

Submission on behalf of Port Phillip City Council

Planning Permit Application PA2604230 – 60-74 Park Street, South Melbourne



Introduction

1. This submission provides the Department of Transport and Planning (**the Department**) with Port Phillip City Council's (**Council's**) position on Planning Permit Application PA2604230 (**the application**), in response to notice of the application received on 24 April 2026 under section 52 of the *Planning and Environment Act 1987*.
2. The submission is structured in three parts: a brief introduction; an assessment of the proposal, centred on five key questions arising under the relevant provisions of the *Port Phillip Planning Scheme*; and a recommendations section, which sets out a series of recommendations (in order of preference) for the Department to consider before deciding on the application.
3. The application seeks a permit for the construction of a 22-storey mixed-use building comprising ground-floor commercial and retail uses and 297 apartments above (ranging from studio to three-bedroom), and incorporating an affordable housing component, communal open space, basement and podium car parking, bicycle facilities, a dedicated loading bay, and vehicle access from Park Street with egress to Little Bank Street.
4. The application relates to land at 60-66 Park Street, 68 Park Street, and 70-74 Park Street, South Melbourne (collectively, **the site**). The site is regularly shaped, has an area of approximately 2,050 square metres, and is situated on the northern side of Park Street, roughly mid-block between Wells Street to the east and Kings Way to the west. It is within the Mixed Use Zone and affected by Schedule 26 to the Design and Development Overlay (St Kilda Road North Precinct) (**DDO26**), and Schedule 2 to the Special Building Overlay (Port Phillip City Council Local Drain) (**SBO2**).
5. The applicable permit triggers, as identified in the notice provided by the Department, are:
 - Clause 32.04-2 (Mixed Use Zone) – Use of land for Retail premises.
 - Clause 32.04-7 (Mixed Use Zone) – Construct two or more dwellings on a lot.
 - Clause 32.04-10 (Mixed Use Zone) – Construct a building or construct or carry out works for a use in Section 2 of Clause 32.04-2.
 - Clause 43.02-2 (Design and Development Overlay) – Construct a building or construct or carry out works.
6. The application also requires a permit under Clause 44.05-2 (Special Building Overlay).
7. The application qualifies for assessment under Clause 53.23 (Significant residential development with affordable housing), the purpose of which includes facilitating residential development that contributes to the provision of affordable housing to meet existing and future needs, together with high-quality urban design, architecture, and landscape architecture outcomes. On this basis, the Minister for Planning is the responsible authority, pursuant to Clause 72.01-1.

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Assessment

8. The following questions for determination arise under the relevant provisions of the Planning Scheme:
- Does the proposal, having regard to the additional height and scale proposed to facilitate the delivery of affordable housing, constitute an acceptable built-form outcome?
 - Does the proposal achieve acceptable streetscape, public realm, and landscape outcomes?
 - Are the proposed car parking, bicycle parking and access arrangements acceptable?
 - Are the proposed environmentally sustainable development and water sensitive urban design outcomes acceptable?
 - Are the proposed waste management arrangements acceptable?
9. These questions are addressed in turn below. All other relevant matters are discussed thereafter.

Does the proposal, having regard to the additional height and scale proposed to facilitate the delivery of affordable housing, constitute an acceptable built-form outcome?

10. The site is affected by the Design and Development Overlay (Schedule 26) (**DDO26**), which applies to the St Kilda Road North Precinct. More specifically, the site is located within Sub-Precinct 2 (Northwest Corner).
11. DDO26 provides the primary framework for assessing the proposed built form, establishing local expectations for scale, massing and setbacks within the precinct. This framework comprises a mix of:
- Quantitative (prescriptive) and qualitative (performance-based) built form requirements at both the precinct and sub-precinct levels, some of which are expressed as mandatory; and
 - Qualitative design objectives at both the precinct and sub-precinct levels.
12. Clause 2.1 of DDO26 contemplates that setbacks greater than those prescribed may be required to achieve appropriate building separation, respect the existing urban character and development pattern, and deliver equitable, high-amenity outcomes, including adequate solar access to public footpaths.
13. As outlined above, the application qualifies for assessment under Clause 53.23 (Significant residential development with affordable housing). This particular provision operates independently of local built form controls and allows the Minister for Planning, as the responsible authority, to waive or vary planning scheme requirements that would otherwise apply to the land, including those arising under DDO26 such as

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building height or setback requirements, irrespective of whether that requirement is expressed as mandatory.

14. The ability to waive or vary building height and setback requirements under Clause 53.23 does not diminish the need to achieve an acceptable built form outcome. Any such waiver or variation must be justified, having regard to the relevant design objectives of DDO26 and the broader Planning Scheme.
15. The extent of non-compliance with the prescriptive built form requirements of DDO26 is summarised in the table below, which demonstrates that the proposal does not meet a number of those requirements.

Built form requirement in DDO26		Requirement type	Proposed building	Complies?
Building height	60 metres maximum	Mandatory	69.57 metres	*
Podium height	18 metres maximum to Park Street	Discretionary	10.97 metres for a width of 14.8 metres and a 19-storey tower (60.4 metres) for the remainder	*
Upper-level setbacks	5 metres minimum to Park Street	Discretionary	0 metres	*
	4.5 metres minimum to common side and rear boundaries <u>and</u> at least 9 metres separation from an existing tower	Discretionary	North: 3.1-3.5 metres from boundary and 8.8-9.1 metres from the existing tower at	*
			East: 0-2.8 metres from boundary <u>and</u> 0-6.1 metres from the existing tower at 52-58 Park Street	*
			West: 0-2.0 metres from boundary <u>and</u> 9.1 metres from the existing tower at 88 Park Street	*
Solar access	Maintain existing solar access to the southern footpath of Park Street between 10am and 2pm on 22 September	Discretionary	Reduced solar access to the southern footpath of Park Street at each hour between 10am and 2pm on 22 September	*

16. While such non-compliance is not determinative of the acceptability of the proposed built form, its extent reinforces the need for the proposal to clearly demonstrate that it achieves the relevant design objectives.
17. Here, the relevant design objectives seek to:
 - Provide for a graduation in building height from Kings Way to St Kilda Road, reinforcing the primacy of the latter as one of Melbourne's premier boulevards, and maintaining the scale of development within the setting and backdrop of the Shrine of Remembrance (Clause 1.0).

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- Protect the Shrine of Remembrance as a significant historic and cultural landmark and place of reverence by maintaining the scale of development within its setting and backdrop and preserving important views and vistas to and from the Shrine (Clause 1.0).
 - Maintain the view corridor along Bank Street between the Shrine terrace and South Melbourne Town Hall Clock Tower (Clause 1.0).
 - Deliver a high quality and high amenity pedestrian environments at the street level and, for this sub-precinct, a fine grain in the form and articulation of new buildings (Clause 1.0).
 - Achieve a high level of internal and external amenity, supported by adequate building separation to provide for outlook, privacy, ventilation, and a sense of openness (Clause 1.0).
18. The proposed built form is articulated as a podium with an L-shaped tower comprising a 19-storey component addressing Park Street and a 22-storey component extending across the rear of the site. While this arrangement seeks to break down the overall massing, the consistent facade treatment, alignment, and limited distinction between the tower elements result in the development being read as a single, continuous built form.
19. A key concern is that the proposal does not achieve the intended graduation in building height laterally across the sub-precinct. Rather than stepping incrementally upwards toward St Kilda Road, the development presents a form that is significantly taller and more visually prominent than surrounding buildings, including those located on higher ground closer to St Kilda Road.
20. This outcome is evident both in the immediate streetscape and in longer range views, including established view corridors towards the Shrine of Remembrance. The siting of substantial mass toward the rear of the site reduces perceived openness and introduces additional visual bulk within the foreground of these views, which is inconsistent with the strategic intent for a more moderated built form transition.

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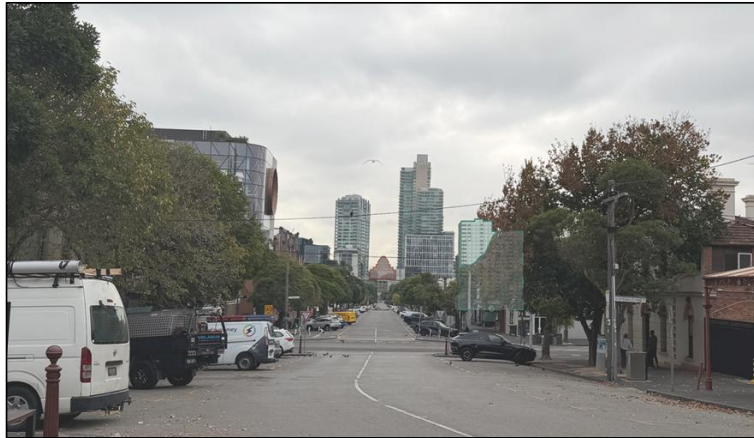


Figure 1. Extract from the drawing titled 'Shrine Vista Analysis - View from South Melbourne Town Hall' (Drawing Number TP1031 (Revision No. E), prepared by DKO Architecture and dated 27 April 2026), illustrating the additional bulk associated with the rear northern part of the proposal (shaded in teal). For context, the building immediately to the left is located on the northern side of Little Bank Street (41-49 Bank Street) and complies with the mandatory building height requirements of DDO26-2.

21. The scale of the proposal represents a substantial departure from its immediate context. The 19-storey frontage exceeds the height of 52-58 Park Street by three storeys (approximately 11 metres) and 88 Park Street by seven storeys (approximately 25.1 metres). A further three storeys are located at the rear of the site, increasing the overall height to 22 storeys. This additional height is not expressed through discernible stepping, tapering, or recession, and instead contributes to a continuous and expansive building form, particularly when viewed from key longer-range vantage points.
22. At street level, the proposal presents a dominant and relatively uninterrupted vertical expression to Park Street. The 19-storey street wall forms a pronounced corner condition with Little Bank Street and concentrates building bulk toward the lower-scale interface with 88 Park Street, rather than aligning more closely with the taller built form at 52-58 Park Street. While variation in street wall design can be appropriate, it is typically achieved through modulation of podium height combined with upper-level setbacks. In this instance, the absence of meaningful setbacks results in a sheer wall condition that is highly visible and dominant, particularly when viewed from the western end of Park Street.
23. The proposed void above podium level, adjacent to 52-58 Park Street, does not provide an effective visual break and instead exposes an unresolved and largely unarticulated boundary condition in oblique views from Park Street. While a separation distance of approximately 14.7 metres is provided, the resulting void reinforces the dominance of the 19-storey southern tower and draws attention to the proposal's departures from the DDO26 controls and so the preferred character for the area tested and supported through the planning scheme amendment process.
24. The proposed corner treatment to Park and Little Bank Streets is excessively tall and, as a result, gives undue prominence to the intersection. Consistent with the above, it draws attention to the proposal's variation to the upper-level setback requirements under DDO26, which have been adhered to by other buildings in the sub-precinct, and

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will appear discordant in the local context. The bulk is not relieved by the lower-level corner balconies or by the horizontal banding, the spacing of which increases with height and diminishes its effectiveness in reducing the perception of a continuous vertical form.

25. The additional height sought, being three storeys (9.57 metres) above the mandatory control, may be justifiable on the basis of affordable housing delivery. While the provision of affordable housing is strongly supported, it does not, in itself, justify an unacceptable built form outcome. In circumstances where a proposal seeks to exceed mandatory controls, it is expected to demonstrate a significantly higher standard of design response, including a refined and contextually responsive massing strategy.
26. In this instance, although the architectural treatment incorporates material variation and facade articulation, these measures are not sufficient to offset the scale and bulk of the proposal. The absence of pronounced upper-level setbacks for the 19-storey element results in a broad, uninterrupted tower form, limiting the effectiveness of articulation in reducing perceived mass. The building does not achieve the level of slenderness or fine grain that characterises other development within the precinct, nor does it respond adequately to its immediate interfaces or the broader strategic context.
27. Having regard to the above, the proposal does not represent an acceptable built form outcome. The scale, height and massing of the development do not appropriately respond to the surrounding context or the intended future character of the area. The extent of variation sought from otherwise mandatory controls is not supported by a commensurate design response of sufficient quality to reasonably justify the uplift. Further, there remains uncertainty regarding the form in which the affordable housing will be delivered and whether it will result in a meaningful local benefit.
28. On balance, it is considered that the proposal fails to achieve the relevant design objectives and does no warrant support in its current form.
29. Waiving or varying mandatory requirements of a local provision, such as DDO26, in circumstances where a proposal does not demonstrate a sufficiently high-quality design response risks undermining the integrity of the planning framework. This is particularly the case where those controls have been established through strategic planning processes, including structure planning and planning scheme amendments, which reflect a considered policy position shaped by technical analysis and community input.

Does the proposal achieve acceptable streetscape, public realm, and landscape outcomes?

Streetscape and public realm response

30. The site has three interfaces with the public realm: Park Street to the south and Little Bank Street to the north and west. Of these, Park Street is considered the primary interface, by virtue of its role under DDO26 as a key pedestrian street and its function as a public and active transport corridor.

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Park Street

31. In response, the proposal presents in three-story, part nineteen-storey built form to the Park Street frontage. At street level, retail and commercial tenancies flank a central recessed entry to the residential apartments. The remainder of the frontage is occupied by building services and a driveway providing access to the ground-level car park. Landscaping is introduced through planter boxes located in front of the retail and commercial tenancies and interspersed with public seating.
32. While there are positive elements of the response, such as the levels of activation and passive surveillance of Park Street, its overall quality is undermined by the retention of the existing vehicle crossover. This element is both unnecessary, having regard to the site's multiple frontages to the road network, and inappropriate in the context of the clear policy direction to both prioritise a pedestrian-friendly public realm and locate vehicle access from laneways where possible.
33. Further, the Environmental Wind Conditions Study prepared by MEL Consultants indicates that the proposal does not achieve comfortable (safe) wind conditions at street level along Park Street. *Planning Practice Note 93: Wind impacts in apartment developments (PPN93)* (DELWP, 2021) defines such conditions as those that enable a person to safely walk and stand in gusty conditions. This outcome arises from the adoption of a 'walking' criterion only along the Park Street footpath, contrary to the guidance of PPN93 and the policy intent of DDO26, which seeks to minimise adverse wind impacts on streets. These findings raise concerns regarding the acceptability of the sheer wall presentation to Park Street, and whether the resulting impacts can be satisfactorily addressed through permit conditions or in a manner where associated mitigation measures would further compound concerns with the proposed built form.

Little Bank Street (West)

34. The presentation to Little Bank Street to the west comprises several elements, including: the side elevation of the ground floor commercial tenancy at the southwest corner, which is largely defined by floor-to-ceiling glazing; a glazed mail room and office (presumably shared between uses within the development); the bicycle store and workshop; and the entries to the loading bay and car share parking spaces. A new footpath is provided in front of these elements, with a width that varies between 1-2 metres.
35. In principle, the provision of a footpath along the western side of the building is supported on the basis that this outcome is consistent with DDO26, which seeks to improve pedestrian permeability within the mixed use areas of the North St Kilda Road Precinct by enhancing existing links and laneways.
36. However, the detailed design does not fully align with the principles and intent of DDO26. In particular, the variable footpath width is a concern, and a consistent width should be provided that can accommodate accessible pedestrian movement, including for people with a disability. While this outcome could be achieved via permit condition, there is a risk of unintended consequences, such as compromising the functionality of the ground floor.

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37. Further, additional design measures should be incorporated to improve pedestrian safety at the interface with the loading bay, the car share entry, and near the north-east corner of the building. In its current form, the arrangement requires pedestrians travelling north to step directly into Little Bank Street with limited visibility.

Little Bank Street (North)

38. The presentation to Little Bank Street to the north is predominantly service oriented, which is considered reasonable having regard to its existing and intended function. However, the design detail of this interface should be further refined through the required Public Realm Improvement Plan, to be secured by condition, noting the limited detail provided in the development plans.
39. The existing condition of the roadway also requires rectification. The submitted Traffic Engineering Assessment identifies uneven surface levels along Little Bank Street, and Council's Development Engineers have concerns regarding the suitability of this condition, having regard to the anticipated increase in both pedestrian and vehicle movements resulting from the development. Accordingly, the development must provide for the upgrade of the road to the satisfaction of the Responsible Authority. This could be addressed by way of permit condition.

Solar access to Park Street

40. The extent of shadow cast by the proposal over the footpath on the southern side of Park Street, which is, in part, attributable to the 19-storey street wall, is not insignificant. The shadow diagrams in the Urban Context Report prepared by Urbis indicate additional shadow at each hour between 10am and 2pm on 22 September (with the impact at 10am considered negligible), with overshadowing ranging between 147.12 and 235.27 square metres.
41. The statement in the Urban Context Report that the solar access and building envelope controls (being the product of the building height and setback requirements) in DDO26 are at "odds" is not accepted and reflects a misunderstanding of the operation of the overlay.
42. As outlined at paragraph 12, DDO26 expressly contemplates that increased setback and separation distances may be necessary to achieve, among other things, adequate solar access at street level and the equitable distribution of daylight to existing and proposed development.
43. This makes clear that the overlay establishes a hierarchy in which performance-based design objectives prevail over prescriptive built form outcomes.
44. In this context, the solar access outcome proposed by the application is not considered to meet the following design objectives of DDO26:

To encourage building design that minimises adverse amenity impacts upon residential properties, Albert Park Reserve, the Shrine of Remembrance and other open space, streets and public places in the area as a result of overshadowing, wind tunnelling or visual bulk (Clause 1.0).

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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 (Clause 1.0).

To improve the streetscape environment of the Northwest Corner Sub-Precinct through high quality built form (Clause 1.0).

45. It is inappropriate to rely upon the extent of shadow cast by built form that predates DDO26 as a benchmark of acceptability in relation to the overlay's solar access requirements.
46. A redesign is required to ensure adequate solar access to Park Street, as required by DDO26 and, by extension, Clause 43.02-2.

Landscape response

47. Council's Landscape Architect has raised concerns regarding the viability of the podium-level landscape treatments, noting that they will be subject to overshadowing from the towers that bound the communal open space on three sides throughout the day.
48. The planting schedule in the Landscape Plan prepared by Arcadia indicates that the nominated tree species (Native Frangipani) are suited to full sun or part shade conditions, which is inconsistent with the prevailing solar access conditions within this space.

Conclusion

49. Overall, the proposal does not achieve an acceptable streetscape, public realm, or landscape outcome. While there are positive aspects, including active frontages to Park Street and the introduction of a new pedestrian link along Little Bank Street (west), these are outweighed by several fundamental shortcomings.
50. In particular, the retention of the Park Street vehicle crossover, unacceptable wind conditions, and additional overshadowing collectively undermine the amenity, safety, and pedestrian priority of this key interface. The Little Bank Street (west) frontage, while supported in principle, does not provide a functional or accessible outcome due to variable footpath width and unresolved safety issues, while the northern interface lacks sufficient design resolution. Taken together, these matters demonstrate that the proposal fails to meet the relevant streetscape, public realm and solar access objectives of DDO26. A more comprehensive redesign is required to achieve a high-quality and policy-compliant outcome.

Car parking provision

51. As the site is identified within Category 3 of the Car Parking Requirement maps, the residential component of the proposal generates a statutory car parking requirement under Clause 52.06 (Car parking) of between 0 (minimum) and 596 (maximum) spaces, as shown in the table below.

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Quantity	Measure	Car parking rate (Category 3)	Car parking requirement	Number of spaces proposed	Complies?
Dwelling					
297 dwellings	To each dwelling	0 spaces (minimum)	0 spaces (minimum)	86 spaces	✓
		2 spaces (maximum)	594 spaces (maximum)		
Food and drink premises (Café)					
128 square metres	To each 100 square metres of net floor area	0 spaces (minimum)	0 spaces (minimum)	0 spaces	✓
		2 spaces (maximum)	2 spaces (maximum)		

52. The proposed car parking provision comprises 86 spaces, all of which are allocated to the residential component of the proposed development.
53. As this provision falls between the prescribed minimum and maximum car parking requirements, a permit is not required under Clause 52.06-2. On that basis, the application requirements and decision guidelines under Clause 52.06-7 do not apply, and the proposed car parking provision is deemed inherently acceptable.

Car parking location and design

54. Car parking is located within the basement and podium levels of the development and is accessed via a central ramp system.
55. The proposed internal car parking and access layouts have been reviewed by Council's Traffic Engineering Department, with key comments summarised below:
- Insufficient information has been provided to determine whether the curved parts of the proposed ramps comply with Australian/New Zealand Standard 2890.1:2004 (**AS/NZS 2890.1**).
 - It is unclear how the proposed pick-up, drop-off car parking space within the ground floor car park would function, noting that it is located behind a gate and the manner which this gate will operate has not been disclosed.

Vehicle access

56. Vehicle access to the main car parking areas is proposed from Park Street to the south via the existing crossover near the common boundary with 52 Park Street. All vehicles exit to Little Bank Street to the north.
57. The continued reliance on Park Street for vehicle access is not supported and should similarly not be supported by the Department, on the basis that the arrangement:
- Runs counter to the established traffic engineering principles that seek access from the lowest order road, which in this instance is Little Bank Street, to which the site has two frontages.

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- Represents, contrary to the argument advanced in the application material, an outcome explicitly discouraged by policy:

Vehicle ingress and egress should be located on lanes, where possible (Clause 2.1 to DDO26).

- Fails to appropriately consider to the status of Park Street as a 'primary route' in the State-significant Strategic Cycling Corridor network and as a 'proposed bike corridor' in the Pedestrian and Bicycle Network Framework Plan at Clause 02.04-3. The protection of this infrastructure is clearly sought by policy at the state and local levels, as outlined in the below table.

Clause 15.01-1S (Urban design)
<i>Ensure development supports public realm amenity and safe access to walking and cycling environments and public transport.</i>
Clause 18.01-3S (Sustainable and safe transport)
<i>Design development to promote walking, cycling and the use of public transport, in that order, and minimise car dependency.</i>
Clause 18.01-3L-01 (Sustainable and safe transport in Port Phillip)
<i>Minimise the impact of development, including vehicle crossovers, on the pedestrian and bicycle network as identified in the Pedestrian and Bicycle Network Framework Plan at 02.04 Strategic Framework Plans.</i>
Clause 18.02-2S (Cycling)
<i>Protect Strategic Cycling Corridors from encroachment by development and incompatible interface treatments such as cross overs.</i>

- Does not adequately respond to the recent streetscape improvement works along Park Street, which were funded in part by the State Government, noting the reliance on a feature survey prepared more than 18 months prior to lodgement.
 - Will adversely impact pedestrian and cyclist safety through the intensification of vehicle movements.
 - Provides no discernible public realm benefit.
58. However, if the Department does not share this view and is minded to grant a permit, it is considered both reasonable and necessary to require the design detail of this access point to be certified by a suitably qualified Road Safety Auditor prior to the occupation of the development. This requirement is justified by the increased/intensified use of Park Street for vehicle access, particularly given its role as a State-significant bicycle corridor and the relevant planning policy, and should inform the preparation of a Public Realm Plan.

Loading and unloading

59. The proposal includes a dedicated loading bay on the western side of the building, which will accommodate all loading and unloading activities associated with the development.

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60. These activities are generally limited to waste collection (a total of 21 visits per week, in accordance with Tables 7 and 8 of the submitted Waste Management Plan), deliveries associated with the commercial component of the development (café), and resident loading and unloading.
61. The loading bay has been designed to accommodate a Small Rigid Vehicle (**SRV**, in accordance with *Australian Standard 2890.2:2002 (AS 2890.2)*), which is the largest vehicle type that is likely to access the site on a regular basis. The application material includes a swept path assessment for an SRV, demonstrating that this vehicle type can enter and exit the site in a single manoeuvre without conflict with the median island in the laneway. However, access requires service vehicles (including SRVs) to reverse into the site and has only been modelled for vehicles entering Little Bank Street from Park Street to the south.
62. It is unclear whether a similar level of access could be achieved for service vehicles approaching from, for example, Wells Street to the east, noting the presence of the central median island. The Department should confirm this before deciding the application.
63. Notwithstanding, Council's Traffic Engineer does not support the reversing aspect of the access arrangements for the loading bay, primarily for operational reasons. Instead, they require a turntable within the loading bay to enable service vehicles to enter and exit the site in a forward direction.
64. Subject to further information, the proposed reversing arrangement may be acceptable, having regard to the following:
- The reversing manoeuvre would occur at the widest point of Little Bank Street, and away from the intersection to the north, thereby maximising visibility for other road users and pedestrians.
 - The relatively low volume of traffic carried by Little Bank Street.
 - Some of the concerns raised by Council's Traffic Engineer would apply irrespective of the direction of the direction of vehicle entry (for example, standing within the laneway whilst the gate opens).
 - The modest scale of the commercial component of the development and the expected type and frequency of associated deliveries.
 - The potential for traffic management measures, such as signage, line-marking, and similar treatments, to improve safety at the interface with the public realm.
65. To reduce the frequency with which service vehicles are required to reverse into the loading bay, there is an opportunity to convert the pick-up, drop-off car parking space within the ground floor car park into a smaller on-site loading bay. This bay would primarily accommodate smaller deliveries associated with the café as well as smaller resident loading and unloading activities.
66. Alternatively, a "minor service area" (in defined in Clause 4.1 of AS 2890.2) could be located within part of the internal circulation system, provided that occasional

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obstruction to other vehicles by manoeuvring service vehicles can be tolerated. This should be confirmed in consultation with a suitably qualified Traffic Engineer prior to the Department making a decision on the application.

67. Either outcome could be secured by permit condition, subject to the Department's consideration of the relative merits of each approach.

Bicycle parking provision and design

68. The proposal generates a statutory bicycle facilities requirement under Clause 52.34 (Bicycle facilities) of 59 resident bicycle parking spaces and 30 visitor bicycle parking spaces, as set out in the table below.
69. As fewer than five employee bicycle parking spaces are required under Table 1 to Clause 52.34-5, there is no requirement to provide showers or change rooms.

Quantity	Rate/Measure		Number of spaces required	Number of spaces proposed	Complies?
	Employee/ Resident	Visitor/ Shopper/ Student			
Dwelling					
297 dwellings	In developments of four or more storeys, 1 space to each 5 dwellings	In developments of four or more storeys, 1 space to each 10 dwellings	59 spaces for residents <u>and</u> 30 for visitors (89 spaces total), after rounding to the nearest whole number in accordance with Clause 52.34-5	Bicycle parking allocation is not clearly disclosed; however, the plans indicate a total provision of 132 spaces, including 24 labelled as "visitor spaces"	* (as the number of spaces labelled as "visitor spaces" is less than the 30 spaces required under Clause 52.34-5)
Retail premises (Café)					
128 square metres	1 space to each 300 square metres of leasable floor area	1 space to each 500 square metres of leasable floor area	0 spaces for employees <u>and</u> visitors, after rounding to the nearest whole number in accordance with Clause 52.34-5	Bicycle parking allocation is not clearly disclosed; however, as zero spaces are required under Clause 52.34-5, the minimum requirement is met	✓

70. Insufficient information has been provided to determine whether the design of bicycle parking spaces meets the prescriptive requirements of Clause 52.34-6.
71. Notwithstanding this, the proposed visitor bicycle parking provision is less than the statutory requirement generated by the residential component of the development. As

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such, a permit is triggered under Clause 52.34-2. It is unclear from the application material or section 52 notice letter whether this permission has been sought.

72. In any event, compliance with the requirements Clauses 52.34-5 and 52.36-6, as well as the provision of bicycle signage required under Clause 52.34-7, could be addressed by condition, as set out in **Recommendation C**.

Conclusion

73. While the proposed car and bicycle parking arrangements are generally acceptable, subject to the recommended permit conditions, the retention of the existing access to Park Street is an unacceptable planning outcome. This conclusion has regard to the role and function of Park Street as a key pedestrian street and public and active transport corridor, as well as relevant policy which seeks to protect State-significant bicycle infrastructure and to obtain vehicle access from laneways where possible. Vehicle access should instead be provided from Little Bank Street, to which the site has dual frontage.

Are the proposed environmentally sustainable development and water sensitive urban design outcomes acceptable?

74. The application is accompanied by a Sustainability Management Plan and a Stormwater Management Plan. These documents outline the proposed environmentally sustainable development and stormwater management measures to address the requirements of relevant policy, including Clauses 15.01-2L-02 (Environmentally sustainable development) and 19.03-3L (Stormwater management (Water sensitive urban design)), as well as the relevant standards in Clause 58 (Apartment developments). Key points include:

Sustainability Management Plan

- The submitted Sustainability Management Plan includes an assessment of the proposed development using BESS (Version 8), an industry-standard tool. The assessment demonstrates that the development achieves a score of 53%, exceeding the 50% threshold required to meet 'best practice' under BESS. However, for context, this score falls well short of the 70% minimum required to achieve an 'excellence' rating.

Stormwater Management Plan

- The submitted Stormwater Management Plan includes an assessment of the proposed stormwater management system using MUSIC, an industry-standard modelling tool. The assessment demonstrates that the system, which comprises a 12-kilolitre rainwater tank and a stormwater treatment system comprising cartridge filtration within a 4-cubic metre on-site detention structure, achieves 'best practice' outcomes under MUSIC.
75. Both management plans were referred to Council's Sustainable Design Advisor, who provided comments in response. The relevant comments are summarised below:

Sustainability Management Plan

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- The plan references different versions of the *National Construction Code (NCC)*. The development should be assessed against the current version, being NCC 2022.
- The application has been assessed using an incorrect version of BESS and should instead be assessed using Version 9.
- A BESS score of 53% is considered low and should be improved.
- Greater consistency is required across the application material, particularly in relation to the reuse of rainwater for toilet flushing and irrigation.

Stormwater Management Plan

- Greater consistency is required across the application material, particularly in relation to the reuse of rainwater for toilet flushing and irrigation, and maintenance of the stormwater management system.
76. In considering whether the proposed environmentally sustainable development and water sensitive urban design outcomes are acceptable, the starting point is to identify the relevant benchmarks within the Planning Scheme.
77. For environmentally sustainable development, the applicable benchmark is the objective of Clause 15.01-2L-02, which seeks “**best practice** in environmentally sustainable development from the design stage through to construction and operation” (emphasis added)¹.
78. In this context, the proposed development is considered to achieve an acceptable environmentally sustainable development outcome. The BESS assessment demonstrates a ‘best practice’ result, consistent with the outcome sought by policy.
79. While Council’s Sustainable Design Advisor advocates for a higher BESS score, their position is not supported by policy in the Planning Scheme. Because of this, there is no basis to require the applicant to pursue additional credits or incorporate further environmentally sustainable development measures into the development.
80. However, there is scope to require amendments to the Sustainability Management Plan, and other application material to be endorsed and form part of any permit, to address identified errors and inconsistencies. This can be achieved through permit conditions, as set out in Recommendation C.
81. Turning to stormwater management, the key benchmarks include:
- Standard D13 in Clause 58.03-8 (Integrated water and stormwater management objectives), which generally requires stormwater management systems to be designed to meet current best practice performance objectives for stormwater

¹ Council has assumed the application falls within Category 1 under Table 1 to Clause 53.23 (significant residential development with affordable housing). It is noted that Category 3 applications require an ‘exemplary’ environmentally sustainable design outcome, which may align with an ‘excellent’ BESS rating.

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quality, as set out in *EPA Publication 1739.1: Urban stormwater management guidance* (Environment Protection Authority Victoria, June 2021).

- Clause 19.03-3L.

82. The following assessment demonstrates that the proposed stormwater management system has been designed to meet current best practice performance objectives for stormwater quality as defined in EPA Publication 1739.1 and the *Urban Stormwater Best Practice Environmental Management Guidelines* (CSIRO, 1999), the latter of which is referenced in Clause 19.03-3L as both a strategy and a policy guideline.

Water quality indicator	Performance objective		Proposed development (based on the advertised MUSIC assessment)	Complies?
	<i>Urban stormwater management guidance</i> (Environment Protection Authority, 2021)	<i>Urban Stormwater Best Practice Environmental Management Guidelines</i> (CSIRO, 1999)		
Suspended solids	80% reduction in the mean annual load	80% reduction in the	81% reduction in mean annual load	✓
Total phosphorus	45% reduction in the mean annual load	45% reduction in mean annual load	70% reduction in mean annual load	✓
Total nitrogen	45% reduction in the mean annual load	45% reduction in mean annual load	60% reduction in mean annual load	✓
Litter	70% reduction of the mean annual load	70% reduction of mean annual load	100% reduction of mean annual load	✓

83. Similarly to the above, there is scope to require amendments to the Stormwater Management Plan to address identified errors and inconsistencies, including the continued reference to Clause 22.12, which has not been in effect since mid-April 2023, and reliance on various plan sets that date back to October 2024.
84. Ultimately, while improved environmentally sustainable development and water sensitive urban design outcomes would be preferable, those proposed are considered generally acceptable, subject to the recommended permit conditions.

Are the proposed waste management arrangements acceptable?

85. The application is accompanied by a Waste Management Plan (**WMP**) which outlines the proposed waste management arrangements for the development. Key elements of the WMP are summarised as follows:
- Separate bin storage areas are provided at ground level for the residential and commercial components of the development. A hard waste room is also provided at Level 2.
 - A bin wash area is integrated within the residential bin store.

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- Waste collection will occur on-site by a private contractor, from the dedicated loading bay on the western side of the building (accessed via Little Bank Street), and outside peak operating times.
 - The WMP includes a swept path assessment prepared using an appropriate design vehicle ('Waste Wise Mini', which is based on a Hino 300 Series truck), which demonstrates that vehicles can enter and exit the site in a single manoeuvre without conflict with the median island within the laneway.
 - The distance between the bin storage areas and the collection point is less than 40 metres, consistent with the *Waste Management and Recycling in Multi-unit Developments: Better Practice Guide* (Sustainability Victoria, 2019), a policy document supporting the state waste and recovery policy referenced at Clause 19.03-5S.
86. The WMP was referred to Council's Waste and City Maintenance Department, which provided comments in response, identifying only minor issues with the representation and labelling of bin storage areas and associated facilities within the plans at Appendix A. These matters are considered administrative and can be addressed, where relevant, by a permit condition requiring the preparation and submission of an amended WMP.
87. In addition to the above, the amended WMP should also address the following matters identified by Council's Statutory Planning Department:
- The final sentence in Section 1 (reproduced below), which in effect would allow changes to the approved waste management arrangements without the prior written consent of the Responsible Authority. This approach is not supported, as it is inconsistent with conventional planning practice.
- This Waste Management Plan is intended to act as a guideline for the proposed development and may be subject to the ongoing updates, post-development.*
- Waste collection times, noting that the submitted WMP does not clearly specify when collection would occur. Instead, it states that collection times *should* (rather than *must* or *will*) comply with relevant EPA guidelines and Council's Local Law No. 1, which prescribe different time periods.
 - The provision of appropriate washing facilities within the designated bin wash area. The submitted WMP states that these *should* (rather than *must* or *will*) be installed. However, the *Waste Management and Recycling in Multi-unit Developments: Better Practice Guide* (Sustainability Victoria, 2019, p. 42) specifies that bin wash areas *must* have "access to water (a tap, soap and a hose) and connect drainage to the sewer". These requirements are considered reasonable having regard to the state and local waste and resource policies and the nature and scale of the proposed development.
88. These matters are not fatal to the application and can be addressed by permit condition, if a permit is to issue.

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89. The proposed waste management arrangements are considered acceptable, subject to the conditions included in the recommendation.

Other relevant matters

Characterisation of the Retail premises use

90. The café shown on the development plans has been advertised as a *Retail premises*, which is a broad land use term. It is recommended that the use be characterised as a *Food and drink premises*, which would not require a permit under Clause 32.04-2 by virtue of having a leasable floor area of less than 150 square metres. This approach is consistent with the guidance provided in Section 3.3 of the Department's (May 2023) *Writing Planning Permits*.

Arborist report and street tree protection

91. The Arborist Report prepared by John Patrick Landscape Architects is based on a superseded version of the plans that do not reflect current site conditions, and a superseded version of the relevant Australian Standard (AS 4970:2009). In the absence of transitional provisions, the proposal should be assessed against the version of AS 4970 in effect at the time the application was lodged (AS 4970:2025).

Internal amenity (Clause 58)

92. The level of compliance with Clause 58 has been overstated in the application material. The apartment typology plans included in Appendix C of the submitted Sustainability Management Plan indicate that insufficient information has been provided to demonstrate full compliance with certain standards, including Standard D18. In particular, dimensions to the entrances of accessible dwellings have not been provided to demonstrate compliance with the first requirement of Standard D18. Similarly, the plans do not indicate whether showers within accessible dwellings will be hobless (step-free).
93. This reinforces the need for the Department to carefully assess the submitted plans and, where necessary, impose conditions to ensure the development achieves compliance with Clause 58.

Matters to the approval of Council

94. The inclusion of a Construction Management Plan (CMP) as a planning permit condition appears to regularly feature on permits where the Minister for Planning is the responsible authority. The management of construction activities generally required under a Construction Management Plan is regulated under Council's Local Laws and associated operational requirements.

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Recommendations

Recommendation A

Having regard to the matters outlined above, it is recommended that the Minister for Planning issue a Notice of Refusal to Grant a Permit in respect of Planning Permit Application PA2604230 on the following grounds:

- (a) The proposed urban design, architecture, and landscape architecture outcome fails to adequately address the expectations of the purpose of Clause 53.23 (Significant residential development with affordable housing) and does not achieve a sufficient standard of design excellence to merit such a departure from the height and setback controls which would ordinarily apply to the land.
- (b) The proposed building has not been designed to minimise adverse impacts to Park Street as a result of overshadowing, wind tunnelling, and visual bulk, contrary to the design objectives under Schedule 26 to the Design and Development Overlay.
- (c) The proposal fails to achieve a high-quality built form outcome and does not improve the streetscape environment of the Northwest Corner Sub-Precinct, contrary to the design objectives under Schedule 26 to the Design and Development Overlay.
- (d) The retention of the existing vehicle crossover along Park Street fails to support public realm amenity and will have an unacceptable impact on pedestrian and cyclist safety.

Recommendation B

In the alternative, it is recommended that the Minister for Planning require the applicant to amend the application under section 57A of the *Planning and Environment Act 1987* to address the issues (grounds) identified in Recommendation A, and to readvertise the amended application (including any information not previously exhibited as part of the section 52 notice process) to:

- Council;
- Any person the Minister considers may suffer material detriment as a result of the amendment; and
- Any referral authority the Minister considers may be adversely affected by the amendments.

Recommendation C

If the Minister for Planning is of a mind to grant a permit for Planning Permit Application PA2604230, it is recommended that the following conditions be included in any permit issued. Please note that these conditions are not exhaustive and should be included alongside any other condition the Department thinks fit or any mandatory conditions of the *Port Phillip Planning Scheme*, as appropriate.

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Compliance with documents approved under this permit

1. At all times what the permit allows must be carried out in accordance with the requirements of any document approved under this permit to the satisfaction of the responsible authority.

Amended Plans

2. Before the development starts, plans must be approved and endorsed by the responsible authority. The plans must:
 - (a) Be prepared to the satisfaction of the responsible authority.
 - (b) Be drawn to scale with dimensions.
 - (c) Submitted in electronic form.
 - (d) Be generally in accordance with the plans forming part of the application and identified as Drawing Numbers TP804 (Revision No. E and dated 10 April 2026), TP805 (Revision No. E and dated 10 April 2026), TP806 (Revision No. D and dated 11 February 2026), TP807 (Revision No. E and dated 10 April 2026), TP808 (Revision No. D and dated 11 February 2026), TP809 (Revision No. D and dated 11 February 2026), TP810 (Revision No. D and dated 11 February 2026), TP811 (Revision No. D and dated 11 February 2026), TP812 (Revision No. D and dated 11 February 2026), TP813 (Revision No. D and dated 11 February 2026), TP900 (Revision No. D and dated 11 February 2026), TP901 (Revision No. E and dated 10 April 2026), TP902 (Revision No. E and dated 10 April 2026), TP903 (Revision No. D and dated 11 February 2026), TP904 (Revision No. D and dated 11 February 2026), and TP905 (Revision No. E and dated 10 April 2026), all prepared by DKO Architecture, but amended to show the following details:
 - i. Deletion of the existing crossover along Park Street, with the remnant space filled with landscaping, bicycle parking or related facilities, community space, or other active uses to the satisfaction of the responsible authority.
 - ii. All access to and egress from the car parking areas via Little Bank Street to the north.
 - iii. Deletion of Levels 19-21.
 - iv. The footpath along Little Bank Street (West) increased to minimum width of 2 metres for the full length of the building's west elevation.
 - v. At least 30 bicycle parking spaces allocated to the visitors of the residential component of the development. These spaces must be provided in accordance with Clause 52.34-5 (Required bicycle facilities) of the *Port Phillip Planning Scheme*.
 - vi. Detailed drawings (drawn to a scale of 1:50 or similar) of all bicycle parking areas in the development. These drawings must detail the

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type of bicycle parking space provided for the intended user (resident, staff, or visitor).

- vii. Bicycle signage in accordance with Clause 52.34-7 (Bicycle signage) of the *Port Phillip Planning Scheme* provided near the main pedestrian entry on Park Street, the side entry on Little Bank Street (between the bike store and mail room), and the entry to the southwest of the drop-off car parking space within the ground floor car parking area.
- viii. The apartment typology plans within Appendix C of the submitted Sustainability Management Plan, prepared by NDY and dated 8 April 2026, amended in accordance with the following requirements:
- A dimension added to the dwelling entrance in Apartment Types 1A, 1A.1, 1A.2, 1C, 1F, 1H, 2A, 2A.1, 2C, 2E, 2O, 3F, 3G, 3I, and 3K confirming a clear opening width of at least 850 millimetres, in accordance with Standard D18 in Clause 58.05-1 (Accessibility objective) of the *Port Phillip Planning Scheme*.
 - A dimension added to the entrance of the main bedroom in Apartment Types 1A.2, 2C, and 3K confirming a clear opening width of at least 850 millimetres, in accordance with Standard D18 in Clause 58.05-1 (Accessibility objective) of the *Port Phillip Planning Scheme*.
 - A dimension added to the entry to the adaptable bathroom (Design Option A) within Apartment Types 2E and 3F confirming a clear opening width of at least 850 millimetres, in accordance with Standard D18 in Clause 58.05-1 (Accessibility objective) of the *Port Phillip Planning Scheme*.
 - A dimension added to the entry to the adaptable bathroom (Design Option B) within Apartment Types 2C and 2O confirming a clear opening width of at least 825 millimetres, in accordance with Standard D18 in Clause 58.05-1 (Accessibility objective) of the *Port Phillip Planning Scheme*.
 - A notation added to the plans for all “accessible” apartments containing Design Option B bathrooms with doors that open inwards stating the doors to those bathrooms must be fitted with readily removable hinges, in accordance with Standard D18 in Clause 58.05-1 (Accessibility objective) of the *Port Phillip Planning Scheme*.
 - A notation added to the plans for all “accessible” apartments containing Design Option A bathrooms stating that the shower within those bathrooms must have a hobless (step-free) design, in accordance with Standard D18 in Clause 58.05-1 (Accessibility objective) of the *Port Phillip Planning Scheme*.

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- A notation added to the plans for all “accessible” apartments containing Design Option B bathrooms stating that the shower within those bathrooms must have a hobless (step-free) design and a removable screen, in accordance with Standard D18 in Clause 58.05-1 (Accessibility objective) of the *Port Phillip Planning Scheme*.
- For the adaptable bathrooms (Design Option B) in Apartment Types 1F, 1H, 2C, 2O, and 3I, either:
 - The toilet relocated closest to the door opening and clear of the circulation area; or
 - A dimension added to the nib wall adjacent to the toilet, confirming a length of at least 700 millimetres to enable the future fitting of a grab rail.

The amended apartment typology plans must then be reproduced as separate sheets within the development plans.

- ix. Any changes to accord with the Public Realm Improvement Plan required by Condition 4.
- x. Any changes to accord with the Landscape Plan required by Condition 6.
- xi. Any changes to accord with the Arborist Report required by Condition 9.
- xii. Any changes to accord with the Waste Management Plan required by Condition 12.
- xiii. Any changes to accord with the Sustainability Management Plan required by Condition 14.
- xiv. Any changes to accord with the Environmental Wind Conditions Study required by Condition 17.
- xv. Any changes to accord with the Stormwater Management Plan required by Condition 19.
- xvi. The location of urban art in accordance with the Urban Art Plan required by Condition 21.

Layout not altered

- 3. The layout of the development and use (Food and drink premises) must not be altered from the layout on the approved and endorsed plans without the written consent of the responsible authority.

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Public Realm Improvement Plan

4. Concurrent with the submission of amended plans in accordance with Condition 2, a Public Realm Improvement Plan must be submitted to and approved by the responsible authority in consultation with Port Phillip City Council. When approved, the Public Realm Improvement Plan will be endorsed and will form part of this permit. The Public Realm Improvement Plan must:
- (a) Be prepared to the satisfaction of the responsible authority and Port Phillip City Council.
 - (b) Be prepared by a suitably qualified arborist.
 - (c) Be drawn to scale with dimensions.
 - (d) Submitted in electronic form.
 - (e) Show or include the following details:
 - i. Treatment of the public realm within Park Street, Little Bank Street (West), and Little Bank Street (North), to the satisfaction of Port Phillip City Council.
 - ii. Upgrade or replacement as required of the road and any associated services along Little Bank Street (West) and Little Bank Street (North), to the satisfaction of Port Phillip City Council.
 - iii. Cross sections of Little Bank Street (West) and Little Bank Street (North) showing lighting and below ground placement of services, to the satisfaction of Port Phillip City Council.
 - iv. Drainage, the direction of stormwater runoff, and a point of discharge for the land, to the satisfaction of Port Phillip City Council.
 - v. All works for stormwater, water sensitive urban design, drainage, street trees, and landscaping, to the satisfaction of Port Phillip City Council.
 - vi. Payment to the Port Phillip City Council of an engineering design checking fee equivalent to 0.75% of the value of the works documented in association with this condition.
 - vii. Fire plugs and water supply in accordance with the requirements of the Metropolitan Fire and Emergency Services (MFB) *Planning Guidelines for Emergency Vehicle Access and Minimum Water Supplies within the Metropolitan Fire District* (Guideline No: GL-27) to the satisfaction of the Port Phillip City Council's Fire Safety Officer and the Chief Officer of the Metropolitan Fire Brigade, to the satisfaction of Port Phillip City Council.
 - viii. The modified footpath required by Condition 2(d)(iv).

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- ix. A clear and legible delineation between public and private land through a change in surface material, texture, or finish, or otherwise to the satisfaction of Port Phillip City Council.
- x. A written statement prepared by a suitably qualified Road Safety Auditor, certifying the design detail of the public realm:
 - At and near the interface with the loading bay and car share entry on the western side of the building.
 - At the intersection of the northern and western parts of Little Bank Street.
- xi. All traffic management and pedestrian safety measures recommended by the Road Safety Auditor, to the satisfaction of Port Phillip City Council.
- xii. Engineering drawings and computations (as applicable).
- xiii. All existing trees within the footpath along Park Street labelled as to be retained.
- xiv. Details of the proposed lighting, including a lighting design to demonstrate that all proposed lighting arrangement complies with relevant Australian Standards, to the satisfaction of Port Phillip City Council.
- xv. Consideration of the urban art required by Condition 21.
- xvi. Consideration of the bicycle parking signage required by Condition 26.
- xvii. A notation stating that any hard and soft landscaping works within land owned by Port Phillip City Council must be to Port Phillip City Council's standards.

All works shown in the approved Public Realm Improvement Plan must be completed within 6 months of the date of completion of the development and be to the satisfaction of the responsible authority and Port Phillip City Council.

Section 173 agreement (public realm)

- 5. Before the development starts, or as otherwise agreed in writing by responsible authority, the owner must enter into an agreement under section 173 of the *Planning and Environment Act 1987* with the responsible authority and Port Phillip City Council. The agreement must be in a form to the satisfaction of the responsible authority and Port Phillip City Council. The agreement must contain covenants to be registered on the title of the land so as to run with the land pursuant to section 181 of the *Planning and Environment Act 1987*, and must provide for the following:

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- (a) Construction of public realm works in accordance with the approved Public Realm Improvement Plan.
- (b) Any costs associated with the public realm upgrade must be paid for by the owner.
- (c) All materials and assets in the public realm must be to the satisfaction of the responsible authority and Port Phillip City Council, and to Port Phillip City Council's standards.
- (d) Any garden areas in the public realm must be maintained by the owner for a period of 24 months. Maintenance must include watering, pruning, weeding, and rubbish removal.
- (e) The owner (or their agent) to liaise with Port Phillip City Council on specific requirements and timeframes prior to requesting inspections.
- (f) Set out any requirements and processes for plan approvals, construction supervision, maintenance requirements, and bonding associated with the proposed works, to the satisfaction of Port Phillip City Council.

The owner of the Land must pay all reasonable legal cost and expense of this agreement including preparation, execution and registration on title.

Amended Landscape Plan

6. Concurrent with the submission of amended plans in accordance with Condition 2, an amended Landscape Plan must be submitted to and approved by the responsible authority in consultation with Port Phillip City Council. When approved, the Landscape Plan will be endorsed and will form part of this permit. The amended Landscape Plan must:
- (a) Be prepared to the satisfaction of the responsible authority and Port Phillip City Council.
 - (b) Be prepared by a suitably qualified person.
 - (c) Be submitted to the responsible authority in electronic form.
 - (d) Be generally in accordance with the Landscape Plan forming part of the application (Document Ref. M24-101, Revision No. C, prepared by Arcadia and dated 10 April 2026) but amended to include the following details:
 - i. A notation stating that the irrigation system must be connected to and supplied by the rainwater tanks forming part of the stormwater management system and that no potable water will be used for irrigation purposes.

Completion of landscaping

7. Before the use (Food and drink premises) starts or the Dwellings are occupied, whichever occurs first, the landscaping shown on the approved and endorsed landscape plan must be carried out and completed to the satisfaction of the responsible authority.

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Landscaping maintenance

8. At all times the landscaping shown on the approved landscape plan must be maintained (including the replacement of any dead, diseased or damaged plants) to the satisfaction of the responsible authority.

Amended Arborist Report

9. Concurrent with the submission of amended plans in accordance with Condition 2, an amended Arborist Report must be submitted to and approved by the responsible authority in consultation with Port Phillip City Council. When approved, the Arborist Report will be endorsed and will form part of this permit. The amended Arborist Report must:
- (a) Be prepared to the satisfaction of the responsible authority and Port Phillip City Council.
 - (b) Be prepared by a suitably qualified person.
 - (c) Be submitted to the responsible authority in electronic form.
 - (d) Be generally in accordance with the Arborist Report forming part of the application (Document Ref. 24-369, prepared by John Patrick Landscape Architects and dated December 2024) but amended to include the following details:
 - i. Deletion of all reference to *Australian Standard 4970:2009* and replacement with *Australian Standard 4970:2025*.
 - ii. Identification of all trees to be retained, including the nomination of appropriate Tree Protection Zones, on plans consistent with Condition 2.
 - iii. Identification of any trees proposed for removal, including supporting justification.
 - iv. Details of measures to be implemented during all development works to avoid or minimise impacts on trees to be retained.

Tree Protection Specifications Report and Tree Protection Plan

10. Before the development starts, a Tree Protection Specifications Report and Tree Protection Plan must be submitted to and approved by the responsible authority in consultation with Port Phillip City Council. When approved, the Tree Protection Specifications Report and Tree Protection Plan will be endorsed and will form part of this permit. The Tree Protection Specifications Report and Tree Protection Plan must both:
- (a) Be prepared to the satisfaction of the responsible authority and Port Phillip City Council.
 - (b) Be prepared by a suitably qualified arborist.
 - (c) Be drawn to scale with dimensions.
 - (d) Submitted in electronic form.

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- (e) The Tree Protection Specifications Report must show or include the following details:
 - i. Measures to protect and ensure the viability of all street trees throughout all stages of development.
 - ii. A schedule of Project Arborist inspections.
- (f) The Tree Protection Plan must show or include the following details:
 - i. The Notional Root Zone and Structural Root Zone for all trees to be retained within the footpath along Park Street, calculated in accordance with *Australian Standard 4970:2025*.
 - ii. The tree protection measures required by Condition 10(e)(i).
 - iii. A notation to refer to the Tree Protection Specifications Report.
- 11. The provisions, recommendations and requirements of the endorsed Tree Protection Specifications Report and Tree Protection Plan must be implemented and complied with to the satisfaction of the responsible authority and must not be varied except with the written approval of the responsible authority.

Amended Waste Management Plan

- 12. Concurrent with the submission of amended plans in accordance with Condition 2, an amended Waste Management Plan must be submitted to and approved by the responsible authority in consultation with Port Phillip City Council. When approved, the Waste Management Plan will be endorsed and will form part of this permit. The amended Waste Management Plan must:
 - (a) Be prepared to the satisfaction of the responsible authority and Port Phillip City Council.
 - (b) Be prepared by a suitably qualified person.
 - (c) Be submitted to the responsible authority in electronic form.
 - (d) Be generally in accordance with the Waste Management Plan forming part of the application (Document Ref. No. G34716R-02G, Issue No. G, prepared by Traffix Group and dated 14 April 2026) but amended to include the following details:
 - i. Deletion of the final sentence in Section 1 (beginning with "This Waste Management Plan is intended to act as a guideline...").
 - ii. The waste collection must only take place within the applicable time periods specified in *EPA Publication 1254.2: Noise control guidelines* (Environment Protection Authority Victoria, May 2021).
 - iii. Section 4.4 updated to specify that the bin wash area must have access to water (including but not necessarily limited to a tap, soap, and a hose) and connect drainage to the sewer.

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13. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the responsible authority and must not be varied except with the written approval of the responsible authority.

Amended Sustainability Management Plan

14. Concurrent with the submission of amended plans in accordance with Condition 2, an amended Sustainability Management Plan must be submitted to and approved by the responsible authority in consultation with Port Phillip City Council. When approved, the Sustainability Management Plan will be endorsed and will form part of this permit. The amended Sustainability Management Plan must:
 - (a) Be prepared to the satisfaction of the responsible authority and Port Phillip City Council.
 - (b) Be prepared by a suitably qualified person.
 - (c) Be submitted to the responsible authority in electronic form.
 - (d) Be generally in accordance with the Sustainability Management Plan forming part of the application (Revision No. 8.0, prepared by NDY and dated 8 April 2026) but amended to include the following details:
 - i. An assessment of the development, as shown on the amended plans submitted in accordance with Condition 2, using BESS Version 9. The resultant report must continue to demonstrate a 'best practice' result, as defined in BESS.
 - ii. An assessment of the development, as shown on the amended plans submitted in accordance with Condition 2, against the relevant energy efficiency requirements of the *National Construction Code 2022*. The results must align with any credits claimed in the updated BESS assessment required by Condition 14(d)(i) and demonstrate compliance with the requirements of Standard D6 in Clause 58.03-1 (Energy efficiency objectives) of the *Port Phillip Planning Scheme*.
15. The provisions, recommendations and requirements of the endorsed Sustainability Management Plan must be implemented and complied with to the satisfaction of the responsible authority and must not be varied except with the written approval of the responsible authority.
16. Before the use (Food and drink premises) starts or the Dwellings are occupied, whichever occurs first, a report must be submitted confirming that all measures specified in the endorsed Sustainability Management Plan have been implemented in accordance with the approved plan. The report must be prepared by a suitably qualified Environmentally Sustainable Design professional and be to the satisfaction of the responsible authority and Port Phillip City Council.

Amended Environmental Wind Conditions Study

17. Concurrent with the submission of amended plans in accordance with Condition 2, an amended Environmental Wind Conditions Study must be submitted to and

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approved by the responsible authority. When approved, the Environmental Wind Conditions Study will be endorsed and will form part of this permit. The amended Environmental Wind Conditions Study must:

- (a) Be prepared to the satisfaction of the responsible authority.
 - (b) Be prepared by a suitably qualified person.
 - (c) Be submitted to the responsible authority in electronic form.
 - (d) Be generally in accordance with the Environmental Wind Conditions Study forming part of the application (Report No. 24091A-WT-ENV00, prepared by MEL Consultants and dated 31 July 2025) but amended to include the following details:
 - i. The minimum wind comfort criterion for all public areas along Park Street increased to 'standing', as defined in Table D6 to Clause 58.04-4 (Wind impacts objective) of the *Port Phillip Planning Scheme*.
 - ii. An updated wind tunnel assessment of the development, as shown on the amended plans submitted in accordance with Condition 2.
 - iii. Any design measures necessary to ensure that wind conditions in all public areas along Park Street achieve the 'standing' criterion, as defined in Table D6 to Clause 58.04-4 (Wind impacts objective) of the *Port Phillip Planning Scheme*.
18. The provisions, recommendations and requirements of the endorsed Environmental Wind Conditions Study must be implemented and complied with to the satisfaction of the responsible authority and must not be varied except with the written approval of the responsible authority.

Amended Stormwater Management Plan

19. Concurrent with the submission of amended plans in accordance with Condition 2, an amended Stormwater Management Plan must be submitted to and approved by the responsible authority in consultation with Port Phillip City Council. When approved, the Stormwater Management Plan will be endorsed and will form part of this permit. The amended Stormwater Management Plan must:
- (a) Be prepared to the satisfaction of the responsible authority and Port Phillip City Council.
 - (b) Be prepared by a suitably qualified person.
 - (c) Be submitted to the responsible authority in electronic form.
 - (d) Be generally in accordance with the Stormwater Management Plan forming part of the application (Version No. 5, prepared by Webber Design and dated 8 April 2026) but amended to include the following details:
 - i. Deletion of all references to Clause 22.12 of the *Port Phillip Planning Scheme*.

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- ii. An assessment of the development, as shown on the amended plans submitted in accordance with Condition 2, against Clause 19.03-3L of the *Port Phillip Planning Scheme*, demonstrating how the development achieves the objectives of that clause.
 - iii. The plans contained in Appendix B replaced with the amended plans submitted in accordance with Condition 2.
 - iv. The Civil Engineering Concept Plans contained in Appendix E updated to reflect the layout of the development shown on the amended plans required by Condition 2.
20. The provisions, recommendations and requirements of the endorsed Stormwater Management Plan must be implemented and complied with to the satisfaction of the responsible authority and must not be varied except with the written approval of the responsible authority.

Urban Art Plan

21. Concurrent with the submission of amended plans in accordance with Condition 2, or as otherwise agreed in writing by responsible authority, an Urban Art Plan in accordance with Port Phillip City Council's Urban Art Strategy must be submitted to and approved by the responsible authority in consultation with Port Phillip City Council. When approved, the Urban Art Plan will be endorsed and will form part of this permit. The value of the urban art must be at least 0.5 per cent of the development cost. The urban art must be installed in accordance with the approved Urban Art Plan before the development is occupied.

Car park construction

22. Before the use (Food and drink premises) starts or the Dwellings are occupied, whichever occurs first, the area(s) set aside for the parking of vehicles and bicycles, and access lanes as shown on the endorsed plans must be:
- (a) Constructed
 - (b) Properly formed to such levels that they can be used in accordance with the plans
 - (c) Surfaced with an all-weather-seal coat
 - (d) Drained
 - (e) Line marked to indicate each car space and all access lanes
 - (f) Clearly marked to show the direction of traffic along access lanes and driveways

to the satisfaction of the responsible authority.

At all times car spaces, access lanes and driveways must be kept available for these purposes.

Once constructed, these areas must be maintained to the satisfaction of the responsible authority.

Submission on behalf of Port Phillip City Council

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Vehicle crossing removal

23. Before the use (Food and drink premises) starts or the Dwellings are occupied, whichever occurs first, all existing disused or redundant vehicle crossings must be removed and the verge and kerb and channel reinstated to the satisfaction of the responsible authority and Port Phillip City Council at the cost of the owner.

Public Services

24. Before the use (Food and drink premises) starts or the Dwellings are occupied, whichever occurs first, any modification to existing infrastructure and services within the road reservation (including, but not limited to, electricity supply, telecommunications services, gas supply, water supply, sewerage services and stormwater drainage) necessary to provide the required access to the site, must be undertaken by the applicant/owner to the satisfaction of the relevant authority, the responsible authority, and Port Phillip City Council. All costs associated with any such modifications must be borne by the applicant/owner.

Reflectivity

25. Specular light reflectance must be less than 15 per cent for all external building glazing and cladding materials and finishes, when measured at an angle of 90 degrees to the surface of the material (normal incidence), except with the written consent of the responsible authority.

Bicycle parking signs

26. Before the Dwellings are occupied, no fewer than three signs must be provided in the locations identified in Condition 2(d)(iv) of this permit (or in locations to the satisfaction of the responsible authority) directing cyclists to the areas set aside for bicycle parking to the satisfaction of the responsible authority. Each sign must:
- (a) Be at least 0.3 metres wide and 0.45 metres high.
 - (b) Display a white bicycle on a blue background on the top half of the sign.
 - (c) Display information about the direction of facilities on the bottom half of the sign.

At all times, the signs must be located and maintained to the satisfaction of the responsible authority.

Condition required by Clause 53.03-2 (Residential reticulated gas service connection)

27. Any new apartment development allowed by this permit must not be connected to a reticulated gas service (within the meaning of clause 53.03 of the relevant planning scheme). This condition continues to have force and effect after the development authorised by this permit has been completed.

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