

**APPLICATION FOR PLANNING PERMIT:
460 & 464-466 COLLINS STREET, MELBOURNE**

Application Number: 2013/005784

Proposal: Partial demolition of the existing building and construction of a multi-storey building comprising residential apartments and office

Applicant: 464 Collins Street Pty Ltd
C/- Urbis Pty Ltd

Zoning: Capital City Zone- Schedule 1 (Outside the Retail Core)

Overlays: Heritage Overlay- Schedule 1012
Design and Development Overlay- Schedule 1 (Active Street Frontage Capital City Zone (DDO1 – Area 2)
Design and Development Overlay- Schedule 4 (Weather Protection) (DDO4)
Parking Overlay- Schedule 1 (PO1)

Application Received: 7 June 2013

Number of Objections: None (One lodged and subsequently withdrawn)

Recommendation: Permit

[REDACTED]

PLANNER'S NAME: [REDACTED]

SIGNATURE: [REDACTED]

DATE: 06.02.14

Ph: [REDACTED]

PROPOSAL

1. Permit application 2013/005784 was lodged on 7 June 2013. The application seeks approval to partially demolish the existing building and construct a multi-storey building comprising of residential apartments and office. The proposed gross floor area is 28,775m².
2. Details of the application are as follows:

- Partial demolition of the existing building on site, retention of existing building fronting Collins Street to a depth of 17 metres along the eastern and western boundary walls and the interior fabric. The proposal results in the removal of the roof structure;
- Construction of a tower measuring at 55-storeys (181.13 metres including plant from Collins Street frontage). The building includes a three-storey podium to Collins Street (through the retained heritage building) with a terrace at Level 3 within the setback behind the parapet, and a 13-storey podium to St James Lane. The building envelope above the podium includes to Collins Street a setback of 6 metres at Levels 3-7 which is reduced to 4 metres above (inclusive of balconies). The tower does not include any setbacks to the north and west boundaries and includes a 10 metre setback from William Street;
- It is highlighted that the building envelope includes a cantilevered portion above 83 William Street from level 14 and above, which measures at a depth of 4 metres, setback 6 metres from Collins Street and 2 metres from St James Lane and includes a clearance of 7.38 metres above the existing building;
- The tower comprises approximately 185 apartments where the typical apartment layout per floor is (1 x 1-bedroom plus study loft, 2 x 2 bedroom, 1 x 2-bedroom plus study loft and 1 x 3 bedroom) and offices are nominated to be located over levels 1-13 totalling approximately 2,879m² of office net floor area;
- Construction of a basement levels comprising of building distributor room, switchboard room, security room, pump and tank room, substation and bicycle storage for 74 spaces;
- Ground floor includes a foyer, mailroom, change room, meter room, waste rooms, bin holding areas, fire boosters and car waiting areas and entry to the car lift;
- Vehicle access is provided via St James Lane via a car lift and provides 73 car parking spaces and 3 motorcycle spaces (located at the upper ground);
- Plant and water damper tanks are located at Level 14, 53 & 54;
- Residential facilities in the form of residential lounge, gymnasium and terraces are provided at Level 52;
- Materials and finishes for the proposal include restoring and refurbishing the existing heritage building at 464-466 Collins Street. Proposed materials and finishes include glazing, concrete, interactive LED lighting; and
- The submission is supported by comprehensive reports including a planning report, urban context report, wind tunnel assessment, traffic report, waste management report, heritage impact assessment and ESD report.

DEVELOPMENT SUMMARY

3. In summary the specific details of the proposal are:

Key elements	Comments
Use	Residential (185 apartments) with lower level offices
Height	55-storeys (181.13 metres)
Setbacks	4, 6 & 8 metres to Collins Street 0 metres to St James Lane (north) 0 metres to west 10 metres to east (from William Street)
Floor area (GFA) XXXXXXXXXX	GFA 28,775m ²

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Applicant / Developer	464 Collins Street Pty Ltd
████████████████████	████
City of Melbourne	Supports the application subject to conditions requiring additional setbacks to the heritage fabric.

SITE AND SURROUNDS

4. The site is known as 460 & 464-466 Collins Street, Melbourne. The site at 460 Collins Street (also known as 83 William Street) has a frontage of approximately 14 metres to Collins Street and 40 metres to William Street, with a site area of 601m². The site at 464-466 Collins Street has a frontage of 11.5 metres to Collins Street and is approximately 40 metres deep, with a site area of 483m². The two parcels combined generate a site area of 1,084m². Neither site is affected by any easements or restrictive covenants, other than two party wall easements along the western boundary of 460 Collins Street.
5. Both sites have frontages to Collins Street and back onto St James Lane. 83 William Street is on the north-west corner of William and Collins Street Collins Street slopes upward from west to east while William Street slopes upward from south to north. As a result, the centre point of the frontage of 464-466 Collins Street is 400 mm lower than the centre point of the Collins Street frontage of 83 William Street. In addition, the Collins Street frontage of 464-466 Collins Street is approximately 3100 mm lower than the ground level to St James Lane.
6. A 3-storey building occupies 464-466 Collins Street and is occupied by a shop at ground floor level. Council's Central Activities District Conservation Study identifies the building is 'C' graded within a level 3 streetscape and that it was built during the Edwardian period. Its integrity and condition are noted as 'fair' and it has no notable features. The site is affected by site specific Heritage Overlay HO1012.
7. A 9-storey building occupies 83 William Street which is occupied by a bank at ground floor level and offices above. This is an 'A' graded building, built in 1926-1939, in the Neo-Renaissance style. The building is of 'fair' condition with its notable features including a high standard design of rendered surfaces, stone facing and friezes, and notes the building is 'a dominant, finely finished and formal revivalist design which reflects the traditional conservatism of banking companies as modified by the new international Modern movement also an RVIA medal winner'. The site is affected by site specific Heritage Overlay HO753.
8. The main characteristics in the surrounding area include:
 - North on the opposite side of St James Lane, at 91-97 William Street is a multi -storey office building which appears to have been constructed in the 1980s. North-west of 464-466 Collins Street is 'Henty House', at 501 Little Collins Street occupied by apartments. This building backs onto St James Lane.
 - West of 464-466 Collins Street is a multi -storey office building at 470 Collins Street. This is 17 storeys in height and is set back approximately 6 m from Collins Street, creating a forecourt at the site frontage. Planning Permit TP-2013-81 was issued by the City of Melbourne on 7 June 2013 and allows development including a 2 storey addition within the forecourt.
 - South of the subject site, on the south-west corner of Collins and William Streets is the multi-storey MLC office tower at 459 Collins Street.
 - East of 83 William Street, on the north-east corner of William and Collins Streets is a C graded multi -storey office tower, which appears to have been built in the 1960s (454 Collins Street). East of the rear portion of 83 William Street (on the east side of William Street) is

the 7 storey 'Queensland Building' at 84 William Street. This is an A graded building built during the Edwardian period.

STATUTORY CONTROLS

9. The following controls apply to the site, with planning permit triggers, requirements and decision guidelines are described below:

Planning Control	Permit/ Application Requirement(s)/ Decision Guidelines
<p>Capital City Zone-Schedule 1 (Outside the Retail Core)</p>	<p>Under Clause 37.04-2 a permit is required to use the land unless specifically exempted by the schedule.</p> <p>Under Clause 37.04-4 a permit is required to construct a building or construct or carry out works unless the schedule specifies otherwise.</p> <p>Schedule 1:</p> <ul style="list-style-type: none"> • The table of uses specifies 'accommodation' and 'office' is permitted as of right (Section 1 use) at Clause 1.0 of the Schedule; • A permit is required for demolition or removal of a building, to construct any part of a building exceeding a height of 40 metres within 10 metres of a road frontage, construct or carry out works that would cast a shadow between 11.00am and 2.00pm on 22 March and 22 September; • Exempts demolition and buildings and works from notice and appeal requirements; • Decision guidelines are contained in Schedule 1 and at Clause 65.
<p>Heritage Overlay-Schedule 1012</p>	<p>Under Clause 43.01-1 a permit is required to demolish or remove a building and to construct a building or construct or carry out works.</p> <p>Under Clause 43.01-3 the application is not exempt from third party notice and review.</p> <p>Decision guidelines are contained at 43.01-4 and at Clause 65.</p>
<p>Design and Development Overlay-Schedule 1 (Active Street Frontages) (Collins Street)</p> <p>Schedule 4 (Weather Protection) (Collins Street)</p>	<p>Under Clause 43.02-2 a permit is required to construct a building or construct or carry out works unless the schedule specifies otherwise.</p> <p>Schedule 1:</p> <ul style="list-style-type: none"> • A permit is required for ground floor buildings and works; • Exempts buildings and works from notice and appeal requirements. <p>Schedule 4:</p> <ul style="list-style-type: none"> • No permit is required to construct a building or construct or carry out works if adequate weather protection is provided to the satisfaction of the Responsible Authority. The proposal does not provide weather protection to the Collins Street frontage. In this case, the addition of a verandah to the existing heritage buildings would be inappropriate. The existing situation, of not weather protection to Collins Street is therefore acceptable. This being the case, no permit is

	<p>required under this overlay.</p> <p>Decision guidelines are contained at 43.02-5 and at Clause 65.</p>
<p>Clause 45.09 (Parking Overlay- Schedule 1 (Capital City Zone-Outside the Retail Core) and Clause 52.06 (Car Parking)</p>	<p>Under Clause 45.09-3 a schedule to this overlay may specify that a permit must not be granted to provide more than the maximum parking provision specified in a schedule to this overlay.</p> <p>Schedule 1 of the Parking Overlay specifies a maximum number of car parking spaces (calculated at 1 space/dwelling and a ratio for commercial uses using two equations) and the provision of 1 motorbike space per 100 car parking spaces.</p> <p>The limitation policy allows for 203 spaces. The provision of 73 car spaces on site is below the maximum allowed under the clause, therefore no permit is required.</p> <p>Decision guidelines are contained at Clause 45.09-5 and at Clause 65.</p>
<p>Loading and Unloading of Vehicles (Clause 52.07)</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> <p>As the land is to be used for residential and office purposes, this clause does not apply.</p>
<p>Bicycle Facilities (Clause 52.34)</p>	<p>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. The standard requires the provision of 56 spaces (37 resident and 18.5 visitor bicycle spaces). The application provides for 74 spaces, therefore no permit is required under this provision.</p>
<p>Urban Context Report and Design Response for Residential Development of Four or More Storeys (Clause 52.35)</p>	<p>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.</p>
<p>Integrated Public Transport Planning (Clause 52.36)</p>	<p>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 20 June 2013 the application was referred to the Director of Public Transport.</p>

General Provisions

10. **Responsible authority for administering and enforcing the Scheme:** 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 *Planning and Environment Act 1987* for approving matters required by the scheme in relation to developments with a gross floor area exceeding 25,000 square metres.
11. **Decision Guidelines:** 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.

12. **Referral and Notice Provisions:** Under Clause 66.03 an application must be referred to the person or body specified as a determining referral authority; Clause 52.34 (Director of Public Transport).

POLICY FRAMEWORK

State Planning Policy Framework (SPPF)

13. The following policies within the SPPF are relevant:

- Clause 10.04 (Integrated Decision Making)
- Clause 11.01-2 (Activity Centre Planning)
- Clause 11.04-4 (Central Melbourne)
- Clause 13.04-1 (Noise Abatement)
- Clause 15.01-1 (Urban Design)
- Clause 15.02 (Sustainable Development)
- Clause 16.01 (Residential Development)
- Clause 17.01 (Commercial)
- Clause 18.01 (Integrated Transport)
- Clause 18.02 (Cycling)

Municipal Strategic Statement (MSS)

14. 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. In addition, the most significant gains in resident population are expected in the Central City (and Southbank and Docklands).
15. 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'.
16. Clause 21.04 1-1 (The original city centre – the Hoddle Grid) sets out objectives and implementation strategies for the various areas of Melbourne: "*Central City functions will be located in the Hoddle Grid. This area will be managed to facilitate continued growth where appropriate and limit change or the scale of development in identified locations to preserve valued characteristics. A strong emphasis will be placed on a quality public realm and good pedestrian amenity and connectivity.*"
17. Clause 21.06 (Built Environment and Heritage) identifies Melbourne's character which is defined by its "distinctive urban structure, historic street pattern, boulevards and parks, heritage precincts, and individually significant heritage buildings. Heritage buildings, precincts and streetscapes are a large part of Melbourne's attraction and the conservation of identified heritage places from the impact of development is crucial". This Clause identifies the need to promote connectivity, provides for spacing and offset to provide access to outlook, daylight, sunlight and to minimise direct overlooking between habitable rooms, and to ensure that the scale, bulk and quality of development supports a high quality public realm.
18. Clause 21.07 (Housing) Seeks to encourage the most significant housing and population growth occurs in the Central City and Urban Renewal areas. It acknowledges the need to ensure residential developments in the Capital City, Docklands and Commercial Zones are designed to mitigate the amenity impacts from surrounding established and future uses, including insulation from noise.
19. Clause 21.09 (Transport) seeks to integrate transport and urban growth by encouraging development in locations, which can maximise the potential use of public transport. This Clause

seeks to maximise access to the city through support of the provision of adequate, safe public transport, pedestrian and bicycle facilities and car parking, in the City to suit 24 hour activity.

20. 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.
21. Clause 21.12 (The Hoddle Grid) includes policies relating to Economic Development, Built Environment and Heritage and Transport which specifically relate to the unique and valued characteristics of the Hoddle Grid. It encourages the development of a range of complementary precincts within the Hoddle Grid that offer a diverse range of specialist retail, cultural and entertainment opportunities.

Local Planning Policy Framework (LPPF)

22. The following policies within the LPPF are relevant:

- 22.01 (Urban Design within the Capital City Zone)
- 22.02 (Sunlight to Public Spaces)
- 22.04 (Heritage Places within the Capital City Zone)
- 22.19 (Energy, Waste and Water Efficiency)
- 22.20 (CBD Lanes)

Other relevant policy/ matters

23. Other relevant policy/ matters include:

- Design Guidelines for Higher Density Residential Development (Department of Sustainability and Environment, 2004) (referenced at Clause 15.01-2)
- Plan Melbourne Metropolitan Planning Strategy (Department of Transport, Planning and Local Infrastructure 2013)

Amendment C209

24. Amendment C209 seeks to introduce the Open Space Strategy which requires a 5% (Area A) or 8% (Area B) contribution of the site value, a land contribution or a combination of both. The site is located in the area designated as Area A.
25. This amendment has undergone exhibition but has not been through an independent panel process. The contribution can be made as a percentage of the site value, a land contribution or a combination of both. Council has not made a request for public open space contribution as part of their response to the application.

NOTIFICATION

26. Under Schedule 1 of the Capital City Zone an application to demolish a building and construct or carry out works, and under Schedule 1 and 4 of the Design and Development Overlay, 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.
27. The site is affected by Heritage Overlay- Schedule 1012, where an application to partially demolish and to construct or carry out works is not exempt from notice and review. The applicant was directed to give notice to the owners and occupiers of the abutting properties, a sign was erected to the Collins Street frontage and a copy of the notice (From 2) was published in the Melbourne Weekly and the Age for one issue.
28. As a result of this process, 2 objections were received, one from the [REDACTED] and the other from the City of Melbourne.
29. The objection from the City of Melbourne relates to the heritage aspects of the proposal and seeks to modify the tower design / offset from the existing heritage building with further

setbacks to Collins Street (both wall and balconies) to be increased to 8 metres at Levels 3 to 7, 6 metres at Levels 8 and 9 and 4 metres above Level 9.

30. Concerns were also expressed by Council in attached conditions which more significantly suggest modification to the proposed envelope as follows:

- Introduction of a 3 metre setback to St James Lane above the height of the car parking levels; and
- Introduction of a 3 metre setback from the western boundary to the north and south of a central portion on the boundary for a length of approximately 20 metres.

31. The objection from [REDACTED] raises concerns as follows:

- Retention of the facade of the heritage building; and
- Support the retention of the depth of the building to the rear of the chamber, the photographic documentation of the existing building and the restoration of the existing facade.

Applicant response to Objections

32. On 6 February 2014 the applicant provided a response to Council's and [REDACTED] response to the application and have advised:

- Accept the condition requiring additional setbacks to Collins Street to further separate the works from the existing heritage fabric;
- Accepts conditions regarding the restoration/ recreation of the chamber and a comprehensive coloured photographic record of the buildings interior and exterior;
- Raised concerns with Council's recommended conditions requiring the introduction of a 3 metre setback to St James Lane, the introduction of a 3 metre setback to the western boundary excluding a centrally location portion measuring 20 metres in length, and concerns regarding the onerous nature of the environmentally sustainable design condition. Concerns were also raised regarding the wording of the air rights/ land transfer with 83 William Street, the acoustic report requirement and the timeframe allowed for development.

Withdrawal of Objection

33. [REDACTED] has withdrawn its objection as the applicant has agreed to separate the works from the existing heritage fabric and restore / recreate the original chamber in the interior.

34. The City of Melbourne's objection is considered to be resolved as the Council objected if certain requirements were not met. These have been included as permit requirements and agreed to by the applicant.

REFERRALS

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

36. **Urban Design (DTPLI):** Offered general support for the application. Detailed matters for resolution include ensuring that the balconies to the Collins Street frontage remaining unenclosed, materials and finishes, the articulation of the western boundary, the exposed side of 83 William Street to be suitably finished (the western elevation as seen from 464-466 Collins Street), the removal of reliance on borrowed light for bedrooms and more technical details to ensure the functionality of the lighting installation on the car parking facade. These matters can be resolved though appropriate conditions.

37. **City of Melbourne:** Council objected to the heritage response for the proposed development unless certain conditions were included in the planning permit. These conditions have been included in the permit.

38. **Office of the Victorian Government Architect:** Supports the strategy to restore the heritage facade, reinstate the original entrance to the building and the refurbishment as offices with upper level garden terrace. The dedicated access to multi-storey car park (car stacking system) and activation of the laneway relies on the car movements and lighting and the execution of this is critical and should be closely monitored to protect the qualitative aspects which are essential for this frontage. The overall form and composition is quite simple with key moves obviously designed to optimise the footprint. The proposed zero setback to the sites western boundary and the nature of the boundary wall needs to be interrogated further to ensure the internal amenity of these apartments is not compromised by further development to the west. The details of the architectural expression and materiality is minimalist with a heavy reliance on the quality of the finishes, more details on this system should be provided and closely monitored.
39. **Director of Public Transport:** offered no objection to the proposal subject to four conditions being included on any permit issued. Letter dated 9 July 2013.

ASSESSMENT

State and Local Policy Context

40. The development responds appropriately with the broad strategic intent for residential and office as outlined in the State Planning Policy Framework, Local Planning Policy Framework, including the Municipal Strategic Statement (MSS) (both current and proposed) and the zoning control.

Design and Built Form

Demolition

41. The partial demolition of the existing building at 464-466 Collins Street is considered to be acceptable and consistent with the purpose, objectives and decision guidelines of the Heritage Overlay (Clause 43.01). The proposal includes the restoration of the facade, reinstating the original entrance, and retaining the depth of the building beyond the depth of the chambers is commended. Due to the partial demolition of the existing building, the structural retention during construction should be managed via a structural engineering report demonstrating how the building is to be retained.
42. The proposal also includes a replacement building which is consistent with the decision guidelines of the Capital City Zone which seeks to avoid vacant sites.
43. Discussion regarding appropriateness of built form response to the retained heritage fabric is discussed further below.

Heritage Response / Urban Context Response/ Setbacks/ Tower Separation

44. With regard to the heritage response the retention of the existing facade of the building is supported with additional setbacks to provide greater separation between the old and new fabric. Council sought and the applicant has agreed to increase the Collins Street setbacks from 6 metres to 8 metres to Collins Street at Levels 3 to 7, and from 4 metres to 6 metres from Levels 8 and 9 and 4 metres above Level 9. The restoration of the existing fabric and the retention/restoration/recreation of the interior chamber are considered to make a good contribution to the heritage of the site.
45. The standard model for developing taller buildings in the City is based on a 35-40 metre high podium with the tower element setback from this podium level by at least 10 metres, as described in Local Policy 'Urban Design within the Capital City Zone' (Clause 22.01) and Schedule 1 of the Capital City Zone (Clause 37.04). The purpose of tower setbacks is to provide a number of measures related to the enjoyment of the public realm. Tower setbacks assist in providing a pedestrian scale, sunlight penetration, views to the sky and the deflection of wind downdrafts.
46. The proposal for a 55-storey tower (181.13 metres). The tower itself includes no setbacks to the north and west, includes a 4-6 metre setback to Collins Street and 10 metres to the east. The performance measures contained within Local Policy Clause 22.01, Urban Design within the Capital City Zone, of the Melbourne Planning Scheme provides guidance for development.

47. The broader precinct consists of new larger residential towers with limited tower setbacks through recent approvals including Permit 2010/012518 (568 Collins Street) which approved a 68-storey (220m) tall tower (above a 11storey podium) which has 4 metre setback to Collins Street, 0 metres to Francis Street, 1-3 metres to the eastern boundary and 4.5 metres to the western boundary. This is currently under construction.
48. The lack of tower setbacks, in this instance, is considered to respond to the performance measures sought by Policy, whilst not compliant with the preferred podium/ tower typology. The introduction of additional setbacks to Collins Street assists in separating the retained building fabric to the new tower. The limited tower setback to St James Lane is consistent with other approvals granted recently, in particular 568 Collins Street which has a 0 metre setback to the rear lane. The lack of setbacks limits overshadowing of the public realm. The building maintains open views to the sky and does not contribute to negative wind effects at pedestrian level.
49. The site is directly abutted to the west. Tower separation is less than 24 metres stipulated in Clause 22.01. Policy allows a reduction in tower separation where it can be demonstrated that the towers are offset and habitable room windows do not directly face one another and where the redevelopment of adjoining sites is not compromised. The building directly abuts a multi - storey office building at 470 Collins Street to the west. This is 17 storeys in height and is set back approximately 6 m from Collins Street, creating a forecourt at the site frontage. Planning Permit TP-2013-81 was issued by the City of Melbourne on 7 June 2013 and allows development including a 2 storey addition within the forecourt. The likely redevelopment of this site can accommodate an offset from the common boundary, or in part meet the slender portion of building fabric on the common boundary. The limited tower setback from this boundary is considered to be appropriate on this basis.

Street Level Frontages & Pedestrian Safety

50. The proposed development incorporates a foyer entrance to Collins Street and the remainder of the 'podium' includes offices. The inclusion of these active frontages will also serve to increase the perception of safety in this area. The upper level apartments provide passive surveillance of the site's immediate surrounds.

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

51. Policy recommends that towers, at a height greater than a 40 metre podium, are setback 10 metres from all streets to deflect wind downdrafts from penetrating to street level. Whilst there are limited tower setbacks to St James Lane and the western boundary the wind report indicates that the proposed development does not increase wind conditions in and around the site from the existing conditions. The report confirms that appropriate wind conditions are produced at street level.
52. Local Policy 'Sunlight to Public Spaces' requires that development not cast additional shadows between 11.00am and 2.00pm at the equinox that would prejudice the amenity of public spaces. An analysis at 10am, 11am, 12pm, 1pm and 2pm has been carried out for 22 March/ September. The analysis shows the additional shadowing will occur over properties to the west and south, where the development does not overshadow any public parks or gardens, public square or major pedestrian route, or the south bank of the Yarra river, and is therefore considered to be acceptable.

Internal Amenity

53. Developments for new and refurbished residential uses should incorporate design measures to attenuate noise associated with the operation of other businesses and activities associated with a vital 24-hour capital city. The decision guidelines of the Capital City Zone specify that *'habitable rooms of new dwellings adjacent to high levels of external noise should be designed to limit internal noise levels to a maximum of 45dB in accordance with the relevant Australian Standards for acoustic control'*. This can be dealt with via condition.
54. The building design provides a good standard of amenity for future residents. The apartments to the western boundary of the site include second bedrooms with a window on the common boundary. It is noted that the applicant provided alternative floor plan layouts, plans dated 10

December 2013, to show that these apartments could reorientate bedrooms and avoid reliance on borrowed light. All proposed dwellings have access to varying sized balconies. The dwellings will also not be constrained by any future development given the orientation of the apartments.

55. The architects have successfully achieved the high standard of architecture and urban design sought from the policy and objectives expressed in the *Design Guidelines for Higher Density Housing* DSE 2004 so as to ensure that residents can live comfortably with one another and with appropriate levels of internal and external amenity.

ESD

56. An ESD report has been submitted with the application which demonstrates that the proposal has been designed to achieve the objectives of Clause 22.19 of the Melbourne Planning Scheme. A Waste Management Plan has also been submitted with the application and has been considered by the City of Melbourne and is supported subject to conditions.

57. The City of Melbourne has recommended the following conditions be placed on the permit in relation to ESD:

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

- a. Compliance with the energy efficiency requirements of the Sustainable Design Scorecard or equivalent in relation to the office component.*
- b. A 5 star rating under a current version of Green Star - Multi Unit Residential rating tool or equivalent.*
- c. 3 points for Wat-1 credit under a current version of the Green Building Council of Australia's Green Star- Office rating tool or equivalent.*
- d. 1 point for Wat-1 credit under a current version of the Green Building Council of Australia's Green Star - Multi Unit Residential rating tool or equivalent.*

The performance outcomes specified in the Environmentally Sustainable Design (ESD) Statement prepared in response to the above condition for the development must be implemented prior to occupancy at no cost to the City of Melbourne and be to the satisfaction of the Responsible Authority. Any change during detailed design, which affects the approach of the endorsed ESD Statement, must be assessed by an accredited professional. The revised statement must be endorsed by the Responsible Authority prior to the commencement of construction.

58. It is not recommended that the above condition be placed on the permit because in effect it mandates achievement of 5 star Green Star. While the policy encourages achievement of 5 stars, this is discretionary and the policy allows for a qualitative assessment of other features of the proposal which contribute towards achievement of the policy objectives. It is therefore recommended that the permit condition to address ESD which is placed on the permit reflects this, consistent with the principle that planning policy guides decisions, but does not mandate outcomes. The wording of the proposed condition therefore will encourage achievement of 5 star Green Star but will also allow for the flexibility to achieve a lesser standard such as the requirement of 4 stars under the Building Code of Australia.

Car Parking / Loading and Unloading of Vehicles/ Waste Collection/ Bicycle Facilities

59. 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.
60. The application does not provide an on site loading facility and there is no requirement to provide it under Clause 52.07 of the Scheme. Council has indicated that on street conditions may

not be modified to accommodate loading requirements for the site and that further consideration should be given. This is resolved through conditions.

61. The application provides for a total of 74 spaces which is in excess of that required at Clause 52.36 of the Scheme. Signage should also be provided, this can be conditioned accordingly.

Objections / Submissions

62. The objections received contain concerns regarding the overall scale and height of the development in relation to the heritage fabric that is to be retained on site. Submissions were also made in relation to the proposed building envelope and its relationship to urban design policy aspirations including modifications to the building envelope including tower setbacks above the podium including a 3 metre tower setback to St James Lane and a 3 metre setback from the western boundary excluding a central portion.
63. The objections have been noted and considered. The applicant has accepted conditions regarding the increased setback to Collins Street and the restoration/ recreation of the chambers. It is on this basis that these are no longer considered objections to the application.

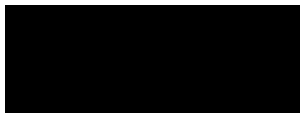
Air Safety

64. The proposed building at 181.13 metres to parapet excluding building plant is well below the height for the development to be deemed a controlled activity under the Airports (protection of Airspace) Regulations 1996 where approval will be required from the Commonwealth Department of Infrastructure and Transport.
65. A standard condition is to be included on any permit granted advising the applicant of the need for compliance with the Airports (Protection of Airspace) Regulations 1996 if the development including temporary structures associated with the construction intrudes into the areas covered by the Regulations.

RECOMMENDATION

66. That you approve planning permit application 2013/005784 at 460 & 464-466 Collins Street, Melbourne for the development of a 55-storey mixed use tower subject to conditions.

Prepared by:



Name: [Redacted]

Title: [Redacted]

Phone: [Redacted]

Date: 6 February 2014

Reviewed by:



Name: [Redacted]

Title: [Redacted]

Phone: [Redacted]

Date: 6 February 2014

Approved by:



Name: [Redacted]

Title: [Redacted]

Phone: [Redacted]

Date: 13/2/2014