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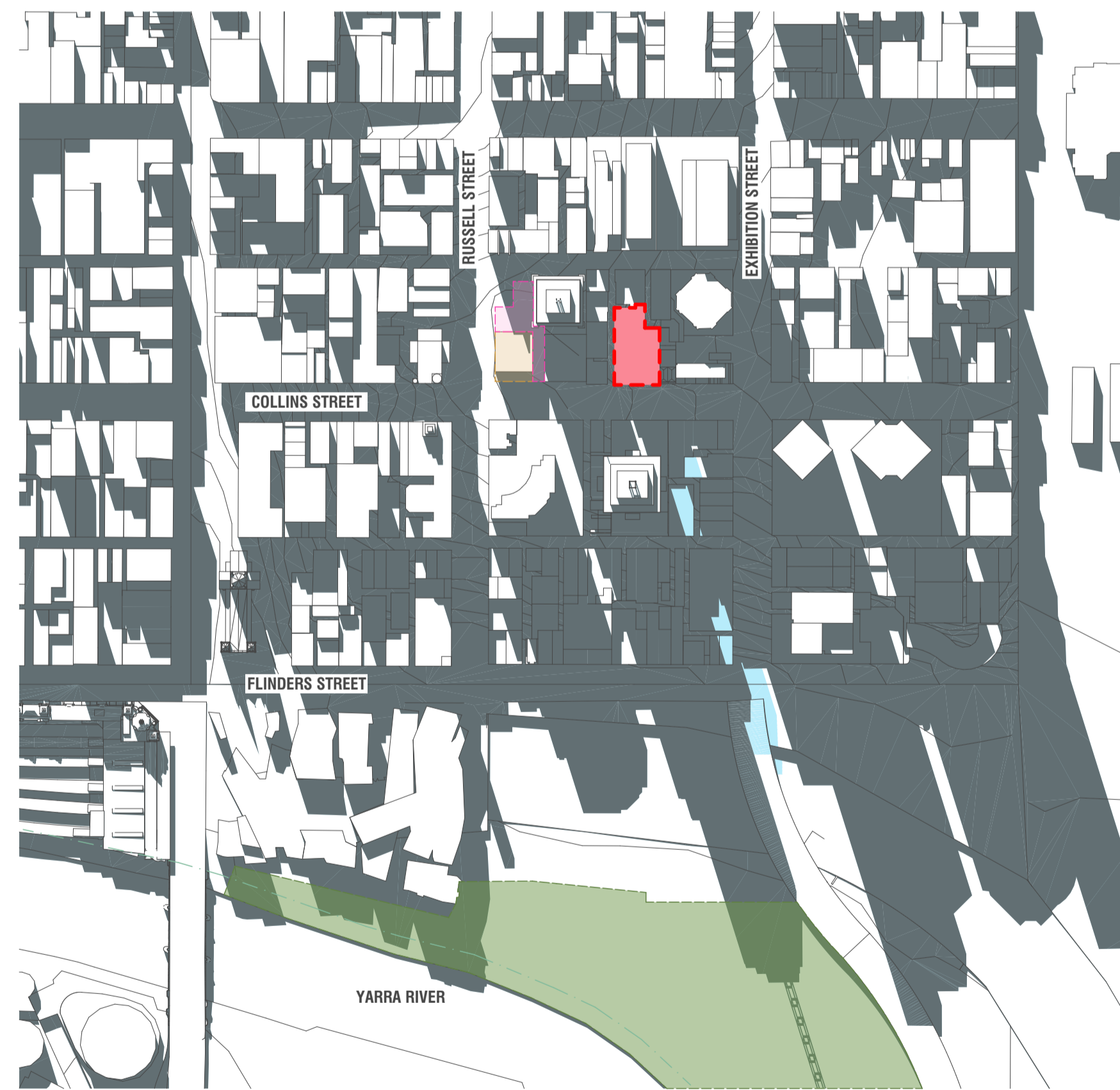
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**SHADOW LEGEND**

- SITE
- EXISTING SHADOWS
- PROPOSED ADDITIONAL SHADOWS
- YARRA RIVER 15M BUFFER
- ST. MICHAEL'S UNITING CHURCH
- 120 COLLINS OPEN PLAZA
- BIRRARUNG MARR

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REVISION	REVISION
01 TOWN PLANNING ISSUE 01	WTK 16.12.2021
02 TOWN PLANNING SUBMISSION 02	WTK 10.06.2022

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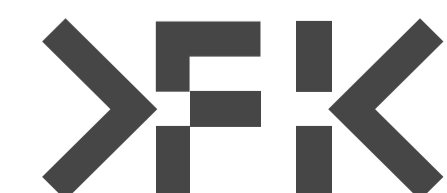
**PROJECT**  
90 COLLINS REDEVELOPMENT  
90 COLLINS STREET  
MELBOURNE VIC 3000

**DRAWING TITLE**  
APRIL SHADOW STUDIES

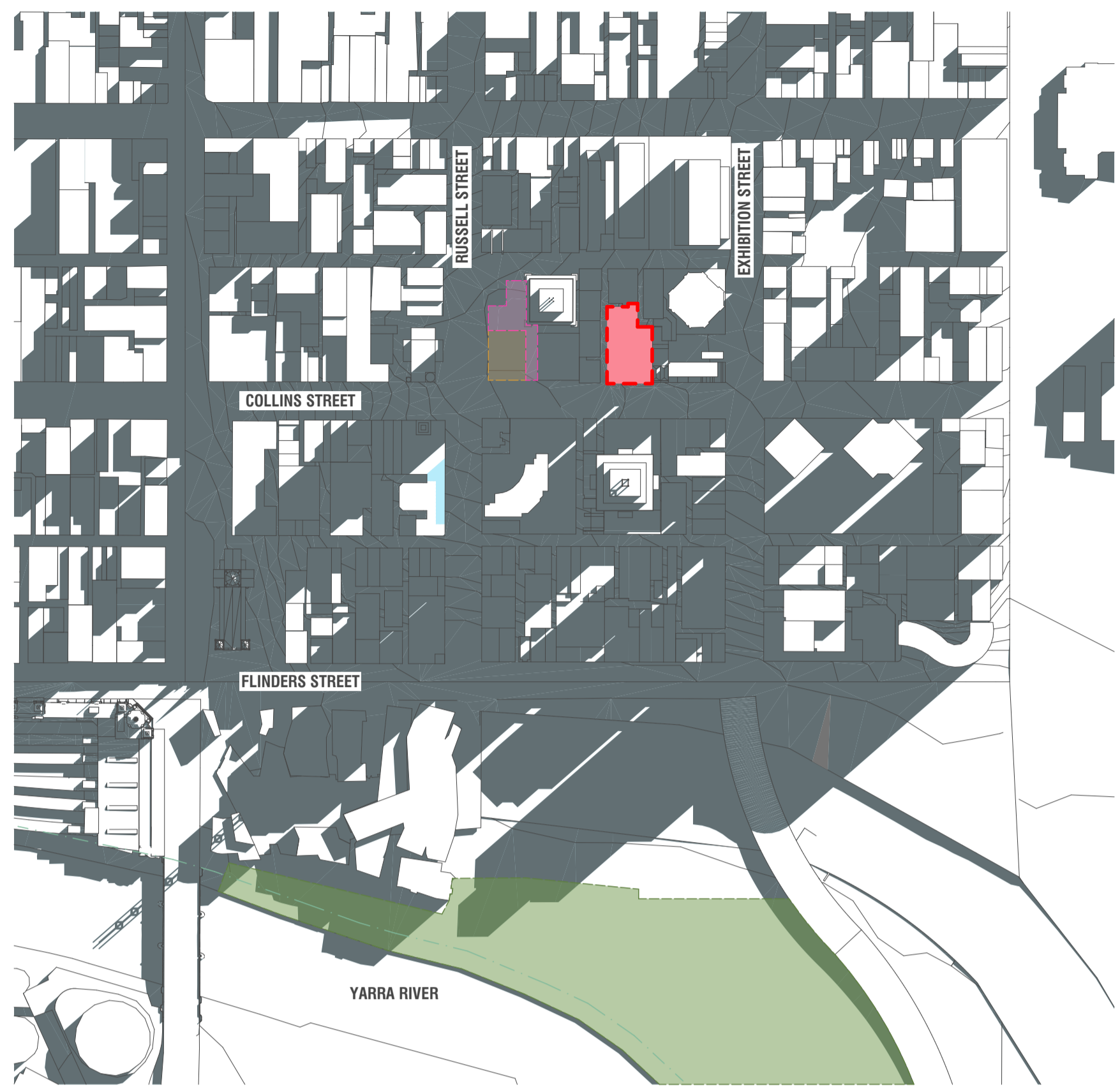


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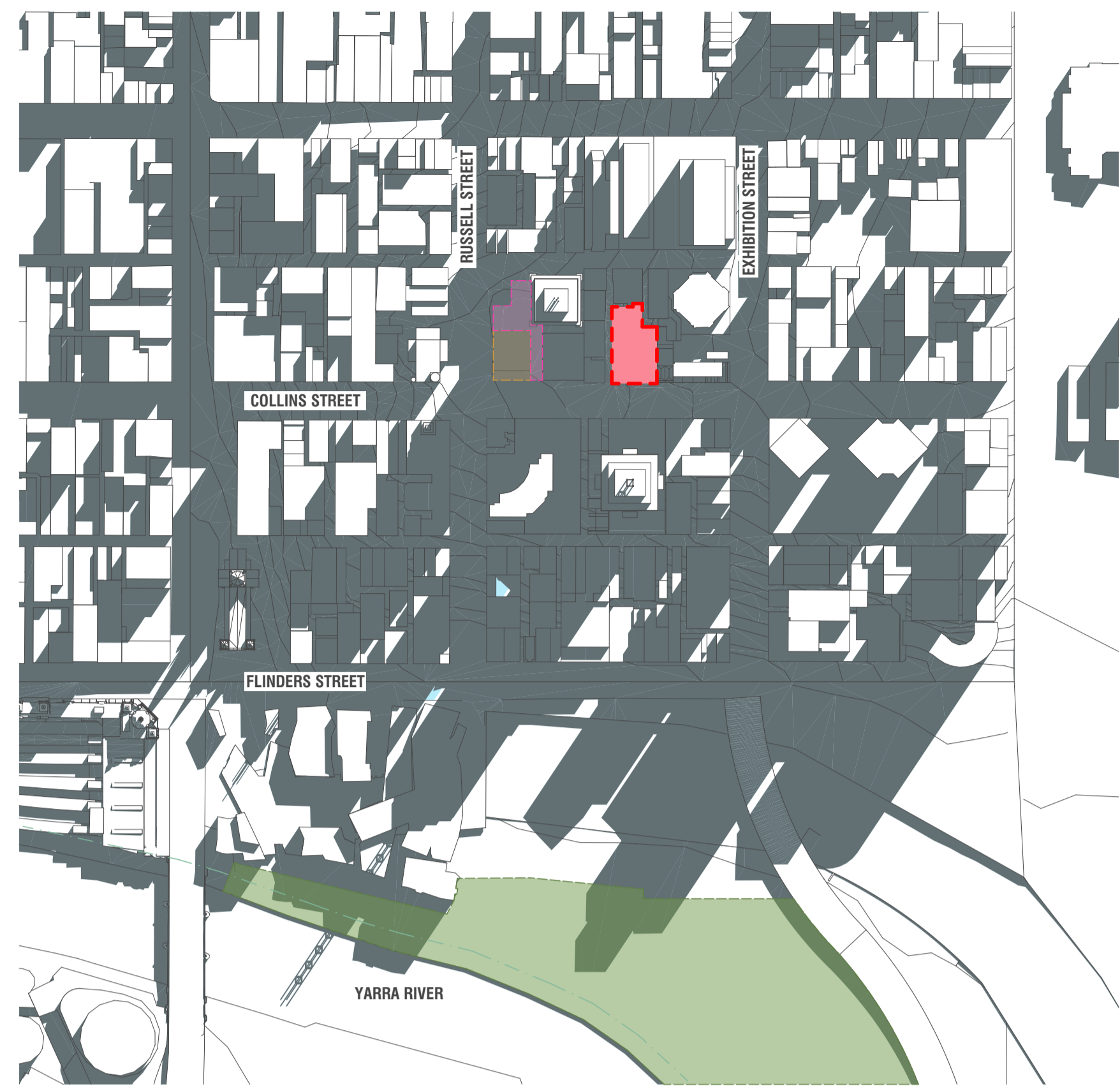
**ISSUE PURPOSE**  
TOWN PLANNING



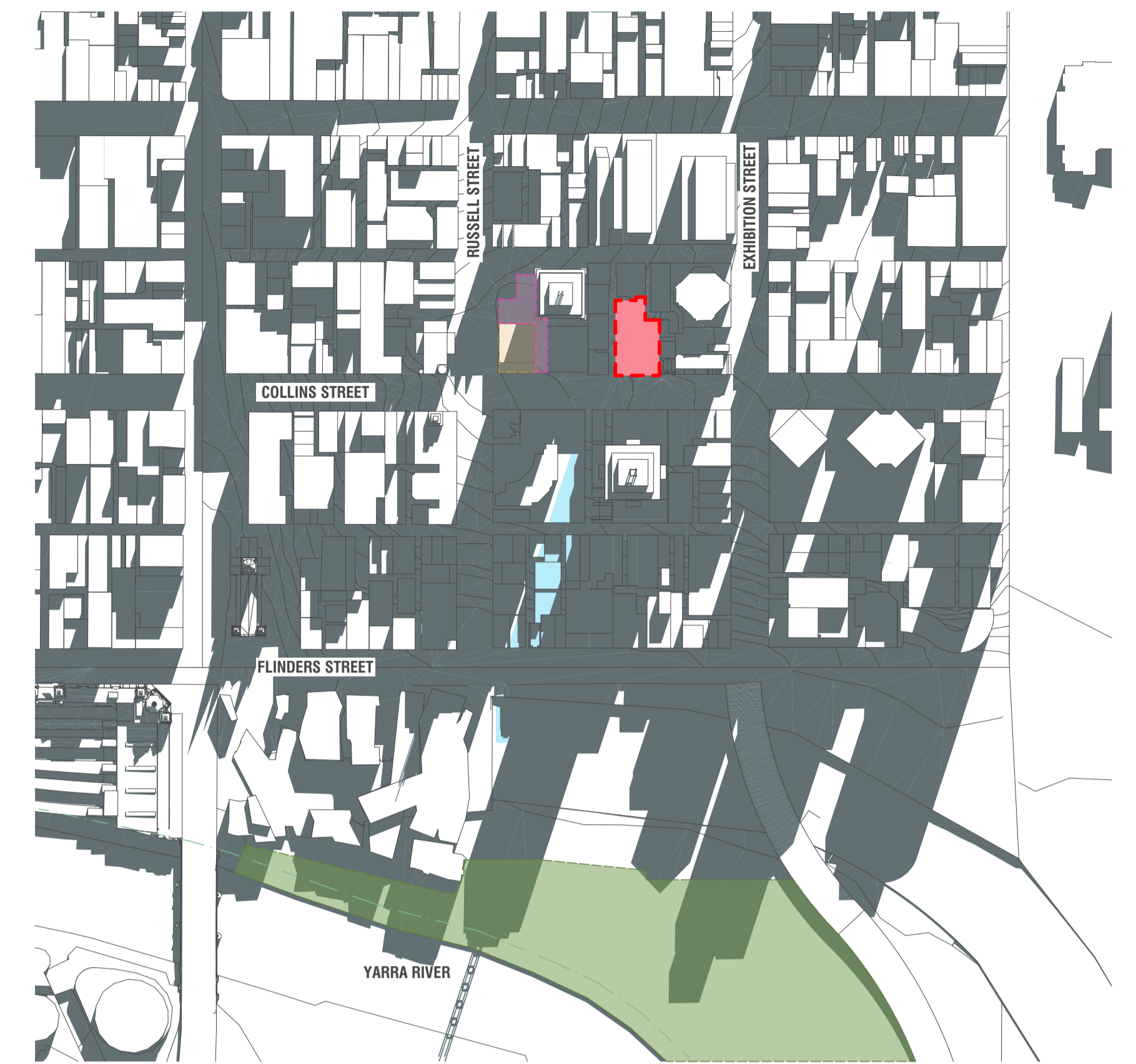
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**DRAWING NO.** TP700



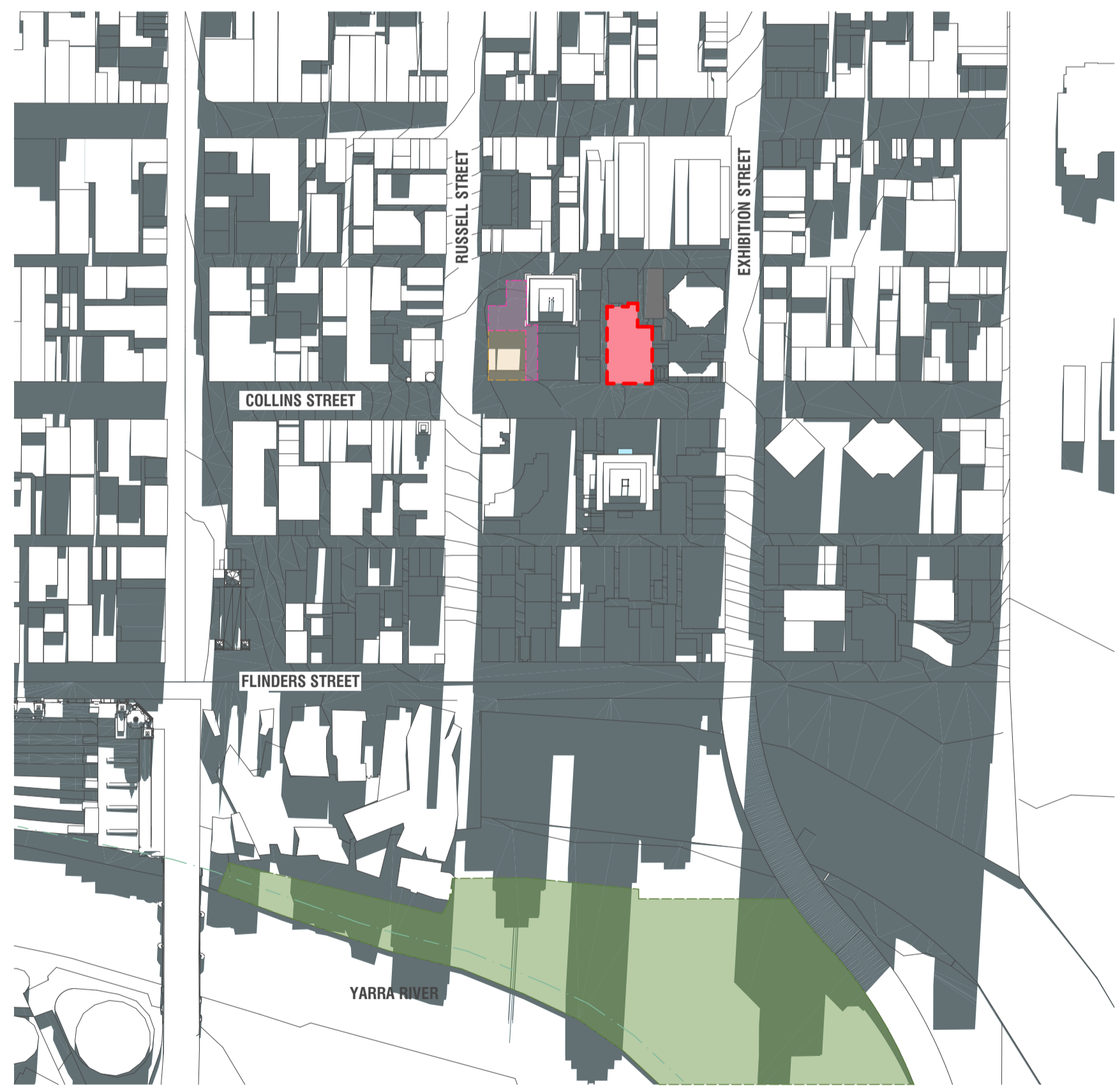
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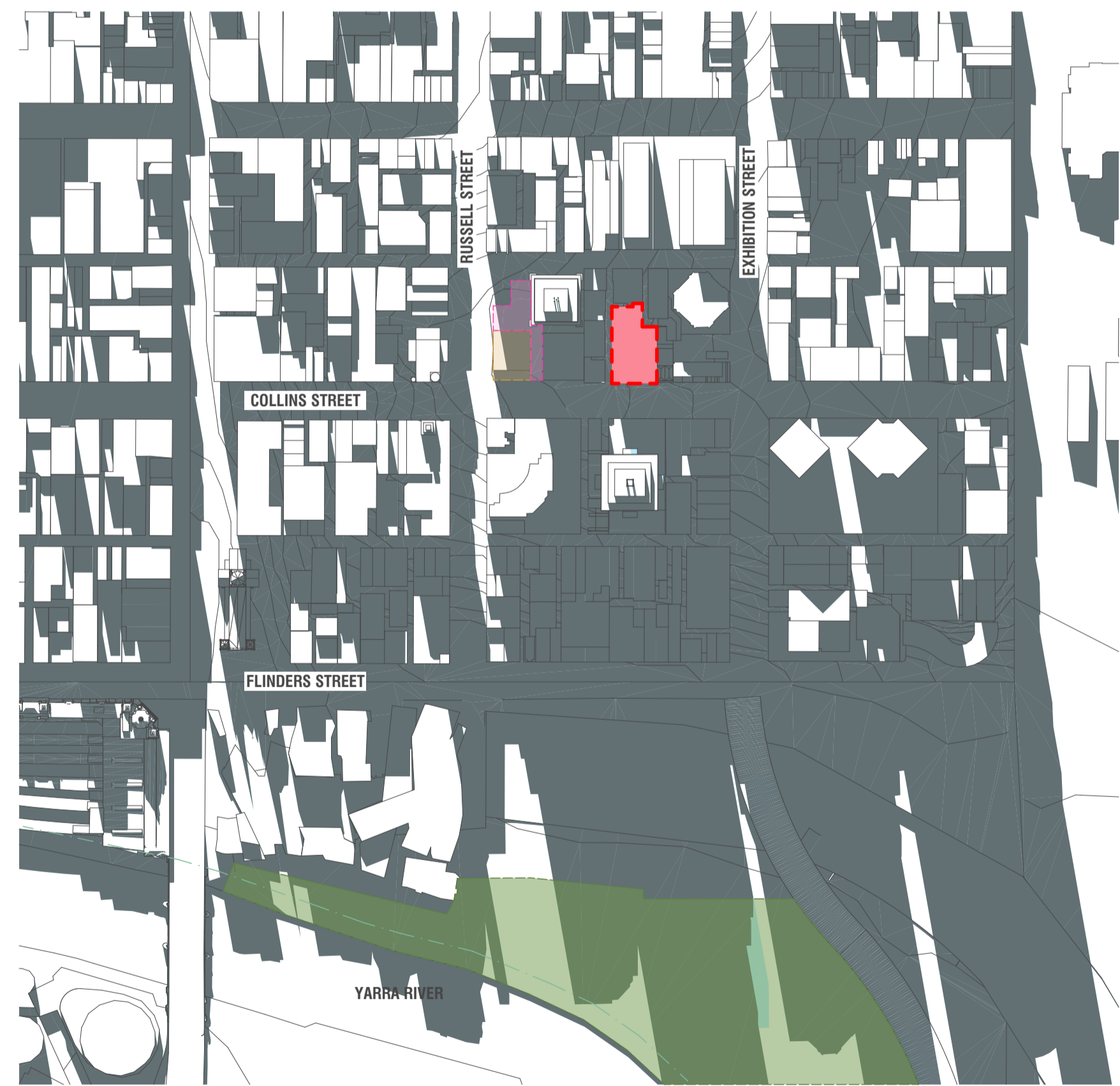
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JUNE 1PM  
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JUNE 2PM  
SCALE 1:4000@A1



JUNE 3PM  
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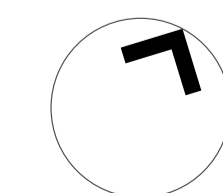
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**PROJECT**  
90 COLLINS REDEVELOPMENT  
90 COLLINS STREET  
MELBOURNE VIC 3000

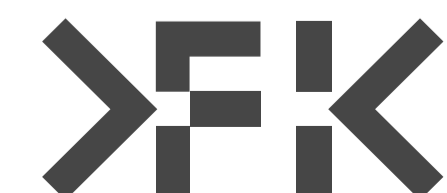


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JUNE SHADOW STUDIES



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**ISSUE PURPOSE**  
TOWN PLANNING



**REV.** 01  
**DRAWING NO.** TP701



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SEPTEMBER 12 PM  
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SEPTEMBER 1 PM  
SCALE 1:4000@A1



SEPTEMBER 2 PM  
SCALE 1:4000@A1



SEPTEMBER 3 PM  
SCALE 1:4000@A1

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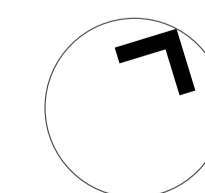
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**PROJECT**  
90 COLLINS REDEVELOPMENT  
90 COLLINS STREET  
MELBOURNE VIC 3000

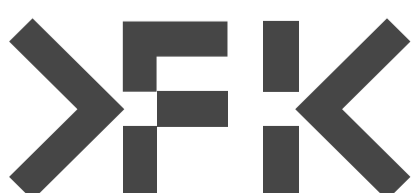


**DRAWING TITLE**  
SEPTEMBER SHADOW STUDIES



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**ISSUE PURPOSE**  
TOWN PLANNING



**REV.** 01  
**DRAWING NO.** TP702



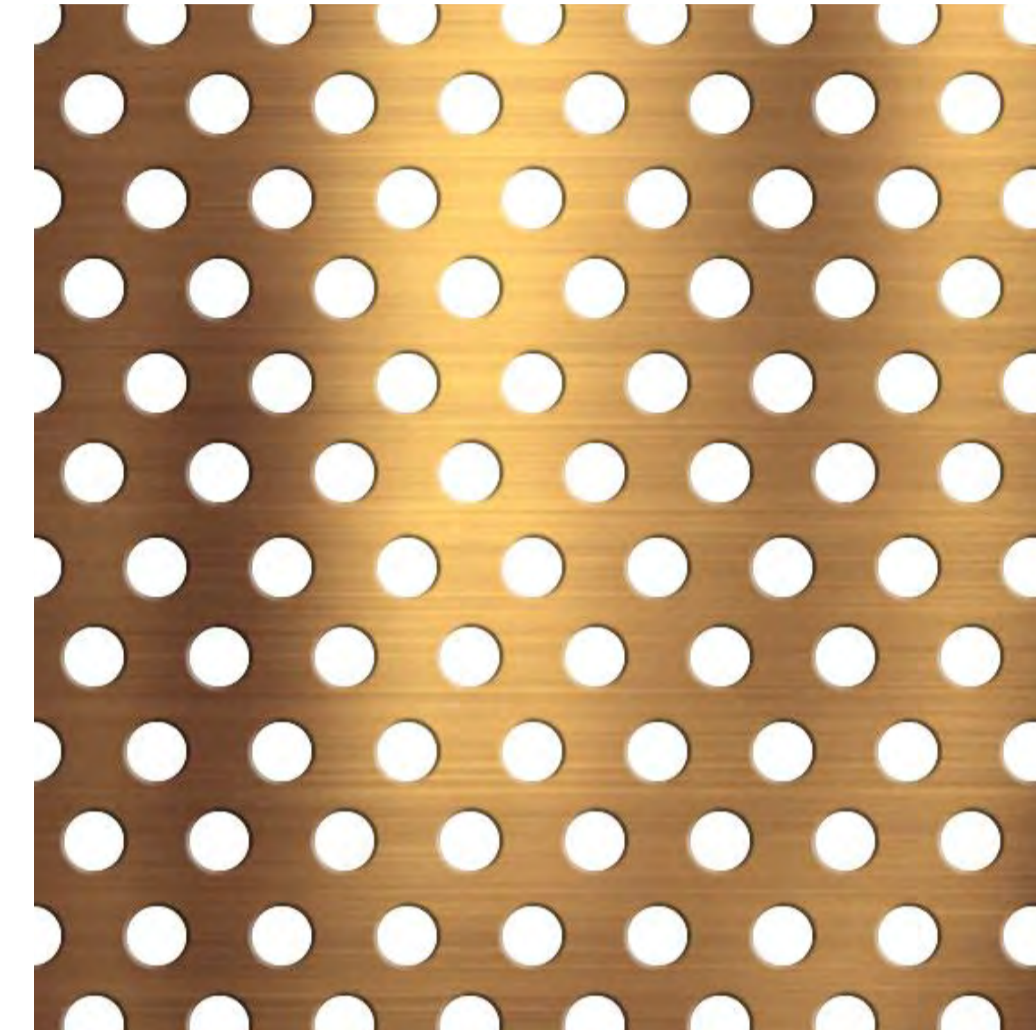
G1 GLASS - SILVER GREY



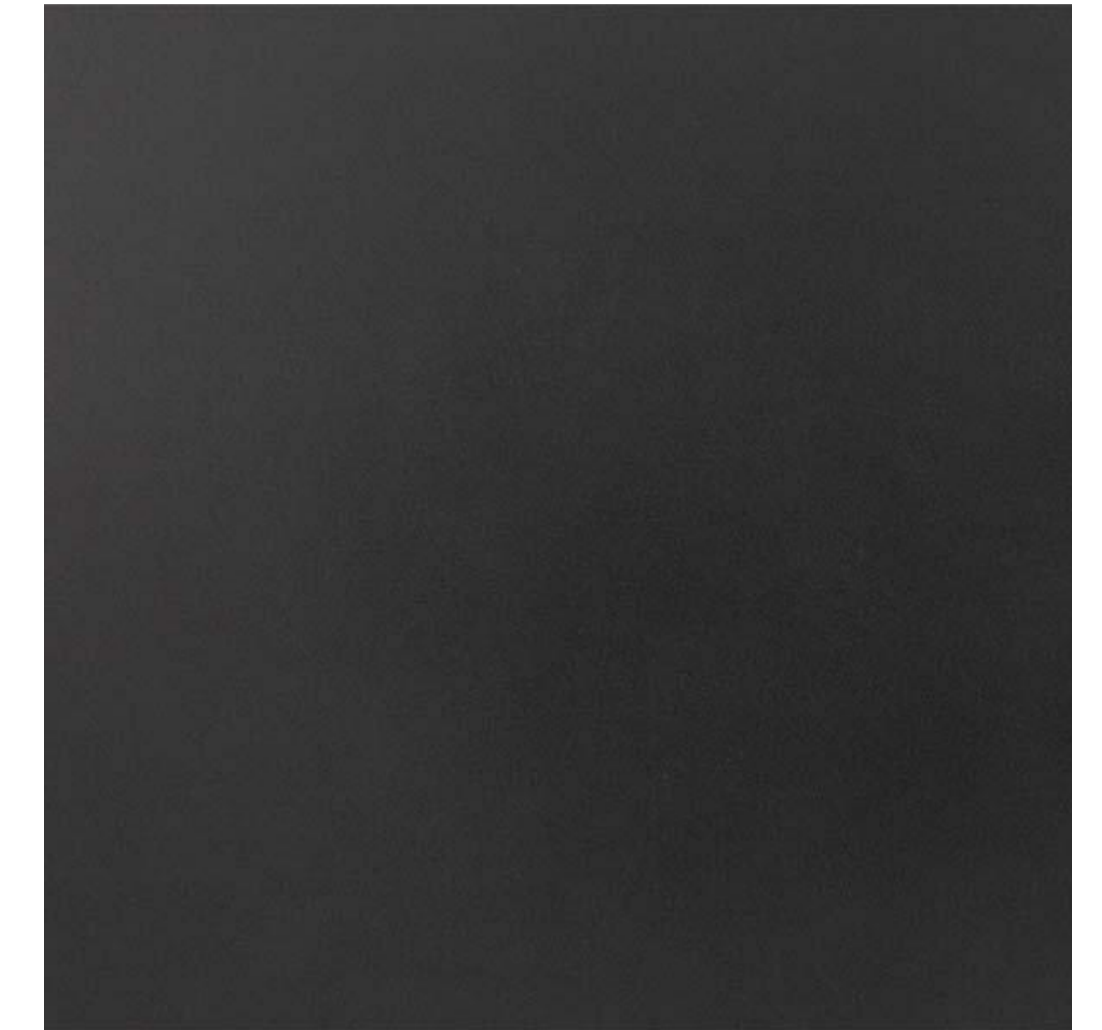
G3 GLASS - CLEAR



M1 METAL CLADDING - COPPER COLOUR



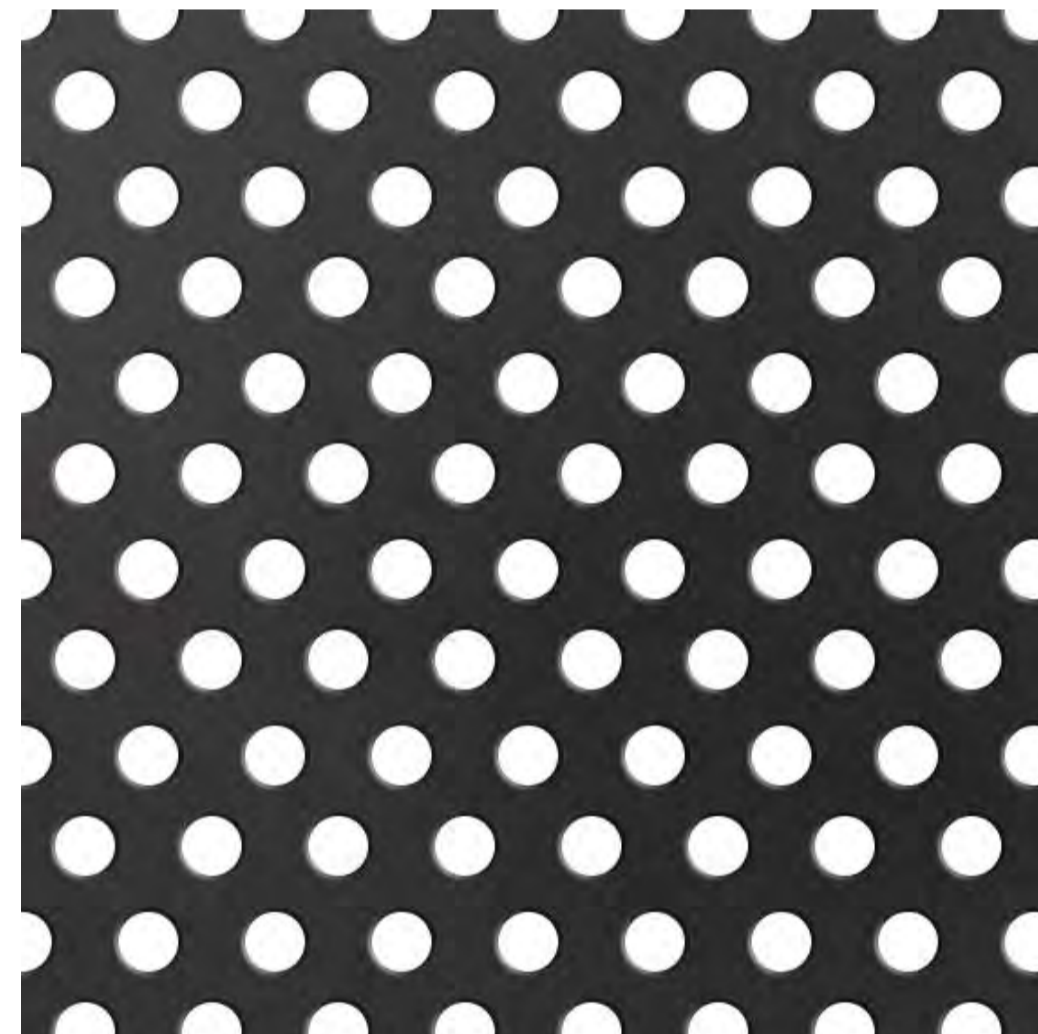
M2 METAL CLADDING - COPPER COLOUR RAINSCREEN



M3 METAL CLADDING - CHARCOAL COLOUR

G2 GLASS - CLEAR SPANDREL

M5 METAL LOUVRES - CHARCOAL COLOUR



M4 METAL CLADDING - CHARCOAL PERFORATED



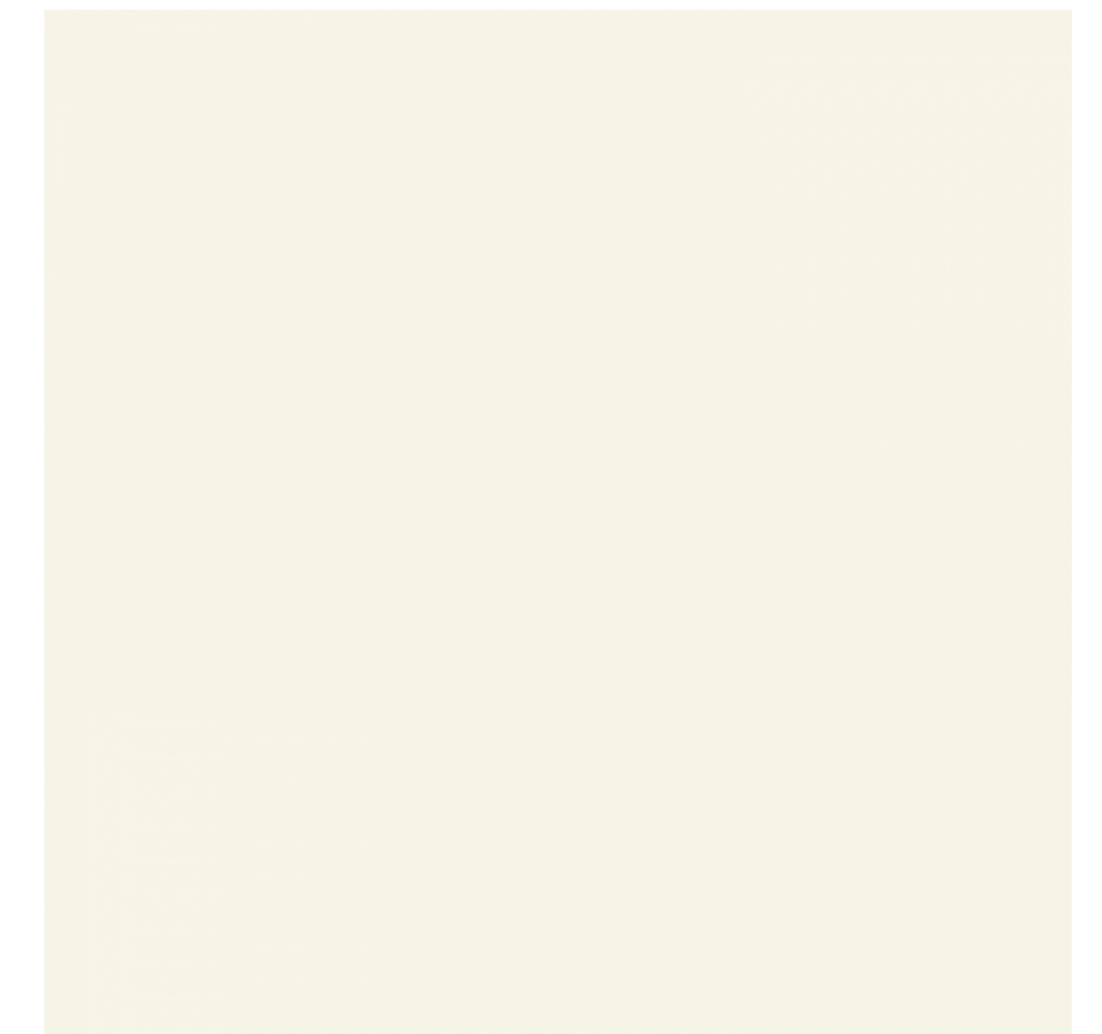
C1 POLISHED CONCRETE LOOK FINISH (OFF WHITE)



C2 CONCRETE - GREY



S1 BLUESTONE LOOK



P1 HERITAGE FACADE PAINT COLOUR - REFER HERITAGE REPORT

REVISION		DATE
-	TOWN PLANNING ISSUE 01	16.12.2021
01	TOWN PLANNING SUBMISSION 02	10.06.2022
> 02	TOWN PLANNING SUBMISSION 03	15.07.2022

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**PROJECT**  
 90 COLLINS REDEVELOPMENT  
 90 COLLINS STREET  
 MELBOURNE VIC 3000



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**ISSUE PURPOSE**  
 TOWN PLANNING

**REV.** 02  
**DRAWING NO.** TP800

## DELEGATE REPORT

### PLANNING PERMIT APPLICATION

<b>Application number:</b>	<b>TP-2021-855</b>
<b>Applicant:</b>	Mirvac Victoria Pty Ltd
<b>Owner:</b>	Mirvac Capital Pty Ltd & 88 Collins Pty Ltd
<b>Architect:</b>	Fender Katsalidis
<b>Address:</b>	86-98 Collins Street, MELBOURNE VIC 3000
<b>Proposal:</b>	Partial demolition, external painting, multi-storey addition to the existing heritage building and reduction in bicycle facility requirements
<b>Cost of works:</b>	\$104,899,337
<b>Date of application:</b>	22 December 2021
<b>Responsible officer:</b>	Markus Tschech, Principal Urban Planner

## 1 SUBJECT SITE AND SURROUNDS

### 1.1 Subject Site

Planning Application TP-2021-855 (the Application) applies to the land known as:

- 86-88 and 90-98 Collins Street, Melbourne.
- Land in Plan of Consolidation 159803A (Vol. 11429, Fol. 948).
- Lot 1 on Plan of Subdivision 300034L (Vol. 10047, Fol. 657).
- Lot 2 on Plan of Subdivision 300034L (Vol. 10047, Fol. 656).
- Common Property (CP) on Plan of Subdivision 300034L (Vol. 10047, Fol. 658).



Figure 1 - Locality Plan

Table 1: Subject Site Details / Dimensions	
<b>Site Inspection Date:</b>	9 December 2022
<b>Existing Site Conditions:</b>	<p>The subject site incorporates two allotments, and is irregular in shape.</p> <p>The land at 86-88 Collins Street is improved by a pair of three storey brick former residential terraces built in 1873 and constructed to all site boundaries.</p> <p>The land at 90-98 Collins Street is improved by a twenty-two storey concrete office building with a three level atrium foyer, three basement levels of parking and ground level retail built in 1988.</p> <p>Along Collins Street are two, three storey commercial buildings, including one (on the corner of Alfred Place and Collins Street) designed in the Italian Palazzo style and built in the late 1870s. The building has entries to both streets with all servicing undertaken via the rear Council laneway.</p>
<b>Street Frontage:</b>	50.7 metres to Collins Street (south) 62.7 metres to Alfred Place (west) 44.8 metres to Pink Alley (north)
<b>Site Depth:</b>	46.4 – 65.5 metres
<b>Site Area:</b>	2,757 m <sup>2</sup>
<b>Topography:</b>	The slope of the land falls by approximately 1.27 metres from south-east to north-west.
<b>Heritage Grading of Buildings On-Site</b>	Contributory: <input type="checkbox"/> Significant: <input checked="" type="checkbox"/> N/A: <input type="checkbox"/>
<b>Heritage Grading of Streetscape</b>	Not Applicable: <input checked="" type="checkbox"/> Significant: <input type="checkbox"/>



Figure 2 - Notated Compass Aerial Photograph. Captured April 2022



Figure 3 - Aerial photo showing the extent of the Heritage Overlay over the site



Figure 4 - Photos of site from Collins Street. Captured on 9 December 2022





**Figure 5 - view of the site from Alfred Place (left) and Pink Alley (right). Captured on 9 December 2022**

## **1.2 Restrictive Covenants / Easements**

The register search statement for the Lots 1 & 2 and CP on Plan of Subdivision 300034L (86-88 Collins Street) identifies that the land is burdened by a right-of-way easement along a portion of the eastern boundary, and is affected by two party wall easements along the eastern boundary.

The register search statement for Land in Plan of Consolidation 159803A (90-98 Collins Street) identifies that that portion of land is not burdened by any restrictive covenant or Section 173 Agreement, and is not encumbered by any easements.

As no works are proposed at 86-88 Collins Street, the Application will not result in a development that conflicts with the rights conferred by any easement encumbering the property.

## **1.3 Archaeology and Heritage Inventory**

The subject site is not included in the [Victorian Heritage Inventory](#).

## **1.4 Aboriginal Cultural Heritage**

The subject site is not included in an area of legislated cultural heritage sensitivity.

## **2 BACKGROUND AND HISTORY**

### **2.1 Planning Application History**

#### **2.1.1 Pre-application Meeting**

A pre-application meeting was held on 7 July 2021. A summary of the key issues raised at this meeting include:

- The tower form above can be supported by urban design in principle.
- Adaptive reuse of the building, rather than demolishing and rebuilding is positive from a sustainability perspective.
- The building at 86 Collins Street has the potential to become quite dominated by tower developments to either side of it.
- The interface between the retained building and the addition will need to be carefully designed and detailed.
- One positive element of the existing building is the recessive glazed entry between the heritage building at 90 Collins and the more contemporary / new build – this really emphasised the prominence of the heritage building. Using a similar sandstone finish and removing the setback removes this effect. Recommend that a recessed / recessive element is retained between these two forms
- New entry from start of Alfred Street, and improved laneway quality is supported.
- Opening up to Pink Alley and 80 Collins Street development demonstrates consideration of wider precinct connections and walkability.
- The New frontage has two floors of clear glazing and improves façade depth to laneway.
- Light touch art / lighting feature could be great, as well as greening.
- It is imperative that a high level of material and design quality is pursued as described at the meeting.
- Further justification for the Floor Area Uplift / public benefit will need to be provided.

A subsequent meeting was held on 16 September 2021 to discuss revised drawings seeking to address some of the above matters in further detail.

### 2.1.1 Melbourne Design Review Panel (MDRP)

The original proposal was also presented to the Melbourne Design Review Panel (MDRP) on 11 February 2022. The proposal was generally supported by the MDRP panel members, with the Advisory Report dated 22 February 2022 stating, inter alia:

- *There is general comfort with the overall height, and the reliance on purchased air rights to achieve setback requirements of the Planning Scheme.*
- *The massing proposition could achieve a better balance between the solidification of the city's skyline and maintaining views to the sky through recesses, setbacks and reveals.*
- *The proposed treatment of the Collins Street frontage and the sympathetic reuse of the heritage building to the west are fully supported.*
- *The confident materiality and use of copper is positive, and key to the design quality of the development.*
- *The upgrade of publicly accessible areas within the title boundary to both Alfred Place and Pink Alley could achieve public benefit commensurate to the Floor Area Ratio uplift sought.*
- *Significant upgrades to Alfred Place to accompany the public benefit proposal are supported.*
- *The natural location for a through-block connection from Alfred Place to Pink Alley is between grid line G and H (refer pg. 8 ground floor plans). An opportunity to create a more direct link should be explored.*
- *Further measures to ensure Alfred Place is emphasised as a destination are required. This could include the consideration of a small retail tenancy in place of one of the three bays of lobby seating, which will also work to better activate the internal space.*
- *The design concept for the tower addition, including the expression of verticality in 'reaching for the heavens and ascending to the sky' is supported. The proposition successfully references the local context.*
- *The copper soffit detailing is strongly supported.*
- *The lift core extended over the roof level presents as a dominant 'third element' which interrupts the intended verticality of the tower addition from a distance.*
- *More work is needed to enable a discursive relationship between the tower addition and existing tower.*
- *There is potential to create a more prominent gap between existing and new forms to reveal the ziggurat on top of the existing tower.*

### 2.1.2 Request for Further Information

Following a preliminary review of the application, Council issued a Request for Further Information (RFI) on 18 January 2022 seeking additional details on drawings, an amended application form to include the land at 86-88 Collins Street and greater details in the submitted drawings, including revised shadow drawings as required by Schedule 10 to the Design and Development Overlay.

The permit applicant submitted an amended set of drawings, form and report as part of a response to Council's RFI on 10 June 2022.

### 2.1.3 Section 50 Amendment

In response to ongoing discussions relating to the design of the replacement three storey building along Collins Street, the permit applicant resolved to remove that element of the application pursuant to Section 50 of the *Planning and Environment Act 1987* on 4 August 2022.

### 2.1.4 Request to place application on hold

On 20 October 2022, the permit applicant wrote to Council requesting that assessment of the application be put on hold until matters relating to subdivision and formalisation of 'air rights' over 86-88 Collins Street were resolved.

### 2.1.5 Section 57A Amendment

In response to ongoing discussions with Council Officers in relation to the subdivision of the two lots, the permit applicant amended their application pursuant to Section 57A of the *Planning and Environment Act 1987* on 22 November 2022 to remove the subdivision component.

As the change has no impact on the design of the building, nor has any relation to the applicable Heritage Overlay; notice of the amended application was **not** given to surrounding properties or objectors.

## 3 PROPOSAL

### 3.1 Plans / Reports considered in assessment

The plans which have been considered in this assessment are identified in Table 1 below:

Table 2: Plans / Reports considered in assessment		
Plan / Report Title	Drawing / Report Author	Drawing/ Report Date
Planning Report	Urbis	July 2022
RFI Response Letter	Urbis	10 June 2022
Section 50 Amendment Letter	Urbis	25 July 2022
Architectural Drawings (TP1001–TP800)	Fender Katsalidis	15 July 2022
Urban Context Report & Design Response	Fender Katsalidis	15 July 2022
Heritage Impact Statement	Lovell Chen	22 July 2022
Environmentally Sustainable Design Statement	Norman Disney Young	1 June 2022
Stormwater Management Plan	CJ Arms	9 December 2021
Traffic Impact Assessment	Impact	20 July 2022
Waste Management Plan	WSP	18 July 2022
Pedestrian Wind Study	RWDI	9 December 2021
External Reflected Glare Report	Inhabit	10 December 2021

### 3.2 Summary of proposed development

The Application seeks planning permission for the following:

- Partial demolition of building fabric at ground and rooftop levels.
- Building and works associated with a 17 storey extension to the existing tower.
- Refurbishment and adaptive reuse, as well as external painting of the ground and first levels.
- A waiver of visitor bicycle parking requirements pursuant to Clause 52.34 (Bicycle facilities).

The proposal seeks approval to construct a contemporary 17 storey addition to the existing 22 storey tower at 90-98 Collins Street. The 17 storey addition comprises fluted curtain-wall glazing with an external lift shaft on the northern side of the existing and proposed buildings.

The podium levels of the tower at 90-98 Collins Street would also be substantially altered internally, with the largely blank interface to Alfred Place replaced with a more active frontage comprising larger entries and glazing. Façade alterations to the three storey buildings along Collins Street would be relatively minor, and relate to improved access.

The basement levels at 90-98 Collins Street would be expanded towards the northern boundary to accommodate a new subterranean retail tenancy and the increased services required, with bicycle facilities relocated to level 2.

In addition to the above, the proposal involves granting public access, guaranteed via a legal agreement, over a 7 m<sup>2</sup> area of land adjacent to Pink Alley and a 15 m<sup>2</sup> area of land adjacent to Alfred

Place. Furthermore, the applicant proposes to make a monetary contribution of \$1 million towards the upgrade of Alfred Place adjoining the site.

No works or other changes are proposed to the land at 86-88 Collins Street.

A summary of the key relevant details of the proposed development are provided in Table 3 below:

<b>Table 3: Summary of proposed development</b>			
Site Area:	2,757 m <sup>2</sup>	Existing GFA:	29,740 m <sup>2</sup>
New GFA	22,733 m <sup>2</sup>	Total GFA:	52,473 m <sup>2</sup>
Floor Area Ratio:	19.03 : 1	Retail NLA:	2,468 m <sup>2</sup>
Existing Office NLA	20,490 m <sup>2</sup>	Proposed New Office NLA	14,780 m <sup>2</sup>
<b>Built Form</b>			
Number of storeys above ground level:	39	Number of basement levels:	3
Maximum Building Height:	166.15 metres	Street Wall Height:	14.9 metres
<b>Traffic</b>			
Car parking spaces:	85	Bicycle spaces:	302 (inc. 119 horizontal)
Vehicle access:	Via existing basement ramp to Pink Alley		

### 3.3 Key excerpts from development plans

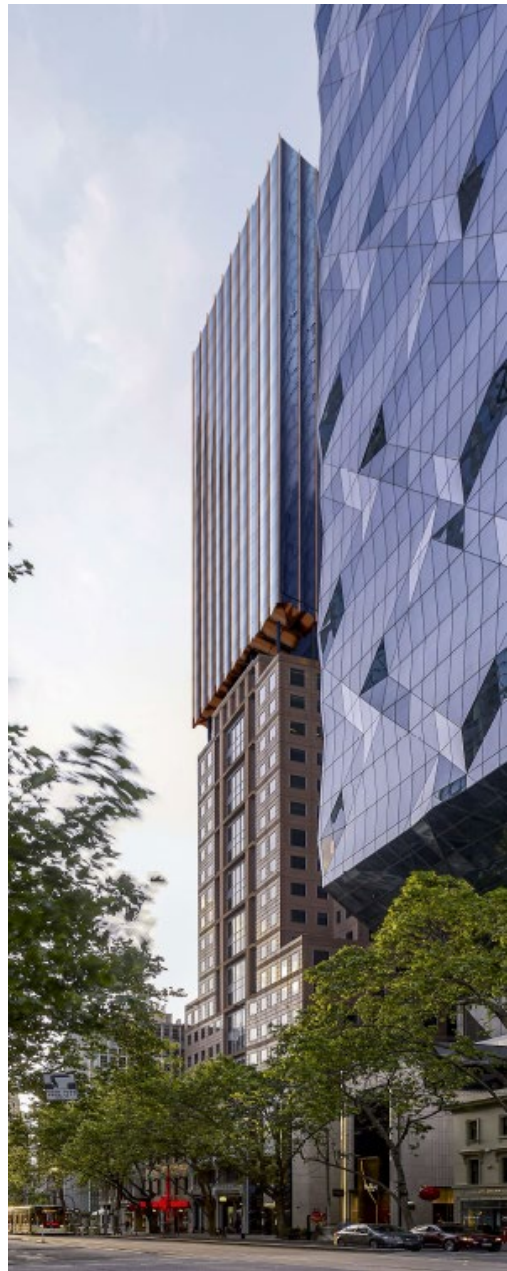


Figure 6 - 3D render of proposal from Collins Street



Figure 7 - 3D render of proposal from Collins Street (above and below)





Figure 8 - 3D render of proposal from Alfred Place



Figure 9 - Existing / demolition and proposed South Elevations. From Drawing TP406

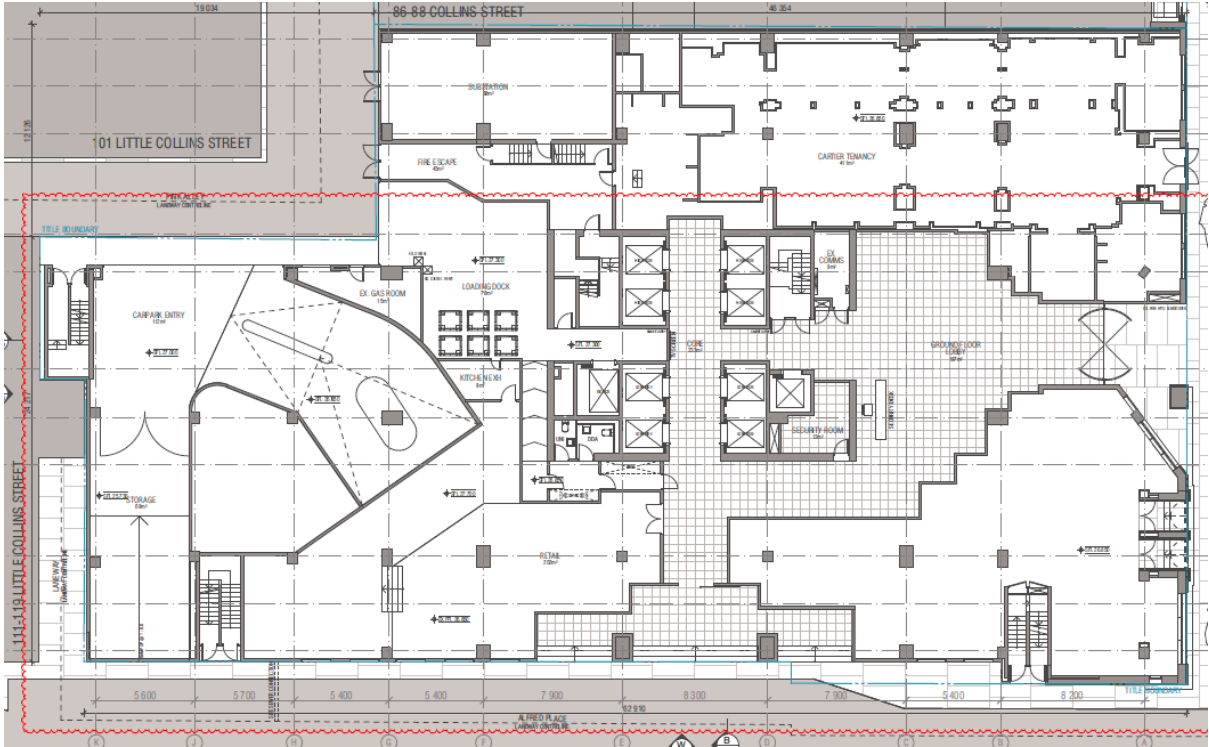
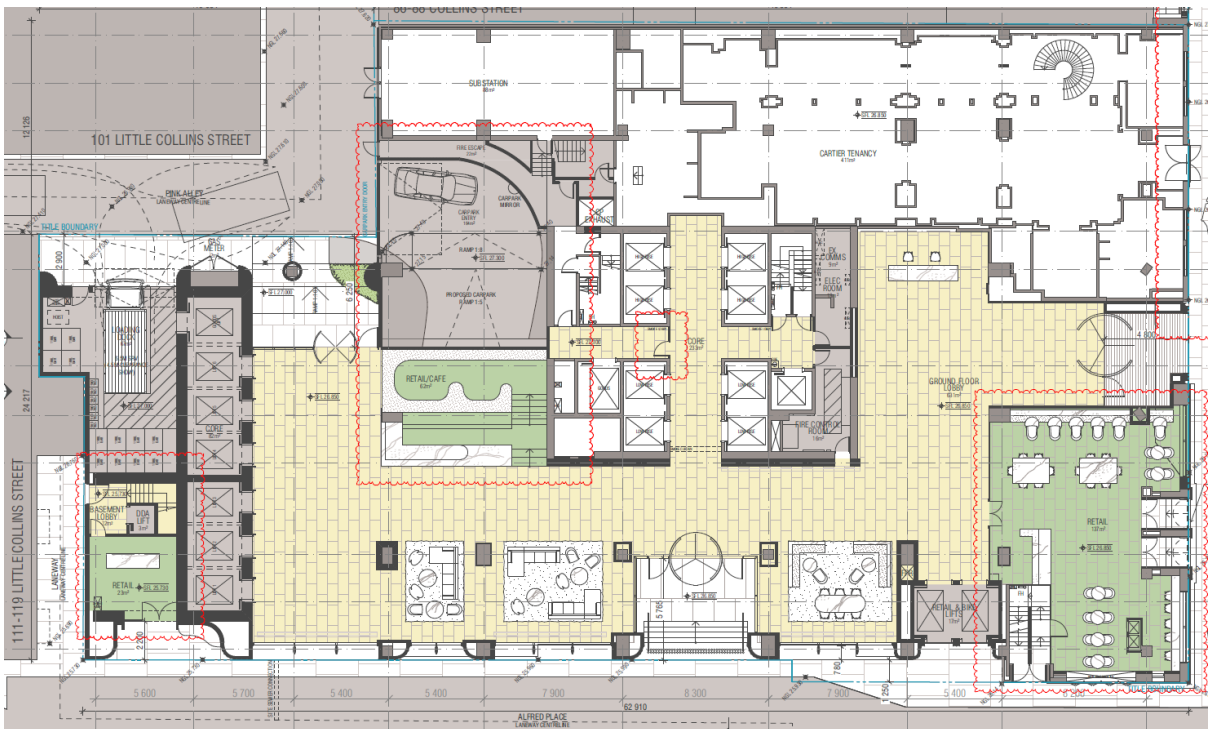


Figure 10 - Existing (above) and proposed (below) Ground Level Plan. From Drawings TP100 and TP300





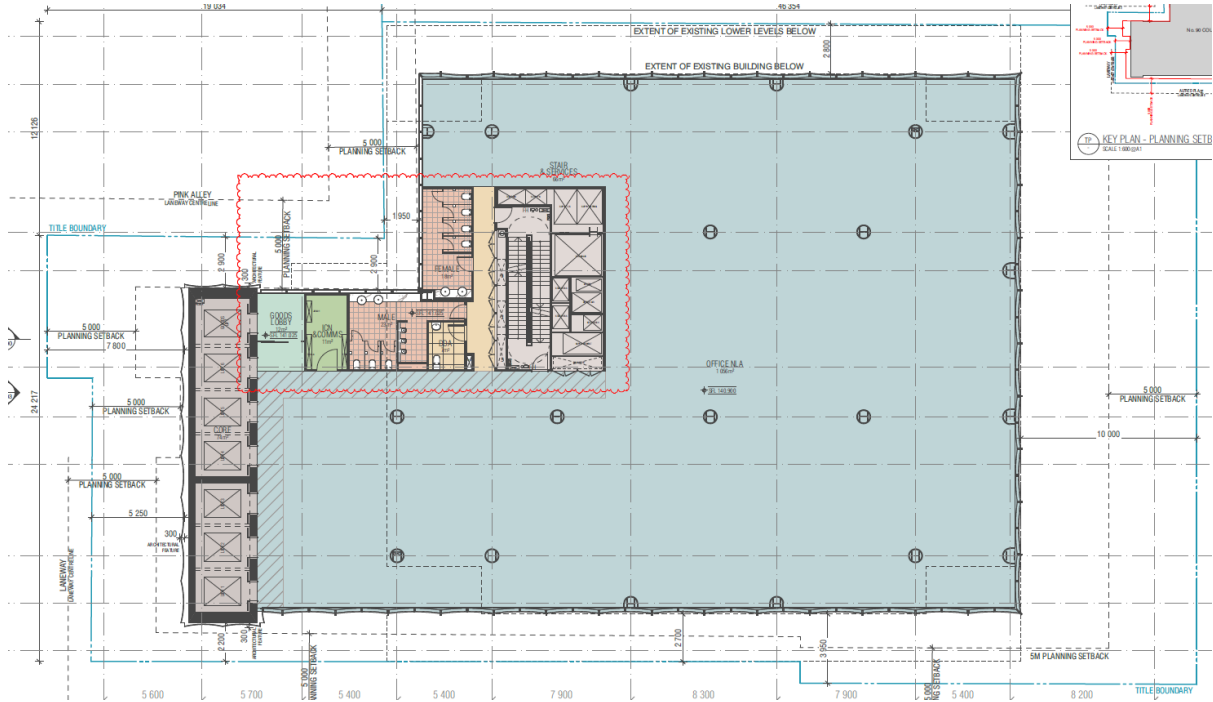


Figure 11 - Proposed Level 24-37 Typical Floor Plan. From Drawing TP324

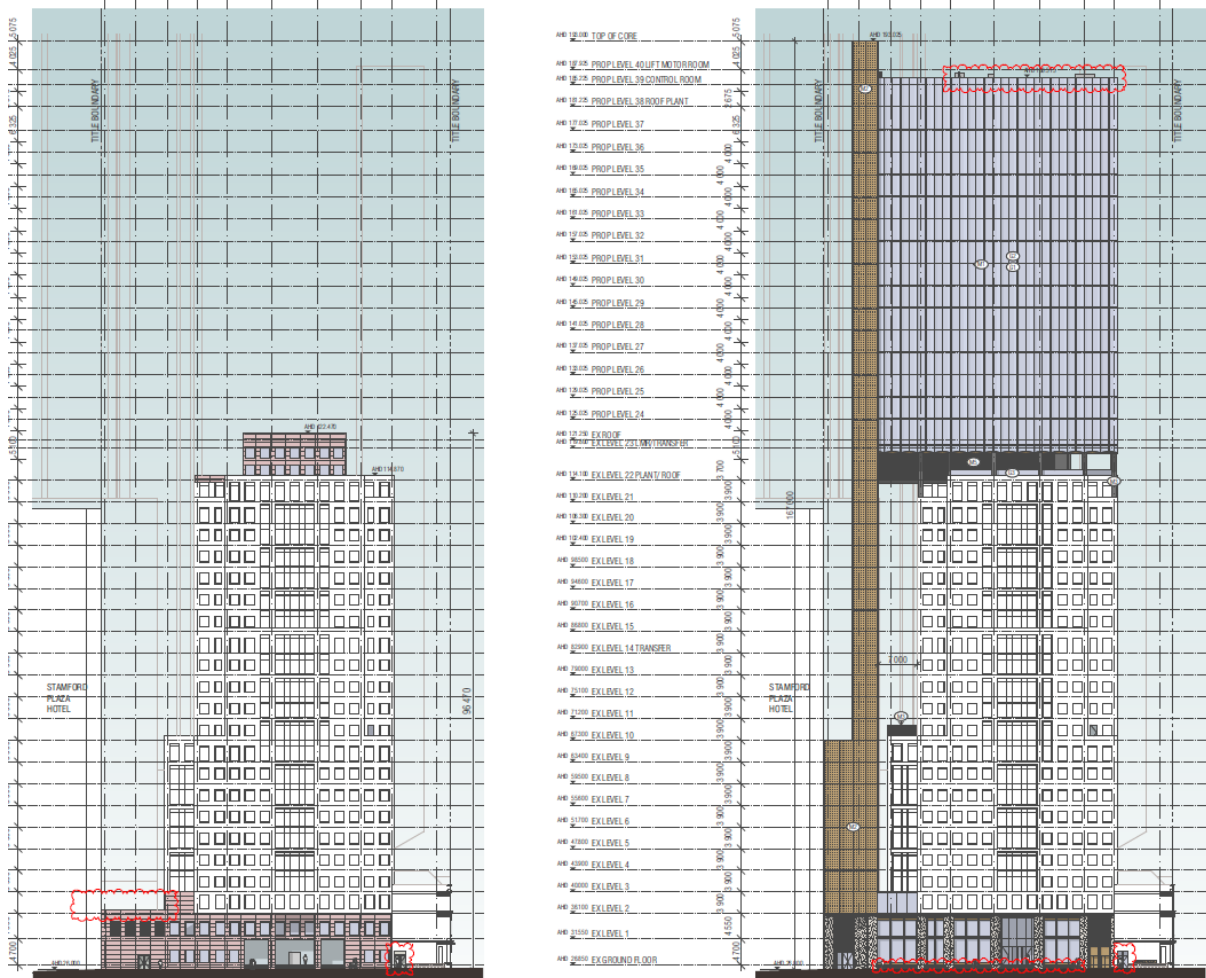


Figure 12 - Existing and proposed South Elevations. From Drawing TP401

## 4 STATUTORY CONTROLS

The following planning controls and requirements of the Melbourne Planning Scheme apply to the subject site and proposed development:

Clause	Permit Trigger
<b>Capital City Zone</b> Schedule 1 – Outside the Retail core	Pursuant to Clause 34.07-1, a permit is <b>not required</b> to use land for the purpose of ‘Office’ or ‘Retail Premises’ (other than Adult sex bookshop, Department store, Hotel, Supermarket, and Bar).  Pursuant to Clause 37.04-4, a planning permit <b>is required</b> to construct a building or construct or carry out works and to demolish or remove a building
<b>Design and Development Overlay</b> Schedule 1 Urban Design in Central Melbourne  Schedule 10 General Development area Built Form	Pursuant to Clause 43.02-2, a permit <b>is required</b> to construct a building or construct or carry out works.
<b>Heritage Overlay</b> Schedule HO504 Collins East Precinct  Schedule HO572 86-88 Collins Street, Melbourne	Pursuant to Clause 43.02-2, a permit <b>is required</b> for partial demolition of a building and to construct a building or construct or carry out works.  It should be noted that the Heritage Overlay only applies to the front portion of the site, including the façade of the existing 22 storey tower.
<b>Parking Overlay</b> Schedule 1 Capital City Zone – Outside The Retail Core	Pursuant to Clause 45.09-3, a permit is required to provide car parking spaces in excess of the specified car parking rates in the schedule.  As no additional parking is proposed, a permit <b>is not</b> required pursuant to Clause 45.09.
<b>Clause 52.34</b> Bicycle Facilities	Pursuant to Clause 52.34-2, a permit <b>is required</b> to waive the bicycle facility requirements at Tables 1, 2 and 3 and Clause 52.34-6.

## 5 STRATEGIC FRAMEWORK

### 5.1 Planning Policy Framework (PPF)

The relevant provisions of the PPF include:

- Clause 2.02: Vision
- Clause 2.03-4: Built Environment
- Clause 2.03-6: Employment and Innovation
- Clause 11.03-6L-09: Hoddle Grid
- Clause 15.01-1L-03: Sunlight to Public Spaces
- Clause: 15.01-1S: Building Design
- Clause 15.01-2L-01: Energy and resource efficiency
- Clause 15.03-1L-02: Heritage
- Clause 17.02-1S: Business
- Clause 19.03-3S: Integrated water management
- Clause 19.03-3L: Stormwater management (Water sensitive urban design)

## 6 GENERAL PROVISIONS

The following general provisions apply to the application:

- Clause 65 – Decision Guidelines, which includes the matters set out in.
- Section 60 of the Planning and Environment Act 1987.

## 7 PLANNING SCHEME AMENDMENTS

In the intervening period between when the application was first received by Council and the date of this report, the following planning scheme amendment has been gazetted, which has altered the statutory framework as bearing on the proposed development and subject site.

### 7.1 Amendment C409

Amendment C409 was gazetted on 21 September 2022 and replaced the Municipal Strategic Statement (MSS) at Clause 21 and Local Planning Policies at Clause 22 of the Melbourne Planning Scheme with a Municipal Planning Strategy (MPS), local policies within the Planning Policy Framework (PPF) and selected local schedules to overlays, particular provisions, general provisions and operational provisions, consistent with:

- The Victoria Planning Provisions as a result of Amendment VC148.
- The Ministerial Direction on the Form and Content of Planning Schemes.

Key changes that form part of Amendment C409 included:

- Relocated content at Clauses 21 and 22 of the Melbourne Planning Scheme to the appropriate theme-based clauses in the PPF, MPS and relevant local schedules, with the intended effect of the original clauses remaining unchanged.
- Clarified and improves the style, format, language or grammatical form of content in accordance with the *Practitioner's Guide to Victorian Planning Schemes*, with the intended effect of the original clauses remaining unchanged.
- Updated clause references, department names, legislation names, document references, terminology and statistical data.
- Deleted or adjusted incompatible content that conflicts with State planning policy of the Victoria Planning Provisions (VPP).
- Removed repetitive content.
- Removed or updates outdated content.

The changes are generally policy neutral and are of no relevance to this application.

## 8 PUBLIC NOTIFICATION

Public notice of the application was given by sending letters to the owners and occupiers of adjoining and surrounding properties on 24 August 2022 and by instructing the permit applicant to erect one public notice on the Collins Street frontage of the site and one public notice on the Alfred Place frontage of the site for a 14 day period in accordance with Section 52 of the *Planning and Environment Act 1987*.

A signed statutory declaration confirming that the permit applicant had erected the public notice sign(s) in accordance with Council's requirements was returned on 15 September 2022.

The following permit requirements as bearing on the proposed development are exempt from the notice requirements of Section 52(1)(a), (b) and (d) and the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act:

- Partial demolition, and the carrying out of buildings and works within the CCZ1 (Clause 37.04).
- Carrying out of buildings and works within the Design and Development Overlay (Clause 43.02).
- Waiver of bicycle facility requirements (Clause 52.34).

## 9 OBJECTIONS

A total of two objections have been received as of the date of this report. The concerns in objections received by Council have been summarised below, noting that neither of the objectors raised specific concerns relating to heritage considerations. Further consideration of the objections is given in section 12.9 of this report.

### 9.1 Summary of objector concerns

#### Built Form

- Failure to achieve design excellence.
- Lack of screening to rooftop building services.

#### Sustainability

- Lack of Environmentally Sustainable Design measures to the existing building.

#### Amenity

- Noise impacts from the construction phase. This objector requested that works only be undertaken between 9am and 4pm.

#### Traffic

- Pedestrian safety within Pink Alley as a result of more frequent traffic movements to service the building.

#### Miscellaneous

- Inaccurate calculation of the Gross Floor Area for the purpose of calculating Floor Area Ratio (FAR) by virtue of excluding 132 m<sup>2</sup> of floorspace on level 23.
- Insufficient public benefits proposed.

## 10 APPLICANT RESPONSE TO OBJECTIONS

Following receipt of the objections, the permit applicant provided a legal opinion prepared by John Cicero of Best Hooper dated 22 November 2022, stating that the grounds of objection did not relate to the public notice triggers, and that little weight ought to be given to them in Council's assessment.

No further correspondence was provided in relation to the objections.

## 11 REFERRALS

### 11.1 Internal

Conditions and notes will be included on any permit being granted to give force and effect to the recommendations and advice of Council's internal referral agencies, listed below.

#### 11.1.1 Heritage Advisor

Council's Heritage Advisor provided initial comments on 22 March 2022 raising concerns in relation to the design of the replacement three storey building along Collins Street and requesting further justification for the form of the tower extension.

This advice was provided to the permit applicant, who provided several rounds of without prejudice discussion drawings, and met with Council Officers on 9 May 2022 to discuss potential design solutions.

Revised heritage comments provided to the applicant on 8 June 2022 stated that the outstanding concerns were relatively minor. Nevertheless, as noted at Section 2.1.3 of this report, the permit applicant removed that component of the application pursuant to Section 50 of the *Planning and Environment Act 1987* on 4 August 2022.

Final heritage comments received on 23 August 2022 confirmed no outstanding concerns with the development.

### 11.1.2 City Design

Council's Urban Design Advisor provided final advice on 14 July 2022, stating that:

*'In review of the updated design, we are satisfied that the applicant has reasonably satisfied the primary concerns raised by urban design during pre-application discussions (7.7.2021, 16.9.2021, 4.11.2021) and have addressed a number of the comments raised by the Melbourne Design Review Panel (MDRP) advisory report (22.2.2022).*

#### **Advice summary:**

- *From an urban design perspective, we continue to strongly support the overall design concept of proposed new built form, including the new podium elements, façade refurbishment and tower design. We recommend further collaboration with council's heritage advisors to ensure a respectful response at the street level.*
- *If approval is recommended by statutory planners, we request the provision of a permit condition to allow for the detailed review of proposed materials and façade details to ensure an exceptional level of design quality is achieved.*
- *The proposed collaboration with Council (City Design Landscape Architects) for the upgrades to Alfred Place is supported. If approval is recommended by statutory planners, we request the provision of a permit condition to enable this process.*
- *We acknowledge that there is insufficient space to accommodate a compliant ramp as recommended during the MDRP meeting.*
- *We acknowledge that a through block connection from Alfred Place to Pink alley between grid lines G and H has been explored and determined to be unfeasible. We strongly support the introduction of a retail tenancy within the lobby area adjacent to Pink Alley which will activate the internal space and invite public activity into the through-block link. This adequately satisfied concerns raised by urban design, as well as comments provided by the MDRP.*
- *The introduction of a basement level to the micro-tenancy proposed towards the rear of Alfred Place is strongly supported, and will ensure this tenancy will better contribute to the vibrancy of the laneway.*
- *We support the rationalisation of the lift core as per MDRP recommendations.*
- *We support the provision of an additional 2m separation between the original building and new addition. We believe this addresses MDRP recommendations.'*

A Façade Strategy condition, requiring the detail requested by City Design will be included on any permit issued.

### 11.1.3 Sustainability & Green Infrastructure

Council's ESD Officer advised on 22 February 2022 that:

*The development generally has acceptable ESD targets to satisfy Clause 22.19 of the Melbourne Planning Scheme. It has committed to achieving a minimum 5 Star Green Star Design and As-Built rating benchmark rating. Although the Executive Summary indicates the development will need to achieve certification.*

*Provide evidence that the development has been registered with the Green Building Council of Australia, if this has not yet occurred then the project may have to switch from Design and As Built V1.3 to the Green Star Buildings tool.*

They have, however, requested additional details to substantiate the Green Star credits sought as well as a landscape package. These matters can be suitably addressed via conditions on any permit issued.

### 11.1.4 Urban Forest & Ecology

Council's Urban Forester advised on 29 June 2022 that:

*There seems no aspect of the planning proposal that would impact public trees on Collins Street. There is no requirement for an Arboricultural Impact Assessment.*

*The impacts to trees at the demolition and construction phases will be assessed in a Tree Protection Plan, which will be required for other permits. As such, Urban Forest and Ecology has no objection to the application but recommends the inclusion of the following conditions if a permit is issued.*

The recommended Tree Protection conditions will be included on any permit issued.

#### **11.1.5 Traffic Engineering**

Council's Traffic Engineer provided final comments on 5 August 2022, advising, inter alia, that:

- The loss of parking spaces is acceptable given this development is located within the CBD and the public transport network is within walking distance from the development.
- Visitor bicycle spaces should be located within the building.
- The revised design of the loading dock is acceptable, provided that the changes do not reduce its capacity.

They also recommended conditions relating to parking restrictions and bicycle hoops within the surrounding road reserve, which will be included on any permit issued.

In terms of the new 105 m<sup>2</sup>, double height loading dock, it has been designed to accommodate a 6.4 metre long small rigid truck, and has been assessed by Council's Traffic and Waste Engineers as being suitable for waste collection. It is larger than the existing 78 m<sup>2</sup> loading dock, and is considered to be sufficient given the limited loading / unloading requirements associated with an office building addition.

Bicycle parking is discussed at Section 12.7.1 of this report.

#### **11.1.6 Waste Management**

Council's Waste Planning Engineer advised that the revised Waste Management Plan (WMP) prepared WSP dated 13 December 2021 was acceptable. The recommended condition will be included on any permit issued.

#### **11.1.7 Civil Design**

Council's Infrastructure Engineer provided the following comments on 25 February 2022:

*'We object to the proposed construction of stairs to the property boundary. Stairs should be set back sufficiently to enable all necessary tactile ground surface indicators to be installed within the property curtilage.*

*We offer no objection to the proposed subdivision to formalise air rights over 88 Collins Street. Application must be referred to Land Survey for comments.*

*All projections over the street alignment must conform to Building Regulations 2018, Part 6, Sections 98 to 110 as appropriate. Reference can be made to the City of Melbourne's Road Encroachment Operational Guidelines with respect to projections impacting on street trees and clearances from face / back of kerb.'*

They also included a number of recommended conditions which will be included on any permit issued.

In relation to the stairs along Alfred Place, the revised drawing submitted as part of the RFI Response shows them set back one metre from the title boundary, which allows for the installation of a tactile surface within the title boundary.

Separately, in response to a query relating to the proposed upgrade of Alfred Place, Council's Infrastructure Engineer advised that they would welcome a \$1 million contribution to the upgrade of Alfred Place. The above matters are discussed at Section 12.4 of this report.

### **11.1.8 Land Tenure**

Council's Land Surveyor provided the following comments on 19 January 2022:

#### **86-88 Collins Street Melbourne**

*Application documents need to be amended to include this land into the application.*

#### **Existing Roof Plan of 86-88 Collins Street**

*Existing Roof Plan of the building at 88 Collins Street Melbourne should be submitted to show the relationship between the existing roof features of the building (common services) and the proposed Lots 3 & 4.*

#### **Amended Plans**

*Amended architectural plans should be submitted by the applicant which shows the airspace of the abutting title to show full extent of existing and proposed boundaries.*

#### **Easements**

*Volume 11429 Folio 948 is encumbered by a registered easement. Easement must be removed prior to the commencement of works.*

*Lot 2 on PS300034 is encumbered by a carriageway easement. The easement is in favour of Lot 1 on PS300034. The easement is unlimited in height and Depth and is not currently shown on the proposed plan of subdivision encumbering Lot 4. The easement will need to be either varied in height prior to the commencement of works or the proposed plan of subdivision and plan of consolidation will need to be amended to include the easement. Beneficiary information on Proposed Easements E-3 & E-4 on PC380731Y should be amended to include all Land in PS300034L.*

#### **Consolidation of Title**

*Prior to the commencement of works, including demolition, all the land for the proposed development (which includes the airspace over 88 Collins Street) must be owned by the one entity and consolidated onto the one certificate of title to the satisfaction of the Responsible Authority.*

#### **Public Open Space Requirement**

*A person who subdivides land must make a contribution to Council for Public Open Space in an amount specified in the schedule (being a percentage of the land intended to be used for residential, industrial or commercial purposes, or a percentage of both). Given that the application seeks to subdivide the airspace above 88 Collins Street and a contribution has not previously been satisfied in relation to the land, a Public Open Space Contribution would be applicable to the land being subdivided in PS300034. The schedule requires a 7.06% contribution to apply.*

#### **Referral of the Application**

*Pursuant to Clause 66.01 of the Melbourne Planning Scheme an application to subdivide land must be referred to the Statutory Authorities for comment.*

#### **Eastern Public Footpath which forms part of the Title to 90-98 Collins Street Melbourne**

*Compass has the following Land Tenure Comments against the site:*

*'Part of the eastern public footpath of Alfred Place and a part of its formed roadway ('the public area') are included within land held under Certificate of Title Vol. 11429 Fol. 948. The subject land commences about 10.7m north of Collins Street and has a length of around 11.6 m and a width of about 1.2m. The public area was constructed by Council in association with a significant development on the property occurring in the late 1980's as approved by the Minister for Planning. The public area was provided by the then owner for public use and has been extensively used by the general public and cared for and maintained by Council since its construction.'*

*Specific comments should be obtained from Infrastructure and Assets in relation to this land and the Vesting of the land in Council as it is viewed to have attained public highway status and to be a public asset. These comments may have an impact on the proposed Public Benefit of the Development if it has already obtained Public Highway Status.'*

### **Public Benefit Land**

*Further comments should be obtained from Infrastructure and Assets in relation to the Proposed Public Benefit of the additional small area of land (7 sqm) from within the 90 Collins Street title Boundary and its potential vesting.*

Some of the above comments relate to the subdivision component of the application, which has since been removed. The remaining matters are discussed at Section 12.8 of this report.

## **11.2 External**

The application was not required to be referred externally.

## **12 ASSESSMENT**

### **12.1 Key Planning Considerations**

The key issues for consideration in the assessment of this application include the following:

- Heritage impacts.
- Built form response.
- Public benefits and floor area uplift.
- Potential amenity impacts, including wind and overshadowing.
- Ecologically Sustainable Design.
- Traffic matters, including bicycle facility requirements.
- Land tenure matters.
- Objector concerns.

### **12.2 Heritage impacts**

The subject site comprises four distinct buildings, including three, three storey buildings along Collins Street and a high rise office building to the rear of the buildings at 90-98 Collins Street.

As illustrated at Figure 3, the Heritage Overlay applies to the entire property at 86-88 Collins Street, but only the front 22.6 -23.75 metres of the land at 90-98 Collins Street. As such, the HO applies to all three buildings along Collins Street, and the front third (approximately) of the high rise office building.

Council's Heritage Places Inventory March 2022 (Amended October 2022) identifies both properties as being 'Significant' (in an ungraded streetscape), though the Building Identification Sheet for 90-98 Collins Street only identifies the three storey building at the south-western corner of the site as being of heritage significance.





**Figure 13 - Building Identification Sheet extract for 90-98 Collins Street**

The Statement of Significance for the Collins East Precinct, within which the site is partially located, is as follows

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

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

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

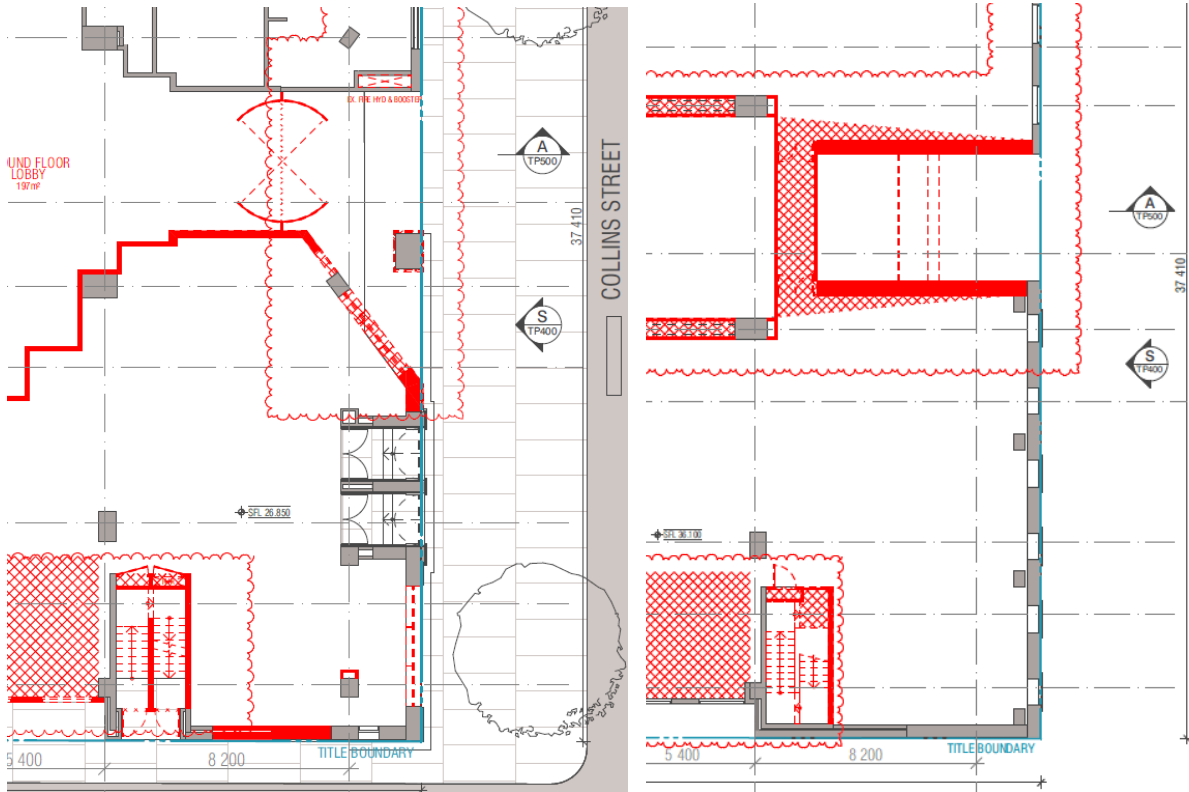
The 'Key Attributes' listed in the Statement of Significance are as follows:

- *The buildings remaining from before the Second World War.*
- *The boulevard quality of this end of Collins Street with street tree plantations and street furniture.*
- *A consistent height, scale, character and appearance of the remaining 19th and early 20th century buildings.*

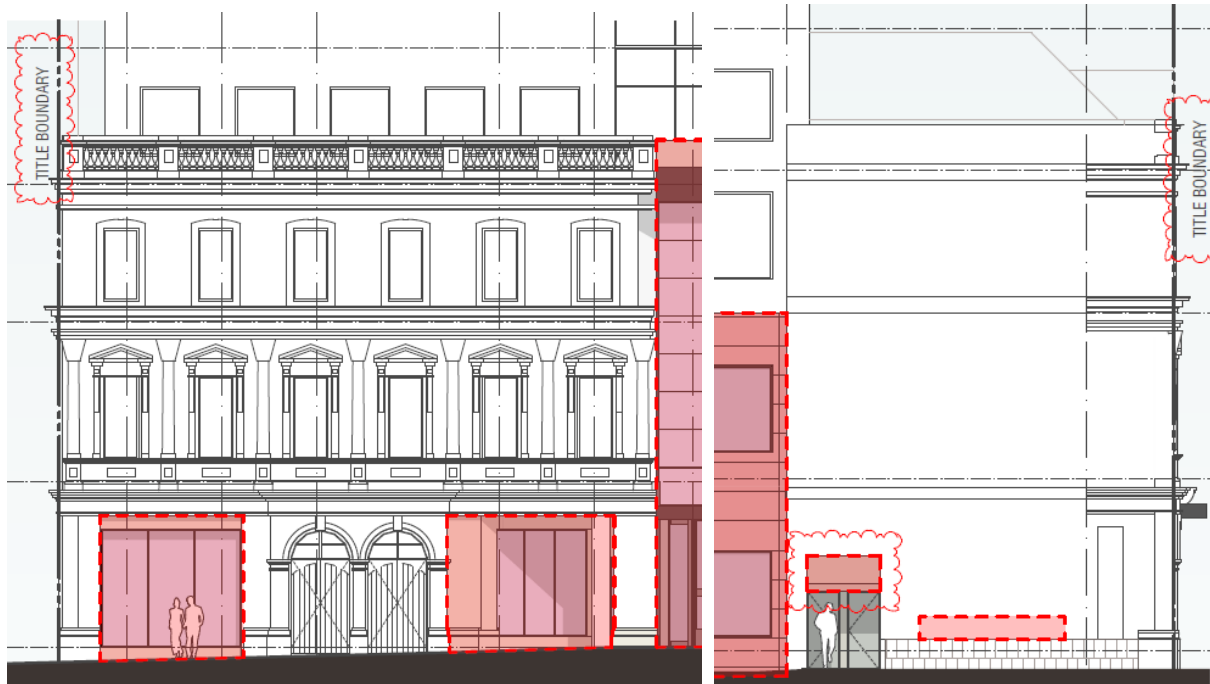
- *The historic garden of the Melbourne Club.*

**Demolition**

As no works are proposed to the building at 86-88 Collins Street, the key consideration in terms of demolition relates to the removal of original heritage fabric of the aforementioned three storey building on the corner of Collins Street and Alfred Place. The extent of demolition of this building is depicted in Figures 14 & 15 below.



**Figure 14 - Ground Level (left) and Level 2 (right) Demolition Plan extracts. From Drawings TP200 & TP202**



**Figure 15 - South (left) and west (right) Demolition Drawing extracts. From Drawings TP405 & TP406**

Clause 15.03-1L-02 (Heritage) includes the following relevant Demolition Strategies:

- *Full demolition of significant or contributory buildings will not generally be permitted.*
- *Partial demolition in the case of significant buildings and of significant elements or the front or principal part of contributory buildings will not generally be permitted.*
- *Encourage the retention of the three dimensional form regardless of whether it is visible whilst discouraging facadism.*
- *Encourage adaptive reuse of a heritage place as an alternative to demolition.*

Having regard to the relevant Demolition Strategies, it is considered that the extent of demolition is acceptable based on the following:

- The proposed demolition is minor, and is related to shopfront windows and entries that have themselves been modified over time and are not entirely original.
- Demolition of the internal splay at the south-western corner of the building will allow the building line to be brought to the façade line, improving the development's streetscape response.
- The proposed demolition will allow for the continued use of the building into the future.

### **Alterations and Additions**

In terms of alterations and additions, the proposal includes:

- Construction of a 22 storey addition above the existing 1988 high rise building, which is only partially covered by the Heritage Overlay.
- Replacement of the infill / entry to the 1988 high rise building with new built form, set back the same distance as the existing building fabric.
- Refurbishment of the retained buildings on the site, including the slight extension of the building on the south-western corner.

Alterations and Additions Strategies at Clause 15.03-1L-02 (Heritage) of particular relevance to this application include:

- *Ensure additions to buildings in a heritage precinct are respectful of and in keeping with:*
  - *'Key attributes' of the heritage precinct, as identified in the precinct Statement of Significance.*
  - *Precinct characteristics including building height, massing and form; style and architectural expression; details; materials; front and side setbacks; and orientation.*
  - *Character and appearance of nearby significant and contributory buildings.*
  - *Where abutting a lane, the scale and form of heritage fabric as it presents to the lane.*
- *Ensure additions to significant or contributory buildings:*
  - *Are respectful of the building's character and appearance, scale, materials, style and architectural expression.*
  - *Do not visually dominate or visually disrupt the appreciation of the building as it presents to the street.*
  - *Maintain the prominence of the building by setting back the addition behind the front or principal part of the building, and from other visible parts.*
  - *Do not build over or extend into the air space directly above the front or principal part of the building.*
  - *Retain significant roof form within the setback from the building façade together with roof elements of original fabric.*
  - *Do not obscure views of façades or elevations associated with the front or principal part of the building.*
  - *Are distinguishable from the original fabric of the building.*

- *Ensure additions:*
  - *Adopt high quality and respectful contextual design.*
  - *Avoid direct reproduction of the form of historic fabric.*
  - *Adopt an interpretive design approach to other details such as verandahs, fences, and shopfronts.*

It is also worth noting that the 'Concealment' Strategies of this Policy, which relate to the visibility of additions, do not apply to developments within the Capital City Zone.

As described at Section 11.1.1 of this Report, Council's Heritage Advisor has no outstanding concerns in relation to the proposal. Below are key statements, relating to the alterations and additions from their initial and subsequent comments:

- *From the perspective of height in relation to views of the heritage streetscape from within Collins Street the addition to the tower will not impact the appearance of the heritage building on the site or other heritage elements in the street.*
- *Whilst the addition to the tower form, with slight cantilever, will have potential to be perceived as dominating of the ground level experience in Collins Street it would in my view be tenuous to propose that the heritage experience of the street level would be notably disrupted given the adjacent precedent.*
- *The infill of the entry between the existing buildings is benign from the heritage perspective.*

Having regard to the relevant Policy at Clause 15.03-1L-02 and the Heritage Overlay, and the views of Council's Heritage Advisor, it is considered that the alterations and additions are appropriate based on the following:

- The tower addition is directly above a building that is only partially covered by a Heritage Overlay and does not contribute towards the site's 'Significant' heritage grading.
- The height of the tower addition is consistent with the taller buildings that predominate the site context.
- The design and materiality of the tower addition is considered to be a sophisticated, simple form that is clearly distinguishable from the retained built form and is unlikely to detract from the heritage value of the site and wider precinct.
- The streetscape interface along Collins Street will remain largely unchanged, with the key alteration being the replacement of the 'infill' between two retained three storey buildings. The design and materiality (i.e. copper cladding and clear glazing) of this 'infill' adequately distinguishes between new and retained built form, and is consistent with the character of this part of Collins Street.
- The retention of all buildings on the site means that the development will continue to relate positively to the key attributes' of the East Collins heritage precinct.



**Figure 16 - 3D render of the proposal, illustrating its height in context**

### **12.3 Built Form**

The subject site is located within Hoddle Grid, where Clause 11.03-6L-09 seeks, inter alia, to:

- *Ensure that the design of tall buildings in the Hoddle Grid:*
  - *Promote a human scale at street level (especially in narrow lanes).*
  - *Adds architectural interest to the skyline through variation and building detail.*
  - *Provides a context for heritage buildings through setbacks and height moderation.*
- *Ensure development of towers that are well spaced and offset to provide good access to an outlook, daylight, sunlight and to minimise overlooking between habitable room windows.*
- *Ensure a continuous building edge for development fronting streets.*

Schedule 1 to the Design and Development Overlay (DDO10) also provides guidance on the design of new buildings. Key Objectives that relate to the proposal seek:

- *To ensure that all development achieves high quality urban design, architecture and landscape architecture.*
- *To ensure that development integrates with, and makes a positive contribution to, its context, including the hierarchy of main streets, streets and laneways.*
- *To ensure that development promotes a legible, walkable and attractive pedestrian environment.*
- *To ensure that the internal layout including the layout of uses within a building has a strong relationship to the public realm.*
- *To ensure that development provides a visually interesting, human scaled and safe edge to the public realm.*

Similarly, DDO10 includes the following Design Objectives which are of particular relevance to multi-level buildings in the Hoddle Grid:

- *To ensure development achieves a high quality of pedestrian amenity in the public realm in relation to human scale and microclimate conditions such as acceptable levels of sunlight access and wind.*
- *To encourage a level of development that maintains and contributes to the valued public realm attributes of the Central City.*

- To ensure that new buildings provide equitable development rights for adjoining sites and allow reasonable access to privacy, sunlight, daylight and outlook for habitable rooms.
- To encourage intensive developments in the Central City to adopt a podium and tower format.

An assessment of the specific elements of the proposal follows.

### 12.3.1 Building height

The mandatory building height controls at DDO10 only relate to street wall heights, which are not proposed to be varied as part of this application. As such, the proposed building height must be assessed against relevant Design Objectives at DDO1 and DD010.

The proposal involves a 17 storey addition (comprising 14 office levels and three levels of services) to the existing 22 storey tower at 90-98 Collins Street, increasing the overall height from 122 to 166.15 metres.

As illustrated in the extract from Council’s Development Activity Model at Figure 17, the height of the proposed addition would be consistent with surrounding high rise buildings, including the 49 storey (186.7 metre) tower at 80 Collins Street to the east



Figure 17 - Development Activity Model extract showing the proposed extension in blue

Importantly, the tower addition is set back 10 metres from Collins Street, and therefore has a reduced impact on the public realm when compared to a building built within close proximity of the street frontage.

The proposed building height is therefore considered to be acceptable.

### 12.3.2 Building setbacks

DDO10 encourages a robust, boundary-to-boundary built form at lower levels, and provides recommended setbacks for buildings that include a tower component above the street wall. Specifically, the following preferred and mandatory setback requirements are as follows:

<b>Design Element</b>	<b>Preferred Requirement</b>	<b>Modified Requirement (Mandatory)</b>
<i>Building setback(s) above street wall</i>	<i>Above the street wall, towers and additions should be setback 10 metres from the title boundary.</i>	<i>Above the street wall, towers must be setback a minimum of 5 metres from the title boundary.</i>

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<i>Building setbacks from side boundaries and rear boundaries (or from the centre line of an adjoining laneway) and tower separation within a site</i>	<i>Above the street wall or 40 metres, (where there is no street wall), towers and additions should be setback a minimum of 5 metres or 6% of the total building height whichever is greater.</i>	<i>Above the street wall or 40 metres (where there is no street wall), towers and additions must be setback a minimum of 5 metres and must meet the design element requirements for tower floorplate.</i>
<i>Tower floorplate</i>	<i>The tower floorplate is determined by the preferred requirement for building setbacks from side and rear boundaries and tower separation within a site, and the modified requirement for building setback(s) above the street wall.</i>	<i>The tower floorplates above the street wall for a tower above 80 metres in height may be adjusted in terms of location and/or shape but must not:</i> <ul style="list-style-type: none"> <li>• <i>Result in an increase in the floorplate area;</i></li> <li>• <i>be situated less than 5 metres from a side or rear boundary (or from the centre line of an adjoining laneway);</i></li> <li>• <i>be less than 5 metres to a street boundary.</i></li> </ul>

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Relevantly, with an overall height of 166.15 metres, the 6% referred to in the table above equates to 9.7 metres.

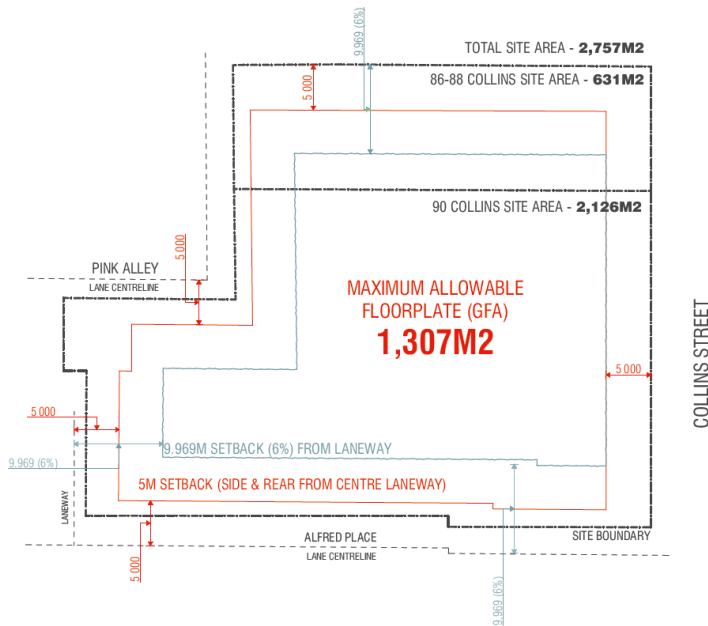
With the exception of the external lift core, the minimum boundary setbacks of the tower addition largely match that of the host building, being:

- 10 metres from Collins Street (site frontage).
- Between 2.2 and 3.95 metres from Alfred Place (side boundary).
- Between 5.6 and 6.9 metres from the centreline of Alfred Place (side boundary).
- Between 1.95 and 2.9 metres from Pink Alley (rear boundary).
- 5 metres from the centreline of Pink Alley (rear boundary).
- 5.25 metres from the northern rear boundary to 109-119 Little Collins Street.
- 16.2 metres from the eastern side boundary to 80 Collins Street.

An assessment of the proposal against the setback requirements at DDO10 indicates that the proposed setbacks:

- Comply with the *preferred* street frontage setback.
- Comply with the *preferred* side boundary setback to the east.
- Comply with the *modified* (mandatory) side and rear setbacks to the north and west.

In terms of the tower floorplate, the permit applicant included the diagram at Figure 18 as part of the Urban Context Report, prepared by Fender Katsalidis, which indicates that the proposal has a maximum allowable floorplate of 1,307 m<sup>2</sup>. An analysis using the supplied PDFs indicates that this figure is correct.



**Figure 18 - Tower floorplate extract from the submitted Urban Context Report**

With a proposed floorplate of 1,292 m<sup>2</sup>, and minimum setbacks of at least five metres to each boundary, the proposal complies with the *modified* (mandatory) tower floorplate requirements.

As the proposal does not meet all of the preferred requirements, the development must comply with all corresponding Built Form Outcomes at Table 3 to Schedule 10 as they relate to the northern side boundary/s. It is considered that the proposal meets the relevant Built Form Outcomes based on the following:

- The surrounding area is characterised by a number of tall buildings with similar, or significantly lesser, setbacks and heights. The proposal would therefore not dominate the surrounding streetscape.
- The form of the tower adopts a clearly different architectural expression to the retained building, and incorporates a different form, appearance and materiality.
- The interface to adjacent buildings to the north is almost entirely comprised of building services (including the lift core) and bathrooms. The opportunities for direct views into the hotel rooms at 109-119 Little Collins Street are therefore suitably mitigated.
- In addition to multiple laneway frontages, the greater setbacks to the south and east, will ensure that the development does not interrupt significant viewlines and maintain skyviews within the surrounding public realm.
- The floorplate, level of articulation and setbacks would assist in mediating visual bulk impacts.
- Overshadowing and wind impacts are acceptable and addressed specifically in the following sections.

### 12.3.3 Streetscape Interface

Specific objectives and decision guidelines for the ground level interface are included at DDO1, as well as the CCZ1 and encourage, inter alia, that:

- *Services, loading and waste areas should be located away from streets and public spaces, or within basements or upper levels.*
- *At least 80 per cent of the combined length of the ground level interfaces of a building to streets and laneways are an entry or window.*
- *Windows that have clear glazing without stickers or paint that obscures views.*
- *Development should include continuous weather protection along main streets except where a heritage place warrants an alternative approach.*



The proposed ground level is considered to be a significant improvement to the Alfred Place streetscape interface, while moderately enhancing the interface to Collins Street. As illustrated in Figure 19 below, the existing frontage to Alfred Place is characterised primarily by blank walls and opaque windows raised above street level.



Figure 19 - View of the site from Alfred Place. Captured on 9 December 2022

The proposal seeks to demolish the majority of the lowest two levels along Alfred Place to establish a new frontage with expansive double height, clear glazing set in front of a larger office lobby and a new retail tenancy at the northern end of the frontage.



Figure 20 - Proposed South Elevation extract. From Drawing TP406

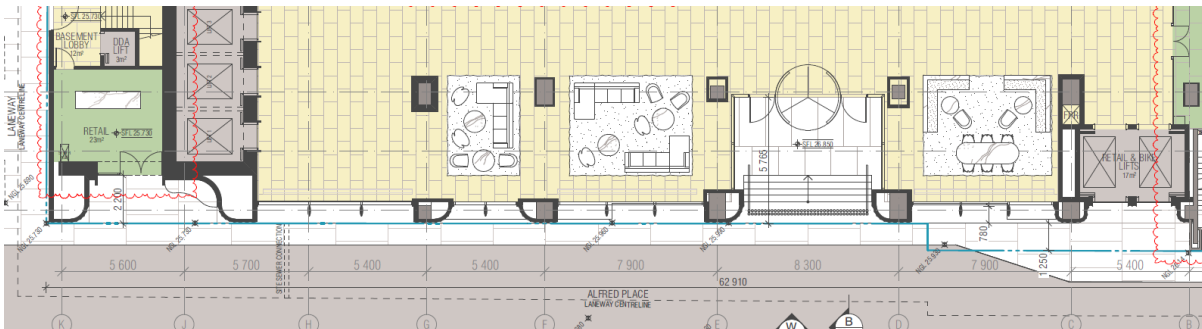


Figure 21 - Proposed Ground Level extract. From Drawing TP300

The proposed layout will also allow for through access to Pink Alley, which is currently blocked by building services.

Although Design Requirements at DDO1 encourage the incorporation of weather protection awnings along laneway frontages, providing such in this location is more challenging given the proposal is for alterations to an existing building, and the present character of the laneway.

The design of the ground level interface and layout is also supported by Council's City Design team who provided feedback on several design revisions through the pre-application and MDRP process.

For the above reasons, it is considered that the design of the building, particularly as it relates to the streetscape interface is an improvement on the existing conditions and is consistent with Council urban design policies.

### 12.3.4 Façade Design and Materiality

The proposal involves the refurbishment and upgrade of the existing buildings on the site, as well as a contemporary tower addition.

Along Collins Street, the changes to the appearance of the development is restricted primarily to the new replacement 'infill' between the two podium buildings at 90-98 Collins Street, which comprises primarily copper cladding and clear glazing. The new infill will more clearly distinguish between the new and retained built form, and is supported by Council's Heritage Advisor.

The revised streetscape interface along Alfred Place will take cues from the proposed tower addition, through the use of copper cladding, clear glazing, polished concrete and bluestone-look cladding.

The tower addition will take the form of fluted 'silvery grey' glass, with copper cladding to the external lift core, with charcoal metal cladding to the service level between the retained building and addition. The soffit would similarly be finished with fluted / concave copper metal cladding.

The proposed materiality and form of the building facades was resolved following several rounds of comments from Council's City Design Team and Heritage Advisor, and both are now supportive of the façade design and materiality.

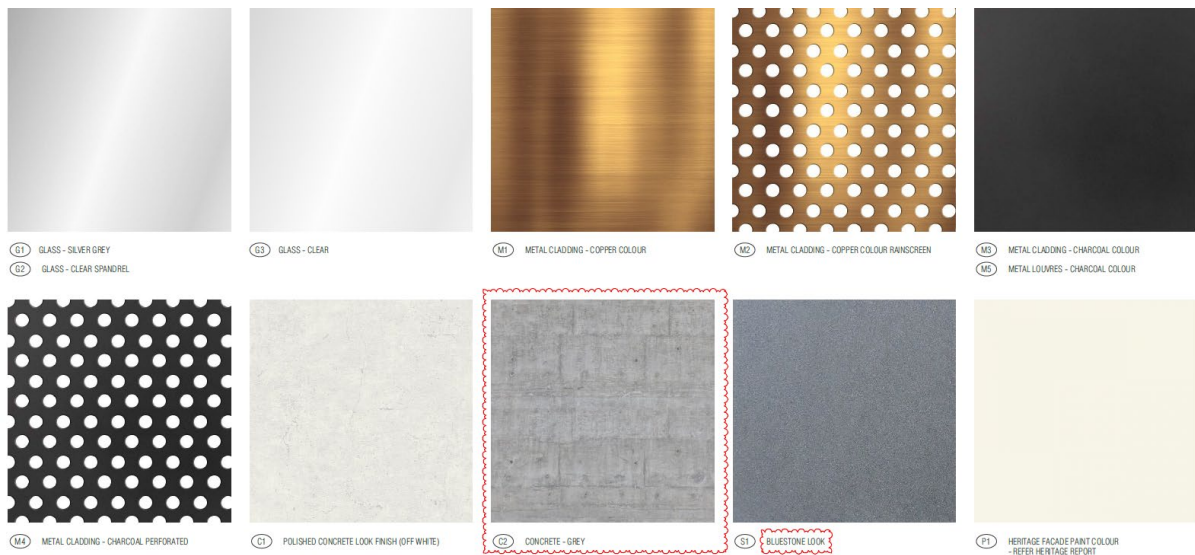


Figure 22 – Proposed material schedule. From Drawing TP800

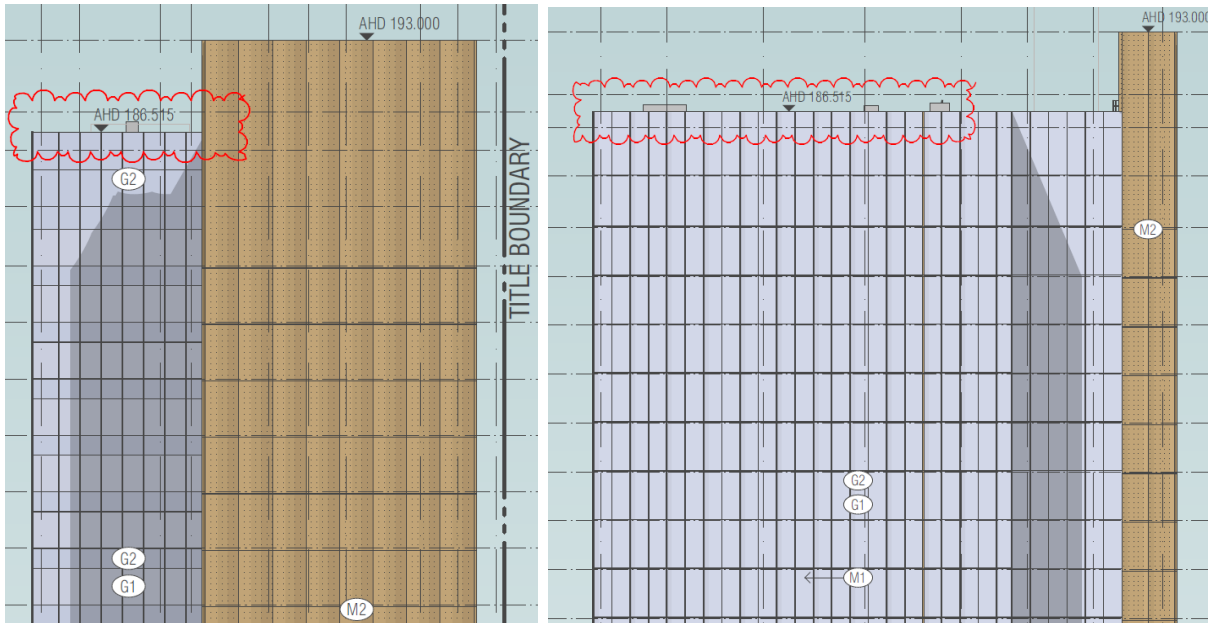


Figure 23 - Proposed North (left) and East (right) Elevations. From Drawings TP403 and TP402

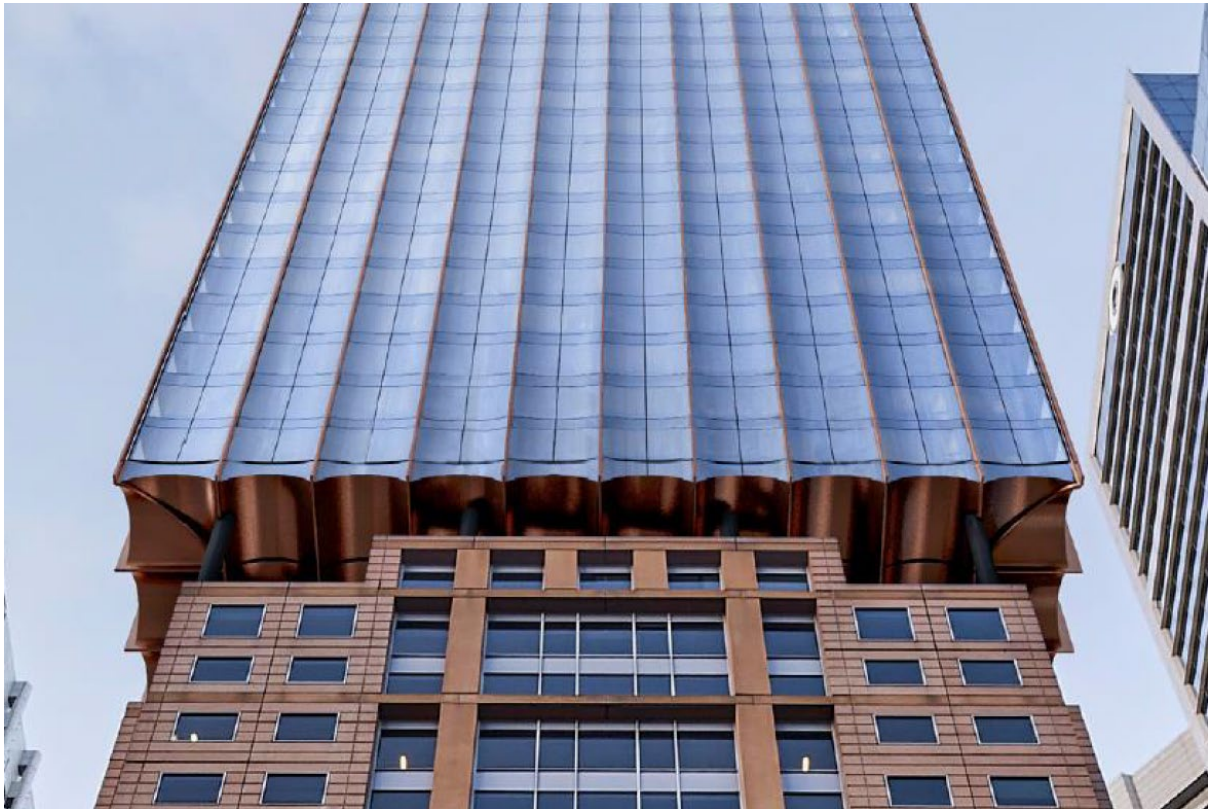


Figure 24 - 3D render of the proposed junction between the retained building and tower addition

#### 12.4 Public Benefit and Floor Area Uplift

The proposed addition would take the Floor Area Ratio (FAR) across the entire site from 11.16:1 to 19.03:1. Section 3.0 of the CZ2 states that:

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

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

Given the increase in FAR above 18:1, the proposal must provide adequate public benefit/s to account for the additional 2,847 m<sup>2</sup> of GFA to Council's satisfaction.

The primary guidance for assessing Floor Area Uplift (FAU) is set out in the 'How to calculate Floor Area Uplifts and Public Benefits (November 2016)' document prepared by DELWP (now DTP). The site is located within the "Eastern Core" where Table 1 of this document sets a 'Gross Realisation Value' (GRV) of \$9,000 per square metre of GFA. Based on the nominated calculation methodology, the value of any public benefits must be at least \$2,562,300.

The proposed public benefits are discussed in the following sections.

#### 12.4.1 Public access

The key manner in which compliance with the FAR requirements of the CCZ1 is sought is via the granting of public access, guaranteed via a legal agreement, over a 7 m<sup>2</sup> area of land adjacent to Pink Alley and a 15 m<sup>2</sup> area of land adjacent to Alfred Place. These areas are identified in Figure 25 below.

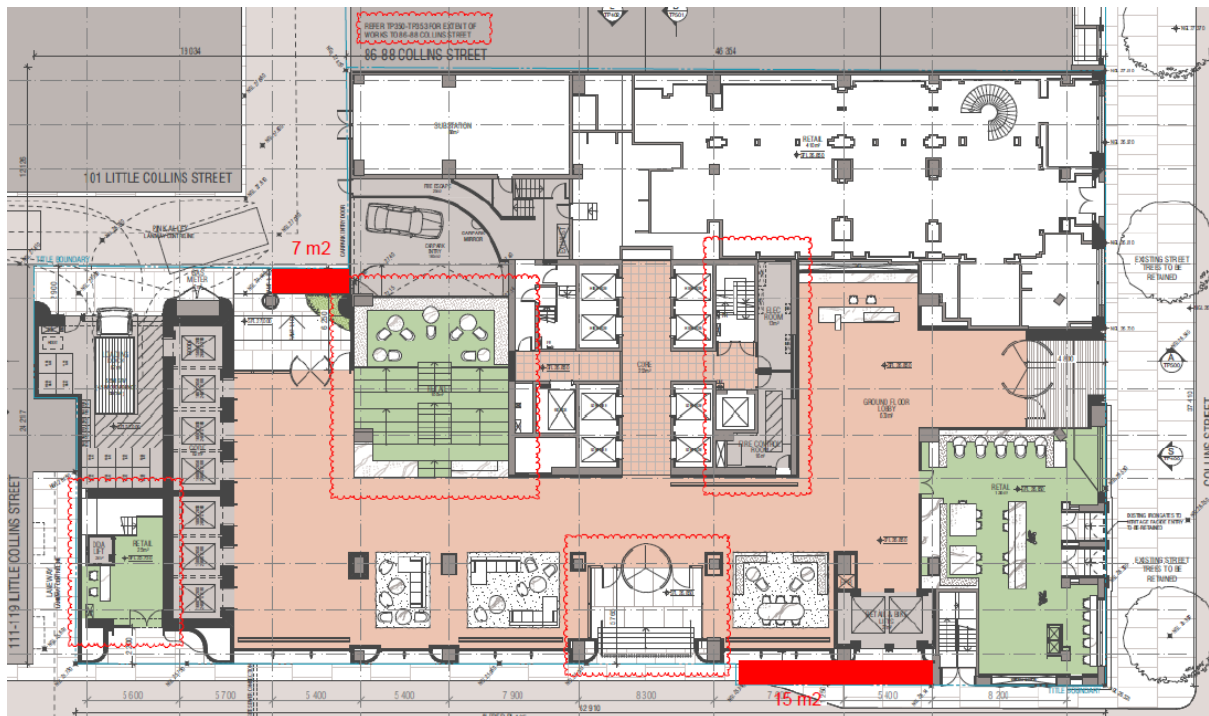


Figure 25 - Location of proposed public access areas

Table 2 of the aforementioned document lists the categories and valuation of public benefits that can be provided to satisfy a FAU requirement. The relevant category is 'Publicly accessible open areas on site' which is described as follows:

*Plazas, laneways, required setbacks and parks directly accessible from public street or public area. The provision may include one or more of the following components:*

- An area whose title is transferred to a public authority, municipal council or the Crown*
- An area retained in private ownership with a legal encumbrance to provide unrestricted public access and an appropriate private maintenance regime*
- Civil works such as paving, walls, canopies, artworks, furniture, planting, irrigation, drainage and ancillary works necessary for the proper functioning of the area (but*

*excluding site preparation and any sub-structure), to the satisfaction of the receiving agency*

The nominated areas for guaranteed public access are adjacent to public thoroughfares, are at-grade and meet the criteria set out at Table 2.

In terms of value, the corresponding valuation column of Table 2 states that:

*The valuation may include one or more of the following components (corresponding to the Description and Components at left):*

- a) *Independent market valuation of the transferred land based on location (est. \$15,000 - 25,000 / m<sup>2</sup>)*
- b) *Independent market valuation of the land prior to encumbrance based on location (est. \$15,000 – 25,000 / m<sup>2</sup>)*
- c) *Independent quantity surveyor valuation of the civil works  
(Hard landscaped areas: est. \$1,500 – 2,500 / m<sup>2</sup>)  
(Soft landscaped areas: est. \$1,000 – 1,500 / m<sup>2</sup>)*
- d) *In all cases related administrative and/or holding costs, as justified*

A Valuation Report, prepared by Colliers, dated 31 December 2021, states that, on that date, the aggregate value of the two parcels of land was \$2,596,000. This value slightly exceeds the required amount of \$2,562,300. Given the small margin, and the elapsed time since the date of the valuation; it was discussed with the author of the report, who indicated that commercial property values within the Central City have been relatively stable over the course of 2022. It is therefore considered reasonable to rely on the submitted valuation.

Given the above, it is considered that the proposed publicly accessible areas sufficiently address the minimum FAU requirements of the CCZ1. A condition on any permit issued will therefore require the land owner to enter into a Section 173 Agreement with Council to formalise this public benefit.

#### **12.4.2 Alfred Place upgrade**

In addition to the aforementioned areas of public access, the applicant proposes to make a monetary contribution of \$1 million towards the upgrade of Alfred Place adjoining the site to the west.

As noted at Section 11.1.7 of this report, Council's Infrastructure Engineer advised that Alfred Place would benefit from an upgrade, including the elimination of the kerb and channel component of the street. To that end, they confirmed that the \$1 million contribution would be very welcome, and assist in the delivery of these works.

Table 2 of the FAU document does not list monetary contributions of any kind as a public benefit category, and as such cannot be formally considered as a public benefit for the purpose of satisfying the CCZ1 requirements.

The \$1 million contribution is nevertheless considered to be a genuine benefit to pedestrians and users of Alfred Place and is therefore supported. A condition on any permit issued will guarantee the payment of this fee to Council at an appropriate time.

#### **12.4.3 Legal agreement**

As described throughout this report, the proposal seeks only the partial development of the site, with no works proposed on the land at 86-88 Collins Street. Described another way, the development seeks to informally benefit from 'air rights' over the eastern portion of the land.

Such a scenario is contemplated by the Decision Guidelines of the CCZ1, which require Council to consider the:

*Securing the floor area ratio across a site where a site is developed in part to ensure:*

- *that an agreement be entered into to acknowledge that the remaining site cannot be later developed.*

- *that a heritage building being retained that an agreement be entered into to conserve the heritage building in perpetuity.*
- *that the proposed building is sited so that adequate setbacks are maintained in the event that the land is subdivided or separate land holdings are administratively effected to create a future development site.*

So as to ensure ongoing compliance with the mandatory FAR requirements of the CCZ1, the landowner of 86-88 Collins Street will be required to enter into a Section 173 Agreement with Council that will ensure that:

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

## **12.5 Potential amenity impacts**

### **12.5.1 Wind**

Section 2.3 of DDO10 includes both mandatory and preferred requirements to minimise wind effects on public areas surrounding development sites. These are set out below:

*A permit must not be granted for buildings and works with a total building height in excess of 40 metres that would cause unsafe wind conditions in publicly accessible areas within a distance equal to half the longest width of the building above 40 metres in height measured from all façades, or half the total height of the building, whichever is greater as shown in Figure 1.*

*A permit should not be granted for buildings and works with a total building height in excess of 40 metres that do not achieve comfortable wind conditions in publicly accessible areas within a distance equal to half the longest width of the building above 40 metres in height measured from all façades, or half the total height of the building, whichever is greater as shown in Figure 1.*

*(emphasis added)*

As highlighted above, the development should maintain comfortable wind conditions, and must not cause unsafe conditions within close proximity of the subject site. What constitutes 'unsafe' and 'comfortable' wind conditions is defined at Section 2.1 of DDO10.

With a total height of 166.15 metres, the applicable area for the wind assessment is 83 metres from the site's title boundaries.

A revised Wind Tunnel Study, prepared by RWDI, dated 9 December 2021 adopts the criteria at Section 2.1 of DDO10 and includes an assessment of public areas within the applicable study area. As indicated in the extracts on the following page, the location of the addition above an existing high rise building would have a limited impact on existing wind conditions. To that end, it is noted that:

- No additional locations will exceed the wind safety criterion.
- Wind comfort levels at one location (on the eastern side of Exhibition Street) would be downgraded from 'Standing' to 'Walking'.
- Wind comfort levels at two locations (along Little Collins Street) would be downgraded from 'Sitting' to 'Standing'.
- Wind comfort levels at one location (within Pink Alley) would be upgraded from 'Standing' to 'Sitting'.

Having regard to the three locations with worse conditions, it is considered that these impacts are acceptable, as:

- The area surrounding the Exhibition Street location is characterised by building entries, with no outdoor dining, or any uses that encourage pedestrians to stand in that location for longer periods of time.

- The area surrounding the two Little Collins Street locations is also characterised by building entries, with no outdoor dining, or any uses that encourage pedestrians to stand in that location for longer periods of time.

The proposed development therefore achieves the preferred wind conditions set out at Section 2.3 of DDO10, as well as the mandatory requirements. Importantly, the report does not recommend any design changes to achieve this result.

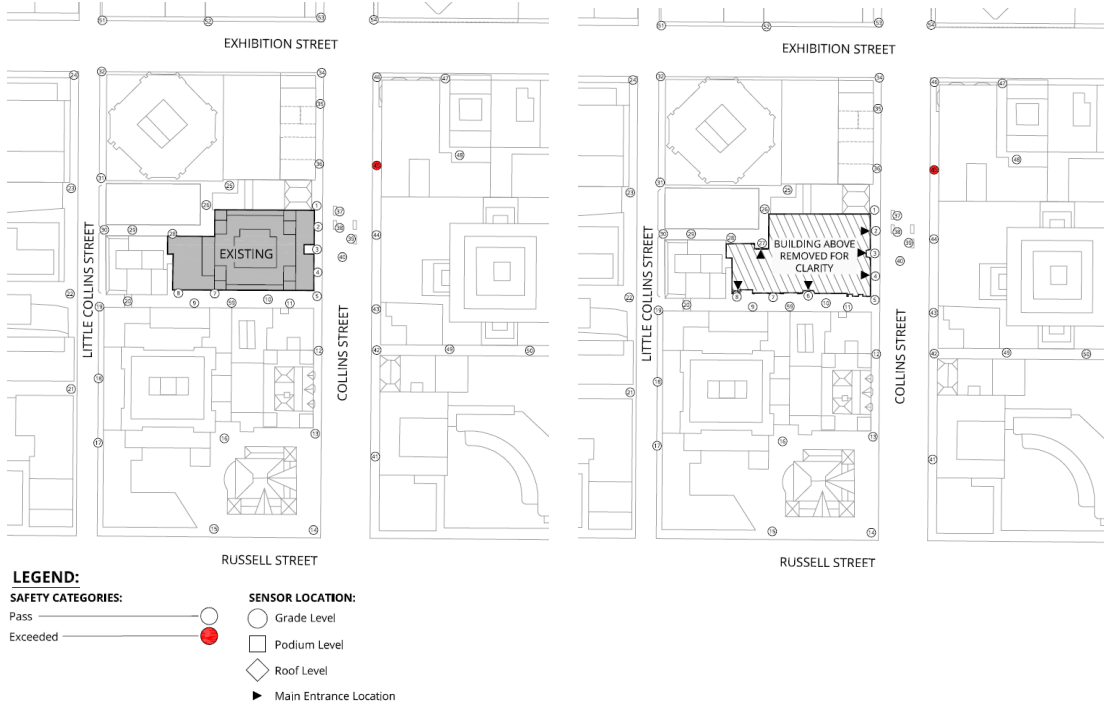


Figure 26 - Existing (left) and proposed (right) Wind Safety Conditions

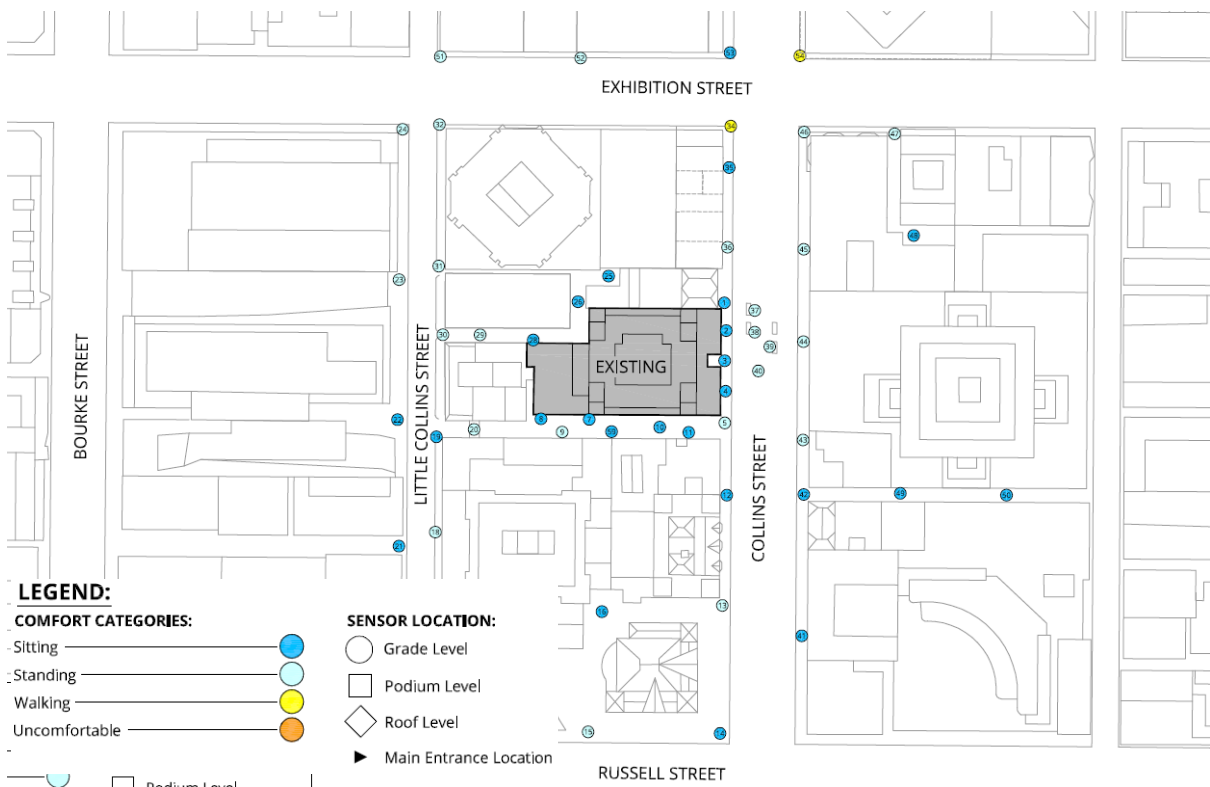


Figure 27 - Existing Wind Comfort Conditions

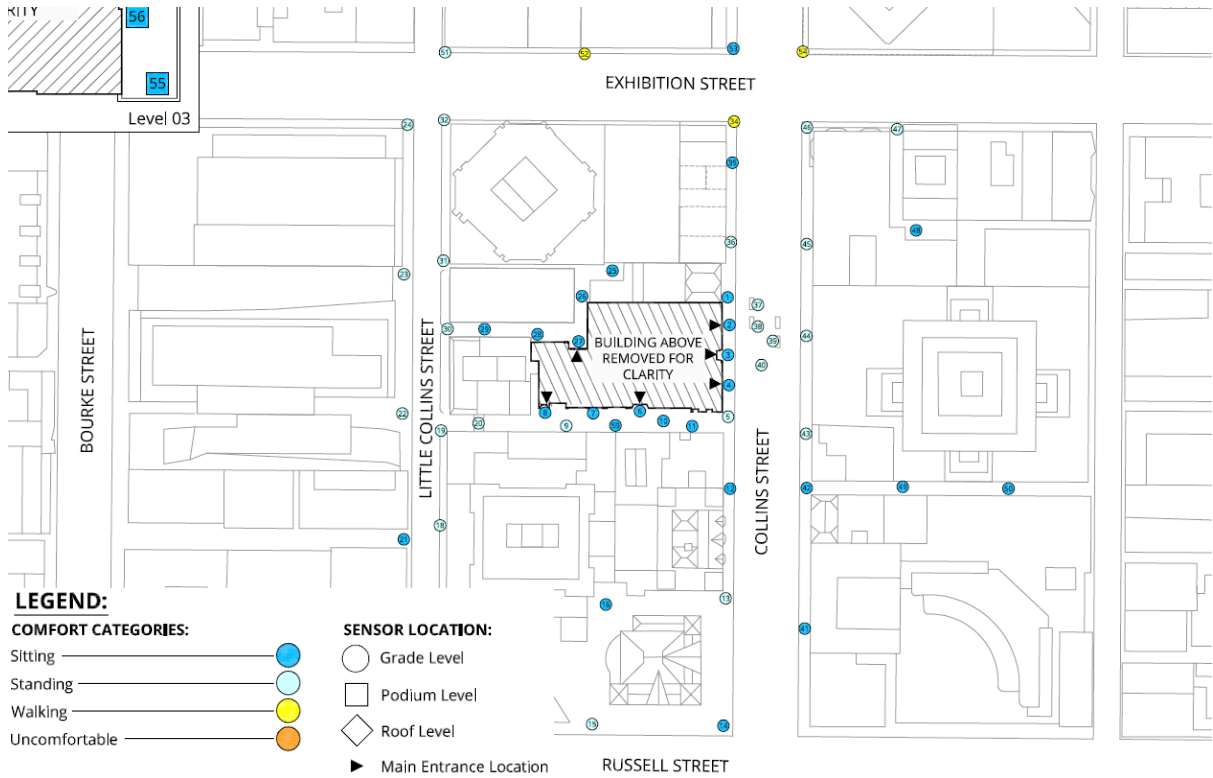


Figure 28 – Proposed Wind Comfort Conditions

12.5.2 Overshadowing

Tables 1 and 2 to DDO10 list key locations that must not be affected by additional shadows at certain times of the day and year. The proposed shadow diagrams submitted with the application demonstrate that no new shadow would be cast over the locations listed in the specified tables.

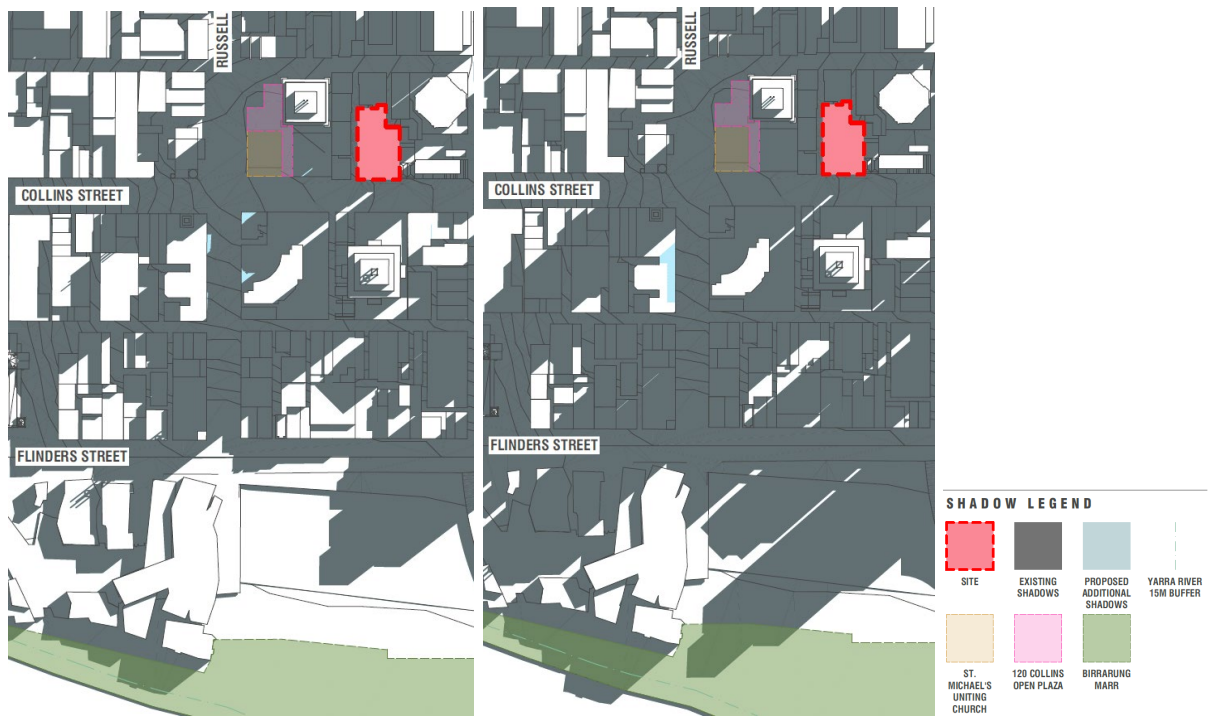


Figure 29 - 11am Shadow Diagram on Equinox (left) and Winter Solstice (right) showing no additional overshadowing of nearby public plazas





**Figure 30 – 2pm Shadow Diagram on Equinox (left) and Winter Solstice (right) showing no additional overshadowing of Birrarung Marr or Yarra River buffer area**

In addition to the DDO10 controls, Clause 15.01-1L-03 (Sunlight to Public Spaces) applies to land within the CCZ1 and seeks:

- *To protect, and where possible, increase the level of sunlight to public spaces during the times of the year when the intensity of use is at its highest.*
- *To ensure that overshadowing from development does not result in significant loss of sunlight and diminish the enjoyment of public spaces for pedestrians.*
- *To create and enhance public spaces to provide sanctuary, visual pleasure and a range of recreation and leisure opportunities.*

And states that:

*'Development should not unreasonably reduce the amenity of public spaces by casting additional shadows on any public space, public parks and gardens, public squares, major pedestrian routes including streets and lanes, open spaces associated with a place of worship and privately-owned plazas accessible to the public between 11.00 am and 2.00 pm on 22 September.'*

As illustrated in the submitted shadow diagrams, the proposal will largely fall within existing shadows of the surrounding buildings. Additional shadows are relatively limited and are not expected to unreasonably reduce the amenity of any public spaces or major pedestrian routes.

The extent of overshadowing is therefore considered to be acceptable.

### 12.5.3 Reflected Glare

The proposal includes extensive areas of silver tinted curtain wall glazing, which, due to the scalloped nature of the façade has the potential to result in undesirable glare impacts to occupants of neighbouring buildings and pedestrians.

Reflected Glare is defined in the 'Planning Consideration for Reflected Sunlight Glare' Practice Note 96 as:

*'Sunlight [that] is reflected from a building surface into the view of surrounding observers causing annoyance and/or loss of vision, which may then cause safety risks and/or amenity impacts.'*

A Design Requirement at DDO1 states that:

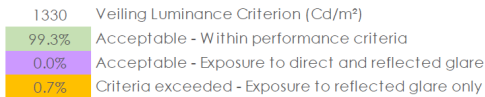
*'Facades should avoid the use of surfaces which cause unacceptable glare to the public realm.'*

To address glare impacts, the Applicant submitted an External Reflected Glare Report, prepared by Inhabit. The report includes an assessment of glare impacts to eight nearby buildings and six on-street locations with direct view of the proposed addition. It assumes a maximum 20 per cent glazing reflectivity and indicates that the only time and place that reflected glare exceeds applicable performance criteria is at 7pm in November at 120 Collins Street. This exceedance is shown Figure 31 below and described as follows:

*'The area of impact is localised to the south east corner of the building and the assessment conservatively assumes that occupants are facing directly outwards of the building (i.e. towards the glare source).'*

10. 120 Collins St

	AM							PM								
	5	6	7	8	9	10	11	12	1	2	3	4	5	6	7	8
Jan																
Feb																
Mar																
Apr																
May																
Jun																
Jul																
Aug																
Sep																
Oct																
Nov																
Dec																



**Figure 31 - Reflected Glare Report extract indicating the only time that reflected glare exceeds applicable performance criteria**

The report did not make any recommendations to reduce glare from the proposal and concludes that:

*'The project was not found to cause glare that poses a safety risk to tram operations and driver safety, and exceedance to one neighbouring building is less than 1% of annual daylight hours.'*

As the only occasion of reflected glare exceeding the applicable criteria is to an office building around 7pm (when most building occupants would have vacated the premises), this is considered to be an acceptable outcome. Conditions limiting glazing reflectivity will be included on any permit issued.

## 12.6 Ecologically Sustainable Design

### 12.6.1 Energy and Resource Efficiency

Clause 15.01-2L-01 encourages buildings that:

- Maximise the use of passive systems to achieve comfortable indoor conditions.
- Support new developments that minimise their embodied energy by their use of materials, construction and retention of reusable building fabric.
- Support on-site renewable and low emission energy generation, such as solar hot water, photovoltaic cells, wind powered turbines or combined heat and power generation systems in new developments.

- *Encourage use and development to minimise waste.*

The proposed development is considered to comply with performance measures set out in Clause 15.01-2L-01 for development, noting the following:

- It retains an existing structure and façade, significantly reducing upfront carbon emissions.
- Heating and hot water systems for the new portions of the development will be 100% electric.
- A number of central plant components for the existing portions of the development for improved energy efficiency will be replaced.
- A 20kW Solar PV System is proposed on the rooftop.
- The use of two rainwater harvesting tanks for toilet flushing and landscape irrigation.
- Low Volatile Organic Compounds (VOC) Paints, Carpets & Flooring, Adhesives & Sealants and Wall & Ceiling coverings will be selected for the project.

Conditions recommended by Council's Green Infrastructure & ESD Officer which would give force to the ESD Report will be included on any permit issued.

### **12.6.2 Stormwater Management (Water Sensitive Urban Design)**

The objectives of this policy include:

- *To promote the use of water sensitive urban design.*
- *To mitigate the detrimental effect of development on downstream waterways.*
- *To minimise peak stormwater flows and stormwater pollutants for the improved health of water bodies, including creeks, rivers and bays.*

Clause 19.03-3L provides that it is policy that development applications relating to new buildings incorporate water sensitive urban design that achieve the best practice water quality performance objectives set out in the Urban Stormwater Best Practice Environmental Guidelines, CSIRO 1999 (or as amended).

The submitted Sustainable Management Plan (SMP) prepared by Norman, Disney and Young was reviewed by Council's ESD Officer who advised that the proposal is consistent with the requirements of Clause 19.03-3L.

## **12.7 Traffic**

### **12.7.1 Bicycle facilities**

Clause 52.34 (Bicycle Facilities) seeks:

- *To encourage cycling as a mode of transport.*
- *To provide secure, accessible and convenient bicycle parking spaces and associated shower and change facilities.*

The proposal would result in an *additional* 14,780 m<sup>2</sup> of Office NLA and 2,057 m<sup>2</sup> of Retail NLA. Pursuant to Table 1, the proposal generates a demand for 75 bicycle spaces, comprising 56 staff and 19 visitor spaces. In accordance with Tables 2 and 3, it would also require the provision of six showers and change rooms for staff. If calculated across the entire development, the demand increases to 126 staff and 38 visitor spaces and 13 showers.

The proposal provides a total of 302 bicycle spaces (including 119 horizontal spaces), 39 showers and change rooms and 309 lockers for staff on level 2 of the existing building. The bicycle facilities are proposed to be accessed via both lifts within the retail lobby, and five of the lifts within the new lift core.

In terms of visitor bicycle spaces, the proposal seeks to rely on available bicycle parking within the surrounding streetscape, with no dedicated spaces on-site.

The proposed 302 bicycle spaces and 39 showers and change rooms significantly exceed the 126 spaces required pursuant to Clause 52.34 and is expected to encourage staff of the office and retail

tenancies to travel via bicycle. The co-location with change rooms and showers, and easy access via lifts is also positive.

The waiver of visitor bicycle parking is generally supported based on the following:

- The proposal is primarily for an addition to an existing building, which does not offer the same flexibility as a new building in relation to the provision of bicycle facilities for visitors.
- Genuine demand for visitor bicycle parking for offices is not considered to be significant.
- The surrounding streetscape could accommodate additional visitor bicycle parking infrastructure if the need arises.

### **12.7.2 Car park layout, access and loading**

The proposal relies on existing car parking areas and driveway. Council's Traffic Engineer did not raise any issues with the proposed revised car park layout or continuation of existing access and loading arrangements.

### **12.7.3 Car parking**

The site is covered by Schedule 1 to the Parking Overlay (PO1) which seeks to limit the provision of new car parking within the Central City and requires a permit for the provision of car parking spaces above a set amount. In this instance, the PO1 sets a maximum car parking amount of 287 car spaces.

The proposal results in the reduction of car parking spaces on the site from 109 to 85 to accommodate other requirements and a retail tenancy within the existing basement. The proposed 85 spaces are significantly less than the 287 space maximum and is therefore supported.

## **12.8 Land tenure matters**

Council's Land Surveyor made several comments in relation to the original proposal, as reproduced at Section 11.1.8 of this report. The majority of these comments related to the subdivision component which has since been removed. A response to the remaining issues follows:

- **Easements:** The registered party wall and carriageway easements are over the land at 86-88 Collins Street. As no works are proposed on this portion of the land, it is not considered necessary for them to be removed.
- **Consolidation of Title:** As discussed at Section 12.4.3 of this report, the land owner of 86-88 Collins Street will be required to enter into a Section 173 Agreement, in order to restrict further development of the land, having regard to FAR requirements of the CCZ1. It is considered that this negates the need for both Titles to be consolidated.

## **12.9 Objector Concerns**

Where concerns raised in an objection have not been addressed in the above assessment, these matters have been separately considered below.

### **12.9.1 Gross Floor Area calculation**

One of the objectors submitted that the Gross Floor Area for the purpose of calculating Floor Area Ratio (FAR) incorrectly exclude 132 m<sup>2</sup> of floorspace on level 23. An extract from the proposed Level 22 and 23 plan and relevant section highlighting the excluded section is provided below.

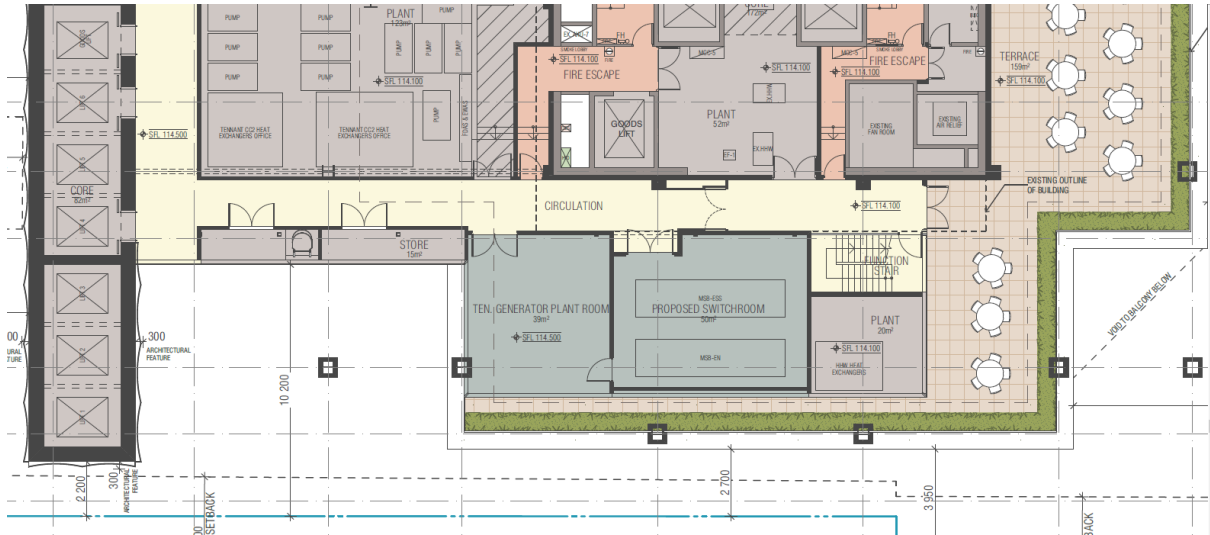


Figure 32 - Level 22 Plan extract. From Drawing TP322

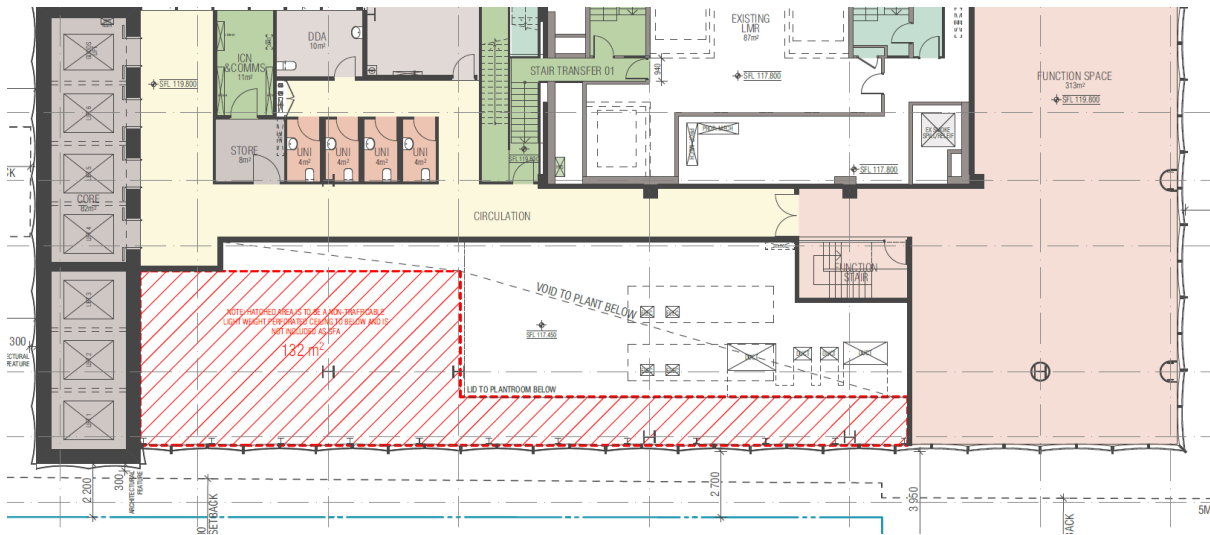


Figure 33 - Level 23 Plan extract. From Drawing TP323

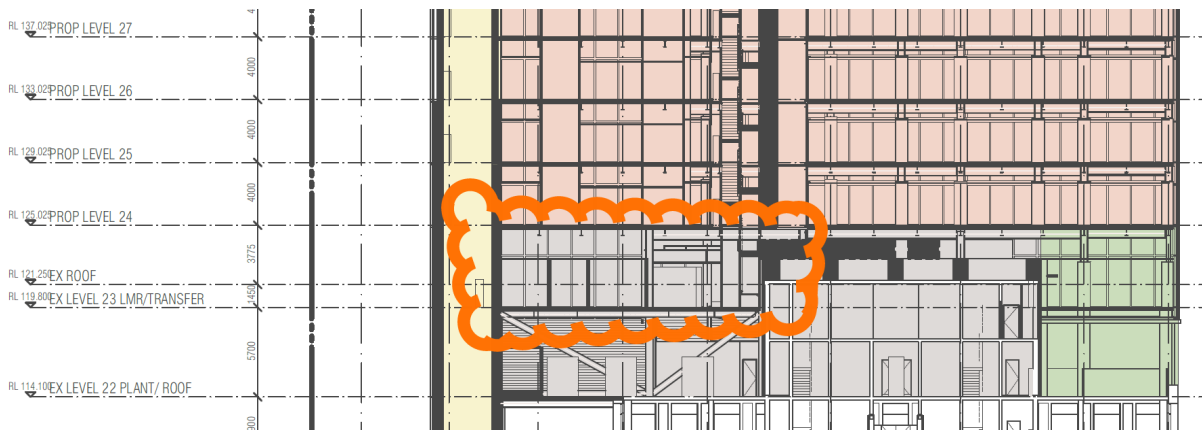


Figure 34 - Section A extract highlighting the excluded area on Level 23. From Drawing TP500

The relevant definition of Gross Floor Area at Section 3.0 of the CCZ1 states that:

*'For the purpose of this schedule the floor area ratio is the gross floor area above ground of all buildings on a site, including all enclosed areas, services, lifts, car stackers and covered balconies, divided by the area of the site. Voids associated with lifts, car stackers and similar*

*service elements should be considered as multiple floors of the same height as adjacent floors or 3.0 metres if there is no adjacent floor.'*

The floor plan for Level 23 describes the excluded area as a 'non-trafficable lightweight perforated ceiling' which appears to have been included for architectural purposes to match the adjacent plant room and create a more regular soffit. The space is only partially enclosed, and serves as an architectural feature that does not form part of a service element.

For that reason, it is considered correct to exclude the space from Gross Floor Area calculations.

### **12.9.2 Construction activities**

A condition (Construction Management Plan) will be included on any permit being granted requiring the developer to prepare and submit a detailed construction management plan to Council, which, when approved, sets out how construction processes will be carried out having regard to the following considerations:

- Public safety, amenity and site security.
- Operating hours, noise and vibration controls.
- Air and dust management.
- Stormwater and sediment control.
- Waste and materials reuse.
- Traffic management.
- Protection of street trees.

## **13 CONCLUSION**

Subject to conditions, the proposed development will respond appropriately to its heritage context, complying with Local Planning Policy Clause 15.03-1L-02 (Heritage), Schedules 1 & 10 to the Design and Development Overlay, will meet the requirements of Schedule 1 to the Capital City Zone, will provide acceptable public benefits, and will not unreasonably impact on the amenity of adjoining properties or public realm.

## **14 RECOMMENDATION**

Having considered all relevant provisions of the Melbourne Planning Scheme, in addition to the matters required under Section 60 of the *Planning and Environment Act 1987*, Planning recommends that the Future Melbourne Committee issue a Notice of Decision to Grant a Planning Permit subject to the conditions set out below.

### **14.1 Permit Preamble**

Partial demolition, external painting, multi-storey addition to the existing heritage building and reduction in bicycle facility requirements

### **14.2 Permit Conditions**

#### **Amended Plans**

1. Prior to the commencement of the development, including demolition, plans drawn to scale must be submitted to the Responsible Authority generally in accordance with the plans prepared by Fender Katsalidis, dated 15 July 2022 ((TP1001–TP800), but amended to show:
  - a) Floor plans for levels 4 and above which show the entire site (i.e. including 86-88 Collins Street).
  - b) Existing and proposed South and North Elevations which label the Title Boundary for 86-88 Collins Street.
  - c) The location of at least 4 Electric Vehicle spaces.

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

### **Layout not altered and satisfactory completion**

2. The development as shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
3. No architectural features, plant and equipment or services other than those shown on the endorsed plans are permitted above roof level, unless with the prior written consent of the Responsible Authority.
4. Prior to the occupation of the development, all buildings and works required by this permit must be completed to the satisfaction of the Responsible Authority.

### **Glazing and glare**

5. Specular light reflectance must be less than 15 per cent for all external building glazing and cladding materials and finishes when measured at an angle of 90 degrees to the surface of the material (normal incidence), except with the written consent of the Responsible Authority.
6. External glazing and cladding materials and finishes must avoid disability glare to public transport operators, road users and aircraft, to the satisfaction of the Responsible Authority.
7. Extended periods of discomfort glare for pedestrians and occupants of surrounding buildings caused by glazing (including tilted glazing) and external cladding materials and finishes with specular or glossy finishes (including polished metal cladding, finished stainless steel, glazed tiles, high gloss paint finishes) must be avoided, to the satisfaction of the Responsible Authority.

### **Façade Strategy**

8. Concurrent with the endorsement of plans pursuant to Condition 1, a Façade Strategy must be submitted to and approved by the Responsible Authority. All materials, finishes and colours must be in conformity with the approved Façade Strategy to the satisfaction of the Responsible Authority. The Façade Strategy must be generally in accordance with the development plans and must detail:
  - a) A concise description by the architect(s) of the building design concept and how the façade works to achieve this.
  - b) Elevation details generally at a scale of 1:50 illustrating typical lower level details, balcony niches, entries and doors, and utilities, typical tower detail, and any special features which are important to the building's presentation.
  - c) Cross sections or another method of demonstrating the façade systems, including fixing details indicating junctions between materials and significant changes in form and / or material.
  - d) Information about how the façade will be accessed and maintained and cleaned, including any planting if proposed.
  - e) Example prototypes and / or precedents that demonstrate the intended design outcome as indicated on plans and perspective images, to produce a high quality built outcome in accordance with the design concept.
  - f) A schedule of colours, materials and finishes, including the colour, type and quality of materials showing their application and appearance. Materials and finishes must be of a high quality, contextually appropriate, durable and fit for purpose. This can be demonstrated in coloured elevations or renders from key viewpoints, to show the materials and finishes linking them to a physical sample board with coding.

### **Architect to be retained**

9. Except with the consent of the Responsible Authority, Fender Katsalidis must be retained to complete and provide architectural oversight during construction of the detailed design as shown in the endorsed plans and endorsed schedule of materials to the satisfaction of Responsible Authority.

### **Land Uses**

10. No parts of the building may be used as an adult sex bookshop, department store, hotel, supermarket or tavern without permission from the Responsible Authority.

## **Landscape Design**

11. Prior to the commencement of the development, excluding demolition and including bulk excavation, a detailed landscape plan for all open areas of the site must be submitted to and approved by the Responsible Authority. This plan must include:

- a) Details of pervious and non-pervious surface finishes, within all open areas of the site.
- b) A schedule of all soft and hard landscaping treatments.

The landscape plan must be to the satisfaction of the Responsible Authority and when approved shall be endorsed to form part of this permit.

12. Prior the occupation of the development, landscape works, as shown on the endorsed landscape plan must be completed to the satisfaction of the Responsible Authority.

13. Landscaping as shown on the endorsed landscape plan must be maintained to the satisfaction of the Responsible Authority, except with the written consent of the Responsible Authority.

## **Legal Agreements**

### *Future development*

14. Prior to the commencement of the development, excluding preliminary site works, demolition, bulk excavation, retention, footings and foundations, and any clean up works, or as may otherwise be agreed in writing with the Responsible Authority, in consultation with Melbourne City Council, the owner of the land at 86-88 Collins Street must enter into an agreement with Melbourne City Council under Section 173 of the Planning and Environment Act 1987. The agreement must provide for the following:

- a) If the Melbourne Planning Scheme sets out maximum allowable Floor Area Ratio (FAR) requirements, then the maximum allowable FAR for any future development of the land at 86-88 Collins Street:
  - i. is to be calculated in accordance with the provisions of the Melbourne Planning Scheme; and
  - ii. is to be reduced by the gross floor area amount (m<sup>2</sup>) shown on the endorsed plans (as may be amended from time to time) as being transferred from the land at 86-88 and 90-98 Collins Street to the approved development.

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

### *Public Access*

15. Prior to the commencement of the development, excluding preliminary site works, demolition, bulk excavation, retention, footings and foundations, and any clean up works, or as may otherwise be agreed in writing by the Responsible Authority, the owner of the land must enter into a legal agreement pursuant to Section 173 of the *Planning and Environment Act 1987* with Melbourne City Council. The agreement must provide the following:

- a) Give rights of public access over a 15 m<sup>2</sup> parcel of land adjacent to the 'retail & bike lifts' along Alfred Place and a 7 m<sup>2</sup> area of land adjacent to the Pink Alley entry to the building, located within the subject land 24 hours a day, 7 days a week, but to remain at all times in private ownership as part of the subject land.

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

### *Alfred Place Upgrade*

16. Prior to the commencement of the development, excluding preliminary site works, demolition, bulk excavation, retention, footings and foundations, and any clean up works, or as may otherwise be agreed in writing by the Responsible Authority, the owner of the land must enter into a legal agreement pursuant to Section 173 of the *Planning and Environment Act 1987* with Melbourne City Council. The agreement must provide the following:



- a) The owner or developer to pay a contribution of \$1,000,000 for the upgrade of the Alfred Place Streetscape.
- b) Require that development contributions are to be indexed quarterly from 1 July 2023 to the Price Index of the Output of the Construction Industries (Vic.) published by the Australian Bureau of Statistics (ABS).
- c) Require registration of the agreement on the titles to the affected lands as applicable.
- d) Confirm that contributions will be payable to the Melbourne City Council.

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

### **Construction Management Plan**

17. Prior to the commencement of the development, including demolition and bulk excavation, a detailed construction and demolition management plan must be submitted to and be approved by the Responsible Authority – Construction Management Group.

This construction management plan must 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.
- f) traffic management.
- g) protection of street trees.

### **Tree Protection**

#### *Tree Protection Plan*

18. Prior to the commencement of any works, including demolition, a Tree Protection Plan (TPP) must be provided to the satisfaction of the Responsible Authority (City of Melbourne). The TPP must identify all impacts to public trees, be in accordance with AS 4970-2009 – Protection of trees on development sites and include:

- a) City of Melbourne asset numbers for the subject trees (found at <http://melbourneurbanforestvisual.com.au>).
- b) Reference to the finalised Construction and Traffic Management Plan, including any public protection gantries, loading zones and machinery locations.
- c) Site specific details of the temporary tree protection fencing to be used to isolate public trees from the demolition and or construction activities or details of any other tree protection measures considered necessary and appropriate to the works.
- d) Specific details of any special construction methodologies to be used within the Tree Protection Zone of any public trees. These must be provided for any utility connections or civil engineering works.
- e) Full specifications of any pruning required to public trees with reference to marked images.
- f) Any special arrangements required to allow ongoing maintenance of public trees for the duration of the development.
- g) Details of the frequency of the Project Arborist monitoring visits, interim reporting periods and final completion report (necessary for bond release).

### *Public Tree Removal / Pruning*

19. No public tree adjacent to the site can be removed or pruned in any way without the written approval of the City of Melbourne.

### *Public Tree Protection*

20. All works (including demolition), within the Tree Protection Zone of public trees must be undertaken in accordance with the endorsed Tree Protection Plan and supervised by a suitably qualified Arborist where identified in the report, except with the further written consent of the Responsible Authority.
21. Following the approval of a Tree Protection Plan (TPP) a bond equivalent to the combined environmental and amenity values of public trees that may be affected by the development will be held against the TPP for the duration of construction activities. The bond must be lodged by the Principal contractor. The bond value will be calculated by Council. Should any tree be adversely impacted by the works, the City Of Melbourne will be compensated for any loss of amenity, ecological services or amelioration works incurred.

### **Environmentally Sustainable Design**

22. Before development commences, an amended Sustainability Management Plan (SMP) to the satisfaction of the Responsible Authority and prepared by a suitable qualified person must be submitted to and approved by the Responsible Authority. When approved, the amended SMP will be endorsed and form party of this permit. The amended SMP must be generally in accordance with the SMP prepared by Norman Disney Young dated 1 June 2022, but modified to include or show:
  - a) Additional information for several credits in the Green Star pathway that demonstrate the development can actually achieve a 5 Star Green Star benchmarked standard; including details of:
    - i. The Green Star Accredited Professional who has been engaged on the project.
    - ii. The environmental performance targets that have been scoped and considered for the project including energy, water and waste.
    - iii. The external consultant to the current consultant team who have been engaged to provide current design advice on the project and are engaged to provide advice through to the construction and operational phases of the project.
    - iv. The project-specific Climate Adaptation Plan (CAP).
    - v. The building façade requirements to comply with the Thermal Comfort credit (14.1).
    - vi. Modelling that demonstrates the development can achieve greenhouse gas emissions reductions lower than a reference building.
    - vii. How at least 20% of peak demand can be reduced (Credit 16A).
    - viii. The minimum requirements to address each credit for bicycle facilities.
    - ix. The Access by Public Transport Calculator (Credit 17B.1).
    - x. how the design meets or exceeds the Active Transport Facilities requirements (Credit 17B.4).
    - xi. The potable water calculator (Credit 18A).
    - xii. The size and location of the proposed rainwater tank with reference to the planning drawings (Credit 18A).
  - b) Evidence of registration of the project with the Green Building Council of Australia.
  - c) Preliminary modelling or calculations to support the greenhouse gas emissions reductions and energy performance in relation to standard reference building.
  - d) Adoption of the NABERS pathway through Green Star for energy.

23. Prior to the occupation of any building approved under this permit, a report from the author of the endorsed SMP report, or similarly qualified persons or companies, outlining how the performance outcomes specified in the amended SMP have been implemented must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm and provide sufficient evidence that all measures specified in the approved SMP have been implemented in accordance with the relevant approved plans.

### **Waste Management**

24. The waste storage, processing and collection arrangements must be in accordance with the Waste Management Plan (WMP) prepared by WSP dated 13 December 2021.

The submitted WMP must not be altered without prior consent of the City of Melbourne – Waste and Recycling.

25. No garbage bin or waste materials generated by the development may be deposited or stored outside the site and bins must be returned to the garbage storage area as soon as practical after garbage collection, to the satisfaction of the Responsible Authority.

### **Civil Engineering**

#### *Projections*

26. All projections over the street alignment must conform to Building Regulations 2018, Part 6, Sections 98 to 110 as appropriate. Reference can be made to the City of Melbourne's Road Encroachment Operational Guidelines with respect to projections impacting on street trees and clearances from face / back of kerb.

#### *Drainage of projections*

27. 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 Responsible Authority – City Infrastructure.

#### *Works abutting CoM laneways*

28. The title boundaries for the property may not exactly agree with the road alignments of the abutting the City of Melbourne's laneway(s). The approved works must not result in structures that encroach onto the City of Melbourne's laneways.

#### *Drainage connection underground*

29. 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 Responsible Authority – City Infrastructure. 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.

#### *Groundwater management*

30. All groundwater and water that seeps from the ground adjoining the building basement (seepage water) and any overflow from a reuse system which collects groundwater or seepage water must not be discharged to the Council's drainage network. All contaminated water must be treated via a suitable treatment system and fully reused on site or discharged into a sewerage network under a relevant trade waste agreement with the responsible service authority.

#### *Demolish and construct access*

31. 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 Responsible Authority – City Infrastructure.

*Street works required*

32. All new or altered portions of road (including the provision of footpaths, public lighting, street trees, pavement marking and signage) in Alfred Place must be constructed prior to the occupation of the development, in accordance with plans and specifications first approved by the Responsible Authority – City Infrastructure.

*Roads*

33. The road adjoining the site along Pink Alley must be reconstructed together with associated works including the modification of services as necessary at the cost of the developer, in accordance with plans and specifications first approved by the Responsible Authority – City Infrastructure.

*Footpath*

34. The footpath adjoining the site along Collins Street must be reconstructed together with associated works including the renewal of kerb and channel and modification of services as necessary at the cost of the developer, in accordance with plans and specifications first approved by the Responsible Authority – City Infrastructure.

*Street levels not to be altered*

35. Existing street levels in roads adjoining the site must not be altered for the purpose of constructing new vehicle crossings or pedestrian entrances without first obtaining approval from the Responsible Authority – City Infrastructure.

*Existing street lighting not altered without approval*

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

*Existing street furniture*

37. Existing street furniture must not be removed or relocated without first obtaining the written approval of the Responsible Authority – City Infrastructure.

*Street furniture*

38. All street furniture such as street litter bins, recycling bins, seats and bicycle rails must be supplied and installed on footpaths outside the proposed building to plans and specifications first approved by the Responsible Authority – City Infrastructure.

*Public lighting*

39. Prior to the commencement of the development, excluding preliminary site works, demolition and any clean up works, or as may otherwise be agreed with the City of Melbourne, a lighting plan must be prepared to the satisfaction of Council. The lighting plan should be generally consistent with Council's Lighting Strategy, and include the provision of public lighting in the adjacent streets. The lighting works must be undertaken prior to the commencement of the use / occupation of the development, in accordance with plans and specifications first approved by the Responsible Authority – City Infrastructure.

**Building Appurtenances, Services and External Lighting**

40. All external lighting of the site, including car parking areas and buildings, must be located, directed and baffled so that no nuisance is caused to adjoining or nearby residents. All external lighting must be energy efficient. External lighting must be to the satisfaction of the Responsible Authority.
41. All building plant and equipment on the roofs, balcony areas and common areas are to be concealed to the satisfaction of the Responsible Authority. The construction of any additional plant machinery equipment, including but not limited to air-conditioning equipment, ducts, flues, all exhausts including car parking and communications equipment, shall be to the satisfaction of the Responsible Authority.

42. Any satellite dishes, antennae or similar structures associated with the development must be designed and located at a single point in the development to the satisfaction of the Responsible Authority, unless otherwise approved to the satisfaction of the Responsible Authority.
43. All service pipes, apart from roof down pipes, must be concealed from the view of a person at ground level within common areas, public thoroughfares and adjoining properties.

### **3D Digital Model**

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

### **Permit Expiry**

45. This permit will expire if one of the following circumstances applies:

- a) The development is not started within three years of the date of this permit.
- b) The development is not completed within five years of the date of this permit.

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

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

## **14.3 Permit Notes**

### *Engineering*

- All necessary approvals and permits are to be first obtained from the City of Melbourne and the works performed to the satisfaction of the Responsible Authority – City Infrastructure.
- This Planning Permit does not represent the approval of other departments of Melbourne City Council or other statutory authorities. Such approvals may be required and may be assessed on different criteria from that adopted for the approval of this Planning Permit.
- The City of Melbourne is not obligated to provide any additional bicycle hoops to cater for future bike parking demands from this development.

### *Tree Protection*

- A tree protection bond can be provided as a bank guarantee or by EFT. A bank guarantee must be:
  - a) Issued to City of Melbourne, ABN: 55 370 219 287.
  - b) From a recognised Australian bank.
  - c) Unconditional (i.e. no end date).
  - d) Executed (i.e. signed and dated with the bank stamp).
- If the bond is to be lodged as an EFT, Council's bank details will be provided on request.
- An acceptable bank guarantee is to be supplied to Council House 2, to a representative from Council's Urban Forest and Ecology Team. Please email [trees@melbourne.vic.gov.au](mailto:trees@melbourne.vic.gov.au) to arrange a suitable time for the bank guarantee to be received. A receipt will be provided at this time.
- Any pruning works identified in the Tree Protection Plan will be undertaken once the Tree Protection Bond is lodged, all permits issued and works are ready to commence.

- On completion of the works, the bond will only be released when evidence is provided of Project Arborist supervision throughout the works and a final completion report confirms that the public trees have not been affected by the works.