



**6.2** **50-52 QUEENS ROAD MELBOURNE PDPL00392/2022**

**LOCATION/ADDRESS: 50-52 QUEENS ROAD MELBOURNE VIC 3004**

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

**PREPARED BY: RICHARD LITTLE, SENIOR URBAN PLANNER**

## **1. PURPOSE**

1.1 The application for permit is subject to an Application for review with the Victorian Civil and Administrative Tribunal (VCAT) pursuant to the provisions of Section 79 of the Planning and Environment Act 1987 (Failure to Grant a Permit within the prescribed time). The purpose of this report is to determine Council's position to be put to VCAT at the hearing scheduled to be heard on 1 May 2023.

1.2 The proposal is for the construction of a fifteen (15) storey apartment building (comprising 379 dwellings - 89 x one bedroom, 234 x two bedroom and 56 x three bedroom) with three levels of basement car parking (425 car spaces and 204 resident bicycle spaces and 38 visitor bicycle spaces at ground floor level) accessed via Queens Lane, on land in the Residential Growth Zone and Design and Development Overlay and alteration of access to a road in a Road Zone, Category 1.

## **2. EXECUTIVE SUMMARY**

<b>WARD:</b>	Gateway
<b>TRIGGER FOR DETERMINATION BY COMMITTEE:</b>	More than 16 objections
<b>APPLICATION NO:</b>	PDPL/00392/2022
<b>APPLICANT:</b>	The Trust Company (Australia) Limited
<b>EXISTING USE:</b>	Residential Hotel
<b>ABUTTING USES:</b>	Mixed Use Commercial and Residential
<b>ZONING:</b>	Residential Growth Zone – Schedule 1 (RGZ1)
<b>OVERLAYS:</b>	Design and Development Overlay, Schedule 26-5A (DDO26-6B) Special Building Overlay – Schedule 2 (SBO2)
<b>STATUTORY TIME REMAINING FOR DECISION AS AT DAY OF COUNCIL</b>	Expired

2.1 The application proposed the construction of a fifteen-storey residential apartment building, designed in a u shaped form around a central courtyard with the upper levels stepping up from Queens Road. 379 apartments would be provided within the building comprising a mix of one, two and three bedroom dwellings. Considerable residential facilities would be provided including gym and wellness premises, ground level outdoor space, pool and amenities area and communal terraces on the upper levels.



- 2.2 Vehicle access to the site would be from Queens Lane which and access three basement levels that would provide for 425 car parking spaces, 204 bicycle spaces and two loading bays. Three car parking spaces would also be provided along Queens Lane.
- 2.3 The proposal involves the demolition of the existing hotel complex. The site is not located within a Heritage Overlay, nor is it identified in the Port Phillip Planning Scheme as having “heritage significance outside of the Heritage Overlay’ and therefore does not require a planning permit for demolition.
- 2.4 The application was advertised and received 90 objections. The concerns raised related to a broad range of issues including overall building height and mass, traffic along Queens Lane, location of the waste collection point and car spaces along Queens Lane, overlooking and loss of privacy, no community facilities, no contribution of housing affordability, lack of transition from St Kilda Road scale to Queens Road, non-compliance with preferred requirements of the Design and Development Overlay, loss of daylight, loss of views and loss of property values.
- 2.5 A Consultation Meeting was held on 15 November 2022. The meeting was attended by all Ward Councillors, the applicant, objectors and planning officers. The meeting did not result in any formal changes to the proposal.
- 2.6 A S79 application for review has been lodged with VCAT and a hearing is listed for 1 May 2023. Amended VCAT plans have been lodged which have made several changes to the proposal since it was advertised during the planning process with Council. These changes include the addition of 10 new dwellings, increased side setbacks, modification of waste collection and loading so that it all located within the basement and a redesigned building façade to Queens Lane (refer to paragraph 6.6 for detailed changes). The amended VCAT plans are the plans being considered in this assessment. For the VCAT appeal there are 7 respondents (one of which is joint by several parties) and the Department of Transport (DoT) (as per most recent VCAT order).
- 2.7 The proposal is consistent with the strategic direction outlined by the Port Phillip Planning Scheme which has a consistent theme of increasing residential density at strategic locations and within proximity to jobs, services and public transport.
- 2.8 The overall development would provide a sense of continuity with other high-rise developments constructed between St Kilda Road and Queens Lane without undermining the significance or setting of neighbouring heritage places.
- 2.9 Built form on this site is subject to a Design and Development Overlay (DDO26), which controls the design and built form of new development. For DDO26 this includes requirements for the maximum height of any building and the siting of buildings from the front, rear and sides of the site.
- 2.10 The proposed building is largely compliant with the requirements of the Design and Development Overlay. It would be lower than the mandatory building height specified for the site, would provide the required landscaped setback to Queens Road, satisfy the required setbacks to the upper levels of the building and exceed the requirements for side setbacks to provide space, separation and limit the amenity impacts on surrounding property.
- 2.11 The one main requirement of the design and development overlay that is not satisfied is the discretionary requirement for a preferred building height of 40m. This height



requirement seeks to ensure that a transition is provided from higher built form on St Kilda Road to more reduced height of building on Queens Road. It is considered that the proposal does not go far enough to provide the transition in built form sought by the design and development overlay. In line with other recent approvals on Queens Road, it is recommended that one level of the building be removed. This would ensure the building would provide the required transition in built form.

- 2.12 Some shadowing would be cast by the building over adjoining streets and areas of private open space of adjacent property. However, the level of overshadowing is considered to be anticipated by the DDO where the building largely complies with built form requirements of the DDO where development of up to 65 metres AHD are anticipated.
- 2.13 The proposal would increase traffic generation given the additional car parking for the development. However, it is considered that the increase in traffic during peak hours are a low volume that could be safely accommodated within the existing capacity of this section of Queens Lane.
- 2.14 The application proposes a reduction of carparking, but this is considered acceptable in consideration of the promotion of sustainable transport and limiting the impact on the surrounding road network, particularly traffic generation within Queens Lane. It is recommended that the two car parking spaces are designated for visitor parking. It is noted that the recommendation to remove level 13 would reduce the number of car parking spaces required by the planning scheme to a level where a reduction of parking would not be required (where 409 spaces would be required under Clause 52.06 and 425 spaces would be provided).
- 2.15 The proposal provides onsite loading and waste collection facilities that would not affect the operation of Queens Lane.
- 2.16 The proposal is recommended for approval, subject to the conditions below.

### 3. RECOMMENDATION A

- 3.1 That the Responsible Authority, having caused the application to be advertised and having received and noted the objections, advise VCAT that, had it been the Responsible Authority for determination of the application, would have approved the construction of a fifteen storey apartment building (comprising 379 dwellings - 89 x one bedroom, 234 x two bedroom and 56 x three bedroom) with three levels of basement car parking (425 car spaces and 204 resident bicycle spaces and 38 visitor bicycle spaces at ground floor level) accessed via Queens Lane, on land in the Residential Growth Zone and Design and Development Overlay, reduction of car parking and alteration of access to a road in a Road Zone, Category 1 subject to the following conditions:

- 3.2 That the decision be issued as follows:

#### 1 Amended Plans Required

Before the use or development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and an electronic copy must be provided. The plans must be generally in accordance with the plans prepared by BatesSmart titled "50 Queens Rd", Project No M12568, Plans



No's as TP00, TP01.00, TP01.02, TP03.00 to TP03.4, TP03.04, TP03.09, TP03.12, TP.03.14, TP03.15, TP03.B01 to TP03.B03, TP09.00 to TP09.04 and TP10.00 to TP10.03 (Rev C) dated 7.03.23 and Council date stamped 7 March 2023 referred to as "VCAT Submission Issue" but modified to show:

- a) The removal of level 13 with a consequential reduction in the height of the building by 3.4 metres.
- b) Two of the car parking spaces within the basement levels to be allocated for visitors.
- c) The relocation of the three layby car parking spaces in Queens Lane from their current position in front of the entrance to the north eastern section of the site in front of the substation, gym and co working office, with the paving area in front of the entrance enlarged to match the rest of the footpath. The car parking spaces along Queen Lane must be wholly contained within the title boundaries of the site.
- d) Provide privacy screening to the balcony on one side of the Queens Lane vertical articulation break with detailing, materials and colours integrated into the overall façade design.
- e) Updated roof plan to include details of the required 43kWp photovoltaic system.
- f) Indicate on plans the commitment that the apartments will achieve a 7.5-star average NatHERS rating and maximum cooling load as per above.
- g) For all non-residential spaces, include a commitment to achieving a 10% improvement on Section J Energy Efficiency building fabric requirements of the National Construction Code (NCC).
- h) Apartment layouts modified so that a minimum 60% of the dwellings meet the minimum requirements of Standard D18 (Accessibility) of Clause 58.
- i) Any changes required by conditions 4 (Sustainable Management Plan), 12 (Urban Art) 13 (Waste Management Plan) and 14 (Public Realm Plan), 15 (External Lighting Plan), and 16 (Landscape Plan).

**2 No Alterations**

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

**3 No Change to External Finishes**

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

**4 Sustainable Management Plan**

Concurrent with the endorsement of plans, a Sustainable Management Plan (SMP) must be submitted to and approved by the Responsible Authority. Upon approval the SMP will be endorsed as part of the planning permit and the development must incorporate the sustainable design initiatives outlined in the



SMP to the satisfaction of the Responsible Authority. Amendments to the SMP must be incorporated into plan changes required under Condition 1. The report must be generally in accordance with the SMP prepared by ADP Consulting dated 29 August 2022 but updated to address the following:

- a) SMP to include meeting NatHERS maximum cooling load requirements as per Clause 58.03-1 Energy efficiency objectives.
- b) Energy reduction measures relevant to the pool facilities needs to be included in the SMP.
- c) Appendix C Green Star Potable Water Calculator need to have pool consumption included in the calculations. This is giving the development a higher score than what is proposed.
- d) Water reduction measures relevant to the pool facilities needs to be included in the SMP.
- e) Urban Heat Island Effect calculations to be provided together with material specifications reflecting the calculations on plans. Alternatively, provide a green factor tool assessment achieving an equivalent score with material specifications reflecting the calculations on plans.
- f) Proposed stormwater management strategy needs to be clearly reflected on plans:
  - a. 40,000L tank collecting of 3,415m<sup>2</sup> of non-trafficable roof area connected to all toilets in the development.
  - b. 40,000L tank collecting of 3,602m<sup>2</sup> of trafficable areas connected to all irrigation systems.
- g) Provide a maintenance manual for each type of water sensitive urban design device proposed. These must set out future operational and maintenance arrangements for all WSUD (stormwater management) devices appropriate to the scale and complexity of the project. The manual should include inspection frequency, cleanout procedures and as-installed design details/diagrams including a sketch of how the system operates. This manual needs to be incorporated into any Building Maintenance Guide/ Building Users' Guide.
- h) Revised Construction Site Management

## **5 Incorporation of Sustainable Design Initiatives**

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

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

Prior to occupation of the development approved under this permit, an ESD Implementation Report (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.

**7 Implementation of Water Sensitive Urban Design Initiatives**

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.

**8 Stormwater Treatment Maintenance Plan**

Prior to the endorsement of plans under condition 1 of this permit, a Stormwater Treatment Maintenance Plan detailing the on-going maintenance of the stormwater treatment devices must be submitted to and approved by the Responsible Authority, addressing the following points;

- a) A full list of maintenance tasks for each device,
- b) The required frequency of each maintenance task (e.g. monthly, annually etc.),
- c) Person responsible for each maintenance task.

The Stormwater Treatment Maintenance Plan can be part of the Water Sensitive Urban Design (Stormwater Management) response, or can be contained in a stand-alone manual. When approved, the STMP will be endorsed and will form part of this permit.

**9 Construction Management Water Sensitive Urban Design**

The developer must ensure that throughout the construction of the building(s) and construction and carrying out of works allowed by this permit;

- 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.

**10 Acoustic Report**

All habitable rooms shall be designed to comply with Clause 58 (Standard D16) of the planning scheme. Prior to occupation of units, an acoustic report detailing testing within habitable rooms over a reasonable sample of units shall be provided to the satisfaction of the Responsible Authority confirming that the





minimum internal noise levels have been met. Any further rectification to ensure compliance shall be at the cost of the applicant.

**11 Upper Level Acoustic Testing**

Prior to occupation of units, noise testing shall be carried out on upper level balconies overlooking adjacent building rooftop plant and tested in accordance with the Environmental Protection Regulations 2021 and EPA Publication 1826 (Noise Protocol). Any non-compliance measured shall be rectified at the cost of the applicant until compliance is demonstrated.

**12 Urban Art Plan**

Before the development starts, excluding bulk excavation, site preparation, soil removal, site remediation, retention works, footings, ground beams and ground slab and temporary structures, 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.

**13 Waste Management Plan**

Concurrent with the endorsement of plans a Waste Management Plan based on the City of Port Phillip's Waste Management Plan Guidelines for Developments must be prepared by a Waste Management Engineer or Waste Management Planner to the satisfaction of the Responsible Authority and endorsed as part of this permit. The Plan must include reference to the following:

- The estimated garbage and recycling volumes for the whole development.
- Bin quantity, size and colour.
- The garbage and recycling equipment to be used.
- Collection frequency.
- The location and space allocated to the garbage and recycling bin storage area and collection point.
- The waste services collection point for vehicles.
- Waste collection provider.
- How tenants will be regularly informed of the waste management arrangements.
- Scaled waste management drawings.
- Signage.

Once submitted and approved, the waste management plan must be carried out to the satisfaction of the Responsible Authority.

**14 Public Realm Plan - Queens Lane frontage**

Concurrent with the endorsement of plans, or by such later date as approved in writing by the Responsible Authority, a Public Realm Plan of the Queens Lane frontage is to be prepared and approved to the satisfaction of the Responsible Authority. The plan submitted must provide a high standard of pedestrian amenity



and parking requirements. It must coordinate all elements such as bicycle hoops, seating, planter boxes, artwork, pavement types, bollards, awnings and lighting. Details of all paving and footpath treatments including details of the treatment of level changes. Pedestrian access must comply with the Disability Discrimination Act 1982.

**15 External Lighting Plan – Queens Lane frontage**

Concurrent with the endorsement of plans, or by such later date as approved in writing by the Responsible Authority, a Lighting Plan of the Queens Lane frontage is to be prepared and approved to the satisfaction of the Responsible Authority. The lighting plan will provide details of light levels and light spill at the following:

- The cross-over to the carpark and carpark entrance (including the bike parking area)
- The proposed pick-up/drop-off area in front of the building entrance
- The garbage truck parking/waste collection area

The Lighting plan to be accommodated by a lighting report prepared by a suitably qualified person that demonstrates the proposed lighting layout complies with relevant Australian e.g., AS1158.3.1 – 2020 and AS4282.

**16 Landscape Plan**

Concurrent with the endorsement of plans, an updated Landscape Plan is required to show compliance with canopy cover and deep soil requirements, as per Clause 58.03-5 Landscaping Objectives. The plan must be submitted to, approved by and be to the satisfaction of the Responsible Authority. The Landscape Plan must be generally in accordance with the Landscape Plan (prepared by Accadia) submitted with the application but amended to incorporate:

- a) Minimum area of deep soil provided for each type b and type c tree (as per table D3), including minimum soil plan dimensions.
- b) Dimensions of all planters that will make up the remaining deep soil area including minimum required planter soil volume, minimum soil plan dimension and minimum planter soil depth.
- c) Where there has been a reduction in soil area requirement for clusters of trees.

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

**17 Completion of Landscaping**

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

**18 Landscaping Maintenance**





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

#### **19 Arborist Report**

An Arboricultural Impact Assessment report is required for review, prior to approval of the permit for works at this site. The report must be prepared by a suitably qualified Arborist (AQF level 5 or equivalent) and include:

- any onsite trees which meet the definition of a significant tree under Council's Local Law,
- trees on neighbouring properties with TPZs that fall within the subject site,
- the nature strip tree(s) adjacent the property.

The report must follow the guidelines from Council Arboriculture Victoria and comply with the Australian Standard 4970:2009 Protection of Trees on Development Sites.

Should the report find that any works encroach into 10% or more of the Tree Protection Zone, or into the Structural Root Zone of any tree the design is to be modified to reduce the incursion, unless a non-destructive root investigation (NDRI) can demonstrate that the tree will not be negatively impacted. The NDRI is to be conducted along the line of the proposed works and documented with a root map to show the location, depth and diameter of all roots found. The findings, photographs and recommendations should be presented in the impact assessment report.

Following council arborist approval of the Arboricultural Impact Assessment, a Tree Protection and Management Plan that details how the trees will be protected, in accordance with AS4970-2009, will be required for endorsement and form part of the permit.

#### **20 Tree Management Plan**

Following approval of the Significant Tree Permit and before the development starts, a management plan for relocation of the existing palm must be prepared by a person with a minimum 3 years' experience in palm relocation, must be submitted to, and approved by, the relevant Council Arborist.

The management plan must include detailed recommendations about how best the palm should be relocated, including detailed methodology, any off-site storage if required, and post-transplant re-establishment. The recommendations of the management plan must be carried out by a contractor with extensive experience in relocation of this species of palm and completed to the satisfaction of the Responsible Authority prior to the completion of the development.

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

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



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

All to the satisfaction of the Responsible Authority.

**22 Loading/unloading**

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

**23 Piping, Ducting, Service Units**

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

**24 Walls on or facing the boundary**

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

**25 Glare**

Specular light reflectance must be less than 15 per cent for all external building glazing and cladding materials and finishes when measured at an angle of 90 degrees to the surface of the material (normal incidence), except with the written consent of the responsible authority.

**26 Wind**

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

**27 Vehicle Crossings – Removal**

Before the occupation of the development allowed by this permit, all disused or redundant vehicle crossings, must be removed and the area re-instated with



footpath, nature strip and kerb and channel at the cost of the applicant/owner as well as any on street parking signage and line marking changes and to the satisfaction of the Responsible Authority.

**28 Lighting baffled**

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

**29 Crossover – Department of Transport Condition**

Prior to commencement of use all disused or redundant vehicle crossings must be removed, and the area reinstated to the satisfaction of the Responsible Authority and at no cost to the Head, Transport for Victoria.

**30 Satisfactory Continuation**

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

**31 Time for Starting and Completion**

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

- a) The development is not started within three (3) years of the date of this permit.
- b) The development is not completed within five (5) years of the date of this permit.

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

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

Within 12 months after the permit expiry date, where the development allowed by the permit has lawfully started before the permit expires.

**4. RECOMMENDATION B - AUTHORISE THE MANAGER CITY DEVELOPMENT FOR THE VCAT APPEAL**

- 4.1 Authorise the Manager City Development to instruct Council's Statutory Planners and/or Council's solicitors for the VCAT application for review.

**5. RELEVANT BACKGROUND**

- 5.1 There is no relevant history or background for this application.

**6. PROPOSAL**

- 6.1 The application is for the construction a fifteen storey apartment building (comprising 379 dwellings - 89 x one bedroom, 234 x two bedroom and 56 x three bedroom) with three levels of basement car parking (425 car spaces and 204 resident bicycle spaces and 38 visitor bicycle spaces at ground floor level) accessed via Queens Lane.
- 6.2 The plans which are the subject of this report are the plans prepared by BatesSmart entitled "50 Queens Rd", Project No M12568, Plans No's as TP00, TP01.00, TP01.02, TP03.00 to TP03.4, TP03.04, TP03.09, TP03.12, TP.03.14, TP03.15, TP03.B01 to

TP03.B03, TP09.00 to TP09.04 and TP10.00 to TP10.03 (Rev C) dated 7.03.23 and Council date stamped 7 March 2023 referred to as “VCAT Submission Issue”

6.3 The proposal is detailed within the following table:

	Proposal
<b>Site area</b>	6966m <sup>2</sup>
<b>Type of development</b>	Residential development within a podium and tower  <b>Figure 1:</b> Front (Queens Road) elevation.
<b>Land uses</b>	Residential Dwellings
<b>Demolition</b>	Demolition of all existing buildings and works on site (no permit required).
<b>No of dwellings</b>	379 dwellings over levels 1 to 18 comprising 89 x one bedroom (54sqm to 66 sqm), 234 x two bedroom (76 sqm to 90 sqm) and 56 x three bedroom dwellings (104 sqm to 168 sqm).
<b>Setbacks and tower separation</b>	<p>The podium level would be setback 15m form Queens Road and a minimum of 4.5 m from the side boundaries on the ground level but increasing to a minimum 6m from levels 1 and above.</p> <p>The development would be setback 2.5 m 5.0 m increasing to 7.66 m to the rear) Queens Lane)</p> <p>The tower level (levels 4 to 8) would maintain the podium levels setbacks, but the rear setback increased from 5.0 m to 7.66 m.</p> <p>The tower levels (9 to 11) 25 m from Queens Road with the remaining setbacks the same as the levels below.</p>



	The tower level (12-13) would maintain the same side and rear setbacks, but the front setback to Queens Road would be 33 m. A level 14 the would be increased 37 m.
<b>Podium height</b>	29.63m in height (37.40 m AHD) to the top of the nine-storey podium
<b>Tower height</b>	49.22m (57.2m AHD) to roof level 51.62m (59.6m AHD) to the top of plant equipment
<b>Communal facilities</b>	The proposed development would include communal facilities for future residents. The communal areas would include a large, landscaped area to the front of the building (2422 sqm) at ground floor level. Within the development would be a gym, office area and pool at ground floor level. A resident bar/ lounge and external terrace would also be located at level 14. The resident bar and terrace would include views and outlook over Albert Park Lake.
<b>Loading bay</b>	Two loading / waste collection areas (measuring 3.5m x 6.4m) would be provided at basement level 1 and be next to each lift core. The loading areas would be accessed from Queens Lane.
<b>Car parking</b>	A total of 425 car parking spaces would be proposed within the three basement levels.  All vehicles would enter and egress via Queens Lane to the side of the site and would ramp down to each basement level. The ramp is 7.1 m in width.
<b>Bicycle parking</b>	A total of 204 resident bicycle parking spaces would be provided.  This consists of: <ul style="list-style-type: none"> <li>• 156 vertical spaces, within the basement levels;</li> <li>• 48 horizontal spaces, within the basement levels;</li> </ul> In addition to this would be a further 38 communal bicycle spaces at ground floor level to the rear of the development.
<b>Private open space</b>	Each apartment would be provided with secluded private open space in the form of a balcony ranging in size from 8.17m <sup>2</sup> to 88.52 m <sup>2</sup> accessed from the main living room.
<b>Storage</b>	Storage to each dwelling has between 3-5 cubic metres of storage located within the basement levels.

6.4 The built form of the development is described as follows:

Ground floor



6.5 The ground floor would consist of the main entrance lobby with reception and sitting area, a pool and amenities area, gym and co working and offices. The ground floor would contain 16 apartments. A substation and services area would be located in the north-eastern corner of the ground floor. The entrance to the basement car park would be located within the south-eastern corner where a 7.1m wide a ramp would be accessed from Queens Lane.

Level 1

6.6 Level 1 would accommodate 28 apartments in a mix of 1, 2 and 3 bedrooms configurations. A minimum of setback of 6m would be provided from the side boundaries for the level and to all levels above.

Level 2

6.7 Level 2 would accommodate 29 apartments on each level in a similar mix of 1, 2, and 3 bedroom configurations.

Levels 3 and 4

6.8 Levels 3 would accommodate 29 apartments with a mix of 1, 2 and 3 bedroom apartments provided.

Levels 4 to 8

6.9 Levels 4 to 8 would accommodate 29 apartments on each level in the same configuration in each level which would provide a mix of 1, 2 and 3 bedrooms.

Levels 9 to 11

6.10 Levels 9 to 11 would accommodate 25 apartments on each level in the same configuration in each level which would provide a mix of 1, 2 and 3 bedrooms.

Level 12 and 13

6.11 Level 12 and 13 would accommodate 21 apartments on each level in a similar configuration and a mix of 1, 2 and 3 bedrooms.

Level 14

6.12 Level 14 would accommodate 15 apartments and a tenant amenity bar/ lounge (165 sqm and terrace 126 sqm).

Roof Level

6.13 The roof level would contain a plant area enclosing the lift and stair core.

6.14 The proposal would have a maximum building height of 49.22m above natural ground level, and 51.62m above natural ground level including the lift overrun and plant / services.

6.15 A varied palette of materials and finishes are proposed and would include masonry, bronze aluminium, powder coat aluminium, white aluminium, glazing (clear and warm), spandrel glass.

Amended VCAT Plans

6.16 The application plans have been formally amended by the applicant prior to the VCAT hearing which is to commence on 1 May 2023. The amended VCAT plans are the plans referenced above and which are considered in this assessment. The amended VCAT plans made the following changes to the proposal:





- Setbacks increased to the north and south boundaries to provide a 9 metre minimum balcony to balcony separation to the existing adjoining buildings above Ground Level. As a consequence of this change, the internal apartment layout and mix have been adjusted accordingly.
- The materiality and massing of the building form has been amended to the east elevation to improve legibility with the surrounding urban context particularly along Queens Lane.
- The vehicle drop off zone has been adjusted to be completely within the title boundary of the subject site.
- The canopy above has been redesigned.
- Waste collection now proposed to occur on site from the basement (this was previously proposed to be by Council collection from ground level), enabling more common amenity activities on Ground Floor along the Queens Lane frontage including the swimming pool (which was previously on Level 02).
- Basement Mezzanine added to east end of basement to locate related pool plant.
- The pool and amenities have been relocated in order to effect the changes to the north and south setbacks, eastern elevation, vehicle drop off zone and waste collection arrangements described above.
- 10 additional apartments provided as a result of the pool and amenities relocation, the internal apartment layout and mix have been amended and apartments have been added to Levels 01 and 02 along Queens Lane. 8 apartments have been added to Level 01 and 2 apartments added to Level 02
- While a total of 425 car parking spaces will continue to be provided on site (as shown on Plans TP03.B01 - TP03.B03 (Revision A)) - the increase in apartment numbers has triggered the requirement for a waiver of 10 car parking spaces under Clause 52.06 of the Planning Scheme.

## 7. SUBJECT SITE AND SURROUNDS

Site Area	6966 m <sup>2</sup>
Existing building & site conditions	<p>The subject site is located on the eastern side of Queens Road, Melbourne.</p> <p>The site is rectangular in shape allotment, with a frontage to Queens Road of 91.44 m, a frontage to Queens Road of 91.44 m and a depth of 76.2 m. The site has an overall area of 6966 sqm.</p> <p>The site is currently developed with a hotel comprising a number of buildings ranging in height from one to six storeys. The main building is setback approximately 14 m from the Queens Road frontage. Within the principal frontage there is at grade car parking with access to Queen Road. A further multi-level car park is found at the rear of the site with access via Queens Lane.</p>
Surrounds/neighbourhood character	The subject site is located within the Queens Road sub precinct of the St Kilda Road North Precinct. The area is characterised by being lower rise and predominantly residential area that forms an edge to



	<p>Albert Park. The built form along Queens Road is generally lower than that facing St Kilda Road.</p> <p>The surrounding land (to the north, south and east) is generally developed with multi-storey buildings with a commercial or residential use. The land to the west is open parkland of the Albert Park Public Golf Course.</p> <p>The site is located approximately 1.1 m from Kings Way and 3.1 km from the Melbourne CBD.</p> <p>The site is well served by public transport with tram services located within walking distance on Commercial Road and St Kilda Road.</p> <p>Detail of the interfaces are provided below:</p> <p>To the north of the site (48 Queens Road / 1 Roy Street) is developed with a thirteen-storey residential building. The building has a landscaped frontage of approximately 12 m to Queens Road. The building is characterised by the upper levels having increased setbacks to Queens Road. The building is setback approximately 3 m from the shared boundary with the subject site. Vehicular access is provided from Queens Lane to a basement level car park.</p> <p>To the south of the site (54-55 Queens Road) is developed with a fourteen storey apartment building ('Grosvenor on Queens'). The building is characterised by its 'L' shaped layout and the upper levels having increased setbacks to Queens Road. This building has an approximate setback to Queens Road of 16 m and a setback to the shared boundary with the subject site of 3 m. Further to the south, on this site, is a two storey Renaissance Revival brick mansion (The Grosvenor).</p> <p>To the east of the site is Queens Lane, which is an 8 m wide road. On the opposite side of Queens Lane are three properties that face St Kilda Road, the details are as follows:</p> <ul style="list-style-type: none"><li>• 564 St Kilda Road comprises a 16-storey office building. The site has vehicular access from Queens Lane which serves a multi level car park, within the building podium</li><li>• 566 St Kilda Road is a nine-storey mixed use (office and commercial) building. The site has vehicular access via Queens Lane</li><li>• 568 St Kilda Road is a seventeen-storey residential apartment building. The site has vehicular access via Queens Lane to a multi-level basement car park</li></ul> <p>To the west of the site Queens Road which is a 19m wide road. On the opposite side of Queens Road is Albert Park Public Golf Course.</p>
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**8. PERMIT TRIGGERS**

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

Zone or Overlay	Why is a permit required?
<p>Clause 32.07 Residential Growth Zone – Schedule 1.</p>	<p><u>Use</u></p> <ul style="list-style-type: none"> <li>▪ A permit <b>is not</b> required for the use of the land as a dwelling.</li> </ul> <p><u>Works</u></p> <ul style="list-style-type: none"> <li>▪ A planning permit <b>is required</b> to construct a building or construct two or more dwellings on a lot pursuant to Clause 32.07-5.</li> </ul> <p>An apartment development of five or more storeys, excluding a basement, must meet the requirements of Clause 58.</p>
<p>Clause 43.02 Design and Development Overlay Schedule 26</p>	<ul style="list-style-type: none"> <li>▪ A planning permit <b>is required</b> to construct a building or construct or carry out works, pursuant to Clause 43.02-2 of the Port Phillip Planning Scheme.</li> </ul>
<p>Clause 44.05 Special Building Overlay – Schedule 2</p>	<ul style="list-style-type: none"> <li>▪ A planning permit <b>is required</b> to construct a building or construct or carry out works, pursuant to Clause 44.05-2 of the Port Phillip Planning Scheme.</li> </ul> <p>The Special Building Overlay only affects a very small section of the site along Queens Road.</p>
<p>Clause 52.06 Car Parking</p>	<ul style="list-style-type: none"> <li>▪ Pursuant to Clause 52.06-3, a <b>permit may be granted</b> to reduce or to waive the number of car spaces required by the table.</li> <li>▪ As a change of use is proposed, the car parking requirements for dwelling must be considered. A dwelling has a requirement of 1 space for each one or two bedroom dwelling (323 spaces required for the 323 x one or two bedroom dwellings) and 2 spaces for each three or more bedroom dwelling (112 spaces required for the 56 x three bedroom dwellings).</li> <li>▪ There are no visitor parking requirements as the site is within the Principal Public Transport Network Area.</li> <li>▪ This requires a total provision of 435 car spaces.</li> <li>▪ The proposal includes 425 car parking spaces; Therefore, a permit <b>is required</b> under this Clause for a reduction of 10 spaces.</li> </ul>



<p>Clause 52.29 Land Adjacent to the Principal Road Network</p>	<ul style="list-style-type: none"> <li>▪ A permit <b>is required</b> to create or alter access to a road in a Transport Zone 2.</li> </ul>
<p>Clause 52.34 Bicycle Facilities</p>	<ul style="list-style-type: none"> <li>▪ Pursuant to Clause 52.34-1, a new use must not commence, or the floor area of an existing use must not be increased until the required bicycle facilities and associated signage has been provided on the land.</li> <li>▪ A permit may be granted to vary, reduce or waive any requirement of Clause 52.34-3 and Clause 52.34-4.</li> <li>▪ Pursuant to Table 1 to Clause 52.34-5, the use of a dwelling (in developments of four or more storeys) requires 1 resident space for each 5 dwellings. (379 dwellings would require 76 resident spaces)</li> <li>▪ Pursuant to Table 1 to Clause 52.34-5, the use of dwelling (in developments of four or more storeys) would require 1 visitor space per 10 dwellings. (379 dwellings would require 38 resident spaces)</li> <li>▪ The proposal includes 242 bicycle spaces and therefore a permit <b>is not</b> required for the reduction.</li> </ul>

**9. PLANNING SCHEME PROVISIONS**

**9.1 Planning Policy Frameworks (PPF)**

The following State Planning Policies are relevant to this application:

Clause 11: Settlement

- Clause 11.01-1R1: Settlement - Metropolitan Melbourne
- Clause 11.02: Managing Growth

Clause 13: Environmental Risks and Amenity

- Clause 13.05-1S: Noise Abatement

Clause 15: Built Environment and Heritage

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

Clause 16: Housing

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

Clause 17: Economic Development

Clause 18: Transport



## 9.2 Local Planning Policy Framework (LPPF)

The following local planning policies are relevant to this application:

Clause 21.03: Ecologically Sustainable Development

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

Clause 21.04: Land Use

- Clause 21.04-1: Housing and Accommodation

Clause 21.05: Built Form

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

Clause 21.06: Neighbourhoods

- Clause 21.06-7 St Kilda Road North

Clause 21.07: Incorporated documents

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

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

Clause 22.12: Stormwater Management

Clause 22.13: Environmentally Sustainable Development

## 9.3 Other relevant provisions.

Clause 52.06: Car Parking

Clause 52.34: Bicycle facilities

Clause 58: Apartment Developments

Clause 65: Decision Guidelines

## 9.4 Relevant Planning Scheme Amendments

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

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



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

The plans were formally amended pursuant to Section 57a of the P&E Act.

The application is required to be assessed against these new provisions.

## 10. REFERRALS

10.1 The application was referred to the following areas of Council for comment.

10.2 A summary of the referral comments are provided below. The full responses are found in Attachment 6.

## 11. INTERNAL REFERRALS

Internal Department	Referral comments (summarised)
Acoustic Engineer	<p><b>Comments on Advertised Plans.</b></p> <p><b>No Objection, subject to conditions.</b></p> <p>An external acoustic consultant has reviewed the application for Council and supports the proposal subject to recommended conditions. The acoustic consultant has recommended revised glazing to apartments and noise testing to the upper levels once development is near completion.</p> <p><b><u>Planner Comments</u></b></p> <p>The acoustic engineer is generally supportive of the proposal. The acoustic engineer has recommended two conditions (as noted above), which are considered reasonable in this instance. <b>(Refer Conditions 10 and 11)</b></p>
Urban Design Advisor	<p><b>Comments on Advertised plans</b></p> <p><b>No Objection</b></p> <p><b>Referral Overview</b></p> <p>Council's Urban Design Officer was generally supportive of the proposal subject to addressing the pedestrian safety and ground floor activation/commercial use. The applicant addressed these outstanding issues in a written response. The Urban design officer noted that <i>"From an urban design perspective, the overall proposal is supported as a high quality and elegant design response to its site"</i>.</p> <p><b>Comments on Amended VCAT Plan</b></p> <p>The Amended VCAT plans were rereferred to Council's Urban Designer who has provided the following comments on the changes (setbacks to common boundaries, materiality and massing, vehicle parking and waste collection area) made on the amended VCAT plans:</p> <p>From an urban design perspective, the proposed revisions are supported. Overall, the revised proposal offers a very high quality design response to its context. However, some suggested conditions of approval are included below to address some detailed design issues.</p> <p>1. A section 173 agreement for parking across public-private</p>





	<p>boundaries.</p> <ol style="list-style-type: none"><li>2. The layby parking width reverts to previous standard width.</li><li>3. To create more pedestrian space in front of the main building entry, the layby parking is moved away from in front of the main building entrance.</li><li>4. A public realm plan for the Queens Lane pedestrian plaza.</li><li>5. Overlooking between apartments.</li></ol> <p><u>The changes to the rear interface to Queens Lane (particularly in regard to the DDO requirement that tower widths should not exceed a width of 35m)</u></p> <p><b>UD Response: this revision is supported with conditions</b></p> <p>In regard to the changes to the Queens Lane elevation, Council's Urban Design Officer noted the following:</p> <p><i>"The revised architectural design and proposed massing is supported. The revisions increase the amount of articulation, resulting in the streetscape presentation of three distinct building masses. The revision includes visually accentuating the widths and depths of the vertical breaks through darker materials, balcony detailing and facade detailing. Importantly, this articulation of building massing into 3 distinct parts will be apparent when viewed obliquely on approach from either north or south on Queens Lane – refer Figure 3 below. As each of these 3 building sections is less than 35 metres long, this arrangement is considered to be consistent with the DDO requirements."</i></p> <p>In regard to the changes to the aside setbacks, Council's Urban Design Officer noted the following:</p> <p><i>"The revised setbacks will improve the urban design outcome, particularly the physical separation from the existing neighbouring apartment buildings to the north and south. Importantly, the minimum setback of 9m is increased to greater amounts along the side boundary towards Queens Road. This generous design strategy will significantly increase views, daylight, and the sense of separation between buildings."</i></p> <p><b><u>Planner Comments</u></b></p> <p>Urban Design have no objection to the proposal and has noted that it is a high quality and elegant design. Whilst some issues were originally raised, the applicant has addressed these through a detailed written response. Following the written response, Council's Urban Designer had no further objection.</p> <p>The further changes made in the VCAT plans were also supported by Council Urban Designer, subject to conditions. The issue raised about the changes to the building along Queens Lane will be discussed in the assessment section of the report, but it is noted that in line with the comments, conditions will be required to modify the car parking arrangement (<b>refer condition 1c</b>), the requirement for a public realm plan (<b>refer condition 14</b>) and the screening of the balconies that face each other on Queens Lane (<b>refer condition 1d</b>). It is not considered necessary to include a S173 Agreement for the car parking spaces along</p>
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	<p>Queens Lane in the application material indicates that these spaces would not extend into public land. The proposed condition 1c will include a stipulation that the parking spaces are wholly contained within the title boundaries of the site</p>
<p><b>Landscape Architect</b></p>	<p><b>Comments on Advertised Plans</b></p> <p><b>No Objection</b></p> <p><b>Landscape Comments</b></p> <p>The landscape architect has no objections to the proposal subject to conditions addressing the following issues:</p> <ol style="list-style-type: none"> <li>1. This should be confirmed as sawn, locally sourced bluestone.</li> <li>2. We note that the landscape plans do not show details for vehicle crossovers in this area which should be confirmed. We also recommend confirmation of details to ensure safety for pedestrians during the collection of waste.</li> </ol> <p><b><u>Planner Comments</u></b></p> <p>The landscape architect has no objection to the proposed landscape plan.</p> <p>The concerns over the paving material and safety for pedestrians during waste collection have been addressed in the amended VCAT plans where the waste collection area has been relocated to the basement. It is noted that a Public Realm plan has been sought by Council Urban Designer which would address any concerns about paving of the footpath on Queens Lane (<b>Refer condition 14</b>).</p>
<p><b>Arborist</b></p>	<p><b>Comments on Advertised Plans.</b></p> <p><b>Supports, subject to conditions.</b></p> <p>Council's Arborists were supportive of the proposal subject to conditions to address the following:</p> <ul style="list-style-type: none"> <li>• Minimum area of deep soil provided for each type b and type c tree (as per table D3), including minimum soil plan dimensions.</li> <li>• Dimensions of all planters that will make up the remaining deep soil area including minimum required planter soil volume, minimum soil plan dimension and minimum planter soil depth.</li> </ul> <p><b><u>Planner Comments</u></b></p> <p>Council's Arborist has reviewed the application and noted that a revised landscape plan, arborist report and tree management plan are required. If the remainder of the application is acceptable, a condition could require these updated documents. (<b>Refer Conditions 16, 19 and 20</b>)</p>
<p><b>City Strategy</b></p>	<p><b>Comments on Advertised Plans.</b></p> <p><b>City Strategy object to the proposal and have noted:</b></p> <p>City Strategy are generally supportive of the proposal, subject to the height being reduced to reinforce the primacy of St Kilda Road.</p> <p><b><u>Planner Comments</u></b></p>



	<p>It is noted that the City Strategy department does not support the variation to the discretionary height limit. This is discussed in detail later in the report.</p>
<p><b>Development Engineer</b></p>	<p><b>Comments on advertised plans</b> <b>No Objection subject to conditions</b></p> <p><b><u>Special Building Overlay</u></b></p> <p>The designated flood level for the above property is 7.918 AHD. The SBO2 is encroaching slightly into the frontage of the property as shown below.</p> <p>The minimum required finished floor level for the habitable area is 8.218 AHD (7.918m AHD + 300mm) and non-habitable area is 8.068m AHD (7.918m AHD +150mm)</p> <p><b>Other Matters</b></p> <p>Several other issues were raised regarding access agreements on Queens Lane and public lighting along the Queens Lane frontage. It is noted that accessway matters were modified in the VCAT amended plans and the lighting addressed by suggested condition.</p> <p><b><u>Planner Comments</u></b></p> <p>It is noted that Council's Development Engineer is satisfied with the proposed development in regard to the Special Building Overlay that affects the site.</p> <p>The development engineer has also required a lighting plan to be provided to show details of the lighting onto Queens Lane. It is recommended that should a permit be issued a lighting plan be included as a condition of permit (<b>refer condition 15</b>).</p>
<p><b>Waste Management</b></p>	<p><b>Comments on Advertised Plans</b> <b>No Objection, subject to conditions</b></p> <p>Council's Waste officer was generally supportive of the proposal but had some concerns relating to waste collection from the building to the collection vehicle. It is noted that the VCAT amended plans have moved the waste collection to basement level and via a private contractor.</p> <p><b><u>Planner Comments</u></b></p> <p>Council's Waste Officer had no objection to the earlier proposal, subject to the WMP being amended to confirm that all waste bins will be brought out to the waste collection vehicle by the building management. This is no longer required where the amended VCAT Plans have relocated waste collection to the basement of the building.</p> <p>Given the change to the waste collection arrangement a new waste management plan will be required as a condition of permit (<b>Refer condition 13</b>).</p>



<p><b>Environmental Sustainable Development</b></p>	<p><b>Comments on Advertised Plans</b> <b>No objection, subject to conditions.</b></p> <p>Council's ESD officer is generally supportive of the proposal subject to conditions to address the following:</p> <p>Location of solar panels</p> <ul style="list-style-type: none"> <li>• NatHERS rating</li> <li>• Pool facilities to be included in the assessment.</li> <li>• Water consumption</li> <li>• Updating stormwater assessment</li> </ul> <p><b><u>Planner Comments</u></b></p> <p>The ESD advisor is generally supportive of the application and notes that it almost demonstrates an acceptable outcome. The applicant has provided a response to the outstanding issues and the ESD officer agrees that the outstanding issues can be addressed via conditions (<b>as noted above</b>), without the need for re-referral prior to a decision. (<b>Refer Condition 4, 5, 6, 7 and 9</b>)</p>
<p><b>Traffic Engineer</b></p>	<p><b>Comments on Advertised Plans</b> <b>No Objection</b></p> <p>Council's Traffic Engineer is generally supportive of the proposal. There were no concerns raised to the accessway and ramp/ headroom. From those comments there were four outstanding issues.</p> <ol style="list-style-type: none"> <li>1. Indented parking on public and private land</li> <li>2. Pedestrian connection along the site frontage on private land.</li> <li>3. Waste collection along Queens Lane</li> <li>4. Traffic Generation</li> </ol> <p><b><u>Planner Comments</u></b></p> <p>The VCAT amended plans have removed the parking on public/ private land and the waste collection point on Queens Lane. The remaining issues were addressed by the applicant.</p>



### 11.1 External Referrals

Referral Authority	Response	Conditions
Department of Transport (DoT)	<p><b>No objection subject to the following condition being included on any approval:</b></p> <p><i>Prior to commencement of use all disused or redundant vehicle crossings must be removed, and the area reinstated to the satisfaction of the Responsible Authority and at no cost to the Head, Transport for Victoria.</i></p> <p><b>Planner Comments</b></p> <p>The Department of Transport has no objection to the proposal, subject to the inclusion of the above Condition on any approval. If the remainder of the application is considered to be acceptable, the above condition could be included (<b>Refer Condition 29</b>)</p>	

## 12. PUBLIC NOTIFICATION/ OBJECTIONS

- 12.1 It was determined that the proposal may result in material detriment therefore Council gave notice of the proposal by ordinary mail to the owners and occupiers of surrounding properties and directed that the applicant give notice of the proposal by posting two notice(s) on the site for an 18 day period, in accordance with Section 52 of the Planning and Environment Act 1987.
- 12.2 The application has received 90 objections. The key concerns raised are summarised below (officer comment will follow where the concern will not be addressed in Section 13 of this report):

<b>Social</b>
<ul style="list-style-type: none"> <li>Does not contribute to housing affordability.</li> <li>Does not include community facilities – cafe/ bar or restaurant.</li> </ul>
<b>Neighbourhood Character</b>
<ul style="list-style-type: none"> <li>Overall building height.</li> <li>No transition from the higher scale buildings along St Kilda Road to Queen Road.</li> <li>Tower width exceeds 35 m.</li> <li>Excessive scale and bulk.</li> </ul>
<b>Amenity Impacts</b>
<ul style="list-style-type: none"> <li>Noise, dust and disturbance during construction.</li> </ul> <p><b>Comment:</b> Building work can sometimes affect adjoining properties. An owner who is proposing building work has obligations under the Building Act to protect an adjoining property from potential damage from their work. If building work is close to or adjacent to adjoining property boundaries, then the relevant building surveyor may require the owner to carry out protection work in respect of that adjoining property. This is to ensure that the adjoining property is not affected or damaged by the proposed building work. Protection work provides protection to an adjoining property from damage due to building work. It includes but is not limited to underpinning of adjoining property footings, including vertical support, lateral support, protection against variation in earth pressures, ground anchors, and other means of support for the adjoining property.</p>



<p>This process is not controlled or overseen via the planning process and regulations. It is a matter addressed at the building permit stage.</p>
<ul style="list-style-type: none"> <li>• Loss of daylight/ solar access to existing dwellings.</li> </ul>
<ul style="list-style-type: none"> <li>• Overlooking</li> </ul>
<ul style="list-style-type: none"> <li>• Traffic Congestion</li> </ul>
<ul style="list-style-type: none"> <li>• Insufficient setbacks</li> </ul>
<ul style="list-style-type: none"> <li>• Use of Queens Lane for drop offs and waste management.</li> </ul>
<ul style="list-style-type: none"> <li>• Loss of views</li> </ul>
<p><b>Comment:</b> Loss across adjoining properties is not a planning consideration.</p>
<ul style="list-style-type: none"> <li>• Noise from waste, recycling and cars to and from the site.</li> </ul>
<p><b>Traffic</b></p>
<ul style="list-style-type: none"> <li>• Traffic Congestion along Queens Lane</li> </ul>
<ul style="list-style-type: none"> <li>• Provision of only one loading bay</li> </ul> <p><b>Comment:</b> Two loading bays have been provided.</p>
<ul style="list-style-type: none"> <li>• Access for removalist trucks</li> </ul> <p><b>Comment:</b> The application material includes a section plan (TP10.00) which shows that a 3.5m high clearance would be provided within basement 01 and the access way to the basement. This would provide sufficient height clearance for removalist vans such as those used by “Man with a Van”.</p>
<ul style="list-style-type: none"> <li>• Pedestrian safety during waste collection.</li> </ul> <p><b>Comment:</b> This concern has been resolved in the amended plans where waste collection has been relocated to the basement.</p>
<ul style="list-style-type: none"> <li>• No parking provided for non-residents. (trades people, doctors etc).</li> </ul> <p><b>Comment:</b> The application material details that there are two loading bays provided at basement level which would allow for loading and other parking for non residents. In addition, it is recommended that two additional car spaces be provided for visitor spaces and three spaces created on Queens Lane. This is discussed further in this report (<b>Refer Condition 1b</b>).</p>
<ul style="list-style-type: none"> <li>• Increased pressure on parking</li> </ul>
<ul style="list-style-type: none"> <li>• Waste collection and associated noise and amenity impacts</li> </ul>
<p><b>ESD</b></p>
<ul style="list-style-type: none"> <li>• Use of cementitious sheeting and associated CO2 being emitted.</li> </ul> <p>The SDA has been reviewed by Council’s ESD team who are generally satisfied that the development meets the sustainability requirements of the planning scheme.</p>
<p><b>Landscaping</b></p>
<ul style="list-style-type: none"> <li>• No issues raised.</li> </ul>
<p><b>Other</b></p>
<ul style="list-style-type: none"> <li>• Loss of property values.</li> </ul> <p><b>Comment:</b> Property values are not a planning consideration.</p>

12.3 A Consultation Meeting was held on 15 November 2022. The meeting was attended by two Ward Councillors, the applicant, objectors and Planning Officers. The meeting did not result in any formal changes to the proposal.





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

### 13. OFFICER'S ASSESSMENT

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

- **Is the application consistent with the Planning Policy Framework (PPF)?**
- **Is the proposed use consistent with the Residential Growth Zone?**
- **Is the proposed built form acceptable to its context including the requirements of Design and Development Overlay Schedule 26 and Clause 22.06 Urban Design Policy for Non-Residential Development and Multi Residential Development?**
- **Would the proposal result in any unreasonable amenity impacts to surrounding properties?**
- **Would the development provide an acceptable level of internal amenity for residents?**
- **Are the proposed car parking and access arrangements acceptable?**
- **Are the waste management arrangements acceptable?**
- **Does the proposal achieve best practice water sensitive urban design and environmentally sustainable design?**

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

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

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

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

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

The policy seeks to provide significant opportunities for new residential development in designated locations which have the capacity for change, and which offer highest



accessibility to public transport, shops, and social infrastructure; the majority of new residential development should be directed to preferred housing growth areas such as 'Substantial Residential Growth Areas' and 'Moderate Residential Growth Areas'.

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

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

The site is located within an area that would be considered a 'Substantial Residential Growth' category given its location on Queens Road and the excellent connections to arterial roads and public transport services. This is an area where settlement should be maximised given its ease of accessibility and ability to accommodate more intensive built-forms, subject to compliance with the Design and Development Overlay requirements and the urban design local policy.

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

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

### **13.3 Is the proposed use consistent with the Residential Growth Zone?**

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

- *To provide housing at increased densities in buildings up to and including four storey buildings.*
- *To encourage a diversity of housing types in locations offering good access to services and transport including activity centres and town centres.*
- *To encourage a scale of development that provides a transition between areas of more intensive use and development and other residential areas.*
- *To ensure residential development achieves design objectives specified in a schedule to this zone.*

Pursuant to Clause 32.07-2 (table of uses) a permit is not required under the Residential Growth Zone for the use of land as a dwelling. Given that the use of the land for dwelling is a Section 1 use under the zone, the proposal is consistent with the Residential Growth Zone. The proposal is also consistent with the purpose of the zone where it would provide a diversity of housing types in a site where more intensive residential development is encouraged.

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



The proposal requires the full demolition of the existing building and replacement with a 15-storey podium and tower development.

The subject site is located within a Residential Growth Zone, a narrow precinct of land in-between Queens Road and land zoned Commercial 1 Zone to the east. The site is also affected by the Design and Development Overlay Schedule 26 – St Kilda Road North and more specifically within precinct 6B – Queens Road.

The subject site benefits from an overall mandatory height limit of 65m AHD and under Precinct 6B which has a discretionary height of 40m.

The site is not affected by a heritage overlay.

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

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

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

**Clause 21.05 Built Form**

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

**Heritage**

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

The subject site is located adjacent to sites with individual heritage overlays. The proposed development would not involve demolition of original fabric of the adjacent sites.

**54-55 Queens Road – Formerly Lanark**

To the south of the site is 54-55 Queens Road (HO332). The site contains the Significant Graded two storey Renaissance Revival brick mansion (The Grosvenor).

The proposed development would not impact on the setting of the heritage building at 54-55 Queens Road. The adjoining site has been developed with a fourteen storey apartment building ('Grosvenor on Queens'). The building is characterised by its 'L' shaped layout and the upper levels having increased setbacks to Queens Road. The apartment building is to the side and rear of the Significant Graded two storey Renaissance Revival brick mansion (The Grosvenor). Given that the heritage building is effectively screened along the shared boundary by a 14 storey apartment building, the proposed development on the subject site would not undermine the heritage significance of the property.



**Figure 2:** Heritage building (The Grosvenor) at No. 54-55 Queens Road with the 14 storey apartment building (Grosvenor on Queens) to the side and rear.

#### Albert Park Lake Precinct

To the west of the subject site is the Albert Park precinct (HO446). The subject site is separated from the Albert Park Precinct by Queens Road which is a 19m wide road consisting of 5 lanes of traffic. Directly opposite the subject site is the Albert Park Public Golf Course.

The proposal at its lowest levels would be setback 15m from the frontage and the setback would increase to 46 and 55 m at the upper levels. Given these setbacks and the width of Queens Road, the proposal would not impact on the heritage significance of the Albert Park Lake Precinct.

There are no other heritage properties abutting or opposite the subject site.

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

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

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

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

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

It is considered that the proposed development is consistent with the applicable objectives for the reasons outlined further in this report.

Clause 21.05 also requires implementation of the above identified strategies through the application of relevant local policies. Applicable to the proposed development is



Councils Urban Design Policy for Non-Residential and Multi-Unit Residential Development (Clause 22.06). This is discussed below.

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

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

To achieve high quality urban design and architecture that:

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

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

**The Public Realm**

The proposed built form at podium level provides setbacks at ground level of 15 m to Queens Road, 4.5 m to the shared boundaries and would be constructed to the boundary with Queens Lane to a height of three storeys. Above three storeys the building would be setback 5m from Queens Lane with smaller breaks incorporated into the design to break up the massing of the building. This would satisfy Performance Measure 1 of this Policy as well and the setback and height requirements of the DDO.

**Street Level Frontages**

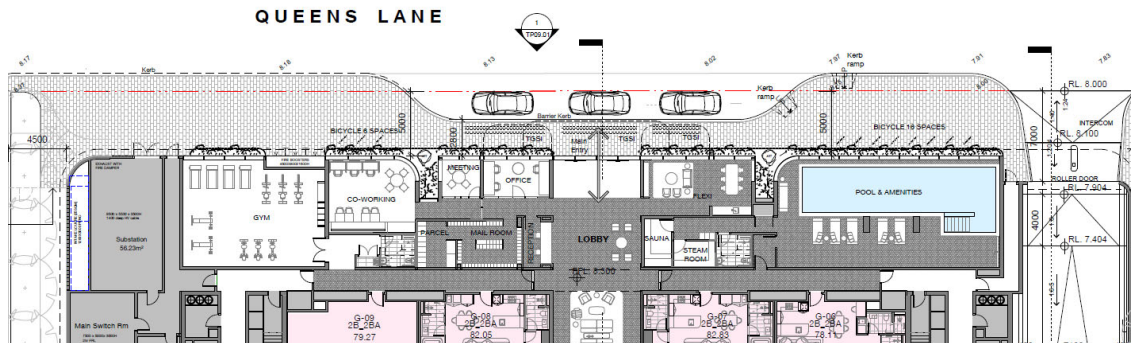
The site has a Queens Road address, but the main street frontage would be to Queens Lane where the main entrance lobby and vehicle entrance would be provided. The Street level frontage to Queens Lane that is shown in the amended VCAT plans provides a large lobby entrance, swimming pool, gym and offices which would provide a very active and interesting design at the frontage to Queens Lane. The building services have been limited as much as possible within the north eastern corner of the building





**Figure 3:** Queens Lane frontage

The proposal includes significant areas of glazing from the communal areas to Queens Lane. The design of the building entrance would be clearly visible and easily identifiable from the street. Furthermore, there would be windows and balconies at the lower levels along Queens Lane to provide surveillance of the adjacent public areas.



**Figure 4:** Ground floor layout

### Landmarks, Views and Vistas

The proposal would not impinge on the visual prominence or detract from any important vista of any other key landmark within the area. The proposed sale and setback of the development would be in keeping with the abutting buildings, and as such maintain the current views and vistas along Queens Road.

### Large Sites

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

### Energy Efficiency

Given the proposed height and location of the building the development would be provided with a good degree of exposure from the east and west. Furthermore, the proposed setbacks to the side boundaries would help to provide reasonable expose to the north and south elevations, whilst the proposed u-shape of the building would



ensure good exposure to the internal elevations of the building. As such the proposed building would maximise availability of daylight to the habitable spaces.

The application was accompanied by a Sustainability Management Plan (SMP) that includes all sustainability initiatives and measures proposed as part of the development. This includes a 5 – Star rating (Green Star assessment) which indicates that a score of 68 would be achieved. In addition to this a MUSIC report has been submitted that would exceed all the performance objectives with the exception of suspended solids removal. Council’s Sustainability Advisor has requested that the pool consumption be included in the assessment. If the remainder of the application is considered acceptable, a condition would require a revised MUSIC report (**Refer Condition 4**).

### **Building Design**

The proposed development would maintain the existing subdivision pattern and does not include consolidation of additional sites. In addition to this, the proposed side setbacks would be acceptable for the reasons discussed under the DDO26 assessment following and adequate separation would be achieved to the developments on the adjoining lots at 48 Queens Road / 1 Roy Street and 54 - 55 Queens Road.

The proposed podium and tower form of the building would provide a well resolved design with the massing and external treatment providing a clear distinction between the human scale of the podium level / street interface and the higher tower component. The presentation to Queens Road would have visual interest due to the u-shaped built form.

The design includes several architectural expressions to provide visual interest including exposed bull nose slab edges, balconies affording recesses and breaks in the glazing line at each level to offer further depth and interesting shadow lines to be created within the façade. The elevations of the building would be well articulated and would provide visual interest from multiple vantage points in both the public realm and from abutting or nearby properties. Council’s Urban Design Officers has reviewed the proposal and noted that

*“From an urban design perspective, the overall proposal is supported as a high quality and elegant design response to its site”.*

To the rear, Queens Lane elevation, the design always included vertical recesses along the height of the tower to provide articulation to prevent the appearance of a sheer façade. The physical breaks and design were strengthened in the VCAT amended plans where the amount of articulation was increased, and the widths and depths of the vertical breaks accentuated. Further comments were sought from Council’s Urban Designer on the changes to the Queens Lane elevation and these changes were supported and considered a further improvement in the design of the building.

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

It is considered that the proposed development would provide an innovative u-shaped development, appropriate to the Queens Road streetscape. As described above, the surrounding built form in this section of Queens Road, does not feature a consistent character and includes an example of podium / tower development and development





with a sheer tower form. The setbacks of the development are generally consistent and well landscaped. The proposal would reflect this characteristic. It is considered that the contemporary design would integrate well with the mix of old and new buildings nearby.

The predominant material would be glass punctuated with the use of concrete banding and metal finishes. The finishes are of high quality and respectful of the material palette found within the area.

The one outstanding matter raised by Council's Urban Designer on the amended VCAT plans was that the changes to the Queens Lane ground floor resulted in a significant loss of footpath area in front of the main entrance (reduced from 4m to 3m). It has been suggested that a significant improvement would be to locate the Queens Lane parking spaces to the northeast section of the site in front of the gym and services area. Should a permit be issued, it is recommended that a condition be included which requires the three parking spaces on Queens Lane to be relocated to the north-eastern section of the site in front of the substation, gym and co working area (**Refer condition 1c**). It is also recommended that a condition is included which requires a public realm plan for the area along the Queens Lane frontage.

#### **Urban Art**

A response to the Urban Art Strategy has not been submitted as part of the application. The submitted plans also do not indicate a prospective location or designated part of the building that could accommodate an Urban Art response. The proposed building does however feature relatively large expanses of landscaped areas within the front setback that could easily accommodate an Urban Art response. Subject to the issue of a planning permit, this could be provided via condition. (**Refer Condition 12**)

#### **Landscape**

The majority of the existing vegetation would be cleared from the site. The applicant includes the removal of some of the existing palm trees, which would be relocated.

The DDO in this location specifies a preferred landscape setback of 15 m to the Queens Road frontage. The proposal would provide this setback. Any landscaping response must be assessed in conjunction with the standard and objectives of *Standard D10 - Landscaping objectives of Clause 58 – Apartment developments*.

In addition to the front setback, each of the 4.5m wide side setbacks would also feature extensive landscaping. There would also be planter on the communal terrace at level 14.

The landscaping plan prepared by Arcadia indicates the provision of:

- A total of 498 square metres of deep soil area (7.1% of the site). The total deep soil area would not meet the minimum requirement of this Standard.
- A total canopy coverage of all existing and proposed trees of 1888 square metres (27% of the site). The canopy coverage would exceed the requirements of this Standard.
- The landscape plan includes two – Type C trees (*Carymbia citriodora*) and 24 type B trees (*Ulmus parvifolia* 'Todd', *Elaeocarpus reticulatus*, *Eucalyptus scoparia*, and *Magnolia grandiflora* 'Exmouth' and *Phoenix canariensis*), which exceeds the requirements of this Standard.



- Along the western frontage of the site, an area of approximately 498 sqm would be available for deep soil planting as there is no basement level below.
- Along the western frontage would be a mixture of trees and shrubs. Notably within this area would be two "*Corymbia citriodora*" which have a mature height of 20 m and two "Phoenix canariensis" which have a mature height of 12-18 m.
- Large volume (45L and 100L) planter boxed would be along the northern and southern elevations to support trees (*Waterhousea floribunda* 'ST1 Whisper') with a mature height of 8 metres.

Council's Landscape Architect has raised no objection to the proposed landscape plan. However, Council's arborist has raised a few issues due to the lack of detail. Should a permit be issued a revised Landscape plan would be required as part of the permit (**Refer condition 16**)

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

Private open space and Communal Open Space within the development is generally compliant with the requirements of Standard D7 – Communal Open Space objective and Standard D20 – Private Open Space objective of Clause 58 appended to this report.

#### **Residential Amenity**

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

The subject site is located within a Residential Growth Zone and is adjacent to residential properties on the site to the north and south (which are in the same zone). The abutting residential properties are of a similar scale to the proposal.

To the east of the site the land is zoned Commercial 1 zone. The properties to the east are separated by Queens Lane, which is over 9 m wide. The properties to the east are a mixture of commercial and mixed use commercial/ residential. In addition to the width of Queens Lane, the proposed dwellings would be setback a minimum of 5 m from the title boundary, this gives a total separation distance of at least 14 m to the properties to the east that face St Kilda Road. This separation distance would be sufficient to address issues of overlooking and provide adequate daylight to habitable room windows.

The principal areas for concern over potential amenity issues are the residential properties to the north (48 Queens Road / 1 Roy Street) and south (54-55 Queens Road). It is noted that the proposal exceeds the required 4.5 m side setback to the adjoining residential properties to the north and south. The amended VCAT plans increasing the setbacks beyond the 4.5m required by the DDO (from level 1 and above) to ensure a separation of 9m would be provided from the adjacent buildings to the north and south. The setback that is provided on the subject site, at a minimum of 6 m, is much larger than the setbacks that the two adjacent buildings provide back to the subject site. It is considered the side setback that has been provided in the amended VCAT plans to ensure a 9m separation would be provided is a site responsive



response to the sites context to ensure the proposal would not have unreasonable amenity impacts on adjacent property.

The amenity aspect of the proposal is further considered in the Design and Development Overlay assessment Clause 58 assessment (Refer Attachments)

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

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

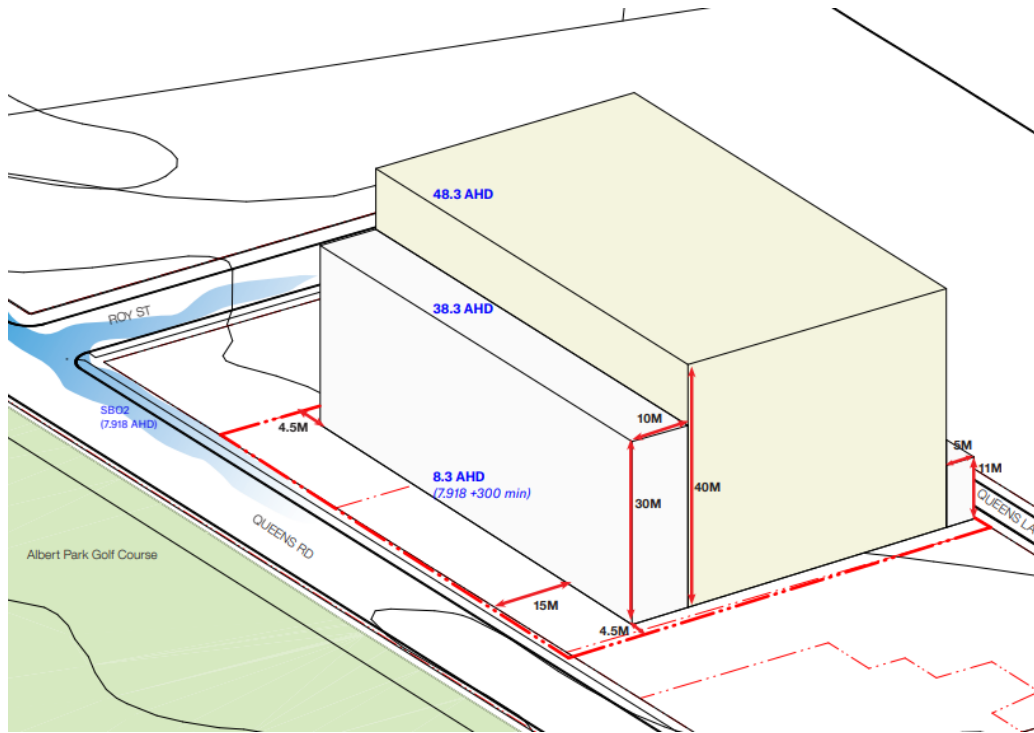
The site is located within sub precinct 6B of Design and Development Overlay Schedule 26. Sub precinct 6 is the area within the southern section of the Queens Road between Kings Way and the northern side of Union Street. The sub precinct is distinct as a lower rise, predominantly residential area that forms the edge to Albert Park. There is a consistency of building scale and siting that creates a cohesive streetscape image.

DDO26 outlines several key design objectives for sub precinct 6. For this application the most relevant design objectives are:

- *To reinforce the primacy of the St Kilda Road boulevard by creating a preferred future built form which provides a transition down in height from the high rise buildings along St Kilda Road to medium rise buildings along Queens Road.*
- *To ensure that buildings are of a medium scale with towers setback above a podium.*
- *To ensure that development frames long ranging views along Queens Road and forms an edge to Albert Park.*
- *To ensure that development provides generous and consistent front setbacks and regular spacing between buildings.*
- *To ensure that front setbacks provide for canopy trees and other larger plants to enhance the streetscape and pedestrian space.*
- *To ensure that development improves the pedestrian environment along Queens Lane through buildings designed to address and engage with the street edge while maintaining the service role of this lane.*

To achieve these design objectives, the DDO sets out several key requirements for the height and siting of any new development of those sites in sub precinct 6b. These requirements are shown on Figure 5 below which is taken from the Urban Context Report submitted by the applicant. As shown on the diagram the DDO requirements detail the following:

- A 40 m discretionary height limit (the DDO details that a 65m AHD mandatory height limit also applies).
- A 15 m landscaped setback requirement to Queens Road
- A 30 m height limit requirement within 25m of Queens Road
- A 11 m height limit within 5m of Queens Lane
- A 4.5 m setback requirement from the side boundaries



**Figure 5: DDO Requirements**

#### Assessment Against DDO Requirements

The building has been designed to align with almost all of the DDO requirements. In regard to height, the building is proposed at a height of 59.6 m AHD which is lower than the mandatory maximum building height of 65 m AHD. In regard to the siting of the building, it has been designed to comply and even exceed the requirements of the DDO. No part of the building would be built within the 15 m front landscaped setback. It would also not exceed 30 m within 25 m of Queens Road, and it would not exceed a height of 11 m within the 5 m setback to Queens Lane. The proposed side setbacks have also been revised in the amended VCAT plans to exceed the required 4.5m setbacks from the north and south.

The two requirements of the DDO which the building would not satisfy are the 40 m discretionary height requirement and the tower width requirement, when it would be viewed from Queens Lane. These two matters are discussed in greater detail below:

#### *40 m Discretionary Height*

The DDO specifies a preferred height of 40 m for those sites within sub precinct 6B. The proposed development is shown to have a maximum height of 49.22 m at its highest point. This means that, as proposed, the building would exceed the 40 m discretionary height control by 9.22 m to the parapet of the building (top of level 14) and 11.62 m to the top of the services. It is noted that the highest part of the development would have the smallest footprint and greatest setback to Queens Road.

It regards to its context; the building would sit amongst other buildings that already exceed the 40 metre height where the building at 48 Queens Street / 1 Roy Street has been built to a height of 40.73 m and the building at 54 - 55 Queens Road to a height of



44.21 m. This shows that there is already an established character in the immediate area for development to exceed 40 m in height.

One of the key sub-precinct objectives of Queens Road is to:

*“To reinforce the primacy of the St Kilda Road boulevard by creating a preferred future built form which provides a transition down in height from the high rise buildings along St Kilda Road to medium rise buildings along Queens Road”.*

The key issue in determining whether the height of the proposal is acceptable is therefore whether the building would provide the appropriate transition from what the DDO considers “higher buildings” on St Kilda Road and “medium rise buildings” along Queens Road.

In consideration of the transition in height, it is noted that the proposed building would be higher than some of the existing St Kilda Road buildings to the rear of the site. The building at 568 St Kilda Road has a similar height to the proposed building but the buildings at 564 St Kilda Road (48.7 m high) and 566 St Kilda Road (27.87 m high) are both lower than the proposal.

Based on the immediate context and the objective of the DDO, it is considered that as designed, the proposal is too high and does not provide the transition that is sought by the DDO. It is considered that one level of the building (3.4 metres) should be removed in order to provide the transition that is sought by the DDO.

By removing a level, the building would have a maximum height of 45.72 m. This would provide a better transition from the highest building to the rear on St Kilda Road where it would be approximately two storeys lower than the building at 568 St Kilda Road. The removal of a level would also bring the building closer in line with its neighbouring buildings on St Kilda Road where it would be only slightly taller than the building constructed at 55 Queens Road (which is 44.21 m).

Given that level 14 provides important communal facilities for the development it is recommended that level 13 be removed instead of the top level, level 14. This would result in the loss of 21 apartments.

The removal of a level is also consistent with the VCAT decision for the site at 31 Queens Road, Melbourne. The application for the site at 31 Queens Road (planning permit number 877/2016) was for a 16 level development on a site that is also located on Queens Road (approximately 400m north of the subject site).

As detailed in the VCAT order, *Queens Road Projects Pty Ltd v Port Phillip CC* [2018] VCAT 444, VCAT member Carew required the removal of a level in order to respond to the requirements of the DDO. This is set out in paragraph 35 which has been copied below:

*35. I do not find that it is necessary to remove all three top levels to achieve an acceptable planning outcome. The removal of level 14 is in my view sufficient to respond acceptably to the streetscape and the objectives of the DDO. This allows the plant area on level 15 to be retained as well as a distinguishable design finish to the top of the building to maintain visual interest. I note that the roof terraces are an element encouraged in the overlay that states that green roofs, roof gardens and vertical gardens should be encouraged in new or refurbished buildings, and I support the inclusion of these elements in the design.*



Plans have not been endorsed for the development but based on the advertised plans the removal of one level would result in a building on 31 Queens Road that would have a height of approximately 46.5m to the parapet of the building. This sort of height is similar to what would be achieved by removing a level on the subject application.

Based on the assessment above, it is recommended that Council's position for the application is subject to the removal of the level 13 with a consequential reduction in height by 3.4m (**Refer condition 1a**).

#### *35 m Building Width*

The other requirement that the proposal does not meet is the width of the tower form, above the podium level. The DDO recommends a maximum width of 35 m to ensure:

- Daylight penetrates through to parts of the building and streets, and adjoining buildings.
- Reduce their perceived visual bulk.
- Maintain sightlines between buildings.

It is important to note that the 35 m width is only a relevant issue when the building is viewed from Queens Lane. When viewed from Queens Road, the U shaped design of the building satisfies the requirement and provides for a built form that successfully reduces its bulk and softens its appearance from Queens Road and longer views from Albert Park.

When viewed from Queens Lane, the proposal would have a maximum width of approximately 83 m. This is significantly greater than the recommended 35 m.

It is important to note that the subject site is very large, being 91.44 m long which in itself lends to a larger scale of development being built on the subject site. It is worth noting that the existing hotel building on the site has a width of 86 m.

To reduce the visual bulk, the building has been designed to incorporate two clear recesses in order to provide a design of three distinctive forms when viewed from Queens Lane. This design measure is shown in the render drawings provided in the amended VCAT plans. This along with the significant use of glass and horizontal concrete bullnose banding present a light and open façade to the property's opposite. Given the large size of the site, the design to incorporate the breaks and proposed use of materials to visual break the massing is considered an acceptable response to the requirement for the 35 m width of buildings.





**Figure 6:** Render of Queens Lane Elevation

The application material includes a landscape plan prepared by Arcadia which shows an acceptable level of planting within the Queens Road setback and along the side boundaries. The preferred landscape setback of 15m is proposed and is being provided. The landscape plan details an extensive level of planting and canopy cover which would have a positive impact for the site itself and the surrounding area.

Overall, subject to the removal of one level, the proposal is considered to be an appropriate response to the controls and the preferred character for the precinct. Again, it is further reiterated that Council's Urban Designers have raised no significant objections and are supportive of the proposal. A detailed assessment of the proposal against the relevant Buildings and Works requirements of the DDO is provided at Attachment 4 of this report.

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

The assessment of the proposed development above, against Council's Urban Design Policy (Clause 22.06) and Design and Development Overlay 26, has determined that the proposed podium and tower form is acceptable with regard to height and proposed setbacks.

The Clause 58 – Apartment Development assessment contained in Attachment 5 of this report also includes assessment of the proposal in terms of amenity impacts to surrounding properties. Clause 58 does not specify setback requirements based on wall or overall building heights. In considering the potential visual bulk it is noted that the DDO includes clear direction for side and rear setbacks.

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



The Residential Growth Zone requires an assessment under Clause 58 of the Port Phillip Planning Scheme. Two of key amenity consideration under Clause 58 and raised in the objections are overlooking and overshadowing/ loss of daylight.

Land to the north and south of the site is located within the Residential Growth Zone. The land to the east of the site is located within a Commercial 1 Zone. The land to the west is within a Transport Zone.

### Overlooking

To the rear of the site, the closest residential properties (No. 568 St Kilda Road) is built to the rear boundary. The property to the rear is separated by Queens Lane, which is 9.5 m wide. The proposed residential apartments at podium level would be setback 3.4 m (balcony) and 5 m glazing line) and at the tower level would be setback 5.0m (balconies and glazing line) from the rear boundary. As such, the separation between the proposed apartments and the existing residential apartments to the rear would be between 12.67 m (podium level) 14.2 m (tower level). With a setback distance that is a minimum 12.67 metres it is considered that the proposal would not create unreasonable overlooking to properties to the rear.



**Figure 7:** Separation between existing and proposed buildings to the north and south.

In regard to the potential outlook to those properties to the side of the proposed development it is noted that both the development to the north (48 Queens Road / 1 Roy Street) and south (54-55 Queens Road) are set closer than the 4.5m requirement set out in the DDO. In response to the concerns about potential visual bulk and overlooking the amended VCAT plans have increased the side setbacks to provide a minimum 9 m between the subject development and the development constructed at 48 Queens Road / 1 Roy Street and 54 - 55 Queens Road. It is considered that the increased side setback which is in excess of the DDO requirement would ensure the development would not unreasonably overlook adjacent property. At the 9m setback the building would satisfy the standard overlooking requirements that screening is not required if a minimum separation of 9 m is provided and as such the proposal would comply with standard SD14 of Clause 58 of the Planning Scheme.



### Overshadowing

An assessment of the advertised shadow plans has been undertaken. The plans detail shadow impacts between 10am and 4pm at the 22 September Equinox.

These parameters are the standard when assessing ResCode (Clause 54 and Clause 55), however, it is critical to note that there is no requirement to assess this development against this matrix. Under the Design and Development Overlay – schedule 26 there is a precinct wide objective relating to amenity:

- To encourage building design that minimises adverse amenity impacts upon residential properties, Albert Park Reserve, the Shrine of Remembrance and other open space, streets and public places in the area as a result of overshadowing, wind tunnelling or visual bulk.

The modelled hours also do not suggest that shadow impacts are confined to these hours.

The shadow plans reveal that the proposed development will cast shadow to the surrounding buildings listed below; and these shadows will be in excess than what the existing building casts.

Due to the east-west orientation of the allotments, all existing buildings cast shadows to their immediate south, to public spaces, Queens Lane and St Kilda Road.

The impacts to the neighbouring residential buildings, Albert Park Reserve and public areas can be summarised as follows:

#### 54 - 55 Queens Road

- Shadow impacts are confined mainly to the northern elevation and to a section of the front setback abutting Queens Lane.
- Shadows are cast for all modelled hours of 10am to 3pm.
- The proposed shadows are greater than those cast by the existing building.
- The shadows are greatest between 1pm and 3pm.

#### 568 St Kilda Road

- Shadow impacts are confined to the western elevation.
- The proposed shadows are greater than those cast by the existing building.
- The shadows are greatest at 3pm, whilst there is some shadow at 2pm it only just touches the site.
- By 11am there are no new shadows cast.

#### Queens Road and Albert Park Reserve

- Shadow impacts are confined to part of the roadway and sections of the eastern footpath.
- The proposed shadows are greater than those cast by the existing building.
- They are greatest between 10am and 11am. By 11am the shadow would only fall on the footpath, and not on the roadway.
- By Midday there are no new shadows cast.



When regard is given to the reasonableness of the shadow impacts and policy context, it is considered that the application does not unreasonably impact upon the public areas, as only a small section of footpath receives additional shadow.

In considering the reasonableness of the shadow impacts to the adjoining residential properties it is noted that:

568 St Kilda Road

There is no shadow to this property between 10 am and 1 pm. At 2pm, the shadow only just passes over the site and is most likely clear of any habitable room window. Only at 3 pm would any shadow fall over the site that would cover a habitable room window. This is not unexpected given the allotments orientation and given the planning controls to the site and the intensity of development sought by the planning scheme, the increase in shadow is considered reasonable.

54 - 55 Queens Road

The extent of additional shadow is generally small, being limited to small sections on the northern elevation and a small section of the front setback. Again, this is not unexpected given the allotments orientation and given the planning controls to the site and the intensity of development sought by the planning scheme, the increase in shadow is considered reasonable.

Overall, the extent of additional overshadowing is considered to be small and acceptable. Given the allotments orientation, planning controls to the site and the intensity of development sought by the planning scheme, the increase in shadow is considered reasonable.

Restricting any development to decrease these impacts to 568 St Kilda Road and 55 Queens Road would result in an unacceptable imposition on development. As such, the proposed level of overshadowing is not unreasonable.

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

An application for the provision of apartment buildings within the Residential Growth zone is required to be assessed against the objectives, standards and decision guidelines of Clause 58. A development of five or more storeys, excluding a basement, must meet the requirements of Clause 58.

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

It is noted that the amended VCAT plans propose changes to the apartments facing Queens Lane which resulted in balconies facing each other in either side of the new vertical recesses. The distance between these balconies is less than 9m and as such they will need to be screened to protect the privacy of future occupiers. This is discussed in detail in the Clause 58 assessment. In order to resolve this issue, it is recommended that should a permit be issued, a condition be included which requires the screening of one side of the balconies that face each other (**refer recommended condition 1d**).



Overall, the proposed residential dwellings are considered to have a good level of internal amenity where the one bedroom apartments would provide an area between 54 and 66 sqm, the two bedroom apartments would provide an area between 76 to 92 sqm, and the three bedroom apartments would provide between 104 to 168 sqm. The development would also provide significant communal facilities which include the following:

- A large open landscaped area to the front of the building
- Gym, pool and pool amenities area on ground floor.
- A resident bar/ lounge and external terrace on level 14.

### **13.7 Are the proposed car parking and access arrangements acceptable?**

#### Access and Traffic

Design and Development Overlay 26 seeks to ensure that development improves the pedestrian environment along Queens Lane with buildings designed to address and engage with the street edge while also recognising the service role of this lane.

It is proposed to modify the access arrangements to remove three crossovers along Queens Road and modify the crossover to Queens Lane. In addition to this the proposal would create three car parking spaces along Queens Lane (partially on the subject site and partially on Queens Lane).

Council's Traffic and Transport Unit are supportive of the proposed access arrangements, changes along Queens Lane and have not specified any conditions in the referral responses. After a review of the initial application Council's Traffic Engineers had concerns regarding:

- Management and enforcement of the parking spaces along Queens Lane
- Pedestrian connection along Queens Lane
- Waste Collection along Queens Lane
- Traffic volume generation

In response to the above issues, a Traffic Engineering Response was provided by the applicant which was reviewed by Council's Traffic Engineers. New referral comments were provided which included the following comments:

- *The pedestrian path along the Queens Lane frontage has been amended and is deemed acceptable*
- *On the basis of the new detail provided that waste collection would occur once a week and the loading area would only cater for infrequent use by larger loading vehicles it is accepted that development would not detrimentally impact the surrounding road network.*

The amended VCAT plans have relocated the waste area to the basement which has resolved any concerns about the operation of the waste area when it was near the public realm.

In regard to traffic generation, the submitted Traffic Impact assessment notes the following:



- Queens Lane (within the vicinity of the site) has an approximate road reserve width of 10 metres, configured with one traffic lane in each direction intermittent loading zones on the eastern side of the carriageway.
- The section of Queens Lane fronting the subject site carries approximately 1,150 vehicles per day on the basis of a peak daily ratio of 10% for local roads.
- This increase in daily traffic volume can be accommodated comfortably without exceeding the theoretical capacity of Queens Lane.
- The level of traffic is equivalent to slightly more than one vehicle movement per minute during the AM and PM peak hour periods, which is a relatively low level of traffic from a transport engineering perspective.
- The development proposal is expected to add an additional 21 vehicle movements through each of the four intersections equating to less than 1% of the existing volumes.
- The proposal is estimated to generate in the order of 85 vehicle movements per hour during the AM and PM peak hour periods. It is expected that this increase in traffic volume can be readily accommodated by the existing surrounding road network in a safe and satisfactory manner without creating adverse traffic safety or operational impacts.
- The proposal is expected to generate up to an additional 738 vehicle movements per day along the section of Queens Lane fronting the subject site. This increase in daily traffic volume can be accommodated comfortably without exceeding the theoretical capacity of Queens Lane

Council's Traffic and Parking Unit reviewed the submitted Traffic Impact Assessment and have not raised concerns about the information provided. As such, planning officers do not have any concerns about the traffic generation associated with the development. Undoubtedly, the proposed development would generate additional traffic. However, it is not considered that the traffic generation would conflict substantially with existing traffic. It is considered that Queens Lane can accommodate the expected peak vehicle movements of 85 per hour, which equates to a vehicle leaving the site every 1.4 minutes.

Parking

The proposed development as shown on the VCAT amended plans would contain 379 dwellings split between 332 x one or two bedroom dwellings and 56 three bedroom dwellings. The subject site is located within the Principal Public Transport Network (PPTN) and is therefore subject to the applicable parking rate under Column B of Table 1 of Clause 52.06. The proposed standard residential uses generate the following statutory car parking requirement under Table 1 of Clause 52.06:

Use	Rate	No	Total Required	Total Proposed	Rate per dwelling
Dwelling	1 space to each one or	323	323	313 spaces allocated to 1 and 2-	1



	two bed dwelling			bedroom apartments	
	2 spaces to each three + bedroom dwelling	56	112	112 spaces allocated to 3-bedroom apartments	2
	0 spaces per visitor to every 5 dwellings for developments of 5 or more dwellings	73	0	-	-
<b>Total</b>			435	425	-10

This generates a statutory requirement for a total of 435 spaces. A total of 425 spaces are proposed across the three basement levels so therefore the proposal seeks approval for a reduction of 10 spaces.

Contextually, the site is located within the Principal Public Transport Network Area and is within walking distance to activity centres in St Kilda and Chapel Street. As previously identified, the site is located in close proximity to high quality public transport infrastructure with frequent tram services located on St Kilda Road and Commercial Road. Rail is also located nearby with Windsor Station and the future Anzac station within walking distance of the subject site. The site also has access to numerous car share options as well as access to a main cycle route along St Kilda Road.

There is strong policy support for addressing traffic congestion, limiting greenhouse emissions, and encouraging a modal shift to more sustainable transport options as per Clauses 16.01-1S (Integrated Housing), 16.01-2S (Location of Residential Development), 21.04-1 (Housing and Accommodation), 18.01-2S (Transport System), and 18.02-2R (Principal Public Transport Network). On this basis, a balanced outcome needs to be achieved acknowledging that the Sustainable Transport Policy explicitly seeks to reduce the high rate of private vehicle ownership within the municipality and subsequently reduce the dependence on cars as a mode of transport.

It is accepted that the site and proposed development is well positioned to achieve the objectives of Council's Sustainable Transport Policy. In this instance there is sufficient justification to reduce the statutory car parking rate due to the site's proximity to nearby activity centres, public transport and alternative forms of transport as well as strong alignment to state and local policy.

Clause 52.06-7 outlines the considerations the Responsible Authority must have regard to in determining the appropriateness of a car parking reduction.

The following table provides an assessment of the proposal against these considerations:





Clause 52.06-7 Consideration	Assessment
<b>The Car Parking Demand Assessment.</b>	A car parking demand assessment was not provided with the amended VCAT plans where a reduction of car parking is now sought.
<b>Any relevant local planning policy or incorporated plan.</b>	The proposal is considered to be supported by Council's local planning policy as discussed earlier in this report.
<b>The availability of alternative car parking in the locality of the land.</b>	The surrounding on-street car parking is highly restricted and generally limited to 1-2 hours between 8am and 6pm. As such there would be available parking outside of normal business hours, but almost no long-term parking available.
<b>On street parking in residential zones in the locality of the land that is intended to be for residential use.</b>	The surrounding land is a mix of commercial and residential zoned land. As described above, the surrounding parking is highly restricted with almost no long-term parking.
<b>The practicality of providing car parking on the site, particularly for lots of less than 300 square metres.</b>	The subject site is a large site that is capable of providing onsite parking. By in large car parking would be provided for the majority of the development with only a small reduction being sought for how large the proposed development is.
<b>Any adverse economic impact a shortfall of parking may have on the economic viability of any nearby activity centre.</b>	The nearby activity centres are all well served by Public Transport and the proposed car parking reduction is unlikely to have any unreasonable adverse economic impact on these areas.
<b>The future growth and development of any nearby activity centre.</b>	Given the minor car parking variation being sought, it is unlikely to have any impact on the future growth of the surrounding activity centres.
<b>Any car parking deficiency associated with the existing use of the land.</b>	There is currently no parking deficiency associated with the existing use of land.
<b>Any credit that should be allowed for car parking spaces provided on common land or by a Special Charge Scheme or cash-in-lieu payment.</b>	This is not applicable to this application.
<b>Local traffic management in the locality of the land.</b>	The immediate area is well controlled for parking during business hours, with maximum parking periods of 1 to 2 hours. These roads are also under Council management





	who has sufficient ability to control parking restrictions within the area if the need arises.
<b>The impact of fewer car parking spaces on local amenity, including pedestrian amenity and the amenity of nearby residential areas.</b>	The reduction of ten car parking spaces is not considered to be at scale that would have unreasonable impacts on local amenity.
<b>The need to create safe, functional and attractive parking areas.</b>	The development provides a large basement car park area that is functional.
<b>Access to or provision of alternative transport modes to and from the land</b>	As discussed earlier in this report the site is located within close proximity to numerous tram services in addition to cycling infrastructure.
<b>The equity of reducing the car parking requirement having regard to any historic contributions by existing businesses.</b>	This is not relevant to this application.
<b>The character of the surrounding area and whether reducing the car parking provision would result in a quality/positive urban design outcome.</b>	The reduction in parking would not have any impact on urban design where a large parking area is already provided but it cannot quite provide all of the car parking spaces that are required by the planning scheme.

In summary, the proposal is considered acceptable with respect to the considerations of Clause 52.06-7 and would bear favourably in granting the proposed car parking reduction. The site is well served by public transport and other sustainable transport options, including car share and bike lanes. The site has a good level of walkability to activity centres and overall, the parking facilities that would be provided for the development would represent an acceptable traffic and parking outcome.

While the overall level of parking that would be provided is considered acceptable, it is considered appropriate to allocate two spaces within the development as visitor parking spaces. Given the limited car parking in the immediate area, the provision of two spaces for visitors would be a benefit to the development and to the surrounding area. The two visitor spaces would also benefit the occupiers of the development, providing car spaces for doctors, careers, tradespeople, etc. If the remainder of the application is considered to be acceptable, a condition would require two spaces to be allocated to visitors. **(Refer Condition 1b)**

Notwithstanding the above assessment of the proposed reduction in car parking, the proposed recommendation of this report to remove a level of the building would decrease the number of car parking spaces required. The level that is recommended to be removed Level 13 contains 21 dwellings (6 x one bedroom, 10 x two bedroom and 5 x three bedroom). Should this level be removed, it would reduce the required car parking by 26 spaces. This would result in the development exceeding the car parking



requirements of 52.06 where 409 car parking spaces would be required by Clause 52.06, but 425 spaces would be provided.

The applicant's report, Council's Traffic Engineer and the Department of Transport are satisfied that the site can accommodate the traffic numbers generated by the development in a safe manner without leading to unreasonable congestion across the site and wider area.

Council's Traffic Engineer has reviewed the proposed layout and confirmed that the car parking dimensions and layout, ramp gradients and overall car parking layout would be generally efficient and compliant with the design standards of the Planning Scheme.

In addition to the car parking at basement level, the proposal would also include three spaces partially on the subject site and partially on Queens Lane at the rear of the site. These spaces would provide additional on-street parking to Queens Lane, which is currently limited. Currently the western side of Queens Lane is No Standing. The eastern side of Queens Lane is predominantly made up of crossovers and is a mixture of No Standing and Loading Zone. As such, the provision of three spaces on the street would be a benefit for the area. It is noted that Council's Traffic Engineer and parking Enforcement Unit has not raised objections about the location or functioning of the three on-street car parking spaces.

#### Bicycle Parking

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

Use	Rate	No	Required	Proposed
Dwelling	1 space per 5 dwellings for residents	369 dwellings	74	204 bicycle spaces at basement level 1.
	1 space per 10 dwellings for visitors		37	38 bicycle spaces at ground floor level with 24 provided along the Queens Lane frontage and 14 adjacent to the access ramp.
Total			111	242 * note 4 spaces would be provided on the nature street

It is proposed to provide a total of 242 bicycle spaces onsite, which exceeds the requirements of the Planning Scheme and is considered acceptable. In this case there is an oversupply of 131 bicycle spaces. It is noted that Council's Traffic Engineer has not raised any concerns with the location of the bicycle storage.

#### Loading

The proposal includes two on-site loading areas at basement level 1. Each of the loading areas would be located next to each of the stair enclosures/ lift cores. Furthermore, the loading areas would be level with no steps to each lift.



The loading areas would allow for a 6.4m mini-loader to enter the bays with no obstruction of the accessway. The application material includes a section plan (TP10.00) which shows that a 3.5m high clearance would be provided within basement 01 and the access way to the basement. This would provide sufficient height clearance for removalist vans such as those used by “Man with a Van”.

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

The amended VCAT plans have relocated waste collection to within the basement level. The waste collection bay would be 3.5 x 6.4 m and accessed from a 6.4m wide aisle. Access to the basement would be provided through a 7.1m wide access ramp to Queens Lane and a 3.5m high clearance height would be provided throughout the ramp and basement. The size of the waste collection bay and access to the waste collection bay would be sufficient for waste collection for the development. It is recommended that should a permit be issued a condition is included which requires an updated Waste Management Plan in line with the changes to waste collection that have been made on the amended VCAT plans (**Refer Condition 13**).

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

ESD and WSUD arrangements are discussed in detail in Section 11 of this report.

Subject to conditions contained in Section 11 the proposal would achieve “Best Practice” in ESD and WSUD arrangements and would be consistent with Clause 22.12. and 22.13.

**14. INTEGRATED DECISION MAKING AND CONCLUSION**

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

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

Positive

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

Neutral



- The additional overshadowing is acceptable given the allotments orientation and given the planning controls to the site and the intensity of development sought by the planning scheme (social).
- Subject to conditions, the proposal is considered to satisfy the requirements of DDO26 (environmental, economic and social)
- Traffic impacts are not considered to be significant (economic and social).
- Onsite loading arrangements are acceptable subject to conditions (economic and social).

Negative

- The proposal would lead to some off-site amenity impacts including daylight access will be reduced to properties within the immediate vicinity. These are impacts that are sought to be limited by local policies but are inevitable outcomes based on DDO26 (environmental).
- The application has received 90 objections (social).

**15. OFFICER DIRECT OR INDIRECT INTEREST**

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

**16. OPTIONS**

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

**17. CONCLUSION**

- 17.1 The proposal is consistent with the strategic direction outlined by the Port Phillip Planning Scheme where the provision of commercial floor area would contribute to the economy of the local area. The provision of high-density residential development in this location is also supported through strategic policy and it is considered that the proposed dwelling typologies offer a good level of dwelling diversity.
- 17.2 The proposed building is largely compliant with the requirements of DDO26. It would be lower than the mandatory building height specified for the site, provide the required landscaped setback to Queens Road, satisfy the required setbacks to the upper levels of the building and exceed the requirements for side setbacks to provide space, separation and limit the amenity impacts on surrounding property.
- 17.3 The proposed building would provide some sense of transition in built form where it would be lower than buildings on St Kilda Road. However, it is considered that the proposal does not go far enough to provide this sense of transition. In line with other recent approvals on Queens Road, it is recommended that one level of the building be removed to provide a better transition of built form in line with the design objective that DDO26 is seeking to achieve.
- 17.4 Subject to the removal of one level the scale of development would be acceptable within this location and would not cause excessive bulk or unreasonable amenity impacts beyond those anticipated by the built form controls of DDO26. It would also



provide an improved and active frontage to Queens Lane and would provide natural surveillance at ground and upper podium levels.

- 17.5 The proposed dwellings offer a high standard of internal amenity, and each apartment would be provided with areas of private open space and a functional layout. In addition, generous provision has been made for communal facilities for future residents.
- 17.6 The application seeks a reduction of 10 car parking spaces, but this is considered acceptable given the site's proximity to nearby activity centres, public transport and alternative forms of transport as well as strong alignment to state and local policy. It is however recommended that provision is made within the development to provide two visitor spaces. It is noted that the recommendation to remove level 13 would reduce the number of car parking spaces required by the planning scheme to a level where a reduction of parking would not be required (where 409 spaces would be required under Clause 52.06 and 425 spaces would be provided).
- 17.7 The proposal would increase traffic generation. Council's Traffic and Parking Unit have confirmed that the increase in traffic during peak hours are a low volume that could be safely accommodated within the existing capacity of this section of Queens Lane.
- 17.8 On site loading and waste collection facilities would be provided within the development which would satisfactorily limit the impact of loading and waste collection on the operation of Queens Lane and reduce any amenity impacts to residential properties fronting onto Queens Lane.
- 17.9 Overall, the design recognises and responds to the opportunities and constraints of the site and context and provides an appropriate and well executed response to the site. The proposal is recommended for approval, subject to the conditions outlined at Section 3 of this report.

## **ATTACHMENTS**

- 1. Plans (Amended VCAT Plans)**
- 2. Design Response (VCAT Amended Plans)**
- 3. Zone Map**
- 4. DDO26 Assessment**
- 5. Clause 58 Assessment**
- 6. Referral Comments**