

600 Collins Street, Melbourne

Planning Permit Application PA00065



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Summary

The purpose of this report is to provide a detailed planning assessment of planning permit application PA1600065. 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 applications with a gross floor area exceeding 25,000m².

A permit application has been made to redevelop the site with a multistorey mixed use podium and tower development comprising residential, office, retail spaces, an art facility and public realm works.

The Office of the Victorian Government Architect, the Department's Urban Design Unit, Public Transport Victoria and the City of Melbourne support the application subject to conditions.

The proposed development is considered responsive to its context and on balance, should be supported with conditions. The proposal complies with State and Local Planning Policies, including specific planning controls which affects the site and is therefore considered to respond to the existing and evolving built form context of the area.

Recommendation

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

Application Details

Key elements	Comments
Land:	582-606 Collins Street, Melbourne
Application No.:	PA1600065
Proposal:	<p>Application for :“Demolition of existing building and construction of multi-level building including basements.”</p> <p>Tower Height of 54 Levels or 176 metres excluding plant and architectural features (194 AHD, Ground Level is 8.5 AHD),</p> <p>Residential Apartments =420 (1 bed = 17%; 2 bed = 68%; 3 bed = 15%)</p> <p>Retail = 11,071m²</p> <p>Office = 5,604m²</p> <p>Car Parking =175 car parks</p> <p>Bicycle Spaces =336 bike parks</p>
Date lodged:	19 December 2015
Zone and Overlay controls:	<p>Capital City Zone Schedule 1 (CCZ1)</p> <p>Design and Development Overlay Schedule 1 (DDO1)</p> <p>Design and Development Overlay Schedule 4 (DDO4)</p> <p>Design and Development Overlay Schedule 10 (DDO10)</p> <p>Design and Development Overlay Schedule 12 (DDO12)</p> <p>Parking Overlay Schedule 1 (PO1)</p>
Why is a permit required?	<p>Under Schedule 1 of Clause 37.04 Capital City Zone (CCZ1) – A permit is required for demolition, for buildings and works, to construct any part of a building exceeding a height of 40 metres within 10 metres of a road frontage.</p> <p>No permit has been sought or is required for the use of land for accommodation, office, place of assembly (art space) and for retail premises (other than adult sex bookshop, department store, hotel, supermarket and tavern).</p> <p>A permit is required for the buildings and works under DDO1, DDO4, DDO10 and the accommodation use for DDO12.</p> <p>Under Schedule 1 to Clause 45.09 Parking Overlay (PO1) – A permit is required to provide car parking in excess of the car parking rates provisioned in 3.0 of the Schedule. In this instance, the proposal seeks to provide less than the maximum rate therefore no permit is required.</p> <p>All buildings that provide on-site car parking must provide motorcycle parking for the use of occupants and visitors, at a minimum rate of one motor cycle parking space for every 100 car parking spaces, unless the responsible authority is satisfied that a lesser number is sufficient. The statutory requirement is for 10 spaces and 11 spaces have been provided, which exceeds the</p>

	requirements.
Height Procedures for Air Navigational Services- Aircraft Operations Surface (PANS-OPS)	The building height of 194m AHD will be beneath the PANS-OPS surface and the OLS.
Setbacks	North : 5 metres (Francis Street) South: 5 metres (Collins Street) East: 8.8 metres West: 8.8 metres
Car parking and bicycle facilities	A total of 175 car parking spaces will be provided on-site within two levels of basement car parking, and within an automatic car stacker system (accessed via Francis Street), 11 motorcycle spaces and 345 bicycle spaces.
Gross floor area (GFA) and value	70,909sqm (See note below*) Development Value \$300,000,000.
Plot ratio	29.2:1 (Based on GFA of 70,909 square metres and site area of 2430 square metres).
Applicant / Developer	600 Collins Street Pty Ltd/ Landream
Public Notification	The application is exempt from notice in the CCZ1.



Figure 1 – Site plan (land.vic.gov.au)



Figure 2- Concept image of proposal

Background

A pre-application meeting was held between the Department, City of Melbourne and the applicant on the 8 December 2015.

The permit application was lodged on 18 December 2015.

Further information was requested of the applicant on 15 January 2016 and subsequently on 29 March 2016 further information including, revised plans were received by the Department. Further information and sketch plans were received on 16 June 2016 from Urbis in relation to canopy details and the City of Melbourne draft conditions.

*The further information plans illustrated a gross floor area (GFA) of approximately 64,000sqm based on a varied method of calculation of the GFA rather than a material change in the proposal. (The applicant submitted that lift and car parking stackers could be excluded from the calculation.) This interpretation has not been accepted. The total floor area within the building is to be measured from the outside of external walls. There is no allowance for excluding services.

Following discussions with the Department information received on 16 June 2016 suggested the GFA was 70,909sqm (Based on GFA minus retail area floor voids, which is acceptable).

The site is not affected by any easements or restrictive covenants.

The site was visited on several occasions with a detailed site inspection conducted on 16 May 2016.

Site and Surrounds

The subject site is known as No. 582-606 Collins Street, Melbourne. The land is formally described on Certificate of Title Volume 10324 / Folio 889 and known as Land in Plan of Consolidation 150761. No covenants or restrictions are registered on the Title. The Title includes two caveats.

The site is generally rectangular in shape and located on the north side of Collins Street between Spencer Street and King Street. The site has a frontage to Collins Street and Francis Street of approximately 60 metres a depth of approximately 40 metres and a site area of 2,430sqm.

The site is currently occupied by a four storey retail and office building containing a mix of commercial tenancies. Vehicles currently access the building via Francis Street, which has been treated primarily as a service access.

Land surrounding the site can be described as follows:

Northern Interface: The subject site does not have a direct abuttal to its north as Francis Street runs in an east-west direction past the subject site.

On the northern side of Francis Street are No.120 Spencer Street and No. 601 Little Collins Street. No. 120 Spencer Street currently accommodates a 23 storey office building with a 2 level basement car park and direct access to Spencer Street platforms. No. 601 Little Collins Street currently hosts a 14 storey mixed-use building that was only recently redeveloped in 2014.

Southern Interface: Collins Street forms the subject sites southern border, running in an east-west direction. Directly opposite the subject site on the southern side of Collins Street is both No. 595 Collins Street and the recently completed No. 567 Collins Street. No. 595 Collins Street is a 1984 office complex comprising two interconnected 18 storey towers plus basement car parking. The

building underwent a major progressive refurbishment that commenced in 2005 and was completed in mid-2007.

Eastern Interface: The eastern boundary of the subject site is shared with No. 568 Collins Street. This building was completed in 2015 with a 65 storey residential tower with associated car parking.

Western Interface: To the immediate western interface of the subject site is No. 608-610 Collins Street which is single storey brick building, remodelled into several shops in 1974. A narrow laneway currently connects Collins and Francis Streets, which houses small retail outlets (mainly food and beverage). Beyond this, further west, is Liberty Tower, located at No. 620 Collins Street on the Spencer Street corner. The 28 storey residential building was completed in mid-2002.

Proposal

This application seeks the approval for the demolition of existing buildings on the site and the construction of a mixed use podium/ tower development (predominantly of apartments).

Details of the proposal is summarised from the applicant's submission as follows:

- Three levels of **basement** are proposed which will contain car parking, bicycle spaces, storage and services. Basement Level 1 will also contain a large Food Hall / Retail located on the western edge.
- **Ground Floor.** There will be a public forecourt along the Collins Street frontage. A pedestrian through-link to Francis Street is proposed to the west side of the site. Within the ground floor plane, an art space and adjoining cafe will be positioned along the western interface. There will be separate Collins Street pedestrian entries for the apartments, retail and office spaces. Vehicle access and loading will be from Francis Street.
- **Podium.** Levels 1-4 will be primarily dedicated to retail uses, while Levels 5-7 will contain office space to Collins Street and car parking to Francis Street. Level 8 will contain an office space, food and beverage kitchen serving level 9 and mechanical car park. Level 9, which is roof top of the podium, is dedicated to food and beverage space inside, with the majority of this floor being a roof terrace dedicated to food and beverage seating.
- **Tower.** The tower form has been separated into three distinct sections.
 - Levels 09 - 20 make up the first of the 'vases', and contains residential dwellings and Food and Beverage areas
 - Levels 21-34 make up the middle 'vase'.
 - Levels 35- 53 make up the top 'vase', including two floors of penthouses.
 - Levels 21 and 35 are Residential Facilities – including gym, wellness facilities, a running track, pool, and communal resident dining and cinema areas with access to the outdoor perimeter areas.
 - Levels 34 and 54 are mechanical services levels.
- The application is supported by comprehensive reports including a planning report, urban context report, wind tunnel assessment, traffic report, waste management report, landscape strategy and an ESD report.

Planning Policies and Controls

State Planning Policy Framework

The State Planning Policy Framework (SPPF) provides the broad policy direction within the Victoria 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:

- Clause 9 (Plan Melbourne)
- Clause 11 – Settlement
 - Clause 11.01 – Activity centres
 - Clause 11.02 – Urban growth
 - Clause 11.03 – Open space
 - Clause 11.04 – Metropolitan Melbourne
- Clause 15 – Built environment and heritage
 - Clause 15.01 – Urban environment
 - Clause 15.02 – Sustainable development
- Clause 16 – Housing
 - Clause 16.01 – Residential development
- Clause 17 – Economic development
 - Clause 17.01 – Commercial
- Clause 18 – Transport
 - Clause 18.01 – Integrated transport
 - Clause 18.02 – Movement networks
- Clause 19 – Infrastructure
 - Clause 19.03 – Development Infrastructure

The above policies encourage appropriate land use and development which enhances the built environment, supports economic growth, meets the community expectations on retail and commercial provision, delivers diversity in housing supply to meet existing and future needs, 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 Hoddle Grid as identified under Clause 21.11 and 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. The policy recognises

that the Hoddle Grid has been developed as a dense and heterogeneous cityscape with a regular and legible pattern of streets and public spaces.

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 21.06 (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”. This Clause identifies the need within the Hoddle Grid to promote connectivity, provide for spacing and offset to provide access to outlook, daylight, sunlight and to minimise direct overlooking between habitable rooms. It aims to ensure that the scale, bulk and quality of development supports a high quality public realm within the City.

Clause 21.07 (Housing) seeks to encourage the most significant housing and population growth occurs in the Central City and Urban Renewal areas. The policy acknowledges the need to ensure that new developments are supported with facilities and services for residents including convenience retail and community facilities.

Clause 21.08 (Economic Development) seeks to support central city and local retail uses by encouraging the provision of convenience retailing and services including supermarkets in the central City and Urban Renewal Areas for the local workers and residents.

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.

Clause 21.10 (Infrastructure) seeks to enhance the City as Victoria’s pre-eminent cultural and entertainment location by supporting and encouraging the growth of a vibrant cultural environment in the Hoddle Grid, Southbank and Docklands, by supporting entertainment uses, music and the arts.

Clause 21.11 (Local Areas) and Clause 21.12 (Hoddle Grid) seeks to provide more specific policy outcomes for each local area within the City of Melbourne. The subject site is included within the Hoddle Grid ‘local area’ where the applicable policy references include:

- Support permanent and short-term residential development in the Hoddle Grid that accommodates a diverse population.
- Ensure that the design of tall buildings in the Hoddle Grid promote a human scale at street level especially in narrow lanes, respects the street pattern and provides a context for heritage buildings.
- Ensure that new tall buildings add architectural interest to the city’s sky line.
- Ensure tower buildings are well spaced and sited to provide equitable access to an outlook and sunlight for all towers.
- Ensure high quality and robust public space design in arcade and laneway upgrades.
- Link arcades and laneways in the Hoddle Grid.
- Encourage arcade and laneway links between streets and public spaces.
- Ensure development fronting streets creates a continuous building edge and integrated streetscape.
- Ensure that security treatments for shop fronts allow for views into the premises at night and positively contribute to the streetscape.

- Ensure that developments provide weather protection along key pedestrian routes and areas, where this does not conflict with building or streetscape integrity.

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 22.20 CBD Lanes
- 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
Capital City Zone – Schedule 1 (CCZ1) Clause 37.04 Outside the Retail Core	<p>Pursuant to Schedule 1 of Clause 37.04, a permit is required for demolition.</p> <p>Pursuant to Schedule 1 to Clause 37.04, a permit is required to construct a building and to construct or carry out works.</p> <p>No permit has been sought (or is required) for uses of land for dwellings, office and selected retail premises (other than Adult sex bookshop, Department store, Hotel, Supermarket, and Tavern).</p> <p>An application to construct a building or carry out works for a use in Section 1 of Clause 37.04-1 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 Act.</p>
Design and Development Overlay – Schedule 1 (DDO1) Clause 43.02 Active Street Frontages	<p>Pursuant to Clause 43.02-1, a permit is required to construct a building or to construct or carry out works at ground level.</p> <p>Area 2 – Major Pedestrian Areas and Key Pedestrian Routes within CCZ1 stipulates that buildings with ground-level street frontages to major pedestrian areas must present an attractive pedestrian oriented frontage to the satisfaction of the responsible authority, by providing:</p> <ul style="list-style-type: none"> • At least 5 metres or 80% of the street frontage (whichever is the greater) as an entry or display window to a shop and/or a food and drink premises, or • At least 5 metres or 80% of the street frontage (whichever is the greater) as other uses, customer service areas and activities, which provide pedestrian interest and interaction. • Built scale appropriate to the street and pedestrians.

	<ul style="list-style-type: none"> • Clear glazing (security grilles must be transparent).
Design and Development Overlay – (DDO4) Clause 43.02 Weather Protection	A permit is not required to construct a building or construct or carry out works if adequate weather protection to the street frontage is provided to the satisfaction of the responsible authority. Weather protection has not been provided to Collins Street therefore a permit is required .
Design and Development Overlay – (DDO10) Clause 43.02 Built Form	<p>Pursuant to Clause 43.02-2 a planning permit is required to construct a building or carry out works unless exempted by the relevant schedule.</p> <p>A planning permit cannot be granted for buildings and works which exceed the requirements specified in Table 1 to DDO10, with the exception of architectural features, building services and landscaping, amongst other things. A permit is required for buildings and works if a building in excess of 100 metres in height provides a minimum tower setback from all boundaries and from the centre of the laneway above the podium height of 5% of the overall building height (measured as 176 metres excluding plant and architectural features) or a 5 metre minimum from street frontages. The proposal meets the height and setback requirements and a permit is required but can be granted.</p> <p>A planning permit also cannot be granted for buildings or works which exceed the site plot ratio specified in Table 2 to DDO10 unless it can be demonstrated that the buildings and works will achieve the Design Objectives and Built Form Outcomes of the schedule, and specific public realm benefits. The development exceeds the plot ratio requirement of 24:1 therefore a permit is required. This is discussed in greater detail below.</p>
Design and Development Overlay – (DDO12) Clause 43.02 Noise Attenuation	A permit is not required for buildings and works other than buildings and works associated with new, refurbished or converted developments for noise sensitive uses. As the permit is for a noise sensitive use- residential- then a permit is required .
Parking Overlay – Schedule 1 (PO1) Clause 45.09 Capital City Zone – Outside the Retail Core	<p>The provisions of the parking overlay work in conjunction with Clause 52.06 of the Melbourne Planning scheme.</p> <p>A total of 175 car parking spaces will be provided on-site within two levels of basement car parking and within an automatic car stacker system (both accessed separately via Francis Street).</p> <ul style="list-style-type: none"> • 49 standard parking spaces located within Basement Levels 2 and 3. • 126 parking spaces located within an automatic car stacker system. <p>No permit is required under the PO1 as the maximum permitted car parking spaces for residential uses and other uses are not exceeded. A total 503 spaces are allowed on site.</p> <p>All buildings that provide on-site car parking must provide motorcycle</p>

	<p>parking for the use of occupants and visitors, at a minimum rate of one motor cycle parking space for every 100 car parking spaces, unless the responsible authority is satisfied that a lesser number is sufficient.</p> <p>No permit is required in providing motorcycle spaces within the development as the proposal seeks the provision of 11 motorcycle spaces which is above the requirement of 2.</p>
Car Parking Clause 52.06	Car parking rates are set out as provided within the Parking Overlay – Schedule 1. Clause 52.06 provides design standards for car parking.
Loading and Unloading of Vehicles Clause 52.07	<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>A loading bay area is provided at ground level with two loading bays and dimensions that exceed Clause 52.07 and therefore no permit is required.</p>
Bicycle Facilities Clause 52.34	Under Clause 52.34-1 a new use must not commence until the required bicycle facilities and associated signage have been provided on the land. Applying Clause 52.34-1, a total of 210 spaces are required. The proposed development provides 336 bicycle spaces and is therefore in accordance with the provisions of Clause 52.34-3. No permit is required under this provision.
Urban Context Report and Design Response for Residential Development of Four or More Storeys Clause 52.35	Under Clause 52.35-1 an application for a residential development of four or more storeys must be accompanied by an urban context report and design response. The application was accompanied by an urban context and design report. The Department confirmed receipt of this information with the applicant.
Integrated Public Transport Planning Clause 52.36	Under Clause 52.36-1 an application must be referred in accordance with Section 55 of the <i>Planning and Environment Act 1987</i> to the Director of Public Transport for a residential development comprising 60 or more dwellings or lots.
Live Music and Entertainment. Clause 52.43	There are no applicable music venues within 50 metres of the site.
General Provisions Clause 61.01	The schedule to Clause 61.01 indicates that the Minister for Planning is the responsible authority for considering and determining applications in accordance with Divisions 1, 1A, 2 and 3 of Part 4 of the <i>Planning and Environment Act 1987</i> approving matters required by the scheme in relation to developments with a gross floor area exceeding 25,000sqm.
Decision Guidelines	Under Clause 65.01 before deciding on an application the responsible

Clause 65.01	authority must consider as appropriate a number of matters, including Section 60 of the <i>Planning and Environment Act 1987</i> .
Referral and Notice Provisions Clause 66.03	Under Clause 66.03 an application must be referred to the person or body specified as the referral authority: Clause 52.36 (Director of Public Transport).
Referral of permit applications under local provisions Clause 66.04	As the permit application is for a development over 25,000sqm gross floor area within the Capital City Zone the City of Melbourne are a recommending referral authority.

Other Strategic Matters

Design Guidelines for Higher Density Residential Development

Design Guidelines for Higher Density Residential Development (Department of Sustainability and Environment, 2004) (referenced at Clause 15.01-2) is a relevant consideration in the design and layout of apartments and associated services.

Plan Melbourne

Plan Melbourne referenced at Clause 11.04 outlines the long term plan to accommodate Melbourne's future growth in population and employment. Two key directions of relevance are:

- Key Direction 1.4 outlines the plan for the expanded central city to become Australia's largest commercial and residential centre by 2040 (particularly in the CBD, Docklands, Southbank, and St Kilda Road).
- Key Direction 2.2 outlines the requirement to reduce the cost of living by increasing housing supply near services and public transport.

Plan Melbourne identifies that the Central Subregion has the potential to grow from 700,000 jobs to today to close to 1 million jobs by 2031 and well beyond this by 2051. New spaces for office, retail, tourism, education, health, entertainment and cultural activities will be needed by 2050.

The Plan Melbourne refresh discussion paper continues to promote these themes and general policies.

Amendments C262 & C270(Built Form Review)

Amendment C262 to the Melbourne Planning Scheme was introduced on the 4 September 2015, which introduced changes to the CCZ1 by introducing mandatory controls to limit overshadowing to identified public spaces and introduced wind analysis application requirements. Amendment 262 also applied DDO10 which provisions mandatory podium height and setback requirements with discretionary site plot ratio controls as well as modifications to Clause 22.01 – Sunlight to Public Places policy. The controls introduced as part of Amendment C262 were introduced on an interim basis which will expire on the 4 September 2016. The development was submitted after 4 September 2015 and therefore C262 is applicable to this development.

The potential permanent controls (Amendment C270) are currently proceeding to a planning panel. The amendment is not considered to be 'seriously entertained' at the stage of assessment of this application.

Notification

Under the zoning provisions and various overlays an application to construct a building or 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 Act.

One letter of concern was received [REDACTED]. Issues raised included built form, scale of development, the saturation of the apartment market, property values and traffic. The content of the letter has been considered in context of the location of the proposal and the objectives of the capital city zone. Many of the comments raised are covered in the assessment section below.

Referrals

The application was given to the Department's Urban Design Unit, the Office of the Victorian Government Architect (Design Review Panel) and referred under Section 55 of the Act to Public Transport Victoria and the City of Melbourne. The following comments were provided:

Urban Design (DELWP): The Urban Design unit have reviewed the application and provided general support for the development proposal, subject to conditions. The key concern was that the public realm benefit was insufficient to offset the addition in plot ratio:

any nominated civic benefits resulting from the proposed public realm gestures of the north-south lane and the Collins Street 'plaza', are not considered sufficiently meritorious to warrant consideration as appropriate Floor Space Ratio dispensation measures.

Specifically there was concern over:

- the proximity to an existing laneway (less than 11.0m to the east),
- duplication of a laneway within 70 metres of the corner,
- lack of contiguous connection beyond the site
- the single sided active frontage of the north south lane
- the usefulness of the plaza as an 'extra tram stop'.
- The function and use of Francis Street

There was also concern over the some pedestrian comfort issues:

- *Given the intended function of the publicly accessible spaces as both transitional and inviting stationary activities, additional wind mitigation measures are required to achieve long-term stationary criteria on the Collins Street frontage and north-south lane.*
- *The absence of an appropriately designed, positioned and integrated canopy to provide suitable weather protection is not acceptable.*

This issue and others raised by the Urban Design unit are discussed in greater detail in the assessment section of this report.

City of Melbourne: The Department referred the application to the City of Melbourne under section 55 of the Act. The City of Melbourne considered the application at their Future Melbourne Committee on 2 May 2016. Council formally responded on 5 May 2016 and 9 June 2016.

The City of Melbourne Committee was unable to consider the application as the quorum was lost due to a number of Councillors declaring a conflict of interest. The application was therefore determined by an officer under delegation. Council officers indicated that:

I can advise that Melbourne City Council does not object to the application subject to the conditions set out in attachment 1 being included on any permit that is issued.

The conditions are included in the permit where appropriate and subject to drafting changes. These include weather protection over Collins Street, updates to the through block link to allow people to dwell, changes to bicycle facilities and improvements to apartment layout to allow greater outlook.

Conditions that were not include were modifications to Francis Street to improve activation, and exploration of active spaces along the western elevation of the though block link. These are discussed below.

Public Transport Victoria (PTV): PTV have reviewed the application and provided support for the development proposal and did not attach any conditions (letter dated 19 April 2016). A follow up discussion was held on 17 May 2016 regarding the possible electronic signage for the tram network on the foyer and PTV confirmed they were generally supportive subject to detailed design.

Office of the Victorian Government Architect: The Office of the Victorian Government Architect's views were sought and the matter was considered at the Design Review Panel on 3 February 2016. A formal report was received on 23 February 2016. In summary they were supportive of the proposal and commented as follows:

- *We are pleased to see a project of this quality proposed for Melbourne and to see a strong architectural response within the framework of the interim built form controls introduced under amendment C262 to the Melbourne Planning Scheme.*
- *We note advice that the project exceeds the allowed plot ratio. In light of this, we strongly encourage the design team and client to more fully develop the public contribution that the project makes to the city and community – in particular, in more developed resolution of the ground plane and its proposition for integration with the public plaza and laneway/colonnade.*
- *We are impressed by the sophisticated and thorough contextual analysis, which has played an important role in the development of a unique design.*

Assessment

Consistency with Planning Policy

The proposal is a well resolved scheme consistent with the characteristics of the area and its strategic vision identified within the Melbourne Planning Scheme. The proposal achieves State and Local planning policy objectives by:

SPPF:

- The proposal incorporates residential, commercial and retail spaces within the development which are well located to public transport and amenities (Clause 9.01).
- Responding to the site's context by providing building height, form and scale responding to the context of the surrounding area as an area where taller built form is envisaged.
- The proposal will deliver a liveable and attractive mixed-use development which will contribute to the Central City community through high quality architecture and public realm works. The

development will improve the diversity and choice of housing stock, provide a safe and accessible urban environment, and achieve environmental sustainability objectives (Clause 15.01-1).

- The development is activated on the main Collins Street frontage by locating the main apartment, office and retail entrances. The new north-south laneway is activated by the art space. The Francis Street frontage has been activated as much as possible given the service requirements of a large mixed use development. The development will create a pleasant pedestrian experience and provide surveillance and safety for pedestrians (Clause 16.01-2).

MSS

- Clause 21.02 (municipal profile) and Clause 21.04-1.1 (the Hoddle Grid) recognises that strong emphasis will be placed on a quality public realm and good pedestrian amenity and connectivity. The proposal's strong architectural form on the ground level ensures that the development is permeable and well connected with the public realm.
- Clause 21.08 strengthens the focus on office development in the CBD. Business: *"The Central City is the prime location for commerce in metropolitan Melbourne, and along with the St Kilda Road commercial area, is of State Significance. Areas zoned Mixed Use and Commercial around the Central City have traditionally provided locations for business activities, which support Capital City functions. These areas are under increased pressure for housing, and it is important to ensure their ongoing functioning and viability as business areas, which serve both local community needs and Capital City business activity."* It is noted that the development contains a sizable portion of office space within the podium.
- Clause 21.12 (Hoddle Grid) - The proposed development promotes a human scale at street level by providing permeable pedestrian link and a small pedestrian space on Collins Street.

LPPF

- Clause 22.01 (Urban Design within Capital City Zone) seeks to create and enhance public spaces within the Capital City Zone to provide sanctuary, visual pleasure and a range of recreation and leisure opportunities. The surrounding area is undergoing regeneration and it is acknowledged that any design must be an exemplar for the area and of outstanding architectural quality. The proposal incorporates a range of high quality materials and intricate design approaches ensuring that the tower will appear as an attractive object in the public realm. There are some other issues regarding outlook of apartments and wind and sunlight, which have been discussed with the applicant and conditions have been added to the permit accordingly.
- Clause 22.02 (Sunlight to Public Spaces) seeks to ensure that overshadowing from new buildings or works does not result in significant loss of sunlight and diminish the enjoyment of public spaces for pedestrians. The proposal does not significantly overshadow public spaces at the applicable times any given time of the year (no more than could be reasonably expected for a building of this size). There is a small additional overshadowing effect on the Age forecourt, however the effect is relatively minimal and outside the control period. The applicant significantly reduced the building height during the pre-application stage to ensure no overshadowing of the north bank (15metres) of the River Yarra.
- Clause 22.19 (Energy, Water and Waste Efficiency) and Clause 22.23 (Stormwater Management Water Sensitive Urban Design) has not been sufficiently addressed within the application or within the letter dated 16 June 2016 so will be required by way of a permit condition.

Land Use

A planning permit has not been requested for any land uses. It is noted that the intended land uses of residential, office, place of assembly (art space) and retail premises (other than adult sex bookshop, department) store, hotel, supermarket and tavern” are as-of-right under the Capital City Zone and do not require a planning permit. However the genuine mixed use nature of this project should be noted and is strongly supported as it meets the general intent of many of Council’s policy in their Municipal Strategic Statement.

The importance of commercial development in the central city is reinforced in the Plan Melbourne Refresh discussion paper which reflects on unprecedented residential growth in the CBD and how it has been ‘outbidding’ commercial development and states that “planning for the expanded central city ... needs to ensure commercial development opportunities are preserved” (pp 31).

Demolition

The proposal seeks the demolition of the existing premises. Clause 4.0 of CCZ1 provisions that before deciding on an application to demolish or remove a building, the responsible authority may require an agreement pursuant to Section 173 of the Planning and Environment Act 1987 between the landowner and the responsible authority requiring, as appropriate:

- Temporary works on the vacant site should it remain vacant for 6 months completion of the demolition.
- Temporary works on the vacant site where demolition or construction activity has ceased for 6 months, or an aggregate of 6 months, after commencement of the construction.

To ensure that the staged development is managed in a way that will not cause unsightliness, the above requirements or variations thereof will be conditioned as part of the permit approval.

Design and Built Form

The site sits within an area that is undergoing change with a number high-rise developments completed recently including the building immediately to the east and opposite across Collins Street.

The performance measures and design guidelines contained within Clause 22.01 (Urban Design within the Capital City Zone), Guidelines for Higher Density Residential Development, the Capital City Zone (CCZ1), Design and Development Overlays (DDO1) (DDO4) & (DDO10) establish performance benchmarks and objectives to achieve highly resolved, well-designed development. Key themes of scale and built form, street level frontages and building facades, street-edge quality, internal amenity, connectivity, landscaping, and safety in public places are common threads through these planning provisions, and provide the framework for the following assessment.

Design, Height, Setback and Massing

The development is an unique architectural statement that will add to the city skyline and provides an attractive three part tower form. DELWP Urban Design commented:

The tower presents as a highly considered formal exploration of an ‘object in-the-round’, positioned against the grain and typology of the existing built form landscape to establishing a legible and potentially memorable identity.

The OVGA commented:

The design proposes an engaging manipulation of architectural form and detail that transforms as it rises from podium to tower, and we support the proposed use of the base of the 'vases' to provide public and communal facilities.

Detailed articulation of the form through a vertical fin filigree facade is a strong, contemporary response, which resonates well with the context, and adds scale, depth and shadow. We note that the variation in scale and rhythm of the filigree is an important aspect of this.

Planning policies encumbering the site (including DDO10) focuses on the setbacks in relation to height and the plot ratio. The proposal follows the key setback requirements of the DDO based on a tower height of 176 metres (excluding plant area) requiring street setbacks of 5 metres and side setbacks of 8.8 metres (to the building façade excluding architectural features). The tower face is setback 5 metres from Collins Street and Francis Street and approximately 9 metres to both the neighbouring properties to the east and west. The setbacks to the residential tower to the west (568 Collins Street) are approximately 13.5m. These are more than equitable as the existing tower is 4.5 metres from the boundary.

The proposal meets the objectives of Design and Development Overlay (DDO10). In terms of a high quality of pedestrian amenity in relation to human scale and microclimate conditions within the public realm including acceptable levels of sunlight access and wind. The building itself respects the built form scale and urban structure of the Central City in terms of height and built form.

The proposal does not meet the suggested built form ratio of 24:1 within DDO10. This is discussed below.

Plot Ratio and Public Realm Benefits

Design and Development Overlay (DDO 10) controls plot ratio and specifies:

A permit cannot be granted for buildings or works which exceed the site plot ratio specified in Table 2 to this schedule unless it can be demonstrated that the buildings and works will achieve the Design Objectives and Built Form Outcomes of this schedule, any local planning policy requirements, and at least one of the following requirements is met:

- *The development or proposed development is declared to be of State or regional significance under section 201F of the Planning and Environment Act 1987,*
- *The applicant demonstrates a commitment and ability to deliver public amenity improvements as agreed to by the Responsible Authority and performance of which can be appropriately secured to the satisfaction of the Responsible Authority.*

The applicant has sought to increase the plot ratio from 24:1 to 29:1 by providing the following:

- Proposed public plaza to Collins Street (area of 380sq.m)
- Proposed north-south pedestrian link (area of 215sq.m)
- Proposed public realm art space (area of 370sq.m)
- The creation of a publicly accessible terrace over the podium roof top area

- The exceptional design quality of the building and the proposed public realm which will work together to improve the built form presentation and the pedestrian experience at this end of Collins Street

There is scope within the interim controls (DDO10) to assess the public realm benefit based on a planning appraisal to the satisfaction of the responsible authority (rather than a specific metric calculation as outlined in the draft DDO10 as part of Amendment C270). An assessment has been done considering the location of the site within the city, the quantum of space provided and the comments of all the referral groups and agencies. Consideration has been given to the draft assessment form provided as part of Amendment C270 but this has been used as a guide only.

In summary the proposed development has demonstrated that the buildings and works will achieve the design objectives and built form outcomes of DDO10, the local planning policy requirements, and demonstrated a commitment and ability to deliver public amenity improvements. On this basis an increase in the plot ratio from 24:1 to the proposed 29:1 is considered acceptable.

North/ south lane

This space is a positive addition to the City and is generally supported. It will duplicate an existing laneway to the west however this space is privately owned (could be restricted access at any time), and is narrow with café furniture. Given the pedestrian analysis provided by the applicant (*Arup Pedestrian Report, 22 March 2016*) we accept that there is a general need for a through link in this area particularly if the additional Southern Cross Station entry (on the east side of Spencer Street) is re-opened. The City of Melbourne is currently assessing pedestrian access improvements to the station in this area.

There have been various urban design comments regarding the possibility of activating the laneway (particularly on the west side) however this is not considered vital as there is clear line of sight and relatively short distance between the two public streets and the art space and lobby will provide some activation. The landscaping design concept plans (*Zaha Hadid Architects, December 2015*) provide a pleasant environment and will be further developed at detailed design stage. It is also noted that the RFI plans illustrate a much improved outcome in terms of gradual grading of the laneway (avoiding the need for steps).

608/610 Collins Street- Ownership.

We agree with the City of Melbourne Urban Design Comments regarding the importance of the neighbouring two storey building to the west in securing daylight and general amenity of the north-south lane. Without it the north-south lane would have limited appeal and reduces the potential to offset the space against plot ratio uplift. The applicant has advised that their client part owns the site however an agreement or similar must be secure and has been done by way of a condition of permit for Lot 1(owned by the applicant). It is insufficient to assume that the site will not be developed – the lot could potentially be sold at any time.

Collins St Plaza – Size, Use and Weather protection

The Collins Street Plaza has a more limited function and public benefit than the north-south link. It will provide additional pedestrian capacity to Collins Street (although limited by the neighbouring sites not being setback the same distance) and some public transport benefit in terms of overflow seating and information screening (this concept is supported). The OVGA expressed some concern that the area might be perceived as an internal building forecourt or lobby if not designed correctly. We agree and consider that there is no appropriate method of reducing the perception of a lobby

space through design. It's function will only partially offset the plot ratio (the applicant's pedestrian study indicates that the first 1.5 metres from Collins Street will serve as pedestrian overflow space).

Art Space- how to use, how to lock in and how long for?

The art space is generally supported and given its prime location on Collins Street will contribute to the plot ratio offset. The City of Melbourne have noted the preliminary discussions with City of Melbourne Arts and ACCA but have requested further discussions with the relevant parties. It is critical that the space is open to the public (both metaphorically and literally), it is curated by a recognised artistic entity (such as City of Melbourne, ACCA or perhaps a University) and that a peppercorn rent is provided for at least 10 years. This can be secured as a condition of any permit (permit condition drafted by the City of Melbourne).

Public realm on level 9

This will provide some public benefit but it is extremely limited due to the location, commercial use and access. It therefore only has very minimal public benefits.

Francis Street upgrades

The portion of Francis Street is very narrow adjacent to the proposed development. We note the pedestrian advice indicating that from a pedestrian flow perspective that the footpath does not need to be upgraded all the way to Spencer Street. However from a urban design perspective the site would benefit from a greater width of footpath and landscaping on Francis Street particularly in the 'landing area' and the junction of the north south lane (and immediately east and west). This will be added as a condition of permit but only if existing parking situation is agreed with the Melbourne City Council.

As stated above the interim controls allow for a degree of discretion as to how the value of uplift is calculated. Even using conservative methods of calculating the public realm benefits as foreseen under C270 the value of public uplift exceeds the value of the plot ratio additions being sought. In particular the potential public benefit uplift required under C270 would be in the region of \$8.2million, which the applicant has exceeded primarily through the North –South pedestrian link, the Collins Street frontage (part) and the Art Space. There were also bonus elements outlined above such as the public transport screens and seating. Overall the application meets the test for public amenity improvements and meets the requirements of DDO10.

Street Level Activation, Pedestrian Safety and Projections

The development provides good street level activation onto Collins Street however as the street is affected by DDO4 – Weather Protection- then a canopy or similar shelter should be added. The design of the building has some form of weather protection however this is not sufficient to protect pedestrians from the elements and a condition will be added to the permit to ensure a canopy extends over the majority of Collins Street.

There is some activation onto Francis Street, particularly in the north west corner. City of Melbourne has requested more activation along this street however this is not practical given the servicing requirements. It is also noted that this street is not covered by DDO1- Active Frontages. The applicant has provided an improved outcome as part of the RFI plans and further upgrades are not practical. The partial widening of the footpath along Francis Street (included as a condition to the City of Melbourne satisfaction) will assist in improving pedestrian experience on Francis Street therefore overall the result is an improvement on the current position and is considered acceptable.

Internal Amenity

The proposal has been designed to for a high level of internal amenity. Apartment sizes are relatively spacious, with the average 1 bed = 50sqm, 2 bed = 60-90sqm and 3 bed = >105sqm. All bedrooms will receive access to direct daylight and no apartment will contain typical saddleback designed bedrooms. All apartments will be provided with either a balcony or wintergarden, with the majority being of sufficient size to be usable space (between 6-9sqm). This will also ensure each apartment has sufficient access to natural ventilation.

General outlook and privacy for apartments will be good for a central city location due to the generous layouts and curved design of the tower. The minor exception is some one bedroom dwellings on the eastern side of the tower which due to the design of the fins of the tower the living areas have blinkered views towards the adjacent development at 568 Collins Street. It therefore does not meet the requirements of Clause 22.01. This has been discussed with the applicant and they have agreed to redesign to ensure no living areas face directly east. A condition has been added to the permit.

The development provides for good residential facilities above what is typically found within residential towers. These services / amenities include a dedicated running track, large gym, rest area and yoga studio on Level 21 and a terrace, library, lounge, chef's kitchen, cinema and pool on Level 35.

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

Clause 22.01 (Urban Design within the Capital City Zone) seeks to create and enhance public spaces within the Capital City Zone to provide sanctuary, visual pleasure and a range of recreation and leisure opportunities whilst ensuring that the design of public spaces, buildings and circulation spaces meets high quality design standards.

A wind report prepared by Mel Wind Consultants was submitted as part of the application (November 2015). The wind model study has shown the proposal achieves pedestrian level criteria 'generally acceptable for stationary long-term wind exposure' on Collins Street and short-term conditions to Francis Street as a minimum. In some cases the wind conditions are better than existing.

Urban Design have advised that *"given the intended function of the publicly accessible spaces as both transitional and inviting stationary activities, additional wind mitigation measures are required to achieve long-term stationary criteria on the Collins Street frontage and north-south lane"*.

Given the nature of the north-south space as primarily a through block link it may not be possible to achieve short term stationary without screens impeding pedestrian flow. However a condition will be added to ensure trees are placed to maximise wind protection potential (included in the landscape condition).

Car parking, Loading, Waste Collection & Motorbike Bicycle Facilities

As stated above no permit is required for car spaces as the proposed 175 spaces does not exceed the 500 car parking spaces (approximately) allowed in the scheme. The car parking layout, entries and stacker system is considered acceptable to the Department. Council has requested a condition regarding further information on traffic access (swept path diagrams and interference with existing on-street parking) and loading management - this will be added as a condition of any permit.

A waste management plan has been provided (*Leigh Design, 22 March 2016*) however Council have requested some minor changes (height clearances) and a permit condition will be added to their satisfaction.

Motorbike numbers and layout is considered satisfactory.

Bicycle spaces meet the minimum number required in the scheme (210 spaces required; 336 provided) however the layout, change facilities and distribution between the various uses and visitors needs to be redesigned. This will be added as a condition of permit.

Revised traffic information was received on 16 June 2016 however their was insufficient time to circulate to the City of Melbourne therefore conditions have been added to the permit.

Conclusion

The development is generally consistent with the relevant planning policies of the Melbourne Planning Scheme and will contribute to the provision of additional housing and employment opportunities within a central city area. The development will sit comfortably in context of Melbourne's CBD urban environment.

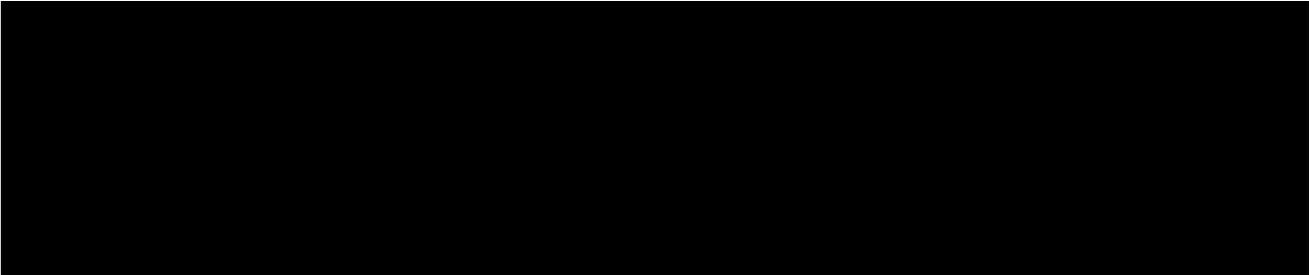
The proposal meets the objectives of Design and Development Overlay (DDO10) in terms of a high quality of pedestrian amenity and a building that respects the built form scale and urban structure of the Central City.

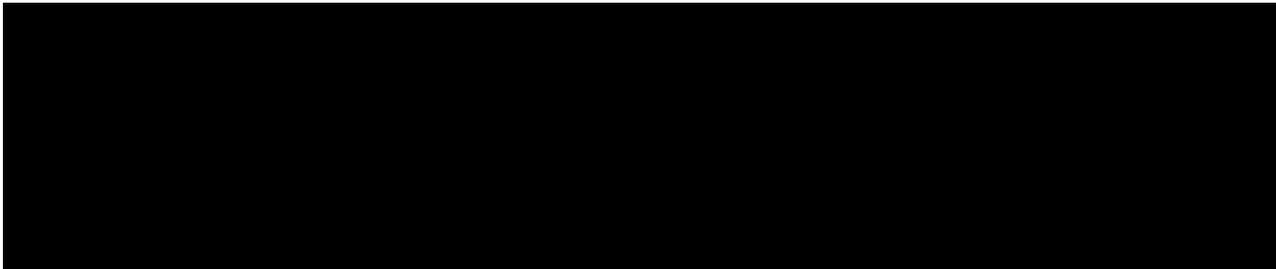
It will provide a welcome architectural addition to the city and a building that provides a genuine mixed use development.

It is supported by the key referral agencies including the City of Melbourne, the Office of the Victorian Government Architect and Public Transport Victoria.

Recommendation

That Planning Permit PA16000065 be issued for the demolition of the existing buildings, construction of a multistorey building for the purpose of dwellings, offices, retail premises, in accordance with endorsed plans and subject to conditions.





[Redacted]

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DATE: 24 June 2016