



6.2 3-15 FITZROY STREET, ST KILDA (PDPL/00845/2022)

LOCATION/ADDRESS: 3-15 FITZROY STREET, ST KILDA

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

PREPARED BY: PHILLIP BEARD, PRINCIPAL PLANNER

1. PURPOSE

- 1.1 To determine an application for partial demolition (retention of front façade) and the construction of a five storey building comprising accommodation (dwellings), ground level retail space above basement car parking.

2. EXECUTIVE SUMMARY

WARD:	Lake
TRIGGER FOR DETERMINATION BY COMMITTEE:	More than 16 objections
APPLICATION NO:	PDPL/00845/2022
APPLICANT:	Planning and Property Partners
EXISTING USE:	Commercial with five dwellings above/behind
ABUTTING USES:	Residential and commercial
ZONING:	Commercial 1
OVERLAYS:	Design and Development Overlay (Schedule 6-4) Heritage Overlay (Schedule 5)
STATUTORY TIME REMAINING FOR DECISION AS AT DAY OF COUNCIL	Expired

- 2.1 The proposal is for a mixed use development within a five storey building above two levels of basement car parking. The proposal would result in a total of 16 apartments (two x two bedroom and 14 x three bedroom) along with 562m² of ground level retail space. There are 40 car spaces proposed, with five being allocated to the retail space and 35 allocated to the dwellings. There are 22 bicycle spaces proposed.
- 2.2 No car parking shortfall is proposed for either the retail or residential components, the proposal complies with the provisions of the planning scheme.
- 2.3 The application was advertised in March, 2023 and 19 objections were received.
- 2.4 A consultation meeting was held on 17 July 2023, attended by the applicant, Council planners, Ward Councillor and four objectors. No revised plans or documents were submitted after the consultation meeting. However, a number of issues raised are addressed through recommended permit conditions.
- 2.5 The subject site is located within sub-precinct 4 of Schedule 6 to the Design and Development Overlay (DDO 6-4). The sub-precinct has a mandatory maximum height of 10.5m for the first 10m from the Fitzroy Street frontage. The mandatory height



increases to 12.5m for buildings setback more than 10m from the Fitzroy Street frontage. It is considered that the proposal would comply with these requirements.

- 2.6 It is proposed to demolish all existing buildings on the site aside from the front facades of the existing commercial buildings fronting Fitzroy Street. It is proposed to reinstate the roof above the front section of the site, generally replicating the existing roof. New built form would be contained to the rear of the retained heritage facades.
- 2.7 New fixed awnings are proposed across the combined building frontages totally 7 new awnings.
- 2.8 A larger 'single form' canopy to the 1930s building is recommended by condition. It is also recommended through recommended permit condition, that other aspects are required in relation to heritage conservation. Additional recommendations with regard to heritage matters are summarised as follows:
- additional detail to ensure the structural integrity of the existing heritage facades is maintained.
 - removal of the non-original windows to the front balconies of the 1930s 'Moderne' building.
 - specifying like-for-like replacement of the north wall of the 'Moderne' building
 - specifying particular details for replacement front (and one side) windows
 - greater detail regarding an interpretive reconstruction of the 1900s shopfronts
 - requiring a Conservation Works Strategy outlining the above and other heritage matters
- 2.9 The recommendation also includes requirements following the consultation meeting in summary being:
- Inclusion of a security gate at the north-east end of the internal pedestrian access way
 - Privacy screening to habitable room windows directly facing 17a – 27 Fitzroy Street.
 - A requirement for arborist root system investigations of the two abutting trees at 17a -27 Fitzroy Street ensuring their long term survival and/or requiring any subsequent modifications to the basement level layouts.
- 2.10 Subject to the recommended conditions, the proposal is considered acceptable. It would exceed the planning scheme parking requirements and would result in high quality housing that would aid in reinvigorating this section of Fitzroy Street. .
- 2.11 Subject to recommended conditions the proposal is recommended for approval.



3. RECOMMENDATION

- 3.1 That the Responsible Authority, having caused the application to be advertised and having received and noted the objections, issue a Notice of Decision to Grant a Planning Permit.
- 3.2 That a Notice of Decision to Grant a Planning Permit be issued for partial demolition (front façade retained) and construction of a mixed use development comprising accommodation (dwellings) and as-of-right retail space.
- 3.3 That the decision be issued as follows:

Amended Plans

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:
 - (a) Additional details of propping and retention methods to the 1930 'Moderne' building façade.
 - (b) Details of how any additional damage and existing cracking to the 1930s 'Moderne' and 1900s Victorian Facades would be made good/repaired.
 - (c) Removal of the non-original windows to the balconies of the 1930's Moderne Façade.
 - (d) Reinstatement of the rendered cap of the 1930s façade.
 - (e) Replacement/reconstruction of the four 'outer' first and second level windows (two windows per level) to the 1930s façade to their original form / design.
 - (f) Depiction of differentiating and era appropriate colours to both facades.
 - (g) The north-east wall and window of the 1930s building replaced/replicated 'like-for-like'.
 - (h) The front canopies of the Victorian 1900s building amended as follows:
 - i) to be one continuous element, mounted immediately below the cornice/corbel feature;
 - ii) located within each of the vertical columns so as not to protrude outside those columns.
 - iii) projecting no more than 2m from the front façade.
 - iv) Incorporating slim profile steel framing (where appropriate) that would reflect original proportions (height and width).
 - (i) Any inaccuracies in terms of window descriptions/proportions, proposed materials, paint colours and the like corrected.
 - (j) The new/replaced 1930s canopy projecting at least 3.5m from the front facade
 - (k) The placement of all building services must not be visible from the public realm.



- (l) Integrated architectural screens or similar that would limit potential internal overlooking,
- (m) Landscaping details consistent with the landscape plan under condition 14.
- (n) Privacy screening to all habitable room windows facing and within 9m of the abutting Summerland Mansions building at 17-21 Fitzroy Street demonstrating compliance with standard B22 of clause 55 (overlooking)
- (o) Location of the 25,000 litre rainwater tank with notations showing tank capacity and connection to toilets and irrigation.
- (p) Notations for provision of two electric vehicle chargers.
- (q) Provision of double glazing to all bedroom windows facing both Fitzroy Street and abutting no. 1 Fitzroy Street
- (r) Provision of a security door at the south end of the ground level access corridor together with a notation that this corridor is not to be used for commercial activities.
- (s) Separate notes indicating that access arrangements would be consistent with those listed on page 10 of the applicant Traffic report

No Layout Change

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

External colours and Finishes

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

Equipment and Services Above Roof Level

- 4 No plant, equipment or services (including any associated screening devices) or architectural features, other than those shown on the endorsed plan are permitted, except where they would not be visible from the primary street frontage (other than a lane) or public park without the written consent of the Responsible Authority.

Waste Management

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

Updated Sustainability Management Plan

- 6 Prior to plans being endorsed under condition 1 of this permit, an updated Sustainability Management Plan (SMP) must be submitted to and approved by the Responsible Authority. The updated SMP must be generally in accordance with the SMP submitted with the application titled 'Sustainable Management Plan and Water Sensitive Urban Design Response' 5 December 2022, authored by Ark Resources (File 1662A) but modified to address the following;



(a) Any changes required through Condition 1 above

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

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

Implementation Report for ESD

7 Before occupation of the development approved under this permit, an Environmental Statement Design Implementation Report (ESD) (or reports) from a suitably qualified person or company, must be submitted to and endorsed by the Responsible Authority. The Report must confirm that all ESD initiatives in the endorsed SDA/SMP and WSUD report have been implemented in accordance with the approved plans to the satisfaction of the Responsible Authority. The ESD and WSUD initiatives must be maintained throughout the operational life of the development to the Satisfaction of the Responsible Authority.

Implementation of Water Sensitive Urban Design Initiatives

8 The initiatives in the endorsed Water Sensitive Urban Design (WSUD) Response must be fully implemented. These initiatives must be maintained throughout the operational life of the development to the satisfaction of the Responsible Authority.

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

9 The developer must ensure that:

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

Drainage / Engineering



- 10** Before the development starts excluding demolition, excavation, piling, site preparation works, and works to remediate contaminated land, or as otherwise agreed by the Responsible Authority, a stormwater drainage system design incorporating integrated water management design principles, must be submitted to and approved by Port Phillip City Council. The stormwater drainage system design must:
- (a) Include a detailed response to Clause 19.03-3L (Stormwater Management (Water Sensitive Urban Design) of Port Phillip Planning Scheme'
 - (b) Incorporate a legal point of discharge (LPD) to the satisfaction of Port Phillip City Council.

Drainage / Engineering

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

Urban Art Plan

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

Waste Management Plan

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

Landscape Plan

- 14** Before the development starts (other than demolition or works to remediate contaminated land), a modified Landscape Plan must be submitted to, approved by and be to the satisfaction of the Responsible Authority. The Landscape Plan must be largely in accordance with that submitted with application (date stamped by Council 9/12/22) but modified to show, as a minimum:
- (a) A planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant;
 - (b) A survey including botanical names, of all existing trees on neighbouring properties where the Tree Protection Zones of such trees



calculated in accordance with AS4970-2009 fall partially within the subject site;

- (c) The delineation of all garden beds, paving, grassed area, retaining walls, fences and other landscape works and be consistent with the architectural plans;
- (d) landscaping on the inner courtyard and the roof garden with adequate deep soil, drainage infrastructure and appropriate species selection that will survive with minimal maintenance efforts along with (i) a landscape design package showing the full extent, location and overall design of the landscaped areas, (ii) clear identification of native plant species for low water demand and (iii) planting that would be partly visible above the common fence with the abutting Summerland property at 17-21 Fitzroy Street.
- (e) Details of landscaping on all communal terraces and open communal spaces
- (f) When the Landscape Plan is approved, it will become an endorsed plan forming part of this Permit.

Completion of Landscaping

- 15** 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.

Structural Engineers Report

- 16** Before any demolition of the existing buildings begins, a structural engineering report carried out by a fully qualified structural engineer, must be submitted to the responsible authority. The report must clearly outline and describe all aspects of the retention of the existing facades and outline how that retention will be ensured and how any existing damage to the 1930s façade will be made good and how any new damage to both facades would be repaired and made good. The report must indicate the location of all propping, including that over the footpath external to the site, and must indicate how the facades will remain unaffected not only by the permitted demolition but also by the permitted construction, especially that of the basement levels.

If satisfactory, the report will be endorsed to form part of this permit.

Arborist Report

- 17** Before any works allowed by this permit take place, an arborist report prepared by a fully qualified arborist must outline and describe a non-destructive root examination of the two abutting trees adjacent to the common boundary of the Summerland site at 17-21 Fitzroy Street. The examination must indicate the location and distribution of roots of trees nominated and must outline what works if any need to be undertaken to ensure the long term survival of the two neighbouring trees along with any changes or alterations to the building's footprint – including those of the



basements – to ensure the trees' survival. Tree protection zones and structural root zones must be nominated and details of proposed footings and construction methods for any buildings or structures within the Tree Protection Zone and/or Structural Root Zone nominated to ensure no damage occurs to the health of the abutting trees. The report must also indicate how excavation impacts, including soil level changes on trees to be retained will be managed and how the trees nominated in the approved landscape plan will be protected.

Landscaping Maintenance

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

Car Parking and Bicycle Parking Layout

- 19** Before the use or occupation of the development starts, the area(s) set aside for the parking of vehicles and bicycles and access lanes as shown on the endorsed plans must be:
- (a) Constructed
 - (b) Properly formed to such levels that may be used in accordance with the plans
 - (c) Drained and maintained
 - (d) Line marked to indicate each car space, visitor space, bicycle space, loading bay and/or access lane.
 - (e) Clearly marked to show the direction of traffic along access land and driveways

All to the satisfaction of the Responsible Authority.

Parking and Loading Areas Must Be Available

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

Car Parking Allocation

- 21** Without the further written consent of the Responsible Authority car parking for the approved development must be allocated on any Plan of Subdivision as follows:
- (a) at least two car spaces allocated to the two bedroom apartments;
 - (b) at least 28 car spaces allocated to the three or larger bedroom apartments,
 - (c) at least five car spaces allocated to the retail tenancies.

All to the satisfaction of the Responsible Authority.



Loading/Unloading – Where a Loading Bay is Provided

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

Conservation Works Strategy

- 23** Before any works allowed by this permit take place, a conservation works strategy must be submitted to the responsible authority for approval and endorsement. The strategy must be consistent with all the matters, as relevant to heritage conservation, shown on the plans endorsed under this permit and must include all the conservation matters noted in the condition 1 of this permit:

Walls on or facing the boundary

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

Noise Emissions

- 25** Any air conditioning and refrigeration plant must associated with the retail tenancies must be screened and baffled and/or insulated to minimise noise and vibration to ensure compliance with noise limits determined in accordance with Division 1 and 3 of Part 5.3 - Noise, of the Environment Protection Regulations 2021.

Internal Noise Protection

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

Time for Starting and Completion

- 27** This permit will expire if one of the following circumstances applies:
- (a) The development is not started within three (3) years of the date of this permit.
 - (b) The development is not completed within five (5) years of the date of this permit.



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

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

RECOMMENDATION PART B

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

4. RELEVANT BACKGROUND

4.1 There is no relevant planning history for this site.

5. PROPOSAL

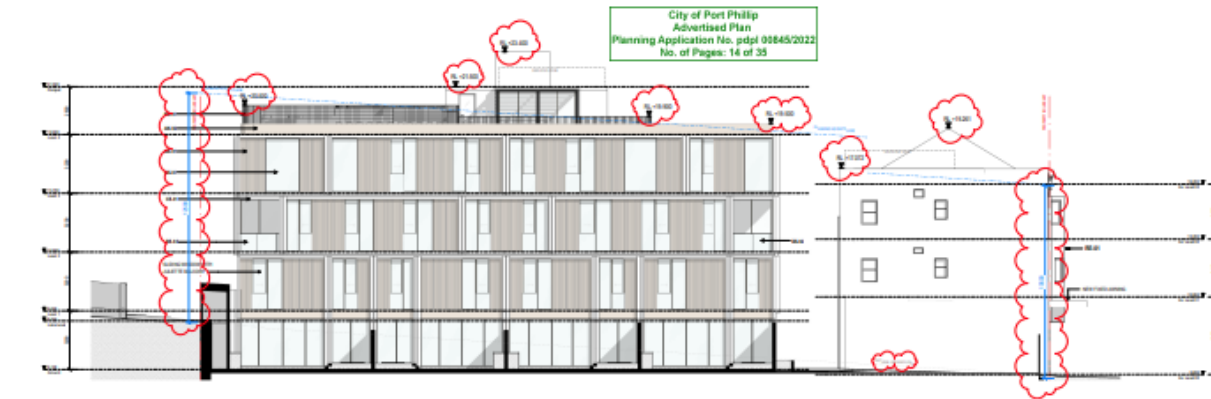
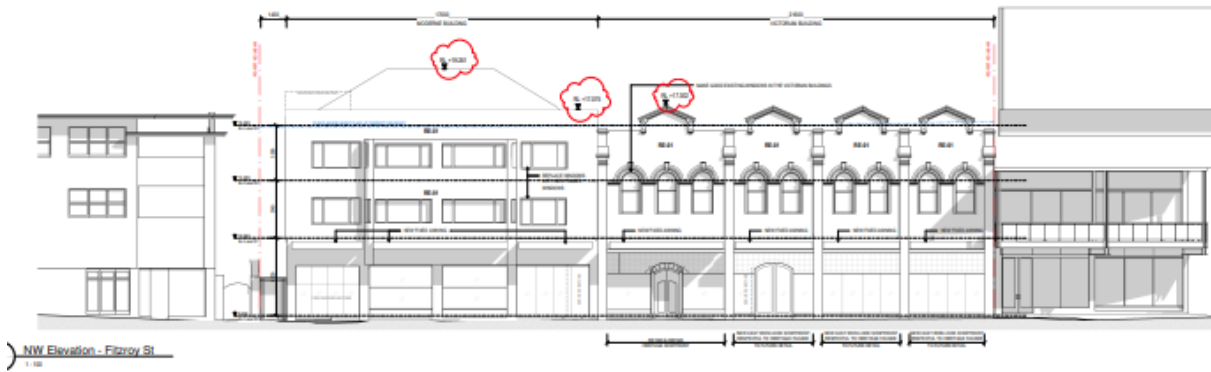
5.1 The plans assessed in this report are those received by Council (date stamped) 30 January 2023. They show the following:

Development Summary

USE	Specification
Dwellings:	Two x two bedroom 14 x three bedroom TOTAL: 16
Retail space	327m ²
Car parking spaces	40 (five for retail, 35 for residential)
Bicycle spaces	22



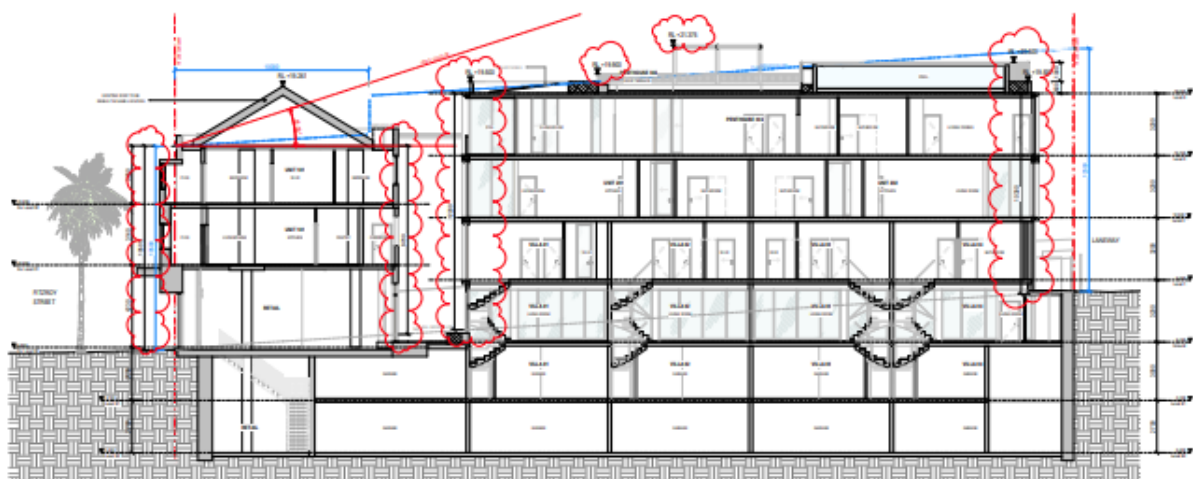
3D render of the ground level communal area within the site



Front and north side elevations



Building Section A



Building Section B

City of Port Phillip

Internal cross sections

Basement levels

- 5.2 There would be two basement levels each occupying the full extent of the site. They would be accessed from a laneway abutting the south of the site. The basement levels would have similar layouts with the car spaces arranged around the perimeter and lifts and back-of-house facilities in the centre. All resident spaces would be within either single or double garages within the basements. A retail storage area would be located to the front of the site under the shops facing Fitzroy Street. A waste/loading area is proposed at Basement level 1.

Ground level

- 5.3 This level would comprise a central entry lobby from Fitzroy Street with the retail tenancies either side, all fronting Fitzroy Street. The retail tenancies would respectively be 160m² and 167m² in area. Another pedestrian accessway is proposed at the north-eastern side of the site. This entry and the central one would both access a foyer area



in the front third of the site. Behind this would be the ground levels of five of the dwellings together with stairs, lifts and lobby areas within the centre of the site.

- 5.4 Four private open space courtyards 4.5m deep would abut the north-east boundary of the site resulting in a ground level setback of that distance to that boundary. Another 4.5m deep private courtyard would abut the south-west boundary again resulting in a building setback of that same distance.

First and second levels

- 5.5 These levels would have very similar layouts in terms of form, orientation and setbacks. A zero setback would be maintained to Fitzroy Street but at this level, would comprise residential and not commercial space. The south-western portion of the site would also differ from the ground level below in that habitable space would sit above the car park access ramp. Additionally, two walls proposed at first level in the south-west corner of the site would be absent at second level.
- 5.6 This level would be very similar to each other with residential use and partly zero, partly 4.5m setbacks depicted. The basement access ramp would be located in the western corner of the site at this level.

Level 3

- 5.7 This level would have a smaller footprint flowing from the absence of any proposed floorspace at the front of the site. All new residential space would be located in the new building at the rear two-thirds of the site resulting in the setback to Fitzroy Street being just over 15m. The same 4.5m setbacks are proposed to the north-east and south-west boundaries

Level 4

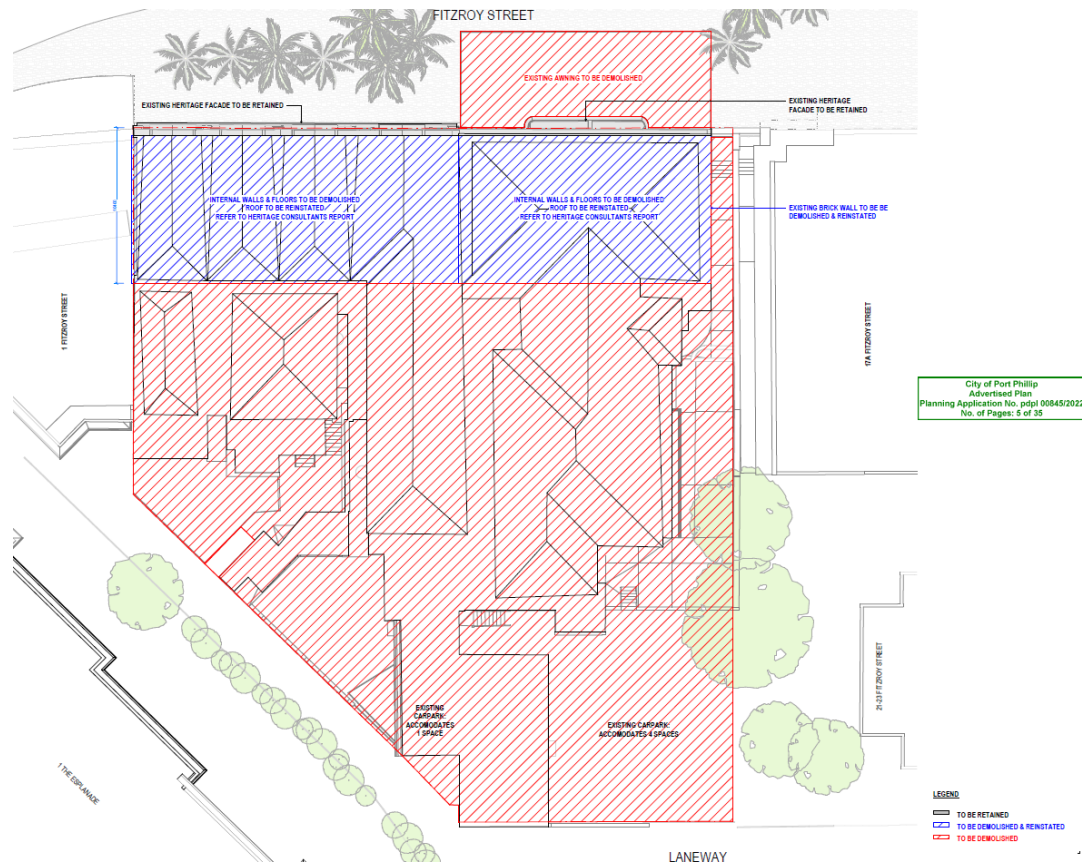
- 5.8 This level would comprise a central stair lobby and two roof terraces for the penthouse dwellings below. A pool and other open space areas are also proposed at this level.

Elevations

- 5.9 The elevations depict both completely new works, replacement works and demolition to allow the works to occur. These elements are described below.

Demolition

- 5.10 It is proposed to demolish the existing buildings behind the front facades of both the 1900s Victorian building and the abutting 1930s building. It is also proposed to demolish the front awnings to both buildings.



Proposed demolition plan

Replacement/reconstruction


- 5.11 It is proposed to replace the existing roofs to both buildings matching as closely as possible to those existing. The roofs, however, would be approximately 900mm higher to their ridge than currently.
- 5.12 It is also proposed to reconstruct the side (north-east) wall of the front section of the 1930s building again as closely as possible to match that of the existing wall.
- 5.13 It is proposed to retail the existing 1900s shopfront to no. 9 Fitzroy Street but to use it as the site's main entry. It is proposed to replace the non-original shopfronts. This would comprise new cast iron work to the 1900s building.
- 5.14 It is proposed to replace two windows on the front of the 1930s building being those at first and second level where closest to the 1900s building.

New works

- 5.15 The new building behind the retained facades would be fronted with new awnings (as advertised) comprising three awnings to the 1930s building and four to the 1900s building. Behind this – and the new shopfronts – would be the front section of the new building. The only elevation visible would be the north-east elevation (side) of the 1930s building which would be reconstructed as closely as possible to what currently exists.

- 5.16 The rear section of the new building (approximately two thirds of the site's depth) would comprise a mix of clear glass windows interspersed with vertically ribbed textured panels (generally full height), smooth panels, metal balustrading and textured lightweight frames.
- 5.17 Overall height of the buildings would be 11m to the reconstructed front section (excluding the roof ridge but matching the existing building's wall height) and just over 13m at the rear section – including excavation – but 12.5m high when measured to abutting/adjacent ground level. This height does not include the lift overrun and adjoining pergolas.

6. SUBJECT SITE & SURROUNDS

Width, length and site area	Varied dimensions, approx. 1,600m ²
Slope of land	Approximately a 2.5m upslope from front to rear.
Existing buildings	<p>The site contains two buildings being a three storey 1930s building comprising ground level retail with dwellings above and a two storey 1900s Victorian building with the same mix of uses. Total existing retail space across both sites is approximately 1,100m² with there being six dwellings in total across both sites.</p> <p>There are four existing car spaces at the rear of nos. 11-15 and one car space in a garage at no. 9.</p>  <p>Existing site frontage</p>
Existing vegetation	There is no existing significant vegetation.
Immediate interfaces	To the north-west across Fitzroy Street, is the open space of the Catani Gardens. Fitzroy Street itself is a well-trafficked road with restricted/paid parking on both sides and a tram line in the middle.



	<p>To the south adjacent to the rear of the site is a four level apartment building with garage frontage directly to Fitzroy Street/The Esplanade. It is separated from the subject site by a laneway and it has varied setbacks to the subject site of approximately 8m to 10m. It has undercroft car parking and has several habitable room windows facing the subject site.</p> <p>To the south-west is a two storey commercial building used for bar/nightclub/restaurant purposes.</p> <p>To the south-east of the site behind the 1930s building, is a three storey block of 1960s apartments with its open car park interfacing the site.</p> <p>To the north-east of the site is the Summerland Mansions apartments. It has several habitable room windows in close proximity to the subject site, with some at approximately 2m from the boundary. There is an area of common open space in this abutting site directly abutting the 1930s building.</p> <p>Further to the north-east is the rear open space area of a two storey Arts/Crafts block of flats forming part of the Summerland complex. This building fronts Acland Street. There is some well established vegetation at the common boundary forming part of the open space area at the rear of the building which is accessible from the whole of the Summerland complex.</p>
<p>Scale, height and style of buildings on neighbouring properties</p>	<p>As above, including mostly two and three storey commercial buildings, but some larger (up to 5-6 storey) nearby. Similar two to three scaled buildings exist behind the site but generally on smaller lots.</p>
<p>Proximity to Public Transport, PPTN and any relevant parking controls</p>	<p>The site is located within the Principal Public Transport Network Trams are available opposite the site on Fitzroy Street (routes 16 and 96). Bus services are also available nearby.</p>

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



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	<p>Under Clause 34.01-1 (use of land) a permit is required for the use 'accommodation' where the frontage exceeds 2m. A permit is therefore required.</p> <p>Under Clause 34.01-4, a permit is required to construct a building and carry out works.</p>
Clause 43.01 Heritage Overlay	Under Clause 43.01-1 a permit is required for demolition and the construction and carrying out of buildings and works.
Clause 43.02 Design and Development Overlay	Under Clause 43.02-2, a permit is required to construct a building or construct of carry out works.

8. PLANNING SCHEME PROVISIONS

The following provisions apply to the site.

8.1 Planning Policy Frameworks (SPPF)



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

Clause 02: Municipal Planning Strategy

- 02.01 – Context
- 02.02 - Vision
- 02.03 – Strategic Directions
- 02.04 – Strategic Framework Plans

Clause 11: Settlement

- Clause 11.01-1S Settlement
- Clause 11.02-1S Supply of Urban Land
- Clause 11.03-1L-06 St Kilda Major Activity Centre (including Fitzroy Street)

Clause 13: Environmental Risks and Amenity

- Clause 13.07-1L-03 Interfaces and Amenity

Clause 15: Built Environment and Heritage

- Clause 15.01-1S Urban Design
- Clause 15.01-1L-02 Urban Design
- Clause 15.01-2S Building Design
- Clause 15.01-2L-01 Building Design
- Clause 15.01-2L-02 Environmentally Sustainable Development
- Clause 15.03-1L Heritage
- Clause 15.01-4S Healthy Neighbourhoods

Clause 16: Housing

- Clause 16.01-S Housing Supply
- Clause 16.01-1L-01 Housing Diversity
- Clause 16.01-1L-02 Location of Residential Development

Clause 17: Economic Development

- Clause 17.01-1S Diversified Economy
- Clause 17.01-2S Innovation and Research
- Clause 17.02-1S Business

Clause 18: Transport

- Clause 18.01-1L-01 Land Use and Transport Integration
- Clause 18.02-3S Public Transport
- Clause 18.02-3R Principal Public Transport Network



Clause 18.02-4L-01 Car Parking

8.2 Other relevant provisions

- Clause 53.18 Stormwater Management in Urban Development
- Clause 52.06 Car Parking
- Clause 52.29 Land Adjacent to the Principal Road Network
- Clause 52.34 Bicycle Facilities
- Clause 58 Apartment Developments (BADs)
- Clause 65 Decision Guidelines
- Clause 71 Integrated Decision Making

8.3 Relevant Planning Scheme Amendment/s

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

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

9. REFERRALS

9.1 Internal referrals

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

Internal Referral comments (summarised)
<p>Heritage</p> <p>There was general support for the proposal with the following comments provided:</p> <p><i>“Overall, the proposed development to the extent of the new building set behind the heritage structure generally complies with the outcomes sought by heritage controls and policy. The depth of setback and the height will ensure that it is effectively fully concealed behind the retained sections of the heritage buildings”.</i></p> <p>It was stated that the extent of demolition and the absence of certain details could be accepted if other and additional conservation works were carried out.</p> <p>Additionally, key points of concern and additional conservation works that could be undertaken were identified as follows:</p>

- The extent of demolition and excavation could affect the structural integrity of the front facades and the ability to retain them. The front facades have been previously 'cracked' and no additional damage to them would be accepted.
- Questioned whether the proposed façade propping would allow for retention of the 1900s shopfront as intended.
- Does not support the removal of 1930s chimneys and front canopy, but the chimney could be replicated.
- Identified some inconsistencies between the plans and what the Heritage Impact Statement (HIS) (for example, the types of metal used on the re-constructed 1900s shopfront). It was recommended that accurate 1:50 scale plans should be required showing either an accurate reconstruction, or a simple contemporary interpretation are required. It was noted that similar plans are required for the 1930s building.
- Noted that the HIS does not identify other conservation works that could be undertaken to bring the buildings back closer to their original appearance.
- Noted that detail was lacking in terms of the new windows for the front of the 1930s building which should be replaced to match those shown in the original plans (which were paired timber windows with horizontal glazing bars separated by rendered mullions).

It was commented that additional conservation works in a revised HIS should include

- Restoration of the original open appearance of the front balconies by removing the extremely unsympathetic windows, as this will enhance their use as private open space and recover some of the original character, and
- Reconstruction of the original rendered cap along the parapet, shown on the original plans, removed when the façade was rendered.

-It was also noted that the materials schedule indicates the façade of the Victorian shops and the 1930s building is to be a 'Light grey Render' (RE-01). While the colour for the Victorian shops is correct, a full re-rendering of the façade is not required or appropriate. The schedule should specify this as a paint colour, with repairs to the render as required.

-The original brick façade of the 1930s building should be restored in lieu of its current render. If not possible, a new and sympathetic colour should be used that would also distinguish it from the 1900s façade.

Other matters outside of what are termed additional conservation works are as follows:

-The replacement of the canvas awnings to the 1900s building with upward angled individual short awnings is not supported

-Some additional detail is needed for the façade of the 1930s building in relation to how the new awning would sit in relation to existing clerestory windows on that façade.

The following changes/further information were also stated by Council's Heritage Advisor as being needed.

- Detail plans showing the reconstruction of the visible external section of the central chimney to the 1930s building to match the existing.
- Detail plans showing the replacement of the metal-framed windows to the façade of the 1930s building with paired timber-framed windows separated by rendered mullion to match the original, and reconstruction of a rendered cap along the parapet.
- The deep cantilevered awning to the 1930s building as being retained
- The open appearance of the front balconies to the 1930s restored by removing the metal-framed windows.
- Appropriately scaled detail plans showing either accurate reconstruction shopfronts, or a simple contemporary interpretation shopfronts (except for the c.1900s shopfront, which is retained). These should be prepared with the input of the heritage architect.
- The proposed new awnings to all the buildings as being deleted.
- Inaccuracies in the depiction of the 1930s building (clerestory windows, depth of front balconies) as being corrected.
- For the Victorian shops, change the façade material to a light grey render colour only and note that the render is only to be repaired as required.
- In relation to the 1930s building, explore the possibility of restoring the original face brick façade. If this is not possible then a colour scheme that is more sympathetic to the 1930s Moderne style, and also distinguishes between what would have been face brick and what was originally smooth render should be chosen.
- Detailed demolition plans of the elevations of the building (At present, there only appears to be one demo layout plan of the roof and walls)
- Conservation works schedule included as part of the architectural package.

Following from all the above, the applicant submitted additional detail to the Council's Heritage Advisor in order to address the above comments. The outcome of various messages and draft (discussion) plans was that most of the issues were resolved, some completely, some subject to additional undertakings.

In summary, the following is noted:

-1930s building chimneys. Still a preference that they be retained, but if the applicant agrees to other conservation works, their removal could be supported.

-1930s building windows. Applicant agrees that they not be metal and to be timber to match original window details.

-The applicant agrees that the uppermost level front balconies of the 1930s building can be 'opened'.

-Restoration of the 1930s building front brick (remove existing render) and retention of its front awning. The applicant does not agree to these matters.

-Inaccuracies on the plans are agreed by the applicant to be corrected

-The applicant agrees to work with Council's Heritage Advisor on a suitable condition regarding contemporary interpretation.

-The applicant has agreed to more detailed plans regarding the retention of the front facades in a physical/engineering sense

-The applicant has agreed to submission of a full conservation works schedule.



Planning Officer Response

A full Conservation Works Strategy (CWS) will be required for submission which dealing with the following issues:

- To identify how the façade propping would occur and how any additional damage (and existing cracking to the 1930s façade) to both facades would be made good and would agree to repair/repaint as necessary. **(Refer condition 1 (a))**
- To reinstate the uppermost front balconies of the 1930s façade complete with reinstating the upper level 'hood' above them. **(Refer condition 1 (b))**
- To reinstate the rendered cap of the 1930s façade which would be based on research of what was originally in place. **(Refer condition 1 (d))**
- To detail all the replacement/reconstruction of the four 'outer' first and second level windows to the 1930s façade so as to match form, proportion and detail of what they originally were. **(Refer condition 1 (e))**
- To depict different and appropriate colours to both facades so that they would be distinguished from each other. **(Refer condition 1 (f))**
- To stipulate that the north-east wall and window of the 1930s building is to be replaced 'like-for-like' as closely as possible **(Refer condition 1 (g))**
- To note that the front canopies to the 1900s Victorian building would be one contiguous feature but located beneath the corbel/cornice detailing and (i) within each of the vertical columns and (ii) projecting no more than 2m from the front façade. **(Refer condition 1 (h))**

Council's Heritage Advisor has agreed to all these matters and would be supportive of the proposal if (i) the CWS noted all of the above and (ii) that any endorsed plans – in addition to the CWS – also showed these details.

The issue of removing the render and restoring the 1930s façade brickwork was also subject to further heritage advisor input. Based on the advisor's words that 'The application *proposes a significant amount of demolition, essentially resulting in facadism, which is a poor heritage outcome. To compensate for this, there must be some balancing conservation actions*'.

It was stated that this 'balancing' of issues was essentially the additional matters noted above and based on that, officers consider it appropriate that the reinstatement of the brick façade to the 1930s building and the removal of its chimneys could be supported.

A separate Structural Engineering Report that would outline and describe all the methods and requirements for the retention of both facades will be required or submission. **(Refer condition 15).**

The 1900s shopfront doors and windows should not replicate what originally existed and should include slim profile steel framing (where appropriate) that would reflect original proportions (height and width) whilst also being compatible with and complementary of the era of the building. **(Refer condition 1 (h)).** Council's Heritage Advisor supports this approach.

Council's Heritage Advisor maintains the stance that the 1930s front awning/canopy should be retained but expressed the view that removal of the 1930s chimneys would be acceptable subject to all the matters above being noted on the plans and in the CWS. The advisor also noted that if Council decided that the 1930s awning/canopy could be replaced, then it would need to be subject to the previously outlined matters regarding accurate reconstruction of the four 'outer windows, retention of the flat hood above the



canopy and reconstruction of the rendered capping detail. These aspects would be shown on the plans and referred to in the CWS.

Based on all the above, it is considered that the proposal is supportable subject to the recommended conditions. The removal and replacement of the 1930s front canopy with one of an appropriate style but shorter in depth is considered acceptable and would – on balance – allow more daylight access to the ground level tenancies. Similarly, repairing and repainting the render to the 1930s building as opposed to removing it is considered preferable. There are likely to be practical problems with removing the render and given that it is existing, its removal cannot be compelled.

Urban Design

The following is a summary of the relevant recommendations.

To gain full support the proposal should:

- Rationalise the placement of all building services so that they are not visible from the street and surrounding public realm, or if not avoidable, they must be designed to fully integrate with the heritage character and building architecture and appearance.
- Avoiding any intrusive overlooking across all the internal units/ rooms, and if needed, introducing integrated architectural screens or similar that will mitigate this impact to achieve a balanced internal amenity/ privacy whilst allowing an alternative outlook for those screened windows.
- Ensuring that all units must have good universal access to move around within the internal layout including access to the balcony. This can be demonstrated by the easy and adequate circulation space around the functional furniture layout particularly for Unit 203, and 204.
- Ensuring that all the proposed landscaping on the inner courtyard and the roof garden will be supported with adequate deep soil, drainage infrastructure and appropriate species selection that will thrive with minimal maintenance efforts. The provision of landscape design package must be included as parts of the planning permit condition.
- Reinstating the deep projected awning in front of the heritage Art Deco shopfront as per the detailed design direction that is consistent with the Council's heritage advice.

Planning Officer Response:

It is considered that there is adequate internal circulation space and that the requirement for a landscaping plan would address the matters raised above. **(Refer conditions 14)**. It is also considered that some internal overlooking might be possible – mostly across the central open area that contains the angled staircase – and recommended condition requires screening to prevent this.

It is considered that there is adequate internal circulation space and access.

It is also considered that the proposed replacement of the 1930s front canopy is acceptable, subject to it projecting at least 3.5m from the front façade as recommended as discussed above.

Transport Safety | Parking

Comments received were as follows:

- *The site is located in an area served by good public transport.*
- *Currently it provides six on-site parking spaces accessed via a laneway off Acland Street.*



- Proposal is to redevelop the site to a multi-story mixed use development including 16 residential apartments and 562m² retail with 40 parking spaces including 1 DDA space.
- Vehicle and bicycle parking supply is satisfactory.
- The report states that all spaces and aisle widths comply with the relevant requirements. Access arrangements as listed on page 10 of the applicant report are to be endorsed to allow for safe vehicle access to/from the site via an ROW at the rear of the property.
- Vehicle generation is very low and can be accommodated within the lane with the proposed access arrangements.

Planning Officer response:

There are no outstanding matters to address. The access arrangement as noted by the applicant will be required to be shown and specifically referred to on the plans via **condition 1 (s)**.

Environmental Sustainable Design

It was commented that the proposal was satisfactory and could be approved from an ESD standpoint subject to the following conditions:

(Plans modified to show)

- Location of the 25,000 litre rainwater tank on floor plans with notation showing tank capacity and connection to toilets and irrigation.
- Eight staff bike racks to be shown on floor plans.
- 14 visitor bike racks to be shown on floor plans.
- Notation on floor plan for provision of two electric vehicle chargers.
- Materials schedule to refer to double glazing throughout and corresponding notation provided on elevations.
- Landscape plan to clearly identify native plant species for low water demand.

Other conditions recommended were as follows:

- ESD3 – Implementation Report for ESD
- WSUD3 – Implementation of Water Sensitive Urban Design Initiatives
- WSUD4 – Construction Management Water Sensitive Urban Design
- A landscape plan must be provided to demonstrate the extent of proposed water efficient landscaping and species selection.

Planning Officer response

The statutory bicycle parking requirement in this instance would be eight spaces comprising three resident, two retail staff and three visitor. The plans depict 22 bicycle spaces. Therefore, there is no statutory basis for requiring additional bicycle parking.

However, the other matters raised above are recommended via modified plans and the inclusion of standard conditions (refer conditions 1 (o) to 1 (s)).

9.2 External referrals

None were required



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 and nearby properties (215 letters) and directed that the applicant give notice of the proposal by posting two notices on the site for an 18 day period, in accordance with Section 52 of the *Planning and Environment Act 1987*.

10.2 A total of 19 objections have been received.

The key concerns are summarised below (officer comment will follow where the concern will not be addressed) in Section 11.

- **'Reverse' amenity effects to occupants from abutting no. 1 by way of its existing sign and its club/music/events use. Land use tensions, noise conflict from no. 1 Fitzroy street and effects on apartment 301 from existing sign supports at no. 1.**
- The neighbouring food& drink premises/music club use has been in place for several years and the sky sign above has been in place for over 30 years. In instances such as this, there is a reasonable element of any purchaser having to undertake research as to existing neighbouring conditions.
- It is agreed that the outlook of some proposed apartments – especially 301 – would have outlook of the sign and its supporting structure. That is something that any future purchaser would be well aware of. It is considered very unlikely that such future occupants would request that the sign be altered or modified due to long standing outlook characteristics known since purchase.
- By contrast, it is considered that the neighbouring uses at no. 1 Fitzroy Street – and some further afield – could result in future conflict. It is well established that the 'agent of change', in this instance, the proposal, needs to adequately protect itself from existing interfaces if these are likely to lead to future conflicts.
- Therefore, recommended **condition 1 (q)** requires endorsed plans to show double glazing to all habitable room windows facing Fitzroy Street and the abutting property at No. 1 Fitzroy Street.
- **Inappropriate extent of demolition, potential damage to what would remain, loss of existing cellar at no. 9, reconstruction of heritage roofs should not increase in height from existing and reconstructed north-east wall needs to be properly and accurately done.**
- The extent of demolition is large but in summary, after lengthy assessment by Council's Heritage Advisor and consequent undertakings by the applicant, it is considered that the proposed demolition is supportable and would not lead to loss of key heritage fabric. In fact, the recommended conditions would result in some diluted heritage items being properly restored (the 1930s upper level front balconies and adjacent windows for example).
- Recommended **condition 16** which requires submission of a Structural Engineers report is considered to provide adequate safeguards and comfort that the retained facades would physically and practically be able to be retained and any additional damage to them would have to be repaired.



- The removal and replacement of the existing heritage roofs at the front of both buildings would result in their form being replicated but their height increasing. The new roof ridges to the 1900s Victorian building would be 900mm higher than they currently are but still no higher than the 10.5m DDO height at the front of the site) whilst the height of the replaced 1930s roof would be unchanged.
- From a streetscape standpoint, the 900mm height increase would have no effects due to it being hidden from view behind the retained Victorian parapets. From an abutting amenity standpoint, it is noted that all the objections raising the inappropriateness of the height increase were lodged from abutting Summerland Mansions. However, the raised/new Victorian roof forms would not abut the Summerland property. It is the 1930s building that would abut Summerland Mansions and the new roof to the 1930s building would be the same height as that currently existing. Thus, the increased roof heights as proposed would have no amenity effects.
- Council's Heritage Advisor has not raised any concerns in relation to loss of the existing cellar at no. 9 and there is no specific evidence regarding its significance.
- In relation to the reconstructed north-east wall of the 1930s building, recommended condition 1 (f) and the Conservation Works Strategy required by condition 22 both require it to be reconstructed as close as possible to being like-for-like.
- **Loss of retail space, local convenience, bottle shop and sense of community**
- There is currently approximately 1,100m² of retail space at the site whilst new retail space would amount to 562m². There would consequently be a reduction in retail floor space. This could be argued to be contrary to local policy whereby retail activities in Major Activity Centres are a primary and encouraged use. However, there is no statutory control over the amount of retail space that must be included in any development. In this instance, it is considered that just over 560m² of retail space would allow for an appropriate level of retail activity and would allow for the continued and encouraged retail use at the site to be maintained. That is, whilst potentially at a lower intensity, it is considered that the proposed 560m² of retail space would be sufficient for the site to viably operate.
- The types of uses that might occupy those spaces are yet to be determined and whether they would be local convenience retailing or not is not a matter that can be controlled through the planning system as any kind of retail use – being for local convenience or not – would be as-of-right in the zone.
- It is not considered that there would be any planning effect on the sense of community by way of the proposed retail space. The contrary could be argued in terms of the increased residential use.
- **Construction noise/excessive traffic from parking oversupply, congestion in abutting laneway**
- Construction noise and activity is not a planning matter.



- It is not considered that the issue of excessive traffic volumes and potential vehicle congestion in the abutting laneway is a fatal one. The additional ten dwellings (noting there are already six apartments on the site) did not raise any concerns from Council's Traffic Engineer in terms of likely volumes and congestion.
- The proposal would exceed the planning scheme parking requirement by five spaces (35 proposed, 30 required). The additional five spaces is highly unlikely to result in detrimentally higher traffic volumes in the lane.
- The use of the lane for access, deliveries/garbage collection is well established. It is likely that the new commercial uses would continue to use it without detriment. It is considered that the proposed loading area at basement level 1 is likely to lead to less larger vehicle congestion in the laneway.
- **Occupant noise (commercial and retail) affecting nearby dwellings. Ground level existing fence to Summerland Mansions should be replaced with a new brick fence for acoustic reasons.**
- The primary proposed use in this application would be residential. Its intensity would increase by ten dwellings. This is considered to be a modest increase in this context. It is, however, acknowledged that the proposal would include open space areas and roof terraces in relatively close proximity to the existing Summerland apartments next door. Even so, the site is within a Major Activity Centre whereby intense land use is clearly anticipated by the Planning Scheme. In that context, it is considered that high quality residential use is likely to be a relatively low noise generator. It is also noted that the roof terraces – referred to as potential detrimental noise sources – would not be communal. Their use is therefore likely to be 'conventional' by way of its intensity and potential noise impacts.
- In any case, control of residential noise and its effects on other nearby residences, is not a planning matter.
- Commercial noise can in some instances be controlled through the planning system, but generally only where specific noise generating uses (bars/licensed premises and the like) are proposed. This application does not include that detail.
- The potential replacement of the fence between the Summerland site and the subject site is not a planning matter. It is a civil matter and given that the interface in question would be residential – to – residential, there is not considered to be any land use link that would require any additional acoustic treatment at this interface.
- **Excessive visual bulk and height as mostly experienced by abutting Summerland mansions leading to loss of light and outlook. Four storeys too tall, would not be in keeping with heritage character as required by the DDO where a site abuts a heritage building and would dominate the area more broadly and as experienced by Summerland Mansions.**
- The additional impacts experienced by the Summerland site stemming from increased building bulk are considered to be reasonable. It is acknowledged



that the new building would be five storeys high, with the fifth level being the rooftop lobby area and stairs. However it is not considered that the interface to the Summerland site would be unreasonable or unexpected. The DDO and the 12.5m maximum height control, is established. It could be argued that the Summerland dwellings have been 'borrowing' their amenity to some extent across the subject site. That is, it is difficult to argue that a building complying with the key Planning Scheme height control would be excessive in scale or bulk, especially when that building would not be built at zero setback to its most sensitive neighbouring interface. Even though the DDO does not have any side setback controls, thus allowing zero side setbacks, the plans demonstrate a 4.5m setback to the Summerland site.

- In this very high density context, a 4.5m setback is considered generous.
- There may be changes experienced by the Summerland site in terms of light access, outlook, bulk and a potential sense of visual domination being created, but on balance, it is not considered that any of those changes would be unreasonable. The Planning Scheme clearly contemplates buildings of a size, bulk and scale as that proposed and in fact, could also contemplate a building built far closer to its most sensitive neighbour.
- The DDO does require new buildings to respect the built form character of the area where the site abuts a heritage building, as is the case here. However, as assessed above, it is considered that the new building would respect that local character which is generally assessed and accepted to be a respect for the public realm which would not experience notable increases in bulk. The built form 'character' of the area would not normally be related to a private/non-public interface where the overall DDO height would be met.
- **Overlooking from proposed roof terraces and from proposed north-east windows.**
- Technically, there is no ability in this instance for Council to assess amenity issues such as overlooking due to the fact that Rescode (Clause 54/55) does not apply in this instance. Even so, the applicants have agreed to screen habitable room windows at the subject site that would be within 9m of the Summerland site. **(Refer condition 1 (l) (n).**
- **Negative effect on abutting trees/landscaping. The proposed landscaping would not 'blend' with that of abutting Summerland mansions and better, denser more 'screening' planting is needed.**
- There are two well established trees in the common open space area of the abutting Summerland site. It has been asserted that the construction of the basement would seriously affect the health of these trees.
- The applicants have submitted additional photos showing that the ground levels of the subject site and Summerland sites are already different with the subject site being approximately 1m lower than the Summerland Site. That is, the roots of the trees at the Summerland site already abut a concrete retaining wall approximately 1m deep at the subject site.
- The proposed works would effectively increase the depth of this wall but would not result in a new barrier or need for any roots to be substantially cut.



- In any case, following a site visit to the neighbouring Summerland site, the applicants have agreed that any permit issued include a condition that no works can start until a 'non-destructive' root assessment of the neighbouring trees has been carried by a qualified arborist with a view to establishing what, if any, modifications to the proposed layout would be needed to ensure the long term health of the abutting trees and that if needed, such modifications be shown on the plans. (**Refer recommendation condition 17**). This should ensure that the neighbouring trees are not seriously affected by the proposal.
- Recommended **condition 14** requires submission of a landscape plan. Whether or not any planting or proposed 'theme' should relate to the existing landscaping at the Summerland site is not considered to be a planning matter. If landscaping were to be visible in the public realm add a clear existing theme was present, new landscaping should match with that. However, given that the proposed planning and the existing Summerland planting would only be privately visible and on separate sites, there is not considered any justifiable planning reason to have the two themes relating to each other.
- The need, however, for a landscaping plan per se is considered important so that ground level open space and potentially roof terrace planting are known and endorsed.

The asserted need for denser planting comes from the issues of aiding privacy and visually obscuring the building (related to its bulk). As previously noted, there is no planning control over possible privacy control and in this context, due to the 4.5m setback, it is not considered that screen planting is strongly necessary. However, it is recommended that the landscape planting include some ground level species that would at least be partly visible above the common fence with the Summerland site. (**Refer condition 1 (l)**)

- **Concern that proposed communal access corridor would become de-facto commercial space and/or have poor security due to unrestricted pedestrian access.**
- The applicants have agreed in responses to issues at the consultation meeting and undertaken that this access corridor only be used for that purpose and not for de-facto commercial use. This is therefore reinforced by recommended **condition 1(r)**. The applicants have also agreed to install a gate at the south-east end of this corridor for security purposes.

11. ASSESSMENT

11.1 Strategic Justification

Is the proposal consistent with the relevant Planning Policy Framework?

Clause 11.03-1L.01– 'Activity Centres' – seeks to maintain and strengthen a network of distinct, diverse, and viable activity centres that facilitate appropriate housing and economic growth. Overall strategies are to ensure that proposed land uses reinforce the strategic role of each centre and that a range of uses are provided (commercial, retail and in some instances, residential). Any new residential development should not diminish the future retail expansion opportunities. Active frontages are encouraged

Strategies in relation to built form are generally that development within activity centres positively contributes to the built form character of the centre whilst conserving heritage



buildings and streetscapes and any distinctive character. Transition in building scale at the interfaces of activity centres and surrounding residential areas is also encouraged.

It is considered that the proposal would align with these outcomes. The proposed ground floor retail uses would maintain the primary retail role of the centre and the proposed residential use would add diversity to the centre without compromising future retail growth opportunities. The proposal would have clear active frontages.

It is also considered that the built form – being DDO compliant – would contribute to built form character without being overly dominant in a streetscape sense. It is acknowledged that substantial demolition is proposed, but the key heritage fabric – subject to conditions – would either be retained or re-built as close as reasonably possible to what currently exists (with the exception of the 1930s front canopy).

11.03-1L St. Kilda Major Activity Centre

In relation to Fitzroy Street, this clause seeks to retain the spacious boulevard atmosphere of Fitzroy Street and to promote the tourism and entertainment role of Fitzroy Street, while maintaining the local retail servicing role, including core retail along Fitzroy Street between Princes and Acland Streets.

In terms of built form, this clause seeks to ensure the design of new development respects:

- The slope of the street toward the sea.
- The wide pavements and spacious character of Fitzroy Street.

It is considered that there is nothing in the proposal that would conflict with these outcomes.

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

These strategic outcomes are considered to be achieved, especially those related to ground level human scale and having architecture that would integrate with nearby streetscape character.

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

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

The planning policy framework encourages higher dwelling densities on sites which have excellent access to transport and services. The site is in very close proximity to tram/light rail routes and a variety of services and is therefore a prime candidate for increased growth. Additionally, one of the purposes of the Commercial 1 zone is "To provide for residential uses at densities complementary to the role and scale of the commercial centre".



This is considered to be achieved.

Clause 16 referred to above identifies several key outcomes for the subject site and its surrounds. They are as follows:

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

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

The site being with the Fitzroy Street Major Activity Centre is specifically noted within the Municipal Planning Strategy at Clause 02.03 (Strategic Directions).

In summary, based on all the above, it is considered that the site is well located and can support the additional residential growth and consequential increase in built form contemplated by the Planning Scheme. In relation to this, its compliance with DDO built form control is again noted.

Clauses 17.02 – 1S and 17.03-03 generally seek to encourage development that meets the community's retail, entertainment, office, and commercial service needs. The proposed ground level retail would achieve this.

These clauses also acknowledge that the population of Port Phillip will increase and as such, development would need to accommodate increase housing demand. New development needs to respect local character. Subject to the recommended conditions, this is considered to be achieved. The proposal would facilitate a moderate increase in dwelling numbers and would clearly activate this area in a much needed way, given the current relatively low levels of activity in this section of Fitzroy Street.

11.2 Built Form and Neighbourhood Character

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

As previously noted, built form and neighbourhood character responses are guided by a number of policy instruments including Clauses 11.03, 15.01, 15.03, 16.01, 17.02, 17.03 and 21.06 which generally promote high quality design which is respectful and responsive to its context, and that improves the public realm.

As previously noted, subject to the recommended conditions, it is considered that this would be achieved. In particular, new Clause 15.03-1L (Heritage Policy) replaces the previous Clause 22.04. It is largely policy and outcome neutral. In relation to this application, the proposal (the new main building) would not be the replacement lift overruns where behind the retained 1900s facades. The roof of the 1930s Moderne building would obscure any additional behind it from views opposite. That is, any vision of the new works when views from the opposite side of the street would be modest.

Other aspects of this clause, particularly in relation to conservation, would be aligned with by way of the additional conservation works, most notably, those recommended to the 1930s building.

In short, subject to the recommended conditions, there is not considered to be any policy conflict with new Clause 15.03-1L.

11.3 Zone and Overlay Provisions

The purposes of the zone are:

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

It is considered that the proposal would align with these stated purposes. It would add an upgraded building to the area which is likely to lead to some increased sense of vibrancy and 'upgrade' largely by way of the proposed high-end dwellings. The new retail space would be smaller than existing but even so, it would not fully displace existing commercial floor space.

The increase from six to 16 dwellings is considered modest and would be commensurate with the primary retail/commercial focus of this centre.

11.4 Design and Development Overlay

The subject site is included within Design and Development Overlay (DDO) - Schedule 6-4 - which provides guidance and specific requirements in terms of preferred built form outcomes.

The site is abutted by two and three storey buildings with a small laneway abutting to the south. Nearby development is generally medium to high density. In summary, the neighbourhood has a mixed architectural form with the predominant height being 2-3 storeys in the surrounding context.

The subject site is included within schedule 6 (sub precinct 4) to the Design and Development Overlay (DDO).

The DDO specifies a mandatory maximum height of 12.5m along with specifying that buildings must not exceed 10.5m in height for the front 10m setback from Fitzroy Street. It also stipulates that buildings should have zero setback to Fitzroy Street and that they should have a verandah/canopy for weather protection and solar access is maintained.

This is the context against which the development must be assessed. The proposed development would have two main elements being the new form immediately behind the retained facades and approximately 3.5m further within the site would be the second element, being the main portion of the new building. The element behind the facades would have new roofs that would replicate those removed from the existing buildings. The roofs for the 1900s building would increase in height by 900mm compared to the current roofs but would not exceed the 10.5m DDO height requirement at the front section of the site. The main portion of the building further within the site would be approximately 13.5m high when including the site excavation. When measured to all abutting natural ground levels (neighbouring sites and the Fitzroy Street footpath) the building would be between 12.0m and 12.5m high, including roof level balustrading (but excluding roof plant and the lift overrun and pergolas).



The building's height would therefore comply with the DDO requirements.

There are other matters that need to be assessed under the DDO, as follows:

Schedule 6 Overall design Objectives.

- *To protect sunlight access to public places and open space areas, in particular the foreshore and significant streets including Fitzroy Street, Acland Street, the Esplanade, Beaconsfield Parade and Marine Parade.*

The removal and replacement of the very deep existing canopy to the 1930s building would improve sunlight access to the Fitzroy Street footpath. The remainder of the proposal would not have any effects on sunlight access to the nearby public realms.

- *To protect and enhance the visual amenity and environment of the St Kilda foreshore as an important natural, recreational and tourism asset of metropolitan Melbourne by ensuring development complements the foreshore and hinterland.*

Given that the main bulk of the new building would be hidden behind the retained facades and would be well setback from Fitzroy Street (10m setback where reaching its maximum height of 12.5m) it is considered that the proposal would not have any negative effects on the St. Kilda Foreshore. The retained facades would maintain the visual character and amenity of pedestrians on the foreshore viewing the subject site.

- *To encourage retention of the streetscape elements and features that enhance the appearance of the identity and image of the St Kilda foreshore and adjacent areas as an attractive seaside residential, entertainment and leisure area.*

The retained front facades – enhanced by the additional heritage conservation elements as recommended – would achieve this.

- *To ensure the built form and building siting respects the dominant street patterns.*

This would be achieved.

- *To encourage high quality, well-designed new buildings, works, renovations and additions that are compatible with the existing diverse architectural and streetscape character of St Kilda and reinforce its distinctive built form.*
- It is considered that this would be achieved, largely through the setting back of the proposal's main and highest element 10m from Fitzroy Street and through the proposal's main element being of a reasonably restrained style and simple rectangular form. That form would allow the existing nearby buildings to maintain some sense of prominence and would minimise its visual impacts on the public realm. That is, whilst the proposal could be argued to be a simple design that might not be 'diverse' in its presentation, but its simplicity would be 'compatible' with the nearby diversity by not conflicting with it or dominating it.
- *To create articulated, attractive and detailed facades on all visible elevations, including exposed boundary walls.*
- The front facades, noting their additional heritage conservation works, would achieve this whilst the only other generally visible wall (the north-east wall of

the 1930s building) would be replaced as closely as possible to being like-for-like.

- *-To ensure that the facade design of new development is compatible with, and respects the character of, neighbouring buildings within the same streetscape.*

As above.

- *To create active commercial and retail street frontages, by increased floor to floor heights at ground floor level.*

The ground level retail spaces would have floor-to-ceiling heights of just under 4m. This would be achieved.

- *To ensure that active frontages are achieved where relevant and are designed to provide shop entrances or display windows facing the street, and avoid blank walls, non-transparent detail and non-retail uses.*

This would be achieved with the two tenancies directly facing Fitzroy Street.

- *To strengthen and enhance the pedestrian links between The Esplanade and Fitzroy Street and Acland Street, and to the St Kilda foreshore.*

There would be a neutral outcome in terms of this objective.

- *To ensure that any new car parking areas are not visible from public spaces, are not provided by way of open parking lots, and are provided in basement structures where feasible.*

This would be achieved. All parking would be in the basements.

- *To encourage the design of new car parking spaces within buildings so that residential or commercial floor space is provided between the parking areas and public streets, so that the building does not appear as a parking station.*

This is not relevant noting the proposed parking basements.

- *To protect and enhance key views to and from the St Kilda foreshore.*

As noted previously, this would be achieved through retention of the front facades coupled with the recommended additional heritage conservation works.

- *To ensure building height and form reflects the topography of the foreshore and surrounding area.*

Through compliance with the DDO maximum 12.5m height, this would be achieved.

- *To ensure that new development on sites containing or adjacent to a heritage place is of a form and scale that is respectful of the heritage place.*

It is considered that the new building – whilst taller than the Summerland building by approximately 2.5m – would nonetheless be of a simple form and an overall scale that would respect that neighbour, noting that this objective is to achieve compatibility from the public realm. The matter of the proposal's height and its 4.5m setbacks to the Summerland building in a private sense has been previously discussed, but in a public sense (also noting the 10m front setback of the proposal's highest element) it is considered that the Summerland building would clearly remain the dominant visual element in this immediate context.



- *To encourage architectural design elements which enhance the character of the area and form and provide a safe and comfortable environment for outdoor eating and promenading*

The proposal's relationship to the character of the area has been previously discussed. The environment for outdoor eating and the like would be maintained through retention of the front facades. The new canopy to the 1930s building as recommended would project at least 3.5m from the front façade. This would allow for this objective to be achieved.

In addition to the overall objectives for DDO-6, there are specific Design Objectives for precinct 4, as follows:

- *To retain a built form that respects the scale and form of nearby heritage places.*
- *To ensure that the existing built form is retained and that an active urban edge is maintained extending to the street.*
- *To encourage weather protection of the footpath by inclusion of continuous awnings.*
- *To encourage built form outcomes that reinforce the topography of St Kilda Hill.*

As assessed and expressed above, it is considered that these objectives would be met.

11.5 Heritage Overlay

The relevant Decision Guidelines are as follows:

- *The Municipal Planning Strategy and the Planning Policy Framework.*

These have all been fully considered.

- *The significance of the heritage place and whether the proposal will adversely affect the natural or cultural significance of the place.*

There would be no effect on natural or cultural significance

- *Any applicable statement of significance (whether or not specified in the schedule to this overlay), heritage study and any applicable conservation policy.*
- *Any applicable heritage design guideline specified in the schedule to this overlay.*

There are none specific to these buildings

- *Whether the location, bulk, form or appearance of the proposed building will adversely affect the significance of the heritage place.*

This has been previously assessed. In summary, it is considered that the 10m front setback for the highest element, the rectangular flat roofed form, the retained front facades and the 12.5m maximum height would all ensure that the significance of the place would be adequately maintained. The overall significance of the place would not be 'adversely' affected.

- *Whether the location, bulk, form and appearance of the proposed building is in keeping with the character and appearance of adjacent buildings and the heritage place.*

As above and as previously assessed again noting the proposal's overall height being only approximately 2.5m to 3m taller than the Summerland building), the retention of its front facades and the recessive location of the proposal's tallest element. The

Summerland building would remain a visually significant and obvious building in this location.

- *Whether the demolition, removal or external alteration will adversely affect the significance of the heritage place.*
- *Whether the proposed works will adversely affect the significance, character or appearance of the heritage place.*

As previously assessed.

In conclusion, it is considered that the heritage response, subject to the additional heritage conservation works as recommended, would be appropriate.

11.6 Traffic and Carparking

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

Proposed Use	Measure	Statutory parking rate	Statutory requirement
Two bedroom dwellings	2	1 space per dwelling	2 spaces
Three or more bedroom dwellings	14	2 spaces per dwelling	28 spaces
Retail	No increase over current provision		3 spaces
Total statutory car parking requirement: 33 spaces			

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

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

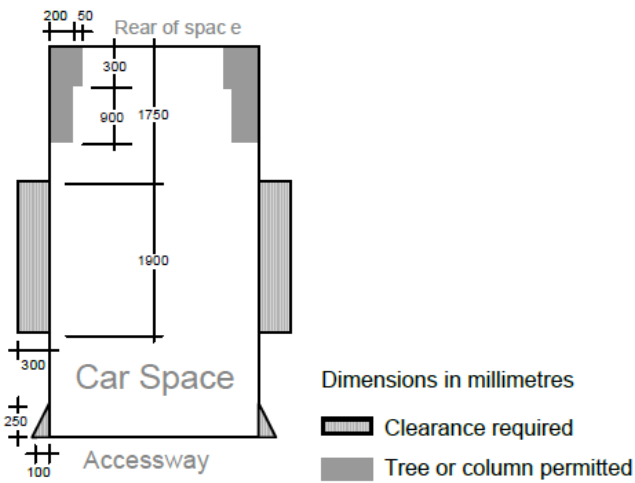
Use	Statutory requirement	Parking provision	Actual proposed parking rate	Statutory rate comparison
Two-bedroom dwellings	2 spaces	2 spaces	1 space per dwelling	Compliant
Three or more bedroom dwellings	28 spaces	33 spaces	2.4 spaces per dwelling	Exceeds by 5 spaces.
Retail	3 spaces (based on reduction in floor space from 1,100m ² to 560m ²)	5 spaces	N/A noting reduction in floor space.	2 additional spaces.
Total	33 spaces	40 spaces	-	Exceeds by 5 spaces.

There is no parking shortfall proposed.

Assessment of relevant Design Standards



REQUIREMENT:	COMPLIANCE:			
Design Standard 1: Accessways:				
Minimum of 3m wide	Complies with the laneway being approximately 4.2m wide.			
Internal radius of at least 4m at changes of direction or intersection or be >4.2m wide	Complies. Council's Traffic Engineer has additionally raised no concerns.			
Allow vehicles parked in the last space of a dead-end accessway in public car parks to exit in a forward direction with one manoeuvre.	N/A - The car park is not a public car park. Notwithstanding this, all vehicles can exit in a forward direction. .			
Provide <2.1m headroom beneath overhead obstructions, calculated for a vehicle with a wheel base of 2.8m.	Complies. A minimum headroom clearance of 2.23m is shown for the ramp and between 2.3m and 2.5m elsewhere.			
If serving 4 or more car spaces or connects to a road in a Road Zone, cars must be able to exit the site in a forward direction.	Complies. The 4m wide ramp and the internal turning areas would allow for this.			
Provide a passing area at the entrance at least 5m wide & 7m long if serving 10 or more car spaces & is either more than 50m long or connects to a road in a Road Zone.	N/A – Vehicle access is provided from a side lane which is not in a Road Zone and the access would not be 50m long. In any case, the Council's Traffic Engineer has not raised any concerns in this regard.			
Have a corner splay or area at least 50% clear of visual obstructions extending >2m along the frontage road from the edge of an exit lane & 2.5m along the exit lane from the frontage, to provide a clear view of pedestrians on the footpath of the frontage road. The area clear of visual obstructions may include an adjacent entry or exit lane where more than one lane is provided.	Complies at the entrance to the ramp where it intersects with the rear of villa 4.			
If to 4 or more car parking spaces is from land in a Road Zone, the access to the car spaces must be >6m from the road carriageway.	N/A – Vehicle access is not in a Road Zone.			
Design Standard 2: Car parking Spaces				
Table 2: Minimum dimensions of car parks and accessways	Complies. All car parking spaces would meet the required dimensions and Council's Traffic Engineer has raised no concerns in this regard.			
Angle of car parking spaces to access way		Access way width	Car park width	Car len
Parallel		3.6 m	2.3 m	6.7
45°		3.5 m	2.6 m	4.9
60°		4.9 m	2.6 m	4.9
90°		6.4 m	2.6 m	4.9
	5.8 m	2.8 m	4.9	
	5.2 m	3.0 m	4.9	
Car spaces in garages or carports should be at least 6m long and 3.5m wide for a single space & 5.5m wide for a double space measured inside the garage/carport.	Complies. The garages would measure 5.5m x 6m.			

<p>Diagram 1 Clearance to car parking spaces</p>  <p>Dimensions in millimetres</p> <p>Clearance required</p> <p>Tree or column permitted</p>	<p>All required clearances would be provided and the Council's Traffic Engineer has not noted any concerns in this regard.</p>													
<p>Design Standard 3: Gradients</p>														
<p>Accessway grades should not be steeper than 1:10 (10%) within 5 metres of the frontage to ensure safety for pedestrians and vehicles. The design should have regard to the wheelbase of the vehicle being designed for; pedestrian and vehicular traffic volumes; the nature of the car park; and the slope and configuration of the vehicle crossover at the site frontage. This does not apply to accessways serving three dwellings or less.</p>	<p>Variation with 1:6 grade shown where abutting the lane, but Council's Traffic Engineer has raised no concerns with this or any other aspect of the access arrangements.</p>													
<table border="1" data-bbox="183 1265 901 1512"> <thead> <tr> <th>Type of car park</th> <th>Length of ramp</th> <th>Maximum grade</th> </tr> </thead> <tbody> <tr> <td rowspan="2">Public car parks</td> <td>20 metres or less</td> <td>1:5 (20%)</td> </tr> <tr> <td>longer than 20 metres</td> <td>1:6 (16.7%)</td> </tr> <tr> <td rowspan="2">Private or residential car parks</td> <td>20 metres or less</td> <td>1:4 (25%)</td> </tr> <tr> <td>longer than 20 metres</td> <td>1:5 (20%)</td> </tr> </tbody> </table> <p>Where the difference in grade between two sections of ramp or floor is greater than 1 per cent for a summit grade change, or greater than 1:6.7 (15 per cent) for a slope change, the ramp should include a transition section of at least 2 metres to prevent scraping or bottoming.</p> <p>Grade changes of greater than 1:5.6 (18 per cent) or less than 3 metres apart should be assessed for clearances.</p>	Type of car park	Length of ramp	Maximum grade	Public car parks	20 metres or less	1:5 (20%)	longer than 20 metres	1:6 (16.7%)	Private or residential car parks	20 metres or less	1:4 (25%)	longer than 20 metres	1:5 (20%)	<p>Complies as a private car park less than 20m long at a grade of 1:6 (1:4 being the standard).</p>
Type of car park	Length of ramp	Maximum grade												
Public car parks	20 metres or less	1:5 (20%)												
	longer than 20 metres	1:6 (16.7%)												
Private or residential car parks	20 metres or less	1:4 (25%)												
	longer than 20 metres	1:5 (20%)												
<p>Design Standard 4: Mechanical Parking:</p>														
<p>At least 25% of the mechanical spaces can accommodate a vehicle clearance height of at least 1.8m.</p>	<p>N/A</p>													
<p>Spaces that require the operation of the system are not allocated to visitors unless used in a valet parking situation.</p>	<p>N/A</p>													
<p>The design and operation is to the satisfaction of the responsible authority.</p>	<p>N/A</p>													
<p>Design Standard 5: Urban Design</p>														



Ground level parking, garage doors & accessways should not visually dominate public space.	N/A
Car parking within buildings (including visible portions of partly submerged basements) should be screened or obscured where possible, including through the use of occupied tenancies, landscaping, architectural treatments and artworks.	The car parking would be located in the basements. There would be no visual intrusion.
Design of car parks should take into account their use as entry points to the site.	N/A.
Design Standard 6: Safety	
Car parking should be well lit & clearly signed.	No detail is known but this would occur.
The design of car parks should maximise natural surveillance and pedestrian visibility from adjacent buildings.	N/A The car spaces would be in the secure basements.
Pedestrian access to car parking areas from the street should be convenient.	Internal stair and lift access would be available.
Ped routes through parking areas/building entries & other destination points should be clearly marked & separated from traffic in high activity parking areas.	N/A, as this applies to open at-grade car parks of a large scale in front and rear setbacks or in large retail settings.
Design Standard 7: Landscaping:	
The layout of parking areas should provide for water sensitive urban design treatment & landscaping.	N/A.
Landscaping & trees should be planted to provide shade/shelter, soften appearance of ground level parking & aid in identification of pedestrian paths.	N/A.
Ground level parking spaces should include trees planted with flush grilles. Spacing of trees should be determined having regard to the expected size of the selected species at maturity.	There is limited scope for meaningful planting in the areas adjacent to the side lane.

11.7 Clause 58.02 Better Apartment Design Standards

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

- The development provides a mix of two and three bedroom apartments, with varying orientations and sizes.
- The development would provide for a separate vehicle and several pedestrian access points throughout the site
- Car parking would be provided in two basement levels. All parking is considered to be convenient, safe and secure.
- Building entry and circulation objectives are met
- Each apartment would have with its own private open space in form of a balcony (or roof terraces for the penthouse dwellings) meeting the standard
- All dwellings would meet the storage objective.
- All dwellings are provided with 2.7m ceiling heights.



- The building would be adjacent to Fitzroy Street and a bar/restaurant/club which are considered relatively high noise sources. Therefore it is recommended condition 25 responds to this issue.
- Waste collection would take place within the site and not within the laneway from Alma Road.

11.8 Clause 58.02 Environmentally Sustainable Design (ESD) and Water Sensitive Urban Design (WSUD)

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

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

12. INTEGRATED DECISION MAKING

- 12.1 Clause 71.02.3 of the planning scheme requires the decision-maker to integrate the range of policies relevant to the issues to be determined and balance the positive and negative environmental, social and economic impacts of the proposal in favour of net community benefit and sustainable development. When considering net community benefit, fair and orderly planning is key; the interests of present and future Victorians must be balanced; and the test is one of acceptability.

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

Positive

- The proposal is considered to have strategic support from the Planning Scheme, which has a consistent theme of increasing residential density at strategic locations and within close proximity to jobs, services and public transport (environmental, economic and social).
- The proposal would achieve the purpose of the zone by way of providing a residential use at higher density (environmental, economic and social).
- The proposal would provide high-quality architecture which would maintain the public realm through façade retention and would be respectful of the heritage significance of adjoining properties, as recommended with the additional heritage conservation works. (environmental, economic and social).
- The proposal would meet the mandatory requirements of DDO 6-4. (environmental, economic and social)

Neutral

- Traffic impacts are not considered to be significant (economic and social).
- Onsite loading arrangements are acceptable (economic and social).

Negative

- The application has received 19 objections (social).



13. COVENANTS

13.1 There are no restrictive covenants on the relevant titles that would prevent assessment of this application.

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 The site is within an identified Major Activity Centre and as such, is clearly in an area where increased residential densities – and the buildings to support those densities – are supported. Both the zone and the DDO clearly contemplate additional building height and bulk in this area and by way of meeting the DDO height requirements, is considered satisfactory. The proposal would also adequately align with the non-mandatory DDO requirements and is considered to be supportable when assessed under the Heritage Overlay requirements. Urban design and heritage matters that require additional work would be addressed as per recommended conditions.
- 16.2 Off site amenity impacts are not assessed through the planning system as Clause 55 (Rescode) does not apply. In any case, the applicant has agreed to provide additional privacy screening and the setbacks to the sensitive Summerland Mansion interface – mostly at 4.5m – are considered to be quite generous in this context.
- 16.3 In terms of car parking, no shortfalls are proposed.
- 16.4 Subject to the recommended conditions, it is considered that the proposal is suitable for approval.

ATTACHMENTS

- 1. [Zone Map](#)
- 2. [Advertised Plans](#)
- 3. [Clause 58 - Better Apartment Design Standards](#)