

**Report to the Future Melbourne (Planning) Committee**

**Agenda item 6.2**

**Ministerial Application: TPM-2014-29  
477 Collins Street, Melbourne**

**3 March 2015**

**Presenter:** Karen Synders , Planning Coordinator

**Purpose and background**

1. The purpose of this report is to advise the Future Melbourne Committee of a Ministerial planning application (Reference 2014/002753) at 477 Collins Street, Melbourne (refer Attachment 2 – Locality Plan). The application was referred to the City of Melbourne by the Department of Environment, Land, Water and Planning (DELWP) on 22 July 2014 for comment.
2. The application proposes the demolition of the buildings to the rear of the historic façade of the Olderfleet buildings, including the existing office building and commercial car park (598 spaces). It is proposed to construct a 40 level (165 metre) office building with ground level retail, and a 409 space commercial car park. The applicant is Mirvac Victoria Pty Ltd (represented by Urbis Pty Ltd), the architect is Grimshaw Architects Pty Ltd and the owner is Mirvac Commercial SUB SPV Pty Ltd.
3. The site is located within the Capital City Zone Schedule 1 and is covered by Design and Development Overlay Schedules 1-A2, 3 and 4 and Parking Overlay 1. The Olderfleet buildings which face Collins Street are covered by Heritage Overlay Schedules 611, 902 and 903 and are on the Victorian Heritage Register. Only the first 11-13 metres of the building measured from Collins Street are covered by the registration.

**Key issues**

4. The key issues associated with the proposal are the proposed built form (building height and setbacks), impact to the public realm, integration to Flinders Lane and the management of loading/unloading.
5. The proposed built form including building height and setbacks are appropriate in this context. The proposed setbacks are adequate for an office development and will provide sufficient separation from adjoining properties, Flinders Lane and to the existing heritage buildings facing Collins Street. Furthermore, the development has been designed to avoid any overshadowing of the south bank of the Yarra River and will fall with existing shadows over the north bank of the Yarra River.
6. The existing commercial car park presents a very poor interface to Flinders Lane and whilst the development is an improvement through the introduction of active uses at ground and mezzanine levels, when viewed from Flinders Lane it presents as a car park partially screened by vertical twisting steel louvers. Additional activation/visual interest should be introduced into the façade to increase interest and provide an integrated design that is consistent with the preferred built form direction. This can be achieved by introducing a casing of active uses (dwelling, office, etc.) or an active façade treatment such as a green wall or art.
7. The proposed loading/unloading arrangement for large vehicles to reverse into the site from Flinders Lane is not supported. The arrangement has the potential to create conflict between pedestrians and vehicles particularly during peak periods and must be modified. The layout should be amended to allow large vehicles to enter and exit the property in a forwards direction, or a loading management plan must be provided that addresses conflict between pedestrians and vehicles, to be submitted to the satisfaction of the administration.

**Recommendation from management**

8. That the Future Melbourne Committee resolves that a letter be sent to the Department of Environment, Land, Water and Planning advising that the Council supports the application subject to proposed modifications to the loading/unloading arrangements and Flinders Lane podium façade treatment, as detailed in the attached delegate report (refer Attachment 4).

**Attachments:**

1. Supporting Attachment
2. Locality Plan
3. 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 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 DELWP acting on behalf of the Minister for Planning who is the responsible authority.
5. The Minister for Planning is the responsible authority for considering and determining the application as it has a proposed gross floor area exceeding 25,000 m<sup>2</sup>. The application is exempt from the giving of notice and third party appeal rights.

### Relation to Council policy

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

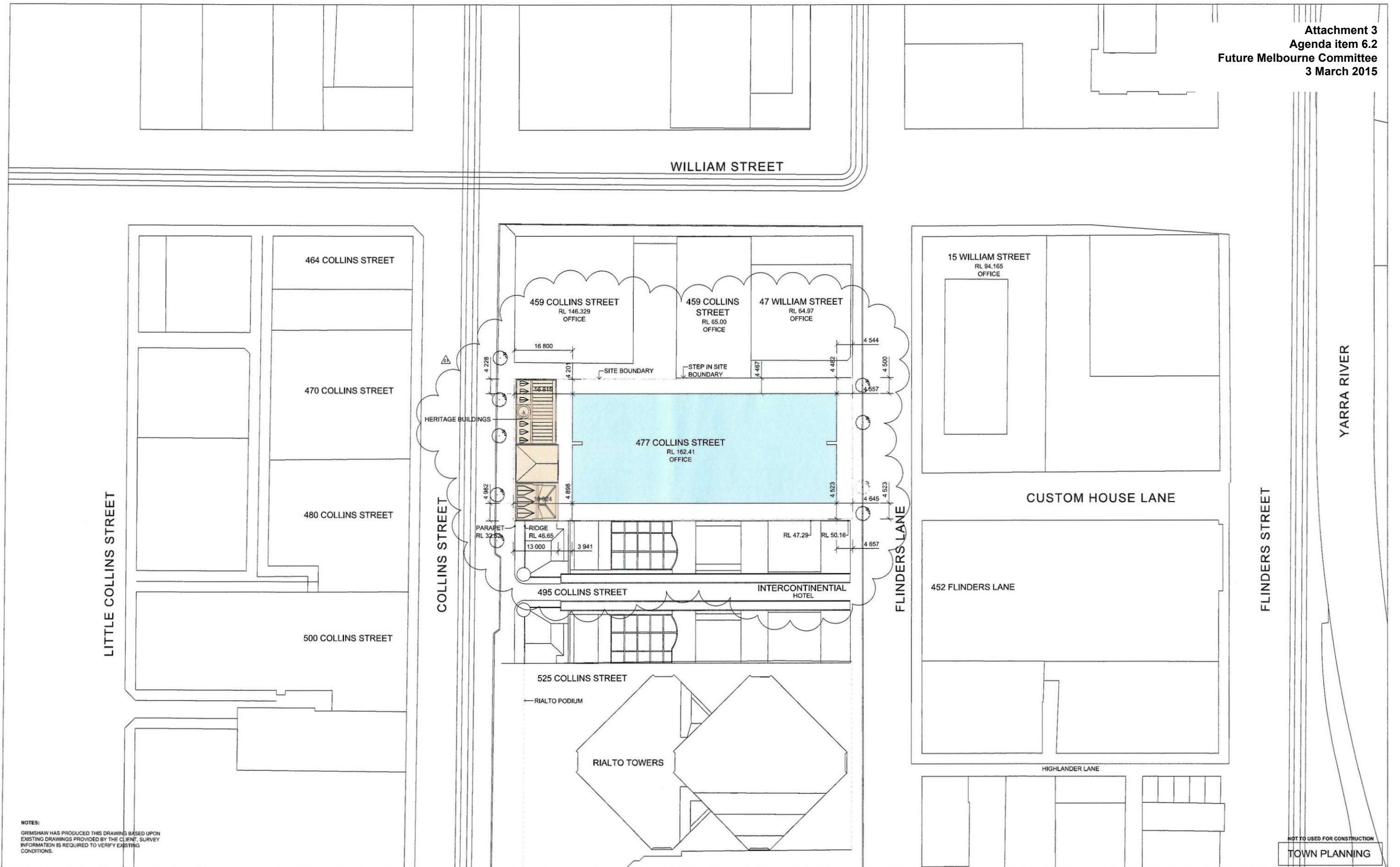
### Environmental sustainability

7. An Environmental Sustainable Development (ESD) matters are discussed in the attached delegate report (refer Attachment 4).

# Locality Plan

## 477 Collins Street, Melbourne





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MELBOURNE 3000**

GRIMSHAW PROJECT NO.  
**12145**

NORTH



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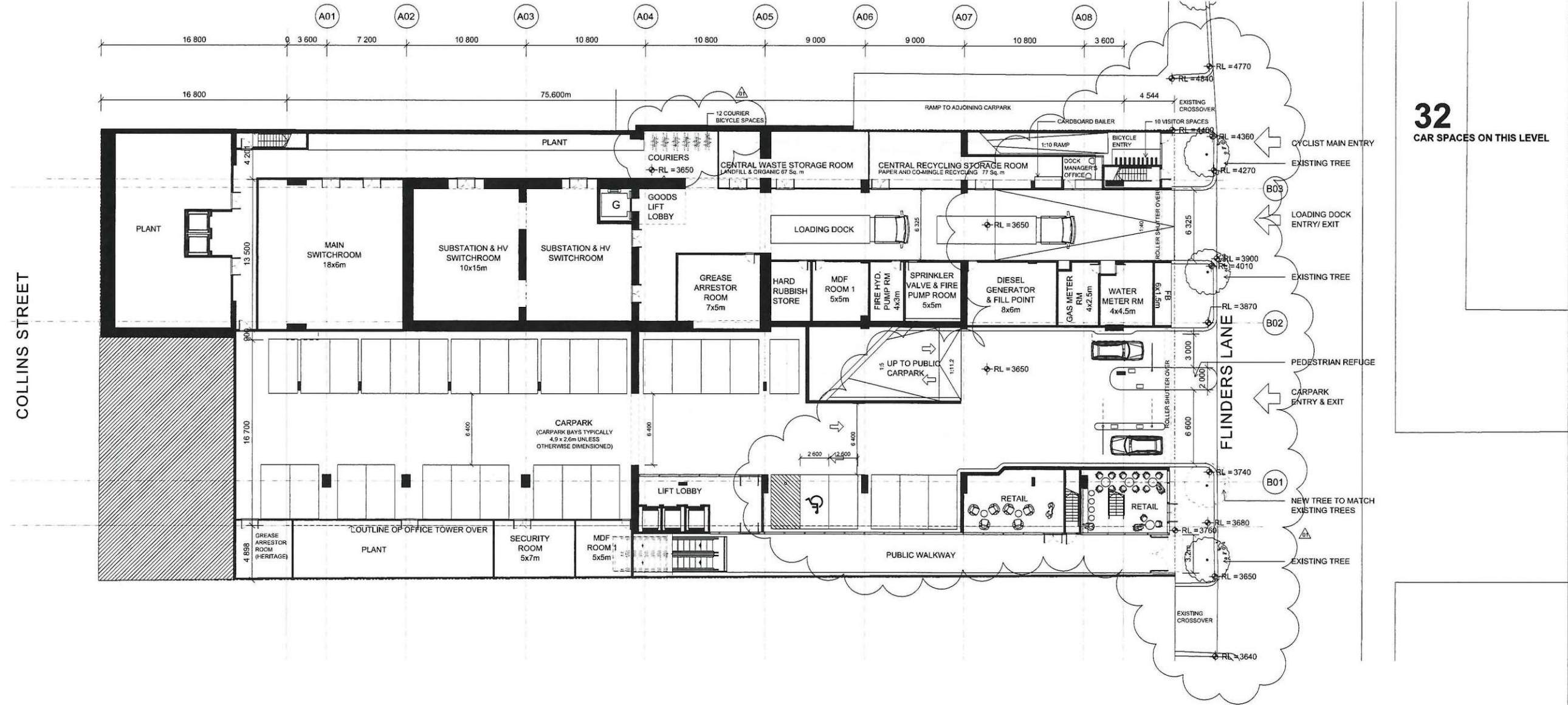
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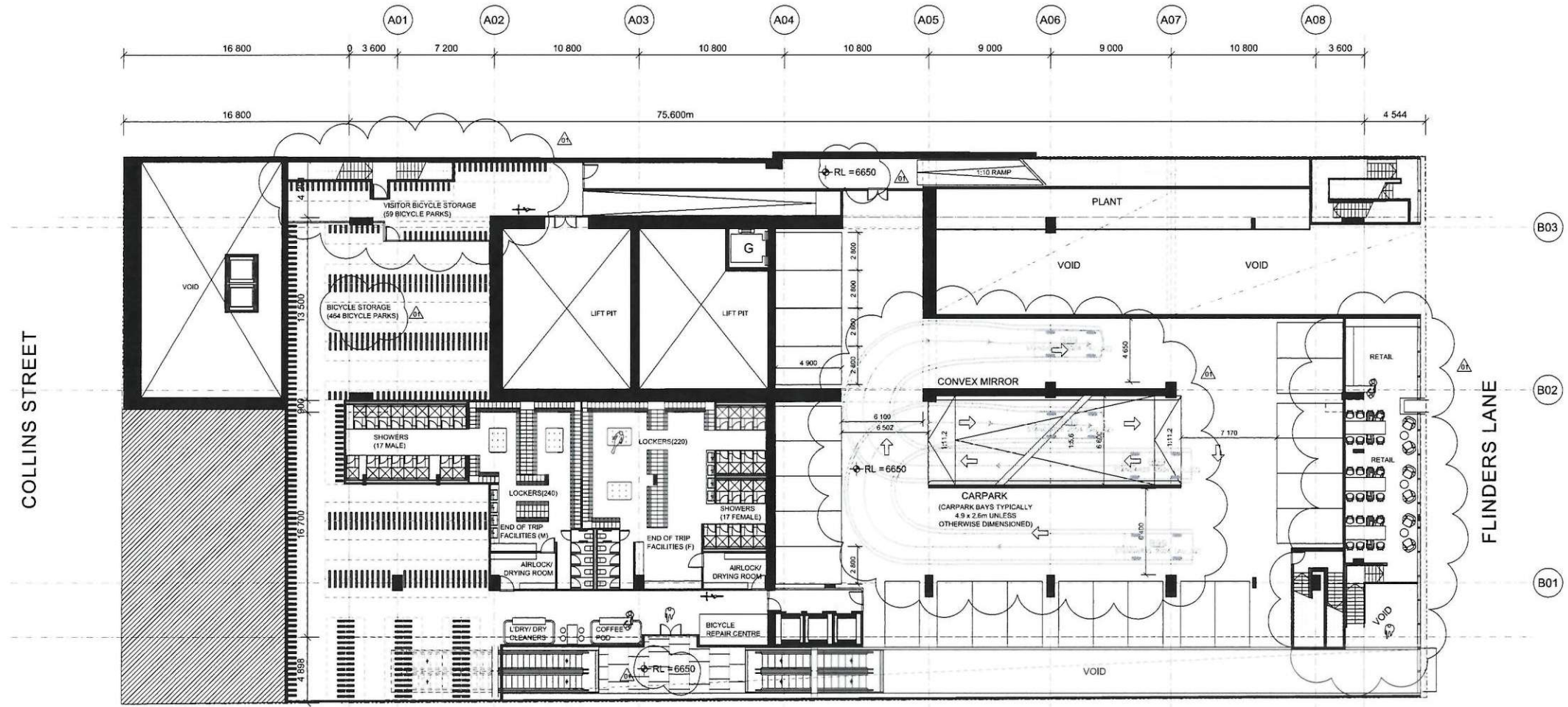
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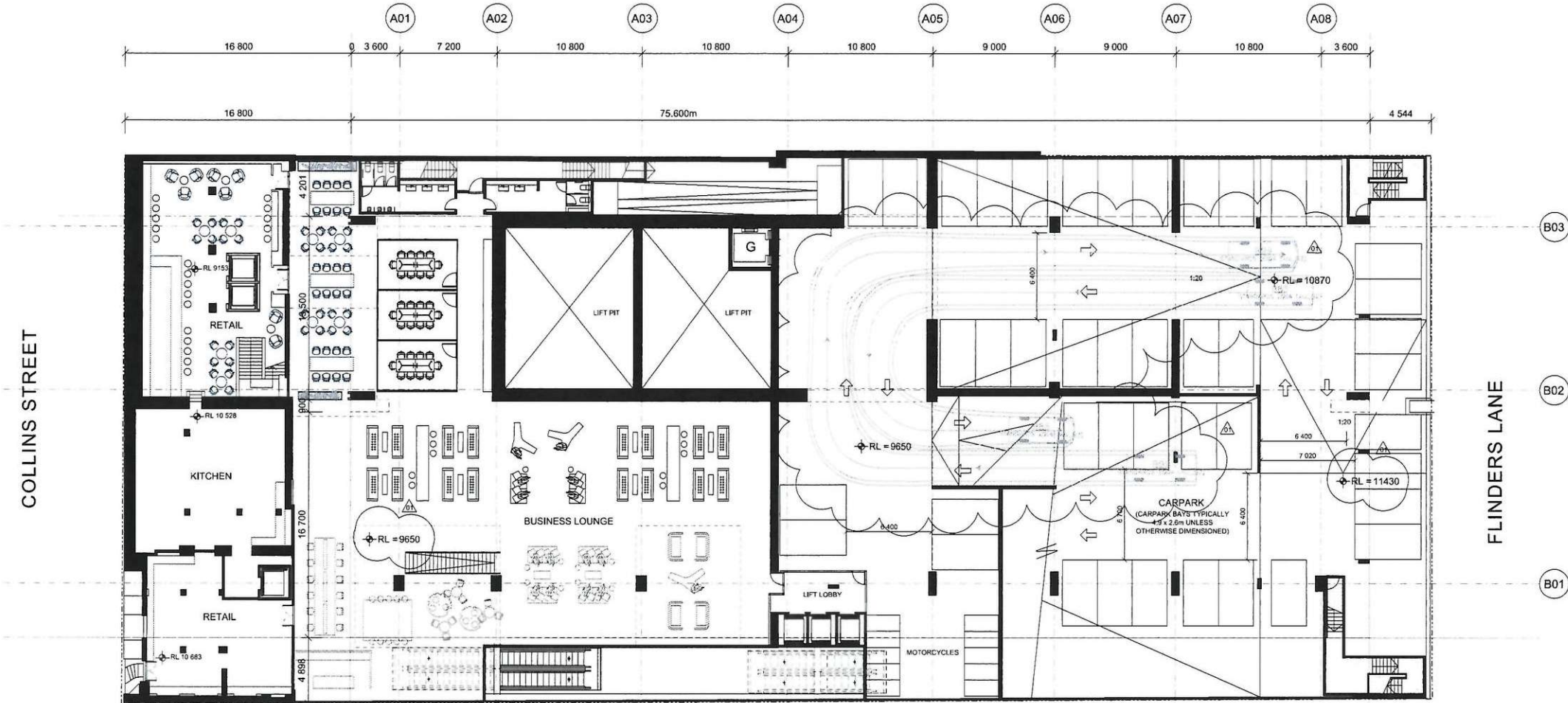
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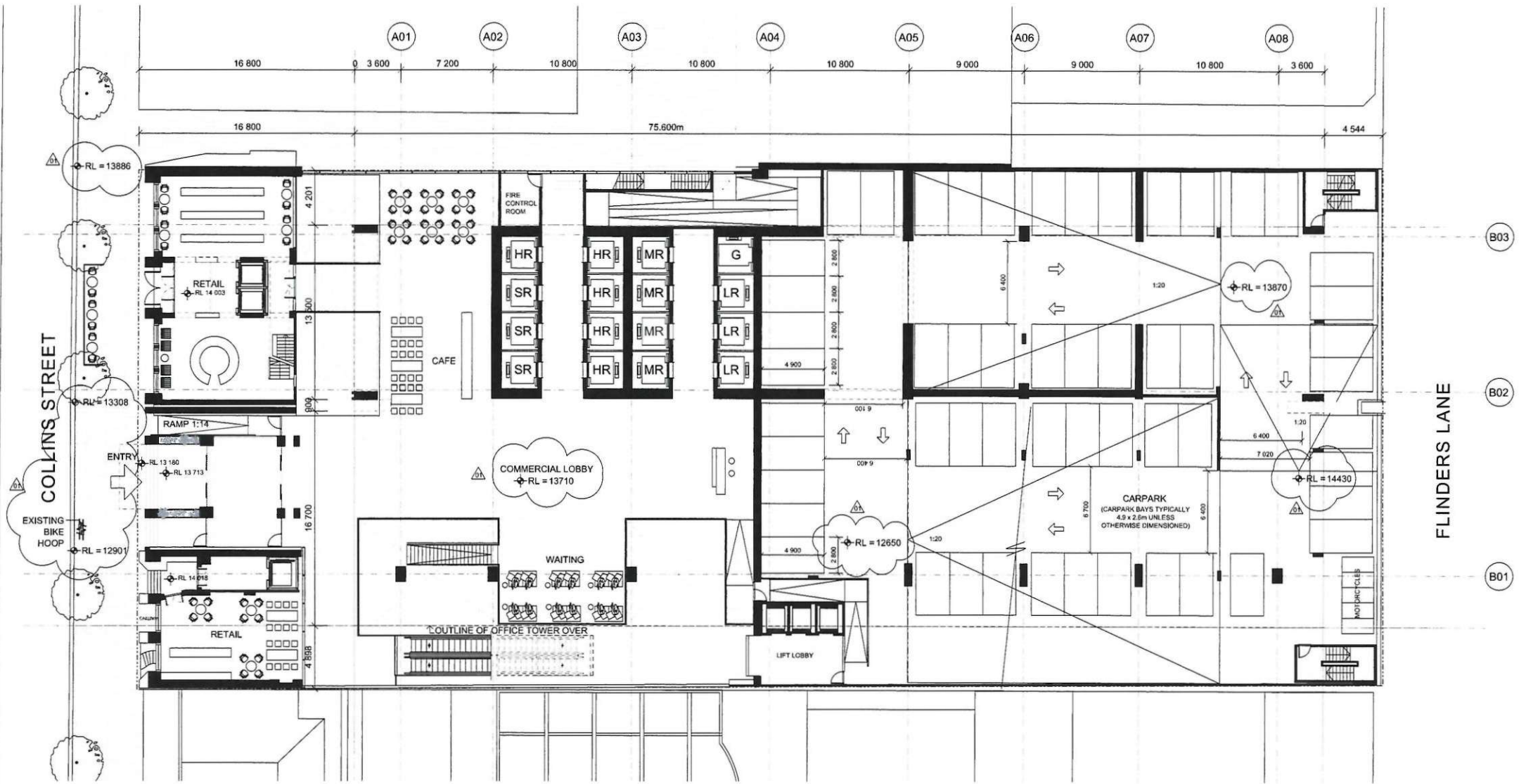
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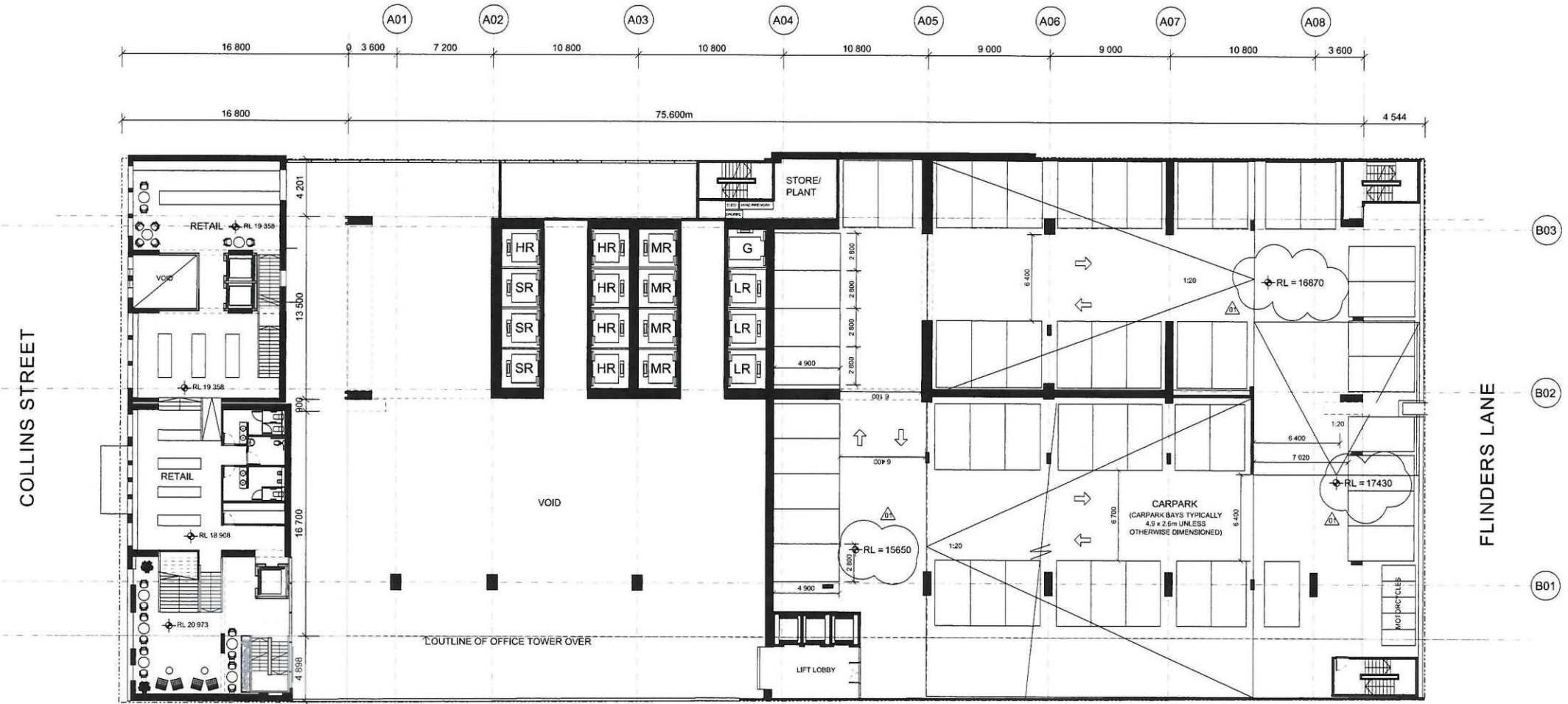
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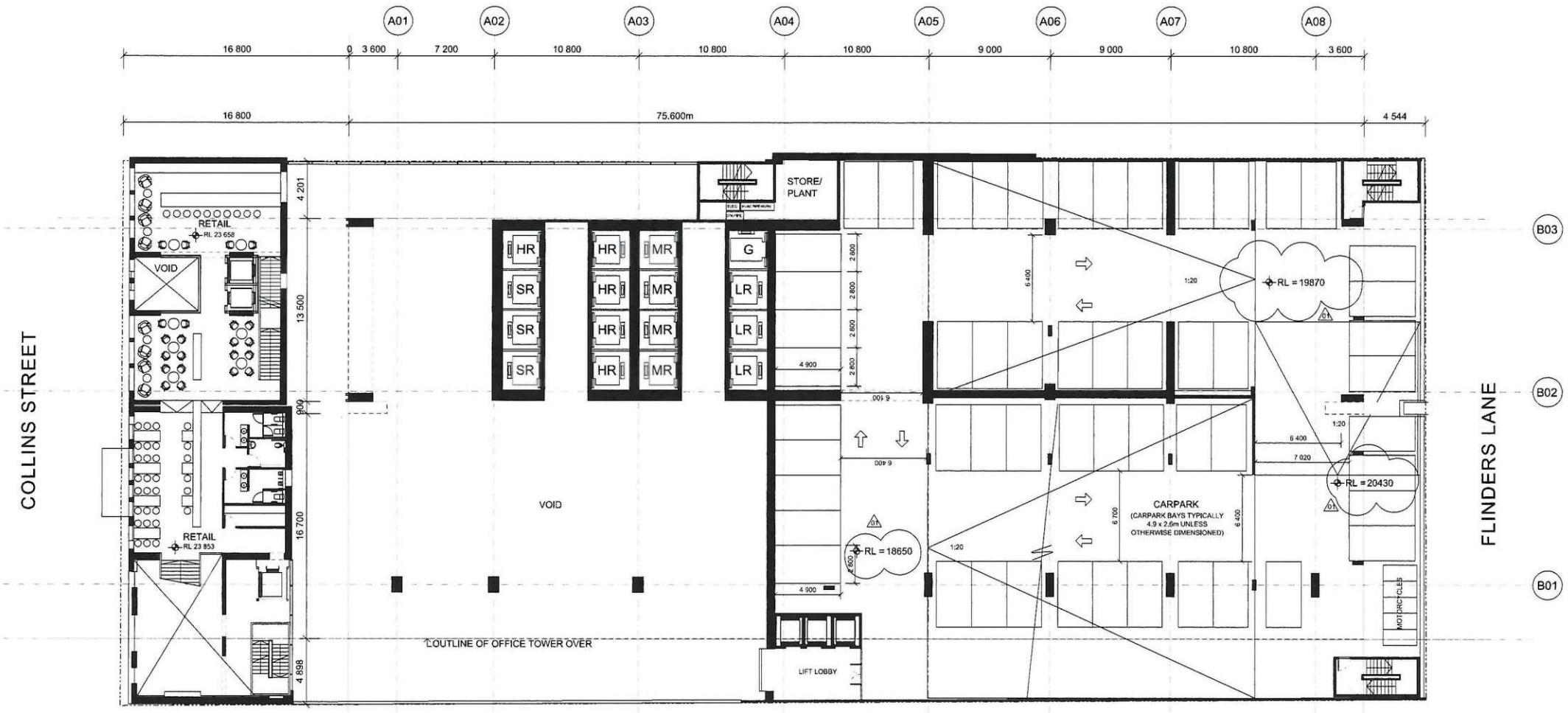
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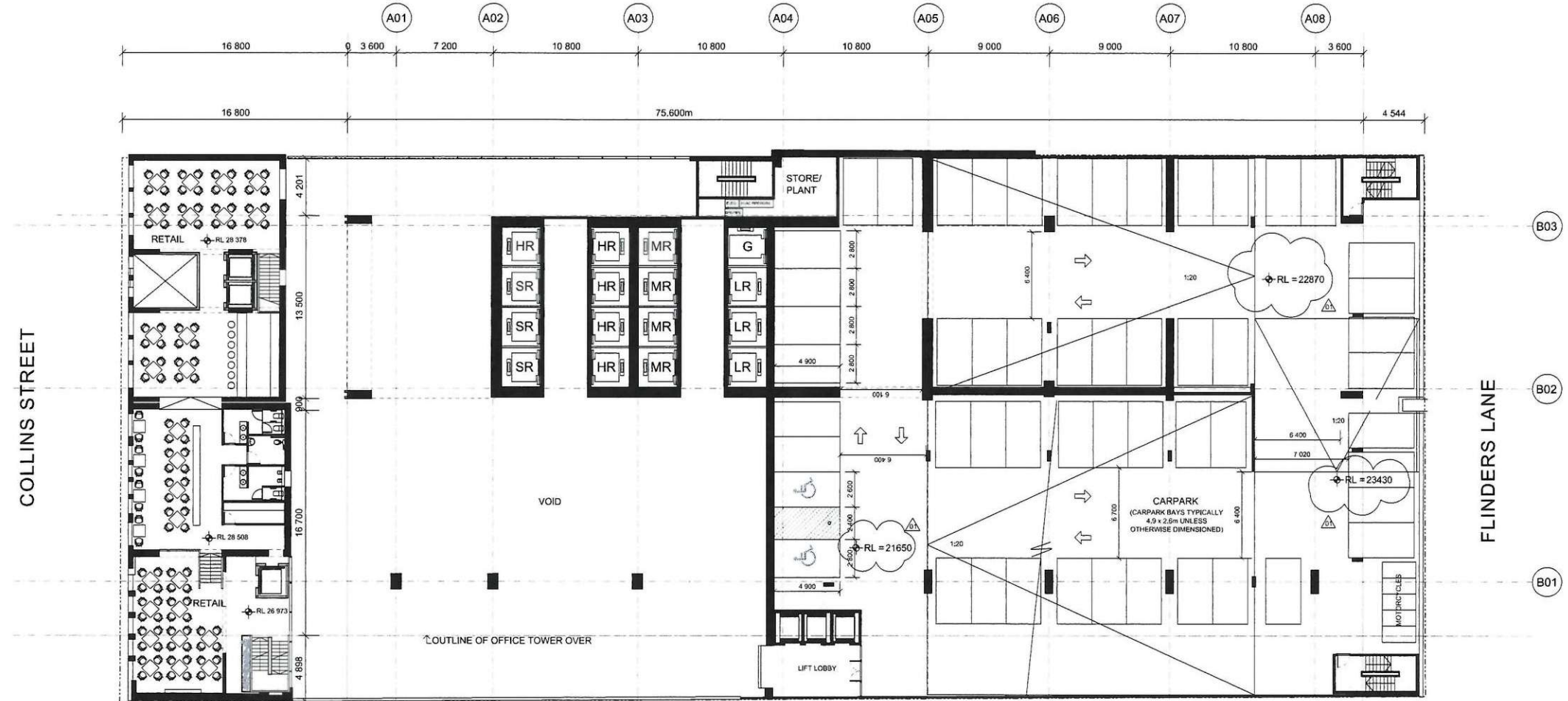
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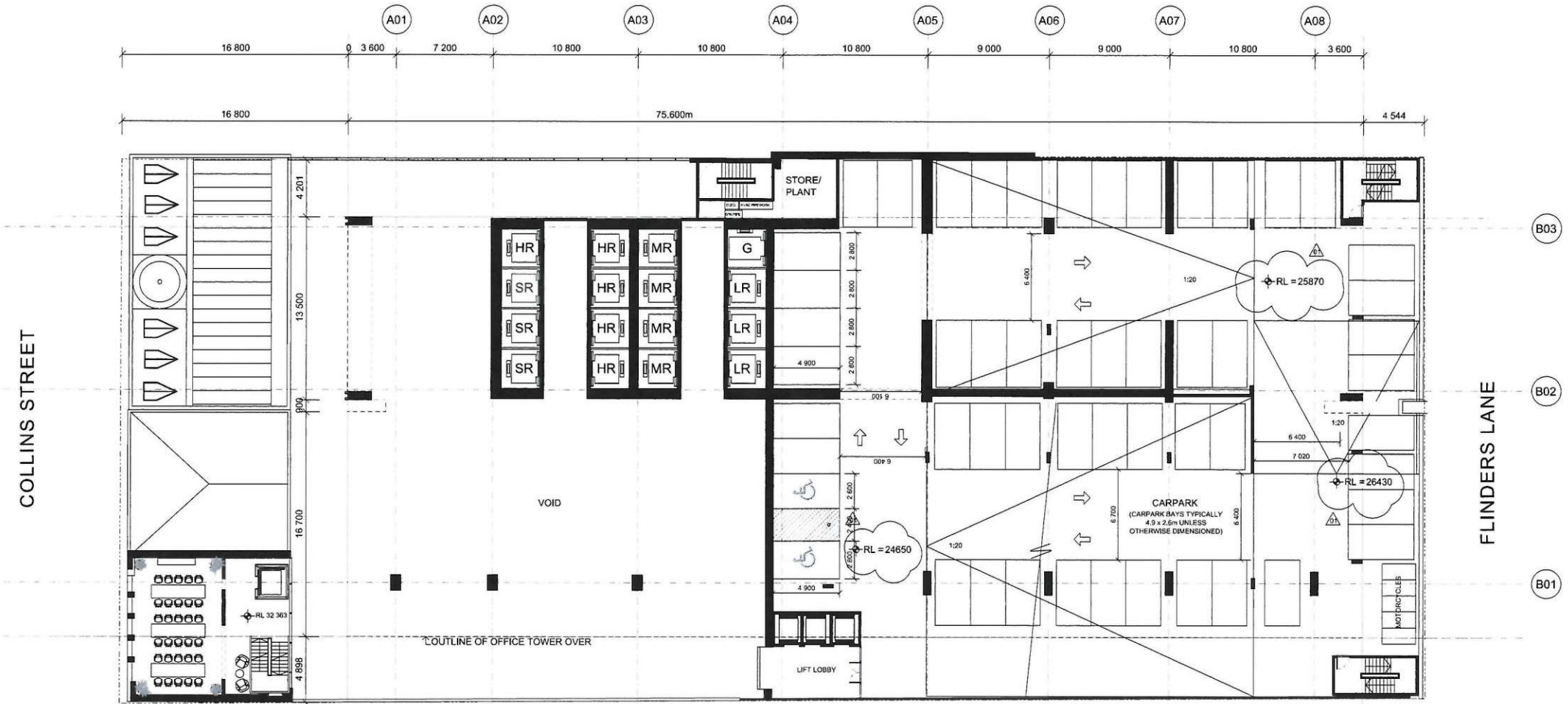
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**NORTH**



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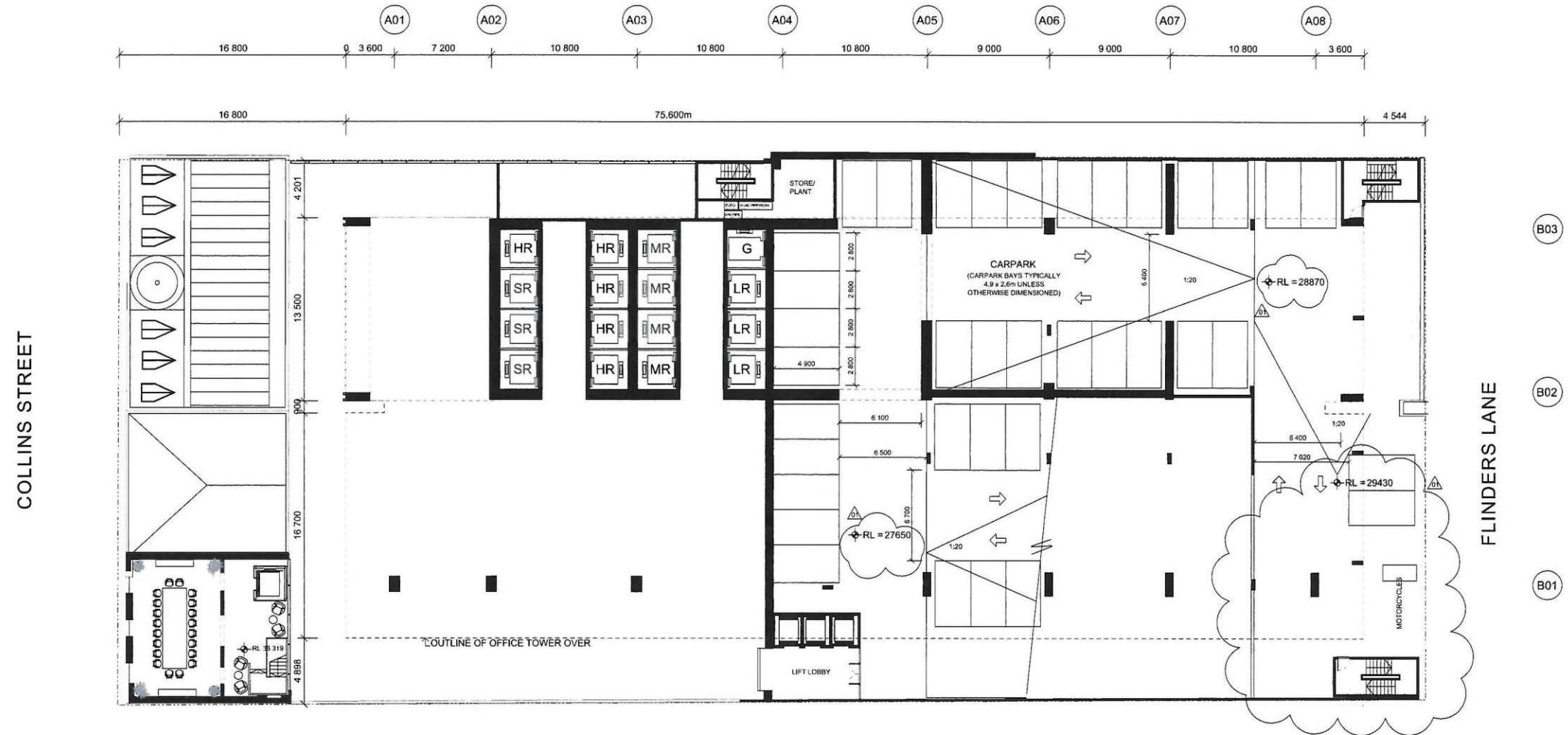
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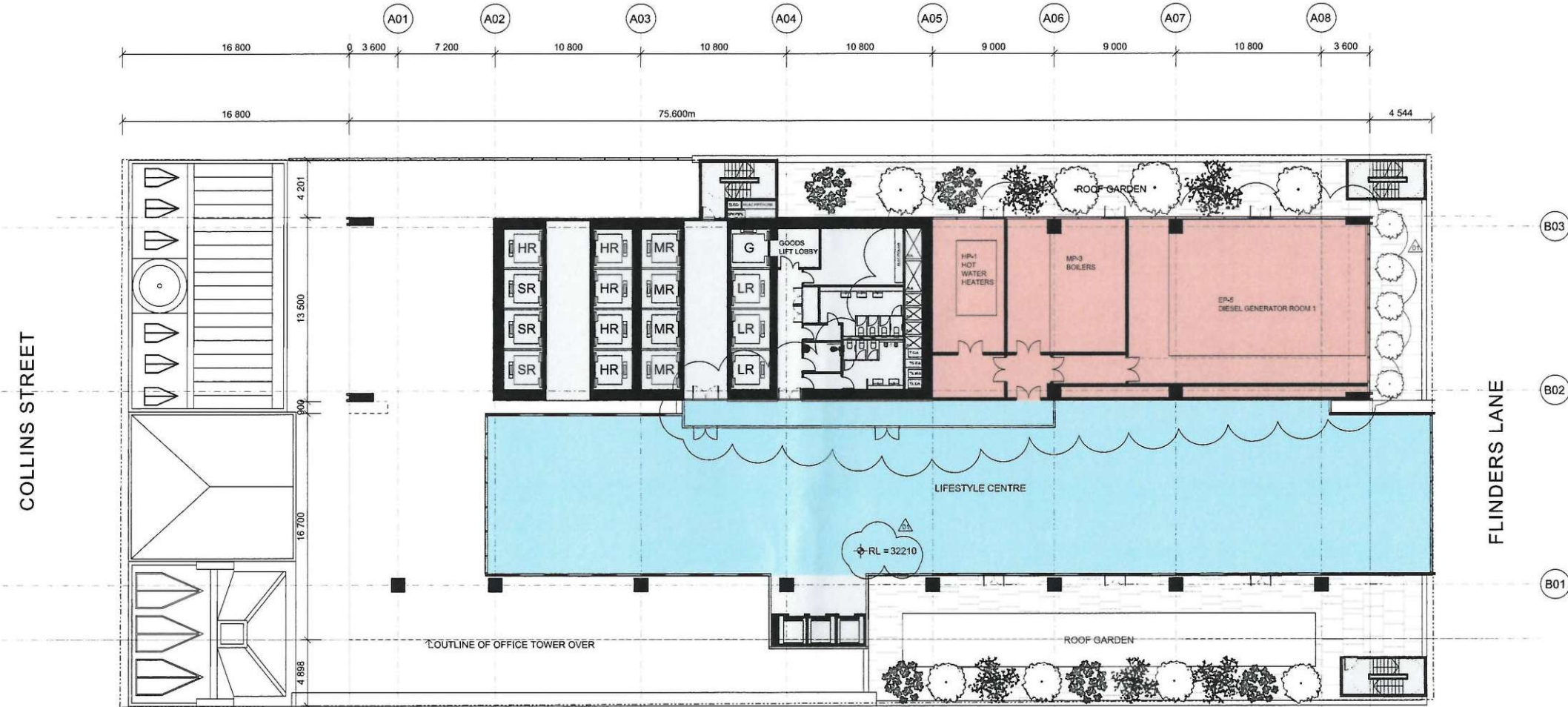
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REV. 01 DATE 16.10.14 FOR FURTHER INFO. ADDED

REV. DATE FOR

REV. DATE FOR

CLIENT



SERVICES ENGINEER  
**ARUP**  
L17, 1 Nicholson St  
Melbourne 3000

STRUCTURAL ENGINEER  
**Robert Bird Group**  
L5, 500 Collins Street  
Melbourne 3000

PROJECT  
**477 COLLINS STREET**

ADDRESS  
**477 COLLINS STREET  
MELBOURNE 3000**

GRIMSHAW PROJECT NO.  
**12145**



SCALE  
1:200 @ A1

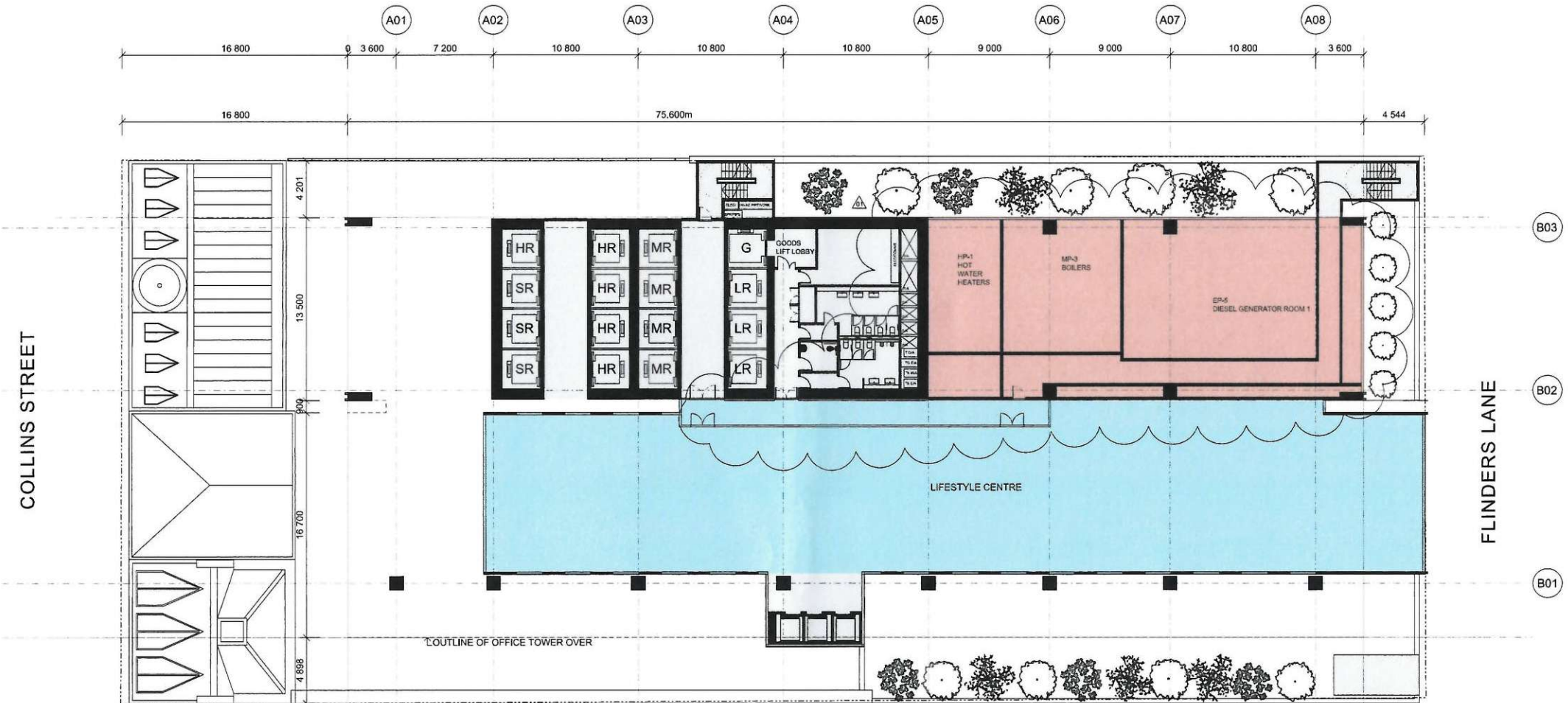
STATUS  
**INFORMATION ONLY**

DRAWING  
GENERAL ARRANGEMENT PLANS  
LEVEL 06  
LIFESTYLE CENTRE

DRAWN CHECKED AUTHORISED

DRAWING NUMBER REVISION  
A02\_1011 01





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**GRIMSHAW**

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CLIENT



SERVICES ENGINEER  
**ARUP**  
L17, 1 Melbourne St  
Melbourne 3000

STRUCTURAL ENGINEER  
**Robert Bird Group**  
L5, 500 Collins Street  
Melbourne 3000

PROJECT  
**477 COLLINS STREET**

ADDRESS  
**477 COLLINS STREET  
MELBOURNE 3000**

GRIMSHAW PROJECT NO.  
**12145**



SCALE  
1:200 @ A1

STATUS  
**INFORMATION ONLY**

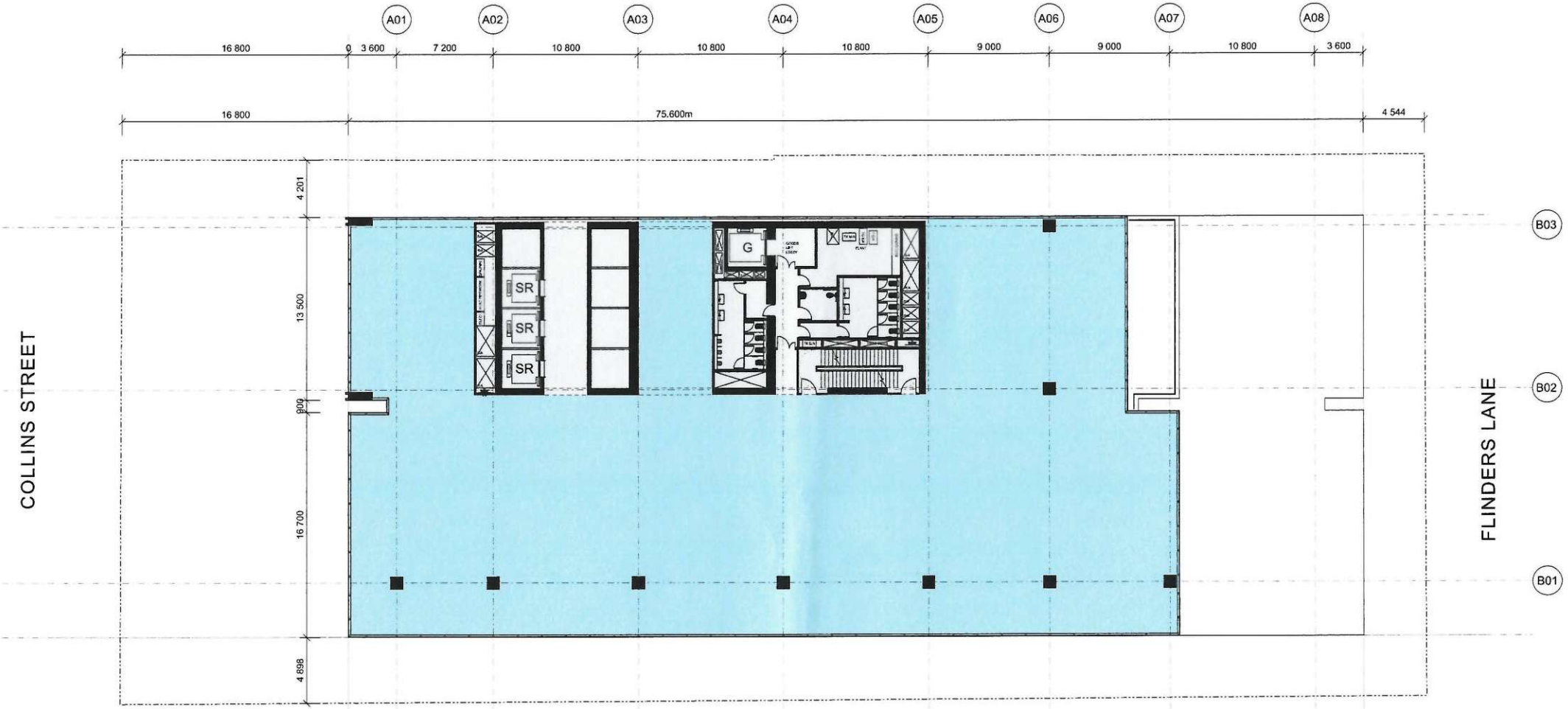
DRAWING  
GENERAL ARRANGEMENT PLANS  
LEVEL 07  
LIFESTYLE CENTRE

DRAWN CHECKED AUTHORISED

DRAWING NUMBER REVISION  
A02\_1012 01







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REV. DATE FOR

REV. DATE FOR

CLIENT



SERVICES ENGINEER  
**ARUP**  
L17, 1 Nicholson St  
Melbourne 3000

STRUCTURAL ENGINEER  
**Robert Bird Group**  
L5, 500 Collins Street  
Melbourne 3000

PROJECT  
**477 COLLINS STREET**

ADDRESS  
**477 COLLINS STREET  
MELBOURNE 3000**

GRIMSHAW PROJECT NO.  
**12145**



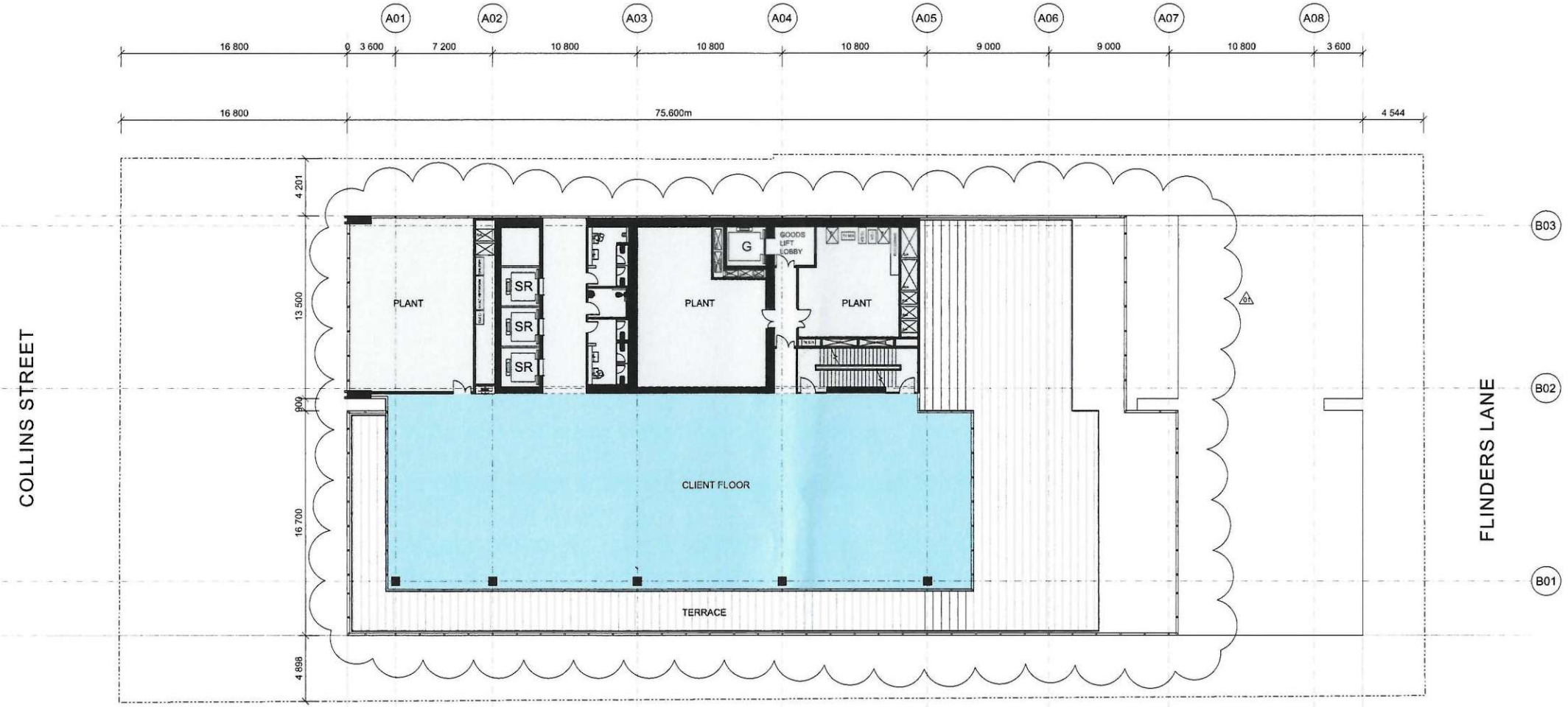
SCALE  
1:200 @ A1

STATUS  
**INFORMATION ONLY**

DRAWING  
GENERAL ARRANGEMENT PLANS  
LEVEL 37  
SKY RISE FLOOR

DRAWN CHECKED AUTHORISED

DRAWING NUMBER REVISION  
A02\_1045 -



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01 16.10.14 FURTHER INFO. ADDED

REV. DATE FOR

REV. DATE FOR

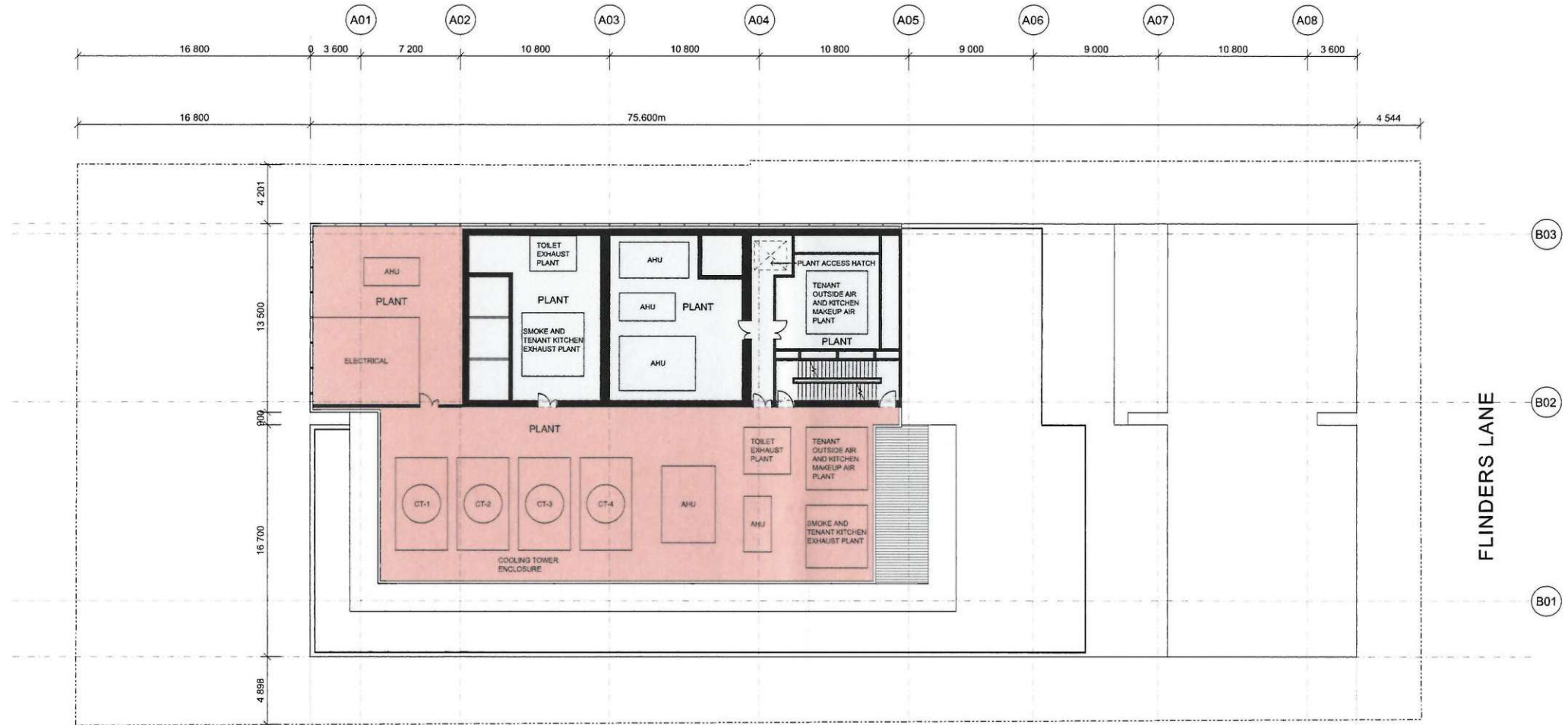


SERVICES ENGINEER  
**ARUP**  
L11 11 Robinson St  
Melbourne 3000  
STRUCTURAL ENGINEER  
**Robert Bird Group**  
L5 500 Collins Street  
Melbourne 3000

PROJECT  
**477 COLLINS STREET**  
ADDRESS  
**477 COLLINS STREET  
MELBOURNE 3000**  
GRIMSHAW PROJECT NO.  
**12145**

NORTH  
  
SCALE  
1:200 @ A1  
STATUS  
**INFORMATION ONLY**

DRAWING		
GENERAL ARRANGEMENT PLANS		
LEVEL 38		
TERRACE FLOOR - SKY RISE		
DRAWN	CHECKED	AUTHORISED
—	—	—
DRAWING NUMBER	REVISION	
A02_1046	01	



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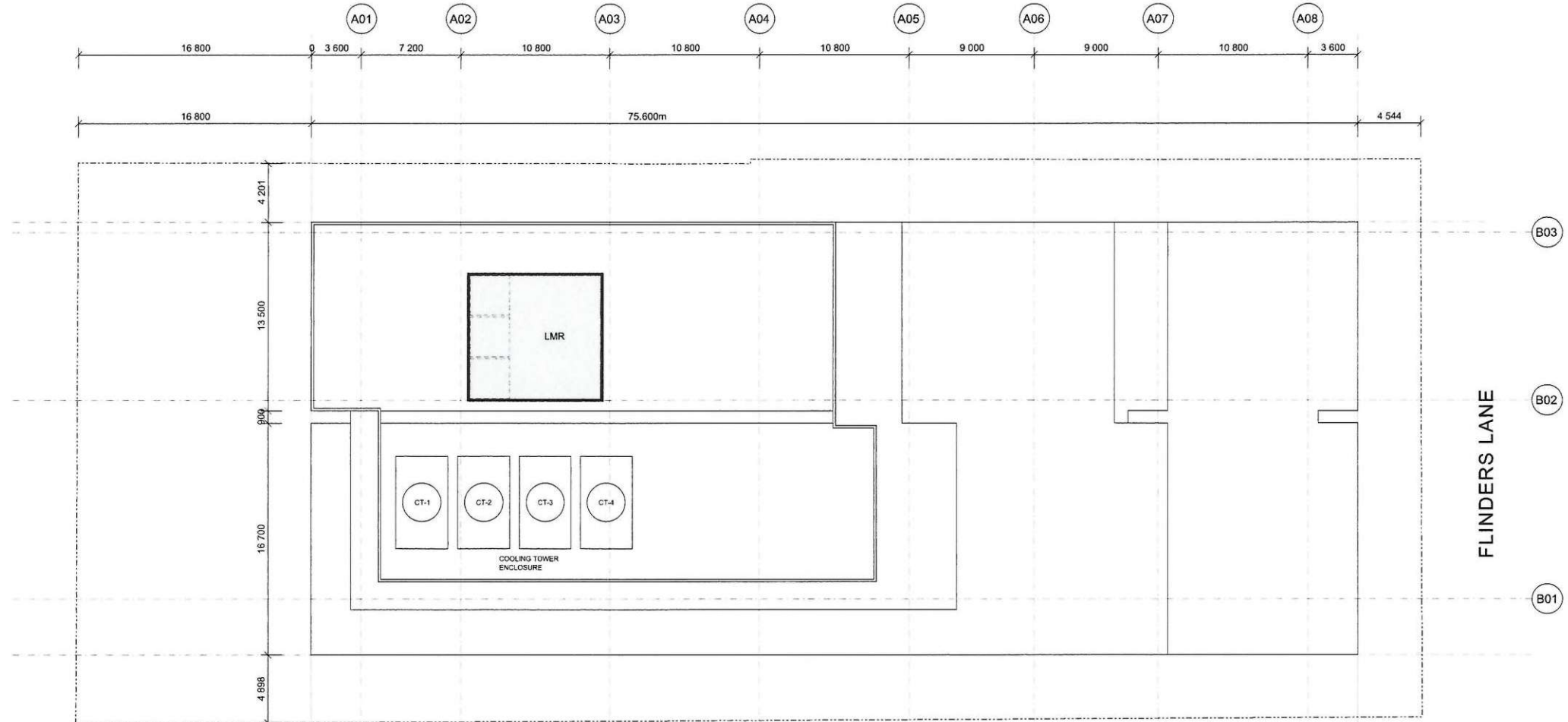
SERVICES ENGINEER  
**ARUP**  
171, 1 Nicholson St  
Melbourne 3000  
STRUCTURAL ENGINEER  
**Robert Bird Group**  
15, 900 Collins Street  
Melbourne 3000

PROJECT  
**477 COLLINS STREET**  
ADDRESS  
**477 COLLINS STREET  
MELBOURNE 3000**  
GRIMSHAW PROJECT NO.  
**12145**

NORTH  
SCALE  
1:200 @ A1  
STATUS  
**INFORMATION ONLY**

DRAWING  
GENERAL ARRANGEMENT PLANS  
LEVEL 39  
PLANT LEVEL  
DRAWN      CHECKED      AUTHORISED  
DRAWING NUMBER      REVISION  
**A02\_1047      -**





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REV. DATE FOR

REV. DATE FOR

REV. DATE FOR

CLIENT



SERVICES ENGINEER  
**ARUP**  
L17, 1 Melbourne St  
Melbourne 3000

STRUCTURAL ENGINEER  
**Robert Bird Group**  
L5, 500 Collins Street  
Melbourne 3000

PROJECT  
**477 COLLINS STREET**

ADDRESS  
**477 COLLINS STREET  
MELBOURNE 3000**

GRIMSHAW PROJECT NO.  
**12145**

NORTH



SCALE  
1:200 @ A1

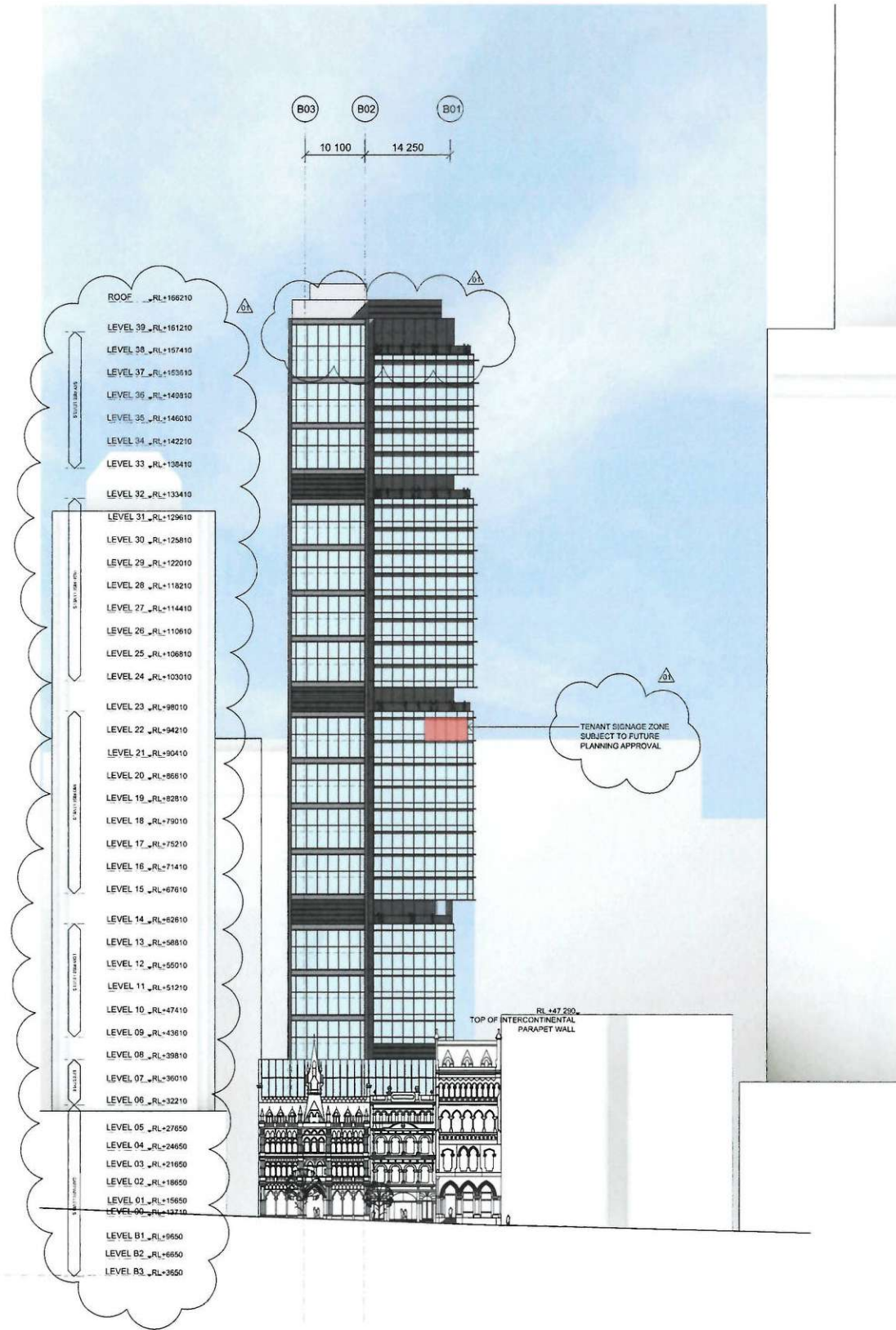
STATUS  
INFORMATION ONLY

DRAWING  
GENERAL ARRANGEMENT PLANS  
LEVEL 40  
LMR

DRAWN CHECKED AUTHORISED

DRAWING NUMBER REVISION  
A02\_1048 -

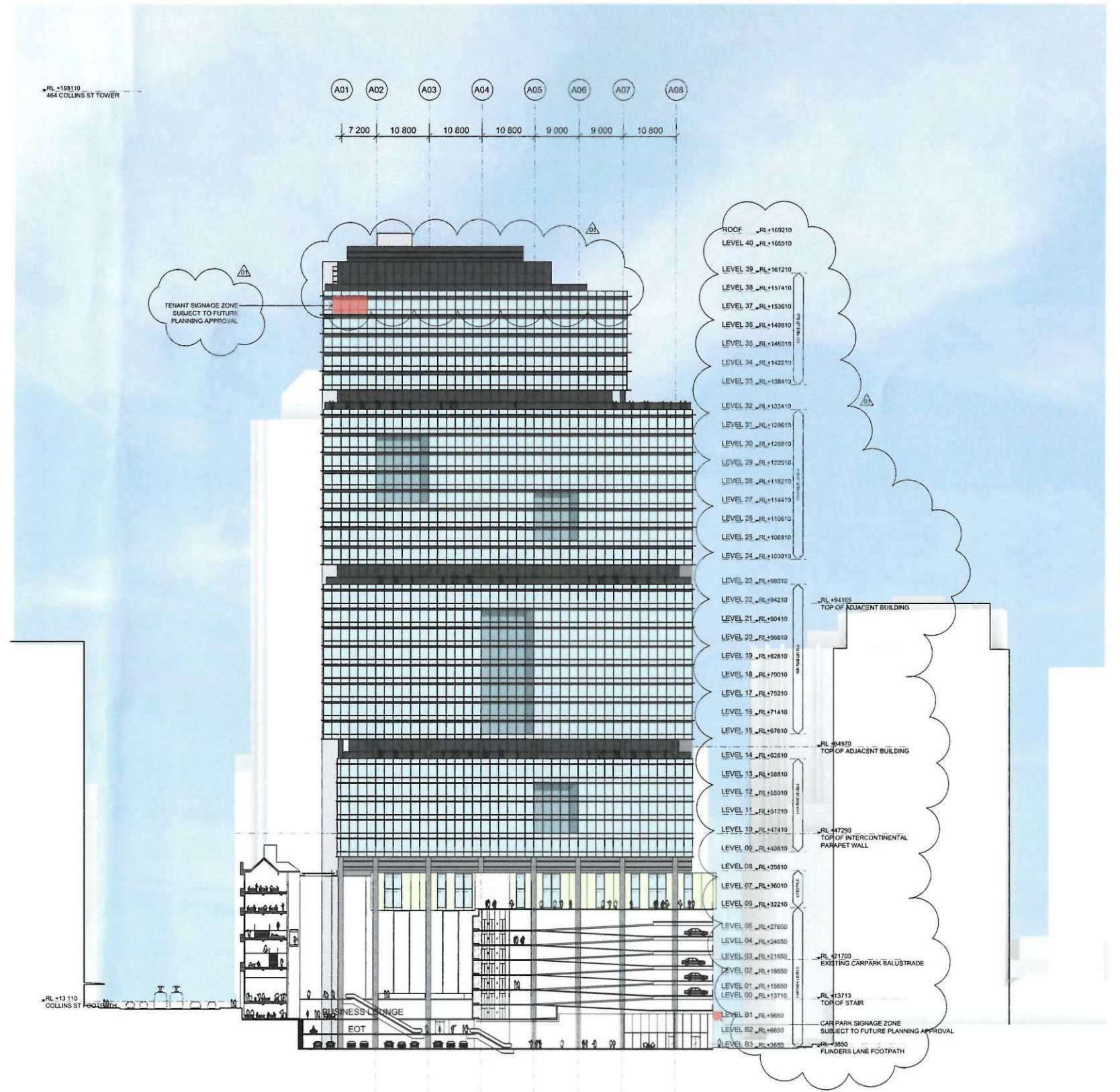




01 NORTH ELEVATION

1:500

NOTES:  
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02 WEST ELEVATION

1:500

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TOWN PLANNING

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01 16.10.14 FURTHER INFO. ADDED

REV. DATE FOR

REV. DATE FOR

CLIENT



SERVICES ENGINEER  
ARUP  
L17, 1 Melbourne St  
Melbourne 3000

STRUCTURAL ENGINEER  
Robert Bird Group  
L5, 500 Collins Street  
Melbourne 3000

PROJECT  
477 COLLINS STREET

ADDRESS  
477 COLLINS STREET  
MELBOURNE 3000

GRIMSHAW PROJECT NO.  
12145

NORTH



SCALE  
1:500 @ A1

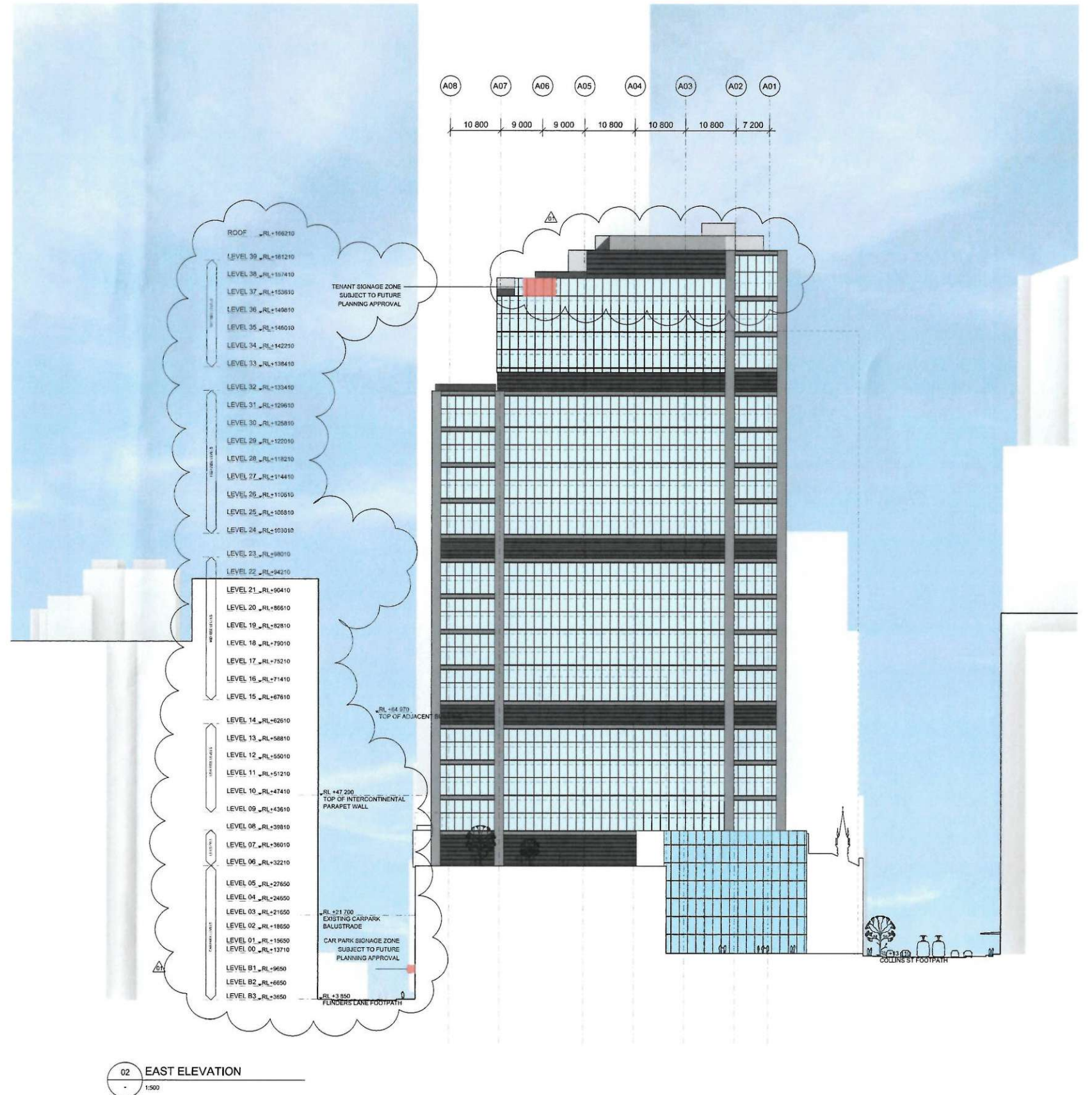
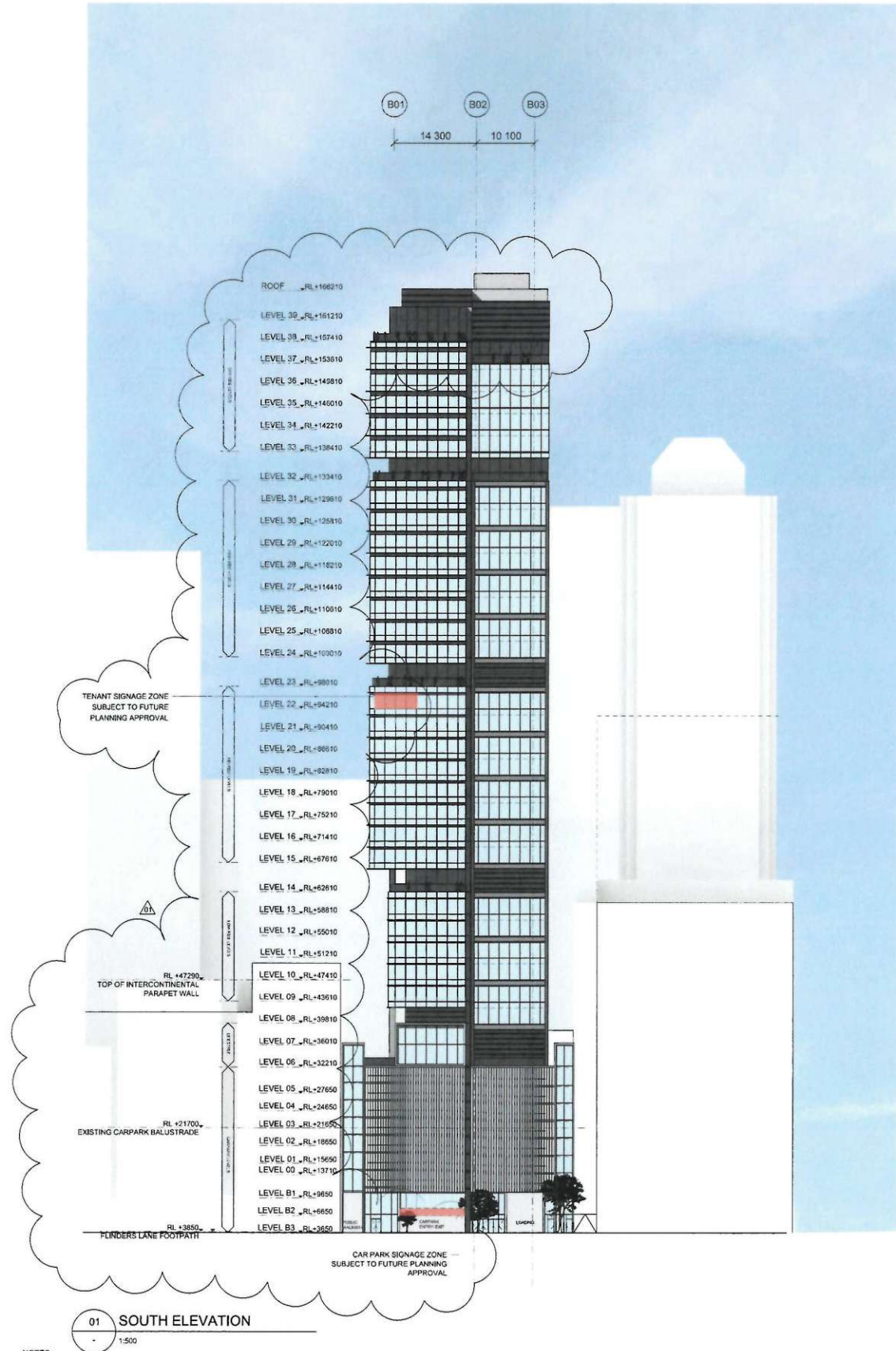
STATUS  
INFORMATION ONLY

DRAWING  
PRIMARY ELEVATIONS  
North & West Elevations

DRAWN CHECKED AUTHORISED

DRAWING NUMBER REVISION  
A05\_1001 01





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02 EAST ELEVATION  
1:500

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REV. DATE FOR  
01 16.10.14 FOR FURTHER INFO. ADDED

REV. DATE FOR

REV. DATE FOR

CLIENT  
**mirvac**

SERVICES ENGINEER  
**ARUP**  
L11, 111 Exhibition St  
Melbourne 3000  
STRUCTURAL ENGINEER  
**Robert Bird Group**  
15-160 Collins Street  
Melbourne 3000

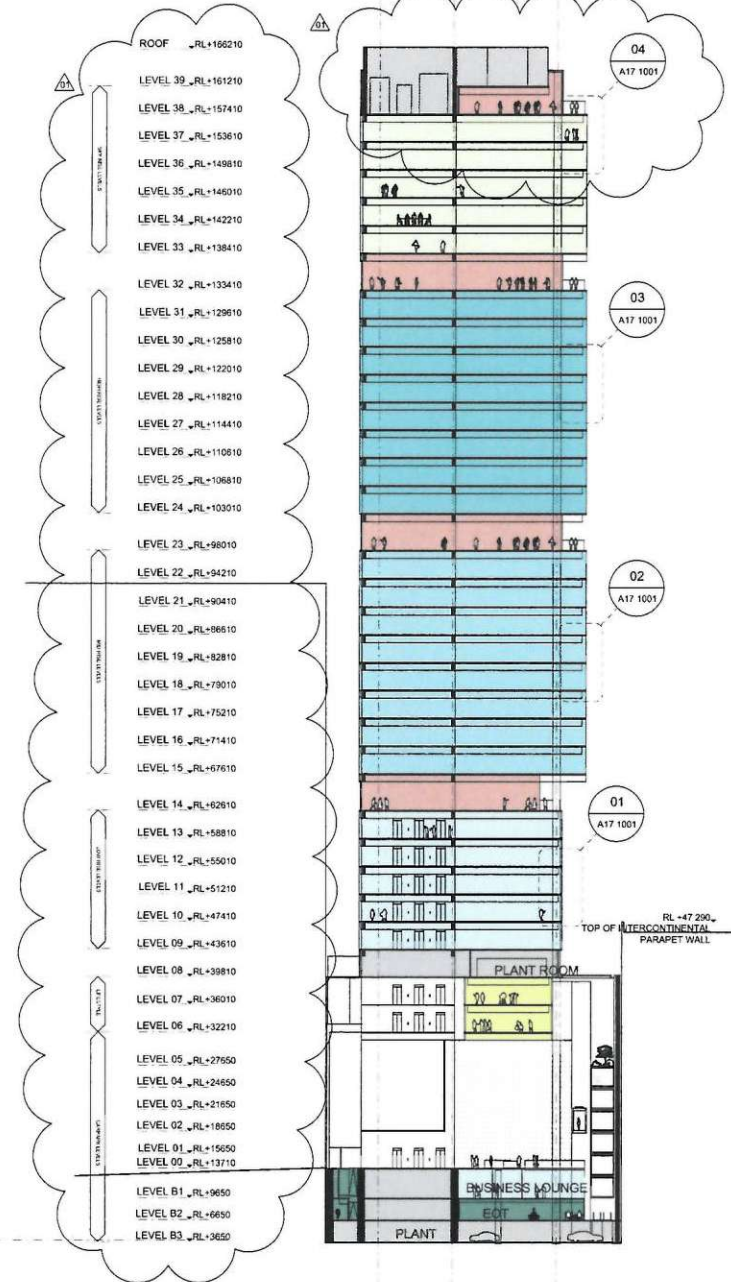
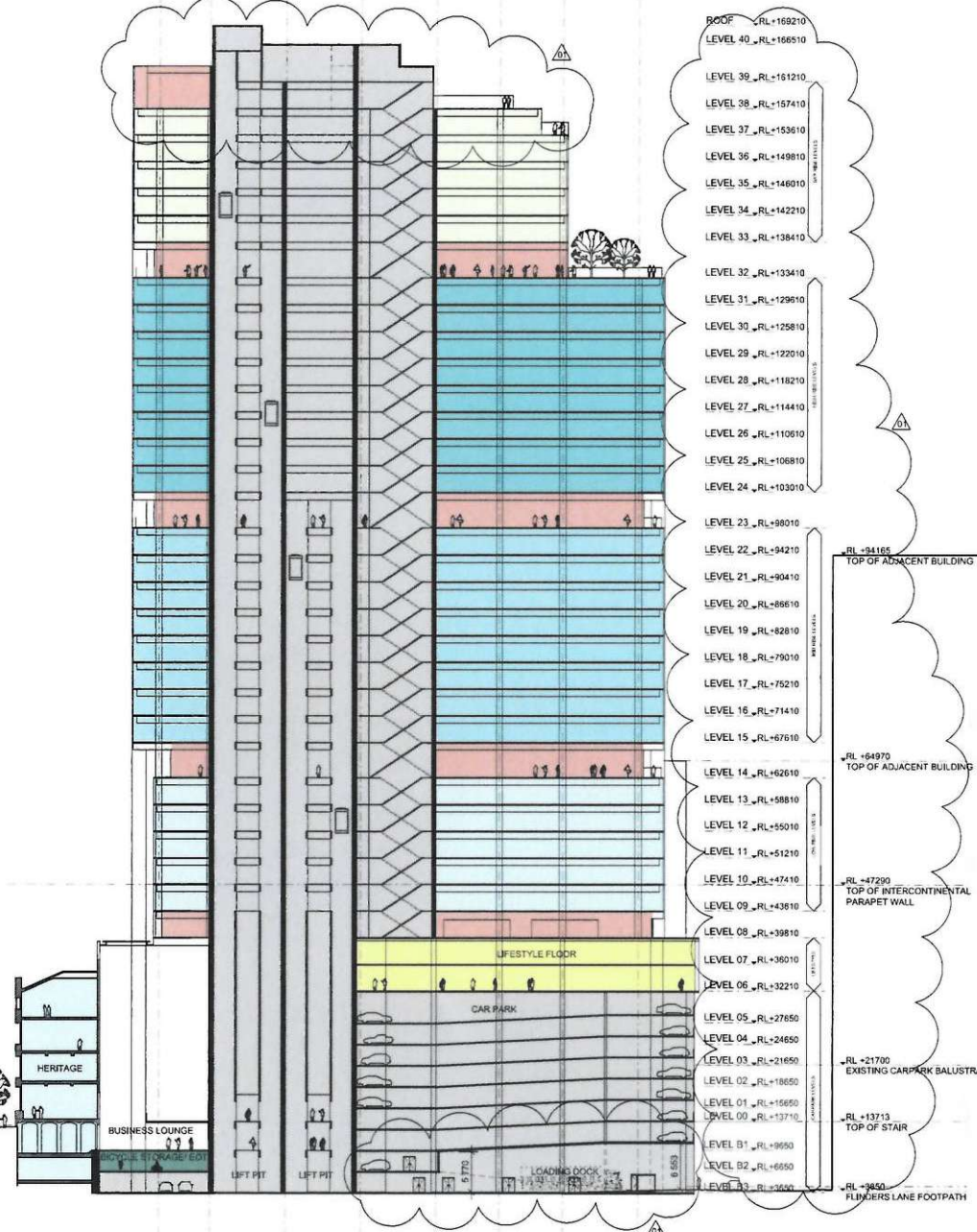
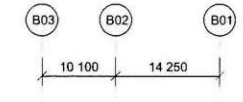
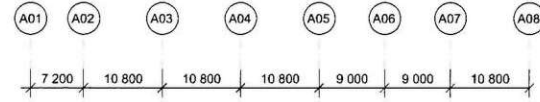
PROJECT  
**477 COLLINS STREET**  
ADDRESS  
**477 COLLINS STREET  
MELBOURNE 3000**  
GRIMSHAW PROJECT NO.  
**12145**

NORTH  
SCALE  
1:500 @ A1  
STATUS  
INFORMATION ONLY

DRAWING  
PRIMARY ELEVATIONS  
South & East Elevations  
DRAWN CHECKED AUTHORISED  
DRAWING NUMBER REVISION  
A05\_1002 01



RL +138110  
494 COLLINS ST TOWER



02 SECTION B-B  
1:500

01 SECTION C-C  
1:500

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REV.	DATE	FOR	REV.	DATE	FOR	REV.	DATE	FOR
01	15.10.14	FURTHER INFO. ADDED						

CLIENT  
**mirvac**

SERVICES ENGINEER  
**ARUP**  
L17, 11 Robinson St  
Melbourne 3000  
STRUCTURAL ENGINEER  
**Robert Bird Group**  
L5, 500 Collins Street  
Melbourne 3000

PROJECT  
**477 COLLINS STREET**  
ADDRESS  
**477 COLLINS STREET  
MELBOURNE 3000**  
GRIMSHAW PROJECT NO.  
**12145**

NORTH  
SCALE  
1:500 @ A1  
STATUS  
INFORMATION ONLY

DRAWING  
PRIMARY SECTIONS  
Section B-B Section C-C

DRAWN	CHECKED	AUTHORISED
—	—	—

DRAWING NUMBER	REVISION
A06_1002	01



Floor Number	CAR PARKING		GLAR	GFA		GFA/NLA %	FECA	RL	Floor to Floor	Type	
	Office	Existing Carpark No.	Proposed Carpark No.	Retail	Commercial	TOTAL					
Roof									31.80		
40					84	84	101	29.10	2.70	LMR	
39					1000	1000	1022	23.80	5.30	Plant	
38	635				1187	1187	53.46	1867	20.00	3.80	Client Floor
37	1506				1876	1876	80.31	1920	16.20	3.80	Sky Rise Office
36	1545				1914	1914	80.70	1920	12.40	3.80	Sky Rise Office
35	1545				1914	1914	80.70	1920	8.60	3.80	Sky Rise Office
34	1545				1914	1914	80.70	1920	4.80	3.80	Sky Rise Office
33	1545				1914	1914	80.70	1920	1.00	3.80	Sky Rise Office
32	1188				1631	1631	72.84	2346	133.41	5.00	Client Floor
31	1966				2339	2339	84.03	2346	129.61	3.80	High Rise Office
30	1966				2339	2339	84.03	2346	125.81	3.80	High Rise Office
29	1966				2339	2339	84.03	2346	122.01	3.80	High Rise Office
28	1966				2339	2339	84.03	2346	118.21	3.80	High Rise Office
27	1966				2339	2339	84.03	2346	114.41	3.80	High Rise Office
26	1966				2339	2339	84.03	2346	110.61	3.80	High Rise Office
25	1893				2339	2339	80.91	2346	106.81	3.80	High Rise Office
24	1893				2339	2339	80.91	2346	103.01	3.80	High Rise Office
23	1443				2014	2014	71.64	2346	98.01	5.00	Client Floor
22	1889				2339	2339	80.76	2346	94.21	3.80	Mid Rise Office
21	1889				2339	2339	80.76	2346	90.41	3.80	Mid Rise Office
20	1889				2339	2339	80.76	2346	86.61	3.80	Mid Rise Office
19	1889				2339	2339	80.76	2346	82.81	3.80	Mid Rise Office
18	1889				2339	2339	80.76	2346	79.01	3.80	Mid Rise Office
17	1889				2339	2339	80.76	2346	75.21	3.80	Mid Rise Office
16	1889				2339	2339	80.76	2346	71.41	3.80	Mid Rise Office
15	1889				2339	2339	80.76	2346	67.61	3.80	Mid Rise Office
14	1206				1777	1777	67.87	2058	62.61	5.00	Client Floor
13	1602				2052	2052	78.06	2058	58.81	3.80	Low Rise Office
12	1602				2052	2052	78.06	2058	55.01	3.80	Low Rise Office
11	1602				2052	2052	78.06	2058	51.21	3.80	Low Rise Office
10	1602				2052	2052	78.06	2058	47.41	3.80	Low Rise Office
09	1602				2052	2052	78.06	2058	43.61	3.80	Low Rise Office
<b>Total Office</b>	<b>50,859</b>				<b>64,829</b>	<b>64,829</b>		<b>67,065</b>			
08					2057	2057		2108	39.81	3.80	Plant
07	880				1842	1842	47.77	1848	36.01	3.80	Lifestyle
06	880				1853	1853	47.49	1860	32.21	3.80	Lifestyle
05			42	118	2013	2131		3896	27.65	4.56	Car Park + Heritage - Atrium
04			53	116	2360	2476		3896	24.65	3.00	Car Park + Heritage - Atrium
03			53	420	2421	2840		3896	21.65	3.00	Car Park + Heritage - Atrium
02		73	54	309	2532	2840		3896	18.65	3.00	Car Park + Heritage - Atrium
01		75	54	471	2369	2840		3896	15.65	3.00	Car Park + Heritage - Atrium
00	73	74	54	399	3289	3688		3896	13.71	1.94	Ground (Collins Street Foyer)
B1	923	127	43	384	3376	3760		3905	9.65	4.06	Lower Ground (Business Lounge)
B2		128	24	143	3397	3540		3643	6.65	3.00	Car Park (EOT)
B3		121	32	97	3445	3542		3643	3.65	3.00	Car Park (Flinders Ln)
<b>Total Podium</b>	<b>2,756</b>	<b>598</b>	<b>409</b>	<b>2,458</b>	<b>30,953</b>	<b>33,411</b>		<b>40,386</b>			
<b>Total</b>	<b>53,615</b>	<b>598</b>	<b>409</b>	<b>2,458</b>	<b>95,782</b>	<b>98,239</b>		<b>107,451</b>			

Existing Conditions		
Heritage	OFFICE	GLAR
06	118	
05	116	
04	420	
03	309	
02	113	
01	358	
00	73	249
B1		384
<b>Total</b>	<b>1506</b>	<b>633</b>

**METHOD OF MEASUREMENT**  
AREAS HAVE BEEN CALCULATED IN ACCORDANCE WITH THE PROPERTY COUNCIL OF AUSTRALIA (PCA) METHOD OF MEASUREMENT FOR LETTABLE AREA (MARCH 1997)

**GUIDELINES USED**  
GROSS LETTABLE AREA RETAIL

**NOTES**  
FECA includes voids through levels 01-05

**Sky Washroom Facilities** (Based on 7,684 sq.m NLA over 5 no. Floors)  
(‘averaging’ floor calculation; figures correct for all floors)

10 sq.m per person tenancy ratio for occupation  
154 no. people per floor (average of all floors)  
**78 males**                      **78 females**    split of male:female 50:50

Requirements with 1 no. accessible washroom per floor

MALE	FEMALE
3 toilets	5 toilets
3 urinals	
2 basins	2 basins

**High Washroom Facilities** (Based on 15,580 sq.m NLA over 8 no. Floors)  
(‘averaging’ floor calculation; figures correct for all floors)

10 sq.m per person tenancy ratio for occupation  
195 no. people per floor (average of all floors)  
**98 males**                      **98 females**    split of male:female 50:50

Requirements with 1 no. accessible washroom per floor

MALE	FEMALE
4 toilets	6 toilets
3 urinals	
3 basins	3 basins

**Mid Washroom Facilities** (Based on 15,113 sq.m NLA over 8 no. Floors)  
(‘averaging’ floor calculation; figures correct for all floors)

10 sq.m per person tenancy ratio for occupation  
189 no. people per floor (average of all floors)  
**95 males**                      **95 females**    split of male:female 50:50

Requirements with 1 no. accessible washroom per floor

MALE	FEMALE
4 toilets	6 toilets
3 urinals	
3 basins	3 basins

**Low Washroom Facilities** (Based on 8,009 sq.m NLA over 5 no. Floors)  
(‘averaging’ floor calculation; figures correct for all floors)

10 sq.m per person tenancy ratio for occupation  
161 no. people per floor (average of all floors)  
**81 males**                      **81 females**    split of male:female 50:50

Requirements with 1 no. accessible washroom per floor

MALE	FEMALE
4 toilets	5 toilets
3 urinals	
2 basins	2 basins



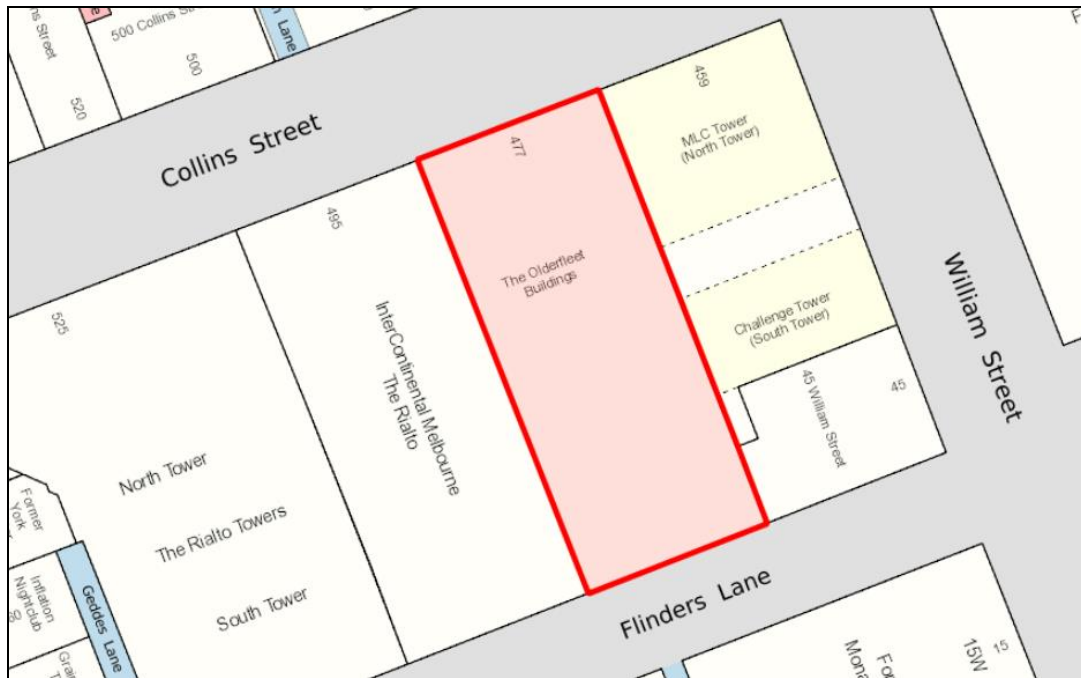
**PLANNING REPORT****MINISTERIAL REFERRAL**

<b>Application number:</b>	<b>TPM-2014-29</b>
<b>DTPLI Application number:</b>	2014/002753
<b>Applicant / Owner / Architect:</b>	Mirvac Victoria Pty Ltd (represented by Urbis Pty Ltd) / Mirvac Commercial SUB SPV Pty Ltd. /Grimshaw
<b>Address:</b>	471-485 Collins Street, MELBOURNE VIC 3000
<b>Proposal:</b>	Demolition of existing buildings, construction of a high rise office building
<b>Date received by City of Melbourne:</b>	24 July 2014
<b>Responsible officer:</b>	Brendan Cousins
<b>Report Date:</b>	10 February 2015
<b>(DM# 8988643)</b>	

**1. SUBJECT SITE AND SURROUNDS****1.1. The site**

The subject site is located between Collins Street and Flinders Lane, west of Williams Street. The site has a frontage of approximately 40.3 metres and depth of approximately 97.2 metres. The total site area is 3,899sqm.

## Aerial Photo / Locality Plan



The site is currently occupied by three Heritage Victoria Registered buildings; Olderfleet Building, Record Chambers and South Australia Insurance Building. Only the front 11-13 metres of these buildings remain with a 1980s era eight level office building constructed to the rear. The main access to this building is via the ground floor level of the Olderfleet building. Facing Flinders Lane is a six level commercial car park for 598 car spaces. The car park has two entry points from Flinders Lane with plant and store rooms located on ground level between the two entry points. Existing use rights for the car park has been confirmed by the Department of Environment, Land, Water and Planning (DELWP).

### 1.2. Surrounds

- North – Collins Street is located directly north of the site. Opposite the site is 480 -490 Collins Street (a 20 storey hotel building), 478 Collins Street (17 Storey office), 464 466 Collins Street (Markers Mark building and future development site) and 460 Collins Street (9 storey office building)
- South –Flinders Lane is located south of the site. On the south side of Flinders Lane is 15 Williams Street (20 storey office) and 452 Flinders Street (19 Storey office).
- East - 459 Collins Street is located east of the site. The site contains two office towers, the North tower is 32 storeys and the South Tower is 15 storeys. A S55A agreement on title stipulates that if the Olderfleet building site is developed within 3 metres of the existing boundary windows, these windows will need to be treated in a manner so they are fire resistance rated
- West – The Intercontinental Melbourne ‘The Rialto Hotel’ is located west of the site. The building is on the Victorian Heritage Register. Further west is Rialto Towers (66 and 38 storey office)

## 2. THE PROPOSAL

The plans referred to the City of Melbourne for comment were received on 23 July 2014. Updated plans were submitted on the 21 October 2014 in response to a further information request by DELWP.



The application proposes the following uses:

<b>Office</b>	Leasable Floor Area 54,123sqm (approximately)
<b>Retail (ground level etc.)</b>	Leasable Floor Area 2461sqm

The specific details of the proposal are as follows:

<b>Building height</b>	165 metres (40 levels)
<b>Podium height</b>	28.5 metres (to Flinders Street)
<b>Front, side and rear setbacks</b>	North – 16.8 metres South - 4.5 metres (levels 15- 25), 19.94 metres (levels 26-37) and 28 metres (levels 38-40) East – 4.2 metres West – 4.8 metres
<b>Gross floor area (GFA)</b>	98,239sqm
<b>Car parking spaces</b>	409 commercial spaces (a reduction from the existing 598)
<b>Bicycle facilities and spaces</b>	464 employee spaces, 81 visitor spaces. 34 showers
<b>Loading/unloading</b>	A loading bay is provided at ground level, accessed from Flinders Lane.
<b>Vehicle access</b>	Three crossovers from Flinders Lane.

### 3. BACKGROUND

#### 3.1. Pre-application discussions

There were a number of pre application meetings held prior to the lodgement with DELWP, City of Melbourne officers and the applicant.

The key issues raised at the pre-application meeting included:

- Impact of the development to the heritage buildings facing Collins Street.
- Side setbacks and the consideration of the development potential of adjoining properties.
- Tower setback from the Flinders Lane.
- Activation of the podium level to Flinders Lane.
- Through-block link.
- Overshadowing impacts to the Yarra River environs.
- Visual bulk impacts along as viewed along Flinders Lane and Collins Street.

#### 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:

<p>State Planning Policies</p>	<p><b>Clause 15.01-1 Urban design</b> seeks to create urban environments that are safe, functional and provide good quality environments with a sense of place and cultural identity.</p> <p><b>Clause 15.01-2 Urban design principles</b> seeks to achieve architectural urban design outcomes that contribute positively to local urban character and enhance the public realm while minimising detrimental impacts on neighbouring properties</p>
<p>Municipal Strategic Statement</p>	<p><b>Clause 21.06-1 Urban design</b></p> <p><b>Objective 1 To reinforce the City’s overall urban structure</b></p> <p>Strategy 1.1 Protect Melbourne’s distinctive physical character and in particular maintain the importance of (among other things) the Hoddle Grid.</p> <p><b>Objective 5 To increase the vitality, amenity, comfort, safety and distinctive City experience of the public realm.</b></p> <p>Strategy 5.2 Ensure that the scale, bulk and quality of new development supports a high quality public realm.</p> <p>Strategy 5.9 Ensure that development maximises solar access in public open spaces, and creates microclimatic conditions for a high level of pedestrian comfort.</p> <p><b>Objective 6 To improve public realm permeability, legibility, and flexibility.</b></p> <p>Strategy 6.2 Ensure the design of buildings and public spaces enhances the public realm and pedestrian environment.</p> <p>Strategy 6.3 Ensure that new developments in the Capital City, Docklands, Business and Mixed Use zoned areas provide active street frontages and minimise pedestrian disruption from car access.</p> <p><b>21.06 – 3 Sustainable development</b></p> <p><b>Objective 1 To create an environmentally sustainable urban environment with reduced greenhouse emissions</b></p> <p>Strategy 1.1 Ensure that new buildings and new public spaces are environmentally sustainable.</p> <p><b>Objective 3 To encourage efficient resource use and waste reduction in the City.</b></p> <p>Strategy 3.1 Encourage all new development to maximise water efficiency.</p> <p>Strategy 3.2 Encourage provision of purpose built storage for recyclable waste, in all development.</p> <p><b>Clause 21.12 Hoddle Grid</b> seeks, among other things, to:</p> <p>Ensure that the design of tall buildings in the Hoddle Grid promote a human scale at street level especially in narrow lanes, respects the street pattern and provides a context for heritage buildings.</p> <p>Ensure that new tall buildings add architectural interest to the city’s sky line.</p> <p>Ensure tower buildings are well spaced and sited to provide equitable access to an outlook and sunlight for all towers.</p>

	<p>Encourage arcade and laneway links between streets and public spaces.</p> <p>Ensure development fronting streets creates a continuous building edge and integrated streetscape.</p>
<p>Local Planning Policies</p>	<p><b>Clause 22.01 Urban design within the Capital City Zone</b> seeks, among other things, to:</p> <p>To enhance the physical quality and character of Melbourne’s streets, lanes and Capital City Zone form through sensitive and innovative design.</p> <p>To ensure that the design of public spaces, buildings and circulation spaces meets high quality design standards.</p> <p>When adjoining heritage buildings are located in a Heritage Overlay, the design of new buildings should have regard to the height, scale, rhythm of and proportions of the heritage buildings.</p> <p>Encourage new facades to respect the rhythm, scale, architectural features, fenestration, finishes and colour of the existing streetscape.</p> <p>Towers should be appropriately set back from all streets at the podium to assist in deflecting wind downdrafts from penetrating to street level.</p> <p>Within the tower setback, some variation in treatment may provide a transition between the podium and tower. Such treatment should be carefully checked for wind effects at street level.</p> <p>Access to car parking and service areas should minimise impact on street frontages.</p> <p>Streets and public spaces should be fronted by active uses to increase interest, use, and the perception of safety.</p> <p><b>Clause 22.02 Sunlight to Public Spaces</b>  ‘This policy applies to public spaces such as parks and gardens, squares, streets and lanes, and includes privately owned spaces accessible to the public, such as building forecourts, atria and plazas within the municipality excluding the Docklands Zone.’</p> <p><b>Clause 22.19 Energy water and waste</b>  The policy provides guidelines to ensure that the design, construction and operation of buildings and urban renewal areas:</p> <ul style="list-style-type: none"> <li>• Minimise the production of greenhouse gas emissions and maximise energy efficiency.</li> <li>• Minimise mains potable water use and encourage the use of alternative water sources.</li> <li>• Minimise waste going to landfill, maximise the reuse and recycling of materials and lead to improved waste collection efficiency.</li> </ul> <p><b>Clause 22.23 Stormwater Management (WSUD)</b>  This policy seeks to mitigate and manage the effects of stormwater to waterways through the encouragement best practice in stormwater management</p>



Statutory Controls	
Capital City Zone Schedule 1	<p>The use of the land for 'office' and 'retail premises (other than Adult sex bookshop, Department store, Hotel, and Tavern)' is a 'permit not required' use.</p> <p>The existing car parking use has existing use rights, which has been confirmed by DELWP.</p> <p>Pursuant to Clause 37.04-4 a permit is required to construct a building or construct or carry out works, and to demolish or remove a building.</p>
Design and Development Overlay Schedules 1-A2	<p>Pursuant to Schedule 1 a permit is required to carry out buildings and works at ground level. The overlay only affects the</p>
Heritage Overlay Schedule 611, 902 and 903	<p>A permit is not required under the overlay to develop a heritage place which is included on the Victorian Heritage Register. Each of the schedules indicate that the buildings are on the Victorian Heritage Register and therefore no planning permit is required under this overlay.</p> <p>It is noted that the Heritage overlay covers the front part of the subject site, the portions that the Heritage graded buildings cover.</p>
Parking Overlay Schedule 1	<p>A permit is required to provide parking in excess of a rate of:</p> <p>Maximum spaces: 5 spaces per 1000sqm of net floor area of the buildings on the site; or 12 spaces per 1000sqm of site area</p> <p>As such the maximum provision for the office and retail is 282 or 47 spaces.</p> <p>409 spaces are proposed to be associated with the existing use of the land as commercial car park.</p> <p>Motor cycle parking a minimum rate of 1 space per 100 car parking spaces is required unless the Responsible Authority is satisfied with the reduced rate. The development proposes 5 spaces and therefore no waiver is required.</p>

Particular Provisions	
Clause 52.07 Loading and unloading	<p>A permit may be granted to reduce or waive these requirements if either: The land area is insufficient.</p>
Clause 52.34 Bicycle Facilities	<p>The development generates a requirement of 184 employee spaces and 81 visitor spaces. The application proposes 464 employee spaces and 81 visitor spaces with 34 showers.</p>

	As such no waiver of the requirements of Clause 52.34 is required.
Clause 52.36 Integrated Public Transport Planning	The referral requirements under this Clause are the responsibility of the Responsible Authority, which is the Minister for Planning.

The above listed planning permit triggers, with the exception of the prohibition, would continue to application to any consideration of any planning application applying to the site.

General Provisions	
Clause 61.01 – Administration and enforcement of this scheme	The proposal, which was lodged with the Minister for Planning C/- Department of Transport, Planning and Local Infrastructure (DTPLI) on 8 August 2014, seeks an amendment to the Melbourne Planning Scheme via Section 20(4) of the Planning and Environment Act 1987.

## 5. PUBLIC NOTIFICATION

The application has been referred to the City of Melbourne for comment. Pursuant to Capital City Zone Schedule 1 and Design and Development Overlay Schedule 1 this application is exempt from the notice requirements of Section 52 (1) (a), (b) and (d), the decision requirements of Section 64 (1), (2) and (3) and the review rights of Section 82 (1) of the Act.

## 6. REFERRALS

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

- **Urban Design**

Generally supportive of the application however the following outstanding comments were provided:

**Tower side setbacks**

A 5 metre setback (side) would enable a more equitable redevelopment of the adjacent site, whilst more confidently setting up the conditions for the maintenance of the minimum of 10 metre tower separation in the future.

**Flinders Street elevation**

The redevelopment is an opportunity to redress the impact of the carpark on the street rather than consolidate and restrict the car park's redevelopment through retention and enclosure.

We recommended that all carpark podium levels along the Flinders Lane frontage to be either sleeved with occupiable uses or redevelopment for more extensive and deeper levels of car parking to be investigated.

- **Engineering**

- **Traffic**

Council's traffic engineer's raised a number of concerns with the proposal initial comments provided on the 30 September 2014. Updated comments from traffic dated 13 November 2014 indicates that the

majority of concerns have been addressed with the exception of loading access to the site. This matter will be discussed in further in the assessment section.

- **Waste**

The waste management plan (WMP) complies with the 2014 Waste Guidelines. The standard WMP condition is recommended.

- **Civil**

No objections subject to recommended permit conditions and notes.

- **Council's Heritage Consultant**

Council's heritage consultant acknowledged that only the retained portion of the buildings is covered by the Heritage Overlay in reflection of the Victorian Heritage Registration. However further states that:

- Whilst the setback for the new tower development is sufficient to maintain the sense of integrity of the front parts of the heritage hosts the visual juxtaposition of those building in their setting remains sensitive and important.
- The construction of the tower across the rear of the heritage buildings will reduce their current primacy as the loss of all sky behind the roof scape, particularly from behind the former SA Insurance Building and the abutting buildings either side, will isolate these heritage buildings as vestige of the past corralled amongst modern towers.
- This crowding of this most important heritage group will diminish the appreciation of their significance and will demonstrate a limited regard for setting, limited priority we prepared to accord the setting of the buildings. There can be no doubt that fencing in across the back of the principal parts will present the heritage row as retained tokens subsumed by tower development rather than elements of the Victorian low rise City retained and respected to the extent of the integrity of their setting which currently has been maintained to the extent of the sky-scape behind three of the four in the row and into which the spire of the Olderfleet continues to reach.
- The above is not to take the position that the backdrop of towers on the properties formerly associated with the heritage frontages cannot be considered, but that a very high bar should be placed on provision of readily understandable explanation of the visual relationship between the heritage hosts and the proposed altered setting. Given the value and importance of the Olderfleet group, that the enclosing tower is to be "calm and elegant" is insufficient justification. A more particular analysis and assessment of the visual relationship of the parts would be required to conform with accepted conservation standards.

- **Land Survey**

Recommended the following advice:

- Building agreements currently exist over the land and affect the subject site and the abutting property. The applicant should provide advice from a private building surveyor to ensure the current application has no impact on the existing agreements or any future impacts.



- The development proposes a public walkway at Basement Level 3 off Flinders Lane. To ensure that the walkway remains open at wall times and open to the public 24 hours per day and 7 days a week unless otherwise required, the applicant maybe required to enter into a Section 173 Agreement to this effect.
- **Legal**
  - Norton Rose has provided a summary of certain (selected) Tribunal cases from 2001-2007 involving an interpretation of clause 63.10. The summary concludes that the Tribunal's position in relation to clause 63.10 is shifting towards the interpretation that clause 63.10 does not apply to proposed demolition, but only to accidental damage.
  - I have looked at the Tribunal cases Norton Rose analysed and other cases that dealt with this specific issue such as *Caltex Australia Petroleum Pty. Ltd. v Kingston CC* [2008] VCAT 2551 (Caltex). The more recent cases do tend to support the interpretation of accidental damage only. However in Caltex legal member Phillip Martin states as follows: 'I can indicate that the main authorities on point here are those of Mr. Byard....and these authorities strongly stand for the proposition that Clause 63.10 applies to deliberate demolition as much as accidental damage.' (Legal member Mr. Byard's interpretation is detailed in *Simons Gilbert v Stonnington CC & Ors* [2003] VCAT 741 and *Alexopoulos v Moonee Valley CC* [2007]).
  - So whilst the more recent cases tend to follow accidental damage (*KK Corporation Pty. Ltd. v Melbourne CC* [2009] VCAT 2757 and *Crema Group Pty.Ltd. v Boroondara CC* [2008] VCAT 1015), there are very persuasive decisions that follow the other line. Norton Rose's summary is reasonably fair, but in the end it seems that you can argue either way; indeed Norton Rose states that there is an 'open and valid interpretation that clause 63.10 does not apply to proposed demolition'. This statement is quite equivocal reflecting the disparate Tribunal judgements on point.
  - In summary, keep in mind that obviously Norton Rose is providing advice to support its client's proposal. If this development went to the Tribunal on the point opposing sides could argue 'validly' both interpretations and neither Norton Rose nor I could predict which way the decision would go (depending on the member hearing the case and the persuasiveness of the advocates).

## 7. ASSESSMENT

The key issues in the consideration of this application are:

- Built form
- Impacts to significant buildings
- Impacts to the public realm
- Parking, traffic and waste
- Other matters

The proposed use of the land for office and retail uses does not require a planning permit under the requirements of the Melbourne Planning Scheme. DELWP has accepted that the previous use of part of the land as a commercial car park has existing use rights and does not require further planning permission. Further legal

advice provided with the application indicates that existing use rights are maintained despite the demolition of the existing car park and the reconstruction of the proposed new commercial car park. This position has been adopted by DELWP. There appears to be strong arguments that supports both views. This matter will be discussed in further detail below.

### **7.1. Built form**

The development seeks to demolition the existing 8 storey office building and 596 space commercial car parking and replace it with a 40 storey office building and 409 space commercial car park. The development proposes a typical tower /podium typology to Flinders Lane and the retention of the existing Victoria Heritage graded buildings front Collins Street retained. This approach is supported and generally respects the constraints of the subject site and adjoining properties and streets/lanes.

#### **7.1.1. Height**

The overall height of the development at 165 metres (40 levels) is appropriate to support in this context. The subject site is not located within an area that is subject to a recommended / mandatory height control and consequently the appropriateness of the height of the development is subject to the constraints of the site and its surrounds as well as shadow impacts. There are examples of other medium to tall towers within the immediate context including Rialto Towers (66 and 38 levels), 480 -490 Collins Street (a 20 storey hotel building), 459 Collins Street (two towers at 32 and 15 levels), 45 Williams Street (20 levels) and 452 Flinders Street (19 levels). The height will not have an unreasonable impact upon the public realm or adjoining properties. Tower setbacks are proposed which will mitigate the impact to Flinders Lane, the existing heritage buildings facing Collins Street and the Yarra River Environs.

#### **7.1.2. Setbacks**

The proposed tower setbacks do not comply strictly with policy directions of Clause 22.01 Urban Design outside the Capital City Zone however, in this context the proposed variation is appropriate. The tower proposes a 4.2 metre setback from the eastern side boundary and 4.9 metre setback from the western side boundary, with a 4.5 metre setback from Flinders Lane and 16.8 metres from Collins Street.

To the west is the Intercontinental Hotel which is on the Victoria Heritage Register. It is considered highly unlikely that this site will be developed in the future in a manner that will significantly increase the building height as it would have an unreasonable impact upon the highly graded building. A reduced side setback is considered appropriate in this instance and will not cause there to be unreasonable burden on the adjoining site.

To the east are commercial (office) towers at 459 Collins Street (two towers at 32 and 15 levels) and 45 Williams Street (20 levels). The 32 level tower at 459 William Street is setback 4.2 metres from the common boundary whilst 45 William is setback 4.48 metres. A separation of near 10 meters between office towers is appropriate in this context as the office space do not have habitable living areas. Although this main reduce the likelihood of the office space being converted to a residential use in the future, it is considered that the large and deep floor plates would restrict this option in the first instance. The 15 level tower at 459 Collins Street is constructed to the boundary with windows that overlook the subject site. There are no rights to light

and air to the windows and any development on the site could theoretically abut these windows, as the windows are subject to a legal agreement (see previous comments at section 1.2). The 4.2 metre setback whilst minimal is considered to be sufficient as there is no requirement to provide daylight office floor space.

The 16.8 metre setback from Collins Street is appropriate and provides sufficient visual separation between the higher built form and the lower existing streetscape wall. Council's heritage advisor has highlighted concern with the development crowding the important heritage grouping of building which includes the Olderfleet building. Although the heritage impacts to the existing buildings facing Collins Street is not under consideration, the Melbourne Planning Scheme does allow scope for the consideration of the design of new buildings in relation to buildings within heritage overlays. A Heritage Victoria referral has not been received in relation to the proposed modifications to the three buildings facing Collins Street. In this instance it is considered that the setback is appropriate to ensure that a sufficient degree of prominence is retained by heritage graded buildings. The three buildings have already been truncated so only the first 11.5 -13 metres of the buildings have been retained. Adjoining buildings such as the Rialto and 459 Collins already provide a soft back drop and are dominant buildings in the Skyline. Although the development will have an impact it is not considered to be detrimental and will be tempered by setbacks and building articulation.

The proposed tower will be setback further than 13 metres from frontage of Collins Street, with no new elements of the development overhanging the existing buildings. More minor buildings and works are proposed to the existing heritage buildings however the intact heritage facades are not being modified.

The 4.5 metre setback from Flinders Lane is supported. Although not strictly compliant with policy the setback is consistent with the built form found along Flinders Lane and the immediate area. Adjoining and opposite towers, albeit lower in height are constructed straight off the street. This has resulted in the height building edge to Flinders Lane. The development proposes a podium height of 28.36 metres and will mitigate the impact of the height through the 4.5 metre setback. Although a 10 metre setback would mitigate the impact further, it is considered that the 4.5 metre setback is sufficient in this context. The setback will also ensure that there is an appropriate setback transition between the podium and the tower.

## **7.2. Public realm**

### **7.2.1. Flinders Lane podium**

The existing commercial car park facing Flinders Lane presents a very poor interface. There are four crossovers that service car park, and there is currently no active uses at ground level. The retention of the commercial car park, the significant slope in the land and heritage graded buildings along Collins Street, mean that the only vehicle access to the site is via Flinders Lane. Whilst the development proposes an improved condition for the Flinders Lane frontage by introducing active uses at ground an mezzanine levels, bicycle parking entrance and pedestrian walkway, overall there are three large vehicle access to points (two for the commercial car parking and one for loading/unloading as well as seven levels in inactive semi permeable car park levels. Local policy encourages that:

- Access to car parking and service areas should minimise impact on street frontages.



- Streets and public spaces should be fronted by active uses to increase interest, use, and the perception of safety.
- Ensure development fronting streets creates a continuous building edge and integrated streetscape.

Whilst the addition of the through block link and active uses is encouraged, more should be provided to ensure that the new façade is not merely a minor improvement on an existing poor outcome. Additional activation/visual interest should be introduced to the façade to increase interest and provide an integrated design that is consistent with the preferred built form direction that is encouraged by the City of Melbourne, particularly through recent planning scheme amendments (Southbank) which seek:

- The ability to establish a visual relationship between occupants of upper floors and pedestrians, and better surveillance of the street by developing the first five levels of buildings with a “casing” of dwellings or offices or other design mechanisms.

As such it is considered reasonable to request that for at least the first 5 levels a sleeve of active uses (residential/commercial etc.) is provided or an alternative design mechanism such as a green wall or art work that will integrate the development with the public realm. The development should also provide a minimum of 4 metre floor to ceiling height to allow the level to be redeveloped to an active use such as residential apartments in the future.

#### **7.2.2. Through block link**

As previously stated, the through block link connect Collins Street and Flinders Lane is supported. Although the site is challenged by the significant change in levels between the two streets, it is considered that link will be effective. Given the link is enclosed and runs through a private building it is reasonable to think that it will be open only during business hours rather than 24/7 which could cause there to be security and safety issues inside the building. It is also expected that the link will be open during limited hours on the weekends.

#### **7.2.3. Overshadowing**

The development has been designed so that no shadow will impact the south bank of the Yarra River. In addition, the development does not increase overshadowing impacts to the north bank (as the shadow will fall within existing shadow) and does not overshadow Batman Park. The development is therefore consistent with the Clause 22.02 Sunlight to Public Spaces.

#### **7.2.4. Wind**

The development has been assessed by Mel Consultants to ensure that a comfortable pedestrian environment is maintained to all street frontages surrounding the site. The assessment concludes that from all test points the development has been shown to be within the criterion for walking comfort with many locations achieving the short term stationary criterion.

No canopies are required along the frontages for wind amelioration. Although there is benefit in providing weather protection from rain etc. the restrictions on Flinder

Lane by the existing trees and Collins Street by the existing heritage buildings do not make practical or desirable to require canopies.

### **7.3. Parking, traffic and waste**

#### **7.3.1. Loading and unloading**

Loading and unloading is proposed from Flinders Lane. The layout and location of the loading/unloading bay is not supported by Council's engineers as a 12.5 metre large vehicle is required to reverse into the site, utilising the full road width of Flinders Lane. This design response has the potential to create unsafe conflict between pedestrians and vehicles, particularly during busy times of the day. The applicant has indicated that a small rigid vehicle (6.4 metres) is able to turn within the site to enable safe ingress and egress. This arrangement is considered acceptable subject to the submission of a swept path assessment by a traffic engineer. However, they are not supportive of an alternative layout or loading management plan to help prevent the potential for conflict. This is not supported and either an amended layout should be provided that shows that large vehicles can enter and exit in a forward manner or a loading management plan that is to the satisfaction of the responsible authority and City of Melbourne.

#### **7.3.2. Parking**

A total of 409 car spaces are proposed for the development, located within the podium to Flinders Lane. An existing commercial car park is located at the rear of the site facing Flinders Lane and contains 598 spaces. Existing use rights have for the commercial car park has been confirmed by DELWP. As such the historic contribution of the existing car parking (598 spaces) has been claimed by the applicant and will offset the proposed 409 spaces. The applicant has indicated that the spaces will be provided to the commercial car park rather than to the office and retail uses. This is consistent with the operation of the existing car park. The reduction to the overall number of the car parking spaces is supported however as previously stated, additional work is required to improve the ground level and podium interface to Flinders Lane.

Council's Traffic engineers are generally satisfied with the operation and layout of the car park however have recommended a number of modifications that could be implemented via conditions of permit.

Although there is evidence to suggest that there are arguments for the 'validly' of both interpretations in relation to Clause 63.10 it is clear that the new car park layout is an improvement on the existing conditions. The new layout will improve the internal layout and access, introduce new retail uses to the ground level and mezzanine, cater for alternative modes of transport such as motorcycle and bicycle and provide onsite loading/unloading facilities. This outcome is supported subject to appropriate conditions to further enhance the design of the podium and car parking layout and functions.

### **7.4. Other matters**

#### **7.4.1. ESD**

The proposed design of the building will meet the requirements of the Clause 22.19 Energy Water and Waste Efficiency and Clause 22.23 Stormwater Management. The design will achieve a 5 Star Rating for Green Star Office Design and 3 points

under the WAT-1 Green Star credit. A condition of permit should ensure that the sustainable aspirations are incorporated into the final design.

#### **7.4.2. Street trees**

There are number of mature and immature trees along Flinders Lane. The impact to these should be minimal, unless they are to be removed in the construction of the development. There is no canopy proposed to adversely impact upon the trees. Appropriate conditions will be recommended to ensure that any impact is minimised and managed.

#### **7.4.3. Bicycle parking**

The development proposes extensive bicycle facilities with a total of 541 bike spaces provided within the building. Associated with bike facilities is the provision of 34 showers. Access to the end of trip facilities is sufficient albeit minor changes are recommended to improve access and functionality. A small number of visitor spaces are provided near the Flinders Lane entry. These spaces are easily accessible and visible. The number of bicycle spaces and showers are compliant with the relevant requirements of the Melbourne Planning Scheme and is considered acceptable.



## OFFICER RECOMMENDATION

That a letter be sent to DTPLI advising that the City of Melbourne offers in principle support for the proposal subject to the following conditions:

### Amended plans

1. Prior to the commencement of the development on the land, two copies of plans, drawn to scale must be submitted to the Responsible Authority generally in accordance with the plans received on 21 October 2014 but amended to show:
  - a. Redesign the façade of the Flinders Lane podium so as to provide greater visual interest. This could be achieved through the introduction of active uses, a green wall, art or equivalent.
  - b. Modifications to the loading bay layout so that large rigid vehicles (12.5 metres) are able to enter and exit the site in a forward manner and/or an updated traffic management plan that addresses how loading/unloading activities be managed to mitigate conflict with pedestrian traffic and vehicle traffic particularly during peak hours.
  - c. The floor to ceiling height within the podium car park should be a minimum of four metres floor to ceiling.
  - d. Any changes to the plans as required by the Traffic Management Plan.

These amended plans must be to the satisfaction of the Responsible Authority and when approved shall be the endorsed plans of this permit.

### Compliance

2. The development as shown on the endorsed plan(s) must not be altered or modified unless with the prior written consent of the Responsible Authority.

### Green wall

3. If a Green Wall is installed in the development, prior to the commencement of all landscaping works associated with the "Green Wall" a landscape management plan detailing the ownership, maintenance regime and management responsibilities of the "Green Wall" associated with the development must be prepared and submitted to the satisfaction of the Responsible Authority prior to the commencement of all landscaping works associated with the "Green Wall".

If the "Green Wall" fails, details of an alternative treatment must be submitted to, and approved by, the Responsible Authority. The alternative treatment must be implemented within three months of approval at no cost to Council and to the satisfaction of the Responsible Authority.

### Traffic management plan

4. Prior to the commencement of the development, a traffic management plan must prepared by a recognised traffic consultant must be submitted to and approved to the satisfaction of the Responsible Authority in consultation with the City of Melbourne. The traffic management plan must include the following:
  - a. Proposed operating procedures associated with the loading/unloading bay in order to mitigate impact to pedestrians and vehicles, particularly during peak times.

- b. An assessment of the proposed queuing demands to limit the impact upon Flinders Lane, particularly during peak times.
- c. Appropriate pedestrian site lines to meet the sight triangle requirements of the Planning Scheme to be provided to Flinders Street frontage. If the site lines are not provided the location and details of all signage and audio/flashing warning devices that will be located at the Flinders Street frontage.
- d. - Details of the location of any convex mirrors use to warn vehicles that are exiting the ramps.
- e. Bicycle ramps/accessways increased in width so they can accommodate two persons with bicycles passing in opposing directions

The traffic management plan must be to the satisfaction of, and be approved by, the Responsible Authority in consultation with the City of Melbourne. Once approved, the traffic management plan will form a part of the endorsed documents under incorporated document. The operation of the use must be carried out in accordance with the endorsed traffic management plan unless with the prior written consent of the Responsible Authority.

### **Tree planning**

- 5. All construction and development works near council owned and managed trees must abide by the protection and retention requirements outlined in City of Melbourne's Tree Retention and Removal Policy.
- 6. No council tree is to be pruned in any form and branches and roots will not be removed without the prior written consent of the Urban Landscapes branch.
- 7. Prior to commencement of works a Tree Protection Management Plan (TPMP) to the satisfaction of the Urban Landscapes Branch is required to be submitted that outlines how adjacent council trees will be protected during construction.
- 8. All costs in connection with the removal and replacement of any council tree in Flinders Lane including any payment for the amenity and ecological services value of a tree to be removed, must be met by the applicant/developer/owner of the site.
- 9. Any Council trees in adjoining streets which require pruning of branches or roots to the property boundary or to accommodate access or construction must not be lopped, pruned or root pruned without the prior written consent of the Responsible Authority. Only people authorised by the City or Melbourne can prune trees.

### **Civil engineering**

- 10. 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 City of Melbourne - Engineering Services
- 11. Prior to the commencement of the development, a stormwater drainage system, incorporating integrated water management design principles, must be submitted to and approved by the City of Melbourne – Engineering Services. This system must be constructed prior to the occupation of the development and provision made to connect this system to the City of Melbourne's underground stormwater drainage system.

12. 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 City of Melbourne - Engineering Services.
13. The footpath(s) adjoining the site along Collins Street and Flinders Lane must be reconstructed in sawn bluestone together with associated works including the reconstruction or relocation of kerb and channel and/or services as necessary at the cost of the developer, in accordance with plans and specifications first approved by the City of Melbourne – Engineering Services.
14. Existing street levels in Collins Street and Flinders Lane must not be altered for the purpose of constructing new vehicle crossings or pedestrian entrances without first obtaining approval from the City of Melbourne - Engineering Services
15. All street furniture such as street litter bins recycling bins, seats and bicycle rails must be supplied and installed on Collins Street and Flinders Lane footpaths outside the proposed building to plans and specifications first approved by the City of Melbourne - Engineering Services.

### **Waste Management**

16. The waste storage and collection arrangements must be in accordance with the Waste Management Plan (WMP) prepared by ARUP dated 30 June 2014. The submitted WMP must not be modified or altered without prior consent of the City of Melbourne - Engineering Services.

### **ESD and Stormwater**

17. The performance outcomes specified in the Environmentally Sustainable Design (ESD) Statement prepared by ARUP and dated 9 July 2014 for the development must be implemented prior to occupancy at no cost to the City of Melbourne and be to the satisfaction of the Responsible Authority.

Any change during detailed design, which affects the approach of the endorsed ESD Statement, must be assessed by an accredited professional. The revised statement must be endorsed by the Responsible Authority prior to the commencement of construction.

18. Prior to the commencement of the development, a Water Sensitive Urban Design Response (WSUDR) Statement, prepared by a suitably qualified professional must be submitted to the satisfaction of the Responsible Authority. The WSUDR Statement must include all requirements of Clause 22.23-4 Stormwater Management (Water Sensitive Urban Design).

The recommendations and outcomes specified by the WSUDR statement must be implemented prior to occupancy at no cost to the City of Melbourne and be to the satisfaction of the Responsible Authority.

### **Construction Management**

19. Prior to the commencement of the development, including demolition or bulk excavation, a detailed construction and demolition management plan must be submitted to and be approved by the City of Melbourne. This construction management plan is to be prepared in accordance with the *City of Melbourne - 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; and
- f. traffic management.
- g. the reinstatement/upgrade of any public park area if damaged by any proposed construction works

### Glazing

20. Glazing materials used on all external walls must be of a type that does not reflect more than 15% of visible light, when measured at an angle of 90 degrees to the glass surface, to the satisfaction of the Responsible Authority.

### Permit expiry

21. This permit will expire if one or more of the following circumstances apply:
  - a. The development is not started within two years of the date of this permit;
  - b. The development is not completed within four 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

- Any requirement to temporarily relocate and/or remove street furniture must be first approved by the City of Melbourne - Manager Engineering Services Branch.
- All street furniture temporarily relocated and/or removed must be reinstated to the satisfaction of the City of Melbourne - Manager Engineering Services Branch.
- The internal roads should remain the responsibility of the land owner(s) in perpetuity. The City of Melbourne is unlikely to agree to the internal roads being made public.
- All necessary approvals and permits are to be first obtained from the City of Melbourne and the works performed to the satisfaction of the City of Melbourne- Manager Engineering Services Branch.
- Existing public street lighting must not be altered without first obtaining the written approval of the City of Melbourne- Engineering Services.
- During all phases of work Council trees must be protected in accordance with the City of Melbourne's Tree Protection Policy. Further details regarding TPZs and Tree Protection within the City of Melbourne can be found at: [www.melbourne.vic.gov.au/UrbanForest](http://www.melbourne.vic.gov.au/UrbanForest). City of Melbourne – Urban Landscapes can be contacted with any questions regarding tree protection.
- The Urban Landscapes Branch will be responsible for the procurement, species selection, planting and maintenance of new trees.



