Would the proposal result in any unreasonable amenity impact?
- Are the proposed car parking and access arrangements acceptable?
- Is the proposed loading arrangement acceptable?
- Are the proposed bicycle facilities acceptable?
- Are the waste management arrangements acceptable?
- Does the proposal provide for best practice environmental and water sensitive arrangements?
- Would the proposal impact any Council assets?

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

Settlement

The use of the land does not require a planning permit under the Zone and as such is considered strategically supported from a settlement perspective.

Built Form

Built form is explored through the lens of the Design and Development Overlays that affect the site and local urban design policy which is discussed in greater detail later in this report. Amenity as a result of built-form is explored through a more general discussion of amenity later in this assessment.

Provided they satisfy these provisions they would be consistent with built form guidance contained in the PPF.

Economic Development

State policy includes specific direction to encourage development that meets the community's needs for retail, entertainment office and other commercial services (Clause 17.02-1S). This is further expanded with a strategy to provide new convenience shopping facilities to provide for the needs of the local population in new residential areas and within, or immediately adjacent to existing commercial centres.

The proposed development of a local supermarket as part of this application measures favourably with this state policy direction. DDO26 strongly encourages the residential intensification of the northwest corner of the St Kilda Road North precinct and there have been several large scale residential development projects approved over the past few years in this neighbourhood. The area is strategically located to a range of jobs, services and public transport. However, local convenience facilities such as a supermarket have not been developed in this area. The proposed development of a local supermarket would be of significant benefit to the local community in providing a local convenience shopping facility which at present is not provided for in this neighbourhood.

The conversion of car parking areas for commercial uses which would also contribute to greater street activation and trading in close proximity to high pedestrian traffic areas is considered positive with respect to economic development. The additional commercial floor area would positively contribute to the economy of the local area and would assist in diversifying the current provision of commercial services.

This is consistent with Clause 17 and Clause 21.04 and as such the proposal is consistent with broader economic development objectives of the PPF.

Transport

Clause 18 and 21.03-2 seek to encourage sustainable and personal transport modes in preference to the private vehicle but also acknowledges that private vehicles are still a vital part of the local areas of the municipality. In this sense they strive to balance these competing modes to ensure that the site is well serviced and capable of facilitating sustainable transport, whilst being self-sufficient in off-street parking.

These will be discussed later in this assessment

11.6 Is the application consistent with the Commercial 1 Zone (C1Z)?

As discussed earlier, no permit is required under the zone for the proposed uses. A permit is however required for buildings and works. The relevant purpose of the Commercial 1 Zone for this application is therefore to *'create vibrant mixed use commercial centres for retail, office, business, entertainment, and community uses'*.

The decision guidelines of the C1Z nested under 'buildings and works' generally seek to address transport and parking related matters, waste management, services, solar access, and general design of buildings to improve the streetscape and create active frontages whilst managing overlooking and overshadowing of land in residential zones.

Transport, parking, loading, waste, and services are discussed separately later in this assessment. Design of buildings is also explored through the assessment of the DDO and Clause 22.06 later in this report.

The site is not proximate to land in residential zones (albeit dwellings are located adjacent) however it is recognised that the overall envelope of the building is not changing as part of this proposal.

With respect to design, the proposed redevelopment of the site would substantially improve the street interface. Previously blank walls and non-active car parking areas are being converted to vibrant commercial areas, small cafes, or clear and transparent lobby entrances. Council's Urban Designer has provided comments which are supportive of the proposed changes to the building, particularly those that will improve the street interface. Council's Urban Designer providing the following comments on the proposed redevelopment:

From an urban design perspective, the proposal is strongly supported. Each of the proposed interventions to the existing building appear very well considered. The proposed works will provide public benefit through greatly improved activation of the lower floor levels and improved legibility and accessibility to the main building entries.

From an urban design perspective, the proposal is supported. No further information or changes are requested.



In this respect, and subject to a positive broader review contained within this report the proposal would be consistent with the purpose and decision guidelines of the Commercial 1 Zone.

11.7 Is the application consistent with the Design and Development Overlay Schedule 26?

The site is located within Precinct 1 of the Design and Development Overlay Schedule 26.

Sub-precinct 1 is recognised as being the Edge of Shrine Memorial Gardens and forms the western backdrop to the Shrine and the edge to the Memorial Gardens and the Domain Parklands. It further recognises that the scale, form, and detailed design elements within this sub-precinct are critical in respecting the sensitivity of the Shrine setting. It specifically seeks to ensure that buildings are of a scale, form, and design detail that creates a respectful background and vicinity to the Shrine and to ensure the continuation of consistent street tree planting that contributes to the maintenance of a high amenity of the streetscape.

The application retains the existing massing and siting of the building set amongst the environs of the Shrine. The main changes being external modifications to the ground floor façade to Park Street, a redesign of the existing level 8 podium terrace and making internal improvements to the amenities of the tower form. In this respect, the building would have limited impact on the Shrine setting from a massing and siting perspective.

The design response at the ground-floor levels generally improves upon the largely blank and unarticulated façade that currently exists. It would improve passive surveillance of the street by raising the floor level and reducing the level change between the footpath and the internal ground-floor level at the St Kilda Road interface. The Park and Wells Street interfaces are improved upon by adding to the articulation and activation of the streetscape.

An assessment of the proposal against the relevant Buildings and Works requirements of the DDO is provided in the below table:

Provision	Assessment
General Requirements	
Design Quality	
New developments should achieve urban design and architectural excellence	<p>Complies</p> <p>The development is considered to achieve design excellence through its substantial improvements to the St Kilda Road, Park Street, and Wells Street pedestrian environments. Currently the building is read as a large blank wall with a highly obscured main entrance to St Kilda Road, and a large staircase entrance to Park Street. Neither of these interfaces provide for a positive streetscape response.</p>



	<p>The proposal would open this up, provide active uses along its street interfaces and improve DDA accessibility by eliminating reliance on stairs for access.</p> <p>Council's Urban Designer also acknowledges that this represents design 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>Not Applicable</p> <p>The development makes largely no change to the existing building envelope and as such this is not applicable in this context.</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>Not Applicable</p> <p>As noted above, the existing building envelope is not proposed to be changed.</p>
<p>Developments on large sites should minimise building bulk and promote vertical articulation in their design.</p>	<p>Not Applicable</p> <p>As noted above, the building envelope is not proposed to be changed.</p>
Separation Distances / Side and Rear Setbacks	
<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 (including balconies) should be set back a minimum of 4.5 metres from common side and rear boundaries and at least 9 metres from existing towers. – Where no podium is proposed as part of the development, a setback of 4.5 metres to the common boundary should be provided. 	<p>Not Applicable</p> <p>As noted above, the building envelope is not proposed to be changed.</p>
<p>For all Sub-Precincts:</p> <ul style="list-style-type: none"> – Additional side and rear setbacks and/or separation distances may be required to ensure buildings are designed and spaced to: <ul style="list-style-type: none"> - Respect the existing urban character and pattern of development. 	<p>Not Applicable</p> <p>As noted above, the building envelope is not proposed to be changed.</p>



<ul style="list-style-type: none"> - 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. 	
Landscaped Setbacks	
<p>Frontages along St Kilda Road and Queens Road should 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. 	<p>Complies</p> <p>The current building provides largely limited streetscape activity or useable public spaces. This is due to the largely limited setback the building has from the street and the level difference between the ground-level and the footpath.</p> <p>The proposal would vastly improve this outcome by providing for a greater degree of activation to St Kilda Road by raising the internal floor level to reduce the level change between the street and remove several of the bulky and visually obtrusive columns at the corner of St Kilda Road and Park Street. It would also introduce greater sense of activation between the internal ground-floor commercial uses and the streetscape by improving visual permeability.</p> <p>This is considered a significant improvement upon the existing condition of the land. The applicant has suggested that landscaping will be employed to further contribute to the streetscape.</p>
<p>Clear sightlines should be provided from the footpath to the building façade to increase perceptions of pedestrian safety</p>	<p>Complies</p> <p>Clear sightlines are provided between the footpath and the building.</p>
<p>Water sensitive urban design treatments should be incorporated into frontage design to manage and reduce stormwater runoff.</p>	<p>Complies</p> <p>Refer to ESD discussion later in this report.</p>



Exhaust stacks from underground car parks should be located away from main pedestrian areas and incorporated into the building design or adequately screened.	Not applicable Exhaust stacks from the basement are not proposed to be altered.
Grade differences between the ground floor level and natural ground level should be kept to a minimum. Where level differences cannot be avoided (for example, due to the Special Building Overlay), stairs, terraces, disabled access ramps should be designed to not visually dominate the frontage setback space or significantly reduce the area for landscaping	Complies The current street interfaces require substantial stair access between the footpath and the internal areas of the building. Whilst the land slopes quite considerably from St Kilda Road towards Wells Street, the proposal results in all pedestrian accesses eliminating the need for staired access and greatly improves visual permeability into the building. This is considered to be a vastly improved outcome compared to the current arrangement.
Street Wall / Podium Level	
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.	Not Applicable The broader building envelope is not proposed to be changed.
The design of buildings should reinforce the pattern of the street by aligning their façade with the curvature of the street frontage	Complies The proposal would improve each façade of the building that improves its relationship with the streetscape and therefore improve the pattern of activation along St Kilda Road, Park Street and Wells Street. This is considered a positive outcome.
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.	Complies The street wall is not proposed to be altered significantly. Ground-floor level is proposed to vastly improve its visual permeability with the streetscape which is considered a positive outcome.
All car parking at ground level or above should be sleeved with active uses to ensure it is not visible from the street	Complies It is not proposed to add any new car parking on podium levels. The application proposes the removal of car parking in the podium on levels 3 and 4.



<p>Buildings located on corner sites should address both street frontages.</p>	<p>Complies</p> <p>The building addresses each street interface with similar but varied architectural responses. These are considered appropriate to each interface.</p>
<p>Active Frontages</p>	
<p>New development should provide integrated community and active space at street level that contributes to a high quality public realm.</p>	<p>Complies</p> <p>The proposal greatly improves the level of activation to St Kilda Road, Park Street, and Wells Street which has been discussed above.</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 should be visually permeable and mounted internally. - Provide no or low, visually permeable front fencing. 	<p>Complies</p> <p>As discussed above, the proposal greatly improves the level of activation to the streetscape at each frontage. It would improve the level of surveillance of the public realm, remove large expanses of blank walls, and provide a greater degree of clear glazing to the street.</p> <p>This is considered acceptable.</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>Complies</p> <p>The proposal has provided for each pedestrian access to directly open to the street with minimal level change. Ultimately the sloping site requires some degree of ramped access however these are kept to a minimal slope and is considered acceptable.</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>Complies</p> <p>The proposal greatly improves the legibility of the Kings Way frontage and improves the visual permeability to the internal foyer area.</p>



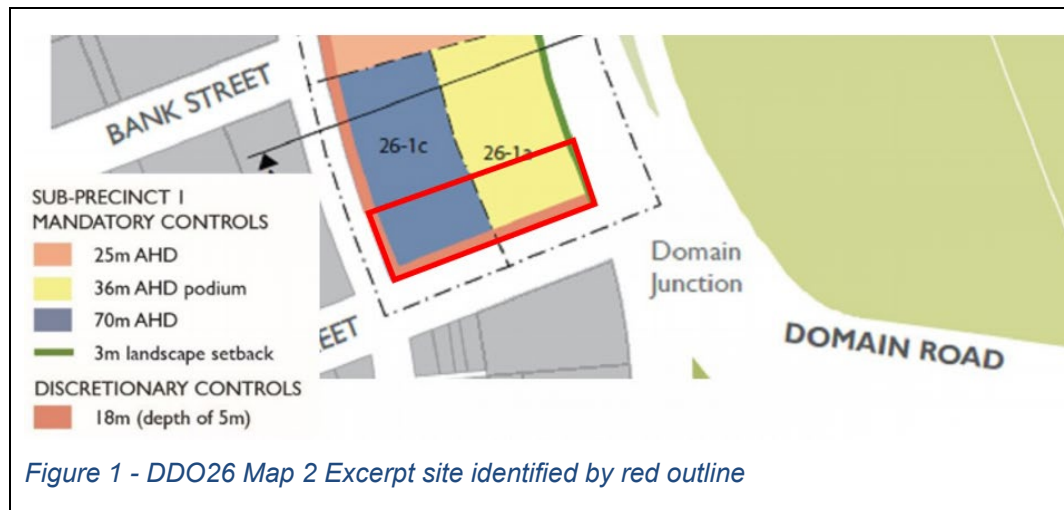
<p>New development within a commercial or mixed use zone should provide:</p> <ul style="list-style-type: none"> - Transparent windows and entrances for at least 80 per cent of the width of the street frontage of each individual retail premises, or at least 60 per cent of the width of the street frontage of each premises for other commercial uses. - Lighting design that is incorporated to the façade to contribute to a sense of safety at night. 	<p>Complies</p> <p>Whilst not achieving the required 80 per cent transparency to the street the development would substantially improve the current level of non-compliance. 71% of the St Kilda Road frontage is transparent which is considered acceptable in a refurbishment scenario.</p>
<p>Tower Design and Internal Amenity</p>	
<p>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>Not Applicable</p> <p>No tower form is proposed.</p>
<p>Building Services</p> <p>Waste materials storage and services should:</p>	
<p>Be provided on site and should be screened from areas of high pedestrian activity</p>	<p>Complies</p> <p>Bin storage is provided internally behind the loading bay.</p>
<p>Waste storage or service should not impede pedestrian access and should be located away from footpaths.</p>	<p>Complies</p> <p>Bin storage is located immediately accessible to the Wells Street access and loading bay. It would not impede pedestrian access.</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>Complies</p> <p>All deliveries are proposed to be undertaken via the existing loading bay access to Wells Street.</p>



	<p>A condition will be applied to the permit to ensure all loading is undertaken on the land and during off-peak times.</p> <p>This will ensure the development minimises disruptions to Wells Street.</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>Complies</p> <p>All services are located within the basement of ground-floor area. Rooftop solar facilities are proposed on the rooftop however these are not anticipated to have any unreasonable visual impact on private/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>Complies subject to conditions</p> <p>Services are focused on ground-floor or the basement and are remaining relatively unchanged from the current use.</p> <p>The terrace at level 8 is currently surrounded by a 2.38m wide glass and metal balustrade to all of its edges which would assist in mitigating its potential use-related noise impacts.</p> <p>Noise from the use of the refurbished terrace area was a significant concern of objectors to this application. The issues around noise from the terrace is discussed in detail, later in this report.</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>Does not Comply</p> <p>The applicant has not suggested a green roof, roof garden, or vertical garden as part of their broader landscaping response.</p> <p>A landscape concept has been provided for the level 8 terrace which includes a large number of planters and vegetation. This is considered acceptable for the proposal and a condition requiring a landscape plan can be included on any approval, should the application be supported.</p>
Vehicular Access and Car Parking	
<p>Vehicle crossovers should be no more than 6 metres wide, with a maximum of one crossover per site.</p>	<p>Not Applicable</p> <p>The carpark and crossovers to Wells Street are existing conditions of the site and not proposed to be altered (with</p>
<p>Vehicle ingress and egress, loading facilities and building services should not</p>	



be located on frontages along St Kilda Road or Punt Road	exception of the reduction of car parking which is not relevant to these guidelines). In this respect these guidelines are not relevant to this application as they seek to provide guidelines on the proper siting and streetscape response for new car parking areas.
Vehicle ingress and egress should be located on lanes, where possible	
Car access ways should not visually dominate the façade of a building and be visually permeable to retain a visual connection through the site and allow for natural surveillance.	
Car parks should be built underground or located to the rear of the site to enable active uses on the street frontage. 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.	
Car parking within a podium should incorporate floor to ceiling heights of 3.5 metres to enable future adaptation for habitable uses.	
Open/at-grade car parks should not be located in front setback areas.	
Pedestrian Permeability	
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.	Not Applicable The site is located on a corner and as such it is not appropriate to provide for a mid-block link.
Development should enhance existing links/laneways by providing a mix of active and non-active frontages, appropriate to the role of the link / laneway	Not Applicable The site does not abut any laneways or links. It would however improve activation of the Park Street and Wells Street interfaces which is considered positive from a pedestrian perspective.
Buildings and Works: Sub-Precinct Requirements	
Sub-Precinct 1 – Edge of Shrine Memorial Gardens	
Development should be generally in accordance with Map 2 of this schedule.	See below. The site straddles Sub-precinct 1a and 1c. The requirements of these sub-precincts are discussed in each sub-precinct assessment below.



<p>Development must not protrude into the Shrine’s silhouette above the level of the Portico roof when viewed from Birdwood Avenue. 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.</p>	<p>Complies</p> <p>The development does not expand on the existing building envelope and as such would not create any additional impact on the Shrine’s silhouette.</p>
<p>Buildings and works must not cast any additional shadow across the Shrine of Remembrance and its northern forecourt, shown in Figure 1 of this schedule, between the hours of 11.00am and 3.00pm from the 22 April to the 22 September. A permit may not be granted to construct a building or construct or carry out works which are not in accordance with this requirement.</p>	<p>Complies</p> <p>As above, the development does not expand on the existing building envelope and as such would not create any additional overshadowing impact on the Shrine of Remembrance or its northern forecourt area.</p>
<p>Sub-Precinct 1-a Area (Eastern portion of site)</p>	
<p>A 3 metre landscape setback must be provided to the direct frontage or abuttal to St Kilda Road. A permit may not be granted to construct a building or construct or carry out works which are not in accordance with this requirement unless allowed by clause 4.0 of this schedule.</p>	<p>Complies</p> <p>The site currently provides for a setback of 1.42m to 1.73m which does not comply with the mandatory requirement.</p> <p>The development seeks to undertaken refurbishment to the façade at this location and would maintain these setbacks (albeit providing for an increased setback at the corner of St Kilda Road/Park Street.</p> <p>See Figure 2 and Figure 3 which illustrate the existing and proposed arrangement.</p> <p>Clause 4.0 states:</p>



A permit may be granted to replace a building or works which existed on 15 May 2016 which does not meet the height or setback requirements of this schedule so long as all of the following apply:

- *The responsible is satisfied that an increased height or reduced setback does not unreasonably impact on the vision for the Sub-Precinct as set out in the Design Objectives for the relevant Sub-Precinct;*
- *The buildings or works is no higher than the building being replaced.*
- *The buildings or works is to be constructed no closer to a boundary than the building being replaced.*

In this instance, the buildings or works is no higher than the building being replaced, and the buildings or works is not being constructed closer to a boundary than the replaced building.

Council considers the revised treatment to the existing reduced setback (i.e the non-compliance) to be successful in achieving the design objectives of the DDO26. It would positively improve the streetscape response, improve activation, and surveillance and would represent design excellence.

In this instance the reduced setback is supported and permitted under Clause 4.0 of the DDO26.

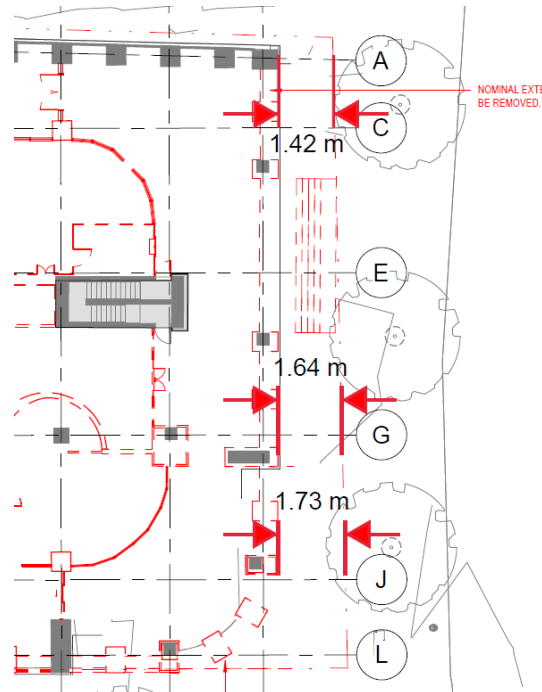


Figure 2 - Proposed demolition plan showing current setbacks to St Kilda Road

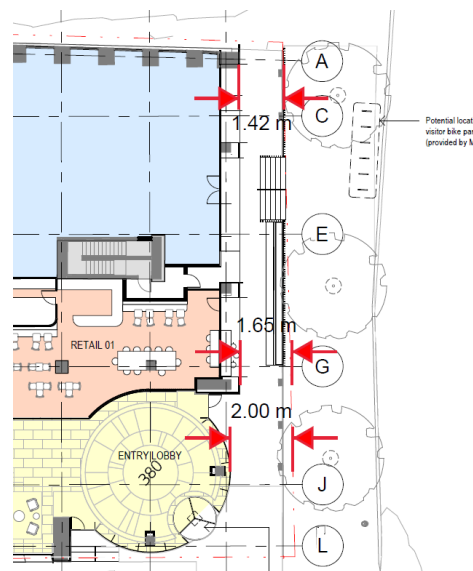


Figure 3 - Proposed front setbacks to St Kilda Road

<p>Development within 5 metres of Dorcas and Park Streets should not exceed a height of 18 metres.</p>	<p>Not Applicable The existing building to Park Street is not being replaced or expanded upon.</p>
<p>Development beyond the setbacks identified above must not exceed a height of 36 metres AHD. A permit may not be granted to construct a building or</p>	<p>Not Applicable</p>



construct or carry out works which are not in accordance with this requirement unless allowed by clause 4.0 of this schedule.	The height of the existing building is not being increased either in Precinct 1A or 1C.
Sub-Precinct 1-c Area (Western portion of site)	
Development within 5 metres of Dorcas, Wells and Park Streets should not exceed a height of 18 metres	Not Applicable The existing building to Park Street is not being replaced or expanded upon.
Development beyond the setbacks identified above must not exceed a height of 70 metres AHD. 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	Not Applicable The height of the existing building is not being increased either in Precinct 1A or 1C.
Development should ensure that the key view corridor along Park Street between the Domain and Eastern Reserve is enhanced through a high quality of built form and landscaping.	Complies The viewline along Park Street has been maintained. A projecting awning is proposed above the main entrance which would extend into the Park Street footpath by 1.1m as a maximum (reducing due to angle of awning – see Figure 4 below). This canopy is not considered to impact viewlines along Park Street noting that the awning is proposed at a relatively small scale. Several other small-scale awnings are evident within Park Street and do not serve to impact the key view corridor. In this respect the proposed awning is equally not anticipated to impact the view corridor.

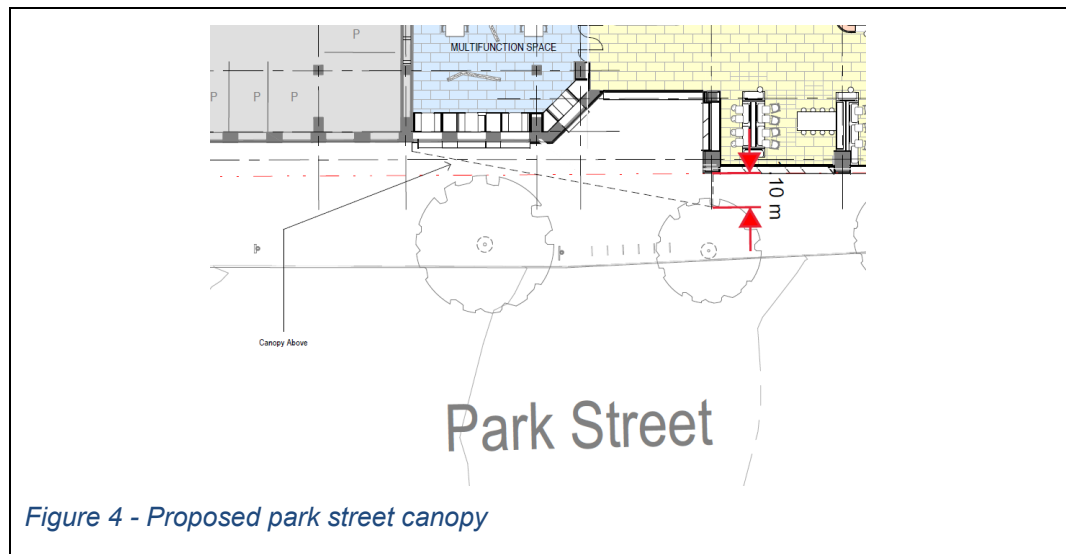


Figure 4 - Proposed park street canopy

In summary, the proposal represents a high quality of architectural resolve that provides for an articulated and interesting development of the land. This design response is highly integrated with the landscaping response which will satisfy the intent of the DDO26 in creating a high quality pedestrian environment to Kings Way.

The application is therefore considered acceptable with respect to the DDO26

11.8 Is the application consistent with the Design and Development Overlay Schedule 31?

The purpose of the DDO31 is to require a referral to Rails Project Victoria who review the proposal to ensure that there is no conflict with the future Metro Tunnel.

RPV has provided a referral which has not objected to the proposal subject to conditions.

These conditions will be placed on any permit issued and is therefore considered satisfied.

11.9 Does the proposal provide an acceptable response to Clause 22.06?

While the DDO26 and DDO31 address key urban design matters it does not address all urban design matters. Clause 22.06 represents Council’s urban design policy for non-residential development and captures relevant urban design matters that require consideration.

The purpose of Clause 22.06 is to build on the objectives of Clause 15 and 15.01-2, and Clause 21.05-3 and seeks to achieve high quality urban design and architecture.

The following table provides an abridged assessment of the proposal against elements of Clause 22.06 that are not previously addressed in the DDO26 commentary.

Clause 22.06 Policy Guidelines	
Urban Art	
Require all new developments where the Total Project Cost* (as	The developer has not proposed any urban art as part of this development.



<p>shown on the Planning Permit Application Form) exceeds two million dollars to provide an urban art contribution that addresses Principle 1 and 2 of the Urban Art Strategy 2002.</p>	<p>Noting the estimated cost of works exceeds two million dollars a condition requiring a contribution will be applied to any permit granted.</p>
<p>Residential Amenity</p>	
<p>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).</p>	<p>Not Applicable</p> <p>The development would not expand on the approved envelope and would not create any additional overshadowing impacts.</p>
<p>Ensure that solar access to existing habitable rooms and private open space of neighbouring residential properties is not unreasonably affected.</p>	<p>Complies</p> <p>The development would not expand on the approved envelope and would not create any additional overshadowing impacts.</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>Complies</p> <p>There is a residential abuttal to the north of the site. Whilst the northern interface and outlook is not being altered as part of this application there are additional structures proposed at the level 8 podium as part of the broader landscaping response. These take the form of tables, chairs, surface treatments, and landscaping.</p> <p>It should be recognised that the level 8 podium is currently permitted to be used in association with the office space which does not require a permit. That said, the intensity of this use cannot be considered as part of this application.</p> <p>The additional structures at the level 8 podium would not create any overlooking to the residential building to the north. The finished floor level for level 8 is not proposed to be altered and there is an existing 2.38m tall balustrade surrounding the terrace, which is setback ???m from the edges of the building.</p>
<p>Protect the occupants of existing and new buildings</p>	<p>Complies subject to conditions</p>



<p>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>Services are focused on the ground-floor or the basement and are remaining relatively unchanged from the current use.</p> <p>The terrace at level 8 is currently surrounded by a 2.38m wide balustrade near the edges of the building. This balustrade will assist in mitigating any potential noise impacts from this terrace.</p> <p>Noise from the use of the refurbished terrace area was a significant concern of objectors to this application. The issues around noise from the terrace is addressed in detail later in this report.</p>
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In summary, and in conjunction with DDO26 discussion outlined earlier in this report, the proposal would satisfy Clause 22.06 and would represent an acceptable response to urban design.

11.10 Would the proposal result in any unreasonable amenity impact?

Consideration of amenity is limited in an application for the refurbishment to an existing building and use, which largely retains the existing envelope. Amenity considerations are further constrained as part of this application noting that the office and retail uses are both Section 1 (no permit required) uses in the Commercial 1 Zone.

In general, there would be no additional amenity impact to neighbouring properties as a result of the buildings and works at ground floor. They do not add any additional volume to the building, and they represent the reutilisation of internal areas for new uses which do not require a permit. Furthermore, they are focused to the St Kilda Road and Park Street interfaces which do not experience the same amenity sensitivities as present to the northern boundary. Rather, the buildings and works to the lower floors are considered to generally improve pedestrian amenity and amenity for future occupants of the building through positive urban design outcomes associated with ‘opening up’ each façade. It is important to note at this point, that the Commercial 1 zone includes a general amenity control requiring that land uses do not detrimentally affect the amenity of the neighbourhood including through, amongst other matters, the emission of noise, artificial light, etc. This control can be utilised to limit any amenity issues that may arise.

The application proposes the refurbish the exiting terrace area on level 8 of the building). It is important to note that the application is not proposing any changes to the use of the terrace on level 8 (which could already be used by tenants of the office) but rather refurbish it with new surface treatments (mix of timber, crushed gravel and paving, new seating and fixtures and planting.

Many of the objections have raised concerns about the use of the terrace and the adverse impact the use of this space could have on the amenity of surrounding residential properties. To address these concerns the applicant has confirmed that the terrace will only be used by tenants of the office building, primarily during business hours. The applicant has also recommended several conditions which

could be included on the permit to address lighting, overlooking and noise from the use of the terrace. These suggested conditions have been copied below:

Lighting

External lighting of the level 8 rooftop terrace area must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining land due to light spill.

Overlooking

Measures to prevent patrons using the rooftop terrace from being able to unreasonably overlook adjoining properties to the satisfaction of the Responsible Authority.

Noise

Noise levels must not exceed the permissible noise levels stipulated in State Environment Protection Policy N-2 (SEPP N-2) (Control of Music Noise from Public Premises), or otherwise updated Environmental Protection Authority regulations, to the satisfaction of the Responsible Authority.

It is recommended that the conditions (including any minor modifications) for lighting and overlooking be included should this permit be issued. It is recommended that the condition for noise be modified in line with recent changes to the Environment Protection Regulations 2021. The suggested condition to read as follows:

Noise

The level of noise emitted from the premises must not exceed the permissible levels specified in Division 1 and 4 of Part 5.3 - Noise, of the Environment Protection Regulations 2021 to the satisfaction of the Responsible Authority.

In regard to overlooking, it is noted that the existing terrace contains a 2.38m high balustrade that extends right around the terrace approximately 1m from the full edge of the building. While the balustrade contains clear glass, its setback from the edge of the roof helps prevent downward views from the terrace. No changes are proposed to the existing balustrade and it is therefore considered that the proposal would not create any new overlooking opportunities.

In addition to the conditions put forward by the applicant, it is recommended that an additional condition is included to ensure that no amplified or live music be allowed on the terrace. Moreover, as outlined previously, the subject site is in a Commercial 1 zone which includes provisions (Clause 34.01-2) to protect the amenity of the neighbourhood through the emission of noise. It is therefore considered acceptable in this instance to include a condition that restricts any amplified or live music in the terrace.

Subject to the conditions put forward by the applicant, the additional condition to restrict amplified or live music, and the amenity control in the Commercial 1 zone, the proposal would not create any unreasonable amenity impact on surrounding property.

11.11 Are the proposed car parking and access arrangements acceptable?

Access and Traffic

The current access arrangements are to be maintained as per existing conditions. That is, three crossovers to the Wells Street interface that provides direct access to the internal car park and the loading bay.

Whilst the access arrangements are to be maintained the overall amount of parking is set to be reduced by 164 parking spaces. This therefore reduces the amount of vehicles entering the Wells Street entrance. The reduction in parking capacity is therefore anticipated to lead to an overall reduction to the traffic generated by the proposal.

It is anticipated that the traffic generation would be reduce compared to the existing situation. The applicant's traffic engineer has summarised the changes to traffic generation by noting:

'As detailed throughout the report, the overall sites car parking capacity will reduce from 478 to 314 car parking spaces. This car parking capacity reduction of 34% or 164 spaces will reduce the overall traffic generation to the site significant.'

It is therefore considered that the development will have an overall reduced traffic impact compared to the original development and a detailed traffic comparison is not necessary as the site aims to encourage further active or public transport modes to the site'.

This finding is considered reasonable and supported by Council's Traffic Engineer who notes:

'With reference to the proposed reduction in onsite parking the traffic generation anticipated from the redevelopment of the site is expected to have minimal impact on the surrounding street network.'

In this respect (and loading discussed separately below) the development would have an acceptable outcome with respect to access and traffic generation.

Parking

Clause 18 seeks to encourage greater utilisation of public and sustainable personal transport, whilst managing the road system and ensuring an adequate supply of car parking that is appropriately designed and located. As an extension of this, Clause 21.03-2 seeks to clearly encourage a prioritisation of sustainable transport options and public transport options explicitly over private vehicles. It also seeks to ensure that the impact of vehicles on local areas is minimised and to ensure that development is self sufficient in off-street parking.

The site is excellently located with respect to public transport and cycling and pedestrian infrastructure. This context supports the transition towards a prioritisation of sustainable and personal transport modes and simultaneously reducing the extent of off-street parking.

'Self-sufficiency' in off street parking for a location such as this is significantly different than self-sufficiency in areas that are not as well serviced by public transport. In a locality so well served by public-transport 'self-sufficiency' generally equates to much lower rates of parking provision, noting that the common expectation for building users will be relying on public transport for access.

The current development provides for a total of 478 parking spaces. It is proposed to reduce this provision to 314 spaces whilst providing for new uses. These new uses would generate a reduction of car parking of 79 parking spaces pursuant to Clause



52.06-5 being 52 spaces for the office component (where the office floor area will increase by 1,755sqm) and 27 spaces for retail (where retail would increase by 925sqm). The total reduction therefore being sought for this application is 243 spaces.

Holistically, for the office component of the development a parking rate of 1.15 spaces per 100sqm of net leasable floor area would be provided where 295 spaces would be provided for the 25,619sqm of office. For the retail premises (including the supermarket), a reduction of 35 spaces from the requirements of Clause 52.06 would be provided where 13 spaces would be provided, and 48 spaces required.

Clause 52.06-7 outlines a number of decision guidelines that the responsible authority must consider before granting a permit for a dispensation from the parking requirements. The following table provides an assessment against these guidelines:

Decision Guideline	Assessment
The Car Parking Demand Assessment.	A parking assessment has been provided by the applicant. The demand assessment has provided a reasonable overview of the context of the site, its accessibility to public and alternative transport modes, and its conclusions are considered reasonable in supporting a dispensation at the site.
Any relevant local planning policy or incorporated plan.	There are no relevant local planning policies or incorporated plan that have not been previously discussed.
The availability of alternative car parking in the locality of the land,	<p>There is a range of alternative car parking options available within a close proximity of the site. This consists of on-street public parking spaces (generally which feature timed and paid parking restrictions) and commercial car parks. Furthermore, there is a quantity of share cars located in the area, which can be viewed as an alternative to traditional car parking provision.</p> <p>As outlined above, there is a range of car parking options available in the immediate area, which subject to availability, can satisfy both short and long term parking demands.</p> <p>Noting that the office use will continue to generate predominantly long term, daytime parking demands, occupants</p>



	<p>travel behaviours will likely correspond with the availability of this parking provision.</p> <p>The supermarket use has 9 parking spaces allocated for this use. This is considered sufficient in this instance due to its size (1200m²), that the majority of supermarket users will access the site from the surrounding, walkable catchments and the changes in shopping behaviours.</p>
<p>On street parking in residential zones in the locality of the land that is intended to be for residential use.</p>	<p>The surrounding parking spaces are time restricted. Generally, being limited to one or two hours, however there are several paid parking areas, which do not feature any timed restriction (those within Bank and Wells Streets).</p> <p>These parks are not generally associated with any residential area but represent the mixed use context of the site.</p>
<p>The practicality of providing car parking on the site, particularly for lots of less than 300 square metres.</p>	<p>There are no practical limitations to providing parking on the site as evidenced by the existing conditions.</p>
<p>Any adverse economic impact a shortfall of parking may have on the economic viability of any nearby activity centre.</p>	<p>There is not considered to be any substantial economic impacts associated with a shortfall of parking on the land. This area of Melbourne is a highly dense and active area where limited parking is typical (i.e CBD, Fishermans Bend, Richmond, Cremorne, etc) and where public transport is widely accessible.</p> <p>The proposal is not anticipated to have any economic impact associated with the parking reduction sought.</p>
<p>The future growth and development of any nearby activity centre.</p>	<p>The surrounding area is equally developed and awaiting development. It is anticipated to become more dense and utilised as time progresses.</p>
<p>Any car parking deficiency associated</p>	<p>A parking dispensation of 261 spaces is associated with the current use and development of the land. The long term shortfall in car spaces has not impacted</p>



with the existing use of the land.	on the operation of the land uses on the site or the surrounding area.
Any credit that should be allowed for car parking spaces provided on common land or by a Special Charge Scheme or cash-in-lieu payment.	Not applicable.
Local traffic management in the locality of the land.	Traffic management is generally undertaken by Council with arterial roads managed by VicRoads. Parking restrictions however are managed by Council for both Council and VicRoads assets. On-street parking has been managed by Council and features a large extent of parking restrictions.
The impact of fewer car parking spaces on local amenity, including pedestrian amenity and the amenity of nearby residential areas	Fewer car parking spaces is anticipated to be associated with fewer car movements. This is a positive outcome for the local immediate area and will improve pedestrian amenity, amenity in nearby residential areas (despite there being limited purely residential areas surrounding the site) and will reduce traffic impacts and congestion.
The need to create safe, functional and attractive parking areas.	This decision guideline is not relevant to this application noting that the access arrangement and façade treatment of parking areas remains almost identical to the existing as-built conditions.
Access to or provision of alternative transport modes to and from the land.	The site benefits from a vast array of alternative transport modes, which will be further enhanced by the completion of Anzac Station. There is a considerable volume of tram services operating in the immediate area, a significant extent of dedicated cycling infrastructure, high quality pedestrian infrastructure, all providing convenient access to the hub of the public transport system contained within the Melbourne CBD.



	Furthermore, the proposal provides for a substantial over supply of bicycle parking facilities contained within the ground level of the building. The amount of bicycle parking provided further supports the parking reduction sought.
The equity of reducing the car parking requirement having regard to any historic contributions by existing businesses.	Historically, no businesses in the surrounding area have made financial contributions to offset parking reductions.
The character of the surrounding area and whether reducing the car parking provision would result in a quality/positive urban design outcome.	Reducing car parking provision will have limited impact on urban design outcomes noting that access arrangements and the architectural treatment of parking areas remains almost identical to existing conditions.
Any other matter specified in a schedule to the Parking Overlay	Not applicable.
Any other relevant consideration	Not applicable.

In summary, the proposed parking reduction is supported. The above assessment has highlighted several key attributes of the site and the surrounding area that provide sufficient justification for a reduction in the parking requirements.

Nevertheless, to ensure that the development maximises personal sustainable transport options and maximises awareness and utilisation of public transport and alternative transport modes in the vicinity of the site it is recommended that a Green Travel Plan be required to be prepared and endorsed as part of the permit.

11.12 Is the proposed loading arrangement acceptable?

Clause 65.01 states that 'before deciding on an application or approval of a plan, the responsible authority must consider as appropriate... the adequacy of loading and unloading facilities and any associated amenity, traffic flow, and road safety impacts'.

11.13 While the loading facility will be retained in its existing location via Wells Street, the proposal would result in several changes to the operation of this facility, including:

- Increased frequency of loading/unloading associated with the new supermarket use and expanded office use
- Reduced loading/unloading demands associated with the reduction in café/retail uses

- Varied loading facility capability as a result of reducing the depth of the existing loading facility as per Figure 5 and Figure 6 below.

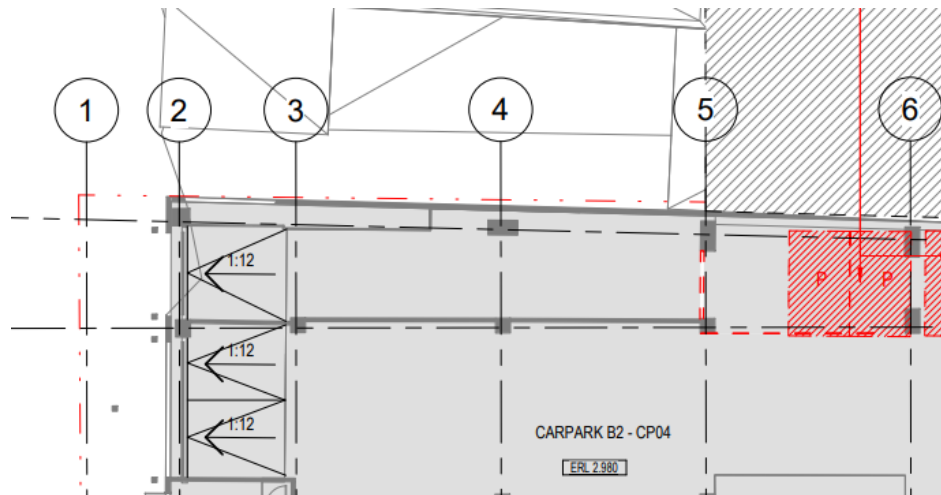


Figure 5 -

Existing loading facility

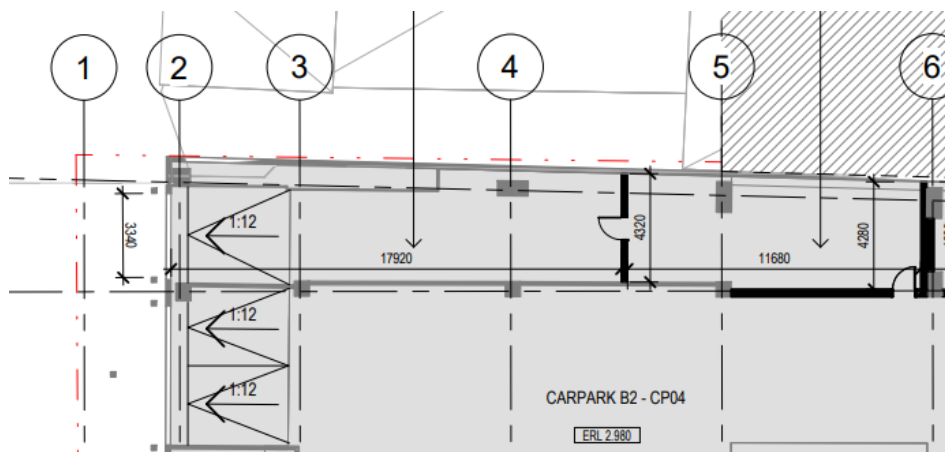


Figure 6 -

Proposed loading bay with reduced depth

The applicant's traffic engineer states:

Access will remain as per existing conditions entering via a reversing manoeuvre from Wells Street and exiting in a forward direction from the loading bay. A minimum height clearance of 3.4 m has been maintained within the loading dock. Additional scheduling will be required to allow for extra deliveries associated with the supermarket tenancy.

Swept path diagrams have been provided which confirm access can be provided for medium rigid vehicles via reverse in and forward out which does not require the full depth of the loading bay as per Figure 7 and Figure 8.

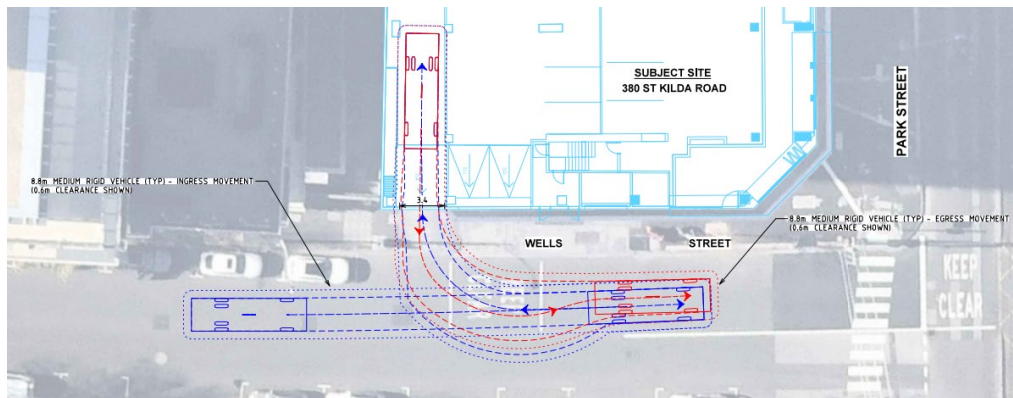


Figure 7 - Swept path diagram for southbound Wells Street vehicles

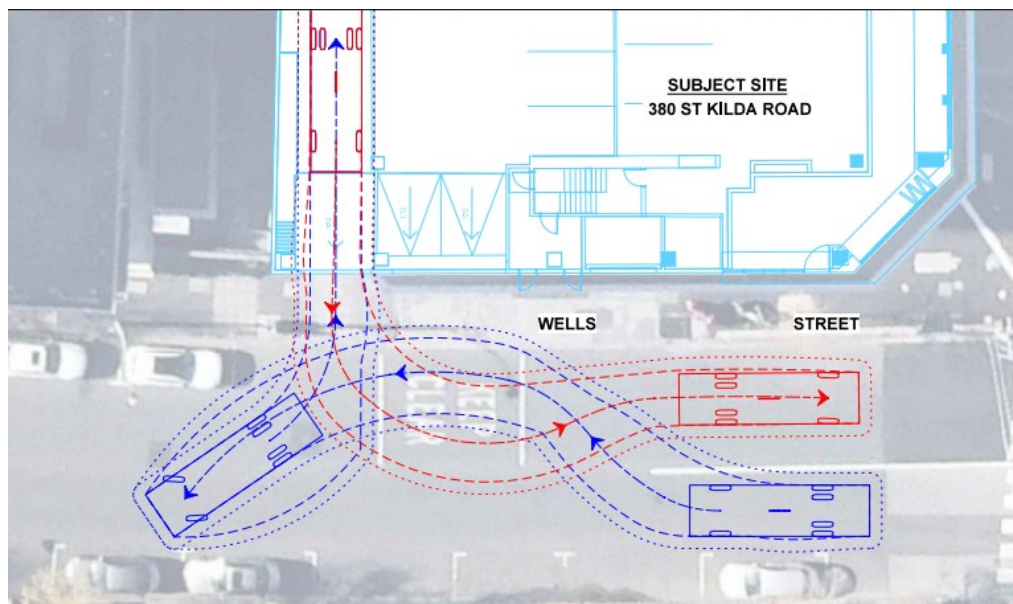


Figure 8 - Swept path diagram for northbound Wells Street vehicles

Council's Traffic Engineer has reviewed this proposal and notes:

Based on the swept path diagrams provided by the applicant; Wells Street on approach to the intersection of Park Street, is to be cleared of almost all queued traffic in order to make the corrective movements required to access the Loading Bay.

The applicant has adequately clarified the traffic generation of waste vehicle movements to the site. Further the applicant advised that waste collection will be limited to outside the peak hrs to avoid delays on street. This is supported by Council; however, we suggest extending the restriction beyond 4.30pm to at least 6.30pm as we are aware of major traffic queuing on Wells Street during this time.

The applicant failed to advise on the anticipated frequency of other Loading Activities e.g. deliveries for the supermarket.

Notwithstanding given these movements require Wells Street Traffic to be cleared (based on Swept Paths); Similar time restrictions, as



suggested by the applicant's for Waste collection activities, should apply for all other loading activities.

Council Traffic Engineers suggest that peak hour restrictions for all waste/loading activities should be considered as a condition of permit to ensure adequate and safe ingress/egress to the site, and limit impact on the surrounding street network.

Based on the above comments it is considered that the onsite loading arrangements are acceptable subject to conditions being included to ensure that all loading activity occurs outside of peak times to avoid any conflict with potential queuing within Wells Street.

Subject to these conditions being applied to any permit if one is to issue, the proposed loading arrangements would be considered acceptable.

11.14 Are the proposed bicycle facilities acceptable

As noted in Section 9 of this report, the proposal provides for excellent end of trip facilities that are well beyond the statutory requirements of Clause 52.34.

This is considered an excellent outcome for the context of the site that is well serviced by significant dedicated cycling infrastructure.

11.15 Are the waste management arrangements acceptable?

As noted in Section 9 of this report, Council's Waste Unit has reviewed the proposed waste loading facilities and provided comments that they were satisfied provided a swept path diagram was provided.

11.16 Does the proposal provide for best practice environmental and water sensitive arrangements?

ESD and WSUD arrangements are discussed in great detail in Section 9 of this report.

Subject to conditions contained in Section 9 the proposal would represent best practice ESD and WSUD arrangements and would be consistent with Clause 22.12. and 22.13.

11.17 Would the proposal impact any Council assets?

The proposed buildings and works would have no impact on any Council street tree noting that the building footprint is not expanded, and the trees are current well established within the footpath. To avoid any potential damage to the trees during construction a permit condition will be placed on any permit issued to ensure that tree protection fences will be required.

Aside from trees, the applicant has proposed a canopy that overhangs Park Street.

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 several positive, neutral and negative impacts, which are outlined below:

Positive

- The proposal is considered to have strong strategic support from the Planning Scheme, which has a consistent theme to 'create vibrant mixed use commercial centres for retail, office, business, entertainment, and community uses' The additional commercial floor area would positively contribute to the economy of the local area and would assist in diversifying the current provision of commercial services.(environmental, economic and social)
- The proposed development of a local supermarket as part of this application is consistent with this state policy direction, which encourages new convenience shopping facilities to provide for the needs of the local population (economic and social).
- The proposal would achieve the purpose of the zone by way of providing a range of commercial uses which would support the locality (environmental, economic and social)
- The proposed redevelopment of the existing building would substantially improve the street interface with the public realm. The proposed works will provide public benefit through greatly improved activation of the lower floor levels and improved legibility and accessibility to the main building entries (economic and social)

Neutral

- Any offsite amenity impacts can be appropriately mitigated by way of permit conditions and planning scheme provisions (environmental, economic and social), should the proposal be supported
- The proposal is considered to satisfy all requirements of DDO26 (environmental, economic and social)
- Carparking rates are considered to be sufficient, balancing considerations of 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 not considered to be significant (economic and social)
- Onsite loading arrangements are acceptable subject to conditions (economic and social)

Negative

- The application has received 44 objections (social)

13. COVENANTS

13.1 The land is formally identified as land in Plan of Consolidation 157497Q Volume 10771 Folio 705. It is subject to a caveat (R29727R) and a Section 55A Agreement (T862711E).

13.2 The caveat registered on the title is made in favour of the State Electricity Commission of Victoria and relates to land reserved for a substation in the north-west corner of the



site and two smaller carriageway easements providing access to the substation from Wells Street.

13.3 The Section 55A Agreement is made between Port Phillip City Council and Royal Domain Centre Pty Ltd. The Agreement pertains to variations sought from applicable building regulations at the time of construction of the building in 1990. The Agreement requires in perpetuity:

- The sealing of the windows in the northern boundary wall between the second to the fifteenth floors less than 3 metres from the boundary at the time when buildings and works are undertaken on the land to the north.
- Require annual inspections of the glazed curtain wall; and
- The sealing of mechanical ventilation systems in the northern boundary wall of the building less than 3 metres from the boundary at the time when buildings and works are undertaken on the land to the north.

The proposal would not impact the obligations of the Section 55A Agreement.

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 proposal is consistent with the strategic direction the Port Phillip Planning Scheme, where the additional commercial floor area would contribute to the economy of the local area and a new convenience shopping facility would be provided catering for the needs of the local population.

16.2 Overall, the proposed building and works are well resolved and would significantly improve the urban design response of the building and its relation to the street, whilst retaining the broader building envelope. The street interface with the public realm would be vastly improved with increased activation of the lower floor levels and improved legibility and accessibility to the main building entries.

16.3 Subject to additional measures to address light glare, noise and a restriction on any live or amplified music for the level 8 terrace, the amenity of surrounding properties would be protected.

16.4 The proposed reduction of carparking is considered acceptable, balancing considerations of promoting sustainable transport while not unduly impacting the surrounding road network.

16.5 Adequate loading facilities would be provided for the retail and office uses.

16.6 It is considered that the development as proposed is appropriate subject to conditions and therefore should be supported.

ATTACHMENTS

- 1. Advertised Plans**
- 2. Design Response**