



<b>8.8</b>	<b>41 - 49 BANK STREET SOUTH MELBOURNE</b>
<b>LOCATION/ADDRESS:</b>	<b>41 - 49 BANK STREET SOUTH MELBOURNE</b>
<b>RESPONSIBLE MANAGER:</b>	<b>GEORGE BORG, MANAGER CITY DEVELOPMENT</b>
<b>AUTHOR:</b>	<b>SCOTT PARKINSON, PRINCIPAL PLANNER</b>
<b>TRIM FILE NO.:</b>	<b>PF16/711752</b>
<b>ATTACHMENTS:</b>	<b>1. Application Plans 1 of 2 2. Application Plans 2 of 2 3. 3D Drawings 4. Objector Map</b>
<b>WARD:</b>	Gateway
<b>TRIGGER FOR DETERMINATION BY COUNCIL:</b>	More than 16 objections Application has been called up by a Councillor
<b>APPLICATION NO:</b>	<b>1186/2016</b>
<b>APPLICANT:</b>	<b>PLANNING PROPERTY PARTNERS</b>
<b>EXISTING USE:</b>	Vacant
<b>ABUTTING USES:</b>	Office and warehouse
<b>ZONING:</b>	<b>MIXED USE ZONE (MUZ)</b>
<b>OVERLAYS:</b>	Design and Development Overlay (DDO26) Special Building Overlay (SBO2)
<b>STATUTORY TIME REMAINING FOR DECISION AS AT DAY OF COUNCIL</b>	Expired

## **PROPOSAL**

Construction of a twenty (20) storey (60 metre) mixed use building with basement, containing two retail premises (161sqm) at ground floor level and 174 dwellings at the upper levels and a reduction in the statutory car parking and loading requirements.

### **I. EXECUTIVE SUMMARY**

- 1.1 The proposal involves the construction of a twenty (20) storey (60 metre) mixed use building with basement, containing two ground floor retail premises (161sqm) and 174 dwellings at the upper levels and a reduction in the statutory car parking and loading requirements. The site would have vehicle access to the basement, ground and first floor levels from Bank and Little Bank Street.
- 1.2 There is an existing Planning Permit (808/2009) approved on the site which allows for the use and development of the site for a convenience restaurant, residential hotel and dwellings in a 16 storey building, a reduction in car parking, and waiver of a loading bay



requirements. The permit is still valid being recently extended on 21 June 2016. It will expire if work is not commenced by 10 June 2018 and not completed by 10 June 2020.

- 1.3 Council received 89 objections to this application with the majority of objections related to inappropriate height, traffic and parking impacts, amenity impacts on adjoining sites, waste management issues, impacts on adjacent heritage buildings and inconsistencies with the Design and Development Overlay.
- 1.4 The site is strategically located for increased residential densities and is in an area identified for intense residential growth. The site is located within Design and Development Overlay (DDO26) which includes a discretionary height control of 60m and additional discretionary requirements such as a podium built form to Bank Street. The site is also subject to discretionary side setback controls in this location.
- 1.5 It is considered that the proposal requires the provision of a setback at ground and first floor level of the building along Little Bank Street to ensure functionality of the lane. It is also required that a number of upper floor setbacks are increased from side boundaries to ensure appropriate amenity to future occupants and to allow for the equitable development rights of adjoining properties.
- 1.6 The proposal should also provide for the provision of loading facilities and visitor parking.
- 1.7 Some visitor parking should be provided on site given the limited provision for visitor parking in the surrounding area, the policy requirements of Clause 21.04-3 and to ensure provision is made for trades/services, cleaners, parking for careers etc.
- 1.8 The proposed development, subject to these conditions, would make a positive contribution to Bank Street and the broader character of St Kilda Road North Precinct.
- 1.9 The layout and design of the proposed dwellings would offer a high standard of internal amenity. Dwelling sizes range from 47 to 161m<sup>2</sup> and include 1, 2 and 3 bedroom dwellings. All dwellings have access to a balcony area off a living room and have good access to natural light and ventilation. Whilst the application was submitted prior to the Better Apartment Design Standards it generally complies with these provisions subject to the internal floor area of the one bedroom dwellings being increased to a minimum 50sqm.
- 1.10 The proposed overall reduction (except for visitor parking) in car parking, subject to conditions, would be acceptable given the proximity to public transport, services and community facilities and given the extent of resident parking being provided on the site.
- 1.11 It is recommended that Council issues a Notice of Decision to Grant a Planning Permit.



**KEY ISSUES**

1. Height and scale of the building
2. Amenity impacts
3. Internal Amenity
4. Car parking, traffic, loading and waste management

**2. RELEVANT BACKGROUND**

- 2.1 Planning Permit 808/2009 (VCAT approval) allows for the use and development of the site for a convenience restaurant, residential hotel and dwellings in a 16 storey building, a reduction in car parking, and waiver of a loading bay.
- 2.2 The approved development allows for a 100sqm café, a residential hotel (88 serviced apartments) on levels 3 - 7 and 126 dwellings (one and two bedroom).
- 2.3 It would provide 113 car spaces on the ground, first and second floors of the building. Vehicular access would be provided via three separate access points, 1 access point via Bank Street and 2 access points vis Little Bank Street at the rear of the site.
- 2.4 The building would have a maximum height of 46.6m. It is designed with a four storey podium with a tower setback 5m from the podium.
- 2.5 The below table provides a comparison between the existing approval and the current application:

	808/2009 – Previous approval	1186/2016 – Current application
Building height	46.6	62.04
Levels	16	20
Setback Podium	0m - 0.5m	0 - 1.3m
Setback tower	5m	5m - 5.15m
No of dwellings	126 (and 88 hotel rooms)	174
No of car spaces	113	124
No of visitor spaces	Nil	Nil
No of bike spaces	214	56



Loading bay	Nil	Nil
Street Access from	Bank Street and two access points to Little Bank Street	Bank Street and Little Bank Street
Retail Space	100sqm	161sqm

2.6 The permit was most recently extended on 21 June 2016. It will expire if works are not commenced by 10 June 2018 and completed by 10 June 2020

2.7 The permit has not been acted upon.

### 3. PROPOSAL

3.1 The plans which are the subject of this report are those received on 22 February 2017

3.2 The application proposes demolition of the existing three buildings (no permit required) and construction of a twenty (20) storey mixed use building with basement, containing two retail premises (161sqm) at ground floor level and 174 dwellings at the upper levels and a reduction in the statutory car parking and loading requirements.

3.3 The development would include:

- One hundred and seventy four (174) dwellings over levels 2 to 19, comprising 119 one-bedroom dwellings (47m<sup>2</sup> to 59m<sup>2</sup>); 55 two-bedroom dwellings (69m<sup>2</sup> to 82m<sup>2</sup>); and two retail premises (161m<sup>2</sup>) at the ground floor;
- Each apartment would provide secluded private open space in the form of a balcony ranging in size from 8m<sup>2</sup> to 38m<sup>2</sup>.
- A total of 124 car parking spaces would be provided. Seventy one (71) car parking spaces (70 spaces within a mechanical car stacking system) would be accommodated on the ground floor level which would be accessed from Little Bank Street. Fifty three (53) car parking spaces (38 spaces within a mechanical car stacking system) would be accommodated within a mechanical car stacking system at first floor level which would be accessed from Bank Street. No visitor parking would be provided.
- A total of 5 motorbike spaces and 56 bicycle spaces would be provided at first floor level.
- Twenty two (22) Storage cages would be located at the first floor level.
- Car stacker pits, 17KL water tank, fire tank and fire pump room, one hundred and four communal storage cages at basement level.



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

- At ground floor level the development would be built to all boundaries, with the exception of the rear access which would be setback 0.915m from Little Bank Street.
- At first floor level the development would be built to the side and rear boundaries and would be setback 1m from the Bank Street frontage and partially setback 1m from the western boundary for 1m.
- At second floor level the development would be built to the side and rear boundaries. The front setback would range from 0.535m increasing to 1.305m.
- At third floor level the development would be built to the side and rear boundaries. Within the rear setback would be landscaping and terraces. The setback to the side boundaries increases to 4.5m within the middle section of the development and along the western elevation would have metal pergolas within the 4.5m side setback. The front setback would be 1.075m to the front facing terraces, with architectural metal poles within the front setback.
- At fourth floor level the development would be built to the front boundary and partially to the eastern boundary. The remainder of the eastern boundary would be setback 4.5m with some architectural metal poles within the setback. The rear setback would be 2.7m. The western elevation setback would range from 0m to 4.5m with metal feature poles within the setback.
- At fifth floor level the development would be built to the front boundary and partially to the eastern boundary. The remainder of the eastern boundary would be setback 4.5m with some architectural metal poles within the setback. The rear setback would be 1.82m to 2.7m. The western elevation setback would range from 0.6m to 4.5m with metal feature poles within the setback.
- At sixth floor level the development would be partially built to the frontage with the remainder of the development setback increasing to 4.2m. On the eastern elevation the setback would range from 1.605m increasing to 4.5m. The rear elevation would be setback 2.72m. The western elevation would be setback 1.74m increasing to 4.5m with feature metal poles within the setback.
- At seventh floor level the development would be setback from the frontage by 5.0m increasing to 5.11m. Within part of the front setback would be metal feature poles. The eastern and western elevations would both be setback 4.5m with part of the side setbacks having architectural metal feature poles within them. The rear setback would range from 2.72m increasing to 4.6m and have architectural feature metal poles within the setback.
- At levels eight to ten the development would be setback from the frontage by 5.11m. Within part of the front setback would be metal feature poles. The eastern and western elevations would both be setback 4.5m with part of the side setbacks



having architectural metal feature poles within them. The rear setback would range from 2.72m increasing to 4.6m and have architectural feature metal poles within the setback.

- At levels eleven to nineteen the development would be setback from the frontage by 5.03m. Within part of the front setback would be metal feature poles. The eastern and western elevations would both be setback 4.5m with part of the side setbacks having architectural metal feature poles within them. The rear setback would range from 2.72m increasing to 4.6m and have architectural feature metal poles within the setback.
- The building would have a height of 60m with a further 1.4m of screening and services at roof level.
- The form of the proposed building could be described as a typical tower with a six storey (18.4m) podium level. The building would address Bank Street and the façade of the building would incorporate full glazing which would be broken up with a by feature protruding boxes and metal poles.

- 3.5 A varied palette of materials and finishes are proposed. Examples of the proposed external materiality would include:
- Elevations finished in a combination of precast masonry coloured dark grey and white, exposed concrete.
  - Dark grey aluminium window frames.
  - Dark grey aluminium louvers
  - Glass balustrades
  - Silver tinted glass, clear glass dark grey tinted glass, mid grey tinted glass
  - White masonry column, white metal poles, steel framed pergolas

#### 4. SUBJECT SITE AND SURROUNDS

##### Site Context

- 4.1 The subject site is located on the southern side of Bank Street, approximately 100m from the intersection with Kings Way. To the rear of the site lies Little Bank Street, a one way bluestone lane which is accessible via Wells Street.
- 4.2 The site is regular in shape and has a frontage to Bank Street of 30.11m and a depth of 47.65m. The overall area of the property is approximately 1441sqm.
- 4.3 The site was previously occupied by an office and studio for a metropolitan radio station (3AW) and is now a vacant site. The site includes a three storey building with vehicular access via Little Bank Street and Bank Street. The existing building is built boundary to boundary and has a front setback ranging from zero meters to 5.5 metres. The total floor area of the building is approximately 3900sqm. The site currently has 22 on site car parking spaces.



Surrounding Area:

- 4.4 Little Bank Street is a narrow (3.15m) one way public road connected to Well Street and Park Street at its eastern and southern ends respectively. The local road runs from Well St to the rear of subject site then turns towards Park Street.
- 4.5 The street is fully constructed with concrete upright kerb and channel, and asphalt footpaths incorporating a mix of low recent and established medium height street trees. Footpaths along both sides are of a generous width, but are lacking in street furniture. Car parking is allowed along parts of both sides of the street and is a mix of 2P, 4P and P ticket during the day (9am-6pm) Mon-Fri.
- 4.6 There are six (6) car share spaces within approximately an 800m radius of the subject site. There is a Melbourne Bike Share hiring/docking station at the corner of Park Street and St Kilda Road approximately 250m southeast of the site.
- 4.7 The subject site has excellent access to public transport with three tram lines nearby on Park Street. The Park Street tram runs directly between the Domain Interchange, the city and northern suburbs. The St Kilda Road city to south-eastern suburbs tram line is approximately 250m to the east, and the Clarendon Street tram is approximately 600m to the west of the site. It is noted that site would be proximate to the new Domain Metro Rail Station and new tram stop on Park Street.
- 4.8 The subject site is approximately 600m east of the Clarendon Street Major Activity Centre at its closest point, and approximately 1km from the centre of the Activity Centre and the nearest full line supermarket. The South Melbourne Activity Centre includes three full-line supermarkets, health services, the South Melbourne Market, and community facilities including a public library. The site is located approximately 1.6km from the CBD.
- 4.9 The subject site is within close walking distance of extensive public parkland at Kings Domain (approximately 400m to the east) and Albert Park (approximately 500m to the south).
- 4.10 To the north of the site on the opposite side of Bank Street are a number of residential towers including 32 - 58 Bank Street (16 storey) and 28 Bank Street (12 Storey). Further to the west on the northern side and on the corner with Kings Way is a mixed use building comprising a BMW dealership at ground floor level and office on the upper levels and presents as a seven storey building to Bank Street.
- 4.11 To the west, abutting the subject site at 231 Kings Way is 'Office Works', which comprises a three storey building with car park facing Kings Way. The building is setback 4.2m from the eastern boundary (shared boundary with the subject site) where a private laneway is provided on the eastern edge of the site.
- 4.12 To the south (rear) is the single width (3.15m wide) named laneway, Little Bank Street. Beyond the laneway there are a mixture of commercial properties and residential towers. There are three properties directly opposite the subject site, 60 - 66 Park Street, 68 Park Street and 70 - 74 Park Street. These properties have been developed with two / three storey commercial buildings that have been built over the entire site.





Vehicle access to these sites is provided via Little Bank Street.

4.13 Further to the south there are a number of mixed use / residential developments on nearby sites that have either been recently developed or have recent planning approval. These include the following:

- 88 Park Street - 12 storey residential tower comprising 119 apartments.
- 52 Park Street - Recently constructed 16 storey mixed use apartment building comprising 183 apartments and a café with 107 car parking spaces with car park access from Little Bank Street.
- 200 - 204 Wells Street (VCAT approval) - Recent approval for a 20 storey mixed use building. Planning Permit 906/2016 approved the construction of a 20 storey mixed use building over two basement levels containing 174 dwellings, a shop use (169sqm) and a food and drink premise use (33sqm) and a reduction in the car parking requirements and a waiver of the loading bay requirements. 197 car spaces are to be provided including 15 visitor spaces. Access to the development would be provided from Little Bank Street and the VCAT Permit included a condition (condition 1b) which requires the ground and first floor of the building to be setback 2.2m from the boundary in order to improve the functionality of the laneway.

4.14 To the east, the property abutting the site at 35 - 37 Bank Street is a three storey commercial building built over the entire lot. Vehicle access to this site is provided via Little Bank Street. Further to the east there are a number of two storey commercial properties.

## 5. PERMIT TRIGGERS

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

Zone or Overlay	Why is a permit required?
Clause 32.04 Mixed Use Zone	<p>A planning permit is not required to use land for a dwelling in the Mixed Use Zone.</p> <p><b>A planning permit is required</b> to use land for a retail premises</p> <p><b>A planning permit is required</b> to construct a building or construct or carry out works for a Section 2 use in the Mixed Use Zone.</p> <p><b>A planning permit is required</b> to construct two or more dwellings on a lot in the Mixed Use Zone.</p>
Clause 43.02 Design and Development Overlay (Schedule 26-2)	<p><b>A planning permit is required</b> to construct a building or construct or carry out works in the Design and Development Overlay pursuant to Clause 43.02-2 of the Planning Scheme.</p>
Clause 44.05 Special Building Overlay	<p><b>A permit is required</b> to construct a building or construct or carry out buildings and works.</p>





<p>Clause 52.06 Car Parking</p>	<p>Prior to a new use commencing or a new building being occupied, or the floor or site area of an existing use being increased, or the number of patrons, seats or practitioners at an existing use being increased, the car parking spaces required under Clause 52.06-5 must be provided.</p> <p>Dwellings require 1 car space to each 1 or 2 bedroom dwelling and 2 spaces per 3 bed dwelling, plus 1 car space for visitors to every 5 dwellings (for developments of 5 dwellings or more) = 174 resident spaces and 34 visitor parking spaces (208 spaces total).</p> <p>Shop use requires 4 car spaces per 100m<sup>2</sup> = 6 spaces.</p> <p>Overall total required would be 214 spaces.</p> <p>A total of 124 spaces are proposed.</p> <p>A waiver of 56 spaces for shops / dwellings and 34 spaces for visitor is proposed.</p> <p><b>A permit is required to reduce the number of car spaces required.</b></p>
<p>Clause 52.07 Loading and Unloading of Vehicles</p>	<p>A planning permit is required to reduce or waive the requirements for the provision of space and access for the loading and unloading of vehicles for a new building or works for the manufacture, servicing, storage or sale of goods or materials (i.e. for the shop use)</p> <p>An office use does not require a loading bay under Clause 52.07.</p>
<p>Clause 52.34 Bicycle Facilities</p>	<p>A new use must not commence or the floor area of an existing use must not be increased until the required bicycle facilities have been provided on the land pursuant to Clause 52.34-1.</p> <p>The table at Clause 52.34-3 requires bicycle parking to be provided as follows:</p> <ul style="list-style-type: none"> <li>- 1 space to each 5 dwellings for residents = 35 spaces, and;</li> <li>- 1 space to each 10 dwellings for visitors = 18 spaces.</li> </ul> <p>A total of 53 bicycle spaces are required. A total of 56 bicycle parking spaces are proposed on site.</p> <p>A permit is not required to vary, reduce or waive any bicycle facility requirement.</p>

## 6. PLANNING SCHEME PROVISIONS

### 6.1 State Planning Policy Frameworks (SPPF)

The following State Planning Policies are relevant to this application:

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

### 6.2 Local Planning Policy Framework (LPPF)

The following local planning policies are relevant to this application:

- Clause 21.03-1 Environmentally Sustainable Land Use and Development
- Clause 21.03-2 Sustainable Transport
- Clause 21.04-1 Housing and Accommodation



- Clause 21.05-2 Urban Structure and Character
- Clause 21.06-3 Urban Design and the Public Realm
- Clause 21.06-7 St. Kilda Road North Precinct
- Clause 22.06 Urban Design Policy for Non Residential Development and Multi Unit Residential Development
- Clause 22.12 Stormwater Management
- Clause 22.13 Environmentally Sustainable Development

6.3 **Other relevant provisions**

- Clause 43.02 Design and Development Overlay
- Clause 52.06 Car Parking
- Clause 52.07 Loading and Unloading of Vehicles
- Clause 52.34 Bicycle Facilities
- Clause 65 Decision Guidelines

6.4 **Other relevant scheme amendments**

Better Apartments Design Standards

This State Government amendment (VC136) introduced the Better Apartments Design Standards into all planning schemes on 13 April 2017. Transitional arrangements have been included in the new provisions which state that the requirements would not apply to applications lodged prior to the approval date of the amendment (13 April 2017). However it is still beneficial to consider this application against those standards and accordingly this has formed part of this assessment.

Urban Design Guidelines for Victoria

Amendment VC139 introduced the Urban Design Guidelines for Victoria to all planning schemes on 29 August 2017. The guidelines replace the Guidelines for Higher Density Residential Development as well as the Activity Centre Design Guidelines (DSE 2005) and Safer Design Guidelines for Victoria (DSE 2005). They have resulted in a number of planning scheme changes that require the assessment of new built form for apartment buildings of five or more storeys in height. There are no transitional arrangements that apply.

**7. REFERRALS**

7.1 **Internal referrals**

The application was referred to the following areas of Council for comment. The comments are discussed in detail in Section 9.

**7.1.1 Urban Design**

Urban Design Response:

*The proposal demonstrates good quality design with high articulation and quality materials with height, massing is broken by glazed extruded boxes.*



### **Public realm & ground floor**

#### **Minimising pedestrian and vehicular conflict**

There is concern about the triple crossover to the front boundary with a double crossover at podium carpark entrance and coupled with the private laneway. In accordance with DDO26 objectives, a single access to the rear boundary is preferred in terms of minimising conflict and overall streetscape experience. It is recognised that Little Bank Street has a limited capacity to accommodate all the vehicle numbers given the size constraints. It therefore may be necessary in this case to have 2 vehicle entries. This will need to be further clarified by Transport Safety Engineering and traffic modelling. However, we would still seek an improved design solution for the proposal. The applicant should consider:

- Relocating entry to eastern boundary to avoid crossovers next to existing private laneway entry
- Reducing to single crossover by looking at options of front entry and rear exit system
- Better use of materials to create visual interest and/or permeability at grade
- Corner splays to be developed as part of the design. This could inform the use of permeable, transparent materials and produce a better design outcome and would avoid being designed in as an afterthought solely for compliance reasons.

Traffic modelling should also take into account the likely high increase of traffic in Little Bank Street, the cumulative effect to the surrounding streets due to the large number of high density residential developments proposed in the area.

#### **Ground floor activation**

The Bank Street carpark entrance, with black louvered doors when closed, would create a back street feel that detracts from the streetscape. Other design/material options should be explored as mentioned above.

The second retail unit has only half the frontage active due to location of the fire hydrant, relocation is encouraged or limiting height in order to achieve an active shop window frontage above.

#### **First floor presentation to the street and Public Art opportunities**

The first floor from the street has been improved in the revised drawings to incorporate an indicative architectural feature/artwork screening the podium carpark. Further clarification of material and form should be reflected in plans, sections and external finishes schedule. Further guidance and coordination with Council will be needed on whether this meets public art contributions.

#### **Connections to pedestrian networks**

The crossovers on Bank Street footpath should be minimised where possible, as described above. Material treatment to crossovers should match existing footpath materials with bluestone kerbs for consistency in the public realm.

### **Façade treatment & detail**

#### **Response to surrounding character**

It's noted that the area is undergoing significant transformation, and it is therefore difficult to



define local character. Generally the design is of high quality and is fitting for the larger precinct in relation to St Kilda Road and the Shrine of Remembrance.

The expressed floorplates and columns extend out passed the building line and could impose on the skyline and future developments. The application should also demonstrate how these areas will be maintained.

#### Materials and reflectivity

Generally the materials chosen are of high quality and create visual interest. The dark tinted glass used on extruded boxes to the podium and tower could read as opaque and create highly reflective elements in daylight. It is encouraged that a lighter or warmer colour be used with more translucency.

#### Amenity

##### Outlook and access to daylight

The spacing of the small 'piloti' style columns on levels 2-5 to the front street elevation could affect views and access daylight (as depicted in render on page 43) and should be further spaced out. Also design should ensure amenity of daylight is maintained to rooms and balconies on the south west corner of levels 6 - 10, it is unclear if balconies are enclosed with the dark tinted glazing.

##### Apartment size and layouts

Apartment sizes and layouts, although not exemplary, seem generally acceptable from an urban design perspective but should comply with the Better Apartment Standards.

Note: Apartment 7 on floors 7 - 19, currently shows shared balcony, this could be a drawing error but should be followed up with applicant.

#### RECOMMENDATION

- We generally do support the proposal with the following advice:
  - Options for carpark front entry be relocation/reduction/redesign be explored (per examples above).
  - Explore opportunities to increase retail unit 2 frontage to provide better ground floor activation outcome.
  - Architectural element/artwork to the podium should be included in drawings and external finishes schedule.
  - Dark tinted glass on the podium and tower 'boxes' should be reconsidered to allow more transparency.
  - The apartment size and layouts should comply with the Better Apartment Standards.
  - Column spacing to front elevation of podium be reconsidered to give habitable rooms more visual amenity.
  - Demonstrate how expressed floorplates and columns will be maintained.

#### Planner Comment:

The referral comments from Council's Urban Designer are considered in the assessment of the proposed development at Section 9.1 (Local Policy) and 9.2 (Design



and Development Overlay) and 9.3 (Urban Design Principles and Policy) of this report.

### 7.1.2 Strategic Planning

#### *Summary*

- *It is unclear if the building height requirement is met as it is unclear from the plans if the rooftop services area meet the requirement that they do not exceed 10% of the gross floor area of the top building level.*
- *The building generally proposes an 18 metre podium to the Bank Street frontage, with a glass design feature extending to 21.6 metres. This feature is supported. A podium to Bank Street is clearly articulated and the design feature provides visual interest to the building façade.*
- *The proposed front setback of the podium does not strictly provide a zero frontage. However, the design of the podium gives the illusion of minimal setback, and is considered to achieve the desired outcomes of the DDO.*
- *Compliance with the setbacks/separation distances of DDO26 varies. Of particular concern is the setbacks proposed along the eastern boundary which do not provide equitable development opportunities for the adjacent site.*
- *The proposal includes two vehicular access points – one off Little Bank Street and one off Bank Street. It is recommended these entrances to the car park should be minimised and limited to one off Little Bank Street. This would provide additional space to the retail tenancies on the ground floor provided a more active frontage and improving pedestrian connectivity.*
- *Given the commercial uses proposed along with the high number of apartments, it is suggested that the proposal incorporate loading and service vehicle facilities.*

#### Planner Comment

The referral comments from Council's Strategic Planning Unit are considered in the assessment of the proposed development at Section 9.1 (Local Policy) and 9.2 (Design and Development Overlay) and 9.3 (Urban Design Principles and Policy) of this report.

### 7.1.3 Traffic & Parking Management

#### General

*The traffic report contains some errors, omissions and information discrepancies (as compared to the application plans) which will be discussed below.*

#### Little Bank St

*Little Bank St is a public road connected to Well St and Park St at its eastern and southern ends respectively. The local road runs from Well St to the rear of subject site then turns towards Park St.*

*Council records show that the laneway abutting the site's southwest boundary and the other laneway that is connected to Kings Way are private roads within the neighbouring property at 231 Kings Way (currently occupied by Officeworks). The traffic report incorrectly refers to Little*



*Bank St being connected to Kings Way.*

*Council records indicate that Little Bank St is approximately 3.15m wide at the rear of site however annotated as 3.235m wide in drawing TP-202 and cited as 3.5m wide in the traffic report.*

*Statutory Planning advised that there are other proposed developments that abut and have vehicle access via Little Bank St. However the traffic report did not provide any information of existing traffic volume on Little Bank St and consequently did not consider the cumulative traffic impacts of other known developments.*

*It is recommended that further information be provided on the existing and future traffic volumes taking into account other known developments with vehicle access via Little Bank St (i.e. under construction, approved but not built and currently under consideration) for Council's assessment.*

#### *Bicycle parking*

*The traffic report refers to provision of 18 visitor bicycle spaces however these have been not identified in the plans. Drawing TP-203 only shows 56 'resident' bike spaces on Level 1.*

*It is recommended that the 18 visitor bike spaces to be provided on-site in an easily accessible location.*

#### *Car parking*

*A total of 124 car spaces are proposed comprising 122 resident spaces allocated to the 174 apartments and 2 retail spaces (one is a disabled bay) for the 2 shops. No visitor parking is provided.*

*Based on the statutory requirement of 215 car spaces, the development will have a total shortfall of 91 spaces (i.e. 52 resident, 35 visitor and 4 retail spaces). While the traffic report argues to justify the parking dispensation, it did not provide any information on existing parking occupancy levels in the surrounding area.*

#### *Car park layout*

*Drawings TP-202 and TP-203 notes Wohn Combilift car stacker model however the traffic report refers to Hercules Expanderpark.*

*It is recommended that clarification be provided on the proposed stacker model and associated clear platform car space dimensions and headroom.*

*Two accessways have narrow points with reduced widths and one accessway without end-of-aisle extension which may impact access to adjoining car spaces.*

*It is recommended that additional swept path diagrams be submitted to demonstrate satisfactory access to critical car spaces including those numbered 16/17, 18/19/20, 81/82, 83/84, 85/86, 122 and 123.*

#### *Ramp design*

*There is a concern with lack of driver visibility to pedestrians along the Bank St footpath.*

*It is recommended that a sight triangle be provided on the western corner of the Bank St ramp. Options including wall setback or gaps to provide 50% minimum visual permeability should be considered.*





*Height clearance above the Bank St ramp is unknown.*

*It is recommended that a cross section of the Bank St ramp be provided to demonstrate adequate height clearance.*

*Proposed Little Bank St ramp is considered substandard for two-way access given the narrow width, structural columns encroachment. There is a major concern with the summit grade change in contrary to the traffic report which describes different ramp grades to that shown in drawing TP-202.*

*It is recommended that the ramp design (width, grades) be revisited against AS2890.1 guidelines.*

*Swept paths indicate very tight vehicle entry turns into the Little Bank St ramp with concerns when simultaneous entry/ exit movements occur.*

*It is recommended that additional swept path diagrams be provided to demonstrate simultaneous entry / exit movements and that consideration be given for a corner splay provision on the eastern corner of the Little Bank St ramp.*

#### Vehicle crossing

*Proposed 'triple crossover' on Bank St comprising a new 6.0m wide crossover plus reconstruction of the existing laneway crossover to form a long continuous vehicle crossing is not supported.*

*It is recommended that the application plans be amended to show two separate crossovers comprising a new 5.5m wide double crossover to the development (as per CoPP's standard drawing SD4101) and a single crossover for the laneway.*

*The new crossover should also be referred to Parks Services and Asset Planning teams for assessment given proximity and impact to existing street assets including tree, entry pit (not shown) and Telstra pit.*

*Redundant crossover on Bank St shall be removed and reinstated to Council's satisfaction as annotated in drawing TP-202.*

*Applicant shall bear costs incurred by Council for changes to existing on-street parking signage and line-marking associated with the crossover works.*

#### Planner Comment:

The referral comments from Council's Traffic Engineer are considered in the assessment of traffic and parking at section 9.6 of this report.

#### **7.1.4 Sustainable Design**

Summarised comments include:

- BESS report indicates 74 apartments rather than 174 as indicated on the plans.
- Details of practical ventilation should be included.
- Screens that are solid from the courtyard floor upward offer better acoustic privacy to bedroom windows in the adjacent property, and limit potential wind-blown cigarette smoke impeding on natural ventilation.
- Glazed walls have been indicated with no shading or sash operation.





- For shading - North - provision of slab extension or horizontal shade fins on every level. East and west - ideally this would be operable external, vertical fins, or failing this fixed external vertical or horizontal fins, and/or provision of slab extension/horizontal fins on every level
- Shading solution required for gym/common dining room.
- NatHERS modelling – An insufficient number of apartments modelled. The height of the building, the nature of corner, and aligned apartments, changes in the number of bedroom, varied orientations, and the variations in location in height on the podium and tower provide at 9-15 significant thermal scenarios. Please provide additional modelling with reference to the BESS Tool Notes (<http://bess.net.au/tool-notes>)
- The STORM assessment shown indicates the approximate 80% reliability for reuse of rainwater from non-trafficable roofs for toilet flushing. Please confirm this includes the full roof area including, the lift roof, and plant area, and revise STORM assessment accordingly.
- Consider allowing bicycle parking for one bicycle per dwelling per credit BESS Transport Credit 1.1
- Consider the provision of car share accommodation on-site in replacement for one or two existing resident parking spaces.
- Planters are shown on Level 2 and 3 apartment courtyards that appear to have access only via individual apartments. Please clarify the access and maintenance regime for these.
- Climbing vegetation is indicated on the landscape plan. Consider the horizontal expansion of these to offer seasonal shade to the east, north and western paved courtyards. This will increase amenity and reduce UHI potential.
- Considerable planters are indicated on the north-facing terraces adjacent to the Resident Lounge and Dining areas on Level 6. Should consider:
  - The reconfiguring the planters and bench seating adjacent to the Resident Lounge to provide a productive garden which potentially will allow access to residents
  - The provision of low (similar to planter height) garden storage locker to support the use of these planters.

Planner Comment:

The referral comments from Council's Sustainable Design Officer are considered in the assessment of traffic and parking at section 9.5 of this report.

**7.1.5 Waste Management**

The following Waste Management recommendations were provided by the Waste Engineer:

*- Council 240L bins can only be supplied if the retail outlets are being used for office space or something similar. Council will not issue 240L bins for retail food outlets. There will be an*



*additional cost as Council normally only provides 120L bins.*

*- Under 6.2, p. 10 'Bin Usage' a distinction will need to be made about different practices for the disposing of waste and recycling. Residents will need to bag their garbage, and recyclables will need to be loosely dropped into chutes because bagged recycling is contamination in the recycling stream. This will be important especially because residents are going to receive a copy of this WMP.*

*- In the bin room on the plan, the two 240L retail garbage are being stored in the bin room. This will need to be removed and they are to be stored in the retail space as specified by the WMP. Additionally, two extra 1100L bins are shown on the plans. Extra bins are allowed on site as back-up but best to remove from the plans to match the WMP allocation of 6 total 1100L bins for residents.*

*- There will need to be a consideration for the volumes of hard waste that will need to be stored in between the 6 free hard waste collections per year. Some of the changes to the bin room mentioned in these comments are likely to provide more space to store this hard rubbish.*

Planner Comment:

The referral comments from Council's Waste Management Coordinator are considered in the assessment of waste management 9.9 of this report.

**7.1.6 Council Arborist**

The application was referred to Council's Arborist who did not object to the removal of the existing street tree and has not asked for any replacement.

**7.1.7 Infrastructure Engineer**

The SBO2 designated flood level for the property is 2.304m (AHD).

- A. The minimum habitable Finished Floor Level (FFL) is 2.304m AHD + 300mm and would be 2.604m AHD.
- B. The minimum non habitable Finished Floor Level (FFL) is 2.304m AHD + 150mm and would be 2.454m AHD.

Referral Responses:

- The proposed FFLs appears to be below the required minimum floor levels.
- Access to the basement should include an apex or flood barrier that is above the flood level to avoid flood water entering the basement.
- The height for installation of any electrical/gas points or switches should be a minimum of 600mm above the flood level.

Planner Comment:

Should a permit be issued it is recommended that conditions are included requiring the ground floor level to be a minimum 2.604AHD, an apex or flood barrier to be provided on the access to the basement and all electrical/gas points or switches to be a minimum of 600mm above the flood level.



7.2 External referrals

Referral Authority	Response	Conditions
Public Transport Victoria	No objection	None

8. PUBLIC NOTIFICATION/OBJECTIONS

8.1 It was determined that the proposal may result in material detriment therefore Council gave notice of the proposal by ordinary mail (1015 letters) to the owners and occupiers of surrounding properties and directed that the applicant give notice of the proposal by posting two notices on the site for a 14 day period, in accordance with Section 52 of the Planning and Environment Act 1987.

8.2 The application has received 89 objections. The key concerns raised are summarised below (officer comment will follow in italics where the concern will not be addressed in Section 9):

- Inappropriate height
- Traffic and parking impacts
- Reduction in daylight and sunlight into adjoining properties
- Increased overshadowing
- Increased overlooking
- Waste management issues
- Impact on heritage building adjacent
- Insufficient street setbacks
- Inconsistent with Better Apartment Design Standards
- Inconsistent with DDO requirements
- Insufficient side setbacks
- Wind impacts
- Loss of property value

*This is not a relevant planning consideration.*

- Loss of views

*This are not a planning consideration given that views are not protected by the Planning Scheme.*

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

8.4 A Consultative Meeting was held on 3 August 2017. The meeting was attended by a Ward Councillor, representatives of the applicant, objectors and Council planning officers. The meeting did not result in any changes to the proposal.



## 9. OFFICER'S ASSESSMENT

### 9.1 Local Policy

#### Is the proposed use supported by policy?

Clause 21.04-1 Housing and Accommodation of the MSS sets out Local Policy objectives and strategies for new housing including:

1. *To provide significant opportunities for new residential development in designated locations which have the capacity for change, and which offer highest accessibility to public transport, shops, and social infrastructure.*
- 1.1 *Direct the majority of new residential development to preferred housing growth areas to achieve:*

Substantial residential growth within strategic sites and precincts located within or in close proximity to a Major Activity Centre or the Fishermans Bend Urban Renewal Area. New housing will generally be in the form of higher density development, including tower-podium developments. The height, scale and massing of new development must be in accordance with any Design and Development Overlay for the area, the urban design local policy or must respect the surrounding built form context or in the case of the Fishermans Bend Urban Renewal Area, the Fishermans Bend Strategic Framework Plan, July 2014 (amended April 2015).

Pursuant to this policy, the land is considered to be located in a **Substantial Residential Growth Area** as defined in the policy:

*Strategically appropriate locations for higher density residential development (being proximate to major activity centres and / or the PPTN or within the Fishermans Bend Urban Renewal Area) which provide new housing opportunities as part of the renewal of precincts and large sites. They offer the potential for more intensive development through the creation of a new built form character.*

Notwithstanding that the site is not located within a Major Activity Centre, the site is considered to be in a strategic precinct that is proximate to a major activity centres and the fixed rail public transport (Trams). Therefore, it is considered to be an appropriate location to accommodate an increase in residential density, subject to compliance with the Design and Development Overlay requirements and the Urban Design local policy.

### 9.2 Design and Development Overlay

The subject site is within Schedule 26 to the Design and Development Overlay for the St Kilda Road North Precinct, and more particularly, in Sub Precinct 2 (Northwest Corner).

The Northwest Corner Sub-Precinct has a mixed character and role, and presents considerable opportunity for development and change as a higher density residential and mixed use enclave, based around lively, pedestrian focussed streets. A number of tower developments have either been approved and/or commenced construction. The objectives for Sub-Precinct 2 are:

- To ensure that new development creates a vibrant residential and mixed use environment, through an increased scale and density of development.



- To reinforce the primacy of the St Kilda Road boulevard by ensuring development provides a gradual visual and physical transition from the higher scale development of St Kilda Road, across the Sub-Precinct to Kings Way.
- To ensure that development provides for a fine grain character in the form and articulation of new buildings.
- To create a high quality public realm through additional tree planting and maintaining access to sunlight along the key pedestrian streets of Bank and Park Streets.
- To improve the streetscape environment of Kings Way through high quality built form and consistent landscaped setbacks.
- To ensure the development in Kings Way creates a landscaped boulevard through high quality architectural design and a landscaped public realm interface.
- To ensure that podium design and heights create and reinforce a ‘human scale’ to provide visual interest and activity for the pedestrian at street level along Kings Way.
- To improve the streetscape environment of the Northwest Corner Sub-Precinct through high quality built form.
- To ensure that buildings are scaled to maintain a respectful setting and backdrop for the Shrine of Remembrance.

#### DDO interpretation of Mandatory and Discretionary requirements

The provisions of DDO26 have previously led to some confusion as to whether they are to be read as mandatory or discretionary requirements. Particularly in this case the use of the word ‘must’ in the requirements that are understood to be discretionary in nature.

The following order of the Tribunal (Deputy President Dwyer) in relation to a site with in this DDO area (157 Eastern Road, South Melbourne) helps to explain how these requirements are to be read and how they have been treated within this report:

*‘Essentially, the interpretation proceeds on the basis that the relevant requirements in DDO-26 are discretionary unless accompanied by the additional words (that appear in the DDO on several occasions) to the effect that a permit may not be granted for a building or works that is not in accordance with the relevant requirement, unless allowed by clause 4.0 of the schedule. Where those words appear, the requirement operates as a mandatory control’.*

A further decision of the Tribunal (*7 Bowen Crescent Developments Pty Ltd v Port Phillip CC [2016] VCAT 1576*) in relation to a site with in this DDO area (7 - 8 Bowen Crescent, Melbourne) also details how these requirements are to be read in the context of this area:

*‘Although these requirements include the word ‘must’, they are discretionary, as they are not followed by the words “A permit may not be granted to construct a building or construct or carry out works which are not in accordance with this requirement unless allowed by clause 4.0 of this schedule”, as appear elsewhere in this Clause.’*

This interpretation also concurs with the parent control of the DDO provision at



Clause 43.02-2 which states the following:

*‘A permit may be granted to construct a building or construct or carry out works which are not in accordance with any requirement in a schedule to this overlay, unless the schedule specifies otherwise.’*

In light of the above decisions of the Tribunal and the provision at Clause 42.02 of the Planning Scheme, this report will only consider the requirements of the DDO as Mandatory where they are followed by the words “A permit may not be granted to construct a building or construct or carry out works which are not in accordance with this requirement unless allowed by clause 4.0 of this schedule”

Generally the design is of high quality and is fitting for the larger precinct in relation to St Kilda Road and the Shrine of Remembrance.

Sub-Precinct 2 Requirements

It is noted that all requirements in this table are **discretionary** unless otherwise stated within the requirement section of the table.

Requirement	Assessment
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<p>Development with a direct frontage or abuttal to any road, excluding Kings Way, must:</p> <ul style="list-style-type: none"> <li>– be built to the boundary, and</li> <li>– not exceed 18 metres in height within 5 metres of any street frontage.</li> </ul> <p><b>(Mandatory Control)</b></p>	<p><b>Not Achieved – Condition Required</b></p> <p>The building would be built directly to the front boundary with a five storey podium form. The podium would have an overall height of 18.4m with a 21.6m high glass architectural feature integrated into the street wall.</p> <p>The design of a five storey podium form satisfies the objective of the DDO to provide buildings that reinforce a ‘human scale’ and provide visual interest and activity for pedestrians. Comments have been provided from the Strategic Planning Unit that the podium to Bank Street is clearly articulated, and deemed to satisfy the design parameters of DDO26 in terms of its bulk and scale.</p> <p>At a height of 18.4m the street wall slightly exceeds the 18m mandatory height specified in the DDO. Given this is a mandatory requirement in sub precinct 2 the height of the street wall must be reduced to be no higher than 18m. Should a permit be issued it is recommended that a condition be included which require the podium street wall to be reduced to a maximum height of 18m (<b>recommended condition 1a</b>).</p> <p>The podium is designed with a glass architectural feature that extends to a height of 21.6m. Because this is an architectural feature it can extend beyond the 18m height specified for the street wall pursuant to the exemptions to the mandatory requirements specified in Section 4.0 of DDO26.</p> <p>The architectural feature is considered to be a positive addition to the street wall. It would provide an articulated element that would add visual interest to the building podium. The Strategic Planning Unit also support the architectural feature which they consider would provide visual interest to the building façade without detracting from the appearance of the building when viewed from the street.</p>
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<p>Development beyond the setbacks identified above must not exceed a height of 60 metres. A permit may not be granted to construct a building or construct or carry out works which are not in accordance with this requirement unless allowed by clause 4.0 of this schedule. <b>(Mandatory control)</b></p>	<p><b>Achieved</b></p> <p>The height of the building would be 60m with a maximum height of 61.4m which includes the screening and plant services at roof level.</p> <p>The site is within precinct 2, and Clause 4.0 of the design and development overlay allows up to 4m of architectural features and building services that do not exceed 10 percent of the gross floor area or 50sqm (whichever is greater). The services would have an area of 52sqm, which is less than 10% of the floor area (943sqm). The services would be enclosed with a 1.4m high screen.</p>
<p>Building facades should follow the alignment of the street frontage to follow the distinctive curvilinear street pattern.</p>	<p><b>Achieved</b></p> <p>The building façade follows the alignment of the street.</p>
<p>Development must maintain the existing levels of solar access to the southern footpaths of Bank and Park Streets when measured between 10am and 2pm at the Equinox.</p>	<p><b>Achieved</b></p> <p>The building would not alter the solar access to the southern footpaths of Bank Street when measured between 10am and 2pm at the Equinox.</p>
<p>Development should not overshadow the adjoining dwellings in residential areas south west of Kings Way and comply with the objectives of Clause 55.04-5 - Overshadowing.</p>	<p><b>N/A</b></p>
<p>Development should reinforce the fine grain pattern of the Sub-Precinct.</p>	<p><b>Achieved</b></p> <p>The site would maintain the fine grain nature of the street given that it would not alter the existing subdivision pattern in the street.</p>
<p>Large redevelopment and proposals that consolidate smaller sites should incorporate through-block pedestrian links and express the historic fine grain subdivision into their design.</p>	<p><b>N/A</b></p> <p>This site is not considered to be a large development site.</p>

Buildings and Works General Requirements:

It is noted that all requirements in this table are **discretionary** unless otherwise stated within the requirement section of the table.

**AGENDA - ORDINARY MEETING OF COUNCIL – 13 DECEMBER 2017**



<b>Requirement</b>	<b>Assessment</b>
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<p><u>Design Quality</u></p> <p>New developments should achieve urban design and architectural excellence.</p> <p>Developments on corner sites with a St Kilda Road, Albert Road, Kings Way or Queens Road frontage or abuttal should not express the side street podium requirement to those roads.</p> <p>Where a podium / tower typology is not proposed for a corner site, a high quality architectural response is required which achieves an appropriate transition to podium / setback requirements on adjoining sites, including through building articulation/massing, building materials, finishes and design detail.</p> <p>Developments on large sites should minimise building bulk and promote vertical articulation in their design.</p>	<p><b>Achieved</b></p> <p>The application proposes to construct a 60m mixed use building designed with an identifiable podium and tower form. The building would address Bank Street with a glass façade broken up with protruding boxes and metal poles and would be finished in a mix of coloured masonry, exposed concrete, white masonry columns, metal poles, steel pergolas, aluminium and glazing. The use of materials and level of articulation would provide for a visually interesting building that would complement surrounding development</p> <p>The application has been referred to Council’s Urban Designer who generally supports the proposal stating the following:</p> <p><i>The proposal demonstrates good quality design with high articulation and quality materials with height, massing is broken by glazed extruded boxes.</i></p> <p>The form and massing of the building would be a significant improvement from the building approved by the existing planning permit. The new building has been designed with heights and setbacks that align with the built form requirements of DDO26. As a result, this development would provide a much better response to the emerging character of the surrounding area that is anticipated by the Design and Development Overlay that now affects the site. The changes to the heights, setbacks and podium/tower form have been improved to respond to the current built form requirements sought by DDO26. This would allow for a building that would be more compatible with the future development of this section of the St Kilda North precinct.</p> <p>The referral comments provide a specific assessment of the materials which generally are considered to be of high</p>
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	<p>quality and to create visual interest. However, concerns have been raised regarding the high reflectivity of the dark tinted glass that is proposed for the architectural features (extruded boxes) to the podium and tower. It is recommended that the dark tinted glass be replaced with a lighter or warmer colour. This matter is addressed through permit conditions (<b>recommended condition 1b</b>).</p>
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<p><u>Separation Distances / Side and Rear Setbacks</u></p> <p>For Sub-Precincts 1, 2, 3 and for properties in Sub-Precinct 4 without a primary frontage to St Kilda Road:</p> <ul style="list-style-type: none"> <li>– Development above the podium height must be set back a minimum of 4.5 metres from side and rear boundaries and at least 9 metres from existing towers.</li> <li>– Where there is no podium or an existing tower, a setback of 4.5 metres to the boundary must be provided.</li> </ul> <p>For all Sub-Precincts - Additional side and rear setbacks and/or separation distances may be required to ensure buildings are designed and spaced to:</p> <ul style="list-style-type: none"> <li>– Respect the existing urban character and pattern of development.</li> <li>– Equitably distribute access to an outlook, daylight and achieve privacy from primary living areas for both existing and proposed development.</li> <li>– Achieve sky views between towers, ensure adequate sun penetration to street level and mitigate wind effects.</li> <li>– Avoid windows of primary living areas and balconies that directly facing one another</li> <li>– Maintain the equitable development potential of adjoining lots.</li> </ul>	<p><b>Not Achieved – conditions required</b></p> <p>Clause 2 of the DDO requires development above the podium height to be setback a minimum of 4.5 metres from side and rear boundaries and at least 9 metres from existing towers</p> <p>Where there is no podium or an existing tower a setback of 4.5m from the boundary is required. The DDO also includes provisions that additional side and rear setbacks may be required to ensure equitable development potential of adjoining lots.</p> <p>There are no podiums or existing towers on adjacent sites to the east (35 - 37 Bank Street), south (60 - 66 Park Street) or west (231 Kings Way) and therefore the DDO recommends that a 4.5m setback should be provided from the eastern, southern and western boundaries.</p> <p>The building would not provide the recommended 4.5m setbacks for the podium component of the building. The podium levels are designed with a zero setback for the ground and first floor (car parking levels) and varying setbacks for podium levels 2 to 6 between zero and 4.5m from the side boundaries and zero and 2.7m (4.5m from centre of laneway) from the rear laneway.</p> <p>The tower component of the building would provide a 4.5m setback from the side boundaries and a 2.72m setback (4.5m from the centre of the laneway) from the rear boundary.</p> <p>A recent VCAT decision is relevant in the consideration of the proposed separation / side and rear setbacks. This decision of <i>65 Palmerston Crescent Pty Ltd v Port Phillip CC 2017 [VCAT] 887</i> regarding the development at 61 - 65 Palmerston Crescent is in the same DDO as this site and the Tribunal stated at paragraph 46,</p> <p><i>“...the only direct reference to</i></p>
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	<p><i>separation distances as an urban design technique is in sub precincts 5 and 6 (relating to land on Kings Way and Queens Road) where consistent spacing between towers is seen as a characteristic of this precinct. Separately, we consider that transitioning down in scale from Albert Road to the north side of Palmerston Crescent is the identified means to achieve the integration of future development in Sub precinct 3. Consequently, we find that the exercise of discretion on side and rear setbacks relates to issues of amenity and equitable development in this case”</i></p> <p>The Tribunal further noted at paragraph 74:</p> <p><i>“These findings are relevant to the issues raised by the Council. They call for careful site by site consideration of existing conditions and development potential of a review site and its neighbours, as well as the Overlays requirements. As such, our decision can only relate to this site rather than setting a framework for others under the Overlay”</i></p> <p>This decision highlights the need to consider the site specific conditions that relate to individual applications particular in regard to the potential impact on neighbouring sites.</p> <p>A specific assessment of the particular impact of this development as it relates to neighbouring sites is therefore provided below:</p> <p><u>Response to the eastern boundary 33 - 37 Bank Street</u></p> <p>The adjoining site to the east at 35 - 37 Bank Street is a three storey commercial building that has 100% site coverage.</p> <p><b>Podium</b></p> <p>It is proposed to construct a podium that</p>
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	<p>would be built directly to the boundary for the two lower (car parking) levels with the upper (apartment) levels setback between 0 and 4.5m.</p> <p>These upper podium levels (level 2 - 6), would have the front apartments orientated to Bank Street and built directly to the boundary and the apartments at the middle and rear, setback 4.5m from the boundary.</p> <p>The proposed setbacks to the walls of the podium levels of the building is considered an appropriate response to the eastern boundary.</p> <p>The DDO seeks a podium / tower form with a 4.5m setback suggested from side and rear boundaries. The front apartments would provide the required podium form to the street and allow an equitable development opportunity for the neighbouring property. Given these apartments would be orientated to Bank Street, the provision of a blank boundary wall on the shared boundary would not compromise the internal amenity of the subject development or future development of 35 - 37 Bank Street.</p> <p>The middle and rear apartments in the podium would be setback 4.5m from the boundary. The provision of a 4.5m setback meets the setbacks suggested by the DDO and is considered to provide equitable development opportunities for the adjacent property. This would allow for a commensurate 4.5m setback to be provided on the adjacent site which would result in a 9m separation distance between facing apartments. This would remove the need for screening that would increase visual bulk and enclose the habitable spaces within the apartments.</p> <p>While the eastern walls of the building is considered an acceptable response to its neighbouring property, the close proximity of parts of some of the</p>
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	<p>terraces is not considered appropriate.</p> <p>The terraces to apartments 2.08, 2.09 (level 2) and 3.10 extend close to the eastern boundary. As proposed, these terraces would place an unfair burden on the neighbouring site to provide setbacks for any future building to protect the amenity of the terrace areas. This is considered to be an unequitable response to the future development potential of the adjacent site.</p> <p>It is therefore recommended that should a permit be issued a condition is included which requires the east facing terraces to apartments 2.08, 2.09 and 3.10 to be setback a minimum 4.5m from the eastern boundary (<b>recommended condition 1d</b>).</p> <p><b>Tower</b></p> <p>The tower of the building (levels 7 to 19) would be setback 4.5m from the eastern boundary. The 4.5m setback provided meets the setbacks suggested by the DDO and is considered to provide equitable development opportunities for the adjacent property.</p> <p>Feature architectural columns are proposed to wrap around the north eastern corner of the building. These columns would slightly encroach into the 4.5m setback from the eastern boundary. The referral comments from Council's Urban Designer and Strategic Planning Unit have commended the articulated design of the building and therefore the slight encroachment of the columns into the side setbacks is considered acceptable.</p> <p><u>Response to the western boundary 231 Kings Way</u></p> <p>The site to the west at 231 Kings Way is developed with 'Office Works', which comprises a three storey building with car park facing Kings Way.</p>
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	<p><b>Podium</b></p> <p>As it would relate to the western boundary the building has a similar design and similar interface. Again, two lower (car parking) levels of the podium would be built to the boundary and upper (apartment) levels would be setback between 0 and 4.5m. There is a slight difference at the front of the building where it would not be built directly to the western boundary but provide a small, 840mm setback. The plans show that the apartments in the podium levels (apartments 2.04, 3.04, 4.04, 5.03) would have windows setback less than 1m from the western boundary.</p> <p>The provision of the 840mm setback is considered a poor design response to the western boundary particularly where west facing windows are proposed to the front apartments. The small setback to these windows would result in a constraint on the future development of the 231 Kings Way site. The windows would burden the future development of this site with a sensitive interface virtually on its boundary which would not provide an equitable opportunity for this site to be developed. To allow for equitable development the walls of apartments 2.04, 3.04, 4.04 and 5.03) should be extended directly to the boundary with all windows removed. This would provide a blank western interface where a future building on the 231 Kings Way site could be constructed without the burden of an adjoining development having no regard to its immediate neighbours.</p> <p>It is therefore recommended that should a permit be issued a condition is included which requires the wall of apartments 2.04, 3.04, 4.04 and 5.03 to extend directly to the western boundary with all west facing windows of these apartments removed (<b>recommended condition 1e</b>). This would not affect the internal function and amenity of these apartments.</p>
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	<p>The 4.5m setback of the middle and rear apartment from the western boundary is considered appropriate. The 4.5m setback aligns with the DDO setback and would allow for equitable development opportunities for the adjacent property.</p> <p>Terraces are also proposed within the western part of the podium that would extend close to the western boundary. These terraces include the terraces to apartments 2.06, 2.07 (level 2), 3.08 and 3.09 (level 3).</p> <p>The extension of these terraces close to the boundary is considered to place an unreasonable burden on this site to provide setbacks for any future building to protect the amenity of the terrace areas. This is considered to be an unequitable response to the future development potential of the adjacent site.</p> <p>It is therefore recommended that should a permit be issued a condition is included which requires the west facing terraces to apartments 2.06, 2.07, 3.08 and 3.09 to be setback a minimum 4.5m from the western boundary (<b>recommended condition 1f</b>).</p> <p><b>Tower</b></p> <p>The tower of the building (levels 6 to 19) would be setback 4.5m from the western boundary. The 4.5m setback provided meets the setbacks suggested by the DDO and is considered to provide equitable development opportunities for the adjacent property. At level 6 the communal terrace would be setback 1.74m from the western boundary. Given the terrace is located on the top of the podium it would likely align with a similar terrace form on the adjacent site which would not preclude the future development of the 231 Kings Way site.</p> <p><u>Response to the southern boundary 60 - 66 Park Street</u></p>
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	<p>To the south is a single width named laneway, Little Bank Street. Beyond the laneway further to the south, there are three properties directly opposite the subject site, 60 - 66 Park Street, 68 Park Street and 70 - 74 Park Street. These properties have been developed with two / three storey commercial buildings that have been built over the entire site. However, given the emerging character of this precinct these site are likely to be redeveloped in the future.</p> <p><b>Podium and Tower</b></p> <p>The lower levels of the podium (ground, 1 and 2) would be built to the boundary with the upper levels of the podium (levels 3 to 6) and the tower to be setback 2.72m (4.5m from the centre of the laneway).</p> <p>The setbacks of the building as they relate to the south are considered appropriate.</p> <p>The lower levels of the podium provide for car parking for the development and as such blank boundary walls are proposed to the southern boundary. The provision of a blank boundary wall at the lower podium levels would not preclude future development of those site on the opposite side of the laneway but assist their future redevelopment. The provision of a blank boundary wall would allow a similar response on the adjoining sites where the lower rear levels of large buildings are normally set aside for car parking, access and services.</p> <p>The upper podium levels and tower would be setback 4.5m from the centre of the laneway. This would allow a similar 4.5m setback to be provided for development on the other side of the laneway to create a 9m separation. This would provide adequate building separation between habitable room windows and private open space on both sites of the laneway without the need to provide for screening that would increase</p>
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	<p>visual bulk and enclose the habitable spaces within the apartments.</p> <p>The terraces to the rear apartments on levels 3 (apt 3.09 and 3.10) would extend close to the rear boundary. The extension of the terrace close to the rear boundary would place an unreasonable burden on the properties on the other side of the laneway to provide setbacks to protect the amenity of the terrace areas.</p> <p>This is considered to be an inequitable response to the future development potential of the adjacent sites. In order to provide equitable development on the other side of the laneway all parts of the terraces should be setback a minimum 2.72m from the boundary. A minimum setback of 2.72m would provide a setback of 4.5m from the centre of the laneway allowing for a 9m separation distance to be provided between facing dwellings on either side of the laneway.</p> <p>It is therefore recommended that should a permit be issued a condition is included which requires the south facing terraces to apartments 3.09 and 3.10 to be setback a minimum 2.72m from the southern boundary (<b>recommended condition 1g</b>).</p>
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<p><u>Landscaped Setbacks</u></p> <p>Frontages along St Kilda Road and Queens Road must be retained as open space for substantial landscaping and pedestrian activity:</p> <ul style="list-style-type: none"> <li>– St Kilda Road frontages should function as a forecourt for public, private and communal use. Public seating areas should be provided in these forecourts.</li> <li>– Queens Road frontages should be designed to provide substantial landscaping, including, where appropriate, large scale canopy trees.</li> </ul> <p>Clear sightlines should be provided from the footpath to the building façade to increase perceptions of pedestrian safety.</p> <p>Water sensitive urban design treatments should be incorporated into frontage design to manage and reduce stormwater runoff.</p> <p>Exhaust stacks from underground car parks must be located away from main pedestrian areas and incorporated into the building design or adequately screened.</p> <p>Grade differences between the ground floor level and natural ground level should be kept to a minimum. Where level differences cannot be avoided (for example, due to the Special Building Overlay), stairs, terraces, disabled access ramps must be designed to not visually dominate the frontage setback space or significantly reduce the area for landscaping.</p>	<p><b>Achieved</b></p> <p>Clear sightlines from the footpath to the building façade would be retained.</p> <p>Water Sensitive Urban Design (WSUD) treatments would be dealt with through conditions in accordance with the recommendations of Council’s Sustainable Design Officer.</p> <p>There are no exhaust stacks to the car park that would affect the main pedestrian areas.</p>
<p><u>Heritage</u></p> <p>New development must respect the form, massing and siting of heritage buildings on the development site or adjoining sites.</p>	<p><b>N/A</b></p> <p>There are no heritage buildings within the immediate vicinity of the site.</p>



<p><u>Street Wall/Podium Level</u></p> <p>The design of podiums should create a 'human scale' providing visual interest and activity for pedestrians at the street edge, ameliorate wind effects and provide access to sunlight and sky views.</p> <p>The design of buildings should reinforce the pattern of the street by aligning their façade with the curvature of the street frontage.</p> <p>The design of new buildings should include openable habitable windows and balcony doors on the first five levels of the 'street wall' to enhance the sense of connection, surveillance and safety at ground level.</p> <p>All car parking at ground level or above must be sleeved with active uses to ensure it is not visible from the street.</p> <p>Buildings located on corner sites should address both street frontages</p>	<p><b>Achieved</b></p> <p>This has been discussed earlier in this report.</p>
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<p><b>Active Frontages</b></p> <p>New development should provide integrated community and active space at street level that contributes to a high quality public realm.</p> <p>All building frontages (except on laneways and service streets) should:</p> <ul style="list-style-type: none"> <li>– Be orientated towards the street.</li> <li>– Allow for natural surveillance and a visual connection into the building through transparent windows and balconies.</li> <li>– Avoid blank walls, large areas of reflective services, high fences, service areas, car parks and garage doors in the podium interface areas.</li> <li>– Provide clear glazing to street frontages; security grills must be visually permeable and mounted internally.</li> <li>– Provide no or low, visually permeable front fencing.</li> </ul> <p>New development along Queens Lane and Bowen Lane should incorporate lighting, entry doors, habitable rooms with windows, and display windows.</p> <p>Design pedestrian entrances to open directly onto the street, as a key feature of the façade and at the same level as the public footpath.</p> <p>Foyer areas should have visibility to the street and be designed to encourage activity and interest both within and external to the building.</p> <p>New development within a residential zone should provide:</p> <ul style="list-style-type: none"> <li>– Individual entry points to ground level dwellings to create multiple residential addresses along the building façade, rather than a single entry point.</li> <li>– Entrances with weather protection and lighting.</li> </ul>	<p><b>Achieved</b></p> <p>Two retail tenancies (total GFA 161sqm) are proposed on the ground floor. Along with the lobby for the apartments an active interface would be provided across 2/3rds of the frontage. Car parking access is proposed across part of the frontage. In this instance this is considered necessary given that constrained size of the laneway at the rear of the site.</p> <p>Council’s Urban Designer has provided comments that the fire booster cupboard at the front of the site should be relocated to further enhance the activation of the frontage. The relocation of the fire boosters would result in a positive outcome. However, it is a standard requirement of the Metropolitan Fire Brigade (MFB) for fire booster cupboards to be located at the front of the site and the relocation of the booster cupboard is therefore not possible.</p> <p>The foyer and pedestrian entrance to the building is proposed on the Bank Street frontage. The foyer is clearly visible from the street and is of a size and design which would encourage a clear link and create activity and interest with the public realm.</p> <p>Overall, the building would provide a suitably active and visually interesting frontage that contributes to a high quality public realm</p>
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<p><u>Tower Design and Internal Amenity</u></p> <p>Tower forms (above podiums) should not exceed a maximum width of 35 metres to:</p> <ul style="list-style-type: none"> <li>– Ensure that daylight penetrates through to parts of the building and streets, and adjoining buildings.</li> <li>– Reduce their perceived visual bulk.</li> <li>– Maintain sightlines between buildings.</li> </ul> <p>New residential development must have access to onsite communal or private open space in the form of rooftops, podiums, balconies or courtyards.</p>	<p><b>Achieved</b></p> <p>The tower portion of the building (above 18.4m) would be no greater than 22.1m wide and 41.5m long.</p> <p>Currently there is no tower on an adjoining site. Given that the proposed walls of the building would be setback 4.5m from the shared boundaries, it is considered that further development on adjoining sites would still allow for daylight penetration between buildings.</p> <p>Each new apartment would have access to a balcony at least 8m<sup>2</sup> in size.</p> <p>In addition to private balconies, the residents would have access to communal lounges, dining and terraces areas on level 6.</p>
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<p><b>Building Services</b></p> <p>Waste materials storage and services must be provided on site and should be screened from areas of high pedestrian activity.</p> <p>Waste storage or services should not impede pedestrian access and should be located away from footpaths.</p> <p>New buildings should provide internal and on-site loading facilities and on-site service vehicle parking at the rear of buildings to minimise disruption of traffic or pedestrian access and avoid laneway congestion.</p> <p>Building services on rooftops should be screened to avoid detrimental noise and visual impacts on the amenity of both private and public realms.</p> <p>Noise attenuation measures and suppression techniques should be incorporated into developments to ensure noise does not unreasonably affect the amenity of public areas and nearby residences.</p> <p>Green roofs, roof gardens and vertical gardens should be encouraged in new or refurbished buildings. Green roofs are defined as a vegetated landscape built up from a series of layers that are installed on the roof surface as 'loose laid' sheets or modular blocks.</p>	<p><b>Not Achieved – Condition Required</b></p> <p>The waste storage area and services would be located internally at basement and ground floor level. Waste vehicle access is proposed via Bank Street.</p> <p>The roof top services would be screened by 1.4m screens and this would appropriately address visual impacts on surrounding sites and public areas.</p> <p>No on-site loading has been provided. It is not considered appropriate for no on site loading provision. A detailed assessment of loading is considered in section 9.8 of this report.</p> <p>If a permit were to issue, noise attenuation measures could be incorporated into the development through conditions, if necessary. However, the uses proposed would not generate unreasonable noise, so only standard conditions regarding plant/ equipment noise would be required.</p> <p>A green roof has not been incorporated into the design.</p>
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<p><u>Vehicular Access and Car Parking</u></p> <p>Vehicle crossovers should be no more than 6m wide, with a maximum of one crossover per site.</p> <p>Vehicle ingress and egress must be located on lanes, where possible.</p> <p>Car access ways should not visually dominate the façade of a building, and be visually permeable to retain a visual connection through the site and allow for natural surveillance.</p> <p>Car parks should be built underground or located to the rear of the site to enable active uses on the street frontage. Where car parks are built above ground, they should not front the site or be visible from St Kilda Road, Queens Road or Punt Road.</p> <p>Car parking within a podium should incorporate floor to ceiling heights of 3.5m to enable future adaptation for habitable uses.</p> <p>Open/at-grade car parks should not be located in front setback areas.</p>	<p><b>Not Achieved – Condition Required</b></p> <p>An assessment of car parking and access is provided in section 9.6 of this report.</p>
<p><u>Pedestrian Permeability</u></p> <p>New development should include pedestrian links along St Kilda Road, Queens Road and areas in the Mixed Use Zone to create mid-block links and increase the permeability of the Precinct.</p> <p>Development should enhance existing links/laneways by providing a mix of active and non-active frontages, appropriate to the role of the link / laneway.</p>	<p><b>Achieved</b></p> <p>A link through to the rear laneway is not desirable in this location as the rear lane is narrow and adjacent to the site is the laneway with direct access to Park Street. Moreover the size of the development site does not lend itself to a public walkway area.</p> <p>The rear laneway is not an active pedestrian link and is predominantly a vehicular entry via Wells Street and exit via Park Street. The development would provide some pedestrian access, mainly for servicing, at the back of the building which would provide some level of passive surveillance as would the rear terraces at level 3 and to a lesser extent on the higher levels.</p>



9.3 **Urban Design Principles and Policy**

Other relevant Urban Design policies to this proposal include Clauses 15.01-2 Urban Design Principles of the State Planning Policy Framework (SPPF) and 22.06 Urban Design Policy for Non Residential Development of the Local Planning Policy Framework (LPPF)

Clause 15.01-2 Urban Design Principles

Clause 15.01-2 sets out objectives and policy for high quality urban design and architecture. An assessment against each of these objectives and policies is not necessary, because these issues have been addressed through the DDO26 requirements. There are areas of noncompliance which relate to the areas of noncompliance outlined in relation to the DDO.

Urban Design Guidelines for Victoria

Amendment VCI39 introduced the Urban Design Guidelines for Victoria to all planning schemes on 29 August 2017. The guidelines replace the Guidelines for Higher Density Residential Development as well as the Activity Centre Design Guidelines (DSE 2005) and Safer Design Guidelines for Victoria (DSE 2005). They have resulted in a number of planning scheme changes that require the assessment of new built form for apartment buildings of five or more storeys in height. There are no transitional arrangements that apply.

An assessment of the relevant provisions of the Urban Design Guidelines is included below:

Requirement	Assessment
<p><b>3.4 COMMUNAL OPEN SPACES</b></p> <p><b>This provision applies to new development (residential or non-residential) where communal open space is proposed on private land.</b></p> <ul style="list-style-type: none"> <li>• To ensure communal open space is accessible and functional.</li> <li>• To support a safe and enjoyable communal open space for its intended users.</li> <li>• To ensure communal open spaces are well maintained</li> </ul>	<p><b>Achieved</b></p> <p>The proposed development incorporates both indoor and outdoor communal space (gym, dining areas and residential lounge) on the top level of the podium (level 6). The communal open space would be accessible to all residents via lifts. The two areas of communal open space would have a combined area of 115sqm to provide a functional area that would provide a positive addition for residents of the development.</p> <p>No details of landscaping of the communal opens pace was provided. Should a permit be issued it is recommended that a condition is included requiring a Landscape plan for the development (<b>recommended condition 12</b>).</p>



<p><b>5.2 HIGHER DENSITY RESIDENTIAL BUILDINGS</b></p> <p><b>This provision only applies to apartments or flats in a single building of five or more storeys in height.</b></p>	
<p><u>5.2.1 To create a sense of address for dwellings within higher density residential buildings</u></p> <p><b>A</b> Create multiple building entries that serve smaller groups of dwellings within a building.</p> <p><b>B</b> Arrange building façades to identify individual dwellings.</p>	<p><b>Achieved</b></p> <p>A lobby/foyer to the dwellings would be provided on Bank Street that would provide entry to the apartments on the upper levels of the building. The proposed lobby/foyer is easily identifiable from the street and would provide an appropriate sense of address for the residential dwellings within the development.</p>
<p><u>5.2.2 To enable informal surveillance of streets and public spaces from higher density residential buildings</u></p> <p><b>A</b> Elevate ground floor dwellings to provide views to adjacent public spaces and streets.</p> <p><b>B</b> Locate windows of living areas to overlook streets and other public spaces.</p>	<p><b>Achieved</b></p> <p>The development does not propose any dwellings on the ground floor. The apartments on the upper levels of the building have been designed with windows and living areas that would overlook the street to provide passive surveillance and activation of the building.</p>



<p><u>5.2.3 To support safe and convenient access and circulation for residents and visitors to higher density residential buildings</u></p> <p><b>A</b> Locate the main pedestrian entry to be clearly visible and accessible from the street.</p> <p><b>B</b> Provide shelter and waiting space on the street at pedestrian entries to buildings.</p> <p><b>C</b> Provide clear sightlines from the building foyer to the street so people can see both in and out when entering or leaving a building.</p> <p><b>D</b> Lay out building entry areas to achieve direct sightlines from the outside of the entry door to all of the lobby space.</p> <p><b>E</b> Provide mail boxes and parcel post facilities close to the building entries in an active, well-lit and weather-protected area, with potential for informal surveillance.</p>	<p><b>Achieved</b></p> <p>The lobby/foyer for the dwellings is clearly visible and accessible from Bank Street. It has been designed to provide clear sightlines to and from the building and has a canopy that would afford appropriate weather protection for residents and visitors. A mail room is provided off the foyer</p>
<p><u>5.2.4 To minimise noise reverberation between faces of neighbouring higher density residential buildings</u></p> <p><b>A</b> Apply sound diffusing surfaces to walls within light courts, or walls facing onto streets or lanes less than 7.5m wide.</p> <p><b>B</b> Locate mechanical plant rooms in sound insulated areas.</p> <p><b>C</b> Shield adjacent dwellings from mechanical plant noise.</p>	<p><b>Not Achieved - Condition required</b></p> <p>The plans do not include any details of sound diffusing surfaces for the apartments on the southern elevation that face onto the laneway.</p> <p>Should a permit be issued, it is recommended that a condition is including to address this issue <b>(recommended condition 11)</b>.</p> <p>Mechanical plant rooms are separated from apartments to ensure apartments are shielded from noise from any services.</p>





<p><u>5.2.5 To maintain common spaces, services and landscaped areas to ensure residents’ safety in higher density residential buildings</u></p> <p><b>A</b> Locate waste bin storage areas away from property boundaries so the bins cannot be used to climb walls and fences.</p> <p><b>B</b> Maintain landscaping near higher density residential building entries to remove potential concealment places.</p>	<p><b>Achieved</b></p> <p>Common spaces and service areas are located to ensure that they could not be used to access private dwellings.</p>
<p><b>5.4 CAR PARKING STRUCTURES</b></p> <p><b>This objective applies to buildings either used solely for car parking or mixed with other uses. Can include above or below ground structures.</b></p>	
<p><u>5.4.1 To provide conveniently located car parking structures</u></p> <p><b>A</b> Locate car parking structures in proximity to the activities they support.</p> <p><b>B</b> Where possible, share the car parking facility between multiple neighbouring uses.</p>	<p><b>Achieved</b></p> <p>Car parking would be provided on the ground and first floor which would be accessible to and from the residential foyer. This is considered appropriate to the development that is proposed.</p>
<p><u>5.4.2 To ensure car parking structures support an active and safe interface with the street</u></p> <p><b>A</b> Where practical, locate larger car parking structures below ground or within buildings or wrap them in a residential or commercial use.</p> <p><b>B</b> Incorporate active uses into the building frontage of car parking structures.</p> <p><b>C</b> On the principal street façades of the car parking structure, detail the walls to provide an interesting appearance.</p> <p><b>D</b> Protect sensitive adjacent uses from vehicle noise, vibrations and emissions.</p>	<p><b>Achieved</b></p> <p>The car park would be wholly contained within the building on the ground and first floor. Part of the street frontage is to be used for access to the car park. In this instance given the access difficulties associated with the narrow laneway at the rear of the site, the provision of an access point to Bank Street is considered acceptable. It is further noted that the current planning approval (808/2009) includes an access point and crossover from Bank Street and that there is an existing crossover to Bank Street.</p>



<p><u>5.4.3 To maximise informal surveillance opportunities within car parking structures</u></p> <p><b>A</b> Locate pedestrian entrances to car parking structures in convenient and visible locations at ground level on an active street frontage.</p> <p><b>B</b> Minimise the number of pedestrian entry and exit points to multi-level car parks.</p> <p><b>C</b> Locate pedestrian ramps, stairs and lift entrances in areas that are easily seen from internal pedestrian paths.</p> <p><b>D</b> Locate stairwells and lifts at the perimeter of the car park and clad walls with transparent materials.</p>	<p><b>Achieved</b></p> <p>Access to the car park allows for appropriate surveillance.</p>
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<p><u>5.4.4 To ensure safe and convenient pedestrian movement around and within car parking structures</u></p> <p><b>A</b> Locate vehicle entrances to car parking structures away from pedestrian priority streets and public transport routes.</p> <p><b>B</b> Arrange vehicle exits so that vehicles leave car parking structures in a forward direction and do not block pedestrian paths when exiting.</p> <p><b>C</b> Where car lifts are employed, provide sufficient space for car queuing off the street and away from pedestrian paths.</p> <p><b>D</b> Provide and locate bicycle parking close to vehicle entry points, with easy access to the public area of the car parking structure.</p> <p><b>E</b> Locate visitor and disabled parking close to the vehicle entry and with easy access to pedestrian paths and the public area of the car parking structure.</p> <p><b>F</b> Provide dedicated and marked pedestrian paths in busy areas within car parking structures.</p> <p><b>G</b> Use colours, lighting and numbers as part of a way-finding system within the car parking structure.</p>	<p>A detailed assessment of access and manoeuvring is provided later in this report.</p>
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Clause 22.06 Urban Design Policy for Non Residential Development and Multi Unit Residential Development

An assessment against each of these policies is not necessary, due to the extent of what is covered under the DDO26 requirements. There are areas of noncompliance, which relate to the areas of non-compliance outlined in relation to the DDO.

The following provisions relating to on site and off site residential amenity have not been addressed in the DDO assessment are considered as follows:

<p><b>Clause 22.06 – Urban Design Policy for Non Residential Development and Multi Unit Residential Development</b></p>	<p><b>Assessment</b></p>
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<b>Landmarks, Views and Vistas</b>	<b>Achieved</b>
<p>Encourage new development to preserve the visual prominence of key landmarks in the municipality from adjoining streets, foreshore areas and other key public spaces. These landmarks include (but are not limited to):</p> <ul style="list-style-type: none"> <li>○ The Melbourne Central Activities District</li> <li>○ Maritime structures such as St Kilda Pier Kerferd Rd Pier and Station Pier</li> <li>○ Landmarks of cultural significance such as town halls, clock towers, church spires synagogues, grandstands and hotels</li> <li>○ Landmark heritage buildings</li> <li>○ The foreshore and adjacent boulevards and promenades</li> <li>○ Public gardens and other key public open spaces.</li> </ul> <p>Encourage, where appropriate, new developments on major strategic sites to seek to create or emphasise landmarks, views and/or vistas by carefully responding to the site's context (a landmark can be expressed in a variety of ways other than building height and may include the restoration and recycling of a heritage place).</p> <p>Encourage new development to maintain and enhance important vistas in the municipality including, but not limited to:</p> <ul style="list-style-type: none"> <li>○ Along St Kilda Rd, particularly towards the Shrine of Remembrance</li> <li>○ The Shrine Vista</li> <li>○ From the foreshore and its piers and the</li> <li>○ Bay towards the Melbourne CAD skyline</li> <li>○ Along the beach front roads and boulevards, towards the foreshore and Port</li> </ul>	<p>The development would not affect any special or protected landmarks, views or vistas, such as Shrine of Remembrance.</p> <p>The subject site is not a major strategic site.</p>



<p>Phillip Bay in both directions</p> <ul style="list-style-type: none"> <li>○ Along local roads and streets to Port Phillip</li> <li>○ Bay, the Melbourne CAD, Albert Park Reserve and local parks and gardens</li> <li>○ The built form edge of key open spaces including the foreshore</li> </ul>	
<p><b>Urban Art</b></p> <p>Require all new developments where the Total Project Cost* (as shown on the Planning Permit Application Form) exceeds \$2 million to provide an urban art contribution that addresses Principle 1 and 2 of the Urban Art Strategy 2002.</p> <p><u>Principle 1: Responsive Design</u></p> <p><i>The City of Port Phillip commits to a responsive design approach for the development of Urban Art, which reflects the identity of place, community values and innovation and creativity.</i></p> <p><u>Principle 2: Integrated Art</u></p> <p><i>The City of Port Phillip commits to a relational art approach, which will ensure Urban Art Demonstrates appropriate aesthetic appeal, functionality and utility in design development. Within this approach, art emphasises integration (e.g. response, memory and facilitation for 'place-making'), and/or promotes intervention (e.g. provocation, parody and challenge for 'agenda-setting').</i></p> <p><i>* Where staged permits are issued, the aggregated value of all permits relating to one building is the determining value for the Total Project Cost.</i></p>	<p><b>Not Achieved - Condition Required</b></p> <p>The submitted plans indicate that feature artwork is to be provided on the first floor of the building. The plans do not include specific details of the actual art work. Council’s Urban Designer has provided comments that clarification of the material and form would need to be provided in plans sections and external finishes schedule.</p> <p>Should a permit be issued it is recommended that a condition is included requiring details of an Urban Art contribution in line it the requirements of this provision (<b>recommended condition 1p</b>).</p>



<p><b>Residential Amenity</b></p> <p>Require that new private or communal open space areas receive a minimum of four hours of sunlight between the hours of 9.00a.m and 3.00p.m on 22 September (the equinox).</p> <p>Ensure that solar access to existing habitable rooms and private open space of neighbouring residential properties is not unreasonably affected.</p> <p>Ensure that existing habitable room windows and private open space areas of neighbouring residential properties are protected from additional direct overlooking through appropriate siting, setbacks, building articulation and screening devices.</p> <p>Protect the occupants of existing and new buildings from external noise through appropriate acoustic building treatment (such as double glazing), and through the siting of mechanical equipment and open space areas.</p>	<p><b>Achieved</b></p> <p><u>Internal amenity</u></p> <p>Communal open space would be provided at the top of the podium level. The position of the communal areas of open space would ensure that they would receive adequate sunlight.</p> <p>Individual areas of private opens space are also proposed to all of the apartments. The level of overall sunlight that would be provided for the development is considered acceptable.</p> <p><u>Impact on amenity of neighbouring residential properties</u></p> <p>The subject site does not abut any existing residential dwellings. The adjoining sites to the east and west are office buildings as well as those properties on the opposite side of Little Bank Street to the rear of the site.</p> <p>The nearest residential developments are the residential buildings to the south east (52 Park Street) and south west (88 Park Street).</p> <p>Shadow diagrams have been submitted which show that the building would overshadow the tennis court of the 88 Park Street in the morning but would not affect any of the apartments. The shadow diagrams show that in the afternoon shadows from the building would affect the western edge of the apartments within the 52 Park Street building. In the development context of the surrounding precinct overshadowing from the proposed building is considered reasonable.</p> <p>All apartments within the new building would be located more than 9m from any existing residential dwellings which would ensure that no existing habitable room windows or areas of private open space would be unreasonably affected by overlooking.</p>
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#### 9.4 Internal Amenity

The proposed development would provide an internal floor area for the apartments between 47sqm and 161sqm. There are only a few apartments that have an internal floor area of 50sqm which is a significant improvement from the existing approval (808/2009) where a high proportion of the apartments in the development had an internal floor area less than 50sqm. Nevertheless, the apartments under 50sqm that are being proposed are not considered to be of sufficient size to provide comfortable and practical living arrangements for future residents. It is therefore recommended that should a permit be issued a condition is included which requires all one bedroom apartments to be redesigned to provide a minimum internal floor area of 50sqm (**recommended condition 1h**).

Apartments are designed around a central core, orientated to the front, rear of sides of the site. All habitable rooms would have direct access to natural light and ventilation. This is a significant improvement on the previous approval where the endorsed plans show that a high proportion of the apartments were designed with bedrooms that had to rely on borrowed light. The application has been referred to Council's Sustainable Design Officer who has not raised any concerns about the indoor environmental quality of the development.

All of the apartments would be provided with their own individual areas of private open space in the form of balconies which provide a minimum of 8sqm. In addition communal facilities are provided on levels 5 and 6 (gym, resident lounge, resident dining and communal terrace). This is considered adequate to provide for the reasonable recreation and service needs of residents.

#### 9.5 Sustainable Design / WSUD

A Sustainable Management Plan (SMP) prepared by ADP Consulting has been submitted with the application. The SMP has been reviewed by Council's Sustainable Design Officer who has formed the view that the project as submitted does not meet Council's best practice standards. The particular items that have not been resolved include the following matters (summarised from the referral from Council's ESD officer):

##### Changes to plans

- External shading devices to be provided to all unprotected north, west and east facing glazing of apartments. Shading should be provided as either slab extension/horizontal fins on every level
- Details of shading to the gym and common dining room.
- Climbing vegetation is indicated on the landscape plan. Consider the horizontal expansion of these to offer seasonal shade to the east, north and western paved courtyards. This will increase amenity and reduce UHI potential.

##### Changes to SMP and associated BESS assessment

- BESS report update to correctly refer to 174 apartments not 74.
- Details of practical ventilation should be included.
- NatHERS modelling – An insufficient number of apartments modelled. The height of the building, the nature of corner, and aligned apartments, changes in the



number of bedroom, varied orientations, and the variations in location in height on the podium and tower provide at 9-15 significant thermal scenarios.

- The STORM assessment shown indicates the approximate 80% reliability for reuse of rainwater from non-trafficable roofs for toilet flushing. Please confirm this includes the full roof area including, the lift roof, and plant area, and revise STORM assessment accordingly.
- Planters are shown on Level 2 and 3 apartment courtyards that appear to have access only via individual apartments. Please clarify the access and maintenance regime for these.
- Considerable planters are indicated on the north-facing terraces adjacent to the Resident Lounge and Dining areas on Level 6. Should consider:
  - The reconfiguring the planters and bench seating adjacent to the Resident Lounge to provide a productive garden which potentially will allow access to residents
  - The provision of low (similar to planter height) garden storage locker to support the use of these planters.

The changes required to satisfy the outstanding matters in relation to the SMP would not require fundamental changes to the development and could be addressed through conditions of the permit. Therefore, it is recommended that these outstanding matters are noted and should a permit be issued be required to be incorporated as conditions of the permit. Changes to the plans to show details of shading devices are recommended by **condition 1q)** and changes to the SMP are recommended by **condition 3**.

9.6 **Traffic and Parking**

Car Parking:

The following table shows the Planning Scheme parking requirements for the development:

Proposed Development	Total Required Parking under the Planning Scheme	Proposed car parking provided	Required Variation





174 x 1 and 2 bedroom dwellings  2 retail premises (161sqm)	<p><b>Total = 213 spaces</b></p> 1 space to each one and two bedroom dwelling = 174 spaces  4 spaces per 100sqm of shop = 6 spaces  One visitor space to every 5 dwellings = 34 spaces	<p><b>Total = 124 spaces</b></p> 122 resident spaces  2 shop spaces  0 spaces provided for visitors	<p><b>56 spaces for residents and shops</b></p> <p><b>34 visitor spaces</b></p>
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The sites location with good access to public transport and services are persuasive reasons to support the reduction of the four parking spaces for the dwellings and the shop. The site is well served by public transport with trams (routes 3, 5, 6, 8, 16, 64, 67 and 72) including the new Park Street tram stop opposite 200 Wells Street and bus services (bus routes 216, 219 and 220) located nearby. Additionally, the entrance to the future Domain railway station is located close to the site. The site is also close to the Clarendon Street activity centre (600m west of the site), proximate to the Melbourne CBD and near large areas of open space (Kings Domain and Albert Park within walking distance of the site). The good access to public transport and the close proximity to local services would ensure that suitable public transport alternatives are readily available to residents and that services are easily accessible without the need to rely on private transport.

No visitor car parking would be provided for the development. With the public transport alternatives that are accessible to the site there is considered justification for a reduction of some visitor spaces for the development. However, a total reduction of all visitor spaces is not considered appropriate and provision should be allocated for some visitor parking in order to cater for the needs of residents. Without any visitor parking it would be difficult for tradesman to be able to service any of the apartments or to provide for other visitors. In this location there are no real alternatives for visitors to park within the nearby area during the day. There is some street parking provided near the subject site but this is either highly restricted or ticketed during business hours. As detailed in the traffic report submitted with the application the restricted and ticketed parking means that there is limited opportunity for long term parking in the area during the day. Additionally, parking in this area is also to be further restricted through the loss of spaces to create the new tram stop in Park Street and the spaces removed as a consequence of the works associated with the construction of the Domain Station.

It is noted that Clause 21.04-3 has objectives and strategies that outlines new development should provide appropriate car parking facilities. The lack of visitor parking or any suitable alternative to cater for visitors is considered contrary to this provision.

Based on the above some parking for visitors should be provided on site. This does not necessary need to be in line with the 34 spaces required by Clause 52.06. The recent planning approval for the development at 200 Wells Street (906/2016) provided 15 visitor spaces for the 201 dwellings in the development. In line with this approval a



similar rate of visitor parking should be applied for this development. Using the rate of 1 visitor space per 13.4 dwellings would result in 13 visitor spaces should be provided for this development. The provision of 13 visitor spaces would allow for any required trades/services, cleaners, parking for careers etc.

Given that there is already a parking shortfall for the resident car spaces the 13 visitor spaces must not replace any of the car parking spaces allocated for residents but rather be in addition to the 124 spaces that are to be provided on site. This would require changes and possible enlargement of one or both of the car park areas that are proposed for the development. Should a permit be issued it is recommended that a condition is included which requires plans to be amended to show an additional 13 visitor parking spaces to be provided on site (**recommended condition 1i and 24**).

Traffic

A Traffic Impact Assessment prepared by One Mile Grid was submitted with the application. This assessment details that the ground floor car park (Little Bank Street) would generate 177 Vehicle movements per day and the first floor car park (Bank Street) would generate 131 vehicle movements per day. In the AM and PM peaks the two car parks would generate the following traffic volume:

Street	Traffic Volume	
	AM Peak Hour	PM Peak Hour
Bank Street	15	15
Wells Street	4	11
Kings Way	7	4
Park Street	7	3
Overall	33	33

The application has been referred to Council’s Traffic Engineer who has not raised any concerns about the total traffic generated by the development. However, concerns were raised about the traffic impact on Little Bank Street as the traffic report did not provide any information on existing traffic volumes in this laneway nor did it provide any reference to a cumulative assessment of traffic impacts from other know developments. Without a cumulative assessment from traffic in Little Bank Street, the proposed ground floor car park is not supported in its current arrangement. Consideration of the access arrangements to Little Bank Street and recommended changes is provided in the assessment below.

Access and Manoeuvring

The development would provide two car parking areas that have separate access points, consisting of a ground floor car park for 71 spaces which would be accessed from the rear laneway (Little Bank Street) and a first floor car park for 53 spaces accessed from Bank Street.



Rear Access - Little Bank Street

The rear access, Little Bank Street is a narrow single width laneway that runs between Kings Way (west) and Wells Street (east). The referral comments from Council's Traffic engineer have highlighted the small 3.15m size of this laneway. There are a number of sites that have access to this laneway (a site visit confirmed that 16 sites have a direct abuttal to Little Bank Street) and at present most of these sites have some sort of access arrangement via Little Bank Street. As it exists today the narrow width of this laneway is problematic for the existing uses that share the laneway.

This part of South Melbourne is rapidly evolving from a smaller scale office precinct to a more residential focused mixed use precinct with significantly larger buildings. The recently adopted DDO26 allows for a substantial increase in the permissible height for those sites that have an abuttal to Little Bank Street. Under the controls of the DDO this would possibly result in a number of large scale mixed use buildings being developed on those sites that share access to Little Bank Street.

For these reasons the access arrangements proposed for this application is not considered appropriate. The applicant has not provided an assessment of the cumulative traffic impacts of the laneway associated with existing uses, other planning approvals and the subject development. Comments have also been provided from Council's Traffic Engineer that there are concerns with the specific access arrangement to Little Bank Street, in particular the ramp design and access from the laneway into the ramp.

There were similar access concerns in the assessment of a planning application at the eastern end of Little Bank Street at 200 Wells Street. The VCAT approval for Planning Permit 906/2016 approved a 20 storey mixed use building for shops and dwellings which proposes vehicle access from Little Bank Street. This application was settled at a VCAT compulsory conference and a number of conditions were included on the permit to address concerns of Council and objectors. One of the conditions addressed concerns that Little Bank Street was not wide enough to allow for safe and manageable vehicle access to the building car park. Condition 1(b) requires the ground and first floor podium level to be setback 2.2m from Little Bank Street to allow for a passing/waiting lane on the site. The additional setback of 2.2m would increase the width of the laneway outside the 200 Wells Street site to 5.35m. At a width of 5.35m the laneway would improve vehicle manoeuvring within the laneway and access to the car park at 200 Wells Street.

It is recommended that a similar setback be provided for the development on the subject site. The provision of a 2.2m setback would help alleviate the concerns that have been raised by Council's Traffic Engineers about manoeuvring from the laneway into the ramp for the rear car park. The additional setback would also help improve the overall functionality of this narrow laneway and provide consistency with the permit that has been approved at 200 Wells Street. With a 5.35m wide laneway at the eastern and western ends of Little Bank Street there would be a precedent to continue a similar increase of the setbacks right along Little Bank Street. This would significantly improve the functionality of this laneway in the future where a significant increase of vehicles are likely once the other sites are developed in line with the recently adopted DDO.

The provision of a 2.2m setback at the ground and first floor would result in 36 car parking spaces being removed from the development. Given that there is already a parking shortfall for this development, the 36 spaces that would be lost must be



provided somewhere else within the building. This would require changes and possible enlargement of one or both of the car park areas that are proposed for the development. The approval for the 200 Wells Street development provided a new basement level to provide a minimum 32 spaces. It is therefore considered that this could be achieved without a significant redesign of the building.

Should a permit be issued it is recommended that a condition is included which requires plans to be amended to show an additional 2.2m setback provided at the ground and first floor (**recommended condition 1j**). A condition is also recommended which requires plans to be amended to show an additional basement level to provide the 36 spaces which would be lost through the provision of the 2.2 setback from Little Bank Street at the ground and first floors (**recommended condition 1k**).

Front Access - Bank Street

The first floor car park would be accessed via a double width (5.5m) driveway to Bank Street. Council’s Traffic Engineers have provided comments that there are concerns about driver visibility to pedestrians along the Bank Street footpath, height clearances above the Bank Street ramp and the triple crossover proposed to Bank Street. Changes have been sought to the plans to address these matters including the provision of a sight triangle on the western corner of the Bank Street ramp, the provision of a cross section plan of the Bank Street ramp to demonstrate adequate height clearance and the triple crossover to Bank Street redesigned as a 5.5m wide crossover. Should a permit be issued it is recommended that these are included as conditions of the permit (**recommended condition 1m**).

Access and Manoeuvring within the Car park

Council’s Traffic Engineers have provide comments that clarification is required for a number of aspects of the car park and internal access arrangements. These include confirmation of the car stackers model and additional swept path diagrams which demonstrate satisfactory access to critical car spaces including those numbered 16/17, 18/19/20, 81/82, 83/84, 85/86, 122 and 123. Should a permit be issued it is recommended that these are included as conditions of the permit (**recommended condition 1l**).

9.7 **Bicycle Parking**

Clause 52.34-1 of the Planning Scheme requires bicycle parking and facilities as follows:

Bicycle parking rate	No. dwellings	Spaces required	Spaces proposed
Dwellings (in developments of four or more storeys) must provide one (1) resident bicycle space / 5 dwellings and one (1) visitor bicycle space / 10 dwellings	174	35 resident and 18 visitor = 53 spaces total	56 spaces total

The number of bicycle parking spaces proposed would exceed the number of spaces required for the dwellings under the Planning Scheme and therefore is considered



acceptable.

9.8 **Loading and Unloading**

Pursuant to Clause 52.07 Loading and Unloading of vehicles no buildings or works may be constructed for the sale of goods or materials unless space is provided on the site for the unloading and unloading of vehicles. As no loading bay would be provided a waiver of the standard loading bay is being sought.

In assessing the waiver of the loading bay it is noted that on street loading facilities are available in front of the subject site. However, given the number of commercial business that continue to operate in this area along with the emerging large scale mixed use development envisaged within this precinct the existing street loading would not likely be able to satisfy the long term loading demands of this area. It is also noted that the objectives and strategies of Clause 21.04-3 includes provisions that appropriate loading facilities should be provided for development in the office and mixed use precincts.

A large car park area is proposed on the ground floor which could easily accommodate some type of loading facilities for the development. Should a permit be issued it is recommended that a condition is included which requires an on-site loading facility for the development (**recommended condition 1n**).

9.9 **Waste Management**

The application included a Waste Management Plan (WMP) prepared by Frater Consulting. The WMP has been referred to Council's Waste Management Coordinator who has provided comments that a number of matters:

*Council 240L bins can only be supplied if the retail outlets are being used for office space or something similar. Council will not issue 240L bins for retail food outlets. There will be an additional cost as Council normally only provides 120L bins.*

*- Under 6.2, p. 10 'Bin Usage' a distinction will need to be made about different practices for the disposing of waste and recycling. Residents will need to bag their garbage, and recyclables will need to be loosely dropped into chutes because bagged recycling is contamination in the recycling stream. This will be important especially because residents are going to receive a copy of this WMP.*

*- In the bin room on the plan, the two 240L retail garbage are being stored in the bin room. This will need to be removed and they are to be stored in the retail space as specified by the WMP. Additionally, two extra 1100L bins are shown on the plans. Extra bins are allowed on site as back-up but best to remove from the plans to match the WMP allocation of 6 total 1100L bins for residents.*

*- There will need to be a consideration for the volumes of hard waste that will need to be stored in between the 6 free hard waste collections per year. Some of the changes to the bin room mentioned in these comments are likely to provide more space to store this hard rubbish.*

The changes required to satisfy the outstanding matters in relation to the WMP would not require fundamental changes to the development and could be addressed through condition of the permit. Therefore, it is recommended that these outstanding matters are noted and should a permit be issued be required as a condition of the permit (**recommended condition 9**).



**10. COVENANTS**

- 10.1 The applicant has completed a restrictive covenant declaration form declaring that there is no restrictive covenant on the titles for the subject site known as land in consolidation 360635H [Parent Title Volume 01957 Folio 220].

**11. OFFICER DIRECT OR INDIRECT INTEREST**

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

**12. OPTIONS**

- 12.1 Approve as recommended  
12.2 Approve with changed or additional conditions  
12.3 Refuse - on key issues

**13. CONCLUSION**

- 13.1 The proposed development, subject to the recommended conditions, complies with State and Local planning provisions contained within the Planning Scheme as it would:
- Be consistent with the strategic direction outlined by the Port Phillip Planning Scheme. The subject site is located in an area identified as a preferred location for higher density housing which is also highly accessible to public transport and services.
  - Be designed with a form and presentation that would provide a comfortable fit with the emerging character in of this section of the St Kilda Road North Precinct.
  - Be a significant improvement from the building approved by the existing planning permit, designed with heights and setbacks that align with the built form requirements of DDO26 to be more compatible with the future development of this section of the St Kilda North precinct.
  - Achieve a visually-interesting and well-articulated contemporary composition that would respect and enhance the character of Bank Street.
  - Largely comply with the provisions of Design and Development Overlay Schedule 26.
  - Improve the internal amenity that was to be provided to dwellings in the existing approval. The size and layout of the dwellings would provide practical and comfortable living arrangements for future residents.
  - Respect the privacy, outlook and orientation of the adjoining properties and not create unreasonable amenity impacts on other dwellings.
- 13.2 It is considered that the proposed development is worthy of support subject to modifications outlined in this report and it is recommended that a Notice of Decision to Grant a Permit be issued subject to the recommended conditions





**14. RECOMMENDATION – Notice of Decision**

- 14.1** That the Responsible Authority, having caused the application to be advertised and having received and noted the objections, issue a Notice of Decision to Grant a Permit
- 14.2** That a Notice of Decision to Grant a Permit be issued for the construction of a mixed use building and a reduction in the statutory car parking.
- 14.3** That the decision be issued as follows:

**1 Amended Plans Required**

Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and an electronic copy must be provided. The plans must be generally in accordance with the advertised plans (identified as those drawn by Bruce Henderson Architects and received by Council 22 February 2017) but modified to show:

- a) The podium level (except for the glass architectural feature) reduced to a maximum height of 18m.
- b) The dark tinted glass of the architectural feature in the podium replaced with a glass of a lighter or warmer colour. The glazing material must be of a type that does not reflect more than 15% of visible light, when measured at an angle of 90 degrees to the glass surface.
- c) The finished floor level (FFL) of the ground floor to be a minimum 2.604AHD.
- d) The east facing terraces/ balconies to apartments 2.08, 2.09 and 3.10 setback a minimum 4.5m from the eastern boundary.
- e) The western wall of apartments 2.04, 3.04, 4.04 and 5.03 extended to the boundary with all west facing windows to these apartments to be removed.
- f) The west facing terraces/balconies to apartments 2.06, 2.07, 3.08 and 3.09 setback a minimum 4.5m from the western boundary.
- g) The south facing terraces/balconies to apartments 3.09 and 3.10 setback a minimum 2.72m (4.5m from the centerline of Little Bank Street) from the southern boundary.
- h) All one bedroom apartments to have a minimum floor area internal floor area of 50sqm, excluding the balcony/terrace areas.
- i) The provision of an additional thirteen (13) parking spaces for visitor parking.
- j) The ground and first floor setback 2.2m from the southern boundary (Little Bank Street).
- k) The provision of a basement car park level comprising a minimum of 36 car parking spaces that would be lost by the provision of a 2.2m setback for the ground and first floor from the southern boundary (as recommended by condition lj above).



- l) Details of the proposed car stackers including dimensions for individual parking bays and clearance heights of the stackers (with a minimum 25% of car stackers to provide a clearance height of 1.8m), a sight distance triangle to Bank Street, swept path diagrams to parking spaces 16/17, 18/19/20, 81/82, 83/84, 85/86, 122 and 123, details of the height clearance for the vehicle access ramps, in accordance with Clause 52.06.
- m) The vehicle crossing to Bank Street reduced to a maximum width of 5.5m.
- n) The provision of an onsite loading facility within the ground floor car park in accordance with Clause 52.07 of the Port Phillip Planning Scheme.
- o) Details of an apex or flood barrier provided to all access to the basement.
- p) Details of Urban Art contribution.
- q) Details of external shading devices to the north, east and west facing apartments and the gym and common dining area.
- r) All plant, equipment and domestic services (including air conditioning, heating units, hot water systems, etc.) which are to be located externally.
- s) Booster cupboard incorporated into the design of the building.
- t) Any changes required by Conditions 3, 9 and 12.

## **2 No Alterations**

The layout of the site and the size, levels, design and location of buildings and works shown on the endorsed plans must not be modified for any reason without the prior written consent of the Responsible Authority, unless the Port Phillip Planning Scheme exempts the need for a permit.

## **3 Sustainable Management Plan**

Before the development starts a Sustainable Management Plan (SMP) must be submitted to and approved by the Responsible Authority. Upon approval the SMP will be endorsed as part of the planning permit and the development must incorporate the sustainable design initiatives outlined in the SMP to the satisfaction of the Responsible Authority. Amendments to the SMP must be incorporated into plan changes required under Condition 1. The report must be generally in accordance with the SMP prepared by ADP consulting submitted with the application but updated to address the following:

- BESS report update to correctly refer to 174 apartments not 74.
- Details of practical ventilation should be included.
- NatHERS modelling – An insufficient number of apartments modelled. The height of the building, the nature of corner, and aligned apartments, changes in the number of bedroom, varied orientations, and the variations in location in height on the podium and tower provide at 9-15 significant thermal scenarios.
- The STORM assessment shown indicates the approximate 80% reliability for reuse of rainwater from non-trafficable roofs for toilet flushing. Please confirm this includes the full roof area including, the lift roof, and plant area, and revise STORM assessment accordingly.





- Planters are shown on Level 2 and 3 apartment courtyards that appear to have access only via individual apartments. Please clarify the access and maintenance regime for these.
- Considerable planters are indicated on the north-facing terraces adjacent to the Resident Lounge and Dining areas on Level 6. Should consider:
  - The reconfiguring the planters and bench seating adjacent to the Resident Lounge to provide a productive garden which potentially will allow access to residents
  - The provision of low (similar to planter height) garden storage locker to support the use of these planters.

#### **4 Water Sensitive Urban Design**

Before the development starts (other than demolition or works to remediate contaminated land) a Water Sensitive Urban Design Report that outlines proposed water sensitive urban design initiatives must be submitted to, be to the satisfaction of and approved by the Responsible Authority. The report must demonstrate how the development meets the water quality performance objectives as set out in the Urban Stormwater Best Practice Environmental Management Guidelines (CSIRO) or as amended.

When approved, the Report will be endorsed and will then form part of the permit and the project must incorporate the sustainable design initiatives listed.

#### **5 Maintenance Manual for Water Sensitive Urban Design Initiatives (Stormwater Management)**

Before the development starts (other than demolition or works to remediate contaminated land) a Maintenance Manual for Water Sensitive Urban Design Initiatives must be submitted to and approved by the Responsible Authority.

The manual must set out future operational and maintenance arrangements for all WSUD (stormwater management) measures. The program must include, but is not limited to:

- inspection frequency
- cleanout procedures
- as installed design details/diagrams including a sketch of how the system operates

The WSUD Maintenance Manual may form part of a broader Maintenance Program that covers other aspects of maintenance such as a Building User's Guide or a Building Maintenance Guide.

#### **6 Site Management Water Sensitive Urban Design**

The developer must ensure that:

- a) No water containing oil, foam, grease, scum or litter will be discharged to the stormwater drainage system from the site;
- b) All stored wastes are kept in designated areas or covered containers that prevent



escape into the stormwater system;

- c) The amount of mud, dirt, sand, soil, clay or stones deposited by vehicles on the abutting roads is minimised when vehicles are leaving the site.
- d) No mud, dirt, sand, soil, clay or stones are washed into, or are allowed to enter the stormwater drainage system;
- e) The site is developed and managed to minimise the risks of stormwater pollution through the contamination of run-off by chemicals, sediments, animal wastes or gross pollutants in accordance with currently accepted best practice.

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

Before the occupation of the development allowed by this permit, all new or extended walls on or facing the boundary of adjoining properties and/or a laneway must be cleaned and finished to a uniform standard to the satisfaction of the Responsible Authority. Unpainted or unrendered masonry walls must have all excess mortar removed from the joints and face and all joints must be tooled or pointed also to the satisfaction of the Responsible Authority. Painted or rendered or bagged walls must be finished to a uniform standard to the satisfaction of the Responsible Authority.

## **8 Urban Art Plan**

Before the development starts (other than demolition or works to remediate contaminated land), an urban art plan in accordance with Council's Urban Art Strategy must be submitted to, be to the satisfaction of and approved by the Responsible Authority. The value of the urban art must be at least 0.5% of the total building cost of the development to the satisfaction of the Responsible Authority. Urban art in accordance with the approved plan must be installed prior to the occupation of the building to the satisfaction of the Responsible Authority.

## **9 Waste Management Plan**

Concurrent with the endorsement of plans, a Waste Management Plan must be submitted to and approved by the Responsible Authority. The Waste Management Plan must be generally in accordance with the Waste Management Plan submitted with the application prepared by Sustainable Transport Surveys Pty Ltd and dated 18 April 2016 but modified to address the following:

- Council 240L bins can only be supplied if the retail outlets are being used for office space or something similar. Council will not issue 240L bins for retail food outlets. There will be an additional cost as Council normally only provides 120L bins.
- - Under 6.2, p. 10 'Bin Usage' a distinction will need to be made about different practices for the disposing of waste and recycling. Residents will need to bag their garbage, and recyclables will need to be loosely dropped into chutes because bagged recycling is contamination in the recycling stream. This will be important especially because residents are going to receive a copy of this WMP.
- - In the bin room on the plan, the two 240L retail garbage are being stored in the bin room. This will need to be removed and they are to be stored in the retail space as specified by the WMP. Additionally, two extra 1100L bins are shown on the plans. Extra bins are allowed on site as back-up but best to remove from the



plans to match the WMP allocation of 6 total 1100L bins for residents.

- - There will need to be a consideration for the volumes of hard waste that will need to be stored in between the 6 free hard waste collections per year. Some of the changes to the bin room mentioned in these comments are likely to provide more space to store this hard rubbish.

## **10 SEPP NI**

**14.** All air conditioning and refrigeration plant must be screened and baffled and/or insulated to minimise noise and vibration to ensure compliance with noise limits determined in accordance with State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1 to the satisfaction of the Responsible Authority.

## **11 Noise Attenuation for Apartments**

External traffic noise intrusion within apartment bedroom and living areas (upon completion; with furnishing within the spaces and with windows and doors closed) and measured in accordance with AS/NZS2107/2000 Acoustics – Recommended Design Sound levels and Reverberation Times for Building Interior shall comply with the following:

- a) Between 10pm and 7am in bedrooms areas must not exceed LAeq, 9hour 40dB(A);
- b) Between 7am and 10pm in living rooms must not exceed LAeq (15hour) 45dB(A).

## **12 Landscape Plan**

Before the development starts (other than demolition or works to remediate contaminated land), an amended detailed Landscape Plan must be submitted to, approved by and be to the satisfaction of the Responsible Authority. When the Landscape Plan is approved, it will become an endorsed plan forming part of this Permit. The Landscape Plan must incorporate:

- a) Details of landscaping to the communal terrace area;
- b) A survey plan, including botanical names, of all existing vegetation/trees to be retained;
- c) Buildings and vegetation (including botanical names) on neighbouring properties within 3m of the boundary;
- d) Significant trees greater than 1.5m in circumference, 1m above ground;
- e) All street trees and/or other trees on Council land;
- f) A planting schedule of all proposed vegetation including botanical names; common names; pot sizes; sizes at maturity; quantities of each plant; and details of surface finishes of pathways and driveways;
- g) Landscaping and planting within all open space areas of the site;
- h) Water sensitive urban design;
- i) Trees are not to be sited over easements.



All species selected must be to the satisfaction of the Responsible Authority.

**13 Completion of Landscaping**

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

**14 Landscaping Maintenance**

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

**15 Number of Dwellings**

Without the further written consent of the Responsible Authority, no more than 174 dwellings may be constructed on the land.

**16 Parking and Loading Areas Must Be Available**

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

**17 Lighting**

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

**18 No equipment or services**

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

**19 Vehicle Crossings**

Before the occupation of the development allowed by this permit, vehicle crossings must be constructed in accordance with Council's current Vehicle Crossing Guidelines and standard drawings to the satisfaction of the Responsible Authority. All redundant crossings must be removed and the footpath, naturestrip, kerb and road reinstated as necessary at the cost of the applicant/owner and to the satisfaction of the Responsible Authority.

**20 Vehicle Crossings – Removal**

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

**21 Applicant to Pay for Reinstatement**

Before the occupation of the development *allowed by this permit*, the applicant/owner



must do the following things to the satisfaction of the Responsible Authority:

- a) Pay the costs of all alterations/reinstatement of Council and Public Authority assets necessary and required by such Authorities for the development.
- b) Obtain the prior written approval of the Council or other relevant Authority for such alterations/reinstatement.
- c) Comply with conditions (if any) required by the Council or other relevant Authorities in respect of alterations/reinstatement.

## **22 Public Services**

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

## **23 Visitor Car Parking**

The number and location of visitor car parking spaces as shown on the endorsed plans may only be altered with the written consent of the Responsible Authority. Prior to the occupation of the building, all visitor car parking spaces must be line marked and designated as visitor car parking to the satisfaction of the Responsible Authority and must be designated as common property on any plan of subdivision.

## **24 Car Parking Space Allocation**

A minimum of 137 car parking spaces must be provided on the land for the development/use, including 2 spaces for the shop, 13 spaces for visitors and 122 car spaces for the dwellings to the satisfaction of the Responsible Authority. The spaces for the shop and the visitors' spaces must be clearly marked for these uses to the satisfaction of the Responsible Authority.

## **25 On-Site Bicycle Parking**

Before the development starts, bicycle racks must be provided on the land to the satisfaction of the Responsible Authority.

## **26 Privacy Screens Must be Installed**

Privacy screens as required in accordance with the endorsed plans must be installed prior to occupation of the building and thereafter maintained to the satisfaction of the Responsible Authority.

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

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

- a) The development is not started within two (2) years of the date of this permit.
- b) The development is not completed within four (4) years of the date of commencement of works.

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



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

**Permit Notes:**

**No Resident or Visitor Parking Permits**

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

**Building Approval Required**

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

**Building Works to Accord with Planning Permit**

The applicant/owner will provide a copy of this planning permit to any appointed Building Surveyor. It is the responsibility of the applicant/owner and Building Surveyor to ensure that all building development works approved by any building permit is consistent with this planning permit.

**Drainage Point and Method of Discharge**

The legal point of stormwater discharge for the proposal must be to the satisfaction of the responsible authority. Engineering construction plans for the satisfactory drainage and discharge of stormwater from the site must be submitted to and approved by the Responsible Authority prior to the commencement of any buildings or works.

**Other Approvals May be Required**

This Planning Permit represents the Planning approval for the use and/or development of the land. This Planning Permit does not represent the approval of other departments of the City of Port Phillip or other statutory authorities. Such approvals may be required and may be assessed on different criteria from that adopted for the approval of this Planning Permit.

**Construction Management**

All construction activities associated with the development must comply with the requirements of Council's Local Law No. 1 (Community Amenity) 2013.

**Days and Hours of Construction Works**

Except in the case of an emergency a builder must not carry out building works outside of construction hours:-

- Monday to Friday: 7.00am to 6.00pm; or
- Saturdays: 9.00am to 3.00pm.

An Out of Hours permit cannot be obtained for an appointed public holiday under the Public Holidays Act, 1993.

**Significant Trees**



This permit does not authorise the pruning or removal of any significant trees and/or removal of vegetation. A permit must be obtained pursuant to Local Law No. 1 (Community Amenity) 2013, Clause 44. For further information contact Council's City Permits unit on Ph: (03) 9209 6216.

**Laneways to be Kept Clear**

During the construction of the buildings and works allowed by this permit, the laneway(s) adjacent to the subject land must be kept free of parked or standing vehicles or any other obstruction, including building materials, equipment etc. so as to maintain free vehicular passage to abutting benefiting properties at all times, unless the necessary permits have been obtained from Council's City Permits unit pursuant to Local Law No. 1 (Community Amenity) 2013.

**Impact of Council and Neighbouring Trees**

The proposed development must take into account any existing Council trees, and those on neighbouring properties, and take measures to limit the impact of existing trees on the proposed development. This may involve installation of a tree root barrier on the subject property or construction methods sufficient to withstand future tree root growth.

To limit the impact of the development on existing trees, protection measures in accordance with AS4970-2009 (Protection of trees on development sites) must be implemented during both demolition and construction. Measures may include temporary fencing, and mulching and irrigation of the fenced-off area, or engaging a project Arborist to oversee all tree protection. For further information please contact Council's Tree Management Officers, on 9209 6777.