

## **Planning Committee Meeting 27 May 2020**

The following statements were submitted prior to the meeting. Submissions made live during the meeting include some variations and can be listened via our live stream webpage:

<http://webcast.portphillip.vic.gov.au/archive.php>

### **William & Peter, Representatives of First Church of Christ, Scientist, Melbourne – Item 7.1 217/2019 - 11-17 Dorcas Street, South Melbourne - 20 Storey Tower, Dwellings and Retail**

After having read what you have published, we need to ask the questions

- 1 "How can the Council ensure that the right to free parking for eight church workers is maintained if Middleton Lane is closed during construction, and therefore access to the Church car park is impossible?"
2. After the above, we need to say "Given that the proposed building is going to occupy some of the air space above Middleton Lane, how can the Council ensure that this new building does not overwhelm the aesthetics of nearby buildings, including the next-door Heritage Council of Victoria listed Building of Significance, "First Church of Christ, Scientist Melbourne?"
3. "Does the Council genuinely believe that allowing a building to encroach into the air space above a public lane is in accord with the maintenance of equity for all and the maintenance of the public amenity provided by public spaces such as Middleton Lane itself."
4. Parking provision for church attendees is already strained when we hold weekly services on Sunday morning and evening, and Wednesday evening. The probable use of street parking by residents, tenants, visitors and customers of the proposed development will likely further exacerbate the current situation. "What are your plans to safeguard convenient parking, not only for the church community but the neighbourhood?"

### **John Tabart – Item 7.1 217/2019 - 11-17 Dorcas Street, South Melbourne - 20 Storey Tower, Dwellings and Retail**

We, as representatives of direct and supporting objectors to this application, provide this statement qualifying our support to the approval proposed by the officers for Council consideration as Item 7.1 at the 27May20 Planning Committee meeting.

We concur with and support the delegates Report conditions but ask further conditions in order to support the proposal. Without these specific additional amendments, we oppose the recommendation.

- 1.0 The application proposes that the DDO required 5-metre tower setback from Dorcas St be reduced to 2.5 metres at the north-eastern and north-western corners of the tower. This façade curves in plan to only meet the 5-metre setback requirement at the midpoint. This has impacts reducing available light and aspect to future adjacent developments. (See TP-109 Level 6-9 Floor Plan)

This concession to allow the setback encroachment should be halved to 1.25 metres at the corners and setting the tower back at the midpoint 6.25 metres to provide the curved same façade form. The average setback encroachment thus becomes zero.

This is a precedent concession often used where the curved facade is considered to be an aesthetic benefit, but the applicant and the community contribute equally. (e.g. The tower façade of 39-43 Park St has multiple curves in the plan form but was approved where the average setback encroachment is zero.)

- 2.0 The 1.5-metre setbacks adjacent to Middleton Lane at ground level (high enough for truck passage) from the east and south boundaries to Middleton Lane should extend for the entire frontage of eastern and southern boundaries of the applicant site (Currently recommended as only 7 metres long. This full-length setback then allows two-vehicle passing along the whole Middleton Lane east and south frontages providing for the growing amount of two-way traffic for the First Church of Christian Science carpark, the Seasons Hotel carpark and development of adjacent sites as they are developed. This full-length setback was endorsed by the council officer in 10.5 on page 45, but not pursued in the delegate report recommendations.

The adjacent properties (19-25 Dorcas St) also backing on to Middleton Lane can also be slated for the same 1.5-metre width setback of any future planning application.

(Note the delegates report concludes that these three adjacent properties are unlikely to be developed because of the difficulties of amalgamation, but in fact, 3 adjacent properties at 19-23 Dorcas St have been listed for sale by Savills together in-line, from Aug19-20 Dec with expressions of interest closing on the 20Nov20.

- 3.0 The Loading Bay dimensions and swept path diagrams are inconsistent in the drawing TP -103 Ground floor plan and the Traffix report which appears to be the subject of the officer's discussion on page 35 on the delegates report "Loading Bay and Waste Collection". This loading bay version (Traffix) does not allow residents access without traversing the entire length of the side and part rear lanes. The TP-103 version does not appear to provide sufficient manoeuvring space for waste removal. The setbacks we propose would allow additional space. This loading bay confusion needs to be resolved.

The delegates report advises on page 69 requiring a 1.5-metre setback for the length of the east and southern boundaries would lead to unreasonable obligations on the applicant to redesign this space! This is, on the contrary, an unreasonable burden on the community and the residents and the service operators. Planning application designs are evolutionary and be easily varied to accommodate appropriate Council requirements.

- 4.0 A number of the conditions required by the Urban Design Officer to gain full support for the proposal listed on Page 33 of the planning committee report have not been addressed by way of condition by the planner.
- make a comprehensive analysis of solar convergence, glint and glare from the concave façade.
  - relocation of the communal open space from the south to the northern setback on level 5.
  - ensure the blank concrete wall and screening are broken up to provide high-quality screening.

And others below in supporting information and additional concerns.

Supporting information and additional concerns re the proposed Officer recommendation.

False arguments used to support inadequate tower setback from Dorcas St:

- (1) "Podium/tower form is not a predominant feature in the surrounding area". (Page 24-25 of the report to Planning Committee). Buildings opposite side of Dorcas St used as examples, yet these are not in the same Municipality, let alone Sub-Precinct. Also relevant that 18-24 Dorcas and 60 Dorcas – the most recent substantial towers, do have podium tower forms to the street.
- (2) "368-370 and 376-384 St Kilda Rd.....are constructed fully to the respective boundaries with Wells Street and Park Street." (Page 25) This is not correct and both buildings are setback from these streets.
- (3) Strategic Planning response to proposed podium and tower form – 'To the West of the site are 4 small lots.....to redevelop to full height.....at least two of these sites would need to be consolidated". (Page 39) Noting that Savills are currently advertising 19-23 Dorcas St for sale as a development opportunity, it is wrong to assume "a consistent podium/tower form" in the street block cannot be achieved.
- (4) The Planner notes (Page 41) following the Strategic Planning officers comments "As described above, it is considered that the proposed form of the tower is acceptable from a design perspective". While not knowing how much the wrong assumption in (3) above influenced the Strategic Planning 'on balance' comments (Page 40), they concluded their assessment requiring adjustment to the floor to ceiling heights levels 1-4; and the setback of level 5. It appears that neither of these have been included in the proposed conditions.

#### Front Tower Setback to Dorcas Street

The 5m setback is only achieved at the mid-point of the frontage. This falls way short of the intent of the DDO and will result in loss of sunlight to any future development to the West of the site as well as affecting view lines up and down the street.

The Council Urban Design Officer was highly critical of the lack of setback (Page 31) and the additional comments (Page 33) were based on the false premise regarding potential development to the West.

#### Middleton Lane

It is acknowledged that congestion in this lane will increase with the added traffic generated by this and other future proposals. For vehicles to pass safely, the Council Traffic Engineers have recommended a carriageway width of 6 metres. The site has two boundaries to Middleton lane and it is crucial to ensure widening occurs for the length of these boundaries. The proposal to create two passing bays is inadequate, and indeed the proposed length of 7 metres would not accommodate either the waste truck or a delivery van for residential, maintenance or retail use. Additionally, the rear passing bay would not be able to function as proposed when the loading bay is being utilised.

#### Conclusion on Urban Design (Page 67)

A number of the conditions required by the Urban Design Officer to gain full support for the proposal listed on Page 33 of the Planning Committee Report have not been addressed by way of a condition by the Planner. In particular the need to undertake a comprehensive analysis of solar convergence, glint and glare – refer middle para on page 32. Amended Plan requirement 1(f) does not appear to cover the full scope of the Urban Design Officers recommended condition set out in the last two paragraphs on Page 32.

In addition, relocation of the communal open space; the bulk of tower setback; alternative treatment of western podium concrete wall; level 1-4 car park floor to ceiling heights; and connection of the retail space do not form part of the Planning Officers recommendation.

#### Loading Bay and Waste Collection

The loading bay discussed in the Planning Committee report is not as per the advertised plans. It reflects the location and shape of the loading bay included in the Traffix Group supporting documentation. If this is the proposed location of the loading bay, there will be no access to same for residents except from Middleton Lane. More importantly, it will result in obstruction of access to the sub-station when the loading bay is being used.

#### Setbacks from Western Boundary

Strategic Planning (Page 40/41) notes that habitable room windows and balconies facing the Western boundary on levels 1-5 should be setback from the boundary by 4.5m. This does not appear to be covered by the suggested Plan amendments in the Officer recommendation.

#### Communal Open Space

The pool on level 5 is located on the Southside of the building. It is recommended by the Urban Design Officer that it be relocated to the North side.

This objection is also supported by the 22 following residents in the Precinct that have provided written authorities.

Wayne Davis Bank St  
Val and Bruce Stirling, St Kilda Rd  
Shirley and Phillip Borden, St Kilda Rd  
Rob and Alexandra Priestley, St Kilda Rd  
Paul Wise, St Kilda Rd  
Ken Roche, Albert Rd, South Melbourne  
John Karkar St Kilda Rd  
John Law, St Kilda Rd  
Jenny Marks, St Kilda Rd  
Gang Yun, St Kilda Rd  
Genevieve Spittle, Albert Rd  
Dean Nightingale, St Kilda Rd  
David Pullan, Albert Rd  
Chris Gillman, Albert Rd  
Campbell McLaren, St Kilda Rd  
Barbara Thornley, St Kilda Rd  
Sally Tabart, St Kilda Rd  
Hannah Tabart, St Kilda Rd  
Karina Reynolds, St Kilda Rd

### **Lachlan Anderson - Item 7.1 217/2019 - 11-17 Dorcas Street, South Melbourne - 20 Storey Tower, Dwellings and Retail**

The current design was presented at a community meeting with two Councillors and interested parties last year.

The sweeping and receding facades, fusing the podium and tower into one form was met with acceptance by those present.

Beginning at podium level, the building form begins to pull away from Dorcas St and Middleton lane to meet overall setback requirements.

Podium height is derived from its heritage neighbour, whilst the form itself recedes from the boundary in a Civic gesture, providing additional setback and increasing street amenity.

At grade the podium activates the streetscape of Dorcas Street and Middleton Lane with an offering of retail space, an abundance of planting and the opportunity for public artwork.

A holistic approach has been taken to ensure a cohesive language is established between the podium and tower elements, the sweeping curves creating a gentle transition between the two, defined by a horizontal band of glazing.

Terraces at the North East and North West corners for the full height of the tower form increase the buildings porosity, reducing the visual bulk of the building when viewed in both directions from Dorcas St.

Varying shades of glazing to each concave façade respond differently to environmental conditions and vantage points to continually shift the buildings visual identity.

Materiality is limited to emphasis the singular sculptural form of the building over employing a composite design language”

## **Grace Brown - Item 6.1 Petition Requesting Planning Application 217/2019 (11-17 Dorcas Street South Melbourne) be Referred to The Minister For Environment**

Urbis continue to act on behalf of SM Dorcas Pty Ltd (the permit applicant) in relation to Planning Permit Application 217/2019 at 11-17 Dorcas Street, South Melbourne.

The proposed planning application for 11-17 Dorcas Street, South Melbourne is to be heard at the upcoming Planning Committee meeting on 27 May 2020. Agenda item 6.1 of the meeting relates to the following:

*Petition requesting Planning Application 217/2019 (11-17 Dorcas Street, South Melbourne) be referred to The Minister for Environment*

We write to you to provide some background and clarity on this matter prior to the meeting.

On 28 February 2020, William Bonney, the Acting Assistant Director of the Department of Agriculture, Water and the Environment issued the permit applicant with a letter regarding the proposed development. This is attached for your reference.

The letter requested that the permit applicant complete a self-assessment against the key values of the National Heritage listed *Melbourne’s Domain Parkland and Memorial Precinct, St Kilda Road, Melbourne*. Once the self-assessment is complete, it is up to the applicant to determine if the proposed development should be formally referred.

The precinct has two official values:

- Events, processes
  - This value is significant for Aboriginal and Torres Strait Islander people because it represents the ‘*return of their ancestral remains back to Country and is the first step*’ towards recognising their dignity’
- ▪ Rarity
  - Melbourne’s Government Domain, Domain Parklands, Government House and Gardens, Melbourne Observatory and Shrine of Remembrance form a rich cultural landscape that are rare in Australia. They provide significant demonstrations of British town planning ideas and emergent public park innovation

- Significance is given to the view of the Shrine of Remembrance from the City and the vista along St Kilda Road into the city

The 'Matters of National Environmental Significance, Significant Impact Guidelines, 2013' outline how various actions may result in having a significant impact on the heritage values of a National Heritage place. This formed the basis of our self-assessment.

These actions include:

#### Historic Heritage Values

- permanently remove, destroy, damage or substantially alter the fabric of a National Heritage place in a manner which is inconsistent with relevant values
- extend, renovate, refurbish or substantially alter a National Heritage place in a manner which is inconsistent with relevant values
- permanently remove, destroy, damage or substantially disturb archaeological deposits or artefacts in a National Heritage place
- involve activities in a National Heritage place with substantial and/or long-term impacts on its values
- involve the construction of buildings or other structures within, adjacent to, or within important sight lines of, a National Heritage place which are inconsistent with relevant values, and
- make notable changes to the layout, spaces, form or species composition of a garden, landscape or setting of a National Heritage place in a manner which is inconsistent with relevant values

#### Indigenous Heritage Values

- restrict or inhibit the continuing use of a National Heritage place as a cultural or ceremonial site causing its values to notably diminish over time
- permanently diminish the cultural value of a National Heritage place for an Indigenous group to which its National Heritage values relate
- alter the setting of a National Heritage place in a manner which is inconsistent with relevant values
- remove, destroy, damage or substantially disturb archaeological deposits or cultural artefacts in a National Heritage place
- destroy, damage or permanently obscure rock art or other cultural or ceremonial, artefacts, features, or objects in a National Heritage place
- notably diminish the value of a National Heritage place in demonstrating creative or technical achievement
- permanently remove, destroy, damage or substantially alter Indigenous built structures in a National Heritage place, and
- involve activities in a National Heritage place with substantial and/or long-term impacts on the values of the place

Urbis completed the self-assessment of the official values relevant to the site and provided a response to the Department of Environment on 27 March 2020. We determined that based on the criteria provided, the proposed development would not impact the two key official values associated with the nationally significant place. This is because:

Regarding the Historic Heritage Values, the proposed development:

- Will not permanently remove, destroy, damage or substantially alter the fabric of the National Heritage place given the distance away from the site

- Is not within an important sightline as the site is not affected by the Shrine Vista controls. If there was concern about this site, the controls could have been extended. Furthermore, the proposed development will sit among other buildings of comparable scale within the St Kilda Road north precinct
- Will not make notable changes to the layout, space, form or species composition of the landscape setting that is important to the Memorial Gardens

Regarding the Indigenous Heritage Values the proposed development:

- Will not restrict or inhibit the continuing use of the place as a cultural or ceremonial site
- Will not remove, destroy, damage or substantially disturb archaeological deposits or cultural artefacts
- Will not involve activities that will result in substantial long-term impacts on the values of the place
- Is not located within an area of Aboriginal cultural sensitivity

The official values relate to Aboriginal Cultural Heritage and the overall design and heritage significance of the public park. The proposed development, much like all other development within the St Kilda Road North Precinct will not detrimentally impact these two values.

The petition appears to have been made given the perceived impact of the shadowing and glare created by the proposed building. It is noted that neither of these impacts are listed as relevant considerations within the Significant Impact Guidelines. As the proposal is fully compliant with the controls relating to the Shrine in the Planning Scheme, which have been created in consultation with the Shrine Trustees, and the application was referred to the Shrine Trustees with no objection raised, it was considered that these impacts would not be of detriment to the valued area, nor are they relevant considerations in the self-assessment. These are matters to be resolved via the existing planning provisions, nor are they relevant to the question of referring this application to the Department of Environment. The building is also of a similar scale or to surrounding development which has continued without objection from the Department of Environment.

It is noted that there had been past discussion with Council and the Shrine Trustees on a condition relating to glare impacts. This condition does not appear to have made it into the proposed Planning Permit. We are happy to instate this condition to provide the Councillors and petitioners comfort that any potential glare impacts will be addressed. This condition is referenced on p. 32 of the Officer's Report and states:

*A permit condition is proposed that requires a reflectivity analysis and response. Modelling should be based on agreed check zones and study points with calculations based on maximum normal specular reflectance, both visible and infrared spectrums, the heat effects and be modelled to extreme climatic conditions. Study points include:*

- *the Shrine of Remembrance and surrounding open spaces*
- *North side of Dorcas Street (at street level and on the buildings between St Kilda Road and Wells Street)*
- *Cnr of St Kilda Road and Government House Drive*

*The assessment should include heat, glare, radiation and potential kilowatts per square metre (kW/m<sup>2</sup>) with explicit recommendations to mitigate any adverse amenity impacts. The design response should ensure that external building materials and finishes are selected to minimise solar reflectivity and glare impacts, particularly on ANZAC Day and Remembrance Day as per the design objectives outlined in the DDO.*

Based on the above, we submit that referral of the application to the Department of Environment is not necessary and will cause unnecessary delays in the progression of this project. This application has been with Council since April 2019 and we have worked closely with Council Planning Officers over this time to address their concerns and the concerns of local objectors.

We appreciate the opportunity to provide you with additional information on this matter.

## **Grace Brown – Item 7.1 217/2019 - 11-17 Dorcas Street, South Melbourne - 20 Storey Tower, Dwellings and Retail**

### 1. INTRODUCTION

Urbis continue to act on behalf of SM Dorcas Pty Ltd (the permit applicant) in relation to Planning Permit Application 217/2019 at 11-17 Dorcas Street, South Melbourne.

The proposed planning application for 11-17 Dorcas Street, South Melbourne is to be heard as agenda item 7.1 of the upcoming Planning Committee meeting on 27 May 2020. The application seeks permission for the development of a 20-storey building comprising 58 dwellings, retail floor space at ground level and 89 car parking spaces within the basement and levels 1-4.

This application has been with Council since April 2019 and since this time, we have worked collaboratively with Council Officers to achieve their support and an outcome which also seeks to address many of the objector's concerns.

This proposal is generally compliant with the built form controls of DDO26 and where variations have been allowed, these have been appropriately justified as described in the Council Officer's Report.

This submission will focus on the key changes that have been made since our objector meeting in 10 December 2019 and following the advice of planning officers on outstanding concerns. The submission will also respond to the concerns raised by various objectors on the impact to the Shrine and surrounding environs.

### 2. KEY CONSIDERATIONS

#### 2.1. OVERSHADOWING

The subject site is located adjacent to the Shrine of Remembrance and therefore overshadowing impacts to the east is critical. The requirements of DDO26 state that any buildings and works must not cast any additional shadow across the Shrine of Remembrance and its northern forecourt between the hours of 11.00am and 3.00pm from 22 April to 22 September.

Shadow diagrams included in the architectural package prepared by Wood / March Architecture clearly show that no additional overshadowing will be cast across the Shrine of Remembrance and its northern forecourt as a result of the proposed development at the required times.

We note that shadow diagrams provided by the objectors do not appear accurate and the shadows shown over the Shrine are taken at times well outside of those required by the Planning Scheme.

Furthermore, given the attention around this proposal, the Shrine Trustees requested that we submit a Shrine of Remembrance Vista Development Design Report. This report is



usually only required for sites affected by the Shrine Vista controls, which our site is not. Our client was happy to prepare the additional report to give the Trustees comfort on the proposed development and they have raised no objection to the proposal.

## 2.2. GLARE

As discussed in agenda item 6.1, there has been discussion with Council and the Shrine Trustees on a condition relating to glare impacts. We are happy to accept this as a condition on permit to ensure that the reflectivity of the building will not impact the Shrine during key times. Council's Urban Designer has recommended that the condition include the following detail:

A permit condition is proposed that requires a reflectivity analysis and response. Modelling should be based on agreed check zones and study points with calculations based on maximum normal specular reflectance, both visible and infrared spectrums, the heat effects and be modelled to extreme climatic conditions. Study points include:

- the Shrine of Remembrance and surrounding open spaces
- North side of Dorcas Street (at street level and on the buildings between St Kilda Road and Wells Street)
- Cnr of St Kilda Road and Government House Drive

The assessment should include heat, glare, radiation and potential kilowatts per square metre (kW/m<sup>2</sup>) with explicit recommendations to mitigate any adverse amenity impacts. The design response should ensure that external building materials and finishes are selected to minimise solar reflectivity and glare impacts, particularly on ANZAC Day and Remembrance Day as per the design objectives outlined in the DDO.

## 2.3. LANEWAY PASSING BAY

'Without prejudice' plans were provided to Council to show our client's intention to acknowledge the objectors concerns and set back the proposed development further at the ground level to accommodate a two-way passing area in the laneway. This is reflected in permit condition 1b, which requires a 5.5m minimum carriage way. This width has been reviewed and supported by the project traffic consultants and architects.

## 2.4. SIDE SETBACKS TO LANEWAY INTERFACE

Above the podium, the building is setback 4.5m from the middle of the laneway. DDO26 requires a 4.5m setback to ensure a 9m separation between towers. Given the laneway to the southern and eastern side of the building, this allows a 4.5m setback to the middle of the laneway and will allow appropriate building separation and ensure that the equitable development rights of the neighbouring properties are maintained.

## 2.5. VISITOR PARKING

The objectors raised concerns about the lack of visitor car parking spaces being provided on site. In response, two car parking spaces have been allocated to visitors.

This is over and above the statutory requirement which specifies zero spaces to be provided for visitors of a site within the Principal Public Transport Network Area.

## 2.6. LOADING BAY

Discussion plans were submitted to Council with a loading zone that is parallel to Middleton Lane. This is consistent with the traffic report that was submitted as part of the RFI. Traffix Group have determined that this is the best arrangement and are satisfied that the grade into the loading bay is acceptable as it does not exceed the maximum permissible transition

grade of 1:8. The wall running parallel with the laneway provides a clear separation between the change in levels.

### 3. CONCLUSION

Thank you for the opportunity to present at the Council Meeting. We hope that you agree that the proposal is appropriate for the subject site and the impacts to the surrounding environment are minimal.

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The following statements were submitted prior to the meeting and a summary of the statements were read out during the meeting by an Officer.

#### **Stephen Kirby – Public Question Time**

I am an *owner* of a property on Ingles St Port Melbourne since 2011. The building is deemed extreme heritage overlay originally constructed in 1900 as a bakery. The proposed extension at 110 Ingles St is the single greatest change to this landscape in 120 years, and overshadows my private courtyard from 12pm-3pm as well as my kitchen's glass ceiling. Being my private living space receives less than 5 hours' direct sunlight, why has council permitted a building to further overshadow it and not in compliance of A14 of the building code? Will council address this urgently?

#### **Myriam Boisbouvier-Wylie - Item 7.1 217/2019 - 11-17 Dorcas Street, South Melbourne - 20 Storey tower, dwellings and retail**

I have previously lodged an objection to the above application and understand that the application will be determined at the Council meeting scheduled for this Wednesday, 27 May 2020.

Having reviewed the Council officer's assessment of the proposal, I wish to stress that the proposed condition dealing with Middleton Lane traffic (proposed condition 1 (b)) is considered inadequate and the proposal should not be approved before Middleton Lane traffic has been appropriately resolved.

There are already significant access issues associated with the fact that Middleton Lane caters for one-way traffic only, with vehicles often propping at Dorcas Street to allow vehicles within Middleton Lane to exit. Further conflict due to increased vehicle movements associated with the proposed development is unacceptable, and I strongly seek a holistic solution by Council to address two-way traffic within the eastern and southern arms of Middleton Lane before the proposal is approved.

Alternatively, should the Councillors vote to approve the proposal this week, there is concern that the existing setback currently shown for the vehicle access and loading zone will be used to satisfy proposed condition 1(b) for a passing bay. This will lead to further conflict with vehicles entering and exiting, and unloading within the site. The proposed condition should therefore be amended to ensure that the passing bay is provided to the east of the loading zone and the services rooms reconfigured accordingly.