

## Report to the Future Melbourne Committee

Agenda item 6.1

### Planning Permit Application: TP-2022-195 186-190 Lygon Street, Carlton

4 April 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-2022-195 for the land located at 186-190 Lygon Street, Carlton (refer Attachment 2 – Locality Plan).
2. The applicant and owner is Willow Church Lane Pty Ltd; and the architect is Warren and Mahoney.
3. The land is located within the Commercial 1 Zone (C1Z), Design and Development Overlay Schedule 47 (Central Carlton South), Heritage Overlay Schedule HO1 (Carlton Precinct) and Parking Overlay Schedule 12 (Residential Development in Specific Inner City Areas).
4. The development comprises the partial demolition of the building on the northern half of the site, complete demolition of the southern building and construction of a contemporary six storey commercial building, incorporating ground level retail premises and offices above. The development will also include the provision of bicycle facilities well in excess of minimum requirements and a complete waiver of car parking requirements (refer Attachment 3 – Application plans and documents).
5. Public notice of the application was undertaken in relation to the original and amended schemes, and 21 objections have been received. Key matters raised by objectors included excessive height and scale, heritage impacts to the retained building and surrounding streetscape, amenity impacts from the (now removed) rooftop bar, overshadowing, overlooking and insufficient car parking.

#### Key issues

6. The key issues for consideration relate to the heritage impacts to the retained heritage fabric and streetscape, the scale of the building, including height and setbacks, overshadowing and car parking.
7. The proposal retains the original two storey heritage building as viewed from Lygon Street and subject to the conditions in the recommendation, the addition provides a clear delineation between old and new and is consistent with the scale and character of Lygon Street.
8. The proposal is located in an area where there is maximum parking requirement, which is not exceeded (no spaces provided).
9. Whilst overlooking is not required to be assessed for a commercial use, it is noted that the proposal is greater than 10m from residential open space and habitable room windows, therefore there will not be any unreasonable overlooking from the proposed office.
10. The proposal will not result in any additional overshadowing of Argyle Park between 10am and 3pm, which is consistent with both the existing shadow requirements and Council proposed sunlight to open spaces Planning Scheme Amendment C415.

#### Recommendation from management

11. That the Future Melbourne Committee resolves to issue a Notice of Decision to Grant a Planning Permit subject to the conditions set out in the delegate report (refer to Attachment 4 of the report from management).

#### Attachments:

1. Supporting Attachment (Page 2 of 63)
2. Locality Plan (Page 3 of 63)
3. Selected Plans (Page 4 of 63)
4. Delegate Report (Page 33 of 63)

## **Supporting Attachment**

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### **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).

### **Environmental sustainability**

8. The Sustainable Management Plan (SMP) report submitted with the application demonstrates that the development has the potential to meet the Environmentally Sustainable Design (ESD) performance requirements of Clause 15.01-2L-01 (Energy and Resource Efficiency) and Clause 19.03-3L (Stormwater Management (Water Sensitive Urban Design)).
9. Recommended conditions require the submission of an updated SMP which provides further detail of the proposed sustainability measures and how relevant targets will be achieved.

# Locality Plan

## 186-190 Lygon Street, Carlton



















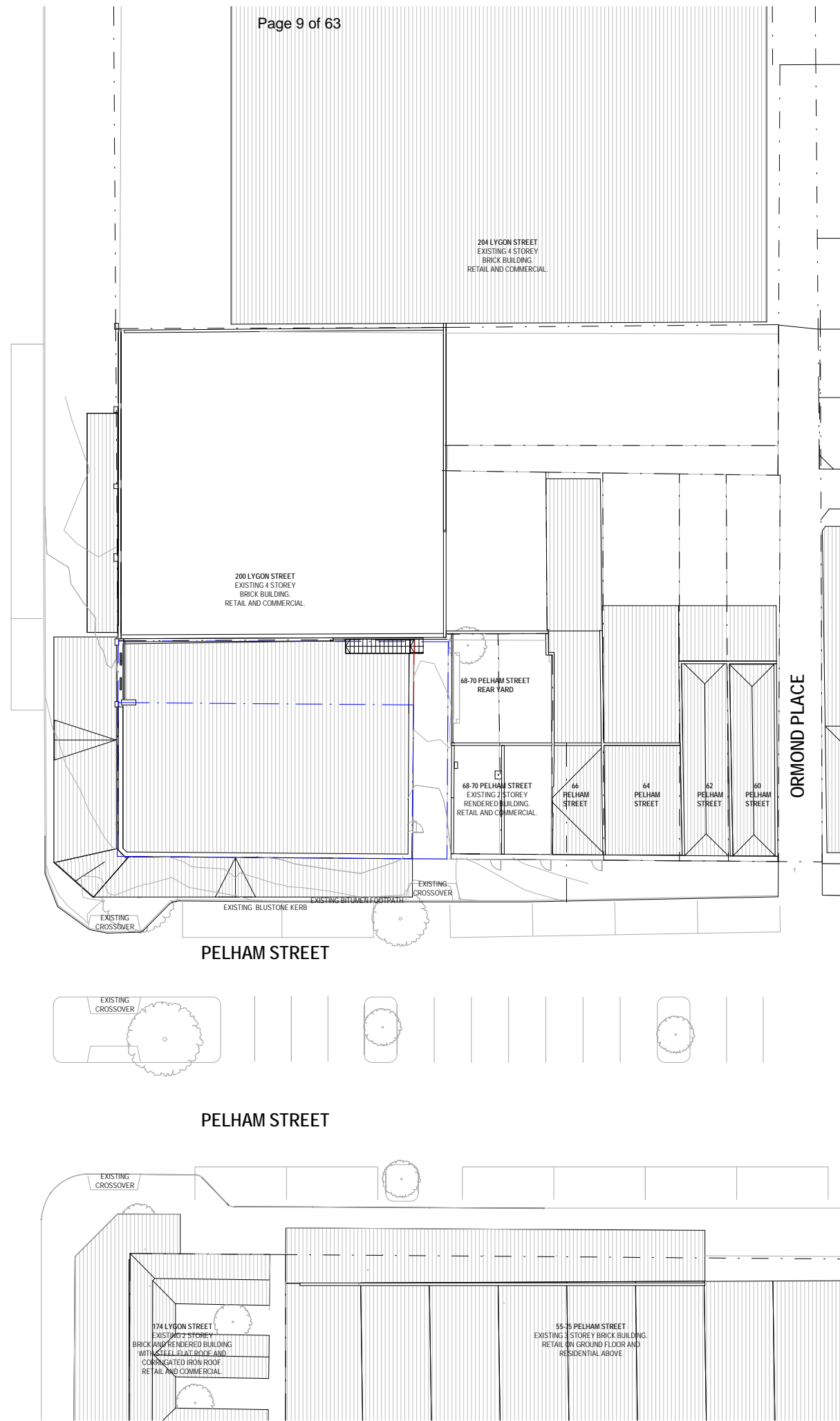
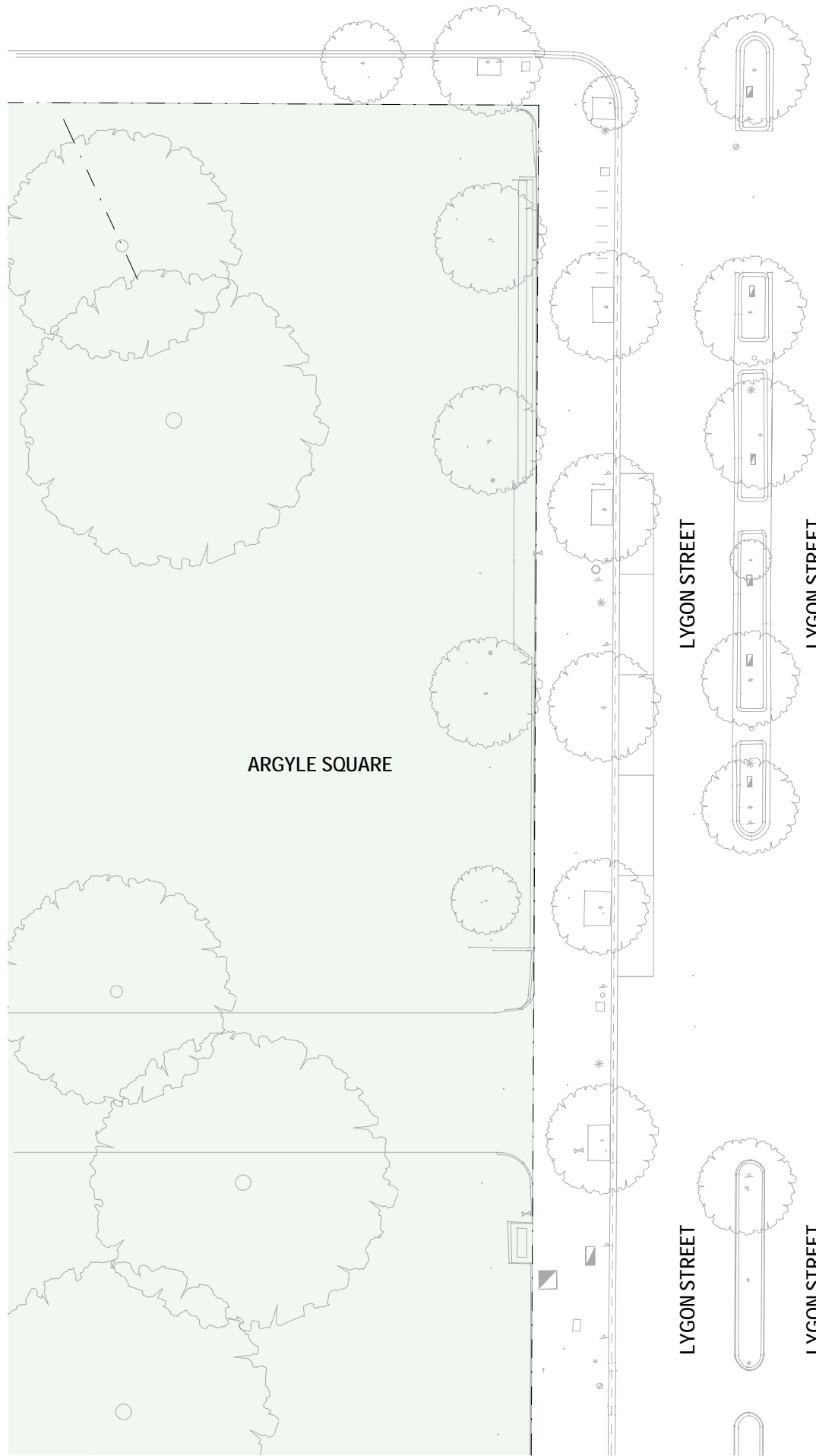






ARGYLE PLACE NORTH

ARGYLE SQUARE



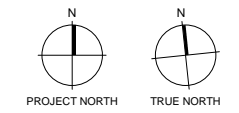
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Revisions

- A 10.12.21 FOR TOWN PLANNING
- B 21.12.21 FOR TOWN PLANNING
- C 29.07.22 FOR TOWN PLANNING
- D 12.12.22 FOR TOWN PLANNING - WITHOUT PREJUDICE
- E 15.02.23 FOR TOWN PLANNING - AMENDED PLANS

Notes

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Consultants

- N/A Project Manager
- TTW Structural Engineer
- ADP Mechanical Engineer
- Scientific Fire Fire Engineer
- ADP Electrical Engineer

Client

Madison Quay Pty Ltd

Warren and Mahoney Architects Australia Pty Ltd

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Registered Architects and Designers  
www.warrenandmahoney.com

Project Title

186-190 LYGON STREET  
No. 186-190 Lygon Street, Carlton 3053.

Drawing Title

EXISTING PLAN

Drawing Status

WORK IN PROGRESS

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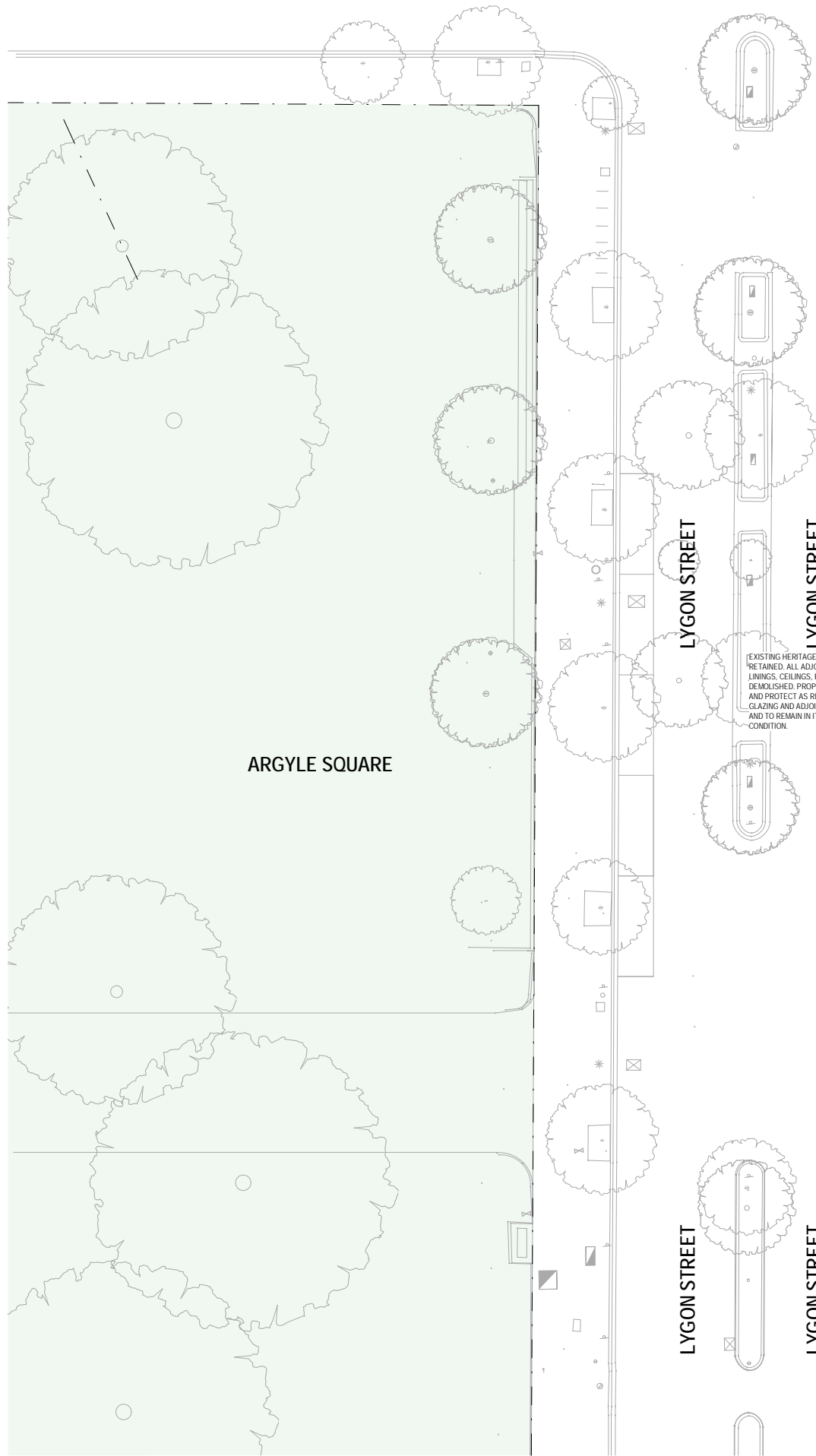
Revision

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ARGYLE PLACE NORTH

ARGYLE SQUARE



EXISTING HERITAGE FACADE TO BE RETAINED. ALL ADJOINING INTERNAL LININGS, CEILINGS, FLOORING TO BE DEMOLISHED. PROP EXISTING FACADE AND PROTECT AS REQUIRED FOR NEW GLAZING AND ADJOINING ELEMENTS AND TO REMAIN IN ITS ORIGINAL CONDITION.



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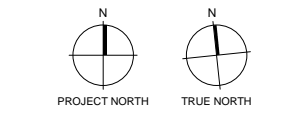
**Notes**

**DEMO PLANS LEGEND:**

— SITE BOUNDARY

DEMOLISH

EXISTING RETAINED



**Consultants**

N/A  
Project Manager  
TTW  
Structural Engineer  
ADP  
Mechanical Engineer  
Scientific Fire  
Fire Engineer  
ADP  
Electrical Engineer

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**Project Title**

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No. 186-190 Lygon Street, Carlton 3053.

**Drawing Title**

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**Drawing Status**

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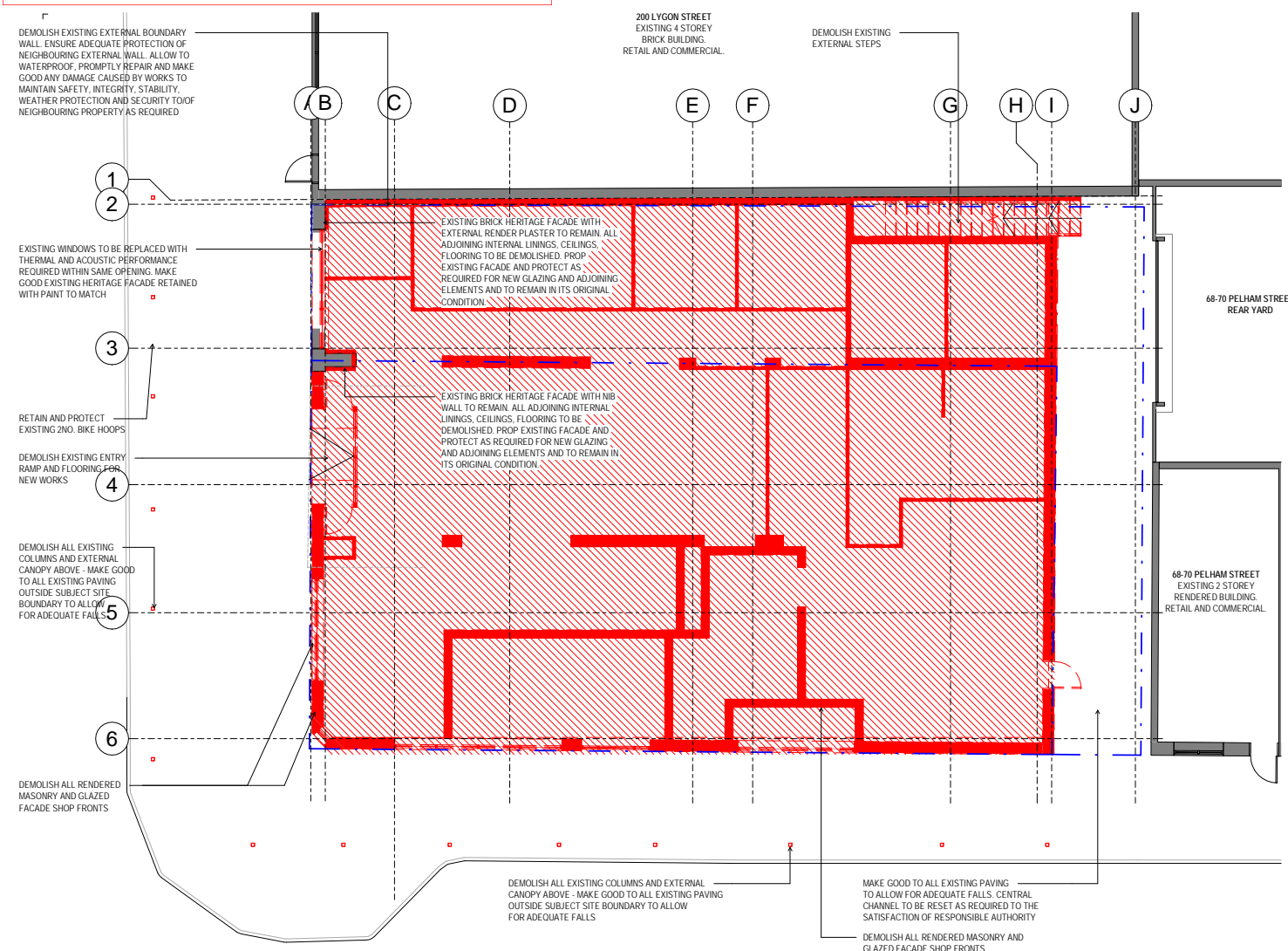
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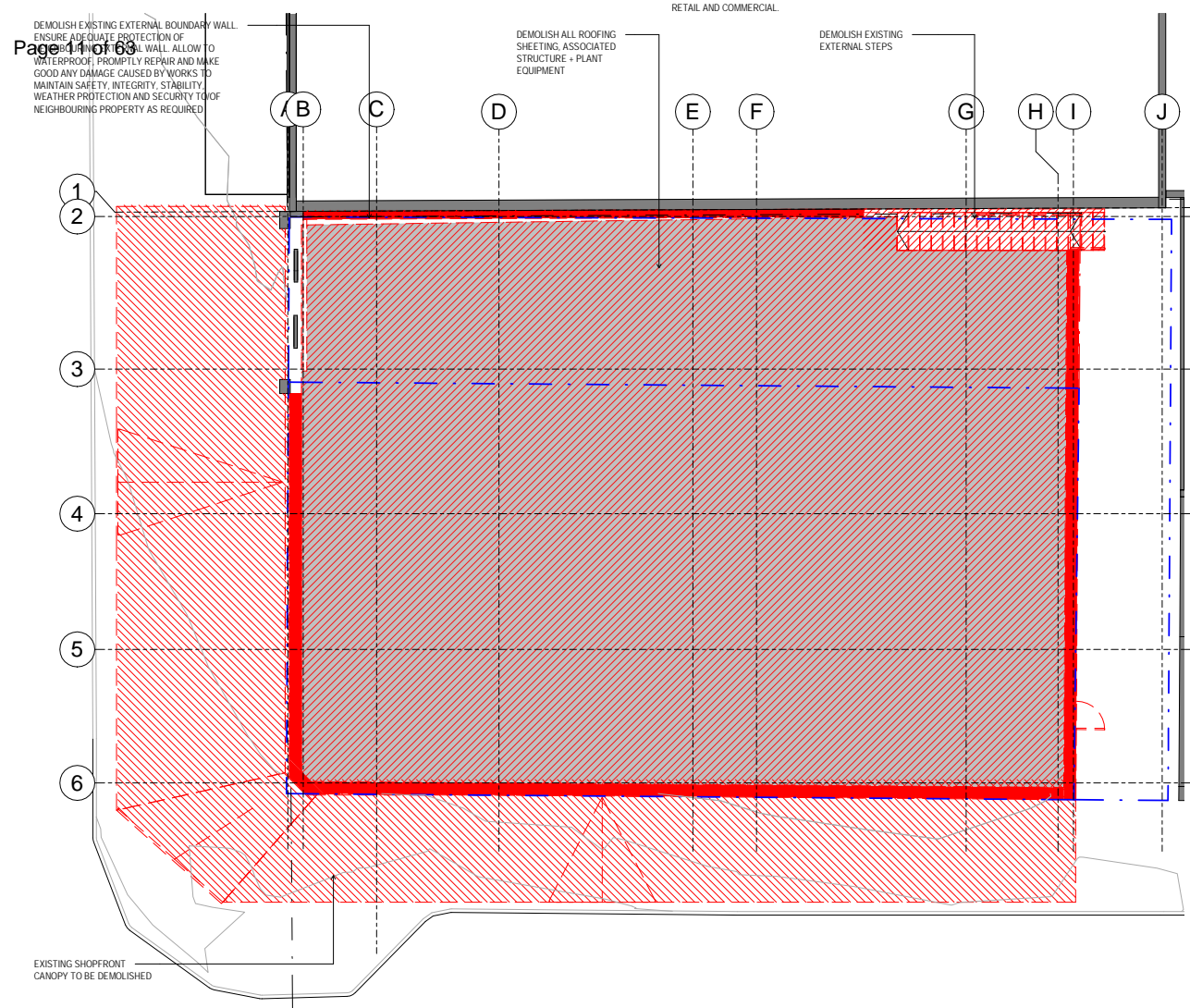
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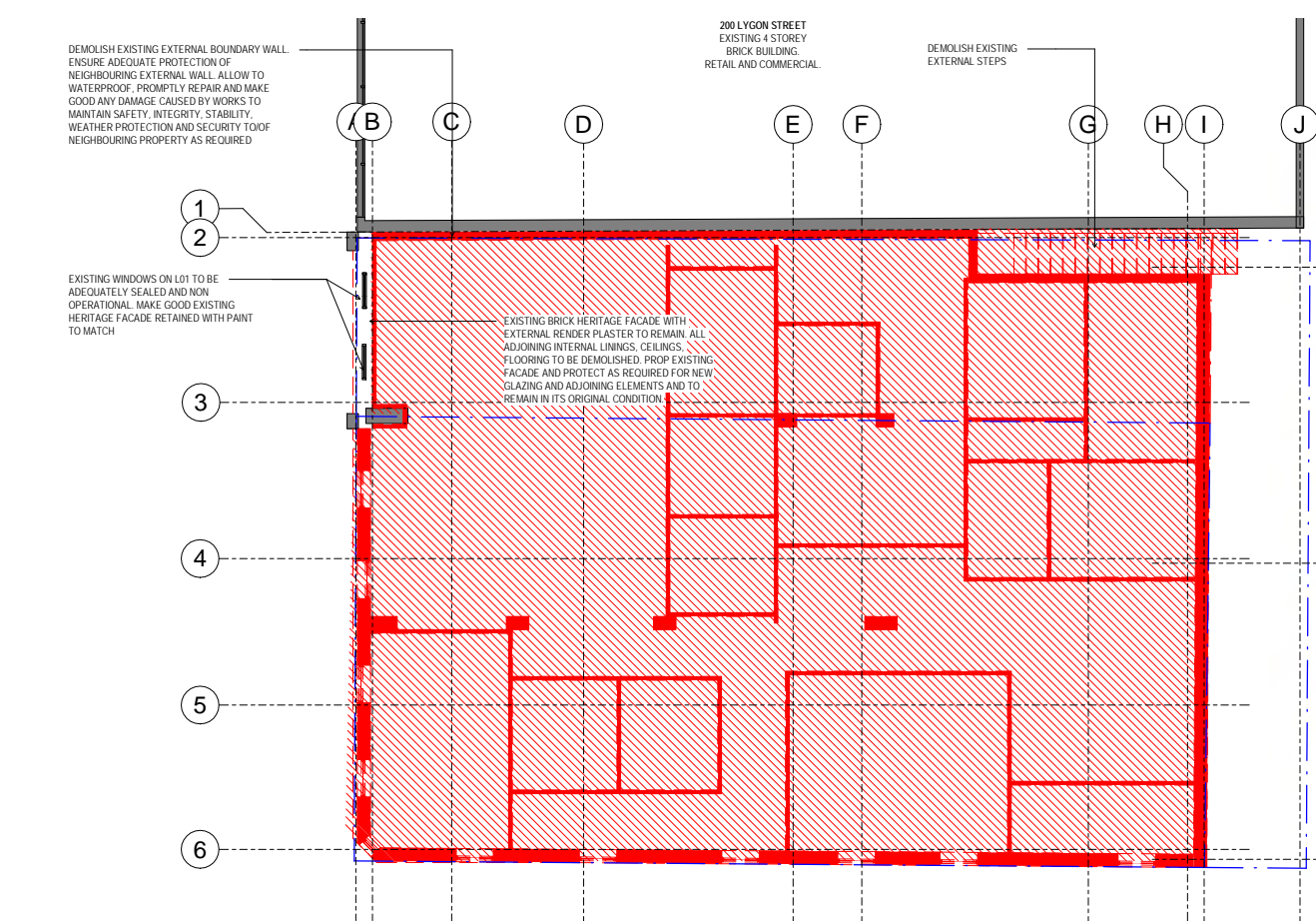
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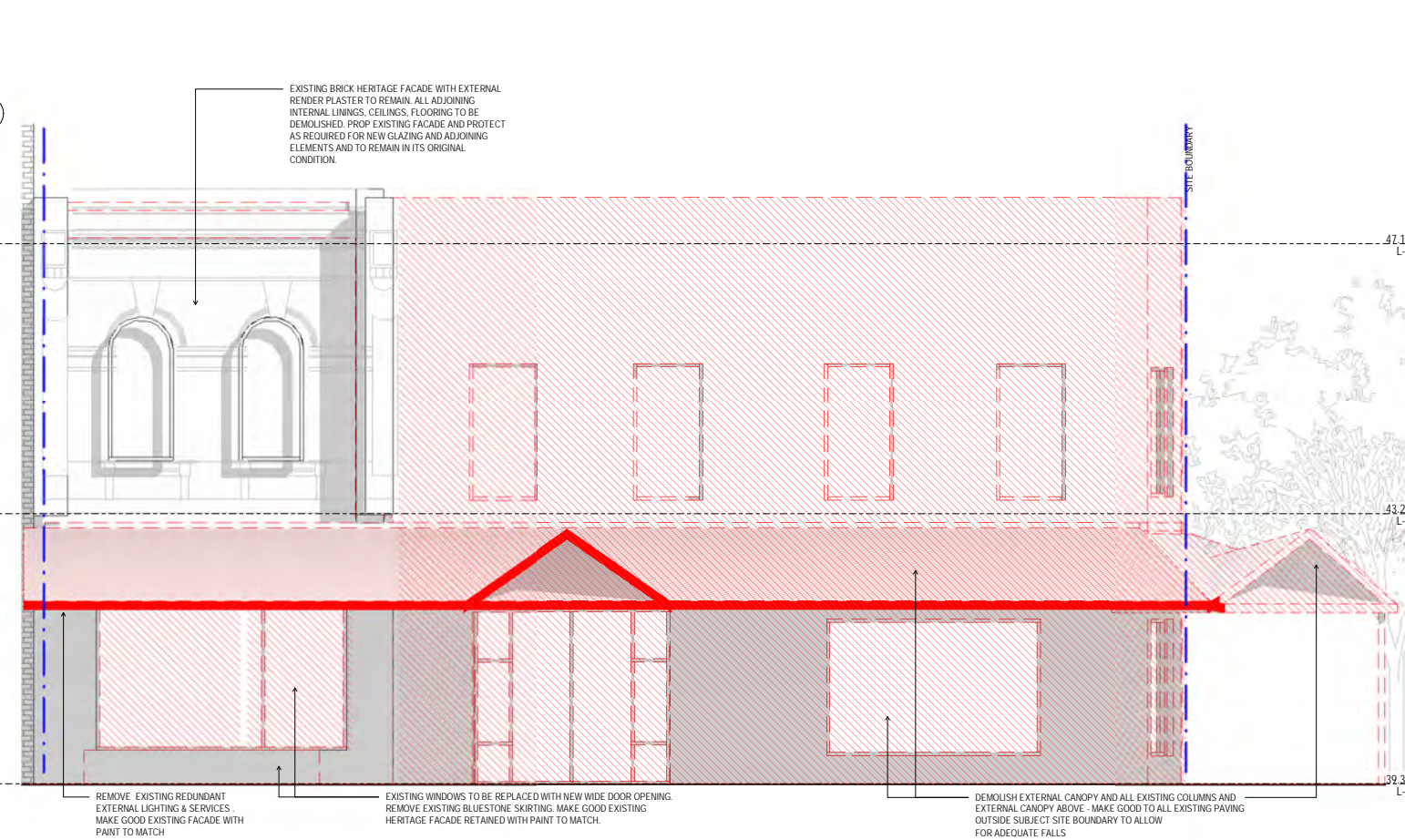


**3 ROOF PLAN DEMO**  
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PELHAM STREET



**2 LEVEL 01 DEMO**  
A0.03 1:100



**4 WEST ELEVATION DEMOLITION**  
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B 12.12.22	FOR TOWN PLANNING - WITHOUT PREJUDICE
C 15.02.23	FOR TOWN PLANNING - AMENDED PLANS

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- DEMOLISH
- EXISTING RETAINED

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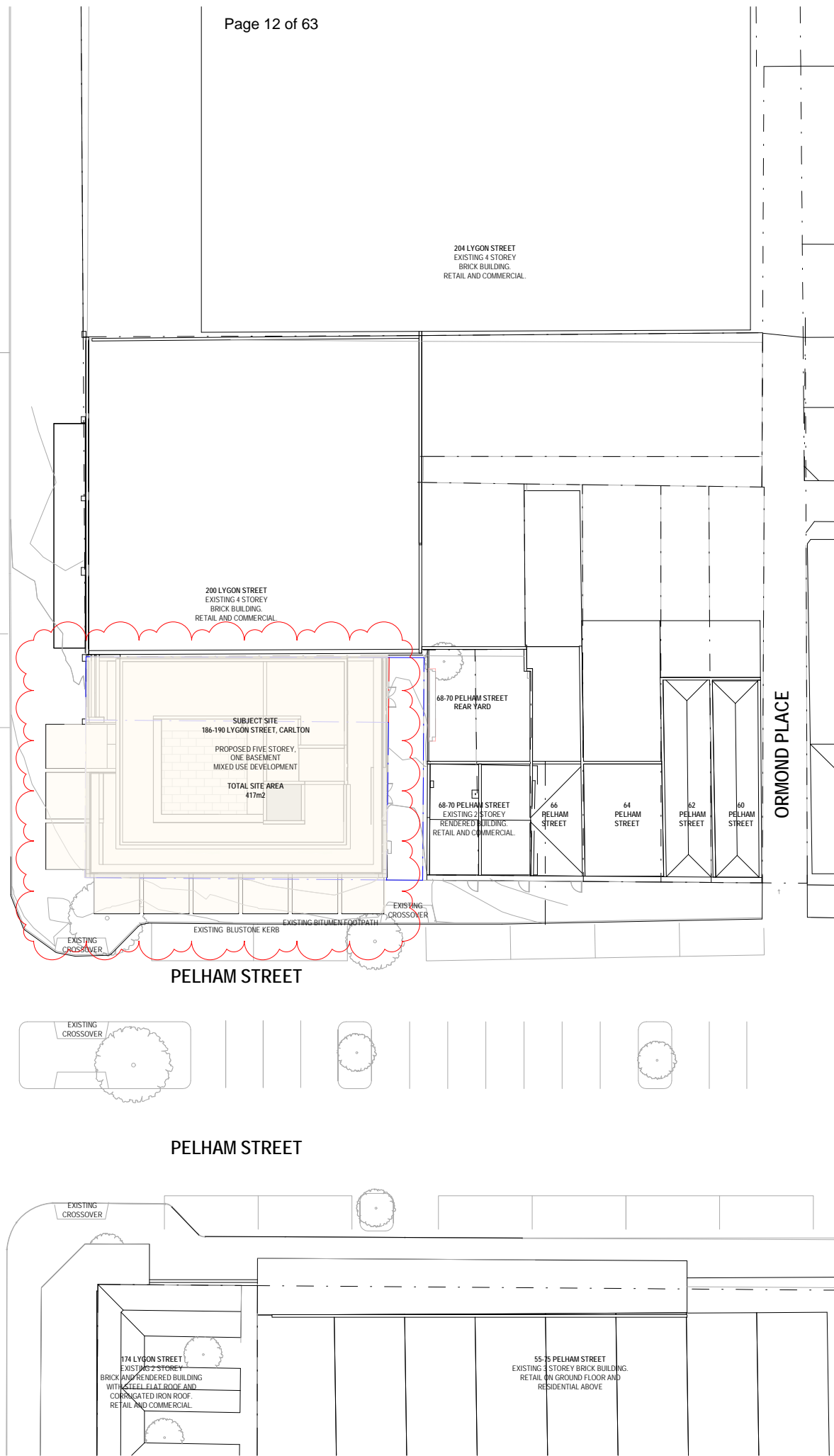
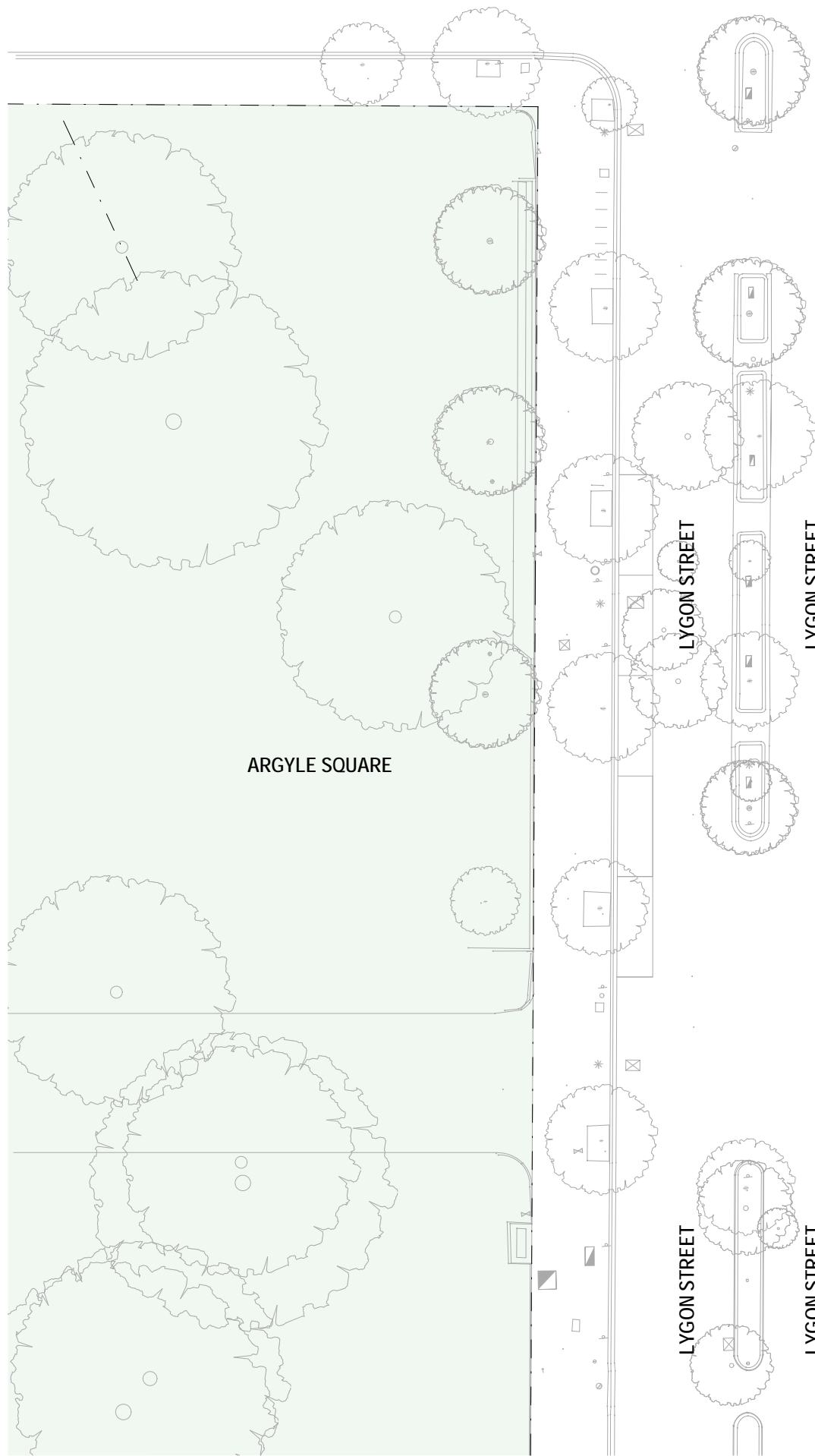
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ARGYLE PLACE NORTH

ARGYLE SQUARE



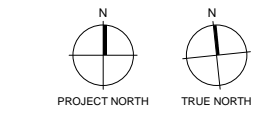
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- ADP Mechanical Engineer
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Project Title

**186-190 LYGON STREET**  
No. 186-190 Lygon Street, Carlton 3053.

Drawing Title

**SITE PLAN - PROPOSED CONDITIONS**

Drawing Status

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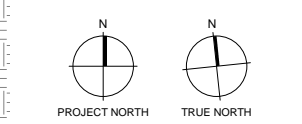
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N/A  
Project Manager  
TTW  
Structural Engineer  
ADP  
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Scientific Fire  
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**Project Title**  
**186-190 LYGON STREET**  
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**Drawing Title**  
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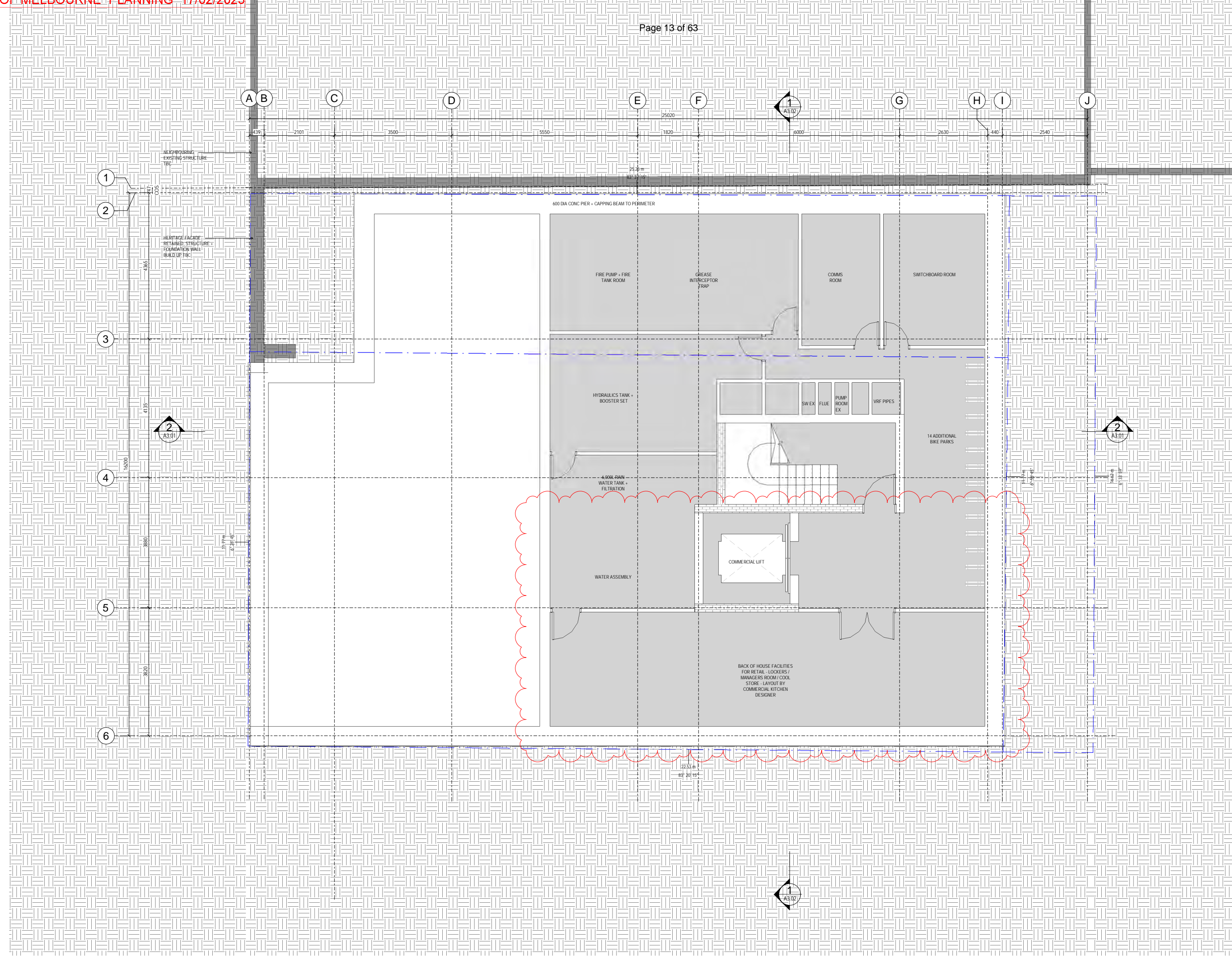
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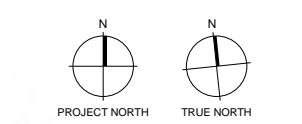
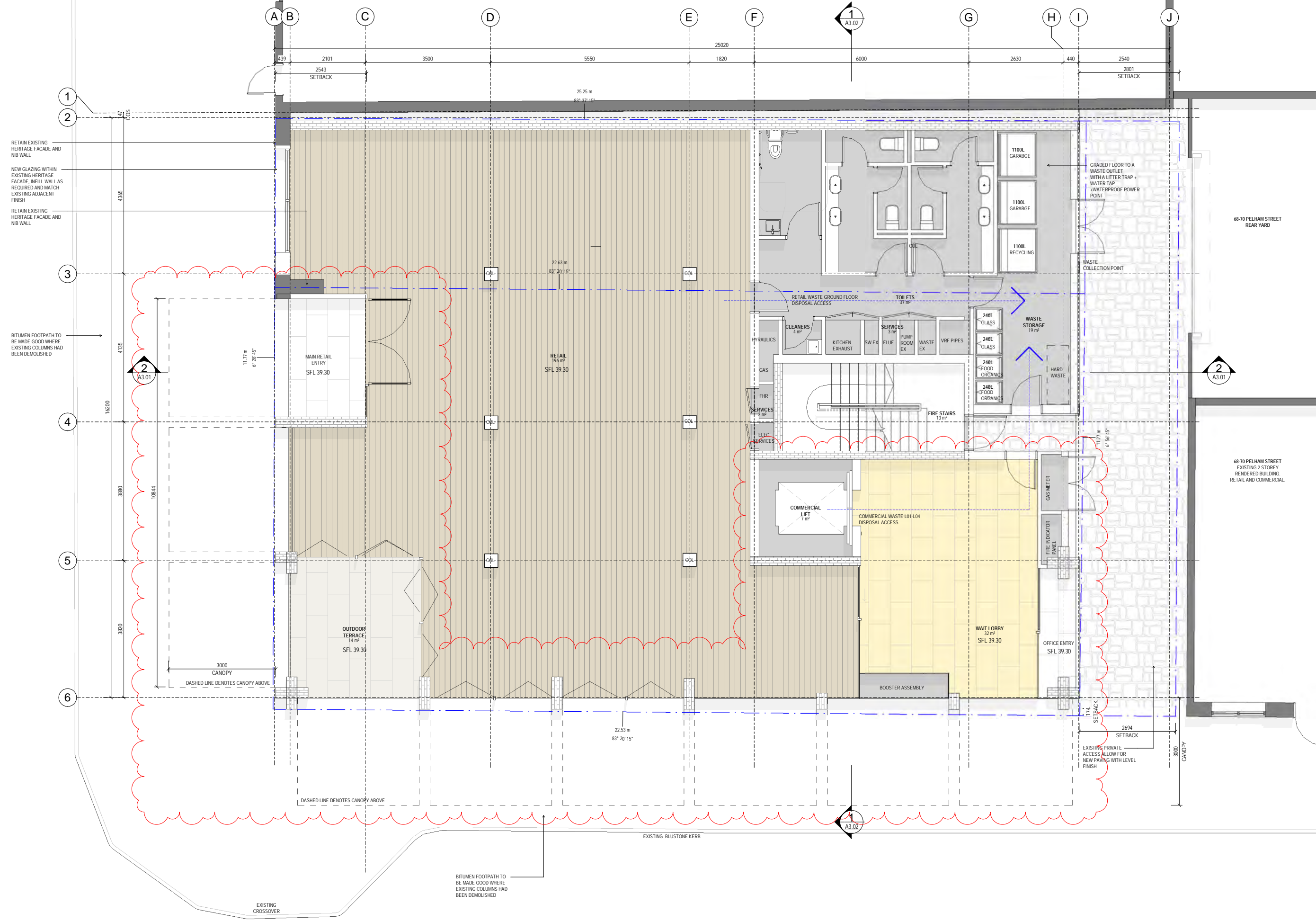




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**Notes**



- Consultants**
- N/A Project Manager
  - TTW Structural Engineer
  - ADP Mechanical Engineer
  - Scientific Fire Fire Engineer
  - ADP Electrical Engineer
- Client**
- Madison Quay Pty Ltd

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**Drawing Title**  
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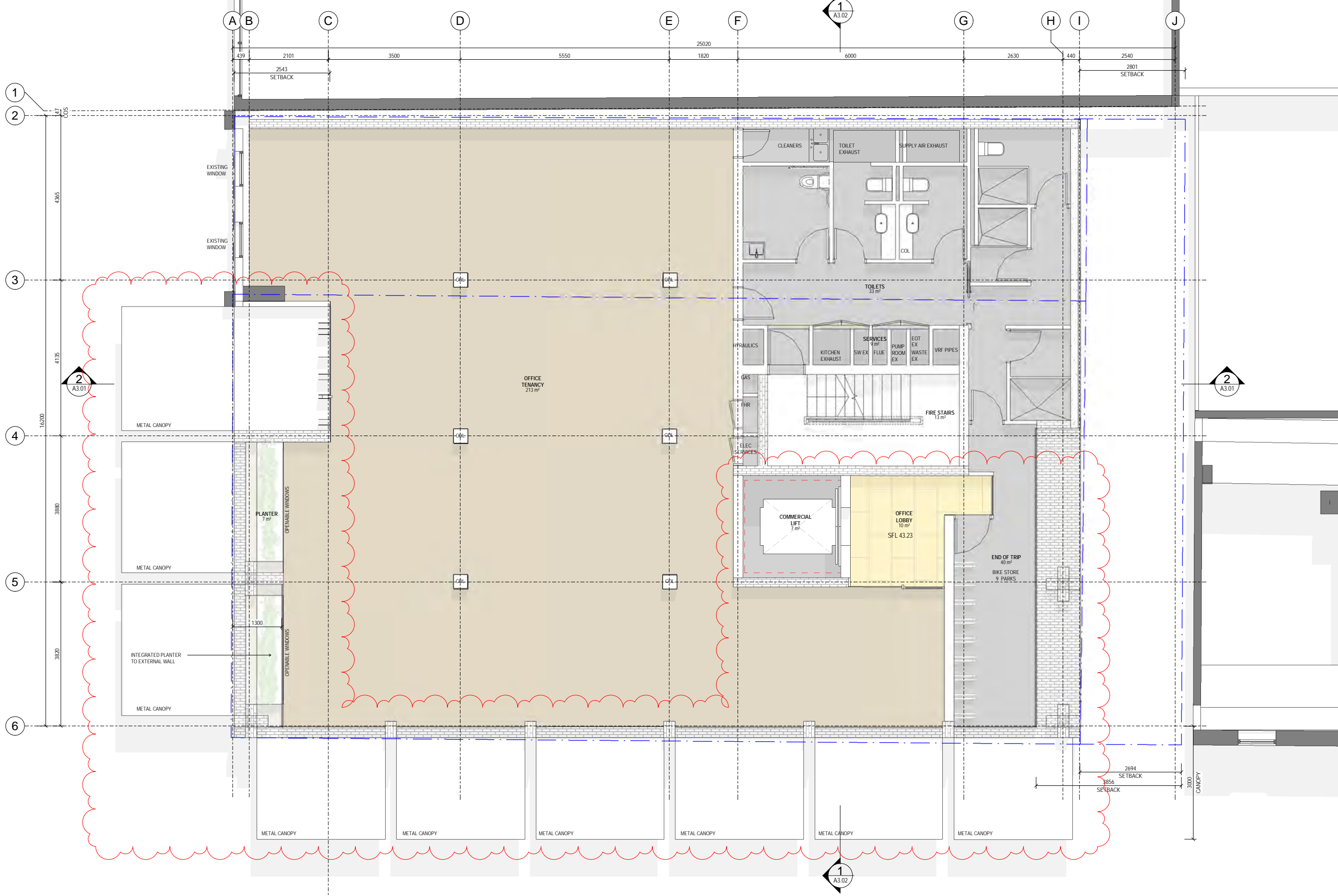
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RETAIL AND COMMERCIAL

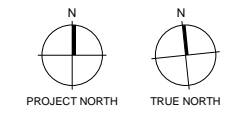


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**Notes**



**Consultants**

N/A	Project Manager
TTW	Structural Engineer
ADP	Mechanical Engineer
Scientific Fire	Fire Engineer
ADP	Electrical Engineer

**Client**

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**Project Title**  
**186-190 LYGON STREET**  
No. 186-190 Lygon Street, Carlton 3053.

**Drawing Title**  
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**FLOOR PLAN**

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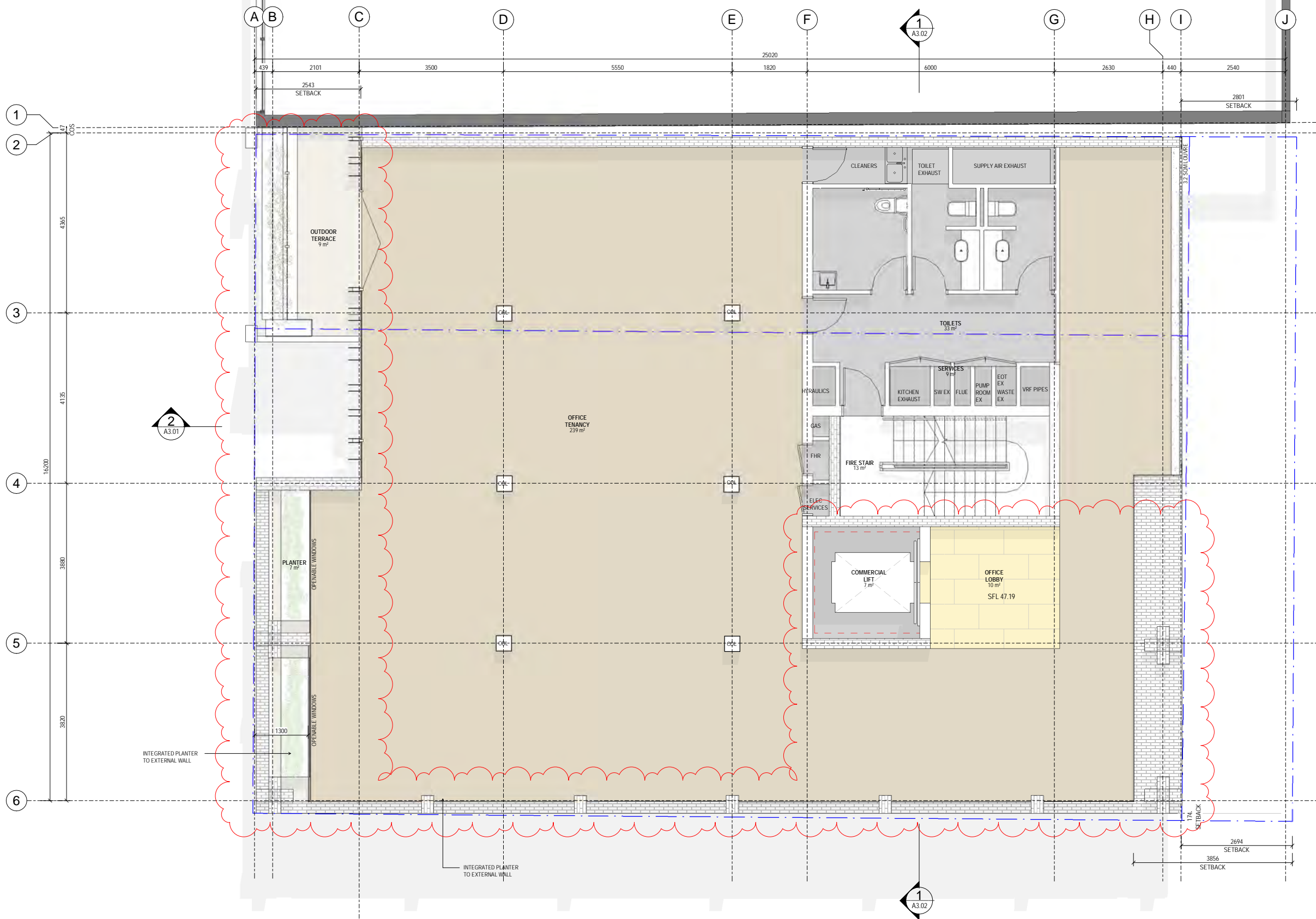
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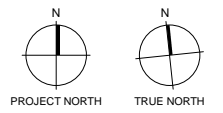
200 LYGON STREET  
EXISTING 4 STOREY  
BRICK BUILDING.  
RETAIL AND COMMERCIAL.



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**Notes**



- Consultants**
- N/A Project Manager
  - TTW Structural Engineer
  - ADP Mechanical Engineer
  - Scientific Fire Fire Engineer
  - ADP Electrical Engineer
- Client**
- Madison Quay Pty Ltd

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**186-190 LYGON STREET**  
No. 186-190 Lygon Street, Carlton 3053.

**Drawing Title**  
**PROPOSED FLOOR PLAN - LEVEL 02**  
**FLOOR PLAN**

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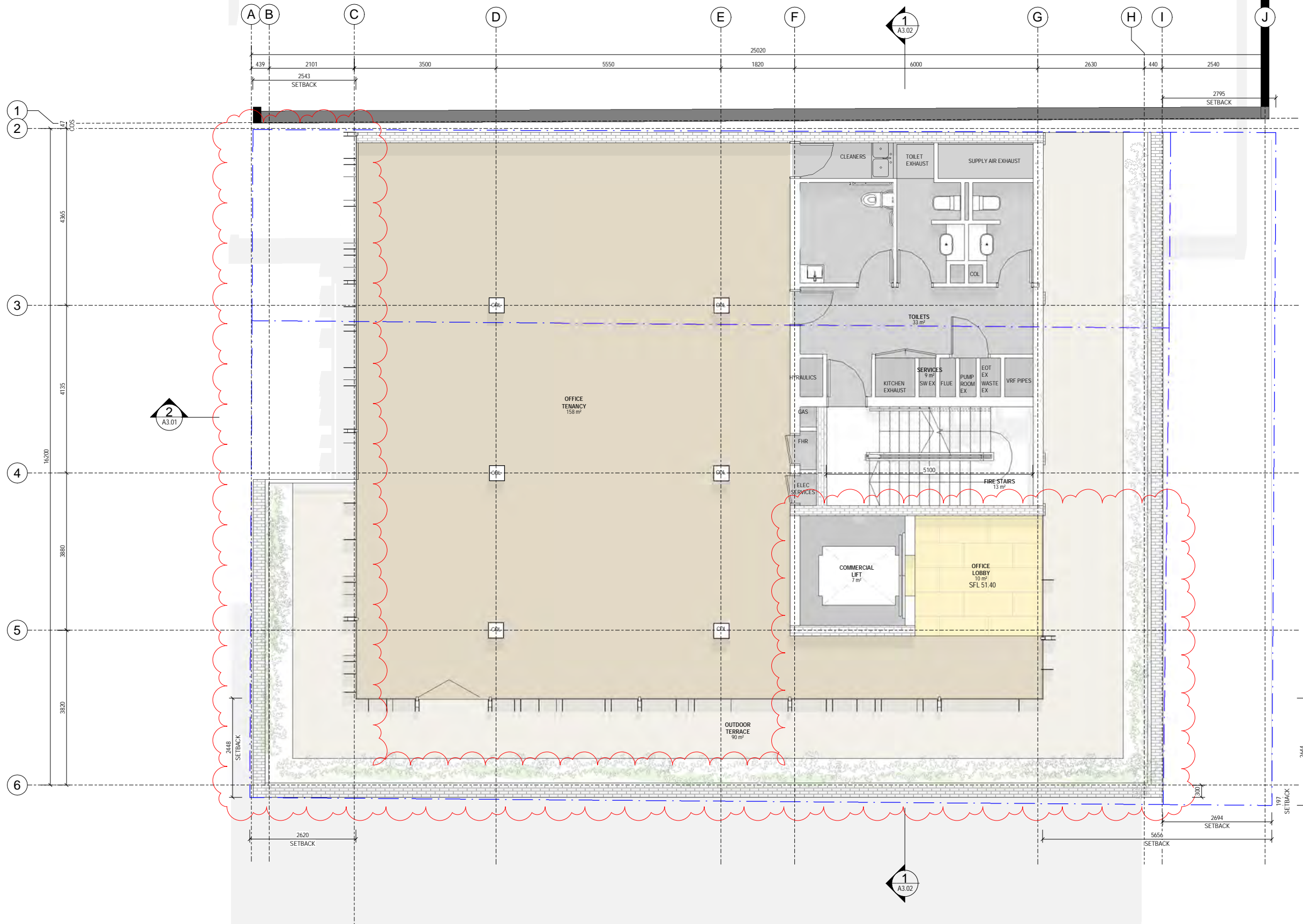
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RETAIL AND COMMERCIAL



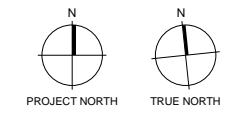
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Project Title

**186-190 LYGON STREET**  
No. 186-190 Lygon Street, Carlton 3053.

Drawing Title

**PROPOSED FLOOR PLAN - LEVEL 03**  
**FLOOR PLAN**

Drawing Status

**WORK IN PROGRESS**

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Revision

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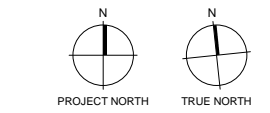
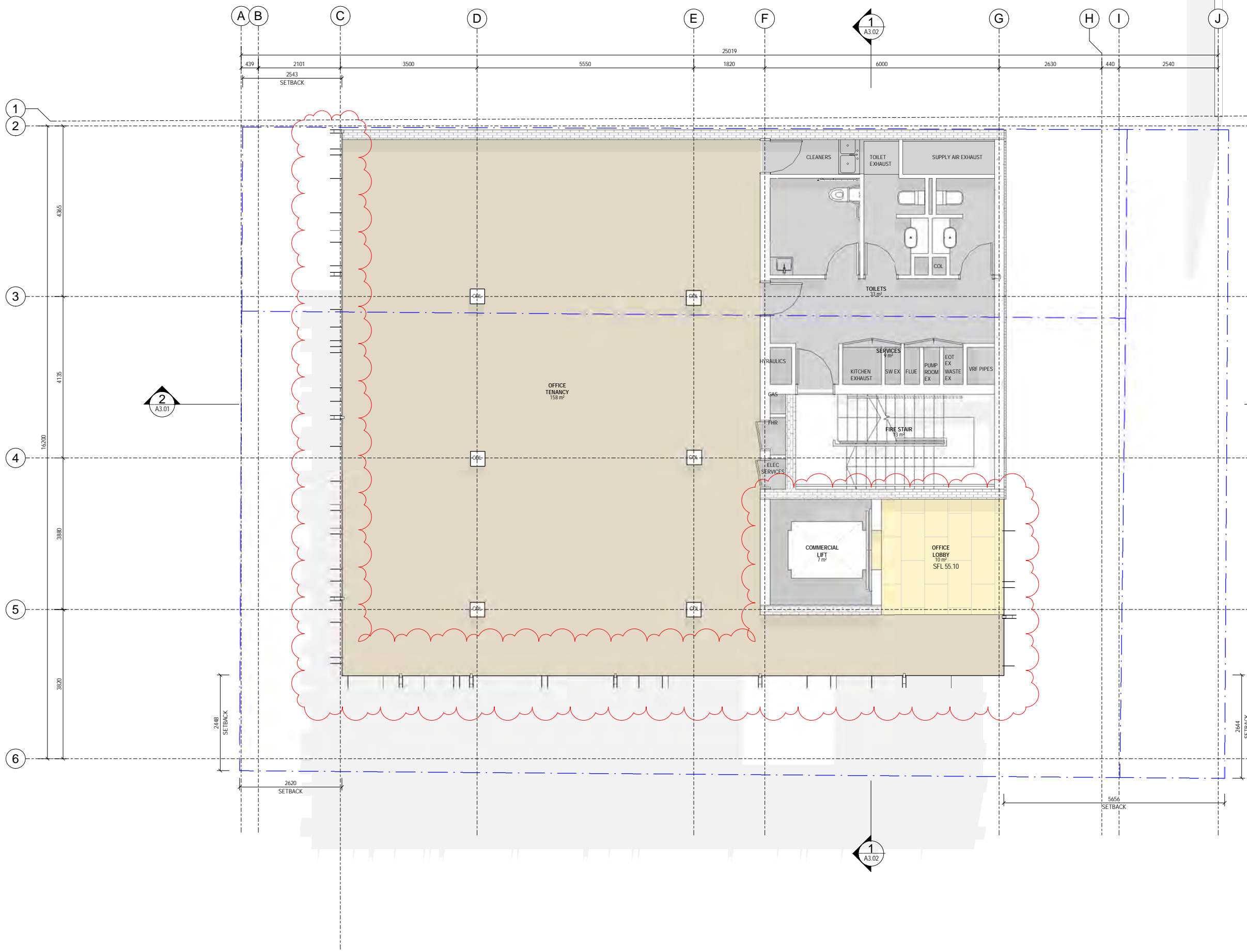


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Consultants

- N/A Project Manager
- TTW Structural Engineer
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Project Title

**186-190 LYGON STREET**  
No. 186-190 Lygon Street, Carlton 3053.

Drawing Title

**PROPOSED FLOOR PLAN - LEVEL 04**  
**FLOOR PLAN**

Drawing Status

**WORK IN PROGRESS**

Drawing Details

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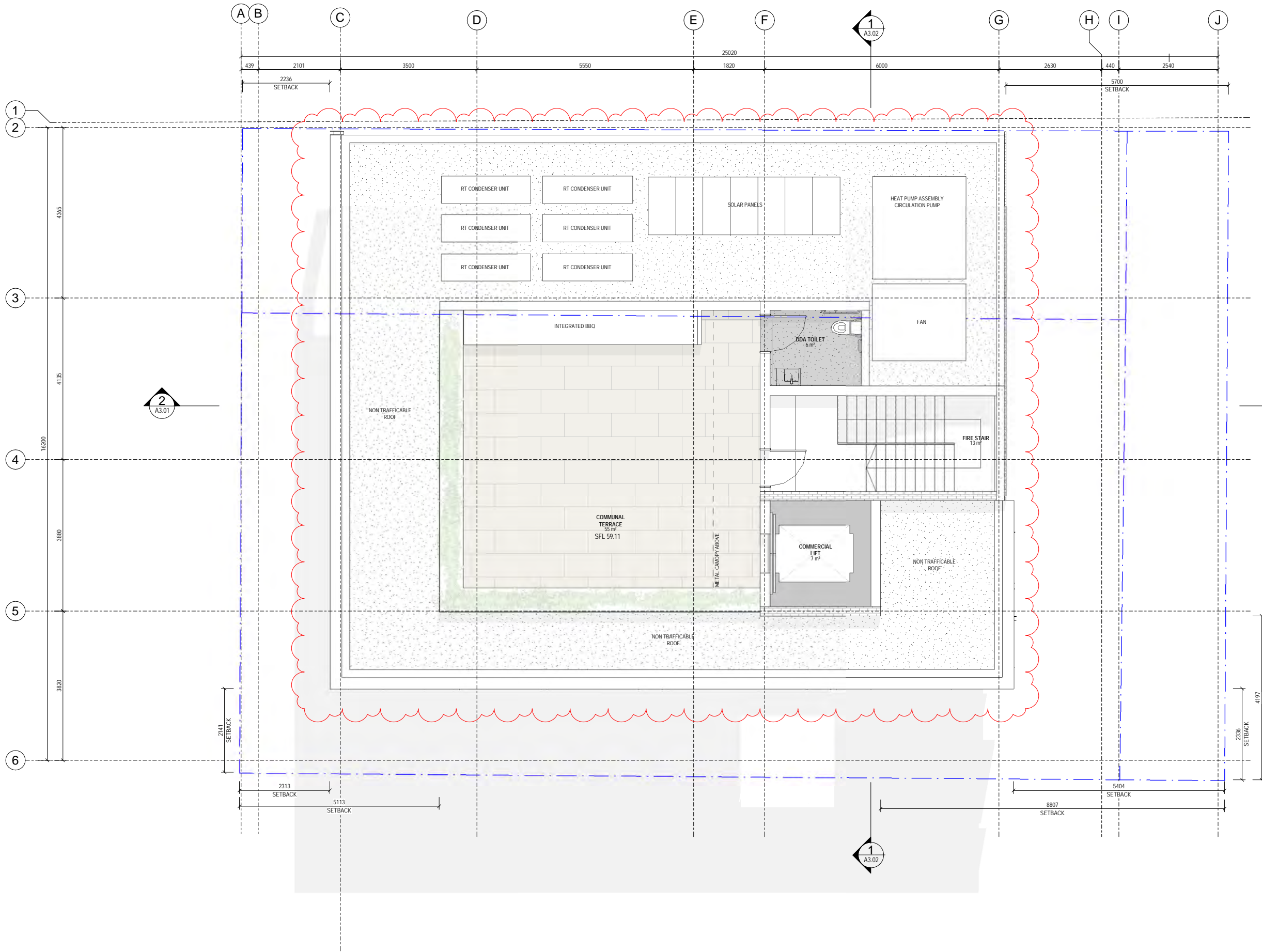
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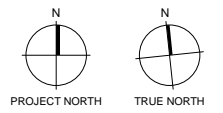




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**Drawing Title**  
**ROOF TERRACE PLAN**

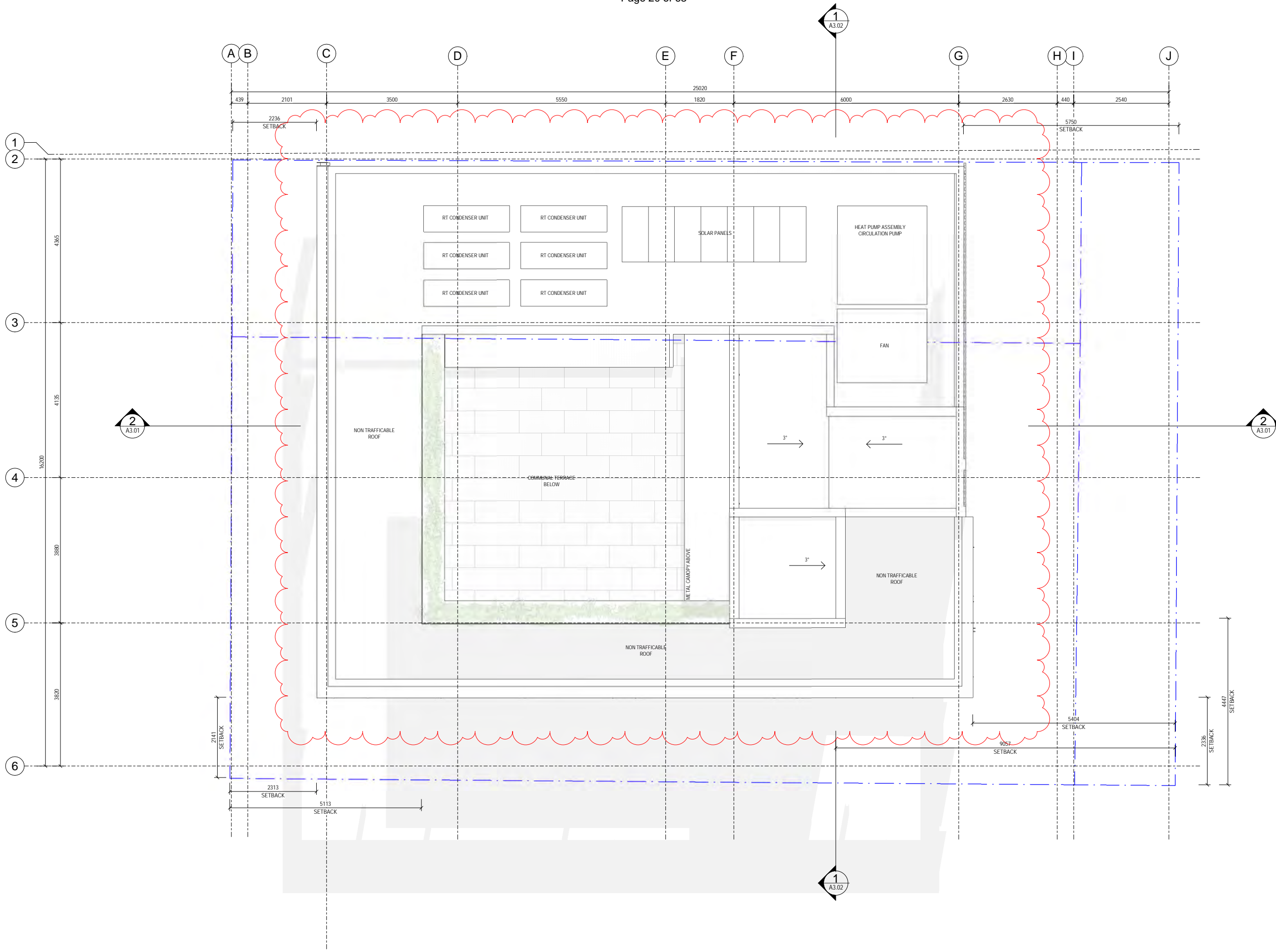
**Drawing Status**  
**WORK IN PROGRESS**

**Drawing Details**

Scale	1 : 50 @ A1
Date	15/02/2023 10:35:08 am
Job No	9855
Drawn	MC
Checked	ST

**Drawing No**  
**A1.06**





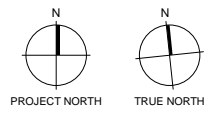
All dimension to be verified on site before producing shop drawings or commencing any work. Do not scale. The copyright of this drawing remains with Warren and Mahoney Architects Australia Pty Ltd.

Revisions

- A 10.12.21 FOR TOWN PLANNING
- B 21.12.21 FOR TOWN PLANNING
- C 29.07.22 FOR TOWN PLANNING
- D 12.12.22 FOR TOWN PLANNING - WITHOUT PREJUDICE
- E 15.02.23 FOR TOWN PLANNING - AMENDED PLANS

Notes

—



Consultants

- N/A Project Manager
- TTW Structural Engineer
- ADP Mechanical Engineer
- Scientific Fire Fire Engineer
- ADP Electrical Engineer

Client

— Madison Quay Pty Ltd

Warren and Mahoney Architects Australia Pty Ltd

Level 4, 141 Flinders Lane  
Melbourne VIC 3000  
Australia  
Phone + 61 3 8547 6977

Registered Architects and Designers  
www.warrenandmahoney.com

Project Title

**186-190 LYGON STREET**  
No. 186-190 Lygon Street, Carlton 3053.

Drawing Title

**ROOF PLAN**

Drawing Status

**WORK IN PROGRESS**

Drawing Details

Scale	1 : 50 @ A1
Date	15/02/2023 10:35:09 am
Job No	9855
Drawn	Author
Checked	Checker

Drawing No

**A1.07**

Revision

●



Revisions

- A 10.12.21 FOR TOWN PLANNING
- B 21.12.21 FOR TOWN PLANNING
- C 29.07.22 FOR TOWN PLANNING
- D 12.12.22 FOR TOWN PLANNING - WITHOUT PREJUDICE
- E 15.02.23 FOR TOWN PLANNING - AMENDED PLANS

Notes

- MATERIALS LEGEND**
- BR-01 PROFILED BRICKWORK. COLOUR/TEXTURE TO BE SELECTED
  - GL-01 FULL HEIGHT FRONT GLAZED THERMALLY BROKEN ALUMINIUM CURTAIN WALL. INSULATED BACKPAN TO SPANDREL PANELS WITH GLAZING TO MATCH
  - GL-02 FULL HEIGHT STEEL FRAMED BI-FOLDING CLEAR GLAZED SCREENS
  - GL-03 FRAMELESS GLASS BALUSTRADING
  - RC-01 NEW RENDER FINISH TO LOW HERITAGE WALLS TO MATCH EXISTING
  - SC-01 PERFORATED METAL SCREENING MAX 25% TRANSPARENT
  - PC-01 PRECAST CONCRETE WITH RECKLI FORMLINER RIBBED TEXTURE
  - PL-01 1100MM HIGH INTEGRATED STEEL PLATE PLANTER BOX
  - ST-01 100MM STEEL PLATE CANOPY POWDERCOAT IN DARK BRONZE
  - ST-02 40MM STEEL PLATE FINIS POWDERCOAT IN DARK BRONZE

Consultants

- N/A Project Manager
- TTW Structural Engineer
- ADP Mechanical Engineer
- Scientific Fire Fire Engineer
- ADP Electrical Engineer
- Client - Madison Quay Pty Ltd

**Warren and Mahoney Architects Australia Pty Ltd**  
 Level 4, 141 Flinders Lane  
 Melbourne VIC 3000  
 Australia  
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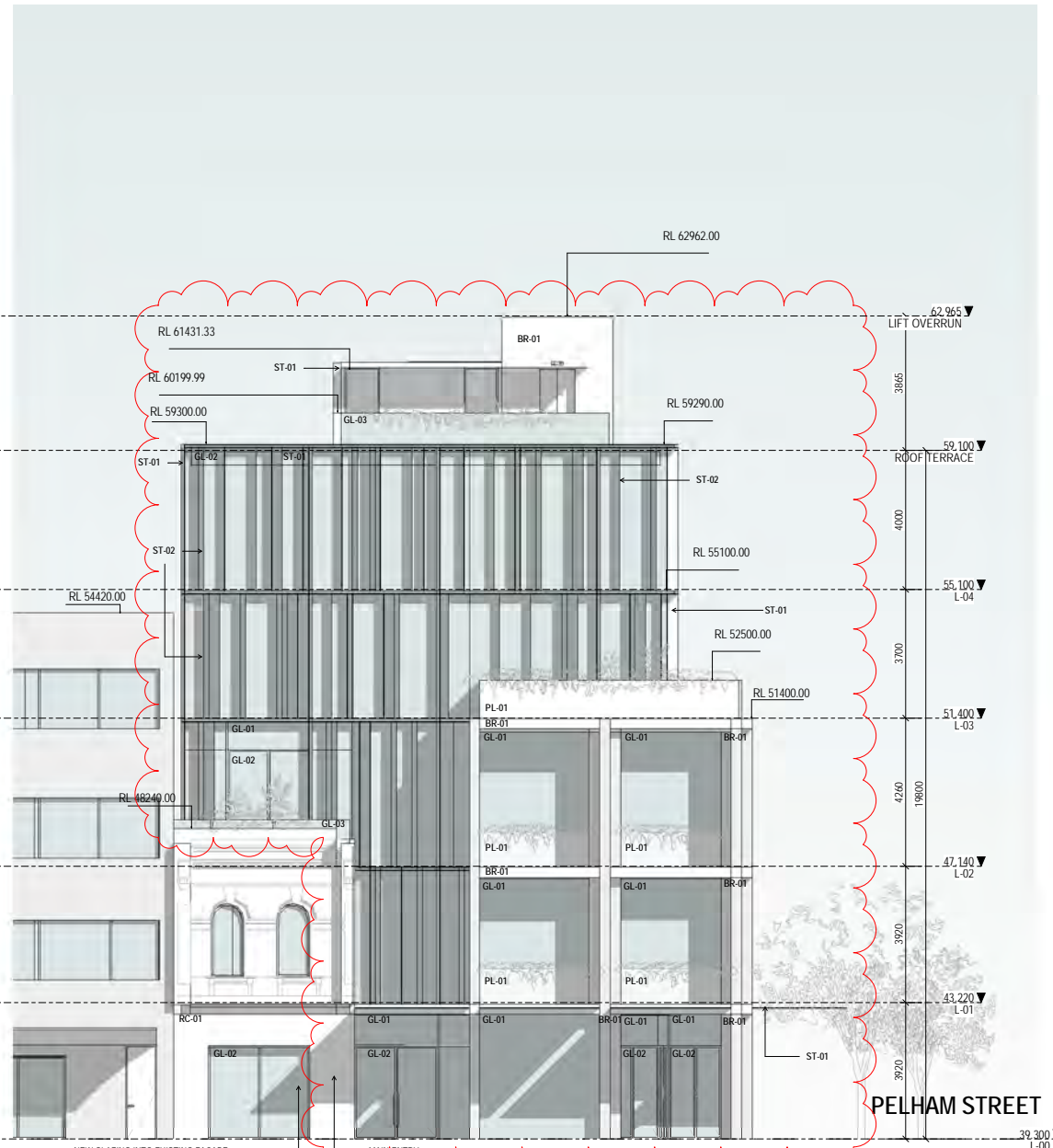
**Project Title**  
**186-190 LYGON STREET**  
 No. 186-190 Lygon Street, Carlton 3053.

**Drawing Title**  
**EXTERNAL ELEVATIONS**

**Drawing Status**  
**WORK IN PROGRESS**

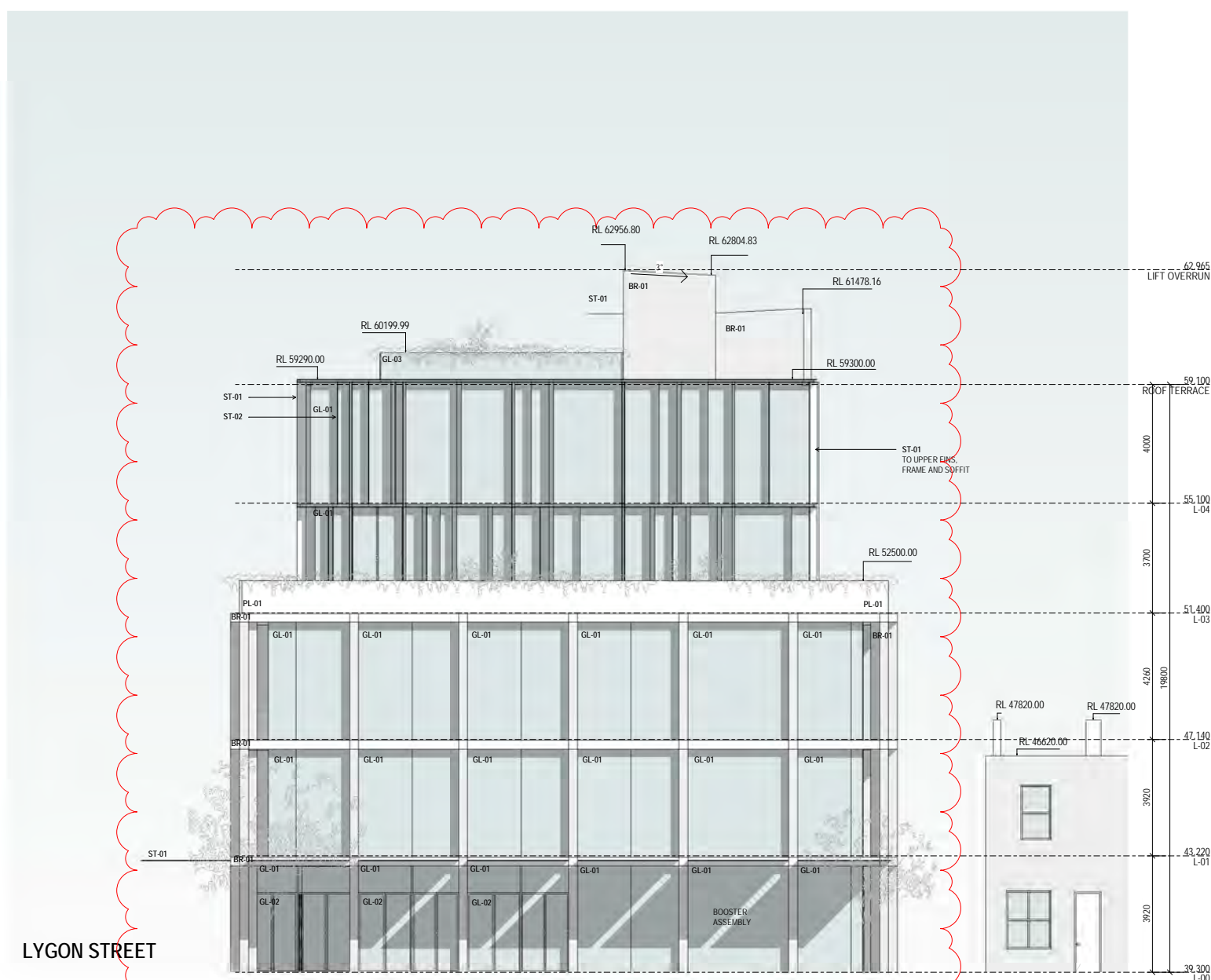
**Drawing Details**  
 Scale As indicated @ A1  
 Date 15/02/2023 10:35:12 am  
 Job No 9855  
 Drawn MC  
 Checked ST

**Drawing No**  
**A2.00**



**WEST ELEVATION**

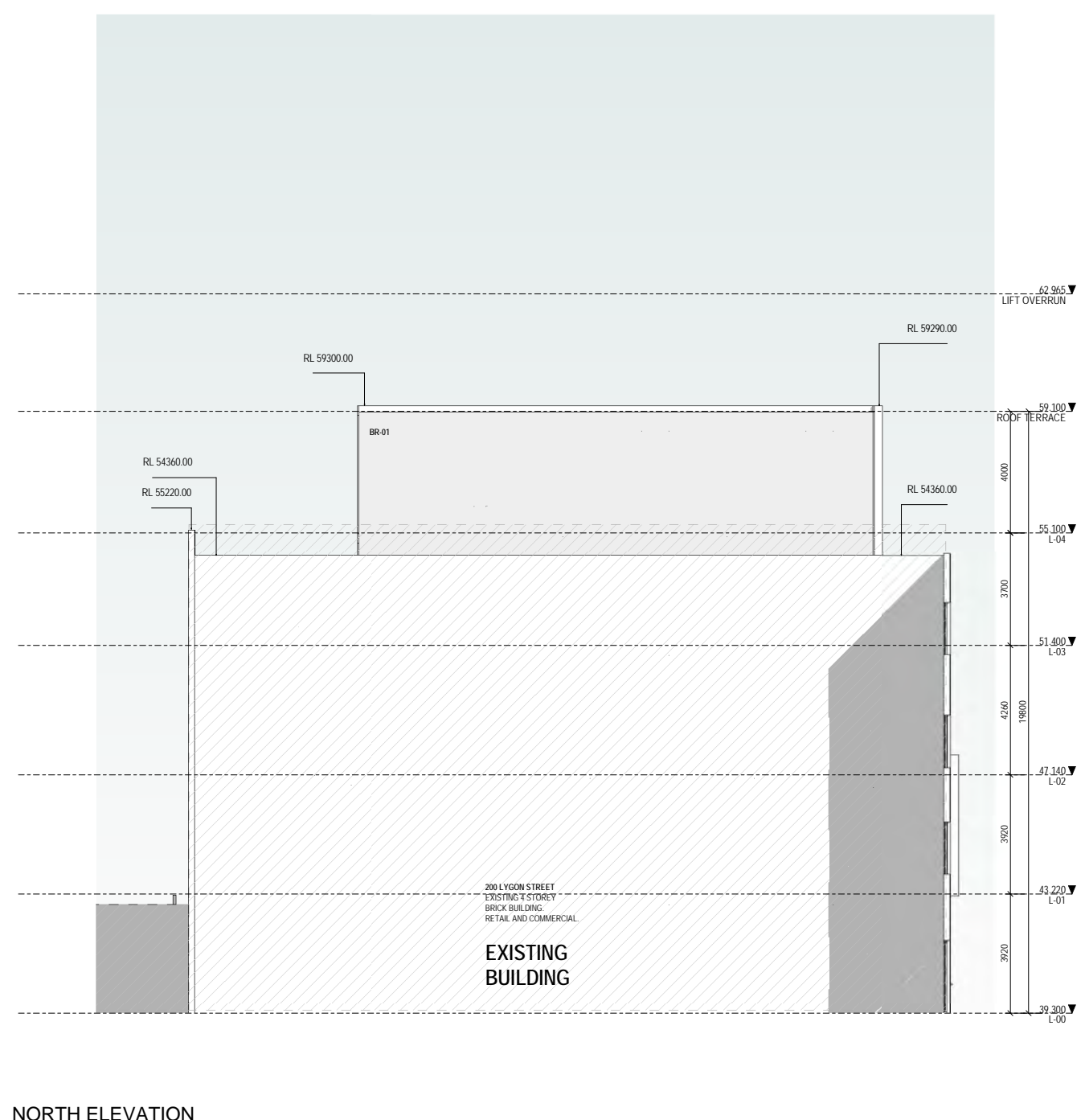
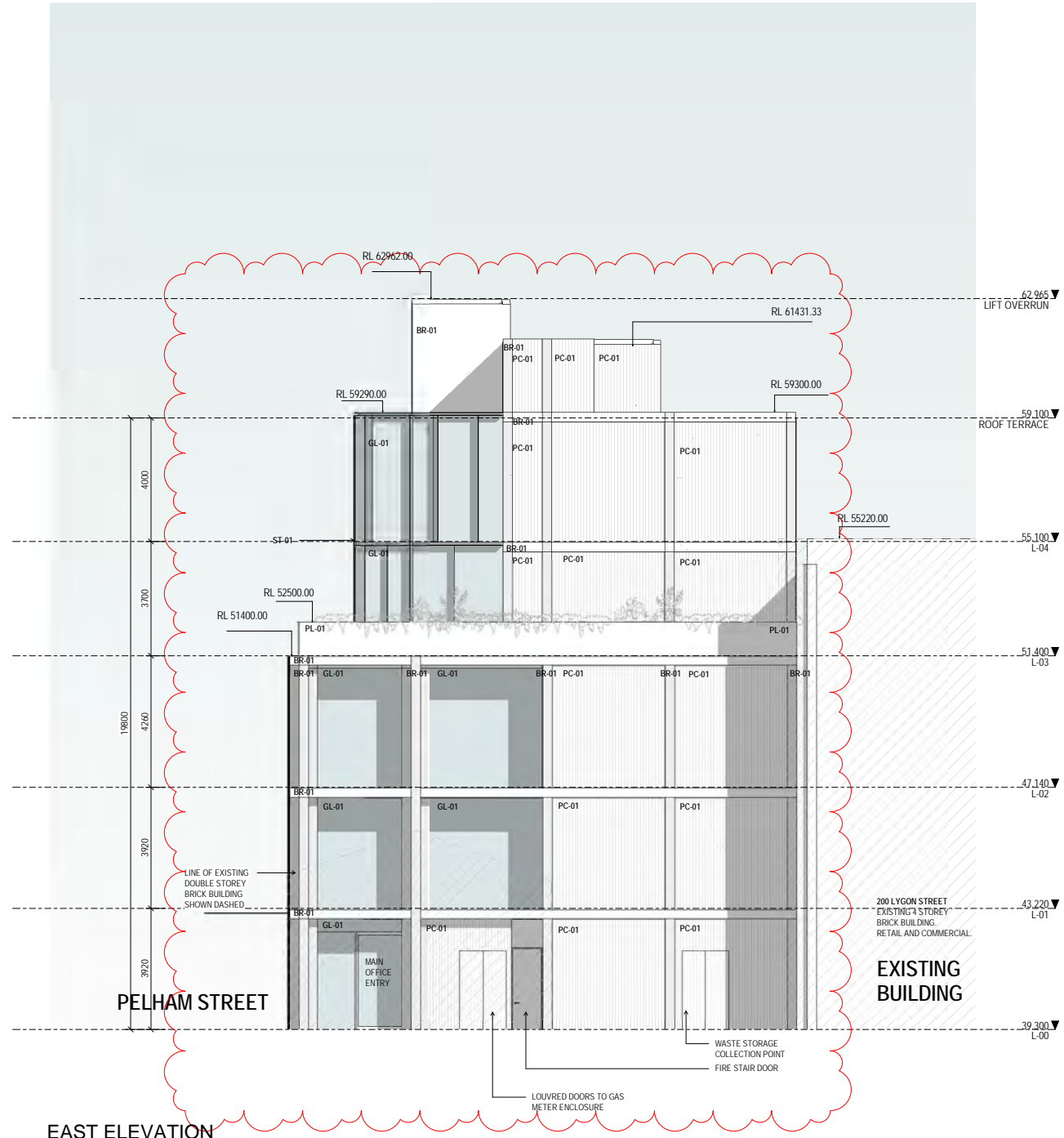
1 : 100



**SOUTH ELEVATION**

1 : 100

PRIVATE ACCESS



EAST ELEVATION

1:100

NORTH ELEVATION

1:100

Revisions

- A 10.12.21 FOR TOWN PLANNING
- B 21.12.21 FOR TOWN PLANNING
- C 29.07.22 FOR TOWN PLANNING
- D 12.12.22 FOR TOWN PLANNING - WITHOUT PREJUDICE
- E 15.02.23 FOR TOWN PLANNING - AMENDED PLANS

Notes

- MATERIALS LEGEND**
- BR-01  
PROFIED BRICKWORK. COLOUR/TEXTURE TO BE SELECTED
  - GL-01  
FULL HEIGHT FRONT GLAZED THERMALLY BROKEN ALUMINIUM CURTAIN WALL. INSULATED BACKPAN TO SPANDREL PANELS WITH GLAZING TO MATCH
  - GL-02  
FULL HEIGHT STEEL FRAMED BI-FOLDING CLEAR GLAZED SCREENS
  - GL-03  
FRAMELESS GLASS BALUSTRADING
  - RC-01  
NEW RENDER FINISH TO LOW HERITAGE WALLS TO MATCH EXISTING
  - SC-01  
PERFORATED METAL SCREENING MAX 25% TRANSPARENT
  - PC-01  
PRECAST CONCRETE WITH RECKLI FORMLINER RIBBED TEXTURE
  - PL-01  
1100MM HIGH INTEGRATED STEEL PLATE PLANTER BOX
  - ST-01  
100MM STEEL PLATE CANOPY. POWDERCOAT IN DARK BRONZE
  - ST-02  
6MM STEEL PLATE FINS. POWDERCOAT IN DARK BRONZE

Consultants

- N/A Project Manager
- TTW Structural Engineer
- ADP Mechanical Engineer
- Scientific Fire Fire Engineer
- ADP Electrical Engineer
- Client  
Madison Quay Pty Ltd

Warren and Mahoney Architects Australia Pty Ltd

Level 4, 141 Flinders Lane  
Melbourne VIC 3000  
Australia  
Phone + 61 3 8547 6977

Registered Architects and Designers  
www.warrenandmahoney.com

**Project Title**  
**186-190 LYGON STREET**  
No. 186-190 Lygon Street, Carlton 3053.

Drawing Title

EXTERNAL ELEVATIONS

Drawing Status

WORK IN PROGRESS

Drawing Details

Scale	As indicated @ A1
Date	15/02/2023 10:35:15 am
Job No	9855
Drawn	MC
Checked	ST

Drawing No  
A2.01



Revisions

- A 10.12.21 FOR TOWN PLANNING
- B 21.12.21 FOR TOWN PLANNING
- C 29.07.22 FOR TOWN PLANNING
- D 15.02.23 FOR TOWN PLANNING - AMENDED PLANS

Notes

—

Consultants

- N/A Project Manager
- TTW Structural Engineer
- ADP Mechanical Engineer
- Scientific Fire Fire Engineer
- ADP Electrical Engineer

Client

Madison Quay Pty Ltd

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Project Title

186-190 LYGON STREET

No. 186-190 Lygon Street, Carlton 3053.

Drawing Title

STREETSCAPE

Drawing Status

WORK IN PROGRESS

Drawing Details

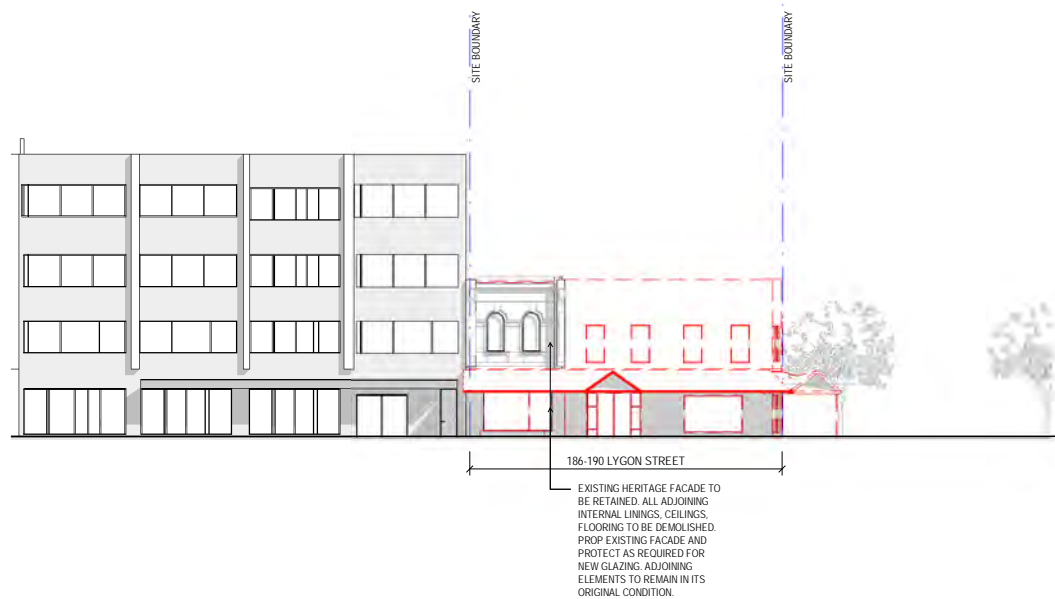
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Date 15/02/2023 10:35:19 am  
Job No 9855  
Drawn MC  
Checked ST

Drawing No

A2.02

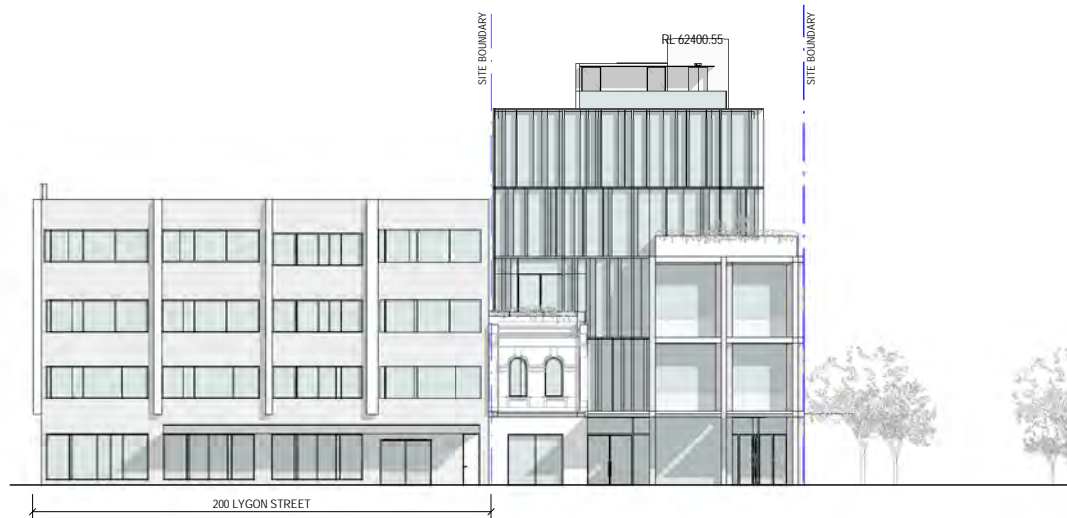
Revision

●



WEST ELEVATION EXISTING STREETSCAPE

1 : 200



WEST ELEVATION PROPOSED STREETSCAPE

1 : 200



SOUTH ELEVATION EXISTING STREETSCAPE

1 : 200



SOUTH ELEVATION PROPOSED STREETSCAPE

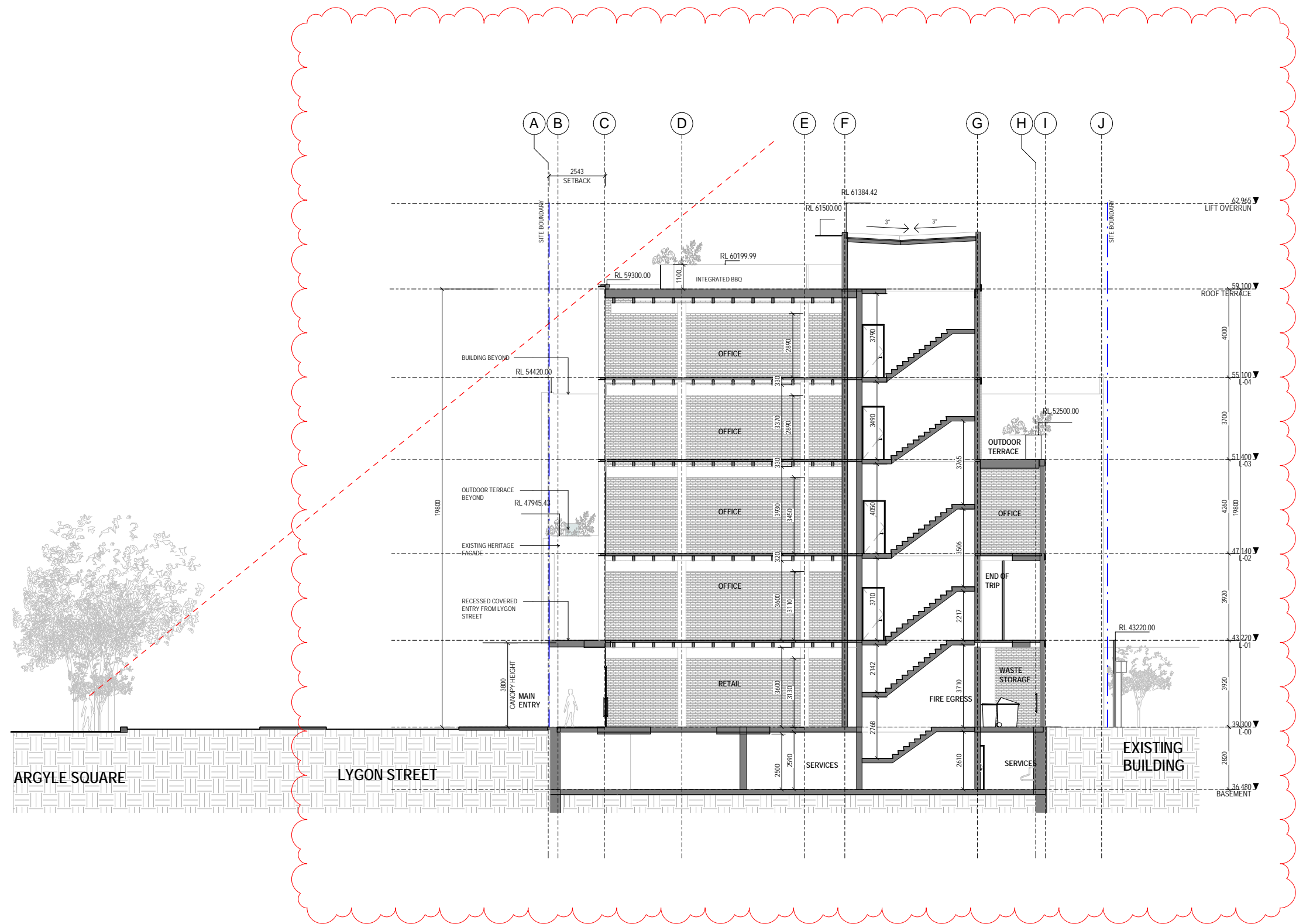
1 : 200

Revisions

- A 10.12.21 FOR TOWN PLANNING
- B 21.12.21 FOR TOWN PLANNING
- C 29.07.22 FOR TOWN PLANNING
- D 12.12.22 FOR TOWN PLANNING - WITHOUT PREJUDICE
- E 15.02.23 FOR TOWN PLANNING - AMENDED PLANS

Notes

—



Consultants

- N/A Project Manager
- TTW Structural Engineer
- ADP Mechanical Engineer
- Scientific Fire Fire Engineer
- ADP Electrical Engineer

Client

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Warren and Mahoney Architects Australia Pty Ltd

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Melbourne VIC 3000  
Australia  
Phone + 61 3 8547 6977

Registered Architects and Designers  
www.warrenandmahoney.com

Project Title

**186-190 LYGON STREET**  
No. 186-190 Lygon Street, Carlton 3053.

Drawing Title

SECTIONS

Drawing Status

WORK IN PROGRESS

Drawing Details

Scale	1 : 100 @ A1
Date	15/02/2023 10:35:24 am
Job No	9855
Drawn	MC
Checked	ST

Drawing No

A3.01

Revision

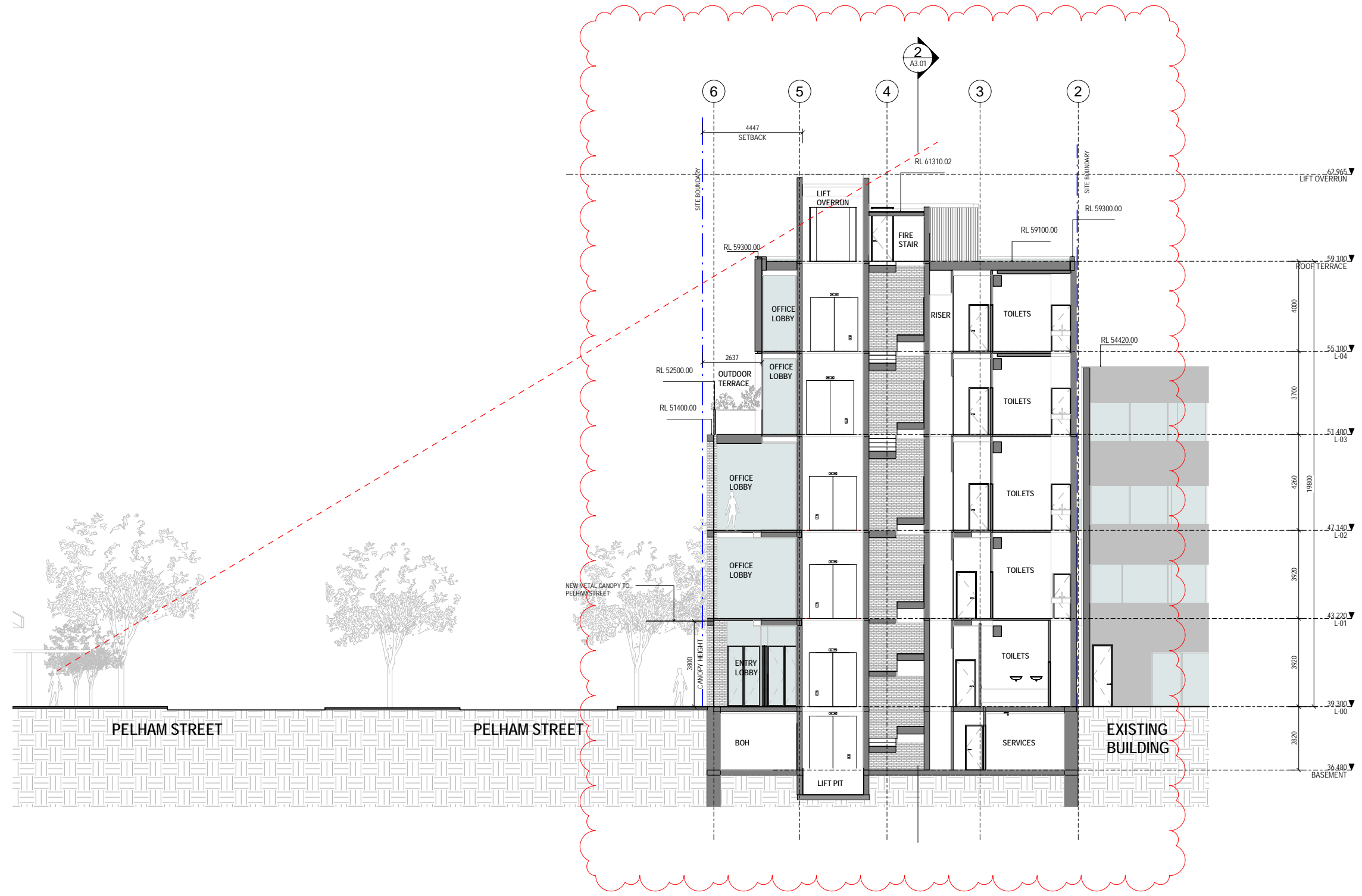
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Revisions

- A 10.12.21 FOR TOWN PLANNING
- B 21.12.21 FOR TOWN PLANNING
- C 29.07.22 FOR TOWN PLANNING
- D 12.12.22 FOR TOWN PLANNING - WITHOUT PREJUDICE
- E 15.02.23 FOR TOWN PLANNING - AMENDED PLANS

Notes



Consultants

- N/A Project Manager
- TTW Structural Engineer
- ADP Mechanical Engineer
- Scientific Fire Fire Engineer
- ADP Electrical Engineer

Client

Madison Quay Pty Ltd

Warren and Mahoney Architects Australia Pty Ltd

Level 4, 141 Flinders Lane  
Melbourne VIC 3000  
Australia  
Phone + 61 3 8547 6977

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Project Title

**186-190 LYGON STREET**  
No. 186-190 Lygon Street, Carlton 3053.

Drawing Title

**SECTIONS 2**

Drawing Status

**WORK IN PROGRESS**

Drawing Details

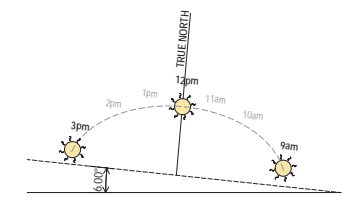
Scale 1 : 100 @ A1  
Date 15/02/2023 10:35:26 am  
Job No 9855  
Drawn MC  
Checked ST

Drawing No

**A3.02**

Revision

●



LOCATION: 186-190 LYGON STREET, CARLTON 3053.  
 LATITUDE: -37.80266°S (37° 48' 9.56")  
 LONGITUDE: 144.96687°E (145° 58' 0.72")  
 DATE: SPRING EQUINOX - 22nd SEPTEMBER  
 TIME ZONE: +10:00 HRS - AEST

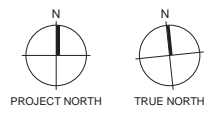
TIME	ALTITUDE	AZIMUTH	SHADOW LENGTH (per 1m)
10:00 am	41.13°	46.67°	1.15m
11:00 am	48.37°	28.09°	0.89m
12:00 pm	51.81°	5.23°	0.79m
1:00 pm	50.43°	341.32°	0.83m
2:00 pm	44.66°	320.71°	1.01m
3:00 pm	35.95°	304.64°	1.38m

PROPOSED SCHEME SHADOW  
 EXISTING CONDITIONS SHADOW

All dimension to be verified on site before producing shop drawings or commencing any work. Do not scale. The copyright of this drawing remains with Warren and Mahoney Architects Australia Pty Ltd.

- Revisions**
- A 10.12.21 FOR TOWN PLANNING
  - B 21.12.21 FOR TOWN PLANNING
  - C 15.02.23 FOR TOWN PLANNING - AMENDED PLANS

**Notes**



- Consultants**
- N/A Project Manager
  - TTW Structural Engineer
  - ADP Mechanical Engineer
  - Scientific Fire Fire Engineer
  - ADP Electrical Engineer
- Client**
- Madison Quay Pty Ltd

**Warren and Mahoney Architects Australia Pty Ltd**  
 Level 4, 141 Flinders Lane  
 Melbourne VIC 3000  
 Australia  
 Phone + 61 3 8547 6977

Registered Architects and Designers  
[www.warrenandmahoney.com](http://www.warrenandmahoney.com)  
**Project Title**  
**186-190 LYGON STREET**  
 No. 186-190 Lygon Street, Carlton 3053.

**Drawing Title**  
**SHADOW DIAGRAM**  
**SPRING EQUINOX -**  
**22nd SEP. 10am**

**Drawing Status**  
**WORK IN PROGRESS**

**Drawing Details**

Scale	As indicated @ A1
Date	15/02/2023 10:35:33 am
Job No	9855
Drawn	MC
Checked	ST

**Drawing No**  
**A11.07**

**Revision**

**SPRING EQUINOX 10AM**

<b>68-70 PELHAM STREET</b>		
TOTAL REAR YARD	62 SCM	
EXISTING SHADOWED REAR YARD	55 SCM (88%)	
ADDITIONAL SHADOWED REAR YARD	55 SCM (88%)	NO CHANGES
<b>66 PELHAM STREET</b>		
TOTAL REAR YARD	N/A (NO CHANGES)	
EXISTING SHADOWED REAR YARD	N/A (NO CHANGES)	
ADDITIONAL SHADOWED REAR YARD	N/A (NO CHANGES)	
<b>64 PELHAM STREET</b>		
TOTAL REAR YARD	N/A (NO CHANGES)	
EXISTING SHADOWED REAR YARD	N/A (NO CHANGES)	
ADDITIONAL SHADOWED REAR YARD	N/A (NO CHANGES)	
<b>62 PELHAM STREET</b>		
TOTAL REAR YARD	N/A (NO CHANGES)	
EXISTING SHADOWED REAR YARD	N/A (NO CHANGES)	
ADDITIONAL SHADOWED REAR YARD	N/A (NO CHANGES)	
<b>60 PELHAM STREET</b>		
TOTAL REAR YARD	N/A (NO CHANGES)	
EXISTING SHADOWED REAR YARD	N/A (NO CHANGES)	
ADDITIONAL SHADOWED REAR YARD	N/A (NO CHANGES)	

174 LYGON STREET  
 EXISTING 2 STOREY  
 BRICK AND RENDERED BUILDING  
 WITH STEEL FLAT ROOF AND  
 CORRUGATED IRON ROOF.  
 RETAIL AND COMMERCIAL

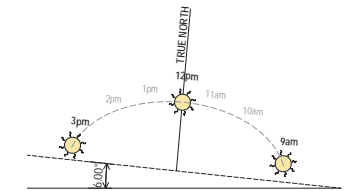
55-75 PELHAM STREET  
 EXISTING 3 STOREY BRICK BUILDING  
 RETAIL ON GROUND FLOOR AND  
 RESIDENTIAL ABOVE



Revisions

- A 10.12.21 FOR TOWN PLANNING
- B 21.12.21 FOR TOWN PLANNING
- C 15.02.23 FOR TOWN PLANNING - AMENDED PLANS

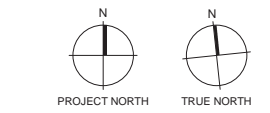
Notes



LOCATION: 186-190 LYGON STREET, CARLTON 3053.  
 LATITUDE: -37.80266°S (37° 48' 9.56")  
 LONGITUDE: 144.96687°E (145° 58' 0.72")  
 DATE: SPRING EQUINOX - 22nd SEPTEMBER  
 TIME ZONE: +10:00 HRS - AEST

TIME	ALTITUDE	AZIMUTH	SHADOW LENGTH (per 1m)
10:00 am	41.13°	46.67°	1.15m
11:00 am	48.37°	28.09°	0.89m
12:00 pm	51.81°	5.23°	0.79m
1:00 pm	50.43°	341.32°	0.83m
2:00 pm	44.66°	320.71°	1.01m
3:00 pm	35.95°	304.64°	1.38m

PROPOSED SCHEME SHADOW  
 EXISTING CONDITIONS SHADOW



Consultants

- N/A Project Manager
- TTW Structural Engineer
- ADP Mechanical Engineer
- Scientific Fire Fire Engineer
- ADP Electrical Engineer

Client

Madison Quay Pty Ltd

Warren and Mahoney Architects Australia Pty Ltd

Level 4, 141 Flinders Lane  
 Melbourne VIC 3000  
 Australia  
 Phone + 61 3 8547 6977

Registered Architects and Designers  
[www.warrenandmahoney.com](http://www.warrenandmahoney.com)

Project Title

**186-190 LYGON STREET**

No. 186-190 Lygon Street, Carlton 3053.

Drawing Title

**SHADOW DIAGRAM  
 SPRING EQUINOX -  
 22nd SEP. 11am**

Drawing Status

**WORK IN PROGRESS**

Drawing Details

Scale	As indicated @ A1
Date	15/02/2023 10:35:35 am
Job No	9855
Drawn	MC
Checked	ST

Drawing No

A11.08

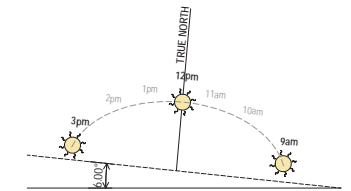
Revision

●



SPRING EQUINOX 11AM

68-70 PELHAM STREET	62 SOM
TOTAL REAR YARD	39 SOM (62%)
EXISTING SHADOWED REAR YARD	39 SOM (62%) NO CHANGES
ADDITIONAL SHADOWED REAR YARD	
66 PELHAM STREET	N/A (NO CHANGES)
TOTAL REAR YARD	N/A (NO CHANGES)
EXISTING SHADOWED REAR YARD	N/A (NO CHANGES)
ADDITIONAL SHADOWED REAR YARD	N/A (NO CHANGES)
64 PELHAM STREET	N/A (NO CHANGES)
TOTAL REAR YARD	N/A (NO CHANGES)
EXISTING SHADOWED REAR YARD	N/A (NO CHANGES)
ADDITIONAL SHADOWED REAR YARD	N/A (NO CHANGES)
62 PELHAM STREET	N/A (NO CHANGES)
TOTAL REAR YARD	N/A (NO CHANGES)
EXISTING SHADOWED REAR YARD	N/A (NO CHANGES)
ADDITIONAL SHADOWED REAR YARD	N/A (NO CHANGES)
60 PELHAM STREET	N/A (NO CHANGES)
TOTAL REAR YARD	N/A (NO CHANGES)
EXISTING SHADOWED REAR YARD	N/A (NO CHANGES)
ADDITIONAL SHADOWED REAR YARD	N/A (NO CHANGES)



LOCATION: 186-190 LYGON STREET, CARLTON 3053.  
 LATITUDE: -37.80266°S (37° 48' 9.56")  
 LONGITUDE: 144.96687°E (145° 58' 0.72")  
 DATE: SPRING EQUINOX - 22nd SEPTEMBER  
 TIME\_ZONE: +10:00 HRS - AEST

TIME	ALTITUDE	AZIMUTH	SHADOW LENGTH (per 1m)
10:00 am	41.13°	46.67°	1.15m
11:00 am	48.37°	28.09°	0.89m
12:00 pm	51.81°	5.23°	0.79m
1:00 pm	50.43°	341.32°	0.83m
2:00 pm	44.66°	320.71°	1.01m
3:00 pm	35.95°	304.64°	1.38m

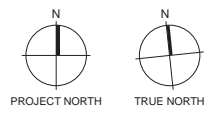
■ PROPOSED SCHEME SHADOW  
 ■ EXISTING CONDITIONS SHADOW

Revisions

- A 10.12.21 FOR TOWN PLANNING
- B 21.12.21 FOR TOWN PLANNING
- C 15.02.23 FOR TOWN PLANNING - AMENDED PLANS

Notes

—



Consultants

- N/A Project Manager
- TTW Structural Engineer
- ADP Mechanical Engineer
- Scientific Fire Fire Engineer
- ADP Electrical Engineer

Client

— Madison Quay Pty Ltd

Warren and Mahoney Architects Australia Pty Ltd

Level 4, 141 Flinders Lane  
 Melbourne VIC 3000  
 Australia  
 Phone + 61 3 8547 6977

Registered Architects and Designers  
[www.warrenandmahoney.com](http://www.warrenandmahoney.com)

Project Title

186-190 LYGON STREET

No. 186-190 Lygon Street, Carlton 3053.

Drawing Title

SHADOW DIAGRAM  
 SPRING EQUINOX -  
 22nd SEP. 12pm

Drawing Status

WORK IN PROGRESS

Drawing Details

Scale	As indicated @ A1
Date	15/02/2023 10:35:37 am
Job No	9855
Drawn	MC
Checked	ST

Drawing No

— A11.09

Revision

— ●

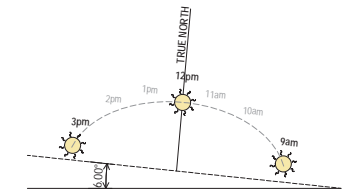
SPRING EQUINOX 12PM

68-70 PELHAM STREET	
TOTAL REAR YARD	62 SQM
EXISTING SHADOWED REAR YARD	32 SQM (51%)
ADDITIONAL SHADOWED REAR YARD	32 SQM (51%) NO CHANGES
66 PELHAM STREET	
TOTAL REAR YARD	N/A (NO CHANGES)
EXISTING SHADOWED REAR YARD	N/A (NO CHANGES)
ADDITIONAL SHADOWED REAR YARD	N/A (NO CHANGES)
64 PELHAM STREET	
TOTAL REAR YARD	N/A (NO CHANGES)
EXISTING SHADOWED REAR YARD	N/A (NO CHANGES)
ADDITIONAL SHADOWED REAR YARD	N/A (NO CHANGES)
62 PELHAM STREET	
TOTAL REAR YARD	N/A (NO CHANGES)
EXISTING SHADOWED REAR YARD	N/A (NO CHANGES)
ADDITIONAL SHADOWED REAR YARD	N/A (NO CHANGES)
60 PELHAM STREET	
TOTAL REAR YARD	N/A (NO CHANGES)
EXISTING SHADOWED REAR YARD	N/A (NO CHANGES)
ADDITIONAL SHADOWED REAR YARD	N/A (NO CHANGES)

174 LYGON STREET  
 EXISTING 2 STOREY  
 BRICK AND RENDERED BUILDING  
 WITH STEEL FLAT ROOF AND  
 CORRUGATED IRON ROOF.  
 RETAIL AND COMMERCIAL

55-75 PELHAM STREET  
 EXISTING 3 STOREY BRICK BUILDING  
 RETAIL ON GROUND FLOOR AND  
 RESIDENTIAL ABOVE





LOCATION: 186-190 LYGON STREET, CARLTON 3053.  
 LATITUDE: -37.80266°S (37° 48' 9.56")  
 LONGITUDE: 144.96687°E (145° 58' 0.72")  
 DATE: SPRING EQUINOX - 22nd SEPTEMBER  
 TIME\_ZONE: +10:00 HRS - AEST

TIME	ALTITUDE	AZIMUTH	SHADOW LENGTH (per 1m)
10:00 am	41.13°	46.67°	1.15m
11:00 am	48.37°	28.09°	0.89m
12:00 pm	51.81°	5.23°	0.79m
1:00 pm	50.43°	341.32°	0.83m
2:00 pm	44.66°	320.71°	1.01m
3:00 pm	35.95°	304.64°	1.38m

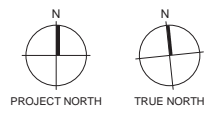
PROPOSED SCHEME SHADOW  
 EXISTING CONDITIONS SHADOW

Revisions

- A 10.12.21 FOR TOWN PLANNING
- B 21.12.21 FOR TOWN PLANNING
- C 15.02.23 FOR TOWN PLANNING - AMENDED PLANS

Notes

—



Consultants

- N/A Project Manager
- TTW Structural Engineer
- ADP Mechanical Engineer
- Scientific Fire Fire Engineer
- ADP Electrical Engineer

Client

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Warren and Mahoney Architects Australia Pty Ltd

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 Phone + 61 3 8547 6977

Registered Architects and Designers  
 www.warrenandmahoney.com

Project Title

186-190 LYGON STREET  
 No. 186-190 Lygon Street, Carlton 3053.

Drawing Title

SHADOW DIAGRAM  
 SPRING EQUINOX -  
 22nd SEP. 1pm

Drawing Status

WORK IN PROGRESS

Drawing Details

Scale	As indicated @ A1
Date	15/02/2023 10:35:39 am
Job No	9855
Drawn	MC
Checked	ST

Drawing No

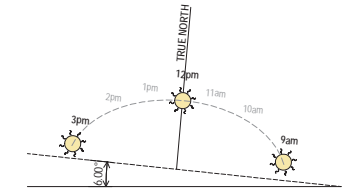
A11.10

Revision

●

SPRING EQUINOX 1PM

68-70 PELHAM STREET	
TOTAL REAR YARD	62 SQM
EXISTING SHADOWED REAR YARD	52 SQM (83%)
ADDITIONAL SHADOWED REAR YARD	52 SQM (83%) NO CHANGES
66 PELHAM STREET	
TOTAL REAR YARD	N/A (NO CHANGES)
EXISTING SHADOWED REAR YARD	N/A (NO CHANGES)
ADDITIONAL SHADOWED REAR YARD	N/A (NO CHANGES)
64 PELHAM STREET	
TOTAL REAR YARD	N/A (NO CHANGES)
EXISTING SHADOWED REAR YARD	N/A (NO CHANGES)
ADDITIONAL SHADOWED REAR YARD	N/A (NO CHANGES)
62 PELHAM STREET	
TOTAL REAR YARD	N/A (NO CHANGES)
EXISTING SHADOWED REAR YARD	N/A (NO CHANGES)
ADDITIONAL SHADOWED REAR YARD	N/A (NO CHANGES)
60 PELHAM STREET	
TOTAL REAR YARD	N/A (NO CHANGES)
EXISTING SHADOWED REAR YARD	N/A (NO CHANGES)
ADDITIONAL SHADOWED REAR YARD	N/A (NO CHANGES)



LOCATION: 186-190 LYGON STREET, CARLTON 3053.  
 LATITUDE: -37.80266°S (37° 48' 9.56")  
 LONGITUDE: 144.96687°E (145° 58' 0.72")  
 DATE: SPRING EQUINOX - 22nd SEPTEMBER  
 TIME ZONE: +10:00 HRS - AEST

TIME	ALTITUDE	AZIMUTH	SHADOW LENGTH (per 1m)
10:00 am	41.13°	46.67°	1.15m
11:00 am	48.37°	28.09°	0.89m
12:00 pm	51.81°	5.23°	0.79m
1:00 pm	50.43°	341.32°	0.83m
2:00 pm	44.66°	320.71°	1.01m
3:00 pm	35.95°	304.64°	1.38m

PROPOSED SCHEME SHADOW  
 EXISTING CONDITIONS SHADOW

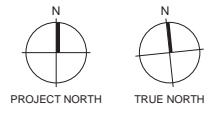
All dimension to be verified on site before producing shop drawings or commencing any work. Do not scale. The copyright of this drawing remains with Warren and Mahoney Architects Australia Pty Ltd.

**Revisions**

- A 10.12.21 FOR TOWN PLANNING
- B 21.12.21 FOR TOWN PLANNING
- C 15.02.23 FOR TOWN PLANNING - AMENDED PLANS

**Notes**

—



**Consultants**

—  
 N/A Project Manager  
 TTW Structural Engineer  
 ADP Mechanical Engineer  
 Scientific Fire Fire Engineer  
 ADP Electrical Engineer

**Client**

—  
 Madison Quay Pty Ltd

**Warren and Mahoney Architects Australia Pty Ltd**

—  
 Level 4, 141 Flinders Lane  
 Melbourne VIC 3000  
 Australia  
 Phone + 61 3 8547 6977

**Registered Architects and Designers**

www.warrenandmahoney.com

**Project Title**

—  
**186-190 LYGON STREET**  
 No. 186-190 Lygon Street, Carlton 3053.

**Drawing Title**

—  
**SHADOW DIAGRAM**  
**SPRING EQUINOX -**  
**22nd SEP. 2pm**

**Drawing Status**

—  
**WORK IN PROGRESS**

**Drawing Details**

Scale	As indicated @ A1
Date	15/02/2023 10:35:41 am
Job No	9855
Drawn	MC
Checked	ST

**Drawing No**

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 A11.11

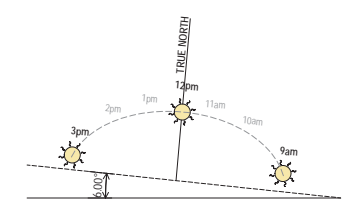
**Revision**



SPRING EQUINOX 2PM

68-70 PELHAM STREET	
TOTAL REAR YARD	62 SOM
EXISTING SHADOWED REAR YARD	62 SOM (100%)
ADDITIONAL SHADOWED REAR YARD	62 SOM (100%) NO CHANGES
66 PELHAM STREET	
TOTAL REAR YARD	N/A (NO CHANGES)
EXISTING SHADOWED REAR YARD	N/A (NO CHANGES)
ADDITIONAL SHADOWED REAR YARD	N/A (NO CHANGES)
64 PELHAM STREET	
TOTAL REAR YARD	N/A (NO CHANGES)
EXISTING SHADOWED REAR YARD	N/A (NO CHANGES)
ADDITIONAL SHADOWED REAR YARD	N/A (NO CHANGES)
62 PELHAM STREET	
TOTAL REAR YARD	N/A (NO CHANGES)
EXISTING SHADOWED REAR YARD	N/A (NO CHANGES)
ADDITIONAL SHADOWED REAR YARD	N/A (NO CHANGES)
60 PELHAM STREET	
TOTAL REAR YARD	N/A (NO CHANGES)
EXISTING SHADOWED REAR YARD	N/A (NO CHANGES)
ADDITIONAL SHADOWED REAR YARD	N/A (NO CHANGES)





LOCATION: 186-190 LYGON STREET, CARLTON 3053.  
 LATITUDE: -37.80266°S (37° 48' 9.56")  
 LONGITUDE: 144.96687°E (145° 58' 0.72")  
 DATE: SPRING EQUINOX - 22nd SEPTEMBER  
 TIME ZONE: +10:00 HRS - AEST

TIME	ALTITUDE	AZMUTH	SHADOW LENGTH (per 1m)
10:00 am	41.13°	46.67°	1.15m
11:00 am	48.37°	28.09°	0.89m
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2:00 pm	44.66°	320.71°	1.01m
3:00 pm	35.95°	304.64°	1.38m

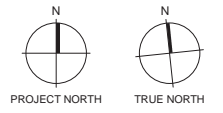
PROPOSED SCHEME SHADOW  
 EXISTING CONDITIONS SHADOW

All dimension to be verified on site before producing shop drawings or commencing any work. Do not scale. The copyright of this drawing remains with Warren and Mahoney Architects Australia Pty Ltd.

**Revisions**

A 10.12.21 FOR TOWN PLANNING  
 B 21.12.21 FOR TOWN PLANNING  
 C 15.02.23 FOR TOWN PLANNING - AMENDED PLANS

**Notes**



**Consultants**

N/A  
 Project Manager  
 TTW Structural Engineer  
 ADP Mechanical Engineer  
 Scientific Fire Fire Engineer  
 ADP Electrical Engineer

**Client**

Madison Quay Pty Ltd

**Warren and Mahoney Architects Australia Pty Ltd**

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 Australia  
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 www.warrenandmahoney.com

**Project Title**

**186-190 LYGON STREET**  
 No. 186-190 Lygon Street, Carlton 3053.

**Drawing Title**

**SHADOW DIAGRAM  
 SPRING EQUINOX -  
 22nd SEP. 3pm**

**Drawing Status**

**WORK IN PROGRESS**

**Drawing Details**

Scale As indicated @ A1  
 Date 15/02/2023 10:35:42 am  
 Job No 9855  
 Drawn MC  
 Checked ST

**Drawing No**  
 A11.12

**Revision**

SPRING EQUINOX 3PM

68-70 PELHAM STREET	
TOTAL REAR YARD	62 SCM
EXISTING SHADOWED REAR YARD	62 SCM (100%)
ADDITIONAL SHADOWED REAR YARD	62 SCM (100%) NO CHANGES
66 PELHAM STREET	
TOTAL REAR YARD	N/A (NO CHANGES)
EXISTING SHADOWED REAR YARD	N/A (NO CHANGES)
ADDITIONAL SHADOWED REAR YARD	N/A (NO CHANGES)
64 PELHAM STREET	
TOTAL REAR YARD	N/A (NO CHANGES)
EXISTING SHADOWED REAR YARD	N/A (NO CHANGES)
ADDITIONAL SHADOWED REAR YARD	N/A (NO CHANGES)
62 PELHAM STREET	
TOTAL REAR YARD	N/A (NO CHANGES)
EXISTING SHADOWED REAR YARD	N/A (NO CHANGES)
ADDITIONAL SHADOWED REAR YARD	N/A (NO CHANGES)
60 PELHAM STREET	
TOTAL REAR YARD	N/A (NO CHANGES)
EXISTING SHADOWED REAR YARD	N/A (NO CHANGES)
ADDITIONAL SHADOWED REAR YARD	N/A (NO CHANGES)

174 LYGON STREET  
 EXISTING 2 STOREY  
 BRICK AND RENDERED BUILDING  
 WITH STEEL FLAT ROOF AND  
 CORRUGATED IRON ROOF.  
 RETAIL AND COMMERCIAL

55-75 PELHAM STREET  
 EXISTING 3 STOREY BRICK BUILDING.  
 RETAIL ON GROUND FLOOR AND  
 RESIDENTIAL ABOVE

204 LYGON STREET  
 EXISTING 4 STOREY  
 BRICK BUILDING.  
 RETAIL AND COMMERCIAL

200 LYGON STREET  
 EXISTING 4 STOREY  
 BRICK BUILDING.  
 RETAIL AND COMMERCIAL

68-70 PELHAM STREET  
 EXISTING 2 STOREY  
 RENOVATED BUILDING.  
 RETAIL AND COMMERCIAL

66 PELHAM STREET

64 PELHAM STREET

62 PELHAM STREET

60 PELHAM STREET

ORMOND PLACE

EXISTING CROSSOVER

EXISTING BLUSTONE KERB

EXISTING CURBLED SIDEWALK

EXISTING CROSSOVER

EXISTING CROSSOVER

EXISTING CROSSOVER

EXISTING CROSSOVER

ARGYLE SQUARE

LYGON STREET

LYGON STREET

LYGON STREET

LYGON STREET

PELHAM STREET

PELHAM STREET

# Development Summary

	NLA (m2)	COMMON/ SERVICES (m2)	OUTDOOR TERRACE (m2)	TOTAL GFA (m2)
<b>BASEMENT</b>	200			<b>200</b>
<b>GROUND FLOOR RETAIL</b>	228	89 (INCL. WASTE +BOH)	14	<b>331</b>
<b>LEVEL 01 COMMERCIAL</b>	223	102 (INCL. END OF TRIP)	7	<b>332</b>
<b>LEVEL 02 COMMERCIAL</b>	249	62	16	<b>327</b>
<b>LEVEL 03 COMMERCIAL</b>	168	62	90	<b>320</b>
<b>LEVEL 04 COMMERCIAL</b>	168	62		<b>230</b>
<b>ROOFTOP TERRACE</b>		26	55	<b>81</b>
<b>TOTAL</b>	<b>1,236</b>	<b>403</b>	<b>182</b>	<b>1,821</b>



# PLANNING PERMIT APPLICATION

## DELEGATE REPORT

<b>Application number:</b>	<b>TP-2022-195</b>
<b>Applicant:</b>	Willow Church Lane Pty Ltd
<b>Owner:</b>	Willow Church Lane Pty Ltd
<b>Architect:</b>	Warren & Mahoney
<b>Address:</b>	186-190 Lygon Street, CARLTON VIC 3053
<b>Proposal:</b>	Partial demolition and construction of a multi level commercial building and waiver of car parking requirements
<b>Cost of works:</b>	\$12,500,000
<b>Date of application:</b>	11 April 2022
<b>Responsible officer:</b>	Markus Tschech, Principal Urban Planner

### 1 SUBJECT SITE AND SURROUNDS

#### 1.1 Subject Site

Planning Application TP-2022-195 (the Application) concerns the land known as:

- 186-190 Lygon Street, Carlton.
- Lot 1 on Title Plan 533552X (Vol. 7361, Fol. 057).
- Lot 1 on Title Plan 760368W (Vol. 8803, Fol. 686).

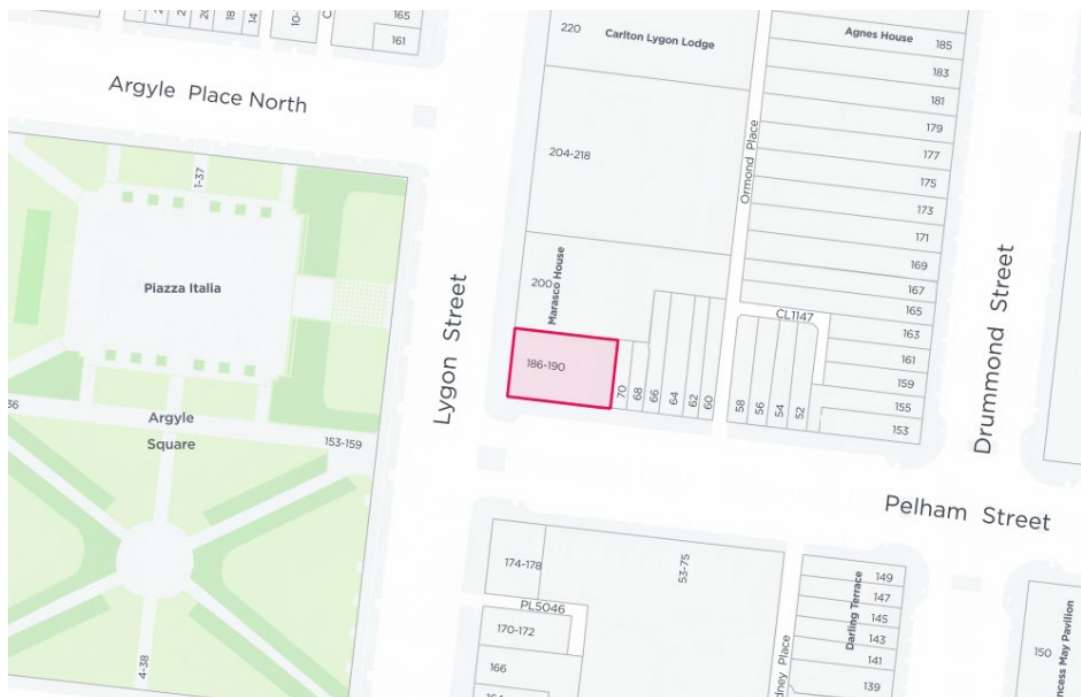


Figure 1 - CoPASS Locality Plan

<b>Table 1: Subject Site Details / Dimensions</b>	
<b>Site Inspection Date:</b>	3 March 2023
<b>Existing Site Conditions:</b>	<p>The subject site is a rectangular allotment and is occupied by two double storey rendered masonry buildings, built in the late 19<sup>th</sup> century.</p> <p>The building on the northern half of the site (No. 190) was constructed as a two-storey shop and dwelling with street verandah. The building on the southern half (No. 186) was constructed as a corner hotel, typical in form and for the absent verandah.</p> <p>The buildings are fully built to their boundaries, with the exception of the eastern boundary, which exists as a 2.5 metre wide laneway / driveway.</p> <p>Both buildings have undergone alterations since their construction, with the extensive changes to the southern building contributing to its removal from the list of graded buildings in the <i>Melbourne Planning Scheme Heritage Review 1999</i> Heritage Review.</p> <p>The northern building is afforded a 'Contributory' grading in Council's <i>Heritage Places Inventory March 2022 (Amended January 2023)</i>, while the southern building is ungraded. This portion of Lygon and Pelham Streets is ungraded.</p>
<b>Street Frontage:</b>	16.5 metres to Lygon Street 22.5 metres to Pelham Street
<b>Site Depth:</b>	25.2 metres
<b>Site Area:</b>	416 m <sup>2</sup>
<b>Topography:</b>	The land falls slightly (approximately 0.5 metres) from north-east to south-west.



Figure 2 - Notated Aerial Photograph (Captured: 18 December 2022)





Figure 3 - View of site from Lygon Street (above) and Pelham Street (below). Taken on 3 March 2023







Figure 4 - View of properties to the east (above) and south (below) of the site. Taken on 3 March 2023





## 1.2 Relevant Permit History for Subject Site / Neighbouring Properties

Council has issued numerous permits for the subject site, approving, inter alia, external alterations, business identification signage and a reduction in car parking requirements associated with the use of the land for a shop. None of these approvals are of direct relevance to this application.

## 1.3 Restrictive Covenants / Easements

The register search statement for Lot 1 on Title Plan 533552X (the southern lot) identifies that the Lot benefits from a right of carriageway over the existing driveway adjacent to its eastern boundary, and has reciprocal party wall easements with Lot 1 on Title Plan 760368W.

The register search statement for Lot 1 on Title Plan 760368W (the northern lot) identifies that that Lot is encumbered by a right of carriageway in favour of the southern lot. It is also subject to party wall easements along the entire southern, and part of the northern, boundary.

## 1.4 Archaeology and Heritage Inventory

The subject site is not included in the [Victorian Heritage Inventory](#).

## 1.5 Aboriginal Cultural Heritage

The subject site is not included in an area of legislated cultural heritage sensitivity.

## 2 BACKGROUND AND HISTORY

### 2.1 Planning Application History

#### 2.1.1 Pre-application Meeting (PA-2021-392)

Council Officers met with the permit applicant and their representatives on 26 August 2021 to discuss the proposal. Officers were supportive of the overall appearance and materiality, in particular the solid vertical elements which reference the rhythm and grain of Lygon Street.

Significant concerns were raised in relation to the six storey height, reduced setbacks, heritage impacts and cantilever over the existing laneway. The following matters for further investigation and resolution were also raised:

- Overshadowing of Argyle Square, given seriously entertained status of Planning Scheme Amendment C415 (Sunlight to Parks).
- The proposed awnings are inconsistent with the streetscape character.
- Daylight access to the eastern end of the office levels, given that windows are proposed on that boundary.



Figure 5 - 3D renders of the proposed development at the pre-application stage

### 2.1.2 Request for Further Information

Following a preliminary review of the application, Council issued a Request for Further Information (RFI) on 9 May 2022 seeking additional details on drawings, details of any easements over the existing laneway and more detailed shadow diagrams.

The permit applicant submitted an amended set of drawings, form and report as part of a response to Council's RFI on 3 August 2022.

### 2.1.3 Section 57A Amendment

A copy of objections received during the formal notice period, in addition to additional feedback from Council's City Design team and Heritage Advisor, were provided to the permit applicant on 26 October 2022.

In response to concerns raised in objections received in respect of the application, and following Council's (mostly positive) feedback on several iterations of without prejudice discussion drawings; the permit applicant amended their application pursuant to Section 57A of the *Planning and Environment Act 1987* on 17 February 2023. The key changes to the proposal comprised:

- Removal of the rooftop bar and structures, and replacement with a communal roof terrace with limited roofed areas.
- Reduced massing, through increased street setbacks and removal of the cantilever over the laneway.
- An increase in the Pelham Street street wall from two to three storeys.
- Expanded use of glazing within the podium to improve internal amenity.

Due to the reduced scale of the amended proposal, notice of the amended application was only given by sending mail to registered objectors to the application, under Section 57B of the *Planning and Environment Act 1987*.

## 3 PROPOSAL

### 3.1 Plans / Reports considered in assessment

The plans which have been considered in this assessment are identified in Table 2 below:

Table 2: Plans / Reports considered in assessment		
Plan / Report Title	Drawing / Report Author	Drawing/ Report Date
Planning Report	Planning & Property Partners	11 April 2022
Section 57a Amendment Letter	Planning & Property Partners	17 February 2023
Legal Advice	Planning & Property Partners	10 July 2022
Urban Context Report	Warren & Mahoney	2 February 2023
Architectural Drawings (A0.01 - A3.02)	Warren & Mahoney	15 February 2023
Heritage Impact Statement	Bryce Raworth	May 2022
Sustainable Management Plan	ADP Consulting	21 December 2021
Acoustic Report	ADP Consulting	21 December 2021
Waste Management Plan	Leigh Design	21 January 2022

### 3.2 Summary of proposed development

The Application seeks planning permission for the following:

- Partial demolition of the existing buildings, incorporating all existing built form other than the façade of the northern building.
- Construction of a six storey commercial building, plus basement, with retail premises at ground level and offices above.



- Waiver of car parking requirements.

A summary of the key relevant details of the proposed development are provided in Table 3 below:

<b>Table 3: Summary of proposed development</b>			
Site Area:	417 m <sup>2</sup>	Total Gross Floor Area:	1,821 m <sup>2</sup>
Retail premises NLA	228 m <sup>2</sup>	Office NLA	808 m <sup>2</sup>
<b>Built Form</b>			
Number of storeys above ground level:	6	Number of basement levels:	1
Maximum Building Height:	22.35 m to roof 23.67 m to services	Street Wall Height:	3 storeys / 13.2 metres
<b>Traffic</b>			
Car parking spaces:	0	Bicycle spaces:	14

### 3.3 Key excerpts from development plans



Figure 6 - 3D render of proposal from Lygon Street



Figure 7 - 3D render of proposal from Lygon Street (above) and Pelham Street (below)





#### 4 STATUTORY CONTROLS

The following planning controls and requirements of the Melbourne Planning Scheme apply to the subject site and proposed development:

Clause	Permit Trigger									
<b>Commercial 1 Zone</b>	<b>Permit required</b> Pursuant to Clause 34.01-1, a permit is not required to use land for the purpose of 'Office' or 'Retail Premises' (other than Adult sex bookshop, Department store, Hotel, Supermarket, and Bar). Pursuant to Clause 37.04-4, a planning permit is required to construct a building or construct or carry out works and to demolish or remove a building									
<b>Heritage Overlay</b> Schedule 1 – Carlton Precinct.	<b>Permit required</b> Pursuant to Clause 43.02-2, a permit <b>is required</b> for partial demolition of a building and to construct a building or construct or carry out works.									
<b>Design and Development Overlay</b> Schedule 47 – Central Carlton South	<b>Permit required</b> Pursuant to Clause 43.02-2, a permit <b>is required</b> to construct a building or construct or carry out works.									
<b>Parking Overlay</b> Schedule 12 (PO12).	<b>No Permit required</b> Pursuant to Clause 45.09, Schedule 12, a permit is required to provide car parking for a dwelling in excess of one space per dwelling. This application does not relate to a dwelling and as such a permit is not required.									
Particular Provisions										
<b>Clause 52.06</b> Car parking	<b>Permit required</b> Clause 52.06 requires the provision of 3.5 spaces per 100 m <sup>2</sup> of leasable floor area for a food and drink premises or shop and 3 spaces per 100 m <sup>2</sup> of net floor area for office; equating to a statutory parking requirement of 36 spaces.  The proposal does not include any on-site car spaces and a permit is required to reduce it to zero.									
<b>Clause 52.34</b> Bicycle Facilities	<b>No Permit required</b> The applicable bicycle parking rates for the proposal are as follows: <table border="1" data-bbox="582 1541 1407 1809"> <thead> <tr> <th>Use</th> <th>Employee / Resident</th> <th>Visitor / Shopper</th> </tr> </thead> <tbody> <tr> <td>Retail Premises</td> <td>1 to each 300 m<sup>2</sup> of leasable floor area</td> <td>2 to each 200 m<sup>2</sup> of leasable floor area if the leasable floor area exceeds 400 m<sup>2</sup></td> </tr> <tr> <td>Office</td> <td>1 to each 300 m<sup>2</sup> of net floor area if the net floor area exceeds 1000 m<sup>2</sup></td> <td>1 to each 1000 m<sup>2</sup> of net floor area if the net floor area exceeds 1000 m<sup>2</sup></td> </tr> </tbody> </table> The development generates a bicycle parking requirement of one employee retail premises space.  The development provides 14 spaces within the basement level, which significantly exceeds the minimum requirement.	Use	Employee / Resident	Visitor / Shopper	Retail Premises	1 to each 300 m <sup>2</sup> of leasable floor area	2 to each 200 m <sup>2</sup> of leasable floor area if the leasable floor area exceeds 400 m <sup>2</sup>	Office	1 to each 300 m <sup>2</sup> of net floor area if the net floor area exceeds 1000 m <sup>2</sup>	1 to each 1000 m <sup>2</sup> of net floor area if the net floor area exceeds 1000 m <sup>2</sup>
Use	Employee / Resident	Visitor / Shopper								
Retail Premises	1 to each 300 m <sup>2</sup> of leasable floor area	2 to each 200 m <sup>2</sup> of leasable floor area if the leasable floor area exceeds 400 m <sup>2</sup>								
Office	1 to each 300 m <sup>2</sup> of net floor area if the net floor area exceeds 1000 m <sup>2</sup>	1 to each 1000 m <sup>2</sup> of net floor area if the net floor area exceeds 1000 m <sup>2</sup>								

## 5 STRATEGIC FRAMEWORK

### 5.1 Planning Policy Framework (PPF)

The relevant provisions of the SPPF include:

- Clause 2.02: Vision
- Clause 2.03-4: Built Environment
- Clause 2.03-6: Employment and Innovation
- Clause 11.03-6L-02: Carlton
- Clause 15.01-1L-03: Sunlight to Public Spaces
- Clause: 15.01-1L-05: Urban design outside the Capital City Zone
- Clause 15.01-2L-01: Energy and resource efficiency
- Clause 17.02-1S: Business
- Clause 17.02-1L: Lygon and Elgin Street shopping centre
- Clause 19.03-3S: Integrated water management
- Clause 19.03-3L: Stormwater management (Water sensitive urban design)

## 6 PARTICULAR PROVISIONS

The following particular provisions apply to the application:

- Clause 52.06: Car Parking
- Clause 52.34: Bicycle Facilities

## 7 GENERAL PROVISIONS

The following general provisions apply to the application:

- Clause 65: Decision Guidelines, which includes the matters set out in Section 60 of the Planning and Environment Act 1987.

## 8 PLANNING SCHEME AMENDMENTS

### 8.1.1 Amendment C409

Amendment C409 was gazetted on 21 September 2022 and replaced the Municipal Strategic Statement (MSS) at Clause 21 and Local Planning Policies at Clause 22 of the Melbourne Planning Scheme with a Municipal Planning Strategy (MPS), local policies within the Planning Policy Framework (PPF) 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 included:

- Relocated content at Clauses 21 and 22 of the Melbourne 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.
- Clarified 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.
- Updated clause references, department names, legislation names, document references, terminology and statistical data.
- Deleted or adjusted incompatible content that conflicts with State Planning Policy of the Victoria Planning Provisions (VPP).



- Removed repetitive content.
- Removed or updated outdated content.

The changes are generally policy neutral and are of no relevance to this application.

### **8.1.2 Amendment C415**

Amendment C415 proposes new planning controls, including a new and updated Sunlight to Public Spaces Policy and Design and Development Overlay, Schedule 8 (DDO8); which will protect winter sun to identified parks within the City of Melbourne.

The Amendment was submitted to the Minister for Planning for approval under section 20(4) of the Act on 20 September 2021. It is therefore considered to be seriously entertained.

The Amendment is assessed later in this report.

## **9 PUBLIC NOTIFICATION**

Public notice of the application was given by sending letters to the owners and occupiers of adjoining and surrounding properties on 22 August 2022 and by instructing the permit applicant to erect one public notice on the Lygon Street frontage of the site and one public notice on the Pelham Street frontage of the site for a 14 day period in accordance with Section 52 of the *Planning and Environment Act 1987*.

A signed statutory declaration confirming that the permit applicant had erected the public notice sign(s) in accordance with Council's requirements was returned on 8 September 2022.

Notice of the amended application was given to all registered objectors on 28 February 2023.

## **10 OBJECTIONS**

A total of 21 individual objections (excluding additional submissions from the same objector) have been received as of the date of this report.

The concerns in objections received by Council have been summarised below.

Further consideration of the objections is given in section 13.7 of this report.

### **10.1 Summary of objector concerns**

#### **Built Form / Heritage**

- Excessive scale, including height and bulk, especially the cantilevered elements.
- Inappropriate built form response to retained heritage fabric.
- Inappropriate built form response to heritage streetscape.
- Poor articulation and inappropriate use of materials at street level.

#### **Amenity**

- Noise from proposed rooftop bar and building services.
- Antisocial behaviour associated with the proposed rooftop bar.
- Overlooking from the office levels and proposed rooftop bar.
- Overshadowing of:
  - Argyle Park.
  - Solar panels at 200 Lygon Street to the north.
  - Dwellings on the opposite side of Pelham Street.
- Sky views along Lygon Street.
- Light pollution to nearby parks.
- Reflective glare.

- Wind impacts.

**Construction Activities**, by virtue of:

- Noise, dust, traffic and damage to neighbouring cars.

**Miscellaneous**

- Insufficient car spaces.
- Drainage concerns.

## 11 CONSULTATION

A copy of the objections received in respect of the application at the conclusion of the formal notice period was forwarded to the applicant for their consideration and response.

Based on the nature of the objections and internal referral responses, the applicant amended the application pursuant to Section 57A of the *Planning and Environment Act 1987*.

The amended application was formally re-advertised to all registered objectors on 28 February 2023.

No objectors varied nor withdrew their submission following re-advertising; and three wrote to Council to re-confirm their objection.

## 12 REFERRALS

### 12.1 Internal

#### 12.1.1 Heritage Advisor

Council's Heritage Advisor provided a detailed assessment of the original application 22 June 2022. Key concerns raised in their advice included:

- Excessive height and scale of the building, particularly as it relates to the two storey heritage scale along Pelham Street.
- Insufficient setback above the retained heritage façade.
- Extent of cantilevered elements, particularly over the heritage façade and rear laneway.

Due to the design revisions depicted in the RFI Response plans, including increased setbacks and material changes, the application was again forwarded to Council's Heritage Advisor for review. They advised on 29 November 2022 that the fundamental concerns (as summarised above) had not been addressed.

The final version of the plans, which comprised more extensive changes, including removal of the cantilevered elements, setback to the retained heritage fabric and removal of the rooftop bar was forwarded to Council's Heritage Advisor for review a third time.

They provided a final review on 14 March 2023, which noted that the development's heritage response had improved, though concerns relating to height (including taller street wall height) and setback above the retained heritage façade remained. Key statements from this advice include:

- *Aspects of the amended proposal are an improvement on the previous proposal. Adjoining 70 Pelham Street, removal of the cantilevered elements at L-03 and L-04 will assist in retention of some streetscape presence for the two-storey, 'contributory' building.*
- *Small increases to Lygon Street and Pelham Street setbacks for upper levels L-03 and L-04, and the removal of L-05 Communal Terrace directly above 190 Lygon Street, offer small improvements to the proposal.*
- *However, the increase in podium height from two to three storeys at the Lygon Street corner and full Pelham Street frontage runs counter to the predominant Lygon Street two-storey street wall and counter to the typical two-storey residential form in Pelham Street.*
- *Although the amended scheme has increased Lygon Street setbacks at L-03 and L-04, the approx. 2.5 m setback above the principal part contributory building at 190 Lygon Street remains very small and is inconsistent with several "New building strategies" in clause 15.-03-1L-02.*



- *Considered as an addition to 190 Lygon Street, the height of the development does not ensure consistency with the clause 15.-03-1L-02 “Additions strategies”:*
- *The Ground floor is proposed as a single retail space across the full Lygon Street frontage. The recessed main entry reveals the 190 Lygon Street building as two-dimensional façade. Contrary to Heritage policy Objectives, the development makes clear the adoption of façadism.*
- *In Lygon Street, the recess setback is aligned with the levels above, encouraging a streetscape perception of a five storey glazed building with attached more solid elements, rather than a solid low base and light-weight recessed upper parts.*
- *Deletion of the recess and retention of a greater portion of the no. 190 south boundary wall would assist in achieving the clause 15.-03-1L-02 Objective.*

They also stated that, although they did not support the three storey street wall to Pelham Street, if it was to proceed at that height, the extent of solidity should be increased to better respond to the predominance of solid wall surfaces in the site surrounds.

They also clarified that the proposal interrupts the strong expression of a street wall along the Lygon Street property boundary, and that a rebate of approximately one metre between the retained heritage fabric and new building would be acceptable at ground level. The rebate should be removed entirely at level 1, and the height of the addition should match the existing parapet height.

Despite the above outstanding concerns, it is considered that the proposed overall height, street wall heights and setbacks above the retained heritage fabric are acceptable. The heritage impacts of the proposal are discussed in detail at Section 13.1 of this report.

With respect to the extent of solidity of the new street wall and reduction / deletion of the rebate, this can be suitably resolved via conditions on any permit issued.

### 12.1.2 City Design

Council’s City Design team attended a pre-application meeting and provided advice in relation to the original, RFI response and final version of the plans. Their initial advice expressed support for the mix of uses proposed, and materiality; and noted concerns in relation to:

- The lack of a setback above the retained heritage façade.
- Excessive street wall heights.
- Lack of ‘vertical grain’ along Pelham Street.
- Overshadowing of the surrounding public realm.

Following a review of the RFI response drawings, Council’s City Design team advised that, although the design had been improved, their key concerns had not been adequately addressed.

The final version of the plans were again referred to Council’s City Design team who stated that:

*We broadly support the revised massing which consists of a 3 storey contemporary street wall at the corner and a setback upper form to a maximum of 5 storeys.*

*This is a significantly improved outcome and establishes a more sympathetic massing relationship to the retained heritage façade and the surrounding context.*

*However, we note that there are opportunities to further refine the façade expression on the south elevation to provide further articulation and detail.*

*We provide the following recommendations to be incorporated via Permit Conditions:*

- *Provide greater thickness to the street wall columns and horizontal beams along the south elevation. This would reduce the proportion of glazing to masonry to achieve a stronger contextual outcome. We recommend adopting a similar façade rhythm to that of the west elevation (wider column and solid planter zone) which reduces the proportion of glazing to masonry.*
- *We recommend a façade strategy condition to discourage the use of highly tinted and reflective glazing on the curtain wall façade. This is critical to reduce glare and the dominance of the upper form within the heritage context. We encourage a façade*

*solution which adopts material depth to the upper levels to provide sufficient shading and allow for the specification of clear glazing.*

City Design Officers referred to the building as five storeys in height, as the enclosed bathroom on the roof terrace is the only reason the building is defined as having six storeys, and therefore appears more as a five storey building.

Conditions giving effect to the above recommendations will be included on any permit issued. Urban design issues are discussed in greater detail at Section 13.2 of this report.

### **12.1.3 Land Tenure**

As the application initially involved an extension of the building over the rear laneway, the application was referred to Council's Land Surveyor for comment. However, the amended application removed this cantilever and is therefore no longer relevant.

In terms of the proposed awnings, they are located at least 3.8 metres above the footpath and therefore exceed the minimum three metre requirement. The awnings along Pelham Street are, however, built closer to the kerb than the 750 mm minimum. A condition on any permit issued will require these awnings to be reduced in width to comply with this requirement.

### **12.1.4 ESD & Green Infrastructure**

Council's ESD & Green Infrastructure Officer reviewed the submitted Sustainable Management Plan (SMP) prepared by ADP Consulting and advised that:

*The development does not yet have adequate ESD targets to satisfy Clause 22.19 and 22.23 of the Melbourne Planning Scheme. Additional considerations are provided below to ensure the development is meeting current industry standards.*

*As the development is below 5000 m<sup>2</sup> a Green Star rating is not needed, however if the quality of the design warrants the need to seek registration and certification this is strongly supported through use of the Green Star Buildings tool (V1) as the Design and As Built tool is now legacy.*

*Alternative compliance can be provided with using the Built Environment Sustainability Scorecard (BESS) [www.bess.net.au](http://www.bess.net.au)*

The advice confirmed that a BESS Report demonstrating that the development can achieve at least a 50% rating for Energy and Water and 100% for Stormwater would satisfy the sustainability requirements of Clauses 15.01-2L-01 and 19.03-3L (previously Clauses 22.19 and 22.23).

Based on the submitted SMP, they were of the view that the development would not require significant modifications to achieve the aforementioned scores. As such, they confirmed that the above requirements could be satisfied via a condition should a permit issue.

### **12.1.5 Urban Forestry**

Council's Urban Forester recommended that a number of conditions be included on any permit being granted to protect the Council's street tree assets.

### **12.1.6 Civil Design**

Council's Civil Design team recommended that a number of conditions be included on any permit being granted to upgrade the adjacent footpath along Lygon Street to bluestone, ensure public lighting is adequate, protect Council's road-based assets and integrate the development with Council's stormwater drainage system.

### **12.1.7 Waste Management**

Council's Waste Planning Engineer advised that the Waste Management Plan (WMP) prepared by Leigh Design dated 21 January 2022 was acceptable. The recommended condition will be included on any permit issued.



### 12.1.8 Traffic Engineer

Council's Traffic Engineer reviewed the application and advised that:

- The full waiver of car parking was appropriate.
- The provision of bicycle facilities above minimum requirements was appropriate.
- The existing laneway is fairly narrow and will require waste vehicles to reverse in to collect the bins.

## 12.2 External

The application was not required to be referred externally.

## 13 ASSESSMENT

### 13.1 Key Planning Considerations

The key issues for consideration in the assessment of this application are the:

- Heritage impacts.
- Built form considerations.
- Potential amenity impacts.
- Sustainability.
- Traffic impacts.
- Response to objector concerns.

These matters are addressed in turn in the following sections.

### 13.2 Heritage

Council's Heritage Places Inventory March 2022 (Amended January 2023) identifies the northern building as being 'Contributory' (in an ungraded streetscape), while the southern building is ungraded. Council's Heritage Policy at Clause 15.03-1L-02 seeks:

- *To encourage high quality contextual design for new development that avoids replication of historic forms and details.*
- *To encourage retention of the three dimensional fabric and form of a building and discourage facadism.*
- *To enhance the presentation and appearance of heritage places through restoration and reconstruction of original or contributory fabric.*
- *To protect significant views and vistas to heritage places.*

The Statement of Significance for the Carlton Precinct, within which the site is partially located, states that:

*'Carlton Precinct was developed from the mid-nineteenth century as part of the extension of Melbourne to its north during a period of significant population growth. Significant and contributory development in the precinct dates from the mid nineteenth century through to the interwar period, although Victorian development predominates. Some places of heritage value may also be outside this date range. The precinct is mainly residential, with some commercial streetscapes and commercial buildings scattered throughout; institutional development; and limited small scale former manufacturing and industrial development, mostly dating from the early twentieth century. The various parks, gardens and squares, and mature street plantings and rows, are also components of the significant development of the precinct.'*

The most relevant 'Key Attributes' listed in the Statement of Significance (i.e. those that apply to this part of Carlton), include:

- *Typically low scale character, of one and two-storeys, with some larger three-storey buildings.*
- *Streets of consistent scale, or with greater scale diversity incorporating modest and larger buildings.*

- *Streets of consistent historic character, contrasting with those of more diverse character.*
- *Streets which are predominantly residential and others which are predominantly commercial; with historic shops and hotels including corner hotels distributed across the precinct.*
- *Importance of Lygon Street, one of inner Melbourne's most iconic commercial streets.*
- *Principal streets characterised by their width and open character, with vistas available along their length; these are sometimes distinguished by later central medians and street tree plantings.*

### **13.2.1 Demolition**

The proposal involves the complete demolition of the southern building, and retention of only the façade of the 'Contributory' northern building.

Clause 15.03-1L-02 (Heritage) includes the following relevant Demolition Strategies:

- *Full demolition of significant or contributory buildings will not generally be permitted.*
- *Partial demolition in the case of significant buildings and of significant elements or the front or principal part of contributory buildings will not generally be permitted.*
- *Encourage the retention of the three dimensional form regardless of whether it is visible whilst discouraging façadism.*
- *Encourage adaptive reuse of a heritage place as an alternative to demolition.*

Having regard to the relevant Demolition Strategies and Policy Guidelines, it is considered that the extent of demolition is acceptable based on the following:

- The southern building is not graded, and therefore complete demolition is supported by Policy, subject to the design response of the replacement building.
- The roof, awning and side boundary walls of the northern building have been previously removed and replaced, and therefore do not constitute original heritage fabric.
- Council's Heritage Advisor did not raise any concerns in relation to the proposed extent of demolition, other than a portion of the internal boundary wall which has already been partly removed.
- The proposed demolition will allow for the adaptive reuse of the building into the future.

### **13.2.2 Alterations and Additions**

In terms of alterations and additions, the proposal includes:

- Construction of a six storey commercial building on the site.
- Retention and refurbishment of the retained façade of the northern building, including application of a new render finish and replacement of glazing at ground level.

Alterations and Additions Strategies at Clause 15.03-1L-02 (Heritage) of particular relevance to this application 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.*
- *Avoid sandblasting of render, masonry or timber surfaces and painting of previously unpainted surfaces.*
- *Support new awnings or verandahs that are an appropriate contextual design response, compatible with the location on the heritage place and that can be removed without loss of fabric.*
- *Ensure additions to buildings in 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.*
- *Ensure additions to significant or contributory buildings:*
  - *Are respectful of the building's character and appearance, scale, materials, style and architectural expression.*
  - *Do not visually dominate or visually disrupt the appreciation of the building as it presents to the street.*
  - *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.*
  - *Do not build over or extend into the air space directly above the front or principal part of the building.*
  - *Are distinguishable from the original fabric of the building.*
- *Ensure additions:*
  - *Adopt high quality and respectful contextual design.*
  - *Avoid direct reproduction of the form of historic fabric.*
  - *Adopt an interpretive design approach to other details such as verandahs, fences, and shopfronts.*

In terms of concealment, Heritage Policy encourages:

*All additions to corner properties may be visible, but should be respectful of the significant or contributory building in terms of scale and placement, and not dominate or diminish the prominence of the building or adjoining contributory or significant building.*

As described at Section 12.1.1 of this Report, Council's Heritage Advisor noted considerable improvement in the proposal's heritage response, though has maintained their concerns in relation to the overall and street wall heights, extent of demolition, setback above the retained heritage fabric, appearance of the street wall and streetscape interface along Lygon Street.

Despite some reservations held by Council's Heritage Advisor, it is considered that the proposal is consistent with Council's Heritage Policy at Clause 15.03-1L-02 and the Heritage Overlay based on the following:

- The southern wall of the northern building has already been partially removed in this location, and is not visible from the public realm. The inclusion of a small rebate on the southern side of the retained heritage fabric will expose the small portion of existing wall in that location.
- With a height of five storeys when viewed from the adjacent streets (plus a communal roof terrace that technically constitutes an additional storey), it matches the height of some buildings within the site's immediate context, including 200 Lygon Street to the north.
- Although the 2.54 metre setback of addition above the heritage building is less than the preferred 8-10 metres, it would nevertheless maintain its prominence, noting the existing extent of visibility and commercial built form character of Lygon Street.
- The distribution of building mass across the site, and in particular the consistent setbacks above the 2-3 storey street wall/s responds appropriately to the predominant 2-3 storey scale of the surrounding heritage streetscapes.
- The strong verticality, and regular spacing, of the lower three levels responds appropriately to the rhythm and spacing of the surrounding heritage streetscapes.
- The refined palette of light-coloured profiled brickwork, steel (rather than aluminium) and honed pre-cast concrete would integrate suitably with the Lygon Street streetscape.
- The simplified form and use of materials ensures that the new building is clearly distinguishable from the retained heritage fabric.
- The proposed slender awnings improve views to the retained heritage façade.

Notwithstanding the above, the revised design of the streetscape interface significantly increased the extent of glazing the lowest three levels (see Figure 8). This design response is inconsistent with the

local heritage character, which has a far greater degree of solidity, with only modest fenestration. It is considered that this issue can be suitably resolved via a condition on any permit issued, requiring a greater degree of solidity at the lowest two levels (at a minimum).



Figure 8 - Original (left) and revised (right) South Elevation render

Additionally, the revised design also increased the rebate between the retained heritage building and the adjacent new building from 1.35 to 2.54 metres (refer to Figure 9). As noted by Council’s Heritage Advisor, this is also considered to be at-odds with the prevailing Lygon Street streetscape character, where alcoves and rebates are limited. A condition on any permit issued will therefore require the size of the rebate at street level to be reduced to one metre, and the rebate at level 1 deleted, in accordance with the heritage advice.



Figure 9 - Original (left) and revised (right) Ground Level Plan extract showing the Lygon Street interface. From Drawing A1.01



The creation of a terrace, together with associated balustrades and landscaping above the retained heritage façade would serve to highlight the extent of demolition and may give the impression of 'façadism'. The roof terrace is not considered to be essential to achieve an acceptable level of amenity for building occupants, given the access to a communal roof terrace. For that reason, a further condition will be included on any permit issued, requiring the deletion of the roof terrace.

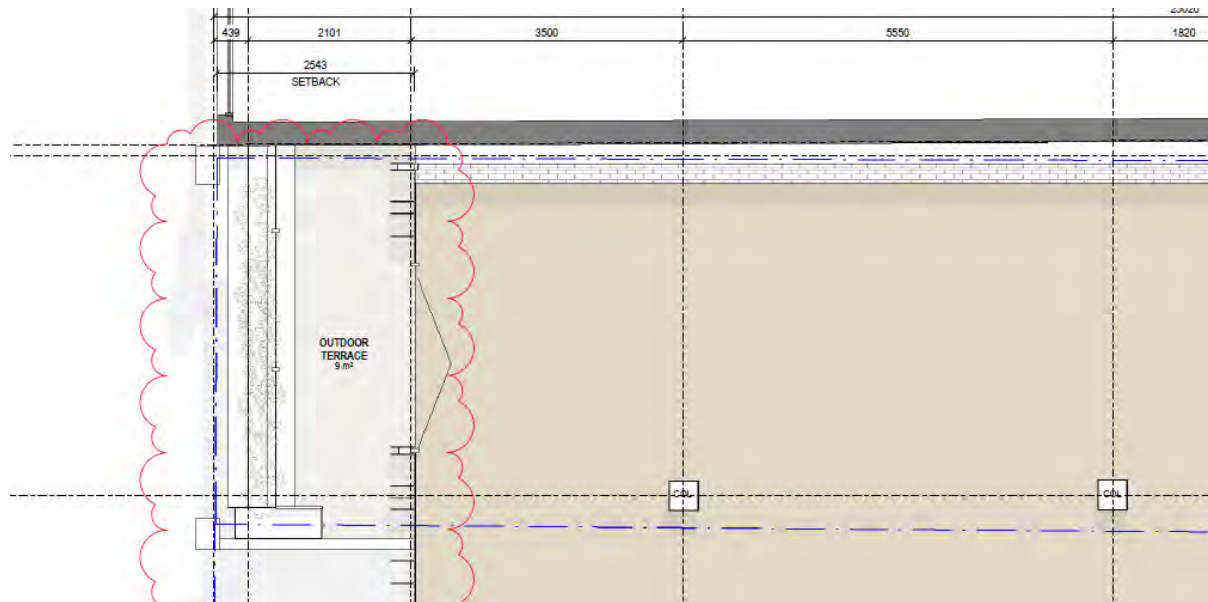


Figure 10 - Level 1 plan showing roof terrace above the retained heritage building. From Drawing A1.03

### 13.3 Built Form

#### 13.3.1 Design and Development Overlay Schedule 47: Central Carlton South

Schedule 47 to the Design and Development Overlay (DDO47), which applies to the site, provides the following design objectives, which are relevant to the proposed development:

- *To maintain the predominant low scale nature of the area.*
- *To ensure development supports high levels of pedestrian amenity related to access to sunlight and sky views and a pedestrian friendly scale.*

DDO47 sets a preferred four storey maximum building height for the site. Applications to exceed this preferred height must achieve the following Built Form Outcomes:

- *New development respects and is consistent with the built form especially low scale of the existing older building stock in the street.*
- *Development that creates an environment with high pedestrian amenity along Lygon Street.*
- *Development that does not overshadow Argyle Square, Carlton Gardens or the Royal Society of Victoria Gardens between 11am and 2pm on 22nd September and 22nd March.*

The proposed development is considered acceptable, having regard to the design objectives and built form outcomes of DDO47, noting the following:

- Although defined as a six storey building due to the enclosed bathroom on the rooftop communal terrace, it would largely appear as a five storey building from the adjacent streetscape.
- The height of the proposed building is generally consistent with the neighbouring four and six storey buildings at Nos. 200 and 204-218 Lygon Street to the north.
- The revised design incorporates a 2-3 storey street wall with the upper levels set back at least 2.45 metres from the street. As illustrated in Figure 10, these varied street wall heights and setbacks assist in reducing the mass and visual bulk of the proposed building.
- The proposed building respects the lower scale form along Pelham Street by maintaining the existing 2.8 metre setback at ground and first levels, with a more substantial 5.66 metre setback

from level 3 upwards. The 3 storey podium form along Pelham Street provides an acceptable height transition to the 2 storey form to the east.

- The pedestrian experience along this section of Lygon Street would be enhanced through the incorporation of an active frontage, a high quality material response and lightweight awnings which do not enclose the footpath to the same degree.

Overshadowing is addressed separately at Section 13.4 of this Report.



Figure 11 - Nos. 200 and 2004-218 Lygon Street to the north. Taken on 3 March 2023



Figure 12 - Perspective drawing depicting the varied heights, rebates & relationship to adjacent built form



### 13.3.2 Municipal and Local Planning Policy

The subject site is located within Carlton, where Clause 11.03-6L-02 seeks, inter alia, to:

- *Maintain the predominantly low scale character of the areas around Carlton Gardens, Lygon Street and residential areas included in a heritage overlay; and ensure sympathetic development that complements the architecture of the area.*

The site is also located within the Lygon Street Shopping Centre, where Clause 17.02-1L seeks, inter alia, to:

- *Maintain and enhance the continuity of the street-level shop frontages and tenancy mix.*

Clause 15.01-1L-05 (Urban Design outside the Capital City Zone) also provides guidance on the design of new buildings in areas such as Carlton. Key Objectives that relate to the proposal seek:

- *To ensure that the scale, siting, massing and bulk of development complements the adjoining and nearby built form, and relates to the prevailing patterns of height and scale of existing development in the surrounding area.*
- *To ensure that buildings on prominent sites are designed to achieve a high standard of design that reflects the importance of their location and extent of their visibility.*
- *To ensure that building design at the ground floor frontages creates and improves pedestrian interest and engagement.*
- *To prioritise pedestrian movement and amenity and strengthen networks of pedestrian pathways.*
- *To minimise the adverse impacts of wind in surrounding public spaces and provide weather protection.*

The proposed development is considered to respond positively to its site context, through its considered façade design, upper level setbacks, overall scale, form and integration with the streetscape. The narrower and higher awnings, together with a more active streetscape interface, location of all building services and service areas to the rear and high quality materials would improve the pedestrian experience in this location.

The proposals retention and restoration of the existing heritage façade, together with a strong sense of verticality derived from the fenestration pattern would assist in maintaining the rhythm and spacing of both adjoining streets.

As identified in Section 12.1.2 of this report, Council's City Design team is supportive of the project ambition to reinvigorate this prominent corner site with a high level of material quality. The revised design largely addresses their previous concerns in relation to height, scale and massing and found that it establishes a more sympathetic massing relationship to the retained heritage façade and the surrounding context, subject to the refinement of the southern elevation. The expression of the three storey street wall form, in particular its solidity, can be resolved via permit conditions.

The proposal is therefore considered to comply with Council's Municipal and Local Planning Policies, including Clause 22.01 (Urban Design within the Capital City Zone).

## 13.4 Amenity impacts

### 13.4.1 Overshadowing

As noted at Section 8.1.2 of this report, Amendment C415 seeks to apply a new Schedule 8 to the Design and Development Overlay (DDO8) to the subject site. This proposed DDO seeks:

- *To ensure the amenity of parks is protected throughout the year by maximising winter sunlight access.*
- *To protect sunlight access to parks to support the health and wellbeing of all park users and the ecological health of the park.*
- *To ensure new development responds with appropriate building heights and setbacks to protect sunlight access to parks.*

The subject site is located opposite Argyle Park, which is identified as a Park Type 2 where the proposed DDO8 requires that:

*'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 (whichever is the greater).'*

For the purpose of this provision, 'Allowable Shadow' is defined at DDO8 as:

*The shadow that would be cast on the park, between 10am and 3pm, June 21, by a street wall of a building on land abutting a park, built to the lower of any street wall height requirement or building height requirement specified in this planning scheme*

The relevant street wall height requirement is at DDO47, which sets a preferred height of four storeys for the subject site. When adopting the four metre floor-to-floor height at Section 2.0 of DDO47 for non-residential uses, the four storey provision translates to a 16 metre street wall height. With an overall height in excess of 16 metres, and the fifth storey set back 2.54 metres from Lygon Street, the proposal's shadows would exceed that of the 'allowable shadow'.

The winter solstice shadow drawings submitted in response to Council's RFI indicated that the shadows cast during the morning period come within close proximity (several metres) of Argyle Park. For that reason, a 3D model of the proposal was requested in accordance with the Application Requirements of DDO8. The submitted 3D model was inserted into Council's model of the city so that the extent of overshadowing could be verified.

As confirmed by Council's GIS specialist and illustrated in Figure 13 below, the original version of the development (which did not include a street setback at levels 3-5) cast a small amount of additional shadow over Argyle Park between 9.40 and 9.45am on the winter solstice, the current proposal would result in less shadow impact benefiting from greater upper level setback to Lygon Street. As there is no additional overshadowing of Argyle Park between 10am and 3pm, the proposal complies with the proposed DDO8.

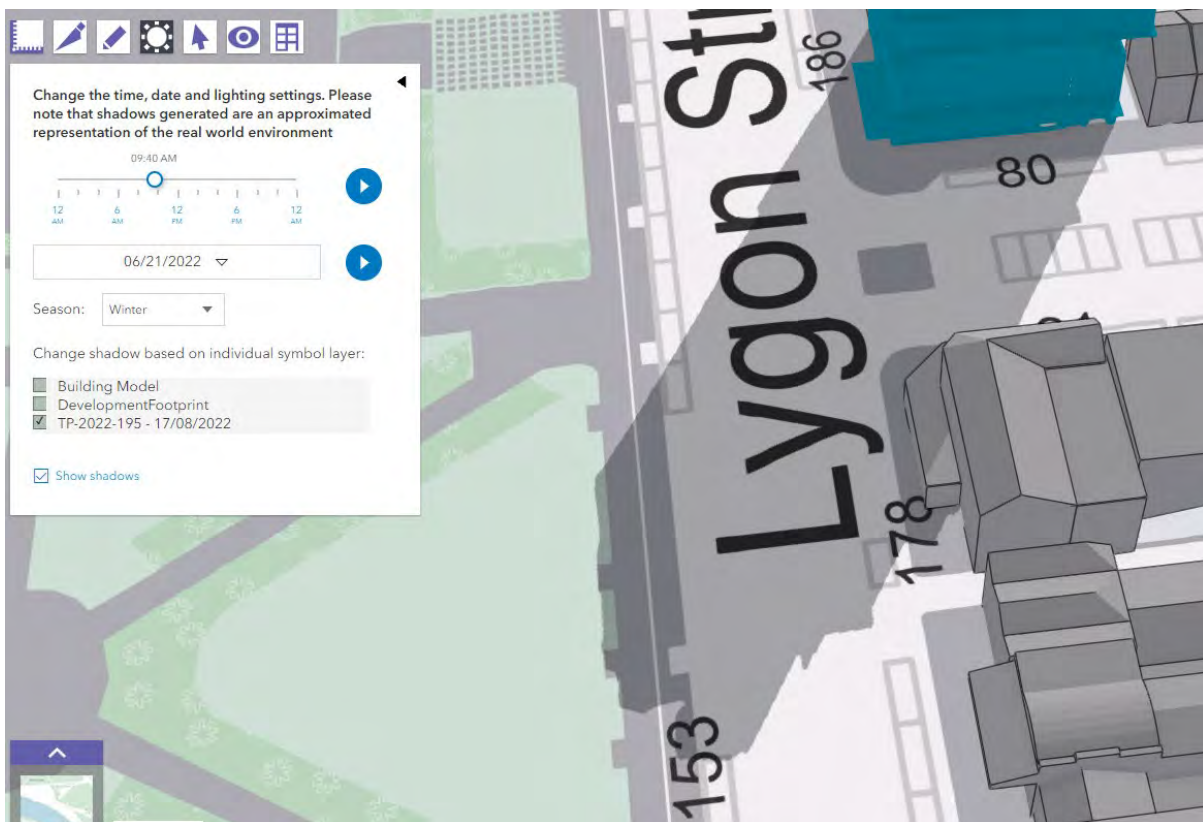


Figure 13 - Shadow cast by the original proposed development at 9.40am



In terms of other shadow impacts, the submitted shadow diagrams undertaken on the Equinox demonstrate the shadows would not reach the footpath on the opposite side of Pelham Street, nor cast a shadow over neighbouring areas of secluded private open space or solar panels evident on aerial photographs.

The extent of overshadowing is therefore considered to be acceptable.

### 13.4.2 Overlooking

The nearest residential properties are located at 66 Pelham Street to the east and the row of shop-top dwellings at 53-75 Pelham Street to the south. Although overlooking from an office is not specifically discouraged in the same way that it is for apartment buildings, it remains an important consideration.

The secluded private open space to the rear of 66 Pelham Street is located approximately 10.5 metres from the north-eastern corner of the proposed building. As depicted in the East Elevation reproduced at Figure 14, this interface is characterised by solid walls, which would prevent direct views into this area of secluded private open space.



**Figure 14 - East Elevation of the proposed development showing solid walls on the northern half of the interface. From Drawing A2.01**

The balconies of the dwellings on the opposite side of Pelham Street are located in excess of 30 metres from the southern edge of the proposed building. Although direct views onto these balconies, and potentially into their habitable rooms may be possible, the 30 metre separation is considered sufficient to mitigate these impacts.

### 13.4.3 Wind impacts

The subject site is located along Lygon Street and opposite Argyle Park where pedestrian comfort is of key importance.

Given the proposal's six storey height, and provision of awnings along all street frontages, it is not considered that it would contribute to notable adverse wind impacts.

## 13.5 Sustainability

### 13.5.1 Energy and Resource Efficiency

Clause 15.01-2L-01 encourages buildings that:

- *Maximise the use of passive systems to achieve comfortable indoor conditions.*
- *Support new developments that minimise their embodied energy by their use of materials, construction and retention of reusable building fabric.*
- *Support on-site renewable and low emission energy generation, such as solar hot water, photovoltaic cells, wind powered turbines or combined heat and power generation systems in new developments.*
- *Encourage use and development to minimise waste.*

The submitted Sustainable Management Plan (SMP) prepared by ADP Consulting states that the proposal has the potential to achieve a 5 Star Green Star rating through a range of initiatives.

This report was reviewed by Council's ESD Officer who advised that the proposal has the potential to meet the performance measures set out in Clause 15.01-2L-01 with limited modifications required. Given the sustainability measures proposed, Council's ESD Officer confirmed that compliance can be resolved via a condition requiring the submission of a BESS Report demonstrating that the development can achieve at least a 50% rating for Energy.

Such a condition will therefore be included on any permit issued.

### 13.5.2 Stormwater Management (Water Sensitive Urban Design)

The objectives of this policy include:

- *To promote the use of water sensitive urban design.*
- *To mitigate the detrimental effect of development on downstream waterways.*
- *To minimise peak stormwater flows and stormwater pollutants for the improved health of water bodies, including creeks, rivers and bays.*

Clause 19.03-3L provides that it is policy that development applications relating to new buildings incorporate water sensitive urban design that achieve the best practice water quality performance objectives set out in the Urban Stormwater Best Practice Environmental Guidelines, CSIRO 1999 (or as amended).

The submitted Sustainable Management Plan (SMP) prepared by ADP Consulting was reviewed by Council's ESD Officer who advised that, given the inclusion of a 6 kL rainwater tank; the proposal is consistent with the requirements of Clause 19.03-3L. They nevertheless recommended that a BESS Report, demonstrating a 50% score in Water and 100% score in Stormwater be submitted to Council for approval.

Such a condition will therefore be included on any permit issued.

## 13.6 Traffic and car parking

As the proposal does not include the provision of any car parking, it is unlikely to result in any traffic impacts.

Although the Parking Overlay that applies to the site does not limit the number of car spaces for commercial uses, it is considered appropriate to waive the car parking requirement based on the following grounds:

- The subject site is located along Lygon Street within close proximity of the central city, and public transport in the form of bus routes along Lygon Street and trams along Swanston and Nicholson Streets.
- The proposal includes a total of 14 bicycle spaces within the basement level, which would promote alternative modes of travel.



- Provision of car parking on site would adversely impact pedestrian safety due to additional vehicle movements across the footpath.
- Provision of car parking on site would encourage employees and visitors to drive to the building, thereby increasing the volume of local traffic.
- Plentiful on-street car spaces are located within close proximity of the subject site.
- It is commonplace for retail premises along Lygon Street to rely on existing on-street car spaces to meet their demand.

### **13.7 Objector Concerns**

Where concerns raised in an objection have not been addressed in the above assessment, these matters have been separately considered below.

#### **13.7.1 Amenity impacts from the rooftop bar**

The rooftop bar has been removed from the proposal as part of the amended application.

#### **13.7.2 Light pollution**

The Melbourne Planning Scheme does not have any controls governing light pollution from buildings, other than advertising signs where maximum LUX levels are sometimes set. Additional light pollution from an office building in this location is not expected to be of major concern.

#### **13.7.3 Glare**

A condition on any permit issued will require all glazing to have a maximum reflectivity of no more than 15 per cent, so as to minimise glare impacts.

#### **13.7.4 Construction activities**

A Construction Management Plan condition will be included on any permit being granted requiring the developer to prepare and submit a detailed construction management plan to Council's Construction Management group, which, when approved, set out how construction processes will be carried out having regard to the following considerations:

- Public safety, amenity and site security.
- Operating hours, noise and vibration controls.
- Air and dust management.
- Stormwater and sediment control.
- Waste and materials reuse.
- Traffic management.
- Protection of street trees.

#### **13.7.5 Drainage concerns**

A condition on any permit issued will require the approval of a stormwater drainage system by Council's Engineering Department. This will ensure that stormwater drainage is properly managed.

## **14 CONCLUSION**

Subject to conditions, the proposed development will respond appropriately to its heritage context, complying with Planning Policy Clause 15.03-1L-02 (Heritage) Clause 15.01-1L-05 (Urban Design outside the Capital City Zone), Schedule 47 to the Design and Development Overlay, and will not unreasonably impact on the amenity of adjoining properties or public realm.

## 15 RECOMMENDATION

Having considered all relevant provisions of the Melbourne Planning Scheme, in addition to the matters required under Section 60 of the *Planning and Environment Act 1987*, it is recommended that the Future Melbourne Committee issue a Notice of Decision to Grant a Permit, subject to the conditions set out below.

### 15.1 Permit Preamble

Partial demolition and construction of a multi level commercial building and waiver of car parking requirements.

### 15.2 Permit Conditions

#### Amended Plans

1. Prior to the commencement of the development, including demolition and bulk excavation, plans drawn to scale must be submitted to the Responsible Authority generally in accordance with the plans prepared by Warren and Mahoney, dated 15 February 2023 (Drawings A0.02 – A3.02) but amended to show:
  - a) An updated development summary that reflects the revised development, consistent with the copy submitted to Council on 8 March 2023.
  - b) The awnings revised so as to comply with Council's *Road Encroachment Operational Guidelines*.
  - c) The rebate between the retained heritage façade and new building at ground level along Lygon Street reduced to no more than one metre in depth.
  - d) The rebate between the retained heritage façade and new building at level 1 along Lygon Street deleted. The new built form at this level must match the parapet height of the heritage façade.
  - e) The outdoor terrace and associated landscaping and balustrades above the retained heritage form deleted and replaced with an inaccessible roof area.
  - f) The design of ground and first levels (at a minimum) of the new building, as it fronts both streets, revised to increase the thickness of street wall columns and horizontal beams, and significantly reduce the extent of glazing.
  - g) Any changes required to be consistent with the Façade Strategy endorsed in accordance with Condition 6.
  - h) Any changes required to be consistent with the ESD Report endorsed in accordance with Condition 16.

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 development as shown on the endorsed plans must not be altered or modified without 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. Prior to the occupation of the development, all buildings and works required by this permit must be completed to the satisfaction of the Responsible Authority.

#### Glazing and glare

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

### **Façade Strategy**

6. Concurrent with the endorsement of plans pursuant to Condition 1, a Façade Strategy must be submitted to and approved by the Responsible Authority. All materials, finishes and colours must be in conformity with the approved Façade Strategy to the satisfaction of the Responsible Authority. The Façade Strategy must be generally in accordance with the development plans and must detail:
  - a) A concise description by the architect(s) of the building design concept and how the façade works to achieve this.
  - b) Elevation details generally at a scale of 1:50 illustrating typical lower level details, balcony niches, entries and doors, and utilities, typical tower detail, and any special features which are important to the building's presentation. The drawings must demonstrate:
    - i. Greater thickness to the street wall columns and horizontal beams along the south elevation.
    - ii. Material depth to the upper levels to provide sufficient shading.
    - iii. The use of clear glazing on the curtain wall façade.
  - c) Cross sections or another method of demonstrating the façade systems, including fixing details indicating junctions between materials and significant changes in form and / or material.
  - d) Information about how the façade will be accessed, maintained and cleaned, including any planting if proposed.
  - e) Example prototypes and / or precedents that demonstrate the intended design outcome as indicated on plans and perspective images, to produce a high quality built outcome in accordance with the design concept.
  - f) A schedule of colours, materials and finishes, including the colour, type and quality of materials showing their application and appearance. Materials and finishes must be of a high quality, contextually appropriate, durable and fit for purpose. This can be demonstrated in coloured elevations or renders from key viewpoints, to show the materials and finishes linking them to a physical sample board with coding.

### **Architect to be retained**

7. Except with the consent of the Responsible Authority, Warren and Mahoney must be retained to complete and provide architectural oversight during construction of the detailed design as shown in the endorsed plans and endorsed schedule of materials to the satisfaction of Responsible Authority.

### **Land Uses**

8. No parts of the building may be used as an adult sex product shop without permission from the Responsible Authority.

### **Construction Management Plan**

9. Prior to the commencement of the development, including demolition and bulk excavation, a detailed construction and demolition management plan must be submitted to and be approved by the Responsible Authority – Construction Management Group.

This construction management plan must be prepared in accordance with the City of Melbourne - 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) protection of street trees.



### **Waste Management**

10. The waste storage and collection arrangements must be in accordance with the Waste Management Plan (WMP) prepared by Leigh Design dated 21 January 2022.

The submitted WMP must not be altered without prior consent of the City of Melbourne – Waste and Recycling.

11. No garbage bin or waste materials generated by the development may be deposited or stored outside the site and bins must be returned to the garbage storage area as soon as practical after garbage collection, to the satisfaction of the Responsible Authority.

### **Tree Protection Plan**

12. Prior to the commencement of any works, including demolition, a Tree Protection Plan (TPP) must be provided to the satisfaction of the Responsible Authority (City of Melbourne). 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) City of Melbourne asset numbers for the subject trees (found at <http://melbourneurbanforestvisual.com.au>).
- b) Reference to the any finalised Construction and Traffic 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).

### **Public Tree Removal / Pruning**

13. No public tree adjacent to the site can be removed or pruned in any way without the written approval of the City of Melbourne.

### **Public Tree Protection**

14. All works (including demolition), within the Tree Protection Zone of public trees must be undertaken in accordance with the endorsed Tree Protection Plan and supervised by a suitably qualified Arborist where identified in the report, except with the further written consent of the Responsible Authority.
15. Following the approval of a Tree Protection Plan (TPP) 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 Council. 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.

### **Environmentally Sustainable Design**

16. Prior to the commencement of the development, an Environmentally Sustainable Design (ESD) Statement shall be prepared by a suitably qualified professional and submitted to the satisfaction of the Responsible Authority. The ESD Statement must demonstrate that the building has the preliminary design potential to achieve the following (unless agreed otherwise to the satisfaction of the Responsible Authority):

- a) A 50% BESS score in Energy
  - b) A 50% BESS score in Water
  - c) A 100% BESS score in Stormwater.
17. Prior to the occupation of any building approved under this permit, a report from the author of the endorsed ESD report, or similarly qualified persons or companies, outlining how the performance outcomes specified in the amended ESD 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 that all measures specified in the approved ESD report have been implemented in accordance with the relevant approved plans.

### **Landscaping**

18. Prior to the commencement of the development, a detailed landscape plan prepared by a suitably qualified landscape architect must be submitted and approved by the Responsible Authority. This plan must include:
- a) A schedule of all soft and hard landscaping and treatments.
  - b) How the project responds to water sensitive urban design principles, including how storm water will be mitigated, captured, cleaned and stored for onsite use and the location and type of irrigation systems to be used including the location of any rainwater tanks to be used for irrigation.
  - 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) Details of surface finishes of retaining walls, pathways and driveways.

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.

19. Prior the occupation of the development, landscape works, as shown on the endorsed landscape plan must be completed to the satisfaction of the Responsible Authority.
20. Landscaping as shown on the endorsed landscape plan must be maintained to the satisfaction of the Responsible Authority, except with the written consent of the responsible authority.

### **3D Digital Model**

21. Prior to the occupation of the development, an amended 3D digital model of the approved development must be submitted to, and must be to the satisfaction of, the Responsible Authority. The model should be prepared having regard to 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 be to the satisfaction of, the Responsible Authority.

### **Civil Design**

22. Drainage of projections

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.

23. Drainage connection underground

Prior to the commencement of the development, 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 underground stormwater drainage system.

24. Groundwater management

All groundwater and water that seeps from the ground adjoining the building basement (seepage water) and any overflow from a reuse system which collects groundwater or seepage water must not be discharged to the Council's drainage network. All contaminated water must be treated via a suitable treatment system and fully reused on site or discharged into a sewerage network under a relevant trade waste agreement with the responsible service authority.

25. Demolish and construct access

Prior to the commencement of the use / 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.

26. Roads

All portions of roads 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.

27. Sawn bluestone footpath

The footpath adjoining the site along Lygon Street must be reconstructed in sawn bluestone together with associated works including the renewal of kerb and channel, removal of concrete footings 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.

28. Footpath

The footpath adjoining the site along Pelham Street must be reconstructed together with associated works including the renewal of kerb, reconstruction of channel, removal of concrete footings 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.

29. Street levels not to be altered

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.

30. Existing street lighting not altered without approval

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.

31. Existing street furniture

Existing street furniture must not be removed or relocated without first obtaining the written approval of the Responsible Authority – City Infrastructure.

32. Street furniture

All street furniture such as street litter bins, recycling bins, seats and bicycle rails must be supplied and installed on footpaths outside the proposed building to plans and specifications first approved by the Responsible Authority – City Infrastructure.

33. Public lighting



Prior to the commencement of the development, excluding preliminary site works, demolition and any clean up works, or as may otherwise be agreed with the City of Melbourne, a lighting plan must be prepared to the satisfaction of Council. The lighting plan should be generally consistent with Council's Lighting Strategy, and include the provision of public lighting in adjacent streets. The lighting works must be undertaken prior to the commencement of the use / occupation of the development, in accordance with plans and specifications first approved by 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.

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 12 months after the permit expires and the development started lawfully before the permit expired.

### **15.3 Permit Notes**

#### **Infrastructure**

- The internal roads should remain the responsibility of the land owner(s) in perpetuity. The City of Melbourne is unlikely to agree to the internal roads being made public.
- 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 – City Infrastructure.

#### **Tree Protection**

- A tree protection bond can be provided as a bank guarantee or by EFT. A bank guarantee must be:
  - a) Issued to City of Melbourne, ABN: 55 370 219 287.
  - b) From a recognised Australian bank.
  - c) Unconditional (i.e. no end date).
  - d) 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](mailto: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.