

Report to the Future Melbourne Committee**Agenda item 6.6****Planning Permit Application: TP-2022-474
82-84 Jolimont Street, East Melbourne****16 May 2023****Presenter:** Marjorie Kennedy, Head of Statutory Planning**Purpose and background**

1. The purpose of this report is to advise the Future Melbourne Committee of Planning Permit Application TP-2022-474 at 82-84 Jolimont Street, East Melbourne (refer Attachment 2 – Locality Plan).
2. The applicant is Urbis who act on behalf of the owner East Melbourne Investments Pty Ltd. The architect is Denton Corker Marshall.
3. The subject site is within the Commercial 1 Zone and is affected by the Design and Development Overlay, Schedule 22 (Yarra Park Area), the Heritage Overlay, Schedule 2 (East Melbourne and Jolimont Precinct), and the Parking Overlay, Schedule 12 (Residential Development in Specific Inner City Areas).
4. The proposal seeks part demolition and extension of the existing building to allow an additional two storeys (maximum height of 20.2 m), and for the use of the building for 'dwellings' (four apartments). The development seeks to replace the existing mid-seventies brick façade with a combination of u-glass and transparent glass as well as cut out portions of the existing building to create balconies. The existing access to the ground floor / basement car parking area is maintained along with the primary pedestrian entrance to Jolimont Street (refer to Attachment 3 – Plans).
5. Public notice of the application was undertaken and one objection has been received. Key matters raised by the objector include the incorporation of landscaping to reduce the visual bulk of the proposal.

Key issues

6. Amendment C278: Sunlight to public parks (now Amendment C415) to the Melbourne Planning Scheme seeks to introduce new planning controls to protect identified parks within the City of Melbourne from winter sun. The amendment is a seriously entertained planning scheme amendment adopted by the Council which has been submitted for final assessment to the Minister for Planning. As outlined in Attachment 4 – Delegate Report, while the proposal provides shadow beyond the existing shadow envelope, the proposal will result in a net decrease in winter shadows to Yarra Park compared to the existing building.
7. Other key issues for consideration relate to the use of the land, building height, heritage and urban design impacts, internal and external amenity impacts (including Clause 58 – Apartment Developments), sustainability, waste, and car parking.
8. The outcomes of the proposal are consistent with the relevant provisions of the Melbourne Planning Scheme and will make a positive contribution to the Jolimont Residential and Commercial Area. The proposal has a maximum height of 20.2 m which, while it is greater than the discretionary height limit of the Design and Development Overlay, Schedule 22, continues to respect the transition in building height from Jolimont Terrace to Jolimont Road.
9. Planning permit conditions are recommended to ensure the development delivers a high quality architectural design response (through a Façade Strategy), that no unreasonable overlooking to existing residential buildings occurs, and to delete or clarify some minor matters on the plans.

Recommendation from management

10. That the Future Melbourne Committee resolves to issue a Notice of Decision to Grant a Permit subject to the conditions set out in the delegate report (refer to Attachment 4 – Delegate Report).

Attachments:

1. Supporting Attachment (Page 2 of 77)
2. Locality Plan (Page 3 of 77)
3. Selected Plans (Page 4 of 77)
4. Delegate Report (Page 32 of 77)

Supporting Attachment

Legal

1. Division 1 of Part 4 of the *Planning and Environment Act 1987* (the Act) sets out requirements in relation to applications for permits pursuant to the relevant planning scheme.
2. As objections have been received, sections 64 and 65 of the Act provide that the responsible authority must give the applicant and each objector notice in the prescribed form of its decision to either grant a permit or refuse to grant a permit. The responsible authority must not issue a permit to the applicant until the end of the period in which an objector may apply to the Victorian Civil and Administrative Tribunal (VCAT) for a review of the decision or, if an application for review is made, until the application is determined by the VCAT.

Finance

3. There are no direct financial issues arising from the recommendations contained within this report.

Conflict of interest

4. No member of Council staff, or other person engaged under a contract, involved in advising on or preparing this report has declared a material or general conflict of interest in relation to the matter of the report.

Health and Safety

5. Relevant planning considerations such as wind impacts, glare and waste management that could impact on health and safety have been considered within the planning permit application and assessment process.

Stakeholder consultation

6. Public notice of the application has been undertaken to surrounding owners and occupiers, pursuant to Section 52 of the Act.

Relation to Council policy

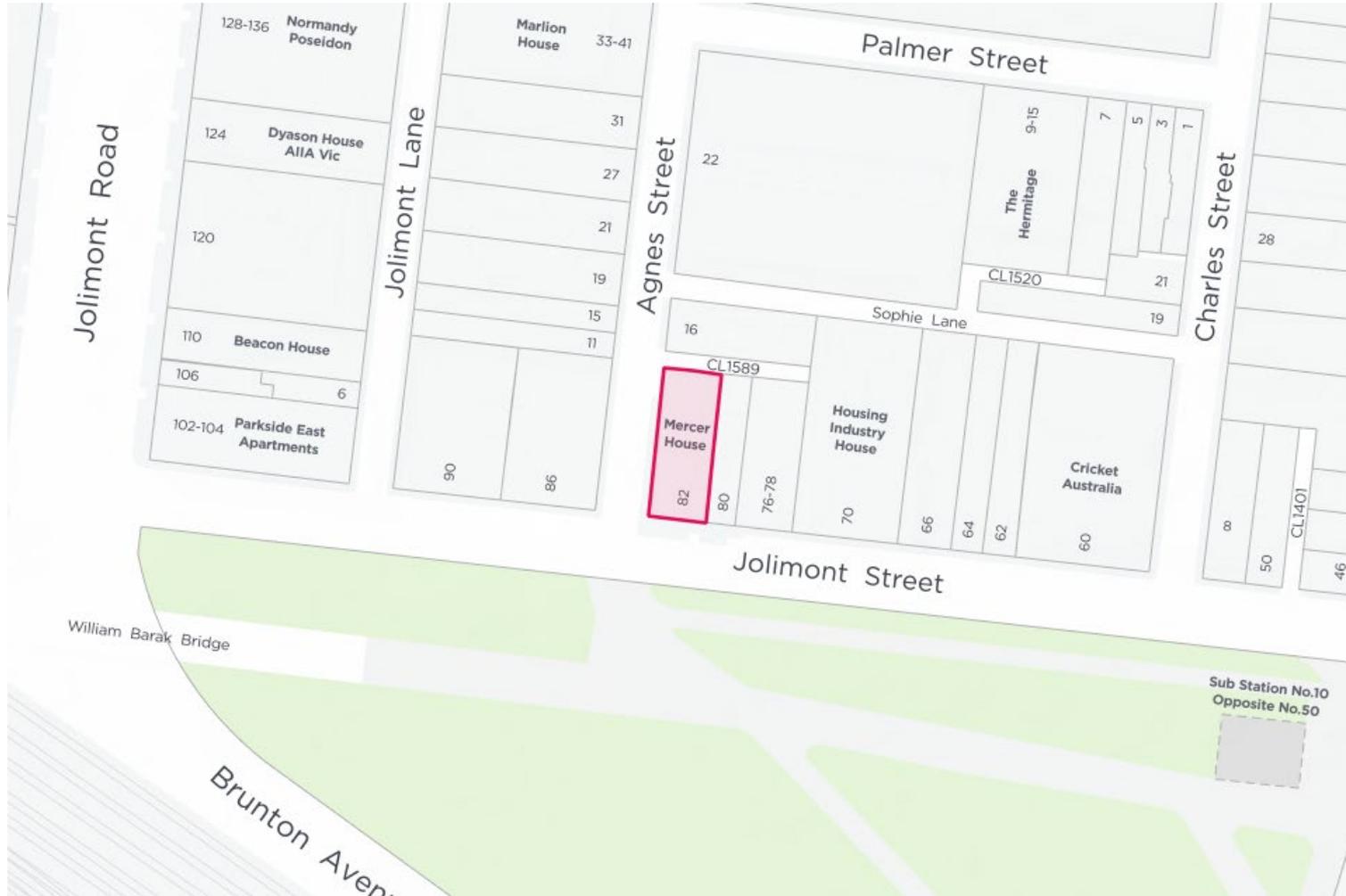
7. Relevant Council policies are discussed in the attached delegate report (refer Attachment 4 – Delegate Report).

Environmental sustainability

8. The Sustainability Management Plan (SMP) submitted with the application confirms the development will achieve the relevant performance measures set out in Clauses 15.01-2L-01 (Energy, Water and Waste Efficiency) and 19.03-3L (Stormwater Management) of the Melbourne Planning Scheme.
9. Recommended planning permit conditions require further details of sustainability initiatives to be shown on the architectural plans, and require the implementation of the sustainability initiatives outlined in the SMP.

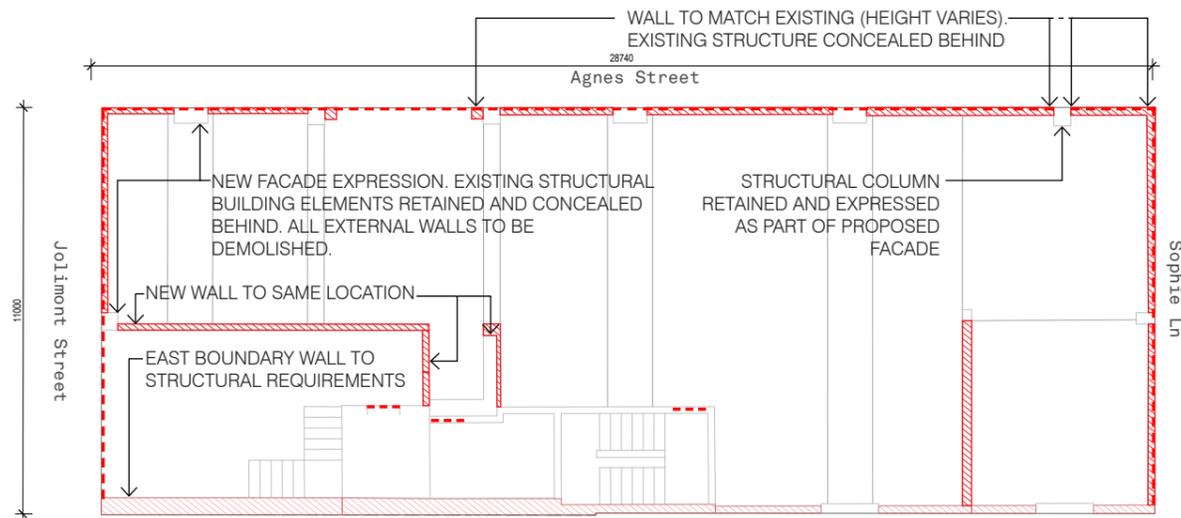
Locality Plan

82-84 Jolimont Street, East Melbourne

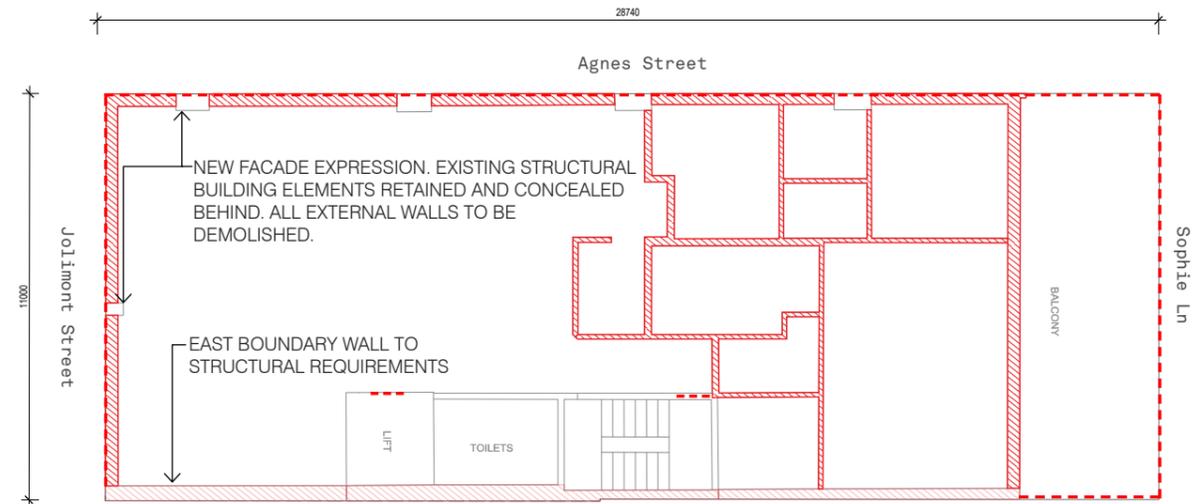


DRAWING LIST

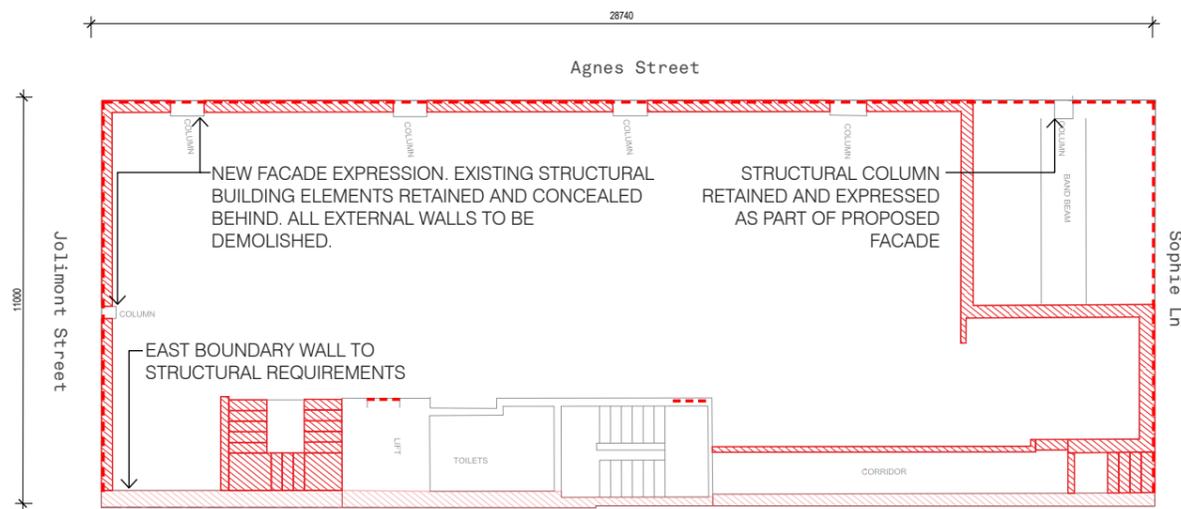
TOWN PLANNING DRAWING LIST			
Sheet Number	Sheet Name	Current Revision	Current Revision Date
P00_000	DRAWING LIST	P4	27.10.2022
P03_001	DEMOLITIONS - PLANS	P4	27.10.2022
P03_002	DEMOLITIONS - ELEVATIONS	P1	27.10.2022
P10_000	PROPOSED GROUND FLOOR	P4	30.09.2022
P10_010	PROPOSED LEVEL 01 - APT. 01	P3	30.09.2022
P10_020	PROPOSED LEVEL 02, 03 - APT. 02, 03	P3	30.09.2022
P10_030	PROPOSED LEVEL 04, 05 - APT. 01	P3	30.09.2022
P10_031	PROPOSED LEVEL 04, 05 - APT. 04 (lift)	P3	30.09.2022
P10_050	PROPOSED ROOF PLAN	P3	30.09.2022
P10_100	APARTMENT DESIGN STANDARD	P2	30.09.2022
P11_000	PROPOSED SOUTH ELEVATION	P4	27.10.2022
P11_001	PROPOSED WEST ELEVATION	P4	27.10.2022
P11_002	PROPOSED NORTH ELEVATION	P4	27.10.2022
P11_003	PROPOSED EAST ELEVATION	P4	27.10.2022
P12_000	PROPOSED SECTION A	P4	27.10.2022
P12_001	PROPOSED SECTION B	P1	27.10.2022



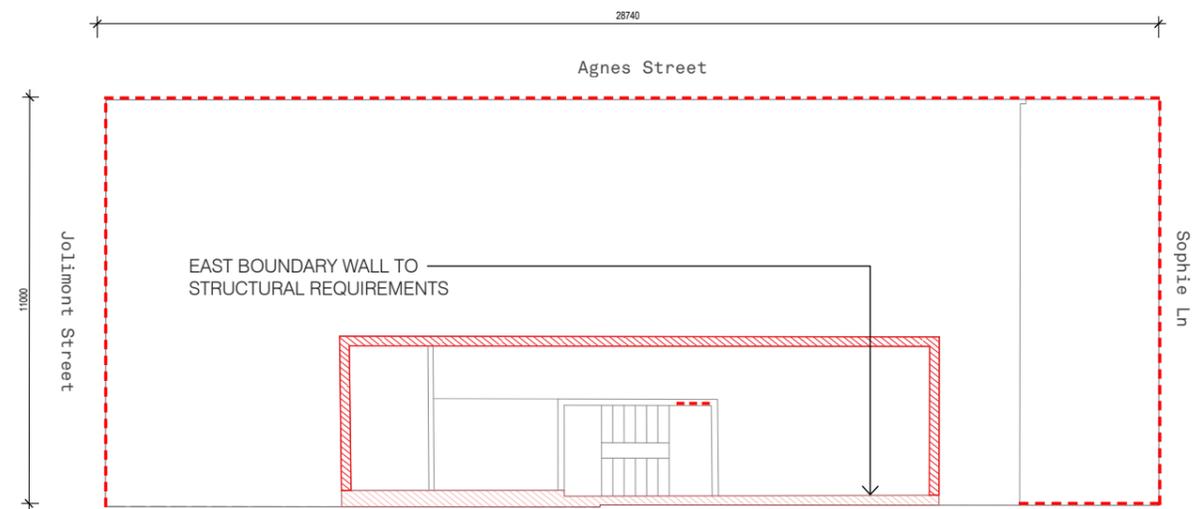
Demolition Plan | Ground Floor



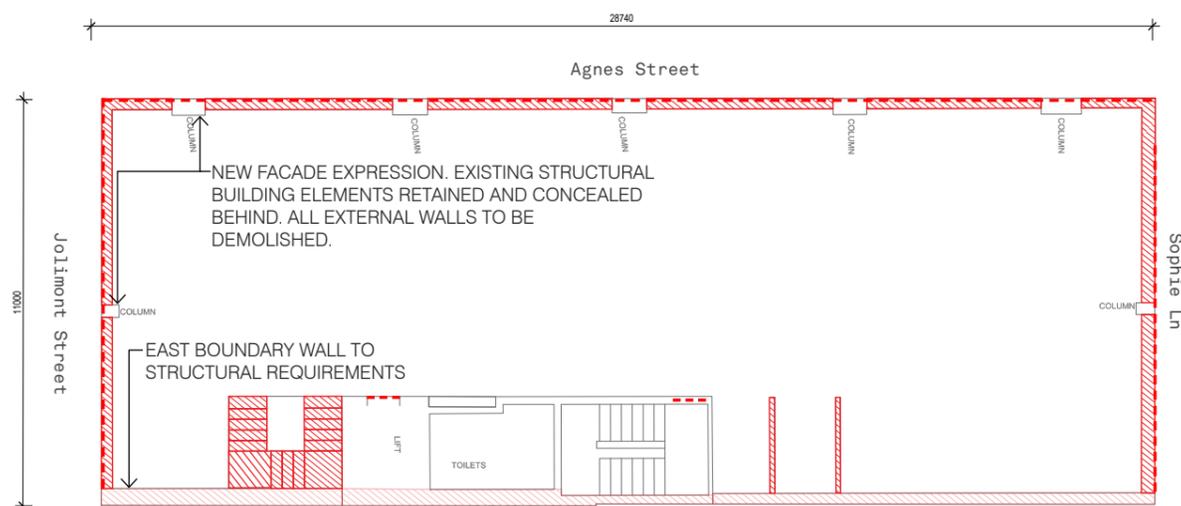
Demolition Plan | Level 3



Demolition Plan | Level 1



Demolition Plan | Level 4



Demolition Plan | Level 2

NOTE:

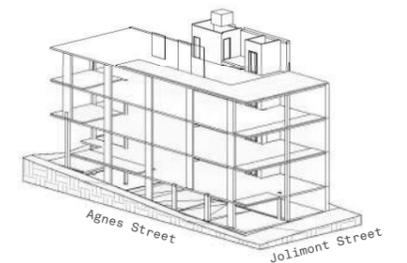
DEMOLISH ALL EXISTING EXTERNAL WALLS, ALL INTERNAL NON STRUCTURAL PARTITIONS AND BUILDING COMPONENTS

RETAIN ALL EXISTING STRUCTURAL BUILDING ELEMENTS TO STRUCTURAL ENGINEER REQUIREMENTS.

DEMOLISH ALL INTERNAL PARTITIONS, FINISHES, LINING, EQUIPMENTS AND SERVICES

EAST BOUNDARY WALL TO STRUCTURAL REQUIREMENTS

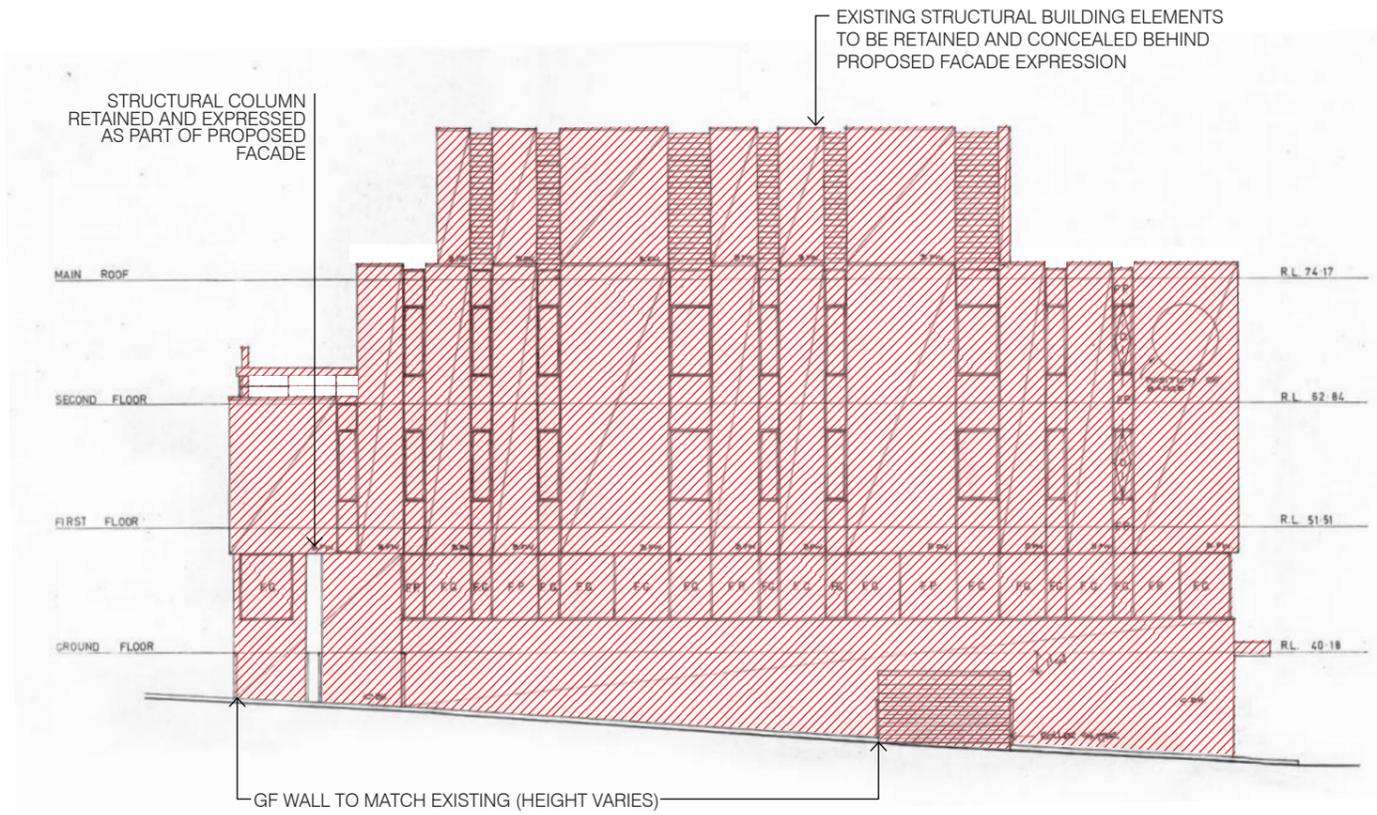
RETENTION OF EXISTING LIFT SHAFT TO BE CONFIRMED AND REVIEWED IN DETAIL DESIGN



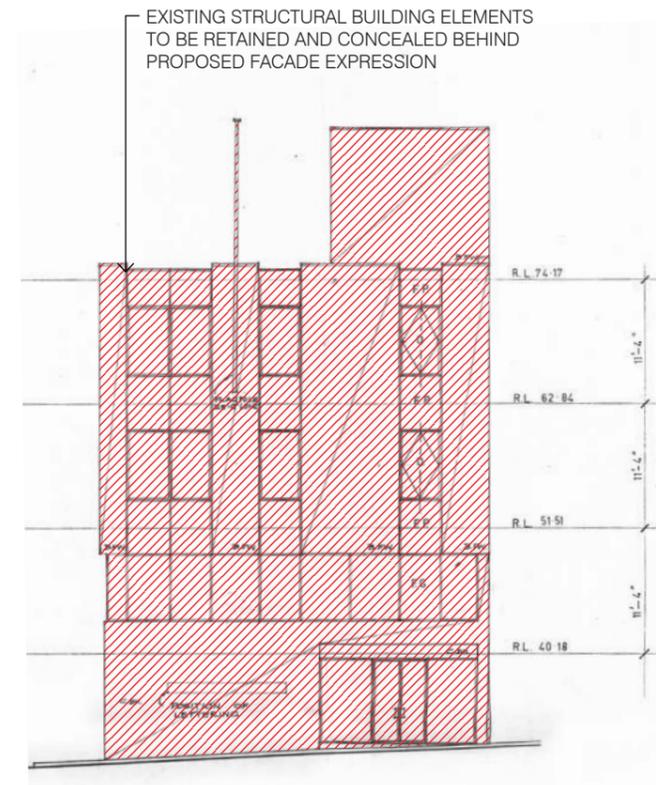
Base structure to existing building to be retained



Indicative expression of existing and proposed building envelope



Demolition Elevation | West Elevation

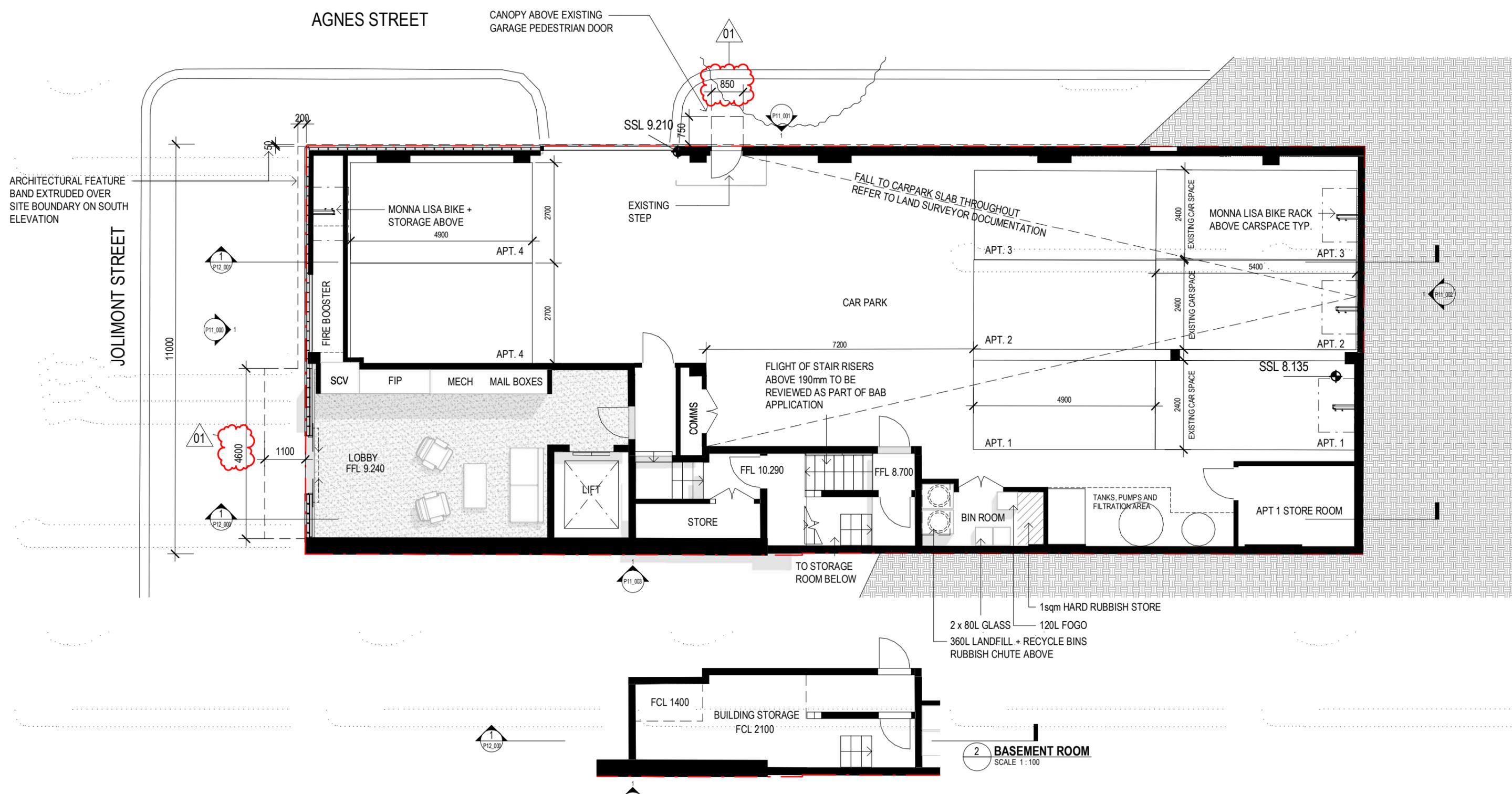


Demolition Elevation | South Elevation

NOTE:

DEMOLISH ALL EXISTING EXTERNAL WALLS, WINDOWS, FINISHES, ALL INTERNAL NON STRUCTURAL PARTITIONS AND BUILDING COMPONENTS

RETAIN ALL EXISTING STRUCTURAL BUILDING ELEMENTS TO STRUCTURAL ENGINEER REQUIREMENTS



ARCHITECTURAL FEATURE BAND EXTRUDED OVER SITE BOUNDARY ON SOUTH ELEVATION

JOLIMONT STREET

AGNES STREET

CANOPY ABOVE EXISTING GARAGE PEDESTRIAN DOOR

SSL 9.210

EXISTING STEP

FALL TO CARPARK SLAB THROUGHOUT REFER TO LAND SURVEYOR DOCUMENTATION

CAR PARK

FLIGHT OF STAIR RISERS ABOVE 190mm TO BE REVIEWED AS PART OF BAB APPLICATION

MONNA LISA BIKE + STORAGE ABOVE

MONNA LISA BIKE RACK ABOVE CARSPACE TYP.

SCV FIP MECH MAIL BOXES

STORE

BIN ROOM

TANKS, PUMPS AND FILTRATION AREA

APT 1 STORE ROOM

LOBBY

LIFT

STORE

FFL 10.290

FFL 8.700

SSL 8.135

BIN ROOM

TANKS, PUMPS AND FILTRATION AREA

APT 1 STORE ROOM

TO STORAGE ROOM BELOW

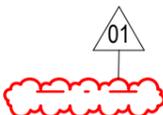
1sqm HARD RUBBISH STORE
2 x 80L GLASS 120L FOGO
360L LANDFILL + RECYCLE BINS
RUBBISH CHUTE ABOVE

FCL 1400 BUILDING STORAGE
FCL 2100

2 BASEMENT ROOM
SCALE 1:100

NOTES:

- REFER TO LAND SURVEYOR DRAWINGS FOR INTERNAL AND EXTERNAL RLs
- REFER TO MATERIAL ON ARCHITECTURAL REPORT TITLE BOUNDARY



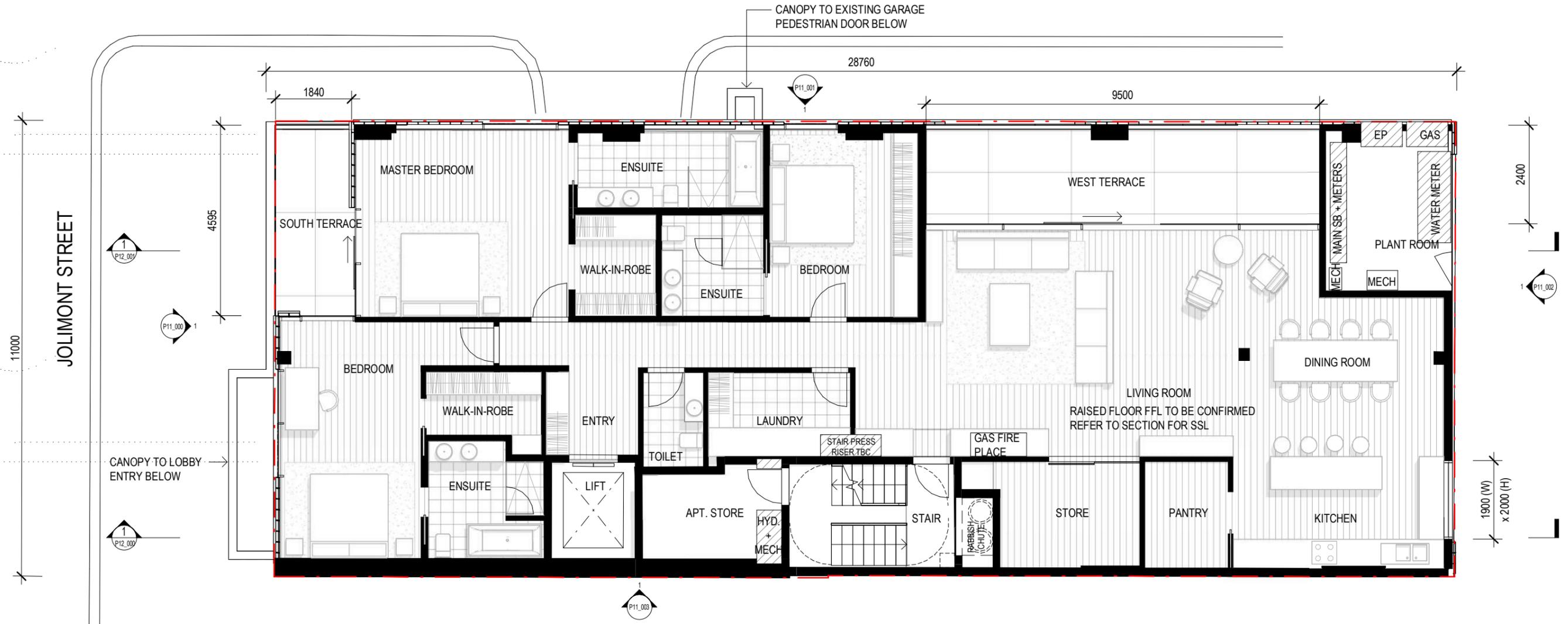
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DENTON CORKER MARSHALL

82 Jolimont Street
East Melbourne Investments

TOWN PLANNING
PROPOSED GROUND FLOOR

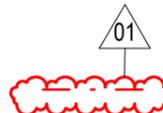
AGNES STREET



NOTES:

REFER TO LAND SURVEYOR DRAWINGS FOR INTERNAL AND EXTERNAL RLs

REFER TO MATERIAL ON ARCHITECTURAL REPORT TITLE BOUNDARY



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 MARSHALL**

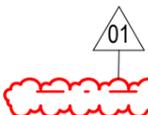
**82 Jolimont Street
 East Melbourne Investments**

**TOWN PLANNING
 PROPOSED LEVEL 01 - APT. 01**



NOTES:

REFER TO LAND SURVEYOR DRAWINGS FOR INTERNAL AND EXTERNAL RLs
 REFER TO MATERIAL ON ARCHITECTURAL REPORT TITLE BOUNDARY

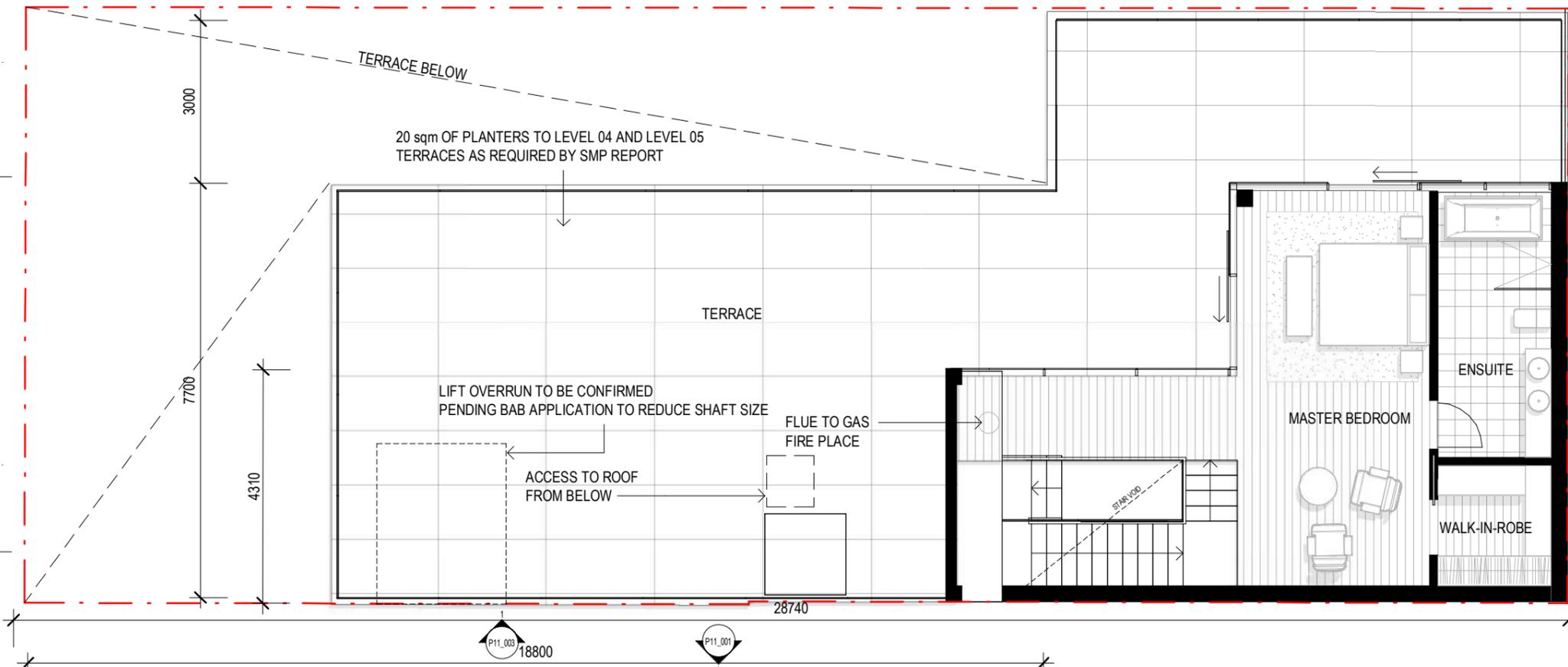


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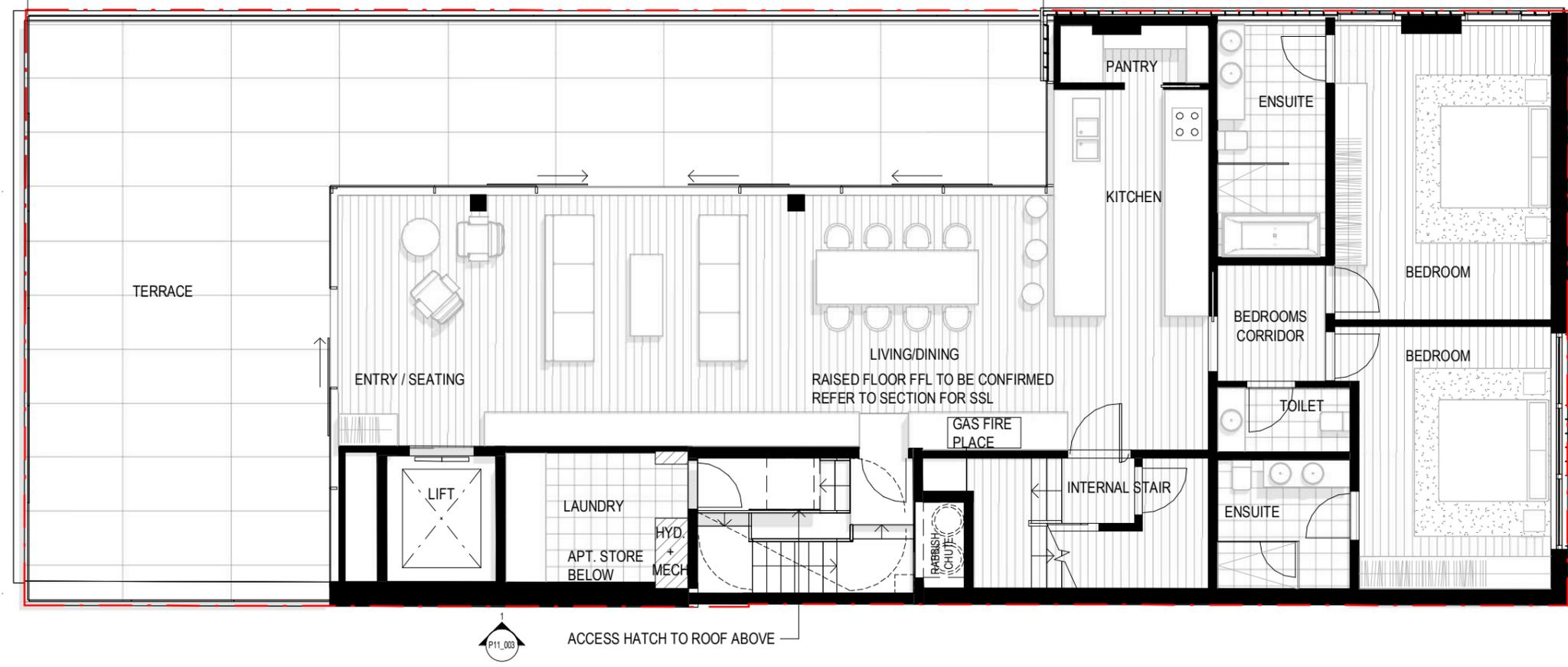
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**82 Jolimont Street
 East Melbourne Investments**

**TOWN PLANNING
 PROPOSED LEVEL 02, 03 - APT.
 02, 03**



MAXIMUM 25% TRANSPARENCY FRITTED GLASS SCREENING TO 1.7m



11000
3100
7600

NOTES:

01 REFER TO LAND SURVEYOR DRAWINGS FOR INTERNAL AND EXTERNAL RLs

REFER TO MATERIAL ON ARCHITECTURAL REPORT

TITLE BOUNDARY

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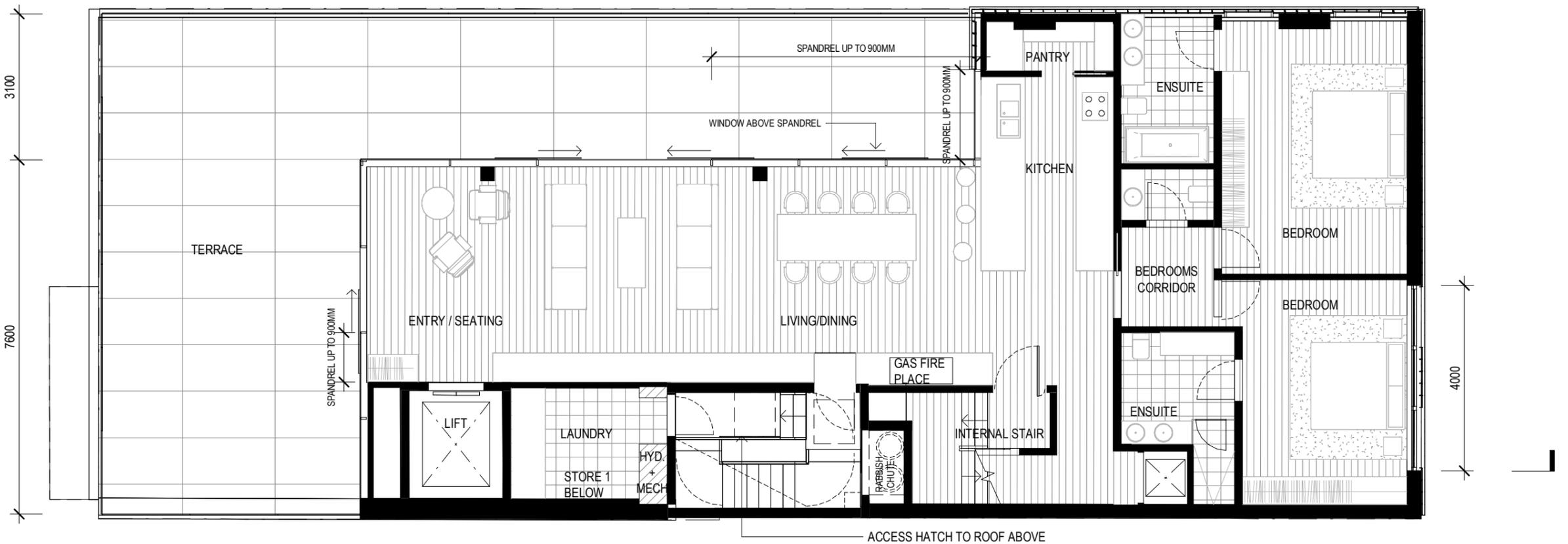
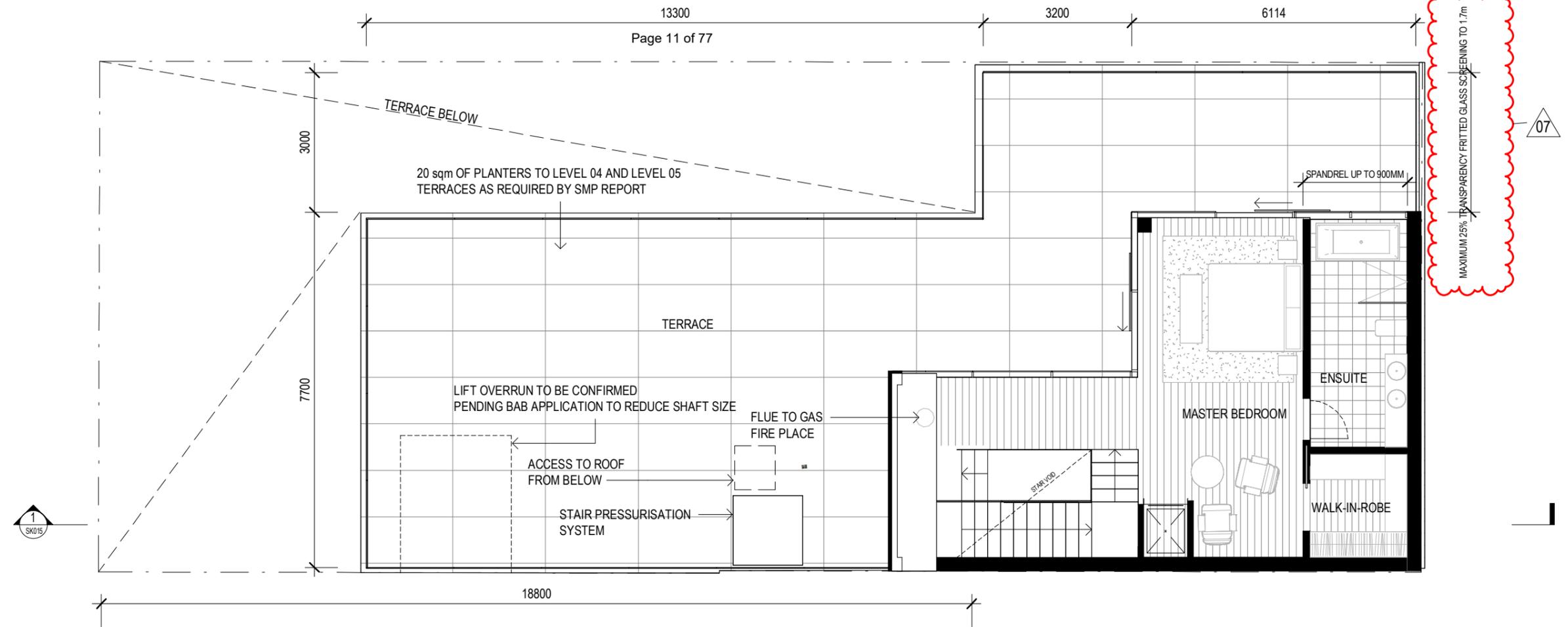
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MARSHALL**

**82 Jolimont Street
East Melbourne Investments**

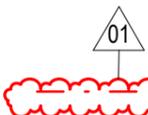
**TOWN PLANNING
PROPOSED LEVEL 04, 05 - APT.
01**



NOTES:

REFER TO LAND SURVEYOR DRAWINGS FOR INTERNAL AND EXTERNAL RLs

REFER TO MATERIAL ON ARCHITECTURAL REPORT TITLE BOUNDARY

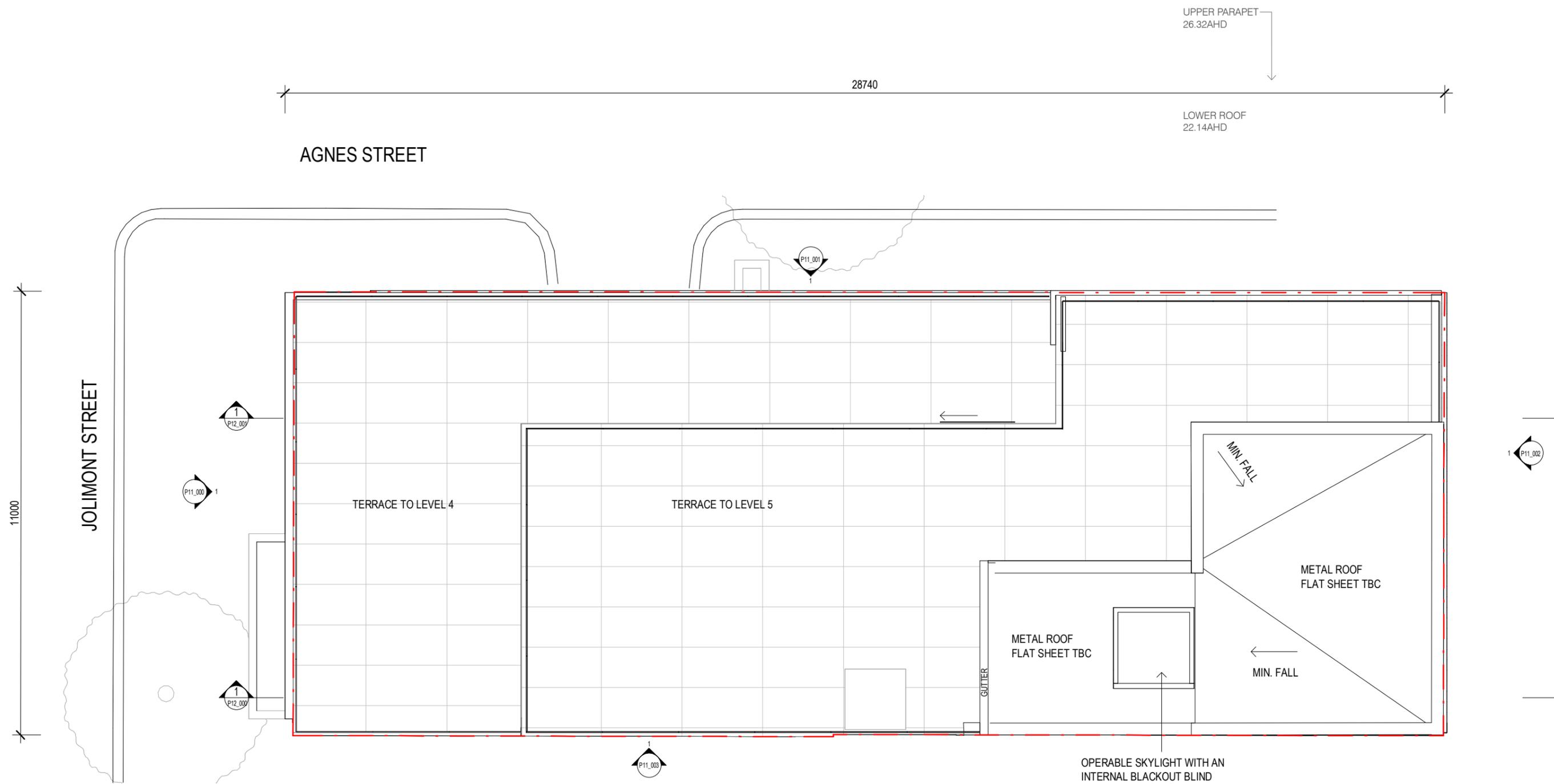


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East Melbourne Investments

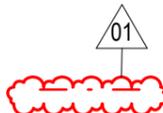
TOWN PLANNING
PROPOSED LEVEL 04, 05 - APT.
04 (lift)



NOTES:

REFER TO LAND SURVEYOR DRAWINGS FOR INTERNAL AND EXTERNAL RLs

REFER TO MATERIAL ON ARCHITECTURAL REPORT TITLE BOUNDARY



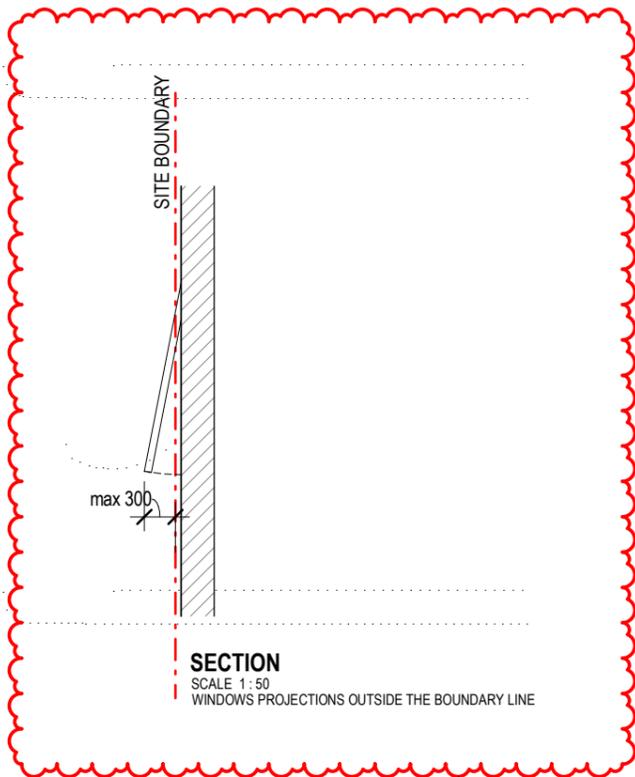
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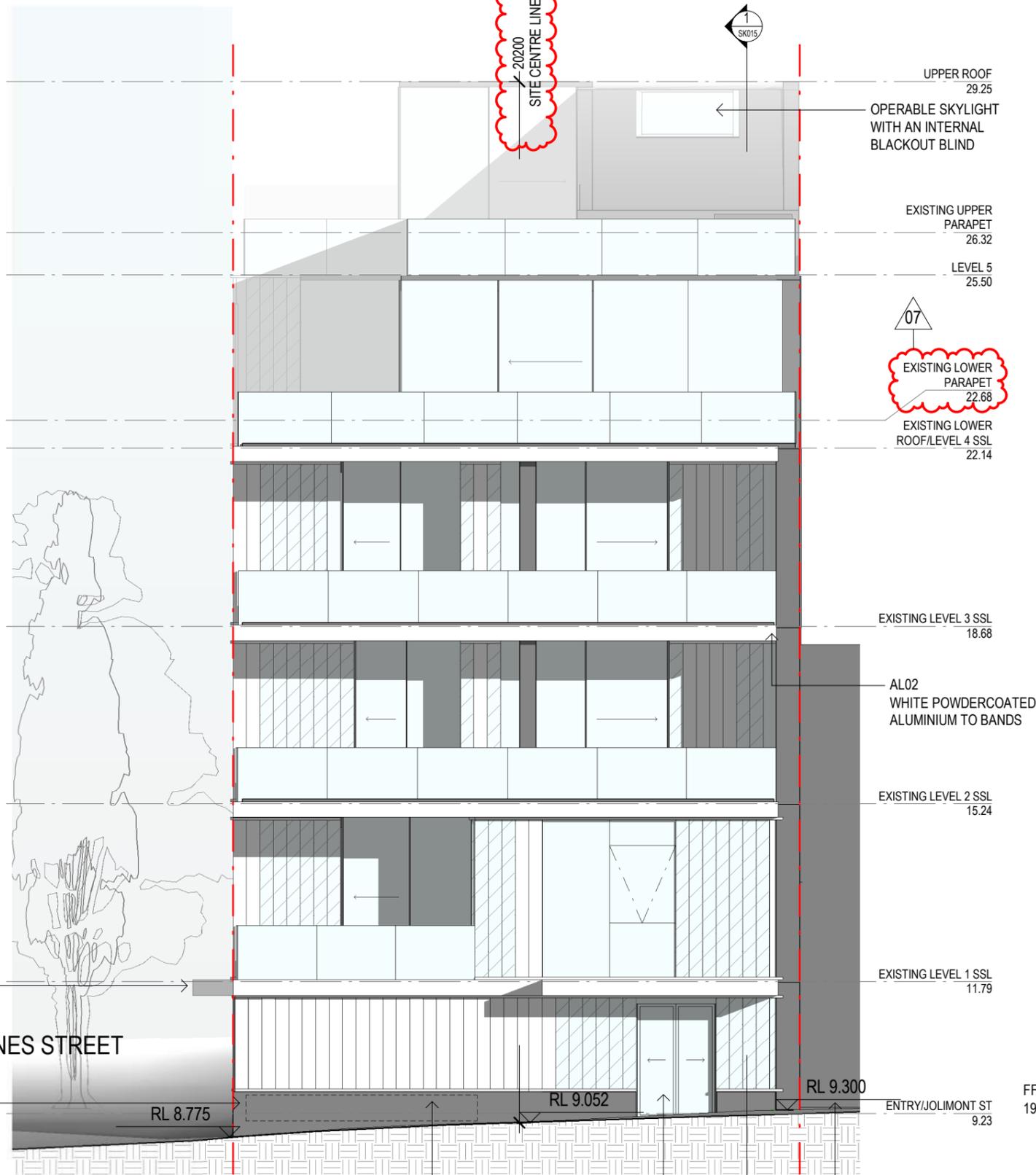
**82 Jolimont Street
 East Melbourne Investments**

**TOWN PLANNING
 PROPOSED ROOF PLAN**

05



04



07

GL02 U GLASS: TRANSLUCENT TO SOLID BACKING



GL03 U GLASS: TRANSLUCENT, CLEAR OR PARTIALLY FRITTED TO ROOM BEHIND

BOOSTER ASSEMBLY TO BE CONFIRMED

ENTRY LOBBY DOOR

80 JOLIMONT STREET

FFL TO BE BETWEEN 100mm AND 190mm ABOVE SSL

03

ALL CABINETS OPENING INTO THE ROAD RESERVE TO BE:

- SELF CLOSING;
- HAVE A MINIMUM CLEARANCE OF 150MM FROM THE FOOTPATH SURFACE;
- OPEN ONTO A FOOTPATH WITH A MINIMUM WIDTH OF 1500MM;
- MADE OF STAINLESS STEEL, INCLUDING THE FRAME AND EXTERIOR FITTINGS EXCLUDING THE EXTERNAL CLADDING OF THE PANEL;
- LOCKED WITH A 003 LOCK OR THE RELEVANT AUTHORITY LOCKS WHEN NOT IN USE.

01

NOTES:

REFER TO LAND SURVEYOR DRAWINGS FOR INTERNAL AND EXTERNAL RLs

REFER TO MATERIAL ON ARCHITECTURAL REPORT

TITLE BOUNDARY

06

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0 1 2 3M

DENTON CORKER MARSHALL

82 Jolimont Street
East Melbourne Investments

TOWN PLANNING
PROPOSED SOUTH ELEVATION

19640 SITE CENTRE LINE

05

UPPER ROOF 29.25

3750

EXISTING UPPER PARAPET 26.32

LEVEL 5 25.50

3360

07

EXISTING LOWER PARAPET 22.68

EXISTING LOWER ROOF/LEVEL 4 SSL 22.14

3460

AL03 ANODISED ALUMINIUM TO TOP AND BOTTOM GLASS TRACKS - COLOUR TO BE CONFIRMED IN DETAILED DESIGN

EXISTING LEVEL 3 SSL 18.68

AL02 WHITE POWDERCATED ALUMINIUM TO BANDS

3440

EXISTING LEVEL 2 SSL 15.24

3450

EXISTING LEVEL 1 SSL 11.79

REAR LANE

RL 10.539

RL 10.205

RL 9.947

RL 9.610

RL 9.056

RL 8.790

2560

ENTRY/JOLIMONT ST 9.23

JOLIMONT STREET

16 AGNES STREET

ELECTRIC SUPPLY CUPBOARD TBC

CO01 PRECAST CONCRETE

CANOPY TO EXISTING GARAGE PEDESTRIAN DOOR

02

AL04 ALUMINIUM CLADDING TO PLINTH

FFL TO BE BETWEEN 100mm AND 190mm ABOVE SSL

GL02 U GLASS: TRANSLUCENT TO SOLID BACKING



GL03 U GLASS: TRANSLUCENT, CLEAR OR PARTIALLY FRITTED TO ROOM BEHIND

GARAGE DOOR AND EXIT DOOR TO EXISTING LOCATION.

AL04 - ALUMINIUM CLADDING AS PER PLINTH GARAGE DOOR MECH. REQUIREMENT TBC

06

NOTES:

01

REFER TO LAND SURVEYOR DRAWINGS FOR INTERNAL AND EXTERNAL RLS

REFER TO MATERIAL ON ARCHITECTURAL REPORT

03

ALL CABINETS OPENING INTO THE ROAD RESERVE TO BE: - SELF CLOSING; - HAVE A MINIMUM CLEARANCE OF 150MM FROM THE FOOTPATH SURFACE; - OPEN ONTO A FOOTPATH WITH A MINIMUM WIDTH OF 1500MM; - MADE OF STAINLESS STEEL, INCLUDING THE FRAME AND EXTERIOR FITTINGS EXCLUDING THE EXTERNAL CLADDING; - LOCKED WITH A 003 LOCK OR THE RELEVANT AUTHORITY LOCKS WHEN NOT IN USE.

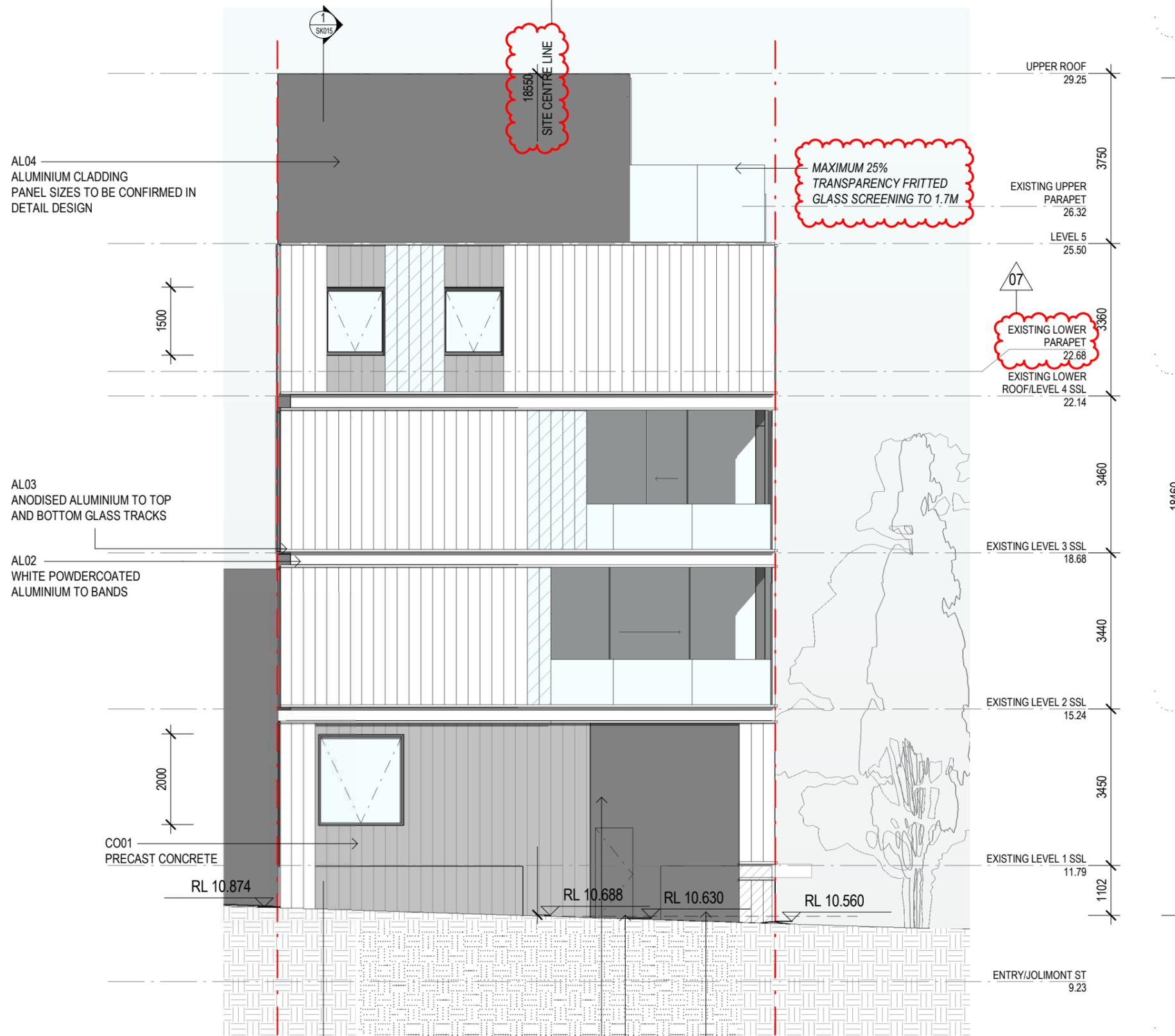
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DENTON CORKER MARSHALL

82 Jolimont Street East Melbourne Investments

TOWN PLANNING PROPOSED WEST ELEVATION



AL04
ALUMINIUM CLADDING
PANEL SIZES TO BE CONFIRMED IN
DETAIL DESIGN

MAXIMUM 25%
TRANSPARENCY FRITTED
GLASS SCREENING TO 1.7M

AL03
ANODISED ALUMINIUM TO TOP
AND BOTTOM GLASS TRACKS

AL02
WHITE POWDERCOATED
ALUMINIUM TO BANDS

CO01
PRECAST CONCRETE

AL01
OPEN PLANT ROOM PERFORATED
METAL ENCLOSURE

WATER METERS TBC
ACCESS TO MAIN
SWITCHBOARD AND METERS

GL02
U GLASS: TRANSLUCENT
TO SOLID BACKING

GL03
U GLASS: TRANSLUCENT,
CLEAR OR PARTIALLY
FRITTED TO ROOM BEHIND

ALL CABINETS OPENING INTO THE ROAD RESERVE TO BE:
- SELF CLOSING;
- HAVE A MINIMUM CLEARANCE OF 150MM FROM THE FOOTPATH SURFACE;
- OPEN ONTO A FOOTPATH WITH A MINIMUM WIDTH OF 1500MM;
- MADE OF STAINLESS STEEL, INCLUDING THE FRAME AND EXTERIOR FITTINGS EXCLUDING THE EXTERNAL CLADDING;
- LOCKED WITH A 003 LOCK OR THE RELEVANT AUTHORITY LOCKS WHEN NOT IN USE.

NOTES:

REFER TO LAND SURVEYOR DRAWINGS FOR
INTERNAL AND EXTERNAL RLS

REFER TO MATERIAL ON ARCHITECTURAL REPORT

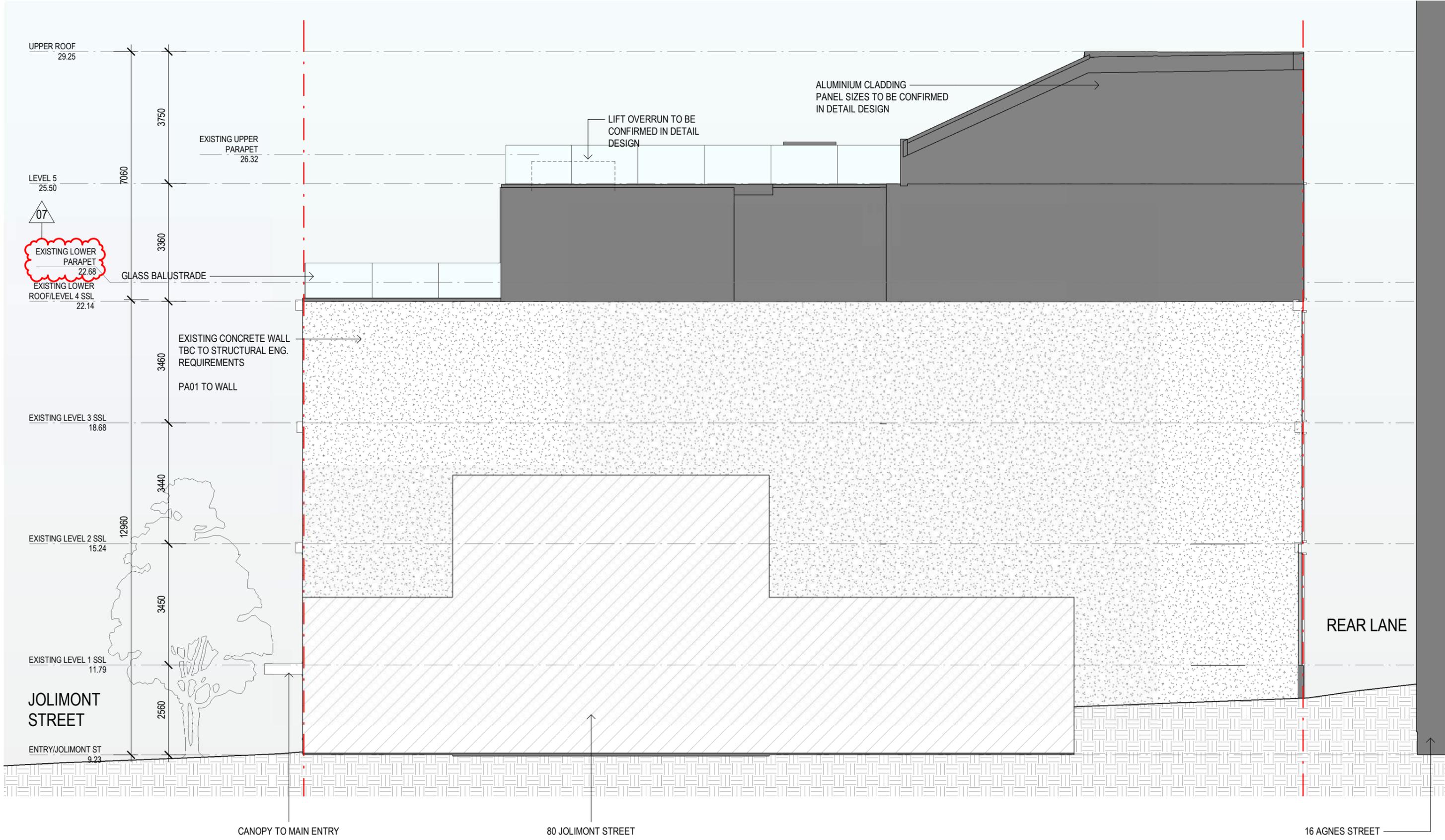
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82 Jolimont Street
East Melbourne Investments

TOWN PLANNING
PROPOSED NORTH ELEVATION



07

EXISTING LOWER PARAPET 22.68
EXISTING LOWER ROOF/LEVEL 4 SSL 22.14

EXISTING UPPER PARAPET 26.32

LIFT OVERRUN TO BE CONFIRMED IN DETAIL DESIGN

ALUMINIUM CLADDING
PANEL SIZES TO BE CONFIRMED IN DETAIL DESIGN

EXISTING CONCRETE WALL
TBC TO STRUCTURAL ENG. REQUIREMENTS
PA01 TO WALL

EXISTING LEVEL 3 SSL 18.68

EXISTING LEVEL 2 SSL 15.24

EXISTING LEVEL 1 SSL 11.79

JOLIMONT STREET

ENTRY/JOLIMONT ST 9.23

CANOPY TO MAIN ENTRY

80 JOLIMONT STREET

REAR LANE

16 AGNES STREET

NOTES:

REFER TO LAND SURVEYOR DRAWINGS FOR INTERNAL AND EXTERNAL RLs

REFER TO MATERIAL ON ARCHITECTURAL REPORT

01
TITLE BOUNDARY

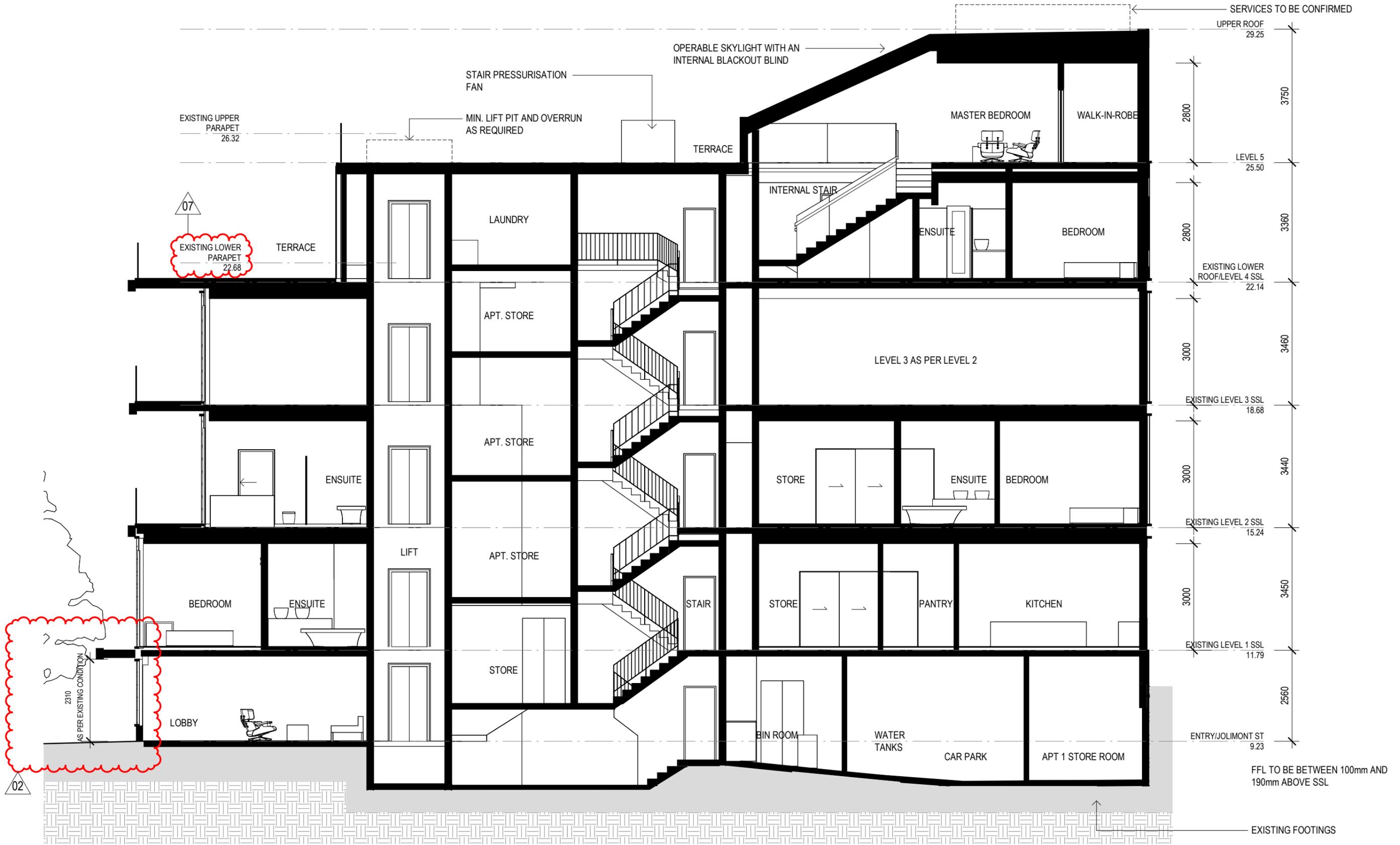
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82 Jolimont Street
East Melbourne Investments

TOWN PLANNING
PROPOSED EAST ELEVATION

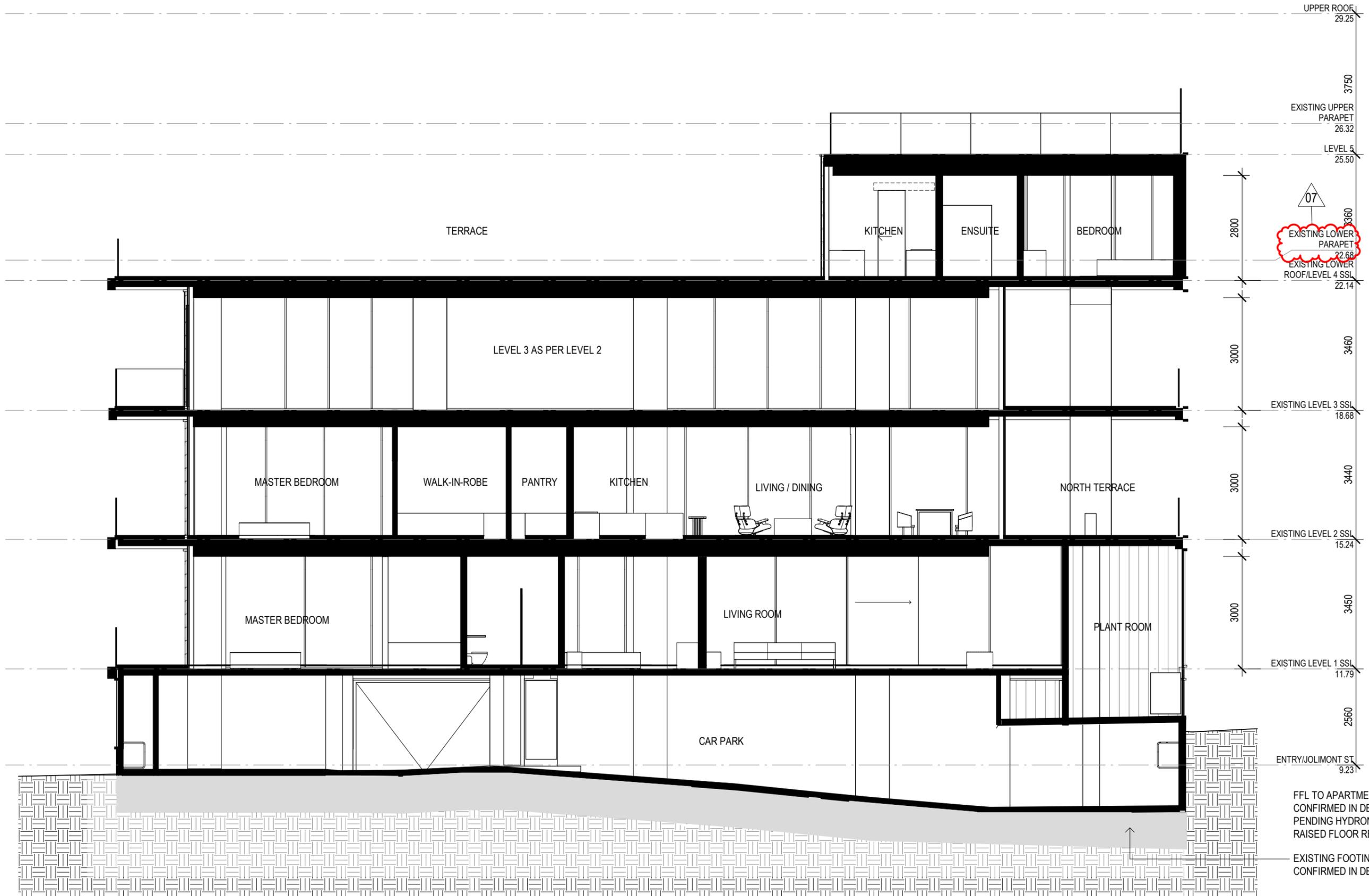


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**DENTON
 CORKER
 MARSHALL**

**82 Jolimont Street
 East Melbourne Investments**

**TOWN PLANNING
 PROPOSED SECTION A**



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**DENTON
 CORKER
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**82 Jolimont Street
 East Melbourne Investments**

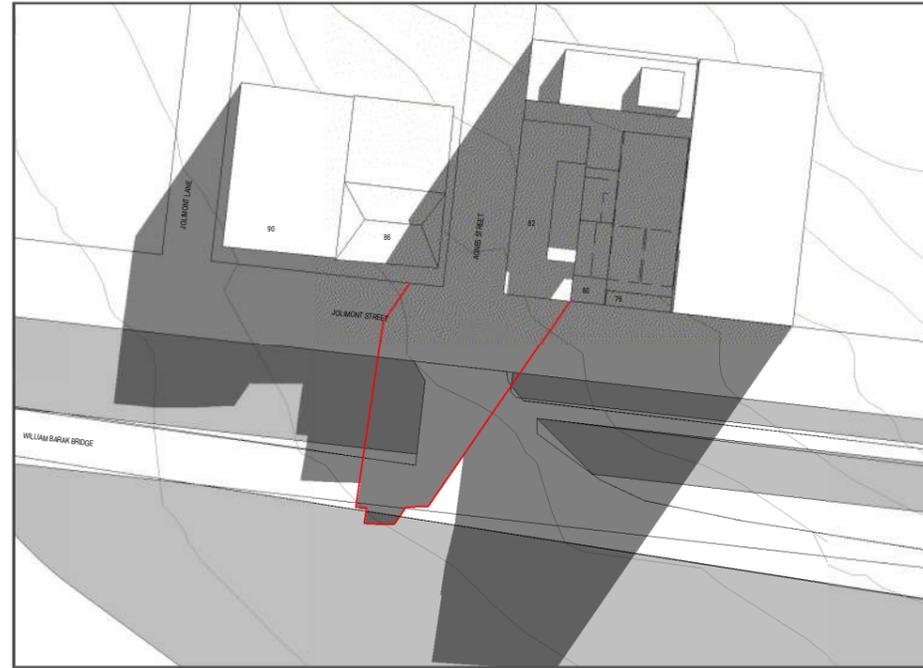
**TOWN PLANNING
 PROPOSED SECTION B**

SHADOW STUDIES - PROPOSED DEVELOPMENT

Shadow studies for the proposed development are shown for 21 June at 10am, 11am, 12pm, 1pm, 2pm and 3pm.

- Existing building shadow outline
- Proposed building shadow outline

21. JUNE 10 AM

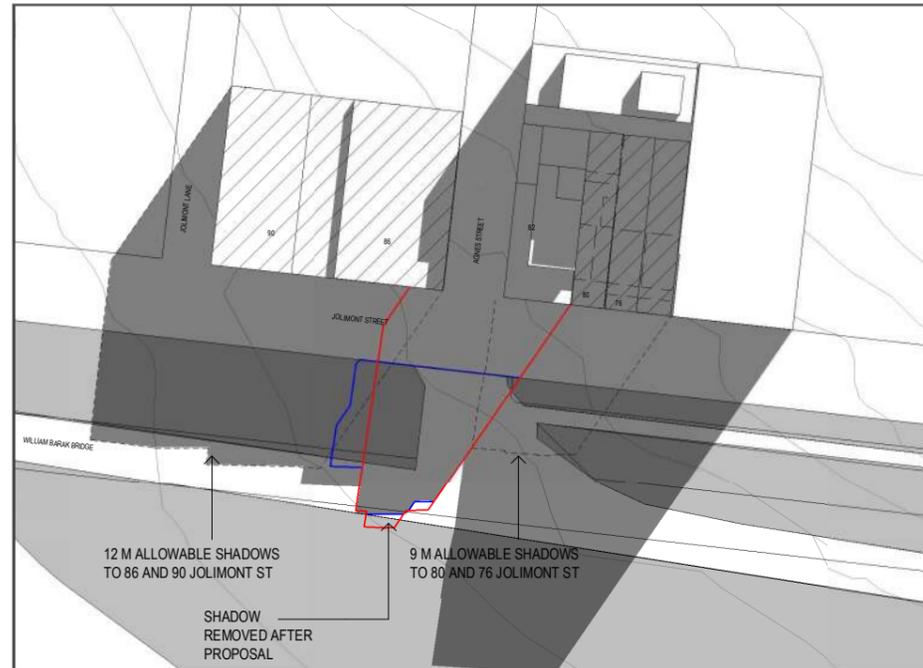


EXISTING VOLUME

21. JUNE 11 AM



EXISTING VOLUME



PROPOSED VOLUME



PROPOSED VOLUME

SHADOW STUDIES - PROPOSED DEVELOPMENT

Shadow studies for the proposed development are shown for 21 June at 10am, 11am, 12pm, 1pm, 2pm and 3pm.

- Existing building shadow outline
- Proposed building shadow outline

21. JUNE 12 PM



EXISTING VOLUME

21. JUNE 1 PM



EXISTING VOLUME



PROPOSED VOLUME



PROPOSED VOLUME

SHADOW STUDIES - PROPOSED DEVELOPMENT

Shadow studies for the proposed development are shown for 21 June at 10am, 11am, 12pm, 1pm, 2pm and 3pm.

- Existing building shadow outline
- Proposed building shadow outline

21. JUNE 2 PM



EXISTING VOLUME

21. JUNE 3 PM



EXISTING VOLUME



PROPOSED VOLUME



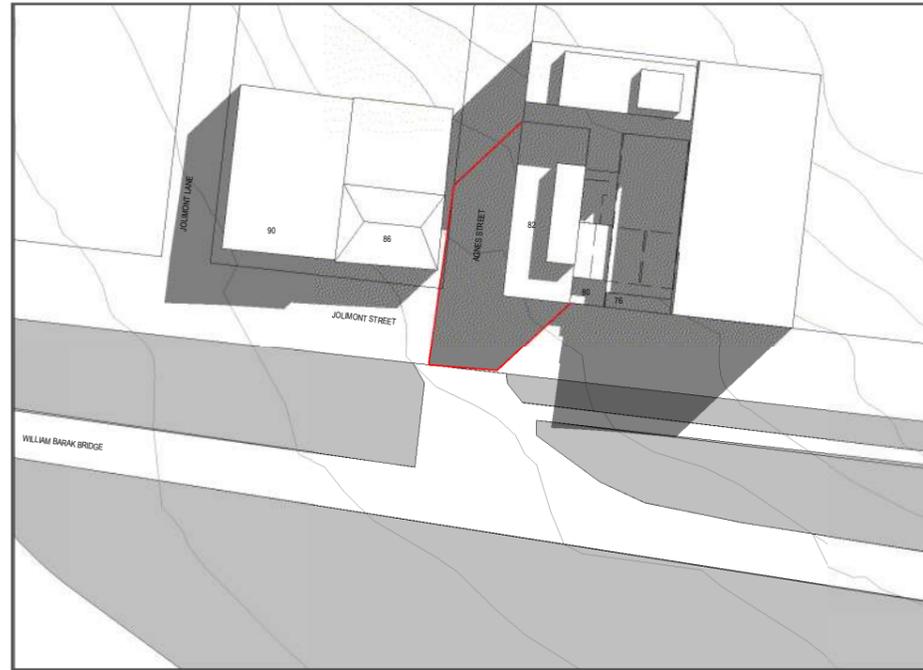
PROPOSED VOLUME

SHADOW STUDIES - PROPOSED DEVELOPMENT

Equinox shadow studies for the proposed development are shown for 21 March at 10am, 11am, 12pm, 1pm, 2pm and 3pm.

- Existing building shadow outline
- Proposed building shadow outline

21. MARCH 10 AM

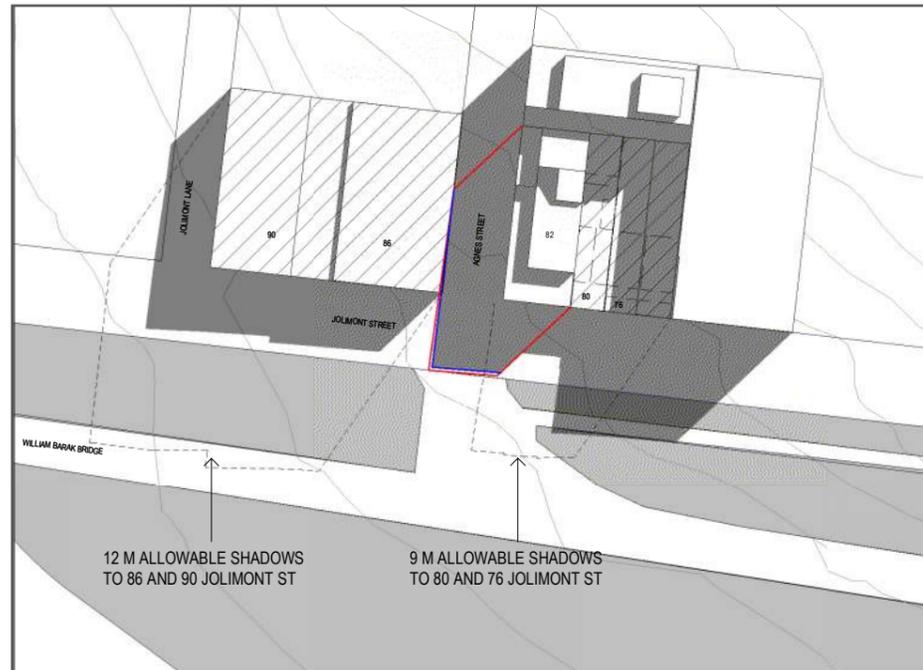


EXISTING VOLUME

21. MARCH 11 AM



EXISTING VOLUME



PROPOSED VOLUME



PROPOSED VOLUME

SHADOW STUDIES - PROPOSED DEVELOPMENT

Equinox shadow studies for the proposed development are shown for 21 March at 10am, 11am, 12pm, 1pm, 2pm and 3pm.

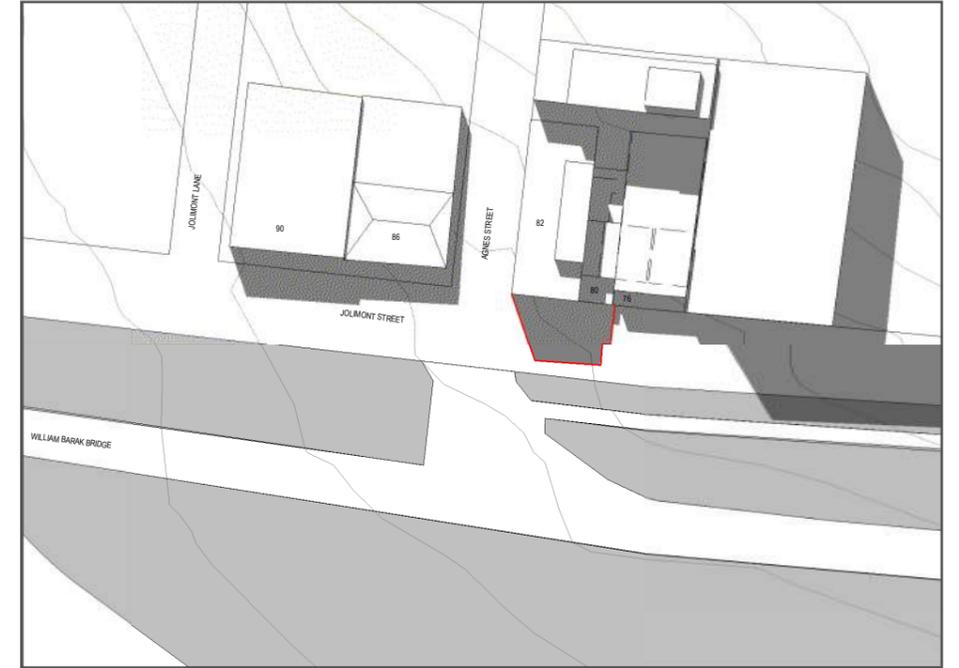
- Existing building shadow outline
- Proposed building shadow outline

21. MARCH 12 PM



EXISTING VOLUME

21. MARCH 1 PM



EXISTING VOLUME



PROPOSED VOLUME



PROPOSED VOLUME

SHADOW STUDIES - PROPOSED DEVELOPMENT

Equinox shadow studies for the proposed development are shown for 21 March at 10am, 11am, 12pm, 1pm, 2pm and 3pm.

- Existing building shadow outline
- Proposed building shadow outline

21. MARCH 2 PM



EXISTING VOLUME

21. MARCH 3 PM



EXISTING VOLUME



PROPOSED VOLUME



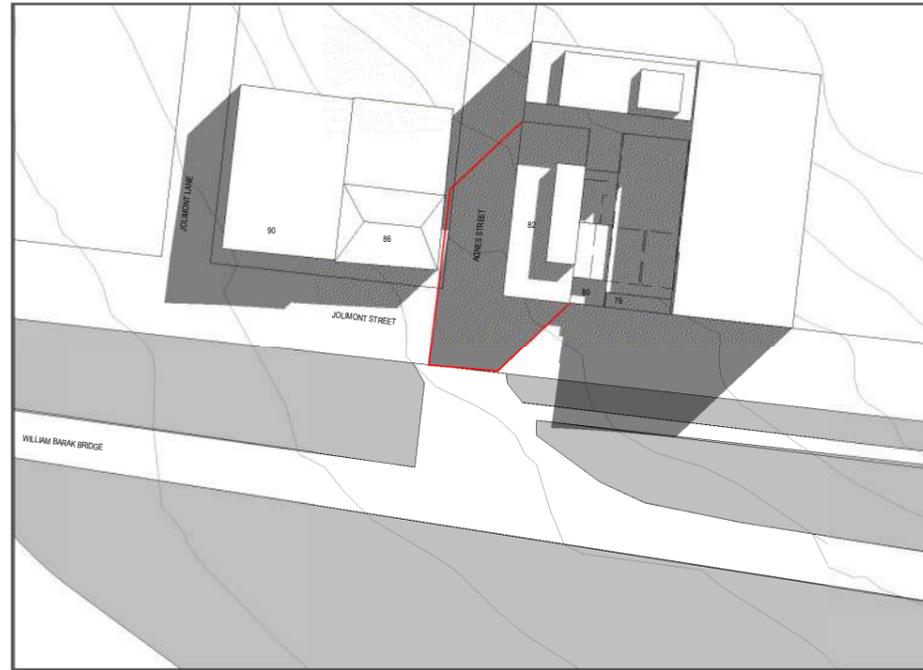
PROPOSED VOLUME

SHADOW STUDIES - PROPOSED DEVELOPMENT

Equinox shadow studies for the proposed development are shown for 21 September at 10am, 11am, 12pm, 1pm, 2pm and 3pm.

- Existing building shadow outline
- Proposed building shadow outline

21. SEPTEMBER 10 AM

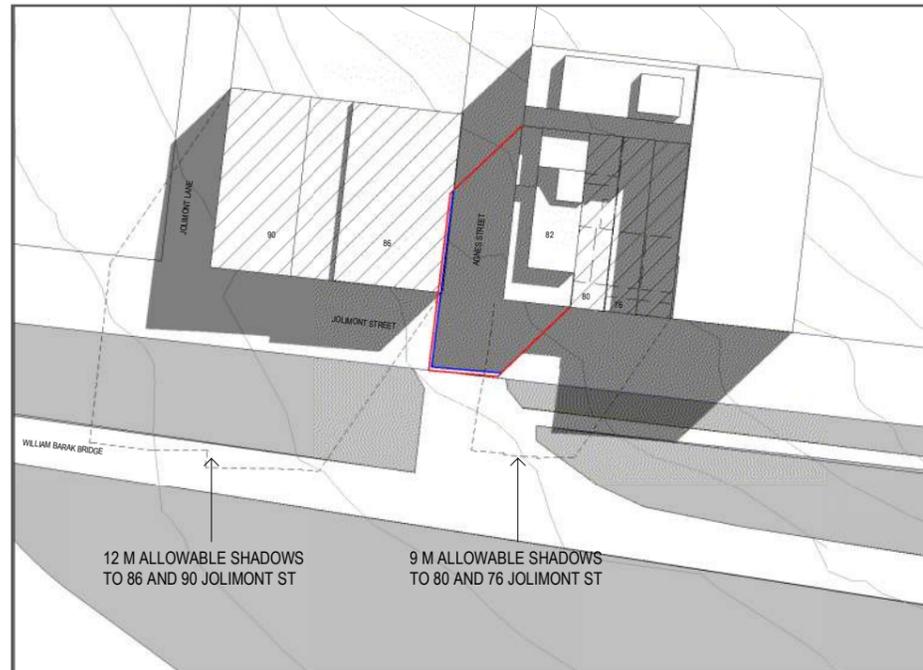


EXISTING VOLUME

21. SEPTEMBER 11 AM



EXISTING VOLUME



PROPOSED VOLUME



PROPOSED VOLUME

SHADOW STUDIES - PROPOSED DEVELOPMENT

Equinox shadow studies for the proposed development are shown for 21 September at 10am, 11am, 12pm, 1pm, 2pm and 3pm.

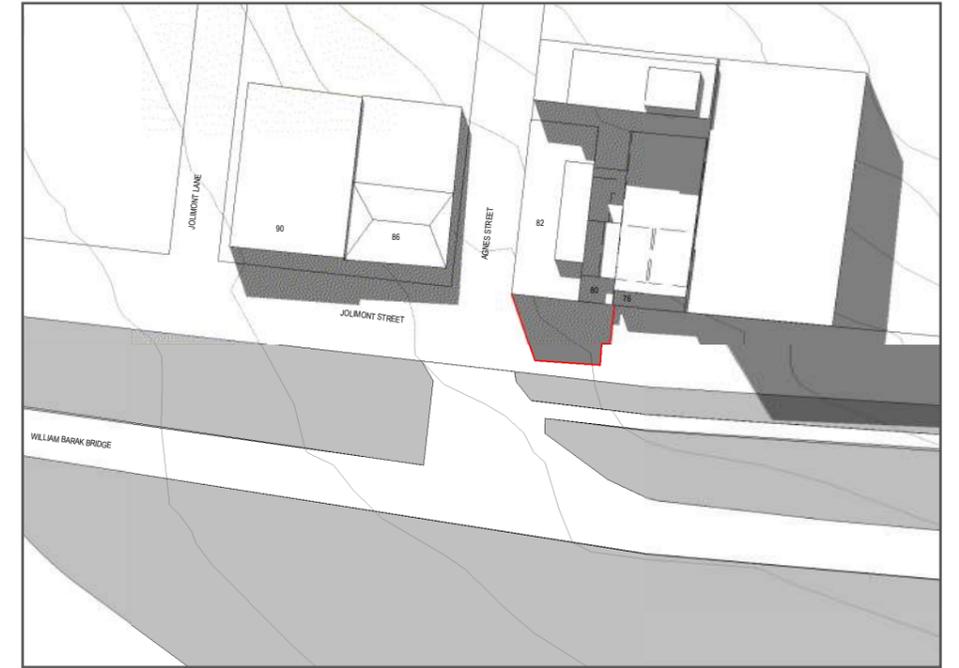
- Existing building shadow outline
- Proposed building shadow outline

21. SEPTEMBER 12 PM



EXISTING VOLUME

21. SEPTEMBER 1 PM



EXISTING VOLUME



PROPOSED VOLUME



PROPOSED VOLUME

SHADOW STUDIES - PROPOSED DEVELOPMENT

Equinox shadow studies for the proposed development are shown for 21 September at 10am, 11am, 12pm, 1pm, 2pm and 3pm.

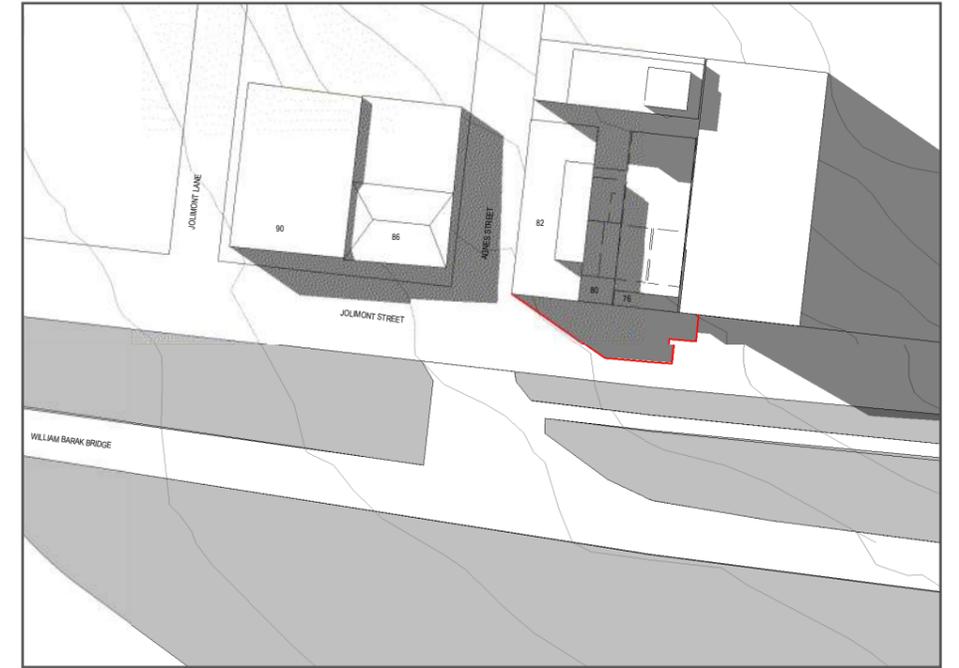
- Existing building shadow outline
- Proposed building shadow outline

21. SEPTEMBER 2 PM



EXISTING VOLUME

21. SEPTEMBER 3 PM



EXISTING VOLUME



PROPOSED VOLUME



PROPOSED VOLUME

12 M ALLOWABLE SHADOWS
TO 86 AND 90 JOLIMONT ST

9 M ALLOWABLE SHADOWS
TO 80 AND 76 JOLIMONT ST

12 M ALLOWABLE SHADOWS
TO 86 AND 90 JOLIMONT ST

9 M ALLOWABLE SHADOWS
TO 80 AND 76 JOLIMONT ST

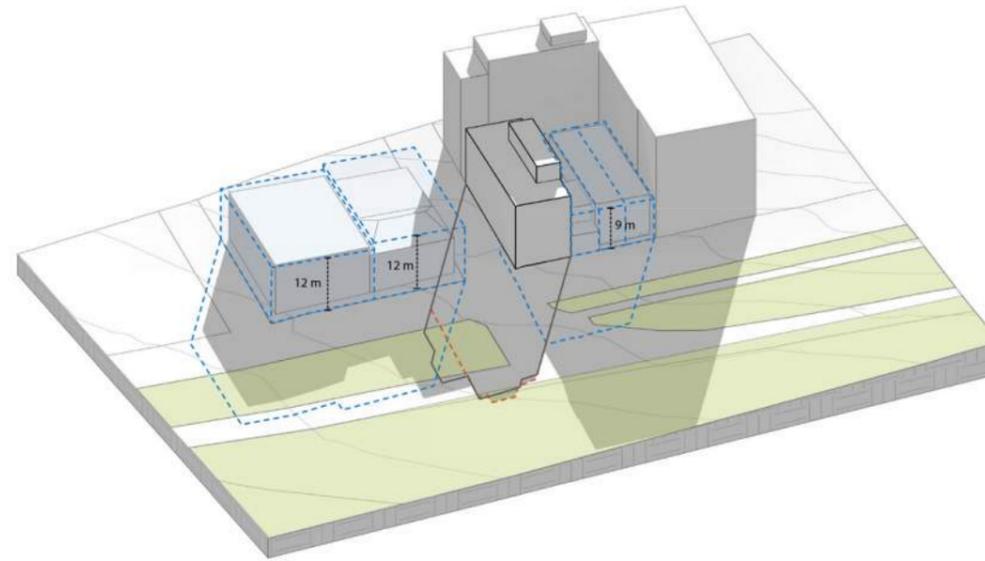
SHADOW STUDIES - PROPOSED DEVELOPMENT

Axometric shadow studies for the proposed development are shown for the 21st of June at 10am, 11am, 12pm, 1pm, 2pm and 3pm.

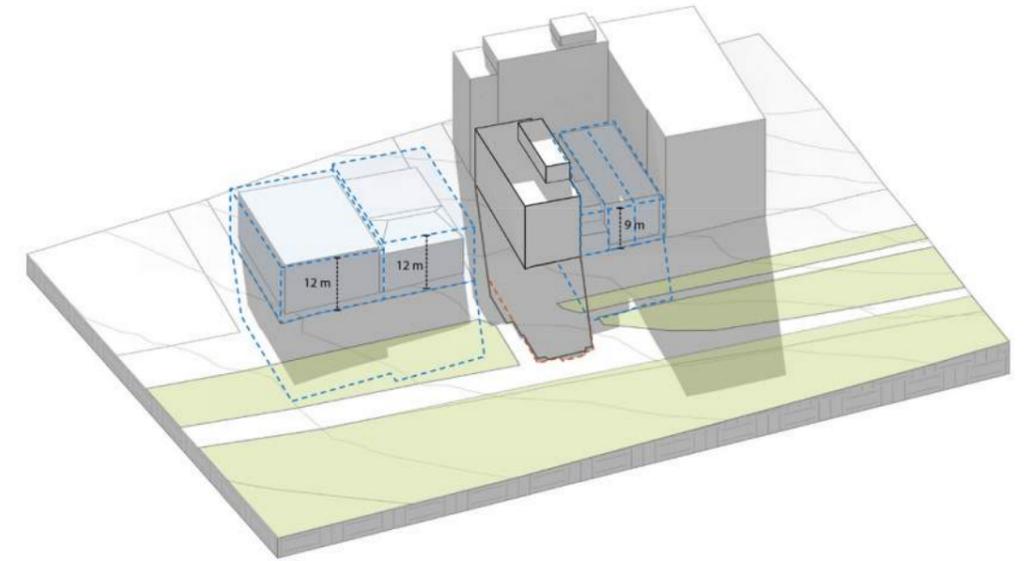
21. JUNE 10 AM

21. JUNE 11 AM

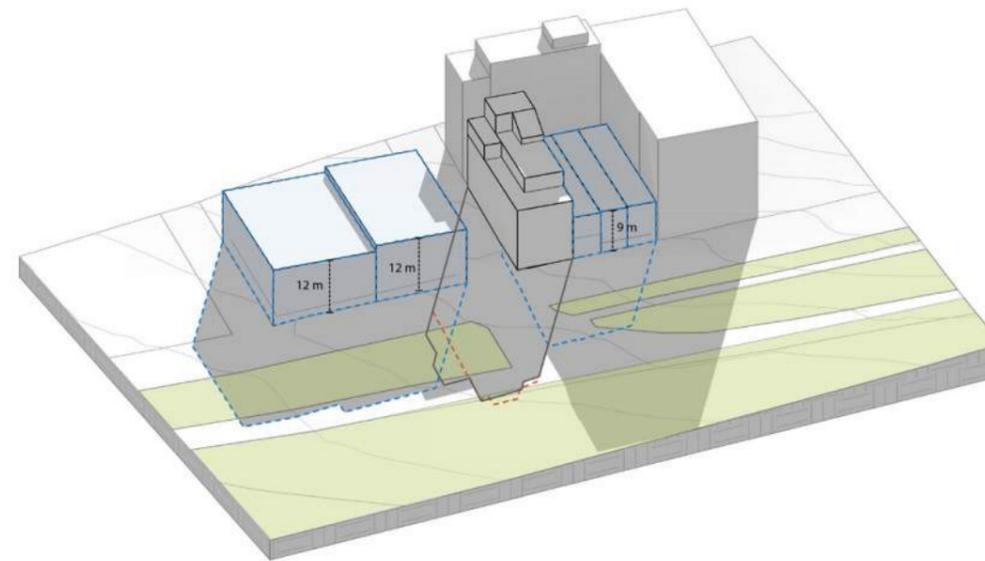
- Existing shadow outline of 82 Jolimont Street
- Proposed shadow outline of 82 Jolimont Street
- Existing building shadows
- Maximum height and allowable shadow extent under planning scheme controls



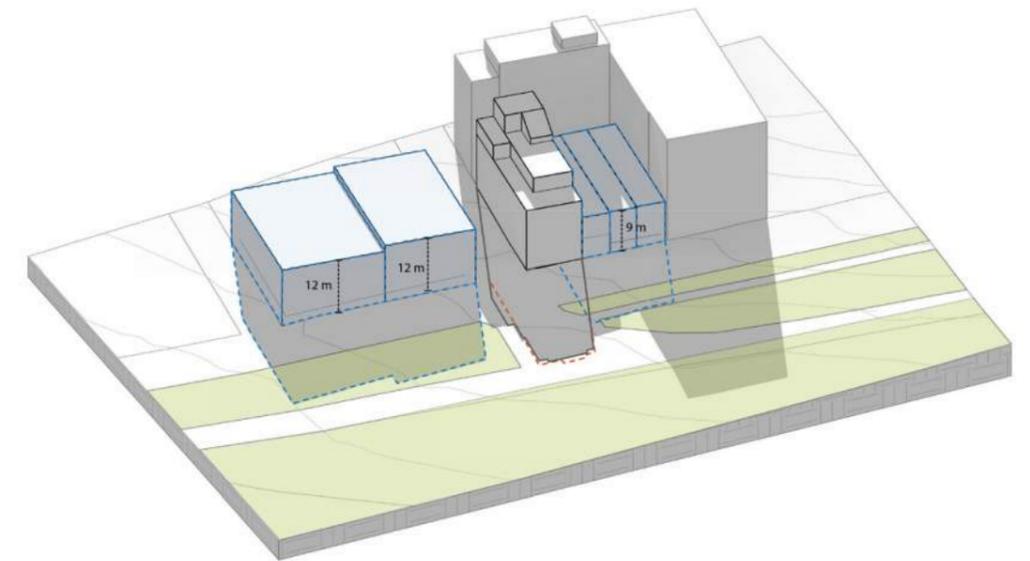
EXISTING VOLUME



EXISTING VOLUME



PROPOSED VOLUME



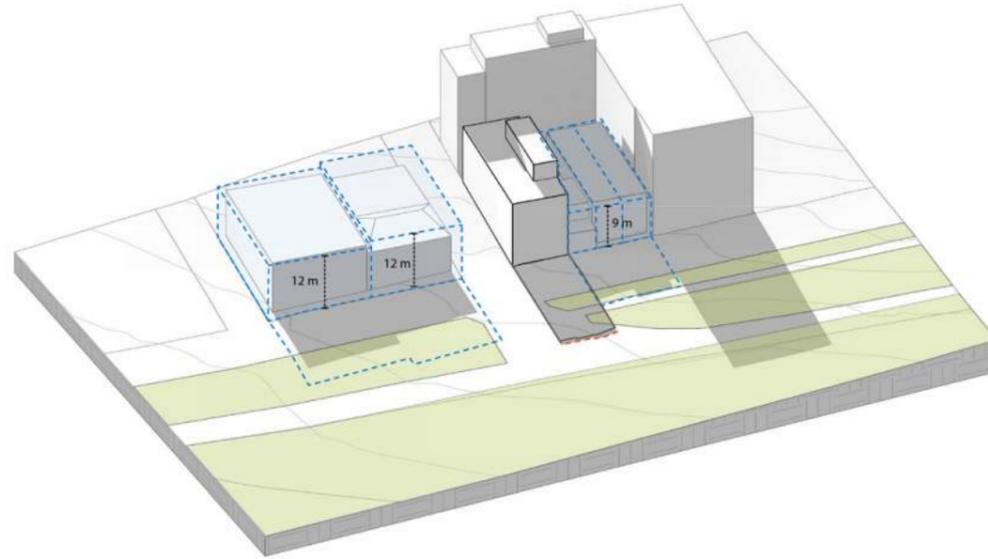
PROPOSED VOLUME

SHADOW STUDIES - PROPOSED DEVELOPMENT

Axonometric shadow studies for the proposed development are shown for the 21st of June at 10am, 11am, 12pm, 1pm, 2pm and 3pm.

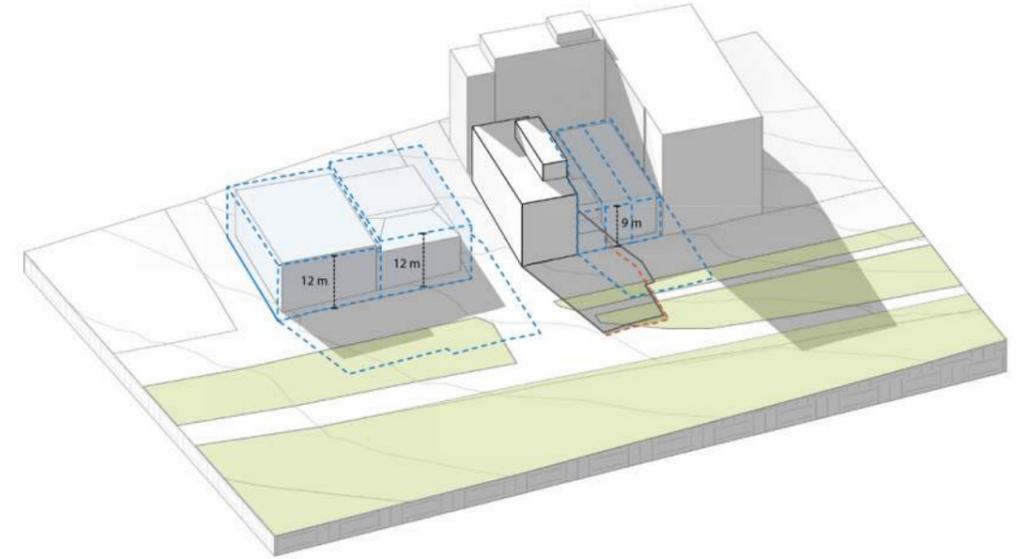
- Existing shadow outline of 82 Jolimont Street
- Proposed shadow outline of 82 Jolimont Street
- Existing building shadows
- Maximum height and allowable shadow extent under planning scheme controls

21. JUNE 12 PM

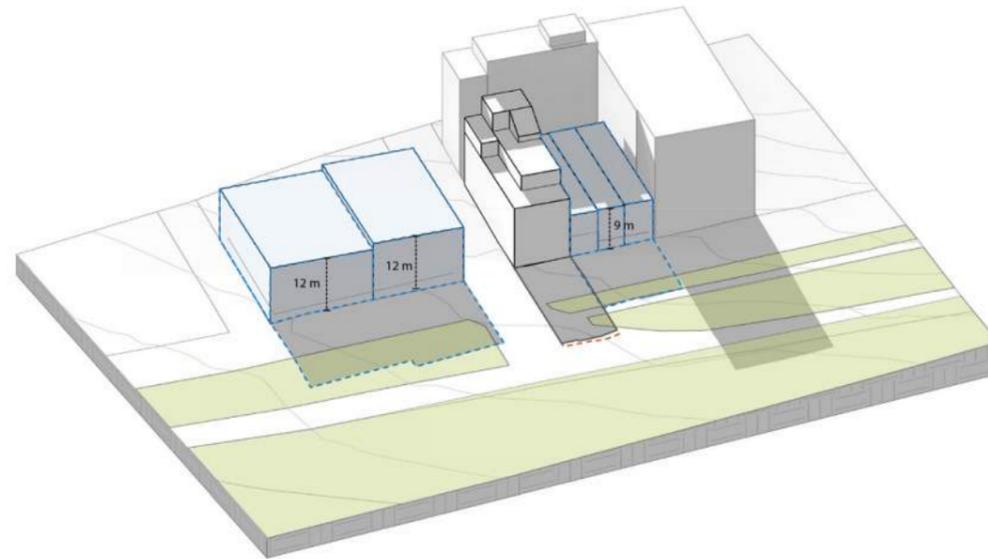


EXISTING VOLUME

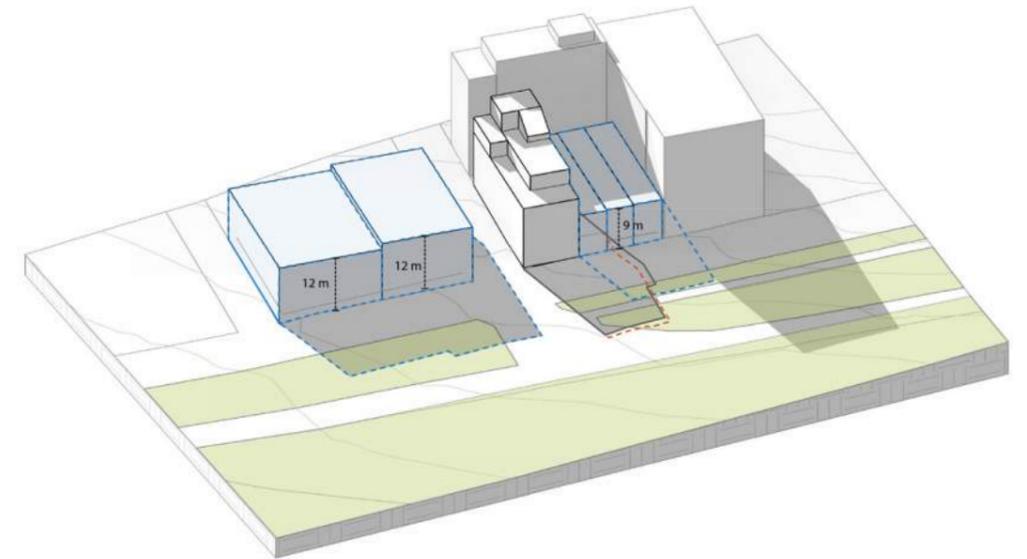
21. JUNE 1 PM



EXISTING VOLUME



PROPOSED VOLUME



PROPOSED VOLUME

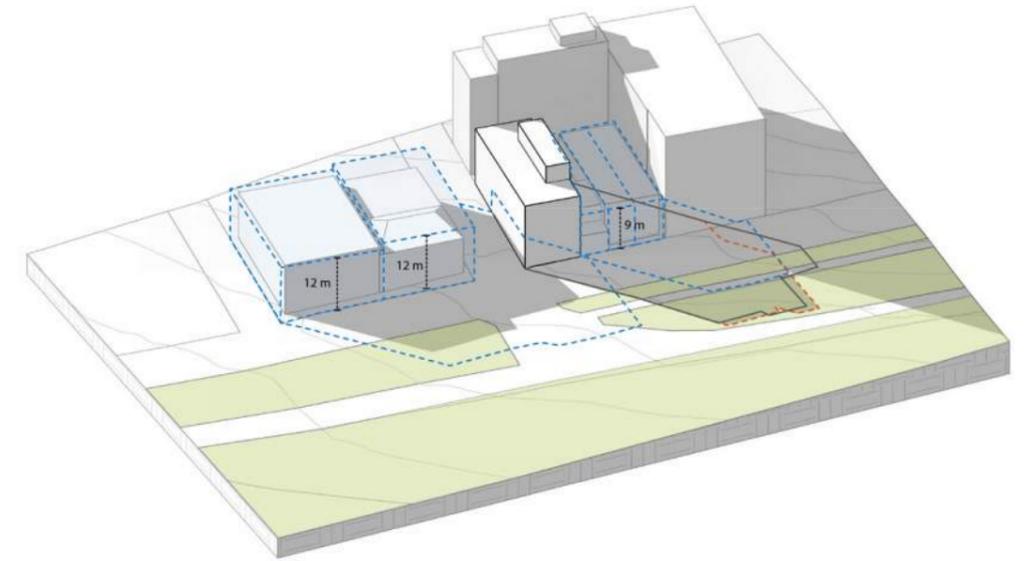
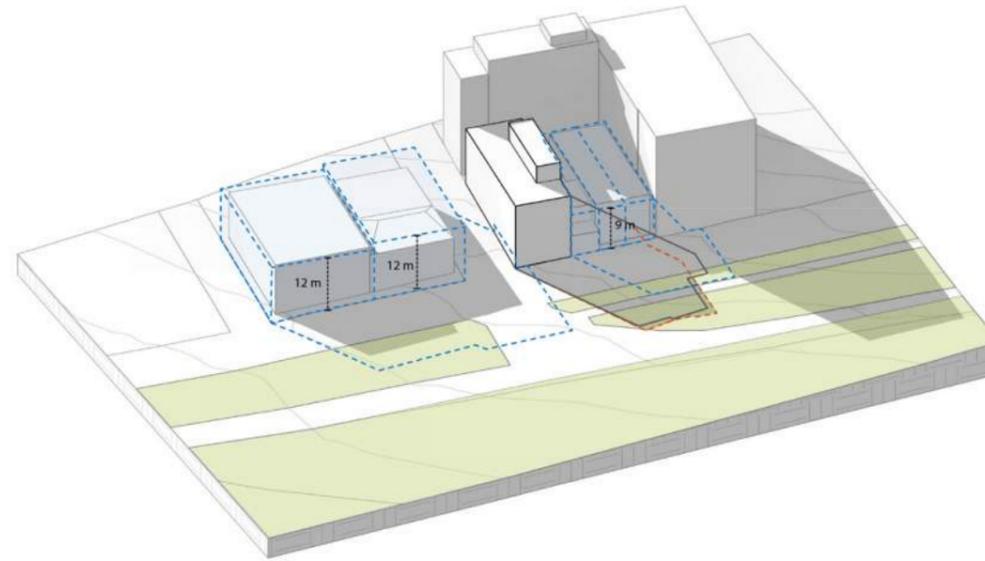
SHADOW STUDIES - PROPOSED DEVELOPMENT

Axonometric shadow studies for the proposed development are shown for the 21st of June at 10am, 11am, 12pm, 1pm, 2pm and 3pm.

21. JUNE 2 PM

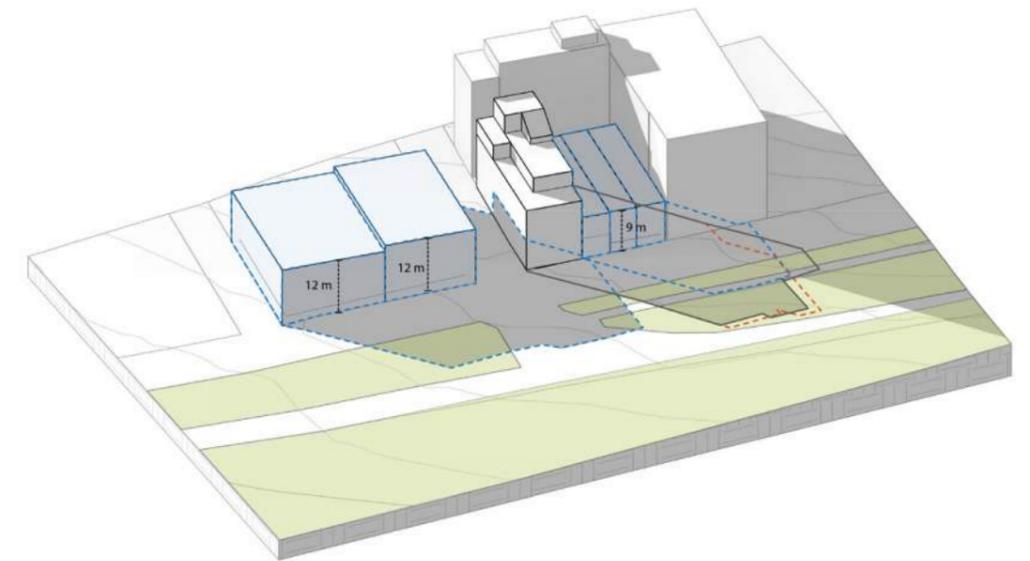
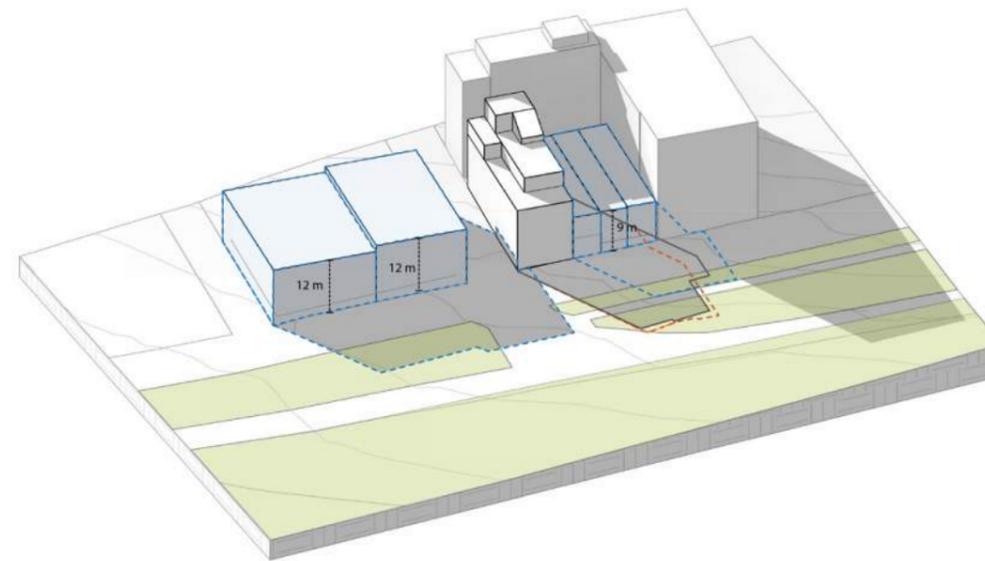
21. JUNE 3 PM

-  Existing shadow outline of 82 Jolimont Street
-  Proposed shadow outline of 82 Jolimont Street
-  Existing building shadows
-  Maximum height and allowable shadow extent under planning scheme controls



EXISTING VOLUME

EXISTING VOLUME



PROPOSED VOLUME

PROPOSED VOLUME

PLANNING PERMIT APPLICATION DELEGATE REPORT

Application number:	TP-2022-474
Applicant:	East Melbourne Investments Pty Ltd C/- Urbis
Owner	East Melbourne Investments Pty Ltd
Architect	Denton Corker Marshall
Address:	82-84 Jolimont Street, East Melbourne
Proposal:	Partial demolition, external alterations, and to construct a building or construct or carry out works for a multi-storey addition to the existing building for use as dwellings, and an associated provision of car parking in excess of the maximum requirements
Date of application:	12 August 2022
Cost of Works	\$5,200,000
Responsible officer:	Matthew Mukhtar, Acting Principal Urban Planner

1 SITE AND SURROUNDS

1.1 Site

Planning permit application TP-2022-474 (**Application**) concerns the land at 82-84 Jolimont Street, East Melbourne (**Site**) which is formally identified as Land in Plan of Consolidation 100789.

The Site is circa 313 m² in size, is rectangular in shape, and is located on the north interface of Jolimont Street at the corner with Agnes Street. It includes the following interfaces:

- South: a frontage to Jolimont Street of 11 m.
- West and East: side interfaces to Agnes Street and 80 Jolimont Street of 28.5 m respectively.
- North: a rear interface of 11 m to Corporation Lane 1589 (**CL1589**) which is a public road under the care and management of the City of Melbourne.

The Site slopes down from the northern boundary towards the southern boundary.

The Site is currently developed with a part four, and part five (roof building services) storey building known as 'Mercer House' utilised for car parking (ground floor), offices, and a dwelling (level 3). The Site is built to all title boundaries and includes a rear setback to CL1589 at the third level (a balcony for the dwelling). The main pedestrian entry is located on the Jolimont Street frontage underneath an existing verandah element.

Vehicle access is provided into the Site via two crossovers to Agnes Street. Eight car parking spaces are provided in a ground level car park central to the Site's west interface, and two spaces are provided at ground level in an undercroft at the north-west corner of the Site.

The Site and surrounding properties are located within the precinct wide Heritage Overlay, Schedule 2 (East Melbourne and Jolimont Precinct) and is assessed as a 'Non-contributory' graded heritage building (within an ungraded streetscape) by the *Heritage Places Inventory March 2022 (Amended January 2023) (Heritage Inventory)*, which is an Incorporated Document in the *Melbourne Planning Scheme (Planning Scheme)*.

The Heritage Inventory defines a 'Non-contributory' heritage building as a '*...place [that] does not make a contribution to the cultural significance or historic character of the heritage precinct.*'

The Site's interfaces are as follows:

- North: CL1589, a bluestone surfaced laneway that commences at Agnes Street and terminates at 70-74 Jolimont Street. Beyond the laneway is 16-18 Agnes Street, a six-storey apartment building (containing four apartments) approved on 13 June 2008 under planning permit TP-2007-706. This approval is discussed in further detail below.
- East: 80 Jolimont Street, a two-storey heritage terrace, used for offices. The second storey is set back from Jolimont Street, with a terrace area occupying the setback. Vehicle access is provided via CL1589 to the north. 80 Jolimont Street is graded as a 'Contributory' heritage building (within an ungraded streetscape) by the Heritage Inventory. Further east is 76-78 Jolimont Street, occupied by two two-storey townhouses, also used as offices, and beyond that site is 70 Jolimont Street, developed with a six-storey office building.
- South: Jolimont Street, a public street providing a single traffic lane in each direction (east-west), and parallel vehicle parking on the southern side. Immediately in front of the site, the footpath steps out into the roadway, providing extra width to the footpath. Mature trees are planted within the footpath and nature strip on both sides of the street. Beyond Jolimont Street is Yarra Park, a public park which includes the Melbourne Cricket Ground. Opposite the Site (that is, the south side of Jolimont Street), Yarra Park consists of a formal garden with large grassed areas, and asphalt paths connecting different areas within the park. Established trees provide shade to these paths. A pedestrian bridge crosses the Jolimont Railyards towards Birrarung Marr.
- West: Agnes Street, a one-way street providing a single traffic lane towards the south, and parallel parking on the eastern side. Beyond Agnes Street is 86-88 Jolimont Street, which is currently under construction for a seven-storey mixed use building approved under planning permit TP-2018-1175/A. The building is currently under construction, it incorporates a six-storey street wall to Jolimont Street, and a maximum height of 29.37 metres.

A site visit to the Site and surrounds was conducted on 16 January 2023.

1.2 Title Particulars

The Certificate of Title indicates that the Site is not affected by any covenants or restrictions which would preclude the development outcome sought by this application.

While the Site includes a party wall easement with 80 Jolimont Street, this is not proposed to be amended or deleted. As such, it is not a consideration of the Application.

By signing the application form, the applicant confirms that the proposal does not breach any restrictions on the Certificate of Title.

1.3 Surrounds

The surrounding area is generally commercial and residential in nature.

The wider area, being the pocket bound by Jolimont Street, Jolimont Terrace, Jolimont Road and Wellington Parade is diverse in building scale, height, form and materials.

The Site is located with convenient access to a range of entertainment, employment, and transport facilities, including:

- Jolimont Railway Station: approximately 400 metres north-east.
- Richmond Railway Station: approximately 1 km south-east.
- Flinders Street Railway Station: approximately 1.15 km west.
- Yarra Park: immediately to the south.
- The Melbourne CBD: approximately 600 m north-west.

1.4 Strategic Context

Clause 2.03-1 (Settlement): identifies the Site and surrounds are within one of the City of Melbourne's '*[s]table residential areas*', which are '*...valued for their existing character. Limited change, such as infill development and alterations and additions, that respects existing character, can occur*'.

The policy further identifies that the precinct '*...accommodates Government facilities, institutions and businesses in the Treasury and Parliament precinct. It has an important role in providing hospital and medical services and supporting Central City edge business uses while maintaining residential amenity through limited development of residential areas.*'

The map associated with Clause 11.03-6L-04 (East Melbourne and Jolimont) – see figure 1 below – identifies that the Site is located within the '*Jolimont Residential and Commercial Area*'.

Clause 11.03-6L-04 (East Melbourne and Jolimont) includes the following strategies for the area:

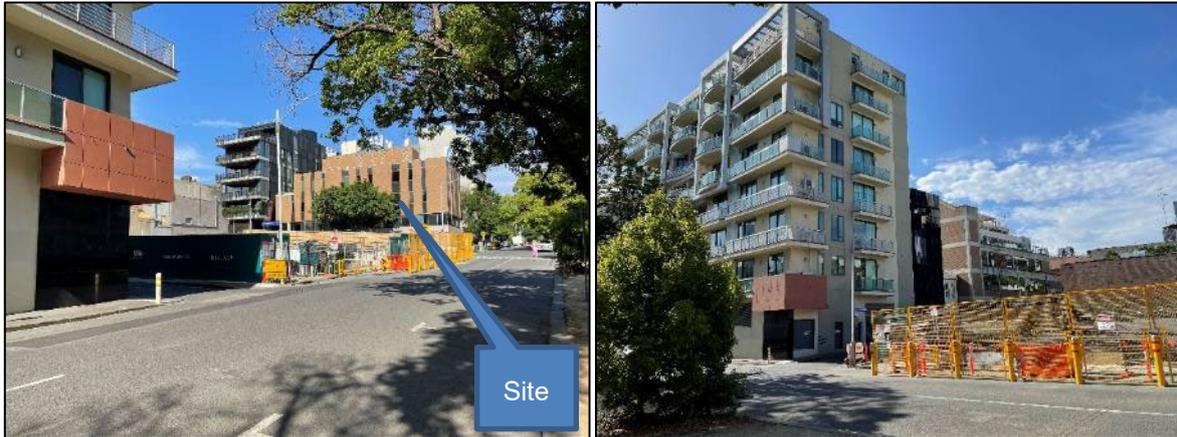
- *Housing strategies*
 - *Ensure development in residential areas is sensitively designed so that it maintains the generally low scale nature of heritage streetscapes and buildings.*
 - *Support a mix of residential and office use and development in the commercial zones in Jolimont.*
- *Built environment and heritage strategies*
 - *Ensure development respects the scale of the surrounding residential area, heritage buildings and Fitzroy Gardens.*
 - *Protect views to the World Heritage Listed Royal Exhibition Building drum, dome, lantern and flagpole from Spring and Nicholson streets.*
 - *Encourage sympathetic infill development in low rise areas that complements the architecture, scale and character of the area.*
 - *Maintain and enhance the landscape values of Victoria Parade Boulevard.*
 - *Ensure buildings along Victoria Parade are designed to enhance its appearance as a major boulevard and enhance Wellington Parade and Albert Street as key entrances to the Hoddle Grid, through high quality architecture and urban design.*
 - *Ensure that development does not adversely affect Fitzroy Gardens, Treasury Gardens or Yarra Park by minimising the visual impact of buildings and overshadowing of the parks.'*



Figure 1 – extract of the East Melbourne and Jolimont Plan from Clause 11.03-6L-04 (Site label added by Council)



Figure 2 – aerial image of the Site (Source: CoMPass, image taken July 2022)



Figures 3 and 4 – views to the Site from Jolimont Street (left) and views to 86 – 99 Jolimont Street (demolished) and 102 – 104 Jolimont Road from Jolimont Street (Source: Council, dated 16 January 2023)



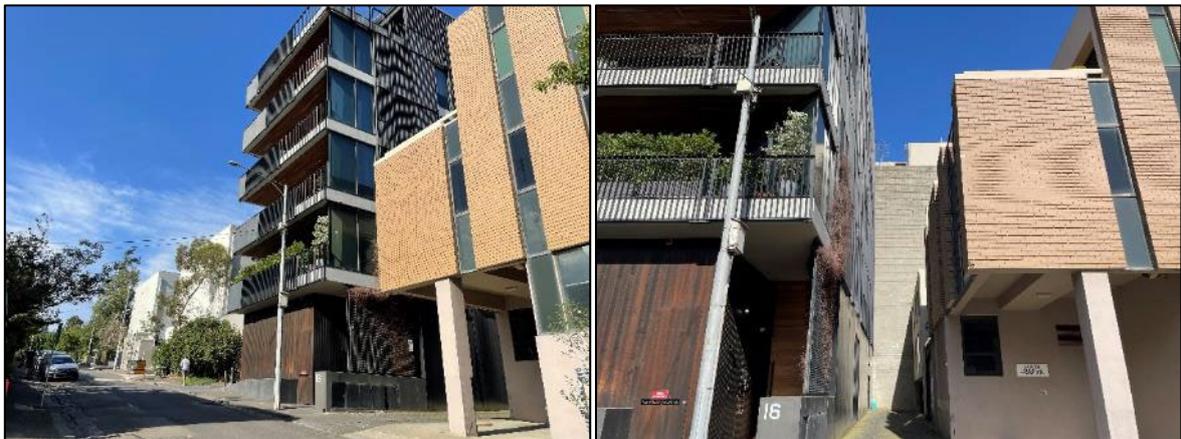
Figures 5 and 6 – views to the Site from Jolimont Street (left) and view of Yarra Park opposite the Site (Site to the left of the image) (Source: Council, dated 16 January 2023)



Figures 7 and 8 – views of Yarra Park opposite the Site (Site behind the images) (Source: Council, dated 16 January 2023)



Figures 9 and 10 – views to 80 and 76-78 Jolimont Street (left) and views to 70 Jolimont Street from Jolimont Street (Source: Council, dated 16 January 2023)



Figures 11 and 12 – views to the rear of the Site and the apartment building at 16 Agnes Street from Agnes Street (Source: Council, dated 16 January 2023)



Figures 13 and 14 – CL1589 (left) and views to the rear of the Site from CL1589 (Source: Council, dated 16 January 2023)



Figure 15 – view south along Agnes Street to the Site (Source: Council, dated 16 January 2023)

1.5 Archaeology and Victorian Heritage Register

The Sites are not included in the Victorian Heritage Inventory / Register.

1.6 Aboriginal Cultural Heritage

The Site is not located in an area of cultural heritage sensitivity.

2 BACKGROUND AND HISTORY

2.1 Planning Permit Application History

2.1.1 Pre-application Meeting

A pre-application meeting (reference no. PA-2022-198) was sought by the applicant and held between the applicant and Council planning officers prior to the lodgement of the Application.

Council officers provided the following comments to the applicant (summarised):

- Detailed shadow diagrams to be provided to allow an assessment against the proposed Design and Development Overlay, Schedule 8 (discussed further below).
- The application will be assessed against Clause 58 of the Planning Scheme, which includes the assessment of wind impacts. As such, a wind report should be provided.
- Applicant to provide justification of the additional height sought above the preferred building heights of the Design and Design Overlay, Schedule 22.
- Applicant to seek advice from a building surveyor (or another suitably qualified professional) whether the proposed windows on boundary are acceptable from a fire separation perspective.
- Provide further justification of the proposed light access to the rear bedrooms from CL1589.
- The application would be referred to the Urban Design department (amongst other internal departments) once lodged.
- The application must be accompanied by swept diagrams and justification to exceed the car parking rates of the Parking Overlay, Schedule 12.

2.2 Relevant Planning Permit History

There are no relevant planning permits issued for the Site to the Application.

A number of planning permits have issued in the vicinity of the Site, including (but not limited to):

- TP-2007-709: 16 Agnes Street, East Melbourne. A six storey building containing four dwellings and ground floor car parking. The development is completed and occupied.
- TP-2018-1175: 86-94 Jolimont Street, East Melbourne. Approval for a seven storey (maximum height of 25.89 m) mixed use building, including office and café. The development is under construction.
- TP-2018-204: 66-68 Jolimont Street, East Melbourne. Approval for a seven storey mixed-use building (maximum height of 25.4 m), including dwellings and a café.
- TP-2021-798: 124-126 Jolimont Road, East Melbourne. An approved seven storey (maximum height of 26.6 m) containing dwellings.

All reference to heights above are exclusive of roof plant.



Figure 16 – map of the DDO22 with surrounding developments (existing and approved) identified in red (the Site identified in yellow) (Source: CoMPass)

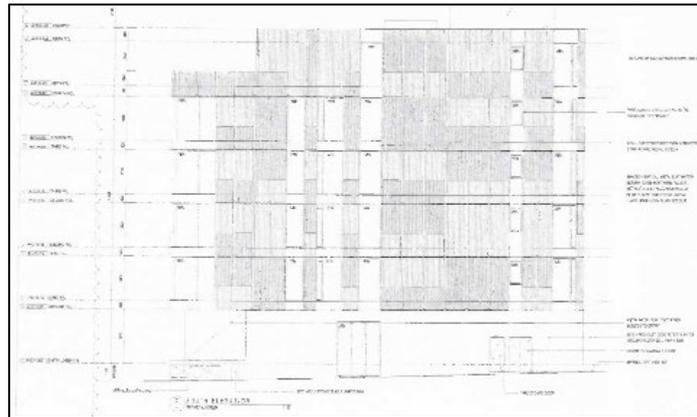


Figure 17 – extract of the endorsed south elevation of TP-2007-706 at 16 Agnes Street (Source: Council)

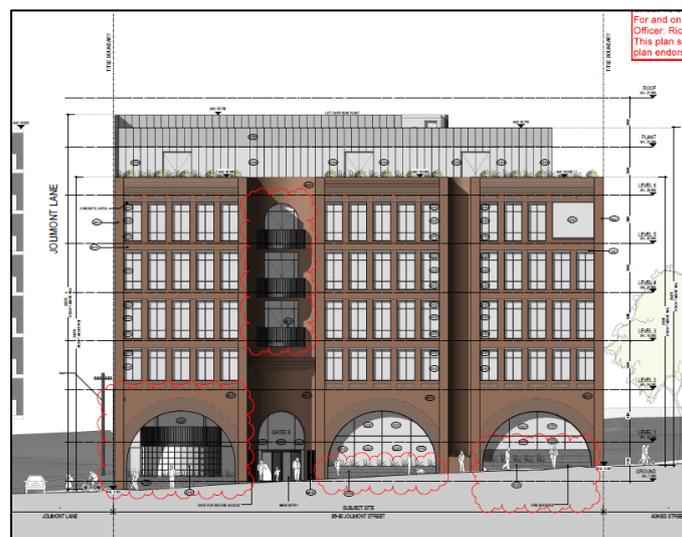


Figure 18 – extract of the endorsed south elevation for TP-2018-1175 at 86-94 Jolimont Street (Source: Council)



Figure 19 – extract of the south elevation of the decision plans under planning permit TP-2018-204/B at 124-126 Jolimont Road (Source: Council)

2.3 Planning Scheme Amendments

2.3.1 Amendment C409

Planning Scheme amendment C409 was gazetted on 21 September 2022.

It replaces the Municipal Strategic Statement at Clause 21 and Local Planning Policies at Clause 22 of the Planning Scheme with a Municipal Planning Strategy, local policies within the Planning Policy Framework and selected local schedules to overlays, particular provisions, general provisions and operational provisions, consistent with:

- The Victoria Planning Provisions as a result of Amendment VC148.
- The Ministerial Direction on the Form and Content of Planning Schemes.

Key changes that form part of Amendment C409 include:

- Relocation of content at Clauses 21 and 22 of the Planning Scheme to the appropriate theme-based clauses in the PPF, MPS and relevant local schedules, with the intended effect of the original clauses remaining unchanged.
- Clarifies and improves the style, format, language or grammatical form of content in accordance with the *Practitioner's Guide to Victorian Planning Schemes*, with the intended effect of the original clauses remaining unchanged.
- Updates clause references, department names, legislation names, document references, terminology and statistical data.
- Deletes or adjusts incompatible content that conflicts with State planning policy of the Victoria Planning Provisions.
- Removes repetitive content.
- Removes or updates outdated content.

The explanatory report for the amendment provides, among other things, that:

'...The amendment provides for a generally neutral translation of existing policy content into the new policy structure. The amendment does not introduce any new policy content or apply new provisions to land.'

This report assesses the proposal against the updated provisions.

2.3.2 Amendment C278: Sunlight to Public Open Spaces (now Amendment C415)

Amendment C278 (now C415) (**Amendment**) is a seriously entertained amendment to the Planning Scheme which seeks to apply the Design and Development Overlay, Schedule 8 (**DDO8**) to the Site.

The Amendment proposes new planning controls, which will protect winter sun to identified parks within the City of Melbourne.

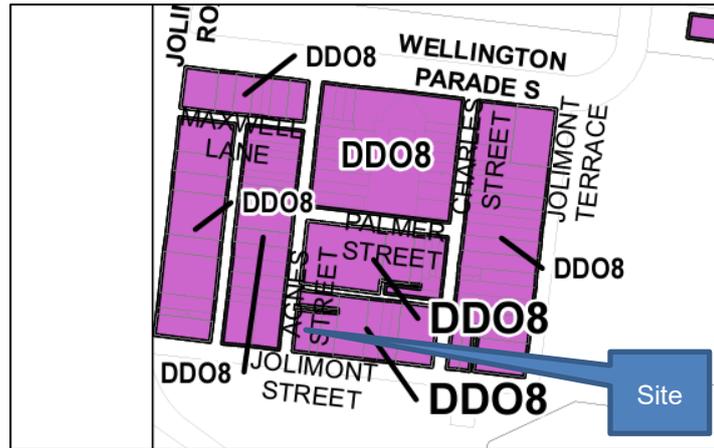


Figure 20 - excerpt of the Amendment’s adopted map submitted to the Minister for Planning for approval (Source: Council)

The DDO8 seeks to introduce the following built form requirement for the Site, noting that Yarra Park (the park directly opposite the Site to the south) is a ‘Type 2’ park for the purposes of applying the requirements of DDO8.

Permit requirements

~20~
Proposed
C278

A permit cannot be granted for buildings and works that do not comply with the requirements set out in Table 1. In the event that buildings and works cast shadow over two or more parks, the requirement for each respective park must be met.

Table 1

Park type on Maps	Hours and date
1-10	
1	Buildings and works must not cast additional shadow onto the park between 10am and 3pm, on June 21 beyond the existing shadow.
2	Buildings and works must not cast additional shadow onto the park between 10am and 3pm on June 21 beyond the existing shadow or allowable shadow or the combination of the existing shadow and allowable shadow (whichever is the greatest).
3 East	Buildings and works must not cast additional shadow onto the park between 10am and 2pm, June 21 beyond the existing shadow.
3 West	Buildings and works must not cast additional shadow onto the park between 12 noon and 3pm, June 21 beyond the existing shadow.

Figure 21 - Excerpt from the Amendment’s adoption version of the DDO8, submitted to the Minister for Planning for approval (Source: Council)

‘Existing shadow’ is defined by the proposed DDO8 as follows:

‘...means any shadow cast by existing buildings and works.’

‘Allowable shadow’ is defined by the proposed DDO8 as follows:

‘Allowable shadow means the shadow that would be cast on the park between 10am and 3pm:

- *By street walls built to the street wall height on land near a park;*
- *If no street wall height requirement applies, buildings built to the maximum building height requirement on land near the park;*
- ...
- ...’

The Site is located in Area 11 of the Design and Development Overlay, Schedule 22 which specifies a (discretionary) maximum building height requirement of 9 m for the Site.

The existing building height is 20.2 m in height, which exceeds the preferred nine metre height limit.

The Amendment is assessed later in this report.

3 PROPOSAL

3.1 Documents

The documents which have been considered in the assessment of the Application (and which were publicly advertised) are identified in the table below.

Document	Author	Date
Certificate of Title	Land data	21 July 2022
Urban Context Report	Denton Corker Marshall	27 October 2022 (Rev P5)
Architectural Plans	Denton Corker Marshall	P00_000 (Rev P4, dated 27 Oct 2022), P03_001 (Rev P4, dated 27 Oct 2022), P03_002 (Rev P1, dated 27 Oct 2022), P10_000 (Rev P4, dated 30 Aug 2022), P10_010 (Rev P3, dated 30 Aug 2022), P10_020 (Rev P3, dated 30 Aug 2022), P10_030 (Rev P3, dated 30 Aug 2022), P10_031 (Rev P3, dated 30 Aug 2022), P10_050 (Rev P3, dated 30 Aug 2022), P10_100 (Rev P2, dated 30 Aug 2022), P11_000 (Rev P4, dated 27 Oct 2022), P11_001 (Rev P4, dated 27 Oct 2022), P11_002 (Rev P4, dated 27 Oct 2022), P11_003 (Rev P4, dated 27 Oct 2022), P12_000 (Rev P4, dated 27 Oct 2022), and P12_001 (Rev P1, dated 27 Oct 2022),
Town Planning Report (including Clause 58 assessment)	Urbis	August 2022
Response to Request for Further Information	Urbis	7 October 2022
Traffic Engineering Assessment	Traffix Group	5 August 2022
Waste Management Plan	Traffix Group	4 August 2022 (Issue No. B)
Environmental Wind Assessment	MEL Consultants	29 July 2022
Sustainability Management Plan	Wrap Consulting Engineering	27 July 2022

3.2 Summary of the Proposal

The proposal is depicted in detail on the architectural plans referenced in the table above.

In summary, the Application seeks approval for the part demolition (retention of the skeleton of the existing building) and extension of the existing building to allow an additional two storeys and for the use of the building for dwellings.

The proposed building setbacks are as follows:

- Ground floor: built to the boundaries.
- First floor: built to the boundaries with the exception of two terraces recessed into the building.
- Second and third floor: built to the boundaries with the exception of two terraces recessed into the building.
- Fourth floor: built form located to the north east portion of the Site by being setback from Jolimont Street and Agnes Street to provide an 'L-shaped' terrace. It includes a setback of circa 5.5 m from Jolimont Street, and a setback of circa 3.1 m from Agnes Street (in parts).
- Fifth floor: as above, albeit with a setback of circa 18.8 m from Jolimont Street, and a setback of circa 3.1 m from Agnes Street.

The façade of the building is to be predominantly constructed of U-profile glass and glazing.

The proposal incorporates four separate apartments over the upper five levels. A summary of the proposed apartments is provided below:

Apartment No.	Description
Apartment 1	3 bedrooms with ensuites 38.17 m ² terrace
Apartment 2	3 bedrooms with ensuites 53.82 m ² terrace
Apartment 3	3 bedrooms with ensuites 53.82 m ² terrace
Apartment 4	3 bedrooms with ensuites 240.76 m ² terrace split over two levels

Much of the existing building envelope is proposed to be retained by the new building, with additional building height located towards the north of the Site.

A comparison between the key features of the existing building and the proposed building is provided in the below table and below images.

	Existing Building	Proposed Building
Building Height	17.09 metres (26.32 AHD) to the upper parapet and 13.45 metres (22.68 AHD) to the lower parapet	20.2 metres (29.25 AHD)
Car Parking Spaces	10	8
Vehicle Access	Agnes Street to an at-grade internal car park and an at-grade under croft car park.	Agnes Street to an at-grade internal car park. Under croft car park to be removed.



Figure 22 – comparison of existing building with render of proposed building (Source: Urban Context Report)

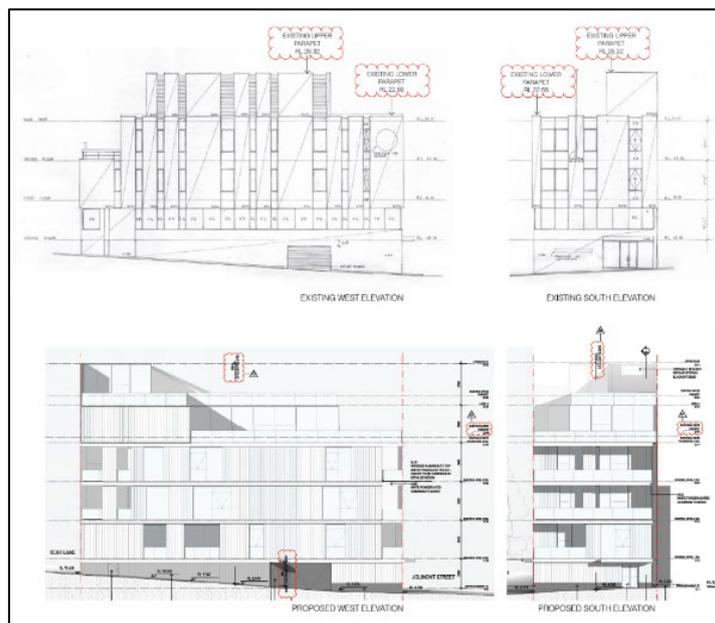


Figure 23 –existing (top) and proposed (bottom) west and south elevations (Source: Urban Context Report)

4 PLANNING CONTROLS

The table below summarises the planning controls and requirements of the Planning Scheme applying to the Site:

Planning Controls	
Clause	Permit Trigger
Clause 34.01 Commercial 1 Zone (C1Z)	Planning permit required – use of the land for ‘dwellings’ and to construct a building or construct or carry out works Use

	<p>Pursuant to Clause 34.01-1, the use of land for <i>'[a]ccommodation (other than Community care accommodation, Corrective institution and Rooming house)'</i> does not require a planning permit on the following conditions:</p> <ul style="list-style-type: none"> <i>'Any frontage at ground floor level must not exceed 2 metres (other than a bed and breakfast and caretaker's house).'</i> <p>Pursuant to Clause 73.03 (Meaning of Terms) a 'dwelling' is included in the term 'accommodation'.</p> <p>As the proposal <i>only</i> includes dwellings, the entire frontage is greater than 2 m and as such a planning permit is required for the proposed use.</p> <p><i>Buildings and Works</i></p> <p>Pursuant to Clause 34.01-1 <i>'[a] permit is required to construct a building or construct or carry out works'</i> unless an exemption applies. The proposal does not meet any of the exemption criteria. As such a planning permit is required to construct a building or construct or carry out works.</p>
<p>Clause 43.02 Design and Development Overlay, Schedule 22 Yarra Park Area (DDO22)</p>	<p><i>Planning permit required – to construct a building or construct or carry out works</i></p> <p>Pursuant to Clause 43.02-2 a permit is required to construct a building or construct or carry out works unless an exemption applies. The proposal does not meet any of the exemption criteria. As such a planning permit is required to construct a building or construct or carry out works.</p> <p>Pursuant to Clause 2.1 the Site has a discretionary maximum building height of 9 m.</p> <p>Pursuant to Clause 2.1 building height is defined as <i>'[t]he height of a building or works is the height of its highest point above the permanent footpath at the centre of the site frontage. If there is no footpath, the natural surface level at the centre of the site frontage is the base level.'</i></p>
<p>Clause 43.01 Heritage Overlay, Schedule 2 (East Melbourne and Jolimont Precinct) HO2</p>	<p><i>Planning permit required – partial demolition, external alterations, and to construct a building or construct or carry out works</i></p> <p>Pursuant to Clause 43.01-1, a permit is required for demolition (including partial demolition), external alterations, and to construct a building or construct or carry out works.</p>
<p>Clause 45.09 Parking Overlay, Schedule 12 (PO12)</p>	<p><i>Planning permit required – exceed the maximum car parking requirement</i></p> <p>Pursuant to Clause 45.09-3, a schedule to the Parking Overlay may specify that a planning permit is required.</p> <p>Clause 2.0 of the PO12 states that <i>'[a] permit is required to provide car parking spaces in excess of the maximum number specified in the Table below.'</i></p> <p>Clause 3.0 of the PO12 provides the 'Table' which confirms that the maximum parking rate is one car parking space per dwelling.</p> <p>The proposal provides for two car parking spaces per dwelling (total of eight car parking spaces). As such, the proposal exceeds the maximum provision and therefore a planning permit is required to exceed the maximum rate.</p>
Particular Provisions	
<p>Clause 52.06</p>	<p><i>No planning permit required</i></p>

Car Parking	While the car parking rates within Clause 52.06 do not apply to the Application (given the PO12 above) the design standards do apply.
Clause 52.34 Bicycle Parking	<p>No planning permit required</p> <p>Clause 52.34-2 states that '<i>[a] planning permit may be granted to vary, reduce or waive any requirement of Clause 52.34-5 and Clause 52.34-6.</i>'</p> <p>Clause 52.34.5 sets out the following rates for a '[d]welling':</p> <ul style="list-style-type: none"> • Resident: '<i>[i]n developments of four or more storeys, 1 to each 5 dwellings.</i>' • Visitor: '<i>[i]n developments of four or more storeys, 1 to each 10 dwellings.</i>' <p>The proposal is not required to provide any bicycle parking as the proposed does not include five or more dwellings.</p> <p>Regardless the proposal provides for bicycle parking in the basement which is generally in accordance with the design standards of Clause 52.34-6.</p>
Particular Provisions	
Clause 58 Apartment Developments	<p>Provisions in this clause apply to the proposal.</p> <p>A development:</p> <ul style="list-style-type: none"> • Must meet all of the Objectives of this clause. • Should meet all of the Standards of this clause.
General Provisions	
Clause 65 Decision Guidelines	The Responsible Authority must decide whether the proposal will produce acceptable outcomes in terms of the decision guidelines of this clause, which include the matters set out in Section 60 of the <i>Planning and Environment Act 1987 (Act)</i> .

5 STRATEGIC FRAMEWORK

5.1 Planning Policy Framework (PPF)

The key provisions of the PPF are summarised as follows:

- Clause 01 – Purposes of this Planning Scheme
- Clause 02 – Municipal Planning Strategy
 - Clause 02.01 – Context
 - Clause 02.02 – Vision
 - Clause 02.03 – Strategic Directions
 - Clause 02.03-1 – Settlement
 - Clause 02.03-4 – Built Environment and Heritage
 - Clause 02.03-7 – Transport
- Clause 11 – Settlement
 - Clause 11.03 – Planning For Places
 - Clause 11.03-6L-04 – East Melbourne and Jolimont
- Clause 15 – Built Environment and Heritage

- Clause 15.01 – Built Environment
 - Clause 15.01-1S – Urban Design
 - Clause 15.01-1R – Urban Design – Metropolitan Melbourne
 - Clause 15.01-1L-03 – Sunlight to Public Spaces
 - Clause 15.01-1L-05 – Urban Design outside the Capital City Zone
 - Clause 15.01-2S – Building Design
 - Clause 15.01-2L-01 – Energy and Resource Efficiency
 - Clause 15.01-5S – Neighbourhood Character
- Clause 15.03 – Heritage
 - Clause 15.03-1L-02 - Heritage
- Clause 16 – Housing
 - Clause 16.01 – Residential Development
- Clause 18 – Transport
 - Clause 18.01 – Land Use and Transport
 - Clause 18.01-1S – Land Use and Transport Integration
 - Clause 18.01-3R – Sustainable and Safe Transport – Metropolitan Melbourne
 - Clause 18.02 – Movement Networks
 - Clause 18.02-1S – Sustainable Personal Transport
 - Clause 18.02-3R – Principal Public Transport Network
- Clause 19 – Infrastructure
 - Clause 19.03 – Development Infrastructure
 - Clause 19.03-3L – Stormwater Management (Water Sensitive Urban Design)

6 PUBLIC NOTICE

It was determined that the proposal may result in material detriment.

Public notice of the Application was given by sending letters to the owners and occupiers of adjoining and surrounding properties on 10 November 2022 and by instructing the permit applicant to erect three public notices on the Site (one to each street / laneway interface) for a 14 day period in accordance with Section 52 of the Act.

7 OBJECTIONS

At the date of this report one objection has been received.

The objection contains both critical and supportive comments with respect to the Application.

7.1 Concerns

A Landscape Plan should be provided for the terraces to Level 4 and 5 to incorporate planting along the western and southern edges of the terrace to reduce the appearance of blank walls along Agnes Street.

In response, the applicant confirmed that a Landscape Plan for the terraces on Levels 4 and 5 can form a condition on planning permit (should a planning permit issue). Council notes that the

Sustainability Management Plan lodged with the Application makes reference to landscaping on the balconies (see Section 3.8.2). A Landscape Plan would ensure this commitment is realised (should a planning permit issue). However, the applicant is of the view that cascading plants are not feasible due to lack of solar access on the south and the wind and sun to the west. Further, the applicant submits that the planting is unnecessary given the commercial zoning of the Site and the quality of the architecture proposed. As discussed in the assessment chapter below, the built form is considered to be an acceptable outcome. As such, the Landscape Plan condition will be worded in such a way that requires the applicant to consider landscaping interventions to cascade over the Agnes Street elevation.

7.2 Support

- Positive adaptive re-use of a building.
- The design detail complements the area.

8 CONSULTATION

In addition to the public notice outlined above, a copy of the objection was provided to the applicant for their consideration. The applicant provided a written response which was shared with the objector.

9 REFERRALS

9.1 Internal

9.1.1 Urban Design

Council's Urban Design department recommended a Façade Strategy be provided by way of planning permit condition (should one issue) and also provided the following comments:

We are very supportive of the adaptive re-use of the existing office (and residential) building and note a positive level of client and design team ambition in the proposed design.

Overall we are supportive of the architectural expression and extensive use of proposed u-glass material. We find that the proposal provides an appropriate level of visual interest while respecting the existing, varied, urban context and is a distinct and legible residential form which is important in the transition of an existing building through adaptive reuse.

While we have confidence with this architect's ability to successfully detail glazed balustrades as proposed, we are typically cautious about their use on apartment buildings as they can be problematic post occupancy from a range of perspectives including maintenance, durability and function. Therefore, we raise this as a point of discussion as the application progresses and suggest that a steel bar balustrade, with a rhythm reflective of the u-glass, is considered.

We also caution the extent of glazing proposed in the western elevation both in terms of solar gain and potential privacy concerns where full height glazing, albeit partially fritted, appears to be applied to bedrooms and ensuites. We defer to planning and ESD experts to make assessments in this regard.

We note the potential for overlooking and privacy concerns with the apartment building at 16 Agnes Street at the northern interface. The proposal includes habitable room windows, fritted glazed elements and balconies within 3.2m of similar uses within established residences.

Ideally the design of this building through the configuration of windows and outlook would prevent overlooking but the circumstances here are considered to be acceptable. The dwellings at 16 Agnes St were designed recently and did not prevent views in, the parts of habitable rooms visible are small and do not constitute an egregious breach of privacy.

It is also important to note that neither of the sites are within residential zones so while overlooking may be possible, it is not unreasonable to expect a degree of personal responsibility in managing their own privacy.

Finally, it is noted that details of the fire booster are marked in the plans as 'to be confirmed'. Again, we are confident with this design team that this element will be appropriately considered but we would like to be kept informed as this element is resolved.'

Planner's Comments:

A response to the Urban Design comments is provided below.

- Glazed balustrades:
 - The applicant has submitted the following in response: *'[t]he architectural team believes for this building a glass balustrade will be the more appropriate design. The architects do not share the concerns with the maintenance, durability and function. The balustrades will be appropriately designed and engineered to account for these concerns.'* The design and installation techniques of the glass balustrades are provided at page 37 of the Urban Context Report (noting this is not a document that is endorsed under a planning permit). It is considered that the applicant provide further information on the installation of glass balustrades in the facade strategy to resolve this concern.
- Glazing to the west:
 - Appendix D of the SMP confirms that the proposed development will generate an annual average cooling load of 26.7 MJ/m² which is below the maximum for Climate Zone 21 Melbourne.
 - The setback between the Site and 86-94 Jolimont Street is over 9 m. Notwithstanding that 86-94 Jolimont Street is an approved office building (therefore the overlooking policies of the Planning Scheme do not apply), as the separation between the two sites is over 9 m the proposal achieves the 'test' for overlooking contained within Standard B22 of Clause 55.04-6 (albeit this clause does not apply to the Application).
 - The bedrooms and ensuites of the proposal are predominantly treated with glass (as opposed to fritted glass). Noting the assessment against Clause 58 of the Planning Scheme later in the report, the amenity to the dwellings is considered to be acceptable.
- Overlooking to the north:
 - Refer to Chapter 10.6.3.
- Matters to be confirmed / reviewed.
 - The architectural plans include references of matters 'to be confirmed / reviewed'. The Urban Design department has identified one such instance, however other instances are also discussed below.
 - Stair risers: the applicant has confirmed that the 'to be reviewed' note on the stair risers on plan P10_000 can be removed by way of planning permit condition (should a planning permit issue).
 - Finished Floor Levels (**FFL**): the applicant has confirmed that the FFLs on the plans are correct and that any proposed change to these will require an amendment to the planning permit (should one issue). It is considered reasonable that reference to 'raised FFL to be confirmed' can therefore be removed by way of planning permit condition (should a planning permit issue).
 - Lift shaft / roof services: the applicant has confirmed that the 'to be confirmed' notes on the lift core and roof services can be removed by way of planning permit

condition (should a planning permit issue), but request a condition confining the height of the lift overrun and roof services to the proposed shadow envelope included in the Urban Context Report. This is supported, however the lift core and building services must also be suitably recessed and not be located where they may cause additional amenity impacts to surrounding owners / occupiers.

- **Materials:** a number of the material tags on the elevation drawings include the words 'to be confirmed in detailed design'. Notwithstanding these notes, there is a detailed schedule of materials at page 37 of the Urban Context Report (which is not a document endorsed under a planning permit). This detailed schedule will be required in the Façade Strategy.
- **Booster assembly:** the booster assembly is proposed to be included within a plinth element to Jolimont Street – see figure 25 below. The current interface to Jolimont Street at this location is a rendered wall. This wall is proposed to be partially altered to 'GL02 – U GLASS: TRANSLUCENT TO SOLID BACKING'. This alteration is supported by the Urban Design department. The applicant has proposed that the final appearance of the booster plinth element be responded to via planning permit condition (should a planning permit issue), which is considered reasonable given the overall support for the ground floor interface. This is required as part of the Façade Strategy.

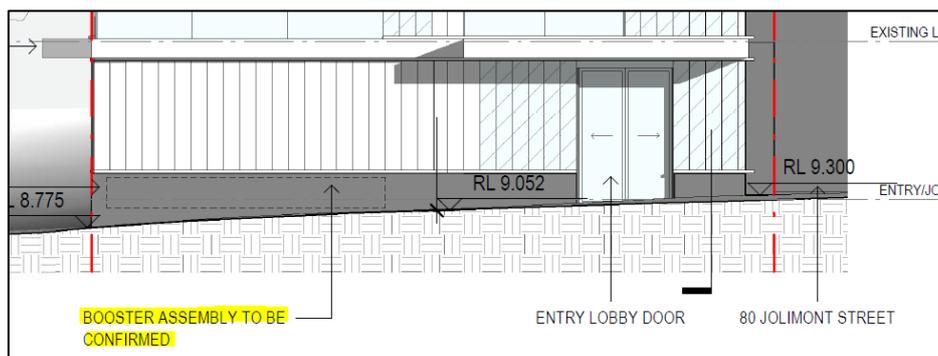


Figure 25 – extract of the south elevation (Source: applicant)

9.1.2 Traffic

Council's Traffic Engineering department provided the below comments (summarised):

- Car parking provision is supported.
- The proposed vehicle access and layout is acceptable.
- The proposed bicycle provisions exceed the Planning Scheme requirements and are acceptable.

Planner's Comments:

- Noted.

9.1.3 Waste

Council's Waste Engineer recommended a number of changes to the Waste Management Plan to ensure waste is appropriately managed within the site.

Planner's Comments:

- Council's Waste Engineer has offered no objection to the proposed waste arrangements. The changes required of the Waste Management Plan are minor and can be included as conditions should a planning permit issue.

9.1.4 Civil Infrastructure

Council's City Infrastructure department recommended that a number of standard planning permit conditions be included on any planning permit being granted to protect Council's road-based assets and integrate the development with Council's stormwater drainage system.

In addition, Council's City Infrastructure department provided the following comments:

'All projections over the street alignment must conform to Building Regulations 2018, Part 6, Sections 98 to 110 as appropriate. Reference can be made to the City of Melbourne's Road Encroachment Operational Guidelines with respect to projections impacting on street trees and clearances from face/back of kerb.

Existing canopy in Jolimont Street is non-compliant. Current clearance approx. 2.4 meters. Required minimum clearance is 2.7 meters above footpath level in accordance with Road Encroachment Operational Guidelines.

We object to proposed canopy from Agnes Street. Minimum clearance required is 2.7 meters above footpath level.'

Planner's Comments:

- The conditions from the City Infrastructure department will form part of a planning permit, should one issue. Some of the conditions applied to the planning permit have departed from the proposed wording by the City Infrastructure department for the following reason:
 - Amendments have been made to the commencement requirements of some of the conditions to ensure they are relevant to the Application and the permissions sought under the Planning Scheme.
- A note is included on the plans (e.g. PL11_000) that confirms all service cabinets opening into the road reserve will be compliant with the City of Melbourne's *Road Encroachment Operational Guidelines (REOG)*.
- The pedestrian canopy to Jolimont Street is an existing non-compliance with the REOG. The proposal seeks to alter the appearance of the canopy, but maintains its current height. The City Infrastructure department have not objected to this aspect of the proposal and therefore it is considered reasonable that it remain and be assessed by the Council's engineers at the report and consent stage of development.
- The proposed canopy to Agnes Street (see figure 26 below) is a new proposed non-compliance with the REOG (a minimum of 2.7 m clearance to the footpath is required) and therefore is required to be removed by way of planning permit condition. This has been raised with the applicant who has agreed with this interpretation of the REOG.

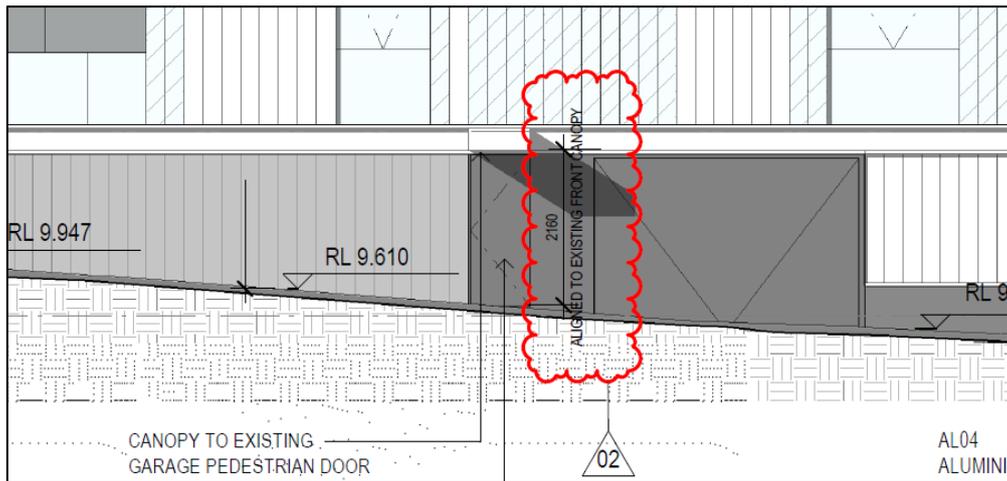


Figure 26 – extract of the west elevation (Source: applicant)

- Being a potential non-compliance with the REOG, the applicant has confirmed that the garage door to Agnes Street will be designed such that it does not project beyond the title boundary when open, when closed, or when being opened or closed. A notation on the plans will be required by way of planning permit condition should a planning permit issue.
- Apartment 1 on Level 1 includes an outward opening kitchen window with a 300 mm encroachment into CL1859 – see figure 27 below. This is non-compliant with the REOG which require any encroachment to be a minimum of 5 m from the footpath / road level. The applicant has confirmed that the window can be made into a sashless window (i.e. operating upwards and downwards) with a 100 mm encroachment for weather protection purposes. Pursuant to the REOG, if there is no footpath then there can be no encroachments below 5 m. As such, the proposed 100 mm encroachment is unacceptable. A planning permit condition will be included to make this window a sashless window with no encroachment outside the title boundary, should a planning permit issue.

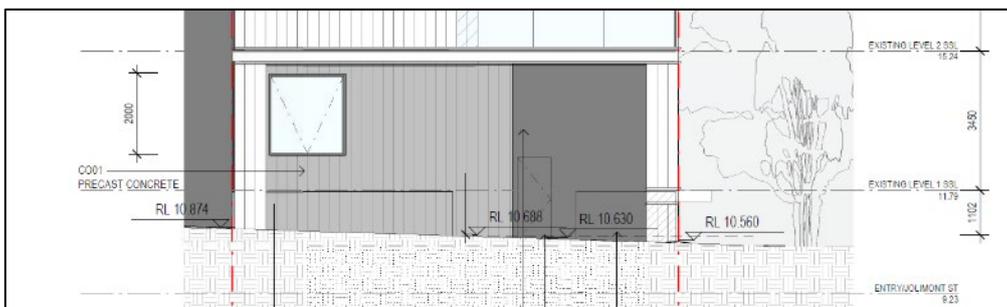


Figure 27 – extract of the north elevation (Source: applicant)

9.1.5 Urban Forestry

The Urban Forestry and Ecology department required that further information on the impacts to street trees at the demolition and construction phases will be assessed in a Tree Protection Plan (TPP), as well as other standard planning permit conditions.

Planner's Comments:

- Should a planning permit issue, a TPP will form a condition on the planning permit. Consistent with similar applications, the TPP will form part of a Demolition and Construction Management Plan condition so that the impacts on street trees can be assessed during the construction phase.

9.2 External

The Planning Scheme does not require any referrals of the Application under Section 55 of the Act.

10 ASSESSMENT

The key issues for consideration in the assessment of the Application are:

- Use of the Land for 'Dwellings'
- Heritage
- Design and Development Overlay, Schedule 22
- Proposed Design and Development Overlay, Schedule 8
- Clause 58 (Apartment Developments)
- External Amenity Impacts
- Internal Amenity
- Car Parking and Traffic
- Sustainability and Waste.

10.1 Use of the Land for 'Dwellings'

As outlined above, the Application seeks planning permission for use of the land for 'dwellings' given the following condition is not met:

'Any frontage at ground floor level must not exceed 2 metres (other than a bed and breakfast and caretaker's house).'

The purposes of the Commercial 1 Zone are as follows:

'To implement the Municipal Planning Strategy and the Planning Policy Framework.

To create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses.

To provide for residential uses at densities complementary to the role and scale of the commercial centre.'

Clause 11.03-6L-04 (East Melbourne and Jolimont) identifies the Site within the '*Jolimont Residential and Commercial Area*' and supports '*...a mix of residential and office use and development in the commercial zones in Jolimont*'.

The proposed land use is considered appropriate for the following reasons:

- The land use condition for 'dwellings' in the C1Z identifies that this land use does not require a planning permit where the frontage associated with this use is appropriately limited (no greater than 2 m). As such, the land use sought at ground level under the Scheme is an activation trigger. While the frontage proposed for the dwellings is greater than this threshold, the existing ground floor conditions are inactive and there is no commercial presence (with the exception of the pedestrian entrance) to the frontage. Further, there is no reasonable prospect of the existing ground level car parking (which has a limited floor to ceiling height) being altered into an office / retail offering to create activation. As such, the active frontages sought under the C1Z (and other policies of the Planning Scheme) cannot be reasonably achieved for the Site. It is considered that the proposed entrance lobby (which is built to the street edge) and the installation of a mixture of glazing and U-glass along the ground floor will improve on the existing conditions and create a reasonably active and engaging frontage which is reasonable to satisfy the purposes and objectives of the C1Z.

- The Site currently contains a dwelling and office space. It is considered that the conversion of the office space to dwellings (and the addition of two storeys for a dwelling) is considered reasonable in the 'Jolimont Residential and Commercial Area' which supports '*...a mix of residential and office use and development in the commercial zones in Jolimont*'. The proposed use appropriately locates higher density living options in an area that is conveniently located near services and employment.

10.2 Heritage

The below provides an assessment against the relevant provisions of Clause 15.03-1L-02 (Heritage) of the Planning Scheme.

10.2.1 Partial Demolition

The Site is graded as a 'Non-contributory' heritage building.

The key strategies of Clause 15.03-1L-02 of the Planning Scheme, associated with the assessment of planning applications that seek to partially demolish a "Non-contributory" heritage building include:

- *'The demolition of a non-contributory place will generally be permitted.*
- *Encourage adaptive reuse of a heritage place as an alternative to demolition.*
- *A demolition permit not be granted until the proposed replacement building or works have been approved.'*

Before deciding on an application for full or partial demolition, the responsible authority will consider, as appropriate matters including:

- *'The assessed significance of the heritage place or building.*
- *The character and appearance of the proposed building or works and their effect on the historic, social and architectural values of the heritage place, and the street.'*

The existing building is 'Non-contributory' and of no heritage value. Regardless, the heritage policy clearly encourages the adaptive re-use of the building, which is what is proposed. As such, subject to the replacement building being appropriate, the proposal will comply with Clause 15.03-1L-02 as it relates to demolition.

10.2.2 Alterations and Additions (including Concealment)

The key strategies of Clause 15.03-1L-02 of the Planning Scheme, associated with the assessment of alterations and additions include:

- *'Preserve external fabric that contributes to the significance of the heritage place on any part of a significant building, and on any visible part of a contributory building.*
- *To ensure that additions a heritage precinct are respectful of and in keeping with:*
 - *'Key attributes' of the heritage precinct, as identified in the precinct Statement of Significance.*
 - *Precinct characteristics including building height, massing and form; style and architectural expression; details; materials; front and side setbacks; and orientation.*
 - *Character and appearance of nearby significant and contributory buildings.*
 - *Where abutting a lane, the scale and form of heritage fabric as it presents to the lane.*
- *Ensure additions to significant or contributory buildings:*
 - *Are respectful of the building's character and appearance, scale, materials, style and architectural expression.*

- *Maintain the prominence of the building by setting back the addition behind the front or principal part of the building, and from other visible parts.*
- *Are distinguishable from the original fabric of the building.'*

In regard to concealment of additions, Clause 15.03-1L-02 of the Planning Scheme does not limit visibility of additions to 'Non-contributory' buildings.

It is considered that the proposal is consistent with Clause 15.03-1L-02 of the Planning Scheme for the following reasons:

- As identified in figure 28 below, a number of sites (including the Site itself) are graded as 'Non-contributory' heritage buildings and therefore do not exhibit the key attributes of the East Melbourne and Jolimont Precinct which are identified by the incorporated document entitled *Heritage Precincts Statements of Significance February 2020*. Where there are graded heritage buildings, their character is not homogeneous, with buildings from many different periods and with varied height and setbacks.



Figure 28 – map of heritage gradings in the vicinity of the Site (grey being 'Non-contributory' and yellow being 'Contributory' heritage buildings) (Source: Council)

- A key consideration of the proposal is its relationship with the abutting 'Contributory' graded buildings at 76-78 and 80 Jolimont Street. The existing building currently presents as a part four, part five blank wall to this interface, which the proposal seeks to retain. As such, it is not reasonable that a new development on this Site will achieve strict compliance with Clause 15.03-1L-02, which calls for (amongst other things) the façade of the development to not be higher than, or positioned forward of nearby heritage buildings. As depicted at Figure 29 below the top of the wall to Jolimont Street (that is, the four storey portion of the existing building) is RL 22.68). The proposal is to retain this wall to RL 22.14 and add a glass balustrade above extending to circa RL 23.23. As such, the proposed boundary wall is circa 540 mm shorter than the existing however the glass balustrade then makes the wall 550 mm higher than the existing boundary wall. As Figure 30 below depicts, the existing boundary wall is clearly visible over the front yard of the abutting 'Contributory' heritage buildings, but generally presents as muted. It is considered that the retention of this wall and the addition of recessed fifth and sixth storeys is appropriate and will present as a recessive element when viewing from Jolimont Street to the wider precinct (including Yarra Park).

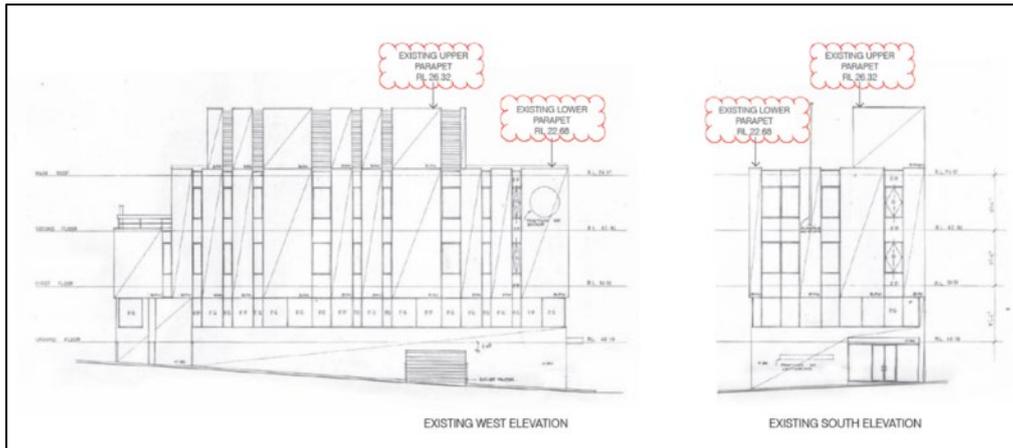


Figure 29 – plan of existing building (Source: Applicant)



Figure 30 – image of the Site from Jolimont Street (Source: Google, image taken November 2021) and proposed render from Jolimont Street (Source: applicant)

- The south and west interfaces of the proposed building fit comfortably in the existing and future streetscape (noting the approval at 86-94 Jolimont Street). The proposed fifth and sixth levels are recessed from the south and west in parts. The proposed setbacks are considered to provide sufficient relief and results in a form that does not visually dominate or disrupt the ability to appreciate the heritage precinct.
- The external alterations can be generally described as a cosmetic facelift that will modernise the existing building. The works also include infilling parts of the building (including the undercroft) and above the street wall to the rear (CL1589). The proposal also includes cutting out balconies of the existing building. Noting the discussion above in regard to the surrounding heritage building, it is considered that the façade changes will enhance the appearance of the ‘Non-contributory’ building to deliver a contemporary development in the streetscape without causing any detrimental impacts on nearby properties, the heritage value of graded buildings in the immediate surrounding area or Yarra Park.

10.2.3 Vehicle Accommodation and Access

Clause 15.03-1L-02 of the Planning Scheme seeks to:

‘Discourage new on-site car parking, garages, carports, and vehicle crossovers unless:

- *Car parking is located to the rear of the property, where this is an established characteristic.*

- *Any garage or carport is placed behind the principal or front part of the building (excluding verandahs, porches, bay windows or similar projecting features), and:*
 - *It will be visually recessive.*
 - *It will not conceal an original contributory element of the building (other than a plain side wall).*
 - *The form, details and materials will be respectful of, but not replicate details of the building.*
- ...'

It is considered that the proposal is consistent with Clause 15.03-1L-02 of the Planning Scheme and is therefore acceptable for the following reasons:

- As discussed above, the proposal seeks to utilise the existing garage access to a ground level internal car park provided to Agnes Street. The existing metal roller door is proposed to be replaced with aluminium cladding which is acceptable as it matches the materiality of the proposed plinth. The proposed entrance arrangement is considered to be visually recessive and acceptable.

10.2.4 Services and Ancillary Fixtures

Clause 15.03-1L-02 of the Planning Scheme seeks to (inter alia):

'Ensure items affixed to roofs, such as solar panels, align with the profile of the roof.

Ensure services and ancillary fixtures are installed in a manner where they can be removed without damaging significant fabric.

Ensure, for new buildings, services and ancillary fixtures are concealed, integrated or incorporated into the design of the building.'

It is considered that the proposal is consistent with Clause 15.03-1L-02 of the Planning Scheme and is therefore acceptable for the following reasons:

- As discussed above, by way of planning permit condition:
 - the rooftop services elements are adequately concealed from view.
 - details of the ground floor building services will be suitably designed and integrated with the building.

10.3 Design and Development Overlay, Schedule 22

The below provides an assessment of the DDO22 (Area 11).

As identified above, the proposal seeks to exceed the maximum height specified in the DDO22 and as such the applicant is required to provide a site analysis plan and a written urban context report documenting how the development will achieve the specific design objectives and outcomes of this schedule.

In the below assessment, consideration has also been given to the various other built form and urban design policies of the Planning Scheme, including, but not limited to, Clause 15.01-1L-05 (Urban Design Outside the Capital City Zone).

10.3.1 Design Objectives

The design objectives of the DDO22 are assessed in the table below.

Design Objective	Assessment
<p><i>'To ensure that any new development or redevelopment is compatible with the scale and character of buildings in the area.'</i></p>	<p>The DDO22 is divided into three precincts (Areas 11, 16, and 24) which have height limits of 9 m, 12 m and 15m respectively. The DDO22 envisages increasing height from east (Jolimont Terrace) to west (Jolimont Road).</p> <p>As the map at Chapter 2.2 depicts, there are examples of existing and approved buildings in the surrounding area which exceed the height limit of the DDO22. Other buildings in the vicinity are generally between one and four storeys in height and scale.</p> <p>The proposed development is six storeys in height with a maximum height of 20.2 m (RL 29.25). This is 2.91 m taller than the existing building at the Site.</p> <p>As identified above, the proposal would not be the tallest building within Area 11.</p> <p>As also identified above, the proposal will be lower in height than buildings (approved or constructed) within Areas 16 and 24.</p> <p>In Nuvolink Pty Ltd v Melbourne CC [2020] VCAT 541 (which was followed by Nuvolink Pty Ltd v Melbourne CC [2020] VCAT 811 which approved the development at 86-94 Jolimont Street to the west) the Tribunal (at paragraph 12) described the southern end of the Jolimont area as featuring '<i>...tall buildings and a 'hard edge' urban character to it.</i>'</p> <p>The Tribunal further goes on to say (at paragraph 89) that '<i>[a] key part of the existing character of this location is the four existing buildings of between four to eight storeys located close to the subject land – two of them facing onto Jolimont Street. Hence whilst this would be a different debate if the review site was situated further north, this southern edge of this urban precinct already has the robust character of a mix of shorter and taller buildings.</i>'</p> <p>The proposed building includes an additional two levels (and infills portions of the Site) that are setback from Jolimont Street. While the proposed height is greater than envisioned by the DDO22 (Area 11) it is considered that the proposal is compatible with this existing robust character of this southern edge of this Jolimont precinct. The Site can reasonably accommodate a six storey building without causing any unreasonable heritage, neighbourhood character or visual bulk impacts.</p> <p>Amenity impacts and impacts to Yarra Park are discussed below.</p>
<p><i>'To minimise the visual impact of buildings on Yarra Park and to preserve the landscape qualities and amenity of the gardens.'</i></p>	<p>The views from Yarra Park are sensitive because Yarra Park is a valued and well utilised public park which is also included in the Victorian Heritage Register.</p> <p>Any proposed built form must present to Yarra Park in a polite and respectful way.</p> <p>It is considered that while the proposal seeks to increase the height of the exiting building the proposed upper levels are visually recessive. In addition, the amendments to the external appearance of the Site result in it being made more visually recessive. In the backdrop of the building heights to the southern portion of this Jolimont precinct identified above, the proposal is considered acceptable.</p>
<p><i>'To ensure that the enjoyment of Yarra Park is not excessively diminished by overshadowing'</i></p>	<p>Clause 2.1 of the DDO22 includes the following outcome: '<i>Yarra Park is not additionally overshadowed between 11.00 am and 2.00 pm on 22 March and 22 September.</i>'</p> <p>The applicant has prepared shadow diagrams for these applicable dates and times of the year – see figures 32 and 33 below – which confirm the proposal does not overshadow Yarra Park at the applicable dates and times.</p>

from any new building or works.’

As such, the enjoyment of Yarra Park is not unreasonably reduced. The implications of the DDO8 (which seek winter shadow controls) are discussed below.



Figure 32 – extract of the 21 March shadow diagrams (Source: Applicant)



Figure 33 – extract of the 21 September shadow diagrams (Source: Applicant)

10.3.2 Table to Schedule 22 of the DDO

The outcomes of the Table to DDO22 is assessed in the table below.

Area	Maximum Building Height	Outcomes	Response
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11	9 metres	<p><i>'Yarra Park is not additionally overshadowed between 11.00 am and 2.00 pm on 22 March and 22 September.'</i></p>	See assessment above.
		<p><i>'Development is of a scale compatible with the historic Jolimont precinct and preserves the amenity of the pedestrian streets and lanes within the precinct.'</i></p>	<p>The proposed development is 20.2 m (RL 29.25) in height, which therefore seeks to vary the height limit by 11.2 m. Referring to discussion above and the observations made in Chapter 1 of this report (including the site photos), it is evident that the immediate surrounding area is diverse in building height, scale and form.</p> <p>As identified earlier in this report, surrounding street walls vary in size including eight storeys at 102-104 Jolimont Road to the west and six storeys at 70 Jolimont Street further east. These existing street walls contribute to the existing pedestrian amenity along Jolimont Street and the northern edge of Yarra Park. While these buildings exist, any new proposal must preserve the amenity of the pedestrian streets and lanes within the precinct. In other words, it must not further erode this enjoyment.</p> <p>Each of the Site's street interfaces are discussed below:</p> <p><u>Jolimont Street</u></p> <p>Along Jolimont Street, the street wall height remains at four storeys. As the 21 March and 21 September shadow diagrams illustrate, the proposal does not further shadow the footpath directly in front of the Site to the north side of Jolimont Street, or the footpaths of Yarra Park. As such, the proposal retains the existing pedestrian amenity to Jolimont Street.</p> <p><u>Agnes Street</u></p> <p>As identified in the site photos, as one walks south down Agnes Street toward Yarra Park the height of buildings increase until it cumulates at 16 Agnes Street (a six storey building) and the Site (currently a four storey building). See figure 34 below.</p> <p>The seven storey building at 86-94 Jolimont Street (currently under construction) will also be visible once complete. The proposal seeks to add an additional storey to the rear portion of the Site.</p> <p>As the 21 March and 21 September shadow diagrams illustrate, the proposal does not further shadow the east or west sides of Agnes Street.</p> <p>As such, it is considered that the proposal will result in an outcome generally consistent with the scale found toward the southern end of Agnes Street.</p> <p><u>CL1589</u></p> <p>The proposed development is built to six storeys to CL1589. As shown in the site photos CL1589 is predominantly a vehicle thoroughfare to car parking areas to the rear of the buildings fronting Jolimont Street. That is to say, it has little pedestrian amenity and is overshadowed for a majority of the day.</p>

			The proposal to build directly to this laneway is therefore considered appropriate and is similar to the 16 Agnes Street in this regard.
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Figure 34 – render of the proposal as viewed facing south along Agnes Street (Source: Applicant)

10.4 Proposed Design and Development Overlay, Schedule 8

As described above, the Amendment seeks to introduce the DDO8 to the Site where a planning permit cannot be granted for buildings and works that cast additional shadow on some park settings during winter hours.

Although noted above that the proposal complies with the DDO22, which focuses on the visual impact and overshadowing (in autumn and spring) on Yarra Park, if gazetted into the Planning Scheme, the DDO8 will become the dominant control (being the more restrictive shadow control).

Yarra Park is identified as a Park Type 2 where no shadow is permitted between 10am and 3pm on 21 June beyond the ‘existing’ or ‘allowable’ shadow (whichever is the greater, or a combination of both). These terms are defined at Chapter 2.3.2 above.

The applicant has provided detailed (2D and 3D) shadow diagrams which depict the ‘existing’ shadow and the ‘allowable’ shadow from the Site and the surrounding properties at the applicable times.

The shadow diagrams identify the following (with the 10am and 3pm shadow diagrams shown further below):

Shadows to Public Park							
21. June	10:00 AM	11:00 AM	12:00 PM	1:00 PM	2:00 PM	3:00 PM	
A) Shadows reclaimed for sunlight within existing envelope (sqm)	16.2	13.9	12.6	22.1	29.8	40.1	
B) Proposed shadows outside of existing envelope (sqm)	1.3					1.0	
Net area of Public Park reclaimed for sunlight (A-B)	14.9 m²	13.9 m²	12.6 m²	22.1 m²	29.8 m²	39.1 m²	

Figure 35 – table identifying additional shadow and reduction in shadow to Yarra Park on 21 June (Source: applicant)



Figure 36 – extract of the 10am (left) and 3pm (right) 21 June shadows with the area increased sunlight to the park shown in orange (Source: applicant; note by Council)

The applicant has confirmed that the area of shadow which falls outside of the existing shadow envelope is being created by the southern wall of the sitting area of the apartment at level 4. It would need to be relocated circa 0.86 m further north, to be in line with the existing lift shaft to be contained within the existing shadow envelope – see figure 37 below.

The applicant has submitted that a condition to contain the proposed shadow entirely within the existing envelope would be problematic for the proposed adaptive reuse of the building. The proposal seeks to use the existing lift shaft of the building, which is not compliant with the National Construction Code in its current form. The Council is informed that an appeal is currently underway with the Building Appeals Board (**BAB**) to allow the use of the existing shaft. Ultimately, if the appeal is not successful, the architect is of the view that they will be required then to provide a compliant lift shaft and as such will need the additional space to the south.

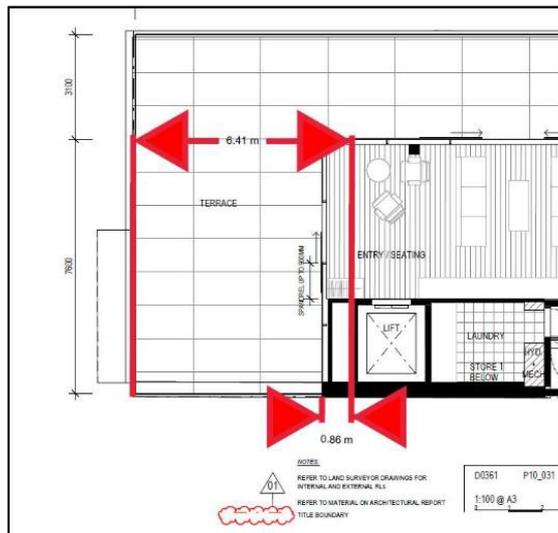


Figure 37 – marked up (dimensions added) version of P10_030 (proposed level 4 plan) (Source: applicant; dimensions added by Council)

Whilst there is a minor encroachment outside of the existing envelope (maximum of 1.3sqm at June equinox), the proposal will result in a net decrease of shadow impact to the park compared to existing

conditions, as figures 35 and 36 above depict. This is as result of the reduction of the parapet height of the existing building.

It is considered that the proposed change in shadow envelope compared to the existing conditions is appropriate in this circumstance for the following reasons:

- The proposal will result in an increase in sunlight to the park compared to existing conditions (12.6 – 39.1sqm at winter equinox).
- The change in envelope will facilitate the adaptive reuse of an existing building.
- The proposed shadow outside of the existing envelope is a maximum of 1.3sqm.

10.5 Clause 58 (Apartment Developments)

An assessment of the Application against the requirements of Clause 58 of the Planning Scheme has been undertaken which confirms that the proposal complies with all of the Objectives of Clause 58.

10.6 External Amenity Impacts

10.6.1 Visual Bulk

The visual bulk impacts of the proposal on the apartments to the north at 16-18 Agnes Street are acceptable. The increase in height is not expected to be perceived as unduly bulky as these dwellings are primarily oriented to the west. With regard to any views from 16-18 Agnes Street to the south, it is noted that views to Yarra Park are not protected by the Planning Scheme. Most south-facing windows at 16-18 Agnes Street are from non-habitable rooms, and as such visual bulk impacts to these windows will be of less significance. Additionally, the Site's commercial zoning suggests that amenity expectations should be less than within residential zones.

10.6.2 Overlooking

As depicted in figure 38 below, the apartment development at 16-18 Agnes Street includes windows to its southern elevation (built to the boundary) facing to the Site.



Figure 38 – extracts of the endorsed floor plans for TP-2007-706 at 16 Agnes Street (Source: Council records)

The layouts of the apartments are similar (with the exception of the fifth floor layout) and include the following windows to the south elevation:

- Part of a bedroom
- Walk in wardrobe
- Bathroom
- Corridor

- Stairwell
- Laundry
- Bathroom.

The fifth floor layout includes the following windows to the south elevation:

- Terrace
- Dining
- Storage
- Powder-room.

Clause 58.04-1 (Building Setback Objectives) of the Planning Scheme requires the following to be achieved:

- *'To ensure the setback of a building from a boundary appropriately responds to the existing urban context or contributes to the preferred future development of the area.*
- ...
- *To limit views into **habitable room windows and private open space** of new and **existing dwellings**.*
- ...
- ...'

[**Emphasis** added]

The corresponding Standard D14 states (inter alia):

- *Buildings should be set back from side and rear boundaries, and other buildings within the site to:*
 - *Avoid direct views into habitable room windows and private open space of new and existing dwellings. Developments should avoid relying on screening to reduce views.*

The corresponding decision guidelines require the Council to consider the following (inter alia):

- *'The purpose of the **zone and/or overlay** that applies to the land.*
- *Any relevant urban design objective, policy or statement set out in this scheme.*
- *The urban context report.*
- *The design response.*
- ***The relationship between the proposed building setback and the building setbacks of existing adjacent buildings, including the interface with laneways.***
- *The extent to which the proposed dwellings are provided with reasonable daylight access through the layout of rooms and the number, size, location and orientation of windows.*
- ***The impact of overlooking on the amenity of existing and proposed dwellings.***
- ***The existing extent of overlooking into existing dwellings and private open space.***
- *Whether the development meets the objectives of Clause 58.'*

[**Emphasis** added]

Clause 73.01 of the Planning Scheme defines a '[h]abitable room' as:

*'Any room of a dwelling or residential building **other than a bathroom, laundry, toilet, pantry, walk-in wardrobe, corridor, stair, lobby, photographic darkroom, clothes drying room and other space of a specialised nature occupied neither frequently nor for extended periods.***

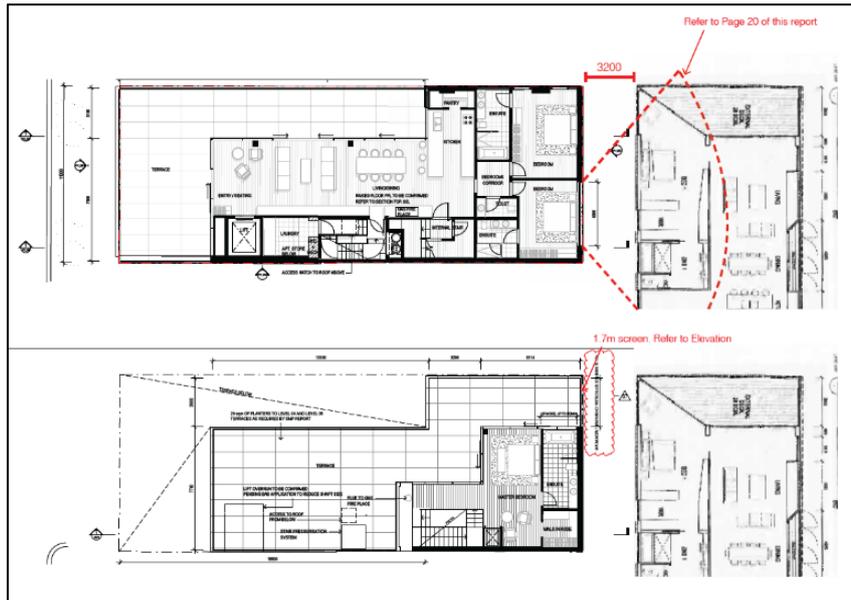


Figure 41 – overlooking diagrams within the Urban Context Report (Source: applicant)

The proposed level 5 balcony includes 1.7 m screening with a maximum of 25% transparency which reasonably limits views. As such, there is no reasonable opportunity for overlooking from this terrace.

While views are possible into the other windows of 16-18 Agnes Street, as discussed above there are non-habitable windows which are not protected by the Planning Scheme. Notwithstanding this, as figure 42 below shows, some of these windows appear to be screened.

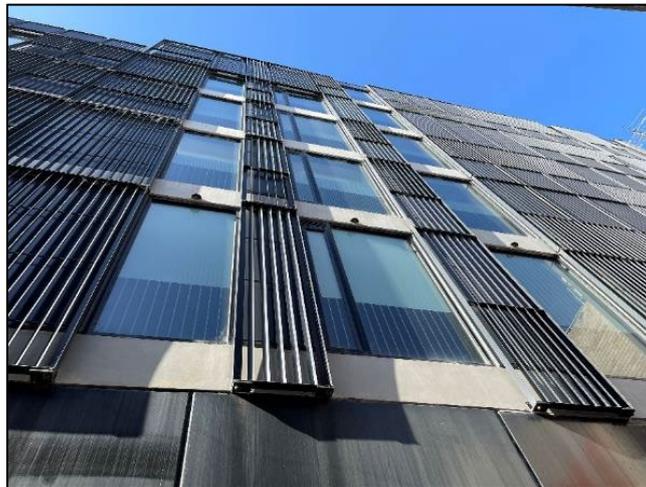


Figure 42 – photo of the south elevation of 16-18 Agnes Street (Source: Council)

On balance, it is considered that the Level 2 and 3 ‘North Terrace[s]’ are required to be screened in order to prevent unreasonable views to 16-18 Agnes Street. It is considered that it is appropriate to only screen the northern interface of these terraces given there is no unreasonable overlooking impact to the west. This maintains the daylight amenity to the habitable rooms that utilise windows to these terraces.

The applicant accepted the following condition to resolve the matter:

‘Include fixed maximum 25% transparency fritted glass screening to the north interface of the level 2 and level 3 ‘North Terrace[s]’ to a height of 1.7m above the FFL, to limit views to the north.’

This proposed overlooking screening is acceptable. A condition on planning permit (should one issue) will require screening in accordance with the above.

However, the level 4 'Bedroom' to the north east (see Figure 41 above) is not required to be screened given the existing overlooking conditions, it principally has views to non-habitable room windows, and the extent of overlooking to the secondary part to a bedroom is of such a miniscule amount.

Dining Windows

As depicted in figure 43 below, the fifth level of 16-18 Agnes Street containing a terrace and dining room is higher than the proposal. As such, there is no opportunity for unreasonable overlooking.



Figure 43 – extract of the section diagrams within the Urban Context Report (Source: applicant)

10.7 Internal Amenity

A detailed assessment of the proposal against Clause 58 (Apartment Developments) of the Planning Scheme is provided at Appendix 1. Discussed below are matters not contained within that assessment and that are relevant considerations to internal amenity.

10.7.1 Access to light from CL1589

A proposed rear north east bedroom on level 4 utilises CL1859 as its only access to natural light.

This is considered to be acceptable given there is no reasonable prospect of CL1859 being developed given the existing development pattern of the properties abutting the laneway. It is considered therefore that there are no planning issues related to the proposition.

The applicant has confirmed that it has held discussions with relevant experts and confirmed that there are no fire engineering or building regulation issues with this aspect of the proposal.

Should a fire engineering, building permit, or other related concern be raised post the issue of a planning permit (should one issue), then an amendment to the planning permit (should one issue) may be required which may result in the apartment needing to be re-designed internally so that it has a permanent primary source of daylight.

10.8 Car Parking and Traffic

10.8.1 Car Parking Provision

As discussed above, the proposal exceeds the maximum car parking rate of the PO12.

Pursuant to Clause 4.0 of the PO12, before deciding on an application which seeks to increase the maximum number of car parking spaces, the responsible authority must consider as appropriate:

- *'Any relevant Local Planning Policies.*

- *Any empirical analysis which supports a variation in the number of car parking spaces that should be provided.*
- *The particular characteristics of the proposed use with regard to the likely car parking demands generated.*
- *The availability of car parking in the locality.*
- *The likely contribution of public transport in mitigating car parking demands.*
- *Whether the development includes bicycle and motorcycle parking.'*

It is considered that the proposal is acceptable, having regard to the decision guidelines above for the following reasons:

- The ground floor of the existing building has ten car parks. It is proposed to re-arrange the existing car parking area to park eight cars (reduction of two car parks). The proposed four three-bedroom dwellings are each proposed to have two car parking spaces. The sizes of the dwelling leads to the likely demographic of the future residents justifying a higher parking provision. The provision of two parking spaces per dwelling will have a minimal impact on the capacity of the local road network by way of traffic movements, noting that the proposal results in an overall reduction of two car parking spaces (ten spaces to eight spaces). Council's Traffic department support the proposed car parking provision. The provision of an additional four car spaces is therefore considered acceptable and will not result in an outcome which is at odds with the PO12.
- The Site includes an existing garage arrangement. As such, the proposal is consistent with the existing arrangements at the Site.
- There are no bicycle requirements for the proposed dwelling. However, bicycle parking spaces have been provided regardless.

10.8.2 Car Parking Design

As discussed above, the Council's Traffic departments have reviewed the proposal against the requirements of the Planning Scheme and confirm that the proposal is generally in accordance with the Planning Scheme.

10.9 Sustainability and Waste

10.9.1 Energy, Water and Waste Efficiency

The policy guidelines at 15.01-2L-01 of the Planning Scheme state:

'Consider as relevant:

- *'All applications must be accompanied by a Waste Management Plan prepared in accordance with the City of Melbourne's Guidelines for Waste Management Plans.*
- *All applications must be accompanied by an Environmentally Sustainable Design Statement which demonstrates how the development meets the policy objectives of this clause and includes the following, where applicable:*
 - *Applications for buildings under 2,000 square metres in gross floor area, a statement demonstrating that the building has the preliminary design potential to achieve the relevant required Performance Measures set out in the table to this clause.*
 - *...'*

In regard to energy efficiency:

- N/A - as the proposal is below 5,000 m², the Building Code of Australia will adequately address the energy requirements of the proposal.

In regard to water efficiency:

- The SMP outlines that the proposal will utilise the following minimum Water Efficiency Labelling Scheme (WELS) star ratings for water fixtures and fittings:
 - Toilets: 4 Star.
 - Taps (bathroom and kitchen): 6 Star.
 - Showerheads: 3 Star (7.5 L/min).

The above is considered to meet the Performance Measure. However, the water fixtures and fittings outlined above are not depicted on the plans. As such, by way of planning permit condition the details of the SMP will be required to be included on the architectural plans.

In regard to waste management:

- As discussed above, subject to conditions the proposed WMP is acceptable.

It is therefore considered that the proposed development meets the relevant requirements, subject to conditions.

10.9.2 Stormwater Management (Water Sensitive Urban Design)

The proposal is over 50 m², as such Clause 19.03-3L (Stormwater Management (Water Sensitive Urban Design)) of the Planning Scheme requires a water sensitive urban design response in accordance with the policy. The SMP provides a STORM report which achieves a rating of 100% (compliance) utilising a 3,000 L water tank within the ground level for toilet flushing and irrigation. However, the plans do not include details confirming the size of the water tank nor its connection to the toilets and irrigation system. As such, by way of planning permit condition the details of the SMP will be required to be included on the architectural plans.

11 OFFICER RECOMMENDATION

It is considered that the proposal is consistent with the relevant sections of the Planning Scheme, in addition to the matters required under Section 60 of the Act.

It is recommended that the Future Melbourne Committee resolves to issue a Notice of Decision to Grant a Permit subject to the following conditions:

11.1 What This Permit Allows?

Partial demolition, external alterations, and to construct a building or construct or carry out works for a multi-storey addition to the existing building for use as dwellings, and an associated provision of car parking in excess of the maximum requirements, in accordance with the endorsed plans.

11.2 Planning Permit Conditions

Amended Plans

1. Prior to the commencement of the development, including demolition and bulk excavation, an electronic copy of plans, drawn to scale and fully dimensioned, must be submitted to and approved by the Responsible Authority. The plans must be generally in accordance with the advertised architectural plans P00_000 (Rev P4, dated 27 Oct 2022), P03_001 (Rev P4, dated 27 Oct 2022), P03_002 (Rev P1, dated 27 Oct 2022), P10_000 (Rev P4, dated 30 Aug 2022), P10_010 (Rev P3, dated 30 Aug 2022), P10_020 (Rev P3, dated 30 Aug 2022), P10_030 (Rev P3, dated 30 Aug 2022), P10_031 (Rev P3, dated 30 Aug 2022), P10_050 (Rev P3, dated 30 Aug 2022), P10_100 (Rev P2, dated 30 Aug 2022), P11_000 (Rev P4, dated 27 Oct 2022), P11_001 (Rev P4, dated 27 Oct 2022), P11_002 (Rev P4, dated 27 Oct 2022), P11_003 (Rev P4, dated 27 Oct 2022), P12_000 (Rev P4, dated 27 Oct 2022), and P12_001 (Rev P1, dated 27 Oct 2022), drawn by Denton Corker Marshall but amended to:

- a. Include a notation confirming that the garage door to Agnes Street will be designed such that it does not project beyond the title boundary when open, when closed, or when being opened or closed.
- b. Delete the ground floor pedestrian canopy to Agnes Street.
- c. Delete the note 'FLIGHT OF STAIR RISERS ABOVE 190 mm TO BE REVIEWED AS PART OF BAB APPLICATION' associated with the stair riser on drawing P10_000.
- d. Delete all notes associated with Finished Floor Levels (FFLs) being confirmed.
- e. Delete the notes associated with the height of the lift overrun and rooftop services 'to be confirmed'. Any subsequent changes to the lift overrun and rooftop services must ensure they are suitably concealed and designed in a manner which integrates with the building, and do not increase the extent of overshadowing, to the satisfaction of the Responsible Authority.
- f. Replace the kitchen window of apartment 1 on level 1 with a sashless window with no part of that window projecting outside of the title boundary.
- g. Include fixed maximum 25% transparency fritted glass screening to the north interface of the level 2 and level 3 'North Terrace[s]' to a height of 1.7 m above the FFL to limit views to the north.
- h. Include any requirement of the endorsed Waste Management Plan at Condition 6.
- i. All relevant commitments and initiatives from the endorsed Sustainability Management Plan at Condition 8 must be indicated / shown on plans including, but not limited to, the following:
 - i. Notes on the plans confirming the WELS ratings of the water fixtures and fittings, and appliances; and
 - ii. Details (including the size) of the rainwater tank and confirmation it will be used for the purposes of toilet flushing and irrigation.
- j. Include any requirement of the endorsed Acoustic Report at Condition 14.
- k. Include any requirement of the endorsed Façade Strategy at Condition 17.

These amended plans must be to the satisfaction of the Responsible Authority and when approved shall be the endorsed plans of this permit.

Layout Not Altered and Satisfactory Completion

2. The use and development as shown on the endorsed plans and documents must not be altered or modified unless with the prior written consent of the Responsible Authority.
3. No architectural features, plant and equipment or services other than those shown on the endorsed plans are permitted above roof level, unless with the prior written consent of the Responsible Authority.
4. Any privacy screening as shown on the endorsed plans must be installed prior to the occupation of the building and must be maintained to the satisfaction of the Responsible Authority.
5. Prior to occupation, all new or extended walls on or facing the boundary of adjoining properties and / or a laneway must be cleaned and finished to a uniform standard to the satisfaction of the Responsible Authority. Unpainted or unrendered masonry walls must have all excess mortar removed from the joints and face and all joints must be tooled or pointed also to the satisfaction of the Responsible Authority. Painted or rendered or bagged walls must be finished to a uniform standard to the satisfaction of the Responsible Authority.

Waste Management Plan (WMP)

6. Concurrent with the endorsement of plans under Condition 1, an amended WMP must be submitted to and approved by the Responsible Authority. The WMP must detail waste storage and collection arrangements and be prepared with reference to the *Melbourne City Council Guidelines for Preparing a Waste Management Plan*. The amended WMP must be generally in accordance with the WMP prepared by Traffix Group dated 4 August 2022 (Issue No. B), but modified to:
 - a. Include any changes required in condition 1 of this permit.
 - b. Confirm the proposed system for receiving waste from chutes while bins are at the kerbside for collection. If spare bins are to be used, show these on a plan.
 - c. Detail the interim arrangement while glass is not being collected by the Council.
 - d. Provide a scaled drawing showing the bins presented at the kerbside and the stopping location of the waste truck on Agnes Street, close to the corner of Jolimont Street.
 - e. Confirm that the termination of chutes must have skirting (or equivalent system) if not fully enclosed.
 - f. Confirm what is meant by 'Trained Personnel' (with regard to access to the chute outlets).
7. Once approved, the WMP will be endorsed and will form part of this permit. The WMP must not be altered or amended without the written consent of the Responsible Authority. The WMP endorsed under this permit must be implemented and complied with at all times to the satisfaction of the Responsible Authority unless with the further written approval of the Responsible Authority.

Sustainability Management Plan (SMP)

8. Concurrent with the endorsement of plans under Condition 1, an amended SMP must be submitted to and approved by the Responsible Authority. The amended SMP must be generally in accordance with the SMP prepared by Wrap Consulting Engineering dated 27 July 2022, but modified to include:
 - a. Any changes required in condition 1 of this permit.
9. Once approved, the SMP will be endorsed and will form part of this permit. The SMP must not be altered or amended without the written consent of the Responsible Authority. Any change during detailed design, which prevents or alters the attainment of the performance outcomes specified in the endorsed SMP, must be documented by the author of the endorsed SMP in an addendum to this report, which must be provided to the satisfaction of the Responsible Authority prior to the commencement of construction.
10. Prior to occupation, a report from the author of the endorsed SMP report, or similarly qualified person, outlining how the performance outcomes specified in the amended SMP report have been implemented must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm and provide sufficient evidence that all measures specified in the approved SMP report have been implemented in accordance with the relevant approved plans. Documentation created as part of the SMP measures such as final NatHERS certificates, Building User Guides etc. must be included as appendices to the report.

Landscape Plan

11. Prior to the commencement of the development, including demolition and bulk excavation, a detailed Landscape Plan for the western and southern edges of the terraces on Levels 4 and 5 (Apartment 4) of the approved building must be prepared by a suitably qualified landscape

architect and must be submitted and approved by the Responsible Authority. The Landscape Plan must include:

- a. A schedule of all soft and hard landscaping and treatments.
 - b. The consideration of landscaping interventions to cascade over the Agnes Street elevation of the approved building.
 - c. Planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.
 - d. Detailed drawings of planter boxes, including size, depth, drainage.
 - e. A statement to describe how the canopy, vegetation and urban ecology planning provisions that are required by the development will be successfully maintained in the future.
 - f. Maintenance tasks for the establishment period, including:
 - i. Ongoing maintenance schedule for after the initial 52-week period detailing weed and pest management, succession planting, re-mulching, plant nutrition.
 - ii. Re-planting timeframes for poor-performance vegetation that interfaces with the public realm.
12. This Landscape Plan must be to the satisfaction of the Responsible Authority and when approved shall form a part of the endorsed plans of this permit. The Landscape Plan must not be altered or amended without the written consent of the Responsible Authority.
13. Prior to occupation, the site must be landscaped to the satisfaction of the Responsible Authority in accordance with the endorsed Landscape Plan and the landscaping must be maintained to the satisfaction of the Responsible Authority.

Acoustic Report

14. Concurrent with the endorsement of plans under Condition 1, an acoustic report prepared by a suitably qualified acoustic consultant must be submitted to and approved by the Responsible Authority. The acoustic report must identify all potential noise sources and sound attenuation work required to ensure that the noise levels generated by any mechanical plant and equipment do not exceed the levels as determined by the EPA Victoria Publication Noise Limit and Assessment Protocol 1826.4, or result in unreasonable and aggravated noise as defined by Part 5.3 of the Environment Protection Regulation 2021 (or other equivalent policy to the satisfaction of the Responsible Authority), and must demonstrate compliance with the Standard D16 of Clause 58.04-3 of the Melbourne Planning Scheme.
15. Once approved, the Acoustic Assessment will be endorsed and will form part of this permit. The Acoustic Assessment must not be altered or amended without the written consent of the Responsible Authority.
16. Prior to occupation, the provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.

Façade Strategy

17. Concurrent with the endorsement of plans under Condition 1, a Façade Strategy must be submitted to and approved by the Responsible Authority. When approved this will form part of the endorsed plans. The Façade Strategy must include:
- a. A concise description by the architect of the building design concept and how the façade works to achieve this.

- b. A schedule of colours, materials and finishes, including the colour, type and quality of materials showing their application and appearance. This can be demonstrated in coloured elevations or renders from key viewpoints, to show the materials and finishes linking them to a photo of a physical sample board with clear coding.
 - c. Provide details of all service cupboards, including the water meter, electrical services, and fire services to ensure they are an integrated design element and maximise the quality and activation of the public realm.
 - d. Elevation details generally at a scale of 1:50 illustrating typical podium details, entries and doors, typical privacy screening and utilities, typical tower detail, and any special features which are important to the building's presentation.
 - e. Cross sections or other method of demonstrating the façade systems, including fixing details indicating junctions between materials and significant changes in form and / or material.
 - f. Details of the proposed glass balustrades to ensure they can be maintained and are durable and functional. Alternatively, consideration of utilising a steel bar balustrade.
 - g. Information about how the façade will be accessed and maintained and cleaned, including planting where proposed.
 - h. Example prototypes and / or precedents that demonstrate the intended design outcome indicated plans and perspective images to produce a high quality built outcome in accordance with the design concept.
18. Once approved, the Façade Strategy will be endorsed and will form part of this permit. All materials, finishes and colours must be in conformity with the approved Façade Strategy. The Façade Strategy must not be altered or amended without the written consent of the Responsible Authority.

Demolition and Construction Management Plan and Tree Protection Plan (TPP)

19. Prior to the commencement of the development, including demolition and bulk excavation, a detailed demolition and construction management plan must be submitted to and be approved by the Responsible Authority – Construction Management Group. This demolition and construction management plan must be prepared in accordance with the Melbourne City Council – Construction Management Plan Guidelines and is to consider the following:
- a. public safety, amenity and site security.
 - b. operating hours, noise and vibration controls.
 - c. air and dust management.
 - d. stormwater and sediment control.
 - e. waste and materials reuse.
 - f. traffic management.
 - g. the Tree Protection Plan (see Condition 20 below).
20. Prior to the commencement of the development, including demolition and bulk excavation, a TPP must be submitted to and approved by the Responsible Authority. When approved, the TPP will be endorsed and will then form part of the permit. The TPP must identify all impacts to public trees, be in accordance with AS 4970-2009 – Protection of trees on development sites and include:
- a. Reference to the City of Melbourne's asset numbers for the subject trees (found at <http://melbourneurbanforestvisual.com.au>).

- b. Reference to the finalised demolition and construction management plan, including any public protection gantries, loading zones and machinery locations.
 - c. Site specific details of the temporary tree protection fencing to be used to isolate public trees from the demolition and / or construction activities or details of any other tree protection measures considered necessary and appropriate to the works.
 - d. Specific details of any special construction methodologies to be used within the Tree Protection Zone of any public trees. These must be provided for any utility connections or civil engineering works.
 - e. Full specifications of any pruning required to public trees with reference to marked images.
 - f. Any special arrangements required to allow ongoing maintenance of public trees for the duration of the development.
 - g. Details of the frequency of the project arborist monitoring visits, interim reporting periods and final completion report (necessary for bond release). Interim reports of monitoring must be provided to Melbourne City Council via email to trees@melbourne.vic.gov.au.
21. Following the approval of a TPP, and prior to the commencement of the development, including demolition and bulk excavation, a bond equivalent to the combined environmental and amenity values of public trees that may be affected by the development will be held against the TPP for the duration of construction activities. The bond must be lodged by the Principal contractor. The bond value will be calculated by the City Of Melbourne. Should any tree be adversely impacted by the works, the City Of Melbourne will be compensated for any loss of amenity, ecological services or amelioration works incurred.
22. All works (including demolition), within the Tree Protection Zone of public trees must be undertaken in accordance with the endorsed TPP and supervised by a suitably qualified Arborist where identified in the report, except with the further written consent of the Responsible Authority. If the demolition and construction management plan changes any of the tree protection methodologies or impacts on public trees in ways not identified in the endorsed TPP, a revised TPP must be submitted to and approved by the Responsible Authority.
23. No public trees adjacent to the site can be removed or pruned in any way without the written approval of the City of Melbourne.

3D Model

24. Prior to occupation, a 3D digital model of the approved development must be submitted to and approved by the Responsible Authority. The model should be prepared having regard to the Advisory Note - 3D Digital Modelling Melbourne City Council. Digital models provided to the Melbourne City Council may be shared with other government organisations for planning purposes. The Melbourne City Council may also derive a representation of the model which is suitable for viewing and use within its own 3D modelling environment. In the event that substantial modifications are made to the building envelope a revised 3D digital model must be submitted to and approved by the Responsible Authority

Civil Infrastructure

25. All projections over the street alignment must be drained to a legal point of discharge in accordance with plans and specifications first approved by the Responsible Authority – City Infrastructure.

26. The title boundaries for the property may not exactly agree with the road alignments of the abutting City of Melbourne's laneway. The approved works must not result in structures that encroach into the laneway.
27. Prior to the commencement of the development, including demolition and bulk excavation, a stormwater drainage system incorporating integrated water management design principles must be submitted to, and approved, by the Responsible Authority – City Infrastructure. This system must be constructed prior to the occupation of the development and provision made to connect this system to the City of Melbourne's stormwater drainage system.
28. Prior to the occupation of the development, all necessary vehicle crossings must be constructed and all unnecessary vehicle crossings must be demolished and the footpath, kerb and channel reconstructed, in accordance with plans and specifications first approved by the Responsible Authority – City Infrastructure.
29. All portions of roads and laneways affected by the building related activities of the subject land must be reconstructed together with associated works including the reconstruction or relocation of services as necessary at the cost of the developer, in accordance with plans and specifications first approved by the Responsible Authority – City Infrastructure.
30. The footpaths adjoining the site along Agnes Street and Jolimont Street must be reconstructed together with associated works including the renewal / reconstruction of kerb and channel and modification of services as necessary at the cost of the developer, in accordance with plans and specifications first approved by the Responsible Authority – City Infrastructure.
31. Existing street levels in roads adjoining the site must not be altered for the purpose of constructing new vehicle crossings or pedestrian entrances without first obtaining approval from the Responsible Authority – City Infrastructure.
32. All street lighting assets temporarily removed or altered to facilitate construction works shall be reinstated once the need for removal or alteration has been ceased. Existing public street lighting must not be altered without first obtaining the written approval of the Responsible Authority – City Infrastructure.
33. Existing street furniture must not be removed or relocated without first obtaining the written approval of the Responsible Authority – City Infrastructure.

Permit Expiry

34. This permit will expire if one of the following circumstances applies:
 - a. The development is not started within three years of the date of this permit.
 - b. The development is not completed within five years of the date of this permit.
 - c. The use is not commenced within five years of the date of this permit.

The Responsible Authority may extend the permit if a request is made in writing before the permit expires, or within six months afterwards. The Responsible Authority may extend the time for completion of the development if a request is made in writing within twelve months after the permit expires and the development started lawfully before the permit expired.

11.3 Planning Permit Notes

Infrastructure and Assets

All necessary approvals and permits are to be first obtained from the City of Melbourne and the works performed to the satisfaction of the Responsible Authority – Infrastructure and Assets.

Other Approvals May be required

This planning permit does not represent the approval of other departments of Melbourne City Council or other statutory authorities. Such approvals may be required and may be assessed on different criteria from that adopted for the approval of this Planning Permit.

Building Approval Required

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

Building Works to Accord with Planning Permit

The permit holder must provide a copy of this planning permit and endorsed plans to any appointed Building Surveyor. It is the responsibility of the permit holder and the relevant Building Surveyor to ensure that the development approved by any building permit is consistent with this planning permit.

Car Parking Permits

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

Tree Protection

A tree protection bond can be provided as a bank guarantee or by EFT.

A bank guarantee must be:

1. Issued to City of Melbourne, ABN: 55 370 219 287
2. From a recognised Australian bank
3. Unconditional (i.e. no end date)
4. Executed (i.e. signed and dated with the bank stamp).

If the bond is to be lodged as an EFT, Council's bank details will be provided on request.

An acceptable bank guarantee is to be supplied to Council House 2, to a representative from Council's Urban Forest and Ecology Team. Please email trees@melbourne.vic.gov.au to arrange a suitable time for the bank guarantee to be received. A receipt will be provided at this time.

Any pruning works identified in the Tree Protection Plan will be undertaken once the Tree Protection Bond is lodged, all permits issued and works are ready to commence.

On completion of the works, the bond will only be released when evidence is provided of Project Arborist supervision throughout the works and a final completion report confirms that the public trees have not been affected by the works.