Planning Submission

Proposed Commercial Development

196-206 High Street, Windsor

February 2021
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1.0 INTRODUCTION

This planning submission has been prepared on behalf of FC (High St Windsor) Pty Ltd, the Applicant in relation to the redevelopment of the land at 196-206 High Street Windsor.

The proposal is for a commercial building comprising ground level Retail (Shop and Food and Drinks Premises) and office, with five (5) levels of office floorspace above. The building sits above a double basement containing 64 car spaces accessed via a double width crossover to Victoria Street. The building has a height of 25.9 metres to the lift overrun and is set back an average of 4 metres above an approximately 13 metre street wall to High Street.

The subject site is located within the Activity Centre Zone Schedule 1 ‘Chapel Street Activity Centre’ [ACZ1]. A permit is required pursuant to:

- Clause 3 of ACZ1 to use the land for the purpose of an Office;
- Clause 37.08-5 to construct a building or construct or carry out works;
- Clause 52.06-5 for a reduction in car parking requirements; and
- Clause 52.29 to remove the existing crossover to High Street and reinstate kerb and channel.

The land is also affected by the Environmental Audit Overlay and Incorporated Plan Overlay and associated Schedule 3 relating to ‘Late night liquor licence trading in the Chapel Street Precinct: Measuring the saturation levels’. It abuts Heritage Overlay [HO126] ‘Chapel Street Precinct (South Yarra, Prahran and Windsor)’ to the west.

This planning submission describes the site and broader urban context in which it is located, the development proposal, the relevant planning controls and policies set out in the Stonnington Planning Scheme [the Scheme] and provides an assessment of the planning merits of the proposal against these policies and controls. This submission also outlines how the application has been developed regarding VCAT order FC (High St Windsor) Pty Ltd v Stonnington CC [2020] VCAT 1081 (14 October 2020) [the VCAT order] and the comments contained within. Refer to Section 6.1 for a detailed discussion as to how the proposal has responded to the VCAT order and its recommendations, along with Council’s expert urban design statement relied upon at the hearing.

This town planning report should be read in conjunction with the enclosed Architectural Plans and Context & Design Response prepared by K2LD Architects, dated 12 February 2021.

Attachment 4 to this submission also includes the complete previous application package. In particular, we note that the following documents remain of relevance to this application and could be used to both assist in any decision making and as relevant guides for permit conditions:

- Community Benefit Assessment, prepared by Dimasi & Co, dated 29 October 2019;
- Context & Design Response Report, prepared by K2LD Architects;
- Acoustic Report prepared by Acoustic Logic, dated 31 October 2019;
- Wind Impact Statement, prepared by Vipac Engineers & Scientists, dated 24 October 2019;
- Sustainability Management Plan, prepared by Umow Lai, dated 8 November 2019;
- Traffic Engineering Assessment, prepared by Salt³, dated 22 October 2019; and
- Waste Management Plan, prepared by Salt³, dated 22 October 2019.

Attachment 9 contains the formally substituted plans circulated as part of the previous VCAT application.
2.0 THE SITE AND CONTEXT

The following summary and description of the site and its context is to be read in conjunction with the architectural plans and context and design response report prepared by K2LD Architects.

2.1 The subject site

The subject site comprises the land located at 196-206 High Street, Windsor. It is located on the southern side of High Street and has a predominantly regular square configuration with a total site area of 2,082m². The property has two road abutments comprising approximately 45 metres to High Street and to Victoria Street.

![Subject Site]

The land is formally identified as Lot 1 on Plan of Subdivision 600803Q (Volume 11159/Folio 116).

The land is subject to a caveat (Reference AB554511C) in favour of Citipower Pty Ltd relating to the lease of a portion of the south-west corner of the site for an electrical substation.

The title is also erroneously encumbered by a Section 173 Agreement between Stonnington City Council and Dentow Pty Ltd which in fact relates to Planning Permit No. 1477/00 and the four (4) storey mixed use (residential and office) building and associated car parking on the adjoining landholding at 210 High Street, Windsor. The agreement provides for the exclusive use of Car Space 6 and a car stacker by the so-called ‘soho’ unit (the part ground and first floor unit located at the north-east corner of the ground and first floors ‘G.02 and 1.01 on the endorsed plans). While it applies to the Certificate of Title, it has no direct relevance to the subject land or this application.
The land is currently occupied by a 2-3 storey brick and render factory building with pitched roofs built to boundary which accommodates the John Blair Honda Service Centre. There is a concrete crossing to the north-west corner of the site on High Street and two crossings to the rear along Victoria Street.
2.2 Site surroundings

2.2.1 Eastern interface

The eastern interface comprises two properties; 208-210 High Street and 43-45 Victoria Street.

The land at 208-210 High Street comprises four storey rendered brick mixed use building with commercial uses at ground level along High Street and dwellings above. Whilst the upper level is recessed from High Street, there is a high parapet wall and solid balustrades which present as a 4-storey street wall.
There are south facing habitable room windows on the upper two levels, visible from Victoria Street. The building is built to the common boundary and abuts the existing factory building on the subject site except in the south-west corner where there is a narrow boundary setback.

The land at 43-45 Victoria Street accommodates two attached single storey brick and tile dwellings, setback from the street and side boundaries providing a front, side and rear gardens, and a side driveway for 43 Victoria Street. The dwellings are generally well screened from the street by a high picket front fence, a paling fence and hedges. The dwelling at 43 Victoria Street is separated from the application site by a 2.5-metre-high wooden paling fence along the western boundary. There is an approximate 3.8-metre-high wall to the north which provides courtyard spaces for the dwellings. West facing habitable room windows at 43 Victoria Street are screened by the boundary fence.
This site has been subject to a permit approval granted by VCAT for the construction of 5 storey multi-level building for use as an office, dwelling, café (all these uses being as-of-right) and as a residential building (hostel) in accordance with the endorsed plans. Plans have been endorsed by Council, howeer works have not yet commenced on-site.

2.2.2 Western interface

The western interface comprises two properties; 190 High Street and 27 Victoria Street.

The land at 190 High Street comprises a double storey rendered mixed use building with a commercial ground floor use and shop top dwelling above. The building is recessed from a rear bluestone walkway providing a rear private open space. It is also partially built to the common boundary but set back to the east along the southern half of the eastern boundary.
To the south of the bluestone walkway is 27 Victoria Street, a recently renovated three storey townhouse built to the boundary with a rear private open space accessible from the bluestone walkway. The dwelling has south facing habitable room windows and north facing habitable room windows at levels 2 and 3.

2.2.3 Southern interface

Victoria Street forms the site’s southern boundary. It is a council one-way (west to east) road that runs between Chapel Street and Hornby Street. It has a combination of restricted 1-hour parking, permit parking and works zone parking located along both sides of the street.

Victoria Street is also the boundary between the activity centre and residential area in the Neighbourhood Residential zone further to the south. The properties located at 32, 34, 36, 38, 40, 42, 44 and 48 Victoria Street interface with the application site.
The dwellings on the southern side of Victoria Street represent a mixed character of single fronted, brick and iron/tile attached workman style cottages, with narrow front gardens and picket fences, single storey semi and detached dwellings and three storey, semi-detached contemporary townhouses. The character of development along Victoria Street is additionally varied by the factory buildings, converted churches and halls.

Figure 11 - 28 Victoria Street.

Figure 12 - 30 Victoria Street.
Figure 13 - 32 Victoria Street.

Figure 14 - 34 and 36 Victoria Street.
Figure 15 - 38 and 40 Victoria Street.

Figure 16 - 42 Victoria Street.
Figure 17 - 44 Victoria Street.

Figure 18 - 48 Victoria Street.
2.2.4 Northern interface

High Street forms the northern interface to the site. It is a Road Zone (Category 1) Road and forms part of the Principal Public Transport Network with a tram line down the centre of the road and two trafficable lanes in each direction.

On the northern side of High Street is the Trilogy Apartments located at 201-209 High Street, Prahran at the corner of High Street and Clifton Street. The development comprises three buildings, with the building at the corner of High Street and Clifton Street being a 7-storey building with a ground level retail and 82 apartment dwellings over 6 levels above. The double storey Smith Hotel is located on the north eastern corner of High Street and Clifton Street.
2.3 The neighbourhood context

The site is located in Precinct 4 Windsor of the Chapel Street Activity Centre that fulfils both regional and local roles, accommodating larger scale retail uses, complementary entertainment uses and goods and service to meet every day and speciality needs. The site is at the northern edge of the Windsor Village Neighbourhood Activity Centre where it interfaces with the Prahran Major Activity Centre.

Located on High Street which forms part of the Principal Public Transport Network [PPTN], the site has direct access to Tram Route 6 (Moreland - Glen Iris) that operates on High Street. The site is also situated within walking distance of Tram Route 78 (North Richmond – Balaclava) on Chapel Street (140 metres), Tram Routes 5 (Melbourne University – Malvern) and 64 (Melbourne University – East Brighton) on Dandenong Road (800 metres), Bus Routes 216 (Sunshine Station – Brighton Beach) and 219 (Sunshine South – Gardenvale) on Williams Road (approximately 700 metres) and Prahran Train Station (450 metres).
The site also benefits from its proximity to a range of community, education and recreational facilities including Princes Gardens and Prahran recreation and swimming pool, Victoria Gardens, Hombrook Children’s Centre (Kindergarten), Prahran Library, Swinburne University of Technology Prahran Campus, Melbourne Polytechnic Prahran Campus, Stonnington Primary School, Wesley and St Michaels Grammar Schools, Presentation College, St Mary’s Catholic Primary School, Christian Brothers College.
3.0 THE PROPOSAL

This planning application is for the development of the land for the construction of a 6 storey commercial building to be used as a Shop, Food and Drink Premises and Office with an associated reduction in the car parking requirements and alterations to access to a Road Zone, Category 1.

The description of the proposal below should be read in conjunction with the floor plans prepared by K2LD Architects.

- 64 car parking spaces;
- 3 motorcycle parking spaces;
- 46 bicycle parking spaces, with 34 within the basement (50% floor mounted) and the remainder on the High Street footpath for visitors;
- 322m² end of trip facilities;
- A dedicated on-site loading bay within basement 1;
- Removal of the double crossover to High Street and two single crossovers to Victoria Street, with reinstatement as a kerb, channel and footpath;
- Ground level shop (378m²), food and drinks tenancies (176m² and 394m²) and office tenancy (515m²);
- Rear vehicular access via a new double crossover to Victoria Street;
- Levels 1 to 5 containing 5,943m² of office floorspace (to a total of 6,458m² across the site);
- A maximum overall height of 25.9 metres (to the lift overrun);
- A maximum High Street street wall of 12.8 metres;
- A maximum Victoria Street street wall of 11.6 metres (inclusive of the recessive second floor segment); and
- The development generally presents as a 3-storey podium anchored with a face brick ‘base’, with levels 3 and 4 being modulated with vertical curved reddish yellow louvres and a top floor ‘cap’ with a simple horizontal dark charcoal blade.

The ground level positively activates High Street through the inclusion of a shop and food and drinks tenancies, with a well-articulated central lobby leading to the upper-level office tenancies. To Victoria Street, an office tenancy provides an appropriate level of activation adjacent to the existing dwellings on the south side of the street.

The 3 existing vehicular crossings to the site will be removed and reinstated with kerb, channel and footpaths to match surrounding conditions, with a double crossover constructed to Victoria Street to remove direct access via High Street (a Road Zone, Category 1).

Levels 1 to 5 contain open planned office tenancies, with a central core to provide a high amenity, daylight and outlook from the office areas. Levels 2 and 3 also include external open space and landscaping areas.

Roof services (excluding solar panels) are contained within an integrated acoustic screen which has been designed in keeping with the overall design intent. While building services are necessary, these have been considered in the outset to achieve a high-quality built form outcome.

A highly sophisticated suite of materials has been adopted to ensure that the building offers a high-quality infill response. Materials include masonry, render, metal cladding and vertical louvres in a range of brown, brownish/red, reddish/yellow and grey tones.
The enclosed plans also show the previous scheme in an orange outline to demonstrate the significant changes proposed in a direct response to both the VCAT order and the Council comments on the original application (inclusive of the urban design expert evidence papered by Craig Czarny – see Attachment 6). This outline however, fails to demonstrate the significant shift in architectural approach that has also been made compared to the previous application.
4.0 Relevant Planning Controls

4.1 Zoning

The subject site is located within the ACZ1 pursuant to Clause 37.08 of the Scheme.

Figure 25 - Zoning Map (Planning Maps online).

4.1.1 Objectives and purposes

The relevant purposes of the ACZ include:

- To implement the Municipal Planning Strategy and Planning Policy Framework.
- Encourage a mixture of uses and the intensive development of the activity centre:
  - As a focus for business, shopping, working, housing, leisure, transport and community facilities.
  - To support sustainable urban outcomes that maximise the use of infrastructure and public transport.
- To create through good urban design an attractive, pleasant, walkable, safe and stimulating environment.
- To facilitate use and development of land in accordance with the Development Framework for the activity centre.

Under Schedule 1, the application site is identified in Precinct 4 – Windsor Village and Sub-Precinct WV-1 (WV-1). The precinct map classifies the site for Main Street Uses.
Schedule 1 provides general land use, built form and amenity objectives which are to be achieved. Relevant to the application, these include:

**Land Use**
- To provide a range of uses that are accessible to all and complement the role of the Activity Centre.
- To provide a diversity of retail, hospitality, entertainment, medical and community and cultural uses and a range of employment choices including corporate, boutique and incubator offices.
- To provide flexibility for lower levels of buildings to be utilised for a mix of uses.
- To revitalise former light industrial areas behind Chapel Street to provide high quality mixed use development opportunities.

**Built Form**
- To significantly improve the public realm at the street level.
- To ensure that new development responds sympathetically to the Activity Centre’s historical urban fabric, identity and character.
- To encourage innovative, high quality and well-designed buildings which complement the existing urban fabric and mixed use character of the Activity Centre.
- To create a vibrant, active place with passive surveillance of streets and other pedestrian and public spaces.
- To maintain appropriate levels of solar access to existing and proposed public spaces.
- To avoid the underdevelopment of land in the Activity Centre.
- To realise the principles of Environmentally Sustainable Development (ESD) and Water Sensitive Urban Design (WSUD).
Amenity

- To enhance the liveability of the area and ensure that the Activity Centre provides a high quality environment.
- To manage potential and existing conflicts between residential amenity and hospitality and entertainment uses.
- To ensure the appropriate location and scale of residential, hospitality and entertainment uses so as to contribute to the liveability and role of the Activity Centre.
- To protect and enhance amenity within the Activity Centre and surrounding established residential neighbourhoods.

Clause 5.4.2 of Schedule 1 also sets out specific objectives for the Windsor Village Precinct which relevant to the subject application include:

- To achieve a distinctive local neighbourhood centre and urban village that retains a low scale and valued heritage streetscape, with fine grain character throughout the precinct.
- To support a built form that encourages small format shop fronts at ground floor.
- To encourage a diverse range of creative, educational, residential and community uses within the precinct.

4.1.2 Land use

Clause 3 of ACZ1 provides the Table of uses and sets out the land use permit requirements.

Pursuant to Clause 3, the use of land for the purpose of Food and Drink Premises and Shop are a Section 1 'as of right' and does not require a planning permit (noting this is the case where food and drinks premises are located at ground or first floor). A permit is therefore not required for these uses.

The Office use is identified as a Section 1 as of right use where:
- the office use is not located at ground floor on land designated for Main Street uses
- Any frontage at ground level must not exceed 2 metres and
- Must not be on land with a frontage to Percy Street in Sub-Precinct Greville Village 6.

As an office tenancy is proposed office use is located at ground level and the subject site is identified for Main Street uses in the Precinct 4 – Windsor Village map, and the office lobby entrance exceeds 2 metres, a permit is required for this use.

Pursuant to Clause 37.08-2, any requirement in the ACZ1 relating to land use must be met. Clause 8 of ACZ1 sets out the Decision guidelines relating to land use. Relevant to the subject application these include:

- The likely adaptability of any space within the lower floors not proposed to be occupied by commercial floor space.
- The practicability of the building to provide separate access to commercial and residential uses.
- The extent of commercial floor space relative to the height of the building.
- The extent to which a proposal is consistent with any specific land use recommendations for each Sub-Precinct.
- The extent to which discretionary land uses are compatible with any existing uses and likely future uses, with particular regard to as-of-right dwelling use.
- The extent to which uses contribute to a vibrant local economy and promote the Activity Centre as a tourist destination.

4.1.3 Building and works

Pursuant to Clause 37.08-5, a permit is required to construct a building or conduct of carry out works.

Under the Windsor Village Built Form Requirements Map, the following built form requirements apply:
- 12m Preferred Maximum Street wall height along High Street
- 4m Preferred Minimum Setback above the Street Wall on High Street
- 18 metre (5 storey) Preferred Maximum Building Height (measured from NGL to the roof/parapet)
- Type 4 (Residential interface across laneway/small street) Interface Setback to Victoria Street including:
  - 12 m preferred maximum street wall height
  - Built form not to protrude outside a 45-degree building envelope angle above the street wall

Figure 27 - Type 4 Interface Setback to Victoria Street (Residential Interface Across Laneway/Small Street).

Pursuant to Clause 4.4 of Schedule 1 to the ACZ, a permit cannot be granted to vary a mandatory design and development requirement and all other requirements of the schedule are to be met unless an alternative proposal is considered appropriate. **There are no mandatory provisions relating to the application site.**

Clause 4.4 of Schedule 1 also sets out various design and development guidelines relating to height and massing, setbacks, residential buildings, overshadowing, building adaptability, heritage, public realm interface, ESD, materials, noise attenuation, movement, car and bicycle parking, open space and landscaping matters.

Pursuant to Clause 8 of ACZ1, the following Decision guidelines are relevant to the proposal:

- The configuration of the site.
- The interface with land in a residential zone particularly in relation to built form, overlooking and overshadowing.
- The extent to which the proposal is consistent with the purpose of the Heritage Overlay.
- Whether the development is of an appropriate scale to accommodate the mix and intensity of uses envisaged for that precinct and sub-precinct.
- The response to ESD provisions and principles.
- The extent to which the development is consistent with the principles of Water Sensitive Urban Development (WSUD).
- The extent to which development provides for the surveillance of public spaces and creates a safe environment.
- Whether the development represents an underdevelopment of a site.
- The on-site amenity of future occupants.
- The extent to which the development prioritises walking, cycling and public transport use, and provides car parking that responds to anticipated demand.
- The provision and location of car parking so as to not dominate the street, noting that it should not be located above ground floor.
- The extent to which overlooking of adjacent private property has been minimised without the need for privacy screens.
The Chapel reVision Structure Plan 2013-2031 is identified as a reference document pursuant to Clause 11 of Schedule 1.

4.2 Overlays

The application site is also affected by the Environmental Audit Overlay [EAO] and Incorporated Plan Overlay Schedule 3 [IPO3] “Late night liquor licence trading in the Chapel Street Precinct: Measuring the saturation levels.” It also abuts Heritage Overlay Schedule 126 [HO126] which applies to the adjacent property at 190 High Street, Windsor.

4.2.1 Environmental Audit Overlay

The EAO seeks to implement the Municipal Planning Strategy and the Planning Policy Framework and ensure that potentially contaminated land is suitable for a use which could be significantly adversely affected by any contamination.

Pursuant to Clause 45.03-1, before a sensitive use (including residential) commences or before the construction or carrying out of buildings and works in association with a sensitive use commences, either a certificate of environmental audit must be issued for the land in accordance with Part IXD of the Environment Protection Act 1970, or an environmental auditor appointed under the Environment Protection Act 1970 must make a statement in accordance with Part IXD of that Act that the environmental conditions of the land are suitable for the sensitive use.

4.2.2 Incorporated Plan Overlay Schedule 3

Pursuant to Clause 1 of the IPO3, the provisions of the overlay do not apply to the proposed development given that the application does not meet the permit requirements; the proposal does not seek to use the land for the purpose of a licensed hotel, tavern or nightclub with a closing time after 12am, extend the licensed hours of trading of a hotel, tavern or nightclub beyond 12am or increase the number of patrons for a licensed hotel, tavern or nightclub that is operating after 12am.
4.2.3 Heritage Overlay Schedule 126

The purpose of the Heritage Overlay includes implementing the Municipal Planning Strategy and the Planning Policy Framework and ensuring that development does not adversely affect the significance of heritage places. Although the application does not require a permit pursuant to Clause 43.01-1, it is relevant to consider the impact of the proposed buildings and works on the double storey heritage building at 190 High Street, particularly given it is built to the boundary.

4.3 Particular Provisions

4.3.1 Clause 52.06 - Car Parking

Clause 52.06 requires new uses and development to be provided with an appropriate number of car parking spaces, having regard to the demand likely to be generated, the activities on the land and the nature of the locality. Given the site’s proximity to the Principal Public Transport Network [PPTN], the following ‘Column B’ parking rates provided at Table 1 of Clause 52.06 apply:

- 3 spaces to each 100 square metres of net floor area for the Office use (6,458m²);
- 3.5 spaces to each 100 square metres of leasable floor area for the Shop use (378m²); and
- 3.5 spaces to each 100 square metres of leasable floor area for the Food and Drink Premises use (570m²).
The proposal generates a statutory car parking requirement equal to 226 car spaces. With 64 car spaces provided on site, a permit is required to reduce the car parking requirement pursuant to Clause 52.06-5.

Clause 52.06-9 sets out the design standards for the provision of car parking and access arrangements, we continue to rely upon the Traffic Engineering Assessment prepared by SALT³ traffic consultants (Attachment 4) and suggest that a permit condition can require an amended report, updated to reflect the enclosed plans.

4.3.2 Clause 52.29 - Land Adjacent to a Road Zone Category 1 Road

This clause seeks to ensure appropriate access to identified roads. A permit is required to alter access to a road in a Road Zone Category 1 and the application is to be referred to VicRoads under Section 55 of the Planning and Environment Act 1987 [the Act]. The decision guidelines relevant to the proposed application include:

- The views of the relevant road authority;
- The effect of the proposal on the operation of the road and on public safety; and
- Any policy made by the relevant road authority pursuant to Schedule 2, Clause 3 of the Road Management Act 2004 regarding access between a controlled access road and adjacent land.

A permit is required pursuant to Clause 52.29 given the proposal seeks to alter existing access arrangements on High Street by removing the existing crossover and reinstating the channel and kerb to Council specifications.

4.3.3 Clause 52.34 - Bicycle Facilities

This clause seeks to encourage cycling as a mode of transport and provide secure, accessible and convenient bicycle parking spaces. Table 1 to Clause 52.34-3 (Bicycle Spaces) outlines the following requirements:

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<th>Use</th>
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<th>Clause 52.34 Requirement</th>
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<td>Office – Visitor</td>
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<td>Food and Drink Premises - Employee</td>
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<td>Food and Drink Premises - Visitor</td>
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<tr>
<td>Shop – Employee</td>
<td>378</td>
<td>0</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Shop – Visitor</td>
<td></td>
<td>0</td>
<td></td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td></td>
<td>28</td>
<td>34</td>
<td>Yes</td>
</tr>
</tbody>
</table>

The proposal generates a bicycle parking requirement of 45 spaces. The proposed development makes provision for 34 bicycle parking spaces on site and 12 spaces at grade on or adjacent to High Street. The proposal therefore exceeds the permit requirements of Clause 52.34 and does not require a permit.

4.3.4 Clause 53.18 – Stormwater Management in Urban Development

This provision applies as the application is to construct a building with a gross floor area exceeding 50m².

Objectives contained at Clauses 53.18-5 and 53.18-6 are applicable, being Stormwater management objectives for buildings and works and Site management objectives. The SMP submitted as part of the original application (Attachment 4) addresses stormwater best practice and drainage and demonstrates how the objectives of this Provision can be achieved. Our client would accept a permit condition requiring an amended SMP, addressing Clause 53.18.
4.4 General Provisions

4.4.1 Clause 65: Decision Guidelines

This clause outlines a number of matters that must be considered in order to determine whether the proposed development will produce an acceptable planning outcome. Relevant to the application, these include:

- The Municipal Planning Strategy and the Planning Policy Framework
- The purpose of the zone, overlay or other provision.
- Any matter required to be considered in the zone, overlay or other provision.
- The orderly planning of the area.
- The effect on the amenity of the area.
- Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.

4.5 Summary of permit triggers

The permit triggers for the proposed development can be summarised as:

- Clause 37.08, Clause 3 of Schedule 1: To use the land for the purpose of offices.
- Clause 37.08-5: To construct a building or to construct or carry out works in the Activity Centre Zone
- Clause 52.06: To reduce the car parking requirement.
- Clause 52.29: To alter access to a Road Zone Category 1 Zone.
5.0 RELEVANT STATE AND LOCAL POLICIES

5.1 Planning Policy Framework

The Planning Policy Framework [PPF] is outlined at Clauses 10 – 19 of the Scheme. The PPF underpins the key objectives of the Act and its objectives that require consideration in the administration of land use and development planning across Victoria. It informs the preparation and implementation of local planning policy objectives and the introduction of zone and overlay controls. It is therefore necessary that planning permit applications build on and achieve these important policy objectives.

Of the PPF, the following clauses are relevant to the proposed development:

Settlement at Clause 11 states planning should anticipate and respond to the needs of existing and future communities through provision of zoned and serviced land for housing, employment, recreation, open space, commercial, community facilities and infrastructure.

- Settlement – Metropolitan Melbourne at Clause 11.01-1R seeks to create a more consolidated, sustainable city and create mixed use neighbourhoods that create jobs and opportunities for local businesses and deliver better access to services and facilities.

Environment Risks and Amenity at Clause 13 seeks to identify and manage potential amenity conflicts.

- Amenity at Clause 13.07 seeks to safeguard community amenity while facilitating appropriate commercial uses with potential off-site effects by directing land uses to appropriate locations and using a range of building design, urban design, operational and land use separation measures.

Natural Resource Management at Clause 14 states planning should assist in the conservation and wise use of natural resources including energy, water, land, stone and minerals to support both environmental quality and sustainable development.

- Water Conservation at Clause 14.02-3S seeks to ensure water resources and managed in a sustainable way.

Built Environment and Heritage at Clause 15 aims to ensure all land use and development appropriately responds to its surrounding landscape and character, valued built form and cultural context. It states planning should recognise the role of urban design, building design, heritage and energy and resource efficiency in delivering liveable and sustainable cities, towns and neighbourhoods.

- Urban Design at Clause 15.01-1S seeks to create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity.

- Urban Design – Metropolitan Melbourne at Clause 15.01-1R aims to create a distinctive and liveable city with quality design and amenity through the creation of well-designed places that are memorable, distinctive and liveable.

- Building Design at Clause 15.01-2S aims to achieve building design outcomes that contribute positively to the local context and enhance the public realm.
Healthy neighbourhoods – Metropolitan Melbourne at Clause 15.01-4R seeks to create a city of 20 minute neighbourhoods that give people the ability to meet most of their everyday needs within a 20 minute cycle or local public transport trip from their home.

Neighbourhood character at Clause 15.01-5S seeks to recognise, support and protect neighbourhood character, cultural identity and sense of place.

Energy and resource efficiency at Clause 15.02-1S seeks to encourage land use and development that is energy and resource efficient, supports a cooler environment and minimises greenhouse gas emissions.

Heritage conservation at Clause 15.03-1S seeks to ensure the conservation of places of heritage significance by encouraging development that respects places with identified heritage values.

Economic Development at Clause 17 confirms planning is to contribute to the economic wellbeing of the state and foster economic growth.

Diversified economy at Clause 17.01-1S aims to strengthen and diversify the economy.

Business at Clause 17.02-1S encourages development that meets the communities’ needs for retail, entertainment, office and other commercial services.

Transport at Clause 18 states planning should ensure an integrated and sustainable transport system that provides access to social and economic opportunities, facilitates economic prosperity, contributes to environmental sustainability, coordinates reliable movements of people and goods, and is safe.

Land use and transport planning at Clause 18.01-1S seeks to create a safe and more sustainable transport system by integrating land-use and transport.

Sustainable personal transport at Clause 18.02-1S seeks to promote the use of sustainable personal transport.

Sustainable personal transport – Metropolitan Melbourne at Clause 18.02-1R aims to improve local travel options for walking and cycling to support 20-minute neighbourhoods.

Principal Public Transport Network at Clause 18.02-2R seeks to maximise the use of existing infrastructure and increase the diversity and density of development along the Principal Public Transport Network.

Car parking at Clause 18.02-4S seeks to ensure an adequate supply of car parking that is appropriately designed and located.

Infrastructure at Clause 19 states planning should ensure development of social and physical infrastructure enables it to be provided in a way that is efficient, equitable, accessible and timely.

Water supply, sewerage and drainage at Clause 19.03-3S seeks to plan for the provision of water supply, sewerage and drainage services that efficiently and effectively meet state and community needs and protect the environment.

Stormwater at Clause 19.03-4S aims to reduce the impact of stormwater on bays, water bodies and catchments.
In essence, these policies encourage the intensification of development on appropriately located and serviced land. High quality architectural, urban design and sustainable outcomes that contribute positively to the urban environment and public realm are encouraged, having regard to local character and site context.

5.2 Municipal Strategic Statement and Local Planning Policy Framework

The Scheme also incorporates Council’s Municipal Strategic Statement [MSS] which is a concise statement of the key strategic planning, land use and development objectives and strategies for the municipality. The following components of the MSS are relevant to the subject site:

Council’s vision at Clause 21.03-2 is for Stonnington to be a place of community, individuality and business where an environment is created that fosters the hopes, well-being and aspirations of all people. The vision is to be achieved by sustainably balancing environmental, economic and social outcomes for the City by for example:

- Ensuring a high quality built form that reflects an appreciation of its context and the underlying character and topography of the City.
- Ensuring new built form is well-designed and respects the valued, traditional built form character elements of its host precinct.
- Ensuring new development in activity centres contributes to the vibrancy, activity and passive surveillance of streets and public spaces, while respecting the heritage values, human scale and the unique character of different centres.
- Ensuring the city is a walkable environment with enhanced connectivity within activity centres and between centres and adjacent residential neighbourhoods.
- Embracing environmentally sustainable development principles in all new developments.
- Incorporating universal access, safety and social inclusion are incorporated as lead principles in the design of all developments.
- Providing an adequate level and standard of infrastructure (utility, transport and community) to support the community’s needs and new development.
- Fostering the City’s prosperity by well integrated transport and land use, including improved pathway connectivity to local activity centres and public transport nodes, so as to reduce car trips to local shops and services.
- Prioritising sustainable personal transport modes (for pedestrians, cyclists and public transport users) over the needs of motorists.
- Ensuring the City’s suburbs and precincts are world class walking areas, where it is safe and convenient to walk to destinations, and where people are actively encouraged and enabled to walk.

Strategic Framework Plan at Clause 21.03-3 identifies the application site within the Large Neighbourhood Activity Centre of Windsor Village, abutting the Chapel Street Principal Activity Centre. The objectives and strategies relevant to Activity Centres at Clause 21.04-1 include:

- To maintain and enhance a network of sustainable and viable activity centres by:
  - Supporting land uses which contribute to the self-sufficiency of activity centres in the provision of daily and weekly retail goods and personal services.
  - Encouraging businesses, goods and services which will enhance viability, especially small businesses and uses that are high value and low impact.

- To provide clear direction on the preferred location, level and mix of uses by:
  - Ensuring a mix of uses (retail, office, services, entertainment and residential uses)
  - Consolidate new retail and commercial land use in existing retail strips (Activity Centre Zones)
  - On individual sites, seek a balance of land use in activity centres, with a preference for retail uses at ground level and office uses and/or residential uses in upper levels.
In high rise developments in the Activity Centre Zone, avoid residential-only developments or make provision for adaptation to an alternative commercial use, by requiring higher ceiling heights at least at ground floor and preferably up to podium level.

To make provision for increased local employment in a broader range of commercial activities by:
- Encouraging businesses that will provide services and employment opportunities for the local community (high technology, communication and distribution services, education, health, medical and professional services; and creative/artistic activities and services, and visitor accommodation).
- Promote the Chapel Street Activity Centre as the primary mixed use office employment precinct in the City.

**Built Environment and Heritage at Clause 21.06** seeks to:
- Protect and reinforce the key elements of the City’s overall urban structure and character at Clause 21.06-1 including by requiring new development to respect the scale, form and setbacks of nearby heritage places and using high quality urban design and landscaping to reinforce entry points.
- To direct higher density development (residential and non-residential) to locations in and beside activity centres, beside the Principal Public Transport Network, and away from the residential hinterland by confining higher density development to the substantial change areas identified in Clause 21.05-02.
- **Landscape character at Clause 21.06-2** aims to repair and reinforce the high-quality landscape character by retaining established trees in front setbacks, encouraging landscaping of open areas with an appropriate balance of green space and hard surface in commercial areas.
- **Amenity at Clause 21.06-3** aims to achieve high standards of amenity within new developments, and with adjoining developments by:
  - Ensuring new development does not unreasonably affect the amenity of any adjoining residential properties through overlooking, overshadowing or traffic and parking associated with the use.
  - Ensuring new development provides a sensitive transition with adjoining lower density development in terms of built form, scale, setbacks and visual bulk.
  - Allowing roof top terraces and balconies only where their location and design is considered to have no unreasonable amenity impacts on neighbouring residential properties.
- **Built form character at Clause 21.06-4** seeks to recognise and ensure the qualities and attributes of the City’s urban character inform the design of new developments by:
  - Requiring a high standard of built form, detailing and architectural design.
  - Encouraging use and development that respects the preferred character elements of the street or any defined precinct character.
  - Encouraging new development and subdivision to respect the existing subdivision grain and rhythm of the built form character.
  - Ensuring buildings are sited to match the alignment of existing buildings in the street.
  - Ensuring that new development avoids full or excessive site coverage (including basements) so as to provide adequate space for in-ground landscaping and visual breaks between buildings.
• Encouraging front, side and rear setbacks of buildings to respect the existing character or contribute to the preferred neighbourhood character (as applicable).

• Encouraging good design which respects the scale, height, density, bulk, setbacks, style, form, building materials, colours and character of buildings, fences and gardens of the street or any defined character precinct.

• Ensuring building height is not significantly higher or lower than the surrounding buildings unless a different preferred height is specified for a particular area in another provision in the planning scheme or in a structure plan.

• Ensuring higher elements above street walls of 2-3 storeys are set back behind the facade to minimise impacts on the streetscape and to maintain the human scale of development at street level, unless it can be demonstrated that a higher podium meets the preferred character of the area.

• Encouraging setbacks from side boundaries above podium level to provide a separation between towers, in context with the area (or otherwise in accordance with an approved Structure Plan or Urban Design Framework).

• Minimising the visibility of roof plant and other attachments when viewed from the public realm and from significant viewpoints.

• Ensuring new or upgraded utility services such as substations are addressed in the planning stages of development to enable their appropriate integration into the design of the development and to minimise any impact on the street frontage.

• Ensuring that a development does not preclude the equitable development opportunity of an adjoining site consistent with adopted policy in this planning scheme.

• Minimising the impact of vehicle crossovers and parking on the character of the area and the pedestrian experience by avoiding vehicle parking in front setbacks, providing new crossovers to the rear and seeking reduction or removal of vehicle crossovers, integrate car parking into the overall building design, encourage full length basements for car parking. Where crossovers are supported on street frontages, ensure they are designed to minimise any reduction in continuity of the footpath, minimise the loss of on-street parking, maximise the retention of street planting, including nature strip areas, and include appropriate landscape design to soften areas of hard-standing and garages.

Specific to Activity Centres, the policy aims to protect and enhance the individual character, identity and amenity of the different activity centres by:

• Managing the scale, density and design of future commercial development to reflect the character and identity of each centre.

• Ensuring that higher built form directed to principal and major activity centres respects and does not dominate the heritage values and the human scale of the traditional retail strips.

• Encouraging a continuous street wall of a uniform height at street level.

• Ensuring new development addresses the street frontage and incorporates design elements that contribute to the provision of a continuous active frontage at ground level and passive surveillance at first floor level, including locating entrances, doorways and fenestration at regular intervals.
- **Seeking opportunities for pedestrian access** to and through new developments (including mid-block links through key development sites identified in adopted Structure Plans or urban design frameworks).

- **Encouraging the construction of verandas / horizontal awnings for weather protection** which are consistent with the character of individual centres, are an appropriate height and, where practicable, align with others in the street.

- **Supporting partial and full length transparent, drop-down awnings** in association with uses that contribute to the viability and vibrancy of commercial areas, provided they are in character with the streetscape and maintain adequate levels of visibility and accessibility.

- **Avoiding the use of external roller shutters** to street frontages.

**Public realm and pedestrian areas at Clause 21.06-5** aims to improve the quality of public realm and pedestrian experience by ensuring new development addresses the public realm, without privatising or borrowing from its amenity and does not attempt to shield itself from the public realm; and by providing on-ground public amenity that connects directly to the streetscape and provides on-site opportunities for social interaction.

**Solar access and wind protection at Clause 21.06-6** aims to ensure new development maintains appropriate levels of solar access and wind protection to existing and proposed footpaths and public spaces and surrounding development by avoiding unreasonable effects on the environmental performance of surrounding properties, minimising public realm impacts in terms of overshadowing and wind tunnelling and encouraging new development not to overshadow opposite footpaths.

**Noise and air quality at Clause 21.06-7** seeks to minimise the impacts in relation to noise and air quality emissions from and on new development by designing entertainment uses to reduced noise impacts from the premises and patrons attending and leaving, and ensuring that any noise, odours and emissions from new or expanded use and development do not unreasonably affect the amenity of any adjoining residential properties.

**Environmentally sustainable development at Clause 21.06-8** encourages environmentally sustainable design and innovative waste and recycling management practices including the incorporation of best practice sustainable principles in respect of energy efficiency, water resources, indoor environment quality, stormwater management, transport, waste management and urban ecology.

**Designing for safety, universal access and social inclusion at Clause 21.06-9** encourages physical design that is safe and accessible and which facilitates social inclusion for all members of the community by encouraging a public realm design that provides for community safety, disability access and is ‘child-friendly,’ and encouraging development to provide passive surveillance and safety.

**Integrated infrastructure planning at Chaise 21.08-1** aims to ensure existing and new infrastructure is sustainable and meets the needs of residents, workers and visitors by directing higher density development to locations with existing adequate service capacity, including locations close to community hubs. It also aims to integrate transport and land use planning and development to maximise accessibility, safety and sustainability of the transport network and the built environment.

**Sustainable transport at Clause 21.08-2** aims to facilitate sustainable transport modes in preference to private vehicles, create cycling and walking networks that are integrated, safe and accessible and facilitate increased use of public transport.

**Roads and parking at Clause 21.08-3** encourages a reduced reliance on parking and higher levels of design and amenity by reducing the provision of on-site parking and permit parking for developments close to public transport.
Drainage and utility services at Clause 21.08-4 aims to ensure that essential engineering services are maintained and enhanced to acceptable health, safety and engineering standards.

Local planning policies are used to implement the objectives and strategies of the Municipal Strategic Statement. The following local policies are relevant to the proposal:

Clause 22.05 – Environmentally Sustainable Development

This policy applies to residential and non-residential development that requires a planning permit. It requires that an application for the development of a non-residential building with a gross floor area of more than 1,000 square metres be supported by a Sustainability Management Plan and Green Travel Plan that provides a detailed assessment of the development, identifies achievable environmental performance outcomes, demonstrates that the building has the design potential to achieve the relevant environmental performance outcomes and documents the means by which the performance outcomes can be achieved.

Attachment 4 includes a SMP and Traffic Report (containing a GTP) which demonstrates how the site is intended to be developed to achieve best practice ESD outcomes and to promote sustainable transport modes. Should a permit issue, our client would accept a permit condition requiring an amended SMP and GTP to reflect the approved development.

Clause 22.18 – Stormwater Management (Water Sensitive Urban Design)

This policy applies to applications for new buildings and requires that development achieves the best practice water quality performance objectives set out in the *Urban Stormwater Best Practice Environmental Management Guidelines, CSIRO 1999* (or as amended). It also promotes the use of Water Sensitive Urban Design including stormwater reuse. Applications must be accompanied by a Water Sensitive Urban Design Response including a site layout plan showing the location of proposed stormwater treatment measures, a report outlining how the application achieves the objectives of the policy, design details to assess the technical effectiveness of the proposed stormwater treatment measures, site management plan detailing how the site will be managed through constructions and a maintenance program for future operational and maintenance arrangements.

Attachment 4 includes a SMP (containing WSUD commitment) which demonstrates how the site is intended to be developed to achieve a best practice stormwater management outcome. Should a permit issue, our client would accept a permit condition requiring an amended SMP to reflect the approved development, demonstrating compliance with the objectives of this Clause.
6.0 PLANNING ASSESSMENT

The design of the proposed development has evolved from a detailed consideration of site opportunities and constraints, having regard to a broad set of applicable planning controls and policies. When these matters are considered collectively, it is submitted that the development represents a well resolved and appropriate planning outcome.

The design has also been further resolved since the previous planning permit application and has responded directly to the VCAT order.

The proposed development achieves the objectives and implements the relevant strategies of the Scheme. It will provide a mix of commercial land uses within the Chapel Street Major Activity Centre and along High Street which forms part of the PPTN.

The ground level shop and food and drinks tenancies will provide further activation of the public realm and diversification of the Chapel Street Activity Centre in a building form that is respectful of the site’s local context, including the existing residential amenity of adjoining dwellings, the southern neighbourhood residential interface and heritage values to the west of the site.

Accordingly, this proposal represents an appropriate high-quality built form response in an appropriate location and without generating any unreasonable impacts upon adjacent properties or the local character.

With this context in mind, the key planning considerations to be assessed for this development are:

- Has the proposal responded to the VCAT order and Council’s urban design evidence?
- Does the proposed development respond to the Planning Policy Framework, Council’s Municipal Strategic Statement and relevant local planning policies of the Stonnington Planning Scheme?
- Does the proposal satisfy the purpose of the Activity Centre Zone, and the relevant objectives, built form requirements and design and development guidelines applicable to Precinct 4 – Windsor Village?
- Does the proposed development appropriately address off-site amenity impacts?
- Does the proposal achieve a safe and efficient outcome with respect to car parking / access?

Each of these matters are addressed below.

6.1 Has the proposal responded to the VCAT order and Council's urban design evidence?

<table>
<thead>
<tr>
<th>Items raised by VCAT and in Council's Urban Design Evidence</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>The raked form is not supported.</td>
<td>A raked form is no longer proposed, with a two-storey street wall and a staggering of setbacks (noting levels 3 and 4 remain in alignment) to provide a clear podium form with recessive levels above. This approach also avoids a ‘wedding cake’ form.</td>
</tr>
<tr>
<td>Consider the hinterland of fine-grained residential land to the south.</td>
<td>The design responds accordingly with a distinct difference between the ‘High Street’ and Victoria Street’ presentations, with a finer grained brick podium to Victoria Street and a predominantly glazed (yet articulate) presentation to the High Street retail strip. The amended design is also not relying on upper-level landscaping to soften the southern presentation; which was a criticism of the previous scheme.</td>
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<tr>
<td>Heritage streetscape conditions along High Street must be considered.</td>
<td>The design includes more verticality at levels 1 and 2 of the podium. Further, with the reduced overall height and ‘softening’ of the tower with vertical blades, the design appropriately responds to the heritage buildings west along High Street. The ground level is also vertically articulated yet remains open and transparent to activate the retail strip. Notably, the presentations to High and Victoria Streets are distinct, reflecting the varying interfaces.</td>
</tr>
<tr>
<td>The site is within the Windsor Village sub-precinct.</td>
<td>The reduced height (to 6 storeys) and the finer grained architectural treatment appropriately responds to the ‘village’ sub-precinct.</td>
</tr>
<tr>
<td>A 3-storey street wall is acceptable to High Street.</td>
<td>This is maintained in the enclosed plans.</td>
</tr>
<tr>
<td>High Street – metal cladding and glass curtain wall does not respect the ‘fine grained character’ or ‘open, small format shop fronts’ in the precinct. A more solid façade treatment should be adopted for the street wall.</td>
<td>The design no longer includes expanses of curtain walling, with the use of framed elements and vertical louvres providing a fine-grained response within the streetscape. The solid to void ratio has also been increased to respect the context of the streetscape. The ground level is vertically articulated to respect the small format shopfronts in the street. The application has removed the front ‘courtyard’ to High Street and has incorporated a canopy to offer weather protection to more appropriately respond to the hard-edge forms in the street and to enhance pedestrian amenity.</td>
</tr>
</tbody>
</table>
While setback, the 7th storey will still be visible in oblique views. This criticism has been addressed now that a 6-storey form is proposed.

Decision accepts there could be an opportunity for 2 storeys above the parapet (in line with the ACZ1 control), however recommends 1 level from centre of tower should be removed (to a total of 6 storeys plus roof level).

While compliant with Clause 4.4 of the ACZ1, the form is not sympathetic with the properties south of Victoria Street. The form has been broken and is no longer an angled curtain wall system.

Expanse of glazed walling to Victoria Street does not respect the character of the residential hinterland. The enclosed plans represent a significant redesign, with the podium articulated a singular, vertically expressed form. The ‘mid-section’ of the building is articulated with a series of curved blades to offer a well-defined, yet site responsive form in keeping with the varied architectural styles in the wider area and the heritage forms to the immediate west. The ‘top level’ has been appropriately designed as a ‘cap’ to the overall design composition, with a horizontal blade offering shading and a high-quality architectural form.

In particular, the south wall is broken appropriately with brick detailing and framing (i.e. not expanses of curtain walls), in particular to respect the residential hinterland to the south.

More articulation and lower side walls required to reduce bulk and mass. The development has been reduced in height compared the previous scheme and has adopted a varied architectural composition with lower, mid and top-level forms reducing any perceived visual bulk and mass. The development appropriately responds to the physical and policy context of the site.

<table>
<thead>
<tr>
<th>6.2</th>
<th>Does the proposed development respond to the Planning Policy Framework, Council’s Municipal Strategic Statement and relevant local policies of the Stonnington Planning Scheme?</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>This proposal provides an opportunity to directly address policy demands for the provision of well-designed commercial (Office, Food and Drink Premises and Shop) floorspace in a Neighbourhood Activity Centre. In this regard, it is submitted that the proposal will achieve the following important State and Local Planning Policy objectives:</td>
</tr>
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<td></td>
<td>• The proposal will make efficient use of existing infrastructure. It is located within easy walking or public transport access to a variety of services and facilities and will service the surrounding residential hinterland to the south, consistent with the policy aspirations of ‘20 minute neighbourhood,’ healthy neighbourhoods and sustainable transport use (Clause 11, Clause 11.06-2, Clause 11.06-3, Clause 11.06-5, Clause 18.02-1).</td>
</tr>
</tbody>
</table>
The site has a direct frontage to High Street and is located within the PPTN, with a range of tram, bus and train services within a 700-metre radius of the site. Given this, and its positioning within the Windsor Village Neighbourhood Activity Centre (abutting the Chapel Street Principal Activity Centre), the site is ideally suited to higher density employment generating development, consistent with Council’s Strategic Framework Plan and Strategic Vision which advocates for higher density development to locations with the highest accessibility to public transport and services (Clause 11.06-2, Clause 11.06-3, Clause 18.02-3, Clause 21.03-2, Clause 21.03-3, and Clause 21.05-2).

The development achieves a high quality and sustainable architectural design outcome that will make a positive contribution to the streetscape. The provision of ground commercial tenancies and upper-level landscaped setbacks provide activity, articulation and enhanced permeability at the street edge and significantly improved opportunity for passive surveillance of the public realm (Clause 11.06-6, Clause 15.01-4, 15.01-2, Clause 21.06-5). The proposed upper-level front setbacks will also assist in the avoidance of overshadowing to southern dwellings, footpaths and the public realm.

The double basement car parking provides for adequate car parking and integrated access arrangements. The removal of the vehicular crossover to High Street and the western crossover to Victoria Street and consequent reinstatement of kerb and channel further contributes to community safety, a functional neighbourhood and achieves the objectives contained at Clauses 18.02-5 and 21.06-4 with:
- minimal loss of existing on-street car parking (noting that while on-street parking will be impacted on Victoria Street, additional spaces will be added on High Street as a result of the development);
- no impact on street trees; and
- a reduced disruption to the pedestrian experience along the primary, High Street frontage.

The proposal makes a commitment to achieve the environmentally sustainable development objectives contained at Clauses 15.02-1 and 21.06-8.

The proposed development is cognisant of the site’s existing urban context and responds appropriately to the preferred character of the Windsor Village Precinct consistent with the expectations of Clause 15.01-5 and the ACZ1.

The proposal incorporates a scale that is both appropriate in the Windsor Village Precinct and in response to the site’s immediate context and interfaces (Clause 21.05-2).

With a 2-3 storey ‘podium’ and recessive upper levels from the south, (Victoria Street containing a number of dwellings within the NRZ to the south) will in-principle read as a 3-storey development from the street (Clause 21.06-1 and Clause 21.06-4).

While the sites to the east and west are used as dwellings (noting the site to the south-east has planning approval for the use and development for a 5 storey office, dwelling, café and residential building (hostel)), appropriate boundary setbacks have been provided given these dwellings are also within the ACZ1 (Clause 21.06-2). The office levels are setback an average of 4.5 metres from the side boundaries (noting the irregularity of these boundaries) to achieve an appropriate equitable development outcome while also future proofing the amenity of this proposal.

The proposal will deliver a high standard of internal amenity whilst minimising the potential for adverse external amenity impacts. Plans TP600 and TP605 (overlooking analysis) details how the vertical separation of the upper-level offices and the adoption of a ‘podium’ and limited screening treatment will ensure that bulk, overlooking on adjoining properties are not unreasonable within the ACZ1 context (Clause 21.06-3).

The shadow diagrams (plans TP500-TP506, TP510-TP511) detail additional shadowing of private open space areas to the west and east of the site, however these dwellings are also located within the ACZ1. Amenity impacts must therefore be balanced against the benefits attributed to the ACZ1.
and the zone objectives. Considering the orientation of the lot, as the shadowing impacts to the west are only in the morning and to the east are only in the afternoon, this is an acceptable planning outcome in this instance and will not unreasonably impact the amenity the adjacent dwellings within the ACZ1.

- The shadow diagrams also represent a vast improvement to the public realm, with reduced shadowing of Victoria Street and the southern footpath throughout the day at the Equinox. In particular, these plans show there will be no shadowing of the southern footpath at this time. This is above and beyond the ACZ1 expectations, noting the southern envelope is recessive compared to the setbacks contemplated in the zone at this southern interface.
- The high standard of internal amenity will be provided and can be confirmed by way of a permit condition requiring a detailed acoustic report (Clause 21.06-3, Clause 21.06-7).
- The building adopts a physical design that is safe and accessible for a wide range of people, including those with limited mobility. The building has been designed with a clearly identifiable entrance, communal facilities and signage and maintains a high level of permeability at the primary street edge. Opportunity for passive surveillance to both High and Victoria Streets is achieved through the active ground level uses, glazing at ground level and above, and inclusion of communal terraces at levels 2, 3 and 5 provide passive surveillance of the public realm (Clause 21.06-9).

An assessment against the relevant local planning policies is set out below.

6.2.1 Assessment against Clause 22.05 Environmentally Sustainable Development

An SMP in response to Clause 22.05 was provided with the previous application (Attachment 4). Our client would accept a permit condition requiring an amended SMP in response to the amended proposal to continue the commitment to a best practice ESD outcome.

The amended will continue to target benchmarking to a Green Star pathway for the achievement of an equivalent performance 5 Star Green Star Design & As Built v1.2 rating.

Notably, key innovations incorporated in the previous application included:

- Increased daylight levels in all regularly occupied spaces.
- Automated lighting control systems, such as occupant detection and daylight adjustment to reduce energy consumption.
- High performance air conditioning engineered to reduce energy consumption coupled with cost effective installation in comparison to more conventional air conditioning approaches.
- Water conservation using high efficiency fixtures, rainwater harvesting via a 10,000L rainwater tank and re-use of harvested water for toilet flushing and to supplement onsite irrigation.
- Sustainable material selection (low VOC paints and carpets).
- Waste management during construction.
- Sub-metering and monitoring for energy and water.

6.2.2 Assessment against Clause 22.18 Stormwater Management (Water Sensitive Urban Design)

A Water Sensitive Urban Design Response (contained within the SMP prepared by UMOW Lai Pty Ltd – see section 3.1.2) was prepared as part of the previous application in response to Clause 22.18 (Attachment 4). Our client has advised that they would accept a permit condition requiring an amended WSUD Response in line with the current scheme. This will ensure that the objectives of Clause 22.18 are achieved.
6.3 Does the proposal satisfy the purpose of the Activity Centre Zone, the relevant objectives, built form requirements and design and development guidelines applicable to Precinct 4 – Windsor Village and Sub-Precinct WV-1?

6.3.1 Land Use

As noted above, a permit is required pursuant to Clause 3 of the ACZ1 to use the land for the purpose of an office given that it is proposed at ground level on land designated for Main Street Uses and as the office lobby exceeds a width of 2 metres.

Having regard to the general land use objectives of the ACZ1 and those specific to the WV-1, as well as the decision guidelines of ACZ1, the proposed use of the application site for the use as an office is appropriate for the following reasons:

- The office use is complementary to and an expected use within a Neighbourhood Activity Centre. It will contribute to the achievement of a mixture of uses in the centre and help provide a focus for business. It is one of three uses proposed on the site, the others being Shop and Food and Drink Premises.

- The proposed ground level office tenancy is located to the rear of the building, with a frontage to Victoria Street which represents the residential interface to the NRZ to the south. It is an employment generating use in a highly accessible location that is relatively benign in respect of off-site amenity impacts.

- The ground level office tenancy will not be visible from the site’s primary street frontage on High Street. This frontage is otherwise dominated by active retail tenancies on either side of the office lobby entrance. At ground level, the building will therefore predominantly present as a retail use (shop and food and drinks tenancies).

- While the office lobby entrance is wider than 2 metres, the office use itself is generally restricted to the upper floors of the building to ensure a mixed-use development outcome is achieved consistent with the ACZ1.

- While the office lobby is over 2 metres wide (hence a planning permit is required for ‘office’ use), the site has a frontage of over 45 metres to High Street, ensuring the commercial tenancies will appropriately dominate this frontage and positively activate and contribute to the activity centre. The office lobby is appropriately deigned and identified in this regard and in this context.

- Whilst identified as an office under the proposed development, the ground level office tenancy is sufficiently flexible to be adapted to an alternate activity centre use.

6.3.2 Building and Works

Building and works requirements relevant to the application site are derived from the purpose of the ACZ, the general objectives, the Windsor Village Built Form Requirements and decision guidelines of the ACZ1.

Clause 4.4 of Schedule 1 also sets out various design and development guidelines relating to height and massing, setbacks, residential buildings, overshadowing, building adaptability, heritage, public realm interface, ESD, materials, noise attenuation, movement, car and bicycle parking, open space and landscaping matters. Significantly, there are no mandatory built form requirements applicable to the application site under the ACZ1.

An assessment against the identified built form requirements is provided below:
Height and massing requirement

The site is located within a preferred 18 metre (5 storey) height area, where the street wall to High Street should be 12 metres with any upper-level setback at least 4 metres behind the street wall. Significantly, these are ‘preferred’ rather than mandatory controls.

The proposal is for a 6 storey, 25.9 metre (including lift overrun) building with a 3 storey (12.8 metre) street wall height and average setbacks of 4 metres to the north and 4.5 metres from the east and west.

Height and massing guidelines

Considering the guidelines, the variations from the ACZ1 are supported for the following reasons:

- The site is over 2,000m² within an ACZ1 and the principal Chapel Street Activity Centre. Higher densities are encouraged in these areas which are well serviced by infrastructure, services and local amenities;

- The street wall height of the existing building and those along the south side of High Street are generally 2-3 storeys (or 3-4 storeys being the modern equivalent). The site to the east presents a 4-storey street wall (generally the same height as the subject site façade), with TP201 demonstrating that the High Street façade will be generally the same height as the building at 208-210 High Street. The proposed 3 storey street wall will therefore respect the character of the area.

At between 12.8 metres, the proposed street wall is generally consistent with the 12-metre preferred street wall height under the ACZ1.

- While taller than the preferred overall height, the development is highly articulated and visually distinct from the ‘podium’ with levels 3 and 4 vertically articulated with curved blades and level 5 presenting as a stylised ‘cap’ with a horizontal charcoal blade.

While the levels 3 and 4 fins encroach within the preferred minimum 4 metre upper level ‘tower’ setback of the ACZ1, these elements are limited to architectural features and ensure the upper levels remain as secondary elements behind the street wall and will not unreasonably impact the public realm.

The average setback also enables the building to replicate the fine grain subdivision that is visible along High Street on a vertical scale. This stepped setback creates visual interest and sophisticated articulation to break up the building mass given the long primary frontage.
- Being on the south side of High Street, the variation from the preferred maximum height will not impact the direct sunlight along High Street.

- The street wall will remain lower than the approved development on the north side of High Street (being 6 storeys).

- There is a Heritage Overlay commencing to the west of the site.

Plan TP202 demonstrates that the High Street facade would offer a suitable single storey transition to the heritage façade to the west; respecting this interface.

The High Street façade would also feature a brick ‘base’ with vertical framing elements at levels 1 and 2 to provide an anchor to the architectural composition, while also creating a vertical grain in keeping with the character of the street. Notably, the proposal will not only respond more appropriately to the site context than the existing building, but it will also positively activate the pedestrian realm in this section of the activity centre.

The façade composition and palette of materials provides a sensitive interface to the adjacent heritage place (fine grained without being dominant).

- Relying on the Community Benefit Analysis prepared by Demasi & Co, the use (and development) for the land as an office or mixed-use development as proposed would offer a significant community benefit ‘... given the objectives and aspirations for both the broader Chapel Street Activity Centre and the Windsor Village precinct’.

### Interface Setback Requirements

Table

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Application</th>
</tr>
</thead>
<tbody>
<tr>
<td>Under the ACZ1, the rear interface to Victoria Street should be no more than 12 metres with the levels above setback behind a 45-degree line from the top of this wall. While this is a ‘preferred’ rather than mandatory control, plans TP203 and TP204 demonstrate how the proposal complies with this preferred control and responds appropriately to the site context.</td>
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<tr>
<td>The eastern and western boundaries are to be set back a minimum of 4.5 metres to side boundaries to a height of 27 metres at which point the side setback should increase 10 metres. Notably, the proposal does not exceed 27 metres. This requirement applies where there are adjacent lots with existing or proposed habitable room windows.</td>
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<tr>
<td>The proposal seeks an approximate setback of 4.5 metres to the east and west above the podium (noting the irregular title boundaries). Given there are only segments of the floor plate and the architectural features projecting marginally into these setbacks, the proposal is appropriate with</td>
<td></td>
</tr>
</tbody>
</table>
Interface setback guidelines

- To Victoria Street, the podium façade is articulated and anchored with masonry, rising to a maximum height of 11.9 metres, which is consistent with the 12-metre preferred maximum.

- The site to the east along Victoria Street has been approved for a 5 storey (plus roof terrace) dwelling and hostel building, ensuring the 4-storey street wall height respects the existing and future character of the north side of Victoria Street.

- At the upper levels, plans TP203 and TP204 demonstrate that the proposal meets the rear interface setback requirements, ensuring that the development does not unreasonably dominate Victoria Street.

- Plans TP600 and TP605 deal with overlooking, demonstrating how the side setbacks and vertical separation of the office levels from nearby private open space areas and habitable room windows will not result in unreasonable overlooking. A combination of screening and balustrades/parapets are proposed to minimise the area of visibility and restrict outward views.

- Considering the ACZ1 zoning of the land and the Neighbourhood Activity Centre positioning, the upper-level side boundary setbacks are acceptable in this policy and physical context.

Overshadowing requirements

Plans TP500 to TP506 demonstrate that at the equinox, there will be no additional shadowing over the southern Victoria Street footpath. In fact, the proposal reduces the shadowing cast over the public realm considering the height of the existing building on the site.

Overshadowing guidelines

Again, the proposal represents an improved shadowing outcome for Victoria Street, with no shadows to be cast over the southern footpath at the Equinox.

Building adaptability requirements

The development provides 4.5 metre floor-to-floor heights at the ground level and 3.8 metre floor to floor heights the first and second floor offices allowing for sufficient flexibility and adaptability within these spaces.

Heritage sites guidelines

The first section of this table has already outlined how the proposal responds to the adjoining heritage place to the west. In particular, the street wall heights to Victoria and High Street, the vertical articulation of the street wall and the use of fine-grained materiality (mixture of face brick and glazing with metal framing to Victoria Street) ensures that the proposal respects the abutting heritage place.
The upper levels have also been sufficiently setback to ensure these elements do not dominate the heritage building stock in Victoria or High Streets to the west.

Views and landmarks guidelines
The site is not within close proximity of any Key Strategic Development Sites or Key Landmark Buildings.

Public realm interface guidelines
To High Street, the ground floor frontage incorporates clear glazing to the Shop and Food and Drink Premises and office lobby; positively activating the street. Sight lines are clearly provided into these tenancies from the street.

The shop and food and drinks premises are also orientated to High Street (as opposed to Victoria Street) to appropriately activate this commercial interface.

An awning to High Street will further improve the pedestrian amenity along this section of the Neighbourhood Activity Centre. The development does not include large expanse of services to either frontages, with services and amenities positioned in the basement (where possible).

Environmentally Sustainable Design (ESD) guidelines
The previous SMP prepared by Umoq Lai outlined numerous ESD initiatives incorporated into the design of the building. This included the provision of a rainwater harvesting system for toilet flushing and irrigation, graduated glass fritting, communal garden and integrated planter boxes, high performance glazing and environmentally preferably internal finishes. Our client would accept a permit condition requiring an amended SMP in line with this scheme, continuing this commitment to a best practice ESD outcome.

Materials guidelines
Plan TP205 outlines the range of high-quality materials selected for the project, including medium masonry, grey render finishes, clear glazing, charcoal metal cladding and acoustic screens, grey perforated privacy screens and vertical louvres in brownish red and reddish yellow tones.

Noise attenuation guidelines
The previous application included an Acoustic Report, prepared by ADP Consulting: Engineering. Our client would accept a permit condition requiring an amended Acoustic Report, reflecting the current scheme to ensure a high level of internal amenity continues to be achieved.

Parking guidelines
We continue to rely on the previously submitted Traffic Report prepared by Salt® for car parking and traffic considerations and note that our client would accept a permit condition requiring an amended Traffic Report, Waste Management Plan and the submission of a Green Travel Plan to confirm its commitment to a functional and well-managed car park.

Public realm and movement requirements
The precinct map at section 5.4-1 of the ACZ1 does not outline any recommended pedestrian or cycling links near or through the site.
Public realm and movement guidelines
The High Street frontage will partially increase the accessible footpath area for pedestrians (albeit within private land) to improve the public realm experience.

The development also separates the primary pedestrian frontage (High Street) from the vehicular entry from Victoria Street.

Open Space and landscaping requirement
The development includes open space areas at levels 2, 3 and 5, offering high amenity spaces for office staff. Should a permit issue, our client would accept a permit condition requiring a detailed landscape plan to demonstrate the high-quality spaces being provided.

Open Space and landscaping guidelines
A rainwater harvesting system is proposed, including a 10,000-litre rainwater tank. Our client would accept a permit condition requiring a detailed SMP to ensure the commitments of the previous application are maintained.

6.3.3 Decision Guidelines
The application meets the relevant decision guidelines at Clause 8 of Schedule 1 as follows:

- The proposal generally supports the vision and objectives of the Chapel reVision Structure Plan, including 'To retain and enhance the Chapel Street area’s role as a premier metropolitan and higher order shopping, entertainment, tourism, business, civic, community and cultural destination, with a strong local community role that continues to serve the needs of people living and working in the area';

- All floors have generous floor to ceiling heights to make these spaces adaptable;

- The provision of ground floor retail uses and upper level office floorspace offers a reasonable land use mix in this location and meet the precinct objectives contained at clause 5.4-2, being a mix of commercial (office) and retail (shop and food and drink premises) uses;

- The uses support a vibrant mixed-use economy within the Activity Centre;

- The proposal has been massed in response to the Neighbourhood Residential 3 Zoning on the south side of Victoria Street, with significant upper level setbacks and design detailing to break up this elevation and provide visual interest;

- As already outlined, the massing and design detailing appropriately responds to the Heritage Overlay to the west of the site;

- While taller than the preferred overall building height, the street wall heights are generally consistent with the preferred podium heights under ACZ1 (requiring only relatively minor variations). The design also includes a fine grain to the materiality and ground level division of tenancies to ensure the proposal responds to the urban village feel within this Precinct;

- Our client would accept a permit condition requiring a detailed SMP to ensure that the numbers environmentally sustainable design initiatives in the previous application are incorporated into this design to achieve ESD best practice.
The incorporation of a Shop, an office and Food and Drink Premises each with separate ground level access and a commercial lobby along the High Street provides for active uses and passive surveillance of public spaces which will create a safe, activated environment;

- The proposal is not an underdevelopment of the site, being an ACZ1 parcel of over 2,000m² within an Activity Centre;

- A permit condition can require an acoustic report to ensure future occupants are afforded a reasonable level of amenity;

- The development includes basement car parking, which will not unreasonably impact the public realm (being located below street level) and via a reduced car parking rate to encourage staff, residents and visitors to utilise public transport, walking and cycling options; and

- As outlined on plans 600 and 605, the design has utilised vertical separation distances to minimise the need to provide privacy screening to both provide a high amenity outcome for existing residents and proposed office users.

For the reasons, the proposed built form and land uses comply with the relevant VPPs and the LPPF, including the ACZ1.

### 6.4 Does the proposed development appropriately address off-site amenity impacts?

The amenity objectives of the ACZ1 emphasize the liveability of the activity centre and creation of a high-quality environment. The nature of the proposed land use is relatively complementary to the residential neighbourhood to the south; retail uses are largely concentrated on the High Street frontage and the office use presents a low-level conflict with residential uses.

The ACZ1 also seeks to protect and enhance amenity within the activity centre and surrounding established residential neighbourhoods. A particularly relevant consideration in the assessment of any proposed development is the amenity it offers future occupants and the likely impact it may have on the amenity of adjoining neighbours.

The 3-storey podium and upper-level office layout offers a site responsive design approach that creates a reasonable level of amenity considering the dwellings to the west are also within the ACZ1. Victoria Street also offers an approximately 8.2 metre separation from the dwellings on the south side of the street.

The proposed development has been carefully designed to avoid and mitigate unreasonable amenity impacts as demonstrated below:

- The limited (3 storey, approx. 12 metre) street walls to Victoria and High Street, the vertical articulation of the street wall and the use of fine-grained materiality (mixture of face brick and vertical fins to High Street) ensures that the proposal respects the abutting heritage place. The upper levels have also been sufficiently setback to ensure these elements do not dominate the heritage building stock in Victoria or High Streets to the west.

  The proposal has been massed in response to the Neighbourhood Residential 3 Zoning on the south side of Victoria Street and to avoid adverse visual bulk impacts via a raked 45-degree southern interface, the proposal complies with the preferred setbacks from Victoria Street (as evidenced on plans TP203 and TP204).

- The potential for unreasonable overlooking is managed by side setbacks and vertical separation, meaning a limited amount of additional screening will be required. This achieves a high amenity outcome on and off the site.
• While taller than the preferred height of the ACZ1, there will be no shadowing over the southern Victoria Street footpath at the equinox. The proposal represents an improved shadowing outcome to Victoria Street compared to existing conditions.

The shadow analysis also indicates that while the proposal will generate additional shadow to adjoining residential properties, the majority of additional shadow will occur either between 9am and 11am to the west and between 1pm and 3pm to the east, impacting portions of the roof and private open space at this time. Additional shadow impacts must be balanced with the benefits attributed to adjoining dwellings being located in the Neighbourhood Activity Centre, noting that dwellings and private open space on either side of the proposed development will maintain relatively uninhibited solar access outside these times.

Balancing the policy guidance within the VPPs and LPPF, it is considered a development of this scale is acceptable on this site, without tipping the balance of unreasonably impacting the nearby dwellings or public realm.

• The incorporation of urban greening in the form of level 2, 3 and 5 terraces provides visual interest and relief. Together with the façade detailing and boundary setbacks, the sophisticated and practical design response softens the built form and is designed appropriately to the site’s context.

• Notwithstanding Victoria Street operates as a one-way local road and will provide vehicle access to the basement car parks, the traffic impact analysis (Attachment 4) demonstrates that the proposal will generate relatively low traffic volumes and result in a very low probability of queuing and acceptable operating conditions are the Chapel Street /Victoria Street and High Street / Hornby Street intersections.

6.5 Does the proposal achieve a safe and efficient outcome with respect to car parking and access?

It is submitted that the proposed development’s car parking and traffic impacts are appropriate and reflect the objectives and requirements of Clause 52.06 and relevant State and Local Planning Policies (including Clauses 18 and 22.05).

A Traffic Engineering Assessment and a Waste Management Plan was prepared by Salt³ for the previous application. We note that a green travel plan and amended traffic and waste management plans could be required by way of a permit condition.

Given the car parking reduction is similar to the previous application, we continue to rely on the Traffic Engineering Assessment prepared by Salt³ (Attachment 4). This report concludes that the proposed reduction in car parking is acceptable given:

• The Car Parking Demand Assessment suggests that all long-term car parking can be accommodated on-site (again, this application is for 1 storey less than the previous scheme, with the same number of parking spaces confirming that the parking supply will continue to meet anticipated demands).

• This adjusted rate can be supported on the basis that the site is located in a high-density inner-ring suburb with a range of highly accessible sustainable transport options and where employee parking demand will be moderated by the available on-site car parking supply as well as a variety of surrounding short-term parking restrictions that discourage employees from driving to work.

• Any short-term customer/visitor parking demands are likely to be similar or lower than the existing parking deficiency of the John Blair Honda premises, and will be accommodated on-street as per existing conditions.

• The site’s immediate access to the Principle Public Transport Network and Principle Bicycle Network make sustainable active transport an attractive and efficient travel option.
The reduction in parking provision is commensurate with transport objectives outlined in the Scheme including:

- Objective 1, 1.1, 1.2, 4 & 4.2 of Clause 21.08-2
- Objective 2, 2.1, 2.2 & 2.5 of Clause 21.08-3
- Clause 18.02-1S
- Clause 15.02-1S
- A lower car parking rate will reduce congestion and amenity impacts on nearby streets.

The provision of 34 bicycle spaces and associated End of Trip significantly exceeds the Planning Scheme requirement. Bicycle parking is coupled with extensive end of trip facilities to encourage sustainable transport for staffs and visitors.

A Green Travel Plan can be required by way of a permit condition to further encourage sustainable transport modes.

The design of the car parking and vehicle access arrangements is in accordance with the Scheme and Australian Standards (as relevant) with the exception of column placement for a small number of parking spaces. However, this is acceptable given the structural constraints and the fact this is a private, low-use car park.

Loading requirements would be accommodated by the existing loading zone on Victoria Street that services John Blair Honda and a loading bay located in the basement.

Waste collection could be accommodated on-site within the basement, with details being confirmed by way of a permit condition.

SIDRA analysis confirms the additional traffic generated by the proposed development will have negligible adverse impact on the safety and operation of the surrounding road network. Subsequently, it is considered that there is no cause related to parking or traffic to inhibit the granting of a planning permit for the proposed commercial development.
7.0 CONCLUSION

The proposal will facilitate the efficient utilisation of a strategically located site, in line with various State and Local Planning Policy objectives. It will contribute to the provision of commercial uses along High Street, the Principal Public Transport Network and within the Windsor Village Neighbourhood Activity Centre (directly abutting the Chapel Street Principal Activity Centre), while also offering a significant community benefit.

The redevelopment of the large application site with dual road frontages and located proximate to a variety of services and facilities, is respectful of its local context and preferred future neighbourhood character.

The design response has been conceived from a comprehensive understanding of the surrounding character and site opportunities and constraints. It adopts a form and scale that is appropriate in the existing streetscape and the Activity Zoning of the land.

The proposed built form is articulated and provides visual interest and recessed at the upper levels from sensitive side boundaries, Victoria Street and High Street to avoid the potential for visual bulk impacts and external amenity impacts. It incorporates genuine and context appropriate landscaping opportunities and maintains a high standard of on-site amenity consistent with its desire to creating a new generation of work places; the work-place village.

The development meets the objectives of the VPPs, the LPPF, provisions of the Activity Centre Zone and associated Schedule 1 relevant to the Precinct 4 Windsor Village, Windsor Village Sub-Precinct 1. It is furthermore supported by appropriately designed basement car parking facilities, ingress and egress on High Street, waste management arrangements and landscaping treatments.

For the reasons outlined in the proceeding sections, it is submitted that the development is worthy of a planning permit, subject to standard planning permit conditions.