

YARRA PLANNING SCHEME

Incorporated Document

Walk Up Village, 81-89 Rupert Street, Collingwood

September 2022

This document is an Incorporated Document in the Yarra Planning Scheme pursuant to Section 6(2)(j) of the *Planning and Environment Act 1987*

1.0 INTRODUCTION

This document is an Incorporated Document in the Schedules to Clauses 45.12 'Specific Controls Overlay' and 72.04 'Documents Incorporated in this Planning Scheme' of the Yarra Planning Scheme (the scheme).

The land identified in Clause 3.0 of this document may be used and developed in accordance with the specific controls and clauses contained in Clauses 5.0 and 6.0 of this document.

The provisions of this document prevail over any contrary or inconsistent provision in the scheme.

2.0 PURPOSE

The purpose of this Incorporated Document is to permit the use and development of the land described in Clause 3.0 of this document for a thirteen-storey (inclusive of mezzanine levels and with basement level), mixed-use building containing retail, offices, cinema, restaurant, art and craft centre, art gallery and restricted recreation facilities, along with basement car parking and other services, generally in accordance with the plans approved in Clause 5.0 of this document and subject to the clauses at Clause 6.0 of this document.

3.0 LAND

This Incorporated Document applies to the land at **81-89 Rupert Street, Collingwood**, which is identified on Figure 1 below. The land is described as Lot 1 on Title Plan 885083R, Volume 06598 and Folio 506. The land is affected by the Schedule to Clause 45.12 'Specific Controls Overlay' of the scheme and identified at SCO13. This is shown on Map 6SCO in the scheme.



Figure 1: Land subject to this incorporated document highlighted in red

4.0 EXEMPTION FROM PLANNING SCHEME PROVISIONS

Despite any provision to the contrary or any inconsistent provision in the scheme, no planning permit is required for, and no planning provision in the scheme operates to prohibit, restrict or regulate the use and development for the purposes of the development permitted by this document.

5.0 WHAT THIS DOCUMENT ALLOWS

This Incorporated Document allows the use and development of a thirteen-storey (inclusive of mezzanine levels and with basement level), mixed-use building containing retail, offices, cinema, restaurant, art and craft centre, art gallery, restricted recreation facilities, along with basement car parking and other services, generally in accordance with the following 'Incorporated Plans' but modified to include changes, or be authored, as required by the clauses at Clause 6.0 of this document:

- Plans by 6a Architects, all dated 20.06.2022 and generally titled 'Walk Up Village':
 - GA Existing & Demolition Ground Floor Plan & Elevation, TP0301
 - Proposed Site Plan, TP1001
 - GA Proposed Basement, TP1101
 - GA Proposed Ground, TP1102
 - GA Proposed First (Mezzanine), TP1103
 - GA Proposed Second, TP1104
 - GA Proposed Third (Mezzanine), TP1105
 - GA Proposed Fourth, TP1106
 - GA Proposed Fifth, TP1107
 - GA Proposed Sixth, TP1108
 - GA Proposed Seventh, TP1109
 - GA Proposed Eighth, TP1110
 - GA Proposed Ninth, TP1111
 - GA Proposed Tenth, TP1112
 - GA Proposed Eleventh, TP1113
 - GA Proposed Twelfth, TP1114
 - GA Proposed Roof Plan, TP1115
 - GA Proposed Typical Hotel Room, TP1120
 - Bike Store Stair Arrangement, TP1125
 - GA Proposed Section AA, TP1201
 - GA Proposed Section BB, TP1202
 - GA Proposed Section CC, TP1203

- GA Proposed Section DD, TP1204
- GA Proposed Section EE, TP1205
- GA Proposed East Elevation, TP1301
- GA Proposed West Elevation, TP1302
- GA Proposed North Elevation, TP1303
- GA Proposed South Elevation, TP1304
- GA Proposed Heritage Façade Restoration and Alterations, TP2000
- Material Palette, TP7001
- Development Summary, TP8001

and including any amendment of the plans that may be approved from time to time under the clauses of this document. Once approved, these plans will be the endorsed plans.

6.0 THE FOLLOWING CONDITIONS APPLY TO THIS DOCUMENT:

Amended Plans

- 6.1 The development must be in accordance with approved plans prepared by 6a Architects, dated 20 June 2022. The plans must not be altered without the prior written consent of the Minister for Planning.
- 6.2 The use and development as shown on the incorporated plans must not be altered without the prior written consent of the Minister for Planning in consultation with the Responsible Authority.
- 6.3 The detailed and annotated photographic record of the former *Davis' Pickle and Sauce Factory* prepared by Peter Bennetts Photographer dated 30 October 2020 forms part of the incorporated plans for this document.

Façade Strategy and Materials and Finishes Plan

- 6.4 The development must be in accordance with the Façade Strategy and Materials and Finishes Plan Rev D, prepared by 6a Architects, dated September 2022. The Façade Strategy and Materials and Finishes Plan must not be altered without the prior written consent of the Minister for Planning.
- 6.5 As part of the ongoing progress and development of the site, 6a Architects or an architectural firm to the satisfaction of the Minister for Planning 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 Minister for Planning in consultation with the Responsible Authority.

Landscape Plan

- 6.6 The landscaping must be in accordance with the approved Landscape Plan Rev 06 prepared by Dan Pearson, dated 14 September 2022. The Landscape Plan must not be altered without the prior written consent of the Responsible Authority.
- 6.7 Before the building 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

6.8 The performance outcomes of the development must be in accordance with the provisions, recommendations and requirements of the approved Sustainable Management Plan prepared by Atelier Ten dated 14 June 2022. The Sustainable Management Plan must not be altered without the prior written consent of the Responsible Authority.

6.9 Before the development is occupied, a report from the author of the Sustainable Management Plan, endorsed under this document, or similarly qualified person or company, must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm all measures specified in the endorsed Sustainable Management Plan have been implemented. The report must also detail the development's commitment to sourcing up to 100% renewable energy to power the building.

Car Park Management Plan

6.10 The car parking must be in accordance with the requirements of the approved Parking Management Plan prepared by One Mile Grid, dated 15 June 2022. The Parking Management Plan must not be altered without the prior written consent of the Responsible Authority.

Green Travel Plan

6.11 The provisions, recommendations and requirements of the endorsed Green Travel Plan prepared by One Mile Grid, dated 15 June 2022 must be implemented and complied with to the satisfaction of the Responsible Authority. The Green Travel Plan must not be altered without the prior written consent of the Responsible Authority.

Waste Management Plan

6.12 Waste management must be in accordance with the provisions, recommendations and requirements of the approved Waste Management Plan prepared by One Mile Grid, dated 15 June 2022. The Waste Management Plan must not be altered without the prior written consent of the Responsible Authority.

6.13 The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.

6.14 All uses must comply at all times with the State Environment Protection Policy — Control of Noise from Commerce, Industry and Trade (SEPP N-1).

6.15 All uses must comply at all times with the State Environment Protection Policy — Control of Music Noise from Public Premises (SEPP N-2).

6.16 The provision of music on the land must be at a background noise level at all times.

Wind Assessment Report

6.17 The development must be in accordance with the provisions, recommendations and requirements of the Wind Assessment Report titled *'Environmental Wind Speed Measurements on a Wind Tunnel Model of the 81-89 Rupert Street Development, Collingwood'* prepared by MEL Consultants, dated 22 November 2019. The Wind Assessment Report must not be altered without the prior written consent of the Responsible Authority.

Community Benefit Assessment Report

6.18 Prior to occupation, the Community Benefit Assessment Report prepared by SGS Economics and Planning dated 7 July 2022 must be updated provide details in relation to the methods applied to ensure ongoing public access to all uses within the hours of operation detailed within this document (including the roof top garden). The updated report must be submitted to and approved by the Minister for Planning in consultation with the Responsible Authority.

Within 12 months of the uses commencing, confirmation from the developer must be submitted to the Minister for Planning that all community benefit measures outlined in the endorsed Community Benefit Assessment Report are operational.

Structural Report

6.19 The provisions, recommendations and requirements of the endorsed Structural Report titled *'Retained Portions of the Existing Building, 81-89 Rupert Street, Collingwood'* prepared by Meinhardt Bonacci, dated 4 December 2020 must be implemented and complied with to the satisfaction of the Responsible Authority. The Structural Report must not be altered without the prior written consent of the Responsible Authority.

Restaurant Management Plan

6.20 Prior to commencement of the restaurant use, a Restaurant 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 incorporated plans for this document. The plan must detail the following:

- a) Procedures, and standards for managing patrons and any parking issues to minimise amenity impacts to the surrounding neighbourhood; and
- b) Ongoing measures to be taken to ensure patrons do not cause any unreasonable amenity impact to persons beyond the land.

6.21 The restaurant use must be managed in accordance with the endorsed Restaurant Management Plan.

Retail (Shops)

6.22 Except with the prior written consent of the Responsible Authority, the retail (shops) use authorised by this document may only operate between the following hours:

- a) Monday to Sunday: 7.00am – 10pm.

Cinema

6.23 Except with the prior written consent of the Responsible Authority, the cinema authorised by this document 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

6.24 Except with the prior written consent of the Responsible Authority, the restaurant(s) / food and drink premises authorised by this document may only operate between the following hours:

- a) Monday to Sunday: 7.00am – 12 midnight.

Restricted Recreation

6.25 Except with the prior written consent of the Responsible Authority, the restricted recreation areas authorised by this document may only operate between the following hours:

- a) Monday to Sunday: 5.00am – 10pm.

Developer contribution

6.26 The \$10,000 contribution paid by the developer to the City of Yarra on 24 August 2021 (Invoice No: 556308) is for the installation of a contra-flow bicycle lane with supporting signage both on-road on Rupert Street between Gipps Street and Langridge Street and at vehicle entry points – or similar bicycle access improvements to the subject site as agreed in writing to the satisfaction of the Responsible Authority.

6.27 The City of Yarra must use the funds on the agreed project within 12 months of the practical completion of the development. After 12 months of the expiry of this document, the document holder may request a refund for the full amount if the agreed project has not been commenced or is not proposed to proceed.

Road Infrastructure

6.28 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 reinstated as standard footpath and kerb and channel:

- a) At the developer's cost; and
- b) To the satisfaction of the Responsible Authority.

6.29 Before the building is occupied, or by such later date as approved in writing by the City of Yarra, all building works and connections for underground utility services outside the building's frontage must be constructed:

- a) At the developer's cost; and
- b) To the satisfaction of the Responsible Authority.

6.30 Before the building is occupied, or by such later date as approved in writing by the City of Yarra, all public infrastructure, including re-sheeting of the footpath for the entire width of the property must be pursued:

- a) At the developer's cost; and
- b) To the satisfaction of the Responsible Authority.

6.31 Before the building is occupied, or by such later date as approved in writing by the City of Yarra the relocation of any service poles, structures or pits necessary to facilitate the development must be undertaken:

- a) At the developer's cost; and
- b) To the satisfaction of the Responsible Authority.

Car parking

6.32 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.

6.33 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

6.34 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

6.35 Before the building is occupied, or by such later date as approved in writing by the Minister for Planning, 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

6.36 Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.

6.37 Speakers external to the building (inclusive of the balcony / terraces and rooftop areas)

must not be erected or used.

- 6.38 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.
- 6.39 Before the building is occupied, or by such later date as approved in writing by the City of Yarra, all new on-boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
- 6.40 All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
- 6.41 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.
- 6.42 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 Plan

- 6.43 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 the incorporated plans for this document. 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

6.44 Except with the prior written consent of the City of Yarra, 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.

7.0 EXPIRY OF INCORPORATED DOCUMENT

- 7.1 Notwithstanding other provisions of this document, this Incorporated Document will expire if one of the following circumstances applies:
- a) The development is not started within one year of the date of the gazettal of Amendment C310yara.
 - b) The development is not completed within two years from the date of commencement.

8.0 NOTES

- 8.1 This site is subject to a Heritage Overlay. A planning permit may be required for any further external works.
- 8.2 A building permit may be required before development is commenced. Please contact Council's Building Services on 9205 5555 to confirm.
- 8.3 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.
- 8.4 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.
- 8.5 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.
- 8.6 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.
- 8.7 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.
- 8.8 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.
- 8.9 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.
- 8.10 Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way.
- 8.11 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.

- 8.12 Only roof runoff, surface water and clean groundwater seepage from above the water table can be discharged into Council drains.
- 8.13 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.

End of Document