



6.2 **54 - 60 ST KILDA ROAD, ST KILDA**

LOCATION/ADDRESS: **54 - 60 ST KILDA ROAD, ST KILDA**

EXECUTIVE MEMBER: **LILI ROSIC, GENERAL MANAGER, CITY STRATEGY AND SUSTAINABLE DEVELOPMENT**

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

1. PURPOSE

- 1.1 This report assesses a proposal for the construction of a seven storey office building (with ground level retail) together with provision of 89 car parking spaces, including eight on-site share cars, 80 bicycle spaces and 11 motorcycle spaces.

2. EXECUTIVE SUMMARY

- 2.1 The proposal could be considered a replication of what is currently approved for this site by way of Planning Permit 436/2016/A in terms of height (this proposal would be approximately 1.5m higher), setbacks, visual treatment and overall character. It would, however, replace the currently approved residential use with an office use, whilst retaining the ground level retail floor space.
- 2.2 Subject to some additional car parking and setbacks, a loading bay (as offered by the applicants) and other comparatively minor matters, which can be addressed by condition of any permit granted, it is considered that the current proposal is acceptable. The report includes an assessment under all relevant planning scheme and policy provisions, most notably the Design and Development Overlay (DDO) which was not in place when the previous application was approved.
- 2.3 The report also considers that a reduced car parking rate is acceptable, but not to the extent proposed by the applicant.

WARD:	Lake
TRIGGER FOR DETERMINATION BY COMMITTEE:	More than 15 objections
APPLICATION NO:	774/2019
APPLICANT:	Tract Consultants
EXISTING USE:	Vacant office building (hoarded)
ABUTTING USES:	Commercial and residential
ZONING:	Commercial 1
OVERLAYS:	DDO 34-2B
STATUTORY TIME REMAINING FOR DECISION AS AT DAY OF COUNCIL	Expired



3. RECOMMENDATION “PART A”:

- 3.1 That the Responsible Authority, having caused the application to be advertised and having received and noted the objections, issue a Notice of Decision to Grant a Permit.
- 3.2 That a Notice of Decision to Grant a Permit be issued for construction of a seven storey building to be used for the purposes of an office with ground level retail premises and a reduction of car parking requirements at 54-60 St. Kilda Road, St. Kilda.
- 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 generally in accordance with the submitted plans but modified to show the following:
 - (a) A loading bay measuring at least 4.2m x 7.6m .
 - (b) The vertical corners of the building as facing St. Kilda Road comprising a lighter coloured cladding/material.
 - (c) Additional occupant lockers and end of trip facilities specifically for bicycle and motorcycle riders.
 - (d) At least four additional bicycle rails along the St. Kilda Road frontage.
 - (e) The surface and level of the widened portion of Bank Place to match those of the existing/abutting surface.
 - (f) Allocated space for electronic waste, a charity bin and space for a food/organic bin.
 - (g) A weather protection awning over the ground level pedestrian entry to St. Kilda Road.
 - (h) An electric vehicle charge point.
 - (i) A separation of all parts of the ground and first levels of at least 9m to the neighbouring building at No. 4 Charnwood Road.
 - (j) The basement levels modified and incorporating an additional 33 car parking spaces to achieve a total of at least 122 car spaces.

All to the satisfaction of the Responsible Authority.

No layout alteration

2. The development and use as shown on the endorsed plans must not be altered without the written consent of the responsible authority.

No change to external 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.



Plant and equipment

4. Any plant, equipment or domestic services visible from a street (other than a lane) or public park must be located and visually screened to the satisfaction of the responsible authority.

Outdoor lighting

5. Outdoor lighting must be designed, baffled and located to prevent any adverse effect on adjoining land, to the satisfaction of the responsible authority.

Sustainable Management Plan

6. Before the development starts a revised Sustainable Management Plan that modifies the submitted plan so as to accord with the comments received from Council's Sustainability Design Officer, most particularly including the following :
 - (a) Full music modelling including how the raingardens would be drained
 - (b) A maintenance manual for WSUD calculations
 - (c) Clarification of how the benchmarks would be met for daylight and views
 - (d) Clarification as to how the credits have been claimed for adhesives, paints, sealants, carpets, public transport and green start (including transport)
 - (e) Clarification of how the 33.33% reduction in greenhouse gas emissions will be achieved
 - (f) Outlining of the performance pathway and ecological calculations
 - (g) A green star review for all construction methods and documentation

When approved, the Sustainable Management Plan will be endorsed and will then form part of the permit and the development must incorporate the sustainable design initiatives listed.

Implementation of sustainable design Initiatives

7. Before the development is occupied, a report from the author of the approved Sustainable Management Plan, 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 approved Sustainable Management Plan have been implemented and/or incorporated to the satisfaction of the responsible authority.

Car park

8. The car parking areas and access ways as shown on the endorsed plans must be left open and unobstructed for those purposes at all times and must be formed to such levels so that they may be used in accordance with the plan, and shall be properly constructed, surfaced, drained and line-marked. The car park and driveways shall be maintained to the satisfaction of the responsible authority.



Roads/lanes to remain open

9. During the construction of the development, the roads, streets and lanes adjacent to the subject land must be kept free of parked or standing vehicles or any other obstruction, including building materials, equipment etc. so as to maintain free vehicular passage to abutting benefiting properties at all times, unless with the written consent of the responsible authority.

Urban Art

10. Before the development is completed, the permit holder must incorporate Urban Art in the development, in accordance with Council's Urban Art Strategy, viewable from the frontage/public realm, to a value of at least 0.5% of the total building cost of the development to the satisfaction of the responsible authority.

Applicant to pay for reinstatement

11. The Applicant/Owner must do the following before the development is completed to the satisfaction of the responsible authority:
- (a) pay the costs of all alterations/reinstatement of Council and Public Authority assets necessary and required by such Authorities for the development, in particular the electricity pole at the front of the site and the removal/making good/reinstatement of the exiting crossover to St. Kilda Road with kerb, channel, footpath and nature strip as relevant reinstated to Council's standards and satisfaction;
 - (b) obtain the prior written approval of the Council or other relevant Authority for such alterations/reinstatement;
 - (c) comply with conditions (if any) required by the Council or other relevant Authorities in respect of alterations/reinstatement.

Car parking allocation:

12. Without the further written consent of the responsible authority the car parking must be allocated as follows:
- (a) not less than two car spaces for each 100m² of office floor space
 - (b) not less than one car parking space to each 100m² of retail/shop floor space

Relocation of Light/Power Pole

13. The relocation of the power pole and associated street light in Bank Place must be carried out at the applicant's expense prior to occupation of the building and any other existing assets that need to be relocated or removed must also be carried out at the applicant's expense and comply with the relevant authority's requirements. The existing power line is either to be replaced or relocated into a trench leading from the permitted building's substation. The relocation of the light and pole must also be subject to all necessary Council and Citipower approvals/Citipower design and installation processes.



The luminaire must remain at the intersection of Bank Place and Charnwood Road and the level of lighting must remain the same as the current situation. A Light Design for Bank Place is to be carried out ensuring compliance with Australian Standard AS 1158. Relevant standards AS 3000 (Electrical Installations) and Electrical Safety (General) Regulations 2019 must also be met.

Parking and loading areas must be available

14. 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.

Landscape plan

15. Before the development starts (other than demolition or works to remediate contaminated land), a detailed Landscape Plan must be submitted to, approved by and be to the satisfaction of the responsible authority. When the Landscape Plans are approved, they will become endorsed plans forming part of this Permit. The Landscape Plans must be generally in accordance with plans identified as TP01, TP02, TP03 and TP04, dated 13/02/2017 prepared by CDA Design Group Pty Ltd and must incorporate:
 - (a) A survey plan, including botanical names, of all existing vegetation/trees to be retained;
 - (b) Buildings and vegetation (including botanical names) on neighbouring properties within 3.0 metres of the boundary;
 - (c) Significant trees greater than 1.5 metres in circumference, 1.0 metre above ground;
 - (d) All street trees and/or other trees on Council land;
 - (e) A planting schedule of all proposed vegetation including botanical names; common names; pot sizes; sizes at maturity; quantities of each plant; and details of surface finishes of pathways and driveways with specific reference to any non-active ground level areas directly abutting St Kilda Road;
 - (f) Landscaping and planting within all open space areas of the site;
 - (g) Water sensitive urban design;
 - (h) Additional detail of tree planters to demonstrate the viability of proposed trees.

All species selected must be to the satisfaction of the responsible authority.

Completion of landscaping

16. The landscaping as shown on the endorsed Landscape Plans must be carried out and completed to the satisfaction of the responsible authority before the development is occupied and/or the commencement of the use or at such later date as is approved by the responsible authority in writing.



Landscaping maintenance

17. The landscaping as shown on 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.

Waste Management Plan

18. Before occupation of the building a modified Waste Management Plan must be submitted for endorsement. The plan must be in accordance with the submitted plan but be modified to include reference to the matters noted in condition 1 (f) together with including clarification that the retail and office tenants will be separately responsible for the sorting and disposal of waste.

Tree Protection

19. Before the development starts, a tree protection fence must be erected around the street trees abutting the site along St Kilda Road and Charnwood Road to comply with AS 4970 *Protection of Trees on Development Sites* to the satisfaction of the responsible authority. Before the development starts, a Tree Management Plan, prepared by a suitably qualified arborist must be submitted to, and approved in writing by, the responsible authority to ensure the protection of the street trees adjacent to the site. The approved Tree Management Plan must be implemented to the satisfaction of the responsible authority before and during the construction of the development.

Time limit

- 20 This permit will expire if one of the following circumstances applies:
- (a) The development is not started within three years of the issue date of this permit.
 - (b) The development is not completed, or the use does not start, within four years of the issue date of this permit.

In accordance with section 69 of the *Planning and Environment Act 1987*, an application may be submitted to the responsible authority for an extension of the periods referred to in this condition.

RECOMMENDATION “PART B”

- 3.4 Authorise the Manager City Development to instruct Council’s Statutory Planners and/ or Council’s Solicitors on the VCAT application for review.

4. RELEVANT BACKGROUND

- 4.1 Planning permit 436/2016 was issued for a seven storey building comprising 73 dwellings at the direction of VCAT even though Council did not support that proposal.
- 4.2 Permit 436/2016/A superseded the original permit (436/2016) and allows the construction of a seven storey building, comprising 72 dwellings, shop and food and



drink premises at the ground level and reduction in car parking and loading bay requirements. This permit is valid until 21 August 2021.

- 4.3 A current planning permit applying to the site to the north allows a six storey, 21.6m high building.

5. PROPOSAL

- 5.1 The application proposes a building that is quite similar to that currently approved at least in terms of most aspects of external appearance and form. Its key difference from the current approval is that this new proposal seeks to use the entire building for office rather than residential dwellings as currently approved.
- 5.2 The proposal is to demolish the existing building and all structures on the land (no permit required) and to construct a seven level building and two basement levels. The development would include just over 1,000m² of retail floor space, 5,600m² of office floor space and a total of 89 car parking spaces. There would also be 80 bicycle spaces and 11 motorcycle spaces. More specifically, the proposal is described as follows:

Basement Levels:

- 5.3 These levels would occupy the full extent of the site and would include all of the car parking spaces and one of the retail tenancies in the site's north-west corner. That tenancy would abut St. Kilda Road. The basements would include store areas, a rainwater tank, stair lobbies and lift cores. Basement 1 also includes eight on-site car share spaces.

Ground Level:

- 5.4 The remaining two retail tenancies are shown at this level together with further rainwater tanks, a substation at the rear, 80 bicycle spaces, toilet/shower facilities and the main front foyer area. One of the remaining retail tenancies would abut St. Kilda Road whilst the other would be located towards the rear of the site and would be setback 3m from the south boundary. Other setbacks would generally be 1.8m to the north boundary within which would be a landscape strip and between 1.5m and 2m to the rear (east) boundary.
- 5.5 A ramp is also shown at this level accessing the site from its north-east corner to a right-of-way to the car park. The trafficable width at this location would be 6m.

Levels 1 and 2:

- 5.6 These levels would have similar layouts, shapes and setbacks to each other. They would be setback generally 3m to the St. Kilda Road and the site's south boundary although this would increase to almost 5m in the south-east corner. The front setback and a small portion of the south setback at level 1 would be occupied by a terrace whilst there would be no intervening built form in those setbacks at level 2.
- 5.7 The footprints of these levels would form a horseshoe-like shape which comprises an open area facing north almost in the centre of the site. Open plan office space would occupy each of these levels arranged around the central service and access area in the base and centre of the horseshoe. A large terrace is proposed immediately to the north of the service area at level one with the outer face of that terrace setback approximately 7m and 9m from the north boundary. In front of that would be an area of non-trafficable landscape roof.



- 5.8 Level 2 would have a terrace at the northern extremity of the rear portion of the horseshoe. The outer face of this terrace would be setback approximately 10m to the north boundary.
- 5.9 The rear element of the horseshoe would be setback 10m to the north boundary at level 1 and approximately 17m to the north boundary at level 2. The centre of the horseshoe element would be setback about 18.5m to the north boundary at both these levels. The front section of the horseshoe element would abut the north boundary.

Levels 3 and 4:

- 5.10 These levels would be identical to each other and whilst similar to the levels below would have a smaller footprint in that the rear element of the horseshoe would be shorter and slightly narrower. That is, the building would be setback over 7.5m to the rear boundary (with an intervening terrace being proposed setback approximately 4m from the rear boundary) and this part of the building would be setback approx. 19m from the north boundary, with a narrow 900mm wide return terrace intervening.
- 5.11 The front element of the horseshoe would be very similar to the levels below except that a terrace is proposed on the east face of the front horseshoe element. As with the levels below, open plan office is proposed at these levels.

Levels 5 and 6:

- 5.12 These levels would be very similar to each other and to the levels below except that the rear element of the horseshoe would be mostly absent. An east facing terrace is proposed in this location at level 5 with its outer face being setback 8m from the east boundary. The east wall of the building at this level would be setback 17m from the boundary. The same 17m setback is proposed at level 6 but there would be no terrace at this level.
- 5.13 The remainder of the building would be similar to the levels below in that it would be setback generally 3m to the St. Kilda Road (at level 5) and south boundaries and would abut the north boundary. Level 6 would partly abut the St. Kilda Road boundary but would also partly be at varied setbacks generally around 4.7m. A terrace would partly occupy that space.

Roof Level:

- 5.14 Two plant areas are shown at this level.

General Description:

- 5.15 The building would be contemporary in its design and would include a mix of materials and colours mainly comprising dark grey and black textured cladding, some vertical black metal louvered screen features, dark grey glass and bronze coloured trim.
- 5.16 The building would have a flat roof and would have an overall maximum height of 27.5m (excluding approximately 800mm plant above that) as facing St. Kilda Road. The maximum height facing Charnwood Road would be 24m.
- 5.17 By way of comparison to the currently approved proposal, aside from the internal office change of use, it is noted that the external envelope is similar as is the overall style and form of the building, particularly the semi-horseshoe shape. The most notable differences are to St. Kilda Road and include the following:
- This elevation no longer has the series of small indentations of the approved design.



- The east setback at ground level is slightly reduced.
- Another indentation at ground level facing south and most other indentations on the levels above of the previously approved scheme are removed.
- The east facing terraces at levels 3, 4 and 5 of the previously approved scheme are not included.
- The current proposal would be approximately 1.5m higher than the existing approval resulting from the greater floor to ceiling heights of the office use compared to the residential use of the current permit.

This proposal would generally have more consistent but less articulated facades than those of the current approval.

6. SUBJECT SITE AND SURROUNDS

Site area	2110m ²
Existing site conditions.	<p>The subject site is located on the eastern side of St Kilda Road, St Kilda, approximately 250m south of its intersection with Punt Road and Queens Way.</p> <p>The site has a rise from north to south and is irregular in shape comprising a skewed or angled frontage to St Kilda Road (its western boundary) of approximately 45.5m in length, a northern boundary of approximately 45.4m long, a rear boundary to Bank Place of approximately 41.7m, and a southern boundary to Charnwood Road of approximately 41.8m.</p> <p>A two-storey building currently occupies the site, with vehicle access from St Kilda Road via a crossover near to the northern boundary and also from Charnwood Road towards the east. The site has car parking within hardstand areas along the north and east boundaries. The building is setback from all boundaries including approximately 13m from the north boundary, 16m from the east boundary, 4m from the south boundary, and 9m from the west boundary to St. Kilda Road. The building is vacant and previously used for office purposes.</p>
Site Surrounds	<p>Development to the north across Bank Place comprises a two storey remnant Victorian building used for commercial purposes on the corner of St Kilda Road and Octavia Street. That building is at zero setback to St. Kilda Road and has an overall height of generally 7m to 8m. It also abuts its other boundaries. The rear (east) portion of that site is occupied by an open car park with space for approximately 12 cars. A valid permit exists on that site that allows redevelopment for the purposes of a building of up to six storeys high. It is currently permitted to contain a mix of ground level commercial uses and dwellings above. A current planning application has been lodged on that site for a building of up to eight levels high (also mostly for residential use) but that application has yet to be decided.</p> <p>Further along Octavia Street, still with an abuttal with the subject site, are several single storey dwellings fronting Octavia Street which all contain a private open space abutting the common</p>



	<p>boundary. These properties are located within the General Residential Zone 1.</p> <p>Development to the east of the site comprises one and two storey period dwellings interspersed by two and three storey apartment buildings. No.4 Charnwood Road is opposite the 3m wide Bank Place (which 'returns' around the subject site). This dwelling contains private open space to its north and has a front setback of approximately 5m to the street. The street has typical residential hinterland character and features tree lined nature strips on both sides of the road. Diagonally opposite the site in Charnwood Road are some more recent apartment blocks. These properties are located within the Neighbourhood Residential Zone 5, and Heritage Overlay 6.</p> <p>Development to the south of the site, on the opposite side of Charnwood Road comprises a long stretch of tall two storey commercial buildings fronting St Kilda Road. They are mostly remnant Victorian stock and are at zero front setback.</p> <p>Development to the west is on the opposite side of St. Kilda Road and comprises a mix of commercial and residential buildings of varying eras and mostly two to three storeys high, except for 26 storeys at 3/5 St Kilda Road (STK Apartments), and 15 storeys at 101 St Kilda Road (Ascent St Kilda).</p> <p>The St Kilda Road streetscape is generally defined by commercial and residential buildings of varying scales, form and architectural style with an influx of higher order residential apartment buildings to the north of the site on St Kilda Road. This is of particular note on the St Kilda Road / Queens Parade intersection, where there are examples of recent large-scale developments together with a permit for a new development at 8-12 Punt Road.</p> <p>The subject site is well located with regards to proximity to multiple tram routes, and easy access to the Fitzroy Street Major Activity Centre.</p> <p>The kerbside parking is subject to various restrictions with parking in St. Kilda Road (on the subject site's side) generally 2P ticket 8am to 6pm Monday to Friday and in Charnwood Road, generally 1P 8am to 6pm Monday to Saturday along with one go-get permit space. Some short term 1P ticket parking is also available in St. Kilda Road.</p>
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7. PERMIT TRIGGERS

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

Zone or Overlay	Why is a permit required?
Clause 34.01 Commercial 1 Zone (Schedule 1)	<p>Under the provisions of Clause 34.01-4, a permit is required to construct a building and carry out works.</p> <p>No permit is required for the office and retail uses.</p>



Clause 43.02 Design and Development Overlay 34 (2B)	A permit is required for all buildings and works.
Clause 52.06 Car Parking	<p>Under Clause 52.06-3, a permit is required to reduce the number of car parking spaces prescribed by the Table at Clause 52.06-5.</p> <p>The table indicates car parking should be provided at the rate of 3 spaces per 100m² of floor space for office and 3.5 spaces per 100m² for retail (shop).</p> <p>There is no visitor car parking space requirement due to proximity to the Public Transport Network.</p>
Clause 52.29 Land Adjacent to a Road Zone, Category 1,	A permit is required for deletion of the existing crossover to St. Kilda Road as this is considered to be a form of 'alteration' to/of that crossover.

8 PLANNING SCHEME PROVISIONS

8.1 Planning Policy Frameworks

Clause 15: Built Environment and Heritage, including:

15.01-1: Built Environment

15.01-1S: Urban Design

15.01-1R: Urban design - Metropolitan Melbourne

15.01-2S: Building Design

15.01-5S: Neighbourhood character

15.02-1: Sustainable development

Clause 19: Infrastructure including

Clause 19.01-1S: Energy supply

Clause 19.01-2S: Renewable energy

Clause 19.01-2R: Renewable energy - Metropolitan Melbourne

Clause 19.03: Development Infrastructure

Clause 19.03-4S: Stormwater

Clause 19.03-6S: Waste and resource recovery

Clause 21.03: Ecologically Sustainable Development, including

Clause 21.03-1 Environmentally Sustainable Land Use and Development

Clause 21.04: Land Use, including:

Clause 21.04-3 Office and Mixed Use Activity areas

Clause 21.05: Built Form, including

Clause 21.05-2 Urban Structure and Character



Clause 21.05-3 Urban Design and the Public Realm

Clause 21.06: Neighbourhoods, including

Clause 21.06-6 St. Kilda Road South Precinct

Clause 22.06 Non-residential Development

Other relevant provisions

Clause 52.06 Car Parking

Clause 52.29 Access to/alteration of access to a Road Zone Category 1.

Clause 65 Decision Guidelines

8.2 Relevant Planning Scheme Amendment/s

There are none relevant to the consideration of this application.

9 Referrals

9.1 External Referrals

The application was referred to VicRoads. No response was received which is taken as deemed to consent to the proposal.

9.2 Internal Referrals

Strategic Planning:

Requirements of DDO 34:

Along with the other requirements of the PPPS, the proposal is to address all requirements of the overlay, specifically:

Height:

The site is within DDO34 (2B) which specifies a discretionary maximum building height of 21.5m (6 storeys). At 7 storeys and up to 27.5m, the proposal exceeds the discretionary height in the DDO. It is noted that the current proposal's height is generally consistent with that of the approved proposal.

The built form outcomes specified in the DDO must also be met.

Street Wall Height

The DDO includes a discretionary street wall height of 11 meters (3 storeys) to St Kilda Road. The street wall height to St Kilda Rd is between 6.9m and 4.7m.

Upper level setbacks

For the subject site, all buildings should be setback above the street wall by a minimum of 5 metres from the front façade.

Front setbacks

Buildings are to have a zero setback from St Kilda Road. The proposal complies with this requirement. The DDO also states that where a corner site abuts a lane or other street at its rear, a transition to the adjoining properties in the side street is not required.

Building separation/side and rear setbacks



*The proposed plans should include dimensions to show compliance with the building separation/side and rear setbacks requirements at Clause 2.6 of the DDO.
The proposal is to address the requirements for development with a residential interface (CL.2.11)*

Architectural quality and Design Details

*The architectural quality and design detail requirements are at 2.9 of the DDO.
Urban Design's comments should inform the proposal's compliance with the requirements of clause 2.9 of the DDO.*

Planner comments:

The proposal does not raise any strategic planning concerns. The comments reiterate the DDO provisions, which are assessed in more detail in section 11 of this report. In particular, the matters of the building's height is assessed at some length in that section. A summary of the officer assessment of some of the other DDO provisions is below:

- Upper level setbacks

The proposal's front setback of around 3m is considered acceptable as it was specifically considered by the Tribunal which directed the issue of the current permit.

- Building separation/side setbacks.

The DDO requires a 9m separation between a proposal and its nearest neighbour. This would be achieved aside from the east face of the ground level and the outermost east face of the level above. Both those elements would be separated from the nearest neighbour by approximately 8m. It is recommended that the required setback be achieved (refer recommended condition 1 (i)).

- Architectural Quality and Design

This is assessed in more detail in section 11 of this report but in summary, it would be complied with subject to recommended conditions 1 (b) and 1 (g) which respectively would require lighter colours for the building's corner elements and provision of an awning over the main pedestrian entrance. the building's corner elements and provision of an awning over the main pedestrian entrance.

Urban Design

Built Form

City Design generally supports the application, including the proposal of a seven-storey building on the basis of:

- *The volume is being articulated by breaking down the built-form in three separate elements that step down towards Bank Place, achieving an appropriate transition to the lower scale heritage properties on Charnwood road.*
- *The proposal addresses the corner and appropriately articulates the façade interfacing St Kilda road.*
- *The development does not overwhelm the adjoining properties in the residential area, respecting the fine grain while reinforcing St Kilda Road's boulevard character. It contributes to the mid-rise consistency of that section of the street without detracting from the high-rise developments at St Kilda junction.*

Public realm & ground floor



The removal of a redundant crossover on St Kilda Road (is) supported.

The façade design at podium level is supported, the recessed entrances and intermittent canopies contribute to the modulation of the street-wall by avoiding blank walls and high fences while activating the frontage resembling the fine grain character of St Kilda Road and having clear legibility for pedestrian access.

Façade treatment & detail

The proposed fenestration and overall articulation of the façades are supported. The splayed windows present a good opportunity to break up the most prominent volume while adding visual interest to it, reinforced by the contrast in material. However, we recommend ensuring the reflectivity of the proposed bronze colour material doesn't become an issue to either the internal amenity or the public realm.

Although in terms of mass and scale the proposal is supported, the visual bulk is being accented by the heaviness of the colour choice. In order to reduce the visual impact of the corner dark grey element, a change of colour to a lighter shade or a different material is recommended.

RECOMMENDATION

We generally support the proposal with the following conditions:

- The colour treatment of the main corner volume with splayed windows is reassessed to reduce visual bulk and heaviness.*
- It is ensured that the reflectivity caused by the bronze colour material of the splayed edges does not negatively impacts internal amenity or the public realm.*

Planner comments:

No concerns are raised in relation to the building's height, setbacks and street wall treatment. Should a permit be issued, the matters raised above could be addressed by way of condition. The applicants have agreed to revise the colour scheme, particularly at the building's corners so that they would be a much lighter colour. This is considered to be an improvement to the design (refer recommended condition 1 (b)).

Council's Traffic Engineer:

Car Park Layout:

Access ways:

- Accessway dimensions within the basement car park are in accordance with the Planning Scheme.*
- Bank Place is proposed to be widened, with a portion to be located within the site, to provide a minimum width of 6.1 metres throughout. The application should be referred to Council's Asset Management team for comment on the construction specifications of Bank Place and Council liability.*
- An existing electricity pole on Charnwood Road is proposed to be relocated to provide a minimum 1.0 metre clearance from the widened vehicle crossover. The relocation of the electricity pole should be referred to Council's Asset Management team for comment.*



Car parking spaces:

- *All car parking spaces on the site accord with the Planning Scheme.*
- *Additional clearance has been provided for spaces adjacent to walls and in tandem.*
- *All motorcycle spaces are considered satisfactory.*

Headroom

- *A minimum headroom clearance of 2.3 metres has been provided in basement 1 and 2.25 metres in basement 2. This meets the requirements of the Planning Scheme.*
- *A minimum headroom clearance of 2.5 metres is provided above disabled spaces.*

Gradient of ramps

- *The proposed gradient of the access ways accords with the Planning Scheme.*

Bicycles

- *30 bicycle spaces are required under the Planning Scheme comprising 22 spaces for employees and 8 spaces for visitors. The development proposes 80 spaces within the site and 8 public spaces along the St Kilda Road frontage.*
- *All bicycle spaces use ground level horizontal rails and accord with relevant guidelines.*
- *Four spaces are proposed for electric bicycles.*
- *Showers, change rooms and lockers are provided on the site.*
- *It is recommended that additional lockers be provided to at least match the number of bicycle parking spaces but also cater for pedestrians and public transport users.*
- *The applicant shall fund the supply and installation of four bicycle rails. Installation shall be arranged by the Responsible Authority along the St Kilda Road frontage of the site or a nearby location.*

Loading and waste collection

- *Given the scale of the development and parking demand in the area, it is considered appropriate that a loading area be provided on the site rather than reliance on street parking.*
- *Paid parking restrictions apply along St Kilda Road and is not appropriate for loading and unloading.*
- *It is noted that deliveries by cars and small vans could be undertaken on the site. However larger deliveries will rely on street parking.*
- *On-street parking space is not guaranteed and any future request for on-street loading zones may not be supported.*
- *Waste collection is proposed on the site. Swept path assessment is provided for mini rear loaders waste collection vehicles. A minimum headroom clearance of 2.5 metres is provided in the waste collection area and ramp. This is considered to be acceptable.*



Traffic Generation and Impact:

- *In view of the reduction in parking on the site it is considered appropriate that a reduced traffic generation rate be adopted.*
- *The applicant's traffic engineer has stated that up to 47 vehicle movements can be expected during the peak hours. Daily traffic generation has not been provided.*
- *A conservative estimate of 400 vehicle movements a day is suggested, based on four trips per car and motorcycle parking space.*
- *Charnwood Road carries approximately 900 vehicles per weekday. The additional traffic generated would still be within the Council threshold of 3,000 vehicles per weekday for a local street.*
- *It is expected that a significant proportion of traffic will enter and exit via St Kilda Road.*

On-street parking and vehicle crossovers:

- *The existing on-street parking is generally a mix of short-term, ticketed and long-term parking.*
- *A total of 76 on-street spaces are available for public parking in the surrounding area.*
- *The crossover to Bank Place along Charnwood Road is proposed to be widened to 6.0 metres. There is no change to the supply of on-street parking from this change.*
- *The new vehicle crossover to Bank Place shall be installed to the satisfaction of the Responsible Authority.*
- *The redundant crossover along St Kilda Road shall be reinstated. This could allow one additional on-street parking space to be reinstated.*
- *The redundant vehicle crossover along St Kilda Road shall be reinstated with footpath, nature strip, kerb and channel to the satisfaction of the Responsible Authority.*
- *The proposal has a shortfall of 114 statutory required spaces.*
- *It is noted that Port Phillip does accept a reduced car parking rate for offices at 2.8 spaces per 100 square metres. This would marginally reduce the parking requirement to 157 spaces for the office use, resulting in a total shortfall of 103 spaces.*
- *It is noted that 9 tandem parking spaces are provided. It is expected that these spaces will be allocated to the same tenant and self-managed. This is considered to be acceptable in this case given the size of the office tenancies.*
- *Note that the assessment for the appropriate rate for car parking provision lies with Statutory Planning. Reference should be made to CoPP's Sustainable Parking Policy. We also suggest comparing previous approved parking provision rates of adjacent developments as part of the Planning team's assessment / determination.*

Planner Comment

- Asset Management

The Councillor's Traffic Engineers have sought advice with regards to the construction specifications of Bank Place and Council liability. Council's Asset Management Team



was consulted and raises no objections and does not require any specific actions. In relation to the matter of liability, it is noted that the widened section of Bank Place would vest in Council and therefore, liability would fall on Council as it currently does for Bank Place. However, in order to reinforce that the widened section of Bank Place is to become part of that laneway, if a permit were to issue, a condition should require that the surface of the widened section of Bank Place match the existing surface both in terms of levels and materials of construction. (Refer recommended condition 1 (e)).

The applicants propose to relocate the existing pole by approximately 1m and Council's Assets Management Team raise no objections but have requested a condition to address technical aspects of the relocation (refer recommended condition 13).

- Bicycle Rails in St. Kilda Road

A condition could address this on any permit issued (refer recommended condition 1 (d) which would require the installation of at least four additional bicycle rails at the St. Kilda Road frontage).

- Loading Bay

The applicants have agreed to provision of a small loading bay appropriate for an office and this could be required by condition (refer recommended condition 1 (a)), should this application be supported. The applicants have indicated that the loading bay would be located in basement level 1 with its most logical placement being adjacent to the lift lobby. The loading bay would measure 4.295m x 7.6m and would have 2.5m headroom allowing for a small van sized delivery vehicle. That location would leave at least 6.4m clearance behind car spaces 82-84 inclusive. It is considered that this location would be the most logical and practical location.

- New crossover to Bank Place, removal of existing crossover.

There would be no new crossover to Bank Place, only an entrance from that lane. However, the standard condition regarding the proper removal of the existing crossover currently accessing the site directly from St. Kilda Road in the site's north-east corner and reinstatement of kerb and channel should be applied (refer recommended condition 11). Removal of the existing crossover would not add a kerbside parking space due to its proximity to pedestrian signals.

- Bicycle Rails in St. Kilda Road

A condition could address this on any permit issued (refer recommended condition 1 (d) which would require the installation of four additional bicycle rails at the St. Kilda Road frontage).

Reference to Council's Sustainable Parking Policy and assessment of car parking provision occurs later in section 11 of this report.

Sustainable Transport

Comment's received are below.

While generally supportive of lower car parking provision for well-located facilities I think CoPP would be seeking:

- *Car share to be operated by an existing car provider that is well-located and available 24/7 to all members of the car share scheme.*



- *Bike parking number and quality (including proportion of horizontal rather than rails) to be above the planning requirements for car parking dispensation.*
- *Capacity to install electric Vehicle recharge facilities for a proportion of car parking spaces*

Planner's comment

Share cars:

The share cars would be operated by the Owners Corporation for the site and not by a commercial operator. It is acknowledged that the above comments in regard to the share cars would represent an ideal situation, but the cars would be privately owned and act as pool cars available for the office workers on this site only. Further discussion about their likely effectiveness is provided in section 11 of this report.

Bicycle parking

The plans show bicycle parking well in excess of the Planning Scheme requirements.

Electric vehicles.

Provision for an electric vehicle charging point could be required by condition (refer recommended condition 1 (h)).

Sustainable Design

The architectural drawings and the Sustainable Management Plan (SMP) for the above project were reviewed against the WSUD (LPP 22.12), and ESD (LPP 22.13) policies.

Concerned about the number of esd initiatives that require further clarification. The issues listed below for both the report and the drawings need to be addressed before the project can be considered to meet an acceptable level of 'best practice'.

Stormwater

Local Policy 22.12: Stormwater Management applies to this application size. Refer to <http://www.portphillip.vic.gov.au/sustainable-design-guidelines-stormwater-management.pdf> on how to provide an appropriate response. This includes addressing the following:

- *As the site is greater than 1000m2 please provide MUSIC modelling that demonstrate conformance with Melbourne Water's MUSIC modelling guidelines (www.melbournewater.com.au/sites/default/files/2018-02/Music-tool-guidelines-2018.pdf) Provide evidence of modelling inputs, in the form of an electronic file for MUSIC stormwater modelling ('.sqz' format) for assessment.*
- *Design details – It is unclear how the 5m2 of raingardens will be able to receive stormwater draining from 1000m2 of impermeable area. Provide further details of the drainage and raingardens (including dimensioned cross sections, etc) sufficient to assess their appropriateness.*
- *Maintenance manual – Provide a maintenance manual for water sensitive urban design initiatives. These must set out future operational and maintenance arrangements for all WSUD measures appropriate to a complex project of this scale, including inspection frequency, cleanout procedures and as installed design details/diagrams including a sketch of how the system operates. This manual needs to be incorporated into any Building Maintenance Guide.*



- *Construction Site Management Plan – Provide a management plan that details stormwater management during construction. Refer to Council’s guide mentioned above and example in Appendix C.*

12.1B Daylight

Calculations (modelling or hand calculations) must be included in the report to demonstrate how the spaces are predicted to perform in relation to daylight benchmarks claimed.

12.2 Views

Calculations must be included in the report to demonstrate how the spaces are predicted to perform in relation to benchmarks claimed.

13.1 Paints, Adhesives, Sealants and Carpets

This credit requires 95% of all internally applied paints, adhesives, sealants and carpets meet stipulated ‘Total VOC Limits’. The commitment only extends to undercoats, sealers, primers and interior paints, this does not meet the green star credit requirements.

15E.1 GHG Emissions Reduction

Report need to clearly state a commitment to achieving a 33.33% reduction in greenhouse gas emissions to reflect the points claimed.

17B.1 Access by Public Transport

Provide calculations that justify the points claimed in this credit

17B.4 Active Transport Facilities

Provide calculations that show how requirements on Green Star – Design & As Built Table 17B.4.1 & Table 17B.4.2 are met.

18A Performance Pathway

Report is missing calculations that result in the 4.5 points claimed. Please rectify.

23.1 Ecological Value

Report is missing calculations that result in the 1 point claimed. Please rectify.

26.1 Reduced Peak Discharge

To claim this point the project must demonstrate that the post-development peak event stormwater discharge from the site does not exceed the pre-development peak event stormwater discharge, using the Average Recurrence Interval (ARI) specified in Green Star – Design & As Built Table 26.1. Please provide further information on how this will be met.

Prior to start of construction

Submit a green star review of the construction documentation that includes reports for the following credits:

- *2.0 Environmental Performance Targets*
- *2.1 Services and Maintainability Review*
- *2.3 Building Systems Tuning (contract of contractor engagement)*



- *5.1 Environmental Building Performance*
- *7.0 Environmental Management Plan*
- *7.1 Formalised Environmental Management System*
- *8A.1 Operational Waste Management Plan*
- *10.1 Internal Noise Levels*
- *10.2 Reverberation*
- *10.3 Acoustic Separation*
- *15E.1 GHG Emissions Reduction*
- *18A Performance Pathway*
- *19B.2 Steel*
- *26.1 Reduced Peak Discharge*

Alternatively, if the project is obtaining green star certification, provide evidence of registration and assessment.

Planner Comment:

The above comments have been shared with the applicants. They have expressed a willingness to update their ESD documentation to reflect the above recommendations. This can be addressed by condition on any permit issued (refer recommended condition 6)

Council's Waste Management Section

I have reviewed the WMP and have following comments;

- *Recommend allocated space for Electronic waste*
- *Recommend allocated space for Charity bin*
- *Recommend allocated space for food/organic bin for future council services.*
- *Require information on the WMP regarding, access to the bin room from Level 1 and above and who will be responsible to dispose of waste/recycling generated on site (i.e. collecting waste from each level and bringing down to the bin room).*

Planner comment:

The applicants have confirmed that the first three bullet points above could be addressed by permit conditions (refer recommended condition 1 (f)), whilst the fourth bullet point has been clarified by the applicants with a statement that the separate tenancies, whether office or retail, would be responsible for sorting, collecting and disposal of all waste. This can be addressed by condition (refer recommended condition 18 requiring a revised WMP).

10 PUBLIC NOTIFICATION/OBJECTION

- 10.1 It was determined that the proposal may result in material detriment therefore Council gave notice of the proposal by ordinary mail to the owners and occupiers of surrounding properties (689 notices sent) and directed that the applicant place three notices on the



site for a minimum 14 day period, in accordance with s.52 of the Planning and Environment Act 1987.

10.2 There have been 27 objections received that raise the concerns summarised in the bullet points below in this section.

- Does not accord with the DDO by way of excessive height and 4.5m side/rear setbacks not met.
- Street wall height would be too low and out of keeping with the nearby St. Kilda Road streetscape.
- Out of scale with surrounding residential areas of Octavia Street and Charnwood Road.
- Excessive overlooking of nearby residential properties general detrimental impacts to those properties.
- Inadequate car parking supply and no loading bay provided.
- Inadequate detail regarding side fence treatment especially at the north end of Bank Place.
- Car/vehicle turning room inadequate at the north end of Bank Place.
- Inadequate setbacks to Bank Place.
- No separate toilets for the retail premises.
- Collection of waste details not clearly outlined.
- Bicycle parking layout and location impractical.

10.3 These objections are assessed in the following section of this report.

10.4 A consultation meeting attended by a Ward Councillor, eight objectors and Council's planner took place on 24 February 2020. No formal resolutions were agreed to but the applicants did undertake to look further into the matter of car parking.

10.5 It is not considered that the number of objections raise an issue of significant social effect under Section 60 (1B) of the Planning Environment Act 1987.

11 OFFICER ASSESSMENT

The key issues in this proposal relate to the site's strategic suitability for increased building scale together with consideration of the proposed scale and height of the building, character, street interface, car parking, traffic impacts and immediate amenity impacts. The matters of the building's character and scale and alignment with the local policy provisions are very closely aligned and are best assessed together. The existence of an existing development approval issued at the direction of VCAT is also a relevant consideration.

The key issues are considered to be the following:

- Would the proposal align with the Planning Scheme (most notably the DDO provisions) and the key strategic and character policy outcomes?
- Would the proposal be responsive to the St. Kilda Road frontage and scale of the surrounding residential area and integrate with it?



- Would there be excessive amenity impacts to residential properties, most particularly overlooking, overshadowing, loss of light and excessive visual bulk impacts?
- Would there be sufficient on site car parking and would access to and from the car park lead to excessive traffic volumes in the abutting side street?

The assessment of these questions uses the relevant local policy and planning scheme provisions.

11.1 Would the proposal align with the Planning Scheme (most notably DDO provisions) and the key strategic and character policy outcomes?

Clause 21.04-3 (Office and Mixed Activity Areas) identifies areas where new commercial and in some instances, residential uses, should establish. Table 2 to this Clause makes two mentions of St. Kilda Road South with the first of those referring to commercially zoned land such as the subject site. This section of St. Kilda Road is identified as having the following uses as Primary roles:

- Employment node
- Commercial/office role
- Intensification of housing

A secondary role is having active ground floor uses.

Another strategy for all office and mixed activity areas is that they do not detrimentally impact on the amenity of nearby residential areas.

Given that the application proposes only commercial uses, it is considered that the site is strategically suited to the proposal at least in terms of use and function. The nature of the uses would also assist with the employment objective. The proposal would also include active ground floor uses (a secondary role).

Intensification of housing is not applicable in this instance.

The matter of impact on residential amenity is assessed later in this section.

11.2 Would the proposal be responsive to the St. Kilda Road frontage and scale of the surrounding residential area and integrate with it? (and)

Would there be excessive amenity impacts to residential properties, most particularly overlooking, overshadowing, loss of light and excessive visual bulk impacts?

These matters relate in part to the existing characteristics of the streets and in part to whether there are any specific policy outcomes being sought for a particular area.

The two principal components of urban character are form and scale. Urban structure is considered closely linked to these two elements.

There are several relevant policies that relate to site responsiveness, bulk, height, scale and the like and there is a consequently extensive suite of objectives and strategies referencing these matters. Rather than quote each and every objective and strategy, this report summarises what the relevant Clause is seeking to achieve when it comes to scale, massing and overall built form.

Clause 21.05-2 Urban Structure and Character.

This Clause seeks to protect any distinctive and varied character and encourage proposed building height and/or scale to be appropriate to that character. New buildings should graduate



in height and massing and transition down to areas of high density activity areas and nearby residential areas.

This Clause also encourages new development to minimise amenity impacts on residential properties by considering overshadowing, privacy or bulk.

It is considered that the proposal would achieve these aims. The site is separated from individual nearby residential properties to the east by Bank Place. Where the building would be at its tallest, it would be setback approximately 22m to the nearest dwelling being at No. 4 Charnwood Road. The outer face of the east facing terrace on the level below would be a distance of approximately 15m to that same dwelling. It is acknowledged that the terrace on the level below that at level 4 would be a distance of only approximately 10m to that dwelling but the wall of the building behind would be a distance of approximately 13m to that same dwelling. It is considered that in this context where larger scale development is clearly contemplated by the Planning Scheme, the above separations are generous. The new building would be a new and clearly visible structure but it is considered that impacts of mass, scale and bulk would not be unreasonable at the interface with No. 4 Charnwood Road.

The current proposal would be almost identical in this sense to that currently allowed by the existing planning permit for the site which was subject to a VCAT decision.

The building would also interface with the rear yards of the properties in Octavia Street and the side of abutting 46-52 St. Kilda Road. The centre of what has previously been described as the building's horseshoe shape would be opposite some of the abutting Octavia Street rear yards where the outer (easternmost) section of the horseshoe – at its closest (level 1) – would be setback just over 10m to the nearest rear yard. This element of the building would be progressively setback further from the north boundary to the point where for example at level 4, it would be setback almost 20m from that boundary and the Octavia Street rear yards.

This again is considered to be appropriate massing for a new building in this commercial context.

The current approval allows very similar setbacks and built form mass, and at level 6, an identical setback to that being proposed.

It is not considered that excessive amenity impacts from bulk or mass would result. Other amenity impacts are assessed later in this section.

In terms of integrating with the St. Kilda Road frontage it is considered that the proposal would achieve an appropriate outcome. The street wall would in part be single storey stepping up to almost 7m in height due to the slope of the land.

The DDO suggests that an 11m high street wall height would be ideal and that it should be no higher than this, but it is silent on heights under 11m. The only guidance is that any street wall should maintain the visual prominence and view lines to the nearby Post Office Hotel, that it should create streetscapes at a human scale and that it should strengthen the boulevard character along St Kilda Road by creating a more coherent and consistent streetscape.

The first two outcomes would be met but the third potentially would not. Nearby buildings in St. Kilda Road are mostly remnant Victorian era buildings with front walls approximately 7m to 8m high. The single storey section of street wall, being just under 5m high, would be clearly lower than its immediate streetscape neighbour, but would be separated from that building by Charnwood Road.

The current permit which was approved prior to the current DDO, would allow a street wall height of just under 4m high (not including balcony balustrades above). If the balustrades



above are included, a height of about 7.5m would be reached. Therefore, the Tribunal determined that a ground level street wall with lighter balustrades above of approximately 4m and 7.4m in height respectively was appropriate.

On balance, it is considered that this interface would achieve an appropriate balance between human scale and relating to its St. Kilda Road neighbour to the east bearing in mind that this is an area in transition.

Clause 21.05-3 Urban Design and the Public Realm

This Clause seeks to ensure new development to be of a high quality, enhances the public realm, encourages the provision of universal access and for new buildings to make a positive contribution to the public realm.

There is nothing in this clause specifically relating to height, mass, bulk and amenity but it is considered that the interface to the immediate public realm would be acceptable, particularly the active frontages to St. Kilda Road and Charnwood Road.

Council's Urban Design referral comments indicate (in relation to the response to the public realm) that the façade design at podium level is supported, the recessed entrances and intermittent canopies contribute to the modulation of the street-wall by avoiding blank walls and high fences while activating the frontage resembling the fine grain character of St Kilda Road and having clear legibility for pedestrian access. No concerns are therefore raised to the building's ground level response although the plans do not show any weather protection canopies. This could be achieved over the main entrance by condition (refer recommended condition 1 (g)).

Universal access would be available.

Clause 21.06-6 St Kilda Neighbourhood

There have been recent amendments to this Clause to include new guidelines particularly in relation to the St. Kilda Road north and south precincts. These are assessed below:

Strengthening 'identity and place'

This should mostly be achieved through ensuring that new development contributes to the amenity and built form character of the area, that it strengthens the boulevard character of St. Kilda Road, reinforces the high point of St. Kilda Hill and the Junction, creates cohesive streetscapes through overall height, street wall height and building spacing and provides an appropriate transition to nearby residential areas and in so doing, avoids heights that would cause visual intrusion.

It is considered that these outcomes would be achieved. The street wall height would create a human scale and would create an appropriate podium feature to the building. It would be consistent with what is currently allowed on the land by virtue of the permit issued at the direction of VCAT. Additionally, the building would not directly impact on St. Kilda Hill or St. Kilda Junction.

The following is relevant to the consideration of the proposed building height:

- A 7 storey building is already approved for the subject site.
- A 6 storey building is proposed and approved for the site immediately to the north.
- A 26 storey residential tower is located opposite.
- Buildings of up to six storeys high are contemplated by the DDO controls.



Strategically it is considered that the contemplated future character for this area is for a consistent run of buildings far greater in height than currently exist. At seven storeys it is considered that the proposal would not be out of place with the encouraged and emerging character or what is a transitioning character.

Creating a 'great place to live'

This would be achieved by minimising amenity impacts on nearby properties, ensuring that the interface between commercial and residential areas is well designed to protect amenity. The building has been specifically designed to substantially step back from the single dwelling abuttal which is the most sensitive interface.

Creating 'streets and spaces for people'

This would be achieved by creating nodes of active land use fronting the footpath at ground level, ensuring that pedestrian environments are safe and amenable with St. Kilda Road being maintained as a pedestrian spine and ensuring that the public spaces are attractive and functional.

The office use and ground level retail would help create an activity node with pedestrian access along St. Kilda Road being the building's main frontage. Solar access to St. Kilda Road would also be maintained through the recessed setbacks of the levels above ground. The entrance canopy required by recommended condition 1 (g) would only cover a relatively small section of St. Kilda Road and would improve pedestrian amenity.

Fostering 'beautiful buildings'

It is considered that the building would be of an appropriate visual quality (subject to it having lighter coloured corners) due to its recessed upper levels, modest variations in window sizes and its overall horseshoe form. The current proposal's built form character would be very similar to that which the Tribunal considered was appropriate for this site.

Creating 'easy access for all'

The strategies outlined in this section of the policy mostly relate to parking provision (car, motorcycle and bicycle) and some relate to pedestrian and cycle linkages.

Whilst car parking is assessed later in this report, this section of policy also calls for analysis of the matter.

On balance, it is considered that the strategies would achieve the overall aims being sought. The proposal would enhance or at least increase the use of pedestrian and cycling linkages to nearby activity centres and use of public transport.

In terms of car parking, the rate for office is stated in this section of the policy as being 3 spaces per 100m² whilst no rate is stated for retail. No rates for bicycle parking for commercial developments is provided. Motorcycle parking should be provided at the rate of one space for every 100 car parking spaces being provided.

It is also stated that commercial developments should be provided with a loading bay.

More detailed discussion about all forms of parking occurs later in this section but in summary, the proposal would not achieve the stated car parking rate (proposed is 1.4 spaces per 100m² of office space). It would, however, provide 80 bicycle parking spaces when none are required under this Clause (due to this section of policy only requiring bicycle parking for residential uses) and it would also provide 11 motorcycle spaces when only one would be required by this clause.



Following the consultation meeting, the applicants have committed to providing a small loading bay appropriate for an office and increase the car parking provision to a rate of 2 spaces per 100m² of office space and 1 space per 100m² of retail space. The applicants have indicated that the additional parking would be in the form of stackers located in both basement levels and they have further confirmed that the basements would only need to be moderately altered to achieve adequate head room and aisle widths. The increase in office car parking provision is required by recommended condition 12 (a). The extra parking would amount to 33 additional car spaces for the office use at the above rate.

The adequacy of all aspects of car, bicycle and motorcycle parking is assessed later in this section.

St Kilda Road Neighbourhood

There are separate objectives and strategies for the St. Kilda Road neighbourhood as stated below.

6.6.48 *Reinforce the established commercial role of St Kilda Road as a niche retail and business precinct to benefit from the profile and exposure of a St Kilda Road address.*

6.6.49 *Along the eastern side of St Kilda Road:*

Encourage a diverse range of specialty retail, display based retail uses and complementary commercial uses at ground level, including shops, convenience shops, restricted retail premises / showrooms and galleries, to create a continuous activated edge to the street.

Support residential at upper levels and to the rear of commercial premises.

It is considered that these outcomes would be met. It is not known what retail activity would occupy the retail spaces but due to its location outside of a traditional shopping strip it is likely to be 'niche'. However, there is no planning control under the zone which provides control over the type of retail which may establish. The same holds true in relation to encouraging a wide and diverse range of uses however, an active frontage is proposed to virtually all of the St. Kilda Road frontage.

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

This Clause also has an extensive suite of objectives and strategies related to achieving suitable height, bulk, mass and design of new buildings together with minimising their amenity impacts. In summary, this Clause encourages new development to be site responsive and contextual and integrate with the area and any prevailing character. It also seeks to encourage interesting and active ground level treatments and passive surveillance of nearby streets and public spaces

It also states various design outcomes related to specific built form elements such as entrances, doors, windows, blank walls, roof forms and elevations that should all be appropriate to their setting and integrate with any prevailing character. It also encourages landscaping where appropriate. This Clause also makes mention of the provision of adequate loading facilities.

In general, it is considered that these would be achieved. The concerns expressed by Council's Urban Designer about the generally dark colour are noted in terms of the



proposal's elevations, but it is still considered that the overall treatment, proportion and extent of glass versus masonry surfaces would be contextual noting the site's commercial zoning and the emerging character of the area with newly constructed medium to high rise buildings. Even so, the Urban Design referral comments about potentially negative effects of the buildings overly dark character are agreed with and therefore, recommended condition 1 (b) requires the vertical portions of the buildings corners to be treated in a much lighter colour.

This Clause also comprises various sub headings under which applications should be assessed. They are:

- Public realm
- Street level frontages

These matters have been previously assessed and will be assessed again later in this section under the DDO. In summary, the building's interface to the public realm (both streets and Bank Place) would be acceptable by way of its active frontages and its recessed upper levels, both in line with the current approval.

- Landmarks views and vistas,

As previously assessed, none would be affected.

- Large sites

The subject site falls into this category and its overall form (horseshoe shape) and mix of commercial uses above basement car parking are considered appropriate for this particular large site.

- Energy efficiency
- Building design

As discussed in the report above.

- Urban art

A contribution should be required (refer recommended condition 10).

- Landscape
- Public open spaces

There are good public spaces proposed and a landscape plan should be required (refer recommended condition 15).

- Private and communal space

This is not considered generally relevant to a commercial proposal however the proposal includes abundant open terrace areas for its occupants.

- Fences

The abutting fencing to the rear yards of the Octavia Street properties would be a 2m high metal slat fence. This material and height is considered appropriate for this setting.

- Residential amenity
- Car parking and pedestrian access

These matters have either previously been partly discussed or are further discussed later in this section.

- Loading facilities

None are shown but a loading bay should be required (refer recommended condition 1 (a)).

- Site facilities.

All are depicted.

11.3 Design and Development Overlay

This is considered to be the key planning control in this instance and an assessment under each separate relevant provision occurs below.

Building Heights

Development should not exceed the Built Form Requirements specified in Table 1.

One additional storey will be considered above any maximum discretionary height where that maximum discretionary height is up to seven storeys. Up to two additional storeys will be considered above the maximum discretionary height where the maximum discretionary height is eight storeys, or greater.

The discretionary height for precinct 2B is 21.5m or 6 storeys. However, the DDO also allows one additional storey in this instance (seven storeys) for sites where the discretionary maximum height is less than eight storeys, as is the case in this instance.

The proposal would be seven storeys high which would therefore comply with the above control by way of storeys. However, as noted above, the DDO also expresses the discretionary height in metres. By that measure, the proposal would be 27.5m high. It would therefore exceed the 21.5m discretionary height by 6m.

It is considered that a full reading of the DDO height provisions must take account of both measures being storeys and metres. Each storey of a commercial building would normally exceed 3m floor plate to floor plate (allowing extra space for occupants and the installation of lighting and ventilation in a suspended ceiling) and thus a seven storey office building would normally well exceed 21.5m in height (which is based on 3m storeys). The existing permit for the site to the north allows a six storey/21.6m high building.

The built form requirements as relevant to this proposal and a consideration of height, as stated in Table 1 are as follows:

Achieve greater consistency in overall building scale along St Kilda Road between Inkerman Street and 166 St Kilda Road, and Alma Road and Octavia Street.

As previously noted, the building scale along this section of St. Kilda Road is generally two storeys or between 7m to 8m given the Victorian buildings to the south. The proposal would be much higher than this scale. There are currently no buildings of this height nearby on this side of St. Kilda Road. However, this outcome is considered to be a strategic one in that it is establishing a benchmark for future buildings ultimately achieve a consistent height along this section of St. Kilda Road.

Importantly:

- The building would be no greater in height than the already permitted seven storeys.



- The existing permit on this site allows a building only 1.5m lower than what is now proposed.
- That 1.5m difference stems from the greater floor to ceiling heights following the change from residential use to office use.
- Lowering the building by a storey or so would create a lesser streetscape impact but still a notable difference to the existing building stock.
- Justification for lowering the proposal is not found with reference to design concerns, streetscape impacts or amenity impacts.
- The existing permit and its permitted height resulted from a VCAT decision and this must be given some weight in the assessment of height. The plans assessed by the Tribunal showed a building two storeys higher than what is currently proposed. The Tribunal did not consider that as being acceptable and required that two levels be deleted. That deletion created a building that would be approximately the same height as the current proposal (1.5m lower).
- The proposal's 27.5m maximum height would only be reached at one portion of the site due to the slope of the land (the northernmost wall). The building's south wall would be 25.6m high.

Avoid building heights which create intrusions in the streetscape and detract from the higher scale clusters at St Kilda Hill and St Kilda Junction.

This would be achieved. The existing buildings closer to St. Kilda junction and the 26 storey residential tower on the opposite side of St. Kilda Road are far taller than the proposal would be.

Achieve a transition down in scale and respect the established fine grain, low scale of the adjoining residential area.

This is considered to be achieved as previously discussed, by the side setbacks to nearby residential properties.

Ensure the amenity of adjoining and nearby residential development is not unreasonably impacted in terms of visual bulk, access to daylight, outlook and overshadowing.

The submitted shadow diagrams show that the proposal would not overshadow any nearby residential secluded open space. The only shading that would occur would be to the front yard of No. 4 Charnwood Road at (and after) 3pm.

In terms of access to daylight as opposed to shadowing, the proposal would have some impacts but due to the setbacks as assessed and outlined in previous sections of this report, it is not considered that any change in daylight access would be either excessive or beyond what could be reasonably expected in this location. The existing permit would allow a very similar relationship to neighbouring dwellings.

Whilst not specifically mentioned in the above strategy, the matter of potential overlooking is considered relevant noting the proposed east and north facing terraces are not part of the permitted development.

It is acknowledged that the north facing terrace in the centre of the horseshoe and those facing east would be in relatively close proximity to either rear yards or side facing windows respectively at distances of approximately 7m and 9m. East facing windows at levels 1 and 2 would be approximately 8m from the side windows at No. 4 Charnwood Road.



The building, however, would not be for residential use. The office use would for the most part be occupied during business hours. It is not normally considered that privacy screening is required for office buildings as they would mostly be vacant when nearby dwellings would be most seeking privacy. There would potentially be times when this was not the case, but on balance, screening for the proposed office use in this instance is not considered necessary.

Preserve view lines and maintain the visual prominence of the landmark St Kilda Post Office Hotel.

There would be no impact on the St Kilda Post Office Hotel.

Respect the heritage values of adjoining and nearby heritage places.

There are none in this section of St. Kilda Road and the properties of heritage significance in nearby residential streets would be sufficiently separated from the proposal such that their significance would be maintained.

Development must:

- *not overwhelm adjoining properties in a residential zone in terms of building scale or bulk, access to daylight, outlook and overshadowing;*

This has previously been assessed.

- *achieve a greater overall consistency of scale within the streetscape and moderate the difference between mid-rise development and existing taller high rise structures;*

There is no existing mid-rise nearby development on this side of St. Kilda Road.

- *be designed to reduce the visual dominance of levels above the street wall;*

This is considered to be achieved by the 3m St. Kilda Road and Charnwood Road setbacks of the levels above the podium.

- *not detract from the distinct higher-rise built form outcomes sought at St Kilda Hill or the Junction; and*
- *respect the fine grain of adjoining sensitive residential interfaces.*

These have been previously assessed.

Street Wall heights

The discretionary street wall height in precinct 2B is 11m (3 storeys) to St. Kilda Road. The built form outcomes sought to be achieved by the street wall heights are as follows:

- *Maintain the visual prominence of and preserve view lines to the landmark St Kilda Post Office Hotel.*
- *Create human scale streetscapes.*
- *Strengthen the boulevard character along St Kilda Road through creating a more coherent and consistent streetscape, having regard to the scale and form of buildings on adjacent sites.*

These have all been previously assessed.

- *Facilitate modern retail / commercial development.*

This would be achieved.



Upper Level Setbacks

The discretionary upper level setback in Precinct 2B is 5m from the front façade. The built form outcomes that this setback seeks to achieve are as follows:

Reduce the visual dominance of levels above the street wall through upper levels which:

- are visually recessive when viewed from the street;*
- respect the scale of adjoining heritage buildings; and*
- maintain open views to the sky.*

Create a visual distinction between the lower (street wall) levels and upper levels of a building through:

- setbacks/recessed development;*
- well-articulated design; and*
- the use of varying materials and colour*

The proposed 3m setback to St. Kilda Road would create a distinction between the podium and the levels above but would not meet the 5m discretionary provision above. This application is being assessed as a new and independent application, but in doing so, any relevant decision that assists in assessment of a particular matter should be given weight. Whilst the DDO did not formally exist at the time of the previous Tribunal decision, the amendment provisions at that time were 'seriously entertained' and ultimately became what is now DDO 34. That is, at the time of the VCAT assessment of the already approved development, the 5m upper level setback provision was in place as a seriously entertained provision. Any specific assessment of that matter in the Tribunal decision must be given significant weight.

The Tribunal decision concluded at Paragraph 46:

"...we have not been persuaded that an increase in the upper level setback is necessary to achieve an acceptable result".

It would be difficult to come to a different conclusion now. The nature of development on St. Kilda Road has not changed in the meantime and nor is there any other DDO provision that would reinforce a view for a greater setback beyond what was required by the Tribunal decision.

Front Setbacks

Precinct 2B is subject to discretionary front setbacks which in this instance is zero. The built form outcome that this is seeking to achieve is as follows:

- Reinforce the characteristic hard-edge alignment of built form to the street*

This would be met as would the zero setback.

Building Separation/Side and rear Setbacks:

The following applies to developments with an overall building height of 5 storeys or more:



- *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.**

A permit cannot be issued to vary this requirement.

Where an adjoining site has an existing habitable room window or a balcony facing the shared side or rear boundary, development should provide a positive address to this boundary and avoid blank walls.

The main interface of concern is to No. 4 Charnwood Road. The above provisions seek a separation of 9m. The main east wall of the building at levels 1 and 2 would meet that separation. The terraces at levels 3 and 4 would exceed that separation as would all the east facing walls at this level and above.

However, the east facing ground level wall and the outer face of the east facing balcony at level 1 would be separated from the abutting dwelling by 8m. It is recommended that these elements be setback from the common east boundary by one additional metre (refer recommended condition 1 (i)).

The other interface of relevance is to the north. The above provisions allow for an abuttal to a blank wall provided that the abutting site has not been built to the street wall height (which it has not) and that the abutting wall is blank (which it is) and that the proposal would not compromise the development potential of the site to the north (which it would not). The interface to the north is therefore considered to comply with the above provisions.

Overshadowing

New development should not cast a shadow beyond the southern kerb-line of Alma Road and the southern kerb-line of Inkerman Street between 10am and 3pm on 21 September.

This is achieved.

Active frontages

- *Development should meet the Built Form Requirements specified in Table 7.*

In addition to the Built Form Outcomes of Table 7, all development should:

- *Provide an active frontage to any adjoining street (not including laneways);*
- *Provide pedestrian entrances which open directly to the street, have adequate weather protection, are clear glazed and designed as a key feature of the façade;*
- *Be designed to avoid blank walls, large areas of reflective surfaces and high fences;*
- *Incorporate lighting in the façade design to provide visual interest and to contribute to a sense of safety at night;*
- *Include windows and balconies or terraces at upper levels which overlook the street and laneways to maximise passive surveillance of the public realm; and*
- *Include lighting, entry doors and habitable room windows, to provide for passive surveillance, where they abut laneways.*

The design shows its clear glazed pedestrian entrance directly to the street with a secondary entrance to Charnwood Road which would be lit. No weather protection is shown and this should be required (refer to recommended condition 1 (g) which would require a canopy over the main entrance to St. Kilda Road).

No blank walls are proposed at ground level along St. Kilda Road.

Windows above ground level which would provide surveillance are proposed.

In this instance, the built form outcomes in Table 7 indicate that for commercial development, at least 60% clear glazing to a height of 1m to 2m should be provided above footpath level and that pedestrian entries should be at least every 30m.

The relevant built form outcomes that these measures are seeking to achieve are also as follows:

- *Activate the public realm.*
- *Reinforce the fine grain commercial streetscape character of St Kilda Road through active frontages*
- *Encourage a diverse range of retail and complementary commercial uses at street level.*
- *Enhance the experience of St Kilda Road as a pedestrian movement corridor.*
- *Create a safe and high-quality interface between the public and private realm.*

These are considered to be adequately met.

In short, when it comes to the matter of active frontages it is considered that the proposal includes a sufficient extent of glass and appropriate uses behind that would activate St. Kilda Road and portion of Charnwood Road.

Architectural quality and design details

- *New development should use materials, colours and finishes that complement the appearance and character of the neighbourhood and street.*
- *The design of upper levels of buildings should render them distinctly different to lower levels through variations in form, openings and the use of a variety of materials and colours.*



- *All visible sides of a building should be fully designed and include variations in form, materials, openings and colour.*
- *Corner sites should achieve a high quality design outcome and address both street frontages with either door openings or street level windows.*
- *On sites with a frontage over 10 metres in width, building facades should be well-articulated through variations in form, materials, openings, colours and the inclusion of vertical design elements.*
- *New development, particularly on larger sites, should express the scale and rhythm of the wider streetscape.*
- *Balconies should be designed as an integral part of the street-wall or building façade.*
- *Awnings or verandahs providing weather protection should be constructed to match the height and coverage of the footpath of awnings or verandahs on adjoining properties.*

Aside from the matter of awnings/weather protection, which is proposed to be addressed by recommended condition 1 (g), it is considered that all these outcomes would be met.

Interfaces with residential zones

- *Development adjoining properties in a residential zone should incorporate upper level setbacks to avoid amenity impacts from overshadowing of existing secluded private open space or habitable room windows, overlooking or visual bulk.*

This matter has previously been discussed.

Vehicular access, car parking, and loading areas

- *The visibility of car parking areas and vehicle entrances from the public realm should be minimised.*

This would be achieved

Open and at-grade car parks should not be located in front of setback areas.

None are proposed.

Vehicle crossovers should be:

- *no more than 6 metres wide;*
- *provided only where a site does not already have one;*
- *provided from the rear or side of lots wherever possible; and*
- *integrated with the design of the building and be visually permeable so as to not dominate the façade and to allow passive surveillance.*

The access would be from Bank Place which would be widened to at least 6m. No new crossovers are proposed and the existing crossover would be removed and made good (refer recommended condition 11)

- *Where car parks are located above ground, they should be at the rear of the site, and must be sleeved with habitable rooms presenting to the street.*

None are proposed.



- *Exhaust stacks or vents from underground car parks should be located away from main pedestrian areas and incorporated into the building design or adequately screened.*

The car park fan would be appropriately integrated into the ground level east façade.

- *The height of car parking levels within a building should match the height of other uses in the same building to enable future adaptation for habitable uses.*

Not applicable in this instance as the car park areas would provide for commercial uses which would also be suitable for any future residential uses.

Waste management and building services

New development should provide on-site bin and waste material storage areas which should be located at the rear of the site, be screened from public view and not impede pedestrian access.

- *New buildings should provide on-site loading facilities and service vehicle parking within, or at the rear of the buildings.*
- *Rooftop building services such as lift over-runs and plant rooms should be integrated into the design of the building, screened from surrounding streets and adjoining properties, and attenuated to mitigate unreasonable noise impacts.*
- *Developments should incorporate noise attenuation measures and suppression techniques to ensure noise does not unreasonably affect the amenity of public areas and nearby residences.*

Council's Waste Management Section has assessed the proposal and any requirements can be addressed by recommended conditions.

Based on all of the above, it is considered that the proposal would be acceptable in terms of impacts of height, bulk, integration with the street and its hinterland and overall; amenity impacts.

11.4 Would there be sufficient on site car parking and would access to and from the car park lead to excessive traffic volumes in the abutting side street?

Council's Sustainable Parking Policy and Clause 52.06 both suggest a parking rate for an office use should be 3 spaces per 100m² of floor area. The application as submitted only proposes a rate of 1.4 spaces/100m². Clause 52.06 also suggests a parking rate of 3.5 spaces/100m² for retail whilst the application proposes only 1 space/100m² for that use.

Using the rate of 3 spaces/100m² of floor area, the office component in this application would require 168 car spaces whilst the retail space would require (at 3.5 spaces/100) 35 car spaces. The application only proposes 89 car spaces in total.

However, the Sustainable Parking Policy allows for the 3 spaces/100m² rate to be reduced under certain circumstances but generally (for the office use) not below a rate of 2 spaces/100m² of floor area.

(NOTE: Council's Sustainable Parking Policy was introduced when the car parking rates for offices was 3.5 spaces per 100m² under Clause 52.06. Clause 52.06 has since been amended to a maximum rate of 3 spaces per 100m² within the principal public transport network (PPTN) (which applies to this site).



Requirements to obtain upper limit of sustainable rate:

- Within an activity centre – Not **achieved as this section of St. Kilda Road is not a designated activity centre despite its zoning but has characteristics of an activity centre.**
- No more than 200 m from fixed rail public transport – **achieved**
- Strict control of on-street parking in surrounding streets – **achieved**
- Provision of motor scooter/ motorbike parking on site – **achieved**
- Provision of full bicycle parking and amenities required under Clause 52.34 – **achieved (significantly exceeds)**

Requirements to obtain lower limit of sustainable rate (generally no lower than 2 spaces/100):

- Total supply of parking is pooled or shared – **partly but not wholly achieved.**
- Subsidised public transport – **not achieved**
- Exceed bicycle provisions of Clause 52.34 – **achieved**
- Upgrade public transport facilities in area – **not required**
- Participation in car share scheme or other similar initiatives – **achieved**

In this instance, the majority of the above tests would be met and could justify the parking requirement being reduced to the lower sustainable parking limit of 2 spaces/100m² of floor space, but not the applicant's proposed 1.4 spaces/100 rate.

The applicants have submitted a traffic report which seeks to justify a reduced parking supply down to 1.4 spaces/100m². The applicant's reasons are:

- The site achieves a 'walkscore' of 91 out of 100.
- The site is close to kerbside parking that would be sufficient to cater for office and retail customer parking. 76 vacant spaces were identified in the nearby area in the applicant's June study.
- The site is on two tram routes with a tram stop not far from the site.
- There are additional tram routes not far from the site at the tram stops in St. Kilda Junction.
- The site is very well served by nearby bicycle infrastructure most notably bike lanes on both sides of St. Kilda Road.
- The proposal substantially exceeds the Planning Scheme bicycle provision (80 proposed as opposed to 30 required).
- A total of 11 motorcycle spaces are proposed.
- There are 20 public share cars within 500m of the site.
- Nearby kerbside parking is tightly controlled making it unsuitable for office or retail employees to use on a daily basis, thus encouraging other transport types to be used should those staff not be allocated on-site parking.
- The proposal includes very good end-of-trip facilities for bicycle users.



It is agreed that the above factors assist in supporting some reduction in car parking provision below the 3 spaces/100m² of Council policy. Also, 11 motorcycle parking spaces are proposed which is considered to potentially be of as much benefit as the proposed bicycle spaces and access to public transport.

Any benefit from the eight on-site share cars is difficult to quantify as benefit in parking terms would only be derived from those cars if they are taken home each day by office employees. This may happen but is not certain. The control of those cars in that way is outside Council's control.

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

Clause 52.06-7 Consideration	Assessment
The Car Parking Demand Assessment.	As discussed above, the car parking demand assessment provided by the applicant and subsequent reviews have identified that parking at the increased rate as negotiated and as would be required by condition, would be adequate.
Any relevant local planning policy or incorporated plan.	There is no incorporated plan relating to car parking. Council's Sustainable Parking Strategy is relevant and has been considered in this report.
The availability of alternative car parking in the locality of the land.	There is none that could practically be used for long term parking. Kerbside parking in St Kilda Road is available for short term/customer parking nearby. The kerbside parking is subject to various restrictions with parking in St. Kilda Road (on the subject site's side at its frontage) being 2P ticket 8am to 6pm Monday to Friday. Parking in Charnwood Road, outside the subject site, is generally 1P 8am to 6pm Monday to Saturday along with one Go-Get share car permit space. Some short term 1P ticket parking is also available in St. Kilda Road.
On street parking in residential zones in the locality of the land that is intended to be for residential use.	Not Applicable
The practicality of providing car parking on the site, particularly for lots of less than 300 square metres.	The site is well over 300m ² in area and additional car parking could be provided by adding levels to the basement car park.



<p>Any adverse economic impact a shortfall of parking may have on the economic viability of any nearby activity centre.</p>	<p>The site is not in a defined activity centre but in a commercial strip with good access to the Fitzroy Street Activity Centre. The car parking reduction would not adversely affect the operation of the commercial strip and may provide economic stimulus to it by providing employment and customers to other businesses.</p>
<p>The future growth and development of any nearby activity centre.</p>	<p>Fitzroy Street Activity Centre would not be directly affected by the proposal but may benefit from the increased number of employees in the area.</p>
<p>Any car parking deficiency associated with the existing use of the land.</p>	<p>The existing building on this site has a leasable/office floor area of approximately 1,100m² and has 30 on site car parking spaces. Using the planning scheme rate of 3 spaces/100m², the site should have 33 car spaces. A credit of only three car spaces could be applied in this instance.</p>
<p>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.</p>	<p>This is not applicable to this application.</p>
<p>Local traffic management in the locality of the land.</p>	<p>Council's Traffic Engineers have raised no concerns in this regard having particular regard to the proposal's excellent access to a major arterial road (St Kilda Road).</p>
<p>The impact of fewer car parking spaces on local amenity, including pedestrian amenity and the amenity of nearby residential areas.</p>	<p>There would be no negative impacts in this regard car parking would be contained in a basement and is separated from the nearest residential properties by Bank Place. On-street parking in Charnwood has time limits which would discourage parking of office workers in that street.</p>
<p>The need to create safe, functional and attractive parking areas.</p>	<p>All parking would be in basement areas and not visible from the public realm.</p>
<p>Access to or provision of alternative transport modes to and from the land</p>	<p>As discussed earlier in this report the site is located within close proximity to numerous tram services in addition to cycling infrastructure.</p>
<p>The equity of reducing the car parking requirement having regard to any historic</p>	<p>This is not relevant to this application.</p>



contributions by existing businesses.

The character of the surrounding area and whether reducing the car parking provision would result in a quality/positive urban design outcome.

The surrounding area's character would not be negatively affected by the proposed basement car parking but equally, and provision of a basement car park is preferable to at grade car parking from an urban design perspective.

In summary, the proposal is considered acceptable with respect to the considerations of Clause 52.06-7 and would bear favourably in granting the proposed car parking waiver.

It is considered that an increase in office parking should be required in accordance with policy at a rate not less than 2 spaces/100m². Additionally, the site whilst well served by trams is not well served by train, which is often the key to office workers choosing not to drive. An office parking rate of 2 spaces/100 m² would require an additional 33 car spaces (122 car spaces in total including retail use) to be provided.

The applicants have agreed to provide office car parking at the rate of 2 spaces/100m². The applicants have advised that they would install independently accessible car stackers in both of the basement levels so as to achieve the 33 extra office parking spaces that the rate of 2 spaces/100m² would require (refer recommended conditions 1(j) and 12(a)).

Acceptance of this parking rate for office would be consistent with Council's support of an office development at 21 and 23 William Street Balaclava in February, 2020. Council accepted the 2 per 100m² office parking rate in that instance. That acceptance, in relation to Williams Street was based on its location being within an Activity Centre and is adjacent to the Balaclava Station. The rate is also consistent with past Council decisions for office development in the South Melbourne area.

The existing site credit of three car spaces is not considered of any notable consequence in this instance and does not affect the conclusions that parking should be provided at the rate (for office) of 2/100 as previous discussed.

In terms of retail, the applicants propose to allocate 10 parking spaces for staff only being at a rate of approximately one space/100m². The plans show three large tenancies which could be anticipated to generate the need for two to three staff cars each or up to 9 spaces in total. The 1 space per 100m² of floor area for retail shop would be required by recommended condition 12 (b). The provision as requested by the applicants for retail parking is considered satisfactory noting that Council typically does not required any customer parking for retail/shop premises in commercial areas.

Subject to an increased car parking rate for the office component, sufficient parking would be provided for the development.

Council's Traffic Engineer has confirmed that traffic movements and volumes would not be detrimental to the nearby area or cause congestion.

11.5 Other objector concerns not previously assessed.

Inadequate detail regarding side fence treatment especially at the north end of Bank Place.

Bank Place exists between the subject site and the nearest property to the east. The side fence of that property (no. 4 Charnwood Road) does not abut the subject site and therefore its fencing would not be affected by the proposal.



No separate toilets for the retail premises.

The location and shared use of any toilet facilities is not a planning matter but relevant to Building Regulations.

Bicycle parking layout and location impractical.

The bicycle spaces are proposed on the ground level adjacent to the central lobby area. It is considered that they would be easily accessible and occupants could conveniently walk their bicycles to that location most logically from the entrance door to Bank Place.

12 COVENANTS

12.1 The applicant has completed a restrictive covenant declaration form declaring that there is no restrictive covenant on the titles for the subject site known as Plan of Consolidation 151272 parent title volumes 04591, 04670, 05044, 08250 folios 014, 846-847, 777, 711-712, 403.

13 OFFICER DIRECT OR INDIRECT INTEREST

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

14 OPTIONS

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

15 CONCLUSION

- 15.1 The proposal is very similar in its built form to what is allowed by an existing and valid permit. This proposal would be approximately 1.5m higher but that additional height is mostly derived from the change in floor to ceiling heights resulting from the change from residential use to office use.
- 15.2 The proposal seeks a relatively substantial car parking shortfall and no loading bay. The applicants have agreed to provide a loading bay and have agreed to increase car parking at the new rate of 2 spaces/100m² of office space. Noting the site's access to public transport and the fact that it would substantially exceed bicycle and motorcycle parking requirements, it is considered that the above rate would be acceptable.
- 15.3 The changes in form from the existing approval are considered relatively modest and regardless of the currently permitted design, the current proposal in terms of its heights, setbacks, style and form is acceptable subject to conditions.

TRIM FILE NO: PF19/51339
ATTACHMENTS 1. 774/2019 - ADV - advertised submitted plans incl. shadows