

# Planning Officer Report

477 Collins Street, Melbourne

Planning Permit Application 2014/002753



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## Summary

The purpose of this report is to provide a detailed planning assessment of planning permit application 2014/002753. This report is provided to the Minister for Planning to assist in considering and determining the planning permit application.

Under the Schedule to Clause 61.01 of the Melbourne Planning Scheme, the Minister for Planning is the responsible authority for the applications with a gross floor area exceeding 25,000 square metres. The planning permit application is for a development of 98,239m<sup>2</sup>.

An application has been made to redevelop the site with a multi storey (40 storey) office tower to the rear of the Victoria Heritage Registered buildings of the Olderfleet Building (471-477 Collins St), the Records Chamber Building (479-481 Collins St) and the South Australian Insurance Building (483-485 Collins St).

A permit is required for demolition and buildings and works. Key issues for consideration include to construct any part of a building which exceeds a height of 40 metres within 10 metres of a road frontage, and to construct or carry out works that would cast a shadow between 11.00am and 2.00pm on 22 March and 22 September over public space, public parks and gardens and major pedestrian routes including streets and lanes.

The Department's Urban Design Unit and Public Transport Victoria are supportive of the permit application subject to conditions.

The City of Melbourne has provided officer comments only. These comments are generally supportive of the application subject to further resolution of the loading area and activation of the Flinders Lane façade.




On balance, the proposal is considered to respond to its site context and should be supported with conditions. The proposal complies with the objectives of State and Local Policy including Plan Melbourne and the planning controls which affect the site and is considered to respond to the existing and evolving built form context of the area.

## Recommendation

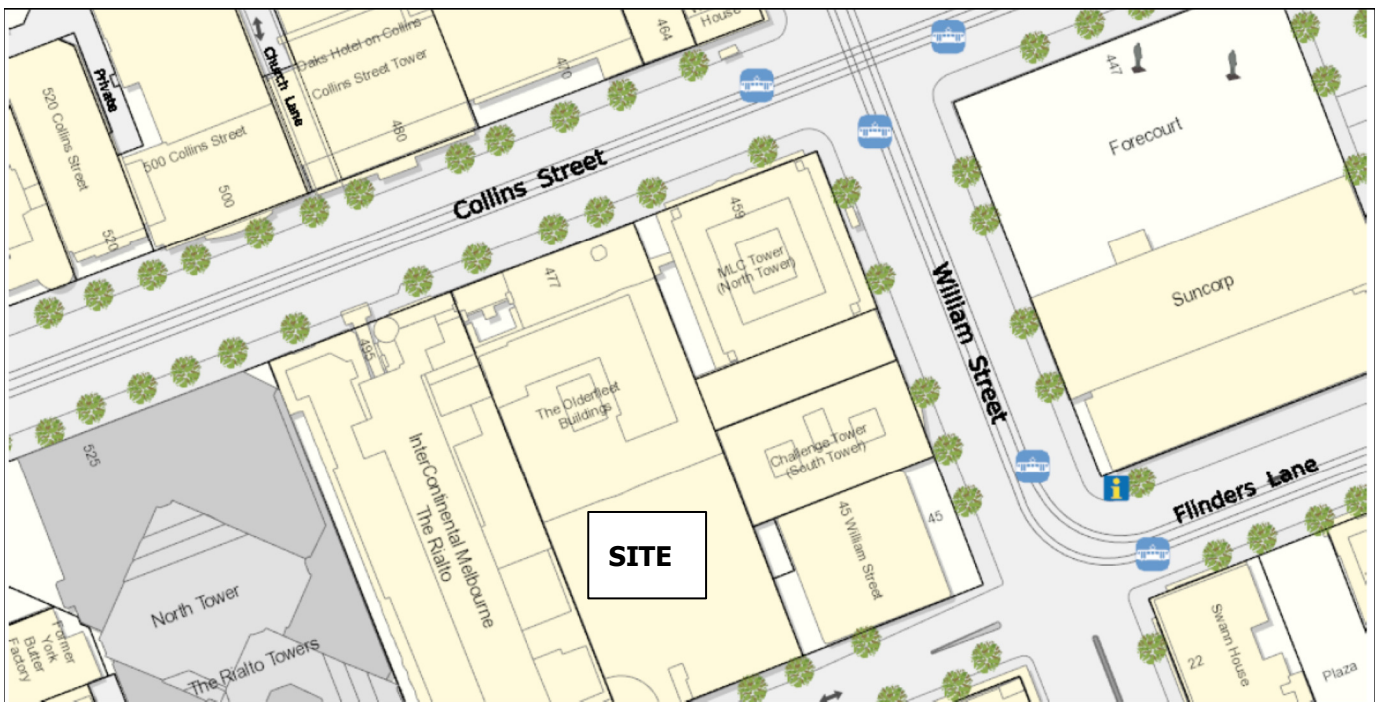
The Future Melbourne Committee has considered the matter and resolved to **support the application subject to conditions**.

The recommendation to the Minister for Planning is to approve the planning application and grant a **planning permit subject to conditions**.

## Application Details

Key elements	Comments
Land:	477 Collins Street, Melbourne (Title Plan TP820886R, Parent Title Volume 10184 Folio 749)
Application No.:	2014/002753
Proposal:	Demolition of existing buildings, construction of a high rise office building that will overshadow the north bank of the Yarra River and exceed a height of 40 metres within 10 metres of a road frontage (Flinders Lane) in the Capital City Zone Schedule 1
Date lodged:	22 July 2014
Zone and Overlay controls:	Schedule 1 to the Capital City Zone (CCZ1) Schedule 1 to the Design and Development Overlay (DDO1) (Area 2- affects Collins Street frontage only) Schedules 611, 902 & 903 to the Heritage Overlay (HO611, HO902 & HO903) Schedule 1 to the Parking Overlay (PO1)
Why is a permit required?	Schedule 1 of Clause 37.04 (CCZ1): a permit is required for demolition, buildings and works, to construct any part of a building exceeding a height of 40 metres within 10 metres of a road frontage, and to construct or carry out works that would cast a shadow between 11.00am and 2.00pm on 22 March and 22 September over public space, public parks and gardens, public squares, major pedestrian routes including streets and lanes
Height Procedures for Air Navigational Services- Aircraft Operations Surface (PANS- OPS)	40 storeys (152.5 metres RL to AHD) Reduced Level to Australian Height Datum when measured from Collins Street The building at 152.5 metres in this location is below the Obstacle Limitation Surface of 226 metres (RL to AHD)
Setbacks	Collins Street (North): minimum of 16.8 metres East: 4.2 metres West: 4.9 metres Flinders Lane (South): 4.54 metres to 14.4 metres
Car parking and bicycle facilities	409 car parking spaces, 545 bicycle spaces and 40 motorcycle spaces
Gross floor area (GFA)  	GFA 98,239m <sup>2</sup> 
Applicant / Developer	Mirvac Commercial SUB SPV Pty Ltd C/- Urbis Pty Ltd
Public Notification	Exempt from notification and third party appeal rights

**Figure 1 – Site plan**



**Figure 2- Perspective image of proposal**



## Background

The application was lodged on 22 July 2014.

Further information was requested on 19 August 2014 (within 28 days of the application). A response to the further information request was received on 21 October 2014.

On 28 January 2015 the applicant amended the permit application under Section 50 of the *Planning and Environment Act 1987* to revise the Level B3 plans to incorporate a turning head for a small rigid vehicle as sought by Council. It is noted that this resets the statutory clock.

## Site and Surrounds

The site is located on the south side of Collins Street between William and King Streets, Melbourne (refer to Figure 1 above). The site includes a frontage of 40.31 metres (Collins Street), a depth of 97.2 metres, providing a total site area of 3,899m<sup>2</sup>. The site has a significant fall of approximately 9.5 metres from its Collins Street frontage to its Flinders Lane frontage and also a fall across the site from east to west of 0.99 metres along its Collins Street frontage and 0.71 metres along Flinders Lane frontage.

The site is currently occupied by an eight storey concrete office building setback from Collins Street which abuts and sits above the six storey (with three basements) commercial car park (accommodating 598 car parking spaces) to the rear facing Flinders Lane. The building was designed by Robert Peck YFHK and Denton Corker Marshall and built in 1985. To Collins Street it incorporates the facades of three older buildings for a depth of 10 to 11 metres; Olderfleet Building a Victorian Gothic style and built in 1891 (HO611, Victorian Heritage Register H37), the Records Chamber Building built in 1887 (HO902, Victorian Heritage Register H38) and the South Australian Insurance Building Victorian Gothic style and built in 1888 (HO903, Victorian Heritage Register H39). It is highlighted that the existing commercial car park in operation on site is relying on existing use rights (Clause 63) of the Melbourne Planning Scheme post construction.

The site is not affected by any easements or restrictive covenants, other than an easement for footway, light and air purposes over the portion of land to the east adjacent to the office towers fronting William Street. It is noted that there is an agreement which affects these properties stipulates that if the Olderfleet land is redeveloped, existing windows of 459 Collins Street within 3 metres overlooking the Olderfleet land will need to be sealed with concrete or masonry having fire resistance rating.

Development surrounding the site can be described as follows:

- To the **north** of the site, across Collins Street, is 480-490 Collins Street (Oaks on Collins a 20 storey office building), 468-478 Collins Street (17 storey office building), and 464-466 Collins Street (Makers Mark 3 storey building with a permit to redevelop it with a 54 storey residential tower above the retained heritage building). It is noted that the built form typology of these buildings include minimal tower setbacks to the street and tower forms without podiums.
- To the **east** of the site is 459 Collins Street on the corner of William Street with three building envelopes all built to the street with no tower setbacks. To the north-west corner of Collins and Williams Streets is 'North Tower' (32 storey office tower), mid block is 'South Tower' (15 storey office building) and on the north-west corner of William Street and Flinders Lane (45 William

Street) is a 16 storey office building. These properties are affected by an agreement which stipulates that if the Olderfleet land is redeveloped, existing windows of 459 Collins Street within 3 metres overlooking the Olderfleet land will need to be sealed with concrete or masonry having fire resistance rating.

- To the **south** of the site, across Flinders Lane, is 15 William Street which is a 20 storey office building with a tower typology with no setbacks. West of this site is 452 Flinders Street (Riverside Plaza) a 19 storey office building which extends from Flinders Street through to Flinders Lane. The building includes a through block link with landscaped plaza area to its eastern boundary and is built to its boundaries and does not include upper level tower setbacks to either street.
- To the **west** is 495 Collins Street (Intercontinental Melbourne) which is also on the Victorian Heritage Register and is 12 storeys in height built to its common boundaries which present as a blank wall to the site. Further west is the Rialto Towers, 66 and 38 storey office towers, which incorporates a podium to the street at a comparable scale to the retained heritage buildings with the towers beyond to Collins Street, King Street and Flinders Lane.

The subject site enjoys access to public transport with trams along Collins Street and Southern Cross Railway Station a short distance away. The site is also in close proximity to shops, restaurants, bars and other services associated with its central location.

Recreational facilities and parks are readily accessible to the site, including Enterprize Park approximately 200 metres to the south and the Yarra river corridor. These public spaces provide good opportunities for active and passive recreation within walking distance of the site.

## Proposal

The application seeks approval to demolish the existing office tower to the rear of the heritage buildings fronting Collins Street, construct a 40 storey office tower with restaurant and retail spaces within the existing heritage buildings. The proposed gross floor area is 98,239m<sup>2</sup>.

Details of the application are as follows:

- Demolition of the existing office tower to the rear of the existing heritage buildings fronting Collins Street (Olderfleet Building, the Records Chamber Building and the South Australian Insurance Building);
- Construction of an office tower measuring at 40 storeys (152.5 metres RL to AHD). The building includes tower setbacks above Level 6 with tower offsets to Collins Street varying from 16.8 metres to over 27 metres, a varied tower setback to Flinders Lane of 4.54 to 14.4 metres and 4.2 and 4.9 metres to the eastern and western boundaries respectively. This provides a minimum tower separation between 4.2 metres to 10 metres to adjoining towers (both potential and existing);
- The tower comprises of retail uses within the heritage buildings fronting Collins Street and small tenancies fronting Flinders Lane to its western boundary and at the first floor level; and low, mid, high and sky rise office totalling 50,859m<sup>2</sup> net leasable area with an ancillary leisure centre at Levels 7 and 8;
- The proposal relies on existing use rights for the commercial car park which will remain in operation with less car parking spaces than currently on site (this is discussed further within the assessment below);

- The proposal includes a public walkway along its western boundary from Flinders Lane which connects through to Collins Street via stairs (to overcome the 9.5 metre level difference between the two streets);
- Vehicle access, loading and unloading facilities and bicycle parking facilities are provided from Flinders Lane with 409 car parking spaces, 545 bicycle parking spaces with associated changing and shower facilities and 40 motorcycle spaces;
- The building aims for 5 star Green Star rating;
- Materials and finishes include glazing (curtain wall glass, U form glass and white glass), terrazzo tiles, Carrera marble, bluestone, silver travertine, grey metalwork, anodised aluminium (car park screening and curtain wall framing); and
- The submission is supported by comprehensive reports including a planning report, urban context report, heritage impact assessment, wind tunnel assessment, traffic report, waste management report, and ESD report.

## Planning Policies and Controls

### State Planning Policy Framework

The State Planning Policy Framework (SPPF) provides the broad policy direction within the Victorian Planning Provisions. The planning principles set out under the SPPF are to be used to guide decision making on planning proposals across the state. The following policies are considered relevant to this application.

The following key SPPF policies are relevant:

- Clause 9 (Plan Melbourne)
- Clause 10.04 (Integrated Decision Making)
- Clause 11 (Settlement)
- Clause 15.01-1 (Urban Design)
- Clause 15.02 (Sustainable Development)
- Clause 17.01 (Commercial)
- Clause 18.01 (Integrated Transport)
- Clause 18.02 (Cycling)

The above policies encourage appropriate land use and development which enhances the built environment; supports economic growth, delivers commercial floor area and integrates transport and infrastructure planning.

### Local Planning Policy Framework

The Municipal Strategic Statement (MSS) and Local Planning Policy Framework (LPPF) within Planning Schemes across Victoria outline principal characteristics of a given municipality (municipal profile) and provide specific visions, goals, objectives, strategies and implementation plans. The MSS within the Melbourne Planning Scheme identifies seven key themes for settlement, Environment and Landscape Values, Built Environment and Heritage, Housing, Economic Development, Transport

and Infrastructure. The site is located within the original city centre (the Hoddle Grid) (Local Area 1 - Figure 5) as identified under Clause 21.12 of the Melbourne Planning Scheme.

Clause 21.02 (Municipal Profile) recognises that the City of Melbourne is the premiere location for many of the State's economic, infrastructure and cultural facilities, and attracts a substantial daily population with people travelling to the city for work, leisure and shopping.

Clause 21.03 (Vision) recognises the diverse roles of the city and local areas, with a vision being 'a thriving and sustainable City that simultaneously pursues economic prosperity, social equity and environmental quality'.

Clause 21.04 1-1 (The original city centre – the Hoddle Grid) sets out objectives and implementation strategies for the various areas of Melbourne: *"Central City.....[area has] been planned and designed to provide for the expansion of the Central City in optimal living and working environments with a new mix of uses, higher density development and excellent provision for walking, cycling and public transport services....The design of the buildings, streets, public open spaces should be integrated over whole precincts with provision of utilities services to minimise the precinct's greenhouse gas emissions, optimise water management, mitigate the effects of extreme storm events, reduce the urban heat island and take precautions against sea level rise"*.

Clause 21.06 (Built Environment and Heritage) identifies Melbourne's character which is defined by its "distinctive urban structure, historic street pattern, boulevards and parks, heritage precincts, and individually significant heritage buildings. Heritage buildings, precincts and streetscapes are a large part of Melbourne's attraction and the conservation of identified heritage places from the impact of development is crucial". This Clause identifies the need to promote connectivity, provides for spacing and offset to provide access to outlook, daylight, sunlight and to minimise direct overlooking between habitable rooms, and to ensure that the scale, bulk and quality of development supports a high quality public realm.

Clause 21.09 (Transport) seeks to integrate transport and urban growth by encouraging development in locations, which can maximise the potential use of public transport. This Clause seeks to maximise access to the city through support of the provision of adequate, safe public transport, pedestrian and bicycle facilities and car parking, in the City to suit 24 hour activity.

Clause 21.12 (The Hoddle Grid) includes policies relating to Economic Development, Built Environment and Heritage and Transport which specifically relate to the unique and valued characteristics of the Hoddle Grid. It encourages the development of a range of complementary precincts within the Hoddle Grid that offer a diverse range of specialist retail, cultural and entertainment opportunities.

The following key local planning policies (Clause 22) are relevant to the proposal:

- Clause 22.01 Urban Design within the Capital City Zone
- Clause 22.02 Sunlight to Public Spaces
- Clause 22.19 Energy, Water and Waste Efficiency
- Clause 22.23 Stormwater Management (Water Sensitive Urban Design)

The above policies encourage high quality urban design outcomes and to ensure that development is environmentally sustainable and recognises its impact on the public realm.

## Statutory Controls (Permit Triggers)

The following controls apply to the site, with planning permit triggers and requirements described below:

Planning Control	Permit / Application Requirement(s) / Decision Guidelines
<p><i>Capital City Zone- Schedule 1</i> (Clause 37.04)</p>	<p>A permit is required to use the land unless specifically exempted by the schedule. A permit is also required to demolish, construct a building or construct or carry out works unless the schedule specifies otherwise.</p> <p>Schedule 1:</p> <ul style="list-style-type: none"> <li>Specifies that <b>no permit is required</b> for 'office', and 'retail premises' (other than adult sex bookshop, department store, hotel, supermarket and tavern) as the uses are permitted as of right (Section 1 use) at Clause 1.0 of the Schedule.</li> <li>Specifies that a <b>permit is required</b> to demolish or remove a building, construct or carry out works that would cast a shadow between 11.00am and 2.00pm on 22 March and 22 September, to construct any part of a building exceeding a height of 40 metres within 10 metres of a road frontage and for buildings and works.</li> <li>Exempts the application from notice and appeal requirements.</li> <li>Decision guidelines are contained in Schedule 1.</li> </ul>
<p><i>Heritage Overlay- Schedules 611, 902 and 903 (HO611, HO902 &amp; HO903)</i> (Clause 43.01)</p>	<p>Under Clause 43.01-2 <b>no permit is required</b> to develop a heritage place which is included on the Victorian Heritage Register.</p> <p>A separate heritage permit must be sought from Heritage Victoria, for any works to the registered buildings.</p>
<p><i>Design and Development Overlay- Schedule 1 (DDO1)</i> <i>Collins Street frontage</i> (Clause 43.02)</p>	<p>Under Clause 43.02-2 a permit is required to construct a building or construct or carry out works unless the schedule specifies otherwise.</p> <p>Schedule 1:</p> <ul style="list-style-type: none"> <li>Specifies a <b>permit is required</b> for buildings and works at ground level.</li> <li>Requires buildings with ground-level street frontages to major pedestrian areas present an attractive pedestrian orientated frontage by providing at least 5 metres or 80% of the street frontage as one which provides pedestrian interest and interaction which is generally clear glazing and is built to a pedestrian scale.</li> <li>Exempts buildings and works from notice and appeal requirements.</li> </ul>

	Decision guidelines are contained at Clause 43.02-5 and at Clause 65.
<i>Parking Overlay – Schedule 1</i> <i>(Clause 45.09)</i> <i>and Car Parking</i> <i>(Clause 52.06)</i>	<p>The provisions of the parking overlay works in conjunction with Clause 52.06 of the Melbourne Planning scheme.</p> <p>Under Clause 45.09-3 a schedule to this overlay may specify that a permit must not be granted to provide more than the maximum parking provision specified in a schedule to this overlay.</p> <p>Schedule 1 of the Parking Overlay specifies a maximum number of car parking spaces (calculated as a ratio for commercial uses using two equations) and the provision of 1 motorbike space per 100 car parking spaces.</p> <p>The limitation policy allows for 644 to 879 spaces (which includes the 598 parking spaces associated with the commercial car park which includes existing use rights). The provision of 409 car parking spaces on site is below the maximum, and the provision of 40 motorcycle spaces is well above the minimum allowed under the clause, therefore <b>no permit is required</b>.</p> <p>Decision guidelines are contained at Clause 45.09-5 and at Clause 65.</p>
<i>Loading and Unloading of Vehicles (Clause 52.07)</i>	<p>Under Clause 52.07 no buildings or works may be constructed for the manufacture, servicing, storage or sale of goods or materials unless space is provided on the land for loading and unloading vehicles as specified within the table.</p> <p>The loading bay provided complies with the detailed requirements set out in Clause 52.07. Therefore, <b>no permit is required</b> under this clause.</p>
<i>Bicycle Facilities (Clause 52.34)</i>	<p>Under Clause 52.34-1 a new use must not commence until the required bicycle facilities, shower and change room facilities and associated signage has been provided on the land. The standard requires the provision of 247 spaces (188 employee and 59 visitor spaces). The application also provides for 34 showers and 440 lockers. The application provides in excess of the required bicycle parking (545 spaces), and shower and change room facilities (18 required), therefore a <b>no permit is required</b> under this provision.</p>
<i>Integrated Public Transport Planning (Clause 52.36)</i>	<p>Under Clause 52.36-1 an application must be referred in accordance with Section 55 of the <i>Planning and Environment Act 1987</i> (the Act) to the Director of Public Transport for an office development of 10,000 or more square metres of leasable floor area. On 5 August 2014 2014 the application was referred to Public Transport Victoria.</p>
<i>General Provisions</i>	<p>The schedule to Clause 61.01 indicates that the Minister for Planning is the responsible authority for considering and determining applications</p>

<i>(Clause 61.01)</i>	in accordance with Divisions 1, 1A, 2 and 3 of Part 4 of the <i>Planning and Environment Act 1987</i> for approving matters required by the scheme in relation to developments with a gross floor area exceeding 25,000 square metres.
<i>Existing Uses (Clause 63.05)</i>	<p>Under Clause 63.05 a use in Section 2 or 3 of the zone for which an existing use right is established may continue provided that a permit is granted for any proposed buildings and works and the works complies with any other building or works requirements within the scheme.</p> <p><b>A permit is required</b> for construction of buildings and works in the Capital City Zone Schedule 1 for a use for which an existing use right is established. It is noted that the permit application seeks to vary the capacity of the existing car park (from 598 spaces to 409).</p>
<i>Decision Guidelines (Clause 65.01)</i>	Under Clause 65.01 before deciding on an application the responsible authority must consider as appropriate a number of matters, including Section 60 of the <i>Planning and Environment Act 1987</i> .
<i>Referral and Notice Provisions (Clause 66.03)</i>	Clause 66.03 works in conjunction with Clause 52.36 (amongst other requirements) and requires an application to be referred to the person or body specified as the determining referral authority. As previously mentioned, Public Transport Victoria is a specified body under Clause 52.36.

## Other Strategic Matters

### Metropolitan Planning Strategy

Plan Melbourne was gazetted on 30 May 2014 (referenced at Clause 11.04) and outlines the long term plan to accommodate Melbourne future growth in population and employment. The key direction of relevance is:

- Key Direction 1.4 outlines the plan for the expanded central city to become Australia's largest commercial and residential centre by 2040.

Plan Melbourne identifies the Hoddle Grid as an existing area within the expanded central region. This central sub region has a target to accommodate 1 million jobs and 1 million people. The Central subregion has the potential to grow from 700,000 jobs today to close to 1 million by 2031 and well beyond this by 2050.

## Notification

Under Schedule 1 of the Capital City Zone an application to demolish a building and construct or carry out works, is exempt from the notice requirements of Section 52 (1) (a), (b) and (d), the decision requirements of Section 64 (1), (2) and (3) and the review rights of Section 82 (1) of the *Planning and Environment Act 1987*.

## Referrals

The application was given to the Department's Urban Design Unit, the City of Melbourne, and referred under Section 55 of the Act to Public Transport Victoria. The following comments were provided:

**Urban Design (DELWP):** Offered general support for the application. Matters for further resolution include ensuring that appropriate wind conditions are met to all accessible terraces. This can be resolved through an appropriate condition.

**City of Melbourne:** The application was referred to Council on 5 August 2014. On 3 March 2015 the matter was considered by the Future Melbourne (Planning) Committee where it was resolved to support the application subject to conditions with the most significant changes being to modify the loading/unloading arrangements, to modify the Flinders Lane podium treatment, and to increase the floor to ceiling heights of the car parking to 3.6 metres.

**Public Transport Victoria (PTV):** offered no objection to the proposal subject to two conditions being included on any permit issued (letter to the Department dated 8 September 2014).

## Assessment

### Consistency with Planning Policy

The proposal achieves State and Local policy objectives by:

#### *SPPF*

- Supports the concentration of major commercial developments in the central city which contributes to a variety of land uses that are highly accessible to the community (Clause 11.01-2).
- Includes low car parking numbers and encourages alternative modes of transport (Clause 11.01-2 and Clause 18.01-1).
- Through high quality and site responsive architecture and urban design the proposal will contribute to the character of the area, will promote safety and the attractiveness of Melbourne and will have minimal detrimental impact on neighbouring properties (Clause 15).
- Through a slim but articulated tower form, the development will make a positive contribution to the public realm (Clause 15).
- The development is activated at both the north and south street interfaces which will enhance adjacent pedestrian spaces, and create a pleasant pedestrian experience and provide greater safety for pedestrians (Clause 15).

#### *MSS*

- Clause 21.02 recognises that the City of Melbourne is the premiere location for many of the State's economic, infrastructure and cultural facilities in the Central City.
- Responding to Clause 21.12 (The Hoddle Grid) through:
  - Providing a design which acknowledges human scale and activation at ground level and responds to surrounding heritage buildings.

- Making a striking contribution to Melbourne's skyline through a well designed slender tower.

#### *LPPF*

- The development is fully designed to all visible sides and highly responsive to its context. It will enhance the physical quality and character of Melbourne's streets and lanes through a new pedestrian link (Clause 22.01).
- The proposal responds to Clause 22.02 by ensuring that the building will not result in significant overshadowing.
- Responds to Clause 22.19 and Clause 22.23 by including environmentally sustainable building initiatives.

## Land Use

The proposed uses are consistent with many policy directions, and contribute to the on-going revitalisation of a 24-hour Central Activities District. The development responds appropriately with the broad strategic intent for economic development and employment as outlined in the State Planning Policy Framework (SPPF), Local Planning Policy Framework (LPPF), including the MSS and the zoning control.

The land uses and redevelopment of a currently underutilised site is not in contention. The key issues in this application relate to design and built form, tower separation and setbacks, ground level activation and overall functionality of the site. These matters are discussed further below.

The existing commercial car park on site has existing use rights as defined under Clause 63 of the Melbourne Planning Scheme. Written advice has been provided to the permit applicant from the Department (letter dated 28 October 2013) confirming that the commercial car park has existing use rights. The applicant has provided legal advice with their application to outline that the existing use rights will continue to apply even after development (demolition) on site. The proposal results in a reduction in the amount of cars associated with the commercial car park use which is supported.

## Design and Built Form

The application includes the demolition of an ungraded building. The proposal includes a high density and activated development consistent with the decision guidelines of the Capital City Zone.

The standard model for developing taller buildings in the City is based on a 35-40 metre high podium with the tower element setback from this podium level by at least 10 metres, as described in Local Policy 'Urban Design within the Capital City Zone' (Clause 22.01).

The purpose of tower setbacks is to protect the quality and enjoyment of the public realm, ensure development equity and ensure a reasonable level of internal amenity. Tower setbacks assist in providing pedestrian scale, sunlight penetration, views to the sky, the deflection of wind downdrafts and light and ventilation to buildings.

The performance measures contained within Local Policy Clause 22.01, Urban Design within the Capital City Zone, Guidelines for Higher Density Residential Development, Schedule 1 to the Capital City Zone (CCZ1) set performance benchmarks for good development. Key themes of connectivity,

edge-quality, building envelope, internal amenity, architectural design and activation are common threads through these planning provisions.

### **Urban Context Response, Setbacks, Tower Separation and Architectural Design**

The proposal provides for a 40 storey (152.5 metre tall) tower. The tower includes a minimum setback of 16.8 metres to Collins Street, 4.2 metres (to the east), 4.5 metres (to the west) and 4.54 metres to 14.4 metres to Flinders Lane. This provides a minimum tower separation of between 4.2 – 10 metres to adjoining towers (both potential and existing).

The performance measures contained within Local Policy Clause 22.01, Urban Design within the Capital City Zone, of the Melbourne Planning Scheme provide guidance for development.

The tower setback above podium complies with the policy to Collins Street. However, the tower setback is 4.54 metres to Flinders Lane for the majority of its height with the upper levels (Level 32 to its full height then setback 14.4 metres. The policy intent is to ensure that the public realm and pedestrian qualities are not compromised. The setback of the tower to the streets is considered to be appropriate and in context with the surrounding area which includes a number of towers with no podium at greater heights than that proposed.

The site is directly abutted to the east and west. Tower separation is less than the 24 metres in Clause 22.01. Policy allows a reduction in tower separation where it can be demonstrated that the towers are offset, habitable room windows do not directly face one another and where the redevelopment of adjoining sites is not compromised. The proposal provides the following setbacks/separation from the adjoining sites, with relevant commentary as follows:

- East: The towers fronting William Street are built (in part) to the common boundary providing a minimum separation of 4.2 metres to the existing towers. This minimum setback affects the centrally located tower of the three (for a length of approximately 21.5 metres). However, this façade is largely occupied by the core, reducing overlooking. Separation increases to the towers to the north and south of the central tower with tower separation of 8.2 – 10 metres. This is considered to provide a reasonable level of tower separation, which is consistent with tower separation within the area. Additionally, in the event of redevelopment of the centrally located tower, the introduction of a tower setback to the common boundary would be sought, and will allow for a tower separation of approximately 9.5 metres to 10 metres to a future tower which is considered to be appropriate.
- West: The tower setback from the west boundary provides a minimum separation of 4.9 metres between the site and the Intercontinental Melbourne. The Intercontinental Hotel is built to the common boundary with a blank wall. In the event of significant redevelopment of this site (with a building envelope significantly taller than the current built form), the introduction of a tower setback to the common boundary would be sought, and will allow for a tower separation of approximately 9.5 metres to 10 metres to a future tower which is considered to be appropriate.

The overall building height is commensurate with the heights of building approved and under construction in the surrounding precinct. There are a number of high rise office buildings next door at Rialto and also opposite the site on both Collins Street and Flinders Lane (office towers with frontages to Flinders Street). The site is not affected by any height control and the proposed height of 152.5 metres is considered to be acceptable.

The proposal is well designed and articulated. The elevations feature glazing, balconies and a variety of materials to create visually interesting facades. Rooftop building plant is screened and the proposal provides visual interest to the city skyline.

## Street Level Activation and Pedestrian Safety

The proposed development incorporates retail tenancies fronting the through-block connection on site. A condition of permit can secure the public accessibility of this link via a section 173 agreement. The introduction of retail uses within the heritage buildings fronting Collins Street provides an entirely active frontage. Whilst there is limited activation to Flinders Lane, the introduction of the retail premises at ground floor and to the first floor frontage is an improvement from the existing building, which is solely vehicle entrances and exits and visible car parking floors above. It is noted that Design and Development Overlay- Schedule 1 (Active Street Frontages) does not affect the Flinders Lane frontage, but rather the Collins Street frontage only.

Council has expressed concerns regarding the presentation of the Flinders Lane frontage and the lack of activation with a preference for the entire podium façade to be redesigned to provide a greater level of visual interest through either active uses, a green wall, art or equivalent. Clause 22.01, Urban Design within the Capital City Zone, includes policy, as applicable, for facades to:

- *Encourage new facades to respect the rhythm, scale, architectural features, fenestration, finishes and colour of the existing streetscape;*
- *Encourage detail that engages the eye of the pedestrian;*
- *Encourage the use of high quality building material and details.*

It is highlighted that the policy does not explicitly require the activation of facades. In this instance, based on the retention of the existing commercial car park, the built form response to Flinders Lane is considered to be an improvement on the existing situation. In addition to some active uses at ground and first floor levels, the proposal also includes an articulated façade with visual interest (albeit not active uses) which respects the rhythm, scale of the streetscape, includes detail that engages the eye of the pedestrian and uses high quality building materials and finishes. The proposal is an improvement from the current open deck car park façade.

Council's suggested green wall or art is not considered to be an appropriate alternative. The *Growing Green Guide* (a City of Melbourne co authored paper) provides guidance for green roofs and walls and indicates that facades in areas of full shade have limited growth opportunities in these conditions and generally require a minimum of 4 hours of sun per day. The shadowing diagrams confirm that the façade is in full shadow between 11am and 2pm on 22 June, which would provide difficult conditions for growing and maintaining a green wall. Artwork is not considered to contribute to the visual interest of the façade more so than that proposed.

Council also raised the issue that the floor to ceiling height of the development of the car park area to Flinders Lane should increase to 3.6 metres (from 3 metres) to allow for future adaptation. It is noted that the floor to ceiling heights proposed are 3 metres which will allow for future conversion without requiring an increase. It is also noted that an increase in height will increase the overall height of the tower which would then overshadow the south bank of the Yarra River (a prohibition of the Melbourne Planning Scheme).

## Microclimate (Wind, Weather Protection, Light and Shade and Overshadowing)

Clause 22.01, Urban Design within the Capital City Zone, policy recommends that towers, at a height greater than a 40 metre podium, are setback 10 metres from all streets to deflect wind downdrafts from penetrating to street level. The proposal includes tower setbacks which assist in wind

deflection, therefore appropriate wind conditions (and not dissimilar to existing conditions) are produced at street level as confirmed in the wind tunnel testing undertaken. The report did not include measurements for wind speed to the terraces proposed on Levels 6 and 38 and this should be addressed in conditions.

Local Policy 'Sunlight to Public Spaces' requires that development not cast additional shadows between 11.00am and 2.00pm on 22 June across the south bank or north bank of the Yarra that would prejudice the amenity of public spaces. An analysis at hourly intervals between 11am and 2pm on the 22 June confirms that there is no shadowing of the south bank of the Yarra (a prohibition in the planning scheme). A discretionary control also discourages shadowing on the north bank between 11am and 2pm on 22 June. The proposal does overshadow the north bank within this time period but falls within existing shadowing which are already cast across the north bank (including Enterprize Park) at this time, with minor increase in shadows to Customs Square (bounded by the rail viaduct, the train line and the intersection of Flinders Street and Queens Bridge Street), which is considered to be acceptable.

## Environmental Sustainable Design (ESD)

Clause 22.19 (Energy, Water and Waste Efficiency) encourages office with a gross floor area of more than 5,000 square metres to achieve a minimum 5 star NABERS Office- Energy and 5 star Green Star- Office rating tool and 3 point for Wat-1 credit under a current version of the Green Building Council of Australia's Green Star- Office rating tool or equivalent and a waste manage plan prepared in accordance with the current version of the City of Melbourne's *Guidelines for Waste Management Plans*. Clause 22.23 Stormwater Management (Water Sensitive Urban Design) seeks to achieve the best practice water quality performance objectives set out in the Urban Stormwater Best Practice Environmental Management Guidelines, CSIRO 1999 (or as amended).

The proposal includes an ESD report which articulates that the development seeks to achieve 5 Star Green Star Office Design rating and a 5 star NABERS, complying with the requirements of these policies. It is considered appropriate to require the development to provide the strategies outlined in its report via conditions on permit.

## Environmental Assessment

Due to the proposed non sensitive use, an environmental assessment is not considered to be warranted.

## Car Parking, Bicycle Facilities, Loading and Waste Collection

The level of car parking provided on site is supported, which is under the maximum limitation policy, and commensurate with the site's level of access to public transport and facilities. Bicycle parking is also provided on site, which will encourage cycling both within and to the City for the journey to work.

The application provides 409 car parking spaces and 40 motorcycle spaces, with car parking well under the maximum limitation and motorcycle parking well over the minimum required (Clauses 45.09 and 52.06), provides bicycle parking spaces in excess of the requirements (Clause 52.34) and provides appropriate loading and unloading facilities on site (Clause 52.07).

City of Melbourne in their response has raised some detailed matters for further resolution regarding loading and unloading, particularly the utilisation of the Loading Management Plan to

avoid use of the loading bay during peak periods (for pedestrian and vehicular movements) and trucks reversing out of the site . It is noted that Council supports the Waste Management Plan provided with the application. The issues associated with the Loading Management Plan can be resolved via conditions.

## Recommendation

That planning permit 2014/002753 for demolition of the existing office building and construction of a multi-storey building be issued subject to conditions.

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Date: 9 February 2015 and  
updated on 4 March 2015

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