
1.6 PLN19/0450 - 36-52 Wellington Street, Collingwood - Construction of a multi-storey office building, use of the land for food and drink premises and a reduction in the car parking requirement.

Reference: D20/25752

Authoriser:

RECOMMENDATION

That having considered all objections and relevant planning policies, the Committee resolves to notify the Victorian Civil and Administrative Tribunal and all parties that had Council been in a position to determine the application, it would have issued a Notice of Decision to Grant a Planning Permit PLN19/0450 for construction of a multi-storey office building, use of the land for food and drink premises and a reduction in car parking requirements at 36-52 Wellington Street, Collingwood, subject to the following conditions:

1. Before the development starts amended plans to the satisfaction of the responsible authority must be submitted to, and approved by, the responsible authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans identified as TP0-100 – TP9-101 dated 31 January 2020, prepared by Jackson Clements Burrows Architects but modified to show:
 - (a) The height of the western portion of the building reduced by increasing the setback of Level 12 by 11m from the western boundary (i.e. to match Level 13), with subsequent relocation of the Level 13 terrace to Level 12;
 - (b) Café relabelled as 'Food and Drink (café) Tenancy 1' and the food and drink premises relabelled as 'Food and Drink Tenancy 2';
 - (c) Size of the rainwater tank to be annotated;
 - (d) Timber frame construction to be referenced on the section drawings;
 - (e) A pedestrian sightline triangle (2m x 2.5m) to be superimposed on the drawings at the exit point from the site;
 - (f) Columns that are non-compliant with Diagram 1 of clause 52.06-9 repositioned or redesigned to not encroach upon the parking space;
 - (g) 1:8 transition grades at the base of vehicle ramps to be a minimum of 2.5m in length;
 - (h) Revised vehicle crossover cross-sectional drawing in accordance with the City of Yarra Vehicle Crossings Information Sheet demonstrating that a 99th percentile vehicle profile can traverse the crossover;
 - (i) Changes as a result of the road safety audit if required by the responsible authority;
 - (j) Minimum 1.5m wide footpath area clear of any obstructions (e.g. street furniture, bicycle parking areas, street tree pits etc.) identified along Northumberland Street;
 - (k) Minimum 3.5m clearance in radius is provided from the existing street trees along Wellington Street;
 - (l) Roof top services screen modified from white to be a light grey colour finish;
 - (m) Additional staff bicycle spaces to achieve BESS best practice (i.e. total of 186);
 - (n) Any requirement of the endorsed Façade Strategy and materials and Finishes plan, where relevant show on the plans in accordance with condition 4;

- (o) any requirement of the endorsed Sustainable Management Plan, where relevant to show on plans in accordance with Condition 9;
 - (p) any requirement of the endorsed Waste Management Plan, where relevant to show on plans in accordance with Condition 12;
 - (q) any requirement of the endorsed Acoustic Report, where relevant to show on plans in accordance with Condition 15;
 - (r) any requirement of the endorsed Wind Report, where relevant to show on plans in accordance with Condition 19; and
 - (s) Any requirement of the endorsed landscaping plan, where relevant to shown on plans in accordance with Condition 17.
2. The use and development as shown on the endorsed plans must not be altered without the prior written consent of the responsible authority.
3. As part of the ongoing consultant team, Jackson Clements Burrows Architects or an architectural firm to the satisfaction of the responsible authority must be engaged to:
- (a) oversee design and construction of the development; and
 - (b) ensure the design quality and appearance of the development is realised as shown in the endorsed plans or otherwise to the satisfaction of the responsible authority.

Façade Strategy

4. In conjunction with the submission of development plans under Condition 1, a Façade Strategy and Materials and Finishes Plan to the satisfaction of the Responsible Authority must be submitted to and be approved by the Responsible Authority. When approved, the Façade Strategy and Materials and Finishes Plan will be endorsed and will then form part of this permit. This must detail:
- (a) elevation drawings at a scale of 1:20 illustrating typical podium details, entries and doors, and utilities and typical tower facade details including;
 - (i) the use of actual bricks (i.e. not snaplock) within the podium
 - (ii) timber frame construction
 - (b) section drawings to demonstrate façade systems, including fixing details and joints between materials or changes in form;
 - (c) information about how the façade will be maintained; and
 - (d) a sample board and coloured drawings outlining colours, materials and finishes

Food and drink premises use

5. Except with the prior written consent of the responsible authority, the food and drink premises (incl. café) may only operate between the hours of 7.00am and 6.00pm, seven days per week.
6. No more than 20 patrons are permitted within the Food and Drink (café) Tenancy 1 at any one time.
7. No more than 130 patrons are permitted within Food and Drink Tenancy 2 at any one time.

8. The provision of music and entertainment within the food and drink premises (incl. café) must be at a background noise level.

Sustainable Management Plan

9. Before the development starts, an amended Sustainable Management Plan to the satisfaction of the responsible authority must be submitted to, and approved by, the responsible authority. When approved, the amended Sustainable Management Plan will be endorsed and will form part of this permit. The amended Sustainable Management Plan must be generally in accordance with the Sustainable Management Plan prepared by Aurecon prepared on 28 June 2019, but modified to include or show:
 - (a) A more comprehensive shading strategy
 - (b) Daylight modelling for a typical floor
 - (c) U-Value, Solar Heat Gain Coefficient and Visible Light Transmission of the glazing solution proposed
 - (d) Preliminary energy modelling report
 - (e) Supporting details for Thermal Performance based on façade properties
 - (f) Supporting data for Green House Gas reduction credits
 - (g) Solar photovoltaic system capacity
 - (h) Landscaping shown on terraces to be included in BESS scope
 - (i) A statement addressing how the building design has mitigated urban heat island
10. The provisions, recommendations and requirements of the endorsed Sustainable Management Plan must be implemented and complied with to the satisfaction of the responsible authority.
11. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, a report from the author of the Sustainability Management Plan, approved under this permit, or similarly qualified person or company, must be submitted to the Responsible Authority.

The report must be to the satisfaction of the Responsible Authority and must confirm all measures specified in the endorsed Sustainability Management Plan pursuant to Condition 9 have been implemented, including a 5 star Green Star rating.

Waste Management Plan

12. Before the development commences, an amended Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Waste Management Plan will be endorsed and will form part of this permit. The amended Waste Management Plan must be generally in accordance with the Waste Management Plan prepared by Aecom and dated 15 August 2019, but modified to include (or show/address):
 - (a) Reduce the number of waste collections required;
 - (b) Detail on managing hard waste;
 - (c) An explanation on how risk associated with the waste management and collection process will be managed.
 - (d) A clause that would require the review of the waste management plan if the operational requirements are to change.

13. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the responsible authority.
14. The collection of waste from the site must be by private collection, unless with the prior written consent of the responsible authority.

Acoustic report

15. Before the development commences, an amended Acoustic Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Acoustic Report will be endorsed and will form part of this permit. The amended Acoustic Report must be generally in accordance with the Acoustic Report prepared by Aecom and dated 28 June 2019, but modified to include (or show, or address):
 - (a) The exact locations of all sensitive receiver locations clearly indicated in the report;
 - (b) SEPP N-1 noise limits determined from all receivers potentially affected by noise from the development; and
 - (c) An assessment of noise from all mechanical plant and equipment to be conducted during the detailed design phase of the project, to ensure that SEPP N-1 noise limits are not exceeded.
16. The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the responsible authority.

Landscape Plan

17. Before the development commences, a Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Landscape Plan will be endorsed and will form part of this permit. The Landscape Plan must be generally in accordance with the Landscape Town Planning Report prepared by Openwork Pty Ltd and dated 10 September 2019, but modified to include (or show):
 - (a) Planting within the title boundaries;
 - (b) The planter boxes extended along the southern side of the Level 4 terrace
 - (c) Detailed planting plan showing the type, location, quantity, height at maturity and botanical names of all proposed plants;
 - (d) Confirm plants are not on the *DELWP Advisory List of Environmental Weeds in Victoria*;
 - (e) detail of supporting structures for any vertical and cascading plants (if proposed);
 - (f) provide a specification of works to be undertaken prior to planting; and
 - (g) detail plant/planting maintenance schedules and requirementsto the satisfaction of the responsible authority.
18. Before the development is occupied, or by such later date as approved in writing by the responsible authority, the landscaping works shown on the endorsed Landscape Plan must be carried out and completed to the satisfaction of the responsible authority. The landscaping shown on the endorsed Landscape Plan must be maintained by:
 - (a) implementing and complying with the provisions, recommendations and requirements of the endorsed Landscape Plan;

- (b) not using the areas set aside on the endorsed Landscape Plan for landscaping for any other purpose; and
 - (c) replacing any dead, diseased, dying or damaged plants
- to the satisfaction of the responsible authority.

Wind Assessment Report

19. Before the development starts, a Wind Assessment to the satisfaction of the responsible authority must be submitted to, and approved by, the responsible authority. When approved, the Wind Assessment will be endorsed and will form part of this permit. The Wind Assessment must address (include/show):
 - (a) Wind tunnel testing to verify the assumptions within the desktop study prepared by Windtech and dated 21 August 2019;
 - (b) Achieve recommended criteria without the reliance on vegetation
20. The provisions, recommendations and requirements of the endorsed Wind Assessment Report must be implemented and complied with to the satisfaction of the responsible authority.

Public Realm works

21. Before the development starts, an amended Public Realm Plan to the satisfaction of the responsible authority must be submitted to, and approved by, the responsible authority. When approved, the Public Realm Plan will be endorsed and will then form part of this Permit. The public realm works must be generally in accordance with the Landscape Town Planning Report prepared by Openwork Pty Ltd and dated 10 September 2019, but modified to show:
 - (a) Clear distinction between existing and proposed street trees.
 - (b) Street tree planting along Northumberland Street to have regard to:
 - (i) any underground services
 - (ii) Shading from the development to the north
 - (iii) Soil volumes
 - (iv) Root impact on surface treatments
 - (c) Minimum 1.5m wide footpath area adjacent Northumberland Street that is clear of any obstructions (e.g. street furniture, bicycle parking areas, street trees pits etc);
 - (d) On-street parking bays and line marking that are impacted by the proposal.
 - (e) Existing and proposed power/light poles;
 - (f) Spot levels, falls/grading along the footpath interfaces.
 - (g) Indication of surface drainage type, locations and materiality
 - (h) Clarify whether tactile indicators and/or handrails are required and demonstrate that these will not obstruct any desired pedestrian line of travel
 - (i) Replace brick pavers within in the public realm (incl. road) with an alternative material in accordance with the City of Yarra's Public Domain Manual and smooth for cyclists;
 - (j) Delineation of the title boundaries (e.g. non slip/trip metal banding)
 - (k) Delete the planter box seat next to the vehicle entrance;

- (l) Provision for 5 bicycle hoops and a bench seat along Wellington Street in accordance with the City of Yarra's Public Domain Manual;
 - (m) Bicycle hoops along Northumberland Street and Wellington Street to be angled to maximise the pedestrian accessway width;
 - (n) Heritage interpretation programme to include signage near the corner of Northumberland and Wellington Streets that provides a brief illustrated history of the old Victoria Distillery; and
 - (o) the raised concrete barrier for the Copenhagen lane extended across the reinstated vehicle crossing and any subsequent lane marking/painting.
22. The public realm works shown on the endorsed Public Realm Plan must be carried out and completed before the development is occupied or by such later date as approved in writing by the responsible authority, at the permit holder's cost and to the satisfaction of the responsible authority.
23. Prior commencement of the development authorised by this permit, or at a later date if agreed in writing by the responsible authority, the owner (or another person in anticipation of becoming the owner) must enter into an agreement with the Responsible Authority under Section 173 of the *Planning and Environment Act 1987*, which provides for the following:
- (a) Minimum 1.5m wide footpath area adjacent to Northumberland Street as shown on the endorsed plans pursuant to condition 1 of this permit must remain unobstructed and maintained by the owner in good order, at no cost to Council, to the satisfaction of the Responsible Authority.

The owner, or other person in anticipation of becoming the owner, must meet all the expenses of the preparation and registration of the agreement, including the Responsible Authority's costs and expenses (including legal expenses) incidental to the preparation, registration and enforcement of the agreement.

Road Infrastructure

24. Prior to the endorsement of plans, a Road Safety Audit to assess and provide recommendations on the following:
- (a) How conflicts will be managed at the western end of Northumberland when parked cars are present
25. Before the development is occupied, or by such later date as approved in writing by the responsible authority, any new vehicle crossing must be constructed:
- (a) in accordance with any requirements or conditions imposed by Council;
 - (b) at the permit holder's cost; and
 - (c) to the satisfaction of the responsible authority.
26. Before the building is occupied, or by such later date as approved in writing by the responsible authority, any redundant vehicular crossings must be demolished and re-instated as standard footpath and kerb and channel:
- (a) at the permit holder's cost; and
 - (b) to the satisfaction of the responsible authority.

27. Before the development is occupied, or by such later date as approved in writing by the responsible authority, any damage to Council infrastructure resulting from the development reinstated:
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the responsible authority.
28. All road pavement reinstatements must be consolidated as single full-width areas of reinstatement to reduce further construction joints in the pavement.

Car parking

29. Before the development is occupied, or by such later date as approved in writing by the responsible authority, the area set aside on the endorsed plans for the car parking spaces, access lanes, driveways and associated works must be:
 - (a) constructed and available for use in accordance with the endorsed plans;
 - (b) formed to such levels and drained so that they can be used in accordance with the endorsed plans; and
 - (c) line-marked or provided with some adequate means of showing the car parking spaces to the satisfaction of the responsible authority.

Green Travel Plan

30. Before the development is occupied, an amended Green Travel Plan to the satisfaction of the responsible authority must be submitted to, and approved by, the responsible authority. When approved, the amended Green Travel Plan will be endorsed and will form part of this permit. The amended Green Travel Plan must be generally in accordance with the Green Travel Plan prepared by Aecom and dated 27 August 2019, but include the following:
 - (a) Types of lockers within the change-room facilities, with at least 50% of lockers providing hanging storage space;
 - (b) Security arrangements to access the employee bicycle storage space; and
 - (c) Signage and wayfinding information for bicycle facilities and pedestrians pursuant to Australian Standard AS2890.3.
31. The provisions, recommendations and requirements of the endorsed Green Travel Plan must be implemented and complied with to the satisfaction of the responsible authority.

Lighting

32. Before the development is occupied, or by such later date as approved in writing by the responsible authority, external lighting capable of illuminating access to the pedestrian and vehicular entrances and internal laneway must be provided on the subject site. Lighting must be:
 - (a) located;
 - (b) directed;
 - (c) shielded; and
 - (d) of limited intensityto the satisfaction of the responsible authority.

General

33. Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the responsible authority.
34. The amenity of the area must not be detrimentally affected by the construction and use, including through:
 - (a) the transport of materials, goods or commodities to or from land;
 - (b) the appearance of any buildings, works or materials;
 - (c) the emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil or
 - (d) the presence of verminto the satisfaction of the responsible authority.
35. Before the development is occupied, or by such later date as approved in writing by the responsible authority, all new on-boundary walls must be cleaned and finished to the satisfaction of the responsible authority.
36. All buildings and works must be maintained in good order and appearance to the satisfaction of the responsible authority.
37. All pipes, fixtures and fittings servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the responsible authority.
38. Except with the prior written consent of the responsible authority, demolition or construction works must not be carried out:
 - (a) Monday–Friday (excluding public holidays) before 7.00am or after 6.00pm;
 - (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9.00am or after 3.00pm; or
 - (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.

Tree Management Plan

39. Before the development commences, a Tree Management Plan to the satisfaction of the Responsible Authority must be prepared by a suitably qualified Arborist and must be submitted to and approved by the Responsible Authority. When approved the Tree Management Plan will be endorsed and will form part of this permit. The Tree Management Plan must make recommendations for:
 - (a) the protection of the street trees adjacent to the Wellington Street frontage;
 - (i) pre-construction;
 - (ii) during construction; and
 - (iii) post construction
 - (b) the provision of any barriers;
 - (c) any pruning necessary; and
 - (d) watering and maintenance regimes,to the satisfaction of the Responsible Authority.

40. The provisions, recommendations and requirements of the endorsed Tree Management Plan must be complied with and implemented to the satisfaction of the Responsible Authority.

Construction Management

41. Before the development starts, a Construction Management Plan to the satisfaction of the responsible authority must be submitted to, and approved by, the responsible authority. When approved, the plan will be endorsed and will form part of this permit. The plan must provide for:
- (a) a pre-conditions survey (dilapidation report) of the land and all adjacent Council road frontages and nearby road infrastructure;
 - (b) works necessary to protect road and other infrastructure;
 - (c) remediation of any damage to road and other infrastructure;
 - (d) containment of dust, dirt and mud within the land and method and frequency of clean up procedures to prevent the accumulation of dust, dirt and mud outside the land;
 - (e) facilities for vehicle washing, which must be located on the land;
 - (f) the location of loading zones, site sheds, materials, cranes and crane/hoisting zones, gantries and any other construction related items or equipment to be located in any street;
 - (g) site security;
 - (h) management of any environmental hazards including, but not limited to:
 - (i) contaminated soil;
 - (ii) materials and waste;
 - (iii) dust;
 - (iv) stormwater contamination from run-off and wash-waters;
 - (v) sediment from the land on roads;
 - (vi) washing of concrete trucks and other vehicles and machinery; and
 - (vii) spillage from refuelling cranes and other vehicles and machinery
 - (i) the construction program;
 - (j) preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency;
 - (k) parking facilities for construction workers;
 - (l) measures to ensure that all work on the land will be carried out in accordance with the Construction Management Plan;
 - (m) an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
 - (n) an emergency contact that is available for 24 hours per day for residents and the responsible authority in the event of relevant queries or problems experienced;

- (o) the provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads;
- (p) a Noise and Vibration Management Plan showing methods to minimise noise and vibration impacts on nearby properties and to demonstrate compliance with Noise Control Guideline 12 for Construction (Publication 1254) as issued by the Environment Protection Authority in October 2008. The Noise and Vibration Management Plan must be prepared to the satisfaction of the responsible authority.

In preparing the Noise and Vibration Management Plan, consideration must be given to:

- (i) using lower noise work practice and equipment;
- (ii) the suitability of the land for the use of an electric crane;
- (iii) silencing all mechanical plant by the best practical means using current technology;
- (iv) fitting pneumatic tools with an effective silencer;
- (v) other relevant considerations; and
- (vi) any site-specific requirements.

During the construction:

- (q) any stormwater discharged into the stormwater drainage system must be in compliance with Environment Protection Authority guidelines;
- (r) stormwater drainage system protection measures must be installed as required to ensure that no solid waste, sediment, sand, soil, clay or stones from the land enters the stormwater drainage system;
- (s) vehicle borne material must not accumulate on the roads abutting the land;
- (t) the cleaning of machinery and equipment must take place on the land and not on adjacent footpaths or roads; and
- (u) all litter (including items such as cement bags, food packaging and plastic strapping) must be disposed of responsibly.

Time expiry

42. This permit will expire if:

- (a) The development is not started within two (2) years of the issue date of this Permit.
- (b) The development is not completed within four (4) years of the issue date of this Permit.
- (c) The use is not started within five (5) years of the issue date of this Permit.

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires or within six months afterwards for commencement or within twelve months afterwards for completion

Notes:

A building permit maybe required before development is commenced. Please contact Council's Building Services on 9205 5555 to confirm.

A vehicle crossing permit is required for the construction of the vehicle crossing(s). Please contact Council's Construction Management Branch on 9205 5555 for further information.

Provision must be made for drainage of the site to a legal point of discharge. Please contact Council's Building Services on 9205 5555 for further information.

Areas must be provided inside the property line and adjacent to the footpath to accommodate pits and meters. No private pits, valves or meters on Council property will be accepted.

All future employees within the development approved under this permit will not be permitted to obtain employee or visitor parking permits.

Submission

Vaughan Connor addressed the Committee on behalf of the Applicant.

INTERNAL DEVELOPMENT APPROVALS COMMITTEE RESOLUTION

Moved: Councillor Jolly

Seconded: Councillor Searle

That the Committee resolves to notify the Victorian Civil and Administrative Tribunal and all parties that had Council been in a position to determine the application, it would have issued a Notice of Refusal to Grant a Planning Permit PLN19/0450 for construction of a multi-storey office building, use of the land for food and drink premises and a reduction in car parking requirements at 36-52 Wellington Street, Collingwood, on the following grounds:

1. The proposed height and scale of the development is excessive and not site responsive.
2. The proposed development fails to respond appropriately to the heritage interface, resulting in a loss of visual identity and principal views to the old distillery site.
3. Waste management processes are unacceptable.
4. The proposed development fails to achieve acceptable levels of environmental sustainable design.

CARRIED UNANIMOUSLY