



710 Collins Street,  
Melbourne

Planning Permit Application 2013/009905

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## 2 Site and Surrounds

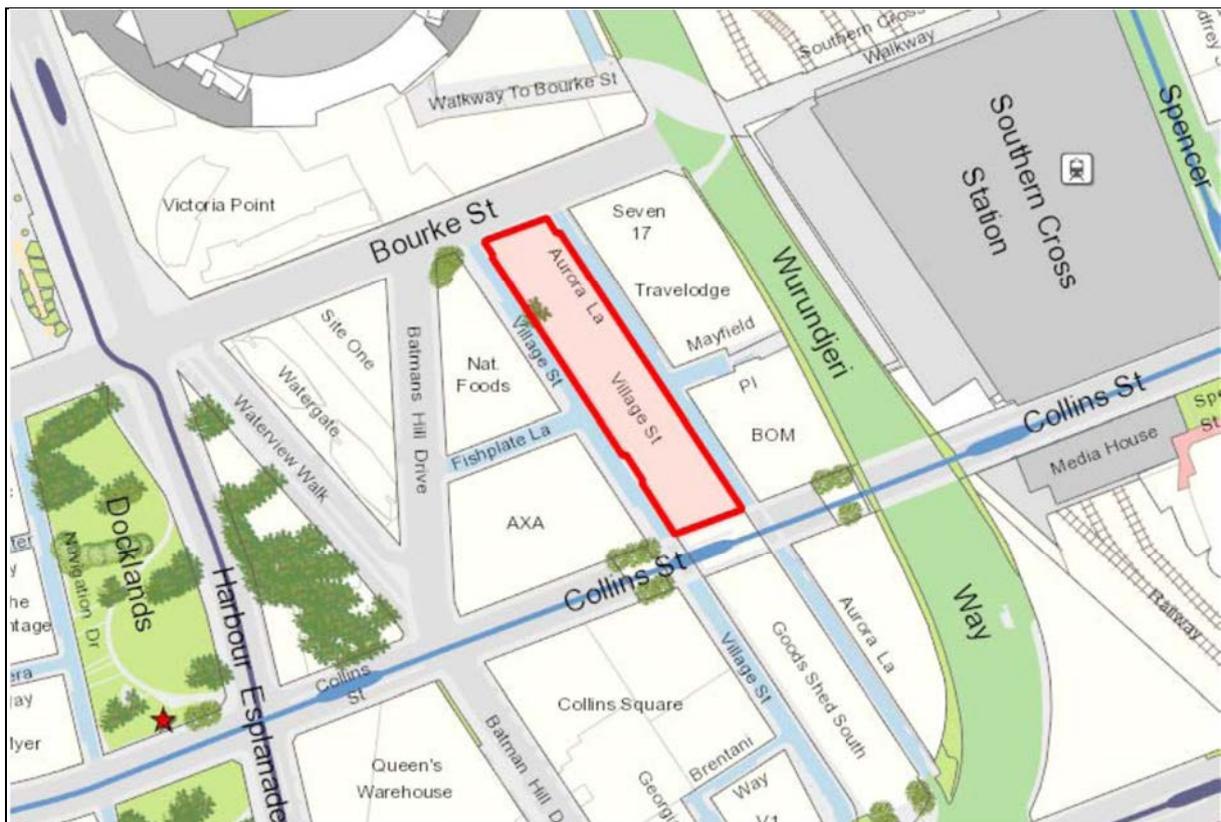
The site is located on the north side of Collins Street between Aurora Lane and Village Street, and has a total area of 8593m<sup>2</sup>. This site contains the northern half of the 1889 Railway Goods Shed No 2 (which has been divided into two by the extension of Collins Street).

The Goods Shed No 2 is listed on the Victorian Heritage Register (H0933) and the National Trust (B6435). The Goods Shed North was previously redeveloped in 2010, and included construction of a 2-storey office building above the southern section of the shed fronting Collins Street. The shed currently retains its 12m-high ceilings and is fringed by mezzanine side bays. The northern half of the shed fronting Bourke Street has been refurbished and includes office space, a tavern and retail tenancies.

To the north, the Goods Shed North continues for a significant distance of the proposed building envelope for the new commercial tower. To the south, the site abuts Collins Street. The Goods Shed South is located further to the south across the Collins Street extension, with a 6-level building fronting the south side of Collins Street.

To the east, the site abuts Aurora Lane. Located further across Aurora Lane is 700 Collins Street, a 15 storey office building known as The Australian Bureau of Meteorology Building.

**Figure 1 – Site Locality Plan**



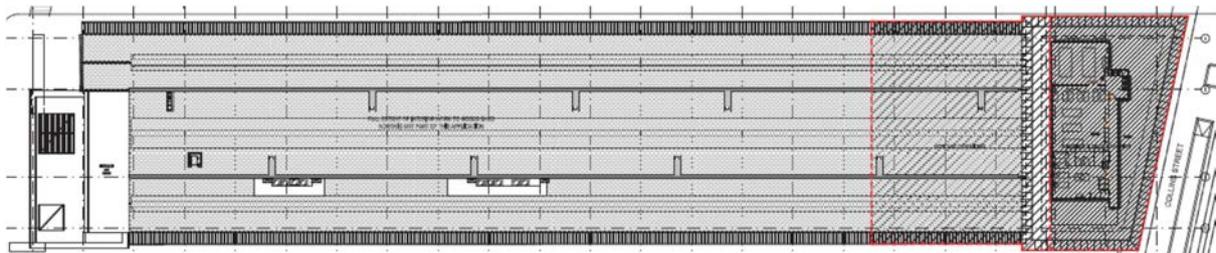


### 3 Proposal

The application seeks approval to demolish the existing building, construct a 36-storey 180 metre commercial tower with associated parking. The proposed gross floor area is 57,968m<sup>2</sup>.

Details of the application are as follows:

- Demolition of the existing contemporary building (Places Vic entry) on the site and removal of 7 bays of the Goods Shed;
- Construction of a cantilevered tower of 180 metres which partially extends over the Goods Shed, built to both side boundaries.
- The building includes a 20m high void which serves as a pedestrian and visual connection between Collins Street and Village Streets and an east west laneway/connection between Village Street and Aurora Lane.
- A car park with 8 car spaces access via a 6m crossover to Village Street.





## 4 Planning Policies and Controls

### 4.1 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 (Built Environment and Heritage)
- Clause 17 (Economic Development)
- Clause 17.01 (Commercial)
- Clause 18 Transport)

The above policies encourage appropriate land use and development which enhances the built environment; supports economic growth, and delivers commercial facilities which meet the community's needs in existing or planned activity centres and encourage sustainable transport.

An assessment against the above policies is provided in section 9 of this report.

## 4.2 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.

Clause 21.02 (Municipal Profile) recognises that the City of Melbourne is the premier 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 21.03-1 (Vision) recognises the diverse roles of the city and local areas, with the vision being 'a thriving and sustainable City that simultaneously pursues economic prosperity, social equity and environmental quality.'

Clause 21.04 (Settlement) sets out objectives and strategies to promote growth and development in specific areas of the city which in the case of Docklands is an existing urban renewal area.

Clause 21.06 (Built Environment and Heritage) sets out the objectives and strategies to protect and enhance the valued characteristics of Melbourne's built form and to ensure the form of new development is well designed and respectful of the valued character and heritage of the city.

Clause 21.08 (Economic Development) notes that areas in the Central City area 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.

Clause 21.09 (Transport) recognises that compact, mixed use and walkable cities built around public transport corridors and nodes are more effective, more accessible and more sustainable. 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 21.13-2 (Urban Renewal Areas Docklands) sets out the local area policies for Docklands and includes a vision for the area to provide for 'a mixed use environment with all the services and facilities that provide for the local residential community, the local work force and visitors to the area.'

Clause 22.18 (Urban Design within the Docklands Zone) seeks to encourage exciting, viable developments built to the highest design and environmental standards.

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

- Clause 22.18 Urban Design within the Docklands 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.

An assessment against the above policies is provided in section 9 of this report.

### 4.3 Statutory Controls (Permit Triggers)

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

<b>Planning Control</b>	<b>Permit / Application Requirement(s) / Decision Guidelines</b>
Docklands Zone Schedule 3	<p>Pursuant to Clause 37.05-1, <b>a planning permit is not required</b> to use the land for Office (other than Corrective institution) or Retail Premises (other than Adult sex bookshop, Department store, Hotel, Supermarket, and Tavern).</p> <p>Pursuant to Clause 37.05-4, <b>a permit is required</b> to construct a building or construct or carry out works, and to demolish or remove a building or works.</p> <p>Pursuant to Clause 2.0 of the Schedule the application is exempt from notice and appeal requirements.</p> <p>Decision guidelines are contained in Schedule 2.0</p>
Design and Development Overlay Schedule 12 – Noise Attenuation	<p>Pursuant to Clause 43.02 a permit is required to construct a building or construct or carry out works, unless the Schedule states that a permit is not required.</p> <p>Schedule 12 specifies that 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.</p> <p>For the purpose of this requirement, noise-sensitive uses are those that have an element of residential accommodation and are nested under the definition of accommodation in the planning scheme.</p> <p>As the development proposes no noise sensitive uses <b>a planning permit is not required.</b></p>
Design and Development Overlay 51 (Area 2) – Building Height / Setback Controls	<p>Pursuant to Clause 43.02 a permit is required to construct a building or construct or carry out works, unless the Schedule states that a permit is not required.</p> <p>A permit is not required to construct a building or construct or carry out works if the requirements of Table 1 to this schedule are met.</p> <p>Table 1 sets out the various height requirements for the areas within the DDO. The subject site is within Area 2 for which the table specified a height of 180 metres.</p> <p>Given the proposal complies with this height, a permit is not required under the overlay.</p>
Development	

<p>Plan Overlay 4</p>	<p>Pursuant to Clause 43.04-1 a permit must not be granted to use or subdivide land, construct a building or construct or carry out works until a development plan has been prepared to the satisfaction of the responsible authority.</p> <p>This does not apply if a schedule to this overlay specifically states that a permit may be granted before a development plan has been prepared to the satisfaction of the responsible authority.</p> <p>A permit granted must:</p> <ul style="list-style-type: none"> <li>- Be generally in accordance with the development plan.</li> <li>- Include any conditions or requirements specified in a schedule to this overlay.</li> </ul> <p>No development plan currently exists for the subject site.</p> <p>Pursuant to Schedule 4 a permit may be granted to use or subdivide land, construct a building or construct or carry out works before a development plan has been prepared to the satisfaction of the responsible authority.</p> <p>A permit may be granted for demolition before a development plan has been prepared, provided that interim treatments are to the satisfaction of the Responsible Authority.</p>
<p>Heritage Overlay (HO914)</p>	<p>Pursuant to Clause 43.01, <b>a permit is not required</b> to develop a place that is listed on the Victoria Heritage Register. As The Goods Shed No. 2 is listed on the Victorian Heritage Register (HO914) a planning permit is not required under the Heritage Overlay.</p>
<p>Parking Overlay – Schedule 7</p>	<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>Pursuant to Clause 52.06-2, before a new use commences the number of car parking spaces required under Clause 52.06-5 or in a schedule to the Parking Overlay (in this case PO7) Schedule 7 to Clause 45.09, sets out car parking ratios for and states that a permit is required to provide car parking spaces in excess of a rate of:</p> <p>Office – 47,484sqm (max 1.5 to each 100sqm of gross floor area) = maximum of 712 spaces. Retail (any other use) – 116sqm (max 1 to each 100sqm of gross floor area) = maximum of 1 space.</p> <p><b>No planning permit is required</b> as 8 car parking spaces are proposed, well under the maximum provision.</p> <p>Decision guidelines are contained at Clause 45.09-5 and at Clause 65.</p>
<p><i>Loading and Unloading of Vehicles (Clause 52.07)</i></p>	<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>

	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.
<i>Bicycle Facilities (Clause 52.34)</i>	Under Clause 52.34-1 a new use must not commence until the required bicycle facilities and associated signage has been provided on the land.  208 bicycle spaces (160 employee / 48 visitor) and 17 showers are required, with access to change room (or combined with shower).  The application indicates that "approximately 236-354" spaces are proposed to be provided therefore <b>no permit is required</b> under this provision.
<i>Integrated Public Transport Planning (Clause 52.36)</i>	Under Clause 52.36-1 an application must be referred in accordance with Section 55 of the Act to the Director of Public Transport for a residential development comprising 60 or more dwellings or lots. On 28 February 2014 the application was referred to the Director of Public Transport.
<i>General Provisions (Clause 61.01)</i>	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 Act for approving matters required by the scheme in relation to developments with a gross floor area exceeding 25,000 square metres.
<i>Decision Guidelines (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 Act.
<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 referral authority.  The Director of Public Transport is a specified referral body under Clause 52.36. A response has been received and PTV has no objection to the application.  Places Victoria is a referral authority to the application. The application was referred to Places Victoria, however given Places Victoria's offices are located within the subject site building, they have declined to issue a response to the referral on the basis of potential perceived conflict. However it is noted that Places Victoria have not objected to the application.

## 5 Other Strategic Matters

### 5.1 Plan Melbourne

Plan Melbourne is the Government's long term plan to accommodate Melbourne future growth in population and employment. Two key directions of relevance are:

- Delivering jobs and investment.  
Melbourne's central subregion is set to become Australia's largest employment centre. A new Metropolitan Melbourne Structure Plan is proposed and will identify the expanded central city

as a place for the location and continued growth of knowledge intensive and high skilled firms in the central city while continuing to be a major area for tourism, retail, residential, entertainment, sporting, and cultural activities.

- Liveable communities and neighbourhoods  
Protecting Melbourne's heritage. Melbourne is recognised for its well preserved heritage buildings and distinctive modern architectural character and its well designed urban spaces. Effective heritage protection and quality urban design are fundamental to our liveability and sense of identity.

## 6 Notification

Under Schedule 3 of Docklands Zone an application to demolish a building and construct or carry out works, and under Schedule 12 and 51 of the Design and Development Overlay, and Schedule 7 to the Parking Overlay and Schedule 4 of the DPO an application to 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.

## 7 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 the Director of Public Transport. The following comments were provided:

**Urban Design (DTPLI):** Does not support the proposal. Concerns were raised regarding the development in relation to removal of heritage fabric, the resolution of the termination of the remnant Good Shed, the relationship between existing retained and proposed development, identity and address afforded to the heritage building and the relationship to the proposed public realm.

In particular, key concerns related to:

- the extensive removal of heritage fabric and;
- that the proposed commercial building would deny the possibility to visually connect the two remnant aspects of the Goods Shed No.2.
- the proposal creates public spaces that are ambiguous (public or private?) and which do not have legible connections.

**City of Melbourne:** The application was considered at the City of Melbourne's Future Melbourne Committee on 1 July 2014. The Council resolved to object to the application.

The City of Melbourne's report to the committee detailed significant concerns about the proposal which can be summarised as follows:

### Heritage:

- The applicant's argument that the demolition of heritage fabric follows a past similar intervention and is therefore acceptable is strongly disputed by the City of Melbourne on the basis that the previous intervention had a far stronger imperative because it facilitated the extension of Collins Street and not another high rise commercial building.
- The proposed demolition is extensive and would further disrupt the appreciation of the Goods Shed building as a whole.

- The proposed demolition would not preserve or enhance the connection between the Goods Shed and Collins Street because although the black glass building which disrupts views to the Goods Shed would be removed, the demolition would triple the distance of the heritage fabric from Collins Street.

#### **Urban Design:**

- A landmark tower of 180 metres on the site with no setback of the tower to Collins Street is not supported.
- The design demonstrates little respect for the site context, which includes other large scale buildings that utilise a podium and tower format to provide an appropriate scale to Collins Street.
- Concerns are expressed for further loss of heritage fabric.
- The proposal at masterplan stage was for "lantern" like buildings to attach to the sheds and act as new entries into the refurbished sheds. The proposal is of an entirely different scale which is inconsistent with this concept.
- The 8 car parking bays at Village Street is undesirable in terms of activation.
- Overall, the design is not supported.

#### **Engineering, Waste Management, Parking:**

- Referral raised no significant concerns, with referral departments generally supportive.

**Public Transport Victoria (PTV):** The application was referred on 31 December 2013. A response was received from PTV on 23 January 2014 and advised that PTV did not object to the application and did not seek any conditions to be placed on the permit.

**Heritage Victoria:** A separate application for "demolition of existing office building and 7 bays of No.2 Goods Shed (North) and replacement with a 34 level mixed use glass tower" was lodged with Heritage Victoria on 14 April 2014. The application was issued a Refusal to Grant a Permit on 29 August 2014 on 2 detailed grounds see **Attachment 1**.

**Places Victoria:** The application was referred to Places Victoria however given Places Victoria's head office is located within the Goods Shed, the Authority determined not to provide a response about the proposal, however it is noted that the Authority did not object to the application.

## 8 Assessment

### 8.1 Consistency with Planning Policy

The proposal which involves a contemporary commercial office building in an appropriate location within Docklands which meets some of the imperatives of State and Local Planning policy which is to encourage the concentration of a range of commercial, residential and entertainment uses in Docklands and the Central City that are accessible to the community. (Clause 11, Clause 18). The proposed land use, the concept of a tall commercial tower and the provision of car parking are therefore generally supported.

The key areas of policy non-compliance relate to the design response to the site context, architectural quality and the response to the heritage fabric on the site.

Assessment of the proposal find that the form, height and setbacks of the proposed tower do not respond adequately to the site context of Batman's Hill, even though the proposed tower is within the 180 metre height limit specified by the Design and Development Overlay Schedule 51. The proposed form, the lack of a podium to modulate the impact of the tower on the public realm, the ground level facade treatment to Collins Street and the broad nature of the tower are considered to be a poor response to the surrounding buildings and streetscape.

The ambit of discretion of the current application does not cover the matters set out in the Heritage Overlay, as the existing building is listed on the Victorian Heritage Register. The proposal is therefore exempt from assessment under the Heritage Overlay. However, while heritage is outside the ambit of discretion from a process perspective, i.e. it is not the purpose of this application to determine whether it is acceptable to demolish heritage fabric, the treatment of heritage issues on the site remains relevant to the assessment of the proposal against urban design policy within the planning scheme. Urban design policy recognises heritage matters because issues of architecture, quality of design and heritage are often intertwined and can have a significant impact on the quality of built form outcomes and their contribution to the public realm. In this instance, the application is considered to fail to balance urban design and heritage impacts appropriately. This is manifested in the failure of the design to achieve an appropriate balance between the heritage imperative of maintaining visual and pedestrian connection to the Goods Shed to Collins Street whilst also providing an appropriate urban design response to Collins Street.

The application finds conflict either in part or full with the following State and Local Planning policy:

*SPPF*

■ Clause 9 Plan Melbourne - Protecting Melbourne's Heritage.

Plan Melbourne recognises that while Melbourne needs to grow and change, Melbourne's distinctive characteristics and heritage should be maintained. The determination by Heritage Victoria, the assessment of City of Melbourne and the Department is that the proposal does not result in an appropriate outcome in relation to heritage and therefore does not meet this key direction of Plan Melbourne.

■ Clause 15 Built Environment and Heritage.

This Clause contains key themes which seek to ensure all new land use and development responds appropriately to its valued built form and cultural context, contributes positively to urban character, minimises detrimental impact on neighbouring properties and protects and enhances landmarks, views and vistas. New development should respect, but not simply copy historic precedents. This clause also contains policy which has the objective of ensuring the conservation of places of heritage significance. It encourages appropriate development that respects places with identified heritage values and creates a worthy legacy for future generations, retaining those elements that contribute to the importance of the heritage place and ensuring an appropriate setting and context for heritage places is maintained or enhanced.

The proposed development conflicts with this policy on several fronts:

- The demolition of heritage fabric is too extensive and therefore cannot be said to conserve the site's heritage significance.
- The extent of demolition does not respond appropriately to the cultural context. The context is of one large building (that has been bisected) and the extent of demolition affects a key characteristic of heritage significance (the largest Goods Shed in the Southern hemisphere) and diminishes the ability to read the building as a formerly single contiguous building.
- The height of the tower and its lack of setback to Collins Street means that the development does not contribute positively to the urban character because it overwhelms the street and does not modulate the building mass like other nearby buildings.
- The extent of demolition means that the vistas of the Goods Shed are obscured and more disconnected from Collins Street, impacting on the ability to view the building from Collins Street and comprehend the continuity of the building and its significant length.
- Cantilevering a building over another building, particularly a heritage place is not an appropriate urban design outcome that minimises impacts on neighbouring buildings. The Goods Shed would be detrimentally impacted on by the building bulk of the tower which would dominate the Goods Shed.
- The unsatisfactory treatment of the heritage aspects of the proposal and its impact on views to the heritage Goods Shed means that the design cannot be said to meet the policy of achieving high quality urban design and architecture.

The proposed ground level 'laneway' is not read as part of the public movement network and does not provide an appropriate address to the remnant Goods Shed No. 2.

*LPPF*

- Clause 21.06-1 Urban Design has the objective of reinforcing and enhancing the City's urban design and urban structure. Relevant policy in this clause encourages a high degree of connectivity and urban transition between the Hoddle Grid and Docklands, to protect iconic views such as along Collins Street, to ensure the height, design and bulk of development in Urban Renewal Areas creates a high quality built form and public realm and conserves identified heritage fabric. The issues of a lack of podium which impacts on the transition in height to the CBD, the extent of demolition, the overall form of the building and the treatment of the Collins Street ground level facade compromise satisfactory achievement of this policy.
- The development responds poorly to policy that encourages an attractive and comfortable street environment because the sheer wall to Collins Street is excessively dominant on the pedestrian environment. The proposal also does not meet policy in relation to ensuring buildings on landmark sites/focal points are designed to the highest quality. The quality of the development is severely impacted by the inappropriate response to heritage on the site.
- The development does not meet policy contained in Clause 22.18 Urban Design within the Docklands Zone which seeks to ensure new development is site responsive, complementing adjoining development and addressing physical, cultural and environmental features. The perspective images and sightline provided with the application illustrate that the development will be excessively dominant and broad and does not respond to the podium height datum along the Batmans Hill section of Collins Street. The development does not respond adequately to the Collins Street context which is that of buildings that engage strongly with the street. This objective is undermined by the extent of glazing to an internalised cavity which forms the Collins Street address to the building. The building is also not responsive to the cultural context of the site, in relation to heritage.
- The proposal also does not meet the policy objectives of Clause 22.18 which seeks to provide 'safe, direct and comfortable pedestrian routes which are fully accessible by day and night...throughout Docklands'. The proposal seeks to introduce a new vertical connection between Collins Street and the ground plane of Aurora Lane and Village Street, via an open air stair, without a DDA compliant connection. The stair connects to a proposed 'laneway', which abuts the truncated alignment of the Good Shed and is interspersed by structural columns. The result is a series of elements which sit within a private site without contributing to the public realm as either part of a legible public movement network or an environment which is connected or seen from publicly trafficable spaces.
- The proposal does not respond appropriately to the requirements of Clause 22.18.3, which seeks to obtain a continuous street frontage and co-locate public open space with communal services and civic facilities. The proposed stair connection between Collins Street and the ground plane of Aurora Lane and Village Street results in nominally one third of the prime Collins Street frontage reading as a void, which is further compounded by the adjacency to the air space over Village Street below. Furthermore, the proposed area defined as the 'laneway' is a highly ambiguous public space, which sits under the cantilevered facade without being complimented by any communal or civic entities to engender a sense of purpose.
- The proposal will overshadow new public open space on the north bank of the Yarra which is discouraged by Clause 22.02 (Sunlight to Public Spaces). While the extent of overshadowing is not large or for an extended period, the design of the building could be better modulated to further minimise shadows.
- The development responds appropriately to Clause 22.19 (Energy, Waster and Water) and Clause 22.23 (Stormwater Management) by including environmentally sustainable building initiatives.

## 8.2 Land Use

No land use permission is sought by the application as "Office" is an as of right use in the Docklands Zone Schedule 3.

## 8.3 Design and Built Form

The application proposes a 180 metre tower with zero setbacks to Collins Street and the side boundaries.

The planning provisions applicable to the site, including Schedule 3 to the Docklands Zone and Schedule 51 to the Design and Development Overlay recognise the 'opportunity for a landmark mixed use development of a scale of international significance' (Cl 37.05). The height of the development does not exceed 180 metres and therefore the DDO is not triggered. The height of the development is therefore not considered problematic as a stand alone issue.

The buildings which form the context of the site includes the Fairfax/ Age headquarters, the Medibank building, the Lantern building and Collins Square offer a continuous, podium-like interface with Batmans Hill which enhances the pedestrian experience through a medium height scale that provides a defined transition to the Hoddle Grid. This consistency of building scale is one of the distinctive characteristics of the streetscape that forms the immediate context of Docklands and the Hoddle Grid.

The proposal would realise an atypical street presence through the combination of a vertical elevation of 180 metres above ground level, zero setback from boundary, a partial ground level interface and a, disconnected secondary address to a remnant heritage building on a different ground plane. The introduction of a podium with a 6-10 metre setback to the tower would assist in providing a transition in scale to neighbouring buildings and reduce the impact of height and bulk of the building on the street. It would also diminish the perception of girth of the building across the site, which currently results in a broad and bulky building as illustrated by perspective views submitted with the application. This is considered to be problematic given that it is paired with the very significant height of the building.

Alternatively, a podium which responds to the lower scale "Lantern" building opposite which has a 35m height frontage to Collins Street would be a more appropriate contextual response to the site and the heritage context.

One of the key objectives of the design brief for the building, based on pre-application discussions, was to achieve large floor plates for the building to meet current market expectations about commercial office space. The building includes three main floor plate sizes (which vary due to the tapering form of the building), approx. 1259sqm at level 1, approx. 1723sqm in the low rise levels up to level 8 and 1479sqm in the upper levels of the building. The lack of "taper" to the building is therefore partly as a result of the desire to maintain three sizes of floor plates which has clearly guided the form of the building. This demonstrates that the applicant's objectives have not been adequately judged and balanced with the overall planning outcome, which assessment concludes should be a finer tower form with greater setbacks.

The proposed built form proportions generate an uncomfortable relationship between the vertical and the horizontal, particularly when observed east or west of the subject site. Although the horizontal dimension north from the Collins Street, which includes the cantilever over the existing Goods Shed, is relatively consistent with the floor plates of adjacent buildings, the gradual vertical tapering generates a significant visual bulk within the streetscape.

The broad depth and ungainly form of the building lead to an overwhelming impact on the surrounding precinct and streetscape. A tower with a finer, more elegant form, mediated to the street by a podium would be a more appropriate outcome.

Therefore while the height of the building alone is not an issue in itself, the combination of height and inappropriate setbacks is considered to be problematic.

A key characteristic of neighbouring buildings in the street including Southern Cross Station and The Age building is how these buildings recognise the harsh climatic conditions of Docklands. Significant civic gestures like the overhanging canopy to Southern Cross and The Age site colonnade are design features which directly recognise and respond to this characteristic of the environmental conditions of the context by providing protection from wind and rain.

The 3m wide canopy which has the appearance of an "add on" rather than an integrated approach to pedestrian amenity is barely adequate, especially in the context of a 180m high front facade to Collins Street.

Collins Street as Melbourne's foremost commercial boulevard is notably defined by a hard masonry built form edge condition, which offers a grand and dignified character to Collins Street. The proposal endeavours to navigate a balance between two distinctly different entrance configurations within a contiguous frontage. Firstly, the commercial building entrance is accessible from Collins Street pavement level into a foyer with full height glazing to nominally 270 degrees and an exposed core. The extent of glazing presented to Collins Street is ubiquitous within the commercial typology; however, the strategy fails to effectively respond to the characteristic interplay between solid and void evident along Collins Street. Secondly, the proposed undercroft space to the west of the foyer, which is also inhabited by the public stair, endeavours to provide a form of address to the remnant Goods Shed via an extended visual connection and physical descent from Collins Street. The combination of these elements generates two abutting void spaces which fail to legibly define either the commercial entrance as a physical presence on Collins Street or sufficiently identify the Goods Shed entrance as a sequential passage.

The failure to reconcile an appropriate response to Collins Street balanced with an appropriate response to heritage view lines illustrates that the architecture and heritage aspects of the application are not satisfactorily resolved.

The lack of a setback to Collins Street will also have an adverse impact on the view lines along Collins Street and the transition of Docklands to the Hoddle Grid. Given that the site is on the extension of Collins Street, it should adopt the convention of a podium/tower development which has been successful in supporting the high quality pedestrian environment of Collins Street.

## 8.4 Heritage

Clause 15 Built Environment and Heritage states that:

*"Planning should ensure all new land use and development appropriately responds to its landscape, valued built form and cultural context and protects places and sites with significant heritage, architectural, aesthetic, scientific and cultural values."* and;

*"Planning should achieve high quality urban design and architecture that:*

- Contributes positively to local urban character and sense of place.*
- Reflects the particular characteristics, aspirations and cultural identity of the community.*
- Enhances liveability, diversity, amenity and safety of the public realm.*
- Promotes attractiveness of towns and cities within broader strategic contexts.*
- Minimises detrimental impact on neighbouring properties"*

And *"To ensure the conservation of places of heritage significance."*

These themes of site responsive design, high quality built form outcomes and protection of heritage are also continued in the Local Planning Policy Framework and the Municipal Strategic Statement.

No assessment of the heritage merits of the current application is required because pursuant to Clause 43.01-2 of the Heritage Overlay, no permit is required to develop a heritage place which is included on the Victorian Heritage Register. The Goods Shed is listed as HO933 on the Victorian Heritage Register therefore no assessment of the heritage merits is required under HO914 that applies to the site.

Heritage Victoria issued a Refusal to Grant a Permit for the proposal for demolition of seven bays of the Goods Shed on 28 August 2014. See Attachment 1 for a copy of the Notice.

While no assessment of the demolition of heritage fabric is required, the Refusal to Grant a Permit by Heritage Victoria is relevant to the assessment of the application insofar as the application's response to the above policy. Given that Heritage Victoria have not supported the demolition of the 7 bays of the Goods Shed and determined that the continuity of the building and views to the building from Collins Street would be disrupted, the policy tests of the development being site responsive, a high quality outcome and a design that contributes positively to the public realm cannot be met.

## 8.5 Street Level Activation and Pedestrian Safety

Clause 22.18 requires a minimum of 50% of the street frontages to be "active". The proposed development has a high degree of activation with a full glazed facade with a lobby and retail tenancy to Collins Street, a public walkway as well as retail on the ground and mezzanine levels.

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

Wind tunnel testing indicates that the proposed development will result in wind conditions around the site which are either on or within walking criterion, except for two locations on the Collins Street Bridge. The proposal is therefore considered to result in acceptable wind conditions.

Shadow diagrams submitted with the application indicate that the proposal would result in some overshadowing of the north bank of the Yarra River around 11am, however by 12pm this will have moved away from the river bank. Given the planning controls provide for a building of no more than 180ms in height, this minor amount of overshadowing is considered acceptable. The proposal is therefore considered to be a satisfactory response in relation to Clause 22.02 Sunlight to Public Spaces.

The site is also covered by DDO12 which relates to noise attenuation for uses in the vicinity of the Docklands Stadium for noise sensitive uses, however given the proposal is for an office building which is not a noise sensitive use, this DDO is not applicable.

As indicated above, a 3m wide canopy is proposed to Collins Street, which this is notionally adequate in terms of providing some weather protection to pedestrians, however it is not designed as an integrated feature of the development similar to other developments on Batman's Hill.

## 8.7 Environmental Sustainable Development (ESD)

Clause 22.19 seeks to ensure that the design, construction and operation of buildings minimise the production of greenhouse gas emissions and maximises energy efficiency, to minimise potable water use and minimise waste going to landfill.

An assessment against Clause 22.23 Stormwater Management has not been submitted with the application.

An ESD report prepared by Aecom dated 22 November 2013 submitted with the application indicates that the development will meet the objectives of the policy at Clause 22.19 and Clause 22.23 of the Melbourne Planning Scheme. The report indicates that the proposed development is targeting 5 star Green Star Office Design and Office As Built v3 rating, 5 star NABERS energy rating for office buildings and a minimum 3 points Wat-1 in Green Star.

## 8.8 Car Parking, Loading and Unloading of Vehicles, Waste Collection and Bicycle Facilities

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, employment 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 8 car parking spaces, well under the maximum limitation (Clause 45.09, 52.06), which would provide for 719 bicycle parking spaces, and provides 236-354 employee wall hung bicycle spaces and 63 visitor spaces, well in excess of the 160 employee bicycle spaces required (Clause 52.34) and 48 visitor space. A loading and unloading area of 70 sq.m is proposed on site which exceeds the dimensions required by Clause 52.07.

The Waste Management Plan prepared by Leigh Design dated 14 May 2014 has been referred to the City of Melbourne who are satisfied it meets their requirements.

Council's Engineering Services have reviewed the design of the carpark and while they have indicated that the dimensions and design does not meet the Planning Scheme or the Australian Standards in relation to dimensions, the car park is large enough to amend the design to confirm to these requirements subject to conditions, if permission for the development were to be granted.

## 9 Recommendation

That a Notice of Refusal to grant a permit be issued 2013/009905 for demolition of the existing building and construction of a multi-storey mixed use tower on five grounds as detailed below:

1. The proposed development does not respond appropriately to the surrounding built form and scale. The proposed building will have an adverse impact on the surrounding area and the pedestrian amenity of surrounding streets due to excessive mass and bulk and the lack of appropriate setbacks.
2. The design of the building at ground level is inconsistent with the character of Collins Street and will not make a positive contribution to Collins Street.
3. The development will have an adverse impact on views along Collins Street.
4. The internal pedestrian through connection is not safe and legible and does not provide adequate clarity of separation between new building fabric and the Goods Shed.
5. The proposal does not respect the heritage significance of the Goods Shed and will have an adverse impact on the heritage significance of the Goods Shed.
6. The proposal will obscure views between the north and south ends of the Goods Shed which is important to the heritage significance of the Goods Shed and the character of the area.

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