

# ORDINARY MEETING OF COUNCIL

03 MAY 2017



8.5

412 ST KILDA ROAD, MELBOURNE

LOCATION/ADDRESS:

412 ST KILDA ROAD, MELBOURNE

RESPONSIBLE MANAGER:

GEORGE BORG, MANAGER CITY  
DEVELOPMENT

AUTHOR:

AIDAN ROBINSON, PRINCIPAL PLANNER

TRIM FILE NO.:

PF16/668833

ATTACHMENTS:

1. Delegate report of approved permit
2. Objector map
3. ADV Section 72 plans & elevations
4. Planning permit

WARD:

Gateway

TRIGGER FOR DETERMINATION

More than 16 objections (21 objections)

APPLICATION NO:

1011/2014/A

APPLICANT:

SJB Planning

EXISTING USE:

Office

ABUTTING USES:

Mixed use

ZONING:

Commercial I

OVERLAYS:

Design & Development Overlay  
(Schedules 13, 26-4e & 31)

STATUTORY TIME REMAINING FOR  
DECISION AS AT DAY OF COUNCIL

Expired

## PROPOSAL

Demolition of the entire building and construction of a new building comprising 158 dwellings, basement car parking for 210 cars, one restaurant and one food and drink premises and reduction in resident, visitor and restaurant/ food and drink premise car parking

## I. EXECUTIVE SUMMARY

- 1.1 This report relates to a Section 72 amendment application for demolition of the entire building and construction of a new building comprising 158 dwellings, basement car parking for 210 cars, one restaurant and one food and drink premises and reduction in resident, visitor and restaurant/ food and drink premise car parking.
- 1.2 The existing planning permit 1011/2014 was issued by Council at its meeting of 29 March 2016 to develop the land for the purpose of alterations and additions to existing

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building comprising two new levels (at the roof levels) resulting in 182 dwellings (including penthouses), waiver of loading bay requirement and dispensation of car parking. The permit is still valid.

- 1.3 The Victorian planning system recognises that a permit holder's intentions may change over time. Rather than requiring a new permit application to be made every time a change is proposed, Section 72 of the Planning and Environment Act allows applicants to apply to the responsible authority for an amendment to a permit.
- 1.4 The Section 72 amendment application was lodged with Council on 1 September 2016. Following notice of the application, Council received 21 objections. The objections relate to traffic, amenity and structural impacts during the demolition and construction period, (including timing implications with Metro Rail Tunnel works); Built form including height and setback from St Kilda Road; Insufficient separation from 416A St Kilda Road, resulting in loss of privacy, noise and reduction in air and light; Insufficient car parking; and the proposal should have been lodged as a new application, not as an amendment.
- 1.5 The applicant lodged an appeal with VCAT against Council's failure to determine the application within the prescribed time (60 days) on 23 February 2017. A compulsory conference is listed for 9 May 2017 and a full hearing for 12 July 2017 for three days. Following notice of the current VCAT application, four statement of grounds were lodged with the Tribunal. Two of these are from objectors which raised similar concerns to the objections above and the other two from Public Transport Victoria and the Melbourne Metro Rail Authority.
- 1.6 The site is strategically well suited to increased residential densities and is in an area identified for relatively intense residential growth. The site is located within Design and Development Overlay (DDO26) which includes a maximum height of 65m (Australian Height Datum) AHD and discretionary requirements such as a podium built form and side and rear setbacks. Whilst the overall height would meet the DDO, some variations to the provisions are proposed and are considered to be appropriate.
- 1.7 The proposed development would make a positive contribution to the two streetscapes, St Kilda Road and Bowen Crescent and the broader character of St Kilda Road North Precinct.
- 1.8 The layout and design of the proposed dwellings would offer an excellent standard of internal amenity.
- 1.9 The proposed reduction in car parking is considered to be acceptable given the proximity to public transport and nearby services and given that the variation sought is less than currently approved.
- 1.10 It is recommended that Council informs VCAT that it supports the application subject to conditions.

**KEY ISSUES**

1. Amenity impacts on adjoining sites
2. Consistency with the DDO provisions
3. Car parking and traffic
4. Type of application/transformation of the application

**2. RELEVANT BACKGROUND****2.1 Existing Permit**

The existing planning permit 1011/2014 was issued by Council at its meeting of 29 March 2016 to develop the land for the purpose of alterations and additions to existing building comprising two new levels (at the roof levels) resulting in 182 dwellings (including penthouses), waiver of loading bay requirement and dispensation of car parking.

The application was advertised and 63 objections were received raising a number of concerns including car parking and traffic impacts, amenity impacts to 414-416 St Kilda Road and built form issues including design and height. The Notice of Decision was issued by Council at its Statutory Planning Committee Meeting on 16 February 2016. Council's decision was not appealed to VCAT.

The permit is still valid, however no plans or other documents have been endorsed to form part of the planning permit.

**2.2 Can the application be considered as an amendment to the existing permit?**

Each application must be assessed on its merits, consistent with the general planning principle.

In this instance, whilst the proposals are not identical, in particular the demolition of the existing building and the construction of a new building, the extent of overall built form and scale is relatively similar. While there would be differences in the external presentation of the building, and in its layout and composition, the fundamental components and typology of the building are common to both applications, with both being a mixed use development, with commercial premises at the ground floor and basement car parking.



The Tribunal has found that the ambit of changes that may be made to a permit may be quite substantial and may include changes to any of the things allowed by the permit, its conditions and the land description. Moreover, s72 of the Planning & Environment Act is quite broad and does not suggest that the changes contemplated could not be made subject to proper notice being given to potentially affected persons.

As discussed in this report, all affected parties have been given the opportunity to make a submission on the planning application pursuant to the requirements of the Act. The amendment application was required to go through an extensive public notification process (advertising) which exceeded the previous number of persons notified compared to the previous application i.e. from 1567 to 1653. Further the report has assessed the proposal and considered all matters relevant under the planning controls.

Assessment of case law suggests that in these circumstances the amendments sought pursuant to Section 72 (Amendments of Permits) of the Act would not fall within the ambit of a transformation of the proposal originally considered by the Council and which was subsequently approved.

### **3. PROPOSAL**

#### **3.1 Overview of the proposal**

Since the granting of the original permit, a new owner has purchased the property and the Victoria Police headquarters have relocated out of the existing building, which now sits vacant. The applicant SJB Planning has stated that:

*“Since the grant of the permit, the new owners identified that the philosophy of retaining and adapting the existing building imposed a series of constraints that diminished the site’s capacity to deliver high quality housing and a mix of uses and convenient on-site facilities.” (Page 6, Planning Submission prepared by SJB Planning dated August 2016).*

Essentially, the approved development converted an existing office building into dwellings. This amendment seeks to construct a new purpose built residential building.

Specifically, the following changes are proposed to the permit preamble, conditions and endorsed plans.

#### **3.2 Proposed preamble**

The preamble is proposed to be amended to state:

Demolition of the entire building and construction of a new building comprising 158 dwellings, basement car parking for 210 cars, one restaurant and one food and drink premises and reduction in resident, visitor and restaurant/ food and drink premise car parking.



### **3.3 Proposed changes to conditions**

The applicant has suggested deleting the following conditions:

- 1a)-g): amended plan requirement
- 12: urban art requirement
- 13: share car requirement
- 16: landscape plan requirement
- 17: landscaping completion requirement

The applicant has suggested amending the following conditions:

- 4: roof top equipment/ services requirement
- 10: car parking allocation requirement
- 19: requirement to retain the same architect

### **3.4 Proposed plans**

As previously outlined, the proposal has changed significantly. The plans under assessment are those prepared by Zaha Hadid Architects, Revision 1 dated 7 October 2016 (the advertised plans).

Specifically, the proposal is described as follows.

#### Basement levels

Eight basement levels would be constructed, comprising 210 car parking spaces. Five lifts, a central stair well, storage units, 101 bicycle parking spaces, bin storage areas, substation, rainwater tanks, communications room, car wash area, wine cellar and other plant and service areas are spread across the various basement levels. One of the basement levels is at half ground level as it faces Bowen Crescent and Queens Lane.

Vehicle access into the basement is proposed via 6.61 metre wide crossover from Queens Lane. A separate loading bay is also proposed to be accessed from Queens Lane via a 4 metre wide crossover. An entry from Bowen Crescent is proposed to the café in the west corner of the site.

#### Ground level

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The primary building access will be via St Kilda Road with lounge areas, a library, concierge desk and management office concentrated in the north corner of the building and around the central service core. A 319m<sup>2</sup> restaurant facing St Kilda Road and a 134m<sup>2</sup> food and drink premise with terrace facing Bowen Crescent are proposed.

### Level A (Level 2)

Level A would contain a swimming pool area with Jacuzzis, sauna, steam room, lounge and changing facilities on the south side of the building. The swimming pool would have a glass roof, effectively functioning as a light well to the levels above. Three apartments would also occupy this level facing Bowen Crescent. The part of the building facing St Kilda Road would comprise open voids above the restaurant and lobby below.

### Level B (Level 3)

Level B would contain a gym and cinema on the south side of the building and seven apartments would occupy the St Kilda Road and Bowen Crescent frontages at this level.

### Level C (Level 4)

Level C would contain a lounge/ business centre on the south side of the building. Eight apartments would occupy the St Kilda Road and Bowen Crescent frontages at this level.

### Levels D-K (Levels 5-12)

Levels D-K would have identical layouts, each comprising ten apartments.

### Levels L-Q (Levels 13-18)

Levels L-Q would have identical layouts, each comprising nine apartments.

### Level R (Levels 19)

Level R would comprise four apartments.

### Level S (Level 20)

Level S would contain an outdoor pool, terrace and bar/ bbq area adjacent to a dining/lounge area with kitchen, on the west side of the building. Two apartments would also occupy this level.

### Level T (Roof Level)

Level T (roof) would contain two private terraces on the east side of the building, associated with the two apartments below. Each terrace would contain a Jacuzzi.



### General description

Overall, the building would contain 158 apartments: 28 with 1x bedroom, 102 with 2x bedrooms, 23 with 3x bedrooms, 2 with 4x bedrooms and 3 with 5x bedrooms.

The building would have a maximum building height of 64.4 metres. The design incorporates curvilinear balcony and cladding, with a mix of light and dark grey metal cladding, glass balustrades and glazing.

It would have the following setbacks:

- Minimum setback of 3.3 metres from St Kilda Road at the ground floor, into which various built form elements including stairs and ramp would encroach.
- Minimum setback of 3.3 metres from St Kilda Road at the upper floors, into which balconies and architectural features would encroach.
- Setback of 2-3.5 metres from Bowen Crescent at the ground floor, into which various built form elements including stairs and terrace would encroach.
- Setback of 2-3.6 metres from Bowen Crescent at the upper floors, into which balconies and architectural features would encroach.
- Setback of 1.7 metres from Queens Lane at the ground floor.
- Setback of 1.7 metres from Queens Lane at the upper floors, into which balconies and architectural features would encroach.
- Abut the south boundary, aside from in the eastern corner of the site and where a 21.5 metre long light well setback 4.5 metres from the south boundary would be located.

### **3.5 Key differences between the approved development and the proposed amendments**

The following is a summary of the key differences between the approved development and the proposed amendments:

<b>Component</b>	<b>Approved</b>	<b>Proposed</b>
Dwellings		
One bedroom dwellings	42	28
Two bedroom dwellings	140	102
Three + bedroom dwellings	0	28
Total number of dwellings	182	158
Car Parking		

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Residential car parking spaces	154	200
Visitor car parking spaces	0	5
Commercial car parking spaces	1 (convenience restaurant)	1 (food & drink) & 4 (restaurant)
Total car parking spaces	155	210
Bicycle Parking		
Residential bicycle spaces	40	76
Visitor bicycle spaces	0	16
Commercial bicycle spaces	0	9
Total bike spaces	40	101
Commercial Premises		
Patron numbers & floor area	One x 105 patron convenience restaurant	One x 62 seat restaurant and one x 136m <sup>2</sup> food & drink premises (café)

Other key design differences between the approved development and the proposed amendments include:

- A different architectural aesthetic.
- Although the overall height of the building is not proposed to increase and the building massing would be fairly similar, there are some areas in which the building massing would be altered:
  - Due to the proposed curvilinear balcony and cladding design, slightly greater setbacks from the site boundaries would result.
  - At the upper levels, a slightly greater massing would result due to:
    - Four apartments are now proposed on Level 19, compared with the communal area currently approved.
    - Two apartments and a communal area are now proposed on Level 20, compared with a central communal area currently approved.
    - Two roof terraces are now proposed on the roof, compared with a roof area currently approved.
  - The building is now proposed to abut the east corner, where a setback was retained in the endorsed plans.
- The approved development comprises car parking on the ground, first, second and third levels of the building in addition to the two basement levels. The proposed development has car parking at the basement levels only, which results



in significantly more activation of the lower levels. Specifically the proposal now has habitable areas across all levels with the lobby and café along the full extent of Bowen Crescent at the ground level.

- The proposed development includes a larger setback from the south boundary, with the light well proposed to increase in area: from 76.2 to 96.75 square metres (both calculations include balcony areas).
- 24 less apartments are now proposed, with a greater dwelling diversity resulting. Specifically, a mix of one and two bedroom dwellings are approved while a mix of one to five bedroom dwellings are proposed. Approved enclosed winter gardens would also be replaced by balconies.
- The amended development would not include any borrowed light or snorkel arrangements with all habitable rooms having external windows access to daylight.
- More car parking and bicycle parking spaces are proposed.
- A loading bay is proposed, where the original permit approved the waiver of the standard loading bay requirements.
- A second food and drink premises is now proposed, facing Bowen Crescent, although both developments include ground level food and drink premises facing St Kilda Road.

#### **4. SUBJECT SITE AND SURROUNDS**

- 4.1 The subject site is irregular in shape and has an area of approximately 1,570 square metres. It has frontages to three roads: St Kilda Road, Bowen Crescent and Queens Lane. It is occupied by a 19 storey building constructed during the 1980s. It has approximately 16,250 square metres of net floor area. The building is currently vacant but was previously used for offices, specifically being occupied by the Victoria Police as their headquarters. The building has a setback of just under 3 metres to St Kilda Road, and abuts the remaining boundaries. Vehicle access is via Queens Lane.
- 4.2 The following description of the surrounding area has been taken from the original Council report:
- 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.

Zone or Overlay	Why is a permit required?
Clause 34.01 Commercial I Zone	<i>A permit is required to construct a building or construct or carry out works and to use the land for a dwelling (Accommodation) where the frontage is greater than 2 metres.</i> <i>A permit is not required to use the land for a Food and drink premises (including a Restaurant).</i>
Clause 43.02 Design & Development Overlays 13, 26 & 31	<i>A permit is required to construct a building or construct or carry out works pursuant to each of the DDOs.</i>
Clause 52.06 Car Parking	<i>A permit is required to reduce the standard car parking requirement.</i> <i>Specifically, a reduction of 42 car par spaces (26 for visitors and 16 for the commercial premises) has been sought.</i> <i>It is noted that the dispensation proposed is less than that currently approved under the existing permit.</i>
Clause 52.34 Bicycle Facilities	<i>No permit is required as the amended proposal meets the bicycle parking and facilities requirements of Clauses 52.34-3 and 52.34-4.</i>
Clause 52.07 Loading and Unloading of Vehicles	<i>A planning permit is required to reduce or waive the requirements for the provision of space and access for the loading and unloading of vehicles for a new building or works for the manufacture, servicing, storage or sale of goods or materials (i.e. for the restaurant use)</i>

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	<i>It is noted that the existing approval included a restaurant use and the waiver of a loading bay has already been approved by Council. It is note that the application plans now include a loading bay on the ground floor accessed from Queens Lane and therefore no planning permit is required under the is clause of the Scheme.</i>
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### 6. PLANNING SCHEME PROVISIONS

#### 6.1 State Planning Policy Frameworks (SPPF)

The following State Planning Policies are relevant to this application:

- Clause 11: Settlement
- Clause 15: Built Environment and Heritage
- Clause 16: Housing;

#### 6.2 Local Planning Policy Framework (LPPF)

The following local planning policies are relevant to this application:

- Clause 21.03-1 Environmentally Sustainable Land Use and Development
- Clause 21.03-2 Sustainable Transport
- Clause 21.04-1 Housing and Accommodation
- Clause 21.05-2 Urban Structure and Character
- Clause 21.06-3 Urban Design and the Public Realm
- Clause 21.06-7 St. Kilda Road and Queens Road Neighbourhood.
- Clause 22.06 Urban Design Policy for Non Residential Development and Multi Unit Residential Development
- Clause 22.12 Stormwater Management
- Clause 22.13 Environmentally Sustainable Development

#### 6.3 Other relevant provisions

- Clause 43.02 Design and Development Overlay
- Clause 52.06 Car Parking
- Clause 52.07 Loading and Unloading of Vehicles
- Clause 52.35 Urban Context Report and Design Response for Residential Development of Five or More Storeys
- Clause 65 Decision Guidelines

#### 6.4 Other relevant scheme amendments

- Better Apartments Design Standards

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This State Government amendment (VC136) introduced the Better Apartments Design Standards into all planning schemes on 13 April 2017. Transitional arrangements have been included in the new provisions which state that the requirements would not apply to applications lodged prior to the approval date of the amendment (13 April 2017). However it is still beneficial to consider this application against those standards and accordingly this has formed part of this assessment.

### 6.5 **Changes in policy since the grant of the original permit**

Since the grant of the original permit, the following relevant changes in policy have occurred.

#### Amendment C107

Amendment C107 was gazetted on 2 June 2016 to implement the St Kilda Road North Precinct Plan 2013 (Updated 2015). The amendment:

- Introduced Design and Development Overlay 26 (DDO26 St Kilda Road North Precinct) to replace the existing DDOs 3 and 4 that applied to the St Kilda Road North precinct.
- Updated Clauses 21.06-7 St Kilda Road and Queens Road and 21.04-5 Public Open Space and Foreshore of the MSS.
- Included the St Kilda Road North Precinct Plan 2013 (Updated 2015) as a Reference Document to the scheme at Clauses 21.07 and 43.02.
- Modified Clause 66.06 to require that notice be given to The Shrine of Remembrance Trustees in some instances under the DDO26.

When the original application was assessed, this was considered to be a seriously entertained amendment and accordingly the application was assessed against the DDO26. However, the DDO26 approved by the Minister included some changes compared with the version used for the original assessment and as a result, less restrictive controls are now in effect. The following changes in the gazetted DDO26 are of relevance to the subject site:

- Making the building heights requirements mandatory.
- Making all podium requirements discretionary.
- Making all street setbacks discretionary (except from St Kilda Road).
- Inclusion of a Shrine of Remembrance objective within the DDO26 Sub-Precinct objectives for Sub-Precincts 4, 5 and 6.
- Inclusion of a permit trigger to refer applications that exceed discretionary overall heights to the Shrine of Remembrance trustees.
- Deletion of the overshadowing provision for Wesley Junior College in line with the Panel recommendation.

#### Amendment GC45



Amendment GC45 was gazetted on 5 January 2017 to facilitate the delivery of the Melbourne Metro Rail Project. It introduced the Design and Development Overlay 31 (DDO31 Melbourne Metro Rail Project – Infrastructure Protection Areas) over the front part of the subject site and other properties along St Kilda Road. It also updated associated parts of the planning scheme.

DDO31 is now a planning permit trigger which this application must be assessed against. The DDO31 also introduced the Department of Economic Development, Jobs, Transport and Resources (which includes the Melbourne Metro Rail Authority) as a determining referral authority.

## 7. REFERRALS

### 7.1 Internal referrals

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

#### 7.1.1 Sustainable Design

*This application is not yet of a standard where I could approve it as meeting Council's current expectations for environmentally sustainable design. The applicant should address the comments raised below in order to demonstrate that the development would meet best practice standards for sustainable design:*

##### Management 2.4 Thermal Performance Modelling - Non-Residential

- *For a development of this size we encourage that the building fabric of non-residential areas at least a 10% improvement on National Construction Code (NCC) Section J minimum standards.*
- *Provide a preliminary Section J report. Otherwise amend BESS entry to NO.*

##### Management 3.3 Metering

- *Indicate on architectural plans and commit in SMP that all major common area services will be separately submetered. Otherwise amend BESS assessment to NO.*

##### Energy Efficiency – Building Fabric

- *For a development of this size we encourage that the energy rating of energy rating of the dwellings to be at least a 10% improvement on minimum standards (6.6 star average and 5.0-star minimum).*

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- Current report only includes an energy rating sample indicating a potential 7.5 star average, however no commitments are made. Amend report to indicate a commitment to these standards.
- Please ensure the correct number of dwellings is entered into the BESS assessment.

### Energy 1.1 Thermal Performance Rating - Non-Residential

- As mentioned above provide evidence of Section J report assessment.

### Energy 3.4 Clothes Drying

- The development needs to commit to providing clothes dryers as part of the base building if they are to be included within the BESS assessment. If this is not the case then amend them to 1-star in BESS.

### Energy 4.2-4 Renewable Energy Systems

- These credits have been incorrectly disabled. The project has the potential to provide these systems and but currently not. Please amend BESS assessment.

### Water 1.1 Water Efficient Fixtures

- The development needs to commit to providing dishwashers and washing machines as part of the base building if they are to be included within the BESS assessment. If this is not the case then amend them to default/unrated in BESS.

### Water 4.1 Building Systems Water Use Reduction

- Provide further information on the specification of chillers that will reduce potable water consumption by over 80%
- Indicate on plans size and location of fire safety system water re-use tank.
- If not providing either of the above please amend BESS assessment entry to NO.

### Stormwater 1.1 Stormwater Treatment

- A note should be provided that indicates the tank is connected to toilets for flushing.

### Transport - Bicycle Parking – Residential + Residential Visitor

- Bicycle parking spaces for the development are insufficient. For developments of this size we have commonly received rates of 1 space per apartment and 1 visitor space per 4 apartments.



**Urban Ecology 2.1 Vegetation/ Urban Ecology 2.4 Private Open Space - Balcony / Courtyard Ecology**

- With a development of this scale we expect an improvement of the site's ecological value with planter boxes, green roofs or walls. Otherwise provide with an external tap and floor waste to each dwelling's private open space area to allow residents to grow vegetation should they wish to.

Note that the project of this size still needs to meet the minimum 70% overall score and minimums in Energy, Water, Stormwater and IEQ categories in BESS. In areas falling short from the above changes, adjustments need to be made to bring the project up to meet the BESS minimums.

**Planner's response**

Conditions are recommended to address these matters (refer recommended conditions 29-33). The existing condition 7 of the permit requires that an amended Sustainable Management Plan be submitted, to address comments from Council's ESD architect. This is recommended to be retained on the permit.

**7.1.2 Traffic Engineer**

The new proposal is a better outcome in relation to traffic and parking given new improved car park with off street loading facilities.

**Car Park Layout:**

- Access ways: vehicle access is proposed to be a double crossover via Queens Lane. Access way exceeds requirements under clause 52.06 of the planning scheme and is considered satisfactory
- A pedestrian sight triangle has been provided and is considered appropriate for the car park entrance.
- A pedestrian sight triangle has not been provided for the loading bay, however given frequency of loading I am satisfied that a signal system or similar could be installed at this crossover for safety of pedestrians; as indicated in the traffic report. This should be placed as a condition.
- Car Park Dimensions: car spaces dimensions throughout the development vary.
- Dimensions are as follows:
  - 3.0m\*5.4m with aisle width of 5.7m
  - 3.0m\*5.4m with aisle width of 6.1m



- 2.7m\*4.9m with aisle width of 6.4m
- Each are typically in accordance with clause 52.06 and are considered satisfactory
- Additional clearance on spaces next to building walls has been provided in accordance with 52.06 and is considered satisfactory.
- Spaces in tandem have additional 0.5m between bays and meets the requirements of the planning scheme.
- Applicant has provided an 85th percentile swept paths of all critical spaces which indicate adequate entry and egress can be achieved.

Headroom and Gradient of Ramps

- Minimum headroom complies with Clause 52.06 of the planning scheme.
- Ramp gradients have been checked and are considered appropriate in line with the planning scheme.

Bicycles

- The applicant proposes 101 bicycle spaces on site and exceeds requirements as set out in Clause 52.34.

Traffic Generation:

- Traffic generation rates adopted by the applicant have been checked and are considered satisfactory. They are summarised below:

Proposed daily Traffic Volumes

- The expected traffic volume generated from the development will be approximately 474 vehicle movements

Proposed Peak Hour Volumes

- The expected traffic volume generated from the development during peak hours will be approximately 50 vehicle movements

Expected permitted Peak Hour Volumes:

- The existing peak hour volumes of the current Planning Permit (P1011/2014) are estimated to be approximately 47 vehicles per peak hour.

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- *The additional 3 movements during peak hours expected as a result of the proposal would not have major impacts on traffic flow of local streets/intersections.*

### 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:

- *A loading Bay has been provided on site and meets the statutory requirements as set out in clause 52.07 of the planning scheme. This loading bay should also be used to accommodate residents moving in and out of the development.*
- *Waste Management plan to be referred to Council's Waste Management department for assessment.*

### Parking overlay and parking provisions:

- *Clause 52.06 of the planning scheme requires 241 off street parking spaces to be provided for the proposed development. Given the applicant proposes 209 off-street car spaces; there is a shortfall of 32 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's response

Recommended condition 1h) requires the installation of a signal system or similar at the loading bay crossover. Other comments have been considered in the assessment later in the report.

### **7.1.3 Urban Design**

#### Built Form

*The scale and height of the built form is within the existing permit approved for the site.*

#### Public realm & ground floor

*The proposed building is not aligned with the existing building, the ramp, stairs, landscaping, and building projections are within the site boundary but do overhang the footpath. Clarification is required as what is allowed within what is deemed the public realm. There are a number of*

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*landscaping planter boxes on the kerb line that should be removed to provide a more accessible width for pedestrians and to avoid issues of responsibility for maintenance.*

*The ground floor drop off area on Bowen Crescent will also be the location for the emergency egress for the new Domain Station. The applicant must refer these drawings to Melbourne Metropolitan Rail Authority (MMRA) to ensure the development does not compromise safety access for the emergency egress.*

*There are a large number of void spaces on the ground floor around the residential lobby corner, restaurant access and café area. Clarification is required on what the role of these spaces are, and why they are required. If these voids are to break the transition in level change they must ensure the façade and materials are not a tinted or reflective façade to the street.*

*The 7 storey basement for car parking will require further geo-tech testing and MMRA approval (given the proximity to the station box underground and ), and potential location of station infrastructure opportunities to enhance the surrounding public realm.*

### Façade treatment & detail

*The Urban Art requirements are not detailed in the proposal and Council does not accept the applicant's response that the urban art is integrated into the façade of the building and landscape surrounding the development. This is a key site along St Kilda Rd and Albert Rd, especially with the upcoming Domain Station.*

### RECOMMENDATION

We generally support the proposal with the following conditions/clarifications:

- *Ensure the plans are referred to MMRA to clarify location and access of the emergency egress does not compromise safety, further details of construction stages and timing, and potential location of station infrastructure to enhance the surrounding public realm.*
- *Provide an urban art concept and proposal that is separate from the façade and built form articulation.*
- *Clarification of the extent of what building overhangs, balconies, ramps, stairs and landscaping can protrude onto the footpath – but are within the site boundary. Remove the planter beds on the footpath that are outside of the site boundary to provide a wider footpath and to remove potential issues of maintenance and upkeep responsibilities.*

### Planner's response

Melbourne Metropolitan Rail Authority were notified of the proposal due to the new Domain Station, in part to facilitate the potential co-location of infrastructure.



As part of this development, no works are being approved within the public realm (i.e. outside the title boundaries). If the developer wishes to undertake landscaping or maintenance works within this area, further approvals would be required from the relevant parts of Council. The only section of the building that would extend beyond the title boundaries is a very small section of some of the balconies on levels B-Q over St Kilda Road. This is a result of the curvilinear design exterior rather than an attempt to increase balcony sizes. It is recommended that a condition be included on the permit, to require the entire building to be constructed within the title boundaries [refer recommended new condition 1k].

The void spaces at the ground floor appear to provide a transitional space and airlock between the lobby and the street. It appears that clear glazing is intended to be used for these areas, however this will be clarified through recommended condition i).

In relation to the Urban Art requirements, while no specific details have been provided at this time, this is considered to be a matter that can be resolved prior to the completion of the development. Condition 12 of the permit requires the submission of an Urban Art Plan prior to the occupation of the development, to the satisfaction of Council. This condition is recommended to be amended to delete reference to the external metal fins relevant to the original proposal, but will still be required.

#### **7.1.4 Waste Management**

*I have reviewed the WMP for 412 St Kilda Rd and all requirements have been met.*

##### Planner's response

Other comments have been considered in the assessment later in the report.

#### **7.2 External referrals**

Referral Authority	Response	Conditions
Public Transport Victoria	No objection subject to conditions	Refer to recommended conditions 21-28
Melbourne Metro Rail Authority	No objection subject to conditions	Refer to recommended conditions 21-22

### **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 (1653 letters) and directed that the applicant give notice of the proposal by posting three notices on the site for a 14 day period, in accordance with Section 52 of the Planning and Environment Act 1987.



- 8.2 The application has received 21 objections. The key concerns raised are summarised below (officer comment will follow in italics where the concern will not be addressed in Section 9):
- Traffic, amenity and structural impacts during the demolition and construction period, (including timing implications with Metro Rail Tunnel works)  
*Impacts during construction are managed under separate building and local laws regulations, rather than under the planning framework. Therefore they are not matters which warrant the refusal or modification of this proposal.*
  - Built form including height and setback from St Kilda Road  
*Refer to assessment later in this report for response to this issue.*
  - Insufficient separation from 416A St Kilda Road, resulting in loss of privacy, noise and reduction in air and light  
*Refer to assessment later in this report for response to this issue.*
  - Insufficient car parking  
*Refer to assessment later in this report for response to this issue.*
  - Proposal should have been lodged as a new application, not as an amendment  
*The scope of changes that can be considered as an amendment to a planning permit pursuant to Section 72 of The Planning and Environment Act 1987 are significant. Therefore there is no requirement under the Act to lodge this as a new application.*
- 8.3 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.
- 8.4 It is noted that four (4) statement of grounds have been lodged with the Tribunal in relation to the pending VCAT application. The two from objectors raised similar grounds to the issues raised in the objections above.

## 9. OFFICER'S ASSESSMENT

### 9.1 Overview of proposed changes and identification of key issues

The proposed amendment seeks to make significant changes to the approved development, being the construction of a new building rather than the conversion of an existing one. An entirely new design is now proposed, with significantly increased basement levels, a reduced number of overall dwellings but higher number of car parking spaces, a second food and drink premise, new layout across all levels and completely different external building design. Notwithstanding this, the maximum building height has not changed and the massing is remarkably similar to what has been approved. The exceptions to this are at the top three levels where the massing has slightly increased and the side setbacks which have slightly increased as a result of the curvilinear exterior.



Overall, it is considered that these changes would generally result in an improved outcome in terms of architectural design, ground level activation and public realm interface, internal amenity, dwelling diversity, ESD/WSUD outcomes, car parking provision and loading bay provision. This is partly because there are less constraints constructing a new building compared with converting an existing building.

Notwithstanding this, it is still necessary to undertake a detailed assessment of the proposal to ensure that it would comply with the relevant policy provisions of the scheme. Accordingly, the proposal has been considered in response to the following key issues:

- Would any strategic policy issues arise from the amendment?
- Is the amended proposal consistent with the built form and character objectives of the scheme, including the relevant DDO provisions?
- Would there be any unreasonable off-site amenity impacts, particularly in regard to 416A St Kilda Road?
- Would the proposal be compatible with the Melbourne Metro Rail Project?
- Would the proposed dwellings have a high level of internal amenity?
- Would there be sufficient on site car parking to justify the proposed car parking dispensation?
- Would there be any unreasonable traffic impacts as a result of the amendment?
- Has sufficient provision for site services and environmental features been made?
- What changes would be required to the original permit?

## **9.2 Would any strategic policy issues arise from the amendment?**

The original Council report concluded that the subject site is a strategic redevelopment site pursuant to Clause 16.01-3 and that despite the limited access to Major Activity Centres:

*“...[Council] has 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.” (Section 9.2)*

It goes on to state that the Commercial I Zone has been accepted as an area where new residential growth can be anticipated, and that under the previous Business 5 Zone the site was identified as being an area for ‘higher density residential precincts’. Having



regard the relevant provisions, which also includes Clauses 21.04-1 and 21.04-3 of the MSS, it concluded that:

*“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.” (Section 9.2)*

This strategic policy framework has not changed since the granting of the original permit, and the site evidently remains suitable for this type of development.

In addition, the total commercial floor area is proposed to increase, from 285 to 470 square metres in area. This is a positive outcome consistent with the purpose of the Commercial I Zone at Clause 34.01.

The specific policy issues arising from the Melbourne Metro Rail Project, which were introduced into the planning scheme under Amendment GC45, are discussed at Section 11.5 below.

Overall, no new strategic policy issues have arisen since the granting of the original permit and the proposed amendment remains consistent with the strategic policy framework.

**9.3 Is the amended proposal consistent with the built form and character objectives of the scheme, including the relevant DDO provisions?**

Various provisions of the planning scheme deal with built form, including Clauses 15.01-2, 21.05-2, 21.06-7 and 22.06 and the relevant DDOs. These have not changed since the granting of the original permit and will not be requoted in this report. However the key issues arising from these policies have been considered as follows.

Architectural style

The proposal seeks a completely different architectural outcome compared with the approved development that incorporates a distinctive curvilinear balcony and cladding design with extensive use of glazing. This is a high quality architectural response that would sit comfortably within the surrounding context of varied architectural styles. No concerns were expressed in this regard in the Urban Design referral comments.

Public realm interface/ active frontages

The proposed building would result in an improved public realm interface overall. At the ground floors, both St Kilda Road and Bowen Crescents would comprise activity, with two food and drink premises (compared with one), large lobby, terraces with seating, six entries (compared with three), about half of the Bowen Crescent frontage comprises a blank wall to conceal car parking.



At the levels above, notably the next three levels, the improvement would also be significant. As approved, blank walls conceal car parking to all street interfaces. The proposal has dwellings with balconies providing passive surveillance and activation. In addition, the winter gardens now approved would make way to open balconies and significantly more glazing.

#### Height

The DDO26 – St Kilda Road North prescribes a mandatory height control of 65m AHD for the subject site. The maximum building height is not proposed to increase from the existing building (including the approval) being 74.96m AHD. This is clearly above the mandatory height stipulated.

Pursuant to Section 4.0 of the Schedule:

*A permit may be granted to replace a building or works which existed on 15 May 2016 which does not meet the height or setback requirements of this schedule so long as all of the following apply:*

- *The responsible authority is satisfied that an increased height or reduced setback does not unreasonably impact on the vision for the Sub-Precinct as set out in the Design Objectives for the relevant Sub-Precinct.*
- *The building or works is no higher than the building being replaced.*
- *The building or works is to be constructed no closer to a boundary than the building being replaced.*

The exiting building abuts almost all boundaries of the site and has a current building height (including the approval) of 74.96m AHD. The building would not extend beyond these setbacks and in some case is set further back from the boundary. Therefore the proposed building would meet these requirements.

In relation to whether the increased height would not unreasonably impact on the vision for the Sub-Precinct as set out in the Design Objectives for the relevant Sub-Precinct, it is worthwhile to detail these visions:

- *To ensure that built form creates a focal point for the wider St Kilda Road Precinct where Albert Road, St Kilda Road and Domain Road meet through the development of higher scale and quality buildings.*

The development would create built form focal point on this prominent corner location that would have a higher scale and quality, particularly in comparison to the existing building on the site.

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- *To ensure that development reinforces the distinctive street pattern by building frontages following the curve of the street and are complemented by formal tree planting in setback areas.*

The curved nature of the proposed building forms would provide a contextual response to the curved nature of the street patterns despite the site having straight boundary lines. Some landscaping would be provided in the ground floor setback and the existing street trees would be maintained on the footpath.

- *To ensure that podium heights create and reinforce human scale and provide visual interest and activity for the pedestrian at street level.*

The site does not require a podium built form typology, however the balconies and ground floor setbacks and active uses would provide for an excellent level of visual interest and interaction at the street level.

- *To improve public streets, provide for additional street trees and increase pedestrian connections.*

The corner location of the site means that no additional pedestrian connections is required through the site. The changes to the ground floor would improve the presentation at the street level with more interactive spaces and less blank walls proposed. The building would not impinge on the planting of additional street trees in this location.

- *To ensure that development improves the pedestrian environment along Queens Lane and Bowen Lane through buildings designed to address and engage with the street edge, while maintaining the service role of these lanes.*

The Queens Lane frontage would continue to provide the vehicle access to the site. the proposed building would have a small active frontage to Queens Lane on the corner of Bowen Crescent and the increase setbacks and additional balconies in the upper levels would improve the pedestrian environment in this location when compared to the existing and approved building.

- *To ensure that buildings are scaled to maintain a respectful setting and backdrop for the Shrine of Remembrance.*

The building would be no higher than the existing approved building and therefore would impinge on the views or backdrop to the Shrine. Moreover the development would not overshadow the associated garden areas.

Given the above responses, it is considered that the height of the building would be acceptable given the context of the existing and approved buildings and the improved response to the above visions on the sub-precinct.



**Setback from St Kilda Road**

The DDO26 prescribes a mandatory 3 metre landscape setback along St Kilda Road. However, pursuant to Section 4.0 of the Schedule:

*A permit may be granted to allow the construction of verandahs, architectural features, balconies, shelters, sunshades, art works, street furniture, fences, reskinning or recladding of an existing building, and basements which do not project above ground level, within the area of a setback required by this schedule.*

The front wall of the proposed building would be setback a minimum of 3.3 metres from St Kilda Road at the ground floor, although there would be various encroachments into this area, including stairs, ramp and architectural features. At the upper levels, the building would be setback between 3.3 and 4.1 metres from St Kilda Road, with balconies and architectural features encroaching into this area.

The approved development had a 3 metre setback from St Kilda Road at the ground floor, with various encroachments including stairs. At the upper levels, winter gardens were proposed to be setback 1m the boundary.

The key question becomes whether the proposed balcony encroachments are acceptable.

It is worthwhile to note that the approved building included wintergardens that were setback only 1m from the boundary and were continuous along this frontage other than where immediately adjacent to the building No.414-416 St Kilda Road.

The proposed balconies would be setback approximately the same distance as the approved wintergardens however they would have a different visual appearance as they would have varied setbacks and also would not be enclosed like those approved. This would present as a less bulky built form on this elevation.

The proposed development would also provide for an improved public realm interface/ active frontages, allowing for pedestrian activity around the perimeter of the building, despite the encroachments of built form elements.

It is considered that the overall built form as it presents to St Kilda Road is an improvement on the approved development and existing building and therefore is considered to be an acceptable outcome within the discretion of the DDO requirements.

**Other setbacks**

The DDO26 also sets out discretionary controls of a 3 metre landscape setback to Bowen Crescent. The existing building abuts most of this boundary. The proposed building would be setback up to 3.5 metres from it at the ground floor, but seating

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associated with the terrace and other building elements such as the stairs would also encroach into this setback. At the levels above, the building would be setback 2-3.6 metres (approximately), into which balconies and architectural elements would encroach.

While this does not meet the discretionary setback of 3 metres, it would be acceptable having regard to the existing and approved built form given that the proposal would have larger setbacks. Further, the overall appearance of bulk would be reduced to both this street and Queens Lane, given the significant amount of glazing to be incorporated into the design, as well as the curvilinear treatment and removal of blank walls from the lower levels.

DDO26 also sets out a discretionary 11 metre podium (with depth of 5 metres) to Queens Lane. The existing building abuts Queen Lane. The proposed building would be setback 1.7 metres at the ground level, with balconies encroaching into this. It would not be setback the required 5 metres above a height of 11 metres.

Given the existing building, it is considered that the proposal would be an acceptable built form outcome in consideration, and for the design rationale and reasons outlined above.

The DDO26 sets out the following mandatory controls for setbacks from common boundaries:

*For properties with a primary frontage to St Kilda Road in Sub-Precinct 4:*

- *Development above a podium height of 30m must be set back a minimum of 4.5 metres from common side and rear boundaries and at least 9m from existing towers on the same or an adjoining site(s); or*
- *Where no podium is proposed, a setback of 4.5m to the boundary must be provided. 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.*

However, pursuant to Section 4.0 of the Schedule:

*A permit may be granted to replace a building or works which existed on 15 May 2016 which does not meet the height or setback requirements of this schedule so long as all of the following apply:*

- *The responsible authority is satisfied that an increased height or reduced setback does not unreasonably impact on the vision for the Sub-Precinct as set out in the Design Objectives for the relevant Sub-Precinct.*
- *The building or works is no higher than the building being replaced.*



- *The building or works is to be constructed no closer to a boundary than the building being replaced.*

The exiting building abuts this boundary aside from a small triangular section in the middle of the site (in the location where the light well is now proposed) and in the east corner. It is considered that the requirements of Section 4.0 would be met, because the existing building is already built to the boundary. Further, it would not impact the vision for the sub-precinct, because the built form in the east corner of the site (i.e. where there is not currently built form) would not add perceptibly to the building bulk when viewed within the St Kilda Road context. Rather, it would be integrated into the overall building design and streetscape.

The possible impacts from this reduced setback are discussed later in this report.

#### Overshadowing of public places

The DDO26 sets out the following overshadowing requirement for precinct 4e:

*Development must not result in any additional overshadowing that will reduce the amenity of the:*

- *South African War Memorial Reserve and the Bowen Crescent Reserve at the Equinox between 10am and 2pm.*
- *Mac Robertson Girls' High School at the Equinox between 10am and 2pm.*
- *Albert Park at the Winter Solstice between 11am and 2pm*

The comparative shadow studies submitted show that there would be a small amount of additional shadow caused over Bowen Crescent Reserve at 10am only, compared with shadow caused by the approved development. The additional shadow would not fall over seats, benches or barbeques. The shadow would fall over the treed area which would likely already be shadowed by the trees themselves. Therefore there would be no additional shadow which would reduce the amenity of the reserve.

#### Vistas and views

As part of the assessment of the original application, the Shrine Trustees views were sought, and they did not raise any issues with the proposal. These comments were in relation to the original plans, which had a larger footprint at the top two levels, which is a greater extent of built form than what is now proposed. Further, the overall height is not proposed to increase. Overall, there would be no additional impact on the shrine vista as a result of this proposal and the proposal would comply with DDO13 – Shrine Vista. It is noted that notice of the amendment was sent to the Shrine Trustees, however no comment was received.



Likewise, due to the limited change to the proposed building massing, there would be no other impacts on views and vistas as a result of the amendment.

**9.4 Would there be any unreasonable off-site amenity impacts, particularly in regard to 416A St Kilda Road?**

In assessing the original application, the Council report acknowledged that there would be minimal off-site impacts, including bulk and loss of light, beyond that caused by the existing building and ‘in the context of many and varied high density buildings’. It goes on to state: ‘*It is concluded that the proposal’s interface to no. 414-416a would not result in any unreasonable bulk, outlook or privacy outcomes.*’ The apartment building at 416A St Kilda Road has a number of balconies and habitable room windows facing towards the subject site.

Due to the proposed increase in the dimensions of the light well, the proposed building would be setback further from this interface. This would improve the access to daylight and outlook for these adjoining dwellings. Moreover in terms of the reduced setbacks noted above, the windows that face the site are located within separate dwellings. The bedroom windows relate to a dwelling that faces onto St Kilda Road, while the living space windows face relate to a dwelling that faces Queens Lane.

The access to daylight and outlook from the bedrooms windows would be improved from the existing and approved building given the increased size of the light court noted above.

The living space windows are secondary light sources to the attached living spaces that have large unaffected windows that face Queens Lane which is the primary outlook and focus of these dwellings. It is considered that the setbacks of 4.5m with balcony intrusions (something contemplated by the DDO) would continue to provide an acceptable level of access to light and secondary outlook.

The proposed building would be constructed adjacent to the existing blank wall. A setback from the east corner of the site adjacent to street facing balconies at 416A St Kilda Road is no longer proposed, and this would result in the loss of some oblique views from these balconies towards the city. However the building would not extend beyond the edge of those balconies, ensuring that the majority of views would be retained.

In relation to overlooking, Apartments 2 and 3 of Levels D to Q (2-18) and Apartment 2 on Level R (20) would have opportunity to overlook into the bedrooms and living rooms of dwellings within the building at 416A St Kilda Road. It is considered appropriate to screen these balconies to reduce views within 9m of these windows and therefore a condition should be added to any approval requiring such screening [refer recommended new condition 1j].



The comparative shadow plans submitted as part of the application demonstrate that shadowing impacts to nearby apartment buildings would be insignificant.

As all plant equipment would now be located within the building, potential noise impacts to nearby residents would be reduced.

Overall, the proposal would not result in an unreasonable off-site amenity impacts, including to 416A St Kilda Road, subject to the above condition, given the extent of changes proposed, and the relevant policy provision, including the residential amenity provisions of Clause 22.06 and the private amenity and outlooks provisions of the DDO26, would be met.

#### **9.5 Would the proposal be compatible with the Melbourne Metro Rail Project?**

Since the granting of the original permit, DDO31 Melbourne Metro Rail Project – Infrastructure Protection Areas has been applied to the site. As part of the Melbourne Metro Rail Project, the new Domain Interchange would be constructed near the subject site.

The objectives of the DDO are to limit conflict between new development and infrastructure associated with the Melbourne Metro Rail Project, including during construction. Pursuant to this DDO, the application was referred to Melbourne Metro Rail Authority who did not object, subject to conditions which are recommended for inclusion on any permit that issues (refer recommended conditions 21-22). On this basis it is considered that the proposal is consistent with the provisions of the DDO31 and would be compatible with the Melbourne Metro Rail Project.

#### **9.6 Would the proposed dwellings have a high level of internal amenity?**

In general, apartment sizes have increased, specifically: from 52.8-63.8m<sup>2</sup> to 60-106m<sup>2</sup> for one bedroom apartments; 83.2-105m<sup>2</sup> compared to 102-120m<sup>2</sup> for two bedroom apartments; and, 103-293m<sup>2</sup> for the three to five bedroom apartments now proposed.

A flow on effect from the larger apartment sizes is improved layouts and solar access. Specifically, as approved there are some long narrow dwellings that have bedrooms with no windows. As proposed, all habitable rooms would have direct access to sunlight. Further, other approved dwellings have deeper kitchens compared with what is now proposed.

The proposed development includes a larger setback from the south boundary, with the light well proposed to increase in area: from 76.2m<sup>2</sup> to 96.75m<sup>2</sup>, providing more light and improved outlook to the affected apartments. There are also opportunities for internal views within the development to be reduced, as a result of the proposed layout around the light well.



The construction of a new building has enabled the incorporation of more sustainable passive and technological design elements. This includes the exchange of enclosed winter gardens for open balconies, with increased glazing.

As approved, all apartments have partially enclosed winter gardens of between 6.8m<sup>2</sup> and 26.6m<sup>2</sup> in area. As proposed, all apartments would have open balconies of between 11m<sup>2</sup> and 71m<sup>2</sup> in area.

Communal space is still included within the development, spread over the lower and upper levels and incorporating various facilities.

Overall, it is evident that the internal amenity of the apartments would be improved as a result of this amendment. Further, the relevant provisions of the planning scheme, including Clause 22.06 (Urban Design Policy) which sets out various policies relating to energy and resource efficiency, private and communal open space and residential amenity and the private amenity and outlooks provisions of the DDO26, would be satisfied.

#### **9.7 Better Apartment Design Guidelines**

As noted above this State Government amendment (VC136) introduced the Better Apartments Design Standards into all planning schemes on 13 April 2017. Transitional arrangements have been included in the new provisions (Clause 34.01-4) which state that the requirements would not apply to applications lodged prior to the approval date of the amendment (13 April 2017).

While the development would not meet all of the requirements of the standards, the development is considered acceptable subject to the recommended conditions.

#### **9.8 Car Parking and Traffic**

Pursuant to Clause 52.06 Car parking, the proposal would generate the following car parking requirement:

- 1 space per 1x and 2x bedroom dwellings (130 apartments) = 130 spaces
- 2 spaces per 3x, 4x and 5x bedroom dwellings (28 apartments) = 56 spaces
- 1 space to each 5 dwellings for visitors (158 apartments) = 31 spaces
- 0.4 spaces to each patron permitted for the Restaurant (62 patrons) = 24 spaces
- 4 spaces to each 100sqm of leasable floor area for the Food and drink premises (136sqm of floor area) = 5 spaces

This is a requirement for a total of 186 spaces for residents, 31 spaces for visitors and 25 spaces for the commercial premises (242 spaces in total).

This proposal would provide for 210 car spaces, to be allocated as follows:

- 28 spaces for 1x bedroom dwellings (1 space per unit)

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- 112 spaces for 2x bedroom dwellings (1.09 spaces per unit)
- 49 spaces for 3x bedroom dwellings (2.1 spaces per unit)
- 11 spaces for the 4x and 5x bedroom dwellings (2.2 spaces per unit)
- 4 spaces for the Restaurant
- 1 space for the Food and drink premises
- 5 spaces for residential visitors

This represents a total of 200 spaces for residents, 5 spaces for visitors and 5 spaces for the commercial premises. Therefore there would be a shortfall of 26 spaces for visitors and 16 spaces for the commercial premises. More than the required amount of car parking would be provided for residents (an additional 14 spaces would be provided).

### Dispensation of car parking spaces under the current permit

The approved development includes 157 car spaces in total: 154 for residents, 1 for the commercial premises and 2 for use by a car share scheme. A reduction of 94 car parking spaces was approved: 31 for the Restaurant use, 28 for residents of the 1 bedroom dwellings and 36 for residential visitors.

The reduction of the one bedroom apartments was supported because although the site does not meet all the locational tests set out under Council's Sustainable Car Parking Strategy and it is still well located in terms of public transport. In addition, a Green Travel Plan was provided which outlined various initiatives to reduce car use. Under the Sustainable Car Parking Strategy, a rate of 0.8 spaces per dwelling can be applied, and the proposed allocation for residents was 0.85 spaces per dwelling. However, this was subject to a condition requiring two share cars was included on the permit (condition 13). The following factors were also considered:

- *"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."*



The reduction for patrons of the Restaurant patrons was supported on the basis of the excellent access to public transport, “*...the site’s significant car parking credit and the fact that the existing car parking is to be retained, making provision of any additional onsite parking highly problematic.*”

The reduction of the all of the visitor spaces was supported on the basis of the existing car parking credit, the kerbside parking demand of the previous use that most of the demand would be at night and that nearby parking supply would cater for visitors who do not traditionally use basement parking.

#### Consideration of car parking dispensation

As previously outlined, a reduction of 42 car par spaces (26 for visitors and 16 for the commercial premises) is now proposed. The currently approved development included a reduction of 94 car parking spaces (31 for Restaurant patrons, 28 for residents of the 1 bedroom apartments and 36 for residential visitors). Therefore the proposed development would result in a lesser reduction than what has already been approved.

A Traffic Engineering Assessment prepared by Traffix Group Pty Ltd dated August 2016 was submitted as part of the application. This submits that the reduction should be supported on the following grounds:

- “i) the site is located within proximity to the CBD, is within the St. Kilda Road Employment Precinct and is well served by public transport and alternative transport modes,
- ii) the proposed scheme is a decrease in development intensity and is therefore anticipated to generate fewer visitor parking demands compared with the permitted scheme;
- iii) in the broad context of the development, the uses proposed in the latest scheme is projected to generate a demand only for a single additional car space in comparison to the permitted scheme.
- iv) car parking surveys reveal that there is sufficient availability in on-street parking to accommodate the projected off-site short term car parking demands.” (Page 28).

Council’s Traffic Engineer pointed out that the ‘the existing on-street parking is generally high turnover ticketed parking’ and ‘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’. It is noted that outside of business hours there are off-street parking options for visitors to the site on the street network.

Overall, based on the above considerations and particularly given that the proposed amendment would result in a lesser reduction compared with what was previously approved by Council, the car parking reduction sought is considered to be acceptable.

Existing Condition 10 of the permit stipulates the minimum car parking allocation and is recommended to be amended, to reflect the current proposed allocation.

#### Car parking design and layout



Council's Traffic Engineer has reviewed the proposed layout and confirmed that the car parking dimensions and layout, ramp gradients and overall car parking layout would be efficient and compliant with the design standards at Clause 52.06-8.

#### Traffic impact

The Applicant's Traffic Engineering Assessment includes traffic counts and an analysis of likely traffic generation based on similar developments, to conclude that at peak hour there would only be an additional 3 movements compared to the approved development. It concludes that:

*"In this regard, the proposed development is projected to generate a marginal increase in traffic, equivalent to, on average, an additional movement every 20 minutes. This by engineering standards is a low level of traffic and will make an indiscernible difference to the operation and performance of Queens Lane, Bowen Crescent and the surrounding road network on the account of the proposal." (Page 24).*

Council's Traffic Engineer agreed with this conclusion.

It is also relevant that the proposed inclusion of an on-site loading bay would reduce potential traffic impacts, since waste collection, deliveries and moving vehicles would all be able to be accommodated on site rather than having to park on the street or in public loading areas.

Overall, the amendment would not cause any noticeable or unreasonable traffic impacts compared with the approved development and would actually result in a lesser impact in relation to the loading and unloading of vehicles.

#### **9.9 Bicycle Parking**

Pursuant to Clause 52.34 Bicycle facilities, the proposed development is required to provide the following number of bicycle parking spaces:

- I to each 5 dwellings for residents (158 dwellings) = 32 spaces for residents
- I to each 10 dwellings for visitors (158 dwellings) = 16 spaces for visitors
- I to each 100sqm of floor area available to the public for staff of the Restaurant (217sqm of floor area available to the public) = 3 spaces for staff
- 2 plus I to each 200sqm of floor area available to the public if that area is over 400sqm for patrons of the Restaurant (217sqm of floor area) = 0 spaces for patrons
- I to each 100sqm of net floor area for staff of the Food and drink premises (136sqm of floor area) = 1 space for staff
- I to each 50sqm of net floor area for customers of the Food and drink premises (136sqm of floor area) = 3 spaces for patrons

Overall, there is a total requirement for 32 bicycle parking spaces for residents, 4 spaces for staff and 19 spaces for visitors and patrons (55 spaces in total). The amended



proposal provides for 101 bicycle parking spaces: 76 for residents, 5 for staff and 20 for visitors and patrons. The requirements of Clause 52.34 have therefore been exceeded.

In addition, the approved development provides for 41 more bicycle parking spaces than the approved development which represents a notable improvement. Existing condition 9 of the proposal requires that the car parking areas must be developed and kept available for this purpose at all times.

#### **9.10 Loading Facilities**

The proposed amendment includes a dedicated loading bay which exceeds the dimensional requirements of Clause 52.07 Loading facilities. It would be able to accommodate waste vehicles and moving vans in addition to deliveries to the commercial premises.

The approved development does not include a loading bay, and a waiver was granted as part of the permit. This was largely as it was considered that the construction of the building as Police HQ would be difficult to modify to incorporate an on-site loading bay and that it would also not be an efficient use of the car parking facilities. The proposal would therefore provide an improved loading outcome reducing potential impacts on the local street network and nearby resident. Refer to recommended new condition 34.

#### **9.11 Vehicle Access**

Vehicle access is proposed to be via two new crossovers from Queens Lane: one for ordinary vehicles and one for large vehicles using the loading bay. The approved development utilised the existing crossover from Queens Lane, which would become redundant under this proposal.

Council's Traffic Engineer has confirmed that the proposed vehicle access arrangement is satisfactory, subject to the installation of a signal system at the loading bay entry (**refer recommended condition 1h**). An existing condition of the permit (condition 15) requires that all vehicle crossings be constructed and redundant crossings be removed and the footpath, etc be reinstated to the satisfaction of the Responsible Authority.

#### **9.12 Waste Management**

The original proposal relied on on-street waste collection because there was no on-site loading. This proposal would be accommodated on-site collection in the loading bay area. This is a much better outcome which would reduce impacts on the local street network.

Council's Waste Management Officer has confirmed that the waste management provisions are generally satisfactory. The Traffic Engineering Assessment identifies that the waste collection vehicle would need to reverse into the loading bay. It recommends that waste collection occur outside of peak times, to avoid conflicting with vehicles queuing on Queens Lane from Kings Way. In accordance with this recommendation, amended condition 18 of the permit is recommended to be amended to require that the Waste Management Plan be updated to reflect this.



**9.13 Other site services**

The proposal includes ample provision for various site services including storage, substation, meters, fire pumps and the like, predominantly around the lift core at the basement and ground floor levels. This would be an efficient site layout overall, and the central siting of the services would minimise streetscape impacts.

**9.14 Stormwater Management and Environmentally Sustainable Design**

A Sustainability Management Plan was submitted as part of this amendment which outlines various initiatives. The overall outcome would be improved as a result of constructing a new building – for instance a higher NatHERS rating would be achieved (7.7 compared with 6.5).

Council's ESD architect has reviewed the material and recommended conditions to ensure that Council's standard ESD and WSUD requirements are met (**refer recommended conditions 29-33**). This is in addition to the existing condition 7 which is recommended to be retained.

**9.15 What changes would be required to the original permit?**

Proposed preamble

The preamble is proposed to be amended to state the following to reflect the proposed changes:

*Construction of a multi-level building, use of the building for dwellings and a reduction in car parking requirements.*

Proposed changes to conditions

The applicant has suggested deleting the following conditions:

1a)-g): amended plan requirement

12: urban art requirement

13: share car requirement

16: landscape plan requirement

17: landscaping completion requirement

The applicant has suggested amending the following conditions:

4: roof top equipment/ services requirement

10: car parking allocation requirement

19: requirement to retain the same architect

Condition 1 states:

**I. Amended Plans**

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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.

It is recommended that parts a), b), d), f) and g) be deleted, since they relate to design elements that are no longer part of the proposal. However parts c) and e) relate to matters that are still required to be addressed in accordance with other conditions on the permit and as discussed elsewhere in this report and should be retained as part of any approval.

Condition 4 states that

### 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.

It is recommended that this condition be retained, but amended to reflect the proposed communal area configuration.

It is recommended that Condition 10 be amended as follows, to reflect the proposed car parking allocation:

#### **Car parking allocation**

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 one car parking space for every one and two bedroom dwelling.

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- At least two car parking spaces for every three or more bedroom dwelling,
- At least five spaces for residential visitors,
- At least four spaces for the Restaurant, and
- At least one space for the Food and drink premises

*All to the satisfaction of the Responsible Authority*

Condition 12 relates to the urban art requirement and is recommended to be retained, since this matter has not yet been resolved to Council's satisfaction, as outlined in the Urban Design referral advice.

It is agreed that condition 13 can be deleted, since this relates to a car share scheme that was required as part of the waiver of residential car parking spaces which is no longer proposed.

Condition 16 requires the submission of a landscape plan and is recommended to be retained, since a landscape plan is still required to be submitted. Likewise condition 17, which requires the completion of the landscaping, is recommended to be retained as it also remains relevant.

Condition 19 requires the retention of the same architect and is recommended to be retained but amended to reflect the current architects.

All other conditions remain relevant and are recommended to be retained on the amended permit.

In addition, various other changes to conditions are recommended to be made and new conditions recommended to be added, as discussed throughout this report. These are predominately in response to issues raised in referral responses. The full list of proposed changes to conditions is contained in the recommendation below.

### 10. COVENANTS

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

### 11. OFFICER DIRECT OR INDIRECT INTEREST

- 11.1 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 proposed amendment seeks to make significant changes to the approved development, being the construction of a new building rather than the conversion of an existing one. However it would not constitute a transformation of the proposal and can be considered as an amendment to the existing permit pursuant to the board provisions of Section 72 of the Planning and Environment Act 1987.
- 13.2 Overall, the proposal would be an improved outcome compared with the current approval in respect of:
- A higher quality architectural design, with improved public realm interface and activation.
  - A larger commercial use component.
  - Provision of a greater dwelling diversity (a mix of one to five bedroom apartments compared with a mix of one and two bedroom apartments) and an improved internal amenity for dwellings.
  - Provision of more car parking and a lesser reduction from the car parking requirements of the Planning Scheme.
  - Provision of a loading bay.
  - WSUD/ ESD outcomes.
- 13.3 The proposed amendment would remain compliant with the relevant provisions of the planning scheme, including the DDOs and built form objectives.
- 13.4 The changes would not result in any unreasonable additional amenity impacts to adjoining public open space and residents.
- 13.5 The proposed reduction in car parking is considered to acceptable given the proximity to public transport and nearby services and given that the variation sought is less than currently approved.
- 13.6 The amendments sought pursuant to Section 72 of the Act do not fall within the ambit of a transformation of the proposal originally considered by the Council and which was subsequently approved.
- 13.7 It is therefore recommended that Council advise VCAT that it supports the amendment application subject to the appropriate conditions included on any approval.

### **14. RECOMMENDATION**

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That the Responsible Authority, having caused the Application No. 1011/2014/A to be advertised and having received and noted the objections, advise VCAT that, had it been the Responsible Authority for determination of the application, would have issued a Notice of Decision to Grant an Amended Planning Permit for the construction of a multi-level building, use of the building for dwellings and a reduction in car parking requirements at 412 St Kilda Road, Melbourne, with the following amendments:

### **Amend the preamble**

Amend the preamble so as to state:

*Construction of a multi-level building, use of the building for dwellings and a reduction in car parking requirements*

### **Changes to the plans**

That the amended plans prepared by Zaha Hadid Architects, Revision 1 dated 7 October 2016 (the advertised plans) form the basis of the amended permit, to show significant changes to the approved development, specifically the construction of a new building with associated changes to the design, layout, dwelling configuration, car parking, bicycle parking and loading bay provisions and food and drink premises configuration.

### **Delete conditions**

Delete the following conditions from the permit:

I. a), b), d), f) and g) and 13.

### **Amend conditions:**

Amend the following conditions on the permit:

Condition 4 so as to state:

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

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

Condition 10 so as to state:

#### **10. Car parking allocation**

*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 one car parking space for every one and two bedroom dwelling,
- \* At least two car parking spaces for every three or more bedroom dwelling,
- \* At least five spaces for residential visitors,
- \* At least four spaces for the Restaurant, and



\* At least one space for the Food and drink premises

All to the satisfaction of the Responsible Authority

Condition 12 so as to state:

**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. Urban art in accordance with the approved plan must be installed before the occupation of the building to the satisfaction of the Responsible Authority.*

Condition 18 so as to state:

**18. Waste Management Plan**

*Before the permitted development begins, an updated Waste Management Plan confirming that waste collection will occur in the on-site loading bay and outside of peak commuter periods is to be submitted for approval to the responsible Authority. Once submitted and approved, the waste management plan must be carried out to the satisfaction of the Responsible Authority.*

Condition 19 so as to state:

**19. Architects**

*Except with the consent of the Responsible Authority, Zaha Hadid Architects and/ or Ellenberg Fraser must be retained to complete and provide architectural oversight during construction of the detailed design as shown in the endorsed plans and endorsed schedule of materials to the satisfaction of the Responsible Authority.*

**New conditions**

Include the following new conditions on the permit:

- I. h) A signal system or similar installed at the crossover of the loading bay to provide for safety of pedestrians in lieu of standard sight lines being achieved.
- i) The use of clear, untinted and non-reflective glazing to the ground floor façade.
- j) Privacy screening to the balconies of Apartments 2 and 3 of Levels D to Q (2-18) and Apartment 2 on Level R (20) to prevent direct views of the adjoining habitable windows within the building at 416a St Kilda Road within 9m of the balcony edge.
- k) The entire building to be constructed within the title boundaries.

**Public Transport Victoria and Melbourne Metro Conditions 21-28**

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21. Ground anchors or rock bolts used for the development must not intrude into the road reserve of St. Kilda Road unless agreed to in writing by the Melbourne Metro Rail Authority.
22. Before the development starts, amended plans must be submitted to and approved by Melbourne Metro Rail 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 three copies must be provided. The plans must show:
  - (a) Final retaining walls
  - (b) Final footing designs and, if adopted
  - (c) Pile loadings and pile designs.
23. Prior to the commencement of development, an Engineering Report from a suitably qualified engineer outlining the design, management and construction techniques to be implemented prior, during and following excavation to prevent any impact on the St Kilda Road is to be submitted to VicRoads for approval. Once approved, the Engineering Report will form part of the planning permit. Without limiting the scope of the report, it must consider all structural and geotechnical issues and must demonstrate the following:
  - a) That the building footings (and overall development including basements etc) will not compromise the structural integrity of the St Kilda Road Reserve (including footpath and utility services).
  - b) That the method of excavation and construction of the proposed basement and footings minimises the extent of temporary draw down of the ground water table below and adjacent to the excavation;
  - c) Any holding points requiring VicRoads' inspection and approval prior to releasing the holding points;
  - d) That the basement will not cause permanent draw down impacting the ground water table; and
  - e) That the basement will be suitably protected from any ground water ingress.
24. Before the development commences, detailed design drawings must be submitted to and approved by VicRoads. When approved by VicRoads, the drawings may be endorsed by the Responsible Authority and will then form part of the permit. The drawings must be drawn to scale with dimensions and three copies must be provided. The drawings must show:
  - a) All excavation and footing details must accord with the approved Engineering Report described at condition 3 (above);
  - b) Excavation depths to be shown at Australian Height Datum (AHD);



- c) All sub surface basement levels be shown as AHD on floor plans and elevation plans.
- 25. All design, excavation and construction must accord with the approved Engineering Report described at condition 4 (above).
- 26. The layout of the site and the size, levels, design and location of buildings and works which may impact the St Kilda Road reserve must not be modified without the prior written consent of VicRoads.
- 27. Prior to commencement of the development or use hereby approved, a truck wheel wash must be installed at the property boundary to enable all mud and other tyre borne debris from vehicles to be removed prior to exiting the land.
- 28. The truck wheel wash must be maintained in good order during the construction phase of the development and may be removed at the end of the construction phase of the development with the prior approval of VicRoads.
- 29. **Incorporation of Sustainable Design initiatives**  
The project must incorporate the sustainable design initiatives listed in the endorsed Sustainable Management Plan to the satisfaction of the Responsible Authority.
- 30. **Implementation of Sustainable Design Initiatives**  
Before the occupation of the development approved under this permit, a report from the author of the Sustainable Design Assessment/Sustainable Management Plan 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 Ecologically Sustainable Design report have been implemented and/or incorporated in accordance with the approved report to the satisfaction of the Responsible Authority.
- 31. **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 Sustainable Management Plan to the satisfaction of the Responsible Authority, and thereafter maintained to the satisfaction of the Responsible Authority.
- 32. **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.

### **33. Site Management Water Sensitive Urban Design**

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.

### **34. Loading/Unloading**

The loading and unloading of goods from vehicles must only be carried out on the subject land within the designated loading bay, as detailed on the endorsed plans, and must be conducted in a manner which does not cause any interference with the circulation and parking of vehicles on the land to the satisfaction of the Responsible Authority.

### **35. Privacy Screens must be installed**

Privacy screens as required in accordance with the endorsed plans must be installed prior to occupation of the building and thereafter maintained to the satisfaction of the Responsible Authority.

### **36. Number of Dwellings**

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Without the further written consent of the Responsible Authority, no more than 158 dwellings may be constructed on the land.

### New Permit Note

Include the following new notes on the permit:

#### **Public Transport Victoria Notes**

- Should the development be constructed at the same time as the Metro Tunnel (in this area), communication between the developer and Melbourne Metro Rail Authority is critical to coordinate the logistics of managing construction traffic, maintaining local road access and other relevant construction related activities for both projects and to ensure accurate measurement and appropriate management of ground movement and effects on existing buildings.
- The subject site is within an area proposed to be covered by schedule 67 to the Design and Development Overlay as exhibited under draft Amendment CG45. Please contact Noel Treacy at the MMRA on 90275511 or [noel.treacy@melbournemetro.vic.gov.au](mailto:noel.treacy@melbournemetro.vic.gov.au) when as-constructed details of the building's footings, and if piled, the piling records are available to ensure they are considered as part of the detailed design of Melbourne Metro.
- Separate Consent may be required from VicRoads under the Road Management Act 2004 and Building Act 1993 for all buildings and works undertaken outside the title boundary within a Road Zone Category 1 (i.e. St Kilda Road).