

DELEGATED REPORT

PLANNING PERMIT APPLICATION

Application number:	TP-2022-161
Applicant:	Trennery Property Group Vic Pty Ltd C/- Contour Consultants Aust Pty Ltd
Address:	253-257 Domain Road, South Yarra, 3141
Proposal:	Use of the land as a restricted place of assembly (private members club) and residential hotel (including a live music venue), to sell and consume liquor (general licence), partial demolition, buildings and works, external alterations, and painting associated with the construction of a residential building, an associated reduction of the statutory car parking provisions, to provide some of the car parking provision on another site, and to alter access to a road in a Transport Zone 2
Date of application:	29 March 2022
Responsible officer:	Matthew Mukhtar, Acting Principal Planner

1 SITE AND SURROUNDS

1.1 Site

Planning permit application TP-2022-161 (**Application**) concerns the land at 253-257 Domain Road, South Yarra (**Site**) which is formally identified as Lot 1 on Title Plan 110249J.

The key features of the Site are as follows:

Key Features of the Site	
Location and size	The Site is Located on the south west corner of Domain Road and Punt Road. The Site has a frontage to Domain Road of approximately 50m and an east interface to Punt Road of approximately 50m. The Site is generally rectangular in shape (with some irregularity to the south west corner) with a total area of approximately 2740sqm.
Existing conditions	<p>The Site is currently developed as a large double storey heritage dwelling located toward the western portion of the Site.</p> <p>The dwelling is identified as 'Poolman House'.</p> <p>The dwelling is surrounded by a large garden (with 34 trees), tennis court, pool, driveway, and undercover car parking area. A brick fence with paling and hedges wraps around the boundary of the Site.</p> <p>The most recent Heritage Study carried out by the City of Melbourne that assessed the heritage significance of the Site is the <i>Heritage Places Inventory March 2022 (Heritage Study)</i>, which is an Incorporated Document in the Melbourne Planning</p>

	<p>Scheme (Planning Scheme). The Heritage Study grades the Site as ‘Significant’ within an ungraded streetscape.</p> <p>According to the Heritage Impact Statement the existing dwelling has evolved through a series of phases of development. It is presumed to incorporate fabric from the original circa 1855 dwelling and some 1885 enlargement works, as well as reflecting further additions and alterations in the 1910s and 1920s.</p> <p>The City of Melbourne heritage citation for the Site notes the following (not an exhaustive list):</p> <ul style="list-style-type: none"> • Picturesque Gothic (& Italianate upper storey). • 1850-75 - Early Victorian. • In 1854 a 15 roomed iron building was assembled on the corner site, occupied by the existing garden and the building functioned as the South Yarra Club Hotel until its removal in 1860. • The fence and garden are complimentary. • Important example of domestic Gothic in Victoria. • Possibly significant tree (tilia s.) and large softwood tree in rear of adjoining garden possibly part of the garden. <p>The following Statement of Significance has been put forward by Bryce Raworth (not exhaustive):</p> <p><i>‘Poolman House at 253-257 Domain Road, South Yarra was constructed in stages commencing in the 1850s, when a 10 roomed house was erected on the site for merchant Richard Goldsborough. The adjacent site to on the corner with Punt Road was occupied by prefabricated iron hotel known as the South Yarra Club House and this land had become part of the grounds by c.1870 after the removal of the hotel. Later enlargement and remodelling works to the residence included the addition of an upper storey designed by architect J P Kennison in the 1880s, a music room in 1919 designed by Sydney Smith & Ogg, and extensive remodelling by A & K Henderson in 1927. The eclectic architectural character reflects the mansion’s extensive historic evolution, and includes Italianate, Gothic and Georgian influences, expressed in details such as arches, windows treatments, quoining and castellation. The property hosted an aged care home after WW2 before returning to single residential occupancy.’</i></p>
Vehicle access	<p>Vehicle access (via a single width crossover) and a pedestrian gate is provided from Domain Road. An existing driveway runs along the length of the west boundary to an at-grade car parking area to the south west corner of the Site. The application material identifies this area as containing six car parking spaces.</p>
On-street car parking / traffic conditions	<p>3 x 2P 7:30am-11pm car spaces on Domain Road interface.</p> <p>No on-street car parking on the Punt Road interface. Punt Road is located within a Transport Zone 2 and carries a high volume of vehicles.</p>

A formal site visit was undertaken by Council officers on 7 May 2021. Other site visits were undertaken by Council officers throughout 2021 and 2022 in the day and in the evening.

See **Figures 1 – 13** below.



Figure 1 – aerial image of the Site (Source: CoMPass, image taken January 2022)



Figures 2 and 3 – images of the Site taken from Domain Road (left) and inside the Site to the east elevation (Source: Bryce Raworth)



Figures 4 and 5 – views to the subject building (left) and the tennis court (right) from inside the Site (Source: Council)



Figures 6 and 7 – view of 819-823 Punt Road from inside the Site (facing south) and north up the existing driveway on the Site (right) (Source: Council)



Figures 8 and 9 – view of the Site from Punt Rd (Source: Council)



Figures 10 and 11 – view down Domain Road looking west from the Site (left) and of the Site from Punt Rd (right) (Source: Council)



Figures 12 and 13 – view of 260 Domain Road from Domain Rd (left) and view to the rear of the Site from Punt Road (right) (Source: Council)

1.2 Surrounds

The Site is located within South Yarra.

More specifically, it is located within the South Yarra heritage precinct, which, as identified by the Incorporated Document *Heritage Precincts Statements of Significance February 2020 (SoS)* is of ‘... *historical, social and aesthetic/architectural significance to the State of Victoria.*’

The surrounding neighbourhood is an established residential precinct characterised by heritage dwellings, large lots and treed streets. The surrounding buildings are typically comprised of heritage properties (some with contemporary extensions), post-war apartment developments and some contemporary residential buildings.

The SoS identifies the key heritage attributes, including:

- *‘Typically low scale character, of one and two-storeys, with some variety in historic two-storey heights; and flat blocks of two-three storeys, with some taller examples.*
- *Significant nineteenth century scientific and vice-regal development associated with the Royal Botanic Gardens and Government House Reserve.*
- *Importance of major roads and thoroughfares which border or traverse the precinct, with their historical status demonstrated in surviving significant development, including St Kilda, Toorak, Domain and Punt roads; Alexandra Avenue; and Park and Anderson streets.*
- *Importance of gardens and front setbacks to dwellings, particularly the larger residences; and street tree plantings to streets.’*

The Site sits within the General Residential Zone; as does much of the surrounds.

Clause 21.16-1 of the Planning Scheme identifies that the Site is within St Kilda Road and South Yarra specifically within the ‘Stable residential area’.

The policy identifies that *‘[i]n St Kilda Road and South Yarra, the educational, institutional and research facilities continue to be supported. As South Yarra is an area of stability with minimal potential for new development, residential amenity has been maintained and the area’s historic character and features have been preserved.’*

See **Figure 14 and 15** below.

To the immediate west, 249-251 Domain Road is graded contributory and 241-247 is significant, while along the opposite or north side of the street, 244-246 and 248-250 are contributory, and 252 Domain Road is significant. The mansion ‘Airlie’ at 254-260 Domain Road is significant, and is a registered

place on the Victorian Heritage Register (H1619). The adjacent sites to the south along Punt Road are located outside the Heritage Overlay.

The immediate abutments are:

- North: Domain Road. Across Domain Road is a two storey heritage property known as 'Airlie' which is used as a conference centre.
- East: Punt Road, a broad road containing multiple lanes of traffic in each direction, with no street parking, nature strips or street trees. Punt Road divides the City of Melbourne and the City of Stonnington with anything east of Punt Road being located within the City of Stonnington. Opposite the Site to the east is 474 Punt Road, a two storey accommodation building.
- South: 819-823 Punt Road, an older style three storey apartment building.
- West: 249-251 Domain Road, contains a substantial double-fronted brick residence, as does the land at 241-249 Domain Road further to the west. Further west are a series of large double-storey interwar brick blocks of flats and residences.

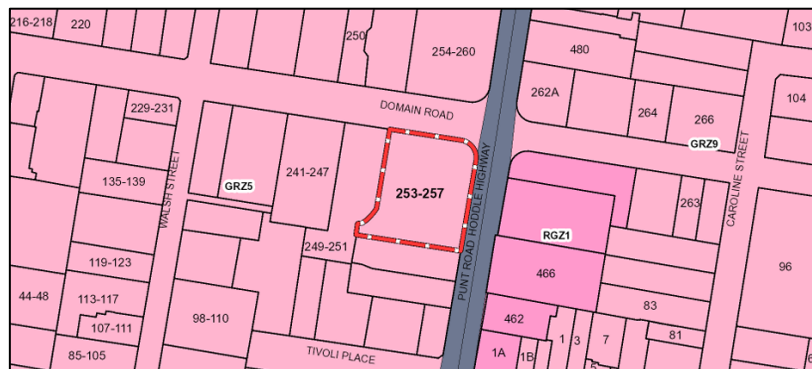


Figure 14 – zone plan (Source: applicant)



Figure 15 – extract of figure 17 at Clause 21.16-2 of the Planning Scheme

1.3 Certificate of Title

The registered search statement and the title plan for the Site identifies that the land is not burdened by any encumbrances. The applicant has confirmed the same on the planning permit application form.

1.4 Aboriginal Cultural Heritage

The Site is not included in an area of legislated cultural heritage sensitivity.

2 BACKGROUND AND HISTORY

2.1 Planning Permit Application History

2.1.1 Pre-application Discussions

A pre-application discussions (PA-2021-243) were held between the applicant and Council officers prior to the lodgement of the Application.

The architectural plans shared with Council officers were similar in massing to the decision plans considered under the Application, but contained limited detail with regard to the final appearance of the proposed building. The plans appeared to depict a residential hotel with associated facilities.

Council raised concern with respect to amenity impacts to the surrounding residential area, management of the venue, heritage, traffic, urban design, and landscaping.

2.1.2 Planning Permit Application TP-2021-757

On 17 November 2021, planning permit application TP-2021-757 was lodged.

Planning permit application TP-2021-757 closely resembled the Application (that is, TP-2022-161).

However, the following was absent from TP-2021-757:

- further information on the proposed use and management;
- a live music venue;
- car stackers in the basement;
- provision of car parking on another site;
- further details on the proposed on-site valet service; and
- proposed changes to Domain Road on-street car parking conditions.

In Council's Request for Further Information (**RFI**) letter dated 8 December 2021, amongst other things, the Council identified that the Metropolitan Planning Levy (**MPL**) Certificate lodged with TP-2021-757 had expired. Pursuant to Section 47(1B) of the *Planning and Environment Act 1987 (Act)*, without a current MPL certificate the application is void.

Given this, as part of its response to Council's RFI letter, the applicant chose to lodge a fresh planning permit application, which was allocated the code TP-2022-161 and which is subject to this report.

Members of the public who objected to / supported TP-2021-757 were provided a letter from the Council (sent via email) informing them that in order for their submissions to apply to TP-2022-161 it must be re-lodged to the Council.

2.1.3 Melbourne Design Review Panel (MDRP)

In October 2021, the City of Melbourne launched a 12-month pilot program for the MDRP. The MDRP advises the City of Melbourne on ways to improve the quality of new developments. The panel is made up of experts from the fields of architecture, landscape architecture, urban design, and planning.

More information on the MDRP, including its terms of reference are available [here](#).

TP-2021-767 was reviewed by the MDRP. MDRP was generally supportive of the siting and setback of the proposal as being respectful to Poolman House. However, the following requests for further information / recommendations were made with respect to built form and landscaping:

- visibility of the new addition from Punt Road;
- a more 'discursive' relationship between the existing building and the new contemporary addition should be achieved which sympathetically responds to Poolman House;
- additional articulation and detailing to the contemporary mass, particularly along the northern elevation;
- further investigation of height is required to understand overshadowing impacts;
- alternative design options of the glazed canopy to be, including reducing the extent of overhang and/or adjusting the height of the canopy, and a more contemporary expression;
- landscape to the east interface to soften the proposed built form; and
- further information on the viability of tree retention.

The documents lodged with the Application (TP-2022-161) provided a response to the above.

2.2 Tribunal Timetable

The Applicant has sought a review of Council's failure to determine the application pursuant to Section 79 of the Act. The initiating orders of the Tribunal set out the following timetable (subject to change):

- Compulsory Conference – 28 September 2022; and
- Hearing – 30 November & 1, 2, 5, 6, 7 & 8 December 2022.

The application for review is on the Major Cases List.

2.3 Relevant Permit History

There are no planning permits issued for the Site of relevance to the assessment of the Application.

2.4 Planning Scheme Amendments

In the intervening period between when the application was first received by Council and the date of this report, there were not amendments to the Planning Scheme that are considered to be relevant to the Application.

3 PROPOSAL

3.1 Documents considered in assessment

The documents which have been considered in this assessment are identified in the table below. The documents were all publically advertised.

Document	Author	Date
Certificate of Title	Land data	22 February 2022
Town Planning Report	Contour	25 March 2022
Architectural Plans	Woods Bagot	21 March 2022
Waste Management Plan	WSP	11 March 2022

Transport Assessment	Traffix Group	29 March 2022
ESD Statement	Sustainable Design Consultants	28 October 2022
Landscape Documentation	360 Degrees Landscape Architects	22 March 2022
Heritage Impact Statement	Bryce Raworth	November 2021
Acoustic Assessment	Acoustic Logic	21 April 2022
Arboricultural Report	PSY Inv Pty Ltd	25 July 2021
Poolman House Venue Operation Plan	-	29 March 2022
Proposed Liquor Licence Arrangements	Hopkinson and Associated Pty Ltd	March 2022
Boundary Re-establishment Feature & Level Survey and associated plans	Veris	18 March 2021

3.2 Summary of the Proposal

3.2.1 Land Use

The Application proposes the use of the Site for the following:

- restricted place of assembly (private members club) which includes a live music venue;
- residential hotel; and
- to sell and consume liquor.

The specific details of the proposed uses are detailed in the table below.

Proposed Land Use Details	
Patrons	<p>No more than 481 patrons at any one time (combined 'restricted place of assembly' and 'residential hotel') broken up as follows:</p> <p><i>Ground floor</i></p> <ul style="list-style-type: none"> • Club: 52 • Hotel Reception: 12 • Snug: 12 • Conservatory: 21 • Gallery: 10 • Garden Lounge: 19 • Events / Stage Screen Room: 48 • Restaurant: 51 • Garden Restaurant: 94 • Pool: 27 • Private Garden: 15 • Live Music Venue: 30 <p><i>First Floor</i></p>

	<ul style="list-style-type: none"> • Club: 90 <p>The above patron breakdown is outlined on an architectural plan that is separate from the wider architectural package – see Figure 16 and 17 below. The applicant submits that the plan represents an <i>indicative</i> distribution of patrons throughout the premises and that the total patron count to be managed in accordance with the planning permit and liquor approval requirements (if granted).</p>
Residential hotel rooms	21 number of rooms each with a bed and bathroom (some with cupboards, lounges, and desks).
Staff	A total of 96 staff are expected to be employed, with up to 38 staff on-site at the peak operating time, which is expected to be on a weekend evening. Outside of the peak operating times, between 20-30% of the total staff will be present on the site.
Liquor Licence	General licence (including both on and off premises sale of alcohol)
Internal spaces operating hours of the restricted place of assembly	Sunday to Thursday: 7am to 1am Friday and Saturday: 7am to 3am
External spaces operating hours of the restricted place of assembly	Sunday to Thursday: 7am to 11pm Friday and Saturday: 7am to 12am
Operating hours of the residential hotel	24 hours a day, 7 days a week
Car parking spaces	92 spaces, 42 provided in the basement in a stacker arrangement, and 50 provided on another site at 360 St Kilda Road, Melbourne with a shuttle bus provided to charter patrons to and from the Site (discussed later in this report).
Loading / waste collection	Loading and waste collection will occur on the Site. Waste stored within an enclosed internal waste room to the rear of the property. A Waste Management Plan has been provided and assessed by Council's waste engineering department.
On-street car parking	The proposal includes a proposition to alter three on-street car parking spaces on Domain road from 2P zones to 5 minute drop off / pick up bays. As discussed later in this report, this element is outside the scope of a planning permit.
Bicycle parking	6 spaces
Outdoor areas	Ground floor garden restaurant, pool, and private garden. Second floor balcony of the Poolman House.

Music	<p>Live music venue (ground floor – see Figure 18) and background music for the remaining areas.</p> <p>As per the relevant EPA guidelines noise generated by the premises must at all times comply with the requirements of the EPA Publication 1826.4: <i>Noise limit and assessment protocol for the control of noise from commercial, industrial and trade premises and entertainment venues</i>, or a subsequently updated publication.</p>
Access	Vehicle access is maintained via crossover from Domain Road which provides access to the retained driveway to the west interface of the Site. The existing crossover is proposed to be extended which results in the removal of one street tree.
Valet	An on-site valet service is provided using a stopping bay.
Security	Security is proposed for the venue as outlined in the Management Plan.

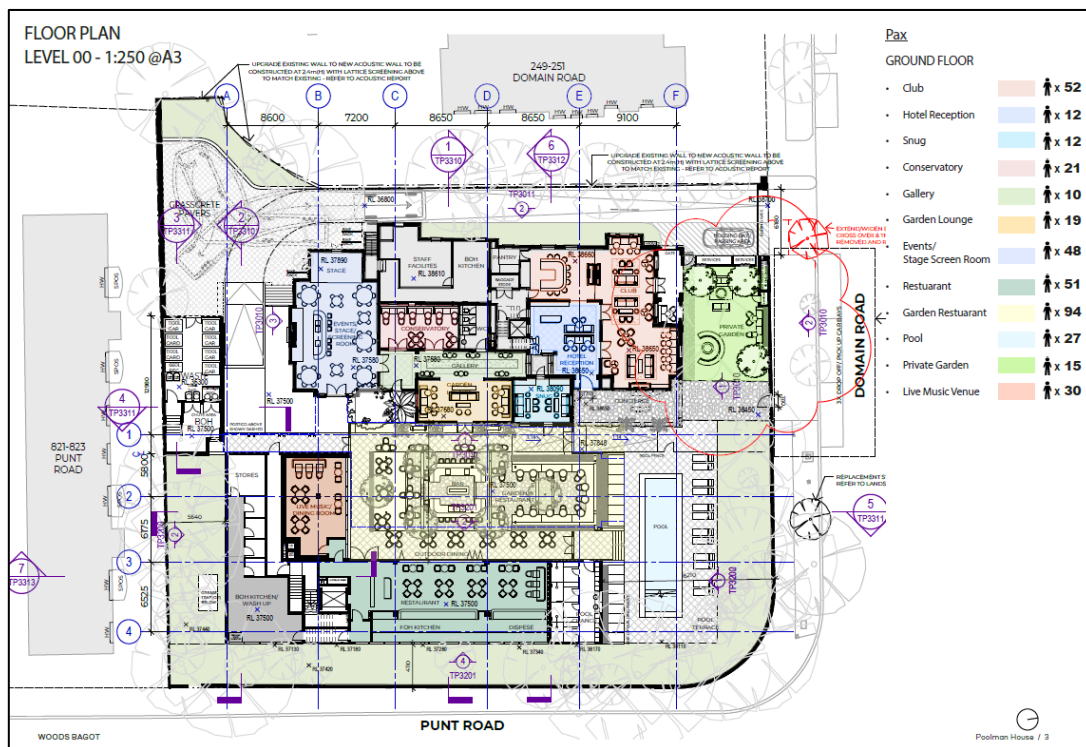


Figure 16 – indicative breakdown of patron numbers in select locations on the ground floor (Source: applicant)

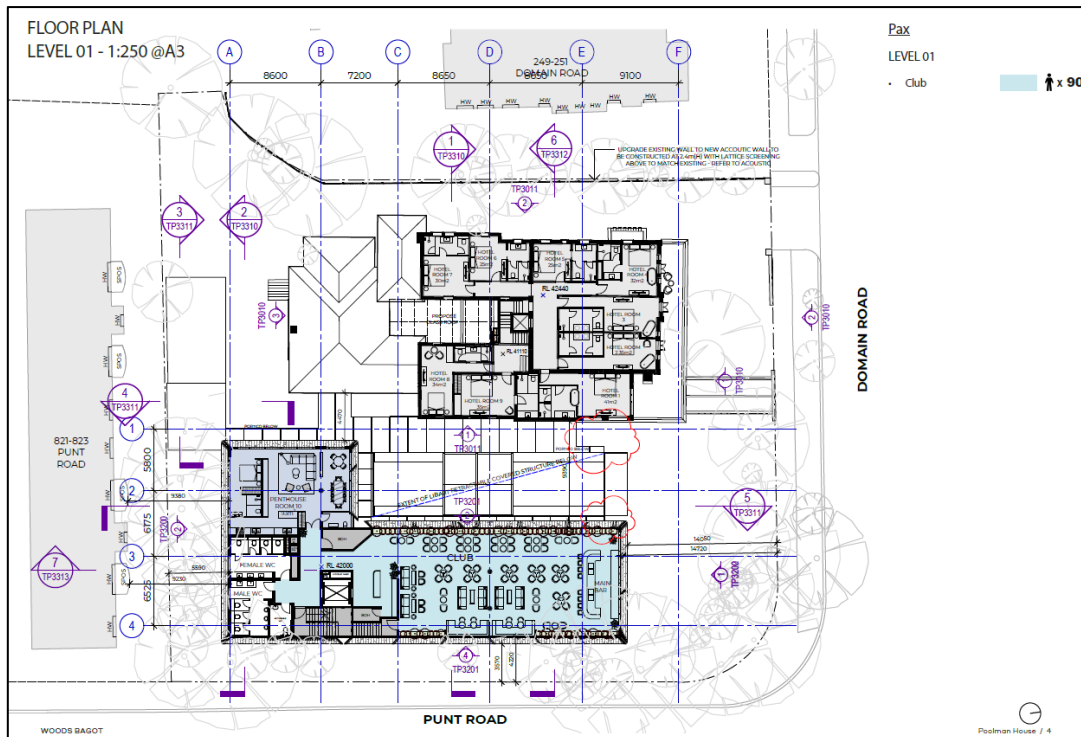


Figure 17 – indicative breakdown of patron numbers in select locations on the first floor (Source: applicant)

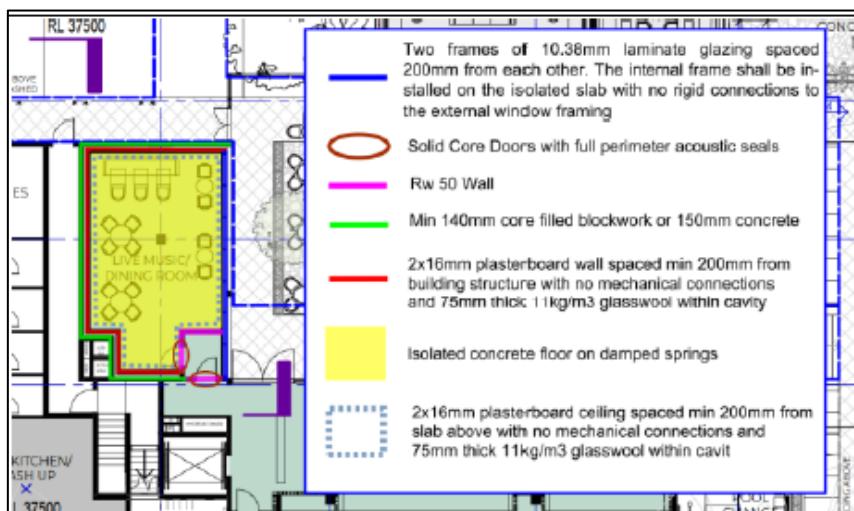


Figure 18 – proposed live music venue

3.2.2 Partial Demolition and Buildings and Works

The architectural plans lodged with the Application provide a detailed understanding of the proposal. In general, the proposed works comprise of:

- external and internal (no planning permit required) demolition and works to the retained Poolman House;
- construction of a new freestanding three-storey building along the Site’s eastern portion, including a pool, outdoor restaurant, and waste room;
- landscaping works; and
- the introduction of a basement for car parking, storage, and plant.

The below provided as break down of the key elements of the proposed partial demolition and buildings and works.

Existing Building (Poolman House)

The following is proposed to the existing building:

- Partial demolition including:
 - on the northern Domain Road façade, the conversion of three double-hung sash windows at first floor level into doors;
 - on the eastern elevation, the modern timber framed pergola to be removed. The joinery and glazing to the ground floor doorways below will be removed to allow for new doors; and
 - demolition of the existing rear car port.
- The courtyard between the main house, rear wings and former music/ballroom will be enclosed with a glazed roof. A new main stair and lift will be inserted into the north end of this space.
- Renovated basement store and cellar.
- Internal rearrangements including the demolition and rearrangement of internal walls and openings (no planning permit required) to facilitate the proposed use, including a lounge, conservatory, garden lounge / bar, and multi-purpose rooms.
- Nine residential hotel rooms provided on level one.

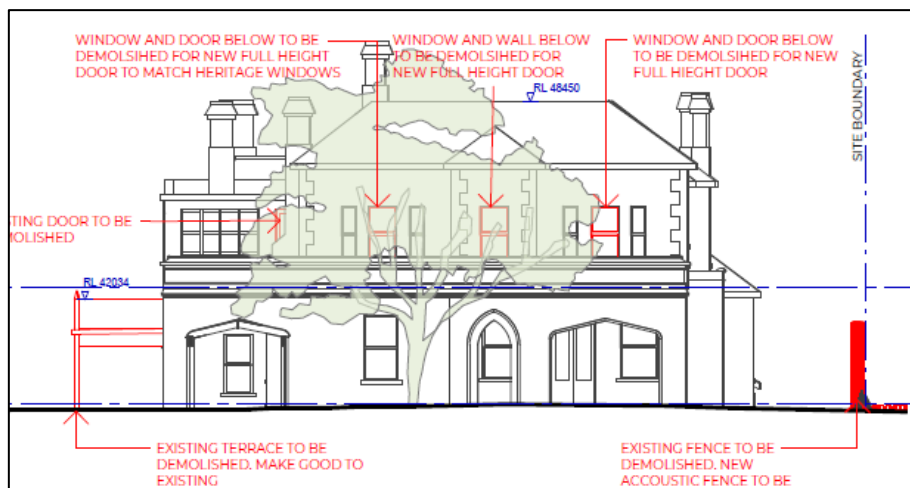


Figure 19 – proposed north elevation demolition

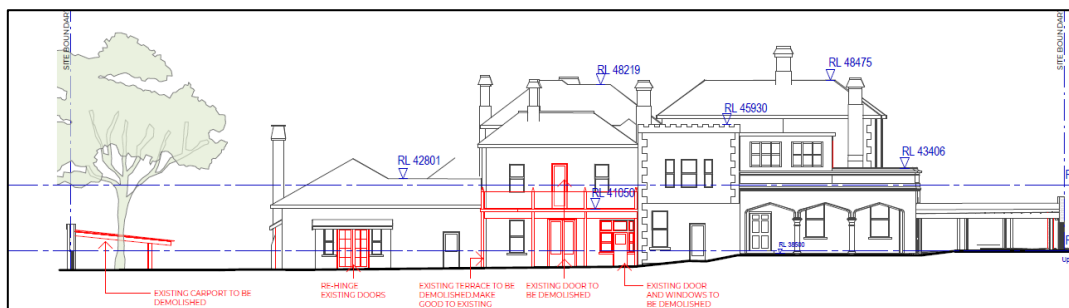


Figure 20 – proposed east elevation demolition

New Building

The proposed new building is 'L shaped' and is sited parallel to the eastern and southern boundary, with a central partly enclosed outdoor area between the new building and the Poolman House.

The new envelope will have a neutrally toned, contemporary rectilinear external treatment, with the ground floor slightly recessed below the upper levels. The ground floor elevations will feature alternating sections of glazing and textured ribbed concrete, with the south elevation finished with rendered concrete blockwork. The roof will be flat in profile, accommodating service plant and the lift overrun on the south side. The service plant will be screened by a low rib textured concrete wall. The perimeter of the roof will include a border of low scale plantings.

A small freestanding single-storey service building containing waste storage spaces will be located midway along the south property boundary behind the main house and new building.

The new building will contain:

- basement car parking with 42 stacker spaces, storage, and plant;
- a ground floor 'garden restaurant', private dining, and change room facilities. Above is a glazed roof for weather protection and noise attenuation;
- a swimming pool to the north;
- at level one, a bar / lounge;
- a live music venue at the southern edge of the outdoor ground floor level inside the new building;
- one penthouse hotel room at level 1; and
- eleven residential hotel rooms at level 2.

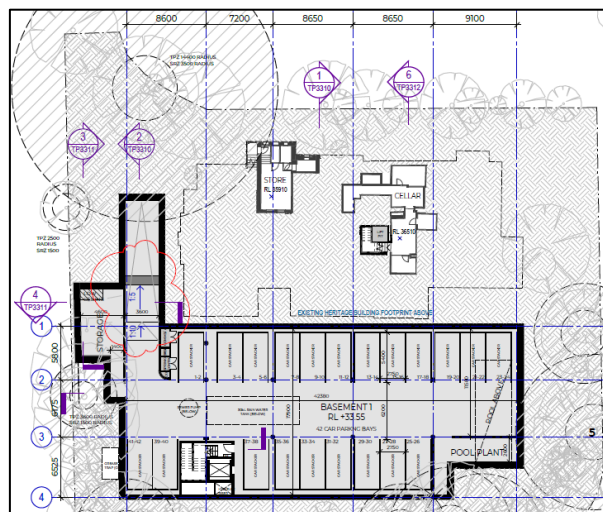


Figure 21 – proposed basement plan

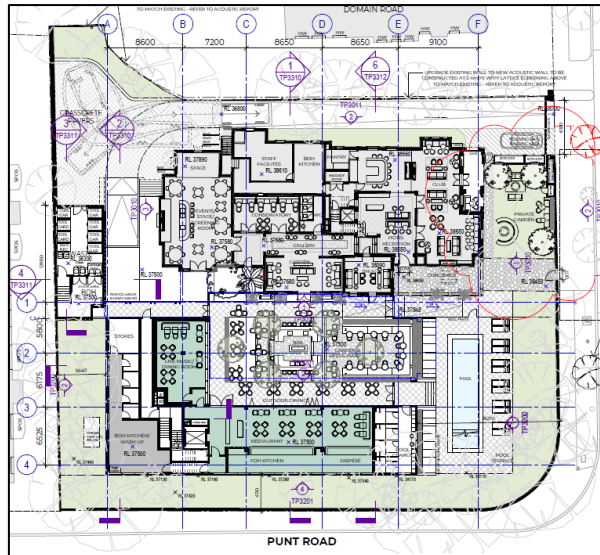


Figure 22 – proposed ground floor plan

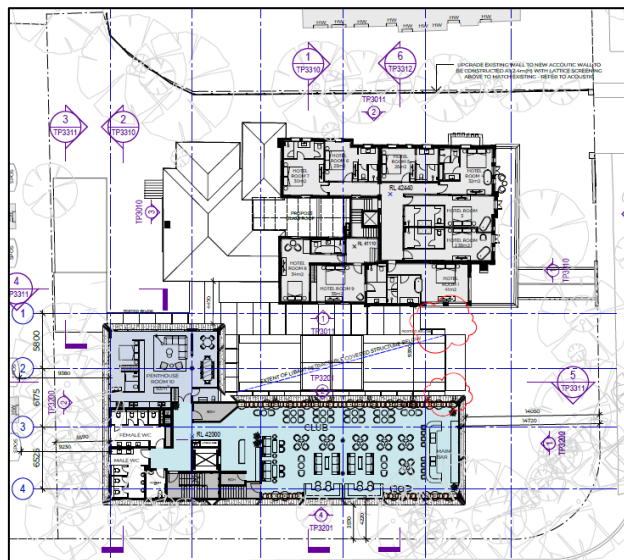


Figure 23 – proposed first floor plan

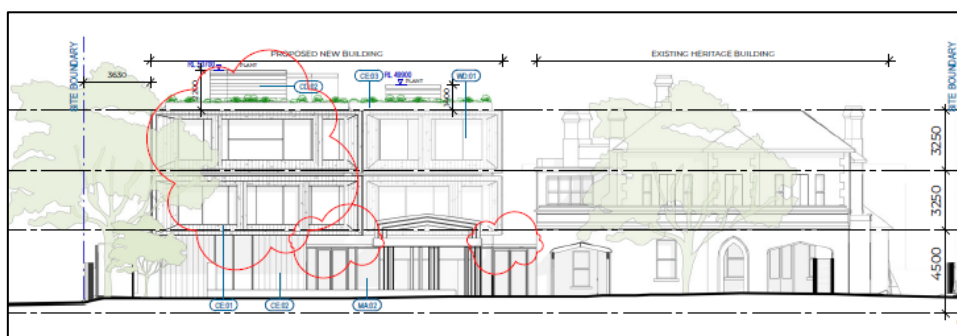


Figure 24 – proposed north elevation

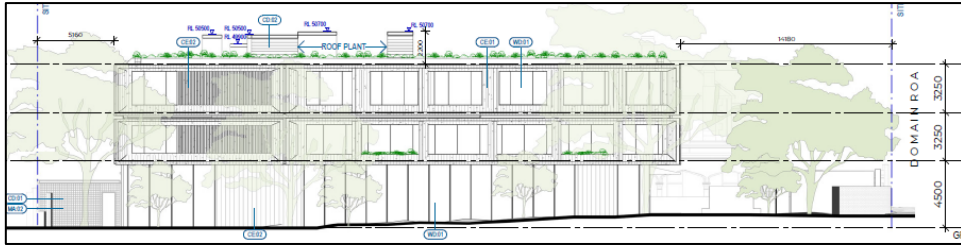


Figure 25 – proposed north elevation



Figure 26 – proposed east elevation render (with landscaping)



Figure 27 – proposed north elevation render (with landscaping)



Figure 28 – proposed internal render

3.2.3 Landscaping

The proposal includes the removal of thirteen trees (no permit required) as part of the proposal and new landscaping. The proposal also includes the retention of a number of trees. The driveway will

feature permeable paving with greenery and the remainder of the Site is proposed to include screen planting, hedges, pots, and planters.

3.2.4 Car Parking

Car Parking Provided on-site

See above.

Valet Service

The Transport Assessment lodged with the Application outlines the proposed provision of an on-site valet service. Some extracts are below:

'All on-site car parking will be accessible via a valet service. The procedure for the valet service would be for patrons to drive into the site and prop within the holding bay/passing area. The driver would exit the vehicle and walk to the site entrance, while the valet would drive the car into the basement...When a driver wishes to retrieve their vehicle, a driver would proceed to the concierge to notify the valet to retrieve their vehicle. Once the vehicle is ready for collection, the valet would notify the concierge and the driver would proceed to collect their vehicle. The vehicle will be propped at the collection point, and would still allow for entering vehicles to access the site.'

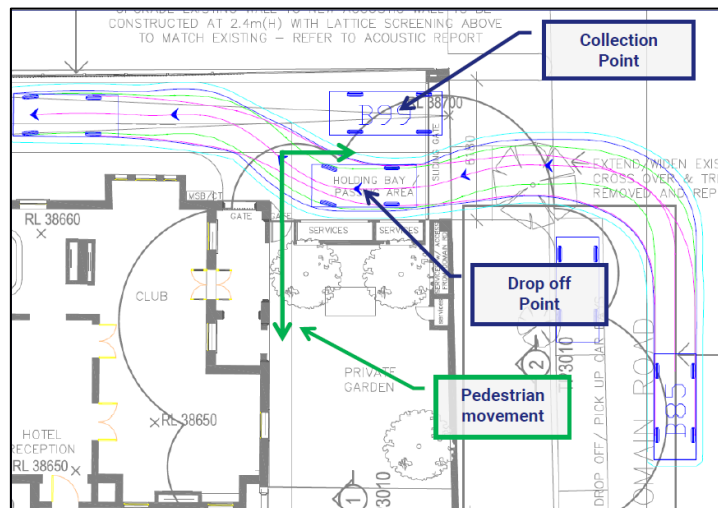


Figure 29 – proposed internal render

Car Parking Provided on another Site

The Transport Assessment lodged with the Application outlines the proposed provision of car parking on another Site. Some extracts are below:

'In addition to the 42 on-site car spaces, the application relies on a further 50 car spaces owned Poolman House that will service the development. The car spaces are provided within a commercial carpark at 360 St Kilda Road (the Domain Carpark), approximately 1.7km driving distance from the subject site. The car spaces are accessed via Wells Street. The carpark is presently operated by Care Park as a pay and display carpark operating on weekdays only from 6am-9pm.

...

The spaces will be available and signed for the exclusive use by Poolman House. The car spaces will be for use by staff and/or patrons of the development (both the restricted place of assembly and residential hotel). A shuttle service will operate between the Domain Carpark and Poolman House. The shuttle service will be operated by two 12-seater people movers, which will be stored at the Domain Carpark. During the day when activity on the site is

expected to be lower, the shuttle service will operate on demand. At peak times, the service will operate at higher, regular frequencies to meet demands. At peak times, patrons driving to the site will be encouraged to use Domain carpark, as opposed to Poolman House.

...

Access into the carpark is currently restricted to the operating hours of 6am-9pm Mon-Fri (pay and display), is closed on weekends and is subject to a lease to Care Park. This lease will be terminated by the owners of Poolman House to accommodate the requirements of Poolman House. The opening hours will be altered to suit the operating times of Poolman House and/or use updated carpark management technology to allow members to access the carpark (e.g. proximity cards can be issued to members to allow for afterhours access, as currently occurs for other users of the carpark or pin code access) or an online booking/pay system could be adopted (similar to advanced payment systems used in many commercial carparks). We are instructed that there are no planning restrictions on the timing for use of the carpark, i.e. available to be used at all times.'



Figure 30 – proposed route between the Site and 360 St Kilda Road (Source: Traffix)



Figure 31 – entrance to 360 St Kilda Road (Source: Traffix)

Proposed Changes to on-Street Car Parking

See above description and **Figure 32** below.

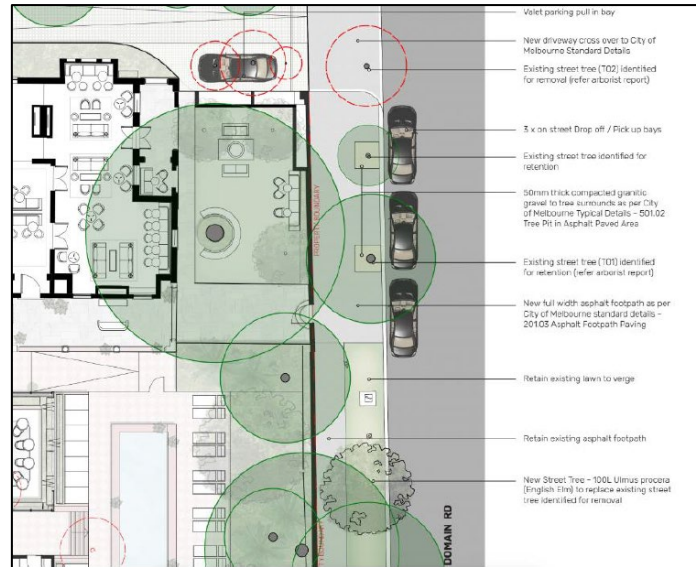


Figure 32 – render of the proposal as viewed from Powlett St (Source: applicant)

4 PLANNING CONTROLS

The table below summarises the planning controls and requirements of the Planning Scheme applying to the Site and Application:

Planning Controls	
Clause	Permit Trigger
<p>Clause 32.08 General Residential Zone, Schedule 5 General Residential Areas – 12 Metre Height Limit (GRZ5)</p>	<p>Permit required – use of the land for a restricted place of assembly and a residential hotel, construction of a residential building, and buildings and works associated with a Section 2 use</p> <p><i>Permit Triggers</i></p> <p>Pursuant to Clause 32.08 a permit is required to:</p> <ul style="list-style-type: none"> • Use the land as accommodation (residential hotel); • Use the land as place of assembly (restricted place of assembly); • Construct a residential building; and • Construct a building or construct or carry out works for a use in Section 2 of Clause 32.08-2. <p><i>Garden Area</i></p> <p>An application to construct or extend a dwelling or residential building on a lot above 650sqm must provide a minimum garden area of 35%.</p> <p><i>Clause 55 (ResCode)</i></p> <p>The development must meet the requirements of Clause 55.</p> <p>The GRZ5 does not alter any of the requirements of Clause 55.</p> <p><i>Maximum Building Height</i></p> <p>The GRZ5 specifies that a building used as a dwelling or a residential building must not exceed a height of 12m.</p>

<p>Clause 43.01 Heritage Overlay, Schedule 6 South Yarra Precinct (HO6)</p>	<p>Permit required – partial demolition, construct a building, buildings and works, and painting.</p> <p>Pursuant to Clause 43.01-1 a permit is required for:</p> <ul style="list-style-type: none"> • Partial demolition. • Building and works. • Externally alter a building by structural work, rendering, sandblasting or in any other way. • External painting. <p>The Site is not included in the Victorian Heritage Register.</p>
<p>Clause 43.02 Design and Development Overlay, Schedule 15 Area 1 – Royal Botanic Gardens DDO15</p>	<p>Permit required – buildings and works</p> <p>Pursuant to Clause 43.02-2 a permit is required to construct or carry out works, unless a Schedule to the DDO states that a permit is not required.</p> <p>Pursuant to the DDO15 the proposed buildings and works are not specifically exempt, as such a permit is required.</p> <p>The DDO15 Area 1 establishes a mandatory height limit of 12m.</p> <p>Before deciding on an application, the responsible authority must consider the views of the Director of the Royal Botanic Gardens if the responsible authority considers that the application involves works which may be visible from the Royal Botanic Gardens. Council is not of the view that the proposal will be visible from the Royal Botanic Gardens, as such the proposal was not referred to the Director of the Royal Botanic Gardens.</p>
Particular Provisions	
<p>Clause 52.06 Car Parking</p>	<p>Permit requirement – reduce the statutory car parking provision and to provide for car parking on another site</p> <p>Clause 52.06 applies to a new use.</p> <p>A permit is required to (inter alia):</p> <ul style="list-style-type: none"> • <i>‘Reduce (including reduce to zero) the number of car parking spaces required under Clause 52.06-5 or in a schedule to the Parking Overlay.</i> • <i>Provide some or all of the car parking spaces required under Clause 52.06-5 or in a schedule to the Parking Overlay on another site.’</i> <p><i>Reduction in Car Parking</i></p> <p>Table 1 of Clause 52.06 sets out the car parking requirement that applies to a use listed in the Table. The Site is located within the Principal Public Transport Network, as such Column B rates of Table 1 apply.</p> <p>The proposed uses generate the following rates:</p> <ul style="list-style-type: none"> • Place of assembly: 0.3 spaces to each patron permitted. • Residential hotel: to the satisfaction of the responsible authority. <p>Based on the above calculations, 144 car parking spaces are required for the ‘place of assembly use’. The proposal includes 92 car parking spaces, as such as reduction in 52 spaces. As such, a planning permit is required to reduce the statutory car parking requirement.</p> <p><i>Providing Car Parking on Another Site</i></p>

	<p>Clause 52.06 contemplates car parking being provided on another site.</p> <p>As described above, 50 car parking spaces are proposed to be provided on 360 St Kilda Road, Melbourne. As such, a planning permit is required to provide car parking on another site.</p>
<p>Clause 52.27</p> <p>Licensed Premises</p>	<p>Permit required – sell and consume liquor (General Licence)</p> <p>A permit is required, amongst other things, to use land to sell or consume liquor if a licence is required under the <i>Liquor Control Reform Act 1998</i>.</p> <p>A general licence is sought, which is a licence under the above act. As such, a planning permit is required.</p> <p>An application must be referred and notice of the application must be given in accordance with Clause 66 of the Planning Scheme.</p>
<p>Clause 52.29</p> <p>Land Adjacent to the Principal Road Network</p>	<p>Permit required – create or alter access to a road in a Transport Zone 2</p> <p>Punt Road is zoned Transport Zone, Schedule 2.</p> <p>Pursuant to Clause 52.29-2 a permit is required to:</p> <ul style="list-style-type: none"> • ‘...alter access to: <p style="text-align: center;"><i>A road in a Transport Zone 2.</i></p> <p>In <i>Peninsula Blue Developments Pty Ltd v Frankston CC (Revised) (Red Dot) [2015] VCAT 571</i>, the Tribunal has clarified the breadth of this phrase and the associated permit requirement under all planning schemes. The Tribunal held that the clause was triggered by:</p> <ul style="list-style-type: none"> • any physical change to the opportunity for traffic to approach or enter a road in a Road Zone Category 1, or • any change to the use or development of land that may result in changes to the opportunity for traffic to approach or enter a road in a Road Zone Category 1 in terms of volume, frequency or type of traffic whether this is more or less than the existing situation <p>As such, it is considered that the proposal triggers a planning permit under Clause 52.29-2.</p> <p>An application must be referred under section 55 of the Act to the person or body specified as the referral authority in clause 66.03.</p>
<p>Clause 52.34</p> <p>Bicycle Facilities</p>	<p>No permit required</p> <p>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 have been provided on the land.</p> <p>A planning permit may be granted to vary these requirements.</p> <p>Pursuant to Clause 52.34-5, the rate of a place of assembly is:</p> <ul style="list-style-type: none"> • Employee / resident: 1 to each 1500sqm of net floor area; and • Visitor: 2 plus 1 to each 1500sq m of net floor area. <p>Pursuant to Table 2 and 3 in Clause 52.34-5, if five or more employees bicycle spaces are required:</p> <ul style="list-style-type: none"> • 1 shower for the first 5 employee bicycle spaces, plus 1 to each 10 employee bicycle spaces thereafter; and

	<ul style="list-style-type: none"> 1 change room or direct access to a communal change room to each shower. The change room may be a combined shower and change room. <p>The proposal provides for circa 1600sqm of net floor area according to the applicant's submissions.</p> <p>As such, four bicycle space are required (one employee and three visitor).</p> <p>The Application provides for six bicycle parking spaces as such the statutory requirement is met and no planning permit is required.</p>
General Requirements and Performance Standards	
<p>Clause 53.06 Live Music Entertainment Venues</p>	<p>This clause applies to an application required under any zone to use land for, or to construct a building or construct or carry out works associated with a live music entertainment venue.</p> <p>A live music entertainment venue means, amongst other things, a food and drink premises, nightclub, function centre or residential hotel that includes live music entertainment. As such, it applies to the proposal.</p> <p>A noise sensitive residential use must be designed and constructed to include acoustic attenuation measures that will reduce noise levels from any:</p> <ul style="list-style-type: none"> Indoor live music entertainment venue to below the noise limits specified in the Environment Protection Regulations under the Environment Protection Act 2017 and the incorporated Noise Protocol (Publication 1826, Environment Protection Authority, November 2020) Outdoor live music entertainment venue to below 45dB(A), assessed as an Leq over 15 minutes. <p>A permit may be granted to reduce or waive these requirements if the responsible authority is satisfied that an alternative measure meets the purpose of this clause.</p> <p>The Application is accompanied by an Acoustic Report which confirms that the proposal meets the above requirements. That is, no reduction of waiver is sought to the above requirements. The matter is assessed later in this report.</p>
<p>Clause 53.18 Stormwater Management in Urban Development</p>	<p>An application to construct a building or construct or carry out works:</p> <ul style="list-style-type: none"> Must meet all of the objectives of Clauses 53.18-5 and 53.18-6. Should meet all of the standards of Clauses 53.18-5 and 53.18-6. <p>The Application is accompanied by details of the proposed stormwater management system, including drainage works and retention, detention and discharges of stormwater to the drainage system.</p>
General Provisions	
<p>Clause 65 Decision Guidelines</p>	<p>The responsible authority must decide whether the proposal will produce acceptable outcomes in terms of the decision guidelines of this clause, which include the matters set out in Section 60 of the Act.</p>
<p>Clause 66 Referral and Notice Provisions</p>	<p><i>Clause 66.02 – Use and Development Referrals</i></p> <p>Clause 66.02-11 (Land use and transport integration) states that an application for a place of assembly comprising 400 or more seats or 600 or more square metres of gross floor area requires a referral to Head, Transport for Victoria as a determining referral authority.</p>

	<p>Head, Transport for Victoria goes by the name of the Department of Transport (DoT). This change has not been reflected in the Planning Scheme.</p> <p>As such, a referral to the DoT is required.</p> <p><i>Clause 66.03 – Referral Of Permit Applications Under Other State Standard Provisions</i></p> <p>As discussed above, a planning permit is triggered under Clause 52.29 and as such a referral to Head, Transport for Victoria (DoT) is required under Clause 66.03 as a determining referral authority.</p> <p>Clause 66.03 states that an application is required to be referred to the Victorian Commission for Gambling and Liquor Regulation (VCGLR) as a determining referral authority for the following:</p> <ul style="list-style-type: none"> • <i>‘An application under the Clause in association with a bar, hotel or nightclub that is to operate after 1am.’</i> <p>On 1 January 2022, the VCGLR changed its name to the Victorian Gambling and Casino Control Commission (VGCCC). This change has not been reflected in the Planning Scheme. A referral to the VGCCC is required.</p> <p>As discussed above, a planning permit is triggered under Clause 52.27 and as such a referral to the VGCCC is required.</p> <p><i>Schedule To Clause 66.04 – Notice of Permit Applications Under State Standard Provisions</i></p> <p>Clause 66.04 requires that under Clause 52.27 an application in association with a bar, hotel or nightclub that is to operate after 1am is to be notified to the Chief Commissioner of Victoria Police.</p>
Operational Provisions	
<p>Clause 73 Meaning of Terms</p>	<p>Clause 73.03 – (Land Use Terms) defines the following relevant land use terms:</p> <ul style="list-style-type: none"> • Restricted place of assembly: <p><i>‘Land used by members of a club or group, or by members’ guests, for religious or cultural activities, entertainment, or meetings. It may include food and drink for consumption on the premises, and gaming.’</i></p> • Residential hotel: <p><i>‘Land used to provide accommodation in serviced rooms for persons away from their normal place of residence. If it has at least 20 bedrooms, it may include the sale of liquor for consumption on, or off, the premises, function or conference rooms, entertainment, dancing, amusement machines, and gambling.’</i></p>

5 STRATEGIC FRAMEWORK

5.1 Planning Policy Framework (PPF)

The relevant provisions of the PPF are summarised as follows:

- Clause 11 – Settlement
 - Clause 11.01 – Victoria
 - Clause 11.03 – Planning for Places

- Clause 11.03-1S – Activity Centres
- Clause 13 – Environmental Risks and Amenity
 - Clause 13.05 – Noise
 - Clause 13.05-1S – Noise Abatement
 - Clause 13.07 – Amenity, Human Health and Safety
 - Clause 13.07-1S – Land Use Compatibility
- Clause 15 – Built Environment and Heritage
 - Clause 15.01 – Built Environment
 - Clause 15.01-1S – Urban Design
 - Clause 15.01-1R – Urban Design – Metropolitan Melbourne
 - Clause 15.01-2S – Building Design
 - Clause 15.01-4R – Healthy Neighbourhoods – Metropolitan Melbourne
 - Clause 15.01-5S – Neighbourhood Character
 - Clause 15.03 – Heritage
 - Clause 15.03-1S – Heritage conservation
- Clause 17 – Economic Development
 - Clause 17.01 – Employment
 - Clause 17.02 – Commercial
 - Clause 17.02-1S – Business
 - Clause 17.04 – Tourism
 - Clause 17.04-1S – Facilitating Tourism
- Clause 18 – Transport
 - Clause 18.01 – Land Use and Transport
 - Clause 18.01-1S – Land Use and Transport Integration
 - Clause 18.01-3R – Sustainable and Safe Transport – Metropolitan Melbourne
 - Clause 18.02 – Movement Networks
 - Clause 18.02-3S – Principal Public Transport Network
- Clause 19 – Infrastructure
 - Clause 19.02 – Community Infrastructure
 - Clause 19.02-3S – Cultural Facilities
 - Clause 19.03 – Development Infrastructure

5.1.1 Municipal Strategic Statement (MSS)

The relevant provisions of the MSS are summarised as follows:

- Clause 21.01 – Introduction
- Clause 21.02 – Municipal Profile
- Clause 21.03 – Vision
- Clause 21.05 – Environment and Landscape Values
- Clause 21.06 – Built Environment and Heritage

- Clause 21.08 – Economic Development
- Clause 21.09 – Transport
- Clause 21.10 – Infrastructure
- Clause 21.16-1 – St Kilda Road and South Yarra

5.1.2 Local Planning Policies

The relevant local policies are summarised as follows:

- Clause 22.05 – Heritage Places Outside the Capital City Zone
- Clause 22.14 – Discretionary Uses in the Neighbourhood and General Residential Zone
- Clause 22.17 – Urban Design Outside the Capital City Zone
- Clause 22.19 – Energy, Water and Waste Efficiency
- Clause 22.22 – Policy for Licenced Premises that Require a Planning Permit
- Clause 22.23 – Stormwater Management (Water Sensitive Urban Design)

6 PUBLIC NOTICE

Pursuant to Sections 52(1)(a) and (d) of the Act, on 5 May 2022, notice of the Application was given by sending letters to the owners and occupiers of adjoining and surrounding properties (undertaken by Council) and by instructing the permit applicant to erect two public notices – one to each street interface – on the Site for a 14 day period. On 20 May 2022, a signed statutory declaration confirming that the permit applicant had erected the public notice signs in accordance with Council's requirements was returned.

Pursuant to Section 52(1)(b) of the Act, notice of the Application was provided to the City of Stonnington and the City of Port Phillip.

Pursuant to Section 52(1)(c) of the Act, notice of the Application was provided to the Chief Commissioner of Victoria Police.

7 OBJECTIONS / SUPPORT

At the date of this report, a total of 179 objections and 2 letters of support have been received for the Application. The objections were authored by:

- surrounding owners and occupiers to the Site;
- surrounding owners and occupiers to 360 St Kilda Road, Melbourne;
- other interested members of the public;
- the City of Stonnington; and
- the City of Port Phillip.

The matters raised in objection are summarised below. The list is by no means exhaustive. It aims to outline the key themes arising from the objections and letters of support. These matters have informed consideration of the Application in the assessment chapter of this report.

7.1 Objector Concerns

7.1.1 Use and Liquor Licence

- No net community benefit.

- Inappropriate to operate a non-residential / commercial business of this intensity within a residential area.
- Local precedents of 'non-residential' to justify the proposal are of no resemblance to the proposal.
- Failure to meet the following clauses of the Planning Scheme:
 - The purpose and decision guidelines of the GRZ.
 - Clause 22.14 – Discretionary Uses in the Neighbourhood and General Residential Zone.
 - Clause 22.22 – Policy for Licenced premises that require a Planning Permit.
 - Clause 52.27 – Licenced Premises
- Unacceptable amenity outcomes arising from a combination of the following:
 - Hours of operation.
 - Patron numbers.
 - Noise from the operation, including patrons, staff, cars, waste, etc.
 - Noise from the live music venue.
 - Behaviour of patrons inside and outside the venue.
 - Odour and presence of vermin.
 - Pick and drop offs.
- The Venue Management Plan and Liquor Licence Plan is not robust enough to provide confidence that amenity impacts will be sufficiently managed.

7.1.2 Heritage

- Unacceptable extent of demolition to a 'Significant' graded building.
- Inappropriate built form response which is not sympathetic to the Poolman House or the wider South Yarra heritage precinct.

7.1.3 Amenity / Built Form

- Inappropriate amenity impacts caused by the proposal, in particular the relationship to the dwellings to the south and west in terms of visual bulk, overshadowing, and lack of setbacks.
- Various non-compliances with the Objectives and Standards of Clause 55 (ResCode).
- The proposed height, setbacks and massing of the new building is an overdevelopment of the site and will dominate the surrounding streetscapes and will not positively respond to the surrounding context and existing neighbourhood character.

7.1.4 Acoustics

- Intensity of the use will create an unreasonable acoustic outcomes including, but not limited to, noise from patrons (inside and outside the venue), the live music venue, car parking and traffic, and transportation of waste,
- Effectiveness of the proposed acoustic treatments.
- Inability to properly enforce the proposed noise mitigation methods proposed by the Acoustic Report.

7.1.5 Traffic / Car Parking

- On-site:

- Insufficient amount of car parking spaces.
- Valet parking leading to queuing.
- No allowance for staff parking.
- Domain Road
 - Removal of on-street car parking is unacceptable.
- Off-site
 - The proposed off-site car parking arrangement may not be permissible given the planning permit and conditions applying to 360 St Kilda Road, Melbourne.
 - Unacceptable amenity impacts to nearby owners and occupiers of the Site and 360 St Kilda Road by way of noise, behaviour of guests, lights, and traffic noise.
 - Lack of details of the proposed off-site car parking arrangement, including, but not limited to, queuing, pick up / drop off location, hours of operation, and the ability for a shuttle bus to enter the car park.
 - Unacceptable traffic impacts from the proposed shuttle bus service between the Site and 360 St Kilda Road.
 - Inappropriate to provide car parking at 360 St Kilda Road, Melbourne given its location from the Site.
- Traffic
 - Unacceptable traffic impacts to the surrounding streets, in particular Punt Road (in particular the signalised intersection) and Domain Road.
 - Unacceptable impacts of constant vehicle movements from patrons, taxi services, and deliveries and drop off on surrounding residents.
 - Stress on on-street car parking.

7.1.6 Landscaping

- Inappropriate removal of trees.
- Inappropriate choice of landscaping.
- Removal of trees on the Site.

7.1.7 Other Matters

- Impacts of the construction.
- Negative effect on property values.
- Extent of public notice.

7.2 Support

- Establish Melbourne as an international destination.
- The future managers will balance the needs of the business with the amenity of the local community.

8 CONSULTATION

In addition to the public notice undertaken as outlined above pursuant to the Act, individual consultation with the applicant, property owners / occupiers, and other interested members of the

public being undertaken by telephone and email. A copy of all objections and letters of support received were provided to the applicant for their consideration.

9 REFERRALS

9.1 Internal

9.1.1 Heritage

Council's heritage advisor has reviewed the Application (including TP-2021-757) a number of times. The applicant has provided a response in the form of amended architectural plans and Heritage Impact Statements as part of lodging the Application. The matters below remain outstanding.

- The setback, scale, height, etc., of the proposed three storey addition is inconsistent with the heritage character of the precinct.
- The compatibility of the new building's external presentation (separate from its setback, scale, height, etc.) with the Poolman House and the HO6 is problematic. The applicant has not adequately justified the design of the building and its compliance with Clause 22.05.
- Lack of detail within the materials to form a complete view on the acceptability of the heritage response to the proposed alterations to the Poolman House, including new doors, driveway piers, location of services.
- The services penetration (into the existing fence) would result in the loss of a not insubstantial extent of the significant brick fence and feature prominently.
- Concerns with the relationship of the glazed roof above the courtyard with the heritage building.
- Concerns with the colour and rendering schemes to the heritage building.
- The effective loss and development of the Poolman House's long-established garden would be impactful from a heritage character perspective.

In addition to the above, the heritage advisor has advised that a recording program, a broad scheme of conservation works, and interpretation strategy be conditions of any planning permit to issue.

Planner's Comments:

- See discussion in the assessment chapter below.

9.1.2 Traffic

Council's Traffic Engineering department provided the below comments (summarised):

- The reduction in car parking is not appropriately justified. Therefore, the provision of car parking is unacceptable unless the patron numbers are reduced to achieve compliance.
- The shuttle service, if managed appropriately, does not result in an unacceptable traffic outcomes.
- Existing parking restrictions will not be changed to suit the requirements of the proposal. This is subject to a separate process which involves consultation from the community.
- The access and passing arrangements within the Site are acceptable.
- No objection to the expected traffic movements.
- No objection to a new street tree being planted 1m from the new access.

Planner's Comments:

- The Transport Assessment provides a response to the above comments.

- See discussion in the assessment chapter below.

9.1.3 Urban Design

Council's Urban Design department have reviewed the Application (including TP-2021-757) a number of times. Further, as discussed above, the MDRP has provided a review of the Application. The applicant has provided a response in the form of amended architectural plans as part of lodging the Application. The issues identified below are concerns which remain outstanding.

- Further articulation introduced to the north elevation of the proposed new building, which breaks up the horizontal expressions.
- The east elevation of the proposed new building remains unchanged from the previous drawings. City Design and the MDRP have identified this interface to Punt Road as a key public interface where further consideration of landscaping to soften the presentation of the building bulk along this elevation.
- Revised extent of the retractable structure above the courtyard, providing additional relief from the heritage building, and in particular the expression of the loggia arches. Further information on detailing and dimensions would be required to ensure a positive heritage outcome in relation to this structure.
- The use of high quality building materials and design detailing are critical to the success of this proposal as a complementary addition to a locally significant heritage building.

Planner's Comments:

- See discussion in the assessment chapter below.

9.1.4 Environmental Sustainable Design / Landscape

Council's ESD department reviewed the ESD statement and Landscape Plan. It was advised that both documents contains appropriate initiatives to meet the requirements of Clauses 22.19 and 22.23 of the Planning Scheme, however recommended a number of conditions to be included on any planning permit to issue. Subject to the changes, it is considered that the proposal will suitably respond to Council's ESD feedback, and will achieve compliance with the Planning Scheme.

Planner's Comments:

- The conditions will form part of a planning permit, should one issue.

9.1.5 Civil Infrastructure

Council's Principal Engineer (Infrastructure) recommended that a number of conditions be included on any permit being granted to protect Council's road-based assets and integrate the development with Council's stormwater drainage system.

Planner's Comments:

- The conditions will form part of a planning permit, should one issue.

9.1.6 Waste

Council's Waste department reviewed the Waste Management Plan and advised that it contains appropriate initiatives to meet the requirements of Clause 22.19 of the Planning Scheme, however recommended a number of conditions to be included on any planning permit to issue.

Subject to the changes, it is considered that the proposal will suitably respond to Council's waste department's feedback, and will achieve compliance with Clause 22.19 of the Planning Scheme.

Planner's Comments:

- The conditions will form part of a planning permit, should one issue.

9.1.7 Urban Forestry and Ecology

Council's Urban Forestry and Ecology department provided the following comments:

- Noted an error on architectural plans which shows tree 2 to be removed and on the Tree Protection Plan for it to be retained.
- Objection to the proposed removal of the street tree as, amongst other things, the applicant has not proved that they have exhausted all other options for retention.
- Despite the Traffic Engineers raising no objection to a tree being planted 1m from the proposed new access, this option isn't one that could be supported given the spacing between the existing tree would not be compatible with the streetscape or best practice.
- A condition requiring a Tree Protection Plan (for public tree assets) and standard notes should be included on a planning permit, should one issue.

Planner's Comments:

- No response was provided by the applicant.
- See discussion in the assessment chapter below.

9.2 External

The application was referred externally as outlined below.

9.2.1 Department of Transport

On 14 April 2022 the application was referred to the DoT pursuant to Section 55 of the Act.

On 26 July 2022, the DoT provided a letter to Council confirming:

- it does not object to the granting of a planning permit; and
- has no planning permit conditions to put forward.

The DoT did suggest that Council further consider the following:

- *‘the need to install a convex mirror and/or “Give Way to Pedestrians” sign at the entry/exit point where the driveway meets the footpath to allow greater visibility of pedestrian /vehicle movements*
- *measures to ensure valet parking services continue to form an integral part in the use of the land (i.e., in order to minimise conflict and force motorists to reverse the length of the single width driveway should ownership and land use change overtime).’*

Planner's Comments:

- See discussion in the assessment chapter below.

9.2.2 VGCCC

On 14 April 2022 the application was referred to the VGCCC pursuant to Section 55 of the Act.

On 20 May 2022, the VGCCC provided a letter, which states that the VCGLR *‘...does not intend to offer any comment or submission on the above application. I note that offering no comment to the above application does not affect any decision that the Commission may make pursuant to the Liquor Control Reform Act 1998 in respect of any application that the Applicant is required to make under that Act if the planning permit is granted.’*

10 ASSESSMENT

Notwithstanding an application for review being lodged with the Tribunal, Council must now form a position on the application. The key issues for consideration in the assessment of the Application include the following:

- Use
- Licensed Premises
- Noise and the Live Music Venue
- Heritage
- Built Form
- Technical Compliance
- Clause 55 (Two or More Dwellings on a Lot and Residential Buildings)
- Car Parking and Traffic
- Sustainability and Waste
- Landscaping and Street Trees
- Other Matters Raised in Objection

10.1 Use

A permit is required for use of Site for a 'restricted place of assembly' and 'residential hotel'.

As the following assessment will conclude, the proposed land uses are not appropriate for the location and are therefore unacceptable for the following reasons:

- the proposal does not align MSS, PPF, and zoning of the Site;
- the proposal will have unreasonable impacts on the amenity of surrounding properties; and
- the information contained within the Application is insufficient to justify the proposal; and
- the proposal cannot be appropriately managed via Management Plans and planning permit conditions.

10.1.1 Policy Assessment

Policy and Strategic Consideration

The Site is located within an established residential neighbourhood of South Yarra.

Local policy recognises that the established residential areas in the City of Melbourne are a significant capital city asset, providing high quality and attractive residential environments at the doorstep of the Central City. Clause 21.04 and 21.16-1 of the Planning Scheme recognise the residential character of the area.

The Site is located within the 'Stable Residential Area'. The Planning Scheme states that whilst '*...educational, institutional and research facilities continue to be supported...*' this area '*...is an area of stability with minimal potential for new development, residential amenity has been maintained and the area's historic character and features have been preserved.*'

With respect to ongoing support for economic development, Clause 21.06-1 seeks to '*[e]nsure Domain Road shopping area maintains its role for convenience shopping, neighbourhood facilities and as a neighbourhood focus.*'

The applicant has provided examples of existing non-residential uses within the surrounding context, which includes (but is not limited to)

- the police training college at 260 Domain Rd;
- Melbourne Girls Grammar at 86 Anderson St; and the
- Italian Institute of Culture at 233 Domain Rd.

Council acknowledges the competing planning policies at Clause 21.03 (Vision) and 21.10 (Infrastructure) of the Planning Scheme as well as one of the visions of Plan Melbourne to create a distinctive Melbourne with global and social participation and to support the arts, entertainment, and tourism.

However, balancing the competing policies of the Planning Scheme with the facts and circumstances of the Application, Council is of the view the proposed use, at its proposed intensity, fails to achieve planning policy for the following reasons and is therefore unacceptable:

- the proposal (including the nature of the uses, number of patrons, operating hours, etc.) will impact the stability of this context and is of too high intensity to ensure the residential amenity of the area is protected, which is inconsistent with the above clauses of the Planning Scheme;
- Clause 11.03-1S establishes that retail, commercial, entertainment and cultural use and development is to locate within activity centres and a particular focus is put on larger activity centres to play a supporting a full range of land uses across the day and night-time economy. The proposal is for a completely new use on the Site. Whilst the Site has a mixed history of land uses, it has, for the most part, been a single residential dwelling. The proposed new use is not considered to have the strategic support to establish where it is proposed. Locating such a proposal in this location means that the negative externalities associated with noise and activity are less capable of being accommodated without impacting on residential areas. These matters are discussed later in this report; and
- for the reasons outlined below, the proposal fails to meet the purpose and decision guidelines of the GRZ and Clause 22.14 and is unacceptable.

Zone

The purpose of the GRZ includes:

- *'To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.'*

There is no specific neighbourhood character objectives in the GRZ5.

The decision guidelines under 'Non-residential use and development' of the GRZ are:

- *'Whether the use or development is compatible with residential use.*
- *Whether the use generally serves local community needs.*
- *The scale and intensity of the use and development.*
- *The design, height, setback and appearance of the proposed buildings and works.*
- *The proposed landscaping.*
- *The provision of car and bicycle parking and associated accessways.*
- *Any proposed loading and refuse collection facilities.*
- *The safety, efficiency and amenity effects of traffic to be generated by the proposal.'*

The proposal fails to respond to the purpose and decision guidelines of the GRZ for the following reasons and is therefore unacceptable:

- the application materials have not adequately justified its compatibility with the surrounding residential area. The intensity of activity that will be generated by the proposal, which will see 481 patrons on the Site at any one time is inconsistent with its established residential context. The proposal will also generate further activity associated with staff, waste, pick-up / drop-off (etc.).

Whilst it is acknowledged that the application material proposes mitigation methods, such as acoustic sound proofing and a Management Plan, it is not considered that these will adequately mitigate the external amenity impacts to an acceptable level given the sheer intensity of the proposed use. Furthermore, the application materials make reference to similar commercial operations in the vicinity to justify the proposed use. This includes the Airlie Conference Centre and Italian Institute of Culture, as well as some medical uses. These uses are not considered to be comparable to the proposal given they appear of a more educational nature and do not appear to include liquor licences or patrons numbers similar to the proposal. As such, they are not considered sufficient justification.

- In contrast to the residential purposes of the zone, and to the contrary of that outlined within the application documentation, non-residential uses are not 'encouraged' within the GRZ and Clause 22.14 (discussed below). A limited range of non-residential uses may be allowed where they (amongst other things) have acceptable amenity impacts and serve local community needs in appropriate locations. The application documentation has not appropriately established these matters. In fact, the application material itself acknowledges that many of the expected clientele will not be local residents. As such, it is considered that the proposal may be more appropriately located in an area where members of the community may more frequently use and amenity impacts are more manageable or is at a scale where the amenity impacts are more commensurate to the expectations of the area.
- Matters including the intensity of the development, landscaping, car and bicycle parking, loading and refuse collection, traffic, and safety are discussed later in this report. Ultimately, the proposal fails to achieve these decision guidelines and is therefore unacceptable.

Clause 22.14 (Discretionary Uses in the Neighbourhood and General Residential Zone)

Clause 22.14 is the policy for assessing an Application that seeks permission for a discretionary use (a use that requires a planning permit) within the Neighbourhood or General Residential Zone.

Amenity impacts and local community need is furthered by the policy which recognises the importance of the valued established residential areas and recognises that non-residential uses can threaten the amenity of these established residential areas.

The policy basis of Clause 22.14 includes:

- *'The Residential zones provide for residential development at a range of densities as well as a range of educational, recreational, religious and a limited range of other uses to serve local needs.'*
- *'The proximity of the residential areas of the City of Melbourne to the Central City makes these areas attractive for uses that are not focussed on local needs and may not be compatible with residential amenity. To protect these areas, it is important to restrict the encroachment of incompatible non-residential uses.'*
- *'It is also important to acknowledge that there are existing non-residential uses in residential areas which make important contributions to local neighbourhoods. In these instances, the responsibility for management of impacts should fall upon the 'agent of change'.'*

The objectives of Clause 22.14 are:

- *'To retain existing residential uses.'*
- *'To facilitate non-residential uses in residential areas only where they are compatible with the residential character and amenity and serve the needs of the local community.'*
- *'To discourage new non-residential uses that have a negative impact on residential amenity or would be more appropriately located within Mixed Use or Commercial Zones.'*

Some key policies of Clause 22.14 include:

- *'Ensure the intensity of non-residential uses are appropriate to a residential context.*
- *Minimise the effects of non-residential uses on residential amenity (by controlling numbers of operators, practitioners, staff levels, hours of operation, traffic and parking movements, light, noise and air emissions).*
- *Encourage non-residential uses to locate:*
 - *In buildings that were purpose-built for predominantly non-residential purposes.*
 - *On corner sites that have direct access to a road in a Road Zone.*
 - *On sites that are located adjacent to the boundary of a non-residential zone.*
- *Non-residential uses should not result in significant changes to traffic conditions in local streets or significantly increase demand for on-street car parking.*
- *Non-residential uses should not subject neighbouring residential properties to unreasonable levels of noise or vibration (associated with the operation of the use, the hours of operation, music and entertainment, air conditioning and other plant equipment).*
- *Residents should not be disturbed by the operation of the activity during the night.'*

Clause 22.14, in substance, seeks to ensure that only non-residential uses are established in residential zones where they are compatible with the residential character and amenity and serve the needs of the local community.

The applicant has put forward that the proposal enjoys some policy support for reasons such as: there are surrounding non-residential uses, the intersection to Punt Road (arterial road), amenity impacts being appropriately mitigated via the proposed operation and the recommendations of the consultant reports and management plans, and no unacceptable changes to traffic conditions.

By virtue of the Punt Road interface and locating the bulk of the patron capacity toward this interface the proposal may enjoy *some* policy support. However, as discussed below, the proposed intensity of the use at the proposed location provides for an unacceptable outcome and has fails to achieve the policies of Clause 22.14. The reasons are as follows:

- the similar non-residential uses identified by the applicant are not considered to be relevant comparisons. The policy basis is that the residential areas should be protected from encroachment of incompatible non-residential uses;
- the intensity of the proposed uses which will see 481 patrons on Site at any one time which is inconsistent with its established residential context. The proposal will also generate further activity associated with pick up / drop off, staff, waste removal, etc;
- the 'residential hotel' is proposed to operate 24 hours, 7 days a week. This would seek up to 42 patrons (two per room) arriving, leaving, and utilising the Site at all hours of the day, including the associated vehicle movements and staff. Little information has been presented on how this will be appropriately managed in the context of the residential area;
- the Site addresses Domain Road, which has a significantly different character to Punt Road. Domain Road predominantly services the local community and has an established residential character. The policy encourages (amongst other things) that non-residential uses should locate *'[o]n corner sites that have direct access to a road in a Road Zone'* which the proposal does not;
- the applicant has not provided enough justification or detail that management can successfully manage the operational impacts such as noise, patrons, traffic, parking, odour, light spill to minimise impacts on the neighbourhood; and
- the proposal includes operating hours up until 1am Sunday to Thursday and 3am on Friday and Saturday nights. The residential hotel component of the proposal is proposed to be open 24 hours, seven days a week. These hours of operation have not been sufficiently justified and are

considered to pose unacceptable amenity impacts to the surrounding environs. Whilst Clause 22.14 does not include specific policy around opening hours, Clause 22.22 (discussed below) discourages licensed premises from locating within a residential zone. In addition, it specifically notes that *'[o]perating hours beyond normal business hours (9am – 6pm) for licensed premises in the Residential 1 Zone beyond will be discouraged.'*

10.2 Licensed Premises

Clause 22.22 of the Planning Scheme applies to planning permit applications that involve the sale and consumption of liquor in the municipality.

There is no history of liquor licences applying to the Site that Council is aware of.

Some key policies of Clause 22.22 include:

- *'The licensed premises should be operated to ensure that noise emissions from the premises:*
 - *will not have an unreasonable impact on the amenity of the surrounding area;*
 - *comply with the standards as specified in the State Environmental Protection Policies; and*
 - *are regulated and monitored, making use of noise limiters where appropriate.*
- *The maximum number of patrons permitted in a licensed premise should be limited to manage any unreasonable impact on the amenity of the surrounding uses and area and the maximum occupancy capacity of the premises, as determined by the Building Act 1993.*
- *New licensed premises are discouraged from locating in the Residential 1 Zone.*
- *Operating hours beyond normal business hours (9am – 6pm) for licensed premises in the Residential 1 Zone beyond will be discouraged.'*

Some key decision guidelines of Clause 22.22 include:

- *'Nature and use of surrounding land...*
- *Location of outdoor areas to be used in association with the licensed premises, including outdoor smoking areas, beer gardens and terraces.*
- *Specific nature of the proposed use including details of activities and entertainment to be provided.*
- *Proposed hours of operation.*
- *The number of patrons likely to be on the premises at any time.*
- *Potential effect of the use on the amenity of the surrounding area including the ability to comply with relevant noise standards and whether noise attenuation measures are required.*
- *Availability of sufficient car parking.'*

Whilst not applying to the Application, it is also relevant to note that within the Capital City Zone and the Docklands Zone the policy states that *'[h]ours of operation of taverns, hotels and nightclubs in the Capital City Zone and Docklands Zone should be limited to 1am'* and that with regard to business zones, *'[h]ours of operation of licensed premises in the Business Zones should be limited to: 11pm if the licensed premise is within 30 metres of a residential zone...'*

On-premises Sale of Alcohol

The applicant largely seeks to rely on the following measures to appropriately mitigate amenity impacts:

- programming of the proposed buildings (that is, the focus of patrons away from the more sensitive west and south interfaces of the Site to residential dwellings);

- the findings and recommendations of the various consultant reports (e.g. the Acoustic Report);
- the lodged management plans (including the Poolman House Venue Operation Plan and Proposed Liquor Licence Arrangements); and
- some proposed management plans (e.g. a Car Park Management Plan).

The applicant also puts forward that the GRZ contemplating the proposed uses (that is, the proposed uses are not strictly prohibited under the GRZ) lends in favour of the application.

Weighing up the planning policy and the submissions of the applicant, the proposed liquor licence fails to provide an acceptable amenity outcome.

The provision of a General Licence within a venue capable of accommodating 481 patrons as late as 3am, the proposal is unacceptable when balanced with the site context and the relevant policies of the Planning Scheme. The scale and hours proposed are actively discouraged in the General Residential Zone. This highlights the unsuitable nature of the proposal in terms of its scale and extended hours of operation within a sensitive residential environment. The intensity proposed is discouraged even in the Capital City Zone unless provided with appropriate protections, let alone a more sensitive residential zone where such liquor licences and hours are discouraged outright.

As discussed further below, whilst the various reports and management plans put forward measures to reduce adverse amenity impacts, planning policy speaks to a wider variety of considerations such as traffic implications, the specific nature of the use, and the zoning of the land. Balancing these considerations the proposal fails to be an acceptable planning outcome. These matters are subject to individual discussion later in this report.

The applicant puts forward the matters of cumulative impact lend in favour of the application due to its restricted 'members only' nature. It is considered that the proposed venue will not lead to the saturation of such uses in this area and that the cumulative effect of the use could reasonably be sustained. Beyond this however the potential effects of the use would only increase and this, in turn, would generate unacceptable amenity impacts.

As such, the proposed liquor licence associated with the uses at the intensity proposed is unacceptable.

Off-premises Sale of Alcohol

The Proposed Liquor Licensing Arrangements report states:

'the supply of liquor to club members for consumption off the premises, as 'take away' and also via online orders placed with the club, such liquor being delivered directly to club members.

...

...a further licence to allow the supply of liquor to club members for consumption off the premises; and a further licence to allow the sale of liquor ordered online by members for consumption off the licensed premises.

...

Whilst online orders by club members for packaged liquor for consumption off the premises can be made at any time, deliveries of such liquor from the premises are to be made only between the hours of 9am to 6pm Monday to Saturday.'

It is not made clear in the application material how the above is proposed to operate. For example, how the liquor will be delivered to members (and whether this has been considered in the findings of the Transport Assessment) and how the sale of alcohol to members (and guests) leaving the venue will be managed. This emphasises the assessment undertaken above which concludes that the proposed liquor licence associated to the use at its intensity is unacceptable.

Other Matters

Type of Liquor Licence Sought

The applicant seeks a general licence which Council understands is limited to 1am for the sale/consumption to non-residents.

Victoria Government Gazette

There is currently a State government freeze on the issue of late night licences to venues within inner metropolitan Council, save for venues that (among other things) provide for live music.

10.3 Noise and the Live Music Venue

A major concern in objection is in regard to the noise generated by various components of the proposal, including, but not limited to, patrons (both inside and outside the premises), live music, drop off / pick up, waste, staff and customer vehicles, deliveries and service vehicles, and plant.

The Planning Scheme recognises noise as an issue that in residential areas needs to be managed to minimise adverse impacts on amenity, such as those listed below and also discussed above.

Clause 13.05-1S (Noise management):

- *'Ensure that development is not prejudiced and community amenity and human health is not adversely impacted by noise emissions.*
- *'Minimise the impact on human health from noise exposure to occupants of sensitive land uses (residential use, child care centre, school, education centre, residential aged care centre or hospital) near the transport system and other noise emission sources through suitable building siting and design (including orientation and internal layout), urban design and land use separation techniques as appropriate to the land use functions and character of the area.'*

Clause 13.07-1S (Land use compatibility):

- *'Ensure that use or development of land is compatible with adjoining and nearby land uses.*
- *'Avoid locating incompatible uses in areas that may be impacted by adverse off-site impacts from commercial, industrial and other uses.*
- *'Avoid or otherwise minimise adverse off-site impacts from commercial, industrial and other uses through land use separation, siting, building design and operational measures.*
- *'Protect existing commercial, industrial and other uses from encroachment by use or development that would compromise the ability of those uses to function safely and effectively.'*

Clause 53.06 (Live music entertainment venues) is discussed earlier in this report.

The decision guidelines of Clause 53.06 are:

- *'The extent to which the siting, layout, design and construction minimise the potential for noise impacts.*
- *'Whether existing or proposed noise sensitive residential uses will be satisfactorily protected from unreasonable live music and entertainment noise.*
- *'Whether the proposal adversely affects any existing uses.*
- *'The social and economic significance of an existing live music entertainment venue.*
- *'The impact of the proposal on the functioning of live music venues.'*

The applicant has provided an Acoustic Report which (amongst other things) provides a review of the proposal against the relevant guidelines. The Acoustic Report confirms that the proposal meets the above requirement. Notwithstanding this, an assessment of noise needs to be undertaken.

The Acoustic Report, at Chapter 6.4, recommends that the following noise controls are implemented into the design of the building and the management of the venue (not an exhaustive list):

- A 2.4m high acoustic fence to the ground floor north and (part) west boundary.
- Retractable roof over the garden restaurant and background music only to this area.
- The Live Music / Dining Room shall be constructed so that the room is isolated from the surrounding building structure, termed 'an isolated box within a box.'
- Specified thickness of glass used across the proposed development.
- Several rooms within the development including measures such as airlocks and absorptive internal treatments.
- Music and sound within internal spaces (Events Room, Club Rooms, Garden Lounge, and Restaurant) shall be at equal to or below conversation level and comply with Part 2 of the EPA Noise Protocol 1826.4.
- No music is to be played in external areas between the hours of 10pm to 7am.
- Glass must not be emptied/transferred from one receptacle to another anywhere externally before 7am or after 10pm. Outside this time period all glass must be emptied / transferred within the premises and removed in containers.
- The collection of waste/recycling and deliveries is recommended to only occur during the hours 7am to 10pm.

For the below reasons, the proposal fails to achieve reasonable acoustic impacts. Cumulatively, the intensity of proposed activity and its off-site implications would be an unreasonable imposition on residential amenity and it does not achieve an acceptable outcome including having regard to the relevant policies and decision guidelines of the Planning Scheme.

Music (including Live Music), Patron Noise, and Vehicle Noise

The applicant has put forward a suite of management and technical recommendations set out in the Acoustic Report and the various management plans. It is accepted that they would assist in limiting the transfer of noise and, in turn, provide some assurance that the use would not unreasonably impact upon the general amenity of the immediate surrounding area.

Planning policy is clear that the proposed use should only be considered acceptable where it can be demonstrated that the general amenity of an area will not be adversely affected.

Whilst a comprehensive suite of measures would be implemented to address these concerns, given the proximity of sensitive uses, a venue of this scale at the operation times proposed represents an incompatible outcome. Given the scale of the use it is difficult to reconcile it with these policy provisions, notwithstanding the measures to be implemented.

Importantly, activities associated with late night licensed venues do not always cease at the time a venue closes. This can include drop off and pick up and patrons leaving the venue.

With respect to the lodged Acoustic Report, Council notes the following:

- it appears to be based on an indicative number of patrons (discussed earlier in this report) in each location of the venue;
- it appears to assume that there will be no patrons in external areas during the night period (10pm to 7am) which conflicts with the planning report which proposes that the external spaces will be open until 11pm (Sunday to Thursday) and 12am (Friday to Saturday);
- it does not appear to consider the noise generated by the proposed use on sleep disturbance and the ability (or otherwise) of residents being able to leave windows open at night, to enjoy outdoor living spaces etc;
- it is unclear whether the acoustic assessment was prepared in the context of the valet parking system.

Council officers are cautious that changes to assumptions may create a situation where the findings results in unacceptable outcomes or that require changes to the proposal. It is therefore considered inappropriate to address these matters through planning permit conditions. Such concerns may ordinarily be dealt with through the planning permit process. However, as this option is not available given the lodgement of a failure appeal, in the view of Council officers, the noise from the proposal is considered to be excessive and unacceptable.

Mechanical plant and equipment noise

The acoustic report provides the following assessment.

'To ensure that noise emissions from the mechanical plant serving the development do not impact adversely on the amenity of future occupants or neighbouring dwellings, noise levels emitted from the plant equipment shall comply with Part 1 of the EPA Noise Protocol 1826.4. It is noted that plant and equipment selections/design have not yet been finalised. Therefore, to ensure amenity for future residents and nearby noise sensitive receivers is preserved, mechanical plant equipment shall be designed to ensure noise levels comply with the criterion nominated in Section 5.3. This will be achieved by the use of standard acoustic treatment such as internally lined ductwork, acoustic attenuators, variable speed drives, solid screens and vibration mounts.'

It is accepted that the specific details of plant and equipment (including its location and design) and its particular design is not known at the planning permit stage. Council accepts that the relevant EPA noise guidelines will apply. The proposal includes mechanical plant and equipment, some of which is located in the basement and on the tops of the buildings. Conditions on any permit to issue will include the requirement for the services to comply with the relevant guidelines.

Waste

Additional issues in submissions refer to staff on-site out of hours and noise associated with deliveries and waste collection. Council consider these matters could be dealt with by permit conditions, as able to be informed by the performance criteria in Clause 22.14 and Clause 22.22.

10.4 Heritage

Clause 22.05 (Heritage Places Outside of the Capital City Zone) includes a number of policies and decision guidelines specific to demolition, alterations, new buildings, and restoration, and fences, including (but not limited to):

- *'Partial demolition in the case of significant buildings, and of significant elements or the front or principal part of contributory buildings will not generally be permitted.'*
- *A demolition permit not be granted until the proposed replacement building or works have been approved.*
- *Whether the demolition will adversely affect the conservation of the heritage place.*
- *External fabric which contributes to the cultural significance of the heritage place, on any part of a significant building, and on any visible part of a contributory building, should be preserved.'*

'New buildings are in keeping with 'key attributes' of the heritage precinct as identified in the precinct Statement of Significance and:

- *Key attributes of the heritage precinct [as extracted earlier in this report]...*
- *Do not visually dominate or visually disrupt the appreciation of the heritage place.'*
- *'Restoration or reconstruction of a building is to be based on evidence of what a building originally looked like. It may be assisted by reference to elements of nearby identical buildings, other parts of the building or early photographs and plans.'*

- *‘...where fences or gates to the front or principal part of a heritage place reconstruct an original fence or gate, this is based on evidence of the original form, detailing and materials...’*

As discussed above, Council officers have received the following advice on the matter of heritage:

- Council’s heritage advisor has identified a number of concerns with the Application which remain outstanding; and
- MDRP is generally supportive of the proposal’s relationship with the Poolman House, but held some concern with the presentation to the Punt Road interface and the detailed design of the new addition. Some of these detailed design matters are picked up by Council’s heritage advisor as outstanding.

With respect to the new addition, Clause 22.05 provides some policy support for the proposal, including:

- the siting and setbacks of the new building generally satisfies the objectives to maintain the *‘...prominence of the [heritage] building...’* and not to *‘...obscure views of facades or elevations...’*. The three storey addition is positioned east in the Site with a setback to Domain Road greater than Poolman House. In forming this view, Council officers have had regard to the high boundary fences, slope of Punt Road, and the primary vista to Poolman House being from Domain Road, which is maintained by the proposal. This is concurred with the heritage advisor who provides that *‘[t]he loss of the historic house’s visibility from Punt Road can be accepted because it was minimal in the first place due to the setback and garden’*; and
- the new building’s design utilises a relatively neutral contemporary exterior with a complementary material. In combination, the materials contrasts the scale and form of the Poolman House which is encouraged by policy.

However, in the view of Council officers and weighting up the referral comments received:

- the proposed height, setbacks and massing will dominate the surrounding streetscapes and will not positively respond to the surrounding context and existing neighbourhood character; and
- there is an insufficient level of detail and justification for the proposal to be an acceptable heritage response to a significant graded building. The referral comments from the heritage advisor go to these matters.

The South Yarra SoS and HO6 have a thrust to provide for a lower scale character within an area of stable growth within a garden style setting (particularly for larger buildings). The contemporary addition is most publicly visible and presents in a distinct manner to Punt Road. The new addition’s length, consistent height, and close proximity to Punt Road raise issue in this regard with Council’s heritage advisor has noted that *‘...the proposed addition’s massing and overall architectural expression would appear to have little resonance with the surrounding historic built environment.’* The MDRP shared these views noting that the addition appears in a *‘...distinctive manner to Punt Road...’* and that *‘...[f]urther consideration should be given to the role of landscape along this interface...’*

This is emphasized by the concerns discussed below in regard to tree retention along this interface.

As discussed below, Council officers are concerned by the proposed encroachments (and existing encroachments) into the proposed retained trees. Whilst not specifically protected by the Planning Scheme the applicant has put forward tree retention as part justification for the built form. Weight is given to the South Yarra SoS which explicitly identifies the importance of gardens and front setbacks to dwellings, particularly the larger residences. As such, the viability of the retained trees (and further planting) is essential from a neighbourhood character and heritage management perspective.

In regard to the proposed partial demolition and alterations to Poolman House, Council officers note the specific policies relating to demolition including *‘[a] demolition permit not be granted until the proposed replacement building or works have been approved’* and *‘[w]hether the demolition will adversely affect the conservation of the heritage place.’* As raised in the heritage advisor’s comments,

the materials lacks sufficient information to justify the proposed partial demolition and alterations to Poolman House.

Given the above:

- the proposal fails to respond to the surrounding context and existing neighbourhood character; and
- the proposal lacks sufficient detail and justification for the proposed demolition and alterations.

As such, the proposed development fails to comply with relevant heritage policy contained in the Planning Policy Framework (in particular Clause 22.05) and the decision guidelines of Clause 43.01.

10.5 Built Form

The Planning Scheme sets out a range of urban design, heritage, and local character principles to guide development. These considerations are captured in the following Clauses of the Planning Scheme (not an exhaustive list), some of which are discussed above:

- Clause 15 (Built Environment and Heritage)
- Clause 21.06 (Built Environment and Heritage)
- Clause 22.05 (Heritage Places Outside of the Capital City Zone)
- Clause 22.17 (Urban Design Outside of the Capital City Zone)
- Clause 43.01 (Heritage Overlay)
 - Schedule 6 (South Yarra Precinct)
- Clause 43.02 (Design and Development Overlay)
 - Schedule 15 (Royal Botanic Gardens)

The Planning Scheme's urban design polices at Clause 22.17 seek to achieve high quality urban design and architecture that responds positively to local urban character. In particular, Clause 22.17 outlines the following objectives as relevant:

- *To ensure that the scale, siting, massing and bulk of development complements the scale, siting, massing and bulk of adjoining and nearby built form.*
- *To ensure that the height of buildings relates to the prevailing patterns of height and scale of existing development in the surrounding area.*
- *To reduce unacceptable bulk in new development.*

The DDO15 provides specific built form and urban design considerations for sites surrounding the Royal Botanic Gardens. Amongst establishing a 12m mandatory height limit it includes the following design objectives and decision guidelines:

- *'To preserve the landscape qualities and amenity of the Royal Botanical Gardens and to foster vegetation growth in the Gardens.*
- *To ensure that the enjoyment of the Royal Botanic Gardens is not diminishes by overshadowing or visual intrusion from any new buildings or works.*
- *To minimise detrimental wind impacts on the Royal Botanic Gardens.*
- ***To ensure that any new development or redevelopment is compatible with the existing scale and character of buildings in the area.***
- ***To protect the residential amenity of the area***
- *Buildings or works do not visually intrude upon vistas within the Royal Botanic Gardens or cast shadows on the Gardens between 11.00 am and 2.00 pm on 22 March and 22 September.*

- **Development is compatible with the scale and character of the South Yarra area.**
- *Before deciding on an application, the responsible authority must consider the views of the Director of the Royal Botanic Gardens if the responsible authority considers that the application involves works which may be visible from the Royal Botanic Gardens.'*

[Council **emphasis** added]

The proposal does not breach the mandatory 12m height limit of the DDO15.

Council's urban design department have identified a number of concerns with the Application which remain outstanding. This includes (but is not limited to):

- further articulation of the north elevation;
- further landscaping to soften the east elevation of the new addition (which is emphasized by the MDRPs and Council planning officers concern of loss of existing landscaping); and
- further refinement and specification of building materials to ensure a high quality building.

As discussed above, Council officers have concern with the proposal's consistency with the South Yarra SoS and the decision guidelines of the HO6. The local urban design considerations of the DDO15 weaves a similar planning fabric. That is, a development must respond to the existing scale and character of buildings in the area. In the view of Council officers, the proposal fails to achieve the design objectives and decision guidelines of the DDO15. This is further emphasised by the Clause 55 (ResCode) and landscape assessment below. For these reasons Council officers do not consider that the proposal is an acceptable urban design outcome.

10.6 Technical Compliance

10.6.1 General Residential Zone, Schedule 5

Building Height

Pursuant to Clause 5.0 of the GRZ5, a building used as a dwelling or a residential building must not exceed a height of 12m, measured from Natural Ground Level.

As confirmed by the sectional diagrams and a axonometric plan (TP4100) the new addition does not breach the 12m mandatory height above NGL. Whilst there are building services above the 12m height limit, consistent with relevant VCAT case law, these can be considered as exempted as building services.

As such, the proposal complies with the mandatory maximum height provisions of the GRZ5.

Garden Area

Clause 32.08-4 (GRZ) specifies that an application to construct or extend a dwelling or residential building on a lot greater than 650sqm must provide a minimum garden of 35%. The decision plans (TP1102) confirm that the proposed garden area is 35.4% which meets the requirement.

10.7 Clause 55 (Two or More Dwellings on a Lot and Residential Buildings)

The proposed development has been assessed against the requirements of Clause 55, with the complete assessment provided at Appendix 1 to this report. Those that failed to meet the objective and standard of an individual clause are discussed in further detail below:

10.7.1 Clause 55.02-1 (Neighbourhood character objective)

Refer to assessment at Chapter 10.4, 10.5, and 10.10.

For the reasons given, the proposal fails to achieve the objective.

10.7.2 Clause 55.02-2 (Residential policy objective)

The Application is accompanied by a written statement to the satisfaction of the responsible authority that describes how the development is consistent with any relevant policy for housing in the PPF of the Planning Scheme.

However, in the view of Council officers, the analysis and justification of the proposal fails to satisfy the objectives of Clause 55.02-2.

In particular, as discussed above, the proposal is not consistent with Clause 21.07 by failure to ensure the *'...amenity of existing residential uses is protected'* and *'...reasonable expectations of amenity for existing residential uses are maintained.'* Furthermore, as discussed below, the proposal is demonstrative of car dependency by the end user and does not strike an acceptable balance in its encouragement of sustainable transport modes, leading to unacceptable traffic outcomes.

As such, the proposal fails to achieve the objective.

10.7.3 Clause 55.02-4 (Infrastructure objective)

One of the objectives of Clause 55.02-4 is *'[t]o ensure development does not unreasonably overload the capacity of...infrastructure'* which includes road infrastructure.

Refer to assessment at Chapter 10.8 below.

For the reasons given below, the fails to achieve the objective.

10.7.4 Clause 55.02-5 (Integration with the street objective)

One of the standards of Clause 55.02-5 is that *'[d]evelopments should provide adequate vehicle and pedestrian links that maintain or enhance local accessibility.'*

As discussed below, the proposed removal of a street tree to provide adequate access into the Site has not been adequately justified. The proposal is therefore not considered *'[t]o integrate the layout of development with the street.'*

As such, the proposal fails to achieve the objective.

10.7.5 Clause 55.03-2 (Building height objective)

Refer to assessment at Chapter 10.4, 10.5, and 10.10.

Whilst the proposal does not breach the maximum height of the GRZ5 or the DDO15, for the reasons given, the proposal fails to achieve the objective which is to *'...ensure that the height of buildings respects the existing or preferred neighbourhood character.'*

10.7.6 Clause 55.03-8 (Landscaping objective)

Refer to assessment at Chapter 10.10 below.

For the reasons given, the fails to achieve the objective.

10.7.7 Clause 55.03-9 (Access objective)

As discussed below, the extension of the vehicle crossover and the associated removal of a street tree to Domain Road is not considered to be sufficiently justified. Domain Road has a character of street trees and Council's Urban Forestry department has advised that no suitable replacement location is available on Domain Road.

As such, the proposal fails to achieve the objective.

10.7.8 Clause 55.03-10 (Parking location objective)

One of the objectives of Clause 55.02-4 is *'[t]o provide convenient parking for resident and visitor vehicles.'*

Refer to assessment at Chapter 10.8 below.

For the reasons given below, the fails to achieve the objective.

10.7.9 Clause 55.04-1 (Side and rear setbacks objective)

The Site has two side boundaries (east and west) and one rear boundary (south), which are addressed in turn below:

- in regard to the west, the existing heritage building is retained, as such Clause 55.04-1 is not applicable;
- in regard to the east, as depicted in Figure 33 below, there is a proposed non-compliance to the third storey of the addition;
- in regard to the south, as depicted in Figure 34 below, there is a proposed non-compliance to the third storey of the addition.

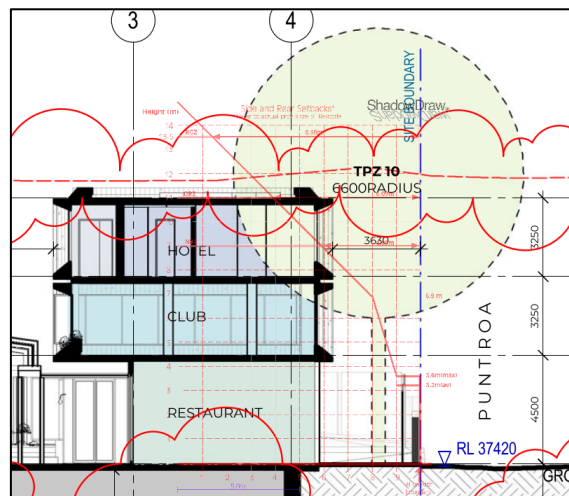


Figure 33 – extract of the architectural plans (Section 1) with Clause 55.04-1 setback line added by Council

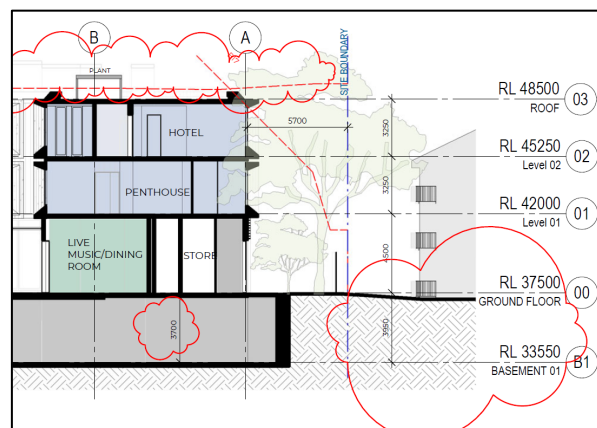


Figure 34 – extract of the architectural plans (Section 5)

In the view of Council officers, the proposal does not result in unacceptable amenity impacts to 819-823 Punt Road by virtue of the combined building separation being over 9m and the proposed shadows found to meet the Objective of Standard B21 (discussed below). However, for the reasons expressed in Chapter 10.4 and 10.5 the proposal fails to achieve an appropriate neighbourhood character outcome.

As such, the proposal fails to achieve the objective.

10.7.10 Clause 55.04-8 (Noise impacts objective)

See Chapter 11.1.

As such, the proposal fails to achieve the objective.

10.7.11 Clause 55.06-1 (Detailed design objective)

See Chapter 10.4 and 10.5.

As such, the proposal fails to achieve the objective.

10.8 Car Parking and Traffic

10.8.1 Restricted On-street Car Parking Spaces

As described above, currently, to the Domain Road interface in front of the Site, there are three on-street car spaces (currently restricted to '2P 7:30am-11pm').

The Application puts forward the creation of altering the restrictions to accommodate a ride share and taxi service drop-off, stating '*[n]o Parking, 5-minute parking or similar restrictions would be suitable to accommodate taxi/ride share vehicles and drop-off/pick-up by private cars, etc.*'. It also states that '*...we have discussed with Council the feasibility of altering the restrictions that apply to these spaces...Council's traffic engineer was generally supportive of this concept, noting that this a separate process to the planning approval stage.*'

The Traffic Engineering department of the City of Melbourne have not provided general support for the proposition, instead stating that '*[t]he provision of the drop off/pick up spaces on-road is acceptable subject to consultation with the affected properties in the area and resolution of any issues raised....*'

The creation of these proposed drop-off / pick-up bays is hypothetical as Council has not approved of this change to car parking restrictions along the frontage of the site. Such a proposition cannot be approved through a planning permit application. As such, the planning officers make no findings on the proposition (noting it is outside the capacity of a planning permit regardless). The assessment of car parking and traffic is undertaken with current car parking conditions in mind.

The Transport Assessment further indicates that '*[f]or the purpose of assessing the capacity of the on-street car parking in front of the site, we have assumed the following:*

- *74 drop-off movements from taxi/rideshare occur over a 90-minute period when, patrons arrive of an evening,*
- *...*
- *Drop offs can occur within the three car spaces along the site's frontage, not in the valet area.'*

The Transport Assessment report does not appear to consider the situation where the proposed changes to the on-street car parking space does not occur. The survey data at Appendix B includes a survey of the Domain Road on-street car parking spaces. It generally appears to show that these on-street car parking spaces are more frequently occupied in the later hours of the day, in particular on Friday and Saturday. This coincides with the expected higher expected attendees to the proposal. The Transport Assessment appears silent on the circumstance where the Domain Road on-street car spaces are occupied. It is presumed that the 74 peak ride-share drop offs will occur in the valet bay with those vehicles then required to turn around and exit on site through the one way road. This appears to be a high number of vehicle movements which is of concern to Council officers.

10.8.2 On-Site Car Parking

As outlined above, the proposal relies on a significant reduction in the statutory car parking requirement generated by the proposed use.

Planning Practice Note 22 (June, 2015) specifies that the provisions for reducing the car parking requirement draw a distinction between the assessment of likely demand for car parking spaces (the Car Parking Demand Assessment), and whether it is appropriate to allow the supply of fewer spaces than assessed by the Car Parking Demand Assessment.

Accordingly, the applicant must satisfy the responsible authority that the provision of car parking is appropriate on the basis of a two-step process, which has regard to:

- *'The car parking demand likely to be generated by the use.*
- *Whether it is appropriate to allow fewer spaces to be provided than the number likely to be generated by the site.'*

Car Parking Demand

Clause 52.06-7 requires an application to reduce the standard car parking requirement to be accompanied by a Car Parking Demand Assessment. This must assess the car parking demand likely to be generated by the proposed new use. Hence, Clause 52.06 recognises that the number of car spaces likely to be generated may vary from the standard requirement, which can be demonstrated in a Car Parking Demand Assessment.

The permit application includes a Transport Assessment. In summary, the report analyses the anticipated parking demands based on on-street car parking surveys, example of other like developments around the world, and a comparison with a restricted place of assembly at 291-295 Dandenong Road, Prahran.

Council's traffic engineers are not supportive of the proposed reduction in the car parking provisions sought. Council planning officers are not persuaded of the anticipated car parking demands outlined in the Transport Assessment and share concerns with the traffic department.

Council's concerns are:

- comparisons are drawn with a number of associated club establishments in London, New York, Barcelona and Berlin which are described as being within residential areas and provide for no car parking. This implies a similar context to the Site. The report also puts forward the expected patron demand at the Site, with no clear evidence to support this. In the view of Council officers, without further substantiating evidence, it is not relevant to compare South Yarra to the chosen cities across the world. The residential and physical contexts are completely different to the established residential context of South Yarra that a comparison between them is of no relevance or bearing on the Application.
- the Transport Assessment provides that *'[a]s the on-site carpark and Domain Carpark will be managed via the use of a car parking reservation system, we are satisfied that the car parking demands generated by guests and staff can be efficiently accommodated within the resources available.'* The comparison examples provided above do not provide for car parking. As such, there is no evidence to support this claim. Furthermore, as identified in this assessment, the applicant has not sufficiently justified the reduction sought and Council is cautious that the demand will be as expected.
- the Transport Assessment provides that *'[i]n our assessment, a car parking rate of '0.3 car spaces to each patron' is only suitable for smaller scale, daily activities for place for assembly uses. It is not suitable for larger events, particularly those that relate to entertainment/social activities and particularly within inner-city areas.'* To support this claim, reference is made to a restricted place of assembly operating at 291-295 Dandenong Rd, Prahran where a rate of 0.2 car parking spaces per person were accepted by VCAT. In this comparison, whilst the patronage is comparable, no specific details of the activities offered are provided and it is noted that site benefits from direct access to a road within the Transport Zone 2. It is also noted by Council officers that adopting a

rate of 0.2 spaces per person would require 96 car parking spaces, which the Application does not provide.

- the Transport Assessment has contradictory statements with regard to staff using the car parking facilities on the Site and within the car park of 360 St Kilda Road. In some parts of the report it states that staff cannot park at the Site. In other parts it states that they may utilise the 360 St Kilda Road car park. The empirical assessment does not appear to have regard to the staff expected to utilise the car parks and what impact this may have.
- the Transport Assessment identifies that the Site benefits from good access to public transport. However, with the exception of the 246 bus line (Punt Road) and the 58 tram (Toorak Road) it is noted that the Site is some distance from other modes of public transport. This is also one of the rationales used to compare the proposal to the 291-295 Dandenong Rd, Prahran planning application. Council officer note there is a lack of actual comparison of the public transport access of the two locations. It is noted there is a tram line directly opposite 291-295 Dandenong Rd, Prahran. Whereas this is not the case for the Site, which is also not located within an identified activity centre. The context and public transport access to both properties is quite different, which may impact upon the anticipated car parking demand.
- the Transport Assessment anticipates that 44 and 103 patrons will arrive by walking and public transport respectively. The Transport Assessment includes a map of 20-minute walking distance – see **Figure 35** below. Removing public parks and gardens, Council officers do not consider the area to be a large catchment and therefore an extremely high membership uptake in a confined area in order to walk. Council officers also take the topography into consideration, thinking it ambitious to think someone would walk 1.3km along Punt Road from Richmond Station to the proposed venue.

Given the above, it is the view of Council officers that the anticipated car parking demand is not sufficiently explained or justified.

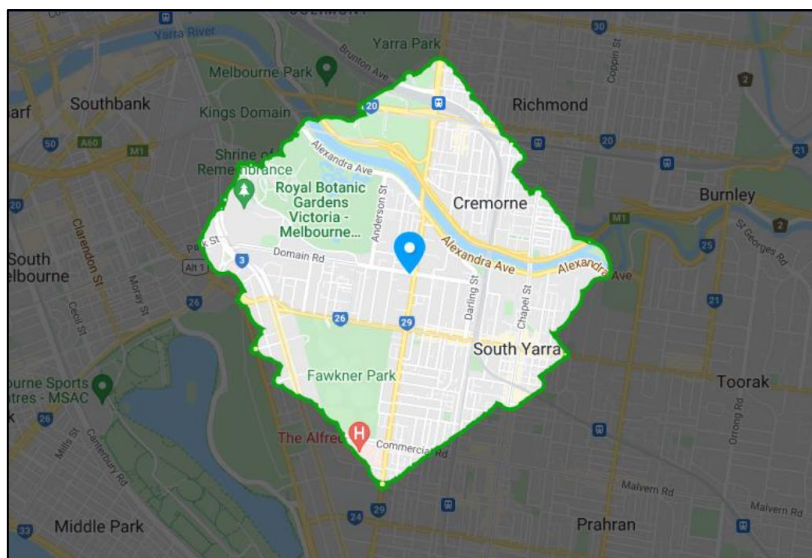


Figure 35 – extract of the 20-minute walking map from the Transport Assessment

Appropriateness of providing fewer car spaces than the number likely to generate

In considering whether to reduce car parking on the site, Clause 52.06-7 suggests the consideration of (amongst others):

- *'Any relevant local planning policy or incorporated plan.*
- *On street parking in residential zones in the locality of the land that is intended to be for residential use.*

- *The impact of fewer car parking spaces on local amenity, including pedestrian amenity and the amenity of nearby residential areas.*
- *Access to or provision of alternative transport modes to and from the land.'*

State policy at Clause 18.02-4S seeks to ensure '*...an adequate supply of car parking...*' and Clause 21.09 seeks to '*[s]upport the reduction or waiving of car parking for new uses and developments, which have good access to public transport.*'

The Transport Assessment identifies a high utilisation of the on-street car parks in the surrounding environs. As discussed throughout this report, the GRZ and Clause 22.14 does not encourage non-residential uses in residential zones. Quite the opposite, the policies ensure appropriate uses in appropriate locations, having regard to the specifics of the proposal and the site and surrounds. Clause 21.16-1 identifies that the Site is within South Yarra which has '*...minimal potential for new development...*' and where '*...residential amenity has been maintained...*'. The policy clearly identifies the areas of economic development within South Yarra, which includes the shopping centre of Domain Road. This is pertinent because Council and the Tribunal often finds that in activity centres that the provision of car parking should not be a determining factor as to whether a permit should issue. This is because there should be a centre based approach to the consideration of car parking provision on a particular site in an activity centre. However, in the case of the Site, it is clearly not within an activity centre. As such, the Site and proposal must have regard to any impact upon the available on-street and public parking in order to assist in the preservation of this area as a residential area. Based on the justification and analysis provided, Council officers are not persuaded that the proposal acceptably addresses the impacts identified.

Valet System

As discussed above, the proposal includes a valet parking service utilising the proposed holding bay within the title boundary.

The Transport Assessment states that the car parking spaces on Site will be available for valet parking. However, it is not clear if users must use the valet service, or whether it is an option. It is assumed by Council officers to be mandatory given Design standard 4 of Clause 52.06-9 states:

- '*Car parking spaces that require the operation of the system are not allocated to visitors unless used in a valet parking situation.*'

The Transport Assessment also includes analysis of valet car parking assumes 29 movements over a 90 minute permit, however it does not appear to provide a basis or evidence for this assumption.

The DoT have raised a potential concern in regard to ensuring the valet service continues to form an integral part in the use of the land (if approved) to minimise conflict and force motorists to reverse the length of the single width driveway should ownership and land use change overtime.

Given the lack of detail, Council officers are therefore unconvinced of the assumptions and findings of the Transport Assessment particularly as it relates to vehicle queuing and traffic outcomes.

Car Parking Design

Council Traffic Engineers have not raised objection to car parking design.

Convex Mirror

Council Traffic Engineers have comments that a convex mirror can be provided within the title boundary to assist with vehicle egress. DoT share this view and raise the potential for a 'Give Way to Pedestrian Sign'. The applicant has not expressed a view on this matter. As such, the addition of a convex mirror and sign should be conditioned to any planning permit to issue to assist in mitigating potential traffic conflicts.

10.8.3 Provision of Car Parking on another Site

The Application includes the provision of car parking at 360 St Kilda Road, Melbourne.

The matter has been subject to particular objection from property owners and occupiers around 360 St Kilda Road as well as the City of Port Phillip.

The following are the key facts of the proposition, as outlined in the Transport Assessment (not an exhaustive list):

- in addition to the 42 on-site car spaces, the application relies on a further 50 car spaces at 360 St Kilda Road (an existing commercial car park) owned by Poolman House that will service the development;
- 360 St Kilda Road is approximately 1.7km driving distance from the Site. The car spaces are accessed via Wells Street;
- the spaces will be available and signed for the exclusive use by the proposed development;
- a shuttle service will operate between the Domain Carpark and Poolman House; and
- there are no planning restrictions on the timing for use of the carpark, i.e. available to be used at all times (as instructed by the applicant).

Clause 52.06-7 includes the following decision guidelines for applications to allow some or all of the required car parking spaces to be provided on another site:

'Before granting a permit to allow some or all of the car parking spaces required under Clause 52.06-5 or in a schedule to the Parking Overlay to be provided on another site, the responsible authority must consider the following, as appropriate:

- *The proximity of the car parking on the alternate site to the subject site.*
- *The likelihood of the long term provision and availability of the car parking spaces.*
- *Whether the location of the car parking spaces is consistent with any relevant local policy or incorporated plan.*
- *Any other matter specified in a schedule to the Parking Overlay.'*

Council's traffic engineers find the bus service route and its frequency to be acceptable.

However, the Planning Scheme asks for consideration of others matters in determining acceptability.

Members of the public, through objection, and Council planning officers have identified deficiencies with regard to the information provided by the application. These include:

- whether 360 St Kilda Road has been granted approval for use as a commercial car park, and, if so, whether the conditions of the permission allow for such a proposition;
- the expected demand that the proposed use will have for the shuttle bus;
- the expected route and reasonable alternatives, taking into account changing traffic conditions.
- amenity impacts relating to the pick-up / drop-off around 360 St Kilda Road (which is surrounded by dwellings), including (but not limited to) noise generated from the bus and patron (particular at late / early hours), queuing of patrons, and pedestrian safety concerns;
- details of the bus parking location, including whether it can adequately manoeuvre in and out of the car park at 360 St Kilda Road;
- details of the bus storage at non-peak period; and
- drop-off / pick-up arrangements at the Site.

The City of Port Phillip has specific objection to the proposition on the grounds that the intended use is contrary to the planning permit that was approved for 360 St Kilda Road, inadequate details have

been provided about the drop off and pick up arrangements and concerns about the impact on surrounding residential amenity.

The City of Port Phillip has provided the following background:

- The commercial car park at 360 St Kilda Road was approved by planning permit 506/2000.
- There are three levels of car parking that provide a total of 247 spaces with the two upper levels of car parking provide 167 spaces and the lower third level providing 80 spaces. The planning permit approved the lower 80 spaces to be used as a commercial car park.
- The delegate report for the planning permit details two important reasons why the use of part of the basement car park as a commercial car park was considered acceptable. These reasons are:
 - Residents of the Royal Domain Towers would continue have an opportunity to purchase car spaces if they desire on an optional basis; and
 - The proposed commercial car park will increase the number of car spaces available for use in this location and hence reduce the number of cars seeking on street parking.
- Condition 4 of the planning permit requires:

'The car park operator shall manage the car park in accordance with a management plan submitted to and approved by the Responsible Authority which provides, inter alia, that:

a) 11 spaces within the commercial car park shall be available to residential owners/occupiers of the building at 360-370 St.Kilda Road for the purposes of long term lease upon request, and that requests for leasing of individual spaces received from residential owners/occupiers of the building must be met with priority over the daily rental of the spaces to the general public or other properties.

b) any of the 11 spaces leased in accordance with (a) above would be removed from the commercial car park pool.

c) 27 spaces in the commercial car park will be made available on a preference basis for residential owners/occupiers and their visitors on a fee paying basis (i.e. hourly, daily, weekly or monthly).

d) The surplus spaces in the other two levels of carparking on the land (that is spaces not purchased by owners of residential units) are to be kept as a communal pool of spaces available to residents and their visitors and directional signage shall be erected to direct visitors to the spaces available for their parking.

e) 6 of the spaces in the commercial car park are to be kept available for short term (up to 2 hours) parking, that is, not be made available for day long parking.'

- There is no Management Plan endorsed under the planning permit which allows the use of 50 spaces for use by another site.

As such, the City of Port Phillip concludes that proposal to use 50 of the space is contrary to the approval that was granted in the issuing of planning permit 506/2000.

Considering all of the above, Council officers find the proposition to provide for car parking at 360 St Kilda Road unacceptable for the following reasons:

- there is evidence to suggest that the car parking spaces may not be available as it appears to not comply with the conditions of planning permit 506/2000;
- Council officers are of the view that the applicant has not justified the proximity of the car parking from the Site. 360 St Kilda Road is located a significant distance from the venue. The Transport Assessment offers no justification or precedent for the proposed location;

- the planning application does not include any detail of any measures that would be put in place to control the potential amenity impacts to surrounding properties. As such there are concerns about the potential impact of the use of the car park through noise and behaviour of patrons; and
- the planning application includes little detail regarding the operation of the shuttle bus operating between the two sites. For example there is no detail on the size of the shuttle bus and relevant swept path diagrams to support its function, its parking location, whether it can enter into the commercial car park, where it will stop, and what are the expected pick-up / drop-off arrangements. The applicant appears to rely on the findings of a Car Park Management Plan and Section 173 Agreement dealt with via planning permit condition, should a permit issue. There is no specific detail provided as to the contents of such documents. In the view of Council officers, there is insufficient information to properly assess the matter. As such, Council officers are not accepting of the proposition.

10.8.4 Traffic

In the GRZ, a relevant consideration in deciding whether to grant permission for the proposed land uses is:

- *'The safety, efficiency and amenity effects of traffic to be generated by the proposal.'*

Clause 22.14 of the Planning Scheme seeks to ensure that:

'Non-residential uses should not result in significant changes to traffic conditions in local streets or significantly increase demand for on-street car parking.'

Before deciding on a permit application the Council must consider general decision guidelines at Clause 65 of the Planning Scheme, as appropriate, including (amongst others):

- *'The impact the use or development will have on the current and future development and operation of the transport system.'*

The planning scheme policies require consideration of the integration of land uses and transport, including sustainable transport options. The planning scheme policies place particular emphasis on the opportunities for a variety of land uses and the use of sustainable transport options in activity centres, including this activity centre. For example:

- *'Reduce the number of private motorised trips by concentrating activities that generate high numbers of trips in highly accessible activity centres (clause 11.03-1S);*
- *Support urban development that makes jobs and services more accessible by taking advantage of all available modes of transport (clause 18.01-1S); and*
- *Improve local travel options for walking and cycling to support 20 minute neighbourhoods (clause 18.01-3R).'*

In the application materials, the applicant acknowledges, through its attempts to mitigate it, the impacts the proposal will have on the surrounding road network. The mitigation tools include reducing the car parking provision at the Site below the Planning Scheme requirement, providing the fifty car spaces at 360 St Kilda Road, extended crossover, proposed changes to the on-street car parking conditions, a valet system, and management systems in place through a Car Parking Management Plan.

As discussed throughout this report, there are a significant number of uncertainties associated with the proposed traffic and car parking management systems to address the shortfall in on-site car parking that mean the proposal will likely have unacceptable impacts on the traffic conditions and car parking within local streets. The impacts of the intensity of the proposal would result in unacceptable traffic impacts to the road network, vehicle queuing, impacts on the safety of road users which all in combination fail to contribute to the advancement of the transport policies, particularly the sustainable transport policies.

On the facts and circumstances of the Application as well as the location of the Site to modes of public transport, it is considered that the proposal is car dependant and generates an unacceptable traffic demand on the local roads.

10.8.5 Loading

Clause 65 (Decision Guidelines) of the Planning Scheme identifies that:

- *'Before deciding on an application or approval of a plan, the responsible authority must consider...the adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts.'*

A loading zone is provided within a hard-stand area in the south-west corner of the Site. It is understood that this area is intended for loading / delivery and waste collection purposes. Council officers do not raise concern with the proposed location of the on-site facilities noting the heritage value of the Poolman House and the existing conditions. However, as discussed above, the cumulative impact of car parking, traffic, drop off / pick up, acoustics, etc., in the view of Council officers, leads to an unacceptable associated traffic, amenity, and road safety impacts.

10.8.6 Altering Access to a Transport Zone 2

As discussed above, the DoT have not objected to the Application and have made no comment in regard to Punt Road.

10.9 Sustainability and Waste

10.9.1 Energy, Water and Waste Efficiency

Council's ESD Officer reviewed the ESD statement and advised that it contains appropriate initiatives to meet the requirements of Clauses 22.19 and 22.23 of the Scheme, however recommended a number of conditions to be included on any planning permit to issue. Subject to the changes, it is considered that the proposal will suitably respond to Council's ESD feedback, and will achieve compliance with Clause 22.19 and 22.23.

10.9.2 Stormwater Management (Water Sensitive Urban Design)

As above.

10.10 Landscaping and Street Trees

10.10.1 Proposed Landscaping

A Landscape Plan outlines the planting schedule.

A generous degree of landscaping is proposed throughout the development. As outlined above, Council's ESD officer reviewed the proposal and finds the proposed landscaping acceptable subject to conditions.

10.10.2 Retained Trees

The Application materials nominate existing trees on the Site that are proposed to be retained.

The Arboricultural Report lodged with the Application provides a submission on a number of retained trees, being that it is expected that they can be kept viable under the proposal. However, Council planning officers note that there are a number of trees on the Site proposed for retention (in particular, trees 9, 10, 11, and 17) which are substantially encroached upon by the proposed development (including the basement) and existing encroachments. Based on a review of the Arboricultural Report it appears that the report lacks a thorough analysis of AS4970 which may underestimate the potential impact of the proposal on retained trees and therefore by consequence is inconclusive on the trees ongoing health and retention.

As discussed above, the Application relies on the retention of trees for an appropriate neighbourhood character, heritage, and landscape outcome. As outlined above, the SoS for the South Yarra heritage precinct identifies extensive gardens and landscaping as a significant feature. The applicant relies both on the retention of trees and the planting of trees to soften the appearance of the proposed new addition to provide for an appropriate outcome. It is therefore considered that further information is required to confirm that the trees proposed for retention can be retained under the proposal. This information was requested from the applicant and has not been provided. As such, the proposal fails to achieve these outcomes.

10.10.3 Street Tree Removal

The application includes the proposed removal of public tree asset 1064203 and therefore the Council Tree Policy is relevant - in particular, sections 4 and 7.5.

This includes details on how all design options have been exhausted and what greening improvements are being proposed must be provide. The improvement to greening must be in public land, such as the location for a replacement trees. A full utility search must be provided for any proposed new tree planting location to ensure that planting is possible.

The applicant has not provided any of the above.

Council's Parks & City Greening have confirmed that despite the Traffic Engineering Department raising no objection to a new street tree being planted 1.0m from the new access, this option isn't one that could be supported for the following reasons:

- The applicant has not satisfied the above; and
- Given the existing trees to Domain Road, a new tree would not be compatible with the streetscape or best practice. Given the infrastructure in the nature strip to the east towards Punt Road, there also seems little opportunity for a replacement tree.

As such, the proposition to remove the street tree to Domain Road is unacceptable.

10.11 Other Matters Raised in Objection

Where concerns raised in an objection have not been addressed in the above assessment, these matters have been separately considered below.

Objection	Response
Impacts of the construction	The impacts of construction are acknowledged as something that needs to be managed. It is appropriate to include a Construction Management Plan (CMP) requirement on any planning permit to issue. This will require the builder to prepare and submit a detailed CMP to Council, which, when approved, will set out how construction processes will be managed in accordance with the relevant guidelines.
Negative effect on property values	The loss of income or devaluation of a property in association with a proposed development does not fall within the remit of Council's discretion when assessing a planning application in accordance with the Act.
Notice of the Application	Notice of the Application was undertaken pursuant to Section 52 of the Act.

11 CONCLUSION

Clause 71.02-3 provides:

'Society has various needs and expectations such as land for settlement, protection of the environment, economic wellbeing, various social needs, proper management of resources and infrastructure.

Planning and responsible authorities should endeavour to integrate the range of planning policies relevant to the issues to be determined and balance conflicting objectives in favour of net community benefit and sustainable development for the benefit of present and future generations.'

Restoration and the further appreciation of the Poolman House from patrons is a positive outcome of this proposal. Council officers also recognise some policy for the proposed use as the Site is not located in the residential hinterland, abuts a main road, and locates the most patron intense parts of the proposal away from the more sensitive residential interfaces. However, in the view of Council officers, the proposal fails to achieve an appropriate neighbourhood character and heritage response, and the scale and intensity of the proposed use fails to provide an amenity outcome sought by the Planning Scheme. Considering the above assessment, the negative impacts identified outweigh the positive and neutral outcomes of this permit application. An acceptable outcome is not achieved.

12 DECISION

Having considered all relevant provisions of the Planning Scheme, in addition to the matters required under Section 60 of the Act, had an Application for Review not been lodged with the Tribunal, Council would have determined to refuse to grant a permit for the Application on the grounds outlined at Chapter 12.1.

The Lord Mayor, Deputy Lord Mayor and Councillors were notified of the above decision on 4 August 2022. No request for this application to be presented to the Future Melbourne Committee has been received from The Lord Mayor, Deputy Lord Mayor or a Councillor.

The signature and date below confirm this as the Council's decision.

AUTHORISATION
<i>Matthew Mukhtar, Acting Principal Planner</i>
12 August 2022

12.1 Grounds

Strategic Context

- The proposed scale and intensity of the uses in the proposed location is contrary to its strategic planning context and therefore fails to achieve the relevant policies of the Melbourne Planning Scheme including Clause 11.03-1S (Activity Centres), Clause 17.02-2S (Out-of-centre Development), Clauses 21.04 (Settlement) and 21.16-1 (St Kilda Road and South Yarra).

Use, Liquor Licence, Noise, and Live Music Venue

- The proposed uses, live music venue, and liquor licence fails to adequately respond to the relevant policies and decision guidelines of the Melbourne Planning Scheme including Clause 32.08 (General Residential Zone), Clause 22.14 (Discretionary Uses in the Neighbourhood and General Residential Zones), Clause 22.22 (Policy for Licensed Premises that Require a Planning Permit), and 52.27 (Licenced Premises) by particular virtue of the unreasonable and unacceptable impact on the residential environment caused by the intensity of the proposal including patron numbers, hours of operation, noise, traffic and parking movements.

Heritage and Built Form

- The proposed development fails to adequately respond to the relevant policies of the Melbourne Planning Scheme including Clause 15.01-1S (Urban design), Clause 15.01-5S (Neighbourhood Character), Clause 15.03 (Heritage), Clause 15.03-1S (Heritage Conservation), Clause 21.06-1 (Urban Design), Clause 21.06-2 (Heritage), Clause 21.16-1 (St Kilda Road and South Yarra) Clause 22.05 (Heritage Places outside the Capital City Zone) and Clause 22.17 (Urban Design outside the Capital City Zone), Clause 43.01 (Heritage Overlay), and Clause 43.02 (Design and Development Overlay) by particular virtue of:
 - the proposed height, setbacks and massing of the new building will dominate the surrounding streetscapes and will not positively respond to the surrounding context and existing neighbourhood character; and
 - the justification for the proposed alterations to a 'Significant' graded building lacks sufficient detail which results in the proposal being an inappropriate response to the subject building.

Clause 55

- The development fails to meet the requirements of Clause 55 (Two or More Dwellings on a Lot and Residential Buildings), by virtue of the development not meeting the following objectives:
 - Clause 55.02-1 (Neighbourhood character objective)
 - Clause 55.02-2 (Residential policy objective)
 - Clause 55.02-4 (Infrastructure objective)
 - Clause 55.02-5 (Integration with the street objective)
 - Clause 55.03-2 (Building height objective)
 - Clause 55.03-8 (Landscaping objective)
 - Clause 55.03-9 (Access objective)
 - Clause 55.03-10 (Parking location objective)
 - Clause 55.04-1 (Side and rear setbacks objective)
 - Clause 55.04-8 (Noise impacts objective)
 - Clause 55.06-1 (Detailed design objective)

Car Parking and Traffic

- The proposal provides inadequate car parking on and off the site therefore failing to meet the outcomes of Clause 52.06 of the Melbourne Planning Scheme.
- The provision of car parking on another site fails to adequately respond to the relevant policies of Clause 52.06 of the Melbourne Planning Scheme by particular virtue of insufficient information and justification, the proximity of the car parking on the alternate site, and the likelihood of the long term provision and availability of the car parking spaces.
- The intensity of the use and development results in unacceptable traffic impacts to the surrounding streets and fails to adequately respond to the relevant policies of the Melbourne Planning Scheme including Clause 18.02-4S (Movement Networks), 21.09 (Transport), and 52.06 (Car Parking) by particular virtue of insufficient information and justification, the use being demonstrative of car dependency by the end user, the car parking arrangements (including the valet service), and the amount of car movements

Landscaping and Street Trees

- The removal of the street tree to Domain Road is unacceptable.

- The application material lacks sufficient evidence that the proposed retained trees will be viable as a result of the proposal.

Net Community Benefit

- The use and development fails to result in a net community benefit.

Orderly and Proper Planning

- The use and development in this location is contrary to the orderly and proper planning of the area.

APPENDIX 1: CLAUSE 55 ASSESSMENT

CLAUSE 55: TWO OR MORE DWELLINGS ON A LOT AND RESIDENTIAL BUILDINGS (NO APARTMENTS)

CLAUSE 55 – TWO OR MORE DWELLINGS ON A LOT AND RESIDENTIAL BUILDINGS

PURPOSE

To implement the Municipal Planning Strategy and the Planning Policy Framework.

To achieve residential development that respects the existing neighbourhood character or which contributes to a preferred neighbourhood character.

To encourage residential development that provides reasonable standards of amenity for existing and new residents.

To encourage residential development that is responsive to the site and the neighbourhood.

APPLICATION

Provisions in this clause apply to an application to:

- Construct a dwelling if there is at least one dwelling existing on the lot,
- Construct two or more dwellings on a lot,
- Extend a dwelling if there are two or more dwellings on the lot,
- Construct or extend a dwelling on common property, or
- Construct or extend a residential building,

In the Neighbourhood Residential Zone, General Residential Zone, Residential Growth Zone, Mixed Use Zone or Township Zone.

The provisions of this clause apply to an application specified above, in the manner set out in the following table:

Application type	Applicable clauses
To construct or extend a dwelling (other than a dwelling in or forming part of an apartment development), or To construct or extend a residential building.	All of Clause 55 except Clause 55.07-1 to 55.07-15 (inclusive).

OPERATION

The provisions of this clause contain:

- **Objectives.** An objective describes the desired outcome to be achieved in the completed development.
- **Standards.** A standard contains the requirements to meet the objective. A standard should normally be met. However, if the responsible authority is satisfied that an application for an alternative design solution meets the objective, the alternative design solution may be considered.
- **Decision guidelines.** The decision guidelines set out the matters that the responsible authority must consider before deciding if an application meets the objectives.

REQUIREMENTS

A development:

- **Must** meet all of the objectives of this clause.
- **Should** meet all of the standards of this clause.

If a zone or a schedule to a zone specifies a requirement of a standard different from a requirement set out in this clause, the requirement in the zone or a schedule to the zone applies.

The requirements of a standard set out in Clause 55.07 (Apartment developments) apply to the exclusion of any different requirement specified in a zone, a schedule to a zone, or a schedule to an overlay.

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55.01 – NEIGHBOURHOOD AND SITE DESCRIPTION AND DESIGN RESPONSE

55.01-1 – NEIGHBOURHOOD AND SITE DESCRIPTION

An application must be accompanied by a neighbourhood and site description.

Requirement	<p>The neighbourhood and site description may use a site plan, photographs or other techniques and must accurately describe:</p> <ul style="list-style-type: none">• In relation to the neighbourhood:<ul style="list-style-type: none">- The pattern of development of the neighbourhood.- The built form, scale and character of surrounding development including front fencing.- Architectural and roof styles.- Any other notable features or characteristics of the neighbourhood.• In relation to the site:<ul style="list-style-type: none">- Site shape, size, orientation and easements.- Levels of the site and the difference in levels between the site and surrounding properties.- Location of existing buildings on the site and on surrounding properties, including the location and height of walls built to the boundary of the site.- The use of surrounding buildings.- The location of secluded private open space and habitable room windows of surrounding properties which have an outlook to the site within 9 metres.- Solar access to the site and to surrounding properties.- Location of significant trees existing on the site and any significant trees removed from the site in the 12 months prior to the application being made, where known.- Any contaminated soils and filled areas, where known.- Views to and from the site.- Street frontage features such as poles, street trees and kerb crossovers.- The location of local shops, public transport services and public open spaces within walking distance.- Any other notable features or characteristics of the site. <p>If in the opinion of the responsible authority a requirement of the neighbourhood and site description is not relevant to the evaluation of an application, the responsible authority may waive or reduce the requirement.</p>
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Assessment:

The submitted neighbourhood and site description meets the requirements of Clause 55.01-1

55.01-2 – DESIGN RESPONSE

An application must be accompanied by a design response.

Requirement	<p>The design response must explain how the proposed design:</p> <ul style="list-style-type: none">• Derives from and responds to the neighbourhood and site description.• Meets the objectives of Clause 55.• Responds to any neighbourhood character features for the area identified in a local planning policy or a Neighbourhood Character Overlay. <p>If the application is for an apartment development, the design response must explain how the proposed design selects materials and finishes for the external walls.</p> <p>The design response must include correctly proportioned street elevations or photographs showing the development in the context of adjacent buildings. If in the opinion of the responsible authority this requirement is not relevant to the evaluation of an application, it may waive or reduce the requirement.</p>
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Assessment:

The submitted design response satisfactorily considers the criteria listed in Clause 55.01-2:

55.02 – NEIGHBOURHOOD CHARACTER & INFRASTRUCTURE

55.02-1 – NEIGHBOURHOOD CHARACTER OBJECTIVE

To ensure that the design respects the existing neighbourhood character or contributes to a preferred neighbourhood character.

To ensure that development responds to the features of the site and the surrounding area

Standard B1	<p>The design response must be appropriate to the neighbourhood and the site.</p> <p>The proposed design must respect the existing or preferred neighbourhood character and respond to the features of the site.</p>
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Assessment	<p>Complies with Standard and meets the Objective: <input type="checkbox"/></p> <p>Variation from Standard and meets the Objective: <input type="checkbox"/></p> <p>Variation from Standard and fails to meet the Objective: <input checked="" type="checkbox"/></p>
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	Refer to the delegated planning report.
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55.02-2 – RESIDENTIAL POLICY OBJECTIVE

To ensure that residential development is provided in accordance with any policy for housing in the Municipal Planning Strategy and the Planning Policy Framework.

To support medium densities in areas where development can take advantage of public transport and community infrastructure and services.

Standard B2	<p>An application must be accompanied by a written statement to the satisfaction of the responsible authority that describes how the development is consistent with any relevant policy for housing in the Municipal Planning Strategy and the Planning Policy Framework.</p>
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Assessment	<p>Complies with Standard and meets the Objective: <input type="checkbox"/></p> <p>Variation from Standard and meets the Objective: <input type="checkbox"/></p> <p>Variation from Standard and fails to meet the Objective: <input checked="" type="checkbox"/></p>
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	Refer to the delegated planning report.
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55.02-3 – DWELLING DIVERSITY OBJECTIVE

To encourage a range of dwelling sizes and types in developments of ten or more dwellings

Standard B3	<p>Developments of 10 or more dwellings should provide a range of dwelling sizes and types, including:</p> <ul style="list-style-type: none">• Dwellings with a different number of bedrooms.• At least one dwelling that contains a kitchen, bath or shower, and a toilet and wash basin at ground floor level.
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Assessment	<p>Standard not applicable (development does not include dwellings): <input checked="" type="checkbox"/></p> <p>Complies with Standard and meets the Objective: <input type="checkbox"/></p> <p>Variation from Standard and meets the Objective: <input type="checkbox"/></p> <p>Variation from Standard and fails to meet the Objective: <input type="checkbox"/></p>
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	N/A – the proposal does not include dwellings.
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55.02-4 – INFRASTRUCTURE OBJECTIVE

To ensure development is provided with appropriate utility services and infrastructure.

To ensure development does not unreasonably overload the capacity of utility services and infrastructure.

Standard B4	<p>Development should be connected to reticulated services, including reticulated sewerage, drainage, electricity and gas, if available.</p> <p>Development should not unreasonably exceed the capacity of utility services and infrastructure, including reticulated services and roads.</p> <p>In areas where utility services or infrastructure have little or no spare capacity, developments should provide for the upgrading of or mitigation of the impact on services or infrastructure.</p>
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Assessment	<p>Complies with Standard and meets the Objective: <input type="checkbox"/></p> <p>Variation from Standard and meets the Objective: <input type="checkbox"/></p> <p>Variation from Standard and fails to meet the Objective: <input checked="" type="checkbox"/></p>
	Refer to the delegated planning report.
55.02-5 – INTEGRATION WITH THE STREET OBJECTIVE <i>To integrate the layout of development with the street.</i>	
Standard B5	<p>Developments should provide adequate vehicle and pedestrian links that maintain or enhance local accessibility.</p> <p>Development should be orientated to front existing and proposed streets.</p> <p>High fencing in front of dwellings should be avoided if practicable.</p> <p>Development next to existing public open space should be laid out to complement the open space.</p>
Assessment	<p>Complies with Standard and meets the Objective: <input type="checkbox"/></p> <p>Variation from Standard and meets the Objective: <input type="checkbox"/></p> <p>Variation from Standard and fails to meet the Objective: <input checked="" type="checkbox"/></p>
	Refer to the delegated planning report.

55.03 – SITE LAYOUT AND BUILDING MASSING

55.03-1 – STREET SETBACK OBJECTIVE

To ensure that the setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site.

Standard B6	Walls of buildings should be set back from streets:		
	<ul style="list-style-type: none"> At least the distance specified in a schedule to the zone, or If no distance is specified in a schedule to the zone, the distance specified in Table B1. 		
	Porches, pergolas and verandahs that are less than 3.6 metres high and eaves may encroach not more than 2.5 metres into the setbacks of this standard.		
Table B1 Street setback			
	Development context	Minimum setback from front street (metres)	Minimum setback from side street (metres)
	The site is on a corner.	<p>If there is a building on the abutting allotment facing the front street, the same distance as the setback of the front wall of the existing building on the abutting allotment facing the front street or 9 metres, whichever is the lesser.</p> <p>If there is no building on the abutting allotment facing the front street, 6 metres for streets in a Transport Zone 2 and 4 metres for other streets.</p>	<p>Front walls of new development fronting the side street of a corner site should be setback at least the same distance as the setback of the front wall of any existing building on the abutting allotment facing the side street or 3 metres, whichever is the lesser.</p> <p>Side walls of new development on a corner site should be setback the same distance as the setback of the front wall of any existing building on the abutting allotment facing the side street or 2 metres, whichever is the lesser.</p>

Assessment	<p>Complies with Standard and meets the Objective: <input checked="" type="checkbox"/></p> <p>Variation from Standard and meets the Objective: <input type="checkbox"/></p> <p>Variation from Standard and fails to meet the Objective: <input type="checkbox"/></p>
	<p>To the north (frontage), the proposed addition is setback approximately 6.21m from Domain Road which is setback further than both the existing building at 249-251 Domain Road and Poolman House. To the east, the proposed addition is setback further than the existing building at 821-823 Punt Road. The proposed setbacks are considered to be consistent with the neighbourhood character.</p>

55.03-2 – BUILDING HEIGHT OBJECTIVE

To ensure that the height of buildings respects the existing or preferred neighbourhood character.

Standard B7	The maximum building height should not exceed the maximum height specified in the zone, schedule to the zone or an overlay that applies to the land.
	<p>If no maximum height is specified in the zone, schedule to the zone or an overlay, the maximum building height should not exceed 9 metres, unless the slope of the natural ground level at any cross section wider than 8 metres of the site of the building is 2.5 degrees or more, in which case the maximum building height should not exceed 10 metres.</p> <p>Changes of building height between existing buildings and new buildings should be graduated.</p>
Assessment	<p>Complies with Standard and meets the Objective: <input type="checkbox"/></p> <p>Variation from Standard and meets the Objective: <input type="checkbox"/></p> <p>Variation from Standard and fails to meet the Objective: <input checked="" type="checkbox"/></p>
	Refer to the delegated planning report.

55.03-3 – SITE COVERAGE OBJECTIVE

To ensure that the site coverage respects the existing or preferred neighbourhood character and responds to the features of the site.

Standard B8	The site area covered by buildings should not exceed:
	<ul style="list-style-type: none"> The maximum site coverage specified in a schedule to the zone, or If no maximum site coverage is specified in a schedule to the zone, 60 per cent.
Assessment	Complies with Standard and meets the Objective: <input checked="" type="checkbox"/>
	Variation from Standard and meets the Objective: <input type="checkbox"/>
	Variation from Standard and fails to meet the Objective: <input type="checkbox"/>

According to the architectural plans, the proposed site coverage is 37.65% of the site, which complies with the Standard.

55.03-4 – PERMEABILITY OBJECTIVE

To reduce the impact of increased stormwater run-off on the drainage system.

To facilitate on-site stormwater infiltration.

To encourage stormwater management that maximises the retention and reuse of stormwater.

Standard B9	<p>The site area covered by pervious surfaces should be at least:</p> <ul style="list-style-type: none"> • The minimum area specified in a schedule to the zone, or • If no minimum is specified in a schedule to the zone, 20 per cent of the site. <p>The stormwater management system should be designed to:</p> <ul style="list-style-type: none"> • Meet the current best practice performance objectives for stormwater quality as contained in the <i>Urban Stormwater - Best Practice Environmental Management Guidelines</i> (Victorian Stormwater Committee, 1999). • Contribute to cooling, improving local habitat and providing attractive and enjoyable spaces.
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Assessment	<p>Complies with Standard and meets the Objective: <input checked="" type="checkbox"/></p> <p>Variation from Standard and meets the Objective: <input type="checkbox"/></p> <p>Variation from Standard and fails to meet the Objective: <input type="checkbox"/></p>
	<p>According to the architectural plans, the permeability of the proposal is 37.65% of the site, which complies with the Standard.</p>

55.03-5 – ENERGY EFFICIENCY OBJECTIVE

To achieve and protect energy efficient dwellings and residential buildings

To ensure the orientation and layout of development reduce fossil fuel energy use and make appropriate use of daylight and solar energy.

Standard B10	<p>Buildings should be:</p> <ul style="list-style-type: none"> • Oriented to make appropriate use of solar energy. • Sited and designed to ensure that the energy efficiency of existing dwellings on adjoining lots is not unreasonably reduced. • Sited and designed to ensure that the performance of existing rooftop solar energy systems on dwellings on adjoining lots in a General Residential Zone, Neighbourhood Residential Zone or Township Zone are not unreasonably reduced. The existing rooftop solar energy system must exist at the date the application is lodged. <p>Living areas and private open space should be located on the north side of the development, if practicable.</p> <p>Developments should be designed so that solar access to north-facing windows is maximised.</p>
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Assessment	<p>Complies with Standard and meets the Objective: <input checked="" type="checkbox"/></p> <p>Variation from Standard and meets the Objective: <input type="checkbox"/></p> <p>Variation from Standard and fails to meet the Objective: <input type="checkbox"/></p>
	<p>Refer to the delegated planning report – Council’s ESD officer has advised that the proposal puts forward acceptable ESD targets and that subject to conditions the proposal is an acceptable ESD outcome.</p>

55.03-6 – OPEN SPACE OBJECTIVE

To integrate the layout of development with any public and communal open space provided in or adjacent to the development.

Standard B11	<p>If any public or communal open space is provided on site, it should:</p> <ul style="list-style-type: none"> • Be substantially fronted by dwellings, where appropriate. • Provide outlook for as many dwellings as practicable. • Be designed to protect any natural features on the site. • Be accessible and useable.
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Assessment	<p>Complies with Standard and meets the Objective: <input checked="" type="checkbox"/></p> <p>Variation from Standard and meets the Objective: <input type="checkbox"/></p> <p>Variation from Standard and fails to meet the Objective: <input type="checkbox"/></p>
	<p>The proposal provides for communal open space in the development in the form of a communal garden and pool area. The location and accessibility of the open space is considered to be appropriate, which seeks to protect the natural features of the Site and provides outlook from the internal spaces and residential hotel suites.</p>

55.03-7 – SAFETY OBJECTIVE

To ensure the layout of development provides for the safety and security of residents and property.

Standard B12	<p>Entrances to dwellings and residential buildings should not be obscured or isolated from the street and internal accessways.</p> <p>Planting which creates unsafe spaces along streets and accessways should be avoided.</p> <p>Developments should be designed to provide good lighting, visibility and surveillance of car parks and internal accessways.</p> <p>Private spaces within developments should be protected from inappropriate use as public thoroughfares.</p>
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Assessment	<p>Complies with Standard and meets the Objective: <input checked="" type="checkbox"/></p> <p>Variation from Standard and meets the Objective: <input type="checkbox"/></p> <p>Variation from Standard and fails to meet the Objective: <input type="checkbox"/></p>
	<p>The proposal meets the standard and objective for the following reasons:</p> <ul style="list-style-type: none"> • the entry is located on Domain Road and is clearly identifiable; • planting locations are appropriate and internal to the Site; • it can be reasonably expected that lighting will be provided to all common areas and accessways; and • no public thoroughfares are proposed.

55.03-8 – LANDSCAPING OBJECTIVE

To encourage development that respects the landscape character of the neighbourhood.

To encourage development that maintains and enhances habitat for plants and animals in locations of habitat importance.

To provide appropriate landscaping.

To encourage the retention of mature vegetation on the site.

Standard B13	<p>The landscape layout and design should:</p> <ul style="list-style-type: none"> • Protect any predominant landscape features of the neighbourhood. • Take into account the soil type and drainage patterns of the site. • Allow for intended vegetation growth and structural protection of buildings. • In locations of habitat importance, maintain existing habitat and provide for new habitat for plants and animals. • Provide a safe, attractive and functional environment for residents. <p>Development should provide for the retention or planting of trees, where these are part of the character of the neighbourhood.</p> <p>Development should provide for the replacement of any significant trees that have been removed in the 12 months prior to the application being made.</p> <p>The landscape design should specify landscape themes, vegetation (location and species), paving and lighting.</p> <p>Development should meet any additional landscape requirements specified in a schedule to the zone.</p>
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Assessment	<p>Complies with Standard and meets the Objective: <input type="checkbox"/></p> <p>Variation from Standard and meets the Objective: <input type="checkbox"/></p> <p>Variation from Standard and fails to meet the Objective: <input checked="" type="checkbox"/></p>
	<p>Refer to the delegated planning report.</p>

55.03-9 – ACCESS OBJECTIVE

To ensure the number and design of vehicle crossovers respects the neighbourhood character.

Standard B14	<p>The width of accessways or car spaces should not exceed:</p> <ul style="list-style-type: none"> • 33 per cent of the street frontage, or • If the width of the street frontage is less than 20 metres, 40 per cent of the street frontage. <p>No more than one single-width crossover should be provided for each dwelling fronting a street.</p> <p>The location of crossovers should maximise the retention of on-street car parking spaces.</p> <p>The number of access points to a road in a Transport Zone 2 or Transport Zone 3 should be minimised.</p> <p>Developments must provide for access for service, emergency and delivery vehicles.</p>
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Assessment	<p>Complies with Standard and meets the Objective: <input type="checkbox"/></p> <p>Variation from Standard and meets the Objective: <input type="checkbox"/></p> <p>Variation from Standard and fails to meet the Objective: <input checked="" type="checkbox"/></p>
	<p>Refer to the delegated planning report.</p>

55.03-10 – PARKING LOCATION OBJECTIVE

To provide convenient parking for resident and visitor vehicles.

To protect residents from vehicular noise within developments.

Standard B1	<p>Car parking facilities should:</p> <ul style="list-style-type: none">• Be reasonably close and convenient to dwellings and residential buildings.• Be secure.• Be well ventilated if enclosed. <p>Shared accessways or car parks of other dwellings and residential buildings should be located at least 1.5 metres from the windows of habitable rooms. This setback may be reduced to 1 metre where there is a fence at least 1.5 metres high or where window sills are at least 1.4 metres above the accessway.</p>
Assessment	<p>Complies with Standard and meets the Objective: <input type="checkbox"/></p> <p>Variation from Standard and meets the Objective: <input type="checkbox"/></p> <p>Variation from Standard and fails to meet the Objective: <input checked="" type="checkbox"/></p> <p>Refer to the delegated planning report.</p>

55.04 – AMENITY IMPACTS

55.04-1 – SIDE AND REAR SETBACKS OBJECTIVE

To ensure that the height and setback of a building from a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings.

Standard B17	<p>A new building not on or within 200mm of a boundary should be set back from side or rear boundaries:</p> <ul style="list-style-type: none">• At least the distance specified in a schedule to the zone, or• If no distance is specified in a schedule to the zone, 1 metre, plus 0.3 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres. <p>Sunblinds, verandahs, porches, eaves, fascias, gutters, masonry chimneys, flues, pipes, domestic fuel or water tanks, and heating or cooling equipment or other services may encroach not more than 0.5 metres into the setbacks of this standard.</p> <p>Landings having an area of not more than 2 square metres and less than 1 metre high, stairways, ramps, pergolas, shade sails and carports may encroach into the setbacks of this standard.</p>
Assessment	<p>Complies with Standard and meets the Objective: <input type="checkbox"/></p> <p>Variation from Standard and meets the Objective: <input type="checkbox"/></p> <p>Variation from Standard and fails to meet the Objective: <input checked="" type="checkbox"/></p> <p>Refer to the delegated planning report.</p>

55.04-2 – WALLS ON BOUNDARIES OBJECTIVE

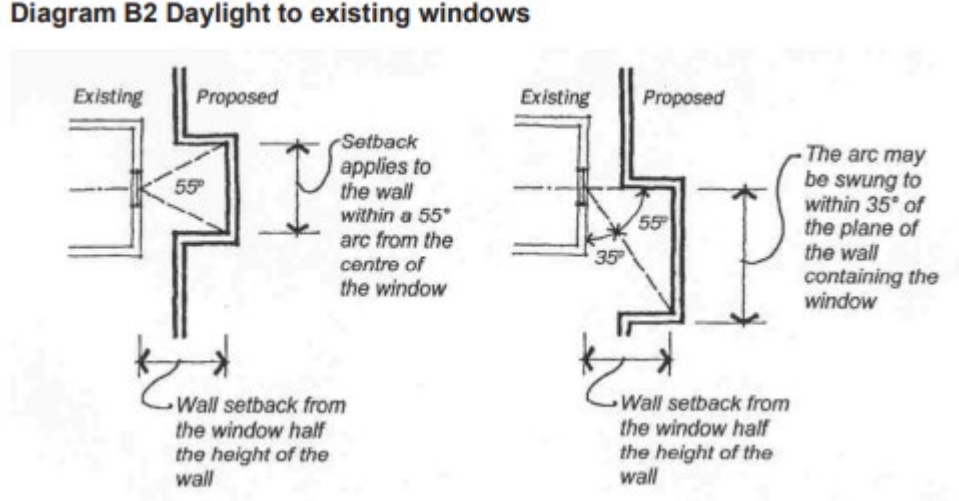
To ensure that the location, length and height of a wall on a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings.

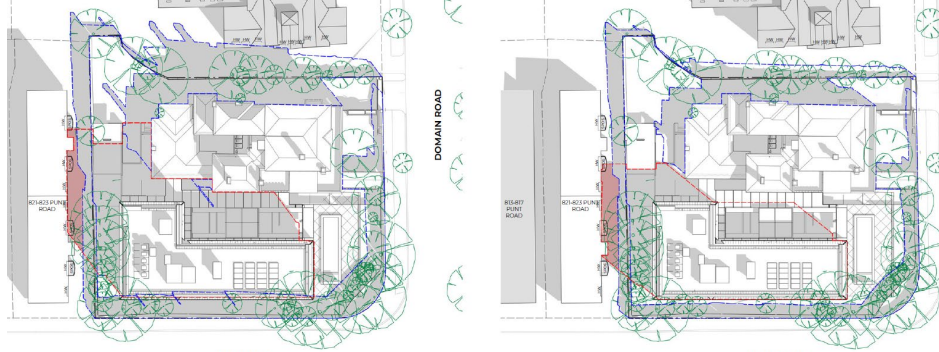
Standard B18	<p>A new wall constructed on or within 200mm of a side or rear boundary of a lot or a carport constructed on or within 1 metre of a side or rear boundary of a lot should not abut the boundary:</p> <ul style="list-style-type: none">• For a length of more than the distance specified in a schedule to the zone; or• If no distance is specified in a schedule to the zone, for a length of more than:<ul style="list-style-type: none">• 10 metres plus 25 per cent of the remaining length of the boundary of an adjoining lot, or• Where there are existing or simultaneously constructed walls or carports abutting the boundary on an abutting lot, the length of the existing or simultaneously constructed walls or carports. <p>whichever is the greater</p> <p>A new wall or carport may fully abut a side or rear boundary where slope and retaining walls or fences would result in the effective height of the wall or carport being less than 2 metres on the abutting property boundary.</p> <p>A building on a boundary includes a building set back up to 200mm from a boundary.</p> <p>The height of a new wall constructed on or within 200mm of a side or rear boundary or a carport constructed on or within 1 metre of a side or rear boundary should not exceed an average of 3.2 metres with no part higher than 3.6 metres unless abutting a higher existing or simultaneously constructed wall.</p>
Assessment	<p>Complies with Standard and meets the Objective: <input type="checkbox"/></p> <p>Variation from Standard and meets the Objective: <input checked="" type="checkbox"/></p> <p>Variation from Standard and fails to meet the Objective: <input type="checkbox"/></p> <p>The proposed waste facilities room is sited on the rear (south) boundary for a length of approximately 12.98m.</p> <p>The height of the building is predominantly between 2.9m and 3m from NGL, however the middle portion, at the location of the gradient change, accommodates an increased height of approximately 4.3m.</p> <p>As such, wall on boundary complies with the standard as it relates to maximum length of wall on boundary (as it is less than 21.3m which is the maximum allowed under the standard) however does not meet the standard for height, as it is over 3.6m in some locations.</p> <p>Council officers are of the view that the objective is achieved given the compliance with the objective of standard B21, the design response to locate waste facilities behind the retained heritage building (and to allow for a turning circle), and the slope of the land reducing the effective height of the wall. To that end, the amenity consequences as a result of the non-compliance and are considered acceptable.</p>

55.04-3 – DAYLIGHT TO EXISTING WINDOWS OBJECTIVE

To allow adequate daylight into existing habitable room windows.

Standard B19	<p>Buildings opposite an existing habitable room window should provide for a light court to the existing window that has a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky. The calculation of the area may include land on the abutting lot.</p> <p>Walls or carports more than 3 metres in height opposite an existing habitable room window should be set back from the window at least 50 per cent of the height of the new wall if the wall is within a 55 degree arc from the centre of the existing window. The arc may be swung to within 35 degrees of the plane of the wall containing the existing window.</p>
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	<p>Where the existing window is above ground floor level, the wall height is measured from the floor level of the room containing the window.</p> <p style="text-align: center;">Diagram B2 Daylight to existing windows</p> 
<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Assessment</p>	<p>Complies with Standard and meets the Objective: <input checked="" type="checkbox"/></p> <p>Variation from Standard and meets the Objective: <input type="checkbox"/></p> <p>Variation from Standard and fails to meet the Objective: <input type="checkbox"/></p>
<p>All proposed built form opposite existing habitable room windows allows for a 3sqm dimension with 1sqm clear to the sky.</p>	
<p>55.04-4 – NORTH-FACING WINDOWS OBJECTIVE <i>To allow adequate solar access to existing north-facing habitable room windows.</i></p>	
<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Standard B20</p>	<p>If a north-facing habitable room window of an existing dwelling is within 3 metres of a boundary on an abutting lot, a building should be setback from the boundary 1 metre, plus 0.6 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres, for a distance of 3 metres from the edge of each side of the window. A north-facing window is a window with an axis perpendicular to its surface oriented north 20 degrees west to north 30 degrees east.</p>
<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Assessment</p>	<p>Complies with Standard and meets the Objective: <input checked="" type="checkbox"/></p> <p>Variation from Standard and meets the Objective: <input type="checkbox"/></p> <p>Variation from Standard and fails to meet the Objective: <input type="checkbox"/></p> <p>The north-facing habitable rooms of 819-823 Punt Road are a minimum of 3.8m from the common boundary.</p>
<p>55.04-5 – OVERSHADOWING OPEN SPACE OBJECTIVE <i>To ensure buildings do not significantly overshadow existing secluded private open space.</i></p>	
<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Standard B21</p>	<p>Where sunlight to the secluded private open space of an existing dwelling is reduced, at least 75 per cent, or 40 square metres with minimum dimension of 3 metres, whichever is the lesser area, of the secluded private open space should receive a minimum of five hours of sunlight between 9 am and 3 pm on 22 September.</p> <p>If existing sunlight to the secluded private open space of an existing dwelling is less than the requirements of this standard, the amount of sunlight should not be further reduced.</p>
<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Assessment</p>	<p>Complies with Standard and meets the Objective: <input type="checkbox"/></p> <p>Variation from Standard and meets the Objective: <input checked="" type="checkbox"/></p> <p>Variation from Standard and fails to meet the Objective: <input type="checkbox"/></p> <p>There appears to be a non-compliance with the standard for B21 as it relates to the northern central ground floor balcony of 821-823 Punt Road for the hours of 9am and 10am (see extract below). This non-compliance is considered to be acceptable given the orientation of the balconies, the neighbourhood context of Punt Road, and the compliances with the objectives of side and rear setbacks and north facing windows above.</p>



55.04-6 – OVERLOOKING OBJECTIVE

To limit views into existing secluded private open space and habitable room windows.

Standard B22

A habitable room window, balcony, terrace, deck or patio should be located and designed to avoid direct views into the secluded private open space of an existing dwelling within a horizontal distance of 9 metres (measured at ground level) of the window, balcony, terrace, deck or patio. Views should be measured within a 45 degree angle from the plane of the window or perimeter of the balcony, terrace, deck or patio, and from a height of 1.7 metres above floor level.

A habitable room window, balcony, terrace, deck or patio with a direct view into a habitable room window of existing dwelling within a horizontal distance of 9 metres (measured at ground level) of the window, balcony, terrace, deck or patio should be either:

- Offset a minimum of 1.5 metres from the edge of one window to the edge of the other.
- Have sill heights of at least 1.7 metres above floor level.
- Have fixed, obscure glazing in any part of the window below 1.7 metres above floor level.
- Have permanently fixed external screens to at least 1.7 metres above floor level and be no more than 25 per cent transparent.

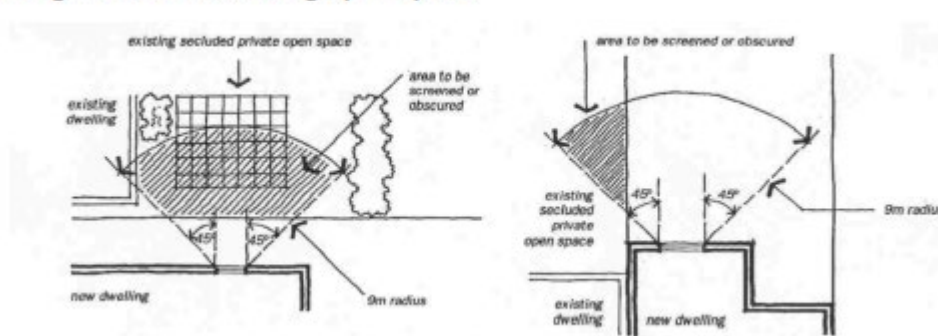
Obscure glazing in any part of the window below 1.7 metres above floor level may be operable provided that there are no direct views as specified in this standard.

Screens used to obscure a view should be:

- Perforated panels or trellis with a maximum of 25 per cent openings or solid translucent panels.
- Permanent, fixed and durable.
- Designed and coloured to blend in with the development.

This standard does not apply to a new habitable room window, balcony, terrace, deck or patio which faces a property boundary where there is a visual barrier at least 1.8 metres high and the floor level of the habitable room, balcony, terrace, deck or patio is less than 0.8 metres above ground level at the boundary.

Diagram B4 Overlooking open space



Assessment

Complies with Standard and meets the Objective:

Variation from Standard and meets the Objective:

Variation from Standard and fails to meet the Objective:

In regard to the south, the proposed addition is setback a minimum of 5.59m from the south boundary, and the minimum distance to an existing habitable room window and secluded private open space of 821-823 Punt Road is greater than 9m.

In regard to the north, the proposal utilises a building which has a setback greater than 9m to habitable room windows and secluded private open space of 249 Domain Road. As such, the standard is achieved.

55.04-7 – INTERNAL VIEWS OBJECTIVE

To limit views into the secluded private open space and habitable room windows of dwellings and residential buildings within a development.

Standard B23	Windows and balconies should be designed to prevent overlooking of more than 50 per cent of the secluded private open space of a lower-level dwelling or residential building directly below and within the same development.
Assessment	<p>Complies with Standard and meets the Objective: <input checked="" type="checkbox"/></p> <p>Variation from Standard and meets the Objective: <input type="checkbox"/></p> <p>Variation from Standard and fails to meet the Objective: <input type="checkbox"/></p> <p>There are no areas of secluded private open space in the development and given the hotel suites are stacked on top of one another or within the existing heritage building there is no opportunity for downward views into habitable room windows.</p>
55.04-8 – NOISE IMPACTS OBJECTIVE <i>To contain noise sources in developments that may affect existing dwellings.</i> <i>To protect residents from external noise.</i>	
Standard B24	<p>Noise sources, such as mechanical plant, should not be located near bedrooms of immediately adjacent existing dwellings.</p> <p>Noise sensitive rooms and secluded private open spaces of new dwellings and residential buildings should take account of noise sources on immediately adjacent properties.</p> <p>Dwellings and residential buildings close to busy roads, railway lines or industry should be designed to limit noise levels in habitable rooms.</p>
Assessment	<p>Complies with Standard and meets the Objective: <input type="checkbox"/></p> <p>Variation from Standard and meets the Objective: <input type="checkbox"/></p> <p>Variation from Standard and fails to meet the Objective: <input checked="" type="checkbox"/></p> <p>Refer to the delegated planning report.</p>

55.05 – ON-SITE AMENITY AND FACILITIES

55.05-1 – ACCESSIBILITY OBJECTIVE

To encourage the consideration of the needs of people with limited mobility in the design of developments.

Standard B25	The dwelling entries of the ground floor of dwellings and residential buildings should be accessible or able to be easily made accessible to people with limited mobility.
Assessment	Complies with Standard and meets the Objective: <input checked="" type="checkbox"/> Variation from Standard and meets the Objective: <input type="checkbox"/> Variation from Standard and fails to meet the Objective: <input type="checkbox"/>
	The building entries are considered to be of a sufficient width and appropriately accessible for people with limited mobility.

55.05-2 – DWELLING ENTRY OBJECTIVE

To provide each dwelling or residential building with its own sense of identity.

Standard B26	Entries to dwellings and residential buildings should: <ul style="list-style-type: none">• Be visible and easily identifiable from streets and other public areas.• Provide shelter, a sense of personal address and a transitional space around the entry.
Assessment	Complies with Standard and meets the Objective: <input checked="" type="checkbox"/> Variation from Standard and meets the Objective: <input type="checkbox"/> Variation from Standard and fails to meet the Objective: <input type="checkbox"/>
	The entry to Domain Road is clearly identifiable from surrounding streets.

55.05-3 – DAYLIGHT TO NEW WINDOWS OBJECTIVE

To allow adequate daylight into new habitable room windows.

Standard B27	A window in a habitable room should be located to face: <ul style="list-style-type: none">• An outdoor space clear to the sky or a light court with a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky, not including land on an abutting lot, or• A verandah provided it is open for at least one third of its perimeter, or• A carport provided it has two or more open sides and is open for at least one third of its perimeter.
Assessment	Complies with Standard and meets the Objective: <input checked="" type="checkbox"/> Variation from Standard and meets the Objective: <input type="checkbox"/> Variation from Standard and fails to meet the Objective: <input type="checkbox"/>
	All habitable room windows are located to ensure they receive adequate daylight, consistent with the objective. This is achieved by ensuring all windows face an outdoor space clear to the sky or a light court with a minimum area of 3sqm and minimum dimension of 1m clear to the sky, not including land on an abutting lot.

55.05-4 – PRIVATE OPEN SPACE OBJECTIVE

To provide adequate private open space for the reasonable recreation and service needs of residents.

Standard B28	A dwelling or residential building should have private open space of an area and dimensions specified in a schedule to the zone. If no area or dimensions are specified in a schedule to the zone, a dwelling or residential building should have private open space consisting of: <ul style="list-style-type: none">• An area of 40 square metres, with one part of the private open space to consist of secluded private open space at the side or rear of the dwelling or residential building with a minimum area of 25 square metres, a minimum dimension of 3 metres and convenient access from a living room, or• A balcony of 8 square metres with a minimum width of 1.6 metres and convenient access from a living room, or• A roof-top area of 10 square metres with a minimum width of 2 metres and convenient access from a living room. The balcony requirements in Clause 55.05-4 do not apply to an apartment development.
Assessment	Complies with Standard and meets the Objective: <input type="checkbox"/> Variation from Standard and meets the Objective: <input checked="" type="checkbox"/>

	<p>Variation from Standard and fails to meet the Objective: <input type="checkbox"/></p> <p>There is no secluded private open space proposed, therefore the Standard cannot be met. However, the proposal provides for areas of open space within the Site that can accommodate the reasonable recreation and service needs of guests. As such, the objective is achieved.</p>
<p>55.05-5 – SOLAR ACCESS TO OPEN SPACE OBJECTIVE <i>To allow solar access into the secluded private open space of new dwellings and residential buildings.</i></p>	
Standard B29	<p>The private open space should be located on the north side of the dwelling or residential building, if appropriate. The southern boundary of secluded private open space should be set back from any wall on the north of the space at least $(2 + 0.9h)$ metres, where 'h' is the height of the wall.</p>
Assessment	<p>Standard not applicable (development does not include secluded private open space): <input checked="" type="checkbox"/> Complies with Standard and meets the Objective: <input type="checkbox"/> Variation from Standard and meets the Objective: <input type="checkbox"/> Variation from Standard and fails to meet the Objective: <input type="checkbox"/></p> <p>N/A – no secluded private open space is provided. Notwithstanding this, the fence to Domain road is approximately 1.9m where abutting areas of proposed private open space. As such, the southern boundary of the private open space should be setback 3.71m. The proposal provides for a greater setback and as such the Standard would be achieved.</p>
<p>55.05-6 – STORAGE OBJECTIVE <i>To provide adequate storage facilities for each dwelling.</i></p>	
Standard B30	<p>Each dwelling should have convenient access to at least 6 cubic metres of externally accessible, secure storage space.</p>
Assessment	<p>Standard not applicable (development does not include dwellings): <input checked="" type="checkbox"/> Complies with Standard and meets the Objective: <input type="checkbox"/> Variation from Standard and meets the Objective: <input type="checkbox"/> Variation from Standard and fails to meet the Objective: <input type="checkbox"/></p> <p>N/A – the proposal does not include dwellings.</p>

55.06 – DETAILED DESIGN

55.06-1 – DETAIL DESIGN OBJECTIVE

To encourage design detail that respects the existing or preferred neighbourhood character.

Standard B31	<p>The design of buildings, including:</p> <ul style="list-style-type: none">• Façade articulation and detailing,• Window and door proportions,• Roof form, and• Verandahs, eaves and parapets, <p>Should respect the existing or preferred neighbourhood character.</p> <p>Garages and carports should be visually compatible with the development and the existing or preferred neighbourhood character.</p>
Assessment	<p>Complies with Standard and meets the Objective: <input type="checkbox"/></p> <p>Variation from Standard and meets the Objective: <input type="checkbox"/></p> <p>Variation from Standard and fails to meet the Objective: <input checked="" type="checkbox"/></p>
	<p>Refer to the delegated planning report.</p>

55.06-2 – FRONT FENCES OBJECTIVE

To encourage front fence design that respects the existing or preferred neighbourhood character.

Standard B32	<p>The design of front fences should complement the design of the dwelling or residential building and any front fences on adjoining properties.</p> <p>A front fence within 3 metres of a street should not exceed:</p> <ul style="list-style-type: none">• The maximum height specified in a schedule to the zone, or• If no maximum height is specified in a schedule to the zone, the maximum height specified in Table B3. <p>Table B3 Maximum front fence height</p> <table border="1"><thead><tr><th>Street Context</th><th>Maximum front fence height</th></tr></thead><tbody><tr><td>Streets in a Transport Zone 2</td><td>2 metres</td></tr><tr><td>Other streets</td><td>1.5 metres</td></tr></tbody></table>	Street Context	Maximum front fence height	Streets in a Transport Zone 2	2 metres	Other streets	1.5 metres
Street Context	Maximum front fence height						
Streets in a Transport Zone 2	2 metres						
Other streets	1.5 metres						
Assessment	<p>Complies with Standard and meets the Objective: <input type="checkbox"/></p> <p>Variation from Standard and meets the Objective: <input checked="" type="checkbox"/></p> <p>Variation from Standard and fails to meet the Objective: <input type="checkbox"/></p>						
	<p>The existing front fence to Punt Road and Domain Road varies in height due to the slope of the land and averages approximately 2m in height with a maximum height of approximately 2.4m. The brick fence and original arched entranceway are proposed to be retained and made good. Whilst the fence is higher in places than the Standard (as such being an existing non-compliance), the objective is achieved as the fence is existing and part of the character of the Site and surrounds.</p>						

55.06-3 – COMMON PROPERTY OBJECTIVES

To ensure that communal open space, car parking, access areas and site facilities are practical, attractive and easily maintained.

To avoid future management difficulties in areas of common ownership.

Standard B33	<p>Developments should clearly delineate public, communal and private areas.</p> <p>Common property, where provided, should be functional and capable of efficient management.</p>
Assessment	<p>Complies with Standard and meets the Objective: <input checked="" type="checkbox"/></p> <p>Variation from Standard and meets the Objective: <input type="checkbox"/></p> <p>Variation from Standard and fails to meet the Objective: <input type="checkbox"/></p>
	<p>The proposed use allows for private access by members. All internal spaces are communal with the exception of hotel rooms which are reserved for hotel guests and clearly distinguished from communal facilities.</p>

55.06-4 – SITE SERVICES OBJECTIVES

To ensure that site services can be installed and easily maintained.

To ensure that site facilities are accessible, adequate and attractive.

Standard B34	<p>The design and layout of dwellings and residential buildings should provide sufficient space (including easements where required) and facilities for services to be installed and maintained efficiently and economically.</p> <p>Bin and recycling enclosures, mailboxes and other site facilities should be adequate in size, durable, waterproof and blend in with the development.</p> <p>Bin and recycling enclosures should be located for convenient access by residents.</p> <p>Mailboxes should be provided and located for convenient access as required by Australia Post.</p>
Assessment	<p>Complies with Standard and meets the Objective: <input checked="" type="checkbox"/></p> <p>Variation from Standard and meets the Objective: <input type="checkbox"/></p> <p>Variation from Standard and fails to meet the Objective: <input type="checkbox"/></p> <p><i>Waste storage is sited on the southern boundary away from guests of the proposed use but with convenient access for employees and waste collection.</i></p>