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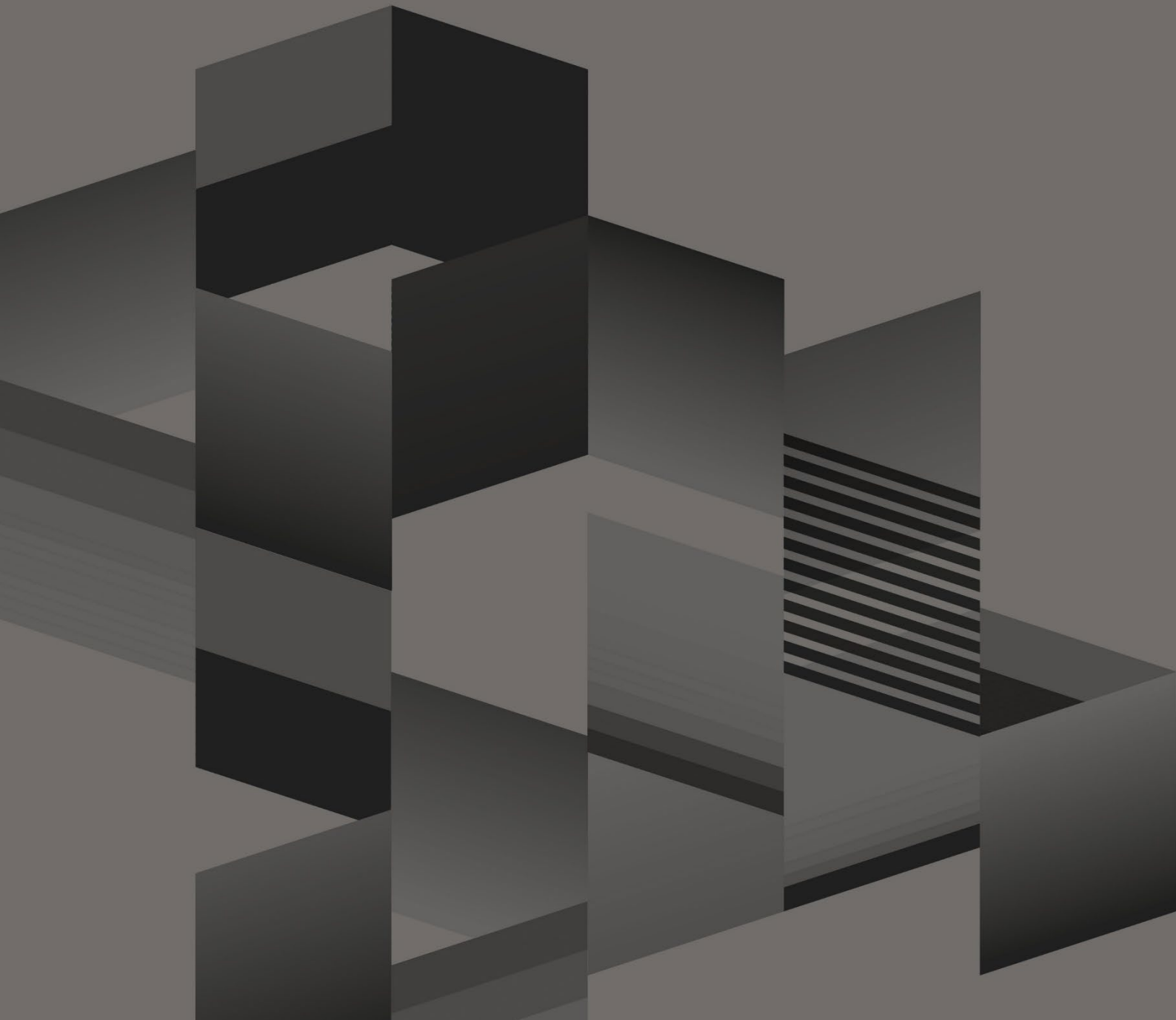
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**PLANNING REPORT**

**73 – 75 KINGSWAY, GLEN WAVERLEY**

**JUNE 2022**





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## 1 INTRODUCTION

This planning report has been prepared on behalf of the owner of the land to support an amendment application to permit TPA/50168/A to introduce a roof top bar to the approved development at 73 – 75 Kingsway, Glen Waverley.



The application includes converting an approved office space at the sixth storey of the development to a bar and then adding a small seventh storey bar which has access to a large outdoor terrace / dining area as shown in the imagery above and below.



This report focusses only on the amendments to the approved design and it is considered that this application that will enhance the overall quality and amenity of the building form and positively contribute to the economic prosperity of the area.

The application is accompanied by amended development plans, title information and a traffic engineering report. The application form has been completed online.



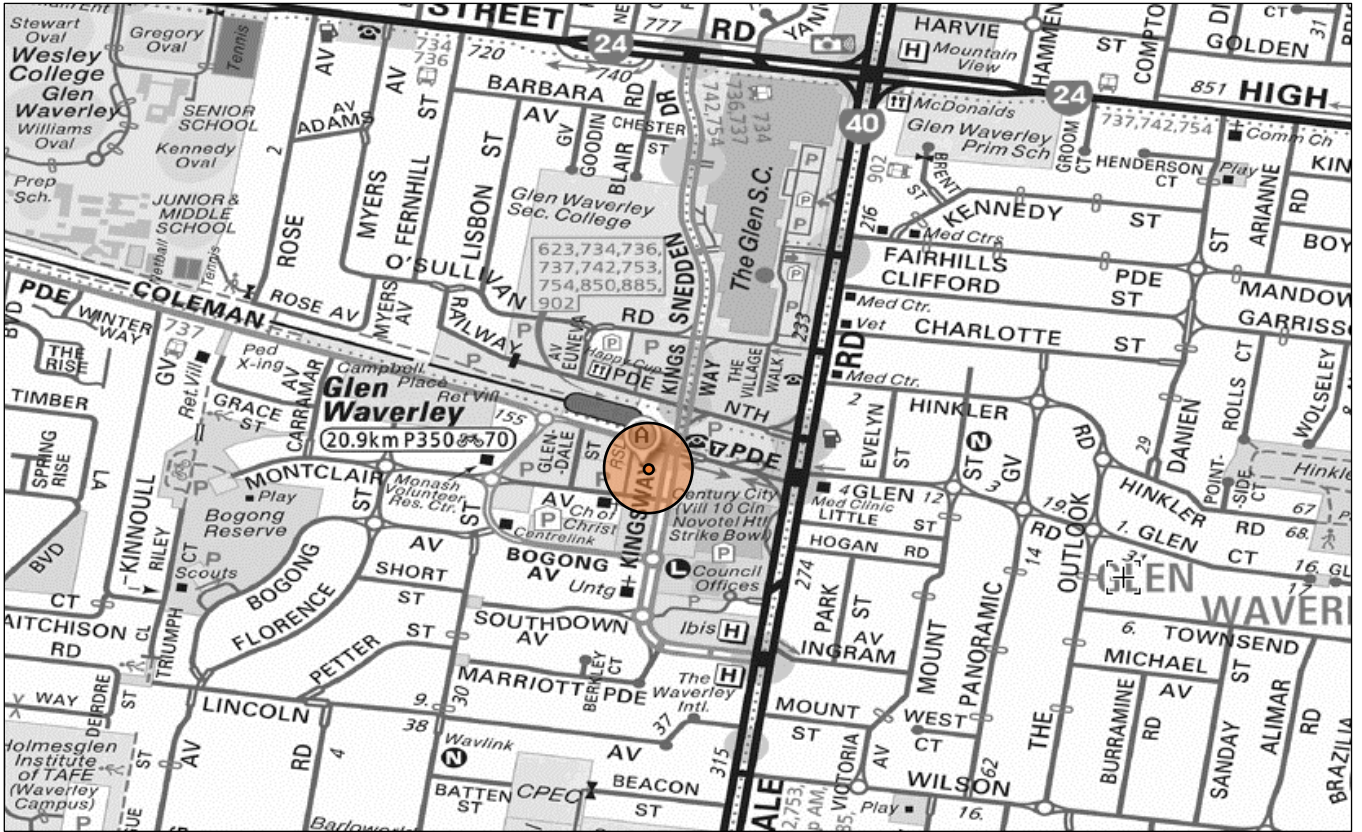
**2 PERMIT APPLICATION SUMMARY**

<b>Address</b>	73 – 75 Kingsway, Glen Waverley.
<b>Land Description</b>	Lot 1 on Title Plan 619612E. Volume 08464 Folio 904. Lot 1 on Title Plan 449463Q. Volume 07715 Folio 062.
<b>Site Area</b>	371.5 square metres.
<b>Site Shape</b>	Rectangular.
<b>Site Dimensions</b>	12.19 metres x 30.48 metres.
<b>Existing Conditions</b>	73 Kingsway includes a two storey building form used as a hair salon and beautician / massage salon. This property includes one car parking space. 75 Kingsway includes a single storey building used as a shop (optometrist). This property includes two car parking spaces.
<b>Approved Development</b>	Development and use of land for a six (6) storey building (plus basement) comprising food and drink premises and offices, and a reduction in the car parking requirement to zero.
<b>Proposed Amended Development</b>	Development and use of land for a seven (7) storey building (plus basement) comprising food and drink premises (including a bar) and offices, and a reduction in the car parking requirement to zero.
<b>Proposal Details</b>	The proposal is for a change in use of the approved upper floor (level 5) of office floor area and construction of a part level with open terrace for the purpose of a rooftop bar with a total floor area of 405 square metres. <i>It is noted that this application does not include the sale or consumption of liquor pursuant to the requirements of Clause 52.27. This will be applied for separately by the occupier of the bar.</i>
<b>Zone</b>	Commercial 1 Zone (C1Z).
<b>Overlays</b>	Design and Development Overlay – Schedule 12 (DDO12).
<b>Applicable Permit Trigger(s)</b>	C1Z – A permit is required to a construct a building or construct or carry out works. DDO12 - A permit is required to a construct a building or construct or carry out works. Clause 52.06 – A permit is required to reduce (including reduce to zero) the number of car parking spaces required. <i>It is noted that a ‘Bar’ falls within the definition of ‘food and drink premises’, which falls within the definition of ‘retail premises’ as defined in Clause 73.03 of the Monash Planning Scheme. As a result the use of the site for a ‘Bar’ is a Section 1 use within the Commercial 1 Zone and no permit is required for the use.</i>
<b>Applicable Planning Scheme Provisions</b>	Planning Policy Framework – Clauses 11, 15 and 16. Local Planning Policy Framework – Clauses 21.01, 21.05, 21.06, 21.13, 22.04, 22.13 and 22.14. Zones – Clause 34.01. Overlays – Clauses 43.02. Particular Provisions – Clauses 52.06 and 52.34. General Provisions – Clause 65. Operational Provisions – Clause 73.01 and 73.03.
<b>Reference Document</b>	Glen Waverley Major Activity Centre Structure Plan 2014 (Updated June 2016).
<b>Encumbrances on Title</b>	None.
<b>CHMP Triggered</b>	No.





3 LOCATION



Source: <http://www.street-directory.com.au/>

4 AERIAL OF SITE AND SURROUNDS



Source: <http://maps.au.nearmap.com/>





## 5 PHOTOGRAPHS AND DESCRIPTION OF SITE AND SURROUNDS



View of the subject site from Kingsway. This shows the existing double storey building on 73 (right) and single storey building on 75 (left).



View of the rear of the subject site from within the laneway.



View towards the rear of the subject site from Montclair Avenue.



View of the subject site from Kingsway with the six storey development at 52 Montclair Avenue in the background.





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View of the six storey building at 52 Montclair Avenue (right) and the development site at 54 Montclair Avenue (left).



View of the ten storey development at 39 – 53 Kingsway.





## 6 PLANNING ASSESSMENT

The proposal is for a change in use of the approved upper floor (level 5) of office floor area and construction of a part level with open terrace for the purpose of a rooftop bar with a total area of 405 square metres. The proposal has been assessed against the objectives and standards of the applicable clauses of the Monash Planning Scheme and it is considered that the proposal is appropriate for the following reasons:

- The overall architectural outcome is enhance through the activation of the roof top and is considered to offer a high standard of urban design and amenity, the scale and form that is generally consistent with the preferred built form outcome for this area. It will also contribute to the economic prosperity and diversification of the area, in accordance with Clause 11 (Settlement), Clause 11.03-1S (Activity Centres), Clause 11.03-1R (Activity Centres – Metropolitan Melbourne), Clause 15 (Built Environment and Heritage), Clause 15.01-2S (Building Design), Clause 17.01-1R (Diversified Economy – Metropolitan Melbourne) and Clause 21.05 (Economic Development).
- The provision of a bar is expected to positively contribute to meeting the community's needs and will complement the balance of uses proposed within the building and broader area. It is noted that no planning permit is required for the use, but it is considered that the use will advance the vision for the area outlined in Clause 21.06 (Major Activity and Neighbourhood Centres) which promotes development and expansion of retail, entertainment, community and related facilities appropriate to the centre's role and seek to establish 'Kingsway as a vibrant and engaging civic spine by strengthening its hospitality, entertainment and retail focus'.
- The proposal positively responds to Clause 22.14 (Glen Waverley Major Activity Centre Structure Plan), Schedule 12 to Clause 43.02 (Design and Development Overlay - Glen Waverley Major Activity Centre), the Glen Waverley Activity Centre (GWAC) Structure Plan 2014 (Updated 2016) and the Glen Waverley Activity Centre (GWAC) Sustainable Transport Plan 2014 as follows:
  - The proposed mix of uses (including the bar) reinforces the GWAC as the premier food and entertainment destination in the region and as a major retail destination meeting both regional and local needs.
  - The proposed mix of uses (including the bar) is consistent with the preferred uses for Area 1 (Central Mix Use) and Precinct 1 (Kingsway) which include (but are not limited to) a mix of hospitality, entertainment, retail and offices.
  - The proposal includes a seventh storey which exceeds the preferred height of six storeys, however this is considered to be appropriate for the following reasons:
    - The building form will continue to present as a six storey building to Kingsway as the additional floor area at the seventh storey is setback significantly from the street. Refer to the 3D's provided in the introduction to this planning report.
    - The proposal steps up to the rear where there is an interface with Precinct C which has a preferred height of 'more than 8 storeys'.
    - When the adjoining properties are developed in a similar manner to the subject site, it is expected that the seventh floor level (internal area) will not be visible from Kingsway and the intent of the DDO objectives in terms of height relative to Kingsway is met.
    - The proposal provides a landscaping outcome that is superior to the approved outcome as it allows for planters at the roof top level.
- The proposed bar requires a reduction to the parking requirements contained in Clauses 52.06 and 52.34 of the Monash Planning Scheme. An assessment of the application has been completed by Traffix Group and it has been determined that the change from an office to a bar with added level attracts a demand of 8 car spaces and 1 bike space when compared to the approved scheme. These spaces are not proposed to be provided on site and therefore Traffix Group have undertaken a comprehensive review of the proposal against the requirements and decision guidelines of Clauses 52.06 and 52.34 and conclude that the proposal is not expected to create any adverse parking or traffic impacts in the area. Their report accompanies this application and a summary of the key reasons this proposal is considered to be acceptable are as follows:
  - the Car Parking Demand Assessment contained within their report.
  - relevant planning policies that preference use of alternate transport modes over car based trips,
  - the site is located within an activity centre and in close proximity to a variety of everyday uses,

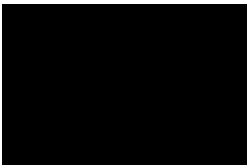


- the site is constrained to practically provide any meaningful level of car parking on-site as part of the change in use,
  - the proposed parking reduction is unlikely to have a negative impact on the activity centre,
  - off-site car parking impacts associated with the development will be minor and will not have any adverse impacts on the existing car parking conditions in the nearby area, and
  - the site is well served by public transport and alternative transport modes, including providing a high level of bicycle parking.
- The proposal is considered to be consistent with the orderly planning of the area and will not unreasonably impact on the amenity of the area or adjoining properties consistent with the requirements of Clause 65 (Decision Guidelines) as demonstrated throughout this report.

## 7 CONCLUSION

The proposal is considered to be a high architectural standard and one that will achieve the objectives for this site as outlined in the Planning Scheme, in particular the Glen Waverley Major Activity Centre Structure Plan. It is also expected to stimulate development along Kingsway and strengthen the economic viability of the area by introducing a range of uses including food and drink premises, offices and the new bar use.

We therefore consider the design response to be appropriate and consistent with the relevant considerations within the Monash Planning Scheme.



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