

# MEETING OF THE PORT PHILLIP CITY COUNCIL 8 DECEMBER 2021



**10.7** **PLANNING REPORT - 464-466 ST KILDA ROAD  
MELBOURNE (909/2020)**

**LOCATION/ADDRESS:** 464-466 ST KILDA ROAD MELBOURNE

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

**PREPARED BY:** SCOTT PARKINSON, PRINCIPAL PLANNER  
SIMON GUTTERIDGE, ACTING MANAGER CITY DEVELOPMENT

## 1. PURPOSE

- 1.1 To consider and determine planning permit application 909/2020 for the demolition and reconstruction of the existing building on the site, construct a building and carry out works associated with a multi storey (16 storey) mixed use building (retail and office - no permit required for use) and associated reduction in car parking requirement in a Commercial 1 Zone, Design and Development Overlay, Special Building Overlay, and Heritage Overlay at 464 - 466 St Kilda Road, Melbourne.

## 2. EXECUTIVE SUMMARY

<b>WARD:</b>	Gateway
<b>TRIGGER FOR DETERMINATION BY COMMITTEE:</b>	Demolition of a heritage building
<b>APPLICATION NO:</b>	909/2020
<b>APPLICANT:</b>	Urbis
<b>EXISTING USE:</b>	Office
<b>ABUTTING USES:</b>	Mixed use Commercial and Residential
<b>ZONING:</b>	Commercial 1 Zone (C1Z) Abuts a Road Zone Category 1 (RDZ1) (St Kilda Road)
<b>OVERLAYS:</b>	Heritage Overlay Schedule 307 (HO307) Design and Development Overlay, Schedule 13 (DDO13) Design and Development Overlay, Schedule 26-5A (DDO26-5A) Special Building Overlay, Schedule 1 (SBO1)
<b>HERITAGE GRADING:</b>	Significant
<b>STATUTORY TIME REMAINING FOR DECISION AS AT DAY OF COUNCIL</b>	Expired

- 2.1 The application proposes to demolish and reconstruct the existing building on the site, construct a building and carry out works associated with a multi storey (16 storey)



mixed use building (retail and office) and an associated reduction in car parking requirements.

- 2.2 The proposal involves the demolition and reconstruction of the existing eight storey VACC office building and construction of a new eight storey upper floor addition to create an office building that, in total, would be 16 storeys. It is proposed to retain the predominant use of the land as office with two food and drinks premises on the ground floor. It is also proposed to modify the carparking and vehicular access arrangement, including the addition of one extra level of basement car parking (a total of 237 car parking spaces would be provided) and modifying vehicular access to be solely from the rear via Queens Lane.
- 2.3 The application was advertised and received 10 objections. The concerns relate to the impact of the building onto Queens Lane, noncompliance with the design and development overlay (DDO26) that affects the site, amenity impacts of the building (bulk overshadowing and overlooking), glint and glare of the building, car parking and traffic and the impact from construction.
- 2.4 A Consultation Meeting was held on 30 August 2021. The meeting was attended by all three Ward Councillors, the applicant, objectors and Planning Officers. The meeting did not result in any formal changes to the proposal.
- 2.5 This is a unique application where an existing heritage building would be reconstructed and expanded with additional levels above the reconstructed building. The proposal is considered to respect the significance of the heritage place with a like for like reconstruction of the existing building and an addition that would complement the reconstructed heritage building.
- 2.6 The proposal is consistent with the strategic direction outlined by the Port Phillip Planning Scheme where the additional commercial floor area would contribute to the economy of the local area. The overall development would provide a sense of continuity to the heritage place and create a new building which would be a positive addition to this section of St Kilda Road.
- 2.7 Modifications are recommended to ensure that the development would be fully compliant with the design and development overlay (DDO26) that affects the site. A building that is compliant with the height and setbacks requirements of the design and development overlay would ensure that the proposal would not create unreasonable amenity impacts on surrounding properties.
- 2.8 The application proposes a reduction of carparking. This is considered acceptable having regard to the promotion of sustainable transport and limiting impacts on the surrounding road network, particularly traffic generation along Queens Lane.
- 2.9 The proposal would increase traffic generation where additional car parking would be provided for the development. Council's Traffic and Parking Unit have confirmed that the increase in traffic during peak hours would be a low volume that could be safely accommodated within the existing capacity of this section of Queens Lane.
- 2.10 On site loading and waste collection facilities would be provided within the development which would satisfy the requirements of the offices and food and drinks premises and limit the impact of loading and waste collection on the operation of Queens Lane.
- 2.11 The proposal is recommended for approval, subject to the conditions below.



### 3. RECOMMENDATION

3.1 That Council adopt recommendation “Part A” and “Part B”

#### Recommendation “Part A”

3.2 That a Notice of Decision to Grant a Permit be issued for demolition and reconstruction of the existing building on the site, construct a building and carry out works associated with a multi storey (16 storey) mixed use building (retail and office - no permit required for use) and associated reduction in car parking requirement in a Commercial 1 Zone, Design and Development Overlay, Special Building Overlay, and Heritage Overlay and alter access to a road in a Road Zone Category 1 at 464 - 466 St Kilda Road, Melbourne with the following conditions:

3.3 That the decision be issued as follows:

#### 1 Amended Plans Required

Before the use or development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and an electronic copy must be provided. The plans must be generally in accordance with the advertised plans but modified to show:

a) The front, side and rear setbacks to be increased as follows:

- A minimum 13.7m front setback provided from St Kilda Road.
- A minimum 4.5m setback provided from the northern boundary.
- Levels 3 and above, setback a minimum of 5m from the rear boundary to Queens Lane.

b) The covered roof removed from the plant and services area on the roof of the building. No part of the building to be roofed above 65m AHD with the exception of staircase access, lift overrun and associated mechanical services.

c) Plans with surface and floor levels to Australian Height Datum (AHD) and the basement entrance incorporating a flood proof apex constructed no lower than 5.6 metres to AHD (**Melbourne Water condition**)

d) Details of the information/interpretation board required by condition 5.

e) All redundant crossover on St Kilda Road and Queens Lane shown to be reinstated to kerb and channel.

f) Dimensions of bicycle parking.

g) A coloured schedule of the materials, colours and finishes to be used on the main external surfaces, including roofs, walls, windows, doors of the proposed building with details of the glare and solar reflectivity of the building. The building designed to comply with condition 18 (Glare).

h) Any changes required by conditions 6 (Sustainable Management Plan), 12 (Waste Management Plan), 14 (Landscape Plan) or conditions 23 to 28 (Melbourne Water conditions).

i) A notation on the plans that written confirmation by a Licensed Land Surveyor will be provided to the Responsible Authority verifying that the development does not



exceed 65 metres AHD. This must be provided at relevant stages during the construction of the building as nominated by the Responsible Authority and before the building is occupied.

**2 No Alterations**

The layout of the site and the size, levels, design and location of buildings and works shown on the endorsed plans must not be modified for any reason without the prior written consent of the Responsible Authority.

**3 No Change to External Finishes**

All external materials, finishes, and colours as shown on the endorsed plans must not be altered without the written consent of the responsible authority.

**4 Project Architect**

Unless otherwise agreed by the Responsible Authority, Gray Puksand must be retained as the supervising architect for the development.

**5 Information / Interpretation Board**

Prior to the completion of the development an Information / Interpretation Board must be constructed which briefly outlines the history of the building, including early photograph/s and note the reconstruction of the building. The board must be located in a publicly accessible and visible location (this could be in the forecourt, or within or adjacent to the entrance foyer).

**6 Sustainable Management Plan**

Before the development starts a Sustainable Management Plan (SMP) must be submitted to and approved by the Responsible Authority. Upon approval the SMP will be endorsed as part of the planning permit and the development must incorporate the sustainable design initiatives outlined in the SMP to the satisfaction of the Responsible Authority. Amendments to the SMP must be incorporated into plan changes required under Condition 1. The report must be generally in accordance with the SMP prepared by Stantec submitted with the application but updated to address the following:

- The applicant is to provide a copy of the green star registration.
- Provide JV3 modelling as part of the application.
- Solar panels constituting the 40 kW system are to be located on architectural roof plans.
- The SMP updated to modify the music modelling to remove the treatment options for Water Sensitive Urban Design and alternative WSUD treatment provided

**7 Incorporation of Sustainable Design Initiatives**

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

**8 Implementation of Sustainable Design Initiatives**

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



implemented and/or incorporated in accordance with the approved report to the satisfaction of the Responsible Authority.

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

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

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

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

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

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

The developer must ensure that:

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

**11 Urban Art Plan**

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

**12 Waste Management Plan**

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



Plan must be generally in accordance with the Waste Management Plan (prepared by Leigh Design) submitted with the application.

**13 Regulation of Deliveries and Rubbish Collection**

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

**14 Landscape Plan**

Before the development starts (other than demolition or works to remediate contaminated land), a detailed Landscape Plan must be submitted to, approved by and be to the satisfaction of the Responsible Authority. The Landscape Plan must be generally in accordance with the Landscape Plan (prepared by Site Image) submitted with the application. When the Landscape Plan is approved, it will become an endorsed plan forming part of this Permit.

**15 Completion of Landscaping**

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

**16 Landscaping Maintenance**

The landscaping as shown 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.

**17 Car Parking Allocation**

Without the further written consent of the Responsible Authority, a minimum of 237 car parking spaces are to be provided generally in accordance with the plans prepared by Gray Puksand (plans no's TP00 to TP012, TP100 to TP113, TP200 to TP213, TP300 to TP304, TP310 to TP314, TP350 to TP356, TP400 to TP403, TP500 to TP506 dated 21/04/2021).

Without the further written consent of the Responsible Authority, all 237 car parking spaces must be for the use of the office and food and drinks premises within the development with a minimum of 10 spaces to be allocated for visitor parking.

**18 Car Parking and Bicycle Parking Layout**

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

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





All to the satisfaction of the Responsible Authority.

**19 Piping, Ducting, Service Units**

All service pipes/service units (excluding down pipes, guttering and rainwater heads) must be concealed from view from the public realm and any screening devices suitably integrated into the design of the building to the satisfaction of the Responsible Authority.

**20 Green Travel Plan**

Before the development starts (other than demolition or works to remediate contaminated land), a green travel plan to the satisfaction of the Responsible Authority, prepared by a suitably qualified professional, must be submitted to and approved by the Responsible Authority. The green travel plan must provide detailed advice regarding how traffic movements and staff parking will be managed and ensure an alternative, non-private vehicle transport modes will be encouraged. The plan should also identify specific opportunities for the provision of more sustainable transport options and encouragement of their use. The plan must include but not be limited to:

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

**21 Glare**

Glazing materials used on all external walls must be of a type that does not reflect more than 20 per cent of visible light, when measured at an angle of 90 degrees to the glass surface, to the satisfaction of the Responsible Authority.

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

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



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

**Melbourne Water Conditions 23 to 28**

- 23 Finished floor levels of the building must be constructed no lower than 5.6 metres to Australian Height Datum (AHD)
- 24 The basement entrance must incorporate a flood proof apex constructed no lower than 5.6 metres to AHD.
- 25 Any opening to the basement including windows and vents must be constructed no lower than 5.6 metres to AHD.
- 26 Imported fill must be kept to a minimum on the property and must only be used for the sub floor areas of the building and driveway ramp.
- 27 The open space areas within the property must be maintained at natural surface levels and no fill or retaining walls should be used in the development of this land.
- 28 Prior to the issue of an Occupancy Permit, a certified survey plan, showing finished floor levels (as constructed) reduced to the Australian Height Datum, must be submitted to Melbourne Water to demonstrate that the floor levels have been constructed in accordance with Melbourne Water's requirements

**Transport for Victoria Conditions 29 to 31**

- 29 The endorsed Green Travel Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
- 30 The Green Travel Plan must not be amended without the prior written consent of the Responsible Authority and the Head, Transport for Victoria.
- 31 Prior to occupation of the building all disused or redundant vehicle crossings along St Kilda Road must be removed, and the area reinstated to kerb, channel, footpath and nature strip to the satisfaction of the Responsible Authority and at no cost to the Head, Transport for Victoria.

**32 Vehicle Crossings – Removal**

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

**33 Satisfactory Continuation**

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

**34 Time for Starting and Completion**

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

- a) The development is not started within three (3) years of the date of this permit.
- b) The development is not completed within six (6) years of the date of this permit.





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

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

**Notation**

**Heritage Victoria Consent for removal of vehicle crossings to St Kilda Road**

Prior to any works commencing on the removal of the vehicle crossings to St Kilda Road, consent must be granted by Heritage Victoria for the works associated with the removal of the Vehicle crossings

**Recommendation “Part B”**

- 3.4 Within 12 months of the issue of the planning permit, a report to be prepared for Council to assess the current function of Queens Lane, between Hanna Street and Kings Way, including recommendations as necessary regarding traffic movement and functionality.

**4. RELEVANT BACKGROUND**


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

Application No.	Proposal	Decision	Date of Decision
1148/2007	Installation of louvre window to level 5 (eastern elevation) of building	Approved	October 2007
1727/2006	Construction and display of internally illuminated business identification sign to the roof of the building facing Queens Lane (VACC Offices)	Refused	June 2007

**5. PROPOSAL**

- 5.1 The proposal involves the demolition and reconstruction of the existing eight storey office building and construction of a new eight storey upper floor addition to create an office building that in total would be 16 storeys. It is proposed to retain the predominant use of the land as office and create two ground floor food and drink tenancies on the ground floor located towards the St Kilda Road frontage.
- 5.2 The plans which are the subject of this report are the plans prepared by Gray Puksand entitled “*New Commercial Building 464 St Kilda Road Melbourne*”, project no 119070, plans no’s TP00 to TP012, TP100 to TP113, TP200 to TP213, TP300 to TP304, TP310 to TP314, TP350 to TP356, TP400 to TP403, TP500 to TP506 dated 21/04/2021 and Council date stamped 26/04/2021.

5.3 The proposal is detailed within the following table:

	Proposal						
<b>Site area</b>	4653sqm						
<b>Type of development</b>	Commercial						
<b>Land uses</b>	Food and drinks premises and Office						
<b>Demolition</b>	It is proposed to demolish and reconstruct the existing eight storey commercial building.						
<b>Commercial floor areas</b>	<table border="1"> <thead> <tr> <th>Use</th> <th>Floor area</th> </tr> </thead> <tbody> <tr> <td>Food and drinks premises</td> <td>239sqm</td> </tr> <tr> <td>Office</td> <td>27,715sqm</td> </tr> </tbody> </table>	Use	Floor area	Food and drinks premises	239sqm	Office	27,715sqm
Use	Floor area						
Food and drinks premises	239sqm						
Office	27,715sqm						
<b>Buildings and works</b>	<p>The proposal involves the reconstruction of the existing eight storey office building and subsequently extend it for the purposes of a 16-storey office building.</p>  <p><b>Fig 1:</b> Applicant provided render of view to proposal from St Kilda Road interface showing replaced building (bottom portion) and additional levels (top portion)</p> <p>The development would reach a maximum height of 59.4m (65m AHD) to the parapet and 65m (70.6m AHD) to rooftop services. Generally, the building adopts a three-storey / 11.1m (16.7m AHD) high podium that is</p>						



	<p>setback min.13.26m from the St Kilda Road front site boundary. The tower levels would be setback min. 13.72m from the podium façade and 26.98m from the St Kilda Road frontage.</p> <p>The design response provides for two distinct parts of the building.</p> <p>The lower eight levels of the proposal would be a reconstruction of the existing building form and the use of similar external materiality and visual style but for changes associated with the existing ground floor use amended from a car park to commercial uses.</p> <p>The new upper eight levels of the proposal would comprise a relatively simple commercial form and design involving extensive glazing to each frontage with differentiation provided via interspersed coloured glazing (bronze, grey, and light grey).</p>
<b>Loading bay</b>	A loading bay (measuring 15.6m by 7.3m) would be provided on the ground floor at the rear of the site that would be accessed from Queens Lane.
<b>Car parking</b>	<p>A total of 237 car parking spaces are proposed to be provided which represents an additional 68 parking spaces above the current provision of 169 spaces.</p> <p>Vehicle access is proposed via a 4.65m wide entrance via the rear laneway which ramps down to each basement level. The ramp itself would be 6.6m wide. Ten (10) 10 motorbike parking spaces are also proposed.</p>
<b>Bicycle parking</b>	A total of 252 bicycle parking spaces are proposed consisting of 210 employee bicycle spaces and 28 visitor bike spaces. Twenty seven (27) showers and 252 lockers are proposed in end of trip facilities to service the bicycle parking spaces.

5.4 The built form of the proposed development is described as follows:

Basement 02

Basement level 02 is to be constructed to each boundary of the site and consists of 121 car parking spaces and 4 motorbike parking spaces.

Basement 02 also consists of a number of services and store facilities and provides direct access to a seven lift lobby and stair.

Access aisles are generally 6.4m in width with typical parking spaces being 2.6m in width and 4.9m in depth.

Two disabled parking spaces are located adjacent the lift lobby.

Basement 01

Basement level 01 is to be constructed to each boundary of the site and consists of 116 car parking spaces and 6 motorbike parking spaces. Basement 01 also consists of a number of services and store facilities and provides direct access to the lift and stair lobby.



Access aisles are generally 6.4m in width with typical parking spaces being 2.6m in width and 4.9m in depth.

Two disabled parking spaces are located adjacent the lift lobby.

#### Ground

Ground floor would be constructed with a front landscaped setback of 16.7m from St Kilda Road and side setbacks of 4.65m to the north and 6.8m to the south. It features no setback to the rear boundary.

The ground floor would consist of the main entrance lobby with a 98sqm café and 108sqm restaurant to its north and end of trip facilities to its south. A 655sqm office space is located at the north of the site and features outlook to the side and rear boundaries. The rear of the building (Queens Lane side) features a number of services inclusive of a bin store, substation, chillers, exhaust fan room, main switchboard, and smaller store areas.

Principal pedestrian access would be provided from St Kilda Road however ancillary access is provided at the sides to and from Queens Lane at the rear.

Vehicular access would be via a 6.6m ramp off Queens Lane, accessed via an altered (widened) crossover.

A 7.2m wide by 15.6m deep loading dock would be accessible via a second and separate widened crossover off Queens Lane at the rear of the site.

The southernmost existing crossover off Queens Lane is proposed to be made redundant and reinstated as kerb and channel.

The end of trip facilities would be accessible via the front 'staff facilities' area, the southern side setback area, or via the main lobby. It is expected most cyclists will utilise the staff facility or southern side setback entrance noting these appear more convenient.

#### Level 1

Level 1 would be constructed to the rear boundary and feature a 13.259m setback to St Kilda Road, a 4.36m setback to the northern boundary, and a 6.05m setback to the southern boundary. Level 1 slightly overhangs the ground floor level.

Level 1 would consist of a 2,593sqm office area with a central services and amenity core and a large void to the lobby below between the service core and the front of the building.

Level 1 would have generous glazing and outlook to each side of the boundary.

#### Level 2

Level 2 would consist of the same layout as Level 1 however does not provide for a void to the floor below. It provides for 2,791sqm of leasable office floor area.

#### Level 3

Level 3 would provide an increased setback above Levels 1 and 2 where the following setbacks would be provided:

- 28.1m setback to St Kilda Road
- 4.2m setback to Queens Lane (rear)



- 8.8m setback to the northern boundary
- 10.3m setback to the southern boundary

The setback areas above level 2 would be used as landscaped trafficable terraces with small areas of fixed outdoor furniture.

Level 3 provides for 1,553sqm of leasable office floor area.

#### Levels 4 to 7

Levels 4 to 7 would provide a similar layout as Level 3 albeit with no outdoor terraces and slightly modified setbacks. Levels 4 to 7 would provide the following setbacks:

- 26.9m setback to St Kilda Road
- 3.5m setback to Queens Lane (rear)
- 8.0m setback to the northern boundary
- 9.7m setback to the southern boundary

Levels 4 to 7 would provide for 1,660sqm of leasable floor office area each (6,640sqm total).

#### Level 8

Level 8 would provide for a small rebate to the lower and upper level. A 1.38m wide terrace encircles the 1,348sqm leasable office floor area at this level.

It would feature the following setbacks to the edge of the building:

- 28.7m setback to St Kilda Road
- 5.2m setback to Queens Lane (rear)
- 9.8m setback to the northern boundary
- 11.4m setback to the southern boundary

#### Levels 9 to 15

Levels 9 to 15 would provide for similar floorplates and similar setbacks albeit with slight fluctuations with the setbacks as follows:

- 26.9m to St Kilda Road
- 3.6m setback to Queens Lane (rear)
- 8.0m setback to the northern boundary
- 9.7m setback to the southern boundary

A total of 12,099sqm of office floor area is provided between levels 9 and 15.

#### Rooftop

The rooftop levels would be occupied by a covered by a 29.65m wide by 20.95m deep (totalling 621.1sqm) covered roof plant area.

The covered roof plant would provide the following setbacks

- 14.5m from the St Kilda Road edge of the building




- 9.9m from the rear of the building edge
- 10.3m from the northern edge of the building
- 3m from the southern edge of the building

The rooftop plant enclosure measures 3.6m in height at its lowest point, 4.23m to its central ridge, and 5.82m in height at the lift overrun.

A separate louvred enclosed plant section sits behind the enclosed plant area.

## 6. SUBJECT SITE AND SURROUNDS

Description of Site and Surrounds	
Site Area	The site is 61m in width to St Kilda Road and Queens Lane with a depth of 76.2m. It features an overall area of 4,653sqm.
Existing building & site conditions	<p>The site is occupied by a 8 storey (+ plant area) individually significant heritage building.</p> <p>The building is listed within the City of Port Phillip Heritage Review under Citation No 1096.</p> <p>The building was constructed in 1962-65 and is of significance as <i>'one of the first commercial buildings to be built along St Kilda Road. It's use of expressed steel and bronzed glazing are early examples of distinctive elements that were to be repeated through Melbourne. The significance of this building has been greatly reduced by the recent refurbishment of the entrance foyer'</i>.</p> <p>The heritage study describes the building as:</p> <p><i>The VACC building has a stepped form with only the first three floors projecting towards St Kilda Road, the remaining floors being set well back. It is constructed with an expressed steel frame with accentuated verticals, between which are bronze reflective windows with off-site spandrels. The entrance foyer retains its original staircase with marble-clad cantilevered steps. It is very unfortunate that the foyer has recently been refurbished'.</i></p> <p>The existing building contains a total of 13,784sqm of office floor area and provides a total of 169 car parking spaces (existing rate of 1.22 spaces per 100sqm).</p>  <p><b>Fig 2: Street view of existing building</b></p>





<p>Surrounds / neighbourhood character</p>	<p>The site is located approximately 2.46 metres south of Melbourne’s Central Business District (CBD) strategically located along the St Kilda Tram Corridor and St Kilda Road, a major north-south boulevard in the inner-south metropolitan region adorned with trees on either side and a heavy use traffic tram route in the centre of the road. St Kilda Road is affected by a Heritage Overlay (HO488).</p> <p>The site is located in the ‘St Kilda Road North Precinct’ which primarily accommodates different typologies, including premier commercial office space and higher density residential development with supporting retail and food premises.</p> <p>The area is characterised by a mixture of buildings scale fronting St Kilda Road, ranging from single-to-double storey heritage buildings to 16 storey mixed use development. Development has also been designed in a manner to respect the significance of the Shrine of Remembrance to the northeast.</p> <p>The site is afforded strong access to public transportation infrastructure and located within the Principal Public Transportation Network (PPTN). The Leopold / St Kilda Road tram stop is located adjacent to the subject site. Notably, the site is serviced by the following routes:</p> <ul style="list-style-type: none"> <li>• 16 Melbourne University - Kew</li> <li>• 3/3a Melbourne University - East Malvern</li> <li>• 5 Melbourne University- East Malvern</li> <li>• 6 Moreland - Glen Iris</li> <li>• 64 Melbourne University - East Brighton</li> <li>• 67 Melbourne University - Carnegie</li> <li>• 72 Melbourne University - Camberwell</li> </ul> <p>The future Anzac Train Station which forms part of the Melbourne Metro Tunnel is located approximately 800 metres north of the site. The train line is expected to be completed in 2025.</p> <p>The site is proximate to public parks and open space: Fawkner Park located 180 metres east of the site</p> <ul style="list-style-type: none"> <li>• Albert Park located 600 metres west of the site</li> <li>• Royal Botanical Gardens located 700 kilometres north of the site</li> <li>• Shrine of Remembrance and associated public space 350 kilometres north of the site</li> <li>• Albert Park Golf course located 190 metres west of the site</li> </ul>
<p>Interfacing Property</p>	<p><u>North</u></p> <p>To the north of the site is the land at 458 and 462 St Kilda Road. 458 St Kilda Road is developed for residential purposes and contains three-storey</p>



	<p>built form. 462 St Kilda Road is occupied by a two-storey heritage building currently being used for commercial purposes.</p> <p>Shared vehicle accessways at 458 St Kilda Road abut the boundary shared with the site. A small one-storey marquee structure abuts the boundary at 462 St Kilda Road.</p> <p><u>East</u></p> <p>To the east of the site is St Kilda Road which is a significant arterial road in a Road Zone Category 1. St Kilda Road contains a large number of trees, central tramway, and is registered on the Victorian Heritage Register.</p> <p>Further to the east on the opposite side of St Kilda Road directly opposite the subject site are No. 457 St Kilda Road, a 7-storey commercial building, and No. 449-453 St Kilda Road, a 3-storey development comprised of residential dwellings. Further east is Fawkner Park, a popular public reserve approximately 41 hectares in size.</p> <p><u>South</u></p> <p>To the south of the site is a 13 storey office building at 468 St Kilda Road. It includes a number of windows facing the subject site and features a relatively small setback to the boundary shared with the site.</p> <p><u>West</u></p> <p>To the west of the site is Queens Lane which is a narrow one-way road that runs between Hanna Street and Bowen Crescent. It is fed by several smaller streets from both St Kilda Road and Queens Road.</p> <p>Opposite Queens Lane is two multi-storey residential developments at 20 - 22 Queens Road and 23 - 25 Queens Road.</p> <p>The 15 storey development at 20-22 Queens Road has recently been constructed whilst the seven storey development at 23-25 Queens Road has been completed for quite some time. Both developments feature sole vehicle access via Queens Lane.</p> <p>The development at 20-22 Queens Road was approved by Planning Permit 640/2014. The endorsed plans show that the building is built to Queens Lane with a 11m high podium and an undulating form above the podium that provides a minimum 5m setback from Queens Lane.</p>
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**7. PERMIT TRIGGERS**

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

Zone or Overlay	Why is a permit required?
Clause 34.01 Commercial 1 Zone (C1Z)	Clause 34.01-1 – The use of land for ‘Office’, and ‘Food and Drink premises’ (café), (as nested under ‘shop’) are Section 1 uses and therefore <u>do not</u> require planning permission.

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	<p>Clause 34.01-4 – A permit is required to construct a building or construction or carry out works. <b>A permit is therefore required for this proposal to construct a building and carry out works.</b></p>
<p>Clause 43.01 Heritage Overlay HO307</p>	<p>Clause 43.01-1 – A permit is required to demolish a building and construct a building or construct or carry out works. <b>The application therefore requires a permit to demolish a building, construct a building, and carry out works.</b></p> <p>HO307 is identified as a site specific overlay and is recognised as ‘offices – 464 St Kilda Road’.</p>
<p>Clause 43.02 Design and Development Overlay Schedule 13 (DDO13) Schedule 26-1A and 1C (DDO26)</p>	<p>Clause 43.02-2 - A permit is required to construct a building or construct or carry out works. <b>A permit is therefore required for this proposal to construct a building and carry out works.</b></p> <p>Schedule 13 is recognised as the Shrine Vista area. Pursuant to the decision guidelines of DDO13, the views of the Shrine of Remembrance Trustees is a decision guideline for sites affected by DDO13.</p> <p>Schedule 26 is recognised as the ‘St Kilda Road North Precinct’ area. The site itself is located within Precinct 5 of the DDO26 area.</p>
<p>Clause 52.06 Car Parking</p>	<p>Clause 52.06-3 - <b>A permit is required to reduce the standard car parking requirement.</b></p> <p>Clause 52.06-5 states that a car parking requirement in Table 1 is calculated by multiplying the figure in Column B (as the land is within the PPTN) by the measure in Column C.</p> <p>The proposal generates the following car parking requirements:</p> <ul style="list-style-type: none"> <li>• Office (27,715sqm) – 831 parking spaces</li> <li>• Food and Drink Premises (239sqm) – 8 parking spaces</li> </ul> <p>The proposal provides 237 parking spaces and as such requires a permit to reduce the car parking requirements of Clause 52.06-5.</p> <p>The total reduction sought is 602 parking spaces.</p>
<p>Clause 52.29 Land Adjacent to a Road Zone, Category 1</p>	<p>The application does not propose to modify any access to St Kilda Road which is identified as a Road Zone Category 1.</p> <p>However, referral comments from Transport for Victoria have sought the removal of the existing vehicle crossings to St Kilda Road. This <b>would trigger a planning permit</b> under Clause 52.29.</p>
<p>Clause 52.34 Bicycle Facilities</p>	<p>Clause 52.34-2 – A permit may be granted to vary, reduce, or waive any requirement of Clause 52.34-5 and Clause 52.34-6.</p> <p>Clause 52.34-5 states that Tables 1, 2, and 3 of the clause sets out the number and type of bicycle facilities required.</p> <p>Pursuant to Table 1 the proposal generates the following bicycle parking space requirement:</p>



	<ul style="list-style-type: none"> <li>• Office (27,715sqm) – 92 employee spaces and 28 visitor spaces.</li> <li>• Food and Drink Premises (239sqm) – 1 employee spaces and 0 visitor spaces</li> </ul> <p>The proposal provides 238 bicycle parking spaces and satisfies the requirements of Table 1. <u>No permit is therefore required for bicycle parking spaces.</u></p> <p>Pursuant to Table 2 the proposal generates the following shower requirements:</p> <ul style="list-style-type: none"> <li>• 92 employee spaces – 10 showers</li> </ul> <p>The applicant provides 27 showers and satisfies the requirements of Table 2. No permit is therefore required for shower facilities.</p> <p>Pursuant to Table 3 the proposal generates the following change room requirements:</p> <ul style="list-style-type: none"> <li>• 10 showers – 10 change rooms, or direct access to a communal change room, or 10 combined shower and change rooms.</li> </ul> <p>Each of the 27 showers provided can double as change rooms and as such the requirements of Table 3 are satisfied. <u>No permit is therefore required for shower facilities.</u></p>
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## 8. PLANNING SCHEME PROVISIONS

### 8.1 State Planning Policy Frameworks (SPPF)

The following State Planning Policies are relevant to this application:

- Clause 11: Settlement
- Clause 15: Built Environment and Heritage
- Clause 17.02-1S Business
- Clause 18.02-1S Sustainable Personal Transport

### 8.2 Local Planning Policy Framework (LPPF)

The following local planning policies are relevant to this application:

- Clause 21.03-1 Environmentally Sustainable Land Use and Development
- Clause 21.03-2 Sustainable Transport
- Clause 21.04-1 Housing and Accommodation
- Clause 21.04-3 Office and Mixed Activity Areas
- Clause 21.05-2 Urban Structure and Character
- Clause 21.06-3 Urban Design and Public Realm
- Clause 21.06-7 St Kilda Road North Precinct
- Clause 22.06 Urban Design Policy for Non Residential Development and Multi Unit Residential Development
- Clause 22.12 Stormwater Management



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- Clause 22.13 Environmentally Sustainable Development
- Clause 22.06 Urban Design Policy for Non - Residential Development and Multi - Unit Residential Development
- Clause 22.13 Environmentally Sustainable Development

## 8.3 Other relevant provisions

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

## 9. REFERRALS

### 9.1 Internal referrals

The application was referred to the following areas of Council for comment. The comments are discussed in detail in Section 11.

#### Heritage Advisor

The former VACC offices is of local heritage significance. The statement of significance is as follows:

*The VACC building is of significance as one of the first commercial buildings to be built along St Kilda Road. Its use of expressed steel and bronzed glazing are early examples of distinctive elements that were to be repeated through Melbourne. The significance of the building has been greatly reduced by the recent refurbishment of the entrance foyer.*

The VACC building is associated with the transformation of St Kilda Road from a primarily residential area to the largest commercial area outside of the CBD. The new Port Phillip Thematic Environmental History 2020 identifies this as an important theme in the history of the municipality.

Theme 6.4 Work Culture includes the following:

*During the 1960s, office buildings began to replace the grand old mansions on St Kilda Road. Despite attempts to save some nineteenth-century buildings, most were demolished to make way for new high-rise office and apartment developments. However, MMBW introduced regulations to help to save much of the aesthetic feel of St Kilda Road, including controls that stipulated new buildings were to be at least 45 feet back from the frontage, with that space reserved for gardens to help 'preserve the dignity of the road'. Advertising signs were also prohibited.*

*The prestige of St Kilda Road saw it become a desirable location for the head offices of important companies and organisations, such as BP Australia and the Victorian Automobile Chamber of Commerce (VACC). Like the mansions before them, many of the new office buildings were designed by leading architects of the day, such as Bernard Evans, who designed VACC House in the mid-1960s, and Bates, Smart and McCutcheon, who designed their own offices in 1957.*

Today, the VACC building is one of just two buildings in the CoPP associated with this important historic theme included in the HO. The other is the former BP House at 1-29 Albert Road (HO319). Other early office buildings have either been demolished or significantly altered, making this a now rare example of its type.



This application follows meetings held in 2019 and a formal pre-application lodged in 2020 (PA-95/2020). The early meetings were attended by Ken Nyugen, Urban Designer, as well as myself. These early meetings established some broad principles in relation to the site:

- An addition to the building is acceptable in principle to a high quality design that respects and responds to the Modernist architecture of the original building.
- Full demolition of the original building would not be supported, however, like for like replacement of original fabric would be permitted where this is necessary due to poor condition and/or issues with meeting current building standards.
- Restoration of original features, including the original forecourt.

However, by the time that the pre-application was lodged in early 2020 the applicant had identified several issues with the façade and other structural matters, which are described in the technical reports (including the heritage impact assessment) provided with the application.

According to the applicant, these issues have led to a more radical option that is the basis of the current application where it is now proposed to fully demolish and reconstruct the original building 'like for like' (with some exceptions, as described below) with the addition of several levels above.

I am not qualified to comment on the façade and structural defects and whether they justify the extent of demolition recommended. Instead my focus has been a critical review of the heritage impact statement and whether it provides clear and justified rationale for the proposed reconstruction having regard to State and local heritage policy, the heritage overlay and the *Burra Charter* (which sets out the guiding principles and procedures that underly all heritage policies and controls in Australia).

While complete reconstruction of a heritage place is not a preferred option, it is certainly contemplated by the *Burra Charter*, but usually in limited circumstances. Comparable examples often involve buildings that have been destroyed by fire (St Kilda Pier Kiosk, being a well known example). Structural unsoundness can be another reason, but in some cases simply 'poor' condition has resulted in what is effectively almost complete reconstruction of timber dwellings for example, where all external weatherboards and roof materials may require replacement. Another recent example is 16 and 18 Grey Street, St Kilda (original application 966/2013, demo of façade was a later amendment) where the façade was completely reconstructed to match the original nineteenth century appearance (Originally, it was intended to retain the original facades, but they became unstable during demolition of the sections of the building behind the façade.)

The conservation of a large multi-level office building such as this also presents unique and specific challenges, which further limits the opportunity to adopt an approach that may, for example, seek to retain some of the original fabric and replace or reconstruct other parts.

Council's Building Department has questioned whether the building is, strictly speaking, structurally unsound, but on the basis of the information set out in the HIS it is evident there are significant issues in terms of building code compliance with the façade, which effectively rule out the retention and restoration/reinstatement of original fabric. This has led to the option of complete replacement following the principle of 'like for like' (for certain reasons, some material have to be substituted as they are either no longer





available or no longer meet present standards). Given the complexity of the façade and its component parts it is evident that partial repair, retrofitting or other options involving trying to retain some of the original fabric are not feasible and could result in undesirable outcomes (e.g. the need for additional external bracing).

Another reason for doing so is to fix issues that have arisen due to incorrect repairs and maintenance as described in the HIS:

*As noted above, the demolition of the existing building will result in the loss of the 1960s office building in St Kilda Road. However, the reconstruction of the existing building as proposed will reproduce the presentation of the building, including the 'expressed steel and bronzed glazing' which are identified in the statement of significance for the VACC building as contributing to the significance of the place. The works as proposed will also provide an opportunity for the building to present more closely to the original finishes, noting that the painting of the anodised aluminium façade has altered the appearance of the building, and will reinstate missing elements including curtain wall glazing and the entry lighting. It will also improve the current ad hoc presentation of the replacement glass panels. On balance, this is considered to be an acceptable response to the unique circumstances arising from the condition of this heritage place.*

While the reconstructed section of the building will present very closely to the original, there are some changes as follows:

- A minor increase in overall height of about 1m. I agree this will be an almost imperceptible change and will not have an adverse impact.
- Relocation of car parking to the basement and partial enclosure of the originally open undercroft area. The potential impacts of this will be mitigated by the glazed treatment of the walls, which are set in from the front and sides to maintain the impression of the floating podium, and
- The addition of a pergola structure along the first floor terrace. I am not supportive of this addition, as it will be visible and, in my opinion, will disrupt the clarity of the original design. It should be deleted.

Finally, reconstruction is also supported because of the rarity of VACC building as one of the few surviving early high rise office buildings in St Kilda Road. While it will be new, the accurately reinstated form and detailing that is so redolent of 1960s architecture, together with appropriate interpretation (see below) will ensure that it provides an appropriate tangible reminder of the commercial redevelopment of St Kilda Road.

The additional levels are also acceptable and consistent with our earlier advice including two 'shadow line' details that provide a clear visual break between old and new, reinforce the horizontality of the tower form consistent with the original building, and also break up its mass. The sheer curtain wall also provides an appropriate, but sympathetic contrast to the expressed steel and bronze frame of the original.

Overall and on balance, I believe this is a rare circumstance where this radical approach may be permitted, as it has been informed by careful analysis of the original fabric and I am confident the approach as recommended by Lovell Chen will ensure an accurate result, subject to the removal of the proposed pergola structure from the terrace level.



I also recommend the installation of an information / interpretation board in a publicly accessible and visible location (this could be in the forecourt, or within or adjacent to the entrance foyer). This should briefly outline the history of the building, including early photograph/s and note the reconstruction of the building. This should be prepared with the input of Lovell Chen and the design/text should be submitted for approval prior to the development commencing.

#### Planners Comments

Despite being an atypical approach to the redevelopment of a heritage place, Council's Heritage Advisor supports the unique approach that has been proposed for this application.

This support was subject to two conditions which required the deletion of the pergola above the first floor terrace and the provision of an information board in a publicly accessible location that outlines the history of the building, provides early photographs, and notes the reconstruction of the building. It is noted that the pergola was removed after the request for information and is no longer shown on the plans for this application. It is recommended that should a permit be granted conditions are included for the information board.

#### **Urban Design Officer**

St Kilda Road is one of the key business precinct and corridors in Melbourne and has a clear character and distinguished layout to.

#### Built Form

It is unclear if the large expanse of glazing with bronze panels and grey glass creates significant glare and level of reflection.

The façade strategy and continuation of the lower (reconstructed) building is supported however due to the large frontage and relationship to the buildings to the south the upper floors could provide further visual vertical breaks – in the form of indentations to the building and/or a break in the materiality rhythm.

Unsure how the crossovers on St Kilda Rd remain a contributory factor however Please refer to Heritage comments.

Due to the recreation of the heritage building there are some areas of encroachment such as into the landscape setback, and the side setbacks (not being 4.5m). From a design point of view this is deemed appropriate.

The repurposing of the current car parking on the ground floor to provide tenancies and retail use is supported and could be further strengthened by allowing the café space to front the large landscape setback to allow outdoor dining spaces.

Remove and improve dog-leg tight narrow corridors on the ground floor with access to amenities.

Plant facilities and room above the height – seems to detract from the overall design concept and meticulous consideration of the façade. It is important that any future urban art component should be an integrated approach that does not deter from the well-considered approach undertaken to create a quality landscape and built form response.

#### Referral Overview



From an urban design perspective, the proposal is supported and is a well-considered and responsive built form design – with the minor following consideration:

Summary of Recommendations:

Explore opportunities to provide some vertical articulation to the upper floors to provide some relief to the large horizontal frontage – in the forms of indentations or a break in the rhythm of materials shown.

Officer Comment

Council's Urban Design Advisor does not take issue with the proposal however suggests further vertical articulation.

Following subsequent discussions with the applicant and Council's urban design advisor they advised via email on 6 May 2021 that '*... supported by the strong heritage focus on the building, there is no need to further pursue this need to provide vertical articulation to the façade*'.

Noting this, Council's Urban Design Advisor supports the proposal.

**Building**

This case was reviewed and comments were provided at pre application stage, given that there has been no new information of significance provided these comments are still applicable. I understand that there are some critical issues with the façade of the building that can be most efficiently rectified with the complete removal and replacement of the façade, to which I do not disagree. However the issue is, that the façade is not considered to be a structural element of the building in this instance, so it cannot be said that the building is structurally unsound based on the defects contained in the curtain façade system alone.

To answer your question on viability of reconstruction, whilst modern construction detail and methods would differ greatly from the way this façade originally done, I believe it is certainly feasible to achieve a similar aesthetic using readily available modern façade products. Aluminium cladding has become widely used in high and medium rise building in the last few decades and can be crafted in many shapes and colours to great architectural effect. So I would say that recreating this design would be easily achievable

Officer Comment

Council's building department has confirmed that the building is not structurally unsound but also considers that the accurate reconstruction of the building can be 'easily achievable'. This lends weight to the prospect of total demolition and reconstruction.

**Traffic and Parking**

Comments on Advertised Plans

Traffic

The proposed development will have the net effect of introducing an additional 33 vehicle movements into the road network during the peak hour. This will result in further traffic congestion to the already congested Queens Lane.

Car Parking



Clause 52.06 of the planning scheme requires 839 off street parking spaces to be provided for the proposed land uses.

A total 237 parking spaces are proposed, comprised of:

- Basement Level 1: 116 spaces
- Basement level 2: 121 spaces

The parking provision rate is 0.85 spaces per 100 sqm

Given the above, the proposed development results in a significant shortfall of 602 spaces.

A parking allocation plan is required. The applicant advised that the requirement cannot be addressed at this stage given unavailable details of the tenants. This needs to be included in the planning permit.

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.

Short term parking restrictions operate during business hours proximate to the site, these comprise of 1P and 1P ticket, 2P, 2P ticket parking. Staff and visitors of the development will not be eligible for parking permits and will need to abide by on-street parking restrictions.

Four disabled parking space are provided on site. This is satisfied

#### Car Park Layout

##### *Access ways*

Vehicle access to the ground floor car park is via Queens Lane.

Traffic report indicates that the existing access to St Kilda Road will no longer be actively used but is to be retained. The applicant advised that this is due to heritage considerations. Please check with Heritage Officer to confirm.

All redundant crossover on Queens Lane needs to be reinstated to kerb and channel to council's satisfaction. This needs to be reflected on the plan.

Given the high number of vehicle movements and the high parking demand on Queens Lane, the swept path needs to be updated with B99 egress movement.

The applicant provided a swept path showing correct turning movement for the basement level. This is satisfied.

Vertical Clearance Diagram is provided for the all the proposed ramp design. This is satisfied

##### *Headroom*

Traffic report indicates that a headroom clearance of 2.1 metres has been provided in the car parking area. This is satisfied.

#### Bicycle Facilities

According to Clause 52.34, a total of 121 bicycle spaces are required, comprising 93 staff spaces, and 28 visitor spaces.



The applicant proposes to provide a total of 238 bicycle parking spaces, comprising 28 visitor spaces and 210 staff spaces. This exceeds the requirement from the planning scheme.

The applicant is suggested to provide additional bike racks along St Kilda Road frontage. Five at Heart - The Arc - Horizontal Bike Rack and Bicycle Network - Arc de Triomphe are to be used.

The applicant needs to provide dimensions of bicycle parking on the plan.

Clause 52.34 requires the showers and change rooms to be provided in accordance with the statutory staff bicycle provision. The staff spaces are to be provided within a secure bicycle storage area on ground level, including 26 showers and associated change and locker facilities. The number of showers and change rooms has been reviewed and is considered satisfactory.

#### Loading and Waste

An on site loading area is proposed along the western boundary of the site, accessed from Queens Lane.

The loading dock will be capable for accommodating small rigid vehicle sizes of up to 6.4 metres. This is satisfied.

The applicant provided correct swept path for loading dock, this is satisfied.

Waste Management plan to be referred to Council's Waste Management department for assessment.

#### Other

All redundant crossover must be reinstated to Council satisfaction.

All proposed crossover must be installed to Council satisfaction.

The Applicant is responsible for all costs, including those incurred by Council for associated on-street parking signage and line-marking changes.

#### Updated Traffic comments (Following Consultation Meeting)

Following the consultation meeting held on 30 August 2021 further comments were sought in regard to the original concerns that were raised about traffic that would be generated by the proposal. The updated comments are copied below:

Following our meeting, reviewing Cynthia's comments and all other information you provided in the below e-mail, my comments for the required parts are:

**Original Concern:** The proposed development will have the net effect of introducing an additional 33 vehicle movements into the road network during the peak hour. This will result in further traffic congestion to the already congested Queens Lane.

While the applicant's assessment is light on traffic volumes for this part of Queens Lane, our records show that Queens Lane between Arthur and Leopold Streets carried just 1,887 vehicles per day in 2008. The environmental capacity of Queens Lane is up to 5,000 vehicles per day. It provides mainly for vehicle access to off-street car parks for St Kilda and Queens Roads. It is not desirable to have vehicle cross-overs to these two roads.



The additional 33 vehicles in a peak hour are approximately just one vehicle every 1.5 minutes. This is a low volume and can be safely accommodated within the existing capacity of this section of Queens Lane.

It is however important to mention that loading/unloading and garbage collections should be provided off road, preferably on site to avoid any blockages of Queens Lane.

The history for Queens Lane that Cynthia mentioned is from a different section. Should residents and businesses request Council to improve traffic flow in this section of Queens Lane, an introduction of No stopping restrictions during peak hours could be considered.

#### Planners Response

As detailed above, Council's Traffic and Parking unit are satisfied that the traffic that would be generated by the proposed development would be able to be accommodated within Queens Lane. The referral comments have noted that the proposed car parking numbers are much lower than the statutory car parking rate but have not provided any comments whether this rate of parking is acceptable or not. A detailed assessment of car parking will be undertaken further in this report.

In regard to access and manoeuvring, several outstanding matters have been raised which are summarised as follows:

- All redundant crossover on Queens Lane needs to be reinstated to kerb and channel to council's satisfaction.
- Dimensions of bicycle parking need to be provided on the plans.
- All proposed crossover must be installed to Council satisfaction.
- The applicant is responsible for all costs, including those incurred by Council for associated on-street parking signage and line-marking changes.

It is recommended that these requirements are included as conditions, should a permit be issued.

#### **Sustainable Design**

Comments have been provided from Council's Sustainable Design unit that the application does not demonstrate best practice for ESD due to the following matters to be improved / addressed prior to approval:

Item 1: Energy

Item 2: WSUD

#### Full Assessment Comments by Category:

##### *Green Star*

The applicant is to provide a copy of the green star registration.

##### *Energy*

Provide JV3 modelling as part of the application.

Solar panels constituting the 40 kW system are to be located on architectural roof plans.

##### *Water Sensitive Urban Design (WSUD)*





Proprietary products such as SF chambers or PSorb (MCC) are not accepted as treatment options for Nitrogen and Phosphorous. In line with Melbourne Water Music Modelling Guidelines, these pollutants must be turned off within the MUSIC Model and where necessary alternative treatment proposed.

An alternative option would be to treat/filter the 889sqm of terrace catchment and 418sqm of terrace garden catchment and store the water in a tank where a high level of re-use can be achieved (irrigation, toilets, laundry). With buildings of this scale, sufficient uses can be connected for a retention tank to function with similar flood mitigation performance to an OSD system (especially when integrating TankTalk smart tank technology). Downsizing or elimination of the OSD tank would be considered by CoPP if sufficiently offset by appropriately sized and configured rainwater tanks. Upscaled rainwater capture (size, catchment and reuse) can enable excellent water quality outcomes to be achieved. The proposed treatment for ground floor pavement could then remain as per proposal.

A copy of the MUSIC file must be provided to the CoPP.

Officer Comment

As detailed above Council’s Sustainable Design Unit have raised concerns that energy and WSUD. As the outstanding issues are confined to energy and WUSD matters, the outstanding matters will be able to be resolved through conditions on the permit.

**Waste Management**

Council’s Waste Management officer has reviewed the proposal and does not have any issues with the proposal however they do make the following suggestion:

*If there is a chance that this development could change into a mixed use development in future, it would be good to built in dual chute system to future proof the waste management requirements.*

Planners Comments

Converting the office development into a mixed use development that includes residential components would require a significant extent of works to retrofit it. At this stage, requesting a dual chute system is not considered necessary.

**9.2 External referrals**

Referral Authority	Response	Conditions
Melbourne Water	No objection subject to conditions.	<p><u>Refer Conditions</u></p> <p>1. Prior to the development plans being endorsed, amended plans must be submitted to Council and Melbourne Water addressing Melbourne Water’s conditions. Plans must be submitted with surface and floor levels to Australian Height Datum (AHD) and must show:</p> <p>a) The basement entrance must incorporate a flood proof apex constructed no lower than 5.6 metres to AHD.</p> <p>2. Finished floor levels of the building must be constructed no lower than 5.6 metres to Australian Height Datum (AHD)</p>



		<p>3. The basement entrance must incorporate a flood proof apex constructed no lower than 5.6 metres to AHD.</p> <p>4. Any opening to the basement including windows and vents must be constructed no lower than 5.6 metres to AHD.</p> <p>5. Imported fill must be kept to a minimum on the property and must only be used for the sub floor areas of the building and driveway ramp.</p> <p>6. The open space areas within the property must be maintained at natural surface levels and no fill or retaining walls should be used in the development of this land.</p> <p>7. Prior to the issue of an Occupancy Permit, a certified survey plan, showing finished floor levels (as constructed) reduced to the Australian Height Datum, must be submitted to Melbourne Water to demonstrate that the floor levels have been constructed in accordance with Melbourne Water's requirements.</p>
Transport for Victoria (TfV)	No objection subject to conditions.	<p><u>Refer Conditions</u></p> <p>1. The endorsed Green Travel Plan must be implemented and complied with to the satisfaction of the Responsible Authority.</p> <p>2. The Green Travel Plan must not be amended without the prior written consent of the Responsible Authority and the Head, Transport for Victoria.</p> <p>3. Prior to occupation of the building all disused or redundant vehicle crossings along St Kilda Road must be removed, and the area reinstated to kerb, channel, footpath and nature strip to the satisfaction of the Responsible Authority and at no cost to the Head, Transport for Victoria.'</p>
Shrine of Remembrance Trustees	<p>No objection and no conditions sought. The Shrine Trustees providing the following comments on the proposal:</p> <p>Based on the report from Veris dated 18/12/2020 the Trustees will have no objection but will monitor the progress of the development</p>	No conditions sought
VicRoads	Transport for Victoria has no objection to the removal of the vehicle crossover on St Kilda Road provided it is to Council's satisfaction and at no cost to the Department.	No conditions sought



## 10. PUBLIC NOTIFICATION/OBJECTIONS

10.1 It was determined that the proposal may result in material detriment therefore Council gave notice of the proposal by ordinary mail to the owners and occupiers of surrounding properties and directed that the applicant give notice of the proposal by posting two notice(s) on the site for a 18 day period, in accordance with Section 52 of the Planning and Environment Act 1987.

10.2 The application received ten (10) objections. The key concerns raised are summarised below (officer comment will follow in italics where the concern will not be addressed in Section 11):

- Visual bulk and dominance of the proposed building onto Queens Lane
- No provision for activation or improvement of the Queens Lane interface
- No compliance with DDO26 - the proposal does not meet the required 5m setback from Queens Lane
- Car parking
- Traffic generation in Queens Lane
- Overshadowing
- Overlooking
- Glint and glare from the proposed building

*The proposed building incorporates significant amounts of glazing on all facades of the building. In order to ensure the glazing would not create unreasonable glint or glare it is recommended that any approval includes a condition to control the reflectivity of the finishes of the building.*

- The development would adversely impact outlook from east-facing balconies at 20 Queens Road

*An assessment of the proposed setbacks and the impact of the proposed development on 20 Queens Road will be considered further in this report.*

- Construction impact – requested a construction management plan for any approval.

*Council does not require a Construction Management Plan as part of the planning process. Council's Local Law include requirements for hours of construction, impact on traffic, litter, sediment dust, noise etc and these requirements are enforced by officers who are experts in these matters. Should a planning permit be approved the construction of the development would go through a detailed process through Council's City Permits team who would rigorously assess the management of the construction of the building.*

10.3 A consultation meeting was held on 30 August 2021. The meeting was attended by a Ward Councillor, applicants, objectors and Planning Officers. The meeting did not result in any changes to the proposal.

10.4 It is considered that the objectors do not raise any matters of significant social effect under Section 60 (1B) of the Planning and Environment Act 1987.



## 11. OFFICER'S ASSESSMENT

- 11.1** This application seeks to fully demolish a significant heritage building, reconstruct it in a similar, almost like-for-like manner and construct an eight story upper floor addition above the existing building.
- 11.2** The application requires a planning permit to demolish the building under the Heritage Overlay, and to construct a building and construct and carry out works under the Commercial 1 Zone, the Heritage Overlay, the Design and Development Overlay, and the Special Building Overlay. Permission is also required to reduce the car parking requirements under Clause 52.06, and to alter (i.e. remove) the two existing vehicle crossings off St Kilda Road as sought by the Department of Transport.
- 11.3** A permit is not required to use of the land for an Office or Food and Drink Premises under the Commercial 1 Zone.
- 11.4** Based on a review of the proposal against the Port Phillip Planning Scheme the following planning matters are considered key to its determination:
- Is the application consistent with the Planning Policy Framework?
  - Is the application consistent with the Commercial 1 Zone?
  - Is the application consistent with the Heritage Overlay and Clause 22.04 – Heritage Policy?
  - Is the application consistent with the Design and Development Overlay?
  - Does the proposal provide an acceptable response to Clause 22.06 – Urban Design Policy for Non-Residential Development and Multi-Residential Development?
  - Is the application consistent with the Special Building Overlay?
  - Would the proposal result in any unreasonable amenity impacts?
  - Are the car parking and access arrangements acceptable?
  - Are the proposed loading arrangements acceptable?
  - Are the waste management arrangements acceptable?
  - Does the proposal achieve best practice water sensitive urban design and environmentally sustainable design?

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

The Planning Policy Framework is broad and encompasses a great deal of strategic objectives and associated strategies. The PPF is broken down into themes which are addressed as relevant below:

#### Settlement

Clause 11 seeks to promote and capitalise on opportunities for urban renewal and infill development. Clause 21.04-3 refines this further and recognises the site as being part of the St Kilda Road south office and mixed activity area. The strategic settlement role for this precinct under Clause 21.04-3 is for office and commercial uses and intensification of housing subject to heritage and amenity considerations.



The site is located within a highly dense area that is well connected to arterial roads, public transport services, public open space, and dedicated personal and sustainable transport infrastructure. It provides a direct connection into the Melbourne CBD and the 'hub' of Melbourne's 'hub and spoke' transport mode. Noting this, it represents an area where settlement should be maximised given its excellent accessibility and ability to accommodate more intensive built-forms.

The DDO26 affecting the subject site recognises the broader areas excellent attributes for accommodating more intensive development up to a height of 65m AHD.

In this respect the proposal would be considered acceptable from a settlement perspective and would be consistent with Clause 11 and 21.04-3.

#### Environmental Risk and Amenity

Clause 13 addresses several environmental risks and amenity. Of relevance to this application are those found under Clause 13.03-1S - Floodplain Management and under Clause 13.05-1S - Noise Abatement.

Floodplain management is addressed through the Special Building Overlay that affects the site. Noise abatement is addressed through a more detailed examination of the building and its amenity impacts on surrounding land uses. These will be addressed later in this report. Subject to a positive finding against these matters the development would be considered consistent with the broader policy objectives contained within Clause 13.

#### Built Environment and Heritage

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

Clause 21.05 builds on these broad objectives and similar seeks to reinforce key elements of the City's overall structure, ensure the height and scale of new development is appropriate to the preferred character of an area, ensure development achieves high quality urban design outcomes, and sensitively conserves and manages heritage places.

The above objectives are noted as being implemented through the various local policies and overlay controls of the Port Phillip Planning Scheme. These will be relevantly discussed through the course of this assessment. Subject to positive findings the development would be consistent with broader built environment and heritage objectives of the Scheme.

#### Economic Development

Clause 17 seeks to strengthen and diversify the economy, encourage development that meets the community's needs, and supports the Central City in becoming Australia's largest commercial and residential centre by 2050.

Council's local strategies have identified key areas where business is to be encouraged. One such place is the St Kilda Road south precinct, identified by Clause 21.04-3 which explicitly encourages further office development.

The proposal would expand on the current office provision on the land through the provision of additional commercial floor area. This would positively contribute to the economy of the local area and would assist in diversifying the current provision of



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

Transport

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

**11.6 Is the application consistent with the Commercial 1 Zone?**

No permit is required under the Commercial 1 Zone for the use of land as an office or a retail premises. As such the uses are strategically encouraged to establish within this area.

A permit is required for buildings and works under Clause 34.01-4.


The following table provides an assessment of the proposal against the buildings and works decision guidelines at Clause 34.01-8.

Decision Guideline	Assessment
The movement of pedestrians and cyclists, and vehicles providing for supplies, waste removal, emergency services and public transport	The site will have limited or no impact on the movement of pedestrians, cyclists, or service vehicles on surrounding road networks.  The site is adequately serviced by a loading dock to Queens Lane and vehicular access to a basement via Queens Lane. Pedestrian and cycling access would be conveniently provided via St Kilda Road. Traffic, car parking and access is discussed in more detail further in this report.
The provision of car parking	Car parking provision will be discussed later in this assessment.
The streetscape, including the conservation of buildings, the design of verandahs, access from the street front, protecting active frontages to pedestrian areas, the treatment of the fronts and backs of buildings and their appurtenances, illumination of buildings or their immediate spaces and the landscaping of land adjoining a road	Building design will be discussed later in this assessment.
The storage of rubbish and materials for recycling	Bin storage is located within the development adjacent to the loading dock. It is not visible from the street and is considered acceptable.
Defining the responsibility for the maintenance of buildings, landscaping and paved areas	The building is located wholly within its title boundary and all maintenance will be carried out by the landowner.
Consideration of the overlooking and overshadowing as a result of building or works affecting	The land to the west of the site (across Queens Lane) is located within the Residential Growth Zone.





<p>adjoining land in a General Residential Zone, Neighbourhood Residential Zone, Residential Growth Zone or Township Zone.</p>	<p>The building to this interface would remain the same as per existing condition with exception of the additional levels above the existing eight (8) storey building.</p> <p><u>Overlooking</u></p> <p>The levels above the existing form would have a setback of 3.6m from the rear boundary. Queens Lane is approximately 9m in width. In this respect there would be a separation distance of 12.6m between the building and the western edge of Queens Lane.</p> <p>At this height, adjacent built form constructed within the RGZ is setback from their respective boundaries by approximately 5.8m at 20-22 Queens Road and approximately 4.5m at 23-25 Queens Road. In effect, the setback between the new built form and the adjacent buildings would be 18.4m to 20-22 Queens Road and 17.1m. See fig 3 below.</p> <p>This is more than the benchmark 9.0m separation for overlooking and sufficiently setback to avoid any potential overlooking.</p> <p><u>Overshadowing</u></p> <p>The building would create additional overshadowing on surrounding lots. Overshadowing would create additional shadows to:</p> <ul style="list-style-type: none"> <li>• 20 Queens Road between 9am and 10am</li> <li>• 23-25 Queens Road between 9am and 11am</li> <li>• 468 St Kilda Road between 10am and 3pm</li> </ul> <p>It is firstly noted that the land at 468 St Kilda Road is an office development within the Commercial 1 Zone which is not the purpose of this decision guideline.</p> <p>The overshadowing to 20 and 23-25 Queens Road is not considered unreasonable for the following reasons:</p> <ul style="list-style-type: none"> <li>• The 20 and 23-35 Queens Road properties are within the Residential Growth Zone and abut the Commercial 1 zone. As such, amenity expectations are lower than typical residential areas. A certain extent of overshadowing is expected within this setting</li> <li>• The proposed development would be built to the height specified in the Design and development overlay that affects the site.</li> <li>• The overshadowing would only impact these properties between 9am and 11am with the balance day unaffected by the proposal</li> <li>• The overshadowing impacts would be limited to the morning period and only to those east-facing apartments, an internal communal courtyard/terrace (that is south of the building), and external walkways (with one south-facing and one north-facing) facing the inner courtyard/terrace area. The building would not unreasonably impact north-facing apartments and would not impact any west-facing Albert Park views.</li> </ul>
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	<p>Given the commercial context of the site, the built form anticipated by the Design and Development Overlay, the amenity expectations of a Residential Growth Zone property facing a relatively narrow 9m wide laneway, the zoning arrangement, and permanently (for the foreseeable future) unobstructed western views provide justification for the current impact.</p>
	 <p><b>Fig 3</b> - Approximate setback details of adjacent development at 20-22 Queens Road (top left) and 23-25 Queens Road (bottom left) compared to subject site (right side)</p>
<p>The impact of overshadowing on existing rooftop solar energy systems on dwellings on adjoining lots in a General Residential Zone, Mixed Use Zone, Neighbourhood Residential Zone, Residential Growth Zone or Township Zone</p>	<p>There are no rooftop solar panels in adjacent residential zones.</p>
<p>The availability of and connection to services</p>	<p>The site is located in an area that is anticipated to have sufficient capacity for servicing.</p>
<p>The design of buildings to provide for solar access</p>	<p>The design effectively extends the existing building envelope to higher levels. Each subsequent floorplate has sufficient access to daylight to its northern, eastern, and part western interfaces. As such the proposal is considered to be acceptable for solar access.</p>
<p>The objectives, standards and decision guidelines of Clause 54 and Clause 55. This does not apply to an apartment development.</p>	<p>Not applicable.</p>
<p>For an apartment development, the objectives, standards and decision guidelines of Clause 58.</p>	<p>Not applicable.</p>



**11.7 Is the development consistent with the Heritage Overlay and Clause 22.04 – Heritage Policy?**

A permit is required under the Heritage Overlay to demolish the existing building and construct a new building and carry out works.

The purpose of the Heritage Overlay is to conserve and enhance places of heritage significance and the elements that contribute to its significance. It furthermore seeks to ensure that new development does not adversely affect the heritage place.

This proposal is highly atypical. It seeks to fully demolish an individually significant heritage building that is not structurally unsound, rebuild it in an almost like-for-like similarity and then construct additional levels above in an architectural style that would complement the original building.

There is considerable overlap between the decision guidelines of the Heritage Overlay and the policy guidelines of Clause 22.04. The following table provides an assessment of the development against the policy guidelines of Clause 22.04:

Clause 22.04 Heritage Policy Guidelines	Assessment
<b>General</b> <b>It is policy to:</b>	
Encourage the restoration and reconstruction of heritage places (including the accurate reconstruction of original streetscape elements such as verandahs) in all areas, and in particular, in intact or substantially consistent streetscapes in the South Melbourne, Albert Park, Middle Park and St Kilda West Heritage Overlay areas (HO440, HO441, HO442, HO443, HO444, HO445 or HO446).	<b>Complies</b>  The proposal has been accompanied with a significant amount of information pertaining to how the existing building is to be rebuilt. Council's Heritage Advisor has reviewed this material and considers is acceptable.
Encourage the removal of alterations and additions that detract from the heritage significance of a heritage place	<b>Not Applicable</b>  The proposal will seek to reconstruct the existing building in an almost like-for-like manner.
Encourage new development to be respectful of the scale, form, siting and setbacks of nearby significant and contributory buildings.	<b>Complies</b>  The proposal involves the construction of a new upper floor addition which would seek to extend the envelope of the existing tower form above. In this respect, the upper levels would adopt setbacks identical of the existing building and maintain a consistency of the podium/tower format.  Council's Heritage Advisor has noted that the additional levels in the upper floor addition would 'reinforce the horizontality of the tower form consistent with the original building and also break up its mass'.



	<p>Overall, the development is considered to be respectful of the scale, form, siting, and setbacks of the building. The surrounding area has a mixed character predominantly characterised by larger commercial and residential buildings. While there are some heritage buildings found within the surrounding area, they are not part of any coherent heritage character. As such, this proposal would have limited impact on the overall heritage character in this part of St Kilda Road.</p>
<p>Disregard the impact of buildings that are obviously atypical to the character of the streetscape when determining the appropriate mass and scale for new buildings or extensions or upper storey additions</p>	<p><b>Noted</b></p> <p>Atypical buildings will not be factored into this assessment.</p>
<p>Encourage a contextual design approach for additions and/or alterations to a heritage place or for new development. A contextual approach is where the alteration, addition or new development incorporates an interpretive design approach, derived through comprehensive research and analysis. New development should sit comfortably and harmoniously integrate with the site and within the streetscape and not diminish, detract from or compete with the significance of the heritage place or streetscape character.</p>	<p><b>Complies</b></p> <p>The proposal adopts a contextual approach to the accurate reconstruction of the existing building and provides for an upper floor addition which would be a sympathetic contrast to the reconstructed building. Council's Heritage Advisor has supported the design response and notes that the development has been informed by careful analysis of the original fabric.</p>
<p><b>Demolition</b> <b>It is policy to:</b></p>	
<p>Where a permit is required for demolition of a significant or contributory building, it is policy to refuse the demolition of a significant building unless and only to the extent that:</p> <ul style="list-style-type: none"> <li>- the building is structurally unsound;</li> <li>- the replacement building and/or works displays design excellence which clearly and positively supports the ongoing heritage significance of the area.</li> </ul>	<p><b>Achieved</b></p> <p>The existing building is not structurally unsound. The applicant has not claimed the building to be structurally unsound and Council's Building department have not concluded that the building is structurally unsound.</p> <p>Whilst full demolition and reconstruction of a heritage building is not typically supported as the new building is not 'original' in totality, Council's Heritage Advisor has supported the approach in this application noting:</p> <p><i>'Overall, and on balance, I believe this is a rare circumstance where this radical approach may be permitted, as it has been informed by careful analysis of the original fabric and I am confident the approach as recommended by Lovell Chen will ensure an accurate result, subject to the removal of the proposed pergola structure from the terrace level.'</i></p> <p>It is further recognised that Council's Heritage Advisor notes that <i>'While compete reconstruction of a heritage place is not a preferred option, it is</i></p>



*certainly contemplated by the Burra Charter, but usually in limited circumstances'*

It follows that, despite not being consistent with this policy guideline, the proposal represents a rare circumstance, with a highly detailed and evidenced based approach that supports the full demolition.

The second part of the policy details that demolition of a significant graded heritage building should only be supported where the replacement building displays 'design excellence' which positively supports the ongoing heritage significance of the area.

There have been various VCAT decisions that have defined what is meant by 'design excellence'. These VCAT decisions detail that 'design excellence' does not mean that a building has to be of particularly exemplary design but rather something that is an appropriate fit within its context.

In the VCAT decision *Montezuma Developments Pty Ltd v Port Phillip CC 2016 [VCAT] 876* VCAT member Sibonis refers to how 'design excellence' is defined in a New South Wales planning publication titled "Director General's Design Excellence Guidelines" where the following is quoted:

*"Good building design should positively contribute to the overall architectural quality of the city and provide buildings appropriate to their context. In some circumstances, this contribution may be as an iconic or landmark building, but more typically it is as a well-designed building that fits sensitively into the streetscape"*

This is a useful lens in which to assess the replacement building for this application.

Both Council's Heritage Advisor and Urban Designer have reviewed the replacement building and are supportive of the proposal.

Council's Urban Designer providing comments that it is a well-considered and responsive built form design. Council's Heritage Advisor referring to the proposal as a radical approach but one which has come from careful analysis of the original fabric and which most importantly would provide an appropriate tangible reminder of the commercial redevelopment of St Kilda Road.

In addition to the comments from council's internal referrals, it is noted that the Design and Development Overlay that affects the site includes a specific design objective which seeks consistency of building heights for those sites along St Kilda Road. The proposed extension of the height of the building measures favourably with this design objective where the new building would much better reflect and be consistent with the height of other buildings along this section of St Kilda Road.

For these reasons, it is considered that the replacement building would be both well designed and fit sensitively within the streetscape. The replacement building would also provide an important reference to the building that is to be demolished where the lower levels of the building



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	would replicate the form of the original heritage building. This importantly would provide the required recognition of the commercial history of St Kilda Road that the existing heritage building represents. As such, it is considered that the replacement building achieves the second part of the policy for 'design excellence'.
Require all applications for demolition of significant or contributory buildings to be accompanied by an application for new development.	<b>Complies</b>  The application is accompanied by a highly detailed proposal for new (and partly reconstructed) development.
Allow the demolition of part of a heritage place if it will not affect the significance of the place and the proposed addition is sympathetic to the scale and form of the place.	<b>Not Applicable</b>  The proposal seeks approval for full demolition and as such this policy guideline is not applicable.
<b>New Development in Heritage Overlay Areas</b> <b>It is policy to:</b>	
New development maintains and enhances an existing vista to the principal facade(s) of the heritage place, where a new development is adjacent to a heritage place (see Performance Measure 2).	<b>Not Applicable</b>  The development maintains the envelope and setbacks of the podium and reconstructed tower form. In this respect the development would have no impact on vistas to heritage places on the subject site or on an adjacent heritage place.
New development generally reflects the prevailing streetscape scale and does not dominate the streetscape or public realm (see Performance Measure 3).	<b>Complies</b>  Noting the building is to be reconstructed, the form and scale of the existing streetscape podium and tower response is maintained albeit with a taller tower form. The additional levels on the tower is commensurate with the development expected under the DDO26 and as such this is considered acceptable.
Front and side setbacks reflect those of the adjacent buildings and the streetscape, where this is an important element in the streetscape.	<b>Complies</b>  As noted, the reconstructed building will maintain the established setbacks to each boundary whilst adding a taller tower form above.  This is considered acceptable and is commensurate with the established heritage streetscape context.
Roofs respond to any predominant roof form characteristic of the streetscape.	<b>Complies</b>  The existing roof of the building is a unique architectural feature of the existing building. This would be lost in the redevelopment. Council's Heritage Advisor does not consider this to be unacceptable and does not take issue with the typical flat roofs associated with tower forms.
Door and window openings are complementary to the prevailing	<b>Complies</b>



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<p>streetscape characteristics. Large expanses of glass or horizontal windows are generally avoided in principal front facades except where this is considered an appropriate design response.</p>	<p>The development would employ a curtain wall above the reconstructed tower form that provides for a design response that is sympathetic to the existing building. This is considered an appropriate design response and is considered consistent with this policy guideline.</p>
<p>If it is a major development site containing a significant or contributory heritage place that is to be retained, the new development respects the scale and setting of the heritage place whilst responding to the prevailing building scale of the heritage overlay area</p>	<p><b>Complies</b></p> <p>The proposal is a unique reconstruction of an existing significant heritage place. It would appear almost like for like (with exception of the new additions above, active uses at ground floor level and associated glazing) and as such would be considered to be respectful of the scale and setting of the heritage place noting it would be part reconstructed.</p> <p>The upper floor addition would be consistent with the envelope of the retained heritage component at the base of the building which establishes a sense of continuity with the heritage place. This is considered a respectful response to the scale and setting of the heritage place.</p>
<p>Visible wall elevations of the new building are articulated in a manner that is complementary to the streetscape through the use of different materials, massing and the inclusion of windows and doors where appropriate.</p>	<p><b>Complies</b></p> <p>The visible sections of the new reconstructed building would be articulated in a manner that is consistent with the current heritage place and done in a responsible fashion noting Council's Heritage Advisor's comments.</p> <p>The addition above the reconstructed building would be complementary in design but establish a similar, but distinctly modern façade response that would complement the lower reconstructed building. The materiality of the upper section of the building would be predominantly glazing and would match the lower building by virtue of utilising similar colours of the base structure.</p>
<p>Materials, textures and finishes complement those evident in the streetscape</p>	<p><b>Complies</b></p> <p>As noted above, the materials, textures, and finishes are consistent with both the existing heritage place (noting it would be reconstructed). This also means that the new building would be complementary to those materials, textures, and finishes currently visible in the street from the existing building.</p>
<p>Colour schemes complement the appearance and character of the streetscape.</p>	<p><b>Complies</b></p> <p>As noted above, the reconstructed building would appear no different than the existing building and as such the colour schemes remain unchanged.</p> <p>The design of upper floor addition above picks up on the colour scheme of the existing and reconstructed building form to create an overall form that would complement the appearance and character of the streetscape.</p>
<p><b>Car Parking</b> <b>It is policy to:</b></p>	
<p>Discourage new vehicle crossovers in the front of a</p>	<p><b>Not Applicable</b></p>



<p>property with a narrow street frontage or in streets with few or no crossovers.</p>	<p>The site does not have a narrow street frontage and St Kilda Road has many crossovers. Despite this, the DDO26 (and this policy) encourages vehicle access via the rear. As detailed throughout this report it is recommended that the existing vehicles crossovers on St Kilda Road should be removed, and the kerb and nature strip reinstated should the development be approved.</p>
<p>Encourage new on-site car spaces to be located at the rear of the property or in a side setback area.</p>	<p><b>Complies</b></p> <p>All car parking would be located in basement levels accessed from the rear via Queens Lane.</p>

As detailed in the above assessment, this is a unique application where an existing heritage building would be reconstructed and expanded with additional levels above the reconstructed building. The proposal is considered to respect the significance of the heritage place with a like for like reconstruction of the existing building and an addition that would complement the reconstructed heritage building. The overall development would provide a sense of continuity to the heritage place and create a new building which would be a positive addition to this section of St Kilda Road.

In regard to the reconstruction of the VACC building, the submitted plans include details about the existing materials and method of the construction and how this would be replicated when the building is reconstructed. These plans were based on the architectural plans and structural details for the existing building, as were detailed in the submitted structural report. Further detail about the Council's Building unit have provided comments that that recreating the design of the existing building would be easily achievable. Should a permit be granted the endorsed plans must include the details of materials and construction that were provided in the plans submitted for the application.

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

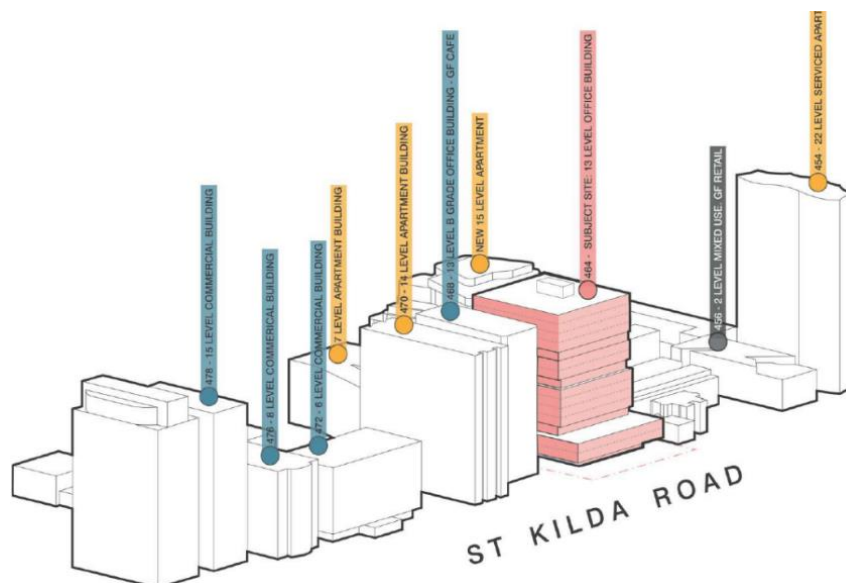
The site is located within sub precinct 5 of Design and Development Overlay Schedule 26.

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

DDO26 outlines several key design objectives for sub precinct 5. For this application the most relevant design objectives being a consistency sought in the height and spacing of buildings on St Kilda Road and the provision of generous landscaped front setbacks to St Kilda Road to strengthen the leafy grand boulevard character of the street. The design objectives also seek improvement of the pedestrian environment along Queens Lane to help address and engage the street edge while recognising the service role of Queens Lane.

The proposal measures favourably against the design objectives that seek consistency in built form along St Kilda Road. The proposal seeks to extend the height of the existing building but achieve this through a design where the form and appearance of the existing heritage building would be reinterpreted. It is an innovative design that

would respect the heritage significance of the place but also create a building that would be more consistent to the height sought for buildings on St Kilda Road. As demonstrated in the application material provided by the applicant, the proposed extension of the building to a height of 65m AHD would provide for a built form that is more commensurate to other building in this section of St Kilda Road. This would help achieve the consistency of building height that is sought along St Kilda Road.



**Fig 4:** Details in application material of building form within this section of St Kilda Road.

The proposed building has been designed with a minimum setback of 4.36m from the northern side boundary and 6m from the south side boundary and a 13.2m setback from the front boundary. These side setbacks match the setbacks provided for the existing building.

The application material includes a landscape plan prepared by Site Image which shows extensive planting would be provided within the front setback. Further opportunity to extend the landscaping in the front will be possible with the removal of the vehicle access points to St Kilda Road which would open opportunities to remove the existing hard standing area.

The proposal would also provide for improved activation of Queens Lane though the introduction of office floor area on the ground floor directly to Queens Lane. While the building has been largely designed with its back of house facilities (car parking access, loading and services) at the rear the introduction of the office space would provide an acceptable balance between the service role of Queens lane and providing improved activation of the lane.

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

Provision	Assessment
<b>General Requirements</b>	
<b>Design Quality</b>	
New developments should achieve urban design and architectural excellence	<b>Complies</b>



	<p>A detailed assessment of the proposed new building was provided earlier in this report in the assessment of the proposal on the heritage significance of the place. This assessment included consideration of whether the new building would represent design excellence. It was determined that in line with the advice provided from Council's Heritage Advisor and Urban Designer the proposal achieves 'design excellence'.</p>
<p>Developments on corner sites with a St Kilda Road, Albert Road, Kings Way or Queens Road frontage or abuttal should not express the side street podium requirement to those roads.</p>	<p><b>Not Applicable</b></p> <p>The site is not a corner site.</p>
<p>Where a podium / tower typology is not proposed for a corner site, a high quality architectural response is required which achieves an appropriate transition to podium / setback requirements on adjoining sites, including through building articulation/massing, building materials, finishes and design detail.</p>	<p><b>Not Applicable</b></p> <p>The site is not a corner site.</p>
<p>Developments on large sites should minimise building bulk and promote vertical articulation in their design.</p>	<p><b>Complies subject to condition</b></p> <p>The site is not considered a large site in the context of the DDO. Nevertheless, the proposed building has been designed with a significant front setback (13.2m) and clear setbacks from the side boundaries. The setbacks will be considered further in this assessment.</p>
<p><b>Separation Distances / Side and Rear Setbacks</b></p>	
<p>For properties with a primary frontage to St Kilda Road or Queens Road in Sub-Precincts 5 and 6 development must be setback at least 4.5 metres from common side boundaries.</p> <p>A permit may not be granted to construct a building or construct or carry out works which are not in accordance with this requirement unless allowed by Clause 2.3 of this schedule.</p> <p>For all Sub-Precincts: Additional side and rear setbacks and/or separation distances may be required to ensure buildings are designed and spaced to:</p>	<p><b>Complies subject to condition</b></p> <p>The submitted plans show that a 6.0m setback would be provided from the southern boundary and a 4.36m setback from the northern boundary. The proposed setbacks match the setbacks of the existing building that is to be demolished.</p> <p>The setback to the south at 6.0m complies with the required 4.5m setback.</p> <p>The proposed setbacks to the north at 4.36m does not comply with the 4.5m setback required by the DDO. The DDO includes exemptions at Clause 2.3 but the exemption will not be applicable for this application as it is proposed to increase the height of the building.</p> <p>Given the changes to meet the required setback would only require a slight modification to the design of the building (modification of 0.14m) the required changes could be made through a condition.</p>



<ul style="list-style-type: none"> <li>- Respect the existing urban character and pattern of development.</li> <li>- Equitably distribute access to an outlook, daylight and achieve privacy from primary living areas for both existing and proposed development.</li> <li>- Achieve sky views between towers, ensure adequate sun penetration to street level and mitigate wind effects.</li> <li>- Avoid windows of primary living areas and balconies that directly facing one another.</li> <li>- Maintain the equitable development potential of adjoining lots.</li> </ul>	<p>It is therefore recommended that should a permit be issued a condition is included which requires the building to be setback a minimum of 4.5m from the northern boundary.</p>
<p><b>Landscaped Setbacks</b></p>	
<p>Frontages along St Kilda Road and Queens Road should be retained as open space for substantial landscaping and pedestrian activity:</p> <ul style="list-style-type: none"> <li>- St Kilda Road frontages should function as a forecourt for public, private and communal use. Public seating areas should be provided in these forecourts.</li> </ul>	<p><b>Complies</b></p> <p>The proposal seeks to retain the large front setback that is currently provided by the existing building.</p> <p>A landscape plan has been submitted with the application which shows that the front of the site will be an open space area that provides for substantial landscaping and which would be able to be used for pedestrian activity.</p>
<p>Clear sightlines should be provided from the footpath to the building façade to increase perceptions of pedestrian safety.</p>	<p><b>Complies</b></p> <p>Clear sightlines would be provided between the footpath and the building.</p>
<p>Water sensitive urban design treatments should be incorporated into frontage design to manage and reduce stormwater runoff.</p>	<p><b>Complies</b></p> <p>Refer to ESD discussion later in this report.</p>
<p>Exhaust stacks from underground car parks should be located away from main pedestrian areas and incorporated into the building design or adequately screened.</p>	<p><b>Complies</b></p> <p>Exhaust stacks would not affect main pedestrian areas and would be incorporated into the design of the building.</p>
<p>Grade differences between the ground floor level and natural ground level should be kept to a minimum. Where level differences cannot be avoided (for example, due to the Special Building Overlay), stairs, terraces, disabled access ramps should be designed to not visually dominate the frontage setback space</p>	<p><b>Complies</b></p> <p>Grade differences between the ground floor level and natural ground level would be kept to a minimum.</p>

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or significantly reduce the area for landscaping.	
<b>Heritage</b>	
New development should respect the form, massing and siting of heritage buildings on the development site or adjoining sites	<b>Complies</b>  A detailed assessment of the proposal against the heritage significance of the site has been considered earlier in this report.
<b>Street Wall / Podium Level</b>	
The design of podiums should create a 'human scale' providing visual interest and activity for pedestrians at the street edge, ameliorate wind effects and provide access to sunlight and sky views.	<b>Complies</b>  The existing building provides a podium / tower design where levels ground, 1 and 2 are read as a podium with the levels 3 to 7 in a form in what could be considered a small tower. There is no change in materiality or design in the podium and tower parts of the building with the difference being created solely by the change in setbacks.  The redesigned building seeks to reconstruct the form of the original building and extend additional levels to the tower (with a break created to help delineate the reconstructed building and the upper floor addition). The existing design or a podium / tower form would therefore be retained for the new building.  Buildings in this section of St Kilda Road buildings do not all provide a podium / tower form. However, the design of building to retain a clear podium and tower is considered to achieve what the DDO is seeking to provide visual interest and create a more human scale to the design when viewed from St Kilda Road.
The design of buildings should reinforce the pattern of the street by aligning their façade with the curvature of the street frontage	<b>Complies</b>  The building would align to the street curvature.
The design of new buildings should include openable habitable windows and balcony doors on the first five levels of the 'street wall' to enhance the sense of connection, surveillance and safety at ground level.	<b>Complies</b>  The building design includes openable windows on the lower levels to enhance the sense of connection, surveillance and safety at ground level.
All car parking at ground level or above should be sleeved with active uses to ensure it is not visible from the street	<b>Complies</b>  It is not proposed to add any new car parking on podium levels.
Buildings located on corner sites should address both street frontages.	<b>Not Applicable</b>  The site is not a corner site.
<b>Active Frontages</b>	
New development should provide integrated community and active space at street level that contributes to a high quality public realm.	<b>Complies</b>  It is proposed to provide a café and restaurant at the front of the ground floor. The provision of active commercial uses on the ground





	<p>floor and the proportion of the frontage that would be used is considered to provide an active and vibrant link to the public realm.</p>
<p>All building frontages (except on laneways and service streets) should:</p> <ul style="list-style-type: none"> <li>- Be orientated towards the street.</li> <li>- Allow for natural surveillance and a visual connection into the building through transparent windows and balconies.</li> <li>- Avoid blank walls, large areas of reflective services, high fences, service areas, car parks and garage doors in the podium interface areas.</li> <li>- Provide clear glazing to street frontages; security grills should be visually permeable and mounted internally.</li> <li>- Provide no or low, visually permeable front fencing.</li> </ul>	<p><b>Complies</b></p> <p>The building has been designed to be orientated to the street and overall would provide a suitably active and visually interesting frontage that contributes to a high quality public realm.</p>
<p>Design pedestrian entrances to open directly onto the street, as a key feature of the façade and at the same level as the public footpath.</p>	<p><b>Complies</b></p> <p>The proposal has provided for pedestrian access to directly open to the street with minimal level change.</p>
<p>Foyer areas should have visibility to the street and be designed to encourage activity and interest both within and external to the building.</p>	<p><b>Complies</b></p> <p>The main foyer of the building would be accessed from the front of the site. It would be visible from St Kilda Road and encourage activity and interest.</p>
<p>New development within a commercial or mixed use zone should provide:</p> <ul style="list-style-type: none"> <li>• Transparent windows and entrances for at least 80 per cent of the width of the street frontage of each individual retail premises, or at least 60 per cent of the width of the street frontage of each premises for other commercial uses.</li> <li>• Lighting design that is incorporated to the façade to contribute to a sense of safety at night.</li> </ul>	<p><b>Complies</b></p> <p>Whilst not achieving the required 80 per cent transparency to the street the development would provide a level of transparency that reflects the existing condition. This is considered to provide a suitable level of activation and interaction to the street.</p>
<p><b>Tower Design and Internal Amenity</b></p>	



<p>Tower forms (above podiums) should not exceed a maximum width of 35 metres to:</p> <ul style="list-style-type: none"> <li>• Ensure that daylight penetrates through to parts of the building and streets, and adjoining buildings.</li> <li>• Reduce their perceived visual bulk.</li> <li>• Maintain sightlines between buildings.</li> </ul>	<p><b>Not Applicable</b></p> <p>The building above level 2 would have a width of 43m which matches the width of the existing heritage building.</p> <p>At this width the building would not meet the requirements of the DDO. In this instance, it is considered that the slight increase in the width above the DDO requirement is acceptable given the building will replicate the form of the existing heritage building. It is considered a better built form outcome to reflect the form of the existing heritage building rather than the required 35m.</p> <p>It is further considered that the required 4.5m side setbacks would be sufficient separation from other buildings to ensure the building would be appropriately spaced from other buildings. This would ensure adequate daylight between buildings, maintain sightlines and ensure that the building would not present as undue visual bulk when view from St Kilda Road.</p>
<p><b>Building Services</b></p>	
<p>Waste materials storage and services should be provided on site and should be screened from areas of high pedestrian activity</p>	<p><b>Complies</b></p> <p>Waste storage is provided within the building at the rear of the ground floor which would be accessed from the rear, Queens Lane.</p>
<p>Waste storage or service should not impede pedestrian access and should be located away from footpaths.</p>	<p><b>Complies</b></p> <p>The waste storage area would not impede pedestrian access and being at the rear is away from the main pedestrian access along St Kilda Road.</p>
<p>New buildings should provide internal and on-site loading facilities and on-site service vehicle parking at the rear of buildings to minimise disruption of traffic or pedestrian access and avoid laneway congestion.</p>	<p><b>Complies</b></p> <p>On site loading facilities would be provided building at the rear of the ground floor which would be accessed from the rear, Queens Lane.</p>
<p>Building services on rooftops should be screened to avoid detrimental noise and visual impacts on the amenity of both private and public realms</p>	<p><b>Complies</b></p> <p>The services on the rooftop are shown to be screened as required.</p>
<p>Noise attenuation measures and suppression techniques should be incorporated into developments to ensure noise does not unreasonably affect the amenity of public areas and nearby residences.</p>	<p><b>Complies subject to conditions</b></p> <p>If a permit were to issue, noise attenuation measures could be incorporated into the development through conditions, if necessary. However, the uses proposed would not generate unreasonable noise, so only standard conditions regarding plant / equipment noise would be required.</p>
<p>Green roofs, roof gardens and vertical gardens should be</p>	<p><b>Variation Acceptable</b></p>

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<p>encouraged in new or refurbished buildings. Green roofs are defined as a vegetated landscape built up from a series of layers that are installed on the roof surface as 'loose laid' sheets or modular blocks.</p>	<p>The applicant has not suggested a green roof, roof garden, or vertical garden as part of their broader landscaping response.</p>
<p><b>Vehicular Access and Car Parking</b></p>	
<p>Vehicle crossovers should be no more than 6 metres wide, with a maximum of one crossover per site.</p>	<p><b>Complies</b></p> <p>It is proposed to provide a single access point to the basement from the rear which would comply with the requirements for vehicle access and car parking.</p>
<p>Vehicle ingress and egress, loading facilities and building services should not be located on frontages along St Kilda Road or Punt Road</p>	
<p>Vehicle ingress and egress should be located on lanes, where possible</p>	
<p>Car access ways should not visually dominate the façade of a building and be visually permeable to retain a visual connection through the site and allow for natural surveillance.</p>	
<p>Car parks should be built underground or located to the rear of the site to enable active uses on the street frontage. Where car parks are built above ground, they should not front the site or be visible from St Kilda Road, Queens Road or Punt Road.</p>	
<p>Car parking within a podium should incorporate floor to ceiling heights of 3.5 metres to enable future adaptation for habitable uses.</p>	
<p>Open/at-grade car parks should not be located in front setback areas.</p>	
<p><b>Pedestrian Permeability</b></p>	
<p>New development should include pedestrian links along St Kilda Road, Queens Road and areas in the Mixed Use Zone to create mid-block links and increase the permeability of the Precinct.</p>	<p><b>Variation Acceptable</b></p> <p>It is not considered necessary to provide for a mid-block link for this site as the DDO does not identify this as a site that should provide a mid-block link.</p>
<p>Development should enhance existing links/laneways by providing a mix of active and non-active frontages, appropriate to the role of the link / laneway</p>	<p><b>Not Applicable</b></p> <p>The site does not abut any laneways or links.</p>



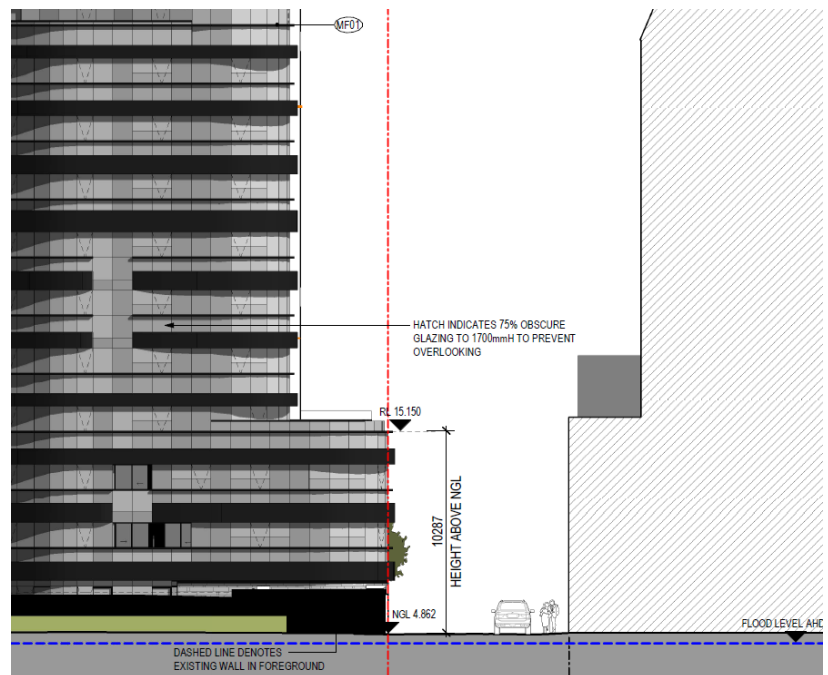
<p><b>Buildings and Works: Sub-Precinct Requirements</b></p>	
<p><b>Sub-Precinct 5a - St Kilda Road South of Kings Way</b></p>	
<p>Development should be generally in accordance with Map 6 of this schedule which shows:</p> <p><u>Mandatory Controls</u></p> <ul style="list-style-type: none"> <li>• A maximum building height of 65m AHD</li> <li>• The provision of a 13.7m landscaped setback to St Kilda Road</li> </ul> <p><u>Discretionary Controls</u></p> <ul style="list-style-type: none"> <li>• The provision of an 11m podium to Queens lane for a depth of 5m.</li> </ul>	<p><b>Complies Subject to Conditions</b></p> <p>Map 6 of the DDO details both mandatory and discretionary controls for this part of St Kilda Road.</p> <p><u>Assessment against mandatory controls</u></p> <p>The mandatory controls require an overall building height of 65m AHD. The proposed building meets the mandatory controls with the plans showing that the building would have a maximum height of 65m AHD to the parapet.</p> <p>The plans show that above the parapet of the building extensive services would be provided for the building. The services include a large plant room and service area that is shown to be roofed. This plant area would extend up to 5.62m above the parapet with the plans showing the height to the top of the plant area being 70.6m AHD. The DDO provisions have a mandatory height limit of 65m AHD and there are no exemptions for this part of the DDO to allow any extension of the building beyond the 65m AHD.</p> <p>VCAT have determined that height of a building is calculated to the roof or parapet and thus excludes services. However, in this instance the services would be located within a roofed structure. The DDO specifically refers to “building” not “building height” in the sub precinct requirements.</p> <p>Given part of the services would have a roof they are considered to be part of a building and thus would be prohibited. If the roof to the plant area was removed, then the services would no longer be within a building and thus not be prohibited. It is therefore recommended that a condition be included which requires the roof of the plant area to be deleted.</p> <p>The mandatory controls also require a landscaped setback of 13.7m to be provided to St Kilda Road. The submitted plans show that the required 13.7m is not provided where a setback of 13.25m would be provided. The proposed setback matches the setback provided for the existing building. The DDO includes exemptions at Clause 2.3 but the exemption will not be applicable for this application as it is proposed to increase the height of the building.</p> <p>Given the changes to meet the required landscaped setback would only require a slight modification to the design of the building (additional setback of 0.45m) the required changes could be made through a condition.</p> <p>It is therefore recommended that should a permit be issued a condition is included which requires the building to be setback a minimum of 13.7m from the front boundary to St Kilda Road.</p>

Assessment against Discretionary Controls

The DDO also includes discretionary controls for an 11m high podium to be provided to Queens Lane with levels above this to be setback 5m.

The proposed building does not meet this requirement where the building would be built to Queens Lane to a height of 11.1 m and the rest of the building setback 3.56m. The setback of 3.56m matches the setback that is provided to the existing building.

In assessing the proposed variation, it is noted that a large mixed use building has recently been constructed on the site directly opposite at 20-22 Queens Road. This building was designed to provide an 11m high podium to Queens Lane and an upper level form that is setback a minimum 5m. This is shown on the endorsed section plan for the 20-22 Queens Road (approved by planning permit) which has been copied below:



**Fig 5:** Section plan from the endorsed plans for 20 - 22 Queens Road (640/2014)

Given this recent approval, it is considered appropriate to require additional setbacks to the proposed development line with the setback requirement of the DDO.

By providing the required 5m setback above the 11.1m high podium consistency in built form would be provided within his part of Queens Lane. This would provide a more coherent form to the street and help reinforce the human scale that is sought in the lane where buildings would not crowd the experience from within Queens Lane. The design objectives of the DDO include specific guidance to improve



	<p>the pedestrian environment along Queens Lane. It is therefore considered important to seek consistency in built form and reduce building bulk in line with the DDO requirements.</p> <p>An increased setback to the tower of the proposed building would also ensure a more equitable built form outcome would be provided.</p> <p>By increasing the tower setback to 5m, the built form would reciprocate that which was provided for the 20-22 Queens Road development. This is considered to be a fair trade off to match what was provided by the 20-22 Queens Road building to protect the outlook and amenity of the 464-466 St Kilda Road site.</p> <p>By providing the required 5m setback to the tower a total separation of at least 19m (including the width of Queens Lane) would be provided which would ensure sufficient space, light and air would be provided to the two towers on the opposite sides of Queens Lane. An additional setback to the tower in line with the DDO requirement would also help reduce the visual impact of the building from the other residential buildings that have been constructed within Queens Lane.</p> <p>It is further considered that an increase in the setback to the tower would not have any significant impact on the proposed office development. The application plans show that office levels above the podium would have a length of approximately 43m. The requirement to provide the required 5m setback to Queens Lane would only slightly reduce the amount of office space on each level which would still be significant.</p> <p>It is therefore recommended that should a permit be issued a condition is included which requires levels 3 and above to be setback a minimum of 5m from the rear boundary to Queens Lane.</p>
<p>A landscape setback of 4.5 metres should be provided to Arthur Street, Leopold Street, Louise Street and Hanna Street</p>	<p><b>Not Applicable</b></p> <p>The site does not abut any of these roads.</p>
<p>A landscape setback of 3 metres should be provided to Kings Way</p>	<p><b>Not Applicable</b></p> <p>The site does not abut Kings Way.</p>
<p>Development fronting and abutting Queens Lane should:</p> <ul style="list-style-type: none"> <li>• Be built to the Queens Lane boundary and</li> <li>• within 5 metres of Queens Lane does not exceed a height of 11 metres</li> </ul> <p>Development beyond the landscape setbacks and the Queens Lane height limit identified above must not</p>	<p><b>Complies Subject to Conditions</b></p> <p>This has been addressed in detail above.</p>





<p>exceed a height of 65m AHD. A permit may not be granted to construct a building or construct or carry out works which are not in accordance with this requirement unless allowed by clause 2.3 of this schedule.</p>	
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**11.9 Does the proposal provide an acceptable response to Clause 22.06 - Urban Design Policy for Non-Residential Development and Multi-Residential Development?**

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

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

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

<b>Clause 22.06 Policy Guidelines</b>	
<b>Urban Art</b>	
Require all new developments where the Total Project Cost* (as shown on the Planning Permit Application Form) exceeds two million dollars to provide an urban art contribution that addresses Principle 1 and 2 of the Urban Art Strategy 2002.	The developer has not proposed any urban art as part of this development. Noting the estimated cost of works exceeds two million dollars a condition requiring a contribution will be applied to any permit granted.
<b>Residential Amenity</b>	
Require that new private or communal open space areas receive a minimum of four hours of sunlight between the hours of 9.00a.m. and 3.00p.m. on 22 September (the equinox).	<b>Not Applicable</b>  The application is for an office and no communal open space is shown to be provided.
Ensure that solar access to existing habitable rooms and private open space of neighbouring residential properties is not unreasonably affected.	<b>Complies</b>  This is addressed in detail further in this report.
Ensure that existing habitable room windows and private open space areas of neighbouring residential properties are protected from additional direct overlooking through appropriate siting, setbacks, building articulation and screening devices.	<b>Complies</b>  This has been addressed in detail earlier in this report.
Protect the occupants of existing and new buildings from external noise through appropriate acoustic building treatment (such as double glazing), and through the siting of mechanical equipment and open space areas.	<b>Complies subject to conditions</b>  It is recommended that standard conditions be included in line with the requirements of the Environment Protection Regulations 2021



In summary, and in conjunction with DDO26 assessment earlier in this report, the proposal would satisfy Clause 22.06 and would represent an acceptable response to urban design.

**11.10 Is the application consistent with the Special Building Overlay?**

The subject site is affected by a Special Building Overlay that covers the north eastern and south western portions of the site. The application has been referred to Melbourne Water who are the relevant floodplain management authority for SBO1. Melbourne Water have provided comments that they do not object to the proposal subject to conditions. Their conditions include requirements for an apex to be created to the entrance to the car park to 5.6m AHD, and the floor levels to be no lower than 5.6m AHD. The submitted plans indicate a level of 5.6m RL would be provided so the Melbourne Water requirements should be able to be accommodated. Should a permit be issued the Melbourne Water conditions must be included on the permit.

**11.11 Would the proposal result in any unreasonable amenity impact?**

A detailed assessment of the overshadowing and overlooking impact of the proposed building was considered in the assessment of the proposal against the provisions of the Commercial 1 zone.

That assessment did not include consideration of visual bulk. In considering the potential visual bulk it is noted that the DDO includes clear direction for side and rear setbacks. An assessment of the proposal against these side and rear setback requirements has been provided earlier in this report. It is considered that a building that satisfies the setback requirements of the DDO would ensure that the building would not present as excessive visual bulk when viewed from surrounding property and would allow for equitable development opportunities for adjacent sites.

**11.12 Are the proposed car parking and access arrangements acceptable?**

Access and Traffic

It is proposed to modify the access arrangements to remove any vehicular access from St Kilda Road to rely on access to be solely from Queens Lane. As indicated earlier in this report the DDO discourages vehicle ingress and egress on St Kilda Road.

The application included a Traffic and Transport Impact Assessment which provided a detailed assessment of the traffic that would be generated by the development. This assessment detailed that the changes in car parking from 169 spaces to 237 spaces would have a net effect of introducing an additional 33 vehicle movements into the road network in the peak periods.

Council's Traffic and Parking unit assessed the submitted Traffic and Transport Impact Assessment and did not raise concerns about the information provided for the anticipated traffic generation. Council's Traffic and Parking Unit indicated that the proposed access from Queens Lane is supported given it is not desirable to have vehicle cross overs to St Kilda Road. In regard to the additional traffic numbers that would be generated in Queens Lane the traffic unit have detailed that the environmental capacity of Queens Lane is up to 5,000 vehicles per day and that the additional traffic that would be generated could be accommodated in this road. The specific comments in regard to traffic generation have copied below:



*The additional 33 vehicles in a peak hour are approximately just one vehicle every 1.5 minutes. This is a low volume and can be safely accommodated within the existing capacity of this section of Queens Lane.*

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

Parking

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

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

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

The current development provides for a total of 169 car parking spaces for a 13,784sqm office. This provides parking at a rate of 1.22 spaces per 100sqm of office net floor. The proposed development would provide 237 car parking spaces for a 27,715sqm office. This would provide a car parking rate of 0.855 spaces per 100 of office net floor. The total reduction of car parking being sought for this application is 602 spaces.

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

Decision Guideline	Assessment
The Car Parking Demand Assessment.	A parking assessment has been provided by the applicant. The demand assessment has provided a reasonable overview of the context of the site, its accessibility to public and alternative transport modes, and its conclusions are considered reasonable in supporting a reduction of car parking at this site. The car parking demand assessment has been reviewed by Councils Traffic and parking unit who have not raised any issues with the assessment that was provided.
Any relevant local planning policy or incorporated plan.	There are no relevant local planning policies or incorporated plan that have not been previously discussed.
The availability of alternative car parking in the locality of the land,	There is a range of alternative car parking options available within a close proximity of the site. This consists of on-street public

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	parking spaces (generally which feature timed and paid parking restrictions).
On street parking in residential zones in the locality of the land that is intended to be for residential use.	The surrounding parking spaces are time restricted. Generally, being limited to one or two hours.
The practicality of providing car parking on the site, particularly for lots of less than 300 square metres.	There are no practical limitations to providing parking on the site as evidenced by the existing conditions, other than the practical limit to the depth of basements such as due to soil conditions and/or the depth of the water table.
Any adverse economic impact a shortfall of parking may have on the economic viability of any nearby activity centre.	There is not considered to be any substantial economic impacts associated with a shortfall of parking on the land. This area of Melbourne is a highly dense and active area where limited parking is typical (i.e CBD, Fishermans Bend, Richmond, Cremorne, etc) and where public transport is widely accessible.  The proposal is not anticipated to have any economic impact associated with the parking reduction sought.
The future growth and development of any nearby activity centre.	The surrounding area is equally developed and awaiting development. It is anticipated to become more dense and utilised as time progresses.
Any car parking deficiency associated with the existing use of the land.	A parking dispensation of 244 spaces is associated with the current use of the land. The long term shortfall in car spaces has not impacted on the operation of the land uses on the site or the surrounding area.
Any credit that should be allowed for car parking spaces provided on common land or by a Special Charge Scheme or cash-in-lieu payment.	Not applicable.
Local traffic management in the locality of the land.	Traffic management is generally undertaken by Council with arterial roads managed by VicRoads. Parking restrictions however are managed by Council for both Council and VicRoads assets.  On-street parking has been managed by Council and features a large extent of parking restrictions.
The impact of fewer car parking spaces on local amenity, including pedestrian amenity and the amenity of nearby residential areas	Fewer car parking spaces is anticipated to be associated with fewer car movements. This is a positive outcome for the local immediate area and will improve pedestrian amenity, amenity in nearby residential areas (despite there being limited purely residential areas surrounding the site) and will reduce traffic impacts and congestion. In particular reduced car parking would have a positive impact in reducing traffic generation within Queens Lane.
The need to create safe, functional and attractive parking areas.	The proposal seeks to remove car parking access to St Kilda Road which is considered a positive attribute for the surrounding area, including cycling safety along St Kilda Road.



Access to or provision of alternative transport modes to and from the land.	<p>The site benefits from a vast array of alternative transport modes, which will be further enhanced by the completion of Anzac Station.</p> <p>There is a considerable volume of tram services operating in the immediate area, a significant extent of dedicated cycling infrastructure, high quality pedestrian infrastructure, all providing convenient access to the hub of the public transport system contained within the Melbourne CBD.</p> <p>Furthermore, the proposal provides for a substantial over supply of bicycle parking facilities contained within the ground level of the building. The amount of bicycle parking provided further supports the parking reduction sought.</p>
The equity of reducing the car parking requirement having regard to any historic contributions by existing businesses.	Historically, no businesses in the surrounding area have made financial contributions to offset parking reductions.
The character of the surrounding area and whether reducing the car parking provision would result in a quality/positive urban design outcome.	Reducing car parking provision would have a positive outcome for the surrounding area through the reduction in traffic within Queens Lane which would help protect the character of those properties that utilise Queens Lane.
Any other matter specified in a schedule to the Parking Overlay	Not applicable.
Any other relevant consideration	Not applicable.

In summary, the proposed parking reduction is supported. The above assessment has highlighted several key attributes of the site and the surrounding area that provide sufficient justification for a reduction in the parking requirements. To ensure that suitable provision is made for any visitors, it is recommended that a condition is included which requires a minimum of 10 spaces to be allocated to visitors to the development.

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

**11.13 Is the proposed loading arrangement acceptable?**

11.14 The development provides a loading bay that can accommodate a small rigid vehicle (15.6m length x 7.2m width and a height clearance of 3.7m). Comments have been provided from Council's Traffic Engineers that the loading bay is considered satisfactory.

**11.15 Are the waste management arrangements acceptable?**

The new building would provide an onsite loading bay where waste would be collected by a private contractor. The waste collection bay is large enough to provide for a semi rigid waste vehicle and the plans show that the loading bay would be located in close proximity to the waste storage area. The submitted Waste Management Plan prepared by Leigh Design details the following details in regard to the collection arrangements:



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

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

Because waste would be collected on site there would not likely be any significant impact on traffic within Queens Lane. Nevertheless, given the potential of any conflict with traffic during peak periods, it is recommended that a condition is included which regulates waste collection to not occur within peak periods. It is recommended that should a permit be issued a condition is also included which requires the endorsement of the Waste Management Plan submitted with the application.

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

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

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

**12. INTEGRATED DECISION MAKING AND CONCLUSION**

12.1 Clause 71.02 of the planning scheme requires the decision-maker to integrate the range of policies relevant to the issues to be determined and balance the positive and negative environmental, social and economic impacts of the proposal in favour of net community benefit and sustainable development. When considering net community benefit, fair and orderly planning is key; the interests of present and future Victorians must be balanced; and, the test is one of acceptability.

The proposal would result in several positive, neutral and negative impacts, which are outlined below:

Positive

- The proposal is considered to have strategic support from the Planning Scheme, which has a consistent theme to 'create vibrant mixed use commercial centres for retail, office, business, entertainment, and community uses' The proposal would expand on the current office provision on the land through the provision of additional commercial floor area. This would positively contribute to the economy of the local area and would assist in diversifying the current provision of commercial services (environmental, economic and social).
- The proposal would achieve the purpose of the zone by way of providing a range of commercial uses which would support the locality (environmental, economic and social).





- The proposal is an innovative design that would respect the heritage significance of the place but also create a building that would be more consistent to the height sought for buildings on St Kilda Road (economic and social).

Neutral

- Any offsite amenity impacts can be appropriately mitigated by way of permit conditions and planning scheme provisions (environmental, economic and social), should the proposal be supported.
- Subject to conditions the proposal is considered to satisfy all requirements of DDO26 (environmental, economic and social).
- Carparking rates are considered to be sufficient, balancing considerations of promoting sustainable transport (encouraging a modal shift towards using public transport, cycling and walking) while not unduly impacting the surrounding network (environmental, economic and social).
- Traffic impacts are not considered to be significant (economic and social).
- Onsite loading arrangements are acceptable subject to conditions (economic and social).

Negative

- The proposal would demolish the existing heritage graded building.
- The application has received 10 objections (social).

**13. COVENANTS**

13.1 The applicant has completed a declaration that there is no restrictive covenant on the title for the subject site being Volume 11983 Folios 883, 884, 915 and 916, commonly known as Crown Allotments 5 and 6 Section Q City of South Melbourne Parish of Melbourne South.

**14. OFFICER DIRECT OR INDIRECT INTEREST**

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

**15. OPTIONS**

- 15.1 Approve as recommended
- 15.2 Approve with changed or additional conditions
- 15.3 Refuse - on key issues

**16. CONCLUSION**

16.1 This is a unique application where an existing heritage building would be reconstructed and expanded with additional levels above the reconstructed building. The proposal is considered to respect the significance of the heritage place with a like for like reconstruction of the existing building and an addition that would complement the reconstructed heritage building.

16.2 The proposal is consistent with the strategic direction outlined by the Port Phillip Planning Scheme where the additional commercial floor area would contribute to the economy of the local area. The overall development would provide a sense of





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continuity to the heritage place and create a new building which would be a positive addition to this section of St Kilda Road.

- 16.3 Modifications are recommended to ensure that the development would be fully compliant with the Design and Development Overlay (DDO26) that affects the site. A building that is compliant with the height and setbacks requirements of the design and development overlay would ensure that the proposal would not create unreasonable amenity impacts on surrounding property.
- 16.4 The application proposes a reduction of carparking, but this is considered acceptable in consideration of the promotion of sustainable transport and limiting the impact on the surrounding road network, particularly traffic generation within Queens Lane.
- 16.5 The proposal would increase traffic generation where additional car parking would be provided for the development. Council's Traffic and Parking Unit have confirmed that the increase in traffic during peak hours are a low volume that could be safely accommodated within the existing capacity of this section of Queens Lane.
- 16.6 On site loading and waste collection facilities would be provided within the development which would satisfy the requirement of the office and food and drinks premises and limit the impact of loading and waste collection on the operation of Queens Lane.
- 16.7 The proposal is recommended for approval, subject to the conditions outlined in the recommendation.

### ATTACHMENTS

1. Location Plan 
2. Application Plans 
3. Shadow Plans 