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- 1.2 PLN19/0570 - 81 – 89 Rupert Street, Collingwood. - Construction of mixed use (up to thirteen storeys - containing a residential hotel, retail (shops), cinema, restaurants, restricted recreation facilities – permit required uses) building (inclusive of mezzanine levels) and a reduction in the car parking requirement.**
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## **Executive Summary**

### **Purpose**

1. This report provides Council with an assessment of planning permit application No. PLN19/0570 which affects land at 81 – 89 Rupert Street, Collingwood.

### **VCAT Proceedings**

2. On 11<sup>th</sup> March 2020, Council was informed that the applicant had lodged a Section 79 of the *Planning and Environment Act, 1987* (the “Act”) ‘failure to determine within the prescribed time’ appeal with the Victorian Civil and Administrative Tribunal (the “VCAT”).
3. A compulsory conference is scheduled on 29 July 2020.
4. If consent cannot be reached between the parties involved, the matter will proceed to a full hearing over four days, commencing 28 September 2020.

### **Key Planning Considerations**

5. Key planning considerations include:
  - (a) Clause 15.01 – Urban Environment;
  - (b) Clause 21.05 – Built Form;
  - (c) Clause 22.02 – Development Guidelines for Sites Subject to the Heritage Overlay;
  - (d) Clause 22.05 – Interface Uses Policy;
  - (e) Clause 22.07 – Development Abutting Laneways Policy;
  - (f) Clause 34.02 – Commercial 2 Zone; and
  - (g) Clause 52.06 – Car Parking.

### **Key Issues**

6. The key issues for Council in considering the proposal relate to:
  - (a) Strategic justification;
  - (b) Use(s);
  - (c) Built form, Heritage and Urban Design;
  - (d) On-site amenity including Environmentally Sustainable Design;
  - (e) Off-site amenity;
  - (f) Car parking, traffic and access; and
  - (g) Objector concerns.

### **Submissions Received**

7. Eighteen (18) objections were received to the application, these can be summarised as:
  - (a) Heritage and Design:
    - (i) Design, size, height and mass of the development is inconsistent with the existing neighbourhood character and is an overdevelopment;

- (ii) The existing building will lose its identity and link associated with the “working class” of the area; and
  - (iii) The design is too “brutal”.
- (b) Use and Off-Site Amenity Impacts:
- (i) Noise, overshadowing, blocking of views and shadows cast over solar panels;
  - (ii) Overshadowing of the public realm;
  - (iii) The development will block views and dominate the skyline;
  - (iv) The development fails to include public open space, that is accessible i.e. the roof top “park” is inaccessible to the public, and even more so, for the disabled; and
  - (v) Impacts on equitable development opportunities of surrounding properties.
- (c) Traffic and Car Parking:
- (i) The car parking reduction cannot be supported within local road network;
- (d) Other:
- (i) The development will lead to the further gentrification of the area;
  - (ii) Behavioural impacts (i.e. patrons urinating in the street);
  - (iii) Construction will cause significant disruption in terms of noise and large vehicles driving through surrounding streets;
  - (iv) Access for ambulances, fire brigade and police vehicles inadequate; and
  - (v) The development may overload existing infrastructure services.

## Conclusion

8. Based on the following report, the proposal is considered to comply with the relevant planning policy and should therefore be supported subject to the following key recommendations:
- (a) Adopt all design changes as shown and detailed on the plans received by Council prepared by 6a Architects, dated 22 May 2020, that include amongst other changes (as outlined at paragraph 7), the setback of the building tower of the southern portion, from the fifth floor and above, increased to 3m from Rupert Street;
  - (b) Retention of existing facade windows (with the exception of that to the immediate north of the central door) of former *Davis’ Pickle and Sauce Factory* building;
  - (c) Updated reports to reflect the design changes detailed on the plans received by Council prepared by 6a Architects, dated 22 May 2020.

**CONTACT OFFICER:** John Theodosakis  
**TITLE:** Principal Planner  
**TEL:** 9205 5307

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**1.2 PLN19/0570 - 81 – 89 Rupert Street, Collingwood. - Construction of mixed use (up to thirteen storeys - containing a residential hotel, retail (shops), cinema, restaurants, restricted recreation facilities – permit required uses) building (inclusive of mezzanine levels) and a reduction in the car parking requirement.**

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Reference: D20/120388  
Authoriser: Manager Statutory Planning

**Ward:** Langridge  
**Proposal:** Part demolition and construction of a thirteen-storey, mixed use (containing a residential hotel, offices, retail premises, cinema, restaurants, restricted recreation facilities, artist studios, and art gallery) building (inclusive of mezzanine levels) and a reduction in the car parking requirement.  
**Existing use:** Office space  
**Applicant:** Grace Brown – Senior Consultant - Urbis  
**Zoning / Overlays:** Commercial 2 / Heritage Overlay / Design and Development Overlay – Schedule 11  
**Date of Application:** 30<sup>th</sup> August 2019  
**Application Number:** PLN19/0570

### Planning History

1. Planning permit PLN13/0280 was issued on 2<sup>nd</sup> August 2013 for a *reduction to zero in the car parking requirement of clause 52.06 of the Yarra Planning Scheme associated with an office use (no permit required for use).*
2. Planning permit PLN14/0728 was issued on 20<sup>th</sup> November 2014 for a *reduction of car parking requirements associated with use of land as an office, and buildings and works including part demolition.* This application was amended on 01<sup>st</sup> May 2015 to allow for the provision of business identification signage.
3. Planning Permit PLN14/0786 was issued by Council on 22<sup>nd</sup> March 2015 for *Use of the land as a place of assembly and a full reduction in the car parking requirements.* The planning permit was amended on 23<sup>rd</sup> March 2016 to allow for the sale and consumption of liquor associated with the place of assembly.

### Background

#### Application process

4. The application was lodged on 02 September 2019, and further information subsequently requested on 23 September 2019. The request was satisfied 28 November 2019 and the application was then advertised with 2,227 letters being sent. 18 objections have been received.
5. Whilst this process was occurring, Council had sought and received advice from Council internal units including Environmental Sustainable Design (ESD), City Works Unit, Engineering Unit, Urban Design and Strategic Transport. Advice was also sought from an external consultant in respect of Acoustics. Referral advice is an attachment to this report.
6. On 3<sup>rd</sup> June, the permit applicant responded with the following information in response to the referral advice provided (see attachments):

- (a) SMP response table prepared by Atelier Ten;
- (b) Table of responses to Council's concerns;
- (c) Revised SMP Report prepared by Atelier Ten; and
- (d) Internal photos of the subject site.

7. Revised architectural plans were also submitted, as prepared by 6a Architects, dated 22 May 2020 (received by Council 3 June, 2020), that include the following primary changes in response to the referral advice:

*Basement*

- (i) Provision of 21 bicycle spaces, next to a store of 9sq.m, south of the ramp;
- (ii) Reconfiguration of passenger lifts, communications rooms and storage rooms;

*Ground floor*

- (iii) The central laneway within the development widened to 11.84m and the retail tenancies reconfigured to have "Unit A" (as labelled on the plans), extend across the Rupert Street boundary;
- (iv) Provision of 10 bicycle spaces in the central laneway with the further reconfiguration of bicycle spaces and end-of-trip facilities to allow for the relocation of the substation and switchboard room adjacent to the western boundary;
- (v) The loading bay relocated to the west side of "Unit A" and increased in area;
- (vi) The reduction in the length of the crossover across the façade of the subject site and conversion of the central crossover to a kerb and channel;

*Mezzanine (first floor)*

- (vii) The reconfiguration of storage and staff facilities and services, bicycle spaces to align those at the ground floor;

*Second Floor*

- (viii) The floor area of the northern portion (identified as Building A (as per 'The Proposal' section of this report) decreased from 850sq.m. to 672sq.m. and the floor area of the southern portion (identified as Building B as per "the Proposal" section of this report) increased from 470sq.m. to 475sq.m;

*Third Floor (mezzanine)*

- (ix) The floor area of tenancy Unit A (as labelled on the plans) increased from 187sq.m. to 224sq.m. and the floor areas of Units B and C (as identified on the plans) decreased from 142sq.m, and 179sq.m to 112sq.m. and 150sq.m. respectively;

*Fourth Floor*

- (x) The residential hotel floor area of the southern portion (Building B) tenancy increased in area from 446sq.m. to 452sq.m;

*Fifth to Twelfth – individual plans provided in relation to each level – whilst decision plans contain one plan that relates to and is labelled "Sixth – Eleventh" levels.*

- (xi) The setback of Building B, from the fifth floor and above, increased to 3m from Rupert Street;

- (xii) The residential hotel rooms, increased to 98 with areas ranging between 15.6sq.m.-29.7sq.m.

### *General*

- (xiii) Removal of any reference to the removal of paint from the parapet of the former *Davis' Pickle and Sauce Factory* building;
  - (xiv) The stairs to the central ravine extended with landing decks;
  - (xv) Reduction in the total bicycle parking provision from 218 to 214 spaces; and
  - (xvi) Reduction in built form and mass as a result of the increased setback of Building B for the east at the fifth level and above.
8. Whilst the advertised plans are the “decision plans” forming the basis of this assessment, the revised plans submitted in response to the referral advice will also be referenced in the body of the ‘Assessment’ section of this report, given that these provide responses to the referral comments and some improvements.

### VCAT Proceedings

9. On 4<sup>th</sup> May 2020, Council was informed that the applicant had lodged a Section 79 ‘failure to determine within the prescribed time’ appeal with the Victorian Civil and Administrative Tribunal (VCAT).
10. Three (3) Statement of Grounds have been received, and of those, two (2) have indicated participation in the VCAT proceedings. A compulsory conference is scheduled on 29 July 2020.
11. If consent cannot be reached between the parties, the matter will proceed to a full hearing over four days, commencing 28 September 2020.

### **The Proposal**

12. The application proposes the full demolition of the building at No. 81 Rupert Street and part demolition of the building at No. 89 Rupert Street, Collingwood to make way for the construction of a thirteen-storey, mixed use (containing a residential hotel, offices, retail premises, cinema, restaurants, restricted recreation facilities, artist studios, and art gallery) building (inclusive of mezzanine levels) and a reduction in the car parking requirement.
13. The key elements of the development can be summarised as follows:

### Demolition

- (a) Full demolition of the building at No 81 Rupert Street.
- (b) Part demolition of the former “Davis’ Pickles and Sauce Factory” building at No. 89 Rupert Street with the façade retained and refurbished with new replacement openings and corner returns that will be rebuilt (see Figures 1 and 2).

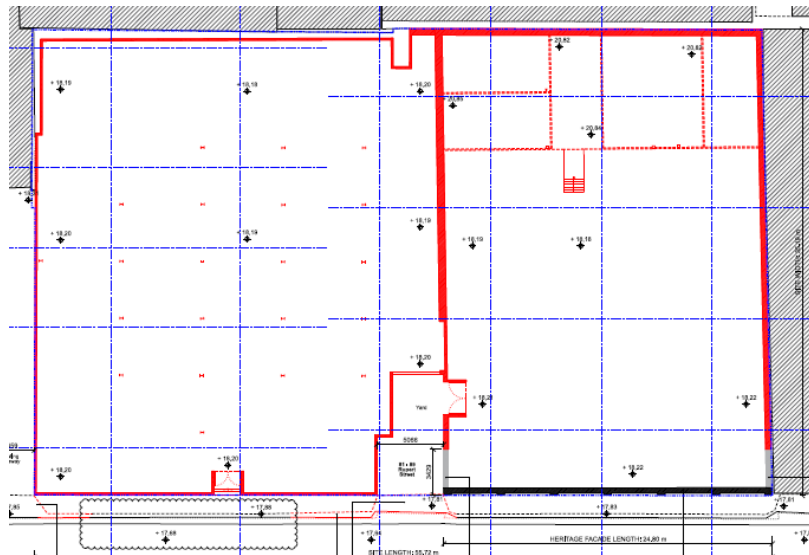


Figure 1: Demolition shown in red, retained façade shown in black

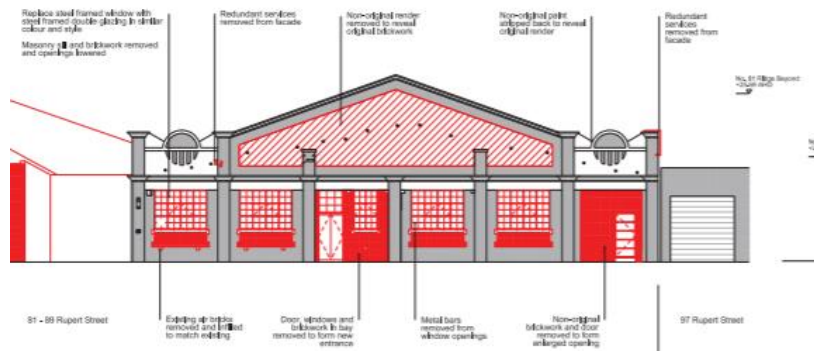


Figure 2: Part demolition shown in red to make way for new openings to the former Davis' Pickle and Sauce Factory building.

Development

- (c) Construction of a thirteen (13) storey building with a single basement level. The maximum height of the building is proposed at 56.9m above the natural ground level to the highest point of the sawtooth roof form and a steel trellis structure. The building will read as two towers with connecting ravine bridges (external stair) commencing from the second floor and above. For ease of reference, the northern tower that includes the retained façade of the former Davis' Pickle and Sauce Factory building, will be identified as Building A and the southern tower as Building B, in accordance with Figures 3 and 4.

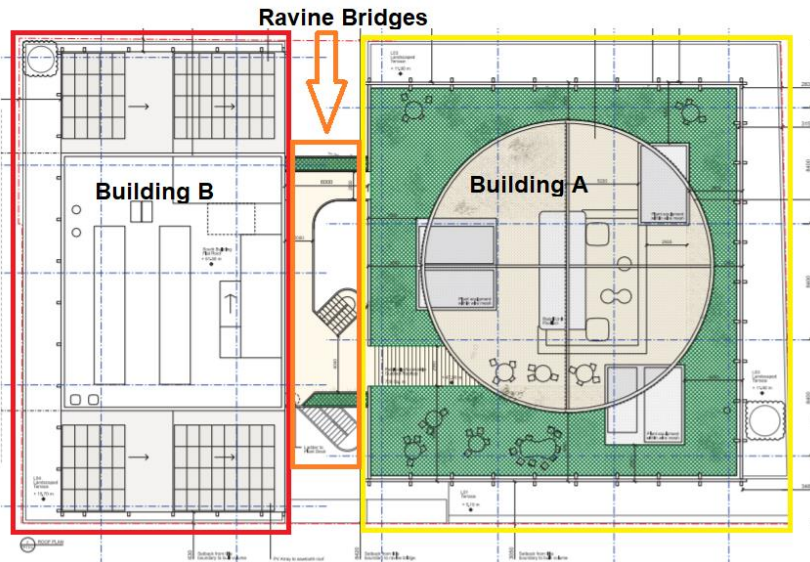


Figure 3: Portions / towers identified as Buildings A and B – Roof Plan.

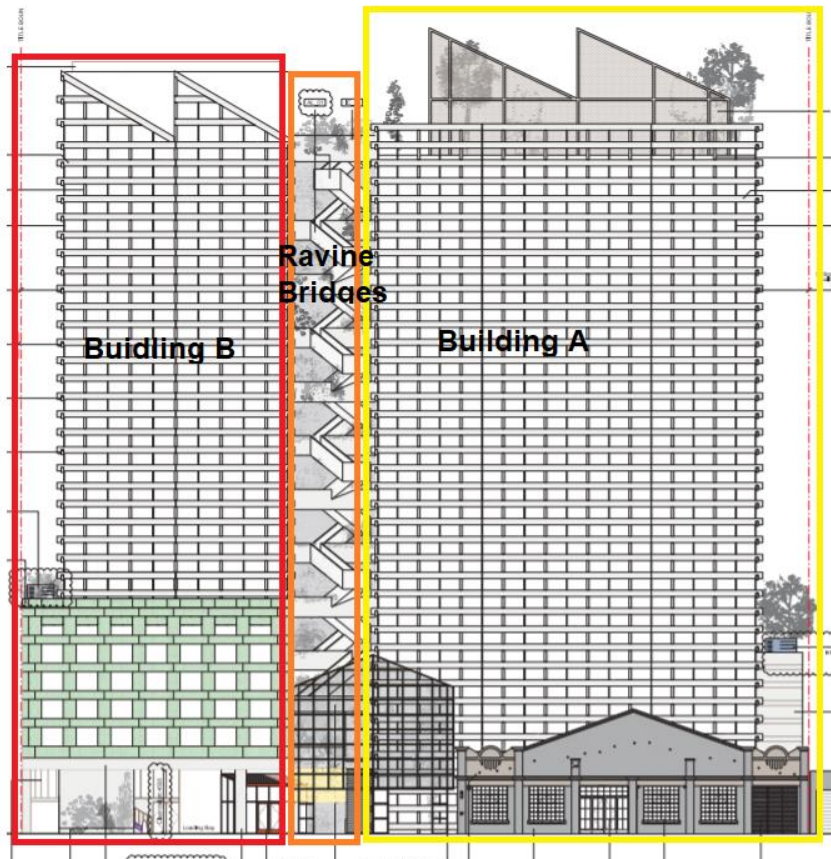


Figure 4: Portions / towers identified as Buildings A and B – East (Front) Elevation.

**Building Layout and massing**

- (d) A basement level is proposed across the entire site and setback approximately 400mm from the retained façade of the former Davis Pickle and Sauce Factory building.
- (e) The retained heritage façade of the former Davis' Pickle and Sauce Factory building will form part of the transitioning street podium associated with Building A, that will comprise a three-storey, pitched framed, trellis element connecting the two buildings (framing the primary entrance from the street to the “public laneway” as identified on the ground floor plan), and the four-storey, podium building associated with Building B as follows:

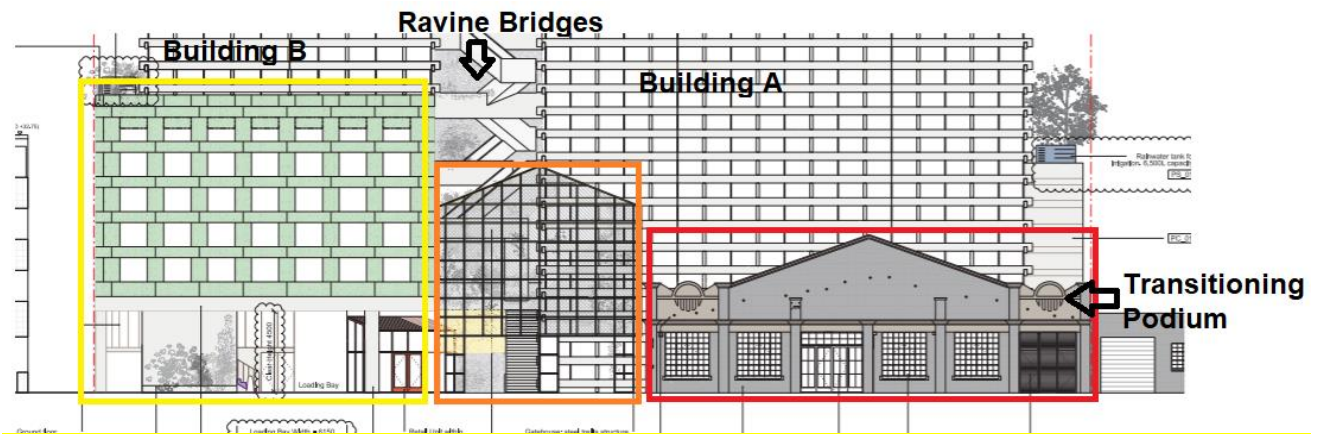


Figure 5: Portions / towers identified as Buildings A and B and transitioning street podium.

- (f) The podium as measured above the natural ground level (NGL) will have a height of 8m (heritage façade), transitioning to 12.7m (pitched trellis frame) and 16.5m (four-storey component) to Rupert Street.
- (g) The towers (i.e. Buildings A and B) would be split with a 6m separation at the second floor and connected by the ravine bridges (also identified as a stairwell atrium in the permit applicant’s heritage report) as indicated at Figures 3 and 4.
- (h) Commencing from the second floor (noting that the first floor is a “mezzanine”), Building A is setback 2.45m behind the heritage parapet of the façade and up to the central ravine to make way for a terrace area of 60sq.m and is developed to the northern and western boundaries.
- (i) From the fourth floor (noting that the third floor is labelled as a “mezzanine”) and above, Building A is setback 3.48m and 3.25m from the north and west (shared) boundaries, respectively with the exception of a balcony area of 163sq.m. extending into these setbacks and encased in wire mesh.
- (j) Building B is proposed to be constructed hard edged up to the fourth floor with the remaining upper levels setback between 600mm-630mm from Rupert Street (eastern boundary), approximately 2.8m to 3m from the laneway / southern (shared) boundary and between 600mm and 760mm from the western (shared) boundary.
- (k) Building A will have on-boundary walls that measure 12.77m to the north and west and Building B will have on-boundary walls that measure 16.57m to the west and south (inclusive of the podium across the laneway interface).
- (l) Building A will provide a landscaped terrace / roof garden with an acoustic screen in the shape of a saw tooth with plant equipment encased in wire mesh.
- (m) Building B will include saw tooth roofing to the west and east of a flat roof with an acoustic screen around its perimeter encasing further plant equipment.

Uses

- (n) The following uses, designated areas and hours of operation are proposed:
  - (i) A residential hotel (permit required use) with an area of 2,850sq.m. with up to 84 rooms (ranging between 20-30sq.m.) spread across the fifth to the eleventh floors of Building B with 24/7 operation and managed by one operator with the hotel lobby at ground floor;
  - (ii) A total of 679sq.m. of retail space (permit required use) at the ground floor (both buildings) split into 5 tenancies with operating hours of 7am to midnight, 7 days a week;
  - (iii) A 657sq.m.cinema space (permit required use) at the second floor of Building B with up to 46 patrons and operating hours of 10am to midnight, 7 days a week (as identified at p.23 of the Transport Impact Assessment, prepared by One Mile Grid and dated 2<sup>nd</sup> July 2019);



- (iv) A total of 608sq.m. of restaurant space (permit required use) spread across the second floor of Building A and third floor (mezzanine) of Building B and roof top garden with up to 680 patrons and operating hours of 7am to midnight, 7 days a week;
- (v) 1,095sq.m. of art and craft centre area – studio and maker spaces (permit not required use) spread across the fourth floor of both buildings with unrestricted hours that are intended to be provided at affordable rates in accordance with the Community Benefit Assessment Report prepared by SGS Economics and Planning dated 19 November 2019;
- (vi) Community meeting facilities in the order of 100sq.m. (for use by community groups at a low cost or free as per the Community Benefit Assessment Report identified above);
- (vii) 1,271sq.m. of restricted recreation area (permit required use) spread across the second, third (mezzanine) and fifth floors of Building A with up to 300 patrons (combined) and operating hours of 7am to 9pm for two of the three tenancies, and 5am to 10pm for the other, all 7 days a week;
- (viii) 4,524sq.m. of office (permit not required use) spread across the sixth to twelfth floors of Building A with unrestricted hours; and
- (ix) 336sq.m. of art gallery space (permit not required use) spread across the twelfth floor of Building B with unrestricted hours.

### General

- (o) The ground floor of Building A will provide direct entry to one of the five retail tenancies (identified on the ground floor plan as Unit E) with the four remaining retail tenancies (identified as Units A, B, C and D on the ground floor plans) orientated to face internal to the site, and more specifically, the 6m wide “public laneway” with the lobby space of the residential hotel also located within this internal space, including services (i.e. lifts and stairs). A secondary door leading to the bicycle storey and end of trip facilities is located in the north east corner of the site.
- (p) The service amenities include end-of-trip facilities associated with up to 218 bicycle spaces, split between 39 spaces located west of three retail tenancies at the ground floor, and 179 spaces on a mezzanine level (or the first floor) above with a connecting stairwell and bicycle runner system.
- (q) A substation will be located at the south-east corner.
- (r) The laneway to the south, between the subject site and the property adjacent, will be widened to 6.3m to facilitate vehicle ingress and egress into a basement car park.
- (s) The basement car park will provide up to 40 car spaces, broken down into 33 for the offices and other tenancies, two car share pods, two electric car charging stations and three disabled spaces.

### Materials and Finishes

- (t) The heritage façade will be restored with returns reconstructed of masonry with new industrial steel-framed windows and door with double-glazing. The non-original paint to the parapet is proposed to be removed to reveal the original surface and a new louvered door will be installed at the north-east corner, replacing non-original brick work.
- (u) The new walls of the towers will be constructed of pre-cast concrete (four varieties); with the four-storey podium comprised primarily of square-shaped windows and a green tone; the remainder will have rectangular shaped windows, with a composition intended to conceal the number of levels within the overall scheme (see Figure 6).



Figure 6: Montage looking south towards the subject site from the north-east along Rupert Street.

### ESD Features

- (v) The development would incorporate the following ESD commitments:
  - (i) A STORM report with a score of 100 demonstrating best practice relying on 209m<sup>2</sup> of the central ravine connected to a 6,000lt rainwater tank and two rooftop raingardens for irrigation;
  - (ii) A 25kWp solar PV array to contribute to onsite electricity consumption;
  - (iii) A total of 218 bicycle spaces with end-of-trip facilities;
  - (iv) Smart metering systems for all tenancies;
  - (v) A minimum provision of 5% electric vehicle charging spaces provided from commencement, with future upgrades available for all parking.
  - (vi) High-albedo roof finishing's, and a total of 2,109sq.m. of landscaping areas throughout to assist with thermal comfort.

### **Existing Conditions –**

#### Subject Site

14. The subject site is identified as Lot 1 on Certificate of title Volume No. 06598, and Folio No. 506, associated with Plan of Subdivision TP885083R. The subject site is located on the western side of Rupert Street in Collingwood between Gipps Street to the north, and Langridge Street to the south. The aerial below identifies the subject site.



Figure 7: Aerial (sourced from Google – Map data 2020) with subject site identified with a star.



Figure 8: Aerial (sourced from Google) with subject site outlined in red.

15. The site has a frontage of 55.72m, with a site depth of 35.19m and an overall site area of 1,960sq.m. The site is occupied by factory buildings that extend to their respective boundaries, covering close to 100% of the site, and used for the purpose of not-for-profit artist studios / arts and crafts centre and offices.
16. Whilst one large lot, the northern portion / half is addressed as property No. 83-89 Rupert Street, and the southern portion / half as property No. 81 Rupert Street.



Figure 9: Subject site – Northern portion – former Davis' Pickle and Sauce Factory

17. The northern portion (Figure 7 above) is occupied by a single-storey red brick, hard-edged, former factory building known as the former *Davis' Pickle and Sauce Factory* and is identified as an individually significant heritage building. The *Yarra Heritage Database* citation provides the following description of the building:
- (i) *The former Davis' Pickle and Sauce Factory, 89 Rupert Street, Collingwood, is a single storey brick industrial building. The symmetrical façade is of face red brick, and has a series of multi-paned steel-framed hopper windows and single door openings between shallow brick piers and beneath a moulded string course. Four piers extend through to the parapet which has a wide central gabled pediment with rendered moulded copings, flanked by panelled section with a circular motifs; all have flat rendered decoration.*

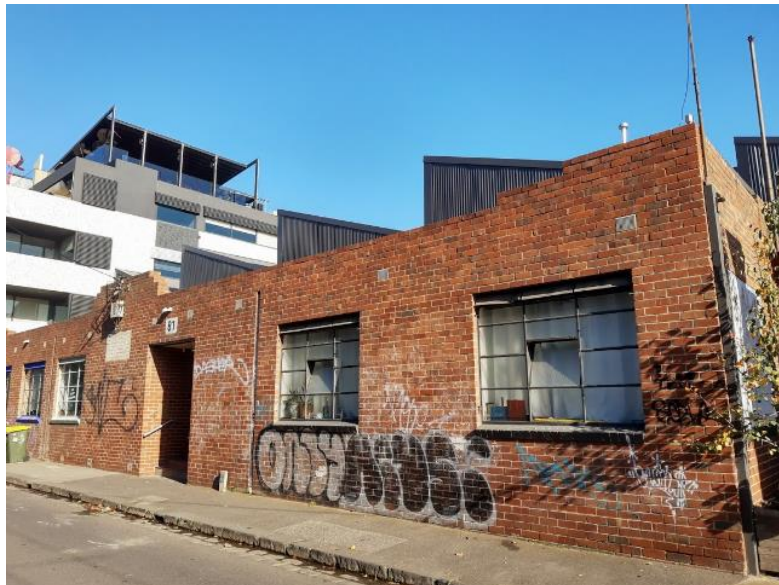


Figure 10: Subject site – Southern portion

18. The southern portion of the subject site is also occupied by a former factory building but less decorative in its appearance, presenting a hard-edged red brick wall to Rupert Street, with a series of large metal-framed windows, recessed central entry and angular parapet. Behind the parapet, there is a saw tooth roof form clearly visible from Rupert Street.

19. The land gradient is flat and the site is not encumbered by any restrictive covenants or easements according to the certificate of title referenced earlier.

Surrounding Land

20. The surrounding area is characterised by a mixture of uses and architectural styles including industrial and commercial buildings of various types and eras as well as older style dwellings and recently constructed apartment developments (Yorkshire Brewery). The immediate surrounding area is zoned Commercial 2 (dark purple at Figure 11).

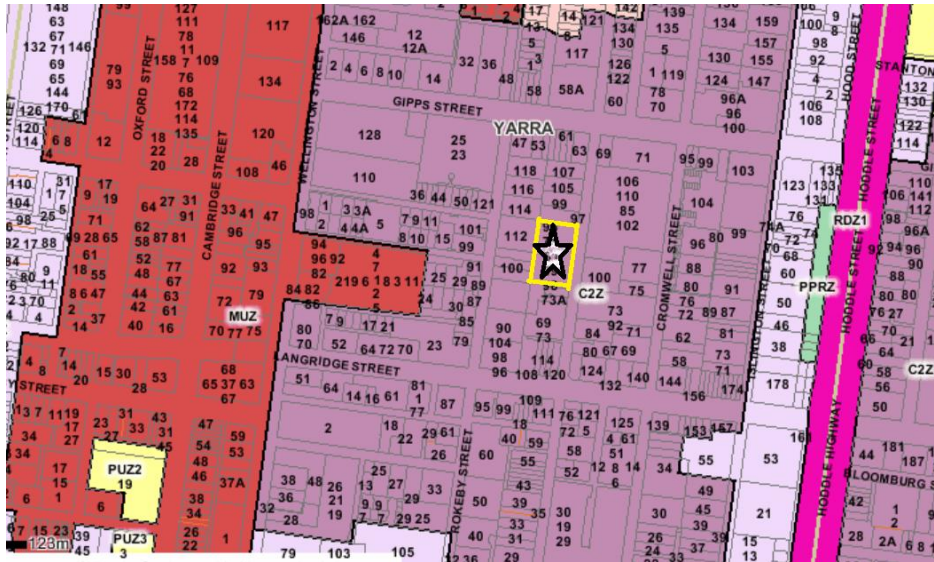


Figure 11: Subject site and zoning

21. The area contains a range of businesses including light industry, manufacturing, warehousing, offices and studios and other commercial uses. Allotment sizes are varied as are building types ranging from industrial to warehouses, office and commercial, all reflecting the historic industrial nature of the area. Construction along Rupert Street is typically built boundary to boundary, with full site coverage and car parking provided within garages or car parking areas.
22. Some sites in the wider area are underutilised and / or vacant whilst others have been redeveloped for residential (i.e. up to 17 storeys (i.e. property No. 21 Robert Street, Collingwood – the former Yorkshire Brewery site – approximately 100m south-west of the subject site) and zoned Mixed Use) and commercial uses. Some are currently under construction (i.e. property no. 2-16 Northumberland Street, Collingwood that is up to 13 storeys and zoned Commercial 2 located approximately 220m south-west of the subject site) whilst other sites, are being cleared (see Figure 13) in preparation for the commencement of works (i.e. property No. 71 – 93 Gipps Street, Collingwood that has a planning permit (planning permit no. PLN16/1150) for the construction of an 11 storey commercial building located approximately 70m north-east of the site).

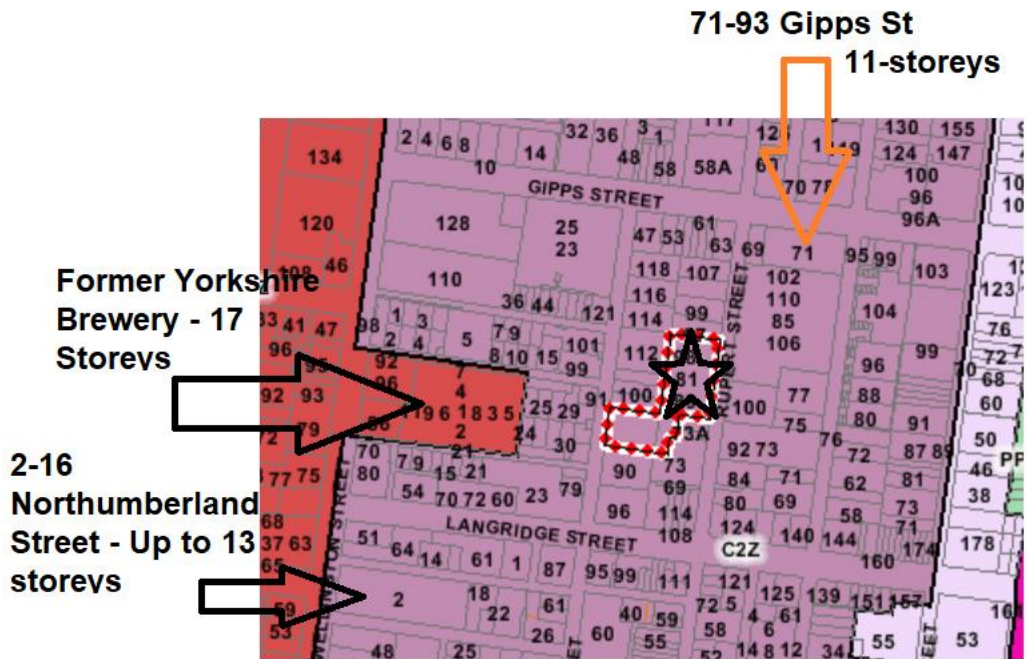


Figure 12: Subject site with locations of taller buildings identified



Figure 13: South-east corner of Gipps and Rupert Street, with the land at 71-93 Gipps Street, in the background cleared and cited with a crane in preparation of construction.

23. The site's immediate interfaces are as follows:

*North*

24. To the north, at no. 97 Rupert Street, Collingwood, is a former factory building, very similar to that described within the southern portion of the subject site. The building is hard-edged to Rupert Street, and contains two metal-framed windows, entrance at the north-east corner with an angular appearance and of masonry construction. The building is currently being used as a clothing outlet. Further north, is another former factory building that is the same in its appearance used for the purpose of a laundry service (see Figures 14 and 15).

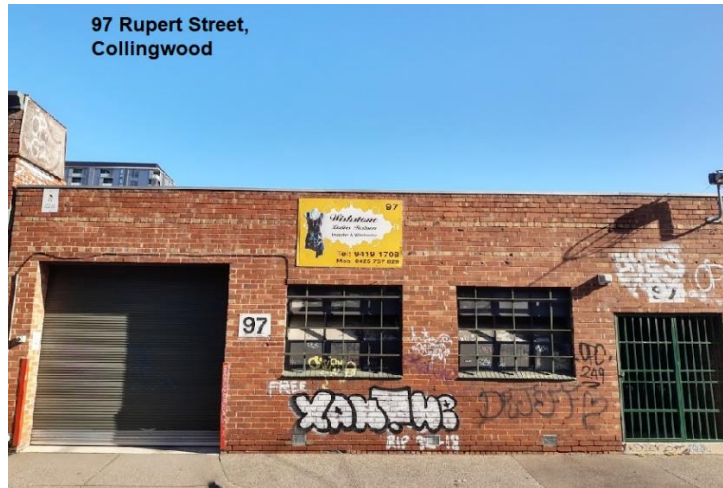


Figure 14: Property to the immediate north.

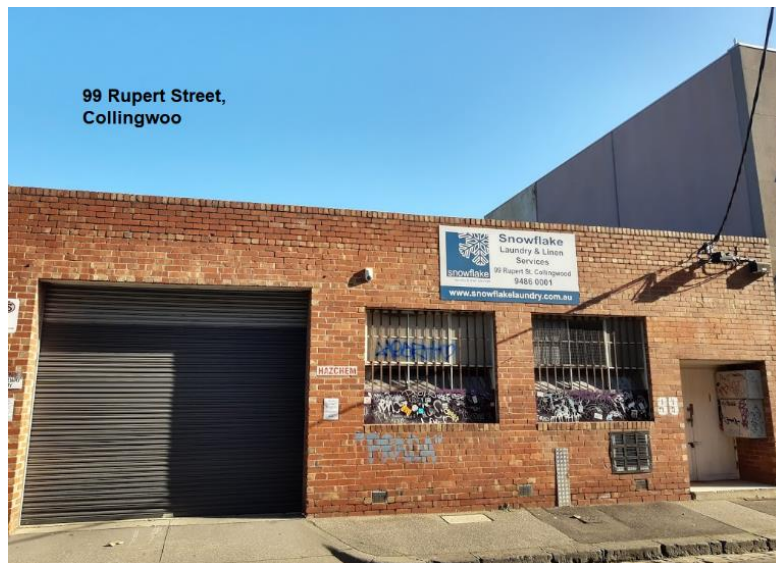


Figure 15: Property further north.

25. Further north is a double-storey commercial brick building with single storey warehouse buildings beyond with parking areas within the Rupert Street frontage being a strong characteristic.
26. Further north is Gipps Street that is characterised by one and two storey offices, warehouses and factories, and one four-storey building however this area has been identified as being strategically important for commercial activity and a transformation of built form within this precinct has commenced with a number of approved and proposed developments including:
  - (a) PLN18/0183 – 19 Down Street, Collingwood – Development of an 8 storey commercial building – approved and at the time of writing, information in accordance with conditions of permit still pending. This application was considered by the Internal Development Approvals Committee on 13 May 2020 that adopted the Officer’s recommendation for the issue of a Notice of Decision to Grant a Permit with conditions.
  - (b) PLN20/0165 – 33 - 37 Rupert Street, Collingwood – Development of a 10 storey commercial building – At the time of writing, this application was on advertising;
  - (c) PLN20/0168 – 40 - 72 Rokeby Street, Collingwood – Development of a 15 storey commercial building – at the time writing, this application was still awaiting on responses from various referrals; and

- (d) PLN19/0719 – 128 – 144 Wellington Street, Collingwood - Staged development and use of the land for two buildings up to 15 storeys – At the time of writing, this application was on advertising.

- 27. Within the Gipps Street precinct are also a number of purpose-built dwellings including on the southern side of Gipps Street, zoned Commercial 2.



Figure 16: Properties to the south of Gipps Street, between Rokeby and Rupert Streets with the 17-storey, former Yorkshire Brewery in the background.

*West*

- 28. To the immediate west are properties fronting onto Rokeby Street, with those immediately abutting the subject site, occupied by single-storey light industrial and double storey, former warehouse buildings of masonry construction (see Figures 17 and 18), with pedestrian and vehicle access from Rokeby Street.



Figure 17: Property to the immediate west – facing Rokeby Street.





Figure 18: Properties to the immediate west – facing Rokeby Street.

29. Similarly to Rupert Street, Rokeby Street also contains single and double-storey warehouses, factories, offices and other commercial buildings. Construction is also typically built boundary to boundary, with full site coverage and car parking provided within garages, car parking areas and evidence of under-croft areas.

*South*

30. To the south is a driveway / laneway that provides vehicle access to a single-storey warehouse building at the southwest, namely property no. 75 Rupert Street. Adjacent to the subject site and fronting onto Rupert Street, is 73A Rupert Street, a four-storey recently constructed office building (see Figure 19).



Figure 19: Properties to the south of the subject site, opposite the driveway / laneway – facing Rupert Street.

31. Further south is a single storey building which contains a tavern (namely “Rupert on Rupert” operating under planning permit no. PLN13/0272, with closing times of 11pm - Sunday to Wednesday, 12 midnight – Thursday, and 1am (the following day) – Friday and Saturday with up to 200 patrons permitted on the premises at any one time).

The building is single-storey, hard-edged and constructed of masonry with a rendered façade and contains, a roller door, adjacent to a neighbouring roller door that are serviced by one double width crossover to Rupert Street.

- 32. To the south of this site is a single-storey brick building, currently operating as a commercial office. Further to the south is a double-storey masonry building, addressing Langridge Street and operating as a clothing wholesaler. Also addressing Langridge Street to the south are a row of office buildings, three to four storeys in height.



Figure 20: Properties addressed to Langridge Street on the northern side, commencing from the north-west corner of the Rupert Street intersection.

*East*

- 33. To the east, Rupert Street is a one way street with parallel parking on the opposite side (see Figure 19). Buildings on the opposite side range between single and double-storey industrial style buildings. These buildings are either vacant or used for commercial purposes and all hard-edged to the street.

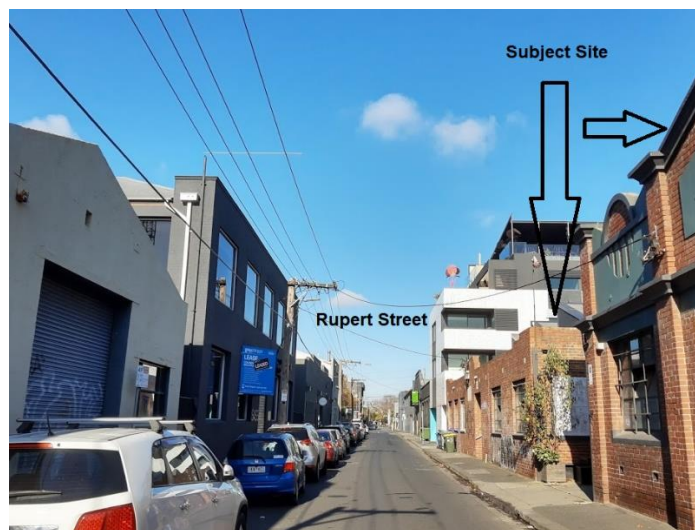


Figure 21: Looking south along Rupert Street.

- 34. The subject site is also well connected to surrounding services including being located:

- (a) 240m to the west of Hoddle Street, a major arterial road with bus routes servicing Doncaster, the northern suburbs, various railway stations, the CBD, Elsternwick and St Kilda;
- (b) 490m to the east of Smith Street, a Major Activity Centre, with bars, cafes, restaurants, taverns, nightclubs, retail and community facilities, and tram route 86 serving Docklands and Boroondara via the CBD;
- (c) 360m to the north of Victoria Parade, with various bus routes serving the western and eastern suburbs via the CBD, and tram route 109 Docklands to Box Hill via the CBD; and
- (d) 670m to the south of Johnston Street, a Neighbourhood Activity Centre, with bus routes.

## Planning Scheme Provisions

### Zoning

#### *Commercial 2 Zone (C2Z)*

35. The purposes of this zone are:

- (a) *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- (b) *To encourage commercial areas for offices, appropriate manufacturing and industries, bulky goods retailing, other retail uses, and associated business and commercial services.*
- (c) *To ensure that uses do not affect the safety and amenity of adjacent, more sensitive uses.*

36. Pursuant to Clause 34.02-1 of the Yarra Planning Scheme (the "Scheme") the following uses require planning approval for the use:

- (a) residential hotel;
- (b) retail (shop);
- (c) restaurant with the leasable floor area exceeding 100 square metres;
- (d) Cinema if the does not adjoin a road in Road Zone; and
- (e) Restricted recreation is innominate and is therefore a Section 2 – permit required use.

37. The following uses **do not** require planning approval for the use:

- (a) arts and crafts centre
- (b) office
- (c) art gallery

38. Based on the above, of the eight proposed uses, five require a planning permit.

39. Pursuant to Clause 34.02-4 of the Scheme, a planning permit is required to construct a building or construct or carry out works.

### Overlays

#### *Heritage Overlay - HO132 – 81-89 Rupert Street, Richmond – Former Davis' Pickle and Sauce Factory*

40. The purposes of this overlay as relevant to this application are:

- (a) *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- (b) *To conserve and enhance heritage places of natural or cultural significance.*
- (c) *To conserve and enhance those elements which contribute to the significance of heritage places.*

(d) *To ensure that development does not adversely affect the significance of heritage places.*

41. Under Clause 43.01-1 of the Scheme, a planning permit is required to demolish or remove a building, construct a building or construct or carry out works. The buildings on the subject site are located within their own overlay, Schedule 132.
42. The “Former Davis’ Pickle and Sauce Factory”, constructed 1925, is listed as being “Individually significant” in Appendix 8, *City of Yarra Review of Heritage Overlay Areas 2007*. Rev. May 2018 (*Incorporated Document*).

*Design and Development Overlay (DDO) – Schedule 11 – Gipps Precinct*

43. Pursuant to Clause 43.02-2 of the Scheme, a planning permit is required to construct a building.
44. Schedule 11 to the DDO contains requirements in assessing buildings and provides the following decision guidelines at point 7 that must be considered:
- (a) *The impact of traffic generated by the proposal and whether it is likely to require additional traffic management control works in the neighbourhood.*
  - (b) *How the design, height and form of development responds to the preferred built form character of the Precinct.*
  - (c) *How the design, height and visual bulk of building/s on the site address potential negative amenity impacts on surrounding development.*
  - (d) *How the proposal improves the street environment for pedestrians along street frontages.*
  - (e) *The location of, and access to, parking facilities and their effect on the local road network.*

Particular Provisions

*Clause 52.06 – Car parking*

45. Clause 52.06-1 requires that a new use must not commence or the floor area of an existing use must not be increased until the required car spaces have been provided on the land.
46. Pursuant to Clause 52.06-3 a permit is required to reduce the number of car parking spaces required under this clause.
47. Pursuant to Clause 52.06-5, Column B of Table 1 applies if any part of the land is identifies as being within the Principal Public Transport Network Area as shown on the *Principal Public Transport Network Area Maps* (State Government of Victoria, August 2018). The subject site is shown as being within the Principal Public Transport Network Area and therefore Column B applies.
48. Before a requirement for car parking is reduced, the applicant must satisfy the Responsible Authority that the provision of car parking is justified having regard the decision guidelines at clause 52.06-6 of the Scheme.
49. The following table identifies the car parking requirement under Clause 52.06-5 and the provision on site.

<b>Proposed Use</b>	<b>Quantity/ Size</b>	<b>Statutory Parking Rate*</b>	<b>No. of Spaces Required</b>	<b>No. of Spaces Allocate d</b>
Office	4,524sq.m.	3 spaces per 100sq.m.	135	16

		of net floor area		
Residential Hotel	84 rooms	Rate Not Specified in Clause 52.06-5	To the satisfaction of the Responsible Authority	10
Retail (Shops)	679sq.m.	3.5 spaces per 100sq.m. of leasable floor area	23	14
Restaurant	608sq.m.	3.5 spaces per 100sq.m. of leasable floor area	20	0
Restricted Recreation	1,271sq.m.	Rate Not Specified in Clause 52.06-5	To the satisfaction of the Responsible Authority	0
Cinema	46 patrons	0.3 spaces to each patron permitted	13	0
Art and Craft Centre	1,095sq.m.	3.5 spaces per 100sq.m. of net floor area	38	0
Art Gallery	336sq.m.	Rate Not Specified in Clause 52.06-5	To the satisfaction of the Responsible Authority	0
<b>Total</b>			<b>229 + parking for residential hotel, restricted recreation areas, and art gallery</b>	<b>40</b>

50. A total of 40 car spaces are proposed on site, therefore the application seeks a reduction of 189 car spaces.

*Clause 52.34 – Bicycle Facilities*

51. Pursuant to clause 52.34, a new use must not commence until the required bicycle facilities and associated signage has been provided on the land. The purpose of the policy is to encourage cycling as a mode of transport and to provide secure, accessible and convenient bicycle parking spaces
52. Under the provisions of Clause 52.34-3 of the Scheme, the development’s bicycle parking requirements are as follows:

Proposed Use	Quantity/ Size	Statutory Parking Rate	No. of Spaces Required
Office (other than specified in the table)	4,524sq.m.	1 employee space to each 300 sqm of net floor area if the net floor area exceeds 1000 sqm	15 employee spaces
		1 visitor space to each 1000 sqm of net floor area if the net floor area exceeds 1000 sqm	4 visitor spaces.
Residential building (other than specified in this table)	84 rooms	In developments of four or more storeys, 1 to each 10 lodging rooms	8 employee spaces.
		In developments of four or more storeys, 1 to each 10 lodging rooms	8 visitor spaces

Retail	679sq.m.	1 to each 300 sq m of leasable floor area  1 to each 500sq.m. of leasable floor area	2 employee spaces  1 visitor spaces
Restaurant	608sq.m.	1 to each 100sq.m. of floor area available to the public  2 plus 1 to each 200 sq.m. of floor area available to the public if the floor area available to the public exceeds 400.sq. m.	6 employee spaces  5 visitor spaces
Restricted recreation (minor sport and recreation rates)	1,271sq.m.	1 per 4 employees  1 to each 200 sq.m. of net floor area	2 employee spaces (total of 8 employees as indicated in the traffic report)  6 visitor spaces
Cinema and art gallery (place of assembly rates)	993sq.m.	1 to each 1500sq.m. of net floor area  2 plus 1 to each 1500 sq m of net floor area	0  2 visitor spaces
Art and Craft Centre	1,095sq.m.	N/A	0
<b>Bicycle Parking Spaces Total</b>			<b>33 employee spaces</b>
			<b>26 visitor spaces</b>
Showers / Change rooms	1 to the first 5 employee spaces and 1 to each additional 10 employee spaces		3 showers / change rooms

- 53. The development proposes a total of 218 bicycle spaces shared between employees and visitors, well in excess of the requirements.
- 54. Clause 52.34-4 provides the design standard for bicycle spaces and signage.

General Provisions

*Clause 65 – Decision Guidelines*

- 55. The decision guidelines outlined at Clause 65 of the Scheme are relevant to all applications. Because a permit can be granted does not imply that a permit should or will be granted. Before deciding on an application, the Responsible Authority must consider a number of matters. Amongst other things, the Responsible Authority must consider the relevant Municipal Planning Strategy and the Planning Policy Framework., as well as the purpose of the zone, overlay or any other provision. An assessment of the application against the relevant sections of the Scheme is offered in further in this report.

*Clause 66.02 – Use and Development Referrals*

56. In accordance with Clause 66.02-11 of the Yarra Planning Scheme, an application to construct a building or to construct or carry out works for a residential building comprising 60 or more lodging rooms must be referred to the Head, Transport for Victoria. The Head, Transport for Victoria, is a determining referral authority for this application.

Planning Policy Framework (PPF)

57. Relevant clauses are as follows:

*Clause 11.01-1R – Settlement – Metropolitan Melbourne*

58. The relevant strategies of this clause are:

- (a) *Develop a network of activity centres linked by transport; consisting of metropolitan activity centres supported by a network of vibrant major and neighbourhood activity centres of varying size, role and function.*
- (b) *Create mixed-use neighbourhoods at varying densities, including through the development of urban-renewal precincts that offer more choice in housing, create jobs and opportunities for local businesses and deliver better access to services and facilities.*

*Clause 11.02 - Managing Growth*

*Clause 11.02-1S - Supply of Urban Land*

59. The objective this clause is *“to ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses”*.

*Clause 13.05 - Noise*

*Clause 13.05-1S - Noise abatement*

60. The relevant objective of this clause is *“to assist the control of noise effects on sensitive land uses”*.

61. Noise abatement issues are measured against relevant State Environmental Protection Policy (SEPP) and other Environmental Protection Authority (EPA) regulations.

*Clause 13.07 - Amenity and Safety*

*Clause 13.07-1S - Land use compatibility*

62. The objective of this clause is *“to safeguard community amenity while facilitating appropriate commercial, industrial or other uses with potential off-site effects”*.

*Clause 15.01 - Built Environment and Heritage*

*Clause 15.01-1S - Urban design*

63. The relevant objective of this clause is *“to create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity”*.

*Clause 15.01-1R - Urban design - Metropolitan Melbourne*

64. The objective of this clause is *“to create distinctive and liveable city with quality design and amenity”*.

*Clause 15.01-2S - Building design*

65. The relevant objective of this clause is *“to achieve building design outcomes that contribute positively to the local context and enhance the public realm”*.
66. Relevant strategies of this clause are:
- (a) *Ensure a comprehensive site analysis as the starting point of the design process and provides the basis for the consideration of height, scale and massing of new development.*
  - (b) *Ensure development responds and contributes to the strategic and cultural context of its location.*
  - (c) *Minimise the detrimental impact of development on neighbouring properties, the public realm and the natural environment.*
  - (d) *Ensure the form, scale, and appearance of development enhances the function and amenity of the public realm.*
  - (e) *Ensure buildings and their interface with the public realm support personal safety, perceptions of safety and property security.*
  - (f) *Ensure development is designed to protect and enhance valued landmarks, views and vistas.*
  - (g) *Ensure development provides safe access and egress for pedestrians, cyclists and vehicles.*
  - (h) *Ensure development provides landscaping that responds to its site context, enhances the built form and creates safe and attractive spaces.*
67. This clause also states that planning must consider (as relevant), the *Urban Design Guidelines for Victoria (Department of Environment, Land, Water and Planning, 2017)*.

*Clause 15.01-4S - Healthy neighbourhoods*

68. The objective of this clause is *“to create urban environments that are safe, functional and provide good quality environments with a sense of place and cultural identity”*.

*Clause 15.01-4R - Healthy neighbourhoods - Metropolitan Melbourne*

69. The strategy is to *“Create a city of 20 minute neighbourhoods that give people the ability to meet most of their everyday needs within a 20 minute walk, cycle or local public transport trip from their home”*.

*Clause 15.01-5S - Neighbourhood character*

70. The relevant objective of this clause is *“to recognise, support and protect neighbourhood character, cultural identity, and sense of place”*.

*Clause 15.02 - Sustainable Development*

*Clause 15.02-1S - Energy Efficiency*

71. The objective of this clause is *“to encourage land use and development that is energy and resource efficient, supports a cooler environment and minimises greenhouse gas emissions”*.

*Clause 15.03 Heritage*

*Clause 15.03-1S – Heritage conservation*

72. The objective of this clause is *“to ensure the conservation of places of heritage significance”*.



73. Strategies include:

- (a) *Identify, assess and document places of natural and cultural heritage significance as a basis for their inclusion in the planning scheme.*
- (b) *Provide for the protection of natural heritage sites and man-made resources.*
- (c) *Provide for the conservation and enhancement of those places that are of aesthetic, archaeological, architectural, cultural, scientific or social significance.*
- (d) *Encourage appropriate development that respects places with identified heritage values.*
- (e) *Retain those elements that contribute to the importance of the heritage place.*
- (f) *Encourage the conservation and restoration of contributory elements of a heritage place.*
- (g) *Ensure an appropriate setting and context for heritage places is maintained or enhanced.*
- (h) *Support adaptive reuse of heritage buildings where their use has become redundant.*

*Clause 17.01 – Employment*

*Clause 17.01-1S – Diversified economy*

74. The objective of this clause is “*to strengthen and diversify the economy*”.

75. The relevant strategies of this clause are:

- (a) *Protect and strengthen existing and planned employment areas and plan for new employment areas.*
- (b) *Facilitate growth in a range of employment sectors, including health, education, retail, tourism, knowledge industries and professional and technical services based on the emerging and existing strengths of each region.*
- (c) *Improve access to jobs closer to where people live.*

*Clause 17.02 – Commercial*

*Clause 17.02-1S – Business*

76. The relevant objective of this clause is “*to encourage development that meets the communities’ needs for retail, entertainment, office and other commercial services*”.

77. The relevant strategies of this clause is:

- (a) *Plan for an adequate supply of commercial land in appropriate locations.*
- (b) *Ensure commercial facilities are aggregated and provide net community benefit in relation to their viability, accessibility and efficient use of infrastructure.*
- (c) *Locate commercial facilities in existing or planned activity centres.*

*Clause 17.04-1S – Facilitating Tourism*

78. The relevant objective of this clause is:

- (a) *To encourage tourism development to maximise the economic, social and cultural benefits of developing the state as a competitive domestic and international tourist destination.*

79. The relevant strategy of this clause is:

- (a) *Maintain Metropolitan Melbourne's position as a global, national and local destination in its own right and as a gateway to regional Victoria by:*
  - (i) *Developing city precincts and promenades.*

- (ii) *Revitalising the retail core of the Central City.*
- (iii) *Supporting artistic and cultural life.*
- (iv) *Improving public facilities, amenities and access.*
- (v) *Maintaining city safety.*
- (vi) *Providing information and leisure services.*
- (vii) *Improving transport infrastructure.*

*Clause 18.02 - Movement Networks*

*Clause 18.02-1S – Sustainable personal transport*

80. The relevant objectives of this clause is *“to promote the use of sustainable personal transport”*.

81. Relevant strategies of this policy are:

- (a) *Encourage the use of walking and cycling by creating environments that are safe and attractive.*
- (b) *Develop high quality pedestrian environments that are accessible to footpath-bound vehicles such as wheelchairs, prams and scooters.*
- (c) *Ensure cycling routes and infrastructure are constructed early in new developments.*
- (d) *Provide direct and connected pedestrian and bicycle infrastructure to and between key destinations including activity centres, public transport interchanges, employment areas, urban renewal precincts and major attractions.*
- (e) *Ensure cycling infrastructure (on-road bicycle lanes and off-road bicycle paths) is planned to provide the most direct route practical and to separate cyclists from other road users, particularly motor vehicles.*
- (f) *Require the provision of adequate bicycle parking and related facilities to meet demand at education, recreation, transport, shopping and community facilities and other major attractions when issuing planning approvals.*
- (g) *Provide improved facilities, particularly storage, for cyclists at public transport interchanges, rail stations and major attractions.*
- (h) *Ensure provision of bicycle end-of-trip facilities in commercial buildings*

*Clause 18.02-1R – Sustainable personal transport- Metropolitan Melbourne*

82. Strategies of this policy are:

- (a) *Improve local travel options for walking and cycling to support 20 minute neighbourhoods.*
- (b) *Develop local cycling networks and new cycling facilities that support the development of 20-minute neighbourhoods and that link to and complement the metropolitan-wide network of bicycle routes - the Principal Bicycle Network*

*Clause 18.02-2S - Public Transport*

83. The objective of this clause is *“to facilitate greater use of public transport and promote increased development close to high-quality public transport routes”*.

*Clause 18.02-2R - Principal Public Transport Network*

84. A relevant strategy of this clause is to *“maximise the use of existing infrastructure and increase the diversity and density of development along the Principal Public Transport Network, particularly at interchanges, activity centres and where principal public transport routes intersect”*.

*Clause 18.02-4S – Car Parking*

85. The objective of this clause is *“to ensure an adequate supply of car parking that is appropriately designed and located”*.
86. A relevant strategy is *“protect the amenity of residential precincts from the effects of road congestion created by on-street parking”*.

Local Planning Policy Framework (LPPF)

87. The relevant policies in the Municipal Strategic Statement can be described as follows:

*Municipal Strategic Statement (MSS)*

88. Relevant clauses are as follows:

89. The following LPPF provisions of the Scheme are relevant:

*Clause 21.03 – Vision*

90. The relevant sections of this Clause are:

- (a) *Yarra will have increased opportunities for employment;*
- (b) *The complex land use mix characteristic of the inner city will provide for a range of activities to meet the needs of the community;*
- (c) *Yarra's exciting retail strip shopping centres will provide for the needs of local residents, and attract people from across Melbourne; and*
- (d) *Most people will walk, cycle and use public transport for the journey to work.*

*Clause 21.04-3- Industry, office and commercial*

91. The objective of this clause is *“to increase the number and diversity of local employment opportunities”*.

*Clause 21.05-1 Heritage*

92. This clause acknowledges that new development can still proceed whilst paralleling the objective to retain the nineteenth century character of the City. Conservation areas seek to conserve the City's heritage places whilst managing an appropriate level of change.

93. Relevant objectives include:

- (a) *Objective 14 To protect and enhance Yarra's heritage places:*
  - (i) *Strategy 14.1 Conserve, protect and enhance identified sites and areas of heritage significance including pre-settlement ecological heritage.*
  - (ii) *Strategy 14.2 Support the restoration of heritage places.*
  - (iii) *Strategy 14.3 Protect the heritage skyline of heritage precincts.*
  - (iv) *Strategy 14.4 Protect the subdivision pattern within heritage places.*
  - (v) *Strategy 14.6 Protect buildings, streetscapes and precincts of heritage significance from the visual intrusion of built form both within places and from adjoining areas.*
  - (vi) *Strategy 14.8 Apply the Development Guidelines for Heritage Places policy at clause 22.02*
  - (vii) *Strategy 14.9 Apply the landmarks and Tall Structures Policy at clause 22.03*

*Clause 21.05-2 – Urban Design*

94. The relevant objectives of this Clause are:

- (a) *To reinforce the existing urban framework of Yarra;*
- (b) *To retain Yarra's identity as a low-rise urban form with pockets of higher development achieved through the following relevant strategy:*
  - (i) *Strategy 17.2 Development on strategic redevelopment sites or within activity centres should generally be no more than 5-6 storeys unless it can be demonstrated that the proposal can achieve specific benefits such as:*
    - a. *Significant upper level setbacks;*
    - b. *Architectural design excellence;*
    - c. *Best practice environmental sustainability objectives in design and construction;*
    - d. *High quality restoration and adaptive re-use of heritage buildings;*
    - e. *Positive contribution to the enhancement of the public domain; and*
    - f. *Provision of affordable housing.*
- (c) *To ensure that new development contributes positively to Yarra's urban fabric; and*
- (d) *To enhance the built form character of Yarra's activity centres.*

*Clause 21.05-3 – Built Form Character*

95. A relevant objective of this Clause is *“to maintain and strengthen the identified character of each type of identified built form within Yarra”*.

*Clause 21.05-4 – Public Environment*

96. The relevant objective and strategies of this clause are:
- (a) *Objective 28 - To provide a public environment that encourages community interaction and activity:*
    - (i) *Strategy 28.1 - Encourage universal access to all new public spaces and buildings*
    - (ii) *Strategy 28.2 - Ensure that buildings have a human scale at street level.*
    - (iii) *Strategy 28.3 - Require buildings and public spaces to provide a safe and attractive public environment.*
    - (iv) *Strategy 28.5 - Require new development to make a clear distinction between public and private spaces.*
    - (v) *Strategy 28.8 - Encourage public art in new development.*

*Clause 21.06 – Transport*

97. This policy recognises that Yarra needs to reduce car dependence by promoting walking, cycling and public transport use as viable and preferable alternatives.
98. Parking availability is important for many people, however in Yarra unrestricted car use and parking is neither practical nor achievable. Car parking will be managed to optimise its use and to encourage sustainable transport options.
99. Relevant objectives and strategies of this clause are as follows:
- (a) *Objective 30 – To provide safe and convenient pedestrian and bicycle environments.*
    - (i) *Strategy 30.2 – Minimise vehicle crossovers on street frontages.*
    - (ii) *Strategy 30.3 – Use rear laneway access to reduce vehicle crossovers.*
  - (b) *Objective 31 – To facilitate public transport usage.*

- (c) *Objective 32 – To reduce the reliance on the private motor car.*
- (d) *Objective 33 To reduce the impact of traffic.*
  - (i) *Strategy 33.1 Ensure access arrangements maintain the safety and efficiency of the arterial and local road network.*

*Clause 21.07-1 – Ecologically sustainable development*

- 100. The relevant objective is “*to promote ecologically sustainable development*”.
- 101. A relevant strategy of this clause is Strategy 34.1 which is to “*encourage new development to incorporate environmentally sustainable design measures in the areas of energy and water efficiency, greenhouse gas emissions, passive solar design, natural ventilation, stormwater reduction and management, solar access, orientation and layout of development, building materials and waste minimisation*”.

*Clause 21.08-5 Neighbourhoods - Collingwood*

- 102. The neighbourhood character statement for this area at Clause 21.08-5 states:
  - (a) *The Gipps Street industrial precinct is characterized by traditional manufacturing, service activities and a considerable portion of activity related to the textile, clothing and footwear sector. The precinct provides the opportunity for a wide range of small to medium businesses to operate in a location that is relatively unconstrained by sensitive uses.*
  - (b) *To allow flexibility for large sites which may have difficulty in finding new industrial tenants rezoning to Business 3 will be supported. This will enable the area to retain an industrial character but evolve to provide a wider range of employment opportunities including service business and offices uses. Any change of use should consider opportunities for improvement to the public domain.*

Relevant Local Policies

*Clause 22.02- Development Guidelines for Sites Subject to the Heritage Overlay*

- 103. This policy applies to all new development included in a heritage overlay. The relevant objectives of this clause includes to conserve Yarra’s natural and cultural heritage, to conserve the historic fabric and maintain the integrity of places of cultural heritage significance, to retain significant view lines to, and vistas of, heritage places and to preserve the scale and pattern of streetscapes in heritage places.
- 104. The relevant policies with regard to demolition/removal of a building of this clause are:
  - (a) *Generally encourage the retention of a building in a heritage place, unless:*
    - (i) *The building is identified as being not contributory;*
    - (ii) *The building is identified as a contributory building, and*
      - a. *New evidence has become available to demonstrate that the building does not possess the level of heritage significance attributed to it in the incorporated document, City of Yarra Review of Heritage Areas 2007 Appendix 8 (as updated from time to time) and*
      - b. *The building does not form part of a group of similar buildings;*
  - (b) *Encourage the removal of inappropriate alterations, additions and works that detract from the cultural significance of the place; and*

- (c) *Generally discourage the demolition of part of an individually significant or contributory building or removal of contributory elements unless:*
  - (i) *That part of the heritage place has been changed beyond recognition of its original or subsequent contributory character(s); and*
  - (ii) *For individually significant building or works, it can be demonstrated that the removal of part of the building or works does not negatively affect the significance of the place.*

105. The relevant policies with regard to alterations and additions of a building of this clause are:

- (a) *Encourage the design of new development and alterations and additions to a heritage place or a contributory element to a heritage place to:*
  - (i) *Respect the pattern, rhythm, orientation to the street, spatial characteristics, fenestration, roof form, materials and heritage character of the surrounding historic streetscape;*
  - (ii) *Be articulated and massed to correspond with the prevailing building form of the heritage place or contributory elements to the heritage place;*
  - (iii) *Be visually recessive and not dominate the heritage place;*
  - (iv) *Be distinguishable from the original historic fabric;*
  - (v) *Not remove, cover, damage or change original historic fabric;*
  - (vi) *Not obscure views of principle façades;*
  - (vii) *Consider the architectural integrity and context of the heritage place or contributory element.*
- (b) *Encourage setbacks from the principal street frontage to be similar to those of adjoining contributory buildings; where there are differing adjoining setbacks, the greater setback will apply;*
- (c) *Encourage similar façade heights to the adjoining contributory elements in the street. Where there are differing façade heights, the design should adopt the lesser height;*
- (d) *Minimise the visibility of new additions by:*
  - (i) *Locating ground level additions and any higher elements towards the rear of the site;*
  - (ii) *Encouraging ground level additions to contributory buildings to be sited within the 'envelope' created by projected sight lines (see Figure 1);*
  - (iii) *Encouraging upper level additions to heritage places to be sited within the 'envelope' created by projected sight lines (for Contributory buildings refer to Figure 2 and for Individually significant buildings refer to Figure 3);*
  - (iv) *Encouraging additions to individually significant places to, as far as possible, be concealed by existing heritage fabric when viewed from the front street and to read as secondary elements when viewed from any other adjoining street.*
- (e) *Discourage elements which detract from the heritage fabric or are not contemporary with the era of the building such as unroofed or open upper level decks or balconies, reflective glass, glass balustrades and pedestrian entrance canopies.*

#### *Clause 22.03 – Landmarks and Tall Structures*

106. This policy applies to all development. Whilst the site is not within proximity to an identified sign or landmark within the policy, it is important to *“ensure the profile and silhouette of new tall structures adds to the interest of Yarra’s urban form and skyline.*

#### *Clause 22.05 – Interfaces Uses Policy*

107. This policy applies to all development and land use applications and aims to reduce conflict between commercial, industrial and residential activities. The policy acknowledges that the mix of land uses and development that typifies inner city areas can result in conflict at the interface between uses.
108. It is policy that *“new non-residential use and development within Business and Mixed Use and Industrial Zones are designed to minimise noise and visual amenity impacts upon nearby, existing residential properties”*.
109. Decision guidelines at clause 22.05-6 include that *“before deciding on an application for non-residential development, Council will consider as appropriate:*
- (a) *The extent to which the proposed buildings or uses may cause overlooking, overshadowing, noise, fumes and air emissions, light spillage, waste management and other operational disturbances that may cause unreasonable detriment to the residential amenity of nearby residential properties.*
  - (b) *Whether the buildings or uses are designed or incorporate appropriate measures to minimise the impact of unreasonable overlooking, overshadowing, noise, fumes and air emissions, light spillage, waste management and other operational disturbances on nearby residential properties”*.

*Clause 22.07 – Development Abutting Laneways*

110. This clause has the following objectives:
- (a) *To provide an environment which has a feeling of safety for users of the laneway.*
  - (b) *To ensure that development along a laneway acknowledges the unique character of the laneway.*
  - (c) *To ensure that where development is accessed off a laneway, all services can be provided to the development.*
  - (d) *To ensure that development along a laneway is provided with safe pedestrian and vehicular access.*

*Clause 22.16 Stormwater Management - Water Sensitive Urban Design*

111. Clause 22.16-3 requires the use of measures to *“improve the quality and reduce the flow of water discharge to waterways”*, manage the flow of litter from the site in stormwater and encourage green roofs, walls and facades in buildings where practicable.

*Clause 22.17 – Environmentally Sustainable Design*

112. The overarching objective is that development should achieve best practice in environmentally sustainable development from the design stage through to construction and operation. The considerations are energy performance, water resources, indoor environment quality, storm water management, transport, waste management and urban ecology.

Other Documents

*Urban Design Guidelines for Victoria (DELWP)*

113. These are policy guidelines within the Planning Policy Framework of the Victoria Planning Provisions that where relevant, must be considered when assessing the design and built form of new development. The guidelines use best practice knowledge and advice underpinned by sound evidence

### *Gipps Street Local Area Plan*

114. The Gipps Street Local Area Plan (GSLAP) was adopted by Council in February 2010. This plan includes objectives, strategies and actions which deal with future land use and form of development, physical improvements and infrastructure investments. It provides the strategic basis for future development and activity mix, preferred future character, a guide for new public works and infrastructure, design guidance and an overall approach to implementation and priorities.
115. This plan pre-dates the rezoning of the subject land from Industrial to Commercial and influenced the implementation of Schedule 11 to the Design and Development Overlay affecting the site.
116. The GSLAP aims to reduce car travel into the precinct, as follows:
- (a) *A broader policy objective to implement Council's Strategic Transport Statement is to reduce the proportion of trips into and out of the precinct by car.*
  - (b) *Reduced car travel will depend primarily on broader initiatives beyond the scope of this plan.*
  - (c) *Local initiatives should aim to improve walking and cycle access and connections to public transport and slowing car and other vehicle traffic in and around the precinct.*

### *Spatial Economic and Employment Strategy*

117. The Spatial Economic and Employment Strategy (SEES) was adopted by Council in September 2018 and includes 6 directions which will inform future policy for the Scheme.
118. The strategic direction contained within the SEES supersedes that contained within the Yarra Business and Industrial Land Strategy (BILS), adopted by Council in June 2012.
119. The Gipps Street Major Employment Precinct (located between Smith, Johnston and Hoddle Streets and Victoria Parade) is nominated as one of five major employment precincts within Yarra, the other four being Abbotsford, Church Street south, Cremorne and Victoria Parade.
120. A Strategy of the SEES relevant to this application is Strategy 2: Retain and grow Yarra's Major Employment precincts:

*To accommodate projected demand for commercial floor space, Yarra's two large consolidated employment precincts at Gipps Street, Collingwood and Cremorne/Church Street South, Richmond should be retained for employment activities. These areas have made a gradual transition from predominantly industrial uses to a wider mix of activities that include professional services, creative industries, medical-related activities and small-scale manufacture. Zoning should continue to exclude residential development to retain the core employment function of these precincts.*

121. The strategy includes the following precinct specific directions for the Gipps Street precinct:

*Given projected demand for employment floor space, and office floor space in particular, the precinct should retain its employment focus. Recent zoning changes have already provided greater flexibility in the range of permissible employment land uses.*



*Although there are many retail and hospitality business beyond the immediate Gipps Street precinct, the lack of retail within the precinct could be a barrier to attracting new businesses. The collection of smaller business on Glasshouse Road at the western edge of the precinct might be interpreted as evidence of the attractiveness of the more vibrant quarters of the precinct.*

*More detailed built form guidance would provide greater clarity about opportunities for additional development and the scale and form envisaged.*

*This precinct could accommodate future demand for floor space generated by both the Victoria Parade health precinct and the Johnston Street Activity Centre, where capacity for growth is more constrained.*

122. The SEES also acknowledges that *employment across the precinct is changing, with the evolution of a more diverse commercial employment base focused around the creative sector, service industries, and hybrid office/industrial businesses.*

### **Advertising**

123. The application was advertised under the provisions of Section 52 of the *Planning and Environment Act (1987)* by 2,227 letters sent to surrounding owners and occupiers and by one sign display on the Rupert Street frontage. Eighteen (18) objections were received to the application that can be summarised as follows:

(a) Heritage and Design:

- (i) Design, size, height and mass of the development is inconsistent with the existing neighbourhood character and is an overdevelopment;
- (ii) The existing building will lose its identity and link associated with the “working class” of the area; and
- (iii) The design is too “brutal”.

(b) Use and Off-Site Amenity Impacts:

- (iv) Noise, overshadowing, blocking of views and shadows cast over solar panels;
- (v) Overshadowing of the public realm;
- (vi) The development will block views and dominate the skyline;
- (vii) The development fails to include public open space, that is accessible i.e. the roof top “park” is inaccessible to the public, and even more so, for the disabled; and
- (viii) Impacts on equitable development opportunities of surrounding properties.

(c) Traffic and Car Parking:

- (ix) The car parking reduction cannot be supported within local road network;

(d) Other:

- (x) The development will lead to the further gentrification of the area;
- (xi) Behavioural impacts (i.e. patrons urinating in the street);
- (xii) Construction will cause significant disruption in terms of noise and large vehicles driving through surrounding streets;
- (xiii) Access for ambulances, fire brigade and police vehicles inadequate; and
- (xiv) The development may overload existing infrastructure services.

124. Due to the volume of objections received and Government restrictions related to COVID-19, a planning consultation was not held. However, a planning Information Session was held during the advertising period on 09<sup>th</sup> January 2020, where residents had access to planning officers and the permit applicant. The planning officer overseeing the application has been available via phone and email to residents wishing to discuss the matter further.

## **Referrals**

### External Referrals

125. The application was referred to the following authority:
- (a) Department of Transport.
126. No objection to the application was received. The responses have been included as an attachment to this report.

### Internal Referrals

127. The application was referred to the following units within Council:
- (a) Urban Design Unit (public realm only);
  - (b) Engineering Unit;
  - (c) Strategic Transport Unit;
  - (d) City Works Unit;
  - (e) Heritage Advisor; and
  - (f) ESD Advisor.

### External Consultants

128. The application was referred to the following external consultants:
- (a) Urban Design (Global South Pty. Ltd.);
  - (b) Acoustics (SLR Consulting);
  - (c) Wind (Vipac Engineers and Scientists Ltd.); and
129. Referral comments have been included as attachments to this report.

## **OFFICER ASSESSMENT**

130. The primary considerations for this application are as follows:
- (a) Strategic Justification;
  - (b) Land use(s);
  - (c) Built form – Heritage and Urban Design;
  - (d) On-site amenity;
  - (e) Off-site amenity;
  - (f) Car parking and bicycle provisions; and
  - (g) Objector concerns.

### Strategic Justification

131. The proposal has strong strategic support at a State and local level. The C2Z which applies to the site is capable of accommodating greater density and higher built form, subject to individual site constraints.

132. State and local policies (such as clauses 11.02-1S and 21.04-3) encourage the concentration of development near activity centres (with the Smith Street Major Activity Centre located approximately 490m west), diversifying employment opportunities and more intense development on sites well connected to public transport.
133. Pursuant to State policy at clause 17, economic development is to be fostered by *'...providing land, facilitating decisions and resolving land use conflicts, so that each region may built on its strengths and achieve its economic potential'*. At a local level, the Municipal Strategic Statement at Clause 21.04-3 seeks to *'increase the number and diversity of local employment opportunities'*. The proposal will support economic opportunities in a highly accessible, service-rich area. The varied uses proposed will increase employment opportunities as well as support the surrounding commercial uses through the provision of temporary accommodation. The proposal is complementary to the surrounding area due to the sites location and is not expected to pose interface conflict issues.
134. Council's recent SEES document, identifies the Gipps Street Major Employment precinct as evolving to including *'a more diverse commercial employment base focused around the creative sector, service industries and hybrid office/industrial businesses'*. The proposal is a hybrid of all of these use and will comfortably knit into this emerging culture of uses within the precinct.
135. In regard to the proposed built form, local and state policies encourage the concentration of development in and around activity centres but also intensifying development on sites that are specifically zoned to be tailored to accommodate development that is well connected to public transport and therefore ensuring the efficient use of existing infrastructure, which is also an important facet of Clause 65.
136. Schedule 11 to the DDO also provides further guidance for the preferred direction for development on the subject site and the surrounding land, which reinforces current State and Local policy to increase the number and diversity of employment opportunities within and around activity centres as is proposed and discussed favourably.
137. The application proposes the construction of a thirteen-storey building that will accommodate the array of uses described in *"The Proposal"* (and further discussed under the following heading), in an area that has potential for an increase in development (as is also evidenced by the number of large developments in the surrounding area that can be seen from multiple streets). The area is undergoing significant development and the proposal is highly consistent with the purpose of the zone and strategic intent for this area (including the requirements within Schedule 11 of the DDO that seek to encourage intensification of commercial uses and provision of diverse employment opportunities.
138. Clause 17.04-1R seeks to maintain and develop Metropolitan Melbourne as a desirable tourist destination. The provision of a residential hotel within the composition of uses proposed for the site will also contribute to the availability of accommodation within the locality, while concurrently supporting the local economy through additional visitors to the area. Given the location with the Smith Street Activity Centre, this is considered an appropriate location for temporary accommodation. Furthermore, the location of the site in proximity to the Central Business District and the Gipps Street employment precinct is likely to support proximate accommodation for business travellers.
139. The site's proximity to transport would encourage the use of alternative modes of transport to and from the site rather than reliance on motor vehicles, complying with clauses 21.03 – Vision; 18.02-2S – Public Transport; and 21.06 –Transport of the Scheme.

140. While there may be strong strategic direction for intensified development and a car parking reduction on the subject site, the built form policy and direction under clauses 22.05 – *Interface uses* and Clause 15 - *Built Environment and Heritage*, Clause 21.05 - *Built Form* of the Scheme also outline that consideration must be given to the design of the building and its interfaces with the surrounding area. These policies will therefore be considered in associated with the requirements within Schedule 11 of the DDO.
141. It must also be acknowledged that the size of the subject site allows for a more robust development to occur, on the site, in its existing underutilised conditions.
142. However, more intensive growth, whilst strongly supported by policy, must respond to existing conditions and be tempered to respect the existing neighbourhood and heritage character and the site's relationship with adjoining built form in terms of producing a reasonable scale and ameliorate or reduce off-site amenity impacts. These factors will be discussed in turn.
143. Having regard to the above, the proposed re-development of the site for a mixed use commercial use of this scale is considered to have strategic planning support.

#### Land Use(s)

144. The use of the site as a mixed-use building containing retail, hotel, office and various arts spaces is supported by both State and Local policy, as outlined previously within the *Policy and Strategic Support* section.
145. Additionally, the zoning of the land being C2Z includes the objective of encouraging development of commercial areas for offices, appropriate manufacturing and industries, bulky goods retailing, other retail uses, and associated business and commercial services.
146. The arts and crafts facilities, office use, and art gallery do not require a planning permit in the C2Z. The residential hotel, retail area, cinema, restricted recreation and restaurant areas, all require planning permission as detailed earlier in this report.
147. With regard to permit required aspects of the proposal, they are broadly considered to support the economic growth of the area, without competing with the semi-industrial and warehouse nature of other surrounding land uses.
148. The variety of uses within the scheme are likely to attract people working and living in the area, others such as the residential hotel, the arts and crafts facilities / working spaces and art gallery, including the cinema, will attract people from other areas which is a positive outcome for this underutilised site.
149. The mixed use function of the building supports the purpose of the zone, and the objectives and strategies outlined earlier. In considering land use applications within a C2Z also requires consideration of the following matters:
  - (a) The effect of existing uses on the proposed use
  - (b) The drainage of the land
  - (c) The availability and connection to services; and
  - (d) The effect of traffic to be generated
150. With respect to drainage and services, there is no evidence that the subject site cannot connect to the existing drainage networks and service. The effect of traffic generation will be discussed later in the report.

151. The impact on existing uses requires further discussion. It is anticipated that as the surrounding uses are primarily commercial in nature that the proposed development can adequately manage offsite impacts. It is acknowledge that there some existing dwellings within the C2Z proximate to the site which also must be considered.
152. Clause 22.05 (Interface Uses Policy) requires new non-residential use and development within Commercial Zones to be designed to minimise noise and visual amenity impacts upon nearby, existing residential properties as well as requiring building design to ensure that the ongoing viability of surrounding industrial and commercial properties is not impacted through the introduction of more sensitive land uses.
153. Broadly speaking, and subject to conditions and some fine tuning of hours, the uses support the intent of both the PPF and LPPFs whilst being complimentary to each other and the immediate area. It is considered that the proposal will enhance existing uses in the area (particularly commercial) by providing ground level retail tenancies and an under-croft and accessible commercial laneway that will effectively activate this interface to the street.
154. The uses that require a planning permit are the residential hotel, retail (shops), cinema, restaurant and restricted recreation. Each permit-required use is discussed in turn.

#### *Residential Hotel*

155. The residential hotel will be spread across the fifth to the eleventh floors of Building B with 24/7 operation and managed by one operator with the hotel lobby at ground floor. The residential hotel, will have up to 98 rooms ranging between 15.6sq.m.-29.7sq.m. (as shown on plans prepared by 6a Architects, dated 22 May 2020).
156. To ensure that the amenity of the surrounding area is not unreasonably impacted from noise or activity associated with the residential hotel, a permit condition can be included for a management plan to control the use. The policies and procedures outlined within a management plan will ensure that external amenity impacts from the residential hotel, such as noise and guest behaviour are appropriately managed.
157. Additionally, as the site is located proximate to 'Rupert on Rupert' a condition on permit will require confirmation that the hotel is appropriately acoustically treated to ensure that existing businesses are not affected by the new proposal.
158. The provision for a residential hotel within a building with a diverse range of activities (ranging from retail, restaurants, a cinema, arts and crafts facilities, art gallery, restricted retail and office) that will support the local economy through appealing to a wider audience including additional visitors to the area, both for short and long-term stay with the provision of temporary accommodation, complying with Clause 17.04-1S that seeks to maintain and develop Metropolitan Melbourne as a desirable tourist destination. The location of the site is also likely to support accommodation for business operators proximate to the site and is considered to be an appropriate use, subject to conditions.

#### *Retail (Shops)*

159. The retail space is located at the ground floor of both buildings and is split into 5 tenancies with operating hours of 7am to midnight, 7 days a week. Whilst the retail space is supported in its application with some flexibility in terms of range of use (in terms of those nested in the Scheme), the hours of operation to 12 midnight are questionable. The shops will be conditioned to have reduced hours to 10pm.

160. Council's external Acoustic consultant has not raised any concerns with the hours in terms of noise. However, when combined with the restaurant and cinema (both permit required uses and proposed with closing hours of 12 midnight) with combined patron numbers of 726, it is considered appropriate to reduce these hours to ensure that customers and patrons, alike, are staggered in their egress. With this in mind, the closing time of the retail space will be reduced to 10pm, which is only 2hrs less than that proposed. Whilst it is acknowledged that surrounding land is Commercial 2, this is also commensurate with sleep noise disturbance criteria managing some of the impacts pertaining to the closest dwellings (albeit also zoned Commercial 2) facing Gipps Street of consequent pedestrian foot traffic into the late night hours.

*Cinema*

161. The cinema is proposed at the second floor of Building B with up to 46 patrons and operating hours of 10am to midnight, 7 days a week. The cinema is a small scale operation given the number of patrons and is supported as proposed.

*Restaurant*

162. The restaurant spaces are spread across the second floor of Building A and third floor (mezzanine) of Building B and roof top garden with up to 680 patrons and operating hours of 7am to midnight, 7 days a week. This is considered to be a significant number of patrons and in balancing the needs of the commercial intensification of the site, each tenancy will be capped with a patron limit and the hours capped as outlined above. It is reiterated that no application has been made for licensing of these premises.
163. A further condition will also restrict any speakers from being erected externally to the building and / or used within the balcony and or terrace areas.
164. A condition will also limit delivery hours to Council's standard delivery times to ensure deliveries are undertaken at appropriate times (7am to 10pm). The sketch plans also show a reduction in the floor area of the restaurant use, and in applying the patron number, this will be tailored to accord with that as follows:
- (a) Unit B (Second floor): 350 patrons; and
  - (b) Unit B (Mezzanine): 110 patrons.

*Restricted recreation*

165. The restricted recreation area is spread across the second, third and fifth floors of Building A with up to 300 patrons (combined) and operating hours of 7am to 9pm for two of the three tenancies, and 5am to 10pm for the other, all 7 days a week. The gym will be primarily used by people who live and work in the area or within the same building. This use will be complimentary to the array of uses, both permit required and non-permit required, forming part of this development.
166. With the exception of the residential hotel, that will, in higher probability, be used by those associated with the offices, it is considered that there will be a high turn-over of patrons – thereby reducing impacts on surrounding car parking and traffic. It is also highlighted that the closest land zoned Mixed Use that permits 'Accommodation' as an appropriate land use, is located approximately 100m south-west of the subject site, and therefore has a generous separation distance and buffer from the subject site. This is also consistent with one of the purposes of the zone which is '*To ensure that uses do not affect the safety and amenity of adjacent, more sensitive uses*'. Off-site amenity impacts are considered further under a separate heading later in this assessment.

167. Given the diverse range of uses, and proximity to Smith Street, including the neighbourhood activity centre of Johnston Street, and zoning of surrounding land, this is considered an appropriate and welcomed injection of land use activity.

Built form - Heritage and Urban Design

168. In considering the design and built form of the proposed development, the most relevant aspects of the Scheme are provided at Clause 15 (Built Environment and Heritage), Clause 21.05 (Built Form), Clause 22.02 (Development Guidelines for Sites subject to the Heritage Overlay) and Clause 43.02 (Design and Development Overlay Schedule 11) of the Scheme.
169. Particular regard must be given to the acceptability of the extent of demolition from a heritage perspective, design in terms of height and massing, street setbacks and relationship to nearby buildings. This assessment will also consider the building design response to ESD considerations with applicable policy Clause 22.16 (Stormwater Management), Clause 22.17 (Environmentally Sustainable Development).

*Context*

170. The direct interfaces to the subject site include single and double-storey buildings to the north and west, a laneway to the south, beyond which is a four-storey building and double-storey building to on the opposite side of Rupert Street, all of which are hard-edged, robust and angular in their architectural expression and have either a former warehouse / industrial appearance or office influenced design.
171. The broader context includes the 17 storey tower associated with the Yorkshire Brewery 100m west of the site in addition to other more recent taller built form additions to the skyline along Wellington Street, and Langridge Street, and some of which are under construction.
172. The area is strategically identified for growth and is currently in transition from low scale industrial uses to now including greater scale and new service and arts industries which are all collocating. It is clear that the proposed 13 storey building would be taller than the buildings immediately interfacing the site. However this is consistent with the strategic direction provided by policy in this area and the direction of scale, proportions, built form and mass of approved in surrounding developments such as those located at intersection of Wellington and Langridge Streets and northern side of Northumberland Street, Gipps Street and other proposed developments located on Rupert and Rokeby Street.
173. Nonetheless, the site's context requires careful consideration to ensure that new buildings achieve the preferred future character as outlined with the DDO control which seeks to the following :
- (a) *A built form business and commercial environment which builds on the existing fine grain industrial nature of the area that allows for innovation and interest;*
  - (b) *A vibrant and safe street environment due to an increasing amount of street orientated development particularly on Gipps and Langridge Street;*
  - (c) *A consistent streetscape and well-articulated buildings with street facades built to a height of up to 3 – 4 storeys. Taller built form will set back from property boundaries and spaced to create new interest and variety in building forms.*

*Demolition and heritage (retention of the façade to the "Former Davis' Pickle and Sauce Factory")*

174. Clause 22.02-5.1 of the Scheme generally discourages the full demolition of a building unless the building is not contributory. As identified earlier, the “Former Davis’ Pickle and Sauce Factory”, is listed as being “Individually significant” in Appendix 8, *City of Yarra Review of Heritage Overlay Areas 2007*.
175. The proposal is to incorporate the original facade of the “Former Davis’ Pickle and Sauce Factory building” as is demonstrated in “The Proposal” section of this report. In determining whether the extent of demolition is appropriate, the permit applicant submitted a heritage report, labelled *Report to Council – Assessment of Heritage Impacts*, prepared and authored by Bryce Raworth Pty. Ltd. and dated November 2019. The report provides a history and description of the subject site, and includes an MMBW map that identifies the site as comprising a series of narrow fronted sites and containing dwellings in 1899. The industrial change of this site came about in the interwar period when the area was industrialised with the “Former Davis’ Pickle and Sauce Factory building” constructed in 1925, this only relating to the extent of the site, identified as the northern portion in the description under “The Subject Site” heading.
176. It is identified that the “more” significant part of the site, is the northern portion – relating to Building A, and more specifically the façade “Former Davis’ Pickle and Sauce Factory building”. That said, the section of building behind the façade, including that within the southern portion is of less significance to the historical identity of the site, and the heritage report supports the extent of demolition in anticipation of the development.
177. A review of the application material was undertaken by Council’s Heritage Advisor who was generally comfortable with the form of the new building however sought some changes and requested additional information regarding the interior of the building.
178. It was also indicated that the returns of the façade are proposed to be reconstructed by reinstating these using the original bricks.
179. A request for an onsite inspection of the building’s interior to ascertain the internal integrity of the building was sought however this could not be accommodated due to current Government COVID-19 restrictions. The permit applicant, in their response to the referral advice emailed to Council on 3<sup>rd</sup> June, provided images of the interior for Council’s records (see attachments). The images clearly show internal changes to the building that have occurred over time, with limited original features identified. The images provided are not conclusive however there are no internal controls applicable to the site, but a condition will require detailed internal photographs to be submitted for archival purposes.
180. The structure of the heritage comment as they relate to demolition concentrated on the demolition of heritage feature including dropping of the sill heights of the windows, demolition of the return walls of the retained heritage building and the removal of the parapet render. Comments regarding the materiality of the building will be responded to later in the report.
181. The removal of the existing windows to make way for new replacement windows in the retained “Former Davis’ Pickle and Sauce Factory building” façade, with a reduced sill height is not supported as the windows are original and Council’s Heritage Advisor does not support this. The fact that the replacement windows are derivative of the site’s former industrial past, and not dissimilar in design from that existing, albeit larger, is no reason to support this variation.
182. The revised architectural plans as prepared by 6a Architects, dated 22 May 2020, have also included plans to scale of 1:50 of the façade showing the extent of restoration and renewal with regard to the return walls, with annotated dimensions of wall thickness and façade height. The replacement return walls are supported and a condition will require the decision plans to include this detail whilst maintaining the existing windows.



183. The widening of the central opening to the “Former Davis’ Pickle and Sauce Factory building” façade, is supported, given that this relates to a smaller portion of wall and a smaller window as compared to the remainder. This is considered to be a good compromise in terms of achieving a response that maintains the integrity of the building whilst adapting this to the development.

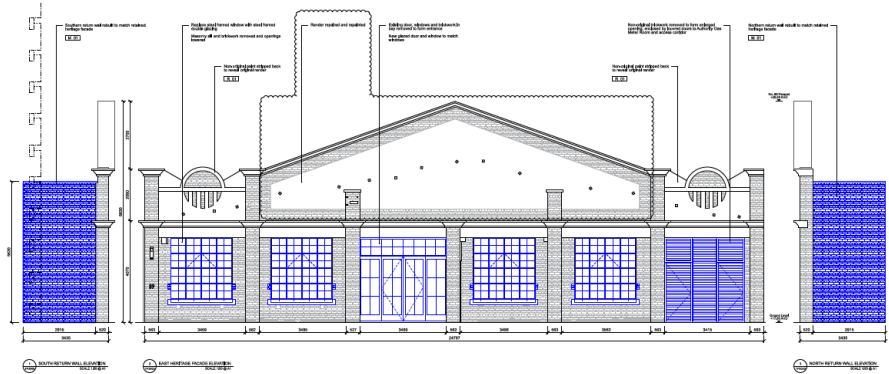


Figure 22: Demolition plan of the former Davis’ Pickle and Sauce Factory building’s façade as prepared by 6a Architects, dated 22 May 2020.

184. From a broader heritage perspective, the proposal’s design response is distinguishable from the heritage fabric of the retained façade and has considered the context of the heritage place as required by policy at Clauses 15.03-1S (Heritage conservation) and 22.02-5.7.1 of the Scheme. Building A will adequately re-use heritage fabric with the provision of a new opening within the building framework of the “Former Davis’ Pickle and Sauce Factory building”. At longer range views all new sections of built form will be distinguishable from original heritage fabric which is compliant with policy at Clause 22.02-5.7.1 of the Scheme. It is also highlighted that Council’s Heritage Advisor did not object or raise any concerns in relation to the height, upper level setbacks and hence separation distance and links of new built form and fabric as viewed in association with the original heritage façade.

*New development*

185. It is important for any assessment of building height and neighbourhood character to balance the range of influencing factors affecting this area, including policy provisions, existing height characteristics of nearby built form and preferred future character for the area.

186. The Scheme provides guidance to assist in determining whether the proposed height is acceptable within the site context. In relation to the PPF, building heights are best derived from specific design objectives; being contextual design, the aspirations for urban consolidation and issues of minimising adverse off-site amenity impacts rather than outlining specific height limits.

187. With regard to policy direction under the Scheme, clause 21.05 – *Urban Design* contains Objective 17: *to retain Yarra’s identity as a low-rise urban form with pockets of higher development*. Strategy 17.2 reads as follows:

- (a) *Development on strategic redevelopment sites or within activity centres should generally be no more than 5-6 storeys unless it can be demonstrated that the proposal can achieve specific benefits such as:*
  - (i) *Significant upper level setbacks;*
  - (ii) *Architectural design excellence;*
  - (iii) *Best practice environmental sustainability objectives in design and construction;*
  - (iv) *High quality restoration and adaptive re-use of heritage buildings;*
  - (v) *Positive contribution to the enhancement of the public domain; and*
  - (vi) *Provision of affordable housing.*

188. Based on the policy above, the proposed development must be able to demonstrate specific benefits to gain policy support for a height greater than 6 storeys. Further policy guidance is provided by Schedule 11 to the DDO where the preferred character for the Gipps Street Precinct is (as relevant to the development):
- (a) *A built form business and commercial environment which builds on the existing fine grain industrial nature of the area that allows for innovation and interest; and*
  - (b) *A consistent streetscape with active street-frontages and well-articulated buildings with street facades built to a height of up to 3-4 storeys. Taller built form will be set back from property boundaries and spaced to create new interest and variety in building forms.*
189. The following requirements are applicable to developments above four storeys:
- (a) *Demonstrate a high standard of architectural design;*
  - (b) *Minimise overshadowing of adjoining streets, public spaces or private properties;*
  - (c) *Be set back from along the northern side of the following streets:*
    - (i) *Gipps Street; and*
    - (ii) *Langridge Street*
190. Development should also be designed to:
- (a) *have active and attractive frontages.*
  - (b) *address street activity in its interface design, avoiding recessed car parking at street level.*
  - (c) *be well articulated and modulated.*
  - (d) *use materials and finishes which complement adjacent development and enhance the appearance of the narrow street network.*
191. In response to the policy framework applicable to the site and the objectives describing the preferred future character of this precinct, the proposal at 13 storeys, whilst greater in height than most existing surrounding buildings will be commensurate with other buildings approved by Council in more recent years and is responsive to this shift in built form. The area has seen and is continuing to undergo substantial change in terms of taller built forms (both constructed and under construction) and it is considered that the design in its submitted form has been well considered in relation to its context and within the C2Z where more robust built form such as that proposed are becoming more readily visible. The application was also referred to Council's Urban Design consultant Mr Simon McPherson who generally in support of the proposal subject to some design changes.
192. The development has adopted a hard-edge to Rupert Street consistent with surrounding built form. The podium design provides a transitional podium, as it is expressed across the site from the north to the south incorporating the heritage façade then rising to the 3 storey trellis framed building and then to 4 storey to the southern end presenting as a more solid masonry building.
193. The interface a ground level incorporates the centralised laneway forming the main entry point into the development. As proposed, the widening of the laneway at the south-east corner to make way for vehicle access and limits the intrusion of an obvious vehicle entry point by utilising the existing crossover albeit wider.
194. The ground level of Building B proposed an undercroft arrangement with a recessed retail premises and the sideage of the proposed substation and vast entry space leading to the core of the building and lobby space of the building.

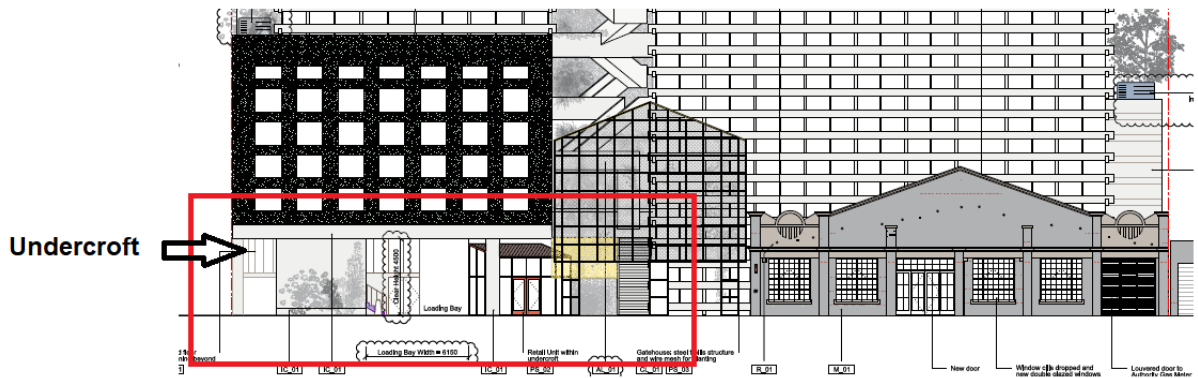


Figure 23: Undercroft to Building B.

195. The urban design comments regarding this ground level interface were critical of the lack of integration and legibility of the space and recommended more activation at ground level. The permit applicant showed in the schematic plans, dated 22 May 2020, a redesigned ground level which improved the street interface by relocating the retail tenancy (i.e. “Unit A”) to Rupert Street and relocating the substation further west, addressing the comments made by Council’s Urban Design consultant in relation to increasing the extent of active frontage. Additionally the revisions included substantial columns which better reflect the hard edge construction typically found in the area while still maintaining a good level of permeability into the site (See figure below).

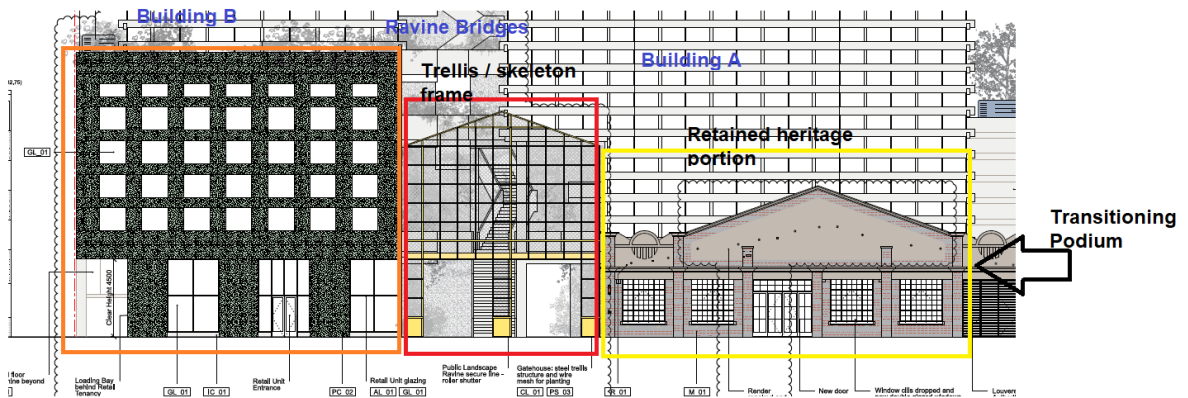


Figure 24: East elevation as prepared by 6a Architects, dated 22 May 2020 – with transitioning podium highlighted and varied frontage at the ground floor of Building B as result of the relocation of “Unit A”.

- 196. It is considered that this revised ground level approach achieves the policy direction under Clause 21.05-4 (Public Environment) of the Scheme which requires developments to provide pedestrian/human scaled designs at street level with enhances street interaction and provides an appropriate relationship to the street.
- 197. The tower relationship to the street proposes a different response between Buildings A and B.
- 198. Behind the heritage façade, Building A has been setback a minimum distance of 3m from Rupert Street which is expressed the entire width of this building. Council’s Urban Design consultant does not support the 3m setback adopted above the retained street wall associated with Building A and has indicated a preference for a greater setback in the order of 4m-5m to reduce the built form presence in the street.

199. Council's Heritage Adviser supports the adopted setbacks and states within the heritage comments that *'there are sufficient precedents in this part of Collingwood as to permit a building of this height, scale etc. without having an adverse effect on any heritage values, in this case of the host building'*. In this instance, the interplay between the new tower element and remnant heritage fabric presents as an appropriate response, the 3m setback adopted provides a clear delineation between the old and new fabric as discussed in the heritage section, and for this portion of the development a greater setback is not required.



Figure 25: Montage showing the maintenance of the heritage façade in its 3D appearance, and new building behind the parapet.

200. Similarly, Council's Urban Design consultant raised concern with expression of Building B which in effect rose vertically for 13 storeys with little relief as it presented to Rupert Street. The suggestion was for the incorporation of a greater setback above the four-storey podium associated with Building B in the order of 3m to reduce the imposing relationship of the building to Rupert Street, The permit applicant in the sketch plans dated 22 May 2020 have incorporated this into the design which is considered to moderate the interface to Rupert Street, and align the upper level setbacks of Building B would be consistent with the setbacks of Building A. This would provide a uniformed approach, so that the upper levels with their narrow ribs, appear as a backdrop to a more prominent transitioned podium to Rupert Street.



Figure 26: Montage identifying the 3m setback of Building B that has a consistent alignment with Building A

201. The walls to the north and west of Building A would be constructed to abut the on-boundary walls of boundaries of surrounding commercial buildings for up to three storeys, before setting back 3.4m from the north and 3.2m from the west. The setbacks of Building B would be constructed to abut the on-boundary walls of boundaries of surrounding commercial buildings for up to four storeys before setting back between 600mm and 760mm from the west and 3m from the south.
202. The setbacks of upper levels adopted to the north, south and west have been supported by Council’s Urban Design consultant, largely due to the as-built conditions of surrounding buildings, which occupy 100% of their sites. The surrounding non-sensitive interfaces justify each elevation’s relationship with its immediate neighbouring property and Officers also consider that the surrounding physical context can comfortably absorb the height of the building, as well as the setbacks adopted from each boundary.
203. Council’s Urban Design consultant has indicated support of the narrow setbacks adopted at the fifth through to the twelfth levels of Building B as measured from the western boundary. This elevation has façade ribs extending into this setback and importantly no windows (see Figure 24 below) located to this interface which does not raise issues of any future implied rights to light. Where located, this stretch of built form abuts the western property site namely property no. 110 Rokeby Street. Council’s Urban Design consultant has expressed support for this configuration, stating that future development to the west (and hence associated equitable development opportunities) will be able to adopt a zero setback, whilst in the meantime the current scheme does not result in an unarticulated blank wall facing west.

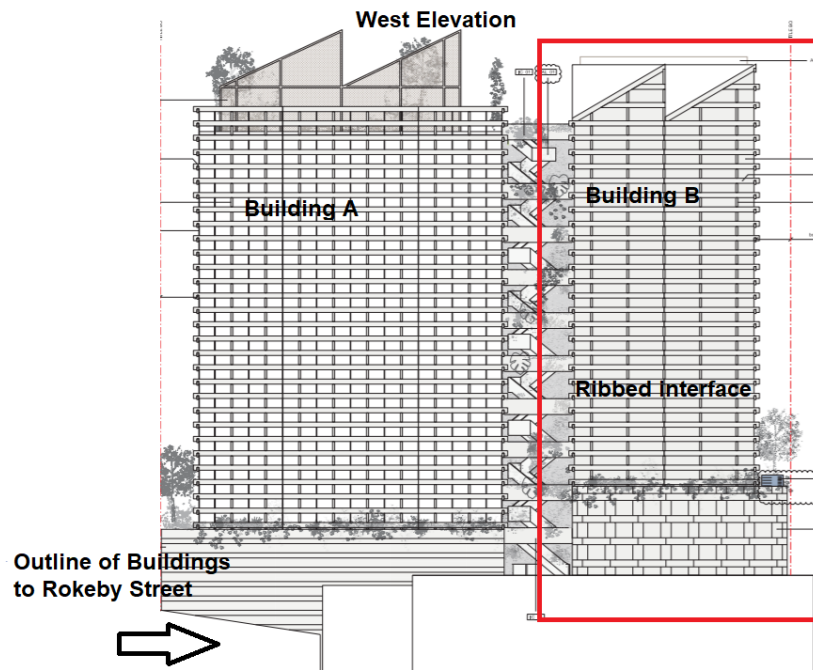


Figure 27: West elevation identifying the ribbed interface of Building B.

204. The western adjoining property also has opportunity to take advantage of its northern and western orientation. The 3m setbacks across the remainder of the building from the northern, southern and western boundaries (with the latter relating to Building A) are supported and are considered to go far enough assist in providing adequate equitable development opportunities for neighbouring sites.

205. Council's Urban Design consultant recommended the further articulation of the towers so that these interfaces become less imposing to the street, but didn't provide any re-design suggestions. However, it is considered that the varied ribbed approach to each building, combined with the transitioning podium at the street level, and solid to void ratio, all stack up to provide a well-articulated building when viewed as a whole, both from close range angles and long range. It is agreed with the permit applicant's response to the referral advice of 3<sup>rd</sup> June, that *"the façade mediates this scale – of close and near – with the use of many small components that are assembled or 'stacked' together to form a façade that has a very deep articulation (more than half a metre in relief) that allows the building to read as a clear volume from afar but increases the visual texture and detail as one sees the building closer or interacts from inside the building"*.
206. The development, whilst complex by scale and brutalist in parts by design, has simple lines with a varied architectural expression that can be read as five elements, (i.e. two towers articulated with varied ribbed widths, the heritage façade, a central trellis / framing element to a central laneway and a four-storey portion of textured green concrete walls) that combined will provide a contemporary building comfortably placed in the Rupert Street setting. Council's Urban Design consultant made a further recommendation to further extend the stairs of the ravine bridges towards Rupert Street. The sketch plans, dated 22 May 2020 have improved the ravine bridging element by making this more visually prominent through extending the landings and widening the separation to make this feature more prominent.
207. The elevations are expressed in a robust manner that is characteristic of surrounding taller buildings but doesn't attempt to replicate a "typical" tower with fenestration. The brutalist nature of ribbed walls can be adequately absorbed by the surrounding commercial and industrial context, including the hard-edged construction of surrounding buildings and a wider scale, of other comparable tall buildings that when seen in combination will not appear as being prominent as compared to when these are perceived in their isolated manner on plan. The distribution of finishes is supported and is considered to provide articulation worthy of support. It is also considered that overall, the building is adequately animated to each elevation by the adopted solid-to void ratio and with regard to Rupert Street, the five elements discussed earlier.
208. Overall, it considered that the development is massed so that it appropriately references its surrounding context. The development would also use materials that include pre-cast concrete (four varieties) that are supported in their proposed application (despite Council's Heritage Advisor's concerns with regard to the smooth grained precast –concrete PC02 which has a green tone) with the four-storey podium comprised primarily of square-shaped windows and a green tone, all good quality and derived of the materials of other surrounding built forms in a broader context. Policy direction at clause 21.05 of the Scheme is also considered to have been adequately addressed with regard to offering an appropriate heritage response, and an overall building height that is supported by Council's Heritage Adviser and Urban Design consultant.
209. With the above policies and requirements in mind, it is considered that the height of the proposed building can be supported in light of the development proposing architectural design excellence, best practise ESD outcomes and positive contributions to the public realm. The reasons for policy support are as follows:
- (a) The proposed building would present as two towers within the skyline with ravine connecting bridges and at a human scale will provide a transitioning podium, that combines the single-storey heritage façade (original fabric associated with Building A) a three-storey, pitched frame, trellis element to the south (framing the primary entrance from the street to the "public laneway"), and the four-storey, podium, (associated with Building B) as indicated at Figure 5, within "The Proposal" section of this report, in line with policy that talks to street facades.

- (b) The upper levels above the podium, will be setback 3m behind the heritage façade with the setbacks associated with Building B, also increased to 3m as shown in the architectural plans as prepared by 6a Architects, dated 22 May 2020 (increased from a minimum 600mm as shown on the “decision plans”);
- (c) The development responds to the design objectives at Clause 15.01-2S with a contemporary design that is appropriate and responds well to this emerging part of Collingwood;
- (d) Council’s ESD advisor supports the proposal and confirms it largely meets Council’s best practise standards for ESD outcomes (deficiencies will be discussed in detail later in this assessment);
- (e) The design detail and overall choice of materials are supported, given the solid to void ratio and hence degree of transparency and varied juxtaposition of windows and balconies across the eastern elevation hence is well articulated and modulated (achieving compliance with the requirements of Schedule 11 of the DDO);
- (f) Landscaping has been incorporated through the levels and within the roof terraces including the ravine bridges, with the ground level that will provide an open entrance and central public laneway for easy access into the site for patrons, customers and staff; and
- (g) The development avoids car parking at street level through the provision of basement car parking with vehicle access provided from the laneway to the south as is encouraged by policy at Clause 22.07 (Development abutting laneways) of the Scheme. The plans as prepared by 6a Architects, dated 22 May 2020, have improved this aspect of the proposal by encouraging greater use of the laneway.

#### On-site amenity

210. It has been well established by VCAT that residential hotels do not require the same standard of internal amenity as a dwelling given the short term, temporary nature of the accommodation type.
211. In the matter of *Tribe v Whitehorse CC* [2014] VCAT 212, the Tribunal made the following observations at paragraphs 59 and 62 regarding the serviced apartments, which could equally apply to a residential hotel:
- [59] *The proposed apartments do not have layouts or facilities consistent with what would typically be provided for dwellings. As noted by the objectors, some apartments do not have balconies or ground level courtyards for open space, living spaces rather than some bedrooms are ‘internalised’ within the unit layout and facilities like storage and areas to dry clothes are not provided. The ‘apartments’ are, in many cases small, and more akin to a motel unit with cooking facilities.*
- ...
- [62] *By and large, I do not see any difficulty with apartments of the size and type proposed being used for temporary accommodation. However, I would not approve them for dwellings providing permanent accommodation given the standard of amenity they provide. The absence of open space for some apartments, the internal layouts and absence of facilities do not make the proposed units suitable for permanent accommodation.*
212. However, whilst residential hotels are not expected to provide the same level of internal amenity as permanent accommodation, a level of amenity commensurate with the expectations of temporary accommodation still needs to be considered. This was explored through the recent VCAT decision of nearby site at Nos. 42-44 Oxford Street, 61-63 Cambridge Street and 16 Langridge Street, *Langridge and Cambridge Funding Development Pty Ltd v Yarra CC* [2018] VCAT 703, which at paragraph 126 stated that:

*[126] We accept there is limited guidance in the scheme as to the benchmarks that would demonstrate that a hotel room provides acceptable amenity. Clearly daylight, ventilation, safety and communal spaces are necessary starting points.*

213. Overall it is considered that the residential hotel will reach an appropriate level of internal amenity for occupants and guests. A notable difference between a hotel room and an apartment is that significantly less time is spent inside the rooms, particularly in bedrooms, during the day, with a constant turnover.

#### *Daylight and ventilation*

214. The rooms of the residential hotel are (whilst made even smaller by the sketch plans), are functional in layout and geometry. They are clearly for short stay with each room fitted with one bed and bathroom. This is typical of a business-style, short stay accommodation. Furthermore, high floor-to-ceiling heights of 3.4m will be provided to all habitable spaces within the rooms that combined with the level of glazing will create a sense of spaciousness for guests.
215. The development is general is considered to provide a good level of amenity and indoor environmental quality. Specifically, this is achieved through good access to daylight for each level through a generous display of fenestration including ventilation opportunities with open ravine bridges. Building A has a northern orientation and hence excellent solar exposure. The development provides large expanses of glazing at all levels. A condition will require the plans to be further updated to identify all operable windows to the office areas, as requested by Council's ESD Advisor.
216. The design incorporates openings to Rupert Street, including a large communal roof terrace and balconies at the fourth level of Building A and fifth level of Building B. The building adequately takes advantage of the northern and eastern interface through the provision of fenestration and reduces the number of windows to the west. Each floor level would be provided with service amenities and accessible to staff with lifts and a stairwell.

#### *Circulation Spaces*

217. The entrances from Rupert Street, provide access to a central laneway that has lifts, stairs servicing the upper levels, and service amenities associated with the building. The main entrances are provided with adequate sightlines from Rupert Street so people can see both in and out when entering or leaving. The circulation spaces in their configuration, afford an excellent level of amenity to future building occupants, that have been further improved with the reconfiguration of the retail tenancy and substation as shown on the ground floor plans prepared by 6a Architects, dated 22 May 2020.
218. Council's Urban Design consultant raised a query around the access and security arrangements for the site and access to the lifts after hours. The permit applicant indicated in their response dated 3<sup>rd</sup> June, that lifts will be available to allow access to the various uses within the hours of operation, and has agreed to a condition to control the publicly accessible rooftop terrace with an endorsed Community Benefits Management Plan (that also provides details in relation to the artist studio tenancies associated with the arts and crafts centre) as a condition (noting that one has already been provided but will need to be updated to reflect the plans as prepared by 6a Architects, dated 22 May 2020).
219. It has also been indicated that CCTV and motion-detection lighting will also be installed throughout the premises.

#### *Facilities*



220. Adequate facilities in terms of service amenities are provided at each level for all occupants of the building. Bicycle parking and end-of-trip facilities are also incorporated into the scheme. Outdoor areas as indicated have also been provided and will further enhance the on-site amenity and staff enjoyment of the building.

*Environmentally Sustainable Design (ESD)*

221. Policy at clauses 15.01-2S, 21.07, 22.16 and 22.17 of the Scheme encourage ecologically sustainable development, with regard to water and energy efficiency, building construction and ongoing management. Council's ESD Advisor confirmed that the proposal was close to meeting Council's Best Practice ESD standards.
222. Further, the redevelopment of the site located in an existing built-up area makes efficient use of existing infrastructure and services, and the proximity of the subject site to numerous public transport modes reduces reliance on private vehicles.
223. Council's ESD Advisor identified areas of deficiencies and outstanding information that needed to be provided. This was outlined within their referral comments as follows:

*Application ESD Deficiencies:*

- (a) *Connect rainwater reuse to toilets.*
- (b) *Rainwater tanks are required to be connected to all year-round demand such as toilet flushing to be effective as stormwater treatment – update approach to connect 6000L tank to toilets.*

*Outstanding Information:*

- (a) *Clarify provision of operable windows throughout office areas to reduce reliance on mechanical systems.*
  - (b) *There are inconsistencies between the model input of VLT (0.55) for Glazing and the stated minimum (0.4). This needs to be consistent between this, the report and the proposed energy modelling.*
  - (c) *The type of glazing needs to be reconciled through energy modelling and clarification of daylight modelling. Only then can an evaluation of thermal comfort be made.*
  - (d) *Evidence (preliminary modelling or glazing calculations are required to support evidence for energy savings. A target over the 2016 reference case is also required to be provided).*
  - (e) *Clarify consistency with zero carbon goal. Zero carbon is not possible to achieve without offsets if gas is used in the building and there is no information on renewable energy procurement.*
  - (f) *Specify proportion as % of total, or GHG reduced and remove vague language from materials section.*
  - (g) *An EMP is required to be provided prior to construction commencing.*
  - (h) *Update architectural drawings (TP1102) to match details provided in the WMP.*
224. A revised SMP was submitted with the permit applicant's response to the referral advice. This report was not peer reviewed in light of the fact that this would form a condition of any planning permit.
225. The permit applicant, in their response to the referral advice, indicated that they have a preference that the requirement to connect the rainwater tank to the toilets is not specified within the condition due to maintenance concerns and that it was preferred to use the rainwater for landscaping irrigation. It is not unusual in any circumstance for a new building to have a preference for recycling water for irrigation and it is an agreed position that some flexibility should be granted.

226. The remainder of the items identified can be addressed with a condition requiring an amended Sustainable Management Plan (SMP) to be submitted concurrent with any amended plans requested as a consequence of other conditions detailed in earlier sections of this report.
227. The standard condition which requires an implementation report to confirm all measures specified in the Sustainability Management Plan have been implemented in accordance with the approved plan will also be included.

*Waste management*

228. An initial Waste Management Plan (WMP) was submitted by the Applicant and reviewed by Council's City Works Branch, who indicated that it was satisfactory.
229. However, given the scope of changes to the building as a result of conditions resulting reconfigured layout, a condition will require the submission of an amended WMP that reflects the modified building, as per the plans requested at Condition 1.

Off-site amenity

*Visual bulk and overlooking*

230. With all interfaces with the subject site being to commercial buildings, and zoned Commercial 2, largely built to boundaries, including to streets, the development would not be subject to unreasonable visual bulk impacts and would not result in unreasonable overlooking. It is also an accepted principle that overlooking only occurs between habitable rooms (i.e. bedrooms and living rooms) and private open space. The proposed development is commercial as are surrounding existing buildings.

*Overshadowing*

231. As discussed earlier in the report, the proposed development would increase the shadow impact into the public domain and would be cast to the west, east, south-west and south-east. There is no secluded area of private open space associated with any existing dwelling that would be impacted by the additional shadows cast.

*Noise*

232. In respect to amenity impacts, Clause 22.05 of the Scheme seeks to ensure that new non-residential uses do not unreasonably impact dwellings including through noise, light spill, emissions and rubbish. The closest purpose-built dwellings are located 55m to the north of the subject site, facing Gipps Street. Whilst zoned Commercial 2, the separation distance and their orientation, with the subject site located south, would remove any immediate impact on these dwellings.
233. As indicated earlier, a permit condition can be included for a management plan to control the residential hotel use. The policies and procedures outlined within a management plan will ensure that external amenity impacts from the residential hotel, such as noise and guest behaviour are appropriately managed.
234. Further conditioning of the retail (shops) component will include reduced hours to 10pm, to stagger egress and reduce consequent pedestrian foot traffic into the late night hours within surrounding streets.

235. Clause 22.05 further requires new residential developments in activity centres to include design features to minimise the impact of the normal operation of business. In this regard, noise impacts from existing commercial plant and existing taverns (such as “Rupert on Rupert” at property no. 73 Rupert Street, Collingwood) in the area are of most relevance. As part of this application, an acoustic report was submitted (authored by Wood and Grieve Engineers and dated 20<sup>th</sup> November 2019) which dealt with noise emissions and noise intrusion from the development (i.e. mechanical plant noise, traffic and music noise), and considered the noise impact from noise emissions from the tavern (i.e. “Rupert on Rupert”).
236. Council’s acoustic engineers were satisfied with the findings and conclusions of the report but queried whether the worst case scenario music projections were considered from the tavern bar as measured from the hotel rooms. This is because, this development, being the “agent of change” could impact the tavern’s compliance with the State Environment Protection Policy — Control of Music Noise from Public Premises (SEPP N2). The referral advice was provided to the permit applicant, and in an email dated 3<sup>rd</sup> June 2020, responded, with an attachment that included the following comments in response to Council’s acoustic engineers:
- (a) *The planning permit (PLN13/0272) for the neighbouring bar at 67-73 Rupert Street has been reviewed to understand the venue’s responsibilities with regard to noise attenuation. The permit includes restrictions on hours of operation, patron numbers (no more than 200), and the level of music amplification allowed (background or performers using non-amplified instruments).*
  - (b) *The permit has been reviewed by our acoustic consultant, Stantec Australia Pty Ltd, who have advised that based on the current conditions, there is no need to update our previously submitted Acoustic Report. This is because the parameters assessed in the existing report are sufficient to understand that the proposed scheme will be acceptable from an acoustic perspective provided that Rupert on Rupert adhere to their permit conditions.*
237. With the above in mind, no further adjustments are required to be made to the acoustic report provided with the application, other than ensuring that this references the plans required by Condition 1.
238. Conditions will also require compliance of all mechanical equipment prior to and post development of the land to ensure that all criteria of SEPP N-1 are met to Council’s satisfaction.

*Fumes and air emissions, light spillage*

239. All uses will be conducted indoors (with the exception of the outdoor balconies / roof top garden). The proposal is not considered to result in unreasonable air emissions, and whilst there will be a degree of light spill, the surrounding land is zoned Commercial 2 and non-sensitive. There would be no fumes associated with any of the permit required uses identified.

Car parking and bicycle provisions

240. The applicant is seeking a statutory parking reduction of 229 car parking spaces, with 40 on-site car parking spaces proposed. To support the reduction in the statutory rate, a Transport Impact Assessment was undertaken by One Mile Grid and dated 2<sup>nd</sup> July 2019, with parking availability in the neighbourhood also reviewed.

*Parking Availability*

241. On-street parking occupancy surveys of the surrounding area were undertaken and suggest a generous amount of on-street car parking in the vicinity. Council's Traffic Engineers also confirmed that the availability of parking in the vicinity is very high during business hours. However, this is blanketed by time based parking restrictions that would be a disincentive for employees or staff to drive. The car parking restrictions would also provide regular turnover throughout the day, thereby allowing visitors to park near the site.
242. The surrounding area has ample transport contextually supporting a development of this scale in the inner city. The availability of alternative transport methods will be discussed in turn.

*Parking Demand*

243. In support of the reduced car parking on-site, examples of existing uses within the City of Yarra with reduced on-site car parking rates (primarily offices) were provided by Councils Traffic Engineers. Details of these development sites (also referenced in the body of the report) are provided as follows:

<b>Development Site</b>	<b>Approved Office Parking Rate</b>
60-88 Cremorne Street PLN17/0626 issued 21 June 2018	0.72 spaces per 100 m <sup>2</sup> (233 on-site spaces; 27,306 m <sup>2</sup> )
2-16 Northumberland Street, Collingwood PLN16/1150 issued 14 June 2017	0.89 spaces per 100 m <sup>2</sup> (135 on-site spaces; 15,300 m <sup>2</sup> )
71-93 Gipps Street, Collingwood PLN16/1150 (Amended 04 June 2020) issued 30 August 2017	0.96 spaces per 100 m <sup>2</sup> (87 on-site spaces; 8,923 m <sup>2</sup> )

244. Council's Traffic Engineers provided the following comments in relation to each use with car parking provision and a permit requirement:

<b>Parking Demand Consideration</b>	<b>Details</b>
<i>Parking Demand for the Office Use</i>	<p><i>The office would be providing on-site car parking at a rate of 0.3 spaces per 100 m<sup>2</sup> of floor area. Office developments throughout the municipality have been approved by Council with reduced rates. A few examples include:</i></p> <ul style="list-style-type: none"> <li>▪ <i>60-88 Cremorne Street, Cremorne – 0.72 spaces/100 m<sup>2</sup></i></li> <li>▪ <i>71-93 Gipps Street, Collingwood – 0.96 spaces/100m<sup>2</sup></i></li> <li>▪ <i>2-16 Northumberland Street, Collingwood – 0.89 spaces/100m<sup>2</sup></i></li> </ul> <p><i>Although lower than the above rates, the proposed office parking rate of 0.30 spaces per 100 square metres of floor space is considered appropriate as the site seeks to minimise private car dependency and promote more sustainable forms of transport.</i></p>
<i>Parking Demand for the Residential Hotel</i>	<p><i>Residential Hotels can be classified as tourist accommodation facilities. In terms of parking provision for this type of accommodation, the NSW Roads and Maritime Services' Guide to Traffic Generating Developments version 2.2 provides a parking rate of one off-street space per four bedrooms (0.25 spaces per one-room apartment). Applying a</i></p>

	<i>rate of 0.25 spaces per room would result in a car parking demand of 21 car parking spaces. The actual parking demand for the residential hotel would be off-set by the lack of available long-stay on-street parking, the proximity to public transport services and access to on-street car share pods.</i>
<i>Parking Demand for the Retail Use</i>	<i>A retail staff parking demand of 1 space per 100m<sup>2</sup> of floor area could be adopted, resulting in 7 spaces. We expect that customers would be drawn from the surrounding area.</i>
<i>Parking Demand for the Restaurant and Food and Drink Premises</i>	<i>Using the statutory parking rate, the restaurant would generate a parking demand of 20 spaces. Patrons to the restaurant and café would be drawn from the surrounding area (residences and local businesses).</i>
<i>Parking Demand for the Wellness Centre and Gymnasium</i>	<p><i>The wellness centre and gymnasium uses (indoor recreation facilities) have not been provided with on-sit parking. Patrons to these uses would also be drawn from the local surrounding area. Council has approved a number of recreation facilities without on-site parking, including the following:</i></p> <ul style="list-style-type: none"> <li>▪ <i>9-11 Rooney Street, Richmond – Gymnasium; 45 patrons</i></li> <li>▪ <i>224 Brunswick Street, Fitzroy – Gymnasium; 40 patrons</i></li> <li>▪ <i>563 Victoria Street, Abbotsford – Gymnasium; 40 patrons</i></li> </ul>
<i>Parking Demand for the Art and Craft Market and Art Gallery</i>	<i>According to One Mile Grid traffic engineering consultants, these uses would be replacing the existing use (community/social space), which has no on-site parking.</i>
<i>Parking Demand for the Cinema</i>	<i>The cinema would generate a parking demand of 13 spaces (based on the statutory parking rate of 0.3 space per patron). It is agreed that patrons to the cinema would combine their visit by engaging in other activities whilst in the area.</i>

245. Specifically in relation to the particular benefits of the site location with regard to the reduced rate of on-site car parking, Council’s Traffic Engineers have indicated that:

- (a) There is ample public transport, with trams located on Smith Street and Victoria Parade, buses on Hoddle Street and the Collingwood railway station, all within walking distance;
- (b) Visitors would likely be aware of the car parking constraints in the area or otherwise be made aware by the occupants of the building, thus also encouraging use of alternative modes such as cycling; and
- (c) It is in line with the objectives of Council’s *Strategic Transport Statement* noting that the site is ideally located with regard to sustainable transport alternatives and the reduced provision of on-site parking would discourage private motor vehicle use.

*Traffic*

246. Council’s Traffic Engineers have confirmed that the traffic generation is reasonable, and that any increase in the volume of traffic generated by the development could be accommodated within the local road network without adversely impacting on the traffic operation of nearby streets.

*Access and layout*

247. Clause 52.06-9 (Design standards for car parking) of the Scheme relates to the design of car parking areas and contains 7 standards and requirements relating to access way, car parking spaces, gradients, mechanical parking, urban design, safety and landscaping.
248. These details, along with the proposed ramp designs have been reviewed by Council's Traffic Engineers who were satisfied with the layout of the car parking area. Council's Traffic Engineers have requested that the plans be revised to include the following details / dimensions that will be addressed by way of conditions:
- (a) The dimension of the headroom clearance of the ramped access-way;
  - (b) Confirmation from an accredited access consult to determine whether the accessible parking spaces are satisfactory from an accessibility perspective and whether they satisfy the intent of DDA;
  - (c) All column depths, setbacks and locations clearly annotated and dimensioned and positioned to ensure that they do not encroach into the parking space clearance envelopes;
  - (d) All ramp grade and transition grade lengths dimensioned;
  - (e) The deletion of any directional arrows and hold lines shown on the plans;
  - (f) The surface material of the setback area adjacent to the laneway different to that of the laneway to clearly demarcate the difference in surface treatment.
249. Further, requirements related to the removal of a sewer vent in the laneway before the commencement of works. The permit applicant, in their response to the referral advice have indicated that they were provided with advice from City West Water, suggesting that the vent was private and was not required to be maintained or relocated as part of this development. The permit applicant has indicated that they would accept the following condition whilst waiting for the response from City West Water to be formalised:
- (a) *Confirmation from the relevant water authority that the sewer vent in the laneway can either be retained in the existing location or is no longer required and can be removed. If neither of these options can occur, the sewer vent is to be relocated to the satisfaction of the relevant water authority.*
250. It is an agreed position that the condition will adequately address the sewer vent.
251. Further conditions related to the provision of a convex mirror to improve visibility on the underside of Building B of pedestrians. This was consequential to the location of the substation to the street. However, this will be relocated as part of addressing the changes adopted in the plans prepared by 6a Architects, dated 22 May 2020 is no longer required. The requirement relating to the south splay of the loading bay vehicle crossing is also no longer required as the loading bay will be relocated and access will be via the southern laneway entrance. The crossover will be widened from 6.17m to 6.78m to allow for improved accessibility. Council's Traffic Engineer will have further opportunity to review the changes at the time that these plans are submitted for endorsement.
252. Several engineering conditions in regards to civil works, road asset protection, and construction management, impacts of assets on the proposed development, reinstatement of redundant vehicle crossings and modification to car parking signage have been recommended. These conditions are considered standard and should also be included on any permit issued. It will also form a condition of permit that the plans be updated to show the reinstatement of curbs where existing vehicle crossovers are being made redundant and reconfigured.
253. Overall, the proposed design and configuration of access and car parking areas are considered to achieve a satisfactory outcome and will be further improved with the above details requested by Council's Engineering Unit.

*Electric vehicles*

254. The ESD commitments include provision of at least 5% electric vehicle charging spaces with further opportunity to for future upgrades available.

*Bicycle parking*

255. The application was referred to Council's Strategic Transport Unit, who was supportive of the bicycle parking provision (given that it exceeds the requirements of the Scheme and continues to with the sketch plans with a total of 214 bicycle spaces) but recommended:

- (a) *The deletion of the 'stair' between the ground floor and mezzanine level bike parking facility. A ramp or lift compliant with AS2890.3 requirements or otherwise to the satisfaction of the responsible authority should be installed in place of the stair. It is acceptable if the total number of bike parking spaces is reduced to achieve this purpose.*
- (b) *A minimum of 28 visitor spaces in a location easily accessible to visitors of the site. At least half the visitor spaces should be at a horizontal at grade space (e.g. bike hoop).*
- (c) *A minimum of 61 employee bike parking spaces in a secure location only accessible to employees of the site or residential hotel guests.*
- (d) *Prior to the commencement of the development, the permit holder must pay the City of Yarra a \$5,000 contribution for the installation of a contra-flow bicycle lane on Rupert Street between Gipps Street and Langridge Street – or similar bicycle access improvements to the subject site as agreed in writing between the two parties. The City of Yarra must use these funds on the agreed project within 12-months of the permit expiry. 12-months after the expiry of the permit, the permit holder may request a refund for the full amount if the agreed project has not been commenced.*

256. It is considered appropriate for the above to form conditions, to ensure the adequate design of the bicycle spaces and ensure their use.

*Green Travel Plan (GTP)*

257. The permit applicant provided a Green Travel Plan that was peer reviewed by Council's Strategic Transport Unit. Their only requirement was for this to be amended to be consistent with any endorsed plans consequent to Condition 1 changes / requirements.

Objector concerns.

- (a) Heritage and Design:

- (i) Design, size, height and mass of the development is inconsistent with the existing neighbourhood character and is an overdevelopment;
- (ii) The existing building will lose its identity and link associated with the "working class" of the area; and
- (iii) The design is too "brutal".

258. Built form and massing (including height and design) is discussed within paragraphs 185 - 209. The design subject to conditions detailed within the body of the assessment will achieve, on balance, an acceptable planning outcome on land zoned Commercial 2. The site's identity to the "working class" is not a planning consideration. But rather, the fact that the heritage building will be retained and incorporated into the scheme, is considered to be an adequate response to the site's past and history. The design is "brutal" by design and this is considered to be acceptable.

- (b) Use and Off-Site Amenity Impacts:

- (i) Noise, overshadowing, blocking of views and shadows cast over solar panels;
- (ii) Overshadowing of the public realm;
- (iii) The development will block views and dominate the skyline;
- (iv) The development fails to include public open space, that is accessible i.e. the roof top “park” is inaccessible to the public, and even more so, for the disabled; and
- (v) Impacts on equitable development opportunities of surrounding properties.

259. Off-site amenity impacts to neighbouring residential properties in terms of overlooking, noise, overshadowing have been addressed at paragraphs 230 – 238. The development will add another building to the skyline of Collingwood but will not impact any view of any identified landmark at Clause 22.03-4 of the Scheme. The roof top terrace will be publically accessible via a lift that will also be DDA compliant. However, the roof terrace is not required explicitly to be publically accessible given that this is on private land. Equitable development opportunities have been discussed and cannot be applied in the same vein as if the site were residentially zoned. One Objector raised concerns about the shadowing of solar panels, however resides on Campbell Street, some distance from the subject site.

(c) Traffic and Car Parking:

- (i) The car parking reduction cannot be supported within local road network;

260. Traffic and car parking has been addressed at paragraphs 240 to 253.

(d) Other:

- (i) The development will lead to the further gentrification of the area;
- (ii) Behavioural impacts (i.e. patrons urinating in the street);
- (iii) Construction will cause significant disruption in terms of noise and large vehicles driving through surrounding streets;
- (iv) Access for ambulances, fire brigade and police vehicles inadequate; and
- (v) The development may overload existing infrastructure services.

261. The development is considered to be well sited in terms of its location with readily available resources and services and within proximity to the Melbourne CBD. Behavioural related matters of staff is not a planning consideration and is a matter for the police. However, it is in the interest of staff to abide by proper rules and conduct themselves in a manner that is respectful of their neighbours.

262. Conditions will require Construction Management Plan addressing matters of construction and excavation. The site can adequately be serviced by emergency vehicles no differently from other surrounding sites that rely on the same road network, and Councils Engineering Unit has not indicated that the development would overload existing infrastructure services.

## Conclusion

263. The proposed development is considered to demonstrate a high level of compliance with policy objectives contained within the Planning Policy Framework and Municipal Strategic Statement. Notably, the proposal achieves the State Government’s urban consolidation objectives.

264. The proposal, subject to the conditions recommended, is an acceptable planning outcome that demonstrates clear compliance with the relevant Council policies.



## RECOMMENDATION

265. That having considered all objections and relevant planning policies, the Committee resolves to advise the VCAT, permit applicant and parties to the proceedings, that if it were in a position to, it would have issued a Notice of Decision to Grant a Planning Permit for the Part demolition to allow for the development of a multi-level building and use for a residential hotel, retail (shops), cinema, restaurant, and restricted recreation with a reduction in the associated car parking requirement of the Yarra Planning Scheme generally in accordance with the plans noted previously as the “decision plans” and subject to the following conditions:

1. Before the development commences, 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 prepared by 6a Architects, and dated 28 November 2019 but modified to:
  - (a) Adopt all design changes as shown and detailed on the plans received by Council prepared by 6a Architects, dated 22 May 2020 which show (key changes):
    - (i) The reduction in the length of the crossover across the façade of the subject site and conversion of the central crossover to a kerb and channel;
    - (ii) Removal of any reference to the removal of paint from the parapet of the former *Davis’ Pickle and Sauce Factory* building;
    - (iii) The central laneway within the development widened to 11.84m and the retail tenancies reconfigured to have “Unit A” (as labelled on the plans), extend across the Rupert Street boundary;
    - (iv) The stairs of the central ravine extended with landing decks;
    - (v) Reconfigured bicycle and end-of-trip facilities;
    - (vi) The setback of Building B, from the fifth floor and above, increased to 3m from Rupert Street; and
    - (vii) The residential hotel rooms increased with areas ranging between 15.6sq.m.- 29.7sq.m.

But further modified to show:

### General

- (b) Correction of north point on floor plans;
- (c) Plans correctly to label each floor level;
- (d) All retail premises to be shown as ‘shop’ on the floor plans

### Design

- (e) Retention of existing facade windows (with the exception of that to the immediate north of the central door) of former *Davis’ Pickle and Sauce Factory* building;

### Car parking

- (f) The ‘stair’ between the ground floor and mezzanine level bike parking facility deleted and replaced with a ramp or lift compliant with AS2890.3 requirements. It is acceptable if the total number of bike parking spaces is reduced to achieve this.
- (g) A minimum of 28 visitor spaces in a location easily accessible to visitors of the site with at least half the visitor spaces horizontal at grade space (e.g. bike hoop).
- (h) A minimum of 61 employee bike parking spaces in a secure location only accessible to employees of the site or residential hotel guests.

- (i) The headroom clearance of the ramped access-way dimensioned;
- (j) Plan notation from an accredited access consultant confirming that the accessible parking spaces are satisfactory from an accessibility perspective and satisfy the intent of the DDA;
- (k) All column depths, setbacks and locations clearly annotated and dimensioned and positioned to ensure that they do not encroach into the parking space clearance envelopes;
- (l) All ramp grade and transition grade lengths dimensioned;
- (m) The deletion of any directional arrows and hold lines;
- (n) The surface material of the setback area adjacent to the laneway different to that of the laneway to clearly demarcate the difference in surface treatment;

### Reports

- (o) Any requirement of the endorsed Façade Strategy and Materials and Finishes Plan (condition 3) (where relevant to show on plans).
  - (p) Any requirement of the endorsed Landscape Plan (condition 7) (where relevant to show on plans).
  - (q) Any requirement of the endorsed Sustainable Management Plan (condition 9) (where relevant to show on plans).
  - (r) Any requirement of the endorsed Green Travel Plan (condition 13) (where relevant to show on plans).
  - (s) Any requirement of the endorsed Waste Management Plan (condition 15) (where relevant to show on plans).
  - (t) Any requirement of the endorsed Acoustic Report (condition 18) (where relevant to show on plans including notations of key commitments).
  - (u) Any requirement of the endorsed Wind Assessment Report (condition 24) (where relevant to show on plans).
2. Before demolition commences, a detailed and annotated photographic record of the former *Davis' Pickle and Sauce Factory* building context must be submitted to and approved by the Responsible Authority as a record of the building. The photographs must:
- (a) include the interior and each external elevation of the building;
  - (b) be submitted in black and white format; and
  - (c) be taken by a suitably qualified heritage photographer.

### Façade Strategy and Materials and Finishes Plan

3. 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) elevations at a scale of 1:20 or 1:50 illustrating typical podium and tower details, entries and doors;
  - (b) elevations at a scale of 1:20 or 1:50 detailing all reconstruction works of the northern and southern boundary returns of the former Davis Pickle sauce Factory including notations to say use of recycled bricks and details of all façade works including all restoration works and 'make good works' associated with works to the entries to be prepared by suitably qualified heritage architect;
  - (c) section drawings to demonstrate façade systems, including fixing details and joints between materials or changes in form;
  - (d) information about how the heritage façade will be maintained, including any vegetation and informal seating; and

- (e) a materials schedule and coloured drawings and renders outlining colours, materials and finishes and graffiti proofing of walls to the street.
4. The use and development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
  5. Before the endorsement of plans, written confirmation must be provided from the relevant water authority that the sewer vent in the laneway can either be retained in the existing location or is no longer required and can be removed. If neither of these options can occur, the sewer vent is to be relocated to the satisfaction of the relevant water authority.
  6. As part of the ongoing progress and development of the site, 6a 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.

#### Landscape Plan

7. Concurrent with the plans requested at Condition 1, a Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Landscape Plan will be endorsed and will form part of this permit. The Landscape Plan must show:
  - (a) make reference to design changes as required by Condition 1 and include additional landscaping as required by the amended Wind Assessment Report at Condition 20;
  - (b) The landscaping on any of the upper levels and how this is going to be maintained, including information on waterproofing, growing media, irrigation and mulch;
  - (c) Details of how any mulch specified on the higher levels will not be at risk of blowing away during high wind events must be provided;
  - (d) Details of custom furniture proposed, ensuring safety and compliance standards are met; and
  - (e) All plants proposed confirmed to not be listed within DELWP *Advisory List of Environmental Weeds in Victoria*.
8. Before the buildings 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.

#### Sustainable Management Plan

9. Concurrent with the plans requested at Condition 1, 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 Atelier Ten dated June 2019 but modified to make reference to design changes as required by Condition 1 and include the following details

- (a) Clarify provision of operable windows throughout office areas to reduce reliance on mechanical systems;
  - (b) The report and the proposed energy modelling to be consistent in its detailing (i.e. there are inconsistencies between the model input of VLT (0.55) for Glazing and the stated minimum (0.4);
  - (c) The type of glazing with regard to energy modelling and clarification of daylight modelling;
  - (d) Preliminary modelling or glazing calculations to support evidence for energy savings (i.e. note that a target over the 2016 reference case is required);
  - (e) Clarification regarding the consistency with zero carbon goal (i.e. this may not be feasible);
  - (f) Specify proportions as % of total, or GHG reduced and remove vague language from materials section;
  - (g) Provision of an EMP; and
  - (h) Update architectural drawings to match details provided in any updated Waste Management Plan.
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, 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 Sustainability Management Plan have been implemented in accordance with the approved plan.

#### Car Park Management Plan

12. Before the development commences, a Car Park Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Car Park Management Plan will be endorsed and will form part of this permit. The Car Park Management Plan must address, but not be limited to, the following:
- (a) the number and location of car parking spaces allocated to each tenancy;
  - (b) any tandem parking spaces allocated to a single tenancy;
  - (c) the number and location of car spaces for shared use, including time of shared use;
  - (d) the management of visitor car parking spaces and security arrangements for occupants of the development, including details on how residential visitors are to access car parking;
  - (e) details of way-finding, cleaning and security of end of trip bicycle facilities;
  - (f) policing arrangements and formal agreements;
  - (g) a schedule of all proposed signage including directional arrows and signage, informative signs indicating location of disabled bays and bicycle parking, exits, restrictions, pay parking system etc.; and
  - (h) details regarding the management of loading and unloading of goods and materials.

#### Green Travel Plan

13. Concurrent with the plans requested at Condition 1, 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 One Mile Grid Traffic Engineering dated 3<sup>rd</sup> July 2019, but modified to make reference to the plans as endorsed at Condition 1.

14. The provisions, recommendations and requirements of the endorsed Green Travel Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

#### Waste Management Plan

15. Concurrent with the plans requested at Condition 1, 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.
16. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
17. The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.

#### Acoustic Report

18. Concurrent with plans requested at Condition 1, 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 Wood and Grieve Engineers and dated 20 November 2019, but modified to include / make reference to:
  - (a) The plans requested at Condition 1
  - (b) Confirmation and evidence to show consideration and all amelioration measures required to address the location of any music venues including 'Rupert on Rupert'.
19. Within 6 months of the commencement of the residential hotel use, a supplementary Acoustic Report to the satisfaction of the Responsible Authority must be prepared by a suitably qualified acoustic engineer that confirms that all measures endorsed as part of the Acoustic Report required at Condition 18 have been implemented. The acoustic report must be submitted to and approved by the Responsible Authority. When approved, the Acoustic Report will be endorsed and will form part of this permit.
20. All uses must comply at all times with the State Environment Protection Policy — Control of Noise from Commerce, Industry and Trade (SEPP N-1).
21. All uses must comply at all times with the State Environment Protection Policy — Control of Music Noise from Public Premises (SEPP N-2).
22. The provision of music on the land must be at a background noise level at all times.
23. The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.

#### Wind Assessment Report

24. Concurrent with the plans requested at Condition 1, an amended Wind Assessment Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Wind Assessment Report will be endorsed and will form part of this permit. The amended Wind Assessment Report must be generally in accordance with the findings of the report titled '*Environmental Wind Speed Measurements on a Wind Tunnel Model of the 81-89 Rupert Street Development, Collingwood*' prepared and authored by MEL Consultants and dated 22 November 2019 (Revision No. 2) but modified to include (or show):
- (a) Assessment of the development as amended pursuant to Condition 1 with:
    - (i) Further assessment of the open air terraces on Levels 01 and 03;
    - (ii) Planting of established trees on Level 03 with a maintenance regime that ensures their survival; and
    - (iii) Application of stricter wind comfort criteria of '*stationary short exposure*' to the lift lobbies and tenancy entrance areas.
25. The provisions, recommendations and requirements of the endorsed Wind Assessment Report must be implemented and complied with to the satisfaction of the Responsible Authority.

#### Community Benefit Assessment Report

26. The Community Benefit Assessment Report prepared by SGS Economics and Planning dated 19 November 2019, must be updated to the satisfaction of the Responsible Authority to reflect the plans as required by Condition 1 and its requirements. The report must also provide details in relation to the methods applied to ensure ongoing public access to all uses within the hours of operation detailed within this planning permit (including the roof top garden). When approved, the plan will be endorsed and will then form part of the permit.

Within 12 months of the uses commencing, confirmation from the permit holder that all community benefit measures outlined in the endorsed Community Benefit Assessment are operational.

#### Residential Hotel Use / Management Plan

27. Concurrent with the plans required by Condition 1, a Residential Hotel 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 then form part of the permit. The plan must detail the following:
- (a) procedures, and standards for guests to minimise amenity and parking problems in the neighbourhood;
  - (b) ongoing measures to be taken to ensure residential hotel guests and visitors do not cause any unreasonable amenity impact to persons beyond the land;
  - (c) establishment of a line of communication with adjoining owners and occupiers aimed at identifying and addressing amenity concerns;
  - (d) an outline of all house rules intended to be used to manage residents and guests including:
    - (i) guest behaviour;
    - (ii) noise; and
    - (iii) methods of eviction if house rules are broken;
  - (e) details of eviction process in the event house rules are broken;
  - (f) standards for property maintenance, health and cleanliness;
  - (g) security against thefts and break-ins, including security of guests' belongings.

28. The residential hotel use must be managed in accordance with the endorsed Residential Hotel Management Plan.

#### Retail (Shops)

29. Except with the prior written consent of the Responsible Authority, the retail (shops) use authorised by this permit may only operate between the following hours:
- (a) Monday to Sunday: 7.00am – 10pm.

#### Cinema

30. Except with the prior written consent of the Responsible Authority, the cinema authorised by this permit may only operate between the following hours with up to 46 patrons:
- (a) Monday to Sunday: 10.00am – 12 midnight.

#### Restaurant / food and drink premises

31. Except with the prior written consent of the Responsible Authority, the restaurant(s) / food and drink premises authorised by this permit may only operate between the following hours:
- (a) Monday to Sunday: 7.00am – 12 midnight.
32. Except with the prior written consent of the Responsible Authority, the restaurant use authorised by this permit may only operate with the following patron numbers:
- (a) Unit B (Second floor): 350 patrons; and  
(b) Unit B (Mezzanine): 110 patrons.

#### Restricted Recreation

33. Except with the prior written consent of the Responsible Authority, the restricted recreation areas authorised by this permit may only operate between the following hours:
- (a) Monday to Sunday: 5.00am – 10pm.
34. Except with the prior written consent of the Responsible Authority, the restricted recreation areas authorised by this permit may only operate with the following patron numbers:
- (a) Unit C - Wellness Suite: 150 Patrons; and  
(b) Gymnasium: 150 patrons.

#### Developer contribution

35. Prior to the commencement of the development, the permit holder must pay the Responsible Authority a \$5,000 contribution for the installation of a contra-flow bicycle lane on Rupert Street between Gipps Street and Langridge Street – or similar bicycle access improvements to the subject site as agreed in writing.
36. The Responsible Authority must use the funds on the agreed project within 12 months of the permit expiry. After 12 months, after the expiry of the permit, the permit holder may request a refund for the full amount if the agreed project has not been commenced.

### Road Infrastructure

37. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any redundant vehicular crossing 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.
38. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, all building works and connections for underground utility services outside the building's frontage must be constructed:
  - (a) at the permit holder's cost; and
  - (b) to the satisfaction of the Responsible Authority.
39. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, all public infrastructure, including re-sheeting of the footpath for the entire width of the property must be pursued:
  - (a) at the permit holder's cost; and
  - (b) to the satisfaction of the Responsible Authority.
40. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority the relocation of any service poles, structures or pits necessary to facilitate the development must be undertaken:
  - (a) at the permit holder's cost; and
  - (b) to the satisfaction of the Responsible Authority.

### Car parking

41. Before the building 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;
  - (c) treated with an all-weather seal or some other durable surface; and
  - (d) line-marked or provided with some adequate means of showing the car parking spaces;to the satisfaction of the Responsible Authority.
42. Except with the prior written consent of the Responsible Authority, no less than 40 car spaces must be provided on the site at all times.

### Loading on Site

43. The loading and unloading of vehicles and the delivery of goods to and from the land must be conducted entirely within the land to the satisfaction of the Responsible Authority.

### Lighting



44. Before the building 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 intensity
- to the satisfaction of the Responsible Authority.

### General

45. Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
46. Speakers external to the building (inclusive of the balcony / terraces and rooftop areas) must not be erected or used.
47. As part of the ongoing progress and development of the site, 6a Architects (being the architect who designed the building), 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.
48. Before the building is occupied, any wall located on a boundary facing public property must be treated with a graffiti proof finish to the satisfaction of the Responsible Authority.
49. Before the building 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.
50. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
51. All pipes, fixtures, fittings and vents servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
52. Delivery and collection of goods to and from the land may only occur between 7am and 10pm Monday to Saturday, or after 9am on a Sunday or public holiday except for those allowed under any relevant local law.

### Construction Management

53. Before the use and development commences, 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 roads 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
  - (q) any site-specific requirements.
- During the construction:
- (r) any stormwater discharged into the stormwater drainage system must be in compliance with Environment Protection Authority guidelines;
  - (s) 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;
  - (t) vehicle borne material must not accumulate on the roads abutting the land;
  - (u) the cleaning of machinery and equipment must take place on the land and not on adjacent footpaths or roads; and
  - (v) all litter (including items such as cement bags, food packaging and plastic strapping) must be disposed of responsibly.

### Construction Times

54. 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 am or after 6 pm;
  - (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9 am or after 3 pm; or
  - (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.

Time expiry

55. This permit will expire if:
- (a) The development is not commenced within two years of the date of this permit;
  - (b) The development is not completed within four years of the date of this permit;
  - (c) The use(s) is not commenced within five years of the date of this permit; and
56. 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:

This site is subject to a Heritage Overlay. A planning permit may be required for any further external works.

A building permit may be 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 5585 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 businesses (whether as owners, lessees/tenants or occupiers) within the development approved under this permit, will not be permitted to obtain business parking permits.**

A local law permit (e.g. Asset Protection Permit, Road Occupation Permit) may be required before development is commenced. Please contact Council's Construction Management Branch on Ph. 9205 5555 to confirm.

The applicant must apply for a Legal Point of Discharge under Regulation 133 – Stormwater Drainage of the *Building Regulations* 2018 from Yarra Building Services unit. Any storm water drainage within the property must be provided and be connected to the nearest Council pit of adequate depth and capacity (legal point of discharge), or to Council's satisfaction under Section 200 of the *Local Government Act* 1989 and Regulation 133.

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.

Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way.

No parking restriction signs or line-marked on-street parking bays are to be removed, adjusted, changed or relocated without approval or authorisation from Council's Parking Management unit and Construction Management branch. Any on-street parking reinstated (signs and line markings) as a result of development works must be approved by Council's Parking Management unit.

Only roof runoff, surface water and clean groundwater seepage from above the water table can be discharged into Council drains.

Council will not permit clean groundwater from below the groundwater table to be discharged into Council's drainage system. Basements that extend into the groundwater table must be waterproofed/tanked.

**CONTACT OFFICER:** John Theodosakis  
**TITLE:** Principal Planner  
**TEL:** 9205 5307

### Attachments

- 1 Advertised Architectural Plans (original)
- 2 Materials Board
- 3 Heritage Expert Report
- 4 Traffic Impact Assessment
- 5 Waste Management Plan
- 6 Sustainable Management Plan
- 7 Economic Report
- 8 Acoustic Report
- 9 Wind Report
- 10 Green Travel Plan
- 11 Advice from Internal Referrals
- 12 Advice from External Consultants / Referrals
- 13 Response to referral advice - received 3rd June
- 14 Part 1 - Plans prepared by 6a Architects, dated 22 May 2020 (received by Council 3 June, 2020)
- 15 Part 2 - Plans prepared by 6a Architects, dated 22 May 2020 (received by Council 3 June, 2020)
- 16 Part 3 Plans prepared by 6a Architects, dated 22 May 2020 (received by Council 3 June, 2020)
- 17 Part 4 - Plans prepared by 6a Architects, dated 22 May 2020 (received by Council 3 June, 2020)
- 18 Part 5 - Plans prepared by 6a Architects, dated 22 May 2020 (received by Council 3 June, 2020)
- 19 Part 6 - Plans prepared by 6a Architects, dated 22 May 2020 (received by Council 3 June, 2020)
- 20 Part 7 - Plans prepared by 6a Architects, dated 22 May 2020 (received by Council 3 June, 2020)
- 21 Part 8 - Plans prepared by 6a Architects, dated 22 May 2020 (received by Council 3 June, 2020)
- 22 Part 9 - Plans prepared by 6a Architects, dated 22 May 2020 (received by Council 3 June, 2020)
- 23 Part 10 - Plans prepared by 6a Architects, dated 22 May 2020 (received by Council 3 June, 2020)
- 24 Part 11 - Plans prepared by 6a Architects, dated 22 May 2020 (received by Council 3 June, 2020)
- 25 Part 12 - Plans prepared by 6a Architects, dated 22 May 2020 (received by Council 3 June, 2020)

- 26** Part 13 - Plans prepared by 6a Architects, dated 22 May 2020 (received by Council 3 June, 2020)
- 27** Part 14 - Plans prepared by 6a Architects, dated 22 May 2020 (received by Council 3 June, 2020)