

**Ministerial Planning Referral: TPM-2013-10  
464-466 Collins Street and 83 William Street, Melbourne**

3 December 2013

**Presenter:** Martin Williams, Executive Officer Planning

**Purpose and background**

1. The purpose of this report is to advise the Future Melbourne Committee of a Ministerial Planning Application (reference 2013/005784) for 464-466 Collins Street and 83 William Street, Melbourne. Formal notice of the application was given to the City of Melbourne by the Department of Transport, Planning and Local Infrastructure (DTPLI) on 21 June 2013 (refer Attachment 2 – Locality Plan and Attachment 3 – Proposed Plans). The application is not exempt from the giving of notice, or third party appeal rights under the Heritage Overlay. The applicant is Urbis P/L. The owner is Grollo Equiset Property P/L (464-466 Collins Street) and Joseph Varga Family Holdings P/L (83 William Street). The architect is Bates Smart.
2. The application seeks a permit to partially demolish the existing building at 464-466 Collins Street and to construct a 52 storey tower. The Collins Street facade of 464-466 Collins Street is a C graded building and is to be restored. The tower will, in part, overhang the A graded building at 83 William Street. The building is to be occupied by approximately 185 apartments plus office space at levels 1-13 and associated car parking using a car stacking system, accessed from St James Lane.

**Key issues**

3. The key issues associated with the proposal are:
  - 3.1 The lack of setbacks from the north (rear) and west boundaries which are contrary to Clauses 22.01 and 22.20 of the Melbourne Planning Scheme in that they do not adequately respond to the development potential of adjoining sites or the objective that towers be spaced to ensure equitable access to daylight and sunlight. Windows to habitable rooms in the west boundary wall of the tower would result in these rooms having no access to natural light if the site to the west were to be developed to the common boundary. This cannot be adequately addressed by the imposition of conditions to increase setbacks due the size of the site and the tower footprint.
  - 3.2 The front setback of the tower of 4-6 metres is insufficient, resulting in a building which is visually intrusive and dominant from the Collins Street public realm. The inadequate front setback will result in the existing building at 464-466 Collins Street being seen as a token heritage facade in front of a modern tower.
  - 3.3 The proposed car access arrangements are likely to create queuing in St James Lane extending to William Street, impeding vehicle flows and creating a safety hazard. The applicant's traffic consultant will be providing additional information to Engineering Services which may successfully address this concern.

**Recommendation from management**

4. That the Future Melbourne Committee advise the Minister for Planning that, unless the application is modified to:
  - 4.1 increase the northern and southern building setbacks
  - 4.2 reduce the building height so as to ensure the equitable distribution of development rights for the property to the west
  - 4.3 revise the interior layout revised to remove any reliance on the western elevation for natural light access to habitable rooms
  - 4.4 Council objects to the planning application for the reasons set out in the Delegate Report (refer Attachment 4).

**Attachments:**

1. Supporting Attachment
2. Locality Plan
3. Proposed Plans
4. Delegate Report

## Supporting Attachment

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### Legal

1. The Minister for Planning is the responsible authority for determining the application.

### Finance

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

### Conflict of interest

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

### Stakeholder consultation

4. Council officers have not advertised the application or referred this to any other referral authorities. This is the responsibility of the DTPLI acting on behalf of the Minister for Planning who is the responsible authority.

### Relation to Council policy

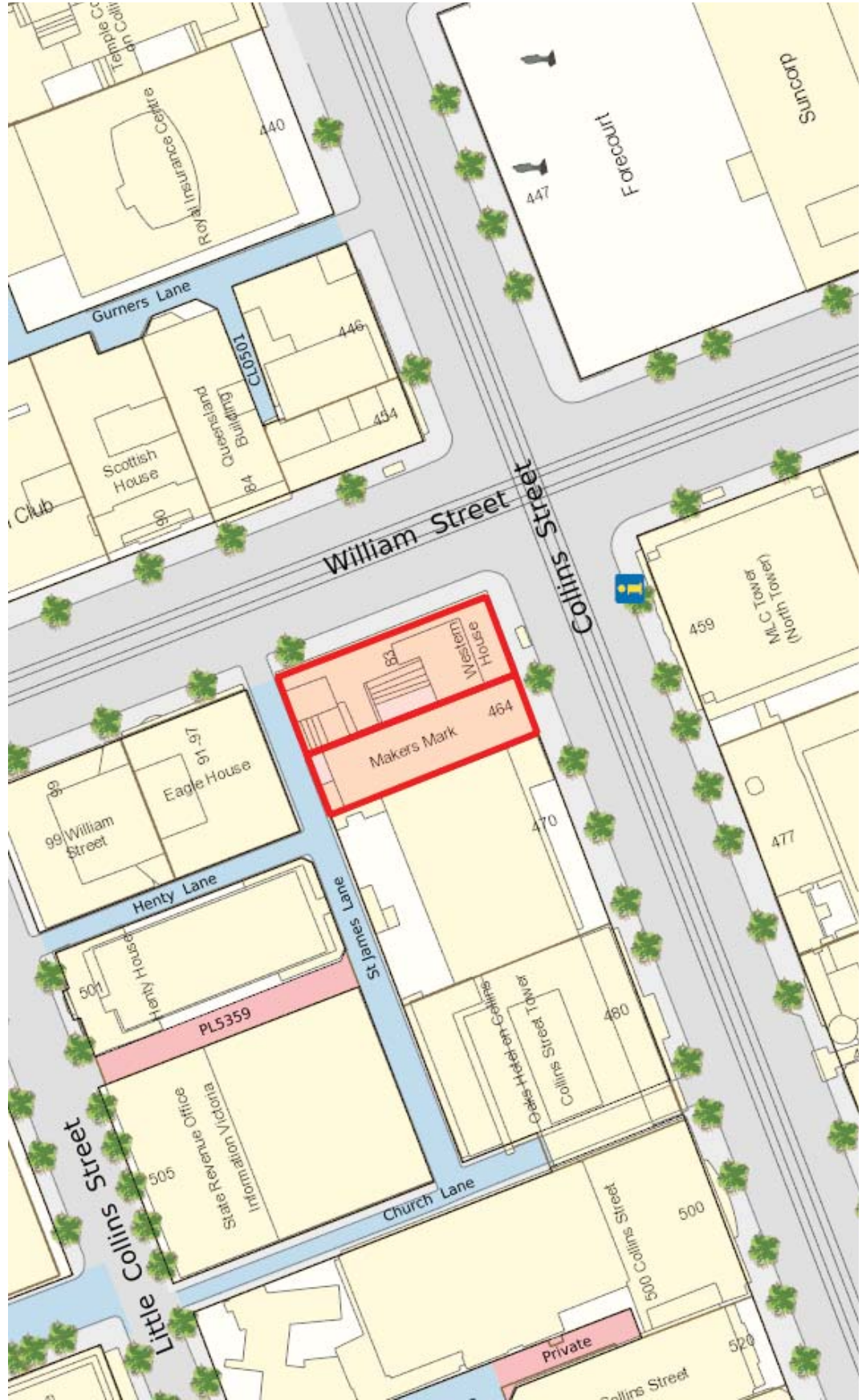
5. Relevant Council policies are discussed in the attached delegate report (refer Attachment 4).

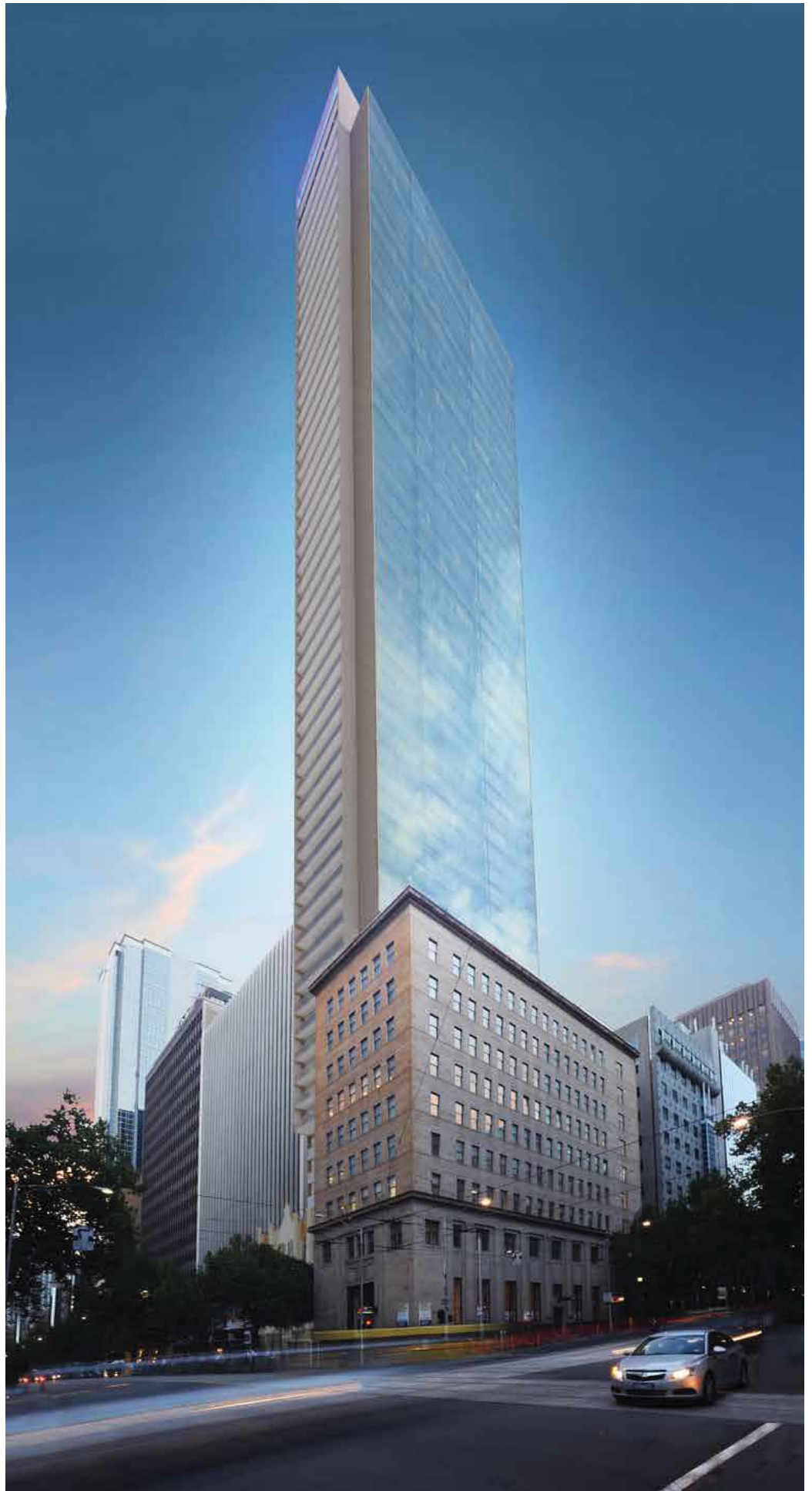
### Environmental sustainability

6. Amendment C187 - Energy, Water and Waste Efficiency Local Planning Policy was approved by the Minister and Gazetted on 4 April 2013. A Sustainability Statement forms part of the application documents and demonstrates how the development meets the Energy, Water and Waste Efficiency Policy objectives and requirements.

# Locality Plan

## 464-466 Collins Street and 83 William Street, Melbourne





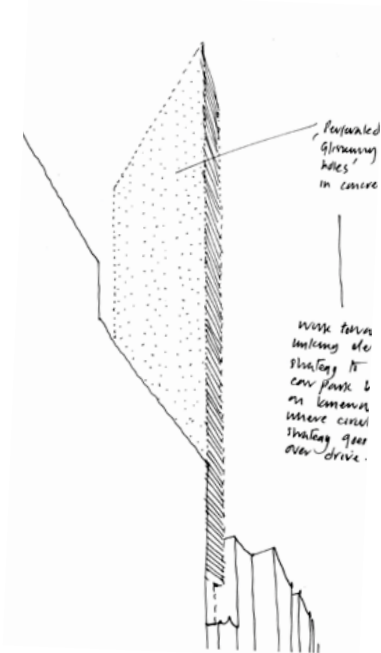
VIEW FROM COLLINS ST / WILLIAM ST  
INTERSECTION



# FACADE

## PROPOSED

– The new proposed west facade seeks to provide greater activation, character, light and view amenity to the western boundary. The circular windows shown opposite are based on a prototypical 750mm window aperture. The windows are dispersed in a random pattern with a greater amount shown toward the top of the building to provide differentiated outlook and flexibility with internal planning. This strategy corresponds with the load bearing capacity of the buildings west facade and is designed to appear more 'perforated' toward the top. At night these elements provide a unique and surprising identity to the western boundary. A blue light is positioned at the top level to the northern and southern boundary to accent the buildings identity with a 'Melbourne Blue' colouration.



DAYTIME VIEW LOOKING NORTH EAST UP COLLINS STREET FROM RIALTO



# PROPOSED SCENARIO

*This view from Collins Street indicates the refurbished and independent character of the 'Makers Mark' building made complete by integrating the return edges of the building. The view also indicates the 'refinishing' of the side wall of the NAB building which creates a more harmonious and consistent frame for the 464 tower element.*



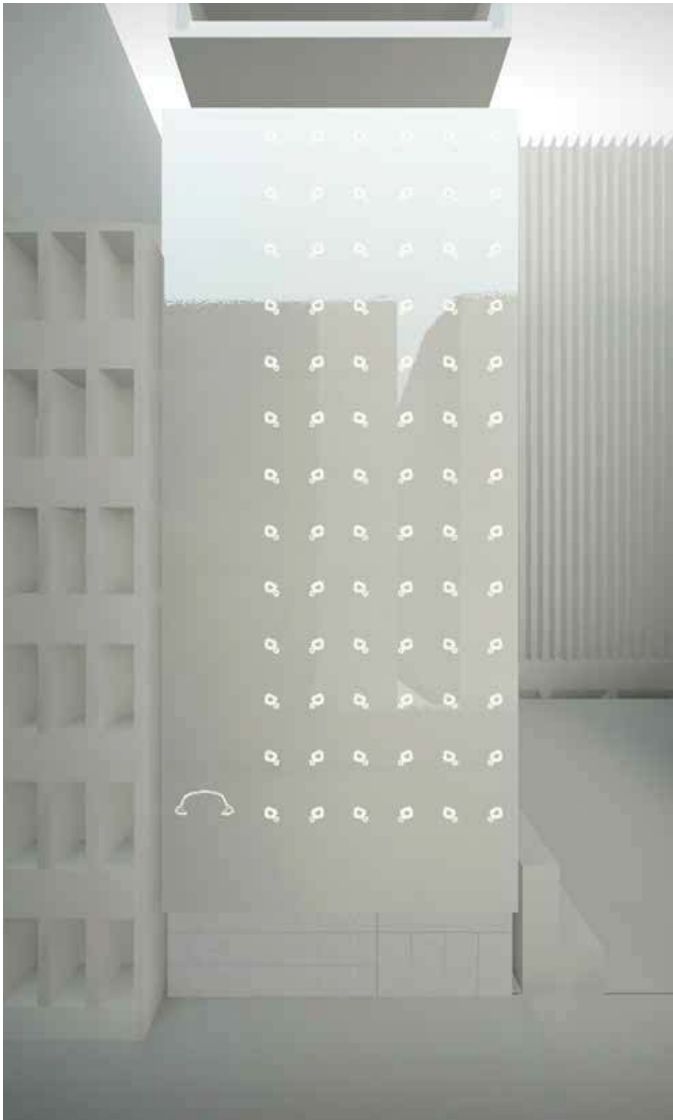
VIEW FROM COLLINS STREET

# FACADE STUDY

## REAR LANEWAY

BEFORE

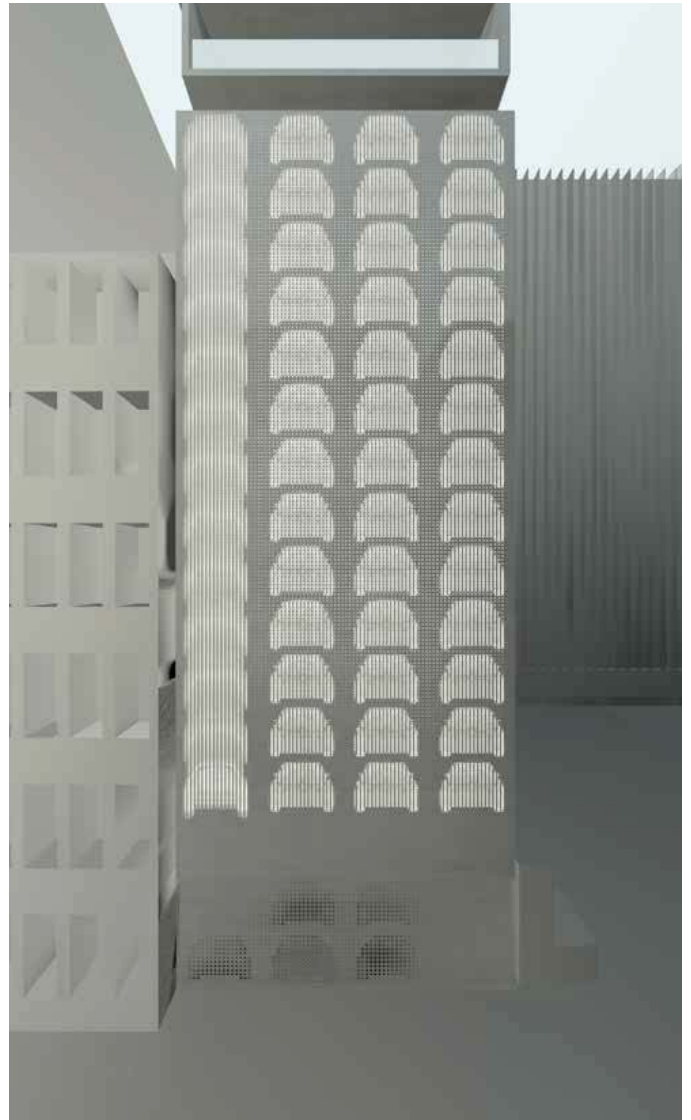
/ AS SUBMITTED ON 22 MAY 2013



*The podium facade has been designed to be an interactive artwork. The theme is based on the movement of the car stacker which sits within the podium. In our previous design the supposed car headlights peer through the concrete facade and the moving platform is indicated with a profile of a car. The pattern is created through an integrated LED light cluster set within the concrete.*

AFTER

/ ST JAMES LANE INTERACTIVE FACADE



*The revised and new proposed podium facade has extended the original approach and added a greater amount of LED clusters. Each car position is indicated on the facade. Lighting zones within the facade 'turn on' to reflect the movement of the car moving up and through the podium.*



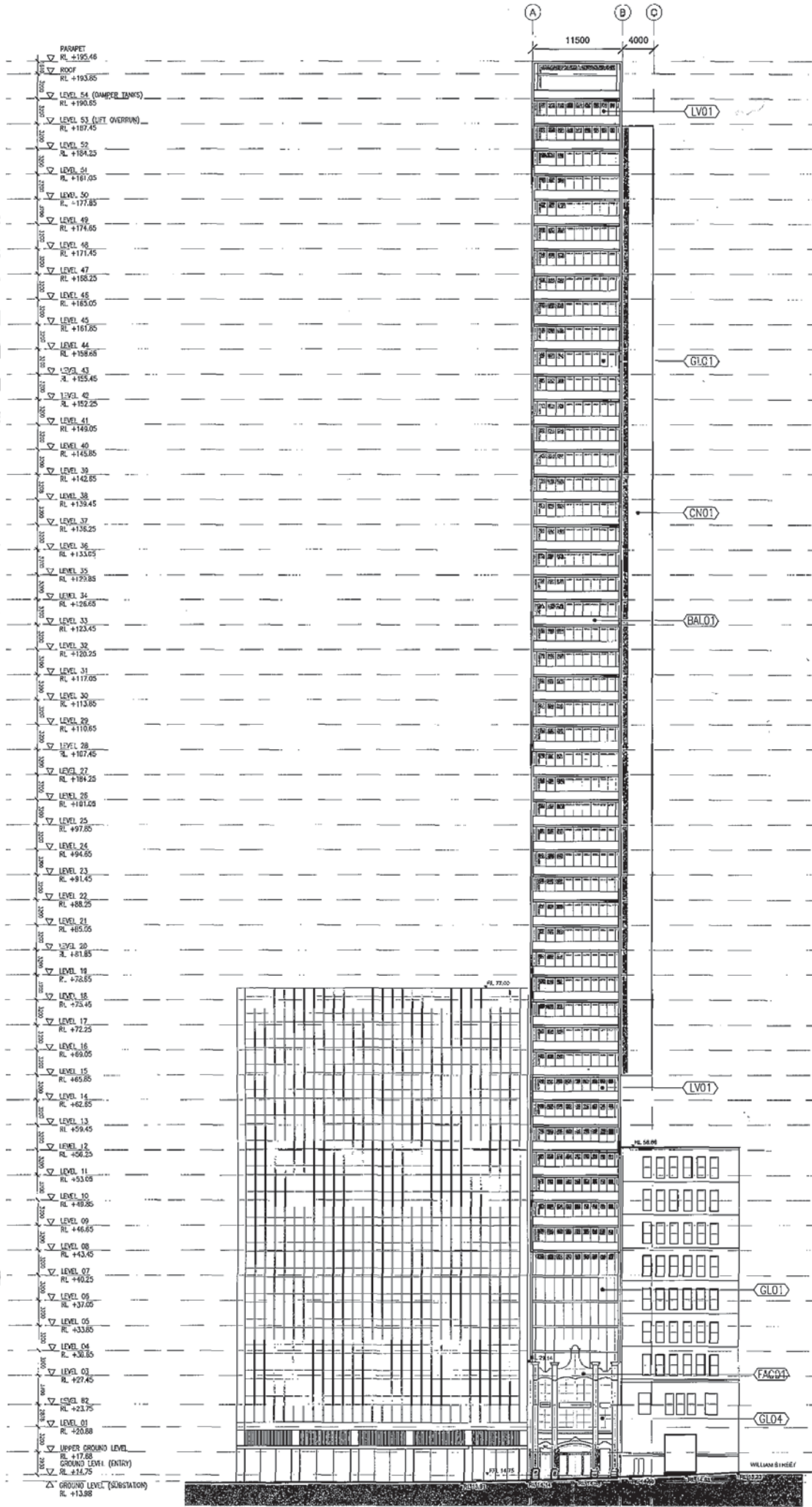
South Elevation  
TP\_04\_01

Town Planning Application  
BS Project No. M11537

May 27th 2013  
Scale 1:500@ A3

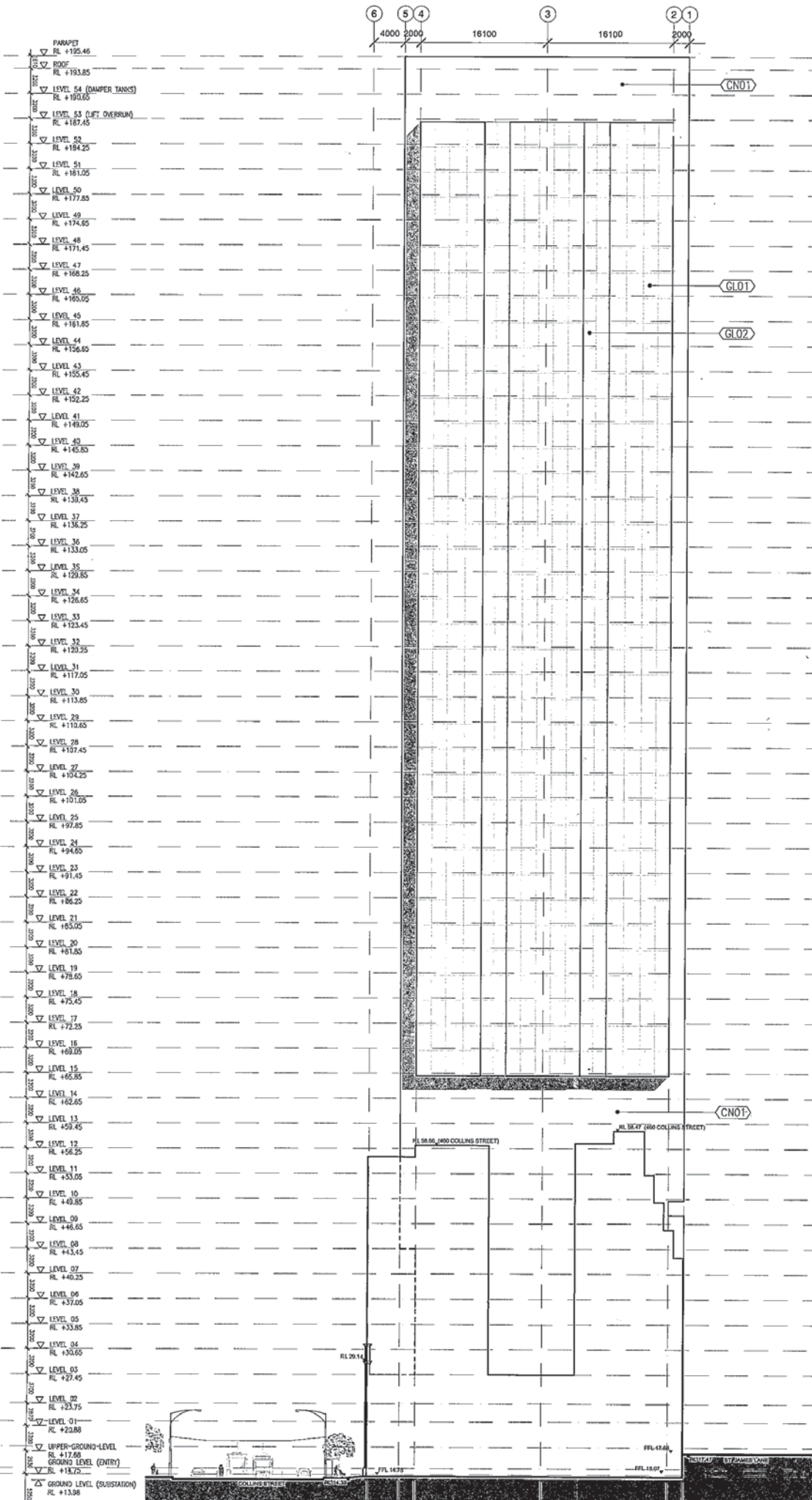
**LEGEND**

- GL01 CLEAR DOUBLE GLAZED UNITS
- GL02 CLEAR GLAZING TO WINTER GARDEN/BALCONIES
- GL03 CLEAR DOUBLE GLAZED UNITS
- GL04 CLEAR DOUBLE GLAZED GLASS TO HERITAGE ARCHITECTS DETAILS
- CN01 WHITE PIGMENTED STEEL FORMED IN-SITU CONCRETE
- CN02 STEEL FORMED PIGMENTED CONCRETE WITH INTEGRATED LED INTERACTIVE DISPLAY TO CARPARK FACADE
- BAL01 CLEAR GLASS BALUSTRADE
- LV01 HORIZONTAL CHEVRON PROFILE LOUVRE DARK METALLIC GREY FINISH
- SS01 STAINLESS STEEL FOLDING GARAGE DOOR FOR FIRE BOOSTER CUPBOARD DDORS
- FAC01 HERITAGE FACADE RESTORED AND REFURBISHED AS PER HERITAGE ARCHITECTS DETAILS



WILLIAM SINSE





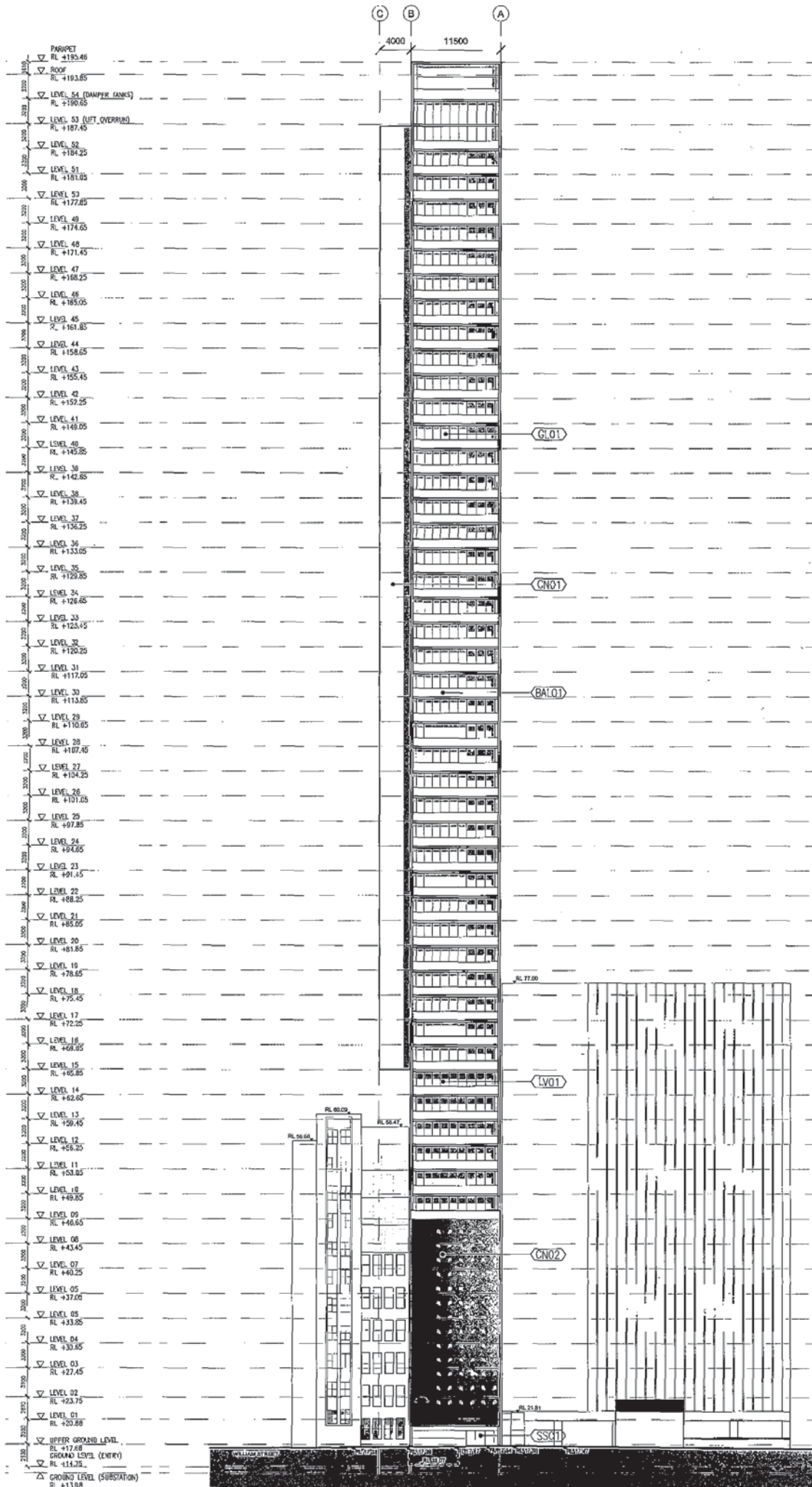
**LEGEND**

- GL01** CLEAR DOUBLE GLAZED UNITS
- GL02** CLEAR GLAZING TO WINTER GARDEN/  
BALCONIES
- GL03** CLEAR DOUBLE GLAZED UNITS
- GL04** CLEAR DOUBLE GLAZED GLASS TO  
HERITAGE ARCHITECTS DETAILS
- CND1** WHITE PIGMENTED STEEL FORMED  
IN-SITU CONCRETE
- CND2** STEEL FORMED PIGMENTED CONCRETE  
WITH INTEGRATED LED INTERACTIVE  
DISPLAY TO CARPARK FACADE
- BAL01** CLEAR GLASS BALUSTRADE
- LV01** HORIZONTAL CHEVRON PROFILE LOUVRE  
DARK METALLIC GREY FINISH
- SS01** STAINLESS STEEL FOLDING GARAGE DOOR  
FOR FIRE BOOSTER CUPBOARD DOORS
- FAC01** HERITAGE FACADE RESTORED AND  
REFURBISHED AS PER HERITAGE  
ARCHITECTS DETAILS

North Elevation  
TP\_04\_02

Town Planning Application  
BS Project No. M11537

May 27th 2013  
Scale 1:500@ A3



**LEGEND**

- GL01 CLEAR DOUBLE GLAZED UNITS
- GL02 CLEAR GLAZING TO WINTER GARDEN/BALCONIES
- GL03 CLEAR DOUBLE GLAZED UNITS
- GL04 CLEAR DOUBLE GLAZED GLASS TO HERITAGE ARCHITECTS DETAILS
- CN01 WHITE PIGMENTED STEEL FORMED IN-SITU CONCRETE
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- BAL01 CLEAR GLASS BALUSTRADE
- LV01 HORIZONTAL CHEVRON PROFILE LOUVRE DARK METALLIC GREY FINISH
- SSO1 STAINLESS STEEL FOLDING GARAGE DOOR FOR FIRE BOOSTER CUPBOARD DOORS
- FAC01 HERITAGE FACADE RESTORED AND REFURBISHED AS PER HERITAGE ARCHITECTS DETAILS





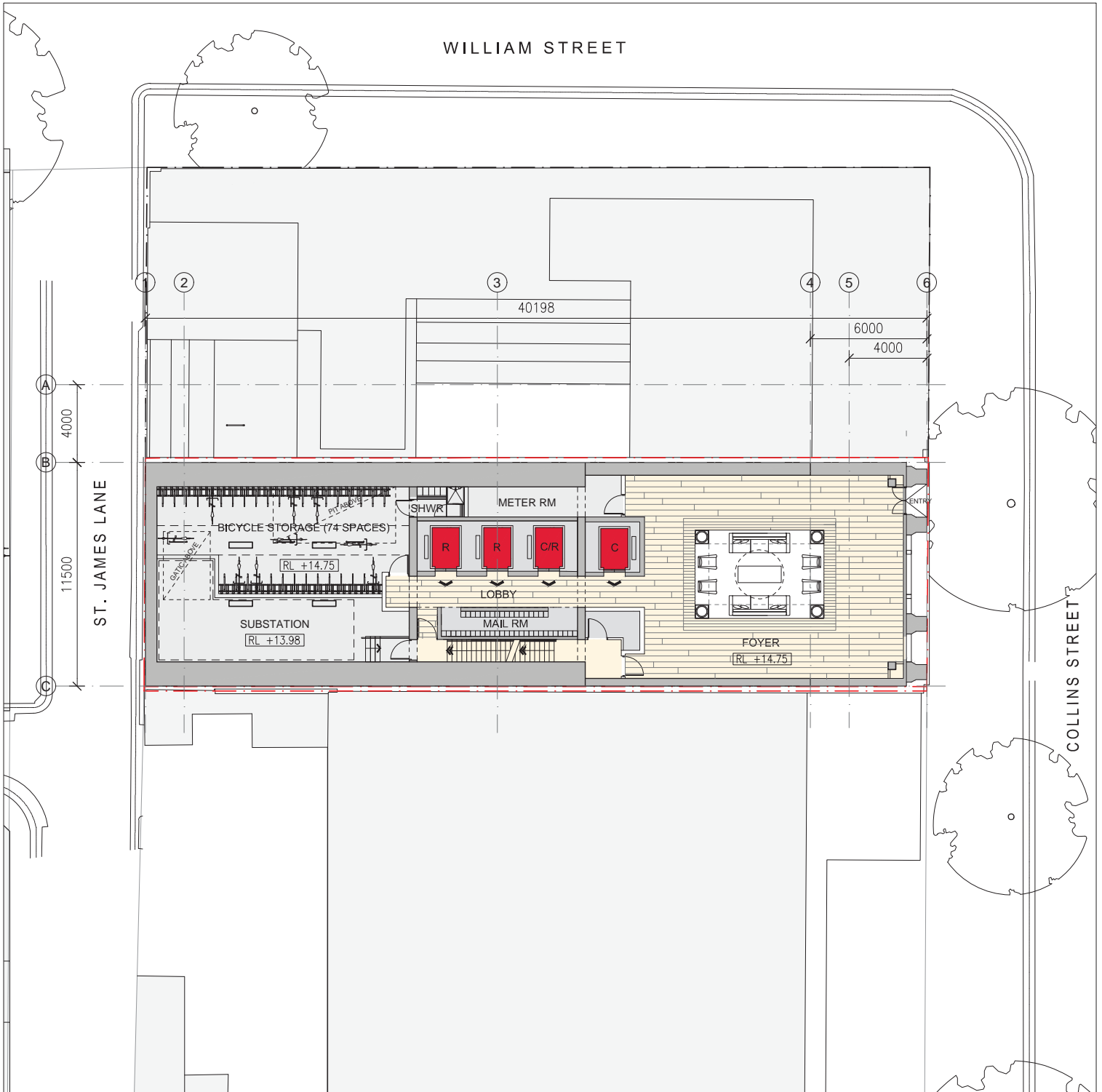


Ground Floor Plan (Collins Street)  
TP\_02\_02 Rev A

Town Planning Application  
BS Project No. M11537



August 2013  
Scale 1:200 @ A3  
1:100 @ A1

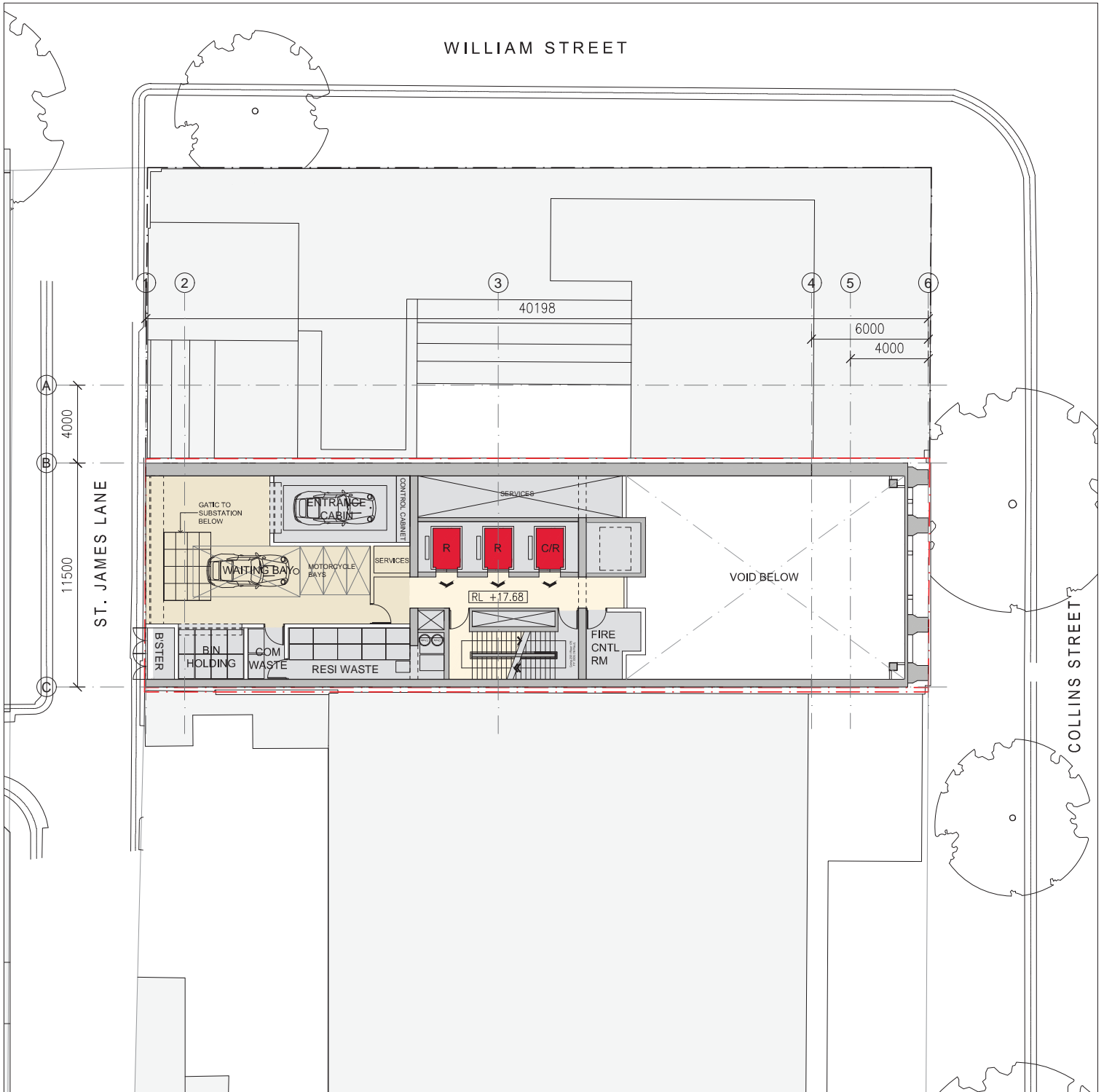


Upper Ground Floor (St. James Lane)  
TP\_02\_03 Rev B

Town Planning Application  
BS Project No. M11537

 Project North

October 18th 2013  
Scale 1:200 @ A3  
1:100 @ A1



Typical Residential Fitout- Lower Floor  
TP\_03\_01 Rev B

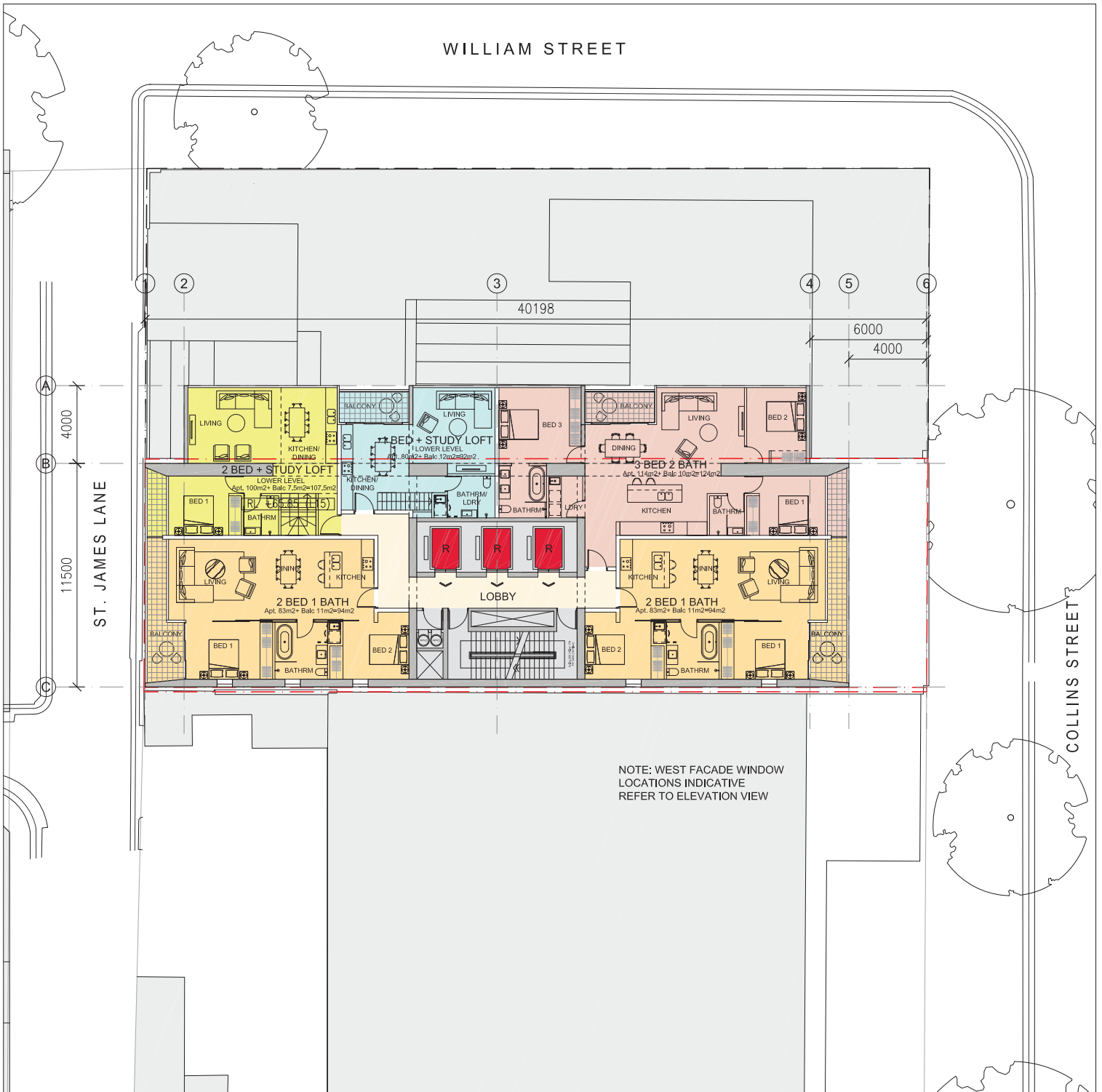
Town Planning Application  
BS Project No. M11537

Project North

October 18th 2013  
Scale 1:200@ A3  
1:100@ A1

**LEGEND**

- 2 BEDROOM APARTMENT
- 3 BEDROOM APARTMENT
- 1 BEDROOM + STUDY LOFT
- 2 BEDROOM + STUDY LOFT







## PLANNING REPORT MINISTERIAL REFERRAL

<b>Application number:</b>	<b>TPM-2013-10</b>
<b>DTPLI Application Number:</b>	<b>2013/005784</b>
<b>Applicant / Owner / Architect:</b>	Applicant – Urbis P/L. Owner – Grollo Equiset Property P/L (464-466 Collins Street) and Joseph Varga Family Holdings P/L (83 William Street) Architect – Bates Smart
<b>Address:</b>	464-466 Collins Street and 83 William Street, MELBOURNE VIC 3000
<b>Proposal:</b>	Partial demolition of the existing building and construction of a multi storey building for use as dwellings, offices and associated car parking
<b>Date received by City of Melbourne:</b>	13 June 2013. Response to DTPLI request for further information received by City of Melbourne on 4 September 2013
<b>Responsible officer:</b>	Stephen Vecris

### 1. SUBJECT SITE AND SURROUNDS

#### 1.1. The site

The subject site at 464-466 Collins Street has a total area of 483 square metres and 83 William Street has a total area of 601 square metres, giving the overall development site an area of 1084 square metres.

Neither site is affected by any easements or restrictive covenants, other than two party wall easements along the western boundary of 83 William Street.

Both sites have frontages to Collins Street and back onto St James Lane. No. 83 William Street is on the north-west corner of William and Collins Street and has its main frontage to William Street (40 metres in length) and a smaller frontage (approximately 14 metres) to Collins Street. No. 464-466 Collins Street is immediately west of 83 William Street. It has a frontage of 11.5 metres to Collins Street and is 40 metres in depth.

Collins Street slopes upward from west to east while William Street slopes upward from south to north. As a result, the centre point of the frontage of 464-466 Collins Street is 400 mm lower than the centre point of the Collins Street frontage of 83 William Street. In addition, the Collins Street frontage of 464-466 Collins Street is approximately 3100 mm lower than the ground level to St James Lane.

464-466 Collins Street is a 3 storey building occupied by a shop at ground floor level. It is a C graded building within a level 3 streetscape, built during the Edwardian period. Its integrity and condition are noted as 'fair' on the relevant Building Identification Form in the City of Melbourne's I-Heritage database.

No. 83 William Street is a 9 storey building, occupied by a bank at ground floor level with offices above. This is an A graded building, built in 1926-1939, in the Neo-Renaissance style. The relevant Building Identification Form in the City of Melbourne's I-Heritage database notes that:

- The integrity and condition of the building are 'fair'.
- Notable features include high standard design of rendered surfaces, stone facing and friezes.
- 'A dominant, finely finished and formal revivalist design which reflects the traditional conservatism of banking companies as modified by the new international Modern movement also an RVIA medal winner'.

No. 464-466 Collins Street is covered by a site specific Heritage Overlay (HO 1012), as is 83 William Street (HO 753).

## 1.2. Surrounds

The main characteristics of the area include the following.

North of the subject site, on the opposite side of St James Lane, at 91-97 William Street is a multi-storey office building which was constructed in 1987.

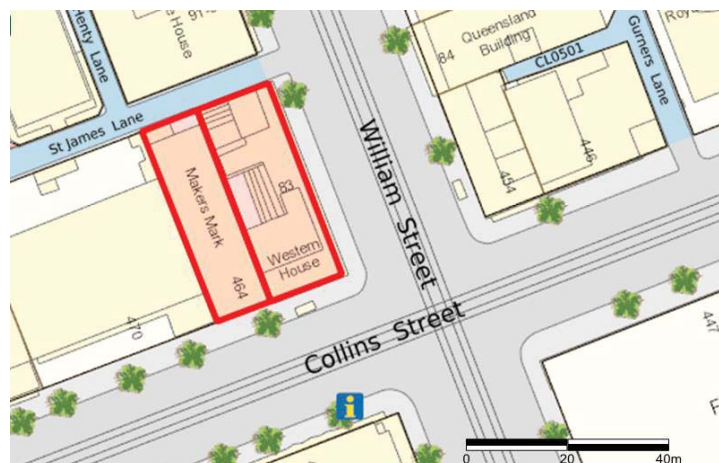
North-west of 464-466 Collins Street is 'Henty House' at 501 Little Collins Street, occupied by apartments. This building backs onto St James Lane.

West of 464-466 Collins Street is a 17-storey office building at 470 Collins Street. This is set back approximately 6 metres from Collins Street, creating a forecourt at the site's frontage. Planning Permit TP-2013-81 was issued on 7 June 2013 allowing development including a two-storey addition within the forecourt.

South of the subject site, on the south-west corner of Collins and William Streets is the multi-storey MLC office tower at 459 Collins Street.

On the north-east corner of William Street and Collins Streets is a C graded 11-storey office tower built in 1960.

East of the rear portion of 83 William Street (on the east side of William Street) is the 7 storey 'Queensland Building' at 84 William Street. This is an A graded building built during the Edwardian period.



## 2. THE PROPOSAL

The plans forming the subject of this assessment are a combination of those initially received (received by the City of Melbourne on 25 June 2013), plans received in response to the further information request from DTPLI (received by the City of



Melbourne 16 September 2013) and supplementary information received on 6 November 2013. The supplementary information includes a change to the west elevation of the tower so that it fully abuts the west boundary of the site and incorporates circular boundary windows in random positions. The information received on 6 November 2013 also includes a change to the rear elevation at the car park levels.

It is proposed to partly demolish the existing building at 464-466 Collins Street and construct a 52 storey tower plus ground and upper ground floor levels. The tower will, in part, overhang the building at 83 William Street.

The application proposes the following uses:

<b>Dwelling</b>	<p>The Planning and Urban Context report submitted as part of the application documentation states that the building will contain 'approximately 185 apartments'. Two 'typical residential fitout' floor plans show the following apartment layout, per floor:</p> <p>1 x 1 bedroom unit plus study loft.                  2 x 2 bedroom units.                  1 x 2 bedroom unit plus study loft                  1 x 3 bedroom unit.</p>
<b>Office</b>	<p>The area schedule forming part of the application documentation states that over levels 1-13, approximately 1879 square metres of office floor area is provided.</p>

The floor plans also include the following:

- Building services at basement level.
- Ground level entry foyer off Collins Street.
- Restoration of Collins Street façade of existing heritage building.
- Plant at levels 14 and 53.

The details of the proposal are as follows:

<b>Building height</b>	181.13 metres
<b>Front, side and rear setbacks</b>	<p><u>464-466 Collins Street</u></p> <p>From levels 3 to 7, the tower is set back 6 metres from the Collins Street frontage of 464-466 Collins Street. At level 3, there is a terrace within the setback area. This is behind the parapet of the existing building. Above level 7, the east and west walls of the tower are set back 4 metres from Collins Street. At levels 8-13, the front wall is set back 5 metres from Collins Street, with a balcony within the one metre setback. At level 15 and above, the front wall is generally set back 5-6 metres from Collins Street, with balconies extending to 4 m from Collins Street.</p> <p>To level 8, the building fully abuts the rear boundary of</p>

	<p>the site. At level 9-13, the northern facade of the building is set back 1 m from the rear boundary, with balconies in the setback area. Above level 13, the northern face of the building is generally set back 1-2m from the rear boundary, with balconies within the setback area.</p> <p>The building fully abuts the western boundary and includes west facing boundary windows.</p> <p><u>83 William Street</u></p> <p>The proposed building abuts the eastern boundary of 83 William Street up to level 14. From level 15-52, the building overhangs 83 William Street by 4 metres. This portion of the building overhanging 83 William Street is set back 6 m metres from Collins Street and 2 metres from the rear boundary of the site. There are also cut out balconies 2 metres deep within the overhang. The levels containing the lift overrun and plant levels do not overhang 83 William Street.</p>
<b>Gross floor area (GFA)</b>	The area schedule forming part of the application documentation states that the gross floor area is 28,775 square metres.
<b>Car parking spaces</b>	A total of 73 car spaces are to be provided, as well as 3 motorcycle spaces.
<b>Bicycle facilities and spaces</b>	74 bicycle storage spaces.
<b>Loading/unloading</b>	No loading/unloading area is provided.
<b>Vehicle access</b>	Car spaces are to be accessed from the rear of the site (St James Lane) via a car lift.
<b>Finishes</b>	The facade of 464-466 Collins Street is to be restored and refurbished. Tower finishes to the north, south and east elevations are predominantly glass. The main finish to the west elevation is concrete. The north elevation of the car park levels features penetrations for ventilation and interactive LED lighting. The north and south elevations of the overhang are finished in concrete and the east elevation is glazed.

### 3. BACKGROUND

#### 3.1. Pre-application discussions

There were a number of pre-application meetings regarding the development of this site. Advice given at and after these meetings includes that set out below:

- The developers were made aware of the fact that a building without side setbacks would be non-compliant with the Melbourne Planning Scheme. Concern was expressed regarding this as well as wind impacts.

- The matter of precedent - the possibility that approval of such a development could lead to a 50 storey wall of buildings without side setbacks in this part of Collins Street and elsewhere in the central city.
- Proposed development would severely compromise development opportunities to the west of subject site.
- Recommend that applicant investigates a more modest and appropriate scale of development. It may be possible to design a 20 storey building built to the west boundary which does not unduly inhibit reasonable development of site to west (470 Collins Street).
- If applicant cannot obtain air rights over 470 Collins Street and still wishes to develop a tall tower, recommend minimum 5 metre setback from west boundary.
- Minimum setback of 6 metres should also be provided above 40 m on St James Lane.
- Uncertainty as to whether 6 metre tower setback is adequate.
- Overshadowing was queried.

### 3.2. Site history

There is no directly relevant history or background for this application.

## 4. PLANNING SCHEME PROVISIONS

The following provisions of the Melbourne Planning Scheme apply:

State Planning Policies	<p>Clause 11 – Settlement.</p> <p>Clause 15.01-1- Urban Design.</p> <p>Clause 15.01-5 – Cultural Identity and neighbourhood character.</p> <p>Clause 15.02 – Sustainable development.</p> <p>Clause 15.03 – Heritage.</p> <p>Clause 16 – Housing.</p> <p>Clause 18.02-1 – Sustainable personal transport.</p> <p>Clause 18.02-5 Car parking</p>
Municipal Strategic Statement	<p>Clause 21.03 – Vision.</p> <p>Clause 21.04-1 – Growth Area Framework.</p> <p>Clause 21.06-1 - Urban Design.</p> <p>Clause 21.06-2 – Heritage.</p> <p>Clause 21.06-3 – Sustainable development.</p> <p>Clause 21.07 – Housing.</p> <p>Clause 21.09 – Transport.</p> <p>Clause 21.12 – Hoddle Grid.</p>
Local Planning Policies	<p>Clause 22.01 – Urban Design within the Capital City Zone.</p> <p>Cause 22.02- Sunlight to Public Spaces.</p> <p>Clause 22.04 – Heritage Place within the Capital City Zone.</p>

	<p>Clause 22.19- Energy, Waste and Waste Efficiency.</p> <p>Clause 22.20 – CBD Lanes</p>
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Statutory Controls	
Capital City Zone Schedule 1	<p>A permit is required to carry out demolition.</p> <p>A permit is required to carry out buildings and works.</p> <p>Both office and accommodation are Section 1 uses.</p>
Design and Development Overlay	<p>Clause 43.02-2 states that a permit is required to carry out buildings and works, but that this does not apply if a schedule to the overlay specifically states that a permit is not required.</p>
Design and Development Overlay 1 – Active Street frontage	<p>This overlay applies to the Collins Street frontage of the site. Pursuant to this overlay, a permit is required to carry out buildings and works at ground level. The proposed development requires a permit under this overlay.</p>
Design and Development Overlay 4 – Weather Protection	<p>This overlay applies to the Collins Street frontage. A permit is not required to carry out buildings and works if adequate weather protection to the street frontage is provided to the satisfaction of the Responsible Authority.</p> <p>In this case, the addition of a verandah to the existing heritage buildings would be inappropriate. The existing situation, of no weather protection to Collins Street is therefore acceptable. This being the case, no permit is required under this overlay.</p>
Heritage Overlay	<p>The site is covered by a Heritage Overlay (HO1012) introduced through Amendment C186. Pursuant to Clause 43.01-1, a permit is required for a range of matters including demolition and buildings and works. A permit is required for the proposed development under the Heritage Overlay.</p>
Parking Overlay 1	<p>A permit is required to provide parking in excess of the car parking rates in Clause 3.0 of Schedule 1 to the Parking Overlay. Clause 3.0 sets a rate of 1 space per dwelling. However, Clause 2.0 states that this permit requirement does not apply to additional car parking to serve dwellings or a residential hotel.</p> <p>In addition to car parking for the residential component a number of spaces may also be provided for the office component, without a permit. A permit is required to exceed this number.</p> <p>The proposed development includes approximately 185 apartments as well as an office component, served by 73 car spaces.</p> <p>No permit is required for the proposed car parking provision as it is well within the limits set out above.</p>



Particular Provisions	
Clause 52.06, Car Parking	Pursuant to Clause 52.06-3, a permit is required to provide more than the maximum parking provision specified in a schedule to the Parking Overlay.  As stated above, the proposed car parking provision is well within the limits set out for Parking Overlay 1.
Clause 52.07, Loading and Unloading of Vehicles	Clause 52.07 applies to applications for the manufacture, servicing, storage or sale of goods or materials. As the land is to be used for residential and office purposes, this clause does not apply to the current application.
Clause 52.34, Bicycle Facilities	A permit may be granted to reduce or waive the bicycle parking requirement.  Pursuant to Clause 52.34, the proposed uses generate a requirement for a minimum of 58 bicycle spaces. 74 spaces are provided. Advice from Engineering Services indicates that of these spaces 60 are usable. Thus, no permit is required to reduce the bicycle parking requirement.
Clause 52.35, Urban Context Report and Design Response for Residential Development of Four or More Storeys	This has been provided.
Clause 52.36, Integrated Public Transport Planning	An application for an excess of 60 dwellings must be referred to PTV for comment. As the Minister for Planning is the Responsible Authority, DTPLI has responsibility for this referral.

General Provisions	
Clause 61.01 – Administration and enforcement of this scheme	The Minister for Planning is the responsible authority for this planning permit application as the total floor area of the development exceeds 25,000 square metres.
Clause 65 – Approval of an application or plan	This clause sets out Decision Guidelines. These include the matters set out in Section 60 of the Act.

## 5. PUBLIC NOTIFICATION

The application has been referred to the City of Melbourne for comment. The covering letter from DTPLI includes the statement that the application is exempt from notice under Section 52 of the Act. This is correct in relation to Capital City Zone 1 provisions, as well as Design and Development Overlay 1 and 4.

However, the application is not exempt from notice under the Heritage Overlay. Advice has since been received from DTPLI that notice of the application will be given.

## 6. REFERRALS

The application was referred to Council's Urban Design team, Heritage Adviser, Engineering Services, Land Survey, Urban Landscapes and the Municipal Building Surveyor. Key matters raised in responses are summarised/set out below.

### Urban Design

As set out above, Urban Design advice was provided at pre-application stage. This advice did not support the proposed development.

Further Urban Design comments were received on 23 July 2013 in response to the proposed development referred by DTPLI. This advice includes the following:

- Proposal severely compromises development potential of 470 Collins Street.
- Should 470 Collins Street be redeveloped bedrooms in proposed development which rely on obtaining daylight through west facing windows may lose this light and if so, would have no other source of daylight.
- Under Clause 22.01, building massing guidelines are for a street setback of 10 m and 24 m separation between towers above podium level. Proposed building grossly oversteps these setbacks and would be detrimental to the quality of Collins Street and St James Lane.
- Proposed building is contrary to Clause 22.01 policy that when adjoining buildings are in a Heritage Overlay, the design of new buildings should have regard to the height, scale, rhythm and proportions of the heritage building.
- Clause 22.01 policy encourages new facades to respect features including rhythm, scale and architectural features of existing streetscape. Proposed building lacks urban propriety and architectural etiquette, having some regard for existing 464 Collins Street building but little for 460 Collins Street and none for 470 Collins Street. Proposed building does not reference either the grid facade of 460 Collins Street or the strong vertical ribbing of the facade of 470 Collins Street.
- Proposed development will offer few details to engage the eye of the pedestrian.
- Wind report concludes that proposed development will produce acceptable levels of wind in the public realm. However, to be equitable, the development of 464 Collins Street implies an equivalent building setback and height for any redevelopment of 470 Collins Street (and numerous other sites around the central city). Such development would almost certainly produce adverse wind effects and would severely compromise one of Melbourne's most important streetscapes.
- Given that site is less than 24 m wide do not believe it can accommodate development taller than about 40 m without significant adverse impacts.

Further comments from Urban Design were requested after the receipt of the further information on 16 September 2013. Advice provided in response includes that set out below.

- As no significant changes have been made to the proposal, initial comments stand. Supplementary comments are provided in response to new material.

- 4 m front setback (above level 7) is inadequate. Impact of tower will be a composite of height and lack of setbacks.
- Tower should be set back at least 6 m (preferably more). This should include setting back both wall and balconies.
- If it were deemed reasonable for 466 Collins Street to match front setback of 470 Collins Street, it would be consistent to also match its rear setback, which is over 9 m. Applicant's submission suggests that a future tower at 91-93 William Street (the building north of the subject site) should be set back 3.3 m from St James Lane. To be equitable, subject development should be set back at least the same distance.
- Greater setbacks would decrease overshadowing to AXA plaza.
- Light courts introduced on west side of building are not an acceptable substitute for a setback from west boundary. In the event those adjacent sites were similarly developed, the light wells would be so narrow that little daylight would reach the lower floors.
- The building design is not of a quality which could justify exemption from the built form design standards in the Urban Design Policy.

Clarification was subsequently requested from Urban Design as to whether the proposed height would be acceptable, subject to appropriate setbacks and if so, what these setbacks should be. The advice below was received in response.

Proposed height would be acceptable subject to appropriate setbacks and confirmation of air rights over 83 William Street, preventing additional building on that site in future. Setbacks need to be:

- Minimum of 10 m from Collins Street and William Street boundaries.
- 6.7m from St James Lane (the width of the lane). This would result in a separation of approximately 20 m from a future tower at 91-97 William Street.
- 10 m from west boundary (which would leave virtually no floor plate), unless air rights are acquired over 470 Collins Street, in which case setback from west boundary could be zero (or indeed the tower could project over the west boundary).

### **Heritage Adviser**

Comments from the Heritage Adviser were received on 26 June 2013 and include the advice set out below.

- Proposed addition is non-compliant with decision guidelines of Heritage Overlay at Clause 43.01.
- The first dot point of the objectives at Clause 22.04 (Heritage Places within the CCZ) is to conserve and enhance heritage places and ensure any alteration/additions are undertaken in accordance with accepted conservation standards. Proposal is contrary to this objective as accepted conservation standards are ignored.
- Further reasoned justification for the proposal is required including relevant imaging so that the impact of the proposal upon appreciation and perception of heritage host can be properly evaluated.
- Recommend that further 3D imaging be requested and that without clear justification for the proposal, application should be refused.

The above advice was passed on to the applicant for response. A copy of the advice was also sent to DTPLI.

After further information was received, the application was re-referred to the Heritage Adviser. The response received includes the advice set out below.

- Where prominent and visually intrusive new form is proposed on heritage sites in the CBD, the accepted conservation standard is to set back the addition at least 10 m from the facade. This ensures that the perception of the integrity of the heritage building is maintained.
- Where a breach of the above standard is proposed, clear explanation and analysis should be required. This analysis should address matters including the mitigating circumstances that make it acceptable to relax the standards for the subject site.
- The restoration of the facade of the existing building will notably enhance its heritage significance.
- Proposed tower setback, approximately aligning with the facade of 470 Collins Street will present the frontage of the existing building cut off by a wall of modern buildings. The sense and perception of the building's integrity will be destroyed by the limited setback. The prominence of proposed addition undermines any argument that it will be reasonably perceived to be behind the host. Remnant heritage building will be seen as a token heritage frontage in front of a modern tower. The standard of retaining the perception of the integrity of the building frontage is not respected.
- Heritage Impact Statement provides no analysis of how compression of the setback from facade to tower base can protect the sense of there being a complete heritage building.
- Image of proposed building from west makes it clear that existing building will present as only the front room depth standing in front of the wall of modern buildings. Will present as token retention of heritage building.
- A setback of 8 metres may satisfy the need to retain a sense of integrity of the host and demonstrate suitable regard and respect for its significance. This could perhaps reduce to 6 m for level 8 and 4 metres from level 10 upwards. Without compelling and verifiable reasons why setbacks should be reduced in response to particular and extraordinary conditions of this case, setbacks of 8 m to at least level 7, 6m to levels 8-9 and then 4 m above should be imposed.
- The attempt to reduce the recognition of the value of 464 Collins Street to address only the façade... is a distortion of heritage practice and fails the test of compliance with both Clauses 43.01 and 22.04. The proposition is one of facadism... without any body of a building behind.
- The cantilever over 83 William Street is acceptable as the setback from the facades of that building comply with standard expectations.

## **Engineering Services**

### Traffic Engineering

The application was referred to ESG for comment. A memo dated 18 July 2013 was received in response

This memo raised a number of queries and requested additional information in response. Additional information was subsequently provided and a further memo was received, dated 30 September 2013. The two memos were discussed with the



relevant traffic engineer, who confirmed that the memo of 18 July should be disregarded as it had been superseded by the memo of 30 September.

The memo of 30 September includes the following advice:

- Maximum of 14 car spaces should be allocated to offices. The applicant has advised that 1 car space will be allocated to each office floor level (a total of 13) while the remainder of the car spaces will be allocated to residents.
- Planning Permit must include a note stating that Council will not change on-street parking restrictions to accommodate the needs of this building and that residents will not be entitled to parking permits.
- Adequate number of bicycle spaces are provided, based on use of LEDA Compact Bicycle Rack system.
- Width of motorcycle access way should be increased from 1.5 m to 3.2 m.
- To provide adequate pedestrian/vehicle sightlines, either pedestrian splays should be provided or signage and flashing warning device to alert pedestrians of exiting vehicles and vice versa. Mirrors should also be installed just inside the property line to ensure that exiting motorists can see pedestrians approaching.
- Confirmation regarding layout of turntable for car stacker is required.
- Use of the car stacker will result in up to 3 vehicles queuing in St James Lane. As the entrance to the car park is located about 15 m west of the William Street building line it is only possible to store 2 vehicles in the lane with a third vehicle protruding onto the William Street footpath and obstructing the path of pedestrians. Given that St James Lane currently carries 25 vehicles per hour in the morning peak, these vehicles would queue behind vehicles waiting to enter the car park. This would impede traffic flow along William Street which is considered extremely hazardous given the Clearway restrictions along the street and the close proximity to the intersection at Collins Street. Given the above, ESG strongly objects to the proposed access arrangements including the proposed car stacker system. An alternative proposal must be submitted, to the satisfaction of Manager – Engineering Services, which would ensure that the 98% queue does not extend into St James Lane and that any queuing can be accommodated inside the site.

The applicant's traffic consultant recently provided additional information regarding the operation of the car stacker and associated queuing to Engineering Services for review. No response to this information had been received from Engineering Services at the time of writing this report.

#### Infrastructure

Comments provided include the following:

- Object to construction of stairs to property boundary. Stairs should be set back sufficiently to enable tactile ground surface indicators to be within site boundary.
- Maximum permissible width of vehicle crossover without pedestrian refuge is 7.6 m. Note – crossover to St James Lane scales as less than 7.6 m.
- A number of matters of detail are raised, which can be addressed by conditions, if a permit is issued.

### Waste Management

Council would prefer to collect the waste from this site and a revised WMP is required. Recommended condition regarding waste is provided.

### **Land Survey**

Proposed development projects into air space above 83 William Street. This air space is currently common property. This must be removed from the relevant plan of subdivision and consolidated with the other two titles owned by the developer. The balance of the common property adjacent to this air space required for the proposed development must have an easement of light and air created for the proposed balconies and windows.

A condition is required on the permit requiring all the land and air space required for the development to be consolidated onto the one title before commencement of development (including demolition) and the creation of relevant easements of light and air.

### **Urban Landscapes**

The application was referred to Urban Landscapes as a street tree in front of the subject site may be affected by construction activities. A number of conditions relating to protection of this tree have been received in response. If the application is approved, these conditions should be included on the permit.

### **Municipal Building Surveyor**

The application was discussed with an Assistant Building Surveyor who advised that a Construction Management Plan would be required.

## **7. ASSESSMENT**

The key issues in the consideration of this application are:

- Design and built form, including setbacks, the impact on development potential of adjoining properties and internal amenity.
- Overshadowing
- Heritage
- Parking and traffic
- Wind
- ESD.

### **Design and Built Form**

The Local Policy for Urban Design in the Capital City Zone (Clause 22.01) recommends that towers be set back at least 10 metres from street frontages and that they be spaced to ensure equitable access to daylight and sunlight. Towers should be 24 metres from a similar tower-podium development. Separation may be reduced where it can be demonstrated that towers are offset, habitable room windows do not directly face one another and where consideration is given to the development potential of adjoining sites.

The proposed tower has no setback from the western boundary. This design does not appropriately respond to the principle of considering the development potential of adjoining sites. A 'Development Constraints Diagram' forming part of the application submission states that 470 Collins Street is:

‘Unlikely to be developed due to major recent refurbishment. Site capable of substantial redevelopment in a complimentary manner with 464 Collins Street’.

The submission also includes an ‘Adjacent site development study’ which shows a 29 storey tower (with a 40 metre podium) at 470 Collins Street built to the common boundary with 464 Collins Street. It is stated that it is likely to be built to the boundary with 464 Collins Street ‘due to the small footprint of the site’. 470 Collins Street is 1457 square metres in area. It is also stated that:

‘The result would be a continuous frontage to Collins Street of 47 m for which there are a large number of precedents within the city, and this frontage and combined bulk of building would not adversely affect the streetscape of Collins Street’.

This model of possible future development is contrary to Clause 22.01, requiring spacing between towers. If the development of 464 Collins Street were approved to abut the western boundary, future responsibility for providing tower separation would have to be borne solely by 470 Collins Street. The provision of west facing boundary windows as the only source of light to two bedrooms (and one bathroom) per floor also places an onus upon 470 Collins Street to protect these bedroom windows in the event of future development. Approval of this lack of side setback would impose an unreasonable and inequitable burden upon 470 Collins Street, compromising its development potential. These issues have been raised with the applicant, who has advised Council officers that it has attempted unsuccessfully to acquire air rights over the property to the west in order to increase options for providing daylight to habitable rooms. It is the applicant’s intention to re-arrange the internal layout of units after a permit has been granted and marketing has commenced, both to respond to market demand for units of varying size and to eliminate reliance on borrowed light to habitable rooms.

The lack of setback from the eastern boundary of the site (and indeed the overhang over 83 William Street) is acceptable. This is subject to a condition requiring a light and air easement east of the proposed balconies of such a width as to effectively preclude a rooftop addition to 83 William Street. This can be addressed by condition, if a permit is issued.

The proposed front setbacks of the tower vary but are well under the 10 metre requirement as standard set out in Clause 22.01. In this instance a setback of less than 10 metres may be supportable, however, prior to allowing a lesser setback, relevant Planning Scheme objectives must be considered. Among the most important of these is the objective of Clause 22.01 which seeks to improve the pedestrian experience. Given the height of the tower, front setbacks of 4-6 metres will overwhelm the pedestrian, resulting in a building which is visually intrusive and dominant from the Collins Street public realm. A greater setback would reduce this impact.

Clause 22.01 also encourages new facades to respect features including the rhythm, scale and architectural features of the existing streetscape. In this respect the proposed building has little regard for 83 William Street and none for 470 Collins Street. It does not reference either the grid facade of 83 William Street or the strong vertical ribbing of the facade of 470 Collins Street.

Policy set out under Clause 22.20 (CBD Lanes) includes the maintenance and enhancement of the intimate environment of lanes by setting back higher tower forms from the predominant parapet height along the laneway to ensure a sense of openness that reinforces a human scale.

The east and west walls of the tower are built to the rear boundary of the site. The northern facade of the tower is set back 1-2 metres from the rear boundary. This

design is contrary to the above policy. The height of the tower and its lack of setbacks will not ensure a sense of openness and human scale along the laneway.

The lack of setback from the rear boundary fails to respond to the principle under Clause 22.01 of considering the development potential of adjoining sites. As with the lack of setback from the east boundary, the lack of setback from the rear boundary places responsibility for tower separation solely upon the adjacent site (91 William Street). The applicant's 'Development Constraints Diagram' refers to 91 William Street as a 'Potential development site. Unlikely to be a tall tower due to site size'. 91 William Street is 657 square metres in area while 464 Collins Street is 483 square metres in area. It is unreasonable to assume that 91 William Street could not accommodate a tower, give its site area and the fact that it is occupied by an ungraded building.

### **Overshadowing**

General policy under Clause 22.02 (Sunlight to Public Spaces) states that development should not cast additional shadows on public spaces including major pedestrian routes between 11 am and 2 pm on 22 September. Shadow diagrams submitted with the application show that from 11 am to 1 pm the proposed building will create an increase in overshadowing to the southern footpath of Collins Street and at 2 pm the east side of the William Street footpath and a small portion of the Flinders Lane footpath will be overshadowed. Because the proposed building is relatively narrow, shadows cast will over footpaths not unreasonably affect the amenity of these footpaths.

Policy in relation to overshadowing of the Yarra River corridor states that development must not shadow the south bank between 11 am and 2 pm on 22 June and that it should not shadow the north bank at these times.

Shadow diagrams show that the building will not overshadow the south bank at these times.

### **Heritage**

Both 464 Collins Street and 83 William Street are subject to site specific heritage overlays.

Planning Scheme provisions relevant to heritage matters include the following:

- The conservation and enhancement of heritage places and to ensure that any alterations or extensions are undertaken in accordance with accepted heritage standards.
- Consideration of the impact of development on buildings listed in the Central Activities District Conservation Study.
- Whether the location, bulk, form or appearance of the proposed building will adversely affect the significance of the heritage place.
- Whether the location, bulk form and appearance of the proposed building is in keeping with the character of adjacent buildings and the heritage place.

The proposed building is 181 metres in height while the existing building at 464 Collins Street is 15 metres in height. The addition will be both highly prominent and visually intrusive. To reduce the impact on the pedestrian, any new structure should be set well back from the facade of the heritage building. With the limited setbacks proposed, the existing building will be seen as a token heritage frontage at the foot of a modern tower which will overwhelm and detract from the heritage place.



With the exception of the facade restoration, the proposed development will not enhance the heritage place at 464 Collins Street and the location and bulk of the addition are not in keeping with the character of the heritage place.

The proposed addition is also contrary to policy at Clause 22.01 which states that when adjoining buildings are in a Heritage Overlay, the design of new buildings should have regard to the height, scale, rhythm and portions of the heritage building. The proposed addition does not reference the grid facade of 83 William Street.

The cantilever over 83 William Street will not adversely impact upon the host building as it is adequately setback from its facades.

### **Parking and Traffic**

The proposed car access arrangements are likely to create queuing in St James lane, extending to William Street, impeding vehicle flows and creating a safety hazard. This is clearly an issue which must be addressed. The applicant's traffic consultant has provided additional information to Engineering Services relevant to this matter.

Other matters raised by Traffic Engineering can be addressed by conditions, if a permit is issued.

### **Wind**

A wind report by Mel Consultants forms part of the application submission. The summary to this report includes the following advice:

'The wind conditions in the public realm surrounding the development... were shown to be within the criterion for walking comfort for all wind directions and the majority of wind directions have been shown to achieve the criterion for stationary activities. It was also shown that the development little significant impact on the existing wind conditions as the wind conditions were shown to be similar to those without the development in place'.

Nine locations in the vicinity of the subject site were tested. Diagrams have been provided in relation to five of the test locations. These diagrams show that wind speeds are within the 'acceptable for walking' range, except for one location which is 'on' rather than 'within' the range. This is on the Collins Street footpath, in front of 470 Collins Street. Wind speeds at all tested locations should be within the 'acceptable for walking' range.

### **Environmentally Sustainable Development**

Clause 22.19 (Energy, Water and Waste Efficiency) requires that applications be accompanied by:

- A Waste Management Plan.
- An ESD Statement demonstrating how the development meets relevant policy objectives and requirements.

For buildings over 2,000 square metres in gross floor area the Sustainable Design Statement must include a statement from a suitably qualified professional verifying that the building has the preliminary design potential to achieve the relevant Performance Measures set out in Clause 22.19-5.

A Sustainability Statement forms part of the application submission. It includes the advice that the proposed development incorporates a wide range of ESD features and sets out primary goals to enhance the building's environmental performance and meet the objectives of the Melbourne Planning Scheme. It also lists a number of these features.

The report does not fully address all requirements of Clause 22.19. This can be addressed by conditions, if a permit is issued.

### **7.1. Conclusion**

The proposed development does not respond appropriately to relevant provisions of the Melbourne Planning Scheme, including Clause 22.01 (Urban Design within the Capital City Zone) as well as provisions relating to heritage matters. This is largely as a result of inadequate setbacks from the north, south and west boundaries. This leads to the conclusion that the proposal is an overdevelopment of the site.

The application also raises safety concerns in relation to vehicle queuing which must be addressed, if the development were to proceed.

## **8. RECOMMENDATION**

That a letter be sent to DTPLI advising that the City of Melbourne objects to the application on the following grounds:

- The proposal by virtue of its height and inadequate setbacks represents an overdevelopment of the site.
- The proposal by virtue of its height and inadequate setbacks will have an overbearing impact upon the public realm contrary to relevant provisions of the Melbourne Planning Scheme, including Clause 22.01.
- The proposal does not adequately respond to the development potential of adjoining sites to the north and west.
- The proposal will have adverse impacts upon the amenity of St James Lane, contrary to relevant Melbourne Planning Scheme provisions including Clause 22.20.
- The proposal will dominate the heritage place at 464-466 Collins Street by virtue of its inadequate setback from the site frontage.
- Use of the car park will result in dangerous queuing into St James Lane and William Street.
- It is unclear from information provided whether the proposed building will result in additional overshadowing to the north bank of the Yarra River between 11 am and 2 pm on 22 June. Clarification is requested regarding this. If the building will increase overshadowing to the north bank at these times, this is contrary to Clause 22.02 of the Melbourne Planning Scheme.

It is noted that an objection based on heritage grounds would provide the right to seek an application for review if a Notice of Decision to Grant a Permit is issued.

Signature:  
**Stephen Vecris**  
Senior Planning Officer

Date: