

CITY OF PORT PHILLIP DELEGATE REPORT



APPLICATION NO:	PDPL/00817/2022
ADDRESS:	146, 148 & 150 Bridport Street, Albert Park
APPLICANT:	Squareback Pty Ltd
PROPOSAL:	Planning Permit for partial demolition and construction of a six storey building above basement car parking within the Heritage Overlay (HO443); the use of the land for dwellings and a reduction in the number of car parking spaces required under Clause 52.06-5 for the Restaurant (as of right).
ZONE:	Commercial 1 Zone
OVERLAYS:	Heritage Overlay (HO443)
CULTURALLY SENSITIVE SITE:	No
GRADING OF BUILDING:	Significant
WARD:	Lake Ward
ADVERTISED?:	Yes 219 objections
PRE-APPLICATION MEETING HELD?:	No
DATE OF ON-SITE INSPECTION: (Photos retained on file)	N/A
SDA/SMP SUBMITTED?:	N/A
DELEGATION:	No delegation needed for refusal
<input type="checkbox"/> Reduction in residential parking. <input type="checkbox"/> Non-compliance with 10° sightline policy. <input type="checkbox"/> Demolition of signif/contrib building.	
PLANNING OFFICER:	Phillip Beard

1. PROPOSAL

This application proposes partial demolition and construction of a six storey building above a basement car park, comprising six dwellings and a restaurant associated with car parking dispensation for the restaurant use at 146, 148, and 150 Bridport Street, Albert Park.

The plans subject to this report are those prepared by Cera Stribley Revision A dated 8 November 2022. The application is also accompanied by:

- Waste report prepared by OneMileGrid dated 17 November 2022
- Traffic Report prepared by OneMileGrid dated 17 November 2022
- Sustainable Design Assessment prepared by GIW Environmental Solutions dated 8 November 2022 (Revision B)
- Planning Report prepared by Squareback dated November 2022
- Heritage Report prepared by Bryce Raworth dated 21 November 2022

The application is summarised below.

1.1 DEMOLITION

It is proposed to demolish a large proportion of the three double storey buildings on-site.

The majority of the façade of each of the buildings and the roof above in close proximity of the street would be retained. The ground floor façade to the westernmost building would be demolished.

The three crossovers at the rear of the site to Bevan Street would be removed. One street-tree within Bevan Street is also proposed for removal to the north-west of the site.

Refer Figure 1 through Figure 4 for an illustration of the proposed extent of demolition.

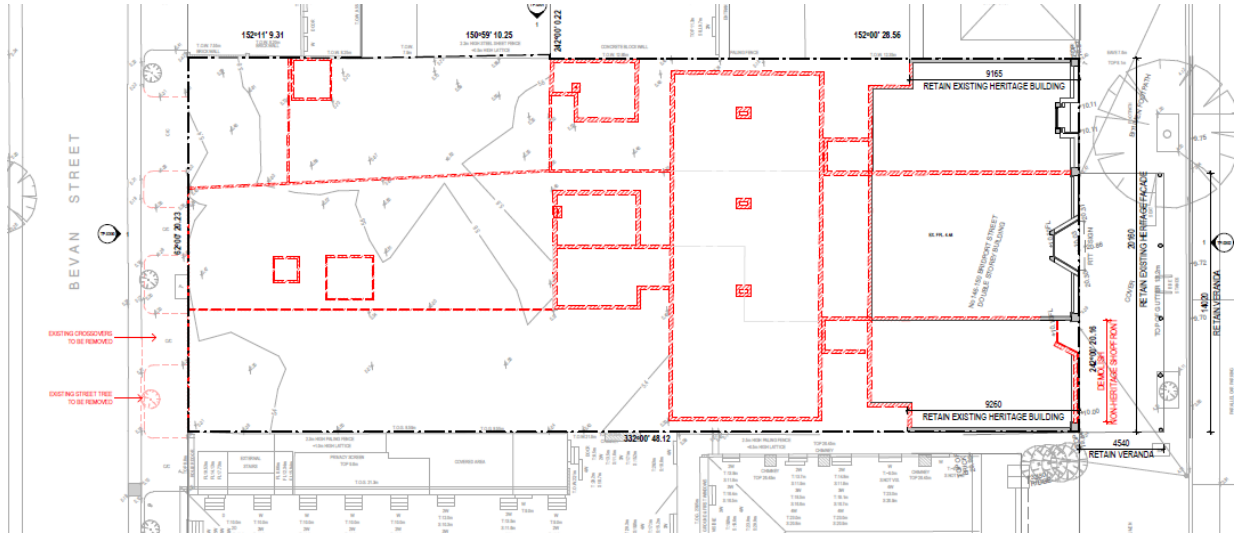


Figure 1 - Proposed ground-floor demolition plan

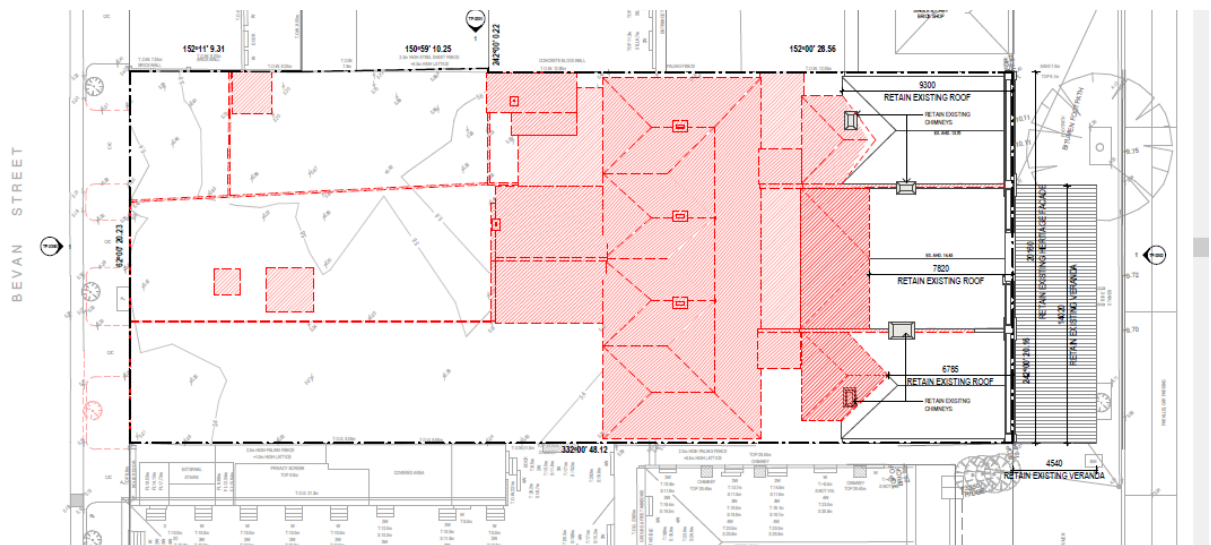


Figure 2 - Proposed roof demolition plan

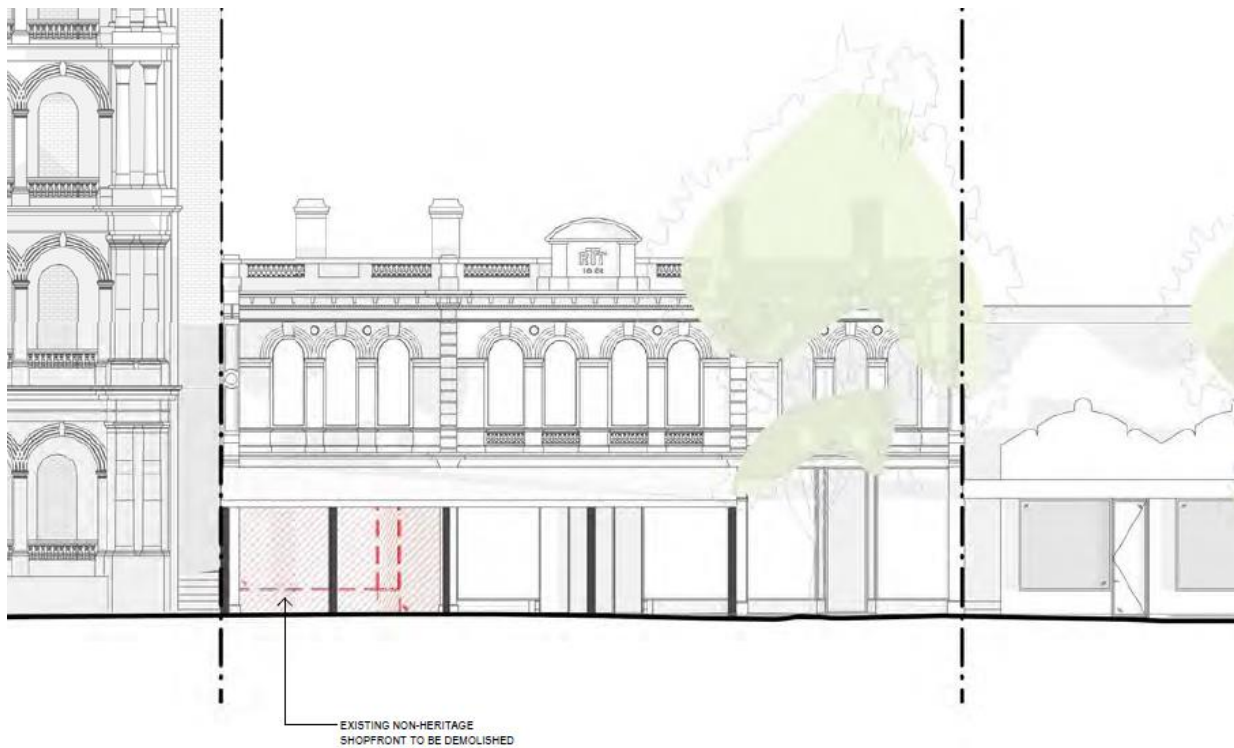


Figure 3 - Proposed southern (streetscape) demolition elevation

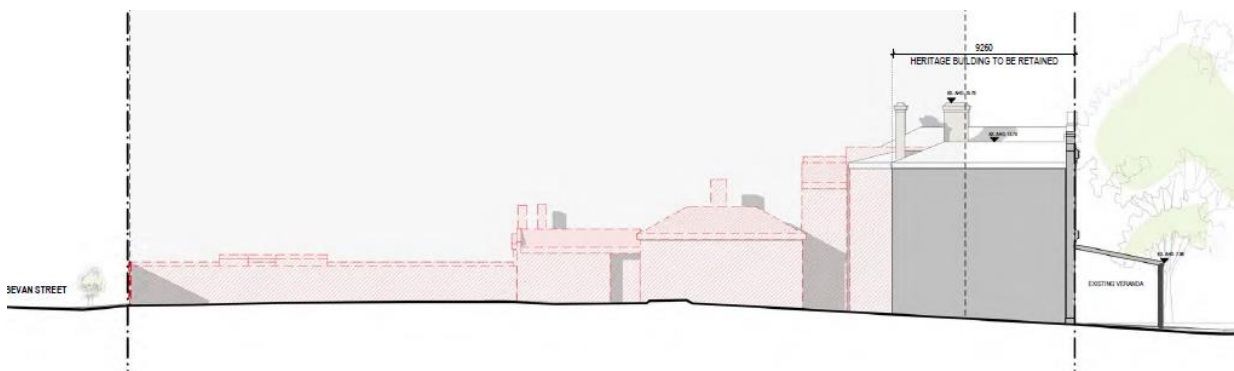


Figure 4 - Proposed western (side) demolition elevation

1.2 BUILDINGS AND WORKS

It is proposed to construct a six storey building plus two levels of basements at the rear of the retained two-storey heritage facades to Bridport Street. The building would consist of 695sqm of retail floor area and contain six dwellings.

22 parking spaces would be provided with 20 of these for residential use and two for retail use. Eight bicycle parking spaces would also be provided.

The building would reach 21.9m in height (23m to top of services) and result in 87% site coverage.

The design response would be highly contemporary. It would retain the two-storey heritage façade to Bridport Street whilst proposing a concrete and glazed rectilinear form above. Further articulation is provided along the eastern elevation through the use of a ridged façade.

Materiality would consist of varying shades and textured finishes of grey concrete and glazing. Some minor details would be finished in black coloured metal.

Refer Figure 5 through Figure 9 for various impressions of the proposal and the design response.

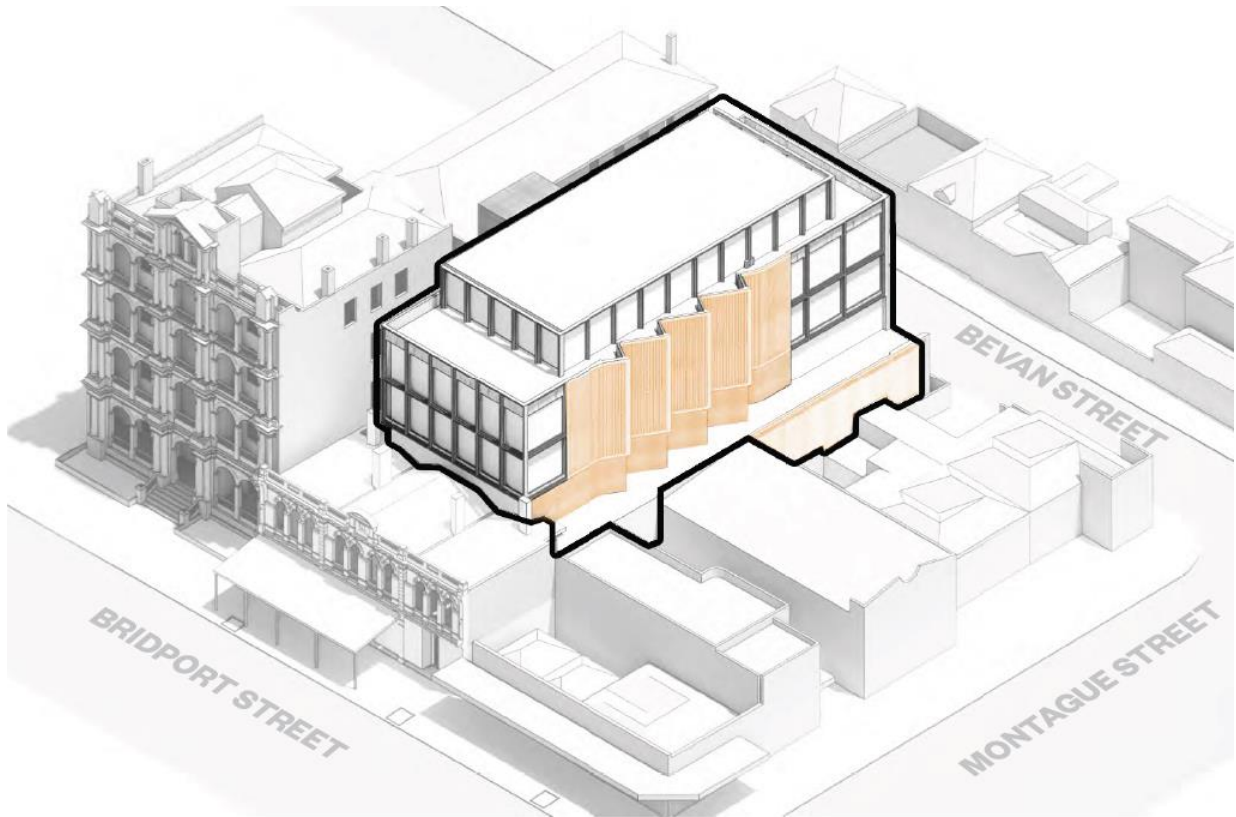


Figure 5 - Isometric impression of the proposal as viewed from above the Bridport/Montague Street intersection



Figure 6 - Architects impression of the proposed development as viewed from Bridport Street



Figure 7 - Architects impression of the proposed development as viewed from Bridport/Montague Street intersection



Figure 8 - Architects impression of the proposed development as viewed from the Bevan Street/Montague Street intersection



Figure 9 - Architects impression of proposal as viewed from Montague Street

The following table summarises the building by level:

Level	Description
Basement 02 TP.1090	<p>Basement 02 would contain four separate garages. Each garage would have capacity for three or four parking spaces and storage cages of 36m³ volume or greater (with exception of Apartment 201 which would have no storage provision within their garage).</p> <p>In total, Basement 02 would contain 14 parking spaces and five motorbike parking spaces.</p> <p>One lift would be provided for residential entry and one for the retail tenancies.</p> <p>A 17,000L rain water tank would be located in the north-western corner of the basement.</p> <p>Basement 02 would be constructed abutting all boundaries of the site.</p>
Basement 01 TP.1091	<p>Basement 01 would contain:</p> <ul style="list-style-type: none"> - Two separate garages for Apartments G01 and 101 with three parking spaces each - Six secure storage cages of 21.4m³ or greater volume - A private cinema allocated to Apartment G.01 with private access from the floor above - Eight employee bicycle parking spaces - Two retail parking spaces, one equipped with EV charging - Separate bin storage rooms for residential and retail use. <p>Basement 01 would be constructed abutting all boundaries of the site.</p>
Ground TP.1100	<p>Ground-floor would consist of a 304sqm restaurant at the front of the lot and Apartment G.01.</p> <p>A residential entry lobby would be provided to Bridport Street separate from entrances to the restaurant.</p> <p>Apartment G.01 would have four bedrooms with an additional large study area. Three of the bedrooms would be provided with an ensuite bathroom.</p>

	<p>A large open planned dining, kitchen, and living room would be located at the northern end of the site and would have access to a 51sqm terrace abutting the northern boundary. Two smaller terraces are provided, one to each side boundary. These are 7sqm and 14sqm.</p> <p>Vehicle access is provided via Bevan Street at the rear of the site via a new crossover at the north-western edge of the site. There would be no pedestrian access to the development via Bevan Street beyond the basement access ramp.</p> <p>The building would be constructed along the front boundary, along most of both side boundaries, and provide a 4m setback from the rear boundary.</p>
First TP.1101	<p>First-floor would consist of a 390m² restaurant at the front of the lot and Apartment 101 at the rear. The restaurant part of the building would be constructed to the front and both side boundaries.</p> <p>Apartment 101 would contain four bedrooms, all with separate ensuites. A separate study, open planned living, kitchen, and dining area, and a second living area.</p> <p>A 28sqm balcony is provided at the rear of the lot.</p> <p>Apartment 1 would be setback between 3-6m from the rear boundary and 3m from the western boundary. A small angled lightcourt would be provided along the eastern boundary with a maximum depth of 3.45m.</p>
Second TP.1102	<p>Second-floor would contain Apartment 201.</p> <p>Apartment 201 would consist of four bedrooms, each with separate ensuites. An open plan living, kitchen, and dining area, with an additional dining room and living area.</p> <p>Apartment 201 would have access to two terraces constructed up to the eastern boundary. They would be 53sqm and 37sqm each.</p>
Third & Fourth TP.1103	<p>Third and fourth level would employ the same floor plate.</p> <p>These levels would contain Apartments 301 and 401 respectively.</p> <p>These apartments would each contain four bedrooms, an open plan living, kitchen, and dining area, and an additional living and study rooms. Each apartment would have access to a 25sqm balcony at the rear of the lot.</p> <p>Levels 3 and 4 would be setback 10m from the street, 3m from the rear boundary, and part 3m setback to the eastern and western boundaries. The services core would be constructed abutting the western boundary.</p>
Fifth TP.1105	<p>Fifth-floor would contain Apartment 501.</p> <p>Apartment 501 would contain three bedrooms, an open planned living, kitchen, and dining room, and an additional study and living room.</p> <p>Apartment 501 would have access to 179sqm balcony that wraps around the northern, eastern, and southern sides of the apartment.</p> <p>Apartment 501 would be setback 15m from the front boundary, 7m from the rear boundary, 5m from the eastern boundary, and 3m from the western boundary. The services core would be constructed abutting the western boundary.</p>
Roof	<p>The roof would not be a trafficable area with exception for services maintenance. No formal access to the roof however is provided.</p>

1.3 ACCESS AND PARKING

The site is currently accessed via three separate crossovers at the rear.

As part of this proposal, the three crossovers would be made redundant and would be replaced by one crossover at the north-western edge of the site to Bevan Street.

The crossover would be 3.6m in width and provide direct access to the basement access ramp.

The basement would be two levels deep and would contain eight parking spaces on basement level 01 and 14 spaces on basement level 02. Two of the spaces on level 01 would be reserved for retail use.

Eight employee bicycle parking spaces are provided on basement level 01 and five motorbike parking spaces would be provided on basement level 02.

1.4 SUSTAINABLE DESIGN

A sustainable design assessment has been submitted with the application.

The assessment outlines a number of commitments made to achieve a 61% BESS score including satisfying each of the four mandatory categories (IEQ, energy, water, stormwater).

The development would also achieve 111% STORM rating through the use of a 17,000L rainwater tank that would be fed by 657sqm of roof and terrace areas. A site management statement and maintenance program have been provided for this rainwater tank.

1.5 WASTE MANAGEMENT

A waste management plan has been submitted with the application.

The plan states that private waste collection will be used for both residential and retail use.

A total of seven 240L bins would be required for residential use and seven bins (6 x 1100L and 1 x 660L) for the commercial use. The plans show capacity for more than seven bins in each waste storage area contained in Basement Level 01.

Swept path diagrams have been provided which demonstrate satisfactory ingress and egress for waste vehicles. The vehicle would be propped adjacent the commercial parking spaces for collection.

2. BACKGROUND

This application was submitted to Council on 25 November 2022.

No further information was requested.

The application was advertised on 19 January 2023 and maintained for 18 days.

On 31 March 2023, the applicant sought review of the Responsible Authorities failure to determine the application within the prescribed time to the Victorian Civil and Administrative Tribunal by way of Section 79 of the *Planning and Environment Act 1987*.

3. SUBJECT SITE & SURROUNDS

Width, length and site area	<p>The site contains three separate lots at 146, 148, 150 Bridport Street.</p> <p>The combined site would be rectangular in shape with an overall area of 972sqm.</p> <p>The site would feature a 20.2m wide frontage to Bridport Street with a depth of 48.12m. The site also has a 20.2m wide boundary to Bevan Street at the rear.</p>
Existing buildings	<p>The land is occupied by three attached significantly graded two-storey buildings which form one cohesive building as read from Bridport Street.</p> <p>The building was constructed in c.1901 and was historically used for retail purposes. The ground floor is occupied by three separate retail tenancies.</p> <p>It is constructed abutting the Bridport Street boundary and both side boundaries.</p> <p>The rear of the lot contains a number of single storey structures, at-grade parking</p>

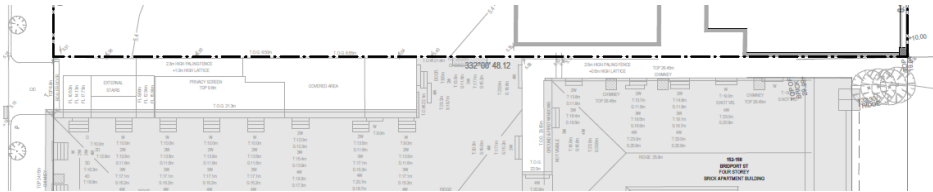
<p>Existing vegetation</p>	<p>The land contains no significant vegetation.</p>
<p>Immediate interfaces</p>	<p><u>North (Rear)</u> To the north of the site is Bevan Street. Bevan Street is predominantly used for rear access to those lots fronting Bridport Street.</p> <p><u>East (Side)</u> To the east of the site are a number of buildings fronting Bridport Street . These commercial use buildings are single storey in height. development.</p> <p><u>South (Front)</u> To the south of the site is Bridport Street. Bridport Street is the main retail thoroughfare through Albert Park neighbourhood activity centre. Bridport Street accommodates the No 1 Tram Route which turns up Montague Street It features a a number of more recently constructed buildings interspersed. Building scale is generally one to two storeys with a handful of more notable buildings which extend up to four and five storeys.</p> <p><u>West (Side).</u> To the west of the site is the four storey building at 152 Bridport Street. This building is of individual heritage significance. The City of Port Phillip Heritage Review identifies the site as “<i>the former Albert Park Coffee Palace</i>’ which is of architectural and social significance in South Melbourne. It is one of the few major survivors of a number of nineteenth century coffee palaces that were built across Melbourne. This building is constructed with small or no setbacks to the shared boundary and includes a number of habitable room windows directly facing the site. The building is now an apartment building.</p>  <p><i>Figure 10 - Excerpt of proposed plans showing the western boundary and context interface</i></p>
<p>Scale, height and style of buildings on neighbouring properties</p>	<p>The site is located within the Albert Park neighbourhood activity centre which is generally commercial in nature and constructed at a one or two storey scale. As noted above, there are only a few instances of taller buildings within the centre The character of the area is generally consistent with respect to heritage character. Several instances of more contemporary development is however noted.</p>
<p>Proximity to Public Transport, PPTN and any relevant parking controls</p>	<p>The site is located within the PPTN. Parking within the wider area is mostly time restricted.</p>



Figure 11 - 2023 Aerial imagery of subject site highlighted in red

4. TITLE INFORMATION

The land is formally recognised as Lota, 1, 2, and 3 on Plan of Subdivision 125810.

The land is not burdened by restrictive encumbrances or caveats.

There are a number of party wall easements shared internally of the site (i.e not affecting any third party), and a central drainage easement running from Bevan Street at the rear centrally into the site.

5. PLANNING CONTROLS

The following zone and overlay controls apply to the site, with relevance as described.

Zone or Overlay	Relevance
<p>Clause 34.01 Commercial 1 Zone</p>	<p>Clause 34.01-1 – A permit is required to use the land for ‘dwelling’ as nested under ‘accommodation’ noting it does not satisfy the Section 1 use condition requirement. The proposed dwelling entry at ground level exceeds 2m and therefore requires a permit.</p> <p>Clause 34.01-1 – A permit is not required to use the land for a ‘restaurant’ as nested under ‘food and drink premises’ as nested under ‘retail premises (other than a shop)’ as an unconditional Section 1 use.</p> <p>This application therefore requires a permit to use the land for ‘dwelling’ pursuant to Clause 34.01-1.</p> <p>Clause 34.01-4 – A permit is required to construct a building or construct or carry out works. An apartment development must meet the requirements of Clause 58.</p> <p>This application therefore requires a permit to construct a building and carry out works pursuant to Clause 34.01-4.</p>
<p>Clause 43.01 Heritage Overlay HO443</p>	<p>Clause 43.01-1 – A permit is required to demolish or remove a building and construct a building and carry out works.</p>

	Therefore this application requires a permit to demolish a building, and construct a building and carry out works pursuant to Clause 43.01.
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6. PARTICULAR PROVISIONS

The following provisions apply to the site, with relevance as described.

Particular provision	Relevance
<p>Clause 52.06 Car Parking</p>	<p>Clause 52.06-2 states that before a new use commences the number of parking spaces required under Clause 52.06-5. A permit can be granted to reduce the number of spaces required under Clause 52.06-5 pursuant to Clause 52.06-3.</p> <p>Table 1 to Clause 52.06-5 outlines the following parking requirements relevant to this application:</p> <ul style="list-style-type: none"> - Dwelling – two parking spaces to each three or more bedroom dwelling - Restaurant – 3.5 spaces to each 100sqm of leasable floor area <p>A total of six dwellings and 695sqm of leasable restaurant floor area is proposed. This requires:</p> <ul style="list-style-type: none"> - 12 parking spaces for residential use - 24 parking spaces for restaurant use <p>The development would provide:</p> <ul style="list-style-type: none"> - 20 parking spaces for residential use - 2 parking spaces for restaurant use <p>It follows that a dispensation is required for 22 restaurant parking spaces. A permit is therefore required pursuant to Clause 52.06-3 to reduce the parking requirements of Clause 52.06 for the restaurant.</p>
<p>Clause 52.34 Bicycle Facilities</p>	<p>Clause 52.34-1 – A new use must not commence until the required bicycle facilities are provided on the land. A permit may be granted to vary, reduce, or waive the requirements of Clause 52.34-5 and 52.34-6 pursuant to Clause 52.34-2.</p> <p>Clause 52.34-5 outlines the following bicycle facility requirements relevant to this application:</p> <ul style="list-style-type: none"> - One resident bicycle parking space to each five dwellings in developments of four or more storeys - One visitor bicycle parking space to each ten dwellings in developments of four or more storeys - One employee bicycle parking space to each 100sqm of restaurant floor area available to the public - Two plus one visitor bicycle parking space to each 200sqm of restaurant floor area if the floor area exceeds 400sqm. <p>This translates to the following bicycle parking requirements:</p> <ul style="list-style-type: none"> - One resident bicycle parking space for six dwellings - One visitor bicycle parking space for six dwellings

	<ul style="list-style-type: none"> - Seven employee bicycle parking spaces for the restaurant use - Five visitor bicycle parking spaces for the restaurant use <p>Each dwelling's garage would have sufficient ability for the storage of bicycles. As such the resident parking provision is considered satisfied. The restaurant would be provided with eight employee bicycle parking spaces.</p> <p>There would be no visitor resident or restaurant bicycle parking spaces. A dispensation is therefore required.</p> <p>Table 2 states that if 5 or more employee bicycle parking spaces are required, 1 shower for the first 5 spaces plus 1 to each 10 bicycle parking spaces thereafter are required. Table 3 states that a changeroom is required per shower.</p> <p>As seven employee spaces are required, one shower is required. At level one, an accessible toilet and shower is provided. This satisfies the shower and changeroom requirement.</p> <p>This application therefore requires a permit pursuant to Clause 52.34-2 to reduce the required bicycle facilities.</p>
<p>Clause 58 Apartment Developments</p>	<p>Clause 34.01-4 states that an apartment development must meet the requirements of Clause 58.</p> <p>Clause 58 seeks to encourage apartment developments that provide reasonable standards of amenity for existing and new residents, and encourage apartment development that is responsible to the site and the surrounding area.</p> <p>Clause 58 includes a number of objectives, which must be met, and standards, which should be met.</p> <p>A full assessment of the proposal against Clause 58 is provided in the assessment section of this report.</p>

7. INTERNAL REFERRALS

The application was referred internally to waste, urban design, sustainable design, and heritage advisors. Their feedback is summarised and responded to below.

7.1 Waste

Council's waste advisor feedback is summarised in italics below with office response after each point.

- *FOGO waste – please provide information on how will residents dispose of FOGO waste as this wont go through the garbage chute.*

The submitted waste management plan does not include any information on how FOGO waste will be deposited. This can be managed by way of condition on permit if one is to be issued.

- *Please allocate space for glass bins as per State Government's four waste and recycling stream services.*

Whilst no glass bins are shown in the waste storage areas. There is a generous number of bins shown within the bin storage room that goes above and beyond the submitted waste management plan estimated bin requirements.

As such, there is likely sufficient ability for the development to cater to glass recycling bin provision in future. Should there not be the spatial requirements for the glass bins to be

included in the waste storage area, there would be suitable ability for them to be placed elsewhere within the development or the frequency of collections can be increased to reduce the number of bins required.

As such, this is considered acceptable.

- *660Ltr for food waste will be extremely heavy for collection so would highly recommend the use of 240L FOGO bin.*

As bin collection will be managed by private waste collection services, there are not anticipated to be any issues with this arrangement.

- *Commercial bin allocation for waste is not sufficient – may want to increase the number of bins.*

The number of bins shown in the commercial waste room is not consistent with the submitted waste management plan. The report states that 3 garbage bins, 3 recycling bins, and 1 organics bin is required whilst the plans show 2 garbage, 3 recycling, and 3 organic bins.

This is a matter that can be managed effectively by future changes to the WMP if this arrangement cannot be managed. Alternatively, collection frequency can be increased to ensure no more bins are required.

Based on the above comments, it is acknowledged that the designated waste are may need to be re-arranged or potentially enlarged.

7.2 Urban Design

Council's urban design advisor has reviewed the proposal and notes:

Form, mass and visual impact

The overall building form and mass have been well shaped to respond to the sensitive adjacencies particularly the heritage shops on Bridport St and the Biltmore Coffee Palace, as well as the lower scale properties to the east and Bevan Street.

Setbacks at the upper levels have been generously proportioned to minimize impacts upon adjacent habitable rooms or private open spaces.

The height of the proposed building approximates that of the parapet on the front elevation of the Biltmore building.

The proposed built form, including height, is considered an appropriate response to the immediate urban context.

Streetwall/setback/separation

The upper levels are well set back (by 10 metres) at the rear, and retaining the form and character, of the heritage shops. This is greater than setbacks in heritage streetscapes in similar 'high streets' where preferred setbacks are often between 3-6 metres. The proposed setbacks respond well to the important heritage qualities of the existing shops and the adjacent Biltmore building.

Character

Inspiration for architectural expression of the building's facades is drawn from the scale and proportions of the surrounding heritage fabric including their structural grid. While the new building has a clearly different presentation it is sympathetic to the underlying form and geometry of the valued nearby buildings. It incorporates detailing of solid elements and around window openings providing visual depth and interest to the building's presentation.

Fenestration

Gridded window openings with vertical proportions are suitably shaped in the style of adjacent and nearby heritage buildings. The surrounds or reveals are slightly coffered providing suitable visual depth to the building's façade and presentation.

Materials and finishes

The materials and finishes palette is suitably restrained, with quality materials and muted tones. Pre-cast, terrazzo and off-form concrete are to be used for the solid, external elements with some fluted canted panels on the eastern façade. Clear and opaque frameless glazing is proposed for the windows and balcony balustrades.

The materials and finishes are well considered that contributes to and reinforces the presentation of the overall development.

Referral Overview From an urban design perspective, the proposal is well conceived, carefully resolved and provides a suitable response to the policy and urban contexts.

From an urban design perspective, the proposal is supported.

Council's urban design advisor supports the proposal. This assessment has not been made with reference to applicable planning policies for this specific context.

A full discussion of the proposal with respect to applicable planning policy will be discussed in Section 12 of this report.

7.3 Sustainable Design

Council's sustainable design advisor has reviewed the proposal and notes:

Outcome: The application does not demonstrate best practice for ESD

Suggested Action: ESD improvements required prior to decision > Re-Refer to Sustainable Design

ESD improvements required prior to decision:

The following key ESD matters must be improved/addressed prior to approval. Please re-refer to Sustainable Design Advisor:

- *Generally concerned as to the building separation to 152 Bridport considering the extent of existing windows along the eastern side that will be overshadowed, visual privacy and outlook impacted. As well the Terrace on ground level to GO1 on the western side of the proposed development. Refer to Apartment Design Guidelines – Siting an Building Arrangement and compliance with Clause 58.04 – Amenity Impacts.*
- *Demonstrate that each dwelling will meet the minimum required heating load, not exceeding 48 MJ/sqm for each dwelling. *This development exceeds the heating load minimum – address shading and any insulation shortfalls and review the Energy profile to reduce the heating load, especially to higher floors.*
- *Provide appropriate shading to all North, East and West facing windows. There is insufficient shading to these aspects throughout, impacting heating loads and IEQ. A 200mm recessed glazing specified is not sufficient. Refer to IEQ – Shading below.*
- *Avoid the use of gas. No gas connection on site is preferred - Gas Hot Water is proposed, reconsider future-proofing by removing connection and going all-electric.*
- *Provide the actual Reports, including Preliminary Energy Rating Results and FirstRate 5.*
- *Specify and annotate on plans the type of Car park ventilation to be provided i.e. CO2 monitor.*
- *WSUD Response, the Site layout plan p.7 of the SDA requires more detail:*
 - o *Provide and annotate on plans the tap and floor waste to all terraces, as well as connections to drains, downpipes to RWT and LPOD. Refer to p.36 of Compliance Guidelines for Clause 22.12 Stormwater Management (portphillip.vic.gov.au)*
 - o *No site permeability has been provided, a 20% site minimum is required, Refer to: casbe-04-1-site-permeability-v5-june-2022_online.pdf(portphillip.vic.gov.au)*

- Further detail of Landscaping is required indicating design detail of irrigation to planters throughout. Consider providing more extensive gardens such as raised raingardens and even green walls or facades, which will also improve the site permeability. Refer to:
https://www.portphillip.vic.gov.au/media/jpxjd3e3/raingardens_factsheet.pdf &
https://www.portphillip.vic.gov.au/media/q3pbgwgb/casbe-08-1-greenroofwallfacade-v5-june-2022_online.pdf
- As well consider utilising the Green Factor tool <https://www.greenfactor.com.au/>

Inconsistent details in documents/on plans – to be resolved:

The following details in the SDA, BESS report and/or on the plans are inconsistent or contain conflicting commitments. The applicant must confirm which of the conflicting commitments are proposed, and update the documentation/plans to ensure consistency throughout:

- BESS inputs that differ from those stated within the SDA to be amended include:
 - STORM rating on report 111% in BESS 116%
 - NatHERS star ratings - stated in the SDA that the development proposes to achieve 6.5 star NatHERS (individual min. 5 stars), however the NatHERS Report indicates an average of 6.9 and min of 6.2-stars. Make correct and consistent.
 - Heating loads refer to Energy below.
- Rainwater Reuse input for 'Number of Occupants' is 31 – make consistent with STORM with 30 Bedrooms (or justify difference).
- Plans note Planters irrigated by RWT, however BESS - Water does not specify the area or 'is connected irrigation area a water deficient garden'. Make consistent.

Full Assessment Comments by Category:

BESS: - 61% score, however there are a few discrepancies to be amended – refer above.

IEQ:

- Shading – appears insufficient (glazing recessed by 200mm) to higher levels N,E & W aspects. Consider the following options:
 - North facades - Fixed shading, e.g. Eaves, window shrouds, balconies
Effective if overhang is deep enough = 45% of glazing height
 - East & west facades = Operable shading, e.g. Shutters, louvres In summer, the greatest solar heat gain occurs via east & west glazing
 - Adjustable shading to suit different sun angles and conditions.
- No cooling system or ceiling fans have been specified – include if to be provided.

Energy: - Energy Ratings – Heating load is too high Apartment 501 exceeding 48 MJ/sqm for each dwelling and average 79.2 MJ/sqm. Stated as 59.8MJ/sqm in BESS Report & star rating as 6.5, these will also impact Energy credits 1.1 & 1.2 – Amend these inputs.

Water: - Annotate on plans - WELS 4 Star Toilets, WELS 6 Star Taps, WELS 4 Star Showerheads & WELS 5 Star Dishwashers.

Stormwater:

- 111% STORM rating - allocated 30 Bedrooms against RWT (23 Residential, assuming additional 7 for Retail)
- 17,000L RWT collected from upper roof and L2 & 5 Terraces, connected to toilets and landscape irrigation. Note: suitable filtration is to be introduced as rainwater is collected off trafficable areas - annotate on plans & specify type (i.e. inground)

Transport: - Residential car parking seems excessive

Waste: - recycle at least 80% of demolition and construction waste (by mass) - annotate on plans.

Urban Ecology:

- Water Efficient Landscaping claimed in BESS, no further Landscaping details provided
- No points claimed in BESS for Urban Ecology (2.4 POS)
- No Communal Open Space provided.

Building Management & Construction: - BUG to be provided at occupancy.

Materials: - Annotate claims in a [ESD initiatives] table on plans.

Innovation: - 1 point claimed for EV Infrastructure – this is no longer considered Innovative.

Council's sustainable design advisor has identified several deficiencies associated with the submitted SDA.

These are matters that can be addressed by way of condition should a permit be granted.

7.4 Heritage Advisors

Council's heritage advisor has reviewed the proposal and note:

This is an interesting application, as it raises a strategic question in relation to what level of development is appropriate within our neighbourhood activity centres, which are not subject to DDO controls.

Before discussing the specifics of the application, some overall comments about the heritage significance of the subject site and surrounding precinct.

- *The subject site contains the two storey shops/residences built c.1901, as well as (immediately behind) the remnants of the earlier houses built on this site in the nineteenth century. While the earlier houses are of some historic interest, they have been compromised by the construction of the shops and, in the context of the surrounding precinct, are not of primary heritage significance. Demolition of these buildings may be permitted.*
- *Overall, Bridport Street has a relatively consistent heritage character. The predominant scale is one to two storeys with a defined street wall. Interspersed are several taller or larger buildings that are landmarks including the former Biltmore, Albert Park Hotel, Windsor Hotel.*
- *Bevan Street, on the other hand, does not have a consistent or valued heritage character. The north side of the street predominantly contains modern or recent garage/studio buildings at the rear of houses facing to St Vincent Place, while the south side has a similar 'back of house' character being the rear of properties that face to Bridport Street. The buildings on the south side range in scale from one to four stories with varying setbacks. Within this context, there is greater opportunity for change.*

Another consideration is, due to the low rise (single storey) development immediately to the east, between the subject site and Montague Street, any development of two storeys or higher on the subject site even sited behind the existing shops will be likely be visible in oblique views looking west along Bridport Street from the intersection of Montague and from Montague north of Bridport.

Discussion

The updated and soon to be gazetted local heritage policy includes the following in relation to commercial heritage buildings:

Support additions to commercial and industrial buildings that are set back a minimum depth of the primary roof form (commercial buildings) or two structural bays (industrial buildings) to retain original or early fabric including the principal facade/s and roof features, and which:

- *respect the scale and massing of the existing heritage building or streetscape; and*
- *maintain the prominence of the heritage features of the building or streetscape and do not detract from, or visually dominate, the heritage building or streetscape; and*
- *are visually recessive against the heritage fabric.*

It also includes, for the first time, sightline controls for additions to commercial heritage buildings, which encourage additions to be fully concealed when viewed from natural eye level on the opposite footpath, as one way of achieving the above policy.

The reason for this policy approach is to maintain the consistency and integrity of the heritage streetscapes within local or neighbourhood activity centres, specifically to retain the visual primacy of the streetscape created by the predominantly two storey parapetted buildings, as is found in Bridport Street, and to ensure that new development is visually recessive (Apart from the specific heritage/built form policies, see also Cl. 21.06-3 or 15.01-5L in the new policy).

Another specific consideration in this section of Bridport Street is the importance of the former Biltmore Hotel as an historic landmark and ensuring that new development does not diminish it's prominence (see Cl. 21.06-3 or 15.01-5L).

I have discussed this application with the Urban Design team and we agree that the materiality and details of the new building are high quality and a well considered contextual response to the historic context.

The question is whether the height and setbacks are appropriate and will ensure the development satisfies the policy objectives set out above. In this regard:

- *The proposed setback of almost 10m will ensure the primary roof form of the buildings and features including the chimneys are retained.*
- *The additional 5m front setback to the top level should ensure that it is not visible from Bridport Street*
- *The building includes 3m setbacks from both side boundaries*

Against this, the height of the building is almost equivalent to the Biltmore and would become the second highest building in the precinct. The question is whether the setbacks, façade articulation and other design details are sufficient to mitigate the potential visual impact of the proposed building height to an extent that satisfies the policy strategies set out above.

In making this assessment I am mindful of the two recent VCAT decisions for two sites in Park Street, which are covered by DDO controls, that considered similar questions, albeit in an area which has a less consistent streetscape and is within a Major activity centre.

With this in mind the focus of my assessment is not whether or not the development will be visible from Bridport Street. In this regard I agree with the opinion of the VCAT decision that perceptions of heritage areas are built up from multiple viewing positions and this is certainly true of the subject site. The impacts of the development on the precinct must be considered 'in the round'.

A principle that emerged from the Park Street decisions is development that is more concealed need not respond directly to the historic context, but where it is visible the design response to context is critical. To put it another way, a criticism of one of the Park Street designs was:

It is neither sufficiently recessive so that it does not detract from the local heritage character, nor sufficiently creative so that it speaks to, and contributes to, that local character, even if it is in a new way. Instead, we consider the design appears to draw little, if anything, from the existing context...

Conclusions

Given the high design quality of the proposed new building, which carefully responds to and interprets the historic built context, it is my opinion that a higher degree of visibility may be permitted on the subject site.

The high design quality coupled with the generous front setback, and setbacks to the sides and rear results in a building that is respectful of the heritage context and will be suitably recessive and not visually dominant. While there will be some impacts upon views to the Biltmore (principally from Montague Street), in primary views along Bridport Street it will retain it's landmark qualities and prominence in the streetscape.

While the new building will be visually prominent in Bevan Street, this is acceptable having regard to the diverse and less significant built form context, and given the high design quality.

My support for this development is contingent upon maintaining the design quality. To this end, please include a permit condition that requires the current architect to be retained in future design development.

Other matters

- *Other alterations and additions to the retained shop buildings are acceptable.*
- *The modifications to the non-original shopfront are acceptable. The location of the fire services cabinet is unfortunate, but I understand this is a necessary requirement and cannot be relocated.*
- *The extension of the verandah is supported from a heritage perspective, but I understand may impact upon the street tree.*
- *The proposed colour scheme for the retained section of the heritage building is required.*

Council's heritage advisor supports the proposal.

A more detailed discussion of the proposal with respect to applicable planning policy is provided in Section 12 of this report.

8. EXTERNAL REFERRALS

The application was not required to be referred externally pursuant to the *Port Phillip Planning Scheme*.

9. PUBLIC NOTIFICATION

It was determined that the proposal may result in material detriment; therefore, Council gave notice of the proposal by ordinary mail to the owners and occupiers of surrounding properties and directed that the applicant give notice of the proposal by posting one notice on the site for a 18 day period, in accordance with Section 52 of the Planning and Environment Act 1987.

10. OBJECTIONS

A total of 219 objections and one supporting submission have been received.

Their concerns are summarised and responded to below.

Ground of Objection	Response
Proposal inconsistent with heritage character of area	A full discussion of the proposals relationship with the heritage character of the area is provided in Section 12 of this report.
Proposal inconsistent with neighbourhood character of area	A full discussion of the proposals relationship with the existing and preferred character of the area is provided in Section 12 of this report.
Insufficient parking	Parking is discussed in more detail in Section 12 of this report.

Development would set a precedent	<p>Each site is both benefited by and constrained by unique site-specific conditions. Each application is assessed on its merits as it relates to these site-specific conditions.</p> <p>Should a permit be granted for this proposal, it would not set a precedent as each site would need to demonstrate satisfactory responses to site conditions to justify any taller built form.</p>
Proposal would adversely impact significance of heritage place and precinct	A full discussion of the proposals impact on the heritage place is provided in Section 12 of this report.
Proposal would overlook St Vincent's Gardens	St Vincent's Gardens are 80m to the north at it's closest point. There is not anticipated to be any impacts on any views or vistas of significance from this park.
Adverse impact on natural light, views, and privacy of surrounding dwellings	<p>A full discussion of amenity impact is provided in Section 12 of this report.</p> <p>It should be noted that outlook from private dwellings are not a valid planning consideration unless the views are specifically protected by planning policy. There is no such policy applicable in this instance. As such, residential outlook from nearby dwellings will not be considered further.</p>
Radiant heat from building would adversely impact Bevan Street temperature	There is no evidence to suggest that the building would create any unreasonable heat impacts to Bevan Street.
Overdevelopment of the site	Overdevelopment is an amorphous concept that is guided by a number of policy considerations. These will be explored in detail in Section 12 of this report and a finding with respect to overdevelopment will be made.
Inconsistent with PPF and MPS	An assessment of the proposal against the PPF and MPS is provided in Section 12 of this report.
Inconsistent with Commercial Zone and Heritage Overlay	An assessment of the proposal against the applicable zone and overlay is provided in Section 12 of the report.
Traffic impacts to Bevan Street	<p>The proposal would contain 22 parking spaces. 20 of these for six residential apartments and 2 for retail use.</p> <p>The number of parking spaces provided in this development are not anticipated to adversely impact the traffic performance of Bevan Street.</p>
Basement flooding risks	There are no noted flooding risks to this property.
Advertising over holiday period unfair	There is no statutory limitations as to when advertising can commence. It is not the responsibility of Council to ensure that owners and occupiers are home at the time of giving notice.
The size of the advertising sign is too small	The size of advertising signs are consistent with the <i>Planning and Environment Act 1987</i> and the <i>Regulations</i> .
Parking impact associated with restaurant	A full discussion of parking requirements associated with the restaurant will be discussed in Section 12 of this report.
Adverse equitable development outcomes	The proposal would meet or exceed similar setbacks provided to the west. However it is not anticipated that this will develop further in future given the Victorian Heritage Register listing.

	<p>A 3m setback is provided to the east above level 1. This increases to 5m at level 5.</p> <p>These setbacks are considered appropriate to permit equitable development of lots to the east of the site.</p>
Unreasonable site coverage and permeability	High site coverage and low permeability are common features within the neighbourhood centre and broader neighbourhood. The proposed extent of coverage and permeability is not considered to be unreasonable.
Proposal would adversely impact amenity of east-facing apartments at 152 Bridport Street (The Biltmore)	Amenity of neighbouring lots is discussed in conjunction with Clause 58 in Section 12 of this report.
Failure to achieve design excellence	Design excellence will be discussed in greater detail in Section 12 of this report.
Unreasonable noise impacts	<p>All noise impacts associated with the site would be located to the front of the lot in conjunction with the restaurant use. There are no anticipated noise impacts associated with normal residential use.</p> <p>The noise impacts associated with the front of the lot would be minimal and focused towards Bridport Street and the broader commercial area.</p> <p>This is considered acceptable.</p>
Overshadowing impacts	Overshadowing will be discussed in Section 12 of this report.
Inconsistent with Clause 58	Clause 58 is discussed in greater detail in Section 12 of this report.

11. POLICY FRAMEWORK

11.1 Municipal Planning Strategy (“MPS”)

Clause 02.03 Strategic Directions

Clause 02.03-1 Settlements, including neighbourhoods.

11.2 Planning Policy Framework

The following provisions of the Planning Policy Framework (PPF) are relevant to this application:

- **Clause 11.01-1S – Settlement** which seeks to facilitate the sustainable growth and development of Victoria and deliver choice and opportunity for all Victorians through a network of settlements.
- **Clause 11.02-1S – Supply of Urban Land** which seeks to ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses.
- **Clause 11.03-1S – Activity Centres** which seeks to encourage the concentration of major retail, residential, commercial, administrative, entertainment and cultural developments into activity centres that are highly accessible to the community.
 - **Clause 11.03-1L-01 – Activity Centres** which seeks to maintain and strengthen a network of distinct, diverse, and viable activity centres that facilities appropriate housing and economic growth.
 - **Clause 11.03-1L-04 – Local and Neighbourhood Activity Centres** which applies to the local and neighbourhood activity centres including the Bridport Street centre.

- **Clause 13.05-1S – Noise Management** which seeks to assist the management of noise effects on sensitive land uses.
- **Clause 15.01-1S – Urban Design** which seeks to create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity.
 - **Clause 15.01-1R – Urban Design – Metropolitan Melbourne** which seeks to create a distinctive and liveable city with quality design and amenity.
 - **Clause 15.01-1L-02 – Urban Design** which contains a number of objectives applicable to this application.
- **Clause 15.01-2S – Building Design** which seeks to achieve building design and siting outcomes that contribute positively to the local context, enhance the public realm and support environmentally sustainable development
 - **Clause 15.01-2L-01 – Building Design** which applies to multi-unit residential development where Clause 55 does not apply.
 - **Clause 15.01-2L-02 – Environmentally Sustainable Development** which applies to residential and non-residential development.
 - **Clause 15.01-2L-03 – Urban Art** which applies to development with a total estimated cost of works that exceeds \$2,000,000.
- **Clause 15.01-5S – Neighbourhood Character** which seeks to recognise, support, and protect neighbourhood character, cultural identity, and sense of place.
- **Clause 15.03-1S – Heritage Conservation** which seeks to ensure the conservation of places of heritage significance.
 - **Clause 15.03-1L – Heritage Policy** which applies to all land within a Heritage Overlay.
- **Clause 16.01-1S – Housing Supply** which seeks to facilitate well-located, integrated and diverse housing that meets community needs.
 - **Clause 16.01-1R – Housing Supply – Metropolitan Melbourne** which seeks to manage the supply of new housing to meet population growth and create a sustainable city by developing housing and mixed use development opportunities in neighbourhood activity centres with good public transport connections.
 - **Clause 16.01-1L-01 – Housing Diversity** which seeks to provide a mix of housing types
 - **Clause 16.01-1L-02 – Location of Residential Development** which seeks to direct housing growth to designated locations that have the greatest capacity for change, and that offer highest accessibility to public transport, shops, and social infrastructure while maintaining the heritage, neighbourhood character and amenity values of established residential areas that have limited potential for housing growth.
- **Clause 17.01-1S – Diversified Economy** which seeks to strengthen and diversify the economy.
- **Clause 17.02-1S – Business** which seeks to encourage development that meets the community's needs for retail, entertainment, office, and other commercial services.
- **Clause 18.01-1S – Land use and Transport Integration** which seeks to facilitate access to social, cultural, and economic opportunities by effectively integrating land use and transport.

- **Clause 18.01-1L-01 – Land Use and Transport Integration** which seeks to support development that promotes alternative modes of transport and reduces reliance on private vehicles.
- **Clause 18.02-3R – Principal Public Transport Network** which seeks to maximise the use of existing infrastructure and increase the diversity and density of development along the Principal Public Transport network, particularly at interchanges, activity centres and where principal public transport routes intersect.
- **Clause 19.03-3L – Stormwater Management** which applies to new buildings or extensions to existing buildings that are 50sqm in area or more.

11.3 Other Relevant General or Particular Provisions

Clause 52.06 – Car Parking

Clause 52.34 – Bicycle Facilities

Clause 58 Apartment Developments

Clause 65.01 Decision Guidelines – Approval of an Application or Plan

Clause 71.02 Operation of the Planning Policy Framework

11.4 Relevant Planning Scheme Amendments

Amendment C203port is relevant to this application and was gazetted on 14 April 2023.

C203port implements the findings of the Port Phillip Planning Scheme Audit Report 2018 in response to the Victorian Governments changes to the format and content of planning schemes introduced in 2018.

Generally, C203port is largely policy neutral and represents a translation of the scheme into a new format. Areas of policy change include those relating to adopted council strategies and plans. These are included in this assessment where relevant.

It is also noted that Clause 15.03-1L contains new policy guidance on additions to commercial heritage places including existing two storey buildings.

12. ASSESSMENT

This application seeks approval for partial demolition and construction of a six storey building above a basement car park, comprising six dwellings and a restaurant associated with car parking dispensation for the Restaurant use at 146, 148, and 150 Bridport Street, Albert Park.

More specifically, the application seeks to construct a six-storey extension to the three-existing two-storey buildings fronting Bridport Street. It seeks to construct six apartments and 695sqm of restaurant floor space.

Based on the summaries provided above, the matters to be determined as part of this application include:

- Is the application consistent with the Planning Policy Framework?
- Is the application consistent with the Commercial 1 Zone?
- Is the application consistent with Clause 58?
- Is the application consistent with the Heritage Overlay?
- Does the proposal satisfy the Heritage Policy at Clause 15.03-1L?
- Is the proposed urban design response consistent with the Urban Design policy at Clause 15.01-1L-02?

- Is the proposed building design response consistent with the Building Design policy at Clause 15.01-2L-01?
- Does the application satisfy the requirements of Clause 52.06?
- Does the application satisfy the requirements of Clause 52.34?
- Does the proposal satisfy the environmentally sustainable development policy at Clause 15.01-2L-02?
- Does the proposal satisfy the stormwater management policy at Clause 19.03-3L?
- Are the proposed waste management arrangements acceptable?

These matters will be addressed in turn below.

12.1 Is the application consistent with the Planning Policy Framework?

The Planning Policy Framework (PPF) constitutes the overarching objectives set out for planning in Victoria. It includes the specific local policies adopted into the *Port Phillip Planning Scheme* that are relevant to this application.

A large proportion of the PPF, as it deals with wide ranging planning matters, is not relevant to this application. The following will provide an assessment of the relevant parts of the PPF.

Clause 11 – Settlement

Clause 11 seeks to facilitate sustainable growth and development of Victoria. On a local level, Clause 11.03-1L-04 provides further guidance for local and neighbourhood activity centres, including the Bridport Street centre.

For the Bridport Street centre, it specifically seeks to:

- *Support new licenced and entertainment premises provided there is on site car parking adequate to meet the needs of patrons and staff, and the use will complement the primary retail role of the centre.*
- *Encourage community uses to established in the centre.*
- *Design development to respect the following elements:*
 - o *The predominant one and two storey scale of Victorian buildings, with higher development setback from the principle street to minimise its visibility*
 - o *The prominence of landmark buildings including the ‘Biltmore’ (152 Bridport Street)...*
 - o *The consistent streetscape frontage widths to buildings*
 - o *Views to Albert Park toward the Bay from Victoria Avenue*
 - o *The island open space reserve (Broadway Tree Reserve) in Albert Park Village.*
- *Support the reinstatement of original verandah forms to the commercial buildings on Bridport Street and Victoria Avenue.*

The proposal is not consistent with this policy guideline for a number of reasons.

In the first instance, no patron parking is provided for the 695sqm restaurant. This is directly not supported by the policy which seeks to ensure that new licenced and entertainment premises provide sufficient on site car parking to meet the needs of patrons and staff. The absence of visitor parking will result in all patron parking being dependent on on-street parking.

In the second instance, the development is proposed at six storeys directly next to the landmark ‘Biltmore’ building. This scale of development would not be consistent with the predominant one and two storey scale of Victorian buildings and the upper level setbacks would not be sufficient to minimise the upper level visibility. Additionally, the six storey form would be equally tall as the ‘Biltmore’ building and would diminish the prominence and landmark status of the Biltmore building itself, an outcome specifically discouraged by policy.

In this respect, the proposal fails to satisfy the specific policy direction for the Bridport activity centre.

Clause 15 – Built Environment and Heritage

Clause 15 seeks to achieve urban design and building design excellence whilst conserving and enhancing places of heritage significance and respecting existing or preferred neighbourhood character.

The objectives and strategies of Clause 15 are explored through the balance assessment with respect to the Commercial 1 Zone, Clause 58, the Heritage Overlay, and local policies relating to urban design, building design, character, and heritage matters.

Clause 16 – Housing Supply

Clause 16 seeks to facilitate well-located, integrated, and diverse housing. More specifically It seeks to direct new housing supply into neighbourhood activity centres with good public transport connections.

Clause 16.01-1L-02 provides further guidance on the intensity of change for specific areas. It seeks to direct housing growth to substantial residential growth or moderate residential growth areas. The subject site does not conform to either of the definitions of these areas and is not recognised as one of these types of places in the *City of Port Phillip Housing Strategy (2007-2017)* (*City of Port Phillip, 2007*) which is identified as a policy document in the clause.

Beyond these two areas, it seeks to:

provide for incremental residential growth through well designed medium density (2-3 storey) infill development:

- *On sites with frontage to a Main Road adjacent to the PPTN and where there is an existing diverse neighbourhood character capable of accommodating change.*

Whilst there are other conditions that can permit 2-3 storey medium density infill development, none of them are applicable to this site.

It is noted that the site is located on a road adjacent to the PPTN, it is not considered to be in a locale within an existing diverse neighbourhood character capable of accommodating a degree of change. Rather, the surrounding Albert Park village is distinct for its heritage intactness. That is, as a matter of locational policy principle, increased residential densities – and the generally larger buildings needed to accommodate those densities – should not be located in areas of substantial heritage value and/or intactness.

The notion of limited growth in the Albert Park village is reinforced through Clause 11 which specifically identifies the heritage intactness of the Bridport Street centre and seeks to reduce the visibility of new built form.

Again, whilst the relatively low density is noted, it is considered that such a large building as that being proposed would be contrary to the principle of limited growth in heritage areas whereby it is considered that six storey buildings should be discouraged. It therefore follows that the proposed scale would not be consistent with policy at Clause 16.01-1L-02.

Clause 17 – Economic Development

Clause 17 seeks to strengthen and diversified the economy and encourage development that meets the community's needs for retail services.

The proposal would deliver an additional 695sqm restaurant to the activity centre. This is large compared to many other restaurants in the area and would provide an acceptable level of variation to the centres current provision.

This is considered acceptable and would be consistent with Clause 17.

Clause 18 – Transport

Clause 18 broadly seeks to integrate land use and transportation, maximise the use of existing infrastructure within the principal public transport network (PPTN), encourage active and sustainable transport modes, whilst managing the road network and carparking demands.

The site is located within the PPTN inside of a neighbourhood centre that provides walkable access to a range of commercial services, schools, medical facilities, and public open spaces. It seeks to increase the density of the use on the land within this context.

The proposal would therefore support the objectives of Clause 18 insofar as it relates to maximising PPTN usage and reducing reliance on private car use.

However, it seeks a reduction of car parking requirements for restaurant visitors. This may have an implication on the broader surrounding area which must be discussed in greater detail later in this report.

Subject to an acceptable finding with respect to the parking, the proposal would be consistent with Clause 18.

Clause 19 – Infrastructure

Clause 19 is relevant insofar as it relates to stormwater management.

Clause 19.03-3L represents Council’s stormwater management local policy. It will be discussed in greater detail later in this report.

Summary

In summary, whilst the proposal satisfies much of the applicable PPF, it fails to satisfy the specific planning for the Bridport Street neighbourhood activity centre in terms of size and scale

These issues will be interrogated in greater detail throughout this assessment to determine whether the application can be supported despite non-compliance with the PPF.

12.2 Is the application consistent with the Commercial 1 Zone?

A permit is required pursuant to the Commercial 1 Zone to use the land for ‘dwelling’ and to construct a building and carry out works.

The purpose of the C1Z is to create vibrant mixed use commercial centres for retail, office, business, entertainment, and community use whilst providing for residential use at densities complementary to the role and scale of the commercial centre.

Clause 34.01-8 outlines the decision guidelines for applications under the zone. The following provides an assessment of the relevant decision guidelines:

Clause 34.01-8 – Decision Guidelines	Assessment
The Municipal Planning Strategy and the Planning Policy Framework.	An assessment of the proposal against the MPS and PPF is provided above. There are objectives of the PPF that the proposal is not consistent with.
The interface with adjoining zones, especially the relationship with residential areas.	<p>The proposal is located within the C1Z with C1Z interfaces to the east, south, and west. To the north of the site across Bevan Street is land within the Neighbourhood Residential Zone Schedule 2.</p> <p>Bevan Street is predominantly, in close proximity of the site, an access street. Most lots that interface with the street do so through garages, rear accesses, or tall fencing.</p> <p>There are several dwellings that front the street with a more traditional frontage however these are set further west.</p> <p>The opposite dwellings generally front St Vincents Place to the north. At their rear, opposite the site, they generally consist with</p>

	<p>garages, small out buildings, or private open spaces.</p> <p>The development would provide a 4m setback at ground, a 3m setback at first, second, third, and fourth, and 7m at fifth. Furthermore, the buildings gradually step in from each side boundary as they increase in height.</p> <p>As the building is located to the south of Bevan Street, this arrangement is considered to be an appropriate response to dwellings neighbouring a neighbourhood activity centre.</p>
The effect that existing uses may have on the proposed use.	<p>The proposed use would be located adjacent residential use to the west and a mix of commercial and retail uses to the east.</p> <p>None of these are anticipated to pose any unreasonable impact on the proposed use.</p> <p>The restaurant use may have an impact on the western apartments. This could be managed with standard conditions should a permit be issued.</p>
The drainage of the land.	This is not relevant.
The availability of and connection to services.	The site is located within an established area that has sufficient capacity for services.
The effect of traffic to be generated on roads.	<p>The proposed residential use would not generate any unreasonable traffic impacts on local roads. It would be accessed via Bevan Street which is in close proximity to Montague Street, a more substantial feeder local road.</p> <p>There is no evidence to suggest that these roads would be overburdened by the proposal.</p>
The interim use of those parts of the land not required for the proposed use.	Not relevant.
The movement of pedestrians and cyclists, and vehicles providing for supplies, waste removal, emergency services and public transport.	The development is not anticipated to have any impacts on the movement of pedestrians, cyclists, or supply/emergency/public transport vehicles operating within the area.
The provision of car parking.	<p>As discussed above, there is a shortfall of carparking spaces on the land for the restaurant use.</p> <p>This will be discussed in greater detail later in this report in conjunction with Clause 52.06.</p>
The streetscape, including the conservation of buildings, the design of verandahs, access from the street front, protecting active frontages to pedestrian areas, the treatment of the fronts and backs of buildings and their appurtenances, illumination of buildings or their immediate spaces and the landscaping of land adjoining a road.	<p>The proposal would retain a large proportion of the frontage to Bridport Street. It would convert a part of an existing shopfront for the residential lobby space. This, however, however this is not considered to have a significant impact on the streetscape.</p> <p>As previously noted, it is considered that overall scale would have negative effects on both streetscapes.</p>

	<p>The retention of the balance two shopfronts is considered appropriate for the neighbourhood centre.</p> <p>With respect to the broader two-storey façade, it is proposed to retain this and preserve the streetscape character.</p>
The storage of rubbish and materials for recycling.	Waste management arrangements is discussed in greater detail later in this report.
Defining the responsibility for the maintenance of buildings, landscaping and paved areas.	There would be clear responsibility for shared and private areas and the management of those spaces.
Consideration of the overlooking and overshadowing as a result of building or works affecting adjoining land in a General Residential Zone, Neighbourhood Residential Zone, Residential Growth Zone or Township Zone.	There would be no overlooking or overshadowing to any building in an adjacent residential zone.
The impact of overshadowing on existing rooftop solar energy systems on dwellings on adjoining lots in a General Residential Zone, Mixed Use Zone, Neighbourhood Residential Zone, Residential Growth Zone or Township Zone.	There would be no overlooking or overshadowing to any building in an adjacent residential zone.
The availability of and connection to services.	As above. The site is adequately serviced.
The design of buildings to provide for solar access.	<p>The site is located along a north-south axis and provides adequate levels of separate to neighbouring lots. This will ensure appropriate solar access is achieved.</p> <p>More discussion of solar access is provided in conjunction with Clause 58.</p>
The objectives, standards and decision guidelines of Clause 54 and Clause 55. This does not apply to an apartment development.	Not relevant.
For an apartment development, the objectives, standards and decision guidelines of Clause 58.	<p>A full assessment of the proposal against the requirements of Clause 58 is provided below.</p> <p>This assessment finds that the proposal does not meet some of the objectives of Clause 58. This renders the application inconsistent with this decision guideline.</p>

Based on the above, the proposal is mostly consistent with the C1Z.

An assessment of the proposal against the requirements of Clause 58 is provided below. This assessment finds that some objectives have not been met by the proposal. As such, the application does not satisfy the decision guidelines with respect to Clause 58.

As such, the application is considered to be inconsistent with the Commercial 1 Zone provisions in their entirety.

12.3 Is the application consistent with Clause 58?

Clause 58 seeks to encourage apartment development that provides reasonable standards of amenity for existing and new residents and to encourage apartment development that is responsive to the site and the surrounding area.

Clause 58 operates through objectives and respective standards. The objectives of Clause 58 must be met, whilst the standards should be met.

The following table constitutes an assessment of the proposal against the requirements of Clause 58.

Title & Objective/s & Standard/s	Assessment
<p>Clause 58.01</p> <p>Urban context report and design response Achieved</p> <p>An application must be accompanied by:</p> <p>An urban context report, and</p> <p>A design response.</p>	<p>Complies</p> <p>A satisfactory urban context report and design response has been provided.</p>

Clause 58.02 URBAN CONTEXT

Title & Objective/s & Standard/s	Assessment
<p>Clause 58.02-1</p> <p>Urban context objectives</p> <p>To ensure that the design responds to the existing urban context or contributes to the preferred future development of the area.</p> <p>To ensure that development responds to the features of the site and the surrounding area.</p> <p>Standard D1</p> <p>The design response must be appropriate to the urban context and the site.</p> <p>The proposed design must respect the existing or preferred urban context and respond to the features of the site.</p>	<p>Objective not met</p> <p>The development would be one of the tallest buildings within the Albert Park neighbourhood activity centre outside of the Biltmore, which is located immediate to the west of the site. It would be the only contemporary building in the wider vicinity approaching – or matching – the height of the heritage building to the west.</p> <p>PPF policy at Clause 11.03-1L-04 and 16.01-1L-02 requires development to respect the predominant 2-3 storey scale and protect the landmark status of the Biltmore building.</p> <p>The proposed height of the building would not satisfy these policy strategies. Whilst the broader design response is considered to be appropriate, the bulk and height of the proposal is problematic. There may be a more appropriate solution at a reduced height that would meet the above policy.</p> <p>More discussion of this response will be explored through the urban design and heritage policies contained later in this report.</p>
<p>Clause 58.02-2</p> <p>Residential policy objectives</p> <p>To ensure that residential development is provided in accordance with any policy for housing in the Municipal Planning Strategy and the Planning Policy Framework</p> <p>To support higher density residential development where development can take advantage of public and community infrastructure and services.</p> <p>Standard D2</p>	<p>Objective not met</p> <p>As discussed earlier in this report in conjunction with Clause 16.01-1L-02, the proposed scale is not appropriate for this particular area. The settlement strategy does not seek to intensify density in this particular neighbourhood activity centre location. Rather, the settlement strategy would identify the land as having potential for 2-3 storey medium density infill development should the proposal be developed to respect the neighbourhood character of the area.</p>

<p>An application must be accompanied by a written statement to the satisfaction of the responsible authority that describes how the development is consistent with any relevant policy for housing in the Municipal Planning Strategy and the Planning Policy Framework.</p>	
<p>58.02-3 Dwelling diversity objective</p> <p>To encourage a range of dwelling sizes and types in developments of ten or more dwellings.</p> <p>Standard D3</p> <p>Developments of ten or more dwellings should provide a range of dwelling sizes and types, including dwellings with a different number of bedrooms.</p>	<p>Not relevant</p> <p>Less than 10 dwellings are proposed.</p>
<p>58.02-4 Infrastructure objectives</p> <p>To ensure development is provided with appropriate utility services and infrastructure.</p> <p>To ensure development does not unreasonably overload the capacity of utility services and infrastructure.</p> <p>Standard D4</p> <p>Development should be connected to reticulated services, including reticulated sewerage, drainage, electricity and gas, if available.</p> <p>Development should not unreasonably exceed the capacity of utility services and infrastructure, including reticulated services and roads.</p> <p>In areas where utility services or infrastructure have little or no spare capacity, developments should provide for the upgrading of or mitigation of the impact on services or infrastructure.</p>	<p>Objective & standard met</p> <p>The site is located within an established area with sufficient capacity for servicing.</p>
<p>Integration with the street objective</p> <p>To integrate the layout of development with the street.</p> <p>Standard D5</p> <p>Development should be oriented to front existing and proposed streets.</p> <p>Along street frontage, development should:</p> <ul style="list-style-type: none"> - Incorporate pedestrian entries, windows, balconies or other active spaces. 	<p>Objective & standard met</p> <p>The proposal results in limited change to the streetscape. The main façade and two existing shopfronts would be retained whilst one of the shopfronts would be converted to a residential lobby.</p> <p>It is noted that the presence of the service cupboard for the fire booster would be visible from the street. However, given this is a necessity, the provision is considered to be a moderate addition within the context of the entire development.</p>

<ul style="list-style-type: none"> - Limit blank walls. - Limit high front fencing, unless consistent with the existing urban context. - Provide low and visually permeable front fences, where proposed. - Conceal car parking and internal waste collection areas from the street. <p>Development next to existing public open space should be designed to complement the open space and facilitate passive surveillance.</p>	<p>This is considered to be an acceptable response with respect to street integration.</p>
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58.03 SITE LAYOUT

Title & Objective/s & Standard/s	Assessment
<p>58.03-1 Energy efficiency objectives</p> <p>To achieve and protect energy efficient dwellings and buildings.</p> <p>To ensure the orientation and layout of development reduce fossil fuel energy use and make appropriate use of daylight and solar energy.</p> <p>To ensure dwellings achieve adequate thermal efficiency.</p> <p>Standard D6</p> <p>Buildings should be:</p> <ul style="list-style-type: none"> - Oriented to make appropriate use of solar energy. - Sited and designed to ensure that the energy efficiency of existing dwellings on adjoining lots is not unreasonably reduced. <p>Living areas and private open space should be located on the north side of the development, if practicable.</p> <p>Developments should be designed so that solar access to north-facing windows is optimised.</p> <p>Dwellings located in a climate zone identified in Table D1 should not exceed the maximum NatHERS annual cooling load specified in the table.</p>	<p>Objective & standard met</p> <p>The submitted SDA report suggests that the dwellings will achieve adequate energy efficiency. Cooling loads will not exceed 28.1MJ/M2. Which complies with the permitted 30MJ/M2.</p> <p>It is noted however that there are several deficiencies with the submitted SDA that must be addressed prior to a permit being issued or the development commencing.</p> <p>Council's sustainable design advisor states:</p> <p><i>Energy Ratings – Heating load is too high Apartment 501 exceeding 48 MJ/sqm for each dwelling and average 79.2 MJ/sqm. Stated as 59.8MJ/sqm in BESS Report & star rating as 6.5, these will also impact Energy credits 1.1 & 1.2 – Amend these inputs.</i></p>
<p>58.03-2 Communal open space objective</p> <p>To provide communal open space that meets the recreation and amenity needs of residents.</p>	<p>Not relevant</p> <p>Six dwellings are proposed as such no communal area is required.</p>

<p>To ensure that communal open space is accessible, practical, attractive, easily maintained.</p> <p>To ensure that communal open space is integrated with the layout of the development and enhances resident amenity.</p> <p>Standard D7</p> <p>A development of 10 or more dwellings should provide a minimum area of communal outdoor open space of 30 square metres.</p> <p>If a development contains 13 or more dwellings, the development should also provide an additional minimum area of communal open space of 2.5 square metres per dwelling or 220 square metres, whichever is the lesser. This additional area may be indoors or outdoors and may consist of multiple separate areas of communal open space.</p> <p>Each area of communal open space should be:</p> <ul style="list-style-type: none"> - Accessible to all residents. - A useable size, shape and dimension. - Capable of efficient management. - Located to: <ul style="list-style-type: none"> o Provide passive surveillance opportunities, where appropriate. o Provide outlook for as many dwellings as practicable. o Avoid overlooking into habitable rooms and private open space of new dwellings. o Minimise noise impacts to new and existing dwellings. <p>Any area of communal outdoor open space should be landscaped and include canopy cover and trees.</p>	
<p>58.03-3 Solar access to communal outdoor open space objective</p> <p>To allow solar access into communal outdoor open space.</p> <p>Standard D8</p>	<p>Not relevant</p> <p>No communal area is proposed.</p>

<p>The communal outdoor open space should be located on the north side of a building, if appropriate.</p> <p>At least 50 per cent or 125 square metres, whichever is the lesser, of the primary communal outdoor open space should receive a minimum of two hours of sunlight between 9am and 3pm on 21 June.</p>	
<p>58.03-4 Safety objective</p> <p>To ensure the layout of development provides for the safety and security of residents and property.</p> <p>Standard D9</p> <p>Entrances to dwellings should not be obscured or isolated from the street and internal accessways.</p> <p>Planting which creates unsafe spaces along streets and accessways should be avoided.</p> <p>Developments should be designed to provide good lighting, visibility and surveillance of car parks and internal accessways.</p> <p>Private spaces within developments should be protected from inappropriate use as public thoroughfares.</p>	<p>Objective & standard met</p> <p>The proposed layout is considered to be safe and secure. The private lobby entrance would service the six dwellings whilst every apartment would be accessed via a private lobby level.</p> <p>There would be no access between the restaurants and the dwellings.</p>
<p>58.03-5 Landscaping objectives</p> <p>To provide landscaping that supports the existing or preferred urban context of the area and reduces the visual impact of buildings on the streetscape.</p> <p>To preserve existing canopy cover and support the provision of new canopy cover.</p> <p>To ensure landscaping is climate responsive, supports biodiversity, wellbeing and amenity and reduces urban heat.</p> <p>Standard D10</p> <p>Development should retain existing trees and canopy cover.</p> <p>Development should provide for the replacement of any significant trees that have been removed in the 12 months prior to the application being made.</p> <p>Development should:</p> <ul style="list-style-type: none"> - Provide the canopy cover and deep soil areas specified in Table D2. Existing trees can be used to meet the canopy cover requirements of Table D2. 	<p>Objective Met</p> <p>The application requires 5% canopy coverage and 5% deep soil area. Neither of these are provided as the basement level would cover 100% of the site and there is no meaningful soil depths or landscaping provided at ground floor.</p> <p>No landscaping plan is provided.</p> <p>A number of trees are provided within each apartments secluded private open spaces at all levels. The applicant suggests this provision is sufficient to satisfy the requirements of Standard D10.</p> <p>This is not accepted as there is no guarantee that this privately owned landscaping will be retained or maintained at any time.</p> <p>As such, the proposal does not satisfy the requirements of Standard D10.</p> <p>In this specific context however the proposal is considered acceptable. The retention of the façade and front two-storey heritage form would render any landscaping provision not visible from the street or visible at upper levels which would not</p>

<ul style="list-style-type: none"> - Provide canopy cover through canopy trees that are: <ul style="list-style-type: none"> o Located in an area of deep soil specified in Table D3. Where deep soil cannot be provided trees should be provided in planters specified in Table D3. o Consistent with the canopy diameter and height at maturity specified in Table D4. o Located in communal outdoor open space or common areas or street frontages. - Comprise smaller trees, shrubs and ground cover, including flowering native species. - Include landscaping, such as climbing plants or smaller plants in planters, in the street frontage and in outdoor areas, including communal outdoor open space. - Shade outdoor areas exposed to summer sun through landscaping or shade structures and use paving and surface materials that lower surface temperatures and reduce heat absorption. - Be supported by irrigation systems which utilise alternative water sources such as rainwater, stormwater and recycled water. - Protect any predominant landscape features of the area. - Take into account the soil type and drainage patterns of the site. - Provide a safe, attractive and functional environment for residents. - Specify landscape themes, vegetation (location and species), irrigation systems, paving and lighting. <p>Site area – 972sqm.</p> <p>Canopy Cover requirement - 5% (include 1 Type A tree)</p> <p>Deep Soil requirement – 5% of site area or 12sqm whichever is greater</p>	<p>make a significant contribution to landscaping character.</p> <p>There is no clear requirement for landscaping towards the rear of the site noting this is not a characteristic of Bevan Street.</p>
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<p>Type A tree – 12sqm deep soil area, 12 cubic metres of soil volume, 0.8sqm depth of planter soil.</p>	
<p>58.03-6 Access objective</p> <p>To ensure that vehicle crossovers are designed and located to provide safe access for pedestrians, cyclists and other vehicles.</p> <p>To ensure the vehicle crossovers are designed and located to minimise visual impact.</p> <p>Standard D11</p> <p>Vehicle crossovers should be minimised.</p> <p>Car parking entries should be consolidated, minimised in size, integrated with the façade and where practicable located at the side or rear of the building.</p> <p>Pedestrian and cyclist access should be clearly delineated from vehicle access.</p> <p>The location of crossovers should maximise pedestrian safety and the retention of on-street car parking spaces and street trees.</p> <p>Developments must provide for access for service, emergency and delivery vehicles.</p>	<p>Objective & standard met</p> <p>The development would be serviced by one crossover at the rear of the lot. The crossover would maximise safety and parking within Bevan Street as it would remove a total of three crossovers in preference for one.</p>
<p>58.03-7 Parking location objectives</p> <p>To provide convenient parking for resident and visitor vehicles.</p> <p>To protect residents from vehicular noise within developments.</p> <p>Standard D12</p> <p>Car parking facilities should:</p> <ul style="list-style-type: none"> - Be reasonably close and convenient to dwellings. - Be secure. - Be well ventilated if enclosed. <p>Shared accessways or car parks of other dwellings should be located at least 1.5 metres from the windows of habitable rooms. This setback may be reduced to 1 metre where there is a fence at least 1.5 metres high or where window sills are at least 1.4 metres above the accessway.</p>	<p>Objective & standard met</p> <p>Each apartment would have access to a secure garage within the basement level. These would have convenient access to the internal stair and lift core and would be ventilated typically in accordance with other basements.</p>
<p>58.03-8 Integrated water and stormwater management objectives</p>	<p>Objective & standard met</p> <p>The submitted SDA suggests that the development would achieve a 111%</p>

<p>To encourage the use of alternative water sources such as rainwater, stormwater and recycled water.</p> <p>To facilitate stormwater collection, utilisation and infiltration within the development.</p> <p>To encourage development that reduces the impact of stormwater run-off on the drainage system and filters sediment and waste from stormwater prior to discharge from the site.</p> <p>Standard D13</p> <p>Buildings should be designed to collect rainwater for non-drinking purposes such as flushing toilets, laundry appliances and garden use.</p> <p>Buildings should be connected to a non-potable dual pipe reticulated water supply, where available from the water authority.</p> <p>The stormwater management system should be:</p> <ul style="list-style-type: none"> - Designed to meet the current best practice performance objectives for stormwater quality as contained in the Urban Stormwater – Best Practice Environmental Management Guidelines (Victorian Stormwater Committee 1999) as amended. - Designed to maximise infiltration of stormwater, water and drainage of residual flows into permeable surfaces, tree pits and treatment areas. 	<p>STORM rating which represents best practice water sensitive design.</p> <p>Council’s sustainable design advisor does not object to this score however does note there are balance WSUD matters to be resolved. Not all of these requirements are considered necessary for inclusion as discussed earlier in this report.</p>
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58.04 AMENITY IMPACTS

Title & Objective/s & Standard/s	Assessment
<p>58.04-1 Building setback objectives</p> <p>To ensure the setback of a building from a boundary appropriately responds to the existing urban context or contributes to the preferred future development of the area.</p> <p>To allow adequate daylight into new dwellings.</p> <p>To limit views into habitable room windows and private open space of new and existing dwellings.</p> <p>To provide a reasonable outlook from new dwellings.</p>	<p>Does not comply with standard</p> <p>The proposed setbacks to the rear and eastern boundaries are considered acceptable.</p> <p>The rear setback would be set opposite Bevan Street which is not a sensitive interface.</p> <p>The eastern setback would abut the rear of lots facing Montague Street further to the east. Any future development of these lots will need to respond to the proposal and provide for similar or greater setbacks as are proposed.</p>

To ensure the building setbacks provide appropriate internal amenity to meet the needs of residents.

Standard D14

The built form of the development must respect the existing or preferred urban context and respond to the features of the site.

Buildings should be set back from side and rear boundaries, and other buildings within the site to:

- Ensure adequate daylight into new habitable room windows.
- Avoid direct views into habitable room windows and private open space of new and existing dwellings.
- Developments should avoid relying on screening to reduce views.
- Provide an outlook from dwellings that creates a reasonable visual connection to the external environment.
- Ensure the dwellings are designed to meet the objectives of Clause 58.

Note: Where zones, overlays or their schedules specify different setbacks, these apply over this clause.

To the west is the Biltmore.

This building is generally equivalent in height as to what is proposed. It includes two rows of habitable room windows that face the site.

The windows facing the site in the front half of the building would be setback 1.15m from the shared boundary. The windows facing the site in the rear half of the building would be setback 3.35m from the shared boundary.

Refer Figure 12 which shows these windows in plan form.

Noting these windows are set opposite two distinct parts of the building, they will be discussed separately below.

Front half (Bridport Street side)

The existing heritage wall abutting the common boundary would be retained for a depth of approximately 9.3m. Currently, behind that, is a small courtyard followed by another single storey (approximately 4m high) wall abutting the boundary.

The proposal, behind the 9.3m depth of retained wall-on-boundary, would result in a new two storey wall 6m to 6.5m high abutting the common boundary for a length of approximately 18m.

See Figure 13 which demonstrates this arrangement.

The proposal would substantially increase the built-form set opposite the neighbouring Biltmore windows. It would greatly extend the wall on boundary opposite these windows at ground and first floor. It would propose a 3m setback from the boundary above. There would be no built-form located above the front 10m of the lot.

See Figure 14 which demonstrates this proposed arrangement.

The lower Biltmore windows (especially at its ground level) would be fully enclosed on their eastern and northern sides due to the proposed wall on boundary associated with the stair and lift core. In short, they would have a new two storey wall mostly over 6m high - directly opposite them at zero setback from the common boundary, which is considered likely to have substantial amenity impacts. The remaining outlook would be restricted to the south and the 4.1m wide light court.

The uppermost floors of the Biltmore may be less affected by this arrangement due to the

lower neighbouring wall heights and the proposed 3m setbacks, but in this context, even that 3m setback is not considered sufficient to maintain adequate amenity where such dwellings currently have a relatively modest interface. The lower floors, however, would be affected due to the enclosing of the north and eastern sides.

Aside from daylight, these proposed windows would overlook the Biltmore windows and are not proposed with any form of screening. The total separation of 4.1m between the windows is not considered sufficient to avoid the need for screening and is again considered to be an indicator that the proposed 3m setback is insufficient.

It follows that the amenity impact to the east facing windows of the Biltmore (front half) is not considered acceptable and does not satisfy Standard D14 or the objective of Clause 58.04-1.

Rear half (Bevan Street side)

There is no existing built form opposite the rear east-facing windows at the Biltmore building.

The proposal depicts a building of comparable height to the Biltmore building.

At ground level, the interface would comprise a proposed 4.4m setback across the car park ramp. Coupling this to the generally just over 3m setback of the Biltmore building, a total ground level separation at the rear of approximately 7.5m would be achieved. This is considered sufficient in terms of daylight access and amenity to existing and proposed buildings.

Above ground level, the proposal would provide a 3m setback to the boundary which when combined with the generally just over 3m adjacent setback would provide an overall separation of just over 6m.

It is considered that this arrangement would also represent sufficient separation to maintain reasonable good daylight access to both existing and proposed developments. It is, however, noted that the proposal would be approximately 16m taller than the first floor level of the abutting Biltmore building where separated by the abovementioned just over 6m. If the daylight tests of Rescode are used as a form of guide, an 8m separation should be achieved. This would be a guide only. Even so, in this context, it is considered that

	<p>the 6m separation would be adequate but should ideally perhaps be greater.</p> <p>The plans indicate that all west-facing glazing would be fluted which would contribute some degree of privacy to both existing and future residents.</p> <p>This is considered an appropriate response for the just over 6m building separation.</p> <p>As such, the proposal is considered to generally satisfy Standard D14 and meets the objective of Clause 58.04-1 with respect to the rear east-facing Biltmore windows although, the 6m separation should ideally be slightly increased.</p>
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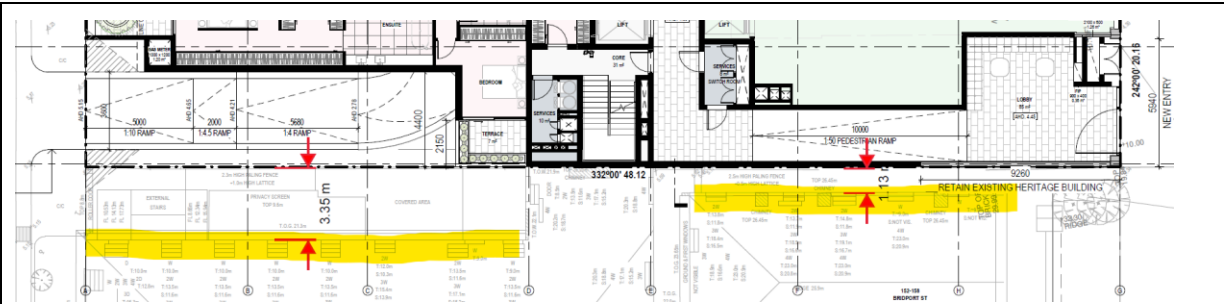


Figure 12 - Proposed ground-floor plan showing setbacks of windows at the Biltmore site (immediately west of site)

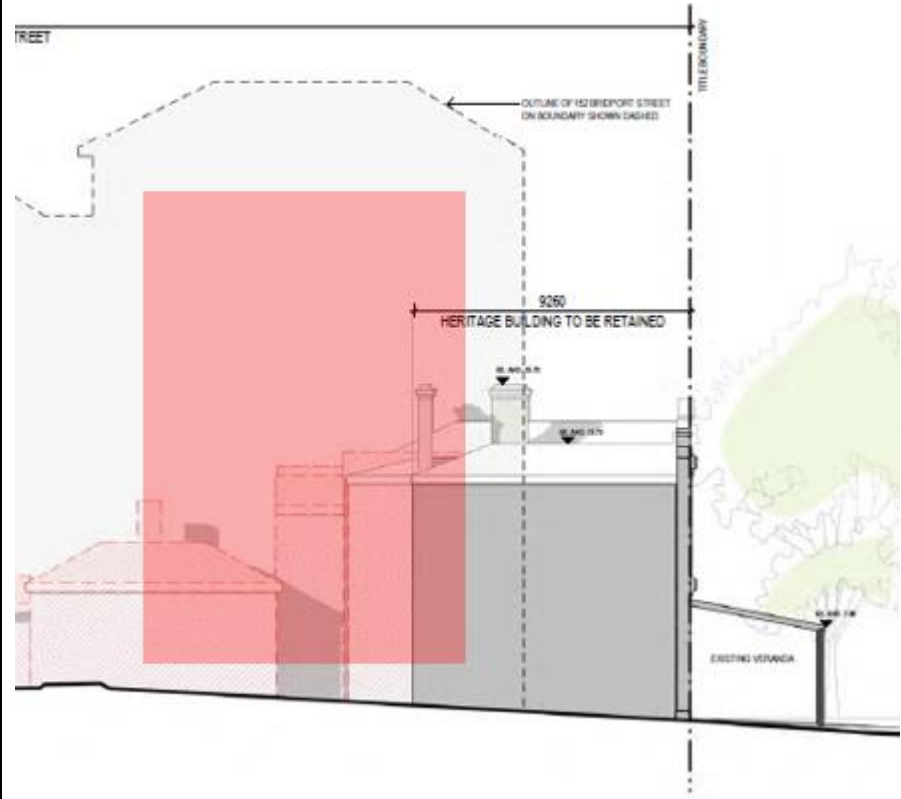


Figure 13 - Western elevation showing existing context set opposite the windows at the Biltmore - approximate location of neighbouring windows highlighted in red.

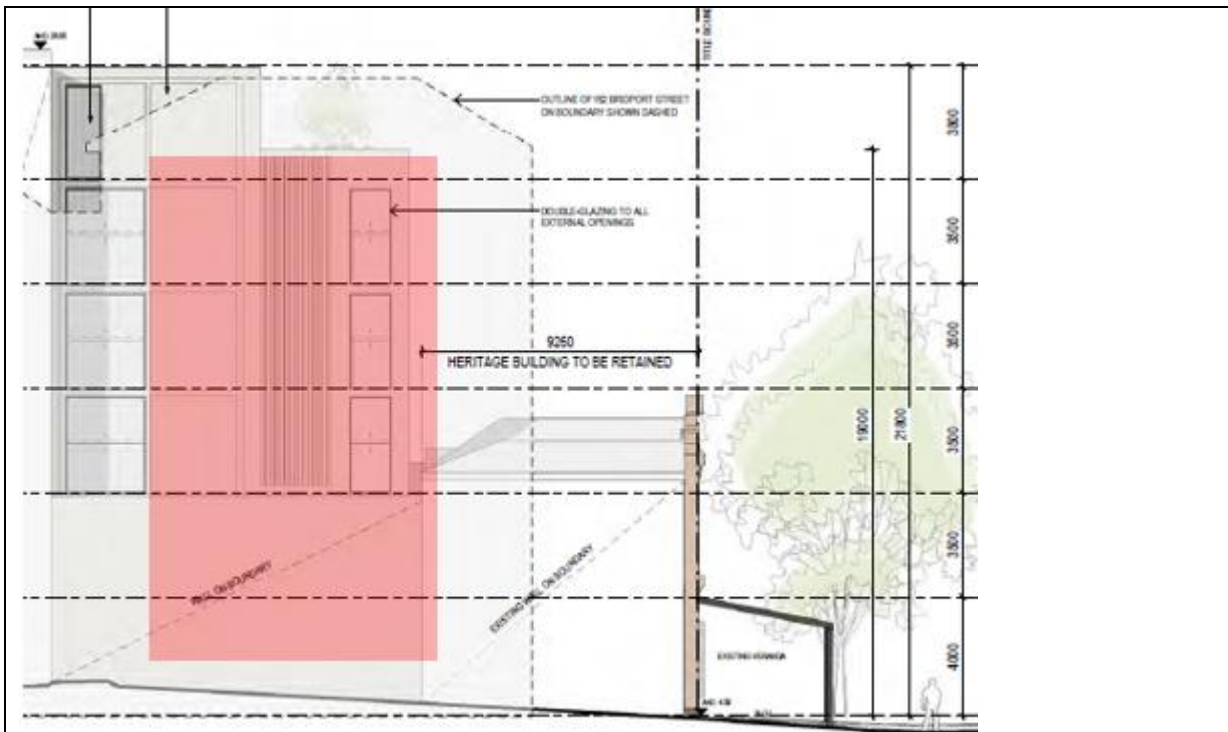


Figure 14 - Proposed built-form set opposite the windows at the Biltmore (approximate location highlighted in red)

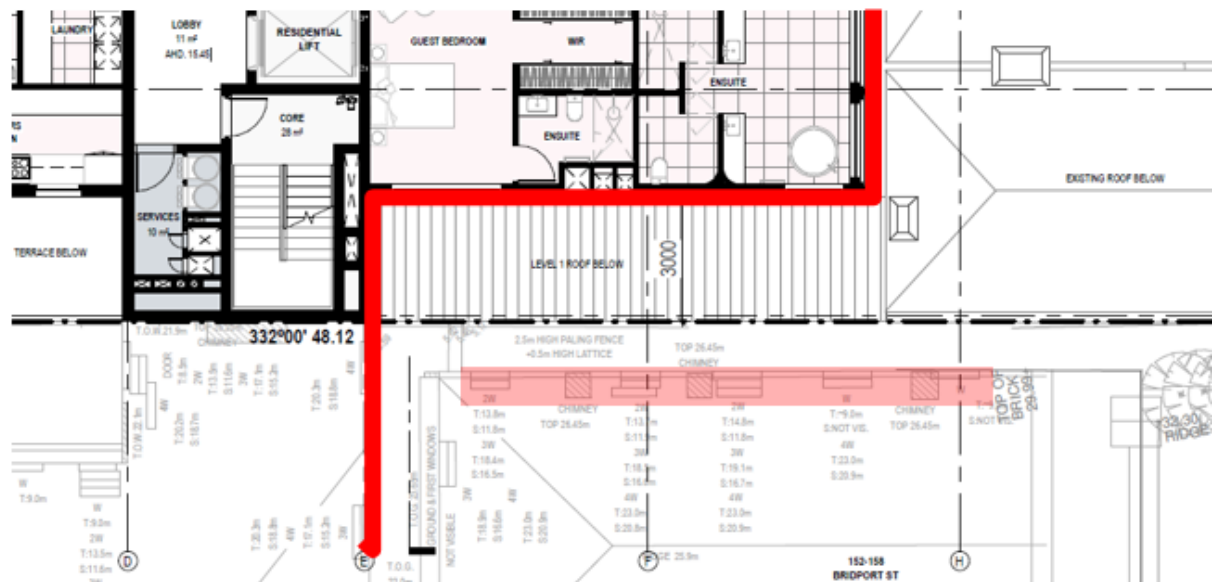


Figure 15 - Level 3 and 4 floor plan showing the Biltmore windows highlighted in red and the enclosure of its northern and eastern sides highlighted in red line

58.04-2 Internal views objective

To limit views into the private open space and habitable room windows of dwellings within a development.

Standard D15

Windows and balconies should be designed to prevent overlooking of more than 50 per cent of the private open space of a lower-level dwelling directly below and within the same development.

Objective & standard met

There would be no unreasonable internal views across the site.

<p>58.04-3 Noise impacts objectives</p> <p>To contain noise sources in developments that may affect existing dwellings.</p> <p>To protect residents from external and internal noise sources.</p> <p>Standard D16</p> <p>Noise sources, such as mechanical plants should not be located near bedrooms of immediately adjacent existing dwellings.</p> <p>The layout of new dwellings and buildings should minimise noise transmission within the site.</p> <p>Noise sensitive rooms (such as living areas and bedrooms) should be located to avoid noise impacts from mechanical plants, lifts, building services, non-residential uses, car parking, communal areas and other dwellings.</p> <p>New dwellings should be designed and constructed to include acoustic attenuation measures to reduce noise levels from off-site noise sources.</p> <p>Buildings within a noise influence area specified in Table D3 should be designed and constructed to achieve the following noise levels:</p> <p>Not greater than 35dB(A) for bedrooms, assessed as an LAeq,8h from 10pm to 6am.</p> <ul style="list-style-type: none"> - Not greater than 40dB(A) for living areas, assessed LAeq,16h from 6am to 10pm. - Buildings, or part of a building screened from a noise source by an existing solid structure, or the natural topography of the land, do not need to meet the specified noise level requirements. <p>Noise levels should be assessed in unfurnished rooms with a finished floor and the windows closed.</p>	<p>Objective & standard met</p> <p>The site is not located within a Table D5 noise influence area.</p> <p>There are not anticipated to be any unreasonable noise impacts on proposed residences.</p>
<p>58.04-4 – Wind Impacts Objective</p> <p>To ensure the built form, design and layout of development does not generate unacceptable wind impacts within the site or on surrounding land.</p> <p>Standard D17</p> <p>Development of five or more storeys, excluding a basement should:</p>	<p>Objective met subject to condition</p> <p>The proposal has not submitted a wind impact assessment despite being six storeys in height.</p> <p>The applicant states that it is not anticipated to generate any adverse wind impacts however no evidence is provided to justify this claim.</p>

<ul style="list-style-type: none"> - not cause unsafe wind conditions specified in Table D6 in public land, publicly accessible areas on private land, private open space and communal open space; and - achieve comfortable wind conditions specified in Table D6 in public land and publicly accessible areas on private land <p>within a distance of half the greatest length of the building, or half the total height of the building measured outwards on the horizontal plane from the ground floor building façade, whichever is greater.</p> <p>Trees and landscaping should not be used to mitigate wind impacts. This does not apply to sitting areas, where trees and landscaping may be used to supplement fixed wind mitigation elements.</p> <p>Wind mitigation elements, such as awnings and screens should be located within the site boundary, unless consistent with the existing urban context or preferred future development of the area.</p>	<p>Wind impacts upon the public realm must be adequately demonstrated. This information must accompany an application of this scale.</p>
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58.05 ON-SITE AMENITY AND FACILITIES

Title & Objective/s & Standard/s	Assessment
<p>58.05-1 Accessibility objective</p> <p>To ensure the design of dwellings meets the needs of people with limited mobility.</p> <p>Standard D18</p> <p>At least 50 per cent of dwellings should have:</p> <p>A clear opening width of at least 850mm at the entrance to the dwelling and main bedroom.</p> <p>A clear path with a minimum width of 1.2 metres that connects the dwelling entrance to the main bedroom, an adaptable bathroom and the living area.</p> <p>A main bedroom with access to an adaptable bathroom.</p> <p>At least one adaptable bathroom that meets all of the requirements of either Design A or Design B specified in Table D7.</p>	<p>Objective & standard met</p> <p>Four dwellings satisfy the accessibility standards of D17. This represents more than 50% of apartments.</p>
<p>58.05-2 Building entry and circulation objectives</p>	<p>Objective & standard met</p> <p>All dwellings would have visible, easily identifiable, and transitional entrances. The</p>

<p>To provide each dwelling and building with its own sense of identity.</p> <p>To ensure the internal layout of buildings provide for the safe, functional and efficient movement of residents.</p> <p>To ensure internal communal areas provide adequate access to daylight and natural ventilation.</p> <p>Standard D19</p> <p>Entries to dwellings and buildings should:</p> <ul style="list-style-type: none"> - Be visible and easily identifiable. - Provide shelter, a sense of personal address and a transitional space around the entry. <p>The layout and design of buildings should:</p> <ul style="list-style-type: none"> - Clearly distinguish entrances to residential and non-residential areas. - Provide windows to building entrances and lift areas. - Provide visible, safe and attractive stairs from the entry level to encourage use by residents. - Provide common areas and corridors that: <ul style="list-style-type: none"> o Include at least one source of natural light and natural ventilation. o Avoid obstruction from building services. o Maintain clear sight lines. 	<p>building has a visible, easily identifiable, and transitional entrance.</p> <p>No lobby areas or common areas/corridors have sources of natural light or ventilation.</p> <p>In this specific context it considered acceptable only as each level would provide access to one specific dwelling only. These areas are small and confined so that the absence of a window would not harm the overall movement of people within the building.</p>
<p>58.05-3 Private open space objective</p> <p>To provide adequate private open space for the reasonable recreation and service needs of residents.</p> <p>Standard D20</p> <p>A dwelling should have private open space consisting of at least one of the following:</p> <ul style="list-style-type: none"> - An area at ground level of at least 25 square metres, with a minimum dimension of 3 metres and convenient access from a living room. - A balcony with at least the area and dimensions specified in Table D8 and convenient access from a living room. 	<p>Objective & standard met</p> <p>Apartment G01 – Ground-floor 51sqm 4m wide area. Compliant.</p> <p>Apartment 101 - 28sqm north-facing balcony 2.9m width. Compliant.</p> <p>Apartment 201 – 53sqm east-facing balcony with 3m width. Compliant.</p> <p>Apartment 301 and 401 – 25sqm north-facing balcony with 3.6m width. Compliant.</p> <p>Apartment 501 – 179sqm north-facing balcony with 3.7m width. Compliant.</p> <p>All private open spaces would satisfy the requirement of Standard D20 and are acceptable.</p>

<ul style="list-style-type: none"> - An area on a podium or other similar base of at least 15 square metres, with a minimum dimension of 3 metres and convenient access from a living room. - An area on a roof of 10 square metres, with a minimum dimension of 2 metres and convenient access from a living room. <p>If a cooling or heating unit is located on a balcony, the minimum balcony area specified in Table D8 should be increased by at least 1.5 square metres.</p> <p>If the finished floor level of a dwelling is 40 metres or more above ground level, the requirements of Table D8 do not apply if at least the area specified in Table D9 is provided as living area or bedroom area in addition to the minimum area specified in Table D11 or Table D12 in Standard D25.</p>	
<p>58.05-4 Storage objective</p> <p>To provide adequate storage facilities for each dwelling.</p> <p>Standard D2</p> <p>Each dwelling should have convenient access to usable and secure storage space.</p> <p>The total minimum storage space (including kitchen, bathroom and bedroom storage) should meet the requirements specified in Table D10.</p>	<p>Objective & standard met</p> <p>Each dwelling would have acceptable levels of storage consistent with Standard D21.</p>

58.06 DETAILED DESIGN

Title & Objective/s & Standard/s	Assessment
<p>58.06-1 Common property objectives</p> <p>To ensure that communal open space, car parking, access areas and site facilities are practical, attractive and easily maintained.</p> <p>To avoid future management difficulties in areas of common ownership.</p> <p>Standard D2</p> <p>Developments should clearly delineate public, communal and private areas.</p> <p>Common property, where provided, should be functional and capable of efficient management.</p>	<p>Objective & standard met</p> <p>All common areas are clearly delineated and capable of functional and efficient management.</p>
<p>58.06-2 Site services objectives</p>	<p>Objective & standard met</p>

<p>To ensure that site services are accessible and can be installed and maintained.</p> <p>To ensure that site services and facilities are visually integrated into the building design or landscape.</p> <p>Standard D23</p> <p>Development should provide adequate space (including easements where required) for site services to be installed and maintained efficiently and economically.</p> <p>Meters and utility services should be designed as an integrated component of the building or landscape.</p> <p>Mailboxes and other site facilities should be adequate in size, durable, water-protected, located for convenient access and integrated into the overall design of the development.</p>	<p>The development would have space for services to be installed and managed efficiently.</p> <p>Meters and utility services would be installed adjacent to the residential lobby in an integrated and attractive manner.</p> <p>There are sufficient areas for mailboxes and other site facilities within the residential lobby area.</p>
<p>58.06-3 Waste and recycling objectives</p> <p>To ensure dwellings are designed to encourage waste recycling.</p> <p>To ensure that waste and recycling facilities are accessible, adequate and attractive.</p> <p>To ensure that waste and recycling facilities are designed and managed to minimise impacts on residential amenity, health and the public realm.</p> <p>Standard D24</p> <p>Developments should include dedicated areas for:</p> <ul style="list-style-type: none"> - Waste and recycling enclosures which are: <ul style="list-style-type: none"> o Adequate in size, durable, waterproof and blend in with the development. o Adequately ventilated. o Located and designed for convenient access by residents and made easily accessible to people with limited mobility. - Adequate facilities for bin washing. These areas should be adequately ventilated. - Collection, separation and storage of waste and recyclables, including where appropriate opportunities for on-site management of food waste 	<p>Objective & standard not met</p> <p>As per the waste referral comments above, the application has failed to demonstrate that it could accommodate it's commercial waste. This may require an increase of the designated waste area.</p>

<p>through composting or other waste recovery as appropriate.</p> <ul style="list-style-type: none"> - Collection, storage and reuse of garden waste, including opportunities for on-site treatment, where appropriate, or off-site removal for reprocessing. - Adequate circulation to allow waste and recycling collection vehicles to enter and leave the site without reversing. - Adequate internal storage space within each dwelling to enable the separation of waste, recyclables and food waste where appropriate. <p>Waste and recycling management facilities should be designed and managed in accordance with a Waste Management Plan approved by the responsible authority and:</p> <ul style="list-style-type: none"> - Be designed to meet the better practice design options specified in Waste Management and Recycling in Multi-unit Developments (Sustainability Victoria, 2019). - Protect public health and amenity of residents and adjoining premises from the impacts of odour, noise and hazards associated with waste collection vehicle movements. 	
<p>58.06-4 External Walls and Materials Objective</p> <p>To ensure external walls use materials appropriate to the existing urban context or preferred future development of the area.</p> <p>To ensure external walls endure and retain their attractiveness.</p> <p>Standard D25</p> <p>External walls should be finished with materials that:</p> <ul style="list-style-type: none"> - Do not easily deteriorate or stain. - Weather well over time. - Are resilient to the wear and tear from their intended use. <p>External wall design should facilitate safe and convenient access for maintenance.</p>	<p>Objective & standard met</p> <p>The proposed materiality palette is considered to be acceptable.</p>

58.07 INTERNAL AMENITY

Title & Objective/s & Standard/s	Assessment
<p>58.07-1 Functional layout objective</p> <p>To ensure dwellings provide functional areas that meet the needs of residents.</p> <p>Standard D26</p> <p>Bedrooms should:</p> <ul style="list-style-type: none"> - Meet the minimum internal room dimensions specified in Table D11. - Provide an area in addition to the minimum internal room dimensions to accommodate a wardrobe. 	<p>Objective & standard met</p> <p>All dwellings comply with the functional layout objectives.</p>
<p>58.07-2 Room depth objective</p> <p>To allow adequate daylight into single aspect habitable rooms.</p> <p>Standard D27</p> <p>Single aspect habitable rooms should not exceed a room depth of 2.5 times the ceiling height.</p> <p>The depth of a single aspect, open plan, habitable room may be increased to 9 metres if all the following requirements are met:</p> <ul style="list-style-type: none"> - The room combines the living area, dining area and kitchen. - The kitchen is located furthest from the window. - The ceiling height is at least 2.7 metres measured from finished floor level to finished ceiling level. This excludes where services are provided above the kitchen. <p>The room depth should be measured from the external surface of the habitable room window to the rear wall of the room.</p>	<p>Objective met</p> <p>All dwellings would have floor to ceiling heights of at least 2.7m.</p> <p>All living areas combine living, kitchen, and dining areas with the kitchen located furthest from the window.</p> <p>Depths as follows:</p> <ul style="list-style-type: none"> - Apartment G01 – 9.6m depth - Apartment 101 – 10.4m depth - Apartment 201 – Dual aspect - Apartments 301 and 401 – Dual aspect - Apartment 501 – Dual aspect <p>It is noted that none of the apartments are single aspect. However, apartments G01 and 101 would exceed the maximum depth prescribed under Standard D27. Whilst these would exceed the 9m limit they would be wide, north facing and feature a large expanse of glazing. This would ensure internal daylight levels would be acceptable despite the variation to this standard.</p>
<p>58.07-3 Windows objective</p> <p>To allow adequate daylight into new habitable room windows.</p> <p>Standard D28</p> <p>Habitable rooms should have a window in an external wall of the building.</p> <p>A window may provide daylight to a bedroom from a smaller secondary area within the bedroom where the window is clear to the sky.</p> <p>The secondary area should be:</p>	<p>Objective & standard met</p> <p>All habitable rooms would have windows in an external wall of the building. No rooms are proposed to be serviced by smaller secondary areas for daylight.</p>

<ul style="list-style-type: none"> - A minimum width of 1.2 metres. - A maximum depth of 1.5 times the width, measured from the external surface of the window. 	
<p>58.07-4 Natural ventilation objectives</p> <p>To encourage natural ventilation of dwellings.</p> <p>To allow occupants to effectively manage natural ventilation of dwellings.</p> <p>Standard D29</p> <p>The design and layout of dwellings should maximise openable windows, doors or other ventilation devices in external walls of the building, where appropriate.</p> <p>At least 40 per cent of dwellings should provide effective cross ventilation that has:</p> <ul style="list-style-type: none"> - A maximum breeze path through the dwelling of 18 metres. - A minimum breeze path through the dwelling of 5 metres. - Ventilation openings with approximately the same area. <p>The breeze path is measured between the ventilation openings on different orientations of the dwelling</p>	<p>Objective & standard met</p> <p>All dwellings except apartment G01 would be capable of providing natural ventilation as required by the standard. This is considered to be an acceptable outcome.</p>

Based on the above, the proposal would meet some but not all of the outcomes of Clause 58. Whilst satisfying the majority of standards relating to on-site amenity and facilities, detailed design, and internal amenity, it has several deficiencies with respect to urban context and amenity impacts.

It fails to satisfy the objectives for:

- Clause 58.02-1 – Urban context
- Clause 58.02-2 – Residential policy
- Clause 58.04-1 – Building setback
- Clause 58.04-4 – Wind impacts

Generally, these matters arise from the size of the building and a poor response to the Biltmore building to the west especially noting the proposed wall-on-boundary at part of that interface. Whilst they may be addressed through a general lowering of height of the building and potential increase in setback to the west, these are not considered to be matters that could readily be addressed through conditions. As a result, these inconsistencies with Clause

58 combined with earlier policy matters result in this application being recommended for refusal.

Despite a refusal recommendation being recognised at this point in reporting, a full assessment will continue to be done in order to give proper direction to any future amendments to the application or subsequent applications in future.

12.4 Is the application consistent with the Heritage Overlay?

A permit is required under the Heritage Overlay to demolish a building and construct a building.

The purpose of the Heritage Overlay is to conserve and enhance heritage places, and those elements which contribute to the significance of heritage places. It further seeks to ensure that development does not adversely affect the significance of heritage places.

Clause 43.01-8 sets out decision guidelines that must be considered before deciding on application. These are assessed in the below table.

Clause 43.01-8 Decision Guideline	Assessment
<p>The Municipal Planning Strategy and the Planning Policy Framework.</p>	<p>An assessment of the MPS and PPF was provided earlier in this report. The application is not considered to satisfy the requirements of Clause 11 and 16. However, policy applicable to the heritage overlay will be discussed in greater detail in conjunction with the local heritage policy.</p>
<p>The significance of the heritage place and whether the proposal will adversely affect the natural or cultural significance of the place.</p>	<p>The site is recognised as a significant heritage place within a precinct wide overlay. It sits adjacent to an individually significant heritage building located on the Victorian Heritage Register to the west (the Biltmore).</p> <p>The modern six storey extension at behind the front two-storey building would be highly visible from Bridport, Montague and Bevan Streets.</p> <p>Bridport Street constitutes a highly intact heritage streetscape that is generally 2-3 storeys in scale. Whilst it is recognised that there are tall buildings nearby, these are exclusively and typically of high heritage significance as observed in the scheme and are recognised as individually significant.</p> <p>The proposal, being visible in the round and contemporary in nature, would have an adverse impact on this heritage place. It would be out of character with the scale and visual intactness of the area.</p> <p>Council's heritage advisor has considered the proposal to be appropriately setback from the street to ensure it is not visually dominant within Bridport Street. They further recognise that the perception of heritage extensions must be considered in the round.</p> <p>This position is not accepted. The extension would be highly visible from Bridport street noting its width and opposite context of a public open space. Furthermore, the additions would be highly visible from Montague Street and its intersection with Bridport Street.</p> <p>This position is supported by the applicant's submitted 3D perspective models which show the high visibility of massing of the structure.</p> <p>Refer Figure 16 below demonstrating this outcome.</p> <p>The high visibility of the additions from this vantage point provides justification for a smaller and more modest</p>

	<p>building more in keeping with the small local scale of this centre.</p> <p>Furthermore, the PPF clearly contemplates less intensive built form within the Albert Park neighbourhood activity centre.</p> <p>In this respect the proposal is considered to have an adverse impact on the heritage place.</p>
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Figure 16 - Applicant submitted architectural perspective from Montague St/Bridport St intersection

<p>Any applicable statement of significance (whether or not specified in the schedule to this overlay), heritage study and any applicable conservation policy.</p>	<p>A statement of significance exists for the Biltmore building but not specifically for this subject site.</p> <p>This statement of significance has justified specific policy references to the Biltmore in the PPF discussed earlier in this report.</p>
<p>Any applicable heritage design guideline specified in the schedule to this overlay.</p>	<p>Council's heritage design guidelines are typically explored through Clause 15.03-1L and is discussed in greater detail below.</p>
<p>Whether the location, bulk, form or appearance of the proposed building will adversely affect the significance of the heritage place.</p>	<p>As discussed above, the extension would be highly visible from Bridport Street, Montague Street, and Bevan Street.</p> <p>The shape of Bridport Street would maximise 'in the round' views to the additions. The height of the additions and the proposed width of built form along the lot would be visually substantial within the generally small scale and intact heritage neighbourhood centre.</p> <p>This is not considered acceptable and would have an adverse impact on the substantially intact heritage streetscape. Furthermore, the proposal would diminish the strong 2-3 storey character of the centre.</p>
<p>Whether the location, bulk, form and appearance of the proposed building is in keeping with the character and appearance of adjacent buildings and the heritage place.</p>	<p>The proposed additions are not considered to be in keeping with the character and appearance of adjacent buildings. They would be highly contemporary in nature and highly visible at a scale that would not integrate with and/or be commensurate with the neighbourhood centre.</p> <p>The Biltmore is specifically recognised as a landmark building of the precinct and explicitly recognised it as a taller built form. The proposal would obscure views to the Biltmore and degrade its landmark status.</p>

Whether the demolition, removal or external alteration will adversely affect the significance of the heritage place.	The proposed extent of demolition is considered acceptable.
Whether the proposed works will adversely affect the significance, character or appearance of the heritage place.	The extension would adversely affect the significance of the heritage place as discussed above. This is due to its significant visual presence and highly contemporary design.
Whether the proposed subdivision will adversely affect the significance of the heritage place.	Not relevant.
Whether the proposed subdivision may result in development which will adversely affect the significance, character or appearance of the heritage place.	Not relevant.
Whether the proposed sign will adversely affect the significance, character or appearance of the heritage place.	Not relevant.
Whether the lopping or development will adversely affect the health, appearance or significance of the tree.	Not relevant.
Whether the location, style, size, colour and materials of the proposed solar energy system will adversely affect the significance, character or appearance of the heritage place.	Not relevant.

Based on the above assessment, the proposal is not considered to be consistent with the decision guidelines of the Heritage Overlay. Of most concern is the scale of the additions. They would be highly visible from a large proportion of the eastern Albert Park neighbourhood centre and views further south.

Policy specifically recognises the centre as being one of low height with explicitly identified landmark buildings including the Biltmore. In this respect, matching the height of the Biltmore is not considered appropriate and would have an adverse impact both on the largely intact low-scale heritage character of the centre and the landmark status of the Biltmore building.

As such, the proposal is not considered acceptable with respect to the Heritage Overlay.

12.5 Does the proposal satisfy the Heritage Policy at Clause 15.03-1L?

Clause 15.03-1L is Council's heritage policy. It builds on the objectives of Clause 15 and the Heritage Overlay.

Clause 15.03-1L is exhaustive in scope, as such not all policy guidelines are relevant to this application. The following table provides an assessment of the application against the relevant guidelines.

Clause 15.03-1L Policy Guidelines	Assessment
General Policy	
Conserve and enhance Significant and Contributory buildings as identified in the incorporated document in Schedule to	The proposal would adequately conserve the host significant buildings which are significantly graded. This is discussed in greater detail later in this section of the report.

<p>Clause 72.04 'City of Port Phillip Heritage Policy Map'.</p>	
<p>Conservation of heritage places and new development are guided by the statement of significance, the urban context and any relevant documentary or physical evidence.</p>	<p>There is no statement of significance for this specific site. The urban context and physical evidence has been discussed earlier in conjunction with the Heritage Overlay.</p>
<p>Encourage high quality, contemporary design responses for new development that respects and complements the heritage place by using a contextual approach that:</p> <ul style="list-style-type: none"> - Responds to and reinforces the contributory features of the heritage place, including: <ul style="list-style-type: none"> o Building height, scale, massing and form. o Roof form and materials. o Siting, orientation and setbacks. o Fenestration and proportion of solid and void features. o Details, colours, materials and finishes. - Conserves and enhances the setting and views of heritage places. 	<p>The proposed design is highly contemporary set above the retained two-storey façade to Bridport Street. The contemporary design provides little references to the original retained heritage form or any other heritage forms within the street.</p> <p>The façade and visible parts of the building would instead be constructed with fluted concrete formwork, large expanses of glazing, and angled concrete 'fins' along the eastern side of the building.</p> <p>These stylistic and material response would not provide for any linkages to the retained heritage form or any other heritage form set within the street.</p> <p>Whilst the contemporary design response is in and of itself attractive, it is not considered to be reflective of the heritage place in this specific instance.</p>
<p>Maintain the integrity and intactness of heritage places.</p>	<p>The intactness and integrity of the host building would be preserved from Bridport Street.</p> <p>The integrity of the broader place, however, would be negatively affected due to the sheer volume of the additions that would be visible from surrounding streets. This would unreasonably compromise the intactness of the heritage place and would reduce the integrity of the place.</p>
<p>Conserve and enhance the significant historic character, intactness and integrity of streetscapes within heritage precincts including:</p> <ul style="list-style-type: none"> - The layering and diversity of historic styles and character where this contributes to the significance of the precinct. - The consistency of historic styles and character where this contributes to the significance of the precinct. 	<p>As noted above, the additions above the low-scale heritage forms present would unreasonably compromise the consistency of the heritage place.</p>
<p>Avoid development that would result in the incremental or complete loss of significance of a heritage place by:</p> <ul style="list-style-type: none"> - Demolishing or removing a building or feature identified as 	<p>The proposal would achieve incremental loss of significance of the heritage place. The large building would block views and visibility of the landmark Biltmore building to the west of the site.</p>

<p>Significant or Contributory in the incorporated document in Schedule to Clause 72.04 'City of Port Phillip Heritage Policy Map.'</p> <ul style="list-style-type: none"> - Altering, concealing or removing a feature, detail, material or finish that contributes to the significance of the heritage place. - Distorting or obscuring the significance of the heritage place by using historic styles and detail where these previously did not exist. 	<p>Simultaneously, the contemporary design response would be highly visible from north-eastern, eastern, and southern views within the neighbourhood centre.</p>
Demolition and relocation	
<p>Support demolition of part of a Significant or Contributory building or feature if it will not adversely impact upon the significance of the place and any of the following apply:</p> <ul style="list-style-type: none"> - It will remove an addition or accretion that detracts from the significance of the place. - It is associated with an accurate replacement, or reconstruction of the place. - It will allow an historic use to continue. - It will facilitate a new use that will support the conservation of the building. 	<p>The westernmost shopfront of the façade would be altered to facilitate the residential entrance lobby. This change is considered acceptable and would not materially transform the heritage place or its significance.</p> <p>This change, and the broader redevelopment would preserve the significant two-storey street level/wall façade for the most part.</p>
Alterations	
<p>Discourage alterations to:</p> <ul style="list-style-type: none"> - Contributory fabric, the principal façade, roof or any walls or surfaces visible from the public realm including a side street or laneway for Significant and Contributory places. - Any feature, detail, material or finish specified in the statement of significance for Significant places. 	<p>As noted above, the existing shopfront is proposed to be altered. It is noted, however, that the western shopfront has been subject to previous alterations and as such is not an original feature.</p> <p>This is considered acceptable.</p>
<p>Support alterations to visible or contributory fabric of Significant or Contributory places if it will not adversely impact upon the significance of the place and any of the following apply:</p> <ul style="list-style-type: none"> - It will allow an historic use to continue. - It will facilitate a new use that will support the conservation of the building. - It will improve the environmental performance of the building. 	<p>As the façade alteration has satisfied the above, this is not considered relevant.</p>

Additions	
<p>Support additions to residential buildings that are:</p> <ul style="list-style-type: none"> - Substantially concealed when viewed at natural eye-level from the opposite side of the street. 	<p>The additions would not be substantially concealed when viewed at natural eye level from the opposite side of the street. Rather, they would have a noticeable presence.</p>
<p>Support additions to commercial and industrial buildings that are set back a minimum depth of the primary roof form (commercial buildings) or two structural bays (industrial buildings) to retain original or early fabric including the principal facade/s and roof features, and which:</p> <ul style="list-style-type: none"> - respect the scale and massing of the existing heritage building or streetscape; and - maintain the prominence of the heritage features of the building or streetscape and do not detract from, or visually dominate, the heritage building or streetscape; and - are visually recessive against the heritage fabric. 	<p>Whilst the additions would be setback by the depth of the primary roof form, they are not considered to respect the scale and massing of the heritage building and streetscape.</p> <p>The additions would not maintain the prominence of the heritage features of the building or the streetscape but instead would unreasonably dominate eastern views to the Biltmore building and be constructed at a scale that is not considered to be consistent with the broader area.</p> <p>The additions would not be visually recessive against the heritage fabric.</p> <p>The proposal would not satisfy what is sought by Figure 8 of Council's Heritage Policy (Sightline for an addition to a two-storey commercial heritage place). The plans (notably TP30000) clearly demonstrate that the proposal exceeds the required sight line under this Policy Guidance (Figure 8 of Clause 15.031L). This is not considered to be an acceptable outcome.</p>
<p>Additions to buildings situated on corner sites (including to a laneway) should respond to the host building and the heritage character of both the primary street and side street or lane.</p>	<p>The site is not located on a corner.</p>
Vehicle Access	
<p>Discourage vehicle crossovers and driveways at the front of a Significant heritage place or any property within a heritage precinct where vehicle access was not historically provided for.</p>	<p>All access would be located via the rear. This is the only acceptable response for this site.</p>
<p>Avoid changes to existing crossovers that would impact upon the significance or setting of a heritage place.</p>	<p>The rear crossovers do not contribute to the significance of the heritage place.</p>
<p>Encourage vehicle access to be:</p> <ul style="list-style-type: none"> - From a rear laneway. - For a corner property, from the side street to the rear yard of the property only if rear laneway access is not available. 	<p>This is satisfied.</p>
<p>Avoid on-site car parking in locations that would be visible from a street (other than a lane).</p>	<p>All parking would be located within basement levels. This is acceptable.</p>
Public realm and infrastructure	

Conserve historic public realm infrastructure.	The front verandah would be retained.
Ensure that new public realm infrastructure respects and complements the historic character of the heritage place.	An extension to the front verandah is proposed. It is proposed to match the existing verandah to the left two shopfronts. This is considered an acceptable response to the site.

Based on the above, the proposal is not considered to satisfy the requirements of Council's local heritage policy at Clause 15.03-1L. It is considered to specifically fail to adequately conceal the upper levels from significant intra-centre views and vistas. Furthermore, it would unreasonably compromise the landmark status of the Biltmore building as read from the centre.

It is recognised that this is due to the scale of the extension. The proposed scale would be too overwhelming for the subject site and renders it inconsistent with broader built form and heritage policy guidance. A revised design that providing a shorter building may be considered more acceptable.

12.6 Is the proposed urban design response consistent with the Urban Design policy at Clause 15.01-1L-02?

Clause 15.01-1L-02 represents Council's urban design policy. A full assessment of the proposal against this policy is discussed below.

Landmarks, Views, and Vistas

This guideline seeks to maintain the visual prominence of and protect primary views to valued landmarks in Port Phillip.

Whilst not specifically identified in this policy, the Biltmore is recognised as a landmark building within Clause 11.03-1L-04. Several strategies contained within Clause 15.01-1L-02 would suggest protection of views to the Biltmore as a landmark building are required. These include:

Support development that retains and enhances the visual prominence of key landmarks that terminate important vistas, accentuate corner sites and provide points of interest and orientation, including (but not limited to):

- *Landmarks of cultural or heritage significance such as the Shrine of Remembrance, town halls, clock towers, church spires, synagogues, grandstands and hotels.*

As discussed at length earlier in this report, the proposal would unreasonably affect views and vistas to the Biltmore and would not satisfy this requirement.

Building form

This matter seeks to facilitate high quality urban design and architecture that integrates with the prevailing neighbourhood character and contributes to the amenity and vitality of the area. It seeks to support development that respects and enhances places with significance heritage and architectural significance.

The relationship between the building and the broader heritage place has been substantially discussed earlier in this report. Importantly, as the proposal is considered to fail to respect the heritage character of the area, it is considered to fail against this policy outcome.

Public realm

The proposal is considered to satisfy this requirement. The building is not anticipated to have any adverse impacts on the public realm.

Street level frontages

The street level frontage is considered acceptable and relatively unchanged from current conditions.

Landscape

As discussed in conjunction with Clause 58, the lack of landscaping is considered contextually appropriate.

Streets and Laneways

The response to both streets are considered acceptable.

Large Sites

The proposal does represent a consolidated large-site opportunity for positive redevelopment.

Summary

It follows that the proposal does not satisfy the requirements of Council's local urban design policy. This is for similar reasons as it fails to satisfy heritage related policies.

12.7 Is the proposed building design response consistent with the Building Design policy at Clause 15.01-2L-01?

Clause 15.01-2L-01 represents Council's building design policy. A full assessment of the proposal against this policy is discussed below.

Landscape

As noted in conjunction with Clause 58, the lack of landscaping response is considered acceptable in this context.

Pedestrian and cyclist access

This strategy seeks to deliver mid-block pedestrian permeability on large sites. This is not considered necessary in this instance.

Carparking and vehicle access

Carparking and access is proposed at the rear of the lot. This is considered acceptable.

Sunlight access to public open space

The proposal is not considered to create any unreasonable impacts on public open space.

Private open space and communal areas

All proposed private open spaces would be suitably removed from direct views from dwellings and public realm and take advantage of solar access. This is considered acceptable.

Fences

Not applicable.

Summary

In summary, the proposal is considered acceptable with respect to the policy guidelines of Clause 15.01-2L-01.

12.8 Does the application satisfy the requirements of Clause 52.06?

This application requires a permit pursuant to Clause 52.06-3 to reduce the car parking requirements.

More specifically, it seeks a permit to reduce 22 parking spaces associated with the restaurant use. A total of 24 spaces are required whilst only two spaces are provided.

Clause 52.06 seeks to ensure that an appropriate number of parking spaces are provided in accordance with the PPF. It simultaneously seeks to encourage sustainable transport and ensure that parking does not adversely affect the amenity of the locality.

Clause 52.06 provides decision guidelines relevant to assessing car parking reductions and design standards to assess the appropriateness of a carpark layout. These will be discussed separately below.

Decision Guidelines

The following table constitutes an assessment of the decision guidelines for applications to reduce the car parking requirements at Clause 52.06-7.

Clause 52.06-7 Decision Guideline	Assessment
<p>An application to reduce (including reduce to zero) the number of car parking spaces required under Clause 52.06-5 or in a schedule to the Parking Overlay must be accompanied by a Car Parking Demand Assessment.</p>	<p>A car parking demand assessment has been provided. Whilst it does not directly address the requirements of Clause 52.06-7 it is considered acceptable.</p>
<p>Before granting a permit to reduce the number of spaces, the responsible authority must consider the following, as appropriate:</p>	
<p>The Car Parking Demand Assessment.</p>	<p>As noted above, the car parking demand assessment does not adequately assess the impact of the parking reduction on the local area.</p> <p>Irrespective, it is not considered necessary for this assessment.</p>
<p>Any relevant local planning policy or incorporated plan.</p>	<p>The proposed reduction is considered acceptable in relation to Clause 18.02-4L (Car Parking).</p>
<p>The availability of alternative car parking in the locality of the land, including:</p> <ul style="list-style-type: none"> - Efficiencies gained from the consolidation of shared car parking spaces. - Public car parks intended to serve the land. - On street parking in non residential zones. - Streets in residential zones specifically managed for non-residential parking. 	<p>The site is well served by a large number of public parking spaces both within Bridport Street and in surrounding streets. The vast majority of on-street parking spaces are time restricted with some allowing up to 4 hours stay.</p> <p>Residential on-street parking is generally reserved by way of Permit Zones in some surrounding streets.</p> <p>The volume of on-street parking in surrounding streets is considered to be sufficient to support an additional 22 spaces arising from the restaurant use. The reduction of spaces for the restaurant use can therefore be supported in this instance.</p>

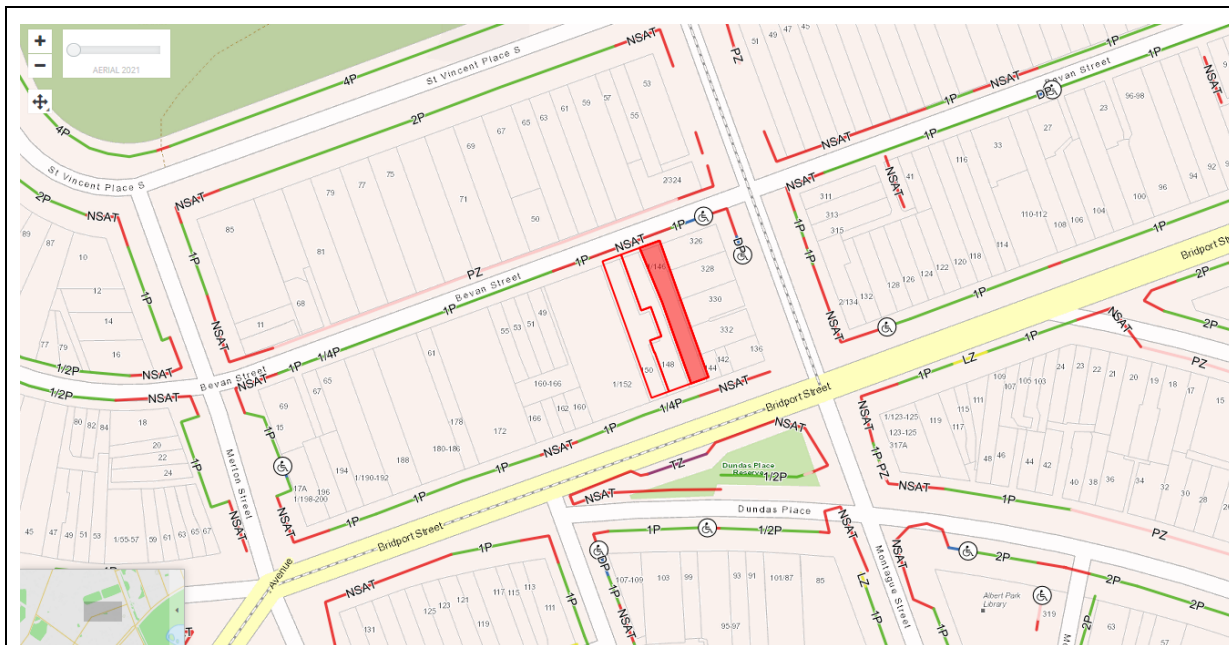


Figure 17 - Parking permit zone configuration showing large areas of surrounding streets as timed public parking (green)

<p>On street parking in residential zones in the locality of the land that is intended to be for residential use.</p>	<p>These areas are generally identified through the use of Permit Zone parking restrictions.</p>
<p>The practicality of providing car parking on the site, particularly for lots of less than 300 square metres.</p>	<p>It is possible to provide additional parking on the land. The site is sufficiently large and two basement levels have been proposed.</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 within a neighbourhood activity centre that has a large provision of on-street parking within and surrounding it. Furthermore, it is well serviced by high quality frequent public transport services.</p> <p>The shortfall of an additional 22 is therefore not anticipated to create any unreasonable economic viability impacts.</p>
<p>The future growth and development of any nearby activity centre.</p>	<p>The shortfall is not considered to have a negative effect on the future growth and development capability of this activity centre.</p>
<p>Any car parking deficiency associated with the existing use of the land.</p>	<p>The existing use has a shortfall of 4 spaces.</p> <p>This would not materially transform the parking dispensation discussion.</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 relevant.</p>
<p>Local traffic management in the locality of the land.</p>	<p>The local area is managed by the City of Port Phillip. Enforcement of timed parking restrictions is actively enforced to ensure sufficient on-street parking space turnover.</p>

The impact of fewer car parking spaces on local amenity, including pedestrian amenity and the amenity of nearby residential areas.	The Bridport Street neighbourhood centre would serve a mix of local and non-local residents. Given it is highly accessible by public transport and is within a dense walkable catchment, the reduction of 22 parking spaces is not considered to give rise to any significant amenity impacts.
The need to create safe, functional and attractive parking areas.	Not relevant. Visibility of parking areas is actively discouraged given the strongly intact heritage streetscape.
Access to or provision of alternative transport modes to and from the land.	As previously assessed. The site is very well serviced by alternative transport modes and is located within a highly dense network of personal and sustainable transport infrastructure. This strongly supports the proposed reduction.
The equity of reducing the car parking requirement having regard to any historic contributions by existing businesses.	The proposed reduction. is considered to be equitable within this mix of businesses.
The character of the surrounding area and whether reducing the car parking provision would result in a quality/positive urban design outcome.	As noted above, there is sufficient capacity on the land to provide more parking within the basement or additional basement levels.
Any other matter specified in a schedule to the Parking Overlay.	Not relevant.
Any other relevant consideration.	None relevant.

It follows that the proposed parking reduction is considered acceptable. The site is highly accessible to a dense network of public transport services and is located within high quality active and sustainable transport infrastructure. Furthermore, the centre is serviced by a large number of public on-street parking spaces which are timed to ensure high turnover.

This is considered acceptable. The reduction is supported.

Design Standards

The submitted traffic impact assessment provides an assessment of the proposed carpark design.

It suggests that the proposed carparking design satisfies the relevant requirements of the design standards of Clause 52.06. Swept path diagrams have been provided to confirm that all parking spaces are accessible with few or limited corrective manoeuvres.

This assessment has been reviewed and is considered acceptable.

It is noted that the assessment does not address the requirements of design standards 4 5 (urban design), 6 (safety), and 7 (landscaping). The proposed parking arrangement does not give rise to any substantial concerns with respect to these design standards.

As such the proposed carpark design is acceptable.

12.9 Does the application satisfy the requirements of Clause 52.34?

A permit is required under Clause 52.34 to reduce five restaurant visitor bicycle parking spaces. The reduction is sought in a neighbourhood activity centre location context that provides a substantial number of visitor bicycle parking spaces within Bridport and in surrounding streets. The reduction would therefore not give rise to any concerns with respect to the objectives and decision guidelines of Clause 52.34.

12.10 Does the proposal satisfy the environmentally sustainable development policy at Clause 15.01-2L-02?

The proposal has submitted an SDA alongside the application. Council's SDA advisor has reviewed the proposal under Clause 15.01-2L-02 and has noted several deficiencies with the proposal.

These deficiencies are considered acceptable and could be managed by way of condition should a permit be granted.

12.11 Does the proposal satisfy the stormwater management policy at Clause 19.03-3L?

The proposal has submitted a WSUD response as part of the SDA.

Generally, achieving a 100% STORM rating and providing adequate maintenance and construction management details are sufficient to satisfy Clause 19.03-3L.

The applicant has achieved a 111% STORM rating and provides acceptable maintenance and construction management details. Whilst Council's sustainable design advisor has noted that more detail is required, these matters could be addressed by way of condition if a permit was to be issued.

As refusal is recommended however, non-compliance with Clause 19.03-3L will be cited as a ground of refusal.

12.12 Are the proposed waste management arrangements acceptable?

The proposed waste management arrangements as discussed earlier in this report are considered acceptable.

13. INTEGRATED DECISION MAKING AND CONCLUSION

Clause 71.02 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. When considering net community benefit, fair and orderly planning is key; the interests of present and future Victorians must be balanced; and, the test is one of acceptability.

The proposal would result in a number of positive, neutral and negative impacts, these are outlined below:

Positive

- The proposed restaurant use would positively contribute to the neighbourhood activity centre
- The proposed parking reduction would not unreasonably impact the neighbourhood activity centre
- The proposed bicycle parking dispensation is considered acceptable

Neutral

- N/A

Negative

- The application is not consistent with the Planning Policy Framework
- The application is not consistent with the Commercial 1 Zone
- The application does not meet the requirements of Clause 58
- The application is not consistent with the Heritage Overlay

- The application does not meet the heritage policy at Clause 15.03-1L
- The application does not meet the urban design policy at Clause 15.01-1L-02
- The application does not meet the environmentally sustainable design policy at Clause 15.01-2L-02
- The application does not meet the stormwater management policy at Clause 19.03-3L
- The application does not demonstrate adequate waste arrangements.

Summary



Were Council in the position to determine the application, it would refuse the application.

14. RECOMMENDATION

REFUSE

Had Council had the opportunity to, it is recommended that in relation to Planning Permit No. PDPL/00817/2022, the Council delegate would have determined to refuse to grant a Planning Permit for partial demolition and construction of a six storey building above basement car parking within the Heritage Overlay (HO443); the use of the land for dwellings and a reduction in the number of car parking spaces required under Clause 52.06-5 for the Restaurant (as of right) at 146, 148, and 150 Bridport Street, Albert Park, based on the following grounds:

1. The proposal would not adequately respond to its urban context and would not meet the objectives of standards D1 'Urban Context Objectives' and D2 'Residential policy' requirements of Clause 58.
2. As a result of its height, width and impact upon the adjacent individually graded building at 152 Bridport Street, the proposed development is not considered to be consistent with the decision guidelines of the Heritage Overlay or the strategies contained within the heritage policy at Clause 15.03-1L.
3. The development would not provide an adequate response to environmental sustainable design or stormwater management and therefore fails to achieve the policy guidelines at Clauses 15.01-2L-02 and 19.03-3L.
4. By virtue of bulk and setbacks the proposal would result in unacceptable offsite amenity impacts contrary to Standards D14 'Building setback objectives' D17 'Wind impacts' of Clause 58 and Clause 15.01-1L.
5. The proposal does not demonstrate adequate waste arrangements contrary to Standard D24 (Waste and recycling objectives) of Clause 58.

<u>Conflict of Interest Statement:</u> As signed below, neither the Officer nor Delegate have any direct or indirect conflict of interest in the assessment or application outcome.	
Planning Officer:	Council's Delegate: Michael Mowbray
	
DATE: 4 July, 2023	DATE: 4 July 2023