

AGENDA - ORDINARY MEETING OF COUNCIL – 15 NOVEMBER 2017



8.15	100 PARK STREET SOUTH MELBOURNE
LOCATION/ADDRESS:	100 PARK STREET SOUTH MELBOURNE
RESPONSIBLE MANAGER:	GEORGE BORG, MANAGER CITY DEVELOPMENT
AUTHOR:	AIDAN ROBINSON, PRINCIPAL PLANNER
TRIM FILE NO.:	PF17/195470
ATTACHMENTS:	1. Objector Map 2. Advertised plans
WARD:	Gateway
TRIGGER FOR DETERMINATION BY COUNCIL:	Application has been called up by a Councillor
APPLICATION NO:	149/2017
APPLICANT:	100 Park Street Pty Ltd
EXISTING USE:	Commercial
ABUTTING USES:	Commercial and Residential
ZONING:	Mixed Use
OVERLAYS:	Design and Development Overlay - Schedule 26-2
STATUTORY TIME REMAINING FOR DECISION AS AT DAY OF COUNCIL	Expired

PROPOSAL

Buildings and works including the construction of a multi-level (19 storey) mixed use building over two basement levels containing dwellings, an office and a reduction in the car parking requirements

I. EXECUTIVE SUMMARY

- 1.1 The application proposes buildings and works including the construction of a multi-level (19 storey) mixed use building over two basement levels containing 67 dwellings, an office and a reduction in the car parking requirements.
- 1.2 The applicants lodged an application for review (Ref: P1958/2017) with VCAT on 25 August 2017 for failure to determine the application within the prescribed time (60 days) and the purpose of this report is to establish Council's position at the Tribunal. A compulsory conference is listed for 17 November 2017 and a full hearing is listed for 26 March 2018.
- 1.3 Following notice of the current VCAT application, eight statement of grounds were lodged with the Tribunal. They raised similar concerns to the objections which is discussed below and again later in this report.



- 1.4 This report provides the basis of Council’s position in the upcoming VCAT compulsory conference and potential hearing.
- 1.5 Council received 149 objections to the application with the majority of objections related to inappropriate height and bulk, traffic and parking impacts, amenity impacts on adjoining sites, lack of onsite loading and inconsistencies with the provisions of the DDO.
- 1.6 Whilst the site is strategically located for an increase in residential density, concerns are raised with a number of aspects of the proposal including
- The insufficient side and rear setbacks to the adjoining sites which would not meet the requirements of the DDO.
 - The protrusions into the landscape setbacks at the upper level would not meet the precinct wide and sub-precinct objectives of the DDO.
 - The lack of upper level setback to Kings Way and parts of Park Street would not meet the precinct wide and sub-precinct objectives of the DDO.
 - The development would not allow for equitable development rights of adjoining properties.
 - The development would overshadow the southern footpath of Park Street in the afternoon hours.
 - The site would not provide an adequate provision of on-site parking and loading facilities and would not have adequate vehicle access to the parking areas.
- 1.7 It is considered that the development as proposed is not acceptable and therefore should not be supported. It is recommended that Council advise VCAT that, had it been the Responsible Authority for the determination of the application, it would have issued a Notice of Refusal to Grant a Permit.

2. RELEVANT BACKGROUND

2.1 The following relevant application has previously been considered for the subject site:

Application	Proposal	Decision	Date of Decision
539/2003	Construction of an additional floor to the existing building for office use, reduction in car parking requirements and construction and display of illuminated and non-illuminated business signs.	Approved	2 April 2004
231/2012	Construct a multi-level building (11 storeys) plus a basement and roof top open space and construct or carry out works for a Shop, an Office and dwellings; Vary the setback distances specified in the table to the schedule to Design and Development Overlay 3-5; Reduce the number of car spaces required for the use of the land for dwellings, a Shop and an Office; Waive the requirement to provide a loading / unloading bay for use for a Shop	Approved at mediation before Victorian Civil and Administrative Tribunal	19 October 2012 Expired





- 2.2 It is noted that the permit 231/2012 has now expired and no further extensions of time would be granted for this approval.
- 2.3 The approval allowed a mixed use building to the maximum height of 35m which contained 48 dwellings (all one and two bedroom), a 45m² shop and 197m² office use. The development included 36 car spaces (32 resident spaces and 4 office spaces) and therefore allowed a 28 car space and loading bay waiver.
- 2.4 The built form of the building was similar with 100% site coverage and being built on or near to all boundaries of the site.
- 2.5 It is noted that this permit was approved well before the gazettal of the DDO 26, which changed the built form requirements for this area of South Melbourne.
- 2.6 An application to extend the permit 231/2012 was refused by Council on 17 July 2016 and upheld at VCAT on 7 February 2017. Council refused the extension of time request as the approved development would be inconsistent with the requirements of DDO26-2 which requires greater heights and setbacks and other requirements that would not be met by the approved development.

3 PROPOSAL

- 3.1 The application proposes buildings and works including the construction of a multi-level (19 storey) mixed use building over two basement levels containing 67 dwellings and an office use and a reduction in the car parking requirements.
- 3.2 The plans which are the subject of this report are those drawn by CHT Architects and received by Council on 24 May 2017.
- 3.3 The development would include:
 - 67 dwellings over levels 3 to 18, comprising 10 x one-bedroom dwellings (49m² to 50m²); 40 x two-bedroom dwellings (73m² to 102m²); and 17 x three-bedroom dwellings (105m² to 133m²);
 - Each apartment would be provided with secluded private open space in the form of a balcony ranging in size from 8m² to 54m², accessed from the main living room.
 - 483m² of office use split over the ground, first and second levels. The ground floor office would only be accessible from a Kings Way frontage.
 - 44 on-site car parking spaces accommodated within a mechanical car stacking system accessed via turntable at ground level from Park Street. The stacker system would be located in two basement levels and partially at the ground, first and second levels.



- 42 spaces would be allocated to residents and two spaces would be provided for the office component of the development.
- 51 bicycle spaces in the basement two level accessed by lift and stair.
- 48 Storage units located basement 1 and 2 levels accessed by lift and stair.
- Communal space located on Level 3 comprising of 83m² of internal space and a 25m² balcony.
- A ground floor lobby space and waste area accessed from Park Street.

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

Ground floor

3.5 The building would abut all boundaries other than a 3m setback from the Kings Way boundary and 0.5m to 3.2m setback from Park Street.

3.6 Contains an office, a lobby for lifts and stairs, communal waste and services, substation and car parking access.

Levels 1 and 2

3.7 The building would abut all boundaries other than a 3m setback from the Kings Way boundary and 0.5m to 3.2m setback from Park Street.

3.8 Contains an office, a lobby for lifts and stairs, communal waste and services and car parking.

Level 3

3.9 The building would abut all boundaries other than a 0.5m to 3.2m setback from Park Street. Balconies would abut the northern side and Kings Way boundary.

3.10 Contains four dwellings, an 83m² internal communal space and 25m² communal balcony, a lobby for lifts and stairs and communal waste and services.

Levels 4 to 12

3.11 The building would abut all boundaries other than a 0.5m to 3.2m setback from Park Street and setbacks on the northern side boundary up to 2.96m. Balconies would abut the northern side and Kings Way boundary.

3.12 Contains three dwellings on each level, a lobby for lifts and stairs and communal waste and services.

Levels 13 to 17





- 3.13 The building would abut all boundaries other than a 0.5m to 3.2m setback from Park Street and setbacks on the northern side boundary up to 2.96m. Balconies would abut the northern side and Kings Way boundary.
- 3.14 Contains five dwellings on each level, a lobby for lifts and stairs and communal waste and services.

Level 18

- 3.15 The building would abut all boundaries other than a 0.5m to 3.2m setback from Park Street and setbacks on the northern side boundary up to 2.96m. Balconies would abut the northern side, Kings Way and part of the Park Street boundary.
- 3.16 Contains three dwellings, a lobby for lifts and stairs and communal waste and services.

Roof Level

- 3.17 Lift overrun and 24 solar panels units.
- 3.18 The proposal would have a maximum building height of 60m above natural ground level, and 62.5m above natural ground level including the lift overrun and services.
- 3.19 A varied palette of materials and finishes are proposed and would include precast concrete, in-situ concrete, glass and aluminium battens.

4 SUBJECT SITE AND SURROUNDS

Subject Site

- 4.1 The subject site is located on the north-east corner of Park Street and Kings Way, South Melbourne.
- 4.2 The land is irregularly shaped, albeit generally rectangular, save for an angled side abuttal to Kings Way. The land has a frontage to Kings Way of approximately 27.6m and a frontage to Park Street of approximately 18.7m equating to an overall allotment size of 595m².
- 4.3 The land is developed with a 3-storey commercial building containing a ground level shop and car parking, and first and second floor offices.
- 4.4 The building is constructed to the boundary at ground and first floor level facing Kings Way except at the corner of Park Street where it is constructed to 3 storeys. The building is constructed to 3-storeys facing Park Street and along most of the north (rear) and all of the east (side) boundaries. The building was originally constructed as a 2-storey commercial building, and the 3rd level was added circa 2004-2005.



- 4.5 The existing building covers the whole of the site.
- 4.6 There are 14 car spaces on site comprising 6 x at-grade spaces and 8 spaces in tandem 'tilt-up' type car stackers. Vehicle access to the car spaces is via an existing 4.3m wide vehicle crossing at the eastern corner of the site off Park Street.

Surrounding Area

- 4.7 Adjacent to the east of the site is No.88 Park Street, which contains a 35 metre high residential building (12 storeys). The main lobby/entrance is from Park Street, with the car park area, accessible via a private laneway.
- 4.8 Adjacent to the north and north-east of the site is a two storey building that contains two level so of car parking and roof top communal facilities for the building at No.88 Park Street.
- 4.9 Beyond this building is a two storey commercial building (office works) with an at grade car park in the front setback area which is separated by a private laneway.
- 4.10 Further east of the site at No. 52 Park Street, is a 16 storey building (46.6m high) building, comprising a ground floor convenience restaurant/café, 192 dwellings (mainly studio, 1 and 2 bedroom dwellings) and 107 car park spaces contained in the podium levels. Access to the car park is from the rear at Little Bank Street.
- 4.11 At 200 Wells Street, (corner with Park Street to the east of the application site), the land has a planning permit for a 20 storey mixed use development comprising 174 dwellings, 197 car spaces including 15 visitor spaces and an onsite shared loading space .
- 4.12 Opposite the application site and fronting onto Park Street, include single to four storey residential and commercial buildings. On the opposite corner of Park St and Kings Way is a single storey commercial building.
- 4.13 There are two recent approvals on the opposite side of the Park Street (Nos. 31-33 and 37-43) which allowed for a 14 storey and 20 storey mixed use buildings respectively. Both developments were granted reductions in car parking and loading requirements.
- 4.14 On the opposite side of Kings Way (to the west) is single and double storey commercial buildings.
- 4.15 The subject site has excellent access to public transport with tram lines nearby on Park Street, Moray Street and at the Domain Interchange on St Kilda Road. It is also noted that the site would be approximately 300m from the new Domain Station Metro Rail Station.
- 4.16 It is noted that a new Park Street Tram Stop is proposed to be constructed in 2017/2018 near the corner with Wells Street. The construction of this stop is likely to reduce the amount of on street car parks in Park Street.



- 4.17 The site is well located in relation to on street car share facilities, with spaces found within 500m on Wells Street, Dorcas Street, St Kilda Road and Albert Road.
- 4.18 The subject site is approximately 500m east of the Clarendon Street Major Activity Centre and the nearest full line supermarkets, although a small IGA supermarket is located in Park St.
- 4.19 The South Melbourne Activity Centre includes two (2) full-line supermarkets, health services, the South Melbourne Market, and community facilities. The site is also within close walking distance of extensive public parkland at Kings Domain and Albert Park.

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>A planning permit is required to use land for an office in the Mixed Use Zone as the floor area exceeds 250m².</p> <p>A planning permit is required to construct a building or construct or carry out works for a Section 2 use in the Mixed Use Zone.</p> <p>A planning permit is required 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>A planning permit is required 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 52.06 Car Parking	<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) = 84 resident spaces and 13 visitor parking spaces (97 spaces total).</p> <p>Office use requires 3.5 car spaces per 100m² = 16 spaces.</p> <p>Overall total required would be 113 spaces.</p> <p>A total of 44 spaces (42 resident and 2 office) is proposed in a car stacker arrangement.</p> <p>A waiver of 42 spaces for dwellings, 13 spaces for visitor and 14 spaces office (69 spaces total) is proposed.</p> <p>A permit is required to reduce the number of car spaces required.</p>
Clause 52.07 Loading and Unloading of Vehicles	<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>



	An office use does not require a loading bay under Clause 52.07.
Clause 52.34 Bicycle Facilities	<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"> - 1 space to each 5 dwellings for residents = 13 spaces, and; - 1 space to each 10 dwellings for visitors = 7 spaces. <p>A total of 20 bicycle spaces are required. A total of 51 bicycle parking spaces are proposed on site (basement) and 10 spaces on the footpath facing Park Street.</p> <p>A permit is required to vary, reduce or waive any bicycle facility requirement.</p>

6 PLANNING SCHEME PROVISIONS

6.1 State Planning Policy Frameworks (SPPF)

The application needs to be assessed against the SPPF, including:

- 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 Municipal Strategic Statement (MSS) contains a number of clauses which are relevant to this application as follows:

- Clause 21.03-1 Environmentally Sustainable Land Use and Development
- Clause 21.03-2 Sustainable Transport
- Clause 21.04-1 Housing and Accommodation
- Clause 21.04-3 Office and Mixed Activity Areas
- Clause 21.05-2 Urban Structure and Character
- Clause 21.05-3 Urban Design and the Public Realm
- Clause 21.06-7 St Kilda Road North Precinct

6.3 The application also needs to be assessed against the following clauses of the LPPF:

- 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

6.4 Other relevant provisions

- Clause 37.02 Mixed Use Zone
- Clause 43.02 Design and Development Overlay (Schedule 26-2)
- Clause 52.06 Car Parking
- Clause 52.34 Bicycle Facilities
- Clause 65 Decision Guidelines

6.5 Relevant Planning Scheme Amendments

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.

Better Apartments Design Standards

This State Government amendment (VC136) introduced the Better Apartments Design Standards (BADs) 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). This application was lodged prior to 13 April 2017 and therefore the application is not subject to these standards.

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 Department

Built Form

The building is of a large height and form that is clearly visible due to its prominent location on Kings Way and Park St. The area is predominantly low-medium height buildings interspersed with high rise structures, the design of the proposed development is one mass that expands slightly at all sides as it goes higher, thus presenting a visual bulk from both King's Way and



Park Street. The proposal does not observe the discretionary height controls with street wall setbacks exceeding the suggested street wall heights from either west side abutting King's Way and front side along Park Street. As it is discretionary, the development is proposed to adapt a more human scale transition from road to building. This could be achieved through change of materials or other architectural treatments.

There is no tower separation between the subject application and the adjoining 12-storey apartment building in No. 88 Park Street. This leads to reduced amenity on the adjacent property having the small windows blocked by the proposed development's eastern wall. The design of the building is fine but there are also concerns on wind conditions given this scenario and needs to be investigated.

There are concerns on overshadowing of at least 5 properties across King's Way that will occur around 9 am and the corner of King's Way and Park Street being overshadowed for minimum 3 hours between 10 am- 1 pm. Park Street and a couple of properties across will also experience being overshadowed between 2-3pm.

Public realm & ground floor

The proposal has achieved good legibility and ground floor activation through:

- *Office entry access located off Kings Way.*
- *Entrances for residents and vehicles located off Park St.*

Lobby access on the 1st level to 3rd level is only through the glass lift that will have to pass the services room and bin chute which is not a desirable experience or access point or a good design outcome.

Landscape opportunities have been minimal but complies with the three (3) meter landscape setback. However, upper level balconies starting at 3rd level at 10.9 meters high are also located above the 3 meter landscape. This will create constraint to trees that will be planted on the landscape setback and limit the access to sunlight. There is no detail for public art opportunities but it is noted that an area on the West side has been identified.

Façade treatment & detail

Proposed materials include precast concrete, in situ concrete, clear glass and aluminium battens, all speak of a modern character and are supported. The predominant use of glass in the lower three levels may cause higher reflectivity during early morning or late afternoon to those travelling on King's Way and will be worth investigating.

It is further noted that the architectural features on all external facades of the proposed building are protruding beyond the property boundaries.

Other:

The proposed development being built to all boundaries with no.88 Park Street will only have windows starting from level 13, and will limit the outlook of residents on the east side of the development.

Communal open space is provided at the 3rd level but relatively small in proportion to the extent of the proposed development.



Recommendation

We do not support the proposal due to the following urban design issues:

- Overall built form height and lack of setbacks to King's Way and Park Street creates a visual bulk in its prominent location. It is suggested to adapt ways to lessen visual bulk while increasing human scale factor in its transition from road to building.
- Overshadowing to properties on the other side of Kings Way
- Proposed landscape on west side having limited access to sunlight due to overhanging balconies
- Limited communal open space
- Architectural features protruding beyond title boundary
- Shared lobby access for offices and residents directly pass the services room and bin chute
- Amenity of adjacent property being affected by having boundary to boundary development. A light well must be considered to maintain light access on the east side.
- A wind study is needed to ascertain wind conditions in the area will not be drastically affected by the proposed development and provide mitigating measures thereof, if any.

Planner's comment:

Refer to Section 9.2 of this report to discuss the above issues.

7.1.2 Traffic & Parking Management

Car Park Layout:

- Access ways – A 5.5 metre wide accessway has been proposed to connect to the site's existing crossover along Park Street.
- Pedestrian sightlines provided by the applicant do not fully comply with Clause 52.06. The sight lines provided partially comply however Council cannot assess the adequacy of the splay areas until the distance that the splay area is offset from the western title boundary is clearly dimensioned. Can the applicant please clearly dimension what splay area has been provided within the subject site?
- Mechanical Parking– The applicant has proposed a robotic car parking system, Auto-Park to accommodate the on-site parking.
- The Auto-Park data sheet specifies a clear distance of 1.57 metres adjacent to end parking bays which has not been provided for the following parking space:
 - Lower Ground car space 22 and 23
 - Basement Level 1 car space 15, 17, 18,21
 - Basement Level 2 car space 1, 2, 5, 6, 7, 8, 13, 14.



- Can the applicant please amend design and dimension absolute clear distances as specified by the product manufacturer. A condition should be placed on the permit for the car stacker to be programmed to prioritise vehicles entering.
- The applicant must have an action plan in place for when scheduled maintenance of the car stacker occurs and the car stacker is temporarily unavailable.
- The T.I.A states that at least 25% of the car stacker spaces can accommodate a vehicle clearance height of at least 1.8 metres. This is in accordance with Clause 52.06 of the Port Phillip Planning Scheme.
- Swept Paths - The applicant has not provided any Swept Path Diagrams demonstrating a B99 vehicle performing a left turn into the site whilst a B85 vehicle is propped within the passing area to ensure a vehicle can access the site without causing any safety concerns for pedestrians on Park Street.
- Car Park Dimensions – Car spaces are not in accordance with Clause 52.06. Although not all car spaces are in accordance with Australian Standards – Parking Facilities - Off Street due to an additional 300mm clearance not provided for all end bays adjacent to walls given that these bays will not need to be driven into but instead the car will be delivered to via the mechanical car stacker council are satisfied that these end bays will be able to accommodate a vehicle. This is on the condition that the mechanical car parking system can deliver a vehicle to these bays and sufficient space is provided for the mechanical components of the car stacker.
- Can the applicant clarify if sufficient clear distance has been allocated to accommodate the mechanical components of the car stackers for end bays?
- A clear aisle width has been provided that is in accordance with the car stackers specifications.
- Headroom - car park headroom clearance is considered satisfactory in accordance with the Port Phillip Planning Scheme.
- Bicycles - Clause 52.34 requirement for bicycle spaces is 20 spaces. The applicant exceeds this requirement and is proposing 51 bicycle spaces. This is considered satisfactory.

Accessible Parking Bay:

- The traffic report provided indicates the allocation “2 car spaces for office staff”. As per the BCA requirements the provision of any off-street parking for commercial purposes requires an accessible parking bay to be provided. The traffic report references the BCA, a disabled parking space need to be designated where is a total of not more than 5 car parking spaces have been provided.
- Can the applicant clarify how they intend to accommodate an accessible parking bay as Council has concerns for the proposed arrangement?

On Street Parking:

- The existing on-street parking surrounding the site is short term paid parking or residential permit zones.



- Residents and employees of the development will not be eligible for resident parking permits and visitors utilising on-street parking provisions will be required to abide by the parking restrictions displayed.

Traffic Generation:

- The applicant has adopted a traffic generation rate 0.4 movements per apartment during peak hour and 4 daily movements per apartment. This generates a total of 176 daily movements per day and 18 movements during peak hour associated to the residential use of the proposal. The applicant has specified 2 movements during morning peak and 2 movements during the afternoon peak associated with the office use of the development.
- The letter provided by Cardno dated 23 May 2017 states that the proposed development at 100 Park Street is expected to increase traffic volumes to pass through the intersection of Park Street/Wells Street/Palmerston Crescent will be in the order of less than 1% against both the existing and base case scenario.
- Traffic surveys conducted by Cardno between 1/04/2017 and 07/04/2017 indicate N/E bound peak volumes along Park Street are in the order 512 vph and 443 vph in AM and PM peak periods respectively. The T.I.A provided by Cardno projects the following peak hour traffic generation within peak hour:

Peak Hour	Direction	Use		Total
		Residential	Office	
AM	Inbound	4	2	6
	Outbound	14	0	14
Total				20
PM	Inbound	11	0	11
	Outbound	7	2	9
Total				20

- As per the letter provided by Cardno movements are expected to have a marginal increase on traffic volumes and also marginally increase levels of delay and congestion in the study area.
- The Applicant has completed a 95th Percentile queue length assessment using the anticipated 120 sec service time of the auto park system, and does not specify the definitive queue length.
- It is noted that under Australian Standard-2890.1 any storage area shall be designed to accommodate the 98th percentile queue. The queue shall be rounded up to the nearest whole number and a length of 6.0m per vehicle should be accommodated.
- The letter provided by Cardno dated 23 May 2017 states the 98th percentile queue has been calculated to be 3 vehicles during PM Peak hour, consisting of 1 vehicle within the Auto Park System and 2 vehicles along the accessway, as such the 98th percentile queue can be wholly accommodated on site. The letter also states “should at any point the queue extend to 3 vehicles, this car could be momentarily stored on the footpath”.





- Storage of the 98th percentile queue contained within the site is considered appropriate. Council does not support vehicles momentarily stored on the footpath waiting to access the queuing area.

Parking provisions:

- Clause 52.06 of the planning scheme requires 114 off street parking spaces to be provided for the proposed development. Given the applicant proposes 44 off-street car spaces, 2 allocated to the office component of the development and 42 allocated to the residential component of the development; there is a shortfall of:
 - 42 resident car spaces.
 - 13 resident visitor spaces.
 - 15 office car spaces
- The Car Parking Demand Assessment in the original Traffic Report fails to provide concrete evidence that the development will only result in a long term parking demand of 2 spaces for the office component of the development.
- The applicant to provide detailed data or an empirical assessment of similar sized office uses and their parking demand and provision.
- Note that the assessment for the appropriate rate for car parking provision lies with Statutory Planning.

Other:

- All proposed crossovers must be installed to Council satisfaction.
- The applicant has proposed to install bike racks along the frontage of the site on Park Street. Council support the installation of an on-street bike hoop however council have a standard bike hoop that is typically installed to accommodate on-street bicycle parking. Any bike hoops that are to be installed will need to be installed to council satisfaction.

Planner's comment:

The applicant has not provided sufficient detail to satisfy Council that the access to the auto park system is adequate and acceptable and that that it would not impact the surrounding traffic network.

Furthermore the applicant has not provided sufficient evidence to suggest that the parking demand of the proposed development could be adequately accommodated onsite and reasonably within the surrounding street network.

Therefore the development is considered to be inconsistent with the provisions of Clause 52.06 of the Planning Scheme. This is discussed further in Sections 9.4 and 9.5 of this report.

7.1.3 Strategic Planning

This advice responds to a proposal for the development of the above site referred to City Strategy. It focusses on the proposal's compliance with the Design and Development Overlay (DDO) 26.

Land uses:



Clause 21.06-7 of the MSS reinforces the role of St Kilda Road as a premier office location supporting the Melbourne Central Activity District and a preferred location for well designed, higher density residential development.

The subject site is located in Sub-Precinct 2 - Northwest Corner of the St Kilda Road North Precinct. A key objective for this sub-precinct is to create a vibrant residential and mixed use environment, through an increased scale and density of development.

The proposed development comprising of three storeys of commercial office space and 67 apartments is considered to comply with the land use objectives of Clause 21.06-7.

Building heights:

A maximum mandatory building height of 60m applies in Sub-Precinct 2.

The proposal complies with the mandatory height. The overall height of the proposal is 58.8m to level roof and 59.7m to the parapet level with an additional rooftop mechanical plant and hydraulic services.

Clause 4.0 of DDO26 allows architectural features and building services, which are less than 10% of the gross floor area of the top building level or 50 square metres (whichever is greater) to exceed the mandatory height by up to 4m. The proposed building services meet these requirements.

Podium:

DDO26 requires a 40m podium with a depth of 10m to Kings Way. It also requires an 18m podium to Park Street (with a 5m upper level setback). The proposed development does not provide for a podium to either frontage.

A podium to Park Street is not required as DDO26 requires that developments on corner sites with a frontage to Kings Way should not express the side street podium requirement.

The DDO also requires that 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.

The applicant should demonstrate how it achieves a 'human scale' development on this frontage (for example through its materials) and addresses the objectives and requirements of the DDO. It should also demonstrate how the building integrates with neighbouring buildings (which could be developed with podiums).

Front setbacks:

A 3m landscape setback is required along Kings Way. The purpose is to improve the amenity of Kings Way and create a landscaped boulevard through high quality architectural design and a landscaped public realm interface.

No setback is required to Park Street.

The proposed development provides a 3m landscaped setback to Kings Way, however balconies extend over this setback from level three upwards. This approach is not supported.

The overhanging balconies negate the front setback and will restrict the ability for landscaping to grow within the setback.



Active frontages:

DDO26 seeks to ensure that development should provide integrated community and active space at street level that contributes to a high quality public realm.

The development meets the requirement that development in a mixed use zone should provide transparent windows.

The development meets this requirement with the facades of first four floors to be constructed with clear glass. However the facades are screened by aluminium battens. The development should ensure that this screening is visually permeable and does not detract from the ability for pedestrians and users of the building to see in and out.

Building separation/ side and rear setbacks:

- *Interface with the eastern boundary:*

The development does not meet the 4.5m minimum setback requirement and is proposed to be built to the boundary on its eastern side. The adjoining 12 storey apartment building at 88 Park Street is built to the boundary, but has small windows on its western boundary wall which would be covered by the development.

The role of these windows (likely to be bathroom windows), the impacts on daylighting to these rooms and the overall impact on the amenity of the residents in 88 Park Street requires further consideration.

- *Interface with the northern boundary of the site:*

The carpark for 88 Park Street adjoins the subject site where it fronts Kings Way.

The development is built to boundary for its first three levels. From the fourth floor and above of the proposed development, the building is set back approximately 1.43m from the north boundary with balconies extending towards the boundary and does not comply with 4.5m setback requirement.

Whilst the residential portion of 88 Park Street (on the site's eastern boundary) is unlikely to be redeveloped, the car park has redevelopment potential. It is recommended that the balconies on the northern boundary are set back to 4.5m from the boundary to allow for appropriate daylight, privacy and outlook, and equitable development rights for both sites.

Design detail:

DDO26 seeks to ensure that development provides for a fine grain character in the form and articulation of new buildings. The DDO seeks to achieve well designed buildings through articulation and massing, building materials, finishes and design detail. Development should also minimise bulk and promote vertical articulation. Although vertically articulated, the form of the building is overly bulky for the size and context of the site.

The developer has also identified locations for urban art on the façade of the building. It is recommended that further consultation occurs between Council and the developer to ensure effective outcomes.

The proposed plans identify that approximately 25% of the apartments will be 3 bedroom, and 75% will be one or two bedroom apartments, providing a good dwelling mix.

Car parking and access:





The design does not include loading or unloading facilities and it is unclear how the waste area will be accessed. DDO26 requires the provision of internal and on-site loading facilities and on-site service vehicle parking.

Overshadowing:

DDO26 requires development to maintain the existing levels of solar access to the southern footpath of Park Street between 10am and 2pm at the Equinox. However the extent of overshadowing on the plans provided is unclear. It is difficult to distinguish between existing and new shadows. Clearer shadow diagrams are required to assess this issue.

DDO26 also requires that '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'. The proposed development would cast shadows between 9am and 10am over residential development across Kings Way. This extent of overshadowing is considered acceptable as by 10am the shadow is only affects the front yards of 102 and 104 Park Street.

Summary

The proposal complies with the land use objectives of Clause 21.06-7, providing commercial office space and residential development which supports a mix of dwellings.

In terms of built form, it complies with the mandatory height requirement.

The proposal does not comply with the following elements of the DDO:

- The development does not comply with 3m landscaped setback to Kings Way. To address this issue, it is recommended the entire building is set back 3m along Kings Way.
- The development does not comply with the minimum separation distances in the DDO for the existing 12 storey development to the east at 88 Park Street. The proposal to build to the boundary covering existing windows on this boundary. Further information is required on the rooms that will be affected and the impacts on daylighting and amenity of the existing residents.
- Additionally the proposal does not comply with the setback requirements to the north of the site. While this adjoining site currently contains a two storey car park, it has the potential to redevelop. The proposed setbacks to the northern boundary will not provide for adequate amenity or equal development rights should that portion of 88 Park Street redevelop. The 4.5m setback should apply to this frontage.
- Further information is required to assess the impacts of overshadowing of Park Street.
- The development does not provide a podium to Kings Way. It is recommended that the applicant demonstrate why a podium to Kings Way is not proposed, and demonstrate more appropriate architectural materiality in its design to achieve a human scale to the building. The applicant should also consider how this building will integrate with neighbouring buildings which are likely to include podium elements.
- Further clarification should be provided about the proposed material to be used on the façade. The proposed battens could reduce the visual permeability of the facades and creation of an active frontage to Kings Way and Park Street.



Planner's comment:

Refer to Section 9.2 of this report to discuss the above issues.

7.1.4 Sustainable Design

Management

- *Building Users Guide (BUG) – Consider providing the BUG electronically with other building occupant user systems such as CCTV etcetera to make more accessible. This could include utility usage, recycling options, and green travel information, including real-time public transport information.*

Indoor Environment Quality

- *Dwelling ventilation – Council's Best Practice Standard is for all dwellings to be effectively naturally ventilated, either via cross ventilation, single-sided ventilation or a combination. Consider:*
 - *Cross ventilation – Cross ventilation paths shown on page 13 of the SMP rely heavily on ventilating via bedrooms. As most people sleep with bedroom doors closed when living with others, a reliance of internal doorways for nocturnal ventilation is undesirable. Consider providing additional openings per room to facilitate cross-ventilation, or at a minimum stack-ventilation.*
 - *Bathroom – consider adding windows to external bathrooms (such as in unit 13.01)*
 - *Sliding glass doors – Where sliding glass doors provide the only ventilation they can discourage natural ventilation as they are less likely to be left ajar overnight, in temperate or inclement conditions, which discourages natural ventilation. These are frequently furnished with a single drop blind which further inhibit the likelihood of use for natural ventilation. Consider the provision of operable window sashes over or next to sliding glass doors - fitted with separate window furnishings that facilitate ventilation.*
 - *To maximise the potential utilisation of natural ventilation, it is important windows allow a degree of protection from rain, wind gusts (including wind-blown rain), and are resistant to burglary when left ajar. Consider the provision of at least one sash per room that can be locked in an ajar position to increase likelihood of use when unattended.*
 - *Balcony smoke & sightlines – full-height screens should be considered where balconies have an obstruction over to minimise potential windblown smoke/odours nuisance inhibiting adjoining residents' access to fresh air.*
- *Reducing heat loss – Windows are noted as double glazed though with aluminium framing. Consider the provision of thermally broken frames to external aluminium framed doors and windows*
- *Skylights – Council policy is to reliance on artificial policy to be minimised. The provision of skylights can limit the need for artificial lighting. Consider the inclusion of a small, well-sealed, and insulated skylights to the internal bathrooms and the common corridor on the top floor*



Energy

- Active transport – Council’s Best Practice Standard is to improve the efficient use of energy. Well-designed access to stairways will minimise lift usage thus saving energy, and offer benefits of increased fitness and connectivity of occupants. Consider door hardware/security profiles and signage are provided to encourage stair use over lifts and provide connectivity between commercial levels, and separately, between residential levels.
- Clotheslines - Council’s Best Practice Standard is for external natural clothes drying facilities to be provided. Consider the provision of retractable or fixed clotheslines clearly mark on plans in individual apartment balconies or within apartments (these should include the BCA minimum requirement of 7.5m of line per sole-occupancy unit will be provided).
- General energy efficiency - Council’s Best Practice Standards is to achieve an energy efficiency standard that is at least 10% above minimum NCC compliance. Consider:
 - The building envelope for the non-residential portion of the development should provide a commitment to achieving a 10% improvement on section J of the NCC through energy modelling OR a 15% improvement on elemental provisions.
 - Provide a preliminary Section J energy rating assessment that shows how this will be achieved.
- Carpark ventilation – Council’s Best Practice Standard is for basement carpark to be provided that are either fully naturally ventilated, or use carbon monoxide monitoring to control the speed and operation of ventilation fans. Consider incorporating both of these.
- Solar panels - Council’s Best Practice Standard is to provide on-site renewable energy generation and reduce energy peak demand through the provision of solar panels, which will reduce energy use and operating cost. A photovoltaic array is indicated, however the 6kW array indicated, would generate less than that needed for 2 of the 67 dwelling provided. Consider increasing the array size to cover the available roof area.
- Kill-switches – The provision of switches that shutdown unnecessary electrical demand when apartments are unattended should be considered.
- Building tuning – A 12 month period of building tuning is considered good practice for mechanical systems. Consider a commitment to seasonal tuning for one year after completion.
- Lighting Control systems – Where rooms have access to natural light, consider the motion sensors discussed in the SMP incorporating daylight sensors as well

Water

- Separate meters - Council’s Best Practice Standard is for the installation of separate water meters in individual dwellings and non-residential areas within the same development. Consider individual hot and cold water meter per dwelling



- *Fire test water - Indicate the size of the fire test water capture tank on drawings and the water reuse.*

Stormwater

- *Rainwater tanks*
 - *Toilet flushing – add notation to the drawings stating rainwater tanks to be connected to all toilets to supplement potable water use for flushing*
 - *Maintenance - Provide a maintenance manual for the tank that notes: inspection frequency, cleanout procedures, as installed design details/diagrams including a sketch of how the system operates. Examples of the maintenance manuals can be located on the Council's website.*

Transport

- *Bicycle facilities – Council policy is to ensure that the built environment is designed to promote cycling as part of minimising car dependency. Consider:*
 - *Numbers - For developments of this size we have commonly received rates of 1 space per apartment and 1 visitor space per 4 apartments. Consider providing additional resident parks.*
 - *Bicycle security – Consider providing CCTV monitoring of the bicycle storage area to minimise theft.*
 - *Internal bicycle parking – Nominate a minimum of 20% horizontal bicycle parks per 'AS 2890.3:2015 Parking facilities Bicycle parking'*
- *Low emission vehicles – Consider the provision of electrical infrastructure to allow for the charging of electric vehicles. Nominate on plan the bike and car parking bays where electrical charging will be provided. Provide detail on the nature of access to these for building users.*
- *Green Travel Plan - Council's Best Practice Standard for large developments is for a Green Travel Plan to be provided. Consider the provision of a prominent and highly accessible display board or an electronic display which will display locale specific green travel information for building users and visitors.*

Waste

- *Operational waste – Council's Best Practice Standard is for recycling facilities to be provided that are at least as convenient for building occupants as general waste facilities. Consider other waste streams like providing collection point for recycling/waste apart from landfill and co-mingled recycling.*

Urban ecology

- *Urban Heat Island Effect – Use of lighter colour roofing and/or paving can assist in alleviating the UHI Effect. Provide detail of the albedo of the roofing and paving material where these will be exposed to direct sun.*
- *Additional vegetation - Council's Best Practice Standard is for additional vegetation to be provided that serves the amenity and environmental of the development. Consider:*



- Green façade – providing vines or other ventilation to the west and south ground floor façade
- Planters – to balcony of communal area, and potential for green façade (vine) to boundary wall, and elsewhere on balconies
- Irrigation – Council’s Best Practice Standard is for a tap for irrigation and drainage to be provided on balconies and in courtyards to allow residents the potential to garden. Note the provision of taps and floor waste gullies to all balconies.

Planners Comment:

The comments from Council’s ESD officer are considered in the assessment of Sustainable Design for the development at section 9.8 of this report.

7.1.5 Waste Management

I have reviewed the WMP for 100 Park St, South Melbourne and recommend the following changes:

- On page 7, Garbage generation estimates needs to be equal to recycling in line with the City of Port Phillip Waste Management Plan guidelines.
- On page 8 in line with equal garbage and recycling generation rates mentioned above, the under bench storage bins need to be an equal size. The aim should be to encourage and increase recycling rates.
- Consideration needs to be made with regard to the waiting times for cars and traffic impact when the waste collection vehicle is loading. I have reviewed the Traffic Management Plan and the response for further information about the traffic plan and I could not find any mention of the impact of the collection truck.

Planners Comment:

Refer to Section 9.7 of this report to discuss the above issues.

7.2 External referrals

Referral Authority	Response	Conditions
VicRoads	No objection	None
Public Transport Victoria	No objection	1. The permit holder must take all reasonable steps to ensure that disruption to tram operation along Park Street is kept to a minimum during the construction of the development. Foreseen disruptions to tram operations during construction and mitigation measures must be communicated to Public Transport Victoria fourteen (14) days prior.





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 to the owners and occupiers of surrounding properties (869 letters) 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 149 objections. The key concerns raised are summarised below (officer comment will follow in italics where the concern will not be addressed in Section 9):
- Noise impacts
 - Overlooking
 - Overshadowing impacts on southern edge of Park Street
 - Fails to provide equitable development opportunities for adjoining site
 - Lack of onsite parking
 - Impact on the surrounding parking and traffic network
 - Overdevelopment
 - Lack of landscaping
 - Lack of setbacks to boundaries including streets
 - Lack of internal amenity
 - Lack of communal open space
 - Lack of a loading bay provision
 - Excessive height and lack of transition in height
 - Does not meet requirements of DDO.
 - The application would not comply with the Better Apartment Design Standards.
- 8.3 No consultation meeting was held for this application.
- 8.4 It is not considered that the number of objections raises an issue of significant social effect under Section 60 (1B) of the Planning Environment Act 1987.

9 OFFICER'S ASSESSMENT

9.1 Local Policy

Is the proposed use supported by policy?

The office and dwelling uses would be consistent with Council Local Policy for the site and surrounds.



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 approximate 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.

Relevant objectives and strategies of this portion of the local policy are as follows:

- 1.3 *Support increased residential densities, generally in the form of higher density development, in all Mixed Use zones and Schedule 1 to the Capital City Zone.*
- 2.3 *Maintain and promote active land uses at ground floor that encourage pedestrian activity*
- 2.6 *Encourage the provision of generous ground level floor-to-ceiling heights to provide for current or future commercial land uses.*
- 2.7 *Ensure new use and development provides appropriate car parking, storage and loading facilities.*
- 3.1 *Require all non-residential uses to manage off-site impacts such as noise, traffic generation and parking to limit the effect on residential amenity.*
- 3.3 *Ensure residential development addresses the amenity impacts of established and potential future non-residential uses, including noise attenuation measures in dwellings to protect future occupants.*



The proposed development would support two primary functions and roles for this area and would be consistent with the objectives and strategies for this area.

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) DDO 26-2.

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. 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.*

Sub-Precinct Requirements

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

Requirement	Assessment
A 3 metre landscape setback must be provided to the direct frontage or abuttal to Kings Way.	<p>Does not comply</p> <p>The ground level and Levels 1 and 2 would be setback 3m from Kings Way, however the balconies at Levels 4 to 18 would be built out to the Kings Way boundary. Even if the balconies were removed, the building would</p>





	<p>not be setback the required 3m in this location.</p> <p>The overhanging balconies would erode the value of the landscape setback.</p> <p>Moreover the zero setback alignment would not be in accordance with the cross sections and maps identified within the DDO where the landscape setback is continued right to the top of the building.</p> <p>The importance of this landscape setback is emphasised in the relevant precinct wide objectives and those of sub-precinct 2:</p> <p><u>Precinct wide:</u></p> <ul style="list-style-type: none"> ▪ <i>To develop a high quality landscape setting which enhances the key view corridors and public realm of Albert Road, Bowen Crescent and Kings Way, between Domain/St Kilda Road and Albert Park Lake Reserve.</i> ▪ <i>To enhance the role of Kings Way as an important commercial precinct and gateway to the municipality and the central city area, by improving the quality of the built form and landscaping.</i> <p><u>Sub Precinct 2:</u></p> <ul style="list-style-type: none"> • <i>To improve the streetscape environment of Kings Way through high quality built form and consistent landscaped setbacks.</i> • <i>To ensure the development in Kings Way creates a landscaped boulevard through high quality architectural design and a landscaped public realm interface.</i> <p>The existing buildings on adjoining sites to the north along Kings Way are set back from Kings Way (at least 3m) and therefore an existing landscape character is found in this section of Kings Way. Moreover the subject site’s corner location means that the site is more prominent in the streetscape.</p> <p>The proposed overhanging balconies on the upper would not satisfy these objectives as it would erode the existing and preferred landscaped character of Kings Way and reduce the opportunity for a consistent landscape setting required to enhance this important gateway to the city and municipality.</p>
<p>Development within 13 metres (inclusive of the 3 metre landscape setback) of a direct</p>	<p>Does not comply</p> <p>The ground level and Levels 1 and 2 would be setback 3m from Kings Way, however the</p>





<p>frontage or abuttal to Kings Way must not exceed a height of 40 metres.</p>	<p>balconies at Levels 4 to 18 would be built out to the Kings Way boundary and around the corner for a depth of 12.6m on Park Street. Even if the balconies were removed, the building would not be setback the required 3m in this location.</p> <p>Above 40m (Levels 12-18) the building makes no attempt to setback the additional 10m from Kings Way or Park Street.</p> <p>The importance of this setback is emphasised in the relevant precinct wide objectives and those of sub-precinct 2:</p> <p><u>Precinct wide:</u></p> <ul style="list-style-type: none"> ▪ <i>To ensure development provides for a built form transition from the Domain interchange (intersection of St Kilda Road and Albert Road) to the adjoining low rise residential areas and to Albert Park Reserve.</i> ▪ <i>To enhance the role of Kings Way as an important commercial precinct and gateway to the municipality and the central city area, by improving the quality of the built form and landscaping.</i> <p><u>Sub Precinct 2:</u></p> <ul style="list-style-type: none"> ▪ <i>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.</i> ▪ <i>To improve the streetscape environment of Kings Way through high quality built form and consistent landscaped setbacks.</i> ▪ <i>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.</i> <p>The stepping down of built form from the higher density areas closer to St Kilda Road to the lower residential areas on the opposite side of Kings Way is a consistent theme not only for this sub-precinct but precinct wide.</p> <p>The lack of setback at the upper levels would not satisfy the above objectives and would erode the preferred character along Kings Way and Park Street and the entire DDO precinct.</p> <p>This is key design objective and intent of the DDO would be disregarded by the proposed development and therefore is not acceptable.</p>
--	--





	<p>It is also noted that the lack of upper level setbacks contributes to the overshadowing of the southern footpath of Park Street in the afternoon hours which is also not an acceptable outcome.</p>
<p>Development with a direct frontage or abuttal to any road, excluding Kings Way, must:</p> <ul style="list-style-type: none"> – be built to the boundary, and – not exceed 18 metres in height within 5 metres of any street frontage. 	<p>Does not comply – acceptable variation.</p> <p>The building would not be built to the Park Street boundary at any time. It would be setback between 0.5m and 3.2m from this boundary. These setbacks would not be altered over the entire height of the building. The development does not propose a typical podium/tower design outcome.</p> <p>The site also is subject to an upper level setback requirement on the Kings Way and initial section of Park Street frontage. In accordance with the diagram within the sub-precinct requirements, the Kings Way podium heights and setbacks are of a higher order and therefore the Park (side) Street podium is not required to be met along the entire Park Street frontage.</p> <p>On this site the building should provide an above setback to Park Street at a point 13m from the intersection of Kings Way.</p> <p>The development would provide a 3.2m setback from Park Street over the full height of the building approximately 12.6m from the corner of Kings Way. This setback would match the setback of the adjacent building at No.88 Park Street.</p> <p>This allows the building to hold the corner which is a preferred urban design outcome for corner sites and given the setback of the adjoining site at No.88, the Park Street setback section in isolation is an acceptable design response.</p> <p>The developments at Nos. 88 and 52 Park Street do not include an above podium setback</p> <p>The lack of podium and reduced Park Street setback above the podium is considered acceptable given the context of the adjoining and nearby sites.</p>
<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</p>	<p>Complies - The building would have a maximum building height of 60m above NGL, not including the lift overrun and services and 62.5m above NGL to top of the lift overrun.</p>





requirement unless allowed by clause 4.0 of this schedule. (Mandatory)	
Building facades should follow the alignment of the street frontage to follow the distinctive curvilinear street pattern.	Complies - The building façade follows the alignment of the street.
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.	Does not comply - The building would alter the solar access to the southern footpaths of Park Street when measured between 10am and 2pm at the Equinox. This is considered to be an inappropriate outcome which would diminish the amenity of a key pedestrian route for this area and would not provide for a high quality public realm that is strived for in the objectives of the DDO.
Development should not overshadow the adjoining dwellings in residential areas south west of Kings Way and comply with the objectives of CI 55.04-5 - Overshadowing.	Complies - The building would overshadow the properties, including parts of rear yards, on the south west side of Kings Way at 9am. However by 10am the shadow would only fall across parts of the front yards. The dwellings would maintain five hours of unaffected access to sunlight in their SPOS. Therefore the overshadowing would comply with the ResCode requirements at Clause 55.04-5.
Development should reinforce the fine grain pattern of the Sub-Precinct.	Complies - The site would maintain the fine grain nature of the street given that it would not alter the existing subdivision pattern in the street.
Large redevelopment and proposals that consolidate smaller sites should incorporate through-block pedestrian links and express the historic fine grain subdivision into their design.	Not Applicable - This site is not considered to be a large development site.

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.

Requirement	Assessment
<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>Does not comply</p> <p>The intent of this provision is to only require the side street (Park Street) above podium setbacks beyond the Kings Way requirement to avoid an awkward corner element of the building. Therefore for this development the building should provide an above podium setback to Park Street 13m from the corner of Kings Way.</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>The development would provide a 3.2m setback from Park Street over the full height of the building approximately 12.6m from the corner of Kings Way. This Park Street setback would match the setback of the adjacent building at No.88 Park Street.</p> <p>This allows the building to hold the corner which is a preferred urban design outcome for corner sites and given the setback of the adjoining site at No.88, the Park Street setback in isolation is an acceptable design response.</p> <p>The concern relates to the lack of setback to Kings Way as discussed earlier in this report.</p>
<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"> – 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. – Where there is no podium or an existing tower, a setback of 4.5 metres to the boundary must be provided. <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"> – Respect the existing urban character and pattern of development. – Equitably distribute access to an outlook, daylight and achieve privacy from primary living areas for both existing and proposed development. – Achieve sky views between towers, ensure adequate sun penetration to street level and mitigate wind effects. – Avoid windows of primary living areas and balconies that directly facing one another. – Maintain the equitable development potential of adjoining lots. 	<p>Does not comply</p> <p>The development does not provide 4.5m setback from the northern or eastern boundary. Both of these boundaries abut No.88 Park Street with the eastern wall abutting the residential tower and the northern interface adjacent to the car park and communal facilities setback between 0 and 2.96m from levels 3 and above.</p> <p>The basis for appropriate side and rear setbacks was the subject of considerable discussion in the recent VCAT decision (65 <i>Palmerston Crescent Pty Ltd v Port Phillip CC 2017 [VCAT] 887</i>) for the proposed development at 61-65 Palmerston Crescent, which is covered by the same DDO as the application site.</p> <p>The Tribunal made the following comments at paragraph 46 in this decision:</p> <p><i>“.....the only direct reference to 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.... 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>They further noted at paragraph 74 the following:</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 Overlay’s requirements. As such, our decision can only</i></p>





	<p><i>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>Northern interface (car park):</u></p> <p>The requirements state that where there is no podium or an existing tower, a setback of 4.5 metres to the boundary should be provided.</p> <p>The majority of the adjoining site is the two storey car parking building associated with the residential building facing Park Street. Above a portion of the car parking building is an open communal terrace area.</p> <p>The proposed development has been designed to abut this northern boundary up to and including Level 3 and then from Levels 4 to 18 to be setback between 0m and 2.96m.</p> <p>On levels 4-12 there would be three dwellings on each level facing this site and on levels 13 to 18 two dwellings per level would face the site. Each of these dwellings would have some if not all of their primary view/outlook towards this adjacent site and would have habitable rooms and balconies on or near to the boundary line.</p> <p>A total of 39 apartments (59%) would have a direct interface with this northern interface.</p> <p><u>Equitable Development</u></p> <p>The development on the subject site would have an unreasonable impact on the equitable development rights on the site to the north which would likely be redeveloped into a comprehensive high rise development in the near future.</p> <p>Any future development to this site would be constrained by the proposed development due to the reduced setbacks proposed particularly given there are balconies and single aspect habitable room windows facing this elevation.</p> <p>This would be a poor design response to the surrounding context.</p>
--	---





	<p><u>Amenity</u></p> <p>The reduced setback could also result in reduced levels of future amenity in relation to access to light, ventilation and outlook to the proposed dwellings in the subject development.</p> <p><u>Streetscape impacts:</u></p> <p>The lack of setbacks would not allow for adequate separation between buildings which would reduce sightlines between the built form, access to sunlight and views to the sky at street level and would create unreasonable visual bulk as viewed from Kings Way and possible wind impacts.</p> <p><u>Eastern interface (residential tower)</u></p> <p>The construction of a 19 storey blank boundary wall would not unreasonably reduce the amenity of the existing residential building on the site which has an existing 12 storey boundary wall and does not have a primary outlook to the subject site.</p> <p>The 19 storey blank boundary wall would also not have an unreasonable impact on the equitable development rights of this portion of No.88. The 19 storey blank wall would assist the future redevelopment of this section of No.88.</p> <p>The St Kilda Road North Precinct Plan (strategic document that relates to the planning scheme amendment) states that <i>“allowing boundary to boundary development would provide greater design flexibility and development capacity for smaller sites, subject to not compromising the internal amenity of existing or proposed dwellings, or prejudicing the ability of neighbouring properties to develop.”</i></p> <p>The proposed boundary wall would provide a taller, blank facade to build against, without any unacceptable amenity outcomes for its own residents and neighbours.</p> <p>The lack of separation between the buildings however would contribute to the overshadowing of the southern footpath of Park Street in the afternoon hours which is not an acceptable outcome.</p> <p>The proposed secondary living room windows on the eastern elevation of Levels 13-18 are inappropriate as they may cause issues if the building at No.88 is further</p>
--	--





	<p>developed above its existing height in the future.</p> <p>As these windows are secondary light sources, their removal would not unreasonably impact the amenity of these spaces and the windows should be removed by condition if a permit is to be issued.</p> <p><u>Overall</u></p> <p>The lack of setbacks would be contrary to the precinct wide objectives which are:</p> <ul style="list-style-type: none"> • <i>To ensure a high degree of internal amenity for building occupants, including providing for outlook and privacy, natural ventilation, sunlight and daylight and noise minimisation.</i> • <i>To ensure spacing between towers is sufficient to:</i> <ul style="list-style-type: none"> – <i>Allow for cross ventilation within the building.</i> – <i>Assist in maintaining the sense of space and ‘open sky views’ at street level.</i> – <i>Provide opportunities for buildings to have an outlook.</i> <p>The siting of the building in relation to the side boundaries would not be acceptable as it would compromise the internal amenity of the proposed dwellings on this site and adjacent sites, impact the streetscape preferred character and constrain the development potential of adjoining properties.</p>
<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"> – St Kilda Road frontages should function as a forecourt for public, private and communal use. Public seating areas should be provided in these forecourts. – Queens Road frontages should be designed to provide substantial landscaping, including, where appropriate, large scale canopy trees. <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>Does not comply</p> <p>There is no landscape setback requirement along Park Street.</p> <p>As noted above the landscape setbacks to Kings Way is inadequate.</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><u>Heritage</u> New development must respect the form, massing and siting of heritage buildings on the development site or adjoining sites.</p>	<p>Not Applicable The site and neither of the adjoining sites are subject to a Heritage Overlay.</p>
<p><u>Street Wall/Podium Level</u> 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>Does not comply As discussed previously in this report, the lack of above podium setback to Kings Way and parts of Park Street are consider to be an unacceptable.</p> <p>The building would align with curvature of the street.</p> <p>Levels 3 and 4 would include balconies and windows onto the street providing an adequate connection to the street.</p> <p>The plans do not detail whether the windows in the office levels are openable or not.</p> <p>The car parking at the ground and upper levels would be sleeved by office use at the street frontage.</p> <p>Adequate active frontages are provided to both street frontages.</p>
<p><u>Active Frontages</u> New development should provide integrated community and active space at street level that contributes to a high quality public realm. All building frontages (except on laneways and service streets) should:</p> <ul style="list-style-type: none"> – Be orientated towards the street. – Allow for natural surveillance and a visual connection into the building through transparent windows and balconies. – Avoid blank walls, large areas of reflective services, high fences, service areas, car 	<p>Complies The proposed office space and lobby would provide an active frontage to both frontages. The building would façade would have clear glazing on the lower levels to provide adequate surveillance and interaction with the street.</p> <p>The entrances to both uses would be at grade on the street frontage and a residential foyer would be located immediately inside the building</p>





<p>parks and garage doors in the podium interface areas.</p> <ul style="list-style-type: none"> – Provide clear glazing to street frontages; security grills must be visually permeable and mounted internally. – Provide no or low, visually permeable front fencing. <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"> – Individual entry points to ground level dwellings to create multiple residential addresses along the building façade, rather than a single entry point. – Entrances with weather protection and lighting. <p>New development within a commercial or mixed use zone should provide:</p> <ul style="list-style-type: none"> – Transparent windows and entrances for at least 80 per cent of the width of the street frontage of each individual retail premises, or at least 60 per cent of the width of the street frontage of each premises for other commercial uses. – Lighting design that is incorporated to the façade to contribute to a sense of safety at night 	
<p><u>Town 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"> – Ensure that daylight penetrates through to parts of the building and streets, and adjoining buildings. – Reduce their perceived visual bulk. – Maintain sightlines between buildings. <p>New residential development must have access to onsite communal or private open</p>	<p>Partially Complies</p> <p>The tower portion of the building would not exceed 35m in width.</p> <p>The impacts from the reduced side setbacks have been previously discussed.</p> <p>Open space for the dwellings is proposed to be via individual balconies and terraces appurtenant to the living room. All dwellings would have balconies that at least 8m² in size.</p>





<p>space in the form of rooftops, podiums, balconies or courtyards.</p>	<p>Communal open space is proposed on Level 3 in the form of a 25m² balcony adjacent to the eastern boundary.</p>
<p><u>Building Services</u></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>Partially Complies – no loading bay provided and inadequate storage cages provided.</p> <p>The waste storage areas and services would be well located on the ground floor located adjacent to the vehicle access.</p> <p>The roof top services would be screened and this would appropriately reduce noise and visual impacts on surrounding sites and public areas. It is noted that the services would be required to meet EPA guidelines at all times.</p> <p>Noise attenuation measures to the apartments could be included as a condition on any permit.</p> <p>The mail boxes for the site would be located near the main entrance to the lobby area and are convenient and accessible.</p> <p>No, green roofs, roof gardens or vertical garden are proposed.</p> <p>The development would not include a dedicated loading bay. The nearest on-street loading zones are located on Bank Street (180m) and on Palmerston Crescent (250m).</p> <p>Given the number of commercial business that continue to operate along with the emerging large scale mixed use development in this precinct the existing street loading zones would not likely be able to satisfy the long term loading demands of this area.</p> <p>It is noted that the on-street parking along Park Street will be affected by the new tram stop with some or all of the parking to be removed. Therefore the lack on site loading is inappropriate.</p> <p>The provisions of Clause 21.04-3 to provide loading facilities and the lack of onsite facilities would further add to the access and traffic issues noted later in this report.</p> <p>The development includes the provision of 48 storage cages in the basement levels. Given the limited storage provision within dwellings, it is considered that each dwelling should be provided with an external storage space. A condition could be added to any approval.</p>





<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>Complies</p> <p>The car parking area would be located off an existing crossover on Park Street and there is no rear or laneway access to the site.</p> <p>Whilst this is not ideal the impact of this aspect on the facade is minimal.</p> <p>Access arrangements and the impacts on the surround traffic network are discussed in Section 11.7 below.</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>Not Applicable</p> <p>The corner location does not lend itself to a through block link.</p>

9.3 **Other Urban Design/ Built Form Requirements**

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 and Multi-Unit New Residential Development of the Local Planning Policy Framework (LPPF). Clause 15.01-2 requires consideration also be given to the Design Guidelines for Higher Density Residential Development (Department of Sustainability and Environment, 2004).

Clause 15.01-2 Urban Design Principles

Clause 15.01-1 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 non-compliance, which relate to the areas of non-compliance outlined in relation to the DDO.





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 non-compliance, 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 and are considered as follows.

Clause 22.06 - Urban Design Policy for Multi-Unit Residential Development	Assessment
<p>Residential Amenity</p> <ul style="list-style-type: none"> • Require that new private or communal open space areas receive a minimum of four hours of sunlight between the hours of 9.00am and 3.00pm on 22 September (the equinox). • Ensure that solar access to existing habitable rooms and private open space of neighbouring residential properties is not unreasonably affected. • 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. • 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>Partially Achieved</p> <p>Open space for the dwellings is proposed to be via individual balconies and terraces appurtenant to the living room. All dwellings would have balconies that at least 8m² in size.</p> <p>The balconies would face either north or west and would receive adequate light and sun at differing times. Although this maybe significantly reduced in the future due to construction of development on adjacent properties.</p> <p>The front street balconies are encouraged and also given the width of the site. It is noted that there is a lack of balconies facing onto Park Street reducing levels of passive surveillance.</p> <p>The subject site abuts an existing residential tower at No.88 Park Street. The new development would reduce solar access and outlook from north facing habitable room and balconies in this building, however it is considered that the predominant views and access to northern light would be retained and the building would not have an unreasonable impact on the amenity of these existing dwellings.</p> <p>It is noted that the eastern wall of the building would abut existing windows in the western elevation of the building at No.88. It is assumed that these are non-habitable windows, however this cannot not be confirmed in the plans provided.</p> <p>The proposed secondary living room windows on the eastern elevation of Levels 13-18 are inappropriate as they may cause issues if the building at No.88 is further developed above its existing height in the future.</p>





	<p>As these windows are secondary light sources, their removal would not unreasonably impact the amenity of these spaces and the windows should be removed by condition if a permit is to be issued.</p> <p>As noted above the side setbacks of the proposal would not comply with the DDO requirements.</p> <p>There is potential for external overlooking from some of the northern balconies into balconies and windows on adjoining site at No.88 Park Street, however it appears that the distance would exceed 10m and therefore would be acceptable.</p> <p>There is some potential for internal overlooking from the same balconies, however this could be addressed by screening that could be required by a condition on any permit approval.</p> <p>The subject site is in a Mixed Use Zone and is predominantly surrounded by a mix of uses. A number of these uses generate noise as a result of the activities carried out on-site, and many have building plant and equipment for heating and cooling etc. The subject site is close to Kings Way which is a main road that generates significant noise.</p> <p>Accordingly, it is considered that the new dwellings should feature noise attenuation measures in their construction, so as to achieve a satisfactory level of internal amenity for the new residents. This could be provided for by a condition of any approval that may issue for the proposal.</p>
<p>Landmarks, Views and Vistas</p> <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"> ○ The Melbourne Central Activities District ○ Maritime structures such as St Kilda Pier Kerferd Rd Pier and Station Pier ○ Landmarks of cultural significance such as town halls, clock towers, church spires synagogues, grandstands and hotels ○ Landmark heritage buildings ○ The foreshore and adjacent boulevards and promenades 	<p>Achieved</p> <p>The development would not affect any special or protected landmarks, views or vistas.</p> <p>The subject site is not a major strategic site.</p>





<ul style="list-style-type: none"> ○ Public gardens and other key public open spaces. <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"> ○ Along St Kilda Rd, particularly towards the Shrine of Remembrance ○ The Shrine Vista ○ From the foreshore and its piers and the Bay towards the Melbourne CAD skyline ○ Along the beach front roads and boulevards, towards the foreshore and Port Phillip Bay in both directions ○ Along local roads and streets to Port Phillip <p>Bay, the Melbourne CAD, Albert Park Reserve and local parks and gardens</p> <ul style="list-style-type: none"> ○ The built form edge of key open spaces including the foreshore 	
<p>Urban Art</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>Achieved</p> <p>The plans identify an area for Urban Art to be located. 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.</p>

Urban Design Guidelines for Victoria

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

Title & Objective/s	Assessment
5.2 HIGHER DENSITY RESIDENTIAL BUILDINGS	
<p><u>5.2.1 To create a sense of address for dwellings within higher density residential buildings</u></p> <p>A Create multiple building entries that serve smaller groups of dwellings within a building.</p>	<p>Achieved</p> <p>A lobby/foyer to the dwellings would be provided on Park Street that would provide entry to the apartments on the upper levels of the building. The proposed lobby/foyer is</p>





<p>B Arrange building façades to identify individual dwellings.</p> <p>C Where ground floor dwellings face the street, provide individual entrances to each dwelling.</p>	<p>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>A Elevate ground floor dwellings to provide views to adjacent public spaces and streets.</p> <p>B Locate windows of living areas to overlook streets and other public spaces.</p>	<p>Achieved</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>A Locate the main pedestrian entry to be clearly visible and accessible from the street.</p> <p>B Provide shelter and waiting space on the street at pedestrian entries to buildings.</p> <p>C 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>D Lay out building entry areas to achieve direct sightlines from the outside of the entry door to all of the lobby space.</p> <p>E 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>Achieved</p> <p>The lobby/foyer for the dwellings is clearly visible and accessible from Park Street. It has been designed to provide clear sightlines to and from the building with 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>A Apply sound diffusing surfaces to walls within light courts, or walls facing onto streets or lanes less than 7.5m wide.</p> <p>B Locate mechanical plant rooms in sound insulated areas.</p> <p>C Shield adjacent dwellings from mechanical plant noise.</p>	<p>Achieved</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>Achieved</p>





<p>A Locate waste bin storage areas away from property boundaries so the bins cannot be used to climb walls and fences.</p> <p>B Maintain landscaping near higher density residential building entries to remove potential concealment places.</p>	<p>Common spaces and service areas would be appropriately located.</p>
<p>5.4 CAR PARKING STRUCTURES</p>	
<p><u>5.4.1 To provide conveniently located car parking structures</u></p> <p>A Locate car parking structures in proximity to the activities they support.</p> <p>B Where possible, share the car parking facility between multiple neighbouring uses.</p>	<p>Achieved</p> <p>Basement car parking would be provided which is 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>A Where practical, locate larger car parking structures below ground or within buildings or wrap them in a residential or commercial use.</p> <p>B Incorporate active uses into the building frontage of car parking structures.</p> <p>C On the principal street façades of the car parking structure, detail the walls to provide an interesting appearance.</p> <p>D Protect sensitive adjacent uses from vehicle noise, vibrations and emissions.</p>	<p>Achieved</p> <p>The street would incorporate an acceptable amount active frontage.</p>
<p><u>5.4.3 To maximise informal surveillance opportunities within car parking structures</u></p> <p>A Locate pedestrian entrances to car parking structures in convenient and visible locations at ground level on an active street frontage.</p> <p>B Minimise the number of pedestrian entry and exit points to multi-level car parks.</p> <p>C Locate pedestrian ramps, stairs and lift entrances in areas that are easily seen from internal pedestrian paths.</p> <p>D Locate stairwells and lifts at the perimeter of the car park and clad walls with transparent materials.</p>	<p>Achieved</p> <p>Access to the car park allows for appropriate surveillance.</p>





<p><u>5.4.4 To ensure safe and convenient pedestrian movement around and within car parking structures</u></p> <p>A Locate vehicle entrances to car parking structures away from pedestrian priority streets and public transport routes.</p> <p>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>C Where car lifts are employed, provide sufficient space for car queuing off the street and away from pedestrian paths.</p> <p>D Provide and locate bicycle parking close to vehicle entry points, with easy access to the public area of the car parking structure.</p> <p>E 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>F Provide dedicated and marked pedestrian paths in busy areas within car parking structures.</p> <p>G Use colours, lighting and numbers as part of a way-finding system within the car parking structure.</p>	<p>Part Achieved</p> <p>Safe and convenient pedestrian movement would be provided to and from the car parking area. Being an automated system no pedestrians would be able to access the actual car park levels.</p> <p>Access has been further discussed in Section 11.7 below.</p>
--	---

9.4 **Car Parking provision**

Current application:

Clause 52.06 of the Planning Scheme requires a total of 113 parking spaces for the proposal as follows:

- 67 dwellings @ 1 spaces per one or two bedroom dwelling (50 dwellings) and 2 spaces per three bedroom dwelling (17 dwellings) = 84 spaces;
- 13 visitor spaces for the dwellings (1 space per 5 dwellings); and
- Office Use @ 3.5 spaces/100m² of net floor area = 16 spaces (483.5m²)

The 44 onsite car parking spaces has been allocated in the following manner:

- 42 spaces for residents (67 dwellings @ 0.63 spaces per dwelling)
 - 17 spaces for 3 bedrooms (17 dwellings @ 1 space per dwelling)
 - 25 spaces for 2 bedroom dwellings (25 dwellings @ 0.62 spaces per dwelling)
 - 0 spaces for 1 bedroom dwellings (25 dwellings @ 0 spaces per dwelling)
- 2 spaces for offices





- 0 spaces for visitors

As shown above, the number of spaces allocated to each use would not comply with the requirements of Clause 52.06 of the Planning Scheme. A total reduction of 69 (40 resident, 13 visitor and 14 office) spaces would be required.

Previous approval:

The previous planning permit allowed a mixed use building which contained 48 dwellings (all one and two bedroom), a 45m² shop and 197m² office use. The development included 36 car spaces (32 resident spaces and 4 office spaces) and allowed a 28 car space reduction and a loading bay waiver.

The car parking reduction was broken down in the following manner:

- 16 spaces for the one bedroom dwellings;
- 16 spaces for the two bedroom dwellings;
- 4 spaces for the office tenancy
- 0 spaces allocated to visitors.
- 0 spaces for the retail tenancy

The 28 car space reduction equated to 16 resident spaces (all one bedroom dwellings), 2 spaces for the office tenancy, 1 space for the retail tenancy and 9 visitor spaces. The residential rate equates to 0.67 spaces per dwelling.

It is noted that this permit has recently lapsed on 16 May 2017.

Sustainable Parking Rates (Sustainable Transport Rates)

At its Strategy and Policy Review Committee meeting dated 2 April 2007, Council resolved to adopt the general direction of the Sustainable Transport Policy and Parking Rates strategy.

The Sustainable Transport Policy and Parking Rates strategy includes consideration of a reduction in the car parking requirements prescribed by the Planning Scheme.

The reduced rate for residential land uses is as follows:

Residential land uses – 0 – 0.8 spaces per 1 bed-room dwelling and 1 space per 3 or more bed-room dwelling.

It is noted that the policy does not recommend a reduction in the Clause 52.06 requirement of 1 space per 2 bedroom dwelling.

The strategy identifies a number of mandatory conditions that are required to be met before applying an upper limit reduced parking rate.

These mandatory conditions are as follows (in italics), with assessment below each in normal text:

- *The site must be within or no more than 200 metres walk to the edge of an Activity Centre;*

Not Achieved - the site is located more than 500m from the edge of the Clarendon Street Major Activity Centre.



- The site must be no more than 200 metres to fixed rail public transport;

Achieved, the site is located within 200m of tram routes.

- Strict control of on-street parking must be in operation within surrounding streets;

Not achieved - Whilst daytime restrictions exist in surrounding streets, these restrictions cease to operate outside of normal business hours and would not therefore act as a disincentive to own a car.

- The development must not be eligible to participate in Council's parking permit scheme;

Achieved - The development would not be eligible for resident parking permits.

- Provision of motor scooter / motorbike parking must be provided on site;

Not achieved, zero motorcycle spaces would be provided on site.

- Only small dwellings would be eligible for a reduced rate;

Achieved - permit conditions could ensure that the dwellings without a car space would be the smaller (one bedroom) dwellings.

- The site must be within approximately 400 metres of a full line (over 1,500m²) supermarket.

Not Achieved - The nearest supermarket is located approximately 900m to the northwest of the subject site, on the corner of Clarendon and Coventry Streets, South Melbourne. A smaller IGA supermarket is located on Park Street (100m) and a small local supermarket located on Dorcas St (500m).

Additional conditions (requirements) with which to consider application of a 'lower limit' sustainable (reduced) rate for residential land uses include:-

- Participation in car share scheme or other similar initiatives

Not Achieved - however it is noted that there are several on street car share spaces located within close proximity of the subject site on Wells and Bank Streets.

- Be located within a mixed use development or in an employment precinct

Achieved - the development includes a mix of land uses.

- Other contributions to sustainable transport infrastructure or services

Not Achieved.

- Other initiatives to reduce usage and/or ownership of motor vehicles

Achieved - bicycle spaces would be provided at a rate that would be above and beyond that required by the Planning Scheme.



The car parking requirements for the proposal pursuant to the Planning Scheme and Sustainable Transport Rates, and the proposed parking provision are as follows:

Car parking requirement	Planning Scheme Rates	Sustainable Rates	Car spaces proposed
Dwellings	50 dwellings @ 1 bed or 2 bed dwelling = 50 spaces 17 dwelling @ 2 spaces/3 bed dwelling = 34 spaces 1 space for every 5 dwellings for visitors = 13 spaces	25 x 1 BR @ 0.8 space per dwelling, 25 x 2 BR @ 1 space per dwelling, and 17 x 3 BR @ 1 spaces per dwelling = 62 spaces required No change for visitor rates = 13 spaces required	42 resident 0 visitor
Office	483m ² @ 3.5 spaces/100m ² of net floor area = 16 spaces	483m ² @ 2.8 spaces/100m ² of net floor area = 13 spaces	2
Total	113 spaces	88 spaces	44 spaces

This table shows that the residential parking provided would not comply with the sustainable parking rates that have been adopted by Council, and furthermore does not change the variation to visitor parking space requirements.

Is the proposed reduction of car parking acceptable?

A total reduction of 69 (40 resident, 13 visitor and 14 office) spaces would be required for the current development. The residential rate equates to 0.63 spaces per dwelling.

The sites location with good access to public transport and services are persuasive reasons to support a reduction of the parking spaces for the dwellings and the office use. As noted previously, the site is well served by public transport with trams (Park Street) and bus (located nearby and the entrance to the future Domain railway station is also located close to the site.

The site is also close to the Clarendon Street activity centre (500m west of the site) and near the Melbourne CBD. The good access to public transport and the close proximity to local serves would ensure that suitable public transport alternatives are readily available to residents and employees and that services are accessible without the need to rely on private transport.

The reduction in office car spaces is seen as acceptable in this location as it is considered likely that an employee would travel to site on public transport or by other means that a private vehicle, when there is restricted onsite provision and no on-street network capacity.

In relation to the reduction of car spaces for the dwellings, it is noted that the previous permit on the land allowed a reduction of 16 spaces, compared to the proposed reduction for this development of 40 spaces.





In relation to the reduction of car spaces for the dwellings, it is noted that the previous permit on the land allowed a reduction of 16 spaces, compared to the proposed reduction for this development of 40 spaces. It is also of note that the previous approval was granted prior to the recent surge in multi storey apartments applications in this locality and prior to the upgrade of the tram stop on Park Street, which would possibly remove some of the on street parking along this section of Park Street. Furthermore there is a likely loss of a large number of on-street spaces in this precinct in particular on Albert Road and around the new domain station.

It is noted that counter to these impacts, the proposed domain train station is now far more likely to proceed than in 2012/13 when the previous approval was initially contemplated.

It is noted that if the on-street car spaces were completely removed in this section of Park Street, the nearest on-street spaces would be in excess of 100m. Moreover these spaces would be restricted during the day and no ability for occupants of new dwellings to obtain a parking permit, thereby reducing the long term car parking options for future residents.

It is acknowledged that an amended multi-storey development at 37-43 Park Street was approved at VCAT (*39 Park Street Pty Ltd v Port Phillip CC [2017] VCAT 889*) with a resident parking rate of 0.8 spaces per dwelling (166 dwellings and 132 resident car spaces).

The decision made reference to existing approval and the support of the reduction in the following manner:

95 We give great weight to the fact that the proposed parking rate is similar to what is currently endorsed. Consistent with the principles of amendments to permits, we will not re-open the debate about the supply of parking.

As the previous permit for the subject land has now lapsed, it cannot be given the same weight as an active permit as noted above.

It is considered that the proposed car parking reduction would have an unreasonable impact on the surrounding on-street parking network. It is noted that Clause 21.04-3 has objectives and strategies that new development should provide appropriate car parking facilities. The lack of resident parking is considered contrary to this policy.

No visitor car parking would be provided for the development. This is not considered inappropriate as there are no real alternatives for visitors to park within the nearby area. There is some on-street parking provided near the subject site but this parking is subject to short term ticketed restrictions and could be completely lost with the introduction of the new Park Street Tram Stop and subsequent street upgrade works.

Additionally, the current number of large multi-storey developments approved and being considered by Council (some of which are proposed on existing commercial car parking developments), will impact on the availability of on-street parking in the future.

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



In light of the absence of alternatives for visitor car parking, some parking for visitors should be provided on site. While the quantum may not be necessary to be the 13 spaces required by Clause 52.06, around half this requirement should be provided, consistent with recent approvals in this locality.

An example of a recent approval in the area which included visitor parking is 200 Wells Street, South Melbourne. This development was required to provide approximately 34 visitor spaces under the planning scheme, however the provision of 15 visitor spaces within the development was considered to be an acceptable outcome for the development of this size and the surrounding area.

9.5 Traffic and Access

Traffic

Council’s Traffic Engineer has provided comments that the traffic generation rates adopted by the applicant have been checked and are considered satisfactory. Council’s Traffic Engineer considers that this level of traffic in isolation is not expected to have negative impacts on the local street network.

Accessing and Manoeuvring

Council’s Traffic Engineer has assessed access and manoeuvring associated with the development. Concerns have been raised about vehicles entering and exiting the site at the same time as other vehicles.

Council’s Traffic Engineers have asked for a swept path assessment to demonstrate how vehicles would queue before entering the car lift, and whether it is possible for a vehicle to exit the site while vehicles are queuing. Without this information it is not possible to determine whether access and manoeuvring associated with the entry and exit to the car lifts is acceptable.

As this information has not been provided it is recommended that access and manoeuvring associated with vehicles entering and exiting the car lifts is included as a ground of refusal.

9.6 Bicycle Parking

Clause 52.34 of the Planning Scheme requires bicycle parking for the uses as follows:

Use & Bicycle parking rate	No. of dwellings	Spaces required	Spaces proposed
<u>Dwelling</u> 1 resident space to each 5 dwellings 1 visitor space to each 10 dwellings	67 dwellings	13 resident spaces 7 visitor spaces	51 resident spaces 0 visitor spaces
Totals		20 spaces	51 spaces

The development would provide more than the resident spaces required and the allocation and availability of these spaces would meet the Planning Scheme requirements for bicycle parking.





It is noted that zero spaces would be allocated to visitors, when 7 spaces are required. Currently four bicycle hoops are located on the Park Street footpath and the application includes an additional bicycle hoop in this location. These 10 spaces (5 hoops) on the footpath would adequately service the visitor bicycle requirements for the development.

9.7 **Waste Management**

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

- *On page 7, Garbage generation estimates needs to be equal to recycling in line with the City of Port Phillip Waste Management Plan guidelines.*
- *On page 8 in line with equal garbage and recycling generation rates mentioned above, the under bench storage bins need to be an equal size. The aim should be to encourage and increase recycling rates.*
- *Consideration needs to be made with regard to the waiting times for cars and traffic impact when the waste collection vehicle is loading. I have reviewed the Traffic Management Plan and the response for further information about the traffic plan and I could not find any mention of the impact of the collection truck.*

The first two issues raised are not considered to be significant and could be mitigated by a condition on a permit if the application was to be supported.

The issue raised in relation to the collection point being located with the parking queue space relates to the above comments to queuing of vehicles and how this would impact the entry and egress to the automated parking system. Given the current lack of information on this matter, the access to the site is not supported.

9.8 **Sustainable Design**

A Sustainable Management Plan (SMP) has been submitted with the application. The SMP has been reviewed by Council's Sustainable Design Officer who has provided comments that the project is considered to not meet Council's standards for best practice as not in Section 7.1.4 of this report.

The changes required to satisfy the outstanding matters in relation to the SMP are not considered to be of significance to warrant a separate ground of refusal. Therefore, it is recommended that these outstanding matters are noted and should a permit be issued be required as a condition of the permit.

10 **COVENANTS**

The applicant has completed a declaration that the subject land, being all that land contained within Volume 08806 Folio 250, commonly known as Lots 1 and 2 on Title Plan 669019H, is not encumbered by a restrictive covenant or Section 173 agreement or other obligation such as an easement or building envelope.



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 Whilst the site is strategically located for an increase in residential density, concerns are raised with a number of aspects of the proposal including:

- The insufficient side and rear setbacks to the adjoining sites which would not meet the requirements of the DDO.
- The protrusions into the landscape setbacks at the upper level would not meet the precinct wide and sub-precinct objectives of the DDO.
- The lack of upper level setback to Kings Way and parts of Park Street would not meet the precinct wide and sub-precinct objectives of the DDO.
- The development would not allow for equitable development rights of adjoining properties.
- The development would overshadow the southern footpath of Park Street in the afternoon hours.
- The site would not provide an adequate provision of on-site parking and loading and would not have adequate vehicle access to the parking areas.

- 13.2 It is therefore considered that the development as proposed is not acceptable and cannot be supported in its current form. For the reasons outlined in the above assessment, it is recommended that this proposal not be supported at the upcoming VCAT hearing

14. RECOMMENDATION - Refusal

- 14.1 That the Responsible Authority, having caused the application 149/2017 to be advertised and having received and noted the objections, advise VCAT that, had it been the



Responsible Authority for determination of the application, would have issued a Notice of Refusal to Grant a Planning Permit for buildings and works including the construction of a multi-level (19 storey) mixed use building over two basement levels containing dwellings and an office and a reduction in the car parking requirements at 100 Park Street, Melbourne on the following grounds:

1. The proposal does not adequately satisfy the relevant objectives and strategies of the Local Planning Policy Framework (LPPF), namely 21.04-1 (Land Use – Housing and accommodation), 21.05-2 (Built Form - Urban Structure and Character), 21.05-3 (Built Form - Urban Design and the Public Realm), 21.06-7 (Neighbourhoods – St Kilda Road North Precinct) of the Port Phillip Planning Scheme.
2. The building scale and massing is contrary to Clause 21.05-2 (Built Form - Urban Structure and Character), 21.05-3 (Built Form - Urban Design and the Public Realm), 21.06-7 (Neighbourhoods – St Kilda Road North Precinct), 22.06 (Urban Design Policy for Non Residential Development and Multi Unit Residential Development) and 43.02 (Design and Development Overlay) of the Port Phillip Planning Scheme.
3. The proposal is inconsistent with the design objectives and requirements of the Design and Development Overlay Schedule 26, particularly in relation to side and rear setbacks, podium upper level setbacks, landscape setbacks, onsite loading bays and overshadowing of the southern side of Park Street.
4. The development would not allow for equitable development rights of 88 Park Street, South Melbourne.
5. The development would not provide acceptable vehicle access to the site which would impact the traffic flow in the surrounding area in accordance with Clause 52.06 of the Port Phillip Planning Scheme.
6. The development does not provide an adequate onsite car parking provision for dwellings or residential visitors in accordance with Clause 52.06 of the Port Phillip Planning Scheme.
7. The development does not provide an adequate provision of onsite loading in accordance with Clause 43.02 (Schedule 26) of the Port Phillip Planning Scheme.
8. The proposal is an overdevelopment of the subject site and would not be in keeping with the orderly planning of the area.