



**6.1** 14 ALMA ROAD, ST KILDA - 858/2020

**LOCATION/ADDRESS:** 14 ALMA ROAD, ST. KILDA

**EXECUTIVE MEMBER:** BRIAN TEE, GENERAL MANAGER, CITY GROWTH AND DEVELOPMENT

**PREPARED BY:** PHILLIP BEARD, PRINCIPAL PLANNER

## 1. PURPOSE

- 1.1 To determine an application for the construction of a 14 - 17 storey building comprising accommodation (dwellings), retail and food and drinks premises, buildings and works within a Transport Zone 2, and a reduction in car parking requirements.

## 2. EXECUTIVE SUMMARY

<b>WARD:</b>	Lake
<b>TRIGGER FOR DETERMINATION BY COMMITTEE:</b>	More than 16 objections
<b>APPLICATION NO:</b>	858/2020
<b>APPLICANT:</b>	Auyin Property Development Pty Ltd
<b>EXISTING USE:</b>	Residential apartments/flats
<b>ABUTTING USES:</b>	Residential
<b>ZONING:</b>	Mixed Use
<b>OVERLAYS:</b>	DDO 36-1E
<b>STATUTORY TIME REMAINING FOR DECISION AS AT DAY OF COUNCIL</b>	Expired

- 2.1 The proposal is for a mixed use development within a 14 - 17 storey building above three levels of basement car parking. The proposal would result in a total of 94 apartments (37 x one bedroom and 57 x two bedroom dwellings) along with a 200m<sup>2</sup> food and drinks premises and 60m<sup>2</sup> of retail space. There are 79 car spaces proposed along with 39 bicycle spaces.
- 2.2 As proposed, it is intended to allocate 57 car spaces to the two bedroom dwellings (1 per dwelling) and 19 spaces to the 37 single bedroom dwellings. The remaining three car spaces would be allocated to the commercial use. The proposal therefore seeks a residential parking reduction of 18 car spaces associated with the one bedroom dwellings only. The proposal also subsequently seeks a reduction of 5 spaces associated with the food and drinks premises and a one space reduction associated with the retail space. There would therefore be a total parking shortfall of 24 spaces as proposed (retail, food/drink and residential combined).
- 2.3 The application was originally advertised in February 2021 which generated 45 objections.
- 2.4 The Applicant lodged a Section 57 Amendment (pursuant to the Planning and Environment Act 1987) on 19 October 2022 in response to objections and internal referral comments. Amendments were made to land uses, architectural expression, building height, car and bicycle parking and the deletion of winter gardens to be replaced with standard balconies. These are the plans assessed in this report.
- 2.5 The Section 57A plans were advertised in December 2022 which generated 12 objections (10 of which being new objectors). Overall, 55 objections have been received for this application.



- 2.6 A consultation meeting was held on 30 March 2023, attended by the applicant, Council planners, Ward Councillor and five objectors.
- 2.7 Following the planning consultation meeting, the applicant provided Council with further analysis and detail in response to objector concerns. However, this did not result any changes to the proposal.
- 2.8 In summary, the subject site is included in Design and Development Overly (DDO 36-1E) which has a discretionary maximum height of 13 storeys / 46m, with potential for another two storeys able to be considered, giving a discretionary maximum of 15 storeys.
- 2.9 The proposal would have a maximum of 17 storeys (with the 'shoulder elements at 14 storeys). Due to the site being located at the topographical high point of the St Kilda Hill precinct it is considered that the proposed height would not be acceptable. A reduction in two levels is therefore recommended.
- 2.10 The reduction of car spaces is considered acceptable, given the sites location within the Principal Public Transport Network. Trams are available opposite the site on St Kilda Road (routes 3 and 67) with bus services are available along Barkley Street (route 246); walking distance to Balaclava station (approx. 15-20 min) and a number of car share spaces available nearby. In terms of off-site amenity matters, including shadowing, visual bulk and privacy protection, it is considered that the proposal would result in an acceptable interface to its immediate surrounds.
- 2.11 As outlined in the report, subject to recommended conditions the proposal is recommended for approval.

### 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 Planning Permit.
- 3.2 That a Notice of Decision to Grant a Planning Permit be issued for the construction of a multi-storey building comprising accommodation (dwellings), retail and food and drinks premises, buildings and works within a Transport Zone 2, and a reduction of car parking from the Planning Scheme provisions.
- 3.3 That the decision be issued as follows:

#### **Amended Plans**

1. Before the 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 three copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:
  - (a) Deletion of two levels from the south portion of the building (where closest to Alma Road) within levels four to seven, reducing the height by approximately 6.5m and dwelling numbers by six.
  - (b) Incorporation of solid, masonry elements to the corners of the vertical slots in the corner (south) building on East and South elevations.
  - (c) Greater detail (1:50 elevation drawings) of footpath awning and ground floor windows and entrances by way of materials, colours, dimensions, extent of any reveals and where necessary, fixing detail.
  - (d) Indication of external urban art as per condition 14.
  - (e) Landscaping details for the public realm, including details of footpath and laneways, including levels and finishes demonstrating safe, accessible routes to all entrances, footpaths, colonnades and laneways.



- (f) Additional landscape details including proposed planting for first floor balconies, vertical facade greenery and rooftop podium, including access and maintenance arrangements.
- (g) Plans at scale 1:50 showing detail of the horizontal banding on the taller (south) tower element depicting material, colour and the degree to which the banding protrudes beyond the building line.
- (h) Plans at 1:50 scale detailing the protruding horizontal brick elements on the low/north element by way of brick types, dimensions, orientation (laid horizontally or vertically), colour, extent/angle of protrusion and methods of fixing to the building.
- (i) An added security door to the service corridor allowing access to the undercroft parking area and laneway.
- (j) Plans at 1:50 scale clarifying the presence of the white vertical bands adjacent to the gap between the low and high elements of the building.
- (k) A lighter window tint to apartments numbered 02 on each level from levels 1 to 13 and apartments numbered 05 on each level from levels 2 to 13 coupled with depiction of external roll down/operable screening on those same windows.
- (l) Provision of external roll down/operable screening on north facing habitable room windows.
- (m) Depiction of a charity waste bin
- (n) A notation that the 30kL RWT on the first floor is to be connected to a subsurface drip irrigation system and notation that the protruding brick elements are included in the applicable daylight modelling.
- (o) A notation on the roof plans indicating the 35 solar PV panels would be minimum 14kW's.
- (p) Notations on the plans and in a the modified SMP (Pursuant to Condition 13) that BESS 3.1 Carpark Ventilation (CO2 monitoring) would be achieved satisfactorily.
- (q) Clarification of the natural ventilation of the basement car parks and clarification that they have access to external openings allowing such ventilation.
- (r) Depiction of clotheslines to each dwelling.
- (s) Notation of the connection to irrigation of collected water to be added to the RWT.
- (t) Provision of organic / food and garden waste disposal incorporated into the level 14 Communal Garden space (or Ground Level Bin Rooms).
- (u) Depiction of ground level bin room recycling waste provision as claimed in BESS.
- (v) Depiction of a canopy/awning along the ground floor north and east aspects.
- (w) Any changes required by conditions 9 (WSUD), 11 (Drainage), 13 (Sustainable Management Plan), 14 (Urban Art), 15 (Waste Management) and 16 (Landscape Plan).

#### **No Layout Change**

- 2. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.

#### **External colours and Finishes**

- 3. All external materials finishes and paint colours are to be to the satisfaction of the responsible authority and must not be altered without the written consent of the Responsible Authority.

#### **Equipment and Services Above Roof Level**

- 4. No plant, equipment or services (including any associated screening devices) or architectural features, other than those shown on the endorsed plan are permitted, except



where they would not be visible from the primary street frontage (other than a lane) or public park without the written consent of the Responsible Authority.

#### **Waste Management**

5. An adequate waste management arrangement must be provided for the premises in accordance with Council's Community Amenity Local Law No.3 and all waste collection/management must accord with the Waste Management Plan endorsed under this permit.

#### **Plant & equipment noise levels**

6. Any new/additional air conditioning, refrigeration plant and any other heating plans or similar related to the permitted roof deck 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.

#### **Incorporation Sustainable Design Initiatives**

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

#### **Implementation of Sustainable Design Initiatives**

8. 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.

#### **Maintenance Manual for Water Sensitive Urban Design Initiatives (Stormwater Management)**

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

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

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

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

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

10. 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.

**Drainage / Engineering**

- 11. 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 19.03-3L (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.

**Drainage / Engineering**

- 12. 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.

**Updated Sustainable Management Plan**

- 13. Before plans being endorsed under condition 1 of this permit, an updated Sustainability Management Plan (SMP) must be submitted to and approved by the Responsible Authority. The updated SMP must be generally in accordance with the SMP submitted with the application but modified to include details and amendments as required by conditions 1 k) to v) above.

Where alternative ESD initiatives are proposed to those specified in this condition, the Responsible Authority may vary the requirements of this condition at its discretion, subject to the development achieving equivalent (or greater) ESD outcomes.

When approved, the updated SMP will be endorsed and will then form part of this permit. The ESD initiatives in the endorsed SMP must be fully implemented and must be maintained throughout the operational life of the development to the satisfaction of the Responsible Authority.

**Urban Art Plan**

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

**Waste Management Plan**

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

**Landscape Plan**

- 16. 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 Tract) 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) Details of landscaping along both street frontages
- f) Details of landscaping on all communal terraces and open communal spaces
- g) Tree protection measures including for street trees accurately drawn to scale and labelled.
- h) Any changes as required by Condition 1.

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

#### **Completion of Landscaping**

17. 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.

#### **Landscaping Maintenance**

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

#### **Street Tree Protection**

19. Tree Protection Fencing is to be established around the tree protection zone of the St Kilda Road and Alma Road street trees before 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.

#### **Car Parking and Bicycle Parking Layout**

20. 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.

**Parking and Loading Areas Must Be Available**

- 21. Car and bicycle parking and loading areas and access lanes must be developed and kept available for those purposes at all times and must not be used for any other purpose such as storage to the satisfaction of the Responsible Authority.

**Car Parking Allocation**

- 22. Without the further written consent of the Responsible Authority car parking for the approved development must be allocated on any Plan of Subdivision as follows:
  - a) at least 25 car spaces allocated to the one bedroom apartments;
  - b) at least 51 car spaces allocated to the two bedroom apartments,
  - c) not less than two car spaces allocated to the food and drink premises
  - d) not less than one car space allocated to the retail tenancy.
  - e) one of the three food & drink/retail spaces is also to be marked as disabled parking.

All to the satisfaction of the Responsible Authority.

**Car Parking Stacker Maintenance and Provision**

- 23. The mechanical car stackers are to be maintained in a good working order and be permanently available for the parking of vehicles in accordance with their purpose, to the satisfaction of the Responsible Authority.

**Bicycle end of trip Provision**

- 24. Bicycle parking spaces and end of trip facilities are to be designed in accordance with Clause 52.34 of the Port Phillip Planning Scheme.

**Disabled Parking**

- 25. Before the occupation of the development allowed by this permit, a minimum of one (1) car space must be provided for the exclusive use of disabled persons. The car space must be provided as close as practicable to the front entrance of the building and must be clearly marked with a sign to indicate that it must only be utilised by disabled persons. The minimum dimensions of the car space must be 3.2 metres wide by 4.9 metres long to the satisfaction of the Responsible Authority.

**Loading/Unloading – Where a Loading Bay is Provided**

- 26. The loading and unloading of goods from vehicles must only be carried out on the subject land within the designated loading bay, as detailed on the endorsed plans, and must be conducted in a manner which does not cause any interference with the circulation and parking of vehicles on the land to the satisfaction of the Responsible Authority.

**Piping, Ducting, Service Units**

- 27. 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.

**Walls on or facing the boundary**

- 28. 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.

**Reconstruction of crossovers**

29. Any redundant crossovers are to be reconstructed and made good at the permit holders' expense to Council's minimum standards.

**Department of Transport Conditions**

30. The provision of signage facing motorists exiting the laneway to prohibit right out movements into Alma Road.
31. The provision of Keep Clear line marking across east bound lanes on Alma Road where it intersects with the laneway
32. The canopy located along the St Kilda Road façade at the corner of Alma Road must provide a minimum setback of 0.5m from any part of the traffic signal at this location.

(End DOT conditions)

**Amenity Impacts**

33. The amenity of the area must not be detrimentally affected by the development through the:
- a) Transport of materials, goods or commodities to or from the land
  - b) Appearance of any building, works or materials
  - c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, dust, waste water, waste products, grit or oil.

**Mechanical Exhaust**

34. Before the use starts any mechanical exhaust systems related to the food & drink premises must be constructed in accordance with the Australian Standard number 1668 and/or to the satisfaction of the Responsible Authority.

**Storage and Disposal of Garbage (Food & Drink Premises)**

35. Provision must be made for the storage and disposal of garbage from the Food and Drink premises to the satisfaction of the Responsible Authority. All garbage storage areas must be screened from public view.

**Noise Emissions**

36. Any air conditioning and refrigeration plant must associated with the food and drink premises 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.

**Internal Noise Protection**

37. Before the building is occupied, the permit holder must ensure that internal noise levels of the sleeping areas of the proposed dwellings must not exceed 35dB(a) with the windows closed; and for all other habitable rooms, levels must not exceed 40dB(A) with windows closed in accordance with relevant Australian Standards for acoustic control (including AS2107-1987 and AS3761 - Road Traffic) to the satisfaction of the Responsible Authority.

**Time for Starting and Completion**

38. 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.
- c) The food and drink premises use is not started within three (3) 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. RECOMMENDATION PART B**

- 4.1 That the Planning Committee authorise the Manager City Development to instruct Council's Statutory Planners and/or Council's solicitors on any VCAT application for review should one be lodged for this application.

**5. RELEVANT BACKGROUND**

There is no relevant planning history for this site.

**6. PROPOSAL**

As noted above, the plans are a Section 57a amendment (s57a) of the original submission. The plans are those received by Council (date stamped) 25 October, 2022. The s57a amendments include the following key changes from the original plans:

- Balcony placements and types
- Location of highest point
- Overall built form/architectural treatment
- Deletion of Social Housing component.

**Development Summary (as assessed)**

USE	SIZE/NUMBER
<b>Dwellings:</b>	37 x One bedroom 57 x Two bedroom TOTAL: 94
<b>Food &amp; Drink Premises</b>	200m <sup>2</sup>
<b>Retail tenancy</b>	61m <sup>2</sup>
<b>Car parking spaces</b>	79
<b>Bicycle spaces</b>	39



Aerial photomontage from St. Kilda Road north of the site



Photomontage from St. Kilda Road opposite the site at ground level

### Basement levels

- 6.1 There would be three basement levels all occupying the full extent of the site. They would be accessed from two car lifts from the lane way accessed from Alma Road. The basement levels would have near identical layouts with the car lifts at the west side of the site and the car spaces arrangement around the perimeters. Basement levels three and two would comprise car stackers whilst basement one would comprise regular at-grade spaces.



6.2 Each basement level would also comprise storage areas generally in the north-east and south-west corners of each level. Stair and lift access is also proposed.

**Ground level**

6.3 This level would comprise a combination of back-of-house areas (lobby, bin room, services and the like) along with two commercial tenancies being a food and drink premises running along the south boundary and a retail tenancy on the east (St. Kilda Road) boundary. The food and drink and retail tenancies would be 200m<sup>2</sup> and 60m<sup>2</sup> in area respectively. Both would abut and have frontages to the St. Kilda Road side boundary. A setback to the façade of just over 2m is proposed from the Alma Road site boundary at this level.

6.4 Four additional car spaces and a loading bay are also proposed at this level abutting the laneway to the west.

**First to thirteenth levels**

6.5 These levels would be nearly identical in terms of form, layout and setbacks. The first floor level would feature a cutout in the north-west corner accommodating the car lift overrun and a communal facilities services area with the remaining floor space accommodating dwellings. The levels above would accommodate a mix of one and two bedroom apartments with balconies interspersed along the respective facades. The balconies would be 6.5m<sup>2</sup> to 11.5m<sup>2</sup> in area.

6.6 The building would be setback between 2m from Alma Road, 2.7m to the west laneway, 4.5m to the north boundary and would abut at zero setback, the St. Kilda Road boundary.

**Fourteenth to Sixteenth levels**

6.7 The form of the building at these levels would feature an increased setback from the north (approx 15m) and a setback from the south west corner. Both additional setbacks would accommodate communal open space at level 14.

6.8 Level 14 would contain one dwelling whilst levels 15 and 16 would comprise two dwellings per level.

**Elevations.**


6.9 The building would feature glass facades with light coloured vertical column-like highlights to the taller portion of the building. The lower section of the tower would feature substantial vertical and horizontal masonry panels interspersed with glass.

6.10 The taller section of the tower would be finished with an angled parapet roof feature, forming steep slopes diagonally down toward the south east corner and west side of the building This tallest section of the building would be 17 levels with a maximum height of 61.2m.

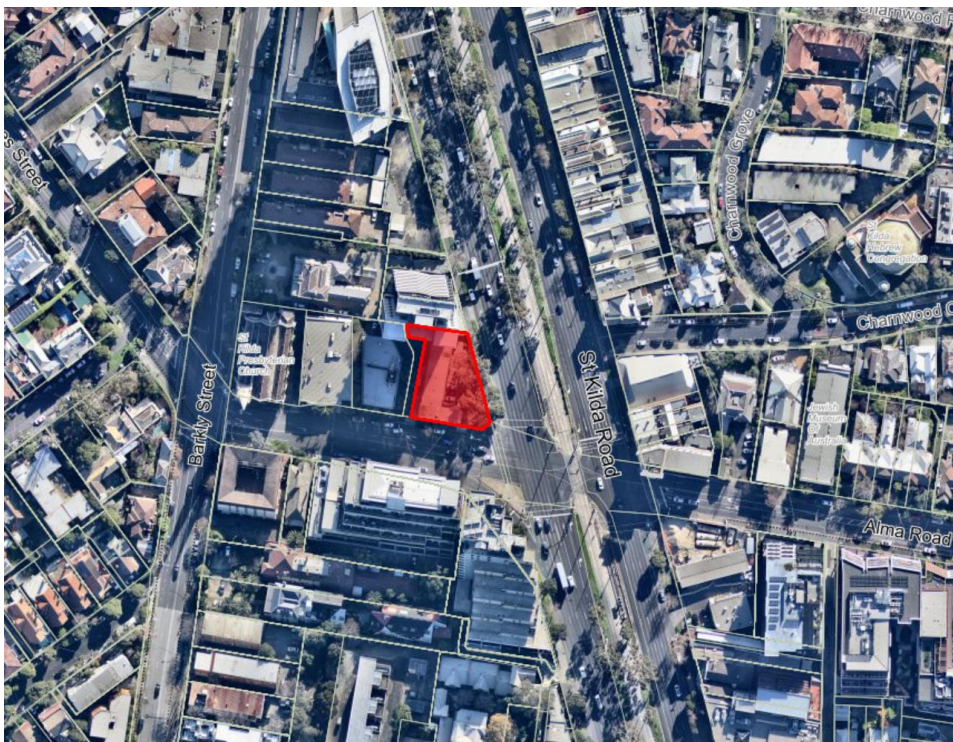
6.11 The roof level would comprise a services area with hot water services, exhaust vents and the like. It would be located on the roof of the lower portion of the building behind a glass balustrade 1.5m high.

**7. SUBJECT SITE & SURROUNDS**

Width, length and site area	Varied dimensions, approx. 1,050m <sup>2</sup>
Slope of land	Predominantly flat throughout.
Existing buildings	The site contains a two storey residential brick apartment building dating from the 1960s. It contains 22 flats with 19 car spaces (parking credit of three spaces)

	 <p>Google street view September, 2022 from St. Kilda Road</p>
Existing vegetation	There is no existing significant vegetation.
Immediate interfaces	<p>The site abuts St Kilda Road and Alma Road to the east and south and a laneway to the west.</p> <p>On the opposite side of the laneway is a two storey commercial/office building.</p> <p>The site has one direct residential interface, at 101 St Kilda Road to the north. That property comprises a 15 storey mixed use building. It is used as a showroom at ground floor facing St Kilda Road with residential above.</p> <p>At ground floor there is a blank wall constructed to the common boundary which measures approximately 5m in height.</p> <p>At Levels 1-12, the building is setback 3.0m from the common boundary which further increases at levels 13-14 to approximately 12m.</p> <p>There are a number of south-facing windows adjacent to the subject site, these relate to secondary outlook as the apartments have a primary outlook to St Kilda Road (living rooms and balconies).</p> <p>Specifically, these windows relate to bedrooms only, apart from small kitchen windows at Levels 6-10.</p>
Scale, height and style of buildings on neighbouring properties	As above, including a mix of large buildings on the subject side of St. Kilda Road and lower (two to three) storey on the opposite side. Alma Road is characterised by the 8 storey previously noted and lower two to three storey buildings.
Proximity to Public Transport, PPTN and any relevant parking controls	<p>The site is located within the Principal Public Transport Network</p> <p>Trams are available opposite the site on St Kilda Road (routes 3 and 67).</p> <p>Bus services are available along Barkley Street (route 246).</p>





The aerial image above taken from Nearmap (dated 24 April 2023) shows the subject site in its broader context.

## 8. PERMIT TRIGGERS

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

NOTE: The proposed dwelling and shop do not require a permit under the Mixed Use zone. The shop would be under the permit required threshold of 150m<sup>2</sup> (proposed at 60m<sup>2</sup>) and 'dwelling' is 'as-of-right'.

Zone or Overlay	Permit trigger
<p>Clause 32.04 Mixed Use Zone</p>	<p>Under Clause 32.04-2, the food and drinks premises of 200m<sup>2</sup> requires a permit being over the 150m<sup>2</sup> threshold.</p> <p>Under Clause 32.04-6, a permit is required to construct two or more dwellings on a lot and a residential building. An apartment development of five or more storeys, excluding a basement, must meet the requirements of Clause 58.</p> <p>Under Clause 32.04-9, a permit is required to construct a building and carry out works associated with a Section 2 use.</p>
<p>Clause 36.04 Transport Zone</p>	<p>Under Clause 36.04-2, a permit is required to construct a building or construct or carry out works for any use in a Section 2 of Clause 36.04-1. Therefore, the proposed canopy over the St Kilda Road footpath requires a permit under this provision.</p>



<p>Clause 43.02-2 Design and Development Overlay</p>	<p>The site is covered by a Design and Development Overlay, Schedule 36-1E (DDO36) which relates to St Kilda Road South – St Kilda Hill.</p> <p>Under Clause 43.02-2, a permit is required to construct a building or construct of carry out works.</p>
<p>Clause 52.06 Car parking.</p>	<p>Under the provisions of Clause 52.06-3 and 52.06-5, a permit is required to reduce the car parking requirement, in this instance, being:</p> <ul style="list-style-type: none"> <li>-One car space for each one and two bedroom dwellings</li> <li>-3.5 spaces of 100m<sup>2</sup> of leasable floor area for for food &amp; drink and shop (retail)</li> </ul> <p>The proposed reductions would be:</p> <ul style="list-style-type: none"> <li>- 18 car space reduction associated with one bedroom apartments (two bedroom apartments would not have a shortfall);</li> <li>- 5 space reduction associated with the food and drinks premises; and</li> <li>- One space reduction associated with the retail space.</li> </ul>

## 9. PLANNING SCHEME PROVISIONS

The following provisions apply to the site.

### 9.1 Planning Policy Frameworks

The application needs to be assessed against the state provisions of the PPF, including:

Clause 11: Settlement

Clause 11.01-1S Settlement

Clause 11.02-1S Supply of Urban Land

Clause 11.03-6L-03 St Kilda Road South Precinct

Clause 13: Environmental Risks and Amenity

Clause 13.07-1L-03 Interfaces and Amenity

Clause 15: Built Environment and Heritage

Clause 15.01-1S Urban Design

Clause 15.01-1L-02 Urban Design

Clause 15.01-2S Building Design

Clause 15.01-2L-01 Building Design

Clause 15.01-2L-02 Environmentally Sustainable Development

Clause 15.01-4S Healthy Neighbourhoods

Clause 16: Housing

Clause 16.01-S Housing Supply

Clause 16.01-1L-01 Housing Diversity

Clause 16.01-1L-02 Location of Residential Development

Clause 17: Economic Development





- Clause 17.01-1S Diversified Economy
- Clause 17.01-2S Innovation and Research
- Clause 17.02-1S Business
- Clause 17.02-1L Mixed Use and Office Areas
- Clause 18: Transport
  - Clause 18.01-1L-01 Land Use and Transport Integration
  - Clause 18.02-3S Public Transport
  - Clause 18.02-3R Principal Public Transport Network
  - Clause 18.02-4L-01 Car Parking

**9.2 Other Relevant General or Particular Provisions**

- Clause 52.06 Car Parking
- Clause 52.34 Bicycle parking
- Clause 53.18 Stormwater Management in Urban Development
- Clause 58 Apartment Developments (BADs)
- Clause 65 Decision Guidelines
- Clause 71 Integrated Decision Making

**9.3 Relevant Planning Scheme Amendment(s)**

Planning Scheme Amendment C203 was gazetted by the State Government on 14 April 2023. This Amendment “implements recommendations from the *Port Phillip Planning Scheme Review 2018*, replaces the Municipal Strategic Statement and Local Planning Policy Framework at Clause 21 and Clause 22 of the Planning Scheme with a Municipal Strategy, local policies within the Planning Policy Framework, selected local schedules, and particular and operational provisions, consistent with the structure introduced by Amendment VC148.

As there are no transitional provisions, this report reflects the amended policy provisions.

**10. REFERRALS**

**10.1 Internal Referrals**

The application was referred to the following areas of Council for comment. The responses received are summarised below:

Internal Referral comments (summarised)
<p><b>Urban Design</b></p> <p><i>The DDO requires that buildings ‘respond appropriately’ to this corner location through high quality and highly resolved architectural expression.</i></p> <p><i>It was acknowledged that the proposal would exceed the DDO controls both in relation to storeys and metres and that this was a concern. The depicted 3.1m floor to floor dimension – whilst being an attempt to reduce building height – was not supported, nor was the proposed height expressed in storeys. It was therefore recommended that the floor to floor heights be shown as 3.4m, that the lower portion be reduced from 14 to 13 storeys and that the higher portion be reduced from 17 to 15 storeys, noting this would reduce shadowing effects.</i></p>

*Facade articulation and appearance was generally supported, however additional detail was required including*

- 1. Incorporation of solid, masonry elements to those corners of the vertical slots in the corner building form on East and South elevations:*
- 2. Provide detailing of the horizontal band in corner building to demonstrate that it provides sufficient visual break from the main façade.*
- 3. Details of the brick horizontal element on transitional building, including tapered element and horizontal banding.*
- 4. Details of footpath awning, urban art and ground floor windows and entrances*

#### Safety

*A proposed back of house narrow service corridor that is open to the undercroft area and laneway needs added security and that reconfiguring the security door locations and/or circulation arrangements should be achieved.*

#### Wind impacts

*Continuous footpath awnings across two street frontages to include the two building entries should be provided.*

#### Landscaping

*A landscape plan should be provided outlining the following:*

- 1. For public realm, provide landscape details of footpath and laneways, including demonstrating levels and finishes provide safe, accessible route to all entrances, footpaths, colonnades and laneways. With the removal of the driveway crossover on Alma Rd, there is scope to introduce new street tree planting and street furniture, including seating.*
- 2. For private realm, provide details of proposed planting for first floor balconies, vertical facade greenery and rooftop podium. Include access and maintenance arrangements.*

#### **Planning Officer Response**

The additional detail requested was to ensure that the noted elements shown on the plans were in fact genuine architectural features (**Refer recommended conditions 1 (g) to 1 (j)**)

The following matters are also recommended by way of conditions:

- landscaping,
- reference to urban art on the plans,
- requirement for additional masonry detailing,
- details of footpath levels/access levels,
- details of doors/windows,
- added security door to the service area

**(refer recommended conditions 1 (b), 1 (c), 1 (d), 1(e) 1 (i))**

In relation to lowering of the building's height, it is noted that the north/low element as proposed would comply with the 46m DDO height. It is therefore not agreed that any height needs to be removed from this element. However, the comment that two levels need to be reduced from the taller/south element are agreed with. (**Refer recommended condition 1 (a)**)

In relation to floor to ceiling heights, it is not considered that an increase would be desirable. It is noted that the floor-to-floor dimension of 3.1m would result in internal floor to ceiling heights of approximately 2.5m and it is acknowledged that this is somewhat low. However, adding 300mm to each level would result in the lower portion of the building which is currently DDO compliant at 46m, increasing to approximately 49.5m. Whilst 2.5m floor to ceiling heights would be somewhat low, it is considered that maintaining the 46m height is more critical.

This would not affect any ability to gain approval under the building regulations. The 2.5m floor to ceiling heights would be acceptable under that legislation.

#### **Waste Management**

*Comments summarised:*

*Space should be allocated for a charity bin. No other specific comments or concerns were raised.*

#### **Transport Safety | Parking**

*Car parking on site will be accessed via a lane way off Alma Road.*

*Two of the spaces will be DDA located on the ground floor.*

*Each of the two bedroom dwellings will have one car space, which is satisfactory.*

*18 of the 37 one bedroom dwellings are proposed with no on-site parking. A shortfall of 18 spaces cannot be absorbed on street as surrounding streets have strict parking restrictions. Some on street car share is provided within a walking distance.*

*No visitor parking is proposed. It is accepted that visitors will either use public transport or park on street and comply with strict parking restrictions.*

*50 car spaces are proposed within semi-automatic car stacker systems located within the Basement 2 and 3. Vehicle access to the basement car park is via two car lifts accessed directly off the lane way. A signal system is proposed to improve its operation. A queuing of up to two vehicles in a peak hour can be safely accommodated on site or within the lane.*

*Swept paths are provided for the 85% vehicle, in some parts are very tight, but workable. Large vehicles would find it potentially difficult.*

*39 bicycle spaces are proposed that complies with the statutory requirements, however it would be good to see more bicycle spaces due to a parking shortfall. Two on site share cars would be good as well.*

#### **Traffic:**

*Expected traffic generation during peaks is 26 vehicles (1 per 2 minutes). This small volume can be safely accommodated within the lane and surrounding road network.*

#### **Pedestrian safety:**

*The 2.0 x 2.5 pedestrian sight triangle at the corner of the lane way with the footpath on Alma Road is satisfactory. However, the existing cross-over needs to be reconstructed to the current pedestrian friendly CoPP standard cross-over.*

#### **Planning Officer response:**

It is noted that ABS data indicating that a considerable proportion of one bedroom apartment owners in St. Kilda do not own a car. Officers also note the future occupants of the dwellings would not be eligible for parking permits per Council's Parking policy which would further suppress demand for kerbside parking.

Furthermore, officers note there are several (12) car share spaces nearby. A similar reduction of parking was also recently approved by VCAT at 8-12 Punt Road.

On balance, it is considered that the proposed parking shortfall would be acceptable taking account of the above matters and the deletions from the building height required by recommended **condition 1 (a)**. This matter and the whole issue of the parking shortfall is assessed later in the traffic and parking section at section 11.4 of this report.

Officers do not agree that there is need for two on-site share car spaces. Whilst a benefit to the site noting the parking shortfall, it would be inconsistent with the previous conclusion that the parking shortfall for the one bedroom dwellings would be acceptable as it stands, with the shortfall reduced through the recommended deletions from the building. The parking shortfalls are assessed later in this report.

It is also not agreed there is need (or statutory scope) to require additional bicycle parking.

Reconstruction of the existing crossover is required by recommended condition 30.

#### **Environmental Sustainable Design**

Several sets of ESD referral comments have been received. In relation to the most recent S57a plans and some additional detail was needed. Outstanding matters were identified as follows by Councils ESD advisor:

#### **Inconsistent document details to be resolved.**

- The SMP states the 30kL RWT on the first floor also be connected to a subsurface drip irrigation system – this needs to be added to the notation on plans that states "...connected to toilets for commercial tenancies and levels 1-5."
- Roof plans to notate that the 35 solar PV panels to be 14kW's and what they shall be powering (i.e. communal area lighting etc.)
- BESS 3.1 Carpark Ventilation has not claimed (b) CO2 monitoring yet this is notated on plans, yet is provided on plans and in SMP. Make consistent.
- The basement carparks are notated on plans as naturally ventilated by openable windows to corridor and lobby, this area does not appear to have access to natural ventilation – please make clear.
- BESS states that Clotheslines to each private dwelling to be shown on plans, these have not been annotated on plans – please amend.

#### **External shading**

- Canopy/ awning along the ground floor north & east aspects, plus vertical landscape to lower levels should be shown.
- Angled vertical 'shading' fins indicated on plans provide minimum shading internally when viewing the daylight modelling.
- Reference to Brick shading elements under Daylight modelling should be included.

#### **Additional daylight to living areas**

- Warm silver grey tinted, colourback silver grey & grey tint glass has remained on plans, with clear glass only applied to doors (ground floor) and balustrade (level 14) glass. As stated in response to the above – in the daylight modelling

conclusion changing the external glazing to clear will have negative effects on the cooling loads.

- Daylight requirements: Living areas – 1% for  $\geq 90\%$  of floor area; Bedrooms – 0.55% for  $\geq 90\%$  of floor area; Non-residential areas – 2% of regularly occupied primary spaces.
- BESS 1.1 achieves 32% of living areas achieving daylight factor greater than 1%.
- Plan C revision notes “Ground Floor glazing (north & east) to be clear”, as well... high performances glazing as required to meet energy requirements“

#### Energy

- Clotheslines to each dwelling to be annotated on plans
- Average 6.8 star NatHERS rating, however numerous apartments are well below the required. -Heating loads are of concern again with many over the limit, (however all meet the cooling load limit of 30MJ/m<sup>2</sup>).

#### Water

- Notation of connection to irrigation needs to be added to RWT on plans.

#### Transport

- Additional bicycle parking

#### Waste

- No Organic / food and garden waste disposal has been notated on plans. This needs to be incorporated into the Level 14 Communal garden space (or Ground Level Bin Rooms).
- Recycling waste provision claimed in BESS needs to be notated on plans – Ground level Bin rooms.

#### Planning Officer response

*The comments regarding inconsistent documentation are able to be addressed by way of permit conditions (**refer recommended conditions 1 (n) to 1 (u)**). However, north, east and west shading to external glazing as this could be dealt with by way of an updated SMP.*

*Providing additional bicycle parking and the depiction of the organic waste disposal area could be addressed by way of permit condition. BESS 2.1 and BESS 2.2 requirements are also able to be addressed, but officers do not conclude that additional bicycle parking is needed.*

*The need for balcony drainage points to be shown is not considered to be an aspect required to be covered at the planning stage.*

*Canopy/awning along the ground floor north and east aspects is addressed by way of **recommended condition 1 (v)**.*

*The need to reference the brick shading elements is addressed by **recommended condition 1 (n)**.*

*Based on the above, officers conclude that some of the referral matters still need to be addressed. From that, an additional set of referral comments were requested specifically concentrating on the two most important matters being external shading and the matter of poor internal daylight access. These comments, by way of information, agreed with the previous referral comments.*

*In summary, it was commented that the overall development would be able to meet ESD targets but should still be improved in certain areas, especially internal daylight access.*

*Having assessed daylight access for each apartment, it was considered that 25 of the 94 apartments would receive poor daylight access and that altering or removing the window tinting to these specific apartments together with installing external roll down shading on those 'poor daylight' apartments would be acceptable. The south facing apartments with poor daylight access would not need external shading of any form, but their window tinting should be lightened. (refer recommended condition1 (k))*

*With regard to other external shading, the latest ESD comments state that the extent of shading initially requested would be ideal, but as a minimum, the north facing habitable room windows should be screened with external roll down material. (Refer recommended condition 1 (l)).*

*Subject to the reduced window tinting to very specific apartments coupled with some of those apartments having external screening, it is considered that daylight access would be acceptable. It is further considered that separate external shading to the north facing habitable rooms would lead to an acceptable result regarding heat loads.*

*By way of information, it is pointed out that the requested external screening would not be of the type to alter the appearance of the building (such as fixed window hoods or awnings or the like).*

*The initial referral comments regarding energy, water and waste can be addressed through recommended conditions (refer recommended conditions 7 to 10 and 13). However, the request under 'transport' for additional bike parking is not agreed with as there is no statutory basis to support such a request.*

## 10.2 External referrals

### Department of Transport

Under Clause 36.04, a permit is required to construct a building or construct or carry out works for any use in a Section 2 of Clause 36.04-1. As such, the proposed construction of the awning partially over the St Kilda Road footpath requires a permit and triggers a referral to the Department of Transport.

The application was referred to the Department of Transport. No objections were received subject to inclusion of **three conditions (30-33)**.

## 11. PUBLIC NOTIFICATION/OBJECTIONS

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 and nearby properties (96 letters) and directed that the applicant give notice of the proposal by posting two notices on the site for an 18 day period, in accordance with Section 52 of the *Planning and Environment Act 1987*.

The application was advertised in February 2021 which received 45 objections.

The Section 57A was advertised in December 2022 and received 12 objections.

A total of 55 objections have been received.

The key concerns raised are summarized below (officer comment will follow where the concern will not be addressed in section 11.

- **Excessive building height and scale, out of character with the immediate area, loss of views to nearby church.**





The DDO contemplates buildings of 13 levels/46m with a discretionary maximum of 15 levels/53m. Even a building fully complying with the DDO would be the tallest building in this immediate location and would be different in character (by way of height) from many nearby buildings.

The character of the proposal (by way of architecture and style) would be clearly contemporary and subject to some minor changes and details, Council's Urban Design advisor offers support. There are other contemporary buildings nearby most notably, that to the north.

By way of style, it is not considered that the contemporary character being different or out of character with this setting can be sustained. However, by way of height, it is considered that a reduction in scale/height can be justified on character grounds. As proposed, the building would be overly dominate at this corner to an unreasonable extent and therefore, the height reductions of two storeys from the higher portion are recommended. **(Refer condition 1 (a))**. It is, however, considered that the current low element at 46m high does not need any height reduction.

Loss of views of the nearby church would occur even if a fully DDO compliant building were proposed or permitted. However, the DDO has a mandatory front setback requirement for the north side of Alma Road as applying to this site, of 2m in order to protect a series of views, (as required ('built form outcomes') including that to the church spire when viewed from certain points. The proposal depicts this mandatory setback to Alma Road.

- **Noise and anti-social behaviour associated with the retail uses**

Local policy through building design coupled with the DDO both seek to activate the St Kilda Road and to a lesser extent, Alma Road frontages. The proposal would do this with the inclusion of two commercial tenancies, one of which would be just over 60m<sup>2</sup> in area. The proposed food and drink premises would be 200m<sup>2</sup> in area. This is a more substantial size, but is still not considered excessive noting the planning settings seeking to activate this area.

The Mixed Use zone allows food and drink premises as-of-right under 150m<sup>2</sup> meaning that the full suite of amenity control conditions could be placed on any permit in this instance, should one be issued.

It is also noted that there is no request for sale and consumption of alcohol. Anti social behaviour is most often linked to alcohol consumption. Such an application may follow in the future, but at this stage, is not part of the application.

On balance, it is not considered that the proposed commercial tenancies proposed would lead to excessive noise or anti-social behaviour.

- **No provision for Specialist Disability Accommodation (SDA) as initially proposed**

The original advertised plans did include SDA accommodation, but were not obliged to. There continues to be no obligation to include it in this assessed (as revised) application and Council cannot compel its inclusion.

- **Poor dwelling diversity (absence of larger apartments)**

The proposal includes a good mix of one bedroom (37) and two bedroom (57) apartments such that overall diversity – whilst not including any three bedroom apartments – is considered acceptable. Poor dwelling diversity usually relates to one type/size of apartment either dominating a proposal or being the only size/type included. That is not the case in this instance. With the recommended deletion of particular levels, the mix of dwellings would comprise 37 one bedroom and 51 two bedroom apartments. This remains acceptable.

- **Overall loss of amenity mainly from loss of daylight, increased overlooking, excessive shadowing, possible reflected heat.**

#### **DAYLIGHT**

The best assessment tool for measuring neighbouring access to daylight is Clause 55 (Rescode). Those provisions do not technically apply in this instance and can be used as a helpful guide only.

In that context, the nearest existing habitable room windows are those to the north at 101 St. Kilda Road. That building currently faces the subject site with a two storey high blank wall abutting the

common boundary. Above that, some very narrow 'columns' of habitable room windows face the subject site, but from second to fifth levels at the abutting site, the existing wall facing the common boundary is mostly blank.

In any case, the reference point for the lowest of those windows would be the floor of the north neighbour's second level, being approximately 6.5m above the ground.

The proposal where closest to the common boundary would be approximately 35m higher than that reference point and using Clause 55 (ResCode) as a guide, the 35m height difference would require the proposal to be setback 17.5m from the neighbouring windows.

This would be clearly impractical to achieve and would result in almost all the width of the proposed lower section being deleted. In this context where the DDO clearly contemplates 13 to 15 storey high buildings, such an outcome is not considered reasonable.

Most importantly, the neighbouring windows in question are secondary windows with the neighbouring building's large and primary windows facing east and west (its front and rear).

It is therefore considered that there would be no unreasonable loss of daylight to the one and only direct interfacing property.

#### **SHADOWS**

In terms of shadowing, there are no technical requirements or measures that need to be met noting that Rescode does not apply in this instance. The only relevant measure of shadowing in the Planning Scheme in this instance is in the DDO. This states that new buildings should not cast shadows between 10am and 3pm at 21 September beyond the east kerblines of St. Kilda Road and the southern kerblines of Alma Road.

The proposal would meet the first test but not the second. Very detailed shadow analysis from the applicant shows that the footpath beyond Alma Road's southern kerblines would be shaded to some extent (noting the shadow's west to east movement) from 10am to 1.15pm. The analysis also shows that shading would occur before 10am with effect being present from 9.15 am onwards. But noting the DDO test, only shadows from 10am are assessed.

The applicant shadow analysis also notes that a DDO compliant 15 storey building would also shade beyond the Alma Road kerblines from 10am to 1.15pm as would a DDO compliant 13 storey building. It is therefore not possible to meet each of the DDO height, front setback to Alma Road (2m) and shadow tests in this location.

The applicants have also submitted added detail depicting the rate of west to east shadow movement and the number of apartments in the Alma Road building to the south of the site, whose front facing balconies would be shaded.

It is demonstrated that a 13 storey building at 10am would leave the opposite apartments above its fourth level free of shadow, whilst levels below would be shaded. A 15 storey building would shade levels both above and below the fourth level at 10am as would the proposal.

By 11am, a 13 storey building would not create any shadows to the portion of the fourth level opposite, whilst both a 15 storey and 17 storey building would create partial shadow to the fourth level (and below) balconies opposite with none above the fourth level shaded.

Without outlining all the detailed analysis at all the times of day that has been submitted, in summary, it shows that approximately half the front façade of the building to the south would be shaded below its fourth level at 10am by the proposal and also by a 15 level building. The shadow detail shows the west-east shadow movement such that by just after midday, only approximately 30% of the balconies below fourth level would be shaded by either the proposal or a 15 storey building again, with none of the levels above the fourth level being shaded.

By 12.30pm, whilst the southern kerblines of Alma Road would be shaded, only very small portion of the fourth level (and below balconies) on the opposite building would be shaded by the proposal or a 15 storey building.



From this, three conclusions are reached being:

- The extent of shadowing cast to the south kerblines of Alma Road is unavoidable with a DDO height compliant building
- The extent of shadowing affecting the balconies in the neighbouring building to the south would be reasonable from either a DDO compliant 15 storey building or the 17 storey proposal and
- The recommended height reductions are based on visual mass and height issues and not any need to reduce shadows.

It is therefore considered when assessing shadows in isolation from the matter of height, that the proposal in its advertised form would be reasonable.

### OVERLOOKING

There is only one direct interface being to the property to the north at 101 St. Kilda Road. As previously noted, there are some small 'column' windows facing the subject site at approximately 3m from the common boundary. The proposal would have bedroom and living room windows facing the neighbour at no. 101 obliquely at a distance of approximately 7.5m to its closest windows. Other proposed windows as facing the north neighbour would be even further and at a greater oblique angle. That is, the proposal would sit forward of the north neighbour due to the angle of St. Kilda Road.

From this and again noting that Clause 55/Rescode does not apply, it is considered that the extent of overlooking would be reasonable.

### HEAT

It is not considered that the matter of potential reflected heat can be sustained.

- **Excessive traffic noise, poor car park access (should be from St. Kilda Road) and car spaces too narrow, queueing of cars in laneway.**

Given the extent of background traffic noise, it is not considered that noise from vehicles entering/leaving the site would be excessive.

Access to the parking areas from the side lane as opposed to St. Kilda Road is considered to be satisfactory. Council's Traffic Engineers raised no concerns with the practicality of this access.

It is acknowledged that access from St. Kilda Road would in part be easier and more spacious, but it is highly unlikely that VicRoads/Dept. of Transport would permit such access. Generally, where a laneway exists and can be conveniently used, it should be.

No traffic engineering concerns were raised in relation to car space dimensions or the queueing of vehicles at the site or laneway.

- **Absence of visitor car parking, Insufficient on-site loading bay no motorbike parking**

There is no Planning Scheme requirement to provide any visitor parking nor any motorbike parking.

- **No drainage upgrade of the laneway**

This is not a planning matter.

- **Possible health requirements of ground floor tenancies**

Any matters of regulation and registration under relevant Health regulations would be dealt with under that legislation if and when the need arises.

- **Impact on Alma Road street tree, existing vegetation removal and overall lack of landscaping on the site**

The existing crossover to Alma Road – to be used for vehicle access – is not proposed to change through widening and the like. Therefore, the nearby street tree should be unaffected by use of the laneway for access.



Any potential effects on the tree from construction activity would be dealt with through Council's relevant Local Laws.

- **No construction management details**

Construction management details and requirements are all dealt with through Council's Local Laws and/or the Building Regulations.

- **Absence of sub-station, negative effects on nearby property values.**

These are not planning matters.

A consultation meeting was held on 30 March 2023. It did not result in any changes to the proposal.

## 12. ASSESSMENT

### 12.1 Strategic Justification

#### Is the proposal consistent with the relevant Planning Policy Framework?

It is noted that Clauses 11.03-1S and 11.03-1L do not technically apply in this instance. This is due to the specific wording of these clauses (and their heading of 'Activity Centres'). The subject site is not within any of the areas described or mapped as activity centres in these clauses.

Clause 11.03-6L 03 (St. Kilda Road South Precinct) generally seeks to reinforce the St. Kilda Road neighbourhood as a 'niche' commercial area (mainly it is acknowledged, its east side) but also seeks a growing residential area/community. With particular reference to the west side of St. Kilda Road, these clauses seek residential development at the intersection of and north of Alma Road, and in Barkly Street, and Alma Road and to establish a ground level residential edge within residential side streets, south of Alma Road.

Achieving the above would generally be through encouraging a series of diverse neighbourhoods, encouraging activity nodes and local focal points and also to provide for additional housing growth. The precinct's closeness to public transport is a key point in achieving that outcome of increased housing growth.

It is considered that the proposal – with the exception of its height – would align with these policy outcomes.

Improving the pedestrian 'spine' with landscaping and active edges is also a method of achieving the key outcomes whilst maintaining solar access to the footpaths. It is considered that this would also be achieved.

In terms of urban design and building design, the most relevant policies are Clauses 15.01-1S, 15.01-1L, 15.01-2s and 15.01-2L. In summary, these clauses seek to maintain prominent landmarks and to facilitate urban design and architecture that integrates with prevailing neighbourhood character and contributes to the overall amenity and vitality of the area. These clauses also seek to minimise negative effects on the public realm mainly by way of employing a 'human scale' and visual interest, social interaction, well located services and lighting and the like.

These strategic outcomes are considered to be achieved.

Similar outcomes are sought in relation to street level frontages but more pointed reference is also made to achieving shelter, safety, surveillance from balconies/terraces, windows, well defined corners.

Matters regarding housing diversity and its strategic location in particular are found in Clauses 16.01-1L 01 and 16 01-1L 02.

The planning policy framework encourages higher dwelling densities on sites which have excellent access to transport and services. The site is in close proximity to tram routes and a variety of services and is therefore a prime candidate for increased growth. Additionally, the objective of the Mixed Use zoning is to encourage housing at higher densities. The site's inclusion within a Design and Development Overlay reinforces the strategic appropriateness of this site.



The local policies referred to above identify several key outcomes for the subject site and its surrounds. They are as follows:

*Moderate residential growth within the established retail/commercial strips of Major Activity Centres, the Glen Huntly Road/Ormond Road Neighbourhood Activity Centre and the St Kilda Road Neighbourhood (St Kilda Road South Precinct) that is:*

- *Generally sited above or to the rear of retail/commercial premises, or as part of more intensive mixed-use developments on larger strategic redevelopment sites as identified in Structure Plans.*
- *To an intensity and scale that keeps with the existing streetscape and heritage context, and does not compromise the economic function of the centre.*

The site being with the St Kilda Road South Precinct is specifically noted within the Municipal Planning Strategy at Clause 02.03 (Strategic Directions).

In summary, based on all the above, it is considered that the site is well located and can support the additional residential growth and consequent increase in built form contemplated by the planning settings.

Clauses 17.02 – 1S and 17.03-03 generally seek to encourage development that meets the community's retail, entertainment, office, and commercial service needs. The proposed ground level, whilst only relatively small in relation to its commercial floor space, would achieve this.

These clauses also acknowledge that the population of Port Phillip will increase and as such, development would need to accommodate increase housing demand. New development needs to respect local character. With the exception of height, this is considered to be achieved. The proposal would facilitate a substantial increase in dwelling numbers – even with the recommended level deletions – and would clearly activate this area in a much needed way, given the current poor pedestrian amenity of these sections of St. Kilda Road and Alma Road and the poor interface of the existing building to both its frontages.

## **12.2 Built Form and Neighbourhood Character**

Sections 3 and 4 of the report describe the existing character of the area, providing context for the development.

As previously noted, built form and neighbourhood character responses are guided by a number of policy instruments including Clauses 15, 21.05 and 21.06 which generally promote high quality design which is respectful and responsive to its context, and that improves the public realm.

As previously noted, subject to the recommended conditions, it is considered that this would be achieved.

## **12.3 Zone and Overlay Provisions**

The purposes of the zone are:

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

It is considered that the proposal would align with these stated purposes. It would add needed vibrancy to the area which subject to conditions, would be suitably controlled. It would not displace an existing tenancy allowing the local nature of the centre to be maintained.

The proposed weather protection canopies (related to the Transport 2 zone) do not give rise to any concerns in the context of that zone.



#### 12.4 Design and Development Overlay

The subject site is included within Design and Development Overlay (DDO) - Schedule 36 which provides guidance on a preferred built form outcome.

The site is abutted by one existing building being 15 storeys high to the north. This is the subject site's only direct interface. A higher building (28 storeys) exists further north and the neighbour across Alma Road to the south is eight storeys. The neighbourhood has a mixed architectural form with the predominant height being 2-3 storeys in the surrounding context.

##### Height and Setbacks

The subject site is included within schedule 36 to the Design and Development Overlay (DDO). This schedule was introduced through amendment C122 on 18<sup>th</sup> October 2018. At the time the amendment was gazetted, the 28 storey tower further to the north of the subject site already existed as did the eight storey building to the south and the 15 storey building immediately to the north.

Whilst the panel report recommended a height of 18 storeys at this site, Council's adoption of C122 varied the heights in this location determining that heights of 13-15 storeys would provide a reasonable transition from the established built form at the junction - noting the eight storeys to the south - whilst maintaining emphasis of this corner site. These heights of 13-15 storeys were ultimately supported by the Minister for Planning through gazettal of the DDO.

As a result, the DDO specifies a preferred height of 13 storeys (46 metres) while an additional 2 storeys above this height can be considered. This is the context against which the development must be assessed. The proposed development has two main elements, both with chamfered roof forms and both of different heights. The element closest to the intersection – the south element – is proposed at 17 storeys whilst the lower north element is proposed at 14 storeys and 46m.

The surrounding built form context and policy generally supports a development which maximises the discretionary controls. However, justification is required to exceed the relatively recent DDO controls. Noting that the only nearby building that currently exceeds the maximum DDO height control of 15 storeys is the 28 storey building further to the north at 3-5 St Kilda Road, there is not considered to be any specific justification for the proposal to exceed the maximum discretionary control. One other building exists further to the south (181 St. Kilda Road) on the opposite corner with Alma Road. That building is 13 storeys high and pre-dates the current DDO. However, it is considered to very clearly and successfully define this important corner.

The conclusion that there is insufficient justification to vary the DDO height controls is made both in the light of the recent Council decision at 95 St. Kilda Road (approved at Planning Committee 25 May 2023) – whereby it was resolved to lower that building to effectively 16 storeys (noting the direct abuttal in that instance to the 28 storey building referred to above) - and the Council's Urban Design comments, which advise and seek a two storey reduction in the south element and a one storey reduction in the north element achieving 15 and 13 storeys respectively. As previously noted, it is not considered that the proposed 14 storey/46m high lower element needs to be reduced in height. It is considered that a 15 storey (approximately 52.5m high) and 14 storey (46m high) building would still very clearly achieve the emphasis of this corner that is sought by the DDO especially noting that this sites Alma Road neighbours to the west are covered by a different sub-precinct of the DDOs that limits development to five and six storeys. That is, this building once reduced in height would always be highly distinguishable from its Alma Road neighbours by way of height and as such, would clearly emphasise this corner. The proposed 17 storey height is not necessary in order to emphasise this corner.

An increase of building heights above the discretionary maximum heights within the DDO sub-precinct would lead to predominant scale which is considered to be excessive and unnecessary in this location and would not reflect the intentions of the DDO which includes the following:

- *transition down in height to adjacent areas that have a lower height limit, so as not to visually dominate, overwhelm or compromise the character of adjacent existing lower scale development areas*



It is considered that a lower building height achieving the DDO height requirements would clearly, as noted above, provide adequate transition between the 15 storey building to the north, the eight storey building across Alma Road to the south, the 13 storey building to the south at no. 181 and the anticipated five and six storeys to the west in Alma Road.

Based on nearby existing and anticipated conditions, the relevant DDO controls and policy settings and the internal Urban Design comments (aside from those related to the lower element), it is considered that a reduction in height of the south element by two storeys is justified. **(Refer recommended condition 1 (a))**

The DDO specifies that when the discretionary maximum height is exceeded, buildings should:

- *Moderate the height of existing tall buildings through a transition down in scale.*
- *Provide for high quality development that enhances the prominent corner of Alma Road and St Kilda Road and emphasises the topographic high point of St Kilda Hill.*
- *Prevent overshadowing beyond the eastern kerb-line of St Kilda Road.*

It is considered that these objectives would be better achieved by the recommended height reduction.

Regarding the setbacks, the DDO provides the following requirements which are mandatory: (emphasis added):

- *The entire building must be set back a minimum of 4.5 metres from any common side or rear boundary **or** at least 9 metres from any existing building with habitable room windows or balconies on the same or an adjoining site (whichever is the greater), if an adjoining site has an existing building with a habitable room window a balcony facing that boundary; or*
- **A building can be built with a zero setback blank wall to a common side boundary, where:**
  - **a building on the adjoining site has a blank boundary wall which has been constructed on or within 200 millimetres of the boundary; or**
  - *the adjoining site has not been developed above the street wall height, or, to or above the preferred height where no street wall height is specified;*
  - *providing:*
    - there are no existing habitable windows or balconies on the adjoining site within 4.5 metres of the proposed development;*
    - the primary living areas of all proposed dwellings have a main window and balcony oriented to the front or rear of the site; and*
    - the proposed development does not unreasonably compromise the ability of the adjoining sites to be developed.*

It is noted that the requirement is specifically worded 'or' (as emphasised above) to allow the option of either a 4.5 metre setback from boundary, or a 9m setback from adjoining habitable windows.

The proposal – as previously noted – has only one interface, being the 15 storey building to the north. The design opts for the first of the above options and would be setback 4.5m from the common boundary to the north aside from the ground level which would abut the boundary and thus, the blank wall of its neighbours which also abuts the boundary. This is permitted under the second bullet point above, where bolded.

The proposal would therefore comply with the setback requirements of the DDO, noting that the building would also be setback 2m from the Alma Road frontage, a requirement of the 'Built Form Outcomes' under precinct 1E of DDO-36.

## 12.5 Traffic and Carparking

Clause 52.06 requires the follow statutory car parking rates for each proposed use:

Proposed Use	Measure	Statutory parking rate	Statutory requirement
One bedroom dwellings	37	1 space per dwelling	37 spaces
Two bedroom dwellings	57	1 space per dwelling	57 spaces
Visitors (residential)	94 proposed car spaces	No requirement	0 spaces
Food and drinks premises	200sqm	3.5 spaces per 100sqm of leasable floor area	7 spaces
Retail	61sqm	3.5 spaces per 100sqm of leasable floor area	2 spaces
<b>Total statutory car parking requirement: 103 spaces</b>			

It is noted that given the site is located within the PPTN there is no requirement for visitor parking.

The following table sets out the proposed allocation and sought reduction in the above car parking requirements:

Use	Statutory requirement	Parking provision	Actual proposed parking rate	Statutory rate comparison
One-bedroom dwellings	37 spaces	19 spaces	0.51 spaces per dwelling	18 space shortfall
Two-bedroom dwellings	57 spaces	57 spaces	1 space per dwelling	Compliant
Food and drinks premises	7 spaces	2 spaces	1 space per 100sqm	5 space shortfall
Retail	2 spaces	1 space	1.6 spaces per 100sqm	1 space shortfall
<b>Total</b>	<b>103 spaces</b>	<b>79 spaces</b>	-	<b>24 space overall shortfall</b>

As outlined in section 10 of this report (public notification/objections) officers consider that the parking shortfall is supportable. The site is well served by public transport most notably with two tram routes being directly at the front of the site and Balaclava station being an approximately 1.6km via St Kilda Road/Carlisle Street, approximately 15 to 20 minute walk. There are also numerous share car spaces within 600m of the site as demonstrated in the map below.

Figure 2.12: Carshare Locations in Close Proximity to the Site



Map of car share locations from applicant's traffic report.

Clause 52.06-7 outlines the considerations the Responsible Authority must have regard to in determining the appropriateness of a car parking reduction or waiver. The following table provides an assessment of the proposal against these considerations.

Clause 52.06-7 Consideration	Assessment
<p><b>The Car Parking Demand Assessment.</b></p>	<p>As previously assessed, whilst the Council's Traffic Engineer has raised concerns with the extent to which the car parking shortfall could be absorbed into the nearby area.</p> <p>The recommended deletions of two levels from the south portion of the taller element (where closest to Alma Road) would result in total dwelling numbers reducing from 94 to 88. The number of one bedroom apartments would remain at 37 whilst the number of two bedroom dwellings would reduce from 57 to 51.</p> <p>Allocating 51 of the 76 residential car spaces to these dwellings would leave 25 spaces to be allocated to the 37 one bedrooms dwellings. Noting the site's parking credit of three spaces and further noting this sites location, such an allocation is considered supportable.</p> <p>No concerns are raised in relation to the food &amp; drink/retail parking shortfall. In locations and situations such as these, it is generally acceptable to require only staff parking and in this instance, the total of three staff spaces (instead of nine)</p>



	would be satisfactory, noting access to public transport and the likely relatively low intensity of the proposed uses.
<b>Any relevant local planning policy or incorporated plan.</b>	<p>Relevant outcomes are to reduce carbon emissions, create a more sustainable transport network and reduce dependency on private cars. It is further acknowledged that the site is well located in terms of occupants' ability to walk, or use public transport in various combinations.</p> <p>All relevant policies have been considered and along with the submitted material, lead to the conclusion that the car parking arrangement – once the recommended levels have been deleted – would be acceptable.</p>
<b>The availability of alternative car parking in the locality of the land.</b>	There is no private land where car parking would be practically available. In terms of kerbside parking, it is noted that this is well utilised but once the recommended levels are deleted from the building, it is considered that there would be adequate parking nearby to cater for the proposed shortfall.
<b>On street parking in residential zones in the locality of the land that is intended to be for residential use.</b>	As above.
<b>The practicality of providing car parking on the site, particularly for lots of less than 300 square metres.</b>	All car parking is proposed on site.
<b>Any adverse economic impact a shortfall of parking may have on the economic viability of any nearby activity centre.</b>	It is not considered the proposed parking waiver will have an unreasonable economic impact on this area.
<b>The future growth and development of any nearby activity centre.</b>	It is not considered likely that the future growth of this area – not being part of a formally identified activity centre – would be compromised by the parking shortfall.
<b>Any car parking deficiency associated with the existing use of the land.</b>	The existing building contains 22 flats serviced by 19 car spaces. The land therefore has a current parking credit of three spaces. This existing shortfall is not considered to have any detrimental effects on the locality.
<b>Any credit that should be allowed for car parking spaces provided on common land or by a Special Charge Scheme or cash-in-lieu payment.</b>	As above.
<b>Local traffic management in the locality of the land.</b>	Roads in the immediate area, at least in terms of car parking restrictions, are heavily controlled and managed.



<b>The impact of fewer car parking spaces on local amenity, including pedestrian amenity and the amenity of nearby residential areas.</b>	The waiver of car parking, subject to deletion of the recommended levels, is not considered to lead to unreasonable impacts on local amenity as previously assessed.
<b>The need to create safe, functional and attractive parking areas.</b>	Putting matters of car parking numbers aside, no aspects of safety have been raised with respect to the basement car parks.
<b>Access to or provision of alternative transport modes to and from the land</b>	The site is located within close proximity to tram and bus and is only moderately distant to trains at Balaclava station.
<b>The equity of reducing the car parking requirement having regard to any historic contributions by existing businesses.</b>	None are known of.
<b>The character of the surrounding area and whether reducing the car parking provision would result in a quality/positive urban design outcome.</b>	The parking reduction and alternatively, any increase in parking provision on site, would essentially lead to an additional basement level which would have no additional positive urban design outcomes. That is, the proposed shortfall would not lead to any design benefits versus not providing any parking at all or providing an additional basement level.

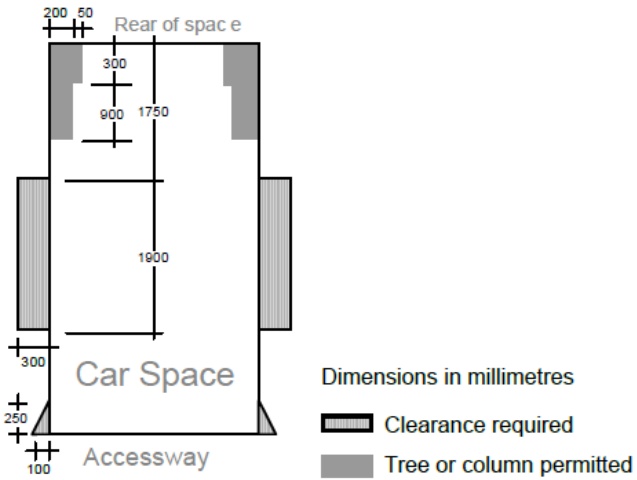
In summary, the proposal is considered acceptable with respect to the considerations of Clause 52.06-7.

<b>REQUIREMENT:</b>	<b>COMPLIANCE:</b>
<b>Design Standard 1: Accessways:</b>	
Minimum of 3m wide	Complies with the laneway being 3.5m wide.
Internal radius of at least 4m at changes of direction or intersection or be >4.2m wide	Complies.
Allow vehicles parked in the last space of a dead-end accessway in public car parks to exit in a forward direction with one manoeuvre.	N/A - The car park is not a public car park. Notwithstanding this, all vehicles can exit in a forward direction with sufficient space for vehicles to access the car lifts forwards. .
Provide <2.1m headroom beneath overhead obstructions, calculated for a vehicle with a wheel base of 2.8m.	Complies. A minimum headroom clearance of 2.2m is shown for basement one and



	3.7m shown for basements 2 and 3.																										
If serving 4 or more car spaces or connects to a road in a Road Zone, cars must be able to exit the site in a forward direction.	Complies. An apron is proposed adjacent to the laneway and parking spaces allowing cars to access the lane and then, Alma Road in a forwards direction.																										
Provide a passing area at the entrance at least 5m wide & 7m long if serving 10 or more car spaces & is either more than 50m long or connects to a road in a Road Zone.	N/A – Vehicle access is provided from Alma Road which is not in a Road Zone and a side lane. In any case, the Council’s Traffic Engineer has noted that there would be sufficient queueing space adjacent to the car lifts.																										
Have a corner splay or area at least 50% clear of visual obstructions extending >2m along the frontage road from the edge of an exit lane & 2.5m along the exit lane from the frontage, to provide a clear view of pedestrians on the footpath of the frontage road. The area clear of visual obstructions may include an adjacent entry or exit lane where more than one lane is provided.	Complies. A corner splay with the required dimensions has been provided at the intersection of the laneway and Alma Road.																										
If to 4 or more car parking spaces is from land in a Road Zone, the access to the car spaces must be >6m from the road carriageway.	N/A – Vehicle access is provided from Alma Road which is not in a Road Zone.																										
<b>Design Standard 2: Car parking Spaces</b>																											
<p><b>Table 2: Minimum dimensions of car parks and accessways</b></p> <table border="1"> <thead> <tr> <th>Angle of car parking spaces to access way</th> <th>Access way width</th> <th>Car park width</th> <th>Clearance</th> </tr> </thead> <tbody> <tr> <td>Parallel</td> <td>3.6 m</td> <td>2.3 m</td> <td>6.0 m</td> </tr> <tr> <td>45°</td> <td>3.5 m</td> <td>2.6 m</td> <td>4.0 m</td> </tr> <tr> <td>60°</td> <td>4.9 m</td> <td>2.6 m</td> <td>4.0 m</td> </tr> <tr> <td rowspan="3">90°</td> <td>6.4 m</td> <td>2.6 m</td> <td>4.0 m</td> </tr> <tr> <td>5.8 m</td> <td>2.8 m</td> <td>4.0 m</td> </tr> <tr> <td>5.2 m</td> <td>3.0 m</td> <td>4.0 m</td> </tr> </tbody> </table>	Angle of car parking spaces to access way	Access way width	Car park width	Clearance	Parallel	3.6 m	2.3 m	6.0 m	45°	3.5 m	2.6 m	4.0 m	60°	4.9 m	2.6 m	4.0 m	90°	6.4 m	2.6 m	4.0 m	5.8 m	2.8 m	4.0 m	5.2 m	3.0 m	4.0 m	Complies. All car parking spaces would meet the required dimensions and Council’s Traffic Engineer has raised no concerns in this regard.
Angle of car parking spaces to access way	Access way width	Car park width	Clearance																								
Parallel	3.6 m	2.3 m	6.0 m																								
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Car spaces in garages or carports should be at least 6m long and 3.5m wide for a single space & 5.5m wide for a double space measured inside the garage/carport.	N/A. No garages are proposed.																										



<p><b>Diagram 1 Clearance to car parking spaces</b></p> 	<p>All required clearances would be provided and the Council's Traffic Engineer has not noted any concerns in this regard.</p>													
<p><b>Design Standard 3: Gradients</b></p>														
<p>Accessway grades should not be steeper than 1:10 (10%) within 5 metres of the frontage to ensure safety for pedestrians and vehicles. The design should have regard to the wheelbase of the vehicle being designed for; pedestrian and vehicular traffic volumes; the nature of the car park; and the slope and configuration of the vehicle crossover at the site frontage. This does not apply to accessways serving three dwellings or less.</p>	<p>N/A – Not proposed noting the use of car lifts.</p>													
<table border="1" data-bbox="256 1346 986 1585"> <thead> <tr> <th>Type of car park</th> <th>Length of ramp</th> <th>Maximum grade</th> </tr> </thead> <tbody> <tr> <td rowspan="2">Public car parks</td> <td>20 metres or less</td> <td>1:5 (20%)</td> </tr> <tr> <td>longer than 20 metres</td> <td>1:6 (16.7%)</td> </tr> <tr> <td rowspan="2">Private or residential car parks</td> <td>20 metres or less</td> <td>1:4 (25%)</td> </tr> <tr> <td>longer than 20 metres</td> <td>1:5 (20%)</td> </tr> </tbody> </table> <p>Where the difference in grade between two sections of ramp or floor is greater than 1:6.7 (15 per cent) for a summit grade change, or greater than 1:6.7 (15 per cent) for a change, the ramp should include a transition section of at least 2 metres to prevent scraping or bottoming.</p> <p>Grade changes of greater than 1:5.6 (18 per cent) or less than 3 metres apart assessed for clearances.</p>	Type of car park	Length of ramp	Maximum grade	Public car parks	20 metres or less	1:5 (20%)	longer than 20 metres	1:6 (16.7%)	Private or residential car parks	20 metres or less	1:4 (25%)	longer than 20 metres	1:5 (20%)	<p>As above.</p>
Type of car park	Length of ramp	Maximum grade												
Public car parks	20 metres or less	1:5 (20%)												
	longer than 20 metres	1:6 (16.7%)												
Private or residential car parks	20 metres or less	1:4 (25%)												
	longer than 20 metres	1:5 (20%)												
<p><b>Design Standard 4: Mechanical Parking:</b></p>														
<p>At least 25% of the mechanical spaces can accommodate a vehicle clearance height of at least 1.8m.</p>	<p>Complies noting the 2.2m clearance for 21 of the spaces. The stackers would have decks with just over 1.8m clearance each.</p>													



Spaces that require the operation of the system are not allocated to visitors unless used in a valet parking situation.	Complies. No visitor parking is proposed.
The design and operation is to the satisfaction of the responsible authority.	The design and operation of the car parking is considered to be acceptable. No concerns were raised by Council's Traffic Engineer in relation to the use and operation of the proposed stackers.
<b>Design Standard 5: Urban Design</b>	
Ground level parking, garage doors & accessways should not visually dominate public space.	The proposed ground level access (lifts) and at-grade car spaces would face a side lane and would not visually dominate that lane, with other car spaces access from it existing opposite.
Car parking within buildings (including visible portions of partly submerged basements) should be screened or obscured where possible, including through the use of occupied tenancies, landscaping, architectural treatments and artworks.	The car parking would mostly be located in the basements and as noted above, where at grade, would not be visually intrusive to the side lane.
Design of car parks should take into account their use as entry points to the site.	N/A.
<b>Design Standard 6: Safety</b>	
Car parking should be well lit & clearly signed.	No detail is known but this would occur.
The design of car parks should maximise natural surveillance and pedestrian visibility from adjacent buildings.	Most car spaces would be in the basements. Those at grade would be relatively well surveyed by the adjacent property to the east.
Pedestrian access to car parking areas from the street should be convenient.	Internal stair and lift access would be available.
Ped routes through parking areas/building entries & other destination points should be clearly marked & separated from traffic in high activity parking areas.	N/A, as this applies to open at-grade car parks of a large scale in front and rear setbacks or in large retail settings.
<b>Design Standard 7: Landscaping:</b>	
The layout of parking areas should provide for water sensitive urban design treatment & landscaping.	N/A.



Landscaping & trees should be planted to provide shade/shelter, soften appearance of ground level parking & aid in identification of pedestrian paths.	N/A.
Ground level parking spaces should include trees planted with flush grilles. Spacing of trees should be determined having regard to the expected size of the selected species at maturity.	There is limited scope for meaningful planting in the areas adjacent to the side lane and the at-grade car spaces facing that lane.

### 12.6 Clause 58.02 Better Apartment Design Standards

The development is subject to assessment against the internal amenity standards of Clause 58 (BADS). The attached Clause 58 assessment demonstrates that these standards have been met. In summary:

- The development provides a mix of one and two bedroom apartments, with varying orientations and sizes.
- The development would provide for a separate vehicle and several pedestrian access points throughout the site
- The development provides 220m<sup>2</sup> of outdoor communal open space and 150m<sup>2</sup> of internal open space and would be provided with good access to sunlight given its northern orientation.
- Car parking would be provided in three basement levels with four at grade spaces conveniently located for the shop/food and drink premises. All parking is considered to be convenient, safe and secure.
- The proposed plans demonstrate that over 50% of the apartments meet the accessibility standards
- Building entry and circulation objectives are met
- Each apartment would have their own private open space in form of a balcony meeting the standard
- All dwellings would meet the storage objective.
- All dwellings are provided with 2.5-2.7m ceiling heights. The room depth is not exceeded for any dwelling.
- At least 40% of dwellings would achieve effective cross ventilation with a maximum breeze path of 18m and a minimum path of 5m.
- The building would be adjacent to St. Kilda Road which could be considered a relatively high noise source. Therefore it is recommended condition 37 responds to this issue.
- Waste collection would take place within the site and not within the laneway from Alma Road. The recommended charity bin would also be located in the basement and would not be accessible to the public.

### 12.7 Environmentally Sustainable Design (ESD) and Water Sensitive Urban Design (WSUD):

The development is required to meet a variety of ESD and WSUD requirements, which the applicant has provided a Sustainability Management Plan (SMP) to address.

Policies at Clause 15.01-2L-02 (ESD) and 19.03-3L (WSUD) apply to the application, as well as ESD requirements listed in the DDO schedule. Council's Sustainable Design Advisor provided assessment of the development and confirmed that it could meet its BESS and WSUD requirements, subject to conditions requiring updated documentation. These matters have been outlined in the referral section of this report and can be required as a permit condition.



### 13. INTEGRATED DECISION MAKING

13.1 Clause 71.02.3 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 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 residential use at higher density (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 properties to the rear, subject to reduction of the height of the building. (environmental, economic and social).

#### Neutral

- Subject to conditions, the proposal is considered to satisfy the requirements of DDO36 (environmental, economic and social)
- Traffic impacts are not considered to be significant (economic and social).
- Onsite loading arrangements are acceptable (economic and social).

#### Negative

- The application has received 55 objections (social).

### 14. COVENANTS

14.1 There are no restrictive covenants on the relevant titles (lots 1 – 22 on Strata Subdivision 022288X, volume 28959, folio 815 and volume 09582, folio 716) that would prevent assessment of this application.

### 15. OFFICER DIRECT OR INDIRECT INTEREST

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

### 16. OPTIONS

- 16.1 Approve as recommended
- 16.2 Approve with changed or additional conditions
- 16.3 Refuse - on key issues

### 17. CONCLUSION

17.1 The site is not in an identified Activity Centre, but is clearly in an area where increased residential densities – and the buildings to support those densities – are supported. Both the zone and the DDO clearly contemplate additional building height and bulk in this area, the proposal is considered satisfactory subject to a reduction in height. Other urban design matters would be addressed as per recommended conditions.



- 17.2 There are no likely off site amenity impacts (including shadowing and daylight opposite to the south) requiring design changes and nor would there be any traffic design matters requiring change. In terms of car parking, it is considered that the proposed shortfall would be satisfactory. It is noted that the recommended reduction in height would further reduce the extent of parking shortfall. Similarly, it is not considered that the commercial tenancies would lead to detrimental off-site impacts subject to standard conditions.
- 17.3 Subject to the lowering of height and other design and ESD matters referred to in the conditions, it is considered that the proposal is suitable for approval.

- ATTACHMENTS**
1. **14 Alma Road - Advertised Plans**[↓](#)
  2. **Clause 58 (BADS) assessment**[↓](#)