

City of Port Phillip
Advertised Document
No. of Pages: 15

TOWN PLANNING SUBMISSION

181 Acland Street, St Kilda 3182

This report has been prepared to accompany a planning permit application to the Port Phillip Shire for the use and development of the subject land, known as no. 181 Acland Street, St Kilda.

PORT PHILLIP PLANNING DEPARTMENT
Date Received: 18/03/2021

1. EXECUTIVE SUMMARY

SITE DETAILS

Address	181 Acland Street, St Kilda
Property Description	Lot 1 on Title Plan 172505S
Title Restrictions	Easement
Area	141.81m ²
Local Authority	Port Phillip Shire
Current Use Registered Owner	Torsten, Heidi, David and Russell Hughes

PLANNING SCHEME DESIGNATIONS

Planning Scheme	Port Phillip Planning Scheme
Zone	Commercial 1 Zone (C1Z)
Overlays	Design and Development Overlay (DDO 6-8) and Special Building Overlay (SBO2)
Abuttal(s)	Nil

APPLICATION DETAILS

Applicant	Deathwish Barber Co.
Proposal	Bar (including late general liquor license)
Application Type	New Application
Notification	Discretionary pursuant to Section 52
Referral Authorities	A Section 52 referral to the Victoria Police (liquor license) and Water Authority (SBO) is optional.

INSTRUCTIONS

A town planning submission has been prepared, which undertakes an assessment against the relevant provisions of the Port Phillip Shire and lodge a town planning application seeking approval for the use and development of the land, as illustrated on the attached plans.

The proposal on the subject land, is seeking approval to develop the land for use of a bar (including late general liquor license).

It is submitted that the subject site is appropriate for the mixed use proposed and highly regarded in the commercial precinct of Acland Street. It is important to acknowledge the ample car parking opportunities within the immediate vicinity of the site on surrounding streets, as well as ample public transport (including the Acland Street tram stop directly in front of the site) to accommodate any demand generated from the proposed development. Further to this, it is a commonly held principle that development should be maximised in commercial centres, with car parking to be provided on roads and public car parks. It is noted the subject site is within the Principal Public Transport Network.

PROPOSAL

The application seeks approval for:

*“Mixed use development, including two shops (barber and tattoo parlour);
bar (including late night general liquor licence for consumption on site);*

The following is a summary of the proposal:

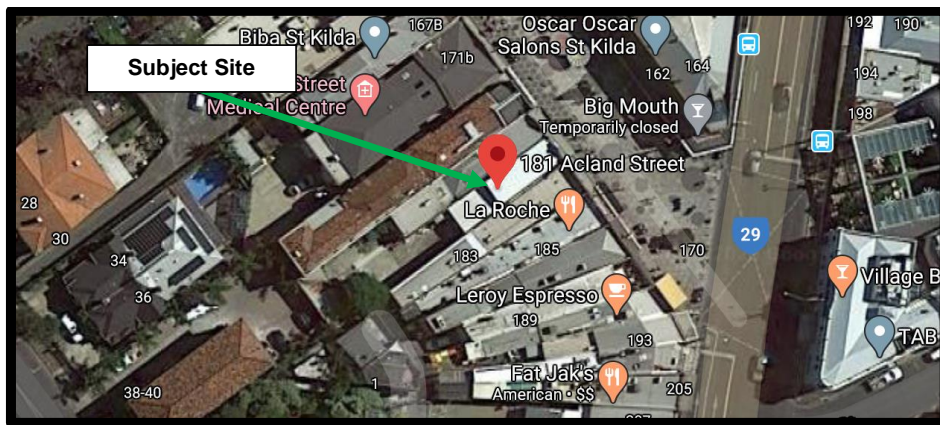
- The area used to sell and consume liquor is proposed within the bar and barber area only.
- The number of patrons the licensed area to serve is 100.
- There is ample parking on surrounding streets and public transport is readily available, including the Acland Street Tram Stop directly in front of the subject site; all of which is relied upon for parking and for visitor access.
- Late night (general) liquor licence required to service the bar facility
- Trading hours are as follows (7 days a week):
 - Barber: 9am to 8pm
 - Tattoo Studio: 10am to 8pm
 - Bar: 11am to 11pm
 - Alcohol to be sold: 11pm to 11pm
 - Good Friday and Anzac Day: 12pm and 11pm.

The proposal also involves buildings and works to cater for the proposed mixed uses on the land, for conversion into a barber, tattoo studio and bar. The area to contain the liquor license would occupy a total leasable floor are of 82.5m² and the two shops (barber and tattoo studio) will occupy a total leasable floor area of 53.74m².

1. SUBJECT SITE & LOCALITY

Site Description

The subject land comprises Lot 1 on Title Plan 172505S, which is more commonly known as no. 181 Acland Street, St Kilda. The subject site is within a commercial precinct, surrounded by mixed uses. The site fronts the Acland Street Tram Stop and is currently developed as a retail premise.



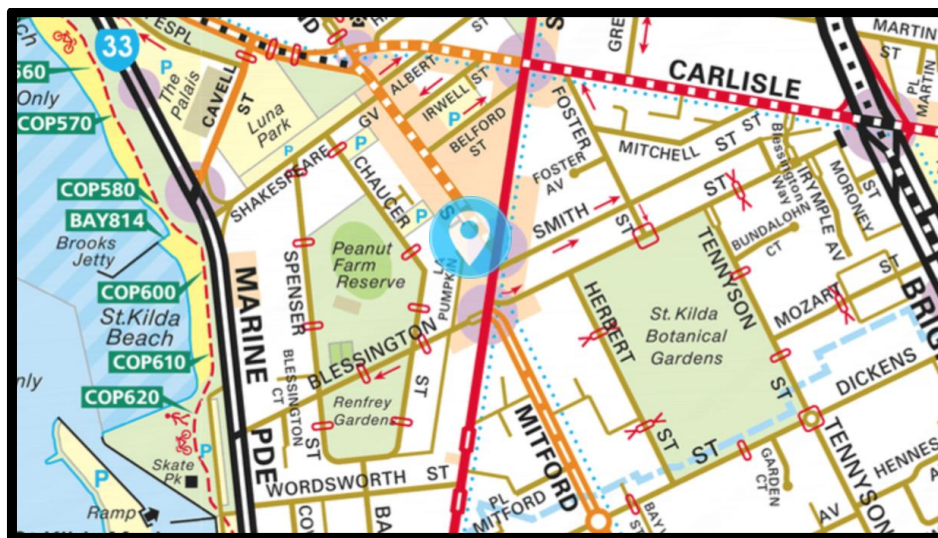
Surrounding Environment

Northeast: Directly in front of the site is Acland Street walkway, with the Acland Street Tram Stop directly in front of the subject site.

Southeast: Immediately adjoining the subject site is no. 183 Acland Street, a commercial property that contains a commercial building.

Southwest: Directly to the rear of the site is 179 Acland Street, a commercially zoned property.

Northwest: Directly adjoining the site to the side is no. 175 Acland Street, a commercially zoned property containing commercial building.

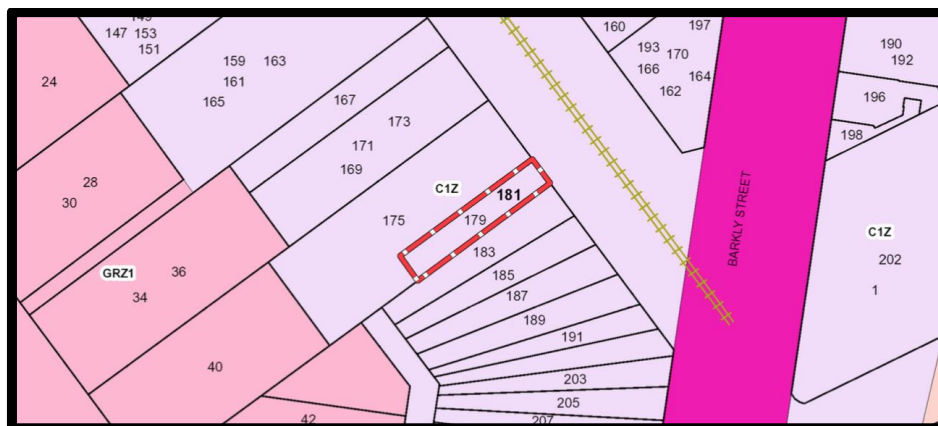


Melway Ref: 58 B11

2. PLANNING PERMIT REQUIREMENTS

The following is a brief summary of the planning controls relevant to the subject site identifying how these planning controls relate to the proposal:

- **Clause 34.01 – Commercial 1 Zone (C1Z)**
Pursuant to Clause 34.01 consent is required for the mixed-use development, including constructing a building or constructing or carrying out works.
- **Clause 52.06 Car parking**
Pursuant to the requirements of Clause 52.06, Column B applies given the site is within a PPTN. Given this is the case, a 'Bar' requires 3.5 spaces to each 100m² of leasable floor area.
- **Clause 52.27 Licensed premises**
Pursuant to the requirements of Clause 52.27 a planning permit is required to use the land to sell and consume liquor. The application proposes to sell and consume liquor on the premises and thus requires a Late Night General Liquor Licence.



Zone Map

3. PLANNING CONSIDERATION

i. State and Local Planning Policy Framework

State Planning Policy Framework relevant to this application are summarised as follows:

- Clause 11.03-1S Activity Centres
- Clause 15.01-1S Urban design
- Clause 15.03-2S Aboriginal cultural heritage
- Clause 17.02-1S Commercial: Business
- Clause 18.02-4S Car parking

Local Planning Policy Framework relevant to this application are summarised as follows:

- Clause 21.02 Municipal Context and Profile

The proposal is consistent with State and Local Planning Policy which seeks to encourage new commercial development that is located in or adjacent to existing activity centres and will contribute to both the economic and social needs of the local community as well as tourists visiting. The site is located within a commercial area that seeks to create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses and is highly accessible via both private vehicle and public transport.

It is submitted that the development will contribute to the neighbourhood, in terms of diversity of choice of commercial and restaurant premises; a high standard of urban design and amenity, accessibility and land use, and transport integration.

On this basis it is submitted the proposed development has a high degree of compliance with the State and Local Planning Policies and this is elaborated upon as follows:

State Planning Policy Framework

Clause 11.03-1S Activity Centres

Objective - *To encourage the concentration of major retail, residential, commercial, administrative, entertainment and cultural developments into activity centres which provide a variety of land uses and are highly accessible to the community.*

This clause seeks to “to build up activity centres as a focus for high-quality development, activity and living for the whole community by developing a network of activity centres”.

The proposal is submitted to achieve a high degree of consistency with this objective given it will ensure St Kilda and more specifically Acland Street will continue to accommodate ongoing investment and change in retail, restaurant and service markets. The proposed mixed-use commercial development is submitted to continue the site’s contribution to the activity centre by providing a range of activities and through a significant improvement to the existing building in a high quality-built environment.

Clause 15.01-1S - Urban design

Objective – *To create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity.*

The proposal is submitted to achieve a high degree of consistency with this objective based on the following comments:

Context	
<ul style="list-style-type: none">▪ <i>Development must take into account the natural, cultural and strategic context of its location.</i>▪ <i>Planning authorities should emphasise urban design policies and frameworks for key locations or precincts.</i>▪ <i>A comprehensive site analysis should be the starting point of the design process and form the basis for consideration of height, scale and massing.</i>	The proposed building and works will fit into the context of surrounding buildings and existing adjoining land uses, given works are proposed to the rear and internally only, with the façade remaining what is currently on site. Furthermore, the commercial precinct is submitted to be an appropriate space for the proposal to take place in.
The public realm	
<ul style="list-style-type: none">▪ <i>The public realm, which includes main pedestrian spaces, streets, squares, parks and walkways, should be protected and enhanced.</i>	The development does not impact on pedestrian spaces and enhances interfaces to Acland Street.

Safety	
<ul style="list-style-type: none">▪ <i>New development should create urban environments that enhance personal safety and property security and where people feel safe to live, work and move in at any time.</i>	The existing interface to Acland Street will be enhanced by this development through improved internal works, promoting a more active frontage. The development will present an attractive outcome that integrates well into the adjoining sites and Acland Street.
Landmarks, views and vistas	
<ul style="list-style-type: none">▪ <i>Landmarks, views and vistas should be protected and enhanced or, where appropriate, created by new additions to the built environment.</i>	There are no significant landmarks, views or vistas located in close proximity to the subject site that would be impacted by the proposal.
Pedestrian spaces	
<ul style="list-style-type: none">▪ <i>Design of interfaces between buildings and public spaces, including the arrangement of adjoining activities, entrances, windows, and architectural detailing, should enhance the visual and social experience of the user.</i>	The existing entrance is maintained, ensuring the proposal integrates well into the site.
Heritage	
<ul style="list-style-type: none">▪ <i>New development should respect, but not simply copy, historic precedents and create a worthy legacy for future generations.</i>	There are no significant heritage places located in close proximity to the subject site that would be impacted by the proposal.
Consolidation of sites and empty sites	
<ul style="list-style-type: none">▪ <i>New development should contribute to the complexity and diversity of the built environment.</i>▪ <i>Site consolidation should not result in street frontages that are out of keeping with the complexity and rhythm of existing streetscapes.</i>▪ <i>The development process should be managed so that sites are not in an unattractive, neglected state for excessive periods and the impacts from vacant sites are minimised.</i>	The proposal is submitted to improve the built environment of Acland Street and the wider St Kilda area as well as enhance the existing built form in keeping with adjoining properties. Furthermore, the proposal will raise the standard for design for future commercial activity in St Kilda.
Light and shade	
<ul style="list-style-type: none">▪ <i>Enjoyment of the public realm should be enhanced by a desirable balance of sunlight and shade</i>▪ <i>This balance should not be compromised by undesirable overshadowing or exposure to the sun.</i>	The amount of interrupted sunlight is unchanged.

Energy and resource efficiency

- *All building, subdivision and engineering works should include efficient use of resources and energy efficiency.* The proposal will make efficient use of resources and energy efficiency.

Architectural quality

- *New development should achieve high standards in architecture and urban design.* The proposal enhances the existing building on the land and will complement nearby buildings. The works will enhance the public realm, providing appropriate levels of visual interest and raising the standard for design for future development. No rooftop plant etc is proposed as part of this application.
- *Any rooftop plant, lift over-runs, service entries, communication devices, and other technical attachment should be treated as part of the overall design.*

Landscape architecture

- *Recognition should be given to the setting in which buildings are designed and the integrating role of landscape architecture.* The proposal does not impact on existing street trees surrounding the site given no external works are proposed facing Acland Street.

Clause 15.03-2S Aboriginal cultural heritage

This clause contains general guidelines for development requiring consideration to be given to the potential for and protection of sites of Aboriginal Heritage Significance. It is necessary to decide whether a Cultural Heritage Management Plan (CHMP) is required if:

- All or part of the activity is in an "area of cultural heritage sensitivity", and
- All or part of the activity is a "high impact activity".

A CHMP is not required to be provided given works are not considered to be an area of cultural heritage.

Clause 17.02-1S – Commercial: Business

Objective –

To encourage development, which meets the communities', needs for retail, entertainment, office and other commercial services.

The proposal is submitted to achieve a high degree of consistency with this objective. This is demonstrated by the fact that the subject site is located within an established commercial centre and is located adjacent to like and complementary uses, which will assist in meeting the community's needs for retail, restaurant and business services. The site has direct access to Acland Street and public parking on surrounding streets.

Clause 18.02-4S Car parking

Objective - *To ensure an adequate supply of car parking that is appropriately designed and located.*

The proposal is submitted to achieve a high degree of consistency with this objective. There are sufficient spaces provided on surrounding streets and the area is within a PPTN area, including a tram stop directly in front of the site, to accommodate any increased demand for parking as a consequence of the proposal.

A permit is not required to reduce the required number of car parking spaces for a new use of an existing building if the following requirements are met:

- The building is in the Commercial 1 Zone, Commercial 2 Zone, Commercial 3 Zone or Activity Centre Zone.
- The gross floor area of the building is not increased.
- The reduction does not exceed 10 car parking spaces.
- The building is not in a Parking Overlay with a schedule that allows a financial contribution to be paid in lieu of the provision of the required car parking spaces for the use.

Municipal Strategic Statement & Local Planning Policy Framework

Clause 21.02 Municipal Context and Profile

The City of Port Phillip continues to play an important role in providing well designed additional housing to accommodate population growth and this is one of the primary ways in which the city can contribute to reducing the effects of climate change, by providing alternatives to urban sprawl. A major challenge related to this is ensuring housing choices remain diverse, affordable and easy to access by sustainable means of transport.

Port Phillip also makes an important contribution to the economic prosperity of the state, through the provision of significant tracts of land suitable for industrial and employment uses, supporting the activities of the Port of Melbourne, supporting a strong tourism industry, and hosting major sporting and cultural events. Station Pier acts as a major national and international gateway to Melbourne.

The development recognises that the subject site is in a favourable position, with the proposed mix use development contributing to the economy of the state and ensuring the uses proposed are in line with the area and the commercially zoned site.

Clause 34.01 Commercial 1 Zone

The property is zoned Commercial 1 Zone (Clause 34.01) in the Port Phillip Planning Scheme and pursuant to the Scheme's provisions the zone is identified as having the following key purposes:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses.*
- *To provide for residential uses at densities complementary to the role and scale of the commercial centre.*

Having extensively assessed the proposal against the requirements of the State and Local Planning Policies it is submitted that the first objective has been satisfied.

In respect of the remaining objectives, it is acknowledged that the proposal is for a mixed use, including shops and a restaurant. The two uses proposed as part of the application are highly regarded along Acland Street, given the area is known for bars, restaurants, retail and similar type of development. Further to this, the proposed uses are in line with surrounding properties, where similar uses are existing and encouraged, demonstrating the proposal will contribute towards the community, economy of the area and the wants and needs of residents, tourists and visitors alike. It is therefore submitted on this basis that the proposed use is consistent with the purpose of the zone.

The development will not affect any nearby residential areas or other uses which are sensitive to commercial off-site effects as there will be minimal increase in emissions and good separation to the residential area to the south of the site. This is further illustrated by the fact that the adjoining commercial uses will operate in harmony with the proposed. It is unlikely that the proposed development would affect the natural or cultural values of the land or surrounding land, given the use is in keeping with surrounding development.

Subject to the discussion above, the proposed is submitted to be consistent with the purpose and decision guidelines of the zone.

Clause 43.02 Design and Development Overlay 6-8

ST KILDA AREA – INCLUDING FITZROY STREET, THE ESPLANADE AND ACLAND STREET

The subject site is affected by this overlay, which notes a permit is required to construct a building or construct or carry out works and states the following:

Preferred Character:

- A cosmopolitan and vibrant shopping, leisure and residential village with a strong sense of its leisure function and local identity.
- A variable scale of development that responds to the different characters of the various streets.
- A precinct that builds on a local ethos of innovative design responses.

Design Objectives:

- To reinforce the existing scale of built form fronting Acland Street in order to achieve open views to the sky from the footpath.
- To encourage built forms that are flexibly designed to accommodate a variety of uses and activities. To ensure built form respects the amenity of the surrounding residential areas.
To ensure built form on Acland Street is consistent with the predominant low-rise scale of the area.
- To retain the urban village atmosphere by a variable scale of buildings that allow for pedestrian friendly design and active frontages.
- To encourage the retention and expansion of through pedestrian traffic from Irwell and Belford Streets to Carlisle and Acland Streets, as well as to the surrounding area.
- To ensure that the scale and design of buildings fronting Shakespeare Grove reflect its high visual prominence from O'Donnell Gardens.
- Architecture should be innovative, of high quality and contribute to the diversity of Acland Street and its surrounds.

The proposal is submitted to be appropriate given the mixed use proposed responds well to the different characters of the various streets and enhances the current site to Acland Street, making good use of the frontage. Further to this, the proposal adds to the vibrant and cosmopolitan feel of the area, given the innovative design and proposed uses, whilst ensuring the front façade both meets the existing character, while ensuring a unique outcome for the site by reinforcing the existing scale of the frontage.

The proposal includes the use of shipping containers to accommodate the toilets and storage facilities, which has been designed in keeping with the cosmopolitan and modern feel of St Kilda and Acland Street, as well as ensuring building height meets the requirements under the DDO. Given the design, layout and proposed mixed uses meet both the requirements and intent of this overlay, it is submitted to be entirely appropriate for approval under the DDO6-8.

Clause 44.05 Special Building Overlay (Schedule 2)

The site is partially affected by the SBO2 to the rear of the site, where buildings and works are proposed as part of the development. It is submitted the proposal has been designed ensuring there is no risk to

flooding; and development on the site has been designed to ensure there will be no significant rise in flood level or flow velocity. It is on this basis that it is submitted to be entirely appropriate for approval under the SBO2.

Clause 52.06 Car Parking

The general purpose of this clause is to ensure car-parking facilities are adequate, safe and functional and achieve a high standard of urban design.

Pursuant to the requirements of Clause 52.06, the subject site is within a PPTN area and therefore Column B applies. It is noted that a 'Bar' requires 3.5 spaces to each 100m² of leasable floor area. Given there is no parking on site, however if the following requirements are met A permit is not required to reduce the required number of car parking spaces for a new use of an existing building:

- The building is in the Commercial 1 Zone, Commercial 2 Zone, Commercial 3 Zone or Activity Centre Zone.
- The gross floor area of the building is not increased.
- The reduction does not exceed 10 car parking spaces.
- The building is not in a Parking Overlay with a schedule that allows a financial contribution to be paid in lieu of the provision of the required car parking spaces for the use.

Given the area of St Kilda the subject site is within, surrounding streets have the ability to accommodate parking for customers. Further to this and importantly, the subject site is directly in front of the Acland Street tram stop, ensuring the best use of public transport exists. This demonstrates the ability to meet the objectives of this Clause.

The proximity of the subject site to public parking is sufficient to demonstrate that the proposed use will not result in traffic congestion, impact upon the functioning of the road network or result in the demand for visitor parking to exceed the supply.

Further to this, the subject site is positioned along Acland Street, which enjoys the benefit of encouraging multi-purpose trips and the use of public transport. On this basis, it is submitted that the waiver to the car-parking requirement associated with the development is appropriate.

It is noted that the area is within a PPTN, with visitors to the site expected to utilise the various public transports available, including the tram stop directly in front of the site.

As there is no Parking Overlay, approved parking precinct plan, or existing cash-in-lieu payment scheme where car parking is not provided on-site in the locality – no cash-in-lieu requirement can be made.

In summary, the nature of the use which encourages walking, multi-purpose trips and public transport and the location of the site with public parking and public transport readily available, demonstrates that the reduction in car spaces is appropriate and will not result in traffic congestion or result in a significant loss of amenity to any person and is therefore appropriate and consistent with the objectives of Clause 52.06.

Clause 52.27 Licensed Premises

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

A permit is required to use land to sell or consume liquor as the following applies:

- ✓ A licence is required under the Liquor Control Reform Act 1998 – this applies to a General License.

The proposal involves providing the bar with the ability to serve liquor to patrons in the form a bar facility. The proposed hours of the bar and therefore of the liquor licence are as follows (7 days):

- Bar: 11am to 11.59pm
- Alcohol to be sold within said hours: 11am to 11.59pm
- Good Friday and Anzac Day: 12pm and 11pm

Notably, several restaurants, bars and cafes operate along Acland Street and the wider St Kilda, with the proposal providing a modern and in demand response to entertainment for St Kilda. On this basis, it is submitted that the licensed area will not have a detrimental effect on any residential area which is further demonstrated by the extent of noise associated with surrounding roads and commercial uses, the existing commercial use of the site and the surrounding like uses which will enable the use to blend into its surrounds.

The nearest residential land is separated from the subject site by the adjoining property to the rear (no. 175 Acland Street), assisting in reducing any potential noise impacts.

The proposal will strengthen the level of service provided to local residents, customers and visitors to the local area. These elements of the proposal will not result in a significant or unreasonable loss of amenity and therefore, there will be little impact on the amenity of nearby uses.

On this basis, it is submitted that the proposed liquor licensed area is reasonable for Council support. Furthermore, the liquor licensed area will be operated in accordance the provisions set out by the Victorian Commission for Gambling and Liquor Regulation (VCGLR) and therefore it is submitted that the proposal is reasonable and

can be considered for approval pursuant to the objectives and decision guidelines of this policy.

4. Title Restrictions

The proposed development does not impact upon the easement on title.

5. Referrals

No Section 55 referrals are required. A Section 52 referral to the Victoria Police (liquor licence) is optional. An application can be considered by the City of Port Phillip as the authority responsible for local drains under the SBO2.

6. Conclusion

It is submitted that the proposed development has been demonstrated throughout the discussion contained within this report to be appropriate and is suitable to be granted a permit on the following basis:

- ✓ The proposal is consistent with the relevant provisions of the State and Local Planning Policy Framework.
- ✓ The proposal is consistent with the purpose of the C1Z, DDO and SBO.
- ✓ The proposal results in an efficient use of the site which is recognised as being able to accommodate the proposed use and development
- ✓ The proposal will not impinge on the orderly planning of the area or affect the amenity of the area

Trusting the above information is considered to be satisfactory, we look forward to receiving confirmation the application will be further processed. should council deem the information supplied to be non satisfactory , we kindly request an extension of 30 days to supply council with additional information.