



6.1 [15-37 BANK STREET, SOUTH MELBOURNE - PDPL/00890/2022](#)

**LOCATION/ADDRESS:** 15 - 37 BANK STREET, SOUTH MELBOURNE

**EXECUTIVE MEMBER:** DONNA D'ALESSANDRO, MANAGER CITY DEVELOPMENT

**PREPARED BY:** SCOTT PARKINSON, COORDINATOR STATUTORY PLANNING  
GATEWAY WARD

ANGUS BEVAN, URBAN PLANNER

## 1. PURPOSE

1.1 To consider and determine planning permit application PDPL/00890/2022 to construct a multi-storey mixed use building on land in the Mixed Use Zone and Design and Development Overlay and Special Building Overlay and associated reduction of car parking at 15 - 37 Bank Street, South Melbourne.

## 2. EXECUTIVE SUMMARY

<b>WARD:</b>	Gateway
<b>TRIGGER FOR DETERMINATION BY COMMITTEE:</b>	More than 16 objections
<b>APPLICATION NO:</b>	PDPL/00890/2022
<b>APPLICANT:</b>	Urbis Pty Ltd
<b>EXISTING USE:</b>	Multi-level carpark and office
<b>ABUTTING USES:</b>	Commercial, residential, and office
<b>ZONING:</b>	Mixed Use Zone (MU)
<b>OVERLAYS:</b>	Design and Development Overlay Schedule 26-2 (DDO26-2) Special Building Overlay Schedule 2 (SBO2)
<b>STATUTORY TIME REMAINING FOR DECISION AS AT DAY OF COUNCIL</b>	Expired

2.1 This application proposes to construct a 19 storey mixed use building, designed in a podium tower form with the tower designed in U shaped form around the podium. The development would provide shops on the ground floor and 355 dwellings comprising 87 x Studio, 136 x one bedroom, 117 x two bedroom and 15 x three bedroom. Car parking would be provided within the podium levels where 141 car parking spaces would be provided (including 5 car share spaces, 1 visitor space and 3 spaces for maintenance).

2.2 The application was advertised and received 47 objections and 1 petition. At the time of writing this report the petition contained 148 signatures. The concerns raised relate to a broad range of issues including insufficient parking and traffic impacts, non-compliance with the DDO26 (with respect to overall building height, maximum tower width, floor to ceiling heights, and rooftop service provision), Amenity concerns the rooftop communal terrace use, impacts on views and vistas and concerns about construction activity.



- 2.3 A consultation meeting was held on 17 July 2022. The meeting was attended by the Gateway ward councillors, the applicant, objectors, and planning officers. The meeting resulted in no changes being made to the application.
- 2.4 The proposal is consistent with the strategic direction outlined by the Port Phillip Planning Scheme which has a consistent theme of increasing residential density at strategic locations and within proximity to jobs, services and public transport.
- 2.5 Built form on this site is subject to a Design and Development Overlay (DDO26), which controls the design and built form of new development. For DDO26 the requirements for this precinct relate to maximum height, the design of an appropriately scaled podium and tower and front, rear and side setback requirements.
- 2.6 It is recommended that changes be made to the proposed building, through conditions on the permit, to ensure it aligns with the requirements of the Design and Development Overlay. The proposed changes would also improve the proportion of dwelling types that improves the diversity of housing that would be provided.
- 2.7 With the proposed changes the development would closely align with the built form controls sought by the Design Development Overlay. The changes that are recommended would ensure that the proposal would provide the following:
  - Meet the overall height requirement
  - Achieve the required podium / tower form with all required podium heights and tower setbacks provided
  - Exceed the required side setbacks and provide equitable development opportunities for adjacent property
  - Achieve the required tower width, where the tower is proposed to be separated into two separate and definitive tower forms
- 2.8 Changes are also sought to the upper levels of the rear of the podium to ensure a consistent built form with the adjacent building at 41-49 Bank Street.
- 2.9 Beyond built-form matters, the proposal is highly resolved. It achieves acceptable parking outcomes despite the high reduction sought, provides acceptable loading configurations, adequate flood management response, excellent landscaping outcomes, sound traffic management outcomes, excellent bicycle parking provision, acceptable ESD and WSUD outcomes, and reasonable waste management outcomes.
- 2.10 The development would deliver a net community benefit to its site and surrounds subject to the conditions forming part of this recommendation. It would improve housing supply in a central location that is highly accessible to public transport, goods, services, public open spaces, and in a highly strategically supported area for high density development.
- 2.11 The proposal is recommended for approval subject to conditions outlined in section 3 of this report.

### **3. RECOMMENDATION A**

- a) That the Responsible Authority, having caused the application to be advertised and having received and noted the objections, issue a Notice of Decision to Grant a Permit subject to conditions.
- b) That a Notice of Decision to Grant a Permit be issued to construct a multi-storey mixed use building on land in the Mixed Use Zone and Design and Development Overlay and



Special Building Overlay and associated reduction of car parking at 15-37 Bank Street, South Melbourne

c) That the decision be issued as follows:

**Amended Plans Required**

1. Before the use and development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and an electronic copy must be provided. The plans must be generally in accordance with the plans submitted with the application (prepared by RotheLowman Revision B dated 8 May 2023 [TP01.22 Revision B dated 8 May 2023]) but modified to show:
  - a) A 6.2m wide break in the built-form must be provided between the eastern and western wings of the building at level 6 and above.
  - b) A setback of 2.2m at levels 1 and 2 to the Little Bank Street boundary.
  - c) All apartments provided with storage that is compliant with the requirements of Clause 58.05-4
  - d) The ground-floor to Bank Street to be setback 0m from the street (excluding the through-block link area).
  - e) All lift overruns must not exceed 66.1m AHD.
  - f) The two rooftop pergolas to be deleted.
  - g) All trafficable balcony, trafficable communal open space, and resident amenities must be setback by 4.5m from the eastern boundary at level 3.
  - h) Calculations to demonstrate that services on the rooftop (excluding solar panels) do not exceed 10% of gross floor area of the top building level or 50 square metres (whichever is greater).
  - i) All visitor bicycle parking relocated from Bank Street to within the title boundary.
  - j) Specular light reflectance must be less than 15 per cent for all external building glazing and cladding materials and finishes when measured at an angle of 90 degrees to the surface of the material (normal incidence), except with the written consent of the responsible authority.
  - k) The proposed location of Urban Art.
  - l) Any changes necessary to comply with the approved Sustainability Management Plan (SMP) required Condition 6.
  - m) Any changes necessary to comply with the approved Waste Management Plan required under Condition 27.
  - n) Any changes necessary to comply with the approved noise report required under Condition 28.
  - o) Any changes necessary to comply with the approved wind report required under Condition 29.

**No Alterations**

2. The layout of the site and the size, levels, design and location of buildings, and works shown on the endorsed plans must not be modified for any reason without the prior written consent of the Responsible Authority.



#### **Walls on or Facing the Boundary**

3. Before the occupation of the development allowed by this permit, 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. 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.

#### **No Equipment or Services**

4. Any plant, equipment or domestic services visible from the primary street frontage (other than a lane) or public park must be located and visually screened to the satisfaction of the Responsible Authority.

#### **Urban Art Plan**

5. Before the occupation of the development allowed by this permit, an urban art plan in accordance with Council's Urban Art Strategy must be submitted to, be to the satisfaction of and approved by the Responsible Authority. The value of the urban art must be at least 0.5% of the total building cost of the development to the satisfaction of the Responsible Authority. Urban art in accordance with the approved plan must be installed prior to the occupation of the building to the satisfaction of the Responsible Authority.

#### **Updated Sustainability Management Plan**

6. Prior to plans being endorsed under condition 1 of this permit, an updated Sustainability Management Plan (SMP) must be submitted to and approved by the Responsible Authority. The updated SMP must be generally in accordance with the SMP submitted with the application being that prepared by Wrap Consulting Engineering Revision 04 dated 22 June 2023, but modified to address the following;

- a) Amended calculations to reflect changes required under Condition 1

Where alternative ESD initiatives are proposed to those specified in this condition, the Responsible Authority may vary the requirements of this condition at its discretion, subject to the development achieving equivalent (or greater) ESD outcomes.

When approved, the updated SMP will be endorsed and will then form part of this permit. The ESD initiatives in the endorsed SMP must be fully implemented and must be maintained throughout the operational life of the development to the satisfaction of the Responsible Authority.

#### **Implementation Report for Environmentally Sustainable Design**

7. Prior to occupation of the development approved under this permit, an ESD Implementation Report (or reports) from a suitably qualified person or company, must be submitted to and endorsed by the Responsible Authority. The Report must confirm that all ESD initiatives in the endorsed SDA/SMP and WSUD report have been implemented in accordance with the approved plans to the satisfaction of the Responsible Authority. The ESD and WSUD initiatives must be maintained



throughout the operational life of the development to the Satisfaction of the Responsible Authority.

**Construction Management Water Sensitive Urban Design**

8. The developer must ensure that throughout the construction of the building(s) and construction and carrying out of works allowed by this permit;
  - a) No water containing oil, foam, grease, scum or litter will be discharged to the stormwater drainage system from the site;
  - b) All stored wastes are kept in designated areas or covered containers that prevent escape into the stormwater system;
  - c) The amount of mud, dirt, sand, soil, clay or stones deposited by vehicles on the abutting roads is minimised when vehicles are leaving the site.
  - d) No mud, dirt, sand, soil, clay or stones are washed into, or are allowed to enter the stormwater drainage system;
  - e) The site is developed and managed to minimise the risks of stormwater pollution through the contamination of run-off by chemicals, sediments, animal wastes or gross pollutants in accordance with currently accepted best practice.

**Car Parking and Bicycle Parking Layout**

9. Before the use or occupation of the development starts, the area(s) set aside for the parking of vehicles and bicycles and access lanes as shown on the endorsed plans must, to the satisfaction of the Responsible Authority, be:
  - a) Constructed;
  - b) Properly formed to such levels that may be used in accordance with the plans;
  - c) Surfaced with an all weather surface or seal coat (as appropriate);
  - d) Drained and maintained;
  - e) Line marked to indicate each car space, visitor space, bicycle space, loading bay and/or access lane.
  - f) Clearly marked to show the direction of traffic along access land and driveways

**Parking and Loading Areas Must be Available**

10. Car and bicycle parking and loading areas and access lanes must be developed and kept available for those purposes at all times and must not be used for any other purpose such as storage to the satisfaction of the Responsible Authority.

**Lighting**

11. External lighting of the areas set aside for car parking, access lanes and driveways must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining land.

**Direction Sign**

12. Before the occupation of the development allowed by this permit a sign containing details and of a size to the satisfaction of the Responsible Authority must be displayed directing drivers to the area(s) set aside for car parking. The sign must be located and maintained to the satisfaction of the Responsible Authority.



### **Vehicle Crossings**

13. Before the occupation of the development allowed by this permit, vehicle crossings must be constructed in accordance with Council's current Vehicle Crossing Guidelines and standard drawings to the satisfaction of the Responsible Authority.

### **Vehicle crossings – removal**

14. Before the occupation of the development allowed by this permit, all disused or redundant vehicle crossings must be removed and the area re-instated with footpath, nature strip and kerb and channel at the cost of the applicant/owner and to the satisfaction of the Responsible Authority.

### **Applicant to Pay for Reinstatement**

15. Before the occupation of the development allowed by this permit, the applicant/owner must do the following things to the satisfaction of the Responsible Authority:
  - a) Pay the costs of all alterations/reinstatement of Council and Public Authority assets necessary and required by such Authorities for the development.
  - b) Obtain the prior written approval of the Council or other relevant Authority for such alterations/reinstatement.
  - c) Comply with conditions (if any) required by the Council or other relevant Authorities in respect of alterations/reinstatement.

### **Public Services**

16. Before the occupation of the development allowed by this permit, any modification to existing infrastructure and services within the road reservation (including, but not restricted to, electricity supply, telecommunications services, gas supply, water supply, sewerage services and stormwater drainage) necessary to provide the required access to the site, must be undertaken by the applicant/owner to the satisfaction of the relevant authority and the Responsible Authority. All costs associated with any such modifications must be borne by the applicant/owner.

### **Car Parking Allocation**

17. Without the further written consent of the Responsible Authority car parking for the approved development must be allocated on any Plan of Subdivision as follows:
  - a) not less than 5 spaces for maintenance vehicles;
  - b) not less than 3 spaces for retail use
  - c) not less than 5 car share parking spacesAll to the satisfaction of the Responsible Authority.

### **Loading/Unloading**

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



### **Landscape Plan**

19. Before the development starts (other than demolition or works to remediate contaminated land), a detailed Landscape Plan must be submitted to, approved by and be to the satisfaction of the Responsible Authority. When the Landscape Plan is approved, it will become an endorsed plan forming part of this Permit. The Landscape Plan must incorporate:
- A survey plan, including botanical names, of all existing vegetation/trees to be retained;
  - All street trees and/or other trees on Council land;
  - A planting schedule of all proposed vegetation including botanical names; common names; pot sizes; sizes at maturity; quantities of each plant; and details of surface finishes of pathways and driveways;
  - Relocate transition of bluestone pavers to bitumen to the property boundary
  - Extend planting on Levels 1 and 2 to southern edge of building to improve screening and softening of building
  - Provide trees in planted areas on level 5 podium
  - Provide larger turf space on rooftop area with planters relocated to edges
  - A maintenance management plan for all planting
  - Typical details of planters, tree planting, and ground-floor planting

### **Completion of Landscaping**

20. The landscaping as shown on the endorsed Landscape Plan must be carried out and completed to the satisfaction of the Responsible Authority before the occupation of the development and/or the commencement of the use or at such later date as is approved by the Responsible Authority in writing.

### **Landscaping Maintenance**

21. The landscaping as shown the endorsed Landscape Plan must be maintained, and any dead, diseased or damaged plant replaced in accordance with the landscaping plan to the satisfaction of the Responsible Authority.

### **No Damage to Existing Street Tree**

22. The proposed works must not cause any damage to the existing street tree. Root pruning of this tree must be carried out to the satisfaction of the Responsible Authority prior to the construction of the crossover/works. All trees will require a tree protection zone which complies with AS 4970-2009 at all times throughout the demolition and construction phase of the development. A tree protection fence is to be installed around any tree that is likely to be impacted by construction.

The fence is to be constructed in a diamond or square position around each tree trunk from 4 panels of a minimum height 1.8m x minimum length 2.1m, interlocking by bolted clamps and concrete pads. No entry to this area is permitted without the consent of the Responsible Authority.

### **Noise Limits**

23. Noise levels of the ground-floor retail tenancies must not exceed the permissible noise levels stipulated in Part 5.3 - Noise, of the Environment Protection Regulations 2021 for Residential Premises, Commercial, Industrial and Trade Premises and



Entertainment Venues and Outdoor Entertainment Events to the satisfaction of the Responsible Authority.

#### **Noise Report**

24. Prior to occupation, an acoustic report must be prepared and submitted to the satisfaction of the Responsible Authority. The report must confirm that any plant on surrounding commercial buildings does not impact dwellings on the land and must include details of any further mitigation if required.

#### **Outdoor trading**

25. Any outdoor trading associated with the ground-floor retail tenancies must cease by 10pm

#### **Amenity**

26. The amenity of the area must not be detrimentally affected by the development through the:
- Transport of materials, goods or commodities to or from the land
  - Appearance of any building, works or materials
  - Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.

#### **Amended Waste Management Plan**

27. Before the development starts (other than demolition or works to remediate contaminated land), an amended Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible authority. When approved, the waste management plan will be endorsed and then form part of the permit. The waste management plan must be generally in accordance with the waste management plan submitted with the application (prepared by Traffix Group Revision B dated 18 March 2022) but modified to include:
- The estimated garbage and recycling volumes for the whole development.
  - Bin quantity, size and colour.
  - The garbage and recycling equipment to be used.
  - Collection frequency.
  - The location and space allocated to the garbage and recycling bin storage area and collection point.
  - The waste services collection point for vehicles.
  - Waste collection provider.
  - How tenants will be regularly informed of the waste management arrangements.
  - Scaled waste management drawings.
  - Swept path diagrams confirming ingress and egress to the site.
  - Signage.

Once submitted and approved, the waste management plan must be carried out to the satisfaction of the Responsible Authority.





#### **Amended Noise Report**

28. Before the development starts (other than demolition or works to remediate contaminated land), an amended acoustic report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible authority. When approved, the acoustic report will be endorsed and then form part of the permit. The acoustic report must be generally in accordance with the acoustic report submitted with the application (prepared by Renzo Tonin and Associates dated 16 December 2022) but modified to show:

- a) The revised layout required pursuant to Condition 1

Once submitted and approved, the recommendations of the acoustic report must be complied with to the satisfaction of the Responsible Authority.

#### **Amended Wind Report**

29. Before the development starts (other than demolition or works to remediate contaminated land), an amended wind report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible authority. When approved, the wind report will be endorsed and then form part of the permit. The wind report must be generally in accordance with the wind report submitted with the application (prepared by RWDI dated 16 December 2022) but modified to show:

- a) The revised layout required pursuant to Condition 1

Once submitted and approved, the recommendations of the wind report must be complied with to the satisfaction of the Responsible Authority.

#### **Regulation of Deliveries and Rubbish Collection**

30. Without the further written consent of the Responsible Authority deliveries to and from the site, including rubbish collection, must only take place between 7am to 8pm Monday to Saturday and 10am to 8pm public holidays and Sundays

#### **Storage of Goods**

31. Without the further written consent of the Responsible Authority no goods are permitted to be stored or left exposed outside the building so as to be visible from any public area.

#### **Services to be screened**

32. All air conditioning and refrigeration plant must be screened and baffled and/or insulated to minimise noise and vibration to ensure compliance with noise limits determined in accordance with Division 1 and 3 of Part 5.3 - Noise, of the Environment Protection Regulations 2021.

#### **Lighting Baffled**

33. All lighting of external areas during construction and after completion must be suitably baffled so as not to cause nuisance or annoyance to nearby properties or roads, to the satisfaction of the Responsible Authority and all illuminated advertising lighting on cranes must be turned off between the hours of 10pm and 7am.

#### **Time for Starting and Completion**

34. This permit will expire if one of the following circumstances applies:



- a) The development is not started within four (4) years of the date of this permit.
- b) The development is not completed within six (6) years of the date of commencement of works.

The Responsible Authority may extend the periods referred to if a request is made in writing:

- a) before or within 6 months after the permit expiry date, where the use or development allowed by the permit has not yet started; and
- b) within 12 months after the permit expiry date, where the development allowed by the permit has lawfully started before the permit expires.

#### 4. RECOMMENDATION B

- 4.1 Authorises the Manager City Development to Instruct Councils Statutory Planners and/or Council's solicitors on any VCAT application for review should one be lodged for this application.

#### 5. RELEVANT BACKGROUND

- 5.1 There is no relevant background history for the subject site itself. There is relevant planning background however for the western abutting lot (41-49 Bank Street) and 200-204 Wells Street to the south-east.

##### 41-49 Bank Street

- 5.2 A planning permit was approved by Council at the 13 December 2017 Planning Committee meeting for a large mixed use development on the abutting site to the west at 41-49 Bank Street, South Melbourne. Planning Permit 1186/2016 allowed the construction of a 20 storey building which provides 169 dwellings (62 x one bedroom, 88 x two bedroom and 19 x three bedroom) and a small retail premises. 128 car parking spaces are provided on three levels (including a basement level) with 5 spaces provided for visitors. Plans were endorsed (under amendment D) on 1 April 2022. The permit has been acted upon and has been fully constructed and occupied.
- 5.3 An important part of the approval was the provision of a 2.2m setback at the rear of the site to Little Bank Street which was negotiated with the applicant as part of the planning approval. The 2.2m setback was required in order to improve the functionality of Little Bank Street.

##### 200-204 Wells Street

- 5.4 Planning permit 906/2016 was issued at the direction of VCAT on 27 June 2017 following a settled compulsory conference.
- 5.5 The permit has been amended twice. The first being amended at the direction of VCAT on 1 October 2018 and the second being amended at the direction of VCAT on 8 November 2021.
- 5.6 Ultimately, the permit allows 'Use of the land for the purpose of a food and drink premises and offices, construction of a multi-storey mixed-use building over basement levels, containing dwellings with communal facilities, food and drink premise, offices and a reduction of the standard car parking requirement.


5.7 More specifically, the permit allows the construction of an 18 storey mixed use building comprising 81 dwellings, 159 parking spaces, 145 bicycle parking spaces, and circa 5000sqm of office floor area and 550sqm of retail floor area.

## 6. PROPOSAL

6.1 This application is for the construction of a 19 storey apartment building (comprising 355 dwellings – 87 x Studio, 136 x one bedroom, 117 x two bedroom and 15 x three bedroom) and 205sqm food and drinks premises. 141 car parking spaces would be provided in the podium level of the building accessed via Little Bank Street.

6.2 The plans subject to this application are those prepared by RotheLowman entitled “*Bank Street*”, Revision B dated 8 May 2023 (with exception of TP01.22 which is identified as Revision A dated 8 May 2023), Council date stamped 15 May 2023 and advertised.

6.3 The proposal is detailed within the following table:

	Proposal
<b>Site area</b>	3,354 sqm
<b>Type of development</b>	<p>Mixed use development within a podium and tower</p>  <p><i>Fig 1: (Bank Street) elevation.</i></p> <p>The building is designed in a highly contemporary form consisting of a five storey podium to Bank Street with a U-shaped tower above. The longest edge of the tower would be sited towards the southern Little Bank Street boundary.</p>
<b>Land uses</b>	Residential Dwellings and Food and Drinks premises
<b>Demolition</b>	Demolition of all existing buildings and works on site (no permit required).
<b>No of dwellings</b>	355 dwellings comprising 87 x Studio, 136 x one bedroom, 117 x two bedroom and 15 x three bedroom) and 205sqm food and drinks premises.



<b>Setbacks and tower separation</b>	<p>The development proposes a podium and tower form. The Podium would be built directly to the two side boundaries and directly to the front and rear boundaries at levels 1, 2 and 3. The ground floor will provide a small setback at the front and a 2.2 m setback at the rear from Little Bank Street. The podium has a height of 17.2 m.</p> <p>The tower (levels 4 to 18) would have the following setbacks:</p> <ul style="list-style-type: none"> <li>• 5m from the front (north)</li> <li>• 5.91m from the rear (south)</li> <li>• 7.09 m from the west</li> <li>• 6m from the east</li> </ul>
<b>Podium height</b>	17.2m in height
<b>Tower height</b>	60m (62.10m AHD) to the top of level 18. 60.42m (66.300 AHD) to the top of lift overrun.
<b>Communal facilities</b>	The proposed development would include communal facilities for future residents. The communal areas would include 1047sqm of residential amenities (provided on the podium level) and a 1586sqm communal roof terrace
<b>Loading bay</b>	A 126.9sqm loading bay would be provided at the rear of the ground floor accessed from Little Bank Street. The loading bay would be 9.2-10.45m in depth (albeit a column would be located between loading bay spaces) and 12m in width. A clearance height of 4.1 metres would be provided
<b>Car parking</b>	A total of 141 car parking spaces would be proposed within the podium levels. All vehicles would enter and egress via Little Bank Street.
<b>Bicycle parking</b>	A total of 392 bicycle parking spaces would be provided.
<b>Private open space</b>	Each apartment would be provided with secluded private open space in the form of a balcony ranging in size from 8 sqm to 57 sqm, accessed from the main living room.

6.4 The built form of the development is described as follows:

Level	Development Summary
Ground	<p>Ground-floor would consist of:</p> <ul style="list-style-type: none"> <li>- Two food and drink premises to the Bank Street frontage</li> <li>- A 5.1m wide cross-block link along the western boundary between Bank Street and Little Bank Street. This connection would permit vehicle access between the two streets.</li> <li>- Residential lobby, services, and amenities accessible via Bank Street and ancillary entrances via Little Bank Street and the western through-connection.</li> <li>- A large bicycle storage cage in the south-western corner of the site.</li> </ul>



	<ul style="list-style-type: none"> <li>- Two loading bays, car share spaces, substation, and vehicle access ramps to south via Little Bank Street</li> </ul> <p>The development would be setback 3m from the street albeit supporting columns and the level above would be constructed directly on the boundary. This effectively creates a 'colonnade' to Bank Street</p> <p>There would be no setback provided to the east apart from a 1m wide ancillary access path to rear servicing areas.</p> <p>A 3m setback would be provided to Little Bank Street at the rear.</p> <p>A setback of 5.6m would be provided to the western boundary albeit the building would be constructed on the boundary on upper levels.</p>
Level 1 and 2	<p>Level 1 and 2 would consist of apartments constructed to the Bank Street interface with parking located behind.</p> <p>Levels 1 and 2 would be constructed abutting the northern, eastern, southern, and western boundaries with a 4.5-5.1m wide setback provided to the western boundary above the cross-block link at ground.</p> <p>On level 1, 6 apartments are proposed ranging in size between 74.1sqm and 77sqm.</p> <p>On level 2, 8 apartments are proposed, ranging in size between 34sqm and 95sqm.</p>
Level 3	<p>Level 3 would consist of dwellings and resident amenities and communal outdoor space.</p> <p>The amenities and outdoor space would be focused on the northern portion of the lot fronting Bank Street, with the dwellings flanking them behind towards Little Bank Street or the side boundaries.</p> <p>Level 3 would be setback 2.2m from Bank Street, 0-6.6m to the eastern boundary, 5.3m from the southern boundary, and 0-7.1m to the western boundary.</p> <p>On level 3, 15 apartments are proposed, ranging in size between 34.8sqm and 71.8sqm.</p>
Level 4	<p>Level 4 would consist of dwellings.</p> <p>Level 4 would be setback 9.3m from the street, 6m from the eastern boundary, 5.4m from the rear boundary, and 7.1m from the western boundary.</p> <p>On level 4, 21 apartments are proposed, ranging in size between 34.8sqm and 87.9sqm.</p>
Level 5	<p>Level 5 would consist of dwellings, residential amenities, and a resident pool.</p> <p>Level 5 would be setback 5m from the street, 6m from the eastern boundary, 5.4m from the rear boundary, 7.1m from the western boundary.</p> <p>On level 5, 20 apartments are proposed, ranging in size between 34.8sqm and 80.3sqm.</p>
Level 6-18	<p>Levels 6 to 18 would consist of dwellings.</p>

	<p>The tower would be setback 5m from the street, 6m from the eastern boundary, 5.4m from the rear boundary, and 7.1m from the western boundary.</p> <p>On levels 6 to 8, 22 apartments are proposed on each level, ranging in size between 34.8sqm and 89.2sqm.</p> <p>On levels 9 to 18, 22 apartments are proposed on each level, ranging in size between 34.8sqm and 102.5sqm.</p>
Roof	<p>The roof level would consist of 580sqm of outdoor communal open space and enclosed plant equipment.</p> <p>The roof terrace is proposed to have a pergola-like structure overhead that would be fitted with rooftop solar panels. The pergola would rise to 65.2m AHD (3.1m above the roof).</p>

6.5 Proposed materiality would consist of painted concrete render, a precast façade system, metal cladding, metal detailing, and clear, tinted, or fluted glazing.



Figure 2 - Proposed materials palette

### Amended Plans

6.6 Following the request for information the applicant submitted amended plans (S50) to make several changes to the proposal. The changes included the following:

- The number of car share spaces reduced from 32 to 5 and relocated to the ground floor
- 1 x visitor space added



- Retail and maintenance parking relocated to level 1
- Clarification of existing bitumen and existing bluestone to Little Bank Street outside of title boundary
- Visitor bikes relocated to landscape verge outside of boundary along Bank Street
- The section of north-eastern rooftop is added
- Plans updated to reflect changes to landscaping
- Landscape Plans amended to be constant with architectural plans, update planting schedule and add a Landscape maintenance plan

The Amended Plans were the plans that were advertised for this application and are the plans considered in the below assessment.

## 7. SUBJECT SITE AND SURROUNDS

7.1 The site consists of three separate parcels, more formally recognised as:

- Land in Plan of Consolidation 161803M (15-29 Bank Street)
- Land in Plan of Consolidation 100874 (31-33 Bank Street)
- Crown Allotment 31 Section 99 City of South Melbourne Parish of Melbourne South (35-37 Bank Street)

7.2 No lots are affected by any easements.

7.3 Several instruments are however registered on titles. These are observed as:

- A Section 52A Town and Country Planning Act 1961 registered on 15-29 Bank Street. This agreement required that 30% of car parks be reserved for short term parking. As the land will no longer be used for a commercial car park, this agreement is no longer relevant.
- A Section 52A Town and Country Planning Act 1961 registered on 31-33 Bank Street. This agreement required that eight parking spaces be provided on the land at 15-29 Bank Street. As the land at 15-29 and 31-33 are to be redeveloped in conjunction with one another, and would contain no office space, this agreement is now no longer relevant.

7.4 The site is summarised as follows:

Description of Site and Surrounds	
Site Area	The site is rectangular in shape with an overall area of 3,354sqm. It features a frontage width of 70.4m with a depth of 47.6m.
Existing building & site conditions	The site consists of three separate but attached allotments. Each of these allotments contains distinct built form.  The land at 15-29 Bank Street is occupied by a six storey carpark. The land at 31-33 Bank Street is occupied by a 3 storey office building. The land at 35 Bank Street is occupied by a 3 storey office building.



	<p>The site is serviced by one existing crossover to Bank Street and several vehicle access points via the rear Little Bank Street.</p> <p>There is minimal vegetation located on the site. Large mature trees are however present within Bank Street immediately adjacent the site.</p>
Surrounds/neighbourhood character	<p>The site is located in the St Kilda Road North Precinct. This area is characterised by high density development and includes a range of land uses most commonly providing for active street frontages through retail or commercial uses and residential or office uses on upper levels.</p> <p>There is a mix of older development at a low scale (one to three/four storeys) interspersed with more recent development at a much more intensive scale (up to 156m tall).</p> <p>The area is undergoing significant change as a result of the Design and Development Overlay Schedule 26 that applies to the site and the broader area. The DDO26 anticipates development in the immediate area of up to 60m in height (mandatory maximum).</p>
Public Transport Context	<p>The site is located within the principal public transport network and is in immediate walking distance to a large number of public transport services. This includes tram services operating along St Kilda Road and Kings Way and will include the Anzac Station once construction is complete.</p>
Interfaces	<p>The site features the following immediate interfaces:</p> <p><u>North</u></p> <p>To the north of the site is Bank Street which features a large number of on-street parking spaces and a significant density of street trees planted on both sides central roadway.</p> <p>Further north of Bank Street are two prominent residential developments at 28 and 38 Bank Street</p> <p><u>East</u></p> <p>To the east of the site is the land at 1 Bank Street. A single storey row of brick shops, occupied by a range of takeaway outlets, fronting Bank and Wells Street occupies the land. It features an at-grade hard stand and parking area at its rear accessible via Little Bank Street.</p> <p>The building at 1 Bank Street is setback from the street and features outdoor seating areas to Bank Street.</p>



	<p>Further east of 1 Bank Street is Wells Street and high-density residential developments on its opposite side.</p> <p><u>South</u></p> <p>To the south of the site is Little Bank Street which is a narrow single-width bluestone laneway. Little Bank Street predominantly operates as a rear service lane to lots fronting Bank Street on its northern side and lots fronting Park Street on its southern side.</p> <p>Little Bank Street is accessed via Wells Street to its east and has through connections to Park Street to the south-west of the site. Vehicular access is also provided via Bank Street at the rear of 231 Kings Way (Officeworks).</p> <p>Further south of Little Bank Street are a mix of low-scale buildings and one high-density residential development at 52 Park Street.</p> <p>The building at 52 Park Street is constructed on its boundary to Little Bank Street. It features a number of apartments and associated balconies constructed on its northern boundary facing the subject site. The underground car park is accessed via Little Bank Street,</p> <p><u>West</u></p> <p>To the west of the land is 41-49 Bank Street. A 20 storey building consisting of 169 apartments has recently been constructed on this land. See Section 4 for further detail.</p>
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Figure 3 - 2023 Council aerial with site highlighted in red



Figure 4 – Photograph of frontage of subject site as viewed from opposite side of Bank Street



Figure 5 - Photograph of interface between subject site and recently developed land at 41-49 Bank Street as viewed from opposite side of Bank Street



*Figure 6 - Image viewing east along Little Bank Street from western extent (41-49 Bank Street visible front left)*



Figure 7 - Image viewing east along Little Bank Street, 41-49 Bank Street seen at left of image

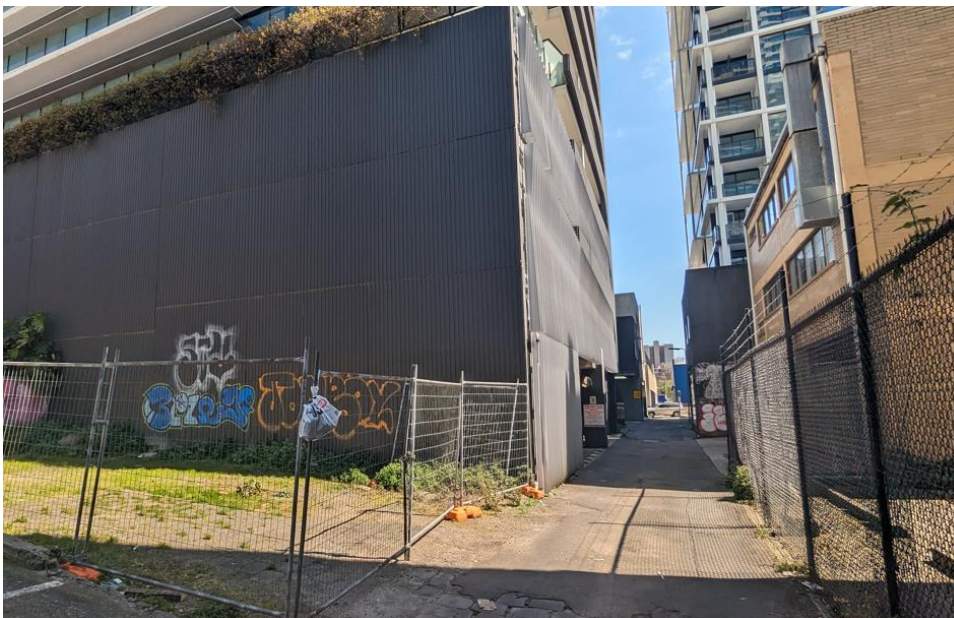


Figure 8 - Viewing west along Little Bank Street showing site (right), 41-49 Bank Street in background, and 52 Park Street to left



Figure 9 - Viewing east along Little Bank Street to Wells Street



Figure 10 - Viewing west from rear carpark to subject site from 1 Bank Street



Figure 11 - Viewing west from corner of 1 Bank Street to subject site and 41-49 Bank Street in distance

## 8. PERMIT TRIGGERS

- 8.1 The following zone and overlay controls apply to the site, with planning permission required as described.

Zone or Overlay	Why is a permit required?
<p>Clause 32.04 Mixed Use Zone (MUZ)</p>	<p>Clause 32.04-2 – A permit is required to use the land for a food and drink premises that exceeds 150sqm in area (section 2 use). No permit is required to use the land for a dwelling. <b>This application therefore requires a permit pursuant to Clause 32.04-2 to use the land for a food and drink premises.</b></p> <p>Clause 32.04-6 – A permit is required to construct two or more dwellings on a lot. An apartment development of five or more storeys must meet the requirements of Clause 58. <b>This application therefore requires a permit pursuant to Clause 32.04-6 to construct two or more dwellings on a lot.</b></p> <p>Clause 32.04-9 – A permit is required to construct a building and carry out works for a use in Section 2 of Clause 32.04-2. <b>This application therefore requires a permit pursuant to Clause 32.04-9 to construct a building and carry out works.</b></p> <p>Clause 32.04-11 – No maximum building height is specified under the MUZ.</p>
<p>Clause 43.02 Design and Development Overlay Schedule 26-2</p>	<p>Clause 43.02-2 – A permit is required to construct a building and carry out works unless otherwise specified by the Schedule to the overlay. Schedule 26 does not exempt any buildings or works from the parent permit requirement.</p>



(DDO26)	<b>This application therefore requires a permit pursuant to Clause 43.02-2 to construct a building and carry out works.</b>
Clause 44.05 Special Building Overlay Schedule 2 (SBO2)	Clause 44.05-2 – A permit is required to construct a building or construct or carry out works. <b>This application therefore requires a permit to construct a building and carry out works.</b>
Clause 52.06 Car Parking	<p>Clause 52.06-1 applies to all applications proposing a new use.</p> <p>Clause 52.06-2 states that before a new use commences, the number of parking spaces required under Clause 52.06-5 must be provided to the satisfaction of the responsible authority.</p> <p>A permit may be granted under Clause 52.06-3 to reduce or waive the number of parking spaces required under Clause 52.06-5.</p> <p>Clause 52.06-5 outlines the following parking rates for the proposed use:</p> <ul style="list-style-type: none"> <li>- Dwelling – 1 space to each one or two bedroom dwelling plus two spaces to each three or more bedroom dwellings.</li> <li>- Food and drink premises – 3.5 spaces to each 100sqm of leasable floor area.</li> </ul> <p>The proposal results in the following parking requirements pursuant to the above rates:</p> <ul style="list-style-type: none"> <li>- 340 parking spaces for 340 studio, one, and two bedroom apartments</li> <li>- 30 spaces for 15 three bedroom dwellings</li> <li>- 7 spaces for 205.2sqm of food and drink premises</li> </ul> <p>This results in a total parking requirement of 377 spaces.</p> <p>The applicant proposes 141 parking spaces, consisting of 130 resident spaces, 1 visitor space, 2 maintenance parking spaces, 3 retail staff spaces, and 5 car share parking spaces.</p> <p>That is, 130 resident spaces are provided and 3 retail staff spaces are provided. This results in a shortfall of 240 parking spaces for residents and 4 retail spaces.</p> <p><b>This application therefore requires a permit pursuant to Clause 52.06-3 to reduce the parking requirements.</b></p>
Clause 52.34 Bicycle Parking	<p>Clause 52.34-1 states that a new use must not commence until the required bicycle facilities are provided on the land.</p> <p>Clause 52.34-2 states that a permit may be granted to vary, reduce, or waive any requirement of Clause 52.34-5 and 52.34-6.</p> <p>Table 1 of Clause 52.34-5 outlines the following bicycle facilities:</p> <ul style="list-style-type: none"> <li>- One resident space to each five dwellings</li> </ul>



	<ul style="list-style-type: none"> <li>- One visitor space to each 10 dwellings</li> <li>- One employee space to each 300sqm of leasable floor area for 'food and drink premises'</li> <li>- One visitor space to each 500sqm of leasable floor area for 'food and drink premises'.</li> </ul> <p>The proposal generates the following parking requirements:</p> <ul style="list-style-type: none"> <li>- 71 resident spaces for 355 dwellings</li> <li>- 36 visitor spaces for 355 dwellings</li> <li>- 1 staff space for 205sqm food and drink premises</li> <li>- 0 visitor spaces for 205sqm food and drink premises</li> </ul> <p>The proposal includes 392 bicycle parking spaces which consists of 355 resident spaces, 1 retail staff space, and 36 visitor spaces.</p> <p>As less than 5 staff spaces are required there is no requirement for showers or changerooms under Tables 2 and 3 of Clause 52.34-5.</p> <p>It follows that no permit is required under Clause 52.34 as sufficient bicycle parking is provided.</p>
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## 9. PLANNING SCHEME PROVISIONS

### 9.1 Planning Policy Frameworks (PPF)

The following Planning Policies are relevant to this application:

Clause 11.03-6S	Regional and Local Places
Clause 11.03-6L-02	St Kilda Road North Precinct
Clause 12.01-1S	Protection of Biodiversity
Clause 12.01-1L	Urban Forest
Clause 13.01-1S	Natural Hazards and Climate Change
Clause 13.03-1S	Floodplain Management
Clause 13.07-1S	Land Use Compatibility
Clause 13.07-1L-03	Interfaces and Amenity
Clause 15.01-1S	Urban Design
Clause 15.01-1R	Urban Design – Metropolitan Melbourne
Clause 15.01-1L-02	Urban Design
Clause 15.01-2S	Building Design
Clause 15.01-2L-01	Building Design
Clause 15.01-2L-02	Environmentally Sustainable Development
Clause 15.01-2L-03	Urban Art
Clause 16.01-1S	Housing Supply
Clause 16.01-1R	Housing Supply – Metropolitan Melbourne





- Clause 16.01-1L-01 Housing Diversity
- Clause 16.01-1L-02 Location of Residential Development
- Clause 18.01-1S Land Use and Transport Integration
- Clause 18.01-1L-01 Land use and Transport Integration
- Clause 18.01-3S Sustainable and safe Transport
- Clause 18.01-3R Sustainable and safe Transport – Metropolitan Melbourne
- Clause 18.01-3L-01 Sustainable and safe Transport in Port Phillip
- Clause 18.02-3S Public Transport
- Clause 18.02-3R Principal Public Transport Network
- Clause 18.02-3L-01 Public Transport
- Clause 18.02-4S Roads
- Clause 18.02-4L-01 Car Parking
- Clause 18.02-4L-02 Loading Facilities
- Clause 19.03-3S Integrated Water Management
- Clause 19.03-3L Stormwater Management

**9.2 Other relevant provisions**

- Clause 58 Apartment Developments
- Clause 65 Decision Guidelines
- Clause 71 Operation of the Planning Scheme

**9.3 Relevant Planning Scheme Amendment/s**

- 9.4 Amendment C203port was approved with changes by the Minister for Planning and was gazetted on 14 April 2023. There are no transitional arrangements in the adoption of C203port. The Planning Scheme Amendment is policy neutral in respect to the majority of the policy changes where it does not alter the meaning of policy previously in the Port Phillip Planning Scheme. Where it is not policy neutral, it introduces and gives effect to adopted Council strategies and plans, augments policy by filling a known policy gap and/or responds to a recommendation of the Port Phillip Planning Scheme Audit 2018.

**10. INTERNAL REFERRALS**

- 10.1 The application was referred to the following areas of Council for comment. The comments are discussed in detail where relevant in Section 13 and full comments can be found at Attachment 6.

Internal Department	Referral Comments (summarised)
Urban Design	Council’s Urban Design Advisor provided the following advice on the originally submitted scheme. These are summarised below.



- *Southern tower elevation is too wide from a visual bulk perspective. A deeper setback should be incorporated within the façade between levels 4-18.*
- *The cross-block link between Bank and Little Bank Street is supported albeit improvements can be made to width, sightlines to bicycle store, materiality/presentation to bicycle store, and visual permeability*
- *Street trees must be protected*
- *Colonnades not supported*

The application made changes in response to the above feedback as part of the RFI process. Council's Urban Design Advisor provided a second review as follows:

- *The architectural feature frame and green colour treatment has improved the articulation of the rear tower however it has not gone as far as improving the reading of the building as two separate masses with their meaningful shadow effect for its recessive middle 'break' as recommended. The original feedback recommended a more recessive treatment to reduce visual bulk impacts from the south and mitigate shadowing impact. Having noted the above, I accept and appreciate the alternative changes and won't context the issue further.*
- *The cross-block link has been improved however there is now a 'pinch point' at the southern end which is not acceptable for pedestrians. It is recommended further work be done to improve the pedestrian experience of this area including chamfering the corner of the bike room to provide a continuously safe and accessible pedestrian link to Little Bank Street.*
- *From an urban design perspective the proposal is generally a well considered architectural design and is considered an appropriate type of development for the subject site. I am supportive and recommended the proposed development application for a planning permit.*

**Planner Note:**

It is noted that Council's Urban Design Advisor generally supports the proposal subject to resolution of the 'pinch point' between the vehicle access way and pedestrian path at the south of the cross-block link.

The area in question is shown below.

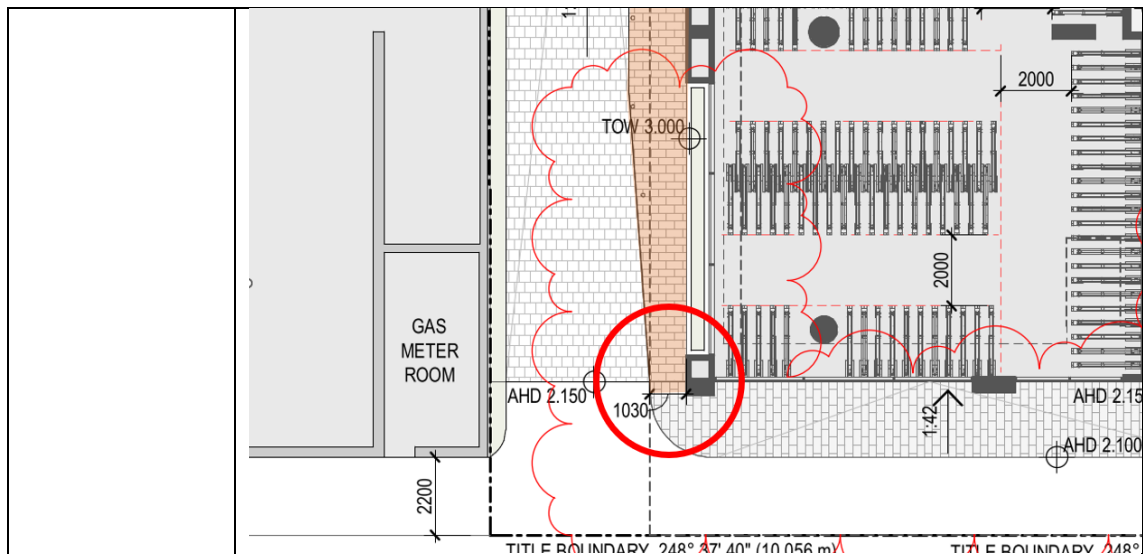


Figure 12 - Ground-floor plan showing the cross-block link southern end. The pedestrian footpath is highlighted in orange with the pinch point in question outlined in red

Figure 12 above shows the footpath to the cross-block link reducing to a width of 1m at its southernmost edge.

The width of this footpath is not considered unreasonable and would not result in any potential safety issues. There is sufficient clearance for a pedestrian to navigate this area without requiring the use of the vehicle accessway.

Whilst it is suggested that the pedestrian colonnade has been addressed, it is noted that the design of the colonnade did not change between the pre and post-RFI plans. As such it is still considered an issue from an urban design perspective.

It follows that Council's Urban Design feedback is either supported or considered acceptable from an officer perspective with exception of the colonnade design. This will be explored in further detail later in this report.

<p><b>Landscape</b></p>	<p>Council's Landscape Architect reviewed the post-RFI submitted plans. They note:</p> <ul style="list-style-type: none"> <li>- <i>The landscape plans are supported however some areas of improvement are suggested. These include:</i> <ul style="list-style-type: none"> <li>o <i>Activation could be improved to Bank Street east of main lobby.</i></li> <li>o <i>Move transition of bluestone pavers to bitumen property boundary.</i></li> <li>o <i>Relocate bike parking on Little Bank Street to be more accessible.</i></li> <li>o <i>Increase width of pedestrian path in laneway (currently 0.6m).</i></li> <li>o <i>Provide WSUD or garden bed opportunities in the nature strip of Bank Street.</i></li> <li>o <i>Hard surfacing around bike parking on Bank Street.</i></li> <li>o <i>Extend planting on Levels 1 and 2 to southern edge of building for improved screening and softening of building.</i></li> </ul> </li> </ul>
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	<ul style="list-style-type: none"> <li>○ <i>Provide trees in planted areas on level 5 podium.</i></li> <li>○ <i>Provide larger turf space on rooftop area with planters moved to edges.</i></li> <li>○ <i>Provide private break out spaces for small groups on north-western rooftop spaces.</i></li> <li>○ <i>Provide maintenance management plan for all planting.</i></li> <li>○ <i>Provide a more detailed planting schedule.</i></li> <li>○ <i>Provide a section of north-eastern roof top space.</i></li> <li>○ <i>Provide typical details of planters, tree planting, and ground-floor planting.</i></li> <li>○ <i>Provide more information on materials and surface finishes including product type.</i></li> </ul> <p><b>Planner Note:</b> Council’s landscape architect supports the proposal whilst recommending areas for improvement. This feedback is supported. It would provide for a more sophisticated and attractive landscaping response while providing further detail on the more technical aspects of installation and maintenance. These recommendations will be included in an amended landscape plan condition. Some of the above matters will not be relevant to the approval and will not be included as a consequence of the broader assessment contained within Section 13 of this report including:</p> <ul style="list-style-type: none"> <li>- Activation to Bank Street</li> <li>- Relocated bicycle parking to Little Bank Street</li> <li>- Increased width of pedestrian laneway path</li> <li>- WSUD garden beds within the Bank Street nature strip</li> <li>- Hard surfacing of bicycle parking within Bank Street.</li> <li>- Private break out space on the rooftop level</li> </ul> <p><b>(Refer recommended Condition 19).</b></p>
<p><b>Sustainable Design</b></p>	<p>Sustainable Design provided advice on the originally submitted scheme. Feedback is summarised as follows:</p> <ul style="list-style-type: none"> <li>- <i>Application does not demonstrate best practice for ESD</i></li> <li>- <i>Several details between submitted documentation and plans inconsistent</i></li> <li>- <i>Poor IEQ outcomes due to lack of natural ventilation to common areas</i></li> <li>- <i>Studio apartments are undersized</i></li> <li>- <i>Poor daylight outcomes</i></li> <li>- <i>Insufficient WSUD response</i></li> </ul> <p>Sustainable Design reviewed the amended proposal following receipt of RFI information. They note:</p> <ul style="list-style-type: none"> <li>- <i>Application does not demonstrate best practice for ESD</i></li> <li>- <i>Poor daylight outcomes, reconfigurations required</i></li> <li>- <i>Stormwater management information insufficient</i></li> </ul>

Further amendments were made to the SMP and resubmitted by way of S50 of the Act.

Council's Sustainable Design advisor reviewed the amended SMP and notes:

- *The updated stormwater information is acceptable.*
- *Green Factor scoring is received and supported albeit difficult to read.*
- *Albeit daylight has been improved to levels 3, 4, and 5 and levels 11-18 it remains problematic for levels 6-10 (total of 16 apartments overall)*

**Planner Note:**

Council's Sustainable Design Advisor supports the proposal subject to further resolution of daylight accessibility.

Sustainable design feedback indicates that two apartments each on levels 6, 7, and 8 and five apartments each on level 9 and 10 would not satisfy the 90% floor area achieving 1% daylight factor requirements.

This results in a total of 16 apartments out of the overall 355 dwellings proposed or 4% of all apartments falling below the Deemed to Satisfy daylight requirements.

These apartments are typically located within the central 'armpit' of the building, being those facing north but are flanked on either side by the north/south arms of the building. Figure below illustrates these apartments.



*Figure 13 - Level 9-10 daylight modelling plan extract showing*

Beyond these apartment, it would appear that the applicants daylight modelling has incorrectly claimed credit for BESS daylight deemed to standards where inadequate setbacks are provided.

The BESS deemed to satisfy criteria states that all the following criteria must be met:



	<ul style="list-style-type: none"> <li>- <i>Are all living areas and bedrooms less than 8m deep (5m if south facing)?</i></li> <li>- <i>Do all living areas and bedrooms have a floor-to-ceiling height of at least 2.7m?</i></li> <li>- <i>Does all glazing to living areas achieve at least 60% Visible Light Transmittance (VLT)?</i></li> <li>- <i>Do all living areas have an external facing window (not into a courtyard, light well or other major obstruction)?</i></li> <li>- <i>Does the building(s) comply with all of the requirements of the building separation tables?</i></li> </ul> <p>The submitted daylight modelling assessment claims that all of the southern facing apartments to levels 9 and 18 achieve the deemed to satisfy criteria. This is despite the majority of these apartments including living areas that are more than 5m deep.</p> <p>Furthermore, there are several instances where the building does not satisfy the requirements of the building separation tables. For instance:</p> <ul style="list-style-type: none"> <li>- Table 1 requires a setback of 12m at 9+ storeys building height between the living/main balcony outlook to the boundary line to adjacent properties. A setback of 7.1m is provided to the western boundary line.</li> <li>- Table 2 requires a setback of 9m at 9+ storeys building height between the living/main balcony outlook and the centre of an adjacent lane. An approximate setback of 7.44m is provided to the centre of Little Bank Street.</li> <li>- Table 3 requires a setback of 24m between living/main balcony to an opposite living/main balcony for a 9+ storey building height on the same site. A setback of 17.3m is provided between the eastern and western wing of the building.</li> </ul> <p>In effect, the claimed credit for daylight modelling is not an accurate reflection of the requirements of BESS. There are multiple instances demonstrates where it is incorrectly suggested that an apartment meets the deemed to satisfy requirements. The short review outlined above raises questions about the accuracy of this modelling.</p> <p>Based on the above, Council's ESD Advisors' concerns are supported and daylight access is found to be unacceptable. This will be discussed where necessary in Section 13 of this report.</p>
<p><b>Development Engineer</b></p>	<p>Development Engineer provided advice on the originally submitted scheme. Feedback is summarised as follows:</p> <ul style="list-style-type: none"> <li>- <i>Need suitably detailed lighting arrangements for Little Bank Street</i></li> <li>- <i>Proposed laneway should be shown as private laneway</i></li> <li>- <i>Little Bank Street may require upgrades to facilitate increased vehicle movements</i></li> <li>- <i>Minimum FFL required due to flood level is 3m AHD and 2.856m AHD for non-habitable rooms.</i></li> <li>- <i>Unclear whether current walls and doors can withstand flood forces. Recommend flood barriers to entrance of bike store, loading door entrance, and south-west bike store walls to be made flood proof to 2.856m AHD</i></li> </ul>



	<ul style="list-style-type: none"> <li>- <i>The height for installation of any electrical/gas points or switches (Loading area, store, Substation) should be a minimum of 600mm above the flood level (2.31-2.70m AHD).</i></li> </ul> <p>Further detail was provided as part of the RFI response. Council's Development Engineer reviewed the amended application and notes:</p> <ul style="list-style-type: none"> <li>- <i>We are satisfied with the proposed flood mitigations measures i.e proposed flood barrier and wall water tightening to meet the minimum FFL requirement for the development.</i></li> <li>- <i>We requested applicant to provide a written confirmation from Citipower stating that Citipower are satisfied with the proposed FFL of the substation equipment as 2.7m AHD. Has this been submitted?</i></li> </ul> <p><b>Planner Note:</b></p> <p>Council's development engineer supports the proposed flood mitigation measures shown in the plans.</p> <p>No further advice from Citipower has been provided however this is a matter that the applicant will manage. Should there be any issues with the proposed substation FFLs an amendment to a permit, if one is to be issued, will need to be undertaken.</p>
<p><b>Acoustic</b></p>	<p>Acoustic advice was provided on the originally submitted scheme. Council's acoustic advice suggested that the submitted acoustic report is sound and suitable for approval subject to the following conditions:</p> <ul style="list-style-type: none"> <li>- <i>Any outdoor trading shall cease by 10pm for Food and Beverage tenancies.</i></li> <li>- <i>Prior to occupation, an acoustic report shall be provided to the satisfaction of the Responsible Authority confirming that any plant on surrounding commercial buildings does not impact dwellings on the land, including details of any further mitigation if required.</i></li> </ul> <p><b>Planner Note:</b></p> <p>The above conditions are supported and will be added as a condition of permit to the final recommendation. <b>(Refer to recommended Conditions 24 and 25).</b></p>
<p><b>Traffic and Parking</b></p>	<p>Council's Traffic and Parking unit provided comments on the submitted traffic report noting the following:</p> <ul style="list-style-type: none"> <li>• Site is located extremely well near a number of sustainable transport options.</li> <li>• Residents/visitors of the development will not be eligible for resident parking permits.</li> <li>• Noting that the assessment for the appropriate rate for car parking provision lies with Statutory Planning. Reference should be made to CoPP's Sustainable Parking Policy. We also suggest comparing previous approved parking provision rates of adjacent developments as part of the Planning team's assessment / determination.</li> <li>• Increase in peak hour traffic is not significant and the accessway has been amended to accommodate two-way traffic flow.</li> <li>• At least 20% of bicycle facilities to be provided in horizontal arrangement.</li> <li>• It appears the loading dock on the ground level has at least a 3.5m clearance. There are no conveniently accessible loading zones on-street to facilitate loading and unloading of goods associated to</li> </ul>



	<p>residents. Therefore, it is important that loading for residents be considered onsite and therefore a 3.5m minimum headroom is required for SRV vehicles.</p> <p><b>Planner Note:</b> The Traffic and Parking Unit are generally supportive of the proposal with the only concern related to the access ramp. The above matters are acknowledged and are addressed in full in Section 13 of this report.</p>
<p><b>Waste Management</b></p>	<p>Council's waste team provided advice on the post-RFI submitted scheme. Feedback is summarised as follows:</p> <ul style="list-style-type: none"> <li>- <i>WMP to be updated to include land use zoning</i></li> <li>- <i>Number of floors to be stated</i></li> <li>- <i>Number of retail tenancies to be stated</i></li> <li>- <i>Waste rates, bins, and collection frequency are acceptable</i></li> <li>- <i>Section 3.3.2 should read "Approximately 40% of the recycling waste from the café tenancy and 50% of the recycling from the retail tenancy is considered as glass."</i></li> <li>- <i>Garbage bin lid should be red</i></li> <li>- <i>Security and access arrangements to service area need to be detailed</i></li> <li>- <i>Bin wash area not identified on plans</i></li> <li>- <i>Bin collection point not identified on plans</i></li> <li>- <i>Swept path analysis shows the vehicle colliding with or mounting kerb/wall while turning right.</i></li> <li>- <i>Waste collection times must be collected in accordance with Council's local law No. 1 both for domestic and trade/commercial waste.</i></li> </ul> <p><b>Planner Note:</b> The submitted Waste Management Plan is based on an older set of plans. Whilst the overall number of apartments and retail spaces remain consistent with the current proposal, the layout of the rear loading dock has been altered in terms of door width as has the through-block link footpath.</p> <p>Under more generous circumstances, the swept path analysis appeared very tight with only a small margin for error in ingress/egress. The proposed changes to the through-block link would require further review from a swept path perspective and alternative arrangements or vehicle size would be needed if this cannot be facilitated.</p> <p>As such, a revised WMP will be required if the proposal is recommended for approval. The revised WMP will address Council's waste advisors feedback outlined above. <b>(Refer recommended Condition 27).</b></p>
<p><b>Strategic</b></p>	<p>Council's Strategic Planners provided pre-application feedback prior to the application being lodged with Council. Feedback is summarised as follows:</p> <ul style="list-style-type: none"> <li>- <i>Application does not appear to provide for housing diversity and accessibility with respect to Clause 21.06-7.</i></li> <li>- <i>The proposal exceeds the 60m maximum height of the DDO26. The applicant needs to clearly demonstrate on the plans which parts are considered communal space and architectural features</i></li> </ul>





	<p><i>and demonstrate how these meet the maximum height and size requirements.</i></p> <ul style="list-style-type: none"> <li>- <i>The tower width exceeds 35m. Additional justification is provided to demonstrate how daylight, visual bulk, and sightlines will be managed.</i></li> <li>- <i>The provision of a cross block link is supported however it must be demonstrated that this area will be well lit, safe, accessible 24x7, and designed to minimise potential conflict between vehicles, cyclists, and pedestrians.</i></li> <li>- <i>Further clarification is required to explain how the pedestrian colonnade work and why the setback at ground floor level has been provided.</i></li> </ul> <p>The above matters are acknowledged and are addressed in full in Section 13 of this report.</p>
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**11. EXTERNAL REFERRALS**

Referral Authority	Response	Conditions
Department of Transport and Planning	<p>The application was referred to the Department of Transport and Planning pursuant to land use and transport integration under Clause 66.02-11 on 30 December 2022.</p> <p>No response was received from the Department of Transport and Planning.</p>	N/A
Melbourne Water	<p>Melbourne Water is not a formal referral authority. They were however notified of the application as a result of Melbourne Water’s 2100 sea level rise flood data.</p> <p>Melbourne Water (MW) note:</p> <p>Although the subject site is currently affected by the SBO2 (which relates only to flooding from Council drainage), Melbourne Water has been informally referred this application. Planning policy at Clauses 13.01, 13.03 and 65 of the Melbourne Planning Scheme provides strong guidance that all applications consider the impacts of flood risk, climate change and Sea Level Rise. The proposed buildings and works would be affected by flooding from Sea Level Rise (2100 level) as well as flooding from the Yarra (2100 level). The proposed buildings and works are an inadequate response to the flood risk profile of the site. This could potentially be addressed by modifying the ground floor to meet freeboard requirements, and by relocating the main access points to the site further east where the flood risks are lesser.</p> <p>As such, it is considered that the proposal cannot be supported and therefore Melbourne Water will object to the proposal.</p>	N/A

Planners Response to Melbourne Water Objection



- 11.1 MW's assessment finds that the minimum sea level rise flood-level for the property is 2.4m. The required finished floor level must be 600mm above that, being 3m AHD.
- 11.2 The proposal does not satisfy this FFL requirement. FFLs at ground-floor ranging from 2.1m for the external car parking spaces and loading bays up to 2.7m for internal areas. Several internal rooms at ground-floor however are located at 2.4-2.5m AHD. Neither of these rooms satisfy MW requirements.
- 11.3 Despite this, the applicant has devised a solution to address flood risk in conjunction with Council's Development Engineer that includes a mixed approach of FFLs and flood-barriers around the outside of the proposal.
- 11.4 This approach is considered acceptable.
- 11.5 Melbourne Water have been included as an objector to the application. If a Notice of Decision was to be issued Melbourne Water would be able to be joined as a party to any appeal.

**12. PUBLIC NOTIFICATION/OBJECTIONS**

- 12.1 It was determined that the proposal may result in material detriment therefore Council gave notice of the proposal by ordinary mail to the owners and occupiers of surrounding properties (1200 letters) and directed that the applicant give notice of the proposal by posting 2 notice(s) on the site for a 14 day period, in accordance with Section 52 of the Planning and Environment Act 1987.
- 12.2 The application was advertised and received 47 objections and 1 petition. At the time of writing this report the petition contained 148 signatures. The key concerns raised are summarised and responded to below with further assessment in section 13 of this report.

Ground of Objection	Response
Insufficient parking	Refer to Section 13.
Insufficient visitor parking	Refer to Section 13.
Unreasonable impact on street parking on Bank Street	Refer to Section 13.
Insufficient loading areas for incoming and outgoing residents	There is no evidence to suggest that the dual-loading bay arrangement is not compatible with the number of residents proposed. It is expected that building management will schedule resident loading and unloading activities in the loading bay in a similar fashion to other high rise apartment developments.
Unreasonable impact to congestion and operation of Little Bank Street	Refer to Section 13.
Does not achieve urban design and architectural excellence	Refer to Section 13.
Inadequate side and rear setbacks	Refer to Section 13.



<p>Proposed setbacks are not equitable.</p>	<p>The proposal provides a 5-7m setback to its western boundary with exception of the shared wall on boundary towards the Bank Street boundary.</p> <p>This arrangement provides for setbacks that are in excess of the 4.5m setback provided at 41-49 Bank Street. This arrangement is considered to represent best practice equitable development outcomes and provides greater benefit to the land at 41-49 Bank Street given the greater than setbacks provided.</p> <p>The 6m setback above to the eastern boundary is considered satisfactory for preserving future equitable development outcomes of the land at 1 Bank Street.</p> <p>Despite this, the on-boundary construction on the podium rooftop is not considered equitable. On level 3, balconies and residential amenities are proposed to be constructed abutting the boundary. This would pose an unreasonable constraint on the development of land to the east. It is expected that the neighbouring lot will be constructed to its boundary for the podium length and provide an equitable setback above.</p> <p>As such, a 4.5m setback is recommended for all balconies and resident amenities on level 3 from the eastern boundary. <b>(Refer recommended condition 1g)</b>. This change would not have an unreasonable amenity impact on future residents.</p>
<p>Level 1 and 2 setbacks to Little Bank Street inconsistent with 41 Bank Street</p>	<p>Level 1 and 2 are proposed to be constructed on the rear boundary to Little Bank Street. This is not equitable with the approach taken for 41-49 Bank Street which provides a 2.2m setback at levels 1 and 2 to Little Bank Street.</p> <p>That said, a minimum setback of 2.2m will be required by way of condition to levels 1 and 2 should a permit be recommended for issue.</p> <p>This will ensure that the response to Little Bank Street is equitable and addresses the challenges associated with the laneway. <b>(Refer recommended condition 1b)</b>.</p> <p>It is recognised that this will require the removal of approximately 34 parking spaces which will require further consideration. A full breakdown of the implications of proposed conditions will be provided in Section 13 of this report.</p>
<p>Does not satisfy 60m building height of DDO26</p>	<p>Refer to Section 13.</p>
<p>Does not satisfy maximum tower width under DDO26</p>	<p>Refer to Section 13.</p>
<p>Does not satisfy floor to ceiling height of DDO26</p>	<p>Refer to Section 13.</p>
<p>Rooftop services exceed DDO26 allowances</p>	<p>Refer to Section 13.</p>
<p>Inconsistent with DDO26</p>	<p>Refer to Section 13.</p>



Insufficient landscaping	There is no evidence to suggest that the proposed landscaping response is insufficient.
Insufficient noise attenuation to rooftop level	Refer to Section 13.
Application should provide a basement	Refer to Section 13.
Visitor bicycle parking space should not be located within nature strip of Bank Street	It is agreed that the applicant has sought to benefit from public space by delivering a total of 36 visitor bicycle parking spaces within Bank Street while a large colonnade has been provided to Bank Street.  A condition will be placed on any permit if one is to be recommended to require them to be relocated on the land. <b>(Refer recommended condition 1i).</b>
Lack of housing diversity	Refer to Section 13.
Not replacing public parking lost from demolition of existing car park	The existing commercial carpark is a distinctly different land use and has been decommissioned. It is of no relevance to this application and there is no planning requirement that it's parking provisions must be retained in a new use and development of land.
Unreasonable wind impacts	Refer to Section 13.
Façade should be non-reflective glass	It is a standard expectation that all high rise development utilises non-reflective glazing as part of its materials palette.  The proposed materials palette does not suggest that non-reflective glazing will be used. As such a standard condition will be included on any permit recommendation should the application be supported. <b>Refer recommended condition 1j).</b>
Rooftop common area should be acoustically treated, screened, and restricted in operating hours to protect amenity of nearby residents	Refer to Section 13.
External lights during construction including lighting of cranes should be turned off between 10pm and 7am and external lights should be baffled during construction to avoid amenity impact to neighbours	All matters relating to construction management are addressed via Council's Local Law No. 1. As such, it is not considered as part of this planning process.
Visual bulk impact to 41 Bank Street	The siting and massing of the proposal provides for generous setbacks to the land at 41 Bank Street and an otherwise similar tower length between Bank and Little Bank Street. This



	does not support a finding of visual bulk impacts to the land at 41 Bank Street.
Application represents an overdevelopment of the site.	Refer to Section 13.
Loss of sunlight and views to 41 Bank Street	Refer to Section 13.
Through block link raises safety concerns	There is no evidence to suggest that the provision of a through-block link will lend itself to crime or antisocial behaviour.  There is sufficient outlook to the through-block link from the Bank Street food and drink premises, residential amenities, and the bicycle storage cage which is expected to be frequently used given its capacity.
Proposal would adversely impact wildlife	There is no evidence to suggest that the removal of the palm tree on the land would have an adverse impact on wildlife in the area. Furthermore, all street trees in Bank Street are to be retained and protected.
Overlooking impacts	Refer to Section 13.
Lack of apartment storage cages	Refer to Section 13.
No respect for fine grained heritage subdivision pattern	There is no heritage significance in this area of the municipality.
Unreasonable construction noise	All matters relating to construction management are addressed via Council's Local Law No. 1. As such, it is not considered as part of this planning process.
Unreasonable impact to CBD views	There is no significance to views to the CBD. These views are not protected from a planning perspective.

12.3 A consultation meeting was held on 17 July 2022. The meeting was attended by the Gateway ward councillors, the applicant, objectors, and planning officers. The meeting resulted in no changes being made to the application.

12.4 It is considered that the objectors do not raise any matters of significant social effect under Section 60 (1B) of the Planning and Environment Act 1987.

### 13. OFFICER'S ASSESSMENT

This application seeks approval to construct a multi-storey mixed use building on land in the Mixed Use Zone and Design and Development Overlay and Special Building Overlay and associated reduction of car parking at 15 - 37 Bank Street, South Melbourne.

It requires a permit to use the land for a food and drinks premises under the Mixed Use Zone, to construct a building and carry out works under the Mixed Use Zone, the Design and Development Overlay, and the Special Building Overlay, and to reduce the car parking requirements pursuant to Clause 52.06.



On review of the application against the Port Phillip Planning Scheme, the following key planning matters must be considered:

- Is the application consistent with the Planning Policy Framework?
- Is the application consistent with the Mixed Use Zone?
- Does the proposal satisfy the requirements of Clause 58?
- Is the application consistent with the Design and Development Overlay Schedule 26-2?
- Is the application consistent with the Special Building Overlay Schedule 2
- Does the proposal provide an acceptable car parking provision and would it have any unreasonable traffic impacts?
- Does the proposal provide an acceptable bicycle parking provision?
- Would the proposal achieve best practice environmentally sustainable design and water sensitive urban design?
- Are the proposed waste management arrangements acceptable?
- Are the proposed loading facilities acceptable?
- Are the proposed urban art arrangements acceptable?
- Would the proposal be acceptable as a result of proposed conditions?

These matters will be discussed separately below.

### 13.1 Is the application consistent with the Planning Policy Framework?

Relevant PPF objectives and strategies are summarised in Section 9 of this report. Relevant objectives are thematically organised in the PPF. For convenience and brevity, these themes will be discussed separately below.

#### Clause 11 – Settlement

Broadly, Clause 11 seeks to facilitate sustainable development that takes full advantage of existing settlement patterns and investment in transport, utility, social, community, and commercial infrastructure and services.

More specifically, Clause 11.03-6L-02 provides policy guidance on development within the St Kilda Road North Precinct. It seeks to reinforce the St Kilda Road North precinct as a dynamic, connected, integrated, safe and inclusive place to live, work, and visit.

Strategies contained within Clause 11.03-6L-02 seek to encourage development of a vibrant area, providing for residential, commercial, and community rooms, and that community spaces are incorporated into new development.

The proposal supports these strategies. It would represent a high-quality design response for the St Kilda Road North precinct and would include a substantial provision of community space.

Clause 11.03-6L-02 also specifically seeks to encourage use and development create a residential and mixed use environment through an increased scale of density of development in the Northwest Corner (DDO26-2) precinct. A full assessment of the proposal against the DDO26-2 is provided later in this report which will address this strategy.



It follows that the proposal is consistent with Clause 11 and represents an acceptable location for high density residential development subject to the more specific requirements of the DDO26-2 being met.

#### Clause 12 - Environment and Landscape Values

Clause 12 is relevant insofar as it pertains to Clause 12.01-1L. This clause represents Council's local urban forest policy and seeks to retain significant trees and encourage opportunities for landscaping that contribute to biodiversity.

Despite the proposal seeking removal of a mature palm tree within the front setback of the land, it is considered to support the objectives of Clause 12.01-1L as:

- It would retain and protect all mature street trees within Bank Street, and
- Provides for a high quality landscape response for the site.

#### Clause 13 – Environmental Risks and Amenity

Clause 13 is relevant insofar as It relates to floodplain management and land use compatibility.

With respect to floodplain management, this is addressed through the Special Building Overlay that specifically affects the site. A full assessment of the proposal against this overlay is provided later in this report.

Land use compatibility is addressed through the interfaces and amenity policy at Clause 13.06-1L-03 which applies to all residential use and development in a Mixed Use Zone.

As it relates to residential development, Clause 13.06-1L-03 seeks to:

- *Ensure new residential development incorporates measures to protect residents from unreasonable noise, fumes, vibration, light spillage, waste management and other likely disturbances, including from nearby business or industrial operations.*
- *Designing residential development adjacent to existing commercial or industrial uses to:*
  - o *Orient windows and ventilation systems away from existing and potential noise sources.*
  - o *Locate noise-sensitive rooms (in particular, bedrooms) and private open space away from existing and potential noise sources.*
  - o *Incorporate other measures such as acoustic fencing, landscaping and setbacks, where appropriate.*

A noise report has been prepared by the applicant to address environmental noise sources. Council's acoustic consultant has reviewed this and supports its recommendations. These recommendations will be enforced via conditions should a permit be recommended.

With respect to the second dot point above, the site is not located to any major commercial or industrial uses that would pose a significant impact on the proposal. Irrespective, these environmental noise sources are addressed as part of the noise report.

The proposal therefore supports the objectives and strategies of Clause 13.



### Clause 15 – Building Environment and Heritage

Clause 15 broadly seeks to ensure land use and development appropriately responds to its context, achieves architectural and urban design excellence, and achieves best practice sustainable development outcomes.

Clause 15 is relevant insofar as it pertains to urban design and building design outcomes. The broad objectives contained in Clause 15 are give specific guidance through the local policies at:

- *Clause 15.01-1L-02* - Urban Design
- *Clause 15.01-2L-01* - Building Design
- *Clause 15.01-2L-02* Environmentally Sustainable Development
- *Clause 15.01-2L-03* Urban Art

These policies are exhaustive and involve some level of duplication for sites affected by specific built-form control such as the DDO26-2 and Clause 58. As such, they will not be specifically addressed later in this report with exception of Clause 15.01-2L-03 (Urban Art) which is discussed below.

No urban art submission has been made despite the estimated cost of works exceeding the threshold trigger of Clause 15.01-2L-03. This is a standard approach for larger applications that opt to defer the urban art requirements to conditions of permit should one be issued.

This standard approach is applicable in this instance. Should a permit be recommended for granting, it will contain relevant urban art conditions to ensure the requirements of Clause 15.01-2L-03 are met.

Subject to urban art conditions and the findings of more detailed assessments against the applicable local policies outlined above, the proposal would be consistent with Clause 15.

### Clause 16 – Housing

Clause 16 broadly seeks to provide for housing diversity, the efficient provision of supporting infrastructure, long term sustainability of new housing, and affordable housing.

Clause 16.01-1S seeks to facilitate well-located, integrated, and diverse housing and to encourage the development of well-designed housing that provides a high level of internal and external amenity and supports a range of income groups in well-services locations. Clause 16.01-1L-02 supports this objective and identifies the site as a substantial residential growth area.

Clause 16.01-1L-01 seeks to provide for a mix of dwelling sizes and provides for accessible and adaptable for a wide diversity of people.

The site represents a highly strategically supported location that can support high-density residential development. It is a highly accessible area in close proximity to jobs and services.

Despite this, the application does not provide a suitable diversity of dwellings. It has a large proportion of studio, one, and two bedroom dwellings with a limited number of larger, more family-friendly apartments.





This does not support to objectives of Clause 16. Housing diversity will be discussed in more detail where relevant throughout the balance of this assessment. The lack of housing diversity may be considered acceptable on-balance after all relevant matters are considered.

Clause 18 – Transport

Clause 18, as it relates to this application, is relevant as it seeks to:

- Support higher intensity development within the principal public transport network
- Support development that encourages the use of active and sustainable transport
- Support development that maximises use of existing public transport infrastructure
- Plan for an adequate supply of car parking considering existing and potential modes of access including public transport, the demand for off-street car parking, road capacity, and potential for demand management of car parking
- Prioritise vehicle access from rear laneways over street frontages
- Support development that enables loading and unloading wholly within the stie boundaries and accessible via the rear of a building or low pedestrian environments and simultaneously accommodates incoming and outgoing residents

The proposal is highly supported under these objectives. It is located within the PPTN in a highly accessible location that would contribute greatly to personal and sustainable transport options inclusive of public transport. It provides vehicle access via the rear and provides an adequately sized loading bay to service the development.

More detailed discussion is required of the proposed parking arrangements. There is strong policy support for a parking reduction in this location given the highly accessible and central location. However, a more detailed analysis of the proposal and its context is required to determine what level of dispensation is appropriate. This assessment is provided later in this assessment.

Subject to a positive finding with respect to parking, the application would be consistent with Clause 18.

Clause 19 – Infrastructure

Clause 19 is relevant insofar as it pertains to stormwater management. A more detailed discussion of stormwater management is provided later in this section. Subject to a positive finding with respect to stormwater management, it would comply with Clause 19.

**13.2 Is the application consistent with the Mixed Use Zone?**

A permit is required under the Mixed Use Zone (MUZ) to use the land for a food and drinks premises and construct a building and carry out works.

The following table constitutes an assessment of the proposal against the relevant decision guidelines under Clause 32.04-14.

Decision Guidelines	Assessment
The Municipal Planning Strategy and the Planning Policy Framework.	See Section 13.1. The proposal is generally consistent with the PPF.



The objectives set out in a schedule to this zone.	None specified.
Any other decision guidelines specified in a schedule to this zone.	None specified.
The impact of overshadowing on existing rooftop solar energy systems on dwellings on adjoining lots in a Mixed Use Zone or Residential Growth Zone.	The proposal would not overshadow any rooftop solar energy systems on dwellings. It would overshadow solar panels to the south-east however these are associated with a commercial land use which is not explicitly protected under this decision guideline.
For an apartment development of five or more storeys, excluding a basement, the objectives, standards and decisions guidelines of Clause 58.	A full assessment of the proposal against Clause 58 is provided in Attachment 4.

Based on the above, the proposal is supported by the MUZ decision guidelines. This is subject to the outcome of a full Clause 58 assessment which is attached at Attachment 4 and discussed below.

**13.3 Is the application consistent with the Design and Development Overlay Schedule 26-2?**

A permit is required under the DDO26-2 to construct a building and carry out works. Clause 43.02-2 states that buildings and works must be constructed in accordance with any requirements in a schedule to the overlay. It also states that a permit may be granted to construct a building or construct or carry out works which are not in accordance with any requirement in a schedule to the overlay unless the schedule specifies otherwise.

Schedule 26 identifies the area as the St Kilda Road North Precinct. More specifically, it identifies the site as being part of sub-precinct 2 which is the Northwest Corner.

The DDO26-2 outlines the following objectives for sub-precinct 2:

- *To ensure that new development creates a vibrant residential and mixed use environment, through an increased scale and density of development.*
- *To reinforce the primacy of the St Kilda Road boulevard by ensuring development provides a gradual visual and physical transition from the higher scale development of St Kilda Road, across the Sub-Precinct to Kings Way.*
- *To ensure that development provides for a fine grain character in the form and articulation of new buildings.*
- *To create a high quality public realm through additional tree planting and maintaining access to sunlight along the key pedestrian streets of Bank and Park Streets.*
- *To improve the streetscape environment of Kings Way through high quality built form and consistent landscaped setbacks.*
- *To ensure the development in Kings Way creates a landscaped boulevard through high quality architectural design and a landscaped public realm interface.*



- *To ensure that podium design and heights create and reinforce a 'human scale' to provide visual interest and activity for the pedestrian at street level along Kings Way.*
- *To improve the streetscape environment of the Northwest Corner Sub-Precinct through high quality built form.*
- *To ensure that buildings are scaled to maintain a respectful setting and backdrop for the Shrine of Remembrance.*

Clause 2.0 of the DDO26 outlines a number of general and sub-precinct requirements. The following table provides an assessment of the proposal against the relevant requirements of the DDO26.

DDO26-2 Requirements	Assessment
2.1 General Requirements	
Design Quality	
<i>Developments on large sites should minimise building bulk and promote vertical articulation in their design.</i>	The proposal constitutes a large site. The applicant has made attempts to minimise building bulk through the use of a staggered U shape building. This approach would minimise bulk above the podium level as read from Bank Street however it would simultaneously result in a quite large structure as viewed from Little Bank Street. This matter is discussed in further detail later in this table in response to tower width.
Separation Distances / Side and Rear Setbacks	
<p><i>For Sub-Precincts 1, 2, 3 and for properties in Sub-Precinct 4 without a primary frontage to St Kilda Road:</i></p> <ul style="list-style-type: none"> <li>- <i>Development above the podium height (including balconies) should be set back a minimum of 4.5 metres from common side and rear boundaries and at least 9 metres from existing towers.</i></li> <li>- <i>Where no podium is proposed as part of the development, a setback of 4.5 metres to the common boundary should be provided.</i></li> </ul> <p><i>A permit may not be granted to construct a building or construct or carry out works which are not in accordance with this requirement unless allowed by Clause 2.3 of this schedule.</i></p>	<p>The tower form above the podium is setback:</p> <ul style="list-style-type: none"> <li>- 5m from the front boundary</li> <li>- 6m from the eastern side boundary</li> <li>- 5.3m from the rear boundary</li> <li>- 7m from the western side boundary.</li> </ul> <p>This exceeds the 4.5m setback requirement and achieves a 9m separation from the neighbouring tower to the west.</p>



<p><i>For all Sub-Precincts:</i></p> <ul style="list-style-type: none"> <li>- <i>Additional side and rear setbacks and/or separation distances may be required to ensure buildings are designed and spaced to:</i> <ul style="list-style-type: none"> <li>- <i>Respect the existing urban character and pattern of development.</i></li> <li>- <i>Equitably distribute access to an outlook, daylight and achieve privacy from primary living areas for both existing and proposed development.</i></li> <li>- <i>Achieve sky views between towers, ensure adequate sun penetration to street level and mitigate wind effects.</i></li> <li>- <i>Avoid windows of primary living areas and balconies that directly facing one another.</i></li> <li>- <i>Maintain the equitable development potential of adjoining lots.</i></li> </ul> </li> </ul>	<p>As noted above, the proposal provides setbacks that are above and beyond the minimum 4.5m setback requirement. Importantly, the 7m setback to the western shared boundary provides good visual bulk relief, daylight access, and sky views to the apartments at 41-49 Bank Street.</p> <p>This approach is supported.</p>
<p>Street Wall / Podium Level</p>	
<p><i>The design of podiums should create a 'human scale' providing visual interest and activity for pedestrians at the street edge, ameliorate wind effects and provide access to sunlight and sky views.</i></p>	<p>The proposal provides for a highly articulated and active podium level to Bank Street. It provides a pedestrian colonnade at ground-floor, dwelling balconies at levels 1 and 2, a communal open space at level 3 that reads as a voice to Bank Street, and a communal open space above.</p> <p>With exception of the colonnade, the podium creates a highly varied and activated frontage to Bank Street. It provides a variety of solid and void forms and uses across its five storey Bank Street interface.</p> <p>The colonnade itself contributes little to the street frontage. The frequency of columns on the Bank Street boundary provides an awkward duplicated footpath that does not achieve an activated or engaging frontage.</p> <p>It follows that the overall podium design, with exception of the colonnade, is supported.</p>
<p><i>The design of buildings should reinforce the pattern of the street by</i></p>	<p>The building aligns well with the straight front boundary.</p>



<i>aligning their façade with the curvature of the street frontage.</i>	
<i>The design of new buildings should include openable habitable windows and balcony doors on the first five levels of the 'street wall' to enhance the sense of connection, surveillance and safety at ground level.</i>	The street wall includes a large proportion of habitable room windows and balconies which will contribute to street surveillance.
<i>All car parking at ground level or above should be sleeved with active uses to ensure it is not visible from the street.</i>	Parking is not visible from the street.
<b>Active Frontages</b>	
<i>New development should provide integrated community and active space at street level that contributes to a high quality public realm.</i>	The proposal includes a large resident amenities use at the ground-floor. These are however recessed from the street behind a pedestrian colonnade.
<p><i>All building frontages (except on laneways and service streets) should:</i></p> <ul style="list-style-type: none"> <li>- <i>Be orientated towards the street.</i></li> <li>- <i>Allow for natural surveillance and a visual connection into the building through transparent windows and balconies.</i></li> <li>- <i>Avoid blank walls, large areas of reflective services, high fences, service areas, car parks and garage doors in the podium interface areas.</i></li> <li>- <i>Provide clear glazing to street frontages; security grills should be visually permeable and mounted internally.</i></li> <li>- <i>Provide no or low, visually permeable front fencing.</i></li> </ul>	<p>The Bank Street frontage would be oriented towards the street, albeit recessed from the boundary.</p> <p>The setback and pedestrian colonnade adversely impacts natural surveillance and visual connection into the building albeit not by a significant extent.</p> <p>Clear glazing is typically used to the façade and blank walls or large service areas are avoided.</p>
<i>Design pedestrian entrances to open directly onto the street, as a key feature of the façade and at the same level as the public footpath.</i>	<p>The pedestrian entrance is recessed from the street behind the pedestrian colonnades and the front wall of the shops and resident amenities area.</p> <p>This is not considered appropriate and creates an awkward duplicated pedestrian environment on the site adjacent to the Bank Street environment.</p>



<p><i>Foyer areas should have visibility to the street and be designed to encourage activity and interest both within and external to the building.</i></p>	<p>The foyer entrance is recessed approximately 6.9m from Bank Street. Views into this lobby are limited by virtue of the deep setback, the pedestrian colonnade, and the adjacent shop and amenity area extending closer to the street.</p> <p>This is not considered an acceptable response. It limits visibility into the foyer from the street and adversely impacts activity as read from the street.</p>
<p><i>New development within a commercial or mixed use zone should provide:</i></p> <ul style="list-style-type: none"> <li>- <i>Transparent windows and entrances for at least 80 per cent of the width of the street frontage of each individual retail premises, or at least 60 per cent of the width of the street frontage of each premises for other commercial uses.</i></li> <li>- <i>Lighting design that is incorporated to the façade to contribute to a sense of safety at night.</i></li> </ul>	<p>The site is located within the mixed use zone. The ground-floor façade would be at least 80% transparent.</p> <p>It is expected that the lighting design will be incorporated into the façade.</p>
<p><b>Tower Design and Internal Amenity</b></p>	
<p><i>Tower forms (above podiums) should not exceed a maximum width of 35 metres to:</i></p> <ul style="list-style-type: none"> <li>- <i>Ensure that daylight penetrates through to parts of the building and streets, and adjoining buildings.</i></li> <li>- <i>Reduce their perceived visual bulk.</i></li> <li>- <i>Maintain sightlines between buildings.</i></li> </ul>	<p>Refer below.</p>
<p>The proposed tower width is 57.3m. Whilst the tower sites its longest edge along Little Bank Street, it remains read as one large contiguous form from Bank Street despite its u-shape. That is, there are no clear visual breaks in form when reading the building from Bank Street or Little Bank Street.</p> <p>This exceeds the maximum width of 35m by 22.3m.</p> <p>This is not acceptable and is not supported. The justification provided by the applicant that tower width does not exceed 35m due to the u-shape of the tower is not accepted.</p>	

The width of the tower at 57.3m would present as a monolithic structure with the Bank Street and Little Bank Street context. Further, the wall would be an imposing structure as read from the north-facing apartments of existing and future development of those lots south of Little Bank Street and from Park Street itself.

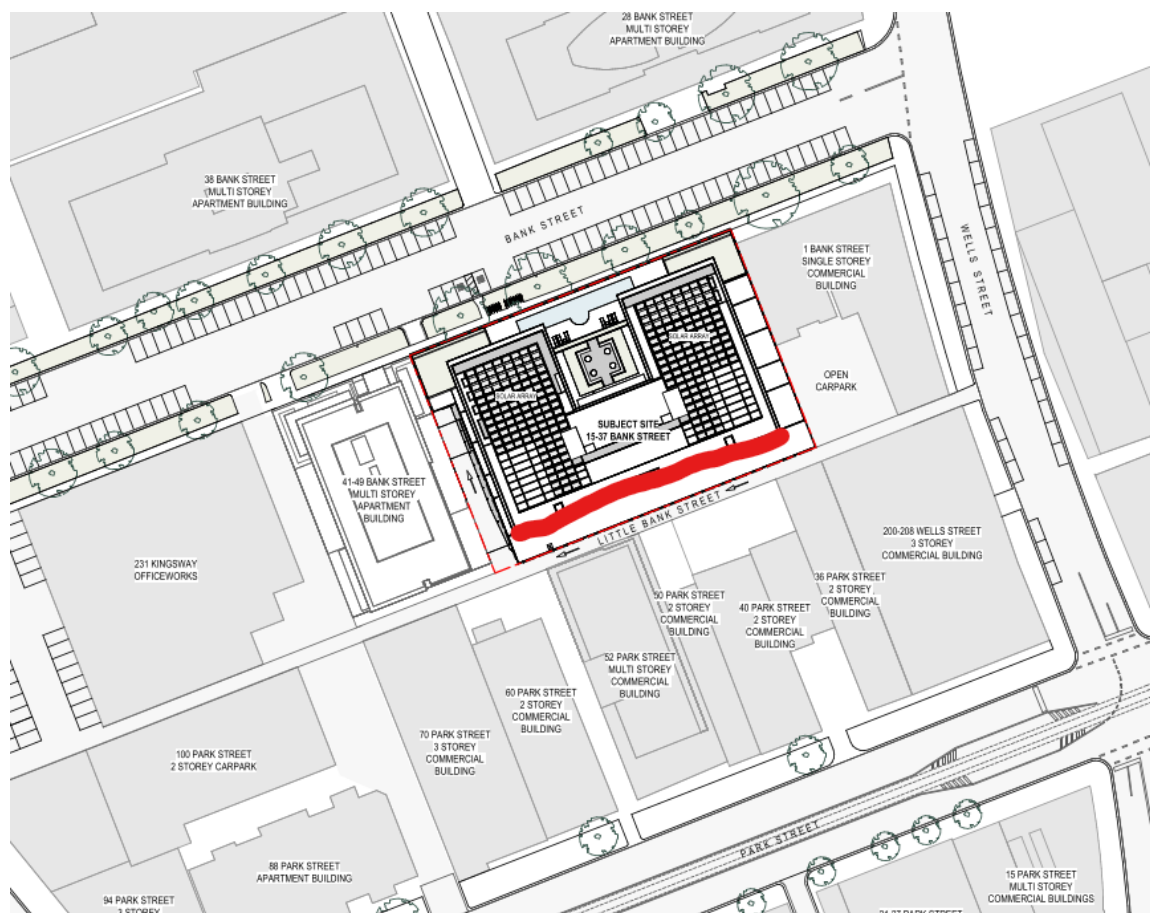


Figure 14 - Proposed site plan showing the proposed 57.3m wide tower at the rear to Little Bank street.

There is no sound justification for the width of the tower to be this significant. The site is large and combines three-lots. It has sufficient flexibility to mass built-form in such a way that would not require such a drastic built form width. The proposal as it stands is considered to have an unacceptable amenity impact on the dwellings to its south and to future development south of Little Bank Street.

For the application to be supported, further changes must be made to introduce a clear break in the proposed tower.

The tower form includes two distinct cores in each east/west wing. That is, the central linking structure between the two wings is composed entirely of dwellings with no crucial building service located within. This provides some flexibility as to how to incorporate a clear break in the built-form to address the DDO26 non-compliance.

This linking structure also houses the majority of apartments that achieve poor daylight outcomes and a high proportion of one bedroom or studio apartments which contribute to poor housing diversity outcomes for the application. These include apartments with an internal floor area of 34.6sqm.

This was highlighted in the referral comments from Council's ESD officer with the referral indicating that the apartment shown in the below image were some of the worst performing in regard to access to natural daylight.



As such, introducing a clear break in this linking structure to ameliorate non-compliance with the DDO26 would simultaneously address poor daylight outcomes and reduce the severity of a lack of housing diversity.

On review of the plans, it is recommended that the apartments to be removed would constitute the central two apartments between levels 6 and 18. Below level 6 the tower would largely be integrated with the podium level and no change would be considered necessary.

At levels 6-8, an approximately 6.6m wide section of the building could be removed and at levels 9-18, a 6.2m wide section of the building could be removed. This equates to two dwellings per floor and would create a clear sky break and reduce the overall tower form into two towers that are approximately 25m each in width. This would require the removal of 26 apartments total between levels 6 and 18.

As noted earlier, the removal of these apartments would also likely improve daylight outcomes for the development and improve dwelling diversity by reducing the weight of one bedroom dwellings in the overall makeup.

In addition, it would reduce the overall parking, bicycle, and waste requirements of the proposal.

Refer to figures 15 and 16 below for an indication of where this break could come from.

It follows that a key part of this recommendation will be to require a satisfactory break of at least 6.2m between the eastern and western wings of the building at level 6 and above. This condition will be suitably worded to permit the applicant some level of flexibility should there need to be further changes made within the current envelope of the development. (**Refer recommended Condition 1a**).





Figure 15 - Proposed level 6 and 8 with area subject to deletion to address DDO26 tower width non-compliance





<i>Figure 16 - Levels 9-18 with area subject to deletion to address DDO26 tower width non-compliance</i>	
<i>New residential development should have access to onsite communal or private open space in the form of rooftops, podiums, balconies or courtyards.</i>	The proposal has access to a range of high quality communal open spaces for residents.
<b>Building Services</b>	
<i>Waste materials storage and services should be provided on site and should be screened from areas of high pedestrian activity.</i>	On-site bin storage and collection is proposed via Little Bank Street.
<i>Waste storage or service should not impede pedestrian access and should be located away from footpaths.</i>	On-site loading bays will not impede the flow of pedestrians or vehicles.
<i>New buildings should provide internal and on-site loading facilities and on-site service vehicle parking at the rear of buildings to minimise disruption of traffic or pedestrian access and avoid laneway congestion.</i>	On-site service vehicle and loading bays are provided at the rear.
<i>Building services on rooftops should be screened to avoid detrimental noise and visual impacts on the amenity of both private and public realms.</i>	Proposed rooftop services would be screened by metal cladding.
<i>Noise attenuation measures and suppression techniques should be incorporated into developments to ensure noise does not unreasonably affect the amenity of public areas and nearby residences.</i>	Standard conditions will be used to ensure that all rooftop service screening is acoustically rated. ( <b>Refer recommended condition 32</b> ).
<i>Green roofs, roof gardens and vertical gardens should be encouraged in new or refurbished buildings. Green roofs are defined as a vegetated landscape built up from a series of layers that are installed on the roof surface as 'loose laid' sheets or modular blocks.</i>	The rooftop terrace would be landscaped as per the submitted landscape plane.
<b>Vehicular Access and Car Parking</b>	
<i>Vehicle crossovers should be no more than 6 metres wide, with a maximum of one crossover per site.</i>	Access is generally proposed via the rear Little Bank Street interface.  A single width crossover is proposed to Bank Street in associated with the through-block



	link. This arrangement satisfies this requirement.
<i>Vehicle ingress and egress, loading facilities and building services should not be located on frontages along St Kilda Road or Punt Road.</i>	Not relevant.
<i>Vehicle ingress and egress should be located on lanes, where possible.</i>	All access is proposed via Little Bank Street. The through-block link will only permit egress via Bank Street however this is not considered to be unreasonable.
<i>Car access ways should not visually dominate the façade of a building, and be visually permeable to retain a visual connection through the site and allow for natural surveillance.</i>	Car access does not dominate the façade.
<i>Car parks should be built underground or located to the rear of the site to enable active uses on the street frontage. Where car parks are built above ground, they should not front the site or be visible from St Kilda Road, Queens Road or Punt Road.</i>	Parking is located at the rear of the lot and are not visible from St Kilda Road, Queens Road, or Punt Road.
<i>Car parking within a podium should incorporate floor to ceiling heights of 3.5 metres to enable future adaptation for habitable uses.</i>	The podium carparking would be constructed with a 2.7m floor to ceiling height. Whilst this does not achieve the necessary 3.5m it is considered acceptable as the development has been designed to comply with the height requirements of the DDO26.  It is not considered necessary in this instance to require an additional 0.8m height.
<i>Open/at-grade car parks should not be located in front setback areas.</i>	Satisfied.
<b>Pedestrian Permeability</b>	
<i>New development should include pedestrian links along St Kilda Road, Queens Road and areas in the Mixed Use Zone to create mid-block links and increase the permeability of the Precinct.</i>	A mid-block link has been provided which increases pedestrian permeability in the precinct.
<i>Development should enhance existing links/laneways by providing a mix of active and non-active frontages, appropriate to the role of the link / laneway.</i>	It is not considered necessary to provide activation to Little Bank Street. It is a service laneway that features no current level of activation nor any features of interest for pedestrians.

2.2 Sub-Precinct Requirements  
Sub-Precinct 2 – North West Corner

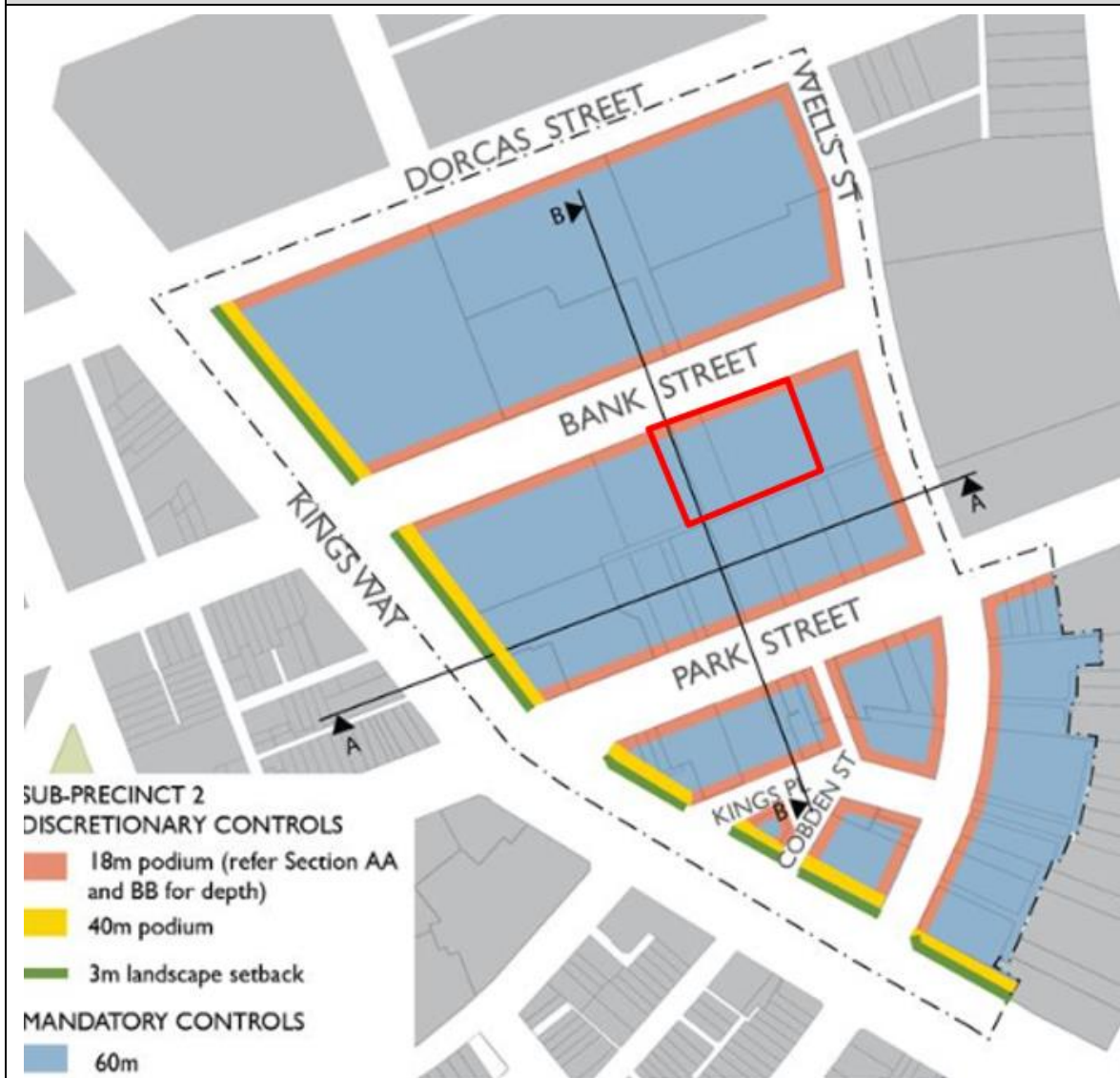


Figure 17 - DDO26-2 Precinct 2 Map with site highlighted in red

<p><i>A 3 metre landscape setback should be provided to the direct frontage or abuttal to Kings Way.</i></p>	<p>Not relevant.</p>
<p><i>Development within 13 metres (inclusive of the 3 metre landscape setback) of a direct frontage or abuttal to Kings Way should not exceed a height of 40 metres.</i></p>	<p>Not relevant.</p>



<p><i>Development with a direct frontage or abuttal to any road, excluding Kings Way, should:</i></p> <ul style="list-style-type: none"> <li>- <i>be built to the boundary, and</i></li> <li>- <i>not exceed 18 metres in height within 5 metres of any street frontage.</i></li> </ul>	<p>The proposal is setback from the street at ground-floor by 3m and constructed to the boundary above. The main pedestrian lobby is recessed deeper into the site, approximately 7m from the boundary.</p> <p>This is not appropriate, there is no clear design justification for the provision of an unnecessary colonnade that creates a poor pedestrian interface between the site and Bank Street.</p> <p>Further worsening this condition would be the siting of the upper podium levels to the street boundary. These would overhang the ground-floor colonnade and the recessed pedestrian entrance. This is not considered to be a good urban design outcome.</p> <p>The colonnade has been found to be problematic in reference to other planning policy outlined earlier in this report. It is clear that this design response is not supported by policy.</p> <p>Should a permit be issued, it will include conditions to require the ground-floor setback to Bank Street to be 0m excluding the through-block link area. <b>(Refer recommended Condition 1d).</b></p>
<p><i>Development beyond the setbacks identified above must not exceed a height of 60 metres. A permit may not be granted to construct a building or construct or carry out works which are not in accordance with this requirement unless allowed by Clause 2.3 of this schedule.</i></p>	<p>Refer below.</p>
<p>The height of the building would rise to 60m above natural ground level. There would be additional structures located above this height that the applicant suggests are permitted by Clause 2.3 of the Schedule.</p> <p>Structures located above the 60m height consists of plant screening, lift overruns, roof balustrades, and two large pergola structures.</p> <p>The two large pergolas would extend approximately 3m above the 60m height limit. These structures would be fitted with solar panels on their roof structure which would slightly raise the height by an unspecified extent. .</p> <p>Figures 18 and 19 below demonstrate the extent of these structures sitting above the 60m height limit.</p>	

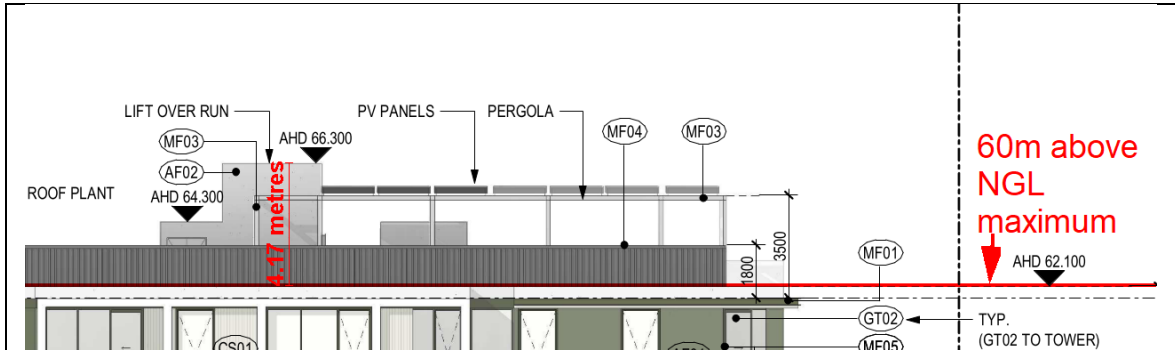


Figure 18 - Elevation showing the 60m height limit and offending structures (and their height) above the height limit

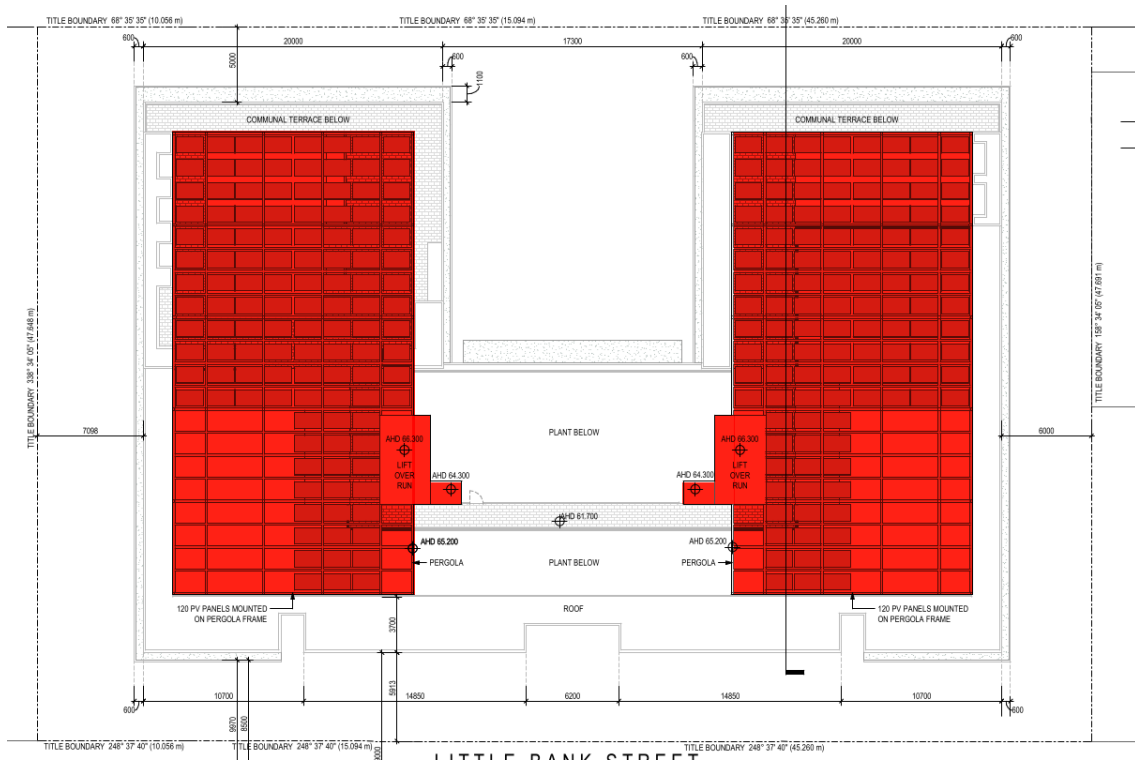


Figure 19 - Rooftop plan showing the extent of offending structures above 60m height limit

Clause 2.3 of the schedule outlines what structures are eligible to exceed the 60m height limit. It states:

- Within Sub-Precinct 2 and Sub-Precinct 3, a permit may be granted to allow architectural features such as domes, towers, masts and building services that do not exceed the maximum height by more than 4 metres and do not exceed 10% of the gross floor area of the top building level or 50 square metres (whichever is the greater). (No gross floor area limit applies to the installation of solar panels.)

With respect to the lift overruns, the proposal does not comply with this requirement. The lift overrun rises to 66.3m AHD which is 4.2m above the 62.1m AHD height limit. This exceeds the 4m maximum allowance.

Should a permit be recommended, it will include a condition to ensure the lift overruns do not exceed 66.1m AHD which is the uppermost allowance pursuant to Clause 2.3. (Refer recommended condition 1e).



<p>With respect to the pergola structures, the proposal does not comply with this requirement. The pergola structures do not constitute architectural features, or building services irrespective of solar panels on their roof. The intent of this provision is to allow more minor structures such as balustrades, landscaping fixtures, and explicit building services not a significantly sized roofing structure.</p> <p>Should a permit be recommended, it will include a condition to remove the offending pergola structures from the rooftop terrace. <b>(Refer recommended condition 1f).</b></p> <p>To make it explicitly clear to the applicant, an additional condition stating that building services on the rooftop (excluding solar panels) must not exceed 10% of the gross floor area of the top building level or 50 square metres (whichever is greater) will be applied. <b>(Refer recommended condition 1h).</b></p> <p>The balance structures proposed above the 60m height limit are considered to be acceptable with respect to Clause 2.3. This includes the balustrades, screening and fencing to plant areas, lift and stair core enclosures, and a small raised deck area to the western terrace.</p> <ul style="list-style-type: none"> <li>- <i>Within Sub-Precinct 2 and Sub-Precinct 3, allow the construction of a green roof (defined as a vegetated landscape built up from a series of layers that are installed on the roof surface as 'loose laid' sheets or modular blocks) or communal open space that does not exceed the mandated building height by more than 2 metres.</i></li> </ul> <p>Green areas are proposed on the rooftop terraces. The submitted landscaping plans suggest that planter boxes would be proposed on the rooftop however these would be limited to 1.2m above the FFL of the rooftop terrace. This is considered acceptable with respect to the above requirements.</p>	
<p><i>Building facades should follow the alignment of the street frontage to follow the distinctive curvilinear street pattern.</i></p>	<p>The street and façade do not feature curvature.</p>
<p><i>Development should maintain the existing levels of solar access to the southern footpaths of Bank and Park Streets when measured between 10am and 2pm at the Equinox.</i></p>	<p>The proposal would have no impact on solar access to the southern footpaths of Bank and Park Streets.</p>
<p><i>Development should not overshadow the adjoining dwellings in residential areas south west of Kings Way and comply with the objectives of Clause 55.04-5 - Overshadowing.</i></p>	<p>The proposal would not overshadow the residential area south-west of Kings Way.</p>
<p><i>Development should reinforce the fine grain pattern of the Sub-Precinct.</i></p>	<p>The proposal would develop three adjacent lots and result in an overall front boundary of approximately 70.4m.</p> <p>Whilst this is not a fine-grain response, this report has made several recommendations to improve the relationship between the building and the street.</p>



	Subject to these changes, the proposal is considered acceptable.
<i>Large redevelopment and proposals that consolidate smaller sites should incorporate through-block pedestrian links and express the historic fine grain subdivision into their design.</i>	As noted above, the proposal provides a through block link and there is no discernible fine grain to this area.

Based on the above, the proposal is not consistent with the DDO26 as outlined above. The extent of non-compliance in some instances is substantial. Despite this, they are capable of being addressed by way of conditions to moderate the proposal into a more acceptable contextually appropriate form that is more respectful of neighbouring dwellings amenity.

Subject to these conditions, the proposal would be considered satisfactory with respect to the DDO26.

#### 13.4 Does the proposal satisfy the requirements of Clause 58?

As noted above, a full assessment of the proposal against the requirements of Clause 58 is attached at Attachment 4.

The application has a mixed response to the requirements of Clause 58.

In most instances, both objective and standard are met. This is acceptable and supported.

In other instances, just objective is met. In these cases, the objective is considered met and no further changes are required to the application.

In the remaining instances, the objective is considered met subject to conditions. These include:

- Clause 58-02-1 – Urban context given non-compliance with the DDO26 (see Section 13.3 above)
- Clause 58.02-3 – Dwelling diversity given a high proportion of one bedroom units
- Clause 58.02-5 – Integration with the street given the setback provided from Bank Street at ground-floor
- Clause 58.03-1 – Energy efficiency given the tower width and adverse impacts on lots to its south
- Clause 58.04-1 – Building setbacks given non-compliance with the DDO26 (see above)
- Clause 58.05-2 – Building entry and circulation given the setback provided from Bank Street at ground-floor
- Clause 58.05-4 – Storage given insufficient storage provided for a number of apartments

In the above cases, the conditions recommended in response to the DDO26 are sufficient to address non-compliance with the objective. This is with exception of storage. The attached Clause 58 assessment finds that a separate condition is recommended to ensure that all units are provided with adequate storage either within or external to each apartment. **(Refer to recommended condition 1c).**





Subject to the conditions recommended, the proposal would be considered to meet the requirements of Clause 58.

**13.5 Is the application consistent with the Special Building Overlay Schedule 2**

The application requires a permit pursuant to the SBO2 to construct a building and carry out works.

The purpose of the SBO is to identify land in urban areas that is liable to inundation by overland flow, to ensure that development maintains the free passage and temporary storage of floodwaters, and protects water quality and waterways as natural resources by managing urban stormwater.

The SBO2 specifically relates to potential flooding arising from the Port Phillip City Council Local Drain system.

As discussed in Section 9 of this report, the application was reviewed by Council’s development engineers who provided advice on potential flooding. Following several rounds of advice and changes, Council’s development engineering advisor supports the proposed flood mitigations and flood levels as shown on the plans.

It follows that the SBO2 is considered acceptable.

**13.6 Does the proposal provide an acceptable car parking provision and would it have any unreasonable traffic impacts?**

Traffic

The submitted traffic report details that it is projected that the development would generate the following traffic generation:

AM Peak: 5 arrivals and 21 departures  
PM Peak: 16 arrivals and 10 departures

The traffic report noting that this is low in traffic engineering terms equal to an average of less than 1 vehicle being generated each two minutes.

Council’s Traffic and Parking unit have provided comments that the increase in peak hour traffic is not significant.

Car Parking

A permit is required under Clause 52.06-3 to reduce the parking requirements of Clause 52.06-5.

More specifically, the application seeks approval for a 240 resident and 4 retail parking space reduction from the planning scheme requirements.

Use	Rate	No of / size	Total Required	Total Proposed	Rate per dwelling provided
Dwelling	1 space to each one or two bedroom dwelling	340	340		
	2 spaces to each three +	15	30		



	bedroom dwelling				
	<b>Total dwellings</b>	355	<b>370</b>	130	0.366
Food and Drinks Premises	3.5 spaces to each 100sqm of leasable area	205sqm	<b>7</b>	3	1.46 per 100sqm of leasable area
Car share				5	
Visitor				1	
Maintenance				2	
<b>Total</b>			<b>377</b>	<b>141</b>	

It is noted that several changes have been proposed to the built form in the assessment in conjunction with the DDO26 and Clause 58. These changes would result in further changes to the reduction in car parking being sought by the proposal as detailed below:

<b>As Proposed</b>	<b>With changes to the rear podium to provide a 2.2m setback to Little Bank Stret at Levels 1 and 2</b>	<b>With changes to the rear podium to provide a 2.2m setback to Little Bank Stret at Levels 1 and 2 and the provision of a 6.2m wide break between the eastern and western wings of the building at level 6 and above.</b>
	Loss of an additional 34 car spaces	Loss of an additional 34 car spaces and loss of 26 dwellings
<u>Car Parking Reduction</u> 240 resident spaces and 4 retail spaces	<u>Car Parking Reduction</u> 274 spaces and 4 retail spaces	<u>Car Parking Reduction</u> 248 spaces and 4 retail spaces

The applicant has provided information from their structural engineer which has outlined a range of issues why the construction of a basement is not viable on the subject site. In summary the reasons are as follows:

- *The extent of embodied carbon would significantly increase with the introduction of our basement*
- *Durability, maintenance and leakage problems of waterproofing membranes are notoriously difficult to repair*



- *Coode Island Silt will likely contain sources of contaminate that if removed from site carries flow on disposal and treatment risks*
- *Drawing down of the water table during construction would be a settlement risk to all surrounding buildings*

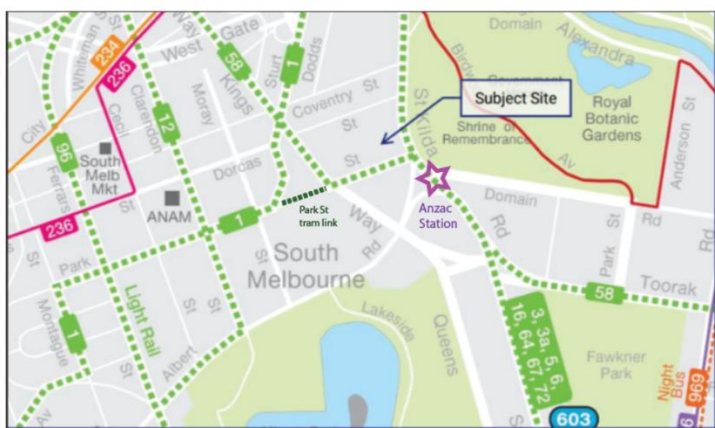
It is considered that the provision of a basement would require further engineering challenges as a result of the applicable flood level.

Clause 52.06-7 outlines the decision guidelines for applications to reduce the car parking requirements. The following table will provide an assessment of the application against these requirements.

Clause 52.06-7 Decision Guideline	Assessment
The Car Parking Demand Assessment.	The submitted car parking demand has been reviewed and is considered acceptable.
Any relevant local planning policy or incorporated plan.	Not relevant in this instance.
The availability of alternative car parking in the locality of the land.	<p>On-street parking in the immediate area is highly constrained through on-street parking restrictions and demand in a high density location. As such, on-street parking is not considered to be consistently available to offset the reduction in parking.</p> <p>There are several commercial car parks within the immediate area however these are not considered an equitable or alternative offset to on-site residential parking.</p> <p>As such, there is limited availability for alternative car parking in the locality.</p> <p>Whilst this supports the need for more on-site parking spaces it also evidences the limited capacity of the surrounding road network. The provision of more on-site parking would place additional traffic demands on this network and degrade its functional performance.</p>
On street parking in residential zones in the locality of the land that is intended to be for residential use.	As discussed above, the surrounding parking areas are heavily restricted by paid and timed parking controls. They are intended to support the entire range of land uses surrounding the site inclusive of residential use.
The practicality of providing car parking on the site,	The site is fully capable of meeting its statutory parking requirements.



<p>particularly for lots of less than 300 square metres.</p>	
<p>Any adverse economic impact a shortfall of parking may have on the economic viability of any nearby activity centre.</p>	<p>The site is located in a highly dense area in close proximity to the CBD and the South Melbourne Central major activity centre. The proposed shortfall is not considered to have any adverse economic impact on these nearby areas.</p>
<p>The future growth and development of any nearby activity centre.</p>	<p>The surrounding area is intended to grow substantially in the future. This growth will bring greater demand for parking and more use of the surrounding road network.</p> <p>This is especially the case with respect to Little Bank Street. Properties fronting Park Street to the south and Bank Street to the north are typically encouraged to use Little Bank Street for vehicle access. As redevelopment continues there will be more pressure on the capacity of Little Bank Street.</p> <p>As noted above, the surrounding area is heavily constrained in terms of parking demand and road capacity. This is especially significant for Little Bank Street.</p> <p>A substantial reduction of parking in this area would greatly limit demand for local parking and road capacity which would support the long-term health and viability of nearby activity centres. A reduction of parking would also improve the long-term capacity of Little Bank Street to support existing developments and future development utilising it for vehicle access.</p>
<p>Any car parking deficiency associated with the existing use of the land.</p>	<p>Not applicable.</p>
<p>Any credit that should be allowed for car parking spaces provided on common land or by a Special Charge Scheme or cash-in-lieu payment.</p>	<p>Not applicable.</p>

<p>Local traffic management in the locality of the land.</p>	<p>Local roads are managed by a mix of City of Port Phillip and the Department of Transport and Planning. This does not weigh heavily on the proposed parking reduction.</p>
<p>The impact of fewer car parking spaces on local amenity, including pedestrian amenity and the amenity of nearby residential areas.</p>	<p>The surrounding area experiences heavy parking demand and traffic. The reduction of parking would reduce the amount of vehicles accessing the site and thus reduce impact on surrounding parking and road performance.</p> <p>Furthermore, the parking reduction would limit the number of vehicles using Little Bank Street which is a single width laneway. Fewer vehicle movements within Little Bank Street generally correlates with improved amenity for the street. It would also limit the impact on accessibility to other properties using this laneway for vehicle access.</p> <p>This is considered to be positive for local amenity.</p>
<p>Access to or provision of alternative transport modes to and from the land.</p>	<p>The site has access to a substantial number of alternative transport modes which are to improve in the near future.</p> <p>It has access to a substantially dense network of trams and train services in the surrounding area. This will improve once Anzac Station is completed which will be in a walkable distance to the site.</p> <p>The below map shows just how well the site is served by public transport. The green lines indicating tram services and the star showing the future location of Anzac station.</p>  <p>The surrounding area features a dense network of high quality cycling infrastructure.</p> <p>There is also a substantial number of share cars available in the local area.</p> <p>The site is located within a walkable proximity to a large number of commercial and retail services which is supported by a high quality footpath network.</p>



	It is clear that the site is very well serviced by alternative transport modes. This strongly supports the reduction sought.
The equity of reducing the car parking requirement having regard to any historic contributions by existing businesses.	Not applicable.
The character of the surrounding area and whether reducing the car parking provision would result in a quality/positive urban design outcome.	Not applicable.

The proposed parking reduction is considered supported. The site is located within a highly accessible location in a close proximity to a large range of commercial and retail services, employment opportunities, and transport options.

These locational attributes of the site lend strong PPF support for the parking reduction as discussed earlier in this report.

The reduction of parking for this specific application is considered to be positive for the surrounding area. This is a highly dense area that is intended to grow substantially in the future. Permitting a reduction in parking will strongly encourage more active and sustainable transport uptake in the surrounding area.

Future tenants are capable of making an informed choice as to whether an apartment with no parking space suits their needs. There remain a large number of apartments within the surrounding area that are provided with parking. As such, this application will contribute to the diversity of housing stock in this area and provide greater choice for future tenants.

In addition to the assessment above it is important to detail recent VCAT decisions that have considered reductions of car parking. For the surrounding area, there have been several recent VCAT decisions that have approved significant reduction in car parking. Details of the most recent decisions have been highlighted below:

The most recent decision in the Domain area was for an office development at 9-11 Palmerston Crescent. As set out in the VCAT decision, *Frater Lacus Pty v Port Phillip CC* [2021] VCAT 563 (3 June 2021) the office development was refused but VCAT still provided specific commentary that the significant reduction in car parking (in this instance 122 spaces) was acceptable due to the extremely high level of access to a range of public transport options. The decision in respect to car parking is similar to other VCAT decisions in the Domain area where significant reduction of car parking has been supported due to the high accessibility of public transport. These other decisions include the VCAT decision *Acme Co No 4 Pty Ltd v Port Phillip CC* [2021] VCAT 588 for an office development at 412 St Kilda Road which supported a

reduction of 533 spaces with the decision referring to the “*rich public transport options*” as justification for the reduction of car parking.

VCAT have also supported reductions in car parking for residential development. This includes the decision for 100 Park Street, *100 Park Street Pty Ltd v Port Phillip CC* [2018] VCAT 962 (6 July 2018) where a reduction of 61 spaces was supported. Again, support for the reduction of car parking was due to the sites high level of access to alternative transport modes including public transport with reference made to tram and bus services and the future Anzac station. Similarly, VCAT supported a reduction of 73 spaces for a mixed use development at 37-43 Park Street in this decision, *39 Park Street Pty Ltd v Port Phillip CC* [2017] VCAT 889 VCAT provide commentary on the impact of parking for future occupiers:

*101. With regard to the respondent’s submissions on reduced amenity for future residents, we accept that onsite parking is a factor in a resident’s amenity. Yet it is one of many factors that a future resident might take into account when choosing to live in this building. It is generally recognised that the provision of a parking space increases the cost of an apartment, and it is reasonable to expect that a resident might ‘trade off’ this cost in choosing to live here. As such, we consider that it is reasonable to view the provision of some apartments without parking spaces as increasing the diversity of housing opportunities rather than solely a loss of amenity.*

Given the recent VCAT decisions that have supported a reduction of car parking, there is considered sufficient reasons to support the car parking reduction that is being sought in this application. It is important to note that all of the VCAT decisions have highlighted the particularly excellent public transport alternatives that are within this area.

While the overall level of parking that would be provided is considered acceptable, it is considered appropriate to increase the number of spaces that would provide for maintenance workers. Given the scale of the development and the limited car parking in the immediate area, the increase in the number of maintenance spaces would be a benefit to the development and to the surrounding area. If the remainder of the application is considered to be acceptable, a condition would require five spaces to be allocated to maintenance. This would provide spaces for maintenance vehicles, babysitters/carers and the like visiting the development. (**Refer recommended Condition 17**).

#### Car Parking Access and Manoeuvring

Beyond the parking dispensation, the application must still satisfy the design standards of Clause 52.06. The following provides a brief assessment of the proposal:

##### *Design Standard 1 – Accessways*

The proposal satisfies the requirements of Design Standard 1.

##### *Design Standard 2 – Car Parking Spaces*

All parking spaces are consistent with parking specifications and clearance requirements.

##### *Design Standard 3 – Gradients*

The access gradients are consistent with the requirements.

*Design Standard 4 – Mechanical Parking*

Not relevant.

*Design Standard 5 – Urban Design*

Not relevant.

*Design Standard 6 – Landscaping*

Not relevant.

*Summary*

In summary the proposal generally satisfies the design standards of Clause 52.06.

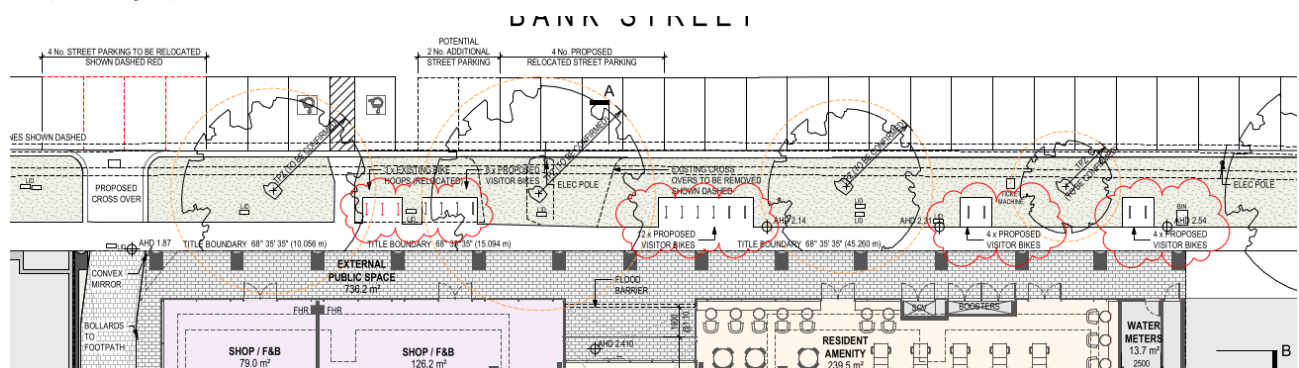
**13.7 Does the proposal provide an acceptable bicycle parking provision?**

The application provides far in excess of the minimum bicycle facility requirements specified in Clause 52.34.

This is supported in inner-city locations and is strongly supportive of broader PPF policy encouraging personal and active transport modes over the private vehicle in highly accessible locations.

The actual layout and operation of the bicycle facilities are considered highly resolved and conveniently accessible to future residents.

As discussed earlier in this report, the location of visitor spaces however is problematic. The applicant seeks to utilise a large proportion of the green nature strip area for visitor parking spaces. See *Figure* below.



*Figure 20 - Proposed ground-floor plan showing the extent of visitor bicycle parking located on Bank Street.*

There is no clear justification provided for why this approach should be supported. The requirement for providing the visitor bicycle parking spaces is directly attributable to the proposed privately owned development that is located on a substantially large three-lot development. As is expected with all developments, visitor bicycle parking should be provided on the subject land noting its triggered by private development interest.

As such, should any permit be recommended, it will include conditions to remove all visitor bicycle parking spaces from the street and be located on the land. (**Refer recommended condition 1i**).

**13.8 Would the proposal achieve best practice environmentally sustainable design and water sensitive urban design?**





Council's sustainable design advisor has reviewed the proposal with respect to the submitted SMP and considers it generally acceptable with exception of the submitted daylight modelling.

On review of submitted documentation, this position is supported. This is discussed in greater detail in Section 9 of this report.

As a consequence of the conditions outlined earlier in this assessment, a revised SMP and WSUD will be required to be prepared as a condition of approval. (**Refer recommended condition 6**).

**13.9 Are the proposed waste management arrangements acceptable?**

The proposed waste management arrangements have been reviewed by Council's Waste Management team and no concerns have been raised.

They are adequately sized and adequately serviced by two loading bays.

However, the waste management plan was not updated to reflect the most recent set of plans. As such, it must be updated prior to endorsement should a permit be granted.

If a permit is recommended to be granted, it will include standard waste management conditions that will require the applicant to update the WMP to reflect the proposed development prior to construction commencing. (**Refer recommended condition 28**).

**13.10 Are the proposed loading facilities acceptable?**

The proposed loading facilities are adequately sized with respect to the development. They are conveniently accessible via Little Bank Street with sufficient room provided for turning manoeuvres.

The plans show that the loading bay would have a clearance height of 4.1m which would be sufficient for standard loading vehicles such as Man with a Van. The bays are also located and easily convenient near lifts.

The proposed loading bay facilities are considered acceptable and supported.

**13.11 Are the proposed urban art arrangements acceptable?**

As noted earlier in this report, no formal urban art arrangements have been proposed.

As such, Council's standard urban art condition will be placed on any permit if one is recommended to be granted.

This will ensure that the requirements of Clause 15.01-2L-03 are satisfied. (**Refer recommended condition 5**).

**13.12 Would the proposal be acceptable as a result of proposed conditions?**

This assessment has found that quite substantial changes are required to the proposal to ensure it is appropriate within the context of the *Port Phillip Planning Scheme*.

The following provides a breakdown of some of the more significant impacts of the recommended conditions and their relevance within the context of the scheme.

Ground-floor Bank Street setback reduction

It is recommended that the setback to Bank Street at ground-floor be reduced to zero.

This would result in the removal of an unnecessary pedestrian colonnade and achieve increased activation to Bank Street, improved visibility between the building and the street, and provide greater transparency between street and residential lobby.

It would however require a revised flood barrier strategy to the relocated residential lobby. The current scheme provides no flood proofing of the two sacrificial retail premises and sacrificial residential amenity area.

## Flood Strategy

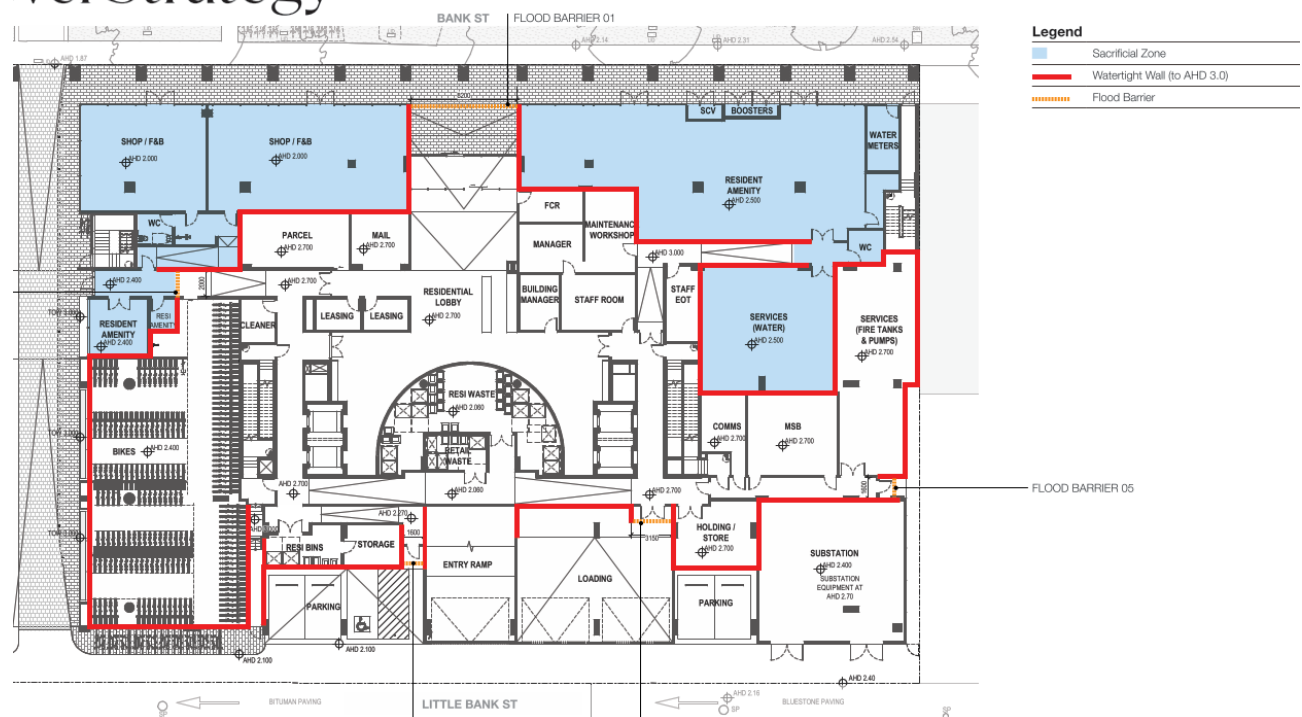


Figure 21 – Proposed (and supported) flood barrier strategy

There may be a requirement for some form of setback between the residential lobby and Bank Street to enable sufficient room for the flood barrier. Noting this, some flexibility will be included in the recommended condition to ensure this can be maintained in the post-permit approved scheme.

The proposed change would have no other adverse impacts with respect to planning considerations.

### Podium Setback to Little Bank Street

The proposed podium at level 1 and 2 does not include a setback to Little Bank Street. It is recommended to require an equitable setback for the podium to Little Bank Street consistent with the approach established through the planning process for 41-49 Bank Street (immediately west).

The requirement for this setback would result in the loss of 34 parking spaces and 26 (potentially more) storage cages across levels 1 and 2.

The parking reduction would reduce overall parking to 107 spaces. This is not considered given the contextual attributes of the site as discussed earlier in this report. There must however be no change to the allocation of parking for non residential use.



That is, conditions must accompany the podium setback requirement on the permit to ensure that at least 5 spaces are reserved for maintenance, 3 spaces for retail use, and 5 spaces for car share purposes. **(Refer recommended condition 17).**

The loss of 26 storage cages across levels 1 and 2 is more problematic given the Clause 58 assessment has found that a shortage of storage for 22 apartments. These apartments are not allocated either a storage cage nor have sufficient storage within their respective apartments.

The loss of 26 additional storage cages would worsen this issue. However, it is recognised that there would be a reduction in apartments as outlined below.

Noted below, the apartments that would be removed as a result of the creation of a break in built-form consists of apartment types Studio C, 1D, and 1F. These apartments are compliant with the storage requirements of Clause 58. That is, their removal would have no impact on the worsened storage cage condition created by the Little Bank Street podium setback increase.

Notwithstanding, the proposal includes a substantial proportion of residential amenity areas, communal open spaces, and there may be further opportunities to provide storage cages across the development.

As such, whilst the storage cage provision and non-compliance would be worsened by the podium changes it is not considered a barrier to proceeding with this recommendation noting the sufficient capacity for the development to accommodate these. A condition will be included on the recommendation to require all dwellings to comply with the requirements of Clause 58 with respect to storage. **(Refer recommended condition 1c).**

#### Removal of linking structures from level 6 and above

The proposed tower width is considered too monolithic to be supported. As such, conditions are recommended to require the creation of a 6.2m wide break in the building above level 6.

The consequence of this condition would rest solely on the proposed number of apartments across the development. There would be no impact to circulation and no areas of building services disturbed.

It would however greatly address a number of merits issues which have been highlighted earlier in this assessment.

The recommended condition would result in the removal of 26 apartments. This would reduce the overall number of apartments to 329. The apartments that would be removed would consist solely of studios or one bedroom apartments being Types 3 x Studio C, 3 x 1D, and 20 x 1F.

This therefore results in a reduction in parking dispensation by 26 spaces. This partly offsets the reduction in parking at levels 1 and 2 of the podium as a result of the earlier mentioned condition. As noted however, the overall number of residential parking is not considered problematic in this context. It follows that some fluctuation is considered acceptable.

There may be worsened natural ventilation outcomes as a result of the removal of these units noting that apartment type 1F complies with the natural ventilation requirement. Studio C and 1D do not comply. It is unclear whether this change will



result in non-compliance with the overall natural ventilation requirements, however it is a concession that is accepted if it arises as a result of conditions.

#### 14. COVENANTS

14.1 The applicant has completed a restrictive covenant declaration form declaring that there is no restrictive covenant on the titles for the subject site known as Land in Plan of Consolidation 161803M and 100874 and Crown Allotment 31 Section 99 City of South Melbourne Parish of Melbourne South.

#### 15. CONCLUSION

- 15.1 Clause 71.02 – integrated decision making of the planning scheme requires the decision-maker to integrate the range of policies relevant to the issues to be determined and balance the positive and negative environmental, social and economic impacts of the proposal in favour of net community benefit and sustainable development.
- 15.2 This application seeks approval for a 19 storey mixed use building comprising shops and 355 dwellings alongside a reduction of car parking requirements.
- 15.3 Whilst the proposal is strategically supported in terms of high-density development and parking dispensations, it does not meet several key planning controls and policies affecting the site. This includes Clause 16 with respect to housing diversity, the DDO26, and elements of Clause 58.
- 15.4 This report has recommended several conditions to moderate proposed built form to better align the application with the requirements of the DDO26 and Clause 58. This also assists in improving the proportion of dwelling types that improves housing diversity outcomes.
- 15.5 A key part of the recommendation includes the splitting of the unreasonably wide tower form, reducing the non-compliant parts of the building above 60m height, removing setbacks at ground-floor to Bank Street, increasing podium setbacks to Little Bank Street, and providing for a 4.5m setback to the eastern boundary at level 3.
- 15.6 As a result of the above conditions and the broader suite of conditions outlined in the recommendation of this report, the proposal would comply with the requirements of the Design and Development Overlay (DDO26), Clause 58, and would provide a more equitable and site-responsive development to its context. In regard to the DDO26 requirements, with the proposed conditions, the proposal would provide the following:
- Meet the overall height requirement.
  - Achieve the required podium / tower form with all required podium heights and tower setbacks provided.
  - Exceed the required side setbacks and provide equitable development of adjacent property.
  - Achieve the required tower width, where the tower is proposed to be separated into two separate and definitive tower forms
- 15.7 Beyond built-form matters, the proposal is highly resolved. It achieves acceptable parking outcomes despite the high reduction sought, provides acceptable loading configurations, adequate flood management response, excellent landscaping



outcomes, sound traffic management outcomes, excellent bicycle parking provision, acceptable ESD and WSUD outcomes, and reasonable waste management outcomes.

15.8 Ultimately, the development would deliver a net community benefit to its site and surrounds subject to the conditions forming part of this recommendation. It would improve housing supply in a central location that is highly accessible to public transport, goods, services, public open spaces, and in a highly strategically supported area for high density development.

15.9 It follows that this report recommends that a Notice of Decision to grant a planning permit be issued subject to the recommended conditions.

## 16. OFFICER DIRECT OR INDIRECT INTEREST

16.1 No officers involved in the preparation of this report have any direct or indirect interest in the matter.

## 17. OPTIONS

17.1 Approve as recommended

17.2 Approve with changed or additional conditions

17.3 Refuse - on key issues

## ATTACHMENTS

1. [Architectural Plan](#)
2. [Design Response](#)
3. [Zone Map](#)
4. [Clause 58 Assessment](#)
5. [Referrals](#)