



7.1 217/2019 - 11-17 DORCAS STREET, SOUTH MELBOURNE -
20 STOREY TOWER, DWELLINGS AND RETAIL

LOCATION/ADDRESS: 11-17 DORCAS STREET, SOUTH MELBOURNE

EXECUTIVE MEMBER: LILI ROSIC, GENERAL MANAGER, CITY STRATEGY AND
SUSTAINABLE DEVELOPMENT

PREPARED BY: MICHAEL MOWBRAY, PRINCIPAL PLANNER

1. PURPOSE

1.1 To consider and determine an application for the use and development of a 20-storey mixed use building containing dwellings (58) and retail premises at ground level.

2. EXECUTIVE SUMMARY

WARD:	Gateway
TRIGGER FOR DETERMINATION BY COMMITTEE:	No. of objections exceeds 15.
APPLICATION NO:	217/2019
APPLICANT:	Urbis
EXISTING USE:	Office
ABUTTING USES:	Commercial
ZONING:	Commercial 1 Zone
OVERLAYS:	Design and Development Overlay (Schedule 14) Design and Development Overlay (Schedule 26-1c)
AREA OF ABORIGINAL CULTURAL HERITAGE SENSITIVITY?	No
STATUTORY TIME REMAINING FOR DECISION AS AT DAY OF COUNCIL	Expired

- 2.1 The application seeks permission for the development of a 20-storey building at the site that would accommodate a total of 58 dwellings with retail floor space at ground level. The proposal also includes a reduction in the required car parking rate.
- 2.2 Following notice of the application, 137 objections have been received. Objectors have raised concern about the potential shadowing impacts of the building, traffic generation, car parking, wind impacts, amenity impacts, the design of the building, the impact upon the heritage setting of the adjacent building (336-340 St Kilda Road), drainage and infrastructure.
- 2.3 A consultation meeting was held on 10 December 2019. The meeting was attended by Ward Councillors, Council planning officers, objectors and the permit applicant. The consultation meeting did not result in the submission of formally revised plans.



- 2.4 The proposed residential development above retail floor space is consistent with State and Local Planning Policy framework. The site is strategically located for increased residential densities and is in an area identified for residential growth. The retail component would have a minimal impact upon the amenity of existing or future residents within the surrounding area.
- 2.5 The site is located within a Design and Development Overlay (DDO26) which determines mandatory and discretionary built form outcomes. The proposed development would meet the mandatory building height (70m AHD) for the sub-precinct. The proposed development would not overshadow the Shrine of Remembrance or its northern forecourt during the specified times under the Design and Development Overlay.
- 2.6 An innovative response to the podium / tower form sought in this precinct is proposed through a unique, high quality, curvilinear design with slight reductions from the required setbacks. This is considered an appropriate design response to an area where there is a noticeable variation in a podium / tower character.
- 2.7 Above the podium, the building would provide a 4.5m setback from the centre of the adjacent laneways. This would provide a suitable built form response to existing interfaces and the future redevelopment of adjacent sites.
- 2.8 The development would include a varied mixed of apartment types and provide a high standard of internal amenity and private open space.
- 2.9 The development would provide car parking spaces that are generally consistent with the rate of car parking required by the Planning Scheme, with a surplus of car parking for the dwellings and a reduction sought for the retail use. It is recommended that 2 of the surplus spaces for the dwellings be allocated for visitor parking. The development includes a loading bay that can accommodate a small rigid vehicle to the rear that would be accessible from Middleton Lane.
- 2.10 Given the anticipated increase in traffic generation, it is considered necessary to provide improvements to minimise traffic congestion and conflict within the adjacent laneways. A condition has been included which requires passing bays to be provided to the south and eastern boundaries of the site which would facilitate a smooth flow of vehicles accessing and egressing the site and beyond.
- 2.11 It is concluded that subject to conditions, the proposal is an acceptable development of the site which demonstrates general compliance with the applicable Design and Development Overlay.
- 2.12 The proposal is recommended for approval, subject to conditions below.



3. RECOMMENDATION

3.1 That Council adopt Recommendation "Part A" and "Part B".

RECOMMENDATION "PART A"

3.2 That the Responsible Authority, having caused the application to be advertised and having received and noted the objections, issue a Notice of Decision to Grant a Permit.

3.3 That a Notice of Decision to Grant a Permit be issued for the construction of a mixed use, multi storey building comprising a retail premises and dwellings at 11-17 Dorcas Street, South Melbourne.

3.4 That the decision be issued as follows:

1. Amended Plans required

Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and an electronic must be provided. The plans must be generally in accordance with the advertised plans prepared by Wood / Marsh architecture submitted with the application but modified to show:

- a) An additional pedestrian entry directly from Dorcas Street into the ground floor retail unit.
- b) The redesign of the development to incorporate the provision of a vehicle passing bay having a minimum carriageway width of 5.5m for a minimum length of 7m to both the south and east sides of the site, which include the following:
 - i) A reduced landscaping area along the eastern elevation
 - ii) The apron to the parking/loading bay area designed to indicate no obstructions
 - iii) Appropriate line marking and signage to identify the availability of the passing bays
 - iv) Swept path diagrams demonstrating that each passing bay allows two B99 vehicles to pass on Middleton Lane on the south and east sides of the subject site.
- c) The perforated metal screen proposed to the south and east elevation at the podium levels replaced with an alternative design and material finish which provides high quality articulation and visual interest and adequate screening of the car parking at these levels.
- d) Indication of the allocation of storage cages within the parking areas for residents of dwellings within the development only.
- e) Indication of the operability of all windows and external openings within the development.
- f) Specification that the external finishes must be of a type that does not reflect more than 15% visible light, when measured at angle 90 degrees to the surface.
- g) The proposed 1.8sqm terrace to Apartment type 1 at level 4 to the west side removed.



- h) Indication of a minimum separation of 500mm between all tandem car parking spaces with aisles widths maintained in accordance with Clause 52.06 of the planning scheme.
- i) The location of the proposed rainwater tank and details of connectivity or any other stormwater treatment to be consistent with the Sustainability Management Plan in accordance with condition 6.
- j) The north and south edges of the balcony of Apartment Type 12 increased by a minimum of 450mm to 3.35m and 1.45m respectively.
- k) The depth of the balcony of Apartment Type 13 increased by a minimum of 200mm (north to south dimension).
- l) Dimensions to the north and south sides of the balcony of Apartment Type 16 indicating the total length of both edges equates to a minimum of 4.8m
- m) The east and west sides of the main balcony of Apartment Type 17 increased to indicate the total length of both edges equates to a minimum of 4.8m.
- n) Indication that Apartment Types 05, 09, 10, 12, 13, 14 and 16 achieve all criteria under Standard D17 of Clause 58 (Accessibility).
- o) Indication that each apartment type achieves the required minimum storage space identified under Table D6 of Standard D20 (Storage) of Clause 58 (Apartment Developments).
- p) Indication of bins to be used for garbage and recycling.
- q) Indication of separate bin chutes for garbage and recycling on each floor at the residential levels.
- r) Details of the material finish and specification of the screening of plant and equipment at roof level.
- s) An urban art contribution in accordance with Condition 15.
- t) A coloured schedule of the materials, colours and finishes to be used on the main external surfaces, including roofs, walls, windows, doors of the proposed additions.
- u) All plant, equipment and domestic services (including air conditioning, heating units, hot water systems, etc.) which are to be located externally and specifically how they will be acoustically treated and include any details of any screening”
- v) Any alterations to the plans required by Conditions 3 (Landscaping)
- w) Any alterations to the plans required by conditions 6 (Sustainable Management Assessment).
- x) Any alterations to the plans required by Condition 13 (Waste Management).
- y) A notation on the plans that written confirmation by a Licensed Land Surveyor will be provided to the Responsible Authority verifying that the development does not exceed 60 metres in height above natural ground level (excluding building services as described at 4.0 of Schedule 26 of the Design and Development Overlay). This must be provided at frame stage, inspection and at final inspection of the building permit phase.

All to the satisfaction of the Responsible Authority.

2. No Alterations

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



3. Landscape Plan

Before the development starts (other than demolition or works to remediate contaminated land), a detailed Landscape Plan must be submitted to, approved by and be to the satisfaction of the Responsible Authority. When the Landscape Plan is approved, it will become an endorsed plan forming part of this Permit. The Landscape Plan must incorporate:

- (a) A survey plan, including botanical names, of all existing vegetation/trees to be retained;
- (b) Buildings and vegetation (including botanical names) on neighbouring properties within 3m of the boundary;
- (c) Significant trees greater than 1.5m in circumference, 1m above ground;
- (d) All street trees and/or other trees on Council land;
- (e) A planting schedule of all proposed vegetation including botanical names; common names; pot sizes; sizes at maturity; quantities of each plant; and details of surface finishes of pathways and driveways;
- (f) Landscaping and planting within all open space areas of the site;
- (g) Water sensitive urban design;

All species selected must be to the satisfaction of the Responsible Authority.

4. Completion of Landscaping

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

5. Landscaping Maintenance

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

6. Sustainable Management Plan

Prior to the endorsement of plans under condition 1 of this permit, a Sustainable Management Plan (SMP) that outlines proposed sustainable design measures must be submitted to, be to the satisfaction of and approved by the Responsible Authority. The amended SMP must be generally in accordance with the SMP titled 'Sustainability Management Plan, 11-17 Dorcas Street, South Melbourne Revision 2 Job No. MEL0508', prepared by ADP Consulting, dated 26 February 2019 but modified to include or show;

- a) A preliminary assessment of energy ratings
- b) A preliminary National Construction Code (NCC) Section J Energy Efficiency Deemed-to-satisfy or JV3 assessment
- c) Washing machines set as "default or unrated" if these appliances are not provided as part of the fit-out.
- d) Details of daylight reporting.
- e) Details of natural ventilation.



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

When approved, the Assessment will be endorsed and will then form part of this permit and the project must incorporate the sustainable design measures listed.

7. Incorporation of Sustainable Design initiatives

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

8. Implementation of Sustainable Management Plan

Before the occupation of the development approved under this permit, a report from the author of the Sustainable Management Plan (SMP) approved pursuant to this permit, or similarly qualified person or company, must be submitted to the satisfaction of the Responsible Authority. The report must confirm that all measures and recommendations specified in the SMP have been implemented and/or incorporated in accordance with the approved report to the satisfaction of the Responsible Authority.

9. Water Sensitive Urban Design

Before the development starts (other than demolition or works to remediate contaminated land) a Water Sensitive Urban Design Report that outlines proposed water sensitive urban design initiatives must be submitted to, be to the satisfaction of and approved by the Responsible Authority. The report must demonstrate how the development meets the water quality performance objectives as set out in the Urban Stormwater Best Practice Environmental Management Guidelines (CSIRO) or as amended.

When approved, the Report will be endorsed and will then form part of the permit and the project must incorporate the sustainable design initiatives listed.

10. Incorporation of Water Sensitive Urban Design initiatives

Before the occupation of the development approved under this permit, the project must incorporate the water sensitive urban design initiatives listed in the endorsed Water Sensitive Urban Design Report to the satisfaction of the Responsible Authority, and thereafter maintained to the satisfaction of the Responsible Authority.

11. Maintenance Manual for Water Sensitive Urban Design Initiatives (Stormwater Management)

Before the development starts (other than demolition or works to remediate contaminated land) a Maintenance Manual for Water Sensitive Urban Design Initiatives must be submitted to and approved by the Responsible Authority.



The manual must set out future operational and maintenance arrangements for all WSUD (stormwater management) measures. The program must include, but is not limited to:

- inspection frequency
- cleanout procedures
- as installed design details/diagrams including a sketch of how the system operates

The WSUD Maintenance Manual may form part of a broader Maintenance Program that covers other aspects of maintenance such as a Builder' User's Guide or a Building Maintenance Guide.

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

The developer must ensure that:

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

13. Waste Management Plan for Higher Density Residential Development

Before the development starts (other than demolition or works to remediate contaminated land), a Waste Management Plan based on the City of Port Phillip's Waste Management Plan Guidelines for Developments must be prepared by a Waste Management Engineer or Waste Management Planner to the satisfaction of the Responsible Authority and endorsed as part of this permit. The Plan must include reference to the following:

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



- Signage.

The Waste Management Plan must be generally in accordance with the Waste Management Plan submitted with the application prepared by Leigh Design (dated 22 March 2019) but must be amended to include changes required by conditions 1 p) and q) above.

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

14. Tree Protection

Before demolition begins, a tree protection management plan (TPMP), setting out how the street tree's will be protected during construction and which generally follows the layout of Section 5 (i.e. General, Tree Protection Plan, Pre-construction, Construction stage and Post Construction) of AS4970 'Protection of trees on development sites'. Must be submitted to and approved by the responsible authority. When approved the TPMP will be endorsed and form part of the permit.

15. Urban Art

Before the occupation of the development allowed by this permit, an urban art plan in accordance with Council's Urban Art Strategy must be submitted to, be to the satisfaction of and approved by the Responsible Authority. The value of the urban art must be at least 0.5% of the total building cost of the development to the satisfaction of the Responsible Authority. Urban art in accordance with the approved plan must be installed prior to the occupation of the building to the satisfaction of the Responsible Authority.

16. Alteration/Reinstatement of Council or Public Authority Assets

Before the occupation of the development allowed by this permit, the Applicant/ Owner shall do the following things to the satisfaction of the Responsible Authority:

- a) Pay the costs of all alterations/reinstatement of Council and Public Authority assets necessary and required by such Authorities for development.
- b) Obtain the prior written approval of the Council or other relevant Authority for such alterations/reinstatement.
- c) Comply with conditions (if any) required by the Council or other relevant Authorities in respect of reinstatement.

17. Noise Attenuation for Apartments

The building must be designed and constructed to achieve the following noise levels:

- a) Not greater than 35dB(A) for bedrooms, assessed as an LAeq,8h from 10pm to 3am.
- b) Not greater than 40dB(A) for living areas, assessed LAeq,16h from 3am to 10pm

18. Car Parking Allocation

Without the further written consent of the Responsible Authority, a minimum of 89 car parking spaces are to be provided generally in accordance with the plans prepared by Wood March Architecture (drawing number TP-20-98 and TP-20-99 all revision 3 dated 17 October 2019). Without the further written consent of the Responsible Authority, the allocation of the 89 car parking spaces should be in accordance with the following rates:



- A minimum of 11 spaces allocated to the proposed one-bedroom apartments.
- A minimum of 20 spaces allocated to the proposed two-bedroom apartments.
- A minimum of 54 spaces to the remaining three or more bedroom apartments.
- 2 spaces for the proposed retail use.
- 2 spaces for residential visitor car parking.

19. Parking and Loading areas must be available

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

20. Public Services

Before the occupation of the development allowed by this permit, any modification to existing infrastructure and services within the road reservation (including, but not restricted to, electricity supply, telecommunications services, gas supply, water supply, sewerage services and stormwater drainage) necessary to provide the required access to the site, must be undertaken by the applicant/owner to the satisfaction of the relevant authority and the Responsible Authority. All costs associated with any such modifications must be borne by the applicant/owner.

21. On-Site Bicycle Parking

Before the development is occupied, the approved bicycle racks must be provided on the land to the satisfaction of the Responsible Authority.

22. Parking and Loading Areas must be available

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

23. Lighting

External lighting of the areas set aside for car parking, access lanes and driveways must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining land.

24. Piping and ducting

All piping and ducting (excluding down pipes, guttering and rainwater heads) must be concealed to the satisfaction of the Responsible Authority.

25. No equipment or services

Any plant, equipment or domestic services visible from a street (other than a lane) or public park must be located and visually screened to the satisfaction of the responsible authority.



26. SEPP N1

All air conditioning and refrigeration plant must be screened and baffled and/or insulated to minimise noise and vibration to ensure compliance with noise limits determined in accordance with State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1 to the satisfaction of the Responsible Authority.

27. Time for starting and completion

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

- a) The development is not started within two years of the date of this permit.
- b) The development is not completed within four years of the date of this permit.

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

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

Permit Notes:

Building Approval Required

This permit does not authorise the commencement of any building construction works. Before any such development may commence, the applicant must apply for and obtain appropriate building approval.

Building Works to Accord With Planning Permit

The applicant/owner will provide a copy of this planning permit to any appointed Building Surveyor. It is the responsibility of the applicant/owner and Building Surveyor to ensure that all building development works approved by any building permit is consistent with this planning permit.

Due Care

The developer must show due care in the development of the proposed extensions so as to ensure that no damage is incurred to any dwelling on the adjoining properties.

Days and Hours of Construction Works

Except in the case of an emergency, a builder must not carry out building works outside the following times, without first obtaining a permit from Council's Local Laws Section:

- Monday to Friday: 7.00am to 6.00pm; or
- Saturdays: 9.00am to 3.00pm.

An after hours building works permit cannot be granted for an appointed public holiday under the Public Holidays Act, 1993.

Drainage Point and Method of Discharge

The legal point of stormwater discharge for the proposal must be to the satisfaction of the responsible authority. Engineering construction plans for the satisfactory drainage and



discharge of stormwater from the site must be submitted to and approved by the responsible authority prior to the commencement of any buildings or works.

Noise

The air conditioning plant must be screened and baffled and/or insulated to minimise noise and vibration to other residences in accordance with Environmental Protection Authority Noise Control Technical Guidelines as follows:

- a) Noise from the plant during the day and evening (7.00am to 10.00pm Monday to Friday, 9.00am to 10.00pm Weekends and Public Holidays) must not exceed the background noise level by more than 5 dB(A) measured at the property boundary.
- b) Noise from the plant during the night (10.00pm to 7.00am Monday to Friday, 10.00pm to 9.00am Weekends and Public Holidays) must not be audible within a habitable room of any other residence (regardless of whether any door or window giving access to the room is open).

RECOMMENDATION ‘PART B’

- 3.5 Authorise the Manager City Development to instruct Council’s Statutory Planners and/or Council’s solicitors on any subsequent VCAT application for review.

4. RELEVANT BACKGROUND

There is no relevant history or background for this application.

5. PROPOSAL

- 5.1 The assessment in this report relates to the plans referred to as drawing nos. TP000, TP000A, TP001 to TP010, TP100 to TP114, TP201 to TP204, TP251, TP252, TP301 to TP303, TP401, TP500 to TP509 and TP700 to TP703 prepared by Wood / Marsh Architecture, dated 6/07/19 and Council date stamped 22/08/2019.
- 5.2 The proposal is detailed within the below table:

Proposed Development Specifications	
Site area	1021sqm
Type of development	Multi-story building (20 storeys) with 2 basement levels accommodating mixed uses.
Land uses	Dwellings and Retail Premises.
Demolition	Demolition of all existing buildings on site (no permit required).
No of dwellings	58 dwellings over 19 levels comprising: <ul style="list-style-type: none"> - 11 x one bedroom - 20 x two bedroom - 23 x three bedroom - 2 x four bedroom - 2 x penthouse apartments



Setbacks and tower separation	<p>The proposed building would consist of a podium / tower form. The predominant curvilinear form to the full length of the front façade would however minimise the severity of the break between the podium and tower elements of the building. The building proposes the following heights and setbacks:</p> <p><u>Ground to level 4</u></p> <ul style="list-style-type: none">• Between ground and level 4, the building would be constructed fully to the southern boundary (Middleton Lane) and the adjoining boundary with 19 Dorcas Street to the west.• A curvilinear setback is proposed to the eastern boundary (Middleton Lane) with a maximum setback of 200mm at ground level.• A similar setback is proposed to the Dorcas Street frontage. Setbacks would increase between ground and level 4 to these frontages increasing to a maximum depth of 3.56m from Dorcas Street and 2.49m from the eastern boundary. <p><u>Level 5</u></p> <ul style="list-style-type: none">• Level 5 would create a partial break in the built form between the podium and tower level.• A maximum setback of 5.78m would be provided from the front boundary with a maximum setback of 3.58m from the balcony edge to this frontage.• A maximum setback of 4.3m from the edge of the balcony is proposed from the east side boundary.• The west and south side elevations would remain constructed fully the respective boundaries. <p><u>Levels 6 and above</u></p> <ul style="list-style-type: none">• The built form would maintain a minimum setback of 4.5m from the western boundary from level 6 to the top of the building.• The Dorcas Street frontage would maintain the inward curvature with setbacks between 2.5m and 5m at all levels.• The east side and rear elevations would provide a reduced depth curvature with maximum depths of 435mm and 645mm respectively.• Minimum setbacks of 4.5m would be provided from the centre of the adjacent laneways to each of these frontages (approximately 2.5m from each boundary).
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Figure 1: 3D renders of proposed building

Podium Height	18m
Tower Height	70m AHD
Commercial Floor Area	159sqm at ground level.
Loading bay	A loading bay is proposed to the rear of the development accessed from Middleton Lane
Car Parking	<p>Car parking would be located at both basement levels and to levels 1 - 4 providing a total of 89 car parking spaces.</p> <p>87 of the car parking spaces are proposed to be allocated to the dwellings. The remaining spaces are proposed to be allocated to the proposed Retail premises.</p> <p>Vehicle access to the site would be via Middleton Lane to the rear.</p>
Bicycle Parking	A total of 50 bicycle spaces are proposed, all of which located at ground level.
Private Open Space	Each apartment would be provided with secluded private open space in the form of balconies. Each apartment would be provided with a balcony at least 8sqm in minimum floor space.



Communal facilities	<p>Level 5 would feature a communal pool area to the rear and a gym on the eastern side.</p> <p>A communal wrap-around terrace covering 78sqm would also be provided to the south-east corner at this level.</p>
Storage	<p>Each of the apartments would contain internal storage space. In addition to this, storage cages are proposed to be located at all parking areas within the basement and podium levels.</p>

The floor layout of the respective sections of the building are detailed as follow:

Basement Levels:

- Two basement levels accommodating a total of 45 car parking spaces (20 at level B1, 25 at Level B2).
- Each basement level would cover a total floor area of 1018sqm.

Ground Level:

- A retail unit would be located to the north east of the ground floor level covering 159sqm of floor space.
- Pedestrian access to the retail units and dwellings would be via the lobby entrance off Dorcas Street.
- The ground level would also include a sub-station and refuse store with space for 9 bins and a wash down area adjacent to the loading zone.

Levels 1 – 4:

- A total of eight duplex 2 x bedroom apartments would be located across these levels to the front (north side) of the building.
- Additional car parking would be provided to the rear of levels 1 – 4 with 13 bays each located to levels 1, 2 and 3 and 5 bays to level 4.

Level 5:

- Three apartments would be provided at this level (2 x two bedroom and 1 x three bedroom).
- The remainder of the floor would include communal areas to the rear.

Levels 6-9:

- Levels 6 to 9 would accommodate five apartments at each level (2 x one bedroom, 1 x two bedroom and 2 x three bedrooms).

Levels 10-12

- Each level would accommodate four apartments (1 x one bedroom, 1 x two bedroom and 2 x three bedrooms).

Levels 13-15



- Each level would accommodate three apartments (1 x two bedroom and 2 x three bedrooms).

Levels 16-17

- Each of these levels would accommodate two apartments (1 x three bedroom and 1 x four bedroom) referred to as sub-penthouses.

Levels 18-19

- Each of the top two levels would accommodate a penthouse apartment across a floor area of 486sqm. The internal layout of the penthouses has not been determined, however for the purposes of the assessment, these units will be considered to have a minimum of three bedrooms.

Materials and finishes

- The predominant material finish of the building would be glass with various glazing finishes proposed.
- These consist of ‘Champagne’ colour glazing to the Dorcas Street façades of the podium and tower. The east and west tower facades would be silver and bronze coloured respectively. The rear façade would be a gold coloured glazing.
- The exposed podium break level would also feature bronze coloured glazing.
- The ground level would feature pink glazing to the Dorcas Street, east side and part of the rear laneway elevations.
- In addition to the glazing, the podium level would consist of a stainless steel perforated metal screen to the east and rear elevations.
- The proposed west facing elevation would be a concrete finish.

6. SUBJECT SITE AND SURROUNDS

Description of Site and Surrounds	
Site Area	Approximately 1021sqm
Existing building & site conditions	<p>The subject site is located on the south side of Dorcas Street, approximately 60m to the west of the junction with St Kilda Road. The site is situated with interfaces to Middleton Lane to the east side and the rear (south). The Shrine of Remembrance is located approximately 250m to the east of the subject site.</p> <p>The site has a frontage to Dorcas Street of 35.69m and a depth of 34.20 metres. The site has an irregular shape with a rear boundary 23.89m in length and an eastern boundary, 36.17m in length.</p> <p>The site is currently developed with a five storey office building constructed in a concrete panel and glass finish which appears of 1960’s era construction. The existing building is setback approximately 3m from the Dorcas Street frontage with stepped landscape features within the front setback. The</p>



	<p>Dorcas Street frontage also features a stepped pedestrian access.</p> <p>The remainder of the existing buildings elevations are constructed fully to the site boundaries and are generally constructed with exposed brickwork and feature banded fenestration to all levels.</p> <p>The building is not subject to any heritage grading inside or outside of a heritage overlay.</p>
<p>Surrounds/neighbourhood character</p>	<p>The subject site is located within the Commercial 1 Zone but is situated adjacent to land within the Mixed Use zone including land on the opposite side of Dorcas Street that falls within Melbourne City Council's Municipal boundaries. The site is located approximately 850m from the closest major activity centre at (South Melbourne Central).</p> <p>The site has good access to public transport with tram routes 3, 5, 6, 8, 16, 64, 67 and 72 operating along St Kilda Road with a tram stop located 170 metres to the north east. A new tram stop is located outside 200 Wells Street. Bus routes 216, 219 and 220 operating along St Kilda Road with a bus stop located to the east. The site is located close to the proposed Anzac train station.</p> <p>The built form and architectural era of the immediate surrounds are therefore varied. There is an emerging character of tall buildings (10-12 storeys +) along Dorcas Street along with examples of 1960s onwards commercial development and some original single storey commercial buildings.</p> <p>Despite the prevalence of tall buildings within the immediate vicinity, it is noted that a podium / tower form is not a predominant feature. The taller buildings opposite to the subject site feature minimal setbacks from Dorcas Street and do not generally provide a podium / tower typology. It not noted that 18-24 Dorcas Street does feature a five level podium. The side and rear setbacks above the podium level are however minimal and do not represent the 5m sought under DDO 26. The built form between numbers 8 and 18 Dorcas Street does also not provide any notable separation between the respective towers. It is acknowledged that these</p>



	<p>buildings fall outside of Port Phillip Municipal boundaries.</p> <p>Further down Dorcas Street and within Port Phillip municipal boundaries, the existing built form is around 12 storeys and again does not demonstrate a predominant podium/tower form as prescribed by the DDO. This row of buildings on the south side of Dorcas Street generally occupy rectangular shaped lots and are generally developed for the full length of these lots. A clear podium / tower form is also not evident to the taller buildings to the rear of the site at 368-370 and 376-384 St Kilda Road. These buildings are constructed fully to the respective boundaries with Wells Street and Park Street.</p> <p>Other buildings within the vicinity are generally five – six storey commercial buildings which provide landscape setbacks at ground level with consistent setbacks above including the subject site and 80 and 100 Dorcas Street.</p> <p>Dorcas street is a wide road at approximately 30m including adjacent footpaths. The road has a steady slope which rises approximately 7m between Wells Street and St Kilda Road. Dorcas Street also features a number of mature street trees with a number of Evergreen Alders located immediately adjacent to the subject site. The street accommodates angled parking on both sides. Parking is restricted to ticketed spaces immediately adjacent to the site which is limited to 2 hours. This restriction continues up to St Kilda Road to the east and down to the roundabout junction with Wells Street to the west. The same parking restriction applies on the opposite side of Dorcas Street also in an angled parking formation. The north side of Dorcas Street also accommodates some parallel parking spaces between St Kilda Road and Wells Street (approximately 6 in total). Half of these spaces are reserved for car share and taxi drop-offs. The remainder are subject to the 2 hour ticket restriction. Parking spaces on Dorcas Street, beyond Wells Street to the west are also subject to ticketing but are not time limited.</p>
<p>The subject site features the following interfaces:</p>	



West

19 Dorcas Street adjoins the site immediately to the west. The site is occupied by an original single storey commercial building. The building is constructed to both side boundaries and features a front setback of approximately 3m. There is open space to the rear which has traditionally been used for loading and parking purposes. The building is constructed with a concrete render finish and features a pitched tile roof. The site has most recently been used as a food and drinks premises.

East

The subject site adjoins Middleton Lane immediately to the east. Beyond the laneway are two sites each of which face onto St Kilda Road to the east. 336-340 St Kilda Road accommodates the First Church of Christ Scientist, Melbourne. The site is a corner site which is developed with a neo-classical style render building, painted predominantly white. The building reaches four storeys to the St Kilda Road frontage but tapers down to just double storey to the rear abutting Middleton Lane. The site does rely on vehicle access from Middleton Lane and has on-site car parking to the rear. The site also accommodates a small library building associated with the church to the south side which is accessed by pedestrians from St Kilda Road. The church is subject to Heritage Overlay Schedule 252 and is included on the Heritage Victoria Register under Ref No. H1766.

Immediately to the south of the Church library is a double storey commercial building at 342 St Kilda Road. The building appears of early 20th construction and features a rendered façade with an ornate parapet. The building occupies almost 100% site coverage and is built fully up to the rear laneway.

South

Beyond the laneway to the rear is 145-149 Wells Street. The site is developed with a 2-3 storey office building which is contemporary in appearance. The building was subject to alteration under planning permit P0139/2006. The front setback of the building is approximately 17m and accommodates car parking which is accessed off Wells Street. The main façade features a combination of render, marble and stacked stone finishes with large expanses of tinted glazing. The remainder of the site is an older industrial commercial building which is constructed fully to the side and rear boundaries adjacent to the subject site.

North

The opposite side of Dorcas Street falls within the Municipal boundaries of Melbourne City Council. The emerging built form on this side of Dorcas Street is high rise with minimal setbacks from Dorcas Street. Immediately opposite the subject site are two adjoining sites, 10-16 Dorcas Street and 8 Dorcas Street. 10-

16 is currently developed with an 8 storey office building which features a dark painted rendered frontage with banded fenestration. The building features a setback of approximately 3m from Dorcas Street. 8 Dorcas Street immediately to the north is developed with a 20 storey building. The building is contemporary in form and style featuring pre-cast concrete and metal panels. The ground level also incorporates a setback approximately of 2.5m. The verandah and balconies above however are constructed fully to the front boundary of the site.

7. PERMIT TRIGGERS

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

Zone or Overlay	Why is a permit required?
<p>Clause 34.01 Commercial 1 Zone</p>	<p>Pursuant to Clause 34.01-1 a Planning Permit is required for the use of land for the purpose of Accommodation where the frontage at ground level exceeds 2 metres. At approximately 4.5m, the proposed Dorcas Street entry to the building which is used to access the residential element on the submitted plans exceeds 2m. A permit is therefore required for the proposed residential use.</p> <p>Pursuant to Clause 34.01-1 a Planning Permit is not required for a retail premises.</p> <p>Pursuant to Clause 34.01-4 a Planning Permit is required for buildings and works within the Commercial 1 Zone.</p>
<p>Clause 43.02-2 Design and Development Overlay</p> <p>(Schedule 14 – City Link Exhaust Stack Environs)</p> <p>(Schedule 26 – St Kilda Road North Precinct)</p>	<p>Pursuant to Clause 43.02-2 a permit is required to construct a building or construct or carry out works unless specified in a schedule to the Overlay.</p> <p>A permit is not required for buildings and works under DDO14.</p> <p>A Planning Permit is required for buildings and works under DDO26.</p>
<p>Clause 52.06 Car Parking</p>	<p>A Planning Permit is required to reduce (including to zero) the number of car parking spaces required under Clause 52.06-5 or in a schedule to the parking overlay.</p> <ul style="list-style-type: none"> Pursuant to Clause 52.06-2, the car parking spaces required under Clause 52.06-5 must be



	<p>provided on the land prior to the commencement of a new use. A permit may be granted to reduce or waive the number of car spaces required by the table included in Clause 52.06-5.</p> <ul style="list-style-type: none"> ▪ Pursuant to Clause 52.06-5, a dwelling requires: <ul style="list-style-type: none"> ○ 1 car parking space to each one or two-bedroom dwelling; ○ 2 car parking spaces to each three-or-more bedroom dwelling (with studies or studios that are separate rooms counted as bedrooms). ▪ Pursuant to Clause 52.06-5 a shop requires 3.5 car parking spaces per 100sqm of leasable floor area. ▪ A total of 85 car parking spaces are required for the 58 dwellings and 5 car parking spaces are required for the Shop (159sqm). ▪ A total of 89 spaces are proposed within the development. ▪ 87 car parking spaces are proposed for the dwellings with the remainder proposed to be allocated to the Shop. <p>A Planning Permit is required to reduce the number of car parking spaces (Retail premises)</p>
<p>Cause 52.34 Bicycle Facilities</p>	<p>A permit is required to vary, reduce or waive any requirement for the provision of bicycle spaces under Table 1 of Clause 52.34-5.</p> <ul style="list-style-type: none"> ▪ Pursuant to Clause 52.34 a new use must not commence until the required bicycle facilities have been provided on the land. ▪ Pursuant to the table at Clause 52.34-3 1 space for every 5 dwellings is required for residents and 1 space for every 10 dwellings is required for visitors. ▪ No bicycle spaces are required for the proposed Shop use as the leasable floor area does not exceed 1000sqm.



	<ul style="list-style-type: none"> ▪ A total of 18 bicycle spaces (12 spaces for residents and 6 for visitors) is therefore required for the 58 dwellings. ▪ 50 bicycle spaces would be provided for the development. <p>A Planning Permit is <u>not</u> required for bicycle facilities</p>
Clause 58	<p>An application for the provision of apartment buildings within the Commercial 1 zone is required to be assessed against the objectives, standards and decision guidelines of Clause 58.</p> <p>A development:</p> <ul style="list-style-type: none"> • Must meet all of the objectives of Clause 58 • Should meet all of the standards of Clause 58

8. PLANNING SCHEME PROVISIONS

Planning Policy Frameworks (PPF)

8.1 The following State Planning Policies are relevant to this application:

Clause 11: Settlement, including:

Clause 11.01-1R1: Settlement - Metropolitan Melbourne

Clause 11.02: Managing Growth

Clause 15: Built Environment and Heritage, including:

Clause 15.01-1: Built Environment

Clause 15.01-1S: Urban Design

Clause 15.01-1R: Urban design - Metropolitan Melbourne

Clause 15.01-2S: Building Design

Clause 15.01-5S: Neighbourhood character

Clause 15.02-1: Sustainable development

Clause 16: Housing, including:

Clause 16.01: Residential development

Clause 16.01-2S: Location of residential development

Clause 16.01-3S: Housing diversity

Clause 16.01-3R: Housing diversity - Metropolitan Melbourne

Clause 19: Infrastructure including:

Clause 19.01-1S: Energy supply



Clause 19.01-2S: Renewable energy

Clause 19.01-2R: Renewable energy - Metropolitan Melbourne

Clause 19.03-4S: Stormwater

Clause 19.03-6S: Waste and resource recovery

8.2 Local Planning Policy Framework (LPPF)

The following local planning policies are relevant to this application:

The following State Planning Policies are relevant to this application:

- Clause 21.03 Ecologically Sustainable Development, including
 - Clause 21.03-1 Environmentally Sustainable Land Use and Development
 - Clause 21.03-2 Sustainable Transport
- Clause 21.04 Land Use, including
 - Clause 21.04-1 Housing and Accommodation
- Clause 21.05 Built Form, including
 - Clause 21.05-2 Urban Structure and Character
 - Clause 21.05-3 Urban Design and the Public Realm
- Clause 21.06 Neighbourhoods, including
 - Clause 21.06-5 South Melbourne
- Clause 22.06 Urban Design Policy
- Clause 22.12 Stormwater Management
- Clause 22.13 Environmentally Sustainable Development

8.3 Other relevant provisions

- Clause 52.06 Car Parking
- Clause 52.34 Bicycle facilities
- Clause 58 Apartment Developments
- Clause 65 Decision Guidelines

9. REFERRALS

9.1 Internal referrals

The application was referred to the following areas of Council for comment. The comments are discussed in detail in Section 9.

Urban Design Officer

The proposal includes a 70m tall structure that sits no more than 2.5m from Dorcas Street title boundary. It presents a sculpted curvilinear facade facing Dorcas Street and Middleton Lane resulting in parabolic curves that could present instances of solar convergence.

The ground floor sits back off the title boundary and the podium façade feature a sloped glazed skirt that incrementally blends back from the title boundary over several levels. This

creates an ill-defined street wall and a tower that sits no more than 2.5m from the primary frontage on Dorcas Street and in-line with the back of the ground level planting separating the building's interface from the street.

By not setting back the development 5m at any point diffuses the concept of a podium and tower form and may present excessive visual bulk that diminishes the 'human scale' at street level as a result. It is noted that there this configuration achieves adequate visual distinction; however, the design implications are beyond the transition between tower and podium itself but have implications and amenity impacts on the streetscape enclosure and ability to provide access to sky views.

From an urban design perspective, it is recommended the 5m street wall setback be explored and an active edge extend to the title boundary. This would reduce the visual bulk and sheer wall extending up to 70m AHD. It is also recommended the applicant explore relocating the communal open space to the north face street wall setback area. Creating more active uses in this space may create more vitality on the podium and reduce perceived visual bulk that essentially spans the width of the site.

The ground level façade is masked by up to 2.5m garden bed separating the active edge from the street. This aligns with the tower component up to 70 AHD leaving no definition or presentation of a street wall or active edge that should feature transparent windows and entrances for at least 80% of the street frontage width.

It is recommended that the proposed development consider the need to encourage activity and interest from both within and externally and that the blank surfaces, lack of podium definition and barrier from the active edge are all detrimental design responses that diminish rather than contribute to a high quality public realm.

Floor heights in the podium are varied and should be designed with the capacity to incorporate a ceiling height of 3.5m to enable future adaptation for habitable uses.

It is recommended that the podium be reduced by one level and that lev 1, 2, 3, & 4 be increase to 3.5m to future proof alternative uses.

Active edge and ground floor conditions

The proposal includes a 160m² retail space with no facilities or direct connection to the street. The only entrance is via a single door located, if not hidden behind the fire booster. The funnelling entrance has a pinch-point of around 1m wide and at ground level and is separated from the title boundary by up to 2m by an inconsistent garden depth extending across a large portion of the site. This configuration may diminish the fine-grained pedestrian environment and prevent people accessing the retail space or engaging uses such as alfresco dining or even offering signage in the street.

The proposal presents a retail space with a single narrow entrance, no integrated facilities, no access to the loading area or connection with the street. The design response suggests this retail space may struggle to be fitted out or activated by specialty retail, service retail or food and beverage uses. As such, it is recommended that a secondary entrance be incorporated in to the façade design with a logical area to expand or connect with passing pedestrian movements. Incorporating a mid-block entrance with double width doors and access to the loading dock, store room and fire control room, should integrate the space and break the expanse of the frontage in to a finer grain with capacity to be partitioned and configured as required over time.

Importantly, by integrating a mid-block entrance will help activate the street, compliment the rhythm of the adjacent detached shop-houses and reduce the visual bulk and disconnect across the width of the site.

Adverse amenity impacts

The proposal should avoid blank walls and large areas of reflective surfaces. The podium's east and south elevations present a perforated screen that should be designed with elements to reduce the scale of the surfaces. It is acknowledged that laneway façade is not as prominent as the Dorcas Street address however, the lack of sleeving the parking with alternative uses needs architectural elements that present visual interest and a more human scale on all four frontages and not just the street. The western podium façade presents as a grey concrete wall with no fenestrations or reference to scale. It is acknowledged that there is potential for this blank wall to be built out over time however, speculating that another site resolves an urban design issue for this proposal is unreasonable to expect.

It is recommended some elements of visual interest and articulation be incorporated in to the podium to offset the scale of the neutral surfaces and reduce the massing and visual bulk of the non-active interfaces.

The proposal includes a parabolic curve on the north and east elevations. This is expected to develop not just glint and glare, but a focal point of solar convergence that sweeps across the context as the sun traverses from east to west. It is well annotated that concave structures with reflective surfaces deliver a concentration of light that on a hot day could result in uncomfortable glare, smouldering of materials or in extreme conditions, skin damage or fire. The proposal's concave façade is primarily glass and can reflect the sun's rays towards each other, compounding the amount of solar radiation. The effects may vary due to weather, the reflectivity of the glazing and orientation of the sun however, overheating of people and objects is a concern and would be negligent if it were not addressed. Therefore, it is recommended the solar convergence is avoided entirely or mitigated using matt glazing of low reflectance that controls both the infra-red and visible spectrum.

A permit condition is proposed that requires a reflectivity analysis and response. Modelling should be based on agreed check zones and study points with calculations based on maximum normal specular reflectance, both visible and infrared spectrums, the heat effects and be modelled to extreme climatic conditions. Study points include:

- the Shrine of Remembrance and surrounding open spaces
- North side of Dorcas Street (at street level and on the buildings between St Kilda Road and Wells Street)
- Cnr of St Kilda Road and Government House Drive

The assessment should include, heat, glare, radiation and potential kilowatts per square metre (kW/m²) with explicit recommendations to mitigate any adverse amenity impacts. The design response should ensure that external building materials and finishes are selected to minimise solar reflectivity and glare impacts, particularly on ANZAC Day and Remembrance Day as per the design objectives outlined in the DDO.

Communal Open Space & Landscaping

The proposed communal area component includes a pool located on the south side of the building with no vegetation. The location is not conducive to poolside activities or landscaping with plants due to the excessive shade and failure to provide access to sunlight and sky views.

The BESS report identifies an 11% score for urban ecology. This is poor by comparison potential outcomes. With room to improve and in the pursuit of design excellence, it is recommended that the communal open space be relocated to the northern façade and integrated in to the street wall setback area facing Dorcas Street. This location is more conducive to pool side communal activities and for flourishing vegetation with access to light. With landscapes incorporating plants in the design with capacity to soften the hardscape setting and engage human activities with the street.

Conclusion.

From an urban design perspective, **the proposal is supported subject to numerous conditions.** To gain full support, the design response should address design concerns identified and apply the following conditions to be issued within the permit:

- Relocate the communal open space to the northern aspect. Ideally located in the street wall setback area between the podium and tower.
- Incorporate planting in to the communal open space.
- Ensure the bulk of the tower is setback 5m from the title boundary.
- Ensure the perforated screening and blank concrete walls break up their massing by providing high quality articulation and visual interest.
- Ensure floor to ceiling heights of 3.5 metres apply to car parking levels above ground and within the podium.
- Undertake a comprehensive analysis of solar convergence, glint and glare.
- The design response should mitigate all potential adverse amenity impacts.
- Incorporate a secondary, midblock entrance to the retail space at ground level.
- Connect the retail space to loading dock, store and fire control room.

Additional Urban Design Comments

Additional comments were later provided by Councils Urban Design advisor specifically with regard to the proposed built form and it's response to the discretionary requirements of the DDO:

I agree with the referral comments by strategic planning in relation to the podium and tower form. Its context and location means that there is limited benefit in having a consistent and defined street wall.

The adjacent developments may not have capacity to realise a consistent street wall, nor does the northern side present a defined street wall rhythm. It could be argued that a consistent built form outcome may never be realised.

Importantly, outputs do not always realise outcomes. There is also the need to facilitate innovation, visual amenity and to encourage variations in built form that will see new and interesting designs emerge in future.

The proposal's approach explores this in a location that would not make any difference to the amount of light on the street, a key reason for having a defined street wall.



Another benefit of a consistent podium and tower form with rigid setback requirements can help preserve an established urban character, however given its context, variations may have equal benefits as they create a distinct form that can help build a sense of place and wayfinding. Usually credited to legibility of landmarks that can be sometimes be credited to unusual, and distinct urban forms.

Planners Comments:

- The proposed built form and setbacks of the podium and tower is discussed in the assessment against DDO 26 and Councils Urban Design Policy below. It is considered however that despite not achieving the discretionary setbacks under the DDO, the proposed built form and architectural features of the building represent a high quality response. The proposed curvilinear form would offer a unique design which is an appropriate alternative to the orthodox podium and tower form.
- It is acknowledged that the proposed material finish to the east and south facing elevations of the podium would not provide a high standard of design and would also allow an element of visibility to the car parking within the podium. An alternative material finish must be provided to these frontages.
- The proposed ceiling heights of the car parking levels are consistent with the adjacent apartments and exceed them in some cases. It is considered that conversion into residential uses could therefore be achieved without increasing heights up to 3.5m.
- Given the considerable use of glass to the external finishes of the building, it is considered pertinent that a solar convergence analysis be provided via condition which indicates limited glint and glare.
- It is also considered necessary that an additional entrance be provided from Dorcas Street into the proposed retail unit. This would also assist with provision of loading goods directly into the retail unit.

Transport Safety Engineer

Comments summarised:

Access ways:

Vehicle access is proposed via a double crossover off the ROW that extends between Wells Street and Middleton Lane.

Access way at 6.1m meets requirements under clause 52.06 of the planning scheme.

A pedestrian sight triangle for egressing vehicles from the car park (south east side) has been provided, and is considered satisfactory in line with the planning scheme.

It appears that the applicant is proposing to install a Convex mirror within the ROW on the adjacent site to the south. Council cannot give approval for installation of a convex mirror on a site that is not owned by the applicant.

Car parking spaces:

Car parking spaces of dimensions 2.6m*4.9m with aisle width of minimum 6.4m are considered appropriate in accordance with clause 52.06 of the Planning Scheme.

The applicant has provided 85th percentile swept paths to show adequate entry and egress to critical parking spaces parking spaces.



It is noted that the applicant states that tandem spaces do not accord with the planning scheme, and they recommend that an additional clearance of 500mm be provided for these bays. However, looking at the architectural plans, it is not clear how this additional space will be able to be provided and maintain appropriate aisle widths- without affecting the structural design.

Applicant to confirm the use of these bays, and provide appropriate design in accordance with the planning scheme.

Headroom and Gradient of Ramps

- Minimum headroom complies with Clause 52.06 of the planning scheme.
- The proposed gradients for ramps within the car park design meet the design requirements of Clause 52.06 of the planning scheme. It is noted that there is a blind corner on the base of the ramp where it narrows to 3.525m the applicant has proposed convex mirrors to overcome this. Any opposing traffic will be at low speed and unlikely to cause major risk, therefore no objection from Council.

Bicycles

- The applicant proposes 50 bicycle spaces on site and exceeds requirements as set out in Clause 52.34. Bicycle parking is accessible from the ground floor and considered satisfactory.

Loading and Waste Collection

The applicant has proposed to have a 3.7m x 8.69m loading bay. This Loading bay should be managed by the building manager to ensure sufficient scheduling for resident move in/out, minor deliveries for the shop and waste collection.

The bay has been tested for a 6.345m waste vehicle and is considered satisfactory.

Any Waste Management plan should be referred to Council's Waste Management department for assessment.

Traffic Generation and Impact:

Traffic generation rates during peak hours adopted by the applicant have been checked and are considered satisfactory for each land use as follows:

- 0.20 movements per peak hour per two-bedroom dwelling (with one car space)
- 0.30 movements per peak hour per three or more-bedroom dwelling (with two car spaces)
- 1 movement per peak per retail car space.

Based on this the anticipated Peak hour volume generated by the new development is 16 vehicle movements per peak.

This level of traffic is not expected to have major adverse impacts on ROW, however it is noted that the width of this lane cannot accommodate two-way passing in its current format. Should further development occur adjacent to this ROW, the cumulative traffic generation may require one or more of the developments to allow for a passing area.

Without known future development and probable traffic generation TSE cannot assess the cumulative impact on the ROW, local streets and intersections.

Car Lift Assessment



The applicant has completed a queuing assessment for the car lift using the manufacture specifications. The 98th percentile queue has been calculated to be 1 Vehicle. Based on this assessment and noting any extended queue formed, will be fully contained within the site; Council traffic engineers are satisfied with the operation of the car lift.

Parking Provisions:

Residential

The proposed parking rates proposed for residential component considered appropriate in line clause 52.06 of the planning scheme

Retail/Supermarket/Restaurant.

The proposed parking rate for the shop does not accord with the clause 52.06 of the planning scheme.

It is noted that this site is near Public Transport and that customer demand will be predominantly being driven by from walk up trade.

- The existing on-street parking is generally high turnover ticketed parking.
- Residents/visitors/staff of the development will not be eligible for resident parking permits and will need to abide by on-street parking restrictions
- Note that the assessment for the appropriate rate for car parking provision lies with Statutory Planning. Reference should be made to CoPP's Sustainable Parking Policy. We also suggest comparing previous approved parking provision rates of adjacent developments as part of the Planning team's assessment / determination.

Other:

All proposed crossovers must be installed to Council satisfaction.

Planners Comments:

With regard to the proposed tandem spaces, this equates to 3 spaces across the development. It must be demonstrated that adequate clearance spaces would be provided between the tandem spaces.

It is noted that the proposed plans do not include provision of a convex mirror outside of the site boundaries.

Sustainable Design

Comments Summarised:

With the extent of glazing, there are no daylight concerns. That said the design proposed large areas of unshaded glazing with no indication of openability brings up ambiguity of natural ventilation provisions and possible overheating of apartments. Concerned about the number of esd initiatives that require further clarification. The issues listed below for both the report and the drawings need to be addressed before the project can be considered to meet an acceptable level of 'best practice'.

BESS Assessment

The project still needs to meet the minimum 50% overall score and minimums in Energy (50%), Water (50%), IEQ (50%) and Stormwater (100%) categories in BESS to demonstrate best practice in sustainable design. In areas falling short of the targets, adjustments will need to be made to demonstrate that the project meets the BESS minimums.

1. Management



- Management 1.1 Pre-Application Meeting – Provide evidence that this has taken place, including the date of the meeting, the officers present and the sustainable design outcomes discussed.
- Management 2.2 Thermal performance modelling - multi-unit residential – A preliminary assessment of energy ratings must be completed to claim this credit. Report is missing this assessment.
- Management 2.3-4 Thermal performance modelling – Non- residential – A preliminary National Construction Code (NCC) Section J Energy Efficiency Deemed-to-satisfy or JV3 assessment must be completed to claim this credit. Report is missing this assessment.

2. Water

- Washing machines should be set as “default or unrated” if the developer is not providing these appliances as part of the fit-out.

3. Energy

- Concerned about the large unshaded glazing areas facing North, East and West. Operable external shading should be provided to the mentioned East and West facing glazing to prevent glare and overheating.

4. Stormwater

Refer to <http://www.portphillip.vic.gov.au/sustainable-design-guidelines-stormwater-management.pdf> on how to provide an appropriate response. This includes addressing the following:

- Additional notes on the plans to indicate size and location of rainwater tanks and connection to toilets.
- Construction Site Management Plan – Provide a management plan that details stormwater management during construction. References provided on Council’s guide mentioned above on page 16.
- Maintenance manual – Provide a maintenance manual for water sensitive urban design initiatives. These must set out future operational and maintenance arrangements for all WSUD (stormwater management) measures appropriate to the scale and complexity of the project.

5. IEQ

- BESS assessment indicates that consultant will provide calculations for this category, there is however no daylight reporting provided in SMP. Please clarify and amend accordingly.
- IEQ 2.1 Effective Natural Ventilation – Current elevations lack detail of openability of the glazed façade, we can only conclude that there will be no natural ventilation. Credit cannot be claimed in this point.

6. Transport

- Bicycle Parking – Presently there is only the provision of 50 bicycle parks for the whole development, ideally each residential unit to have access to at least 1 secure space.

- Transport 2.1 Electric Vehicle Infrastructure – Provide future owners the option of installing their own Electric Vehicle charge points with electrical provisions at the main switchboard.

Planners Comments:

It is noted that the current plans do not include the location of the proposed rainwater tank referred to in the submitted SMP. This must be indicated on plans along with the proposed connectivity details of the tank.

As discussed in the response to the Urban Design comments, an analysis of the reflectivity of the external material finishes must be provided. This must also be incorporated into the SMP in order to determine the solar gain. Details of operability of all windows should also be provided.

The provision of 50 bicycle spaces within the development is considered to be acceptable given the provision of 51 apartments.

An amended SMP will be required to be submitted in order to determine the remainder of the Sustainable initiatives within the development achieve the required standard.

Council Arborist

The multiple physical constraints including the current building, asphalt footpath and raised garden bed surrounding the nature strip trees may have inhibited the development of a symmetrically radiating root system, resulting in fewer roots being located below the existing building envelope/hard surfaces within the site and essentially favouring construction without excessively impacting upon the trees condition. Therefore, the current separation distance from the trees to the property boundary should be the minimum distance required to sustain the trees.

Please include the below as a condition of the permit.

- To satisfy Council that the street trees will be protected during development. Before demolition begins, a tree protection management plan (TPMP), setting out how the street tree's will be protected during construction and which generally follows the layout of Section 5 (i.e. General, Tree Protection Plan, Pre-construction, Construction stage and Post Construction) of AS4970 'Protection of trees on development sites'. Must be submitted to and approved by the responsible authority. When approved the TPMP will be endorsed and form part of the permit.

No trees within the subject site are considered significant under the local law. Therefore, Council would not generally object to their removal.

The planting setback and depth along the property frontage and Middleton Lane could support small (less than 9m tall) trees. Any new planting would offset and ultimately improve the canopy cover lost due to the removal of trees within the subject site.

It is unlikely that the small tree at the north-west corner of the property could be retained under the proposed design. This tree appears to be within the neighbouring property (19 Dorcas St) and would require support from the owner before removal could be considered. As the tree is not significant, Council would not generally object to its removal.

Planners Comments

A condition will be included requiring adequate tree protection measures be provided to the existing street trees. A landscape plan should be submitted for approval which details all proposed planting at the site and indicates all proposed trees to be removed.



Strategic Planning

Councils Strategic planning officers responded to the following questions:

Whether the proposed podium and tower form is supported given this is the preference (though not mandatory) within the DDO under sub-precinct 1-c.

- An objective of DDO26 for sub-precinct 1 within which the subject site (11-17 Dorcas Street) is located is:
To ensure that new development reinforces the established and consistent built form pattern of low scale built form at street edge with high towers that have substantial setback from the street edge.
- It is unlikely that a consistent podium-tower form will be achieved along the entire street block on the adjacent sites to 11-17 Dorcas Street, as:
- To the east is an adjacent laneway and a significant heritage building (the First Church of Christ Scientist building, covered by HO252 and listed on the Victorian Heritage Register) which fronts onto St Kilda Road.
- To the west of the site are 4 small lots (frontages ranging from 6-14m), including two contributory heritage places outside the Heritage Overlay. To redevelop to the full height allowed in DDO26, at least two of these sites would need to be consolidated. Otherwise these sites would be unlikely to be able to redevelop above the street wall height.
- Given this context, it is considered appropriate that this site interprets the tower/podium building form sought in DDO26.
- The proposed podium is not built hard to the street edge (Dorcas Street), due to the curve of the building, resulting in the centre of the building being setback further than the corners (up to 2m from Dorcas Street at the ground level). Each level within the podium is increasingly setback from the street (except for Level 1, which slightly overhangs the ground level), creating a gradual transition of increasing setbacks in the podium levels, towards the tower. Given Dorcas Street is not a primary pedestrian link, the podium levels are activated to Dorcas Street and the proposed development fits with its immediate context and character, this is considered to be consistent with the requirements of DDO26.
- To achieve the active frontage requirements of DDO26, the ground floor interface to Dorcas Street should be improved through:
 - increasing visual permeability through removing the landscape buffer along the length of the retail premises; and
 - including an entrance door into the retail premises directly from Dorcas Street rather than through the lobby entrance.
- The floor to ceiling heights within the podium range from 2.75m to 3.05m, with levels 1-4 containing car parking. DDO26 includes a discretionary requirement for car parking within a podium to incorporate floor to ceiling heights of 3.5 metres to enable future adaptation for habitable uses.
- Further, the tribunal's statement in McCardel v Port Phillip CC [2018] VCAT 633 re 9-13 Park Street, South Melbourne states:



“Typically, the floor to floor dimension for a well-designed residential tower is approximately 3.150m, allowing for a slab of 225mm and a dropped/battened ceiling providing a floor to ceiling dimension of 2.700m”.

- Without exceeding podium height specified in DDO26, the floor to ceiling heights of levels 1-4 should be increased to 3.5m to enable future adaptation for habitable uses, in accordance with the DDO26 discretionary requirement. This should be considered in conjunction with comments below on level 5.
- A break in the building form at level 5 (except for at the western boundary) visually distinguishes between the upper and lower levels of the building creating a clear break between the podium and tower forms. To further reinforce this break between the podium and tower, Level 5 should be setback 4.5m from the eastern boundary and be treated as part of the tower. This should be considered in conjunction with comments above on floor to ceiling height.
- The proposed tower also has a curved form, setback between 2.5m (at the corners) to 5m (at the centre of the building) from Dorcas Street. While DDO26 requires a discretionary upper level setback of 5m above the street wall for levels above 18m, the part of the building that intrudes into the discretionary upper level is predominantly balconies with some minor elements of floorplate protrusion. This is consistent with DDO26, which allows protrusion of balconies into the front upper level setback above the street wall.
- Given the variation to the DDO requirement for a traditional podium tower building form, any wind impacts on Dorcas Street from the proposed design should be assessed by a Wind Impact Assessment.
- On balance, the proposed interpretation of a podium and tower form in this location is considered to be consistent with DDO26, given its curved form and the surrounding context on Dorcas Street, with the following modifications:
- Without exceeding podium height specified in DDO26, the floor to ceiling heights of levels 1-4 should be increased to 3.5m to enable future adaptation for habitable uses.
- Level 5 should be setback 4.5m from the eastern boundary and be treated as part of the tower, creating a clear visual break between the podium and tower.
- Wind impacts on Dorcas Street should be assessed by a Wind Impact Assessment and any recommendations addressed.

Whether the amended eastern elevation to the upper floors is supported based on the minimum setbacks of 4.5 from the centre of Middleton Lane.

- The proposed 4.5m upper level setback for levels above the podium height (levels 6-17) to the centre of Middleton Lane is consistent with DDO26.

Whether the encroachment of the balconies to the lower levels into the 4.5m setbacks on the western boundary is still opposed.

- The proposed habitable room windows facing the boundary at the western side of the Dorcas Street frontage in the podium (levels 1-5) should be setback 4.5m from the western site boundary, to:
 - maintain the equitable development potential of 19 Dorcas Street



- avoid windows of primary living areas that directly face one another (if the site next door is to develop).
- equitably distribute access to an outlook, daylight and achieve privacy from primary living areas for both existing and proposed development.
- Amenity impacts on the balconies facing the western boundary of the Dorcas Street frontage should be considered, if the adjacent site/s to the west redevelop at a similar scale.

Whether the proposal would adequately mitigate shadow impacts upon the Shrine and the northern forecourt.

- DDO26 prohibits additional shadow during the hours of 11am and 3pm from 22 April to 22 September (inclusive).
- The diagrams provided as part of the proposed development application appear to be labelled incorrectly – the drawing labelled “TP-302 – Shadow Diagram – June 22” includes labels below each shadow diagram referring to 22 April. It is assumed that this is an error as these diagrams appear to be consistent with what would be expected for the Winter solstice.
- Assuming the above comment is correct and the June 22 diagrams are incorrectly labelled, the proposed development appears to adequately mitigate shadow impacts upon the Shrine or northern forecourt in accordance with the requirements of DDO26.

Planners Comments:

As described above, it is considered that the proposed form of the tower is acceptable from a design perspective despite not complying fully with the discretionary requirements of the DDO. It is also considered that the car parking levels could be converted into residential uses as they currently match the propose ceiling heights to the adjacent residential land uses.

It is considered necessary however to require additional activation of the street frontage through introduction of an additional opening off Dorcas Street. The proposed balcony to the upper level of apartment type 01 at level 4 should also be removed in order to increase the setback from the adjacent western boundary. To the proposed width this balcony also serves no purpose.

With regard to the shadow diagrams, it is acknowledged that the individual diagrams on the ‘June 22’ shadow page i.e. TP-302, have been incorrectly labelled as ‘April 22’. For clarification however, these drawings represent the shadow impact on June 22. The impact of shadowing is discussed in the assessment later in this report.

Waste Management

Council’s Waste Management officer provided the following comments:

- Clear labelling of bins (recycling, garbage, charity) and space (for hard waste) is required on the plan as per the WMP.
- WMP suggests the use of waste and recycling chute but drawing on the plan shows single chute outlet. High-rise developments 6 or more storeys must use separate chute system on each floor – please confirm.
- Recommend space allocation for E- waste and organic/compost bin for future council services.



Planners Comments

Additional details should be provided on plans and within an updated Waste Management plan that includes details of additional clear labelling of bins and details of separate garbage and recycling chutes.

9.2 External referrals

Referral Authority	Response	Conditions
<p>Shrine of Remembrance Trustees</p>	<p>A development design report prepared by Veris for the proposed development was presented to the Shrine Trustees. The report assessed the proposed development against the Shrine of Remembrance Vista Controls.</p> <p>No objection was raised by the Shrine towards the proposed development after review of the Veris report.</p>	<p>N/A</p>
<p>Heritage Victoria</p>	<p>Heritage Victoria primarily comments on matters pertaining to buildings and places which are registered under the Heritage Act 2017. In this regards, 11-17 Dorcas Street is not included on the Victorian Heritage Register.</p> <p>While 11-17 Dorcas Street is not listed on the Victorian Heritage Register, a place to the east at 336-340 St Kilda Road Melbourne is included on the Victorian Heritage Register as the First Church of Christ, Scientist (H1766). The architectural drawings (prepared by Wood/Marsh Architecture) submitted with your correspondence clearly show that the proposed works at 11-17 Dorcas Street do not fall within the extent of registration for First Church of Christ, Scientist.</p>	



	As 11-17 Dorcas Street is not on the Victorian Heritage Register and no works are proposed to be undertaken within the extent of registration for First Church of Christ, Scientist, Heritage Victoria has no comment in relation to the proposed works.	
Environmental Protection Agency	No objection raised towards the proposal.	No conditions required
VicRoads	No objection raised towards the proposal.	No conditions required
Transurban (Citilink)	No objection raised towards the proposal.	No conditions required

10. PUBLIC NOTIFICATION/OBJECTIONS

10.1 It was determined that the proposal may result in material detriment therefore Council gave notice of the proposal by ordinary mail to the owners and occupiers of surrounding properties (258 letters) and directed that the applicant give notice of the proposal by posting one site notice on each of the exposed site frontages (total of three notices for a 14 day period, in accordance with Section 52 of the Planning and Environment Act 1987. The City of Melbourne were also notified of the application as an abutting Authority.

10.2 The application has received 137 objections and 1 letter of support. The key concerns raised are summarised below (officer comment will follow in italics where the concern will not be addressed in Section 9):

- Proposed development does not comply with the requirements of Clause 22.06 (Urban Design Policy) in that the tower would overshadow public parkland between the hours of 10am and 4pm on 22 June (unless otherwise specified in a DDO).

The application includes shadow diagrams that demonstrate no overshadowing would occur between the hours of 9am and 3pm on 22 June. It is acknowledged that the shadow diagrams do not reach up to 4pm on June 22. Despite this, it is not considered that the proposed tower would cast additional shadow on any parkland beyond what would be a negligible extent.

- The proposed development would not comply with the setback requirements of the DDO from the surrounding roads and laneways.

An assessment against the mandatory and discretionary controls contained within DDO 26 is contained in the officer assessment later in this report.

- Development considered to be excessive in height for the total floor area available.

The proposed development would not exceed the mandatory height contained within the applicable DDO sub-precinct. Given the proposed floor area and site



coverage, the development is not considered to be excessive. This is discussed in greater detail later in this report.

- The generation of traffic congestion and impact upon access and egress from Dorcas and Wells Street via Middleton Lane.

An assessment of the anticipated traffic generation of the development is discussed in the traffic referral comments and officer assessment later in this report.

- Proposed density (floor space ratio) of development considered to be excessive in relation to site area.

The apartments contained within the proposed development generally offer generous floorspaces. The provision of 58 units over 19 floors is not considered to be excessive given the site area exceeds 1000sqm.

- Height of development considered to be excessive and does not provide transition between higher and lower buildings required under the Residential Growth Zone.

It is noted that the site is not within or adjacent to land within a residential zone. The proposed height is discussed in the assessment later in this report.

- Proposed tower would exceed the mandatory 60m limit by 1.25m.

A review of the advertised plans indicates that the proposed tower would not exceed the mandatory height control for this sub-precinct (70m AHD).

- Proposed loading bay and waste storage facilities considered inadequate as occupy a shared space.

The adequacy of the proposed waste storage and loading bay facilities are discussed in the assessment later in this report.

- Proposed availability of car parking within the development considered inadequate given the lack of visitor car parking and projected loss of available public parking within the domain area.

It is noted that the proposed provision of car parking exceeds the statutory car parking rate. This is discussed in greater detail later in this report.

- Use of the proposed car lifts would lead to cueing and congestion within the laneway, all car manoeuvring should be contained on site.

The proposed car lift is discussed in the traffic referral comments later in this report.

- Potential impacts of the proposed tower on the Shrine Vista.

The potential shadowing impact of the development, including upon the Shrine of Remembrance is discussed in the DDO assessment later in this report.

- Disruption caused to traffic as a result of construction works.

The potential for traffic disruption at the construction stage is not a material planning consideration.



- Proposed provision of additional apartments goes against current market trends.
It is considered that the proposed dwelling mix contains an acceptable variation of apartment types with the majority of apartments providing three or more bedrooms. This is consistent with market demand.
- The amenity of adjacent existing apartment buildings being compromised through overshadowing impacts.
The potential impacts upon the amenity of any existing residential development is discussed in the Clause 58 assessment later in this report.
- Loss of views from existing adjacent apartment buildings.
Views from existing residential properties are not protected under the planning scheme. The scale of the proposed development and proposed setbacks are however considered to be appropriate.
- Impact of access for vehicles to the adjacent church site.
It is not considered that access to the adjacent church site would be compromised as a result of the development.
- Visual impact upon the setting of the adjacent church building.
The scale and visual impact of the proposed development, including with the context of the adjacent church building is discussed later in this report. It is acknowledged however that the proposed side elevation should be treated with an alternative material finish that would improve the setting adjacent to the church.

10.3 It is not considered that the objections received raise an issue of significant social effect under Section 60 (1B) of the Planning Environment Act 1987.

10.4 A consultation meeting was held on 10 December 2019 and was attended by two Ward Councillors, Council Planning officers, 9 (nine) objectors and the applicant. Plans were not formally amended as a result of the issues raised at the consultation meeting.

10.5 A significant issue raised by residents during the consultation meeting was the potential for the development to provide a widening of the laneway to the rear of the site (Middleton Lane). Although the comments provided by Councils Traffic Engineers indicate that the anticipated traffic generation created by the development would be acceptable, good planning should also consider the potential for future development within the vicinity of the site, specifically sites that would be reliant on Middleton Lane for vehicle access. In order to provide an effective width for passing, a minimum laneway width of 5.5m must be provided. As the existing laneway to the rear is currently 4m in width, an additional 1.5m setback must be provided to the east side and rear of the site. This matter is discussed in greater detail later in this report. It is noted that plans which demonstrate this setback have not yet been provided by the applicant.

11. OFFICER'S ASSESSMENT

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



- Is the location of the proposal consistent with the strategic intent of the Planning Scheme?
- Is the proposed design response appropriate having regard to applicable planning policies and within the context of the Design and Development Overlays that affect the subject site?
- Would there be unreasonable amenity impacts to surrounding properties?
- Would the development provide an acceptable level of internal amenity for residents?
- Is adequate car parking proposed and would access and traffic impacts be acceptable?

An assessment of these matters follows using elements of the relevant State and Local Planning policy framework together with the relevant Planning Scheme provisions.

11.2 Is the location of the proposal consistent with the strategic intent of the Planning Scheme?

Residential element

As a development which includes a significant residential element, Clause 16 (Housing) of the Planning Policy Framework is relevant to the assessment. Clause 16 includes the following strategic objectives:

Planning should provide for housing diversity, and ensure the efficient provision of supporting infrastructure.

Planning should ensure the long term sustainability of new housing, including access to services, walkability to activity centres, public transport, schools and open space.

Planning for housing should include the provision of land for affordable housing.

The proposed development includes a mix of 1, 2 and 3 x bedroom apartments as well as penthouses across a relatively varied mix. It is considered that the first objective is met. In addition to this, the subject site is in a sustainable location with ease of access to services, public transport and open space.

With regard to the location of residential development, Clause 16.01-2S (Location of residential development) contains the following objective:

To locate new housing in designated locations that offer good access to jobs, services and transport.

The subject site is located within the Commercial 1 Zone in a precinct identified as an Office and Mixed Use Activity area within the Port Phillip planning Scheme. The immediate surrounds therefore consist of a mixture of office uses as well as some smaller scale retail / food and drinks premises and dwellings. The site is also within close proximity (approximately 60m) to a Road Zone Category 1 (St Kilda Road) which provides public transport options.

The immediate locality therefore provides employment opportunities, services and good access to public transport. The location of a high density residential development at this site is therefore consistent with the above objective.

Clause 21.04-1 (Housing and Accommodation) seeks to direct new medium-high density development to the substantial and moderate growth areas, which are locations that have the capacity for change and offer highest accessibility to public transport, shops and social



infrastructure. Strategy 1.1 contained within Clause 21.04 to support the objective consists of the following:

Direct the majority of new residential development to preferred housing growth areas to achieve:

- *Substantial residential growth within strategic sites and precincts located within or in close proximity to a Major Activity Centre or the Fishermans Bend Urban Renewal Area. The height, scale and massing of new development will generally align to any relevant planning scheme provision for the area, including any Design and Development Overlay, or urban design local policy or respect the surrounding built form context. In the case of Fishermans Bend Urban Renewal Area new housing will generally be in the form of higher density development in a range of densities and building typologies, including tower-podium, infill, row, shop top, courtyard and perimeter block developments.*

The definition of Substantial growth areas is identified under Clause 21.04-1 as follows:

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

Notwithstanding that the site is not located in a major activity centre or the Fishermans Bend Urban Renewal Area it is considered to be in a strategic precinct that is approximate to major activity centres and the fixed rail transport and ANZAC station.

The site is located within an Office and Mixed Use Activity Area. Clause 21.04-3 of The Planning Scheme identifies the intensification of housing as a primary strategic role and function for this location. The subject site is also affected by Schedule 26 to the Design and Development Overlay. Located within Precinct 1 (Edge of Shrine Memorial Gardens) of DDO26, the site is subject to a mandatory overall height control of 70m AHD.

There is therefore clear strategic intent to facilitate residential growth within this location. This is also evident in the character of the immediate area. Substantial residential growth has occurred in the multi-storey residential tower development developed in line with the intent of the Design and Development Overlay that affects this area.

The site is also subject to Commercial 1 Zoning which includes the following purpose:

To provide for residential uses at densities complementary to the role and scale of the commercial centre.

The proposed development is considered to be consistent with this purpose given the identified primary strategic function of this location to provide an intensification of housing within the Office and Mixed Activity Area.

Commercial uses

The proposed development consists of a relatively minor commercial element at ground level consisting of a 159sqm retail space fronting Dorcas Street. Clause 17 'Economic Development' includes the following objectives in relation to economic development:

Planning is to provide for a strong and innovative economy, where all sectors are critical to economic prosperity.



Planning is to contribute to the economic wellbeing of the state and foster economic growth by providing land, facilitating decisions and resolving land use conflicts, so that each region may build on its strengths and achieve its economic potential.

Building on this strategic direction and specifically with regard to 'Business', Clause 17.02-1S contains the following objective:

To encourage development that meets the community's needs for retail, entertainment, office and other commercial services.

The following relevant strategies are included within the Clause to support the above objective:

Plan for an adequate supply of commercial land in appropriate locations.

Ensure commercial facilities are aggregated and provide net community benefit in relation to their viability, accessibility and efficient use of infrastructure.

Locate commercial facilities in existing or planned activity centres.

Provide small scale shopping opportunities that meet the needs of local residents and workers in convenient locations.

The proposed commercial element would provide a net community benefit for the residential component of the proposal and the emerging residential population within the immediate locality. The subject site is well served by public transport and would provide additional on-site parking facilities designated for the commercial uses at the site. It is noted that the subject site is not located within a planned activity centre. Clause 17.02-2S discusses 'out-of-centre development' and includes the following objective:

To manage out-of-centre development.

In order to achieve this objective Clause 17.02-2S includes the following relevant strategies:

Discourage proposals for expansion of single use retail, commercial and recreational facilities outside activity centres.

Ensure that out-of-centre proposals are only considered where the proposed use or development is of net benefit to the community in the region served by the proposal or provides small scale shopping opportunities that meet the needs of local residents and workers in convenient locations.

Despite being outside of a planned activity centre the proposed commercial use would provide a net community benefit and meet part of the needs of the emerging residential population within the immediate locality.

Overall, the combination of high density residential development above retail floor space is consistent with State Planning Policy and the Local Planning Policy framework. At the proposed scale, the proposed retail element would have a minimal impact upon the amenity of existing or future residents within the surrounding area through traffic generation and general amenity impacts. These issues are discussed in detail below. It is also noted that the proposed retail use is an 'as of right use' in this location within the Commercial 1 Zone.

11.3 Is the proposed design response appropriate having regard to State and Local built form objectives and policies and within the context of the Design and Development Overlays that affect the subject site.

The subject site is located within the Commercial 1 Zone and is affected by the Design and Development Overlay (Schedule 26 – St Kilda Road North). State and Local Urban Design



policy and guidelines including Clause 15 Built Environment and Heritage, Clause 21.05 Built Form and Clause 22.06 Urban Design Policy for Non-Residential Development and Multi Residential Development are also applicable to the assessment of the application.

The subject site is located within a narrow precinct of land zoned Commercial 1 in between St Kilda Road and land zoned Mixed Use to the west. Within precinct 26-1c, the subject site benefits from an overall mandatory height limit of 70m AHD. Land immediately to the east within precinct 26-1a is subject to a mandatory height of 36m AHD. Land on the opposite side of Dorcas Street is within the municipality of Melbourne City Council.

The proposal requires the full demolition of the existing building and replacement with a 20 storey tower development. The subject site is not affected by a heritage overlay. The site beyond the laneway immediately to the east, the Church of Christian Science is subject to an individual Heritage Overlay and Citation (No. 1124) and is included on the Victorian Heritage Register. Clause 15 (Built Environment and Heritage) contains the following relevant policy considerations:

Planning is to recognise the role of urban design, building design, heritage and energy and resource efficiency in delivering liveable and sustainable cities, towns and neighbourhoods.

Planning should ensure all land use and development appropriately responds to its surrounding landscape and character, valued built form and cultural context.

Planning must support the establishment and maintenance of communities by delivering functional, accessible, safe and diverse physical and social environments, through the appropriate location of use and development and through high quality buildings and urban design.

Planning should promote development that is environmentally sustainable and should minimise detrimental impacts on the built and natural environment.

An assessment of the application against all relevant provisions contained within the Planning Scheme is contained below and will determine whether the application responds adequately to the broader policy framework. In addition to the above policies, Clause 15.01-1S (Urban Design) includes the following objective:

To create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity.

The MSS also addresses built form issues under Clause 21.05. Of specific relevance to the current application is the following strategy:

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

The subject site is located adjacent to a site which is affected by an individual Heritage Overlay. The proposed development would not involve any alteration or demolition of the adjacent site which would be preserved in its entirety.

The height of the proposed tower would be prominent within the setting of the adjacent heritage building at 336-340 St Kilda Road when viewed from St Kilda Road. However, with a setback of 60m, the subject site a considerable distance from the frontage of the church building frontage, which is the main heritage feature of the site. The proposed building would also sit amongst other large tower developments that sit in the background to the church building. The proposed building would be developed at a height that is notably lower than the buildings developed at 348-350 St Kilda Road and 368 St Kilda Road. The separation that would be provided, coupled with the existing character of large buildings sitting behind the



church building would ensure the new building would not adversely affect the heritage significance of this adjacent site.

The building would also sit comfortably within the existing built form on the opposite side of Dorcas street notably the tower development at 8 Dorcas Street. The location of these adjacent towers runs generally parallel with Middleton Lane to the east of the subject site and to the rear of the adjacent heritage building at 336-340 St Kilda Road.

The proposed tower would fit within this existing and emerging built form and would not appear to be excessive within this context. The proposed east facing elevation of the tower that would be situated to the rear of the adjacent heritage building is also considered to be of an acceptable design standard, subject to conditions relating to the sleeve treatment of this elevation. The proposed curvilinear form would provide visual relief when viewed from St Kilda Road. Located to the rear of the adjacent site, views of the existing adjacent heritage building would be adequately preserved as a result of the proposed development. The proposal is therefore consistent with the above architectural and cultural objectives.

At approximately 240m, the subject site is within relatively close proximity to the Shrine of Remembrance and memorial gardens. The following objective contained within Clause 21.05 is therefore also relevant to the proposal:

3. To protect and sensitively manage the setting and backdrop of the Shrine of Remembrance.

The applicant has prepared a Development Design Report which assesses the proposed building model against the Shrine Vista Controls which are derived from the 'Shrine of Remembrance Controls April 2014' which is an incorporated document within the Port Phillip Planning Scheme. Using the applicable view point and cross-section of the shrine, the report demonstrates that the proposed building model would comply with the Shrine Vista Controls.

The development would comply with the Shrine Vista Controls, which would ensure that the proposed tower would adequately maintain the visual prominence and silhouette of the Shrine. The 240m separation from the Shrine and to a height that is compliant with the Design and Development Overlay that affects the site, would preserve the key views to and from the Shrine of Remembrance.

As described in the response to Objective 1 of Clause 21.05 above, it is considered that the height of the proposed building would be to an acceptable scale within the context of the existing built form to the west of St Kilda Road. This would in turn ensure that the development would maintain a respectful setting and backdrop to the Shrine.

The strategies contained within objective 3 also seek to prevent further intrusion on westward views from the Shrine by managing building heights to the west of St Kilda Road. Located within DDO 26 and specifically within sub-precinct 1c, the height of development would be adequately managed by the mandatory height controls. The mandatory height control of 70m AHD is justified by the low mandatory height control of 36m AHD which is in effect in between the subject site and St Kilda Road with the Shrine further to the east. As a result of these controls, the height of the proposed building would be adequately managed. It is considered therefore that the setting and backdrop of the Shrine of Remembrance would be protected and sensitively managed as a result of the development.

For the reasons described above, it is considered that the proposed development is consistent with the applicable objectives contained under Clause 21.05 relating to Urban Structure and Character. Notably these consist of the requirement to:

1. To reinforce key elements of the City's overall urban structure.



2. ***To protect and enhance the varied, distinctive and valued character of neighbourhoods across Port Phillip.***
3. ***To ensure that the height and scale of new development is appropriate to the identified preferred character of an area.***

Clause 21.05 also requires implementation of the above identified strategies through the application of relevant local policies. Applicable to the proposed development is Councils Urban Design Policy for Non-Residential and Multi-Unit Residential Development (Clause 22.06). The policy encourages new development to respond to a site and its context, contribute positively to neighbourhood character, be energy efficient and minimise detrimental impacts upon neighbouring properties. Clause 22.06 contains the following objectives:

To achieve high quality urban design and architecture that:

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

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

The Public Realm

- *Encourage new development to protect and enhance pedestrian spaces, streets, squares, parks, public space and walkways (see Performance Measure 1).*

Performance Measure 1

New development may meet the above policy for the public realm if, as appropriate:

- *The building does not exceed 3 storeys in height adjacent to a public space, including a footpath (unless otherwise specified in a DDO),*
- *Elements of the buildings greater than 3 storeys in height are set back behind the 3rd storey level (unless otherwise specified in a DDO).*

The subject site has an interface with Dorcas Street and the adjacent footpath immediately to the north with laneways in the form of Middleton Lane to the east and south. The proposed building would clearly exceed 3 storeys. This is however allowable under DDO 26 which contains a mandatory height limit of 70m AHD within this precinct. It is noted that the proposed built form provides setbacks at ground level to both frontages which increases steadily between ground and level 5. The setbacks then increase a maximum of 5m from levels 5 and above. It is considered to the proposed setbacks for the built form would be respectful of the adjacent public footpaths and public spaces despite the considerable height above 3 storeys. Additional policies relating to the public realm contained within Clause 22.06 include the following:

- *Discourage building designs that dominate or imply private ownership of public spaces.*
- *Minimise adverse micro-climatic impacts such as overshadowing and wind tunnelling.*



As described above, the proposed development consists of a tower and podium form which incorporates a curvature to the front (Dorcas Street) elevation. The curvature is continued above the podium levels with an increased overall setback to these higher levels. It is considered that the proposed built form does not provide an excessive degree of visual bulk that would dominate the adjacent public spaces. In addition to this, Dorcas Street is relatively wide and maintains a sense of openness to this location.

With regard to the proposed ground level activation, it is noted that the development does not require the provision of additional vehicle access from either Dorcas Street or Middleton Lane to the east. Vehicle access is proposed from the rear via Middleton Lane and would not require the provision of a new vehicle crossing or lead to the loss of existing on street parking.

Overall, the provision of adequate setbacks, incorporation of landscaping and the lack of disruption to existing road infrastructure ensures that the proposed development would not dominate or imply ownership of adjacent public spaces.

Micro-climate / Wind Impacts

A wind assessment report prepared by MEL Consultants has been submitted with the application. The assessment outlines that wind tunnel tests have been conducted on a 1/400 scale model of the proposed building with surrounding buildings in order to determine likely environmental conditions.

The report concludes that wind conditions surrounding the site, subject to the proposed development would achieve the Walking Comfort Criterion for all testing locations. In addition to this, a number of the test locations are shown to achieve the criteria for stationary activities. Based on these results, it is considered that the proposed development would adequately minimise adverse micro-climatic impacts with regard to wind tunnelling.

The impact of the proposed building in terms of overshadowing is discussed later in the report. It is noted however that located to the south side of Dorcas Street, the development would have minimal overshadowing impacts upon the adjacent public realm on Dorcas Street. No further investigation or measures to mitigate wind impacts are therefore required.

Street Level Frontages

Clause 22.06 contains the following policy requirements in order to provide an acceptable outcome for street frontages:

- *Encourage the design of building frontages at footpath level to offer visual interest, passive surveillance, social interaction, safety, shelter and convenience.*
- *Require pedestrian entrances to buildings to:*
 - *be clearly visible and easily identifiable from streets and other public areas.*
 - *provide shelter, a sense of personal address and a transitional space between the public and private realms.*
- *Encourage windows, terraces and balconies at lower building levels to offer surveillance of adjacent public areas.*

The proposed building layout at ground floor level includes retail floor space that would form part of the Dorcas Street frontage. Located to the north east corner of the building, the retail unit would also provide an element of activation to the Middleton Lane frontage. Both aspects of the retail façade would in turn be fully glazed. It is noted however that the retail



unit would be accessed via the shared entry to the far west end of the Dorcas Street frontage. The entry to the retail unit would be internal and via a very narrow doorway.

It is considered that this arrangement does not provide adequate pedestrian access to the retail floor space. In order to improve access arrangements for pedestrians and those with limited mobility, an additional entry should be provided from the Dorcas Street frontage directly into the retail area. It is also considered that the introduction of an additional entry into this frontage would provide increased activation to the Dorcas Street frontage. It is recommended that a condition be included to address this issue (**Refer to recommended condition 1a**).

The proposed development would feature windows and balconies to the front of the building within each of the podium levels up to level 5. This arrangement would allow natural surveillance of the adjacent streets. The proposed car parking would be accessed from the rear of the building. Blank walls would largely be located to the rear laneway, which is considered an acceptable outcome.

Landmarks, Views and Vistas

With regard to landmarks views and vistas, the Urban Design Policy states the following:

- *Encourage new development to preserve the visual prominence of key landmarks in the municipality from adjoining streets, foreshore areas and other key public spaces.*

The subject site is situated approximately 260sqm to the west of the Shrine of Remembrance. As discussed in the referral section above, the applicant has submitted an assessment report which determines that the proposed development complies with the Shrine Vista Controls. As a result of this, the development would adequately preserve the visual prominence of the Shrine from the most important vistas including south from St Kilda Road. The location and scale of the proposed development would also maintain views of the gardens surrounding the Shrine.

The applicant has submitted shadow diagrams that demonstrate there would be no adverse shadow impact upon the Shrine.

Large Sites

At approximately 1000sqm, it is not considered that the subject site is considered a 'large site' within the context of the Municipality. Policy included within Clause 22.06 regarding large sites consists of the following:

- *Encourage large sites to be developed and subdivided in a manner that provides pedestrian permeability through the block rather than just public access around the perimeter. This may include public laneways or vehicle/pedestrian linkages across the site in a manner that reflects the traditional pattern of streets and lanes and which creates inviting, useable and safe public spaces.*

The proposed development would maintain the existing subdivision pattern. Located with rights of way on three of the four sides of the site, the development would maintain pedestrian permeability within this location. Given the existing rights of way would be maintained, it is not considered necessary to provide additional pedestrian access through the development.

Energy Efficiency

Clause 22.06 includes guidance on energy and resource efficiency including the following policy:

- *Encourage buildings, internal building spaces and open spaces to be oriented and designed to take maximum advantage of climatic factors to minimise energy utilisation.*
- *Encourage the use of energy efficient techniques.*

Given the proposed height and location of the building on an end of row lot, the development would be provided with a good degree of exposure from the north, east and west and would therefore maximise availability of daylight to habitable spaces including the retail unit at ground level. Car parking areas would be located to the south side of the building which minimises the extent of residential floor space located to the southern end of the site.

The application includes a Sustainability Management Plan (SMP) that includes all sustainability initiatives and measures proposed as part of the development. This includes a BESS assessment which indicates that a score of 55% would be achieved. In addition to this a STORM Rating report has been submitted that indicates that a rating of 105% would be achieved through the use of a 10,000 litre rainwater tank.

There are still some outstanding issues in the SMP particularly regarding the thermal modelling of the building and details of natural ventilation. Changes will therefore be required to the submitted SMP, (as detailed in the referral section of this report should this application be supported). Overall, the proposed development would reduce the environmental performance of adjacent sites

Building Design

The Urban Design Policy requires the following with regard to the design of buildings:

- *Encourage the design of new development to generally:*
 - *express the urban grain and block pattern of subdivision and provide facade articulation,*
 - *avoid poorly designed and inappropriately located reproduction architecture,*
 - *include elevations, roof forms and facade treatments that are integrated with the overall design of the building which create visual interest at street level and which are legible and interesting from a range of perspectives,*
 - *define the corners at major street intersections through detailing and massing of the new built form and by addressing both street frontages and the surrounding context,*
 - *ensure that side walls of taller buildings provide interesting design elements to break up the mass and bulk and reduce the visual impact of blank walls.*
- *Encourage the design of the building facades to make provision for the location of appropriate external lighting, mechanical equipment and signage.*
- *Encourage resolution of building details, construction joints and junctions between different materials and finishes to be carefully detailed to ensure that they are properly integrated with the facade design. In particular, construction*

joints where pre-cast concrete is used to achieve a masonry finish, should be carefully detailed.

The proposed development would maintain the existing subdivision pattern and does not include consolidation of additional sites. In addition to this, the proposed side setbacks are consistent with the requirements of the DDO that affects the subject site. Should the adjacent site at 19 Dorcas Street be developed up to the maximum height limit under the DDO and to the required setbacks, adequate separation between towers would be provided.

The proposed tower form of the building would provide a unique design through the use of a curved frontage. This design prevents the appearance of a sheer façade to this frontage. The design also provides an element of articulation and relief from the overall visual bulk of the building. The curvilinear design is also continued to the side elevations of the proposed tower. Although the curvature to the side elevation would not be as deep as the front elevation, the use of this design feature would provide an element of relief not usually found in a standard tower/podium design. The use of balconies at all floor levels would also provide increased articulation throughout the building elevations.

It is considered that the proposed development would provide an innovative approach, appropriate to this streetscape. As described above, the surrounding built form in this section of Dorcas Street, does not feature a consistent character and does not include prominent examples of podium / tower development. The proposed development would represent a suitable response to the existing development on the opposite side of Dorcas Street which currently features minimal setbacks from the street. The proposed built form would also respond well to the taller buildings to the rear which are relatively stand-alone due their height and architectural response.

The proposed building would feature the use of high quality materials that would minimise the exposure of construction joints and junctions between different materials and finishes. The predominant material would be glass with a number of types proposed across the building. The use of pre-cast concrete as an external material would therefore be minimal throughout the development. A more detailed materials schedule with samples would also be necessary for final review before endorsement of the plans.

It is noted that the proposed perforated screens to the side elevation will need to be amended to provide an acceptable design outcome to this elevation. In order to limit the visibility of the car parking at this level, any material finish must be solid. The material finish must however provide an adequate degree of visual interest that would provide some sense of activation to the exposed elevations providing a suitable outcome for the podium. This response would respond to the requirement of DDO 26 which seeks to limit visibility of car parking infrastructure within the street (**Refer recommended condition 1c**).

Urban Art

A response to the Urban Art Strategy has not been submitted as part of the application. The submitted plans also do not indicate a prospective location or designated part of the building that could accommodate an Urban Art response. The proposed building does however feature relatively large expanses at the podium level including space that could accommodate an urban art response. Subject to the issue of a planning permit, this could be provided via condition (**Refer to recommended condition 15**).

Landscape

The landscaping requirements of the Urban Policy consist of the following:

- *Encourage all new developments to:*



- *retain all existing street trees and public landscape elements that contribute to the streetscape and amenity of the area,*
- *locate vehicle access around the location of existing street trees, where appropriate, and*
- *be setback a sufficient distance from street trees to ensure their ongoing survival and health.*
- *Encourage all new developments to provide landscaping to setback areas, ground floor open spaces and outdoor car parking areas that:*
 - *integrate new buildings and pedestrian spaces into the surrounding neighbourhood and provide pleasant outlooks, and*
 - *include vegetation species that reflect those existing in the surrounding locality or otherwise are indigenous to the neighbourhood.*
- *Encourage contributions towards street/public space landscaping, where this is appropriate.*

The subject site is fronted by four mature 'Evergreen Alder' street trees adjacent to the Dorcas Street frontage. The existing street trees represent an important feature of the existing landscape character of the area. Plans indicate that these trees would be retained as a result of the proposed development. Given there would be no additional vehicle crossing to the front of the site as a result of the development, it is considered that this would be achieved. Given the extent of the proposed development, tree protection measures must however be incorporated at the development stage (refer to recommended condition above).

Given that the DDO in this location does not specify a landscaped setback to the Dorcas Street frontage, the proposed landscape response is fairly minimal. Despite this, the proposal does provide an element of landscaping to the site frontage and some landscape provision to the east side adjacent to Middleton Lane. This landscape offering, albeit small would provide an element of vegetation that would be visible at ground level. Given there is no DDO requirement to provide a landscaped finish, the setback is considered to be acceptable.

Other Urban Design considerations under Clause 22.06

Private and Communal Open Space

The provision of private open space proposed within the development is discussed in the assessment against Clause 58 below. It is noted however that private open space within the development is generally compliant with the requirements of Standard D19. In addition to this, all private balconies would be contained within site boundaries with no projections beyond boundaries proposed.

Given the preferred DDO built form outcomes of the site and the relatively small area of the subject site, the opportunity for communal open space at the site is limited. It is noted however, that the development would provide an element of communal amenity space at the podium level, in the form of a terrace and pool area. There are also communal gym facilities at this level occupying approximately 40sqm. Within this location, the proposed communal facilities would provide adequate privacy to adjacent sites. The location of the proposed communal facilities is considered to be appropriate given the level and lack of adjacent built form.

Residential Amenity



Located predominantly to the north, east and west frontages of the proposed building, the private open space of the majority of individual apartments would receive the minimum of four hours of sunlight during the equinox as identified in the policy.

The subject site is located within a Commercial 1 zone and is not situated adjacent to existing residential properties. The closest existing residential property to the south side of the site is the tower development at 348 St Kilda Road. Located approximately 70m to the north of this site, it is considered that adequate tower separation would be provided between these two sites. The subject site is also situated adjacent to a laneway immediately to the south which guarantees separation between any development at the site to the south. The proposed development would have an acceptable impact upon the amenity of existing residential properties.

A full assessment of the amenity of the proposed development is contained within the Clause 58 assessment below.

Design and Development Overlays

DDO 14 – City Link Exhaust Stack Environs

As described in the planning controls above, there is no permit requirement for buildings and works under DDO 14. The DDO requires notification to applicable Statutory Referral authorities under Clause 66.06.

DDO 26 – St Kilda Road North Precinct

The subject site is affected by Schedule 26 to the Design and Development Overlay which concerns the St Kilda Road North Precinct. Schedule 26 of the DDO includes the following Precinct wide general objectives:

- *To provide for the future development of the St Kilda Road North Precinct, as a Precinct integrated with its urban and landscape surrounds*
- *To ensure development is environmentally sustainable.*
- *To ensure development does not dominate or obstruct view corridors to key landmark and civic buildings, including the Shrine of Remembrance.*
- *To encourage building design that minimises adverse amenity impacts upon residential properties, Albert Park Reserve, the Shrine of Remembrance and other open space, streets and public places in the area as a result of overshadowing, wind tunnelling or visual bulk.*

In order for new development to achieve these objectives, buildings and works within DDO 26 are subject to general requirements under Clause 2.0. These requirements include the following with respect to overall design quality. A response to the 'Design Quality' general requirements contained within Schedule 2.0 is provided in the following table:

Design and Development Overlay Schedule 26: St Kilda Road North Precinct	
Clause 2.0: General Requirements	
Design Quality Requirement	Response



<p>New developments should achieve urban design and architectural excellence</p>	<p>Achieved subject to condition This is discussed in the urban design referrals above along with the assessment against Council's Urban Design Policy also above.</p>
<p>Developments on corner sites with a St Kilda Road, Albert Road, Kings Way or Queens Road frontage or abuttal should not express the side street podium requirement to those roads.</p>	<p>N/A The proposed development would not express a side street podium requirement to St Kilda Road.</p>
<p>Where a podium / tower typology is not proposed for a corner site, a high quality architectural response is required which achieves an appropriate transition to podium / setback requirements on adjoining sites, including through building articulation/massing, building materials, finishes and design detail.</p>	<p>Achieved The development does not consist of a conventional podium / tower typology to this corner site. Despite this, the proposed development is considered to be of a high quality and demonstrates an innovative response to the existing streetscape. The development does provide setbacks from the side and rear that would minimise excessive building bulk and provides an acceptable degree of articulation to the built form. The proposed design is considered to be unique and of a sufficiently high quality that would be appropriate in this location.</p>
<p>Developments on large sites should minimise building bulk and promote vertical articulation in their design.</p>	<p>Achieved This is discussed in the Urban design assessment above.</p>

With regard to separation distances and required side and rear setbacks, DDO26 includes the following general requirements that are applicable to the subject site.

<p>Design and Development Overlay Schedule 26: St Kilda Road North Precinct</p>	
<p>Clause 2.0: General Requirements</p>	
<p>Separation Distances / Side and Rear Setbacks</p>	<p>Response</p>
<p>For Sub-Precincts 1, 2, 3 and for properties in Sub-Precinct 4 without a primary frontage to St Kilda Road: – Development above the podium height (including balconies) should</p>	<p>Does not comply / variation acceptable</p>



<p>be set back a minimum of 4.5 metres from common side and rear boundaries and at least 9 metres from existing towers. – Where no podium is proposed as part of the development, a setback of 4.5 metres to the common boundary should be provided.</p>	<p>Above the proposed podium level, the proposed tower form would provide the following minimum setbacks:</p> <p><u>Sides</u></p> <p>West: 4.5m East: 2.25m</p> <p><u>Rear</u></p> <p>South: 2.89m</p> <p>While the west side setback complies with the DDO, the proposed setbacks to the rear and east side boundaries do not achieve the required 4.5m setbacks. It is noted however that each of these boundaries is adjacent to a laneway. It is commonly accepted that development adjacent to laneway boundaries within the DDO can be developed with a setback of 4.5m from the centre of the laneway. The proposed side and rear elevations would achieve a 4.5m setback from the centre of the adjacent laneways as this would allow a minimum of 9m tower separation to be achieved should adjacent sites be developed. This is considered to be an acceptable response to the requirements of the DDO in this location.</p>
<p>Additional side and rear setbacks and/or separation distances may be required to ensure buildings are designed and spaced to:</p> <ul style="list-style-type: none"> • Respect the existing urban character and pattern of development. • Equitably distribute access to an outlook, daylight and achieve privacy from primary living areas for both existing and proposed development. • Achieve sky views between towers, ensure adequate sun penetration to street level and mitigate wind effects. 	<p>Complies</p> <p>The proposed side setback from the eastern boundary would provide adequate separation between the proposed development and any future development to the adjacent site at 19 Dorcas Street. This would also maintain adequate sky views between the proposed tower and any future development. Given the presence of a laneway to the side and rear of the subject site, adequate separation would also be provided from the proposed tower and any future development to the side and rear. It is noted that there are currently no existing residential properties to either side or to the rear of the site. The impact upon the residential amenity is discussed within the Clause 58 assessment below. It is not considered however that the proposed</p>



<ul style="list-style-type: none"> • Avoid windows of primary living areas and balconies that directly facing one another. • Maintain the equitable development potential of adjoining lots. 	<p>setbacks are required to be increased to alleviate amenity impacts.</p>
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In addition to the above general requirements, DDO 26 contains the following requirements with regard to landscape setbacks, heritage, street wall / podium level, active frontages, tower design, internal amenity, building services, vehicular access and car parking and pedestrian permeability. A response to these requirements is contained in the table below:

Design and Development Overlay Schedule 26: St Kilda Road North Precinct	
Clause 2.0: General Requirements	
Further requirements	Response
<p>Landscape setbacks</p> <p>Frontages along St Kilda Road and Queens Road should be retained as open space for substantial landscaping and pedestrian activity:</p> <ul style="list-style-type: none"> • St Kilda Road frontages should function as a forecourt for public, private and communal use. Public seating areas should be provided in these forecourts. • Queens Road frontages should be designed to provide substantial landscaping, including, where appropriate, large scale canopy trees. <p>Clear sightlines should be provided from the footpath to the building façade to increase perceptions of pedestrian safety.</p> <p>Water sensitive urban design treatments should be incorporated into frontage design to manage and reduce stormwater runoff.</p> <p>Exhaust stacks from underground car parks should be located away from main pedestrian areas and incorporated into the building design or adequately screened.</p> <p>Grade differences between the ground floor level and natural ground level should be</p>	<p>Complies.</p> <p>The subject site does not have a frontage onto St Kilda Road or Queens Road.</p> <p>The sub-precinct requirements of the DDO do not require a landscape setback from the site frontages. The proposed ground floor layout does however include a landscape response to the front of the site. Albeit fairly minimal. The activation to the street frontage would however contribute to pedestrian safety.</p> <p>The proposed water sensitive urban design measures would be contained underground and would not form part of the landscape response. This is considered to be an acceptable response. The proposed car parking access would also be contained to the rear of the side and would also not affect the appearance of the proposed landscape response.</p>



<p>kept to a minimum. Where level differences cannot be avoided (for example, due to the Special Building Overlay), stairs, terraces, disabled access ramps should be designed to not visually dominate the frontage setback space or significantly reduce the area for landscaping.</p>	
<p>Heritage</p> <p>New development should respect the form, massing and siting of heritage buildings on the development site or adjoining sites.</p>	<p>Complies</p> <p>The subject site is not affected by a heritage overlay. The site to the east at 336-340 St Kilda Road is subject to a significant heritage grading and an individual heritage citation.</p> <p>The proposed building would be visible within the setting of the church building at this site. However, built form to the rear of this site is intended to be developed within the limits of the Design and Development Overlay and would provide high density buildings.</p> <p>It is further noted that the proposed development would be located to the rear of this site and would not affect direct views to the building's façade or to its side. The main heritage feature of the adjacent building is the existing pillar portico. Views of this feature would not be affected by the proposed development.</p>
<p>Street Wall / Podium Level</p> <p>The design of podiums should create a 'human scale' providing visual interest and activity for pedestrians at the street edge, ameliorate wind effects and provide access to sunlight and sky views.</p> <p>The design of buildings should reinforce the pattern of the street by aligning their façade with the curvature of the street frontage.</p> <p>The design of new buildings should include openable habitable windows and balcony doors on the first five levels of the 'street</p>	<p>Does not comply / variation acceptable</p> <p>The proposed podium level demonstrates compliance with the DDO in terms of height at no higher than 18m. It is considered that this demonstrates a human scale at street level.</p> <p>The proposed podium level would maintain the predominantly glazed material finish of the proposal. The podium would in turn incorporate balconies and balcony doors to each of the levels which enhances the sense of connection and surveillance with the street.</p> <p>It is noted that the podium level would include car parking between levels 2 and 4. It is currently proposed to provide</p>



<p>wall' to enhance the sense of connection, surveillance and safety at ground level.</p> <p>All car parking at ground level or above should be sleeved with active uses to ensure it is not visible from the street.</p> <p>Buildings located on corner sites should address both street frontages.</p>	<p>perforated metal screening to the side and rear elevations at the podium level. This material finish may allow an element of visual permeability providing views of the car parking at these levels. It is recommended that an alternative material be provided in place of the perforated screens that limits visibility of the proposed car parking. This would apply to both the side and rear site frontages.</p>
<p>Active Frontages</p> <p>New development should provide integrated community and active space at street level that contributes to a high quality public realm.</p> <p>All building frontages (except on laneways and service streets) should:</p> <ul style="list-style-type: none"> • Be orientated towards the street. • Allow for natural surveillance and a visual connection into the building through transparent windows and balconies. • Avoid blank walls, large areas of reflective services, high fences, service areas, car parks and garage doors in the podium interface areas. • Provide clear glazing to street frontages; security grills should be visually permeable and mounted internally. • Provide no or low, visually permeable front fencing. <p>New development along Queens Lane and Bowen Lane should incorporate lighting, entry doors, habitable rooms with windows, and display windows.</p> <p>Design pedestrian entrances to open directly onto the street, as a key feature of the façade and at the same level as the public footpath.</p> <p>Foyer areas should have visibility to the street and be designed to encourage</p>	<p>Complies subject to condition</p> <p>As described above, the proposed development includes a retail use at ground level. This would include an active frontage to Dorcas Street. It is noted however that access to the retail unit would be via a lobby shared with the residential entry of the building. The proposed entry to the site is also very narrow and restrictive. It is recommended that the proposed ground floor layout be amended to provide an additional pedestrian entry directly off Dorcas Street.</p> <p>Despite the shortfalls of the proposed pedestrian access, the proposed ground floor entrance to Dorcas Street would contain an adequate degree of glazing with minimal to no areas of blank walls. This activation would also continue partially to the Middleton Lane frontage. The requirement to provide a minimum of 80% entrances or windows to the Dorcas Street frontage is easily achieved within the proposal.</p>



<p>activity and interest both within and external to the building.</p> <p>New development within a commercial or mixed use zone should provide:</p> <ul style="list-style-type: none"> • Transparent windows and entrances for at least 80 per cent of the width of the street frontage of each individual retail premises, or at least 60 per cent of the width of the street frontage of each premises for other commercial uses. • Lighting design that is incorporated to the façade to contribute to a sense of safety at night. 	
<p>Tower Design and Internal Amenity</p> <p>Tower forms (above podiums) should not exceed a maximum width of 35 metres to:</p> <ul style="list-style-type: none"> • Ensure that daylight penetrates through to parts of the building and streets, and adjoining buildings. • Reduce their perceived visual bulk. • Maintain sightlines between buildings. <p>New residential development should have access to onsite communal or private open space in the form of rooftops, podiums, balconies or courtyards.</p>	<p>Complies</p> <p>At approximately 30m maximum in width, the proposed tower would not exceed the recommended 35m under the DDO. As a result of this, the proposed tower form would provide penetration of daylight through adjacent buildings and streets. Sightlines between buildings would also be provided as a result of the proposed tower width. The proposed form of the tower would not provide excessive visual bulk within the streetscape.</p> <p>The provision of communal and private open space is discussed in the Clause 58 assessment below.</p>
<p>Building Services</p> <p>Waste materials storage and services should:</p> <ul style="list-style-type: none"> • Be provided on site and should be screened from areas of high pedestrian activity. • Waste storage or service should not impede pedestrian access and should be located away from footpaths. • New buildings should provide internal and on-site loading facilities and on-site service vehicle parking at the rear of buildings to minimise disruption of 	<p>Complies subject to condition</p> <p>The proposed refuse storage area would be located within the building at ground level and would be accessed from the proposed loading bay to the rear of the site. Adjacent to the laneway at the rear of the site, this is considered to be an appropriate outcome.</p> <p>In this location, the proposed provision of waste storage would not impede on pedestrian access to the site or within proximity to it. The proposed loading facility would also be contained internally within the building and would be contained to the rear of the site. Again, given this would not disrupt the activation with the street or</p>



<p>traffic or pedestrian access and avoid laneway congestion.</p> <ul style="list-style-type: none"> • Building services on rooftops should be screened to avoid detrimental noise and visual impacts on the amenity of both private and public realms. • Noise attenuation measures and suppression techniques should be incorporated into developments to ensure noise does not unreasonably affect the amenity of public areas and nearby residences. • Green roofs, roof gardens and vertical gardens should be encouraged in new or refurbished buildings. Green roofs are defined as a vegetated landscape built up from a series of layers that are installed on the roof surface as 'loose laid' sheets or modular blocks. 	<p>prevent pedestrian access to the site, this is considered to be an appropriate outcome.</p> <p>The development includes the provision of services at roof top level. The plans indicate that screening would be provided to each of the elevations. Detail has not however been provided of the type of screening proposed or the exact height. Details of this must be provided on plans to be endorsed, should this application be supported.</p>
<p>Vehicular Access and Car Parking</p> <p>Vehicle crossovers should be no more than 6 metres wide, with a maximum of one crossover per site.</p> <p>Vehicle ingress and egress, loading facilities and building services should not be located on frontages along St Kilda Road or Punt Road.</p> <p>Vehicle ingress and egress should be located on lanes, where possible.</p> <p>Car access ways should not visually dominate the façade of a building, and be visually permeable to retain a visual connection through the site and allow for natural surveillance.</p> <p>Car parks should be built underground or located to the rear of the site to enable active uses on the street frontage. Where car parks are built above ground, they</p>	<p>Complies</p> <p>The proposed development would include one vehicle access point located to the rear of the building. Directly onto a laneway, no additional crossover is required to be constructed. As per the recommendation, all vehicle access would be contained on the lane.</p> <p>The proposed car parking spaces would not be contained within the front setback of the site or to the front of the proposed building. As discussed above, the proposed material finish to the side and rear of the site must be treated to provide a suitable material finish and to minimise the appearance of car parking within the streetscape including from Queens Road.</p> <p>It is acknowledged that the proposed car parking within the podium levels would not be to 3.5m in height between floor and ceiling. Despite this, it is noted that the height would be consistent with the proposed adjacent residential floor space at these levels. Conversion to habitable floor space would therefore be possible.</p>



<p>should not front the site or be visible from St Kilda Road, Queens Road or Punt Road.</p> <p>Car parking within a podium should incorporate floor to ceiling heights of 3.5 metres to enable future adaptation for habitable uses.</p> <p>Open/at-grade car parks should not be located in front setback areas.</p>	
<p>Pedestrian Permeability</p> <p>New development should include pedestrian links along St Kilda Road, Queens Road and areas in the Mixed Use Zone to create mid-block links and increase the permeability of the Precinct.</p> <ul style="list-style-type: none"> • Development should enhance existing links/laneways by providing a mix of active and non-active frontages, appropriate to the role of the link / laneway. 	<p>Complies</p> <p>The subject site is not considered to be substantial enough in size to warrant permeability through the site in the form of new access points. The proposed development would however maintain the provision of pedestrian permeability to the side and rear of the site in the form of the existing laneways.</p>

The subject site is located within Sub-Precinct 1 (Edge of Shrine Memorial Gardens) of Schedule 26 of the Design and Development Overlay. The DDO describes this sub-precinct as forming the western backdrop to the Shrine and the edge to the Memorial Gardens and the Domain Parklands. The sub-precinct contains the following objectives:

- *To ensure that buildings are of a scale, form and design detail that creates a respectful background to the Shrine of Remembrance and Memorial Gardens.*
- *To ensure that buildings are designed to respect the sensitivity of the immediate vicinity of the Shrine of Remembrance and the more distant elevated points of the Shrine of Remembrance site.*
- *To ensure that new development reinforces the established and consistent built form pattern of low scale built form at street edge with high towers that have substantial setback from the street edge.*
- *To ensure the continuation of consistent street tree planting that contributes to the maintenance of a high amenity of the streetscape*

In order to achieve the above objectives, DDO 26 contains the following precinct requirements and specific requirements for sub-precinct 1-C. A response to these DDO requirements is contained within the table below:

Design and Development Overlay 26-5: St Kilda Road South of Kings Way



DDO 26-5 Requirements	Response
<p>Development should be generally in accordance with Map 2 of this schedule.</p>	<p>Does not comply / variation acceptable</p> <p><u>Mandatory Controls</u></p> <p>Map 2 of DDO 26 contains a 70m AHD mandatory height control. The plans indicate this height limit would not be breached with a height up to the parapet of 70m AHD indicated.</p> <p>The remainder of the mandatory height controls within the Map 2 of the schedule do not apply to the subject site including a 25m AHD height limit, a 36m AHD podium and a 3m landscape setback.</p> <p><u>Discretionary Controls</u></p> <p>Discretionary controls within Map 2 consist of an 18m podium requiring a minimum setback above of 5m.</p> <p>It is acknowledged that the proposed tower section above the podium level (which reaches no higher than 18m) provides an inward curved frontage which is setback between 5m to the apex and reducing to 2.5m to the sides. This exceeds the discretionary control. Despite this, the proposed curve feature forms a consistent design approach with the remainder of the building and provides a unique architectural response. Given the proposed front setback ultimately achieves a 5m setback to the apex it is considered that the frontage is adequately setback and provides an acceptable extent of built form within the streetscape.</p>
<p>Development must not protrude into the Shrine's silhouette above the level of the Portico roof when viewed from Birdwood Avenue. A permit may not be granted to construct a building or construct or carry out works which are not in accordance with this requirement unless allowed by clause 4.0 of this schedule.</p>	<p>Complies</p> <p>The applicant has provided photomontages, which indicate that the proposed development would not protrude into the Shrines silhouette above the level of the portico roof when viewed from Birdwood Avenue. This includes a perspective from the immediate west of the Shrine taken from Birdwood Avenue.</p>



<p>Buildings and works must not cast any additional shadow across the Shrine of Remembrance and its northern forecourt, shown in Figure 1 of this schedule, between the hours of 11.00am and 3.00pm from the 22 April to the 22 September. A permit may not be granted to construct a building or construct or carry out works which are not in accordance with this requirement.</p>	<p>Complies</p> <p>The application plans include shadow diagrams that indicate the extent of overshadowing as a result of the proposed tower. The diagrams clearly indicate that the proposed development would not cast any additional shadow on the Shrine of Remembrance and its northern forecourt.</p>
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Conclusion on Urban Design and DDO assessment

As detailed in the above assessment against Councils Urban Design Policy and the Design and Development Overlay there are still some outstanding concerns regarding the overall design response of the proposal.

Overall, it is considered that the proposal would provide a high standard of architectural design and would be generally compliant with the mandatory controls within the DDO. However, the material finish of the podium level must be improved in order to provide an acceptable elevation treatment to the adjacent laneways. An element of increased activation and improved pedestrian access must also be provided to the Dorcas Street frontage. The proposed overall material finish must also be clarified in order to minimize the extent of glare upon the Shrine given the proximity to the monument.

It is considered that these elements can be satisfied through changes via conditions on any permit, should the proposal be supported. Beyond these required changes, it is considered that the proposed development would satisfy Council's Urban Design Policy (Clause 22.06) and the requirements of Design and Development Overlay 26.

Better Apartment Design standards (Clause 58)

11.4 Would there be unreasonable amenity impacts to surrounding properties?

The assessment of the proposed development above, against Councils Urban Design Policy (Clause 22.06) and the DDOs that affect the site, has determined that the proposed tower form is acceptable with regard to height and proposed setbacks.

The Clause 58 – Apartment Developments assessment contained in the Appendix of this report also includes assessment of the proposal in terms of amenity impacts to surrounding properties. Clause 58 does not include specified setback requirements based on wall or overall building heights. It is noted that the subject site is located on an end of row lot with a laneway immediately to the east and south of the site. There are no existing residential sites to either the side or to the south of the subject site.

The submitted shadow diagrams indicate that the proposed tower would cast additional shadowing to the apartment buildings to the rear at 348 St Kilda Road. However, given the scale of development DDO 26 facilitates within this location, an element of overshadowing is considered to be inevitable. It is noted that the additional overshadowing would occur between 2pm and 3pm on 22 June. Given the time of year this additional overshadowing would occur, again, it is considered an inevitable consequence of development within the DDO 26 precinct. The impact is considered to be acceptable. Land to the east of the subject



site is predominantly commercial or in the case of the church at 334 St Kilda Road, utilized as place of worship/assembly use. Residential amenity would not therefore be affected by the proposed development. Land to the west along the side of Dorcas Street is also commercial. The impact upon the amenity of adjacent sites as a result of the proposed development would therefore be minimal and is considered to be reasonable given the surrounding context.

It is acknowledged that at 20 storeys, the proposed development is substantial in scale. Despite this, the development would achieve adequate setbacks and complies with the mandatory height controls identified for this site within DDO 26.

11.5 Would the development provide an acceptable level of internal amenity for residents?

The standard of internal amenity within the standard apartments is assessed in the Clause 58 - Apartment Developments assessment which forms an appendix of this report. The assessment determines that the proposal would be largely compliant with internal amenity requirements relating to the functional layout of bedrooms and living rooms. The following notable observations of the Clause 58 assessment are provided:

- The majority of bedroom widths and depths would be the minimum requirements under Standard D24 while all minimum living area widths and areas would be achieved (Standard D24). The variation required applies to the minimum depth of the single bedroom to apartment types 07, which accounts for a total of 4 of the apartments. Given the width of the proposed bedroom exceeds the required minimum dimension, the overall floor area is considered to be acceptable.
- The proposal demonstrates adequate room depths for all single aspect habitable rooms based on standard D25. The proposal includes just one apartment type with a single aspect living room that exceeds the maximum depth. The depth would however not exceed the 9m allowed under the standard and meets the required criteria.
- All habitable rooms would be provided with externally facing habitable room windows (standard D26).
- Natural ventilation has been adequately demonstrated within the majority (76%) of apartments (standard D27).
- The development would provide adequate dwelling entries and accessibility (Standards D5 and D11).

However, the following concerns and outstanding issues are identified as a result of the Clause 58 assessment:

- Variations are required to a number of the apartments to demonstrate that adequate internal access and adaptable bathrooms would be provided in accordance with Standard D17.
- A number of the apartments do not achieve the required minimum dimensions for private open space. Given the generous size of the proposed apartments, it is considered that this should be achieved without detriment to the internal amenity in order to demonstrate compliance with Standard D19.
- Notations are required on plans to demonstrate that adequate storage space would be provided in accordance with Standard D20.

- Additional information is required to achieve an adequate waste storage and collection arrangement (Standard D23).

Were the proposed development considered to be generally supportable, the above outstanding matters could be provided on amended plans through conditions on the permit.

11.6 Is adequate car parking proposed and would access and traffic impacts be acceptable?

Traffic generation

As described in the traffic referral comments, the applicant has identified a peak rate of 0.2 movements per peak hour for each of the two-bedroom dwellings and 0.3 movements per peak hour for each of the bedroom dwellings. One movement per peak hour for the retail car space has been identified. This generates an anticipated peak hour volume generated by the new development of 16 vehicle movements per peak hour.

Council's Traffic Engineers do not anticipate that this level of traffic movement would adversely impact the adjacent laneways which are proposed to provide vehicle access to the site. However, as future development is anticipated on adjacent sites, so too is an increase in traffic on these laneways. It is considered appropriate therefore, to identify any potential opportunities to improve the functionality of these roads to cater for future demand. One opportunity to cater for an increase in traffic movements is the introduction of a passing bay in the laneways, capable of allowing two vehicles to pass each other whilst travelling in an opposite direction. Council's Traffic Engineers have advised that a carriageway width of 6m would allow two vehicles to pass each other, without any conflict or the need to reduce speed significantly.

Middleton Lane to the side and rear of the application site is approximately 4m in width, which is insufficient for two vehicles to pass each other. To achieve a 6m carriageway width, an additional 2m setback would be required along the full length of both the eastern and southern boundaries of the application site. A six-metre setback would significantly impact the internal functioning of this proposal including parking/loading arrangements and its services. A more equitable outcome and a lesser impact on the proposal, would be the requirement of a passing bay, comprising a minimum laneway width of 5.5m for a distance of 7.0m, along both the southern and eastern elevations. This can be achieved by the redesign and reduction of the landscaping area on the eastern elevation and by ensuring the apron to the parking/loading bay area to the south can be utilised by passing traffic, as required. Council's Traffic Engineers have confirmed that the dimensions of the suggested passing bays would allow two vehicles to pass each other, without any conflict or the need to reduce speed significantly. The applicant has indicated that if Council is of a mind to support this application, they are prepared to accept a condition requiring increased setbacks to the south and east of the application site to facilitate the provision of the passing bays. **(Refer to recommended condition 1b).**

Car parking provision

The proposed development would consist of predominantly residential uses with an element of retail floor space. The subject site is located within the Principal Public Transport Network (PPTN) and is therefore subject to the applicable parking rate under Column B of Table 1 of Clause 52.06. The proposed standard residential uses generate the following statutory car parking requirement under Table 1 of Clause 52.06:

- 11 x one-bedroom apartments: 11 spaces required
- 20 x two bedroom apartments: 20 spaces required
- 27 x three or more bedroom apartments: 54 spaces required
- Total: 85 spaces required

The development would in turn include the retail floor space which would generate a required parking rates as follows:

- Shop (retail) 159sqm: 5 spaces required

This generates a requirement for a total of 89 spaces. A total of 89 spaces are proposed across the basement levels and to levels 1 - 4. The submitted traffic report states that out of the 89 proposed car parking spaces, 87 would be allocated to the proposed residential uses. It is not specified that car parking spaces would be allocated to individual apartments in accordance with the statutory rate. It is considered however that this should be applied and would be required through condition if supported. The allocation of 87 spaces to the proposed apartments would in turn leave a surplus of two spaces. Again, it is not specified what the purpose of these spaces would be. It is acknowledged that there is no statutory car parking rate for the provision of visitor car parking within residential development. Despite this, given the number of apartments proposed as part of this development, the provision of visitor car parking would be beneficial.

Provision should be made for some visitor parking in order to cater for the needs of residents. With only one visitor parking space provided it would be difficult for trades people and other service providers to be able to service any of the apartments, health workers to assist residents of the apartments or to provide visitor parking for friends and family without having flow on impacts upon existing parking infrastructure.

In this location there are no real alternatives for visitors to park within the nearby area during the day. There is some street parking provided adjacent to the subject site but this is restricted and ticketed during business hours. This is not considered a viable alternative for visitors and therefore some visitor car parking should be provided within the development. Parking in this area is also to be further restricted through the loss of spaces to create the new tram stop in Park Street and many other spaces that are disrupted by the works associated with the construction of the Anzac Station.

It is noted that Clause 21.04-3 has objectives and strategies that new development should provide appropriate car parking facilities. The limited visitor parking provided and lack of suitable alternatives to cater for visitors is considered contrary to this provision.

In light of the absence of alternatives for visitor car parking, some parking for visitors should be provided on site. The surplus car parking spaces proposed to be allocated to the dwellings should therefore be allocated for visitors to the dwellings.

It is recommended that two visitor car spaces be provided. It is considered that this is a reasonable allocation of car parking to the proposed residential element of the proposal.

The remaining spaces (2) are proposed to be allocated to the retail use. This leaves a shortfall of 3 spaces. The applicant has indicated that the proposed retail unit is not likely to generate a significant number of trips to the site. It is also anticipated that the majority of customers would be residents from within the proposed development or those within adjacent high density residential development. The majority of visitors to the retail unit would not therefore be reliant on a car to access the site.



Given the scale of the proposed retail floor space, it is not anticipated that this use would attract customers to the site specifically. It is anticipated that people may visit the site as a secondary destination to other services with the area. In this instance additional spaces to cope above the existing demand would not be required to serve the proposed retail element. However, should customers need to visit the site by car, it is noted that there is existing commercial car parking provision within proximity to the site to accommodate this. The applicant has identified two multi-storey car parks within the vicinity of the site (21 Bank Street and 360 St Kilda Road) that are available to the public. In addition to this, the submitted traffic report includes surveys of on-street car parking availability within proximity to the site. The survey identifies moderate availability of car parking during weekdays and some availability during weekends. It is also noted that the proposed development would not lead to the loss of any on-street car parking including spaces adjacent to the front of the subject site.

The subject site is also served exceptionally well by public transport options. Notably this includes the existing tram routes located along St Kilda Road. In addition to this, the nearby domain interchange would provide access to the Melbourne metro rail network. Overall, the subject site is considered to be well located in terms of public transport options and available parking infrastructure. The proposed waiver of three car spaces within this inner urban location in a Commercial 1 zone is considered to be minor. The proposed reduction of the car parking requirement for the retail use is therefore considered to be appropriate.

Bicycle Parking

As described in the planning controls above, the development includes space for 50 bicycle spaces. This is well in excess of the required 18 spaces for the proposed 58 apartments. The proposed bicycle storage area would be located at ground level and would be accessible via Middleton Lane to the rear. This entrance is well within the 30m maximum distance (to the nearest rideable destination) recommended under Clause 52.34. The proposed bicycle spaces also comply with the requirements for spacing, notably the minimum width of 0.7m for handlebars. No on-site changing facilities are required as the bicycle spaces would serve the dwellings only. The bicycle storage area would also be adequately secured. This is considered to be an acceptable arrangement.

Loading

The development includes a loading bay to the rear that would be accessible from Middleton Lane. Plans indicate that the loading bay can accommodate a small rigid vehicle (6.5m length x 5.5m width and a height clearance of 3.6m). The loading bay would be accessible by residents of the apartments as well as trade vehicles. The facility would minimise disruption to the adjacent laneways providing space for deliveries of bulky goods to the dwellings when necessary. Comments have been provided from Council's Traffic Engineers determining that the loading bay is satisfactory.

12. COVENANTS

12.1 The applicant has completed a restrictive covenant declaration form declaring that there is no restrictive covenant on the titles for the subject site known as Land in Plan of Consolidation 153719 [Parent Title Volume 09499 Folio 800].

13. OFFICER DIRECT OR INDIRECT INTEREST

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



14. OPTIONS

- 14.1 Approve as recommended
- 14.2 Approve with changed or additional conditions
- 14.3 Refuse - on key issues

15. CONCLUSION

- 15.1 The proposed development demonstrates compliance with the mandatory controls contained within the DDO that affects the site. It is acknowledged that the development would go marginally beyond the discretionary controls at the site notably the requirement to provide a 5m setback above the podium. Despite this, the proposed curvilinear design is considered to provide a high standard of design which merits an encroachment into the setbacks. As the proposed apex of the curve would achieve 5m, the proposed visual bulk of the tower is considered to be acceptable.
- 15.2 The remainder of the setbacks to the side and rear of the site either achieve the discretionary setbacks of 4.5m from the boundary or 4.5m from the centre of the adjacent laneways which is considered to be acceptable. It is noted that the surrounding built form does not feature a consistent character with examples of minimal setbacks to taller buildings and no clear podium tower form. The proposed development would provide an innovative design with good articulation that would not produce excessive visual bulk.
- 15.3 The proposed development is also considered to be to an acceptable scale within this location and would not cause adverse overshadowing impacts upon important landmarks or public parkland, notably the Shrine of Remembrance which is located to the east of the subject site. The applicant has demonstrated that the development would be well within the shadowing requirements specified within DDO 26.
- 15.4 The proposed development would also provide an active frontage to Dorcas Street which would provide connection between the development and the public realm and would maintain natural surveillance at ground level.
- 15.5 The provision of high-density residential development in this location is supported through strategic policy contained in the Port Phillip Planning Scheme notably under Clauses 16 (Housing) and 21.04 (Land Use). Although the development is high density, it is considered that the proposed dwelling typologies (1, 2, 3 and penthouse apartments) offers a good degree of dwelling diversity with no dwelling type under or over-represented.
- 15.6 Generally, the proposed dwellings offer a high standard of internal amenity and each apartment would be provided with generous and functional private open space. Storage space is also provided along with designated bicycle parking at ground level.
- 15.7 The proposed development would also provide an acceptable number of car parking spaces for the residential element, which achieves the statutory car parking rate. The required reduction for the retail use is considered to be minor and acceptable.
- 15.8 Despite being to an acceptable bulk and scale, it is noted however that there are deficiencies with the development in terms of street activation and access to the retail unit. This must be provided through an amended Dorcas Street frontage. In addition



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to this, an alternative material finish must be provided to the side and rear elevation in order to sleeve the car parking in the podium levels.

- 15.9 In addition to the above requirements, other minor amendments are required to be incorporated into the apartment layout in order to demonstrate compliance with the applicable standards of Clause 58.
- 15.10 Overall however, the proposed internal amenity of the apartments is considered to be to a high standard and the development achieves the required car parking rate for dwellings under Clause 52.06. For these reasons, the proposed development is considered to be satisfactory and is supported subject to conditions.

TRIM FILE NO:	PF19/10983
ATTACHMENTS	1. Advertised Plans Part 1
	2. Advertised Plans Part 2
	3. Advertised Plans Part 3
	4. Objector Map 2020
	5. Site Photos