

Report to the Future Melbourne (Planning) Committee

Agenda item 6.1

**Ministerial Planning Referral: TPMR-2019-25
52-60 Collins Street, Melbourne**

17 March 2020

Presenter: Jane Birmingham, Practice Leader Land Use and Development

Purpose and background

1. The purpose of this report is to advise the Future Melbourne Committee of a Ministerial Planning Application which seeks approval for demolition and construction buildings and works on the land located at 52-60 Collins Street, Melbourne (refer Attachment 2 - Locality Plan).
2. The applicant is Ethos Urban on behalf of Dexus Funds Management Ltd, the site owner. The proposed development has been designed by Bates Smart.
3. The site is located in the Capital City Zone Schedule 1 (CCZ1) and is affected by Heritage Overlay (HO504 Collins East Precinct), Design and Development Overlay Schedules 1 (DDO1) and 10 (DDO10) and also Parking Overlay Schedule 1 (PO1). A planning permit is required for demolition and to construct the proposed building.
4. The proposal includes demolition of buildings at 60 Collins Street (a C graded or 'contributory' heritage building) and part demolition of buildings at 52 Collins Street (Melville House, a grand three-storey former Victorian residence included on the Victorian Heritage Register) to facilitate construction of a 26 storey tower comprising retail premises and office space (refer Attachment 3 - Selected Plans).
5. The Minister for Planning formally referred the application to Melbourne City Council as a recommending referral authority.

Key issues

6. The key issues for consideration are built form, heritage and amenity impacts.
7. The proposal will result in additional overshadowing of the public forecourt to Collins Place, located to the south at 35-55 Collins Street. The extent of overshadowing is considered to unreasonably prejudice the amenity of the space and is therefore prohibited.
8. The proposed building height and resultant dominance of the service core immediately behind the retained element of Melville House is an unacceptable outcome. Though larger forms can be accepted in this location, a more restrained form is considered appropriate here. Any such form should also provide added visual interest. As proposed, the blank street facing wall of the service core behind Melville House (standing in part to a height of 101.5 metres) would not contribute to the streetscape.
9. The development is otherwise considered to be high-quality, incorporates a new through-block pedestrian link between Collins Street and McGrath's Lane and complies with the mandatory minimum standards of DDO10 related to building height and setbacks. However the effect of the impacts identified above is considered to be substantial with regard to both the amenity and heritage values of this area.
10. Importantly, it is considered that these matters could not be resolved by way of permit conditions given the extent of the changes required. Fundamental alterations are required, including a reduction in height and the internal reconfiguration of the building in order to relocate the service core and provide improved façade treatments behind Melville House.

Recommendation from management

11. That the Future Melbourne Committee resolves to advise the Department of Environment, Land, Water and Planning (DELWP) that Melbourne City Council objects to the application for the reasons set out in the delegate report (refer Attachment 4).

Attachments:

1. Supporting Attachment (Page 2 of 54)
2. Locality Plan (Page 3 of 54)
3. Selected Plans (Page 4 of 54)
4. Delegate Report (Page 34 of 54)

Supporting Attachment

Legal

1. The Minister for Planning is the Responsible Authority for determining this application.
2. The Minister for Planning has formally referred the application to Melbourne City Council, seeking Council's recommendation on the application, including recommended permit conditions.

Finance

3. There are no direct financial implications arising from the recommendation in this report.

Conflict of interest

4. No member of Council staff, or other person engaged under contract, involved in advising on or preparing this report has declared a direct or indirect interest in relation to the proposed development.

Health and Safety

5. Relevant planning considerations that could impact on health and safety have been considered during the assessment process.

Stakeholder consultation

6. The application is not exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3), and the review rights of section 82(1) of the *Planning and Environment Act 1987*.
7. It is the responsibility of Department of Environment, Land, Water and Planning on behalf of the Minister for Planning to administer public notice where required.

Relation to Council policy

8. Relevant Council policies are discussed in the attached delegate report (refer to Attachment 4).

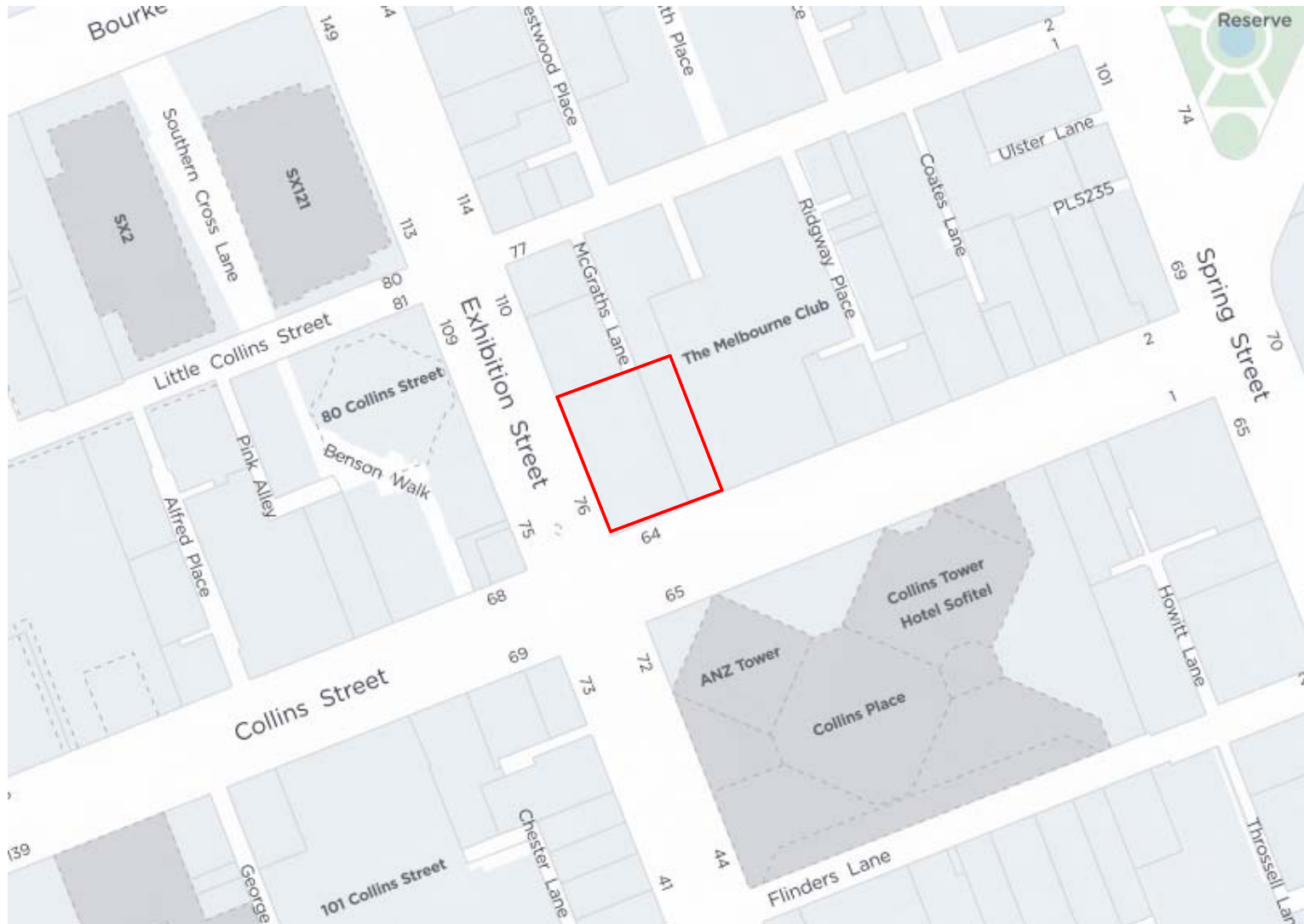
Environmental sustainability

9. The Environmentally Sustainable Design (ESD) report submitted with the application is generally satisfactory however additional information remains required in order to demonstrate compliance with the provisions of Clause 22.19 (Energy, Water and Waste Efficiency) and Clause 22.23 (Stormwater Management).

Locality Plan

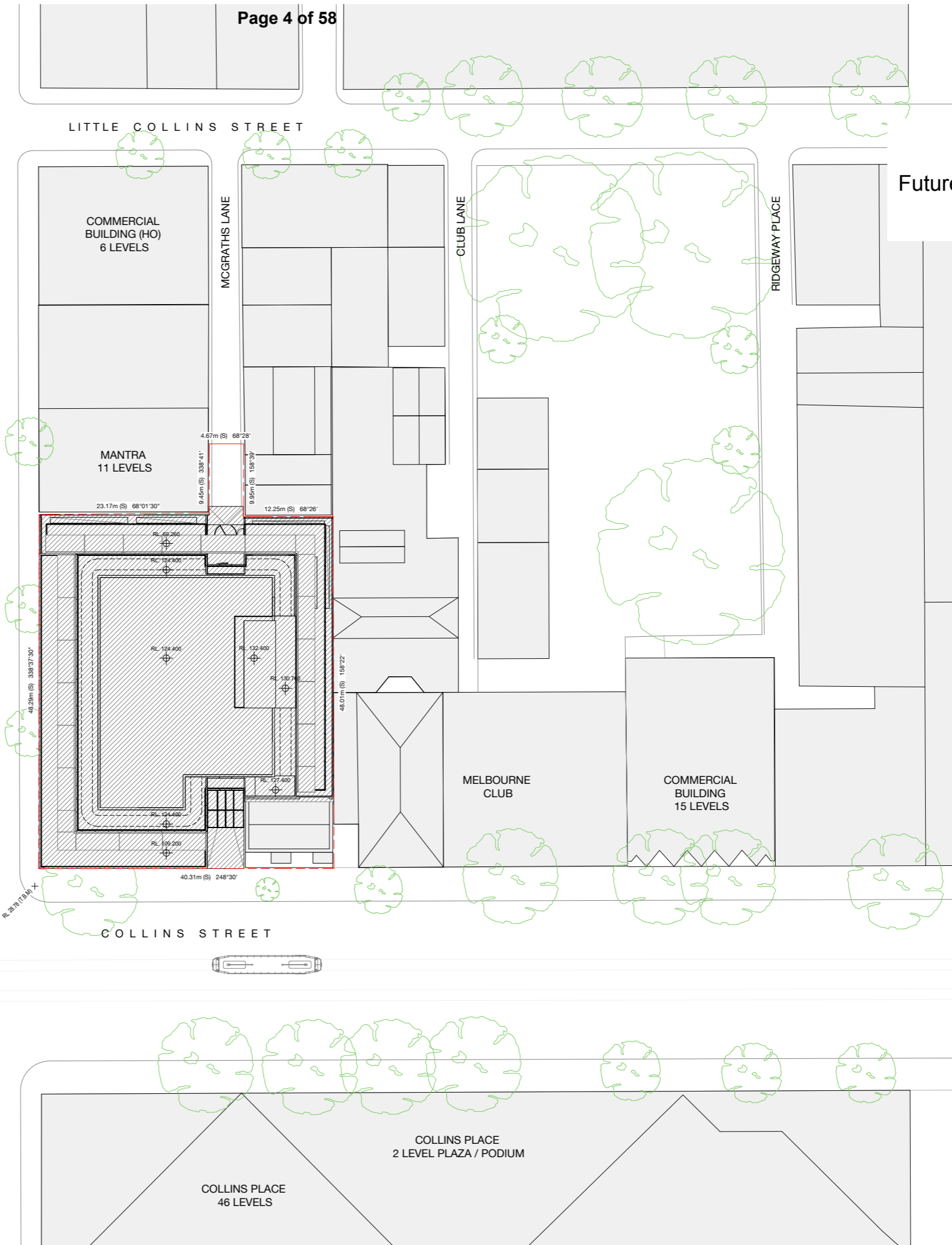
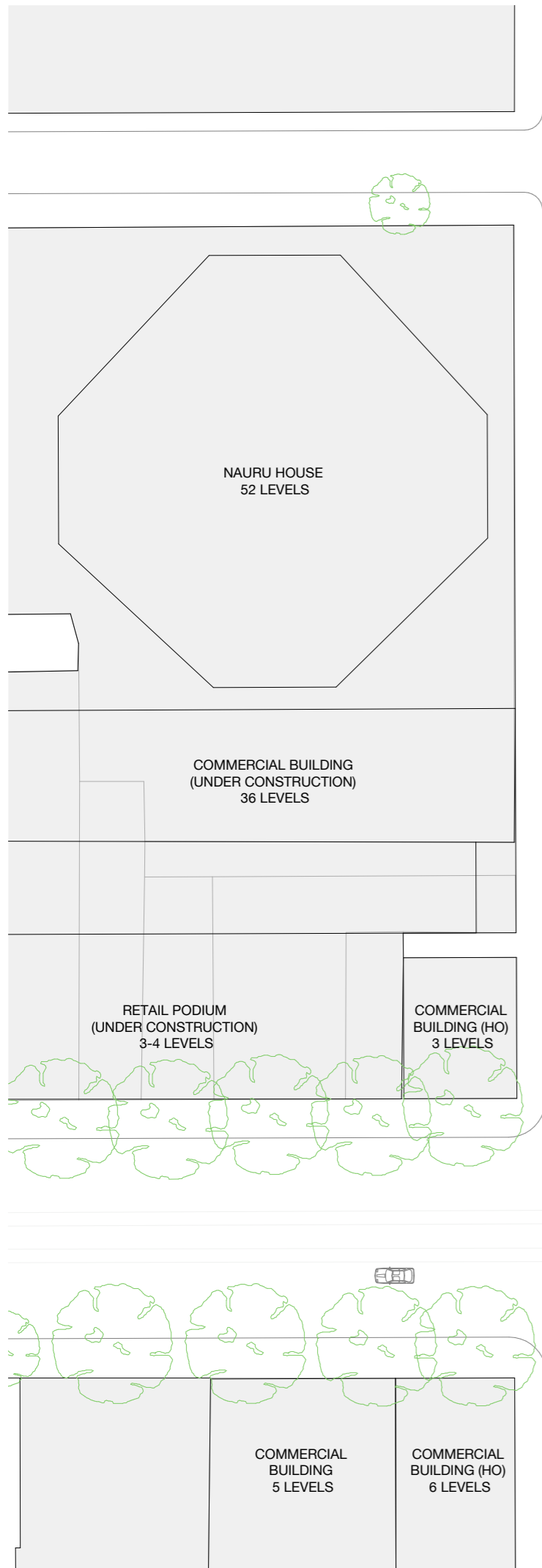
Attachment 2
Agenda item 6.1
Future Melbourne Committee
17 March 2020

52 - 60 Collins Street, Melbourne



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Attachment 3
Agenda item 6.1
Future Melbourne Committee
17 March 2020



Revision	Date	Description	PG	CD
-	16.08.19	TOWN PLANNING	PG	CD

52-60 Collins Street
Melbourne VIC 3000
Site
Location Plan



Status	TOWN PLANNING		
Scale	1 : 300	@	A1
Drawn	PG	Checked	CD
Project No.	M12223		
Plot Date	16/08/2019 11:30:46 AM		
BIM	ARCH		
Drawing no.	Revision		

TP01.00 -

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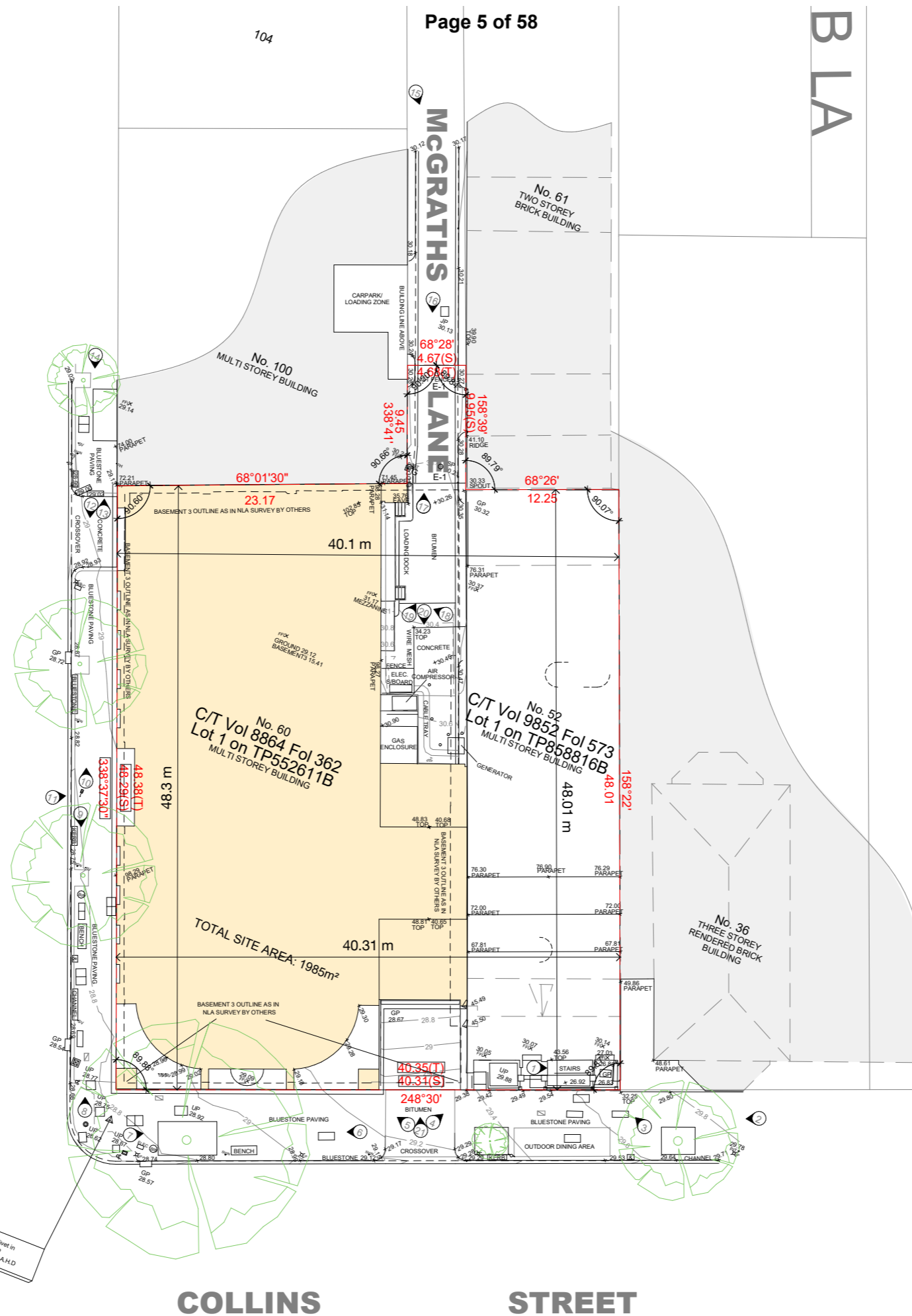
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STREET



COLLINS STREET

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DRAWING NOTES:

Title re-establishment, feature and level survey drawn and prepared by Veris. Drawing included for reference only. Please refer to original surveyors drawing for full details.

Drawing Title: Re-establishment, Feature & Level Survey
 Certified: Ross Nicholson
 Job Number: 301094
 CAD Drawing No.: 301094-AA.dwg
 Survey Datum: MGA 94
 Date of Survey: February 2019
 Issue Date: 27.02.2019

Revision	Date	Description	PG	CD
-	16.08.19	TOWN PLANNING	PG	CD

52-60 Collins Street
 Melbourne VIC 3000
 Site Existing Site Survey Plan



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Drawing no.	Revision		

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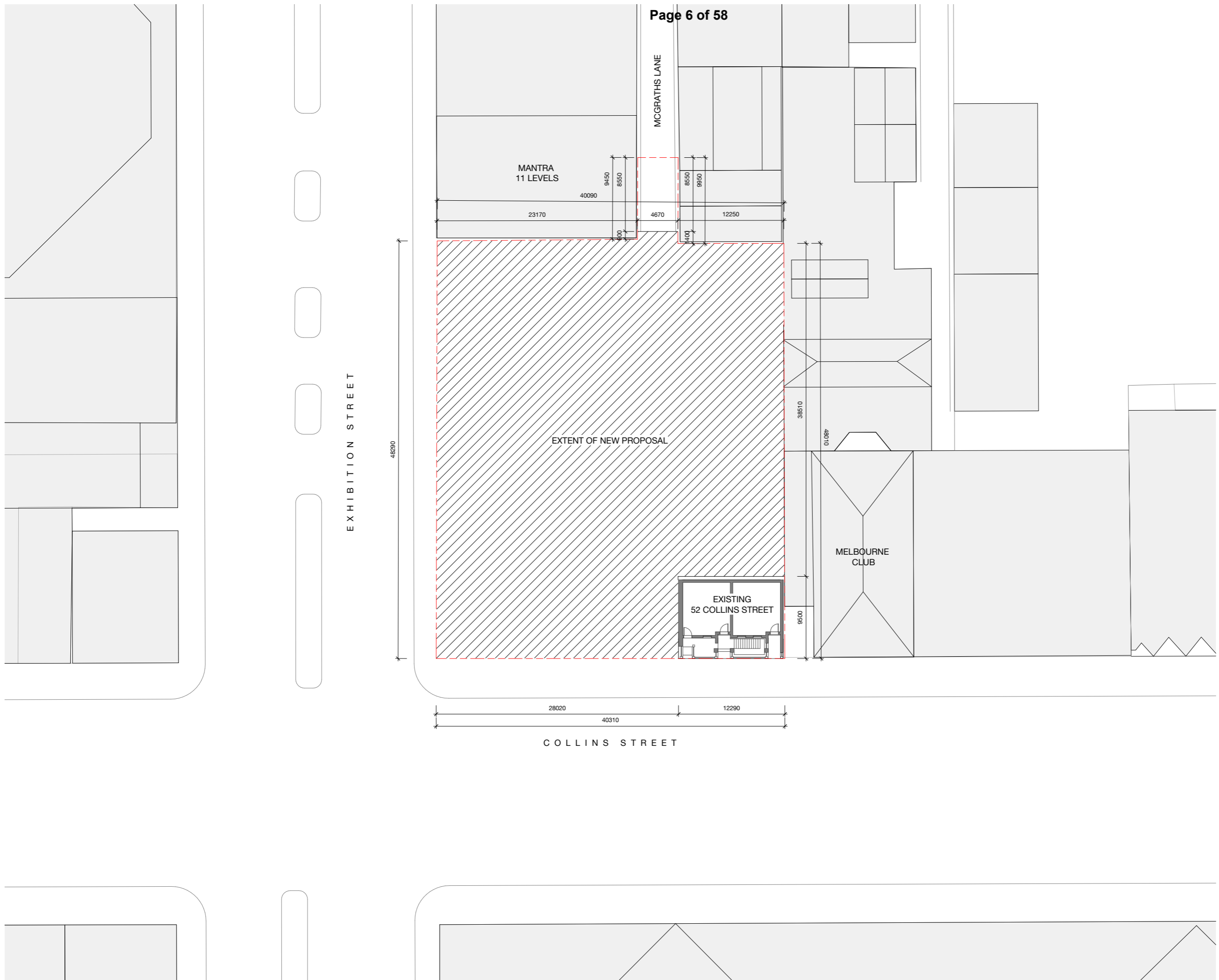
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-	16.08.19	TOWN PLANNING	PG	CD

52-60 Collins Street
 Melbourne VIC 3000
 Site
 Title Boundary Plan



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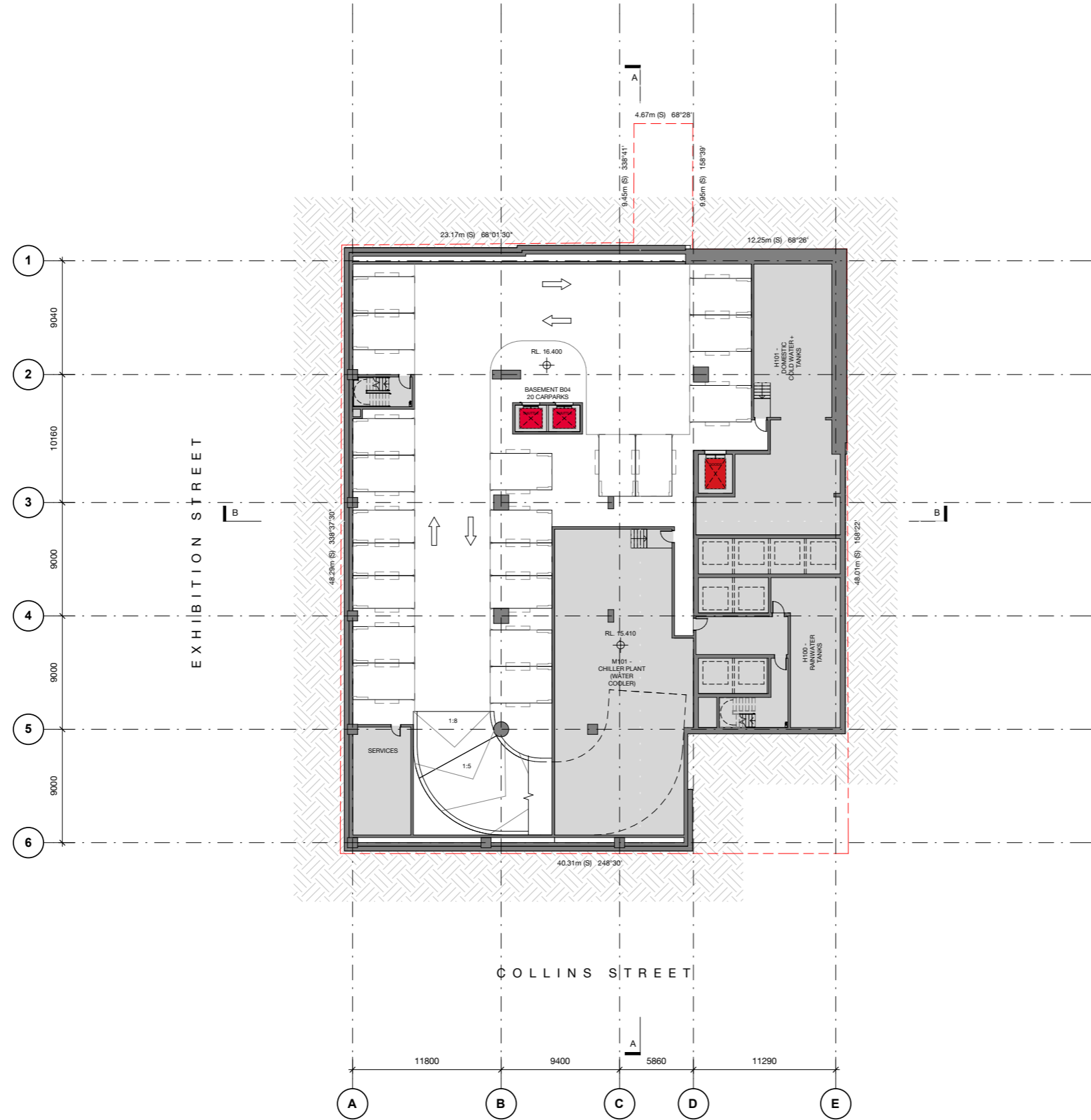
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52-60 Collins Street
Melbourne VIC 3000
Key Plan
Basement Level 04



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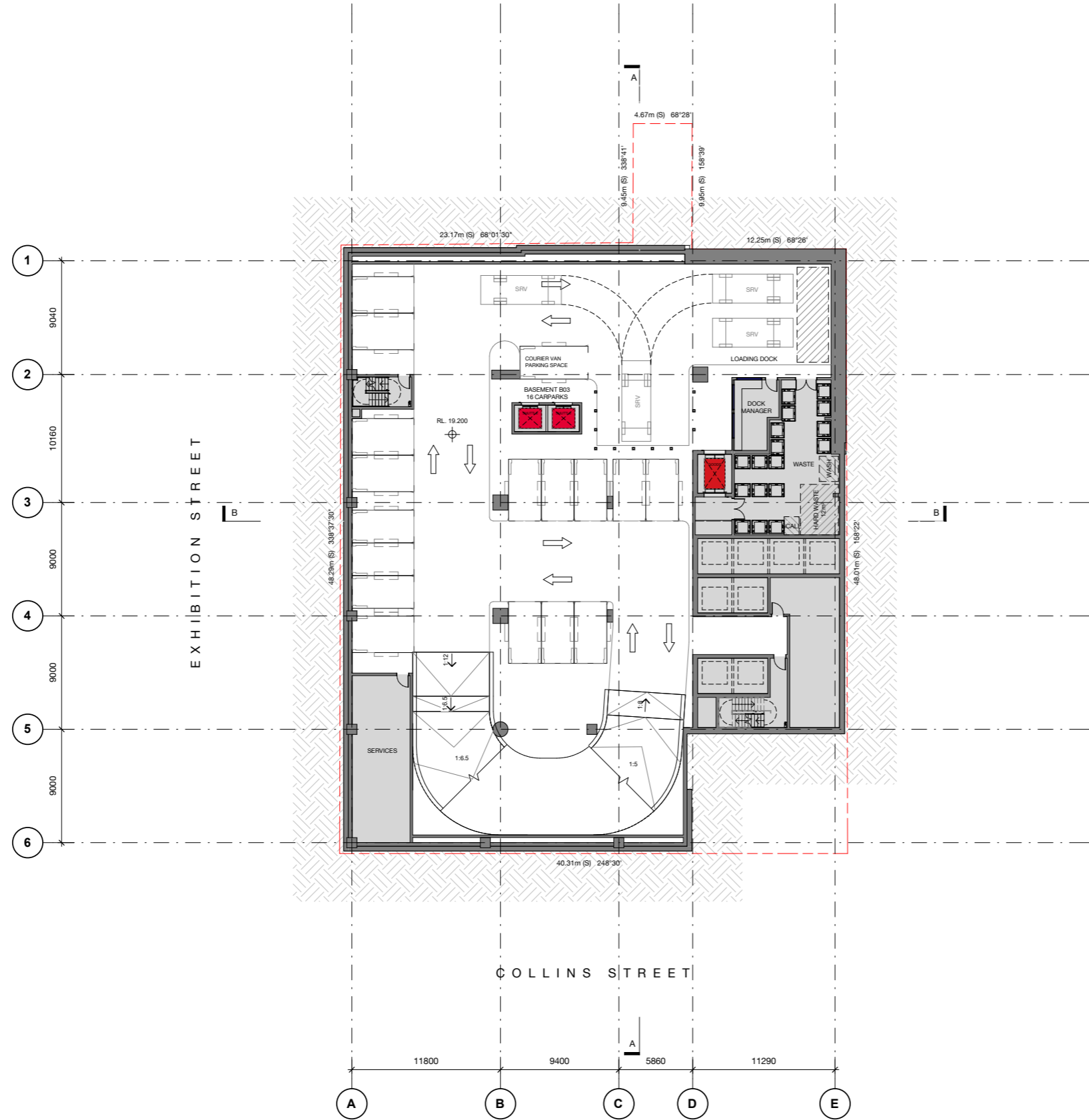
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-	16.08.19	TOWN PLANNING	PG	CD

52-60 Collins Street
Melbourne VIC 3000
Key Plan
Basement Level 03



Status	TOWN PLANNING		
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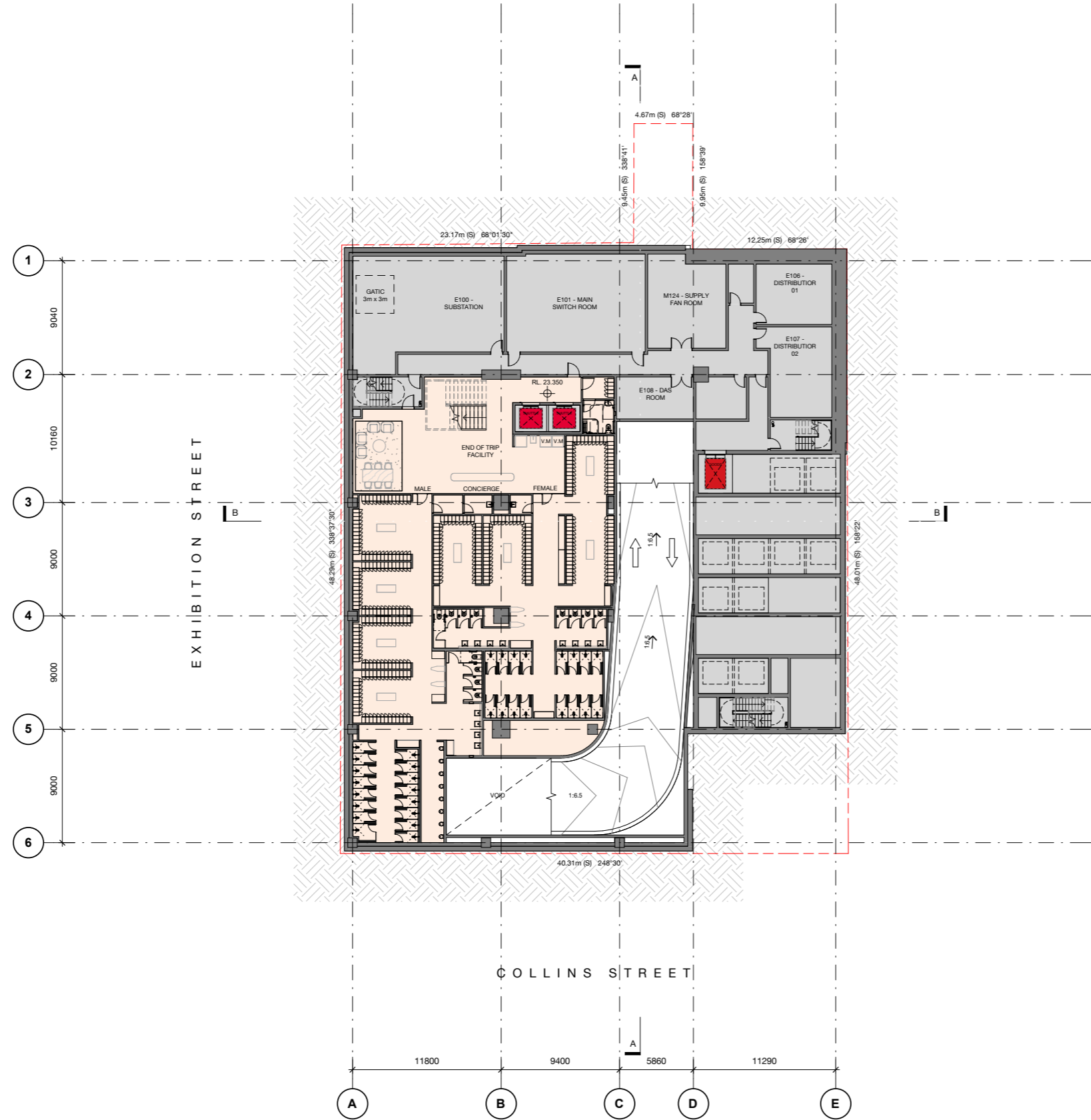
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52-60 Collins Street
 Melbourne VIC 3000
 Key Plan
 Basement Level 02



Status	TOWN PLANNING		
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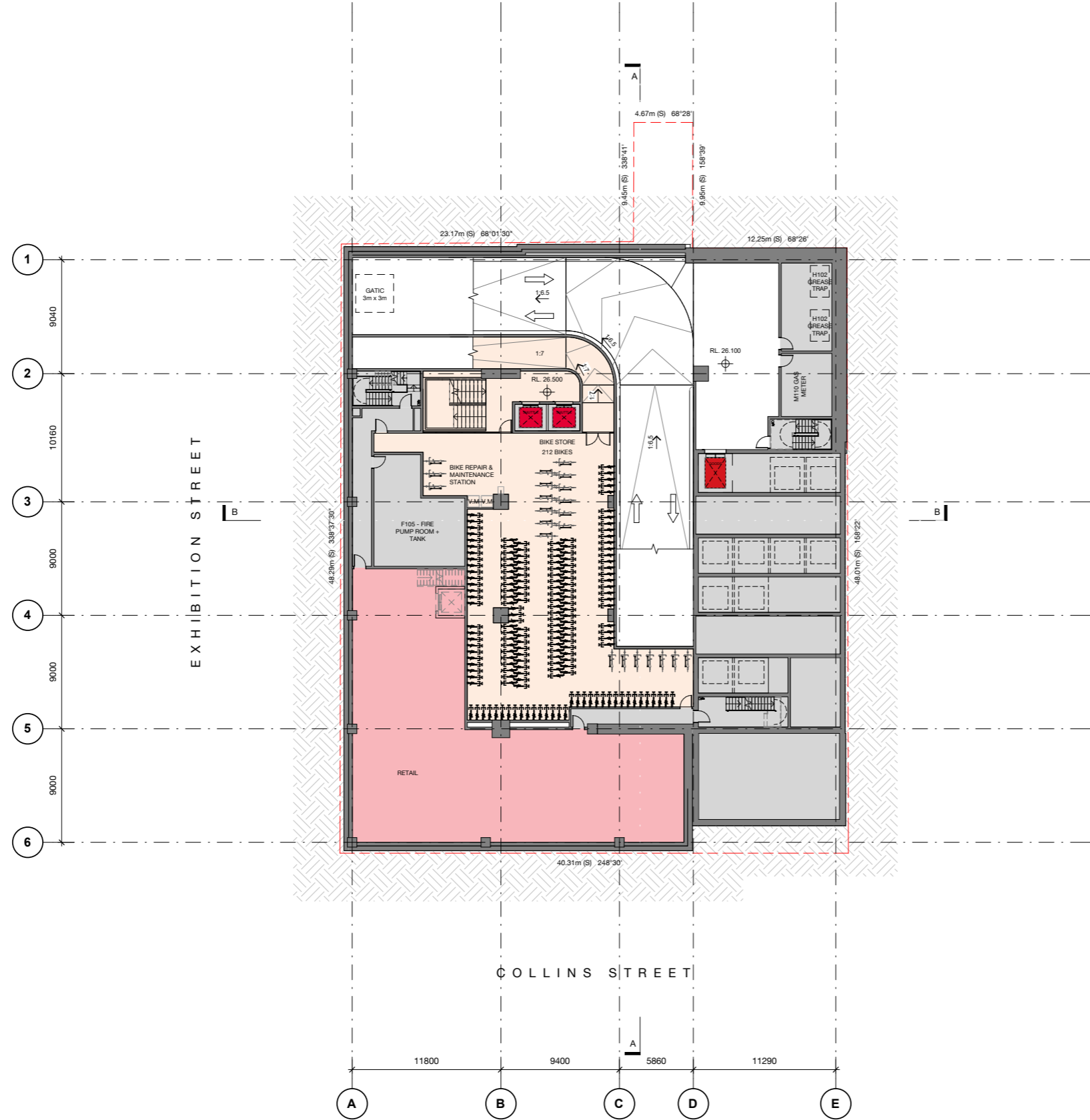
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-	16.08.19	TOWN PLANNING	PG	CD

52-60 Collins Street
 Melbourne VIC 3000
 Key Plan
 Basement Level 01



Status	TOWN PLANNING		
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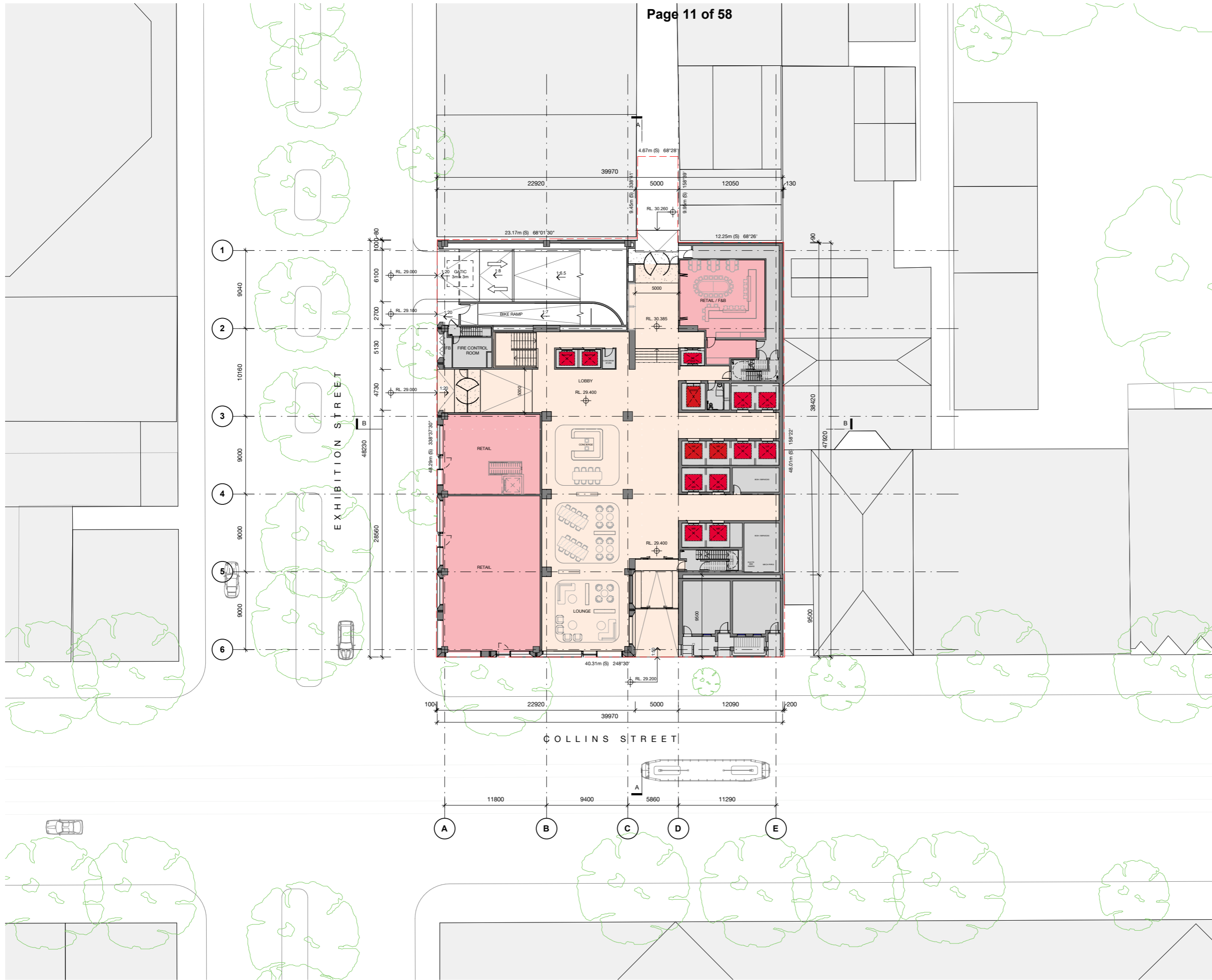
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52-60 Collins Street
Melbourne VIC 3000
 Key Plan
 Ground Floor



Status	TOWN PLANNING		
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Plot Date	16/08/2019 11:30:57 AM		
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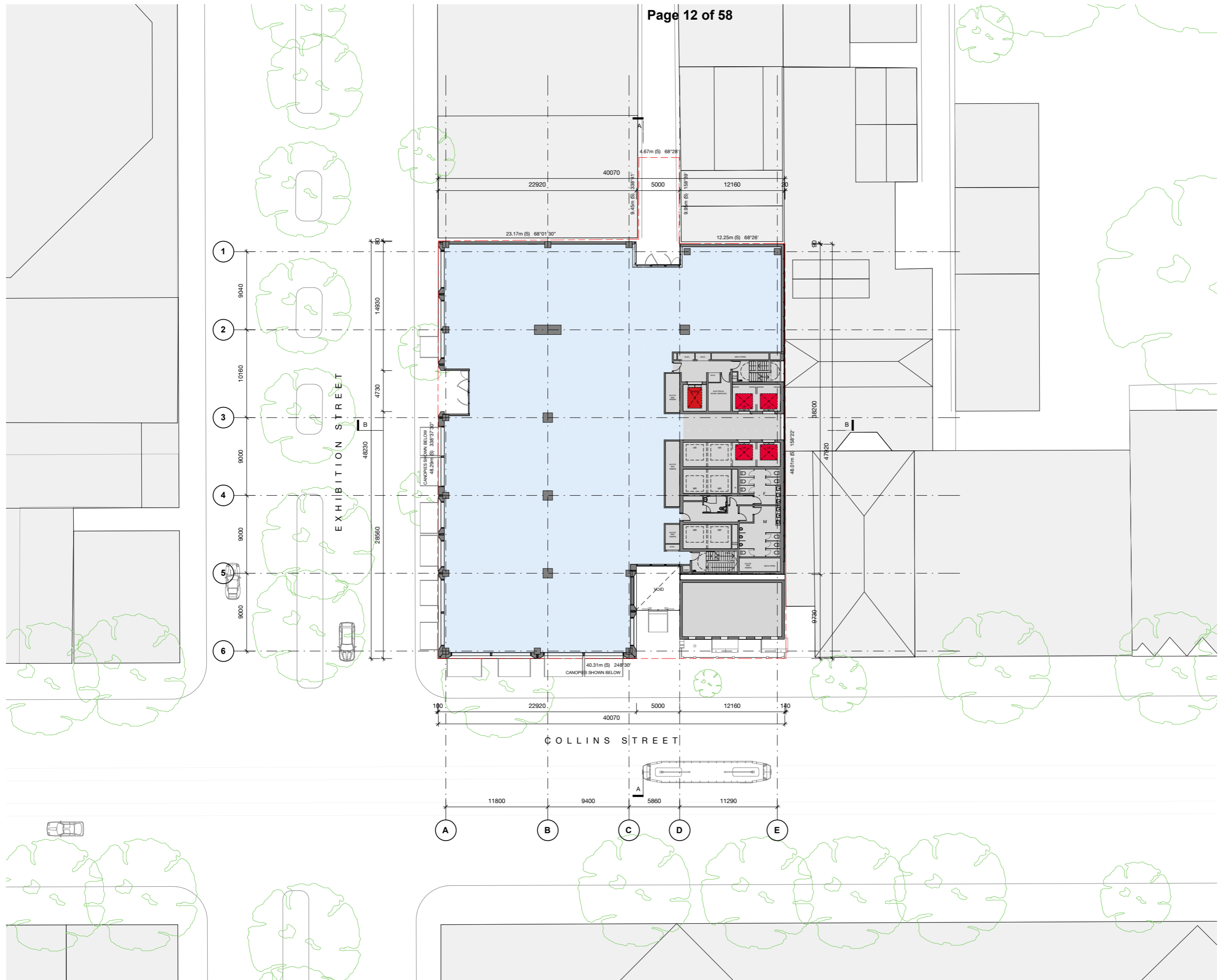
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52-60 Collins Street
 Melbourne VIC 3000
 Key Plan
 Level 01



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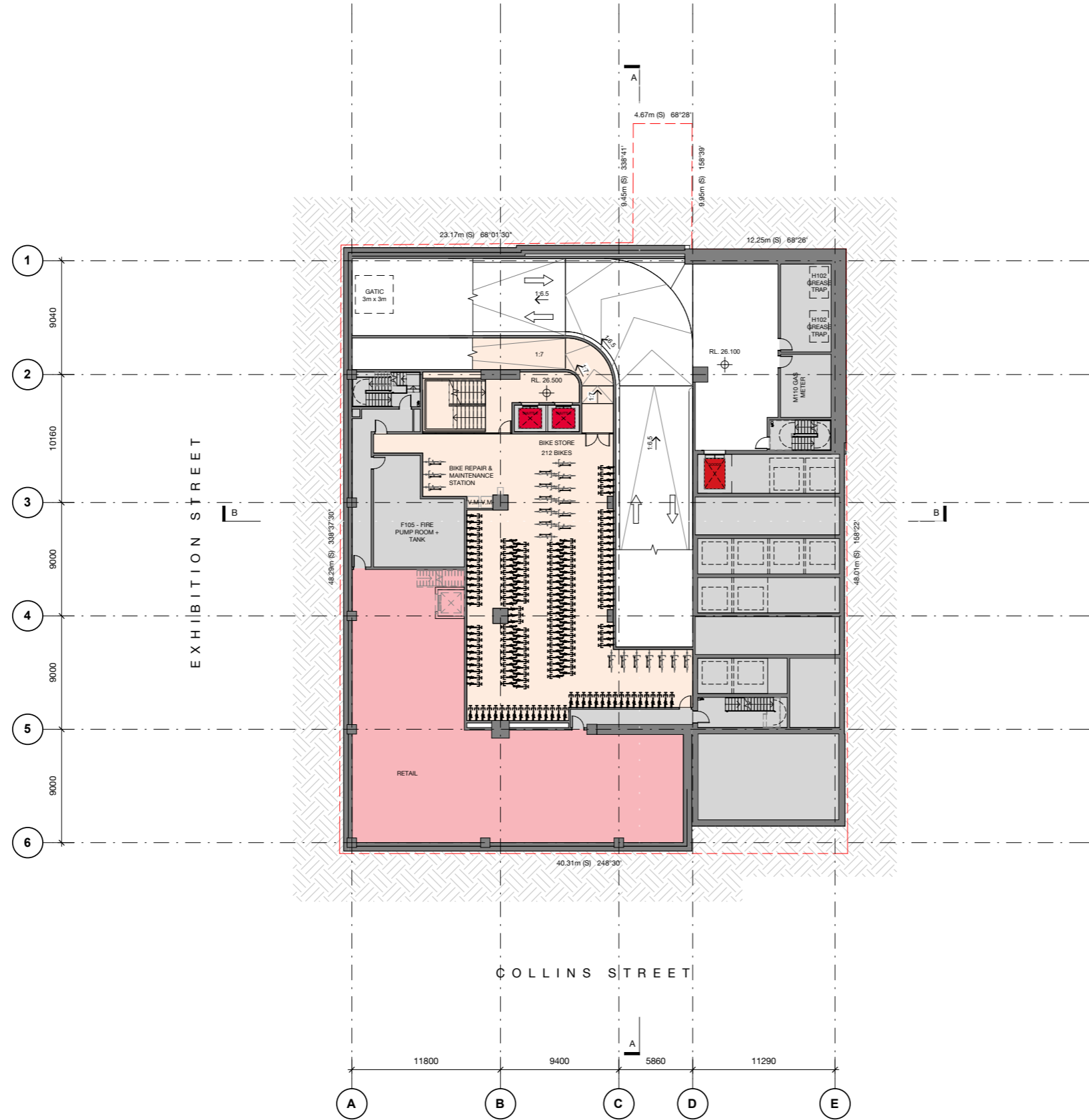
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52-60 Collins Street
 Melbourne VIC 3000
 Key Plan
 Basement Level 01



Status	TOWN PLANNING		
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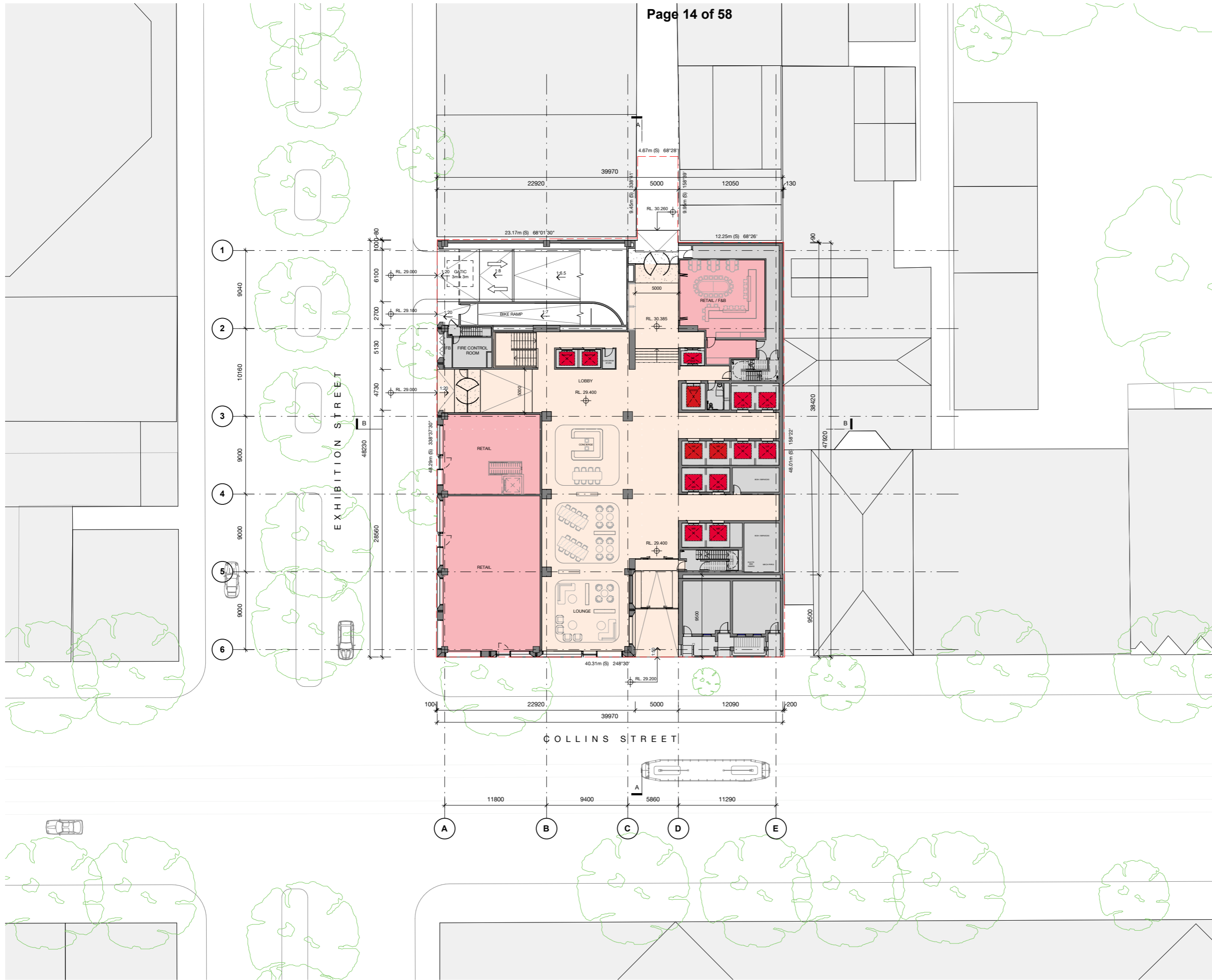
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52-60 Collins Street
Melbourne VIC 3000
 Key Plan
 Ground Floor



Status	TOWN PLANNING		
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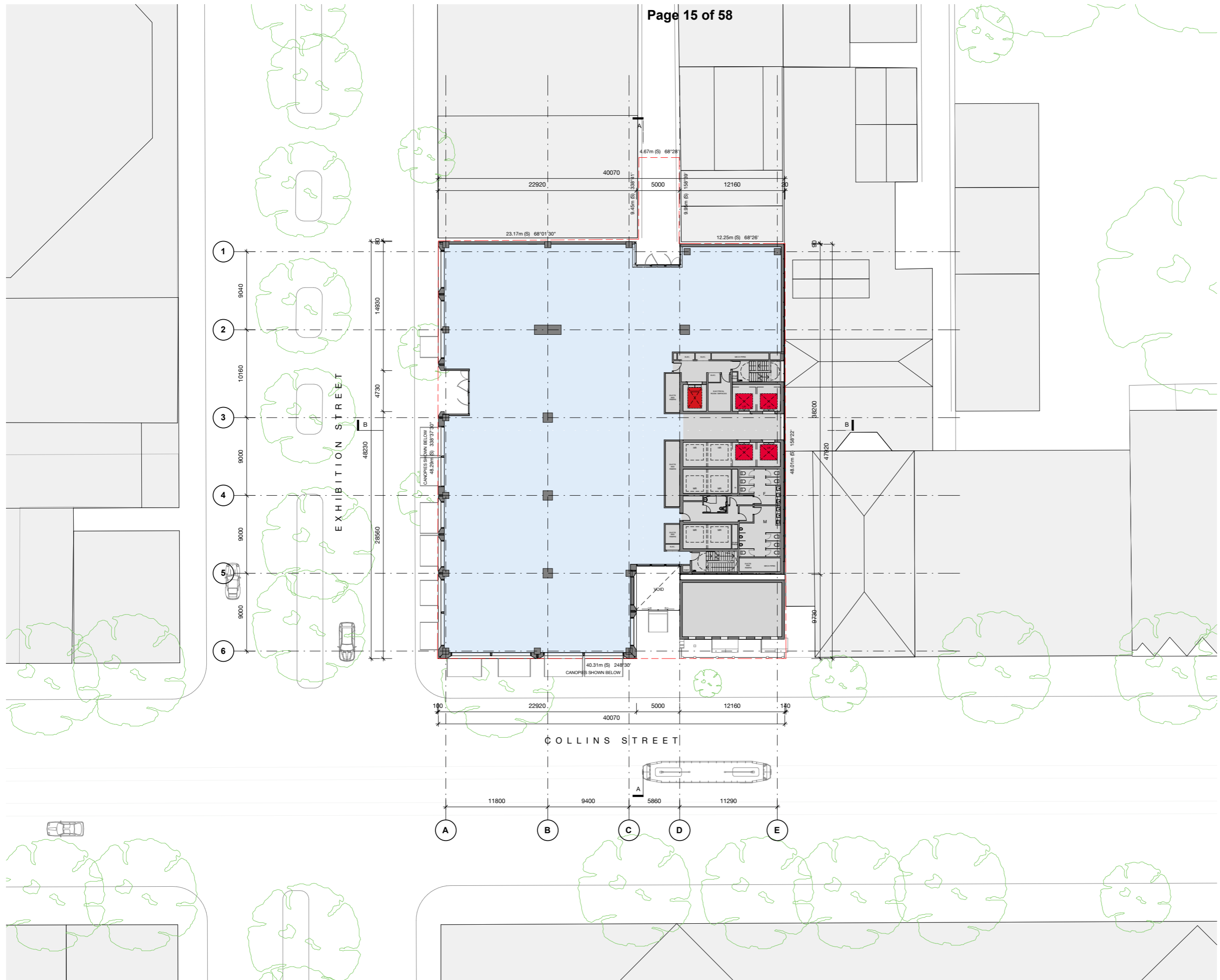
Drawing no.	Revision
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52-60 Collins Street
Melbourne VIC 3000
Key Plan
Level 01



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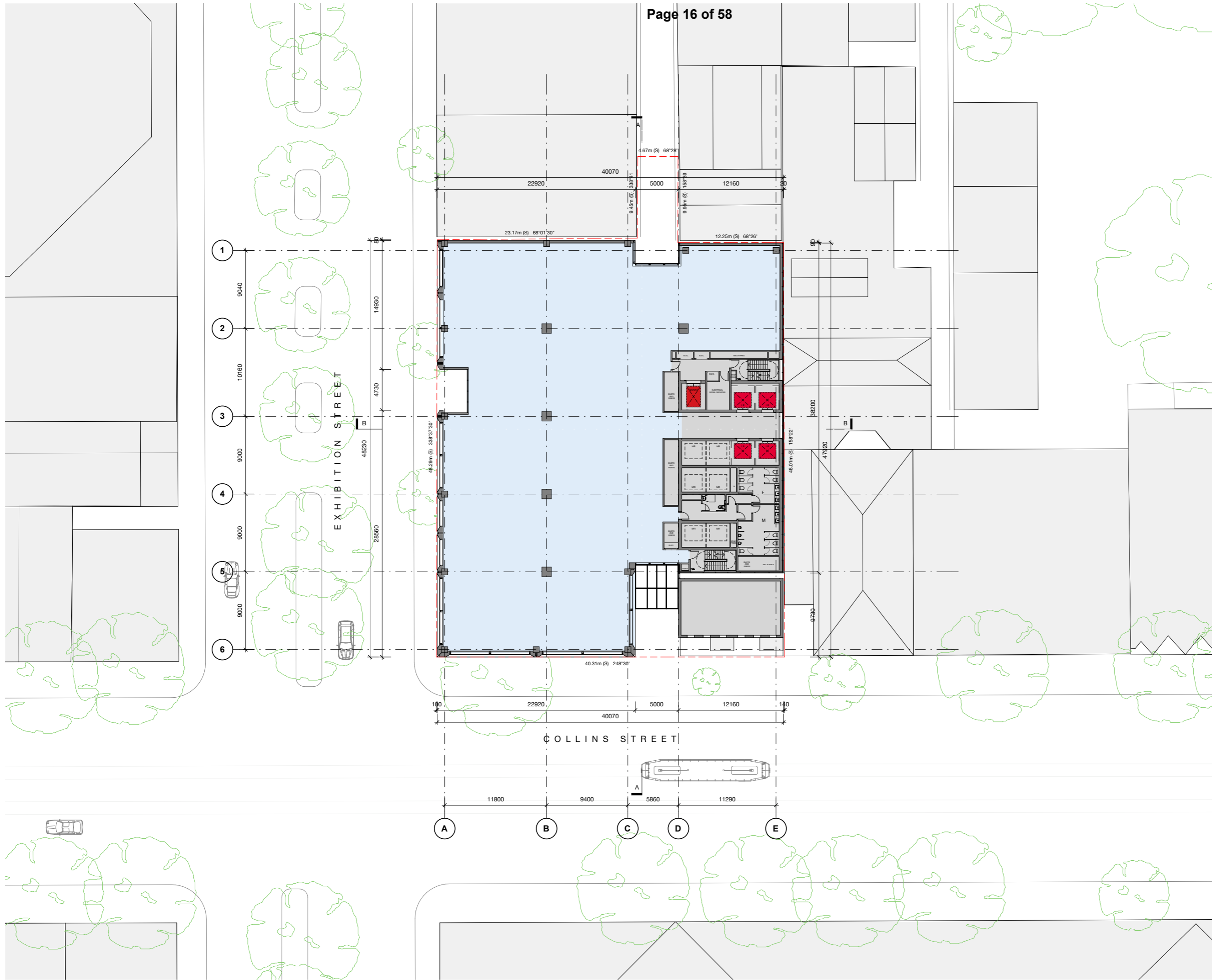
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52-60 Collins Street
Melbourne VIC 3000
 Key Plan
 Level 02 (Podium)



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Drawing no.	Revision
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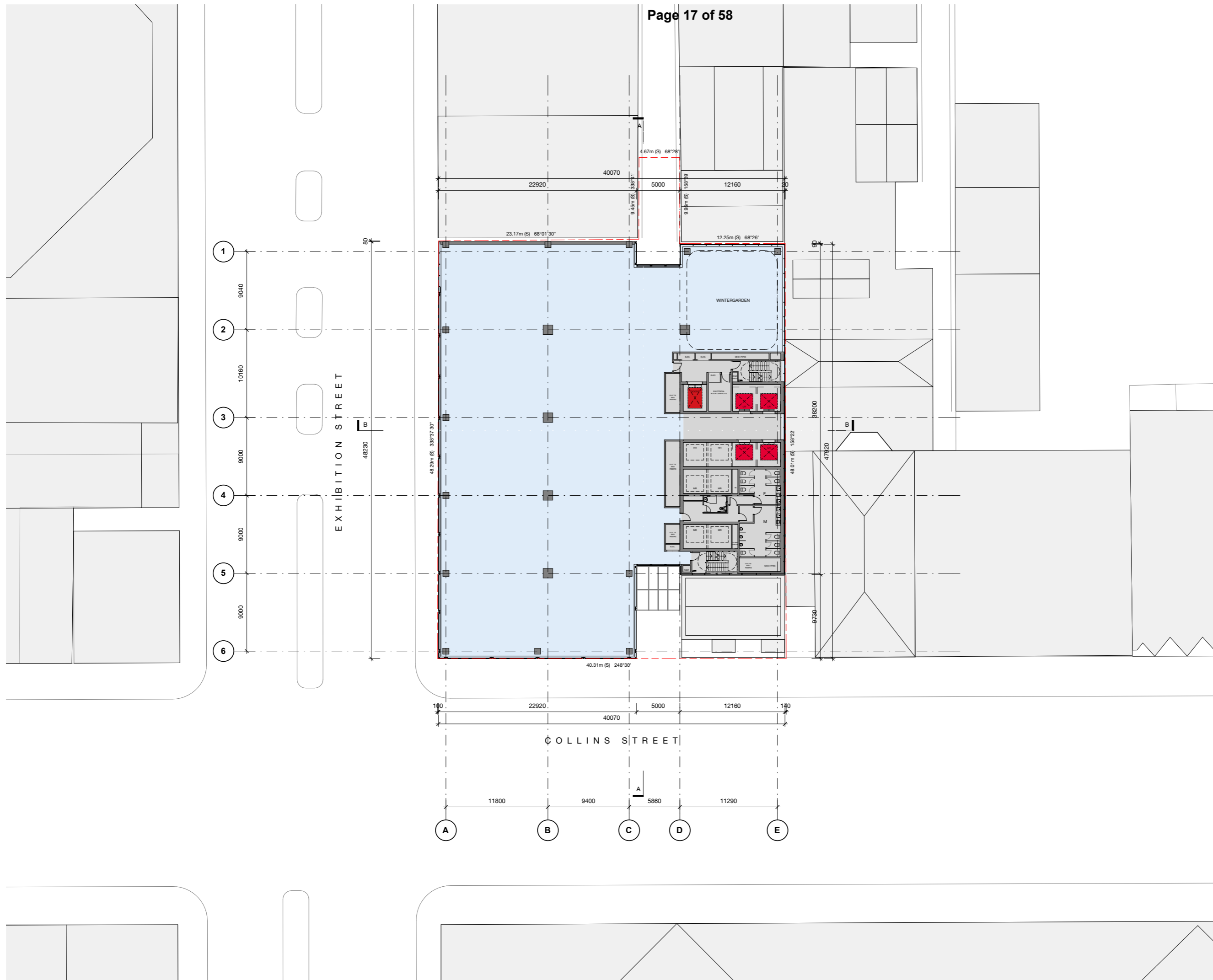
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Revision	Date	Description	PG	CD
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52-60 Collins Street
 Melbourne VIC 3000
 Key Plan
 Level 03 (Typical Levels 03-08)



Status	TOWN PLANNING		
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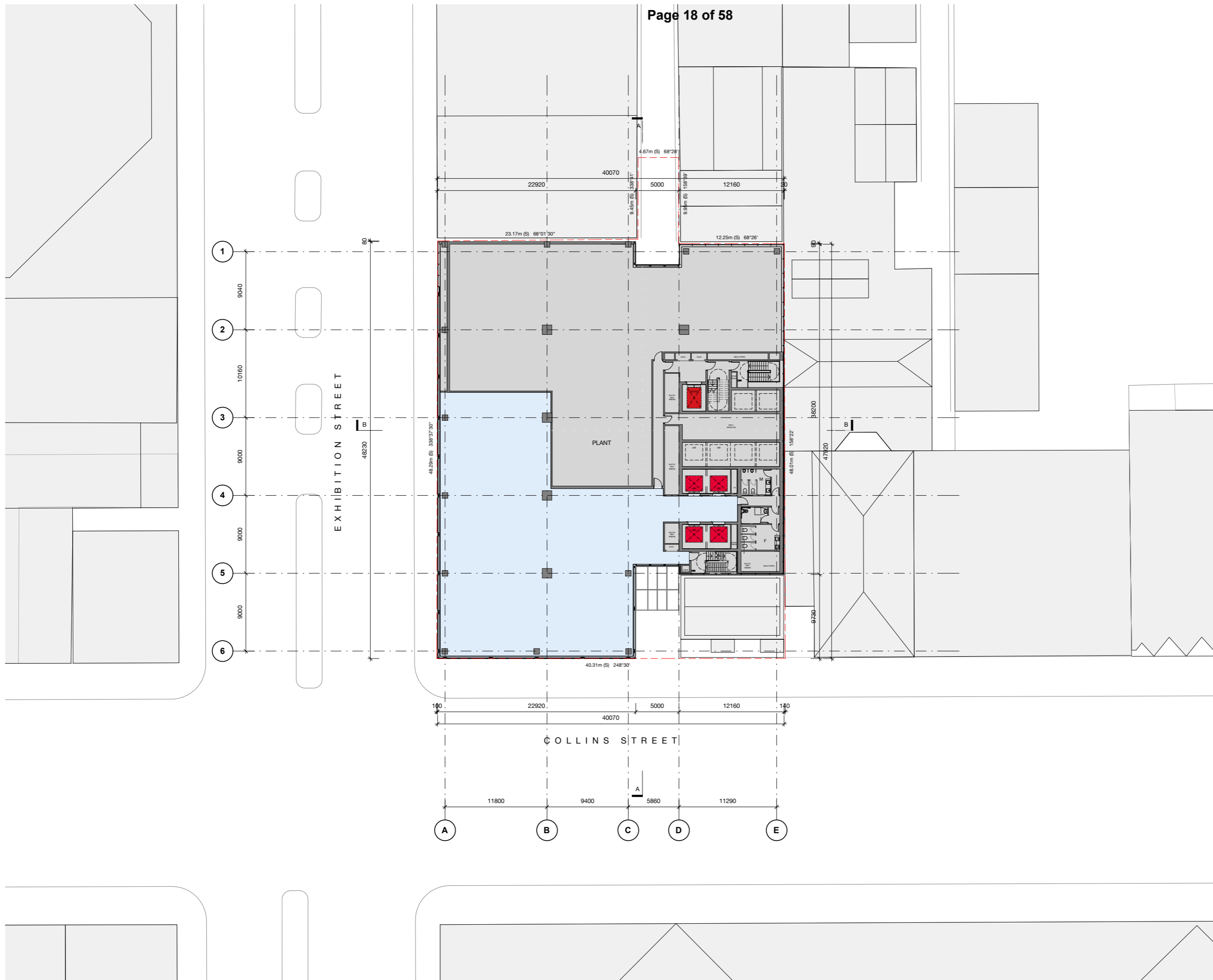
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Revision	Date	Description	PG	CD
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52-60 Collins Street
Melbourne VIC 3000
Key Plan
Level 09 (Plant Level)



Status	TOWN PLANNING		
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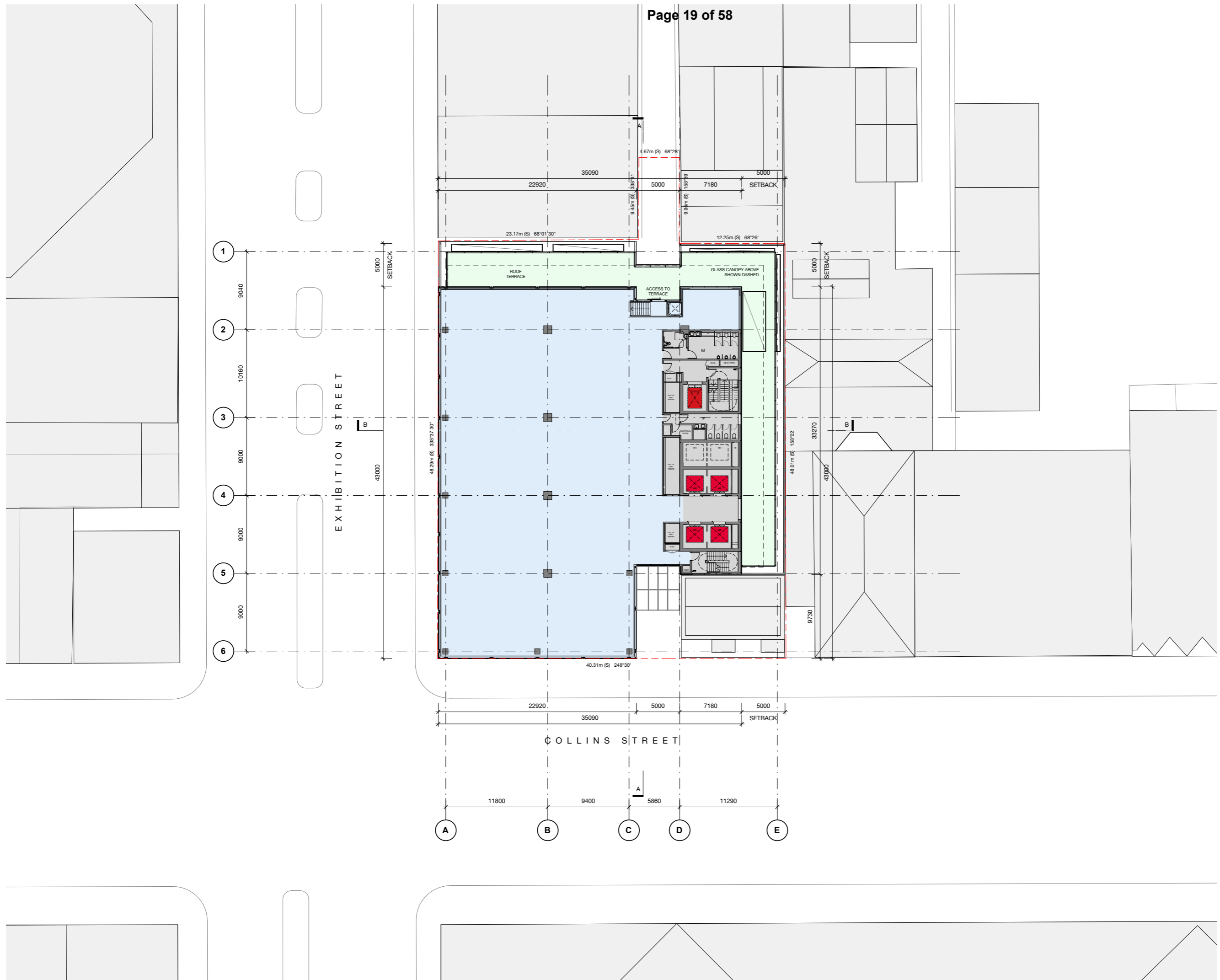
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Revision	Date	Description	PG	CD
-	16.08.19	TOWN PLANNING	PG	CD

52-60 Collins Street
 Melbourne VIC 3000
 Key Plan
 Level 10 (Terrace)



Status	TOWN PLANNING		
Scale	1 : 200	@	A1
Drawn	PG	Checked	CD
Project No.	M12223		
Plot Date	16/08/2019 11:31:06 AM		
BIM	ARCH		
Drawing no.	Revision		

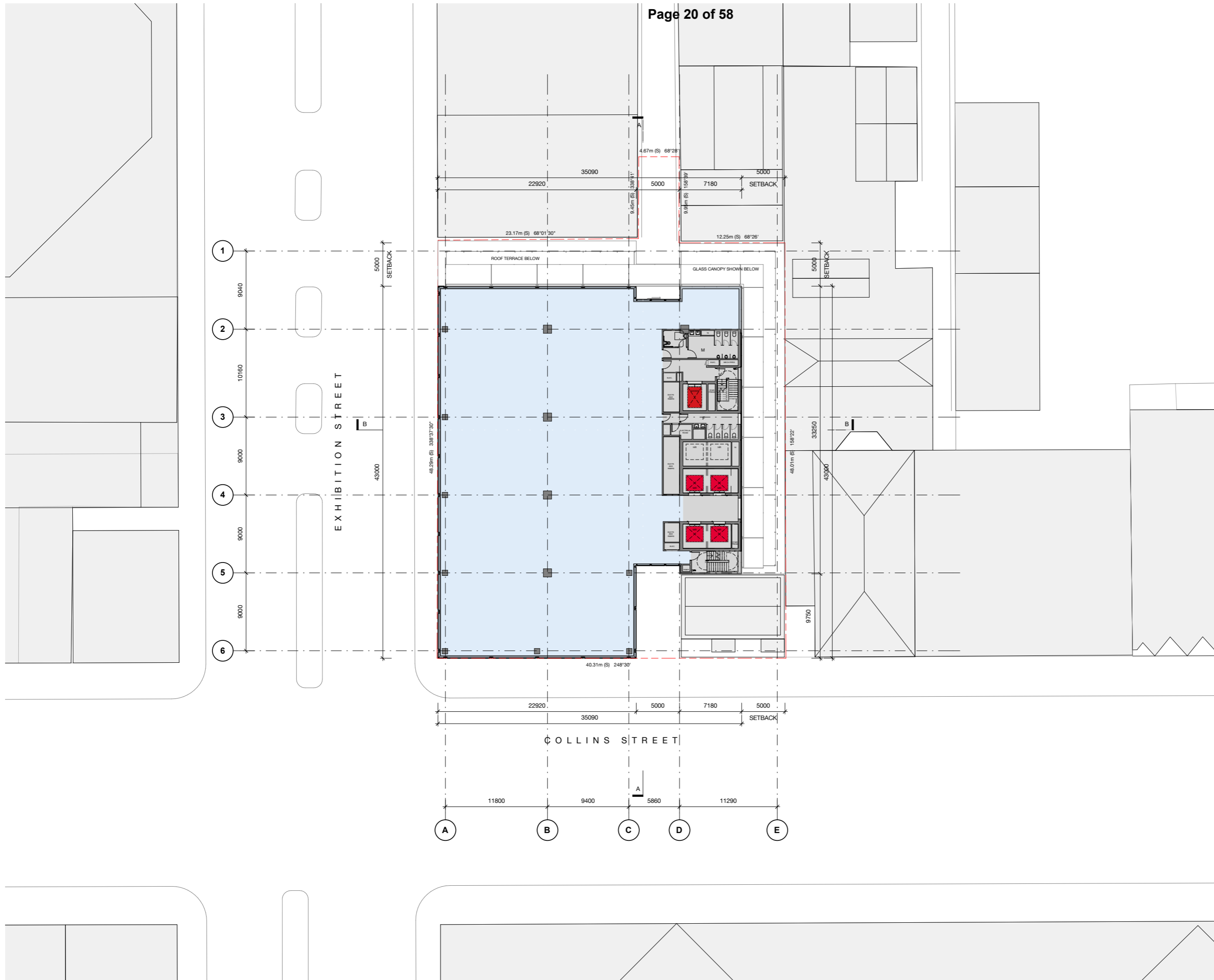
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Revision	Date	Description	PG	CD
-	16.08.19	TOWN PLANNING	PG	CD

52-60 Collins Street
 Melbourne VIC 3000
 Key Plan
 Level 11 (Typical Levels 11-19)



Status	TOWN PLANNING		
Scale	1 : 200	@	A1
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Plot Date	16/08/2019 11:31:10 AM		
BIM	ARCH		
Drawing no.	Revision		

TP02.11

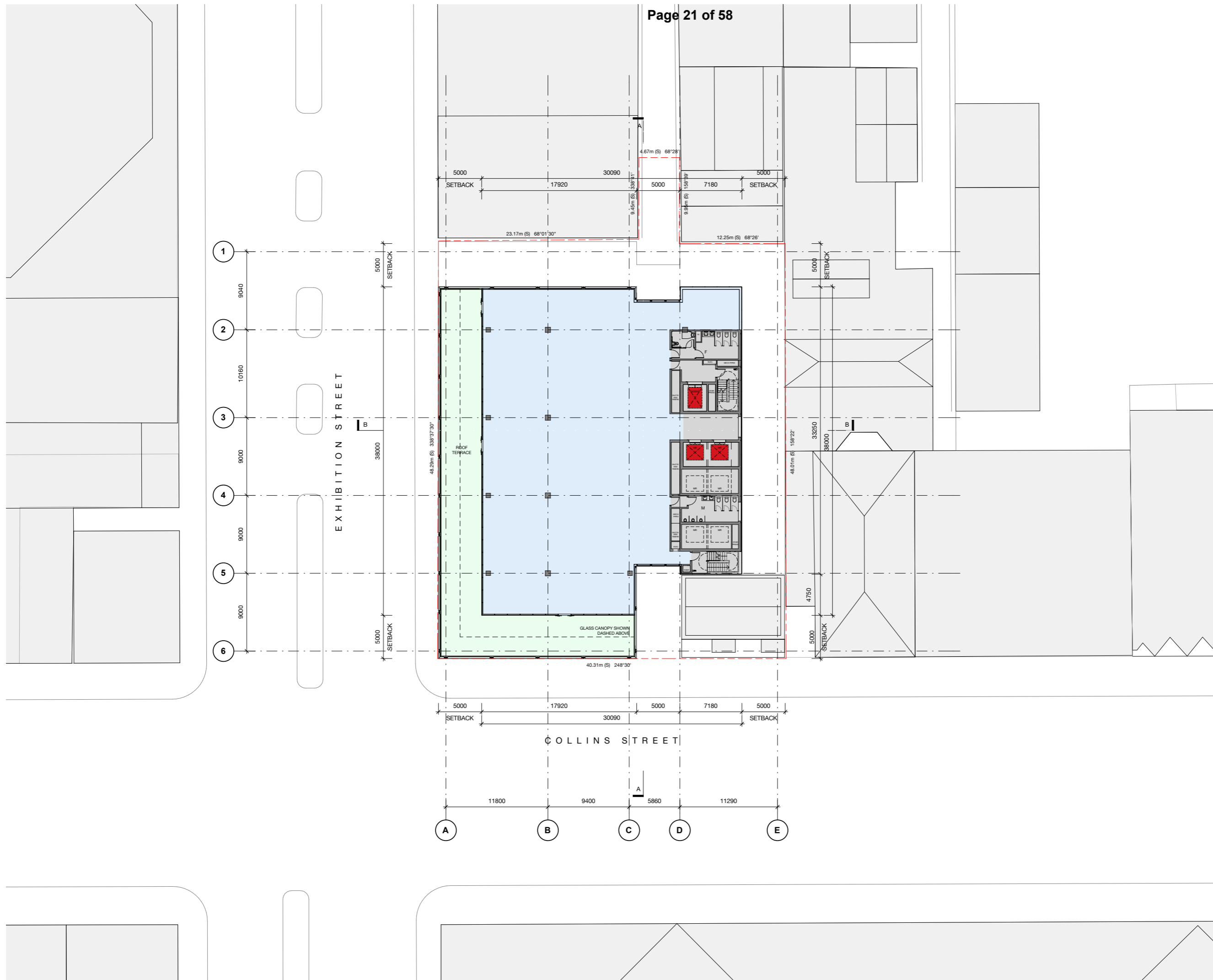
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Revision	Date	Description	PG	CD
-	16.08.19	TOWN PLANNING	PG	CD

52-60 Collins Street
 Melbourne VIC 3000
 Key Plan
 Level 20 (Terrace)



Status	TOWN PLANNING		
Scale	1 : 200	@	A1
Drawn	PG	Checked	CD
Project No.	M12223		
Plot Date	16/08/2019 11:31:13 AM		
BIM	ARCH		
Drawing no.	Revision		

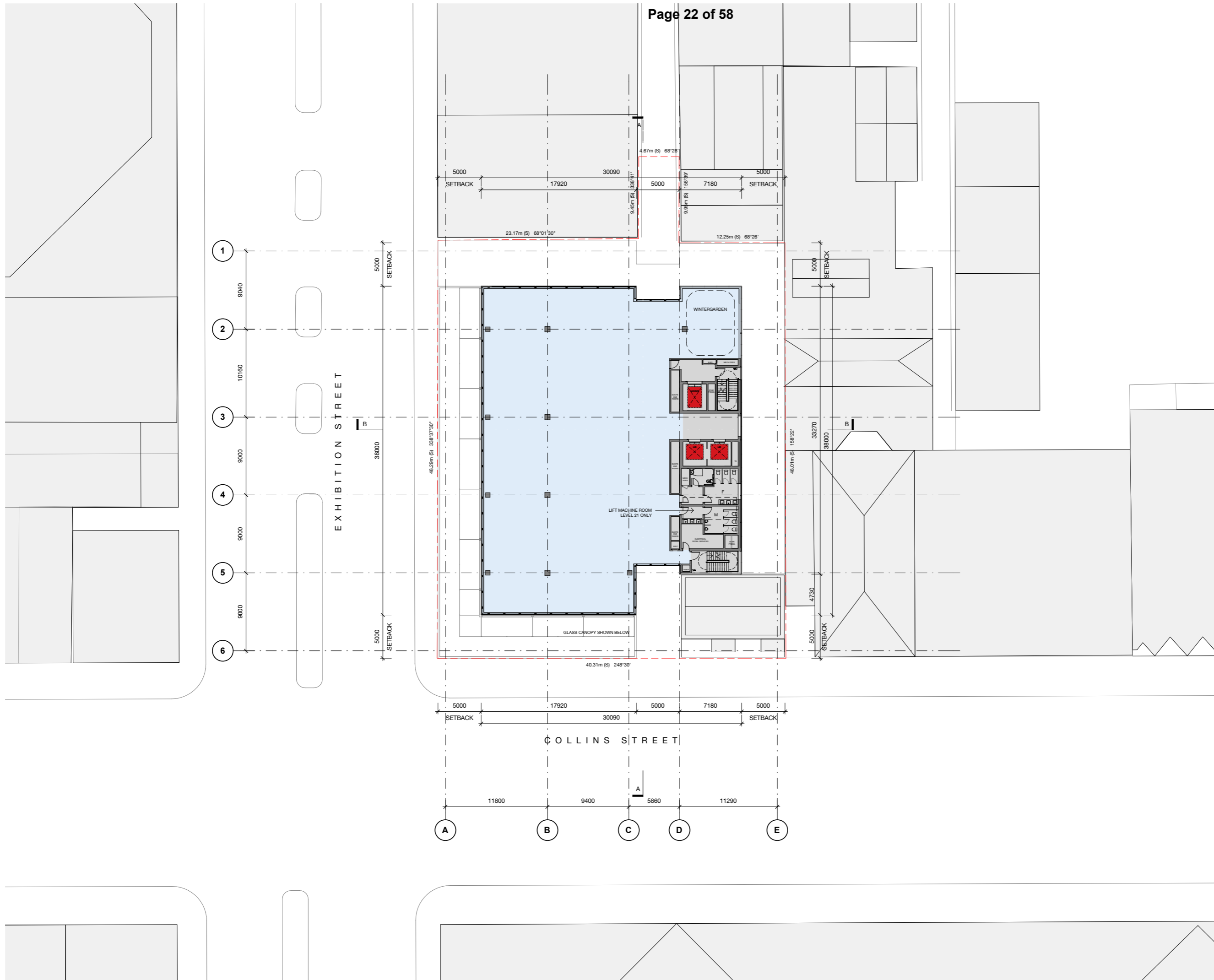
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Revision	Date	Description	PG	CD
-	16.08.19	TOWN PLANNING	PG	CD

52-60 Collins Street
Melbourne VIC 3000
Key Plan
Level 21 (Typical Levels 21-23)



Status	TOWN PLANNING		
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Plot Date	16/08/2019 11:31:15 AM		
BIM	ARCH		
Drawing no.	Revision		

TP02.21

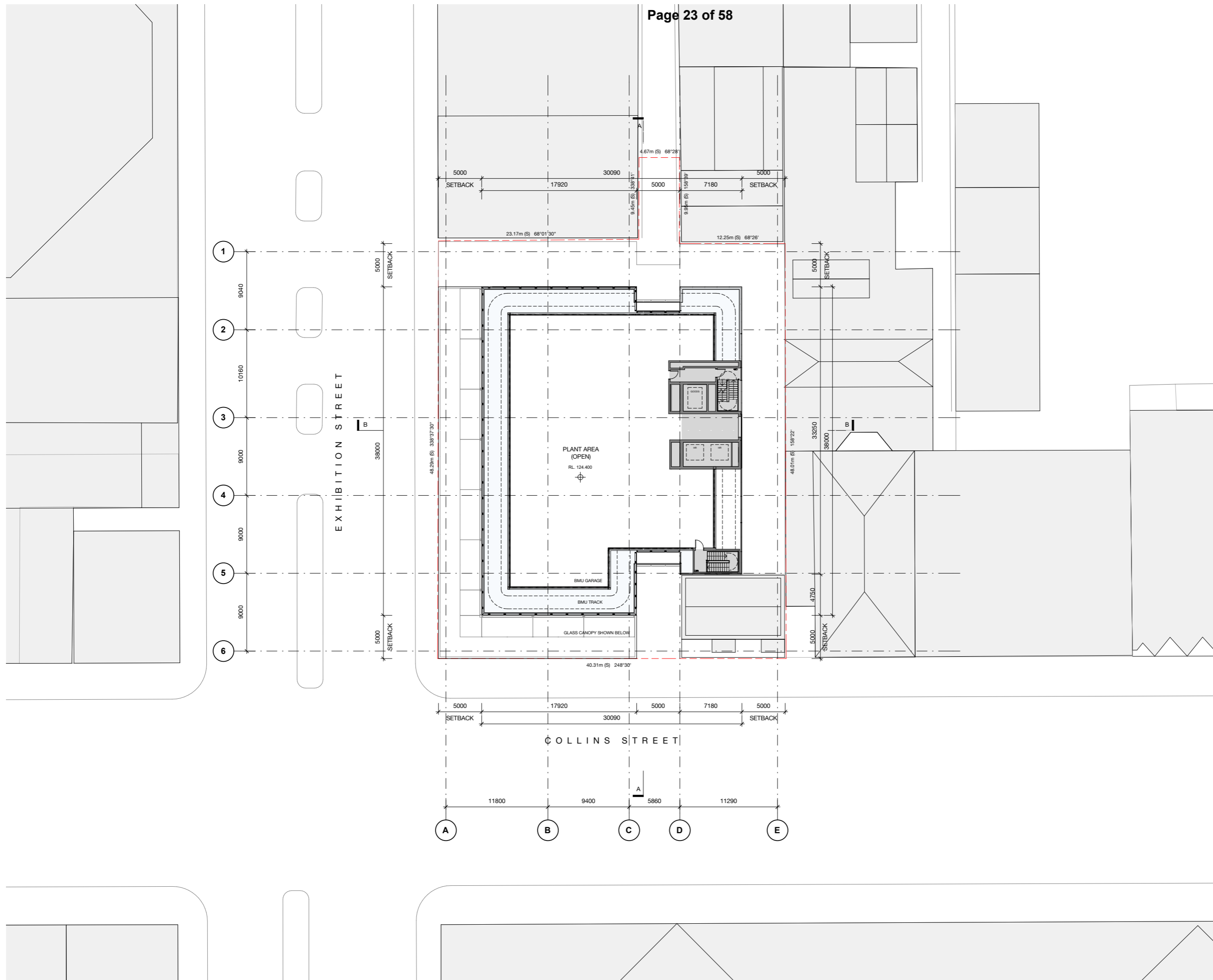
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Revision	Date	Description	PG	CD
-	16.08.19	TOWN PLANNING	PG	CD

52-60 Collins Street
Melbourne VIC 3000
Key Plan
Level 24 (Roof Plant)



Status	TOWN PLANNING		
Scale	1 : 200	@	A1
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Project No.	M12223		
Plot Date	16/08/2019 11:31:16 AM		
BIM	ARCH		
Drawing no.	Revision		

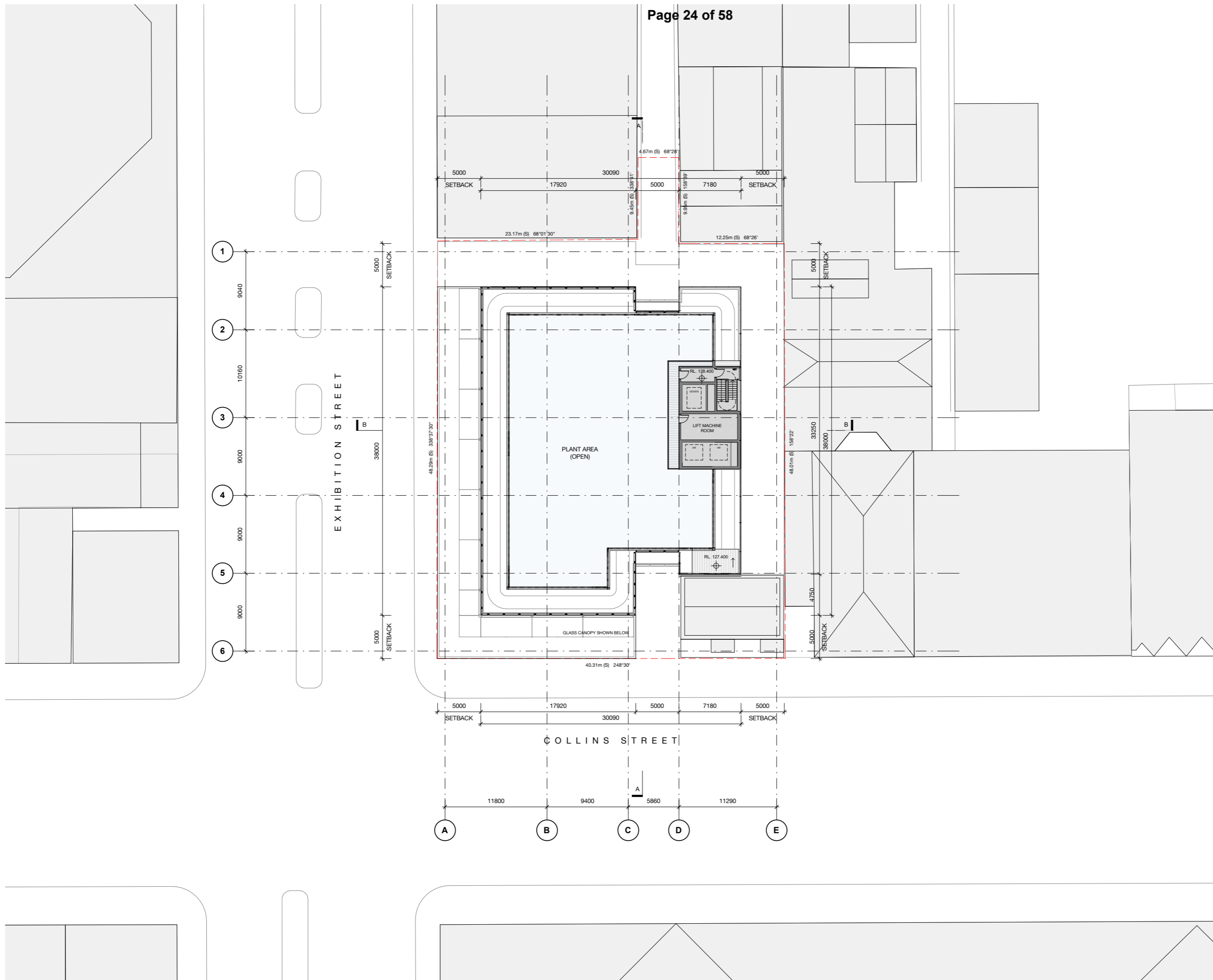
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Revision	Date	Description	PG	CD
-	16.08.19	TOWN PLANNING	PG	CD

52-60 Collins Street
Melbourne VIC 3000
Key Plan
Level 25 (Roof Plant)



Status	TOWN PLANNING		
Scale	1 : 200	@	A1
Drawn	PG	Checked	CD
Project No.	M12223		
Plot Date	16/08/2019 11:31:22 AM		
BIM	ARCH		
Drawing no.	Revision		

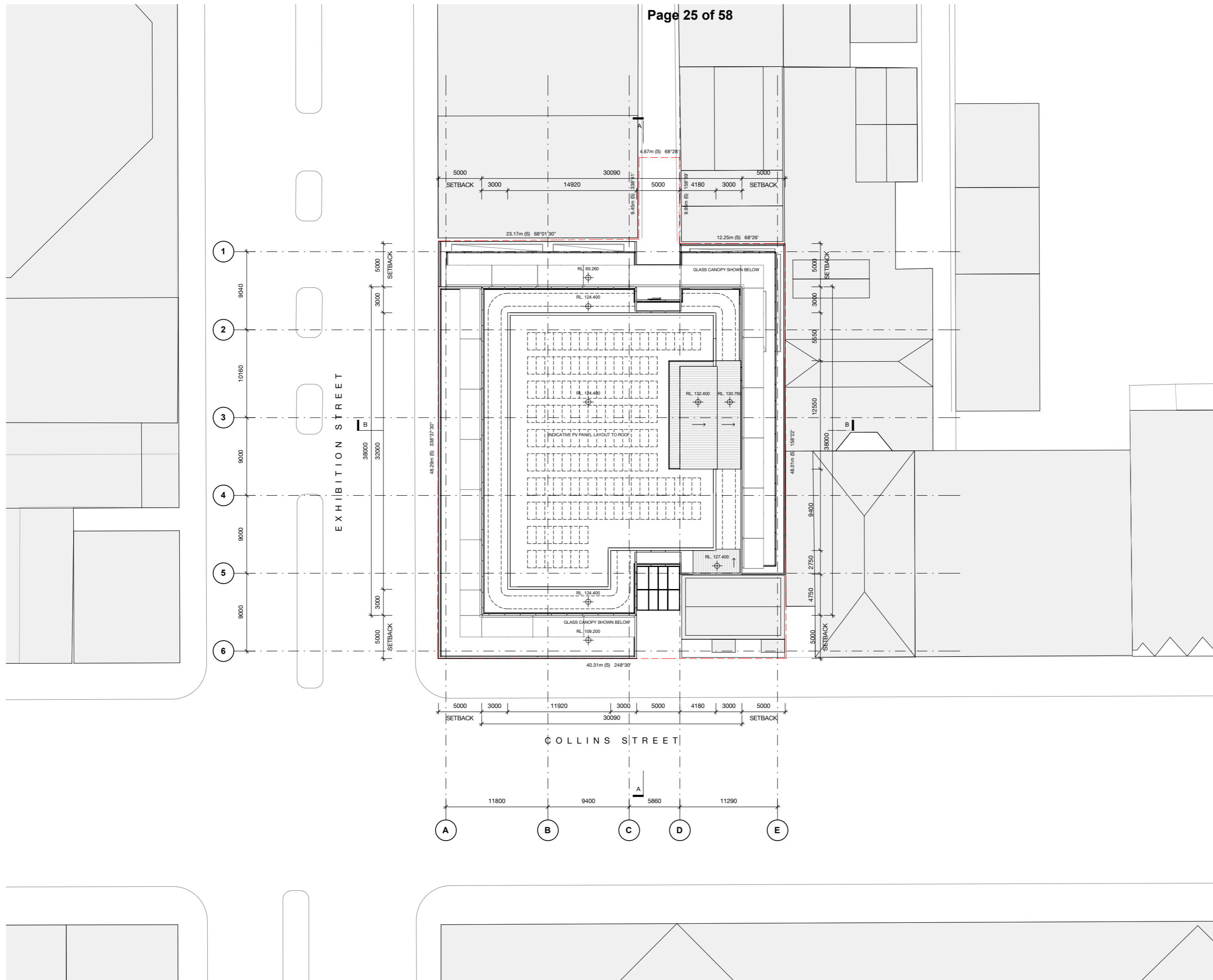
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Revision	Date	Description	PG	CD
-	16.08.19	TOWN PLANNING	PG	CD

52-60 Collins Street
Melbourne VIC 3000
Key Plan
Roof Level



Status	TOWN PLANNING		
Scale	1 : 200	@	A1
Drawn	PG	Checked	CD
Project No.	M12223		
Plot Date	16/08/2019 11:31:26 AM		
BIM	ARCH		
Drawing no.	Revision		

TP02.26 -

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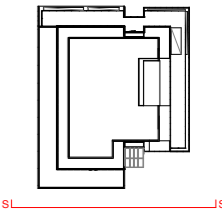
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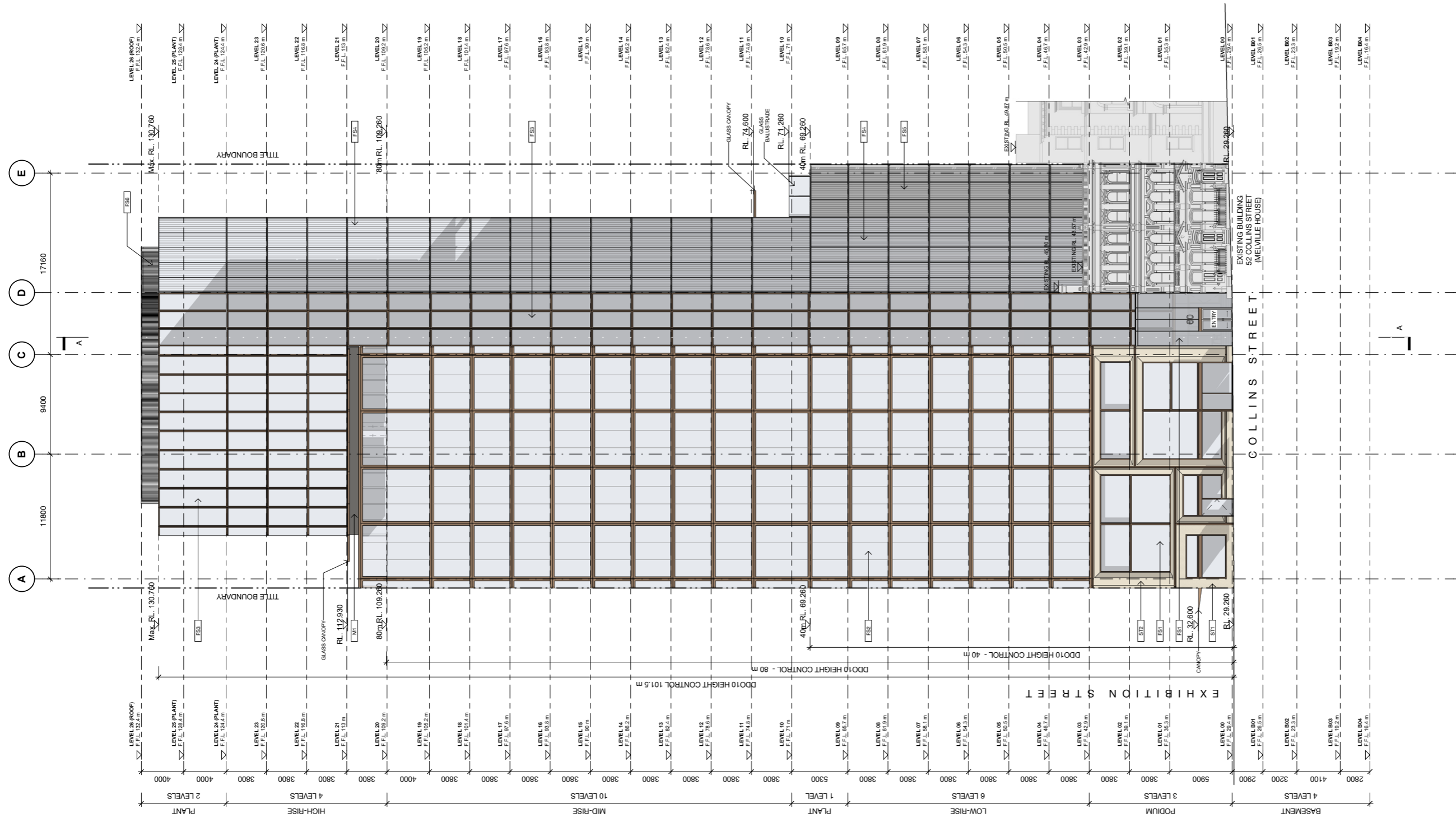
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KEY PLAN:



FACADE LEGEND:

- FS1** Clear vision shop front IGU glazing
- FS2** Clear vision high performance triple glazed IGU with expressed metal frame
- FS3** Clear vision high performance triple glazed IGU curtain wall
- FS4** Fritted glass IGU curtain wall
- FS5** Monolithic aluminium panels with polished and brushed aluminium finish pattern
- FS6** Vertical louvres
- ST1** Textured feature masonry
- ST1** Feature masonry
- M1** Dark metal frame or panel
- M2** Dark perforated metal cladding to folding garage door



Revision	Date	Description	PG	CD
16.08.19		TOWN PLANNING	PG	CD

52-60 Collins Street
Melbourne VIC 3000
External Elevation
South Elevation

Status	TOWN PLANNING
Scale	1 : 200 @ A1
Drawn	PG Checked CD
Project No.	M12223
Plot Date	16/08/2019 11:32:17 AM
BIM	ARCH
Drawing no.	Revision

TP09.00

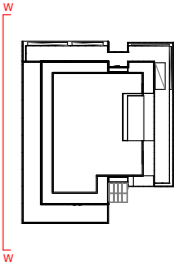
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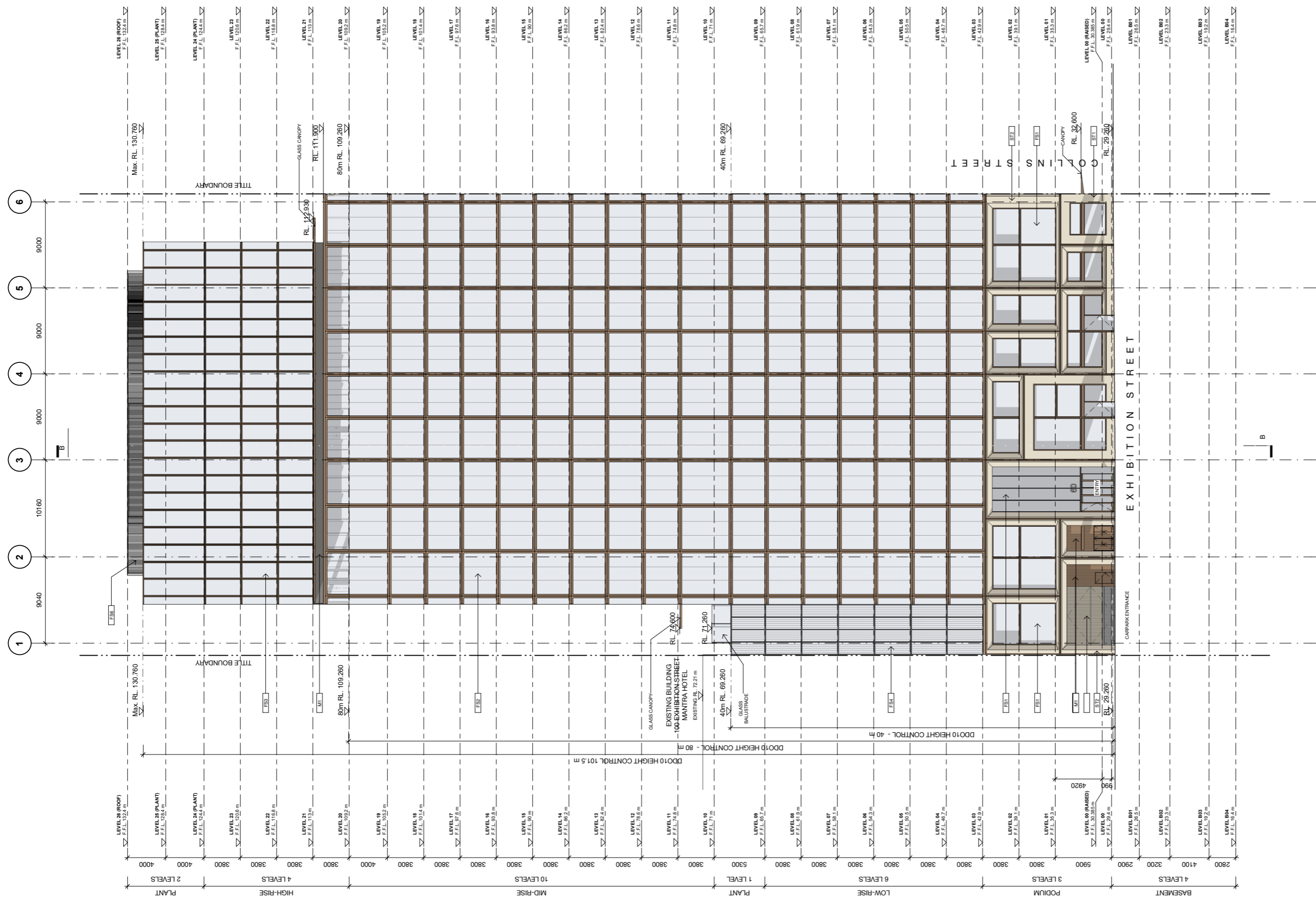
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KEY PLAN:



FACADE LEGEND:

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- FS2** Clear vision high performance triple glazed IGU with expressed metal frame
- FS3** Clear vision high performance triple glazed IGU curtain wall
- FS4** Fritted glass IGU curtain wall
- FS5** Monolithic aluminium panels with polished and brushed aluminium finish pattern
- FS6** Vertical louvres
- ST1** Textured feature masonry
- ST2** Feature masonry
- M1** Dark metal frame or panel
- M2** Dark perforated metal cladding to folding garage door



Revision	Date	Description	PG	CD
16.08.19		TOWN PLANNING	PG	CD

52-60 Collins Street
Melbourne VIC 3000
External Elevation
West Elevation

Status	TOWN PLANNING
Scale	1 : 200 @ A1
Drawn	PG Checked CD
Project No.	M12223
Plot Date	16/08/2019 11:33:02 AM
BIM	ARCH

Drawing no. **TP09.01** Revision -

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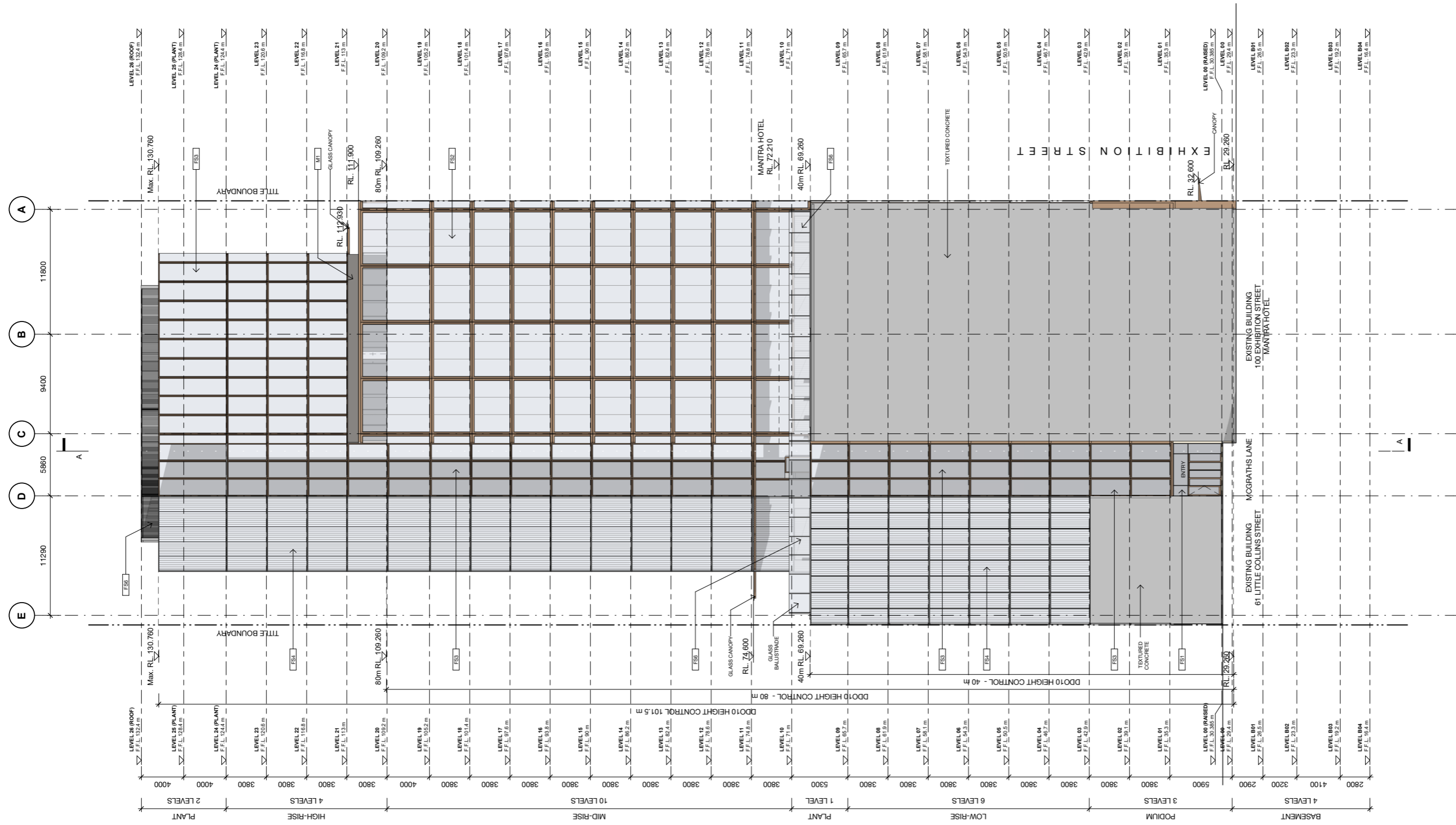
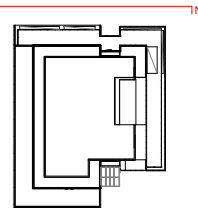
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KEY PLAN:



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- FS3** Clear vision high performance triple glazed IGU curtain wall
- FS4** Fritted glass IGU curtain wall
- FS5** Monolithic aluminium panels with polished and brushed aluminium finish pattern
- FS6** Vertical louvres
- ST1** Textured feature masonry
- ST1** Feature masonry
- M1** Dark metal frame or panel
- M2** Dark perforated metal cladding to folding garage door

Revision	Date	Description	PG	CD
16.08.19		TOWN PLANNING	PG	CD

52-60 Collins Street
Melbourne VIC 3000
External Elevation
North Elevation

Status	TOWN PLANNING
Scale	1 : 200 @ A1
Drawn	PG
Checked	CD
Project No.	M12223
Plot Date	16/08/2019 11:33:47 AM
BIM	ARCH

Drawing no. **TP09.02**

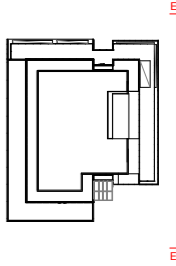
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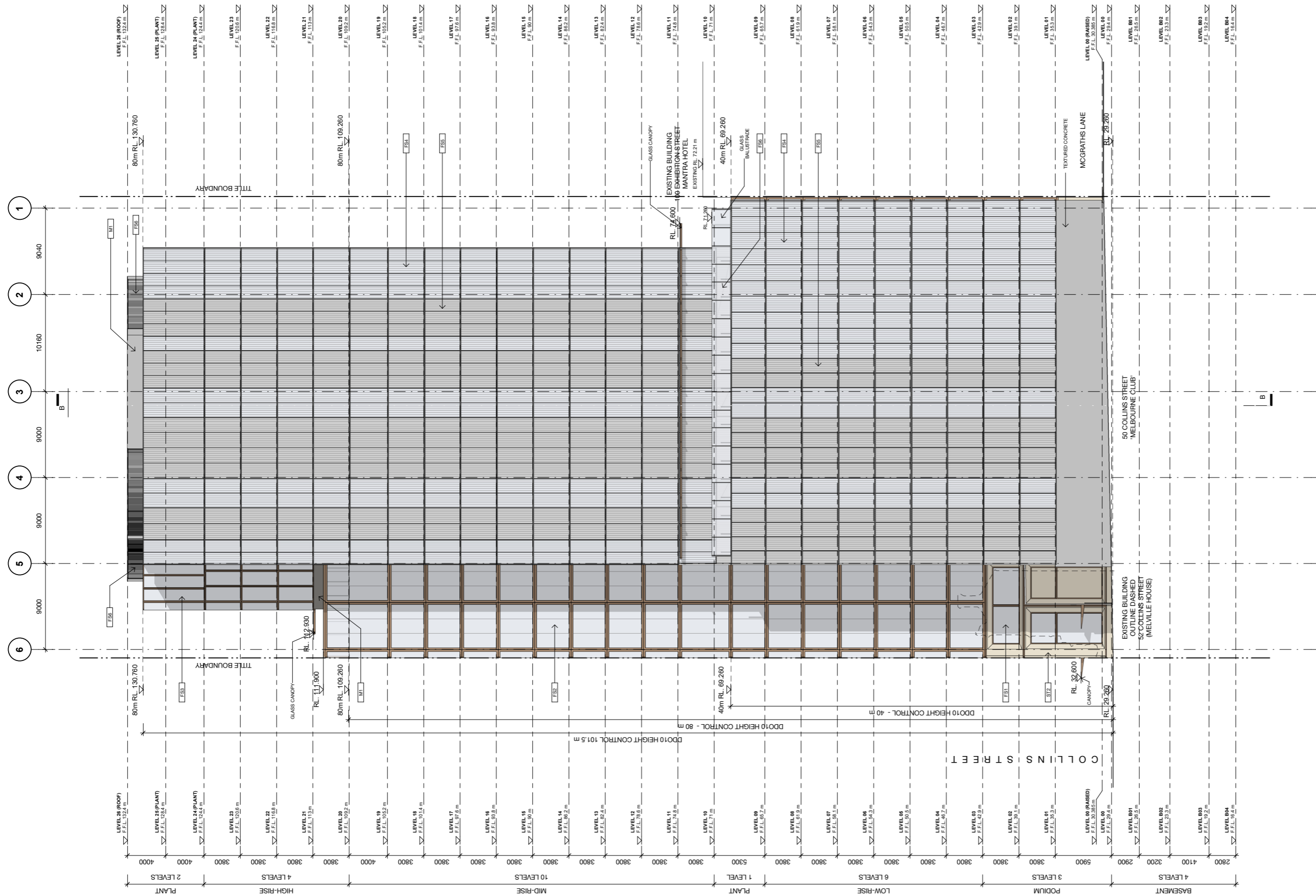
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KEY PLAN:



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- FS6** Vertical louvres
- ST1** Textured feature masonry
- ST1** Feature masonry
- M1** Dark metal frame or panel
- M2** Dark perforated metal cladding to folding garage door



16.08.19	TOWN PLANNING	PG	CD
Revision	Date	Description	Initial Checked

52-60 Collins Street
Melbourne VIC 3000
External Elevation
East Elevation

Status	TOWN PLANNING
Scale	1 : 200 @ A1
Drawn	PG Checked CD
Project No.	M12223
Plot Date	16/08/2019 11:34:30 AM
BIM	ARCH

Drawing no. **TP09.03** Revision -

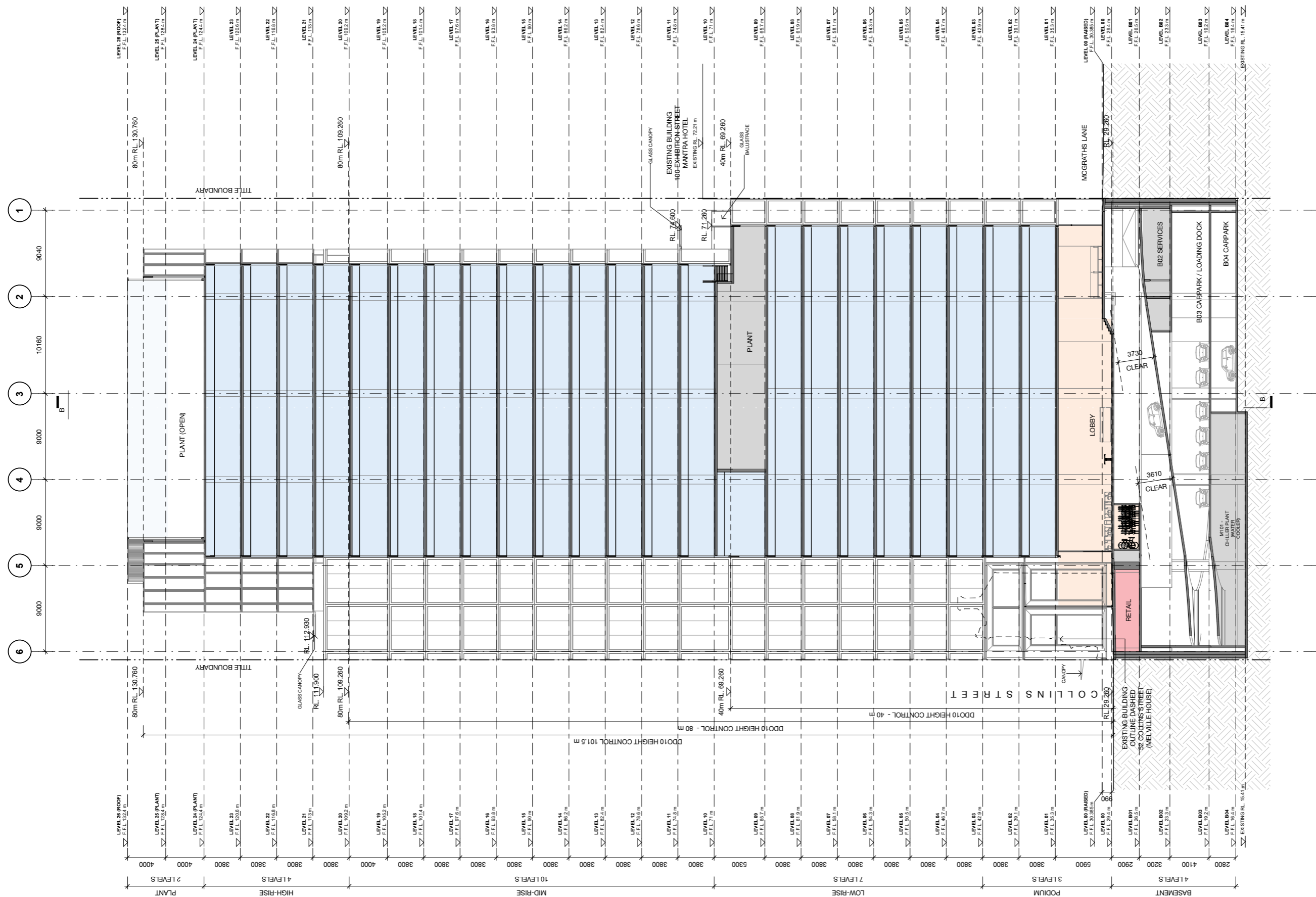
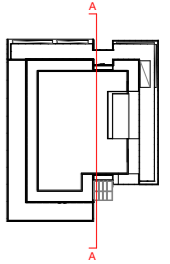
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KEY PLAN:



16.08.19	TOWN PLANNING	PG	CD
Revision	Date	Description	Initial

52-60 Collins Street
Melbourne VIC 3000
Building Section
Section AA

Status	TOWN PLANNING
Scale	1 : 200 @ A1
Drawn	PG Checked CD
Project No.	M12223
Plot Date	16/08/2019 11:34:38 AM
BIM	ARCH

Drawing no. TP10.00

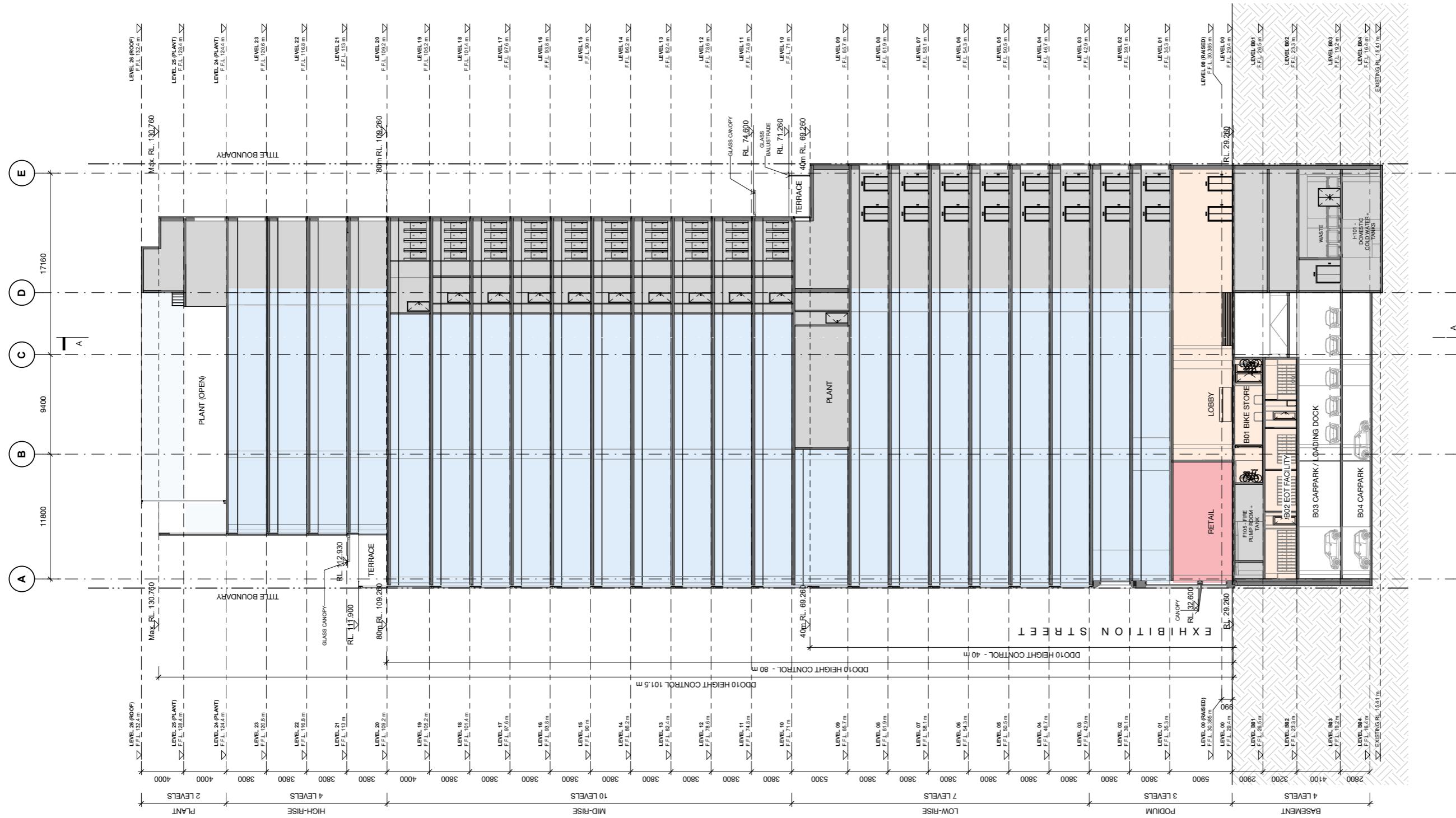
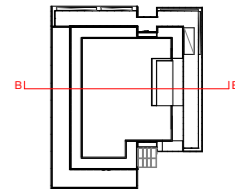
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KEY PLAN:



52-60 Collins Street
Melbourne VIC 3000
Building Section
Section BB

Status	TOWN PLANNING			
Scale	1 : 200	@	A1	
Drawn	PG	Checked	CD	
Project No.	M12223			
Plot Date	16/08/2019 11:34:44 AM			
BIM	ARCH			
Drawing no.	TP10.01			Revision

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SHADOWS SEPTEMBER

APPLICABLE SHADOW CONTROLS

11am–3pm, 22 April to 22 September

Parliament Gardens

Treasury Gardens

Gordon Reserve

Parliament Steps and Forecourt

Old Treasury Steps

Flinders St Railway Station Steps

11am–2pm, 22 April to 22 September

Batman Park

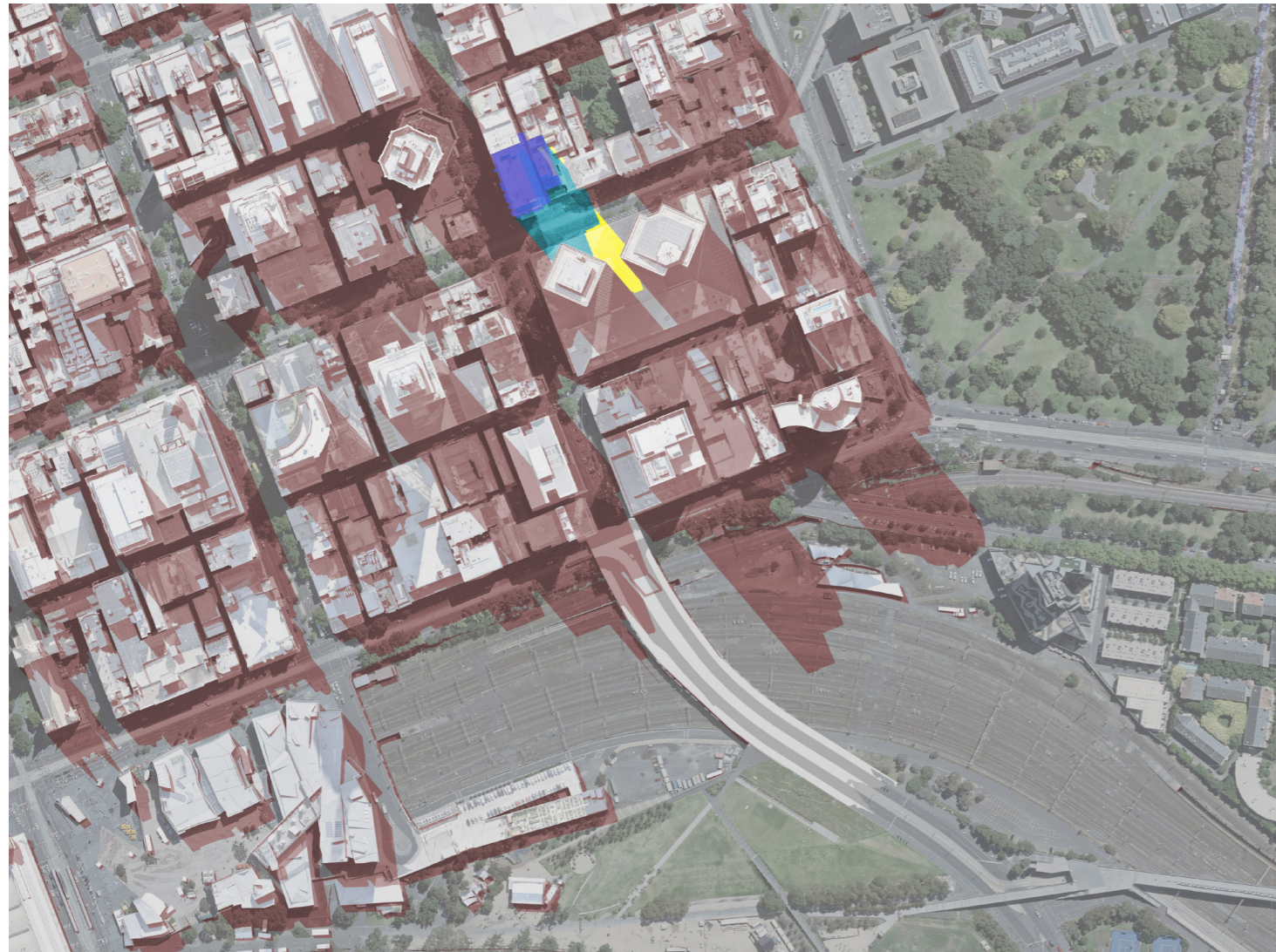
Birrarung Marr

Sturt Street Reserve

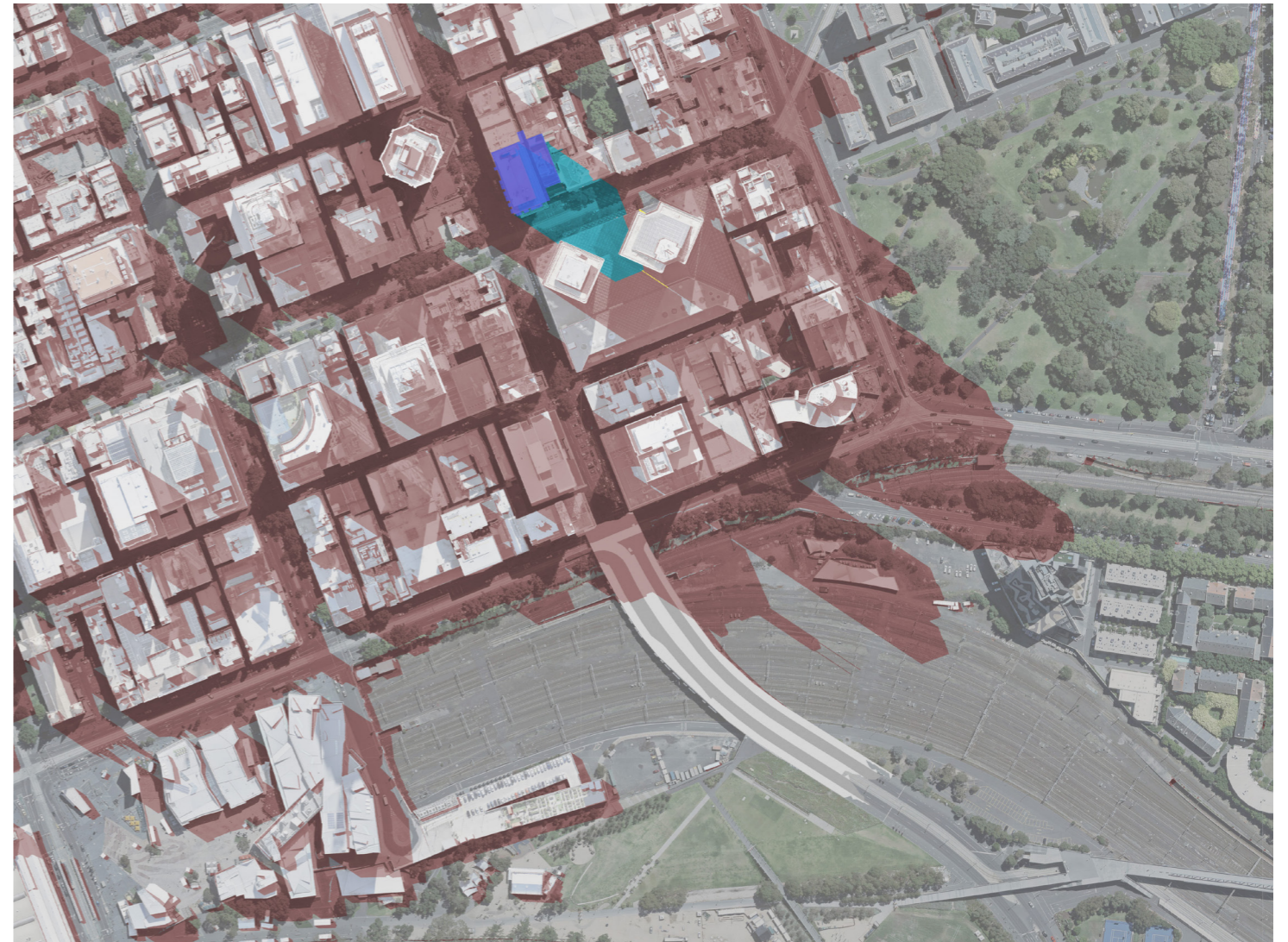
Grant Street Reserve & ACCA Forecourt

Dodds Street between Southbank and Grant St

22 SEPTEMBER 2PM



22 SEPTEMBER 3PM



- EXISTING SHADOW
- PROPOSED ADDITIONAL SHADOW
- CONTEXT SHADOW

DELEGATE REPORT

MINISTERIAL PLANNING REFERRAL

Application number:	TPMR-2019-25
Applicant	Ethos Urban
Owner	Dexus Funds Management Limited
Architect:	Bates Smart
Address:	52-60 Collins Street, Melbourne
Proposal:	Part demolition of 52 Collins Street, demolition of 60 Collins Street and construction of a multi-storey building comprising retail premises (other than adult sex bookshop, department store, hotel, supermarket and tavern) and offices
Cost of works:	\$140,000,000
Date received by City of Melbourne:	22 August 2019
Responsible officer:	Connor Perrott, Principal Urban Planner

1 SUBJECT SITE AND SURROUNDS

1.1 Subject site

The subject site is located on the north-east corner of the Collins Street and Exhibition Street intersection, Melbourne. The site comprises two parcels as follows:

- Lot 1 on Plan of Subdivision 858816B (Volume 06176, Folio 132) - 52 Collins Street; and
- Lot 1 on Plan of Subdivision 552611B (Volume 08864, Folio 361) - 60 Collins Street.

Melville House stands upon 52 Collins Street. This currently C-graded grand three storey former residence would be considered 'Significant' in accordance with proposed Amendment C258 of the Melbourne Planning Scheme. This building is also included on the Victorian Heritage Register (reference no. H607). The VHR Statement of Significance reads:

...[this building] is historically significant as one of the few surviving nineteenth century residences in the central city area. It is representative of the more domestic scale buildings that were occupied by professionals such as doctors and lawyers at the top end of Collins Street. Melville House is architecturally significant as an excellent example of the so-called Boom Style architecture of 1880s Victoria. The lavish use of stucco decoration is typical of the style but is a rare surviving example of the type in the city.

Behind Melville House stands a multi-storey office building. Together, Melville House and this building are now known as ANU House.

Figure 1 overleaf shows the site in greater context.

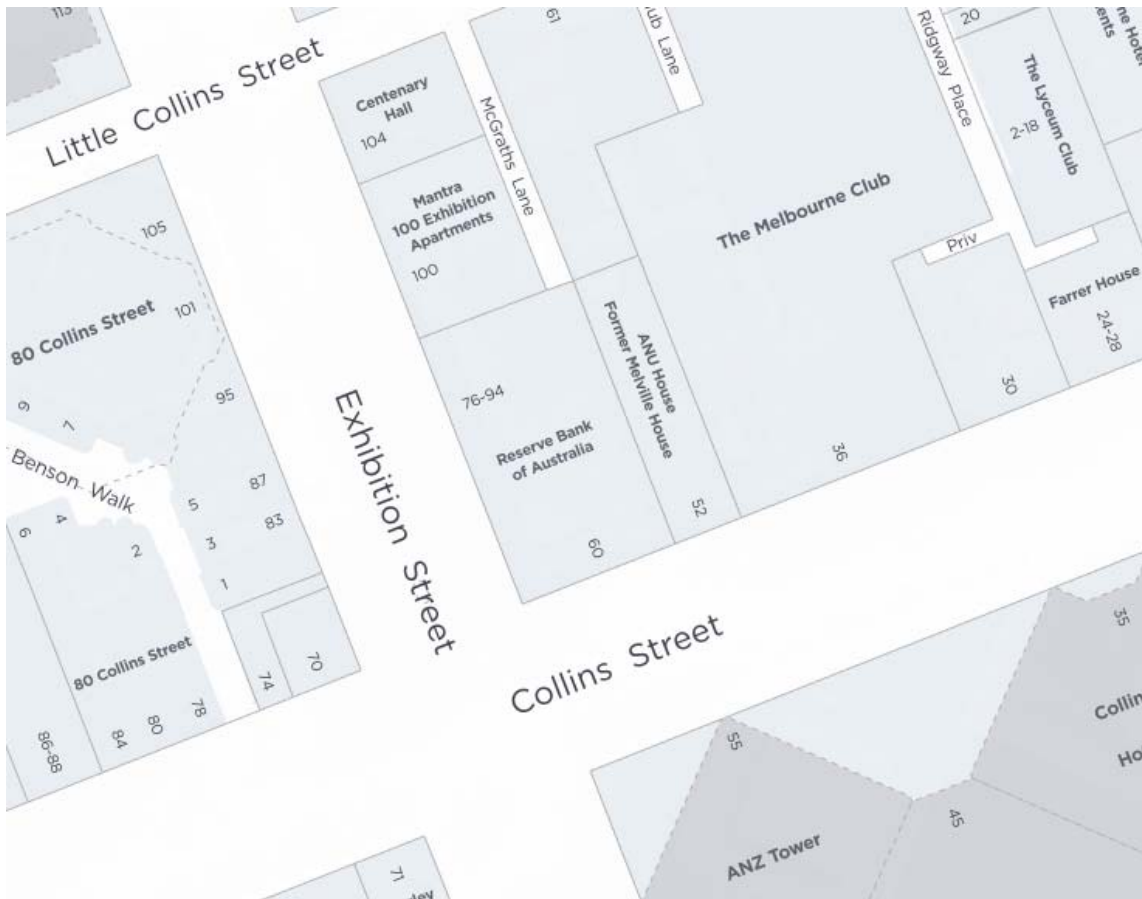


Figure 1: The subject site (source: Council's GIS system)



Figure 2: ANU House (source: Google Streetview)

The site at 60 Collins Street accommodates a 15 storey office building. This building is occupied by the Reserve Bank of Australia and is C-graded in the Council's Heritage Places Inventory. In accordance with proposed Amendment C258, this building would be regarded as 'Contributory'.

Built in 1965, the building is notable for its extensive use of marble. The building also once accommodated Sydney Nolan's 'Eureka Stockade' though it is understood this painting has now been removed.

Like 52 Collins Street, No. 60 is also built over the entirety of its host site and may be accessed via McGrath's Lane at the rear off Little Collins Street.

Figure 3 below shows 60 Collins Street as viewed from the west from the intersection of Collins and Exhibition Streets.

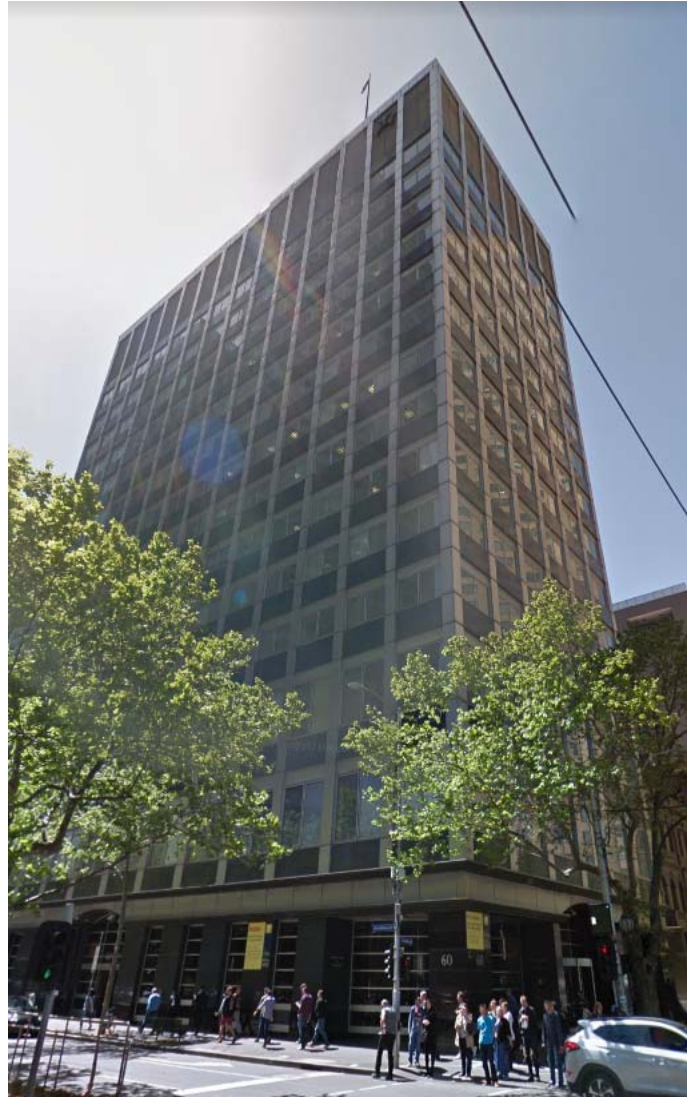


Figure 3: 60 Collins Street (source: Google streetview)

1.2 Adjoining properties

100 Exhibition Street

Number 100 Exhibition Street is located immediately to the north of 60 Collins. An 11 storey apartment building occupies this site. Like both 52 and 60 Collins Street, 100 Exhibition Street may also be accessed via McGrath's Lane at the rear off Little Collins Street.

36 Collins Street

Number 36 Collins Street is located immediately to the east of 52 Collins Street. A three storey brick and stucco club house (The Melbourne Club) occupies this site. Built in 1858,

this building is included on the VHR (reference no. H30). A large garden (and what is thought to be the largest and oldest London Plane Tree in Victoria) is located at the rear of the site. This garden extends the length of Ridgeway Place to the east and up to Little Collins Street to the north.

61 Little Collins Street

61 Little Collins Street is located immediately to the north of 52 Collins. A part two and part three storey building occupies this site. This building is D-graded and again may be accessed via McGrath's Place and Little Collins Street.

1.3 Surrounds

The immediate surrounding area is located within a precinct Heritage Overlay (Collins East Precinct) and features a number of notable Victorian and post-modern buildings. Also within this area is Nauru House a short distance to the west across Exhibition Street and Collins Place to the south.

2 BACKGROUND AND HISTORY

2.1 Pre-application discussions

Planning officers met with the applicant and representatives from the Department of Environment, Land, Water and Planning (DELWP) on 27 March, 17 April and 17 July 2019 to discuss the merits of the proposed development.

2.2 Planning application history

52 Collins Street

Though a number of planning applications have previously been considered for this site, including for subdivision, the display of signage and minor building works, none are recent or of particular relevance to this proposal.

60 Collins Street

Similarly, while a number of applications have previously been considered for this site, including for the installation of telecommunications infrastructure, none are recent or of particular relevance to this proposal.

The following applications have recently been considered for surrounding sites:

Address	Application	Description	Decision/Council position
100 Exhibition Street, Melbourne	TP-2014-658	Display of business identification signs and minor alterations to façade of building	Permit issued 16 September 2014
36 Collins Street, Melbourne	TP-2015-1021	Replacement of existing neon and internally illuminated signs	Permit issued 21 December 2015

3 PROPOSAL

The following description of the proposed development is as per that shown on the application plans prepared by Bates Smart and received by Council on 22 August 2019 and supplementary documentation received on 23 October (in response to a request for further information from DELWP).

Permission is sought to demolish both ANU House (excluding the front 9.7 metres in depth of Melville House (the original remaining element of this building) and 60 Collins Street and to construct a multi-storey mixed-use building comprising ground level retail premises and office space above. This building would be built across the entirety of the site and around the retained front part of Melville House. Though this heritage building would not be altered externally, it would be reconfigured internally. While a planning permit is not required for

these works, the permission of Heritage Victoria is required. Officers understand that this permission has not yet been obtained.

The proposed development can be summarised as follows:

Building height:	101.5 metres to top of parapet (103.14 metres to top of roof top services) or 26 storeys
Maximum street wall heights:	Collins Street - 83.67 metres (20 storeys) to top of glazed screen for a length of 22.92 metres Exhibition Street - 82.64 metres (20 storeys) to top of glazed screen for a length of 43 metres
Floor area:	Gross - 35,730 square metres Net office area - 22,272 square metres Retail area - 757 square metres
Floor Area Ratio (FAR):	18:1
Parking spaces	Cars - 36 spaces at basement level Bicycles - 212 spaces at basement level
Vehicle access	All car, bicycle and loading vehicle access would be obtained via a shared access way off Exhibition Street. This access way would replace three existing access points leading into the site off Collins Street, Exhibition Street and McGrath's Lane.

Figures 4 and 5 overleaf show the proposed building in greater detail.



Figure 4: The proposed building viewed together with The Melbourne Club immediately to the east (source: Bates Smart submitted architectural plans)



Figure 5: Ground level treatment of building as viewed from Collins Street (source: Bates Smart submitted architectural plans)

Figure 5 shows that the form and proportions of the lower levels of the building will generally reflect that of the retained element of Melville House. This treatment will extend around to the Exhibition Street frontage of the building also.

The ground floor level of the building will comprise retail uses along the Exhibition Street frontage and upon the corner of Collins Street together with lobby / lounge facilities and building services. A retail premise will also be located at the rear of the building adjacent to McGrath's Lane and opposite the vehicle entry point into the building off Exhibition Street.

These two elements would be separated by a pedestrian linkway extending through the building and providing access between Collins Street and McGrath's Lane. This linkway would remain open to the public between 7am to 7pm Monday to Friday and closed on weekends and public holidays.

Figure 6 below shows the ground floor layout of the building, including the proposed linkway.

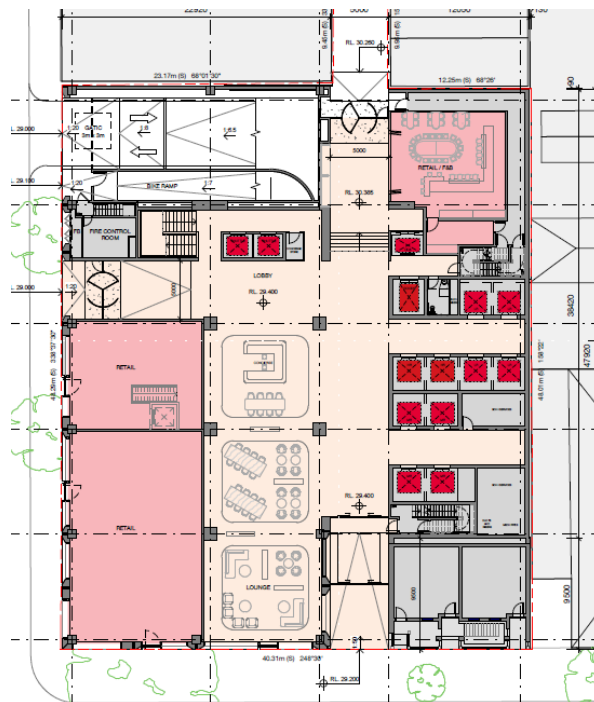


Figure 6: Ground floor layout (source: Bates Smart submitted architectural plans)

The smaller of the retail premises along the Exhibition Street frontage would also feature a larger basement level. This space would adjoin a large bicycle store also at basement level. Beneath this would be associated end-of-trip facilities and building services (Basement Level 02). Basement Level 03 below this would comprise 36 car parking spaces and a loading / unloading bay.

Levels 1 - 10 would each comprise office space measuring a maximum of approximately 1,425 m². These floor plates are the largest of the building. Associated services (including the lift core and amenities) would be located directly behind the retained front part of Melville House. At Level 11, this service area would be setback five metres from the eastern and northern property boundaries behind a terrace. This narrower form would then extend up to Level 20 where it would then be setback five metres from the street frontages of the site.

A roof terrace would be located within these setbacks. This terrace would feature a high glazed screen; the presentation and finish of which would reflect the levels immediately below. This includes clear vision high performance curtain walling and metal framing. This contrasts markedly from the textured masonry of the lower levels of the building.

4 STATUTORY CONTROLS

The following provisions of the Melbourne Planning Scheme apply.

Planning Policy Framework:	<p>Clause 11 – Settlement</p> <p>Clause 13 – Environmental Risks and Amenity</p> <p>Clause 15 – Built Environment and Heritage</p> <p>Clause 17 – Economic Development</p> <p>Clause 18 – Transport</p> <p>Clause 19 – Infrastructure</p>
Municipal Strategic Statement:	<p>Clause 21.02 – Municipal Profile</p> <p>Clause 21.03 – Vision</p> <p>Clause 21.04 – Settlement</p> <p>Clause 21.06 – Built Environment and Heritage</p> <p>Clause 21.08 – Economic Development</p> <p>Clause 21.09 – Transport</p> <p>Clause 21.10 – Infrastructure</p>
Local Planning Policies:	<p>Clause 22.01 – Urban Design within the Capital City Zone</p> <p>Clause 22.02 – Sunlight to Public Spaces</p> <p>Clause 22.04 – Heritage Places within the Capital City Zone</p> <p>Clause 22.19 – Energy, Water and Waste Efficiency</p> <p>Clause 22.20 – CBD Lanes</p> <p>Clause 22.23 – Stormwater Management (Water Sensitive Urban Design)</p>

Statutory Controls	
Clause 37.04 - Capital City Zone	<p>This clause states that a permit is required to demolish or remove a building and to construct a building and construct or carry out works.</p> <p>Schedule 1 of the CCZ states that permission is not required to operate an office or retail premises (other than an adult sex bookshop, department store, hotel, supermarket or tavern) in this zone.</p> <p>In accordance with CCZ1, a permit is required to demolish the existing buildings on-site and to construct the proposed building.</p>
Clause 43.01 - Heritage Overlay	<p>This clause states that a permit is required to demolish a building and to construct a building and carry out works.</p> <p>As previously noted, 52 Collins Street is included upon the VHR (H607). In accordance with Clause 43.01-3 of the HO, a permit is not required to develop a place included on this register. The separate approval of Heritage Victoria is required.</p> <p>Importantly, the VHR extent of registration for Melville House includes only the remaining heritage building itself and not the more recent rear office building. To this end, a permit is required to demolish this building as well as 60 Collins Street.</p>

	<p>In accordance with the HO, a permit is required to demolish the existing buildings on site and to construct the proposed building.</p>
<p>Clause 43.02 - Design and Development Overlay</p>	<p>This clause states that a permit is required to construct a building and to construct and carry out works.</p> <p>Schedule 1, Area 2 states that <i>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:</i></p> <ul style="list-style-type: none"> - <i>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</i> - <i>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;</i> - <i>Built scale appropriate to the street and pedestrians;</i> - <i>Clear glazing (security grilles must be transparent).</i> <p style="text-align: center;">***</p> <p>Schedule 10 of the DDO states that <i>an application to vary the Preferred Requirement for any Design Element specified in Table 3 ...must document how the development will achieve the relevant Design Objectives and Built Form Outcomes.</i></p> <p>On the basis that approval is sought to vary the 'Preferred requirements' of Table 3 an assessment of the proposal against the 'Modified requirements' is necessary. This assessment appears overleaf together with an assessment of wind and shadow impacts in accordance with the criteria of this schedule.</p> <p>In accordance with the DDO, a permit is required to construct the proposed building only.</p>
<p>Clause 45.09 - Parking Overlay</p>	<p>Schedule 1 of the PO states that a permit is required to provide car parking spaces on site in excess of identified rates.</p> <p>These rates are calculated with reference to either site area or net floor space.</p> <p>When the net floor area of the building (27,068 m²) is multiplied by five in accordance with the provisions of this overlay, a maximum on-site parking rate of 135 spaces is generated.</p> <p>Given 36 spaces only would be provided on site, a permit is not required in accordance with this overlay.</p> <p>Clause 3.0 states that for every 100 car parking spaces provided on a site, at least one motorcycle parking space must also be provided.</p> <p>On the basis that 36 car parking spaces only will be provided, less than one (0.36) motorcycle parking spaces are required on site.</p> <p>No dedicated motorcycle parking spaces will be provided. As noted by the applicant however, space exists at basement level (generally around the lift core) to informally park motorcycles if required.</p>

Particular Provisions	
<p>Clause 52.34 - Bicycle Facilities</p>	<p>The following bicycle parking spaces are required on site:</p> <p>Retail premise:</p> <ul style="list-style-type: none"> • 1 employee space for every 300 m² of leasable floor area; and • 1 shopper space for every 500 m² of leasable floor area. <p>Given the building would comprise 757 m² of leasable retail floor space, a total of three employee and two shopper spaces are required.</p> <p>Office:</p> <ul style="list-style-type: none"> • 1 employee space for every 300 m² of net floor area if this area exceeds 1,000 m²; and • 1 visitor space for every 1,000 m² of net floor area if this area exceeds 1,000 m². <p>Given the development would comprise 22,272 m² of leasable office floor space, a total of 74 employee spaces and 22 visitor spaces are required on site.</p> <p>77 employee and 24 shopper / visitor spaces (101 spaces in total) are required.</p> <p>212 spaces would be provided on site. This exceeds that required by 111.</p> <p>Documentation submitted in support of the application does not appear to confirm how the spaces would be allocated. It is assumed that the spaces would be allocated to each use commensurate with the requirements of this clause. It is understood that access to visitors' spaces would be controlled by building security.</p> <p>Importantly, the number of showers provided on site (32) also significantly exceeds that required by this clause (9).</p>
General Provisions	
<p>Clause 65 - Decision Guidelines</p>	<p>DELWP is the Responsible Authority and must determine if the development generates acceptable outcomes with reference to the decision guidelines of this clause. This includes the matters set out in Section 60 of the <i>Planning and Environment Act 1987</i>.</p>
<p>Clause 66.02 - Use and Development Referrals</p>	<p>As Responsible Authority, DELWP is required to refer this application to all relevant consultees.</p> <p>In this case, Transport for Victoria is a determining referral authority.</p>
<p>Clause 66.04 - Referral of Permit Applications under Local Provisions</p>	<p>As Responsible Authority, DELWP is required to refer this application to all relevant determining and recommending referral authorities.</p> <p>In this case, the City of Melbourne is a recommending referral authority.</p>
<p>Clause 72.01 - Responsible Authority for this Planning Scheme</p>	<p>DELWP is the Responsible Authority on the basis that the Gross Floor Area (GFA) of the development exceeds 25,000 m².</p> <p>In this case, the City of Melbourne is a recommending referral authority.</p>

5 PLANNING SCHEME AMENDMENTS

In addition to the preceding policies, Amendment C258 to the Melbourne Planning Scheme is also of relevance. This amendment is now seriously entertained and proposes to revise local heritage policies as well as introduce two new incorporated documents into the Melbourne Planning Scheme; the Heritage Precinct Statements of Significance incorporated document and the Heritage Places Inventory incorporated document.

The Heritage Places Inventory incorporated document would introduce a new grading system in accordance with which buildings are attributed a level of significance. To this end, the existing letter grading system (A, B, C and D) would be replaced by 'Significant', 'Contributory' and 'Non-contributory'.

In accordance with this new system, 52 Collins Street (Melville House) would be regarded 'Significant'. Number 60 Collins Street would be regarded as 'Contributory'.

Draft Clause 22.04 (Heritage places within the Capital City Zone defines these buildings as follows:

A 'significant' heritage place is individually important at state or local level, and a heritage place in its own right. It is of historic, aesthetic, scientific, social or spiritual significance to the municipality. A 'significant' heritage place may be highly valued by the community; is typically externally intact; and / or has notable features associated with the place type, use, period, method of construction, siting or setting. When located in a heritage precinct a 'significant' heritage place can make an important contribution to the precinct.

A 'contributory' heritage place is important for its contribution to a heritage precinct. It is of historic, aesthetic, scientific, social or spiritual significance to the heritage precinct. A 'contributory' heritage place may be valued by the community; a representative example of a place type, period or style; and / or combines with other visually or stylistically related places to demonstrate the historic development of a heritage precinct. 'Contributory' places are typically externally intact, but may have visible changes which do not detract from the contribution to the heritage precinct.

Amendment C308 (Urban Design in the Central City and Docklands) is also of relevance. This amendment was adopted by Council on 26 November 2019 and as such is now also seriously entertained.

The amendment seeks to introduce a new urban design policy (Schedule 1 to the DDO) into the Melbourne Planning Scheme. This new schedule would include an illustrative guide detailing policy objectives.

Importantly, the overarching purpose of the amendment is to improve the quality of urban design and development in the central city and Southbank.

6 PUBLIC NOTIFICATION

DELWP formally referred the application to the City of Melbourne seeking Council's views as a recommending referral authority in accordance with Clause 66.04 above.

It is DELWP's responsibility to administer public notice where required.

7 INTERNAL REFERRALS

7.1 Urban Design

The application was referred to Urban Design who provided the following comments (summarised).

Urban structure:

- The proposed arcade linking Collins Street to McGrath's Lane is supported. This arcade provides an active passage to Exhibition Street also.
- The finishes of the arcade require further refinement.
- The hours of operation of the arcade should extend beyond typical business hours.
- The relocation of the arcade entry off McGrath's Lane further to the south would allow the adjacent commercial tenancy to operate independently of the arcade rather than rely upon it for access.

Building mass:

- The original intention of Schedule 10 of the DDO was to encourage slender forms upon prominent corners.
- The bulk of the building as viewed from Exhibition Street will be considerable. This would be at odds with the generally narrower frontages which prevail in this area.
- Notwithstanding this, the impact of the proposed street wall across the adjacent broad streets would be no more than the existing building on site. To this end, the sense of openness at this street corner will be maintained.
- A stronger relationship is required between the retained front part of Melville House and the vertical element behind it.

Building program:

- The development should be managed in a way that allows the use of the arcade outside typical business hours.
- The provision of a shared vehicle, bicycle and loading bay entry into the building off Exhibition Street is supported. This allows for the removal of a crossing along the Collins Street frontage. The bicycle entry point will also link with the Capital City Trail extending along Exhibition Street.

Design quality:

- The treatment of the lower levels successfully relates to Melville House. The finer grain metal frames of the lower levels also appear appropriate though scaled details of these are required.
- Further details of certain elements of the building (including window frames, canopies and balustrades) should also be sought via conditions upon any permit issued.
- Post-permit value engineering exercises can often reduce the quality of a scheme. Assurances are sought that the value of this scheme will not be reduced in the future.

Recommendation -

We support the proposed development at this prominent and nationally significant corner within the Hoddle Grid, owing to the restrained but elegant response to the heritage context, its strong focus on ground level detail and studied relationship to neighbouring forms of a range of eras, both pre-war and post-war. Subject to the resolution of a number of minor elements ... we believe the proposal has the potential to extend the urban quality that is characteristic of this precinct if delivered in accordance with the design intent. Permit conditions requiring a detailed façade strategy and further assurances from the client are essential to protect the intended materiality and detailing.

7.2 Heritage Advisor

The application was referred to the Council's Heritage Advisor who provided the following comments (summarised):

52 Collins Street (ANU House) -

- While the original retained front part of Melville House is included in the VHR, the rear more recent tower is not.
- Notwithstanding this, the tower and site remain a notable element of this precinct.

- Any tower should be setback a minimum of 15 metres from the street front in order to ensure that it is viewed as being sufficiently behind the retained heritage building.
- The VHR extent of registration includes the front retained part of Melville House only (the front 9.5 metres of the site) on the basis that this reflects the value of the retained part alone and not the wider context of the site and surrounding heritage precinct. This precinct has evolved over time to now include a number of modern interventions.

60 Collins Street (Reserve Bank of Australia)

- This building, along with Nos. 15, 20, 82 and 100 Collins Street, do not contribute to the foundation character of this heritage precinct. These buildings are however relevant to understanding the character of this area.
- 60 Collins Street was graded on the basis that it is demonstrative of early modernism and its impact upon Melbourne. The re-grading of the building to C in 1993 further underpins its value.
- This building has aesthetic value and assists in providing a visual transition between the pre-war development of the surrounding area and later tower developments.
- This building as well as Nos. 15, 20, 82 and 100 Collins Street could themselves be afforded individual Heritage Overlays and Statements of Significance. Curtain wall and cladding developments such as this require formal recognition and explanation incorporated into the planning scheme.

7.3 Traffic

The application was referred to Traffic who provided the following comments (summarised):

Parking, layout and access

- Access to the basement car park would be via an existing access way off Exhibition Street.
- A maximum of 135 car parking spaces could be provided on site. 36 spaces only will be provided.
- Though three proposed parking spaces appear to be sub-standard, swept path diagrams confirm access may still be obtained.
- Plans showing dimensions / clearances around all columns are required.
- Though the access ramps into the building appear to comply with the relevant Australian Standards, convex mirrors should be provided at ramp bends.
- All ramp transition zones should be no less than 4.0 metres long in order to ensure cars do not bottom out.
- It appears as though one on-street parking space would be lost to accommodate vehicle entry into the building. Given bicycle lanes are soon to be provided along Exhibition Street however, this space may yet be able to be retained.
- Notwithstanding this, the removal of an existing crossing along the Collins Street frontage will enable the provision of an additional on-street space here.
- The relationship / proximity of the car access ramp to the bicycle access ramp is acceptable.
- The vehicle entry gate into the building would be setback eight metres from the boundary. This would enable a vehicle to prop inside the site without inhibiting pedestrian access along the adjacent footpath.
- Though motorcycle parking is not technically required, this is nevertheless encouraged and space enough exists for this on site.
- The number of bicycle parking spaces provided on site and associated facilities exceed the requirements of Clause 52.34.

Waste

- Waste vehicle access arrangements are acceptable. Any residual issues may be managed via the on-site traffic control system.
- Existing on-street parking facilities will not be altered to accommodate on-site access / waste collection / delivery issues.

General

- The vehicle movements anticipated to be generated by the development will not impact upon the function of the surrounding road network.
- An independent road safety audit should be undertaken and the findings incorporated into the final detailed design of the building.

7.4 Civil Design

The application was referred to Civil Design who provided the following comments (summarised):

- The southern end of McGrath's Lane must be vested in Council and reconstructed in accordance with Council's specifications at the developer's cost.
- Any projections beyond the title boundary must accord with relevant Building Regulations and the Council's Road Encroachment Guidelines, including impacts on trees and clearances from kerbs.
- The proposed vehicle crossover off Exhibition Street should not exceed a width of 7.6 metres (6.1 metres only proposed).
- Conditions relating to the finishes of roads and footpaths adjacent to the site, the removal of redundant crossings, lighting and street furniture should be included on any permit issued.

7.5 ESD and Green Infrastructure

The application was referred to the Council's ESD and Green Infrastructure Officer who provided the following comments (summarised).

Green Star Pathways:

- A target five star Green Star rating is proposed.
- All documentation / calculators confirming the building's rating must be included in the appendix to the ESD report together with evidence of the building's registration with the Green Building's Council of Australia (GBCA).

Energy:

- The office component of the development will achieve a five star NABERS Energy Base Building performance.
- Discrepancies in the submitted ESD report should be clarified; this includes the model against which the building will be assessed.

Renewable energy:

- A 40kW solar PV array providing a minimum of 5% of the building's energy needs will be installed upon the roof of the building. This would assist in achieving Green Star targets.

Green infrastructure and landscaping:

- The building will comprise two elevated landscaped terraces. The proposed soil volumes are considered to be appropriate.
- A condition should be included upon any permit issued requiring a Landscape Maintenance Plan. This should detail the ongoing maintenance of planters following practical completion. An Irrigation Performance Specification should also be provided.

Transport:

- The proposed bicycle parking and associated end-of-trip facilities will assist in achieving the target Green Star rating.

Stormwater management:

- The submitted ESD report states that the development will comply with the requirements of Clause 22.23 (Stormwater management).

- MUSIC modelling demonstrating compliance with this clause and Green Star stormwater credits should be provided prior to the issuing of any permit.
- All rainwater tanks, other stormwater devices and associated infrastructure specified in the MUSIC model must be shown on the development plans.

8 ASSESSMENT

The key issues for consideration are:

- The relationship of the development with the provisions of Schedule 10 of the Design and Development Overlay.
- The impacts of the development upon the heritage values of the site and the surrounding area.

8.1 The relationship of the development with the provisions of Schedule 10 of the Design and Development Overlay

Building form

Table 3 of Schedule 10 of the DDO sets out particular built form requirements, including as these relate to 'street wall height'. This part of the table is shown below together with a response to the related built form outcomes.

Design element	Preferred requirement	Modified requirement	Built form outcomes
<i>Street wall height</i>	<i>Up to 20 metres</i>	<p><i>The street wall height must be no greater than:</i></p> <ul style="list-style-type: none"> • <i>40 metres; or</i> • <i>80 metres where it:</i> <ul style="list-style-type: none"> • <i>defines a street corner where at least one street is a main street and the 80 metre high street wall should not extend more than 25 metres along each street frontage, and / or</i> • <i>fronts a public space including any road reserve wider than 80 metres</i> 	<p><i>Street wall height is scaled to ensure:</i></p> <ul style="list-style-type: none"> • <i>a human scale.</i> • <i>an appropriate level of street enclosure having regard to the width of the street with lower street wall heights to narrower streets.</i> • <i>consistency with the prevalent parapet height of adjoining buildings.</i> • <i>height that respects the scale of adjoining heritage places.</i> • <i>adequate opportunity for daylight, sunlight and sky views in the street.</i> • <i>definition of main street corners and / or public space where there are no significant impacts on the amenity of public spaces.</i> • <i>maintenance of the prevailing street wall height and vertical rhythm on the street.</i>
Response	Schedule 10 of the Design and Development Overlay defines 'street wall height' as <i>the vertical distance between the footpath or natural surface level at the centre of the site frontage and the highest point of the street wall, with the exception of non-habitable architectural features not more than 3.0 metres in height and building services setback at least 3.0 metres behind the street wall.</i>		

Both street walls of the building will stand to heights in excess of 80 metres. While all enclosed floor space will not exceed this height, the screens above this bounding the terrace on Level 20 will.

Schedule 10 defines 'street wall' as *any part of a building constructed within 0.3 metres of a lot boundary fronting a street*. On this basis, the proposed screens may be included within this definition and, in turn, the definition of 'street wall height'.

While the screens could be regarded as architectural features, the question is should these be regarded as such or should they be regarded as extensions to the street wall height over and above that permitted by Schedule 10?

Neither Clause 73 of the Melbourne Planning Scheme or the *Planning and Environment Act 1987* define architectural features.

Considerations should therefore be given to the design objectives of Schedule 10. These include:

- *To ensure development achieves a high quality of pedestrian amenity in the public realm in relation to human scale and microclimate conditions such as acceptable levels of sunlight access and wind.*
- *To ensure that development respects and responds to the built form outcomes sought for the Central City.*

As it relates to street wall heights, the desired built form outcomes of Schedule 10 (refer Table 3) seek to ensure street walls are:

- *a human scale.*
- *[consistent] ...with the prevalent parapet height of adjoining buildings.*
- *[a] height that respects the scale of adjoining heritage places.*
- *[provide] adequate opportunity for daylight, sunlight and sky views in the street.*
- *[define] ...main street corners and / or public space where there are no significant impacts on the amenity of public spaces.*
- *[maintain] the prevailing street wall height and vertical rhythm on the street.*

In response to the aforementioned objectives of Schedule 10 and the above desired built form outcomes it is noted that:

- Given the width of both Collins and Exhibition Streets, the proposed incursions above the preferred 80 metre threshold would not alone impact upon pedestrian amenity. Indeed from street level these incursions would not be read as such given their relatively minor nature in context.
- The treatment of the lower levels of the building seeks to reinforce the human scale of Melville House. This treatment (textured masonry) grounds the building and directly contrasts the more sheer scale of the upper levels.
- The wind assessment submitted in support of the application confirms that the building will not worsen local wind conditions in the surrounding area (refer discussion below and overleaf).
- The development will however overshadow the publicly accessible forecourt of Collins Place a short distance to the south at a time when Table 2 of Schedule 10 seeks to prevent this. It is considered that the extent of this overshadowing

	<p>would unreasonable prejudice the general amenity of this space (refer discussion overleaf).</p> <ul style="list-style-type: none"> ▪ Though the bulk of the street wall along Exhibition Street would be considerable and exceeds the modified requirements of Table 3 (length of 43 metres as opposed to 25 metres), this is accepted by the Council's Urban Design Officers on the basis that a more robust form could be sustained across the Collins Street / Exhibition Street intersection. <p>With the exception of overshadowing, it is considered that the development otherwise satisfies the relevant design objectives of Schedule 10 as well as the built form outcomes of the street wall height design element of Table 3. Again, this excludes references to sunlight / overshadowing and also adjoining heritage places (these points are discussed in greater detail overleaf).</p> <p>Notwithstanding compliance with certain aspects of Schedule 10, on the basis that the development does not satisfy the microclimate-related design objectives of this schedule and the built form outcomes of Table 3 pertaining to sunlight and impacts upon adjoining heritage places, it must be refused in accordance with the provisions of Clause 2.3.</p> <p>This is compounded by the fact that the development also fails to satisfy the built form outcomes of other design elements of Table 3 (namely 'Building setbacks above street wall', 'Building setbacks from side boundaries and rear boundaries ...and tower separation' and 'Tower floorplates') as each of these relate to sun penetration, overshadowing of public spaces and impacts upon heritage places.</p> <p>While again the development complies with the numerical standards of these design elements, this does not equate to compliance with the related built form outcomes of Table 3. It is for this reason that the development must be refused in accordance with Clause 2.3 of Schedule 10.</p>
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Wind effects

In accordance with Schedule 10, a permit must not be granted for buildings exceeding a height of 40 metres which would cause unsafe wind conditions in publicly accessible areas within a specified distance from the site (equal to half the longest width of the building above 40 metres in height measured from all façades, or half the total height of the building, whichever is greater).

On the basis the building would stand to a height of 101.5 metres, an assessment area of 50.75 metres measured from all facades of the building applies (this exceeds half the longest width of the building above 40 metres (being 19 metres only).

The wind impact assessment submitted in support of the application concludes that wind conditions within the assessment area would be comfortable, aside from at three localised positions (the diagonally opposite corner of Collins and Exhibition Streets and to the south and west along Exhibition Street and Collins Street). These locations would remain suitable for walking only. Though this is not ideal, this reflects the current condition and as such the development would not worsen the local wind environment.

Importantly, wind conditions at the entrances to the building and also across the proposed terraces upon Levels 10 and 20 were found to be acceptable throughout the year.

Given this, and on the basis that the development would not materially alter the surrounding wind environment, it is considered that the effects generated by the development comply with the provisions of Schedule 10.

Overshadowing

Table 1 of Schedule 10 lists those public places which must not be overshadowed on specific dates and times. Shadow diagrams submitted in support of the application show that the proposed building would not overshadow these spaces on the dates / times specified in Table 1 and as such the development accords with the provisions of this element of the schedule.

Table 2 of Schedule 10 lists other public places which must not also be overshadowed on specific dates / times. Unlike the places listed in Table 1 however, the places listed in Table 2 may be overshadowed so long as this does not unreasonably impact upon the general amenity of the place. These places include (as relevant) Treasury Gardens, Old Treasury steps, Birrurung Marr and any privately owned public spaces.

While the proposed building would not overshadow many of these spaces, it would cast shadows over the publicly accessible forecourt of Collins Place, a short distance to the south-east.

While these shadows would fall largely within those already cast by the existing building on site, further incursions would occur between the times Table 2 specifically seeks to prevent unreasonable overshadowing (up to 2pm on 22 September).

At 2pm, whereas the shadows cast by the existing building would extend over approximately 10% of the forecourt, the shadows cast by the proposed building would extend over a more sizeable proportion of this space (approximately 40%). Such an incursion would indeed impact upon the general amenity of this publicly accessible space at this time and as such contravenes the provisions of Table 2. Again, this table specifically seeks to prevent the unreasonable overshadowing of this forecourt at this time (being the equinox) when the shadows cast by surrounding structures represent the average length of shadows cast throughout the year. To this end, it is considered that the shadows cast by the proposed building would unreasonably impact upon the general amenity of the forecourt.

Importantly, the proposed building would need to be reduced to a height of 11 storeys to prevent overshadowing of the forecourt. This is however not the test in accordance with which Schedule 10 of the DDO operates. The schedule seeks only to prevent unreasonable overshadowing and as such a higher form could be provided on site. This should not however cast shadows similar to those which would be cast by the proposed building. A more tempered form would therefore be required in order to satisfy the provisions of Schedule 10.

It should also be noted that while the applicant is of the view that the forecourt is not a genuine place of refuge (as may be a green space) it nevertheless acts as such. To this end, the forecourt provides users with a place to rest and take refuge from the activity of Collins Street and the broader surrounding area.

Importantly, a permit has recently been issued to redevelop the forecourt (refer Permit TP-2018-736). This would result in the general opening up of the forecourt by way of the demolition of existing structures within it and the provision of feature lighting suspended from the glazed roof above. Figure 7 overleaf shows the approved works in greater details. It is considered that these works only reinforce the importance of the forecourt as an open public space which warrants protection in accordance with the provisions of Schedule 10 of the DDO.

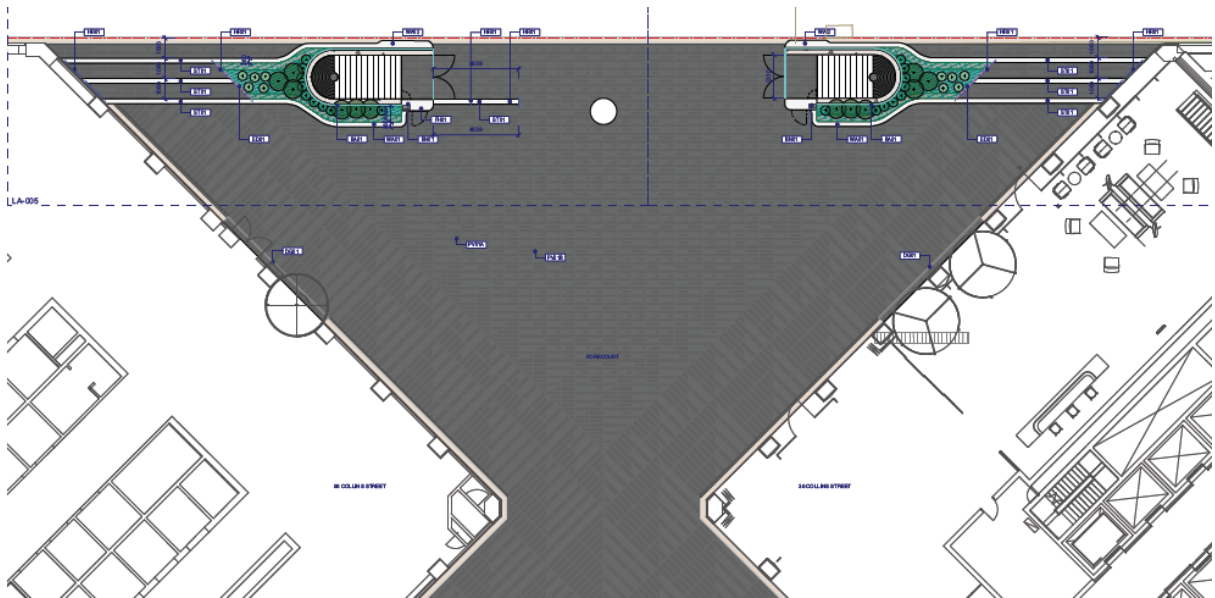
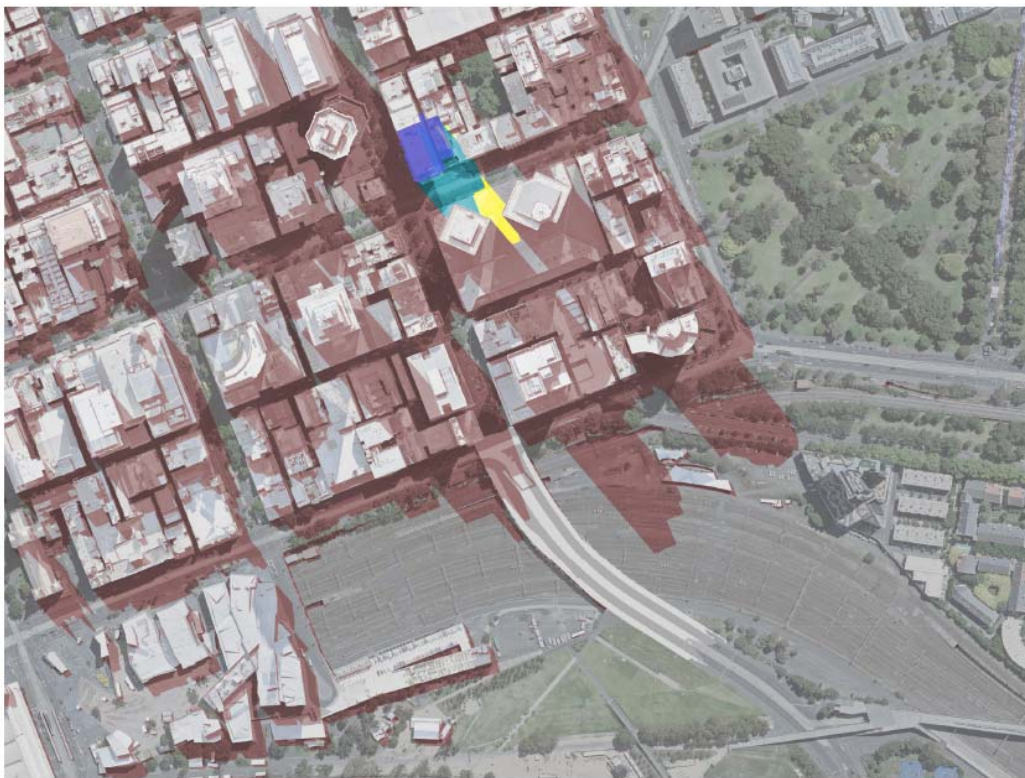


Figure 7: The approved redevelopment of the Collins Place forecourt



EXISTING SHADOW
 PROPOSED ADDITIONAL SHADOW

Figure 8: The extent of the shadows cast over the publicly accessible forecourt of Collins Place on 22 September at 2pm (source: Dexu submitted shadow studies)

Amendment C308 - Urban design in the central city and Docklands

As previously noted, Amendment C308 and the new Schedule 1 to the DDO which it would introduce are now seriously entertained. In response to the relevant design outcomes of this new schedule it is noted that:

- The development would provide a through-block link and as such reduces the effective width of this block as well as provides for a new and convenient pedestrian connection.

- While the lower levels of the building adequately respond to the form of Melville House, the element immediately behind this (the service core) does not and as such the proposed building would not, as a whole, adequately respond to the scale and significance of Melville House.
- The street fronts of the building would be sufficiently activated (greater than 80% in total) and this would assist in providing for added visual interest.
- The proposed through-block link would create a strong visual and physical connection with the surrounding public realm and provides for the continuation of activity through the site and between Collins Street and McGrath's Lane.
- Building services would be consolidated so as to ensure the extent of inactivation at street level was minimised. Importantly, the vehicle entry point would also be setback from the more sensitive Collins Street / Exhibition Street corner of the site.
- Though as a stand-alone element the building is again considered to be high quality, the service core behind Melville House fails to respond to the significance of this important contextual element.

On the basis the proposed development would not adequately respond to Melville House, it is again recommended that the application be refused. A more tempered form which not only better responded to Melville House but also limited the extent of overshadowing over the Collins Place forecourt would be a more contextually responsive outcome.

8.2 The impacts of the development upon the heritage values of the surrounding area

The site forms part of the Collins East Precinct, the Statement of Significance of which reads (as noted in Clause 22.04):

Collins Street has often been identified as Melbourne's leading street. This is due, in part, to the pleasant amenity and distinctive character of its eastern end. Its relative elevation and proximity to the Government Reserve and points of access to the City provided for its development as an elite locale. Initially a prestige residential area, the Melbourne Club re-established itself here in 1857 and by the 1860s the medical profession had begun to congregate. By the turn of the century it was firmly established as a professional and artistic centre of Melbourne, with part of its fame due to its tree plantations in the French boulevard manner (hence the 'Paris end'), which date from 1875.

A number of significant buildings come together in this precinct to form a series of prominent streetscapes. These include, at the western end, the Town Hall, Athenaeum and Assembly Hall through to the Scots and Independent Churches, with the Regent Theatre through to the redeveloped T&G building opposite. The eastern end includes the early 19th century residential and artists' studio buildings at the foot of No. One Collins, with the predominantly 20th century intact run to the north featuring Alcaston, Anzac Portland and Chanonry Houses and Victor Horsley Chambers plus the nearby Melbourne Club.

At all times until the post 1939-45 war period, redevelopment took place in a quiet and restrained manner with an emphasis on dignity, harmony and compatibility with the intimate scale and pedestrian qualities of the street. These qualities are still embodied in significant remnant buildings and other artefacts, despite the intrusion of large developments. The qualities of the street are also embodied in the social functions of the buildings which include elite smaller scale residential, religious, social, quality retailing and professional activities.

The key attributes of this precinct, as also listed in Clause 22.04, include the remaining pre-Second World War Buildings, the boulevard qualities of the street (including tree plantations and street furniture), the consistent height, scale, character and appearance of pre-war buildings and the historic garden of The Melbourne Club.

While the Council's Heritage Advisor is of the view that the Reserve Bank of Australia building (60 Collins Street) also contributes to the significance of this precinct, an objection to the application on this basis alone would prove difficult to sustain. This is due to the fact that the Statement of Significance does not refer to this or any other modern building and focuses exclusively upon pre-Second World War structures. It is this which the planning scheme considers to be significant and this which forms the basis of the heritage assessment of this application.

While the loss of 60 Collins Street would indeed be regrettable in light of the Heritage Advisor's comments, the fact remains that little exists in the way of statutory protection. Though it is policy to give regard to graded buildings, this does not guarantee their preservation.

Importantly, regard should nevertheless also be given to whether or not the demolition of this graded building will contribute to the long-term preservation of the significant fabric of the surrounding precinct. Again, in this case this is considered to be surrounding pre-Second World War buildings.

The Building Identification Sheet notes that the use of marble and internally mounted artworks are the building's only notable features. While marble is somewhat atypical in this precinct, it is again not considered to be significant here. In addition to this, anecdotal evidence also suggests that notable artworks within the building have also now been removed. Notwithstanding this, these artworks did not contribute to the character of the wider area or, in turn, its significance.

On this basis, it is considered that the demolition of the Reserve Bank of Australia building should not be opposed.

Notwithstanding this, officers remain of the view that elements of the proposed replacement building again impact adversely upon the significance of Melville House. To this end, it is considered that the height of the service core immediately behind the retained front part of Melville House is excessive and overwhelms this heritage building. While this building currently features a sizeable rear addition, this is not as tall or dominant as that now proposed.

Again, it is the pre-Second World War buildings of the surrounding precinct (such as Melville House) which are considered to be significant here.

The objectives of Clause 22.04 include *to conserve and enhance all heritage places and ensure that any alterations or extensions to them are undertaken in accordance with accepted conservation standards.*

This is supported by the purposes of Clause 43.01 (Heritage Overlay) which include:

- *To conserve and enhance heritage places of natural or cultural significance.*
- *To ensure that development does not adversely affect the significance of heritage places.*

In this case, and with regard given to the context of the surrounding area, it is considered that a lower scale rear addition would best achieve these purposes. In accordance with the advice of the Council's Urban Designers, a rear addition to a height of 40 metres (as partly proposed) would better enhance this heritage place and ensure a more comfortable relationship between the existing and new forms.

Though any such new element would of course be visible from Collins Street, in this context this is acceptable. Importantly, such a form would assist in reinforcing the primacy of Melville House and the adjacent Melbourne Club. As proposed, it is considered that the element immediately behind Melville House, part standing to a height of 101.5 metres and setback only 9.75 metres from the street front, would overwhelm this heritage asset. This higher element also represents the further incursion of more modern forms along this heritage streetscape. While this is not uncommon here, it remains the case that policy requires the

conservation and enhancement of pre-Second World War structures in this area and the proposed rear addition behind Melville House would undermine this objective.

While the scale of the replacement building at 60 Collins Street is also considerable, a degree of visual separation would be provided between it and Melville House. Though this distance would be limited, together with the treatment of the lower levels of the new building, it is considered that it would not alone impact upon Melville House.

Unlike the new building at 60 Collins Street, the street facing wall of the rear addition behind Melville House would be largely blank and as such contributes little to the streetscape. Though particular finishes would be applied to improve the appearance of this wall, the fact remains it will not contribute activity to the street scene. This lack of visual interest only accentuates the sheer scale of the wall and its adverse relationship with Melville House.

With regard to Amendment C258 and the performance standards of draft Clause 22.04 (Heritage places within the Capital City Zone), it is considered that the proposed development contravenes the intent of this policy. This includes with reference to the performance standard entitled 'New buildings.'

This standard seeks to ensure that new buildings do not visually dominate or disrupt the appreciation of a heritage place. While the lower levels of the proposed building certainly respond to the form and proportions of Melville House, it is again the element immediately behind it which dominates and disrupts the appreciation of this significant building.

Though as a stand-alone piece of architecture the proposed building is considered to be of high quality, the treatment of the service core wall immediately behind Melville House does not adequately respond to the immediate surrounding context. It is considered that Melville House and, in turn, The Melbourne Club, warrant a more engaging backdrop. While the finish of the service core wall would again be high quality, this does not off-set its inactivation and limited contribution to this important streetscape.

8.3 Other matters

Schedule 1, Area 2 of the DDO

Schedule 1 of the DDO states that the ground level street frontages of new buildings in this location should comprise:

- *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.*
- *Clear glazing (security grilles must be transparent).*

In response to these criteria, it is noted that:

- The Collins Street frontage of the site is 39.97 metres wide. Of this, 27.89 metres is new built form. The remaining part of the frontage is occupied by Melville House and alterations to this heritage building in accordance with the requirements of Schedule 1 of the DDO are not warranted or considered to be appropriate.

To this end, the effective width of the Collins Street frontage to which the requirements of Schedule 1 should be applied is 27.89 metres. This frontage would include a retail premises, office lobby / lounge and entrance to the linkway extending through the site. Each of these elements are active and as such the Collins Street frontage of the development complies with the provisions of Schedule 1.

The Exhibition Street frontage of the site is 48.23 metres wide. Of this 33.29 metres (or 69%) of the frontage would feature active elements. The remainder of the frontage would be occupied by building services and the vehicle entry point into the site.

While the extent of active frontage along Exhibition Street is less than that required by Schedule 1, it is noted that the service and entry elements of this frontage have been minimised as far as practicable and located away from the more sensitive Collins Street / Exhibition Street intersection. This is considered a more prominent pedestrian location. Importantly, the total extent of active frontages of the building along both Collins and Exhibitions Streets would be 80.4%. This is marginally more than required by this schedule and as such is considered to be acceptable.

- The treatment of the lower levels of the building seeks to reinforce a human scale. These lower levels feature a number of internal framing elements which further articulate this element of the building.
- The ground level frontages of the building will be clear glazed. No internal or external security grilles are proposed.

Floor Area Uplift and Public Benefits

On the basis that the floor area ratio of the development would not exceed 18:1, no floor area uplift will be generated and as such no public benefits are required.

Notwithstanding this, the provision of a publicly accessible linkway through the site providing direct access between Collins Street and McGrath's Lane between 7am and 7pm could be considered a public benefit in accordance with DELWP's 2016 guidance with regard to this matter. Though the Council would not technically accept this linkway as a public benefit on the basis that it is encumbered by structures both below and projecting over it, should a permit be issued this linkway would indeed be of public value. This value would be enshrined by way of a legal agreement requiring the linkway to remain open between agreed times.

The ESD credentials of the development

Clause 22.19 (Energy, water and waste efficiency) states that where a new building measures in excess of 2,000 m², it must be demonstrated that the potential exists to achieve the relevant performance measures set out in Clause 22.19-5.

Clause 22.19-5 states that retail premises up to 2,000 m² gross floor area will be assessed against the following performance measures:

- Water efficiency - 5 points for Wat-1 credit under a current version of the Green Building Council of Australia's Green Star - Retail rating tool or equivalent.
- Waste efficiency - A Waste Management Plan prepared in accordance with the current version of the City of Melbourne's 'Guidelines for Waste Management Plans.'

In addition to this, Clause 22.19-5 states that where the gross floor area of any new office spaces exceeds 5,000 m², an assessment against the following performance measures should also be undertaken:

- Energy efficiency - NABERS Office - Energy 5 Stars or equivalent.
- Water efficiency - 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.
- Waste efficiency - A Waste Management Plan prepared in accordance with the current version of the City of Melbourne's 'Guidelines for Waste Management Plans'.
- 5-star rating in accordance with a current version of the Green Star - Office rating tool or equivalent.

While the Council's ESD and Green Infrastructure Officer is satisfied that the proposed building targets are acceptable in accordance with the minimum requirements of Clause 22.19-5, further information is nevertheless required. This includes:

- Confirmation of the registration of the building with the GBCA.
- Any preliminary calculators used to determine points for the Green Star pathway included as an appendix to the submitted ESD report.

- MUSIC modelling demonstrating compliance with the provisions of Clause 22.23 (Stormwater management) along with Green Star stormwater targets.
- Any rainwater tanks and other stormwater devices as well as associated infrastructure set out in the MUSIC model included on the application plans.

Parking, access, loading and waste

Car and bicycle parking

The number of car and bicycle parking spaces to be provided on site complies with the maximum and minimum requirements of Parking Overlay, Schedule 1 and Clause 52.34 respectively.

Given the limited number of car parking spaces provided, it is considered that the movements generated by the development will not alone impact upon the function of the surrounding road network. Data to this effect has been submitted in support of the application and accepted by the Council's Traffic Engineers.

Though it is anticipated that comfortable access may be obtained to all parking spaces, should a permit be issued it is recommended that a condition be included requiring the provision of fully dimensioned plans showing clearances around all columns within the car park. This, together with the provision of convex mirrors along the access ramp at changes of direction and also the provision of increased length transition zones (minimum four metres long) will assist in ensuring comfortable and safe vehicle access and egress through the building.

Though one on-street parking space along Exhibition Street may be lost to accommodate vehicle entry into the building, the provision of dedicated bicycle lanes along Exhibition Street (as proposed separate to this application) may still allow for the retention of this space. This will be confirmed in due course.

Notwithstanding this, the removal of an existing crossing along Collins Street adjacent to the site would allow for the provision of an additional on-street parking space here. Given this, the development would not result in the net loss of on-street parking spaces and may indeed allow for one additional space.

Importantly, the increased number of bicycle parking spaces to be provided on site (111 more than required) will assist in alleviating any residual demands for either on-site or on-street car parking spaces. This is aided by the proximity of the site to a range of public transport services and the fact that this suite of options significantly reduces building users' reliance upon private vehicles.

End-of-trip facilities also exceed that required by Clause 52.34. To this end, 32 showers will be provided at Basement Level 02. This is 23 more than required. This will again further encourage cycling to / from the site.

While the number of bicycle parking spaces and associated end-of-trip facilities exceed the requirements of Clause 52.34, it is unclear how these would be allocated.

It is the officer's expectation that this would accord with the minimum requirements of Clause 52.34 by use. Excess spaces should be allocated commensurate to each use to ensure an equitable distribution. Given however the amount of office floor space far exceeds that of the retail premises, it may also be appropriate to allocate all / the majority of excess spaces to the office component of the development. The minimum retail allocation as per Clause 52.34 should be retained.

Loading

Clause 65.01 states that before determining an application, the Responsible Authority must consider (amongst other matters) *the adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts.*

A dedicated loading / waste collection bay will be provided at Basement Level 03. This bay may be accessed via the circuitous access vehicle ramp extending through the building. Aside from requiring convex mirrors at changes of direction along this ramp, the Council's Traffic Engineers have not raised any concerns with regard to its configuration. To this end, it is considered that access arrangements to / from the on-site loading / waste collection bay are acceptable.

While the access ramp is shared with other building users, it will be controlled by an on-site traffic light system. This will assist in preventing conflicts and further safeguards access for larger loading / waste collection vehicles. This, in turn, will also assist in ensuring on-site vehicle movements are efficiently managed and do not impact upon the flow of traffic along Exhibition Street.

Importantly, the bin store will be located adjacent to the loading / waste collection bay. This ensures that bins may be comfortably transferred to waste collection vehicles without impeding the movement of other vehicles through the building.

9 CONCLUSION AND RECOMMENDATION

The proposed development generates both built form and amenity-related concerns.

While the development complies with the numerical requirements of Schedule 10 of the DDO, it nevertheless overshadows the north facing public forecourt of Collins Place and therefore contravenes the design objectives, overshadowing requirements and the related built form outcomes of Table 3. To this end, in accordance with Clause 2.3 of the schedule, the application must be refused.

The scale of the rear addition behind Melville House, as opposed to that element of the building which would occupy 60 Collins Street, is also considered to be excessive, particularly given its close relationship with the retained front part of the heritage building. A more restrained form is required here. Such a form would necessitate the relocation of the service core and this, in turn, would require fundamental changes to the layout and possible presentation of the building. These changes could not reasonably be secured via permit conditions.

A more tempered form on site, better responding to the heritage constraints of the surrounding area, would have the added benefit of reducing the length of shadows cast over the forecourt of Collins Place. This, in turn, could then satisfy the requirements of Schedule 10 of the DDO as these relate to the overshadowing of public spaces. Importantly, Schedule 10 does not prohibit the overshadowing of public spaces such as this forecourt. Shadows must however not be 'unreasonable'. Though a specific metric does not exist for this, Schedule 10 is clear that the amenity of the forecourt must not be unreasonable prejudiced.

It is recommended that Council object to the application for the following reasons:

1. The scale and bulk of the rear addition behind Melville House would impact adversely upon the character and significance of this heritage building in contravention of the provisions of Clause 22.04 (Heritage Places within the Capital City Zone), the purposes of Clause 43.01 (Heritage Overlay) and the built form outcomes of Table 3 of Schedule 10 of the Design and Development Overlay of the Melbourne Planning Scheme.
2. The proposed development would cast additional shadows over the publicly accessible forecourt of Collins Place generally between 1.30pm and 2pm on 22 September and would unreasonably prejudice the amenity of this space at these times in contravention of the design objectives, overshadowing requirement and specific provisions of Table 2 of Schedule 10 of the Design and Development Overlay of the Melbourne Planning Scheme.