

Report to the Future Melbourne (Planning) Committee

Agenda item 6.7

Ministerial Planning Referral: TPM-2013-23, 499 St Kilda Road, Melbourne

6 May 2014

Presenter: Martin Williams, Executive Officer Planning

Purpose and background

1. The purpose of this report is to advise the Future Melbourne Committee of a Ministerial Planning Application (reference 2013/008668) at 499 St Kilda Road, Melbourne. The planning application was referred by the Department of Transport, Planning and Local Infrastructure (DTPLI) on 23 October 2013 (refer Attachment 2 – Locality plan and Attachment 3 – Proposed plans).
2. The applicant is Contour Consultants Australia Pty Ltd on behalf of the owner Fawkner Centre Pty Ltd and the architect is Elenberg Fraser.
3. The application seeks approval for use and development of the land to convert the existing office building to dwellings. The proposed works include an extension and rooftop addition to the existing seven storey element at the front of the building, and an additional level to the existing 18 storey element at the rear of the building.

Key issues

4. Key issues with respect to this proposal are land use, shrine vista height control, built form and wind impact.
5. Local policy supports residential development on St Kilda Road within its context as a premier office and residential boulevard.
6. The height of the proposed buildings and works does not comply with the shrine vista height control as prescribed in the Shrine Vista Computations Engineering Manual, June 1986 (Melbourne Metropolitan Board of Works E-023). The applicant has provided revised concept plans that demonstrate the proposed development's ability to comply with the shrine vista height control. These plans and changes should be formally incorporated to ensure compliance with the shrine vista height control.
7. A proposed entry canopy appears to extend 13.7 metres to the property boundary, within the front setback area to St Kilda Road. The Design and Development Overlay - Schedule 19 (DDO19) specifies that a verandah that is part of an entry to a building should only extend up to 4.5 metres into the 13.7 metre front setback area to St Kilda Road. The design of the canopy should be amended so that it extends a maximum of 4.5 metres into the front setback area, in order to ensure the distinct character and identity of St Kilda Road is maintained.
8. The plans indicate two proposed 'wall art installations' located within the 13.7 metre front setback area to St Kilda Road, in front of the main entry to the building. These walls will obscure visibility and reduce opportunities for landscaping within the St Kilda Road frontage. The two 'wall art installations' should be deleted, to ensure the proposals ability to achieve the design objectives and outcomes of DDO19 is maintained.
9. The wind assessment indicates that high level balcony and terrace areas are expected to experience wind conditions close to or above the recommended walking criterion. Wind testing and any necessary modifications are required so that the balcony and terrace areas achieve suitable wind conditions.

Recommendation from management

10. That the Future Melbourne Committee resolve that a letter be sent to the Department of Transport, Planning and Local Infrastructure advising that:
 - 10.1. The Melbourne City Council supports the application subject to the inclusion of the recommended conditions as set out in the Delegate Report (refer Attachment 4).

Attachments:

1. Supporting Attachment
2. Locality Plan
3. Proposed Plans
4. Delegate Report

Supporting Attachment

Legal

1. The Minister for Planning is the responsible authority for determining the application.

Finance

2. There are no direct financial issues arising from the recommendations contained in this report.

Conflict of interest

3. No member of Council staff, or other person engaged under a contract, involved in advising on or preparing this report has declared a direct or indirect interest in relation to the matter of the report.

Stakeholder consultation

4. Council officers have not advertised the application or referred this to any other referral authorities. This is the responsibility of the DTPLI acting on behalf of the Minister for Planning who is the responsible authority.

Relation to Council policy

5. Relevant Council policies are discussed in the attached delegate report (refer Attachment 4).

Environmental sustainability

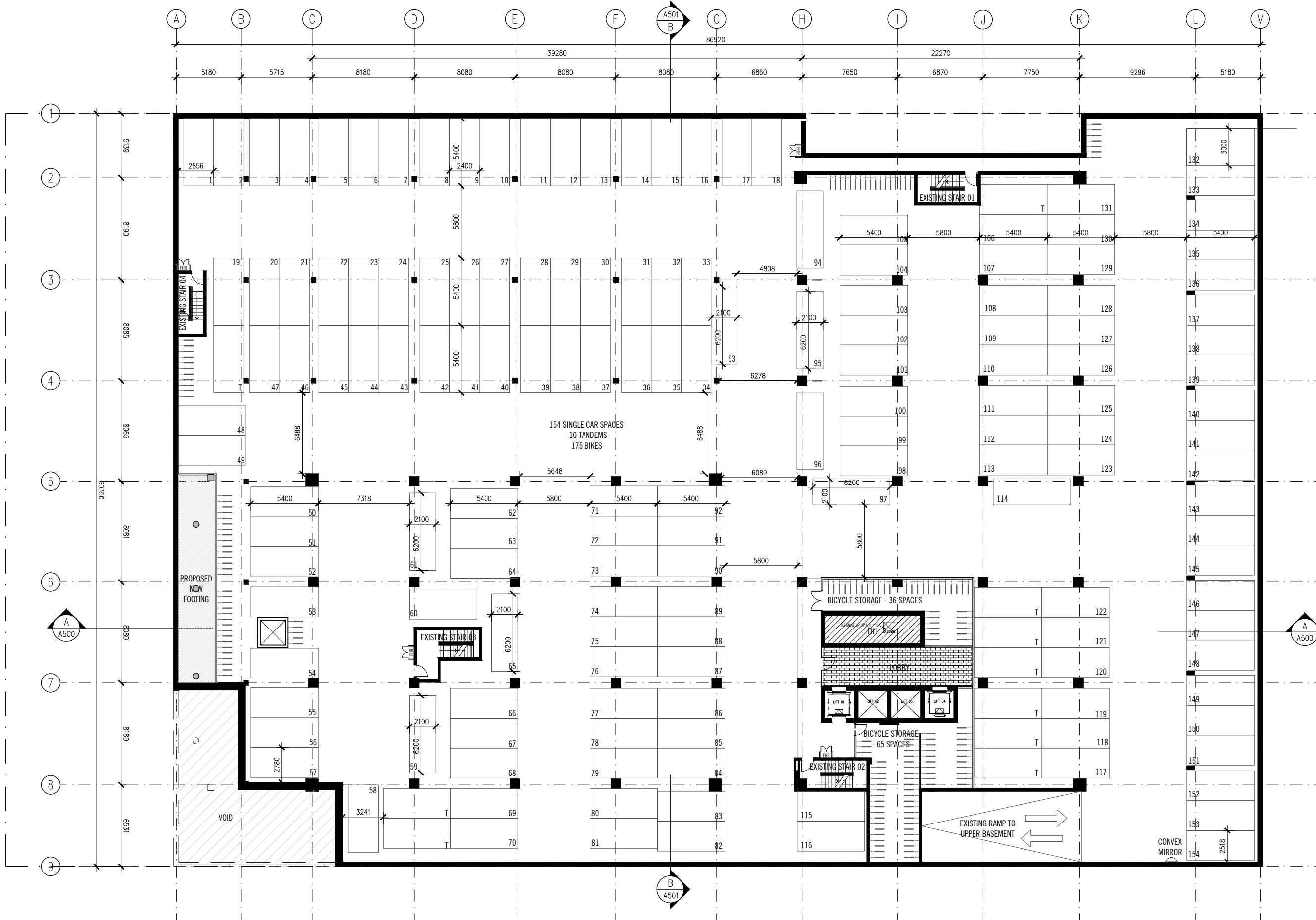
6. The proposal includes an Environmental Sustainability Design Statement which indicates that the building has the potential to achieve a 6 star average rating. Further work is required in order to demonstrate how the proposal will achieve all performance measures 'or equivalent' specifically required by Clause 22.19 which specifies a 5 star Green Star rating and 1 point for Wat-1 credit.

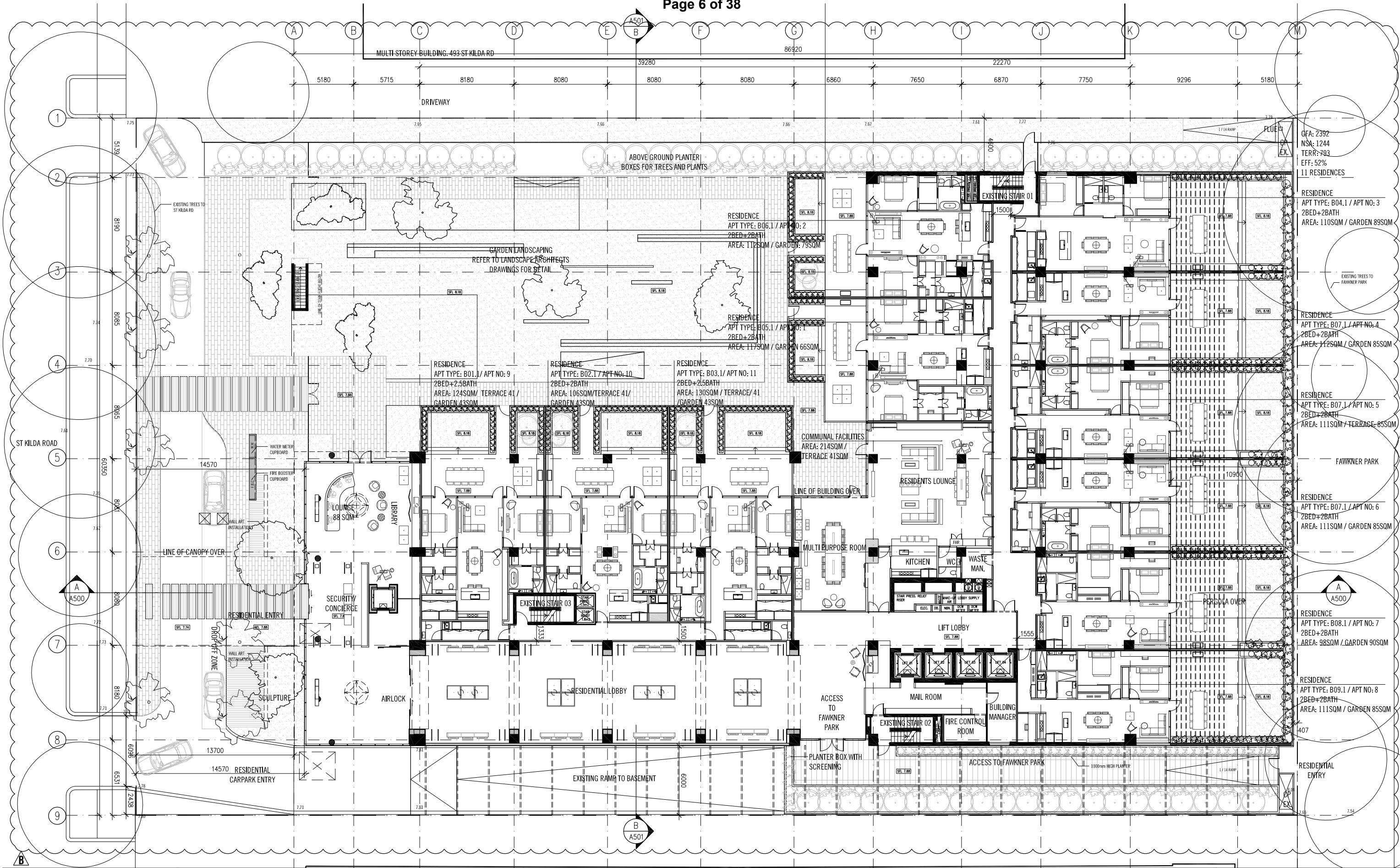
Locality Plan

499 St Kilda Road, Melbourne









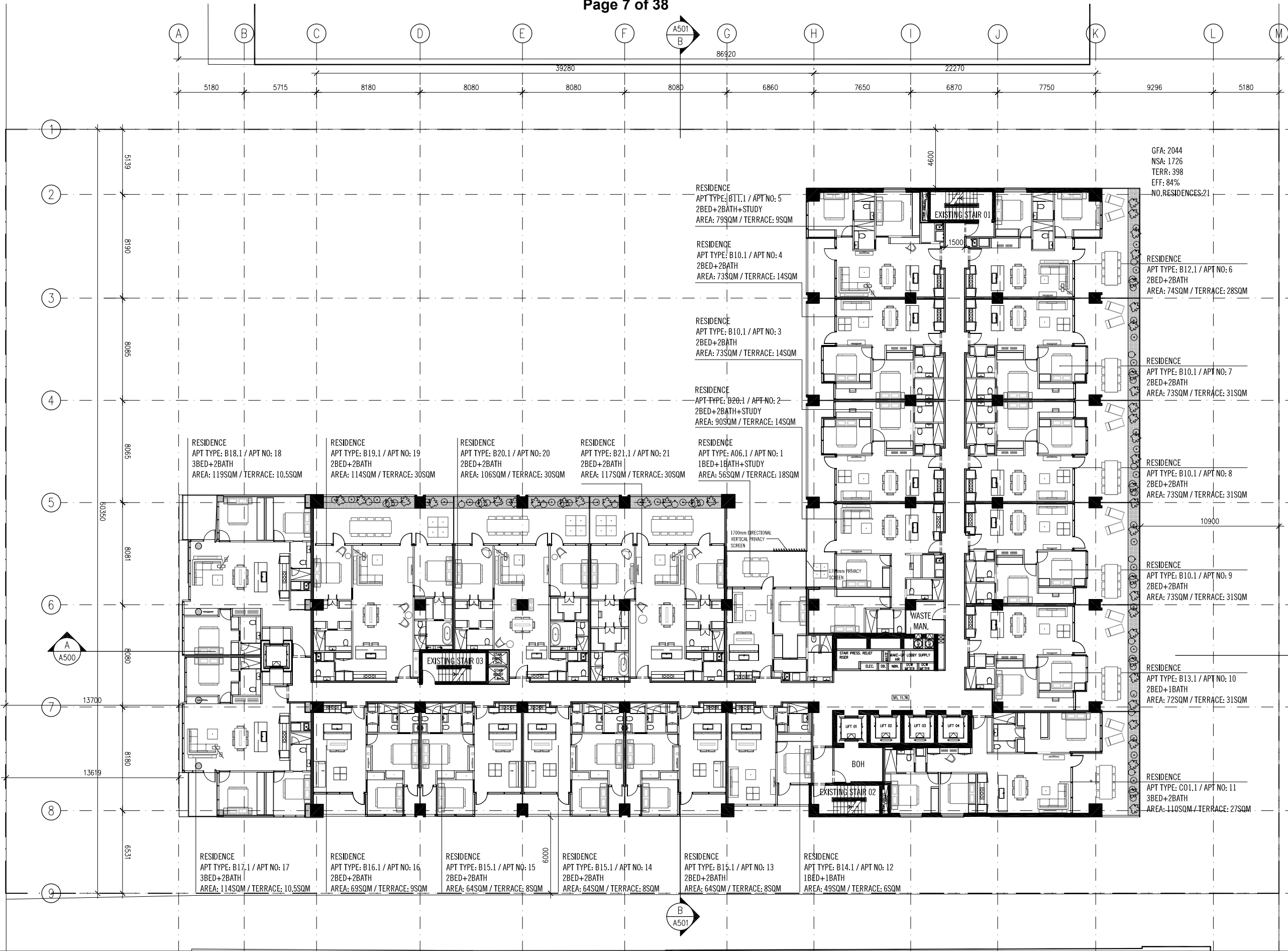
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NSA: 1244
TERR: 793
EFF: 52%
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- RESIDENCE
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2BED+2BATH
AREA: 112SQM / GARDEN 85SQM
- RESIDENCE
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AREA: 111SQM / TERRACE: 85SQM
- RESIDENCE
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APT TYPE: B08.1 / APT NO: 7
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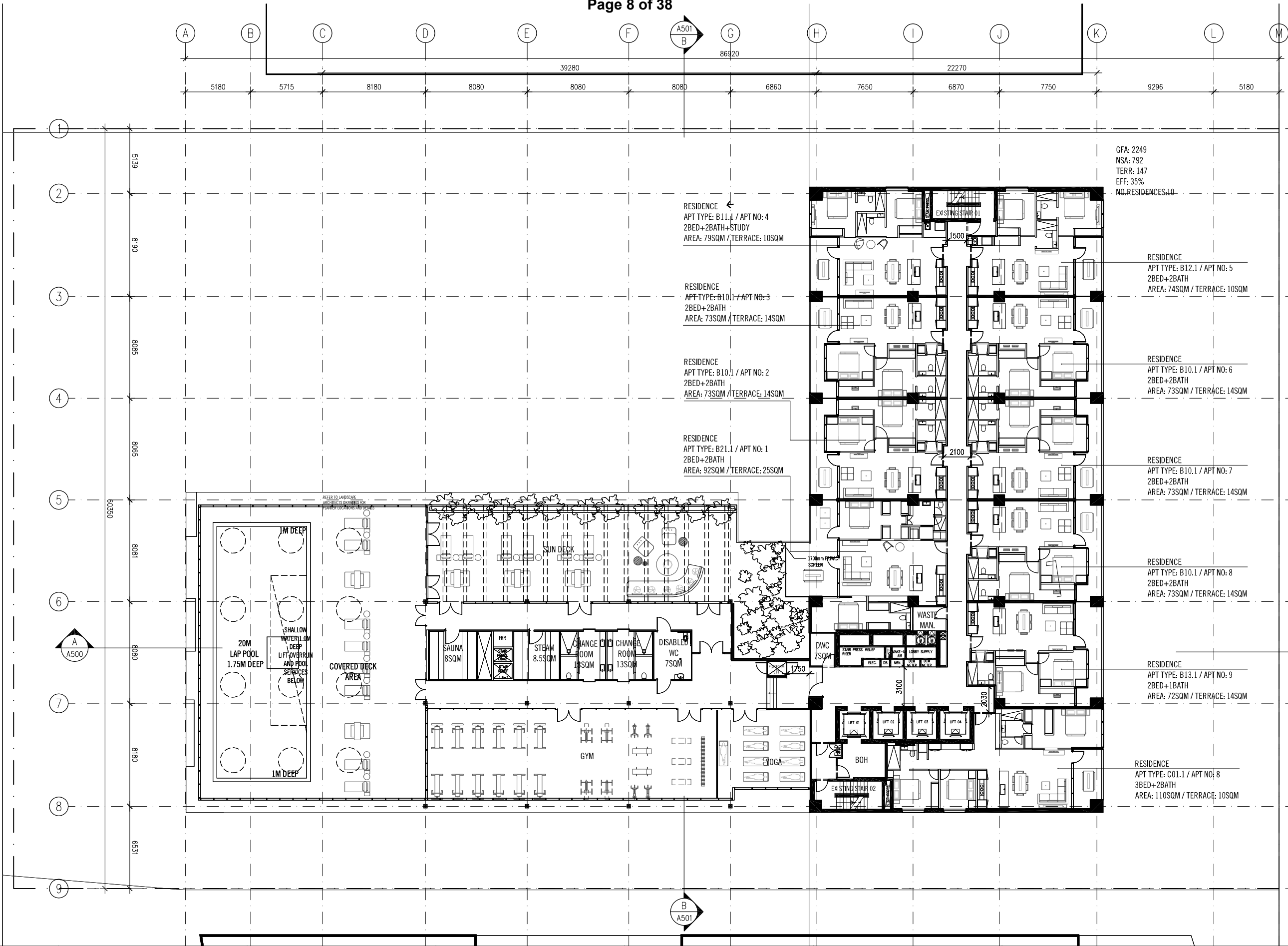
<p>Rev No. Date Reason for Issue</p> <p>A 24/09/13 ISSUE FOR TOWNPLANNING</p> <p>B 11/1/13 RESPONSE TO RFI FROM DPPL</p>	<p>Issued by</p> <p>ND EKS</p>	<p>Rev No. Date Reason for Issue</p>	<p>Issued by</p>	<p>Note: 1. The drawings are to be issued with regard to the scale of which the document has been issued and for the specific purpose of the issue. The information contained herein is considered to be correct at the time of documentation.</p> <p>As an incorporated document, Elenberg Fraser accepts no responsibility for alterations by persons other than Elenberg Fraser or the Client, and agrees not to use these drawings and data, in whole or in part, for any purpose or project other than the project which is the subject of this agreement.</p> <p>The Client agrees to hold all claims against Elenberg Fraser resulting in any way or from any unauthorized changes or reuse of the drawings and data for any other project by anyone other than Elenberg Fraser. In addition, the client agrees to the fullest extent permitted by the law, to indemnify and hold Elenberg Fraser harmless from any damage, liability, or cost, including reasonable lawyer's fees and costs of defense, arising from any changes made to or reuse of these drawings and data.</p> <p>By accepting and utilizing any drawings or other data on any form of electronic media generated and provided by Elenberg Fraser, the Client consents and agrees that such drawings and data are instruments of service of Elenberg Fraser, who shall be deemed the author of the drawings and data and shall retain all common law, statutory law and other rights, including copyrights and intellectual property.</p>	<p>ELENBERG FRASER</p> <p>LEVEL 3, 160 QUEEN STREET MELBOURNE VICTORIA 3000 AUSTRALIA</p> <p>TEL +61 3 9600 2260 FAX +61 3 9600 2266 EMAIL MAIL@ELENBERGFRASER.COM WWW.ELENBERGFRASER.COM</p> <p>ABN 97 556 188 726</p>	<p>Project Title</p> <p>499 ST KILDA ROAD</p> <p>Client</p> <p>FAWKNER CENTRE PTY LTD</p>	<p>Drawing Title</p> <p>GROUND FLOOR PLAN</p> <p>Project Number</p> <p>12033</p> <p>Drawing Number</p> <p>A200</p> <p>Revision</p> <p>B</p>
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Figured dimensions take precedence to scale readings. Verify all dimensions on site. Report any discrepancies to the Architect for decision before proceeding with the work.

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GFA: 2249
NSA: 792
TERR: 147
EFF: 35%
NO. RESIDENCES: 10

A
A500

A
A500

B
A501

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Project Title
499 ST KILDA ROAD

Client
FAWKNER CENTRE PTY LTD

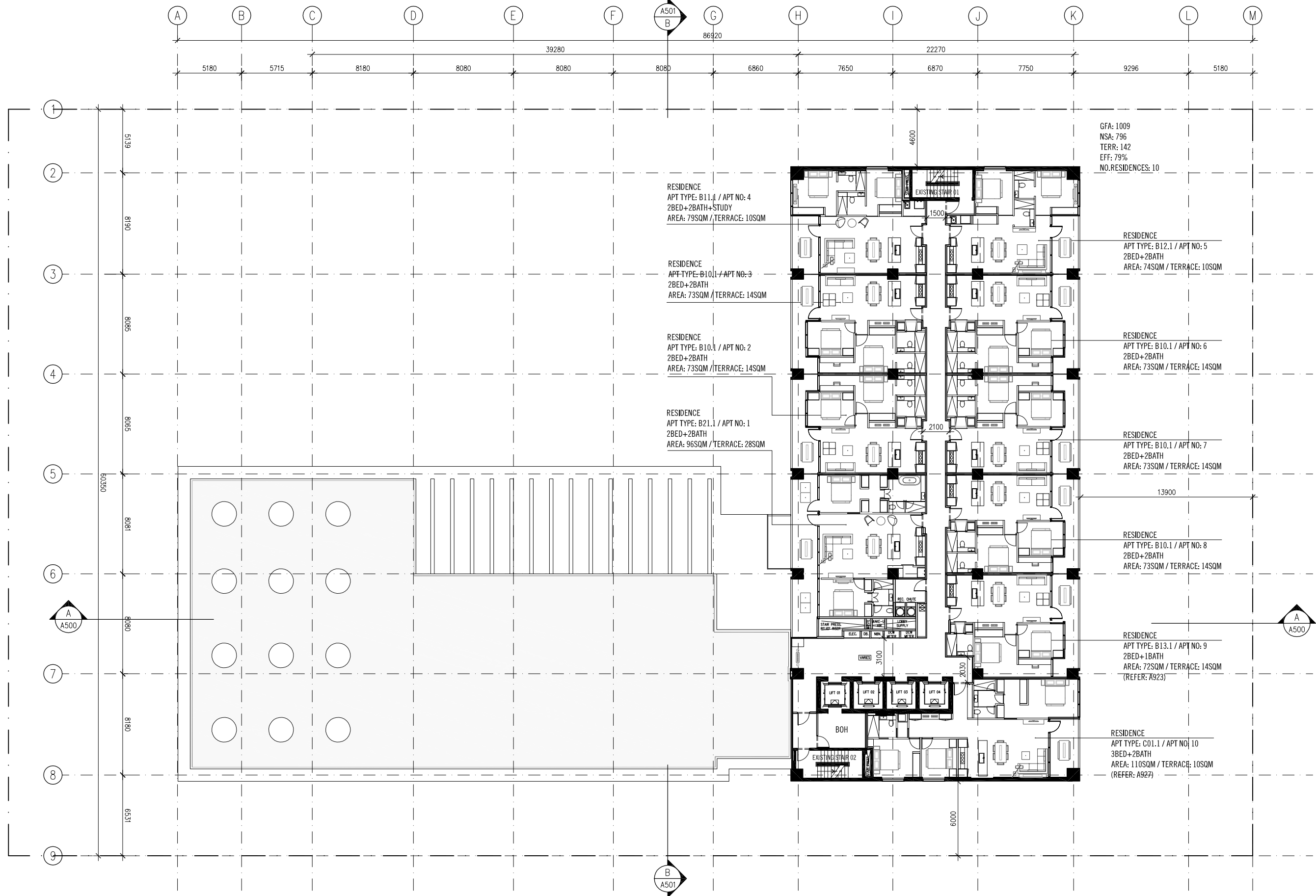
Drawing Title
LEVEL 07 PLAN

Project Number
12033

Drawing Status
TP

Drawing Number
A207

Revision
A



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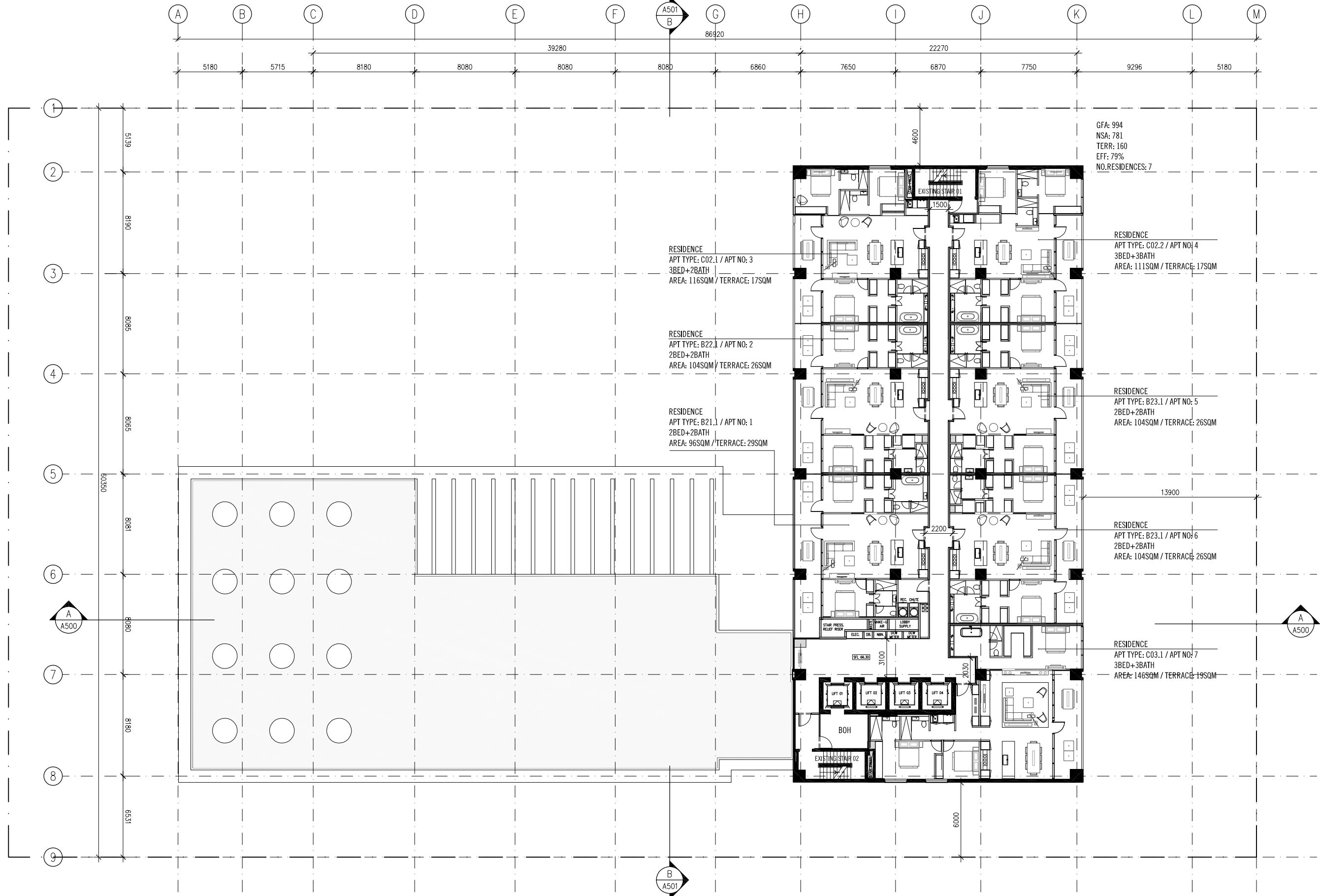
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Project Title
499 ST KILDA ROAD
 Client
FAWKNER CENTRE PTY LTD

Drawing Title
LEVEL 08-15
 Project Number
12033
 Drawing Status
TP
 Drawing Number
A208
 Revision
A



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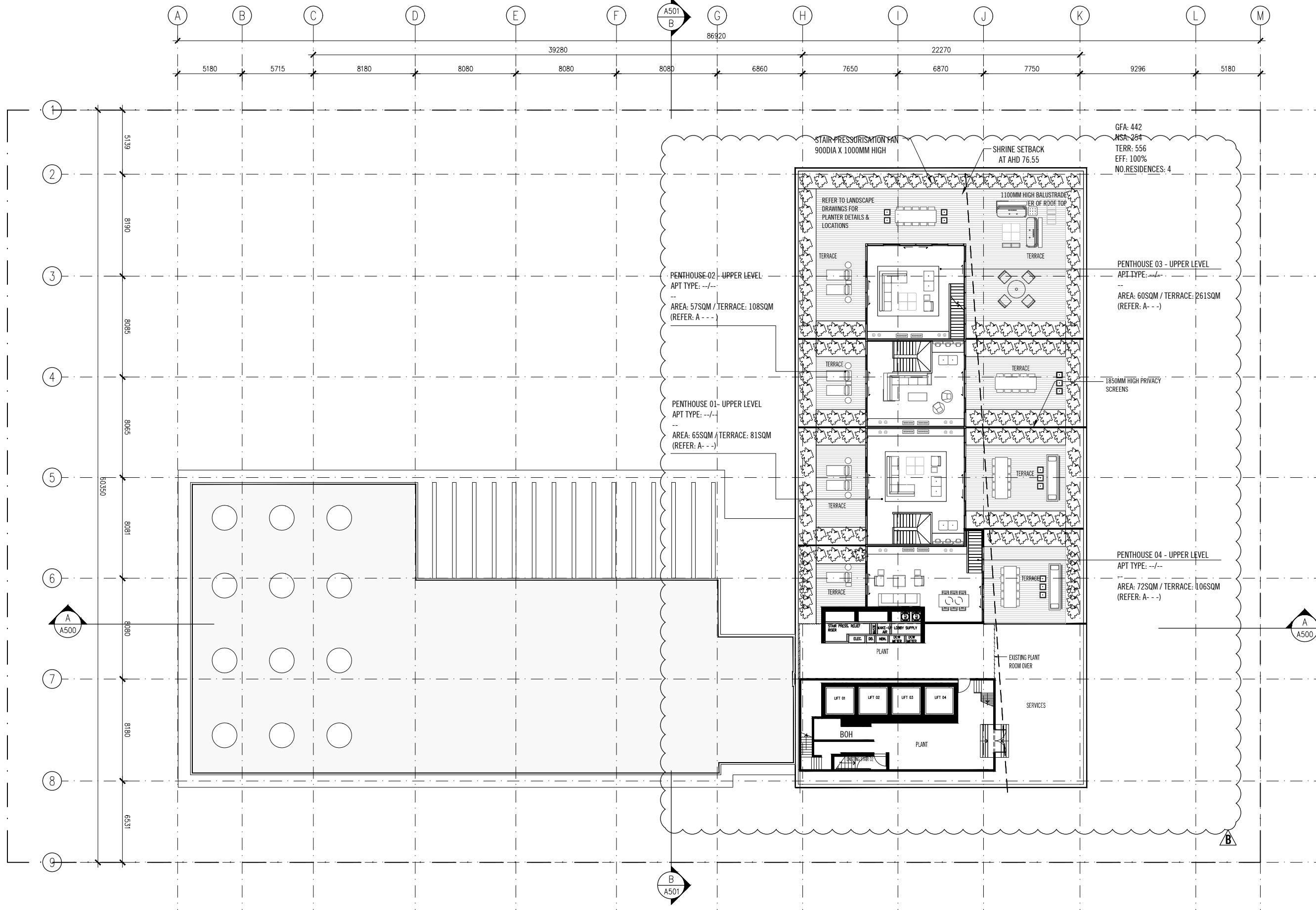
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Project Title
499 ST KILDA ROAD
Client
FAWKNER CENTRE PTY LTD

Drawing Title
LEVEL 17
Project Number
12033
Drawing Status
TP
Drawing Number
A217
Revision
A



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A	24/09/13	ISSUE FOR TOWNPLANNING	MD				
B	11/11/13	RESPONSE TO RFI FROM DTPLI	EKS				

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Project Title
499 ST KILDA ROAD
 Client
FAWKNER CENTRE PTY LTD

Drawing Title
LEVEL 19 PLAN
 Project Number
12033
 Drawing Status
TP
 Drawing Number
A219
 Revision
B

- LEGEND**
- GL01 - CLEAR GLASS
 - GL02 - DARK COLOURED GLASS
 - GL03 - CLEAR LOUVRE GLASS
 - MP01 - SILVER METAL PANEL CLADDING
 - MP02 - MIRROR METAL
 - MP03 - METAL PANEL - DARK COLOUR
 - MP04 - ALUMINUM METAL- DARK AND SILVER F
 - BAL01 - CLEAR GLASS
 - BAL02 - DARK COLOURED GLASS
 - TB01 - DARK STAINED TIMBER



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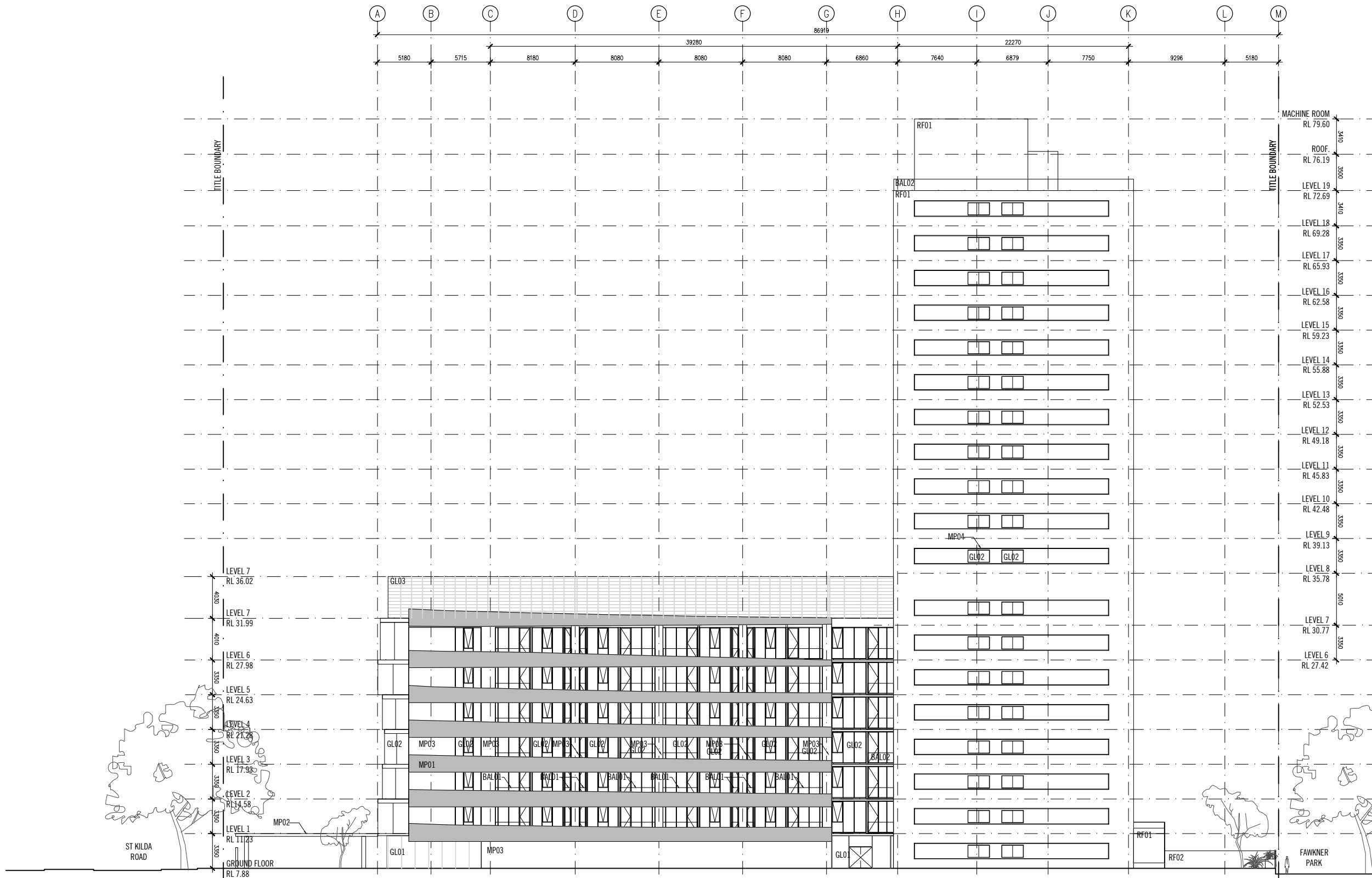
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Project Title
499 ST KILDA ROAD
 Client
FAWKNER CENTRE PTY LTD

Drawing Title
NORTH ELEVATION
 Project Number
12033
 Drawing Status
TP
 Drawing Number
A400
 Revision
TP

- LEGEND**
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 - MP03 - METAL PANEL - DARK COLOUR
 - MP04 - ALUMINUM METAL- DARK AND SILVER FINISH
 - BAL01 - CLEAR GLASS
 - BAL02 - DARK COLOURED GLASS
 - TB01 - DARK STAINED TIMBER



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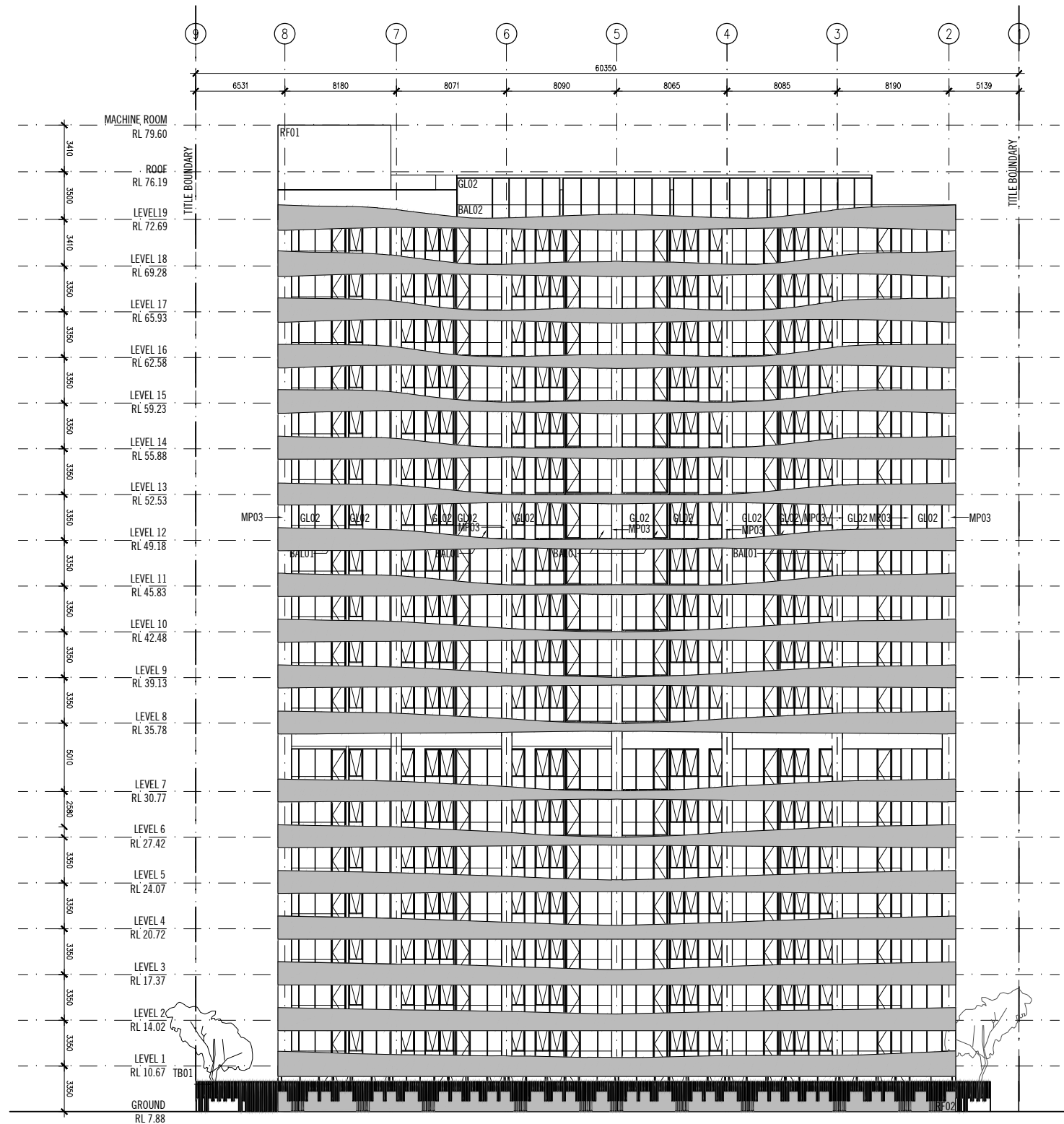
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Project Title
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 Client
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Drawing Title	Project Number	Drawing Number
SOUTH ELEVATION	12033	A401
TP	Revision	A



- LEGEND**
- GL01 - CLEAR GLASS
 - GL02 - DARK COLOURED GLASS
 - GL03 - CLEAR LOUVRE GLASS
 - MP01 - SILVER METAL PANEL CLADDING
 - MP02 - MIRROR METAL
 - MP03 - METAL PANEL - DARK COLOUR
 - MP04 - ALUMINUM METAL - DARK AND SILVER FIN
 - BAL01 - CLEAR GLASS
 - BAL02 - DARK COLOURED GLASS
 - TB01 - DARK STAINED TIMBER

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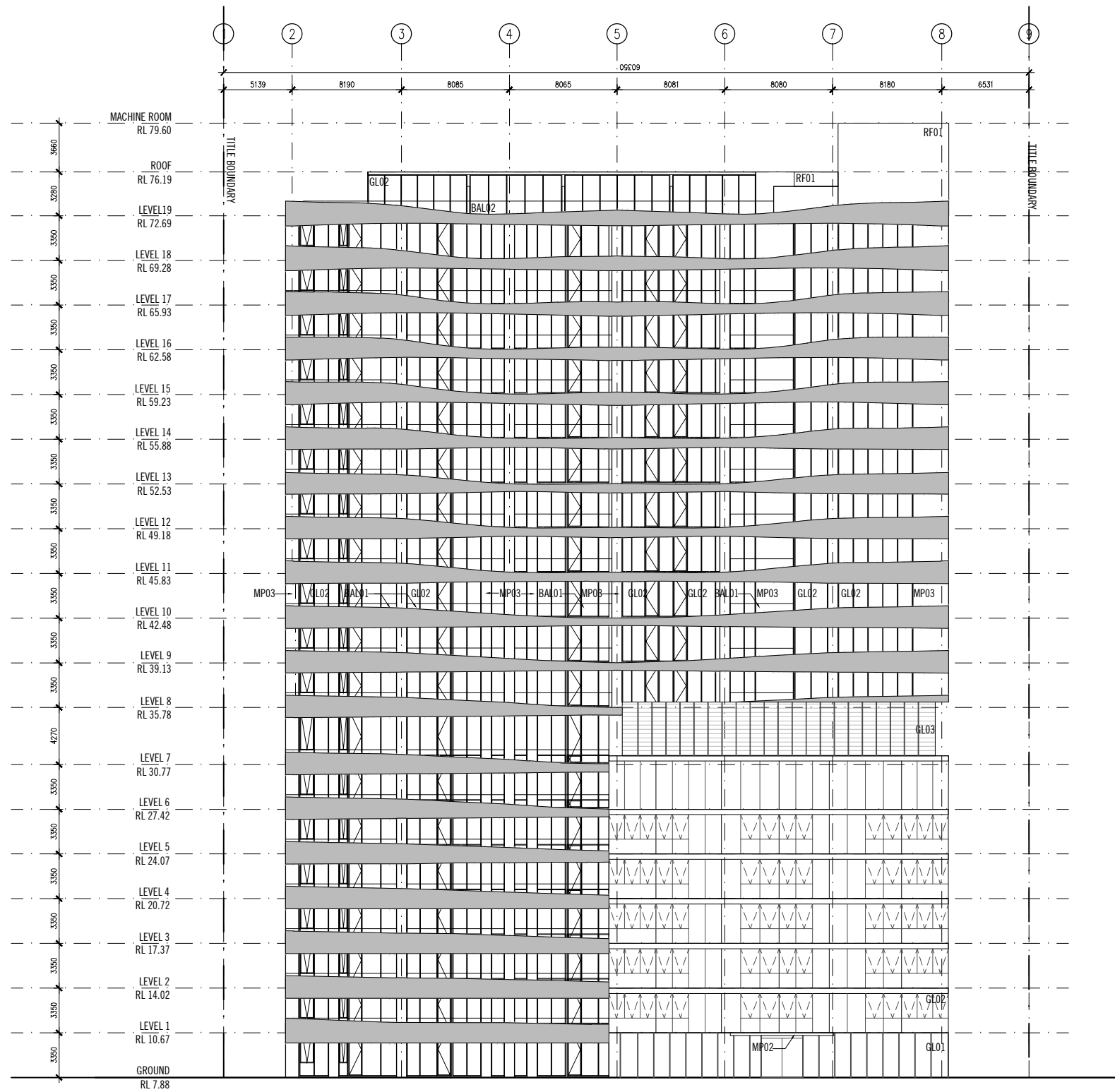
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Project Title
499 ST KILDA ROAD

Client
FAWKNER CENTRE PTY LTD

Drawing Title		Drawing Number	
EAST ELEVATION		A402	
Project Number	Revision	Project Number	Revision
12033	A	12033	A
Drawing Status		Drawing Status	
TP		TP	



- LEGEND**
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 - GL02 - DARK COLOURED GLASS
 - GL03 - CLEAR LOUVRE GLASS
 - MP01 - SILVER METAL PANEL CLADDING
 - MP02 - MIRROR METAL
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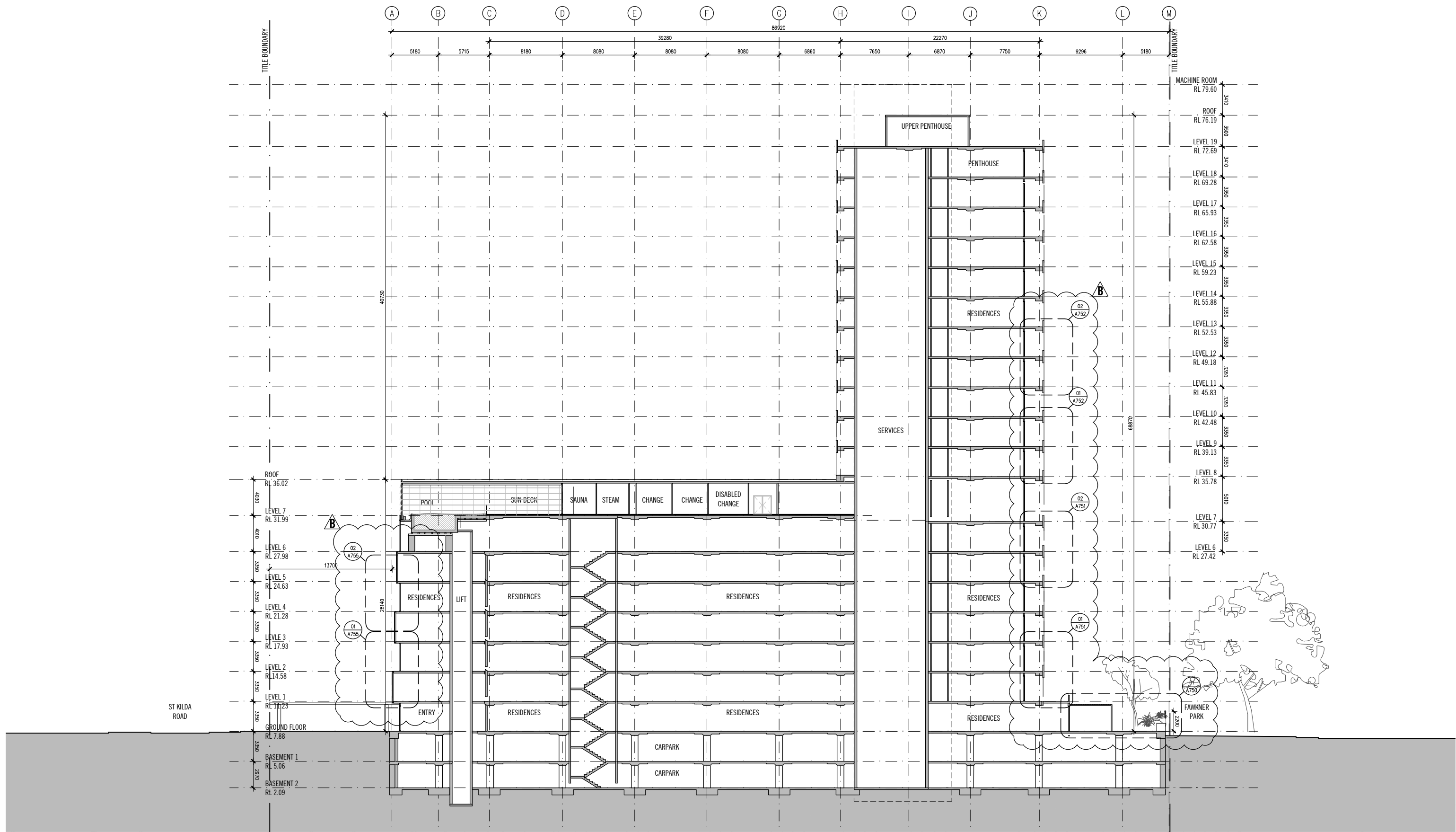
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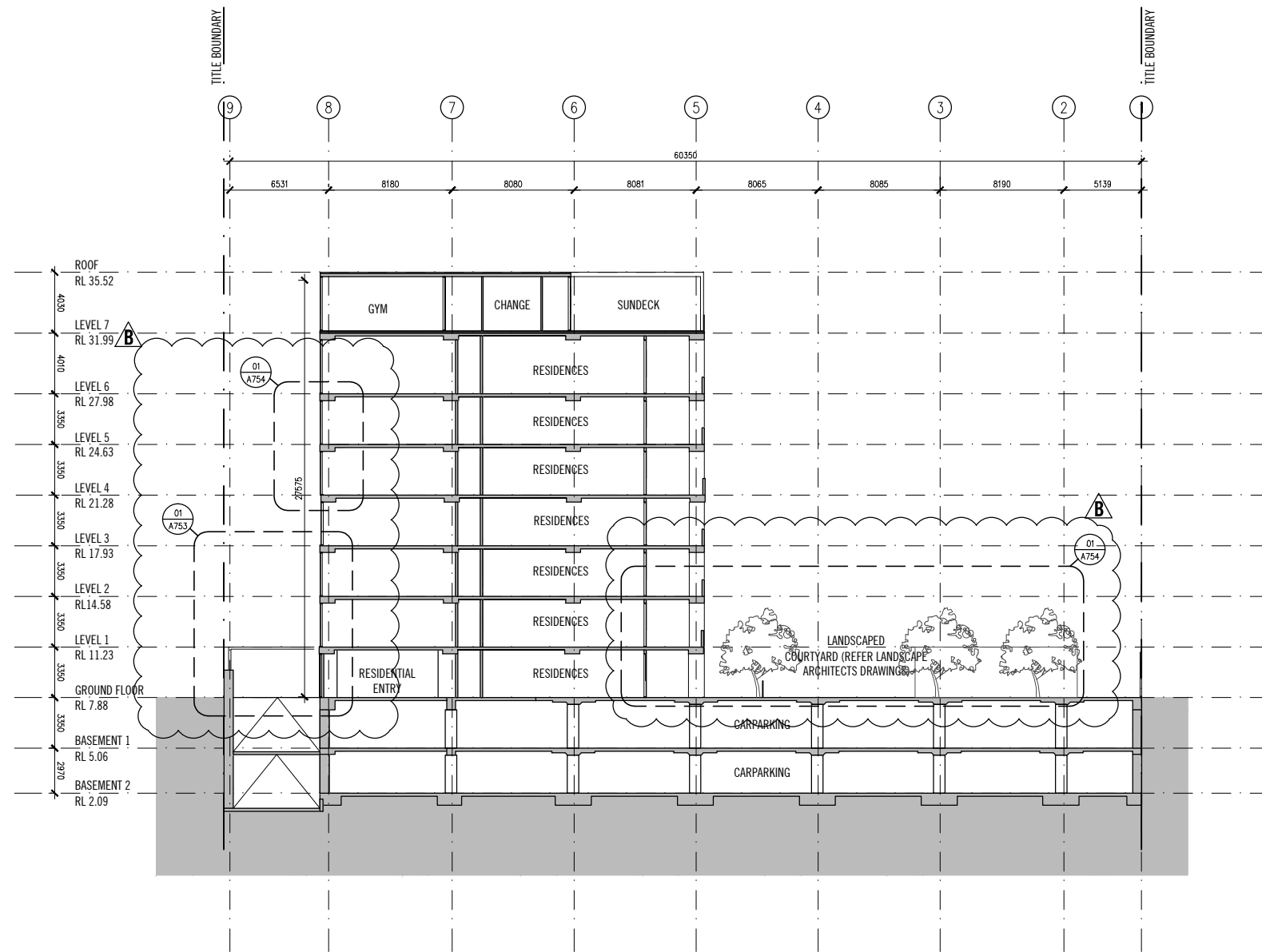
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Project Title
499 ST KILDA ROAD
 Client
FAWKNER CENTRE PTY LTD

Drawing Title	
WEST ELEVATION	
Project Number	Drawing Number
12033	A403
Drawing Status	Revision
TP	A



<p>Rev No. Date Reason for Issue A 24/08/13 ISSUE FOR TOWNPLANNING RESPONSE TO RFI FROM DTPL</p>	<p>Issued by MD EKS</p>	<p>Rev No. Date Reason for Issue</p>	<p>Issued by</p>	<p>Note: The drawings are to be read with regard to the scale at which the document has been issued and for the specific purpose of the issue. The information contained within is considered to be correct at the time of documentation. As an unconditional document, Elenberg Fraser accepts no responsibility for alterations by persons other than Elenberg Fraser. By accepting and utilizing any drawings or other data or any form of electronic media generated and provided by Elenberg Fraser the Client agrees not to use these drawings and data, in whole or in part, for any purpose or project other than the project which is the subject of this agreement. The Client agrees to indemnify Elenberg Fraser against all claims, damages, losses and costs of defence, arising from any changes made by anyone other than Elenberg Fraser or from any reuse of the drawings and data without prior written consent of Elenberg Fraser. By accepting and utilizing any drawings or other data in any form of electronic media generated and provided by Elenberg Fraser, the Client warrants and agrees that all such drawings and data are instruments of service of Elenberg Fraser, and that he/they warrant the value of the drawings and data and shall retain all common law, statutory law and other rights, including copyrights and intellectual property.</p>	<p>SCALE @ A1 1:200 PRELIMINARY NOT FOR CONSTRUCTION</p> <p>Figured dimensions take precedence to scale readings. Verify all dimensions on site. Report any discrepancies to the Architect for decision before proceeding with the work.</p>	<p>ELENBERG FRASER LEVEL 3, 160 QUEEN STREET MELBOURNE VICTORIA 3000 AUSTRALIA TEL +61 3 9600 2260 FAX +61 3 9600 2266 EMAIL MAIL@ELENBERGFRASER.COM WWW.ELENBERGFRASER.COM ABN 97 556 188 726</p>	<p>Project Title 499 ST KILDA ROAD</p> <p>Client FAWKNER CENTRE PTY LTD</p>	<p>Drawing Title SECTION A-A</p> <p>Project Number 12033</p> <p>Drawing Status TP</p>	<p>Drawing Number A500</p> <p>Revision B</p>
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Rev No.	Date	Reason for Issue	Issued by
A	24/09/13	ISSUE FOR TOWNPLANNING	MD
B	11/11/13	RESPONSE TO RFI FROM DTPLI	EKS

Rev No.	Date	Reason for Issue	Issued by

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**PRELIMINARY
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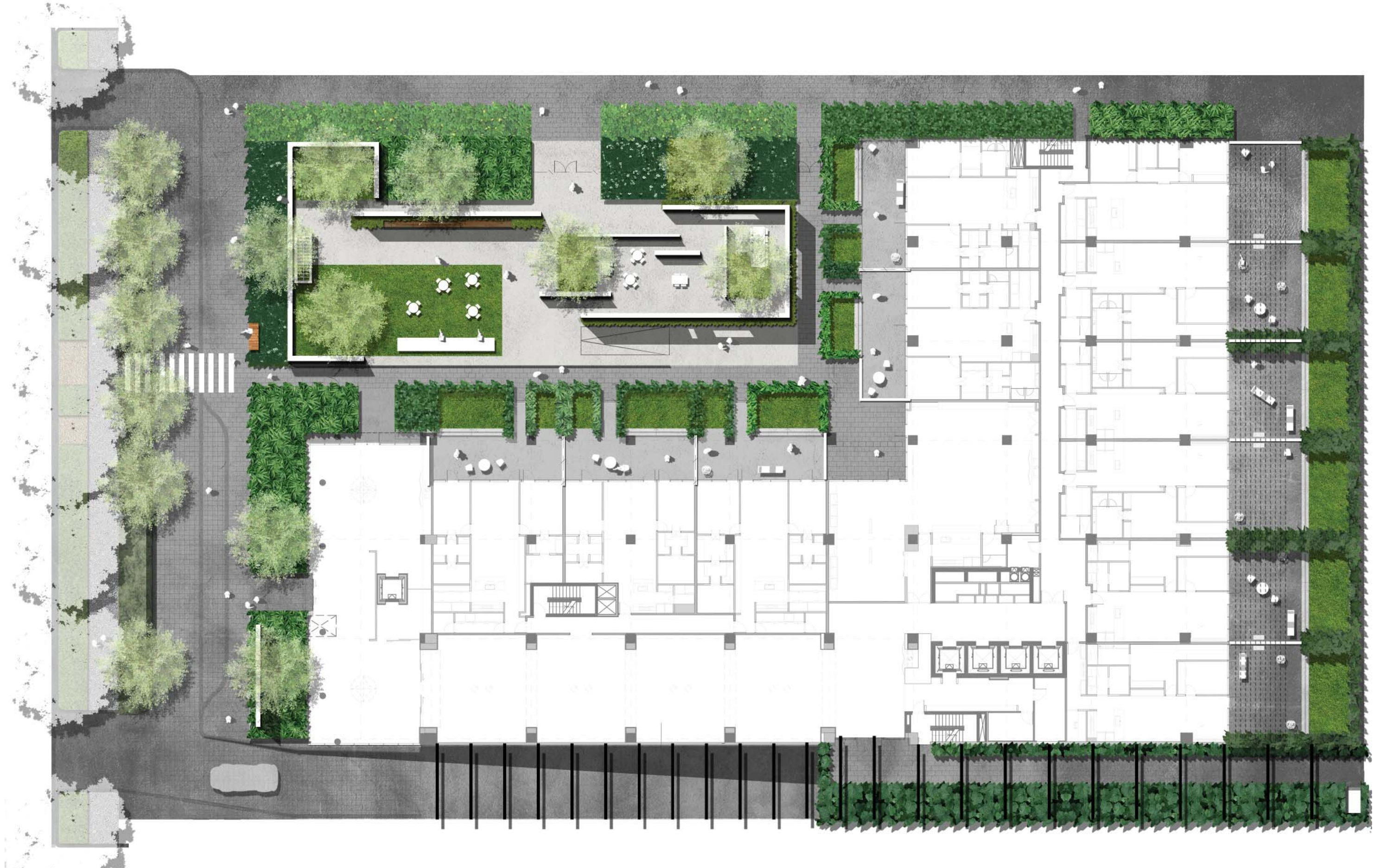
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Project Title
499 ST KILDA ROAD
 Client
FAWKNER CENTRE PTY LTD

Drawing Title	Project Number	Drawing Number
SECTION B-B	12033	A501
TP	Revision	B

499 St Kilda Road Landscape Report

OCULUS



PLANNING REPORT

MINISTERIAL REFERRAL

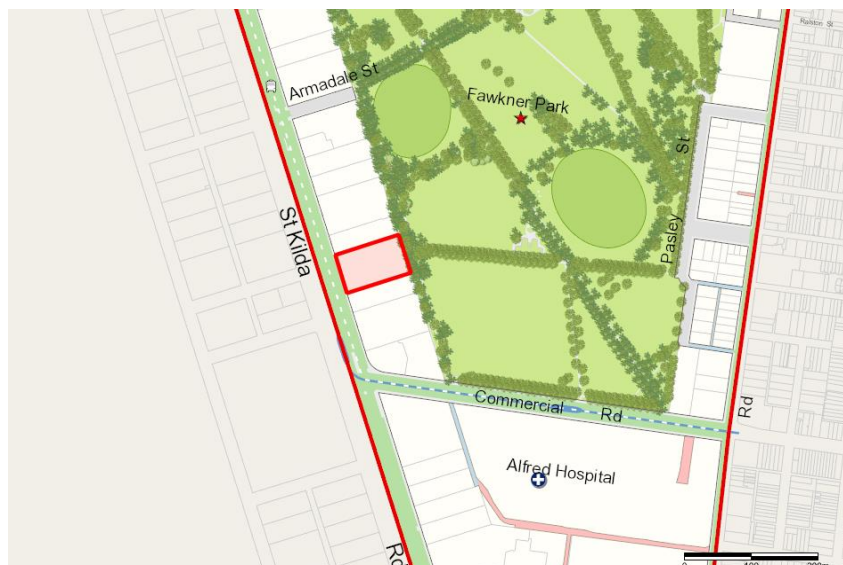
Application number:	TPM-2013-23
DTPLI Application number:	
Applicant / Owner / Architect:	Contour/Fawkner Centre Pty Ltd/Elenberg Fraser
Address:	497-503 St Kilda Road, MELBOURNE VIC 3004
Proposal:	Use and development of the land for dwellings, alteration of access in a Road Zone Category 1 and a reduction in the statutory car parking requirements (DTPLI ref 2013/008668)
Date received by City of Melbourne:	23 October 2013
Responsible officer:	Evan Counsel
Date of report	10 April 2014

1. SUBJECT SITE AND SURROUNDS

1.1. The site

497-503 St Kilda Road, Melbourne, also known as the Fawkner Centre, is located on the east side of St Kilda Road, between Commercial Road to the south and Armadale Street to the north, and backs onto Fawkner Park. The site has a street frontage of 60.35 metres, and a depth of 100.58 metres resulting in an overall site area of approximately 6,070m².

Locality Plan

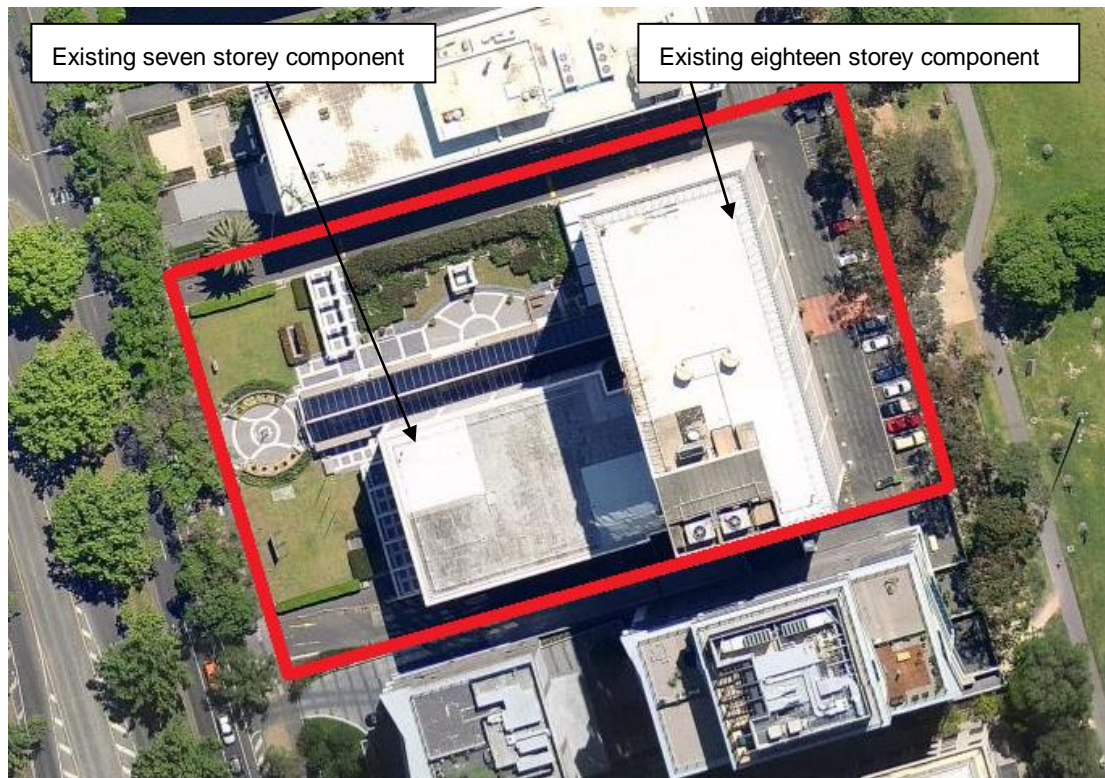


Source: CoMPass, 7/4/2014

An L-shaped commercial building currently occupies the site. The existing building comprises a 7 storey component in the front portion of the site and an 18 storey component toward the rear of the site with mechanical plant and lift overrun located at level 19. The existing building is set back approximately 24.5 metres from the St Kilda Road street frontage, 4.6 metres from the northern boundary, 6.0 metres from the southern boundary and 10.9 metres from the eastern boundary.

Vehicle access to the site is currently provided via two crossovers to the St Kilda Road southbound service road. The existing building benefits from a two level basement car park which is accessed via a two-way driveway that extends along the southern site boundary. The northern crossover provides access to a ground level car park and loading area located at the rear of the site.

Aerial Photo



Source: Nearmap, 19/10/2013

1.2. Surrounds

The surrounding area is generally characterised by a mix of commercial and residential land uses with built form ranging from new to older style buildings of approximately 5 to 18 storeys in height.

The immediate surroundings of the subject site can be described as follows.

North of the subject site at 493 St Kilda Road is 'Linfox House', a five storey office building with basement level car park completed in 1980 and refurbished in 1990.

South of the subject site at 505 St Kilda Road is 'Toorak 505', a residential building completed in 2009 with a 9 storey component at the front portion of the site fronting St Kilda Road, and a 23 storey component toward the rear of the site facing Fawkner Park.

To the east, the subject site directly abuts Fawkner Park.

To the west (opposite) side of St Kilda Road are commercial buildings ranging from 2 to 16 storeys in height.



View of site from west side of St Kilda Road



View of site from Fawkner Park

2. THE PROPOSAL

The plans forming the basis of this assessment are those initially received by the City of Melbourne on 23 October 2013 and additional information received by the City of Melbourne on 12 December 2013, responding to the DTPLI request for further information.

The applicant describes the proposal as follows:

'The proposal involves the retention and refurbishment of the existing building including a land use conversion for luxury apartments. The key aspects of the proposal include the following:

- *Retention of the existing building structure and additions to the existing building including:*
- *An extension to the front of the building at Levels 00 - 07. The new extension is constructed so that it has a setback of 13.7 metres from the St Kilda Road property frontage.*
- *A rooftop addition to the seven storey module in the front part of the site for the purposes of communal residents' facilities.*
- *An additional level to the roof of the 18 storey component for the purposes of residential apartments.*

→ The construction of a new 'lightweight' structure external to the building at ground level in the form of an canopy within the site frontage, and pergola and planting structures within the south and east setbacks.

→ The refurbishment of the existing façade including new architectural treatments as described in the accompanying submission prepared by Elenberg Fraser.

→ A reconfigured basement car parking area over two levels comprising 292 car parking spaces, plus an additional 15 spaces in tandem, 270 bicycle spaces, storage, access and servicing areas; further detail of which is provided in basement plans prepared by Elenberg Fraser and the accompanying Traffic and Transport Assessment prepared by Cardno.

→ Landscaping in accordance with the landscape design prepared by Oculus.

→ ESD outcomes in accordance with the submission prepared by ADP Consulting Engineers.

→ Waste management arrangements in accordance with the submission prepared by Leigh Design.'

'The residential apartments will be accessed from an entry foyer located along the St Kilda Road frontage. The lobby provides access to eleven ground floor level apartments, four lifts and internal staircase which provide direct and convenient access to the levels above.'

'A concierge, library, communal lounge area and resident mail room are provided within the ground floor level.'

The material selection for the building is predominantly a mix of dark render, dark and clear glass with dark, silver and mirror finish metal.

A Sustainable Management Plan by ADP Consulting Pty Ltd submitted with the application states that the development will achieve at least a 6 Star average rating.

The application proposes the following uses:

Dwelling	Total number of dwellings: 245 One bedroom dwellings/apartments: 12 Two bedroom dwellings/apartments: 197 Three or more bedroom dwellings/apartments: 36
Retail/ Commercial	N/A

The specific details of the proposal are as follows:

Building height	Existing: 18 storeys, 64.81 metres (excluding the existing services area which is being retained). Proposed: 19 storeys, 68.31 metres (excluding the existing services area which is being retained). The total height of the building, including existing mechanical plant room and lift overrun located at roof level, is proposed to remain as it currently exists at 71.72 metres.
Podium height	Existing: 7 storeys, 24.11 metres. Proposed: 8 storeys, 28.14 metres.
Front, side and rear	North (side) – 4.6 metres, to remain as existing.

setbacks	<p>South (side) – 6 metres, to remain as existing.</p> <p>East (rear) – 10.9 metres, to remain as existing.</p> <p>West (front) – 13.7 metres, reduction of existing 24.5 metre setback.</p>
Gross floor area (GFA)	<p>Existing: 40,024m² (plot ratio = 4.22)</p> <p>Proposed: 41,010m² (plot ratio = 4.98)</p>
Car parking spaces	<p>Existing: 369 car parking spaces.</p> <p>Proposed: 307 car parking spaces.</p>
Bicycle facilities and spaces	<p>Existing: 10 bicycle spaces</p> <p>Proposed: 270 bicycle spaces</p>
Loading/unloading	No loading/unloading area is provided.
Vehicle access	<p>No changes to the existing vehicle access points to St Kilda Road are proposed.</p> <p>Access to the basement car park is provided via the existing southern crossover to St Kilda Road.</p> <p>A porte-cochere is proposed along the frontage of the site, connecting the existing northern and southern crossovers.</p>
Finishes	The exterior of the existing building at 497-503 St Kilda Road is to be restored and refurbished. Proposed finishes are predominantly a mix of dark render, dark and clear glass with dark, silver and mirror finish metal.



Ground Floor plan



Proposed view south-east from St Kilda Road

Source: Elenberg Fraser Architects

3. BACKGROUND

3.1. Pre-application discussions

A pre-application meeting was held between a number of representatives of the applicant, including Contour Town Planners, on Tuesday 17 September 2013. The Planning Officer, a Senior Planning Officer and an Urban Design representative for the City of Melbourne attended the meeting. Concern was raised at the meeting in relation to the developments compliance with the Design and Development Overlay Schedule 17 (Shrine Vista).

3.2. Site history

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

The City of Melbourne has previously considered a similar proposal on an adjoining site located at 505 St Kilda Road. TPM-2007-17 proposed development of the land including buildings and works associated with the construction of 120 dwellings contained within a 9 storey and a 21 storey building on one lot, a reduction in car parking and creating/altering access to a Road Zone. The City of Melbourne offered no objection to this proposal subject to a number of conditions. The development was completed in 2009 and is pictured below.



Source: Pictometry - Looking west, showing the St Kilda Road frontage of the existing buildings.

4. PLANNING SCHEME PROVISIONS

The following provisions of the Melbourne Planning Scheme apply:

State Planning Policies	<p>Clause 11 Settlement Clause 11.01 Activity Centres Clause 11.02 Urban Growth Clause 11.04 Metropolitan Melbourne Clause 15 Built Environment and Heritage Clause 15.01 Urban Environment Clause 15.02 Sustainable Development</p> <p>Clause 16 Housing Clause 16.01 Residential Development Clause 18 Transport Clause 18.01 Integrated Transport Clause 18.02 Movement Networks Clause 19 Infrastructure Clause 19.03 Development Infrastructure</p>
Municipal Strategic Statement	<p>Clause 21.02 Municipal Profile Clause 21.03 Vision Clause 21.06 Built Environment and Heritage Clause 21.07 Housing Clause 21.16-1 St Kilda Road and South Yarra</p>
Local Planning Policies	<p>Clause 22.02 Sunlight to Public Spaces Clause 22.17 Urban Design Outside of the capital City Zone Clause 22.19 Energy Water and Waste Efficiency Clause 22.23 Stormwater Management (Water Sensitive Urban Design)</p>

Statutory Controls

<p>Commercial 1 Zone</p>	<p>A ' Dwelling ' is a ' Section 1 use - Permit not required ' provided that any frontage at ground floor level does not exceed 2 metres. In this case, the residential frontage exceeds 2 metres, and therefore <u>a permit is required for the proposed use.</u></p> <p><u>A permit is also required to construct a building or construct or carry out works.</u></p>
<p>Design and Development Overlay Schedule 17 – Shrine Vista</p>	<p><u>A permit is required for a building or works to be constructed above 33 metres in height above the Australian Height Datum.</u></p> <p>The provisions of the overlay relate to the Shrine of Remembrance and its outline as viewed from Swanston Street outside the State Library, and require the height of buildings or works to be in compliance with the shrine vista height control formula as prescribed in the Shrine Vista Computations Engineering Manual, June 1986 (Melbourne Metropolitan Board of Works E-023).</p>
<p>Design and Development Overlay 19 – St Kilda Road Area (Area 42)</p>	<p><u>A permit is required to carry out buildings and works.</u></p> <p>The provisions of the overlay relate to building height, plot ratio, setbacks, and landscaping and seeks:</p> <ul style="list-style-type: none"> • Discretionary maximum building height of 60 metres. • Discretionary setbacks of 13.7 metres from St Kilda Road. • Discretionary setbacks to any other boundary of 4.5 metres. • Discretionary plot ratio of 4.

Particular Provisions	
<p>Clause 52.06, Car Parking</p>	<p><u>A permit is required to reduce (including reduce to zero) the number of car parking spaces required under Clause 52.06-5.</u></p> <p>A total of 330 car parking spaces, including 281 resident spaces and 49 visitor spaces, are required and 307 car parking spaces are provided.</p> <p>A reduction of 23 car parking spaces is required.</p>
<p>Clause 52.29, Land adjacent to a Road Zone, Category 1, or a Public Acquisition Overlay for a Category 1 Road</p>	<p><u>A permit is required to create or alter access to a road in a Road Zone, Category 1.</u></p> <p>An application of this type must be referred to the Roads Corporation under Section 55 of the Act.</p> <p>DTPLI is responsible for referring the application to the necessary authorities.</p>
<p>Clause 52.34, Bicycle Facilities</p>	<p>A permit may be granted to reduce or waive the bicycle parking requirement.</p> <p>A total of 74 bicycle parking spaces, including 49 resident spaces and 25 visitor spaces are required and a total of 270 bicycle parking spaces are provided.</p> <p>As such, a planning permit is not required.</p>
<p>Clause 52.35,</p>	<p>An application for a residential development of four or more storeys in the</p>

Urban Context Report and Design Response for Residential Development of Four or More Storeys	Residential 1 Zone, Residential 2 Zone or Residential 3 Zone and an application for a residential development of five or more storeys in any other zone must be accompanied by: <ul style="list-style-type: none"> • An urban context report. • A design response. These documents have been provided by the applicant.
Clause 52.36, Integrated Public Transport Planning	An application to construct a residential development comprising 60 or more dwellings must be referred to PTV for comment. DTPLI is responsible for referring the application to the necessary authorities.

General Provisions	
Clause 61.01 – Administration and enforcement of this scheme	The Minister for Planning is the responsible authority for this planning permit application as the total floor area of the development exceeds 25,000 square metres.
Clause 65 – Approval of an application or plan	The responsible authority must decide whether the proposal will produce acceptable outcomes in terms of the decision guidelines of this clause.

5. PLANNING SCHEME AMENDMENTS

Amendment C209 – Public Open Space Contributions is part of the implementation of the City of Melbourne Open Space Strategy. The amendment proposes to introduce a public open space requirement in the Melbourne Planning Scheme under the schedule to Clause 52.01 Public Open Space Contributions and Subdivision and a new local policy, Public Open Space Contributions.

A public open space contribution of 5 per cent will be required for the subject site at the time of subdivision, being either as a percentage of the site value, a land contribution or combination of both.

6. PUBLIC NOTIFICATION

In accordance with Section 52(1)(b) of the *Planning and Environment Act 1987*, DTPLI has given notice of the application to the City of Melbourne.

7. EXTERNAL REFERRALS

The City of Melbourne is not the Responsible Authority. DTPLI must refer the application to the necessary referral authorities.

8. INTERNAL REFERRALS

The application was referred to the following internal departments whose comments are summarised below:

Urban Design

Support the proposal and provide the following comments:

- The proposed alterations to the existing building will improve the presentation of the building onto both St Kilda Road and onto Fawkner Park.
- We commend the applicant for careful consideration of choice of materials and landscaping works.
- We acknowledge that internal amenity issues have been considered to ensure natural light and ventilation opportunities to habitable rooms.

Engineering

The Engineering Services Group is generally supportive of the proposal, subject to standard engineering conditions and minor changes which can be addressed by condition.

9. ASSESSMENT

The key issues in the consideration of this application are:

- Land Use
- Shrine Vista
- Built form
- ESD and Stormwater Management (Water Sensitive Urban Design)
- Car and bicycle parking, traffic and waste

Land Use

The proposed use and development of the land for dwellings is fully supported by policy. Clause 21.12-1 of the Municipal Strategic Statement identifies St Kilda Road as a premier boulevard containing high density office and residential development. With regard to housing, local policy supports residential development on St Kilda Road within its context as a premier office and residential boulevard.

With regard to the Commercial 1 Zone, the proposed residential use is at a density that is complementary to the role and scale of the commercial centre and will not detrimentally affect the amenity of the neighbourhood. The proposed use is compatible with the zone.

Shrine Vista

The Design and Development Overlay (Schedule 17) requires that the height of buildings and works must be in compliance with the shrine vista height control formula as prescribed in the Shrine Vista Computations Engineering Manual, June 1986 (Melbourne Metropolitan Board of Works E-023).

The plans submitted with the application do not comply with the shrine vista height control, as new built form at level 19 impacts on the Shrine Vista.

The applicant has since provided revised concept plans that demonstrate the proposed development's ability to comply with the shrine vista height control.

A condition of any permit to issue should require the formal submission of plans for approval.

Built form

Height and setbacks

The preferred built form character of the St Kilda Road Area is identified in Design and Development Overlay (Schedule 19) which includes the following design objectives:

- To encourage site development that will enhance the appearance, dignity and spaciousness of St Kilda Road.
- To protect and enhance the appearance of St Kilda Road as a major boulevard.
- To encourage urban design improvements so that the physical environment offers variety, interest, safety and convenience to people in the area.
- To encourage retention of those features of the area that enhance its appearance, give it character or provide a sense of identity.
- To encourage appropriate landscaped outdoor uses within a garden environment.
- To ensure that any new development or redevelopment is at a scale that protects the visual amenity of Fawkner Park.

In order to achieve these design objectives, the subject site is included within a discretionary 60m height control area, with a discretionary setback of 13.7 metres from St Kilda Road, sideage and setbacks to any other boundary of 4.5 metres, and a discretionary plot ratio of 4. The following built form outcomes are identified:

- Development does not impact upon the attractiveness of Fawkner Park, the vista to the Shrine of Remembrance or the built form character of the area.
- The landscaped garden frontages to St Kilda Road are maintained.
- The intensity and scale of development reinforces the existing built form character of St Kilda Road as a non- CBD commercial district and does not detrimentally impact on the traffic and car parking capacity of St Kilda Road.

Excluding the existing services area which is being retained, the existing 18 storey building has a maximum height of 64.81 metres. The proposed addition at level 19 will increase the building height to 68.31 metres. The total height of the building, including existing mechanical plant room and lift overrun located at roof level, is proposed to remain as it currently exists at 71.72 metres.

The roof top addition is approximately 3.5 metres taller than the existing roof level but approximately 3.4 metres lower than the top of the large services element on the roof. Although exceeding the 60 metre discretionary height, the 68 metre height of the building is considered acceptable in context as it will achieve the built form outcomes identified above, and will comply with the shrine vista height control as required by a condition of permit.

The proposed extension to the front of the building at Levels 00 - 07 includes a front setback of 13.7 metres. The front setback complies with the setback requirement of DDO19.

A new 7.8 metre wide canopy over the residential entry to the building is provided within the front setback of the site. The canopy is single storey and located at ground floor level, constructed of lightweight materials, and open at the sides. However, the new entry canopy appears to extend up to the property boundary, within the front setback area to St Kilda Road. The provisions of DDO19 allow an unenclosed verandah that is part of an entry to a building to only extend up to 4.5 metres into a front setback area to St Kilda Road. Upon inspection of the site it is evident that this approach has been maintained on adjoining sites and forms part of the distinct character and identity of St Kilda Road. Therefore it is considered appropriate that the design of the canopy be amended so that it extends a maximum of 4.5 metres into the front setback area. This is a matter which can be addressed by condition.

The landscape plan forming part of the application includes a concrete 'garden wall' with climber planting located within the north eastern setback and fronting St Kilda Road. This wall appears to be located within the required 13.7 metre setback, however will obscure the existing basement stair access from the street. This minor (approximately 700mm) encroachment into the preferred front setback is appropriate in this instance given the location of the existing stair and the contribution to the landscaped garden frontage to St Kilda Road.

The plans also indicate two 'wall art installations' located within the St Kilda Road setback and in front of the main entry of the building. These walls will obscure visibility of planting within the St Kilda Road frontage and greatly reduce the proposal's ability to meet the design objectives and outcomes of DDO19. It is considered appropriate that the two 'wall art installations' be deleted from the plans. This is a matter which can be addressed by condition.

Side and rear setbacks are proposed to remain as per the existing building. Existing side and rear setbacks range from 4.6-10.9 metres, thus complying with the side and rear setback requirements of DDO19.

The plot ratio figure has been increased from 4.22 to 4.98 due to the internal rearrangement of the building and the inclusion of the additions at the front and rooftop level of the building. As discussed above, the front addition is set back in accordance with the DDO19 front setback requirements, and the upper level addition is integrated into the development. For these reasons this outcome is considered appropriate.

Street level frontages

The residential lobby, including communal library and lounge, at ground floor level will assist in activating the St Kilda Road Street frontage of the building and retains opportunity for future retail/commercial tenancy fronting St Kilda Road.

Provision of safe and convenient vehicle and pedestrian access is provided. Sufficient landscaping is provided which maintain and enhance the established garden environment, appearance and spaciousness of St Kilda Road.

Fronts and backs of buildings

The proposed architectural treatment to the front and rear façades, provides for improved articulation and visual interest to what are currently bland and uninteresting façades and finishes.

All frontages will be activated by the proposed residential uses and the façade will improve how the building presents and connects to the public realm, being both St Kilda Road and Fawkner Park.

Building tops

The existing mechanical plant room and lift overrun located at roof level, is proposed to remain as it currently exists.

Given the height of the building the level 19 roof top addition, being the upper level of 4 penthouse apartments with outdoor terrace, will greatly improve the appearance of the building whilst presenting/reading as a recessive element atop the building.

Visible facades and blank walls

The architectural treatment to the front and rear façades, provides for improved articulation, visual interest and greater connection to the public realm. Side facades of the existing building currently present as blank walls. It is proposed to have a dark coloured facade with horizontal windows to provide articulation and relief to these facades. This will greatly improve the appearance of the overall building.

As discussed above, the proposed concrete 'garden wall' with climber planting located within the northern setback and fronting St Kilda Road will obscure the existing basement stair access from the street and the existing mechanical plant room and lift overrun located at roof level is adequately treated and screened from public areas.

Protection from wind and rain

A wind effect statement prepared by Vipac Engineers and Scientists Ltd was submitted together with the application. The assessment concludes that high level balcony/terrace areas are expected to experience wind conditions close to or above the recommended walking criterion. It is considered that educating residents is not an adequate response to this issue.

Vipac has recommended a wind tunnel test if verification is required. Given the above, wind tunnel testing and any necessary modifications are required so that the balcony/terrace areas achieve suitable wind conditions. This is a matter which can be addressed by condition.

Design guidelines for higher density residential buildings

Clause 19.03 makes reference to the *Design guidelines for higher density residential buildings* (Department of Sustainability and Environment, 2004). In response to the key elements of these guidelines (and those not discussed in greater detail in association with other policies/clauses in this report) it is noted that:

The building will contain all necessary services and facilities. Most services (car and bicycle parking, bin storage and utilities) will be located at basement level. Access to these services/facilities and upper level dwellings may be obtained via the St Kilda Road and Fawkner Park frontages and the lift and stair access extending up through the building.

The design and layout of the proposed building is generally acceptable. Passageways extending through each level of the building will provide direct access to all dwellings. In order to maximise access to natural light and ventilation, the majority of dwellings have been oriented towards either the north, Fawkner Park or St Kilda Road with the exception of 20 south facing dwellings located at levels 2-5. No apartments rely on borrowed light and are afforded reasonable outlooks.

ESD and Stormwater Management (Water Sensitive Urban Design)

Clause 22.19 (Energy, Water and Waste Efficiency) requires that applications be accompanied by:

- A Waste Management Plan.
- An ESD Statement demonstrating how the development meets relevant policy objectives and requirements.

For buildings over 2,000 square metres in gross floor area the Sustainable Design Statement must include a statement from a suitably qualified professional verifying that the building has the preliminary design potential to achieve the relevant Performance Measures set out in Clause 22.19-5, being:

- 1 point for Wat-1 credit under a current version of the Green Building Council of Australia's Green Star – Multi Unit Residential rating tool or equivalent.
- A Waste Management Plan prepared in accordance with the current version of the City of Melbourne's Guidelines for Waste Management Plans.
- A 5 star rating under a current version of Green Star - Multi Unit Residential rating tool or equivalent.

A Sustainability Design Statement forms part of the application. It notes that the proposed development will achieve at least a 6 Star average rating and summarises a number of commendable key initiatives. However it fails to adequately address the performance measures set out above and describe how the 6 Star average rating will be achieved.

It is recommended that further work be undertaken in order to demonstrate how the proposal is achieving the provisions 'or equivalent' specifically required by Clause 22.19. This is a matter which can be addressed by condition.

Clause 22.23 (Stormwater Management (Water Sensitive Urban Design)) seeks to incorporate stormwater treatment measures into the design of development.

A Melbourne Water STORM assessment forms part of the application. A 50,000 Litre rainwater tank will be installed to collect runoff from all roof areas and be used to provide toilet flushing to 90 bedrooms as well as irrigation to landscaped areas and planter boxes. An additional 10 m² of raingardens will treat at least 1000 m² of the drained courtyard areas, achieving a total STORM score of 110%. This successfully demonstrates how the development achieves the objectives of this policy.

The Melbourne Water STORM assessment forms part of the ESD statement and is therefore required, by permit condition, to be implemented prior to occupancy at no cost to the City of Melbourne.

Car and bicycle parking, traffic and waste

Council's Engineering Services Group is generally supportive of the proposal.

The proposed resident car parking provision exceeds the requirements of the Planning Scheme and is considered to be appropriate.

The provision of visitor car parking at the statutory rate is considered excessive in this instance given the availability of public transport. Visitor car parking demands can be accommodated on-street and in the nearby off-street commercial car parks. As such, a reduction in the statutory visitor car parking requirements is considered appropriate in this instance.

Overall, the provision and number of bicycle parking, car parking, traffic generation, layout and access arrangements are acceptable subject to minor changes which can be addressed by condition.

A waste management plan was submitted with the application documentation and the following comments are provided by Council's Urban Services Team.

'A Waste Management Plan (WMP) has been prepared by Leigh Design dated 19 September 2013, which indicates that waste is to be stored within Basement Level 1 adjacent to the loading zone. The WMP states that all waste services will occur using a private collection service with a rear lift truck (6.35m, 2.3m wide, 2.1m high and 6.4T GVM). Whilst a swept path assessment has been prepared which indicates that a 6.35m waste collection vehicle can access the loading area as required it is considered extremely tight and potentially unsafe with oncoming traffic exiting the building along this path. Additionally the head height clearance for the truck coming from ground to basement (schematics attached to WMP) leave little allowance for loaded versus unloaded vehicle, tyre pressure and angle of ramp that will all impact truck clearance requirements.

Finally the plans show a garbage chute and recycling chute yet the hard waste area and charity bins appear to be missing from the plans.

Revised WMP is required.'

A condition of any permit to issue should require the formal submission of a revised waste management plan to the satisfaction of the City of Melbourne - Engineering Services.

9.1. Conclusion

It is considered that the proposed development responds appropriately to the relevant provisions of the Melbourne Planning Scheme, including Clause 21.16 (MSS), Clause 22.02 (Sunlight to Public Spaces), Clause 22.17 (Urban Design Outside of the Capital City Zone) and Clause 43.02, subject to the conditions recommended.

10. OFFICER RECOMMENDATION

That a letter be sent to DTPLI advising that the City of Melbourne offers in principle support for the proposal subject to the following conditions:

Amended Plans

1. Prior to the commencement of the development on the land, two copies of plans, drawn to scale must be submitted to the Responsible Authority generally in accordance with the plans received on 20 November 2013 but amended to show:
 - a. The height of all proposed buildings and works must be in compliance with the shrine vista height control formula as prescribed in the Shrine Vista Computations Engineering Manual, June 1986 (Melbourne Metropolitan Board of Works E-023), and generally in accordance with the revised concept plans received by the City of Melbourne 20 March 2014.
 - b. The design of the canopy over the residential entry to the building is to be amended so that it extends a maximum of 4.5 metres into the front setback area to St Kilda Road.
 - c. The two 'wall art installations' located within the St Kilda Road setback in front of the main entry to the building are to be deleted.
 - d. Any amendments required by the revised Traffic Management Report.

- e. Any amendments required by the revised Waste Management Plan.
- f. Any amendments required to achieve the ESD standards.
- g. Any amendments required by the Wind Test Modelling Report, including measures to ensure the walking criterion for wind conditions is met at high level balcony/terrace areas.

These amended plans must be to the satisfaction of the Responsible Authority and when approved shall be the endorsed plans of this permit.

Layout Not Altered and Satisfactory Completion

- 2. The development as shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
- 3. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.
- 4. Prior to occupation of the development all buildings and works required by this permit must be completed to the satisfaction of the Responsible Authority.

Materials, Finishes, Architectural Oversight

- 5. A schedule and samples of all external materials, colours and finishes must be submitted to the satisfaction of the Responsible Authority prior to the commencement of the development. The schedule must show the materials, colours and finishes of all external walls, roof, fascias, window frames, glazing types, doors, balustrades, fences and paving, (including car park surfacing), outbuildings and structures.
- 6. Except with the consent of the Responsible Authority Elenberg 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 Responsible Authority.

Building appurtenances / appearance / engineering

- 7. No architectural features and services other than those shown on the endorsed plans shall be permitted above the roof level unless otherwise approved in writing by the Responsible Authority.
- 8. Prior to the occupation of the development, a stormwater drainage system, incorporating water sensitive urban design, must be constructed for the development and provisions made to connect this system to the City of Melbourne's underground stormwater drainage system and, where necessary, upgrade the system to accept the discharge from the site in accordance with plans and specifications first approved by the City of Melbourne – Engineering Services.
- 9. All service pipes, apart from roof down pipes, must be concealed from the view of a person at ground level within common areas, public thoroughfares and adjoining properties to the satisfaction of the Responsible Authority

10. All building plant and equipment on the roofs, balcony areas, common areas and public thoroughfares must be concealed from the view of a person at ground level within common areas, public thoroughfares and adjoining properties to the satisfaction of the Responsible Authority.
11. Glazing materials used on all external walls must be of a type that does not reflect more than 15% of visible light, when measured at an angle of 90 degrees to the glass surface, to the satisfaction of the Responsible Authority.

Access

12. Vehicle entrance/egress points to St Kilda Road must be sign-posted to ensure that all vehicles enter and exit by making left-turn movements only to the satisfaction of the Responsible Authority.
13. Vehicular ingress and egress must not be modified from that shown on the endorsed plans without the prior written consent of the City of Melbourne - Engineering Services.
14. The position of any boom gates, card readers and any other related control equipment must be specified and designed to ensure that no on-street queuing occurs, to the satisfaction of the City of Melbourne - Engineering Services.
15. Provision must be made for disabled access into the building in accordance with the Disability (Access to Premises-Buildings) Standards 2010, to the satisfaction of the Responsible Authority.

Parking and loading

16. Prior to the occupation of the approved development, the area set aside for the parking of vehicles and access ways shown on the endorsed plans must be constructed, surfaced, sealed, drained, delineated and maintained at all times to the satisfaction of the Responsible Authority.
17. The parking, loading and unloading areas shown on the endorsed plans must be kept available for that use at all times and the car parking spaces and access ways must not be obstructed or otherwise rendered inaccessible to the satisfaction of the Responsible Authority.
18. The areas set aside for parking on the endorsed plans must not be operated as a public car parking facility.
19. The areas set aside for car parking must be restricted to the parking of vehicles by owners and occupiers of, or visitors to, the building.
20. All mechanical exhaust systems for the car park must be sound attenuated to prevent noise nuisance to the occupants of the surrounding properties, to the satisfaction of the Responsible Authority.
21. Prior to the commencement of the use and development hereby permitted, a revised Traffic Management Report must be submitted and approved by the City of Melbourne - Engineering Services.

The traffic management report must include copies of plans drawn to scale, generally in accordance with the traffic report submitted but amended to show:

- a) Detail as to how visitors will access the visitor bicycle parking allocated in accordance with Clause 52.34 of the Melbourne Planning Scheme.

- b) Space #55 on Basement 01 and space #115 on Basement 02 be modified to provide 300mm clearance to adjacent obstructions or deleted.
- c) Space #58 or #59 on Basement 02 and spaces #117 and #118 on Basement 01 be deleted as vehicles exiting these spaces will be required to reverse a significant distance.
- d) Spaces #81 on Basement 01 and #93 on Basement 02 be widened to 2.4m to accord with the AS/NZS2890.1:2004
- e) Provision of a 1.0m aisle extension adjacent to spaces located at the end of terminating aisles or swept path assessments confirming that vehicles will be able to access and egress the adjacent spaces satisfactorily.
- f) Provision of 'Give Way' linemarking and signage at the basement 1 and basement 2 ramp intersection.

The recommendations of the report must be implemented at no cost to the City of Melbourne. The traffic management report must be carried out in accordance with that approved and will form part of the permit.

Construction Management Plan

22. Prior to the commencement of the development a detailed construction and demolition management plan must be submitted to and be approved by the City of Melbourne – Construction Management Group . This construction management plan must be prepared in accordance with the City of Melbourne - Construction Management Plan Guidelines and is to consider the following:
- a) public safety, amenity and site security.
 - b) operating hours, noise and vibration controls.
 - c) air and dust management.
 - d) stormwater and sediment control.
 - e) waste and materials reuse.
 - f) traffic management.

Environmentally Sustainable Design (ESD)

23. The performance outcomes specified in the Environmentally Sustainable Design (ESD) Statement for the development must be implemented prior to occupancy at no cost to the City of Melbourne and the Responsible Authority and be to the satisfaction of the Responsible Authority.
- Any change during detailed design, which affects the approach of the endorsed ESD Statement, must be assessed by an accredited professional. The revised statement must be endorsed by the Responsible Authority prior to the commencement of construction.
24. Prior to the commencement of the development, a revised Environmentally Sustainable Design (ESD) Statement shall be prepared by a suitably qualified professional and submitted to the satisfaction of the Responsible Authority. The ESD Statement must demonstrate that the building has the preliminary design potential to achieve the following:

- a) A 5 star rating under a current version of Green Star – Multi Unit Residential rating tool or equivalent.
- b) 1 point for Wat-1 credit under a current version of the Green Building Council of Australia’s Green Star – Multi Unit Residential rating tool or equivalent.

Waste Management

25. All garbage and other waste material must be stored in an area set aside for such purpose to the satisfaction of the Responsible Authority and the City of Melbourne.
26. Prior to the commencement of development, a revised Waste Management Plan (WMP) shall be prepared and submitted to the City of Melbourne - Engineering Services. The WMP should detail waste storage and collection arrangements and comply with the City of Melbourne Guidelines for Preparing a Waste Management Plan 2012. Waste storage and collection arrangements must not be altered without prior consent of the City of Melbourne - Engineering Services.

Wind tests

27. Prior to the commencement of the development, which includes changes required by Condition 1 and any other changes, wind tests carried out by a suitably qualified consultant, must be carried out on a model of the approved building. A report detailing the outcome of the testing must be submitted to and be to the satisfaction of the Responsible Authority. The report must also recommend any modifications which must be made to the design of the building to reduce any adverse wind conditions in areas used by pedestrians, to the satisfaction of the Responsible Authority. The recommendations of the report must be implemented at no cost to the Responsible Authority and must not include reliance on street trees.

Time Limits

28. This permit will expire if one of the following circumstances applies:
 - a) The development is not started within two years of the date of this permit.
 - b) The development is not completed within four years of the date of this permit.

The Responsible Authority may extend the permit if a request is made in writing before the permit expires, or within six months afterwards. The Responsible Authority may extend the time for completion of the development if a request is made in writing within 12 months after the permit expires and the development started lawfully before the permit expired.

NOTES

Car parking spaces and access lanes shown on the endorsed plans may not comply with the requirements of Australian Standard AS/NZS 2890.1:2004, Parking Facilities - Off-Street Car-Parking, Standards Australia 2004. It is the responsibility of owners/users to resolve any difficulties.

APPENDIX 1 REFERRAL COMMENTS

Urban Design Comments

DM#8209871

Engineering Services Group Comments

DM#8209292