



**6.2** **8 LOUISE STREET, MELBOURNE - PDPL/01019/2021**

**LOCATION/ADDRESS:** **8 LOUISE STREET MELBOURNE VIC 3004**

**EXECUTIVE MEMBER:** **KYLIE BENNETTS, GENERAL MANAGER, CITY GROWTH AND DEVELOPMENT**

**PREPARED BY:** **PATRICIA STEWART, FISHERMANS BEND URBAN RENEWAL SENIOR PLANNER**  
**DONNA D'ALESSANDRO, MANAGER CITY DEVELOPMENT**

## 1. PURPOSE

1.1 To consider and determine planning permit application PDPL/01019/2021 for:

- the use of the land for accommodation in a Commercial 1 Zone (C1Z) where the frontage at ground floor level exceeds 2 metres and a retail premises (as-of-right);
- to construct and carry out works in a Commercial 1 Zone (C1Z);
- to construct and carry out works for a building exceeding 33 metres in a Design and Development Overlay (DDO13);
- to construct and carry out works in a Design and Development Overlay (DDO26);
- to construct and carry out works for a building exceeding 15.7 metres in a Design and Development Overlay (DDO28); and
- to reduce the required number of car parking spaces.

## 2. EXECUTIVE SUMMARY

<b>WARD:</b>	Gateway
<b>TRIGGER FOR DETERMINATION BY COMMITTEE:</b>	The number of objections exceeds 16 or more
<b>APPLICATION NO:</b>	PDPL/01019/2021
<b>APPLICANT:</b>	Urbis
<b>EXISTING USE:</b>	Residential
<b>ABUTTING USES:</b>	Mixed Use Commercial and Residential
<b>ZONING:</b>	Commercial 1 Zone (C1Z)
<b>OVERLAYS:</b>	Design and Development Overlay, Schedule 26-5A (DDO26-5A) Design and Development Overlay, Schedule 13 (DDO13) Design and Development Overlay, Schedule 28 (DDO28)
<b>STATUTORY TIME REMAINING FOR DECISION AS AT DAY OF COUNCIL</b>	Expired



- 2.1 The application proposes the construction of a 17-storey mixed use building comprising:
- A three (3) storey podium with 14-storey tower above;
  - A retail premises (175 square metres) and communal facilities associated with accommodation at ground floor level;
  - 104 apartments at Levels 1-16;
  - The site would have vehicle access from Queens Lane to three basement levels which include:
    - 89 car parking spaces (88 car parking spaces and one small car parking space at Basement 1)
    - 86 bicycle spaces
- 2.2 The proposal involves the demolition of the existing apartment building. The site is not located within a Heritage Overlay, nor is it identified in the Port Phillip planning scheme as having 'heritage significance outside of the Heritage Overlay' and therefore does not require a planning permit for demolition.
- 2.3 The site was assessed for potential heritage significance in 2018. This was as part of a desktop review undertaken by Council's Heritage Advisor of all places and precincts of potential heritage significance requiring further assessment across the whole of the municipality. The desktop review identified that this property has potential historic and aesthetic significance.
- 2.4 Detailed precinct reviews include a full heritage study and formal assessment of each property within the review area. They make a recommendation as to which sites should be included in a Heritage Overlay and include citations and gradings. These precinct reviews are required to be completed before any heritage overlay can be proposed or sought by Council. This review has not yet occurred for this precinct or subject site and therefore Council is not in a position to seek interim or permanent heritage controls at this time.
- 2.5 Further, Council issued a s29A approval on 29 June 2021, which allows the full demolition of the building under the Building Act. This means that the building could be lawfully demolished. Even if Council were in a position to be able to apply for interim or permanent heritage controls, if introduced they would not have any effect in preventing the demolition, because the s29A approval has been granted. Officers of Department of Environment, Land, Water and Planning (DELWP) have advised that *'where a council has given its consent (i.e. S29A) or issued a planning permit that implies demolition, an amendment seeking an interim Heritage Overlay will not be supported. This is to afford natural justice and procedural fairness to property owners who have received consent to demolish'*.
- 2.6 The application was advertised and received 66 objections. The concerns relate to a broad range of issues including the demolition of the existing building on site, the relationship of the building with other heritage properties within the immediate area, the design response to Louise Street and Queens Lane, non-compliance with preferred requirements of the Design and Development Overlay (DDO26), amenity impacts of the building (visual bulk, overshadowing and overlooking), landscaping response, car parking and traffic, waste collection and the amenity impacts from construction.



- 2.7 A Consultation Meeting was held on 8 March 2022. The meeting was attended by all Ward Councillors, the applicant, objectors and planning officers. The meeting did not result in any formal changes to the proposal however the applicant referenced and circulated additional information to Council in response to objector concerns and Council internal referral comments. This information was not formally amended pursuant to s57A of Planning and Environment Act to form part of the application material to be considered. The additional information holds no formal status and was therefore not circulated with objecting parties notwithstanding formal requests to the applicant to do so.
- 2.8 The proposal is considered to have strong strategic support from the Planning Scheme which has a consistent theme of increasing residential density at strategic locations and within proximity to jobs, services and public transport.
- 2.9 Community concerns have been raised that the proposal would unreasonably impact the setting and significance of the cluster of heritage properties in this area. In this regard it is noted that:
- Nearby buildings are examples of individually significant heritage places that are significant 'independent of their context'.
  - The surrounding context is very diverse, and all the buildings are in varying degrees viewed in the context of surrounding mid to high rise office developments.
  - The strategic importance of the St Kilda and Queens Road corridor for higher density development is directed by Design and Development Overlay (DDO26) and a midrise development on the subject site that complies with the relevant aspects of DDO26 will not adversely impact upon the heritage significance of the surrounding heritage places listed above.
- 2.10 The overall development would provide a sense of continuity with other high-rise developments constructed between St Kilda Road and Queens Lane without undermining the significance or setting of neighbouring heritage places.
- 2.11 While shadows would be cast over the adjoining streets and areas of private open spaces, the shadows are considered to be appropriately 'minimised' within the tolerances envisaged by DDO26 where development of up to 65 metres AHD are anticipated.
- 2.12 The development would provide a 52% BESS Score which is considered 'Best practice'. Council's ESD Officer recommends that a development of this size is required to meet a minimum 70% overall score to achieve 'Design excellence'. Subject to conditions, 'Design excellence' can be achieved.
- 2.13 The application also proposes a reduction of carparking which can be justified given it promotes the use of sustainable transport and limits the impact on the surrounding road network, particularly traffic generation within Queens Lane. An increase in bicycle parking above the required rates has been recommended by the Department of Transport and supported by Councils Traffic Engineers.
- 2.14 On site loading and waste collection facilities would be provided within the development which would limit the impact of loading and waste collection on the operation of Queens Lane. Conditions requiring bins of greater capacity and more



waste streams and / or more frequent collections would satisfy Council's Waste Management requirements

2.15 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:
  - 3.2.1 the use of the land for accommodation in a Commercial 1 Zone (C1Z) where the frontage at ground floor level exceeds 2 metres and a retail premises (as-of-right).
  - 3.2.2 to construct and carry out works in a Commercial 1 Zone (C1Z).
  - 3.2.3 to construct and carry out works for a building exceeding 33 metres in a Design and Development Overlay (DDO13).
  - 3.2.4 to construct and carry out works in a Design and Development Overlay (DDO26).
  - 3.2.5 to construct and carry out works for a building exceeding 15.7 metres in a Design and Development Overlay (DDO28); and
  - 3.2.6 to reduce the number of car parking spaces.

at 8 Louise Street, Melbourne

- 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 plans prepared by Cera Stribley titled "8 Louise Street Melbourne Multi-residential", Job No 21089, Plans No's TP000-TP.051 (Early works), TP.1091-TP.1150 (General Arrangement), TP.2000-TP2103 (Elevations), TP.3000-TP3111 (Sections), TP.5000-TP.5301 (Interiors / Typologies) and TP.8000-TP.8006 (Shadow Study) dated 16 November 2021, Council date stamped 19 November 2021 and advertised but modified to show:

- a) Access door/s provided from the ground floor internal communal area to the external communal area along the eastern site boundary.
- b) The east elevation updated to detail screening measures at podium levels to limit overlooking into areas of secluded private open space and habitable room windows at 490 St Kilda Road.
- c) An annotation in accordance with the design standards of Table 4 of Standard D17 (Accessibility objective) of Clause 58 (Apartment Developments) to confirm that Design Option B includes inward opening doors that have readily removable hinges and all showers are step free.



- d) The fire booster cupboard on Louise Street relocated to a less prominent location in the streetscape and architecturally resolved with the street interface. The fire booster cupboard must be located to avoid trenching within the Tree Protection Zone of the street trees or proposed vegetation within the Louise Street setback.
- e) Indicative location of an urban artwork along the Queens Lane façade at podium levels. The artwork must be appropriately integrated with the brick finishes and service cupboards and generally in accordance with Council's Urban Art Strategy.
- f) A wider pedestrian entry to Louise Street and the relocation of the water feature to facilitate improved visibility to the retail tenancy entry from Louise Street.
- g) Location of planter boxes, tree planting and surface finishes to be consistent with the Acre Landscape Plans required by Condition 14.
- h) The height of the brick fence to Louise Street / Queens Lane junction to be no higher than 0.9m in height for 2m along each side of the corner to provide adequate visibility sightlines.
- i) 50% of all car parking spaces to have access to an electric vehicle charging point.
- j) An electric bike charging installation.
- k) Provision of accessible car parking design to meet AS 2890.6.
- l) Provision of convex mirrors and a warning light at the Queens Lane car park exit. The mirror must be within the property boundary to provide exiting vehicles with appropriate sight lines.
- m) Dimension of the placement of the columns within the basement car parking levels and clearance distances to demonstrate compliance with Clause 52.06.
- n) Over-bonnet storage to be a minimum of 1.5m above finished floor level.
- o) A minimum headroom clearance of 2.1m beneath the carpark doors/ within basement ramps.
- p) Basement access ramps and gradient changes detailed on the floor plans and sections.
- q) Loading area headroom clearance as per *AS2890.2 – Off Street commercial vehicle facilities*.
- r) Provision of an additional 43 bicycle parking spaces on-site.
- s) All bicycle spaces must be installed in accordance with the Australian standards, ensuring each space has a clear 1.5m access aisle.
  - Horizontal rail spaces are to be 1.8m long with 1m centres.
  - Vertical rails are to be installed in a staggered arrangement as per Figure B7 – AS2890.3.



- t) Back-of-house access from the ground floor level retail tenancies to the bin room.
- u) Storage space for Hard waste, E-waste, Organic/Green waste and a Charity bin.
- v) All redundant crossover on Queens Lane shown to be reinstated to kerb and channel.
- a) A coloured schedule of the materials, colours and finishes to be used on the main external surfaces, including roofs, walls, windows, doors of the proposed building with details of the glare and solar reflectivity of the building and in accordance with Condition 27.
- b) Detail proposed 20,000L tank connected to all toilets on plans.
- w) Plan notations for lighting to main building entries, pedestrian areas and car parking.
- x) A Services Plan and Report prepared by a suitably qualified person detailing the type, location and service authority requirements for the building based on the height of the building, number of units, visibility and ease of accessibility, operational requirements including distances from entries and connection points, and safety.
- y) All plant, equipment and services (including air conditioning, heating units, hot water systems, etc.) which are to be located externally must be identified on plans.
- z) Plan and elevation details of car park ventilation.
- aa) Any changes required by conditions 4 (Sustainable Management Plan), 7 (Water Sensitive Urban Design), 9 (Drainage / Engineering), 12 (Urban Art), 13 (Waste Management Plan), 14 (Landscape Plan), 17 (Tree protection), 21 (Traffic Impact Assessment), 25 (Green Travel Plan) and 28 (Wind).

**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 Ark Resources dated 3 August 2021 but updated to address the following:



- a) Measures to meet a minimum BESS score of 70% overall score to achieve 'Design excellence'.
- b) Detail proposed 20,000L tank connected to all toilets on plans.
- c) Provisions of a Construction Site Management Plan.
- d) Annotation on the plans for electric vehicle infrastructure.
- e) Provide additional notes on the drawings and in the report, which shows the private open space area of each apartment will be provided with an external tap and floor waste.
- f) Light-coloured or reflective finishes for the non-visible flat roofs.
- g) Materials to correspond with <https://www.portphillip.vic.gov.au/planning-and-building/where-do-istart/sustainable-design> "The 10 Sustainable Building Categories" section for requirements under this category.

**5 Incorporation of 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 Sustainable Management Plan 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:

- a) inspection frequency
- b) cleanout procedures
- c) 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 Drainage / Engineering**

Before the development starts excluding demolition, excavation, piling, site preparation works, and works to remediate contaminated land, or as otherwise agreed by the Responsible Authority, a stormwater drainage system design incorporating integrated water management design principles, must be submitted to and approved by Port Phillip City Council. The stormwater drainage system design must:

- a) Include a detailed response to Clause 22.12 (Stormwater Management (Water Sensitive Urban Design) of Port Phillip Planning Scheme'.
- b) Incorporate a legal point of discharge (LPD) to the satisfaction of Port Phillip City Council.

**10 Drainage / Engineering**

The stormwater drainage system must be constructed in accordance with the design approved under this permit, connected to the existing stormwater drainage system and completed prior to the occupation of the building to the satisfaction of Port Phillip City Council.

**11 Drainage / Engineering**

The sewer boundary trap for the property to be located within the property boundary.

**12 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.





### 13 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 (prepared by One Mile Grid dated 4 August 2021) submitted with the application.

- a) Increase the number of bins or collection frequency. Waste calculation is estimated as below:
  - Retail (non-food), 50L/100m<sup>2</sup> floor area/week (waste and recycling);
  - Takeaway, 150L/100m<sup>2</sup> floor area/day (Waste and recycling), for Takeaway we use 7 days per week.
- b) Detail how residents would access the organic bins.
- c) Detail bin space for glass recycling to comply with State Government's four waste stream policy.
- d) Detail provision of a charity bin.
- e) Sufficient clearance and separation for bins underneath the chute outlet to avoid cross contamination of waste streams.
- f) Direct access from retail tenancy to the waste room.
- g) Clarification all waste collection times will accord with Council's Local Laws.

### 14 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. The Landscape Plan must be generally in accordance with the Landscape Plan (prepared by Acre) submitted with the application but amended to incorporate:

- a) A planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.
- b) A survey, including, botanical names of all existing trees to be retained or removed on the site including Tree Protection Zones for trees to be retained, calculated in accordance with AS4970-2009.
- c) A survey including botanical names, of all existing trees on neighbouring properties where the Tree Protection Zones of such trees calculated in accordance with AS4970-2009 fall partially within the subject site.
- d) The delineation of all garden beds, paving, grassed area, retaining walls, fences and other landscape works and be consistent with the architectural plans.
- e) A range of plant types from ground covers within the Louise Street frontage not exceeding a height of 1m, not located within required visibility splays and be provided at adequate planting densities.



- f) All trees provided at a minimum of 2 metres in height at time of planting, medium to large shrubs to be provided at a minimum pot size of 200mm.
- g) Understorey landscaping within the garden bed fronting Louise Street not to exceed a mature height of 1m.
- h) Notes regarding site preparation, including the removal of all weeds, proposed mulch, soil types and thickness, subsoil preparation and any specific maintenance requirements.
- i) Tree protection measures including for street trees accurately drawn to scale and labelled as per the endorsed Tree Management Plan.
- j) The location of tree protection measures illustrated to scale and labelled on the Ground Floor Plan as per the endorsed Tree Management Plan.
- k) Any changes as required by Condition 1.

When the Landscape Plan is approved, it will become an endorsed plan forming part of this Permit.

#### **15 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.

#### **16 Landscaping Maintenance**

The landscaping as shown in 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.

#### **17 Tree Protection**

Concurrent with the endorsement of plans, a Tree Management Plan prepared by a suitably qualified arborist in accordance with AS4970-2009, must be submitted to and be endorsed by the Responsible Authority and incorporate:

- a) A Tree Management Report (written report) must provide details of:
  - Any non-destructive root investigation undertaken to determine the location and distribution of roots of trees nominated on the Tree Protection Plan;
  - Proposed footings and construction methods for any buildings or structures within the Tree Protection Zone nominated on the Tree Protection Plan;
  - How excavation impacts, including soil level changes, on trees to be retained will be managed;
  - How the canopy of trees nominated on the Tree Protection Plan will be protected;
  - Tree protection fencing, or ground protection where required, provided in accordance with AS4970-2009;



- Stages of development at which inspections are required to ensure tree protection measures are adhered to must be specified;
  - Any other measures required to demonstrate the successful ongoing retention and viability post-construction of any trees nominated on the Tree Protection Plan.
- b) A Tree Protection Plan (scale drawing) must provide details of:
- The Tree Protection Zone and Structural Root Zone, calculated in accordance with AS4970-2009, for all trees to be retained on the site and for all trees on neighbouring properties where the Tree Protection Zone falls partially within the subject site;
  - The location of tree protection measures illustrated to scale and labelled;
  - Appropriate signage on any tree protection fencing prohibiting access, excavation, changes in soil levels, or any storage within the Tree Protection Zone in accordance with AS4970-2009 unless with the prior written consent and under the direct supervision of the consulting arborist;
  - Maintenance of the area(s) within the Tree Protection Zone in accordance with AS4970-2009;
  - Any pruning to be undertaken being in accordance with AS4373-2007;
  - A notation to refer to the Tree Management Report.

**18 Tree Protection**

All protection measures identified in the Tree Management Report must be implemented, and development works undertaken on the land must be undertaken in accordance with the Tree Management Report and Tree Protection Plan, to the satisfaction of the Responsible Authority.

**19 Tree Protection**

Prior to the commencement of works, the name and contact details of the project arborist responsible for implementing the endorsed Tree Management report and Tree Protection Plan must be submitted to the Responsible Authority.

**20 Street Tree Protection:**

Tree Protection Fencing is to be established around the tree protection zone of the Louise Street, street trees prior to demolition and maintained until all works on site are complete.

- a) The fencing is to be a 1.8-metre-high temporary fence constructed using chain wire / cyclone mesh panels, with shade cloth attached (if required), held in place with concrete feet/pads. Alternative materials may be used, if approved by the Responsible Authority.
- b) The fencing is to encompass the entire nature strip with each end beyond the TPZ of each tree as shown in the Tree Protection and Management Plan (drawing).



- c) No excavation, construction activity, grade changes, surface treatment or storage of materials of any kind is permitted within the TPZ, unless approved in the endorsed Tree Protection and Management Plan.

**21 Traffic Impact Assessment**

Before the use or development starts, a Traffic Impact Assessment to the satisfaction of the Responsible Authority must be submitted to and when approved, the plan will be endorsed and will then form part of the permit. The plan must be generally in accordance with the Traffic Impact Assessment prepared by OneMile Grid dated 4 August 2021 but must include:

- a) A Traffic Survey of the existing and the expected traffic volumes compared to the acceptable limit for the road function. The assessment is to consider traffic impacts to the intersections of Louise Street/Queens Road and Louise Street/St Kilda Road.

The TIA must demonstrate that the traffic generate would be the acceptable road capacity limits.

**22 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:

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

All to the satisfaction of the Responsible Authority.

**23 Loading/unloading**

The loading and unloading of vehicles and the delivery of goods to and from the premises must at all times be conducted entirely within the site and in a manner that limits interference with other vehicular traffic to the satisfaction of the Responsible Authority.

**24 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.



**25 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.

**26 Walls on or facing the boundary**

Before the occupation of the development allowed by this permit, all new or extended walls on or facing the boundary of adjoining properties and/or a laneway must be cleaned and finished to a uniform standard to the satisfaction of the Responsible Authority. Unpainted or unrendered masonry walls must have all excess mortar removed from the joints and face and all joints must be tooled or pointed also to the satisfaction of the Responsible Authority. Painted or rendered or bagged walls must be finished to a uniform standard to the satisfaction of the Responsible Authority.

**27 Glare**

External building materials and finishes must not result in hazardous or uncomfortable solar reflectivity and glare to pedestrians, public transport



operators and commuters, motorists, aircraft, or occupants of surrounding buildings and public spaces, to the satisfaction of the Responsible Authority.

**28 Wind**

Before the development starts, excluding demolition, excavation, piling, and site preparation works, and works to remediate contaminated land, an amended Pedestrian Wind Environment Study must be submitted to and approved by the Responsible Authority in consultation with Port Phillip City Council. The amended Study must be generally in accordance with the Environment Wind Assessment prepared by Mel Consultants (report 153-21-DE-EWA-) but modified to address all changes required under this Condition 1 and must:

- a) Include wind tests taken at various points within the surrounding public realm with an assessment area (i.e. include in the assessment major nearby developments, under construction and approved, and communal open space areas).
- b) Carry out the wind tests on a model of the approved building inclusive of the modifications required to determine the wind impacts of the development.
- c) Provide recommendations for any modifications which must be made to the design of the building to improve any adverse wind conditions within the public realm, communal open space areas and adjoining windows of heritage properties.
- d) Demonstrate (or provide built form recommendations) that the development will ensure all publicly accessible areas, including footpaths will not be adversely affected by 'unsafe wind conditions'.
- e) Demonstrate (or provide built form recommendations) that the development should achieve 'comfortable wind conditions'.
- f) Demonstrate achievement of the wind comfort criteria
  - Sitting: Private balconies and communal private open space;
  - Standing: The Louise Street and Queens Lane frontages of the site; and
  - Walking: The remaining publicly accessible areas.

**29 Wind**

Any further modifications required to the development in order to ensure acceptable wind conditions to the surrounding streets and public areas must be located within the development (not on public land), carefully developed as an integrated high-quality solution with the architectural design and not rely on street trees or rely on wind amelioration screens within the public realm to the satisfaction of Port Phillip City Council.

**30 Wind**

The recommendations and requirements of the approved Wind Impact Assessment Report must be implemented to the satisfaction of Port Phillip City Council before the development is occupied.

**31 Noise Limits for Commercial, Industrial and Trade Premises**

All air conditioning and refrigeration plant must be screened and baffled and/or insulated to minimise noise and vibration to ensure compliance with noise limits determined in accordance with Division 1 and 3 of Part 5.3 - Noise, of the



Environment Protection Regulations 2021 to the satisfaction of the Responsible Authority.

**32 Vehicle Crossings – Removal**

Before the occupation of the development allowed by this permit, all disused or redundant vehicle crossings, must be removed and the area re-instated with footpath, nature strip and kerb and channel at the cost of the applicant/owner as well as any on street parking signage and line marking changes and to the satisfaction of the Responsible Authority.

**33 Lighting baffled**

All lighting of external areas must be suitably baffled so as not to cause nuisance or annoyance to nearby residential properties.

**34 Victorian Health Building Authority condition**

Should any cranes and associated construction equipment be used, prior to the commencement of any development (including any demolition or excavation) or by such time as agreed by the Responsible Authority and Department of Health in writing, a Flight Path Crane Construction Management Plan must be prepared to the satisfaction of the Department of Health and be approved by the Responsible Authority.

The Flight Path Crane Construction Management Plan must include measures to minimise the impact of the construction of the building on the safe and unfettered operation of the Alfred Hospital helipad. The Flight Path Crane Construction Management Plan must identify the location and height of any construction equipment, including cranes which must be provided to the Department of Health at least five days prior to commencement. The management measures incorporated within the plan must be implemented during the construction of the building to the satisfaction of the Department of Health and the Responsible Authority.

**35 Victorian Health Building Authority condition**

Cranes and other associated construction equipment must be lit in accordance with Air Ambulance Victoria specified crane lighting requirements and in addition, be fitted with continuously operated low intensity steady red obstruction lighting in accordance with the Civil Aviation Safety Authority (CASA) Part 139 (Aerodromes) Manual of Standards 2019 Chapter 9 Division 4 Obstacle Lighting at their highest point(s) to ensure that they can be seen within the helicopter flight paths.

**36 Satisfactory Continuation**

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

**37 Time for Starting and Completion**

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

- a) The development is not started within three (3) years of the date of this permit.



- b) The development is not completed within five (5) 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

4.1 There is no relevant history or background for this application.

#### 5. PROPOSAL

5.1 The application proposes the construction of a 17-storey mixed use building comprising:

- A three (3) storey podium with 14-storey tower above;
- A retail premises (175 square metres) and communal facilities associated with accommodation at ground floor level;
- 104 apartments at Levels 1-16;
- The site would have vehicle access from Queens Lane to three basement levels which include:
  - 89 car parking spaces (88 car parking spaces and one small car parking space at Basement 1)
  - 86 bicycle spaces

5.2 The plans which are the subject of this report are the plans prepared by Cera Stribley titled “8 Louise Street Melbourne Multi-residential”, job no 21089, plans no’s TP000-TP.051 (Early works), TP.1091-TP.1150 (General Arrangement), TP.2000-TP2103 (Elevations), TP.3000-TP3111 (Sections), TP.5000-TP.5301 (Interiors / Typologies) and TP.8000-TP.8006 (Shadow Study) dated 16 November 2021, Council date stamped 19 November 2021 and advertised.

5.3 The proposal is detailed within the following table:

	Proposal
<b>Site area</b>	1,217square metres
<b>Land uses</b>	Mixed use <ul style="list-style-type: none"> <li>• Retail premises (175square metres)</li> <li>• Accommodation (104 apartments).</li> </ul> The proposed dwelling mix would be as follows: <ul style="list-style-type: none"> <li>– 1 bedroom -13 / 12.5%</li> <li>– 2 bedroom - 69 / 66.3%</li> <li>– 3 bedroom - 16 / 5.8%</li> </ul>



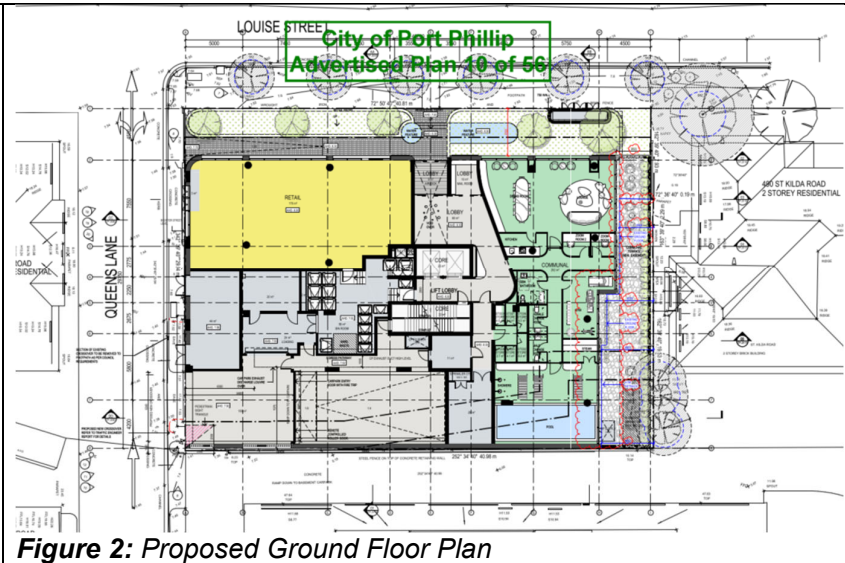
<b>Demolition</b>	Demolition of existing 3-storey building on-site. A planning permit is not required.
<b>Buildings and works</b>	<p>The application proposes the construction of a 17-storey comprising a three (3) storey podium with 14-storey tower above;</p>  <p><i>Figure 1: Photomontages of views to proposal from Louise Street</i></p> <p>The development would stand to a height of:</p>




	<ul style="list-style-type: none"> <li>• 54.48m (62.55m AHD) to the parapet</li> <li>• 57.32m (65.00m AHD) to the top of plant equipment</li> <li>• 11.32m in height (19m AHD) to the top of the three-storey podium</li> </ul> <p>The proposed setbacks are:</p> <p><b>Podium:</b></p> <ul style="list-style-type: none"> <li>• Louise Street (north): 4.1m with cantilevering planter boxes encroaching approximately 1.4m into this setback at Levels 1 and 2. <i>Note: While a 4.5m setback is not mandatory, it is noted that Section 2.3 of DDO26 allows for the encroachment of architectural features including landscaping and balconies.</i></li> <li>• Side to 490 St Kilda Road (east): 3.2m and 4.5m</li> <li>• Side to Queens Lane (west): 0m</li> <li>• Rear to 492 St Kilda Road (south): 0m</li> </ul> <p><b>Tower:</b></p> <ul style="list-style-type: none"> <li>• Louise Street (north): 4.5m to the glazing line with exposed slab edges and balconies encroaching between 0.4m (Level 3) and 1.7m (Level 16) into these setbacks.</li> <li>• Side to 490 St Kilda Road (east): 4.5m with exposed slab edges and balconies encroaching a maximum of 1.1m (Level 16) into the setback.</li> <li>• Side to Queens Lane (west): 5m – 5.1m setback with exposed slab edges and balconies encroaching a maximum of 1.3m (Level 16) into the setback.</li> <li>• Rear to 492 St Kilda Road (south): 4.2- 4.4m setback with exposed slab edges and balconies encroaching a maximum of 0.5m into the setback.</li> </ul> <p>The podium would be finished in brick and glazing with concrete planter boxes at Levels 1 and 2 cantilevering the ground floor plane. The podium would adopt bullnose profiles to the corners and a double height entry with arches above to identify the entry.</p> <p>The tower form would provide for a relatively simple form involving floor to ceiling glazing to each frontage with rounded exposed concrete slab edges between. A vertical recess in the exposed slab edges are proposed to the Louise Street frontage. Shallower vertical recesses in the exposed slab edges are proposed to the east and west elevations.</p>
<p><b>Basement levels</b></p>	<p>Three basement levels are to be constructed to the title boundary but for the east where a 2.47m setback is proposed. The basement would be accessed via an amended crossover to Queens Lane.</p> <p>Car parking is provided within three levels of basement (32, 32 and 26 spaces at basement levels 3, 2 and 1 respectively).</p>



	<p>Access aisles are generally 6.4m in width with typical parking spaces being 2.6m in width and 4.9m in depth. DDA compliant spaces are not allocated.</p> <p>Over the bonnet storage is provided to all car parking spaces along the perimeter with internal spaces generally provided with access to at grade storage areas.</p> <p>Service areas sleeve the lift core and north-west corners at Basement Levels 1 and 2 and the south-east corner at Basement Level 1.</p> <p>The north-east corner provides for a planting area of approximately 20 square metres and a depth of 4.5m. The south-east corner would accommodate the in-ground rainwater tank.</p> <p>The basement also contains a car wash and dog wash bay.</p>
<p><b>Ground floor level</b></p>	<p>The ground floor would be constructed with a front landscaped setback of 4.1m from Louise Street and a 3.2m - 4.5m setback to the boundary with 490 St Kilda Road which would provide an area of communal outdoor space. The ground floor would have no setback to the Queens Lane or the southern / rear boundary.</p> <p>The ground floor would consist of the main entrance lobby with 175 square metres retail premises and 240 square metres of internal communal facilities.</p> <p>A booster cupboard is proposed to the Louise Street frontage and the Queens Lane side of the building features a number of services inclusive of substations and gas meter.</p> <p>Principal pedestrian access would be provided from the Louise Street frontage. Vehicular access would be provided via an amended 6m wide crossover to Queens Lane which leads to a 5.5m wide basement ramp. All other redundant crossovers to the site would be removed with the kerb and channel reinstated.</p> <p>A loading area (measuring 3.3m x 6.3m) would be provided off to the side of the ramp, adjacent to the bin room.</p>

	 <p><b>Figure 2: Proposed Ground Floor Plan</b></p>
<p><b>Communal areas</b></p>	<p>The proposed development would include communal facilities for future residents comprising one primary area of communal open space at ground floor level equating to 116 square metres.</p> <p>This area is supplemented with 240 square metres of indoor communal spaces including a dining and lounge area with kitchen, individual working booths, a gym, steam room, pool and associated changing facilities. These areas feature outlooks to the front and side boundaries. The storage areas are not considered to form part of the communal facilities.</p>
<p><b>Rooftop</b></p>	<p>The rooftop level would be occupied by a plant area comprising 72 x 350W solar panels to the perimeter of the slab. A 2.45m high metal picket screen is proposed to be setback 8.5m and 9.5m from Louise Street and Queens Lane respectively. A 5m setback is proposed from the east / side and south / rear boundaries. The screening would enclose air conditioning units, lift overrun, access stairs and a 5,1000 x 11,000 fire tank.</p> <p>The overall height to the top of the plant would be 57.32m (65.00m AHD).</p>
<p><b>Materials</b></p>	<ul style="list-style-type: none"> <li>• The podium would be finished in clear glazing red brick with some protruding brickwork around the Louise Street entry and Queens Lane.</li> <li>• The tower would be primarily glazed and the exposed slabs would be finished in a concrete in a light grey shade.</li> <li>• The balcony balustrades would comprise of clear glazing with a black metal finished in a charcoal paint.</li> <li>• The plant screening is to be finished in a powder coat in black.</li> </ul>

	 <p><b>Figure 3: Materials schedule</b></p>
<b>Loading bay</b>	<p>A loading area (measuring 3.3m x 6.3m) would be provided on the ground floor adjacent to the bin room. The loading area would be accessed from Queens Lane.</p>
<b>Car parking</b>	<p>A total of 89 car parking spaces (88 car parking spaces and one small car parking space at Basement 1) are proposed within the three basement levels. This represents an additional 80 parking spaces above the current provision of 9 spaces.</p> <p>All vehicles would enter and egress via Queens Lane to the side of the site and would ramp down to each basement level. The ramp is 5.5m in width.</p>
<b>Bicycle parking</b>	<p>A total of 86 bicycle parking spaces would be provided.</p> <p>This consists of:</p> <ul style="list-style-type: none"> <li>• 60 vertical spaces, within the basement levels;</li> <li>• 22 horizontal spaces, within the basement levels; and</li> <li>• 4 horizontal spaces, provided in two ground mounted hoops in the Louise Street nature strip.</li> </ul> <p><i>Note: the development plans only show the Louise Street bicycle hoops on the Demolition Plan.</i></p>

**6. SUBJECT SITE AND SURROUNDS**

	<b>Description of Site and Surrounds</b>
Surrounds/n eighbourhood character	<p>The site is located to the south-east side of the intersection of Louise Street and Queens Lane. The site is strategically located near the St Kilda Road Tram Corridor and St Kilda Road, a major north-south boulevard in the inner-south metropolitan region adorned with trees on either side and a heavy use traffic tram route in the centre of the road. Queens Road, another major arterial route is located to the west of the subject site.</p> <p>The site is located in the 'St Kilda Road North Precinct' which primarily accommodates different typologies, including premier</p>

commercial office space and higher density residential development with supporting retail and food premises.

The area is characterised by a mixture of buildings scales fronting St Kilda Road, ranging from single-to-double storey heritage buildings to 16-storey mixed use development. Development has also been designed in a manner to respect the significance of the Shrine of Remembrance to the north-east.

The site has strong access to public transportation infrastructure and located within the Principal Public Transportation Network (PPTN). The Commercial Road / St Kilda Road tram stop is located within 100m of the subject site. Notably, the site is serviced by the following routes:

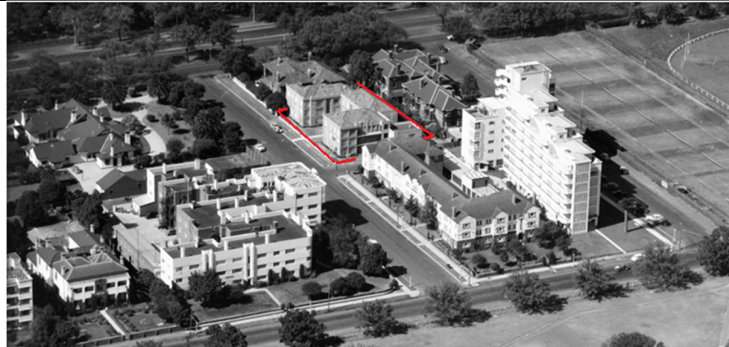
- 16 Melbourne University - Kew
- 3/3a Melbourne University - East Malvern
- 5 Melbourne University- East Malvern
- 6 Moreland - Glen Iris
- 64 Melbourne University - East Brighton
- 67 Melbourne University - Carnegie
- 72 Melbourne University - Camberwell

The future Anzac Train Station which forms part of the Melbourne Metro Tunnel is located approximately 1.2kms north of the site. The train line is expected to be completed in 2025.

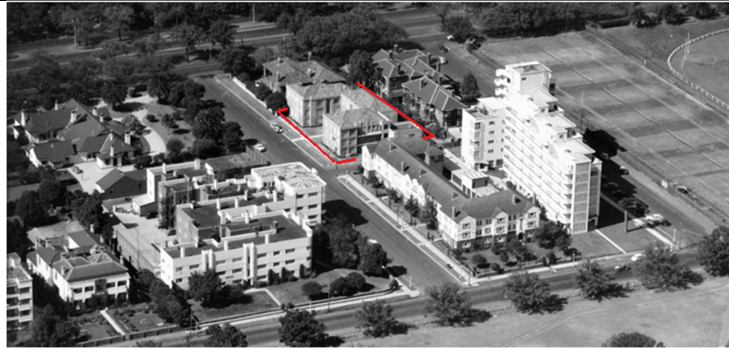
The site is proximate to public parks and open space including Fawkner Park and Albert Park which are within 300m to the east and west of the subject site respectively.



**Figure 4:** Aerial Overview of the subject site and surrounds (Source: NearMaps)



**Figure 5:** Post 1950 / pre-1980's aerial overview of the subject site and surrounds (Source: Extract from objection)

	 <p><b>Figure 5:</b> Post 1950 / pre-1980's aerial overview of the subject site and surrounds (Source: Extract from objection)</p>
<p>Site area and title</p>	<p>The site has a 40.8m frontage to Louise Street, a frontage to Queens Lane of 29.74m with an overall area of 1, 217 square metres.</p> <p>The site is formally known as land contained within Volume 10452 Folio 598, commonly known as Lot 1A on Plan of Subdivision 422275F.</p> <p>The land is not subject to a restrictive covenant or Section 173 Agreement.</p> <p>There are three encumbering easements on site including:</p> <ul style="list-style-type: none"> <li>• E-1 - Party Wall, 0.12m in width partially affecting the eastern boundary with 490 St Kilda Road.</li> <li>• E-2 – Overhanging eaves and footings, 0.25m in width affecting the eastern boundary with 490 St Kilda Road.</li> <li>• E-3 – Sewerage, 2.5m in width affecting the south-east portion of the subject site.</li> </ul> <p>There are two appurtenances easements on site including:</p> <ul style="list-style-type: none"> <li>• A-1 – Part wall, 0.12m in width partially affecting the eastern boundary with 490 St Kilda Road.</li> <li>• A-2 - Overhanging eaves and footings, 0.12m in width affecting the eastern boundary with 490 St Kilda Road.</li> </ul>
<p>Existing building &amp; site conditions</p>	<p>The site is occupied by a three-storey apartment building.</p> <p>The following is an excerpt of the Hermes database, which was the output of the 2018 desktop heritage audit (i.e. Council's Heritage Advisor created a Hermes place record for any place that they identified as being of potential significance in the 2018 desktop audit).</p> <p><i>“Early post-war apartment block, three storeys in a courtyard plan. Unusual hybrid styles including Georgian Revival and Moderne. Very intact apart from balconies.</i></p> <p><i>Landene, comprising 19 one and two-bedroom flats, was constructed in 1949. The Postmaster General's (PMG) Department</i></p>

*purchased the flats in September 1949 prior to completion to provide accommodation for the first batch of postal service engineers brought to Australia from the United Kingdom. The first five engineers had moved in to the partially completed building by December 1949 and about 15 units were expected to be occupied by Boxing Day. These engineers were among about 50 from the U.K. that were brought out to meet post-war skills shortages (The Herald, 'PMG men get new flats', 7 December 1949, p.14).*

*Part of an enclave of interwar and postwar flats including the individually listed Brookwood flats, Lenshurst, and Stanhill.*

*Of potential historic and aesthetic significance.”*

It is noted this document does not supersede official documents, particularly the planning scheme.



**Figure 6:** Existing building viewed from the intersection of Louise Street and Queens Lane

Interfacing Property

**North**

To the north of the site is Louise Street, a local road with on street car parking. On the opposite side of the road is 482-486 St Kilda Road, a 17-storey tower (16 storeys + covered plant) which is developed for commercial purposes.

The building is centrally located with landscaping setbacks to the east (frontage), south and west. Pedestrian access is from the east via St Kilda Road (main entrance), and the west via an under-croft pathway to both Louise Street and Queens Lane.





	<p>An underground car park is accessed via a ramp from Queens Lane, as is an at-grade car park to the north, and a car park at-grade to the west is accessed from Louise Street.</p> <p>To the north west is 32 Queens Road, a four-storey apartment building contained in an individual Heritage Overlay Schedule 335 with a significant heritage grading. The building is known as <i>Brookwood Flats</i> constructed in the Interwar Moderne / Art Deco style.</p> <p><b>East</b></p> <p>To the east of the site is 490 St Kilda Road, a double storey red brick building contained within an individual Heritage Overlay Schedule 331 with a significant heritage grading. The house is known as <i>Landene</i> and was constructed in 1897. The heritage citation described it as, “<i>An imposing Queen Anne influenced two storeyed red brick villa with an asymmetrical arrangement and hipped terra cotta tiled roof</i>”.</p> <p>Party wall easements on the subject site relate to a single storey wall on the boundary with 490 St Kilda Road. There are a number of habitable room windows and a balcony within 4m of the common boundary. An area is secluded private open space is located to the north-west corner of the site.</p> <p>Beyond is St Kilda Road which is a significant arterial route in a Transport Zone Schedule 2. St Kilda Road contains a large number of trees, central tramway, and is registered on the Victorian Heritage Register.</p> <p>Further to the east, on the opposite side of St Kilda Road, several residential and commercial developments range in height from four to 19-storeys. Further east is Fawkner Park which has an area of 41 hectares</p> <p><b>South</b></p> <p>To the south of the site is a 14-storey tower (13-storey + covered plant) at 492 St Kilda Road. The building is setback 5 metres from the rear boundary and features a ramp extending along the common boundary to the basement and a second ramp parallel to the Queens Lane frontage.</p> <p>The commercial building includes several windows facing the subject site which are setback 5 metres + from the common boundary.</p> <p><b>West</b></p> <p>To the west of the site is Queens Lane which is a one-way street (north-bound traffic only) that runs between Hanna Street and Bowen Crescent. It is approximately 5.8m wide (kerb to kerb) and fed by several streets off both St Kilda Road and Queens Road.</p> <p>Opposite Queens Lane is three-storey residential development at 33 Queens Road known as the <i>Former Lenhurst Flats</i>. The site is located within an individual Heritage Overlay Schedule 346 and has</p>
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a significant heritage grading. The heritage citation notes the property as being built in the English Domestic Revival style in 1936-37. The building is setback between 1.2m and 2.4m from the footpath. Habitable room windows front onto Queens Lane.

Two levels of car parking are provided to the south of this property. These private car parking areas are shared with 34 Queens Road. The lower level of the car parking is constructed at grade and the upper level is accessed via an adjoining ramp. It is understood that many residents of both properties use this as the primary pedestrian access and informal recreational space.

Diagonally to the south-west is a 10-storey residential apartment building at 34 Queens Road known as *Stanhill*. The site is subject to an individual Heritage Overlay Schedule 346 with a significant heritage grading. The site is also registered on the Victorian Heritage Register H1875.

The Statement of significance for this site states, “*designed in an inter-war Functionalist style by renowned emigre architect Frederick Romberg. Considered to be the most impressive of his works, it was designed in 1942 but not completed until 1950. The flats are of finely executed off-form concrete construction with sophisticated steel and glass detailing. The building is asymmetrically massed with stepped plan and elevation. The southern facade is of concrete frame containing large areas of flush glazing, with individual thin slab balconies and slim iron railings. Four main masses are stepped back at a slight angle to allow privacy and to give views to all. The northern facade is strikingly different, with a broad and fluid sweep of open access galleries shading glazing to cill height. The galleries are connected to a closed stairway at the Queens Road end, to the central lift tower, and to the sculpted open stairway at the eastern end. The roof sports attic flats and roof gardens stepped down towards Albert Park. The building is in excellent condition, though altered internally to accommodate professional suites since the 1970s. The mature Chilean Wine Palm near the south east corner of the building predates Stanhill and has become a landmark of the site.*”

At ground floor level to Queens Lane the frontage is largely occupied by service cupboards and small landscaping areas. Underneath the sculptured open stairway is a pedestrian access which is used as the primary pedestrian access point by many residents of the building.

Upper levels contain generously glazed east facing window to habitable rooms. Four balconies provide private open spaces to apartments fronting Queens Lane. Deeper into the site, the northern elevation features dual aspect apartments (north/ south orientation) with a strong horizontal emphasis of open access galleries providing access and shading glazing to cill height.



**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?
<p>Clause 34.01 Commercial 1 Zone (C1Z)</p>	<p>Clause 34.01-1: The use of land for a 'Retail premises (other than Shop)' is a Section 1 use (permit not required) and therefore <u>does not</u> require planning permission.</p> <p>Clause 34.01-1: The use of the land for 'Accommodation (other than Community care accommodation, Corrective institution and Rooming house)' is a Section 1 use conditional on any frontage at ground floor level not exceeding 2 metres (other than a bed and breakfast and caretaker's house). Communal accommodation associated with the dwellings would exceed 2m in width. A planning permit is therefore required for use of the land for 'Accommodation'.</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)</p> <ul style="list-style-type: none"> <li>• Schedule 13 DDO13)</li> <li>• Schedule 26 DDO26)</li> <li>• Schedule 28 (DDO28)</li> </ul>	<p>Clause 43.02-2 - A permit is required to construct a building or construct or carry out works. A permit is therefore required for this proposal.</p> <p><u>Schedule 13</u> to Clause 43.02 Design and Development Overlay relates to the Shrine Vista area. A permit is not required for a building or works to be constructed up to 33 metres in height above the Australian Height Datum on land within the boundaries of this overlay.</p> <p>The proposal would be constructed to 65 metres AHD and therefore a planning permit is required pursuant to this overlay.</p> <p>The decision guidelines of DDO13 set out that the views of the Shrine of Remembrance Trustees is a decision guideline for sites affected by DDO13.</p> <p><u>Schedule 26</u> to Clause 43.02 Design and Development Overlay is recognised as the 'St Kilda Road North Precinct' area. The site itself is located within Precinct 5A of the DDO26 area.</p> <p><u>Schedule 28</u> to Clause 43.02 Design and Development Overlay relates to the Alfred Hospital Emergency Medical Services Helicopter Flight Path Protection (Inner Area).</p> <p>A permit is not required to construct a building or to construct or carry out works that would result in the height of</p>



	<p>the building or works being less than the referral height, being 15.7 metres above the Australian Height Datum (AHD).</p> <p>The proposal would be constructed to 65 metres AHD and therefore a planning permit is required pursuant to this overlay.</p>
<p>Clause 52.06 Car Parking</p>	<p>Clause 52.06-3 - A permit is required to reduce the number of car parking spaces required under Clause 52.06-5 or in a schedule to the Parking Overlay.</p> <p>Clause 52.06-5 states that a car parking requirement in Table 1 is calculated by multiplying the figure in Column B (as the land is within the PPTN) by the measure in Column C.</p> <p>The proposal generates the following car parking requirements:</p> <ul style="list-style-type: none"> <li>• Retail premises – 6</li> <li>• Dwellings – 126</li> </ul> <p><i>Note: the plans identify the ground floor commercial space as Retail. The Traffic Impact Assessment identifies the land use as a Food and Drinks Premises which is a subset of a Retail Premises. There is no specific rate set out in Table 1 of Clause 52.06 for a Retail Premises therefore car parking spaces must be provided to the satisfaction of the responsible authority.</i></p> <p><i>A rate of 3.5 car parking space per 100 square metres of leasable floor area has been adopted for this calculation. This rate aligns with that of a Food and Drinks Premises and a Shop, both of which are subsets of a Retail Premises.</i></p> <p>The proposal provides 89 (88 car parking spaces and one small car parking space at Basement 1) parking spaces which equates to a shortfall of 43 car parking spaces and as such requires a permit to reduce the car parking requirements of Clause 52.06-5.</p>
<p>Clause 52.34 Bicycle Facilities</p>	<p>Clause 52.34-2 – A permit may be granted to vary, reduce, or waive any requirement of Clause 52.34-5 and Clause 52.34-6.</p> <p>Clause 52.34-5 states that Tables 1, 2, and 3 of the clause sets out the number and type of bicycle facilities required.</p> <p>Pursuant to Table 1 the proposal generates the following bicycle parking space requirement:</p>



	<ul style="list-style-type: none"><li>• Retail Premises – 1 employee space and 0 visitor spaces.</li><li>• Dwellings – 21 resident spaces and 10 visitor spaces</li></ul> <p>The proposal provides 86 bicycle parking spaces and satisfies the requirements of Table 1 and therefore no permit is required for bicycle parking spaces.</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 11.01-1R1: Settlement - Metropolitan Melbourne
- Clause 11.02: Managing Growth

Clause 13: Environmental Risks and Amenity

- Clause 13.05-1S: Noise Abatement

Clause 15: Built Environment and Heritage

- Clause 15.01-1: Built Environment
- Clause 15.01-1S: Urban Design
- Clause 15.01-1R: Urban design - Metropolitan Melbourne
- Clause 15.01-2S: Building Design
- Clause 15.01-5S: Neighbourhood character
- Clause 15.02-1: Sustainable development

Clause 16: Housing

- Clause 16.01: Residential development
- Clause 16.01-2S: Location of residential development
- Clause 16.01-3S: Housing diversity
- Clause 16.01-3R: Housing diversity - Metropolitan Melbourne

Clause 17: Economic Development

Clause 18: Transport

### 8.2 Local Planning Policy Framework (LPPF)

The following local planning policies are relevant to this application:

Clause 21.03: Ecologically Sustainable Development

- Clause 21.03-1: Environmentally Sustainable Land Use and Development
- Clause 21.03-2: Sustainable Transport

Clause 21.04: Land Use

- Clause 21.04-1: Housing and Accommodation

Clause 21.05: Built Form

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



Clause 21.06: Neighbourhoods

- Clause 21.06-7 St Kilda Road North

Clause 21.07: Incorporated documents

- Port Phillip Heritage Review (2020)
- Sustainable Transport Framework (2004)
- Port Phillip Housing Strategy (2007)
- Port Phillip Design Manual (2000)

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

### 8.3 Other relevant provisions

Clause 52.06: Car Parking

Clause 52.34: Bicycle facilities

Clause 58: Apartment Developments

Clause 65: Decision Guidelines

### 8.4 Relevant Planning Scheme Amendments

Planning Scheme amended VC174 was gazetted in 20 December 2021. The amendment implements revised Better Apartment Design Standards, which delivers improved external amenity and design outcomes for all apartment developments. The amendments:

- Include new and revised requirements for communal and private open space, landscaping, access, external building design, building entries and site services.
- Introduce a new standard at Clause 58.04-4 (Wind impacts objective) for developments of five or more storeys.
- Introduce a new standard at Clause 58.06-4 (External walls and materials objective).
- Make consequential changes to existing provision, standard and table numbers.

Transitional provisions apply for applications lodged before the approval date of this amendment such as this application.

It is noted that if the additional / supplementary information submitted to Council in response to objector and referral comments were to be formally amended pursuant to S57A of the Planning and Environment Act the application would be required to be assessed against these new provisions.

## 9. REFERRALS

### External referrals

Notice and referral was provided to the following referral authorities:



Referral Authority	Response
Victorian Health Building Authority	The Department of Health determined that the proposed development will have minimal impact on emergency medical service helicopter operations into the Alfred Hospital. On this basis, the Department does not object to the propose development, provided the permit is subject to conditions 34 and 35 on any approval granted.
Department of Transport	<p>The number of bike spaces for the proposed development and in the context of the number of car spaces proposed, is noted as low. While the provision of 86 bicycle spaces is in excess of Planning Scheme requirements, Council may wish to request the provision of additional bike spaces given the location of the development, surrounding destinations and existing bicycle provisions.</p> <p>The Head, Transport for Victoria has considered this application and does not object to the granting of a permit.</p>
Shrine of Remembrance Trustees	The Trustees have raised no objections to the application.

### Internal referrals

The application was referred to various areas of Council for comment. A summary of the referral comments are provided below and the full responses included at Appendix 4.

The comments are discussed in detail in Section 11.

Internal Department	Referral comments (summarised)
Urban Design Advisor	<p>From an urban design perspective, the proposal is generally supported. To gain full support the proposal should:</p> <ul style="list-style-type: none"> <li>• Provide further information demonstrating physical and visual access to the ground floor terrace and retail tenancy.</li> <li>• Provide further information regarding measures to moderate wind effects in private and shared open spaces.</li> <li>• Better integrate the fire booster cupboard within the ground level interface.</li> <li>• Provide more accurate information regarding the adequate provision for effective landscaping at ground and upper levels.</li> <li>• Redesign balcony spaces to remove inaccessible and unusable areas.</li> </ul>



<p><b>Landscape Architect</b></p>	<ul style="list-style-type: none"> <li>• Landscape plans and architecture plans do not show consistent detailing.</li> <li>• Landscape plans lack detail regarding hard surfaces, planter walls, barriers, soil volumes and water sensitive urban design.</li> <li>• The planting proposed in front of the retail space to Louise Street adjusted to include lower species to ensure the viability of the retail space and 'eyes on the street'.</li> <li>• It's not clear how the communal terrace is accessed.</li> </ul>
<p><b>City Strategy</b></p>	<ul style="list-style-type: none"> <li>• Potential heritage significance: A desktop assessment undertaken in 2018 by Council's Heritage Advisor identified 8 Louise Street, Melbourne as having potential historic and aesthetic significance.</li> <li>• Status of interim heritage controls: Despite the potential significance outlined above, Council Officers are of the view that interim heritage controls should not be pursued on the basis that under Section 29A of the Building Act a permit for demolition has been issued for the site (approval date 29 June 2021), and that the detailed heritage assessment required to support an application for interim and permanent heritage has not been prepared.</li> <li>• 4.5m setbacks to both the east and south boundaries are not mandatory requirements under DDO26</li> </ul>
<p><b>Heritage Advisor</b></p>	<ul style="list-style-type: none"> <li>• Nearby buildings are examples of individually significant heritage places that are significant 'independent of their context'.</li> <li>• The surrounding context is very diverse, and all the buildings are in varying degrees viewed in the context of surrounding mid to high rise office developments.</li> <li>• Because of this, and the strategic importance of the St Kilda and Queens Road corridor for higher density development is directed by DDO26.</li> <li>• A midrise development on the subject site that complies with the relevant aspects of DDO26 will not adversely impact upon the heritage significance of the surrounding heritage places.</li> </ul>
<p><b>Arborist</b></p>	<ul style="list-style-type: none"> <li>• An Amended Tree Management Plan is required to consider the location of utilities at the front of the site (opposite tree 5) must also be assessed in the impact assessment and the proposed inground water tank will require excavation within the Tree Protection Zone (TPZ) and Structural Root Zone (SRZ) of tree 40 (group).</li> </ul>
<p><b>Development Engineer</b></p>	<ul style="list-style-type: none"> <li>• No council stormwater assets or easement are located within the development.</li> <li>• The applicant will need to get a consent from the Sewer Authority as the sewer asset within the easement and the</li> </ul>





	<p>sewer easement may also service the neighbouring property (490 St Kilda Rd) as well.</p> <ul style="list-style-type: none"> <li>As the proposed development includes the construction of a basement, the sewer boundary trap for the property will need to be reviewed. Council does not permit the sewer boundary trap to be installed in the public realm. The sewer trap must be located within the property boundary.</li> </ul>
<b>Environmentally Sustainable Development</b>	<ul style="list-style-type: none"> <li>The application has yet to meet Council's expectations for a development of this size.</li> <li>Further information is required to address the following matters; stormwater, transport including electric vehicle infrastructure, urban ecology including urban cooling and materials.</li> </ul>
<b>Waste Management</b>	<ul style="list-style-type: none"> <li>Commercial and Residential bin storage room should be separate and clearly identified.</li> <li>Waste and recycling bin for commercial tenements is not sufficient, need to either increase the number of bins or collection frequency.</li> <li>Recommend bin space for glass recycling and a charity bin.</li> <li>Access to the bin room (for Retailers) is only through the stairs, accessibility needs to be considered.</li> <li>Collection times should be in line with our Local laws requirements.</li> </ul>
<b>Traffic Engineer</b>	<ul style="list-style-type: none"> <li>Inadequate bicycle parking access.</li> <li>Applicant is to confirm the functionality of the design by providing swept path diagrams to all critical spaces (i.e. spaces at blind aisles, corner spaces, spaces abutting walls/obstructions).</li> <li>Applicant to provide further assessment of traffic generation impact.</li> </ul>

## 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 and directed that the applicant give notice of the proposal by posting two notice(s) on the site for an 18 day period, in accordance with Section 52 of the Planning and Environment Act 1987.

10.2 The application has received 66 objections. The key concerns raised are summarised below (officer comment will follow where the concern will not be addressed in Section 11 of this report):



<b>Social</b>
<ul style="list-style-type: none"> <li>Proposed apartment breakdown more likely to appeal to rental market</li> <li>Rationale for apartment breakdown is lacking evidence</li> </ul>
<p><b>Comment:</b> The development has been well designed providing street activation and creates areas to foster a sense of community and interaction between residents. A mix of dwelling sizes allow for singles, couples and families to reside on-site. It is noted that whether dwellings are tenanted, or owner occupied is not a relevant consideration in assessing an application under the provisions of the Planning &amp; Environment Act 1987, or the Port Phillip Planning Scheme. There is no foundation to support this objection.</p>
<b>Heritage</b>
<ul style="list-style-type: none"> <li>Heritage significance of building on site to be demolished</li> </ul> <p><b>Comment:</b> Heritage is highly valued by Council and the community, and Council wants to ensure it is protected into the future for all to enjoy. Port Phillip has an extensive heritage overlay however it is acknowledged that there are some gaps, and the loss of heritage buildings is not a desired outcome.</p> <p>Despite a preliminary assessment flagging the potential significance of the building at 8 Louise Street, Melbourne the s29A building permit for demolition is not considered to have been issued in error. As the s29A permit has been issued, the building may lawfully be demolished at any time. Subject to the findings of a formal heritage assessment of the place, Council could formally request the Minister for Planning approve a planning scheme amendment to apply interim heritage controls.</p> <p>Officers of Department of Environment, Land, Water and Planning (DELWP) have advised that <i>where a council has given its consent (i.e. S29A) or issued a planning permit that implies demolition, an amendment seeking an interim Heritage Overlay will not be supported. This is to afford natural justice and procedural fairness to property owners who have received consent to demolish.</i> For this reason and noting that the building may lawfully be demolished at any time, Council will not be making a request to the Minister for Planning to apply interim heritage controls to 8 Louise Street, Melbourne.</p>
<ul style="list-style-type: none"> <li>Impact of the proposed development on the Heritage significance of adjoining properties (including Stanhill, Former Lenhurst Flats, Brookwood Flats and Landene)</li> </ul>
<b>Neighbourhood Character</b>
<ul style="list-style-type: none"> <li>Overdevelopment</li> <li>Building lacks architectural excellence</li> <li>Transition to adjoining lower scale precincts</li> <li>Street activation including lack of opportunities for dining within the Louise Street setback at ground floor level to Queens Lane</li> <li>Proposed use of red brick is not characteristic of the area</li> <li>Landscape character</li> <li>Too dense / insufficient services for increased population</li> </ul>



<ul style="list-style-type: none"> <li>• Location of services to the respective streetscapes</li> </ul>
<p><b>Amenity Impacts</b></p>
<ul style="list-style-type: none"> <li>• Pedestrian amenity including visual bulk and wind</li> <li>• Site Coverage and permeability</li> <li>• Excessive built form height</li> <li>• Insufficient setbacks</li> <li>• Unreasonable overlooking</li> <li>• Overshadowing (particularly balconies associated with Stanhill) and potential to turn the car parking area associated with 33-34 Queens Road into a communal private open space area</li> <li>• Overshadowing impacts on existing vegetation</li> <li>• Wind impacts of heritage windows of 34 Queens Road</li> <li>• Disturbances during construction</li> </ul> <p><b>Comment:</b> Building work can sometimes affect adjoining properties. An owner who is proposing building work has obligations under the Building Act to protect adjoining property from potential damage from their work. If building work is close to or adjacent to adjoining property boundaries, then the relevant building surveyor may require the owner to carry out protection work in respect of that adjoining property. This is to ensure that the adjoining property is not affected or damaged by the proposed building work. Protection work provides protection to adjoining property from damage due to building work. It includes but is not limited to underpinning of adjoining property footings, including vertical support, lateral support, protection against variation in earth pressures, ground anchors, and other means of support for the adjoining property. This process is not controlled or overseen via the planning process and regulations. It is a matter addressed at the building permit stage.</p> <p>The potential for damage arising to the property during construction is outside the scope of the planning process and are not sufficient to warrant the refusal of the application. These matters are dealt with by the building surveyor.</p> <p>Some noise and other off-site impacts are inevitable when any construction occurs. The developer will be required to meet relevant Local Laws and EPA regulations regarding construction practices to ensure these impacts are mitigated.</p>
<ul style="list-style-type: none"> <li>• Increased number of dogs and dogs urinating on areas of green space</li> <li>• Opportunity for graffiti</li> </ul> <p><b>Comment:</b> Matters concerning graffiti are generally dealt with via a Local Law. A recommended condition of permit requires that the boundary walls be cleaned, finished and subsequently maintained by the owner and to the satisfaction of the Responsible Authority.</p>
<p><b>Traffic</b></p>
<ul style="list-style-type: none"> <li>• Capacity of Queens Lane to accommodate additional traffic movements and associated impacts of additional noise, lighting and fumes</li> <li>• Overprovision of car parking and too much reliance on already busy PT and nearby car shares</li> <li>• Under provision of car parking</li> </ul>



<ul style="list-style-type: none"> <li>• Failure to provide DDA compliant spaces</li> <li>• Lack of bicycle spaces</li> <li>• There should be a precinct wide underground car park</li> <li>• Waste collection and associated noise and amenity impacts</li> <li>• Car parking assessment conducted before or during Covid-19 is not realistic / acceptable</li> </ul>
<b>ESD</b>
<ul style="list-style-type: none"> <li>• Poor sustainability credentials</li> <li>• Lack of external shading</li> <li>• Lack of EV charging for car parking spaces</li> </ul>
<b>Landscaping</b>
<ul style="list-style-type: none"> <li>• Lack of opportunities for deep soil planting</li> <li>• 4.1m setback from Louise Street does not comply with DDO26</li> <li>• Vertical gardens are likely to be unsuccessful</li> </ul>
<b>Other</b>
<ul style="list-style-type: none"> <li>• Not truly a mixed-use building based on limited commercial uses within the development and residential use at the ground floor level is not consistent with the C1Z and access should be provided off Queen's Lane</li> <li>• Lack of information to undertake a comprehensive assessment</li> </ul> <p><b>Comment:</b> Sufficient information to enable an informed view of the application has been made available for viewing at Council offices as part of the notification process, which has been carried out in accordance with Section 57 of the <i>Planning and Environment Act 1987</i>. Additional information submitted with the application has not been made available as this information has not been formally amended pursuant to Section 57A of the <i>Planning and Environment Act</i>.</p>
<ul style="list-style-type: none"> <li>• Advertising over holiday period reduces visibility within public forum</li> </ul> <p><b>Comment:</b> Council is satisfied that anyone interested and affected by the application has been provided with the opportunity to inspect the application and make a submission.</p> <p>Council instigated an 18 day public notification process, which concluded on 21 December 2021. Under the Act, Council was required to accept any comments and objections until the date of its decision. Given the application has not yet been decided, it is considered that residents and other interested parties were provided sufficient time to consider the proposal and provide comment.</p>
<ul style="list-style-type: none"> <li>• Impact on easements and existing infrastructure</li> </ul> <p><b>Comment:</b></p> <p>It is noted from the Title Certificate and Title Plan that the proposal includes development, including proposed landscaping, over or within the vicinity of a sewerage easement (E-3). If Council or South East Water has a vested interest in the easement for drainage and sewerage purposes, pursuant to Regulation 310 of the Building Regulations (2006) consent of the Municipal Building Surveyor and South East Water to build over the easement is required. The grant of any planning permit for the proposed development does</p>



not remove the applicant's obligation to firstly determine if Council and/or South East Water has a vested interest in the easement and secondly to obtain the necessary consent(s) for development over the easement.

A concern in a number of objections was the impact of development on infrastructure. The site owner will be required to address infrastructure servicing demands of the additional dwellings as stipulated by the various service agencies at the time of either subdivision or connection of the development including any service authority requirements to contribute to the cost of upgrading trunk infrastructure.

- Construction within the water table

**Comment:** Council's Development Engineer has not raised any concerns regarding the basement construction and any impacts on the water table. Appropriate geotechnical and structural works will be required under the relevant Building Regulations.

- Impacts of the building height on the Alfred Flight Path

**Comment:** Refer to referral response from the Victorian Health Building Authority

- 10.3 A Consultation Meeting was held on 8 March 2022. 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 the applicant referenced and circulated additional information to Council in response to objector concerns and Council referral comments. This information was not formally amended pursuant to s57A of Planning and Environment Act to form part of the application material to be considered. The additional information holds no formal status and was therefore not circulated with objecting parties despite formal requests to do so. Notwithstanding the status of this information, supplementary information can assist Council officers in determining whether certain aspects of an application could be reasonably amended as part of any recommended conditions of permit.
- 10.4 It is considered that the objectors do not raise any matters of significant social effect under Section 60 (1B) of the Planning and Environment Act 1987.

## 11. OFFICER'S ASSESSMENT

11.1 The key matters raised in the assessment of this application along with the submitted grounds for objection are considered to be as follows:

- **Is the application consistent with the Planning Policy Framework (PPF)?**
- **Are the proposed uses consistent with the Commercial 1 Zone?**
- **Is the proposed built form acceptable to its context including the requirements of Design and Development Overlay Schedule 26 and Clause 22.06 Urban Design Policy for Non-Residential Development and Multi Residential Development?**
- **Would the proposal result in any unreasonable amenity impacts to surrounding properties?**
- **Would the development provide an acceptable level of internal amenity for residents?**



- **Are the proposed car parking and access arrangements acceptable?**
- **Are the waste management arrangements acceptable?**
- **Does the proposal achieve best practice water sensitive urban design and environmentally sustainable design?**

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

Victorian planning policy generally seeks to facilitate increased development densities in accessible locations, where proximate to jobs, shops, services, facilities, amenities, infrastructure and public transport. Highly accessible locations are typically associated with being capable of accommodating higher densities, while locations with limited accessibility are typically more suitable to less intensive development.

This principle is reflected in the Planning Scheme at Clauses 11 -Settlement and Clause 16 – Housing along with Plan Melbourne 2017-2050. Plan Melbourne 2017-2050 is underpinned by nine principles, including the ‘20-minute neighbourhoods’ concept (essentially giving people the ability to meet most of their daily needs within a 20-minute/ 800 metre one-way walk from home).

Clause 17 seeks to promote economic development with a view to providing a strong, innovative and diverse economy where all sectors are critical to economic prosperity; to support employment; to meet the needs of the community for retail, entertainment and other commercial services; to support tourism, maximising associated economic, social and cultural benefits.

Clause 21.04-1 seeks to accommodate the City of Port Phillip’s growth in appropriate areas and provides five categories for growth being ‘minimal residential growth’ (within the Heritage Overlay), ‘limited residential growth’, ‘incremental residential growth’, ‘moderate residential growth’ and ‘substantial residential growth’ (proximate to major activity centre or within the Fishermans Bend Urban Renewal Area).

The policy seeks to provide significant opportunities for new residential development in designated locations which have the capacity for change, and which offer highest accessibility to public transport, shops, and social infrastructure; the majority of new residential development should be directed to preferred housing growth areas such as ‘Substantial Residential Growth Areas’ and ‘Moderate Residential Growth Areas’.

‘Substantial Residential Growth Areas’ are defined in the Planning Scheme as follows:

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

The site is considered to fall within the ‘Substantial Residential Growth’ category given its location just off St Kilda Road and excellent connections to arterial roads, public transport services it represents an area where settlement should be



maximised given its ease of accessibility and ability to accommodate more intensive built-forms, subject to compliance with the Design and Development Overlay requirements and the urban design local policy.

The proposal is considered to have strong strategic support from the Planning Scheme, which has a consistent theme of increasing residential density at strategic locations and within close proximity to jobs, services and public transport – the site achieves all of these criteria. The proposal would provide ongoing economic benefit in the form of new commercial space, supporting a diverse economy, job creation, services to the local community and tourism. It is further noted that the proposal would achieve the express purposes of the Commercial 1 Zone.

The specific site response is considered in the following sections of the Report.

### 11.3 **Are the proposed uses consistent with the Commercial 1 Zone?**

The purpose of the zone is, amongst other things is to:

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

A permit is not required under the Commercial 1 Zone for the use of land as a retail premises. A planning permit is required to use the land for accommodation (dwellings) as the frontage at ground floor level exceeds 2 metres.

Concerns have been raised that the proposal does not provide an appropriate level of commercial uses on the land. Schedule 1 to the Commercial Zone does not specify a maximum or minimum floor area for commercial uses and the proposal is considered to be in accordance with the purpose and requirements of the zone for the following reasons:

- The proposal would result in a suitable mix of residential and commercial uses. The proposed development consists of a commercial element at ground level consisting of 175 square metres of retail space fronting Louise Street and 104 apartments above.
- The proposed commercial use would provide a net community benefit and meet part of the needs of the emerging residential population within the immediate locality.
- The retail premises would activate the Louise Street and corner of Queens Lane streetscape and be of a scale that would appropriately temper amenity impacts to residential properties to the west through traffic generation and general amenity impacts.
- The proposed use of 'retail' is broad in definition, allowing for a range of uses to be implemented onsite, as determined by the market; the spaces have high ceilings and could be reconfigured to allow for future adaptability including being broken up into smaller tenancies.

The combination of high-density residential development above retail floor space is consistent with State Planning Policy and the Local Planning Policy framework. The proposed uses are strategically encouraged to establish within this area.



11.4 **Is the proposed built form acceptable to its context including the requirements of Design and Development Overlay Schedule 26 and Clause 22.06 Urban Design Policy for Non-Residential Development and Multi Residential Development?**

The proposal requires the full demolition of the existing building and replacement with a 17-storey podium and tower development.

The subject site is located within a Commercial 1 Zone, a narrow precinct of land in-between St Kilda Road and land zoned Residential Growth Zone to the west. The site is also affected by the Design and Development Overlay Schedule 26 – St Kilda Road North and more specifically within precinct 5A - St Kilda Road South of Kings Way.

The subject site benefits from an overall mandatory height limit of 65m AHD. Land to the west of Queens Lane is within Precinct 6B which is subject to a discretionary height of 40m.

The site is not affected by a heritage overlay.

Clause 15 seeks to achieve high quality urban and building design outcomes that are respectful of their context and preferred character. It further seeks to ensure that development provides for the conservation of identified heritage significance.

Clause 21.05 Built Form and Clause 22.06 Urban Design Policy for Non-Residential Development and Multi-Residential Development builds on these broad objectives and similarly seeks to reinforce key elements of the City's overall structure, ensure the height and scale of new development is appropriate to the preferred character of an area, ensure development achieves high quality urban design outcomes, and sensitively conserves and manages heritage places.

These policies collectively direct the assessment criteria for any proposed built form. An assessment against these relevant policies are discussed in turn below:

**Clause 21.05 Built Form**

Built form issues are considered under Clause 21.05 and of specific relevance to this application are

**Heritage**

***1. To conserve and enhance the architectural and cultural heritage of Port Phillip.***

The subject site is located adjacent to sites with individual Heritage Overlays and one on the Victorian Heritage Register (Refer to Section 6 of this report for further detail). The proposed development would not involve demolition of original fabric of the adjacent site but would require alterations to the party wall which it shares with the existing three storey wall of the subject site.

**490 St Kilda Road - Landene**

The height of the proposed tower would be prominent within the setting of the adjacent heritage building at 490 St Kilda Road which has an 18m street setback to St Kilda Road. The proposed development would have a 38m setback to St Kilda Road and the setbacks to the common boundary with 490 St Kilda Road would be a minimum 3m setback at ground floor level and 4.5m for the upper

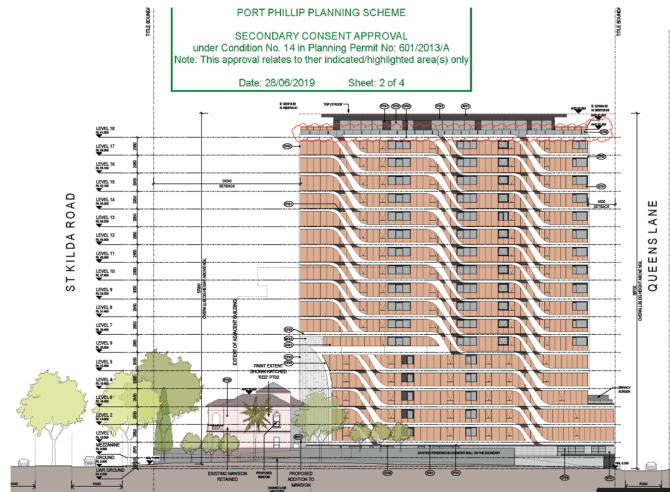


podium and tower levels (noting that the exposed slab edges extend into this setback).

The application material was accompanied by a Heritage Impact Assessment from Heritage Architect Bryce Raworth. This statement notes, *“These setbacks are supported insofar as they establish a clear visual and physical separation between the proposed building and the adjoining heritage property, sufficient to enable the heritage built form at 490 St Kilda Road to retain its integrity as a free standing element in the street as seen from both St Kilda Road and Louise Street.”*

The advice goes on to give examples nearby where similar or less separation between heritage properties and tower forms have been constructed e.g. Warwillah, 572 St Kilda Road (HO332) and the residential tower to its immediate rear, the Tate Luxury Apartments (also known as 572 St Kilda Road) that face Beatrice Street.

The proposed visual separation would also be greater than that at 478 St Kilda Road as detailed the excerpt from the endorsed plans at Figure 7.



**Figure 7:** Relationship with 478 St Kilda Road, Charsfield, and tower behind.

The applicant has provided the following photomontages considering the relation between 490 St Kilda Road, *Landene* and the proposed development.



**Figure 8:** Photomontage looking west from St Kilda Road with 490 St Kilda Road in the foreground and the proposed 17-storey development at 8 Louise Street in the background.



**Figure 9:** Photomontage of the development looking south-west along St Kilda Road. The forecourt of 482-486 St Kilda Road, (a 17-storey tower) is in the foreground of and 492 St Kilda Road (a 14-storey tower) in the background.



**Figure 10:** Photomontage looking north-west from St Kilda Road towards 490 St Kilda Road and the subject site. 492 St Kilda Road is in foreground

Other heritage properties

The proposal's impact on the heritage significance of properties to the north-west and west of the subject site is not solely determined by height but also includes designing buildings to be sympathetic to the architectural style and character of the heritage buildings, use of interpretive design based on historical characteristics while avoiding the replication of historic detail, providing setbacks that are consistent with the rhythm of the streetscape or precinct etc.

Following this, the proposed design response is considered to be acceptable for the reasons outlined in the Heritage Impact Assessment from Heritage Architect Bryce Raworth including:

- *The podium façade references the height of the roof ridges to the nearby heritage buildings, reinforcing the street wall scale established by these nearby heritage properties.*
- *The proposed red brick is an interpretive response to the materiality and articulation of the adjacent properties and the broader context along St Kilda Road.*
- *While the overall building height is taller than the adjacent two and three storey buildings, the podium articulation and setbacks will ensure the scheme does not dominate the adjacent graded properties in a manner that is unacceptable, accepting that these are already seen in conjunction with other taller built form located on St Kilda Road as part of the backdrop to the broader streetscape.*

It is further noted:



- The architectural expression of the podium materiality draws on the use of brick within the area and offers a nod to the existing building on-site to be demolished. The expression of the tower form, including the rounded corners with strong horizontal banding interspersed with glazing draws on design cues of the Stanhill development where the Statement of Significance for the site notes the northern facade exhibiting “a broad and fluid sweep of open access galleries shading glazing to cill height”.
- The proposed building would be developed at a height that is notably lower than the building developed at 482-486 St Kilda Road. The separation that would be provided, coupled with the existing character of large buildings between St Kilda Road and Queens Lane would ensure the new building would not adversely affect the heritage significance of these nearby heritage properties. The proposed podium and tower would fit within this existing and emerging built form and would not appear to be excessive within this context. The proposal would provide for a reasonable transition from the high-rise development along St Kilda Road to the lower scales contemplated along Queens Road.
- Views of the existing heritage buildings would be adequately preserved. It is acknowledged that views towards the open stairs of Stanhill would be concealed from south and west views along St Kilda Road but this is not considered to be of such significance that would prohibit the development of the subject site to the scale anticipated by DDO26. The proposed tower profile would allow for a slender presentation to principal view lines and would not unreasonably dominate the skyline, rather provide for a well setback, highly articulated built form consistent with the built form heights presented to this section of St Kilda Road.

Council’s Heritage Advisor notes, “*The above buildings are all examples of individually significant heritage places that are significant ‘independent of their context’. That is, apart from the immediate setting within the title boundaries the surrounding context does not contribute to the significance of the place. On the contrary, the surrounding context is very diverse, and all the buildings are in varying degrees viewed in the context of surrounding mid to high rise office developments, which include 480, 484 and 492 St Kilda Road.... In conclusion, a mid rise development on the subject site that complies with the relevant aspects of DDO26 will not adversely impact upon the heritage significance of the surrounding heritage places*”

For the reasons discussed above, the proposal would not undermine the heritage significance of the properties within the immediate vicinity.

The following objective contained within Clause 21.05 is also relevant to the proposal:

**3. To protect and sensitively manage the setting and backdrop of the Shrine of Remembrance.**

The applicant has prepared a Development Design Report which assesses the proposed building model against the Shrine Vista Controls which are derived from the ‘Shrine of Remembrance Controls April 2014’ which is an incorporated document within the Port Phillip Planning Scheme. Using the applicable viewpoint



and cross-section of the shrine, the report demonstrates that the proposed building model would comply with the Shrine Vista Controls.

The development would comply with the Shrine Vista Controls, which would ensure that the proposed tower would adequately maintain the visual prominence and silhouette of the Shrine.

The 1.2km separation from the Shrine and to a height that is compliant with the Design and Development Overlay that affects the site, would preserve the key views to and from the Shrine of Remembrance. As described in the response to Objective 1 of Clause 21.05 above, it is considered that the height of the proposed building would be to an acceptable scale within the context of the existing built form to the west of St Kilda Road. This would in turn ensure that the development would maintain a respectful setting and backdrop to the Shrine.

It is considered that the setting and backdrop of the Shrine of Remembrance would be protected and sensitively managed as a result of the development.

#### **Urban Structure and Character**

Clause 21.05 relates to Urban Structure and Character. Notably these consist of the requirement to:

- 1. To reinforce key elements of the City's overall urban structure.*
- 2. To protect and enhance the varied, distinctive and valued character of neighbourhoods across Port Phillip.*
- 3. To ensure that the height and scale of new development is appropriate to the identified preferred character of an area.*

It is considered that the proposed development is consistent with the applicable objectives for the reasons outlined in Sections 11.4 and 11.5 of this report.

Clause 21.05 also requires implementation of the above identified strategies through the application of relevant local policies. Applicable to the proposed development is Councils Urban Design Policy for Non-Residential and Multi-Unit Residential Development (Clause 22.06). This is discussed below.

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

The policy encourages new development to respond to a site and its context, contribute positively to neighbourhood character, be energy efficient and minimise detrimental impacts upon neighbouring properties. Clause 22.06 contains the following objectives:

To achieve high quality urban design and architecture that:

- Responds to the context of places within the municipality.*
- Integrates with the prevailing neighbourhood character and contributes to the amenity and vitality of the area.*
- Respects and enhances places and sites with significant heritage, architectural, scientific and cultural significance.*

The Urban Design Policy (Clause 22.06) includes the following policy and Performance measure regarding the public realm:



### **The Public Realm**

The proposed built form at podium level provides setbacks at ground level of 4.1m to Louise Street and would be constructed to the boundary with Queens Lane.

To Louise Street the tower element from the glazing line would be setback 4.5m to the street with the exposed slab edges and balconies encroaching between 0.4m (Level 3) and 1.7m (Level 16) into these setbacks.

To the Queens Lane interface, the tower would be 5m – 5.1m with exposed slab edges and balconies encroaching a maximum of 1.3m (Level 16) into the setback.

The building would not exceed three storeys in height adjacent to any public space and would be setback above three storeys in height. The proposed tower and podium form would be consistent with the predominantly medium to high rise context of the subject site and immediate surrounds. It is considered that:

- The proposed built form does not provide an excessive degree of visual bulk that would dominate the adjacent public spaces.
- Louise Street is relatively wide and maintains a sense of openness to this location, a landscape setback would assist in maintaining the openness and vegetated character along Louise Street.
- The development would not require the provision of vehicle access from Louise Street and two crossovers would be removed from Queens Lane. The lack of disruption to existing road infrastructure ensures that the proposed development would not dominate or imply ownership of adjacent public spaces.

### **Micro-climate / Wind Impacts**

A wind assessment report prepared by MEL Consultants has been submitted with the application. The assessment outlines that *“the location of the 8 Louise Street development would have good shielding from the northerly, easterly and southerly wind directions provided by the surrounding buildings, specifically those along St Kilda Road which are of similar height. The main exposure would be to the westerly wind directions over Albert Park onto the narrower face of the building.”*

The report concludes that wind and the wind conditions:

- in the streetscapes surrounding the proposed development have been assessed as satisfying the walking criterion.
- immediately outside the main entrance, along Louise Street, would be expected to satisfy the standing criterion.
- in the private balconies and terraces would be expected to satisfy the walking criterion with those located centrally on the building face satisfying the standing criterion.

Based on this report, it is considered that the proposed development would adequately minimise adverse micro-climatic impacts with regard to wind tunnelling. Notwithstanding this, it is noted that the report does not state that wind



tunnelling modelling has been conducted. The report notes that that the private balconies may not meet the seating criteria which would undermine the functionality of private open spaces.

It is likely that appropriate wind conditions can be achieved with minor design changes including the use of wind shields. Such design changes however have the potential to undermine the architectural expression of the proposal. It is therefore recommended that any wind amelioration measures are architecturally resolved within the proposed built form.

Concerns have been raised regarding the impact of the wind on the heritage windows of the adjoining heritage properties. Given that comfortable walking distances are expected to be achieved along Queens Lane it is not anticipated that the wind impacts on the windows would be of such an extent to cause damage. Notwithstanding, it is reasonable that any amended wind report should consider and recommend design changes that would ensure any unreasonable impacts can be appropriately ameliorated.

The impact of the proposed building in terms of overshadowing is discussed later in the report.

#### **Street Level Frontages**

The proposed building layout at ground floor level includes retail floor space and communal areas that would form part of the Louise Street frontage.

Located to the north west corner of the building, the retail unit has the potential to provide an element of activation. Council's Urban Designer has raised concerns about the extent and height of mature landscaping reducing the level of visual connection with Louise Street.

It is acknowledged these recommendations must be appropriately balanced with the landscaping objectives of DDO26. It is recommended that the adoption of a wider pedestrian entry off Louise Street coupled with the relocation of the water feature, that a high level of visibility to the retail entry would be achieved.

The proposed development would also feature windows and balconies to the front of the building within the podium levels and tower. This arrangement would allow natural surveillance of the adjacent streets.

The proposed car parking would be accessed from the Queen Lane side of the building. Objector concerns regarding the utilitarian interface with Queens Lane have been raised and it is considered that whilst the current interface is dominated with car parking and garaging on the boundary, the opportunity to introduce urban art or opportunities to minimise services along this boundary should form a recommended condition of permit.

#### **Landmarks, Views and Vistas**

As discussed above, the applicant has submitted an assessment report which determines that the proposed development complies with the Shrine Vista Controls.

The proposal would not impinge on the visual prominence or detract from any important vista of any other key landmark within the area.



### **Large Sites**

At approximately 1,217 square metres, it is not considered that the subject site is a 'large site' within the context of the Municipality.

The proposed development would maintain the existing subdivision pattern and would maintain pedestrian permeability within this location.

### **Energy Efficiency**

Given the proposed height and location of the building the development would be provided with a good degree of exposure from the north, east and west and would therefore maximise availability of daylight to habitable spaces including the retail unit at ground level.

The application was accompanied by a Sustainability Management Plan (SMP) that includes all sustainability initiatives and measures proposed as part of the development. This includes a BESS assessment which indicates that a score of 52% would be achieved. In addition to this a STORM Rating report has been submitted that indicates that a rating of 108% would be achieved through the use of a 20,000-litre rainwater tank.

There are outstanding issues in the SMP particularly regarding the notes in respect of stormwater connections and site management, provision of electric vehicle infrastructure, urban ecology and performance of materials. Changes will therefore be required to the submitted SMP, (as detailed in the referral section of this report should this application be supported).

Council's ESD Officer recommends that a development of this size is required to meet a minimum 70% overall score to achieve 'Design excellence'. Subject to conditions, 'Design excellence' can be achieved. It is expected this can be achieved through improvements in the performance of materials, higher levels of electrical charging points for vehicles and improved recycling commitments.

As discussed later in this assessment in respect of overshadowing, the proposed development may reduce the environmental performance of adjacent sites.

### **Building Design**

The proposed development would maintain the existing subdivision pattern and does not include consolidation of additional sites. In addition to this, the proposed side setbacks would be acceptable for the reasons discussed under the DDO26 assessment following and adequate separation would be achieved with the tower at 492 St Kilda Road.

The proposed podium and tower form of the building would provide a well resolved design with the massing and external treatment providing a clear distinction between the human scale of the podium level / street interface and the higher tower component. The Louise Street interface features a consistent setback of 4.1m to the glazing line with planter boxes and exposed slab edges encroaching to various depths. Balconies afford recesses and breaks in the glazing line at each level to offer further depth and interesting shadow lines to be created within the façade. These elements combined with the central recess provide a high level of articulation to prevent the appearance of a sheer façade. The depth and visual interest ameliorate any perception of visual bulk presented to Louise Street. The same architectural expression is repeated to all other tower





elevations. The elevations of the building would be well articulated and would provide visual interest from multiple vantage points in both the public realm and from abutting or nearby properties.

Building services and plant would be concealed from view within basement levels and a finished top to the building.

It is considered that the proposed development would provide an innovative approach, appropriate to this streetscape. As described above, the surrounding built form in this section of Louise Street, does not feature a consistent character and does not include prominent examples of podium / tower development. The character includes sheer tower facades set within large exposed forecourts with limited landscaping or lower scale fine grain development set within established landscaping. It is considered that the contemporary design would integrate well with the mix of old and new buildings nearby.

The proposed building would feature the use of high-quality materials that would minimise the exposure of construction joints and allow for smooth junctions between different materials and finishes. The predominant material would be glass. The use of concrete at tower levels and red brick at the podium levels and their expressed finishes are of high quality and respectful of the material palette found within the area.

Council's Heritage and Urban Design Advisor raised no in-principal objection to the proposal.

#### **Urban Art**

A response to the Urban Art Strategy has not been submitted as part of the application. The submitted plans also do not indicate a prospective location or designated part of the building that could accommodate an Urban Art response. The proposed building does however feature relatively large expanses at the podium level including space along the Queens Lane elevation dominated by servicing cupboards that could accommodate an urban art response. Subject to the issue of a planning permit, this could be provided via condition.

#### **Landscape**

The subject site is fronted to Louise Street by six juvenile Chinese Elms ranging in 3-5m in height and fair to good health. The existing street trees represent an important feature of the existing landscape character of the area. Plans indicate that these trees would be retained however it is noted that a service cupboard within the front setback to Louise Street would likely require trenching which may encroach into the Tree Protection Zone.

The DDO in this location specifies a preferred landscape setback of 4.5m to the Louise Street frontage, a 4.1m setback is proposed. Where the preferred setback is not achieved the suitability of the proposed landscaping response must be carefully considered to ensure that the objective of this requirement continues to be delivered. Any landscaping response must be assessed in conjunction with the standard and objectives of *Standard D10 - Landscaping objectives of Clause 58 – Apartment developments*.

The concept landscaping plan indicates the provision of:



- One Tuckeroo tree capable of reaching a mature height of 10-15m. This tree is proposed to the north-east corner where the basement planter area is located.
- Four Crepe Myrtle trees, capable of reaching a mature height of 8m are proposed along the Louise Street frontage.
- Three Crepe Myrtle trees are proposed along the eastern boundary.

Council's Landscape Architect has noted that many of the shrub selections for the Louise Street garden bed will exceed a mature height of approximately 1m. Factoring in the raised garden bed, when the plants reach maturity they will obstruct views from the street into the communal areas and retail spaces. It is recommended that the planting proposed in front of the retail space are adjusted to include lower species to ensure visibility and street activation and assist with required visibility splays recommended by Council's Traffic Engineer.

The proposed landscape offering would provide a vegetated response that would be viable within this location and responsive to the proposed development. The landscaping would create a strong presence at the street interface and landscape connection with the vegetated setbacks to 33 Queens Road.

The upper level canterlivering planters at Levels 1 and 2 of the podium are of a sufficient depth and width to accommodate the proposed vegetation.

The proposed landscape provision is generally considered to be acceptable subject to conditions. Further details of landscaping including associated infrastructure, maintenance and management would be required to the satisfaction of Council. Landscaping and architectural plans would also need to be amended to ensure consistency in the placement of planters on balconies.

#### **Private and Communal Open Space**

Private open space within the development is generally compliant with the requirements of Standard D19 – Communal Open Space objective of Clause 58 appended to this report.

#### **Residential Amenity**

Due to the north / south alignment of the site, south facing apartments and associated balconies will be overshadowed throughout the course of the day. The majority of apartments take advantage of the north, east and west frontages of the proposed building, and the private open space of the majority of individual apartments would receive the minimum of four hours of sunlight during the equinox as identified in the policy.

The subject site is located within a Commercial 1 Zone and is adjacent to one residential property and one commercial property. The abutting residential property is of a much lower scale and would not give rise to any amenity impacts on the proposed development.

The adjacent commercial building at 492 St Kilda Road would have a 9m separation distance from the habitable room windows and balcony areas to the non-habitable windows of the commercial tower. This is considered to provide adequate tower separation, noting that a 4m setback is proposed to this interface



in lieu of the preferred 4.5m setback. This aspect of the proposal is further considered in the referral response and the DD026 assessment.

A full assessment of the amenity of the proposed development is contained within the Clause 58 appended to this report.

**Design and development Overlay Schedule 26 (DDO26)**

The site is located within sub precinct 5A of Design and Development Overlay Schedule 26.

Sub precinct 5 is the area within the southern section of the St Kilda Road boulevard between Kings Way and the Junction. The sub precinct is recognised as an area where the streetscape is strongly defined by the scale and form of regularly spaced buildings, the consistent boulevard planting and the wide, straight road reserve with multiple traffic lanes.

DDO26 outlines several key design objectives for sub precinct 5. For this application the most relevant design objectives are:

- *To ensure the development contributes to and maintains consistent and symmetrical building heights on both sides of St Kilda Road.*
- *To ensure that development results in regularly placed buildings, with space between them to frame view corridors along St Kilda Road.*
- *To provide landscaped links along east-west streets.*
- *To provide a transition in height from the high-rise development along St Kilda Road to sites fronting Punt Road to provide an appropriate lower scale interface to the residential areas to the east.*
- *To ensure that development improves the pedestrian environment along Queens Lane with buildings designed to address and engage with the street edge, while recognising the service role of this Lane.*
- *To ensure that buildings are scaled to maintain a respectful backdrop for the Shrine of Remembrance.*

The built form closely aligns with the DDO envelope controls in relation to the height, ground, and upper level setbacks. It is therefore considered to be an appropriate response to the controls and the preferred character for the precinct. A detailed assessment of the proposal against the relevant Buildings and Works requirements of the DDO is provided at Appendix 5 of this report and summarised below.

The tower levels are generally setback 4.5m above the podium levels from the north and east boundaries, 4.2m from the south boundary and a 5m upper level setback to Queens Lane. Balconies protrude into the setbacks on the north, east and west faces as they extend up the building. The extent to which they protrude is considered acceptable given the deepest projections are towards the top of the building and should not have significant impact when viewed from ground level.

The front face of the building has no upper level setback presenting an uninterrupted façade to its top, other than the change of material at Level 3. Whilst the sheer nature of the façade is considered towards the limit of an acceptable outcome, it is commensurate with the form and scale of other



buildings in the immediate area. However, this must be assessed against the wind effects that the building is likely to have at the ground and upper levels.

The application material includes a landscape plan prepared by Acre which shows an acceptable level of planting within the Louise Street setback. The preferred landscape setback of 4.5m is proposed to be varied to 4.1m and would also feature a ramped access path off Queens Lane. This response is considered acceptable when balanced with the other aspirations to provide an activate frontage and meet universal access requirements. The design response would also continue to facilitate an appropriate level of canopy cover to north facing windows and complement the existing street trees. High level planting to the podium and tower levels will supplement the landscaping presentation to the east-west streets between St Kilda Road and Queens Road.

The proposal would also provide for improved activation of Queens Lane though the introduction of a retail premises with an outlook directly onto this street. While the building has been largely designed with its back of house facilities (car parking access, loading and services) to Queens Lane, the introduction of the retail space would provide an acceptable balance between the service role of Queens Lane and providing improved activation of the lane.

As detailed in the appended assessment against the Design and Development Overlay it is considered that the proposal would provide a high standard of architectural design and would be compliant with the mandatory controls within the DDO. Variations sought to the discretionary controls are also considered appropriate and can be supported.

Council's Urban Designers have raised concerns about the extent of landscaping reducing the level of activation to Louise Street. This needs to be appropriately balanced with the landscaping objectives of DDO26. It is recommended that the adoption of a wider pedestrian entry off Louise Street coupled with the relocation of the water feature, that a high level of visibility of the retail entry would be achieved.

Subject to the above changes, entries would be visible and easily identifiable, provide shelter, a sense of address and a transitional space around the entries without compromising the landscaping aspirations along Louise Street.

Concerns regarding the extent of services to Queens Lane would need to be ameliorated in order to provide an acceptable elevation treatment. The opportunity to introduce urban art or opportunities to minimise services along this boundary should be considered as a condition of any permit as previously discussed.

It is considered that these elements can be satisfied through changes via conditions on any permit, should the proposal be supported. Beyond these required changes, it is considered that the proposed development would satisfy Council's the requirements of Design and Development Overlay 26.

11.5 **Would the proposal result in any unreasonable amenity impacts to surrounding properties?**

The assessment of the proposed development above, against Councils Urban Design Policy (Clause 22.06) and Design and Development Overlay 26, has



determined that the proposed podium and tower form is acceptable with regard to height and proposed setbacks.

The Clause 58 – Apartment Development assessment contained in Appendix 6 of this report also includes assessment of the proposal in terms of amenity impacts to surrounding properties. Clause 58 does not specify setback requirements based on wall or overall building heights. In considering the potential visual bulk it is noted that the DDO includes clear direction for side and rear setbacks.

An assessment of the proposal against these side and rear setback requirements has been provided earlier in this report. It is considered that a building would satisfy the DDO objectives and would ensure that the building would not present as excessive visual bulk when viewed from surrounding properties.

The Commercial 1 Zone directs consideration of overlooking and overshadowing as a result of building or works affecting adjoining land in a Residential Growth Zone.

The land to the north, east and south of the site is located within a Commercial 1 Zone.

Land to the west of the site is located within the Residential Growth Zone.

#### Overlooking

To Queens Lane, the existing built form on-site is partially constructed to the boundary or setback between 3.1m and 3.4m.

The proposal would see the construction of:

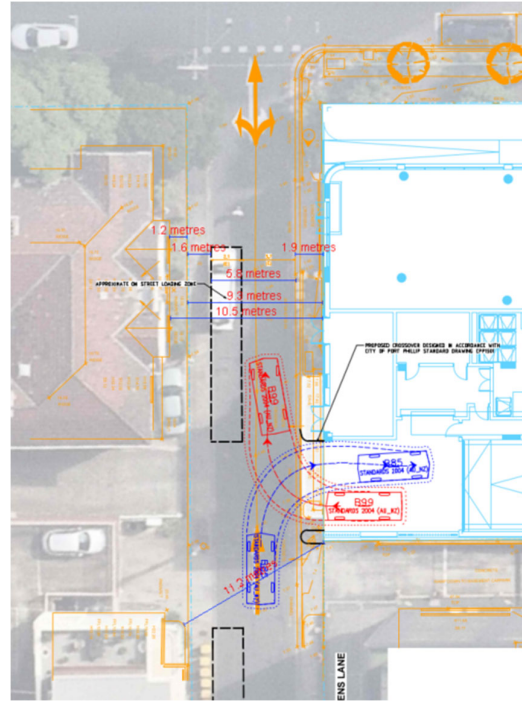
- podium levels to the boundary to a height of 3 storeys / 11.32m.
  - a 5m to 5.1m setback to the tower façade with exposed slab edges and balconies encroaching a maximum of 1.3m (Level 16) into the setback.
- Queens Lane is approximately 5.8m wide from kerb to kerb and 9.3m including the footpaths. In this respect there would be a separation distance of 9.3m between the building and the western edge of Queens Lane.

Adjacent built form constructed within the Residential Growth Zone is setback from their respective boundaries by approximately:

- 1.2m to 33 Queens Road, Former Lenhurst Flats, and
- diagonally opposite at 34 Queens Road, Stanhill the building is constructed to the title boundary.

In effect, the setback between the new built form and the adjacent buildings would be:

- 10.5m to 33 Queens Road; and
- 11.2m (diagonally) to 34 Queens Road, see Figure 11 below.



**Figure 11:** Approximate setback details of adjacent development at 33 Queens Road (top left) and 34 Queens Road (bottom left) compared to subject site (right side)

The proposal would be sufficiently setback to avoid any potential overlooking. Further discussion at Standard D14 of Clause 58 appended to this report considers overlooking impacts to properties outside the Residential Growth Zone, including 490 St Kilda Road in the Commercial 1 Zone.

#### Overshadowing

The building would create additional overshadowing on surrounding lots and public realm in the Residential Growth Zone between 9am and 12 noon (on 22 September). Overshadowing would create additional shadows to 33 and 34 Queens Road between 9am and 12 noon.

Where sunlight to existing areas of private open spaces are limited it is generally considered best practice not to further decrease sunlight access. While the resultant overshadowing impacts to these properties is not preferable it is not considered fatal to the proposal for the following reasons:

- These properties are within the Residential Growth Zone and abut the Commercial 1 Zone. As such, amenity expectations are lower than typical residential areas. A certain extent of overshadowing is expected within this setting.
- The proposed development would be built to the height specified in the Design and Development Overlay that affects the site.
- The overshadowing would only impact these properties between 9am and 12 noon with the balance day unaffected by the proposal.



- The overshadowing impacts would be limited to the morning period and only to those east facing apartments of 33 Queens Road and north and east-facing apartments and external walkways of 34 Queens Road. The building would not unreasonably impact north-facing apartments given these apartments are dual aspect.
- The right to a view is not a planning consideration, the proposal would not impact any west-facing Albert Park views and the current outlook from these properties towards Fawkner Park are limited by existing high-rise developments along both sides of St Kilda Road.
- Similar examples of such interfaces include 478 St Kilda Road where a direct abuttal of a three-storey podium and 16 storey tower above (19 storeys overall) shares an interface across Queens Lane with a four storey Heritage Victoria building known as Newburn flats.

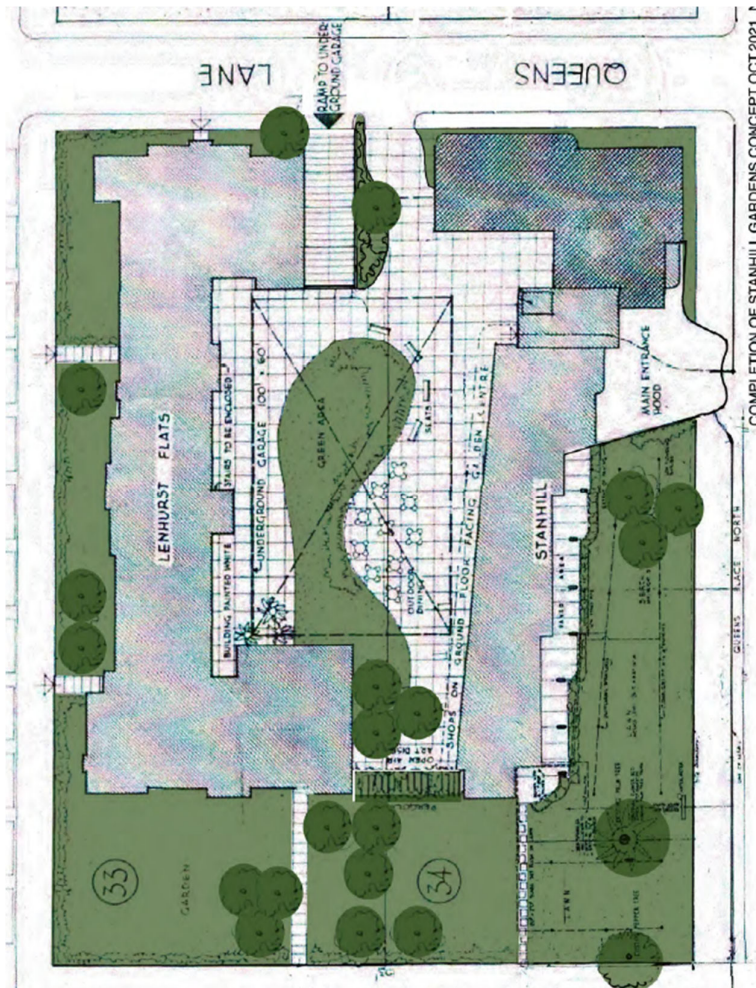
Given the commercial context of the site, the built form anticipated by the Design and Development Overlay, the amenity expectations of a Residential Growth Zone property facing a relatively narrow 9.3m wide road, the zoning arrangement, and permanently (for the foreseeable future) unobstructed western views provide justification for the current impact.

Objector concerns have also been raised regarding the impact of overshadowing to existing car parking areas associated with 33 and 34 Queens Road, it is noted that advice to Council states this area is often used as an informal recreational space. As these are not formal areas of open space, overshadowing impacts are not a consideration of this assessment.

Advice to Council has been put forward that the original vision of Stanhill architect, Frederick Romberg's for the shared space between the Stanhill and Former Lenhurst Flats was to have a semi-public central garden and courtyard space at grade with an underground car park in the area located between the two buildings would be undermined if the proposal in its current form were to be approved.

Figure 12 details an extract of this vision presented to Council officers. As this is not an existing arrangement or current proposal limited weight can be given to the overshadowing impacts on this space. It is further noted that this area would only be affected between 9am and 12 noon and would not render the area unusable if this vision were to be perused.

The submitted shadow diagrams indicate that the proposed tower would cast additional shadowing to St Kilda Road, to the apartment buildings to the western side of Queens Lane and the commercial building at 492 St Kilda Road. However, given the scale of development DDO 26 facilitates within this location, an element of overshadowing is considered to be inevitable. The impact is considered to be acceptable for the reasons discussed.



**Figure 12:** Original vision of Stanhill architect, Frederick Romberg, for the shared space between the Stanhill and Former Lenhurst Flats to have a semi-public central garden and courtyard space at grade with an underground car park.

It is acknowledged that at 17 storeys the proposed development is substantial in scale. Despite this, the development would achieve adequate setbacks and complies with the mandatory height controls identified for this site within DDO 26.

11.6 **Would the development provide for an acceptable response level of internal amenity for residents?**

An application for the provision of apartment buildings within the Commercial 1 zone is required to be assessed against the objectives, standards and decision guidelines of Clause 58.

A development must meet all of the objectives of Clause 58 and should meet all of the standards of Clause 58.

A Clause 58 Assessment forms an appendix of this report. The assessment determines that the proposal would be largely compliant with internal amenity requirements relating to the functional layout of bedrooms and living rooms subject to conditions largely confirming annotations on the architectural plans.





### 11.7 Are the proposed car parking and access arrangements acceptable?

#### Access and Traffic

DDO26 seeks to ensure that development improves the pedestrian environment along Queens Lane with buildings designed to address and engage with the street edge while also recognising the service role of this lane.

It is proposed to modify the access arrangements to remove two crossovers along Queens Lane and modify the third crossover closest to 492 St Kilda Road. Council officers raised preliminary concerns regarding the number of traffic movements the site will generate and the number of existing access points in this section of Queens Lane.

Council's Traffic and Transport Unit are supportive of the proposed access arrangements subject to conditions detailed in the referral responses.

The application included a Traffic and Transport Impact Assessment (advertised) which provided an assessment of the traffic that would be generated by the development.

The Traffic Impact Assessment notes the following:

- Queens Lane is suitably designed to comfortably accommodate the additional increase in traffic due to the one-way traffic management in place.
- All movements to all sites are restricted to single direction entry and exit movements.
- Due to the short length of Queens Lane, vehicles will be travelling at a low speed reducing the risk of conflict.
- Based on the assessment that the development is expected to generate less than 2 vehicles every 3 minutes during the peak periods, this can be considered reasonable.
- Even when focussed into one access point, the traffic volumes generated by the proposed development are low and are expected to be easily absorbed into the surrounding road network.

Council's Traffic and Parking Unit have assessed the Traffic Impact Assessment and have not raised any in-principle concerns about the information provided. Rates of between 3 and 5 traffic movements per dwelling with a car parking space per day is accepted as an appropriate rate and would be generally consistent with the rates adopted for nearby approvals including 31 Queens Road and 478 St Kilda Road.

Whilst there is a general level of comfort with these rates, Council's Traffic Engineer has requested that an assessment of the existing traffic volumes of Louise Street is required to ensure the suitability of the expected 390 additional vehicle movements per day. It was requested that any assessment would consider the expected traffic volumes compared to the acceptable limit for the road function. Furthermore, the assessment is to consider traffic impacts to the intersections of Louise Street/Queens Road and Louise Street/St Kilda Road.

The applicant has provided additional information to Council in respect of car parking. It is noted that this information has not been formally amended and whilst it does not hold any statutory weight it provides a level of comfort that any traffic generation arising from the proposal would be acceptable.

The additional information notes:



- a traffic generation rate of 4 vehicle movements per dwelling with peak hour rates being 10% of daily volumes would be appropriate for the site given the excellent public transport links (this is one less daily movement per dwelling than previously nominated).
- 89 car parking spaces will be allocated to a total of 83 dwellings owing to the proposed allocation of two car parking spaces to some dwellings.
- an additional 415 vehicle movements would occur per day with a peak of 41 vehicle movements during the morning and afternoon. Of these 41 traffic movements at peak times, it is estimated that 80% of the residential traffic will be outbound, while during the afternoon peak, 60% of the residential traffic will be inbound.

The traffic survey (taken between Friday 4 February 2022 and Friday 11 February 2022 (during school holidays)) found that:

- a maximum of 39 vehicle movements per hour are projected for the development, equivalent to less than two vehicle movements every three minutes.
- the maximum volume to an existing movement is 22 vehicles per hour (through movement on Queens Lane) which equates to around 1 vehicle movement every 3 minutes
- the level of traffic and additional movements to the road network is very low.

To assess the operation of the intersection the traffic volumes have been input into SIDRA Intersection, a traffic modelling software package. The following findings were outlined:

- intersections will continue to operate under 'excellent' or 'very good' conditions as per the existing conditions.
- some very minor increases to the queues and delays are expected to the Louise Street / Queens Road and Louise Street / St Kilda Road intersections however, the increases are low and will not be noticeable to existing users.
- in relation to daily traffic movements, it is projected that there will be a total of 415 (up from 390) movements generated per day.
  - Due to the orientation of Queens Lane being one-way northbound, the site access point is restricted to left in / left out movements only. Therefore, the number of movements at any point along Queens Lane is therefore half of the total being approximately 206 movements per day.
  - On Louise Street, the traffic distribution model indicates that there will be 100 additional movements per day to the eastern section of Louise Street and 40 additional movements per day on the western section of Louise Street.

To assess the ability for the existing road network to accommodate these traffic movements, the existing and projected volumes have been combined and verified against the capacity of each road. The future projected traffic volume would remain substantially less than the capacity of Queens Lane and Louise Street, both east and west bound.



In view of the foregoing, the proposed access and traffic generation is considered acceptable.

In regard to the additional traffic numbers that would be generated in the specific comments in regard to traffic generation have copied below:

*The additional 39 vehicles in a peak hour are approximately just 1 vehicle every 3 minutes. This is a low volume and can be safely accommodated within the existing capacity of these roads.*

Based on the referral comments from Council's Traffic and Parking Unit it is considered that the development would have an acceptable outcome with respect to access and traffic generation.

Whilst it is acknowledged that the development will generate some additional vehicle movements on the local road network, it is not considered that such additional movements would necessarily be concentrated or conflict substantially with existing traffic. Furthermore, some residents may choose to walk, cycle or use public transport which is available within a short walking distance of the site.

Parking

The proposed development would consist of predominantly residential uses with an element of retail floor space. The subject site is located within the Principal Public Transport Network (PPTN) and is therefore subject to the applicable parking rate under Column B of Table 1 of Clause 52.06. The proposed standard residential uses generate the following statutory car parking requirement under Table 1 of Clause 52.06:

Use	Rate	No	Total Required	Total Proposed	Rate per dwelling
Dwelling	1 space to each one or two bed dwelling	82	82	53 spaces allocated to 69 2-bedroom apartments	0.77
	2 spaces to each three + bedroom dwelling	22	44	24 spaces allocated to 16 3-bedroom apartments	1.5
				12 spaces allocated to 6 4-bedroom dwellings	2
	0 spaces per visitor to every 5	104	0	-	-



	dwelling for developments of 5 or more dwellings				
Retail Premises*	3.5 spaces per 100sqm leasable floor area	175sqm	6		0
<b>Total</b>			132	89	- 43

*\* Note: the plans identify the ground floor commercial space as a Retail use. The Traffic Impact Assessment identifies the land use as a Food and Drinks Premises which is a subset of a Retail Premises. There is no specific rate set out in Table 1 of Clause 52.06 therefore car parking spaces must be provided to the satisfaction of the responsible authority.*

*A rate of 3.5 car parking spaces per 100 square metres of leasable floor area has been adopted for this calculation. This rate aligns with that of a Food and Drinks Premises and a Shop, both of which are subsets of a Retail Premises.*

This generates a requirement for a total of 132 spaces. A total of 89 spaces are proposed across the basement levels. The submitted traffic report states that out of the 89 proposed car parking spaces all would be allocated to the proposed residential uses. It is acknowledged that there is no statutory car parking rate for the provision of visitor car parking within residential development and the proposal would seek to vary the car parking required by 43 spaces.

Contextually, the site is located within the Principal Public Transport Network Area (PPTN) and is within walking distance to several centres, services, facilities and modes of public transport and cycling. When assessing an application to reduce the parking requirements, it must be highlighted that there is strong policy support for addressing traffic congestion, limiting greenhouse emissions, and encouraging a modal shift to more sustainable transport options as per Clauses 16.01-1S (Integrated Housing), 16.01-2S (Location of Residential Development), 21.04-1 (Housing and Accommodation), 18.01-2S (Transport System), and 18.02-2R (Principal Public Transport Network); this is particularly relevant in areas with good access to public transport.

On this basis, a balanced outcome needs to be achieved acknowledging the impact of any parking reduction while promoting reduced vehicle ownership and the dependence on cars as a mode of transport. It is accepted that the site and proposed development are well positioned to achieve the policy objectives. In this instance there is justification to reduce the statutory car parking rate due to the site's proximity to nearby activity centres and public transport as well as strong alignment to state and local policy.

Clause 52.06-7 outlines the considerations the Responsible Authority must have regard to in determining the appropriateness of a car parking reduction, a full assessment against the requirements of Clause 52.06-7 is provided at Appendix 7 of this report.

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.

Whilst aspects of parking demand and supply may be questioned, these concerns can be addressed through conditions of any permit that may issue. The applicant's report, Council's Traffic Engineer and the Department of Transport are satisfied that the site can accommodate the traffic numbers generated by the development in a safe manner without leading to unreasonable congestion across the site and wider area.

Council's Traffic Engineer has reviewed the proposed layout and confirmed that the car parking dimensions and layout, ramp gradients and overall car parking layout would be generally efficient and compliant with the design standards of the Planning Scheme subject to conditions requiring swept path diagrams and clearance distances to canopy over bonnet storage to be increased.

#### Bicycle Parking

As per Clause 52.34 of the Planning Scheme sets out the following bicycle parking requirements for the proposed development.

Use	Rate	No	Required	Proposed
Dwelling	1 space per 5 dwellings for residents  1 space per 10 dwellings for visitors	104 dwellings	21  10	72 (60 vertical / wall mounted and 12 horizontal spaces)
Retail Premises	1 space per 300sqm for employees  1 space per 500m2 for visitors	175sq	1  0	10 (vertical / wall mounted bicycle spaces)
<b>Total</b>			<b>32</b>	<b>86</b>  * note 4 spaces would be provided on the nature street

It is proposed to provide a total of 86 bicycle spaces onsite, which exceeds the requirements of the Planning Scheme and is considered acceptable. Notice of the application was provided to the Department of Transport who noted that, "Council may wish to request the provision of additional bike spaces given the location of the development, surrounding destinations and existing bicycle provisions."



It is considered that in line with this advice and the proposed variation of 43 car parking spaces should be offset with an equivalent number of 43 additional bicycle spaces. It is recommended that some of these are provided at ground floor level and appropriately designed to be accessible to a broader range of users to the site.

Council's Traffic Engineer has raised concerns that the bicycle parking areas are not satisfactorily accessible as they are 'blocked in' by adjoining parking spaces and would when occupied. It is therefore recommended that conditions of permit are included to ensure satisfactory resolution of these design matters.

#### Loading

A loading area is proposed on-site which connects to the waste room at ground level. The loading area allows for a 6.4m mini-loader to reverse in, propping partially within the loading area and partially across the basement access way. Headroom clearance distances have not been dimensioned on the architectural plans but scale at 3m which would facilitate typical medium trucks for removalists etc. These details have been requested and the recommended conditions require the loading area is designed to demonstrate compliance with *AS2890.2 – Off Street commercial vehicle facilities*. Clearance distances in excess of 3m could be achieved with the relocation of the car park exhaust.

While the mini-loader partially obstructs the accessway, swept path diagrams provided demonstrate that a B99 vehicle can drive around the parked truck when entering the development. This can be considered reasonable considering the low usage of the loading area. However, consideration should be made for adequate sight distance for opposing traffic as vehicles travelling up the ramp may not see approaching traffic travelling around the mini-loader.

It is considered these matters can be addressed via recommended conditions of permit.

#### **11.8 Are the waste management arrangements acceptable?**

The new building would provide an onsite loading bay where waste would be collected by a private contractor. The waste collection bay is large enough to provide for mini-loaders as discussed above. The submitted Waste Management Plan prepared by One Mile Grid details the following details in regard to the collection arrangements:

- A private contractor would collect waste at the on-site Loading Bay.
- Collection staff shall have access to the Bin Store and transfer bins to the truck and back to the waste management centre.
- The waste collection shall be carried-out by rear-lift vehicles (nom. 6.4m long, 2.1m high, and 6.4 tonnes gross vehicle mass, needing a 2.5m high clearance when lifting 1100L bins).

As noted in Section 9 of this report, Council's Waste Management Unit has reviewed the proposed waste loading facilities and provided comments bin capacities, or the frequency of collections would need to be increased to facilitate the expected demand from the development.

Waste would be collected on site and there would not be any significant distribution in Queens Lane. It is also considered necessary to limit what times waste would be collected in accordance with Council's Local Laws to ensure the protection amenity for



nearby residents. It is recommended that should a permit be issued a condition is included which requires the endorsement of the Waste Management Plan submitted with the application.

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

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

Subject to conditions contained in Section 9 the proposal would achieve “Best Practice” in ESD and WSUD arrangements and would be consistent with Clause 22.12. and 22.13. Council’s ESD Officer recommends that a development of this size is required to meet a minimum 70% overall score to achieve ‘Design excellence’. This forms a recommended condition of permit.

**12. INTEGRATED DECISION MAKING AND CONCLUSION**

12.1 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 of increasing residential density at strategic locations and within close proximity to jobs, services and public transport (environmental, economic and social).
- The proposal would achieve the purpose of the zone by way of providing a commercial use which would support the locality (environmental, economic and social)
- The proposal would provide high-quality architecture which would enhance the public realm and be respectful of the heritage significance of adjoining buildings in the immediate area. The proposal would create a building that would be consistent to the height sought for buildings between St Kilda Road and Queens Lane (environmental, economic and social).

Neutral

- Most off-site amenity impacts can be appropriately mitigated by way of permit conditions and planning scheme provisions (environmental, economic and social), should the proposal be supported.
- Subject to conditions the proposal is considered to satisfy the 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 proposal would lead to some off-site amenity impacts including overshadowing areas of private open space and the public realm. Daylight access will be reduced to properties within the immediate vicinity. These are impacts that are sought to be limited by local policies but are inevitable outcomes based on DDO26 (environmental).
- The application has received 66 objections (social).

**13. OFFICER DIRECT OR INDIRECT INTEREST**

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

**14. OPTIONS**

- 14.1 Approve as recommended.
- 14.2 Approve with changed or additional conditions.
- 14.3 Refuse - on key issues.

**15. CONCLUSION**

- 15.1 The proposal is consistent with the strategic direction outlined by the Port Phillip Planning Scheme where the provision of commercial floor area would contribute to the economy of the local area. The provision of high-density residential development in this location is also supported through strategic policy and it is considered that the proposed dwelling typologies offer a good level of dwelling diversity.
- 15.2 The development would sit respectfully with adjoining individually significant heritage places that are significant 'independent of their context'. That is, apart from the immediate setting within the title boundaries the surrounding context does not contribute to the significance of the place. The surrounding context is very diverse, and all the buildings are in varying degrees viewed in the context of surrounding mid to high rise office developments. Because of this, and the strategic importance of the St Kilda and Queens Road corridor for higher density development, DDO26 sets out development controls that, amongst other things, include in relation to heritage.
- 15.3 The proposed construction of a mid/high rise building in close proximity to a heritage place is permitted within the St Kilda/Queens Road corridor and there are several examples where this has occurred on the same site (for example, 452, 478 & 572 St Kilda Road, and 23-25, 54 and 83 Queens Road). A midrise development on the subject site that complies with the relevant aspects of DDO26 will not adversely impact upon the heritage significance of the surrounding heritage places. The proposal would provide a sense of continuity to the heritage place and create a new building which would be a positive addition to this section of St Kilda Road.
- 15.4 The proposed development demonstrates compliance with the mandatory controls contained within the DDO that affects the site. It is acknowledged that the development would go marginally beyond the discretionary controls at the site notably the requirement to provide a 4.5m landscape setback to Louise Street and the architectural





encroachments of the expressed concrete slabs into the various setbacks. These elements are considered to provide a high standard of design which merits an encroachment into the setbacks.

- 15.5 The proposed development is also considered to be to an acceptable scale within this location and would not cause excessive bulk or unreasonable amenity impacts beyond those anticipated by the built form controls of DDO26.
- 15.6 The proposed development, subject to conditions, would also provide an active frontage to Louise Street and improve activation to Queens Lane and would provide natural surveillance at ground and upper podium levels.
- 15.7 The proposed dwellings offer a high standard of internal amenity and each apartment would be provided with areas of private open space and a functional layout. Storage space is also provided along with designated bicycle parking at ground level.
- 15.8 The application proposes a reduction of carparking, but this is considered acceptable in consideration of the promotion of sustainable transport and limiting the impact on the surrounding road network, particularly traffic generation within Queens Lane.
- 15.9 The proposal would increase traffic generation where additional car parking would be provided for the development. Council's Traffic and Parking Unit have confirmed that the increase in traffic during peak hours are a low volume that could be safely accommodated within the existing capacity of this section of Queens Lane.
- 15.10 On site loading and waste collection facilities would be provided within the development which would satisfactorily limit the impact of loading and waste collection on the operation of Queens Lane and reduce any amenity impacts to residential properties fronting onto Queens Lane.
- 15.11 Overall, the design recognises and responds to the opportunities and constraints of the site and context, including opportunities for landscaping and provides an appropriate and well executed response to the site.
- 15.12 The preceding report demonstrates that the design considers and responds to the features of the site context and is an appropriate design solution for the site. As discussed in Section 11 of this report, it is considered that some modification to the proposed development is required so that it better responds to the preferred character of the area, surrounding built form and nearby residential amenity.
- 15.13 The proposal is recommended for approval, subject to the conditions outlined at Section 3 of this report.

## **ATTACHMENTS**

- 1. Architectural Plans**
- 2. Site Location**
- 3. Photographs of site and surrounds**
- 4. Internal Referral Responses**
- 5. Design and Development Overlay Schedule 26 (DDO26) Assessment**
- 6. Clause 58 (Apartment Developments) Assessment**
- 7. Clause 52.06-7 Car Parking Demand Assessment**