

Report to the Future Melbourne Committee

Agenda item 6.2

Ministerial Planning Referral: TPM-2023-14 435-437 St Kilda Road, Melbourne

7 May 2024

Presenter: Marjorie Kennedy, Head of Statutory Planning

Purpose and background

1. The purpose of this report is to advise the Future Melbourne Committee of a Ministerial Planning Application seeking approval for the development of land at 435-437 St Kilda Road, Melbourne (refer Attachment 2 of report from management – Locality Plan).
2. The application proposes the use and development of the land for multi-dwelling development above a basement car park (refer Attachment 3 of report from management – Selected Plans).
3. The applicant is Boulevard Properties Pty Ltd (c/- Urban Planning Collective), the owner is Boulevard Properties Pty Ltd, and Bates Smart have designed the buildings. The estimated cost of development is \$75 million.
4. The site is located in the Commercial Zone, Schedule 1 (C1Z), Design and Development Overlay, Schedule 17 (DDO17) – Shrine Vista and Design and Development Overlay, Schedule 19 (DDO19) – St Kilda Road Area. St Kilda Road also forms part of a Transport Zone, Category 2 Road.
5. The Department of Transport and Planning (DTP), on behalf of the Minister, has given formal notice of the application to Council and requested comment and advice.

Key issues

6. The key issues in the consideration of this application are the design and detail of the buildings having regard to surrounding built form and scale, and compliance with the relevant built form controls (DDO19).
7. The layout and design of the buildings sit comfortably within the broader St Kilda Road context. The buildings have been designed to minimise off site amenity impacts and align with the preferred built form outcomes including street wall heights and upper level setbacks detailed in the DDO17 and DDO19.
8. The proposal includes a porte cochere forward of the ground level lobby area, which is not supported. An extension to the foyer and concierge area is recommended to provide greater amenities to future residents and improves legibility between public and private realm.
9. The proposal, subject to conditions, will comply with the relevant setback requirements and will result in acceptable amenity impacts to adjoining properties.
10. The proposal will not result in unreasonable shadow impacts to Fawkner Park.
11. Conditions are recommended for inclusion on the permit to ensure sufficient detail is provided for a high quality façade and the delivery of Environmentally Sustainable Design commitments.

Recommendation from management

12. That the Future Melbourne Committee resolves to advise the Department of Transport and Planning that the Melbourne City Council does not object to the application subject to the conditions outlined in the delegate report (refer to Attachment 4 of the report from management).

Attachments:

1. Supporting Attachment (Page 2 of 71)
2. Locality Plan (Page 3 of 71)
3. Selected Plans (Page 4 of 71)
4. Delegate Report (Page 33 of 71)

Supporting Attachment

Legal

1. The Minister for Planning is the Responsible Authority (RA) for planning permit applications located within the City of Melbourne where the development exceeds a gross floor area of 25,000 square metres; and is therefore the RA for this application.
2. The application is not exempt from the notice requirements of sections 52(1)(a), (b) and (d), the decision requirements of sections 64(1), (2) and (3), and the review rights of section 82(1) of the *Planning and Environment Act 1987* (the Act). Council therefore has formal status under the Act and has both notice and appeal rights in relation to the application.
3. This application is not exempt from public notice and in accordance with section 52(1)(b) of the Act, DTP) has given formal notice of the application to Council.

Finance

4. There are no direct financial issues arising from the recommendations contained within this report.

Conflict of interest

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

Health and Safety

6. Relevant planning considerations such as traffic and waste management, potential amenity impacts and potentially contaminated land that could impact on health and safety have been considered within the planning permit application and assessment process. No other health and safety issues or opportunities have been identified.

Stakeholder consultation

7. DTP, on behalf of the Minister for Planning, has given formal notice of the application to Council and requested comment and advice to support DTP in completing an assessment and the Minister making a decision.
8. Council officers have not undertaken public notice of the application or referred this to any other referral authorities. This is the responsibility of DTP acting on behalf of the Minister for Planning.
9. DTP have advised that it has received one objection.

Relation to Council policy

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

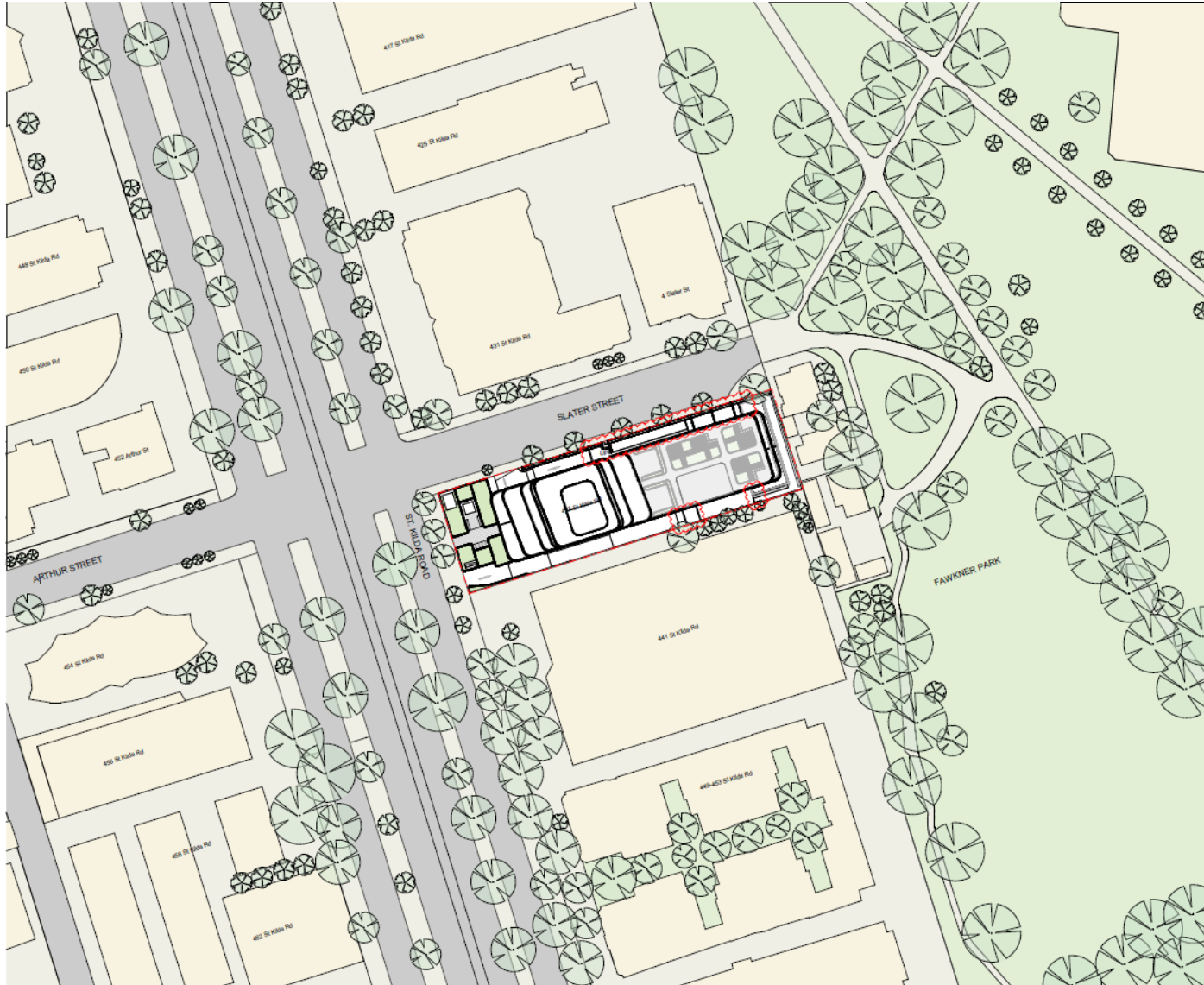
Environmental sustainability

11. The Sustainability Management Plan (SMP) report submitted with the application confirms the proposed development will generally achieve the relevant performance measures set out in Clauses 15.01-2L-01 (Energy, Water and Waste Efficiency) and 19.03-3L (Stormwater management (water sensitive urban design)) of the Melbourne Planning Scheme.
12. Permit conditions requiring implementation of the SMP initiatives are recommended.

Locality Plan

435-437 St Kilda Road, Melbourne

Attachment 2
Agenda item 6.2
Future Melbourne Committee
7 May 2024



437 St. Kilda Road

TOWN PLANNING DRAWING LIST			
Sheet Number	Sheet Name	Current Revision	Current Revision Date
TP00.000	Cover Sheet	B	16/01/24
TP01.000	Site Plan - Existing	A	18/08/23
TP01.001	Site Plan - Proposed	B	16/01/24
TP01.002	Site Plan - Existing	A	18/08/23
TP02.000	Level GF	B	16/01/24
TP02.0B1	Level B1	B	16/01/24
TP02.0B2	Level B2	B	16/01/24
TP02.0B3	Level B3	B	16/01/24
TP02.001	Level 01	B	16/01/24
TP02.002	Level 02-04	B	16/01/24
TP02.003	Level 03-4	B	16/01/24
TP02.005	Level 05	A	18/08/23
TP02.006	Level 06-7	A	18/08/23
TP02.008	Level 08	A	18/08/23
TP02.009	Level 09-11	A	18/08/23
TP02.012	Level 12-13	A	18/08/23
TP02.014	Level 14	A	18/08/23
TP02.015	Level 15	A	18/08/23
TP02.016	Level 16	A	18/08/23
TP02.017	Level 17	A	18/08/23
TP02.018	Level 18 - Roof Plant	B	16/01/24
TP02.019	Level 19 - Parapet	B	16/01/24
TP09.000	North Elevation	B	16/01/24
TP09.001	West Elevation	B	16/01/24
TP09.002	South Elevation	B	16/01/24
TP09.003	East Elevation	B	16/01/24
TP10.000	Building Section AA	B	16/01/24
TP10.001	Building Section BB	A	18/08/23
TP10.002	Building Section CC	B	16/01/24
TP11.000	Typical Building Facade	B	16/01/24
TP11.001	Typical Building Facade	B	16/01/24
TP11.002	Typical Building Facade	A	16/01/24
TP21.000	Shadow Diagrams - 21 June 10 AM - 2 PM	A	18/08/23
TP40.000	Materials Board	B	16/01/24

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B	16/01/24	DTP RFI	BS	JH
A	18/08/23	ISSUED FOR TOWN PLANNING	BS	JH
Rev	Date	Description	Initial	Checked

437 ST KILDA RD

TP00
 Cover Sheet

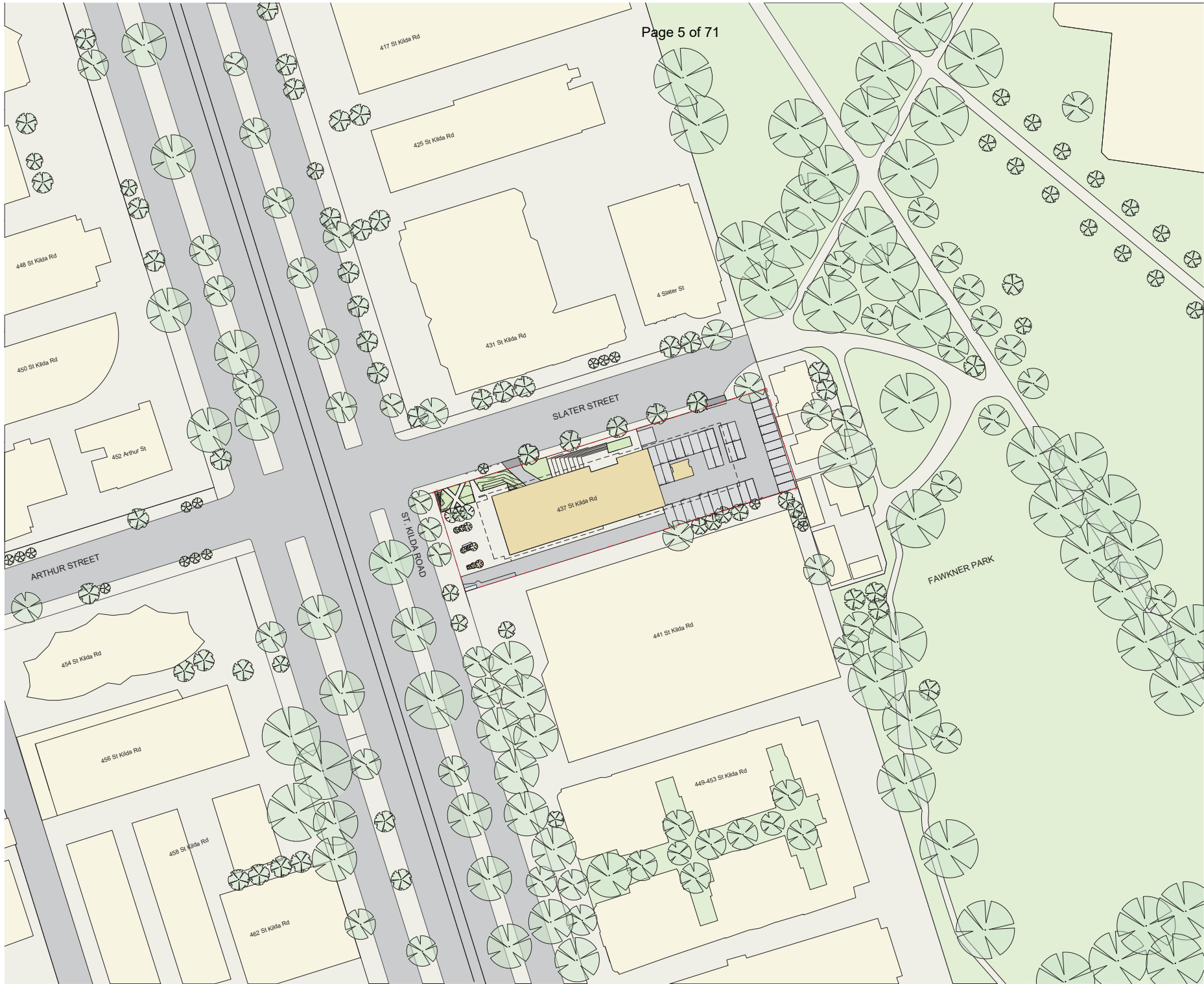
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Drawing no.	Revision
TP00.000	B

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Rev	Date	Description	Initial	Checked

437 ST KILDA RD

Site Plan - Existing



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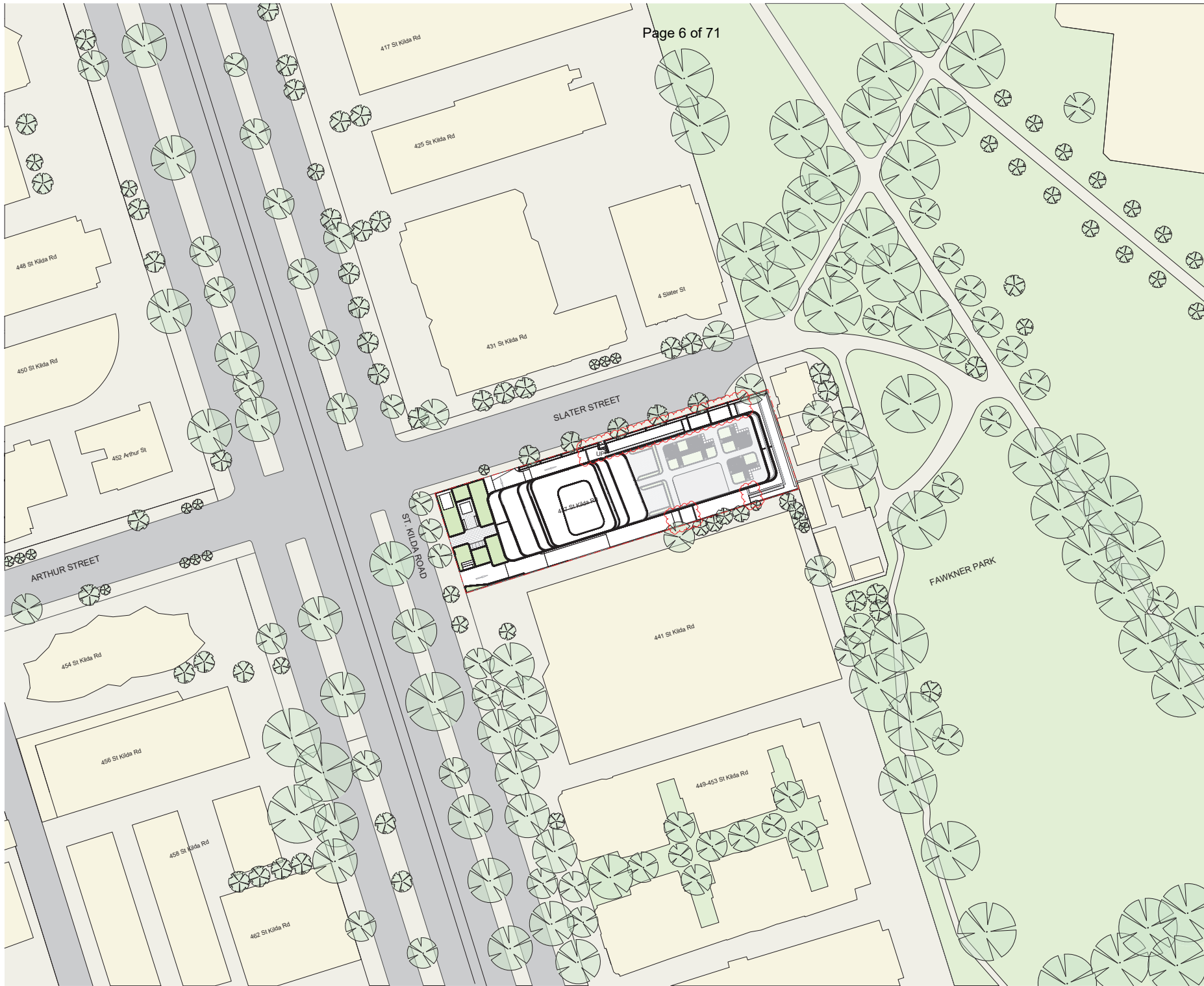
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Site Plan - Proposed



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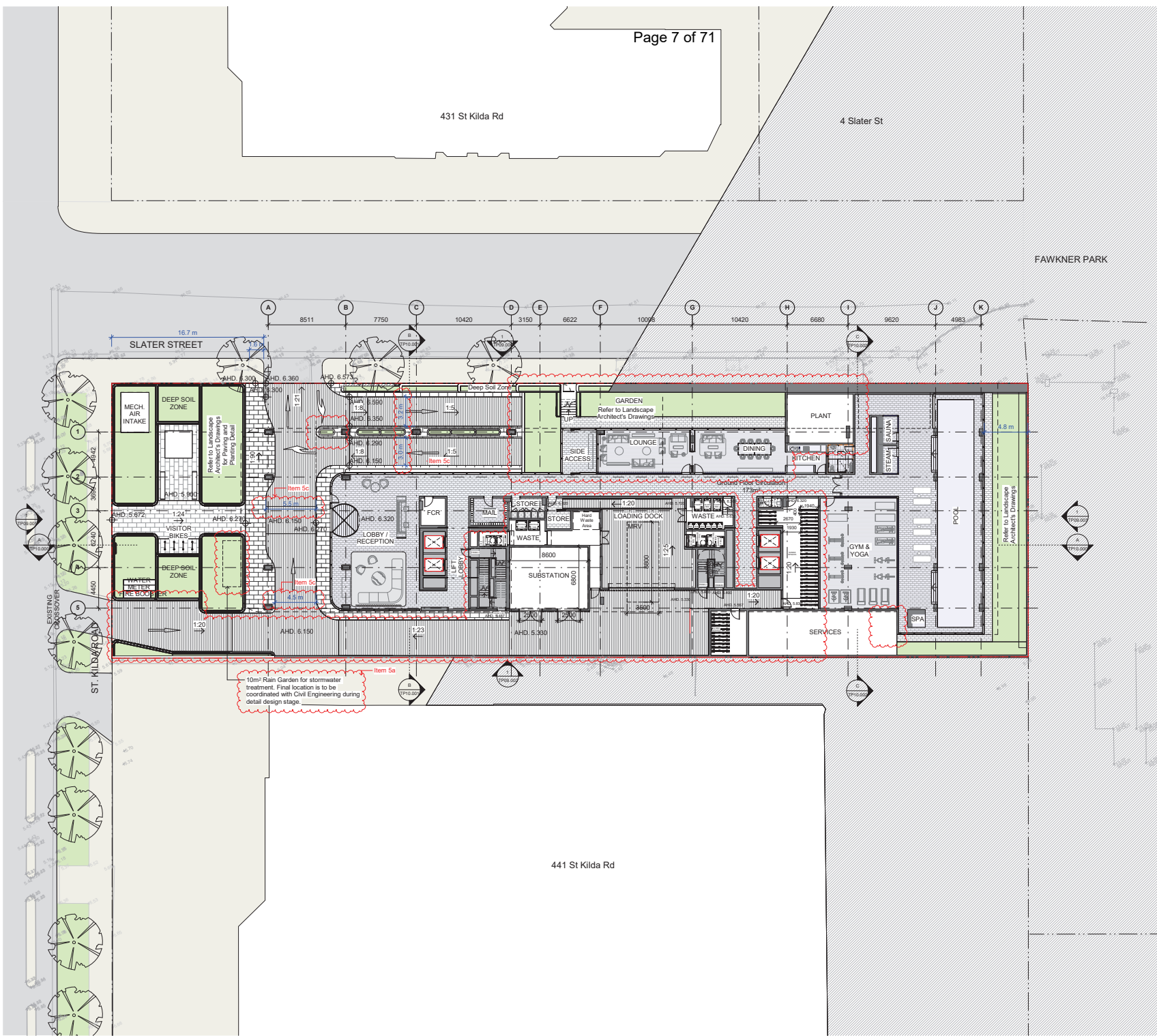
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437 ST KILDA RD

General Arrangement Plan Level GF



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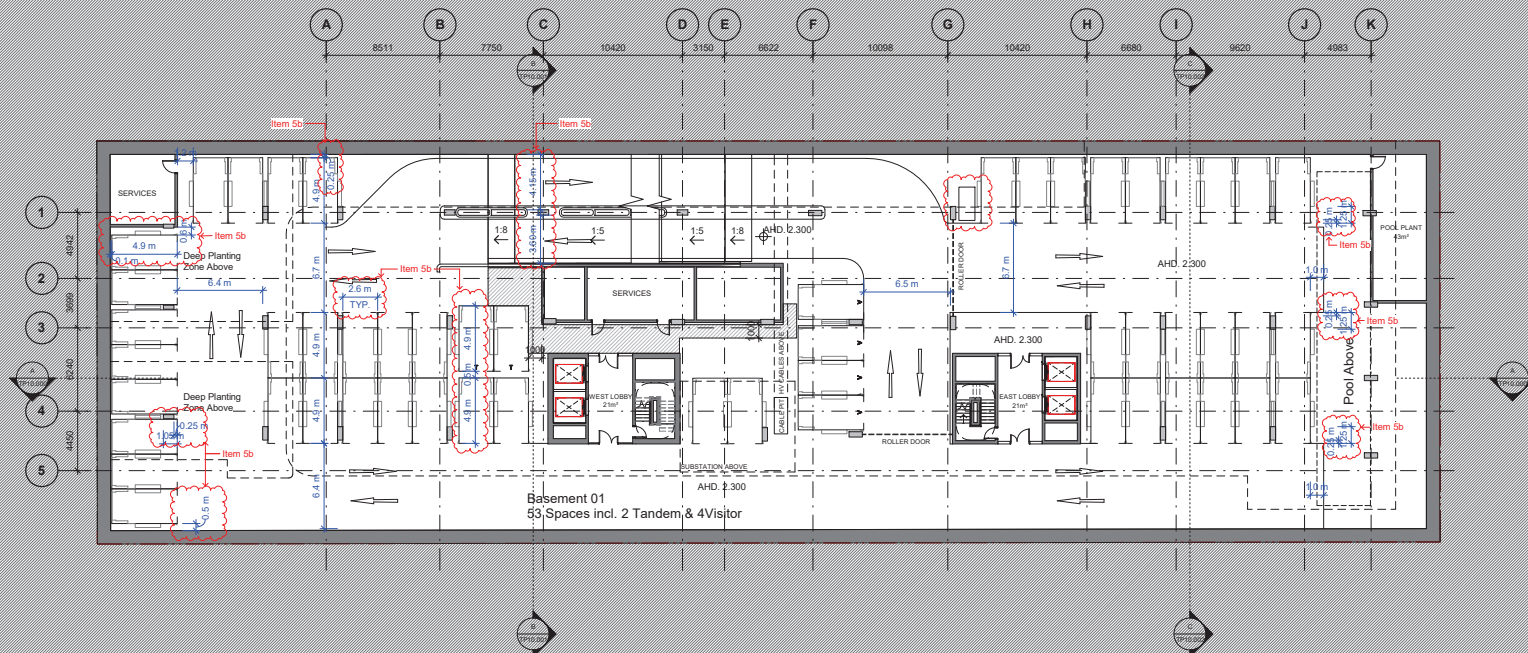
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437 ST KILDA RD

General Arrangement Plan Level B1



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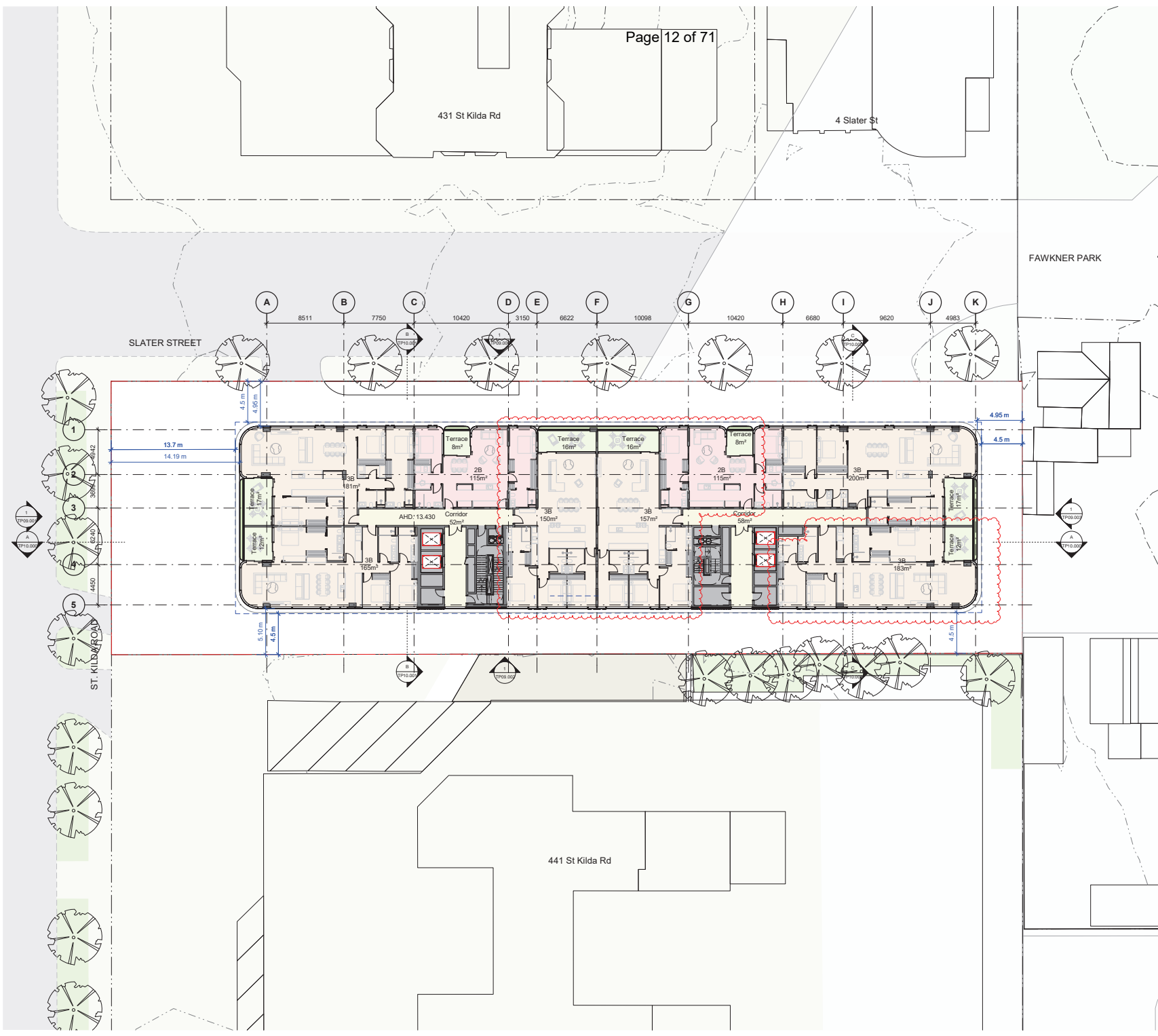
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437 ST KILDA RD
General Arrangement Plan
Level 02-04



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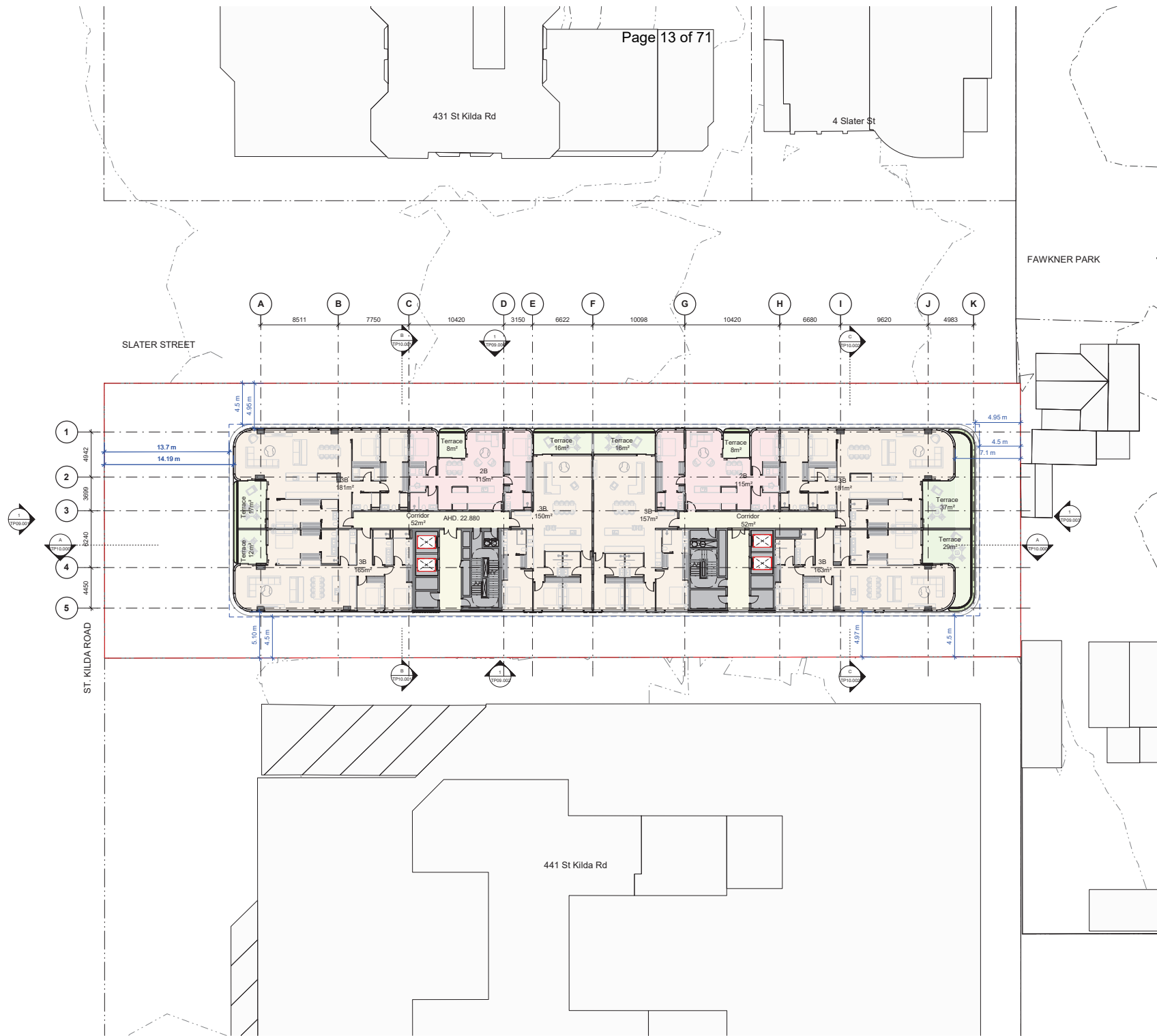
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General Arrangement Plan Level 05



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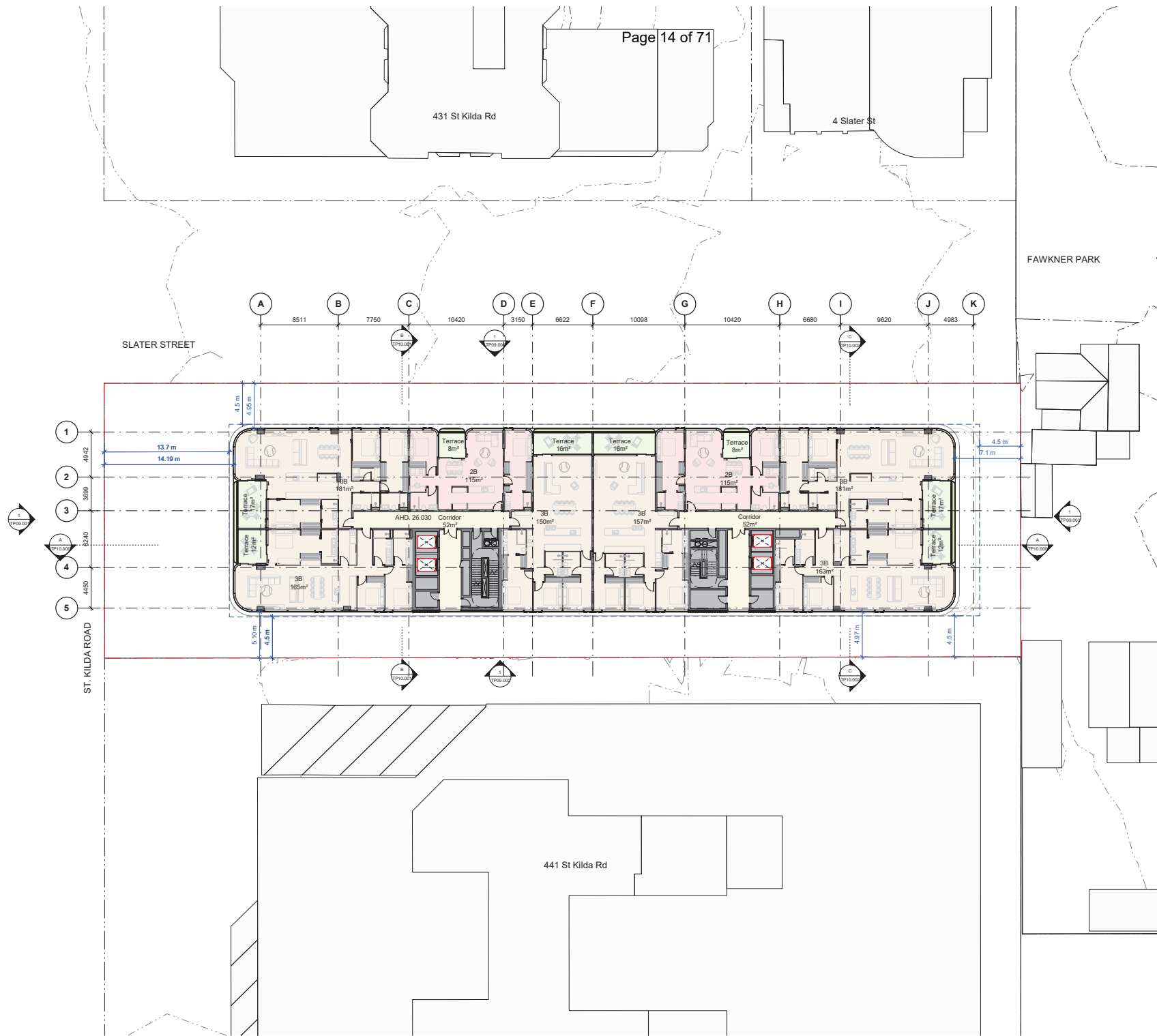
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437 ST KILDA RD
General Arrangement Plan
Level 06-7



Status	TOWN PLANNING		
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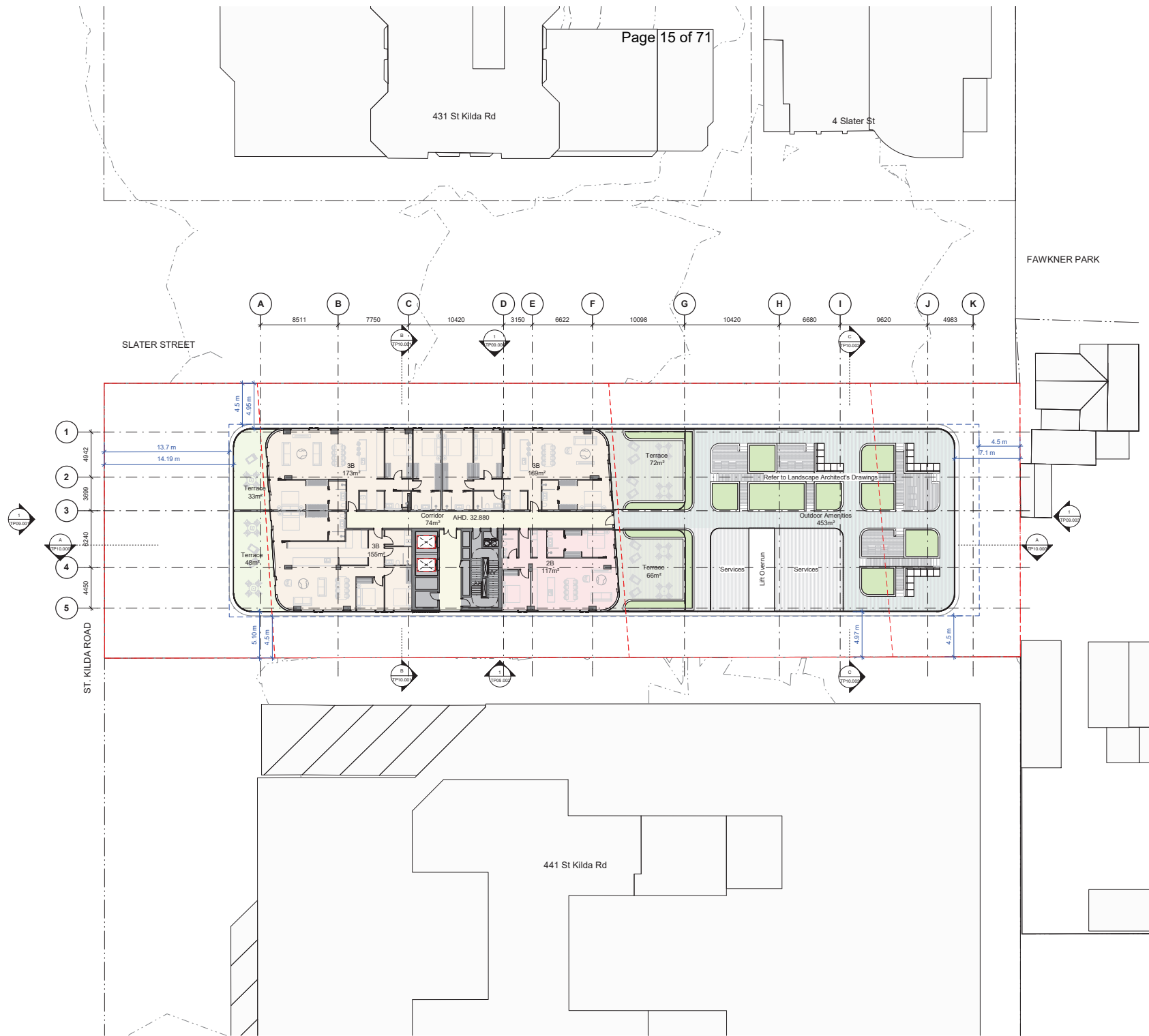
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- 2-BEDROOM APARTMENT
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Rev	Date	Description	Initial	Checked
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437 ST KILDA RD
General Arrangement Plan Level 08



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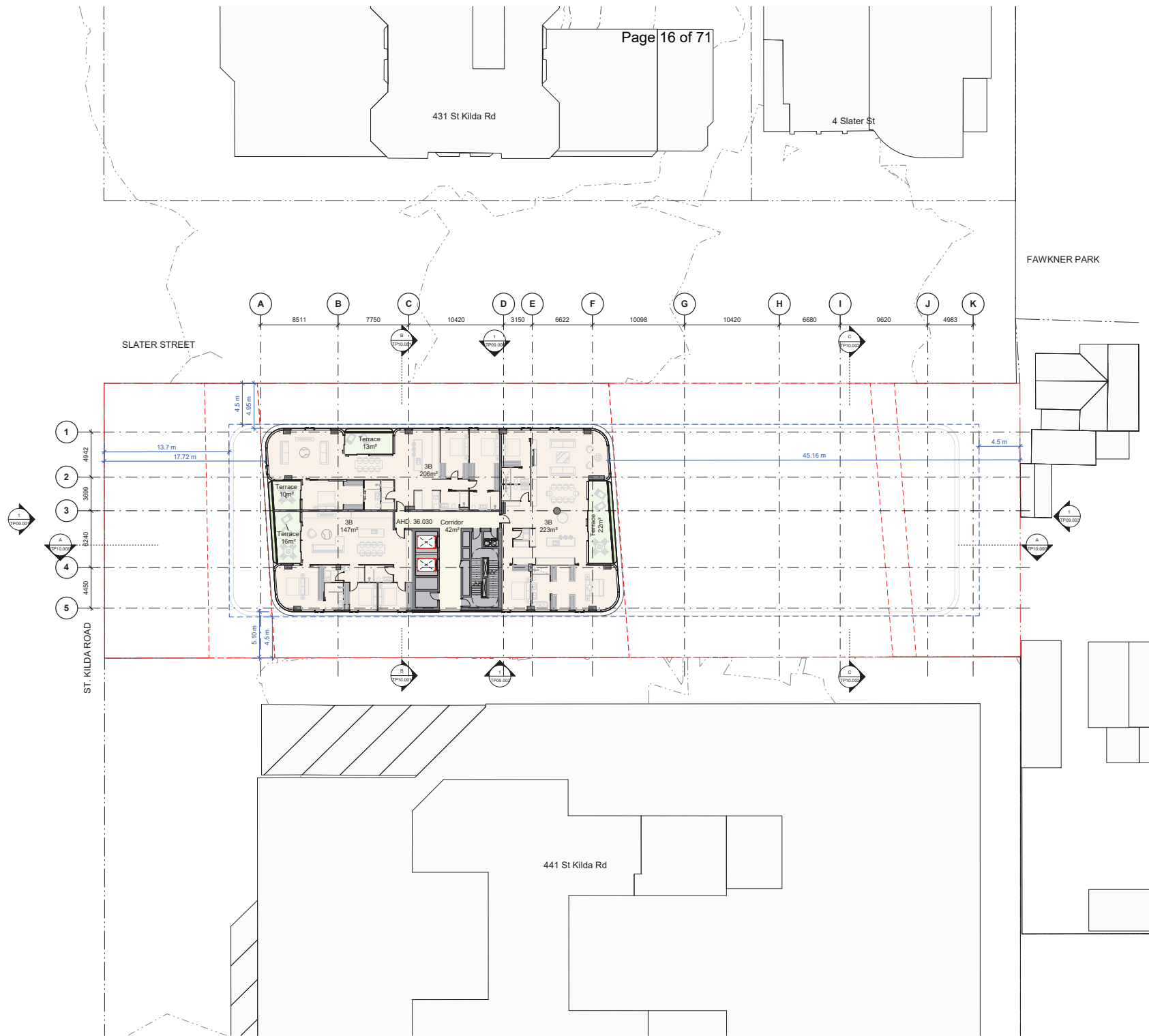
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437 ST KILDA RD
General Arrangement Plan
Level 09-11



Status	TOWN PLANNING		
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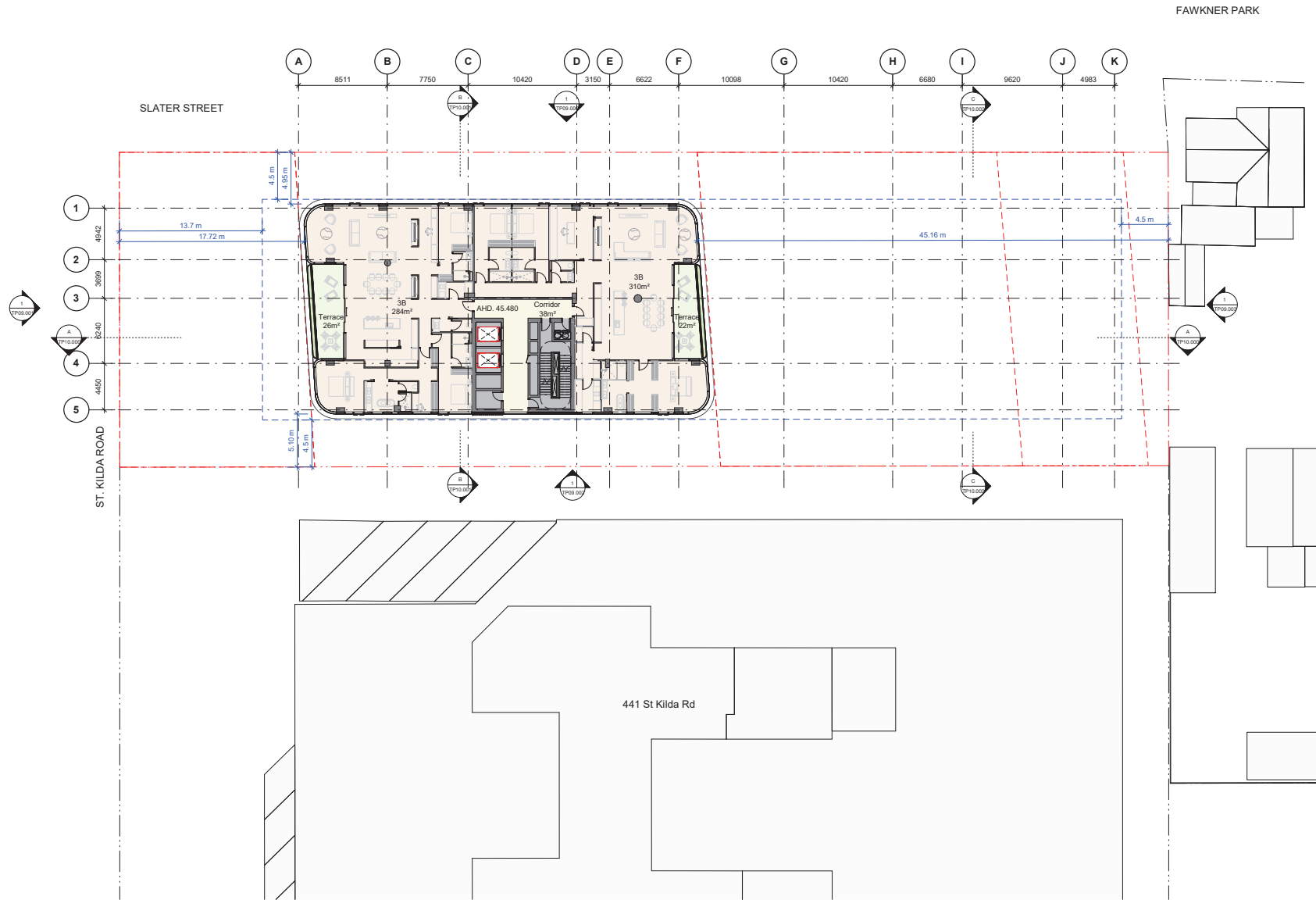
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APARTMENT LEGEND

- 2-BEDROOM APARTMENT
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Rev	Date	Description	IS	JH
A	15/01/2024	ISSUED FOR TOWN PLANNING	BS	JH

437 ST KILDA RD
General Arrangement Plan
Level 12-13



Status	TOWN PLANNING		
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Drawing no. **TP02.012** Revision **A**

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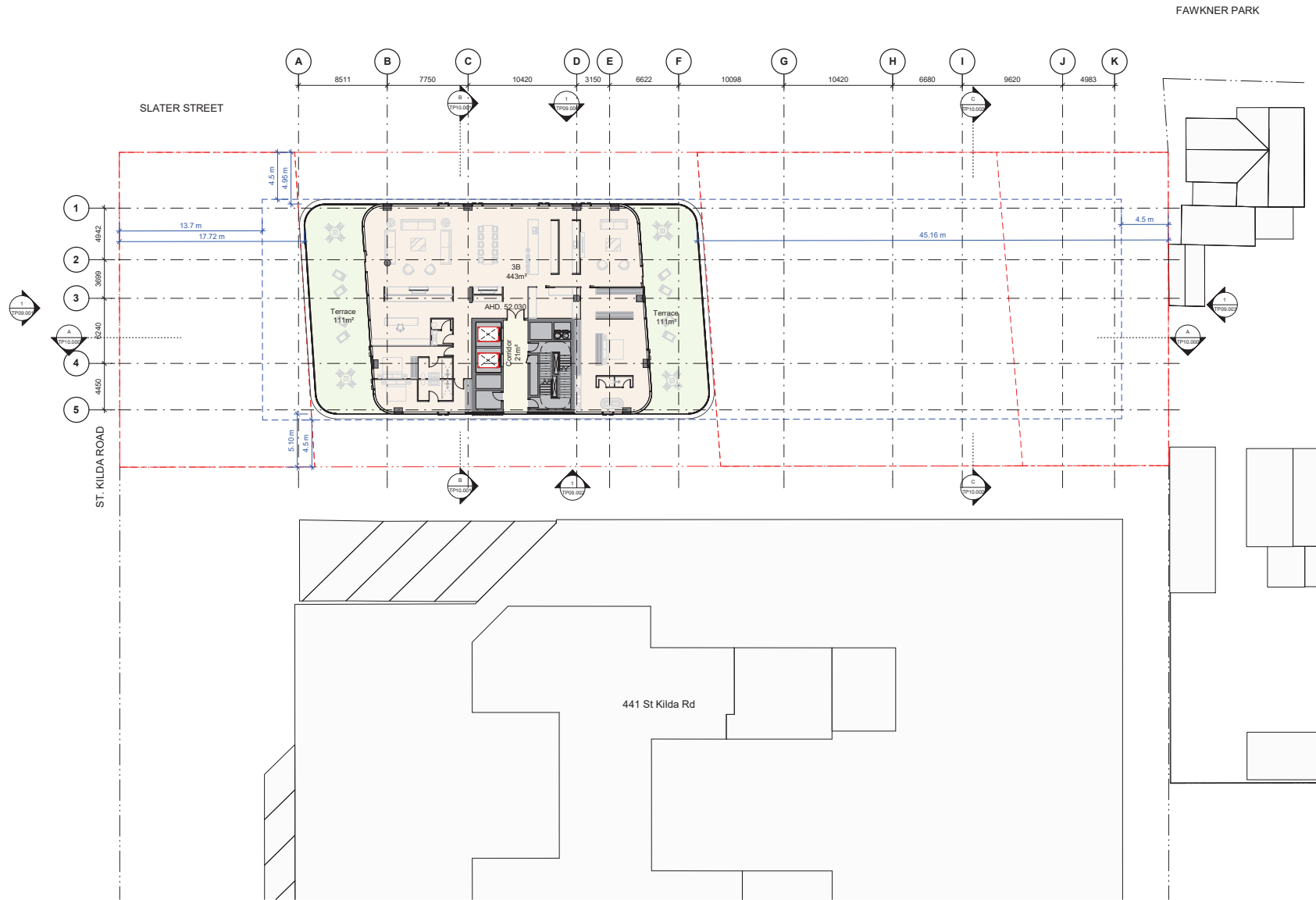
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15/09/23 ISSUED FOR TOWN PLANNING				BS	JH
Rev	Date	Description	Initial	Checked	

437 ST KILDA RD
General Arrangement Plan
Level 14



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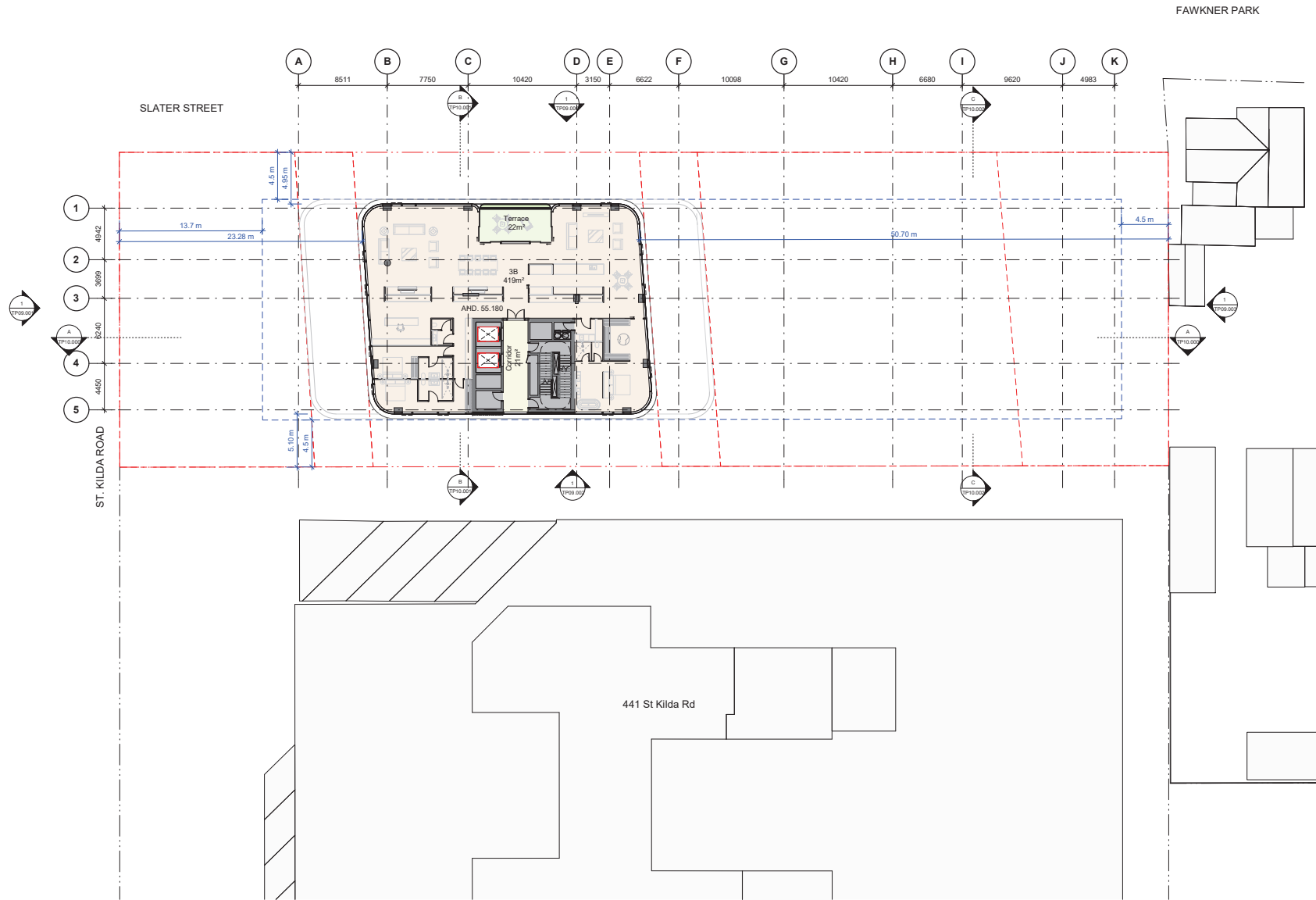
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A	15/01/2024	ISSUED FOR TOWN PLANNING	BS	JH

437 ST KILDA RD
General Arrangement Plan Level 15



Status	TOWN PLANNING		
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Plot Date	15/01/2024 11:38:16 AM		

Drawing no.	Revision
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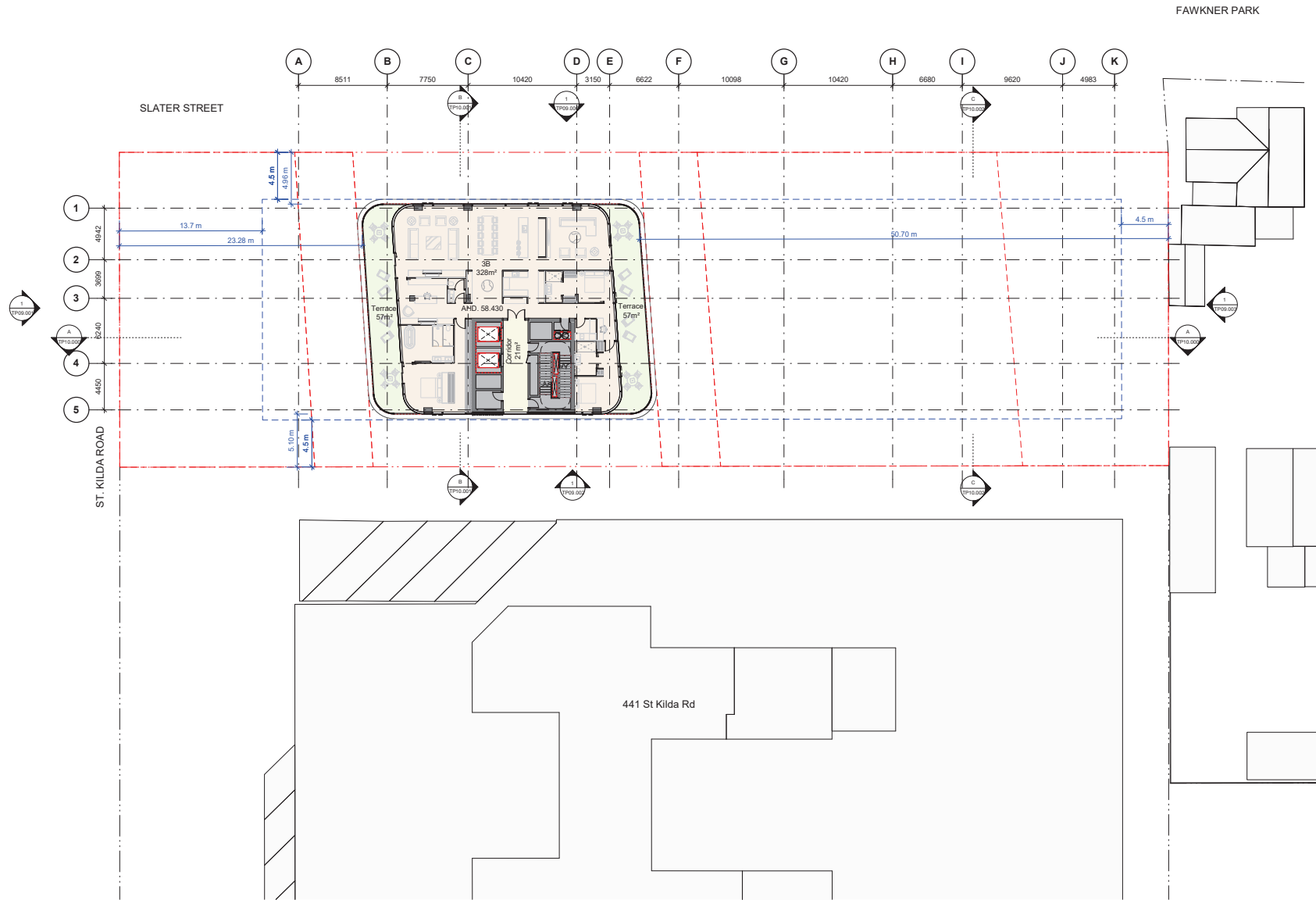
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APARTMENT LEGEND

- 2-BEDROOM APARTMENT
- 3-BEDROOM APARTMENT
- BALCONY / TERRACE



Rev	Date	Description	Initial	Checked
A	15/01/2024	ISSUED FOR TOWN PLANNING	BS	JH

437 ST KILDA RD
General Arrangement Plan
Level 16



Status	TOWN PLANNING		
Scale	1 : 200	@	A1
Drawn	AW	Checked	JH
Project No.	M12 185		
Plot Date	15/01/2024 11:38:37 AM		

Drawing no.	Revision
TP02.016	A

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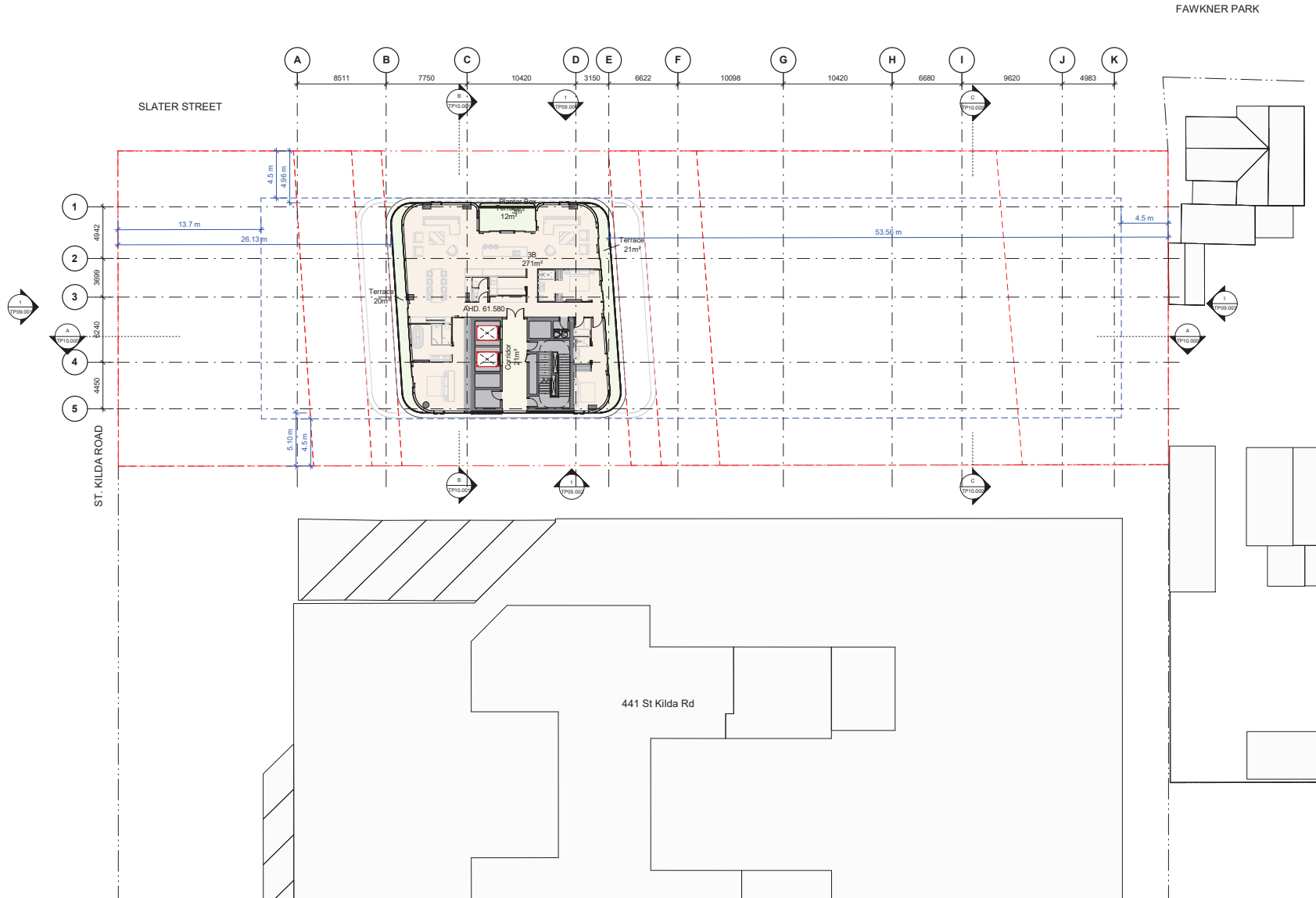
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APARTMENT LEGEND

- 2-BEDROOM APARTMENT
- 3-BEDROOM APARTMENT
- BALCONY / TERRACE



Rev	Date	Description	Initial	Checked
A	18/08/23	ISSUED FOR TOWN PLANNING	BS	JH

437 ST KILDA RD
General Arrangement Plan
Level 17



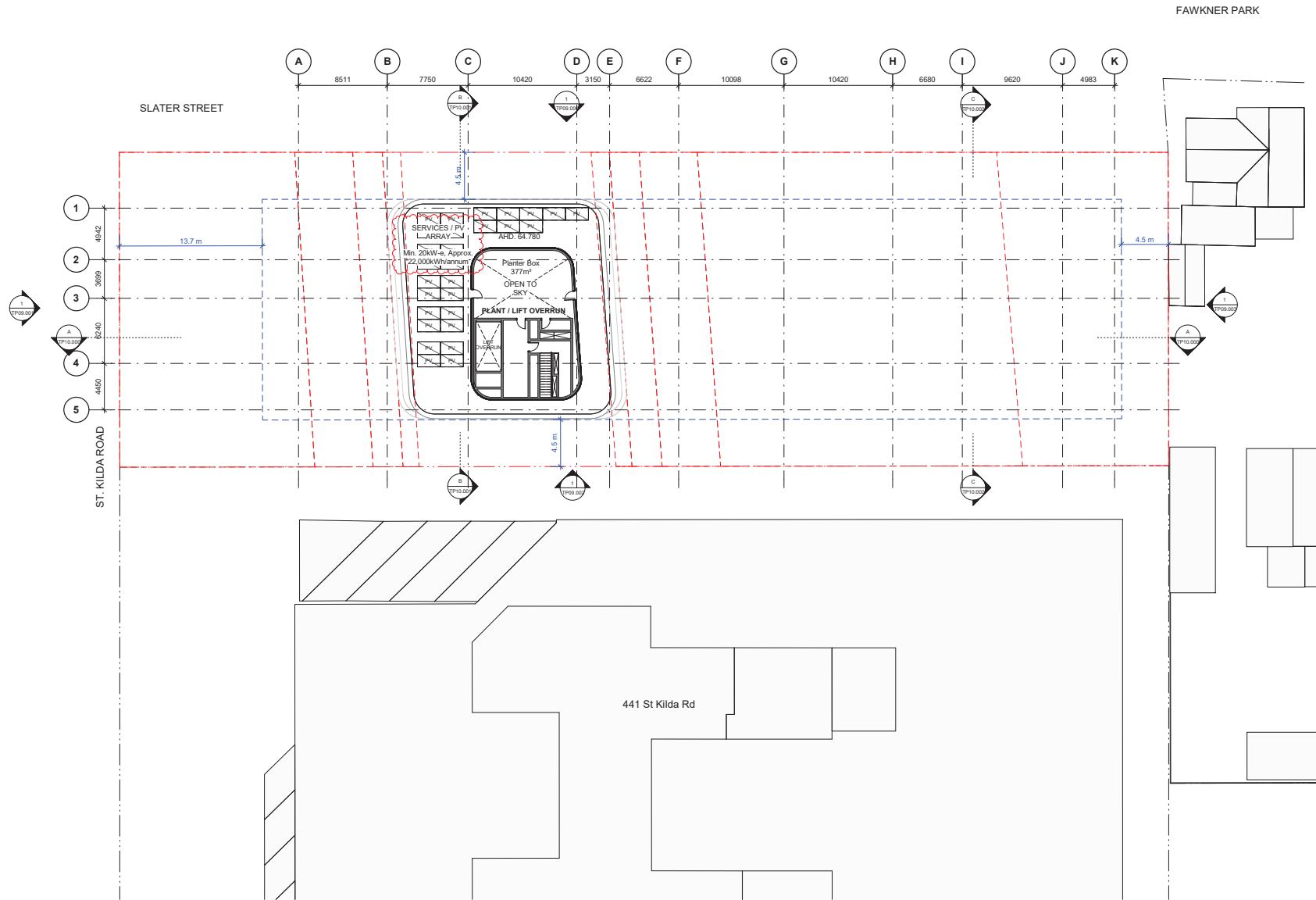
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Drawn	AW	Checked	JH
Project No.	M12 185		
Plot Date	30/01/2024 11:08:16 AM		
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Drawing no.	TP02.017	Revision	A

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FAWKNER PARK

B	16/01/24	DTP RFI	BS	JH
A	16/01/23	ISSUED FOR TOWN PLANNING	BS	JH
Rev	Date	Description	Initial	Checked

437 ST KILDA RD
General Arrangement Plan
Level 18 - Roof Plant



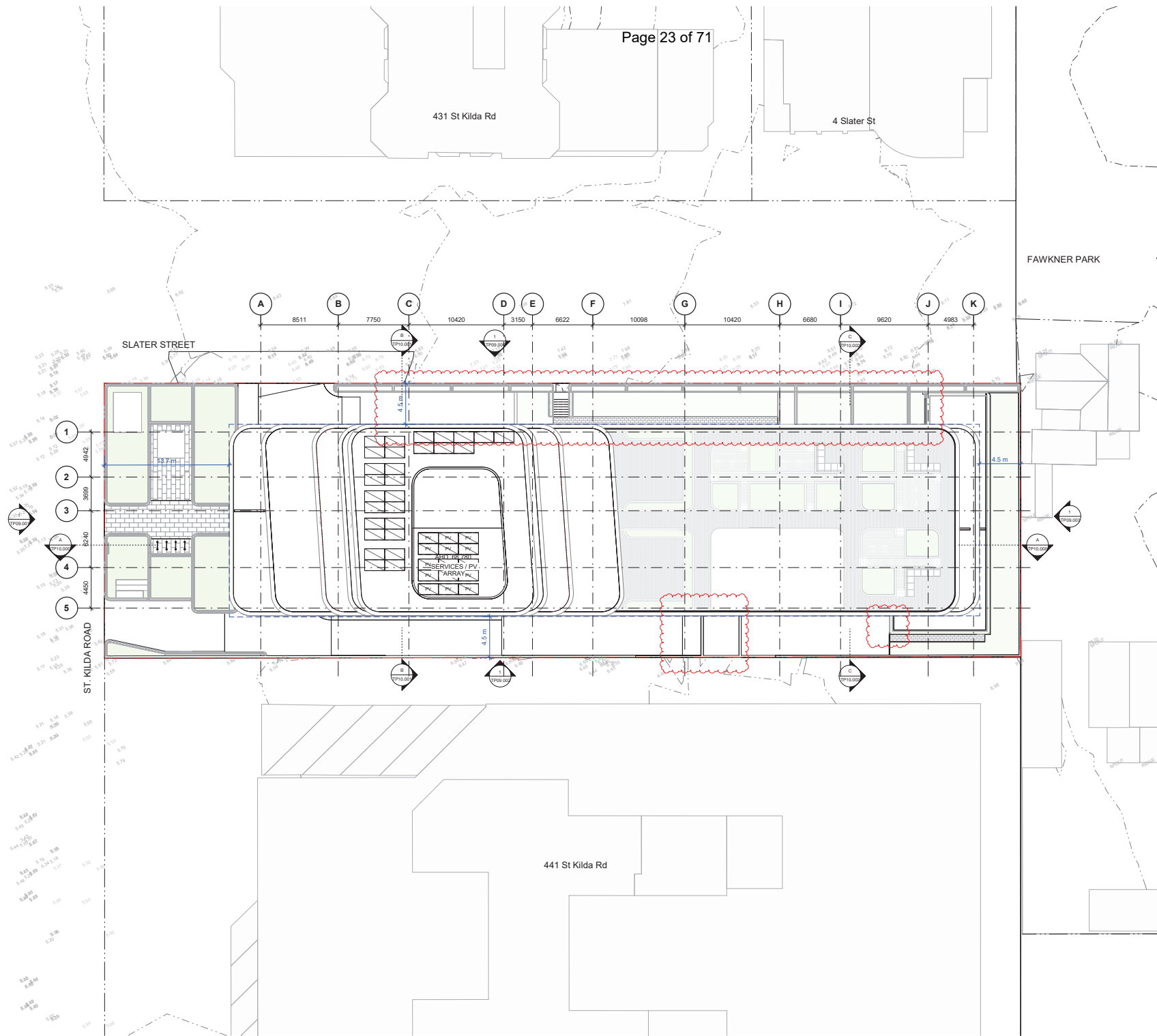
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Project No.	M12185		
Plot Date	30/01/2024 11:13:40 AM		
BIM			
Drawing no.	TP02.018	Revision	B

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A	16/01/23	ISSUED FOR TOWN PLANNING	BS	JH
Rev	Date	Description	Initial	Checked

437 ST KILDA RD

Level 19 - Parapet



Status	TOWN PLANNING		
Scale	1 : 200	@	A1
Drawn	AW	Checked	JH
Project No.	M12 185		
Plot Date	26/10/2024 4:31:49 PM		

Drawing no.	Revision
TP02.019	B

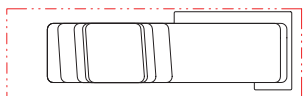
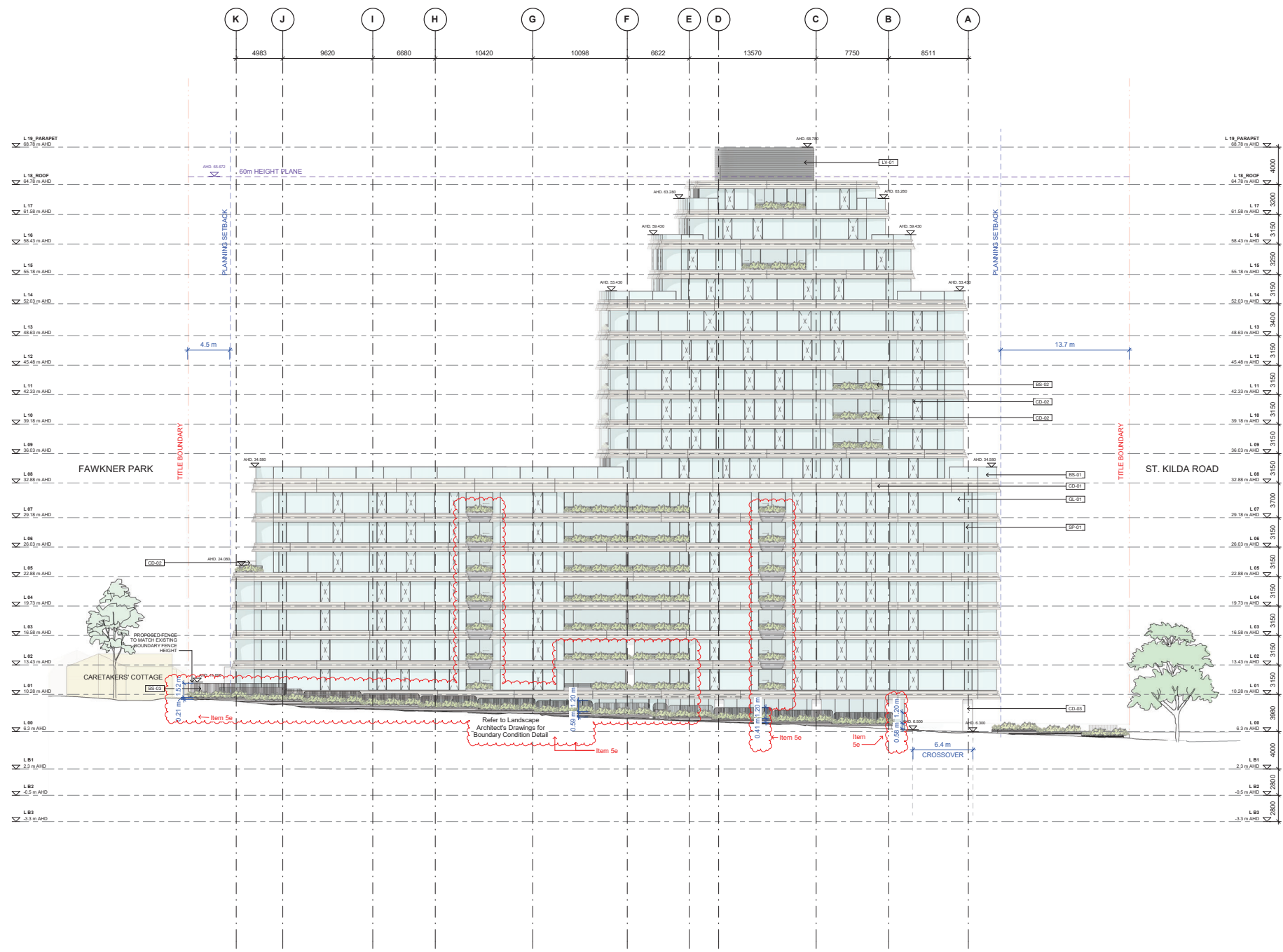
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- MATERIAL LEGEND**
- BS-01 CLEAR GLASS BALUSTRADE
 - BS-02 DARK BRONZE METAL BALUSTRADE - HORIZONTAL
 - BS-03 DARK BRONZE METAL BALUSTRADE - VERTICAL
 - CD-01 MASONRY CLADDING IN A WARM TONE AND TEXTURED FINISH
 - CD-02 DARK BRONZE METAL MASONRY CLADDING IN A WARM TONE AND FINE TEXTURED FINISH
 - CD-03 MASONRY CLADDING IN A WARM TONE AND FINE TEXTURED FINISH
 - CD-04 LIGHT NATURAL TIMBER LOOK SOFFIT
 - CD-05 DARK BRONZE METAL WITH VERTICAL EXPRESSION
 - GL-01 CLEAR VISION GLAZING (Min. 50% VLT)
 - SP-01 SPANDREL GLAZING WITH SHADOW BOX DETAIL
 - LV-01 LIGHT BRONZE METAL HORIZONTAL LOUVRES
 - LV-02 DARK BRONZE METAL VERTICAL LOUVRES

B	16/01/24	DTP RFI	BS	JH
Rev	Date	Description	Initial	Checked

437 ST KILDA RD
TP09
North Elevation

Status	TOWN PLANNING
Scale	1: 200 @ A1
Drawn	BZ Checked JH
Project No.	M12 185
Plot Date	30/01/2024 11:10:28 AM

Drawing no.	Revision
TP09.000	B

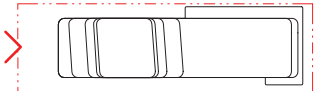
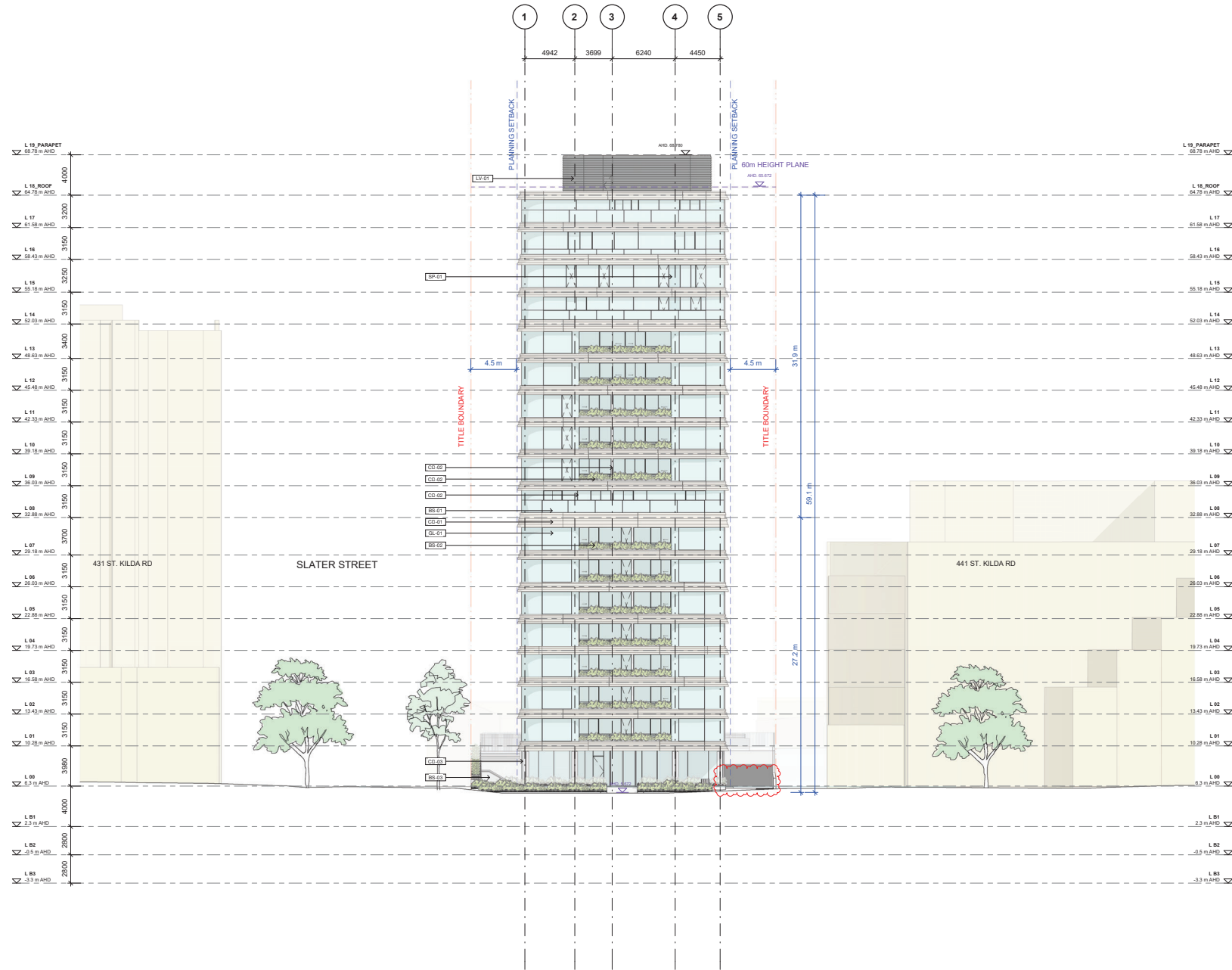
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- MATERIAL LEGEND**
- BS-01 CLEAR GLASS BALUSTRADE
 - BS-02 DARK BRONZE METAL BALUSTRADE - HORIZONTAL
 - BS-03 DARK BRONZE METAL BALUSTRADE - VERTICAL
 - CD-01 MASONRY CLADDING IN A WARM TONE AND TEXTURED FINISH
 - CD-02 DARK BRONZE METAL
 - CD-03 MASONRY CLADDING IN A WARM TONE AND FINE TEXTURED FINISH
 - CD-04 LIGHT NATURAL TIMBER LOOK SOFFIT
 - CD-05 DARK BRONZE METAL WITH VERTICAL EXPRESSION
 - GL-01 CLEAR VISION GLAZING (Min. 50% VLT)
 - SP-01 SPANDREL GLAZING WITH SHADOW BOX DETAIL
 - LV-01 LIGHT BRONZE METAL HORIZONTAL LOUVRES
 - LV-02 DARK BRONZE METAL VERTICAL LOUVRES

Item 3

Rev	Date	Description	Initial	Checked
B	16/01/24	DTP RFI	BS	JH
A	16/01/23	ISSUED FOR TOWN PLANNING	BS	JH

437 ST KILDA RD

TP09
West Elevation

Status	TOWN PLANNING		
Scale	1:200	@	A1
Drawn	BZ	Checked	JH
Project No.	M12 185		
Plot Date	30/01/2024 11:11:08 AM		

Drawing no. **TP09.001** Revision **B**

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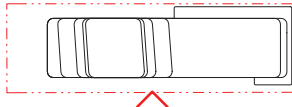
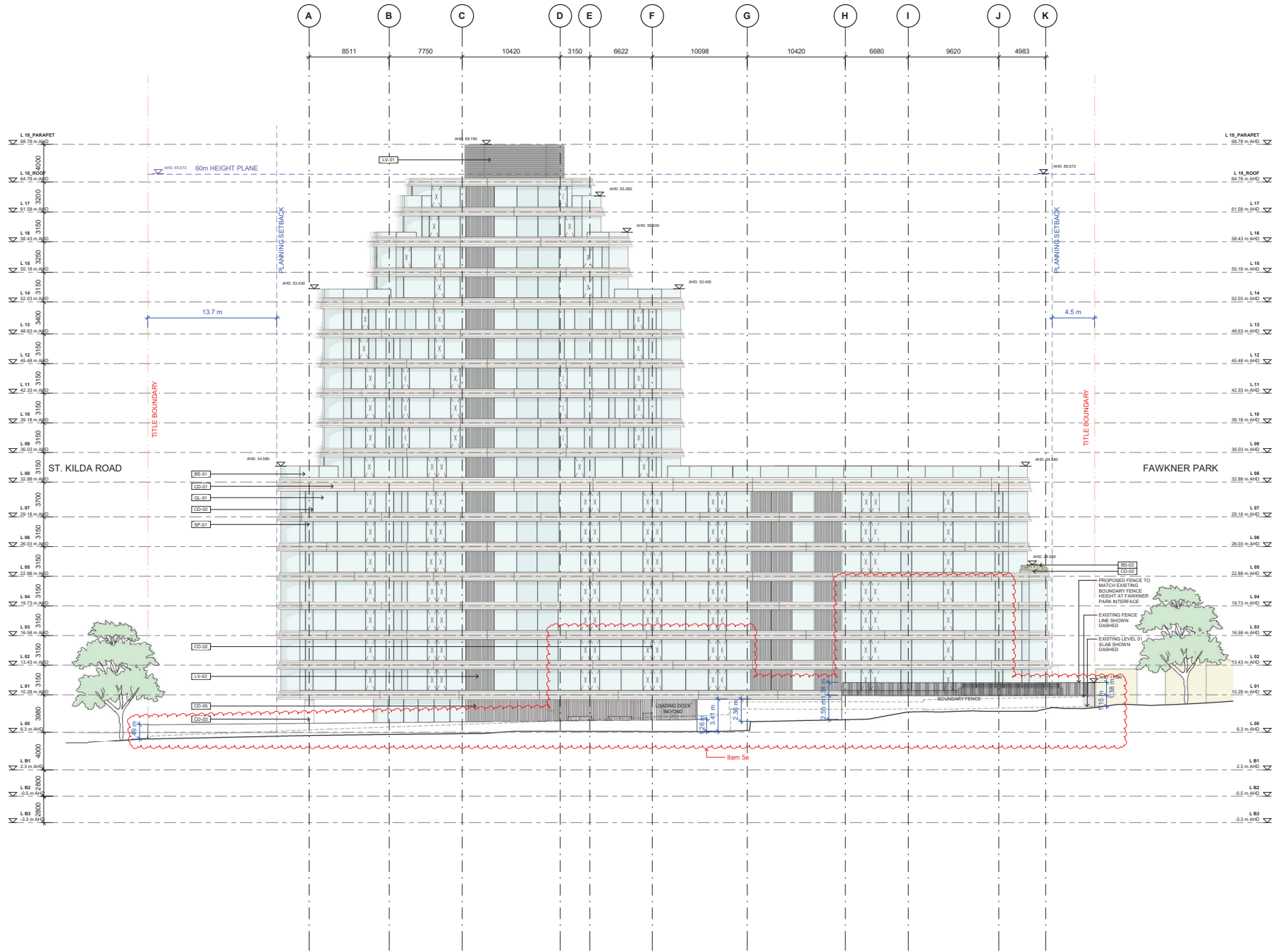
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- MATERIAL LEGEND**
- BS-01 CLEAR GLASS BALUSTRADE
 - BS-02 DARK BRONZE METAL BALUSTRADE - HORIZONTAL
 - BS-03 DARK BRONZE METAL BALUSTRADE - VERTICAL
 - CD-01 MASONRY CLADDING IN A WARM TONE AND TEXTURED FINISH
 - CD-02 DARK BRONZE METAL MASONRY CLADDING IN A WARM TONE AND FINE TEXTURED FINISH
 - CD-03 MASONRY CLADDING IN A WARM TONE AND FINE TEXTURED FINISH
 - CD-04 LIGHT NATURAL TIMBER LOOK SOFFIT
 - CD-05 DARK BRONZE METAL WITH VERTICAL EXPRESSION
 - GL-01 CLEAR VISION GLAZING (Min. 50% VLT)
 - SP-01 SPANDREL GLAZING WITH SHADOW BOX DETAIL
 - LV-01 LIGHT BRONZE METAL HORIZONTAL LOUVRES
 - LV-02 DARK BRONZE METAL VERTICAL LOUVRES

Rev	Date	Description	Initial	Checked
B	16/01/24	DTP RFI	BS	JH
B	16/01/24	ISSUED FOR TOWN PLANNING	BS	JH

437 ST KILDA RD

TP09
South Elevation

Status	TOWN PLANNING
Scale	1 : 200 @ A1
Drawn	BZ Checked JH
Project No.	M12 185
Plot Date	30/01/2024 11:11:47 AM

Drawing no. **TP09.002** Revision **B**

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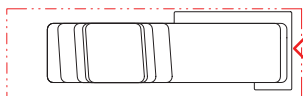
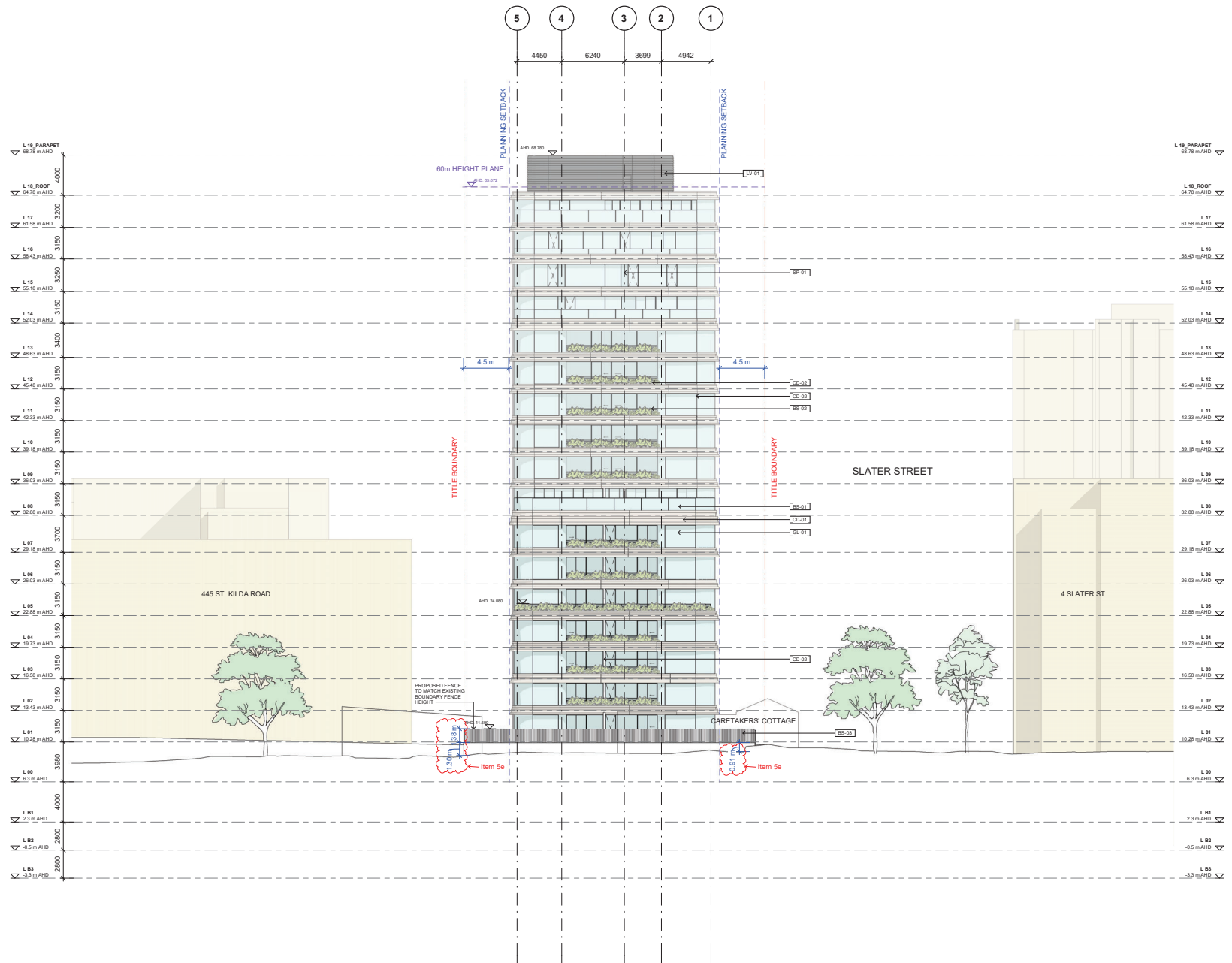
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4/24/24 ST KILDA, BS_ARCH, FOR TRAFFIC
 UPDATED: 16/01/24, M12_185, TP09.002

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- MATERIAL LEGEND**
- BS-01 CLEAR GLASS BALUSTRADE
 - BS-02 DARK BRONZE METAL BALUSTRADE - HORIZONTAL
 - BS-03 DARK BRONZE METAL BALUSTRADE - VERTICAL
 - CD-01 MASONRY CLADDING IN A WARM TONE AND TEXTURED FINISH
 - CD-02 DARK BRONZE METAL CLADDING IN A WARM TONE AND FINE TEXTURED FINISH
 - CD-04 LIGHT NATURAL TIMBER LOOK SOFFIT
 - CD-05 DARK BRONZE METAL WITH VERTICAL EXPRESSION
 - GL-01 CLEAR VISION GLAZING (Min. 50% VLT)
 - SP-01 SPANDREL GLAZING WITH SHADOW BOX DETAIL
 - LV-01 LIGHT BRONZE METAL HORIZONTAL LOUVRES
 - LV-02 DARK BRONZE METAL VERTICAL LOUVRES

Item 3

Rev	Date	Description	Initial	Checked
B	16/01/24	DTP RFI	BS	JH
A	16/01/23	ISSUED FOR TOWN PLANNING	BS	JH

437 ST KILDA RD

TP09
East Elevation

Status	TOWN PLANNING
Scale	1:200 @ A1
Drawn	BZ Checked JH
Project No.	M12185
Plot Date	30/01/2024 11:59:18 AM

Drawing no. **TP09.003** Revision **B**

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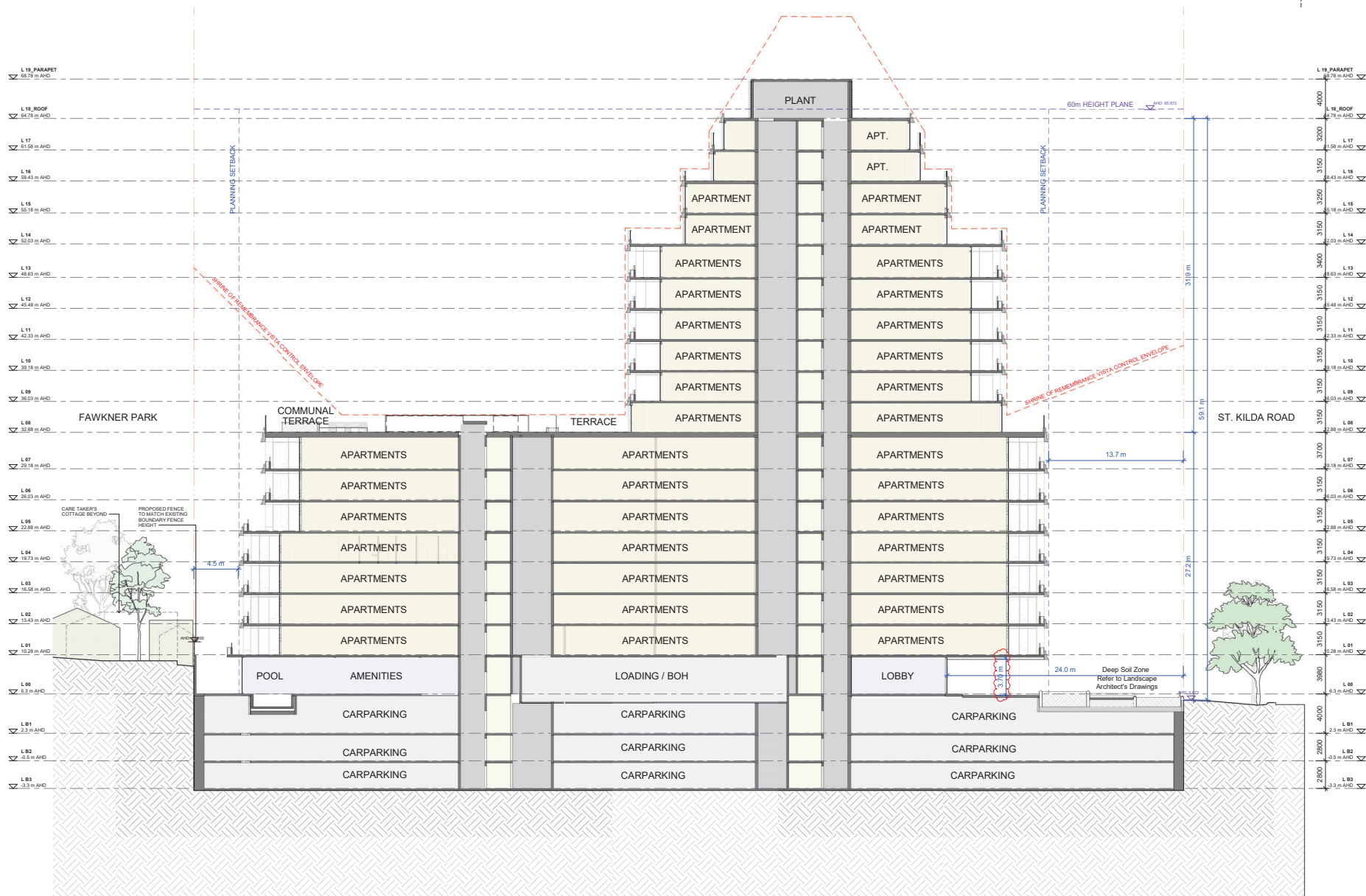
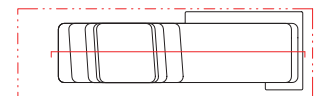
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B	16/01/24	DTP RFI	BS	JH
A	16/01/24	ISSUED FOR TOWN PLANNING	BS	JH

437 ST KILDA RD
TP10
Building Section AA

Status	TOWN PLANNING
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Drawn	BS Checked JH
Project No.	M12185
Plot Date	15/01/2024 11:44:47 AM
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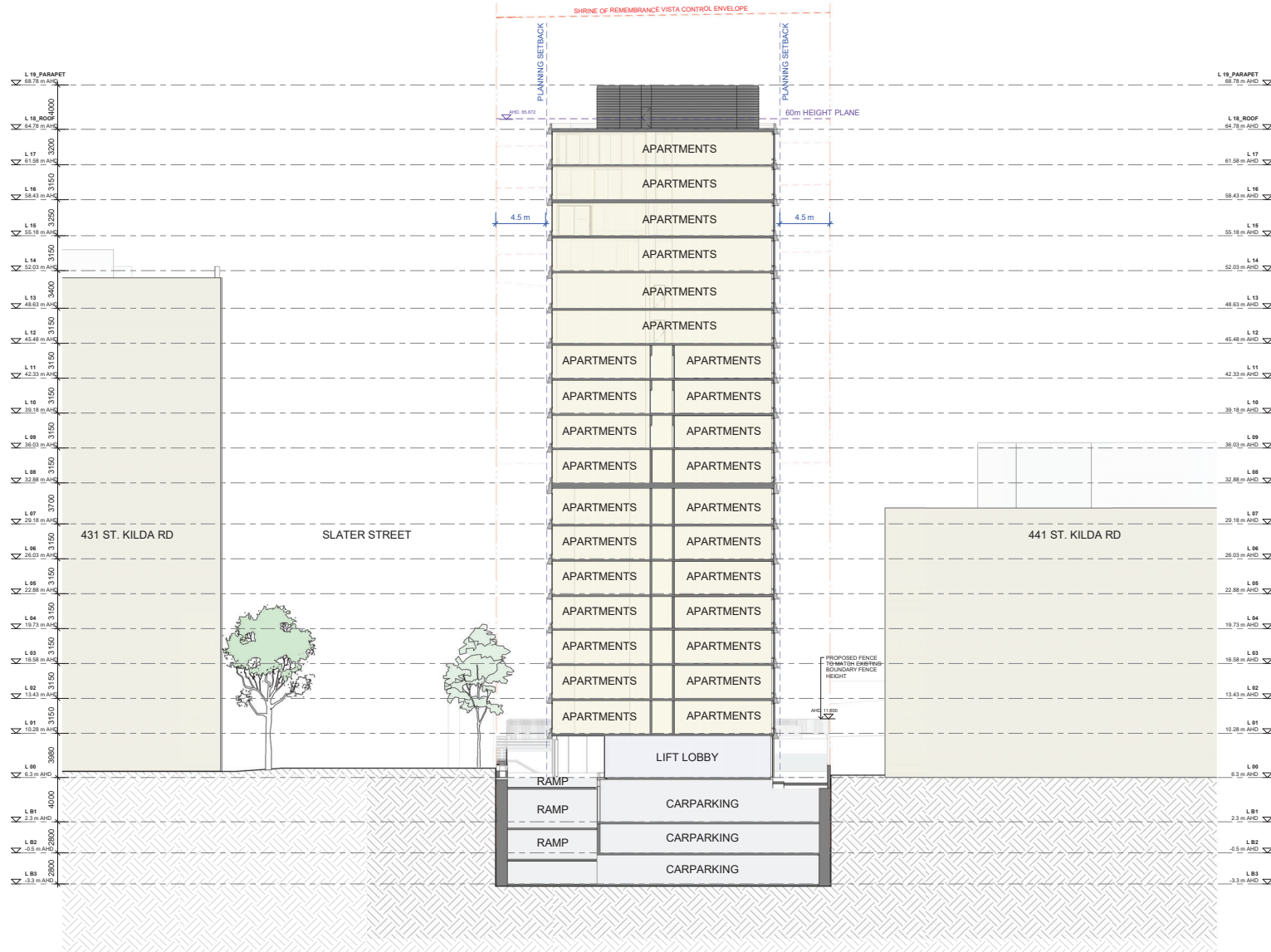
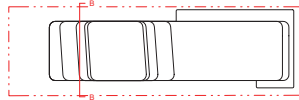
Drawing no. **TP10.000** Revision **B**

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Rev	Date	Description	Initial	Checked
A	16/09/23	ISSUED FOR TOWN PLANNING	BS	JH

437 ST KILDA RD

TP10
Building Section BB

Status	TOWN PLANNING		
Scale	1 : 200	@	A1
Drawn	BS	Checked	JH
Project No.	M12 185		
Plot Date	15/01/2024 11:45:09 AM		
BIM			
Drawing no.	Revision		

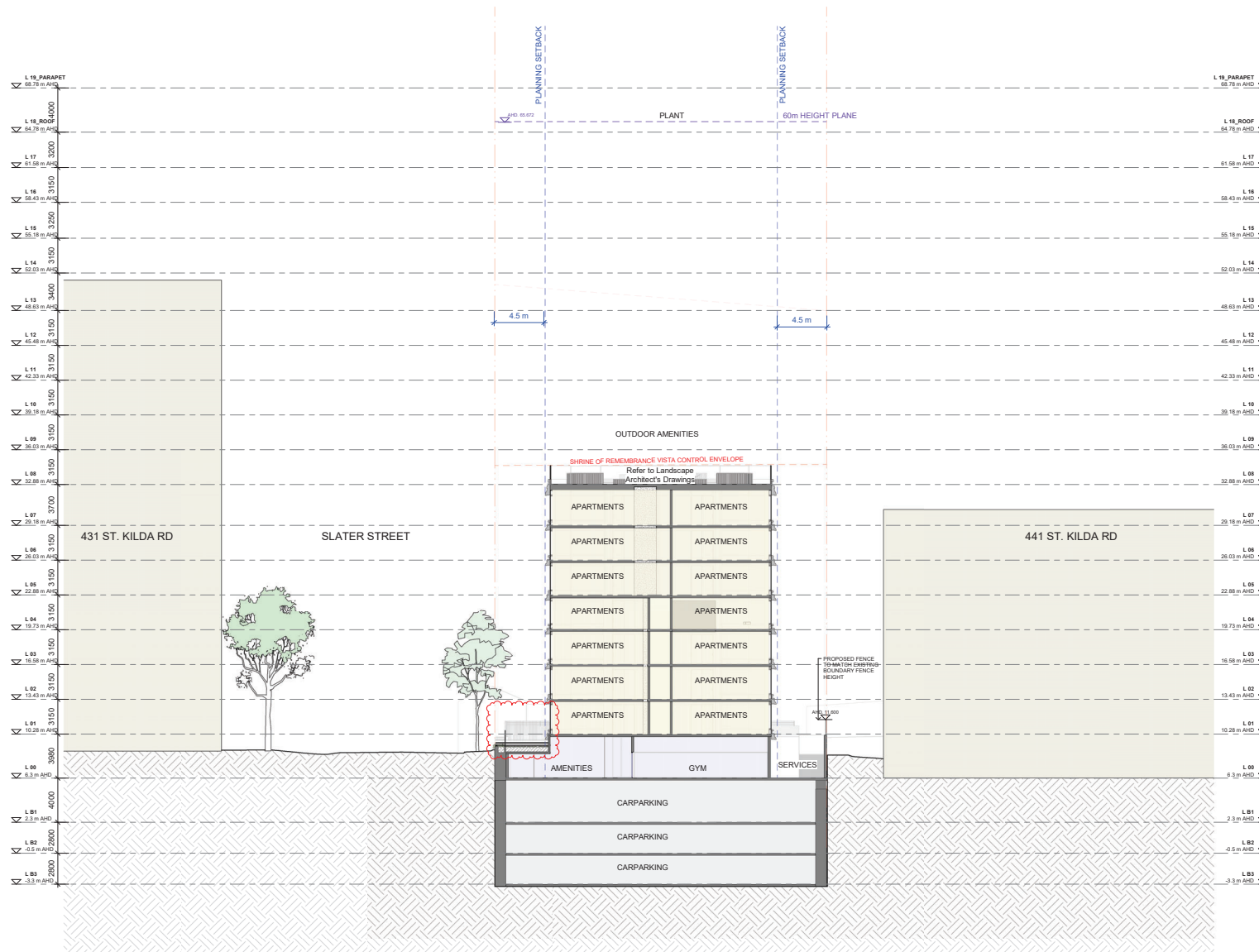
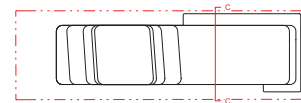
TP10.001 A

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B	16/01/24	DTP RFI	BS	JH
A	16/01/23	ISSUED FOR TOWN PLANNING	BS	JH
Rev	Date	Description	Initial	Checked

437 ST KILDA RD

TP10
Building Section CC

Status	TOWN PLANNING			
Scale	1 : 200	@	A1	
Drawn	BS	Checked	JH	
Project No.	M12 185			
Plot Date	16/01/2024 12:09:11 PM			
BIM				
Drawing no.				Revision

TP10.002 B

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10 AM



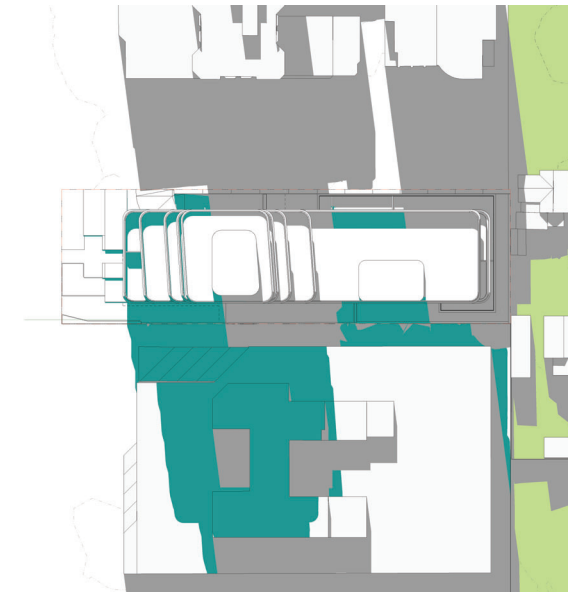
11 AM



12 PM



01 PM



02 PM

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15/06/23 ISSUED FOR TOWN PLANNING			BS	JH
Rev	Date	Description	Initial	Checked

437 ST KILDA RD

TP21
Shadow Diagrams - 21 June 10 AM
- 2 PM

Status	TOWN PLANNING		
Scale	1 : 600	@ A1	
Drawn	BZ	Checked	BS
Project No.	M12 185		
Plot Date	15/01/2024 11:46:37 AM		

Drawing no.	Revision
TP21.000	A

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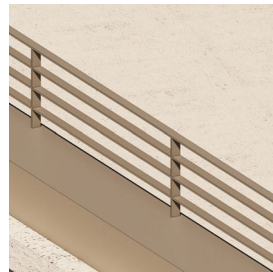
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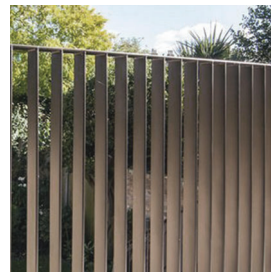
- MATERIAL LEGEND**
- BS-01** CLEAR GLASS BALUSTRADE
 - BS-02** DARK BRONZE METAL BALUSTRADE - HORIZONTAL
 - BS-03** DARK BRONZE METAL BALUSTRADE - VERTICAL
 - CD-01** MASONRY CLADDING IN A WARM TONE AND TEXTURED FINISH
 - CD-02** DARK BRONZE METAL
 - CD-03** MASONRY CLADDING IN A WARM TONE AND FINE TEXTURED FINISH
 - CD-04** LIGHT NATURAL TIMBER LOOK SOFFIT
 - CD-05** DARK BRONZE METAL WITH VERTICAL EXPRESSION
 - GL-01** CLEAR VISION GLAZING (Min. 50% VLT)
 - SP-01** SPANDREL GLAZING WITH SHADOW BOX DETAIL
 - LV-01** LIGHT BRONZE METAL HORIZONTAL LOUVRES
 - LV-02** DARK BRONZE METAL VERTICAL LOUVRES



BS-01
CLEAR GLASS BALUSTRADE



BS-02
DARK BRONZE METAL BALUSTRADE - HORIZONTAL



BS-03
DARK BRONZE METAL BALUSTRADE - VERTICAL



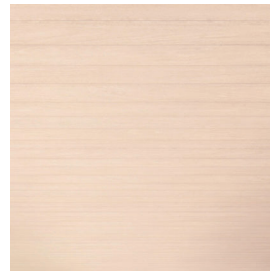
CD-01
MASONRY CLADDING IN A WARM TONE AND TEXTURED FINISH



CD-02
DARK BRONZE METAL



CD-03
MASONRY CLADDING IN A WARM TONE AND FINE TEXTURED FINISH



CD-04
LIGHT NATURAL TIMBER LOOK SOFFIT



CD-05
DARK BRONZE METAL WITH VERTICAL EXPRESSION



GL-01
CLEAR VISION GLAZING (Min. 50% VLT)



SP-01
SPANDREL GLAZING WITH SHADOW BOX DETAIL



LV-01
LIGHT BRONZE METAL LOUVRES



LV-02
DARK BRONZE METAL VERTICAL LOUVRES

Rev	Date	Description	Initial	Checked
B	16/01/24	DTP RFI	BS	JH
A	16/01/23	ISSUED FOR TOWN PLANNING	BS	JH

437 ST KILDA RD

TP40
Materials Board

Status	TOWN PLANNING		
Scale	As Indicated	@ A1	
Drawn	BS	Checked	JH
Project No.	M12185		
Plot Date	30/01/2024 11:13:32 AM		

Drawing no.	Revision
TP40.000	B

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Bates Smart Architects Pty Ltd ABN 68 094 740 986

BATESSMART

PLANNING REPORT

MINISTERIAL REFERRAL

Application number:	TPM-2023-14
DTP Application number:	PA2302457
Applicant:	Urban Planning Collective
Owner:	Boulevard Properties Pty Ltd
Architect:	Bates Smart
Address:	435-437 St Kilda Road, MELBOURNE VIC 3004
Proposal:	Use and development of the land for multi-dwelling development
Cost of works:	\$75 million
Date received by City of Melbourne:	7 September 2023
Responsible officer:	Nathaniel Man, Manager Statutory Planning

1. SUBJECT SITE AND SURROUNDS

1.1. The site

This planning permit application (application) relates to the land at 435-437 St Kilda Road, Melbourne (subject site) and is located on the east side of St Kilda Road and the south side of Slater Street. The subject site is formally described as Lot 1 on Plan of Subdivision 523280A. The land is not affected by any covenants or agreements. Two easements are however registered on the title for power lines and power supply purposes.

The site is rectangular in shape with a frontage to St Kilda Road of 30.18 metres and a frontage to Slater Street of 100.58 metres yielding a total area of approximately 3,027 square metres. The site has a 4.4 metre upward slope from St Kilda Road towards Fawkner Park to the east.

The subject site is currently developed with an eight storey office building, setback approximately 17 metres from St Kilda Road. The site also features predominantly hardscaping within the street setback in the form of café seating and towards the rear of the building in form of car parking. The subject site currently has three (3) vehicular accesses, one (1) on southeast corner of the site providing access off St Kilda Road to an existing driveway found to the east of the building and leads to the rear car park and service area; and two (2) along Slater Street, providing access to the basement and rear car park respectively. A total of 100 car parking spaces are currently provided on site. The site is located within the Principal Public Transport Network (PPTN). Additionally, the site is located adjacent to a Transport Zone 2 (TRZ2), being St Kilda Road.

Four (4) street trees are located to the site's St Kilda Road frontage, all those trees are *Ulmus sp.* - Elm (Asset IDs: 1028138 to 1028141); while an avenue of seven (7) *Jacaranda mimosifolia* – Jacaranda are found along the site's Slater Street frontage (Asset IDs: 1035988, 1064206 to 1064210, 1580595 and 1808491).

Aerial Photo / Locality Plan

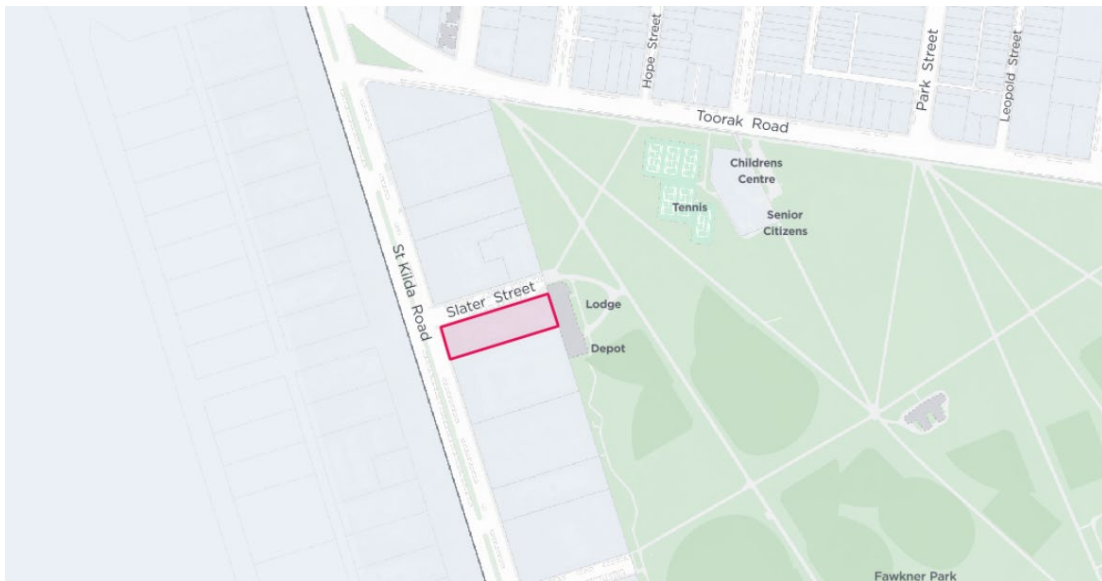


Figure 1- Map of subject site and surrounds

Source: ComPass



Figure 2- Aerial of subject site and surrounds.

Source: NearMap Captured: 10 November 2023

1.2. Surrounds

St Kilda Road comprises a mix of residential, retail, office and other commercial uses within medium to high-rise buildings; as well as low-scale form including parks, recreational facilities and sporting grounds. The built form response is diverse and features a mix of materials, such as masonry cladding with textured or rendered finish, metal cladding and face bricks. A consistent feature along St Kilda Road is the

deep building setbacks from the front property boundary which includes ground level landscaping and tree planting.

The subject site is well serviced by public transport, with tram services on St Kilda Road. It is also worth noting that the Metro Tunnel (Anzac Station) is located approximately 800 metres northwest of the subject site and is estimated to open in 2025.

Fawkner Park is located to the east of the subject site. The entire park is protected under Heritage Overlay HO1233 and is listed on the Victorian Heritage Register.



Figure 3 - 3D map of built form along St Kilda Road, between Toorak Road and Commercial Road. The proposed building is highlighted with a red dash line.

Source: Development Activity Model, City of Melbourne

The surrounds of the subject land are outlined below:

- North - Slater Street road reserve is 20 metres in width and also acts as a pedestrian access to Fawkner Park. Fawkner Towers and Park Lane Apartments are located on the northern side of Slater Street. Fawkner Tower is a 14 storey mixed use building comprising of residential, retail and office and setback 13 metres from St Kilda Road. Park Lane Apartments is located to the east of Fawkner Tower, accessed from Slater Street.
- South - A six storey building consists of offices and retail premises. This building setbacks approximately 5 metres from the common boundary with the subject site.
- East - Fawkner Park and the Gardener's Cottage which is a 'Significant' building listed on the Victorian Heritage Register.
- West – St Kilda Road is a wide arterial road designed as a tree-lined boulevard, generally running on a north-south axis. It is over 40 metre in width and features multiple vehicle lanes running both directions, a central tram line, two median strips and dedicated bicycle lane and parallel parking.

2. THE PROPOSAL

2.1 Proposal Summary

The plans referred to the City of Melbourne for comment were received on 7 February 2024.

The proposal includes the following:

- Demolition / removal of all built form on the subject site including the existing eight storey building, the single level basement and associated hard surface landscaping.
- Construction of an 18 storey residential apartment building with three levels of basements. Specific details are as follows:
 - Basement level 1, one motorcycle space, 49 resident and four visitor car spaces.
 - Basement level 2, one motorcycle space and 65 resident car spaces.
 - Basement level 3, one motorcycle space and 70 resident car spaces.
 - Ground Level: entry lobby off St Kilda Road, concierge, resident lounge, resident communal amenities, building maintenance store, mail room and lift cores; widening and slight relocation of a double-width crossover for vehicle access / egress off Slater Street. The St Kilda Road crossover is retained primarily for access to services located along the southern boundary.
 - Levels 1 to 18, a mix of two and three bedrooms dwellings (a total of 77).
 - A total of 453 m² of outdoor amenities is located on Level 8.
 - Roof Level: plant, services and overrun behind an approximate 4 metre light bronze metal horizontal louvres.

Table 1: Proposal Summary	
Gross Floor Area (GFA)	28,776 m ² total GFA (including basement levels)
Floor Area Ratio	5.57 : 1
Building Height	18 storeys / 59.1 metres
Street Wall Heights	7 storeys / 28.2 metres
Building Setbacks	<p>St Kilda Road (West)</p> <ul style="list-style-type: none"> • Setback to St Kilda Road – minimum 13.7 metres, 16.7 metres at ground level <p>Slater Street (North)</p> <ul style="list-style-type: none"> • Setback to Slater Road – minimum 4.5 metres including building features <p>South</p> <ul style="list-style-type: none"> • Setback to south boundary – minimum 4.5 metres including building features <p>Fawkner Park (East)</p> <ul style="list-style-type: none"> • Setback to Fawkner Park: <ul style="list-style-type: none"> ○ 4.95 metres (up to level 4),

	<ul style="list-style-type: none"> ○ 7.1 metres (levels 5 to 8), ○ 45.16 to 53.36 metres (levels 9 to 17)
Dwellings	<p>A total of 77 dwellings are proposed comprising:</p> <ul style="list-style-type: none"> • Two-bedroom: 16 dwellings • Three-bedroom: 61 dwellings
Communal Areas	<p>Indoor communal amenities: 711 m² (Ground level) Communal Open Space: 453 m² (Level 8) Total communal areas: 1,164 m²</p>
Deep Soil Planting	<p>Total deep soil planting: 529 square metres (17.47% of the site area)</p> <ul style="list-style-type: none"> • 474 m² on ground level (largely within the St Kilda Road setback) • 55 m² on Level 8 Communal Open Space
Landscaping	<p>Provided in the form of garden beds and planters, deep soil zones and canopy creepers</p> <p>Total canopy cover – 492 m²</p> <p>Canopy cover required under Standard D10 – 455.4 m²</p> <p>Total planting across site – 15 percent</p> <p>43 trees proposed (23 x Type 'B' – 10 metre height at maturity and spread with minimum 28 m³ of soil)</p>
Waste	Residential waste, recyclables and hard waste – Council Collection
Materials	Masonry, concrete, metal and glazing
Car parking	188 (184 for residents, 4 for visitors) across 3 levels of basements
Bicycle parking	92 (84 for residents, 8 for visitors)
Vehicle access / egress & Loading / unloading	<p>Resident and visitor vehicles generally ingress and egress via the crossover on Slater Street.</p> <p>St Kilda Road crossover is retained to provide access to building services and loading area via the southern accessway, and for taxi and rideshare for access to porte cochere area forward of the building's ground floor lobby.</p>



Figure 4 - Render of proposal as viewed from the intersection of St Kilda Road and Slater Street.
Source: Permit applicant

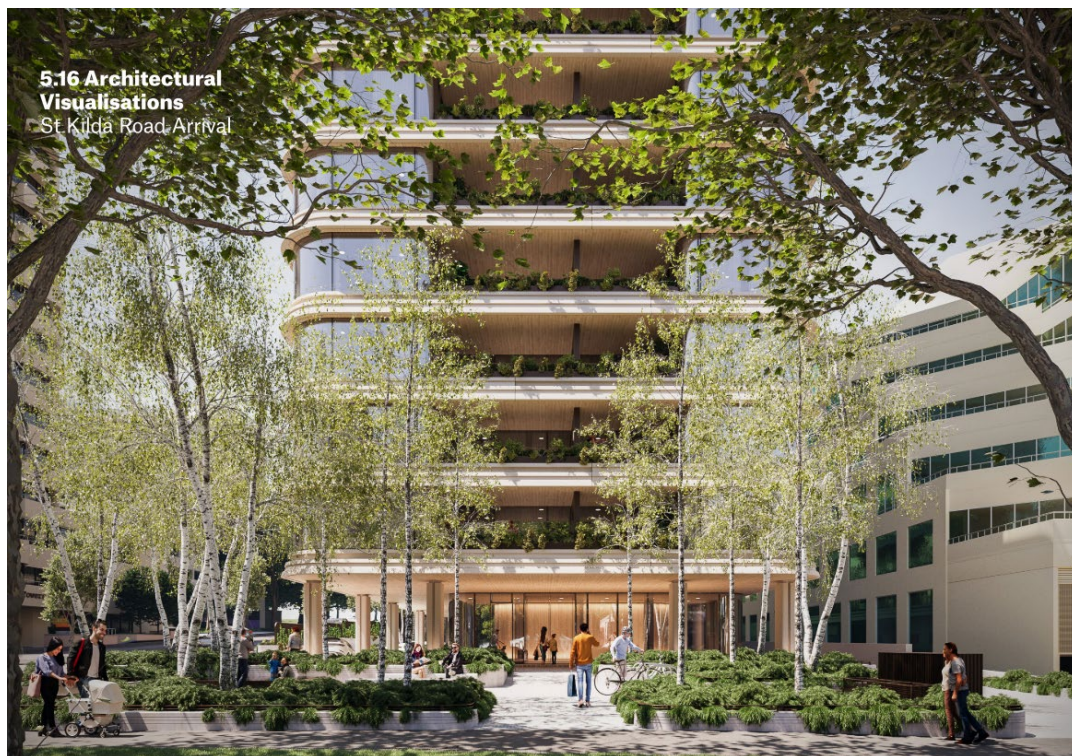


Figure 5 - Render of proposal as viewed from St Kilda Road directly outside the subject site.
Source: Permit applicant



Figure 6 - Render of the proposed development when viewed from Fawkner Park.

Source: Permit Applicant

2.2 Documents considered in assessment

The documents which have been considered in this assessment are identified in Table 2 below:

Table 2: Documents Considered in Assessment		
Document	Author	Date
Town Planning Report	UPCo	30 January 2024
Clause 58 Assessment	Bates Smart	February 2024
Urban Context and Site Analysis	Bates Smart	February 2024
Architectural Plans and Renders	Bates Smart	16 January 2024
Winter Solstice Shadows	Bates Smart	16 January 2024
Landscape Concept	Barber Landscape Architecture	January 2024
Traffic Impact Assessment	Traffix Group	January 2024
Waste Management Plan	Traffix Group	2 February 2024
Pedestrian Wind Study	MEL Consultants	July 2023
Sustainability Management Plan	Integrated Group Services	2 February 2024

2. BACKGROUND

2.1. Pre-application discussions

On 5 July 2023, there was a joint pre-application meeting held between the City of Melbourne and the Department of Transport and Planning (DTP).

The key issues raised by City of Melbourne Officers at the pre-application meeting were:

- Balconies, pool, spa and plant area encroaching into the 4.5 metre side setback area required under DDO19 – Area 42 should be removed.
- Vehicular access points and separate access to basement car park and loading bay should be consolidated to improve landscaping opportunities within to St Kilda Road setback.
- The provision of a vehicle drop off and pick up area (a porte cochere) accessed off St Kilda Road, forward of the dwelling, is not supported as it compromises on safety within the frontage by introducing unnecessary conflicts between pedestrians and vehicles.
- Colonnade should be double height to allow for better solar access and perception of openness from St Kilda Road.

3. STRATEGIC FRAMEWORK AND STATUTORY CONTROLS

3.1. Policy Framework

The following provisions of the Melbourne Planning Scheme apply:

Table 3: Strategic Framework	
Section	Policy
Municipal Planning Strategy	<ul style="list-style-type: none"> • Clause 2.02: Vision • Clause 2.03: Strategic Directions • Clause 2.04: Strategic Framework Plans
Planning Policy Framework	<ul style="list-style-type: none"> • Clause 11: Settlement <ul style="list-style-type: none"> ○ Clause 11.02: Managing Growth ○ Clause 11.03: Planning for Places ○ Clause 11.03-6L-14: St Kilda Road and South Yarra • Clause 13: Environmental Risks and Amenity <ul style="list-style-type: none"> ○ Clause 13.03: Floodplains ○ Clause 13.05: Noise ○ Clause 13.06: Air Quality ○ Clause 13.07: Amenity, Human Health and Safety ○ Clause 13.07-1S – Land Use Compatibility ○ Clause 13.07-1L-03 – Land Use Compatibility • Clause 15: Built Environment and Heritage <ul style="list-style-type: none"> ○ Clause 15.01: Built Environment ○ Clause 15.01-1S – Urban Design ○ Clause 15.01-1R – Urban Design – Metropolitan Melbourne ○ Clause 15.01-1L-03: Sunlight to Public Spaces ○ Clause 15.01-1L-04 – Urban Design ○ Clause 15.01-1L-05: Urban design outside the Capital City Zone ○ Clause 15.01-2S – Building Design ○ Clause 15.01-2L-01: Energy and resource efficiency ○ Clause 15.01-5S – Neighbourhood Character ○ Clause 15.02 Sustainable Development

	<ul style="list-style-type: none"> • Clause 16: Housing <ul style="list-style-type: none"> ○ Clause 16.01: Residential Development • Clause 17: Economic Development <ul style="list-style-type: none"> ○ Clause 17.01: Employment ○ Clause 17.02: Commercial ○ Clause 17.03: Industry • Clause 18: Transport <ul style="list-style-type: none"> ○ Clause 18.01: Land Use and Transport ○ Clause 18.02: Movement Networks • Clause 19: Infrastructure <ul style="list-style-type: none"> ○ Clause 19.02: Community Infrastructure ○ Clause 19.03: Development Infrastructure ○ Clause 19.03-3L: Stormwater management (Water sensitive urban design)
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3.2. Zone and Overlays

3.2.1. Commercial Zone, Schedule 1

The subject sites are located within the Commercial Zone, Schedule 1 (C1Z). The purpose of the C1Z is:

"To implement the Municipal Planning Strategy and the Planning Policy Framework.

To create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses.

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

3.2.2. Design and Development Overlay, Schedule 17

The subject site is affected by Schedule 17 to the Design and Development Overlay, which was put in place to ensure the Shrine of Remembrance and its outline as viewed from Swanston Street outside the State Library is not fully or partially obstructed by any building or works.

3.2.3. Design and Development Overlay, Schedule 19

Schedule 19 to the Design and Development Overlay sets a built form expectation in the St Kilda Road Area. The site is located in Area 42.

The design objectives include:

- *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.
- To ensure that development preserves the vista of the Shrine of Remembrance.

3.3. Statutory Controls

Table 4 summarises the planning controls and requirements of the Melbourne Planning Scheme applying to the subject site and proposed development:

Table 4: Planning Controls	
Clause	Permit Triggers
<p>Clause 34.01 Commercial 1 Zone</p>	<p><u>Use</u> Pursuant to Clause 34.01-1, a permit is required to use the land for the purpose of dwellings (Accommodation) as the ground floor level frontage exceeds 2 metres.</p> <p><u>Development</u> Pursuant to Clause 34.01-4, a permit is required to construct a building or construct or carry out works.</p>
<p>Clause 43.02 Design and Development Overlay 17 & 19 - Area 42</p>	<p>Pursuant to Clause 43.02-2, a permit is required to construct a building or construct or carry out works.</p> <p>In relation to DDO17 (Shrine Vista), the Department has confirmed that the application has been referred to the Shrine of Remembrance Trustees and they have no objection to the proposal.</p> <p>For DDO19 – Area 42, the mandatory building height is 60 metres. The only elements protruding over 60 metres is limited to roof plant, which is a permitted exceedance.</p>

Table 5: Particular Provisions																					
Clause	Permit Triggers																				
<p>Clause 52.06 Car Parking</p>	<p>No permit required</p> <p>It is noted that the subject site is located within the PPTN area, hence, provision of visitor car parking space is not required.</p> <table border="1"> <thead> <tr> <th colspan="4">Table 6: Car Parking Requirement</th> </tr> <tr> <th>Use</th> <th>Rate</th> <th>Measure</th> <th>Required</th> </tr> </thead> <tbody> <tr> <td>Dwellings</td> <td>1</td> <td>To each 1 or 2 bedroom dwelling</td> <td>16</td> </tr> <tr> <td>Dwellings</td> <td>2</td> <td>To each 3 or more bedroom dwelling</td> <td>122</td> </tr> <tr> <td>Statutory:</td> <td colspan="3">138</td> </tr> </tbody> </table>	Table 6: Car Parking Requirement				Use	Rate	Measure	Required	Dwellings	1	To each 1 or 2 bedroom dwelling	16	Dwellings	2	To each 3 or more bedroom dwelling	122	Statutory:	138		
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	<p>Proposed: 188 (184 for residents, 4 for visitors)</p> <p>The provision of car parking therefore exceeds the statutory requirement, a planning permit is not required.</p>																						
<p>Clause 52.29 Land Adjacent to a Principal Road Network</p>	<p>Pursuant to Clause 52.29-2, a permit is required to create or alter access to a road in a Principal Road Network.</p> <p>Referral to Head, Transport for Victoria is the responsibility of the Minister for Planning.</p> <p>Pursuant to Clause 52.29-2, a permit is required to create or alter access adjacent to a road in a Transport Zone 2 and to create access to a road in a Transport Zone 2.</p> <p>There is no physical alteration, new creation of access nor intensification of access to an existing access is proposed to St Kilda Road as a part of this application.</p> <p>Therefore, this clause does not apply to this proposal.</p>																						
<p>Clause 52.34 Bicycle Facilities</p>	<p>No permit required</p> <table border="1" data-bbox="593 819 1353 1167"> <thead> <tr> <th colspan="4">Table 7: Bicycle Parking Requirement</th> </tr> <tr> <th rowspan="2">Use</th> <th colspan="2">Requirement</th> <th rowspan="2">Required</th> </tr> <tr> <th>Residents</th> <th>Visitors</th> </tr> </thead> <tbody> <tr> <td>Dwellings</td> <td>1 to each 5 dwellings</td> <td>1 to each 10 dwellings</td> <td>15 residents 7 visitors</td> </tr> <tr> <td>Statutory:</td> <td colspan="3">22</td> </tr> <tr> <td>Proposed:</td> <td colspan="3">92 (84 for residents, 8 for visitors)</td> </tr> </tbody> </table> <p>The provision of bicycle facilities exceeds the statutory requirements, a planning permit is not required.</p>	Table 7: Bicycle Parking Requirement				Use	Requirement		Required	Residents	Visitors	Dwellings	1 to each 5 dwellings	1 to each 10 dwellings	15 residents 7 visitors	Statutory:	22			Proposed:	92 (84 for residents, 8 for visitors)		
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Proposed:	92 (84 for residents, 8 for visitors)																						
<p>Clause 53.18 Stormwater Management in Urban Development</p>	<p>Under Clause 53.18-3, an application to construct a building or construct or carry out works:</p> <ul style="list-style-type: none"> • Must meet all of the objectives of Clause 53.18-5 and 53.18-6. • Should meet all of the standards of Clause 53.18-5 and 53.18-6. <p>Conditions recommended by the City of Melbourne's City Infrastructure, and Environmentally Sustainable Design officers (including the requirement for a Construction Management Plan) will appropriately manage stormwater runoff from the development in a manner that meets the requirements of this clause.</p>																						
<p>Clause 58 Apartment Developments</p>	<p>Pursuant to Clause 58, provisions in this clause apply to an application to construct or extend an apartment development, or to construct or extend a dwelling in or forming part of an apartment development in the Commercial 1 Zone.</p>																						

4. GENERAL PROVISIONS

Table 8 summarises the general provisions of the Melbourne Planning Scheme applying to the subject site and proposed development.

Table 8: General Provisions	
<p>Clause 65</p> <p>Approval of an application or plan</p>	<p>The Responsible Authority must decide whether the proposal will produce acceptable outcomes in terms of the decision guidelines of this Clause, which include the matters set out in Section 60 of the <i>Planning and Environment Act 1987</i>.</p>
<p>Clause 66.02-11</p> <p>Use and Development Referrals (Land use and transport integration)</p>	<p>Pursuant to Clause 66.02-11 (Integrated Public Transport Planning), an application to subdivide land, to construct a building or to construct or carry out works for a residential development comprising 60 or more dwellings or lots must be referred to Head, Transport for Victoria as a determining referral authority.</p> <p>Referral to Head, Transport for Victoria is the responsibility of the Minister for Planning.</p>
<p>Clause 66.03</p> <p>Referral of Permit Applications Under Other State Standard Provisions</p>	<p>Pursuant to Clause 66.03, an application to create or alter access to, Roads Corporation or to subdivide land adjacent to, a road declared as a freeway or an arterial road Clause 52.29 under the <i>Road Management Act 2004</i>, land owned by the Roads Corporation for the purpose of a road, or land in a PAO if the Roads Corporation is the acquiring authority for the land, subject to exemptions specified in the clause must be referred to Roads Corporation (Head, Transport of Victoria) as a determining referral authority.</p> <p>Referral to Head, Transport for Victoria is the responsibility of the Minister for Planning.</p>
<p>Clause 72.01</p> <p>Responsible Authority for this Planning Scheme</p>	<p>The Minister for Planning is the responsible authority for this application as the gross floor area (GFA) of the development exceeds 25,000 square metres.</p> <p>The Minister for Planning has formally notified the Melbourne City Council as an interested party, seeking Council's recommendation on the application, including recommended permit conditions.</p>

5. STRATEGIC DOCUMENTS AND AMENDMENTS

5.1. Amendment C415melb – Sunlight to Public Open Spaces

Planning Scheme Amendment C415melb Sunlight to Public Open Spaces (formerly C278) is a 'seriously entertained' planning scheme amendment, relevant to the proposed development.

Amendment C415melb introduces new planning scheme controls into the Scheme to protect winter sunlight access to public parks. Specifically, this amendment proposes to introduce [Design and Development Overlay – Schedule 8 \(DDO8\)](#) to the subject site.

Fawkner Park, located to the east of the site is a 'Park Type 3' for the purpose of applying the proposed building controls under DDO8 to the Site.

Pursuant to the proposed DDO8, a permit cannot be granted for buildings and works which would cast additional shadow onto the park between 10am and 2pm on June 21.

The submitted shadow diagrams indicate the proposal will not result in any additional shadow onto Fawkner Park between 10am and 2pm on June 21.

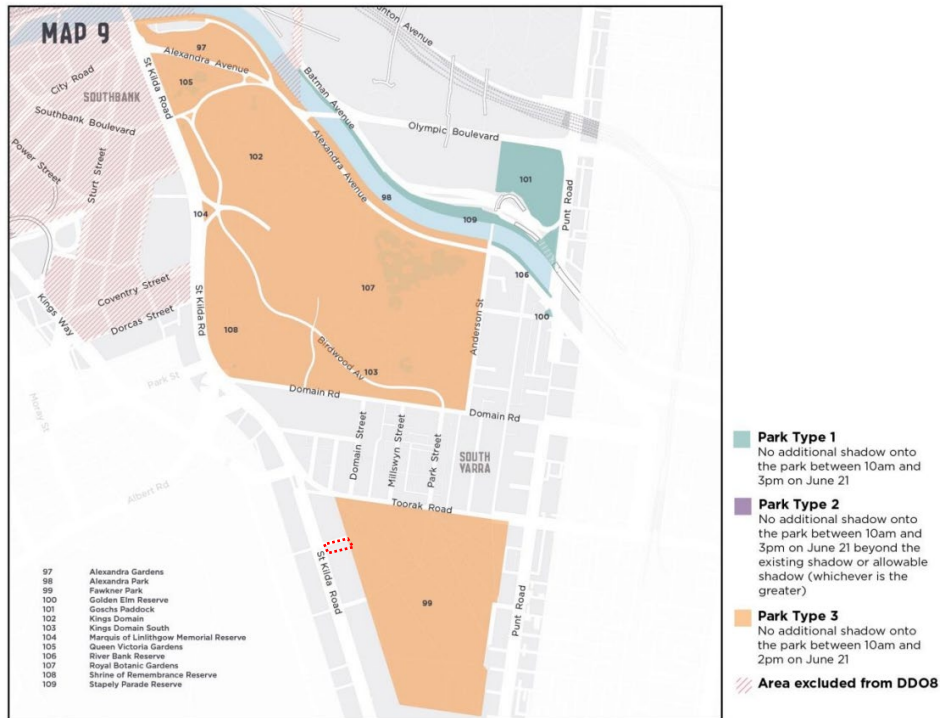


Figure 7 – Relevant park type map in the exhibited version of the proposed DDO8.

Source: City of Melbourne

5.2. Amendment VC242

Amendment VC242 was gazetted on 20 September 2023 introducing, amongst other changes, a new provision at Clause 53.22 (Significant Residential Development with Affordable Housing). This is a voluntary pathway that an Applicant can elect to utilise.

The following transitional provision is included at Clause 53.23-7:

Clause 53.23 does not apply to:

- *An application for a permit lodged before the approval date of Amendment VC242.*
- *An application for an amendment of a permit under section 72 of the Act if the original permit application was lodged before the approval date of Amendment VC242.*

The application was originally lodged on 31 August 2023, prior to the approval date of Amendment VC242 (20 September 2023). Therefore, due to the transitional provision underlined above, the application is not affected by VC242 and Clause 53.23.

It is also noted that the application would not have been an eligible project under the criteria set out at Clause 53.23-1 as while it involves accommodation with an estimated cost of development exceeding \$50 million, the proposal does not include any affordable housing.

5.3. Amendment VC250 (Residential Reticulated Gas Service Connection)

Amendment VC250 was gazetted on 1 January 2024 and updated Clauses 15.01-2S and Clause 15.01-3S by providing consistent state level policy with the prohibition of new gas connections, amending Clause 52.20, Clause 53.20, Clause 55.02, Clause 56.09 and Clause 58.02 to remove the optional requirement for a gas connection, amending Clause 65.02 to ensure the provision of gas is not assessed when it is prohibited and introducing Clause 53.03 - Residential Reticulated Gas Service Connection with the purpose of prohibiting residential reticulated gas connections to new dwellings, new apartment developments and new residential subdivisions.

The following transitional provision is included at Clause 53.03-5 which states:

The requirements of this clause introduced by Amendment VC250 do not apply to:

- An application lodged before the approval date of Amendment VC250.
- *An application for an amendment to a permit under section 72 of the Act with respect to a permit issued in accordance with the above transitional provision.*

As the application was lodged prior to the approval date of Amendment VC250, the application is not affected by VC250 and Clause 53.23.

6. PUBLIC NOTIFICATION

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

DTP has also instructed the notice of application be given to owners and occupiers of the surrounding properties. Any third-party objections will be considered by DTP as part of the decision-making process.

7. CITY OF MELBOURNE INTERNAL REFERRALS

The below table summarises the internal advice received from the relevant City of Melbourne internal departments, and the planning department's response to them. Subject to the recommended conditions being included on any permit being granted giving force and effect to the advice, the proposal complies with the requirements of the Planning Scheme.

Table 9: Internal Referral Response	
Comment	Planning officer's response
City Design	
The City Design department does not object to the proposal and makes the following comments:	As discussed in further detail in Section 8.1.2 and 8.2 of this report:

<ul style="list-style-type: none"> • Opportunity for higher quality finishes to service cupboards that is more responsive to the material palettes of the built form and landscape architecture. • Some apartments exceed the room depth standard under BADS. • Porte Cochere and St Kilda Road cross over are less than desirable. • Porte Cochere and colonnades proposed facing St Kilda Road limiting views and daylight through to the foyer area and reduces the legibility between the public and private realm. • Concern on the introduction of unsafe junction points between vehicular driveways and pedestrian footpath. 	<ul style="list-style-type: none"> • By way of condition, it is recommended that further details of higher quality finishes to service cupboard be detailed. • The eight apartments (out of 77) that do not comply with the room depth standard is considered acceptable, given they are orientated to the north, having large internal area, with high floor to ceiling clearance and have width and floor to ceiling glazing. • The retention of the St Kilda Road crossover is considered acceptable solely for access to building services located on the southern elevation of the proposed building. • Recommendation to DTP that porte cochere area is to be deleted via conditions, creating an opportunity to extend the lobby towards St Kilda Road for improved internal amenity.
Transport Engineering	
<p>The Transport Engineering department does not object to the proposal and makes the following recommendations to the initial application:</p> <ul style="list-style-type: none"> • Encourages the provision of a minimum of 3 motorcycle spaces for residents. 	<p>In response, the applicant has included the provision of three motorcycle spaces within the development as part of the response to the Department's request for further information.</p>
City Infrastructure	
<p>Recommended that a number of standard permit conditions be included on any permit being granted to protect City of Melbourne's road-based assets and integrate the development with the stormwater drainage system.</p>	<p>The crossover on Slater Street is 6.4 metres in width, therefore the provision of a pedestrian refuge island is not required.</p> <p>Conditions 35 to 37 in relation to stormwater drainage will be included in the recommendation.</p>

<p>The City Infrastructure department does not object to the proposal and makes the following recommendations:</p> <ul style="list-style-type: none"> • Any vehicle crossing wider than 7.6 metres should include the provision of a minimum of 2 metre long pedestrian refuge islands at 7.6 metres spacing. • The drainage of planters shall be managed within the property boundary. 	
Waste and Recycling	
<p>The Waste and Recycling department reviewed the Waste Management Plan prepared by Leigh Design dated 2 February 2024 and provided the following comment to be addressed:</p> <ul style="list-style-type: none"> • Council to be nominated as the service provider of hard waste collection, and will be entitled to a monthly collection of up to 4m³. • WMP to be updated to reflect number of recycling bins required prior to Council providing dedicated glass collection. • Wash facilities to be shown on architectural plan as per WMP. • Recycling bins in the east core waste storage room to be shown as 660 L bins. • Waste calculation to include generations from communal kitchen and dining area. 	<p>All comments are adopted.</p> <p>These items are to be addressed by conditions 1, 11 to 14 which will be included in the recommendations.</p>
Land Survey	
<p>The Land Survey department provided the following comments to be addressed (summarised):</p> <ul style="list-style-type: none"> • Easements E-1 and E-2 must be removed prior to commencement of works on site. • Consolidation of land prior to commencement of works. 	<p>These comments are to be addressed by conditions 8, 9 and 10 in Council's recommendations.</p> <p>No car space will be required to be deleted to provide access to service cupboards. Access width to service areas is dimensioned and is greater than 1 metre in width.</p>

<ul style="list-style-type: none"> All access leading to a service cupboard abutting a car parking space must be dimensioned, or the car space must be deleted if service cupboard access relies on access over an abutting car parking space. 	
<p>Environmentally Sustainable Design (ESD) and Landscape</p>	
<p>Council's ESD and Green Infrastructure officers have provided the following comments to the initial application:</p> <ul style="list-style-type: none"> Evidence that demonstrate the project has been registered to seek a minimum 5 Star Green Star Building V1 rating. Minimum 50% Visual Light Transmittance for all glazing. Provide pre-screening checklist and evidence that risk has been communicated with applicant. A response to urban heat island impacts is met by at least 75% of the site. Evidence that the development can achieve a 20% improvement compared to a reference building for up front carbon emissions. Provide preliminary modelling that demonstrates all non-residential spaces can achieve a 20% improvement compared to a reference building. Provide a draft Zero Carbon Action Plan that details how the development will address energy consumption, procurement and generation. Provide water efficiency modelling that demonstrates the development can achieve a 15% improvement compared to a reference building. Provide a preliminary Sustainable Transport Plan including Movement and Place calculator to demonstrate a credit achievement standard is met. 	<p>The Sustainability Management Plan (SMP) and Landscape Management Plan (LMP) have since been updated in response to ESD and Green Infrastructure officers' comments.</p> <p>All initial comments have been satisfactorily responded to. Furthermore, the permit applicant has also voluntarily completed the Green Factor Scorecard and showing Green Factor Target being exceeded on urban temperature regulation, habitat for biodiversity and surface runoff.</p> <p>Commitment has been made to develop a Zero Carbon Action Plan, this will be included as a requirement under Condition 15.</p> <p>Council's ESD and Green Infrastructure officers do not wish to comment further on the updated SMP and LMP.</p> <p>Standard conditions (Conditions 15 to 19) are included in the recommendations to ensure all commitments on the SMP and LMP are adhered to at all times.</p>

<ul style="list-style-type: none"> - Provide a response to the Biodiversity Enhancement credit demonstrating the development can achieve greening to 30% of site area using the Green Factor tool as evidence. - Provide MUSIC modelling that meets credit achievement standards for waterway protection. 	
Urban Forestry and Ecology	
<p>The Urban Forestry and Ecology department provided the following comments to be addressed:</p> <ul style="list-style-type: none"> • Public tree removal and replacement is subject to its own processes. • The inclusion of standard permit conditions relating to the identification of impacts on existing street trees during the construction phase. 	<p>The proposal may result in impact to the western most street tree on Slater Street due to the relocation of the crossover.</p> <p>Conditions 23 to 30 are included in the recommendations to ensure the street tree is either protected or a street tree plot be provided to the satisfaction of Council.</p>

8. ASSESSMENT

It is considered that the proposal is generally well resolved against relevant planning policies and controls, the key issues in the consideration of this application are:

- Built form response
- Apartment amenities – Clause 58 (residential apartments)
- Wind impact

8.1. Built form response

The proposal response to the specific built form guidance for the development of the land contained within the following policies and controls:

- The Planning Policy Framework
- Commercial 1 Zone
- Design and Development Overlay, Schedule 19

8.1.1 Commercial 1 Zone and Planning Policy Framework

The proposal has strategic support for the following reasons:

- The strategic directions at Clause 02.03-1 seeks to ensure St Kilda Road remains a premier boulevard containing high density residential development, as well as supporting high rise residential development on St Kilda Road within its context as a premier office and residential boulevard.

- The proposal will incorporate high-quality architecture, design, and materials that will respond to and enhance the character of the area and positively contribute to the public realm, in accordance with clauses 11 and 15.
- The strategic direction at Clause 16.01-1S to encourage higher density housing development onsite that are well located in relation to jobs, services and public transport.
- The use of land for residential is consistent with a purpose of the Commercial 1 Zone, which is to provide for residential uses at densities complementary to the role and scale of the commercial centre.

8.1.2 Design and Development Overlay, Schedule 19

The DDO19 sets out requirements relating to urban design outcome sought along St Kilda Road. A suite of design objectives and design requirements determine whether an application achieves the design objectives of the DDO19. The proposal complies with the design objectives as set out below:

Design objective 1

- To encourage site development that will enhance the appearance, dignity and spaciousness of St Kilda Road.

Response

The proposal will follow the existing and preferred development pattern along St Kilda Road. This includes a substantial landscaped setback, consistent side setbacks, use of materials and height variation.

Retention of St Kilda Road crossover and introduction of porte cochere

The proposal includes the retention of the St Kilda Road crossover and provision of a porte cochere area within the St Kilda Road setback. There are concerns that the allocation of the site frontage for vehicle movements will diminish the pedestrian experience and introduce unnecessary vehicle movements within the front setback of the site. The concerns have been consistently communicated with the permit applicant and DTP since the pre-application meeting in July 2023.

In response to the concerns, the traffic island between the ingress and egress lanes to the basement has been extended to discourage residents from accessing the car park via the porte cochere. The permit applicant submits that the retention of the crossover on St Kilda Road is for the purpose of access to services located along the southern elevation of the building and provides the opportunity for taxi and rideshare pick up and drop off directly in front of the residential lobby. Furthermore, the applicant's traffic analysis indicates a low number of vehicular movements to the proposed porte cochere area, and the traffic volume utilising the St Kilda Road crossover will significantly reduce when comparing to the current situation.

The retention of the St Kilda Road crossover is considered acceptable to provide access to the building service area located along the southern elevation of the building. It is also acknowledged that the Head, Transport for Victoria, the managing road authority of St Kilda Road, does not object to the retention of the crossover.

However, the porte cochere area is considered unsuitable for the following reasons:

- The introduction of conflicts between vehicles and pedestrian which would result in unsafe situations within the front setback.

- The provision of a porte cochere to a residential building under a roofed area is not a common feature along St Kilda Road.
- There are sufficient alternate taxi and rideshare drop off and pick up opportunities on both St Kilda Road service road and Slater Street in front of or within close proximity to the Site. Both streets offer a safe and low speed environment, the provision of a drop off and pick up area within the Site is unnecessary.
- The porte cochere will diminish pedestrian experience when approaching the building and result in a lobby area with poor access to daylight as it is setback 6.8 metres from the St Kilda Road façade and 4.8 metres from the Slater Street façade due to overhanging structure above ground level.
- The porte cochere, as submitted by the permit applicant, has low frequency of usage. Internal amenities of the building's lobby area should take priority.
- The removal of the porte cochere area will not compromise pedestrian access nor vehicular access to and from the proposed development. On the contrary, by extending the lobby towards St Kilda Road for daylight access and an easily identifiable building entrance will enhance the experience of residents and their visitors when entering and exiting the building.

Therefore, a condition will be included in the recommendations that the porte cochere area be deleted and the residential lobby be extended.

Design objective 2

- To protect and enhance the appearance of St Kilda Road as a major boulevard.

Response

The appearance of St Kilda Road will be protected and enhanced, through the setback and the development of the front setback area for landscaping. As outlined above the wide, major boulevard setting will be maintained through a proposed 14.6 metre landscaped front setback with a mix of low to medium height mature trees and two dedicated deep soil areas to complement the existing retained street trees. In addition, the landscaped setting will wrap around the majority of the north side of the building to enhance Slater Street.

The proposal also includes the construction of service cupboards within the St Kilda Road setback, however details of these cupboards are not available on neither the architectural nor the landscape package. Therefore, a condition will be included in the recommendation that higher quality finishes to service cupboards be included in the architectural package and façade strategy.

The subject site is located in Area 42 under DDO19, the table below provides a response to the maximum building height, setbacks and plot ratio.

Table 10: Response to Table to Schedule 19			
	Required	Proposed	Complies?
Maximum building height	60 metres	59.1 metres	Yes
St Kilda Road setback	13.7 metres	14.6 metres	Yes
Sideage setbacks	4.5 metres	Mostly 4.5 metres, other than two ground level balconies	No
Plot Ratio	4	5.57:1	No

The areas of non-compliance with Table to Schedule 19 are further explored below:

Sideage setbacks

The area of private terraces on Level 1 extends into the 4.5 metres side setbacks required under DDO19 is provided in excess of that required under Clause 58.05-3. While the reduced setback can be considered acceptable along the southern boundary due its proximity to the building to the south and will only be visible from an oblique view from St Kilda Road; the variation along the Slater Street (north) boundary cannot be supported for the reasons listed below:

- The reduced setback will be highly visible along Slater Street.
- Due to the increase of natural ground level from AHD 5.672 to 9.751 from St Kilda Road towards Fawkner Park along Slater Street, the terrace will obstruct views to the Fawkner Park Gardener's Cottage. Although the cottage faces away from the site, it is noted that the 'Italianate gate house of brick with slate roof' are notable features of the building as per the heritage citation.

Any obstruction to the cottage can result in a negative impact to the attractiveness of Fawkner Park. The building is a significant heritage building which is protected under the Victorian Heritage Register. Given the subject site directly abuts a Heritage Overlay, and a 'Significant ' building, the design must respect the historical significance.

Therefore, it will be a recommendation that the terrace area protruding into the 4.5 metre setback from Slater Street be deleted via a condition on any permit issued.

Plot Ratio

The plot ratio equates to 5.57:1, which is above the preferred 4:1 ratio. The variation is considered appropriate as the proposed development responds to the outcomes specified in this table, along with the design objectives discussed above.

Furthermore, the site is capable of an increased plot ratio being a corner site. In addition, the Shrine vista control and DDO19 requirements have been complied with.

The height, setbacks and landscaping proposed along the St Kilda Road interface is consistent with development along the boulevard; and the high-quality design response will enhance St Kilda Road, which will be secured through a Façade Strategy as a recommendation.

The building has a rooftop plan area above Level 18 of the building, with a screen proposed at 4 metres in height and finished with light bronze metal louvers. While the colour generally fits in with other materials across the building, the height of the screen appears excessive. It is acknowledged that the plant area is setback over 33 metres from St Kilda Road and 9 metres from Slater Street, however, the referral package does not include sufficient information to demonstrate that the screening is integrated with the building and is required to be of the height as proposed. A condition will be included in the recommendations to require the submission of details of roof top plant equipment and the screen be lowered.

Design objective 3

- To encourage urban design improvements so that the physical environment offers variety, interest, safety and convenience to people in the area.

Response

The application delivers an acceptable contribution to the public realm. For example:

- The expression of balconies to the St Kilda Road, Slater Street and Fawkner Park interfaces, which provides transparency, a visual relationship to the park, as well as, passive surveillance and interaction for improved safety.
- The provision of a side access and residents' amenities along Slater Street and balconies along Fawkner Park boundaries will improve the relationship between the private and public realms, as well as provides passive surveillance to the public realm.
- A landscaped response that integrates with all public realm interfaces, being St Kilda Road, Slater Street and Fawkner Park.

The proposal will provide positive impacts to the presentation to a major metropolitan park and pedestrian realm.

Design objective 4

- To encourage retention of those features of the area that enhance its appearance, give it character or provide a sense of identity.

Response

The existing building on-site has not been identified as having any architectural merit. Furthermore, the building sits towards St Kilda Road (albeit with a substantial front setback) with the remainder of the site generally covered by at-grade asphalt and concrete car parking.

Through a proposed well-sited and architecturally treated development, a strong landscape response along with opportunities for passive surveillance, the proposal will enhance the appearance and character of the area.

Design objective 5

- To encourage appropriate landscaped outdoor uses within a garden environment.

Response

As shown on the submitted landscape plan, the proposal respects the garden environment envisaged along St Kilda Road, through the use of soft and hardscapes, low to medium height tree planting in deep soil planting zones.

Under Clause 2.2 of DDO19, it is a requirement that:

- A basement within a setback area provided no part of it projects above ground level. If the site abuts St Kilda Road, any part of the basement within a frontage setback area must be at least 0.8 metres below permanent footpath level. Garden soil must cover the basement to a depth of at least 0.8 metres and the surface must be planted and maintained with lawn, garden trees, shrubs or other appropriate features, except for any pedestrian and vehicular access ways.

The proposal includes the construction of a basement, which is setback 14.62 metres from St Kilda Road with the provision of deep soil planting area that has an average soil depth of 1.11 metres. It is considered that the provision of deep soil within site frontage is adequate.

In addition to St Kilda Road, landscaping has been addressed along the other public interfaces, Slater Street and Fawkner Park, to complement the garden environment.

Furthermore, the proposal exceeds the canopy cover and deep soil requirements specified under Clause 58.03-5 (Standard D10) which can be summarised in the table below:

Site area	Canopy cover	Deep soil
3,028 m ²	Required: 456 m ² , Two Type B ¹ trees Proposed: 538 m ² , 26 Type B trees	Required: 15% of site area (454 m ²) Proposed: 529 m ² in total (455 m ² on ground level and 55 m ² on Level 8)

Design objective 6

- To ensure that any new development or redevelopment is at a scale that protects the visual amenity of Fawkner Park.

Response

Visual amenity is an important feature of Fawkner Park, which is a large publicly accessible open space.

Currently, the interface with the north-west corner of Fawkner Park is open by virtue of the existing at-grade car park on the subject site.

While development has been considered and envisaged at this interface through preferred height and setback controls under the Table to DDO Schedule 19, this assessment considers whether the height, setbacks, form and materiality of the proposed development delivers a design response that protects and enhances this north-west corner interface with Fawkner Park and the park as a whole.

Design response and built form facing Fawkner Park

At the park interface, the proposal consists of a seven storey (25.7 metres high) podium, measured to the top of the balustrade of Level 8 residents' terrace, with a 4.5 to 7.1 metre setback. These height and setbacks are similar to the adjoining buildings, the building to the south at 445 St Kilda Road has a height of 20.4 metres abutting the park and setbacks 4.5 metres; while 2-6 Slater Street is 27.8 metres in height and setbacks 2.5 metres from Fawkner Park.

This elevation (east) is broken up with balconies that wrap around to the north and south elevations.

The proposed building will be visible from certain locations within the park. However, the rear portion of the building has been scaled and stepped down, while the tower form is setback over 44 metres from Fawkner Park. The building will not appear out of context with existing built form found along the park's western boundary.

¹ Trees capable of reaching a minimum height of 8 metres and a canopy spread of 8 metres at maturity.

From a further distance, taller built form is evident; and the proposal will be well setback between existing vegetation along the nature strips of both St Kilda Road and Slater Street, as well as that proposed within the subject site, provided that the private terraces extending into the side setbacks associated with the eastern most apartments on Level 1 is removed as per the site setbacks requirement under Table to DDO19. This will be further discussed in response to the Table in DDO19 section below.

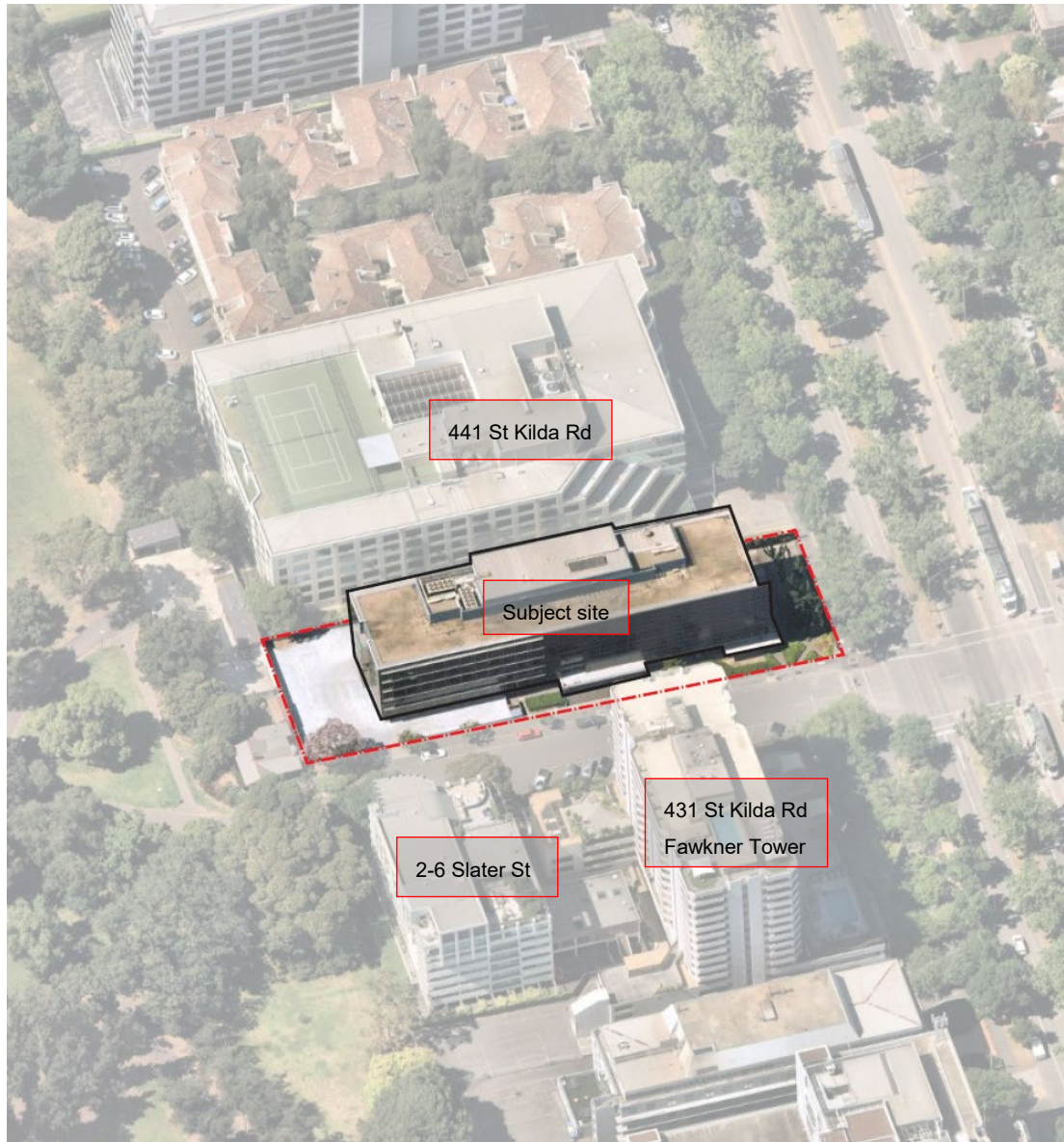


Figure 8 - A diverse height and scale of built form along St Kilda Road.

Source: Permit applicant

Shadow impact to Fawkner Park

Shadow diagrams submitted with the application demonstrate that Fawkner Park will not be impacted upon from the development between 10am and 2pm. After 2pm a small portion of additional shadow will be cast over a staff only concrete area adjacent to Gardeners' Cottage and densely vegetation area along the western boundary of the park. The extent of shadow is consistent with existing conditions caused by development along the park's western boundary and is not considered detrimental to the overall enjoyment of Fawkner Park. Furthermore, the extent of shadow complies with the proposed DDO8 provision, which seeks to protect Fawkner Park from additional shadow between 10am and 2pm during the winter solstice.

Design objective 7

- To ensure that development preserves the vista of the Shrine of Remembrance.

Response

DTP has confirmed that the proposal has been referred to the Shrine of Remembrance Trustees, however a formal response is pending.

The elevation plans form part of the application has indicated compliance with Shrine vista height control formula as prescribed in the Shrine of Remembrance Vista Control April 2014 stipulated under DDO17 (Shrine Vista).

8.2. Apartment amenities – Clause 58 (Apartment Developments)

The proposal has been assessed against the Objectives and Standards of Clause 58.

The proposal achieves all of the Objectives and meets most of the Standards of Clause 58.

The following Standards of Clause 58 are considered relevant for discussion.

Clause 58.05-2 – Building entry and circulation objectives

Clause 58.05-2 provides the following objectives, which the proposed development must meet:

- *To provide each dwelling and building with its own sense of identity.*
- *To ensure the internal layout of buildings provide for the safe, functional and efficient movement of residents.*
- *To ensure internal communal areas provide adequate access to daylight and natural ventilation.*

Standard D19 requires the following for the proposal:

Entries to dwellings and buildings should:

- *Be visible and easily identifiable.*
- *Provide shelter, a sense of personal address and a transitional space around the entry.*

The layout and design of buildings should:

- *Clearly distinguish entrances to residential and non-residential areas.*
- *Provide windows to building entrances and lift areas.*
- *Provide visible, safe and attractive stairs from the entry level to encourage use by residents.*
- *Provide common areas and corridors that:*
 - *Include at least one source of natural light and natural ventilation.*
 - *Avoid obstruction from building services.*
 - *Maintain clear sight lines.*

Response

The proposal includes the provision of a porte cochere area on the ground level of the building resulting in the lobby area setback 6.8 metres from the primary façade of the building from St Kilda Road and 4.8 metres from the north. This design therefore does not comply with the standard which requires at least one source of natural light for common areas. The significant setback of the building entrance will also impact the visibility of the building entry from St Kilda Road.

As mentioned in Section 8.1.2. of this report, it will be recommended that the lobby area be extended westward towards St Kilda Road and the porte cochere area be deleted.

Clause 58.07-2 – Room depth objective

Clause 58.07-2 provides the following objectives, which the proposed development must meet:

- *To allow adequate daylight into single aspect habitable rooms.*

Standard D27 requires the following for the proposal:

Single aspect habitable rooms should not exceed a room depth of 2.5 times the ceiling height.

The depth of a single aspect, open plan, habitable room may be increased to 9 metres if all the following requirements are met:

- *The room combines the living area, dining area and kitchen.*
- *The kitchen is located furthest from the window.*
- *The ceiling height is at least 2.7 metres measured from finished floor level to finished ceiling level. This excludes where services are provided above the kitchen.*

The room depth should be measured from the external surface of the habitable room window to the rear wall of the room.

Response

There are eight centrally located apartments that exceed the room depth standard under Clause 58. These apartments are on Levels 1 to 4 and located within the podium of the building. These apartments are large 2 or 3 bedroom dwellings ranging between 132 and 157 m² in area.

The internal amenity of these apartments is considered acceptable due to the following reasons:

- They are all equipped with balconies that are 16 m² in area and the living areas have north facing floor to ceiling clear glazing windows that span 5.7 metres in width.
- These apartments have a floor to ceiling height of 2.7 metres, and all living and dining areas are located within 9 metres when measured from the balustrade of the balconies with overhangs above (refer to Figure 9 for daylight analysis).
- The submitted daylight analysis also indicates reasonable daylight level in these areas. Therefore, it is considered that these apartments will still be afforded a reasonable amount of daylight.
- Given these apartments meet all other requirements under Clause 58, including the natural ventilation standard, their internal amenity is considered acceptable.
- When taking the entire development into consideration, these eight dwellings equate to 10.38 percent of the overall development that does not meet the numerical standard under Clause 58.07-2.

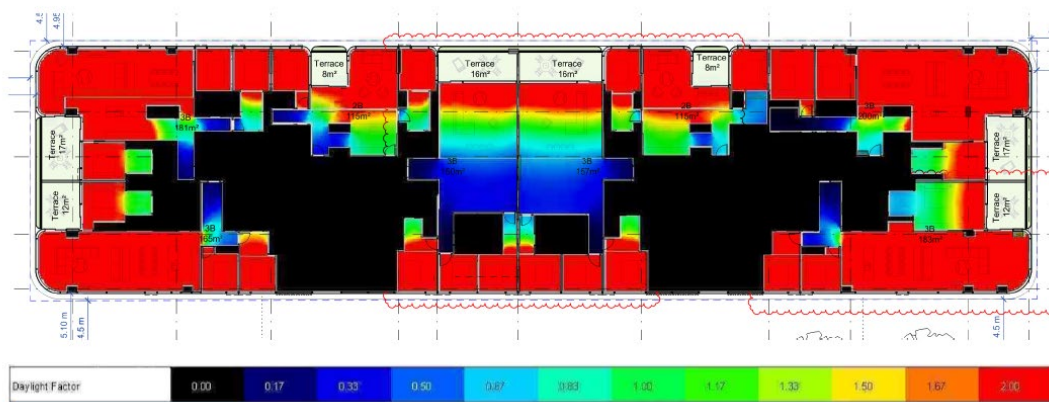


Figure 9 - Daylight analysis of Levels 2, indicating acceptable daylight access in living and dining area of centrally located apartments within the building's podium levels.

Source: Permit applicant

Given only eight of the apartments out of 77 do not meet this standard, it is not considered unacceptable.

8.3. Wind

A Wind Impact Statement was submitted with the original application. The wind assessment resulted in the following conclusions:

- With the proposed design, the ground level footpaths would be expected to have wind levels within the walking comfort criteria.

- With the proposed design, the wind conditions near the main entrance areas would be expected to be within the criterion for standing.
- With the proposed design, the recessed balconies throughout the development area expected to be within the recommended standing comfort criterion.
- With the proposed design, the wind conditions at the residential outdoor terrace areas on Level 8 are expected to be within the recommended comfort criterion ranging between standing and sitting.

The level of wind criteria is considered acceptable based on the proposed activity at key locations around and within the development. Conditions 20 and 21 are included in Council's recommendations to ensure ongoing force and effect of the Wind Impact Statement.

8.4. Conclusion

For the reasons discussed in this report, it is considered that the proposal achieves an acceptable outcome having regard to the relevant provisions of the Melbourne Planning Scheme. It is considered that the proposal should be supported subject to conditions.

9. OFFICER RECOMMENDATION

That the Future Melbourne Committee resolves to advise the Department of Transport and Planning that Melbourne City Council does not object to the planning permit application, subject to conditions set out below:

Amended Plans

1. Prior to the commencement of the use and development (excluding any demolition or bulk excavation), an electronic set of plans drawn to scale and an updated development summary, must be submitted to the Responsible Authority in consultation with Melbourne City Council, generally in accordance with the plans prepared by Bates Smart dated 16 January 2024, Job No. M12185, but amended to show:
 - a) Removal of the vehicle pick up and drop off (Porte cohere) area forward of the building's entrance.
 - b) As a result of Condition 1a), the ground level lobby to be extended westward with considerations of appropriate weather protection to residents and visitors. Any extension of the lobby area must not encroach into the 13.7 metre setback.
 - c) The terrace associated with the north eastern most dwelling on Level 1 must setback a minimum of 4.5 metres from the Slater Street boundary.
 - d) Maximum roof top plant equipment height to be shown in a sectional diagram.
 - e) The roof top plant screen to be reduced in height to be no higher than the maximum equipment height.
 - f) Details of higher quality finishes to service cupboards within the St Kilda Road setback.
 - g) Bin wash facilities to be shown on ground floor plan as per the Waste Management Plan.

- h) Recycling bins in the east core waste storage room to be shown as 660 L bins instead of 1100 L.
- i) Annotation on plan that all stormwater drainage from planters must be managed within the subject land.
- j) Annotation on plan that the water tank is connected to toilets and irrigation.
- k) Any changes, technical information or plan notations (or otherwise) required as a consequence of any other condition in this Permit.

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

- 2. The use and development as shown on the endorsed plans must not be altered or modified unless with the prior written consent of the Responsible Authority.

Completion of Development

- 3. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.

Glare

- 4. Glazing materials used on all external walls must be of a type that does not reflect more than 20% of visible light when measured at an angle of 90 degrees to the glass surface, to the satisfaction of the Responsible Authority.
- 5. External building materials and finishes must not result in hazardous or uncomfortable glare to pedestrians, public transport operators and commuters, motorists, aircraft, or occupants of surrounding buildings and public spaces, to the satisfaction of the Responsible Authority.

Retention of Architect

- 6. Except with the written consent of the Responsible Authority, Bates Smart must be retained to provide architectural oversight during construction and completion of the detailed design as shown in the endorsed plans and schedule of materials and finishes to the satisfaction of the Responsible Authority.

Façade Strategy

- 7. Concurrent with the endorsement of plans pursuant to Condition 1, a Façade Strategy and Materials and Finishes must be submitted to and be approved by the Responsible Authority in consultation with Melbourne City Council. All materials, finishes and colours must be in conformity with the approved Façade Strategy to the satisfaction of the Responsible Authority in consultation with Melbourne City Council. The Façade Strategy must be generally in accordance with the development plans and must detail:
 - a) A concise description by the architect(s) of the building design concept and how the façade works to achieve this.
 - b) Elevation details at a scale of 1:50 illustrating ground floor details for the building, including entries and doors design, lobby area, service cupboards, and any special features which are important to the building's presentation.
 - c) Information about how the façade will be accessed and maintained and cleaned, including any planting if proposed.

- d) Example prototypes and/or precedents that demonstrate the intended design outcome as indicated on plans and perspective images, to produce a high-quality built outcome in accordance with the design concept.
- e) A revised schedule of colours, materials and finishes, including the colour, type and quality of materials showing their application and appearance. Materials and finishes must be of a high quality, contextually appropriate, durable and fit for purpose. This can be demonstrated in coloured elevations or renders from key viewpoints, to show the materials and finishes linking them to a physical sample board with coding.

Land Survey

- 8. Prior to the commencement of works, excluding demolition, bulk excavation and site preparation works, or as otherwise agreed with the Responsible Authority, the owner must provide evidence to the Responsible Authority that Easements E-1 & E-2 which burden the land have been removed.
- 9. Prior to the commencement of works, including demolition, all the land for the proposed development must be owned by the one entity and consolidated onto the one certificate of title to the satisfaction of the Responsible Authority.
- 10. All service cupboards must be independently accessed and must not rely on access over an abutting car parking space. In instances where access is relied on an abutting car parking space, the abutting car parking space must be removed to provide for adequate access.

Waste Management

- 11. Concurrent with the endorsement of plans under Condition 1, an amended WMP must be approved and endorsed by Melbourne City Council – Waste and Recycling. The amended WMP must be generally in accordance with the WMP prepared by Traffix Group dated 2 February 2024, but amended to include or show:
 - a) Any changes as required by Condition 1 of this Permit.
 - b) Hard waste collection service provided by Council.
 - c) Arrangements on glass collection as part of the commingle recycling stream prior to Council providing a dedicated glass collection service.
 - d) Waste generation calculation to include that generated from the communal kitchen and dining area.
- 12. No garbage bin or waste materials generated by the development may be deposited or stored outside the site and bins must be returned to the garbage storage area as soon as practical after garbage collection, to the satisfaction of Melbourne City Council – Waste and Recycling.
- 13. Once approved, the WMP will be endorsed and will form part of this permit. At all times waste management and collection must be carried out in accordance with the requirements of the approved and endorsed WMP to the satisfaction of Melbourne City Council – Waste and Recycling.
- 14. Waste storage and collection arrangements must not be altered without prior consent of Melbourne City Council – Waste and Recycling.

Sustainable Management Plan

15. Concurrent with the endorsement of plans pursuant to Condition 1, an amended Sustainable Management Plan (SMP) prepared by a suitably qualified person must be submitted to and approved by the Responsible Authority in consultation with Melbourne City Council. When approved, the amended SMP report will be endorsed and form part of this permit. The amended SMP report must be generally in accordance with the SMP report prepared by GIW Environmental Solutions dated 30 March 2023, but modified to include or show:
- a) Any changes as required by Condition 1 of this Permit.
 - b) Provide information on site / roof plan that complies with Heat Resilience Credit 19.
 - c) Evidence that the development can achieve the requirements for a minimum 10% reduction in up front carbon emissions. Modelling or calculations via the Upfront Emissions Calculator need to be provided.
 - d) Evidence that a Zero Carbon Action Plan is developed and signed off by the building owner or developer.
 - e) All glazing to habitable areas including living spaces and bedrooms is to be shown as double glazed.

The Responsible Authority may consent in writing to vary any of these requirements.

16. Once approved, the SMP will be endorsed and will form part of this permit. The performance outcomes specified in the SMP must be achieved in the completed development. The SMP must not be altered or amended without the written consent of the Responsible Authority and Melbourne City Council.

Implementation of Sustainable Management Plan Report

17. Prior to the occupation of any building approved under this permit, a report from the author of the endorsed SMP report, or similarly qualified persons or companies, outlining how the performance outcomes specified in the amended ESD report have been implemented must be submitted to the Responsible Authority and Melbourne City Council. The report must be to the satisfaction of the Responsible Authority and Melbourne City Council and must confirm and provide sufficient evidence that all measures specified in the approved ESD report have been implemented in accordance with the relevant approved plans.

Landscape Architecture

18. Concurrent with the endorsement of plans pursuant to Condition 1, an amended landscape plan prepared by a suitably qualified landscape architect must be submitted and approved by the Responsible Authority in consultation with Melbourne City Council. This plan must be generally in accordance with the plans prepared by Tract dated 22 March 2023 and must be updated to include:
- a) Any changes as required by Condition 1 of this permit.
 - b) Quantity of proposed plant types to be updated in the schedule provided.
 - c) Discussion and strategies for how the green roofs will provide ecosystem services (i.e. maximising biodiversity, connectivity, deep soil planting, urban heat island prevention etc).

- d) The Landscape Maintenance Plan should provide details of proposed maintenance regimes with provision for maintenance beyond the fifty two week period following Practical Completion. Except with the prior written consent of the Responsible Authority the approved landscaping must be implemented prior to the occupation of the development. The landscaped area(s) must be maintained to the satisfaction of the Responsible Authority and Melbourne City Council.
19. Except with the prior written consent of the Responsible Authority and Melbourne City Council the approved landscaping must be implemented prior to the occupation of the development. The landscaped areas must be maintained to the satisfaction of the Responsible Authority.

Wind Report

20. Concurrent with the endorsement of plans under Condition 1, the Wind Assessment prepared by MEL Consulting dated July 2023 must be amended to reflect the changes as required by Condition 1. Once approved and endorsed by the Responsible Authority. The report must outline the wind tests carried out by a suitably qualified expert on the approved development to ensure compliance with Standard D17 of Clause 58.04-4 of the Melbourne Planning Scheme 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.
21. Prior to the occupation of the development, the provisions, recommendations and requirements of the endorsed Wind Assessment must be implemented and complied with to the satisfaction of the Responsible Authority. The report must not be altered or amended without the written consent of the Responsible Authority.

Construction Management Plan

22. Prior to the commencement of the development, excluding site remediation, a detailed Construction Management Plan (CMP) must be submitted to and approved by Melbourne City Council – Construction Management Group.

The CMP must be prepared in accordance with Melbourne City Council – Construction Management Plan Guidelines and is to consider the following:

- a) Management of public access and linkages around the site during construction.
- b) Site access and traffic management (including any disruptions to adjoining vehicular and pedestrian accessways).
- c) Any works within the adjoining street network road reserves.
- d) Sediment control and site drainage.
- e) Discharge of polluted waters.
- f) Public safety and site security.
- g) Hours of construction.
- h) Control of noise, dust and soiling of roadways.
- i) Collection and disposal of building and construction waste.
- j) Reasonable measures to ensure that disruption to adjacent public transport services are kept to a minimum.

Urban Forestry

Tree Protection Plan

23. Prior to the commencement of any works, including demolition and bulk excavation and following clarification of site access requirements for works, a Tree Protection Plan (TPP) must be provided to the satisfaction of the Responsible Authority and Melbourne City Council (City of Melbourne Urban Forestry & Ecology). The TPP must identify all impacts to public trees, be in accordance with AS 4970-2009 – Protection of trees on development sites and include:
- a) City of Melbourne asset numbers for the subject trees (found at <http://melbourneurbanforestvisual.com.au>).
 - b) Reference to the any finalised Construction and Traffic Management Plan, including any public protection gantries, loading zones and machinery locations.
 - c) Site specific details of the temporary tree protection fencing to be used to isolate public trees from the demolition and / or construction activities or details of any other tree protection measures considered necessary and appropriate to the works.
 - d) Specific details of any special construction methodologies to be used within the Tree Protection Zone of any public trees. These must be provided for any utility connections or civil engineering works.
 - e) Full specifications of any pruning required to public trees with reference to marked images.
 - f) Any special arrangements required to allow ongoing maintenance of public trees for the duration of the development.
 - g) Details of the frequency of the Project Arborist monitoring visits, interim reporting periods and final completion report (necessary for bond release).

Additional Public Tree Plots

24. Prior to the commencement of any works, a public tree plot plan must be provided to the satisfaction of the Melbourne City Council that shows new plots on St Kilda Road and Slater Street. The plans must be accompanied by confirmation that any below ground services do not exit, or can be relocated, to enable plot construction.

Public Tree Removal / Pruning

25. No public tree adjacent to the site can be removed or pruned in any way without the written approval of the Melbourne City Council. Should the removal of public trees be approved, the permit holder must submit detailed plans showing the design and location of replacement tree plots to the satisfaction of the Melbourne City Council.
26. Approval for any tree removal is subject to the Tree Policy, Council's Delegations Policy and requirements for public notification, and a briefing paper to councillors. It should be noted that certain tree removals including but not limited to significant or controversial tree removals, may be subject to decision by Council or a Committee of Council.

27. All costs in connection with the removal and replacement of public trees, including any payment for the amenity and ecological services value of a trees to be removed, must be met by the applicant / developer / owner of the site. Costs will be provided and must be agreed to before Council will remove the subject trees.

Public Tree Protection

28. All works (including demolition), within the Tree Protection Zone of public trees must be undertaken in accordance with the endorsed Tree Protection Plan and supervised by a suitably qualified Arborist where identified in the report, except with the further written consent of the Responsible Authority and Melbourne City Council.
29. Following the approval of a Tree Protection Plan (TPP), a bond equivalent to the combined environmental and amenity values of public trees that may be affected by the development will be held against the TPP for the duration of construction activities. The bond must be lodged by the Principal contractor. The bond value will be calculated by Council. Should any tree be adversely impacted by the works, Melbourne City Council will be compensated for any loss of amenity, ecological services or amelioration works incurred.

New / Replacement Tree Plots

30. All new or replacement tree plots must utilise structural soils to increase soil volume and rooting area.

Traffic Engineering

Car Parking Management Plan

31. Concurrent with the endorsement of plans pursuant to Condition 1, a detailed Car Parking Management Plan must be prepared to the satisfaction of the Responsible Authority / City of Melbourne; allocating the provided car parking spaces amongst the dwellings, visitors and management of these.

Road Safety Audit

32. Prior to the commencement of the development, excluding demolition and bulk excavation, a desktop Road Safety Audit prepared by a suitably qualified professional must be provided to the satisfaction of the Responsible Authority and Melbourne City Council. The Road Safety Audit must address the following matters:
- a) Vehicular / bicycle / pedestrian access arrangements
 - b) Loading arrangements
 - c) Internal circulation / layout
 - d) All works within the public.

When provided to the satisfaction of the Responsible Authority and Melbourne City Council the Road Safety Audit will be endorsed to form part of this permit.

Loading Management Plan

33. Prior to the commencement of works, excluding demolition and bulk excavation, a comprehensive Loading Management Plan (LMP) must be prepared to the satisfaction of the Responsible Authority and Melbourne City Council, specifying how the access / egress of loading vehicles is to be managed, so that any potential conflicts are satisfactorily addressed.

Dock Manager

34. A Dock Manager must be employed, responsible for controlling the operation of the loading bay and unloading of goods.

Civil Design

Drainage of Landscaped areas

35. All planters and landscaped areas must be drained to a legal point of discharge in accordance with plans and specifications first approved by Melbourne City Council Authority – City Infrastructure.

Drainage connection underground

36. Prior to the commencement of the development, a stormwater drainage system, incorporating integrated water management design principles, must be submitted to and approved by the Responsible Authority – City Infrastructure. This system must be constructed prior to the occupation of the development and provision made to connect this system to the City of Melbourne's underground stormwater drainage system.

Groundwater management

37. All groundwater and water that seeps from the ground adjoining the building basement (seepage water) and any overflow from a reuse system which collects groundwater or seepage water must not be discharged to the Council's drainage network. All contaminated water must be treated via a suitable treatment system and fully reused on site or discharged into a sewerage network under a relevant trade waste agreement with Melbourne City Council and / or responsible service authority.

Demolish and construct access

38. Prior to the commencement of the use / occupation of the development, all necessary vehicle crossings must be constructed and all unnecessary vehicle crossings must be demolished and the footpath, kerb and channel reconstructed, in accordance with plans and specifications first approved by the Melbourne City Council – City Infrastructure.

Roads and footpaths

39. All portions of roads and laneways affected by the building related activities of the subject land must be reconstructed together with associated works including the reconstruction or relocation of services as necessary at the cost of the developer, in accordance with plans and specifications first approved by the Responsible Authority – City Infrastructure.

40. The footpaths adjoining the site along St Kilda Road and Slater Street must be reconstructed together with associated works including the renewal of 300 mm wide bluestone kerb and 250 mm wide bluestone gutterstone and modification of services as necessary at the cost of the developer, in accordance with plans and specifications first approved by the Responsible Authority – City Infrastructure.

Street levels

41. Existing street levels in roads adjoining the site must not be altered for the purpose of constructing new vehicle crossings or pedestrian entrances without first obtaining approval from the Responsible Authority – City Infrastructure.

Street lighting

42. All street lighting assets temporarily removed or altered to facilitate construction works shall be reinstated once the need for removal or alteration has been ceased. Existing public street lighting must not be altered without first obtaining the written approval of the Responsible Authority – City Infrastructure.
43. Prior to the commencement of the development, excluding preliminary site works, demolition and any clean up works, or as may otherwise be agreed with the City of Melbourne, a lighting plan must be prepared to the satisfaction of Council. The lighting plan should be generally consistent with Council's Lighting Strategy, and include the provision of public lighting in the streets adjacent to the subject land. The lighting works must be undertaken prior to the commencement of the use / occupation of the development, in accordance with plans and specifications first approved by the Responsible Authority – City Infrastructure.

Street furniture

44. Existing street furniture must not be removed or relocated without first obtaining the written approval of the Responsible Authority – City Infrastructure.
45. All street furniture such as street litter bins, recycling bins, seats and bicycle rails must be supplied and installed on footpaths outside the proposed building to plans and specifications first approved by the Responsible Authority – City Infrastructure.

Building appurtenances and services

46. No architectural features, plant and equipment or services other than those shown on the endorsed plans are permitted above roof level, unless with the prior written consent of the Responsible Authority and Melbourne City Council or as otherwise exempt under the Melbourne Planning Scheme.
47. All building plant and equipment on the roofs, balcony areas and common areas are to be concealed to the satisfaction of the Responsible Authority and Melbourne City Council. The construction of any additional plant machinery equipment, including but not limited to air-conditioning equipment, ducts, flues, all exhausts including car parking and communications equipment, shall be to the satisfaction of the Responsible Authority.

48. Any satellite dishes, antennae or similar structures associated with the development must be designed and located at a single point in the development to the satisfaction of the Responsible Authority and Melbourne City Council, unless otherwise approved to the satisfaction of the Responsible Authority and the Melbourne City Council.
49. Mailboxes and newspaper receptacles must be provided prior to the occupation of the development, including an additional mailbox for the body corporate (or similar management authority) if and when the development is subdivided or privately managed, to the satisfaction of the Responsible Authority and Melbourne City Council.
50. 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.
51. Prior to the occupation of the development, any privacy screening shown on the endorsed plans must be installed and must then be maintained to the satisfaction of the Responsible Authority and Melbourne City Council.
52. Prior to the occupation of the development, all new or extended walls on or facing the boundary of adjoining properties and / or a laneway must be cleaned and finished to a uniform standard to the satisfaction of the Responsible Authority and the Melbourne City Council. Unpainted or unrendered masonry walls must have all excess mortar removed from the joints and face and all joints must be tooled or pointed also to the satisfaction of the Responsible Authority. Painted or rendered or bagged walls must be finished to a uniform standard to the satisfaction of the Responsible Authority and Melbourne City Council.

3D digital model

53. Prior to the commencement of the development, excluding bulk excavation, a 3D digital model of the development must be submitted to and approved by the Responsible Authority.

The model should be prepared having regard to the Advisory Note – 3D Digital Modelling Melbourne City Council. Digital Models are provided to Council and other government organisations for planning purposes. The Council may also derive a representation of the model which is suitable for viewing and use within its own 3D modelling environment. In the event that substantial modifications are made to the building envelope, a revised 3D digital model must be submitted to and approved by the Responsible Authority.

Use and development expiries

54. This permit will expire if one or more of the following circumstances apply:
 - a) The development is not started within three (3) years of the date of this permit.
 - b) The development is not completed within five (5) years of the date of this permit.
 - c) The use is not started within five (5) 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 permit if a request is made in writing within 12 months after the permit expires and the development started lawfully before the permit expired.

NOTES

Urban Forestry

A tree protection bond can be provided as a bank guarantee or by EFT. A bank guarantee must be:

1. Issued to City of Melbourne, ABN: 55 370 219 287.
2. From a recognised Australian bank.
3. Unconditional (i.e. no end date)
4. Executed (i.e. signed and dated with the bank stamp)

If the bond is to be lodged as an EFT, Council's bank details will be provided on request.

An acceptable bank guarantee is to be supplied to Council House 2, City of Melbourne, to a representative from Council's Urban Forest and Ecology Team. Please email trees@melbourne.vic.gov.au to arrange a suitable time for the bank guarantee to be received. A receipt will be provided at this time.

Any pruning works identified in the Tree Protection Plan will be undertaken once the Tree Protection Bond is lodged, all permits issued and works are ready to commence.

On completion of the works, the bond will only be released when evidence is provided of Project Arborist supervision throughout the works and a final completion report confirms that the public trees have not been affected by the works.

Approval for any tree removal is subject to the Tree Retention and Removal Policy, Council's Delegations Policy and requirements for public notification, and a briefing paper to councillors. It should be noted that certain tree removals including but not limited to significant or controversial tree removals, may be subject to decision by Council or a Committee of Council.

All costs in connection with the removal and replacement of public trees, including any payment for the amenity and ecological services value of a trees to be removed, must be met by the applicant / developer / owner of the site. The costs of these works will be provided and must be agreed to before council remove the subject trees.

Traffic

The City of Melbourne (CoM) will not change on-street parking restrictions to accommodate the servicing, delivery and parking needs of this development, as the restrictions are designed to cater for other competing demands and access requirements. However, new parking restrictions may be introduced in the surrounding streets at the discretion of CoM. As per Council's policy, new developments in this area that increase the density of residential development are not entitled to resident parking permits. Therefore, the residents of this development will not be eligible to receive parking permits and will not be exempt from any on-street parking restrictions.

Parking Permits

The owners and occupiers of the development allowed by this permit will not be eligible for Council resident or visitor parking permits.

Civil Design

The internal roads should remain the responsibility of the land owner(s) in perpetuity. The City of Melbourne is unlikely to agree to the internal roads being made public.

All necessary approvals and permits are to be first obtained from the City of Melbourne's City Infrastructure Branch and VicRoads and the works performed to the satisfaction of the responsible road authority.

Building Approval Required

This permit does not authorise the commencement of any demolition or construction on the land. Before any demolition or construction may commence, the applicant must apply for and obtain appropriate building approval from a Registered Building Surveyor.

Other Approvals may be Required

This Planning Permit does not represent the approval of other departments of Melbourne City Council or other statutory authorities. Such approvals may be required and may be assessed on different criteria from that adopted for the approval of this Planning Permit.