



<b>6.2</b>	<b>412 ST KILDA ROAD, MELBOURNE</b>
<b>LOCATION/ADDRESS:</b>	<b>412 ST KILDA ROAD, MELBOURNE</b>
<b>RESPONSIBLE MANAGER:</b>	<b>GEORGE BORG, MANAGER CITY DEVELOPMENT</b>
<b>AUTHOR:</b>	<b>PHILLIP BEARD, PRINCIPAL PLANNER</b>
<b>TRIM FILE NO.:</b>	<b>PI011/2014</b>
<b>ATTACHMENTS:</b>	<b>1. Plans 2. Objector map</b>
<b>WARD:</b>	<b>Emerald Hill</b>
<b>TRIGGER FOR DETERMINATION BY COMMITTEE:</b>	<b>More than 15 Objections</b>
<b>APPLICATION NO:</b>	<b>1011/2014</b>
<b>APPLICANT:</b>	<b>412 St. Kilda Road P/L</b>
<b>EXISTING USE:</b>	<b>Vacant office building</b>
<b>ABUTTING USES:</b>	<b>Residential</b>
<b>ZONING:</b>	<b>Commercial 1</b>
<b>OVERLAYS:</b>	<b>DDO 4-1, DDO 13</b>
<b>STATUTORY TIME REMAINING FOR DECISION AS AT DAY OF COUNCIL</b>	<b>Expired.</b>

### PROPOSAL

Construction of alterations and additions to the existing 19 storey building resulting in 182 dwellings, waiver of loading bay requirement for a café (convenience restaurant), reduction in car and bicycle parking and re-cladding/altering the building facades.

### I. EXECUTIVE SUMMARY

- 1.1 The site is strategically well suited to increased residential densities and is in an area identified for relatively intense residential growth. The 19 storey building is to be retained and re-used and in that context, it is considered that its change in appearance is acceptable noting the variety of nearby building styles and presentations.
- 1.2 Also in the context of retaining the existing building, there is limited of any practical scope to add car parking and noting the site's locational attributes, the car parking provision is considered acceptable also noting the relatively high car parking credit related to this building.



- 1.3 The existing building already exceeds the DDO height limit but the proposal would not increase that height. It would, however, slightly increase the footprint of the uppermost levels but given the absence of concern from the Shrine Trustees, this is also considered acceptable.
- 1.4 The revised plans improve the amenity impacts to the abutting building to the south and are now considered acceptable.
- 1.5 Retaining and re-using the existing building is considered to be a good and sustainable outcome and therefore, the proposal whilst short of car parking, is considered acceptable.

**KEY ISSUES**

- 1. Car parking provision
- 2. Alignment with DDO provisions
- 3. Abutting amenity Impacts

**2. RELEVANT BACKGROUND**

2.1 There is no relevant history or background for this application.

**3. PROPOSAL**

- 3.1 The original plans have formally been substituted under S57A of the Act and therefore, those described below are those assessed. All objectors have been advised in writing of the revised plans. Responses to this process are summarised later in this report.
- 3.2 The application proposes to re-develop the existing building essentially by way of adding new cladding the St. Kilda Road façade, re-painting and re-colouring the remaining facades and changing the internal layout from offices to a total of 182 dwellings and a café (convenience restaurant of 105 seats) supported by 155 car parking spaces. Each dwelling would be provided with either a small balcony or a 'winter garden', most within the existing building envelope but those facing east (to St. Kilda Road) would be outside the current envelope but within the title boundary. The proposal also includes re-developing the top two floors around the perimeter of the plant area as communal open space. This would generally be within the existing envelope and not result in any additional floor space, but one meeting room and an outdoor cinema would sit outside (and above) the existing floor plates. More particularly, the proposal is described as follows.

**Basement Levels**

- 3.3 The existing basements would be retained but would be slightly reconfigured. That reconfiguration would result in a supply of 56 car parking spaces in the two basement levels. A total of 22 bicycle spaces are also proposed together with stair and lift lobbies, plant and waste area and other back-of-house facilities.



Ground Level

- 3.4 Approximately half of this level would again be retained but also slightly reconfigured, resulting in nine car parking spaces being provided. These and all other spaces would continue to be accessed from the existing crossover to Queens Lane. The remainder of the ground floor would comprise a café tenancy (285m<sup>2</sup>), a central lobby area and a large entrance foyer in the south-east corner of the building addressing St. Kilda Road. Aside from the steps to this foyer, 3m wide landscape strips are also proposed to portions of the St. Kilda Road and Bowen Crescent frontages.

Levels 1 to 3:

- 3.5 These levels are all devoted to car parking which the proposal would retain. Some minor changes to the central lift lobby are proposed but the general car park layout would remain much the same. A total of 90 car parking spaces are proposed along with a total of 18 bicycle spaces. Dedicated store areas are also depicted at these levels. No additions are proposed to these levels such that their current setbacks would not change.

Levels 4-17:

- 3.6 These levels would all have identical layouts and would comprise 13 dwellings per level. They would range between 53m<sup>2</sup> to over 100m<sup>2</sup> but the majority would be in the 70m<sup>2</sup> to 85m<sup>2</sup> range. They would all be either one or two bedroom. The dwellings facing St. Kilda Road would all have a 'winter garden' generally between 12m<sup>2</sup> and 25m<sup>2</sup> in area. These would be located outside the existing building envelope essentially by 3m (the current front setback) and would result in their outer face or skin of the building being at zero setback to St. Kilda Road. The other dwellings facing the other boundaries would have balconies of between 3m<sup>2</sup> and 14m<sup>2</sup> with these all being within the existing envelope or setbacks.
- 3.7 It is also proposed to 'square off' two small sections of the current building one facing St. Kilda Road, the other facing Bowen Crescent. These changes would result in these two small sections of the building being at zero setback, but each would only measure approximately 1.2m and 800mm at their deepest. This additional floor area would only relate to two dwellings at each of these levels and would only amount to an additional (combined) approximately 8m<sup>2</sup> of floor area per level. They would not project beyond the title boundaries.
- 3.8 With the exception of the new outer façade to St. Kilda Road proposed at zero setback, the other setbacks of the existing building would be retained. Mostly, this would be between 1m and just over 2m to Bowen Crescent, zero to Queens Lane and (behind the new skin), 3m to St. Kilda Road. In particular, the building's existing wall at the interface with 414-416 St. Kilda Road would be retained whilst the new side face of the closest winter garden would be sited parallel to the existing south wall (or at right angles to the existing front wall) thereby being approximately 4m away from the balcony sides at 414-416 St. Kilda Road.

Levels 18 and 19:

- 3.9 These levels would comprise the communal recreation areas. The outside features would comprise extensive deck areas with barbeque, soft landscaped and sun deck areas



along with a lap pool and spa. The inside areas would comprise sauna, billiard, toilet and casual dining facilities along with a gym, lounge areas and a cinema. No part of these new features would exceed the height of the existing plant and equipment areas. However, some sections of the proposal (especially the pilates, office, meeting room and skydeck) would project outside the footprint – but not the height – of the current plant area. The greatest projection would amount to just over 5m. The proposed cinema would project even further outside the existing footprint, but would be open.

General description

- 3.10 Whilst the proposal would retain the existing building, the new external cladding would substantially alter its appearance. The lower levels of St. Kilda Road elevation would be clad in anodised aluminium and would feature various ‘cutouts’ or asymmetrically shaped entry portals which would replace the current right angled arrangement. The façade above (or the new skin) would be a combination of light coloured pipework, arranged in an asymmetrical pattern generally creating a series of circular effects. The pipes would sit outside a new louvre façade comprising bronze or copper coloured glass louvres with a patterned finish. Some would have coloured backing whilst others would not. The Bowen Street elevation is to have the same light coloured pipework applied, but the façade beneath would be painted in a bronze colour. The Queens Lane elevation would remain largely unchanged but would also be painted in a bronze finish.

#### 4. SUBJECT SITE AND SURROUNDS

- 4.1. For the sake of convenience and description of orientation, St. Kilda Road is assumed to run purely north-south. The subject site is irregular in shape and has an area of approximately 1,570m<sup>2</sup> and has frontage to three roads (St. Kilda Road, Bowen Crescent and Queens Lane) and contains an existing building of 19 levels and approximately 16,250m<sup>2</sup> of net floor area. It is used for office purposes. The building has five levels of car parking comprising two basements and three levels above ground totalling 156 car spaces. It interfaces St. Kilda Road with a series of steps adjacent to a raised garden bed. Interface to Bowen Crescent – at ground level – is partly windows across a small landscape strip and partly a blank wall. The Queens Lane interface is entirely blank wall at zero setback and has the existing crossover and various service cupboards.
- 4.2. The building has a setback of just under 3m to St. Kilda Road whilst for the most part, it abuts the remaining boundaries at zero setback. The building displays unremarkable 1980s architecture with horizontal and essentially full width glass and rendered concrete bands defining each floor.
- 4.3. To the south is a relatively recent apartment building of ostensibly the same height as the subject building. It was completed in the mid to late 1990s and has a front façade that is partly ‘V’ shaped and partly stepped away from the front boundary. It has wide balconies at each level. The north ‘points’ of those balconies directly interface with front setback of the subject building with a section of blank wall. The three properties further to the south also contain apartment buildings of very similar height and similar external design.



- 4.4. To the north across Bowen Crescent, are three buildings comprising a faux chateau styled apartment building of nine levels, a six level curtain glass office building and a multi level public car park of approximately 220 car spaces. Directly behind the building in Queens Lane is a small public space which visually links to a much larger park on the opposite side of the beginning of Queens Road. Diagonally opposite the rear of the building is the service and car park entry to a 1970s office building (extended approximately 10 years ago).
- 4.5. Kerbside car parking in surrounding streets is quite highly controlled and mostly comprises a combination of 15 minute, 30 minute, one-hour, two-hour and four-hour parking along with police and taxi areas. The police areas are in the process of being changed to one-hour ticket parking (8am to 6pm, Monday to Friday) which would be consistent with the surrounding area.
- 4.6. St. Kilda Road is a large and busy road whilst Bowen Crescent is a much smaller road but still carried low to moderate levels of traffic.

**5. PERMIT TRIGGERS**

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

<b>Zone or Overlay</b>	<b>Why is a permit required?</b>
Clause 34.01 Commercial 1 Zone	A permit is required to construct a building or carry out works and to use a building for 'accommodation' if the frontage is greater than 2m.
Clause 43.02 Design & Development Overlay 4-1 and 13	A permit is required for all buildings and works.
Clause 52.06 Car Parking	The table at Clause 52.06-5 sets out the number of car spaces from which a permit is required to vary. The table states that one car space is required for every one and two bedroom and that visitor parking is to be provided at the rate one space per five dwellings. (218 car spaces in total). The same table states that a convenience restaurant should provide car parking at 0.3 spaces per patron (31 spaces in this instance).
Clause 52.07 Loading Bays	A permit is required to waive the loading bay in relation to the proposed food & drink premises (convenience restaurant).
Clause 52.34 Bicycle parking	A permit is required to reduce the on site bicycle provision from the rate of one per five dwellings (resident) and one per 10 dwellings (visitor) or 54 in total in this instance.

**6. PLANNING SCHEME PROVISIONS**

**6.1 State Planning Policy Framework (SPPF)**



The following sections of the SPPF are relevant:

- Clause 15.01-1 Urban Design
- Clause 15.01-2 Urban Design Principles

## 6.2 Local Policy Planning Framework (LPPF), including the Municipal Strategic Statement (MSS)

The following sections of LPPF and MSS are relevant to the proposal:

- Clause 21.04-1 Housing and Accommodation.
- Clause 21.05-2: Urban Structure and Character.
- Clause 21.06-7 St. Kilda Road and Queens Road Neighbourhood.
- Clause 22.06 Urban Design Policy.
- Clause 22.12 Water Sensitive Design.

## 6.3 Other Relevant Provisions

The following Particular Provision is relevant to the proposal:

- Clause 43.02 Design and Development Overlay.
- Clause 52.06 Car parking.
- Clause 52.07 Loading Bays

## 6.4 Relevant Planning Scheme Amendments

Amendment C140 was recently gazetted and introduces changes to certain heights and setbacks within DDO 4 in relation to the Shrine Vista. The proposal has been assessed in relation to the new provisions of DDO 4-1.

Amendment C107 reviews the built form controls for what is known as St. Kilda Road North. That amendment is now seriously entertained and is with the Minister for approval. The subject site would fall within precinct 4e of what would be DDO 26. The amendment proposes a podium height of 30m with side setbacks above that height of 4.5m. It also proposes a maximum height of 65m AHD. A 3m landscaped setback to St. Kilda Road must be provided.

Proposed DDO 26 also contains general requirements in relation to design quality, separation distances (side and rear setbacks), landscaping, heritage, street walls/podiums, active frontages, tower design/internal amenity, building services, access and car parking and pedestrian permeability.

An assessment under these provisions takes place later in this report.

## 7. REFERRALS

### 7.1 Internal Referrals

Urban Design Advisor:

Comments received were as follows: (in relation to the original plans)

*I do not consider the height to be an issue in design terms.*



*The external cladding would certainly add interest in this location. I have no particular concerns from a visual perspective however it is necessary to understand the technical aspects of how such a cladding would work in terms of tech. specification and methodology.*

*The setbacks appear to be satisfactory and provide a human scale and appropriateness to the grand boulevard of St Kilda Road. The overhang is also a positive design aspect as it would provide weather protection and articulation to what is currently a very poor and bland building frontage in this location.*

*I would like to understand this proposal with greater detail from the architects as to the technical workings of the proposed external skin.*

**Planner Comment:**

No additional details has been submitted, even on the revised plans, as to the technical methods of adding the external 'skin' to the building. In any event, this is not a planning matter and would be covered by the relevant building regulations. As submitted, some additional detail in this regard may have been useful to clarify front boundary overhang, but given the recommendation for a 1m setback, such clarification is not required and therefore, the technical method of fixing the new louvres and constructing the winter gardens is not considered necessary at this point in the development process.

**Sustainability Officer:**

Comments received were as follows:

*This application is not yet of a standard where I could approve it as meeting Council's current expectations for environmentally sustainable design. The application should address the following points.*

*The predicted 6.5 star energy rating meets Council's expectations for environmentally sustainable design. However, the project is only targeting 1 out of a potential 20 points for the Green Star MURT Ene-1 credit, which represents a 5% greenhouse gas emissions reduction compared to the specified benchmark. The applicant is encouraged to aim for additional points under the Ene-1 (Greenhouse Gas Emissions) credit.*

*Stormwater Management has not been adequately addressed in the SMP. A STORM report should be submitted to demonstrate that best practice stormwater management can be achieved in accordance with the objectives of Clause 22.12 of the Planning Scheme.*

*There is a missed opportunity to include solar PV on the roof. The SMP mentions that this would be considered dependent on planning restrictions for height limits. If solar PV cannot be incorporated due to specific restrictions this should be justified in the SMP. Where it can be incorporated, solar PV should be considered for communal area use.*

*An SDS assessment has been provided for the ground floor café and only 107 points are achieved. The proposal should aim to reach a minimum SDS score of 114 (Average) or,*



*preferably, a best practice score of (161 points). The proposal is currently non-compliant with the Energy Efficiency, Transport and Water sections of the SDS.*

*The points in any areas of non-compliance with SDS minimum scores should be increased and if the minimum score cannot be achieved this should be justified in the SMP. Currently the SMP contains no commentary on the proposed SDS score.*

*At least one bike parking space per apartment should be provided (192 in total). The application currently proposes only 60 bike parking spaces, which equates to 31% provision for apartment use.*

Planner comment:

The above comments do not raise fundamental issues beyond which cannot be addressed by an updated SMP, which is required by recommended condition 7. This is with the exception of the bicycle parking comments, which are covered by a separate Planning Scheme provision (Clause 52.34).

#### Waste Management

The proposal was referred to Council's Coordinator of Waste Management Services. The following comments were received.

*I have reviewed the waste management plan for 412 St Kilda Rd, Melbourne and have the following comments.*

*Review waste and recycling Volumes to meet Port Phillip Council requirements (Waste 70 litre 1 bed room apartment, 80 litre 2 bed room apartments and 120 litre 3 bed room apartment. Recycling volumes are the same on a weekly basis). Collection from Queens Lane is not suitable due to traffic congestion at this location. On site loading bay area required.*

Further comment has been received specifically about the location of waste collection, as follows;

*I have inspected site and collection can take place from street loading zone on Queens Lane at the rear of 414 - 416 St Kilda Rd, which is the adjoining property. Can they update WMP and note above in item 3.4 of their WMP. Once they have updated waste and recycling volumes and stated above in the revised WMP, please forward to me for final view.*

The updated Waste Management Plan is required by recommended condition 18.

#### Council's Traffic Safety Engineer

Car Park Layout:

- Access ways - Proposed existing crossover is considered satisfactory





- *Car Park Dimensions –car spaces dimensions of 2.4\*5.4 with aisle width of 6m are not in accordance with clause 52.06 however can be considered satisfactory as they are in accordance with Australian Standards.*

- *Ramp Access- Mirrors are proposed within the ramp to improve sight lines. Additional warning lights should be considered to reduce probability of conflict on single carriage way ramps.*

- *Headroom- headroom clearance proposed by the applicant is considered satisfactory.*

- *Bicycles- the proposed allocation is in accordance with Clause 52.34 requirement for bicycles.*

*Bicycle parking should satisfy Victoria’s Bicycle Parking Handbook.*

- *Swept Paths- swept paths have been provided for the access of standard parking bays.*

- *Car Share- The applicant should consider having car share bay(s) allocated to residents on site, given the large number of dwellings without car parking provisions.*

*Traffic Generation:*

- *Traffic Generation anticipated from the redevelopment of site is expected to have minimal impact on the surrounding street Network.*

*On Street Parking:*

- *The existing on-street parking is generally high turnover ticketed parking.*

- *Residents of the development will not be eligible for resident parking permits and visitors utilising on-street parking provisions will be required to pay for parking.*

*Loading and Waste Collection:*

- *Loading- No loading bay is proposed on site, there is no requirement to have Loading on site given ground floor tenancy*

- *Waste collection- waste collection is to be collected from a private contractor from a loading bay accessed via Queens Lane. ( Refuse is to be held on site and moved to Queens Lane when required*

*Parking overlay and parking provisions:*

- *Clause 52.06 of the planning scheme requires 242 off street parking spaces to be provided for the proposed development. Given the applicant proposes 155 off-street car spaces; there is a shortfall of 87 off-street car spaces. The applicant is seeking a waiver in the requirement of car parking requirements.*

- *Note that the assessment for the appropriate rate for car parking provision, with respect to the Parking Overlay lies with Statutory Planning.*



Planner Comment:

The above comments were received in relation to the original plans. The revised plans were not re-referred as they do not change any design aspects of the car park and with the reduction of 10 dwellings, improve the car parking ratio. There are no fundamental concerns raised in the above comments and importantly, it is noted that the proposal’s anticipated traffic impacts on surrounding streets is likely to be minimal and no concerns have been raised regarding possible kerbside parking impacts, largely due to the high turnover and the (mostly) ticket parking restrictions in the area. Comments, however, were that assessment of parking dispensations are part of the planning process. This occurs later in this report.

Waste collection matters have been assessed through the referral to Council’s Coordinator of Waste Management Services.

The suggested warning lights are required by recommended condition I (a).

Council’s Building Surveyor

The proposal was referred to Council’s Building Surveyor in relation to the new St. Kilda Road façade in particular the issue of potential combustibility. The following comments were received:

*Any cladding to the external walls of the building is to be non combustible so as to comply with the requirements of the Building Code of Australia.*

Planner comment:

The new façade to St. Kilda Road would comprise louvre glass, which is non combustible. However, some portions of anodised aluminium are proposed for the lower levels and therefore, revised plans are required showing any such cladding noted as being non combustible in accordance with the above advice. (Refer recommended condition I (g).

**7.2 External referrals**

Referral Authority	Response	Conditions
Public Transport Victoria.	No objection.	None.

Comment was informally sought from the Shrine Trustees and based on the information they received (the original plans) it was stated that they would be unlikely to object. This unlikelihood is considered to have increased noting that the revised plans no longer include the relatively large extension of new dwelling space at the upper two levels but only very modest expansion to the communal facilities.



## 8. PUBLIC NOTIFICATION/OBJECTIONS

- 8.1. 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 (1,567 notices sent) along with sending notification to the City of Melbourne and directing the applicant to place two notices on the site for a minimum 14 day period, in accordance with s.52 of the Planning and Environment Act 1987.
- 8.2. The application was re-advertised under the provisions of S57A of the Act. No objections have been withdrawn, but two additional submissions in the form of clarified objections with new comments have been lodged supporting the changes to the interface between the subject site and the abutting building at 414-416 St. Kilda Road, whereby setbacks between the proposal's side wall and existing abutting balconies was increased in comparison to the original plans. Those submissions maintain their original objections in relation to other matters, especially car parking provision.
- 8.3. Noting the absence of any objections being withdrawn following the revised plans, a total of 63 objections have been received raising the following key grounds:
- Inappropriate car parking dispensation leading to difficulties in using existing kerbside car parking,
  - Inappropriate waiver of loading bay requirement,
  - Loss of light, bulk impacts from two additional levels and poor interface (bulk, outlook and privacy) with abutting no. 414-416,
  - Loss of ground level pedestrian amenity and loss of wider 'boulevard character' due to St. Kilda Road face extension to the front boundary, inconsistent with DDO provisions,
  - Inappropriate change in architectural style incongruous with the character of the area,
  - Likely traffic congestion in Queens Lane,
  - Poor public open space provision,
  - Inadequate public tree protection (mainly Bowen Crescent)
  - Excessive height,
  - Possible waste collection difficulties
  - Inappropriate title boundary overhangs
  - Possible glare and shadow impacts from the new façade.
- These matters are discussed later in this report.
- 8.4. A consultation meeting was held on 7th May, 2015 which was attended by the Planning Officer, 13 objectors and the permit applicants. No formal resolution was reached but at the meeting, but the applicant agreed to assess and potentially address the key issues raised, which were clearly the extent of car parking, local traffic volume impacts,



immediate kerbside car parking impacts, landscaping/ground level interface, boundary overhangs and the interface to abutting 414-416 St. Kilda Road.

- 8.5 The revised/substituted plans are the applicant's attempt to deal with the key concerns which are assessed in the following section of this report.
- 8.6 It is not considered that the number of objections raises an issue of significant social effect under Section 60 (1B) of the Planning Environment Act 1987.

## 9. OFFICER'S ASSESSMENT

### 9.1 Key Issues:

The key issues to assess in this proposal essentially follow most of those raised in the objections. Expressed as questions, those are considered to be as follows:

- Is the site suitably located in a strategic sense?
- Would there be sufficient on site car parking to justify the proposed car parking dispensation and if so, is there likely to be excessive and impractical use of nearby kerbside car parking?
- Is the waiver of loading bay requirement justified?
- Would there be unreasonable loss of light and bulk impacts from the changes to the roof levels of the building?
- Would there be poor interface mainly through bulk, outlook and privacy impacts with abutting no. 414-416?
- Would there be unreasonable loss of ground level pedestrian amenity and loss of wider 'boulevard character' due to the zero setback to St. Kilda Road and is this aspect of the proposal consistent with the DDO provisions?
- Is there likely to be an unreasonable traffic volume increase in Queens Lane?
- Is the proposal's height excessive and would its character and form align with policy and DDO provisions (current and future)?
- Would the proposed change in architectural style be out of character with area?
- Would there be unreasonable shadow impacts from the proposal or any unreasonable glare impacts?

Other matters have been raised which could potentially have less direct impacts and are summarised below and assessed towards the end of this report.

- Poor public open space provision,
- Inadequate public tree protection (mainly Bowen Crescent),
- Possible waste collection difficulties,

An assessment of the initial key matters follows using the local policy provisions together with the relevant Planning Scheme provisions. In terms of local policy, assessment of many



of the key matters is guided by Clauses 21.04-1, 21.04-3, 21.05-2, 21.06-7, and 22.06. The Planning Scheme provisions further used in the assessments below are Clauses 43.02, 52.06 and 52.07.

In terms of built form and future use, the following extracts are considered useful.

(From Clause 21.05-2)

*-To protect and enhance the varied, distinctive and valued character of neighbourhoods across Port Phillip.*

*-To ensure that the height and scale of new development is appropriate to the identified preferred character of an area.*

*-To protect and enhance the distinctive and valued character of the traditional retail strips across Port Phillip.*

*-To ensure new higher density development is responsive to the existing scale and form of neighbouring sites,*

(From Clause 21.06-7)

*6.7.9 Encourage the development of this area as a preferred location for new housing at higher densities, subject to heritage and amenity considerations.*

*6.7.10 Encourage office and residential uses on the same site.*

*6.7.11 Encourage the development of active frontages at street level, including convenience shops and restaurants that create a greater level of pedestrian activity and interest.*

*6.7.12 Encourage new development to incorporate publicly accessible forecourts suitable for passive recreational use, which link with the public realm.*

*6.7.13 Encourage community spaces (such as meeting rooms) to be incorporated into new development.*

*6.7.14 Ensure development respects the boulevard character of St Kilda Road and does not detract from the important views and vistas to and from the Shrine of Remembrance and maintains the high standard of front setback landscaping along St Kilda Road.*

(From Clause 22.06)

### **Street Level 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.*

*Require pedestrian amenities including seating, lighting and public art to create a safe and interesting pedestrian environment.*



**Landmarks, Views and Vistas**

Encourage new development to preserve the visual prominence of key landmarks from adjoining streets, foreshore areas and other key public spaces. These landmarks include (but are not limited to):

· the Melbourne Central Activities District, ... landmarks of cultural significance such as town halls, clock towers, church spires, synagogues, grandstands and hotels, landmark heritage buildings including the Shrine of Remembrance, the foreshore and adjacent boulevards and promenades,

Encourage new development to maintain and enhance important vistas including, but not limited to:

· along St Kilda Road, particularly towards the Shrine of Remembrance,

**9.2 Is the site suitably located in a strategic sense?**

The site is located on St. Kilda Road on the corner of Bowen Crescent. It is part of a medium to high density precinct with several large apartment buildings proximate to the site. Clause 21.04-1 mentions that 'substantial residential growth' should be located in 'strategic sites' which include the Fishermans Bend area and precincts within or close to a Major Activity Centre. The definition of the Substantial Residential Growth Areas (in summary) are those which are 'strategically appropriate (proximate to major activity centres and/or the PPTN) and that provide opportunities for new housing as part of the renewal of precincts and large sites'.

For Clause 21.04-1 to be relevant to this proposal, the subject site must be considered a 'strategic' one and for it to be that, it should – amongst other things – be proximate to a Major Activity Centre and/or the PPTN and be 'large'.

The site abuts the PPTN but is not considered proximate to a major activity centre. The site is, however, considered 'large' and in that context, is considered a strategic redevelopment site under the provisions of Clause 16.01-3. This clause identifies sites that are considered suitable for strategic redevelopment and it states (as relevant to this proposal) that strategic redevelopment sites are those which are in and around the Central Activities District, on or abutting the Principle Public Transport Network and able to provide for 10 or more dwellings close to activity centres well served by public transport.

Council has accepted that access to Major Activity Centres on St. Kilda Road is generally limited, but has equally accepted that the very high level of public transport access and the well-established history of residential growth in taller buildings leads to St. Kilda Road being one of the 'substantial' growth areas for the municipality. In this instance, it is noted that the site not only abuts the St. Kilda Road trams but that the Domain Road tram interchange is approximately 300m north of the site. This feature amplifies the conclusion that the site is very well served by public transport and can be considered an area suitable for substantial residential growth. This is supported by Clause 16.01-3.

The site was previously zoned Business 5 (now Commercial 1), both of which have been accepted as being areas where new residential growth can be anticipated. The local policy provisions in Clause 21.04-3 (Office and Mixed Activity Areas) that refer to the Business 5 zone all indicate that intensification of housing is a primary outcome in those areas and by



extension, would also be in those areas now zoned Commercial I. For example, a key objective and strategy of this clause is as follows:

*To ensure new uses support the future strategic role and function of the office and mixed activity areas. Key strategy: Support consolidation of the Business 5 zone areas and Schedule 1 to the Capital City Zone as vibrant office and higher density residential precincts.*

The proposal includes high density residential development as clearly envisaged. In short, there is no strategic policy provision in this instance that would suggest an outcome other than this site being suitable for substantial residential growth.

#### Non-Residential Use

The proposal includes one café (best considered a convenience restaurant) of 285m<sup>2</sup> in area for 105 seats. It would abut St. Kilda Road and thus provide a greater degree of activation than does the current layout. It would help define and anchor the ground level and it would be consistent with the site's zoning and is considered a positive contribution to the area.

- 9.3 Would there be sufficient on site car parking to justify the proposed car parking dispensation and if so, is there likely to be excessive and impractical use of nearby kerbside car parking?

This matter was raised in the majority of objections and was the subject of much discussion at the consultation meeting. Along with the building's height, interface to the south and façade changes, it is the matter that has generated most concern.

The existing building has until very recently been used for office purposes and has a floor area of approximately 16,000m<sup>2</sup>. The building currently has 156 car parking spaces. Any reasonable and complete assessment of the proposal's potential kerbside parking impacts must take account of any current or recent parking situations. Therefore, using the accepted office car parking rate of 3 spaces per 100m<sup>2</sup> of floor area, the existing building should be provided with 485 car parking spaces. The previous office use therefore has an existing shortfall of 325 car parking spaces using current and relevant Planning Scheme rates.

The above figure of 325 is considered a car parking credit, particularly in this assessment whereby the existing building (and its existing car parking supply) are to be retained. Any shortfall that the residential proposal may have needs to take account of the 325 car space credit that applies to the building.

The proposal in terms of the applicant's intended car parking allocations and the relevant Planning Scheme rates is summarised in the following table.



<i>Use</i>	<i>Planning Scheme rate</i>	<i>Required Car Spaces</i>	<i>Car Spaces proposed</i>	<i>Shortfall</i>
<i>Convenience Restaurant (105 patrons)</i>	<i>0.3 per patron</i>	<i>31</i>	<i>1</i>	<i>31</i>
<i>One bedroom dwellings (42)</i>	<i>1 per dwelling</i>	<i>42</i>	<i>14</i>	<i>28</i>
<i>Two bedroom dwellings (140)</i>	<i>1 per dwelling</i>	<i>140</i>	<i>140</i>	<i>0</i>
<i>Residential Visitors</i>	<i>1 per 5 dwellings</i>	<i>36</i>	<i>0</i>	<i>36</i>
<b>TOTAL</b>		<b>249</b>	<b>155</b>	<b>94</b>

The table shows that the revised development is for 182 dwellings and a café (convenience restaurant) supported by 156 car parking spaces. The table shows that all the dwellings would be either one or two bedroom and also shows that all two bedroom dwellings would meet their car parking requirement, but that the one bedroom dwellings, convenience restaurant and visitor car parking requirements would not be met.

Supporting the proposal’s car parking allocations, the permit applicants are relying to some extent on Council’s sustainable car parking outcomes which, as outlined later in this section, allow for car parking allocation of 0.8 spaces per dwelling. In this instance, the overall proposed car parking allocation would be 0.85 spaces per dwelling. However, Council has been consistent in its application of that rate in relation to the dwellings that it relates to, namely, any ‘small’ dwellings generally being any one bedroom dwellings. For the most part, Council will under some circumstances accept 0.8 car spaces per one bedroom dwelling, but generally require two bedroom dwellings to have one car parking space each.

The intended car parking allocation of 0.85 spaces per dwelling for the entire development, as shown in the previous table, would result in actual parking allocations of 14 of the 42 one bedroom dwellings having a single car parking space each and all of the 140 two bedroom dwellings having a single car parking space each. It is considered that this allocation from a pure practical (as opposed to numeric) standpoint is the most sensible, should the above rates be accepted, as the proposed two bedroom dwellings are likely to generate the greatest car parking demand.

The question becomes whether the re-use of an existing building with a finite number of basement car parking spaces should be re-developed such that the one bedroom dwellings are allocated car parking at the rate of only 0.33 car spaces per dwelling.

Council’s sustainable car parking strategy anticipates car parking allocation for one bedroom dwellings being as low as zero, but in order to achieve that, various tests in addition to those suggested for car parking at between 0.8 and 0.99 spaces per dwelling should be met. The tests to achieve parking allocation at between 0.8 and 0.99 spaces per dwelling are as follows:

- No more than 200 metres walk to edge of an Activity Centre.
- No more than 200 metres walk to fixed rail transport.





- No more than 400 metres to supermarket.
- Strict control of on-street parking in surrounding streets.
- No Resident Permits for future owner/occupants.
- Provision of motor scooter/motorbike parking on site.
- Small dwellings only.
- Provision of bicycle parking in accordance with Clause 52.34.

The additional tests that should be met in order to achieve car parking allocation at less than 0.8 spaces per dwelling are as follows:

- Subsidised public transport.
- Exceed bicycle and amenities provision as required under Clause 52.34.
- Upgrade bus/tram/train stops/approaches or other works to facilitate public transport usage directly applicable to the site.
- Participation in car share scheme or other similar initiatives.
- Other initiatives to reduce usage of motor vehicles.

The proposal would not be within 200m of an activity centre or supermarket (but St. Kilda Road has been accepted as being suitable for high density development) and no dedicated motorcycle parking is shown, but the site abuts fixed rail transport, nearby kerbside parking is strictly controlled, no Council parking permits would be issued, the car parking shortfall would relate to the small dwellings only. Bicycle parking would not meet the requirements of Clause 52.34 (54 required, 40 proposed on site), but an additional 20 public bicycle hoops directly abut the site on both footpaths. This is considered an acceptable provision.

Therefore, the proposal would meet some but not all of the first tests.

In relation to the second tests, the applicants have submitted a green travel plan which indicates various actions that would be undertaken in order to minimise single car journeys. These include promoting and supplying all residents with public transport information, car share details, supplying all dwellings with appropriate maps, subsidising occupants' public transport use by \$50 for the first 12 months, monitoring and reporting to Council about the levels of car ownership in the development, and promotion of cycling and walking (via particular specified methods).

In addition, it is noted that the site has access to at least two nearby public share cars (Queens and St. Kilda Roads) and additionally, the report notes that the cessation of the police use would enable approximately 12 kerbside car parking spaces to be reinstated. The nearby kerbside parking is 1 hour ticket between 8am to 6pm. It is considered likely that the nearby kerbside spaces would be used by visitors after business hours and would consequently reduce the competition for these spaces during daytime office hours.

Noting the above, not all of the second tests have strictly been met (upgrading of nearby transport facilities), but the variety of initiatives in the submitted green travel plan are considered good and sensible outcomes.



In summary, the site is considered well located in terms of access to services by being in an area accepted for high density development and most of the first 'tests' would be met whilst the various other 'green' initiatives are considered good but not highly innovative.

In terms of assessing likely changes in traffic volume, which must take account of the existing car parking credit, it is considered that any changes would be reasonable in this high density context and would not create unreasonable detriment or excessively difficult traffic management issues. Advice from Council's Traffic Safety Engineers reinforces this conclusion. However, from a practicality standpoint, the issue becomes more difficult in that the number of dwellings without any on site car parking would be greater than that normally allowed, being 0.8 spaces per dwelling. Council has discretion to allow any car parking shortfall but in this instance - whilst all two bedroom dwellings would have a single on-site car space - only about 30% of the one bedroom dwellings would have on site car parking.

The site's car parking credit remains a valid consideration in regard to the shortfall, but Council needs to also assess the likely practical outcome of allowing 28 new one bedroom dwellings without any allocated car parking.

On balance, it is considered that the shortfall for the one bedroom dwellings is unacceptable. Despite the site's location and car parking credit, the practical outcome is that having only 14 of 42 (smaller) dwellings with allocated car parking – leaving 28 dwellings without - is likely to increase kerbside car parking pressure in the early evening/night beyond what is considered reasonable. For this reason, it is recommended that the one bedroom dwellings and occupants have exclusive access to two on-site Owners' Corporation managed share cars. Share cars have generally been accepted as being the equivalent of ten 'regular' cars for infrequent journeys. It is reasonable to assume noting this site's location and its likely low level of car ownership, that two share cars – taking account of the loss of two car spaces for those cars - would effectively mean that instead of there being 42 one bedroom dwellings having access to 14 car spaces, there would effectively be 22 one bedroom dwellings having access to 12 car spaces. This results in an effective parking rate for the one bedroom dwellings of 0.54 spaces per dwelling.

This would be consistent with other Council and VCAT approvals along St. Kilda Road of 0.55 spaces per 'small' dwellings. Noting that all two bedroom dwellings would have one car space each, a rate in this instance (of re-using an existing building) of 0.54 spaces for the one bedroom dwellings is considered acceptable for the following reasons:

- The site's substantial car parking credit, whilst mostly relevant to the matter of future traffic volumes, would also have an impact on kerbside car parking use in that some of the previous tenants who were unable to park on site would have been parking in the nearby public car park or in kerbside spaces, especially in the short term,
- The site is excellently served by public transport and in the absence of Council issuing any parking permits for this site, car ownership is likely to be relatively low,
- ABS data is that approximately 20% of dwellings/occupants in the St. Kilda Road precinct do not own a car,
- The applicant's car parking surveys indicate that there is spare car parking nearby (at worst, 65 vacant spaces out of a supply of 331 spaces),
- The proposal is constrained to a large extent through the fact that it retains an existing building with its existing basement car parking arrangement. The floor layout showing



10 relatively large two bedroom dwellings per level (and only three smaller one bedroom dwellings) is not considered an overly dense or 'tight' layout. Recommended condition 13 requires provision of two on-site share cars for exclusive use of the single bedroom dwellings that do not have their own on site car parking.

The proposed café (convenience restaurant) would is not likely to be a destination in its own right nor a high generator of car parking. With 105 seats at the rate of 0.3 car spaces per seat, 31 car parking spaces would be required.

Council has consistently accepted the provision of staff only car parking for tenancies such as the one proposed and given its excellent access to public transport, the provision of one staff car parking space is considered acceptable. This conclusion is again noted in the context of the site's significant car parking credit and the fact that the existing car parking is to be retained, making provision of any additional on site parking highly problematic.

Therefore, based on the site's location and its zoning, it is considered that the proposal would have negligible impact on nearby kerbside car parking, particularly noting that the departure of the Police use could lead to up to 12 kerbside car parking spaces being returned to public use, as verbally confirmed by Council's Traffic Safety Engineers.

In terms of visitor car parking, the proposal would generate the need for 36 car parking spaces. None are proposed to be allocated. In addition to the substantial car parking credit applying to this site, the previous use would have generated most kerbside parking demand during the day. The proposed residential use would generate most of its visitor parking demand at night and it is considered that sufficient nearby parking supply would exist to cater for visitors. Furthermore, visitors do not traditionally use basement parking and are more likely to use nearby kerbside parking.

Subject to inclusion of a two share cars dedicated to the one bedroom dwellings as required by recommended condition 13, it is concluded that there would be sufficient car parking and that there would not be excessive or impractical use of nearby kerbside car parking.

#### 9.4 Is the waiver of the loading bay requirement justified?

The requirement for a loading bay in this instance is only triggered by the proposed café/convenience restaurant. Ideally, it should be provided on site. However, in order to do so and for it to be useable, at least two resident car spaces would be lost. Additionally, the roller door entrance (again to be retained), is approximately 2.9m high. Access to the existing car parks by vehicles much larger than a local delivery van would not be reasonably practical.

Also, the extent of existing kerbside loading zones in the immediate area is extensive. There is a single loading bay outside 1a Bowen Crescent, Bowen Lane has two loading zones of approximately 12m and 60m in length and Queens Lane has approximately 100m length of loading zone in the immediate vicinity of the site. These are considered more than sufficient to cater for any larger trucks that the residential use of the building along with its single convenience restaurant may generate.

On balance, it is considered that the exiting (retained) car parking areas would be best used for resident car parking and that an on site loading bay would not represent an efficient use of the car parking facilities.



9.5 Would there be unreasonable loss of light and bulk impacts from the changes to the roof levels of the building?

The revised proposal does not involve any increase in height of the existing building. At level 19, which is the upper of the existing plant levels, the proposal would expand the existing footprint by up to approximately 5m generally to the south and the west. Some of the projections would be uncovered but the pilates, office, meeting and skydeck rooms would be covered and would be new built form. The comments received from the Shrine Trustees have confirmed that even in original form, the proposal would not raise any concerns in terms of Shrine vista impact.

In terms of bulk impacts on the immediate area, it is considered there would be none. The proposed setbacks for the expanded upper levels would remain generous to the closest boundaries (over 10m) and those expanded levels would continue to read as being much narrower than the levels below; they would read as a recessive 'cap' to the building much as the current plant area does.

The DDO (whether in its current or proposed form) states a maximum height of 65m to AHD. The top of the roof plant is currently at 74.96m to AHD. The expanded levels 18 and 19 would not increase that height. It is accepted that when a building already exceeds a stated DDO height that new building form is acceptable provided that the existing height, whatever it may be, is not increased. This would be the case.

In terms of potential loss of light, it is considered that the changes to the uppermost levels – compared to the existing building – would not have any discernible impacts. They are elevated compared to most nearby buildings, would be no higher than the existing building, would be in the context of many and varied high density buildings and would only expand the upmost level's footprint by approximately 4m at its widest. There would be no negative impacts.

9.6 Would there be poor interface mainly through bulk, outlook and privacy impacts with abutting no. 414-416?

The revised plans show a different interface to this abutting building comprising an increased setback scaling at a minimum of 4m from the proposal's front 'wintergarden' sides to the east faces of the abutting balconies. The proposal would protrude forward of the abutting balconies by approximately 1.6m, but views both directly and obliquely (towards the CBD) from the abutting balconies would be possible.

The wintergarden sides facing the abutting property are not clearly labeled on the south-east elevation (they are notated with the same louvres as per the front elevation) even though the elevation image shows a different treatment.

Therefore, recommended condition 1 (d) requires that the wintergarden sides facing the abutting building be a full height solid material or obscure glass so that privacy is strictly controlled.

It is concluded that the proposal's interface to no. 414-416 would not result in any unreasonable bulk, outlook or privacy outcomes.

9.7 Would there be unreasonable loss of ground level pedestrian amenity and loss of wider 'boulevard character' due to the zero setback to St. Kilda Road and is this aspect of the proposal consistent with the DDO provisions?



Table I to DDO 4-1, whilst labeled under the heading 'height' effectively also contains setback controls. That table states that there should be no buildings and works within 3m of the front boundary. Later in that clause under the heading 'setbacks', it states that buildings and works are considered to meet the design objectives for setbacks if they – amongst other things – are no less than the distance specified in the table, in this case 3m. The provisions allow for permits to be granted for minor projections including in this instance balconies (the wintergardens), to project into the setback distance if Council can be satisfied that the proposal would achieve the following:

- Achieve the design objectives.
- Allow the retention of a heritage place on the site, or have less impact upon the significance of a heritage place on the site or on an adjoining or nearby property.
- Allow the retention of any other significant feature of the site such as vegetation.
- Be consistent with the context of the surrounding urban form.

Discretion currently exists to consider the proposed reduction in the building's front setback down to zero if the above tests, as relevant, are met.

In proposed DDO 26, the only references to front setbacks in the overall Buildings and Works section of the clause are under the headings 'Permit Requirement' and 'Landscaped Setbacks'. This latter provision states that frontages 'must' be retained as open space for substantial landscaping and pedestrian activity and in the case of St. Kilda Road, should function as a forecourt for public, private and communal use.

The Permit Requirement section of the DDO allows permission to be granted for minor buildings and works to project into the setback distances and specifically includes 'reskinning or recladding of an existing building'.

The specific controls relating to precinct 4 include a requirement that a 3m 'landscaped' setback must be provided to St. Kilda Road.

Therefore, the proposed DDO controls relating to front setbacks by default are couched somewhat only in terms of a building's ground level (through the various references to landscaping, 'landscaped' and pedestrian activity, for example). The proposed DDO does not clearly and overtly specify a frontage setback for an entire building's height, although the provision only allowing for 'minor' buildings and works projecting into a front setback would prevent a new building with substantial (or non-minor) features at less than the 3m front setback.

In any event, the proposal in this instance is not for a new building but alteration of an existing one.

Therefore, whilst the proposed DDO controls focus more closely at a 3m ground level setback, they do allow for re-cladding and re-skinning of existing buildings and they consider balconies to be 'minor'. Both the existing and proposed DDO controls give discretion for the 3m setback to be reduced.

The existing building's 3m front setback is proposed to be reduced to zero. Whether under the existing or proposed controls, the key question becomes whether the proposed wintergarden additions are reasonable in the first place and secondly, whether they are considered minor. From that (under the existing controls), the question becomes whether



they would achieve the stated Design Objectives, allow for retention of a significant feature of the site and be consistent with surrounding urban form.

In the context of re-using an existing building for residential purposes, they are considered reasonable. Without removing large sections of the building's façade, there is very little scope for meaningful open space. Even noting the provision of relatively substantial communal open space, some modest private open space for each dwelling is considered reasonable. The concept of creating new dwellings in a re-used office building is considered a reasonable one and one that achieves excellent sustainable outcomes.

It is considered that the proposal would be largely consistent with the current Design Objectives under the DDO but not fully consistent. Two objectives, however, that the setback reduction would be fully consistent are as follows:

*To provide for medium rise development in Queens Road south of Arthur Street that supports the strategic role of this area as a location for residential uses at a higher density and larger scale than in the established residential areas of the municipality*

*To encourage a stepping down in built form between the Melbourne Central Activities District and St Kilda Junction, and between St Kilda Road and Queens Road.*

Additionally, it is considered that the front setback reduction would not affect the objective for ground level landscaping and active use of the setback area, but it is considered that a greater front setback would better align with the objective of requiring buildings to be spaced so as to reinforce the boulevard character of St. Kilda Road. A setback of 1m would better serve to reinforce that character than a zero setback. A 1m setback would also serve to better align with the objective for retaining viewlines between buildings. (Refer recommended condition 1 (f)).

Whether a front setback of zero or 1m is proposed, it is considered that the design objective of maintaining adequate penetration of sunlight into public spaces (in this case, the footpath beneath) would not be negatively affected. The front façade essentially faces east meaning that direct sunlight would cease to benefit the footpath under current circumstances by approximately 11am after which time, the subject building would shade the footpath. It is considered that the proposed setback reduction would not create perceptible sunlight loss.

Normally, the requirement for a setback reduction to allow for retention of a significant feature of the site most often relates to a tree or some form of heritage fabric. There are no such features in this instance. However, it could be argued that allowing the front setback reduction allows the retention and re-use of the existing building to a reasonable standard. Whilst it is quite possible to retain and re-use the existing building with its current front setbacks, it is considered reasonable that the retention of the existing building specifically in this instance is linked to some reasonable provision of private open space.

It is acknowledged that the proposal would form an entirely new façade and it could consequently be argued that it would not be 'minor'. Alternatively, it could be argued that the reduction in the context of the entire building and the varied streetscape (and in the context of reasonable open space provision), would be minor. Balancing the issues of re-



using an existing building, boulevard character, providing some open space against the key concern that works within 3m must be 'minor' it is considered that a 1m setback is justified. This would not reduce the extent of the new façade, but would at least go some way to reinforcing that the works in the context of the whole building would be minor.

Should the wintergardens be reduced to being 2m instead of 3m deep, it would nonetheless still allow for useable open space areas. If this were done, the majority of the wintergardens would remain at just over 15m<sup>2</sup> in area (which is considered quite generous). Only one would become just under 8m<sup>2</sup> in area, but this is considered supportable in trying to minimise the extent of projection into the 3m DDO setback.

On balance, it is considered that the new façade would facilitate retention (and residential re-use) of the building, but that a 1m greater front setback would still allow for generous open space provision without significantly negative character or amenity impacts, especially at ground level, where achieving a setback as per the DDO is considered most critical.

The final consideration is whether the proposal would remain consistent with surrounding urban form. That concept is a very broad one but generally relates to heights, building separations, footprints, any 'stepping' and to a lesser extent, building style. Using these characteristics, the surrounding form is already partly varied and partly consistent. That is, the style and external treatments of nearby buildings varies widely, but most heights, separations and front setbacks are reasonably consistent. In that context, it is not considered that the proposed façade (especially at a 1m front setback) would significantly or detrimentally alter the wider public realm perception of the building in this setting noting in particular that height would not change.

9.8 Is there likely to be an unreasonable traffic volume increase in Queens Lane,

Based on advice from Council's Traffic Safety Engineer, it is not considered that the proposal would lead to unreasonable changes in the traffic volumes in Queens Lane. The previous office use would have generated measurable traffic volumes and whilst potentially occurring at different times of day in this instance, there is no evidence that converting an office building into a residential one would cause substantial traffic volume changes.

9.9 Is the proposal's height excessive and would its character and form align with policy and DDO provisions (current and future)?

This has been previously assessed.

9.10 Would the proposed change in architectural style be out of character with area?

In the context of retaining an existing building that has no heritage value, it is considered that the proposal's architectural style would be suitable particularly noting the varied architecture and building styles in the site's context. The new façade treatments would clearly alter the current building's appearance, but whether the change is considered positive or negative is very subjective. In this instance, there is a wide variety of nearby architectural styles (including an apartment building with strong faux chateau references) and noting that the current building is architecturally unremarkable, it is considered that the area's variety of styles is sufficiently varied and robust so as to support the proposal's style.



It is also noted that there were no concerns expressed in this regard in the Urban Design referral comments.

9.11 Would there be unreasonable shadow impacts from the proposal or any unreasonable glare impacts?

The submitted shadow diagrams indicate that there would be no detrimental impacts. The increased shadow would be at its worst at 9am and would only be approximately 3m long and would fall across the adjacent reserve behind which the existing building would essentially cover. That impact on the park would cease at approximately 11am. For the remainder of the day, additional shadow would barely be perceptible. This would be consistent with the fact that the existing building is to be retained and its height is not to be increased.

9.12 Other matters

Poor public open space provision;

There is limited ability to provide generous public open space given the retention of the existing building. The landscaped areas fronting St. Kilda Road would be retained – but redesigned – whilst the main access steps to the front foyer would also be altered. However, the amount and size of front landscaping would remain largely unchanged.

Inadequate public tree protection (mainly Bowen Crescent);

This is not a planning matter and all protection of Council's assets, including any street trees, would be covered by the relevant Local Laws administered by Council's City permits section.

Possible waste collection difficulties;

The updated Waste Management Plan required by recommended condition would suitably address waste collection matters.

## 10. COVENANTS

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 Crown Allotment 1A, Section O [Parent Title Volume 05259 Folio 797].

## 11. OFFICER DIRECT OR INDIRECT INTEREST

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

## 12. OPTIONS

- 12.1 Approve as recommended
- 12.2 Approve with changed or additional conditions
- 12.3 Refuse - on key issues





### 13. CONCLUSION

- 13.1 The proposal would not increase the height of the current building even though it currently exceeds the stated DDO maximum height. Whilst the footprint of the plant levels would expand by way of some communal facilities, the building's maximum height to the top of its current plant area would not increase. The response from the Shrine Trustees has confirmed that the original building, which substantially increased the footprint of the plant levels, did not raise concerns and therefore, the much reduced proposal at levels 18 and 19 would also not have any impacts on the Shrine vista.
- 13.2 The site has a significant car parking credit and when this is taken account of, it is considered that car parking supply and changes in traffic frequency and volumes would be satisfactory and reasonable respectively in this context. Council's Traffic Safety Engineer has confirmed the latter.
- 13.3 The appearance of the building, especially as facing St. Kilda Road would change significantly. The new appearance's alignment with local character is a subjective matter and on balance, noting the absence of any consistent nearby style and a Heritage Overlay, it is considered that the proposed change in appearance would be reasonable.
- 13.4 The reduction in front setback to zero is not considered supportable when assessed under the design objectives and overall outcomes being sought by the DDO and a greater setback is recommended which would still allow for useable open space/wintergarden areas. However, in the context of retaining an existing building and providing some open space, the front façade's setback being less than the 3m DDO requirement would be acceptable.
- 13.5 It is therefore recommended that a Notice of Decision be issued.

### 14. RECOMMENDATION – NOTICE OF DECISION

- 14.1 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 Planning Permit.
- 14.2 That a Notice of Decision to Grant Planning Permit be issued for construction of alterations and additions to the existing building resulting in no more than 182 dwellings, waiver of loading bay requirement for a convenience restaurant, reduction in car and bicycle parking and re-cladding/altering the building's external facades.
- 14.3 That the decision be issued as follows:

#### I. Amended Plans

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 generally in accordance with the plans forming part of the application but modified to show the following:

- a) Vehicle warning lights in addition to the proposed mirrors at and near the vehicle access ramps,
- b) A notation that two of the car parking spaces are to be reserved for on-site Owners'



- Corporation share cars,
- c) The ESD measures arising from condition 7,
  - d) The sides of the permitted wintergardens as facing 414-416 St. Kilda Road as being either a full height solid material or obscure glass,
  - e) The changes required in accordance with the urban art requirements of condition 12,
  - f) The St. Kilda Road (wintergarden) façade as having a minimum front setback of 1m,
  - g) Greater detail of the St. Kilda Road façade so that the glass louvres which would be colour backed are distinguished from those that would not be colour backed along with a notation that any new anodised aluminium wall cladding and any part of the building is to be non-combustible and meet the requirements of the Building Code of Australia.

Once approved, these plans become the endorsed plans under this permit.

**2. No Layout Change**

The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.

**3. External Colours and Finishes**

All external materials finishes and paint colours are to be to the satisfaction of the responsible authority and must not be altered without the written consent of the Responsible Authority .

**4. Equipment and Services Above Roof Level**

No equipment, services and architectural features other than those shown on the endorsed plans shall be permitted above the roof level of the building or adjacent to the level 18 and 19 communal areas unless otherwise agreed to in writing by the Responsible Authority.

**5. Plant & Equipment**

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

**6. Outdoor Lighting**

Outdoor lighting must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining land.

**7. Environmentally Sustainable Design**

Before the permitted works begin, a modified SMP must be submitted and must demonstrate how environmentally-positive features will be incorporated into the building to the satisfaction of the responsible authority in accordance with the comments from Council's ESD architect. The project must incorporate the sustainable design initiatives listed in the endorsed documents to the satisfaction of the Responsible Authority.

**8. Walls on or facing a boundary**

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



**9. Car parking 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.

**10. Car parking provision**

Without the further written consent of the Responsible Authority car parking for the approved development must be allocated on any Plan of Subdivision as follows:

- At least 0.33 car parking spaces for the one bedroom dwellings,
- One car parking space for every two bedroom dwelling,
- Two on-site share cars for exclusive use by the occupants of the one bedroom dwellings without a private car parking space,
- One car parking space reserved for staff of the commercial tenancy,

All to the satisfaction of the Responsible Authority.

**11. Amenity impacts**

The amenity of the area must not be detrimentally affected by the development through the:

- a) Transport of materials, goods or commodities to or from the land
- b) Appearance of any building, works or materials
- c) Emissions of noise, smell, fumes, smoke, waste water, waste products, grit or oil;
- d) Presence of vermin;

**12. 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 to the satisfaction of the Responsible Authority. The treatment of the external metal fins, where at pedestrian level along Belford Street, is to incorporate appropriate artistic treatment. Urban art in accordance with the approved plan must be installed before the occupation of the building to the satisfaction of the Responsible Authority.

**13. Share Cars**

Two on-site Owners' Corporation managed share cars must be made available at all times the building is occupied for exclusive use of the occupants of the one bedroom dwellings that do not have a dedicated car parking space within the building, to the satisfaction of the responsible authority.

**14. Roads/lanes to Remain Open**

During the construction of the buildings and works allowed by this permit, the roads, streets and lanes adjacent to the subject land must be kept free of parked or standing vehicles or any other obstruction, including building materials, equipment etc. so as to maintain free vehicular passage to abutting benefiting properties at all times, unless with the written consent of the Responsible Authority.

**15. Vehicle Crossings**

Vehicle crossings must be constructed or modified, if necessary, and the cost to be borne by the developer/owner in accordance with Council's current Vehicle Crossing Guidelines and standard drawings to the satisfaction of the responsible authority. All redundant crossings must be removed and the footpath, naturestrip, kerb and road reinstated to the satisfaction of the responsible authority.



#### **16. Landscape Plan**

Before the approved works are completed and/or before the building is occupied (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 with specific reference to any non-active ground level areas directly abutting St. Kilda Road;
- (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.

#### **17. Completion of Landscaping**

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

#### **18. Waste Management Plan**

Before the permitted development begins, an updated Waste Management Plan confirming that waste collection point being is to be from the rear lane along with confirming waste and recycling volumes is to be submitted for approval to the responsible Authority.

#### **19. Time Limits**

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

- (a) The development is not started within 2 years of the date of this permit.
- (b) The development is not completed within 2 years of the date of commencement.

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.

