

**Report to the Future Melbourne (Planning) Committee****Agenda item 6.1**

**Ministerial Planning Referral: TPMR-2019-25/A**  
**52-60 Collins Street, 36 Collins Street and 57-67 Little Collins Street, Melbourne**

**16 November 2021**

**Presenter:** Matthew Metaxas, Manager Statutory Planning

**Purpose and background**

1. The purpose of this report is to advise the Future Melbourne Committee of a Ministerial Planning Referral seeking approval for an amendment to Ministerial Planning Permit PA1900656 at 52-60 Collins Street, Melbourne. The amendment seeks to increase the height and gross floor area of the tower and incorporates the properties to the east associated with the Melbourne Club at 36 Collins Street, and to the north at 57-67 Little Collins Street (refer attachment 2 – Locality Plan).
2. The applicant is Dexus Funds Management Ltd C/- Urbis and the architect is Bates Smart. The owners are Dexus Funds Management Ltd, Black Swan Properties Pty Ltd and Cynus Pty Ltd.
3. The site is located within the Capital City Zone, Schedule 1 (CCZ1), the Heritage Overlay (HO504, HO565, HO566 and HO1348), the Design and Development Overlay Schedules 1 and 10 (DDO1 and DDO10), the Environmental Significance Overlay (ESO2) and the Parking Overlay Schedule 1 (PO1).
4. The proposed amendments seek to increase the gross floor area from 35,730sqm to 58,127sqm and increase the overall building height from 101.5 metres to 159.64 metres, with the street wall height remaining 80 metres consistent with the approved design. The proposed floor area ratio of 8.72:1.
5. The internal layout has been redesigned to increase office space, remove the basement retail space which is replaced by additional bicycle parking and building services, and provide outdoor terrace areas at levels 9, 18 and 37. An improved through-block link to McGraths Lane is proposed, while subsequent modifications to the building design include the provision of expressed masonry grid forms above a height of 22 metres in lieu of concrete panelling.
6. The amendment proposes to secure development rights over the Melbourne Club land through a legal agreement (S173), securing the allowable gross floor area and the creation of airspace lots within the site above 40 metres in height around the building edge.
7. The amended proposal does not include any development works at either 36 Collins Street or 57-67 Little Collins Street.
8. The Minister for Planning has formally referred the application to Melbourne City Council as a recommending referral authority.

**Key issues**

9. The key issues for consideration are the increase in height and scale, the modifications to the building design, the proposal's response to the heritage setting of the Collins East precinct, and the securing of the allowable floor area ratio over undeveloped parts of the site.
10. The amended development is considered to achieve a well resolved and robust built form response to its strategic and physical context. The revised building will sit comfortably in the surrounding context which features tower forms at comparable heights, and maintains compliance with the relevant design requirements contained under the DDO1 and DDO10.
11. The amendment provides an appropriate response to the significant heritage buildings along Collins Street through the increased setback to the new building and tower form, and the application of indicative design elements at the lower levels.
12. The floor area ratio can be secured over the remaining site to ensure the objectives of the CCZ1 and DDO10 are met through conditions requiring a Section 173 Agreement and the creation of airspace lots.

### **Recommendation from management**

13. That the Future Melbourne Committee resolves to advise the Department of Environment, Land, Water and Planning that the Melbourne City Council does not object to the application, subject to the conditions set out in the delegate report (refer to Attachment 4).

### **Attachments:**

1. Supporting Attachment (Page 3 of 85)
2. Locality Plan (Page 4 of 85)
3. Selected Plans (Page 5 of 85)
4. Delegate Report (Page 41 of 85)

## **Supporting Attachment**

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### **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 Council under Section 55 of the *Planning and Environment Act 1987*.

### **Finance**

3. There are no direct financial issues to Council arising from the recommendations contained within this report.

### **Conflict of interest**

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

### **Health and Safety**

5. Relevant planning considerations such as traffic, waste management, potential amenity impacts and noise attenuation matters that could impact on health and safety have been considered within the planning permit application and assessment process.

### **Stakeholder consultation**

6. The requirement for public notification is held by the Department of Environment, Land, Water and Planning as the Responsible Authority.

### **Relation to Council policy**

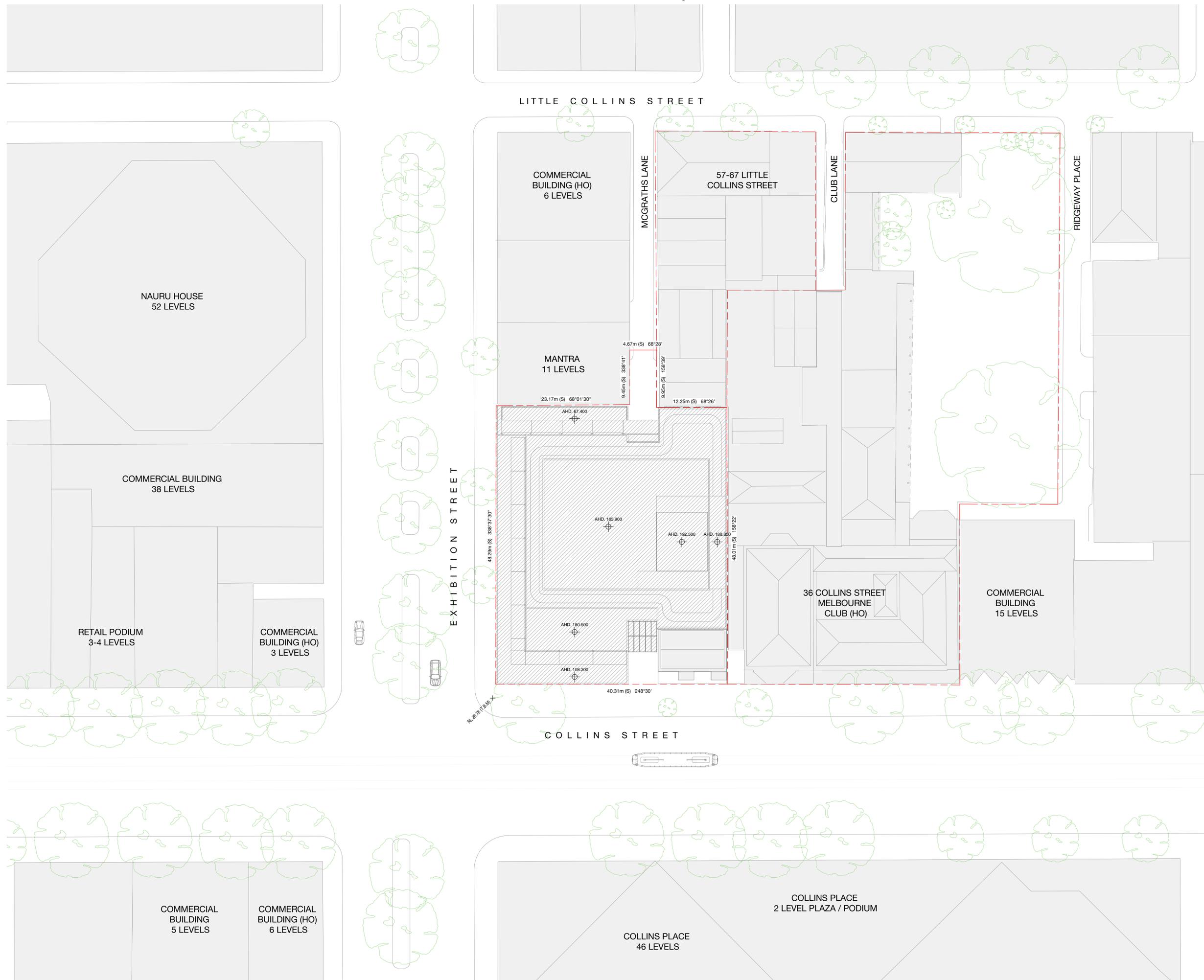
7. Relevant Council policies are discussed in the attached delegate report (refer to Attachment 4).

### **Environmental sustainability**

8. The Environmentally Sustainable Design report submitted with the application confirms the development will achieve the relevant performance measures set out in Clauses 22.19 (Energy, Water and Waste Efficiency) and 22.23 (Stormwater Management) of the Melbourne Planning Scheme.
9. Permit conditions requiring implementation of the ESD initiatives are included.



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Revision	Date	Description	PG	TM
A	18.06.21	TOWN PLANNING RFI	PG	TM
-	09.04.21	TOWN PLANNING	PG	TM

### 52-60 Collins Street Melbourne VIC 3000 Site Location Plan



Status	TOWN PLANNING		
Scale	1 : 300	@	A1
Drawn	PG	Checked	TM
Project No.	M12223		
Plot Date	17/06/2021 8:47:58 PM		
BIM	ARCH		
Drawing no.	Revision		

**TP01.00** **A**

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EXHIBITION STREET

STREET

COLLINS STREET

STREET

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**DRAWING NOTES:**

**52 & 60 Collins Street Survey Information:**

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	TM
	09.04.21	TOWN PLANNING	PG	TM
			Initial	Checked

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



Status	TOWN PLANNING		
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Drawn	PG	Checked	TM
Project No.	M12223		
Plot Date	17/06/2021 8:48:01 PM		
BIM	ARCH		
Drawing no.	Revision		

**TP01.10**

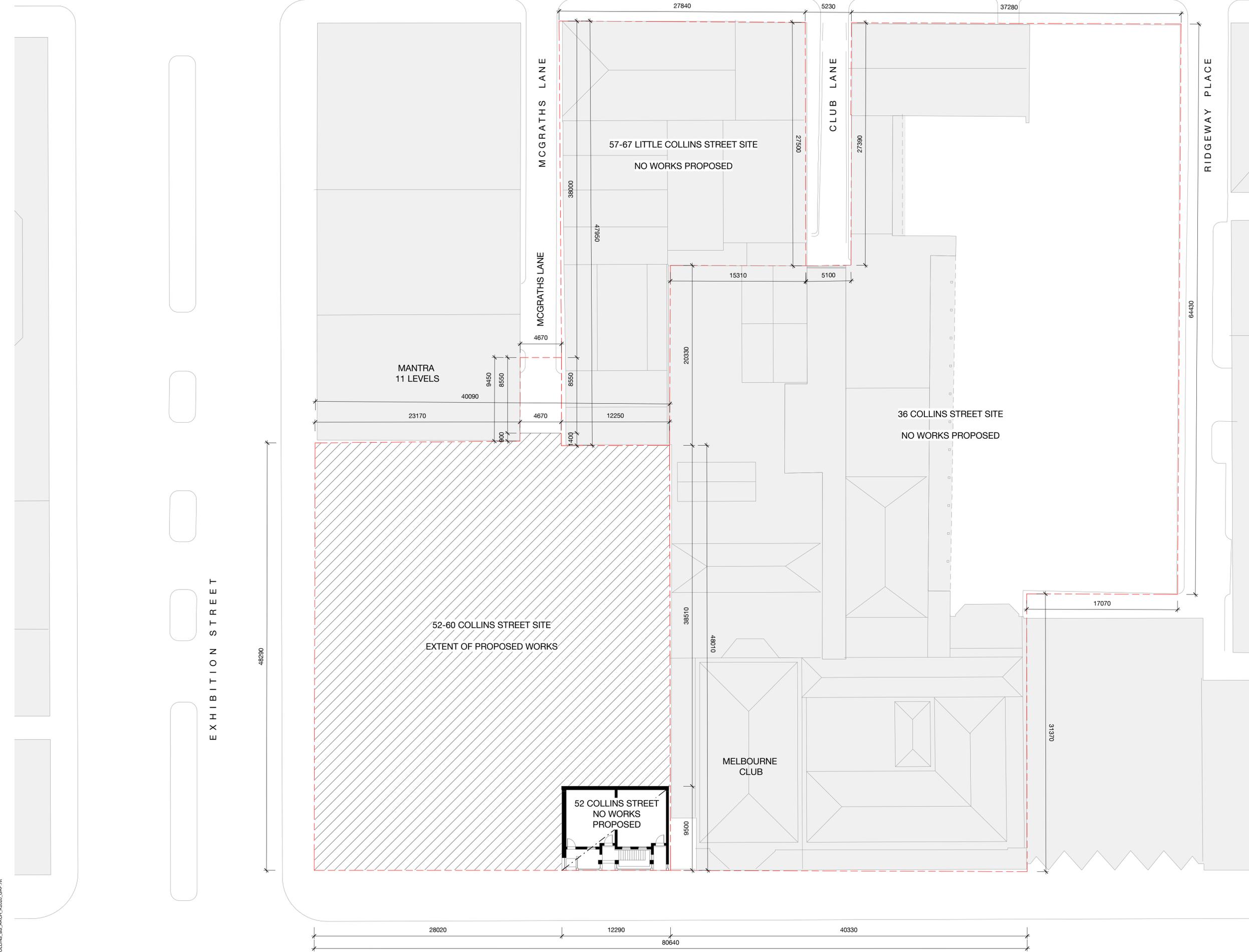
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**LEGEND - PROPOSED WORKS PLAN**

-  Extent of proposed works
-  Existing walls to remain
-  Title boundary

Revision	Date	Description	PG	TM
A	18.06.21	TOWN PLANNING RFI	PG	TM
-	09.04.21	TOWN PLANNING	PG	TM

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



Status	TOWN PLANNING		
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Project No.	M12223		
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BIM	ARCH		
Drawing no.	Revision		

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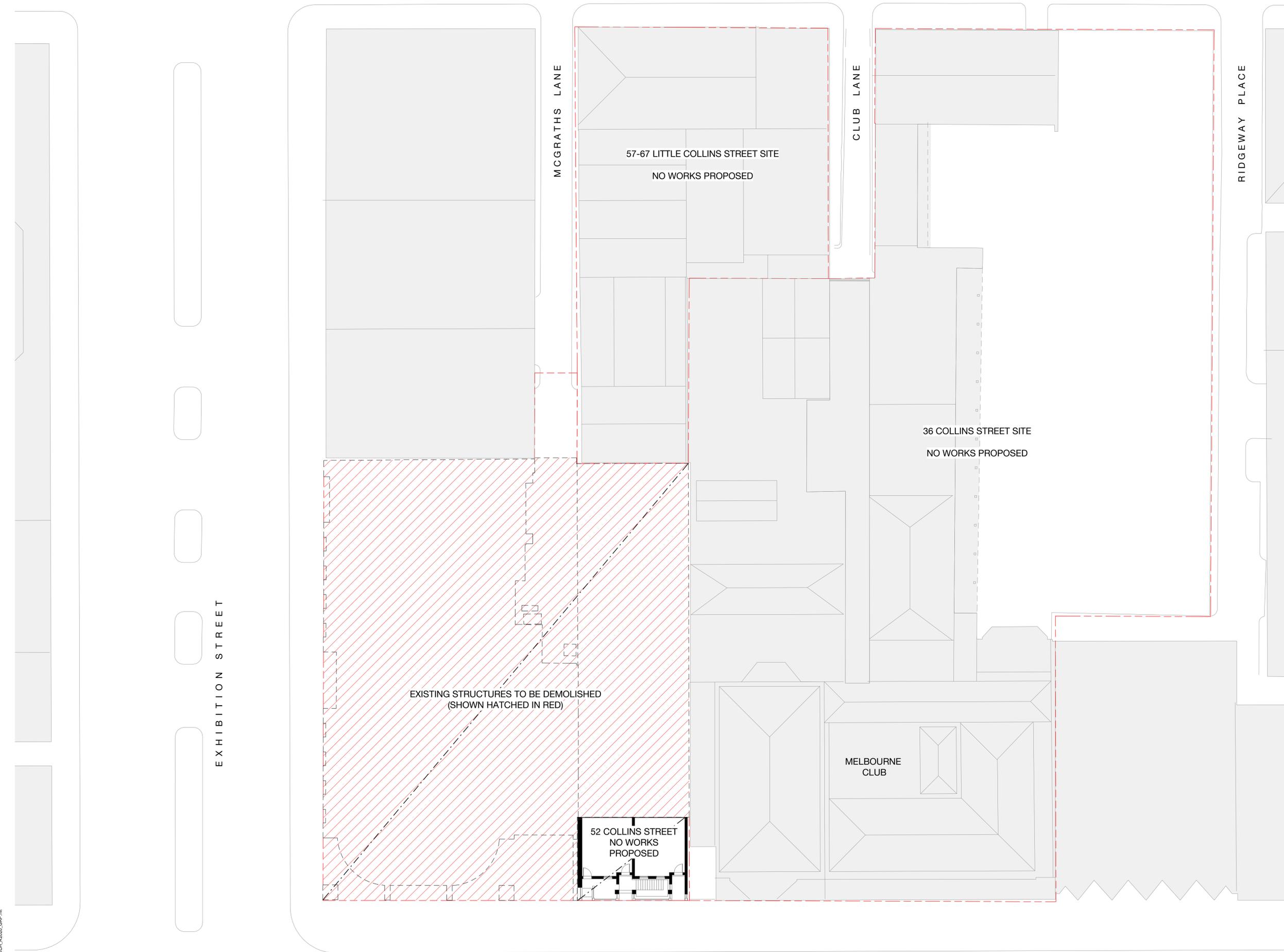
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LEGEND - DEMOLITION PLAN

-  Demolition works
-  Existing walls to remain
-  Title boundary



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A	18.06.21	TOWN PLANNING RFI	PG	TM
-	09.04.21	TOWN PLANNING	PG	TM

52-60 Collins Street  
Melbourne VIC 3000  
Site  
Site Demolition Plan



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Drawn	PG	Checked	TM
Project No.	M12223		
Plot Date	17/06/2021 8:57:25 PM		
BIM	ARCH		

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COLLINS STREET





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BASEMENT PARKING LEGEND			
LEVEL	CARPARK	MOTORBIKE	BICYCLE
B04	28	0	0
B03	13	0	0
B02	0	0	0
B01	0	0	342
TOTAL	41	0	342

**LEGEND - EXISTING WORKS PLAN**

- Existing building - no proposed works
- Existing walls to remain
- Title boundary

Revision	Date	Description	Initial	Checked
B	08.09.21	TOWN PLANNING TRAFFIC RFI	PG	JA
A	18.06.21	TOWN PLANNING RFI	PG	TM
-	09.04.21	TOWN PLANNING	PG	TM

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



Status	TOWN PLANNING		
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Drawn	PG	Checked	TM
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Plot Date	8/09/2021 1:19:54 PM		
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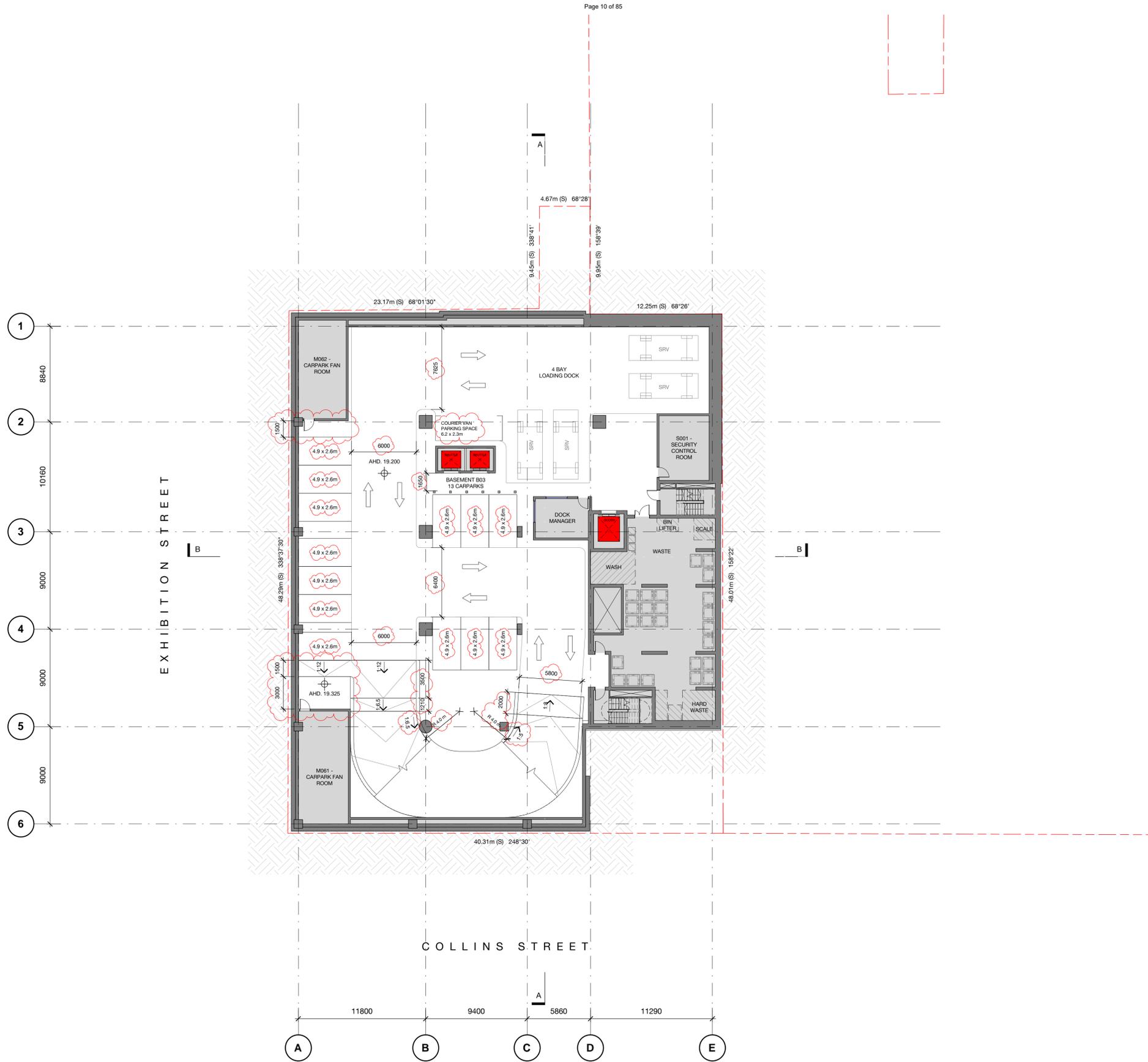
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BASEMENT PARKING LEGEND			
LEVEL	CARPARK	MOTORBIKE	BICYCLE
B04	28	0	0
B03	13	0	0
B02	0	0	0
B01	0	0	342
TOTAL	41	0	342

**LEGEND - EXISTING WORKS PLAN**

- Existing building - no proposed works
- Existing walls to remain
- Title boundary

Revision	Date	Description	Initial	Checked
B	08.09.21	TOWN PLANNING TRAFFIC RFI	PG	JA
A	18.06.21	TOWN PLANNING RFI	PG	TM
-	09.04.21	TOWN PLANNING	PG	TM

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



Status	TOWN PLANNING		
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Drawing no.	Revision		

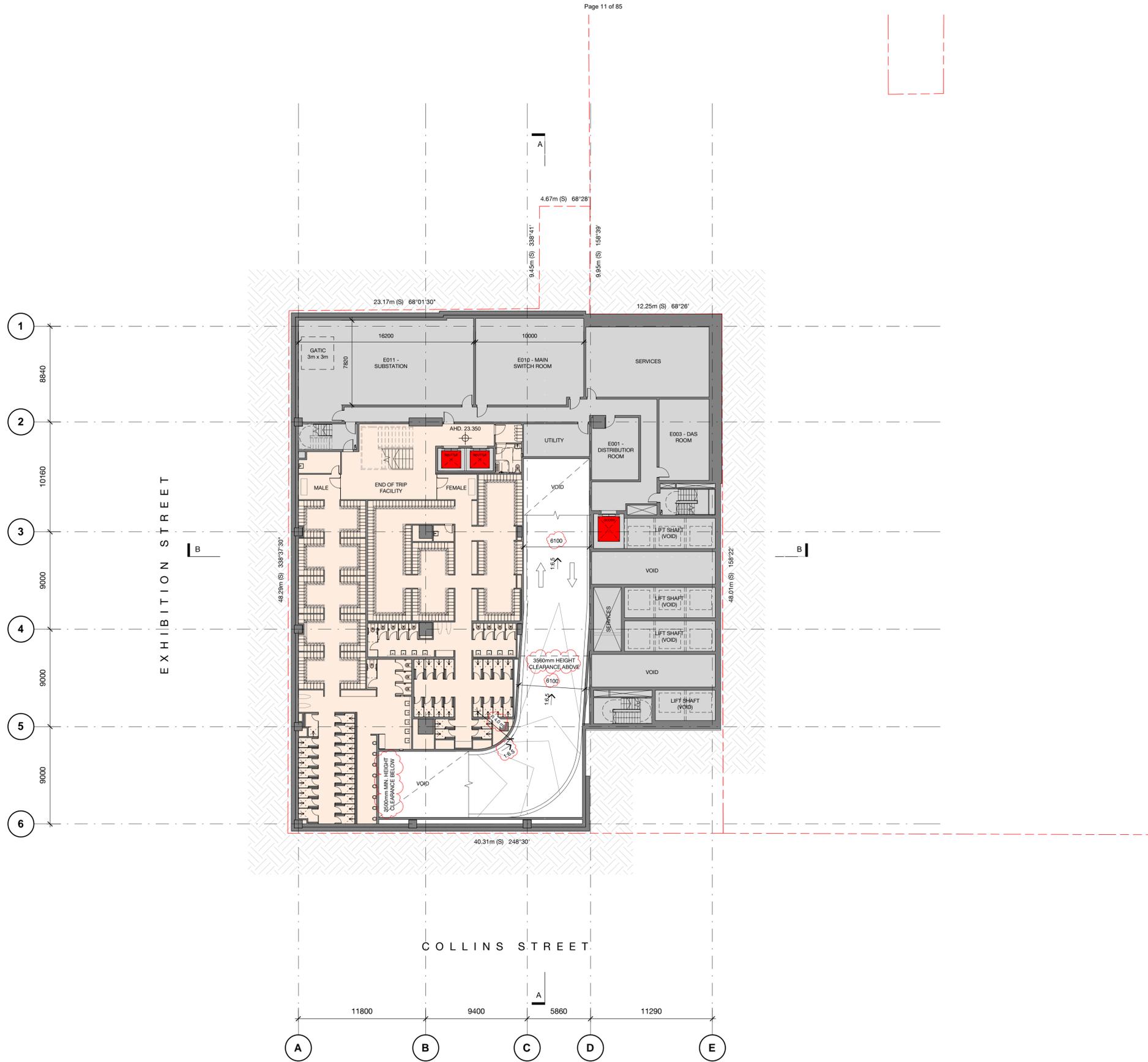
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BASEMENT PARKING LEGEND			
LEVEL	CARPARK	MOTORBIKE	BICYCLE
B04	28	0	0
B03	13	0	0
B02	0	0	0
B01	0	0	342
TOTAL	41	0	342

**LEGEND - EXISTING WORKS PLAN**

- Existing building - no proposed works
- Existing walls to remain
- Title boundary

Revision	Date	Description	Initial	Checked
B	08.09.21	TOWN PLANNING TRAFFIC RFI	PG	JA
A	18.06.21	TOWN PLANNING RFI	PG	TM
-	09.04.21	TOWN PLANNING	PG	TM

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



Status	TOWN PLANNING		
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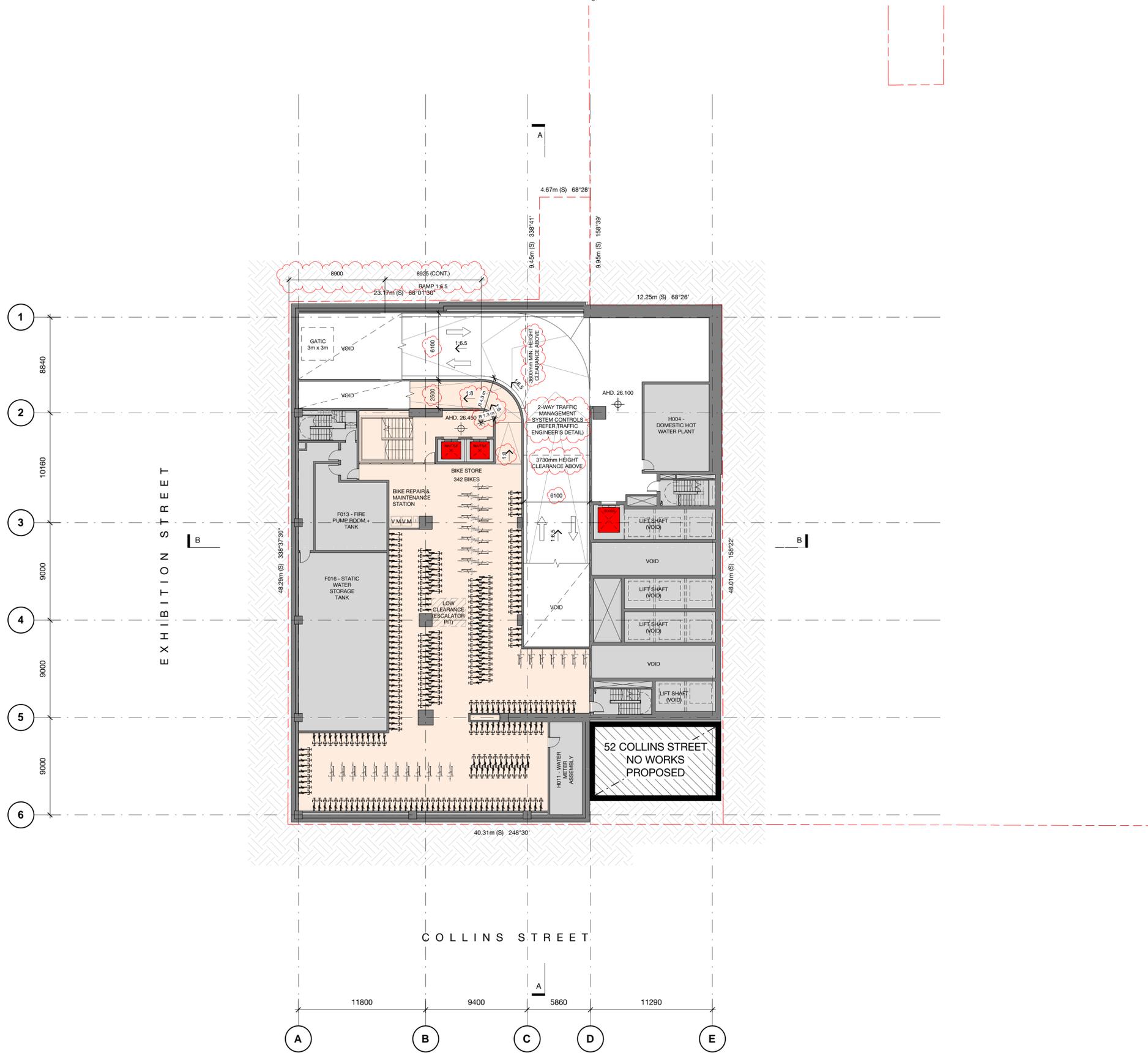
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BASEMENT PARKING LEGEND			
LEVEL	CARPARK	MOTORBIKE	BICYCLE
B04	28	0	0
B03	13	0	0
B02	0	0	0
B01	0	0	342
TOTAL	41	0	342

**LEGEND - EXISTING WORKS PLAN**

-  Existing building - no proposed works
-  Existing walls to remain
-  Title boundary

Revision	Date	Description	Initial	Checked
B	08.09.21	TOWN PLANNING TRAFFIC RFI	PG	JA
A	18.06.21	TOWN PLANNING RFI	PG	TM
-	09.04.21	TOWN PLANNING	PG	TM

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



Status	TOWN PLANNING		
Scale	As indicated	@ A1	(1 : 400 @ A3)
Drawn	PG	Checked	TM
Project No.	M12223		
Plot Date	8/09/2021 1:19:30 PM		
BIM	ARCH		
Drawing no.	Revision		

**TP02.B01** **B**

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LITTLE COLLINS STREET

MCGRATHS LANE

CLUB LANE

RIDGEWAY PLACE

EXHIBITION STREET

COLLINS STREET

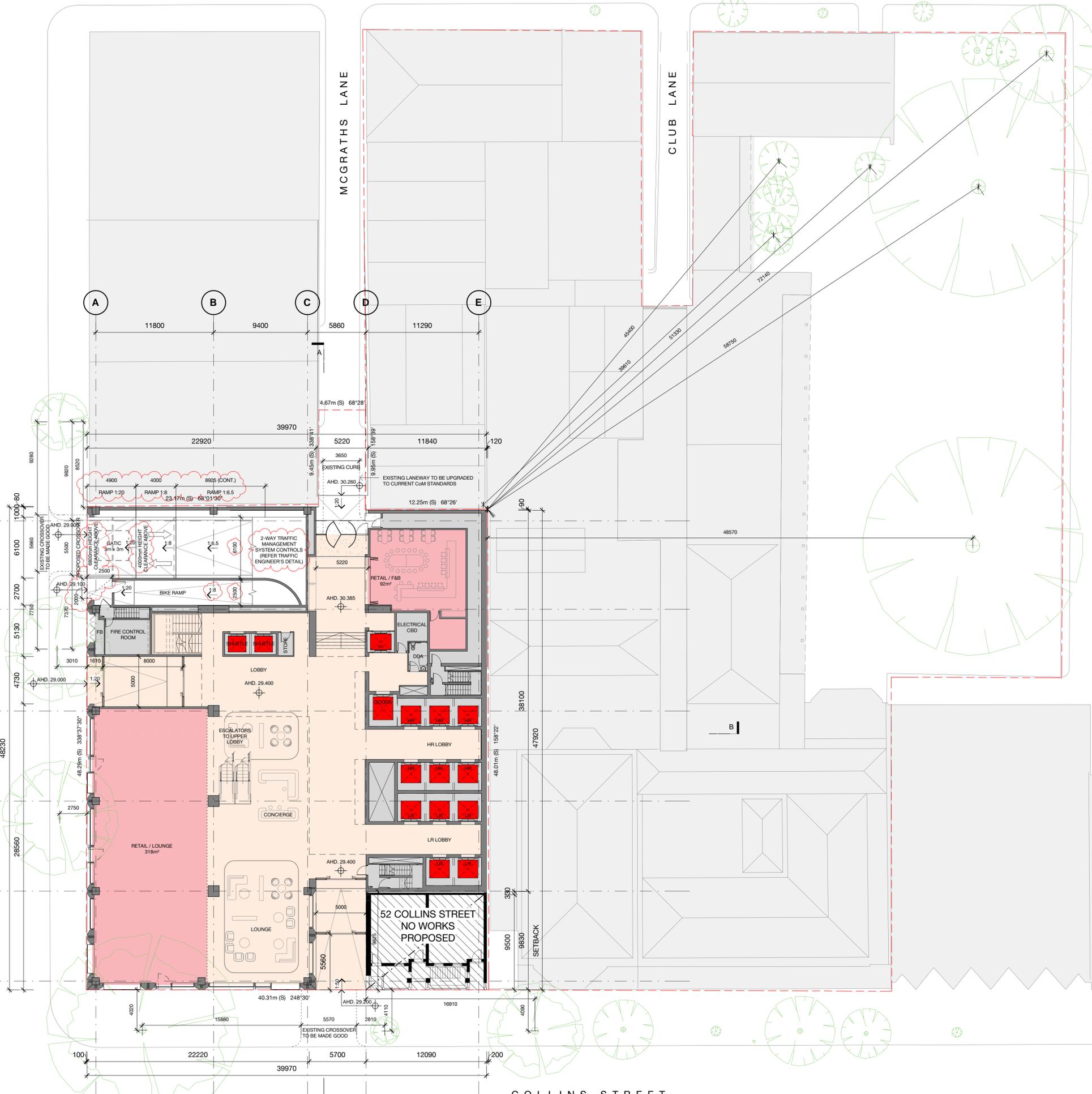
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LEGEND - EXISTING WORKS PLAN

- Existing building - no proposed works
- Existing walls to remain
- Title boundary

- 1
- 2
- 3
- 4
- 5
- 6



B	08.09.21	TOWN PLANNING TRAFFIC RFI	PG	JA
A	18.06.21	TOWN PLANNING RFI	PG	TM
	09.04.21	TOWN PLANNING	PG	TM
Revision	Date	Description	Initial	Checked

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



Status	TOWN PLANNING		
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Drawn	PG	Checked	TM
Project No.	M12223		
Plot Date	8/09/2021 1:19:15 PM		
BIM	ARCH		
Drawn no.	Revision		

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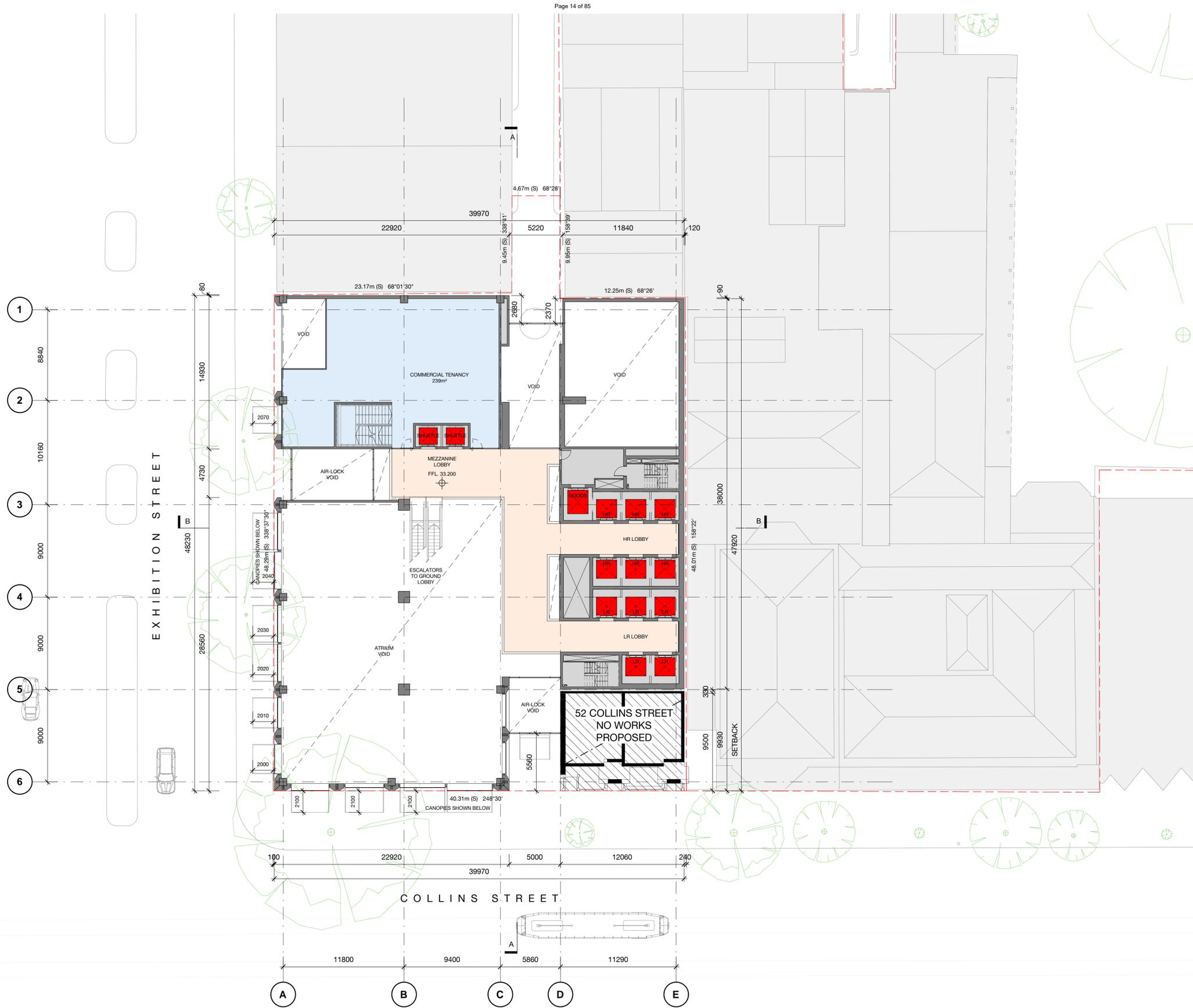
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LEGEND - EXISTING WORKS PLAN

-  Existing building - no proposed works
-  Existing walls to remain
-  Title boundary



Revision	Date	Description	PG	TM
A	18.06.21	TOWN PLANNING RFI	PG	TM
-	09.04.21	TOWN PLANNING	PG	TM

**52-60 Collins Street**  
**Melbourne VIC 3000**  
 Key Plan  
 Level 00M (Upper Lobby)



Status	TOWN PLANNING		
Scale	1 : 200	@ A1	(1 : 400 @ A3)
Drawn	PG	Checked	TM
Project No.	M12223		
Plot Date	17/06/2021 9:19:22 PM		
BIM	ARCH		
Drawing no.	Revision		

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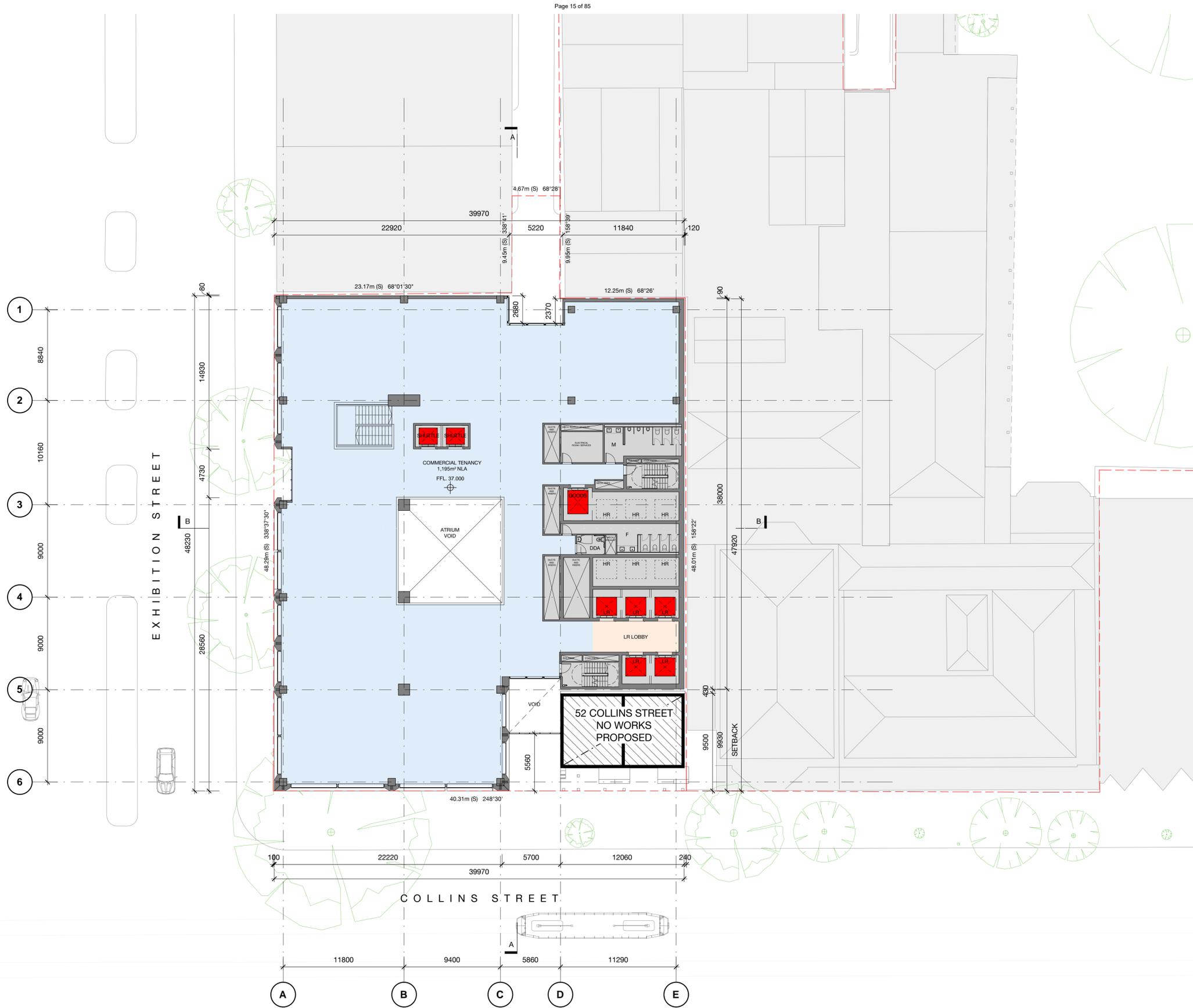
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**LEGEND - EXISTING WORKS PLAN**

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-  Existing walls to remain
-  Title boundary



Revision	Date	Description	PG	TM
A	18.06.21	TOWN PLANNING RFI	PG	TM
-	09.04.21	TOWN PLANNING	PG	TM

**52-60 Collins Street  
Melbourne VIC 3000  
Key Plan  
Level 01 (Podium)**



Status	TOWN PLANNING		
Scale	1 : 200	@ A1	(1 : 400 @ A3)
Drawn	PG	Checked	TM
Project No.	M12223		
Plot Date	17/06/2021 8:48:22 PM		
BIM	ARCH		

Drawing no.	Revision
<b>TP02.01</b>	<b>A</b>

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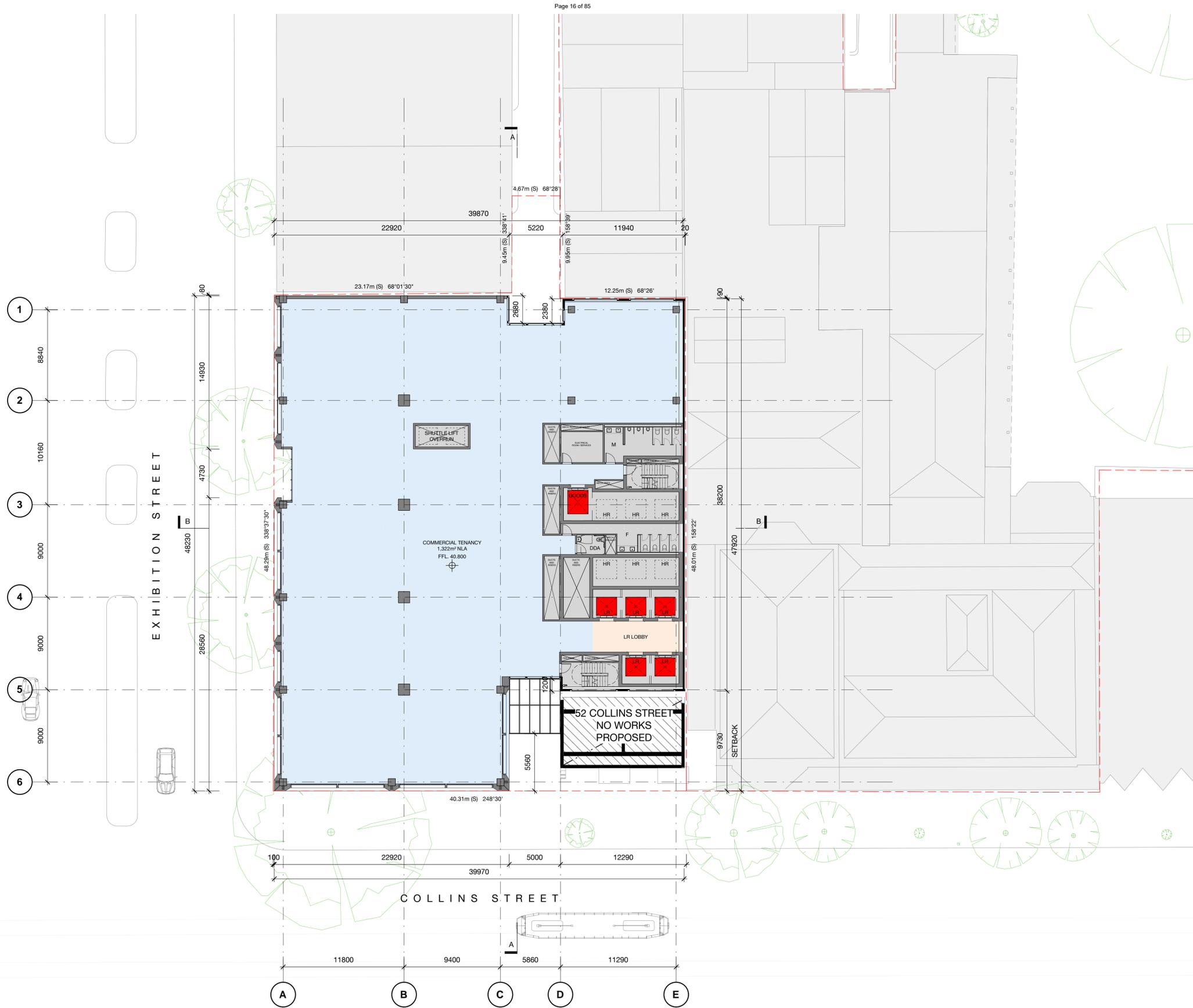
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**LEGEND - EXISTING WORKS PLAN**

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-  Title boundary



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-	09.04.21	TOWN PLANNING	PG	TM

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



Status	TOWN PLANNING		
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Drawn	PG	Checked	TM
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Drawing no. **TP02.02** Revision **A**

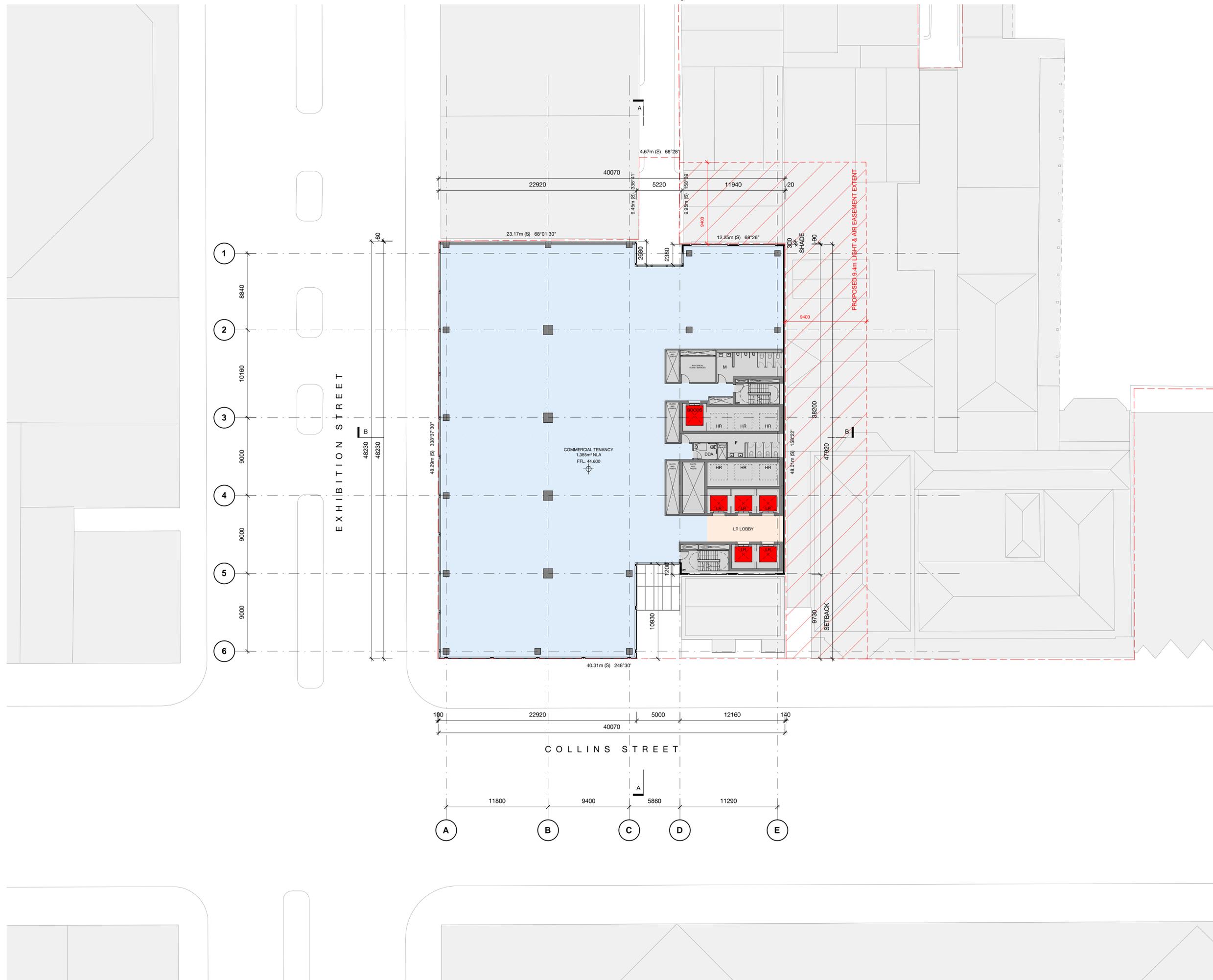
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-	09.04.21	TOWN PLANNING	PG	TM

**52-60 Collins Street**  
Melbourne VIC 3000  
Key Plan  
Level 03 (Typical Levels 03-08)



Status	TOWN PLANNING		
Scale	1 : 200	@ A1	(1 : 400 @ A3)
Drawn	PG	Checked	TM
Project No.	M12223		
Plot Date	17/06/2021 8:48:26 PM		
BIM	ARCH		

Drawing no. **TP02.03** Revision **A**

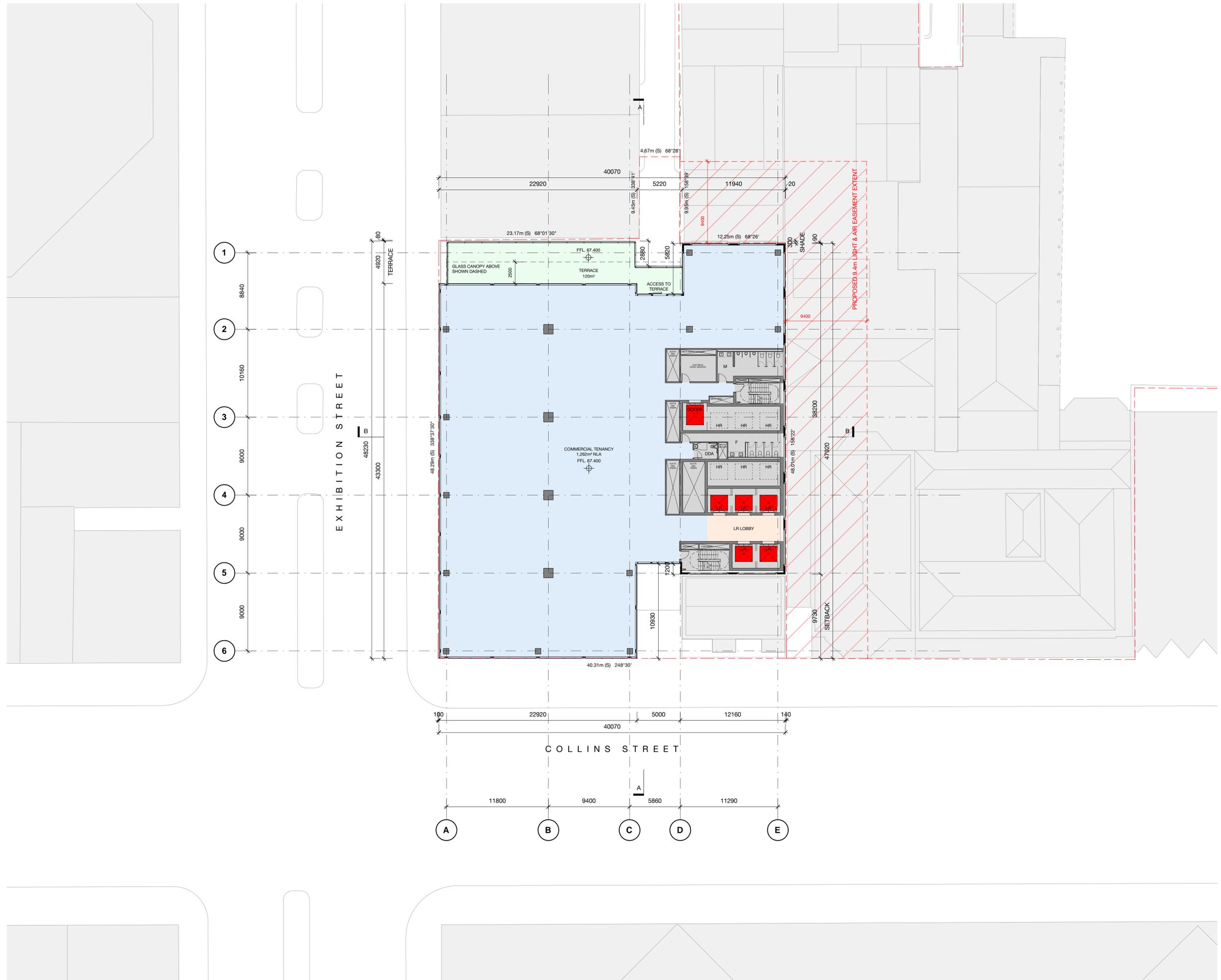
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Revision	Date	Description	Initial	Checked
A	18.06.21	TOWN PLANNING RFI	PG	TM
-	09.04.21	TOWN PLANNING	PG	TM

**52-60 Collins Street**  
**Melbourne VIC 3000**  
 Key Plan  
 Level 09 (Terrace)



Status	TOWN PLANNING		
Scale	1 : 200	@ A1	(1 : 400 @ A3)
Drawn	PG	Checked	TM
Project No.	M12223		
Plot Date	17/06/2021 8:48:29 PM		
BIM	ARCH		

Drawing no. **TP02.09** Revision **A**

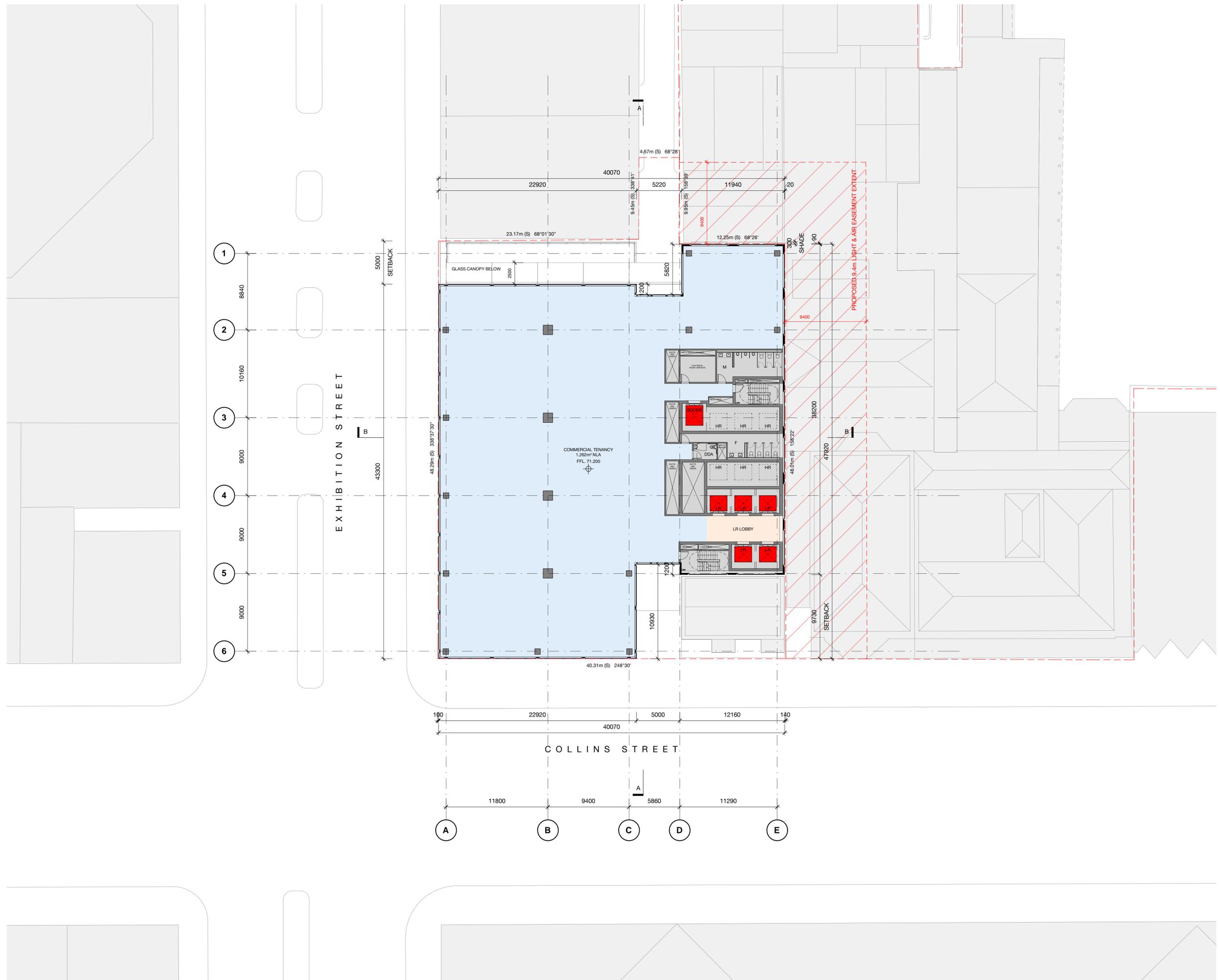
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Revision	Date	Description	PG	TM
A	18.06.21	TOWN PLANNING RFI	PG	TM
-	09.04.21	TOWN PLANNING	PG	TM

**52-60 Collins Street**  
Melbourne VIC 3000  
Key Plan  
Level 10 (Typical Levels 10-16)



Status	TOWN PLANNING		
Scale	1 : 200	@ A1	(1 : 400 @ A3)
Drawn	PG	Checked	TM
Project No.	M12223		
Plot Date	17/06/2021 8:48:32 PM		
BIM	ARCH		
Drawing no.	Revision		

**TP02.10** **A**

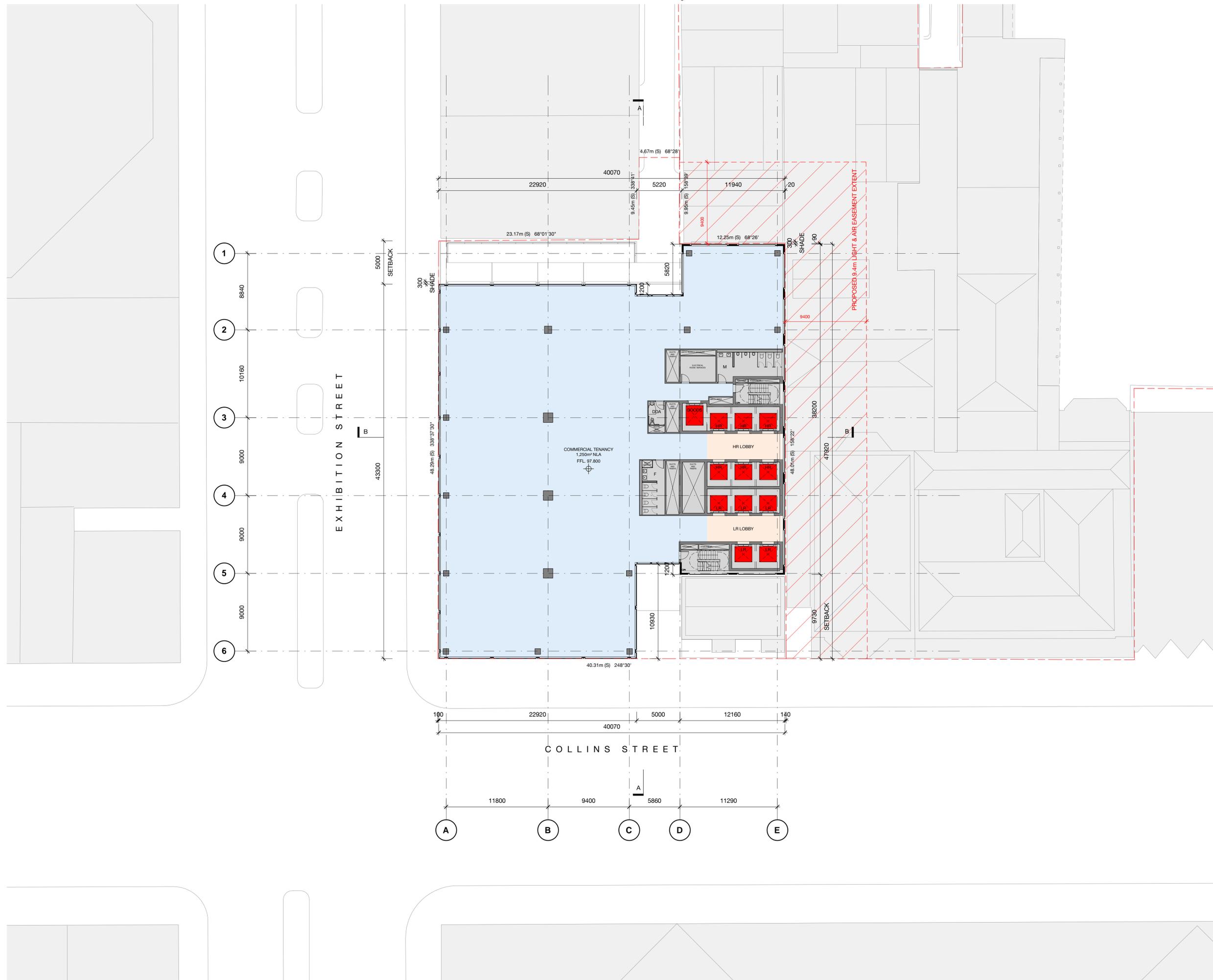
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Revision	Date	Description	Initial	Checked
A	18.06.21	TOWN PLANNING RFI	PG	TM
-	09.04.21	TOWN PLANNING	PG	TM

**52-60 Collins Street**  
**Melbourne VIC 3000**  
 Key Plan  
 Level 17 (VT Transfer Level)



Status	TOWN PLANNING		
Scale	1 : 200	@ A1	(1 : 400 @ A3)
Drawn	PG	Checked	TM
Project No.	M12223		
Plot Date	17/06/2021 8:48:36 PM		
BIM	ARCH		
Drawing no.	Revision		

**TP02.17**      **A**

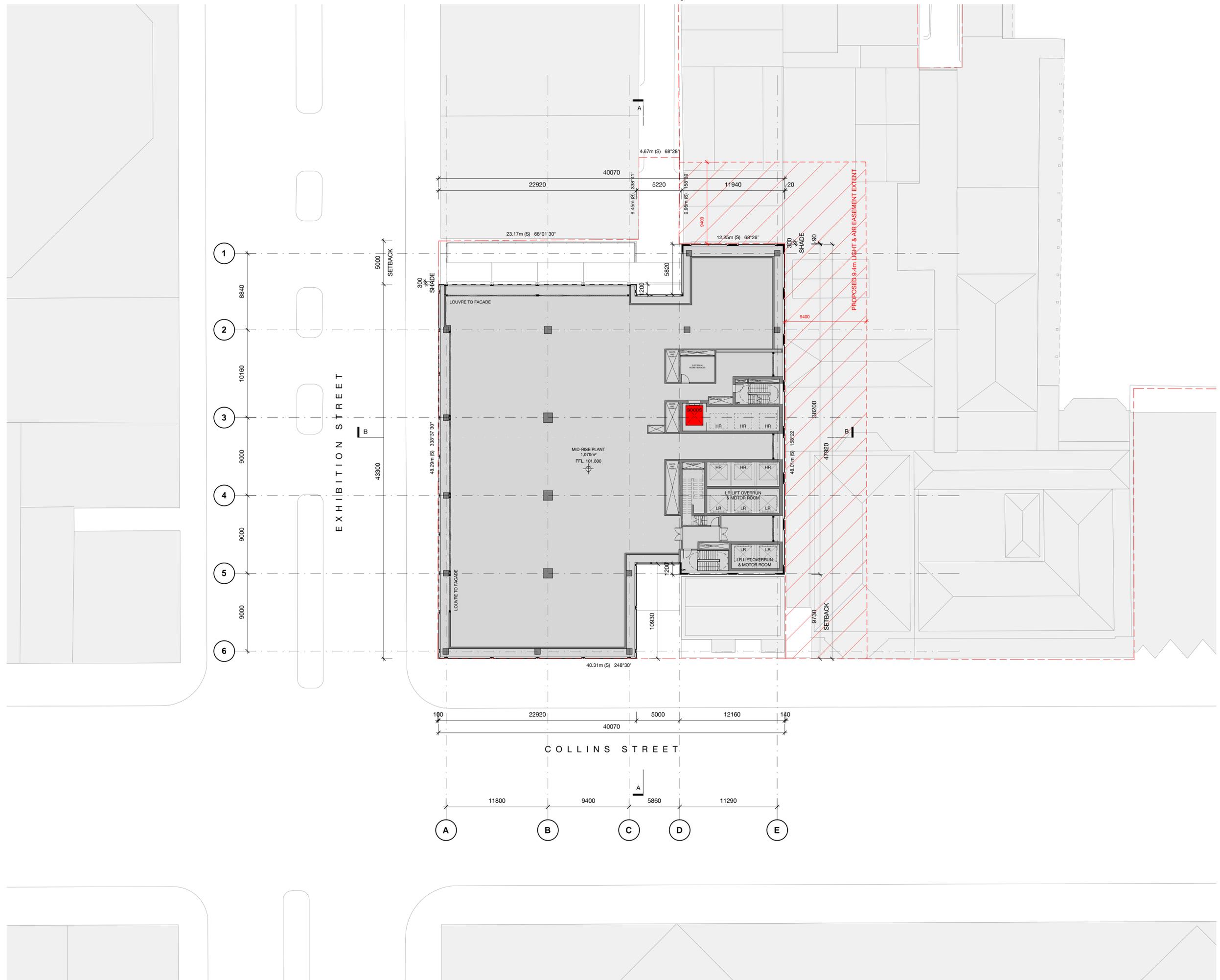
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Revision	Date	Description	PG	TM
A	18.06.21	TOWN PLANNING RFI	PG	TM
-	09.04.21	TOWN PLANNING	PG	TM

**52-60 Collins Street**  
Melbourne VIC 3000  
Key Plan  
Level 17A (Plant)



Status	TOWN PLANNING		
Scale	1 : 200	@ A1	(1 : 400 @ A3)
Drawn	PG	Checked	TM
Project No.	M12223		
Plot Date	17/06/2021 8:48:41 PM		
BIM	ARCH		
Drawing no.	Revision		

**TP02.17A**      **A**

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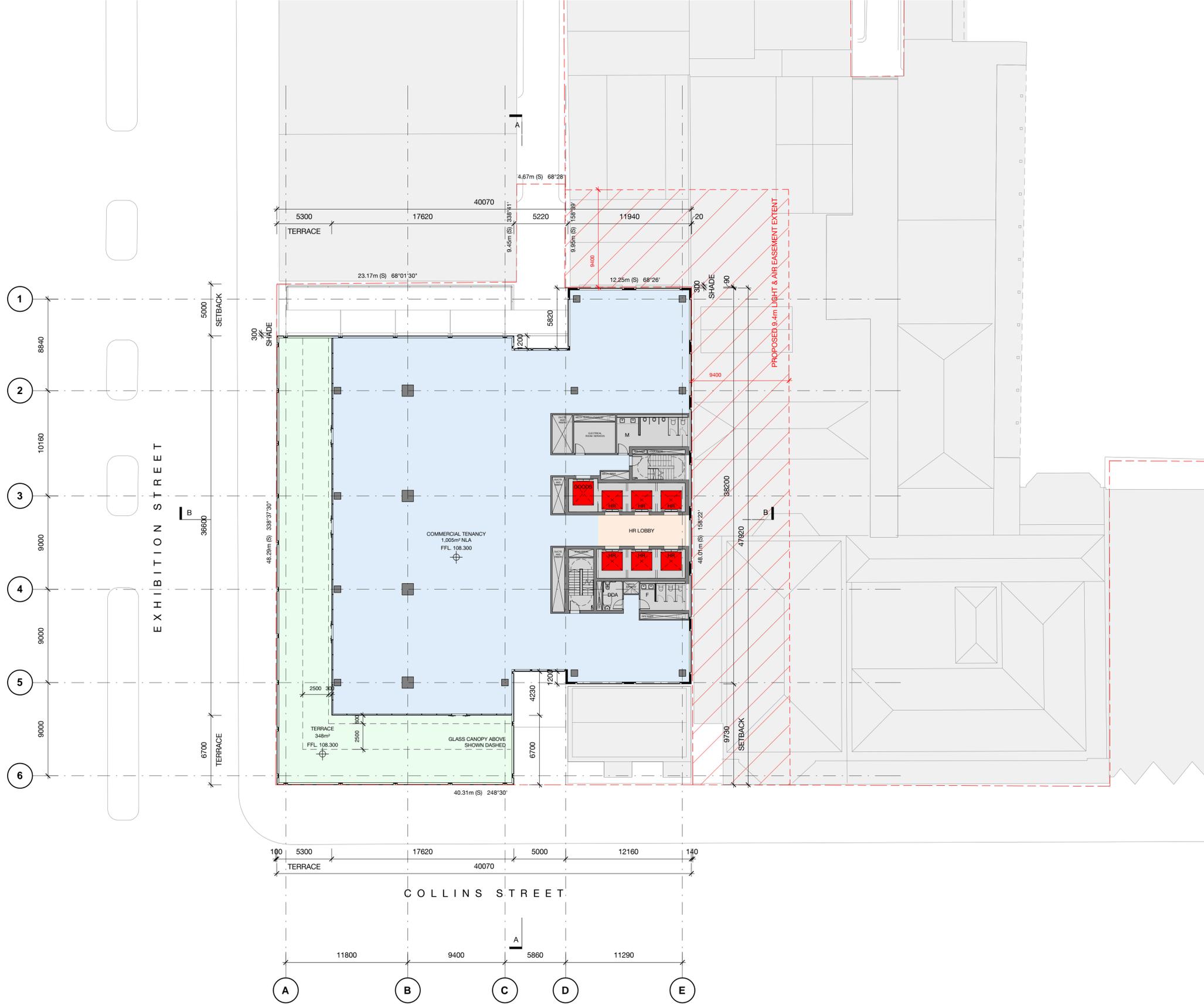
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Revision	Date	Description	PG	TM
A	18.06.21	TOWN PLANNING RFI	PG	TM
-	09.04.21	TOWN PLANNING	PG	TM

**52-60 Collins Street**  
**Melbourne VIC 3000**  
**Key Plan**  
**Level 18 (Terrace)**



Status	TOWN PLANNING		
Scale	1 : 200	@ A1	(1 : 400 @ A3)
Drawn	PG	Checked	TM
Project No.	M12223		
Plot Date	17/06/2021 8:48:45 PM		
BIM	ARCH		
Drawing no.	Revision		

**TP02.18** **A**

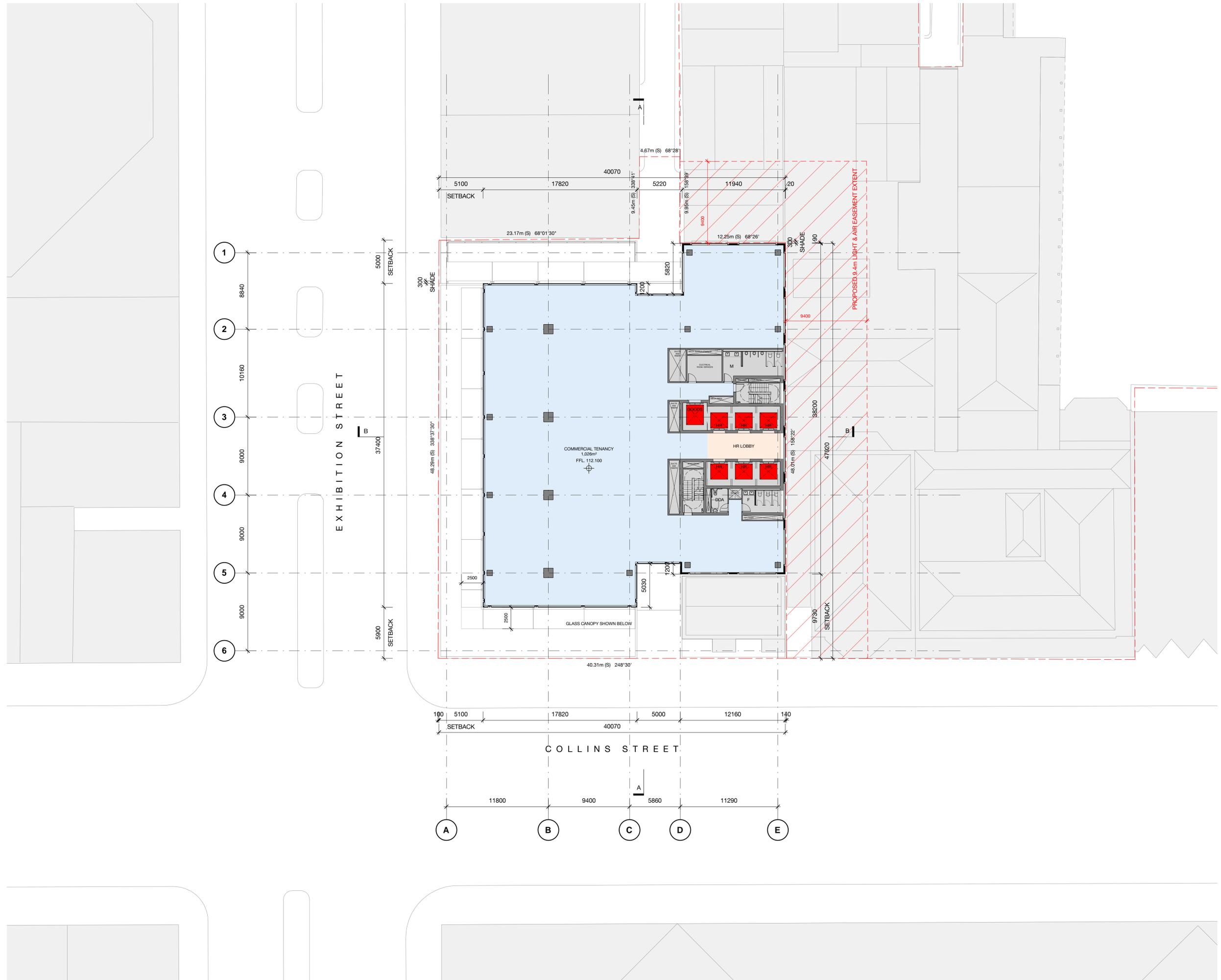
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Revision	Date	Description	PG	TM
A	18.06.21	TOWN PLANNING RFI	PG	TM
-	09.04.21	TOWN PLANNING	PG	TM

**52-60 Collins Street**  
Melbourne VIC 3000  
Key Plan  
Level 19 (Typical Levels 19-36)



Status	TOWN PLANNING		
Scale	1 : 200	@ A1	(1 : 400 @ A3)
Drawn	PG	Checked	TM
Project No.	M12223		
Plot Date	17/06/2021 8:48:49 PM		
BIM	ARCH		
Drawing no.	Revision		

**TP02.19** **A**

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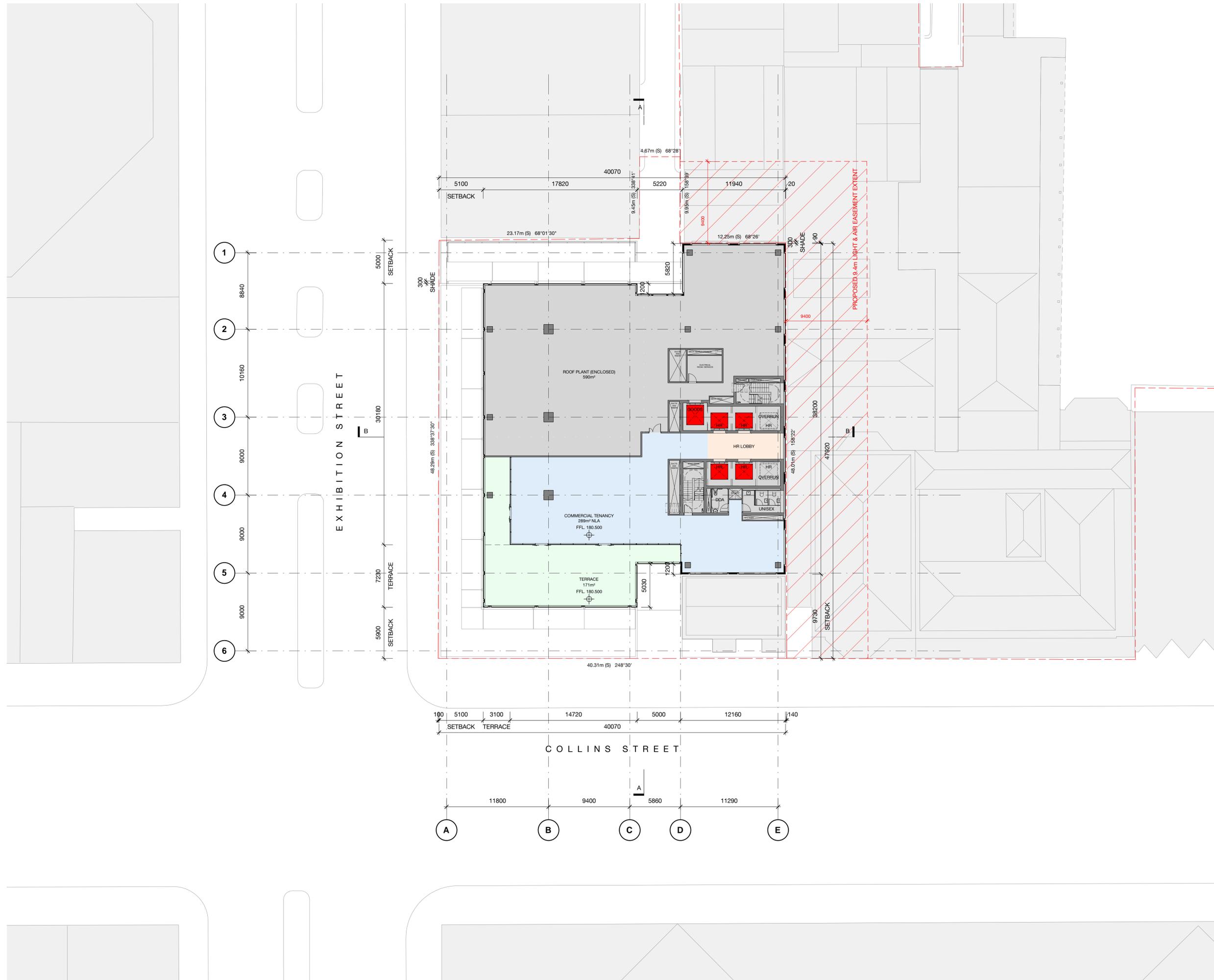
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Revision	Date	Description	PG	TM
A	18.06.21	TOWN PLANNING RFI	PG	TM
-	09.04.21	TOWN PLANNING	PG	TM

**52-60 Collins Street**  
**Melbourne VIC 3000**  
**Key Plan**  
**Level 37 (Terrace / Roof Plant)**



Status	TOWN PLANNING		
Scale	1 : 200	@ A1	(1 : 400 @ A3)
Drawn	PG	Checked	TM
Project No.	M12223		
Plot Date	17/06/2021 8:48:54 PM		
BIM	ARCH		

Drawing no. **TP02.37** Revision **A**

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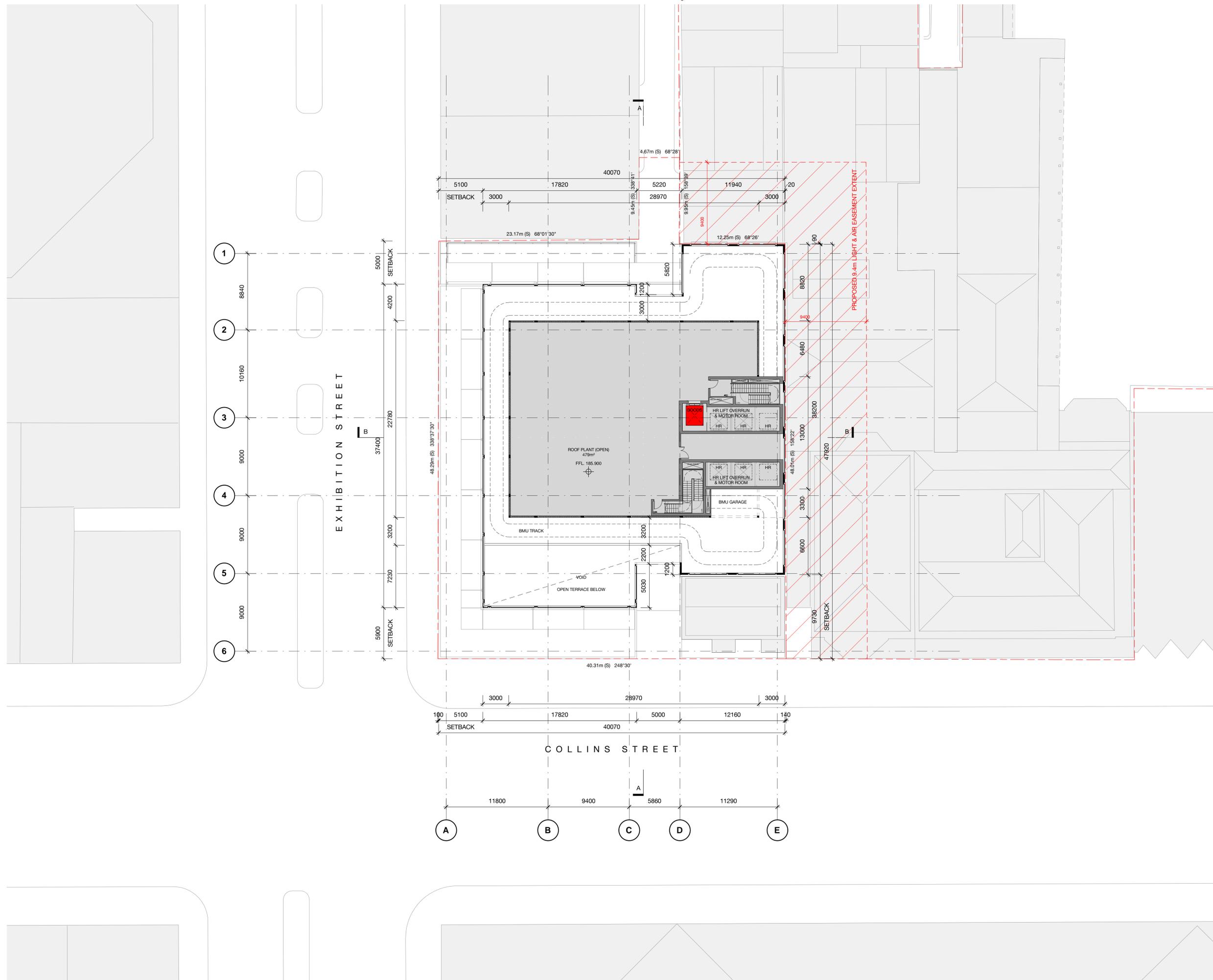
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Revision	Date	Description	PG	TM
A	18.06.21	TOWN PLANNING RFI	PG	TM
-	09.04.21	TOWN PLANNING	PG	TM

**52-60 Collins Street**  
Melbourne VIC 3000  
Key Plan  
Level 38 (Roof Plant)



Status	TOWN PLANNING		
Scale	1 : 200	@ A1	(1 : 400 @ A3)
Drawn	PG	Checked	TM
Project No.	M12223		
Plot Date	17/06/2021 8:49:01 PM		
BIM	ARCH		

Drawing no. **TP02.38** Revision **A**

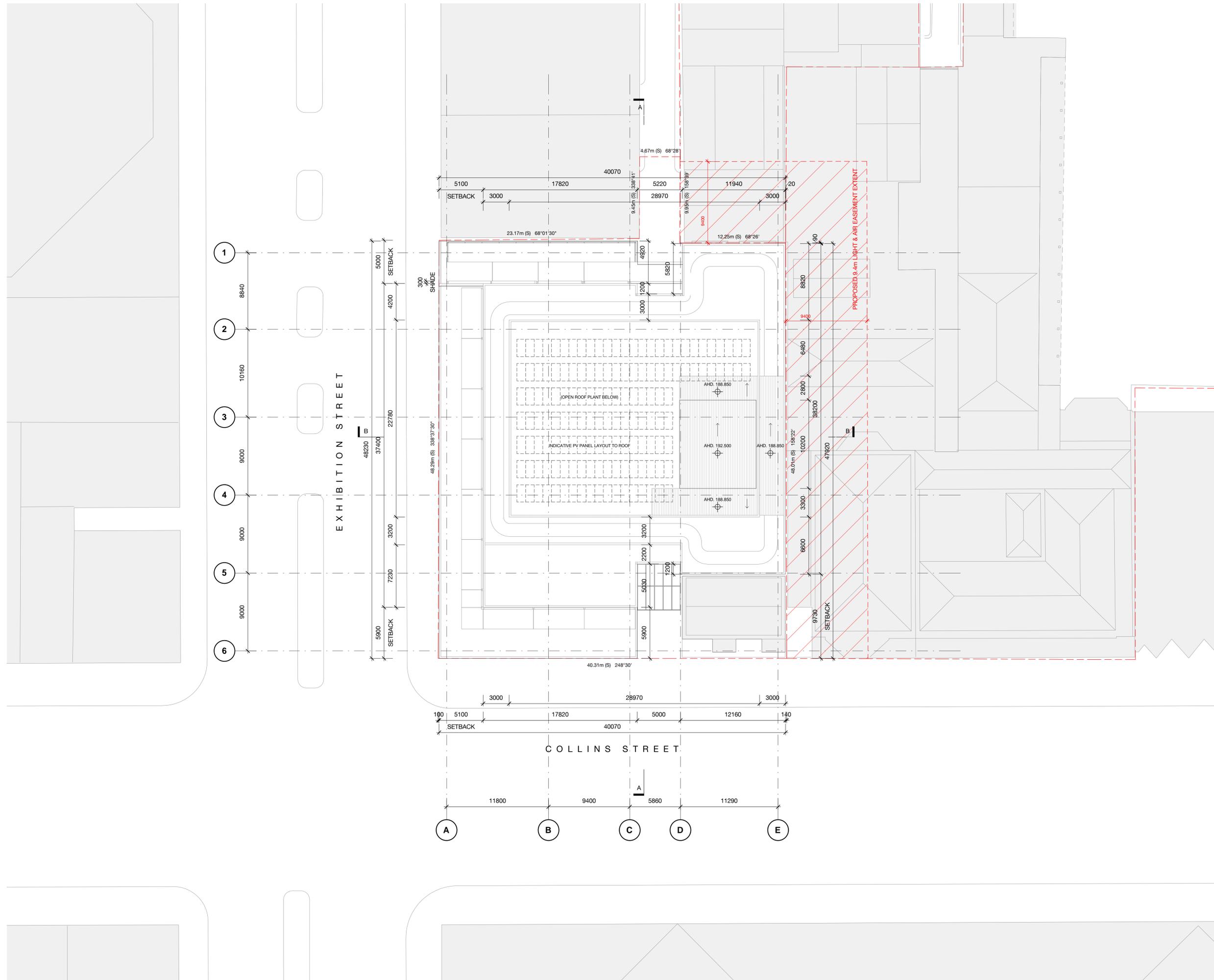
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Revision	Date	Description	PG	TM
A	18.06.21	TOWN PLANNING RFI	PG	TM
-	09.04.21	TOWN PLANNING	PG	TM

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



Status	TOWN PLANNING		
Scale	1 : 200	@ A1	(1 : 400 @ A3)
Drawn	PG	Checked	TM
Project No.	M12223		
Plot Date	17/06/2021 8:49:07 PM		
BIM	ARCH		

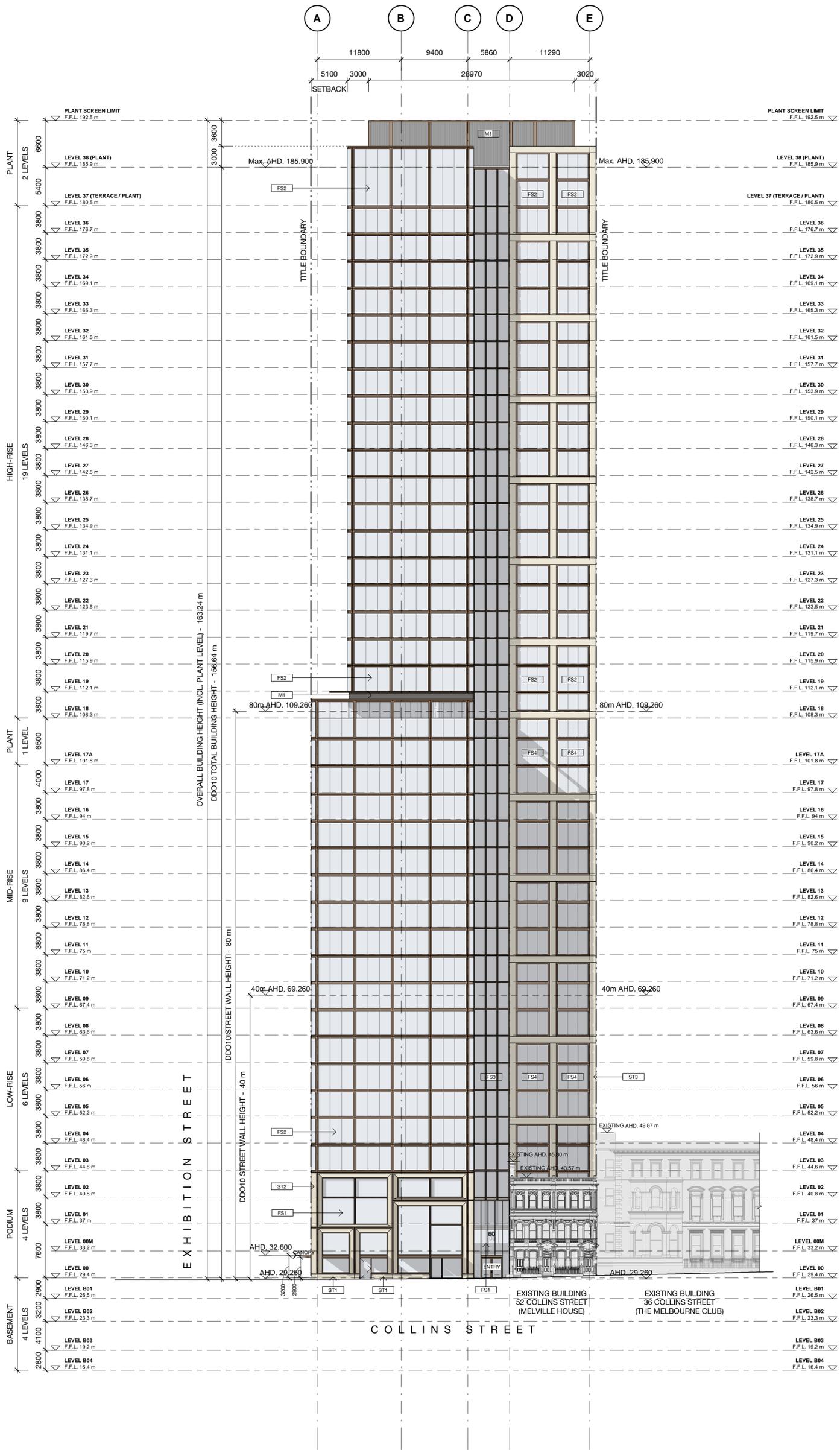
Drawing no. **TP02.39** Revision **A**

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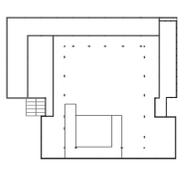
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**KEY PLAN:**

**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** Clear vision high performance double glazed IGU curtain wall
- FS5** Integrated facade louvres
- FS6** Vertical louvres
- ST1** Textured feature masonry
- ST2** Feature masonry
- ST3** Masonry facade frame/infill
- M1** Dark metal frame or panel
- M2** Dark perforated metal cladding to folding garage door

Revision	Date	Description	Prep	Check
09/12/21		TOWN PLANNING		

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

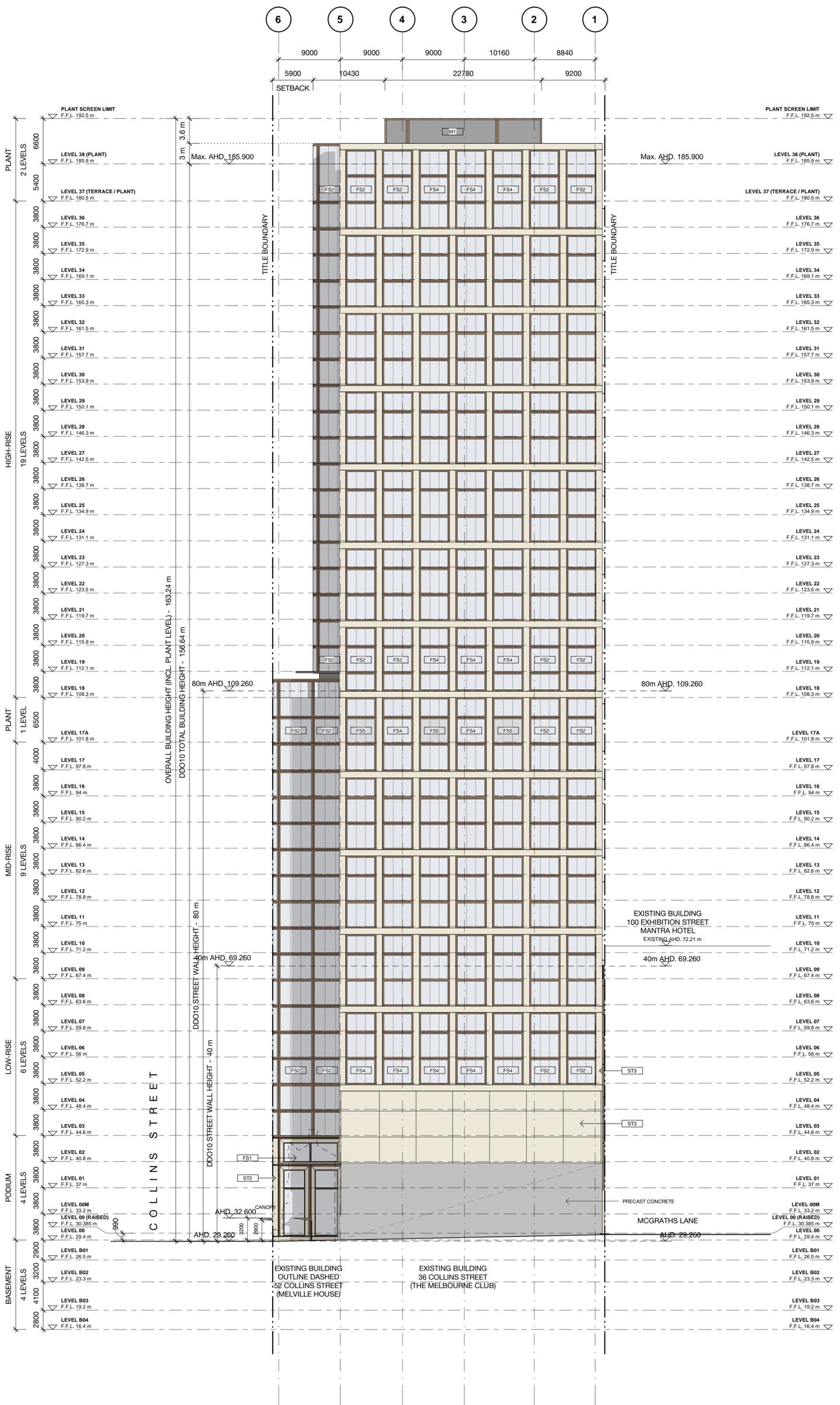
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Project No.	M12223
Plot Date	17/06/2021 8:50:10 PM
BIM	ARCH
Drawing no.	TP09.00
Revision	-

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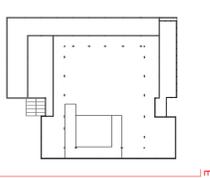
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**KEY PLAN:**

- KEY PLAN:**
- FAÇADE 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 Clear vision high performance double glazed IGU curtain wall
  - FS5 Integrated facade louvers
  - FS6 Vertical louvers
  - ST1 Textured feature masonry
  - ST2 Feature masonry
  - ST3 Masonry facade frame/infill
  - M1 Dark metal frame or panel
  - M2 Dark perforated metal cladding to folding garage door

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

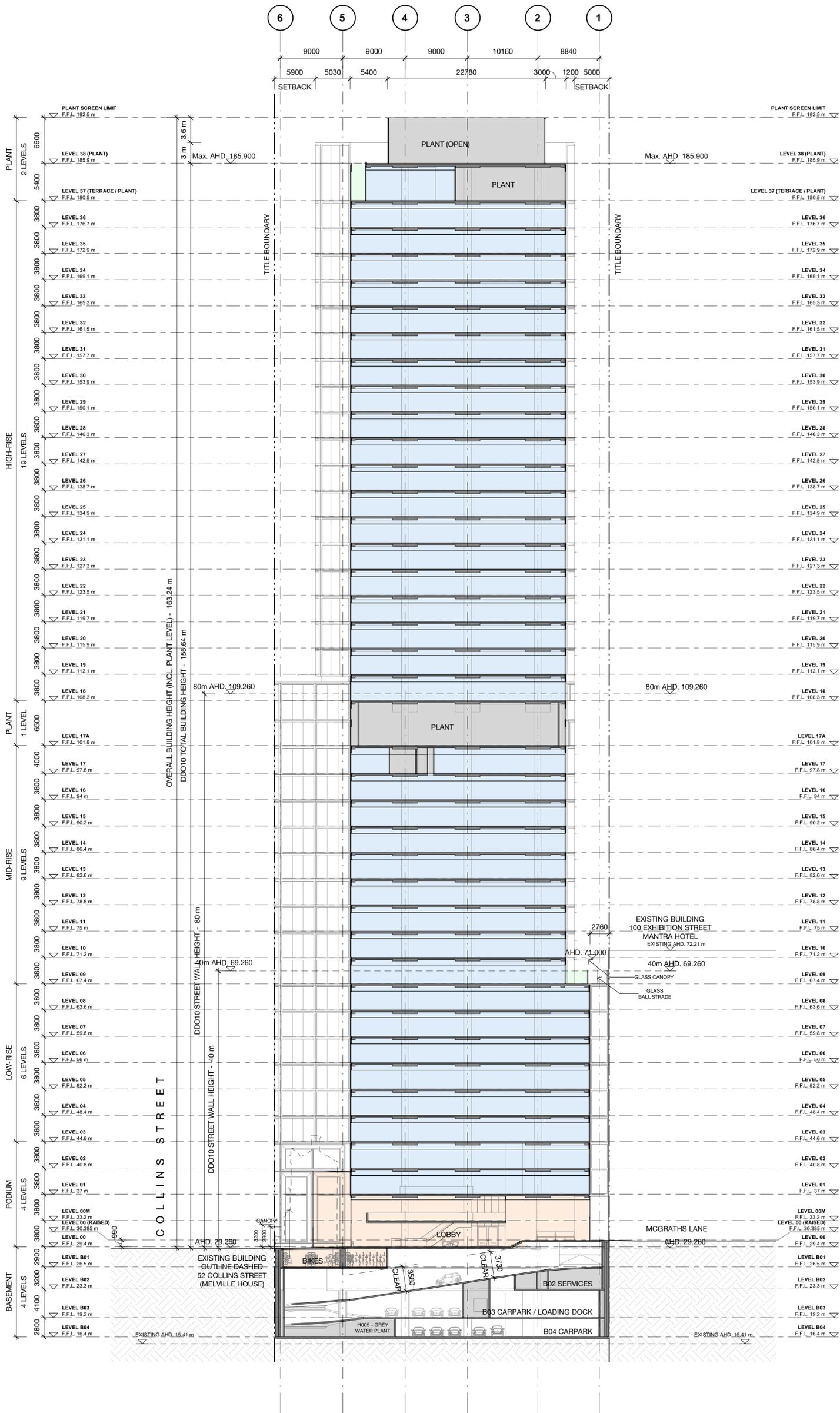
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Drawn	PG
Project No.	M12223
Plot Date	17/06/2023 8:53:50 PM
BIM	ARCH
Drawing no.	TP09.03
Revision	-

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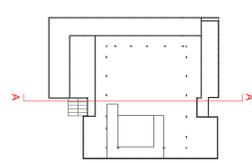
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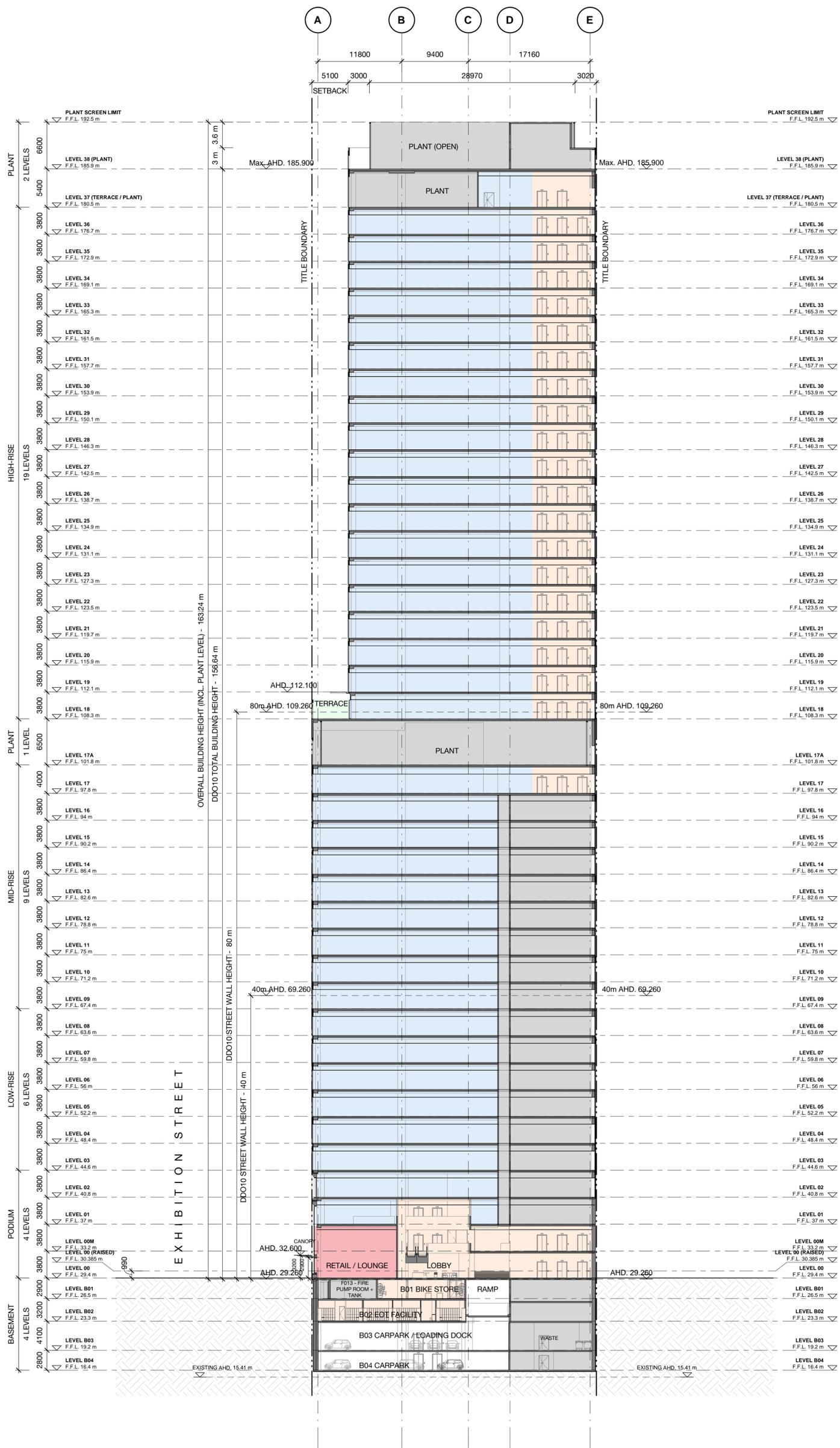
**52-60 Collins Street  
Melbourne VIC 3000  
Building Section  
Section AA**

Status	TOWN PLANNING
Scale	1 : 300 @ A1 (1 : 600 @ A3)
Drawn	PG
Project No.	M12223
Plot Date	17/06/2023 8:53:11 PM
BIM	ARCH
Drawing no.	TP10.00
Revision	-

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Melbourne VIC 3000 Australia  
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Sydney Hills NSW 2010 Australia  
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**KEY PLAN:**

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

Status	TOWN PLANNING	
Scale	1 : 300 @ A1	(1 : 600 @ A3)
Drawn	PG	Checked TM
Project No.	M12223	
Plot Date	17/06/2021 8:52:30 PM	
BIM	ARCH	
Drawing no.	TP10.01	
Revision	-	

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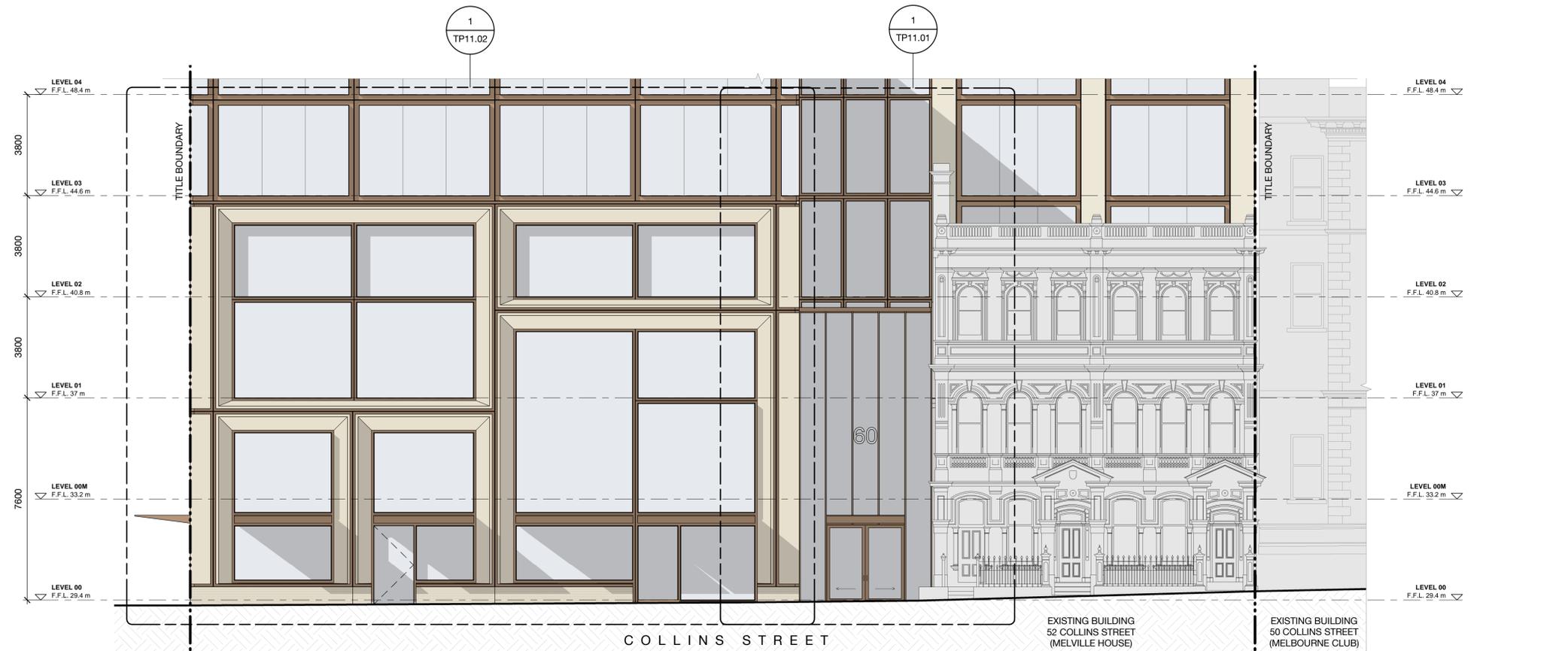
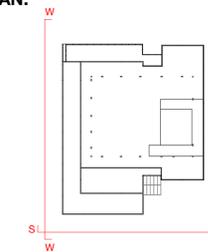


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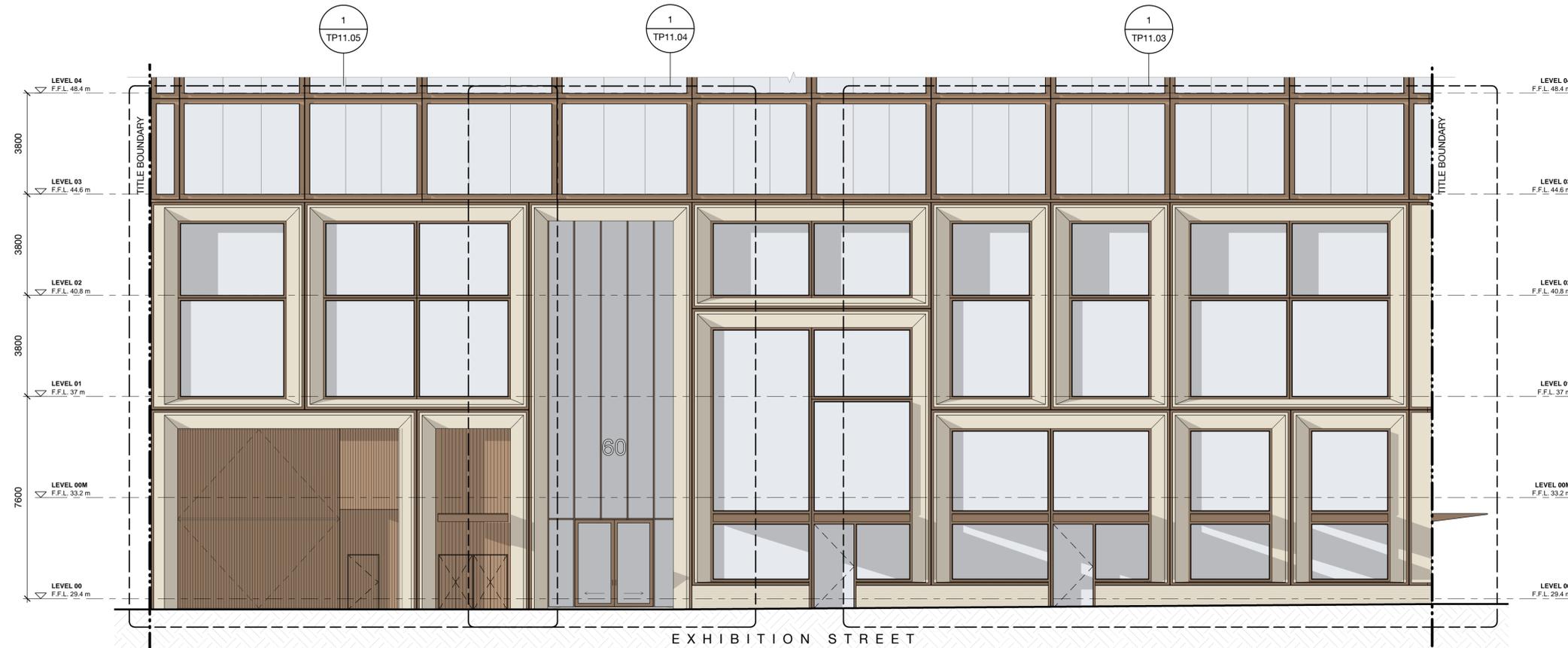
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**KEY PLAN:**



**S** South Elevation  
1 : 100



**W** West Elevation  
1 : 100

Revision	Date	Description	PG	JA
30.08.21		TOWN PLANNING RFI	PG	JA

**52-60 Collins Street  
Melbourne VIC 3000  
Facade Details  
Podium Street Elevations**

Status	TOWN PLANNING			
Scale	1 : 100	@ A1	(1 : 200	@ A3)
Drawn	PG	Checked	JA	
Project No.	M12223			
Plot Date	26/08/2021 5:59:38 PM			
BIM	ARCH			
Drawing no.	TP11.00			Revision
				-

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T 03 8664 6200 F 03 8664 6300  
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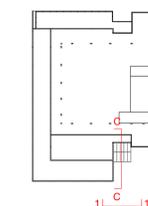


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**KEY PLAN:**



**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** Clear vision high performance double glazed IGU curtain wall
- FS5** Integrated facade louvres
- FS6** Vertical louvres
- ST1** Textured feature masonry
- ST2** Feature masonry
- ST3** Masonry facade frame/infill
- M1** Dark metal frame or panel
- M2** Dark perforated metal cladding to folding garage door

Revision	Date	Description	PG	JA
30.08.21		TOWN PLANNING RFI	PG	JA

**52-60 Collins Street  
Melbourne VIC 3000  
Facade Details  
Collins Street Entrance**

Status	TOWN PLANNING			
Scale	1 : 50	@ A1	(1 : 100 @ A3)	
Drawn	PG	Checked	JA	
Project No.	M12223			
Plot Date	26/08/2021 5:59:52 PM			
BIM	ARCH			
Drawing no.	Revision			

**TP11.01**

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**1** Collins St Entrance  
Elevation 1 : 50

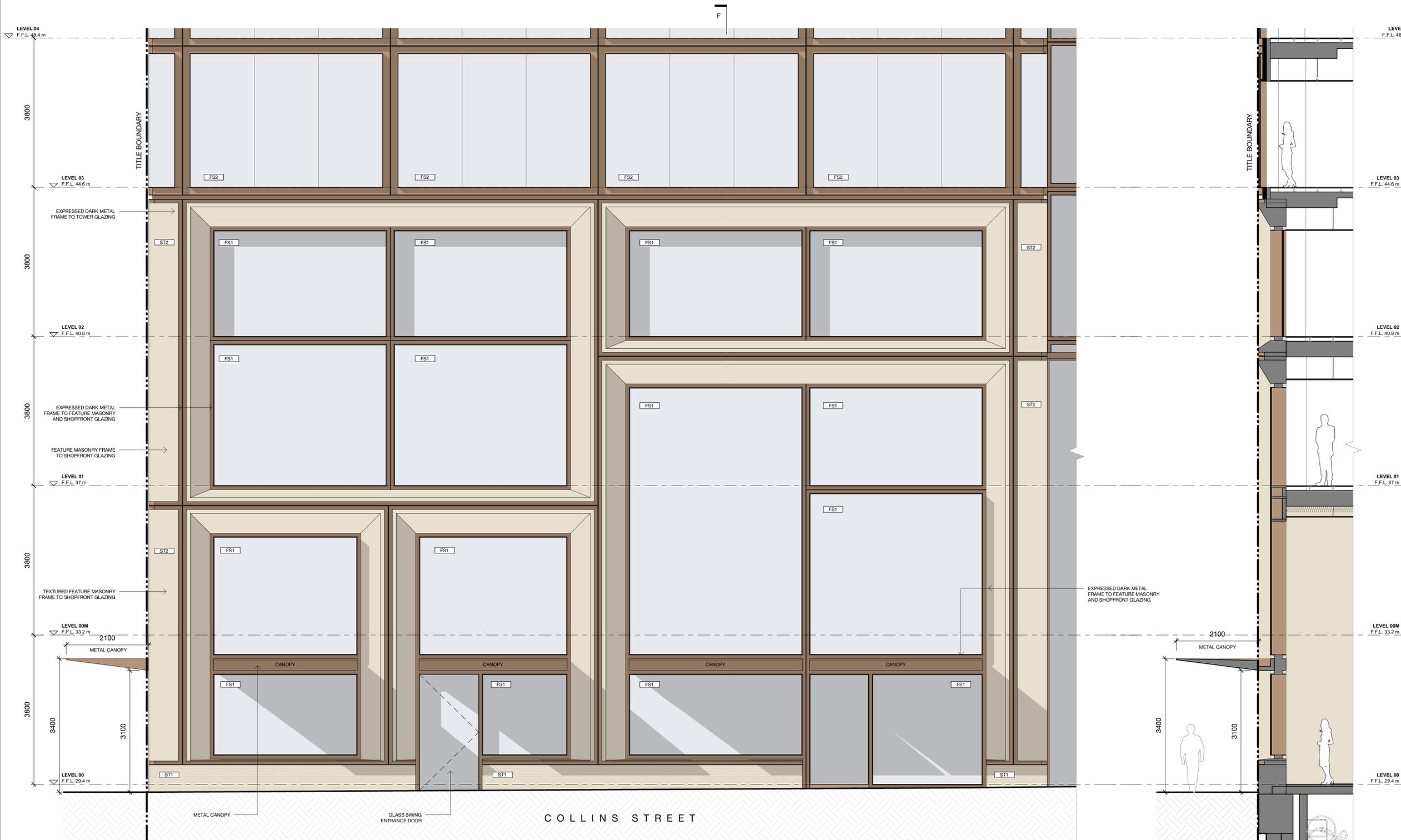
**C** Collins St Entrance  
Section 1 : 50

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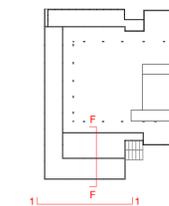
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**KEY PLAN:**



**FACADE LEGEND:**

- FS1** Clear vision shop front IGU glazing
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- M1** Dark metal frame or panel
- M2** Dark perforated metal cladding to folding garage door

Revision	Date	Description	PG	JA
30.08.21		TOWN PLANNING RFI	PG	JA

**52-60 Collins Street  
Melbourne VIC 3000  
Facade Details  
Collins Street Podium**

Status	TOWN PLANNING			
Scale	1 : 50	@ A1	(1 : 100 @ A3)	
Drawn	PG	Checked	JA	
Project No.	M12223			
Plot Date	26/08/2021 6:00:09 PM			
BIM	ARCH			
Drawing no.	Revision			

**TP11.02**

**Melbourne** 1 Nicholson Street  
Melbourne VIC 3000 Australia  
T 03 8664 6200 F 03 8664 6300  
email mel@batesmart.com.au  
http://www.batesmart.com.au

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Surry Hills NSW 2010 Australia  
T 02 8354 5100 F 02 8354 5199  
email syd@batesmart.com.au  
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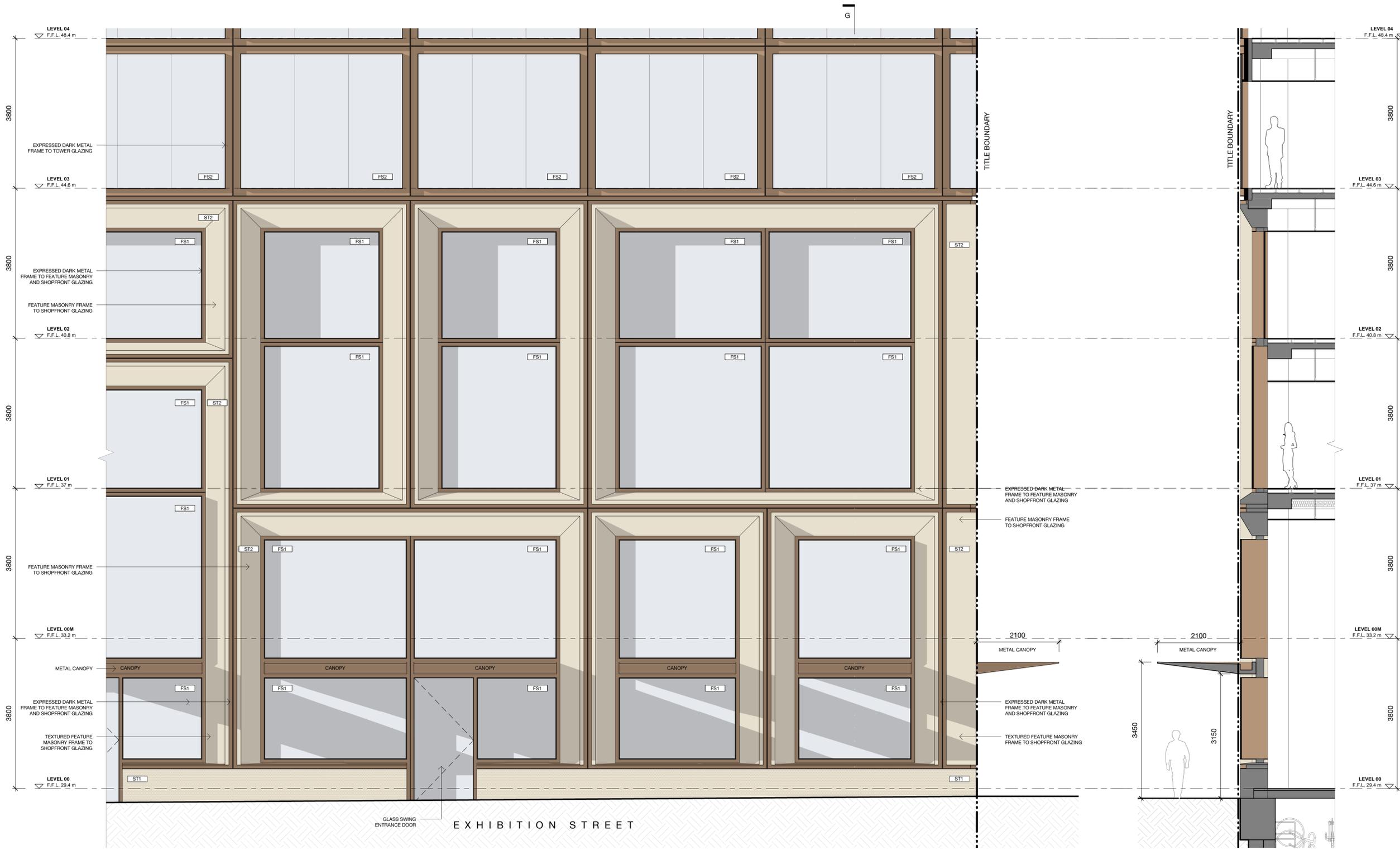
1 Collins Street Podium  
Elevation 1 : 50

F Collins Street Podium  
Section 1 : 50

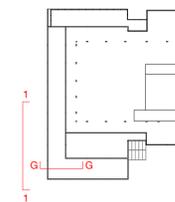
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Revision	Date	Description	PG	JA
30.08.21		TOWN PLANNING RFI	PG	JA

**52-60 Collins Street  
Melbourne VIC 3000  
Facade Details  
Exhibition Street Podium**

Status	TOWN PLANNING			
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Drawn	PG	Checked	JA	
Project No.	M12223			
Plot Date	26/08/2021 6:00:20 PM			
BIM	ARCH			
Drawing no.	Revision			

**TP11.03**

**Melbourne** 1 Nicholson Street  
Melbourne VIC 3000 Australia  
T 03 8664 6200 F 03 8664 6300  
email mel@batesmart.com.au  
http://www.batesmart.com.au

**Sydney** 43 Brisbane Street  
Surry Hills NSW 2010 Australia  
T 02 8354 5100 F 02 8354 5199  
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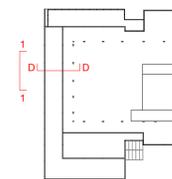


1 Exhibition St Podium  
Elevation 1 : 50

G Exhibition St Podium  
Section 1 : 50

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Revision	Date	Description	PG	JA
30.08.21		TOWN PLANNING RFI	PG	JA
			Initial	Checked

**52-60 Collins Street  
Melbourne VIC 3000  
Facade Details  
Exhibition Street Entrance**

Status	TOWN PLANNING		
Scale	1 : 50	@ A1	(1 : 100 @ A3)
Drawn	PG	Checked	JA
Project No.	M12223		
Plot Date	26/08/2021 6:00:30 PM		
BIM	ARCH		
Drawing no.	Revision		

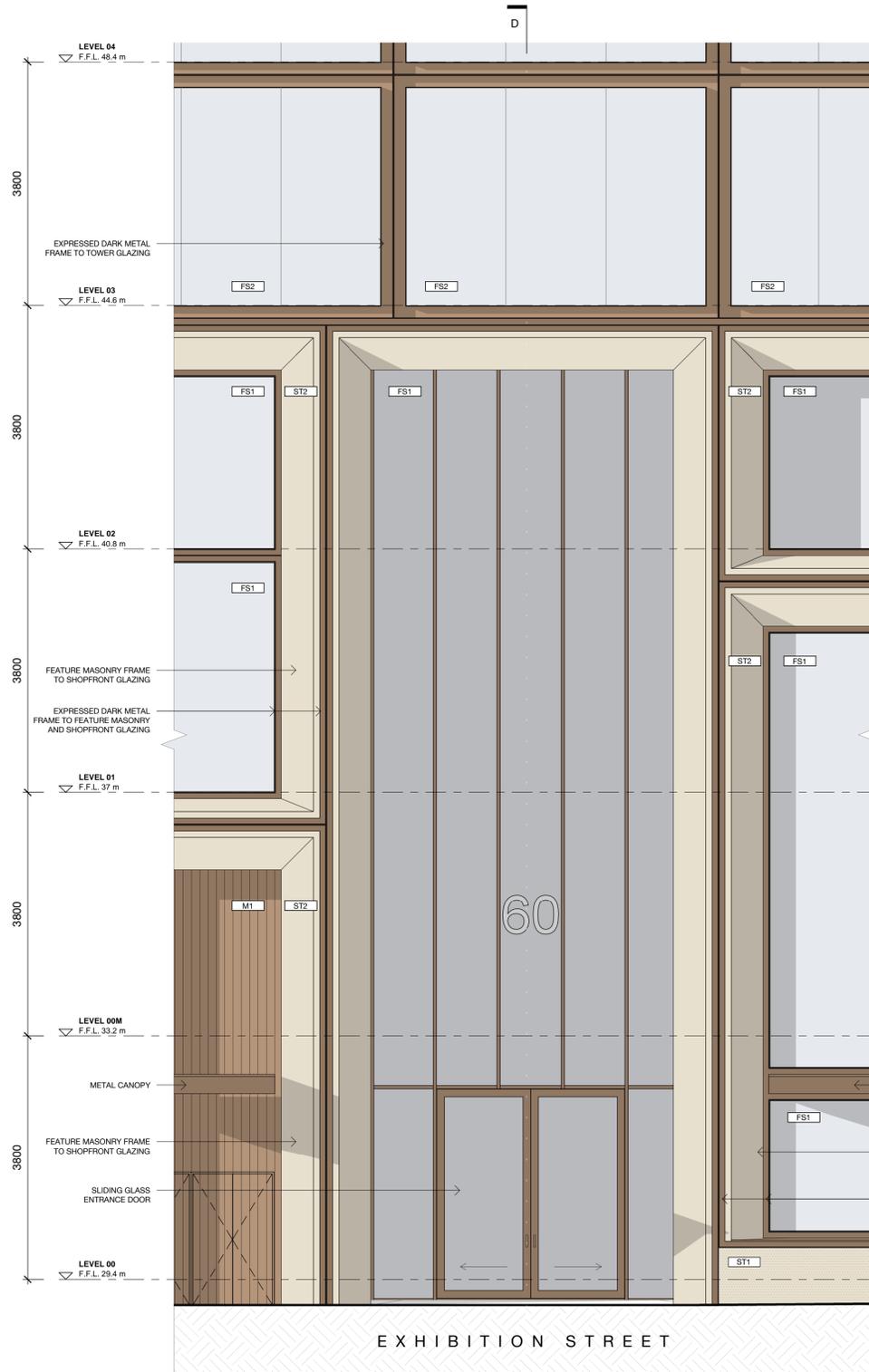
**TP11.04**

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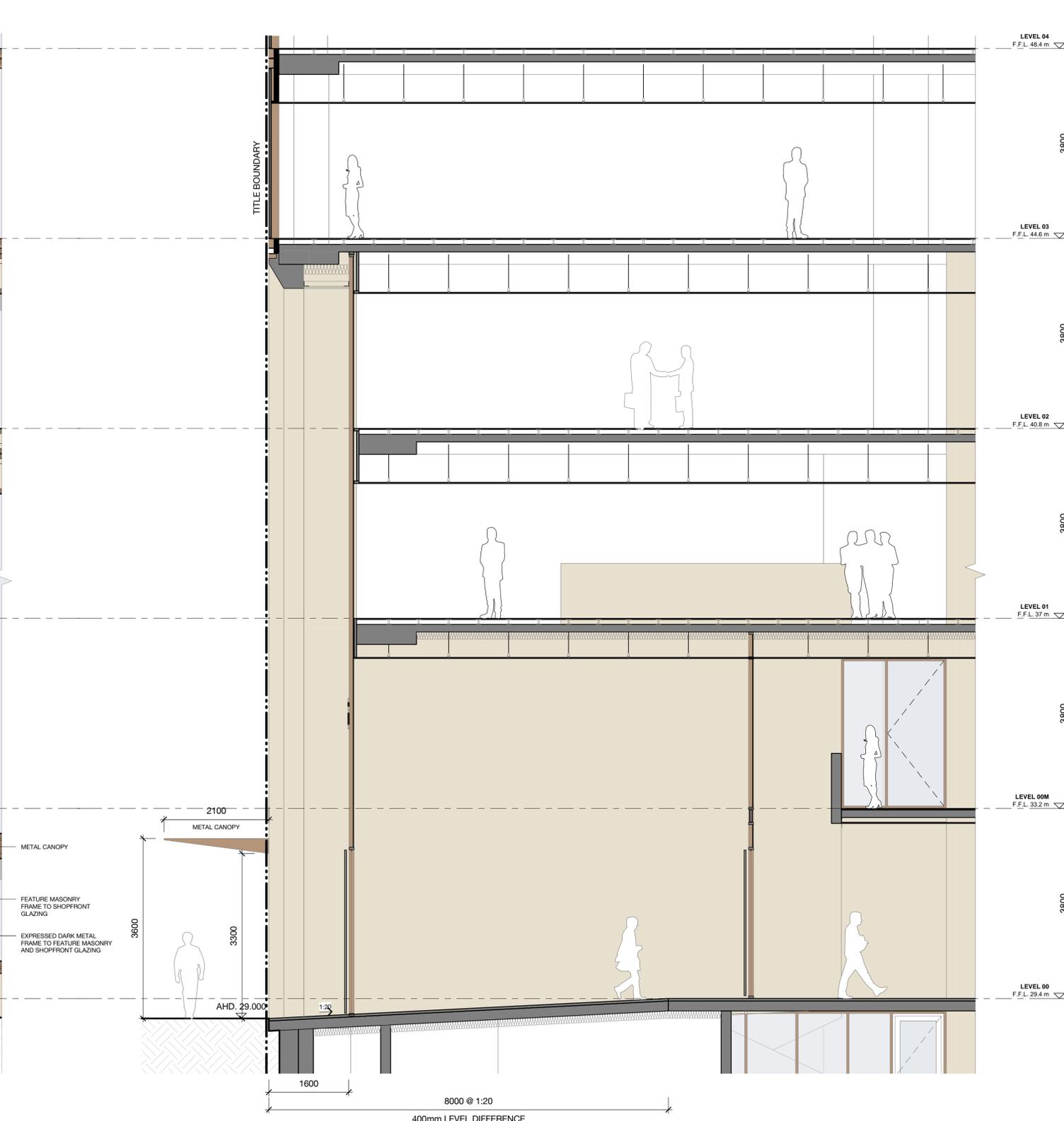
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T 02 8354 5100 F 02 8354 5199  
email syd@batesmart.com.au  
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**BATESSMART**



**1** Exhibition St Entrance  
Elevation 1 : 50



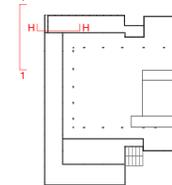
**D** Exhibition St Entrance  
Section 1 : 50

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Revision	Date	Description	PG	JA
30.08.21		TOWN PLANNING RFI	PG	JA

**52-60 Collins Street  
Melbourne VIC 3000  
Facade Details  
Carpark Entrance**

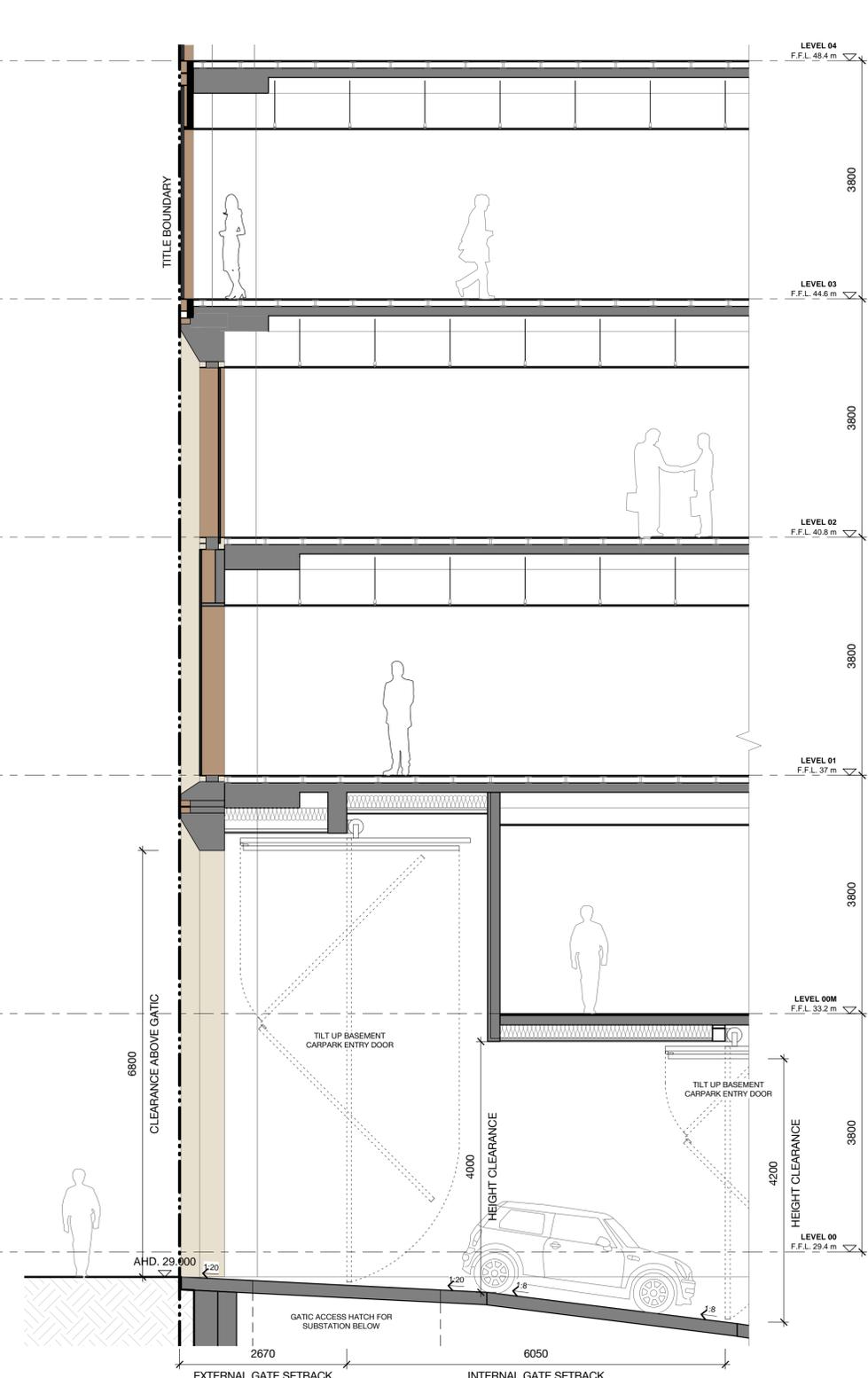
Status	TOWN PLANNING			
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Drawn	PG	Checked	JA	
Project No.	M12223			
Plot Date	26/08/2021 6:00:41 PM			
BIM	ARCH			
Drawn no.				Revision

**TP11.05**

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Melbourne VIC 3000 Australia  
T 03 8664 6200 F 03 8664 6300  
email mel@batesmart.com.au  
http://www.batesmart.com.au

**Sydney** 43 Brisbane Street  
Surry Hills NSW 2010 Australia  
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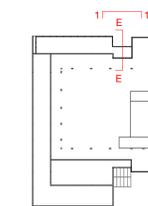


**1** Exhibition St Carpark  
Elevation 1 : 50

**H** Exhibition St Carpark  
Section 1 : 50

Check all dimensions and site conditions prior to commencement of any work, the purchase or ordering of any materials, fittings, plant, services or equipment and the preparation of shop drawings and or the fabrication of any components.  
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Revision	Date	Description	PG	JA
30.08.21		TOWN PLANNING RFI	PG	JA

**52-60 Collins Street  
Melbourne VIC 3000  
Facade Details  
McGraths Lane Entrance**

Status	TOWN PLANNING			
Scale	1 : 50	@ A1	(1 : 100 @ A3)	
Drawn	PG	Checked	JA	
Project No.	M12223			
Plot Date	26/08/2021 6:00:51 PM			
BIM	ARCH			
Drawing no.	Revision			

**TP11.06**

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http://www.batesmart.com.au

Sydney 43 Brisbane Street  
Surry Hills NSW 2010 Australia  
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1 McGraths Ln Entrance  
Elevation 1 : 50

E McGraths Ln Entrance  
Section 1 : 50

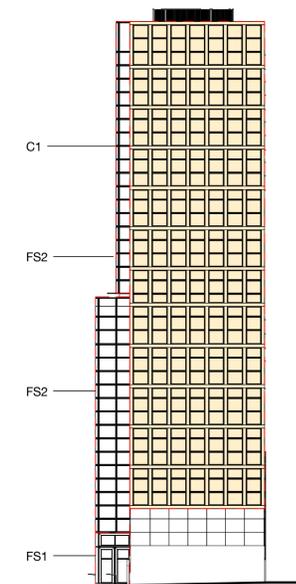
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KEY ELEVATION: EAST



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Revision	Date	Description	PG	JA
	30/08/21	TOWN PLANNING RFI	PG	JA

52-60 Collins Street  
Melbourne VIC 3000  
Facade Details  
East Elevation Glazing

Status	TOWN PLANNING		
Scale	1 : 50	@ A1	(1 : 100 @ A3)
Drawn	PG	Checked	JA
Project No.	M12223		
Plot Date	26/08/2021 6:01:04 PM		
BIM	ARCH		
Drawing no.	Revision		

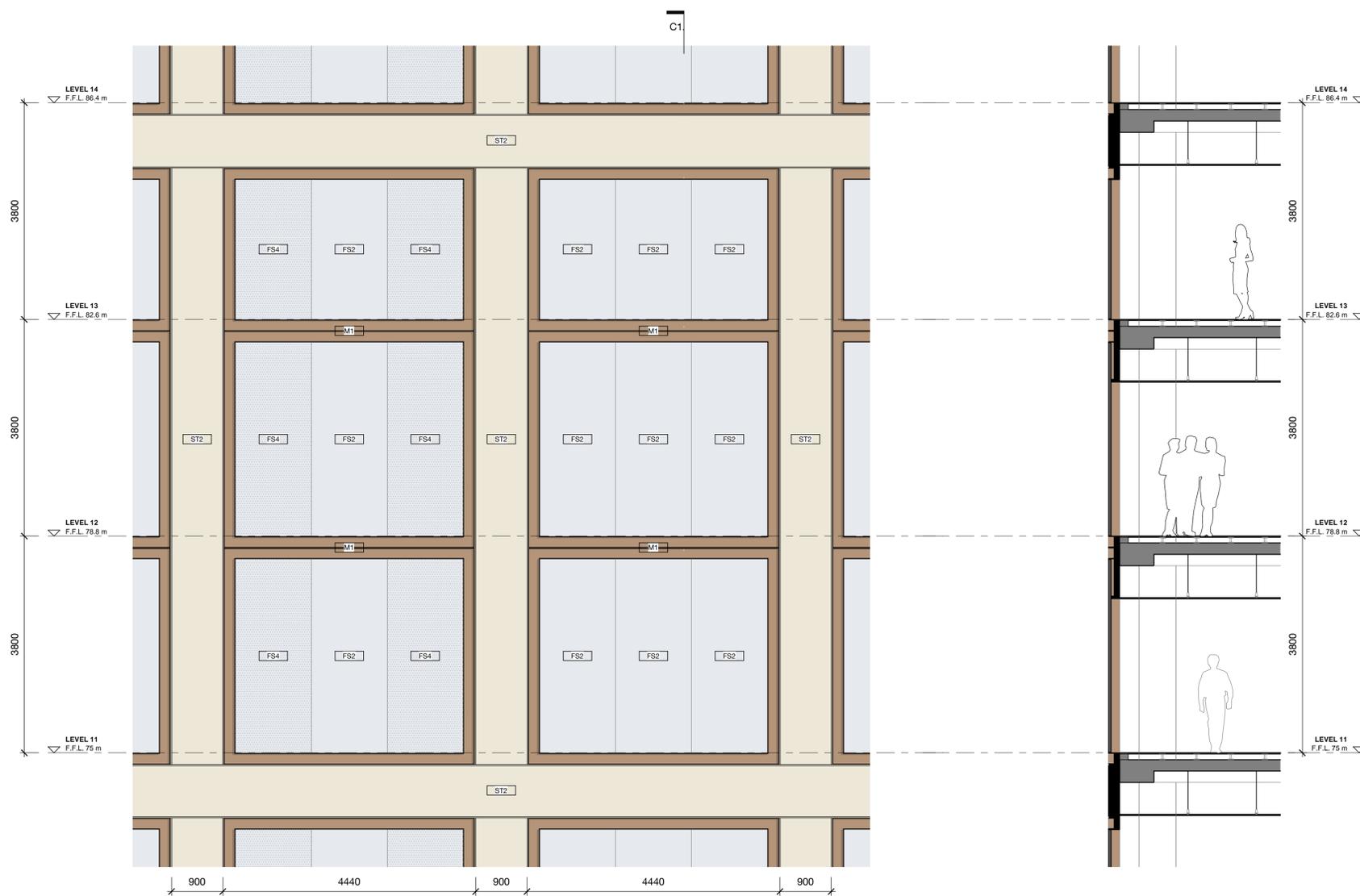
TP11.07 -

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Surry Hills NSW 2010 Australia  
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**BATESSMART**



C1 FS2/4 (East Facade)  
1 : 50

(GLAZED SPANDRELS TO CORE BEHIND FACADE SHOWN DOTTED)

C1 FS2/4 (East Facade)  
1 : 50



## DELEGATE REPORT

### MINISTERIAL PLANNING REFERRAL

<b>Application number:</b>	TPMR-2019-25/A
<b>DELWP Application number:</b>	PA1900656-2
<b>Applicant / Owner / Architect:</b>	Urbis / Dexu Funds Management Ltd, Black Swan Properties Pty Ltd and Cynus Pty Ltd / Bates Smart
<b>Address:</b>	52-60 Collins Street, 36 Collins Street and 57-67 Little Collins Street, Melbourne
<b>Proposal:</b>	Amend Planning Permit PA1900656 to incorporate 36 Collins Street and 57-67 Little Collins Street, to increase the overall height and GFA associated with a multi- storey commercial building
<b>Cost of works:</b>	Total development cost \$269,000,000 (increased by \$87,000,000)
<b>Date received by City of Melbourne:</b>	3 May 2021
<b>Responsible officer:</b>	Lachlan Orr
<b>Report date:</b>	16 November 2021

## 1. SUBJECT SITE AND SURROUNDS

### 1.1. The site

The subject site is located on the north-east corner of the intersection of Collins Street and Exhibition Street, Melbourne.

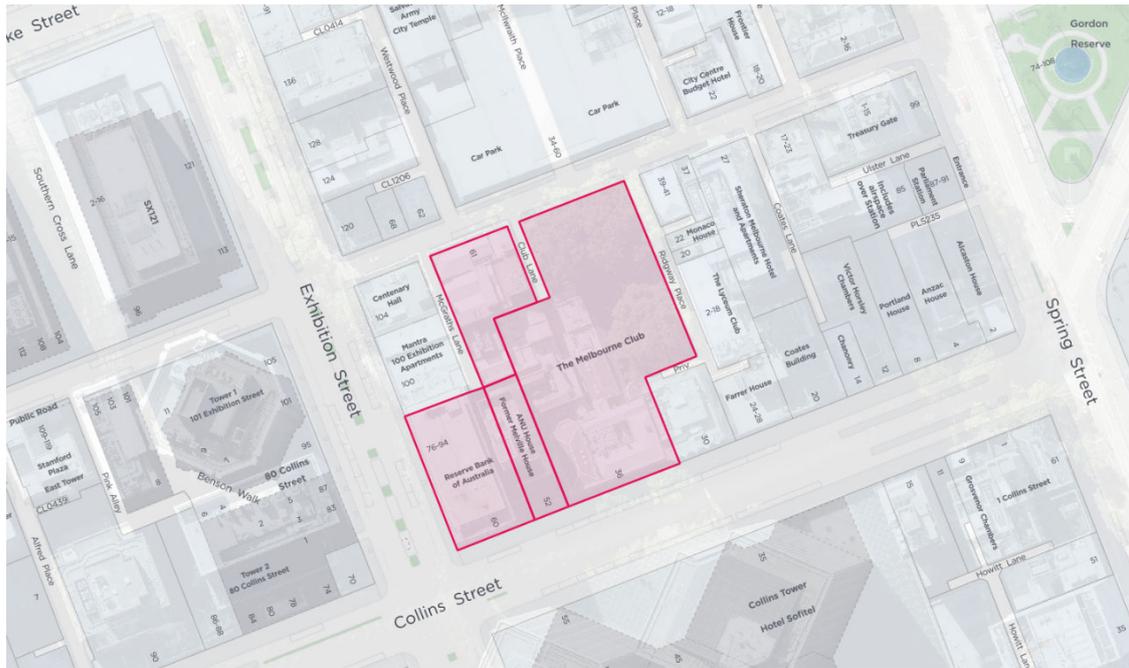
The site comprises the following properties:

- Lot 1 on Plan of Subdivision 858816B - 52 Collins Street;
- Lot 1 on Plan of Subdivision 552611B - 60 Collins Street;
- Lot 1, 2 & 3 on Title Plan 854048 - 36 Collins Street; and
- Lot 1 & 2 on Title Plan 677350 – 57-67 Little Collins Street.

Under the permit, the site comprises two parcels of land at 52 and 60 Collins Street with a total area of approximately 1,985 square metres.

The amendment incorporates the properties to the east associated with the Melbourne Club at 36 Collins Street, and to the north at 57-67 Little Collins Street, resulting in a combined site area of approximately 7,423 square metres.

It is noted that the development activity area remains the same as under the original application, with no demolition, buildings or works proposed on the additional sites.



**Figure 1: Subject site (Source: Compass, Council)**

The land at 52 Collins Street is occupied by Melville House, a three storey building which is a significant heritage place. The building is included on the Victorian Heritage Register (Ref. VH607). A multi-storey office building has been constructed immediately to the rear of Melville House, which together are known as the ANU House.



**Figure 2: 52 Collins Street (Source: Google Street View)**

The land at 60 Collins Street accommodates the former Reserve Bank of Australia, a 15 storey office building with frontages to both Collins Street and Exhibition Street and rear access provided from McGraths Lane. The building is of contributory significance to the Collins East precinct. The building was identified as potentially being a significant

individual heritage place as part of the Hoddle Grid Heritage Review under Amendment C387. However, interim heritage controls have not been applied to the land through Amendment C386.



**Figure 3: 60 Collins Street (Source: Google Street View)**

The land at 36 Collins Street is occupied by the Melbourne Club, which is a significant heritage place comprising a three storey building with associated outbuildings and gardens. The buildings and gardens are included on the Victorian Heritage Register (Ref. VH30).



**Figure 4: 36 Collins Street (Source: Google Street View)**

The land at 57-67 Little Collins Street is occupied by a three storey commercial building owned by the Melbourne Club, bounded by McGraths Lane and Club Lane. The building is known as the former 'Craig, Williamson Pty Ltd Complex' and is identified as being a significant individual heritage place under Amendment C387. Interim heritage controls have been applied to the land through Amendment C386 (HO1348).



**Figure 5: 57-67 Little Collins Street (Source: Google Street View)**

The applicant has declared that the application does not breach any Agreement or encumbrance noted on the titles for the properties forming the subject site.

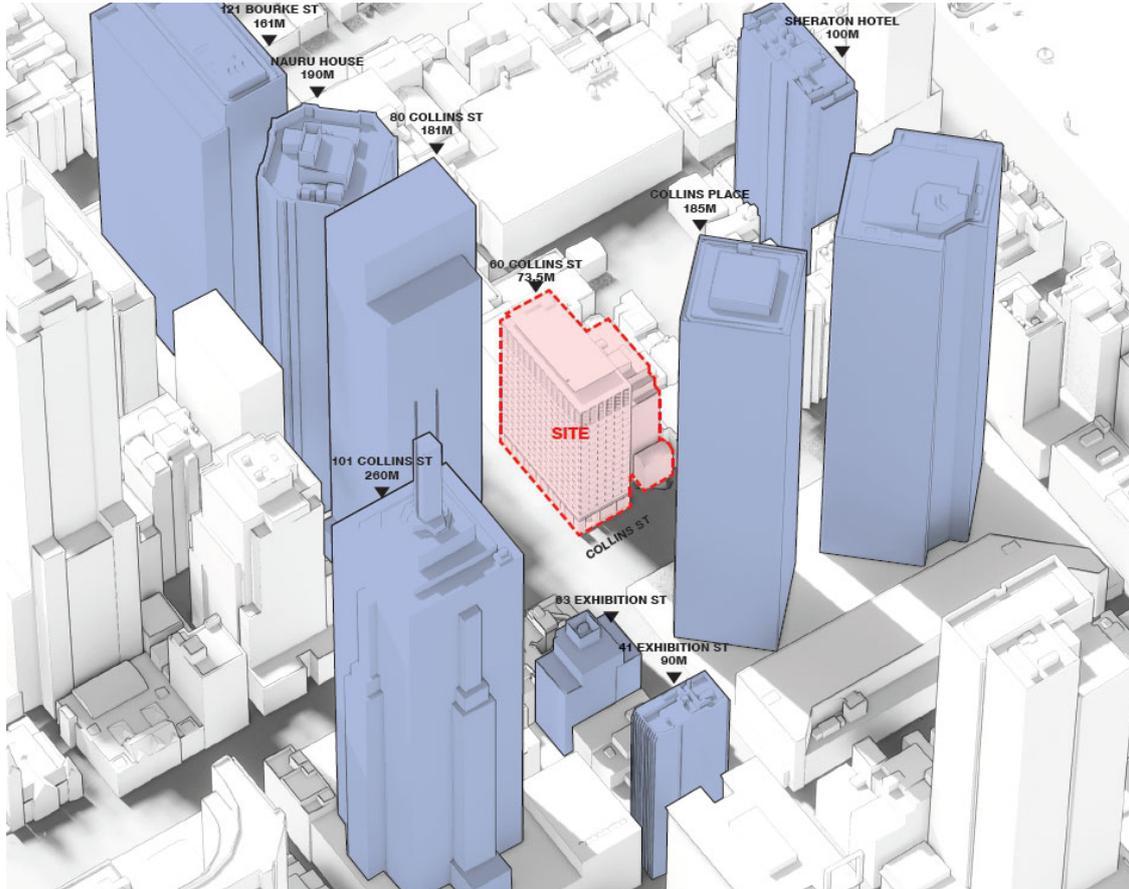
## **1.2. Surrounds**

The surrounding area is characterised by the heritage setting of the Collins East Precinct (HO504), which has a high degree of architectural and aesthetic quality due to the numerous significant heritage places which populate it and the boulevard of plane trees along the street.

The immediately adjoining sites are described as follows:

- To the east, 30 Collins Street is occupied by a 15 storey office building constructed with a masonry and glazed façade in a sawtooth configuration. Further east are commercial developments of a similar scale, with significant heritage buildings located beyond toward Spring Street.
- To the north, 96-102 Exhibition Street is occupied by an 11 storey residential building (Mantra Hotel and apartments). Further to the north is the Centenary Hall building as well as lower scale built form along Little Collins Street.

- To the west is Exhibition Street. The opposite side of the street features the recently constructed building at 74-94 Collins Street alongside the Nauru House building, at approximately 181 and 190 metres in height respectively.
- To the south is Collins Street, with Collins Place located directly opposite the site which features a publicly accessible forecourt area and towers up to approximately 185 metres in height. The significant Harley House building is located diagonally opposite to the subject site, on the south-western corner of the intersection with Exhibition Street.



**Figure 6: Surrounding built form context (Source: Applicant)**

## 2. THE PROPOSAL

Planning permit PA1900656 (TMPR-2019-25) was issued for the 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.

The key aspects of the proposed amendment are summarised as follows:

### Subject site

- Incorporation of land associated with the Melbourne Club at 36 Collins Street and 57-67 Little Collins Street as part of the land to which the permit applies, increasing the overall site area from 1,985 square metres to 7,423 square metres.

### Development

- An increase in the height and scale of the approved building including:

- Overall building height increased from 101.5 metres to 159.64 metres through the extension of the tower form, with the street wall heights remaining generally consistent with the approved design.
- Gross floor area increased from 35,730 square metres to 58,127 square metres.
- Rearrangement of internal floor layouts including the:
  - Provision of additional office space in the extended tower floors.
  - Deletion of basement retail space, replaced by an expanded bicycle parking area and building services.
  - Opening of the ground floor retail space internally around the building lobby and the through-block link to McGraths Lane.
  - Provision of outdoor terrace areas associated with the office tenancies on levels 9, 18 and 37.
- Subsequent modifications to the building layout and design, most notably the provision of expressed masonry grid forms above a height of 22 metres in lieu of concrete panelling, achieving an active building presentation viewed in the round.
- The proposal will remain within the approved building footprint under the current permit and does not include any works at 36 Collins Street and 57-67 Little Collins Street.

#### Permit conditions

- To facilitate this arrangement, it has been proposed to include new permit conditions which will:
  - Create airspace lots above 40 metres from ground level reflecting the setback requirements of DDO10 along the northern and eastern edges of the building over 36 Collins Street and 57-67 Little Collins Street.
  - Consolidate the airspace lots into the title of the development area (52 and 60 Collins Street).
  - Provide light and air easements over the airspace lots in favour of 36 Collins Street and 57-67 Little Collins Street.
- It is also proposed to include a condition requiring a Section 173 Agreement securing the floor area ratio across the remainder of the amalgamated site. The Agreement would ensure the maximum allowable floor area ratio for any future development of 36 Collins Street and 57-67 Little Collins Street is calculated in accordance with the planning scheme, and that it is reduced by the gross floor area of the development at 52-60 Collins Street.
- Clerical amendments are proposed to permit conditions where updated references to plans or reports are required.

A comparison of the approved and amended development schemes is contained in the following table:

	<b>Approved</b>	<b>Proposed</b>
Site area	1,985 square metres	7,423 square metres

Floor areas	Office area – 25,554 square metres Retail area - 757 square metres Gross floor area – 35,730 square metres	Office area – 42,182 square metres Retail area - 410 square metres Gross floor area (development) – 58,127 square metres Floor area of existing buildings – 6,575 square metres Gross floor area (total) – 64,702 square metres
Floor Area Ratio (FAR)	18:1	8.72:1
Building height	101.5 metres to top of parapet 103.14 metres to roof services	159.64 metres to top of parapet 163.24 metres to roof services
Maximum street wall heights	Collins Street - 83.67 metres for a length of 22.92 metres Exhibition Street - 82.64 metres for a length of 43 metres	Collins Street – 81.6 metres for a length of 22.92 metres Exhibition Street – 81.9 metres for a length of 43 metres
Parking spaces	36	41
Bicycle spaces	212	342
Vehicle access	Shared access way at north-western corner of the site from Exhibition Street.	Unchanged



**Figure 7: Comparison of approved and amended building viewed from the south-west on Exhibition Street (Source: Applicant)**

### 3. BACKGROUND

#### 3.1. Pre-application discussions

Pre-application discussions of the merits of the amendment were attended by the applicant, DELWP and Council Officers on 2 December 2020 and 24 February 2021.

#### 3.2. Site history

The following historical planning applications are considered relevant:

TP number	Description of Proposal	Decision
Subject Site		
TPMR-2019-25 DELWP Ref: PA1900656	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	Permit 22 May 2020
Surrounding Sites		
TPM-2008-61 DPCD Ref: 2008/0923	Use of land for the purpose of multiple dwellings and development of a multi-level, mixed use building with associated car parking	Permit 4 August 2011



72-84 Collins Street		
TP-2000-569 96-102 Exhibition Street	Alterations and additions to the existing building including a single level and part five level rooftop extension for conversion of the building to dwellings and/or serviced apartments (residential hotel) with associated basement car parking.	Permit 23 June 2000

#### 4. PLANNING SCHEME PROVISIONS

The following provisions of the Melbourne Planning Scheme are applicable to this application:

Planning Policy Framework:	Clause 11 – Settlement Clause 15 – Built Environment and Heritage Clause 17 – Economic Development Clause 18 – Transport Clause 19 – Infrastructure
Municipal Strategic Statement:	Clause 21.02 – Municipal Profile Clause 21.03 – Vision Clause 21.04 – Settlement Clause 21.06 – Built Environment and Heritage Clause 21.08 – Economic Development Clause 21.09 – Transport Clause 21.10 – Infrastructure Clause 21.11 – Local Areas Clause 21.12 – Hoddle Grid
Local Planning Policies:	Clause 22.02 – Sunlight to Public Spaces Clause 22.04 – Heritage Places within the Capital City Zone Clause 22.19 – Energy, Water and Waste Efficiency Clause 22.20 – CBD Lanes Clause 22.23 – Stormwater Management (Water Sensitive Urban Design)

Statutory Controls	
Clause 37.04 - Capital City Zone (Schedule 1)	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>The existing permit provides permission for the demolition works shown on the plans. The amendment does not seek to increase or modify the extent of demolition under the permit.</p> <p>The existing permit provides permission to construct a building and construct or carry out works associated with a multi-storey building at 52 and 60 Collins Street. The amendment seeks permission to increase the scale of these works as outlined above.</p> <p>For land that is affected by DDO10, the schedule to the zone specifies that a permit must not be granted for a building with a floor area ratio greater than 18:1 unless a public benefit is secured.</p> <p>The amendment does not seek to demolish any building, or construct or carry out any works at 36 Collins Street and 57-67 Little Collins Street.</p> <p>A permit is not required for the use of land for offices or retail premises (other than an adult sex bookshop, department store, hotel, supermarket or tavern) in this zone.</p>
<p>Clause 42.01 - Environmental Significance Overlay (Schedule 2) - affecting 36 Collins Street</p>	<p>This overlay applies to three significant Plane Trees associated with the garden of the Melbourne Club.</p> <p>The amendment does not involve any works in the vicinity of the Tree Protection Zones, therefore no permit is required in accordance with this overlay.</p>
<p>Clause 43.01 - Heritage Overlay  HO504 (Collins East Precinct) - affecting 36, 52 and 60 Collins Street  HO566 (Melville House) - affecting 52 Collins Street</p>	<p>This clause states that a permit is required to demolish a building and to construct a building and carry out works</p> <p>It is noted that 52 Collins Street is included upon the VHR (VH607). In accordance with Clause 43.01-3 of the HO, a permit is not required to develop a place included on this register. The extent of VHR registration for Melville House includes the remaining heritage building only, and does not include the more recent office building to the rear, where a permit is required for demolition and to construct a building.</p> <p>The existing permit provides permission for the demolition of the existing building to the rear of Melville House at 52 Collins Street, and for the complete demolition of the building at 60 Collins Street. The amendment does not seek to increase or modify the extent of demolition under the permit.</p> <p>The existing permit provides permission to construct a building and construct or carry out works associated with a multi-storey building at 52 and 60 Collins Street. The amendment seeks permission to increase the scale of these works as outlined above.</p>
<p>Clause 43.01 - Heritage Overlay  HO565 (The Melbourne Club) -</p>	<p>The amendment does not seek to demolish any building, or construct or carry out any works at 36 Collins Street and 57-67 Little Collins Street.</p>

<p>affecting 36 Collins Street</p> <p>HO1348 (Former Craig, Williamson Pty Ltd complex) - interim control affecting 57-67 Little Collins Street, Melbourne</p>	<p>A permit is not required under the heritage overlays affecting these properties.</p>
<p>Clause 43.02 - Design and Development Overlay (Schedule 1 - Urban Design in Central Melbourne)</p>	<p>A permit is required to construct a building or construct or carry out works. Any permit granted:</p> <ul style="list-style-type: none"> <li>• Must meet the Design objectives specified in this schedule.</li> <li>• Must satisfy the Design outcomes specified for each relevant Design element</li> </ul> <p>A permit cannot be amended (unless the amendment does not increase the extent of non-compliance) for buildings and works that do not meet a Design requirement expressed with the term 'must'.</p>
<p>Clause 43.02 - Design and Development Overlay (Schedule 10 - General Development Area - Built Form)</p>	<p>A permit is required to construct a building or construct or carry out works, and any permit granted:</p> <ul style="list-style-type: none"> <li>• Must meet the Design Objectives specified in this schedule;</li> <li>• Must satisfy the Built Form Outcomes specified for each relevant Design Element in Table 3 to this schedule; and</li> <li>• Should meet the Preferred Requirement specified for each relevant Design Element in Table 3 to this Schedule.</li> </ul> <p>A permit must not be granted or amended (unless the amendment does not increase the extent of non-compliance) for buildings and works that do not meet the Modified Requirement for any relevant Design Element specified in Table 3 to the schedule.</p>
<p>Clause 45.09 - Parking Overlay (Schedule 1 – Capital City Zone – Outside the Retail Core)</p>	<p>A permit is required to provide parking in excess of the following rate:</p> <p>Where a site is used partly for dwellings and partly for other uses, the maximum number of spaces allowed:</p> <ul style="list-style-type: none"> <li>• For that part of the site devoted to dwellings (including common areas serving the dwellings) must not exceed one (1) space per dwelling.</li> <li>• For that part of the site devoted to other uses, (excluding common areas serving the dwellings) must not exceed the number calculated using one of the following formulas:</li> </ul> <p style="padding-left: 40px;">Maximum spaces =</p>

	<ul style="list-style-type: none"> <li>• 5 x net floor area of buildings on that part of the site in square metres/1000 square metres; or</li> <li>• 12 x that part of the site area in square metres /1000 square metres</li> </ul> <p>The amendment provides a total of 41 on-site car spaces which is less than the 210 allowable. A permit is therefore not required.</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>The proposal is not required to provide any motorcycle spaces.</p>
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Particular Provisions	
Clause 52.06 - Car Parking	<p>The requirements for the provision of on-site car parking are contained in the Parking Overlay (Schedule 1) that applies to the land.</p> <p>The access and car parking arrangement is assessed against the design standards at Clause 52.06-9.</p>
Clause 52.34 - Bicycle Facilities	<p>Pursuant to Clause 52.34-2, a permit may be granted to vary, reduce or waive the bicycle parking requirements of Clause 52.34-5.</p> <p>Clause 52.34-5 requirements are as follows:</p> <p>Office – 1 to each 300m<sup>2</sup> of net floor area for employees and 1 to each 1000m<sup>2</sup> of net floor area for visitors; and</p> <p>Retail premises - 1 to each 300m<sup>2</sup> of leasable floor area for employees and 1 to each 500m<sup>2</sup> of leasable floor area for shoppers.</p> <p>The proposal generates a requirement for 182 spaces and a total of 342 are proposed. Therefore, no permit is required.</p> <p>The proposal also generates a requirement for 14 showers and change rooms. The development provides end of trip facilities accommodating 40 showers and change rooms, exceeding this requirement.</p>

General Provisions	
Clause 65 - Decision Guidelines	<p>Clause 65.01 (Approval of an application or plan) outlines the matters which must be considered by the Responsible Authority prior to deciding on an application or approval of a plan.</p>
Clause 72.01 - Responsible Authority for this Planning Scheme	<p>DELWP is the Responsible Authority for this matter as the Gross Floor Area (GFA) of the development exceeds 25,000 square metres.</p>

	The City of Melbourne is a recommending referral authority.
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## **5. PLANNING SCHEME AMENDMENTS**

### **5.1. Amendment C376: Sustainable Building Design**

Planning Scheme Amendment C376 aims to introduce new best-practice ESD Standards into the planning scheme to ensure that new buildings in the municipality respond to climate change. Amendment C376 also implements the Green Factor tool, which is an online green infrastructure assessment tool designed by the City of Melbourne, and was developed to help with optimising the design of green infrastructure and external landscapes on buildings. Amendment C376 and the Green Factor Tool were endorsed by Council on 15 September 2020.

The Standards will apply to new buildings in the City of Melbourne as well as alterations and additions that meet a certain size threshold and will mean that new developments in the city need to achieve specific environmental targets. This includes solar panels, green roofs and walls, better insulation, using water more wisely and bike racks to encourage cycling.

### **5.2. Amendments C386 and C387: Hoddle Grid Heritage Review**

Planning Scheme Amendments C386 and C387 were prepared by Council relating to the Hoddle Grid Heritage Review, which is a review of heritage buildings throughout the central city. They were endorsed by Council on 4 August 2020.

Amendment C386 implements heritage controls on an interim basis to properties identified in the review, whilst the process to implement permanent heritage controls progresses under Amendment C387. Relevant to this application, the buildings at 60 Collins Street and 57-67 Little Collins Street were identified in the review in 2019 for potential individual protection.

The current planning permit includes the full demolition of the building at 60 Collins Street. As such, interim controls were not applied to the land and its heritage assessment framework remains as it was under the original assessment.

Interim controls have been applied to the land at 57-67 Little Collins Street (HO1348). The application does not propose any works to 57-67 Little Collins Street. Due to the separation between the proposed and existing buildings as well as the extent of development approved under the current permit, it is not considered that the proposed amendment would detract from its heritage significance.

## **6. PUBLIC NOTIFICATION**

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

Public notice is the responsibility of the Minister for Planning as the Responsible Authority.

## **7. REFERRALS**

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

### **7.1. Urban Design**

Support the overall design language of the amendment scheme, including the pleated glass proposal to lower level glazing to provide a visually interesting and fine grained interface to heritage interfaces and the street.

The following critical matters must be addressed to ensure a high quality urban design outcome, by permit condition:

- The delineation of a clear through-block link, separated from the retail tenancy fronting the corner of Collins Street and Exhibition Street (as per approved scheme). This is to ensure a high-quality, direct, and publically attractive through-block connection as per the design requirements of DDO1, and to ensure a separate and high-quality activation offering to the street (the walls enclosing the retail tenancy should be primarily glazed with shopfront entries and articulation to provide activation internally).
- The provision of glazing or other measures to increase permeability and visual interest of the lobby entrance (8m deep) from Exhibition Street.
- The enclosure of the carpark access stairway and shuttle lift (within the internal lobby) to provide further definition between the publically accessible areas and the more private areas associated with the commercial tenancy.
- A higher level of detail and certainty around material selection and design detail through the provision of a detailed material palette, relevant façade details, and 1:20 street level elevations (refer to the discussion section of the report for detailed recommendations and potential façade strategy conditions).

Where required, the above items can be addressed through new conditions on an amended permit.

The final point can be dealt with under Condition 6 of the permit, which requires a façade strategy to be submitted for endorsement in consultation with Council.

## **7.2. Heritage**

The amended scheme is supported, and the following comments provided (summarised):

- Whilst there are reasons of equitable development that may require setbacks under the planning scheme, in the central city context I accept the expectation that building are generally built boundary to boundary and juxtaposition of towers with heritage buildings is accepted and not controlled or regulated with any particular policy. In this case the development site outside the registered land of the Melbourne Club and is clearly understood as a separate entry from the Club.
- Where there is a heritage property that effectively limits the capacity for development of the property there is opportunity for the abutting development to avail itself of the heritage airspace and it seems reasonable that the benefit of open airspace above heritage buildings should lead to some consideration.
- It is policy at Clause 43.01 that new built form is expected to be 'in keeping' with adjacent heritage character and appearance. Whilst the garden experience of the Melbourne Club is largely a private matter it is an aspect of the heritage of Melbourne and, in an extenuated manner, considered of interest. This is however from a third party perspective rather than as an aspect of heritage over which the City of Melbourne would normally exercise control.
- Accepting the juxtaposition of the tower without setback, the question remains as to how the expression of the tower demonstrates evident regard for the human scale of the garden next door and does not create an experience of the garden being dominated or overwhelmed.
- A blank wall monolith rising sheer at the boundary would have that effect. Given the very human scale of the garden similar considerations to those being

explored in relation to the juxtaposition with Melville House may also result in a respectful dialogue between the new neighbour and the Melbourne Club.

- The introduction of the pleated glazing reduces the scale of tower grid to one offering greater human engagement moving to towards the traditional scales and textural qualities of Melville House.
- The question of transition (response to the attributes of the heritage context) is clearly one that benefits from interactive consideration in the design.
- The sexpartite division in Melville House might be referenced through the introduction of lighter paired mullions to each side, or three very flat pleats to either side, in some manner.

The recommendation for additional detailing can be dealt with under Condition 6 of the permit, which requires a façade strategy to be submitted for endorsement in consultation with Council.

### **7.3. Engineering**

#### Civil Design

The proposed amendment is not significantly different from the original submission with regard to the public realm. All civil conditions that were previously included on the permit apply and should remain on any amended permit to be issued.

#### Traffic

The originally submitted Traffic and Transport Assessment dated 1 February 2021 was reviewed with comments provided. A subsequent letter of traffic advice with swept path diagrams dated 9 September 2021 was submitted in response and reviewed, with the following comments provided:

- The swept path diagrams provided by Cardno (now using the current cross-section of Exhibition Street) show that larger vehicles entering the site may cut across the recently installed bike lane line marking. The applicant may be required to make alterations to the existing line marking on approach to the vehicle entry point (to be determined during detailed design).
- The required car space and access aisle dimensions have now been included on the plans. While the space and aisle dimensions still do not meet the requirements of Permit Condition 20, that states that “The revised Traffic and Transport Report must demonstrate compliance with relevant car park design standards outlined in Clause 52.06-9 of the Melbourne Planning Scheme and / or other relevant Australian and New Zealand standards”, the applicant has provided swept path diagrams that indicate that entry and exit for the spaces is possible. The applicant should be advised that any accessibility issues will be for them to resolve.
- The required vehicular ramp grades have now been included on the plans and are acceptable.
- The bicycle ramp grades have been slightly flattened. While still not complying with the 1:12 requirement, it is accepted that the 1:8 ramp will provide for convenient cyclist entry and exit movements.
- The sight distance triangle for drivers exiting the site is now shown on TP02.00, Revision B, which is appropriate.
- The stated inclusion of convex mirrors, flashing lights etc at the internal ramp corners (refer Cardno letter Page 5 and the amended plans) are an appropriate

inclusion and a Permit Condition requiring these items should be included in any permit issued.

- The changes to the swept paths at the bottom of the ramps is an improvement and is now considered acceptable given the low number of spaces accessed by the ramps and that the parking is allocated to staff (i.e. low number of movements per space).
- The discrepancy in relation to height clearance raised in previous comments has been resolved with the inclusion of a statement in the Cardno letter that a minimum 3.5 height clearance applies.
- Swept path diagrams have now been provided for the Courier space at B3. The loading area will clearly need some management, and this will be the responsibility of the building operator.

The above items can be addressed where required through a modified version of Condition 21 of the permit incorporating the additional details provided on 9 September 2021.

### Waste

Following an initial review and comments, an updated Waste Management Plan dated 11 October 2021 was reviewed with the following item to be addressed:

- Plan details temporary bin storage on each floor (Table 9). Please provide a sample floor plan of each floor type to show location of bins and transfer pathways to goods lift.

This item can be addressed through a modified version of Condition 22 of the permit.

## **7.4. Land Survey**

The application was referred to Council's Land Survey team who provided the following comments (summarised):

- Each airspace lot is to have reciprocal easement rights for the abutting lots, to the same height and depth limitations.
- On the consolidation of the airspace lots with the land to be developed (52-60 Collins Street), the light and air easements will remain in favour of the abutting lots and their width should be specified.
- Car parking spaces which block access into service areas must be kept free.
- If windows are being proposed along the boundary, a Section 173 Agreement or light and air easement will be required over the abutting parcel in favour of the subject land.
- Any canopy proposed at the main entrance of the development site which projects more than 1 metre over a road must comply with Council's Road Encroachment Guidelines, and may require a Section 173 Agreement to indemnify Council of any claim. The minimum clearance to the underside of any projection over the footpath surface must be 3 metres.
- Prior to the commencement of the development, including demolition, the portion of land coloured Blue on TP552611B Volume 8864 Folio 362 which forms part of McGraths Lane must be vested to Council as a road under the provisions of the *Subdivision Act 1988*. The new portion of the road is to have no upper or lower limit. The plan submitted must be to the satisfaction of the Responsible Authority.



- Prior to the commencement of the development, including demolition, all the land for the proposed development must be owned by the one entity and consolidated onto the one certificate of title to the satisfaction of the Responsible Authority.

Where required, the above items can be addressed through new or existing permit conditions. It is noted that:

- The consolidation of the separate titles into a singular ownership is not required under the planning scheme for the purposes of the assessment and securing of a compliant floor area ratio, which can be facilitated through a Section 173 Agreement over the remaining land as discussed in the following section.
- The proposed light and air easements will be in favour of 36 Collins Street and 57-67 Little Collins Street respectively, and will remain above 40 metres in height on the area of the airspace lots when consolidated into 52-60 Collins Street.
- The light and air easement rights do not need to favour 52-60 Collins Street, as the airspace lots will be formally consolidated and form part of its title area.
- A Section 173 Agreement relating to new windows and openings up to a height of 40 metres on the north and east side of the building should be included through a new condition on any amended permit. The Agreement would provide a mechanism for these windows to be removed if the land at 36 Collins Street and 57-67 Little Collins Street were developed in a manner which would affect the windows, at the discretion of Council.
- The areas in front of the service area access are not car parking spaces.
- A new condition on any amended permit should require the vesting of the section of McGraths Lane to Council as a road.

## **8. ASSESSMENT**

The key issues in the consideration of this application are:

- Proposed amendments
- Built form
- Heritage
- Securing the floor area ratio over the remainder of the site
- Environmentally Sustainable Design
- Access, parking, waste and loading
- Modifications to the planning permit

### **8.1. Proposed amendments**

The inclusion of the properties associated with the Melbourne Club, 36 Collins Street and 57-67 Little Collins Street, as part of the land under the planning permit is the key mechanism in facilitating the proposed increase in the approved development. This is an unusual approach but one that is contemplated by the applicable planning controls. It is also supported by the limited development potential of the Melbourne Club land due to its heritage status, in particular the site at 36 Collins Street which is on the Victorian Heritage Register (VH30). Importantly, the development potential of the remaining land can be secured appropriately through the proposed Section 173 Agreement and the creation of airspace lots.

Generally, it is considered that the proposed amendment represents a beneficial outcome having regard to the strategic and physical context of the site.

In particular, the following aspects are considered positive:

- A more efficient utilisation of the land incorporating properties at 36 Collins Street and 57-67 Little Collins Street.
- Delivery of a resolved and robust built form response within the eastern CBD, reinforcing its high standard of urban design and heritage significance.
- The increased delivery of quality office space contributing to economic strength, vibrancy and activity within the central city.
- The provision of active retail frontages to Collins and Exhibition Streets, as well as a through-block link to McGraths Lane.
- Strengthened support of sustainable transport modes through a high standard of bicycle facilities and end of trip facilities, as well as a low level of on-site parking.
- The increase in the height of the tower from 101 metres to 159 metres results in more prominent presentation to both Collins and Elizabeth Streets, whilst sitting comfortably in the surrounding context which features tower forms at comparable or greater heights.
- The tower forms feature a combination of glazed curtain walls and a masonry grid treatment resulting in a visually interesting and engaging built form.
- The treatment of the building frontages at the ground plane features a complex yet legible partitioning of glazing with masonry finishes, achieving an appropriate response to the significant heritage streetscape.
- A high level of compliance with the design requirements of the zone applicable overlays is achieved, including the recently amended DDO1.



**Figure 9: View of proposal along Collins Street (Source: Applicant)**

## 8.2. Built form

The proposed amendments are considered to achieve a positive built form response to the opportunities and constraints of the site, having regard to the immediate and wider context. Specific built form guidance for the development of the land is contained within the:

- Design and Development Overlay, Schedule 1 (DDO1);
- Design and Development Overlay, Schedule 10 (DDO10); and
- Capital City Zone, Schedule 1 (CCZ1).

The amendment achieves compliance with the relevant objectives and design guidelines as discussed further below.

### 8.2.1. Design and Development Overlay (Schedule 1)

Schedule 1 to the Design and Development Overlay sets out requirements relating to urban design for buildings and works within the Central City. A suite of design outcomes and design requirements are provided to determine whether an application achieves the objectives of this overlay. The proposed amendments do not significantly alter the level of compliance achieved by the permitted development, with the following areas of note:

<b>Urban Structure</b>		
Urban Structure relates to the network of main streets, streets, laneways and open spaces which define the size and shape of urban blocks.		
Design Outcome	Design Requirements	Assessment
<p>A pedestrian network that:</p> <ul style="list-style-type: none"> <li>▪ Reduces walking distances.</li> <li>▪ Completes existing connections and laneways.</li> <li>▪ Retains and improves existing connections.</li> <li>▪ Provides partial connections which can be completed when adjacent site development occurs.</li> </ul>	<p>Where a development could deliver part of a pedestrian connection that is able to reduce the average urban block length to less than 100 metres, but does not extend the full depth of the block, the development should include a connection that can be completed when a connection is provided through an adjoining site.</p> <p>Where a development has the potential to achieve a through-block connection by extending an existing or proposed connection on an adjoining site, the development should provide for the completion of the through-block connection.</p> <p>Development should retain and improve the quality of</p>	<p>The amendment will retain the through block link to McGraths lane established in the permitted scheme. The removal of vehicle access from Collins Street achieves a more activated street frontage and an improved outcome for pedestrian movements.</p> <p>The amendment has reconfigured the ground floor by removing the internal separation between the retail premises along Exhibition Street. This prevents the delineation between the retail space, lobby and pedestrian link.</p> <p>Council's Urban Designers have raised concern that this would result in the ground floor functioning as a private commercial lobby, creating barriers to public</p>

	existing pedestrian connections.	<p>use and affecting the potential level of activation to Exhibition Street contributed by the previously defined retail space.</p> <p>It is recommended that the retail space be enclosed internally through primarily glazed walls to achieve the desired delineation of areas, whilst maintaining internal activation from the retail space. This can be addressed by permit condition.</p>
<p><b>Building program</b></p> <p>Building program relates to the position and configuration of internal spaces to a building. This is a key urban design consideration due to the direct relationship of internal areas to the public realm.</p>		
<b>Design Outcome</b>	<b>Design Requirements</b>	<b>Assessment</b>
<p>Building services that:</p> <ul style="list-style-type: none"> <li>▪ Minimise impacts on the public realm.</li> <li>▪ Maximise the quality and activation of the public realm.</li> <li>▪ Do not dominate the pedestrian experience and are designed as an integrated design element.</li> <li>▪ Provide waste collection facilities as an integrated part of the building design.</li> </ul>	<p>Ground floor building services, including waste, loading and parking access:</p> <ul style="list-style-type: none"> <li>▪ Should be minimised.</li> <li>▪ Must occupy less than 40 per cent of the ground floor area of the site area.</li> </ul> <p>Internal waste collection areas should be sleeved.</p> <p>Services, loading and waste areas should be located away from streets and public spaces, or within basements or upper levels.</p> <p>Service cabinets should be located internally with loading, waste or parking areas where possible.</p> <p>Undercroft spaces for waste or loading should not adversely impact safety and continuity of the public realm.</p>	<p>The proposal does not increase the extent of the ground floor area occupied by building services, which remains limited to the basement access point and fire control room located at the north-west corner of the development and the electrical cupboard located near the lift core. These areas occupy approximately 254 square metres, or 13%, of the ground floor area.</p> <p>This maintains compliance with the design requirement which states that the amount of ground floor area occupied by building services must not exceed 40%.</p>

	<p>Access doors to any waste, parking or loading area should:</p> <ul style="list-style-type: none"> <li>▪ Be positioned no more than 500 millimetres from the street edge.</li> <li>▪ Be designed as an integrated element of the building.</li> </ul> <p>Rooftop plant, services and antennae should be integrated into the overall building form.</p>	
<p>Car parking that:</p> <ul style="list-style-type: none"> <li>▪ Minimises the impact of car parking on the public realm</li> </ul>	<p>In the Central City area shown in Map 1 to Schedule 1 to the Design and Development Overlay, all car parking must be located in a basement unless it is part of a development that removes existing open to sky at grade car parking.</p> <p>Car park ramps should be capable of removal for future adaptation.</p> <p>Avoid car parking entries on small sites, where they impact on the activation and safety of the public realm.</p> <p>Above ground car parking:</p> <ul style="list-style-type: none"> <li>▪ Must be located on the first floor or above.</li> <li>▪ Must be sleeved to streets.</li> <li>▪ Should have a floor to ceiling height of at least 3.2 metres.</li> </ul>	<p>All car parking remains located at basement levels accessed by a single access point from Exhibition Street, which complies with the design requirement for the Central City area.</p>
<p><b>Design Detail</b></p> <p>Design detail refers to the resolution of a contextually responsive building exterior that contributes to the quality of the public realm through its architectural expression, materials and finishes.</p>		
<p><b>Design Outcome</b></p>	<p><b>Design Requirements</b></p>	<p><b>Assessment</b></p>

<p>Exterior design that:</p> <ul style="list-style-type: none"> <li>▪ Establishes a positive relationship between the appearance of new development and the valued characteristics of its context.</li> <li>▪ Is visually interesting when viewed up close and from a distance.</li> <li>▪ Responds to the distance at which the building is viewed and experienced from the public realm in the selection, scale and quality of design elements.</li> <li>▪ Incorporates sufficient design detail in the lower levels of a building to deliver a visually rich and engaging pedestrian experience.</li> <li>▪ Delivers high quality design on all visible sides of a building including rooftops, where visible from the public realm.</li> <li>▪ At the ground level interface, provides visual connection between the public realm and interior spaces.</li> </ul>	<p>Facades should provide for depth and a balance of light and shadow on the street wall and upper levels through the use of balconies, integrated shading, rebates or expression of structural elements.</p> <p>Street wall facades should avoid a predominately glazed appearance.</p> <p>Street wall facades should establish a balance of transparency and solidity.</p> <p>Facades should avoid the use of surfaces which cause unacceptable glare to the public realm.</p> <p>Materials should be durable, robust and low maintenance in the higher parts of a building.</p> <p>Blank walls that are visible from the public realm should be designed as an integrated component of the building composition.</p> <p>Materials should be natural, tactile and visually interesting at the lower levels near the public interface to reinforce a human scale.</p> <p>Ground level interfaces including shopfronts should provide thickness, depth and articulation and avoid long expanses of floor to ceiling glazing.</p> <p>Materials and finishes such as painted concrete or ventilation louvres should be avoided at the lower levels where they undermine the visually rich, tactile quality of streets and laneways.</p>	<p>The amended design maintains and further refines many of the positive aspects of the permitted scheme. In particular, the revised treatment of the eastern façade ensures there will no longer be blank walls visible in the public realm.</p> <p>Instead, sections of the tower form of the building will now be predominantly glazed and expressed as a vertical masonry grid. This is a positive outcome for the public realm.</p> <p>Council’s Urban Designers have confirmed support for the overall design intent, subject to the resolution of detailed design matters through a Façade Strategy. This will be addressed through an amendment to existing permit Condition 6.</p>
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	Service cabinets should not visually dominate street frontages and should use high quality materials.	
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### 8.2.2. Design and Development Overlay (Schedule 10)

The amendment is considered to demonstrate compliance against the relevant provisions of the DDO10 as follows:

#### Built form (Table 3 Design Elements)

The proposed amendments do not significantly alter the level of compliance with the design elements contained at Table 3, with the following areas of note:

<b>Table 3: Assessment of proposed development against DDO10 Building setbacks from side/rear boundaries requirement</b>			
<b>Design Element:</b>	<b>Preferred Requirement (Figure 3)</b>	<b>Modified Requirement (Figure 3)</b>	<b>Built Form Outcomes</b>
<b>Building setback(s) above the street wall</b>	Above the street wall, towers and additions should be setback 10 metres from the title boundary.	Above the street wall, towers must be setback a minimum of 5 metres from the title boundary.	Tower and additions are setback to ensure: <ul style="list-style-type: none"> <li>▪ large buildings do not visually dominate the street or public space.</li> <li>▪ the prevalent street wall scale is maintained.</li> <li>▪ overshadowing and wind impacts are mitigated.</li> <li>▪ the tower or addition includes a distinctly different form or architectural expression.</li> </ul>
<p><i>Assessment:</i></p> <p>The setbacks of the tower above the street wall maintain compliance with the modified requirement, detailed as follows:</p> <ul style="list-style-type: none"> <li>• 5 metres to the northern boundary of 60 Collins Street (where the site abuts 100 Exhibition Street), increasing to 48.09 metres at the northern boundary of 57-67 Little Collins Street which has been included in this amended application.</li> <li>• 58.51 metres from the eastern boundary of 36 Collins Street which has been included in this amended application.</li> </ul>			

- 5.1 metres to the west, Exhibition Street.
- 5.9 metres to the south, Collins Street, increasing to 9.73 metres behind Melville House.

The tower form will be distinct from the podium and the heritage buildings below due to the setbacks provided, as well as the expression of different sections of the building with a mixture of glazing and solid materiality.

Overshadowing and wind impacts are mitigated to an acceptable level as discussed below.

**Table: Assessment of proposed development against DDO10 Building setbacks from side/rear boundaries requirement**

Design Element:	Preferred Requirement (Figure 3)	Modified Requirement (Figure 3)	Built Form Outcomes
<b>Building setbacks from side boundaries and rear boundaries (or from the centre line of an adjoining laneway)</b>	Above the street wall or 40 metres (where there is no street wall) towers and additions should be setback a minimum of 5 metres or 6% of the total building height, whichever is greater	<b>Towers exceeding 80 metres in height:</b> Above the street wall or 40 metres (where there is no street wall), towers and additions must be setback a minimum of 5 metres and must meet the design element requirements for tower floorplate	Tower and additions are designed and spaced to ensure: <ul style="list-style-type: none"> <li>▪ Sun penetration and mitigation of wind impacts at street level.</li> <li>▪ Provision of reasonable sunlight, daylight, privacy and outlook from habitable rooms, for both existing and potential development on adjoining sites.</li> <li>▪ Buildings do not appear as a continuous wall at street level or from nearby vantage points and maintain open sky views between them.</li> </ul>

**Assessment:**

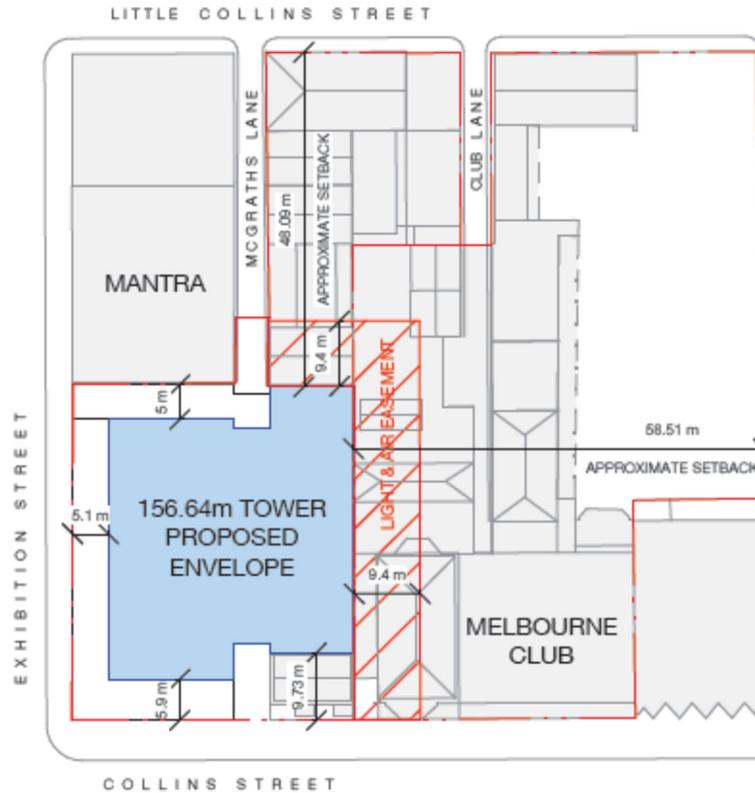
Through the incorporation of the additional properties, the amendment maintains compliance with the modified requirement by providing:



- Setbacks of 5 metres to the northern boundary where the site abuts 100 Exhibition Street, increasing to 48.09 metres at the northern boundary of 57-67 Little Collins Street;
- A setback of 58.51 metres from the eastern boundary of 36 Collins Street; and
- Compliance with the tower floorplate design element requirements.

The setbacks ensure that the development does not read as a continuous form from vantage points along Collins and Exhibition Streets, as well as the broader context. The setbacks will also maintain acceptable levels of sunlight in the public realm and avoid unacceptable wind impacts as discussed further below.

By a new permit condition, airspace lots are to be created with a width of 9.4 metres (or 6% of the total building height) above 40 metres over the properties at 36 Collins Street and 57-67 Little Collins Street. This will ensure the setback requirements will be met in the event of any future development on these sites.

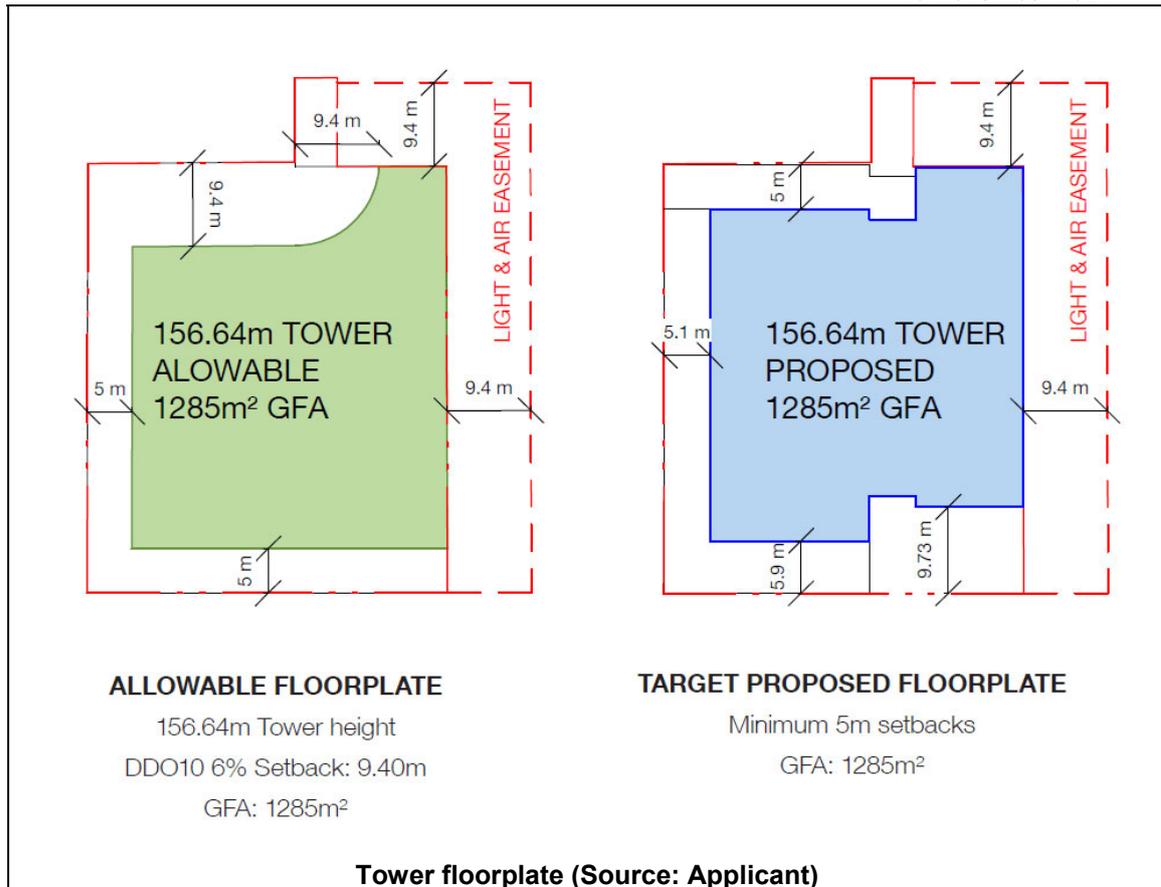


**Tower envelope and setbacks (Source: Applicant)**

**Table: Assessment of proposed development against DDO10 Tower floorplate requirement**

Design Element:	Preferred Requirement (Figure 3)	Modified Requirement (Figure 3)	Built Form Outcomes

<p><b>Tower floorplate</b></p>	<p>The tower floorplate is determined by the preferred requirement for building setbacks from side and rear boundaries and tower separation within a site, and the modified requirement for building setback(s) above the street wall.</p>	<p>The tower floorplates above the street wall for a tower above 80 metres in height may be adjusted in terms of location and/or shape but must not:</p> <ul style="list-style-type: none"> <li>▪ Result in an increase in the floorplate area;</li> <li>▪ be situated less than 5 metres from a side or rear boundary (or from the centre line of an adjoining laneway);</li> <li>▪ be less than 5 metres to a street boundary;</li> <li>▪ be less than 10 metres to an adjoining tower on the site.</li> </ul>	<p>The adjusted floorplate is designed and spaced to:</p> <ul style="list-style-type: none"> <li>▪ reduce impact on existing and potential neighbours in terms of privacy, outlook, daylight and sunlight access.</li> <li>▪ minimise visual bulk.</li> <li>▪ reduce impact on public spaces, including overshadowing and wind effects and reduced visual dominance.</li> <li>▪ buildings do not visually dominate heritage places and streetscapes, nor significant view lines.</li> <li>▪ buildings do not appear as a continuous wall at street level or from nearby vantage points and maintain open sky views between them.</li> </ul>
<p><b>Assessment:</b></p> <p>The tower floorplate, as shown in the image below, does not result in an increase of the floorplate area and meets all of the setbacks for the modified requirement.</p> <p>The tower presents as different vertical masses defined either by the primarily glazed façade treatment or by the vertical masonry grid detailing, creating a recessive and legible built form response to the public realm.</p>			



### Wind effects

The wind study provided with the approved application was determined to be acceptable, achieving comfortable wind conditions at pedestrian level as well as to the upper level terraces.

An updated Pedestrian Wind Study including a wind tunnel assessment was undertaken for the amendment, prepared by RWDI dated 4 March 2021, outlining the pedestrian comfort levels to vantages at street level as well as to the revised terraces at levels 9, 18 and 37.

Overall, it was concluded that the impact of the new development on the local wind microclimate would generally be an improvement on the existing conditions. The number of locations experiencing an exceedance of the wind safety criteria were found to have reduced, with the exception of one location where the exceedance is generally consistent the approved scheme. In relation to the building terraces, comfort levels were found to be generally acceptable with the exception of the level 18 terrace where recommendations are made to include mitigation through partition screens and landscaping up to 2 metres in height.

Subject to the measures outlined in the updated Pedestrian Wind Study being implemented through existing permit conditions, it is considered that the requirements for wind effects in DDO10 will be met.

### Overshadowing

Table 1 and Table 2 of Clause 2.3 of DDO10 set out a series of defined spaces, which are broadly designated as being protected from additional shadow cast by development within specified hours and dates.

Overshadowing of the publicly accessible forecourt at Collins Place was a key consideration for the original application. The following requirement was imposed on the permit under Condition 1b.:

*Reconfiguration of the tower element as required to ensure that the development does not cast shadows over more than 30% of the total forecourt area of Collins Place (the roughly triangular area between the two towers at 25-45 Collins Street) measured as an average across the three (3) hour period of 11.00am to 2.00pm on 22 September.*

Shadow diagrams submitted with the application demonstrate that the amendment will meet this condition, with shadows affecting 15% of the area as an average between 11:00am to 2:00pm on 22 September.

Therefore, it is considered that the additional shadowing caused by the development meets the requirements of DDO10, and will not unreasonably impact on this public space.

### **8.2.3. Capital City Zone (Schedule 1)**

The proposed amendments do not significantly alter the level of compliance achieved by the permitted development with the relevant decision guidelines at Clause 3.0 of the CCZ1 due to the following:

- The amendment is consistent with relevant policy contained in the PPF and MSS in relation to built environment, heritage and economic development;
- It accords with relevant policy within the LPPF, particularly Clause 22.04 (Heritage Places in the Capital City Zone);
- Compliance is achieved with the relevant design objectives, outcomes and requirements of Schedule 1 of the Design and Development Overlay;
- Compliance is achieved with the relevant built form objectives and outcomes of Schedule 10 of the Design and Development Overlay;
- Compliance is achieved with the maximum allowable floor area ratio requirements for land affected by Schedule 10 of the Design and Development Overlay, including through securing the floor area ratio of the parts of the site outside of the proposed development area (discussed further below).

### **8.3. Heritage**

The amendment is considered to demonstrate compliance with relevant heritage policy, including the decision guidelines of Clause 43.01-8 (Heritage Overlay) and the requirements of Clause 22.04 (Heritage Places in the Capital City Zone).

As noted above, the proposal does not seek to increase the extent of demolition within the approved scheme and does not propose any demolition or works to the heritage places at 36 Collins Street or 57-67 Little Collins Street.

The key consideration for the amended application is therefore the relationship between the proposed building and the significant heritage buildings that occupy the overall subject site, as well as the broader Collins East Precinct. This is affected by the increased building height, the reduced setbacks of the tower above 40 metres at the eastern edge as well as the modified building façade.



**Figure 10: View of development as read alongside/behind Melville House and the Melbourne Club (Source: Applicant)**

When compared to the approved development, the additional height of the building would have minimal impact on surrounding heritage built form due to the differing planes in which the buildings are read. The retention of the street edge design and street wall scale under the permitted scheme will maintain the physical relationship with significant heritage fabric achieved under the approved scheme, as well as the pedestrian experience of these places along Collins Street.

The amended design involves an increase in the scale of the building behind Melville House, where it transitions to the Melbourne Club building immediately to the east at 36 Collins Street. Sitting behind both Melville House and the Melbourne Club building, this section of the building will read as a recessive element along Collins Street. This is consistent with policy which seeks to set back higher building components so as not to dominate or reduce the prominence of an adjoining significant place or building. The pleated glazing treatment to the lower levels of the proposed building is an interpretive design element which further softens the visual transition, encouraging a diminishing presentation around the heritage fabric. This allows the design to achieve a high quality contextual response and ensures the amendment will not visually dominate or disrupt the appreciation of the heritage places.

The tower setbacks at the north-eastern corner would have limited visibility from neighbouring heritage places and the wider precinct. This section of the development is located centrally to the block and immediately abutting existing built form. In its surrounding heritage context, it would achieve an improved presentation compared to both the approved building and the existing building occupying 60 Collins Street.

The detailed interface between the building and the retained Melville House has been refined through the amendment, with a pleated glazing treatment to the lower levels of the new building which remains recessed from the street. This treatment

references the proportions and scales of Melville House and achieves an articulated transition between the heritage fabric and new built form.

Council's Heritage Advisor was supportive of the amendment. In relation to the spatial relationship of the development with the Melbourne Club properties incorporated into the site, the siting of the tower on the internal boundary is supported noting the expectation that buildings are generally built boundary to boundary in this context. The resultant proximity of towers with heritage buildings can be accepted, giving consideration to the expression of the tower and whether appropriate regard for the human scale of the heritage place has been demonstrated. In this case, the amendment is considered to represent an improved outcome to the approved and existing buildings on the development area when viewed from the neighbouring heritage buildings and gardens.

Further modification was recommended to the pleated glazing treatment by referencing the partitioning of the façade detailing and fenestration of Melville House. The requirement for the endorsement of a Façade Strategy under Condition 6 of the permit will enable this detailed design resolution to occur, should an amended permit be issued.

#### **8.4. Securing the floor area ratio over the remainder of the site**

As mentioned above, the incorporation of the Melbourne Club land as part of the subject site to modify its development potential is an unusual proposal. However, it is an arrangement that is contemplated in the CCZ1 and DDO10, where provision is made to ensure land that is developed in part accords with the applicable objectives and design requirements. The appropriateness of this approach is aided by the heritage significance of the Melbourne Club land, and the limitations this places on the likelihood of any further development.

Clause 3.0 of the CCZ1 makes the following requirement:

*A permit must not be granted or amended (unless the amendment does not increase the extent of non-compliance) to construct a building or construct or carry out works with a floor area ratio in excess of 18:1 on land to which schedule 10 to the Design and Development Overlay applies unless:*

- *a public benefit as calculated and specified in a manner agreed to by the responsible authority is provided; and*
- *the permit includes a condition (or conditions) which requires the provision of a public benefit to be secured via an agreement made under section 173 of the Planning and Environment Act 1987.*

*For the purpose of this schedule the floor area ratio is the gross floor area above ground of all buildings on a site, including all enclosed areas, services, lifts, car stackers and covered balconies, divided by the area of the site. Voids associated with lifts, car stackers and similar service elements should be considered as multiple floors of the same height as adjacent floors or 3.0 metres if there is no adjacent floor.*

The approved development scheme involves a gross floor area of 35,730 on a site area of 1,985 square metres, achieving a floor area ratio (FAR) of 18:1.

The amendment seeks to change the land to which the permit applies by including 36 Collins Street and 57-67 Little Collins Street to create a larger planning unit, increasing the overall area of the subject site to 7,423 square metres. As a result, there is a substantial increase in the potential gross floor area that can be achieved within the maximum allowable FAR of 18:1.

A breakdown of the floor areas for the site in the proposed amendment is contained in the following table:

Site area	7,423 square metres
Maximum gross floor area achievable at a ratio of 18:1	133,614 square metres
Gross floor area of existing buildings	6,575 square metres
Gross floor area of proposed development	58,127 square metres
Gross floor area of amendment (total)	64,702 square metres
Amended FAR	8.72:1
Remainder of potentially developable gross floor area	68,912 square metres

The development of land in a partial manner such as this is contemplated in the decision guidelines for both the CCZ1 and DDO10, which require the consideration of:

- *Securing the floor area ratio across a site where a site is developed in part to ensure:*
  - *that an agreement be entered into to acknowledge that the remaining site cannot be later developed;*
  - *that a heritage building being retained that an agreement be entered into to conserve the heritage building in perpetuity;*
  - *that the proposed building is sited so that adequate setbacks are maintained in the event that the land is subdivided or separate land holdings are administratively effected to create a future development site.*

It is noted that the likelihood of the remainder of the site being developed is restricted by the heritage significance of the buildings and gardens that occupy the land. However, there is a need to secure the allowable floor area ratio over the remaining site area to ensure compliance with the CCZ1 and DDO10.

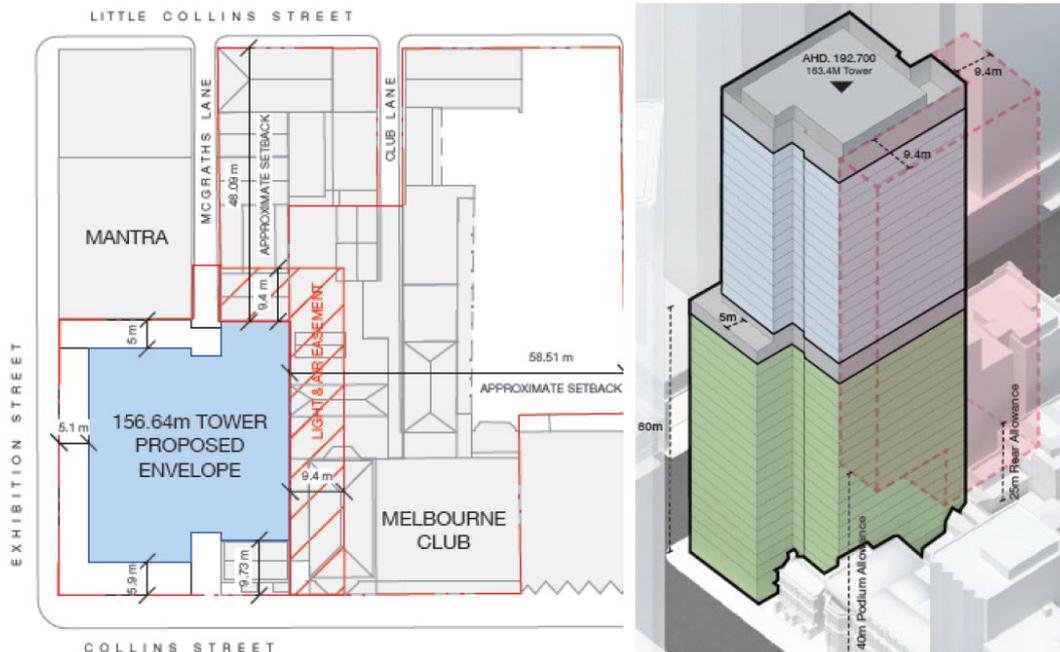
This can be facilitated appropriately through a Section 173 Agreement for the land at 36 Collins Street and 57-67 Collins Street, which will:

- Ensure any development of that land must be calculated in accordance with and comply with any maximum FAR requirement contained in the Melbourne Planning Scheme (i.e. within the CCZ1).
- Ensure the calculation subtracts the gross floor area of the development approved under the amended permit, including any subsequent amendments.

There is also a need to ensure appropriate building setbacks are maintained in the event the land is further developed. To achieve this objective, conditions can be included on an amended permit requiring the creation of airspace lots above the properties at 36 Collins Street and 57-67 Little Collins Street which:

- Provide a width equivalent to at least 6% of the total height of the approved development (excluding permitted plant room and architectural features) or such other equivalent figure, aligning with the relevant setback provisions of the DDO10.

- Commence 40 metres above the average ground level of the land at 36 Collins Street and 57-67 Little Collins Street, aligning with the relevant setback provisions of the DDO10.
- Do not exceed a height of AHD 160 metres, aligning with the maximum height of the proposed building.
- Provide for a light and air easement over the airspace lots.
- Provide for the consolidation of the airspace lots into the title of the development at 52-60 Collins Street.



**Figure 11: Diagram illustrating proposed airspace lots with light and air easements (Source: Applicant)**

The need to apply light and air easements over the airspace lots is unclear given their objective would be achieved through the incorporation of the airspace lots into the development title, while the area below 40 metres would remain on the title of the abutting lots to maintain light and air rights to the existing buildings. Notwithstanding, it is considered the proposed light and air easements can be accepted in the event an amended permit is issued. It is noted that the proposed easements have arisen through agreements between the landowners prior to lodgement, and as such there is little concern regarding the practical management of these issues if the development is approved and constructed.

Overall, through the inclusion of the proposed conditions for a Section 173 Agreement and airspace lots, it is considered that the amendment ensures the objectives and guidelines of the CCZ1 and DDO10 will be achieved for both the development area and the remainder of the subject site.

## 8.5. Environmentally Sustainable Design

An amended Sustainable Management Plan (SMP) was submitted with the application, demonstrating the proposal maintains compliance with local policy at Clause 22.19 (Energy, Water and Waste Efficiency) and 22.23 (Stormwater Management).



The amended proposal achieves a 5 star (51 points) Green Star Buildings rating as well as a 5.5 star NABERS Energy building rating, meeting the performance measure for offices under Clause 22.19.

Water sensitive urban design to comply with Clause 22.23 is provided through the capture of stormwater in an on-site rainwater tank for re-use in common facilities and landscape irrigation. Provision is also made for on-site detention systems connecting to existing stormwater infrastructure.

Conditions 29 to 31 of the amended permit require the endorsement of a Sustainable Management Plan, a report confirming the delivery of all sustainable design measures as well as the submission of the Green Star building certification. These are considered capable of achieving and confirming compliance with the performance measures for both retail and office at Clause 22.19-5, and the water sensitive urban design objectives of Clause 22.23.

### **8.6. Access, parking, waste and loading**

The design of the proposed access arrangement and car parking area remains capable of compliance with the design standards at Clause 52.06-9 and the relevant Australian Standards. Full compliance will be achieved through Condition 21 of the permit requiring the endorsement of a Traffic and Transport Assessment. This condition should be modified to include the additional details shown on the most recent traffic advice provided by Cardno dated 9 September 2021, as recommended by Council's Traffic Engineers.

The number of car and bicycle parking spaces provided on site continues to comply with the requirements of the Parking Overlay, Schedule 1 and Clause 52.34.

Waste and loading activities will continue to occur on site at basement level 3 in the dedicated loading dock area. Council's Waste Planning officer has confirmed that, subject to one change, the submitted Waste Management Plan is acceptable. This change can be accommodated through a modified version of Condition 22 of the permit.

### **8.7. Modifications to the planning permit**

The land to which the permit applies should be updated to reflect the addition of 36 Collins Street and 57-67 Little Collins Street to the subject site.

There is no change required to the permit preamble, as the amendment does not seek any new primary permission under the planning scheme.

The following additional or modified permit conditions are recommended:

- Condition 1 amended to incorporate the recommendations from Urban Design.
- New Conditions 11 and 12 relating to the creation and consolidation of airspace lots with light and air easements.
- New Condition 13 requiring a Section 173 Agreement to secure the Floor Area Ratio over 36 Collins Street and 57-67 Little Collins Street, Melbourne.
- New Condition 14 requiring a Section 173 Agreement relating to windows and openings on the north (part) and east boundaries of the building.
- New Condition 16 requiring the vesting of McGraths Lane as recommended by Land Survey.

- Condition 21 (formerly 16) requiring a Traffic and Transport Report modified to incorporate the additional details shown in the letter prepared by Cardno on 9 September 2021.
- Condition 22 (formerly 17) requiring a Waste Management Plan modified to reflect the recent plan submitted on 11 October 2021, and to include the further change recommended by Waste.
- Updated permit notes.

## **9. OFFICER RECOMMENDATION**

That the Future Melbourne Committee resolves to advise the Department of Environment, Land, Water and Planning that the Melbourne City Council supports the proposed Amendment and issue of a Permit subject to the following:

- Amend the land to which the permit applies as follows:

52-60 Collins Street, 36 Collins Street and 57-67 Little Collins Street,  
Melbourne

- Amended permit conditions as shown below:

### **Amended Plans**

1. Prior to the commencement of the development, excluding demolition, bulk excavation and early site preparation works, an electronic set of plans, drawn to scale, must be submitted to the Responsible Authority, generally in accordance with the plans prepared by Bates Smart Architects, dated 16 August 2019 and the Urban Context Analysis and Design Response prepared by Bates Smart Architects, dated 16 August 2019, but amended to show:
  - a. 1:50 elevation drawings of the ground floor to Exhibition Street and Collins Street;
  - b. Reconfiguration of the tower element as required to ensure that the development does not cast shadows over more than 30% of the total forecourt area of Collins Place (the roughly triangular area between the two towers at 25-45 Collins Street) measured as an average across the three (3) hour period of 11.00am to 2.00pm on 22 September.
  - c. The glass balustrade at level 20 setback 0.3 metres from the façade line.
  - d. Indicative locations of public street tree replacement plots.
  - e. Details of all canopies including dimensions, materials and finishes.
  - f. Fully dimensioned car parking plans showing car parking bays, aisle widths and columns.
  - g. Convex mirrors provided at intersecting parking aisles.
  - h. Any changes as required as a result of the Road Safety Audit.
  - i. Any changes as required as a result of the Façade Strategy.

- j. Any changes as required as a result of the revised Traffic and Transport Report.
  - k. Any changes as required as a result of the revised Environmentally Sustainable Design Report.
  - l. Any changes as required as a result of the revised Stormwater Management Report.
  - m. The retail tenancy facing Exhibition Street to be enclosed internally by primarily glazed walls.
  - n. The provision of glazing or other measures to increase permeability and visual interest of the lobby entrance (8m deep) from Exhibition Street.
  - o. The internal enclosure of the carpark access stairway and shuttle lift within the ground floor lobby.
2. The development as shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
  3. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.

#### **Demolition / Heritage Conservation**

4. Prior to the commencement of any demolition of the buildings at 60 Collins Street and the rear of 52 Collins Street, a comprehensive coloured photographic record of the exterior of the building must be prepared by a suitably qualified photographer and be submitted to and approved by the Melbourne City Council.
5. Before the development starts, including demolition, a report prepared by a suitably qualified Structural Engineer, or equivalent, must be submitted to the Melbourne City Council, demonstrating the means by which the retained heritage building at 52 Collins Street (Melville House) will be supported during demolition and construction works to ensure its retention to the satisfaction of the Melbourne City Council. The recommendations contained within this report must be implemented at no cost to and be to the satisfaction of the Melbourne City Council.

#### **Façade Strategy**

6. Prior to the commencement of the development, excluding demolition, bulk excavation and early site preparation works, a facade strategy and material and finishes schedule must be submitted to and approved by the Responsible Authority. All materials, finishes and colours must be in conformity with the approved Façade Strategy to the satisfaction of the Responsible Authority in consultation with the Melbourne City Council. Unless otherwise approved by the Responsible Authority, the Façade Strategy must be generally in accordance with the endorsed plans and must show:
  - a. A concise description by the architect(s) of the building design concept and how the façades work to achieve this.

- b. Elevation details generally at a scale of 1:50 illustrating typical podium details including entries doors and utilities, typical tower details, and any special features which are important to the building's presentation. The drawings must demonstrate:
  - i. Further evolution and detail of the façade design to ensure the delivery of high quality, modulated forms with depth and texture as viewed from key vantage points in the surrounding area.
  - ii. A façade strategy for the wall immediately behind the retained front part of Melville House demonstrating a respectful relationship with and response to the character and significance of this heritage building.
  - iii. The design of all canopies; and
  - iv. Detailed design information regarding external materials, colours and finishes, glazing, services, car park entrance door, security doors and lighting at the ground level.

### **Reflectivity**

7. Light reflectivity from external materials and finishes must not reflect more than 20% of specular visible light, to the satisfaction of the Responsible Authority.

### **Glare**

8. External building materials and finishes must not result in hazardous or uncomfortable glare to pedestrians, public transport operators and commuters, motorists, aircraft, or occupants of surrounding buildings and public spaces, to the satisfaction of the Responsible Authority.

### **Construction Management Plan**

9. Prior to the commencement of the development, including demolition, bulk excavation and early site preparation work), a detailed construction and demolition management plan (CMP) must be submitted to and be approved by the Melbourne City Council – Construction Management Group.

This CMP must be prepared in accordance with the Melbourne City Council - Construction Management Plan Guidelines and is to consider the following:

- a. public safety, amenity and site security;
- b. operating hours, noise and vibration controls;
- c. air and dust management;
- d. stormwater and sediment control;
- e. waste and materials reuse;
- f. traffic management;
- g. protection of street trees:

### **Tree Protection Plan**

- Prior to the commencement of any works including demolition and bulk excavation, a Tree Protection Plan (TPP), for any public trees that may be affected by the development, must be provided to the satisfaction of the Responsible Authority. The TPP must be in accordance with AS 4970-2009 – Protection of trees on development sites and include:
    - a. City of Melbourne asset numbers for the subject trees (found at <http://melbourneurbanforestvisual.com.au>).
    - b. Reference to the approved Construction and Traffic Management Plan, including any public protection gantries.
    - c. Site specific details of the temporary tree protection fencing to be used to isolate publicly owned trees from the demolition and construction activities or details of any other tree protection measures considered necessary and appropriate to the site.
    - d. Specific details of any special construction methodologies to be used within the Tree Protection Zone of any publicly owned tree. These must be provided for any utility connections or civil engineering works.
    - e. Full specifications of any pruning required to publicly owned trees.
10. If a Construction Management Plan or Traffic Management Plan change any of the tree protection methodologies or impacts on public trees in ways not identified in the endorsed Tree Protection Plan (TPP), a revised TPP must be provided to the satisfaction of, and approved by, Melbourne City Council – Urban Forestry & Ecology

### **Airspace Lot**

11. Prior to the commencement of development, excluding preliminary site works, demolition, bulk excavation, retention, footings and foundations, and any clean up works, or as may otherwise be agreed in writing with the Responsible Authority, the permit holder must create airspace lots on the land at 36 Collins Street (Lot 2 on TP 854048T) and 57-67 Little Collins Street (Lots 1 and 2 on TP677350F) that extends from the east and north boundaries of 52 Collins Street (Lot 1 on TP 858816B) respectively, to provide for a permanent setback area for the approved development. The airspace lots must:
- a. Provide a width equivalent to at least 6% of the total height of the approved development (excluding permitted plant room and architectural features) or such other equivalent figure as may be set out in the Design and Development Overlay of the Melbourne Planning Scheme.
  - b. Commence at a point at least 40 metres above the average ground level of the land at 36 Collins Street and 57-67 Little Collins Street.
  - c. Not exceed a height of AHD 160 metres.
  - d. Provide for a light and air easement in favour of the approved development at 52-60 Collins Street as well as properties at 36 Collins Street and 57-67 Little Collins Street.
12. Prior to the commencement of development, excluding preliminary site works, demolition, bulk excavation, retention, footings and foundations, and

any clean up works, or as may otherwise be agreed in writing with the Responsible Authority, the airspace lots created pursuant to condition 11 must be amalgamated with the titles of the land at 52-60 Collins Street (being Lot 1 on TP 858816B and Lot 1 on Title Plan 552611B).

### **Legal Agreements**

13. Before the commencement of the development, excluding preliminary site works, demolition, bulk excavation, retention, footings and foundations, and any clean up works, or as may otherwise be agreed in writing with the Responsible Authority, the owners of the land at 36 Collins Street and 57-67 Little Collins Street must enter into an agreement with the Melbourne City Council under Section 173 of the Planning and Environment Act 1987. The agreement must provide for the following:

- a. If the Melbourne Planning Scheme sets out maximum allowable Floor Area Ratio (FAR) requirements, then the maximum allowable FAR for any future development of the land at 36 Collins Street and/or 57-67 Little Collins Street:
  - i. is to be calculated in accordance with the provisions of the Melbourne Planning Scheme; and
  - ii. is to be reduced by the gross floor area amount (sqm) shown on the endorsed plans (as may be amended from time to time) as being transferred from the land at 36 Collins Street and 57-67 Little Collins Street to the approved development.

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

14. Prior to the commencement of the development, excluding preliminary site works, demolition, bulk excavation, retention, footings and foundations, and any clean up works, or as may otherwise be agreed in writing with the Responsible Authority, the owners of the land at 52-60 Collins Street, 36 Collins Street and 57-67 Little Collins Street must enter into an agreement with the Melbourne City Council pursuant to Section 173 of the Planning and Environment Act 1987. The agreement must provide for the following:

- a. The windows/openings which are located up to a height of 40 metres from ground level on the north and east boundaries of the approved development must be removed if the adjoining land at 36 Collins Street and 57-67 Little Collins Street is further developed in a manner that the Responsible Authority considers would affect these windows/openings.

The owners 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.

15. Prior to the commencement of the demolition or removal of existing buildings or works, excluding demolition or removal of temporary structures on the land, the owner of the land must enter into an agreement with the Melbourne City Council pursuant to Section 173 of the Planning and Environment Act 1987. The agreement must provide the following:

- a. if the land remains vacant for 6 months after completion of the demolition;
- b. demolition or construction activity ceases for a period of 6 months; or
- c. construction activity ceases for an aggregate of 6 months after commencement of the construction.

The owner must construct temporary works on the land to the satisfaction of the Melbourne City Council.

### **Vesting of McGraths Lane**

16. Prior to the commencement of development (including demolition), the portion of land coloured Blue on TP552611B Volume 8864 Folio 362 which forms part of McGraths Lane must be vested in Council as a road under the provision of the Subdivision Act 1988. The new portion of the road is to have no upper or lower limit. The plan submitted must be to the satisfaction of the Responsible Authority – the City of Melbourne.

### **Through Building Link**

17. Prior to the commencement of the use, the developer must provide a management plan to the satisfaction of the Responsible Authority outlining the operational detail and management of the internal thru building link (“arcade”). The arcade must be generally open to the public between 7.00am and 7.00pm, 7 days a week, or as otherwise agreed by the Responsible Authority.

### **Wind Impacts**

18. The recommendations and requirements of the endorsed Pedestrian Wind Study report prepared by RWDI Anemos Ltd dated 16 August 2019 must be implemented at no cost to and be to the satisfaction of the Responsible Authority.

### **Car Parking Layout and Access**

19. Prior to the commencement of use, the areas set aside for car parking, the access of vehicles and access ways must be constructed, delineated and clearly line-marked to indicate each car space, the access ways and the direction in which vehicles must proceed along the access ways, in conformity with the endorsed plans. Parking areas and access ways must be kept available for these purposes at all times and maintained to the satisfaction of the Responsible Authority.

### **Road Safety Audit**

20. Prior to the commencement of the development, excluding demolition, bulk excavation and early site preparation works, a desktop Road Safety Audit prepared by a suitably qualified professional must be provided to the satisfaction of the Responsible Authority in consultation with Melbourne City Council – Engineering Services. The Road Safety Audit must address the following matters:
- a. Vehicular / bicycle / pedestrian access arrangements
  - b. Loading arrangements

c. Internal circulation / layout

When provided to the satisfaction of the Responsible Authority, the Road Safety Audit will be endorsed to form part of this permit.

### **Traffic and Transport Report**

21. Prior to the commencement of the development, excluding demolition, bulk excavation and early site preparation works, a revised Traffic and Transport Assessment generally in accordance with the report prepared by Cardno Victoria Pty Ltd and dated **1 February 2021** must be submitted to and approved the Responsible Authority in consultation with the Melbourne City Council. The revised Traffic and Transport Report must:
- a. Demonstrate compliance with relevant car park design standards outlined in Clause 52.06-9 of the Melbourne Planning Scheme and / or other relevant Australian and New Zealand standards.
  - b. Incorporate the additional details and modifications contained within the letter prepared by Cardno Victoria Pty Ltd dated 9 September 2021**

### **Waste Management Plan**

22. ~~The waste storage and collection arrangements must be in accordance with the Waste Management Plan (WMP) prepared by Arup and dated 23 August 2019. The submitted WMP must not be altered without the prior consent of the Responsible Authority in consultation with Melbourne City Council – Engineering Services.~~

~~Prior to the commencement of the development, excluding demolition, bulk excavation and early site preparation works, a revised Waste Management Plan (WMP) generally in accordance with the report prepared by prepared by Arup and dated 11 October 2021 must be submitted to and approved the Responsible Authority in consultation with the Melbourne City Council. The revised WMP must:~~

- ~~a. In relation to the details of temporary bin storage on each floor (Table 9), provide a sample floor plan of each floor type to show location of bins and transfer pathways to goods lift.~~
23. No garbage bin or waste materials generated by the development may be deposited or stored outside the site and bins must be returned to the garbage storage area as soon as practical after garbage collection, to the satisfaction of Melbourne City Council - Engineering Services.

### **3D Digital Model**

24. Prior to the commencement of the development, excluding demolition, bulk excavation and early site preparation works, or otherwise agreed to by the Responsible Authority, a 3D digital model of the development and its immediate surrounds, as appropriate, must be submitted to the Responsible Authority and be to the satisfaction of the Responsible Authority in conformity with the Department of Environment, Land, Water and Planning Advisory Note 3D Digital Modelling.
25. Prior to the occupation of the development, a 3D digital model of the approved development must be submitted to, and must be to the satisfaction



of, the Melbourne City Council. The model should be prepared having regard to Advisory Note – 3D Digital Modelling Melbourne City Council. Digital models provided to the Melbourne City Council may be shared with other government organisations for planning purposes. The Melbourne City Council may also derive a representation of the model which is suitable for viewing and use within its own 3D modelling environment. In the event that substantial modifications are made to the building envelope a revised 3D digital model must be submitted to, and be to the satisfaction of, the Melbourne City Council.

### **Building Appurtenances and Services**

26. All building plant and equipment on the roofs are to be concealed to the satisfaction of the Responsible Authority. The construction of any additional plant machinery equipment, including but not limited to air-conditioning equipment, ducts, flues, all exhausts including car parking and communications equipment, shall be to the satisfaction of the Responsible Authority.
27. Any satellite dishes, antennae or similar structures associated with the development should be designed and located at a single point in the development and shall be to the satisfaction of the Responsible Authority.
28. All service pipes must be concealed from the view of a person at ground level within common areas, public thoroughfares and adjoining properties.

### **Environmentally Sustainable Design (ESD)**

29. Prior to the commencement of the development, excluding demolition, bulk excavation and early site preparation works, an amended Environmentally Sustainable Design Report, generally in accordance with the Environmentally Sustainable Design Town Planning Report prepared by ARUP and dated 16 August 2019, must be submitted to the Responsible Authority. The amended ESD Report must be prepared by ARUP or a similarly qualified person / company to the satisfaction of the Responsible Authority. When provided to the satisfaction of the Responsible Authority, the amended SMP will be endorsed to form part of this permit.

### **Implementation of Environmentally Sustainable Design (ESD)**

30. Prior to the use / occupation of any building approved under this permit, a report from the author of the endorsed ESD report, or similarly qualified persons or companies, outlining how the performance outcomes specified in the amended ESD report have been implemented must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm and provide sufficient evidence that all measures specified in the approved ESD report have been implemented in accordance with the relevant approved plans. This should include a Green Building Council of Australia Green Star Design & As Built Design Review Rating to confirm compliance with the stated Green Star targets.
31. Following final Green Building Council of Australia certification of the project's Green Star Design & As-Built rating, copies of the certificate must be submitted to the Responsible Authority.

### **Water Sensitive Urban Design**

32. Prior to the commencement of the development, excluding demolition, bulk excavation and early site preparation works, an amended Stormwater Management Report, generally in accordance with the Stormwater Management Plan prepared by Enstruct Group Pty Ltd, dated September 2019, must be submitted to and approved by the Responsible Authority.

### **Landscaping**

33. Prior to commencement of development, excluding demolition, bulk excavation and early site preparation works, a scheme for landscaping and planting in connection with the development must be submitted to and be approved by the Responsible Authority in consultation with the Melbourne City Council. This should include landscape plans with detailed planter sections including soil volumes and schedules of species with soil volume requirements and growing media, and a Landscape Maintenance Plan providing details of maintenance regimes with provision for maintenance beyond the fifty two week period following Practical Completion. Except with the prior written consent of the Responsible Authority, the approved landscaping plan must be implemented prior to the occupation of the development. The landscaped area(s) must be maintained to the satisfaction of the Responsible Authority.

### **Drainage of projections**

34. All projections over the street alignment must be drained to a legal point of discharge in accordance with plans and specifications first approved by the Melbourne City Council – Engineering Services.

### **Works Abutting Council Lanes**

35. The title boundaries for the property may not exactly agree with the road alignments of the abutting Melbourne City Council lane(s). The approved works must not result in structures that encroach onto any Council lane.

### **Drainage Connection Underground**

36. Prior to the commencement of the development, excluding demolition, bulk excavation and early site preparation works, a stormwater drainage system, incorporating integrated water management design principles, must be submitted to and approved by the Melbourne City Council – Engineering Services. This system must be constructed prior to the occupation of the development and provision made to connect this system to the Melbourne City Council's underground stormwater drainage system.

### **Demolish and Construct Access**

37. Prior to the commencement of the use / occupation of the development, all necessary vehicle crossings must be constructed and all unnecessary vehicle crossings must be demolished and the footpath, kerb and channel reconstructed, in accordance with plans and specifications first approved by the Melbourne City Council – Engineering Services.

### **Roads**

38. All portions of road affected by the construction activities on the land must be reconstructed together with associated works including the reconstruction or relocation of services as necessary at the cost of the owner or developer, in accordance with plans and specifications first approved by the Melbourne City Council – Engineering Services.

### **Street Works Required**

39. The portion of McGraths Lane that is vested in Melbourne City Council as a Road must be reconstructed as necessary (including the provision of footpaths, public lighting, street trees, pavement markings and signage), in accordance with plans and specifications first approved by Melbourne City Council – Engineering Services.

### **Sawn Bluestone Footpaths**

40. The footpath adjoining the site along Exhibition Street must be reconstructed in new sawn bluestone together with associated works including the renewal/reconstruction of kerb and channel and modification of services as necessary at the cost of the owner or developer, in accordance with plans and specifications first approved by the Melbourne City Council – Engineering Services.

### **Street Levels**

41. Existing street levels in Exhibition Street, Collins Street and McGraths Lane must not be altered for the purpose of constructing new vehicle crossings or pedestrian entrances without first obtaining the written approval of the Melbourne City Council – Engineering Services.

### **Existing Street Lighting**

42. All street lighting assets temporarily removed or altered to facilitate construction works shall be reinstated once the need for removal or alteration has been ceased. Existing public street lighting must not be altered without first obtaining the written approval of the Melbourne City Council – Engineering Services.

### **Street Furniture**

43. Existing street furniture must not be removed or relocated without first obtaining the written approval of the Melbourne City Council – Engineering Services.
44. All street furniture such as street litter bins, recycling bins, seats and bicycle rails must be supplied and installed on Exhibition and Collins Streets footpaths outside the building to plans and specifications first approved by the Melbourne City Council – Engineering Services.

### **Public Lighting**

45. Prior to the commencement of the development, excluding demolition, bulk excavation and early site preparation works, or as may otherwise be agreed with the Melbourne City Council, a lighting plan must be prepared to the satisfaction of Melbourne City Council. The lighting plan should be generally consistent with Melbourne City Council's Lighting Strategy, and include the provision of public lighting in the Exhibition Street, Collins Street and McGraths Lane. The lighting works must be undertaken prior to the commencement of the use / occupation of the development, in accordance with plans and specifications first approved by the Melbourne City Council – Engineering Services.

### **Public Tree Protection**

46. All works (including demolition), within the Tree Protection Zone of public trees must be undertaken in accordance with the endorsed Tree Protection Plan and supervised by a suitably qualified Arborist where identified in the report, except with the further written consent of the Melbourne City Council.
47. Following the approval of a Tree Protection Plan (TPP) a bank guarantee equivalent to the combined environmental and amenity values of public trees that may be affected by the development will be held against the TPP for the duration of construction activities. The bond amount will be calculated by Melbourne City Council and provided to the applicant / developer / owner of the site. Should any tree be adversely impacted on, the Melbourne City Council will be compensated for any loss of amenity, ecological services or amelioration works incurred.

#### **Public Realm Civil Works (Tree Plots)**

48. Subject to the approval of the removal of any public tree by the Melbourne City Council, and prior to the occupation of the development, engineering plans must be provided to the satisfaction of the Melbourne City Council that show new tree plots. The plots must provide greater soil volume than a standard tree plot and may include structural soils within the footprint.

#### **Transport for Victoria Conditions**

49. The permit holder must avoid disruption to tram operation along Collins Street during the construction of the development. Any planned disruptions to tram operation during the construction and mitigation measures must be communicated to and approved by the Head, Transport for Victoria and Yarra Trams a minimum of thirty-five days (35) prior.
50. The permit holder must ensure that all track, tram and overhead infrastructure is not damaged. Any damage to public transport infrastructure must be rectified to the satisfaction of the Head, Transport for Victoria at the full cost of the permit holder.

#### **Permit expiry**

51. This permit will expire if one of the following circumstances applies:
- a. The development is not started within three years of the date of this permit.
  - b. The development is not completed within five years of the date of this permit.

The Responsible Authority may extend the permit if a request is made in writing before the permit expires, or within six months afterwards.

The Responsible Authority may extend the time for completion of the development if a request is made in writing within 12 months after the permit expires and the development started lawfully before the permit expired.

#### **Notes:**

- Approval for any tree removal is subject to the Tree Retention and Removal Policy, Council's Delegations Policy and requirements for public notification, and a briefing paper to councillors. It should be noted that certain tree removals including but not limited significant or controversial tree removals, may be subject to decision by Council or a Committee of Council.

- All costs in connection with the removal and replacement of public trees, including any payment for the amenity and ecological services value of a tree/s to be removed, must be met by the applicant / developer / owner of the site. The costs of these works will be provided and must be agreed to before council remove the subject trees.
- All necessary approvals and permits are to be first obtained from the Melbourne City Council and the works performed to the satisfaction of the Melbourne City Council – Manager Engineering Services Branch.
- The Melbourne City Council may not change the on-street parking restrictions to accommodate the access, servicing, delivery and parking needs of this development. The Council cannot guarantee that vehicular access to and egress from the site will be possible via Penfold Place, as vehicles stopping in this laneways, either legally or illegally, may block access. The Council will not get involved in resolving any access difficulties/ disputes that may occur as a result of vehicles stopping in the laneway.
- **36 Collins Street, Melbourne (The Melbourne Club reference no. VHR30) and 52 Collins Street, Melbourne (Melville House reference no. VHR HO607)** are included on the Victorian Heritage Register for their historical and architectural significance to the State of Victoria. Under the terms of the Heritage Act 2017 there is protection for all historical archaeology sites and objects in the state.
- In accordance with the Tree Retention and Removal Policy a bank guarantee must be:
  - a. Issued to City of Melbourne, ABN: 55 370 219 287.
  - b. From a recognised Australian bank.
  - c. Unconditional (i.e. no end date)
  - d. Executed (i.e. signed and dated with the bank stamp)

Please note that insurance bonds are not accepted by the Melbourne City Council. An acceptable bank guarantee is to be supplied to Council House 2, to a representative from Council's Urban Forest and Ecology Team. Please email [trees@melbourne.vic.gov.au](mailto:trees@melbourne.vic.gov.au) to arrange a suitable time for the bank guarantee to be received. A receipt will be provided at this time.

At the time of lodgement of the bank guarantee the completed Project Arborist Confirmation Form must be provided. On completion of the works the bank guarantee will only be released when evidence is provided of Project Arborist supervision throughout the works and a final completion report confirms that the health of the subject public trees has not been compromised.

- **Any canopy proposed at the main entrance of the development site which projects more than 1m over a road must comply with Council's Road Encroachment Guidelines and may require a S173 Agreement to indemnify Council of any Claim. The minimum clearance to the underside of any projection over the footpath surface in must be 3.0 metres.**