

Report to the Future Melbourne (Planning) Committee

Agenda item 6.4

**Ministerial Referral: TPD-2012-19/C
839-865 Collins Street and Collins Landing, Docklands**

21 March 2017

Presenter: Jane Birmingham, Practice Leader Statutory Planning

Purpose and background

1. The purpose of this report is to advise the Future Melbourne Committee of an application to amend Ministerial Permit P2012/004820 under Section 72 of the *Planning and Environment Act 1987* to allow for a pedestrian sky bridge between the existing ANZ building and the approved office building known as Y3.
2. Planning Permit P2012/004820 was issued by the Minister for Planning on 6 December 2012 and amended on 1 March 2016 for 'Buildings and works for the purpose of an office-led mixed use building in accordance with the endorsed plans.' This permit allows for the construction of a 21 storey commercial (office) building, comprising a five storey podium with retail frontage to Collins Street'.
3. The application to amend the permit was referred by the Department of Environment, Land, Water and Planning (DELWP) for comment on 25 October 2016 and concurrently DELWP requested additional information from the applicant. Further information was received on 2 February 2017.
4. The site is in the Docklands Zone (DZ2) Schedule 2 - Victoria Harbour Precinct and is affected by Docklands Zone (DZ2) Schedule 7 – Waterways, Design & Development Overlay Schedule 12 (DDO12) – Noise Attenuation Area, Design & Development Overlay Schedule 50 (Areas A6 – Y3 and A4 – Collins Landing) – Victoria Harbour Precinct, Development Plan Overlay Schedule 3 (DPO3) – Victoria Harbour Precinct and Parking Overlay Schedule 3 (PO6) – Docklands, Victoria Harbour.

Key issues

5. The key issues in the consideration of this application are urban design and in particular the impact on Collins Landing.
6. The bridge creates a visual barrier for Collins Landing by visually enclosing the space through linking the two commercial buildings and is highly visible because of its location at the terminus to Collins Street and above Collins Landing.
7. The triangular shape of the bridge makes it appear as a much larger intervention than simply a single 3.6m wide pedestrian link with the necessary structure for suspension.
8. Collins Landing is already significantly overshadowed by the existing ANZ building and the approved Y3 building. The sky bridge will result in additional shadowing of Collins Landing, including the promenade adjacent to the Yarra River's north bank edge during lunchtime (11am – 1pm on 22 September), when nearby workers will be using the space. Any additional overshadowing of the Collins Landing is not supported as the area is already compromised.

Recommendation from management

9. That the Future Melbourne Committee resolves that a letter be sent to the Department of Environment, Land, Water and Planning advising that the Melbourne City Council does not support the proposal for reasons outlined in the delegate's report (Attachment 4).

Attachments:

1. Supporting Attachment (page 2 of 21)
2. Locality Plan (page 3 of 21)
3. Selected Plans (page 4 of 21)
4. Delegate Report (12 of 21)

Supporting Attachment

Legal

1. The Minister for Planning is the Responsible Authority on the basis that the site is located within a Docklands Zone for which the Minister is the Responsible Authority.

Finance

2. There are no direct financial issues arising from the recommendations contained within this report.

Conflict of interest

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

Stakeholder consultation

4. Council officers have not advertised the application or referred this to any other referral authorities. This is the responsibility of the Department of Environment, Land, Water and Planning acting on behalf of the Minister for Planning.

Relation to Council policy

5. Relevant Council policies are discussed in the attached Delegate Report (refer to Attachment 4).

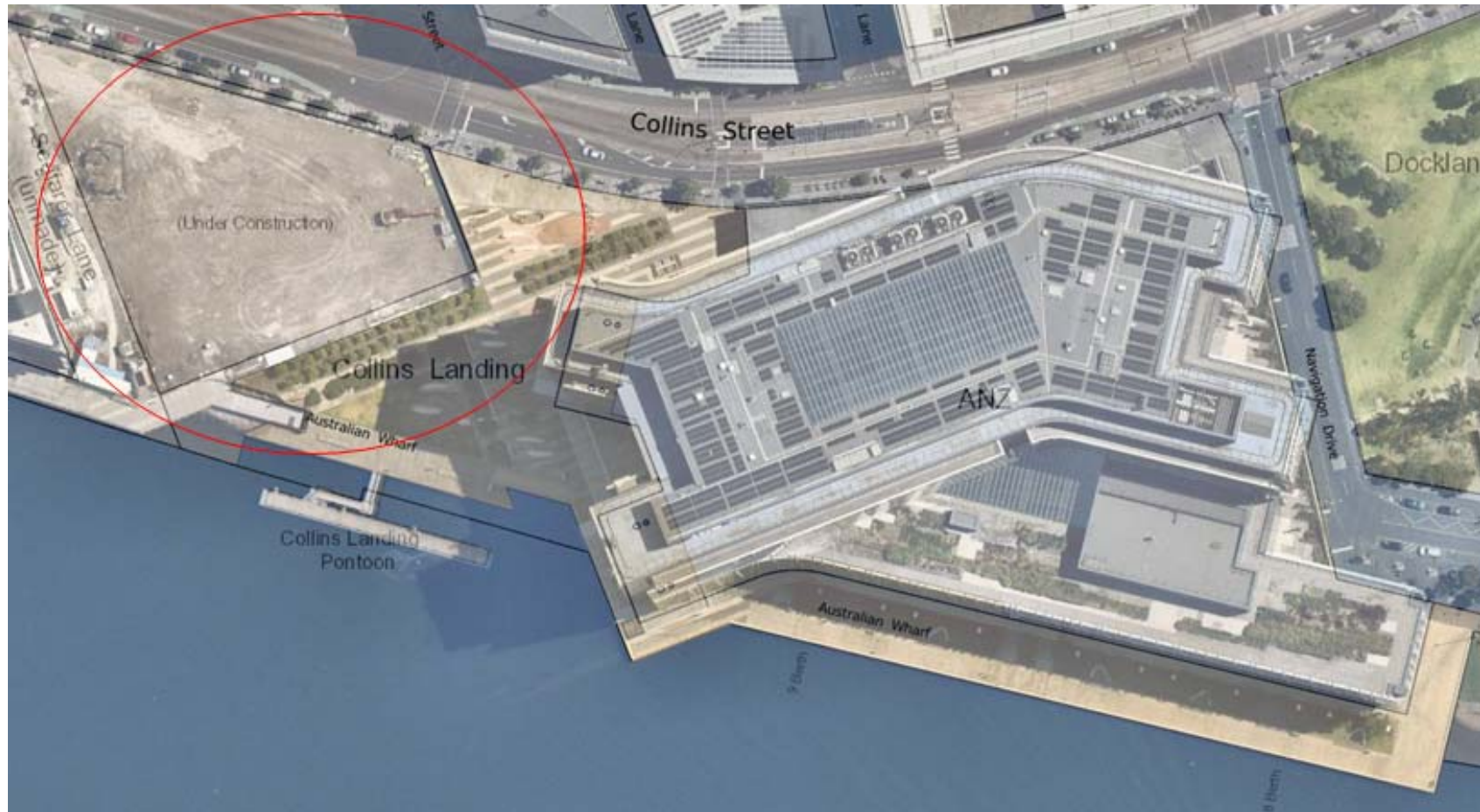
Environmental sustainability

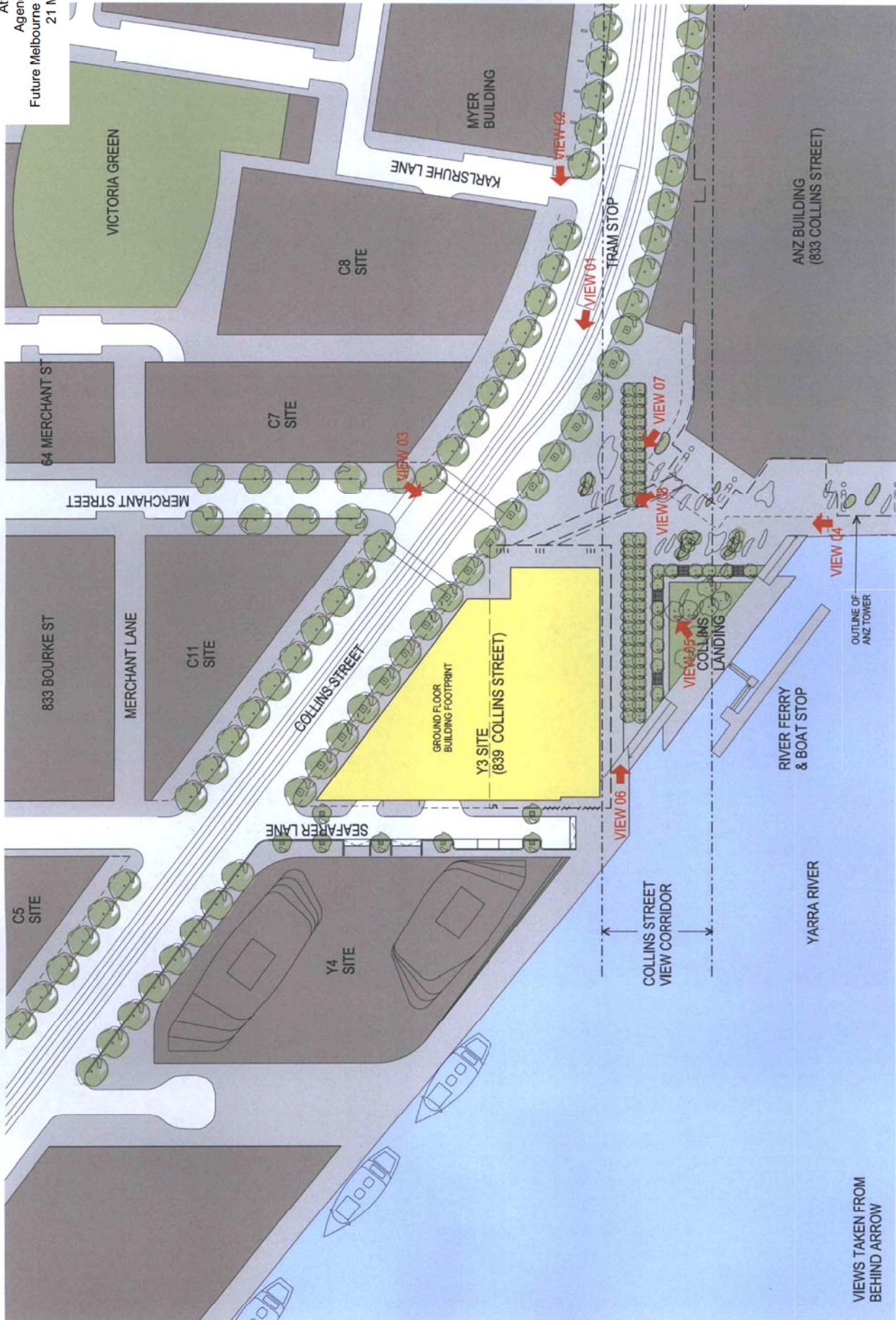
6. Pursuant to Clauses 22.19 and 22.23 of the Melbourne Planning Scheme, an environmentally sustainable design statement was submitted with the original design. It is recommended that if a permit is to issue that an updated ESD report should be submitted.

Locality Plan

Attachment 2
Agenda item 6.4
Future Melbourne Committee
21 March 2017

Y3, 839-865 Collins Street and Collins Landing





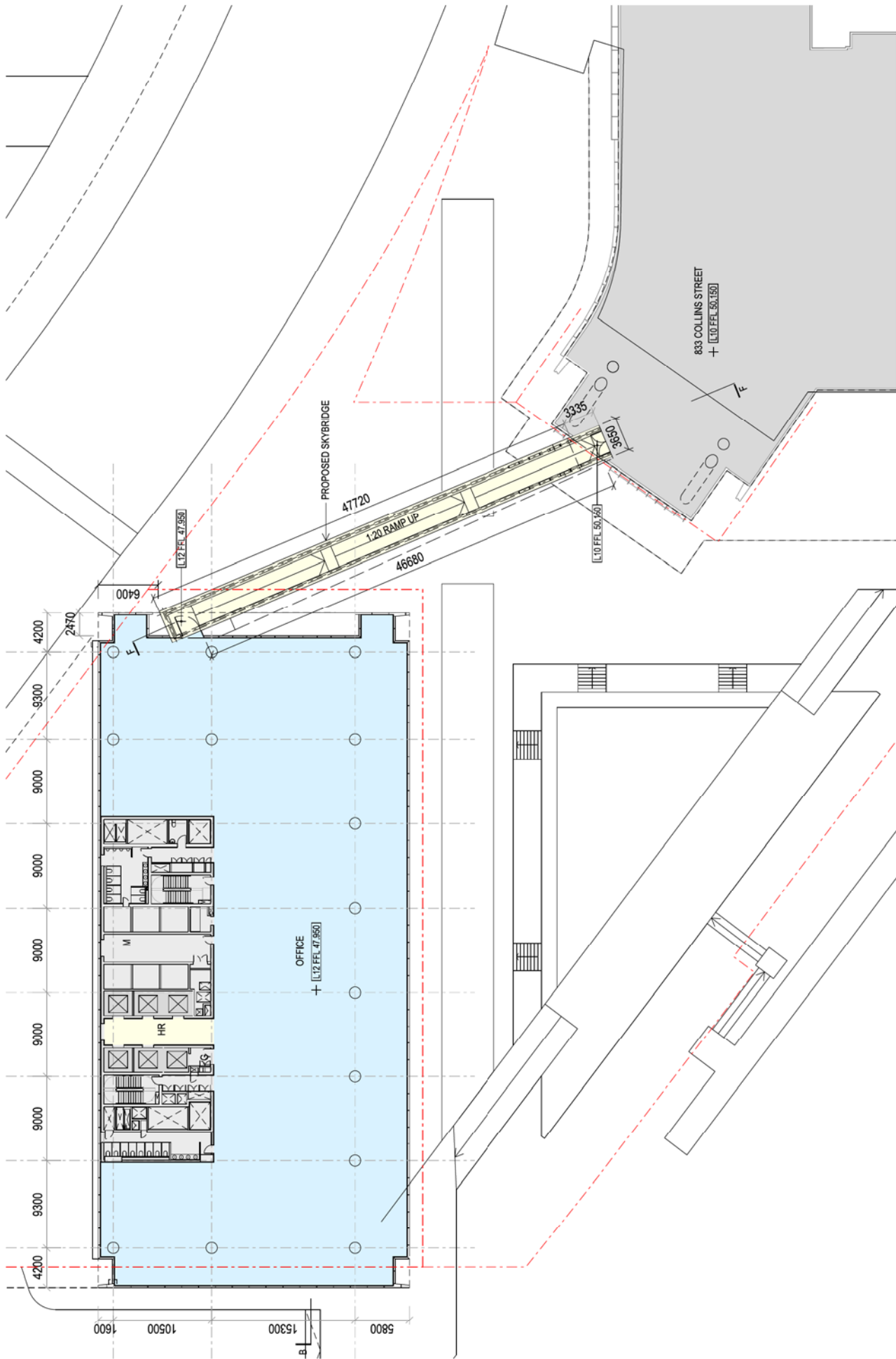
VIEWS TAKEN FROM
 BEHIND ARROW

PLANNING SUBMISSION (RFI) 25 OCTOBER 2016
 10 NOVEMBER 2016
 SITE PLAN VIEW LOCATION

VICTORIA HARBOUR
 839 COLLINS STREET
 LEASE

DENTON
 CORKER
 MARSHALL

7371B SK-645 REV. 10/11/2016
 1:1000 @ A3 0 5 10 15M
 1:500 @ A1



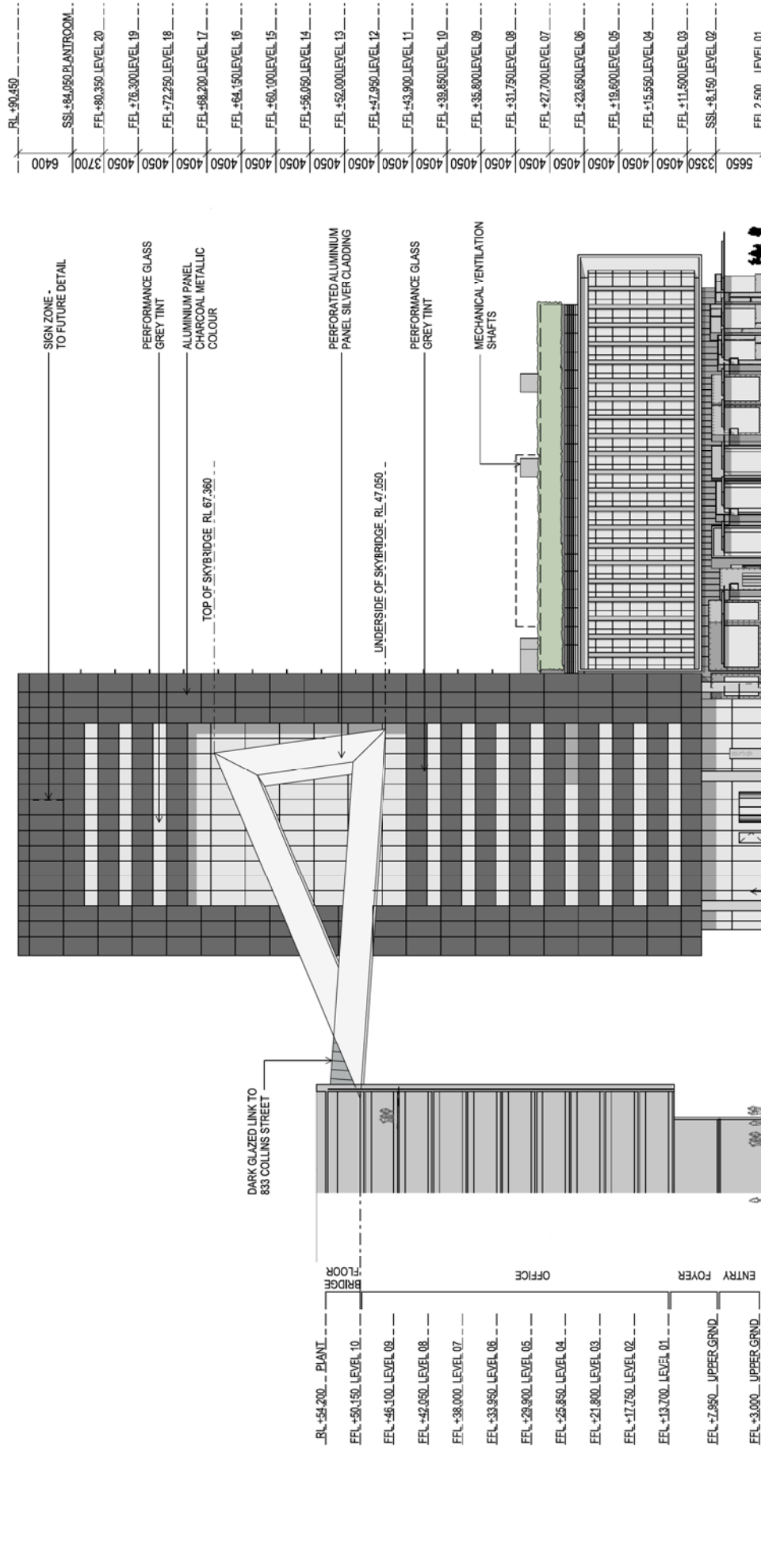
7371B SK108
1:500 @ A3 D 2 4 6M
1:200 @ A1

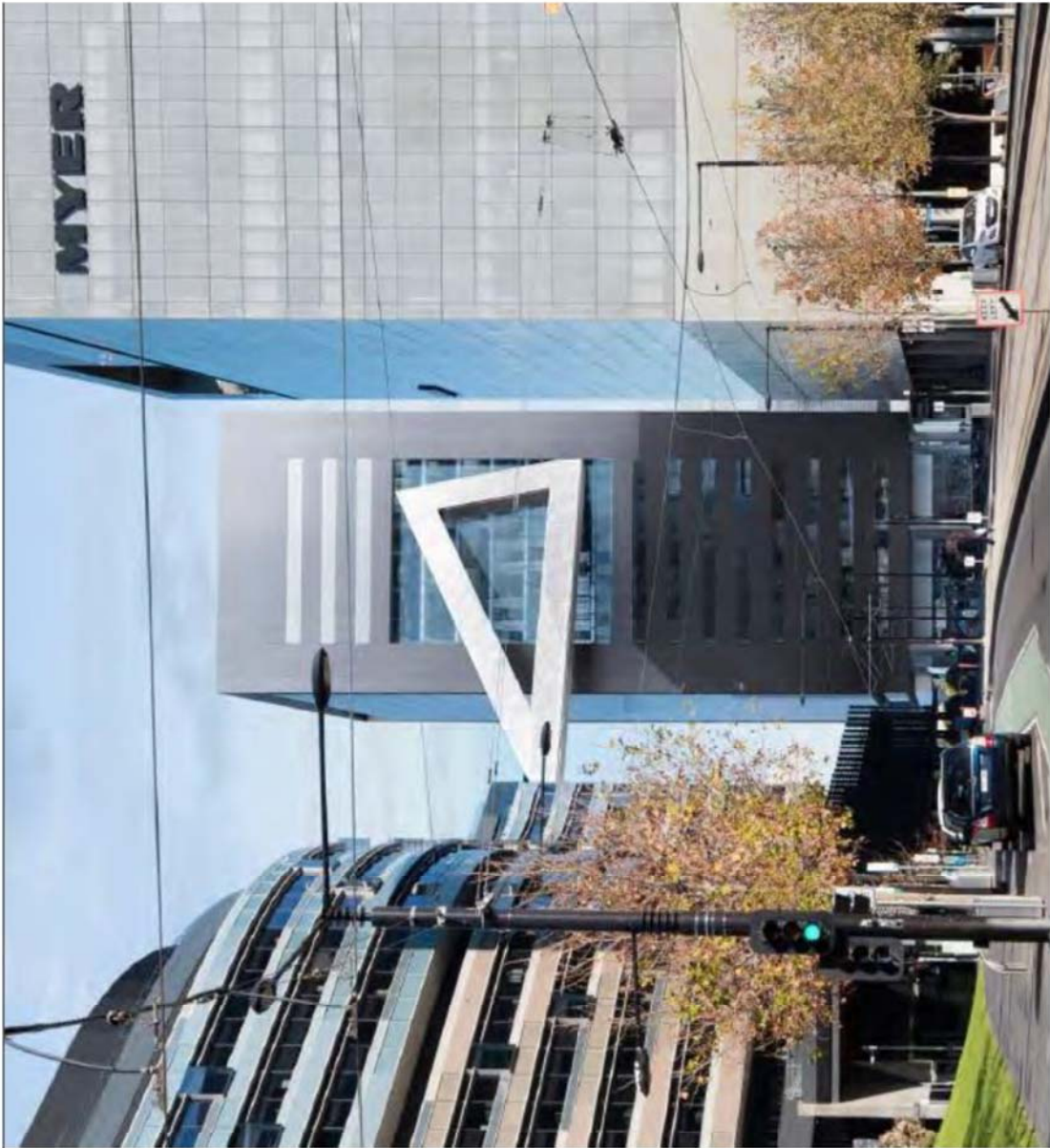
REV P7
20/9/2016

DENTON
CORKER
MARSHALL

VICTORIA HARBOUR
839 COLLINS STREET
LEND LEASE

PLANNING SUBMISSION
02 SEPTEMBER 2016
HIGH RISE TYPICAL LEVEL PLAN
LEVEL 12 - 17

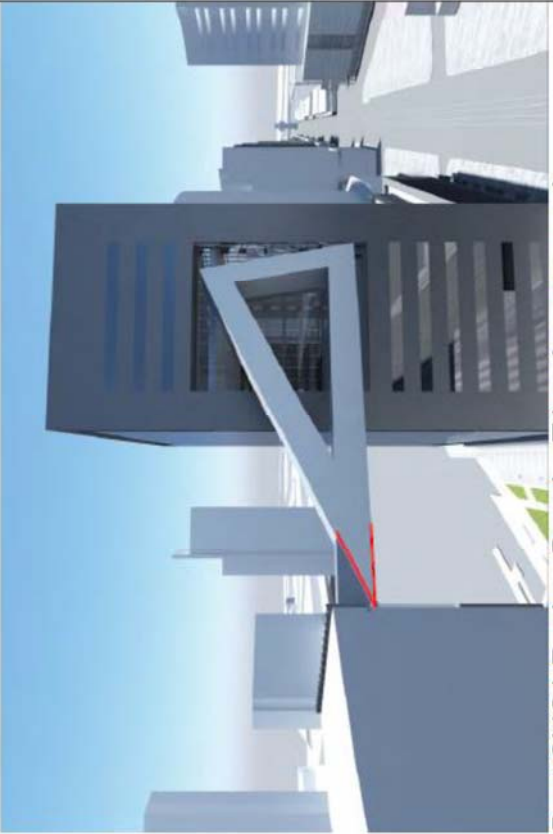




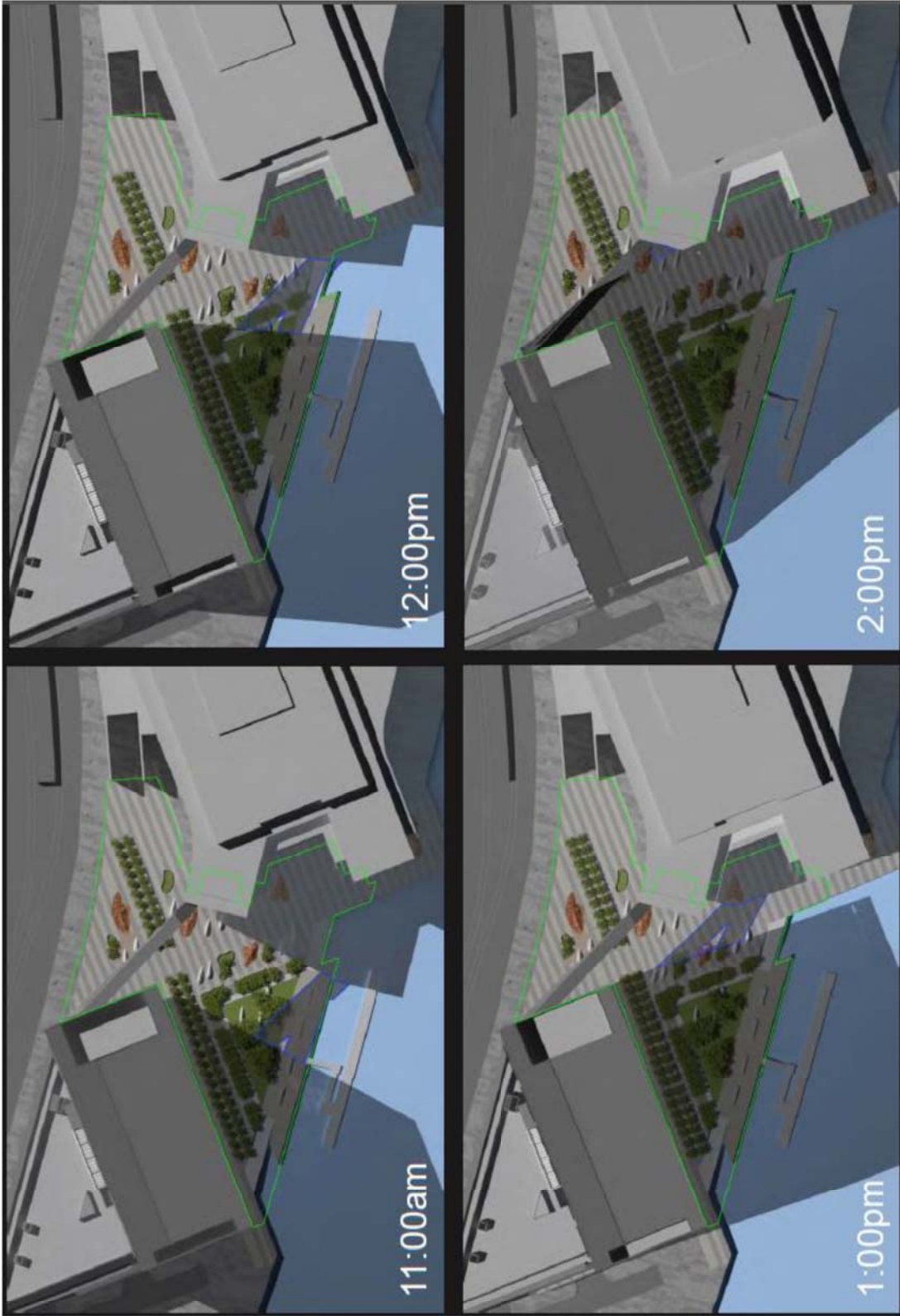
Collins Street – View to West



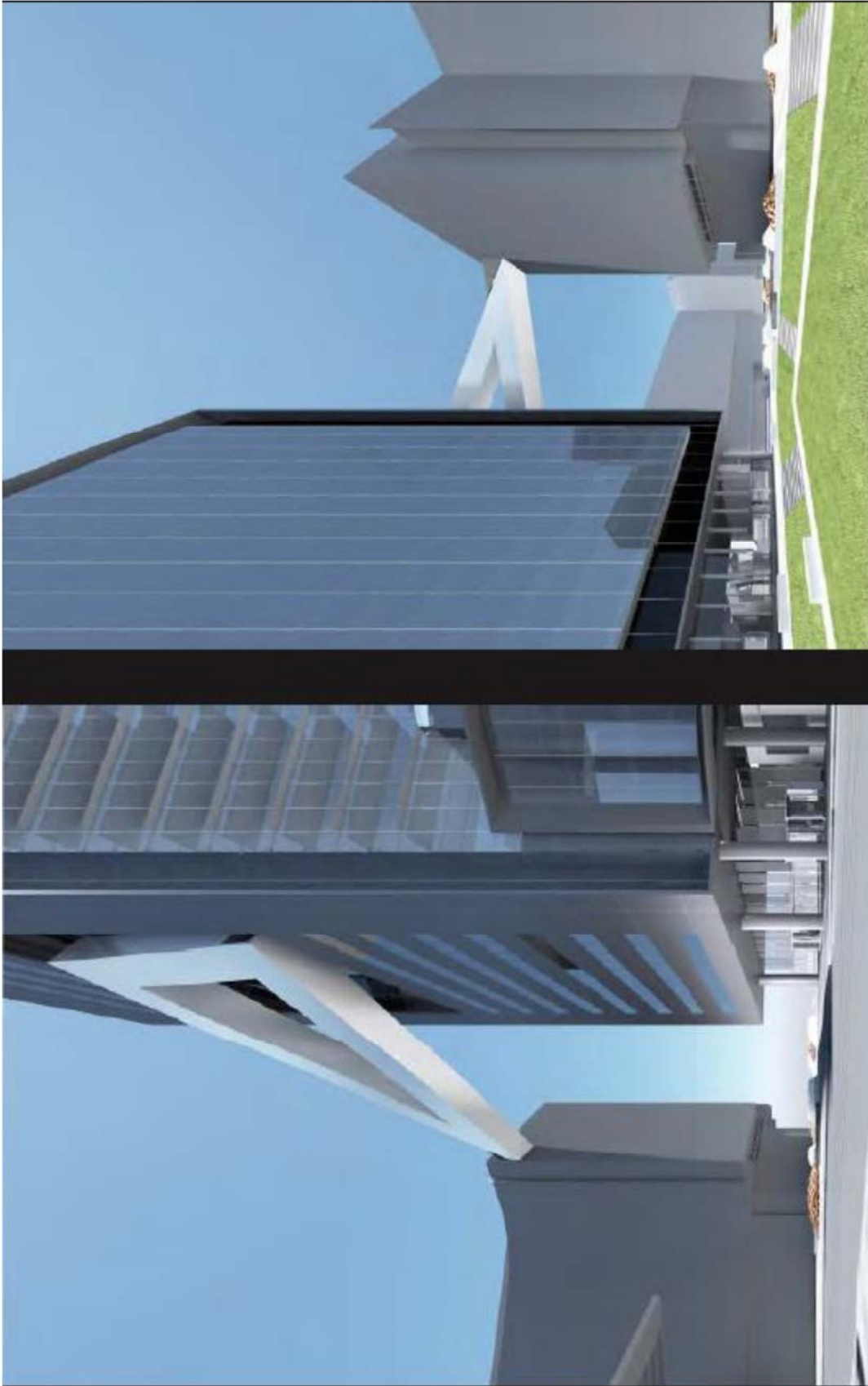
Pre OVGGA Review Panel – Triangle Truncated



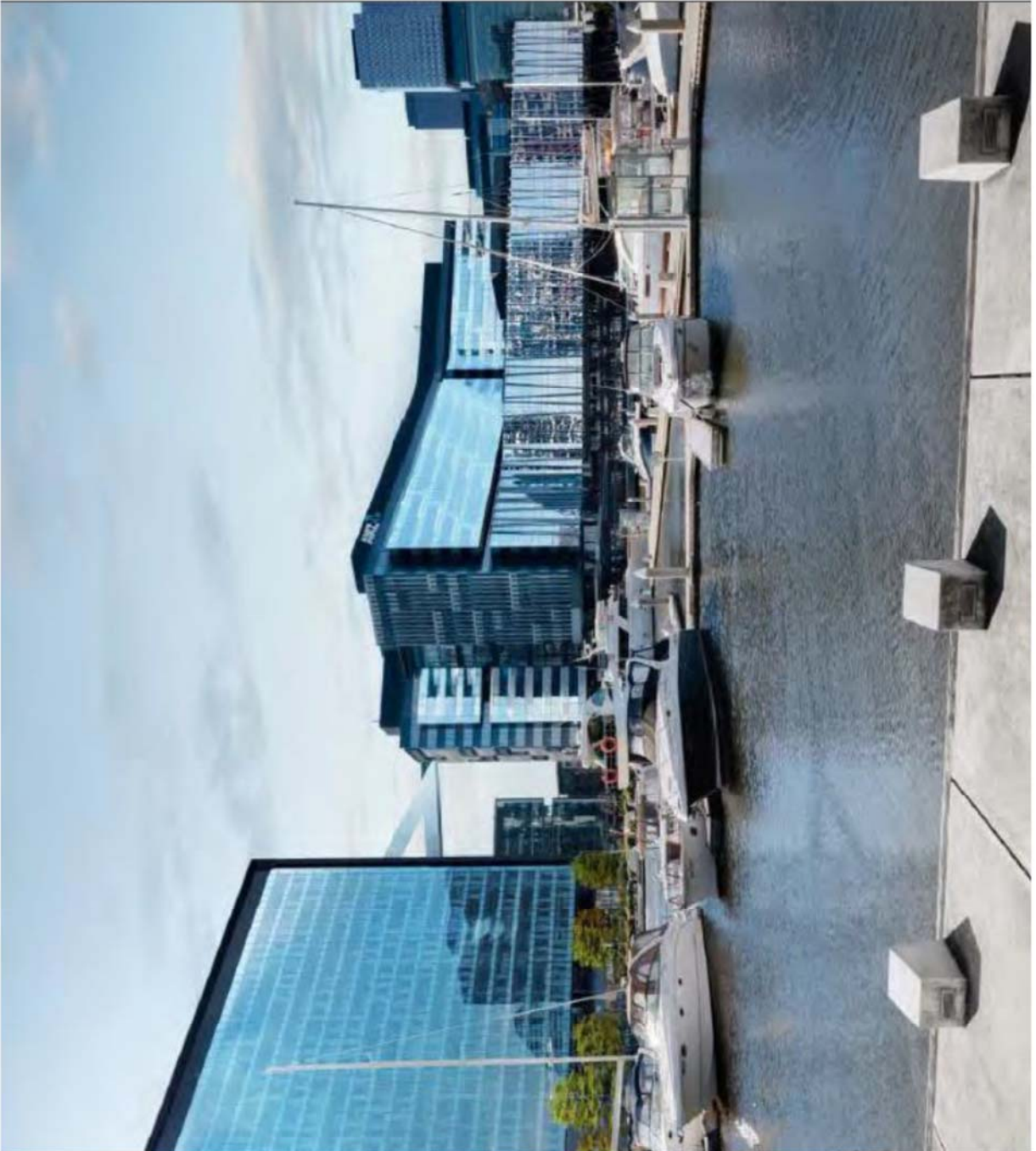
Post OVGGA Review Panel – Triangle expressed



Proposed Shadow Diagrams



View from Collins Street & Collins Landing



View from River Esplanade, Docklands.

PLANNING REPORT

MINISTERIAL REFERRAL

Application number:	TPD-2012-19/C
DTPLI Application number:	2012/004820-3
Applicant / Owner / Architect:	Lend Lease c/- Urbis Pty Ltd / Places Victoria (Collins Landing) / Denton Corker Marshall
Address:	Building Y3, 839-865 Collins Street and Collins Landing, DOCKLANDS VIC 3008
Proposal:	Application to amend the current permit to include a sky bridge between approved building at 835-849 Collins St and existing building at 791-833 Collins St Docklands. Current permit allows: Construction of a twenty-two storey building with commercial office, retail, car and bicycle parking spaces (DPCD ref: 2012/004820-3)
Cost of works:	\$161 million for office building \$10 million for skybridge
Date received by City of Melbourne:	25 October 2016 Further information 2 February 2017
Responsible officer:	Kate Yuncken
Report Date:	23 February 2017
(DM# 10672565)	

1. SUBJECT SITE AND SURROUNDS

1.1. The site

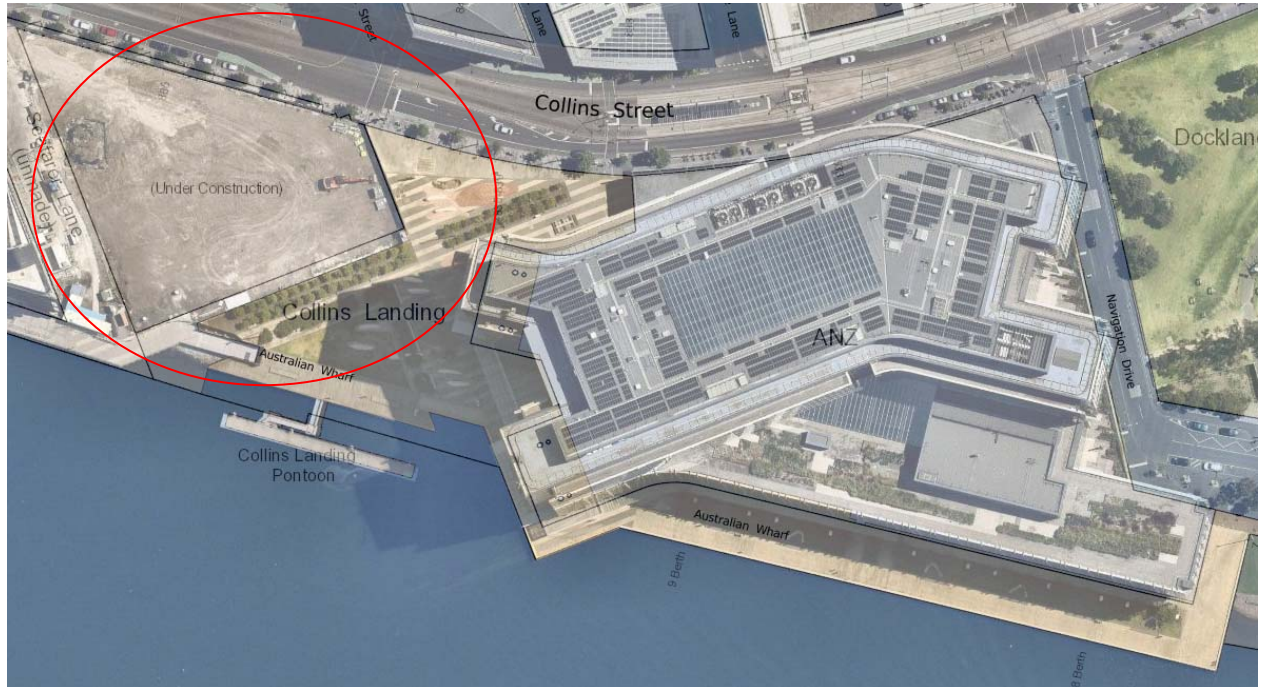
The subject site includes Y3 at 839-865 Collins Street and part of the airspace above Collins Landing at 835-839 Collins Street.

Y3 is located on the south-eastern corner of the intersection of Collins Street and Seafarer Lane, Docklands. The Yarra River and Collins Landing are located to the south and east of the site respectively. The site is approximately 3985m². Works for the construction of a 21 storey commercial building, comprising a five storey podium with retail frontage to Collins Street are currently under way (Planning Permit P2012/004820).

Collins Landing is the parcel of public space which sits to the western edge of the ANZ World Headquarters and to the east of the Y3 site. Collins Landing is Crown-owned land has been designed to incorporate a range of landscape features and qualities that cater for boating access, passive recreational use and formal gatherings. The design of the space includes patterned planting, seating, water and

sculptural artworks to create areas for open and semi enclosed public spaces for passive and active uses.

To the west of the site, across the Seafarers Lane is the Y4 development site which is currently under construction for a residential building.



Aerial of subject site.

2. BACKGROUND

Planning Permit P2012/004820 was issued by the Minister for Planning on 6 December 2012 and amended on 1 March 2016 for 'Buildings and works for the purpose of an office-led mixed use building in accordance with the endorsed plans.' This permit allows for the construction of a 21 storey commercial building, comprising a five storey podium with retail frontage to Collins Street.

3. PROPOSAL

The application proposes to amend the permit under Section 72 of the Planning and Environment Act 1989 to allow for a pedestrian sky bridge between the existing ANZ building and approved office building known as Y3.

The applicant has stated that:

The construction of the Gateway Skybridge Connection ("Skybridge") is fundamental to ANZ's ongoing commitment to Victoria Harbour and the Y3 commercial site. The delivery of a Skybridge, in conjunction with the new Y3 building, will create a significant number of new jobs, both in construction and ANZ's occupation of the 839 building (approximately 3,500 employees). The proposed Skybridge and associated development of Y3 is considered a highly appropriate contribution to Governments' vision for the Docklands and Central City area to establish as the largest service centre in Australia.

Of critical importance to ANZ is the opportunity to realise a workplace campus between the two buildings, by way of a pedestrian connection, providing direct access to shared amenities and facilities between the

existing ANZ building and the approved Y3 building. ANZ anticipate that a Skybridge will provide an environment where physical interaction and confluence is maximised in pursuit of innovation, collaboration, performance and cultural change. This connection is a fundamental lynchpin to drive ANZ's 'one office' culture, with employees able to transit between the two buildings unimpeded by externalities such as unnecessary security screening and inclement weather conditions.

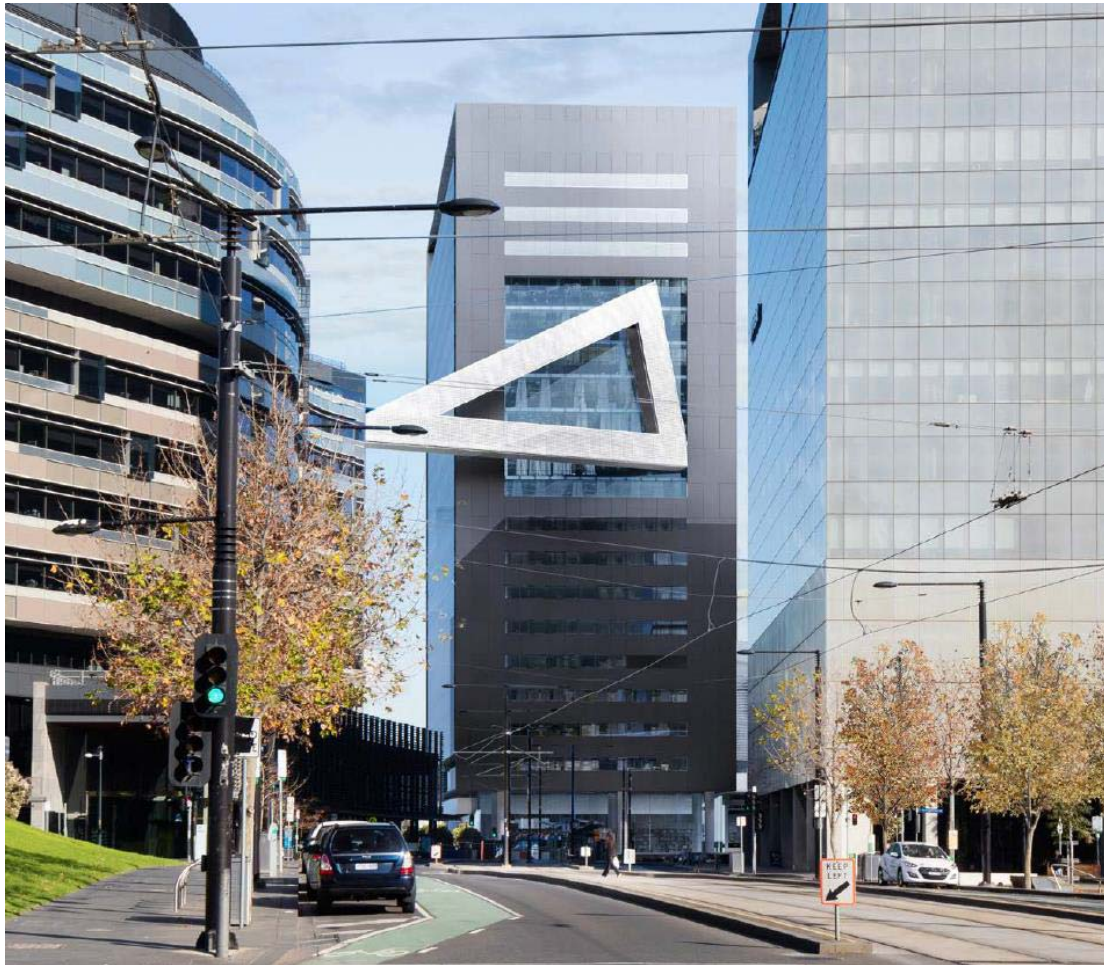
The applicant describes the proposal as

The 47.72 m long Skybridge is proposed to connect from Level 12 within the existing ANZ building to Level 10 of the proposed new tower at 839 Collins Street, spanning across Collins Landing public plaza. The design of the Skybridge, which is referred to as the 'Pennant', is an abstract form comprising of skewed angles to create a triangular or pennant-shaped form.

The proposed Skybridge will have a width of 3.6m and pedestrians will utilise the lower level of the bridge. There will be a level change of approximately 2.2m between the two buildings with a resulting gradient of 1:20, which will provide universal access without the need for ramps or landings.

The structure will be approximately 45m above the ground (approx. 11 storeys), where the height of this structure will allow it to become a major piece of urban art when viewed from Collins Street and the Yarra River. Further, the higher than typical form will minimise impacts to the ground plane. It will also future-proof the potential for any tram connection across Collins Landing and the Yarra River to Fishermans Bend.

The Skybridge is proposed to be clad in silver metallic panelling to contrast the solid gable elevations of both the ANZ buildings which are charcoal in colour. This colour contrast will enhance the skyline and contrasts with bolder colours which are often associated with artworks. To retain the abstract form of the bridge it is important to restrict the expression of windows or floors. Accordingly, a perforated material has been proposed to enable views out for pedestrians but restrict the level of transparency into the structure from the public realm. At night, the uniform perforations within the structure will allow a wash of white light, illuminating the bridge to ensure it creates a strong impact both day and night (refer to Figure 3 and 4).



Perspective of Skybridge and approved Y3 Building when viewed down Collins St (looking west)



Perspective of Skybridge, approved Y3 Building and existing ANZ building when viewed from the west looking east

4. PLANNING SCHEME PROVISIONS

The following provisions of the Melbourne Planning Scheme apply:

State Planning Policies	<p>Clause 15.01-1 - Urban Design</p> <p>Clause 15.02 - Sustainable Development</p> <p>Clause 17 – Economic Development</p>
Municipal Strategic Statement	<p>Clause 21.06 – Built Environment & Heritage</p> <p>Clause 21.08 – Economic Development</p>
Local Planning Policies	<p>Clause 22.18 – Urban Design within the Docklands Zone</p>

Statutory Controls	
Docklands Zone (DZ2) Schedule 2 - Victoria Harbour Precinct	<p>Pursuant to Clause 37.05-4, a permit is required for buildings and works unless specifically exempted by the schedule to the zone or where the development complies with an Existing Old Format Approval. The development does not comply with such an approval, nor does Schedule 2 provide an exemption. Therefore, a permit is required.</p> <p>Office is a section 1 use.</p>
Docklands Zone (DZ2) Schedule 7 – Waterways	<p>Pursuant to Clause 37.05-4, a permit is required for buildings and works unless specifically exempted by the schedule to the zone or where the development complies with an Existing Old Format Approval. The development does not comply with such an approval, nor does Schedule 7 provide an exemption. Therefore, a permit is required.</p> <p>Office is a section 2 use.</p>
Design & Development Overlay Schedule 12 (DDO12) – Noise Attenuation Area	<p>Pursuant to this Clause a permit is not required for buildings and works, other than buildings and works associated with noise sensitive uses. As the proposed development is for an office, a permit is not required under this clause.</p>
Design & Development Overlay Schedule 50 (Areas A6 – Y3 and A4 – Collins Landing) – Victoria Harbour Precinct	<p>Pursuant to this Clause a permit is not required for buildings and works, if the requirements of Tables 1 and 2 to the schedule are met. For Area 4, Table 1 states that the maximum building height is: '40 metres, with the exception of five buildings not exceeding 60 metres and on building not exceeding 45 metres which are within the southern portion of this area'.</p> <p>The proposed sky bridge is approximately 45 metres high and at the eastern portion of the area.</p> <p>Table 2 relates to minimum widths of waterfront promenades. For Area 4, a minimum promenade width of 30 m. The provision is not applicable to this application.</p>

<p>Development Plan Overlay Schedule 3 (DPO3) – Victoria Harbour Precinct</p>	<p>Clause 43.04 states that a permit must not be granted to use or subdivide land, construct a building or construct or carry out works until a development plan has been prepared to the satisfaction of the responsible authority. A permit granted must be generally in accordance with the development plan.</p> <p>This does not apply if a schedule to the overlay states that a permit may be granted before a development plan has been prepared. Schedule 3 states that a permit may be granted before a development plan has been prepared. In this case, a development plan has been prepared. However this clause does not provide any exemption from the need for a permit, regardless of whether or not a development plan has been prepared. Therefore, a permit is required under this clause/</p>
<p>Parking Overlay Schedule 3 (PO6) – Docklands, Victoria Harbour</p>	<p>A permit is required to carry out buildings and works.</p>
<p>Clause 43.04.</p>	<p>The Victoria Harbour Development Plan (2010) was prepared by Lend Lease and approved by the Minister for Planning in 2011 under the requirements of Clause 43.04. The development plan provides a planning framework that assists in the design and planning at Victoria Harbour.</p>

General Provisions	
<p>Clause 61.01 – Administration and enforcement of this scheme</p>	<p>The Minister for Planning is the Responsible Authority on the basis that the site is located within a Docklands Zone for which the Minister is the Responsible Authority.</p>

5. PUBLIC NOTIFICATION

The application has been referred to the City of Melbourne for comment.

6. REFERRALS

The application was referred to the following internal departments with comments summarised below.

6.1. Land Survey

Advice received on 17 November 2016.

The majority of Collins Landing is still owned by Places Victoria as shown by the plan prepared by Madigan Surveying which is included with the application. The balance abutting Collins Street is currently unreserved crown land.

The existing master plan shows Collins Landing as public realm, which is proposed to become crown land with Council as Committee of Management, this has not taken place yet. Land Survey have no objections to the proposal and should the sky bridge be approved it is recommended that the airspace for the sky bridge be consolidated with the

title for Y3. The sky bridge appears to be designed to be supported from the Y3 side with very little impact on the ANZ building.

The attached draft plan of subdivision with overlay has been provided to Land Survey in preliminary discussions and Land Survey have given in principle support to the plan subject to planning approval being given. The plan shows a small triangle which is within the crown land and will need to be dealt with by Places Victoria through DELWP.

It is recommended that a condition along the following lines is included in the approval

- Prior to the use of the sky bridge the airspace for the sky bridge must be consolidated with the Y3 site certificate of title to the satisfaction of the City of Melbourne's Team Leader Land Survey.

Additional advice received 6 March 2017.

Given the preference is now for the sky bridge to be temporary in nature and removed at some point, a condition along the following lines is now suggested, treating the sky bridge as a projection (please note the sky bridge is over land which is proposed to be crown land with Council as Committee of management and so no licence fee is required by Council):

Prior to the construction of the sky bridge the owner of the land must enter into an agreement pursuant to Section 173 of the Planning and Environment Act 1987. The agreement must provide the following:

- a) Liability and maintenance of those parts of the development projecting into airspace or sub-soil of land under the care and management of Council ('Projections').
- b) The Sky bridge will be removed when it is not required to be used for access between the two buildings by the one tenant.
- c) A disclaimer of any right or intention to make or cause to be made at any time any claim or application relating to adverse possession of the land occupied by the Projections.

The owner of the land must pay all of the City of Melbourne's reasonable legal costs and expenses of this agreement, including preparation, execution and registration on title.

Please note that the current amendment to the permit to remove the projections condition could be changed to amend the condition to the proposal above.

- **Urban Design and Open Space Planning**

Both areas of council are not supportive of the proposal and their comments are included in the assessment section below.

7. ASSESSMENT

The key issues in the consideration of this application are Urban Design and the impact on Collins Landing.

Urban Design

The triangular shape of the bridge makes the bridge appear as a much larger intervention than simply a single 3.6m wide pedestrian link, with necessary structure for suspension. The second (top) member is both structure and shape making. The silver/white perforated metal discussed and illustrated in rendering also makes it appear more apparent. The bridge also creates a visual barrier for Collins Landing by visually enclosing the space through linking the two commercial buildings.

Given the bridge's high visibility, being as the terminus to Collins Street and adjacent to open space it is recommended that, if it is to be supported, it should be more discretely located. This could possibly be achieved by connecting the southern face of the new building with the existing western face and will also mean that the shadow is on water for most of September rather than water's edge or public realm.

Impact on Collins Landing

The application proposes works over public open space. Clause 11.03 – Open Space and Clause 22.18 – Urban Design within the Docklands Zone provides objectives and policy guidance for assessing works within open spaces.

The objective of Clause 11.03 Open space is:

To assist creation of a diverse and integrated network of public open space commensurate with the needs of the community.

The relevant objectives of Clause 22.18 – Urban Design within the Docklands Zone seek:

- To provide a waterfront place of character and quality in which to live and work, creating both a tourism asset and a boost to Victoria's prosperity.
- To ensure that public spaces in Docklands should be comfortable, interesting and functional and should form a linked sequence of enlivening experiences.

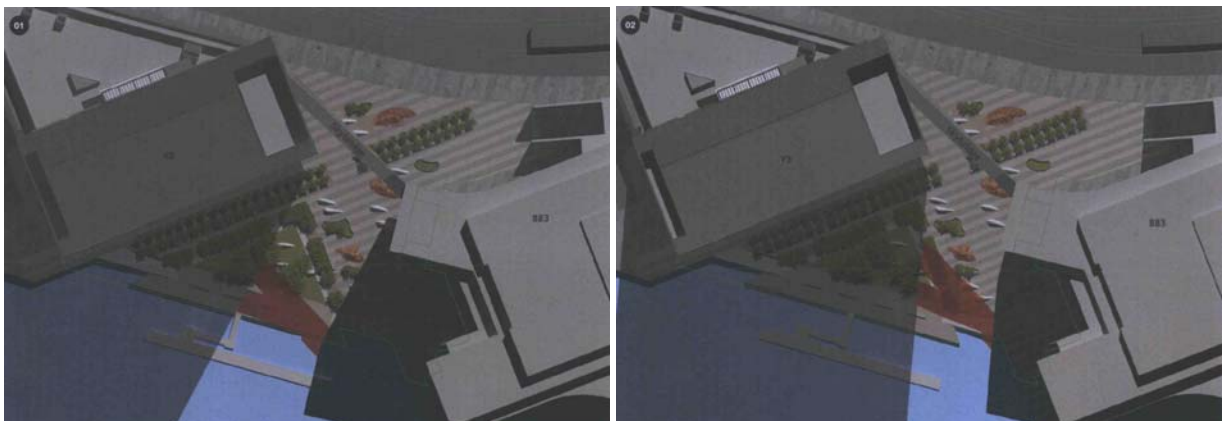
The relevant Design Principles is:

- Development should provide sunlight access to important areas of the public domain and protect key public recreational spaces from overshadowing.

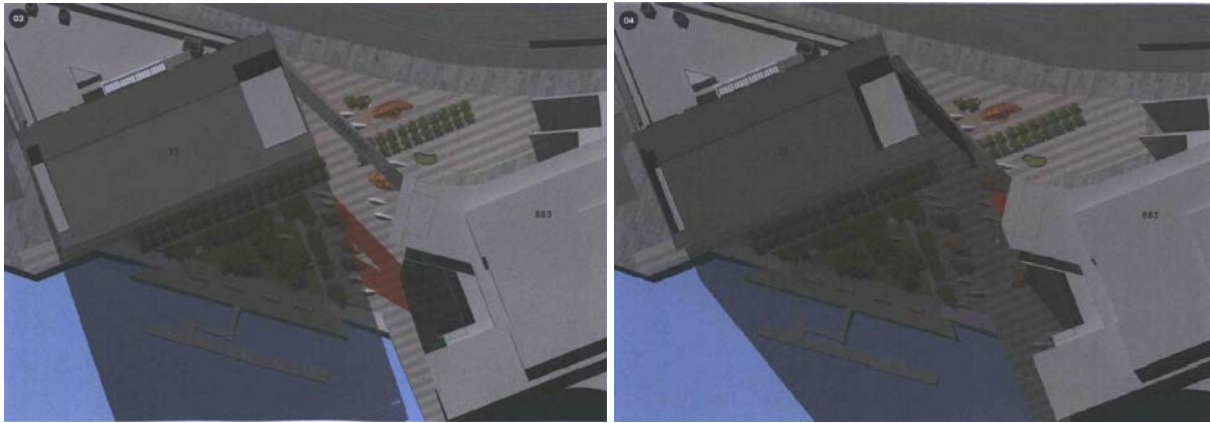
The relevant Performance Guideline is:

- Public spaces should generally be free of significant overshadowing between 11am and 3pm at the equinox (22 September / 20 March). Shadow diagrams should be prepared which illustrate the shading effects of development on public and private spaces.

Shadow diagrams recently received include 22 September shadows:



22 September 11am and 12pm (Skybridge shadow outlined in red)



22 September 1pm and 2pm (Skybridge shadow outlined blue)

As demonstrated in the shadow diagrams above, Collins Landing is already significantly overshadowed by the existing ANZ building and the approved Y3 building. The Sky bridge will result in additional shadowing of Collins Landing, including the promenade adjacent to the Yarra River's north bank edge, during lunchtime (11am – 1pm on 22 September) when nearby workers will be using the space.

There is and will continue to be substantial growth in residential and worker populations in Docklands. Council's Open Space Strategy Technical Report identifies Collins Landing an urban style space adjacent to the Yarra. The space provides passive recreation opportunities for the Dockland's population and visitors.

Section 6.5 of the Open Space Strategy Technical Report (pages 115-117) guides development adjoining or nearby open space and clearly identifies what is required in relation to the amenity and function of an open space and specifically in relation to solar access to meet this:

“The open Space must receive a minimum of 3 hours of direct sunlight between 9am and 3pm during mid-winter and at least 5 hours of direct sunlight between 9am and 3pm on September 22. Where this minimum is not currently met, the development must not create additional shadowing of the open space.” Page 116

As demonstrated, Collins Landing receives less than the minimum required hours of direct sunlight required by the Open Space Strategy Technical Report. As such any additional overshadowing of Collins Landing is not supported as the area is already compromised.

7.1. Conclusion

It is considered that the proposal fails to positively respond to the relevant sections of the Melbourne Planning Scheme, as discussed above.

8. OFFICER RECOMMENDATION

That a letter be sent to DELWP advising that the City of Melbourne does not support the proposal on the following ground:

1. The proposal will have adverse amenity impacts on Collins Landing as a result of additional overshadowing and visual prominence.

Should the Minister be of the mind to support the application it is recommended that matters be resolved and condition be included:

- The bridge to be redesigned and located to reduce shadow and visual impacts on Collins Landing and surrounds.
- Given the sky bridge is proposed to be temporary in nature and removed at some point, the following condition should be included to treat the sky bridge as a projection (noting the sky bridge is over land which is proposed to be crown land with Council as Committee of management and so no licence fee is required by Council):

Prior to the construction of the sky bridge the owner of the land must enter into an agreement pursuant to Section 173 of the Planning and Environment Act 1987. The agreement must provide the following:

- a) Liability and maintenance of those parts of the sky bridge development projecting into airspace or sub-soil of land under the care and management of Council ('Projections').
- b) The sky bridge to be removed, restoration of the eastern facade of the 851-865 and western facade of 833 Collins Street buildings, when the sky bridge is not required for access between the two buildings by the one tenant
- c) A disclaimer of any right or intention to make or cause to be made at any time any claim or application relating to adverse possession of the land occupied by the Projections.
- d) No advertising material to be erected and or displayed on the bridge

The owner of the land must pay all of the City of Melbourne's reasonable legal costs and expenses of this agreement, including preparation, execution and registration on title.

- The current amendment to the permit (DELWP ref: 2012004820-3) to remove the projections condition could be changed to amend the condition to the proposal above.