

CITY OF PORT PHILLIP DELEGATE REPORT

APPLICATION NO:	1227/2015
ADDRESS:	1/8-12 Punt Road, Windsor 8-12 Punt Road, Windsor 3-7 Wellington Road, St Kilda
APPLICANT:	URBIS PTY LTD
PROPOSAL:	Buildings and works including construction of a 28 storey building above 6 levels of basement car parking. The development would include 286 dwellings, offices, retail premises and car parking for 403 cars. Use of the land for the purposes of dwellings. Permission is also sought for reduction in the number of car parking spaces required by the Planning Scheme and for display of a major promotional sign.
ZONE:	COMMERCIAL 1 ZONE
OVERLAYS:	DESIGN AND DEVELOPMENT OVERLAY Schedule 13
GRADING OF BUILDING:	N/A
WARD:	Junction Ward
ADVERTISED?:	Yes No. of objections: 91
PRE-APPLICATION MEETING HELD?:	Yes
DATE OF ON-SITE INSPECTION: (Photos retained on file)	17/03/2016
SDA/SMP SUBMITTED?:	Yes
PLANNING OFFICER:	Matt Spencer – Senior Urban Planner

1. BACKGROUND

The application for permit is subject to an *Application for Review* with the *Victorian Civil and Administrative Tribunal* (VCAT) pursuant to the provisions of *section 79* of the *Planning and Environment Act 1987* (failure to grant a permit within the prescribed time).

The purpose of this report is to determine Council's position to be put to VCAT at a compulsory conference scheduled to be undertaken on 12 May 2016 and/or the merits hearing scheduled to be heard over 5 days beginning on 20 June 2016.

2. PROPOSAL

The plans which are the subject of this report are those referred to as TP001, TP094 to TP100, TP101 to TP130, 6.1 to 6.6, 7.1 and 8.1.

The form of the proposed building could be described as being akin to a 'ski-jump' with a 'half twist' as one approaches the base of the ramp. The top of the ramp would be massed toward Punt Road and constructed to a height of 96.2m above natural ground level (NGL), whilst the base of the ramp would be massed toward the east boundary of the site, adjacent 11-15 Wellington Street and constructed to a height of 45.2m above NGL.

The development would include:

- 286 dwellings over levels 5 to 27, comprising 134 x one bedroom dwellings, 130 x two bedroom dwellings and 22 x three or more bedroom dwellings;
- Five separate retail spaces at ground floor with an overall area of 918m²;
- 5229m² of office floor space over levels 1 to 4;
- Car parking for a total of 403 cars spread over 6 basement levels and ground level up to level 4. Car parking would be allocated as follows:
 - 265 spaces for residents;
 - 22 spaces for visitors;
 - 12 spaces for retail use; and
 - 104 spaces for office;
- Nine motorcycle spaces would be provided, comprising one each at basements 2, 3, 4 and 5 and 1 each at levels 1 to 4;
- A total of 124 bicycle spaces, comprising:
 - 47 resident spaces in basement 1;
 - 37 wall mounted resident spaces at ground level;
 - 30 wall mounted retail and office staff spaces at ground level; and
 - 10 visitor bicycle hoops at ground level.
- A ground floor loading bay; and
- Storage units within each basement.

3. BACKGROUND

There is no relevant history or background for this application.

4. SUBJECT SITE & SURROUNDS

Width, length and site area	<p>The subject site comprises a number of titles being for land at:</p> <ul style="list-style-type: none">• 1/8-12 Punt Road and 8-12 Punt Road;• 3 Wellington Street; and• 7 Wellington Street. <p>1/8-12 Punt Road and 8-12 Punt Road is located on the east side of Punt Road between Nelson Street to the north and Wellington Street to the south. This site is rectangular with a frontage to Punt Road of approximately 13.7m, a maximum depth of approximately 29.8m and an area of approximately 412m². It accommodates a two storey brick building that is constructed to each boundary and used for commercial purposes. An electronic promotional sign is located at the front elevation of the building facing Punt Road. Vehicular access to the site is provided via an existing crossover to Punt Road.</p>
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	<p>3 Wellington Street is located at the northeast corner of the junction of Punt Road and Wellington Street. This site is L-shaped and wraps around the south (side) boundary and east (rear) boundary of the Title to 1/8-12 Punt Road and 8-12 Punt Road. It has a frontage to Wellington Street of approximately 26.8m an abuttal to Punt Road of approximately 15.3m, an abuttal to Nelson Street of 12.5m and an area of 937m². It accommodates a four storey building that is constructed to each boundary and used for commercial purposes. Vehicular access to the site is provided via an existing double crossover to Nelson Road. Two promotional signs are located on the roof of the building, one of which is located adjacent the Wellington Street/Punt Road junction and oriented to the southwest, whilst the other is located adjacent the Nelson Street boundary and oriented to the northwest.</p> <p>7 Wellington Street abuts the east boundary of 3 Wellington Street. It has a frontage to Wellington Street of approximately 23.6m, a depth of approximately 39.5m, an abuttal to Nelson Street of approximately 24.6m and an area of approximately 957m². This site accommodates an older style two storey apartment building that is setback 7m from Wellington Street with parking provided within the front setback that is accessed via a crossover to Wellington Street. A double storey infill development is located at the rear of the site, abutting Nelson Street and which is provided with vehicle access from Nelson Street.</p> <p>In overall terms, the site has an abuttal to Punt Road of approximately 30m, an abuttal to Wellington Street of approximately 65m, an abuttal to Nelson Street of approximately 37m and an area of 2336m².</p>
Slope of land	Slight fall from south to north.
Scale, height and style of buildings on neighbouring properties	<p>Land abutting the northwest corner of the subject site, at 14 Punt Road, accommodates a three storey Victorian era building that is built to each boundary. This building is affected by a site specific heritage overlay (HO232). A v-shaped major promotion sign is located on the roof of this building. Further north is the Queens Way underpass.</p> <p>To the east of the site, abutting 7 Wellington Street, is a recently constructed 10 storey multi dwelling development that includes a number of windows and balconies that face the subject site.</p> <p>Land opposite the site, on the south side of Wellington Street (2 St Kilda Road), accommodates a recently constructed 18 storey multi dwelling development. The planning permit for this development was issued at the direction of VCAT [citation: Pace Developments v Port</p>

5. **RELEVANT EXCERPTS OF DESCRIPTION IN PORT PHILLIP DESIGN MANUAL
VERSION 3 2000:**

The Port Phillip Design Manual identifies the subject site as being located within Area 53 as follows:



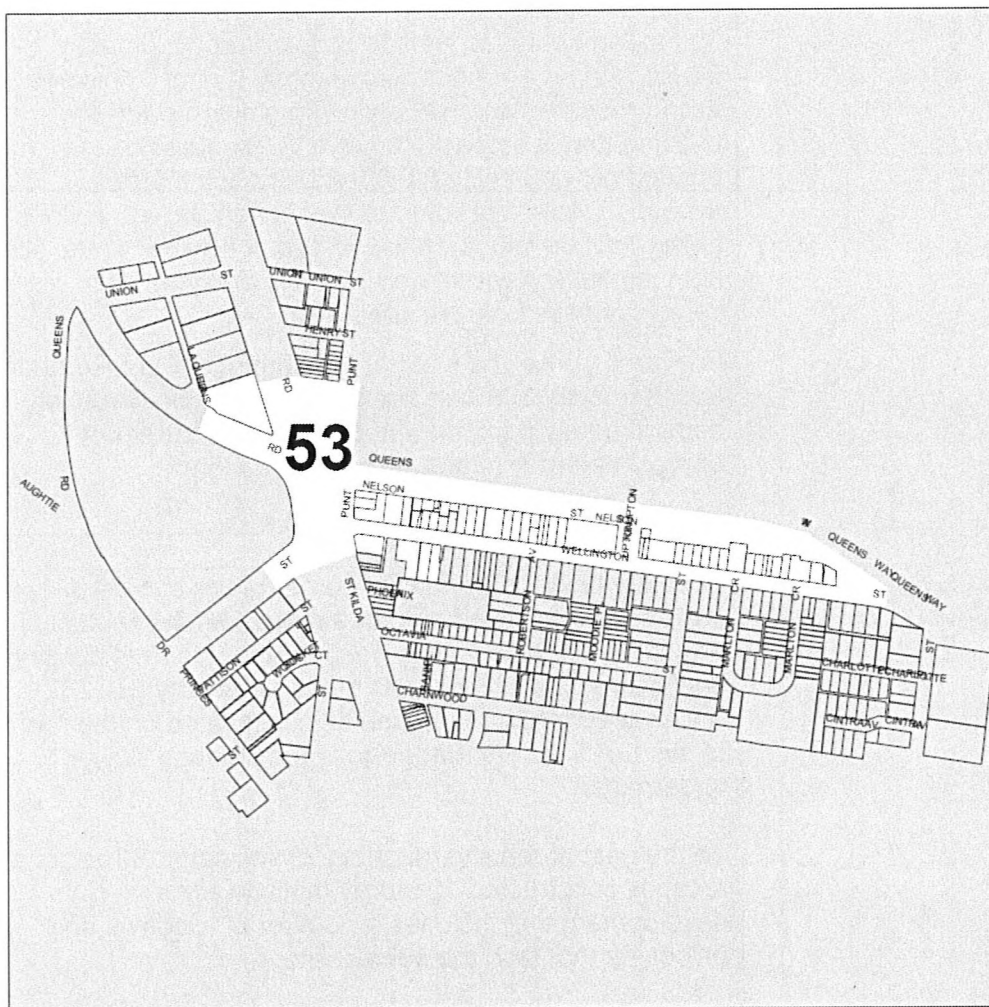
City of Port Phillip

URBAN CHARACTER DESCRIPTION

AREA 53: WELLINGTON STREET BETWEEN QUEENS WAY AND THE JUNCTION

The following description should be used in carrying out the site analysis and design response to your site.

Pay attention to the very important and important character elements listed here, as well as the actual conditions observed at the site analysis stage.



Boundary streets:

53

Wellington St, Queens Rd, St Kilda Rd.

Streets in the area:

St Kilda Rd, Wellington St,

Description of the character of the area:

This area is primarily influenced by St Kilda junction and includes commercial buildings which address the junction proper and a strip of development along the north side of Wellington Street which is also very visible from the junction.

Few buildings properly address this major intersection and those that do have been substantially devalued by large commercial advertising signs.

The area has been redeveloped by road authorities in the post-war period and is now a multi-level interchange and landmark location in the geography of Melbourne, being the intersection of Dandenong Road, Queens Road and St. Kilda Road. It incorporates tram routes and heavy traffic flows through the area make pedestrian movements difficult.

Landscape development of the intersection is a mixture of native trees, shrubs and planted embankments which are subservient to the functional design and scale of the intersection.

<i>Element</i>	<i>Description</i>
Dominant style	1970s - 1990s
Dominant scale	two or more stories
Dominant material	stucco and render/mixed
Dominant roof	concealed by parapets/metal
Setback	less than 5 metres/minor variation
Heritage	no identified heritage places
Gardens	no boundary definition
Fences	buildings to property line

The existing urban character of the City of Port Phillip has been assessed using 24 character elements. The design should especially respond to the important and very important elements, which in this area are:

<i>Element</i>	<i>Importance</i>
Street dimensions	Very important
Traffic	Very important
Signage	Very important
Street detailing	Important
Access	Important

A comprehensive urban character assessment and policy statement for the area is available from the Council.

6. NEIGHBOURHOOD CHARACTER (INFORMING PROPOSED DEVELOPMENT)

Dominant land use

Description and importance to proposal.
Commercial and residential mix

Grain size (subdivision pattern/lot size)	Irregular
Site coverage	High
Dominant built form style	Varies
Dominant built form scale	Varies
Dominant material(s)	Varies
Dominant roof style and material	Varies
Typical front and side setbacks	Zero - small
Front gardens, landscaping	Limited
Fences height and materials	Varies
Crossovers/access	Varies
Predominance of heritage buildings	Few

7. TITLE INFORMATION

The applicant has completed a declaration that the subject land, being all that land contained within the Volume and Folio numbers listed below is not encumbered by a restrictive covenant or Section 173 Agreement or other obligation such as an easement or building envelope.

Address	Lot and Plan Number	Volume	Folio
1/8-12 Punt Road and 8-12 Punt Road;	Lot 1 TP 816213V	02802	351
3 Wellington Street; and	Lot 1 TP 712577J Lot 1 TP 841615G	08861 08869	278 506
7 Wellington Street.	Lots 1 to 10 PS 443204M	10575	945

8. PLANNING CONTROLS

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 1 Zone	<p>A permit is required to:</p> <ul style="list-style-type: none"> Use land for the purposes of accommodation if any frontage at ground floor level exceeds 2 metres. Construct a building or construct or carry out works. <p>Advertising sign requirements are at Clause 52.05. This zone is in Category 1.</p> <p>It is noted that the proposed 'office' and 'retail' land uses do not require a planning permit.</p>
Clause 43.02 Design and Development Overlay Schedule No. 13	<p>A permit is required to:</p> <ul style="list-style-type: none"> Construct a building or construct or carry out works. <p><u>Building height</u></p> <p>The height of buildings or works must be in compliance with the shrine vista height control formula as described in the Shrine of Remembrance Controls, April 2014. A permit</p>

	<p>cannot be granted to vary this requirement.</p> <p><u>Buildings and Works</u></p> <p>A permit is not required for a building or works to be constructed up to 33 metres in height above the Australian Height Datum on land within the boundaries of this overlay</p>
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9. PARTICULAR PROVISIONS

The following provisions apply to the site, with planning permission required as described.

Particular provision	Why is a permit required?
<p>Clause 52.05</p> <p>Advertising Signs</p>	<p><u>Category 1 – Commercial areas</u></p> <p>A permit is required to display a major promotion sign if the total advertisement area of all signs to each premises does not exceed 8 sq m. This does not include a sign with an advertisement area not exceeding 1.5 sq m that is below a verandah or, if no verandah, that is less than 3.7 m above pavement level.</p>
<p>Clause 52.06</p> <p>Car Parking</p>	<p>A permit is required to:</p> <ul style="list-style-type: none"> ▪ Reduce the number of car parking spaces required by Table 1 at Clause 52.06-5.
<p>Clause 52.07</p> <p>Loading and Unloading of Vehicles</p>	<ul style="list-style-type: none"> ▪ A permit may be granted to reduce or waive the requirements of Clause 52.07.
<p>Clause 52.29</p> <p>Land Adjacent to a Road Zone, Category 1, or A Public Acquisition Overlay for a Category 1 Road</p>	<ul style="list-style-type: none"> ▪ Pursuant to Clause 52.29, a permit is required to create or alter access to a road in a Road Zone, Category 1. ▪ An application to create or alter access to land adjacent to a road declared as a freeway or arterial road under the Road Management Act 2004, land owned by the Roads Corporation for the purpose of a must be referred to the Roads Corporation under Section 55 of the Act.
<p>Clause 52.34</p> <p>Bicycle Facilities</p>	<ul style="list-style-type: none"> ▪ Pursuant to Clause 52.34-2, a permit is required to vary, reduce or waive any requirement of Clause 52.34-3 and Clause 52.34-4.
<p>Clause 52.36</p> <p>Integrated Public Transport Planning</p>	<p>Pursuant to Clause 52.36-1, an application of the kind listed at below must be referred in accordance with Section 55 of the Act to the Public Transport Development Authority:</p> <ul style="list-style-type: none"> ▪ A residential development comprising 60 or more dwellings or lots.

10. EXTERNAL REFERRALS

Referral Authority	Response	Conditions
VicRoads	<p>No objection with respect to alteration of road access.</p> <p>Objection to signage for the following reasons:</p> <ol style="list-style-type: none"> 1. <i>There is a lack of sufficient information to determine the impact of the electronic major promotion sign will have on St Kilda Road Junction.</i> 2. <i>The electronic major promotion sign may compromise the operating efficiency of the road, and pose an unacceptable road safety risk because it:</i> <ol style="list-style-type: none"> i) <i>May create a confusing or dominating background and,</i> ii) <i>Therefore may dazzle or distract road users.</i> 3. <i>The subject site is located where particular concentration is required (i.e. turning and merging lanes)</i> 	N/A
Public Transport Development Authority	No objection	N/A
Shrine of Remembrance Trustees.	Objection on the basis that <i>the application impacts on the Shrine Vista controls and therefore is not acceptable to the Shrine Trustees.</i>	N/A

11. INTERNAL REFERRALS

The application was referred to the following areas of Council for comment. The responses received are summarised below:

Internal Department/Office	Referral comments (summarised)
City Strategy	<p>Existing Policy Context</p> <p><i>The site is located within the Commercial 1 Zone and is subject to DDO13 – Shrine Vista. The site is located within proposed DDO27 (see below for details).</i></p> <p><i>The site includes two Contributory Heritage Places outside a HO (7 Wellington Street and 8-12 Punt Road). The adjoining site at 14-16 Punt Road is a Significant Heritage Place and is located within an individual</i></p>

Heritage Overlay (HO232).

St Kilda Road South Urban Design and Land Use Framework (2015)

Background

Council commenced a review of the St Kilda Road South Precinct in 2013 in the context of development pressure and change. The Framework addresses land use, built form, public realm, access and parking, and includes a capacity assessment of the Precinct.

The framework provides a vision and principles for future development within the St Kilda Road South Precinct, and strategic directions for each sub-precinct. It provides strategies relating to land use and built form, as well as public realm, access and parking.

The built form component includes precinct wide urban design directions and general design requirements, and neighbourhood level future character statements, design objectives and requirements.

The last five years, in particular, has seen increased development pressure for residential development south of St Kilda Junction, including within the established commercial strip along Wellington Street. This has resulted in the development of, and ongoing proposals for, higher scale building forms in the Precinct (ranging up to 28 storeys) and a notable shift towards residential land use.

The Port Phillip Planning Scheme does not currently articulate a clear and up-to-date strategic approach in the context of these development pressures, either in relation to the preferred scale and form of new development, or the preferred land use outcomes for the Precinct. There is no Design and Development Overlay (built form) control applying across the Precinct.

Amendment C122 implements the framework and will specifically:

- Rezone specified properties from a Commercial 1 Zone to a Mixed Use Zone to facilitate a transition to residential / mixed use (including 7 Wellington Street which forms part of the subject site)*
- Update local policy within Clause 21 (Municipal Strategic Statement) to reflect the strategic directions for the St Kilda Road South Precinct and guide changes in land use.*
- Introduce a new schedule to the Design and Development Overlay (Schedule 27) to establish design objectives and requirements to manage the scale and form of new development. DDO27 is a neutral translation of the built form controls within the Framework.*
- Apply new individual Heritage Overlays to properties in Wellington Street, and make related changes to the Port Phillip Heritage Review.*

Status:

It is noted that the current planning permit application does not substantially address the Framework or provide a detailed assessment of how the proposal meets the relevant Design Objectives and Requirements. The Town Planning Report refers to the framework (in section 4.6.5) as being 'in the early stages' and that the site has (in section 5.3.1) an 'absent (sic) of site specific planning guidance', both of which is misguided in light of the development and adoption of the Framework.

The application was lodged with Council on 16 November 2015. Community consultation on the draft Framework commenced on 18 June 2015 and concluded on Thursday 23rd July 2015.

(Submission #16 (Urbis) discussed the strategic importance of the subject site, expressing concern with the building heights proposed and requesting those be revisited. The submission did not request that specific changes be made to the framework).

On 24 November 2015 Council resolved to implement the planning recommendations of the Framework immediately through:

- Amendment C121 – interim heritage and built form controls. A request for approval was submitted to the Minister for Planning in December 2015.
- Amendment C122 – a request to the Minister for authorisation to prepare and exhibit an amendment to introduce permanent controls was made in December 2015.

The subject site is affected by both proposed amendments. The framework can therefore be given weight in decision making.

(St Kilda Road South Urban Design and Land Use Framework: Part 1 and Part 2 and Part 3)

Council has requested the Minister for Planning to authorise the exhibition of Amendment C122. Council received correspondence from the Department on 4 January (dated 30 December 2015) re Amendment C122 – the permanent controls. It noted:

Under delegation from the Minister for Planning, in accordance with section 8A of the *Planning and Environment Act 1987* I am advising your council that the application requires further review.

A decision on the authorisation application will be made as soon as possible following further review.

On 6 January 2016, Council received an email request from the Department requesting information on current planning applications, pre-apps and 29A's within St Kilda Road South. This information has been provided to the Department.

Assessment:

Strategic Policy Context

- The Town Planning Report submitted with the application states (in section 5.3) that the site can contribute to the "precinct's potential as an expansion of the central city as envisioned by Plan Melbourne". However, Plan Melbourne does not identify the site (or the St Kilda Road South Precinct) within the "expanded central city". Further, the report claims that the proposal's height is in part supported by its location within the Expanded Central City, noting: "the development on this site needs to be balanced between the visions and objectives for the St Kilda Junction to guide urban renewal of the area and fulfil the precinct's potential as an expansion of the central city as envisioned by Plan Melbourne". Use of the "expanded central city" principle to justify the scale of the proposal misrepresents State Policy and the strategic context within which the site sits (ie direction found within Plan Melbourne).

Land Use

- *Part of the site sits within 'St Kilda Junction/St Kilda Road South Business 2 Zone' and part within the 'Wellington Street Specialised Activity Centre'.*
- *Specific strategies for the 'St Kilda Junction/St Kilda Road South Business 2 Zone' in Clause 21.06-6 St Kilda Road and Clause 21.04-3 – Office and Mixed Activity Areas, identify the area as part of St Kilda Road South Office and Mixed Use Area. The stated primary function of this centre is for employment, commercial/office and its secondary function is for housing intensification with active ground floor uses.*
- *Clause 21.04-1 Housing and Accommodation and Clause 21.06-6 seeks to realise housing growth in Major and Specialised Activity Centres and Mixed Use areas.*
- *Clause 21.06-6 (relating to the Wellington Street Specialised Activity Centre) seeks to encourage the consolidation of commercial and office uses (and discourages retail and residential), in new development that respond to the varied scale of 2 to 4 storeys along the north side of Wellington Street and 4 storeys to the south.*
- *Amendment C122 seeks to update the local policy within Clause 21 (Municipal Strategic Statement) to reflect the strategic directions for the St Kilda Road South Precinct and guide changes in land use. It identifies a new key planning challenge for St Kilda as improving the image and livability of the St Kilda Road South Precinct and strengthening its sense of place as it transitions to increased residential uses. Importantly it identifies a shift towards supporting residential uses and notes: the St Kilda Road South Neighbourhood will continue to evolve as a lively niche retail and business area, with a growing residential community based around a safe and friendly pedestrian environment.*
- *Updated Clause 21.06 also now seeks to (as relevant):*
 - *Provide additional opportunities for well-located housing growth throughout the precinct, recognising its proximity to public transport and activity centres.*
 - *Ensure new development is self-sufficient in on-site car parking.*
 - *Ensure new development provides on-site car, bicycle and motor cycle parking and loading facilities.*
- *Specifically, along St Kilda Road (eastern side), residential uses are encouraged above and at the rear of commercial premises.*
- *While along Wellington Street (north side), updated Clause 21.06 seeks to facilitate a transition from commercial to a mixed use area with increased residential uses at upper levels in a vibrant mixed use village.*
- *To reflect the above shift in policy identifies in the Framework, C122 proposes to rezone the northern side of Wellington Street from Commercial 1 Zone to Mixed Use Zone. This includes the eastern parcel of the proposed site, 7 Wellington Street.*
- *The land use mix proposed within the development is generally*

consistent with the above shift in policy to be implemented through C122. Although concerns remain with the proposed intensity of use proposed on the site and the associated implications on servicing and built form/scale.

- The incorporation of narrow tenancies (and associated variation in use) along Wellington Street is consistent with objectives to create a sense of a finer grain subdivision pattern.

Built Form

- The proposal's scale does not represent an appropriate contextual response and is inconsistent with the requirements of the adopted framework (and proposed DDO27).
- The amalgamated site is relatively large (2336 sqm), has multiple street frontages and fronts a strategically important location at the St Kilda Junction gateway. There is clearly an opportunity to accommodate increased density/height on this site that improves the built form character interface to the junction.
- As the Framework states, it is vital that opportunities for redevelopment within the St Kilda Road South Precinct are taken up to achieve improvements to the character, amenity and vibrancy of the neighbourhood through sensitively designed buildings.
- The Framework seeks to reflect the topographic high point of St Kilda Hill, and the St Kilda Junction as the entry point to the St Kilda Road South Precinct and the transition point to St Kilda Road North, through a higher scale of development in these locations. It also encourages development that reinforces prominent corners through a strong address to each street corner. These objectives are to be balanced with the need to also ensure that development on larger sites expresses the scale (and rhythm) of it's wider streetscape; and creates visual cohesion through consistency in street wall, and overall building, heights.
- The Design Response lodged with the application identifies a 'Maximum Building Envelope' (Section 4.3) that is derived from the "Shrine Vista"(Section 4.2). From this maximum envelope the initial concept is derived (Section 4.4). This suggests that the height of the building is formed primarily from the maximum height permissible through the Shrine Vista Control rather than context. Importantly, the role of DDO13 is not to identify an appropriate building height for the site, rather it is to protect the Shrine's vista.
- In considering built form and height (section 5.3) the report includes extracts from the tribunal decision (*Pace Developments v Port Phillip CC (includes Summary) (Red Dot) [2012] VCAT 1277*) for 2 St Kilda Road that are supporting of higher built form. However, whilst the tribunal's decision provides some guidance for the subject site, the Tribunal's determination was based on an 18 level building, not a 28 level building of significantly greater overall scale. It is noted however that the Tribunal found that a significantly lower scaled building to that currently proposed (at 28 storeys) can achieve 'land mark' status.
- In light of the above, the Tribunal decision which considered the development of a 14 storey building at 30 Punt Road (*Shorley Pty Ltd v Stonnington CC [2013] VCAT 1503 (28 August 2013)*) provides

guidance in relation to the Junction. It noted that whilst we accept this site is within the sphere of influence of St Kilda Junction, this does not mean that the site requires an urban marker in the form of a tall building. What is important for the development of this site, like any site, is that it responds in an acceptable manner to its context.

Response to Urban Structure

- Recent high rise applications within the St Kilda Road South Precinct have argued that in the absence of site specific direction (by way of DDO) there is flexibility in what can be developed, as it is free of parameters and constraints.
- The lack of an articulated, clear and up-to-date strategic approach in the context of these development pressures, and the absence of site specific controls has been identified by Council and is being addressed through Amendment C121 and C122. However this does not justify an ad hoc approach to growth. Such an approach undermines the municipal wide urban structure that Port Phillip has planned through extensive strategic work, and that responsibly and carefully manages growth in the context of broader metropolitan and state strategies.
- The constraints of the surrounding precinct to accommodate development of a similar scale means the visual impact of the proposal's height is unlikely to be moderated by a backdrop of similar scaled buildings along this section of St Kilda Road South and Wellington Street (the precinct is limited by the lot size, residential zoning and the extent of heritage overlays). As such, the proposal's excessive and unmatched scale (within its immediate surrounds) will undermine the framework's objectives seeking to create a visually cohesive urban form.
- The Town Planning Report lists buildings in St Kilda Road North to support the proposals' height (5.3.5). Importantly; St Kilda Road North is identified in a different neighbourhood in the MSS (CI 21.05) with a different context (including interfaces, subdivision pattern). The height proposed for the southern end of St Kilda Road North is 60m. Further, Clause 21.05 seeks to retain the contrast of higher-rise 'city form' of Melbourne's CAD, Southbank and Fishermans Bend Urban Renewal Area against the traditional low-rise built form of Port Phillip. Following extensive urban design analysis, the Framework seeks to reinforce the established urban structure by specifying lower building heights to those found within other areas of the Municipality.

St Kilda Road South Urban Design and Land Use Framework recommendations/rationale

Wellington Street

- The framework identifies a preferred future character for Wellington Street that will comprise:
 - A residential and mixed use streetscape set around a safe and attractive public realm;
 - Built form that emphasises the human scale and 'village feel' of the street;
 - Built form that responds to the lower scale of heritage sites and residential interfaces, while transitioning to a higher scale of

development in the commercial areas closer to the St Kilda Junction.

- *The framework includes the following rationale for the Wellington Street (including area 3A affecting 7 Wellington Street) controls:*
 - *Close to the junction an increased scale of 10 storeys with zero front setback is proposed. This higher built form is considered acceptable with street wall and recessed upper levels so as not to visually dominate the streetscape. However this scale must be contained at the western end of the street which has a strong relationship with St Kilda Junction. West of Upton Road, a 3 storey street wall height appropriately reflects the scale of the residential sites on the southern site, and will assist in creating a greater sense of visual coherence in the streetscape and in maximising solar access to the southern footpath. Given pressure for higher scale development on the northern side of Wellington Street and the scale and sensitivity of the residential and heritage areas opposite, the streetwall and overall building heights should be implemented as mandatory controls. This would ensure that the design objectives of building heights that achieve a transitional scale (along and opposite Wellington Street), reflect their heritage and neighbourhood character and context, as well as maximising solar access to the southern footpath and are appropriately observed, without exception. It will ensure that a sense of street cohesion is achieved and that new buildings do not visually dominate the streetscape. Mandatory controls are considered necessary as variation from the prescribed heights would not meet the design objectives for Wellington Street.*
- *The scale of the proposal (and predominantly its height at 28 storeys) will visually dominate and overwhelm Wellington Street. The proposal does not incorporate a streetwall or associated upper level setbacks which the framework requires to create a sense of streetscape cohesion, to reduce the visual dominance of levels above the street wall and to maintain open views to the sky.*
- *Critically, the proposal's scale does not effectively respond to the scale of residential buildings on the southern side of Wellington Street, nor to the emerging scale of development at the western end of Wellington Street. The proposal, with a scale significantly greater than all other development within Wellington Street, will undermine the framework's carefully established vision for Wellington Street (which seeks built form that emphasises the human scale and 'village feel'). Importantly, the transitional built form scale sought by the framework for Wellington Street more generally has previously been established as a reasonable approach by the Tribunal (Sarino Part Pty Ltd v Port Phillip CC & Ors [2012] VCAT 290 (14 March 2012)).*

St Kilda Road

- *The framework includes the following rationale for St Kilda Road (area 2F):*
 - *A higher building scale is proposed at the St Kilda Junction including the western end of Wellington Street, to reflect this space as the key entry point into St Kilda. Given the extensive amount of road space at the junction, a higher scale of development will*

provide a greater visual definition to the junction as a key urban space. Buildings up to 10 storeys north of Phoenix Lane, and at the western end of Wellington Street, are proposed to reflect existing development patterns, and the future development potential of sites in this area. Allowing higher scaled buildings on both sides of the road will also assist in creating a sense of visual cohesion at this end of the street.

- The frameworks proposed building heights respond to the identified preferred character for St Kilda Road that envisages a variation in building scale that reinforces the topography of St Kilda Hill and the St Kilda Junction. The topography of St Kilda Road rises up to the crest of St Kilda Hill, which is a metropolitan high point and a geographic landmark. The framework encourages higher scaled development in this location to reinforce this important topographic characteristic. It follows that the 10 storey height limit the framework identifies for the subject site will ensure that the scale of development at the junction does not undermine the visual prominence of St Kilda Hill. Development on the subject site would also reinforce the topography of St Kilda Hill by stepping down in scale from the 18 storey building at 2 St Kilda Road.

Specific Requirements of Proposed DDO27

Part of the amalgamated site sits within area 2F and part in 3A (See attachment 1).

Specifically in relation to the eastern side of St Kilda Road, DDO27 seeks to reinforce the characteristic hard edge alignment of built form to the street (through zero setback of the street wall) and to provide for high quality development that enhances the prominent corner of Wellington Street (north side) and St Kilda Road as an entry point to the St Kilda Junction Precinct.

Specific Requirements include:

Area 2F: (St Kilda Road)

The street wall height to Wellington Street must not exceed 10 m (3 storeys). Development on the corner of Wellington Street and St Kilda Road (including 3 Wellington Street) should not express the street-wall requirement for Wellington Street on the St Kilda Road frontage. A permit may be granted to modify the street wall requirements for a corner site within Area 2F that has a frontage or abuttal to St Kilda Road.

- The proposal is inconsistent with this requirement as it does not incorporate a setback from Wellington Street.

Development should not exceed the maximum building height of 35m (10 storeys)

- The proposal is inconsistent with this requirement as it has an overall height of 95.55m (28 Storeys)

New development should not cast a shadow beyond the southern kerb-line of Wellington Street, between 10am and 3pm at the equinox (21 September).

- The shadow diagrams submitted for the proposal identify extensive overshadowing of the southern kerb-line at the above times. The application includes shadow diagrams identifying the impact of a

Framework “compliant” 10 storey development at the equinox however it is not clear whether these diagrams include the required setbacks from the upper levels (as required in the Framework).

In areas where a discretionary height of seven storeys or greater is specified, development must:

- Not overwhelm adjoining properties in a residential zone in terms of building scale or bulk.*
- Moderate the difference between low-rise or mid-rise development and existing taller high rise structures.*

Area 3A: (Wellington Street)

Along Wellington Street, the preferred character seeks built form that enhances the human scale and ‘village feel’ of the street, and built form that responds to the lower scale of heritage sites and residential interfaces, while transitioning to a higher scale of development in the commercial area close to the junction.

Specific Requirements include:

New development should have a zero setback to Wellington Street. Where new development is setback from the street frontage, a street-wall no greater than the maximum street-wall height specified must be provided within 5m of the street frontage.

- The proposal has a zero setback to Wellington Street*

The street wall height to Wellington Street must not exceed 10m (3 storeys).*

- The proposal is inconsistent with this requirement as it does not incorporate a setback from Wellington Street.*

Development must not exceed the maximum building height of 35m (10 storeys)

- Within this area, the proposal scales up from 12 levels.*

New development should not cast a shadow beyond the southern kerb-line of Wellington Street, between 10am and 3pm at the Equinox (21 September).

- The shadow diagrams submitted for the proposal identify extensive overshadowing of the southern kerb-line at the above times. The application includes shadow diagrams identifying the impact of a Framework “compliant” 10 storey development at the equinox however it is not clear whether these diagrams include the required setbacks from the upper levels (as required in the Framework).*

**Levels above the designated street-wall height must be setback 5m from the front façade. This setback may be reduced by up to 2m from the front façade for buildings up to 6 storeys and by up to 3m from the front façade for levels higher than 6 storeys where:*

- New development does not cast a shadow beyond the southern kerb-line of Wellington Street, between 10am and 3pm at the Equinox (21 September)*
- The design of upper levels renders it distinctly different through variations in form, openings and detailed design and,*

- The site is not included in, or adjoining, a Heritage Overlay, unless it can be demonstrated that the significance, definition and prominence of the heritage fabric is maintained.

Architectural quality

- DDO27 requires that new development must deliver high quality, contemporary architecture that makes a positive contribution to the image and identity of each neighbourhood, and is response to the scale, form and articulation of existing buildings.

Internal amenity:

- The framework specifically states the need to ensure the design of buildings provide a high standard of internal amenity for residents (including providing for outlook, access to sunlight and natural light, natural ventilation, visual and acoustic privacy and adequate living and storage space). It also seeks diversity on dwelling type and size within new development that achieves best practice sustainable outcomes.

Specifically, proposed DDO27 states:

- New residential developments should include a mix of 1, 2 and 3 bedroom apartments and be a minimum size of 50 sqm, 70 sqm and 95 sqm respectively.
- New residential developments must be sited, orientated and configured to ensure new dwellings receive adequate solar access, natural light and natural ventilation.

A number of apartments do not meet these specified minimum size requirements and bedrooms in some of the lower levels have limited access to natural light.

Building separation

- The building has a zero and 3.8m setback from the adjoining residential building to the east; and (in part) zero and 2.9m from the adjoining heritage building to the north/west. These setbacks should be considered against the setback requirements specified in proposed DDO27.
- Possible redevelopment of the adjoining site at 14-15 Punt Road should be considered in relation to upper level setbacks of the proposal.

Heritage

- As noted, the site includes two Contributory Heritage Places outside a HO (7 Wellington Street and 8012 Punt Road). The adjoining site at 14-16 Punt Road is a Significant Heritage Place and is located within an individual Heritage Overlay (HO232).
- Guidance contained within both state and local planning policy, along with the proposed DDO identify the need to ensure that new development must respect the form, massing and siting of heritage buildings on the development, or any adjoining or nearby site. It is recommended that Council's heritage advisor provides comment in relation to the site's specific heritage issues.

Major Promotion Sign/Urban Art

- The proposal includes major promotion signage in the form of an integrated digital façade that will include a platform for visual urban art. It is unclear what element of this signage will constitute urban art, and advice should be provided from Council's Urban Art Officer.
- Although there is signage located on the existing building, the increased extent and change on the type of signage proposed should be considered in relation to the adjoining site (14-16 Punt Road) which is a Significant Heritage Place and is located within an individual Heritage Overlay (HO232).
- The Framework does not propose specific advertising controls beyond those that currently exist in the Planning Scheme. However, the proposed rezoning (C122) of part of the site to Mixed Use Zone would place Wellington Street/Nelson Street in Category 3 – High Amenity Areas which reflects the more residential nature of the zone.

Conclusion

Council has recently adopted The St Kilda Road South Urban Design and Land Use Framework which provides a vision and principles for future development within the St Kilda Road South Precinct, and strategic directions for each sub-precinct.

While there is opportunity to accommodate increased density/height on this site, the issue to be resolved is at what appropriate scale.

It is considered that the height, scale and intensity of the proposed development is excessive and fails to respond appropriately to the site's context, the policies within the planning scheme and the adopted St Kilda Road South Urban Design and Land Use Framework. In addition:

- Documentation lodged with the application suggests that the proposals height may be primarily informed by the maximum height permissible under the Shrine Vista Control, rather than the site's context. The role of DDO13 is not to identify appropriate building height for the site; it is to protect the Shrine's vista for encroachment.
- The recent tribunal decision for 2 St Kilda Road is relied on as justification for the proposal's height. Whilst this decision provides some guidance for the subject site, the Tribunal's determination was based on an 18 level building, not a 28 level building of significantly greater overall scale. The Tribunal did however note that a significantly lower building to that currently proposed (at 28 storeys) can achieve 'landmark' status.
- The scale of the proposal is not considered to respond adequately to its context. When recently considering a development on a nearby site (at 30 Punt Road), the Tribunal determined that proximity to the junction does not mean that the site requires an urban marker in the form of a tall building. What is important for the development of this site, like any site, is that it responds in an appropriate manner to its context (*Shorley Pty Ltd v Stonnington CC [2013] VCAT 1503* (28 August 2013)).
- The constraints of the surrounding precinct to accommodate development of a similar scale means that the visual impact of the proposal's height is unlikely to be moderated by a backdrop of similarly scaled buildings along this section of St Kilda Road South and

	<p><i>Wellington Street. As such, the proposal's excessive and unmatched scale will undermine the framework's objectives seeking to create a visually cohesive urban form.</i></p> <p>Planning Officer response:</p> <p><i>It is agreed that 'the height, scale and intensity of the proposed development is excessive and fails to respond appropriately to the site's context, the policies within the planning scheme and the adopted St Kilda Road South Urban Design and Land Use Framework'.</i></p>
City Design	<p><u><i>Built form and design quality:</i></u></p> <p><i>The ribbon idea that (apparently) underpins the design rationale and drives the form of the building is interesting but does not justify the height of the building. It is questionable that this is a reasonable extrapolation of the Shrine controls.</i></p> <p><i>The rationale of the ribbon to drive form would operate equally effectively at a lower height. And despite the idea that a ribbon might be sinuous and light, the tower element doesn't convey either of these qualities.</i></p> <p><i>The tower lacks the fine detailing and modulation of its lower neighbour at 2 St Kilda Road, and despite its curved and tapering shape, the tower is actually quite wide and bulky, particularly along Wellington Street and to St Kilda Road. This is an important consideration given that the building will be seen from Fitzroy Street and from along St Kilda Road.</i></p> <p><i>This last vista along St Kilda Road is one of the city's key views. The proposed tower terminates this avenue like a giant slab of a bookend, square on to the city. A building does not need to be 28 storeys in this location to act as a "marker." And, it is twice as wide as comparable towers along the boulevard (as the applicants views demonstrate). This width is an issue in considering the impact of its form.</i></p> <p><i>Two towers or a more slender tower and stepped second form might be a better outcome.</i></p> <p><u><i>Podiums and active frontages:</i></u></p> <p><i>The tower is somewhat more successful at the lower levels where it does provide active uses to its three frontages. While this is at the scale of the adjacent heritage building it doesn't really deal sympathetically with it to try and create an overall integrated composition.</i></p> <p><i>The apparent show room style double height spaces also seem at odds with its surroundings and the general character of St Kilda Road. It is particularly jarring against 2 St Kilda Road which has much more deftly dealt with the pedestrian scale at street level.</i></p> <p><i>The proposed footpath treatments, cross block link and pedestrian detailing at ground level need to be more carefully considered. This is not a location that Council seeks to see footpaths upgraded to bluestone. The development would be required to match 2 St Kilda Road.</i></p> <p><u><i>Public Art/Major Promotion Sign</i></u></p> <p><i>It is difficult to not be cynical and see this as only a major promotional sign. It is questionable whether this contributes anything to the architecture and it is in a very prominent location where this is likely to be highly distracting. These two ideas must be separated.</i></p>

The promotion sign should be struck from the planning permit and evaluated separately as advertising. A static piece of public art (not a digital screen) that wraps around the building could be supported but it would need to be carefully procured and not be able to be turned into advertising.

CONCLUSION

- *The proposal does not comply with the Council's heights for the area.*
- *The tower is overly wide and bulky despite its curved form. This slab like form is not what Council envisages as an appropriate termination to the St Kilda Rd vista (from the city).*
- *The tower should be reduced in height and possibly split into two more distinct elements.*
- *The podium should be detailed differently to show more respect to its heritage neighbour and better reflect a pedestrian scale.*
- *The major promotion sign and public art components should be separated and evaluated separately. Digital advertising in this location should not be supported due to its distracting effect at a major intersection.*

ESD

This application is not yet of a standard where I could approve it as meeting Council's current expectations for environmentally sustainable design.

To counter this, the applicant should address the following points if they wish to have their Sustainable Management Plan (SMP) approved:

Green Star Assessment

-The scale of this development should allow it to easily aim for and achieve a 6 star Green Star benchmark rating. The current outcome is 47 points for the residential component and 55 points for the non-residential component. The benchmark assessment should be conducted using the Green Star design and as built tool where the development can achieve an overall rating.

-Due to the scale of the development a certified Green Star rating should be committed to and achieved as part of a commitment within the SMP.

Indoor Environment Quality

-There are a few concerns in relation to daylight to some apartments.

Living areas for the following apartments exceed 8m in depth (north, east and west facing). 518, 520, 521, 522, 620, 621, 719, 720, 817, 818, 916, 918, 1015, 1016, 1113, 1114, 1212, 1311, 1410, 1510, 1609, 1709 + 1809.

Living areas for the following apartments exceed 5m in depth (south facing). 505 to 510, 605 to 611, 705 to 710, 805 to 810, 905 to 910, 1005 to 1010, 1105 to 1110, 1204 to 1209, 1304 to 1309, 1404 to 1407, 1504 to 1507, 1604 to 1606, 1704 to 1706, 1804 to 1806, 1904 to 1906, 2004 to 2006, 2104, 2105, 2204, 2205, 2304 + 2404.

Bedrooms to the following apartments feature a battle axe configuration which exceeds a length of 2.5m from line of window to open area of

bedroom (axe handle length). 521, 621, 720, 818, 917, 1016, 1114, 1212, 1311, 1410, 1510, 1609 + 1709.

Daylight modelling should be provided for each typical apartment type (of the listed apartments) with the aim of achieving 1.0% daylight factor to at least 90% of the floor area for living areas (including kitchens) and 0.5% daylight factor to at least 90% of the floor area for bedrooms.

Energy Efficiency

-Provide evidence that the design can achieve a 10% improvement on NCC minimum for thermal fabric (a conditional requirement for green star). For a building of this size the suggested approach is to rate all apartments on level 5 (23), all apartments on level 12 (14), all apartments on level 15 (12) and all apartments on level 27 (2) which is a total of 51 apartments.

-This commitment should be followed through with the envelope fabric for the non-residential component (retail spaces 1+2). The glazing calculator is not mentioned in the body of the report and should detail the approach to achieving a 20% improvement on BCA if using elemental provisions.

-Provide further information on heating and cooling systems for residential and non-residential spaces specifically the proposed efficiency of units, Co-efficient of Performance (CoP) and Energy Efficiency Ratio (EER) with the aim to not have any unit performing less than 3.5.

-Provide further information on the proposed hot water systems.

-Provide further information on the efficiency for lighting for the residential spaces.

-Consider a solar PV system for common area energy useage.

Water Efficiency

-Provide further information in regards to fire water test systems. The storage tank needs to be separated from rainwater storage tanks and information on re-use for fire system test water should be provided.

Stormwater Management

-Provide a MUSIC (Model for Urban Stormwater Improvement Conceptualisation) assessment for the proposed development with the aim to achieve the standards prescribed in clause 22.12 of the Port Phillip planning scheme. The electronic model should be submitted with a hard copy report outlining how the inputs have been calculated. The size of the site and intended re-use (ie irrigation) are beyond the scope of the STORM software used in the SMP.

-The drawing provided in the appendix of the SMP needs to be submitted as part of the town planning drawings set. This should be updated to reflect calculations made for the MUSIC assessment.

-Provide a Maintenance Manual for Water Sensitive Urban Design Initiatives.

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

	<ul style="list-style-type: none"> • as installed design details/diagrams including a sketch of how the system operates <p>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.</p> <p>An example of the maintenance manual can be located on our website here: www.portphillip.vic.gov.au/Maintenance_Manual_Rainwater_Tank.pdf</p> <p><u>Transport</u></p> <p>-Meet the requirements of Tra-3 credit of the Green Star design and as-built rating framework. Provide a breakdown of the number of bicycle parking spaces for occupants and visitors.</p> <p>Planning Officer response:</p> <p>The above comments indicate that the proposal fails to demonstrate that it would achieve Council Policy with respect to Stormwater Management and Environmentally Sustainable Development (refer ground of refusal 3 and 7).</p>
Traffic Engineer	<p>Existing on-street parking:</p> <p>The parking pressure in the area is high. The surveyed area, particular in the location north of the Junction, the parking there are unlikely to be used by people going to this site. It is most likely they will circulate Nelson Street and Wellington Street. If there is no vacancy available, then they will continue south of the site into Octavia, Crimea St etc.</p> <p>Most of the existing parking restrictions finish after 6pm. While many of the residential dwellings in the area are under the No Parking Permit Policy, the end of parking restrictions meant there is no deterrence in place. The parking pressure in the area is generally in the order of 70% or above.</p> <p>Comments:</p> <ul style="list-style-type: none"> • The vehicle access point is to be via Nelson Street. The street is one way running from Punt Road to Upton Road. At Upton Road, traffic can either travels north up to towards Albert Street in Stonington or left or right on Wellington Street. • The forecast addition is expected to increase Nelson Road traffic from 70 vehicle movements to 210. This is a 3 fold increase of traffic during peak hours. • At Nelson Street/Upton Road intersection, the existing distribution showed about 50-65% from Nelson Street will travel northbound on Upton Road. About 23 % travels westbound on Wellington Street. The assumption TraffixGroup is the distribution will remain the same. Therefore while it is acceptable to expect a low impact to Wellington Street traffic, there will be a significant increase of movement entering into Upton Road, which joints up to High Street and ultimately connecting Punt Road and St Kilda Road. This movement is comparatively more convenient than using Wellington Street to connect to St Kilda Road or Punt Road due to the level of traffic and the complexity of St Kilda Road Junction.

- One reason behind the right turn ban on Wellington Street at Upton Road was to discourage 'rat-running' via Crimea Street destined for Upton Road. There are still some drivers who will illegally make this movement. The likelihood of future traffic generated by the site and mostly using Upton Road is a concern, the development has a bigger traffic impact which extends to City of Stonington local street network.
- Currently, there are at least one crossover at all abutting street frontages. Consequently there is already precedent for the site to distribute the movements to other streets frontages. Has egress onto Punt Road being considered? If not it is recommended that such provision should be investigated.

Traffic distribution is a major factor that the applicant must first address. This may impact on the parking layout. In-depth comments will be provided once the distribution issue is address. The following are general comments which require further consideration by the applicant:

- The proposed on-street bike parking appears to run under the street trees and create potential accessibility issue for pedestrians getting across Wellington Street or from the car park to the footpath. The existing on-street bicycle parking in Wellington Street is perpendicular to the road (See 11 Wellington Street).
- The proposal shows the application of pavement material other than standard asphalt on Council's footpath. This is not supported due to maintenance implications.
- Current AS bicycle facilities standard requires 20% of bicycle supply provided internally to be horizontal to the ground. All proposed bike parking for staff and residents are BV Ned Kelly, which are hanging type.
- In Drawings TP104 there are 2 columns next to the 5 parking spaces in the centre, they appear to have shifted, and one of the columns is inside a parking space.
- Any car park levels with less than 2.3m headroom should have height warning signs provided.
- The waste management plan indicates the collection vehicle will be standard 8.8m vehicle, which is in line with TraffixGroup's assessment. The design of loading zone is such that it has the potential to cater for more than one service vehicle at a time. The body cooperate must have a traffic management in place to ensure ingress and egress into the loading area is workable and minimise the impact to on-street parking on Nelson Street or Wellington Street.

Planning officer response:

It is agreed that the traffic generated by the proposed development would be unreasonable.

Whilst some of the above issues could be addressed by way of permit condition, it is considered necessary that a number of the issues would need to be resolved before any permit may issue.

Waste Management

I have reviewed the waste management plan for 8-12 Punt Rd, St Kilda and have the following comments.

Officer	<ul style="list-style-type: none"> Page 3, 1.4, Two garbage chutes and two recycling chutes (in pairs for each core), each with residential level intakes and bin store discharge. This system will not provide the best waste management outcome, as residents will go to one chute room and place waste and recycling into the same chute room. The system should be set up as one waste and one recycling chute per floor bin store. <p>All other items met requirements.</p> <p>Planning officer response:</p> <p>It is considered that the recommendations of Council's waste management officer could be implemented by way of permit condition should a permit be issued.</p>
Urban Art Officer	<p><i>I don't accept their building as their public art contribution. Where is the artist's contribution? The sign is not public art unless they project art on it.</i></p> <p>Planning officer response:</p> <p>It is agreed that the development contributes to urban art. Any permit that may issue should include a condition that requires an Urban Art contribution that is deemed satisfactory by Council's Urban Art officer.</p>

12. PUBLIC NOTIFICATION

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 and directed that the applicant give notice of the proposal by posting 3 notices on the site for a 14 day period, in accordance with Section 52 of the Planning and Environment Act 1987.

13. OBJECTIONS

The application has received 91 objections. The key concerns raised can be summarised as follows:

- Failure to achieve Council's adopted St Kilda Road South Urban Design and Land Use Framework*

Agreed.

- Insufficient provision of car parking*

Agreed.

- Poor access/egress*

Agreed.

- Excessive traffic generation*

Agreed.

- Inadequate provision for loading and unloading*

The proposed ground floor loading bay would meet Planning Scheme requirements.

- Poor response to neighbourhood character*

Agreed.

- Overshadowing*

Agreed.

- *Excessive height, bulk and scale*

Agreed.

- *Overdevelopment*

Agreed.

- *Signage would be a traffic hazard*

Agreed.

- *Adverse wind impacts*

Agreed.

- *Adverse impact on daylight access*

Agreed.

- *Overlooking*

Agreed.

- *Noise*

Agreed; however only in terms of noise impacts on future residents of the development. Noise from the development would be within acceptable limits.

- *Loss of views*

Loss of views is not a relevant planning consideration in this instance.

- *Inadequate infrastructure to support the development*

Agreed with respect to on street parking infrastructure. In terms of infrastructure such as sewage, water and the like, there is no evidence to suggest that the capacity of such infrastructure would not be able to accommodate the proposed development.

- *Bicycle parking on footpath would be a hazard to pedestrians*

Agreed.

It is considered that the number of objections raises an issue of significant social effect under Section 60 (1B) of the Planning Environment Act 1987. The number of objections received reflects community concern that the scale of the proposal would irrevocably diminish the amenity of the surrounding neighbourhood.

14. STATE AND LOCAL PLANNING POLICY FRAMEWORK

14.1 State Planning Policy Framework (SPPF)

The application needs to be assessed against the SPPF, including:

- Clause 11: Settlement
- Clause 15: Built Environment and Heritage
- Clause 16: Housing
- Clause 17: Economic Development
- Clause 18: Transport

14.2 Local Planning Policy Framework (LPPF)

The Municipal Strategic Statement (MSS) (as recently amended by Amendment C62) contains a number of clauses which are relevant to this application as follows:

Clause 21.03 Ecologically Sustainable Development

Clause 21.04 Land Use

Clause 21.05 Built Form

Clause 21.06 Neighbourhoods

The application also needs to be assessed against the following clauses of the LPPF:

Clause 22.06 Urban Design Policy for Non - Residential Development and Multi – Unit Residential Development

Clause 22.13 Environmentally Sustainable Development

14.3 Relevant Planning Scheme Amendment(s)

Amendment C122 - refer City Strategy referral response above at Section 10.

DDO27, which forms part of this amendment indicates that the site would be partly located within the 'St Kilda Road – eastern side and St Kilda Junction' area (specifically area 2F) and partly located within the 'Wellington Street Neighbourhood - Area' (specifically area 3A).

15. ASSESSMENT

15.1 Local Policy

St Kilda Road South		
Role/Function	Current policy	Amendment C122
Clause 21.04-1	Moderate Residential Growth Area.	No change
Clause 21.04-3 Primary role/function	<ul style="list-style-type: none">• Primary employment node• Commercial / office role• Active ground floor uses	<ul style="list-style-type: none">• Intensification of housing• Commercial / office role• Active ground floor uses
Clause 21.04-3 Secondary role/function	<ul style="list-style-type: none">• Intensification of housing• Retail showrooms / restricted retail	<ul style="list-style-type: none">• Primary employment node• Retail showrooms / restricted retail

Wellington Street		
Role/Function	Current policy	Amendment C122
Clause 21.04-1	Moderate Residential Growth Area.	No change

Clause 21.04-3 Primary role/function	<ul style="list-style-type: none"> • Primary employment node • Commercial / office role • Active ground floor uses 	<ul style="list-style-type: none"> • Intensification of housing • Active ground floor uses
Clause 21.04-3 Secondary role/function	<ul style="list-style-type: none"> • Nil 	<ul style="list-style-type: none"> • Primary employment node • Commercial / office role

Whilst the proposed land uses would be consistent with the roles and functions outlined by Amendment C122, they would not be consistent with the roles and functions outlined by current policy.

15.2 Design and Development Overlay

The height of buildings or works must be in compliance with the shrine vista height control formula as described in the Shrine of Remembrance Controls, April 2014. A permit cannot be granted to vary this requirement.

The Shrine of Remembrance Trustees has indicated that the proposal does not comply with the Shrine Vista control formula. Given that a permit cannot be granted to vary this requirement, the proposed must be refused (refer recommended ground of refusal 1)

15.3 Sustainable Design

The sustainable management plan submitted as part of the application material fails to demonstrate that the proposed development would meet relevant Council policy (refer recommended ground of refusal 3 and 7)

15.4 Clause 22.06 - Urban Design Policy for Non Residential Development And Multi Unit Residential Development

Context

The immediate context of the site is informed by the recently constructed 10 storey building on neighbouring land to the east, being 11-15 Wellington Street and the recently constructed 18 storey building on the opposite side of Wellington Street at 2 St Kilda Road.

As indicated by the Strategic Planner's referral comments, the height of the proposed development represents a significant departure from these nearby building forms and as a consequence would not comfortably integrate with its surroundings. Furthermore, the height of the proposal brings with it significant amenity impacts in terms of overshadowing, loss of daylight access, overlooking and vehicular traffic.

Public Realm

It is considered that the proposed development would introduce adverse impacts upon the public realm with respect to overshadowing. The shadow diagrams indicate that the proposal would overshadow the footpath on the south side of Wellington Street at all hours between 10am and 3pm on 22nd September.

In terms of Amendment C122, it is noted that such an outcome would fail to meet the Area 2F and Area 3A requirements of DDO27, which seek to ensure that:

New development should not cast a shadow beyond the southern kerb-line of Wellington Street, between 10am and 3pm at the Equinox (21 September).

Performance Measure 1 of this policy, which relates to height, defers to a consideration of the development with respect to DDO requirements. In terms of Amendment C122; as indicated

by Council's City Strategy team at section 10 above, the height and setbacks of the proposed building would fail to meet the requirements of DDO27 (refer recommended ground of refusal 6 and 8).

In terms of wind tunnelling, the applicant has provided a wind impact assessment prepared by *Vipac Engineers & Scientists Ltd.* This report concludes that the wind impacts would be within specified criteria. It is noted however that the report includes the following disclaimer:

As with any opinion, it is possible that an assessment of wind effects based on experience and without wind tunnel model testing may be in error.

It is considered therefore that reliance on this report should be limited (refer recommended ground of refusal 12).

Street Level Frontages

The building frontages at footpath level would offer visual interest, passive surveillance, social interaction, safety and convenience. Shelter from the potential impacts of wind however has not been provided.

Pedestrian entrances would be clearly visible and easily identifiable from streets and other public areas, provide a sense of personal address and a transitional space between the public and private realms.

Windows, terraces and balconies at lower building levels would offer surveillance of adjacent public areas.

The building could be made accessible at ground-floor level to people with limited mobility.

The building fails to require pedestrian amenities including seating, lighting and public art to create a safe and interesting pedestrian environment.

Blank walls and car park vents would not face onto pedestrian spaces.

Landmarks, Views and Vistas

The proposed development would create a landmark however such an outcome would be at the expense of the Shrine Vista. As indicated by Council's Strategic Planner and VCAT that a tall building is not required for the creation of a landmark.

Large Sites

The proposal would not provide pedestrian permeability through the site.

Energy and Resource Efficiency

The application material includes a sustainable management plan that has been reviewed by Council's sustainable design officer and subsequently deemed unsatisfactory.

Building Design

Refer to City Design referral comments above.

Urban Art

As indicated above Council's Urban Art officer does not accept the proposed signage as representing a satisfactory Urban Art contribution (refer recommended ground of refusal 6).

Landscape

The proposed new crossovers would not impact upon any street trees. The removal of existing crossovers would provide opportunity for the introduction of additional street trees.

Public Open Spaces

It is considered impractical and unnecessary to provide public open space in this instance.

Private and Communal Open Space

Landscaped communal open space with reasonable levels of privacy and solar access would be provided at various levels of the building.

Whilst each dwelling would be provided with a balcony, a number of balconies are less than 8m² in area and/or have a minimum width of less than 1.6m, thereby compromising their usability (refer recommended ground of refusal 6)..

Fences

Front and rear boundaries would not be fenced.

Residential Amenity

Overlooking

The abutting property to the east is used for residential purposes and this is the only building within 9m of the subject site.

At this interface a number of habitable room windows and balconies would overlook neighbouring habitable room windows and balconies in an unreasonable manner (refer recommended ground of refusal 6 and 11).

Access to daylight and sunlight

The proposal would deny neighbouring properties of access to daylight and sunlight above and beyond that which would be reasonably expected. In particular, the height and setback of the building at the east (side) interface with 11-15 Wellington Street would unreasonably impact upon existing balconies and windows in terms of overshadowing and daylight access (refer recommended ground of refusal 6 and 11).

Visual bulk

It is considered that the visual bulk imposition of the building would be excessive. The development would overwhelm neighbouring buildings and the streetscape generally (refer recommended ground of refusal 6).

Noise

Mechanical equipment would be located internally and would therefore be adequately screened.

The impact of traffic noise on future residents of the building appears to have been overlooked, noting that such impact is not referred to by the SMP or the planning report, each of which was submitted as part of the application material (refer recommended ground of refusal 6).

Car Parking and Pedestrian Access

Whilst the design of the pedestrian and vehicle access would be acceptable, as indicated by Council's traffic engineer, the impact of traffic on the street network would be unreasonable.

Loading Facilities

A ground floor loading bay would be provided. Council's traffic engineer does not object to the loading provision provided the applicant can demonstrate that it can be used efficiently.

Nonetheless, it is considered appropriate that for a development of the size proposed that additional loading bay(s) be provided for removalist, tradesmen and the like (refer recommended ground of refusal 6)..

Site Facilities

As indicated above, Council's waste management officer recommends changes to the proposed waste management plan. It is considered that such changes could be achieved by way of permit condition, should a permit issue.

The plans fail to show the location of mail boxes (refer recommended ground of refusal 6).

15.5 Advertising sign

As indicated by VicRoads, the application material provides insufficient evidence to demonstrate that the proposed electronic sign would not prove a distraction to drivers.

In any case, it is considered that the illumination of the proposed sign, where it faces Wellington Street, would unreasonably impact upon the amenity of the residential development at 2 St Kilda Road (refer recommended ground of refusal 2).

15.6 Car Parking (Clause 52.06)

Residential car parking provision

The proposed development would include 265 resident car spaces for the proposed 286 dwellings. It is intended these spaces would be allocated as follows:

- One-bedroom dwellings (134): 0.68 spaces per dwelling (i.e. 91 spaces)
- Two-bedroom dwellings (130): 1.0 spaces per dwelling (i.e. 130 spaces)
- Three-bedroom plus dwellings (22): 2 spaces per dwelling (i.e. 44 spaces)

As indicated above, the proposal would meet the statutory car parking rate for two and three bedroom dwellings but would fall short of providing the statutory rate for one bedroom dwellings by 43 spaces.

At its Strategy and Policy Review Committee meeting dated 2 April 2007, Council resolved to adopt the general direction of the Sustainable Transport Policy and Parking Rates strategy.

The Sustainable Transport Policy and Parking Rates strategy includes consideration of a reduction in the car parking requirements prescribed by the Planning Scheme.

The reduced rate for residential land uses is as follows:

Residential land uses – 0 – 0.8 spaces per 1 bed-room dwelling and 1 space per 3 or more bed-room dwelling.

It is noted that the policy does not recommend a reduction in the Clause 52.06 requirement of 1 space per 2 bedroom dwelling.

The strategy identifies a number of mandatory conditions that are required to be met before applying an upper limit reduced parking rate.

These mandatory conditions are as follows (in italics), with assessment below each in normal text:

- *The site must be within or no more than 200 metres walk to the edge of an Activity Centre;*

Not achieved - the site is located more than 300m from the edge of the Fitzroy Street Major Activity Centre.

- *The site must be no more than 200 metres to fixed rail public transport;*

Achieved, the site is located adjacent tram routes.

- *Strict control of on-street parking must be in operation within surrounding streets;*

Whilst daytime restrictions exist in surrounding streets, these restrictions cease to operate outside of normal business hours and would not therefore act as a disincentive to own a car.

- *The development must not be eligible to participate in Council's parking permit scheme;*

The development would not be eligible for resident parking permits.

- *Provision of motor scooter / motorbike parking must be provided on site;*

Achieved, but only 9 motorcycle spaces would be provided on site for 286 dwellings.

- *Only small dwellings would be eligible for a reduced rate;*

Noted.

- *The site must be within approximately 400 metres of a full line (over 1,500 sqm) supermarket.*

The nearest supermarket is located approximately 590m to the southwest of the subject site, on the north side of Fitzroy Street near the St Kilda light rail station.

Additional conditions (requirements) with which to consider application of a 'lower limit' sustainable (reduced) rate for residential land uses include:-

- *Participation in car share scheme or other similar initiatives*

Not achieved, however it is noted that four car share spaces are located within 500m of the subject site. A Green Travel Plan would be required.

- *Be located within a mixed use development or in an employment precinct*

Achieved, the development includes a mix of land uses.

- *Other contributions to sustainable transport infrastructure or services*

Not achieved.

- *Other initiatives to reduce usage and/or ownership of motor vehicles*

Bicycle spaces would be provided at a rate that would be above and beyond that required by the Planning Scheme.

It is considered that the site, at best, is suitable for application of the upper limit, being 0.8 spaces per one bedroom dwelling. Application of such a rate would require the provision of 107 car spaces, which would be 16 spaces more than that proposed.

Visitor car parking provision

Clause 52.06 requires car parking to be provided at the rate of 1 visitor space for every 5 dwellings, which, in this instance, equates to a car parking requirement of 57 visitor spaces.

The development proposes the provision of 22 visitor spaces (at a rate of 0.08 spaces per dwelling), which equates to a shortfall of 35 visitor spaces.

The car parking report provided as part of the application material applies an empirical peak visitor parking demand of 0.1 spaces per dwelling, which equates to 29 spaces and represents an empirical shortfall of 7 spaces.

It is considered that a rate of 0.08 spaces is too low.

VCAT have in the past adopted a rate of 0.12 visitor spaces [(for example: *2CR Pty Ltd v Stonnington CC [2012] VCAT 1114 (30 July 2012)*], which is based upon surveys undertaken at two residential developments, one in Beacon Cove and one in South Yarra. It considered appropriate that, at a minimum, this rate should be applied to the current proposal.

Application of such a rate would require at least 34 visitor spaces. It is considered that, in an area where car parking demand is high, the visitor parking demand generated by the proposed development would unreasonably impact upon car parking availability in the area.

Office car parking provision

Council's Sustainable Transport Policy and Parking Rates strategy recommends office car parking to be provided at a rate of 2-3 spaces per 100m² floor area.

Application of such a rate to the proposed 5229m² of office space would require the provision of 104 – 156 office car spaces.

The proposed development would provide a total of 104 car spaces for the proposed office component of the development which represents a rate of 2.0 spaces per 100m².

It is a concern that visitors to the office would not be catered for specifically and would need to find on-street parking.

Retail car parking provision

The traffic report provided as part of the application material calculates car parking demand for the retail premises on the basis that such premises would be used as shops.

Clause 52.06 requires car parking for a shop to be provided at the rate of 4 spaces per 100m² floor area. The total floor area of the proposed retail premises would be 918m², which would generate a statutory car parking demand of 36 car spaces. It is considered unlikely that the tenancies would be used as 'shop'. They are more likely to be used as a food and drink premises which would generate a higher parking demand.

The application proposes to provide 12 car spaces for use by staff of the 'shops'. No on-site car parking for visitors is proposed, which represents a shortfall of 24 car spaces. It is considered that, in an area where car parking demand is high, the shop visitor parking demand generated by the proposed development would unreasonably impact upon car parking availability in the area.

Bicycle parking provision

<i>Use</i>	<i>No./Size</i>	<i>Parking Rate</i>	<i>Requirement</i>
<i>Dwellings</i>			
Residents	286	1 space to each 5 dwellings	57 spaces
Visitors		1 space to each 10 dwellings	29 spaces
<i>Sub-Total</i>			<i>86 spaces</i>
<i>Commercial Component – Office</i>			
Employees	5,229m ²	1 space to each 300m ² of net floor area if the net floor area exceeds 1,000m ²	17 spaces
Visitors		1 space to each 1,000m ² of net floor area if the net floor area exceeds 1,000m ²	5 spaces
<i>Sub-Total</i>			<i>22 spaces</i>
<i>Commercial Component – Retail</i>			
Employees	918m ²	1 space to each 600m ² of leasable floor area if the net floor area exceeds 1,000m ²	0 spaces
Visitors		1 space to each 500m ² of leasable floor area if the net floor area exceeds 1,000m ²	0 spaces
<i>Sub-Total</i>			<i>0 spaces</i>

	<i>Total</i>	<i>108 spaces</i>
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As indicated above, the proposed development would generate a statutory requirement to provide a total of 108 bicycle spaces, comprising:

- 57 resident spaces,
- 29 resident visitor spaces,
- 22 spaces for office employees and
- 5 spaces for office visitors.

A total of 124 bicycle spaces would be provided on site as follows:

- 47 resident spaces in basement 1;
- 37 wall mounted resident spaces at ground level;
- 30 wall mounted office employee spaces at ground level; and
- 10 visitor bicycle hoops at ground level.

A further 14 bicycle hoops, which would accommodate 30 bicycles, would be located on the Wellington Street footpath. It is noted that, as indicated by Council's traffic engineer the orientation and location of these hoops would likely introduce safety issues for pedestrians and impact upon existing street trees.

Whilst the number of bicycle spaces proposed would meet the requirements of 52.34, as indicated by Council's traffic engineer, the design of the bicycle spaces for staff and residents would not meet the *current AS bicycle facilities standard* (refer recommended ground of refusal 13).

Car park design

As indicated above, Council's traffic engineer has highlighted a number of issues with respect to the design of the carpark, including footpath treatment and bicycle space design and location.

Whilst some of the issues could be addressed by way of permit condition, it is considered necessary that a number of the issues would need to be resolved before any permit may issue.

16. CONCLUSION

It is considered that the proposed development would unreasonably impact upon the amenity of the immediate and wider neighbourhood. The development displays symptoms of an overdevelopment of the site. Such symptoms include, but are not limited to, excessive height, excessive traffic generation, overshadowing of neighbouring properties and the public realm, compromised internal amenity and an unreasonable reliance on public on-street car parking assets,

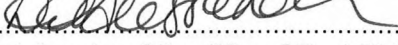
17. RECOMMENDATION

REFUSE

It is recommended that in relation to Planning Permit Application No. 1227/2015 the Council delegate advises VCAT that had it made a decision on the application within the prescribed time for construction of a 28 storey building above 6 levels of basement car parking, use of the land for the purposes of dwellings, reduction in car parking requirements and display of a

major promotional sign at 1/8-12 Punt Road, Windsor, 8-12 Punt Road, Windsor and 3-7 Wellington Street, St Kilda, it would have refused it based on the following grounds:

1. The proposed development would fail to comply with the mandatory requirements of Schedule 13 to the Design and Development Overlay (Shrine Vista).
2. The application fails to demonstrate that the proposed electronic major promotional sign would not impact upon the safe and efficient operation of nearby roads.
3. The proposed development would not satisfy Council's objectives and strategies at Clause 21.03-1 (Environmentally Sustainable Land Use and Development).
4. The proposed development would not satisfy Council's land use strategies and objectives at Clause 21.04.
5. The proposed development would not satisfy Council's built form strategies and objectives at Clause 21.05.
6. The proposed development would not achieve Council policy at Clause 22.06 (Urban Design Policy for Non Residential Development and Multi Unit Residential Development).
7. The proposed development would not achieve Council policy at Clause 22.13 (Environmentally Sustainable Development).
8. The proposed development would fail to achieve Council's strategic vision for the area as expressed by proposed Amendment C122 to the Port Phillip Planning Scheme.
9. The proposed development would fail to satisfactorily respond to the physical context of the site.
10. The proposed development represents an overdevelopment of the site.
11. The proposed development would introduce unreasonable amenity impacts to the area in terms of car parking, traffic, overlooking, overshadowing and access to daylight.
12. The application fails to demonstrate that the proposed development would not introduce unreasonable wind tunnelling.
13. The design of bicycle parking spaces would not meet relevant Australian standards for bicycle parking.

Signed:.....
Authorised delegate of the City of Port Phillip

Date: 18/03/2016